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Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Tuesday, July 31, 1984*

(Legislative day of Monday, July 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of righteousness, Thou knowest the pressures which bear upon public servants from without and within: from without, pressure from constituents, private interests, party, peers; from within, ambivalence, uncertainty, and expediency versus principle.

God of truth, save us from reducing our political system to the numbers game. Help Senators to weigh opinion as well as count it. We know that perception influences action and much public perception about government and issues is contrary to the facts. Give to all public servants the ability to communicate what the people need to hear, not just what they want to hear.

God of light, grant grace to the Senators that they may have courage for the right when convinced that the majority is wrong. Give them strength to resist every pressure that would compromise their integrity and power to lead when cynicism and disinformation prejudice the minds of the people. For Thy glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair for recognizing me.

SENATE SCHEDULE

Mr. BAKER. After the two leaders are recognized today, Mr. President, there will be two special orders, then the time for the transaction of routine morning business until noon. At 2 p.m., when the Senate resumes session after our customary Tuesday recess for the caucuses of both parties away from the Senate Chamber, we shall resume consideration of the motion to concur in the House amendment to S. 268, on which cloture has been invoked and on which we shall be governed by the provisions of rule XXII.

Mr. President, it is the hope of the leadership that we can finish that measure today. I hope that will not require us to remain late, but Senators should be on notice that, given the short amount of time we have left before our next break, for the Republican National Convention this time, I think we have no alternative except to try to finish that matter today. That may require our being in late. Once again, I hope that is not the case. That need not be the case.

In any event, that is the possibility. Once again, I urge Senators to consider that if it is necessary to remain late to finish the Hoover Dam bill, we shall try to do that.

Mr. President, a cloture vote was scheduled by unanimous consent today at 3 o'clock on the Wilkinson nomination. That will not occur now, given the circumstances which now obtain—that is to say, cloture having been invoked on the Hoover Dam bill. But as soon as the Hoover Dam bill is passed, the cloture vote will occur on the Wilkinson nomination after 1 hour of debate. It is anticipated that a second cloture motion on the Wilkinson nomination will be filed sometime during the day today, when and as the Senate can agree to that or can go into executive session briefly for that purpose.

Mr. President, this will be a busy week. In addition to the Hoover Dam matter and the Wilkinson nomination, we shall have, I am told, available to the Senate the agriculture appropriations bill on tomorrow. It will be the intention of the leadership on this side to ask the Senate to turn to the consideration of that measure this week—I hope tomorrow. In any event, Mr. President, we shall do all appropriations bills as we can receive them.

We shall have MilCon coming, Labor-HHS coming, and DC appropriations. As we receive those matters, an effort will be made, in coordination with the minority leader, to get those scheduled as soon as possible.

Mr. President, it is the intention of the leadership on this side to ask the Senate, either at the end of this week or the first of next week, to go to the foreign assistance appropriations bill. I shall confer with the distinguished chairman of the Committee on Foreign Relations on that for the exact timing and, of course, with the minority leader. The Senate should be on notice that later this week or early next week, foreign assistance will be scheduled.

The general supplemental appropriations bill will be coming over to us from the House of Representatives later this week, I assume, and that must be done before we go out at the end of next week as well.

What I am describing, Mr. President, is a very extensive list of things that must be done within the next 8 legislative days. We are going to have to put our shoulders to the wheel to get those things done.

So, once again, Mr. President, we should be on notice of the possibility of a late session tonight if necessary, but only for the purpose of finishing the Hoover Dam bill, and late sessions later in the week as that becomes manifestly necessary. It is not the intention of the leadership to ask us to stay in late every night this week or any night this week arbitrarily. But Senators should be on notice that that is the possibility.

With that bad news, Mr. President, I do not think I dare say anything else. I am prepared to yield to the minority leader any time I have remaining under the standing order.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER [Mr. MATTINGLY]. The Democratic leader is recognized.

RECORD TRADE SHORTFALL THREATENS ECONOMY

Mr. BYRD. Mr. President, last Friday, July 27, the Commerce Department reported that the June trade deficit of $8.9 billion will bring America's trade shortfall for the first half of 1984 to a record $59.7 billion. This staggering figure is more than twice as high as the trade deficit in the first 6 months of last year.

But, according to Commerce Secretary Malcolm Baldrige, the worst news is yet to come. He predicted that our trade deficit will be "somewhat higher during the second half of this year." Economic analysts at the Commerce Department are predicting a year-end trade shortfall of between $120 billion and $130 billion—the largest trade deficit in history by far.

The trade deficit is the result of an overvalued dollar, brought on by high interest rates and partially brought on by an astronomical domestic budget deficit. Thus, the enormous Federal budget deficit feeds the trade deficit, and both of these record deficits undermine the foundations of our economy.

The trade deficit costs jobs—an estimated 25,000 jobs are lost or not created for every $1 billion of our trade shortfall. My own State of West Virginia ranks third in the Nation in the percentage of its manufactured goods going for export, so the trade deficit is a matter of special concern to Senator RANDOLPH and me. But trade deficits of this magnitude threaten the economy in every State, and translate into a loss of American leadership in the world market.

Mr. President, I ask unanimous consent that a Washington Post article of Saturday, July 28, entitled "Trade Deficit Mounts at Record Pace" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 28, 1984]

TRADE DEFICIT MOUNTS AT RECORD PACE

(By Stuart Auerbach)

The Commerce Department yesterday broke the string of rosy economic reports for June in announcing the U.S. merchandise trade deficit jumped to $8.9 billion.

The June totals brought the deficit for the first half of the year to $59.7 billion, more than twice as high as the figures for the first six months of 1983. On an annual basis, the deficit for the first half of the year would total $119.5 billion well above last year's $69.4 billion record deficit.

A Commerce Department study predicted this year's deficit could climb as high as $130 billion. As a result of a slackening of the deficit in the past two months, however, department trade economist David Lund said the figure would likely hit about $120 billion.

Even though the rate of increase in the trade deficit has slowed, Commerce Secretary Malcolm E. Baldrige said there is more bad news ahead.

"Continued growth in our economy will raise imports further, and despite export gains, will push U.S. trade deficits somewhat higher during the second half of this year," he said.

The unfavorable trade figures contrast sharply with the recent stream of bright economic news from the government—including a rapid 7.5 percent rise in the growth rate of the gross national product, a four-year low for unemployment, and a modest 3.2 percent increase in inflation. These upbeat reports have buoyed President Reagan's reelection campaign and led White House spokesman Larry Speakes to boast, "Economic growth in the recovery is stronger than at any other time since 1950."

The greater strength of the recovery in this country compared with the rest of the world—and the resulting increase in demand for imports to the United States—is cited by government and private economists as one major reason for the record trade deficits.

Other important reasons given, however, are underlying weak spots in the economy. The strong dollar, for example, makes imports less expensive while raising the price foreign customers must pay for U.S. exports. The strong dollar, in turn, generally is blamed on high interest rates, which attract foreign investment, and on the record $200 billion federal deficit.

A new Commerce Department study, however, pointed out that the trade picture would look worse if it were not for a sharp decline over the past two years in the cost of oil imports and a continued rise in the price of U.S. exports. The drop in oil prices lowers the import figures, while the increase in the cost of U.S. products inflates the export totals.

Nonetheless, there were some bright spots in the June trade figures. Imports declined for the second month in a row to $26.5 billion, the lowest level since December 1983 (although the increase over the past four quarters totaled 27.6 percent). Lund said increases in domestic production were filling the country's demand for manufactured goods.

The Commerce Department noted slowdowns in the sales of foreign cars and wearing apparel; car makers and clothing manufacturers have been pressing the Reagan administration for import protection. The department also reported decreases in imports of electric machinery, steel pipes and telecommunications equipment.

Exports slipped in June, to $17.6 billion, though they are still running slightly ahead of last year.

The decline in exports was largely the result of a sharp drop in overseas sales of farm commodities—including corn, wheat, animal feeds and raw cotton—and the decrease more than offset a moderate increase in exports of manufactured goods, which went up for the third month in a row. Biggest sellers were commercial and military planes.

June's $8.9 billion trade deficit was slightly higher than the May deficit of $8.8 billion—the lowest in the preceding five months. But both figures were far below the record high monthly deficit of $12.2 billion, set in April.

On a country-by-country basis, the deficit with Japan remained by far the largest, although it dropped to $2.8 billion for June from $3.2 billion for May. This was caused largely by a decrease in automobile imports, which dropped $223.7 million from Japan alone and $411.4 million across the board.

The U.S. trade deficit with Western Europe also narrowed, the $979 million for June from $1.2 billion for May, while the deficit with members of the Organization of Petroleum Exporting Countries grew to $1.39 billion from $1.17 billion for May.

Mr. BYRD. Mr. President, does the distinguished Senator from Virginia [Mr. WARNER] need any time?

Mr. WARNER. Mr. President, I thank the minority leader for his inquiry. It is my understanding I have a special order.

Mr. BYRD. All right.

Mr. WARNER. But I am in no hurry and delighted to convenience the minority leader. I am interested in hearing the remainder of his remarks.

Mr. BYRD. Mr. President, I have finished. I thought I would yield my remaining time to the distinguished majority leader for his use or his yielding time to the able Senator.

Mr. President, I yield my remaining time to the majority leader. I yield the floor.

Mr. WARNER. Mr. President, I wish to comment on the remarks of the distinguished minority leader. Indeed, this trade imbalance is a very serious situation that undoubtedly is impacting on a number of our economic indicators to date. I think the comments of the minority leader are an important contribution to this dialog.

RECOGNITION OF SENATOR WARNER

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized for not to exceed 15 minutes.

NATIONAL CHESS COCHAMPIONS

Mr. WARNER. Mr. President, I rise to call the attention of my colleagues to the accomplishments of a group of students from Pulaski, VA, who returned from the recent National Scholastic Chess Tournaments with unprecedented national cochampionships in three categories.

One Virginia news report likened their feat to a professional football team winning the Super Bowl or a golfer winning the green blazer of the Masters Tournament.

This remarkable group of sixth, seventh, eighth, and ninth graders from Pulaski Middle School and Pulaski High School played in two separate tournaments in New York and Arizona.

In a rigorous test of chess skills at the National Tournament for Elementary Schools held in Syracuse, NY, a team from Pulaski Middle School

shared the top spot—national cochampions in the sixth grade division.

But the winning did not stop there.

Across the country, at the Junior High School National Tournament in Tucson, AZ, two more Pulaski teams showed their mettle and cochampioned the seventh-eighth grade division and the ninth grade division.

As great as these victories are, there had to be help from a behind-the-scenes group.

Leading that group is Edward "Pete" Shaw.

Pete is a Pulaski Middle School social studies teacher—and he is the man behind these three national cochampionships.

Several years ago Pete Shaw began teaching chess to some youngsters in his school.

They began winning tournaments—and chess in Pulaski is now serious business.

It was a community-wide effort that sent these teams to the tournaments.

Thousands of dollars were raised by chess team members and the Chess Parents Organization through candy and baked good sales, sock hops, and donations from the school board and the county board of supervisors.

Volunteers like Pete Shaw, Roger Asbury, Sheila Spangler, Monty Quesenberry, Rachel DeHaven, Nancy McDaniels, and Carl and Mary Sue Newsome banded together to coach and chaperone the young people on their victory quests.

Mary Sue Newsome calls them "cut-above-average kids."

And I think they are.

The hallmark of this program is that it contributes encouragement and well-being not only to the participants, but to a larger audience as well.

You see, many of these youngsters use their school lunch hours to teach chess rudiments to other youngsters—some of whom have learning disabilities.

They carry a banner of pride and achievement from Pulaski to a lot of places.

That banner and the names of the chess team members I am proud to now share with my fellow Senators:

Sixth grade team members: Noah Spaulding, Jeff Shelton, Brooks, Newsome, Scott Spangler, Andy McDaniel, Jackie Bruce, Kenneth Sutphin, Brian Weatherington, Scott Altizer, Eric Vaughan, and Nathan Thomas.

Seventh and Eighth grade team members: Scott Aust, Curtis King, Brian Lambert, Randy Quesenberry, Ray Tuck, Will Vyars, Stan Vuicich, Mary Katherine Graham, C.W. Hickam III, Eric Anderson, and Richard Mabry.

Ninth grade team members: Tracy Callis, Chris Bushong, David DeHaven, David Clemson, and Tommy Webb.

Mr. President, I do not note the presence of other Senators desiring to speak. Accordingly, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, are we still in morning hour?

The PRESIDING OFFICER. Yes.

THE HOOVER DAM

Mr. GOLDWATER. Mr. President, just a short comment relative to a problem that is constantly brought up when we are discussing the measure involving the Hoover Dam, which is before the Senate at this time, authorization for hydroelectric plants, on which cloture has been invoked.

The price per kilowatthour is 3 mills. I will admit that that is a very, very low price. I will also admit that it was engaged in about 50 years ago.

However, the thing I want to point out—and I think this applies to all Federal projects, wherever they might be—is that that price was arrived at as a price that would pay the maintenance, the interest, and the repayment on the Federal money that has been invested. That has been done. It has been accomplished. Only about 3 years remain for the whole cost of Hoover Dam to be paid back to the Federal Government, at which time there will be another piece of property that the people of the United States own.

The argument is made that maybe the price should be higher, and the man who makes the argument follows it by saying that he does not know what the price should be. I have to be honest and say that I do not know, either. But the 3 mills has worked, as has the charge for power around this country from other projects.

The problem to the consumer is not what we pay for power at the generating site. The problem to the consumer comes in the multiplicity of costs that go on between the generator and the consumer: the terrific costs of transmission lines, distribution systems, tying into what we call a grid system, which is dominant in the West, where some parts of the West use power from far off places in the West.

So, while 3 mills is a very low figure, it has done the job. It has paid off the Hoover Dam costs. While you could make a pretty good argument for raising the price, the question does arise: Are we going to use power, whether it is public power or private power, to help pay off the deficit, when the construction of Hoover Dam has nothing to do with our present deficit problems?

I merely wanted to make those comments, Mr. President, to get the air a little more clear.

I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, what is the time limitation on Senators for speaking?

The PRESIDING OFFICER. When we finish the special orders, then the time limit will be 5 minutes each.

Mr. BYRD. Mr. President, I ask unanimous consent that I may retrieve such time as I may require from the time that I had under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEBANON—5 MONTHS LATER

Mr. BYRD. Mr. President, the last U.S. Marine contingent was pulled out of Lebanon yesterday by the President. If we consider the time, however, which marines spent in and around the Beirut International Airport as part of a multinational peacekeeping force, we would find that the Marines spent a total of 533 days.

Last October 23, the Nation was stunned and saddened when 241 U.S. servicemen were killed in a terrorist bombing attack on the Marine compound at Beirut Airport.

The termination of U.S. participation in the Multinational Peacekeeping Force came when the final Marine contingent located at Beirut International Airport was withdrawn on February 26, 1984. For weeks prior to, and after the withdrawal, the administration waged a public campaign blaming Congress for the failure of U.S. policy in Lebanon.

The President did at one juncture say that he accepted the full responsibility for the tragedy which occurred when the compound was destroyed by a terrorist bomb. But he has since backed away from acceptance of that responsibility. Throughout the subsequent months, a variety of administration officials have charged that the mere fact that Congress raised questions about our misguided policy was detrimental to the ability of the President to conduct foreign policy. Congress was accused of playing into the hands of Syria which was acting as nothing more than a Soviet surrogate in the Middle East. On February 4, 1984, the President even declared that Syria was "bent on territorial conquest" in Lebanon.

Yet, just last week a high administration official testified before a committee of Congress that, far from being an obstacle to peace in Lebanon, Syria was indeed being very helpful.

Mr. Richard Murphy, Assistant Secretary of State, testified before a House Foreign Affairs Subcommittee that Syria was demonstrating an "active willingness to move in restoring stability in Lebanon."

And far from seeking territorial conquest in Lebanon as the President had charged as recently as February 4 of this year, Mr. Murphy stated that "conditions could come about" that would cause Damascus to withdraw its military forces from Lebanon. The conditions to which Mr. Murphy referred involved an Israeli withdrawal from southern Lebanon.

When Mr. Murphy was challenged by House Foreign Affairs Subcommittee members, Republican and Democrat alike, as to how the administration's perception of Syria could change so dramatically in such a short period of time, Mr. Murphy responded: "Times change."

Mr. President, I am not sure that times have changed. I rather believe that it is not the times which have changed. What appears to have changed is the administration itself. It now appears that the administration understands some things about Lebanon it should have known, before so much of the prestige and blood of this Nation were committed to a doomed military policy.

When the Marines were redeployed around Beirut following the tragic massacre of Palestinians in the Sabra and Shatila refugee camps. The President assured the Nation that the deployment would be for a limited period of time only. The President emphasized that the marines were being dispatched to Lebanon as part of a multinational peacekeeping force "with the mission of enabling the Lebanese Government to restore full sovereignty over its capital, the essential precondition for extending its control over the entire country."

However, due to its own misperceptions and miscalculations, the administration found itself in trouble very quickly. The misguided perception that Lebanon was part of the East-West conflict led the administration to abandon the posture of U.S. forces as being a neutral, peacekeeping force. Instead, as civil turmoil erupted, the administration identified itself more and more closely with the government of President Amin Gemayel whose support among the majority Moslem population was nearly nonexistent. In effect, the United States became a surrogate for a government which, for all intents and purposes, did not exist beyond the boundaries of East Beirut.

By concentrating first on building up the Lebanese Army, rather than fostering Lebanese national reconciliation, the administration missed an opportunity to pressure the Gemayel Government to settle its differences with the opposition. In the end, this opposition turned to Syria for help.

The administration, by focusing so much energy and attention on the Soviet Union and Syria, overlooked completely what was happening domestically within Lebanon itself. And on September 19, 1983, whatever semblance of neutrality our presence had assumed was lost when U.S. forces intervened directly on the side of the Lebanese Army during the battle against Druse militia for the strategic hillside town of Suk Al Gharb. We had become a participant in a civil war, something the administration has never admitted.

It is not too difficult to imagine that the success of the Grenada invasion may have had its influence on the administration to turn Lebanon into a test of military strength and will as well. But Lebanon was never a test of will between the United States and the Soviet Union as we came to discover so painfully. The administration allowed itself to be swept into the quagmire of age-old rivalries—a situation exploited by Syria, the traditional wielder of outside influence in that unfortunate country.

Today, Syria has installed a government of national unity in Beirut. The green line, which has separated east and west Beirut for almost a decade, is now being dismantled. And although the Lebanese Army does not exercise control over the countryside, the Syrians have demonstrated that they are willing to come down hard on militias that would undermine the new government. While Lebanon has not evolved into a nation allied with the West as the administration has envisaged, the alignment of its national policies goes only as far east as Syria, not the Soviet Union.

The present outcome might not be to the liking of the United States, but it is a far cry from the establishment of a Soviet satellite on Israel's northern border. As is the case of most events in the Middle East, Lebanon's future will not be determined by the Soviet Union, but by a resolution of the Arab-Israeli conflict. Even then Lebanon's future stability will be contingent upon a true reconciliation of the communal groups within that country.

Now we have come full circle. The administration concedes that Syria is playing a constructive role in Lebanon. Administration officials are now confident enough to predict publicly that Syrian forces, rather than conquering Lebanon, could withdraw if the right conditions materialized. In other words, far from being public enemy number two behind the Soviet Union, the administration appears to be rehabilitating Syria's image in the United States.

Maybe this change in view stems from the fact that the administration has learned something about the Middle East and the politics of Lebanon. Unfortunately, for the families of 264 Americans killed in Lebanon, the price tag for that learning curve has been very high. Unfortunately, the United States had to suffer the worst international humiliation since the Iranian hostage crisis because the administration thought the very presence of the *New Jersey* off the coast of Lebanon would somehow scare the adversaries of the Gemayel government into submission. It is a little unsettling to wonder who in this administration is contemplating where the next Lebanon will be. Could it be in Central America?

I ask unanimous consent that the article about Mr. Murphy's testimony which appeared in the July 26, 1984, Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 26, 1984]

SYRIA CALLED "HELPFUL" TO LEBANON—SUBCOMMITTEE CRITICS CALL OFFICIAL'S TESTIMONY "INAPPROPRIATE"

(By Don Oberdorfer)

Five months after withdrawal of U.S. Marines from Lebanon, a senior State Department official testified yesterday that the Lebanese government is successfully consolidating its position with the assistance of a "helpful" Syria.

The testimony of Assistant Secretary of State Richard W. Murphy drew expressions of surprise and indignation from members of a House Foreign Affairs subcommittee who recalled administration charges a few months ago that Syria was "the stumbling block" in Lebanon and was partly responsible for the deaths of 241 U.S. servicemen in a Beirut terrorist bombing last Oct. 23.

Rep. Robert G. Torricelli (D-N.J.) said Murphy's description of Syria's helpfulness was "inappropriate" and "unfortunate" in view of Syria's role in the deaths of the U.S. troops.

Rep. Edwin V. W. Zschau (R-Calif.) expressed surprise at Murphy's statement, and Rep. Lawrence J. Smith (D-Fla.) sharply questioned it.

Asked how he can square the "helpful" label with harsh earlier references about the Damascus government, Murphy responded, "Times change."

Once the Syrians were able to force abrogation of the U.S.-sponsored Israeli-Lebanese agreement following reorientation of the Lebanese government, Murphy said, they have showed "active willingness to move in restoring stability in Lebanon."

Syrian President Hafez Assad halted a three-day shoot-out between rival Lebanese militias in the northern Syrian district of Khoura earlier this month by dispatching his personal military aid to the area and calling warring leaders to Damascus.

Reports from Lebanon suggested that Assad has decided to use his considerable sway over the Lebanese body politic to prevent renewal of large-scale fighting.

Murphy, a former U.S. ambassador to Syria, speculated that "conditions could come about" that would cause Damascus to withdraw its military forces from Lebanon

after Israel withdraws its troops. Among ideas discussed, said Murphy, is a Syrian withdrawal as early as 24 to 48 hours after total Israeli withdrawal.

Murphy, who heads the department's Bureau of Near Eastern and South Asian Affairs, described Syria's shift as resulting primarily from changed circumstances. Syria earlier "got stuck" in Lebanon and now may feel that a withdrawal of its forces from that country is in its national interest, he said.

Murphy testified that the United States remains concerned about Soviet ties to Syria, especially in the supply of military equipment. But the tone and substance of his testimony was a far cry from some earlier declarations, such as that by President Reagan Feb. 3 that "Syria is bent on territorial conquest" in Lebanon.

Reagan also said, on March 13, that "Syria is trying to lead a radical effort to dominate the region through terrorism and intimidation aimed, in particular, at America's friends."

Officials said there has not been fundamental improvement in U.S.-Syrian relations since Syria released captured Navy Lt. Robert O. Goodman Jr., who was downed in a U.S. bombing raid on Syrian military positions in Lebanon.

Within a few days, Reagan is expected to nominate as new U.S. ambassador to Syria William L. Eagleton Jr., currently chief of the U.S. interests section in Iraq.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

STAR WARS IS INDEED HIGHLY VULNERABLE TO A SOVIET NUCLEAR STRIKE

Mr. PROXMIRE. Mr. President, this is the sixth in the series of seven responses I am making on the floor of the Senate to the arguments General Daniel Graham has made in a letter to me with respect to the administration's "Star Wars" Program. General Graham supports this antimissile program. I oppose it. In supporting this so-called strategic defense initiative General Graham has stated criticisms of the program and his response to the criticism. The sixth criticism the general answers is: "It is vulnerable; the Soviets could counter it easily and cheaply." I ask unanimous consent that the general's response to this criticism be printed in the RECORD at this point.

There being no objection, the response was ordered to be printed in the RECORD, as follows:

6. IT IS VULNERABLE

Answer. It has been argued that spaceborne defensive satellites are vulnerable to Soviet countermeasures. This is certainly not true with regard to near-term Soviet capabilities. The Soviet ASAT goes into space on a large missile of the type of High Frontier is designed to counter. Thus it gets no free shots at the satellites.

Another speculated Soviet countermeasure is to put up "simple" space mines to follow the defensive satellites around to be exploded on command. There is no "simple" space mine. In fact, such a vehicle would have to be very precisely inserted into orbit and have super position keeping capability to be effective. In other words, it would be a space vehicle of more sophistication and be more costly than the defensive satellites. Further, such an attempt would be foiled by a random "junking" (slight change of orbit) of the defensive satellite.

Of course, no system can be deployed which is invulnerable to every speculated Soviet technological marvel of a counterweapon. But the "bottom line" is this: Even if the Soviets do someday find a way to attack the defensive system and then launch a missile attack, they will not do so. The requirement first to defeat the satellites 300 miles out in space means that no surprise first strike could be carried out. The attack on the satellites would surely alert the United States.

Mr. PROXMIRE. Well, now, Mr. President, could the Soviets counter such an antimissile system easily and cheaply? The answer is: Yes, indeed. Absolutely and for sure. In previous speeches, I have already alluded to the recognition by the Defense Department's own sponsors of the system, General Abrahamson and Secretary De Lauer, who admit that the Soviets could simply produce more offensive missile warheads at a lower cost than the defensive missiles and swamp the antimissile system by sheer numbers. In fact, former President Nixon, has proposed an astonishing suggestion. He proposes that we enter into an arms control agreement with the Soviets to restrain their construction of additional missiles. How would we persuade the Soviets to give up their massive deterrence that has earned them a nuclear superpower status? We would do this by giving the Soviet Union our expensively developed "Star Wars" technology in return for their agreement to stop their production and deployment of offensive missiles. General Graham does not propose this quid pro quo because he does not acknowledge what President Nixon fully understands. President Nixon understands that it is a certain fact of life, that without an arms control limit on offensive missiles "Star Wars" cannot and will not work.

Now think about this one. Why would anyone believe that the Defense Department would talk the President of the United States into this most expensive weapons system in world history. If the system cannot work without an arms control agreement with the Soviet Union, why? Because if any Member of Congress spent 5 minutes thinking about the practicality of the "Star Wars" program, he would surely recognize the total vulnerability "Star Wars" would have to a massive build up in the adversary's offensive missiles.

This Senator recalls that the Anti-Ballistic Missile Treaty debate of 1972, when I was in this body, convinced 88 Senators that defensive missiles would be vulnerable—that is, the antimissile system, the "Star Wars" system would be vulnerable—to the offense because the offense could, on the cheap and at will, swamp any ABM by simply building whatever number of missiles it would take to cut through the defense. How many Senators disagreed with that view? Exactly two.

How has the situation changed in the past 12 years? Are there any new technological breakthroughs involved that has magically changed the vulnerability of an anti-missile system? Of course not. Oh, sure, the defensive technology has moved ahead and will continue to move ahead. But does anyone argue that an offensive missile technology could not easily keep pace with the anti-missile system and maintain its advantage?

The antimissile forces are falling for the same discredited theory that persuaded the French to build the Maginot Line of pill boxes at immense expense before World War II. That so-called impregnable defense was designed to stop the German offensives that had twice overrun France in the previous 70 years. The Maginot Line, like "Star Wars," came on ballyhooed as the supreme, perfect defense. But what happened to it? The offense asserted its usual superiority in warfare. Fast moving German tanks and other motorized armor concentrated on specific breakthrough points and breezed through the Maginot Line in a very few weeks.

General Graham argues that any offensive system would first have "to defeat the satellites 300 miles out in space. The attack on satellites would certainly alert the United States." Apparently the General thinks that the "Star Wars" defense would delay by a matter of hours or days the effect of an overwhelming and concentrated attack by Soviet offensive missiles. Why would it? Of couse some offensive missiles might be shot down. But recognizing the potential capability of the "Star Wars" defense, the Soviets would simply have to launch an attack of whatever size it would take to do the job. There would be no delay. What kind of an alert would that leave for our country?

THE UKRAINIAN FAMINE AND THE NEED TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, Mr. MOYNIHAN and Mr. D'AMATO recently introduced a measure to express the sense of the Senate that the United States should take actions to commemorate the Ukrainian famine of 1933. Their measure, Senate Concurrent Resolution 101, seeks to increase public awareness of this tragedy,

which cost millions and millions of lives due to the deliberate starvation policies of the Soviet Union.

The Ukrainian famine claimed an estimated 5 million to 7 million victims, a loss comparable in magnitude to the loss of Jewish lives under Hitler. While Hitler aimed to purify the Aryan race by eliminating Jews and Gypsies, Stalin wanted to crush the Ukraine as a political and social entity. He was able to portray the Ukrainian community as an enemy of the Soviet Union and Ukrainian nationalism as a dangerous threat to his power.

Stalin used the collectivization of agriculture to destroy Ukrainian nationalism. By imposing high grain production quotas for Ukrainian villages, far out of proportion to their production capabilities, he could increase the government's grain storehouses while oppressing Ukrainian peasants.

This policy resulted in catastrophe for the Ukraine. Individuals and whole villages that did not comply with the policy were subject to severe punishments, including confiscation of property, complete blockades of other supplies, internment in concentration camps, and even execution. But those who did comply were faced with complete starvation.

Survivors of the winter of 1932-33 tell of whole villages wiped out, mass burials in pits, and flocks of peasants trying in vain to escape.

Mr. President, the U.S. Government and the world community must never again stand for this kind of barbarism. While the Soviet Union's Ukrainian policy may not be genocide, it is still a grave violation of human rights. But the United States cannot effectively condemn human rights violations, in the Soviet Union or elsewhere, because it has not ratified the Genocide Treaty.

Ninety-two other nations have recognized the need for the Genocide Treaty, which makes genocide a crime punishable under international law. Ratification of the treaty would confirm the U.S. commitment to human rights, dignity, and freedom and show this Nation's opposition to policies such as those of Stalin in 1932 or those of Hitler during World War II.

I call on my colleagues to ratify the Genocide Treaty.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, in which Senators may speak for not more than 5 minutes each.

LITHUANIA'S PROUD PEOPLE

Mr. PERCY. Mr. President, the people of Lithuania have maintained their unique culture and heritage despite more than 40 years of Soviet occupation. In the July 22 edition of the Washington Post, correspondent Dusko Doder shares his impressions from a recent visit to Lithuania.

In his "Letter from Lithuania," Mr. Doder praises the "traditional industriousness and culture" of the Lithuanian people. He describes Lithuania as a country with "a special style" and a "distinct identify of its own." Doder notes that Lithuania's two principal cities, Vilnius and Kaunas, "have resisted plans that have turned most other Soviet cities into featureless urban centers."

The unique quality of Lithuania which so greatly impressed Mr. Doder is a tribute to the wealth of Lithuanian culture and to the resiliency of the Lithuanian people in preserving their heritage and values. I ask unanimous consent that the article by Dusko Doder be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1984]

ROOTS GO DEEP IN PROSPERING BALTIC TOWNS

(By Dusko Doder)

VILNIUS, U.S.S.R.—In the predominantly flat and monotonous Soviet landscape, private plots present an enchanting sight. They erupt in flowers around homes in villages and around millions of dachas, or country homes, that ring Soviet cities and towns.

Besides flowers there are tomatoes, cucumbers and squash, radishes, carrots and onions, all nursed with loving care on tiny patches of land whose every square inch is planted, leaving virtually no room for recreation.

That the private plots in Soviet Lithuania appear particularly rich and flourishing may be explained in part by the traditional industriousness and culture of its people.

Lithuania clings to a special style that bears traces of the hundreds of years during which Poland, Sweden and Germany were the dominant influences here. It came under the czar's authority in 1795 (the other two Baltic states, Latvia and Estonia, fell to the Russians in 1710). With the exception of the years 1919-40, when all three were independent countries, the area has belonged to Russia ever since.

While the preeminence of Russia seems all but immutable, Lithuania has retained a distinct identity of its own, acknowledged by Russian visitors here who say that traveling to the Baltic is like going "west."

The Soviet authorities, presumably to head off potentially dangerous nationalist sentiments, have for some years allowed small nations on the rim of the Russian heartland a greater degree of economic autonomy. Predominantly agricultural Lithuania has taken advantage of this, pushing its individual incomes and living standards far ahead of those of the average Russian. (Lithuania and Georgia, a small republic in the Caucasus, have the highest rate of private car ownership in the Soviet Union.)

But perhaps the main reason for an abundance of food and prosperity in Lithuania is the shift in Moscow's agricultural policies during the past two years.

After a series of disastrous harvests and ensuing food shortages throughout the country, the Soviet authorities have encouraged private food production.

Part of this policy involves incentives to attract young people to the countryside because the aging rural population and the desperately low birthrate (except in the Moslem republics) have produced a dangerous demographic situation.

But the main thrust of Moscow's modest liberalization is to muster all resources in combating repeated agricultural setbacks and avoiding food shortages.

The process seems far advanced in Lithuania, although financial incentives to farm dwellers and encouragement of private plots is spreading throughout the Soviet Union.

It's hard to say how typical the family of Hendrikus Liskinksis is, but he seems to be a part of the emerging prosperous peasantry here. He says his family's monthly income is about $630. Half of this comes from his salary as a mechanic at the Rity Ausra collective farm, and the rest from his wife's salary from an office job in a nearby town, to which she commutes in the family car, and from his private plot.

The Liskinksis bought their own pleasant detached house on the collective farm. It has three bedrooms, a refrigerator and two television sets, one a color set. A sizable plot of land around the house produces enough vegetables and flowers to meet their needs and to sell in the free markets of the bigger cities. Liskinksis claims to have substantial savings so that even a holiday they are planning on a Soviet cruise ship in the Pacific would not make a significant dent.

That private plots of land like Liskinksis' make an important contribution to the country's food supply can be seen from official statistics. A senior state planning official said that in 1983, the 3 percent of farmland held privately produced 31 percent of the total Lithuanian crop.

He also disclosed that last year, for the first time since the end of World War II, the move of rural population to the towns and cities had been halted and even reversed. In an effort to encourage people to move from the cities to the villages, the Lithuanian authorities have set the average urban wage at about $214 a month and the average farm wage at $315 a month.

But the authorities are also using other forms of incentives. Perhaps the most important are loans extended to purchase houses and administrative shortcuts to obtain private automobiles. Many people in the Soviet Union have the $10,000 they need to buy a car, but they normally have to wait six years to get one. The Lithuanians have found a way for farmers to get a car within a year.

The announced visit by a group of foreign journalists to the Liskinksis' home and the homes of other farmers recently was preceded by a drive through several rural communities, where the inhabitants have what appears to be a new life style, driving small Zhiguli cars and living in detached homes that are better designed and more cheerful than those in similar settlements in Russia.

Government officials pointed out that the state supports private farmers by providing a substantial part of the investment that goes into the private plot. It includes veterinary care, fodder, fertilizer, free water and tractors when needed.

Yet the plots are small, between 600 and 1,000 square yards on the average.

The collective farms such as Rity Ausra are reported to be profitable and spending their profit on the construction of saunas, bars, game rooms and cultural facilities.

The chairman of Rity Ausra said that last year his collective farm had a $2.1 million profit on a turnover of $56.7 million. The farm's shops seemed well stocked with goods, offering a range of shoes, textiles and liquor comparable to Moscow's best shops.

The emphasis on financial and material incentives was one of the main features of the late Yuri Andropov's economic program. It is as yet unclear to what extent his successor is committed to the new world of incentives. Judging by Lithuania's experience, the agricultural liberalization is continuing.

But the Lithuanians seem to have demonstrated even to a casual visitor that their national pride is strong and that they intend to maintain their unique style.

Vilnius and Kaunas, the two principal cities, have resisted plans that have turned most other Soviet cities into featureless urban centers. Even the building of the Lithuanian Central Committee is a gracefully designed structure of concrete and glass that could fit neatly into a city like Washington.

But their effort to preserve their heritage seems to have focused on the restoration of the old Vilnius, its 400-year-old university, its Roman Catholic churches and its small shops, including small coffee houses and restaurants with secluded corners.

The 3.5 million Lithuanians are maintaining their linguistic identity. Since about 80 percent of the people are ethnic Lithuanians, national culture seems resilient. Surprisingly few people are fluent in Russian.

In the cities, street and shop signs are written in both Lithuanian and Russian and traders deal easily in both languages. Villagers, however, use little Russian. Indeed, Russian settlers here tend to speak Lithuanian fluently.

BEN WICKS

Mr. PRESSLER. Mr. President, today I would like to recognize a most remarkable South Dakotan, Mr. Ben Wicks. Ben is a 15-year-old boy from Rapid City, SD who suffers from a genetic disorder of the nervous system called neurofibromatosis. Ben recently was in Washington to attend the "Very Special Arts Festival." As a music composer, Ben has written many songs and often performs for his friends and classmates. Mr. President, I ask that the following article from the Rapid City Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUTH TO REPRESENT STATE AT FESTIVAL

(By Marguerite Welsbeck)

The yellow T-shirt said "Contents, human. Handle with love." Above it, a broad smile, twinkling dark eyes and a shock of glossy dark hair held a listener's attention as Ben Wicks, 15, talked about the trip to Washington, D.C. he is planning.

On May 24, Ben will represent South Dakota at a national arts festival with the songs he has written. If he is lucky, he will hear singer Ronny Milsap perform one of his songs. and he will sing for the other youngsters gathered for the National Very Special Arts Festival.

"I have no idea yet what I'll sing. Ben said recently. "I wrote one song, lyrics and music, but that one is personal for now. I wrote lyrics to the theme of Young and Restless. We sent five or six songs in on a tape."

As he talked, Ben blew the smooth dark hair from his eyes. He can't brush it back any more. He's paralyzed.

It started nearly three years ago, with occasional stumbling and falling. Exploratory surgery discovered tumors growing on Ben's spine. They couldn't be removed. They were malignant.

Ben went back to school at West Junior High School, but found it impossible, finally, to manage a crutch and an armload of books. By Christmas, he was on the Homebound program. By the time school was out, he was in a wheelchair.

There aren't many choices for a family with a child who needs as much care as Ben needed then. "We didn't want him in a nursing home, watching old people die," said his father, Mike Wicks. Through Carolyn Graff at the Pennington County Health Department, the family heard about the Crippled Childrens' Hospital and School in Sioux Falls. Visits with Lee Pfeiffer, who conducts clinics in Rapid City for the school, convinced them. "By then she knew our family history, and we had no trouble getting him in," Wicks said.

The family history is neurofibromatosis, a genetic disorder of the nervous system. Tumors can grow anywhere on the nerves—under the skin, on the spine, on the brain. Bones involved may enlarge and become deformed, or curvature of the spine may result. Extreme cases, like the Elephant Man, result in deformities. Only three to five percent of the tumors are malignant like Ben's.

Mike Wicks' father died young of "a probable brain tumor." Mike found out he had the disorder when he was 20. Surgery to remove tumors on his brain led to the paralysis of half his face and loss of hearing in one ear. He has lost an aunt and uncle and an older sister and brother to the disorder.

"Before my dad, there was no record of it in the family. It's just in the last few years they found this was hereditary. There's a 50-50 chance you can get it (if your parents have it). When mine was diagnosed, the doctor told me to go home and try to live a normal life, don't think about it. So I married and had kids. One has it, the other is OK so far," Wicks said.

It's a sad story. But if Ben is sad over the events that have changed his life, he hides it well. He refers to himself as "out of order," not crippled, or handicapped. He talks about his problems knowledgeably, and his stories of life at the Cripple Childrens' Hospital and School ("We call it Crips for short.") are full of friends and humor.

"We live in dormitories. On the floor I'm on, there are eight rooms, four for girls and four for boys, with four kids in each room. Boys are not supposed to be in the girls' rooms after 10 at night. I found out the hard way," he grinned.

"I'm in eighth or ninth grade. You get placed in classes as you progress, so I spend part time in each," Ben said "We have physical therapy and occupational therapy. Most kids go at least three times a week to each. Swimming classes help me relax, and PT keeps my arms from contracting anymore."

At school, his electric wheelchair affords him more mobility than the manual chair he uses on visits home, even allowing him to play a modified form of football. "You go out for a pass, and when the ball hits the wheelchair, you keep moving until someone touches you. To make a tackle, I run into a person's chair with my pedals," Ben said.

Kids can stay at CCH&S until they turn 21. But Ben doesn't talk about the future much beyond the trip to Washington, D.C. He joined a church recently. He grows a little pensive when his father mentions it.

There isn't any cure for neurofibromatosis. There isn't any way to stop the growth of the tumors. "The only feeling I have left is in my face." Ben said, "At Christmastime, I burned my arm holding a bowl of popcorn. I can only feel pressure." He has enough control of one hand to guide his wheelchair. Earlier, he tried to learn to play the trumpet, but it took more strength to push the buttons than his hand could muster. The school provided him with a harmonica held up on a shoulder brace, but he never learned to play it. "I got so I could play three verses of 'Three Blind Mice,' " he said, flashing the grin that animates and lights his face.

With the encouragement of music therapist Cherie Ortman, Ben began to compose his own songs. "She helps me a little with the words and music." Ben explained, "She picks out chords on the guitar. She'd strum, and I'd pick a chord. She writes it down. Then we put it all together."

The songs were good enough to earn Ben the trip to Washington, D.C., the breakfast on Capitol Hill with congressmen and senators, the lunch on the White House lawn, the performances at the Kennedy Center and workshops with the stars.

His dark eyes sparkle when he talks of it, but, like any teenager, he tries to play it cool. With the small but eloquent shrug he can still manage, Ben said, "The music is OK. It's just something I do in my spare time, when I'm not chasing girls."

EMIGRATION OF SOVIET JEWS

Mr. PERCY. Mr. President, the number of Jewish emigrants leaving the Soviet Union fell to 72 during June. That was 37 fewer than the 109 who left in May, and the 74 who left in April, 51 in March, 90 in February, and 88 in January. For the first half of 1984, therefore, the total number of Jewish emigrants is 484 as compared with the 1,315 who left the Soviet Union in all of 1983.

These numbers are horrible. They are outrageous. They fly in the face of every promise made by the Soviet Union to abide by international agreements respecting human rights and the rights of family reunification. They must be improved. If they were improved, say to 10,000 per year, certainly one area of tension between the United States and the Soviet Union would be reduced. It is in their interest to reduce tensions, and it is in our interest as well.

I encourage the U.S. Government, Members of both Houses of Congress, members of the European Parliaments and the Parliaments of the world, and the many groups which work on behalf of the rights of Soviet Jews in-

cluding Chicago Action for Soviet Jewry and the Chicago Conference on Soviet Jewry, to keep on working and to keep attention on this issue. Constant attention to this issue, and the continual raising of this issue in meetings with Soviet officials, demonstrates our commitment to an improvement of the situation for Soviet Jews and other minorities there who are denied their basic rights.

I am pleased to announce that the Senate Foreign Relations Committee today unanimously passed a resolution, House Joint Resolution 279, which expresses the great concern of Congress regarding the reduction of emigration from the Soviet Union. The resolution calls on the President to urge Soviet compliance with the Helsinki accords and the United Nations' Declaration of Human Rights at the General Assembly of the U.N. and at all other appropriate international meetings.

LIBRARIES AND THE LEARNING SOCIETY

Mr. PERCY. Mr. President, I have always been a strong supporter of libraries as an essential part of our American educational system. Our Nation is fortunate in having a large and impressive library system serving all of our citizens. One of the most important areas of focus for scholarly endeavor is the research library.

I was pleased to hear that the university from which I graduated, the University of Chicago, hosted a special program on academic libraries sponsored by the Office of Educational Research and Improvement, U.S. Education Department. This program was part of a series of seminars "Libraries and the Learning Society" focusing on what libraries can do to carry out the recommendations in the National Commission on Excellence in Education's report "A Nation at Risk" to improve American education. The Joseph Regenstein Library at the University of Chicago has long been recognized as one of the outstanding research libraries in the country. I was pleased to see it was selected to host this important conference.

The keynote address for this conference was given by the assistant secretary for Educational Research and Improvement, Dr. Donald J. Senese, who is a native of Chicago. The seminar was funded through the Center for Libraries and Education Improvement, a component of the Office of Educational Research and Improvement. Dr. Senese focused on some of the outstanding research projects funded in Illinois but noted some specifically at the University of Chicago. He also provided some perceptive comments on the role research libraries can play in assisting our educational resources. I ask unanimous consent to enter into the CONGRESSIONAL RECORD at this time, a copy of Dr. Senese's speech entitled "Academic Libraries and the Learning Society."

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ACADEMIC LIBRARIES AND THE LEARNING SOCIETY

(By Dr. Donald J. Senese)

Good evening.

I extend greetings to you from Secretary T. H. Bell and on behalf of the Office of Educational Research and Improvement. It is a pleasure to welcome you to the academic library seminar for the "Libraries and the Learning Society" project. A busy and challenging agenda faces you, both this evening and tomorrow, so I will keep my remarks brief.

The time for this seminar is taken from *A Nation at Risk: The Imperative for Educational Reform*, the report of the National Commission on Excellence in Education. This report came out like a firebell in the night—awakening our generation to a sudden and real danger. We are schooling many but really educating a few. In a world of ever-accelerating competition and change in the condition of the workplace, of new and greater challenges on the frontiers of knowledge, and in a very obvious transition from an "Industrial Age" to our "Information Society," we must muster our resources and focus on the goal of creating a Learning Society. Libraries have a fundamental role to play in this process, since libraries and education are so tightly interwoven as to be inseparable.

It is both a personal and professional pleasure for me to be here in Chicago at this particular seminar. On the personal side, Chicago is my home town—I was born and raised not too far from here. On the professional side, I did my undergraduate work at Loyola University, one of several distinguished universities and colleges in the Chicago area. And, needless to say, I count myself as fortunate to have had access to the rich holdings of all the Chicago area libraries—academic, public, independent research and museum libraries—which contributed to the quality and excellence of my undergraduate and graduate work. So I am not a stranger to good libraries and library services as well as capable, helpful librarians.

It is also with great pleasure that I note that many substantive library projects have been (and are now being) operated at some of the great libraries here in the Chicago area under one of the Department of Education's programs—namely, the "Strengthening Research Library Resources Program" authorized under Title II-C of the Higher Education Act. These beneficial and useful projects include the following:

A notable preservation project conducted at the famous Chicago Art Institute at a cost of $163,000, included the restoration, photo-duplication, and microfilming of Daniel Burnham's *Plan of Chicago*. Burnham's collection is an essential addition to the history and architecture of Chicago. Burnham's work focused on the design and architecture which gives us much historical information on Chicago. An advocate of advance planning, he once said "Make No Little Plans", a view which could be said to represent the spirit of Chicago and Chicagoans.

Another important preservation project has been at the Newberry Library in 1981 at a cost of $131,000, which preserved and replaced rare and unique holdings in British History and local and family history;

A significant African Studies project took place at Northwestern University in 1983 at a cost of $250,000 involving both collection development and bibliographic control; and

There have been several bibliographic projects at the Center for Research Libraries—the Nation's "Library for Libraries"—since 1981 at a cost to date of over $650,000 to provide access for scholars and researchers to thousands of previously inaccessible resources. The Center for Research Libraries is located adjacent to the University of Chicago providing easy access for the University of Chicago community.

But by far our largest measure of support has been to our host institution, the University of Chicago, where almost three-quarters of a million dollars has been provided to assist in variety of bibliographic control, preservation, and collection development projects to strengthen their capability to provide access to, and utilization of, many of their singularly rich and unique resources. Perhaps foremost among these was their effort, from 1979 through 1982, to add thousands of bibliographic entries to the national data bases for their specialized holdings in South Asian studies, and to strengthen their internationally unique collection of Iranian studies resources.

I would also like to mention some of the activities being carried out under the auspices of our Office which relates to the work you are doing. As I indicated, one of our most important programs, the "Strengthening Research Library Resources Program" authorized under Title II-C of the Higher Education Act, has acknowledged the special significance of our Nation's major research libraries in contributing to and improving higher education and research.

The most significant characteristics of the Title II-C program has been its emphasis on resource sharing, so that our nation's richest library holdings, which are in the hands of a relatively few great libraries, can be made readily accessible to the hundreds of other not-so-fortunate colleges and universities desperately in need of the highly specialized, and often unique, holdings of the larger, more affluent institutions. We hope that the work done under this program had led to the development of a true and effective national network of research library resources, so that at any given time, at any given place, and for any given educational need, a complete list or package of specialized resources of high quality can be marshalled quickly to support scholarly endeavor.

I trust that the basic premise of the Title II-C program will enter into your deliberation, since no library—neither Harvard, nor Yale nor the University of Chicago—can stand alone. As John Donne said about humanity—"No Man is an island, entire of itself; every man is a . . . part of the main."

So it is with libraries in particular and higher education in general; we must group, regroup, cooperate, innovate, experiment, share, and strive together steadfastly toward reaching the common goal of improving our Nation's House of Education. By such dedicated effort, we will continue to keep this Nation great and educated. Such determination is a unique and singular characteristic of our Nation: Americans can do anything when they put their minds and backs to it. As President Ronald Reagan mentioned in his State of the Union ad-

dress: "America is too great for small dreams."

I have long believed that a college or university is only as good as its library, and that the quality of its learning aspirations and achievements is in direct proportion to the quality of its librarians, library services and library resources. We may have great teachers in our colleges and universities; we also need great resources. There is a relationship between great teaching and library resources. In my professional judgment, the academic library and its resources are the lifeblood of learning and research. Since our colleges and universities represent the educational and intellectual strength of the Nation, the challenge of *A Nation at Risk* must be a welcome challenge that we willingly embrace. If our best minds cannot solve the educational problems facing the Nation today, then we may ask who can?

There is one major question, we need to address. . . . Now, what can the academic library community do to join in this effort, in its special and unique way? Let me throw out a few random thoughts:

Since the nation's colleges and universities themselves educate and train the future school teachers and school administrators, academic librarians within those institutions can devise ways to assist in improving these training programs by selecting and enriching their collections to support the schools and departments of education;

Since the nation's teacher training institutions are in critical need of additional library resources and the fiscal constraints imposed are difficult to surmount, surely academic librarians can address themselves to efficient and effective ways of sharing resources in order to maximize their usage;

Since the Nation's departments and schools of education are situated in literally hundreds of communities throughout the country, academic librarians can augment the teaching resources of the local classroom teacher through cooperative efforts, and not stand as ivory towers on nearby hills distant and remote from the classroom.

Since the retraining in classroom teachers and school librarians is an ongoing, fundamental activity in any forward-looking school system, the academic librarian can provide expert, effective guidance as to how these retraining efforts can be made more productive;

Since local community and junior colleges constitute one of the largest providers of the first two years of college education for some individuals, who select classroom teaching as a professional career, the academic librarian can promote cooperative activities, to enrich the programs offered by these institutions;

Since many of the great universities of the Nation contain outstanding Colleges of Education (including our host institution), surely these universities and their academic librarians can serve as "lighthouses" and "beacons" to light the path for the smaller, less affluent institutions;

And since all Americans, including academic librarians, have a stake in the nation's educational future, surely their national, regional, and State professional associations can establish conferencing priorities in an effort to design strategies to implement the findings and recommendations of *A Nation at Risk.*

In addition, while *A Nation at Risk* seems to dwell on the sad state of our Nation's secondary schools, you should not lose sight of the dramatic charge of that Report challenging all of us to create the true Learning Society, wherein the educational process (in all forms and at all age levels) takes place both formally and informally. How you, as academic librarians, can take cognizance of that wisdom and assist in weaving a rich educational fabric for our entire society is another of your challenges today and tomorrow.

CONCLUDING REMARKS

This seminar is the second of five seminars being held to hear the views of the library community and others who are deeply involved and concerned with the role of libraries in education and in a true Learning Society. This particular group faces the challenge of identifying the role academic libraries should play within the context of the findings and recommendations of *A Nation at Risk.* According to the Commission on Excellence there is a bell—gloomy and foreboding—tolling over our schoolhouses today. While it is a somber one, it is not a death knell. It is only a warning bell: that we had better get our educational house in order as quickly and effectively and judiciously as possible. I trust that this distinguished assemblage through its deliberations tomorrow, will greatly assist in changing the tone and peal of that bell. Tomorrow should be a day of lively discussion. I look forward to hearing your recommendations.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ARMSTRONG).

CALL OF THE ROLL

Mr. STEVENS. Mr. President, at the request of the majority leader, I intend to ask for a quorum and have it go live. We have a potential for resolving the problems of the Hoover Dam bill. Therefore, I ask that Senators respond to the live quorum in person.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 10 Leg.]

Abdnor	Ford	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Nunn
Bingaman	Grassley	Pressler
Byrd	Hecht	Specter
Cochran	Helms	Stennis
Cohen	Inouye	Stevens
Danforth	Kassebaum	Thurmond
DeConcini	Kennedy	Tower
Denton	Laxalt	Trible
Dodd	Mattingly	Wallop
Dole	McClure	Warner
Domenici	Metzenbaum	Wilson

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Texas [Mr. TOWER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. HART], the Senator from New York [Mr. MOYNIHAN], and the Senator from Tennessee [Mr. SASSER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 89, nays 4—as follows:

[Rollcall vote No. 206 Leg.]

YEAS—89

Abdnor	Dole	Kasten
Andrews	Domenici	Kennedy
Armstrong	Eagleton	Lautenberg
Baker	East	Laxalt
Baucus	Evans	Leahy
Bentsen	Exon	Levin
Biden	Ford	Long
Bingaman	Garn	Lugar
Boschwitz	Glenn	Mathias
Bradley	Gorton	Matsunaga
Bumpers	Grassley	Mattingly
Burdick	Hatch	McClure
Byrd	Hatfield	Melcher
Chafee	Hawkins	Metzenbaum
Chiles	Hecht	Mitchell
Cochran	Heflin	Murkowski
Cohen	Helms	Nickles
Cranston	Hollings	Nunn
D'Amato	Huddleston	Packwood
Danforth	Humphrey	Pell
DeConcini	Inouye	Percy
Denton	Jepsen	Pressler
Dixon	Johnston	Pryor
Dodd	Kassebaum	Randolph

Riegle	Stafford	Tsongas
Roth	Stennis	Wallop
Rudman	Stevens	Warner
Sarbanes	Symms	Wilson
Simpson	Thurmond	Zorinsky
Specter	Trible	

NAYS—4

Goldwater	Quayle
Proxmire	Weicker

NOT VOTING—7

Boren	Heinz	Tower
Durenberger	Moynihan	
Hart	Sasser	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

HYDROELECTRIC POWER-PLANTS

(The Senate continued with the consideration of the bill (S. 268).

Mr. METZENBAUM. Mr. President, I am going to speak and I will say this to my colleagues, that I will speak for approximately 10 minutes and I do not intend to discuss at length the substance of this bill but rather the manner in which we conducted ourselves yesterday.

Frankly, Mr. President, I care a great deal about the Senate. I care a great deal about its reputation for full and spirited debate. I care a great deal about its reputation for reason and comity. I care a great deal about its reputation for integrity.

But I was deeply disappointed in how we conducted ourselves yesterday. Let me make it clear. I have no problem with leadership playing legislative hardball. That is its right, and I respect that. I certainly play hardball as much as anyone around here.

But yesterday you just did not roll over HOWARD METZENBAUM. You rolled over a lot of people in this Chamber and future occupants of these chairs by employing tactics that will be used against Senators trying to defend a minority position for years to come on matters far more important than the Hoover Dam.

You filed cloture after only 4 hours of debate. You moved to table an amendment without giving the sponsor the right to explain it. You stretched out a rollcall far beyond normal bounds to head off defeat for your position.

I did not lose yesterday. The real losers are those who cherish the rights of a minority to be heard.

I wish to take a few moments to review what has occurred in the last 4 days.

There is a tradition in this body of permitting full and robust debate. Yet, a cloture motion was filed after only 4 hours of debate on the pending bill. This bill was not even the subject of Senate hearings or markup. I could understand such an extraordinary step if the bill involved Social Security checks, money to keep the Government running, or matters involving our defense or national security. But this bill extends contracts that do not even expire until 1987. Is it so important that we should delay five appropriations bills—Labor-HEW, military construction, agriculture, foreign aid, and transportation? What is the hurry? Why the power play?

The reputation of the Senate rests on the integrity of our decisions as well as the manner in which we conduct ourselves. But, yesterday, our integrity—and our reputation as the world's greatest deliberative body—took repeated body blows. We saw Senators flip-flopping back and forth to change the final results; we saw the leadership cause the clerks to delay their count until it could round up additional votes; we saw the Parliamentarian advise the Chair to rule that the yeas and nays on a motion were in order even though the 18 Senators required to second that motion were not present.

I care about the perception that the Nation and the world has about us. Are we men and women voting our consciences or are we political pawns subject to pressure from within and without this body?

I care about our reputation for legislative craftsmanship, for perfecting the bills before us. But yesterday, the leadership moved to table my first amendment without even giving me an opportunity to explain its contents.

After I offered the amendment, I did not seek time to explain it because other Senators were seeking the floor to debate the bill. Senators BUMPERS, EVANS, GLENN, MCCLURE, and CRANSTON all wanted to be heard.

Suddenly, after their remarks, the acting majority leader moved to table my first amendment—not my 10th, or my 20th, or my 50th—but my first one—without affording me the right to explain it. Would debate of the amendment have changed the outcome? Probably not. But since when do we deny a colleague the opportunity even to be heard?

Mr. President, if these kinds of tactics can be used once, they can be used time and time again in this Chamber. So the leadership on this bill may have a certain sense of satisfaction in having succeeded yesterday, but it is a satisfaction that comes at a high price for many of the values and traditions we profess to cherish.

Beyond the procedural excesses, though there is a more fundamental and disturbing question. The position taken by sponsors of this bill is that we will not change our current policy on hydropricing, nor will we even permit a debate or study of alternatives to it. I want to point out to my colleagues that the sponsors of this bill have inserted language into an appropriation bill for the last 2 years explicitly prohibiting the Government from studying alternatives to cost-based pricing. What kind of responsible position is that? How can you justify denying the appropriate arms of government from exercising the most basic of all policy making functions—the responsibility to examine all alternatives. The implications of that position go far beyond the Hoover Dam. When you say to the Senate and the Government that we will not even examine alternative policies, you are not striking a blow against the Senator from Ohio, you are striking at our own future as a nation. I believe that the government with the foresight to embark on new courses is the government which governs best. If we cannot study alternatives to the status quo, then we are consigning our children to a future shaped by people who insist on living in the past.

So my position did not prevail yesterday. The Senator from Ohio bears no scars from that, but the Senate does bear scars.

That brings me to where we are at this moment. The real purpose of lengthy debate is to air an issue, to attract public attention to what is going on on the floor of the Senate. I think the public now understands what this bill is all about. I think the public understands that this bill sets us on a course which could cost the Treasury $6 billion over the next 10 years, and countless tens of billions more over the long term.

I am now faced with the question of whether to continue to use all the legitimate tools available to me to extend this debate. It is obvious that I could call up the amendments pending at the desk; I am entitled to approximately 3 more hours of time; I could appeal rulings of the Chair, put in quorum calls, move to recess, and otherwise drag out the issue for hours and maybe even days. But in this instance I think I have made my point.

Further, it is obvious that the leadership is determined to bludgeon this bill through, whatever the impact on other bills, including the five pending appropriation bills.

Accordingly, I have no intention of tying the Senate up further on this matter, precisely because I do care about the integrity of our process and the image we present to the American people. I intend to vote against this bill, and each of my colleagues will understandably vote in accordance with the dictates of his or her own conscience.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I would not attempt to respond to the Senator from Ohio in his cry for fairness in following the rules of Senate. In the

short time I have been here I have grown to respect him mightily as a fighter, as one who believes strongly in the causes for which he fights, and as a person probably comes as close to being the conscience of the Senate as any of us.

But I want to speak very briefly on the issue itself on which we will shortly vote. Let us make no mistake on this issue. There is a fundamental question at stake, not just the Hoover Dam, not just electric power production. The fundamental question is very simple: Is the infrastructure of this Nation going to be put up for sale to the highest bidder? Let me repeat: Is the total infrastructure of this Nation going to be put up for sale to the highest bidder?

Those who will vote against this bill according to the concept that market rates ought to be charged just as logically should examine the same concept and theory being supplied to many other elements of this Nation.

The question has been raised: when a long-term lease is at stake, well into the future why not examine it to determine whether a new policy is desirable? I suggest that we do not do it once every 50 years, or once every 30 years; in this Congress we do it every year. We do it many times every year. We do it every day we pass a highway bill, every day we authorize a new waterway project, every day we authorize a new irrigation project, every day we build more infrastructure of this Nation. We do it under one consistent policy which has served us well for a long time: to charge the beneficiaries or the users the capital costs of principal and interest, maintenance and operation costs, but no more.

If this concept of market rates is to be applied, why not apply it broadly? What is the distinction between the Federal Government building a dam, having the ratepayers pay for it entirely, having the capital costs and the interest charges retired, and then suggesting that future prices of electricity ought to be based not on continuing costs but on what the market would bear? Compare that with a private power company having constructed a dam, having completed through ratepayer payments all capital costs and interest costs, and now enjoying the benefits of very low-cost power subject only to operation and maintenance charges. Why not extend this principle and allow those private power companies to charge their consumers what the market price is? In other words, what the market will bear.

We would have close to armed revolt in this country if we asked those consumers, whether public or private, to bear the burden of market-based charges when they have no reasonable alternative to that service.

If we are going to vote against this bill, and in doing so establish a broad new concept for the infrastructure of this Nation, why not then apply it to our Interstate Highway System, put up the bridges for sale, allow tolls to be charged, when the users would have no reasonable alternative other than to pay those tolls and, through the tolls and a share returned to the Federal Government, help to reduce our budget deficit? This may be a fine goal but what is the price?

Who would suggest that we put our water ways and locks of this Nation up for sale? Who would suggest that we put the irrigation projects up for sale so that the users would not pay just what it costs, and in some cases they do not even pay that, but would pay even more, the so-called market price?

Those who come from areas with high electric rates may believe that voting against this act and establishing this new principle of market rates will somehow bring rates down in their parts of the Nation. That is highly unlikely, any more than this Congress is likely to insist that those who have other natural resources benefiting particular States should charge market rates or to somehow share all those benefits with the rest of the Nation.

Some States have the benefit of close geographic affinity to national markets, some have unique natural resources, some have natural gas and oil. But when we get to the point where we put up the total infrastructure of this Nation to the highest bidder we will all be the losers. We risk dividing this Nation when the Federal Government goes into the business of profiting beyond the investment in that infrastructure.

We have consistently acted in this country as neighbors in diversity. We are not joined by uniformity but by choice and the concept of helping each other. Now is the time once again, as we have so often done in the past and I suspect even earlier this year, to reiterate the fundamental policy that as we build for each section of the Nation we are building for the total Nation. The Government does so not expecting to make a profit but with the goal of helping the whole Nation.

I urge my colleagues to join with me in approving S. 268 not just on the basis of Hoover Dam, not just on the particular needs of the Southwest, but in the spirit of once again reiterating this enormously important national policy which has served us so well.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to speak briefly on the points made by the Senator from Ohio [Mr. METZENBAUM] and a point made by the Senator from Washington [Mr. EVANS].

First of all, I voted against cloture yesterday because I wanted to have more thoughtful debate on this issue. The whole reason we have cloture in the first place is to cut off the debate. I have the feeling that this afternoon, even when we vote on this issue, a lot of Senators are going to be voting because of a provincial interest in Hoover Dam and some are going to be voting on the other side because they feel it is unfair for one geographical region of the United States to profit at the expense of all people.

But yesterday was one of those unique times when I felt that the debate ought to be continued because I honestly did not understand the issue well enough to vote intelligently, or at least to vote knowing what I was doing.

I want to say to my colleagues that I agree with most everything the Senator from Washington just said, and I am going to vote for the bill not because of anything I heard on the floor but because I devoted 2 to 3 hours last night studying the issue in an effort to make up my mind about what the public policy ought to be in this country when it comes to selling public power.

Therefore, I will not reiterate what the Senator from Washington has just said.

I want to say that I thought the conduct of the Senate yesterday was deplorable, and it convinced me more than ever that the U.S. Senate is not ever going to be a great deliberative body, it is not ever going to fulfill what the American people have a legitimate right to expect of it, until very fundamental institutional changes are made.

Right now, we keep the majority leader's hands tied, I do and you do, by putting holds on bills. That is unfair to the majority leader and it is unfair to the functioning of the Senate. But as long as that institutional right exists, you cannot expect anybody to fail to take advantage of it where he perceives it to be in his own self-interest.

The motion to take up a bill ought not to be a debatable motion. Once a bill is reported by a committee and put on the calendar, it ought to be the legitimate business of the Senate to deal with it, to vote it up or down.

It is not any wonder that we operate on continuing resolutions around here. It is a terrible way to do business. And how many times has every Member of this Senate sat in the galleries with his guests from back home and apologized for the attendance on the floor of the Senate? It is the first shock of every guest in Washington to come to the Senate and normally not find 10 Senators on the floor as there are right now but two Senators plus the Presiding Officer talking to each other.

It is a serious condemnation and reflection on this body that people have

to walk up and look at a condensed, three-sentence description of what they are voting on before they vote.

We all sit in the galleries with our guests and say:

Well, the Senate is a great deliberative body, but what we actually do is we operate on a committee system. The committees hear these things in great detail.

Well, do they? Unless you are marking up a bill and reporting it out, it is virtually impossible to get a quorum for any committee in the Senate. I am not criticizing my colleagues, I am as guilty and as culpable as any Member of this Senate. We all are, because we have an agenda of our own that the rules of the U.S. Senate tolerate, that absolutely prohibit us from being a deliberative body.

Nobody in this body wants to get below 90 or 85 percent attendance for rollcalls. Normally, it is the conventional wisdom here that as you stay above 90 percent, your opponent, the next time you run, cannot make much out of the fact that you only answer the rollcall 90 percent of the time. If you get below 90 percent or 85 percent, then it may become an issue.

So we make our schedules accordingly. We may decide to leave on Friday morning if we are only going to miss two votes. We are likely to cancel something back home if we think we are going to miss five votes. It does not really matter what the votes are; it is the percentage of times you answer the rollcall that matters.

I remember one time going to Iran with a trade delegation of my State when the late Senator from Alabama, Jim Allen, was still here. All of us remember that Jim Allen was the one who perfected the postcloture filibuster.

No, let me put it this way: He invented it. HOWARD METZENBAUM perfected it.

I remember in that 1 week away from this body, I missed 66 votes, the most the Senate had ever voted in history in 1 week. Believe you me, I was a strong attendant after that.

But the point, Mr. President, is that instead of being concerned mainly with the percent of rollcall votes we miss, we should be concerned about how much debate we miss. Debate is what makes this Senate a deliberative body.

So, Mr. President, what I want to say is that there is going to have to be some serious consideration of rules changes in this body. The Senate ought to be here deliberating these bills. There ought to be time limits on these bills and those who have something to say ought to be able to say it and the others ought to be required to listen. I am not suggesting everybody punch a time card, but I am just saying that the Senate did not look very good yesterday afternoon, and we do not quite often.

When I was Governor—better still, when I was a country lawyer—I used to run across surprising things in the statute books. I would think, how on earth did that ever become law? After I was elected Governor, I found out how things like that happen. Most of the time it was because the legislature was passing bills that they did not fully understand.

I tell you, Mr. President, the U.S. Senate did not do itself proud yesterday afternoon. I am not blaming anybody for taking advantage of the rules as they exist. I am not condemning anybody. I am saying if we are supposed to have a 15-minute rollcall, then there ought to be a 15-minute rollcall. I hate to think how long it has been since we had an honest to God 15-minute rollcall in this body.

Mr. President, all I am pleading for is that we face up to some of the problems all of us know exist and deal with them in a reasonable way. We have a right to expect it; the American people have a right to expect it.

I applaud the remarks made by the Senator from Ohio a moment ago. It was not he who lost yesterday afternoon. We all lose when things like that happen.

Mr. President, I yield the floor.

Mr. WILSON addressed the Chair.

Mr. McCLURE. I shall be happy to yield to the Senator from California. I yield the floor.

The PRESIDING OFFICER [Mr. COCHRAN]. The Senator from California.

Mr. WILSON. Mr. President, I thank my distinguished colleague, the Senator from Idaho. I have the greatest respect for the Senator from Arkansas. He has been a Member of this body longer than I have. It seems to me we have the same frustration. It seems to me Members of this body are guilty of talking too much, at too great length, of voting in spurts separated by a lengthy hiatus for no apparent reason. But then I understand that the basis for the rules of the Senate is to protect the right of the minority to air its views, whether they have been capable of winnng support in a committee or whether they have not.

Mr. President, I agree that the Senator from Arkansas has made some telling points with respect to the need for reform. It seems to me that, as someone who has been here a brief period of time, surveying this scene from my vast experience of less than 2 years, we waste an enormous amount of each other's time. Because of that, the fact that busy Senators cannot afford to waste time compels them to be absent from this floor instead of being here, listening to debate, as many are at the moment.

I commend the Senator from Arkansas. I hope that others feeling similiar frustration will join in a serious effort at reforming our rules of operation in a way that will allow the public to enjoy greater confidence, but, perhaps more to the point, allowing those who serve in this body to join with greater confidence in our own procedures.

I must say that I am so struck by his admonition that I shall heed it lest I be guilty of speaking too long.

I say that I join him as well in congratulation to the Senator from Washington, whose remarks on this very important issue, it seems to me, are a condensed text worthy of the attention of anyone who would study this issue. He has put the issue with remarkable succinctness. The issue as he has stated it is whether the Federal Government should be in the power business to make a profit or rather to serve the needs of burgeoning areas on a cost basis. What he has said, but perhaps understated, I would like to emphasize now.

To those who are entertaining the thought of voting against this measure, I would say, ask not for whom the bell tolls, friend; it will toll next for thee, if you are someone who is looking for power from a Federal power project if your burgeoning population or industrial base depends on a project like the Hoover Dam. The answer, as he has stated with great clarity and force, is that the Federal Government should be in business not to make a profit but to provide for those who are willing to repay in full the costs to do so.

In the interest of saving time but perhaps counter to the thought of my friend from Arkansas that we should quickly but more fully debate these issues, I shall put into the RECORD, with the unanimous consent of my colleagues, information which I think indicates a basic misconception on the part of my friend from Ohio, who, it would appear, has confused the cost of power at Hoover Dam wholesale with the cost of power delivered to customers in the service area. I only say that, without intending to do so, I think he has misstated costs and perhaps from that confusion arises his own concern.

I conclude, Mr. President, by commending my friend from Washington for a very clear statement of the issue and my friend from Arkansas for a very clear statement of a concern that I think we all need feel about reforming our procedures.

I thank the Chair and I thank my distinguished colleague.

Mr. President, I ask unanimous consent to have printed in the RECORD, the information I referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On July 27, Senator METZENBAUM sent a letter to his colleagues in which he said:

"This incredibly cheap power is available to just three states—parts of Southern California, Nevada and Arizona. Consumers in

the other 47 states must pay 20 times as much for their electricity."

Senator METZENBAUM continued:

"Here's a concrete example: Last month, a fairly typical Northern Virginia consumer used 2000 kwh of electricity for air conditioning. The bill was $146. In Cleveland, the same usage would have cost $158. But if you are fortunate enough to be a consumer of Hoover Dam power, you would pay only $8 for the same usage!"

Senator METZENABUM is badly mistaken.

The facts are that 2000 kwh purchased from any utility in California which is a Hoover Dam power contractor would cost from $136.20 to $177.04.

The figures are as follows:

Los Angeles	$134.20
Glendale	137.00
Burbank	155.72
Pasadena	144.18
Edison	177.04

Mr. METZENBAUM's letter confused the cost of power at the dam, wholesale, with the cost of power delivered to customers, at retail, several hundred miles away. Those delivered costs include not only the cost of transmission and distribution, but the cost of steam-generated power which is essential to supply the customers' demand during the hours of the day when Hoover hydro is not available. Indeed, the water supply is only adequate to operate the Hoover generators at full capacity less than four hours per day. Hoover power is used for meeting only the peak loads in the evening or during emergencies. The utilities in California, like those elsewhere, must depend on power generated by the use of fossil fuels, or nuclear plants, to meet their base loads.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, comments have been directed at the rules of the Senate, especially by our colleague, Senator BUMPERS of Arkansas, rather than on the specifics of the vote of yesterday or votes that come today on the Hoover power issue. I think we ought to face up to the fact that the Senate needs changes, not in one degree but in many degrees, in its rules and procedures.

I was defeated by five votes in an attempt, during the 97th Congress, to change the rules which would have required that Senators be at their desks when voting. I did not get angry about that result, but I was upset, naturally, that there was not the same desire of a majority of Senators at that time. Hopefully, we can make the needed change at some time in the near future and stop jamming the well at the time of rollcalls. I have never tried to make the Senate rigid. Senators must be able to move about from desk to desk and talk to their colleagues. But at the time of the rollcalls, a Senator I think has a responsibility, not as a matter of dignity but as a matter of decorum and discipline in this body, to vote at his or her desk.

I often have talked with people in the galleries, and they have wondered what has really happened on rollcalls. Especially when we have the situation time after time when it is a maelstrom rather than a well-ordered vote on a specific measure.

I take the further opportunity—and I shall delay action only for a few more minutes—to remember so well, as some other Senators will, when we had a special study committee in the Senate on rules and procedure. It was headed at that time by the able Senator from Iowa, Harold Hughes. There was an extensive hearing process during which Senators were asked to come and discuss the need for possible changes in the rules of the Senate. I appeared before the members of the committee. I am not saying that I am always right, but I felt it was very important that we stop holding meetings of our committees during the time when consideration was being given to important measures in this Chamber. I have seen over and over again, and it is understandable, that we would be involved in committee hearings and the Senate would be in session. As we know, amendments to a bill can be offered quickly.

I find many times that when we rush from the committee into this Chamber, we are asked to consider an important subject matter that is presented by an amendment which has never been printed. Often these amendments have hurriedly been prepared and have been sent to the desk and quickly read. We are then asked to hurriedly cast a vote on an issue that has had little or no debate.

I am not sure that what I am now saying has any agreement from Senators, but I believe that an amendment should be offered, printed, and lay on the desk for 24 hours before that amendment could be voted on. Also, we must not hold committee meetings at the time that we are considering subject matters on the floor of the Senate of the United States. I yield to my colleague.

Mr. McCLURE. I thank the Senator from West Virginia for yielding. I just wanted to make this observation about this particular bill. The amendment which was offered by the Senator from Nevada had been submitted to the Senate 6 weeks before this bill came before the Senate last time. The Senator from Nevada fully exposed for review of the Senate what was going to be voted upon, before the bill passed the Senate last time. So I think that whatever concern the Senator from West Virginia has about the amending procedure, it has been more than fully complied with in terms of notice and in terms of rules of procedure.

Mr. RANDOLPH. My colleague from Idaho, the chairman of the Energy Committee, is correct about the pending amendment. I only take this opportunity to discuss something he also knows takes place time and time again when there is not the opportunity of a well-planned amendment to be discussed in a way that will give Senators adequate time to study that amendment. I prefaced my remarks today by saying it had no reference to the pending matter because I saw the opportunity as a result of what the Senator from Arkansas [Mr. BUMPERS] was saying. He was saying that we should amend the rules of the Senate of the United States. We should have, and we never will have, I am sure—when I leave here on January 3, I know that we will not have done it—no meetings of committees when we are debating and voting in the Senate of the United States. I would like to see the decision made in the Senate that we have 4 hours for committee meetings in the morning with no Senate session or we have a division of that day. We could have committee days and legislative days except under emergency sessions. I am not warning. I have no right to do that. I am only saying that someday hopefully this body will act upon some of the recommendations which were made years ago to that earlier committee on Senate procedure.

Mr. HECHT. Mr. President, I would once again like to summarize the reasons why S. 268 deserves final Senate approval this afternoon. As the original sponsor of the Senate amendment which now is the main body of this House-passed bill. I want to assure my colleagues that this is a sound piece of legislation, representing the culmination of fully 5 years of administrative and legal battles over the future allocation of power from Hoover Dam.

The 50-year power allocation contracts for Hoover Dam are due to expire in 1987, less than 3 years from now. In order to provide adequate time for utility planning and the execution of these new contracts, we must pass S. 268 now. It is imperative that we act now to authorize the $77 million in improvements at Hoover Dam, so that the States of Nevada, Arizona, and California can begin to raise the upfront capital required under this bill.

The Senator from Ohio continues to insist that S. 268 is being rushed through the Senate. This simply is not true, S. 268 has already passed the Senate once, by unanimous consent. It has passed the House of Representatives by an overwhelming margin. Hearings have been held in both bodies. Where was the Senator from Ohio during the entire 13 months that this legislation has been before Congress?

My reasons for opposing his amendments at this time are quite simple. This is not the time or the place to be debating the fundamental issue of Federal hydropower pricing policy. The bill's sponsors have offered to hold additional hearings on the pricing of power from Hoover Dam. We have offered to make the Hoover con-

tracts subject to any pricing changes that Congress might choose to make in the future. What more can we offer in the context of this legislation?

Let me conclude this statement by thanking all of my colleagues who have helped in the shaping of S. 268; 12 months ago, I would not have believed that the States of Nevada, Arizona, and California could agree on what direction the Sun sets over Hoover Dam. Today, after months of negotiation and compromise, Senators CRANSTON, WILSON, GOLDWATER, DECONCINI, LAXALT, and I stand together on the floor of this body in full support of S. 268. This was no small feat.

I also want to thank Senator MCCLURE and Congressman UDALL, the respective committee chairmen in the House and Senate, for their help in guiding this legislation. We could not have done it without them.

Finally, I would like to extend a special thanks to Senator EVANS from Washington, who as former chairman of the Pacific Northwest Power Planning Council, has to be one of the Senate's foremost experts on hydroelectric power and marketing. He has been a great help here on the Senate floor during the past few days. As have the rest of my colleagues who have voted in favor of prompt consideration of S. 268.

Again, I urge my colleagues support for final passage of S. 268, the Hoover Powerplant Act.

MARKET PRICING

● Mr. GOLDWATER. Mr. President, Federal hydropower must continue to be sold at the lowest price consistent with sound business principles. This pricing concept was adopted by Congress in 1936 and is the heart of Federal water policy management. The Federal Water Power Act of 1920 adopted this concept with regard to private hydropower development under license from the Federal Energy Regulatory Commission. It is difficult to square with amendments arguing for market pricing. There is no need to change national policy.

Many of the arguments for market cost pricing are based on the idea that it will eliminate conservation of electric energy. During the past decade, electric energy has increased over 57 percent in cost. This increase in cost has already encouraged consumers to reduce use to the lowest point consistent with their needs. Energy growth has slowed from 7 percent annually compounded to approximately 1.2 percent. Market cost pricing for scarce Federal hydropower will not encourage further reduction in use.

In essence, market pricing is new tax on use of energy by Federal hydropower consumers. The purchase of oil for storage, in the event of an OPEC-caused shortage, is a national burden and is paid from the National Treasury. Federal hydropower represents an investment which is being repaid by the consumers.

There is no need for the United States to make a profit from Federal hydropower resources. As noted above, when the Federal Water Power Act was passed in 1920, it was intended to stimulate private development of water resources. However, the great cost of dams and powerhouses caused the United States to construct and to operate these multipurpose structures created for water storage, for irrigation, for generation of electric power, for flood control and to stimulate interstate commerce. Many times, power has paid for the other uses of the structures.

To now turn these structures into money machines to do what the Federal Water Power Act of 1920 and regulators for all of the States have forbidden is not proper. Charging all that the market can bear may be an attractive revenue philosophy, but it is entirely foreign to the concept that only a modest rate of return over investment should be allowed investor-owned utilities. Would market based pricing give a signal that all energy be market priced?

Clearly, the arguments for market pricing are specious. It is against the public interest.●

Mr. DECONCINI. Mr. President, I support the Hoover Dam bill as passed by the House and Senate earlier this year. The legislation was modified considerably by the House and represents a delicate balance of all municipal, agriculture, and power interests of the States of California, Arizona, and Nevada. The primary purpose of the bill is to authorize the enlargement of the Hoover powerplant to increase the generation of electricity to meet the many and growing needs of the lower basin States. This bill is especially important to the State of Arizona because Hoover Dam will provide the power necessary to support the Colorado River storage project, to provide energy needs for the central Arizona project.

While some will argue that we should not be selling Federal power at below-market rates, the primary purpose of the Federal power program is not to maximize the Government's revenues but to sell power from public projects at the lowest possible rates to consumers that will recover the Government's investment and pay the operating expenses. As written, S. 268 is really a proconsumer bill. Electric rates continue to escalate and our Nation's public cannot afford to pay the going market rates for Federal power. Large increases in the cost of power would be passed along to the retail users of electricity and to all who are the consumers of agricultural and manufactured goods which are produced with this power. Mr. President, the same arguments being used to raise Hoover's rates can be applied to every Government project around the country. Market pricing of Federal electric power is unlikely to stop at Hoover. The market approach to Hoover wold penalize millions of consumers without achieving any genuine beneficial gain to enhancing the environment.

Mr. President, we are all concerned that the Federal Government should get the greatest return to every dollar it invests. However, if the end result is to create greater inflation and place people who are already overburdened financially in a worse economic position, then we need to carefully review our Federal priorities.

The new contract terms in S. 268 call for 30-year contracts. Provisions have been included in the bill to adjust rates to recover fully all costs when necessary. We cannot plan our long-term energy needs in Arizona or other States without long-leadtimes to raise bonding necessary to meet the financial commitments associated with these needs. A 5-year contract term is not sufficient to plan utility needs and meet energy demands.

This legislation is very important to the State of Arizona. If the Senate continues to have questions over the merits of the cost-pricing provisions and contract terms in this legislation, hearings can be held next year to more thoroughly review the entire policy of Federal power marketing. For the time being, however, in order to make this valuable power available to meet the commitments of the States involved, and to avoid further litigation over Hoover power, this bill should be adopted without amendment.

Mr. EVANS. Mr. President, I understand that section 109 of S. 268 as amended by the House of Representatives includes authorization for construction of fish passage facilities with the Yakima River Basin in the State of Washington. Fish passage facilities at a number of the irrigation dams on the Yakima River were authorized by the act of March 10, 1934. A number of the dams, however, were constructed prior to enactment of that act, and have no fish and wildlife purpose authorized.

Section 4(h)(10) of the Pacific Northwest Electric Power Planning and Conservation Act authorizes the Bonneville Power Administration to use the Bonneville fund to protect, mitigate, and enhance fish and wildlife resources to the extent affected by the development and operation of hydroelectric projects on the Columbia River and its tributaries. These measures may include offsite mitigation and enhancement, such as construction of fish passage facilities at irrigation dams that have no hydroelectric

component. Section 4(h)(1)(B) of the Northwest Power Act, however, explicitly states that nothing in this section shall alter, modify, or affect the rights and obligations of any agency, entity, or person under such laws.

Without authorization such as provided in section 109 of S. 268, or in an appropriations bill, is it correct that the Secretary of the Interior is without authority to allow construction of fish passage facilities at Bureau of Reclamation facilities which have no authorized fish and wildlife or hydroelectric purpose?

Mr. McCLURE. That is correct.

Mr. EVANS. Furthermore, section 109 of S. 268 as amended by the House of Representatives authorizes the Secretary of the Interior to accept funds from any entity, public or private, to design, construct, operate, and maintain fish passage facilities within the Yakima River Basin. Section 4(h)(10)(A) of the Northwest Power Act requires that expenditures from the Bonneville fund to protect, mitigate, and enhance fish and wildlife resources shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other provisions of law.

Without authorization such as provided in section 109 of S. 268, or in an appropriations bill, is it correct that the Secretary of the Interior is without authority to receive funds from any other entity, including the Bonneville Power Administration, to design, construct, operate, and maintain fish passage facilities at Bureau of Reclamation installations which do have an authorized fish and wildlife purpose?

Mr. McCLURE. That is correct.

Mr. EVANS. It is my understanding that there is nothing in section 109 of S. 268 that would provide for the appropriation of water by any entity or any derogation of water rights currently established under Federal or State law. Is that correct?

Mr. McCLURE. That is correct.

Mr. EVANS. Finally, it is also my understanding that nothing in this section would alter or establish the respective water rights of the States, the United States, Indian tribes, or any other individual with respect to water or water-related rights. Is that correct?

Mr. McCLURE. That is correct.

Mr. EVANS. I thank the chairman for answering these questions, and for his leadership on this issue. I share his interpretation of this legislation and its interrelationship with the Pacific Northwest Electric Power Planning and Conservation Act and other Federal law. I strongly urge the Senate to accept this House amendment to S. 268.

Mr. McCLURE. Mr. President, I do not know of anyone who desires to speak on this motion. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, just to refresh the memories of the body, before we vote—and I think we are prepared to vote—this bill was reported from committee. The administration had testified with respect to this issue before the committee. So there was that much hearing with respect to the issue which is before us. The Senator from Nevada had submitted a written amendment 6 weeks prior to its consideration on the floor. The Senate approved the amendment and adopted the bill, as amended. It is now before us because the House amended the bill in other respects, and it has returned to us for the concurrence in the action of the House. The motion before us is to concur in the House amendment in the nature of a substitute. I think we are prepared to vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the motion to concur. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], and the Senator from Tennessee [Mr. SASSER], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—64

Abdnor	Goldwater	Melcher
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hatch	Packwood
Baucus	Hatfield	Pressler
Bentsen	Hecht	Pryor
Bingaman	Heflin	Randolph
Boren	Heinz	Simpson
Bumpers	Helms	Specter
Burdick	Hollings	Stennis
Cochran	Huddleston	Stevens
Cranston	Inouye	Symms
DeConcini	Jepsen	Thurmond
Denton	Johnston	Tower
Dole	Kassebaum	Trible
Domenici	Kasten	Wallop
Eagleton	Kennedy	Warner
East	Laxalt	Weicker
Evans	Long	Wilson
Exon	Matsunaga	Zorinsky
Ford	Mattingly	
Garn	McClure	

NAYS—34

Biden	Glenn	Pell
Boschwitz	Hawkins	Percy
Bradley	Humphrey	Proxmire
Byrd	Lautenberg	Quayle
Chafee	Leahy	Riegle
Chiles	Levin	Roth
Cohen	Lugar	Rudman
D'Amato	Mathias	Sarbanes
Danforth	Metzenbaum	Stafford
Dixon	Mitchell	Tsongas
Dodd	Moynihan	
Durenberger	Nunn	

NOT VOTING—2

Hart	Sasser

So the motion to concur in House amendments to S. 268 was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I move that the Senate concur in the House amendment to the title.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE SESSION

THE JUDICIARY

The PRESIDING OFFICER. The Senate will now go into executive session to resume consideration of the nomination of James Harvie Wilkinson III, of Virginia, to be a U.S. circuit judge for the fourth circuit, with 1 hour of debate, pursuant to a unanimous consent agreement, to be equally divided and controlled by the Senator from Massachusetts, Mr. KENNEDY, and the chairman of the Judiciary Committee, Mr. THURMOND, or their designees.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion and ask that it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Harvie Wilkinson III, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Bob Kasten, Paul Trible, John East, Slade Gorton, Pete Wilson, Chic Hecht, William D. Armstrong, Daniel Evans, Jesse Helms, Orrin Hatch, Jeremiah Denton, Thad Cochran, and Paul Laxalt.

UNANIMOUS-CONSENT AGREEMENT—S. 2201

Mr. BAKER. Mr. President, before we start the 1 hour provided for in the previous unanimous-consent agreement, there is one matter that is cleared on both sides for action by unanimous consent of a legislative nature, and that is the consideration of Calendar Order No. 865, S. 2201, a bill to convey certain lands to the Zuni Indian Tribe for religious purposes.

I ask unanimous consent that it may be in order, as in legislative session, to proceed to the consideration of that matter for not more than 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. BAKER. Mr. President, I further ask unanimous consent that no amendments be in order except a committee amendment and an amendment to be submitted by the distinguished Senator from Arizona, Mr. GOLDWATER; that no motion to recommit the bill will be in order; and that no time be permitted on a motion to reconsider.

Mr. President, I amend the request so that it is no motion to recommit with instructions or to refer with instructions.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. BAKER. Mr. President, under the arrangement, there will be 1 minute on the Zuni Indians, then we will be back in executive session for the purpose of resuming debate on the Wilkinson nomination. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

CONVEYANCE OF CERTAIN LANDS TO THE ZUNI INDIAN TRIBE

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order 865, S. 2201.

Mr. METZENBAUM. Is that the Zuni Indian bill?

Mr. BAKER. That is correct.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2201) to convey certain lands to the Zuni Indian Tribe for religious purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs with amendments as follows:

On page 2, at the beginning of line 16, insert "subject to any existing leasehold interests.".

On page 3, line 2, after "acquire" insert "through purchase or exchange".

On page 3, line 3, after "lands" insert "and leasehold interests".

On page 3, after line 13, insert:

SEC. 5. (a) The Secretary of the Interior shall make available for sale to Apache County, Arizona, land which—

(1) is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

(2) is located within the boundaries of Apache County, Arizona, and

(3) consists of a number of acres equal to the number of acres of land that—

(A) are acquired in fee under section 3 by the Secretary of the Interior or the Zuni Indian Tribe, and

(B) are subject to taxation by Apache County, Arizona, on the date of enactment of this Act.

(b)(1) The Secretary of the Interior shall designate the land which is available for sale under subsection (a) by no later than the date which is two years after the date of enactment of this Act. The Secretary of the Interior shall publish in the Federal Register a description of any land so designated.

(2) The designation of land under paragraph (1) shall be subject to any land transfer which is required in order to carry out any relocation pursuant to Public Law 93-531.

(3) Land which is designated by the Secretary of the Interior under paragraph (1) shall be available for sale under subsection (a) during the period which begins on the date which such designation is made and ends of the date which is four years after the date of enactment of this Act.

(c)(1) If Apache County, Arizona, agrees to use any portion of the land purchased under subsection (a) only for public purposes, the price at which such portion of the land shall be sold to Apache County under subsection (a) shall be equal to the lesser of—

(A) the price at which Apache County could acquire such land under the Federal Land Policy Management Act of 1976, or

(B) the price at which Apache County could acquire such land under the Act of June 14, 1926 (44 Stat. 741; chapter 578).

(2) If Apache County, Arizona, does not agree to use a portion of the land purchase by such county under subsection (a) only for public purposes, the price at which such portion of land shall be sold under subsection (a) shall be fair market value of such portion of land determined with regard to the current use of such portion of land on the day preceding the date of such sale.

(d) The provisions of this section shall not delay the transfer of any land under this Act for the benefit of the Zuni Indian Tribe.

On page 5, line 14, strike "5" and insert "6".

On page 6, line 1, strike "6" and insert "7".

On page 6, after line 5, insert ".

SEC. 8. Payment being made to any State or local government pursuant to the provisions of section 1601 of title 31, United States Code, on any lands transferred pursuant to section 2 hereof shall continue to be paid as if such transfer had not occurred.

The PRESIDING OFFICER. The question is on the first committee amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were considered and agreed to en bloc.

AMENDMENT NO. 3583

(Purpose: To deny fencing activity at the area commonly referred to as Big Mountain within the former joint use area for 2 years after the date of enactment of this act)

Mr. BAKER. Mr. President, on behalf of the distinguished senior Senator from Arizona [Mr. GOLDWATER], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. GOLDWATER, proposes an amendment numbered 3583.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

"SEC. 9. Notwithstanding 25 USC 640d-18 (c)(1), the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act."

Mr. GOLDWATER. Mr. President, under existing law, the Secretary of the Interior is directed to fence off the Navajo partitioned lands and the Hopi partitioned lands, of the former joint use area. Presently, plans are underway to fence off the area known as Big Mountain. This area is also the focal point in pending land exchange negotiations between the Navajo and Hopi Tribes. A very volatile situation exists at Big Mountain; by fencing it, there is a real potential for violence, and this is something I am sure none of the concerned parties want to see happen. Events are escalating to the point where things could go completely out of control and action must be taken immediately to defuse this critical situation. I will tell my colleagues that I view this as a temporary, but much needed, measure since I plan to introduce legislation next year that will provide a permanent and equitable land exchange involving Big Mountain if the Navajo and Hopi Tribes cannot resolve their differences this year. This amendment, however, is needed at this time and I urge my colleagues to support me in this.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3583) was agreed to.

Mr. ANDREWS. Mr. President, today we consider the passage of S. 2201, which will provide for the settlement of ancient claims of the Zuni Pueblo concerning the area known as Zuni Heaven that is central to the religious beliefs of the Pueblo. This legislation provides for a complex arrangement of transferring Federal lands to the Pueblo, State lands that will be exchanged with other public lands and transferred to the Pueblo, and private lands and leasehold interests to be purchased by the Zuni Pueblo with its own resources.

Section 7 of the bill provides that the sale of these interests by private parties to the Zuni Pueblo will be treated as a section 1033 involuntary conversion for Federal income tax purposes. Similar provisions are often an important element in the complex settlement that are crafted to resolve Indian land claims.

Since section 7 is a tax provision, it is a matter within the jurisdiction of the Senate Committee on Finance which is responsible for all tax and revenue measures. Given the urgent circumstances that compel prompt consideration of S. 2201, there is not sufficient time for a referral of this matter to the Committee on Finance. Accordingly, I am grateful that Senator DOLE, chairman of the Finance Committee, has consented to Senate consideration of this measure, with the understanding that in the future any similar tax provisions will be referred to the Finance Committee for its consideration or some other mutually satisfactory arrangement will be made.

Mr. DOLE. Mr. President, I thank the Senator from North Dakota. As he has correctly stated I will not object to the consideration of S. 2201 with the understanding that any future provisions dealing with the tax aspects of Indian claims settlements will be referred to the Senate Committee on Finance or some other mutually satisfactory arrangement will be worked out.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of securing the following described lands located in the State of Arizona, upon which the Zuni Indians depend and which the Zuni Indians have used since time immemorial for sustenance and the performance of certain religious ceremonies, the following are hereby declared to be part of the Zuni Indian Reservation:

Beginning at the northeast corner of section 26, township 15 north, range 26 east, Gila and Salt Rivers meridian; thence west to the northwest corner of section 28, township 15 north, range 26 east; thence south to the southwest corner of section 16, township 14 north, range 26 east; thence east to the southeast corner of section 14, township 14 north, range 26 east; thence north to the point of beginning.

Also all of sections 26 and 27, township 14 north, range 26 east, Gila and Salt Rivers meridian.

SEC. 2. All lands described in the first section of this Act which are presently owned by the United States are hereby declared to be held in trust for the Zuni Indian Tribe subject to any existing leasehold interests. The Secretary of the Interior is authorized and directed to acquire through exchange those lands described in such section which are owned by the State of Arizona, and shall exchange lands under the jurisdiction of the Bureau of Land Management within the State of Arizona for said State lands. Such lands will be transferred without cost to the Zuni Indian Tribe and title thereto shall be taken by the United States in trust for the benefit of said tribe.

SEC. 3. The Secretary of the Interior or the Zuni Indian Tribe is authorized to acquire through purchase or exchange the remaining private lands and leasehold interests described within the first section of this Act which are not presently owned by the United States or the State of Arizona, and when acquired, title to such lands shall be held by the United States in trust for the Zuni Indian Tribe.

SEC. 4. The Secretary of the Interior is directed to immediately acquire by voluntary agreement the permanent right of ingress and egress to all lands described in the first section of this Act for the limited purpose of allowing the Zuni Indians to continue to use said lands for traditional religious pilgrimages and ceremonials.

SEC. 5. (a) The Secretary of the Interior shall make available for sale to Apache County, Arizona, land which—

(1) is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

(2) is located within the boundaries of Apache County, Arizona, and

(3) consists of a number of acres equal to the number of acres of land that—

(A) are acquired in fee under section 3 by the Secretary of the Interior or the Zuni Indian Tribe, and

(B) are subject to taxation by Apache County, Arizona, on the date of enactment of this Act.

(b)(1) The Secretary of the Interior shall designate the land which is available for sale under subsection (a) by no later than the date which is two years after the date of enactment of this Act. The Secretary of the Interior shall publish in the Federal Register a description of any land so designated.

(2) The designation of land under paragraph (1) shall be subject to any land transfer which is required in order to carry out any relocation pursuant to Public Law 93-531.

(3) Land which is designated by the Secretary of the Interior under paragraph (1) shall be available for sale under subsection (a) during the period which begins on the date which such designation is made and ends on the date which is four years after the date of enactment of this Act.

(c)(1) If Apache County, Arizona, agrees to use any portion of the land purchased under subsection (a) only for public purposes, the price at which such portion of the land shall be sold to Apache County under subsection (a) shall be equal to the lesser of—

(A) the price at which Apache County could acquire such land under the Federal Land Policy Management Act of 1976, or

(B) the price at which Apache County could acquire such land under the Act of June 14, 1926 (44 Stat. 741; chapter 578).

(2) If Apache County, Arizona, does not agree to use a portion of the land purchase by such county under subsection (a) only for public purposes, the price at which such portion of land shall be sold under subsection (a) shall be fair market value of such portion of land determined with regard to the current use of such portion of land on the day preceding the date of such sale.

(d) The provisions of this section shall not delay the transfer of any land under this Act for the benefit of the Zuni Indian Tribe.

SEC. 6. The value of the interest in land conveyed or any funds expended pursuant to this Act or any other sums expended or services rendered gratuitously or otherwise by the United States for the benefit of the Zuni Indian Tribe or its members from 1846 to the present shall not be offset against any award of judgment against the United States which may be rendered in favor of the Zuni Indian Tribe in Docket Numbers 161-79L and 327-81L presently pending before the United States Court of Claims. The Zuni Indian Tribe may encumber its interest in said dockets in order to acquire the lands described in section 3.

SEC. 7. For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private lands or leasehold interests to which section 3 applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such code.

SEC. 8. Payment being made to any State or local government pursuant to the provisions of section 1601 of title 31, United States Code, on any lands transferred pursuant to section 2 hereof shall continue to be paid as if such transfer had not occurred.

SEC. 9. Notwithstanding section 640d-18(c)(1) of title 25, United States Code, the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield the floor.

NOMINATION OF JAMES HARVIE WILKINSON III, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. The Senate will now resume consideration of the nomination of James Harvie Wilkinson III, of Virginia, to be U.S. circuit judge for the fourth circuit.

Mr. BAKER. Mr. President, Members should be on notice that a cloture vote will occur without the rule XXII quorum call, which was dispensed with by unanimous consent under the previous order, 1 hour from now.

Could I inquire of the Chair when that hour is interpreted to have begun to run?

The PRESIDING OFFICER. From this moment.

Mr. BAKER. Very well, Mr. President. There will be a vote on cloture at 7 minutes before 5 o'clock this evening. Senators should be on notice of that fact.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, as I understand, under the agreement there is 1 hour equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I am quite prepared to speak in opposition to this nomination. We are hopeful that those who favor this amendment will advance their cause before the

Senate to try to persuade us. If those who favor the nominee are not prepared to do so, I am quite prepared to speak in opposition, or I would reserve my time.

Mr. BAKER. Mr. President, I believe the distinguished chairman of the Judiciary Committee has control of the time of those who favor the nomination.

The PRESIDING OFFICER. The majority leader is correct.

Who yields time?

Mr. KENNEDY. Mr. President, I wanted to afford the courtesy to those who supported this nominee for this extremely important position the opportunity to make their presentation in favor of the nominee. However, I yield myself such time as I might use.

Mr. President, I strongly oppose Senate action on the nomination of J. Harvie Wilkinson to the fourth circuit.

More than 4 months have passed since I joined other Senators from both sides of the aisle in requesting a further hearing on this nomination in the Judiciary Committee.

More than 2 months have passed since my colleagues and I raised significant questions on the Senate floor about the qualifications of Mr. Wilkinson to be a Federal judge. And during all that time, no hearing has been held. The Senate has a right to know why Mr. Wilkinson has not been invited back to the Judiciary Committee to set the record straight on the numerous questions that have been raised. These questions are no less troubling today than they were 2 months ago or 4 months ago.

It is true that two hearings were held on this nomination—one in November 1983, and another in February 1984. But these two hearings were entirely pro forma—until major allegations against Wilkinson's qualifications and ethics were suddenly made at the second hearing.

There are numerous allegations against Wilkinson; they are serious allegations; and they deserve serious answers.

In my view, the stonewalling attitude of the Judiciary Committee with respect to these allegations is indefensible. The persistent refusal of the chairman of the Judiciary Committee to hold another hearing on this nomination strongly suggests that the nominee has no satisfactory answers.

The Senate should not vote to confirm a judicial nominee who has been under a dark cloud of allegations of impropriety for months, and has done absolutely nothing to dispel the serious doubts about his fitness to serve on the Federal bench.

Mr. Wilkinson presents a formidable combination of inadequacies.

He is the least qualified nominee ever submitted for an appellate court vacancy. Many academics have been appointed to the Federal appellate bench in the past, but all have had at least limited—and often substantial—practical legal experience. Wilkinson has zero experience—no clients, no trial court experience, no appellate court experience, no clinical legal courses in his teaching.

Mr. Wilkinson, who was admitted to the bar in 1972, in fact has fewer years as a member of the bar than any circuit court nominee from the creation of the circuit courts of appeal in 1891 through the end of 1980. And three of those years were actually spent outside the field of law, as an editorial writer for the Norfolk Virginian-Pilot newspaper. And in an editorial of July 2, 1983, the Virginian-Pilot, his own newspaper, opposed the nomination.

Mr. Wilkinson's lack of experience was a source of serious embarrassment to the Department of Justice during his year of service as Deputy Assistant Attorney General in the Civil Rights Division.

On one occasion, Wilkinson's ignorance of court procedures resulted in a Federal court assessing a fine against the Department because Wilkinson had caused the Civil Rights Division to miss a court deadline for responding to interrogatories.

Here is how one of the attorneys in the Civil Rights Division, Mr. Timothy Cook, described the situation, as reported in the June 1984 issue of Commonwealth, the Magazine of Virginia:

> One afternoon, Cook was in his office busily researching a case that grew out of a dispute over services provided to handicapped patients at Baylor University Medical Center when he received an urgent call to report to Wilkinson's office for a group discussion on the case.
>
> In his hand, Wilkinson waved a fistful of paper. "Why are we doing this?" Cook says Wilkinson demanded of his attorneys. "Why are we serving interrogatories on them? Why are we harassing defendants like this?"
>
> Cook exchanged a disbelieving glance with the other attorneys gathered in Wilkinson's office. Wilkinson had failed to note that he was reviewing his own Department's answers to interrogatories filed by the other side.
>
> "He didn't understand that the other side had filed the interrogatories on us, and that we had to answer them," says Cook. "On his qualifications to be a judge? He doesn't understand basic pleadings."
>
> According to Cook, Wilkinson's naivete resulted in court fines to the Department for the delay in answering the interrogatories. "It's sort of unheard of for Department attorneys to be fined for not answering interrogatories," says Cook. "The other part of that is that he didn't understand what was going on."

This was the second time in the same case that Wilkinson had angered the court. The judge had also threatened to rule against the Justice Department when Wilkinson delayed filing a necessary response by the Government to a motion for summary judgment filed by the medical center. Mr. Cook has also described Wilkinson's reaction to this episode:

> I recall vividly the sadness I felt at seeing Deputy Assistant Attorney General for Civil Rights J. Harvie Wilkinson rejoice at the news that the Federal judge for the case had threatened to rule against the Government for failing, due to intentional delay in the front office, to file pre-trial papers on time—it was a way out, and it could be blamed on the judge.

It is apparently unprecedented in the Civil Rights Division for the Government to be fined for ignoring basic procedural requirements in litigation, and I understand that such fines are virtually unprecedented in the entire Department of Justice. Under Republican or Democratic administrations, the Government prides itself on the quality of its legal performance—Mr. Wilkinson's performance was all the more embarrassing because his inexperience tarnished this tradition of excellence.

Extraordinary allegations have also been raised that Wilkinson conducted an unethical and excessive lobbying campaign aimed at the American Bar Association Committee on the Federal Judiciary, in order to secure a "qualified" rating from the committee.

Officials of the Justice Department obtained and improperly divulged the results of the confidential preliminary ABA investigation to the nominee, informing him that the ABA investigating committee members were in disagreement, that a vote was about to be taken, and that his approval by the committee was in jeopardy.

Wilkinson used the information improperly obtained from Justice Department officials to organize an intensive and unprecedented lobbying campaign to persuade the ABA committee to rate him "qualified."

Officials of the Justice Department who were supporters of Mr. Wilkinson conducted their own high pressure lobbying campaign to secure enough votes for a rating of "qualified" by the ABA committee.

Even Supreme Court Justice Lewis F. Powell, Jr., was part of the lobbying campaign. My purpose here is not to criticize Justice Powell. He has been a family friend of Wilkinson's father for many years, and Wilkinson served as a law clerk to Justice Powell in the 1970's. But the incident does illustrate the extreme lengths to which Wilkinson was prepared to go in abusing Justice Powell and the ABA investigating committee.

Powell had initially been contacted by the two ABA committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then initiated a contact with a third member of the committee whom Powell knew, and lobbied him for Wilkinson.

His relationship with Justice Powell was not the only relationship that

Wilkinson misused in approaching the ABA.

Wilkinson also unfairly and unethically pressured his own students at the University of Virginia Law School. Some of the students refused. But Wilkinson succeeded in persuading a black student to lobby the black member of the ABA committee on Wilkinson's behalf. At the time, the student had taken a course from Wilkinson, and Wilkinson had written recommendations for him for his future career.

The ABA committee was concerned enough about the lobbying campaign for Wilkinson that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas to reprimand them. The chairman of the committee admitted that "it was the timing of these calls which was objectionable."

Notwithstanding the ABA committee's written guidelines which recommend substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the committee found Wilkinson to be qualified. The committee has never before given a qualified rating to such a nominee.

Finally, in addition to his improper activities during his confirmation process, Mr. Wilkinson, while at the Justice Department, participated in interviewing at least one candidate for the fourth circuit vacancy he has been nominated to fill after he himself expressed interest in being nominated to fill that vacancy.

These allegations raise serious questions which the Senate needs answered before it votes on Wilkinson's nomination. Many of us raised these questions in the Senate Judiciary Committee months ago. Yet we have received absolutely no response on these serious issues.

The Judiciary Committee has had ample time to hold an additional hearing on this nomination, but has refused to do so. The obvious inference is that Wilkinson cannot answer these questions.

The integrity of the judicial selection process is fundamental to the integrity of our judicial system. We must not abdicate our responsibility to assure that the Senate confirmation proceedings are full, fair, and unbiased. I urge the Senate to delay action on this nomination until the Senate Judiciary Committee does its job, and conducts an adequate hearing to address these questions. In its present posture, the Wilkinson nomination is an embarrassment to the State of Virginia, to the fourth circuit, to the Supreme Court, and to the U.S. Senate, and Wilkinson should not be confirmed.

Mr. President, I have compiled a list of quotations by individuals involved in this nomination that I think sum up the serious problems with this nominee.

I ask unanimous consent that these quotations be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUOTATIONS ON THE WILKINSON NOMINATION

"It is never too soon to begin stressing merit over connections."—Editorial by Wilkinson on merit selection of judges, Norfolk Virginian-Pilot, January 18, 1979.

"I am talking about having represented a client at some point in his life. I am talking about having written a brief, arguing an appeal, having done something that shows that he understands the nature of the attorney-client relationship. That is a huge gap in Mr. Wilkinson's background and one, since he is a young man, that he can take time to develop before being appointed to the Fourth Circuit Court of Appeals. . . . We have before us, frankly speaking . . . a man who at this stage in his career is facially unqualified to be appointed to the Fourth Circuit Court of Appeals."—Elaine Jones, NAACP Legal Defense Fund, Senate Judiciary Committee, February 22, 1984.

"I recall vividly the sadness I felt at seeing Deputy Assistant Attorney General for Civil Rights J. Harvie Wilkinson rejoice at the news that the federal judge for the case had threatened to rule against the government for failing [due to intentional delay in the front office] to file pre-trial papers on time—it was a way out, and it could be blamed on the judge."—Timothy Cook, letter of resignation from Civil Rights Division of Justice Department, October 18, 1983.

"He didn't understand that the other side had filed the interrogatories on us and that we had to answer them. On his qualifications to be a judge? He doesn't understand basic pleadings . . . . It's sort of unheard of for department attorneys to be fined for not answering interrogatories. The other part of that is that he didn't understand what was going on."—Timothy Cook, Commonwealth (Virginia) Magazine, June 1984.

"The court finds that the Defendant's failure to file answers within the time agreed to by the parties was not substantially justified. There are no circumstances which make an award of expenses unjust . . . . It is, therefore, ordered that the Defendant shall recover the sum of $250.00 from the Plaintiff as reasonable attorneys' fees"—William F. Sanderson, Jr., U.S. Magistrate, N.D. Texas, penalizing Justice Department for Wilkinson's failure to respond to interrogatories in *U.S.* v. *Baylor*, March 11, 1983.

"[There were] thirty to forty instances where Reynolds and Wilkinson refused to enforce civil rights laws, mostly relating to the rights of the handicapped, because that was my area. But I also spoke to a good number of lawyers in the department and learned that it went on in other areas such as in suits involving sex and race discrimination as well."—Timothy Cook, Commonwealth (Virginia) Magazine, June 1984.

"He's made phone calls, visited Congressmen's offices, and done everything except take out billboards and airplanes with streamers."—Norfolk Virginian-Pilot, Nov. 15, 1983, describing Wilkinson's lobbying campaign.

"Jay told me time was of the essence. He knew the vote was the next day, or maybe that I had a day [to make the call]. Jay told me three days later that it had helped."—Black University of Virginia law student pressured by Wilkinson to call black ABA member before the critical ABA vote, Washington Post, May 27, 1984.

"I was concerned by what [ABA Investigator] Mr. Land had said about the report from my state. This prompted me to call Gene W. Lafitte, of New Orleans, on my own initiative."—Supreme Court Justice Lewis F. Powell, Jr., on his call to a member of the ABA Committee. March 12, 1984.

"I was personally concerned that it had apparently become known that the investigating committee members were not in agreement, and that vote was being taken. I took up that concern with the Justice Department . . . . In this particular case, it was the timing of the calls which was objectionable."—Frederick G. Buesser, Jr., Chairman, ABA Standing Committee on Federal Judiciary, letter to Senate Judiciary Committee, March 5, 1984.

"Former Deputy Attorney General Schmults said yesterday that he was the Justice official to whom Buesser complained. Schmults also acknowledged that he and [Assistant Attorney General Jonathan] Rose had made calls to several committee members, mentioning the fact that [ABA investigators] Howard and Lane were split on Wilkinson's qualifications for the bench. 'I regretted that and I wrote that to Buesser,' Schmults said. 'How they [the two investigators] were leaning should be confidential.' "—Washington Post, March 15, 1984.

"Former Assistant Attorney General Jonathan Rose, one of the two senior Justice officials who, foes charge, helped in the lobbying for Wilkinson, last week said he did not recall doing so."—Washington Post, May 27, 1984.

"Mr. Schmults and Mr. Rose used poor judgment on behalf of a friend."—New York Times, April 1, 1984, quoting Frederick G. Buesser, Jr.

"Jay has tried to position himself for the Supreme Court. He felt that if he were in the right place at the right time, along with his connections to Justice Powell, he'd have a good shot at an appointment. By getting on the Fourth Circuit Court of Appeals, he'll have that shot."—Robert Smith, Editorial writer under Wilkinson at Norfolk Virginia-Pilot, Commonwealth (Virginia) Magazine, June 1984.

"Virginia's freshman Paul Trible has spoken for him but John W. Warner, some of whose own candidates were passed over in favor of Mr. Wilkinson, has been quiet."—Baltimore Sun, June 17, 1984.

Mr. THURMOND. Mr. President, I yield 5 minutes to the able Senator from North Carolina.

The PRESIDING OFFICER [Mr. SPECTER]. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I wish to speak briefly on behalf of the nominee. With all due respect to the senior Senator from Massachusetts, when I hear him speak of this nominee and then when I read the RECORD, it occurs to me we are talking about two entirely different people. Let me briefly recite the credentials of this gentleman.

He was educated at Yale University, where he received his B.A. degree and graduated Phi Beta Kappa and summa

cum laude. He is a graduate of the University of Virginia Law School, one of the most prestigious law schools in the United States. He served on the board of visitors and as an editor on the Law Journal. He was admitted to the bar in the State of Virginia in 1972. He served as a law clerk of the U.S. Supreme Court Justice, the Honorable Lewis F. Powell, who said of him:

In my view re your inquiry from Senator KENNEDY and others and your proper interest in Mr. Wilkinson's qualifications, I can say with confidence that of the some 45 fine clerks I have had in my 12 years on the Court, J. Harvie Wilkinson III ranks among the best. He is an exceptionally gifted legal scholar and a compassionate and thoughtful human being. In my opinion, he is fully qualified to serve on the Court of Appeals.

He served at the University of Virginia Law School—again, I remind my colleagues, one of the most prestigious schools in the land, from which the senior Senator from Massachusetts, incidentally, graduated. He was assistant professor of law from 1973 to 1975, an associate professor from 1975 to 1978.

He served from 1982 to 1983 as Deputy Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. So he has had practical legal experience.

Since 1983, he has been a full professor of law at the University of Virginia. Anyone from the academic community knows that the ability to achieve that kind of distinction shows a person of extraordinary intellectual and legal talent.

The ABA, in a letter to Senator THURMOND, chairman of the Judiciary Committee, has very carefully spelled out in a letter which the Senator from Massachusetts has seen, dated March 12, 1984:

There has been no undue influence. He has been voted substantially qualified.

It is noted that he is being appointed to an appellate judgeship, which puts an appropriate premium upon matters of teaching and academics, since actual trial work is not involved.

I have limited time in which to speak, Mr. President, but I think if Members of the Senate could read the very thoughtful letter from the American Bar Association and read the credentials that Mr. James Harvie Wilkinson has and the very eloquent statement made about him by the man on the U.S. Supreme Court under whom he clerked, one would have to come to the conclusion that the distinguished Senator from Massachusetts and I are talking about two entirely different men.

This is a man of first-rate academic credentials, of first-rate personal integrity. There is absolutely nothing in the record negative in quality or quantity or any other dimension. I submit it is a flawless nominee.

Mr. President, I am simply saying that this man, when you look at the record, is clearly highly qualified for the position for which he has been approved by the Judiciary Committee. I do ask my colleagues to invoke cloture and ultimately to vote for confirmation.

Mr. President, I thank the chairman of the Judiciary Committee.

Mr. THURMOND. I thank the able Senator from North Carolina.

Mr. President, a number of specific allegations relating to the Wilkinson nomination have been raised by several minority Senators. Most of these allegations involve actions of the Department of Justice and the American Bar Association.

Since the ABA had previously responded to similar questions, I contacted the Department of Justice for their assessment of these issues.

Based on this information, I have prepared a general discussion of each of the allegations. I will first state the allegation as presented by the minority, and then give my response.

ALLEGATION

Officials of the Justice Department obtained and improperly divulged the results of the confidential investigation to the nominee, informing him that the ABA Investigating Committee members were in disagreement, that a vote was about to be taken by the committee, and that his approval by the committee was in jeopardy.

RESPONSE

It is always important for the Department of Justice to maintain a close working relationship with the ABA Committee. Effective communication between the two is proper, necessary, and in the best interests of the Congress and the country. The relationship is not adversarial, but collaborative as they strive to assure that the judicial nominees submitted to the Senate are highly qualified. Often interim evaluations of judicial nominees are provided to the Justice Department by the ABA Committee. The Justice Department often discusses the ABA's concerns with the prospective nominee, who is the person most directly affected and most likely to possess relevant information. The decision of whether or not to divulge any information to the prospective nominee is made solely by the Justice Department, and thus this decision cannot reflect in any way on the prospective nominee. Such a discussion, which is neither unusual nor improper, is what occurred in this case.

ALLEGATION

The nominee used the information improperly obtained from Justice Department officials to organize an intensive lobbying campaign on his behalf to persuade the ABA Committee to rate him "Qualified."

RESPONSE

The nominee asked several persons who knew his personal and professional qualifications intimately to tender their views to the ABA Committee. The ABA acknowledges that:

It is not unusual for individuals with special information about a candidate under investigation to voluntarily supply this to the investigating committee members.

Indeed, the ABA stated that the committee members welcome this information as it can assist the committee in making an informed decision. Given this positive attitude, such communications can hardly be classified as improper. I am confident that the ABA Committee members, all of whom are competent and experienced lawyers, are capable of putting such unsolicited information in its proper perspective.

ALLEGATION

Officials of the Justice Department who were supporters of Wilkinson conducted their own lobbying campaign to secure enough votes for a rating of "Qualified" by the ABA Committee.

RESPONSE

Mr. Wilkinson had worked as a Deputy Assistant Attorney General for the Justice Department and his legal abilities were well-known and admired there. Justice Department officials were concerned that Mr. Wilkinson might be voted on by the ABA Committee without receiving their input. As late as 3 months after the ABA investigation had begun, no one at the Justice Department had been contacted by the ABA concerning Mr. Wilkinson's performance there. The Deputy Attorney General believed that a fair and complete evaluation could not be made without talking to those who had worked closely with Mr. Wilkinson at the Department. Of course, references from former employers and supervisors have a great bearing on the evaluation of a prospective judge. It is heartening to know that Department officials thought so highly of Mr. Wilkinson as to take the initiative of speaking to the ABA Committee on his behalf.

ALLEGATION

Supreme Court Justice Lewis F. Powell, Jr., was also part of the lobbying campaign. Wilkinson served in the 1970's as a law clerk to Powell, who had known the Wilkinson family well for many years. Powell had initially been contacted by the two ABA Committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then contacted a third member of the committee whom Powell knew, and lobbied for Wilkinson.

RESPONSE

The ABA Committee and sitting judges communicate regularly. In this

case, the opinions of Supreme Court Justices are particularly relevant. Mr. Wilkinson had clerked for Justice Powell. Justice Powell, therefore, was well acquainted with Mr. Wilkinson's temperament and his capacities as a lawyer. One call by Justice Powell, acting on his own, hardly constitutes a lobbying campaign; it was one small step to help prevent an injustice from being done. In this regard, let me quote a portion of a letter from Justice Powell regarding his conversations with members of the ABA Committee:

Mr. Lane, the committee member for District of Columbia, called me later (in November, I believe). As I recall, he stated he was calling me as a Virginian, and because of the negative report from Mr. Howard. I repeated the substance of what I had said to Mr. Howard. Also, responding to Mr. Lane's inquiry, I agreed that my name could be used. I wrote Mr. Howard informing him of Mr. Lane's call.

I was concerned by what Mr. Lane had said about the report from my state. This prompted me to call Gene W. Laffitte, of New Orleans, on my own initiative. Mr. Lafitte is a committee member and friend with whom I have been associated in the American College of Trial Lawyers. In a brief conversation with him, I told him of Mr. Lane's call, and repeated my view as to the qualifications of Mr. Wilkinson. I did not inquire where he stood, nor do I know how he voted.

I have had no other occasion to speak to members of the committee. It is, of course, not unusual for Federal judges to be asked their opinion as to the qualifications of persons under consideration for appointment to the Federal bench.

In view of your inquiry and your proper interest in Mr. Wilkinson's qualifications, I can say with confidence that of the some 45 fine clerks I have had in my 12 years on the Court, J. Harvie Wilkinson III, ranks among the best. He is an exceptionally gifted legal scholar, and a compassionate and thoughtful human being. In my opinion, he is fully qualified to serve on a court of appeals.

ALLEGATION

Key votes on the ABA Committee were changed because of the lobbying campaign and telephone calls directed by the nominee and others. The chairman of the committee stated that "it was the timing of these calls which was objectionable."

RESPONSE

In a letter to the Judiciary Committee, the ABA Committee Chairman said: "I'm convinced that such calls made on behalf of the candidate did not influence any votes in his favor. * * * It is important to know that in this case there was only one vote taken." In the absence of any other information from the ABA Committee about its decision, I know of no basis to allege that some telephone calls changed any votes in his favor. Rather, a "substantial majority" found Mr. Wilkinson to be qualified. That means that of the 14 total votes, there were as few as 4 and possibly only 1 in the negative. Thus, it is highly unlikely that calls made a real difference in the vote.

ALLEGATION

The ABA Committee was concerned enough about the lobbying campaign on Wilkinson, that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas in February 1984, to reprimand them.

RESPONSE

Representatives of the Justice Department responsible for the evaluation and selection of candidates for the Federal judiciary are invited to each meeting of the ABA Committee that evaluates the candidates. The ABA Committee meets twice a year in conjunction with the annual and mid-year meetings of the ABA. Department of Justice representatives were invited to this meeting just as they have been invited to such meetings for the past several years. These meetings provide an opportunity for both the ABA Committee and the Department of Justice to discuss their continuing relationship as participants in the process of evaluating judicial candidates, and any concerns or complaints that either may have. The Justice Department informs me that as usual, four to six specific nominations were discussed in February between Department officials and ABA Committee members. The Wilkinson nomination was among these, but it was not the principal matter of discussion. In fact, discussions of Wilkinson were handled by the junior member of the Justice Department delegation.

Mr. President, I just want to remind Senators that Mr. Wilkinson graduated from Yale University. He was Phi Beta Kappa, magna cum laude, and scholar of the house with exceptional distinction. At the University of Virginia Law School, he was a member of the Order of the Coif and notes editor of the Law Review. He was law clerk to Supreme Court Justice Lewis Powell, Jr. He was the first student to serve on the governing body of a State institution in Virginia. He was a member of the board of visitors of the University of Virginia. He was editorial editor of the Norfolk Virginian-Pilot newpaper. He was Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, and supervised 50 litigating attorneys. He is now a professor of law at the University of Virginia. I am informed that he was voted the best professor in the entire university—not just the university, but the entire institution.

The circuit bench is a bench for research and writing. Somebody has said, "Well, he has not had trial experience." This position requires research; it requires a scholar. It is a writing job.

Also, the Judiciary Committee approved the nomination by a vote of 11 to 5.

Mr. President, I should like to continue with some other allegations and responses.

ALLEGATION

Notwithstanding the ABA committee's written guidelines which recommended substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the ABA committee found Wilkinson to be "qualified." The committee has never before given a "qualified" rating to such a nominee.

RESPONSE

In his letter to the Judiciary Committee, the ABA committee chairman made it clear that the committee's guidelines were followed in this case and in previous cases where the committee evaluated academics who had little or no trial experience. The guidelines state:

Without demeaning the scholarly qualities necessary for the trial courts, the committee nonetheless looks for an especially high degree of scholarship and academic talent in prospective nominees for the appellate courts. The abilities to write lucidly and persuasively, to harmonize a body of law and to give guidance to the trial courts in future cases are matters of great concern for the evaluation of prospective nominees for the appellate courts.

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theatre of the courtroom), the committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts.

Mr. President, I repeat. This is a research and writing position. It is well expressed here. The circuit courts are that nature of courts.

The ABA committee chairman stated in his letter to the Judiciary Committee:

It is apparent that all of the criteria set forth in the Standing Committee's brochure were taken into account by a substantial majority of the Committee in reaching the decision that Mr. Wilkinson was qualified . . . [W]e have reviewed recent nominees to the various courts of appeal whom we have found qualified or better who had very limited trial experience. At least four of these had teaching backgrounds and had demonstrated intellectual accomplishment and writing ability. I believe that the action of a substantial majority of the committee in finding Mr. Wilkinson qualified was entirely consistent with our action in the cases of the academics referred to above.

It is true that most academics have had some trial experience, usually early in their careers. However, in the last 5 years, a half dozen individuals completely lacking in trial experience have been appointed to the courts of appeals. President Carter appointed Dorothy Nelson to the ninth circuit, Carolyn Randall to the fifth circuit, and Stephen Breyer to the first curcuit although none of them, according to their personal data questionnaire filed with the Department of Justice,

had conducted even one trial. Similarly, President Reagan has appointed three circuit judges completely lacking in trial experience: Ralph Winter of the second circuit, Richard Posner of the seventh circuit, and Pauline Newman of the Federal circuit.

Mr. President, this is a writing job; it is not a trial court job.

The ABA has acted consistently in the case of all six circuit judges and Mr. Wilkinson, rating each of them "qualified." It has been the ABA's position that while trial experience is essential in a candidate for the district court, it is not required for an appellate court. However, without substantial trial experience, a candidate for an appellate court can be rated no higher than "qualified." Thus, this rating has been given not only to Mr. Wilkinson, but to all six of the other recent circuit court nominees who had not conducted a trial.

On a related matter, I note that it has been alleged that the ABA committee has been more strict in evaluating women without trial experience. Only two examples were given; one was considered for the district court, for which all agree substantial trial experience is required. The other was for the court of appeals, and although the Carter adminstration nominated a number of people that did not have qualified ratings, they declined to nominate this individual. The reason, though not completely clear, was not just due to a lack of trial experience and a negative ABA rating, but also because of opposition from a number of other sources. I beleve that this allegation of bias on the part of the ABA committee is unfounded, considering that for much of the time the committee chairman was a woman. Further, this allegation is disproved by the fact that three of the six circuit court nominees without trial experience found "qualified" by the ABA and confirmed by the Senate over the last 5 years are women. This should dispel the concern that the ABA has treated women less favorably than men with equivalent backgrounds.

ALLEGATION

Other academics nominated for Federal appellate judgeships and found "qualified" by the ABA committee in fact had far more distinguished academic credentials than Wilkinson, far more years at the bar, and at least limited trial experience.

RESPONSE

Mr. Wilkinson's background places him well within the range of qualifications of academics appointed to the circuit courts of appeals during the last 5 years. It is true that President Reagan has appointed some of the very top law professors in the country to these courts, such as Judges Bork, Scalia, and Posner. However, during the last year of the Carter/Mondale administration, at least three academics with credentials lesser than or equivalent to those of Mr. Wilkinson were appointed to these courts.

Mr. President, the careers of these people speak for themselves.

I might say again that this is not a trial court; this is a court for research and writing.

Mr. President, with this amazing number of similarities between these people it is hard to understand why objection would be made here.

By any standard, Mr. Wilkinson's credentials are impressive. Mr. Wilkinson's books and law review articles have been well reviewed in many popular and legal periodicals. They have been used as textbooks in universities across this country and have been relied upon by the courts. As the ABA committee indicated:

Mr. Wilkinson's extensive writings were furnished to the committee and show him to be an unusually able writer and legal scholar with the apparent capacity to become an outstanding appellate judge. A number of law professors were among those whose views were solicited with respect to this nomination, and they were uniformly of the view that his legal scholarship was of a very high order.

Mr. Wilkinson is an outstanding teacher at a prominent, nationally recognized law school. Each of the courses he teaches—Federal courts, constitutional law, and criminal procedure—is directly relevant to the questions he will face on the bench. The dean of the Virginia Law School has acknowledged that students berate us when we move him into a smaller classroom. His leaving would be a major loss for us. In recognition of his teaching abilities, Mr. Wilkinson in 1975 was presented the first Outstanding Young Teacher Award for the entire university.

Justice Powell has called him among the very finest of his 45 clerks. The ABA committee noted that other members of the Supreme Court were "uniformly enthusiastic" about Mr. Wilkinson's abilities.

Even before that, Mr. Wilkinson acquired a breadth of experience unusual in a young lawyer. He was the first student ever to serve on the governing board of the University of Virginia. Also, he ran for Congress in 1970 in the Third District of Virginia. As I previously stated, Mr. Wilkinson's academic record is impeccable. He graduated Phi Beta Kappa, Magna Cum Laude, and Scholar of the House with Exceptional Distinction from Yale in 1967. At Virginia Law School he was notes editor of the Law Review and graduated Order of the Coif.

Mr. Wilkinson served as Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice, 1982-83. His responsibilities were the General Litigation and Special Litigation sections where he supervised 50 litigating attorneys, directed settlement efforts and reviewed motions, pleadings, briefs, and correspondence on a daily basis.

It appears that, by any standard, Mr. Wilkinson is qualified to sit on the fourth circuit court of appeals.

ALLEGATION

In addition to his improper activities during his confirmation process, Wilkinson particpated in interviewing at least one candidate for the fourth circuit vacancy he has been nominated to fill, after he expressed interest in being nominated to fill that vacancy.

RESPONSE

At the request of the Office of Legal Policy [OLP] in the Department of Justice, Mr. Wilkinson was one of several Department employees who met informally with one candidate. At the time, Mr. Wilkinson, both in his own view and that of OLP, simply was not in the running for the judgeship. The Attorney General had stated his strong preference for his counselor, Kenneth Starr, who ended up being appointed to the D.C. circuit, and Mr. Wilkinson was not among those put forward at that time. The Department, nevertheless, pursued its longstanding effort to search for qualified women and minorities for this and all judicial positions, which is why one particular woman lawyer was invited by OLP to visit the Department. Only much later, after Mr. Starr was nominated for the DC circuit, was Mr. Wilkinson actively considered for the fourth circuit vacancy.

Mr. President, I believe the foregoing clearly shows that the allegations against Mr. Wilkinson are lacking in merit. As I have previously stated, the Judiciary Committee made a complete and thorough evaluation of Mr. Wilkinson's qualifications. The ABA conducted a similar investigation, and there is no evidence to indicate that their guidelines were in any way altered.

Both the Judiciary Committee and the ABA have found Mr. Wilkinson to be qualified for the position of circuit court judge and I hope my colleagues will see fit to confirm him.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Sixteen minutes and fifty-one seconds.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, I have listened with a good deal of interest to the presentation by the Senators from Virginia, North Carolina, and South Carolina, concerning the adequacy of the qualifications of this nominee.

If the nominee's qualifications are so persuasive and so numerous, why did the initial investigator from the American Bar Association from the home State of Mr. Wilkinson find the nominee to be unqualified?

I think it would have been of some value and some use to the Senate Judiciary Committee and to the Senate as a whole if we had had the opportunity, as members of the Judiciary Committee who are charged under the Constitution to advise and give consent on nominations, to question that member of the American Bar Association who did a thorough, unbiased review of the qualifications that these good Senators say are in such abundance in this nominee and found him to be unqualified. Why?

I dare suggest that part of the reason, at least, is that Mr. Wilkinson is the least qualified nominee ever to be appointed to the Court of Appeals. We will not know the full story because the Judiciary Committee would not hold an additional hearing—the Judiciary Committee stonewalled the objections of members of the committee who wanted to get an answer to the question, of why the initial ABA investigation found the nominee to be unqualified.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. KENNEDY. I will not yield at this time. The only conclusion that we can reach, Mr. President, is that the nominee was found unqualified because the nominee has had how much trial court experience? Answer: None. How much circuit court experience? The answer: none. The question is, how many clients did this individual nominee have? The answer is none.

Now, you can talk about what a wonderful writer he is; at least one of the proponents suggested that to be the criterion. But the fact of the matter is there was a debate in the ABA about the qualifications of this nominee, just as there was a debate in the ABA about the qualifications of Mr. Breyer, except the issue, Mr. President, was quite a bit different. The issue with regard to Mr. Wilkinson was whether the second review made by another ABA member was going to overturn the previous decision of unqualified. Was the ABA decision going to find Mr. Wilkinson qualified or unqualified? That was the debate.

The debate with Mr. Breyer was whether the ABA was going to find Mr. Breyer well-qualified or qualified with a substantial minority of the members of the bar association believing that he was well-qualified.

I ask unanimous consent that the comparison between Mr. Wilkinson and Mr. Breyer be printed in the RECORD at this point.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON OF STEPHEN BREYER AND J. HOWIE WILKINSON III

It is true that a number of law professors with limited trial experience have been appointed to the Federal appellate courts in recent years. But each of them clearly met at least the minimum standards of the ABA on trial experience. There is no comparison between Wilkinson's zero experience and the obvious qualifications of other academics who had at least limited—and often substantial—trial experience and who have been approved by the ABA for appellate judgeships.

In the case of Professor Stephen Breyer, for example, who was nominated by President Carter to the first circuit court of appeals in 1980, the nominee so clearly met the experience standard that the issue for the ABA evaluation committee was whether to give Breyer the minimum rating of "Qualified" or to give him the higher rating of "Well Qualified." He received a rating of "Qualified," but in its letter of approval, the ABA committee informed the Senate:

"As a result of our investigation, a majority of our committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified."

By contrast, in the case of Wilkinson, the initial ABA evaluation found him "Unqualified." A "Qualified" rating was achieved only after the confidential results of the negative evaluation were leaked to Wilkinson, who then orchestrated an intensive and unprecedented lobbying campaign against the members of the ABA committee before they cast their votes. Subsequently, the committee informed the Senate:

"A substantial majority of our committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified."

At the time he was nominated, Breyer had written numerous appellate court briefs; he had presented the oral argument personally in at least one case in a court of appeals; he had interviewed witnesses, questioned potential defendants, and prepared criminal grand jury and trial materials as assistant special prosecutor in the Watergate special prosecution force; he had participated, including testifying as an expert witness, in administrative hearings; he had served as chief counsel of the Senate Judiciary Committee and conducted major sets of Senate hearings; he had represented numerous private clients, including a major steel company seeking to merge with a failing steel firm, a chain of supermarkets trying to cut their prices, tenants organizations challenging rent control regulations, and a grocery chain seeking to sell milk; he had prepared briefs and trial materials for the law firms of Wilmer, Cutler & Pickering in Washington; Brown, Rudnick, Freed & Gesmer in Boston; and Cahill, Gordon in New York City; and he had taught courses in the law of evidence and in administrative law at Harvard Law School.

Wilkinson has nothing comparable in his background—no trial court experience, no appellate court experience, no administrative law experience, no associations with law firms, no trial-related courses in his teaching. His experience is zero—and as the article in Commonwealth makes clear, his lack of experience was a continuing series of embarrassments in the year he spent in the Department of Justice attempting to supervise practicing attorneys.

Mr. KENNEDY. Mr. President, those that support Mr. Wilkinson say that there is an article written in Commonwealth magazine by some disappointed attorneys that question Mr. Wilkinson's qualifications. Well, what has not been addressed here, Mr. President, are the various fines that were made against the Justice Department because of the incompetence of Mr. Wilkinson in certain cases, including one in Federal district court in Texas.

I have not heard that allegation and charge responded to here this afternoon. It might have been of some value for the Judiciary Committee to consider that particular allegation and charge, just as it might have been of some value for the Judiciary Committee to consider the rebuke that was given to Mr. Wilkinson by the court for the Justice Department's failure to respond to a motion for summary judgment in the same case in Texas.

These particular allegations and charges are a matter of record and were reported in the June 1984 Commonwealth magazine, and have not been addressed by those that support this nomination. It might be of some value to the Members of this body to be able to review and hear what might be said by Mr. Wilkinson and by Justice Department officials, and by the magistrate who determined that there would be such a charge and such a fine.

Mr. President, there also was an improper lobbying campaign involving this nominee. All of us are aware that communications are made between Department of Justice officials and the ABA, and rightfully so, in order to determine the adequacy and the competency and the knowledge of an individual nominee. But that is not what the American Bar Association was talking about in this case. Read the letter from ABA Committee Chairman Buesser that has been referred to by those that support Mr. Wilkinson. Mr. Buesser is talking about inappropriate calls that were made. And what is he suggesting by that?

The facts are, Mr. President, that this nominee was going to be found unqualified. The facts are that this nominee was able to obtain that information and within a 24- or 36-hour period was able to reverse that particular decision by a series of calls and by lobbying from numerous individuals ranging from a Member of the Supreme Court down to a student member at the University of Virginia Law School who was reported to have said:

Jay told me time was of the essence. He knew the vote was the next day or maybe that I had a day to make the call. Jay told me 3 days later that it had helped.

That is a black University of Virginia law student that was asked to call a minority member of the American Bar Association in behalf of this particular nominee.

I think it would have been of some value, Mr. President, for the Judiciary Committee of this Senate to be able to get answers from the individuals in-

volved concerning these allegations and charges. The Members of this body will not know, Mr. President, about these particular allegations and charges which have been made. And it seems to me that we do a disservice to this body by not being able to respond to the Members of this body on the question of the qualifications of J. Harvie Wilkinson III.

I think we are entitled to a hearing. That is what we have asked for. We are entitled to a hearing where these issues and these questions would be raised. We are entitled to be able to come back to the U.S. Senate and give a full, candid, and fair response. I think Mr. Wilkinson is entitled to that fairness and that consideration by the Judiciary Committee. But he will not be given that kind of consideration if we are required to cut off and terminate debate, discussion, or further hearings with a cloture vote, if it is successful, and I hope that it will not be.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Eight minutes and ten seconds.

Mr. KENNEDY. Mr. President, I am glad to yield for 1 minute for a question by the chairman of the committee, then I would like to yield such time as remains to the Senator from Maine.

Mr. THURMOND addressed the Chair.

Mr. KENNEDY. This is on my time. I am glad to yield a minute to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the distinguished Senator spoke about Mr. Breyer, who was Chief Counsel to the Judiciary Committee. I supported Mr. Breyer. I thought he was qualified. According to his own record, I believe he had not had trial experience, but he was an able man and an able lawyer, and I think he has done well on the bench.

His qualifications were just almost identical with this man. This man, in addition, has served in the Justice Department and has been a law teacher.

So I wanted to make clear that I was strongly in favor of this man. We held two hearings and not a single Democrat attended.

Mr. KENNEDY. I yielded 1 minute.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. THURMOND. Well, I was just going to——

Mr. KENNEDY. I yield another 30 seconds to my good friend, my colleague, my chairman of the committee.

Mr. THURMOND. What does the Senator want?

Mr. KENNEDY. This Senator wants—not only this Senator, but it is a feeling by Senators for the chairman's own side, by Republican Members alike—although they can speak for themselves—an additional day of hearings where we would request the presence of those that were involved in the lobbying activity by the Justice Department. We would have the members of the American Bar Association Committee on the Federal Judiciary. We would invite Justice Powell. I would hope that we would have the opportunity to inquire of the student, as well. We would want those individuals to be able to clear up the particular issues which we have raised here.

I do not think it would be difficult, quite frankly, Mr. President, to work out a series of witnesses that would be able to respond to these questions. I know the Senator from Pennsylvania and the Senator from Maryland have thought about who those individuals might be. But I think that we are entitled to that procedure.

Mr. THURMOND. Mr. President, I just want to say that we did hold two hearings. The nomination first came on November 10, 1983, and it finally reported out, I believe, on March 15, 1984. I do not object to another day if we can get a definite time to vote. That is what I want, just to let the Senate vote.

What I want is just to let the Senate vote. I am willing now, if it will satisfy the Senator, to give another day of hearings, if he will give a definite agreement to vote at a certain time.

Mr. KENNEDY. The usual procedure, when this body considers various nominees, whether they are nominees for the Cabinet or for the Judiciary, is that we have a hearing and then we make the decision about the time to vote. I do not see any reason why we should not follow that practice and procedure this time. If that is agreeable to the Senator from South Carolina, I would hope that we would proceed in that particular way. I have to withhold the remainder of my time and yield it to the Senator from Maine.

Mr. President, we ask unanimous consent to have an additional 5 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is ordered.

Mr. KENNEDY. So the Senator has an additional 2½ minutes and I have an additional 2½ minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. All we want to do is to let the Senate vote. If the Senator from Massachusetts will agree to a time certain, I will hold the hearing to accommodate him, if he will agree to let the Senate vote on the matter. Not to let the Senate vote on it is an unfair course to pursue. I am willing, if the Senator will let the Senate vote after a day of hearing. We will agree to that.

Mr. KENNEDY. I do not remember when we had, for example, the nominees for the Cabinet, that we were saying that we would vote at a definate time for Mr. Haig and then go ahead and have a hearing, and that we would have an agreement to vote at a time certain for Mr. Watt and then have a hearing. This, obviously, is of concern because it is a lifetime appointment.

I would certainly agree that we should go ahead and have the day of hearings. I believe if these issues were resolved in the course of a hearing, I cannot see how there would be reason to have any further deliberative or prolonged debate or discussion.

Mr. THURMOND. The Senator may remember that he mentioned he would give a definite date for a vote if we would have the hearing.

Mr. KENNEDY. If the chairman of the committee wants to indicate at this time that he will call 1 additional day of hearing, with the witness list to be satisfactory to the interested Members of his own party and interested Members on this side, that there would not be an interruption in that 1 day of hearings, and that the nomination would be reported back to the calendar for whatever decision we would make, I would agree with it and go along with it. If that is what the Senator's suggestion is to me, I will support it. Otherwise, I would have objection to it.

My remaining time I yield to the Senator from Maine.

Mr. THURMOND. If the Senator will allow me to answer, I do not think any further hearings are necessary, but I would give 1 additional day of hearing and let the Senator invite anyone he wants to have come on that date, to give them a whole day. After the hearings, all I want is to let the Senate vote on this nomination, to either vote it up or down. Is that fair?

Mr. KENNEDY. I think I have responded. I think what we ought to do is to have the hearing and then make the judgment.

Can the Senator give us any other instance in his long and illustrious career as a member of the Judiciary Committee where we have agreed on voting at a time certain for a judicial nominee prior to the time that we have the hearing?

Mr. THURMOND. We have a number of times indicated we would vote at a certain time.

Mr. KENNEDY. I do not want to be discourteous to the chairman of the committee but our time is running out. The Senator from Maine is here and wants to speak.

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute and 32 seconds remaining. The Senator from Massachusetts has 5 minutes and 4 seconds.

Mr. TRIBLE. Mr. President, I support the nomination of James Harvie Wilkinson III to be U.S. circuit judge

for the fourth circuit, I urge my colleagues to invoke cloture, to bring this long debate to a close, and let the Senate work its will.

Mr. President, the points raised in opposition to Mr. Wilkinson are threefold.

First, the opponents have suggested that there was a lobbying effort on his behalf, that Justice Powell and others talked to members of the ABA and recommended Mr. Wilkinson for the fourth circuit court of appeals. Indeed they did. It is quite appropriate for those people who know the qualifications and limitations of a candidate to share their view. That kind of input is welcomed by the ABA, and specifically was welcomed here. The chairman of the ABA committee has said: "Yes, we received that input. We welcome that kind of advice and counsel. It did not influence the final result, but was considered with all the other information at our disposal."

Second, the opponents of this nomination suggest that Mr. Wilkinson is not qualified by virtue of the fact that he has had neither trial nor judicial experience. That would be a substantial impediment if he were being considered for selection as a trial judge. But here we are considering a man for the court of appeals. Mr. Wilkinson's obvious qualities and the experience he possesses more than adequately prepare him. Many others without trial or judicial experience have been confirmed by this body and have gone on to serve superbly in the court of appeals.

Indeed, it was not many years ago that the Senate confirmed the nomination of Stephen Breyer. The careers of Breyer and Wilkinson are so strikingly similar that very little separates them. Neither had trial or judicial experience. Yet, that was not a problem when the Senate considered Mr. Breyer's nomination to the court of appeals. Senator KENNEDY, then chairman of the Judiciary Committee vigorously supported his chief counsel. But now he opposes Mr. Wilkinson.

The only difference between these two men—young, talented, full of promise—is that one is a liberal and the other conservative. J. Harvie Wilkinson is a conservative. He reflects the philosophy of this President and the Commonwealth of Virginia, and Mr. KENNEDY opposes him on those grounds. Let the record be clear on this.

Finally, we have heard allegations about the competence of J. Harvie Wilkinson at the Justice Department. The source of those allegations was an article in the Commonwealth magazine, which contains allegations of three disgruntled attorneys, one of whom resigned in protest to the Department policies and two of whom resigned rather than face disciplinary action.

Who is to be believed, I ask my colleagues. Malcontents or the innumerable top officials of the Department of Justice whose confidence Mr. Wilkinson won through the give and take of his service in a high post in the Justice Department.

The time has come for us to voice approval or disapproval of this nomination on the merits. This nomination has been discussed extensively in committee and on the floor.

It is time to vote. It is time for the Senate to speak. Those who question Mr. Wilkinson's qualifications have had ample time to make their case. The Senate is perfectly capable of judging this matter on its merits, and should do so.

Charges of obstructionism which have been made against the chairman are without foundation. If there is obstructionism, I say it is by those who refuse to let the Senate work its will. The time has come for the Senate to judge whether or not this man should serve, and that is all I ask.

Reasonable men may differ on the merits of this proposition, but reasonable men should not disagree that there comes a time when a debate should be brought to a close and the Senate should speak. To block the process, to delay this matter further, to refuse to let the Senate speak, deals unfairly with this institution.

Let us reach the question that we have debated for months. I believe that Mr. Wilkinson is superbly qualified and will be a jurist of great distinction. I believe that a majority of my colleagues share that view, and it is for that reason that the opponents of this nomination have decided to take the procedural tack to obstruct and deny the will of a majority of the Members of the Senate. Nothing is accomplished by postponing this vote further.

I urge my colleagues to vote for cloture and to let the Senate work its will on this nomination.

I yield back the remainder of my time.

Mr. DENTON. Mr. President, once again I rise in strong support of the nomination of J. Harvie Wilkinson III, of Virginia, to be a judge of the Fourth Circuit Court of Appeals. Mr. Wilkinson is highly qualified by his background and experience for a position on the appellate court. He possesses a rare combination of extraordinary intellect and practical experience which will enable him to serve with great distinction on the Federal bench.

Let us examine Mr. Wilkinson's background and experience. Mr. Wilkinson is a 1967 Phi Beta Kappa, Magna Cum Laude, graduate of Yale University. He was the notes editor of the Law Review at the prestigious University of Virginia Law School, from which he graduated Order of the Coif in 1972.

He served as a law clerk for the Honorable Lewis F. Powell, Justice of the U.S. Supreme Court, for 1½ years. I note that Justice Powell has called Mr. Wilkinson one of the very finest of his 45 law clerks. He has taught courses in Federal courts, criminal procedure and constitutional law in one of the foremost law schools in the country, the University of Virginia. At UVA, Mr. Wilkinson was one of the most popular professors on campus and earned the respect of liberals and conservatives alike for his scholarship. In fact, he won the award for the outstanding teacher in the entire university.

Mr. Wilkinson has run the editorial page of the Norfolk Virginian-Pilot, one of the largest metropolitan daily newspaper in Virginia. He has served with distinction as Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department. While at the Justice Department, he was responsible for the supervision of more than 50 litigators and many complex cases.

Mr. Wilkinson is a scholar of national reputation, whose works have been used by courts and academicians alike. He has authored three books, "Harry Byrd and Changing Face of Virginia Politics;" "Serving Justice: A Supreme Court Clerk's View;" and "From Brown to Bakke: The Supreme Court and School Integration," the latter book being well received by the civil rights community. He has also written a number of law review articles.

In light of Mr. Wilkinson's scholarship and wide-ranging employment background, he is without question eminently qualified. Yet despite Mr. Wilkinson's distinguished background, and despite the fact that the ABA found him to be qualified, there are those who question his qualifications.

In questioning Mr. Wilkinson's background certain misinformation has been offered. At this point I would like to take the opportunity to correct the record.

First, Mr. Wilkinson was admitted to the bar of the Commonwealth of Virginia on February 1, 1972, and has therefore been a member of a bar for 12 years not 11 years as has been stated.

Second, Mr. Wilkinson is a full professor at the University of Virginia Law School, not an associate professor as has been stated.

Third, Mr. Wilkinson is indeed eligible for admission to the bar of the Fourth Circuit Court of Appeals as well as the district courts for the eastern and western districts of Virginia. The rules governing admission to such courts indicate that the only prerequisite is the membership in a State bar. As previously noted Mr. Wilkinson has been a member of the bar of the Commonwealth of Virginia since February 1, 1972.

There are other areas of misinformation which have been so ably addressed by my distinguished colleague from Virginia, Mr. TRIBLE, that I will take no additional time to cover such areas.

Mr. President, in my opinion Mr. Wilkinson is eminently qualified for the position to which he has been nominated. I will therefore vote in favor of the nomination, and I urge my colleagues to do the same.

I would also urge my colleagues to vote for closure.

Thank you, Mr. President.

Mrs. HAWKINS. Mr. President, I would like to express my strong support for the nomination of J. Harvie Wilkinson III to fill a vacancy on the Fourth U.S. Circuit Court of Appeals.

Mr. Wilkinson is a nationally respected legal scholar. He has written three books and a large number of law review articles. Those writings have been well reviewed in popular and legal periodicals. They have been used as textbooks in universities across this country. They have been relied upon by courts.

As the ABA Committee indicated, his skills are excellent:

Mr. Wilkinson's extensive writings were furnished to the Committee and show him to be an unusually able writer and legal scholar with the apparent capacity to become an outstanding appellate judge. A number of law professors were among those whose views were solicited with respect to this nomination, and they were uniformly of the view that his legal scholarship was of a very high order.

Mr. Wilkinson is an outstanding teacher at a prominent, nationally recognized law school. Each of the courses he teaches—Federal courts, constitutional law, and criminal procedure—is directly relevant to the questions he will face on the bench. The dean of the Virginia Law School has acknowledged that "students berate us when we move him into a smaller classroom. His leaving would be a major loss for us."

In recognition of his teaching abilities, Mr. Wilkinson in 1975 was presented the first Outstanding Young Teacher award for the entire university.

He distinguished himself on a very fast track—the Supreme Court clerkship. Justice Powell has called him among the very finest of his 45 clerks. The ABA Committee noted that the investigating committee also sought the views of members of the Supreme Court other than Justice Powell. It reported that the Justices contacted were uniformly enthusiastic about Mr. Wilkinson's abilities.

I am confident that Mr. Wilkinson, a Phi Beta Kappa, Magna Cum Laude, scholar of the House with Exceptional Distinction from Yale in 1967, will be a major contributor to the Federal Bench.

Mr. METZENBAUM. Mr. President, I oppose the attempt to cut off debate on the nomination of J. Harvie Wilkinson III, to the court of appeals. As I stated back in May when we sought to reopen hearings on this nomination, I believe that the Senate would do a disservice to its constitutional obligation to advise and consent if it were to approve this nomination at this time.

Mr. President, less than 2 weeks ago most Americans had an opportunity to see and listen for the first time to the remarks of the woman I hope will be our next Vice President, GERALDINE FERRARO. Congresswoman FERRARO spoke eloquently about the American values of fairness and equality, and how Americans believe in playing by the rules. She catalogued a number of major policy decisions by this administration which demonstrate a lack of concern about fairness. This nomination could easily have been added to her list.

Americans do believe in going by the rules. If the rules need to be changed, so be it, but they should be done openly, after due consideration, exceptions should not be made to the rules based on a person's political connections.

But in this case, the rules were bent and the evaluation of Mr. Wilkinson by the American Bar Association was tarnished by heavy-handed lobbying by Mr. Wilkinson and his cronies.

The rules say that the ABA's recommendation to this body will be decided in a confidential proceeding. Yet in this case unfavorable evaluations of Mr. Wilkinson were leaked, and the Republicans refuse to investigate.

The rules say that the ABA will use established criteria and apply them to all applicants. But these rules say that nominees must have substantial experience and have been an attorney for at least 12 years. Of course, where women or minority candidates have been submitted, the ABA has adhered to this requirement, finding bright, able nominees to be unqualified on the basis of their youth and relative inexperience. But in this case, the ABA has inexplicably found a nominee qualified even though he has been a member of the bar for barely 12 years, 3 of which were spent in the decidedly unlegal, unjudicial role as a writer of political editorials. And although a requirement of significant trial experience has been waived in exceptional circumstances, this nominee has no trial experience and no appellate litigation experience.

The rules say that applicants should be treated equally, and that affirmative action, if any, should be extended to those victimized by discrimination. Here the administration, whose record of appointment of women and minorities to the Federal courts is abysmal, practices its own unique form of affirmative action in favor of the well-qualified.

One of the most basic rules which all Americans aspire to is the golden rule: Do unto others as you would have them do unto you. When Mr. Wilkinson was writing his editorial—while gaining credit from the ABA for legal experience—he opposed President Carter's nomination of a black State court judge for a Federal district judgship. The nominee's demerits notably included his lack of support from Senator Harry F. Byrd and the Virginia political establishment. What did Mr. Wilkinson say? He wrote that "it is never too soon to begin stressing merit over connections." Today Senators should stress merit and oppose this nomination.

Mr. President, the issue here is not partisanship or judicial philosophy. I am sure there are a number of residents of the Commonwealth of Virginia who are Republicans with a judicial philosophy similar to the President's, but whose background and experience would qualify them under the rules. Indeed, this Senator has voted to confirm many qualified judicial nominees with whom I have little in common as a matter of politics or judicial philosophy. No, the issue is one of fairness. And once again, this administration sides with its comfortable, established cronies, instead of applying the common rules of equity and fair play demanded by the American people.

I hope that my colleagues will not insist on immediate approval of this nomination.

Mr. MITCHELL. Mr. President, the confirmation of Federal judges is one of the Senate's most important responsibilities and one of our most long-lived decisions.

When we confirm an individual to the Federal bench it is for life. In so doing, we do more than merely ratify the selection made by an individual Senator or the President. We express a collective judgment about the integrity of our judicial system and the respect in which it should be held and in which we hold it.

Our system of law and justice can only be as good as the individuals who carry it out in practice, from the policemen on the beat to the highest court in the land. If the qualifications of those people for their respective roles in our system are inadequate we will end up with an inadequate system of justice.

The nomination before us today does not meet the standard of excellence that we expect and that we have a right to demand of our Federal judiciary.

Mr. Wilkinson had been admitted to the Virginia bar for less than 12 years at the time of his appointment. Subsequently, he chose not to devote his career to the law full time.

In a dozen years he has therefore accumulated just 8 years of law-related experience; 6 as an associate professor of law, 1 in clerking for Justice Powell on the Supreme Court, and 1 in the Civil Rights Division of the Justice Department. He has never tried a case in court. He has just once filed a motion in court. He has never written a legal brief.

Mr. Wilkinson is not eligible to practice before the Court to which he has been nominated—the appeals court. He is not even eligible to practice before any of the district courts whose judgments the appeals court reviews.

As a result, his nomination has been controversial.

There is serious concern—and there are grounds for serious concern—that the nominee's lack of practical experience in the practice of law, combined with the nature of appeals court proceedings, where oral argument is generally limited to 30 minutes, would leave him unable to understand the framework within which cases are developed and tried.

The reliance in appeals court work on written briefs does, as the ABA standards attest, reduce the need for extensive practical experience. But it does not eliminate it.

The opposite is, to some extent true. Appeals court judges, who neither see nor hear the witnesses or defendants first hand, must rely on transcripts and written argument.

Such an atmosphere is conducive to the reasoned judgments we expect of our appeals courts. But it is also conducive to overly abstract and rigid applications of law.

We have heard in the Senate in recent years a great deal of concern expressed about jurists whose overly nice interpretations of certain points of law have impeded the swift progress of justice.

As a former Federal judge with experience of the kind of court overload that certain decisions make inevitable—such as habeas petitions, for instance—I sympathize with that concern.

The fact is that an overly theoretical application of law, regardless of the point of view from which it stems, often has the potential to create impediments to the work of justice, court overload, and even outright injustice.

That is why the ABA standards for both appellate and district judges include the requirement of at least some practical trial experience. It is one of the ways that we guard against a proliferation of empty abstractions in our system of law. The kind of minimal qualifications for appointees to district and appellate judgeships that are embodied in the ABA standards cannot be lightly disregarded.

Practical courtroom experience does not take the place of legal scholarship. But neither can legal scholarship substitute entirely for practical courtroom experience. In this case, however, we are being asked to conclude that the nominee's legal scholarship and temperament are a full substitute for the total lack of any practical legal experience.

Other opponents of this nomination have claimed that women or members of minority groups with similar shortcomings in experience would never have been nominated, or, alternatively, that other individuals with a lesser degree of courtroom experience have been appointed in the past.

But such comparisons are not the basis on which I believe we should make a judgment about this individual or, indeed, any individual.

For any given nomination that comes before the Senate, there are unquestionably alternative nominees who might have been as well or even better qualified.

But we do not judge nominees against alternative nominees who are not before us. Nor do we judge nominees against impossible ideals of perfection and reject those who fall short; because if we did, all would be rejected.

We must deal with the nominee before us, not any other, and we must deal with him on the basis of our knowledge of his fitness for the post.

In that regard, and based on our current knowledge of the nominee and the questions that have arisen since the hearings on his nomination concluded, I do not believe this nomination should be confirmed.

Mr. Wilkinson's efforts to engage others to lobby for his nomination, and his efforts on his own behalf in actively lobbying to assure a favorable recommendation from the American Bar Association, raise profound questions as to his temperament and suitability.

The role of an appellate judge is not a political award for which some partisans should be appeased and others rewarded. The role of an appellate judge is central to the development of constitutional law in our Nation, and shapes the future conditions under which our systems of law grows to take account of changing social conditions.

It is not necessary to believe that all Federal judges are above partisan political concerns—for they are not and need not be—to recognize that the nature of a judgeship nomination is not analagous to appointment to an advisory commission, for which one might with seemliness lobby. It is not a question of condemning the judgment that leads to such lobbying, but rather, a question of whether such an approach is in accord with the qualities that we expect of our judicial nominees. The press reports that Mr. Wilkinson obtained details of the confidential investigation of his qualifications, and that he used that information in helping to rally support for himself are, if true, extremely troubling. A prospective judge should know that divulging confidential information is unethical, even where it may not be strictly illegal.

A judge does not have the luxury of preferring extremes. A judge is constrained by the law and by the facts of the case.

In all too many cases in the real world, extremes of good and evil or right and wrong are not at stake. Indeed, if there is one thing more clear than any other, it is that serious disputes rarely involve but one principle. Justice Frankfurter expressed that fact succintly after 15 years on the Supreme Court, when he said:

> The core of the difficulty is that there is hardly a question of any real difficulty before the Court that does not entail more than one so-called principle. Anybody can decide a question if only a single principle is in controversy.

The nominee's reported actions in his anxiety to assure a favorable report on his qualifications tend to substantiate the impression that his judgment may be in danger of being overcome by his desire to achieve his goals. If that is true—and another hearing would have been a way to help resolve that question—I would be forced to question the suitability of his temperament to this post.

In addition, I am concerned by the record of Mr. Wilkinson's year of service at the Justice Department. As the deputy to the head of the Civil Rights Division, Mr. Wilkinson very correctly sought to emphasize the administration's preferred antidiscrimination methods.

In remedying job discrimination, this administration avoids lawsuits and emphasizes recruitment. But recruitment efforts cannot be judged without at least some means of measuring them. Mr. Wilkinson, however, disapproved remedies that measure and thus judge recruitment efforts by any of the available methods.

This administration also opposes busing and seeks to limit the use of it rigidly. In a case Mr. Wilkinson supervised, he opposed the intervention in that case of black parents, on the grounds that the Justice Department would adequately represent their case.

Whether or not his reported statements about this case are accurate, the fact remains that it has been and was the intention of the Justice Department to limit the remedy in this, as in other cases, and for him to claim that such an intent represented the interests of the parents in the case appears to be misleading.

In that particular case, a fifth circuit rule limiting the number of lawsuits that may be filed to one, has prevented the parents from exercising

their rights in a separate suit. So whether knowingly or not, his action effectively eliminated these people's access to the courts.

I believe that these issues, taken in conjunction with the questions that arose following the close of the hearing on this nominee, constitute a record that does not warrant Senate confirmation. Perhaps a further day of hearings would have provided Mr. Wilkinson the opportunity to answer the allegations against him; but in the absence of such an opportunity, the record before us does not provide a sufficient basis for an affirmative vote.

I will therefore oppose the cloture vote on this nomination. The duty of appointing lifetime judges, and the effects of those appointments on the life of our Nation's community, are too important to be lightly considered.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. THURMOND. Mr. President, I yield the remainder of the time to the distinguished Senator from Virginia (Mr. TRIBLE), the home State of the nominee.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. I thank the distinguished chairman.

Mr. President, let me say in conclusion that the opposition raised by the Senator from Maine and others is a reasonable one. I understand why many people believe that you ought to have substantial trial and judicial experience before you sit on a court of appeals. I am also a trial lawyer. I have argued many cases in the court, at the trial level and the appellate level. I believe, quite frankly, that different kinds of legal experience are just as valuable and complementary and add a lot to the bench. But on that, reasonable people can disagree.

So if you are persuaded to vote against the man for that reason, vote against him. But do not block procedurally the right of Members of this body to register their approval or disapproval.

Let me move on to the Senator from Massachusetts. He has talked for months in opposition to this nomination. All along, he simply said, "Give us our day of hearing. We have questions that we want to ask."

The chairman of the committee [Mr. THURMOND] has offered to have that additional day of hearings so that the good Senator from Massachusetts can have a full day. He can call in anyone he wants and he can ask all those important questions that he wishes to propose. He has been given all that he has asked for. Yet he says no. I suggest that indicates that the Senator from Massachusetts is more interested in frustrating the process and blocking this nomination than he is in getting to the facts and deciding this question on the merits.

I believe the Senate should invoke cloture and have the opportunity to vote yea or nay on this nomination.

Mr. MITCHELL. Mr. President, will the Senator yield for one clarification?

Mr. TRIBLE. I am out of time, Mr. President, or I should be happy to yield.

Mr. MITCHELL. Mr. President, I ask unanimous consent for 1 additional minute to clarify one point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TRIBLE. I yield to the Senator for a question.

Mr. MITCHELL. Mr. President, the Senator has said that he believes this nominee should have extensive trial experience. I believe he should have some trial experience. He has none. I do not believe it needs to be extensive. We should have a person who has at least been in a courtroom in his life.

Mr. TRIBLE. Mr. President, let us not overdramatize the situation. This nominee has no trial experience, but many other candidates have had limited or zero trial experience and they have been confirmed by the Senate. It is a matter of philosophy that controls here not the absence of trial experience.

I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Harvie Wilkinson III, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jeremiah Denton, Pete Wilson, Alphonse D'Amato, Jesse Helms, John Danforth, Roger W. Jepsen, Dave Durenberger, Chic Hecht, Paul Laxalt, William Armstrong, Bob Kasten, Thad Cochran, Bob Dole, Alan Simpson, John East, Paul Trible, Don Nickles, Dan Quayle, Orrin G. Hatch, Steve Symms, Slade Gorton, James Abdnor, Paula Hawkins, Jake Garn, Mark Hatfield, Nancy Landon Kassebaum, Frank H. Murkowski, James A. McClure, Malcolm Wallop, Pete Domenici, Rudy Boschwitz, Edward Zorinsky, Gordon Humphrey, Daniel J. Evans, and Chuck Grassley.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of James Harvie Wilkinson III, of Virginia, to be U.S. circuit judge for the fourth circuit, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (after having voted in the affirmative). Mr. President, on this vote, I have a pair with the senior Senator from Massachusetts [Mr. KENNEDY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Tennessee [Mr. SASSER] are necessarily absent.

The PRESIDING OFFICER [Mrs. KASSEBAUM]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 57, nays 39—as follows:

[Rollcall Vote No. 208 Ex.]

YEAS—57

Abdnor	Goldwater	Nickles
Andrews	Gorton	Percy
Armstrong	Grassley	Pressler
Baker	Hatch	Quayle
Boren	Hatfield	Roth
Boschwitz	Hawkins	Rudman
Chafee	Hecht	Simpson
Cochran	Heflin	Stafford
Cohen	Helms	Stennis
D'Amato	Humphrey	Stevens
Danforth	Jepsen	Symms
DeConcini	Kassebaum	Thurmond
Denton	Kasten	Tower
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Garn	Murkowski	Zorinsky

NAYS—39

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Heinz	Moynihan
Bradley	Hollings	Nunn
Bumpers	Huddleston	Packwood
Burdick	Inouye	Proxmire
Byrd	Johnston	Pryor
Chiles	Lautenberg	Randolph
Cranston	Leahy	Riegle
Dixon	Levin	Sarbanes
Dodd	Mathias	Specter
Eagleton	Matsunaga	Tsongas

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for.

NOT VOTING—3

Hart	Kennedy	Sasser

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Madam President, I move to reconsider the vote by which the motion was rejected.

Mr. CRANSTON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Madam President, I had initially voted in favor of cloture because Senator BAKER, the majority leader, and Senator THURMOND, chair-

man of the Judiciary Committee, assured me that there would be a full day of hearings on the nomination, even if cloture were invoked, under the same terms and conditions as tentatively worked out earlier today with a number of Senators interested in such hearings. When it became apparent that such a timetable could not be implemented if cloture was approved, I changed my vote to vote against cloture.

Earlier today, a tentative arrangement had been agreed to among interested Senators which would have provided for a full day of hearings in early September and a date certain for a vote—up or down—on the nomination approximately 1 week thereafter. After some analysis, Senator BAKER then advised that the vote could not have been delayed until September under the Senate rules if cloture were approved, without unanimous consent.

At this point, with cloture defeated for this moment, it is my expectation that the earlier compromise can be worked out in the course of the next 2 days before the next cloture vote, since there would have been 60 votes for cloture today except that other Senators voted with me against cloture in order to provide time to work out that arrangement.

For reasons set forth extensively in my floor statement on May 23, 1984—13493 of the CONGRESSIONAL RECORD—I believe that the hearings should be held; and I believe that we will shortly work out arrangements for such hearings.

Mr. BAKER. Madam President, am I correct in saying that the cloture motion which was filed on debate against this nomination today would mature into a vote on Thursday next?

The PRESIDING OFFICER. Yes; the Senator is correct.

Mr. BAKER. Very well.

Madam President, let me say that there will be another vote on cloture, of course, on Thursday. It is the hope of the leadership on this side that cloture will be invoked.

I would also say that extensive negotiations have gone on today to try to work out some of the concerns of some Senators, and I wish to say that I am willing to continue those negotiations and try to work something out that will make it possible for us to deal with this nomination on the merits.

So may I simply say for the Record I am prepared to continue those conversations and negotiations today and tomorrow and of course on Thursday.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I wish to ask the Senate now to turn to the consideration of another measure, one referred to as the antitrust reform.

Mr. RANDOLPH. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

The majority leader will suspend until the Senate is in order.

Senators please clear the well.

TIME-LIMITATION AGREEMENT—S. 1841

Mr. BAKER. Madam President, I have a time agreement that I wish to propound in respect to Calendar Order No. 842, S. 1841.

Before I do so, however, I wish to consult with the minority leader and make sure that we have a clear understanding of how we are going to proceed.

I believe this agreement is——

Mr. PRYOR. Madam President, we cannot hear the majority leader.

The PRESIDING OFFICER. The Senate is still not in order.

Would those desiring to converse please withdraw to the cloakroom.

The majority leader.

Mr. BAKER. Madam President, I believe that we may be able to work out this time agreement and if we can, it would be my hope that we can dispose of this bill, the so-called antitrust R and D bill, in a very brief period.

That will be the last item that the leadership on this side would expect to ask the Senate to turn to this afternoon.

I do not know whether there will be a rollcall vote on it or not. I have no request on this side.

But I inquire of Senators who may be here if they have desire for a rollcall vote if they could indicate that at this time perhaps we can get a better position to plan the remainder of the day.

Mr. BIDEN. Madam President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BIDEN. Madam President, on the question of agreeing to the time agreement—I believe I am to manage the bill—I think we can do it in 10 minutes on a side. But I think there will be a request for a rollcall vote, but I do not know that for sure. My information is there will be a request for a rollcall vote.

Mr. BAKER. I thank the Senator from Delaware.

Madam President, in view of the statement just made by the Senator from Delaware it appears likely, although not certain, but likely that there will be another rollcall vote today and Senators should be on notice of that possibility.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1841

Mr. BAKER. Madam President, I will now put a unanimous consent request with respect to S. 1841, which I hope will be agreed to by the Senate. If it is, it would be the hope of the leadership on this side that we could finish that bill in a much shorter time even than is provided for in this agreement based upon the representations made by the Senator from Delaware just a moment ago.

Madam President, I ask unanimous consent that when the Senate turns to the consideration of Calendar Order No. 842, S. 1841, the antitrust R&D bill, it be considered under the following time agreement: 30 minutes on the bill, to be equally divided between the chairman of the Judiciary Committee and the ranking minority member, or their designees; 40 minutes on an amendment to be offered by the Senator from Ohio [Mr. METZENBAUM] to impose treble damages on participants in an R&D venture who violate a court order; 10 minutes on an amendment to be offered by the Senator from Vermont [Mr. LEAHY] dealing with limiting the disclosure requirements for participants in a joint R&D venture; 2 minutes on the committee reported amendment; that no other amendments be in order; that no motion to recommit with instructions or refer with instructions be in order; 10 minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate; and that the agreement be in the usual form.

The PRESIDING OFFICER. Are there any objections? Hearing no objection, it is so ordered.

Mr. BAKER. I thank the Chair.

NATIONAL PRODUCTIVITY AND INNOVATION ACT

Mr. BAKER. Madam President, I ask the Chair to lay before the Senate Calendar Order No. 842, S. 1841.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment as follows:

Strike from line 1 of page 2 through line 13 of page 11 and insert ".

TITLE II—JOINT RESEARCH AND DEVELOPMENT VENTURES

SEC. 201. For purposes of this title—

(1) the term "joint research and development program" means—

(A) theoretical analysis, exploration, or experimentation; or

(B) the extension of investigative findings and theories of a scientific or technical nature into practical application, including the experimental production and testing of models, devices, equipment, materials, and processes;

to be carried out by two or more independent persons, including, but not limited to, the establishment of facilities for the conduct of research, the collecting and exchange of research information, the conduct of research on a protected and proprietary basis, the prosecution of applications for patents, and the granting of licenses: *Provided*, That the term "joint research and development program" shall be construed to exclude—

(i) joint production or marketing of any product or service, other than patents, know-how, or other proprietary information developed through such program;

(ii) the exchange of information among competitors relating to costs, sales, profitability, or prices that is not reasonably required to conduct the research and development that is the object of such program; or

(iii) any restriction on other research and development activities, or on the sale, licensing or sharing of inventions or developments not developed through such program, that is not reasonably required to prevent misappropriation of proprietary information contributed by any participant or of the results of such program;

(2) the term "antitrust laws" has the meaning given it in section 1 of the Clayton Act (15 U.S.C. 12), except that the term also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that said section 5 applies to unfair methods of competition;

(3) the term "person" has the meaning given it in section 1 of the Clayton Act (15 U.S.C. 12);

(4) the term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2));

(5) the term "Attorney General" means the Attorney General of the United States; and

(6) the term "Commission" means the Federal Trade Commission.

SEC. 202. In any action under the antitrust laws, or under any State law similar to the antitrust laws, the conduct of any person in making or performing a contract to carry out a joint research and development program shall not be deemed illegal per se but shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting completion, including, but not limited to, effects on competition in properly defined relevant research and development markets, and effects in promoting competition through innovation or enhancement of efficiency.

SEC. 203. (a) Nothwithstanding section 4 of the Clayton Act (15 U.S.C. 15), any person who is entitled to recovery in an action under such section shall recover the actual damages sustained by him, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under the antitrust laws, or beginning on the date the injury was sustained if such date can be established, and ending on the date of judgment (unless the court finds that the award of all or part of such interest is unjust in the circumstances), and the cost of suit, including a reasonable attorney's fee—

(1) if such action is based on conduct that is within the scope of a research and development program for which notification has been filed pursuant to section 204, and

(2) if such action is filed after notification has been filed pursuant to section 204.

(b) Notwithstanding section 4C of the Clayton Act (15 U.S.C. 15c), any State which is entitled to monetary relief in an action under such section shall recover the total damages sustained as described in subsection (a)(1) of such section, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such total damages for the period beginning on the date of service of such State's pleading setting forth a claim under the antitrust laws, or beginning on the date the injury was sustained if such date can be established, and ending on the date of judgment (unless the court finds that the award of all or part of such interest is unjust in the circumstances) and the cost of suit, including a reasonable attorney's fee—

(1) if such action is based on conduct that is within the scope of a research and development program for which notification has been filed pursuant to section 204, and

(2) if such action is filed after notification has been filed pursuant to section 204.

(c) Notwithstanding any applicable provision of any State law providing a damage remedy for conduct similar to that forbidden by the antitrust laws, any person who is entitled to recovery in an action under such provision shall not recover in excess of the actual damages sustained by him, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under such provision, or beginning on the date the injury was sustained if such date can be established, and ending on the date of judgment (unless the court finds that the award of all or part of such interest is unjust in the circumstances) and the cost of suit, including a reasonable attorney's fee—

(1) if such action is based on conduct that is within the scope of a research and development program for which notification has been filed pursuant to section 204, and

(2) if such action is filed after notification has been filed pursuant to section 204.

SEC. 204. (a) Any person who is a party to a joint research and development program may, within ninety days after the formation of such program, or within ninety days after the effective date of the National Productivity and Innovation Act, whichever is later, file simultaneously with the Attorney General and the Commission a written notification disclosing—

(1) the identities of the parties to such program, and

(2) the nature and objectives of such program.

Any person who is a party to a joint research and development program may file additional disclosure notifications pursuant to this section as are appropriate.

(b) Except as provided in subsection (d), not later than sixty days after receiving a notification filed under subsection (a), the Commission shall cause to be published in the Federal Register a notice of such joint research and development program which identifies the parties to such program and which describes such program in general terms but which excludes trade secrets and commercial or financial information that is privileged or confidential. Prior to its publication, the contents of the notice shall be made available to the parties to such program.

(c) Except as to the information published in the Federal Register pursuant to subsection (b), all information and documentary material submitted as part of a notification filed pursuant to this section and all other information obtained by the Attorney General or the Commission in the course of any investigation or enforcement action shall be exempt from disclosure under section 552 of title 5, United States Code, and shall not be made available except in a judicial or administrative proceeding, subject to appropriate protective orders.

(d) Any person who has filed a notification pursuant to this section may withdraw such notification prior to the time at which notice of such research and development program is published in the Federal Register. Any notification so withdrawn shall not be subject to subsection (b) and shall have no force or effect; no information or documentary material submitted as part of such notification shall be made publicly available.

(e) Any action taken or not taken by the Attorney General or the Commission with respect to any notification filed pursuant to this section shall not be subject to judicial review.

Mr. THURMOND. Madam President, today I rise in support of S. 1841, the "National Productivity and Innovation Act." This bill will help to put America back in the forefront of technological innovation by encouraging much-needed research and development. S. 1841 clarifies the application of the antitrust laws to joint research and development ventures, thus reducing the risk of such ventures and producing incentives for companies to join together and undertake the complex research projects which are necessary if we are to maintain our competitive edge in the world marketplace. Currently, many procompetitive joint research and development ventures never come about because of the risk of antitrust challenge, and society suffers accordingly because of inefficiency and duplication of effort among companies.

S. 1841, as reported, is the culmination of several years of hard work in this area by the Judiciary Committee. It is a carefully crafted bill and enjoys broad, bipartisan support. Since the first such bill was introduced, the committee has considered a number of approaches to this problem. Finally, a consensus emerged around the bill we

are debating today. Seventeen members of the committee, as well as a number of other Senators, are cosponsors of this legislation. Since reporting S. 1841 to the full Senate we have continued to refine this legislation. As a result, both the distinguished Senator from Ohio [Mr. METZENBAUM] and the distinguished Senator from Vermont [Mr. LEAHY] will offer amendments to the committee version of S. 1841. I fully support these amendments and urge their adoption.

I introduced S. 1841, at the request of President Reagan on September 14, 1983. The bill, as introduced, contained several provisions relating to the intellectual property laws in addition to the joint research and development provisions. Together, these provisions constitute a vital part of the administration's continuing commitment to restore this country to economic vitality and world leadership. The committee, after extensive discussion, decided to report the bill with an amendment in the nature of a substitute. This substitute contains a refined version of the original joint research and development proposal, while it deletes the intellectual property provisions. The committee is devoting further study to the intellectual property provisions.

Before further amendments are proposed, I would like to discuss the major provisions of S. 1841. Section 201 of the committee substitute carefully defines the term "joint research and development program" in order that legitimate activities which we wish to encourage are included, while possibly anticompetitive activities are excluded. Under this definition, a Joint Research and Development Program may encompass pure or applied research to be conducted by two or more independent persons. The definition points out several legitimate activities that such a program may include, but the list is not exhaustive.

In addition, the definition sets out three types of activity which are not to fall within the definition. The first of these is joint marketing or production activity. Participants in a venture may license their patents or know-how together, but they may not produce or market the actual product jointly. Second, the exchange of information relating to costs, sales, profitability, or prices is excluded from the definition unless it is reasonably necessary to carry out the Research and Development Program.

Finally, the definition excludes any restrictions on the other research and development activities of venture participants unless these restrictions are reasonably necessary to prevent misappropriation of information involved in the joint program. Section 201 further defines the term "antitrust laws," "person," "State," "Attorney General," and "Commission."

Section 202 provides that any Joint Research and Development Program meeting the definition in section 201 must be judged on its reasonableness and may not be deemed illegal per se if it is challenged in a Federal or State antitrust action. Using this rule of reason analysis, the court must take into account all relevant factors affecting competition including, but not limited to, effects on competition in properly defined relevant research and development markets and effects in promoting competition through innovation or enhancement of efficiency. Although it is generally believed that joint research and development ventures are judged under the rule of reason, the law on this point is underdeveloped. By clarifying this point in a statute, we will allow business decisionmakers more certainty when considering possible joint research and development ventures.

Section 203 further lessens the risk for business decisionmakers. It provides that when a joint research and development venture is challenged under the antitrust laws, a prevailing plaintiff may only recover his actual damages, plus prejudgment interest and the cost of suit provided that the challenged conduct falls within the definition in section 202 and that the venture has filed a notification pursuant to section 204. This section would apply to actions brought by private individuals or States regardless of whether the action was brought under Federal or State antitrust laws.

The award of prejudgment interest would be in the court's discretion and would be figured from the date of service unless the date of injury can be established. This section will provide a mechanism through which research and development joint ventures can remove the paralyzing fear of antitrust treble damages which currently inhibits many desirable and procompetitive joint research and development ventures. In order to obtain this protection, a venture will be required only to file a simple notification with the Justice Department and the Federal Trade Commission.

Madam President, section 204 will be significantly changed by the Leahy amendment, and I will defer to the distinguished Senator from Vermont to explain his amendment in detail. Suffice it to say, however, that section 204 establishes the procedure for filing the notification I have just mentioned. The notification must be filed both with the FTC and the Justice Department within 90 days of the formation of the venture or the enactment of this act, whichever is later.

Madam President, that is our bill. I am hopeful that all my colleagues will join me in supporting this legislation. It is a simple bill that does not require an antitrust lawyer to understand. On the one hand, we are clarifying what most people already believe to be the state of the law: Forming a joint research and development venture does not fall into the same category with classic antitrust violations such as price-fixing and bid-rigging which are rightfully deemed illegal on their face. On the other hand, we are reducing the possible penalty that these ventures might face if, after meeting the rigorous test of our definition in section 202, they still do something which is judged to be anticompetitive. However, they only get this protection if they give public notice of their activity. Anyone operating such a venture will have to be on his guard against anticompetitive behavior. With this approach, we will encourage companies to undertake these ventures, while at the same time putting them on notice that we will not tolerate the use of these ventures as a cover for anticompetitive behavior.

Another attractive feature of this bill is that it will help to solve a critical problem facing our Nation in a manner that is in keeping with the best traditions of our free enterprise system. It is clear that more and better research and development must be done in this country if we are to maintain our traditional role as leader in the world's increasingly competitive marketplace. We cannot continue to stand on our laurels from the 1940's, 1950's, and 1960's when our position as the world's chief innovator was unquestioned. Japan, Western Europe, and the developing countries are gaining on us. Recognizing this fact, President Reagan, the Judicary Committee and a broad, bipartisan group of Senators have proposed these modest changes in the antitrust laws which will unleash the creative genius inherent in the American people. It is this genius which built our country and made us a world leader. All we need to do is to let the private sector work.

Every time we pass a bill on the floor of the Senate we ought to ask ourselves what it will cost the already overburdened American taxpayer. I am happy to say that in addition to its other benefits, S. 1841 will not cost the taxpayer anything.

Madam President, having pointed out some of the numerous advantages of this bill, let me address its chief criticism. Some critics have argued that S. 1841 represents a weakening of the antitrust laws. As chairman of the committee which has principal jurisdiction over antitrust matters, I must respectfully reject that argument. In one part of our bill, we have clarified a small part of the antitrust laws.

To remove uncertainty is to strengthen, rather than weaken, the antitrust laws. In the other part of our bill, we have reduced possible penalties for a narrow class of behavior which we believe will have procompeti-

tive effects in almost all cases. We have taken great pains to define this behavior in such a way that anticompetitive effects will not occur. However, if anticompetitive effects occur in spite of our efforts, they will still be punished. I hardly think it is a weakening of the antitrust laws if we modify them in order to encourage behavior that is generally procompetitive.

In conclusion, let me say that it is rare that we get to vote on a bill like S. 1841. It is simple. It will be effective. It will not cost a cent. It will help to solve a critical problem for our country. I urge all my colleagues to join me today in passing this bill and helping to continue to keep America in her place as a world technology leader.

Madam President, I wish to take this opportunity to express my deep appreciation to Senator METZENBAUM; Senator LEAHY; Senator BIDEN, the ranking member of this committee who has cooperated with us so well; Senator MATHIAS, and Senator HATCH. All of these gentlemen have played a vital role in this matter which means so much to our country. We express our appreciation to them.

Mr. BIDEN. Madam President, the Judiciary Committee has worked long and hard to bring this measure to the floor for consideration today. It culminates several years of consideration of various bills, numerous hearings and countless drafts of legislative language to iron out details and concerns. I am proud to have been a part of the development of this legislation and to join with the distinguished chairman of the committee, Mr. THURMOND, to bring this legislation before the full Senate for consideration. I would note that at last count S. 1841 has been sponsored and cosponsored by 67 Members of the Senate, 17 of whom sit on the Judiciary Committee.

In my view, the significant efforts on the part of many members of the committee, the chairman, Mr. THURMOND, the Senator from Maryland [Mr. MATHIAS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Vermont [Mr. LEAHY], the Senator from Utah [Mr. HATCH], and others, have produced an excellent piece of legislation. I urge the speedy adoption of the legislation.

Madam President, S. 1841, as amended by the Judiciary Committee represents a balanced and sensible clarification of our antitrust laws in an effort to foster research and development programs critical to the health and well-being of both our basic industrial economy and our capacity in emerging industries. It contains provisions which preserve the fundamental integrity of antitrust enforcement but also establish more flexible rules of application to joint research and development programs. The bill thus guarantees a recognition of the essential role research and development plays in preserving American innovative and competitive abilities in a rapidly changing world economy.

Perhaps most important, this bill sends a clear, appropriate and positive signal to businesses that are prepared to invest in joint research that their effort to take on the heavy expense and risk of long-term joint research and development activities is worth the undertaking. It should remove any reservation on the part of business decision makers, real or perceived, that the antitrust laws stand as an impediment to joint research and development programs.

Madam President, to avoid any later confusion, I would make reference to one important item that this bill does not do. It does not represent a first step by the Judiciary Committee to alter the fundamental rule of treble damages as applied in other antitrust litigation.

In summary fashion, the bill contains four basic elements. First and foremost, section 202 of the bill clearly states that the balancing standard of the so-called rule of reason test will be used to evaluate any alleged anticompetitive behavior among Joint Research and Development Program participants. This provision is the heart of the legislation and assures that joint research and development programs will not be judged under the more harsh per se standard of enforcement. In this section, the committee has also tried to incorporate an understanding of the key factors on which a court or enforcement agency would focus, and would thus balance to make a determination of antitrust violation.

Second, the bill provides, in section 201, a carefully drawn definition of "joint R&D programs" and outlines the permissible activity in which combinations of firms may engage and still receive special consideration under the antitrust laws. This section outlines appropriately detailed provisions so that firms can adequately structure a joint program to receive the full benefit of the legislation. The design of this section is also to make a very clear distinction between research and development activities and activities oriented to applied research, specific product development, marketing, and production.

Third, this legislation contains a requirement in section 204 that a simple notification of the existence of the joint program be given to the Justice Department and the Federal Trade Commission in order for the joint R&D program to qualify for a standard of actual damage liability, as provided in section 203. Finally, section 203 establishes the rule that joint research and development programs will be liable only for actual damages if they are found to have engaged in anticompetitive behavior and as long as their program qualifies under the definition of a joint research program and has filed notification.

In sum, these four provisions represent modest but important adjustments to our system of antitrust enforcement that will remove potential impediments to important joint research activity. It is my firm belief, and the view of the majority of members on the Judiciary Committee, that these changes are reasonable, urgently needed, and timely.

Madam President, throughout the hearings on this bill and other similar measures, the Judiciary Committee found that the risks associated with rapidly changing technology and the often uncertain financial return from long-term research and development dissuade industry from making an adequate investment in the area. We also found that many leading edge technologies require the investment of capital and personnel far beyond the capabilities of individual firms. These findings underscored the need to eliminate an element of indecision created in the minds of business decision makers concerning of enforcement, or the risk of enforcement, of the antitrust laws to joint research efforts.

The committee also found that the antitrust laws, although well designed to punish and deter illegal and anticompetitive activity, have likewise discouraged or deterred activity which is not only legal but desirable. This bill recognizes that the formation of joint research and development programs, in fact, can be procompetitive as well as an efficient use of scarce research dollars and trained technical personnel.

Madam President, there is a television commercial that runs frequently these days in which the sponsoring company asserts "the dream begins with freedom." In American society, there is no doubt that the advertisement is correct—our culture, our heritage, our accomplishments as individuals and as a nation have stemmed from the energy, drive and imagination that a free society fosters.

In the American economy, this concept has been captured by the operation of the free market economy, and the idea that competition results in the best products, the most innovative thinking and the most productive economy in the world. Our antitrust laws, which have served us well for over 70 years, exist to preserve the competition that makes this idea a reality.

Madam President, what we have learned in dramatic fashion in recent years, however, is that we are not alone in the world marketplace. Rather, there is a world of competitors, innovators and producers out there, and they are out to capture not only the overseas markets where we

have been prominent in the past, but our domestic markets as well. A new, hardheaded truth has been adopted by business leaders and politicians alike. We now know that if America and American business is to stay competitive in the increasingly international marketplace, if American jobs are going to stay in America, and if America is going to reduce a rapidly growing trade deficit, that we must remain at the frontiers of technological development through a strong and unyielding commitment to research and development.

Madam President, S. 1841 is about competition and it is about innovation. It is about keeping American business in the same ball park with our aggressive trading partners in fields where they have already decided that joint research efforts are necessary. It is about preservation of American jobs and the creation of new jobs in years to come. It is about providing avenues to more effectively use the limited pool of skilled scientific and technical personnel while our educational system responds to the mandate to produce more technically qualified people. Most important, it is about altering the trend of declining innovation performance in America in comparison not only with our own past record of achievement but also in comparison to other industrial countries.

In sum, the National Productivity and Innovation Act is about making practical sense and clarity out of antitrust laws that although remain fundamentally sound after decades of operation, require modest fine tuning in order to effectively operate in today's highly competitive world economy. In my view, Mr. President, the area of joint research is largely an area where combined activity is today already legal, but where our business decisionmakers have been reluctant to tread because of uncertainty.

Madam President, we in the Senate must do what we can to reverse the current trend and erase the uncertainty. That means we must encourage an environment of excellence in education and provide sufficient incentives to graduate more scientist and engineers with the technical capacity to keep America on the leading edge of innovation. It means that we must keep a commitment to adequate levels of Government funding in the research and development sector. In terms of this bill, though, it means we must do what we can to change the preconceived notions of business leaders, that the antitrust laws prohibit an activity, long-term combined research, that is essential to assure America's competitive potential in the decades ahead.

Madam President, the risk of inaction is too great. Competition will not be served if our domestic markets become dominated by foreign competitors who have already entered into joint research activity, often with the aid and encouragement of their governments. Competition will also not be fostered if the innovative thinking and creative potential in many firms is only brought together by mergers.

Research and development is the key to America's competitive potential in the future. It is the engine that will drive our prosperity and stature in a world economy undergoing fundamental change. This legislation should open the door to activities that will bring out the best in American industry and in America's ability to be imaginative and innovative. I urge the adoption of the bill.

Madam President, I am gratified to be on the floor with the Senator from South Carolina, the chairman of the Judiciary Committee, to present to the Senate S. 1841, the National Productivity and Innovation Act, as substantially amended and reported by the full committee. As the Senator from South Carolina indicated, it is the product of a great deal of work by the committee to balance numerous legislative proposals and substantive concerns.

I am happy to have been closely associated with the deliberations on this bill and I am proud of the result. The bill provides a sensible clarification of our antitrust laws in an effort to foster joint research and development programs critical to the health and well being of both our basic industrial economy and our capacity in emerging industries. By making it clear that joint research programs fall within the rule of reason standard of antitrust enforcement, as well as from other provisions of this bill, we have given the green light to businesses prepared to join in the risky and expensive task of long-term research, without an extreme burden also coming from the antitrust laws.

Madam President, the theorist would say our antitrust laws are fine as they are, they do not need changing. The pragmatist, however, would say, it is impractical to sit idle while legal and desirable research activity is deterred by laws that leave open to question whether productive joint research activity might be threatened by expensive antitrust litigation.

What we have learned in recent years, Madam President, is that there is a world of competitors out there trying to capture not only our overseas markets but our domestic markets as well. We now know that if America is to stay strong and competitive in the international marketplace, our businesses must remain at the frontiers of technological development through adequate research and development.

Madam President, S. 1841 is about competition and it is about innovation. It is about keeping American business in the same ball park with our aggressive trading partners in fields where they have already decided that joint research efforts are necessary, and they have been conducting such efforts. It is about preservation of American jobs. Most importantly, it is about altering the trend of declining innovation performance in America in comparison not only with our own fine record of achievement but also in comparison to other industrial nations.

Madam President, research and development is the key to America's competitive potential in the future. This legislation should open the door to activities that will bring out the best in American industry and in America's ability to be imaginative and innovative. I urge the Senate to adopt the bill.

Mr. HATCH. Madam President, I support the National Productivity and Innovation Act, S. 1841. This legislation is a high priority on the administration's legislative agenda. Similar legislation earlier passed the House by a unanimous record vote, and it enjoys the broadest support in this body.

This bill establishes a national policy in favor of research and development joint ventures. Increased R&D activity is vitally needed to improve the competitiveness of U.S. industry both domestically and abroad. Unfortunately, given our present advanced state of technology, R&D programs have become increasingly costly. Our trading partners have established the economic wisdom of cooperative R&D efforts, and common sense suggests that we follow suit. Yet our antitrust laws, with their prohibitions against many types of joint activity, impede these vitally necessary efforts.

This legislation corrects that problem. First, it establishes a definition of joint research and development program which draws a line between research and development on the one hand, and production and marketing on the other. However, it is important to recognize that this distinction is not always obvious, for just as producers often learn new technologies as they produce, researchers often must produce byproducts in developing their technologies. Thus a research and development program to develop improved methods for extracting oil will necessarily produce oil in testing its technology.

Selling this oil would not remove such a program from the scope of the definition any more than that know-how developed in joint production of small cars would qualify such a venture as a joint R&D program. The definition is not intended to supersede common sense, but it is intended to make clear that hard core antitrust violations such as price-fixing and bid-rigging fall outside the scope of the definition and the legislation.

Second, for joint R&D programs meeting this definition, the legislation provides two very important benefits: It provides a rule of reason standard custom-made for joint R&D programs and it provides that a joint R&D program meeting the notification requirements may not be subjected to damages in excess of actual damages plus prejudgment interest.

The bill's rule of reason standard assures potential joint R&D ventures that the antitrust laws are generally favorable to such activity. While the special standards allows all relevant competitive factors to be taken into account, it underscores the paramount importance of competition in relevant research and development markets, as defined in the committee report, and directs the courts to consider the procompetitive effects of innovation and enhancement of efficiency.

It is important to recognize that this rule of reason standard is not an authorization for courts to use their own uninstructed discretion but is a congressional direction that the courts apply a specific analysis carefully explained in the committee report.

Two important changes in the language reported from committee have been worked out regarding the detrebling provision. The committee version required that the notification disclose not only the identities of the parties but also the nature and objectives of such program. These requirements were unnecessarily burdensome. For any joint R&D program meeting the definition, the only possible anticompetitive situation will arise either from overinclusiveness or from, in certain rare instances, underinclusiveness.

Both situations will depend upon the parties in the venture. Disclosing who the parties are should provide antitrust enforcement officials with all the information they need to determine whether an investigation should be initiated. Thus, in my opinion, requiring more information to be disclosed in the notification is unnecessary. The Government has ample authority to obtain any information it needs in determining whether an antitrust violation has been committed.

Moreover, requiring a venture to disclose the nature and objectives of its program would have been replete with difficulties. The lack of precision in this requirement would have been a basis on which plaintiffs could have pursued treble-damage claims against even those who filed a notification in good faith. The plaintiff would have argued either that the nature or objectives were not disclosed with specificity or, if in fact so disclosed, that such specific disclosures proved wrong in the course of later developments. Either way, those filing notification could easily have lost the protection they thought they had earned. The very probability that plaintiffs would make the argument—not an unreasonable one—that they were entitled to treble damages would have undercut the essential purpose of this provision—to encourage joint R&D programs by detrebling damages. For such an incentive to work, it must appear real, not speculative, at the time the decision to engage in the venture is made. This change is a substantial improvement.

The other change in the committee version of this provision concerns when the benefits of detrebling, once earned by filing a proper notification, terminate. If the plaintiff sues the XYZ joint R&D venture for engaging in certain specific conduct and such conduct had previously been enjoined or prohibited by a court order or decree entered in an antitrust case against the same XYZ joint venture after the effective date of this legislation, then in such contempt situations the XYZ venture may be subject to treble damages even though it filed a proper notification.

The two benefits I have noted—rule of reason analysis and detrebling—differ in that the special rule of reason standard applies as a matter of law to all joint R&D programs meeting the definition while the detrebling provision applies at the option of the joint venture. A joint R&D program may elect either to forgo filing a notification and be subject to treble damage suits or may file a notification and be subject only to single damage suits.

This is the basic outline of the bill before us. Unfortunately, in my opinion it lacks one major provision which is part of the similar House bill. The House bill contains a formula for awarding reasonable attorney's fees to both prevailing plaintiffs and prevailing defendants. This bill contains no such provision, thereby preserving a bias in favor of litigation, including litigation against joint R&D ventures whose activity this legislation is designed to nurture and encourage. While no one can deny the significance of our national policy in favor of competition, likewise one cannot deny the import of our national policy in favor of joint R&D ventures. I do not find these policies in conflict. But for those who may, let me suggest that the policies should be reconciled by treating them equally. That is the approach taken by the House.

Mr. President, at this point I would like to commend to my colleagues the House report explanation of their attorney's fees amendment, as well as the additional views of members of the Judiciary Committee as outlined in the Senate report, and I ask unanimous consent that these materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE REPORT 98-656, ON H.R. 5041

SECTION 5—ATTORNEY'S FEES

This section adopts a rule awarding costs, including a reasonable attorney's fee, to the substantially prevailing party in a claim involving a joint research and development program under the antitrust laws or a State law similar to the antitrust laws.

In order to encourage private suits to enforce the antitrust laws, Congress chose in 1890 to depart from the "American" rule under which each party bears its own litigation costs. Thus, for example, Section 4 of the Clayton Act provides that a prevailing plaintiff be awarded costs, including a reasonable attorney's fee. Similarly, in suits for injunctive relief under section 16 of the Clayton Act, a substantially prevailing plaintiff is awarded costs, including a reasonable attorney's fee. Until recently, the departure from the American rule operated only to the benefit of plaintiffs. Prevailing defendants were not entitled to a recovery of costs and a reasonable attorney's fee.

On two occasions in recent years, Congress has shown a willingness to grant a prevailing defendant attorney's fees. In section 306(b)(4) of the Export Trading Company Act of 1982, Congress provided that a prevailing defendant be awarded the cost of defending (including a reasonable attorney's fee) the conduct of a certified export trading company. And in Section 11(h) of the Shipping Act of 1984, Congress instructed the courts to award a defendant that prevails in a suit for injunctive relief a reasonable attorney's fee as a part of the costs of the suit.

These departures may reflect a sense that we as a nation can no longer tolerate high costs and long delays that plague antitrust and regulatory litigation, regardless of which party is at fault. In many cases, both the plaintiffs and defendants are large corporations. A class of plaintiffs may be represented by a law firm that concentrates its efforts on bringing antitrust suits on a contingency fee basis. Although successful plaintiffs should continue to receive reasonable attorney's fees, awards of such fees to prevailing defendants may aid in discouraging frivolous or non-meritorious suits.

Some earlier versions of proposed joint research and development legislation provided for an automatic award of the costs of suit, including a reasonable attorney's fee, to a prevailing defendant. These proposals were questioned by those who felt that the elimination of treble damages already weighs heavily against potential antitrust plaintiffs—and that the threat of paying the defendant's attorney's fees should not be added to the plaintiff's burden, particularly when suit is brought in good faith. During the full Committee mark-up of this legislation, Congressman Frank expressed strong concern that an unsuccessful plaintiff who sued in good faith not be saddled with the defendant's attorney's fees.

The amended provisions reported by the full Committee still provides for the routine award of costs, including a reasonable attorney's fee, to the substantially prevailing party. But, in order to deter the prevailing party from its own brand of overlitigation, the court may, in the interest of justice, reduce or withhold the award of costs. In particular, if the substantially prevailing party files unsuccessful motions or generates unnecessary expenses during the course of the litigation, the court may award the ensuing costs (including a reasonable attorney's fee) to the other parties, even if these

parties do not prevail in the overall litigation.

However, the Committee amendment is intended to make it clear that the substantially prevailing party may never come out at a net loss as a result of the attorney's fees provisions. Litigation costs and attorney's fees awarded to the substantially prevailing party may be reduced by the amount of fees paid to another party in the interest of justice, but in no event will fees paid to the substantially prevailing party be less than zero. The Committee believes that this refined rule for assessing costs will best deter overlitigation by both plaintiffs and defendants.

If, for example, a defendant ultimately prevails in defending a claim involving joint research and development activity, the court will award the defendant the reasonable costs of suit, including a reasonable attorney's fee. But, if in the course of mounting its defense, the defendant filed a series of unsuccessful motions for protective orders, the cost of defending against these motions should not be borne by the plaintiff—a reasonable attorney's fee should be awarded to the plaintiff for the cost of opposing these motions. Similarly, a prevailing plaintiff's award of costs and attorney's fees may be reduced or offset if the plaintiff files motions as to which the defendant prevails.

In short, any litigant that conducts the litigation with forebearance and good faith should, even if ultimately unsuccessful, be saddled only with the minimum costs necessary for the prevailing party to make its case.

SENATE REPORT 98-427, ON S. 1841

ADDITIONAL VIEWS OF SENATORS HATCH, LAXALT, SIMPSON, EAST, AND DENTON

In reporting this legislation, the Committee found it necessary to defer decision on some provisions of merit. One such provision deals with the question of the award of litigation costs to successful defendants in antitrust cases involving claims against joint R&D programs. The absence of such a provision is unfortunate and should be corrected.

As a general matter, the American legal system strives to be neutral, favoring neither plaintiffs nor defendants. Each side is responsible for paying its own litigation costs, win or lose. Generally, no more than actual damages are awarded to an injured party.

Antitrust cases are treated as an exception to this principle of neutrality. Price-fixing, bid-rigging, and the like are reprehensible activities. The law properly provides incentives to ferret out those who engage in such conduct: It awards treble damages and the payment of litigation costs to the victorious plaintiff. This bias in favor of litigation may be entirely justified as an antitrust norm, but it has no place in the present context.

In this legislation we have recognized that joint R&D activity is a procompetitive economic necessity. An increase in such activity is necessary for the health of both our domestic economy and our international trade. Those who engage in joint R&D activity are serving the Nation's best interests. Thus, we feel it is incongruous to maintain a bias in favor of litigation against such beneficial activity. Yet the reported bill does just that.

While the bill reduce treble damage liability to actual damages with interest, it nonetheless leaves in place legislated incentives—namely, the payment of the costs of litigation to successful plaintiffs, including a reasonable attorney's fee—designed to encourage antitrust litigation, including litigation against joint R&D programs. This bill limits its focus to beneficial activity, excluding, by definition, antitrust violations such as price-fixing, and the like. Moreover, it additionally excludes unreasonable restraints that may be collateral to joint R&D activity. Yet, despite this limited scope, the bill inconsistently fails to eliminate a bias against the beneficial activity that it hopes to promote.

We believe that this bias should be eliminated by treating the award of litigation costs, including reasonable attorney's fees, to the prevailing party in an equitable and even-handed manner. Since prevailing plaintiffs are presently awarded such litigation costs, the practical way to eliminate the bias is to also permit the award of such costs to prevailing defendants and grant the courts discretion to reduce such an award, if necessary, in the interest of justice. While other formulas may be appropriate, our basic purpose is to eliminate the bias in favor of litigation against activity it is our policy to encourage. If we are committed to promote and increase joint R&D activity, we believe it is only reasonable that the judicial system treat legislatively promoted activity in a neutral manner.

ORRIN G. HATCH.
PAUL LAXALT.
ALAN K. SIMPSON.
JOHN P. EAST.
JEREMIAH DENTON.

Mr. HATCH. Madam President, time is growing short in this session, and this legislation cannot wait until next Congress. The committee recognizes that there is as yet no real consensus in this body as to how the attorney's fee issue should be handled. The wisest course appears to be to commit this difficult issue to the free deliberation of House and Senate conferees to prevent a lack of consensus from causing the bill to fail. It is my hope that the conference report on this legislation will produce a result that eliminates the present bias in favor of litigation against joint R&D programs.

Finally, let me say that it has been an honor to work with my colleagues under the fine leadership of Chairman THURMOND to develop this bill. Except for the absence of an attorney's fees provision, I believe this bill offers the hope of rectifying a serious decline in our world leadership in research and development. It offers the assurance that Government will not impede innovation. And it finally declares that it is the policy of the United States to encourage research and development.

Mr. METZENBAUM. Madam President, I rise in support of S. 1841, which will clarify the application of the antitrust laws to research and development joint ventures.

I wish to state at the outset of my remarks that I am pleased that months of negotiations with my distinguished colleagues on the Judiciary Committee have produced a compromise bill which we can all support. We have indeed been negotiating this matter for hours and weeks and months. I am pleased that we finally resolved the issue so that the matter can be brought here this evening and passed.

I have publicly and privately stated, since this bill was first before the Senate, that I strongly support the general thrust of the legislation: To clarify the antitrust laws so as to preserve competition, while encouraging the formation of new joint ventures to allow the United States to compete effectively in the world economy. The purpose is good and it is right, and we should pass this legislation.

Having said that, I want to share with my colleagues the fact that I have been troubled by the attempt of some to use this as a vehicle for weakening or repealing important provisions of the antitrust laws which have served our country and our consumers well for many years.

Thus, one of my principal concerns with the elimination of treble damages for joint research and development is that such an act might be interpreted as a precedent for a widespread effort to eliminate treble damages. Our system of private enforcement of the antitrust laws provides both an incentive to encourage small businesses and consumers who are victimized by monopolies to use the courts against often wealthy and powerful defendants, and a deterrent to those same corporations against unlawful combinations. This system has served our Nation well.

The author of the Sherman Act, Senator John Sherman from my own State of Ohio, proposed multiple damages not to deter nor punish—although for some conspiracies these objectives may be desirable. Rather, he sought to insure that

> The damages would be commensurate with the difficulty of maintaining a private suit against a combination . . .

Especially as the substantive antitrust law has made it more difficult for many plaintiffs to win their suits, it is imperative that our system of treble damages be maintained.

To this end, I believe it important to emphasize that this legislation will not be a precedent for further detrebling efforts.

My concern in this area is mitigated by my understanding that the distinguished chairman of the Judiciary Committee shares this view. I am told that he agrees with me that this bill will not serve as a precedent for any further attempts to eliminate treble damages for proven violations of the antitrust laws.

At this point, I might yield to the distinguished chairman of the committee, the Senator from South Carolina, because it is my understanding that he is prepared to address himself to this point.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I thank the distinguished Senator from Ohio and concur in his remarks that this legislation is strictly limited to joint research and development ventures and that it is not intended to serve as a precedent for any further elimination of treble damages, and I would not cite it as such.

There are several characteristics of joint R&D ventures that clearly distinguish them from other types of agreements subject to our antitrust laws. Our committee concluded that increased cooperation in research and development was not only desirable but essential for our Nation to maintain itself as a competitive force in the World economy.

Another important difference between joint research and development and most other agreements is that joint R&D primarily affects competition in future markets, not current ones. Thus, under the antitrust "rule of reason" where liability turns on competitive effect, it may be impossible for firms to predict their liability and their damages should a venture be proven unlawful. In contrast, the competitive effect of agreements in current markets is more easily ascertainable. Because existing consumers, purchasers, or suppliers are the most likely victims of anticompetitive restraints in current markets, the antitrust risks facing firms seeking to engage in production joint ventures, vertical distribution agreements or other agreements in current markets are qualitatively different than potential members of R&D ventures.

Mr. METZENBAUM. I thank the distinguised chairman for his strong and unequivocal statement.

I agree with the chairman's assessment of the significant differences between joint R&D ventures and any other conduct subject to the Sherman Act. The essential nature of joint R&D to our economy, combined with the uniquely uncertain threat of future damages, demonstrates that this legislation cannot be used in any manner as a basis for further elimination of damages under the antitrust laws.

My concern about the hidden intentions of some proponents of this legislation was caused by the outrageous position of the former head of the antitrust division, William Baxter. Senators may not recall this, but Mr. Baxter called for the total elimination of treble damages for most offenses under the Sherman Act.

I am pleased that Mr. Baxter's successor, Paul McGrath, has backed off from his predecessor's radical views on the Sherman Act. Rather, Mr. McGrath shares the view of the overwhelming majority of the antitrust community that private enforcement of the antitrust laws is an essential component in a continuing effort to protect consumers and stop monopolies. My concerns about this legislation have been assuaged by Mr. McGrath's assurance that this bill will not serve as a precedent for general elimination of treble damages, which he opposes.

I ask unanimous consent to insert in the RECORD a letter from the Assistant Attorney General in charge of the antitrust division on this issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, DC, July 30, 1984.

Hon. HOWARD M. METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: This letter responds to your letter to me of July 27, 1984, expressing your concern about the possible precedential effect of S. 1841 as reported by the Senate Judiciary Committee on May 3, 1984. Your letter emphasizes the importance of the treble damage remedy as a key incentive to private antitrust enforcement and expresses the strong view that passage of legislation along the lines of S. 1841 should not be viewed as precedent for any subsequent legislation eliminating or limiting the treble damage remedy in antitrust cases generally. I am writing to assure you that I do not view the passage of S. 1841, as reported, to be a precedent for any future measures designed to reduce the treble damage antitrust remedy as it applies to any other type of conduct.

As you know, the Department of Justice is a strong proponent of legislation to encourage the formation of procompetitive joint research and development programs by reducing the deterrent to such programs that some perceive in the federal antitrust laws. While the antitrust laws do not in fact raise significant barriers to most joint research and development ventures, we feel it is necessary that Congress take measured steps to reduce the antitrust risk that unfortunately has become associated with joint R&D.

As I indicated during my testimony before the Committee on March 12, 1984, I do not feel that S. 1841 should be regarded as precedent for general detrebling. I stated then and repeat now my view that treble damages play a very important deterrent role in antitrust, and that we should recess consideration of any broad changes in this area pending the completion and careful examination of the results of ongoing studies. I feel strongly, however, that appreciation of the importance of the treble damage remedy in general should not handicap Congress in evaluating and responding appropriately to the unique circumstances that counsel measured detrebling in the joint R&D area.

The Department does not support the detrebling provision in S. 1841 simply because joint research and development is desirable and often may be procompetitive. If these criteria were considered sufficient to eliminate treble damages, a general detrebling for all agreements judged under the rule of reason would be called for, and, as indicated above, we would not favor such a change at this time. Rather, our support for this limited amendment of the antitrust laws is based on certain unique characteristics of joint R&D. First, R&D is not only desirable, it is essential in markets characterized by rapid technological change if American industry is successfully to meet the challenge of foreign competition. Increasingly, successful R&D can only be realized through joint ventures. Unfortunately, the financial risks associated with R&D and joint R&D ventures are unusually high—much R&D yields little or no return, and the results of successful efforts may be appropriated by others. Antitrust risks exacerbate this problem. They are particularly difficult to assess because of the continually evolving nature of joint R&D programs, and because potential damage exposure is highly speculative at best at the time at which investment decisions must be made. In short, in the joint R&D area, unknown and perhaps unknowable antitrust treble damage exposure has made what in any event are risky undertakings simply too risky to pursue, despite the fact that they are essential to the future of the economy. Reducing potential exposure to actual damages plus interest, as proposed by the Administration in Title II of the National Productivity and Innovation Act and recommended by the Committee in its report on S. 1841, is clearly appropriate in these circumstances.

I appreciate very much your longstanding interest in effective public and private antitrust enforcement and in the Department's views on broader treble damage policy issues raised by pending legislation in the joint R&D area.

Sincerely,

J. PAUL MCGRATH,
Assistant Attorney General,
Antitrust Division.

Mr. METZENBAUM. I trust that these statements will put to rest any notion on the part of those who would emasculate the antitrust laws that this bill can serve their purposes.

Madam President, without these assurances from the distinguished chairman of the Judiciary Committee and the head of the Antitrust Division, I would have had difficulty in supporting the bill. I thank both of them for their cooperation.

Since the first hearing on S. 1841, I have indicated my willingness to reach a compromise on the issue of treble damages. I believe we have done so, and at the conclusion of my remarks I intend to offer an amendment, which I understand is agreeable to all parties concerned, to retain treble damages in certain limited circumstances.

But there is another issue which is not raised by S. 1841 as reported by the Judiciary Committee. This concerns routinely granting attorneys fees to defendants in antitrust cases. As originally introduced by Senator THURMOND at the administration's request, S. 1841 made no reference to attorneys fees. However, a section authorizing the routine award of attorneys fees against private plaintiffs has been included in the House version of this legislation. Although I have the greatest respect for the leadership of the House Judiciary Committee, and particularly for its chairman, I must disagree with them on this issue. I

cannot emphasize too strongly my opposition to such a provision.

Let me make clear at the outset that I do not support in any way the use of so-called strike suits by those who would file baseless antitrust actions to harass or intimidate participants in R&D joint ventures. I note that existing Supreme Court decisions clearly give judges the power to impose attorneys fees in such cases.

But that is not the issue. As plaintiffs who have a legitimate and fair antitrust case should not be deterred in their litigation efforts by fear of having to pay massive attorneys fees.

This position is based on the historic policy of the antitrust laws which is that private plaintiffs should be encouraged to bring antitrust actions when they are truly victimized by anticompetitive conduct. When they do so, they not only vindicate their own injuries but the public interest in a free and competitive marketplace. Unless the circumstances under which defendants can win fees is strictly limited to those cases where the plaintiff's suit is without foundation or brought in bad faith, I am concerned that we may inhibit those who have been wronged by combinations in restraint of trade from enforcing the antitrust laws.

Virtually no private antitrust actions will be brought if plaintiffs face the potentially enormous liability for the legal fees of multiple defendants. Indeed, shifting the cost of defendant's attorneys fees to plaintiffs may actually harm joint R&D efforts. The threat of fee liability could lead a victim of an antitrust violation to wait until an R&D program becomes successful, and until the firm suffers significant damages, before assuming the risk of paying attorneys fees to defendants. In these cases, the guilty defendant will face large damage awards, which could have been avoided if the plaintiff had brought an action for injunctive relief at the outset of the venture, and thus assured that the venture was properly structured at the outset. Thus, an attorney fee provision is inconsistent with the purpose of this legislation: To encourage joint research without harming competition.

Madam President, we have, for the most part, eliminated treble damages for R&D joint ventures. We have been told that uncertainty as to future liability might prevent procompetitive ventures which are essential to our economic growth from being formed. But similarly, the uncertainty about the award of attorneys fees might prevent someone truly victimized by a monopoly joint venture from seeking relief from our courts. We have been told that treble damages presents such a huge risk of money damages that essential research cooperation will be deterred. But similarly, the threat of paying the enormous fees of many members of a challenged joint venture will deter good faith plaintiffs from seeking their day in court.

Thus, the same arguments used in favor of detrebling compel the conclusion that defendants should not be awarded attorneys fees. I wish to make clear that I will have to oppose any legislation, including a conference report on this legislation, that allows courts to assess attorneys fees against plaintiffs who bring legitimate antitrust claims to court.

I am pleased to be able to support the compromise agreement on S. 1841. I believe it accomplishes the twin purposes that I sought for it at the outset of the process: a way to encourage R&D ventures without harming the antitrust laws and competition. I hope it results in new efforts, especially by small- and medium-sized firms, to join together to compete more effectively against U.S. industry giants as well as the increasing threat of foreign competition.

Madam President, as I noted earlier, I have an amendment which I now send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The question first is on agreeing to the committee amendment.

The committee amendment was agreed to.

AMENDMENT NO. 3584

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 3584.

Mr. METZENBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, between lines 18 and 19, insert the following: "*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 15, between lines 12 and 13, insert the following: "*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 16, between lines 8 and 9, insert the following: "*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

Mr. METZENBAUM. Madam President, I believe this amendment is acceptable to the author of the legislation.

This amendment provides that in limited circumstances a plaintiff could still obtain treble damages. These circumstances are where a joint venture has not only violated the antitrust laws but also violated a court injunction or FTC order concerning their conduct.

Madam President, I expect many if not most R&D joint ventures to be procompetitive and lawful. Where they are not, I hope that the Government or some private party promptly brings an action for injunctive relief. When this occurs, I see no possible excuse for the venture's disobedience to a court order. There can be no claim about uncertainty of the general antitrust laws which might deter desirable conduct. This amendment will ensure that injunctions will be strictly followed by the parties subject to them, and provide an additional incentive for victims of wrongdoing to bring contumacious conduct to the attention of the court.

Mr. BIDEN. Madam President, the minority is prepared to accept the amendment of the Senator from Ohio.

Mr. THURMOND. Madam President, the majority accepts the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. METZENBAUM. We yield back all time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 3584) was agreed to.

Mr. METZENBAUM. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Madam President, I believe the Senator from Vermont has an amendment he wishes to offer.

AMENDMENT NO. 3585

(Purpose: To delete and amend certain provisions regarding notification)

Mr. LEAHY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes an amendment numbered 3585.

Mr. LEAHY. Madam President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, lines 13 and 14, strike out "that is within the scope of a" and insert in lieu thereof "of a joint".

On page 15, lines 7 and 8, strike out "that is within the scope of a" and insert in lieu thereof "of a joint".

On page 16, lines 3 and 4, strike out "that is within the scope of a" and insert in lieu thereof "of a joint".

On page 16, strike out lines 15 through 18, and insert in lieu thereof "disclosing the identities of the parties to such program.".

On page 16, line 19, strike out "who is a party" and insert in lieu thereof "who is or becomes a party".

On page 17, beginning with line 2, strike out through "confidential" on line 4.

Mr. LEAHY. Madam President, the National Productivity and Innovation Act we pass today is a strong statement of this Congress' interest in the future economic growth of the Nation. This bill recognizes that the creativity, the knowledge, and economic resources necessary to develop innovative technologies will never be limited to one company or group of individuals. This legislation removes a significant impediment to the creation of joint research and development programs. Companies will be able to pool both assets and risks. Projects previously too expensive for a single company to undertake may now be started. Programs which promise technological breakthroughs in medicine, engineering, and an infinite variety of other areas can now be initiated for the betterment of society.

But at the same time, no one should fear that passage of this bill will weaken our antitrust laws. Rather, its effect will be to promote combination where it is needed to produce a desirable economic and social result, and ultimately, to promote competition both within the United States and around the world.

Our foreign competitors do not labor under antitrust restrictions. Their R&D muscle is unlimited, and research consortiums are formed on strictly pragmatic grounds: What is needed and what will work.

In our country, particularly in the field of high technology, much of our national inventive dynamism is located in our small enterprises. If they can maintain their small-unit creativity and yet join with others for R&D when a project is too big or costly to do alone, the beneficiary will be the entire Nation. And the temptation of some companies to exceed the bill's limited permission to combine is more than amply met by its carefully framed definitions and the application of a fair and clear rule or reason standard.

I also want to state my appreciation to Senators THURMOND, MATHIAS, and METZENBAUM for their help in working out an amendment to the notice requirements of the bill. The notice requirements as set forth in the committee amendment to the bill would have severely limited the achievements we celebrate today.

The committee amendment limited the single damage protection afforded to a joint R&D program by the bill to the scope of the notification provided to the Justice Department and the FTC. My amendment limits the notification to the identities of the parties to a joint R&D program. It eliminates the requirement that a joint venture notify the Federal agencies of the nature and objectives of the joint research and development program.

I believe that this amendment is necessary because linking protection of joint R&D projects to the scope of notification would have undermined the certainty established by the bill since it is often hard to predict what the outcome of a creative research undertaking will be.

We have now ensured that companies will not be bound by unrealistic detail required in disclosures that would have limited research and development to the very project described in the disclosure. Under my amendment, researchers need not constantly fear whether a creative offshoot of their research has taken them outside the scope of protection that they had gained through their original disclosure.

Antitrust protections contained in current law are not weakened since the Department and Commission retain their current authorities to investigate the scope and structure of a joint R&D program to determine whether the program violates our antitrust laws. But my amendment ensures that any litigation involving joint research and development will focus on whether two or more companies have used the excuse of reseach and development to violate antitrust laws rather than the less substantive points involving adequate disclosure.

Finally, the amendment minimizes the risk that in some industries, even the very general Federal Register announcement contemplated by the bill might provide enough information for industry insiders to be able to learn a great deal about the nature and purpose of the joint R&D. The effect of such disclosure could have to actually reduce competition rather than encourage it.

Again, I thank my colleagues for joining me in this most important piece of legislation. Today we have demonstrated that our competitive future lies within our own control and is subject only to the limits of our own creative spirit. This legislation will help ensure that America remains the technological and intellectual center of the world throughout this century and well into the next.

Before closing, Madam President, I would like to extend my appreciation—and I am sure that is echoed by the rest of this body—to Senators THURMOND and BIDEN for their leadership in steering this vital legislation through the Senate.

Mr. BIDEN. Madam President, the minority has reviewed the amendment of the Senator from Vermont and it is acceptable. I believe it will improve the bill. We accept his amendment to this legislation.

Mr. LEAHY. Madam President, I yield back the remainder of my time on the amendment.

Mr. THURMOND. Madam President, I yield back the remainder of my time. We will accept the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 3585) was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Madam President, I rise today in support of the National Productivity and Innovation Act.

I cannot stress enough the importance of this legislation. It seeks to modify Federal antitrust and intellectual property laws in ways which will stimulate this country's productivity, innovation, and efficiency in the increasingly competitive international computer marketplace.

This bill will reduce duplication in a field which needs to make the most efficient use of scarce technical personnel and capital resources. It also provides small firms the opportunity to collaborate in joint research and development projects which, because of prohibitive costs, could not otherwise be undertaken. Finally, this bill allows the United States to compete with foreign competitors and continue to be the technological leader in the world market which has in recent years seen a challenge to our leadership from Japan and other countries.

If we are to remain world leaders in technology, it is imperative that we encourage joint research and development by providing explicit congressional recognition that such ventures will encourage competition domestically and internationally.

The fear of antitrust liability has continued to be the primary barrier to joint research and development regardless of the Department of Justice's attempts to clarify the standards to such activities. This is primarily because approval of a joint venture from

the Justice Department is not binding upon the courts in private suits against a firm. Thus, companies are forced to expend resources defending suits which often are found to be meritless. Companies like Motorola, Intel, and Digital cannot afford to be bound in their research activities by inconsistent and unclear legal standards. We must clear the path for these and other companies to positively effect our economy and technologically improve our system of defense.

The need for this legislation is great. I strongly urge your support.

Mr. MATHIAS. Madam President, in December 1982, along with Senator HART, I introduced S. 3116, a bill aimed at encouraging firms to engage in beneficial, procompetitive joint research and development ventures. In the current Congress, I introduced a revised version of that bill, S. 727, with Senators CHAFEE, SPECTER, HART, and BAUCUS as cosponsors. Today, the full Senate will consider a new proposal on this subject, S. 1841, which represents the synthesis of many months of hearings, study, and negotiations. I urge my colleagues to support this important bill, which addresses the vital concerns that led me to introduce closely related legislative proposals in each of the past two Congresses.

Our national policy, embodied in the antitrust laws, discourages businesses from joining forces to engage in anticompetitive behavior. In certain instances, however, our misgivings about alliances between competitors are misplaced. In those cases, cooperative efforts can yield tremendous benefits—if they can be carried out without fear of unwarranted antitrust lawsuits.

One such area is joint research and development. Today, many of our trading partners not only permit but actively encourage joint R&D ventures. For example, the Japanese Ministry of International Trade—by now known to most of us as MITI—has organized a consortium of major Japanese computer and electronic firms to engage in a 10-year R&D effort to produce the first fifth-generation computer. That joint venture is reportedly already making impressive progress.

The advantages of joint R&D—both to the parties involved and to the Nation—are clear. First, as William C. Norris, the distinguished president of Control Data Corp., has testified, America is suffering from a "wasteful duplication" of R&D efforts. By reducing this needless overlap, cooperative research will make it possible for American companies to carry out research in as-yet-unexplored areas. Second, some types of research may be so risky or costly that no single firm will take them on alone. Here, too, joint research efforts will make it possible to enlarge our overall fund of scientific and technical knowledge. Finally, when researchers work side by side, they sometimes achieve results that would never be possible through isolated efforts. Perhaps the most famous example of this scientific synergy at work is the collaboration of Enrico Fermi, Robert Oppenheimer, and the other members of the Manhattan project. The Constitutional Convention of 1787 is another, very different situation in which collective efforts amplified the genius of all involved.

Despite these attractions, relatively few American firms have chosen to enter into joint R&D ventures. I believe that this reluctance is largely due to uncertainty about the legality of joint R&D. The bill that we consider today, S. 1841, has been carefully crafted to remedy this lack of clarity. It specifies that joint R&D programs—as defined in the bill—are to be judged under a flexibile "rule of reason" standard. In addition, the bill spells out the most important factors to be taken into account in applying that standard.

KEY POINTS IN LEGISLATIVE HISTORY

The committee report on this bill, S. Rept. 98-427, provides further guidance about how the rule of reason is to be applied in cases involving joint R&D programs. In particular, the report makes two key points of such importance that I want to repeat them here. The first is that—

When there are several other—perhaps four—comparable R&D efforts underway or successfully completed, or the substantial potential for such efforts by firms or groups that are included in the market, anticompetitive effects are unlikely.

Thus, the members of a joint R&D program will not be required to show, as to each member, that the research would be impossible without that member. Rather, the test will be whether there is room in the market for a sufficient number of competing R&D efforts—whether there is "room to dance." If a venture meets that test, and satisfies the other requirements set out in this bill, it is extremely unlikely to be found in violation of the antitrust laws.

Second, the report makes clear that "overseas R&D competitors usually will be significant factors in properly defined R&D markets, and in those instances courts must take this internaitonal dimension into account." This statement is a sensible recognition of the fact that scientific and technical knowledge flows more rapidly across national borders than virtually any other commodity. This economic reality should be reflected in any analysis of R&D competition under the antitrust laws.

ATTORNEY'S FEES

There has been a great deal of discussion about the award of attorney's fees to defendants in suits under this bill. Some have argued that Congress should provide for an award of attorney's fees to virtually all parties who successfully defend against antitrust suits based on joint R&D activities. Others have contended that no defendant should ever be awarded attorney's fees in any antitrust suit, unless the plaintiff acted in bad faith.

I favor a middle course. Congress should certainly provide relief to participants in joint R&D programs who suffer the often enormous expense of defending unwarranted antitrust litigation. At the same time, we must be careful not to deter meritorious litigation. In attempting to achieve this compound goal, we can draw upon the experience of the many courts that have confronted this problem in interpreting other statutes. In particular, the Supreme Court's unanimous opinion in the *Christiansburg Garment* case, 434 U.S. 412 (1978), recently reaffirmed in *Hughes* v. *Rowe*, 449 U.S. 5 (1980), offers helpful guidance in this regard. In the Christiansburg case, the Court noted that "strong equitable considerations" counsel that differing standards be applied in awarding attorney's fees to prevailing defendants than to prevailing plaintiffs. First, the Court noted that plaintiffs are "the chosen instrument of Congress to vindicate Federal statutory policy." Second, the Court pointed out that unlike an unsuccessful plaintiff, a losing defendant has been found by the court to be "a violator of Federal law." Finally, the Court found that too ready an assessment of attorney's fees against unsuccessful plaintiffs might discourage victims from bringing meritorious claims. In light of these factors, the Court held that prevailing defendants should recover attorney's fees in title VII suits only if the plaintiff's action was brought in subjective bad faith, or was objectively "frivolous, unreasonable, or without foundation."

I believe that a standard such as this may well be appropriate in connection with lawsuits involving joint R&D programs. Such a test might well be the best way to deter groundless litigation, while not intimidating victims of antitrust violations from bringing meritorious suits.

Some have contended that as a practical matter, courts will never find a lawsuit to be frivolous, or to have been brought in bad faith. A review of recent cases indicates that this is emphatically not the case. Indeed, the Federal courts have shown an admirable willingness to recognize meritless and bad faith lawsuits for what they are. In the past few years, Federal courts of appeals across the country have approved awards of attorney's fees to defendants who have been forced to defend against meritless or bad faith suits. Those cases include the following: *General Camera Corp.* v. *Urban Development Corp.*, 734 F.2d

468 (2d Cir. 1984) ("frivolous" suit); *American Family Life Assurance Corp.* v. *Teasdale,* 733 F.2d 559 (8th Cir. 1984) ("frivolous, unfounded, and vexatiously brought"); *Beard* v. *Annis,* 730 F.2d 741 (11th Cir. 1984) ("groundless, baseless, and frivolous"); *Braxton* v. *Bi-State Development Agency,* 728 F.2d 1105 (8th Cir. 1984) ("abuse of process," citing Christiansburg); *Bernstein* v. *Menard,* 728 F.2d (4th Cir. 1984) ("frivolous, unreasonable, or groundless"); *Shaw* v. *Neece,* 727 F.2d 947 (10th Cir. 1984) ("unreasonable (and) frivolous") cert. denied, 104 S. Ct. 2358 (1984); *Arnold* v. *Burger King Corp.,* 719 F.2d 63 (4th Cir. 1983) ("frivolous"); *Perichak* v. *International Union of Electrical, Radio and Machine Workers,* 715 F.2d 78 (3d Cir. 1983) ("bad faith"); *Lewis* v. *Brown & Root, Inc.,* 711 F.2d 1287 (5th Cir. 1983) ("frivolous, unreasonable, or without foundation"), modified, 722 F.2d 209 (5th Cir. 1984), cert. denied, 104 S. Ct. 975 (1984); *Campbell* v. *Cook,* 706 F.2d 1084 (10th Cir. 1983) ("frivolous"); *McCandless* v. *Great Atlantic and Pacific Tea Co.,* 697 F.2d 198 (7th Cir. 1983) ("bad faith"); *National Organization for Women* v. *Bank of California,* 680 F.2d 1291 (9th Cir. 1982) ("frivolous, unreasonable, or without foundation"); *Durrett* v. *Jenkins Brickyard,* 678 F.2d 911 (11th Cir. 1982) (same); *Bugg* v. *International Union of Allied Industrial Workers,* 674 F.2d 595 (7th Cir.) ("entirely groundless"), cert. denied, 459 U.S. 805 (1982); *Werch* v. *City of Berlin,* 673 F.2d 192 (7th Cir. 1982) ("frivolous, unreasonable, and groundless"); *Coleman* v. *General Motors Corp.,* 667 F.2d 704 (8th Cir. 1981) (no basis or foundation" for suit); *Harris* v. *Group Health Association,* 662 F.2d 869 (D.C. Cir. 1981) ("frivolous, unreasonable"); *Reichenberger* v. *Pritchard,* 660 F.2d 280 (7th Cir. 1981) ("unreasonable and groundless"); *Harbulak* v. *County of Suffolk,* 654 F.2d 194 (2d Cir. 1981) ("totally without foundation"); *Church of Scientology* v. *Cazares,* 638 F.2d 1272 (5th Cir. 1981) ("frivolous, unreasonable, and groundless"); and *Jones* v. *Dealers Tractor & Equipment Co.,* 634 F.2d 180 (5th Cir. Unit A 1981) ("frivolous, unreasonable, or groundless"). This proliferation of awards of attorney's fees under the Christiansburg standard shows that the courts can and do give that test real bite.

Madam President, I believe that passage of this legislation will prove to be a historic step in encouraging America to still greater achievements in science and technology. I hope that it can be enacted without delay.

Mr. DODD. Madam President, I intend to vote against the pending motion to concur in the House amendment to S. 268, the so-called Hoover Dam bill.

I am doing so, first of all, for procedural reasons. This is an extremely substantial piece of legislation—it commits us for 30 years to a particular course of action. It may prove enormously costly—by one estimate, an alternative course of action would save the taxpayers $6 billion over the next decade alone. Yet we are about to give a stamp of approval to this legislation even though it was never considered by a Senate committee and with debate in the Senate Chamber curtailed abruptly. I do not think it makes good sense for the Senate to begin action to close debate only 4 hours after the motion was brought to the floor.

Second, the limited debate we did have raised some very real substantive questions in my mind about the wisdom of the legislation. The essence of S. 268 is to commit the Federal Government to provide customers of the Hoover Dam hydroelectric power at cost over three decades. That rate is approximately one-tenth of the average cost of electricity in the United States as a whole.

Proponents of the measure have argued that charging those customers the market rate for power is unfair. That may be true; I certainly do not favor that approach myself. But I do think it would have made sense to explore some alternatives. Since no action is required until 1987, what was the compelling reason to commit ourselves well into the 21st century now? What was wrong with the amendment of the Senator from Ohio which simply called for a formal study of alternative pricing mechanisms and their implications before we made a final decision?

In my judgment, there are no good answers to these questions. For that reason, I am opposed to Senate approval of S. 268.

Mr. CHAFEE. Madam President, America's industrial stength and international competitiveness ultimately depend on the vitality and creativity of its private sector economy. Research and development lie at the heart of our industrial competitiveness. The ability of U.S. firms to remain at the frontiers of technological development is critical to both our competitive position in the world and our national security.

However basic research by companies is inhibited by its often extraordinarily high cost and slow payback. The cost and risk along with the limits on available skilled scientific and technical personnel may preclude any single company from gathering the talent needed to make an R&D project successful. Many companies, even larger ones, simply can't afford to pursue every idea or lead which holds the promise of a better product or process.

Groups of companies in the same industry therefore have an incentive to share this cost by working together to perform such research, but they are held back by fear of violating antitrust laws. Most of the time, antitrust laws do what they are supposed to—they foster competition and protect consumers from monopolistic practices. But they can also hurt the consumer—by limiting the search for new competitive technologies.

This bill before the Senate seeks to restrain antitrust action against joint research ventures. It is explicit and welcome congressional encouragement that joint R&D activity will generally encourage competition and put us on more equal footing with our international competitors. This kind of competition should not be inhibited by unclear antitrust standards. When joint research activities are anticompetitive, this bill still allows safeguards against that.

Government actions can help stimulate and release the tremendous industrial energy of our private sector, or it can stifle it.

This legislation before us today is one example where we have a chance to help, and I wholeheartedly support it.

Too much is at stake—employment, economic growth, and America's ability to compete in world markets—to stifle technological progress because of inflexible antitrust laws.

The National Productivity and Innovation Act should become law as quickly as possible.

Mrs. HAWKINS. Madam President, I rise in support of the National Productivity and Innovation Act which is designed to promote research and development through a clarification of the applicability of antitrust laws to joint R&D programs.

Research and development is the engine of technological progress and productivity. Recent studies show a strong linkage between the rate of R&D expenditures and the rate of productivity increase in various industries.

However, the longrun trend of U.S. R&D outlays is discouraging. Our total R&D spending reached a peak of 3 percent of GNP in 1965 and has trended down to 2.4 percent.

An inhibiting factor has been the application of antitrust laws to joint R&D ventures. Firms that are otherwise competitive may violate U.S. antitrust policy when they enter into R&D joint ventures. This puts U.S. firms at a competitive disadvantage with foreign firms not shackled by antitrust restrictions. Joint ventures can minimize costs and achieve economies of scale in research.

The decline in the U.S. R&D effort means the loss of American jobs. This can be seen in the U.S. trade deficit.

Our trade deficit for the first half of 1984 was $59.79 billion, up from $27.28 billion during the 1983's first half. To preserve American jobs, it is essential that the competitive edge of our firms be restored, particularly in the high-tech areas. This can best be accomplished through a Government policy that encourages, rather than discourages research and development efforts.

The bill provides congressional recognition that joint R&D activity will encourage competition, and that such competition should not be inhibited by unclear antitrust standards. Legal procedures are established in the bill to insulate appropriate R&D joint ventures from antitrust attacks. By amending our antitrust laws to encourage R&D joint ventures, we will be taking an important step in assuring American industrial leadership in the world.

Mr. RIEGLE. Madam President, I support S. 1841, the National Productivity and Innovation Act.

The Business-Higher Education Forum has identified technological innovation as one of the primary elements of a Nation's industrial competitiveness. Innovation is a key to the development of new products, new manufacturing processes, and an overall improvement in productivity. America's commitment to research and development has established our Nation as the leading competitor in many technology-intensive industries.

However, our total expenditures on industrial research and development as a percentage of GNP has decreased by 20 percent over the past 20 years. At the same time, foreign research consortiums have arisen to challenge the united States in world high-technology markets. Japan and the EEC countries maintain a policy which allows the joint research and development programs of its major corporations to operate under special antitrust provisions. By pooling the economic capacity of several companies, foreign firms have been able to engage in cost-intensive research out of reach for single U.S. firms. Foreign industries have actively exploited this unfair advantage to increase their world market share at the expense of the United States.

Technology-intensive industries in the United States have been reluctant to engage in joint R&D projects due to ambiguity of the current antitrust legislation. Many firms justifiably fear that antitrust suits, win or lose, would greatly increase the total cost of a research program. To avoid the trouble and expense of a legal suit, U.S. companies simply pass up the opportunity to conduct valuable research with other firms.

Recognizing the importance of research to the future of American industry, the National Productivity and Innovation Act seeks to define the relationship between antitrust laws and joint venture R&D projects. In modifying current antitrust law, S. 1841 ensures that technological innovation is not unnecessarily discouraged. This bill replaces the per se violation rule, which classifies certain types of joint activity as automatically illegal, with a rule of reason for joint R&D ventures. It also does away with the current law that requires the losing party in an antitrust case to pay triple the amount of damages; and allows the judge to award court costs to a successful defendant in the interest of justice.

This legislation is an example of how we can remove unnecessary obstacles to competition while still keeping essential rules and regulations intact. Antitrust legislation will still apply to all joint venture R&D projects and the Justice Department and Federal Trade Commission will continue to monitor joint ventures to identify any anticompetitive activities that take place.

To compete in the world market today, the United States must rededicate itself to industrial research and development. With a $120 billion merchandise trade deficit, we must do everything possible to see that American business and industry is not unnecessarily burdened by government. In clarifying antitrust legislation, the National Productivity and Innovation Act is an important step in removing obstacles to the research and development that is essential to increase national competitiveness.

I am pleased to cosponsor this bill and ask my colleagues to join me in strong support of this legislation.

Mr. HEFLIN. Madam President, I join my colleagues in strong support of Senate bill 1841, the National Productivity and Innovation Act. This legislation is designed to promote research and development, encourage innovation, and stimulate trade. This legislation underscores the importance our Nation places upon the research and development undertaken by industries in our country.

I have sponsored and strongly supported this meaningful legislation because I believe it puts to rest the uncertainty of possible technical antitrust violations if individual entrepreneurs join together in research efforts. It preserves the basic foundation of our antitrust laws, while providing flexibility when these laws are applied in joint research and development programs.

Oftentimes, the development of new technology is a painstaking process and is too costly, both financially and in terms of personnel to be undertaken by an individual business. Therefore, it is incumbent upon us to encourage the sharing of ideas and knowledge for the betterment of the United States.

The United States does not compete in an uncompetitive world; there are foreign businesses who are ready to control not only the foreign markets of the world, but our own domestic markets. We cannot stand idly by and watch this happen. All of us are aware that there are limited resources available, and it is better that we encourage cooperation and development among ourselves than to fall prey to foreign predators.

Our antitrust laws are an appropriate mechanism to ensure that the American free enterprise marketplace is and will always remain free. But when these laws threaten to hinder our economic growth rather than strengthen them, it is time to rethink their purpose and reclarify their intent and enact appropriate and necessary improvements.

This is sound legislation and at this time in our country when there is a strong sense of the American spirit, I am proud to be part of a legislative effort to recognize the spirit of "ole American know-how" and technology.

I urge my colleagues to support this legislation.

Mr. SPECTER. Madam President, I strongly support the passage of S. 1841, the National Productivity and Innovation Act of 1983. On March 9, 1983, I was one of six original sponsors of S. 737, a bill which would have created a limited antitrust exemption for joint research and development efforts. I was an active proponent of this legislation because I believe it vital that American industry be given encouragement and opportunity to put its best research efforts forward if it is to most effectively compete in the international marketplace.

In the following 18 months, the Judiciary Committee considered a number of other approaches to solving the problem of how to ensure that the antitrust laws which are designed to encourage the growth of a competitive market do not unnecessarily impede industry's ability to work cooperatively to improve existing technologies.

To assist in this process, I attended 2 days of committee hearings to examine this issue, discussed the matter with the Assistant Attorney General for the Antitrust Division of the Department of Justice and consulted with representatives of the business community. I am thus convinced that S. 1841, the consensus bill reported by the Judiciary Committee represents a practical and much needed solution to this problem. Accordingly, I was not only pleased to cosponsor it, but to join my fellow Judiciary Committee members in urging its early and favorable consideration by this body.

Mr. WILSON. Madam President, I want to express my complete support for the National Productivity and Innovation Act, S. 1841. As a cosponsor

of the bill, I am pleased that the Committee on the Judiciary has brought the bill to the floor at this time so that we may see it enacted this year.

Madam President, there are many things which make our country thrive. Among these is the sheer determination of our industry. But determination alone never has been enough, and this is especially true in today's international economy. The difference between a good effort and national economic success is innovation—which does not come easily or on the cheap.

There has been a great deal of talk over the past number of years—and most recently in the Democratic platform—about a national industrial policy. Some have suggested that we should adopt the Japanese model which has the government pick business winners and losers through government sponsored research and development programs and government allocation of capital. Madam President, I contend that this is the wrong path to follow.

The policies of the United States should foster innovation in our industries through the established strengths in our economy. It is private industry—with an eye on the marketplace—which should choose the paths to follow. The Government can, and must, help, but not by pointing the way. Rather, Government must provide the basic tools necessary for industry to do the job itself.

Madam President, the bill before us is very much in keeping with this proper governmental role. It embodies a recognition that the game is no longer an intramural one. U.S. companies are no longer only competing among themselves. In marketing and sales domestically we must continue the long established policy of free and open competition. However, if the U.S. economy is to have a chance internationally, we must improve the chances of our domestic companies to compete against foreign competitors both in our home markets and abroad.

The new rules established by the National Productivity and Innovation Act will formally allow joint ventures for research and development. The dollars and cents costs of developing new technologies have grown to the point that few companies, going alone, can afford to take the risk. Yet, without this bill, no group of companies can afford the risk of litigation under our antitrust laws.

Madam President, earlier this month I had an opportunity to visit one of the premier high-technology companies which, not at all by chance, happens to be headquartered in California—Hewlett-Packard. This company performs extremely sophisticated research and development each year at a cost of millions of dollars. On a tour of their Cupertino facility, I was able to see computer chips being designed and made. It was very impressive, though I will admit that not all of it was easily comprehensible—with references to DRAM, ROM, CMOS, nor gates, and such. And, yet, with all that I saw and with all that I was told about, it was clear that there is a need for a change in the law to allow R&D joint ventures. There is simply no other reasonable way for our domestic companies to maintain a lead internationally in innovative products. We must allow our industries to work together so that, as a nation, we can compete on an international level against foreign national efforts—efforts which exist in a setting where if there are antitrust laws, they are acknowledged only in theory.

Madam President, S. 1841 is one of many steps that the Congress must take to provide the means for our domestic industries to retain their competitiveness in the area of high technology. One other important move was recently sidetracked as the R&D tax credit extension provision of the Senate's tax bill was struck in conference. Clearly, we must not allow the R&D tax credit to lapse.

There are many other changes in our laws which should be made, and in this regard I would commend to my colleagues the work of the Task Force on Industrial Competitiveness chaired very ably by the Senator from Rhode Island, Mr. CHAFEE. S. 1841 encompasses but one of the recommendations made by the task force which the Congress must take to improve the ability of our industries to maintain a competitive edge.

Madam President, I again commend the Committee on the Judiciary for its fine work on S. 1841 and I hope to see it signed by the President in the near future.

Mr. BIDEN. Madam President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is all time on the bill yielded back?

Mr. THURMOND. Madam President, we yield back the remainder of our time.

Mr. BIDEN. Madam President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back and the bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Connecticut [Mr. WEICKER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] and the Senator from Michigan [Mr. LEVIN] are necessarily absent.

The PRESIDING OFFICER [Mr. MURKOWSKI]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—97

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Chiles	Inouye	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Kennedy	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Long	Tower
Dole	Lugar	Trible
Domenici	Mathias	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Wilson
Evans	Melcher	Zorinsky
Exon	Metzenbaum	
Ford	Mitchell	

NAYS—0

NOT VOTING—3

Hart	Levin	Weicker

So the bill (S. 1841), as amended, was passed.

Mr. THURMOND. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have indicated to our cloakroom staff that there will be no more record votes today.

I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 6:45 p.m., in which Senators may speak for not more than 1 minute each, except for the two leaders or the acting leaders, against whom no limitation applies.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 3:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1492) to establish the Christopher Columbus Quicentenary Jubilee Commission.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4784. An act to reform the remedies available to United States producers regarding unfair import competition, and for other purposes; and

H.R. 5616. An act to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 342. Concurrent resolution relative to an adjournment to a date certain during the remainder of the Ninety-eighth Congress.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information;

H.R. 1310. An Act to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs, and for other purposes; and

H.R. 1492. An Act to establish the Christopher Columbus Quincentenary Jubilee Commission.

The enrolled bills were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4784. An act to reform the remedies available to U.S. producers regarding unfair import competition, and for other purposes; to the Committee on Finance.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on August 1, 1984, by unanimous consent:

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 5616. An act to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes.

The Committee on Armed Services was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 4952. An act to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with amendments and an amended preamble:

H.J. Res. 279: A joint resolution expressing the sense of the Congress regarding the reduction of emigration from the Soviet Union.

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment.

S. Res. 418: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1177.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 424: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3729.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Diana Lady Dugan, of Utah, to be Coordinator for International Communications and Information Policy, with the rank of Ambassador:

Nominee: Diana Lady Dugan.

Post: Coordinator for International Communication and Information Policy with Permanent Rank of Ambassador.

CONTRIBUTIONS

1. Self: Donee, amount, and date:
Eloise McGouwn for Legislature, $25, 1980.
Glen Johnson for Legislature, $25, 1980.
Garn Election Committee, $600, 1980.
GOP Victory Fund, $100, 1980.
Hogan Election Committee, $100, 1982.
Katie Dixon, $25, 1982.
Utah Republican Party, $50, 1982.
Hatch Election Committee, $25, 1982.
Nielson for Congress, $30, 1983.
MD Republican Party, $100, 1983.
Camp Fund For Republican Women, $150, 1984.

2. Spouse: Donee, amount, and date:
Wilson for Mayor, $50, 1980.
Century Club, $150, 1980.
Carter/Mondale, $800, 1980.
Berman for Senate, $200, 1980.
Monson for Congress, $250, 1980.
McKay for Congress, $250, 1980.
Matheson for Governor, $500, 1980.
Hiskey for Commissioner, $100, 1980.
Berman for Senate, $300, 1980.
Udall for Congress, $100, 1980.
Balanced Legislature, $100, 1980.
Jefferson-Jackson Dinner, $100, 1981.
Wilson Election Committee, $100, 1981.
Jefferson-Jackson, $100, 1981.
Wilson Election Committee, $100, 1981.
Johnston for Senate, $250, 1983.
U.S. Democrat Committee, $500, 1983.
Century Club, $100, 1983.

3. Children and spouses names: Gavin M. Dougan, Elena L. Dougan (minor children no spouses), none.

4. Parents names: Elaine S. Lady (father deceased): Donee, amount, and date:
Lincoln Day Dinner, $15, 1980.
Maryland Republican Founders Club, $100, 1980.
Bauman for Congress, $25, 1980.
Citizens for Buckley, $10, 1980.
Mont. County Republican Club, $100, 1980.
Lincoln Day Dinner, $15, 1980.
MD Republican Founders Club, $100, 1980.
Del. Simmons, $10, 1980.
Montgomery Co. Republican Club, $100, 1980.
Rock Creek Women's Repub. Club, $15, 1980.
National Republican Senatorial Comm., $15, 1980.
Montg. Co. Republican Women's Club, $12, 1980.
National Republican Committee, $15, 1980.
Polly Bloedorn—expenses for coffee, $14.60, 1980.
Rock Creek Women's Republican Club, $30, 1980.
National Republican Sen. Comm., $10, 1980.
P. Bloedorn—exp Detroit Rep Nat'l Conv., $252, 1980.
Nat'l Federation Republican Women, $25, 1980.
Return Newton Steers to Congress, $25, 1980.
Republican National Committee, $100, 1980.
Maryland Founders Club—dues, $100, 1980.
Maryland Founders Club—dues, $100, 1980.
Bauman for Congress, $15, 1980.
National Republican Sen. Comm., $15, 1980.
Citizens Legal Defense Fund, $15, 1980.
Fund for Conservative Majority, $50, 1980.
Bauman for Congress, $100, 1980.
Reagan for President, $25, 1980.
Bauman for Congress, $25, 1980.
Official MD-Reagan Delegate Comm., $400, 1980.
Nat'l Right-to-Work Foundation, $10, 1980.
Maryland Republicans—(dues), $15, 1981.
Rock Creek Women's Repub. Club, $10, 1981.
Republican National Committee, $25, 1981.
Howard Denis Campaign, $30, 1981.
Maryland Republican Party, $26, 1981.
Scott for Congress, $26, 1981.

Scott for Congress, $10, 1981.
Montg. Co. Repub. Century Club, $100, 1981.
Bauman for Congress, $10, 1981.
League of Republican Women, $15, 1981.
Maryland Founders Club, $100, 1981.
National Right-to-Work, $15, 1981.
Rock Creek Women's Repub. Club, $100, 1981.
Republican National Committee, $25, 1982.
GOP Century Club of Mont. Co., $100, 1982.
Montgomery Republican Fund, $30, 1982.
Hogan for Senate, $100, 1982.
League of Republican Women—DC, $25, 1982.
Neptune for Sheriff Committee, $25, 1982.
Hogan for Senate, $25, 1982.
Friends of Marian Greenblatt, $25, 1982.
Hogan for Senate, $100, 1982.
Friends of Connie Morella, $25, 1982.
Maryland Republicans, $50, 1982.
Cong. Bauman's 1982 Committee, $50, 1982.
Pascal for Governor, $25, 1982.
Spencer for Congress, $25, 1982.
Nat'l Republican Senatorial Comm., $20, 1982.
Friends of Jean Roesser, $20, 1982.
Hogan for Senate Campaign, $242, 1982.
Maryland Founders Club, $100, 1982.
Rock Creek Women's Repub. Club, $15, 1982.
Herbert Hoover's Repub Women's Club, $7.50, 1982.
League of Republican Women of DC, $25, 1982.
Repub. Women of D.C. (luncheon), $25, 1982.
Montg. Co. Federation of Rep. Women, $30, 1982.
Rock Creek Repub. Club (chances), $5, 1982.
League of Repub. Women (luncheon), $8, 1982.
Nat'l Repub. Senatorial Committee, $25, 1983.
Montgomery Co. Republicans, $25, 1983.
Robert Bauman Campaign, $20, 1983.
Rock Creek Women's Repub. Club, $10, 1983.
League of Rep. Women of DC (lunch), $31.50, 1983.
Montg. County Republican Club, $100, 1983.
Americans for the Reagan Agenda, $25, 1983.
Majorie Holt Campaign, $50, 1983.

5. Grandparents names: Ruth W. Staggers, (others deceased), none.

6. Brothers and spouses, names: Donald S. Lady, none.

7. Sisters and spouses names: None.

By Mr. DOLE, from the Committee on Finance:

Dodie Truman Livingston, of California, to the Chief of the Children's Bureau, Department of Health and Human Services.

By Mr. GOLDWATER, from the Committee on Armed Services:

Ann S. Peterson, of Illinois, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 30, 1989; and

M. Robert Hill, Jr., of California, to be a member of the Board of Regents of the Uniformed Services University for a term expiring June 20, 1989.

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Vice Adm. Robert L. Walters, U.S. Navy, age 58, to be placed on the retired list, Lt. Gen. James R. Brickel, U.S. Air Force, age 53, to be placed on the retired list, and Maj. Gen. Harry A. Goodall, U.S. Air Force, to be lieutenant general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, in addition, in the Army there are 35 appointments to the grade of major general (list begins with Robert D. Hammond), in the Army National Guard there are 33 appointments to the grade of major general and below (list begins with Colin C. Campbell), in the Air Force there are six appointments to the grade of lieutenant colonel and below (list begins with Gary L. Henriksen), in the Air National Guard there are 33 promotions into the Air Force Reserve to the grade of lieutenant colonel (list begins with Jerald K. Aoki), in the Air Force there are 58 permanent promotions to the grade of lieutenant colonel (list begins with Alan M. Akers), in the Air Force there are 113 permanent promotions to the grade of colonel (list begins with Joe W. Abdelnour), in the Air Force there are 11 permanent promotions to the grade of major (list begins with Timothy M. Carlos), in the Air Force there are 485 permanent promotions to the grade of major (list begins with Paul N. Anderson), in the Army there are 37 appointments to the grade of captain (list begins with Chester P. Beach, Jr.), in the Army three are 254 appointments to the grade of second lieutenant (list begins with Harold L. Abner), in the Army there are 2,947 permanent promotions to the grade of lieutenant colonel and below (list begins with Christopher C. Pixton), in the Navy Reserve there are 753 permanent promotions to the grade of commander (list begins with David Earl Adams, Jr.), and in the Navy there are 757 appointments to the permanent grade of lieutenant commander (list begins with Jesse Ramirez Ada). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 23, 1984, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 2885. A bill to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to establish and conduct for a period of five fiscal years a streambank erosion prevention and control demonstration program in Nebraska; to the Committee on Environment and Public Works.

By Mr. GOLDWATER:

S. 2886. A bill for the relief of George K. Jue (also known as Jue Gar King and Jew Ten); to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2887. A bill for the relief of Mr. Clarito Maximo Felipe; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 2888. A bill for the relief of Ernst B. Coumou; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2889. A bill to provide for administrative agencies to waive certain claims of the United States; to the Committee on the Judiciary, by unanimous consent.

By Mr. DECONCINI (for himself and Mrs. HAWKINS):

S. 2890. A bill to require that Presidential primaries or caucuses be held only during the period beginning on the second Tuesday in March and ending on the second Tuesday in June of the year of the Presidential election; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. 2891. A bill to amend the act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" and to amend the Federal Land Policy and Management Act of 1976 to exempt the National Park Service and the Bureau of Land Management and the Fish and Wildlife Service from certain requirements; to the Committee on Energy and Natural Resources.

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 2892. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 2893. A bill to amend the Internal Revenue Code of 1954 to repeal the limitation on the aggregate face amount of private activity bonds, and for other purposes; to the Committee on Finance.

By Mr. MELCHER (for himself, Mr. LEVIN, Mr. BAUCUS, Mr. SASSER, Mr. DECONCINI, Mr. JEPSEN, Mr. HATFIELD, Mr. EAGLETON, Mr. BURDICK, Mr. BOREN, and Mr. RANDOLPH):

S. 2894. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property used in a trade or business; to the Committee on Finance.

By Mr. BENTSEN:

S. 2895. A bill to provide additional benefits under the medicare part A program, and additional optional benefits under the medicare part B program; to the Committee on Finance.

By Mr. BOSCHWITZ:

S. 2896. A bill providing for a reduction in the duty on certain fresh asparagus; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2897. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefits guarantees to certain

pension plans; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON:

S. 2885. A bill to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to establish and conduct for a period of 5 fiscal years a streambank erosion prevention and control demonstration program in Nebraska; to the Committee on Environment and Public Works.

NEBRASKA STREAMBANK EROSION PREVENTION AND CONTROL DEMONSTRATION ACT

Mr. EXON. Mr. President, today I am introducing the Nebraska Streambank Erosion Prevention and Control Demonstration Act of 1984.

This measure is vitally needed in my home State of Nebraska to address the problem of economic losses attributable to the severe flood damage which periodically threatens thousands of acres of valuable farmland. Streambank erosion losses have been astronomical over the last several years and Federal assistance is desparately needed to mitigate future losses of this important agricultural resource.

The bill I am introducing today establishes a so-called section 32 program specifically for Nebraska. Section 32 authority which provided for a nationwide program of streambank erosion control demonstrations was a part of the 1974 Water Resources Development Act. This important program which, over a 5-year period, constructed demonstration projects including bank protection works on the Missouri River, expired at the close of fiscal year 1982.

Mr. President, surely no one knows the State's water needs better than the State itself. Washington certainly is not in a position to tell the State what its water needs are today. For this reason, I have consulted with the Nebraska Department of Water Resources and the Nebraska Natural Resources Commission in fashioning this legislation.

The Twin Platte Natural Resources District deserves great credit for this measure. In addition, I have heard from local water leaders such as the Central Platte Natural Resources District as well as the chairman of the Nebraska Legislature's Public Works Committee. The input from all of these Nebraska water experts advised that a comprehensive, statewide streambank erosion control and prevention program was needed.

The bill provides flexibility, both to the State in targeting priority demonstration sites and to the corps in terms of the approach to each demonstration site and the appropriate methods employed in addressing streambank erosion needs in various geographical locations and environmental conditions. The bill does require that, at a minimum, three areas of the state specifically identified by the House in H.R. 3678 participate in the demonstration program.

In addition, however, the corps will be required to give equal attention and consideration to other areas identified by the State for demonstration projects. State officials have expressed needs for streambank erosion protection on the Republican River and the Blue River. Also, other reaches of the Platte River in Merrick County and Platte County have been noted as priority areas which would benefit from demonstration projects.

The primary goal of the original section 32 national streambank erosion and prevention control program was to develop a vigorous effort to demonstrate low-cost measures for retarding or preventing erosion damage. The program demonstrated six economical bank protection projects in Nebraska along the Missouri River's reach from Fort Randall Dam to Ponca.

Mr. President, the bill I have introduced today authorizes a comprehensive approach for statewide bank stabilization demonstration projects for the State of Nebraska designed to provide a section 32 type program for preventing and reducing the serious loss of productive farmland. This bill is similar to an amendment adopted last June 29, 1984, by the House.

Unlike the House-passed bill, this measure authorizes a comprehensive statewide program. The House-passed bill restricted demonstration projects to three specific sites. This bill includes these sites initially and at a minimum, but requires the corps to include other areas identified by the State. The bill authorizes a 5-year program at a funding level currently estimated to be $25 million. This figure will be adjusted periodically for inflation. This bill makes it clear that it is a bank stabilization program and that, as such and just like the national section 32 program, the Federal Government will fully fund the projects. Operation and maintenance costs become the responsibility of the non-Federal sponsors of each demonstration project at the end of the 5-year demonstration period.

A most important aspect of this legislation is the establishment of a Nebraska Streambank Erosion Advisory Board. It is vital that the Corps of Engineers coordinate and consult with this panel of State and local officials in determining priority needs of the State. This advisory panel is important because these State and local officials know the water needs of the State. Washington cannot tell the State what its water needs are in this area.

The Corps of Engineers will coordinate and consult with this panel in determining specific demonstration project sites for all reaches of the various rivers determined to be priority needs by this group. The actual makeup of this panel is discretionary with the corps, however, at a minimum, should include representatives of the Nebraska Department of Water Resources, the Nebraska Natural Resources Commission, and various leaders of the affected natural resource districts, in addition to others.

This panel shall advise the corps generally, in carrying out the provisions of this measure. This corps will regularly consult with this panel for recommended demonstration site locations, criteria for the selection and development of demonstration sites, and various methods employed in the demonstration to address streambank erosion and prevention. The corps will conduct periodic reviews of the progress of the program with this advisory panel.

The legislation is designed to give both the advisory panel and the corps flexibility in determining appropriate streambank erosion prevention and control techniques. Again, the State knows its needs much better than Washington. Delineating in the law specific duties of the corps in carrying out projects could deplete valuable and scarce funds on activities which may not be effective in addressing low-cost approaches to this problem.

This bill is vitally important to Nebraska and I urge the Senate's most expeditious consideration and support.

By Mr. GRASSLEY:

S. 2889. A bill to provide for administrative agencies to waive certain claims of the United States; to the Committee on the Judiciary by unanimous consent.

PAYMENT OF TRAVEL, TRANSPORTATION, AND MOVING COSTS

● Mr. GRASSLEY. Mr. President, today I am introducing legislation which would provide a more equitable and expeditious procedure to remedy situations where the Government has erroneously made a payment or denied a payment to a Federal employee for travel, transportation, and relocation costs. This measure has the full support of the General Accounting Office and the Office of Management and Budget.

Under current law, when a Federal employee is granted an overpayment for travel, transportation, or moving costs and relies on that payment in good faith, the responsible agency cannot review the circumstances and grant a waiver for the employee's liability. Waiver authority is, however, statutorily provided to the agencies for any other type of erroneous payment.

The result of this hold in the waiver statute has been the introduction of several private relief bills in Congress

to provide equitable remedies for individuals who have relief on the Government's misinformation. The Senate Judiciary Subcommittee on Administrative Practice and Procedure, which I chair, has recommended waivers for 30 individuals already this Congress. This legislation would transfer that waiver authority to the agencies which are not only more directly involved with the employee's claim but already have the procedural apparatus in place for all other waiver requests.

Since the first general waiver authority statute was enacted in 1967, dramatic changes have evolved in the diversity and scope of travel and relocation carried out in the Government's interest. The GAO has concluded that holding an employee to a standard of constructive knowledge of complex travel and relocation regulations in certain instances is unreasonable, particularly when even those charged with administering the regulations make mistakes in determining an employee's entitlement.

This bill, and the waiver statute it amends, does not confer liability on the Government for all erroneous payments, but rather recognizes that hardship has resulted in many travel, transportation, and relocation cases, and employees have been required to make substantial refunds to the Government due to errors which were not their fault.

Fortunately, these reimbursement mixups are rare, but when they do occur it is only fair that they are corrected in a speedy manner. A recent example of misinterpreted regulations occurred when Ronald Goldstock accepted a transfer to a position in the Department of Labor requiring him to move from New York to Washington, DC. A factor influencing Goldstock's decision to transfer was the assurance that costs associated with the sale of his home would be reimbursed. He entered the amount of costs incurred on an offical form authorizing the entitlement, and received the requested reimbursement. It was after Goldstock received this payment and began working with the Labor Department that he was informed such expenses are not reimbursable for employees in his specific transfer situation and was required to pay back the $6,176 relocation cost.

Mr. Goldstock's liability to the Government was waived through a private relief bill, but could have been processed administratively in a less complicated manner and with fewer delays. The administrative waiver procedure is immediately subject to the oversight responsibility of the Comptroller General. Under this bill, agency performance would continue to be evaluated by GAO during onsite reviews of agency operations and doubtful cases and appeals would continue to be submitted to the Comptroller General for review.

Significantly, the GAO has advised that performance under the existing waiver authority has proven that this type of legislation is practical and fair both to the individual and the Government.

This bill would amend the existing waiver statutes, 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 3716 to permit waiver of travel, transportation, and relocation expense overpayments to Federal civilian employees, military and National Guard personnel. Agency authority for waiver is limited to claims of not more than $500. Claims in excess of that amount must be considered by the Comptroller General.

Passage of this bill, Mr. President, will not only relieve Congress of the burden of addressing these equitable claims through numerous private relief bills, but provide a more efficient and fair procedure for remedying erroneous payment situations. I urge my colleagues to join me in supporting this measure.●

By Mr. DECONCINI (for himself and Mrs. HAWKINS):

S. 2890. A bill to require that Presidential primaries or caucuses be held only during the period beginning on the second Tuesday in March and ending on the second Tuesday in June of the year of the Presidential election; to the Committee on Rules and Administration.

TIME PERIOD FOR PRESIDENTIAL PRIMARIES AND CAUCUSES

Mr. DECONCINI. Mr. President, I am introducing legislation today which will put limits on the ever-lengthening Presidential campaign. The legislation will prevent any Presidential primaries or caucuses from being held before the second Tuesday in March or after the second Tuesday in June.

It seems reasonable to me that 3 months is long enough for a candidate for President to persuade voters that he or she is the best candidate for the job. Not only are the American people tired of a long campaign, but I believe they are becoming increasingly worried about its effect on public policy government decision making.

I am also hopeful that by limiting the primary season we will slow down the inflation of the costs of running a Presidential campaign. By setting a beginning date of the second Tuesday in March for the actual selection delegates, we may be able to avoid what we have seen so much of lately—the earlier and earlier beginnings of presidential campaigns.

The present system of primaries and caucuses allows too much emphasis to be placed by both candidates and the media on one or two small States. This legislation will diminish the disproportionate effect of the few small States which have, in the past, had primaries or caucuses outside the normal campaign period. Without a definite beginning and ending date, the temptation has existed for a State or a few States to gain an inordinate influence on the selection process. With several primaries and caucuses occurring on the first and last opportunities in March and June, neither the candidates nor the media will be able to focus a disproportionate amount of time or resources on one State.

Three months is a long enough time for the American people to make a wise and considered choice of Presidential nominees. It is long enough to allow for the ebb and flow inherent in all political campaigns. As we saw in the Democratic primary race this year, momentum in a campaign can change from week to week. The 3 month period will give all candidates an equal opportunity to seek the nomination.

I do not believe it is in the best interests of the American people nor the candidates themselves to have the primary season drag out indefinitely. The legislation we will introduce today will stop the persistent advance of the beginning of the campaigning and will result in a fairer and more sensible nominating process.

Mrs. HAWKINS. Mr. President, I am pleased to join with Senator DECONCINI in the introduction of this measure to limit the length of the Presidential primary season. Under this bill, Presidential primaries will be held beginning on the second Tuesday in March, and the last primaries will be held no later than the second Tuesday in June during the Presidential election years.

Mr. President, it is time we took steps to bring some sanity to the Presidential primary process. We have all seen the lengthy, expensive, and tiring series of primaries that this year's Presidential candidates have been forced to participate in during the 1984 election year. We have also seen the intense media hype associated with those primaries and up and down roller coaster ride of each candidate's fortunes. The seemingly endless, night-after-night coverage of the different primaries, coverage of the candidates, and even the media's coverage of the media's coverage of the primaries provide the American public with exhaustive, and I mean truly exhaustive, look at the Federal Presidential process. Of course this process is important. Of all the blessings we enjoy in the United States, our open political process is the most precious.

The strength of our entire way of life rests upon our economic and political freedom. However, we need to

keep the length of the Presidential nominating process in proper perspective. In fact, we need to keep all the activities of the political parties, their candidates, even the importance of Congress itself in perspective. Time and time again, the majority leader has eloquently spoken of the need to shorten the time the Congress meets each year. Hopefully, by getting out of Washington and back home again, Senators can keep in better communication with the people they represent and avoid the often politically fatal Potomac fever.

In the same way, I believe we need to adjust our approach to the Presidential nominating process. The bill we are introducing today is an attempt to restore some sanity to the Presidential selection process. It will allow the Nation to focus its attention directly on the primaries during the spring and early summer of the Presidential election year, on the national nominating conventions during the summer months, and on the general election in the fall.

Mr. President, this is a simple, practical bill. It does not affect any political party's delegate selection process. It does not touch the authority of the parties to determine their own rules. It does not affect the conduct of national nominating conventions. It does not affect the timing of those conventions. It does limit the primary season to approximately 14 weeks during the Presidential election year. I believe this is a prudent step to take in the orderly conduct of our electoral system. I urge my colleagues to support this bill.

By Mr. BAUCUS:

S. 2891. A bill to amend the act entitled "An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes," and to amend the Federal Land Policy and Management Act of 1976 to exempt the National Park Service, the Bureau of Land Management, and the Fish and Wildlife Service from certain requirements; to the Committee on Energy and Natural Resources.

EXEMPTION OF CERTAIN AGENCIES FROM PROVISIONS OF OMB CIRCULAR A-76

● Mr. BAUCUS. Mr. President, today, I am introducing a bill to prohibit the implementation of OMB Circular A-76 in our national parks, wildlife refuges and BLM administered lands.

The Department of the Interior has entered into an ambitious program to increase the contracting of Federal jobs at the expense of natural resource protection and public safety. I am deeply concerned that with the current resolve to contract-out legitimate park protection funds, our parks and national wildlife refuges will be irreparably harmed.

Our parks and refuges are our most prized possessions. They represent the heritage that makes this country what it is. The care, management, and maintenance of these resources is of utmost importance to all Americans.

National parks and refuges are managed by career employees who routinely perform at a level far above their mere job description. They work often as temporary employees year after year because the concept of national parks and wildlife refuges is in their blood. These employees care for the resource. They care about the visitors. To hastily destroy a system that is developed over a long period of time for short-term cost reductions is foolhearty. Many of these privatization schemes have been tried in the past and they have failed. When they do fail, it is the resource that suffers.

THE PROBLEM

The problem is that the Department of the Interior is more interested in reducing employment levels than insuring that resource protection and public safety are maintained as part of any contracting-out of existing functions. I for one, support contracting-out nongovernmental functions. The private sector plays a large and important role in our national parks in providing concessionary services, such as food and lodging. These services are provided for through existing law. These functions are not inherently governmental and therefore should continue to be contracted-out.

What concerns me is that services such as road maintenance and trail maintenance which, although on their surface appear to be nongovernmental, are intimately tied to the overall management of the resource. In many cases, in a national park a road maintenance worker may be the only contract that the public has with a park employee. During times of life-threatening situations, these types of employees play an important role in protecting the public.

During debate on the agricultural supplemental appropriations resolution (H.J. Res. 492), I offered an amendment to temporarily bar the National Park Service from implementing the Office of Management and Budget Circular A-76 relating to contracting-out. This amendment was accepted by both the House and the Senate.

But, it has not solved the problem. The Department of the Interior, confirming my worst fears regarding the overriding desire to reduce Federal employment at the natural resource protection, has used this amendment as a mandate to not slow down contracting-out, but to actually speed it up.

This action is irresponsible.

For nearly 2 years, the Interior Department like all Federal offices, has been working toward implementing the newly revised guidelines of Office of Management and Budget Circular A-76. The Interior Department has adopted an accelerated schedule for its implementation and is forcing the Park Service, the Fish and Wildlife Service, and the Bureau of Land Management to meet this accelerated schedule.

Unrealistic deadlines are being set. I am concerned that questionable decisions concerning the future management of fragile natural resources are being made.

At my request, the General Accounting Office undertook an investigation into the implementation of Circular A-76 within Glacier National Park. The results of this investigation are very disturbing. I ask unanimous consent to have copies of correspondence within the Park Service regarding contracting-out within Glacier National Park inserted in the RECORD at the end of my statement. Glacier National Park undertook a careful evaluation to delineate those functions which were nongovernmental as part of roads and trails maintenance from those functions that are governmental in nature. In other words, Glacier National Park staff carefully investigated and reviewed each function under the heading of roads and trails maintenance to determine whether or not the activity would threaten natural resource protection or public safety. They then proposed to contract out.

What they learned was that the A-76 project is an efficiency, not an effectiveness program. It is focused on inputs to commerical services assuming the results will remain the same. It is clear to me that the effectiveness of the outputs will not remain at a high level under OMB Circular A-76 implementation.

I believe that Congress must act decisively, once and for all on this issue. It is for that reason that I have introduced legislation to restrict contracting-out to those functions specifically identified by Congress. In other words, there is a sound body of existing law where Congress has thoughtfully evaluated the management of our natural resource agencies and determined what functions are governmental in nature and what functions are nongovernmental in nature. Any further contracting-out should only occur after the same type of careful review and evaluation.

There being no objection, the material mentioned earlier was ordered to be printed in the RECORD, as follows:

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, May 18, 1984.

In apply refer to: A6621(230).
To: Assistant Director, Financial and Data Systems Field Directorate.
From: Director.
Subject: Impact on A-76 Program as a result of proposed Senate Resolution (issuance #24).

The proposed legislation in Congress will place additional pressure on us to meet our deadlines and to produce quality documentation for submission to the Secretary and Congress. We are providing an analysis of the potential impact of the resolution and the actions we feel necessary if the legislation passes. Obviously, the same actions are required if the legislation does not pass, however, it is possible that there would be additional pressure to produce the documents prior to October 30.

REQUIREMENTS

The resolution requires two things:

1. For the 62 high priority activities, the following conditions apply:

a. That complete detailed A-76 reviews of all activities, whether above or below ten FTE, must be completed.

b. That the Service has 30 days to review bid results and transmit recommendations to various committees in the House and Senate.

c. That after transmission to the House and Senate, 30 days be allowed to lapse prior to any further action, and that all recommendations for the 62 activities be submitted to Congress by October 30, 1984.

2. The NPS shall not solicit additional bids related to other A-76 activities before January 30, 1985.

IMPACT

The first requirement could seriously affect the activities which are scheduled to reach a decision subsequent to July 27. It could also affect additional activities if the projected date for a decision is prior to July 27 and that date is not met.

The second requirement provides us with an opportunity to gather data and prepare necessary documentation on additional activities in a more effective manner. However, we must achieve sufficient progress to be prepared for solicitation in January for the additional 40 priority activities.

ACTION

1. The Regional Directors, Chief of Data Systems, and Service Center Managers will be held responsible for the completion of the high priority activities so that complete, accurate, and properly executed A-76 packages will reach the Washington Office by August 1, 1984.

2. A complete package of documents for the A-76 reviews consists of a) Executive Summary; b) Management Study; c) Performance Work Statement; d) Cost Estimate with back-up data; e) the independent reviewer's signature on line two of the CCF; and f) for those activities which did not produce any bids, findings and determinations to document this action taken to identify commercial sources, including solicitation notices placed in the Commerce Business Daily.

3. The Service will forward the completed packages of A-76 reviews to the Department which will submit them to Congress. We will need documentation on any decision that we previously reached, with or without cost comparison, and the Assistant Secretary's certification.

4. We must have your completed documentation as soon as possible. However, as a guide, we have developed the following schedule. By missing any of these dates, our chance of meeting the schedule will be jeopardized.

6/15 Submit synopsis of the solicitation to the Commerce Business Daily.

6/29 Submit package to WASO for Certification by the Assistant Secretary.

7/27 Complete Cost Comparison, open bids.

8/10 Make preliminary decision.

9/7 All A-76 Review packages must be received in WASO/

9/14 (WASO) submits all documentation to Department.

10/30 (DOI) submits all documentation to Congress.

5. You should continue to collect data, complete Management Studies, and prepare Solicitations on the 40 activities on the inventory previously identified to be completed by September 30.

SUMMARY

I want to stress the importance of meeting the deadlines while also preparing quality documentation. You must ensure that the products are of a quality which will pass Departmental and Congressional scrutiny.

Enclosed is a copy of the Milestone Guide for your region or office. We have highlighted those where we believe there may be a problem in meeting the schedule, assuming the projected dates are accurate.

MARY LOU GRIER.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Denver, CO, June 5, 1984.

In reply refer to: A5419 (RMR-AM).
To: Superintendents, Bighorn Canyon National Recreation Area, Bryce Canyon National Park, Glacier National Park, Grand Teton National Park, Rocky Mountain Park and Yellowstone National Park.
From: Acting Regional Director, Rocky Mountain Region.
Subject: Impacts of Senate Resolution on A-76.

Attached is a memorandum from the Director with schedules dictated by the Senate Resolution pending in the Senate (also attached). Please note that all review packages; performance work statements, cost analyses and management studies are due June 29, 1984. The Yellowstone Solid Waste package has received Assistant Secretarial certification so we finally know our CSI contract format, deduction provisions, management study methodology and cost model are tested and approved.

Each park has previously been requested to provide various inputs to complete the review process. Those products are needed expeditiously in order to meet the mandated deadlines. Cost analyses and management studies will also be sent to you for your review, comment and concurrence. These will require quick turnaround to meet the deadlines; however, the sooner we receive your review products the sooner we will be able to provide the cost analyses and management studies.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 18, 1984.

To: Regional Director, Rocky Mountain Region.
From: Acting Director.
Subject: Glacier National Park, reply due: June 21.

We are providing copies of correspondence from Assistant Secretary Arnett and the Director, Office of Acquisition and Property Management, relating to Glacier National Park. I expect you to proceed with the management study of the entire road maintenance activity in accordance with the normal A-76 process. The memorandum from the Director, Office of Acquisition and Property Management, offers some suggestions on preparing the performance work statement and the solicitation. You should consider these suggestions when developing your overall timetable.

Since Glacier National Park is one of the 62 priority activities, it is critical that we establish a timetable consistent with other commitments which I have made. You need to work with Superintendent Haraden in developing the schedule, which must be submitted to the Department.

The Staff at the Park have accumulated considerable data in developing the "core" concept. This work should not be wasted, but, rather, needs to be relied upon in developing the final management study and subsequent solicitation.

MARY LOU GRIER.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 13, 1984.

To: Director, National Park Service.
From: Assistant Secretary for Fish and Wildlife and Parks.
Subject: "Core Concept" approach to Glacier National Park road maintenance A-76 review.

After careful consideration, I have decided that it is inappropriate to approach A-76 reviews in general and in specific in the manner proposed by Glacier National Park in their review of road maintenance. In this particular case, I am not convinced that the management and protection of park resources and the maintenance of park roads are inseparable, as is contended by the current staff proposal. In addition, we have finally reached agreement on the A-76 inventory; to accept Glacier's "core concept" proposal would provide incentive to other parks to similarly tamper with the inventory and avoid the work necessary to fulfill the intent of the Circular. Neither I nor the Department nor the Under Secretary will entertain any further modifications to this agreed upon list of activities to be reviewed. Therefore, since road maintenance and resource management are separate, clearly definable functions, and since the activity currently on the inventory covers the entire road maintenance function, a defined commercial activity, the management review and solicitation of bids should address all aspects of the activity, not just those relatively minor functions arbitrarily defined as "non-core". Please proceed with the management study of the entire activity and advise me of your schedule for completing the review.

I realize the park has some serious concerns about the ability to write an adequate performance work statement and solicita-

tion. In this regard, I urge you to follow the approach outlined in the June 6, 1984, memorandum from the Director, Office of Acquisition and Property Management (copy attached).

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 6, 1984.

To: Director, National Park Service.
Through: Assistant Secretary for Fish and Wildlife and Parks.
From: Director, Office of Acquisition and Property Management.
Subject: Glacier National Park's A-76 proposal.

This memorandum forwards our proposal, which I discussed with you during our meeting on May 30, 1984, to address some of the concerns raised by Glacier National Park regarding the problems with writing specifications for some of the commercial activities identified in their inventory.

After careful consideration of Glacier National Park's proposal which was presented to Richard Powers, Susan Kaplan, and Cecile Bouchard of this Office, on May 21 and 22, 1984, as Glacier Park, we recommend the following approach:

1. Request technical expertise from the Denver Service Center to assist Glacier National Park to write clear, quantifiable and measureable specifications.

2. Prepare a draft performance work statement describing the tasks to be performed and put together a solicitation. A Request for Comments should then be issued in the Commerce Business Daily and the local newspaper. The request should state that the Government is requesting private sector comments on the solicitation and to submit, by a specified date, any problems or concerns they may have with the solicitation. The problems and concerns raised by the private sector should then be used to revise the performance work statement and solicitation accordingly.

After these two steps have been accomplished, and if the responses are favorable, then the Park should proceed with the A-76 review. If it is determined through the responses that a market does not exist, for the type of work described, then this finding, along with supporting documentary should be forwarded to your Office with a copy to this Office. We would then jointly agree on what additional steps should be pursued.

Please provide me with a timetable for each step in this proposal by June 22, 1984. Any questions regarding this memorandum should be referred to Ms. Cecile Bouchard on telephone number 343-3345.

R.W. PIASECKS.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Denver, CO, June 18, 1984.

In reply refer to: A5419 (RMR-AM).
To: Superintendent, Glacier National Park.
From: Acting Regional Director, Rocky Mountain Region.
Subject: A-76 Review of Glacier National Park, road activity, reply due: June 20, 1984.

Last Friday you received the memorandum from the Department and Assistant Secretary regarding the core concept developed by your park. Enclosed is a memorandum from the Director directing you to proceed with the study of the entire road maintenance activity in accordance with the normal A-76 process.

You repeatedly stated that this case deserved full hearing and that you were prepared to complete the review process if the proposal was unsuccessful. That decision has now been made. We are confident that the in-house bid will be very efficient in comparison with private industry and will prevail in the bidding competition.

As indicated in the Department memorandum we must inform them of your intentions to complete the review process. We can no longer banter about the implementation of A-76.

We have made every effort to present to WASO the operational problems of implementing the program by offering core and other concepts. Glacier has placed itself and this Region in the limelight with the A-76 program. We must now show that once a decision is made, we will support it and strive to complete the review process in the same conscientious manner in which the core concept was developed.

The Department has requested a review schedule by June 22, 1984. Please advise us by noon, June 20, 1984, of the schedule to complete the performance work statement, keeping in mind the milestones outlined in Issuance #24 as a result of the pending Senate resolution regarding A-76. We are responsible for the management study and cost analysis, and we will develop schedules for completion of those components based on your timetable.

In developing your schedule a few observations should give encouragement. First, the nine specifications (sweeping, dusting, snow markers, litter pickup, container maintenance, mowing, dock and ramp maintenance, seal coating and vista clearing) provided with your proposal are superb. With the addition of a performance requirements summary and some additional data, they will be ready for immediate solicitation. It is fortunate you are readily equipped to develop quality specifications. Apparently specifications for spring opening and continuous snow removal are drafted which should ease the workload. Second, the wealth of information assembled for the core proposal is a tremendous ready-reference for completing the general requirements and the historical workload for each of the subactivities in the review. The latter is extremely important; the most prevalent problem in the current review is the lack of historical data to make a solicitation possible. Each requirement must provide a reasonable range or frequency for a package to be biddable. This is also necessary for the Government to prepare its bid on the same basis as a contractor. The following guidelines are offered for the specifications phase.

1. Continue using the CSI format.

2. Group similar work together; asphalt, drainages, event related etc. Specifications are already developed for many of these routine operations. The major work will be estimating frequency and time periods.

3. Complete the performance requirements summary as you develop each section. Since the historical data is necessary to make packages biddable, the other pertinent information, e.g., response times, will be available from the same sources.

4. Consider using the special projects subactivities for a pre-price option to retain flexibility in the event of contract performance.

5. In your schedule, provide for submitting sections as they are completed to hasten the review process.

For the remainder of the review the following process will be followed.

1. The rationale for the deduct amount specified should be provided to Contracting with each section.

2. A GOCO decision package should be developed for the disposition of equipment, facilities and stockpiled materials.

3. Contract administration requirements will be evaluated when the entire contract is finished.

4. The MEO must be developed in accordance with the regional cost model. This will require specifying the frequency and time required for each subactivity in productive hour terms. We suggest the current FTE in your proposal be put aside for this process and used for reconciliation purposes later. A simplified input form for labor cost will be available shortly.

5. The list of materials and supplies may be done on a worksheet basis at the activity level.

As a general guideline we hope to receive the asphalt specifications within three weeks and each remaining package in two-week intervals. We know the time frame is short but we must support the Director if we are to regain credibility in the A-76 program.

HAROLD P. DANZ.●

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 2892. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

THE SUPERFUND AMENDMENTS OF 1984

● Mr. STAFFORD. Mr. President, on behalf of myself and Senator RANDOLPH, I am introducing a set of proposed amendments to the Superfund law, which is formally referred to as the Comprehensive Environmental Response, Compensation, and Liability Act.

Although this is the first time that these amendments have been introduced, they are not new. These amendments are a refined and perfected version of amendments which were drafted during June and circulated widely during June and July. Based on the comments made by members of the Committee on Environment and Public Works, the administration, and outside groups, substantial and important changes have been made from the original versions. For that reason, I believe these amendments can form the basis of a bill to be considered by the full Senate during the September work period, assuming that the committees of jurisdiction can complete their work in time.

This is not to say, however, that these amendments are cast in stone. On the contrary, much more work remains to be done. Not only must these amendments be further perfected, but new amendments need to be added. This proposal can be the starting point, however. It is for this reason that Senator RANDOLPH and I, as the ranking minority member and chairman of the Committee on Environment and Public Works, are introduc-

ing this bill. Tomorrow, the committee will begin marking up an extension of the Superfund law. Our first order of business will be to review the revenue options which are available in raising the money which is needed to operate the Superfund program for the next 5 years. Although we will review these options tomorrow, I do not expect that the committee will make any decisions until the following week.

On Thursday, I hope that we will continue our markups by beginning consideration and approval of specific amendments to the Superfund Program. Once these are completed, thus enabling us to calculate the program's total costs, I hope that the committee can return to consideration of various revenue measures and make the necessary decisions. With hard work and luck, I hope that we can complete our markups and order a bill reported by the middle of next week, thus enabling the Committee on Finance to complete its work in time for markups in September or before.

Mr. President, this is an ambitious undertaking, but one which I am confident we can complete. Indeed, if we hope to see the program continue its momentum and realize its potential, it is a task which we must complete.●

● Mr. RANDOLPH. Mr. Chairman, I join the able chairman of the Committee on Environment and Public Works, Senator STAFFORD, in introducing legislation to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund.

Our committee has completed hearings on this subject and will begin meeting tomorrow to consider legislative proposals. More than a month ago a series of documents was prepared describing various approaches to Superfund-related issues. These proposals were widely circulated and have elicited many responses and suggestions. These have been helpful in refining approaches to Superfund issues.

A draft bill has been prepared and will be the document before the committee as it begins its deliberations tomorrow. Senator STAFFORD and I are introducing this bill so that it can be formally before the committee and will be available for further public circulation.

I emphasize that this bill is intended as the vehicle for the committee to act on reauthorization of Superfund. It is not the precise, detailed proposal of myself or any other member. I am not irrevocably committed to any of its provisions, although I agree with its approach on several points. I anticipate that in the days ahead we will discuss the bill's provisions in detail and that amendments will be offered and voted on.

The one point on which I believe most committee members agree, however, is that it is desirable to reauthorize the Superfund Program this year even though current authorization extends through fiscal year 1985.

Superfund addresses one of the most serious and pervasive environmental problems in our country. It was designed to correct past abuses by helping to clean up hazardous waste sites. By acting now we will provide continuity to this vital program and give it the additional resources necessary to carry out its mandate, the need for which is now known to be considerably more extensive than when the initial law was passed in December 1980.●

By Mr. SPECTER:

S. 2893. A bill to amend the Internal Revenue Code of 1954 to repeal the limitation on the aggregate face amount of private activity bonds, and for other purposes; to the Committee on Finance.

REPEAL OF TAX CAP ON INDUSTRIAL DEVELOPMENT BONDS

Mr. SPECTER. Mr. President, I am today introducing legislation to repeal the recently enacted tax cap on industrial development bonds and the restrictions placed on existing facilities and to extend the sunset date on the small issue exception for nonmanufacturing bonds to December 31, 1988.

The Deficit Reduction Act, signed into law by the President on July 18, limited the amount of industrial development bonds which a State or locality may issue within the State, to the greater of $150 per capita or $200 million. The $150 per capita amount will be reduced to $100 after 1986.

The act also restricts the use of IDB's to finance the acquisition of land and existing facilities. In addition, it extends the small issue only with respect to manufacturing facilities.

I believe that the recently enacted restrictions on these bonds will impede the economic recovery in a large number of States. For example, Pennsylvania's IDB Program will be capped at $1.77 billion until 1987 when the small issue exemption will be eliminated, at which time it will be reduced to approximately $1.2 billion. Pennsylvania approved over $2.1 billion in IDB's and student loan bonds in 1983. With the redoubled efforts of Pennsylvania to recover from the recession, IDB approvals would have risen significantly in 1985 and later years. Thus, the institution of the cap will penalize Pennsylvania at a time when it is most in need of economic incentives to maintain and attract business investments. As many as a dozen other States would be significantly and immediately impacted and in the next 4 years at least a dozen more should reach this ceiling.

The existing facilities restrictions will have an additional negative impact on the State. Pennsylvania currently has more than 800 buildings with over 67 million square feet available for occupancy. In addition, the State government has undertaken a program to promote the establishment of small business incubators across the State to help new businesses start up and assist them to their early, most difficult stages. This and similar efforts to revitalize the State's economy would be seriously hampered as businesses are required to spend an additional 15 percent of the amount of bond proceeds used to acquire existing buildings and related equipment for the rehabilitation of the facility.

Pennsylvania is also encouraging the purchase of businesses by employees through ESOP's [employees stock ownership plans]. The 15 percent requirement might prevent the use of IDB's in financing certain of these takeovers, thereby significantly increasing the eventual purchase cost.

Interest on State and local government obligations generally has been exempt from Federal taxation since the initiation of the Federal income tax in 1913. These recent efforts to place additional restrictions on IDB's are directly contrary to this principle and seemingly contrary to recent attempts to more clearly delineate the role of Federal, State, and local governments in the so-called New Federalism. It also negates State and local efforts to reduce the impact of some of the recent Federal budget cuts. For example, tightening of income eligibility requirements for Federal guaranteed student loans was cushioned by the increase in student loan bonds. The use of IDB's has also ameliorated the reductions in the programs of the Economic Development Administration and Appalachian Regional Commission. While critics of these bonds may argue that these efforts frustrate Federal budget policy, to the contrary they seemingly have helped to reduce the negative impact of budget cuts.

Recent changes in the Tax Code should, over the long run, reduce the need for these bonds. The reduction in the maximum tax rate from 70 percent to 50 percent and expansion of other tax favored investment options such as individual retirement accounts [IRA's] and various other tax shelters should lessen individual and institutional demand for tax exempt bonds.

The legislation I am proposing today would go a long way toward retaining the role of these bonds in the economic development of many States. In addition to the tax cap and existing facilities restrictions, the failure to extend nonmanufacturing small issue IDB exception past 1986 would have a serious crippling affect on economies such as Pennsylvania, which utilize large amounts of these bonds.

I am hopeful that the Senate Finance Committee will give this bill careful consideration, particularly since the Senate took a strong position

in the Deficit Reduction Act against the implementation of the tax cap.

I ask unanimous consent that the text of the bill and a dear colleague letter be printed in the RECORD as follows.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PRIVATE ACTIVITY BOND LIMITATION AND THE RESTRICTION ON USE OF IDB'S TO ACQUIRE EXISTING FACILITIES

(a) IN GENERAL.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on government obligations), as amended by the Deficit Reduction Act of 1984, is amended—

(1) by striking out paragraph (17) of subsection (b),

(2) by striking out subsection (n), and

(3) by redesignating subsection (o) (as added by section 626 of the Deficit Reduction Act of 1984) as subsection (n).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to obligations issued after December 31, 1983.

SEC. 2. EXTENSION OF SMALL ISSUE IDB EXCEPTIONS FOR NONMANUFACTURING FACILITIES

Subparagraph (N) of section 103(b)(6) of the Internal Revenue Code of 1954 (relating to termination dates) is amended to read as follows:

"(N) TERMINATION DATE.—This paragraph shall not apply to any obligation issued after December 31, 1988 (including any obligations issued to refund an obligation issued on or before such date).".

U.S. SENATE,
Washington, DC.

DEAR COLLEAGUE: I have introduced legislation which will repeal the recently enacted tax cap on Industrial Development Bonds and restrictions placed on existing facilities as well as extend the sunset date on the small issue exception for non-manufacturing bonds to December 31, 1988.

The Deficit Reduction Act, signed into law by the President on July 18, limited the permissible issuance of Industrial Development Bonds to the greater of $150.00 per capita or $200 million for each state. In addition, the Act restricted the use of IDBs to finance the acquisition of land and existing facilities and extended the small issue sunset only with respect to manufacturing facilities.

If the cap is left intact, as many as a dozen states in addition to Pennsylvania will be significantly and immediately impacted by these restrictions and in the next four years at least a dozen more should reach this ceiling. The existing facilities restrictions and small issue exception sunset for non-manufacturing bonds will affect all states.

Interest on state and local government obligations has generally been exempt from federal taxation since the initiation of the federal income tax in 1913. Recent efforts to place additional restrictions on IDBs are directly contrary to this principle and seemingly counter recent attempts to more clearly delineate the role of federal, state and local governments. These provisions also negate state and local efforts to cushion the impact of recent federal budget cuts. For example, tightening of income eligibility requirements for federal guaranteed student loans was cushioned by the increase in student loan bonds.

The legislation which I have proposed would go a long way toward maintaining the positive role of Industrial Development Bonds in the economic development of many states. If you are interested in cosponsoring or desire more information please contact me or have a member of your staff contact Janet Rice at 4-8187.

Sincerely,

ARLEN SPECTER.

By Mr. MELCHER (for himself, Mr. LEVIN, Mr. BAUCUS, Mr. SASSER, Mr. DECONCINI, Mr. JEPSEN, Mr. HATFIELD, Mr. EAGLETON, Mr. BURDICK, Mr. BOREN, and Mr. RANDOLPH):

S. 2894. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrural rules in the case of sales or residences, farms, and real property used in a trade or business; to the Committee on Finance.

CLARIFICATION ON APPLICATION OF IMPUTED INTEREST

● Mr. MELCHER. Mr. President, today I am offering along with Senators LEVIN, BAUCUS, SASSER, DECONCINI, JEPSEN, HATFIELD, EAGLETON, BURDICK, BOREN, and RANDOLPH legislation to permit seller-financed contracts, sometimes known as contracts for deed, to continue to carry a 9-percent interest rate for:

First, the first $250,000 of the sale price for residential property sold by an individual;

Second, the first $1.5 million of the sale price of farm or ranch property sold by an individual, estate, partnership, or small business corporation; and

Third, the first $500,000 of the sale price of real property associated with the sale of a small business, rather than the higher imputed interest rates required by the 1984 Tax Act.

I want to take just a moment to trace the developments in the 1984 Tax Act that have brought us to this point. Provisions were added in both the House and Senate versions of the 1984 Tax Act that raise the amount of interest that must be charged in seller-financed contracts on real property to 110 percent of Treasury securities with comparable maturities. Provisions of the bills stated that if the seller/lender did not write an interest rate in the mortgage contract of at least 110 percent of Treasury rates, then the Internal Revenue Service has authority to tax the seller as if the interest received from the contract amounted to 120 percent of Treasury rates.

What this means is that if such seller financing arrangements were based on today's interest rates, a seller would have to report a taxable interest rate of approximately 15 percent, or the IRS would impute the interest rate at about 16½ percent.

It is not difficult to accept the fact that, under such prohibitive interest rate requirements, seller financing is going to be drastically reduced if not brought to an end altogether.

Because of the draconian impact of this proposal, on June 29, 1984, the Tax Act was amended to permit contracts to continue to be written at 9 percent for sales of farm and ranch land under $1 million and for the sale of principal residences under $250,000. I do not believe these two exemptions are adequate. They do not provide any relief to small businesses, most of which are sold using at least some seller financing; they do not permit individuals to sell second homes or residential investment property except at prohibitive interest rates; and the farm and ranch land property limits are too restrictive.

Further, there is a real chance that, under the provisions of the Tax Act just signed into law, a cliff exists whereby if a sale of farm or ranch land amounts to even one cent more than the $1 million exemption then the entire sale is subject to the higher interest rates set in this Tax Act.

Personally, I would like to see the provisions raising imputed interest rates completely repealed. I don't think that the Federal Government, through the IRS, ought to be telling private citizens what interest rates they must charge in connection with their own private business deals. But, it that can't be done, we ought to at least take some minimum steps to ensure that the changes in the 1984 Tax Act that require higher imputed interest rates on seller-financed property sales do not kill off the last avenue many people have for buying and selling property during this period of increasing commercial interest rates.

The 1984 Tax Act goes way beyond any previous attempts by the IRS to penalize sellers who offer below commercial rates interest rates. It goes too far in changing the rules for seller financing of real property.

The Internal Revenue Service claims that higher imputed interest rates are needed to stop tax abuse in seller financing. Yet, there has not been one study or any evidence that I know of that proves there is any tax abuse. If future studies do find any problems, then we should take specific actions to correct those problems. But the approach taken in the 1984 Tax Act is a meat-ax approach that is not justified. It is in fact a repulsive intrusion by Government. It is an embarrasing outrage dictoral in nature which is not appropriate for a democratic republic.

The bottom line in all of this is, "What is best for the average taxpayer and the economy?" I believe the

damage inflicted on our economic recovery by the new rules on imputed interest rates in seller financing clearly halt a large number of property sales. The effect of these changes will be to simply stop all seller financing of small business sales as well as most residential property and farm and ranch land. It isn't going to be Gulf, or Exxon, or IMB that will be hurt by these changes; it will be the small farmer, rancher or business person who will lose their last opportunity to sell part or all of their property. And it is going to be the person looking to purchase such properties, but who is disqualified by the high commercial interest rates, who will not be able to get a start by purchasing property from sellers willing to set a lower interest rate.

As I said earlier, I do not believe that the Federal Government should be in the business of dictating what interest rates must be in transactions between private individuals. However, at the very minimum, we should ensure that Congress isn't responsible for increasing interest rates required on small sales of property at a time when rising commercial interest rates are already killing off property sales.

I urge my colleagues to join in the effort to bring some common sense back to the Internal Revenue Service's treatment of seller-financed contracts on the sale of real property. Time is of the essence, and action must be taken before the end of the congressional session if these new rules are not to go into effect on January 1, 1985.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (e) of section 483 of the Internal Revenue Code of 1954 (relating to reduced rate of interest in case of sales of principal residences or farms) is amended to read as follows:

"(e) REDUCED RATE OF INTEREST IN CASE OF SALES OF RESIDENCES, FARMS, OR REAL PROPERTY USED IN A TRADE OR BUSINESS.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsections (b) and (c)(1)(B) shall not be greater than 10 percent and 9 percent, respectively.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—This subsection shall apply to any sale or exchange—

"(A) of a residence by an individual,

"(B) of a farm (within the meaning of section 6420(c)(2))—

"(i) by an individual, estate, or testamentary trust,

"(ii) by a corporation which as of the date of the sale or exchange is a small business corporation (as defined in section 1244(c)(3)), or

"(iii) by a partnership which as of the date of the sale or exchange meets requirements similar to those of section 1244(c)(3), or

"(C) of real property used in a trade or business by any person in connection with the sale or exchange of such trade or business.

"(3) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to the portion of the stated principal amount of the debt instrument arising from the transaction which exceeds the applicable limit.

"(B) APPLICABLE LIMIT.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is decribed in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	1,500,000
Paragraph (2)(C)	500,000.

"(C) REDUCTION IN APPLICABLE LIMIT WHERE SALES PRICE EXCEEDS APPLICABLE LIMIT.—In the case of any transaction with respect to which the sales price exceeds the applicable limit, the applicable limit shall be the amount which bears the same ratio to the applicable limit as—

"(i) as the applicable limit, bears to

"(ii) the sales price.

"(D) AGGREGATION RULES.—For purposes of this paragraph—

"(i) all debt instruments arising from any transaction (or any series of related transactions) shall be treated as 1 debt instrument, and

"(ii) all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(E) SALES PRICE.—For purposes of this paragraph, the sales price shall be determined as of the time of the sale or exchange.

"(4) APPLICATION WITH SUBSECTION (f).—In the case of any qualified sale (as defined in subsection (f)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (f)(1) applies.".

(b) Subparagraph (A) of section 1274(c)(2) (relating to exceptions from the determination of the issue price in the case of certain debt instruments issued for property) is amended to read as follows:

"(A) SALES OF RESIDENCES, FARMS, AND REAL PROPERTY USED IN A TRADE OR BUSINESS.—Any debt instrument to the extent of that portion of the stated principal amount to which section 483(e) applies.".

(c) Subparagraph (F) of section 1274(c) (relating to exceptions for sales or exchanges to which section 483(e) applies) is amended by striking out "section 483(e)" in the text and heading thereof and inserting in lieu thereof "section 483(f)".

SEC. 2. The amendments made by this Act shall take effect as if included in the amendments made by the Tax Reform Act of 1984.●

IMPUTED INTEREST

● Mr. SASSER. Mr. President, in passing the Deficit Reduction Act of 1984, we once again created reams of new tax material for the American taxpayer to wade through. Tucked away in this sea of paper was a provision which promises to be highly detrimental to small business owners and agricultural producers. I refer to the imputed interest sections of the tax package.

This provision was included in the tax bill at the insistance of the administration. Treasury Department officials believed there were numerous abuses of provisions in the Tax Code which allowed individuals to sell homes, farms and small businesses at interest rates far below what one presently finds in the open market. Such abuses were costing the Government millions of dollars, administration officials proclaimed.

I do not quarrel with efforts to close abusive tax loopholes and have supported such action on the Senate floor in the past. However, I must take exception to the notion that all sales of small business concerns and small ranches that make use of 9- or 10-percent interest rates amount to tax evasion. In reality, such transactions can represent a struggle for economic survival.

This is true as many sales in the small business community and the farm sector during this period of continued high interest rates are seller-financed arrangements. Commercial interest rates are simply too high for most persons interested in purchasing a small business or small farm. These transactions are able to go forward only if the parties can enter into a seller-financed agreement with interest rates several points below the exorbitant commercial rates.

While one can see the potential for abuse in allowing such arrangements, the 1984 tax bill goes much too far in fashioning a solution to this problem. Under that bill, sellers of real estate are required to report as interest income an amount equal to at least 110 percent of the interest rates on marketable obligations of the U.S. Government with a comparable maturity. Should the reported interest rate not equal this amount, the Internal Revenue Service will impute an interest rate of 120 percent. Using today's interest rates, one would have to report a taxable interest rate of 14½ percent on such transactions or the IRS would impute an interest rate of 16 percent.

While the 1984 tax bill does provide relief from these provisions for farm and ranch sales under $1 million and principal residences under $250,000, this is not enough. I am therefore proud to join with my colleague from Montana as an original cosponsor in his effort to restore greater equity to the imputed interest issue. Our legislation would allow seller-financed contracts to continue to carry a 9-percent interest rate in the following situations: the first $250,000 of the sale price of residential property sold by an individual, the first $1.5 million of the sale price of farm or ranch property sold by an individual, partnership,

estate or small business corporation, the first $500,000 of the sale price of real property associated with the sale of a small business.

These additional safeguards are necessary to insure that the changes made in this year's tax bill do not close off the opportunity to sell a small business or farm in the face of high commercial interest rates. Those in these categories who enter into seller-financed arrangements are not tax cheats or evaders for the most part Mr. President. They are men and women who cannot sell their small business, their farm, their ranch or their residence at prevailing commercial interest rates.

The Finance Committee is meeting later this week to discuss the matter of imputed interest rates. It is my hope that the committee will opt to act on their own volition and resolve this dispute. Should a compromise prove untenable, we stand ready with our legislation to address this matter of importance to many small businesses and farmers. I urge my colleagues to join with us in this effort.●

By Mr. BENTSEN:

S. 2895. A bill to provide additional benefits under the Medicare part A program, and additional optional benefits under the Medicare part B program; to the Committee on Finance.

HEALTH CARE CATASTROPHIC LOSS PREVENTION ACT

● Mr. BENTSEN. Mr. President, millions of elderly Americans live in dread of prolonged illness; they know that, all too often, they can survive the illness but be ruined by the expense of treatment. This shadow of doubt, this specter of unavoidable financial disaster, is the constant companion of the elderly. Even people of means, who have worked and saved for a lifetime, are vulnerable to the financial jeopardy that can accompany serious illness.

The availability of Medicare and medicaid provide some important protection. But, as millions of the elderly can attest, there are gaps in the system that can quickly lead to financial disaster. Indeed, after a year of intensive study, the 1982 Advisory Council on Social Security concluded that:

While the hospital insurance program of Medicare, Part A provides adequate coverage for most beneficiaries, it does not provide adequate protection in the event of catastrophic illness.

We have worked hard to improve and buttress our social security system so it will provide a substantial measure of protection against loss of income and guarantee a minimum standard of living for workers who have contributed so much to America. Unfortunately, our Medicare system has not matched that success; the elderly of America remain in jeopardy from financial ruin associated with illness. The legislation I am introducing today is designed to address the problem of long-term illness which is frequently and increasingly expensive to treat.

These proposals, Mr. President, have been developed in consultation with private insurance carriers, the American Association of Retired Persons, and Medicare program experts at the Georgetown University Center for Health Policy Studies. In addition, the legislation draws heavily from testimony presented to the Joint Economic Committee earlier this year by Dr. Karen Davis of Johns Hopkins University, the National Council of Senior Citizens, the Blue Cross and Blue Shield Association, and the Health Insurance Association of America. While all of the provisions included in this bill are not endorsed by each group or individual, the expertise and guidance which they provided was invaluable.

Before turning to a detailed explanation of my legislation, let me review the economics of illness among the elderly today, and the failure of the present Medicare program to provide adequate protection.

HEALTH CARE COSTS

The elderly—people age 65 and older—comprise 12 percent of our total population. But they account for 33 percent of all personal health care expenses; they consume 31 percent of all hospital services; 28 percent of all physician services; 24 percent of all prescription drug sales; and 80 percent of nursing home costs.

People under 65 in our society can plan on paying about $825 per year on health care; those over 65 average almost $3,100. This is an astounding and significant difference. Health care is clearly a major—potentially catastrophic—expense for the elderly in this country.

Health care for the elderly is purchased from several sources. Medicare pays for about 45 percent, or $1,422 of the per capita bill. The balance is made up from alternative sources including private insurance, public programs such as Medicaid, and direct out-of-pocket expenditures.

Medicare, however, is limited. It requires substantial cost sharing for covered benefits, and does not reimburse for numerous medical services such as prescription drugs, dental care, and eyeglasses. Specifically, the elderly pay a deductible for the first day of hospital care—projected to be $404 in 1985, one-fourth of the amount for days 61 through 90 of hospital care for each episode of illness, and one-half of that amount for each day of care in a lifetime reserve period of 60 days. Between 1965 and 1982, nearly 663,000 persons were forced to dip into their reserve days. Should the elderly beneficiary exhaust these days of care, as more than 100,000 beneficiaries have, Medicare ceases to provide coverage and all additional hospital expenses become the responsibility of the individual.

Physician services represent another serious source of uncontrollable costs for the elderly. Currently, Medicare covers only about 50 percent of physician charges. The program is designed so that, after a deductible of $75 for each year, the beneficiary is responsible for 20 percent of physician fees, if the physician is willing to accept the Medicare determined fee for service provided. However, only about half of the physicians who see Medicare patients take assignment under the program, and beneficiary liability for the costs above the fee level set by Medicare is open ended.

The elderly also incur significant financial obligations for services not covered under the program. Most nursing home care is outside the scope of Medicare. Prescription drugs, dental services, hearing aides, eyeglasses, and other services essential to an individual's well-being are not reimbursable.

FINANCIAL EXPENDITURES FOR HEALTH BY THE ELDERLY

Most recent proposals to reduce the size of the Medicare Program proceed from the assumption that the elderly are not cost conscious and must be encouraged to bear a greater share of the financial cost of care.

There is little evidence to support the notion that elderly Americans are not prudent purchasers of health services. Instead, it can be argued that the elderly are already cost conscious consumers of health care because they must bear a substantial portion of any costs incurred.

Medicare and Medicaid were the source of nearly $50 billion of health care funding for the elderly in 1981. Yet despite these programs, the Congressional Budget Office estimates that average out-of-pocket expenditures will reach nearly $1,100 in 1984—$505 in cost sharing, $162 in part B premiums, and an average of $550 in noninstitutional noncovered services such as prescription drugs and dental care. If nursing home costs are added, the total climbs to more than $1,700.

Nor is the financial burden of health care costs for the elderly equitably distributed across the beneficiary population. Some elderly enjoy good health and have little need for health care services while others suffer from chronic illnesses or disabling conditions. While Medicare and Medicaid provide support for many with the most serious health problems, there continue to be gaps in coverage which are particularly serious for those of modest income and for individuals who are victims of long-term illness.

Because of the broad demographic variation among the elderly, health expenditures are also skewed. For example, in 1981 nearly 80 percent of the elderly were responsible for annual

Medicare expenditures of $1,000 or less—and nearly one-half of that number generated no Medicare payment at all. At the other extreme are those older Americans who require extensive care; less than 8 percent account for two-thirds of all Medicare payments, with an average payment of $11,000 in 1981.

Out-of-pocket costs are especially burdensome for those who do not carry supplementary insurance or who must contend with long-term chronic health problems. Dr. Karen Davis, of the Johns Hopkins University Department of Health Policy and Management, has estimated that elderly households covered only by Medicare spend 11 percent of their incomes on health services, compared with 5 percent for those covered both by Medicare and Medicaid, and 8 percent for those who supplement Medicare with private insurance.

Davis and her colleagues suggest the heavy financial burden on the elderly of modest means is partly attributable to their inability to afford private health insurance. Surveys reported by the Blue Cross and Blue Shield Association confirm that finding. According to Davis' data, only 47 percent of those with modest means have private insurance, as opposed to 78 percent of the high-income elderly.

Even persons with supplementary private coverage can experience significant medical expenses if they become seriously ill. Among the elderly whose health costs exceeded $2,500 in 1977, those with Medicare alone spend 37 percent of their disposable income on health services, those with Medicare and Medicaid coverage spent 9 percent of their income, and those with Medicare and private insurance spent 18 percent of their income on health bills.

Looking at this situation from a slightly different perspective, persons who relied on Medicare alone in 1977 and who spent more than $2,500 on health care, committed 53 percent of their income to these services; for the same year and the same expenditure level, persons covered by both Medicare and Medicaid spend about 10 percent of their incomes; and for the Medicare beneficiary with private supplementary insurance, out-of-pocket health expenses accounted for 30 percent of income. It should be noted that these figures represent only the financial burdens borne by those who live at home; the strain of underwriting the cost of nursing home care for the elderly ineligible for Medicaid can pose even greater hardships.

MEDIGAP INSURANCE POLICIES

The private insurance industry has reduced the likelihood of catastrophic medical bills for the elderly in some measure with policies to supplement medicare coverage. This coverage, commonly termed "MediGap", at a minimum must provide reimbursement for Medicare coinsurance costs and deductibles under parts A and B. Some Medicare beneficiaries purchase additional coverage, including policies to reimburse outlays for unlimited hospitalization or prescription drugs. Approximately 20 of the 30 million Medicare beneficiaries now carry some type of MediGap insurance and pay over $8 billion annually in premiums.

Supplementing Medicare with private insurance is no guarantee of financial security, however, for the very ill. As noted above, those with medical expenses above $2,500 who had MediGap policies paid 30 percent of their income toward the cost of health care in 1977. With average policies currently costing about $500 per year, it is no surprise to find that the purchase of MediGap insurance varies greatly by income level. A recent six-State study by SRI found, for example, that between 45 percent and 60 percent of those without MediGap policies lacked them because of cost. Yet with health care outlays averaging 3½ times higher for persons 65 and over, moderate income elderly are dangerously exposed to financial loss from extended illness.

A CATASTROPHIC COVERAGE PROGRAM

Mr. President, these statistics demonstrate beyond any doubt that, despite the availability of Medicare, Medicaid, and supplementary private insurance policies, elderly men and women face the risks of major out-of-pocket expenditures if they fall victim to a serious and prolonged illness. That risk increases with age. It is higher among the elderly of modest means and most acute among the sicker beneficiaries. Risks exist because Medicare does not provide: Payment of physician fees above the level determined by medicare to be "reasonable"; compensation for noncovered services such as prescription drugs, dental care, and eyeglasses; complete coverage of hospital costs on physician fees; expenses for extended hospitalization.

In light of our burgeoning deficit and the threatened insolvency of trust funds, extending Medicare coverage to the first two categories listed above should not be attempted until a major restructuring of the overall program takes place. As my colleagues are aware, the cost of medical care has been the fastest growing component of inflation and considerable effort is being made to slow medical inflation.

Forty-six States passed more than 300 bills last year designed to rein medical costs. Another 400 proposals are on the agenda this year. Ten States have established some form of mandatory rate setting. Eight more have this option under serious review. And, Medicare exercises a measure of control over costs through implementation of the new fixed reimbursement DRG payment system for hospitals and the fee screen freeze for part B physician services.

These efforts have tended to shift medical costs to private patients, and have generated a number of proposals for comprehensive reform of the health care system. But even the most optimistic projection for implementation of additional reforms indicate that changes will be slow in coming and incremental in nature.

The third category of out-of-pocket expenditures not reimbursable under Medicare is deductibles imposed on beneficiaries who become ill. This year, deductibles are set at $356 for each "spell of illness" when the patient is hospitalized, and $75 for physician charges. These deductibles are used to encourage beneficiaries and health care providers to consider carefully before seeking hospitalization or extensive treatment. And, while they represent a sizable sum for many beneficiaries on fixed income, they do tend to discourage overuse.

The final categories of out-of-pocket costs facing Medicare beneficiaries are extended hospitalization and the 20 percent of physician service cost not covered by medicare.

CATASTROPHIC COVERAGE PROVISIONS

The legislation I am introducing today is intended to stimulate dialog and move the discussion over reform of the Medicare system toward resolution of this gap in catastrophic coverage. By offering a proposal to improve the scope of Medicare insurance separate from recommendations to cut benefits, I hope to decouple these two issues which the current administration has attempted to market together. In short, I do not believe the elderly should be forced to accept deep reductions in the current level of Medicare coverage as the price for protection against financial ruin.

The Health Care Catastrophic Loss Prevention Act of 1984 will eliminate the risk of major financial loss resulting from extended hospitalization and will permit the beneficiary to purchase supplemental insurance coverage for the 20-percent physician service copayment through the Medicare Program. Under part A hospitalization insurance, out-of-pocket costs begin rising on the 61st day of hospitalization. That is wrong. Medicare should be revised, I believe, to provide coverage of hospital costs for an unlimited period beyond the first day's deductible in order to eliminate one major source of potential financial disaster for the long-term ill.

For those who subscribe to part B of Medicare, only 80 percent of reasonable physician fees are presently reimbursable. The balance is an out-of-pocket obligation that can swell dramatically for the seriously ill. That too is wrong. And, I believe that to simpli-

fy administration of the program and encourage physicians to accept medicare as full payment for service, the program should pay 100 percent of all reasonable physician fees beyond the $75 deductible.

Finally, beneficiaries pay far too large a share of the costs of skilled nursing home [SNF] care under part A. As the DRG reimbursement system is fully implemented and hospitals are given financial incentives to promote early discharge of Medicare patients, I think it particularly important to protect beneficiaries from excessive cost sharing in skilled nursing facilities. Under my proposal, the number of SNF days for which Medicare reimbursement is permissible would be increased from 100 to 150, and the maximum out-of-pocket cost of care to the beneficiary would be limited to 15 percent of reasonable charge for days 1 through 10. Current copayments would be reduced by approximately 75 percent, and total liability for this portion of the benefit would be limited to about $225 in 1984.

In addition to these programmatic changes, my legislation calls upon the Secretary of the Department of Health and Human Services to conduct an extensive evaluatiuon of the economic burden on the elderly arising from the trend toward increased nursing home utilization. The use of intermediate and custodial care facilities is rising rapidly. This care is a substantial financial burden to the elderly and their families and is beyond the reach of many. Moreover, few if any private health insurance policies cover such care. My legislation requires the consideration of establishing a self-financing mechanism within Medicare to provide for long-term nursing home care. One in four Medicare beneficiaries currently utilizes such care, with an average stay of about 450 days.

Revising the Medicare program as I propose cannot be financed from tax revenues. That would deepen Federal deficits, which already pose a grave danger to long-term economic growth. Treasury financing of these deficits is already crowding out substantial private investment and has pushed the prime interest rate, for example, up 1.5 percentage points in 8 weeks. Other interest rates have risen a sharp 3 percentage points since last spring.

Instead, my proposal would permit benefit revisions to be self-financed. And the most reasonable financing technique is to adopt the insurance principle of spreading the cost of expanded coverage across the entire beneficiary population—thereby limiting the cost per beneficiary to a nominal amount. Specifically, I propose to finance the part A benefit revision covering hospital bills as well as the revised skilled nursing coinsurance provision with a mandatory monthly premium. Preliminary calculations by the Health Policy Center at Georgetown University suggest that these benefit extensions can be entirely financed with a monthly premium of $3.75 per enrollee. To simplify administration, the premium would be deducted automatically from the monthly Social Security, railroad, or civil service retirement check.

The proposed expansion of part B benefits to include reimbursement for 100 percent of reasonable physician fee charges is more costly. Even so, it is important that these benefits be provided as inexpensively as possible. As noted earlier, about 10 million elderly have no medigap insurance and face catastrophic risks because for many, the average monthly premium of $40 is insurmountably high. Making available lower cost protection for at least the 20-percent coinsurance component of part B may sharply reduce the number of elderly without such protection. The Georgetown University Health Policy Center estimates that medicare could expand such coverage to include all reasonable physician fees for approximately $16 in new monthly premiums. Since the basic part B coverage is voluntary, this additional coverage should also be optional to Medicare subscribers.

To avoid what the experts term "adverse selection," where those most likely to need health services seek coverage in disproportionate numbers, it is appropriate to have a 1-year waiting period for new subscribers. Of course, additional premiums would not be paid during that interval. For persons already enrolled in medicare, subscription to this expanded part B coverage without a waiting period would be permitted when the new coverage starts. For future subscribers that will occur when they first become eligible for the Medicare program. During hearings preparatory to the development of this legislation, it became apparent that there may be a limited number of individuals whose private retirement benefits include a measure of catastrophic insurance coverage as a supplement to Medicare. In some cases, the employer bears the full cost of any premiums as part of the former employee's retirement benefits package. The Department of Health and Human Services has little information about the extent of this practice or the scope of coverage provided by these policies. Therefore, my legislation instructs the Secretary to determine whether the Medicare beneficiary already has adequate protection against catastrophic loss, and if so, to exempt that individual from participation in this program.

SUMMARY

In sum, Mr. President, my proposal is designed to protect older Americans against open-ended expenses associated with long-term illness while at the same time maintaining the basic structure of the current Medicare Program. My proposal is self-financing and will not exacerbate the solvency problems facing the Medicare trust funds, but will provide the elderly assurance that as the Congress debates major reform of the health care system, they will be protected from the financial ruin that can accompany a serious illness. In the area of nursing home care, my proposal alleviates the fiscal burden on beneficiaries who are discharged from hospitals to skilled nursing facilities—a trend that most experts believe will accelerate with full implementation of the new fixed payment reimbursement system for hospitals. Further, this legislation calls for a comprehensive review of nursing home costs and options for Federal initiatives. Perhaps most importantly, the proposal streamlines the Medicare Program by eliminating confusion over coverage and administration of the current program. Difficulties for beneficiaries, physicians, and hospitals over coordination of benefits between Medicare, Medicaid, and Medigap policies will be reduced. Physicians willing to take assignment of fees would receive their full reimbursement from the Medicare intermediary, and would be able to dispense with the dual billing systems now used to reach both the intermediary and the beneficiary.

Finally, the proposal is sufficiently limited in scope that private insurance companies will continue to be able to write supplementary policies to cover a wide array of services—examples include drugs, long-term nursing home care, and any physician charges above the reasonable fee prescription level established by Medicare.

I ask unanimous consent that the full text of my legislation, the Health Care Catastrophic Loss Prevention Act of 1984, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Care Catastrophic Loss Prevention Act of 1984".

ADDITIONAL BENEFITS UNDER PART A

SEC. 2. (a) Section 1812(a)(1) of the Social Security Act is amended to read as follows:

"(1) inpatient hospital services;".

(b) Sections 1812(a)(2)(A) and 1812(b)(2) of the Social Security Act are each amended by striking out "100 days" and inserting in lieu thereof "150 days".

(c) Section 1813(a)(1) of such Act is amended to read as follows:

"(1) The amount payable for inpatient hospital services furnished an individual during any spell of illness shall be reduced by a deduction equal to the inpatient hospital deductible, or, if less, the charges imposed with respect to such individual for such services, except that, if the customary

charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed. A deduction shall not be made under this paragraph more than twice in any calendar year.".

(d) Section 1813(a)(3) of such Act is amended to read as follows:

"(3) The amount payable for post-hospital extended care services furnished an individual during any spell of illness shall be reduced by a coinsurance amount equal to 15 percent of the amount which otherwise would be payable under section 1814 for each day, before the eleventh day, on which he is furnished such services during such spell of illness.".

(e) Part A of title XVIII of such Act is amended by adding at the end thereof the following new sections:

"AMOUNTS OF PREMIUMS

"SEC. 1819. (a)(1) The amount of the monthly premium under this part for any calendar year shall be an amount equal to the monthly actuarial rate which the Secretary estimates to be necessary so that the aggregate of such premiums for such calendar year will be equal to the total of the additional benefits and administrative costs which will be payable from the Federal Hospital Insurance Trust Fund for services performed and administrative costs incurred in such calendar year for providing the additional benefits described in subsection (b). In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin. In September of each year the Secretary shall promulgate the premium amount which shall be applicable for the following calendar year.

"(2) If any monthly premium determined under paragraph (1) is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

"(b) For purposes of this section and section 1820, the 'additional benefits' are the additional days of inpatient hospital services and post-hospital extended care services, and the reduced deductibles and coinsurance amounts, provided by the amendments made by section 2 of the Health Care Catastrophic Loss Prevention Act of 1984.

"(c) Payment of the premium under this section shall be made in the same manner as payment of the part B premium is made under section 1840, except that the amounts collected or transferred shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund.

"MODIFIED BENEFIT PACKAGE FOR INDIVIDUALS HAVING PRIVATE INSURANCE

"SEC. 1820. (a) Upon request made by an individual, in such manner and including such information as the Secretary may require, the Secretary shall determine whether such individual is entitled to hospital insurance benefits under any benefit plan other than this part, provided without cost to such individual, which are equal to or greater than the additional benefits described in section 1819(b). If the Secretary makes an affirmative determination with respect to such individual, such individual shall not be entitled under this part to the additional benefits described in section 1819(b), and shall not be required to pay the premium under section 1819(a), for so long as such individual continues to be entitled to such benefits under such other plan.

"(b) An individual may request the Secretary to determine whether such individual has ceased to be entitled to such benefits under such other plan, or the Secretary may make such a determination on the Secretary's own motion. If such a determination is made, such individual shall thereafter be entitled to the benefits described in section 1819(b), and shall be required to pay the premium determined under section 1819(a).".

(f) The amendments made by this section shall apply with respect to items and services furnished in, and premiums payable for, months beginning on or after October 1, 1985.

OPTIONAL BENEFITS UNDER PART B

SEC. 3. (a) Part B of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"ADDITIONAL OPTIONAL BENEFITS

"Eligibility

"SEC. 1845. (a) Any individual who is enrolled in the insurance program under this part may elect to receive the additional benefits described in subsection (b). Eligibility for such additional benefits shall be contingent upon payment of the premium described in subsection (c).

"Additional Benefits

"(b)(1) The additional benefits are that the individual shall be entitled to have payment made to him or on his behalf of the copayment amounts described in paragraph (2).

"(2) The copayment amounts are those amounts otherwise not payable under section 1833 solely by reason of the payment allowed under such section being set at a rate of less than 100 percent of the applicable factor (reasonable cost, reasonable charge, etc.), and which would otherwise be required to be paid by the individual, taking into account the provisions of section 1866(a)(2)(A).

"Amount of Premium

"(c)(1) Except as otherwise provided in paragraph (2), the amount of the monthly premium for any calendar year for individuals who choose to enroll under this section shall be an amount equal to the monthly actuarial rate which the Secretary estimates to be necessary so that the aggregate of such premiums for such calendar year will be equal to the total of the additional benefits and administrative costs which will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and administrative costs incurred in such calendar year for providing the additional benefits under this section. In calculating the monthly acturial rate, the Secretary shall include an appropriate amount for a contingency margin. In September of each year the Secretary shall promulgate the premium amount which shall be applicable for the following calendar year.

"(2)(A) In the case of an individual whose coverage period began pursuant to an enrollment or reenrollment occurring after his initial opportunity to enroll (determined pursuant to subsection (d)(1)), the monthly premium determined under paragraph (1) shall be increased by 10 percent of the monthly premium so determined for each full 12 months (in the same continuous period of eligibility) in which he could have been but was not enrolled. For purposes of the preceding sentence, there shall be taken into account (i) the months which elapsed between the end of the month of his initial opportunity to enroll and the end of the open enrollment period in which he enrolled, plus (in the case of an individual who reenrolls), (ii) the months which elapsed between the date of termination of a previous coverage period and the end of the open enrollment period in which he reenrolled. Any increase in an individual's monthly premium under the first sentence of this paragraph with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which such individual may have.

"(B) For purposes of subparagraph (A), an individual's 'continuous period of eligibility' is the period beginning with the first day on which he is eligible to enroll under this section and ending with his death; except that any period during all of which an individual was entitled to hospital insurance benefits and which terminated in or before the month preceding the month in which he attained age 65 shall be a separate 'continuous period of eligibility' with respect to such individual (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this paragraph).

"(3) If any monthly premium determined under the preceding provisions of this subsection is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

"(4) Payment of the premium under this section shall be made in the same manner as payment of the part B premium is made under section 1840.

"Enrollment

"(d)(1) At the time when an individual becomes enrolled under this part (or, in the case of an individual who is so enrolled for the month of September 1985, on October 1, 1985) he shall automatically be enrolled by the Secretary in the additional benefits program under this section unless he notified the Secretary that he does not wish to be enrolled.

"(2) Any individual who declines to be enrolled under paragraph (1), or who terminates his enrollment, may not enroll or reenroll in such program until an open enrollment period which begins after such declination or termination. Open enrollment periods shall consist of the months of January, February, and March of each year.

"(3) Enrollment or nonenrollment shall be made only in accordance with regulations of the Secretary.

"(4) In any case where the Secretary finds that an individual's enrollment or nonenrollment in the program established by this section is unintentional, inadvertent, or erroneous, and is the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Federal Government, or its instrumentalities, the Secretary may take such action (including the designation for such individual of a special initial or subsequent enrollment period, with a coverage period determined on the basis thereof and with appropriate adjustments of premiums) as may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction.

"Coverage Period

"(e)(1) The period during which an individual is entitled to benefits under this section (referred to in this section as his 'coverage period') shall begin on the first day of the month in which he is enrolled pursuant to subsection (d)(1), or, in the case of any other enrollment or reenrollment, on the April 1 following the open enrollment period in which such enrollment or reenrollment was made. The coverage period, shall

continue until his enrollment has been terminated—

"(A) by the filing of notice that the individual no longer wishes to participate in the program established by this section, or

"(B) for nonpayment of premiums.

"(2) The termination of a coverage period under paragraph (1)(A) shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed. The termination of a coverage period under paragraph (1)(B) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 90 days; except that it may be extended to not to exceed 180 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 90-day period.

"(3) Where an individual who is automatically enrolled pursuant to subsection (d)(1) files a notice before the first day of the month in which his coverage period begins advising that he does not wish to be so enrolled, the termination of the coverage period resulting from such automatic enrollment shall take effect with the first day of the month the coverage would have been effective. Where an individual who is automatically enrolled pursuant to subsection (d)(1) files a notice requesting termination of his coverage in or after the month in which such coverage becomes effective, the termination of such coverage shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed.

"(4) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on a disability rather than on his having attained the age of 65, his coverage period (and his enrollment under this section) shall be terminated as of the close of the last month for which he is entitled to hospital insurance benefits.

"(5) No payments may be made under this section with respect to the expenses of an individual unless such expenses were incurred by such individual during a period which, with respect to him, is a coverage period.".

(b)(1) Paragraphs (1) and (4) of section 1839(a) of such Act are each amended by inserting "(other than benefits and related administrative costs payable pursuant to section 1845)" after "such enrollees".

(2) Subparagraphs (A) and (B) of section 1844(a)(1) of such Act are each amended by striking out "under this part" and inserting in lieu thereof "under section 1839".

(c) The program of additional benefits under section 1845 of the Social Security Act shall become effective on October 1, 1985.

STUDY OF EXTENDED CARE SERVICES

SEC. 4. (a) The Secretary of Health and Human Services shall appoint a Commission on Extended Care Services (hereafter in this section referred to as the "Commission") to conduct a study of extended care services under the medicare program.

(b) The study shall include—

(1) how the medicare program might better provide protection against catastrophic costs of extended care;

(2) compilations and analyses of data with respect to the recipients of extended care services, including age, duration of care, costs of care in addition to the amounts paid by medicare, and sources of assistance, other than medicare, for paying such costs; and

(3) actions taken by States in the area of standard setting for, and auditing of, facilities providing extended care.

(c) The Commission shall consist of experts in the field of extended care services, and representatives from groups which represent the elderly.

(d) The Commission shall be appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act. The Secretary shall from time to time appoint one of the members to serve as Chairman. The Commission shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(e) Members of the Commission shall be appointed without regard to the provision of title 5, United States Code, governing appointments in the competitive service. Members who are not employees of the United States shall be paid at a rate equal to the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Commission. While engaged in the performance of such duties away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission may engage such technical assistance from individuals skilled in extended care services as may be necessary to carry out its functions. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance, and any pertinent data prepared by the Department of Health and Human Services, as the Commission may require to carry out its functions.

(g) The Secretary shall submit the results of the study, together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than October 1, 1985. The Commission shall terminate at the time such results are submitted.●

By Mr. BOSCHWITZ:

S. 2896. A bill providing for a reduction in the duty on certain fresh asparagus; to the Committee on Finance.

REDUCTION IN DUTY ON FRESH ASPARAGUS

● Mr. BOSCHWITZ. Mr. President, today I am introducing a bill to reduce the import duty on fresh asparagus shipped via air freight during the 60-day period from September 15 to November 15. Currently, imported fresh asparagus is subject to a 25-percent ad valorem duty for the entire year. This piece of legislation would lower the duty to 5 percent during the stated period, thereby guaranteeing that affordable supplies of fresh asparagus remain available when domestic supply is unable to meet consumer demand.

I am well aware that excessive imports of some agricultural commodities have hurt our domestic producers. The family of one of the members of my staff raises a substantial amount of asparagus, so I may know more about it than most Senators. I have carefully examined the possible negative effects of this bill and have found that its impact on domestic asparagus producers would be negligible.

Only about 2 percent of the total annual domestic supply of fresh asparagus is harvested during the period in question. From September 15 to November 15, fresh asparagus is often shipped in by air from foreign countries. During that perioid, the 25-percent duty unnecessarily increases the cost to the consumer while providing no benefit to our domestic growers.

At least seven vegetables—including tomatoes, lettuce, and celery—are already subject to import duties that vary throughout the year. We, therefore, will not set an unwieldy precedent by permitting a brief period of import duty relief. Instead, we will help consumers by making fresh asparagus more readily available during these months.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 8 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by adding before the superior heading to items 135.10 through 135.20 the following new items:

	Asparagus:		
135.03	If fresh, entered during the period from September 15 to November 15, inclusive, in any year, and transported to the United States by air	5% ad val.	50% ad val.
135.05	Other	25% ad val.	50% ad val.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 2897. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefit guarantees to certain pension plans; to the Committee on Labor and Human Resources.

PLAN TERMINATION INSURANCE CLARIFICATION ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation that will help clarify the pension rights of certain employees whose pensions were terminated prior to the enactment of the Employee Retirement Income Security Act of 1974 [ERISA].

My legislation, the Plan Termination Insurance Clarification Act of 1984, would ensure that a class of 272 claimants for plan termination insurance under Hewitt-Robins Pension Plan No. 2 would qualify for the termination insurance provided by ERISA.

The Employee Retirement Income Security Act of 1974 [ERISA] was intended to protect employee pension benefits. Congress added plan termination insurance under ERISA to protect benefits for participants in plans which terminate when plan assets are insufficient to provide promised benefits. All four congressional committees involved with the drafting of ERISA agreed to some form of the bill by February 21, 1974. Many in Congress expected that the committees could resolve their differences so that ERISA could be enacted early in 1974. The resolution of these differences was protracted, and ERISA was not enacted until September 2, 1974. But Congress believed that participants should not be deprived of the protection of plan insurance merely because of this delay in passage. Therefore, it added section 4082(b)—now section 4402(b) of the act—to provide the protection of plan termination insurance to most plans which terminated between July 1, 1974, and September 2, 1974, when ERISA was finally passed.

The employees covered by the Hewitt-Robins Pension Plan No. 2 continued to accrue benefits until July 8, 1974, when action was taken to terminate their pension plan. In such circumstances, it would be contrary to the intent of Congress to deny the employees involved the protection of the plan termination insurance program designed to keep workers from losing their promised benefits. The legislation that I am introducing today clarifies this one set of circumstances under ERISA, to enable the employees involved in the Hewitt-Robins Pension Plan No. 2 to receive the benefit of plan termination insurance. My legislation would enable these employees to receive pension benefits they earned and looked forward to receiving.

I urge prompt passage of this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Plan Termination Insurance Clarification Act of 1984".

SEC 2. CLARIFICATION OF RETROACTIVE APPLICATION OF BENEFIT GUARANTEE PROVISIONS.

Subsection (b) of section 4402 of the Employee Retirement Income Security Act of 1974 is amended by striking out the last sentence and inserting in lieu thereof the following: "For purposes of determining whether a plan is a plan described in paragraph (2), the provisions of section 4048 shall not apply, but the corporation shall make the determination (A) on the basis of the date on which benefits ceased to accrue, or (B) in the case of a plan with respect to which the date on which all benefits ceased to accrue cannot be determined or would not represent the date of the plan's actual termination, on any other reasonable basis consistent with the purposes of this subsection.".

SEC 3. EFFECTIVE DATE.

The amendment made by section 2 shall be effective as though it had been included in the enactment of the Employee Retirement Income Security Act of 1974.●

ADDITIONAL COSPONSORS

S. 2687

At the request of Mr. PERCY, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 2687, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938 which shall terminate on September 30, 1987, and for other purposes.

S. 2875

At the request of Mr. HOLLINGS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. EAGLETON], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 2875, a bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere to authorize appropriations for fiscal year 1985, and for other purposes.

SENATE JOINT RESOLUTION 304

At the request of Mr. HELMS, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Carolina [Mr. THURMOND], the Senator from Iowa [Mr. JEPSEN], the Senator from Florida [Mrs. HAWKINS], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate the month of October 1984 as "National Quality Month."

SENATE JOINT RESOLUTION 319

At the request of Mr. DOLE, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Joint Resolution 319, a joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

SENATE JOINT RESOLUTION 322

At the request of Mr. QUAYLE, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution designating the week beginning on October 7, 1984, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 327

At the request of Mr. KASTEN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate the week beginning September 2, 1984 as "Youth of America Week."

SENATE JOINT RESOLUTION 332

At the request of Mr. DOLE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 332, a joint resolution to proclaim October 16, 1984, as "World Food Day."

SENATE CONCURRENT RESOLUTION 130

At the request of Mr. EXON, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Concurrent Resolution 130, a concurrent resolution expressing the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers.

SENATE RESOLUTION 403

At the request of Mr. CRANSTON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 403, a resolution expressing the concern of the Senate over continuing communal violence in Sri Lanka.

AMENDMENTS SUBMITTED

CONVEYANCE OF CERTAIN LAND TO THE ZUNI INDIAN TRIBE

GOLDWATER AMENDMENT NO. 3583

Mr. BAKER (for Mr. GOLDWATER) proposed an amendment to the bill (S. 2201) to convey certain lands to the Zuni Indian Tribe for religious purposes; as follows:

At the end of the bill, insert the following new section:

"SEC. 9. Notwithstanding 25 U.S.C. 640d-18 (c)(1), the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act."

NATIONAL PRODUCTIVITY AND INNOVATION ACT

METZENBAUM AMENDMENT NO. 3584

Mr. METZENBAUM proposed an amendment to the bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws; as follows:

On page 14, between lines 18 and 19, insert the following:

"*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 15, between lines 12 and 13, insert the following:

"*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 16, between lines 8 and 9, insert the following:

"*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

LEAHY AMENDMENT NO. 3585

Mr. LEAHY proposed an amendment to the bill S. 1841, supra; as follows:

On page 14, lines 13 and 14, strike out "that is within the scope of a" and insert in lieu there "of a joint".

On page 15, lines 7 and 8, strike out "that is within the scope of a" and insert in lieu there "of a joint".

On page 16, lines 3 and 4, strike out "that is within the scope of a" and insert in lieu there "of a joint".

On page 16 strike out lines 15 through 18, and insert in lieu thereof "disclosing the identities of the parties to such program.".

On page 16, line 19, strike out "who is a party" and insert in lieu thereof "who is or becomes a party".

On page 17, beginning with line 2, strike out through "confidential" on line 4.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 31, to hear Mr. John B. Waters, nominated by the President to be a member of the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, to hold a business meeting to consider treaties, legislation, and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, at 9 a.m., to hold a hearing to consider the following nominations:

Robert S. Cooper, to be Assistant Secretary of Defense for Research and Technology;

James Paul Wade, Jr., to be Assistant Secretary of Defense for Development and Support;

Everett Pyatt, to be Assistant Secretary of the Navy for Shipbuilding and Logistics;

Charles G. Untermeyer, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs; and

Donald C. Latham, to be Assistant Secretary of Defense for Command Control and Communications, and Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 31, to continue the hearing of the relationship between the Congress and the Executive in the implementation and formulation of foreign policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, July 31, at 2 p.m., to hold a hearing to consider section 201 of S. 2846, authorizing appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES-UNITED KINGDOM AGREEMENT ON NARCOTICS INVESTIGATIONS

● Mr. BIDEN. Mr. President, on July 26, in London, Ambassador Price and a representative of the British Government signed an agreement between the United States and the United Kingdom which would allow American investigators in illicit drug cases to receive information about secret bank accounts in the Cayman Islands, a dependency of Great Britain. Because of its bank secrecy laws and proximity to the United States, in recent years, the Cayman Islands have been one of the major offshore banking centers where the illegally gained profits of the multibillion-dollar international narcotics traffic are laundered or deposited. The Cayman Islands have been especially attractive to Latin American drug traffickers, particularly Colombian, who supply almost all of the marijuana and cocaine market in the United States, and to Mexican traffickers who supply about one quarter of the American heroin market. Of course, there are also many Americans who profit from the illegal drug business which does such damage to our society and who take advantage of such offshore banking centers as the Cayman Islands.

The profits gained from illicit drug trafficking are so large that one of the biggest problems faced by drug traffickers is disposing of their money without arousing suspicion. Further, the drug traffickers often want to reinvest their money in legitimate businesses but, before they do so, often find it convenient to conceal or launder the source of their investment capital.

To meet objectives of this sort, the traffickers frequently move their assets through secret bank accounts and through shell companies and other seemingly legitimate financial mechanisms that serve no function other than hiding the origin of the traffickers' funds. In jurisdictions with strict bank secrecy laws, such as the Cayman Islands, investigations of drug traffickers are handicapped because there is no way of observing the unreported and suspicious movement of huge sums of money that characterize drug trafficking. Moreover, the use of one of the most effective means of punishing drug traffickers, the seizure of their assets, is also inhibited by strict bank secrecy laws.

I congratulate the United Kingdom and the Cayman Islands for their cooperation in this matter of such great consequence to the United States. Although the agreement, signed on July 26, still requires the passage of legislation in the Cayman Islands, I hope that it can be implemented at the ear-

liest possible time. In that way, the parasitical criminals who reap financial gain from illicit drug trafficking will find one less country willing to facilitate their sordid enterprise.

Analyzed in the coldest terms, there are economic benefits which flow to jurisdictions which, through bank secrecy laws, serve as magnets for the enormous sums of money available to international drug traffickers. It requires a self-sacrifice for a country to forego the tainted profits that strict bank secrecy laws can bring. In letting law enforcement and investigative operations illuminate the dark places where drug criminals flourish because of bank secrecy laws, the United Kingdom and Cayman Islands have looked beyond narrow, financial calculations. They deserve our gratitude for doing so.

Unfortunately, there are many other offshore banking centers which provide safe-haven for financial transactions related to illicit drug trafficking. Panama, Antigua, the Bahamas, Bermuda, the Netherlands Antilles, and the Turks, and Caicos Islands are other offshore banking centers in the Caribbean. In Southeast Asia, Singapore and, particularly, Hong Kong are major financial centers for the trade in heroin produced in the Golden Triangle area. In Europe, Liechtenstein, the Channel Islands, Luxembourg, and the Netherlands are attractive banking centers for financial transactions related to traffic in Southwest Asian heroin. Of course, Switzerland is a famous bank secrecy center. However, because of a Treaty on Mutual Assistance in Criminal Matters between the United States and Switzerland which went into effect in 1977 and the cooperative spirit of that country, Switzerland does not allow criminals trafficking in illicit drugs to receive red-carpet treatment.

It is difficult to estimate the size of the U.S. illicit drug market. In the early 1980's, U.S. Government agencies calculated that the total retail value of the illicit drug market in the United States was $50–$100 billion. Although there is now skepticism about the methods used for making the exact dollar estimates that were attached to the U.S. drug trade, these dollar figures are probably a fairly accurate, general guide to the magnitude of the U.S. illicit drug market.

It is equally difficult to calculate the volume of illicit funds which flow through the world's offshore banking centers. Without doubt though, it is a sizeable portion of the U.S. illicit drug market and, thus, amounts to many billions of dollars a year.

The Cayman Islands have probably been a major recipient of these illicit profits. As a 1983 staff study on offshore banks by the Permanent Subcommittee on Investigations explained:

> A vivid example of the rapid growth of tax haven banks and trust companies is offered by the Caymans, a British Crown Colony approximately 170 miles south of Miami. In 1964, the Caymans had only one or two banks and virtually no offshore, nonresident business. * * * In late 1981, the island had about 30 multinational full service "Type A" commercial banks and more than 300 "Type B" brass plate banks, which are allowed to conduct only offshore business. Moreover, about 13,600 companies were registered there. Yet, the population of the Cayman Islands is only about 15,000. * * * The islands provide an outstanding opportunity for individuals seeking to launder or otherwise hide illegal profits. They are readily accessible by commercial and private airlines from the United States, provide all modern amenities, feature English as the national language, assure a politically stable governmental environment, and maintain no strict bank secrecy requirements.

Because of the sincere effort of the United Kingdom and the Cayman Islands to contribute to investigations of international drug taffickers, the Cayman Islands might soon be a far less attractive locale for these criminals to conduct their business. I congratulate them and hope that other offshore and secret banking centers will look upon them as a model for responsible and conscientious international conduct. I urge the administration to spare no diplomatic efforts to conclude such agreements with other offshore banking centers as one of the major priorities of its foreign policy.●

THE REVEREND C.L. FRANKLIN, CIVIL RIGHTS LEADER

● Mr. LEVIN. Mr. President, it is with a sense of real loss that we rise to acknowledge the recent death of the Reverend C.L. Franklin, nationally known civil rights leader, gospel vocalist, and renowned pastor of Detroit's New Bethel Baptist Church.

Clarence LeVaughn Franklin was born in Sunflower County, MS, on January 22, 1915. As a child he walked 10 miles to school and helped his family pick cotton. His schooling included Howe School of Religion and LeMoyne College, both in Memphis, TN. He later attended the University of Buffalo and the University of Michigan.

The Reverend Franklin started preaching in rural churches in Mississippi while still a teenager. In 1938, he traveled to Memphis to become pastor of the 700-member New Salem Baptist Church. He later went to a Baptist church in Buffalo, NY.

However, it was in 1946 that the Reverend Franklin and his late wife Barbara moved their family to Detroit, and found a permanent home.

C.L. Franklin was a man of great compassion whose rich voice and dramatic message inspired support for the civil rights struggle of the 1950's and 1960's. His religious services were broadcast every Sunday evening over Detroit radio for more than 30 years. His sermons gave people hope and inspiration throughout the years.

It was the Reverend Franklin who was instrumental in organizing the Woodward Avenue Freedom March in Detroit on June 23, 1963, which attracted more than 100,000 people, including Dr. Martin Luther King, Jr.

The Reverend Franklin's presence will be missed. He was a giant in his community, a leader in his field whose message reached far beyond New Bethel Baptist Church, far beyond the city of Detroit. C.L. Franklin saw the world as his congregation and tried to make it a more just and comfortable home for all its residents.

I am glad we are pausing to honor him and the joy and inspiration he brought so many during his lifetime. His mother, Rachel, and his children Aretha, Erma, Carolyn, Cecil, and Vaughn can take comfort in the many memories of him and his good works.●

JEFF KEITH—A HERO OF TODAY

● Mr. LAUTENBERG. Mr. President, there are those who complain that America today lacks heroes, that we do not have the inspirational leadership of past generations. To those people I present Jeff Keith.

Jeff lost his leg to cancer when he was only 12 years old. To many people this would have been a devastating blow. Not so for Jeff. A born athlete, Jeff was swimming on the swim team the summer after his operation. At Fairfield Prep, Jeff played baseball, started as goalie for the lacrosse team, and captained the ski team. In the State skiing championships, he finished 14th out of 125 skiers. Jeff continued to ski and play lacrosse at Boston College where he graduated last month. Jeff has competed in one biathalon and two triathalons which included a 1.5 mile swim, 25 miles of cycling, and a 9.25 mile run.

Jeff is running again. This time it is not only a personal achievement, but serves a national goal. Jeff is undertaking a 3,300 mile cross-country trek from Boston to Los Angeles to benefit the American Cancer Society and the National Handicapped Sports and Recreation Center. Jeff's example is an inspiration to all of us. He is demonstrating that he is not handicapped, but physically challenged. Jeff has said that the word handicapped sets restrictions while challenged sets goal.

Mr. President, today Jeff Keith is in Washington to share his achievement and challenge with Government officials. I invite my colleagues to join me in recognizing this fine young man's triumph over cancer.●

MISPLACED MILITARY PRIORITIES

● Mr. BIDEN. Mr. President, while Congress has devoted considerable attention to how much we are spending on defense, I believe we have not looked closely enough at where the money goes. Too much is being spent on destabilizing or unnecessary strategic nuclear programs and not enough to improve the combat readiness and staying power of our conventional forces.

The immediate consequence of these misplaced military priorities is that we have not achieved the improvements in defense capabilities which should have been expected as we more than doubled the Pentagon budget since fiscal year 1980. The long-term consequences are also troubling, for this administration has set us on a course which provides even more for strategic nuclear programs but not enough to operate and maintain adequately our conventional weapons. And the budget is so skewed that Congress will be less able to control military spending on a year-to-year basis.

Congress has been generous in providing increased resources to the Pentagon despite tight limits and reductions elsewhere in the Federal budget. We approved 12.5 percent real growth above inflation in fiscal year 1981, 12.1 percent in 1982, 7.5 percent in 1983, and 5.5 percent in 1984. Many of us also sought to redirect available funds away from the unnecessary B-1 bomber and unsurvivable MX missile so that we could increase military pay and combat readiness. Just last month, for example, I cosponsored and voted for an amendment offered by Senator LEVIN of Michigan which would have cut MX procurement in order to restore funds for a C-5B aircraft cut from the administration's own budget as well as providing a full 5.5 percent pay raise and increased funds for maintenance and spare parts for all services and some high priority items for the National Guard and Reserve. I regret that this proposal and many similar ones in recent years were not adopted.

Although Congress made some reductions in the huge spending proposals for the Pentagon, we had little success in reallocating the priorities within the defense budget. As a result, the share of the budget going for strategic forces has nearly doubled in the Reagan administration, rising from 7 percent in 1980 to 13 percent today with further increases projected in the future. Similarly, the administration's frontloading of major weapons procurement has been at the expense of the operations and maintenance [O&M] accounts which are crucial to readiness. Procurement has increased twice as fast as the defense budget as a whole, while O&M's share has declined from 30.3 percent of the budget in fiscal year 1980 to 26.7 percent requested for fiscal year 1985.

The administration's strategy has been: Buy the big ticket items now; worry about the spares and ammunition and training later. That might have been a sensible strategy—if we were confident that our troops would not be called upon to fight before the end of this decade. But even the quick and successful Grenada operation last October used up enough equipment and money that the administration had to seek a supplemental appropriation.

This strategy is driving us headlong toward additional serious problems in just a few years. In the absence of any negotiated arms control restraints on the Soviet and American nuclear buildups, the administration has already budgeted—just in the next 5 years—$24.2 billion for the star wars Strategic Defense Initiative, $15.4 billion for the MX, and $14.4 billion for the B-1 bomber. These and other strategic weapons programs will necessarily drain funds away from conventional forces, especially if continued high deficits force a slower rate of growth or actual reductions in defense.

According to various military budget analysts, the administration has probably underfunded operating and readiness accounts in its projected budgets. The General Accounting Office, for example, says that the Pentagon historically underestimates actual O&M spending by an average of 28 percent. Defense Department budget analyst Franklin "Chuck" Spinney told our Budget Committee that there is a fundamental mismatch between DOD plans and reality, and that increasing the defense budget without resolving the underlying structural problems will only magnify this mismatch. In other words, our unrealistic plans, coupled with huge procurement, will make our readiness and sustainability problems worse in the future.

The third troubling consequence of the Reagan defense budget strategy is that it will deny Congress the flexibility to make needed adjustments in the future. In fiscal year 1981, 28 percent of our defense outlays were based on prior year commitments. Under the administration's proposal for fiscal year 1985, that figure will rise to 36 percent. By fiscal year 1989, these uncontrollable funds will account for 43 percent of defense outlays. In other words, military spending is rocketing toward an escape velocity that will put it beyond our control.

How much stronger are we today, as a result of this strategy and the huge budgets approved by Congress?

In nuclear forces, I fear we may be in worse shape because of Reagan administration policies. Since 1980 this administration has abandoned a survivable basing plan for the MX missile, leaving us with a highly provocative but vulnerable weapon; it substantially cut our nuclear megatonnage, despite previous arguments that this was a significant measure of relative power; and it failed to achieve any restraints or reductions on Soviet military forces. Meanwhile, it kept up a barrage of belligerent rhetoric that seems to have scared our allies much more than the Soviet leadership.

In conventional forces, the most notable improvement has been in the people in uniform—their moral, their quality, their pay and training. But there are still deficiencies in equipment which have to be corrected. On the question of readiness, I agree with my distinguished colleague and friend from Georgia [Mr. NUNN], that the results are a mixed bag. Some indicators show improvement, others do not. Mission capable rates are rising, but it remains a fact that between December 1980 and March 1984 unit readiness decreased in two of the four services—the Army by 25 percent and Air Force by 15 percent. Instead of disputing which indicators are most important, I think we can all agree that things are still not good enough and that, within these generous budgets, we should be doing better.

On the question of sustainability—the combat staying power of our forces—there is no disagreement. Everyone says that we are sadly deficient. As the GAO reported in a June 6 letter to Senator NUNN:

> Regarding sustainability, information provided by Defense shows serious shortfalls in most categories. Inventories of munitions and war reserve stocks are substantially below requirements. . . . projections by Defense show that stocks will not improve significantly until the late 1980s.

In recent days the Defense Department has criticized some of the conclusions drawn from the specific stockpile figures and has even suggested that the facts declassified by the Pentagon itself should not be made public. I think that criticism is misdirected. We should be facing up to the facts, not suppressing them. We should be correcting our deficiencies rather than trying to explain them away.

Mr. President, I have always supported a strong national defense—able to deter nuclear war and ready to protect our interests in a conventional conflict. I also want a smart national defense—smart in what we buy and how we plan. I want the Pentagon to be effective and efficient.

After 11 years in the Senate, I know we can do better; we can get the kind of ready military muscle our people expect and deserve. The issue is not simply how much we spend, but how and where we spend it, and whether we get our money's worth in defense capability.●

FIRE UP CHIPS

● Mr. LEVIN. Mr. President, the Central Michigan University [CMU] chapter of AERHO—a national professional honorary broadcasting organization which helps bridge the gap between academic and professional training—finished runnerup out of 105 colleges and universities nationwide in chapter of the year honors. The chapter's advisor, CMU broadcasting Prof. Randall Stith, was awarded adviser of the year honors. This group of broadcasting students, faculty and staff carry on the proud tradition of broadcasting for which CMU is so well known, as the AERHO chapter at CMU has previously won chapter of the year honors three times. Fire up Chips.●

OFF AND RUNNING

● Mr. PRESSLER. Mr. President, while hundreds of millions of eyes are glued to their television sets to watch 7,800 athletes perform in the 23d Olympiad, one athlete of equal, if not surpassing caliber is off and running in Washington, DC. This athlete is Jeff Keith, a 22-year-old graduate of Boston College who began a cross-country run from Boston to Los Angeles on June 4, 1984. But more remarkable than his ambition to run from coast to coast when most attention is being placed on the summer Olympics is the idea that young Jeff Keith plans to do this on one leg.

If you have ever seen a young boy catching his first pop fly in right field, racing across the ice determined to make his first hockey goal, or leaping the chalked line that marks his first touchdown in a football game, then you can imagine 12-year-old Jeff Keith as I do. The young Connecticut athlete had surpassed all of these childhood aims and starred on every baseball, hockey, and football team that he had ever played on. But it was during a hockey practice around Thanksgiving of 1974 that Jeff felt a pain in his right knee. One month later, x rays showed an enlargement of bone in his lower right leg. Finally, on Christmas Eve 1974, an above-the-knee amputation was performed after a biopsy revealed osteogenic sarcoma—bone cancer.

But after Jeff Keith lost his right leg to cancer, one can certainly say that he did not lose his courage or his determination. In fact, all he seemed to lose were the following words from his vocabulary: "limits," "restrictions," "handicapped," and "afraid." For approximately 5 to 6 weeks after his operation, Jeff was back on the ski slopes, and from that point on he continued to excel in skiing, swimming, lacrosse, and both biathlon and triathlon competitions.

While Jeff made each challenge tougher for himself, each challenge in turn made him tougher—both physically and mentally. His latest trial is the campaign called "Run Jeff Run," an epic run across America to raise money for the American Cancer Society and the National Handicapped Sports and Recreation Association. This special marathon began from Boston's Faneuil Hall and continues up and down the winding highways of America through New York and Pittsburgh, Cleveland and Chicago, St. Louis, and Tulsa, Albuquerque, and then finally Los Angeles. This route also takes him through Washington, DC, where several of my colleagues from both the House and the Senate and I will join Jeff on the East Capitol steps at 6 p.m. and run with him to L'Enfant Plaza.

As a man who loves sports—running, tennis, and skiing in particular—I readily classify myself as an average athlete. And it was as an average athlete that I began running regularly several years ago. Yet while I have experienced many weary miles on both grass and pavement, I think that I can safely say that I will never encounter the amount of crowds, blisters, injuries, or other obstacles that will most definitely be in store for Jeff Keith. In addition, while as a nonrecordbreaker I hope to serve as a role model for other average athletes, I can also say that I will not be able to touch a fraction of the people that Jeff Keith will inspire.

For Jeff Keith plays an extremely important role model, whose message is for all people. "Run Jeff Run" is not a trip of excruciation for him but instead, one of inspiration. His message is simple, but direct: "Disabled Does Not Mean Unable" and "Cancer Can Be Beat." And while 3,000 miles might seem a long way to run just to deliver a message, it seems that nothing can stop this man. For Jeff is not asking us all to go out and run across the country, he is simply giving living proof to every American that what is going on inside of us is a lot more important than what's happened to our outsides.

As I reflect upon the courage, discipline, and fortitude of young Jeff Keith, I am eager to be off and running with him on a trip that I shall never forget. For although I will run physically with Jeff for only a short distance, my prayers and my support will be with him for the entirety of his 3,000-mile journey.●

IMPROVEMENTS CITED IN DAIRY INDUSTRY

● Mr. KASTEN. Mr. President, I wish to call to the attention of my colleagues an article that appeared in the Wall Street Journal, Monday, July 30, 1984. The article highlights steady gains and improvements made in our Nation's dairy industry.

The news is indeed encouraging and I wish to reiterate several pertinent points the article addressed:

1. The U.S. Department of Agriculture predicts 1984 dairy product sales to increase 2 percent to 4 percent over last year. In 1983, sales were only 0.3 percent higher than in 1982.

2. Milk production began declining in March, ending a 58 month string of year-to-year increases.

3. Through the first nine months of the 1984 marketing year, dairy surplus purchases were down 32 percent from last year.

4. The U.S. Department of Agriculture predicts purchases of surplus dairy products to be 10.9 billion pounds, down from the record 16.6 billion pounds last year. That is a drop of almost 6 billion pounds.

The picture is brighter for our dairy farmers and consumers alike. Positive comments made by industry personnel are encouraging for it is evident that the gap between supply and demand of dairy products is narrowing. Although we aren't out of the woods yet, I am pleased with the changes that have taken place since Congress passed the dairy legislation last October that triggered some of these changes. I believe the picture will become even brighter once our national dairy promotion efforts are in full swing.

Mr. President, I ask that the article from the Wall Street Journal be printed in today's RECORD, in order that my colleagues can read for themselves about the progress we have made.

The article follows:

CHEESE LEADS DAIRY-PRODUCT BUYING RISE AS U.S. SURPLUS REVERSES UPWARD TREND

(By Albert R. Karr)

WASHINGTON.—Dairy-products sellers and federal officials really are smiling these days when they say "cheese."

A cheese-buying surge is leading what could be the biggest dairy-product sales increase in nearly 30 years. Commercial dairy-product sales were up nearly 6 percent in the first half of this year, with butter and dry milk also posting gains. The increased sales already are contributing to the first drop in the federal dairy surplus in five years, with a potential savings this year of about $1 billion.

Dairy demand is "picking up momentum," says Richard Fogg, a vice president of Land O'Lakes Inc., a big Arden, Minn., dairy cooperative. The improved economy is credited with causing consumers to buy more dairy products. Also, dairy-product prices generally have been steady while other food prices rose (although milk-product prices recently began to edge up). At Agri-Mark Inc., a North Andover, Mass., co-operative, liquid milk sales are showing the first substantial rise in 15 years, says Richard Stammer, economics manager.

The biggest factor, though, is that consumers and food companies have sharply increased cheese-buying in recent months. Through May, for example, sales of American cheese were up 13 percent from the year-earlier period, to 849 million pounds.

Some analysts say the big federal surplus-cheese giveaways that helped reduce commercial sales last year may have stimulated increased buying by introducing more

people to cheese. Such giveaways are more modest this year. Also, cheese suits consumers' changing eating habits, which are shifting toward snacks, ethnic foods and fast foods such as pizza and Mexican dishes.

Food companies are expanding cheese-marketing efforts with new cheese products. To build on cheese's "proven popularity," Geo. A. Hormel & Co. recently introduced such products as cheese-filled smoked franks. In Albany, Ga., the Snackmaster division of Mars Inc., a candy maker, produces "Combos," a cheese-based pretzel.

STRONG SALES SEEN CONTINUING

Federal officials expect dairy-product sales to remain strong. In June, the Agricultural Department revised upward its sales forecast for the year to a 2 percent to 4 percent increase from last year. The dairy business has been stagnant in recent years, increasing only 0.3 percent in 1983 over 1982, for instance.

Under the federal dairy price-support program, the government buys excess cheese, butter and dry milk that sellers can't peddle commercially. But the rising sales of dairy products mean the government will have to buy less. The price of butter climbed so high in late June, amid a shortage, that the Agriculture Department stopped buying butter and even sold some to commercial firms for the first time since 1980.

Thanks to increased business, "I doubt that we've made a pound of cheddar cheese for the government since July of last year," says Donald Storhoff, general manager of Wisconsin Dairies Cooperative in Baraboo, Wis. A year ago, three-fourths of the output at its Waumandee, Wis, cheese plant was going to federal storage. Now Mr. Storhoff says, none is.

Another reason for the reduced federal dairy purchases is that farmers' monthly milk production began declining in March, ending a 58-month string of year-to-year increases. Part of the 3 percent production drop stems from a new federal program to pay farmers for producing less milk. Other farmers are trimming output because of high costs, new federal fees on production and a cut in the federal dairy-price support payment.

Finally, "hard economic times are driving some people out of business," says Agri-Mark's Mr. Stammer.

GOVERNMENT SURPLUS DECLINES

The combination of lower output and surging sales is substantially lowering the government dairy surplus. Through nearly the first nine months of the milk-marketing year (which ends Sept. 30), the surplus was down 32 percent from a year earlier to 9.94 billion pounds. In June, the Agriculture Department lowered its forecast of the surplus for the 1984 marketing year to 10.9 billion pounds from the 11.4 billion it previously predicted. That would be down from 16.6 billion pounds last year.

Increasing demand coupled with reduced milk output also may mean higher prices for other dairy products. Robert Williams, executive director of a cheese-plant group in Baraboo, Wis, expect milk prices to rise by as much as 75 cents a hundred pounds this fall and cheese, by five cents for each 10 pounds.

In June, the average wholesale milk price was $12.74 a hundredweight, down from $13.11 in June 1983. But with "supply and demand in better balance, some price strength is expected," the Agriculture Department's Economic Research Service says.

Already, on May 7, Kraft Foods, a unit of Dart & Kraft Inc., raised the price of "natural" cheese items about 3 percent, the first increase in a year and half.●

AMERICA: LAND OF OPPORTUNITY

● Mr. ARMSTRONG. Mr. President, recently I was priviledged to hear an extraordinary oration by a talented young lady from Colorado, Miss Kelly Duncan. Her talk "Why America Is Still the Land of Opportunity" is a masterpiece of insight and patriotism. I believe my colleagues will benefit from her comments.

The comments of Miss Duncan follow:

WHY AMERICA IS STILL THE LAND OF OPPORTUNITY

In 1787, a modest meeting house found itself to be the soil in which, not only a seed, but an entire root system would grow. American leaders and representatives joined together, for one of the first times, in an effort to revise the Articles of Confederation to meet the needs of a sprouting country. Our forefathers found the document insufficient, however, calling for a completely new document, one that would give to the flimsy young timber the structural support that it needed. A backbone. A constitution. A force that was receptive to the needs of the individual—needs that had been neglected in the former mother country. The young "spirit of American values and ideals" had been robbed of its water and sunshine * * * robbed of its chance to blossom * * * robbed of its opportunity to grow. In America, the freedoms were restored, the restrictions taken away, and the spirit grew in the Land of Opportunity. American leaders of the 18th century wanted to ensure that the land would remain a place of opportunity. Because of the structure of democratic laws, the establishment of a free-enterprise system, and an individual's liaison with the law, one can still claim that America, truly is, still the land of opportunity.

The reasons for the opportunities that still exist in America today are three-fold, primarily concerned with the individual. To begin with, the structure of American laws protect individual freedom. In this country, not only are all citizens guaranteed the right to vote, the voice of the minority is guarded against not being heard. Everyone is encouraged to express an opinion, with freedom that even goes so far as to allow the minority the chance her and to none else." Each singing what belongs to him or her and to none else. For because of her diverse population, America has and always will offer a variety of opportunities to a melting pot of peoples.

Thirdly, the individual in America is given a liaison between themselves and the law in order that he or she might extract from the government that which they desire. People creating opportunities for people * * * for themselves. One ideal upon which this country was founded is this: people should have a powerful voice in the forces that govern them. As the judicial branch puts it, "one man, one vote." And that is guaranteed. Through the employment of lobbyists and one's right to petition, the voice of the individual can be heard. Because of the active part American citizens are allowed to play in their government, America still offers numerous opportunities because she permits the individual to create opportunities for him/herself. Nowhere but America are laws quite like that.

The placement of importance upon the individual is the overall reason that America remains the Land of Opportunity that she always has been. By showing concern for the individual, not only are freedoms exercised, but the country at the same time offers to American individuals, chances and opportunities that would otherwise not have been available. The structure of American laws are such that they permit the participation of the public in governmental affairs. Thus, opportunity is created, by the government, for the individual, to better develop and define his/her own goals.

When our forefathers joined together to create the backbone of our government, they were seeking to give to a sprouting America to change the beliefs of the majority. Through such a system, the best solution is found. Through such a system, one finds new opportunity. Because American government recognizes the importance of the individual, their freedoms are protected as are their opportunities. The United States structurally allows Americans to do with themselves and with their country that which the voting majority decides. That is what made this country the Land of Opportunity, and that is why she still is.

Secondly, America's free-enterprise system allows a person to become all that they can with the skills they've acquired. America is comprised of millions of people, who find themselves going in billions of different directions, whose dreams * * * cannot be counted. For each of these persons, "opportunity" means a different thing. It means something particularly special for immigrants. From Studs Terkel's book, "American Dreams; Lost and Found," a typical immigrant was described: "He was a tailor, a quiet man. She was a seamstress, nimble of finger and mind. He was easy, seeking no more than his due. She was feverish, seeking something more. Though skilled in her craft, her spirit was the entrepreneur's. Out there, somewhere, was the brass ring. This was, afterall, America."

Erving Berlin, Supreme Court Justices, Presidents and Vice Presidents—well known figures who came to this country, in a boat, with "kuume", the Finnish word for fever—American fever. In this country, people could look forward to what they might become, a choice that was, and is, their own. Under the free-enterprise system, as long as an action doesn't directly harm another individual, one is free to pursue will all might and force, that of which the individual dreams, whatever that may be. In Walt Whitman's poem, "I Hear America Singing", each tradesman is found singing his very own song, "each singing what belongs to him or support * * * root, water, and sunshine * * * and that they did! And what a full tree she formed. Budding continuously with new opportunities. Because of the structure of her democratic laws, the establishment of a free-enterprise system, and an individual's personal liaison with the law, the American tree's buds have formed fruit—fruitful opportunities abundant enough for her entire population * * * to take the fruit * * * and make use of its opportunities.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance

notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. Any portion which is classified information has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 27, 1984.

In reply refer to: I-04221/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-58, concerning the Department of the Air Force's proposed Letter of Offer to Japan for defense articles and services estimated to cost $54 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 84-58]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Japan.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	42
Other	12
Total	54

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two C-130H aircraft with spares and support equipment.

(iv) Military department: Air Force (SEF).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 27 July, 1984.

POLICY JUSTIFICATION

JAPAN—C-130H AIRCRAFT AND SUPPORT

The Government of Japan has requested the purchase of two C-130H aircraft with spares and support equipment at an estimated cost of $54 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interest to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security.

These C-130H aircraft will be used in a transport role in support of the Japan Self Defense Force.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Lockhead Corporation of Marietta, Georgia.

Implementation of this sale will require the assignment of one additional U.S. Government and three U.S. contractor personnel to Japan for a minimum of one year.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 27, 1984.

In reply refer to: I-04483/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 84-60, concerning the Department of the Air Force's proposed Letter of Offer to Japan for defense articles and services in excess of $50 million. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 84-60]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) (U) Prospective purchaser: Japan.

(iv) (U) Military department: Air Force (SFA).

(v) (U) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) (U) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See attached Annex.

(vii) (U) Section 28 report: Case not included in section 28 report.

(viii) (U) Date report delivered to Congress: 27 July, 1984.

Classified by: Director, DSAA; declassify on: OADR.

POLICY JUSTIFICATION

(U) Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interests to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and with the 1960 Treaty of Mutual Cooperation and Security.

(U) The sale of this equipment and support will not affect the basic military balance in the region.

(U) Implementation of this sale will require the assignment of one additional U.S. Government and three contractor representatives for a minimum of one year to Japan.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

JOEL "JAY" SOLOMON

● Mr. CHILES. Mr. President, it is with a great deal of sadness, which I am sure that many of my colleagues share, that I note the passing of Joel "Jay" Solomon. Jay Solomon served as head of the General Services Administration for 2 turbulent years, 1977 to 1979. He was sincere, hardworking, and outspoken. In fact, the main criticism of Jay Solomon's efforts at GSA was that he was "too nice."

My Governmental Affairs Subcommittee investigated the procurement practices at GSA and we came away with startling facts about corruption, waste, mismanagement, and abuse of tax dollars that totaled hundreds of millions of dollars. However, the most startling fact of all, was that Jay Solomon refused to be the typical bureaucrat.

He never once tried to cover up the facts by silencing his subordinates.

He never once cried, "It didn't happen on my watch"—although these abuses did indeed happen years before he came to Washington.

He never tried to "stonewall." Instead, he was open and receptive.

Jay Solomon was unlike any agency head that Washington has seen, for instead of stonewalling, covering up, or denying the existence of facts, he dug in and helped to root out corruption and waste.

Lest, Jay Solomon's legacy is seen to deal only with the problems at GSA, let me point out that he also had a commitment to the preservation of landmark building. He gave enthusiastic support to improving the aesthetic quality of GSA buildings.

Jay Solomon's life was filled with activities of both a civic and charitable nature. He was a native of Nashville, TN, he went to school there and he worked there. The short time that he spent in Washington was devoted to trying to make his agency better.

I am sure, Mr. President, that many Senators share my expression of condolences to his wife, Margaret, and two children, Joel, and Linda.●

THE REAGAN RECORD ON ARMS CONTROL

● Mr. GARN. Mr. President, the issue of nuclear arms control will certainly be a hot subject of debate during this Presidential campaign season. While a healthy dose of rhetoric can be expected from both political camps in the months ahead, it would be helpful if those who debate this issue did not stray too far from the truth. Unfortunately, the principal speakers at the

Democratic National Convention did not set a particularly good example in this regard.

Gov. Mario Cuomo, the keynote speaker, led the effort to twist the record and distort the policies of this administration. With eloquence matched only by the falsity of the charge, he denounced President Reagan's "macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy." These inaccurate charges were echoed by speaker after speaker.

Now, I have always believed that while one is entitled to one's own opinion, one is not entitled to one's own facts. Yet, that, I am afraid, is the liberty the Democrats have taken with the issue of nuclear arms control. I was, therefore, pleased to see that James J. Kilpatrick used his skills as a columnist to set the record straight.

Mr. Kilpatrick, in his article "Reagan, Placemaker," traces the efforts of the United States to negotiate meaningful, verifiable reductions in the nuclear arsenals of both superpowers. There should be no question that this administration has proposed in START and INF the basis for achieving such agreements. The problem that now exists is not U.S. policy, but the failure of the Soviets to negotiate. As my colleague, Senator MATHIAS, put it recently, Soviet arms control policy has ranged from "empty chairs to empty rhetoric."

As to the issue of President Reagan's personal involvement in the negotiations, Mr. Kilpatrick correctly notes that "Presidents do not engage directly and personally in 'negotiations.' The drafting of complex provisions of an arms agreement necessarily must be left to such professionals as Edward L. Rowny and Paul Nitze."

There is also one development concerning the issue of nuclear war not mentioned in Mr. Kilpatrick's article. This involves the recent United States-Soviet agreement to upgrade the "Hotline" in order to facilitate communications between the two superpowers during times of crisis. The Reagan administration initiated discussions on this matter of crisis management as part of its overall policy to reduce the threat of nuclear war. The "Hotline" upgrade was only one element of the U.S. proposal, but the Soviets refused to consider seriously the other recommendations made by the United States.

Mr. President, the record shows that this administration is prepared to negotiate with the Soviets on these matters involving the threat of nuclear war. I would suggest that our attention should be focused on the absence of the Soviets from the bargaining table, rather than the unfounded charges of politicans battling to regain the White House.

I ask that Mr. Kilpatrick's article, "Reagan, Peacemaker," and an article from Defense Daily, "U.S.-Soviets Agree to Hotline Upgrade," be printed in the RECORD.

The articles follow:

REAGAN, PEACEMAKER

(By James J. Kilpatrick)

WASHINGTON.—The Democratic convention was a good one from the party's point of view, but for the most part it was a terrible insult to the intelligence of the American people.

Maybe some other convention surpassed the blather inflicted upon the nation by Mario Cuomo, Edward Kennedy, George McGovern and Walter Mondale, but I doubt it. Those gentlemen constitute a world-class team of four.

By way of example, let me cite the matter of nuclear arms control. One of the iterated and reiterated themes of the Democratic convention was that the Reagan administration has done nothing in this direction. Mr. Cuomo, for one, denounced the president's "macho intransigence that refuses to make intelligence attempts to discuss the possibility of nuclear holocaust with our enemy." Mr. McGovern inquired why in God's name Mr. Reagan was demanding more and more engines of death. Mr. Kennedy said in a slippery phrase that every president since Hoover has "negotiated" with Soviet leaders, but not Ronald Reagan. Mr. Mondale, for his part, charged that "every other president has talked with the Soviets and negotiated arms control, but not this one."

This sort of oratory has been known since the days of Ciero as the phonus bolonus.

Mr. Reagan took office on January 20, 1981. On February 18, in a message to Congress, he specifically renewed his commitment "to the goal of arms limitation through negotiation." On February 24, at a press conference, he spoke of his willingness to seek "verifiable reductions" in nuclear weapons. On March 3, in an interview with Walter Cronkite, he plowed the same ground. In April, as he was recovering from the assassination attempt, he wrote Leonid Brezhnev suggesting that they seek means for eliminating the obstacles that prevent Russians and Americans from rearing their families in peace. In November, he wrote Mr. Brezhnev again, and thus initiated START, the Strategic Arms Reduction Talks.

In the summer of 1981, our negotiators met Soviet negotiators in Geneva to talk of intermediate nuclear forces. In June of 1982, START negotiations began. In the spring of 1983, after three rounds of unproductive talks, Mr. Reagan instructed our negotiators to make three significant modifications in our proposals; the Soviets then made two modifications in their proposals. Things seemed to be moving. But in November, 1983, after we began to emplace Pershing missiles in Europe, the Soviets abruptly walked out of their sessions on intermediate weapons. The following month the Soviets refused to resume talks on strategic arms. There the matter rests.

Presidents do not engage directly and personally in "negotiations." The drafting of complex provisions of an arms agreement necessarily must be left to such professionals as Edward L. Rowny and Paul Nitze. It is only when accord has been reached at the level of the bargaining table that one begins to speak of summits.

A dozen of the Democratic orators demanded that Mr. Reagan immediately achieve a "verifiable freeze" on nuclear arms. If the voters will give them a chance, said the Democrats, that is exactly what Mr. Mondale will produce. But months of tedious negotiation would be needed to decide on what arms would be "frozen" and how this would be "verified," and a question arises: Wouldn't it be better, as Mr. Reagan repeatedly has urged, to expend the same time and energy in pursuit not of a freeze, but of a reduction?

Curiously, none of the Democratic spokesmen recalled that the Democratic administration of Jimmy Carter was not able to get its SALT treaty through a Democratically controlled Senate. None of these gentlemen mentioned that Mr. Reagan's request for 100 MX missiles is half what Mr. Carter proposed. Nothing was said of a Soviet nuclear buildup that has been adding one SS-20 a week to the Soviet arsenal. No, what we heard in the convention hall was bombast, fustian and demagoguery.

U.S.-SOVIETS AGREE TO HOTLINE UPGRADE

The United States and the Soviet Union yesterday reached an agreement to upgrade the current Hotline communications facility between Washington and Moscow.

Initialed at the State Department by Acting Secretary of State Kenneth W. Dam and Soviet Charge Victor F. Isakov, the agreement calls for the addition of a facsimile transmission capability to the Direct Communications Link established between the two capitals in 1963.

The upgrade, which a senior Administration official said should be completed in 18-24 months, will enable the exchange of messages far more rapidly than with the existing teletype system. In addition, the system will allow the transmission of graphic material over the Hotline, such as maps, charts, and drawings.

In May 1983, President Reagan proposed three measures for improving the Hotline: the addition of a high-speed facsimile capability; the establishment of a Joint Military Communications Link; and the establishment of high-speed data links between the two capitals. Subsequent negotiations have led to the agreement to add the facsimile transmission capability.

The Hotline will now consist of: three circuits (two satellite circuits plus one wire telegraph circuit); one Earth station in each country for each satellite circuit; terminals in each country linked to the three circuits and equipped with teletype and facsimile equipment.

A senior Administration official said the Soviets are not interested in the Joint Military Communications Link but they have indicated an interest in improving communications to lessen the threat of international nuclear terrorism. The official said the Administration hopes "this is the beginning of a process that will lead to other agreements" for enhancing stability.

MODEST BUT POSITIVE STEP

President Reagan called it "a modest but positive step toward enhancing international stability and reducing the risk that accident, miscalculation or misinterpretation could lead to confrontation or conflict between the U.S. and the Soviet Union."

The President's statement, following the initialing of the agreement:

"I am happy to be able to announce today that we and the Soviet Union have reached agreement to expand and improve the operation of the Direct Communications Link, or the 'Hotline.'"

This agreement is a modest but positive step toward enhancing international stability and reducing the risk that accident, miscalculation or misinterpretation could lead to confrontation or conflict between the U.S. and the Soviet Union.

"With the addition of a facsimile capability, we will not only be able to exchange messages faster, but for the first time we will be able to send graphic material such as maps or pictures which would play a crucial role in helping to resolve certain types of crises or misunderstandings.

"The negotiations which led to this agreement began about one year ago (August 1983), based upon a series of proposals that we first made in May 1983.

"In developing this and other initiatives designed to reduce the risk of war due to accident, misunderstanding or miscalculation, we had the benefit of excellent advice from a number of key Congressional leaders, including Senators Warner and Nunn and the late Senator Jackson.

"I see this agreement as both an appropriate technical improvement to the Hotline, which has served both our governments well for over twenty years, and as a good example of how we can, working together, find approaches which can move us towards a reduction in the risks of war."●

REPORT ON FEDERALLY FUNDED INSTITUTIONS FOR MENTALLY RETARDED PERSONS

● Mr. WEICKER. Mr. President, I would like to bring my colleagues attention to a report just completed by my staff on the Subcommittee on the Handicapped. This report is the result of visits across the country to federally funded institutions for mentally retarded persons. It is a report which documents abuse and neglect, lack of programming, and inappropriate placement in these institutions as national problems. These are institutions which receive $2.3 billion Federal dollars per year.

I would also like to submit for the RECORD the results of recent surveys of institutions by the U.S. Department of Health and Human Services. These surveys confirm the existence of nationwide problems in institutions for mentally retarded people.

In a joint hearing this morning before the Subcommittee on the Handicapped and the Appropriations Subcommittee on Labor/HHS/Education and Related Services, Secretary Heckler confirmed the existence of these problems in our Nation's institutions.

I intend to continue investigations of these institutions by the Subcommittee on the Handicapped. I will also pursue legislative proposals to address these problems.

I urge my colleagues to join me in addressing these problems and securing appropriate treatment and safe living conditions for our Nation's mentally retarded citizens.

The material follows:

HHS RESULTS OF SURVEYS—MAJOR DEFICIENCY PATTERNS OF 9 PUBLIC ICF's/MR (FEBRUARY TO JUNE 1984)

[X = Standard "not met" in Federal survey]

Standard	Facility								
	Paul's Valley, OK	Enid St. School, OK	Fairview, OR	Wheat Ridge, CO, ICF/MR section only	Staten Island, NY	Mansfield, CT, 6 separate survey documents	Belle Fontaine, MO	Lincoln, IL	Belle Chase, LA
Safety and sanitation standards	X	X	X	X	X		X		X
Retarded recipients receiving active treatment	X	X	X	X	X	X	X	X	
Clients bill of rights			X					X	
Information								X	
Medical condition								X	
Transfer/discharge								X	
Exercising rights								X	
Financial affairs	X	X						X	
Freedom from restraint/abuse			X			X		X	
Privacy	X	X	X	X	X		X	X	X
Work	X	X						X	
Activities								X	
Personal possessions	X	X	X		X				
Resident finances	X	X						X	
Policy/procedure manuals	X		X		X				
Qualified M.R. professionals	X	X	X	X		X		X	
Health and safety laws			X				X	X	X
Agreements and outside resources	X								X
Annual review of client status						X			
Transfer to another facility	X								
Sufficient staffing and resident work	X	X	X				X		
Staff training program									
Responsibilities of direct care staff			X	X		X			
Resident evaluation and program plans	X	X		X		X		X	X
Resident activities			X	X		X		X	
Personal possessions	X	X	X						
Control and discipline of clients				X					
Restraints (physical and chemical)			X			X	X		
Behavior modification programs			X	X		X			
Resident clothing			X		X				
Health, hygiene, grooming, and toilet training	X	X	X	X		X			
Resident living staff			X	X					
Sufficient	X		X	X		X			X
Trained				X		X			
Staff ratios (minimum)	X								
Resident living areas—Comfort and privacy	X	X	X	X	X			X	X
Space/occupancy	X		X	X	X				
Furniture/bedding				X	X				X
Storage	X	X			X				
Bathrooms	X		X	X	X			X	
Heating/ventilation				X	X				X
Professional special programs/services	X	X	X	X	X	X	X		X
Dental services									X
Staff/treatment			X	X					
Training and habilitation services	X	X	X	X	X	X	X	X	
Staff				X		X	X		X
Food and nutrition		X		X	X				X
Diet requirements	X	X		X	X				X
Meal services				X	X				X
Menus					X				
Storage food		X	X		X				X
Work areas		X	X		X				X
Dining areas					X				X
Staff	X		X	X	X				
Medical services									X
Physician					X				X
Nursing	X		X		X				
Staff	X		X						
Pharmacy services					X				
Pharmacist	X			X	X				
Drugs and medication				X	X				
Storage					X				

HHS RESULTS OF SURVEYS—MAJOR DEFICIENCY PATTERNS OF 9 PUBLIC ICF's/MR (FEBRUARY TO JUNE 1984)—Continued

[X=Standard "not met" in Federal survey]

Standard	Facility								
	Paul's Valley, OK	Enid St. School, OK	Fairview, OR	Wheat Ridge, CO, ICF/MR section only	Staten Island, NY	Mansfield, CT, 6 separate survey documents	Belle Fontaine, MO	Lincoln, IL	Belle Chase, LA
Physical and occupational therapy	X	X	X	X	X		X		X
Staff	X	X	X	X	X		X		X
Psychological services	X	X	X	X		X			
Psychologist			X	X		X			
Recreation services			X	X		X	X		
Staff			X			X	X		
Social services				X	X				
Social workers									
Speech pathology and audiology services			X				X		
Evaluation and assessments	X						X		
Staff and facilities	X		X		X		X		
Records—Central clients			X					X	
Safety and sanitation	X			X					
Evacuation drills			X	X					
Fire safety	(1)	(1)	X (2)	X (3)			X (3)	(4)	(4)
Building accessibility	X				X				
Engineering and maintenance					X			X	X
Laundry services			X		X			X	
Laboratory services									

[1] Various nonlife threat. [2] Escape chutes. [3] B-bed cottage only. [4] Minor.

U.S. SENATE SUBCOMMITTEE ON THE HANDICAPPED—REPORT TO THE CHAIRMAN, SENATOR LOWELL WEICKER, JR.

CONDITIONS IN INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

I—INTRODUCTION

On November 17, 1983, the U.S. Senate Subcommittee on the Handicapped, chaired by Senator Lowell Weicker, Jr., held a hearing to review the U.S. Department of Justice's record on enforcement of the civil rights of mentally retarded persons in federally funded institutions. Evidence was presented at that hearing which documented widespread neglect, abuse and other conditions of substandard care in federally funded institutions across the country. As a result of the information presented at that hearing Senator Weicker instructed his staff to conduct a series of site visits to institutions for mentally retarded persons to gether information about conditions in those facilities.

Seven institutions, all of which are public certified Intermediate Care Facilities for the Mentally Retarded (ICFs/MR), were visited by Senate staff during December 1983 and January 1984. All institutions chosen for site visits were large (400 beds or more) and located in the varying geographical regions of the United States. Institutions were selected which represented varying degrees of involvement (both historically and currently) with the U.S. Department of Justice, the courts and the U.S. Department of Health and Human Services. The range was distributed from a very high degree of involvement to no involvement other than routine annual certification surveys. The sample of institutions visited included institutions as old as 100 years and as new as 10 years.

The site visits were *not* intended to focus on the quality of any particular institution nor to respond to allegations made about any specific institution. Rather, the intention was to observe the ICFMR institution programs to determine in a general way whether or not substandard conditions exist and the extent to which they persist from one institution to another.

II—BACKGROUND OF THE ICFMR PROGRAM

Statutory authority

In 1971, title XIX of the Social Security Act (Medicaid) was amended to authorize States to include in their State mental retardation. Such services, referred to in the statute as "intermediate care facility services," are authorized if the primary purpose of institutionalization is to provide health or rehabilitative services. The service must meet standards prescribed by the Secretary, and the mentally retarded persons are to receive active treatment under this program. This law requires that States provide for a program of independent professional review, including medical evaluation of the need for care of each person served, as well as a written plan of service which provides more than a minimum level of health care for each such person. The review is to include periodic on-site inspections of each institution and of the care provided therein. The review team, including physicians, nurses and other health and social service personnel, is to review the adequacy of services provided to meet the health needs and promote maximum physical well-being of persons receiving care. The team is also to determine the necessity of continued institutionalization and the feasibility of alternative placement.

As with all Medicaid services, States may include ICF/MR services as part of their State Medicaid plan. Federal ICF/MR funding is provided through an open-ended entitlement. That is, States are not limited to the amount of Federal funds they may receive as long as they meet standards and provide the required matching funds.

ICF/MR regulations

In 1974, the Secretary published regulations which prescribe standards for services in (ICFs/MR). The regulations set forth standards for administrative policies and procedures, personnel policies, resident living standards, and professional and other services. A major feature of the ICF/MR standards is that the standards generally assume the delivery of services within the institutions. However, agencies or individuals outside the ICF/MR that meet service standards are also authorized to deliver services, by contract, within the ICF/MR. Services to be provided to institutionalized persons include dental services, training and habilitation, food and nutrition services, medical services, nursing services, pharmacy services, physical and occupational therapy, psychological services, recreation, social services, and speech pathology and audiology services. The regulations also establish standards for safety and sanitation.

The ICF/MR standards for resident living include provisions regarding the rights of institutionalized persons. The ICF/MR is to have written policies and procedures which insure the civil rights of all residents. Residents are to be treated with consideration, respect and full recognition of their dignity and individuality. The standards do not allow the use of physical restraint unless absolutely necessary or unless such restraint is part of a behavior modification program. Physical or chemical restraint may not be used as punishment, for the convenience of the staff, or as a substitute for treatment or activities. The standards provide that chemical restraints may not be used in quantities that interfere with a resident's habilitation program.

The regulations make provision for small ICFs/MR of 15 beds or fewer by making different fire protection requirements for such facilities.

The Medicaid waiver

In 1981, title XIX was amended to allow the Secretary of Health and Human Services to approve the use of Medicaid funds for home and community-based services for the aged, the physically disabled, the mentally retarded and the mentally ill. Under an approved waiver, services, other than room and board, may be provided to mentally retarded persons who, but for the provision of such services, would require the level of care provided in Medicaid-supported institutions. Regulations implementing the waiver provision authorize case management services, homemaker/home health aide services and personal care services, adult day health, habilitation services, respite care services and other services as approved by the Secretary. States may be granted a waiver for 3 years initially. The waiver may be extended for an additional 3 years if services and conditions comply with program standards.

Program costs and persons served

The following table shows total ICF/MR expenditures and the Federal share of such expenditures since the inception of the program in FY 1973 through the estimated amount for FY 1983. The number of persons served is also shown. Currently about 80 percent of ICF/MR funds are used in

public institutions and 20 percent of the funds are used in private institutions.

TOTAL AND FEDERAL ICF/MR EXPENDITURES AND NUMBER OF PERSONS SERVED

Fiscal years	Total (million)	Federal (million)	Persons served (thousand)
1973	$165	$98	29
1974	203	120	39
1975	349	204	54
1976	602	349	83
1977	871	501	101
1978	1,162	662	98
1979	1,493	844	115
1980	1,977	1,107	125
1981	2,927	1,624	196
1982	3,609	1,985	154
1983 (estimated)	3,911	2,151	[1] 132

[1] The estimate of persons served in fiscal year 1983 was provided by Wayne Smith, Health Care Financing Administration.

Source: Data were provided by Ian Hill, Budget Analyst, Program Benefit Branch, Division of Budget, Office of Financial Management Services, Office of Management and Budget, Health Care Financing Administration.

In addition, under the Medicaid waiver during fiscal year 1983, 15,600 persons were served at a total cost of $145 million, according to estimates of the Health Care Financing Administration.

III—FINDINGS

The findings contained in this report regarding the conditions at ICFs/MR were determined through observation, interview, discussion and review of public documents shared by staff at the institutions. Any differences in conditions reported here are more a matter of degree than of type. The findings reported represent general patterns which emerged across institutions.

A—Privacy

Failure to provide adequate privacy for individual residents in each of the institutions was a problem. For example, adult clients' diapers were changed in "public" areas in full view of other clients and staff. Toilets failed to provide doors or curtains for privacy. Bathing areas for clients consisted of several elevated slabs in a row without dividers for privacy.

B—Client access

Many buildings (both residential areas and programming areas) were locked. Clients frequently did not have access to other parts of a building or other buildings.

Client clothing was frequently locked either in individual dressers and bureaus in the sleeping areas or in a general clothing area. Access to clothing often required a staff person with a key.

C—Adequacy of clothing

Staff frequently stated that they could not ensure that clients maintained their own set of clothing. Sometimes when laundry was sent out it was sorted by size upon return and distributed by size rather than by ownership.

The condition of clients' clothing was frequently poor. Ripped clothing, ill-fitting clothing, and unseasonable clothing were common.

D—Inconsistent application of ICF/MR standards in sleeping areas

There was significant variance regarding the standard number of residents per sleeping area in each institution. Most staff reported that 4 to 6 beds per room (depending on the square footage) were necessary in order to comply with ICF/MR standards. In fact several institutions had spent millions of dollars constructing buildings or redesigning buildings in order to meet the ICF/MR standard for beds per sleeping area. However, other institutions had certified sleeping areas with 35 or more clients because the federal requirement had been waived for "programmatic reasons." Explanations given for the waiver were that residents could not benefit from privacy and that there was not enough staff to supervise residents at night if there were fewer residents sleeping in one area.

E—Living areas

Living areas of the institutions were usually barren and sterile though there was tremendous variation in the buildings (some were new and in excellent condition; other buildings were 50 or more years old and dilapidated—the barreness was consistent. There was no correlation between the newness in the building and the warmth or family like feeling of the environment. Group areas were minimally furnished with plastic chairs and sofas. Few decorative items such as pictures, plants, rugs, lamps, and tables were observed. Recreational materials such as toys, books, crayons, and records were generally not observed as being accessible to clients.

F—Personal possessions

Few personal possessions were observed in bedroom areas. Usually the bedroom areas consisted of 4-6 beds and 4-6 wardrobe/dresser units. The walls were empty. There were few games, toys, records, books, pictures or personal items. Rugs were rarely observed. Mirrors in bedroom areas were rarely seen. When bedspreads were observed they were usually identical, indicating that residents had not made individual choices.

G—Meals

All observed meals were served on trays. Cooking was done at central cafeterias on the campuses and food either distributed to residential buildings on trays or in large containers to be dished onto trays once in the building. Some residents ate cafeteria style. The result was sometimes only one tray portion of food and one container of beverage available for each client. There were often no extra portions for replacements due to spillage or for a resident with a large appetite. There was virtually no opportunity for residents to choose their food and exert their personal preferences.

The menus was determined by the (cafeteria staff) and the same meal was offered to every resident with some variation for those on special diets. Residents ate at the time prescribed in advance by schedule.

The lack of family-like kitchen and dining facilities prevented residents from learning how to prepare their own meals, make choices about food, or learn nutritional habits and basic dining skills.

The food sampled was bland and in some instances unidentifiable by taste. Some residents were observed being fed in a supine position. Residents who were unable to feed themselves were generally fed by staff who rotated from client to client. Observed adaptive equipment for residents with self-feeding dificulties was the exception rather than the rule. On-site observation yielded one instance of an intensive feeding skills program for clients. This program was developed under a targeted federal grant from the Administration on Developmental Disabilities.

H—Medication

By verbal report, medication utilization was predominantly for seizure conditions and maladaptive behavior control. Reportedly, the most commonly used medications for these conditions were melaril, valium, haldol, phenobarbital and dilantin. Although by verbal report the use of drugs for behavior management was monitored closely, observations were made of several residents sleeping during day time hours, reportedly as a side effect of medication. These residents were, of course, unable to participate in programming because of the sleeping. At one institution a report on programming for clients with behavioral problems was shared with Senate staff. The report indicated that 53 of 84 clients considered had one or more behavioral problems. Of those 53, 39 were receiving psychotropic medications while only 9 had behavioral management plans on file. There was little, if any, documentation to indicate that those 9 behavioral plans were being implemented. Thus, out of 53 clients with behavior problems only 16 percent were receiving behavior management programming while 74 percent were receiving medication. Contrary to federal regulations, it appears that medication is used as a substitute for behavioral programming.

I—Abuse and neglect

All institutions had developed policies and procedures to protect against and report any client abuse. However, even with the existence of such policies, all superintendents indicated that abuse of clients does occur. While some superintendents stated that abuse of clients was less than in the past, every institution had fired staff in the past year for confirmed client abuse. Staff at one institution stated that client abuse occurs in one form or another on any given day at the institution.

In two institutions unexplained pregnancies of female clients were discovered when the clients were approximately eight months pregnant. One of the clients was nonambulatory and confined to a stretcher-like apparatus.

In two institutions locked time-out was utilized for behavior management. In one institution staff indicated that several clients were placed in locked time out each day. Dried blood was observed on the walls of the time out room.

J—Treatment, habilitation services, and education

All institutions offered an educational program for their age 21 and under residents, and some type of programming for adults. The overwhelming majority of residents received their programming on the grounds of the institution. While some residents received a full day of programming, some did not. Staff observed residents who received no programming at all and residents who were in bed 24 hours per day. Staff of institutions indicated that many residents were not receiving programs to meet their individual needs. Blind clients were observed who received no mobility training; non-verbal clients were observed who reportedly received no alternative communcation training; physically impaired clients were observed who received no training in feeding themselves with adaptive equipment.

Canceled classes, changes in scheduling, substitutes for absent staff were commonly observed occurences. Staff were questioned as to their awareness of the specific goals, needs, and program objectives for the clients they were working with. While some staff were clearly aware of the clients needs and implementing a program to meet those needs, some staff were not. It was not uncommon to hear statements such as "I'm really just the speech therapist, but I'm substituting for the person who usually runs this class."

Some pre-vocational and vocational training programs were offered in every institution. Staff frequently expressed frustration at being unable to provide appropriate vocational training/jobs for the clients. Few clients actually held jobs or worked at on-site job placements. One staff person stated that over half of the clients placed in the institution's vocational workshop could function successfully in a job setting less restrictive than a workshop, however, the appropriate alternatives were unavailable.

Observations and interviews revealed that contrary to PL 94-142, there are children under 21 receiving less than a full day of school and receiving schooling in environments which are not the least restrictive. Observation and interviews also revealed that there are adults in need of a full schedule of vocational training or job placement which is appropriate to their level of skill and independence who are not receiving such a program.

In all of the institutions, the residents who presented the most complex and profoundly handicapping conditions in need of intense therapy and training to maximize their development and prevent regression appeared to receive less programming compared to their higher functioning counterparts.

Others observed problems in the area of treatment and habilitative services including: children under 21 not attending school programs because of inadequate transportation or space; residents remaining in infirmaries all day with only an hour or two of programming; and decubitii (bedsores) on persons living in such units (which are the result of infrequently changed positions, proper padding devices, and/or inappropriate adaptive equipment). In one situation a little boy prone to hypothermia had not been out of bed for two years according to staff because of the lack of provision of a wheelchair which was adapted to allow the plugging in of an electric blanket.

A few exemplary programs were observed within the institutions. Most commonly these programs targeted a small number of clients (i.e., 10-20) for a specific purpose, such as visually and hearing impaired clients offered programming in a specially designed sensory stimulation environment.

IV—CONCLUSIONS

(1) Abuse and neglect of clients continue to persist in ICFs/MR despite a wide range of techniques and procedures utilized to attempt to eliminate this problem.

(2) In all seven facilities visited susperintendents stated that there were many mentally retarded individuals in the institutions who did not belong there, but belonged in less restrictive settings. In at least one facility the superintendent judged the entire client population to be inappropriately placed there. The reason most frequently given for this situation was lack of appropriate alternatives. It is clear that a full continum of residential settings is not available to these individuals.

(3) Basic rights such as freedom of movement, privacy, and exercising choice over daily activities are abridged.

(4) A full program of active treatment appropriate to meet individual needs is not yet afforded to all individuals.

(5) The federal mandate (PL 94-142) requiring a free appropriate education for all handicapped children (age 3-21) has not been achieved for many institutionalized mentally retarded children and youth.

(6) Problems persist with the environment in institutions. These problems include barren living areas and lack of personal possessions and furnishings.

(7) Significant barriers to creating change were indentified by institutional administrators and staff.

Major barriers/impediments to change include:

The institution must retain residents inappropriately because necessary community alternatives do not exist.

Appropriate community alternatives do not exist because of inadequate financing to spur development; and, existing Federal codes are prohibitive to the development of affordable available housing for clients.

The current financial mechanism acts as a disincentive to community placement because the level of institutional revenue is tied to the size of the resident population.

Federal policy and regulation have not kept pace with changing professional knowledge and practice as to the most beneficial means of service delivery to this population. Examples include, Title XIX certification mandates requiring millions in capital spending for beds that should already be vacant or are projected to be vacant in the next few years.

Quality assurance mechanisms are variable and inadequate. Although the governing standards and regulations for each institution are the same, in actual practice state surveying agencies vcaried regarding what was allowed or overlooked.

Because the state has the authority to certify institutions for compliance to standards, there is little incentive to decertify, as such decertification would result in loss of federal funds. In essence the state could be denying itself federal funds which it would have to replace.

Institutions which had been investigated by the Department of Justice while certified for Medicaid reimbursement reported no knowledge of coordination between the Department of Justice and either the Department of HHS or the state certifying agency.

(8) The Federal government spends a disproportionate amount of funds on large congregate care facilities for the mentally retarded, as opposed to smaller living settings. A policy of support for institutions has been established against a back-drop of conflicting legislative mandates such as education for handicapped children in the least restrictive settings.

V—RECOMMENDATIONS

Despite the billions of dollars expended to run institutions for mentally retarded people, significant problems persist. The following recommendations are made:

(1) Clarify federal statute, policy and regulation to expand community services for mentally retarded persons. The lack of clarity has led to a steadily escalating two-tiered system which is rapidly becoming fiscally unmanageable as states have struggled to comply with ICF/MR regulations and at the same time craete community alternatives.

(2) Fiscal incentives must be provided to spur the development of community alternatives which will be required by the thousands of persons who will leave institutions.

(3) Fiscal disincentives to community development should be reduced.

(4) A task force should be established with representatives from the Health Care Financing Administration and other federal agencies with expertise in providing services to handicapped persons to make specific recommendations on how ICF/MR services might be changed to address the problems raised in this report and to better meet the needs of mentally retarded persons. Such a task force could be authorized as a Special Project in the Developmental Disabilities Assistance Act reauthorization bill.

(5) The mandate of the Protection and Advocacy Systems (authorized by the Developmental Disabilities Assistance Act) should be expanded to allow them access to records of clients in institutions when 1) a complaint is received on behalf of the client and 2) the client has no legal guardian other than the State. This access to records will enable active advocacy for clients' rights from an independent agency.

(6) The mandate of the State Development Disabilities Councils and the Protection and Advocacy Systems should be expanded to enable them to play an oversight role in reviewing conditions in institutions. Copies of annual survey reports of ICFs/MR and plans of corrections from ICFs/MR should be made available to both the Developmental Disabilities Councils and the Protection and Advocacy Systems. Both initatives could be included in the Bill reauthorizing the Developmental Disabilities Assistance Act.

(7) New positions of "Developmental Disabilities Specialist" should be established in each of the regional Health and Human Services Office. Individuals in these positions could assist in monitoring conditions in ICFs/MR, providing technical assistance, expanding community placements, and placing residents in the community who are inappropriately placed in institutions.

(8) A coordination mechanism should be developed between the Department of Health and Human Services and the Department of Justice to expedite the sharing of records and information regarding ICFs/MR and to coodinate investigations.●

USE OF CAYMAN ISLANDS BANKING SYSTEM BY DRUG TRAFFICKERS

● Mr. CHILES. Mr. President, a positive and important step has been taken toward reining in the flagrant abuse by drug traffickers of the Cayman Islands' banking system. The United States, United Kingdom, and the Cayman Islands Governments agreed in London recently to work closely and effectively together to bring to justice any narcotics traffickers who transact operations in the Caymans. Once this agreement is implemented, drug smugglers will no longer find a safe haven in the Caymans to hide their ill-gotten profits. The July 26 agreement announced by the three Governments reflects their determination to ensure that the financial operations of drug traffickers shall not be protected by Cayman bank secrecy law, the existence of which has turned a small Caribbean island into an important banking center. The secrecy law, however, has also attracted criminal elements who use some of the 449 banks and 18,000 registered companies of the 15,000-resident island to launder their drug profits and convert them to safe investments untouchable by Government authority. The new agreement seeks to put a stop to this abuse while at the same time preserving the integ-

rity of the offshore banking industry so important to the Cayman economy. It provides procedures for the U.S. Attorney General to apply to the Cayman Attorney General for documents to be used in narcotics-related cases. It also provides that after a 9-month trial, further negotiations may be entered into to widen the treaty to include other criminal matters.

I agree with the British Foreign Officer who described the agreement as a "trailblazer" in international law and Anglo-American relations. It is also to be hailed as the beginning signs of serious and concerted international law enforcement efforts to put an end to the lucrative underground drug economy which is an anathema to all civilized nations of the world.

I have urged quick settlement on similar treaties between us and our Latin American and Caribbean neighbors. I hope this one is the floodgate opening to all the others. I praise the Cayman Islands Government and the United Kingdom for taking this historic step with us.●

JERSEY WOMEN FLY JUMBO JETS

● Mr. LAUTENBERG. Mr. President, 1984 has been an historic year for America's women. For the first time in our history, a woman has been named the Vice Presidential nominee of one of our political parties.

In New Jersey, another barrier has been broken. Two People Express pilots, Beverly Burns of Roselle, NJ, and Lynn Rippelmeyer of Sparta, NJ, became the first women to fly Boeing 747 jumbo jets. Mr. President, I congratulate People Express and Ms. Burns and Ms. Rippelmeyer on this occasion.

I ask that a copy of an article from the Newark Star Ledger of July 19 be printed in the RECORD so that my colleagues might share my pride in these two outstanding women.

The article follows:

[From the Newark Star Ledger, July 19, 1984]

TWO JERSEY WOMEN FIRST TO PILOT JUMBOS

(By Angela Jones)

Declaring they have "opened the door" for women to fly the largest commercial aircraft in the world, two New Jersey residents became the first women to pilot Boeing 747 jumbo jets yesterday when their respective planes took off from Newark International Airport.

A People Express plane piloted by Beverly Burns of Roselle filled with passengers was scheduled to land at Los Angeles International Airport at 9 p.m. last night, while a company aircraft controlled by Lynn Rippelmeyer of Sparta was expected to touch down at Gatwick Airport, London, at about midnight.

With the historic flights coming after the naming of Geraldine Ferraro as the nation's first woman vice presidential candidate, the two female captains described the occasion as even more significant.

"In both cases, the women are where they are because they are qualified and not simply because they're women," said Rippelmeyer, 33. "I'm real pleased for her (Ferraro) and hope she's real pleased for us. Both occasions are indicative of the progress that has been made."

Jerry Potente and Abbe Rivers of New York City, passengers aboard the London flight, appeared ecstatic that a woman was at the helm of their aircraft.

"In the same week that we have Geraldine Ferraro we have women pilots," said Potente. "Now I'm waiting for the (New York) Rangers or the Jets to pick a woman. It's a whole new area."

Rivers said she thought the idea of women pilots was "just great."

"This is something I have been waiting for," she said.

According to the International Social Affiliation of Women Airline Pilots, there are only five airline captains in the world qualified to fly large jet aircraft (90,000 pounds or more).

Burns, a native of Baltimore, and Rippelmeyer, who grew up in Illinois, began their careers as flight attendants for other airlines and quickly decided they wanted to become pilots. They took private flying lessons and began flying for small commuter or cargo lines.

The two joined People Express in 1981 as first officers and were promoted to the position of captain in 1982. Burns has flown both 727s and 737s for People, while Rippelmeyer has co-piloted a 747 cargo carrier and piloted a 737 for People.

They feel they got the opportunity to become pilots earlier than most individuals because the carrier is only four years old, having been created two years after federal deregulation of the airline industry. Both woman say they have become accustomed to surprised reactions from passengers.

"One lady refused to get on board once when she found out the pilot was a woman," recalled Burns, a former sewing instructor who would not divulge her age. "But I just asked her who took care of the financial matters in her household and kept things operating efficiently. When she realized that she did, then she understood that there was really no difference between what I was doing and her job."

As captains, the women are responsbile for making all decisions regarding the aircraft, including flight patterns, landing and takeoff and any emergency action which may be necessary during the flight.

Federal Aviation Administration (FAA) regulations required them to undergo additional training and certification to pilot the jumbo jets, including written and simulated flight tests. But to Burns and Rippelmeyer, it has all been well worth the effort.

"When I first started in this business, I didn't know this was a possibility," said Ripplemeyer, who is single. "I want women to know that piloting is a career choice."

She recalled her early days as a commercial pilot, and said things were not as rosy, however.

"Even five or six years ago, people would stop and look in the cockpit and if they saw a woman they would think it was the captain's secretary or the flight attendant even if you were dressed like the other pilots," she explained. "Men would nudge each other and wonder if they should board the plane. They meant it humorously, of course, but it just showed that we weren't taken seriously."

Burns, who is married to a management consultant, said she has found that after people experience flying with a woman pilot once, they never have doubts again.

"After one flight, they tell you that it was the best flight they have ever taken," she said. "They want to take pictures with you and show you to their grandchildren.

Miguel Ortiz, who was the flight engineer aboard Burns' Los Angeles flight yesterday, said he has no problem working with female crew members.

"We all go through the same requirements and by the time you reach the airplane, you're quite confident," he said. "I'm pretty excited about it."

Rippelmeyer said that although it takes less "muscle" to fly a 747, there is a lot more preparation involved.

"You have to anticipate much more ahead of time," she said. "You're dealing with four engines instead of just one."

Although they do not receive any salary increase for advancing to the world's largest commercial airplane, Rippelmeyer said just the experience of flying the jumbo jet is enough compensation.

"The public and the industry alike make it more prestigious," she said. "I don't think it's deserving of any more money and that's how it should be."●

TRIBUTE TO DR. STANLEY REITMAN

● Mr. EAGLETON. Mr. President, I would like to bring to the attention of my colleagues the passing of a fellow Missourian whose life exemplified the finest traditions of our Nation. As a practicing physician, he was a healer of the ill, but more than that, he also served his peers and the public as chief of staff and a member of the board of directors of Christian Hospital Northeast/Northwest, in St. Louis. He was a world renowned scientist, educator, author, friend, and counselor to hundreds or students who studied under him. He was a humble man who shunned the spotlight and, unfortunately, the millions of people worldwide who have benefited from his scientific contributions do not know his name.

Dr. Stanley Reitman graduated in 1953 from the Washington University School of Medicine in St. Louis and began his internship at Jewish Hospital, also in St. Louis; 4 years later, in 1957, the American Journal of Clinical Pathology published the Reitman-Frankel Transaminase Procedures, a method sufficiently simple to be used in any laboratory to determine whether a patient had suffered heart or liver damage.

It was entirely true to character that Drs. Reitman and Frankel declined to patent their procedure, and instead offered it to their hospital and the entire medical community as a contribution. The techniques of the Reitman-Frankel procedure have become standard througout the world, raising the level of health care for millions of people.

Dr. Reitman should stand as an example of the selfless, humane, and compassionate spirit that symbolizes

the best of this country. I invite my colleagues to join with me in paying tribute to Dr. Reitman and in extending our sympathy to his family and friends. He will be deeply missed.●

ORDER FOR H.R. 5890 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 5890 be held at the desk until the close of business on Wednesday, August 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL REFERRED TO COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill introduced today by Senator GRASSLEY, providing for administrative agencies to waive certain claims of the United States, be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 323 INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 1069, Senate Joint Resolution 323, be indefinitely postponed.

POLISH AMERICAN HERITAGE MONTH

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 577, Calendar No. 1071.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 577) designating August 1984 as "Polish American Heritage Month."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

HOUSE CONCURRENT RESOLUTION 342—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate House Concurrent Resolution 342.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 342) relative to adjournment to a date certain during the remainder of the Ninety-eighth Congress.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I temporarily withdraw the request that is pending.

ORDER TO HOLD AT THE DESK H.R. 6013, A BILL TO AMEND THE SMALL BUSINESS ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives H.R. 6013, a bill to amend the Small Business Act, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DISCHARGING THE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4952

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 4952, a bill to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

WITHDRAWAL OF RESERVATION—TREATY DOCUMENT NO. 98-29

Mr. STEVENS. Mr. President, as in executive session, I ask unanimous consent that a message received by the Senate on July 27, 1984, from the President of the United States, requesting the advice and consent of the Senate to withdraw a reservation made by the United States when depositing its instrument of ratification for the Patent Cooperation Treaty on November 26, 1975, be printed with accompanying papers (Treaty Document No. 98-29) and referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

To the Senate of the United States:

With a view toward receiving the advice and consent of the Senate to withdraw a reservation made by the United States when depositing its instrument of ratification of the Patent Cooperation Treaty on November 26, 1975, I transmit herewith a copy of the Patent Cooperation Treaty, 28 UST 7645, TIAS 8733, signed at Washington on June 19, 1970. I transmit also, for the information of the Senate, the report from the Department of State with respect to this matter.

When depositing its instrument of ratification with the World Intellectual Property Organization in 1975, the United States made three declarations, one of which was a reservation under Article 64(1)(a) of the treaty to the effect that the United States would not be bound by the provisions of chapter II. Of the present 36 parties to the Treaty, only five others are not bound by chapter II. Patent applicants from States bound by chapter II are accorded extended time limits before having to initiate foreign patent processing, which permits a more thorough patent protection and commercial evaluation of the products involved.

The treaty consists of two substantive chapters. Chapter I affords applicants a period of 20 months from the priority date of the international application to undertake national patent processing. During this period, applicants obtain an international search report to help them decide whether to proceed with patent prosecution.

Chapter II is optional and gives applicants additional time and an international preliminary examination report, thereby allowing them to become even more selective of the countries in which they ultimately decide to proceed.

The United States made a reservation concerning chapter II in 1975, primarily because of then-prevailing opinion that divergent patent examining methods and systems of other potential member countries made adherence impracticable. This concern has been alleviated. To carry out the provisions of chapter II, implementing legislation will be necessary. This legislation has been drafted and will be forwarded shortly. Article 64(6)(b) of the Treaty provides that the withdrawal of a reservation to chapter II shall take effect three months after the Director General of the World Intellectual Property Organization has received notification of such a withdrawal. To ensure that our domestic laws conform with our expanded international obligations, I do not plan to notify the Director General of the withdrawal of our reservation to chapter II until after the Senate has informed me of its advice and consent to the withdrawal and Congress has enacted all legislation necessary to implement that withdrawal domestically.

Adherence to chapter II of the Patent Cooperation Treaty is in the

best interests of the United States. I recommend, therefore, that the Senate give early and favorable consideration to this matter and give its advice and consent to withdrawing the U.S. reservation previously made under Article 64(1)(a) of the treaty.

RONALD REAGAN.

THE WHITE HOUSE, *July 27, 1984.*

HOUSE CONCURRENT RESOLUTION 342—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate House Concurrent Resolution 342, relating to the adjournment of either House longer than 3 days or sine die.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 342) relative to adjournment to a date certain during the remainder of the Ninety-eighth Congress.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. STEVENS. Mr. President, I ask for adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 342) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to move en bloc to reconsider all the items that were subject to reconsideration that had just been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which those items were adopted.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WITHDRAWAL OF MOTIONS FOR RECONSIDERATION—H.R. 1428

Mr. STEVENS. Mr. President, on July 26, in connection with H.R. 1428, I entered a series of motions to reconsider certain votes, the motion to reconsider the vote by which H.R. 1428 was passed, the motion to reconsider third reading of H.R. 1428, and a motion to reconsider the vote on the Moynihan amendment numbered 3423. I now withdraw those motions to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to reconsider those items en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I move to reconsider those items en bloc.

Mr. BYRD. I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS THURMOND AND PROXMIRE

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the time for the two leaders under the standing order, there be special orders for Senator THURMOND and Senator PROXMIRE, not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the special orders, there be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, is there any further business to come before the Senate? If there is not, I move the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and the Senate, at 6:42 p.m., recessed until Wednesday, August 1, 1984, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 31, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Thy word is a lamp unto my feet and a light to my path.—Psalm 119:105.

Gracious God. You have given Your good Word for our comfort and direction, help us to allow Your Word to refresh us and give us grace, to heal us and forgive us, and to give us confidence and hope for the days ahead. We recognize that we need Your strong Word to remind of Your love to us and encourage us along life's way. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of it clerks, announced that the Senate had passed with an amendment in which the concurrency of the House is requested, a bill of the House of the following title:

H.R. 1904. An act to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1904) "An act to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978," requests a conference with the House on the disagreeing vote of the two Houses thereon, and appoints Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. KENNEDY, and Mr. DODD to be the conferees on the part of the Senate.

LET US NOT CLOSE THE DOOR ON SYNFUELS DEVELOPMENT

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, the Synthetic Fuels Corporation is in trouble. There is a lack of quorum on the Board, and the funding levels are a matter of hot dispute on Capitol Hill. President Reagan has requested a significant cut in the spending levels for the Synthetic Fuels Corporation and has said that he will not appoint a quorum to the Board so that they can act until the spending cuts are made. It is like asking your father for the keys to the family car and he says he would be glad to give it to you as long as the gas tank is empty.

Today the House of Representatives will have two amendments before it relative to the funding of the Synthetic Fuels Corporation. The $10 billion cut by Congressmen CONTE, WOLPE, and SYNAR would virtually end our national commitment to developing a synthetic fuels industry. It would preclude funding existing contracts, and it would eliminate the possibility of funding any new projects, including any midwestern coal projects.

The $5 billion cut proposed by Congressmen RATCHFORD and MCDADE would send a clear message to Synfuels and the President that we will no longer tolerate mismanagement and appointees who have no commitment to the mission of the agency. But it would leave a relatively small amount for funding deserving smaller efforts which are essential to preserving the synthetic fuels industries.

I urge my colleagues to contain their anger and frustration over mismanagement at Synthetic Fuels. Bad managers will come and go, but the growing energy needs of our Nation will continue. Let us not vote today to cut $10 billion from Synfuels and close the door on synthetic fuels development. Vote "yes" on the Ratchford cut for $5 billion; vote "no" on the Conte cut for $10 billion.

WE NEED THE NEW GI BILL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the Brookings Institution reports that the declining pool of eligible military recruits may force a return to the draft in the 1990's if we are to maintain force levels in our military.

In my opinion, we can deter the need for a draft by passing the GI education bill now pending in the DOD conference.

The GI bill is strongly supported by the House of Representatives as you voted for it in the military authorization bill. We believe it can provide the kind of incentive necessary to recruit and retain qualified young men and women for our Armed Forces.

The GI bill offers more than just bonus pay to new recruits. It offers an opportunity for higher education that will mean better jobs, higher incomes, and security.

For the sake of America's security, it's time to pay attention to the signs. Recruitment will be tough in the near future. It makes more sense to give the all-volunteer system a real opportunity to work than to reinstate the draft. The new GI bill is that opportunity. We need a military conference report and we need the GI bill.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to meet during the 5-minute rule in the House on July 31. That has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. CHENEY. Mr. Speaker, reserving the right to object, the minority has no objection, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1210

WILL AMERICA BECOME A TAX HAVEN NATION?

(Mr. BARNARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARNARD. Mr. Speaker, within the next few days Treasury Secretary Donald Regan will be announcing a decision that will advance or dramatically set back this Nation's continuing and vital struggle against tax evasion. The Secretary will announce regulations implementing section 127 of the Tax Reform Act of 1984, which repealed the 30-percent withholding tax on interest payments to foreigners who own public and private U.S. portfolio investments. These tax-free Treasury and corporate debt instruments—which will be sold in the United States and abroad—provide a tempting target of opportunity to or-

ganized crime families, drug dealers, and other U.S. tax evaders.

The only way to prevent such tax evasion is for the Treasury Secretary to impose on the sale of this debt, stringent procedures that will identify their beneficial owners and require them to prove their foreign status. There are disturbing reports, however, that some Treasury officials regard effective tax compliance procedures to be an annoying impediment to the easy sale to foreigners of tax-free U.S. debt instruments. They are counseling the promulgation of procedures that will facilitate rather than deter tax evasion. They want Treasury bonds sold in bearer form and to owners of secret accounts in tax haven nations, thereby preventing IRS from knowing the identities of the true owners.

Mr. Speaker, we need a stronger not a weaker tax compliance system. Such a system would produce for the U.S. Treasury an additional $100 billion per year—almost 60 percent of this year's projected budget deficit.

I have written Treasury Secretary Regan and IRS Commissioner Egger and advised them that if Treasury's implementation of tax withholding repeal thwarts tax compliance, my Subcommittee on Commerce, Consumer and Monetary Affairs will immediately hold a public hearing. The Treasury Department will have to answer one question: Will your procedures help or hinder IRS in identifying U.S. taxpayers masquerading as foreigners?

I urge my colleagues on Ways and Means and other interested Members to communicate with Don Regan and let him know that Congress will not allow America to become a tax haven nation.

THE REAGAN SOCIAL SECURITY PROPOSAL

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the President says that he wants to raise Social Security benefits. At first this seems surprising—almost like James Watt saying that he genuinely wants to protect the environment or Donald Regan saying that $200 billion deficits are a cause for concern. But it all becomes clear when we look at when it will happen: Just days before the November election.

Will senior citizens be fooled by this cynical proposal? Not likely. The President slashed Social Security in 1981 and again in 1983. And just last month he approved the latest in a series of Medicare cuts, significantly raising the premium for participation in Medicare part B.

Usually, the President can't stop talking about different ways to cut Social Security. But if he whistles a different tune between now and November, it won't make up for 3 years of suffering for our senior citizens. Only a change in Presidents will protect and restore fairness to Social Security.

POLITICAL CHICANERY OVER SOCIAL SECURITY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I urge the House to join the Senate in passing legislation to ensure that all Social Security recipients in fact receive a cost-of-living increase in January of 1985 whether or not the inflation rate goes below 3 percent in the final quarter of 1984.

The saga of the COLA guarantee is interesting. It first was raised during the President's news conference last week and in effect he proposed the idea. Yet leading officials in his administration have been evoking fears in present and future Social Security recipients by suggesting that further reforms may be needed in Social Security becauses its fiscal solvency is still in doubt.

If this were true—the last thing the administration would want to do is bypass the considerable savings which would accrue were the COLA to be bypassed.

I think the more accurate reflection of the situation is that the 1983 Social Security Reform Act not only rescued Social Security—but also placed it on very sound fiscal footing for the next 75 years. This allows a COLA to be provided even when it is not automatically provided under law. This should also end all discussions about future reforms being needed in the system. The time for political chicanery over Social Security has ended.

RUN, JEFF, RUN

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, today, I rise to tell you about a special person—Jeff Keith. Jeff Keith lost his leg to cancer when he was only 12 years old. Now, at 22, he is a recent graduate of Boston College where he held the position of first-string goalie on the Boston College lacrosse team.

In June, Jeff Keith started a run across the entire country, from Boston to Los Angeles, to heighten the awareness of Americans to those who have cancer or who are handicapped.

Jeff Keith's message is a simple one—a message we can all endorse and that is: "Disabled does not mean unable" and "cancer can be beat."

Jeff Keith's run across America is not just a show of courage. It's not just an epic run. It is a loud and clear message to the American people. As Jeff Keith describes himself, he says, "I'm not physically handicapped; I'm physically challenged."

Jeff challenges us all, to match his courage and to match his endurance. Mr. Speaker, I know all of our colleagues will join me in wishing him the best of luck. I am honored to bring Jeff Keith's message to this body and this Nation, and that is: "Disabled does not mean unable" and "cancer can be beat."

PUTTING THE FOX BACK IN THE CHICKEN COOP

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, the appointment of former EPA Administrator Anne Gorsuch Burford to a Federal environmental advisory panel is a lot like putting the fox back in the chicken coop after it devoured last year's brood.

During her term at EPA, only 6 of the 418 national priority list hazardous waste sites were cleaned up, and the number of cases handed over to the Department of Justice for litigation was reduced by 70 percent. She opposed reauthorization of the Superfund and cut basic environmental protection programs by 30 percent.

Even more shocking is the fact that hazardous waste cleanup efforts were determined by politics, not the health and safety of millions of Americans. We, in Minnesota, felt the direct impact of her cavalier attitude when funding for cleaning up the Reilly Tar site was delayed for apparent political reasons.

She, herself, called this appointment a joke. I agree. But it hurts when we laugh.

□ 1220

TARGETING FUNDS FOR COMBATING UNEMPLOYMENT

(Mr. OWENS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, there is still a desperate unemployment problem in this country. It appears that most Members of the House do not regard unemployment as a problem, but in New York City the unemployment rate jumped dramatically to more than 10 percent while the rest of the Nation's unemployment rate was going down. In the 12th Congressional District, my district, a large part of New York City's unemployment is generated.

Although the Democratic National Convention did not see fit to address this issue, I assure the Members that unemployment, which is desperate and concentrated and intensified in certain areas of the country, is a problem, and this Congress needs to send a message that we are concerned about those people who are on the bottom and need jobs in order to survive.

Since most districts do not have a problem, I think we have an opportunity here. We can address the problem without having a dramatic impact on the deficit. Since most districts do not have a problem, we can be spared the lengthy and needless wrangling about formulas which guarantee that everybody gets a piece and just concentrate on those districts where unemployment is the highest. If we would take the 100 congressional districts in the country which have the worst unemployment problem, we could target money in the Community Renewal Act which this House has already passed, and we would come in at a figure of less than one-third of the amount already in the budget for this purpose.

Mr. Speaker, I think we should be fair to the people on the very bottom, and for this less than one-third of the amount already budgeted, we should target the job funds to those districts that need them the most. We should send a message that we care about the people on the very bottom.

AN UPDATE ON ANTICRIME LEGISLATION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I take to the floor today to attempt once again to turn around the increasingly partisan rhetoric in regard to anticrime legislation. I also want to reemphasize to my colleagues, something I am sure they know, and that is that State and local criminal justice agencies handle over 95 percent of the total criminal justice workload in this country and because of severe budgetary problems, they are not able to handle any new anticrime projects. The only bill before the Congress which can assist them in these crucial endeavors is the Justice Assistance Act of 1983 (H.R. 2175) which passed the House of Representatives in May 1983 by a bipartisan vote of 399 to 16. It has been languishing in the Senate since that time—14 months with the active encouragement of the White House.

If my colleagues in the Senate or the House have any doubt as to the priority our State and local officials place on the Justice Assistance Act of 1983, I suggest they contact the National Governors Association, the National District Attorneys Association, the National Association of Attorneys General, or the National Association of Counties—just to name a few—and ask them what individual bill before the Congress would be of the most assistance to them in their day-to-day activities to combat street crime.

This justice assistance bill is targeted at specific crime programs such as career criminals, prison overcrowding, and arson which have been tested and proven to work.

If the administration and the Senate are serious about fighting violent crime, let them look at where 95 percent of it occurs, at the State and local levels. I urge them to stop partisan fingerpointing, pass the Justice Assistance Act, and let's get down to the serious bipartisan business of legislating assistance to those who can put offenders behind bars and make our streets and our communities safe once again.

A CALL FOR ENACTMENT OF THE JUSTICE ASSISTANCE ACT IN COMBATING CRIME

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I join the gentleman from New Jersey [Mr. HUGHES] in calling upon the other body to pass without delay this much-needed Justice Assistance Act.

Fighting crime in America is too important a task to fall victim to partisan fingerpointing. President Reagan said in a news conference on February 22, "The security of our people should take precedence over partisan politics." It is in that spirit that the Justice Assistance Act was passed in the House. It has been pending, as the gentleman from New Jersey said, in the other body for 14 months. It ought to be passed immediately.

The passage of that bill would go a very long way toward assisting local law enforcement officials to end the reign of terror which drugs and organized crime are creating in the streets. A proper emphasis for Federal anticrime activity is by helping State and local officials to come to grips with it where it occurs. This bill would do so.

So, Mr. Speaker, I join my friend, the gentleman from New Jersey, the chairman of this important subcommittee, in once again calling upon the other body to pass this bill without delay.

POPULATION: WILL THE ADMINISTRATION LISTEN TO BRAZIL?

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, in the New York Times on Saturday, there was this story:

The Brazilian "military government, which has long regarded a fast-growing population to be essential to the country's development, has for the first time started promoting an official family-planning program." It goes on:

With its population growing by 2.4 percent a year and expected to rise from 130 million today to 180 million in the year 2000, Brazil was, until now, the most populous developing country in the world without a government family-planning program.

"This country will never improve itself by growing in this way," the Brazilian Chief of Staff said recently. "This mass acts like a steamroller that crushes all development * * * .

The story continues as follows:

Aware of the political hazards involved, the Government is moving cautiously, emphasizing that its new $15.5 million program involves all aspects of women's health and avoids setting a target for the country's population growth rate by the year 2000.

Mr. Speaker, it is ironic that the Reagan administration is about to march in an opposite policy direction from Brazil at the World Population Conference beginning next week in Mexico City. I hope it will hear what Brazil is saying and reconsider its recently issued, reckless position paper.

THE IMPLICATIONS OF TWO SOVIET BOYCOTTS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, the Soviets have made it clear that they won't play by internationally agreed rules unless they can bend them to their advantage.

Their decision to boycott the Olympics was irritating and disappointing but not dangerous to the peace of the world.

Their boycott of arms control negotiations is far more serious.

The administration is correct in exercising caution despite the election year pressures on it to come up with any agreement before election day.

A review of Soviet treaty compliance over the last 25 years bears out the conclusion that they cheat.

Whatever further agreements we make with the Soviets must be clearly verifiable and grounded in a sober understanding of what is in the best long-range interests of the United States and not designed merely for short-range political window dressing.

In arms control negotiations with the Soviets, there can be no gold medal winners unless both sides cooperate and play by the rules.

Unless we proceed with caution, we may find after the election that our gold medal is only a brass ring.

INTRODUCTION OF BILL TO GRANT COLA'S TO RAILROAD RETIREES

(Mr. SHUSTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, today I have introduced a bill which will grant rail retirees the same cost-of-living adjustment that Social Security recipients will receive in January 1985 under President Reagan's initiative.

When this body passed the Railroad Retirement Solvency Act, we needed a quick fix. Today, nearly 1 year later, we find the fix has worked. It has worked so well, it is time to restore benefits to these retirees. One such benefit to restore is a cost-of-living adjustment.

Railroad retirees had no COLA in January 1984. Their July COLA has been delayed, and they face another COLA offset in January 1985.

Rail retirees 1984 COLA has been diverted into the rail retirement fund. This diversion has increased the wealth of the fund by $11 million a month since January 1, 1984, and this is only one of the provisions in the act to create a surplus of funds in the Rail Retirement System. All the reports from the Railroad Retirement Board, and the five-man Rail Unemployment Commission indicate the well-being of the system.

H.R. 1646 passed because the system was sick. Today, the recovery is apparent. The President has stated he will ask Congress to guarantee Social Security recipients a COLA in January 1985. We have already seen action by the other body on this issue. As we take up this issue, let us not forget the railroad retirees. With the Railroad Retirement System now in sound shape, there is no need for these people who have worked so hard and sacrificed past COLA's to be discriminated against. I only ask for equity. I ask your support for this legislation to guarantee railroad retirees the same COLA Social Security recipients will receive in January 1985.

□ 1230

PUTTING AMERICANS TO WORK

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, GNP growth may be significant to economists, statisticians, and business investors, but a far more meaningful indicator of the success of an economic policy is employment. GNP is intangible; jobs are real.

The dramatic upturn in employment, and concomitant decrease in unemployment, augurs well for the President's economic policy. In 1981, civilian employment totaled 100,397,000; as of June 1984 it numbers 105,700,000—5,100,000 new jobs, for an increase of 5.1 percent. Even more impressive is the growth since December 1982—generally regarded as the nadir of the recession—when civilian employment stood at 99,093,000; that's 6,600,000 additional jobs in just the past 18 months; 775,000 of those jobs have been in my State of California—10,951,000 in December 1982 to 11,726,000 in June 1984.

The unemployment rate in this same period declined from 10.8 percent in December 1982 to 7.1 percent this June. Incidentally, economic forecasters projected a rate of about 9.4 percent for 1984, and both OMB and CBO projected 7.8 percent. California shared in this bounty, as its unemployment dipped from 11 percent in December 1982 to 7.5 percent last month.

Although interest rates remain unacceptably high, which is primarily due to congressional deficit spending, it is reassuring to know that on two fronts, inflation and unemployment, the President's programs are working.

AN AMERICAN DREAM THREATENED

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, the dream that anyone in this Nation has an opportunity to become President is being threatened. It is being threatened, unfortunately, by the very fine and very honorable gentleman from Arizona, who is today introducing a bill which would eliminate the place of Iowa and New Hampshire in our selection process for the President. Without New Hampshire, we will have no forum for those not anointed by the Washington establishment to compete. Without New Hampshire, we will have no forum for people who wish to campaign on a shoestring and wish to campaign out of individual energy to have an opportunity.

The choice is simple. Without preserving New Hampshire as a first place for primaries in this country, government by democracy will be seriously limited and we will return to government by the Washington-based national news media.

THE MISERY INDEX—INFLATION RATE AND UNEMPLOYMENT

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, when Ronald Reagan took over the Office of President in 1981, Jimmy Carter and Walter Mondale left him an economy with a misery index of 20.1 percent.

Now, in case some of us have forgotten what the misery index is, it is a combination of inflation, plus unemployment. I would remind you that was 20.1 percent.

Now 4 years later a record 105 million Americans have jobs, and inflation is just over 4 percent.

Mr. Speaker, the misery index is at an 11-year low—let me repeat that—an 11-year low, now standing at just 11.2 percent.

Over the past several weeks we have heard much talk about fairness. Fairness is a dramatic increase in jobs and an equally dramatic decrease in inflation. Fairness is allowing hard-working Americans to keep more of their paychecks. Fairness, Mr. Speaker, is the policy of Ronald Reagan.

4 YEARS IS A LONG TIME AGO

(Mr. HUNTER asked and was given permission's to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, 4 years is a long time ago. It's 48 months, 208 weeks, or 1,460 days ago. For the average American taxpayer the distance in time can be measured in other terms: 4, years is 8 interest percentage points, 9 inflation points, or 7 million new jobs ago. It was a time when hope for the future had given way to economic dispair.

In 4 years, the Reagan economic plan has blossomed into economic recovery. The beginning of this process or renewal can be traced back to a specific point in time 4 years ago: the day President Carter and Vice President Mondale once again became private citizens.

TRUST MONDALE ON THIS ONE

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, the public is generally skeptical when a politician makes a campaign promise whether or not you can be 100 percent sure that that promise will be kept; but when Mr. Walter Mondale guarantees the American people that his administration would provide a hefty increase in taxes, that is a promise you can bank on.

Walter Mondale's record is pure and spotless on that score. Since his days in the Senate, he has worked tirelessly and effectively to spend your hard-earned tax dollars in a never-ending effort to catch up with his promises to special interests.

On raising taxes, Mr. Mondale is one politician who can be trusted—absolutely.

GETTING TOUGH ON CRIME

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I found fascinating the Democratic response today to the Republican effort in this House to get action on tough criminal code reforms. Their reaction is a demand to try to get the Senate to act on re-creation of another Federal Government pork barrel boondoggle.

Why not get tough on crime, like the President has proposed, pass his program here in the House? It has already passed the Senate 91 to 1.

But the Democrats do not even like to talk tough about crime, let alone do something tough. In their platform statement on crime, the only time the word "tough" is mentioned is when they talk about gun control; in other words, going after law-abiding citizens who own a gun to protect themselves.

There is nothing in their platform about murder, rape, armed assault, and the other crimes that most affect and most concern most Americans.

I think, just like was said this morning, crime should not be a partisan issue, but when one party decides it is not important enough to vote on in this House, then the American people ought to know the facts.

U.S. FORCES STAND TALL IN BEIRUT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, yesterday marked the end of a painful, tragic era in American foreign policy—the last American combat troops were withdrawn from Lebanon.

I know that every Member of this House joins me in extending to those who served in that troubled country the gratitude of this Congress and the American people for their courage and commitment in a time of crisis.

While there is much dissension over the President's commitment of American troops to Beirut and the manner in which those troops were deployed, there is no disagreement that the proud traditions and professional standards of the U.S. Marines and our Nation's Armed Forces were well served by those who were called upon to carry out U.S. policy in Lebanon.

In short, while the policy fell short, our Americans stood tall. To those 260 American families whose loved ones died in that tragic conflict, I would say that their grief is one which is shared by all Americans. We will always remember, and be grateful.

A TRIBUTE TO MARY ELIZABETH PRUETT FARRINGTON, A REMARKABLE WOMAN

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, on Monday, July 21, a remarkable woman died. At the age of 86, Mary Elizabeth Pruett Farrington died in Honolulu.

Mrs. Elizabeth Pruett Farrington lived a life of great accomplishment. Born in Tokyo, Japan, in 1898, her early experiences in the Far East stimulated her interest in world affairs. Armed with a degree in journalism from the University of Wisconsin, she became a newspaper correspondent in Washington, DC, in 1918. It was in 1920 that she married Joseph A. Farrington.

In 1942, after serving for 8 years in the territorial senate in Hawaii, Joseph Farrington was elected Delegate to the U.S. Congress. In 1954, Delegate Joseph Farrington died in the middle of his sixth term, with his work on statehood for Hawaii not yet completed. On July 31, 1954, Mrs. Farrington was chosen by a special election to serve as a Delegate to the Congress. She took office on August 4 and immediately began to work for Hawaiian statehood.

Mrs. Farrington visited President Eisenhower and important Members of the House in order to seek their support for statehood. In spite of the fact that the campaign platforms of both parties had urged statehood for Hawaii, a bill embodying this proposal died in the House Rules Committee during the 83d Congress after it had been passed in both Houses. In the Senate it had been incorporated in a proposal also granting statehood to Alaska. To those critics of the bill who feared loss of Federal control of strategic defense areas in Alaska, Mrs. Farrington suggested that Alaska be made a military reservation.

In 1954, Mrs. Farrington won her bid for reelection and served in the 84th Congress, where one of her first acts was to submit a new statehood bill for Hawaii. She left Congress in 1956.

Upon her return to Hawaii, she became publisher of the Honolulu Star Bulletin. From 1970–73 she worked for the U.S. Department of the Interior.

Mrs. Elizabeth Pruett Farrington was a dynamic woman who served her country and our beloved State with grace and with dignity. Her contributions to Hawaii's drive for statehood will never be forgotten.

EDSEL FICKLE FIN AWARD TO DETROIT FOR WASTING ENERGY

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, we need a trophy for the dumbest auto idea of the year. We could call it the Edsel Fickle Fin Award. I would suggest that this year it go to General Motors and Ford for the dumb idea of weakening the mileage efficiency standards.

We should turn a deaf ear toward weakening those standards, and we should be debating extending and toughening the standards, not weakening them.

We are asked to spend billions of dollars in synfuels subsidies; billions of dollars to build windmills, solar panels, and steam wells to generate energy. Those billions would create a drop in the oil bucket compared to the energy savings we now have because we had the foresight to add auto mileage efficiency standards years back.

Those who forget history are condemned to repeat it; so unless Detroit continues the quest for more efficient cars, we will have long oil lines again, and we will have collapsed sales, and increased interest in Japanese automobiles.

□ 1240

THE DEFINITION OF A "NOTHINGBURGER"

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, many people wondered what Anne Burford meant when she called the National Advisory Committee she has been appointed to chair a "nothingburger." It is time to define this new, unfamiliar term.

My idea of a nothingburger is James Watt as chief protector of the environment. It is Rita Lavelle and her campaign to play politics with the Superfund cleanup effort. Yes, a nothingburger is the appointment of a former counsel to a forestry company as head of the National Forest Service. It is the horrible mismanagement by Anne Burford of the Environmental Protection Agency.

In sum, it is the Reagan environmental policy that is the nothingburger: a policy of malign neglect, a policy of private profiteering at public expense, a policy of contempt for the environment and the future of our children.

Anne Burford is back. And to Mr. Reagan I say, "Fool us once, shame on you. Fool us twice, shame on us." I don't think anyone is going to be fooled this time around.

Mr. President, the American people have no appetite for these nothingburgers—or Anne Burford—any longer.

CRIME LEGISLATION

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, recently there has been a chorus of dismay voiced by both the Senate and Presi-

dent Reagan that the House has bottled up the crime package just passed by the Senate. However, the Senate now has an opportunity to act to pass an important piece of legislation that would help local governments in providing security for our citizenry.

Presently awaiting floor action in the Senate, S. 53, the Justice Assistance Act of 1983, would provide muchneeded matching funds for State and local law enforcement agencies to alleviate jail overcrowding, improve assistance to crime victims, combat arson, reform sentencing practices, and increase the conviction rate of repeat or violent offenders. Also, Senator LEAHY has introduced an amendment to create a special research program for rural jurisdictions. Local county governments, spending $6 billion a year on crime, deserve our support in providing the capital needed to launch new programs to combat crime.

The House has been criticized by President Reagan and the Republican leadership of the Senate for not caring about the safety or our streets, but it is the Republican-controlled Senate that is sitting on a bill that will do just that. It is my hope that they will heed their own advice and move quickly to pass this legislation.

I was interested, Mr. Speaker, in a previous speaker who called this particular bill a "boondoggle." I understand that this particular bill is the No. 1 priority of the National District Attorney's Association. I would not think that they would think it was a boondoggle.

I also understand that that particular gentleman from Pennsylvania voted for the bill and got added to the bill a major section dealing with senior citizens. I wonder if that part is also a boondoggle or just his rhetoric.

PERMISSION FOR SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit tomorrow, August 1, 1984, during the 5-minute rule.

I have cleared this with the minority. We are taking up two major anticrime bills tommorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IN THE MATTER OF REPRESENTATIVE GEORGE V. HANSEN OF IDAHO

Mr. STOKES. Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I sent to the desk a privileged resolution (H. Res. 558) to accompany House Report 98-891 in the matter of Representative GEORGE V. HANSEN, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated July 19, 1984, in the matter of Representative George V. Hansen of Idaho.

CALL OF THE HOUSE

Mr. STOKES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 329]

Addabbo	Daniel	Hall, Ralph
Akaka	Dannemeyer	Hall, Sam
Albosta	Darden	Hamilton
Alexander	Daschle	Hammerschmidt
Anderson	Daub	Hance
Andrews (NC)	Davis	Hansen (UT)
Andrews (TX)	de la Garza	Harkin
Annunzio	Dellums	Hawkins
AuCoin	DeWine	Hayes
Barnard	Dickinson	Hefner
Bartlett	Dicks	Heftel
Bateman	Dingell	Hertel
Bates	Dixon	Hiler
Bedell	Donnelly	Holt
Beilenson	Dorgan	Hopkins
Bennett	Dreier	Horton
Bereuter	Duncan	Howard
Berman	Durbin	Hoyer
Bevill	Dwyer	Hubbard
Biaggi	Dymally	Huckaby
Bilirakis	Dyson	Hughes
Bliley	Early	Hunter
Boehlert	Eckart	Hutto
Boland	Edgar	Hyde
Boner	Edwards (AL)	Ireland
Bonior	Edwards (CA)	Jacobs
Bonker	Edwards (OK)	Jeffords
Borski	Emerson	Jenkins
Bosco	English	Johnson
Boucher	Erlenborn	Jones (NC)
Boxer	Evans (IA)	Jones (OK)
Britt	Evans (IL)	Jones (TN)
Brooks	Fascell	Kaptur
Broomfield	Fazio	Kasich
Brown (CA)	Feighan	Kastenmeier
Brown (CO)	Fiedler	Kazen
Broyhill	Fields	Kemp
Bryant	Fish	Kennelly
Burton (CA)	Flippo	Kildee
Burton (IN)	Florio	Kindness
Byron	Foglietta	Kleczka
Campbell	Foley	Kogovsek
Carney	Ford (MI)	Kolter
Carper	Ford (TN)	Kostmayer
Carr	Fowler	Kramer
Chandler	Frank	LaFalce
Chappell	Frenzel	Lagomarsino
Chappie	Fuqua	Lantos
Cheney	Garcia	Latta
Clarke	Gaydos	Leach
Clay	Gejdenson	Leath
Clinger	Gekas	Lehman (CA)
Coats	Gephardt	Lehman (FL)
Coelho	Gibbons	Lent
Coleman (MO)	Gilman	Levin
Coleman (TX)	Gingrich	Levine
Conable	Glickman	Levitas
Conte	Gonzalez	Lewis (FL)
Conyers	Goodling	Lipinski
Cooper	Gradison	Livingston
Coughlin	Gray	Loeffler
Courter	Green	Long (LA)
Coyne	Gregg	Long (MD)
Craig	Guarini	Lott
Crane, Daniel	Gunderson	Lowery (CA)
Crane, Philip	Hall (OH)	Lowry (WA)
Lujan	Patman	Smith, Denny
Luken	Patterson	Smith, Robert
Lungren	Paul	Snowe
Mack	Pease	Snyder
MacKay	Penny	Solomon
Madigan	Pepper	Spence
Markey	Perkins	Spratt
Marlenee	Petri	St Germain
Martin (IL)	Pickle	Staggers
Martinez	Porter	Stangeland
Matsui	Price	Stenholm
Mavroules	Pritchard	Stokes
Mazzoli	Pursell	Stratton
McCain	Quillen	Stump
McCandless	Rahall	Sundquist
McCollum	Rangel	Swift
McCurdy	Ratchford	Synar
McDade	Ray	Tauke
McEwen	Regula	Thomas (CA)
McGrath	Reid	Thomas (GA)
McHugh	Richardson	Torres
McKernan	Rinaldo	Torricelli
McNulty	Ritter	Traxler
Michel	Roberts	Valentine
Mikulski	Robinson	Vander Jagt
Miller (CA)	Rodino	Vandergriff
Miller (OH)	Roe	Vento
Mineta	Roemer	Volkmer
Minish	Rogers	Vucanovich
Mitchell	Roth	Walgren
Moakley	Roukema	Walker
Molinari	Rowland	Watkins
Mollohan	Roybal	Waxman
Moore	Rudd	Weaver
Moorhead	Russo	Weber
Morrison (CT)	Sabo	Weiss
Morrison (WA)	Sawyer	Wheat
Mrazek	Schaefer	Whitehurst
Murphy	Schneider	Whitley
Murtha	Schroeder	Whitten
Myers	Schulze	Wilson
Natcher	Schumer	Winn
Neal	Seiberling	Wirth
Nelson	Sensenbrenner	Wise
Nichols	Sharp	Wolf
Nielson	Shaw	Wolpe
Nowak	Shelby	Wortley
Oakar	Shumway	Wright
Oberstar	Sikorski	Wyden
Obey	Simon	Wylie
Olin	Sisisky	Yates
Ortiz	Skeen	Yatron
Ottinger	Skelton	Young (AK)
Oxley	Slattery	Young (FL)
Packard	Smith (FL)	Young (MO)
Panetta	Smith (IA)	Zschau
Parris	Smith (NE)	
Pashayan	Smith (NJ)	

□ 1300

The SPEAKER. On this rollcall, 370 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

IN THE MATTER OF REPRESENTATIVE GEORGE V. HANSEN OF IDAHO

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the debate on this resolution be extended to 1 hour and 20 minutes, to be equally divided between myself and the gentleman from Idaho [Mr. HANSEN].

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. CONABLE. Reserving the right to object, Mr. Speaker, my understanding is that this is an effort to offer Mr. HANSEN the additional time that would equate his defense with the total amount to be used by both sides of the Committee on Standards of Official Conduct; is that correct?

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

Yes; under ordinary debate this matter would be consumed in 1 hour. We would reserve 20 minutes for this side, yield 20 minutes to the gentleman from South Carolina [Mr. SPENCE], the ranking minority member, and 20 minutes to the gentleman from Idaho [Mr. HANSEN].

The gentleman from Idaho has requested that he be given an additional 20 minutes. This is to respond to his request and give him the additional 20 minutes that he has requested.

Mr. CONABLE. I thank the distinguished chairman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. STOKES]?

There was no objection.

The SPEAKER. Under the unanimous-consent request, the gentleman from Ohio [Mr. STOKES] will be recognized for 40 minutes and the gentleman from Idaho [Mr. HANSEN] will be recognized for 40 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, for the purposes of debate only, I yield 20 minutes to the gentleman from South Carolina [Mr. SPENCE] pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, in order to preserve the integrity and the accuracy of these proceedings, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on this subject, but this unanimous-consent request does not apply to revisions of remarks to be delivered in the House today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to state that unanimous consent has been obtained for Members to extend their remarks on this matter. It is essential that the CONGRESSIONAL RECORD contain as true and accurate a record of the proceedings as possible. All insertions and extensions not delivered in debate will appear at the end of the proceedings with a bullet symbol. The Chair trusts that Members will, in revising remarks they actually delivered in debate on this subject, confine their revisions to those which are necessary to correct grammatical errors and consistent with the permission obtained by the gentleman from Ohio [Mr. STOKES] to refrain from making any changes in the substance of debate.

The Chair also wishes to remind Members of the restrictions imposed by clause 1, rule XIV, and by the precedents relating to references to Members in debate. These restrictions indicate that Members should refrain from using language which is personally abusive. While a wide range of discussion relating to conduct of the Member in question will be permitted, it is the duty of the Chair to maintain proper decorum in debate. It is the intention of the Chair to enforce the rules.

Mr. STOKES. Mr. Speaker, it is always difficult to bring a disciplinary matter relating to one's colleague or colleagues to the floor of the House. I do not relish it, the Members of this committee, on both sides of the aisle, do not relish it, but under these circumstances our committee has no other alternative.

The matter which we bring to you today had its origin on April 7, 1983, when Representative GEORGE V. HANSEN was indicted by a Federal grand jury in Washington, DC. The indictment charged him with four counts of willfully and knowingly filing a false statement as part of his financial disclosure forms required under the Ethics in Government Act. The indictment charged that Congessman HANSEN failed to disclose or claim an exemption for four transactions—a $50,000 loan from a Dallas bank used to pay off a soybean commodities loss, the pay-off of that loan by Nelson Bunker Hunt, who had guaranteed the loan earlier, a $87,000 silver commodities profit arranged by Bunker Hunt, and $135,000 in unsecured loans made to Congressman HANSEN by three Virginia businessmen.

□ 1310

On April 2, 1984, after a 10-day trial, the Federal jury unanimously found Mr. HANSEN guilty as charged on all four counts. On June 15, 1984, Mr. HANSEN was sentenced to 5 to 15 months on each count to run concurrently plus $10,000 fine on each count for a $40,000 fine.

The conviction of Mr. HANSEN triggered committee rule 14 of the rules of the Committee on Standards of Official Conduct. Under committee rule 14, a conviction necessitates the committee initiating a preliminary inquiry in order to determine whether the evidence of the conviction also constitutes violations of House rules over which the committee has jurisdiction. The committee advised Mr. HANSEN of the initiation of the automatic preliminary inquiry. Special independent counsel was appointed to assist the committee. These attorneys, along with the committee staff, reviewed the entire 1,800-page transcript of the trial, all of the pretrial and postverdict motions and all of the trial exhibits. The preliminary inquiry has now lasted some 4 months.

Pursuant to committee rule and practice, Mr. HANSEN was invited to address the committee concerning the first aspect of the inquiry. On May 17, 1984, both Congressman HANSEN and his attorney addressed the committee.

Following this testimony and additional submissions by Mr. HANSEN, special counsel prepared their report upon completion of the preliminary inquiry. This report contains a full discussion of the evidence in the case and a conclusion that Mr. HANSEN violated a number of rules concerning conduct. Let me briefly summarize the evidence:

Mr. HANSEN's difficulties began when he sought to raise funds for personal and political debts through a direct mail solicitation scheme. Pursuant to this scheme, Mr. HANSEN wrote to the then House Select Committee on Ethics and asked whether the direct mail campaign he contemplated was proper. The committee responded that it was not. Still intent on pursuing such a campaign, Mr. HANSEN worked out a plan to circumvent the committee's ruling. Since the committee had ruled that he could not raise money for his debt, he purportedly entered into a property settlement agreement with his wife, transferred his debt to her, and then allowed her to engage in the direct mail effort for what now had become her debts.

As part of the same effort to raise funds, Mr. HANSEN approached Nelson Bunker Hunt at a social affair and actually asked him for money. Mr. Hunt said that it "might be suspicious" if he gave the Congressman funds directly, so Mr. HANSEN suggested that he could help him by helping his wife. Hunt did help Mrs. Hansen by passing on advice about commodities transactions. First, he arranged for a series of transactions in soybeans which resulted in a $30,000 loss to the Hansens. Once he learned of the loss, Mr. Hunt then arranged and guaranteed a loan for Mrs. Hansen of $50,000 from his bank in Dallas. The difference between the loss and the loan was spent by Mr. HANSEN. Interest on the loan was not paid, and eventually the loan was extended. Finally, the bank turned to Mr. Hunt for payment, and he paid what by then had become a $62,000 loan. To this day, Mr. HANSEN and his wife have not paid back the loan.

Sometime after the soybean transaction, Mr. Hunt arranged for a silver commodities transaction which this time resulted in a profit of $87,000 to the Hansens. While Mr. Hunt opened the account in the name of Mrs. Hansen, Congressman HANSEN arranged for the receipt of the silver profit, and then spent all of it himself.

Then in 1981, Mr. HANSEN, this time in his own name, without his wife being involved, arranged for three separate loans totaling $135,000 from three Virginia businessmen. At the same time that he asked for and received unsecured loans from these men, the men were involved in a plan to develop a hydrogen-powered automobile. During this same period, they asked Mr. HANSEN to help them in their effort by arranging and attending meetings with Defense Department officials to discuss the automobile. In fact, the day the first loan funds were deposited in Mr. HANSEN's account, he took these men to a meeting he had arranged with the Secretary of the Army at the Pentagon.

None of these transactions—not the Dallas loan, the Bunker Hunt loan payback, the $87,000 ready-made silver profit, or the $135,000 were reported on Mr. HANSEN's financial disclosure forms for the appropriate years. He did not mention them at all. He did not check the appropriate box to indicate that there were transactions of his spouse for which he was claiming the appropriate exemption. He left the transactions off his forms and made no disclosure whatsoever.

Mr. HANSEN did not take the stand at his trial. He presented his explanation through other witnesses. His defense at trial and before the committee was that he did not have to report the $50,000 Dallas loan, the $62,000 Bunker Hunt pay back, or the $87,0(silver profit, because they were his wife's transactions. He said he was not asserting the spousal exemption referred to on the disclosure form but that he was relying instead on section 102(a)(2) of the law. That section states that no report is required "with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage * * *" Mr. HANSEN stated that he was not living separate and apart from his wife and that he was not contemplating divorce. He said that the exemption applied to him in any event because of the property settlement agreement he and his wife arranged.

The evidence does not support Mr. HANSEN's assertion that the transactions involved were his wife's. It was Mr. HANSEN who had first approached Bunker Hunt, he had communications with the Dallas bank about the $50,000 loan, he spent the funds borrowed, and he arranged for the delivery and spent all of the $87,000 silver profit. In addition, even if Mr. HANSEN could liken a property settlement agreement to the exemption for living separate from his wife—something I hasten to add is not proper and not a supportable reading of the law—he and his wife did not maintain financially separate lives. He has intimately involved in her transactions. In addition, they maintained numerous joint bank accounts in which the proceeds from these transactions were deposited. They filed joint tax returns in which he received the direct benefit of her transactions. They owned and financed their automobiles and houses together. In short, other than declaring themselves separate, they took no actions to evidence this arrangement.

To support his view that he did not have to report what he claimed where his wife's transactions, Mr. HANSEN stated that he sought advice from his personal attorney in Idaho. This attorney, however, stated that he did not know the specifics about the $50,000 loan, the $87,000 silver profit, and other transactions when he rendered his advice. In addition, the attorney also stated that he told Mr. HANSEN to keep the Ethics Committee totally advised, something which the Congressman did not do. Because the attorney did not know important, relevant factors and because Mr. HANSEN did not follow all of the attorney's advice, this reliance on counsel did not constitute a valid defense at trial and cannot excuse his conduct in this forum.

With respect to the $135,000 in unreported loans, Mr. HANSEN did not assert any claim of spousal exemption. Instead, he stated that he had borrowed the money to establish a taxpayers reform organization. His theory was that, since he did not borrow the money for a personal purpose, he did not have to report the transaction.

Again, even assuming the validity of this stretched interpretation of the law, the evidence at trial did not support his claim. The Virginia men did not know about the taxpayer organization. Instead, they remembered that Mr. HANSEN had told them that the money would be used to promote Mr. HANSEN's book. In addition, the prosecution showed additional loans and transactions by Mr. HANSEN which suggest that he did not spend all of the funds borrowed on the organization. Finally and most importantly, there simply is no support for Mr. HANSEN's claim that he did not have to report the loans because the funds were to be directed elsewhere. If his theory was right, very few transactions would be reportable because Members could serve as conduits for various entities and get around the clear intent of the law.

□ 1320

Mr. HANSEN stated that he confirmed his interpretation regarding the $135,000 with his staff attorney. He did not go to his Idaho attorney on this one. The staff attorney, however, admitted that, when he gave Mr. HANSEN the answer he had requested, he did not know about the Dallas loan, the silver profit, the nature of actions Mr. HANSEN took on behalf of the Virginians or other important facts. Again, this withholding of information by Mr. HANSEN to his attorney undercuts the advice he allegedly was given.

Mr. Speaker, the committee studied these facts and carefully looked into the transactions involved, and concluded that Mr. HANSEN's omissions were not inadvertent. The nature of the transactions were such that Mr. HANSEN had good reason not to want them to become public. Remember that Mr. HANSEN reported nothing about the existence of these debts and profits. He did not claim the spousal exemption. This failure to make any reference whatsoever supports the view that he simply did not want these transactions known. Moreover, even if Mr. HANSEN's theory about the transactions being his wife's was believed, this theory would not explain why he failed to report the $135,000 Virginia loans, which were transactions in which his wife was not involved.

On the basis of the evidence at the trial, as reviewed by the committee, the committee adopted a resolution finding that Mr. HANSEN's conduct violated four rules of the House—rule 44 on financial disclosure; rule 43, clause 7, for undertaking his direct mail campaign despite the committee's opinion; rule 43, clause 4, for accepting gifts from persons with interest in legislation; rule 43, clause 1, for failing to reflect creditably on the House, and the code of ethics for Government service for accepting things of value under circumstances which easily could be construed as being improperly given or received.

After the adoption of this resolution, Mr. HANSEN and his counsel were given another opportunity to address the committee during the second phase of the inquiry. Again, Mr. HANSEN and his attorney testified and made submissions. Following this session and the advice of special counsel, the committee voted to recommend to the House reprimand. This report, then, is what is before you today. I urge the adoption of the resolution and I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House today considers the recommendation of the Committee on Standards of Official Conduct to reprimand Representative GEORGE V. HANSEN of Idaho. Although I have served on the committee for a long time, since 1971, I have never come to enjoy or relish the difficult tasks assigned to us. I do not anticipate that I ever will. It is never easy, and often painful, to sit in judgment on one's peers, particularly in a collegial body where we come to know and work with those we are called upon to discipline.

But the Constitution gives us that responsibility and the public, and our constituents, expect that we will perform it dutifully and fairly. We must, and we do, perform that task without partisanship—the committee is the only standing committee to which an equal number of Members are assigned from each political party—and we have faithfully discharged our responsibility by adhering to those immutable principles of the House's self-disciplinary function, as I have set forth on other occasions; and they are:

That we set all passions aside;

That we examine all the facts;

That we study the precedents of the House;

That we review all pertinent law;

That we place justice above politics;

That we be fair but firm;

That we preserve the dignity of the House;

That we set no precedent that will not stand the test of time; and

That any recommended punishment be just, appropriate, and effective.

We, along with our special counsel, have done that in this case and the committee has determined that the failure of the gentleman from Idaho to disclose his, and his wife's financial dealings, as required by House rules violated standards of conduct applicable to all Members of this body.

Our actions were automatically triggered by committee rule 14 which requires that, upon conviction of a crime for which a term of imprisonment of 1 year may be imposed, the committee shall conduct a preliminary inquiry and proceed accordingly under its rules. This your committee has done.

It has also rendered its judgment that reprimand is the appropriate sanction in this case. I believe that we have properly interpreted the precedents in making this recommendation.

I realize, Mr. Speaker, and perhaps it is inevitable, that our actions will not please every Member of this body. Some will say that our recommendation is too harsh and some will say that we have not acted forcefully enough. Just let me say that we have agonized over this matter from all sides, from every viewpoint. I firmly believe that we have considered all the questions which have arisen, or may arise, in your minds or which may be brought up during debate on this resolution. Our recommendation is a bipartisan, consensus product of our deliberations.

No one regrets more than I the need to bring this matter before the House. As I have noted, we take no pleasure in carrying out our responsibilities under the Constitution but we have no other choice. Not only must we discipline ourselves, Mr. Speaker, more importantly, we have to assure the people of this Nation that we are capable of policing our own house.

The matter before us today is not restricted to the case of an individual. In reality it affects every Member of this body because it reflects on the integrity of our system of government. If the people of America lose faith in us and our willingness to deal with unpleasant situations, they will also lose faith in our ability to govern.

Mr. Speaker, we of your committee have struggled for several months with the issues in this case. We have considered, and considered thoroughly, the relevant rules of the House, Representative HANSEN's defenses to his failure to abide by those rules and the punishment which is appropriate. I am convinced that we have reached a correct, and just result, and I urge our members to support the committee's resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair now recognizes the gentleman from Idaho [Mr. HANSEN]. The gentleman is entitled to 40 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I yield myself such time as I may consume.

□ 1330

Mr. Speaker, with all due respect to the gentlemen who sit on the Committee on Standards of Official Conduct, I realize that it is not pleasant for them, and I can assure them it is not pleasant for me. When they talk about the size of the RECORD, the size of the RECORD is like "War and Peace"; about 2,000 pages in one book and about 500 pages in the other, and I am not sure the reading is any better.

The array that we have in here suggests a little bit of what I have been going through in running a gauntlet. On this side, you see the minority and you see the special counsel, who is not necessarily reflective of majority views. On this side you see the majority, and you see special counsel, which is not necessarily reflective of minority views. This has been the case all the way through, what has been going on. It may be six and six, as my colleague from South Carolina said, but that is not the way it necessarily lines up when you talk about the staff you deal with.

I am not saying that anyone would intentionally reflect their prejudices and their biases, but I can say that they have come through loud and clear.

I think it is very important for you to know that I hardly recognize myself from what the chairman gave in his statement of facts, and I say so-called facts, in the well a moment ago. I do not know who prepared the statement, but I would have to take strong issue that any resemblance of these facts to the truth in most cases is purely coincidental.

I can tell you first that despite what was said in some of the trial record, that I did not initiate a conversation with Nelson Bunker Hunt for money, and I get tired of hearing the story. The thing that interests me is the way the special counsel has insisted on playing prosecutor, worse than the prosecutors that I had downtown. They bring all the trashing up, that is really, in many cases, irrelevant to the facts.

The facts are: Did I include these things on the record, not all of the rest of the exercise. I have freely admitted all along that I did not include them on the record for good cause. They say something about the fact that my wife should have been maybe in the process of divorcing me so that I could utilize the division of property arrangement that we had. That is a little bit like Washington, DC, in general; it seems like all they have to do is break up families, and it seems that you cannot make an arrangement between you otherwise.

I found that this was the case in the court; that it would have been all right if my wife and I had gotten divorced and then just cohabited, or something like this, but don't you try to stay together and work out your problems.

We were saddled with a debt, Mr. Speaker. We were saddled with a debt brought on by an encounter with an erstwhile colleague, Wayne Hays, years ago, and it was a pretty bloody political encounter and it cost a lot of money. I had the opposing party chairman in my State and district take my credit report improperly, and we fought for several years and ran up a huge debt. Then the Ethics Committee decided to shut the door on any kind of a way—it had been open before until GEORGE HANSEN walked in—on anyway to try to retrieve some kind of ability to pay for that debt.

Now, there are those who have run up large debts, and I remember a former colleague of ours, Hubert Humphrey, got into a serious debt problem and he finally settled out so many cents on the dollar. Well, some people have to do that or feel that is the way to go. I have tried to hang onto that debt and pay it honorably, and this is what I did end up with for trying to do it.

We did not make an arrangement to try to get around the rules of the House; we tried to make an arrangement to accommodate to the rules of the House, and we asked and we asked and we asked, and the record is replete with the askings that we made. It gets a little tiresome to have someone stand and say that GEORGE HANSEN never came and leveled with the committee because that is poppycock, and the paper trail is a mile long.

I think it is high time that some people recognize what is there. I

passed out a piece of paper around here today that lays out excerpts from letters, time and again through the period of time in question, 1978 particularly, when we were in the formative stages of rule XLIV, that lays out what the people involved were saying at the time, and time after time they say there is no reason to bring action; you acted in good faith.

The one thing the committee has actually—I do not know if it is intentionally or not—but refused to look at is what these three spouse situations are. There are three transactions that my wife took care of independently of me, absolutely independent, to the point of having a cosigner independently of me, at the time that we had a property settlement agreement that divided our property. To get up and say that that property settlement agreement has never been operative is absolute poppycock. There was nothing said that you could not have joint accounts and joint ownership after you had a property settlement agreement, and that is a contamination of what the whole case is about. It is a refusal to understand.

Under the spouse disposal situation, it is stated time and again that you can have this type of situation if you absolutely are totally separate, and these were separate transactions, nothing that I transferred to her. The document that they keep bringing up about this special draft advisory document, it kept talking about transfers. There were no transfers. We are talking about something else. We are talking about assignments, but that is not even the case on these three. We are talking about three transactions that were her's totally, first, last, and always, and it was not my business to disclose and the committee knew it and the committee has signed off on it time after time.

Now, if they went to the bother of having a draft advisory document in their files, why did they not send it? There was a letter that was covering it that did not go out either that says, "We will have a final document to you in 2 weeks." The document did not come. I challenge the committee to show me where the final document is if they sent it on a final basis. It did not come.

We were never advised that we could not do these things. We always had a green light. Once in a while it flashed on "caution." They contrived once to put up a red light. They put the special advisory together, and they thought they were blocking us and they found out they were talking up the wrong channel. It did not work and they put it in the file and they did not send it.

Our former Congressman friend, Charles Wiggins, has stated in affidavits and otherwise that there are reasons why it was not sent, and those reasons are commensurate with my case.

This business of talking about rule XLIV and rule XLIII and all the paragraphs and everything else, that is a bunch of baloney. That was a trashing-up operation as far as I am concerned, courtesy of the Justice Department, that the special counsel just did not weed out. They could not resist using it. It was thrown out, as the members of the committee know, and we got down to the one thing we are here for today and that is to talk about rule XLIV and whether I disclosed on spouse disposal or not.

Let me tell you this much: that I am not the only one that has the problem and I am not the only one that should be standing here, because there are a number of people in this body and throughout the Government who are filing ethics reports that ought to be filing differently if I am supposed to be standing here, or they ought to be here with me. One of them is the counsel to the President of the United States, who had the same problem, a spouse disclosure problem, where it was admitted that he apparently forgot. The Attorney General of the United States. I was not spouse disclosure, but the Attorney General, the boss of the prosecutors, he had a $50,000 severance pay when he came into Government. He did not put it on his ethics report. They called him in and counseled him. He put it down. Everything was hunky-dory from there on. Everybody else gets to amend but old Lonesome George gets to pay the price and I am getting darned tired of it.

I am no different than a lot of the rest of you. All I am is the precedent for some of you, and if I were you, I would be very, very careful about how you vote today.

We have a colleague here that has taken a lot of abuse in the press in the last few days. She is now a Vice Presidential designate or candidate for the other party. I am not here to call any wrath down on anyone. I would not do that. I have gone through enough hell myself without calling it on somebody else. But if you do something like this to GEORGE HANSEN today, are you going to call her in tomorrow? Are you going to call the wrath down on Mr. Meese? Are you going to call the wrath down on the others who omitted spouse disclosure on their forms? What are we going to do about having some kind of uniformity in ethics around here, or are we going to do it in a selective way?

Talk about selectivity, you ought to see how the Justice Department pulled their little game. They build a law just for our benefit. They build a law. When you passed the ethics law in here, it was done. The only reason it was passed, as you all know, was for one reason, and that was because they finally reached a compromise that it should be civil penalties only, as much as $5,000 for not filing, or for filing improperly, not criminal.

□ 1340

The Justice Department, for my benefit, after they could not find a bribery that somebody alleged in a blackmail letter that I turned in, the Justice Department comes along and decides that they will piggyback the false statement to a Government-officer law on the law that we set up for ethics. They piggybacked a criminal provision onto a civil law.

Now, do you know what they have done in this foolishness? They have set it up so that if you file and make a mistake, you might go to jail, but if you do not file, all you have to do is maybe pay a fine. That is absolute foolishness, but that is what has been done.

Are we going to tolerate these people making law for the Congress of the United States? That is what is happening. Or are we going to stiffen our backbone and say that policing our business is our business, as the Constitution says, that when you sit in judgment of another Member on his fitness to sit, that is our prerogative, not the prerogative of the people with the badge downtown? Are we going to assert our prerogatives? I think that is the question.

I had a prepared text, and I am going to use it for a moment because I do not think I have duplicated, and I think it is very important that you know the background, that you know the other side of the story.

Mr. Speaker, in April 1981, I brought to the Associate Attorney General an anonymous blackmail letter that charged Nelson Bunker Hunt with having bribed me. I demanded an immediate and vigorous investigation. I took it to them. I gave them the information. I had somebody that told me "The Justice Department couldn't find a zipper in a button factory," and I believe it because I even went to the press to get them to do their job, I disclosed to the Justice Department, and I disclosed to the press, and I disclosed to your committee, I say to the chairman, what I was doing. And I do not stand here in the well and have anyone tell me that I have not disclosed, and even overdisclosed to make my point.

Over the following 2 years, prosecutors from the Justice Department and the FBI investigated me and Mr. Hunt from top to bottom. They found no evidence of any bribe. There was no bribe. They did find a blackmailer, and they also found he had stolen $220,000 apparently from his employer in bucketing and used the Federal Reserve wire transfer system to move that money out of the country. He used the

mails in fraud. He had something like 40 felonies. They let him off with a misdemeanor blackmail and a suspended fine and a suspended 75 hours of social work—and I say, "Now, isn't that nice?"—and they came after me for not filing a Government form correctly.

Now, where are the priorities? they did find a blackmailer, and they let him go without a prison sentence, with only a slap on the wrist.

In April 1983 they made me the first person to be accused criminally of having willfully filed false reports under the Ethics in Government Act of 1978. There are several thousand Federal official employees who have filed these forms since 1979, but no one else, other than after I had done it—and we shamed them a little bit, so the Justice Department went out and hit a Federal judge in Nevada, who has also been charged with bribery and income tax evasion, and he is the first one outside of myself who was ever accused of such a violation.

I took no bribe. My wife and I reported and paid our income tax on the profit that I am alleged to have omitted from my EIGA form. I told the House committee, both before EIGA was passed and reportedly after it became law that I would not be reporting assets and liabilities of my wife's EIGA on my forms. I consulted respected lawyers and sought their legal advice on how to treat my wife's assets and liabilities on the EIGA forms. Those lawyers have been publicly identified and have testified about the advice they gave me.

Now, what I am running into in the House Ethics Committee is a committee in 1978 that said I was doing right, the old Select Committee on Ethics, and the new committee in 1984, this Committee on Standards that has been ongoing simultaneously and outlived it, that tells me that I am not doing it right. It is like going to the Internal Revenue Service and getting two agents to try to tell you how to fill out your tax forms; neither one agrees, and you are in trouble. That is the way it has been going for most citizens of this country.

And yet I find myself before you today trying to defend myself against a recommendation that I be reprimanded. Reprimanded for what? The Committee on Standards says that it believes, from the trial record from the Federal court, that I violated House Rule 44 because I deliberately did not report on the EIGA forms in 1979 and in 1981 a $50,000 loan my wife had received and in 1980 a $87,000 profit she made on a silver commodities transaction. I can tell you, if you net those out, there was not very much money netted because there were losses and profits, and they netted out to not a whole lot of money.

I can demonstrate for you quickly from the House's own records that the charge that I intended to violate the House disclosure rules is simply untrue. I omitted my wife's liabilities and transactions because I believed, from what my lawyers told me and from what the House Select Committee on Ethics said and did, that such omission was legal and proper.

Before I turn to that, let me call your attention to an enormous injustice that I have suffered. It is an unfairness that exists, regardless of whether you believe I left my wife's debts off the ethics form. You are all aware of the public figures who have recently been accused in the media of having omitted debts or assets of their spouses, and I recounted those a moment ago. Some time ago the incumbent Attorney General was found to have left off his form a substantial asset he received on leaving private practice. After the public disclosure, he filed an amended form.

Recently a counselor to the President who has been nominated as the next Attorney General was publicly reported to have omitted a loan made to his wife and stock purchased with that money. After the disclosure, he filed a corrected EIGA form.

And very lately a nominee for Vice President of the United States, who is a Member of this very body, was found to have left off her EIGA form all the assets and liabilities of her spouse. She has now said that she will be filing a full disclosure form within 1 month.

Now, was a similar opportunity given to me? Absolutely not. I was not told by the prosecutors that if I filled out a corrected form, the case against me would be closed. Instead, I was notified that I was charged with a crime, and as a result of that criminal conviction, which is now on appeal, the Committee on Standards has asked that you reprimand me.

I advised the Standards Committee, in answer to one member's questions, that even though I believed that I had acted lawfully in not reporting my wife's debts and silver profit, I would be prepared today to amend my forms for the years 1979 through 1982 to reflect the items which I am charged with having omitted.

That has never been a problem. As many of you know or remember about how you fill out your forms, it would have been one more bank on the list of banks that you had. Who worried about filling that out? Who was trying to hide it? Not me, Mr. Chairman. Not me, Mr. Speaker. But I was not given the same courtesy that was given to Mr. William French Smith, Mr. Edwin Meese, or Ms. GERALDINE FERRARO.

This entire experience is unreal to me. It is fitting in a sense that it takes place in 1984, the year that has come to have a literary significance because of George Orwell's great novel, as a year when injustice can triumph, when some people can become more equal than others, and when government by Big Brother takes over the world. Or to use another literary comparison, what has happened to me is Kafkaesque.

I view myself as a victim of a horrendously unfair process. I was the victim of a totally false and defamatory blackmail effort, and instead of being treated as a victim, I became the accused, and I can tell you some real horror stories about the way your Justice Department acts in that type of situation.

The important facts in this entire episode are totally beyond dispute. It is undisputed that in 1977 and 1978, before the Ethics in Government Act was approved by the Congress, I notified the appropriate committees of this body in writing that my wife's liabilities would thereafter be treated independent of mine. That is way back. We told them in writing. Letters in the report of the Standards Committee, which appear on pages 203 to 206, 216 to 218, and 222 to 223 of the smaller volume, prove that the committee had substantial notice of what I was doing. And if you want to take somebody on, ask the committee where they were when they should have been telling me they did not like what I was doing.

It is undisputed that my wife and I signed and executed a property settlement agreement under Idaho law in September 1977 to carry out a legal separation of her assets and liabilities from mine. The agreement is in this same report volume, at pages 207 to 215.

It is undisputed that the property settlement agreement was not entered into to avoid a reporting obligation. It was devised and executed in 1977, 2 years before the Ethics Committee report was supposed to be filed, at a time when there was no reporting obligation. Its principal purpose was to enable my wife to solicit personal contributions to pay family debts which have been incurred because I had been the target of a political attack. And how do you get out of it when you happen to be the kind of a guy that is a lightning rod once in a while? You have to have a way to get it taken care of unless you are independently wealthy. Are we trying to make this a place for millionaires?

It is undisputed that I consulted with my attorney, John Rumft, a leading member of the bar in Boise, ID, in the spring of 1978 about the effect of the property agreement on my obligation to report my wife's liabilities under House Rule 44. Mr. Rumft testified at my trial. It is at page 1124 of the big volume of the Standards Committee report, that he told me that my wife's liabilities did not have to be re-

ported under rule 44. That was by advice of counsel.

□ 1350

That is my own distinct recollection of his advice. I did not report my wife's debts on the House form because I believed that I did not have to do so.

It is undisputed that the omission of my wife's debts in 1978 caused a big stir in the press in Idaho. How many of you know how much you get away with in the press? Not much as politicians. Because of those newspaper reports there was more detailed correspondence with the Select Committee on Ethics.

On May 9, 1978, I wrote to the chairman of the Committee on Ethics, with copies to the chairman, the ranking minority member of the Committee on Standards, and a copy to one of the holdover members of that committee, Mr. FRENZEL, drawing specific attention to our property settlement agreement, which was described in my letter. I said the following to both committees, and I quote:

I am confident that my filing done carefully with the advice of legal counsel is completely in accord with the appropriate rules of the House and in accord with the course of action in which we have kept your office completely advised. At this time I respectfully request confirmation of the validity of my report.

And the committee took that as a request for a special advisory. It might be very interesting to you as an aside that the judge in the district court in refusing one of the post-trial motions said that you have the right to rely on counsel, but you also have to go to the committee and get a special advisory. That is the way you can really protect yourself.

Well, because the subpoena to get House documents and House people down to the court was quashed by the House, and I agree with that, the integrity of the House has to be preserved, but all those files that could have told what really went on did not go to the court and the judge then made a presumption that we had not gone to the committee, had not asked for a special advisory, and the record is replete with the fact that we did.

I asked once, I asked twice, there are all kinds of memos that show they were working on it, and finally the fact that it was put away and not sent.

Now, how much do you have to prove to prove that you are not acting maliciously? It is undisputed that no House committee ever formally disapproved of what I had done.

The special counsel to the Standards Committee found in the files a draft of a letter to me, and that draft never became a final opinion.

My lawyer, Mr. Runft, spoke to the committee staff on the telephone and his recollection is that he persuaded the committee staff that he was correct in his conclusion and my wife's debt did not have to be reported.

The ranking minority member of the Ethics Committee, Charles Wiggins of California has said the following in an affidavit given to the Standards Committee on page 462 of the report:

It is my recollection that the Ethics Committee concluded that any failure by Congressman Hansen to report the genuinely separate liabilities of his wife was not a violation of the rules as they then existed.

How many times do you have to be told that you did not violate the rules and then have someone come along 6 years later and tell you you did and then you are in trouble?

It is preposterous.

Mr. Wiggins explained the probable reason why the draft letter was never sent, saying:

It is possible that the draft Advisory Opinion was not finalized because the committee concluded that, given the imperfection of the Rule, the legal effect of the separation agreement under Idaho law as explained by Mr. Hansen's attorney removed the obligation to report Mrs. Hansen's separate liabilities on future disclosure reports as well.

It is undisputed that the delegates—that the debate, excuse me, on the Ethics in Government Act took place after this correspondence and that on September 20, 1978, the chairman of the Ethics Committee, former Judge Richardson Preyer, described the effect of the bill that ultimately became the Ethics in Government Act as follows, and I am talking about volume 124 of the CONGRESSIONAL RECORD page 30415 and it says:

Title I would enact into statute the financial disclosure provisions of House Rule 44 with the several clarifying amendments and definitions consistent with the Select Committee's interpretation of the disclosure rule.

He went on to say, and here comes the important language which reflected my own understanding in 1978, and I quote:

The bill makes no substantive changes in the reporting requirements under Rule 44.

So they moved it from rule 44 right into the ethics law under title I.

In other words, what had to be reported under rule 44—excuse me, before EIGA—became law and had to be reported after EIGA became law.

What did not have to be reported under rule 44 did not have to be reported under EIGA.

With this statement by the chairman of the Ethics Committee, was I not right in continuing to do in 1979, 1980, 1981, and 1982 exactly what I did with the committee's knowledge and acquiescence in 1978?

But more is undisputed. It is undisputed that after EIGA became law, I checked again with Mr. Runft about my reporting obligations. He testified what he told me in May 1979 before I filed my first EIGA form. Mr. Runft testified at my trial that among the materials he checked before giving the opinion or statements by Chairman Preyer as to the purpose of the act, the intent of the act, and that is in the report at page 1128.

He concluded that I was not obligated to report Mrs. Hansen's liabilities. He testified that he gave me that advice and even identified the pages of his datebook which showed when in May 1979, he did the research leading to that opinion.

It is undisputed, Mr. Speaker, that I double checked this legal opinion with Jim McKenna, who came on my staff in December 1978, and who has been a member of the bar for many years. He agreed with Mr. Runft's conclusion and he, too, testified about the advice he gave me that my wife's debts did not have to be reported, and his reasons.

Now the committee says that my attorney did not know anything, that I was holding back information from him, and that is the biggest bunch of poppycock I have ever heard, because my attorneys did all the negotiating. How could I have held anything back if they had to be the mouthpiece, if they had to do the talking? It is absolutely asinine for anybody to make such an assertion.

It is undisputed that every year since 1979, staff members of the Committee on Standards have talked with Mr. McKenna about the property settlement agreement. He has been back year after year. If they had thrown up a red light, how come they were calling him back every year wanting to talk about the way we were filing and not asking us to change? It is foolish. It is wrong.

It is undisputed that they have indicated their knowledge that because of the property settlement agreement and the legal advice concerning it I was not reporting Mrs. Hansen's assets or liabilities on my EIGA form. They knew all along, but who said anything, except, "Come and talk to us about it?"

The staff of the House committee has never claimed and cannot ever claim that it was misled in that regard at any time between 1979 and this date.

It knew all along that Mrs. Hansen's debts were not on my EIGA forms and it knew that my reason was the property settlement agreement and the advice I had received from my lawyer and also my reliance on previous decisions and previous counsel by the committee.

It is undisputed that notwithstanding this knowledge, I was never asked by the Committee on Standards to list my wife's assets or her liabilities. My forms for 1979, 1980, 1981, and 1982, were accepted. Not a single form was returned as incomplete or inaccurate and there are some letters—there is a letter from a committee counsel by

the name of Haltiwanger, who says that he went through the reports and found them to be complete on the surface, and he knew what we were doing.

So we have nothing but positive vibes on anything that we have done.

True, we have had some questions asked. True, there was a time or two when they were trying to build a stoplight, but it did not work.

My forms were never criticized until the Department of Justice won its criminal case against me.

It is also undisputed that I always told the truth about the nondisclosure. The FBI came on one of its many visits to my office in September 1981, and they asked me then, in 1981, more than 1½ years before my indictment, why I did not report my wife's silver profit on my Ethics in Government form.

Let me read to you what the FBI report says that I told the FBI at that time, and it is at page 177 of the Standards Committee report, and I quote:

> Hansen advised he had discussed this matter at length with his attorneys James McKenna and John Runft. A consensus was reached among them that because of the Division of Property which he and his wife had obtained in the State of Idaho at least one year prior to his wife's silver contract purchases, any transactions solely entered into by his wife are not subject to disclosure in the Financial Disclosure documents.

Now, what I told the FBI is what I tell you now and what my defense was at trial. I believe that in good faith on the basis of the advice of my lawyers and the acquiescence of the House committees that I did not have to report my wife's debts or assets.

Now, compare these undisputed facts with the other cases of omissions from EIGA forms that have been in the press lately. Did William French Smith have documented proof that he had asked an attorney's advice or disclosed the basis for nonreporting of an asset on an IEGA form? Never.

Has Edwin Meese ever identified public correspondence, has specified the grounds on which he omitted a transaction from his EIGA report? No, sir.

Has GERALDINE FERRARO named a staff member, counsel or other adviser on whom she relied in omitting her husband's assets and liabilities from her EIGA form? Far from it.

Has anyone come forward to take personal responsibility for that advice? Not a long shot.

Everything is cloaked in generality and anonymity.

I remind you, my colleagues, that all three of these are attorneys and I am not.

□ 1400

That is why I say to you that I cannot really believe I am standing before you here on this charge. I admit that I have done things as a Member of this body that calmer and more cautious Congressmen would not have done.

Some of you may have been critical of my trip to Tehran, which I hoped would help, or which I hoped would help our hostages psychologically and physically.

Some of you are probably critical of positions I have taken against the Occupational Safety and Health Administration, against the Internal Revenue Service, against other aspects of big Government. Some of you may not like my politics or may not like my style.

But what I ask from you today is not a Good Housekeeping Seal of Approval. I ask from you only what I would not hesitate to give to you if you stood here in the well: simple fairness, elemental decency, and modest respect for my good faith.

Consider what it is you are being asked to enforce. This is not a case involving basic morality. There are no dead bodies. There are no robbed banks or despoiled trust funds. There is not a case of drug abuse and sexual immorality or plunder from the public treasury. This is not an instance of sale of public office, or clandestine meetings and receipt of wads of $100 bills.

And I would like to deal with the one thing the chairman brought up about the Secretary of the Army and the cheap shot that the Justice Department threw. They went through that whole bribery thing with Nelson Bunker Hunt and they could not find a thing. So then they get into court and they want to trash you up a little bit and they say well, you took the loan from the guy at the same time you got him an appointment as a Secretary of the Army. Good night, how many of you in here think it is a big deal to get an appointment as a Secretary of the Army? Especially for someone who is an old school buddy of his and knows all about him. He could get his own appointment. It was a courtesy. It is absolutely preposterous and it is beneath the dignity of the Ethics Committee to even bring it up.

The question you are being asked to decide is whether to discipline a colleague because the Department of Justice has satisfied a D.C. jury, made up largely of present or former executive branch employees that he deliberately omitted several transactions from a reporting form required by a relatively new law.

There is much undisputed evidence that justifies giving that colleague the benefit of the doubt. Why not assume that his omission of these transactions was done in good faith? And I can assure you that it was, on the advice of counsel, and with the tacit approval of the responsible committees of this House.

I ask you to ask yourselves: Would you think it fair if you were reprimanded on this evidence? You have been required to fill out these forms. Assume that you had consulted a private lawyer at substantial expense, as I did. Assume that you had written to the House committees, as I did. Assume that you had concluded, as I reasonably did, and as Mr. Wiggins has acknowledged, that your reporting was at least technically acceptable to the committee. Assume that your staff aide had visited each year with the committee and discussed the reason for your decision not to include items on the forms.

Could you conceive of yourself in my position? Could you believe that you would be defending yourself against a charge that you had knowingly violated rule 44 or tried to mislead the House?

This is not a farfetched possibility. Three years ago the Department of Justice began an investigation of me. Tomorrow it may pick out your EIGA form and, believe me, there are 253—we have done a little research—who have enough aberrations in their forms that the bag happy man at the Justice Department might end up bringing you to the grand jury. In fact, there are enough you could have a quorum call at the grand jury.

You may call then on your lawyers who advised you and bring out the documents to prove you are being honest and you may still find yourself charged, convicted, and then subjected to the discipline right here in this Chamber.

Mr. Speaker, the bill on this bill is approaching $500,000. The judge's fine of $400,000 and the committee counsel's proposed fine of $10,000, that is all big money until you get up to $500,000.

I have had my penalties and I have done it right. And I have done it with advice, not just of my attorneys but the advice of counsel.

And there is one thing more important to me than anything else. It is my good name. And I do not appreciate the smirching of my name in these cheap shots because we did it right and the track record is inches high. If that is not enough, who is safe in this paperwork jungle that we live in, because each and every one of us signs forms every day, your tax forms or whatever, that some agent of the Government could arbitrarily take you to task over, and we had better put a stop to it before everyone in this country is a walking felon.

Now you can understand why I think this must be a terrible nightmare. If you reprimand me you may also harm yourselves. You make it possible for you to become the victim of a similar nightmare.

I strongly urge you to reject the recommendation of the committee and let us get back to fairness in ethics.

I reserve the balance of my time.

The SPEAKER. The gentleman from Idaho [Mr. HANSEN] has consumed 35 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. How much time do I have remaining, Mr. Speaker?

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes, for the purposes of debate only, to the gentleman from Colorado [Mr. BROWN], 4 minutes.

Mr. BROWN of Colorado. Mr. Speaker, one of the questions that I think we face in this deliberation is whether or not GEORGE HANSEN, Congressman HANSEN, was required to file for Mrs. Hansen. He has indicated on his part a feeling that he may not have been required to file.

In the debate, much of the consideration of the committee revolved around the questions that he sent to the committee and the way they answered them and so on. One item, though, that I think perhaps has not been focused on is not whether or not he was required to file at that time but whether or not he did indeed follow up and file when it was clear beyond any doubt that the committee felt that was his responsibility. And that was the subject of the hearings that we had on June 20.

In the series of three pages of testimony which has been available to the Members, I tried to pin down whether or not Congressman HANSEN was willing to file at the present time, knowing that the committee felt that he should file and must file. In other words, knowing, clearing up any doubt about whether or not you have to file or not, are you then willing to come forth and file? That spreads over three pages. But let me just quote a portion of the question I asked in the testimony of Mr. HANSEN and his attorneys.

I think the committee has done what it can to make it clear—that the transactions of Mrs. Hansen should be filed, or disclosed, I guess my question is will complete filings, will that information be filed? Are you willing to follow up and provide that filing as the committee has made clear is required?

That is on page 370. Later, on page 372, Congressman HANSEN responded this way:

Mr. Brown, if you are asking specifically would I amend my forms because the committee feels that somehow there was a misunderstanding before and that we should do it, if I would amend my forms and put the loan to the Dallas bank and the other matters that are under litigation, put them on the forms, it has been so fully disclosed that it would be the easiest thing in the world for me to do, if that is what you are asking about.

Mr. BROWN. That is precisely what I am talking about, and I am wondering if you will do that, and, if you will, when you will get those revised forms in?

In other words, we can debate whether or not there was confusion as to his responsibility to file Mrs. Hansen's information. But the committee in its deliberations, even at that late date, made it very clear. Even if there was a question before, there could not have been a question on June 20, and I think that position of the committee was fully understood.

Now, it has been raised on the floor, because I believe Congressman HANSEN just stated, referring to the question of his responsibility to file for Mrs. Hansen, that "We were never advised that we couldn't do these things."

In other words, he was not clear in his own mind, or his position is that he was not clear in his own mind that he was required to file for Mrs. Hansen. He has pointed out a series of examples of people who have filed forms and later found they needed to amend them, perhaps drawing an analogy between those folks who filed forms and had to amend them and himself.

The point I would like to make for the body is this: We are not dealing with a situation where a form has been filed and later amended. We are dealing with a situation where a form has been filed, where the committee has made clear that that filing is not adequate, and that even at this late date, 5 weeks after the conversation I just related in the formal testimony, even at this late date a correction or an amended form has not been filed.

In other words, the question we have to face is not whether or not there is a confusion about the filing requirement, but whether or not, indeed, the filing requirement is going to be complied with.

When you fail to take action under these circumstances it seems to me it leaves the House in the position of refusing to enforce the rules.

The SPEAKER. The time of the gentleman from Colorado [Mr. BROWN] has expired.

The gentleman from South Carolina [Mr. SPENCE] has 11 minutes remaining; the gentleman from Ohio [Mr. STOKES] has 5 minutes remaining; and the gentleman from Idaho [Mr. HANSEN] has 5 minutes remaining.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

□ 1410

The gentleman from Ohio [Mr. STOKES] has the right to close the debate. So the gentleman from South Carolina [Mr. SPENCE] has 11 minutes remaining and the gentleman from Idaho [Mr. HANSEN] has 5 minutes remaining.

Mr. SPENCE. First, Mr. Speaker, let me yield 4 minutes to the gentleman from Virginia [Mr. BLILEY] for purposes of debate only.

Mr. BLILEY. Mr. Speaker, as the chairman pointed out it is not easy to do what we have to do today, but because of this institution, we must do what we have to do. You have heard it stated that but for the grace of God there go you and I.

But I would like to point out for the record that this matter first came up in the press 2 years ago and the committee did not move until after a grand jury had come in and after a trial and then ony because section 14, rule 14 of our rules came into play.

We have heard it talked about, advice being sought and a division of property and it would make a lot of sense, this division of property, if that was indeed final, but following that the Hansens have maintained joint bank accounts, have owned property together.

Indeed, when the loan was taken out in Texas to repay the commodity loss on the soybean transaction of Mrs. Hansen, it was $50,000 while the loss was in the neighborhood of $35,000. The money went into a joint account and Mr. HANSEN spent some or all of the difference between the $35,000 and $50,000; certainly deriving some benefit from his wife's business.

Indeed, when the $85,000 sale and profit from the silver commodity transaction took place, that money also went into a joint account and again Mr. HANSEN spent some or all of that money, certainly gaining benefit from his wife's business transaction and triggering the provisions of the EIGA law and our reporting requirements.

The matter of the Virginia loans, the loans of $135,000 from three Virginia men, a substantial amount of money, when you consider at that time that was more than twice the salary, annual salary of a Congressman.

Nowhere was that reported. That was not his wife's business, it was not reported because he was a conduit for a committee that he was a part of to try to change the tax laws of this country.

That was never the intent when our law was enacted to require reporting; if it was, any one of us who wanted to engage in an action all we would have to do would be to set up a committee and act as a conduit and go and get loans. I do not think that was ever intended.

So I think in summation when you look at the evidence, the report is thick, but when you look at it all and you come down to the end of it, I think you must agree with the committee, as difficult and as painful as it is for all of us, but that we must uphold the committee's action and do what we have to today.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, your Committee on Standards of Official Conduct has indeed deliberated long hours, spent a great deal of staff time and investigation into the matter before us today.

We have reached our conclusion. Our committee, six Members from the minority side and six Members from the majority side have decided in a unanimous vote that there were violations of House financial disclosure reporting in this case.

The gentleman from Idaho has been before you and has spoken very eloquently and made some very bold assertions in his defense. And certainly we all respect his ability and his right to do that before you today. He mentioned that the committee, your committee had always given him a green light; once in a while it was a caution light as regards to what he had to report and what he did not have to report.

And then on another occasion, he did admit, he did admit that the committee tried to build stop lights in his way. I submit to you this afternoon that the committee did fully inform Congressman HANSEN of changes in reporting requirements and gave him the opportunity to respond and to report fully on his financial disclosures.

Congressman HANSEN has more than once asserted that he told the House Ethics Committee of his conduct and that we agreed. That assertion is not supportable. In 1977, Congressman HANSEN did engage in correspondence with the House Select Committee on Ethics about his direct mail fundraising campaign. Financial disclosure was not involved.

In 1978 in response to present inquiries and his attorneys' advice, Mr. HANSEN then mentioned financial disclosure in one of his letters. He did not describe the various commodity transactions or Dallas loans or his involvement with them. He merely asked whether his property settlement agreement allowed him to omit his wife's transactions from his form. He did not send the property settlement agreement on which he placed so much emphasis.

Letters and memoranda uncovered by the Standards Committee showed, contrary to Congressman HANSEN's implication that some response was sent to his general inquiry. That response was embodied in a draft opinion by Congressmen Preyer and Wiggins.

The SPEAKER. The time of the gentleman has expired.

Mr. RAHALL. May I have 1 additional minute?

Mr. Speaker, I urge adoption of the committee's report.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. PAUL] for purposes of debate only.

Mr. PAUL. Thank you, Mr. Speaker.

I have been in the Congress for 7 years and over these past 7 years I have taken the position that was in the minority quite frequently. One of the things that happens, though, a lot of times after I leave the Chamber is individuals will come up to me and they will admit quite frankly to me that that position is correct and that if they had the courage and the guts to vote a certain way, they would, but for political reasons they do something different.

I believe that there is a bit of hypocrisy that exists in this Congress, I believe we all recognize the demagoguery that goes on in this Congress and I think there is a bit of that going on with this episode as well. It is my understanding that 230 of the Members went and changed their forms.

Now that is a rather interesting figure. I would think if that bothers your conscience, you should at least vote "present."

I think there is something wrong if we can change our forms so easily because you can see the trouble that Mr. HANSEN has gotten into.

The Justice Department quite frankly, I believe in my own heart that they are victimizing Mr. HANSEN, they are victimizing him; they have made him a target, they are making him an example. I think that is sad. Whether I am right or wrong does not matter; I think it is sad that I believe it.

I actually really believe that I could be victimized by coming down here and standing up. I really believe that. That says something about our system. I cannot prove that, but the fact that I believe it means there is something wrong with the system. I am not going to vote to reprimand Mr. HANSEN. I think a lot of us should not vote either.

I think if you have the slightest doubt in your mind, if you one day want to not vote as a hypocrite, vote "present" or do something, but this is a "con" game as far as I am concerned.

I think Mr. HANSEN has given a credible and sincere attempt; he has given a credible argument, he has made a sincere attempt to put the records out; a lot more than I ever believed was going on from reading the newspapers.

I mean, there is a lot of record here. Quite frankly I cannot sort it all out. I do not know all the details and whether there has been a technical violation or not but quite frankly I think the spirit of the law and the spirit of the rule was not intended to do what we are doing here today. Thank you.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] has 5 minutes left.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL] for purposes of debate only.

□ 1420

Mr. FRENZEL. Mr. Speaker, I only want to speak to one tiny part of this report. The report does carry a copy of a letter from GEORGE HANSEN to me and indicates that I was a copy addressee on a number of other letters from him.

Therefore, the point I would like to make has relationship to the allegation that our colleague, GEORGE HANSEN, did not seek advice in good faith.

At the time I was serving on the House Administration Committee and on Congressman PRYOR's Select Committee on Ethics, which was drafting, and ultimately did draft the EIGA law.

GEORGE first came with respect to my position on the House Administration Committee wondering how he could liquidate a debt that he advised me was campaign related. We looked for ways that it could be done. Other Members of this House, some of them still with us, had applied campaign funds to liquidate relatively personal kinds of debts. That avenue was no longer open to him. We looked for ways that he might solicit money directly to replace that debt. We could not see how that could be done.

I counseled with him and with Mrs. Hansen often. There was much advice that I could not give. But in my judgment, at that time, GEORGE was forthcoming. He looked for an honest, decent way to discharge a debt which he felt very personally responsible for.

So, if any Member of this body believes that GEORGE was looking for a way to conceal things at that time, in my judgment, that is an erroneous decision.

Finally, Mr. Speaker, I would say that at that time I and other Republicans supported an amendment to remove spousal reporting from the EIGA law. It is aburd to think that our spouses are elected to Congress, that their affairs are necessarily intertwined with ours, and it is a bad feature of the law which ought to be removed.

However, as long as we have it in there, it ought to apply equally to everybody as Congressman HANSEN has indicated.

Members will have to follow their own best judgment, but certainly he sought advice in good faith.

Mr. WILSON. Mr. Speaker, I would move that the gentleman have an additional minute, if possible.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] is entitled to the time, and he has 3 mintues remaining.

Mr. SPENCE. Mr. Speaker, my time is obligated.

Mr. HANSEN of Idaho. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I would like to ask the previous speaker does he understand that after Mr. HANSEN came into formal difficulties that somewhere between 240 and 250 of our colleagues went down and altered their own report in order to reflect their spouses?

Mr. FRENZEL. I am sorry. I was not the speaker who made that reference and I have no knowledge of that.

I merely said, if the gentleman will continue to yield, that I believe that those who have checked that they do not have to report to their spouses should be judged by the same standards that we are talking about.

Mr. RAHALL. If the gentleman from Texas would yield on this question, many of those corrections or many of those changes, it should be noted, are mere technical corrections in our financial disclosure. Dates that have been omitted, signatures that have been forgotten from the reports, other miscellaneous deletions that were inadvertently left out.

So I submit of that number you can find a great many that were merely technical violations.

Mr. WILSON. Was there a substantial number of Members, say, 20, or 30, or 40, or 50, who changed their reports in order to reflect their spouses?

Mr. RAHALL. I would suggest yes.

Mr. WILSON. Did the present candidate for Vice President have that same problem?

Mr. RAHALL. I might add, if I may respond to the gentleman's question, the present candidate for Vice President checked on her financial disclosure the appropriate box that said there was a spousal exemption of spousal relationships and interests and assets that were not reported because they met one of the exemptions allowed by law. She did check that box on her form.

Mr. WILSON. What about the Attorney General of the United States?

Mr. RAHALL. I have not seen his financial disclosure.

Mr. WILSON. How about the counselor to the President?

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. CONABLE] for purposes of debate only.

Mr. CONABLE. Mr. Speaker, the facts here, as have been said, are not seriously in dispute, only the interpretation of those facts.

Mr. HANSEN has not tried to hide the facts, but rather has insisted on his interpretation of the application of the law to those facts in his own characterization of his responsibilities and motives.

I acknowledge these facts are very confusing and I sympathize with my colleagues trying to understand them in a limited period of time. This is because of the unusual, even Byzantine nature of the Hansens' economic arrangements.

This resolution arises because a Federal criminal conviction has occurred. That conviction in turn resulted from months of investigation and a 10-day trial. Then and only then did the Committee on Standards of Official Conduct begin its investigation review. That inquiry has lasted some 4 months on its own.

Mr. HANSEN was represented at each stage by counsel and has had a number of occasions to present his case and explanation. That his explanation has not been agreed to by the committee does not mean that he has not had the safeguards that are guaranteed in our system.

Mr. HANSEN's is the only case before us today. Consequently, any reference to our attempt to draw a parallel now to any other matter involving any other Member is both unfair to that Member and to the House.

Until such time that proceedings have occurred and facts are known, it is premature and I believe inappropriate to discuss or analogize to any other situation.

I hope my colleagues will take these remarks into consideration in determining what their obligations are as Members of the House, just as the Ethics Committee has agonized, as has been said, at some length before bringing this resolution before the House.

Mr. HANSEN of Idaho. Mr. Speaker, I will briefly address a couple of the things that were brought up and I appreciate this opportunity.

The gentleman from Colorado mentioned something about not moving ahead to do something about those forms. He does not seem to care too much about the fact that by doing that I might put myself in some kind of a legal noose because we contend that we are right and we are in court trying to prove that. I think that it is not right to put yourself in a catch-22 situation.

I did answer the gentleman during that day. I said after we get our litigation out of the way I will do it because right now if we do some of these things it could complicate our problem in winning our case in court. I feel we are going to win that case in court, but I do not think it is fair for the committee or anyone else to jeopardize us in court with the request that we do a certain thing in a certain timeframe. That is exactly the way we answered it. It is good intent, but you have to be reasonable about it.

The second thing is when you talk about the fact that we did not discuss the Virginia loans and a few things have been brought up there. There are a lot of Members in this body that are the president or the chairman of a lot of cause organizations around and as such you end up with most of them in debt and you libel, do you list them on your ethics reports?

□ 1430

I doubt that you do.

And yet you could be sued and held liable for the debt of that organization, and you know it.

Well, I did it a little more upfront. I just went and borrowed some money. How many of you would put your borrowing authority on the line for $135,000 and take the risk, and pay the interest on it, and so forth, to get a cause off the ground? And my cause was to get the Internal Revenue Service in hand. I think it was worth it, and I do not think it is worth taking a penalty here for because I think the rest of you feel the same way.

The next thing is that I think it is important for some of you to keep saying that the Ethics Committee told me I could not do it. And I want you to know that is absolutely poppycock, and if you want to look at the records I can show you. But I would like to just bring this to your attention, that out of the documents, for instance, the so-called letter covering the advisory letter or the letter to Congressman Wiggins' office regarding it, one of the paragraphs says: "Finally, I want to emphasize that the language in the fourth paragraph"—and this is on the special advisory—"on page 3 would provide Congressman HANSEN with a response to any critics, both in the media and potential political opponents, concerning this subject, as well as provide Mr. HANSEN with a basis for asserting that he has acted properly throughout this entire matter."

Now, that is the attitude of the committee at that time, whatever the attitude of the committee is at this time. It is more the attitude of my colleague, Mr. FRENZEL.

Another one, the last major paragraph in the draft document says: "Please be assured that we are of the opinion that the treatment you have received in the press concerning this subject is unwarranted, and that we are convinced any failure on your part"—it says "any failure"; it did not say I did, it just says "any failure—" to list required information under House rule XLIV was based on your good faith interpretation of that rule. Therefore, there would be no grounds for any possible action against you based on an assertion of willful falsification or failure to file required information."

And I stand on the committee record.

And I would like to close with this, Mr. Speaker: that your vote is safe with me today. I have proven my innocence that I have acted in good faith with committee guidance. I have pointed out the unfairness and the folly of premature action, when the judicial process is still ongoing. You can see what you do to somebody when you take action like this today. Would you want to come back a few months from now and undo it?

And I have warned you of the dangers to Congress of an institution and as individuals if we do not put a stop to the arbitrary criminalizing of financial reports never intended by the Congress in this act. And I think it is time for us to get on with the show.

May God bless you, my colleagues, with the vision and courage to stand up for yourselves, to stand up for a free Congress unfettered by the badges of the Justice Department who could quell any interest you might have in acting freely to represent your constituents and to stand up for the image of America as we all believe in it. I ask you to vote a resounding "no" to this resolution.

I thank you, Mr. Speaker.

The SPEAKER. The time of the gentleman from Idaho [Mr. HANSEN] has expired.

The gentleman from Ohio [Mr. STOKES] has 3 minutes remaining.

Mr. STOKES. Mr. Speaker, when the gentleman from Idaho began his statement today, he made some reference to the staff of the committee and its biases. I want to say to this House that never before have I know any staff or any committee staff in the Congress that is less biased than this particular committee. I would not stand for bias on the part of the staff, nor do I think any member of this committee who serves on it would stand for biases on their part. They have treated Mr. HANSEN the same way they have treated every Member of this Congress. They have tried to be fair and impartial.

The statement was made by the gentleman from Idaho that he never asked for any money. I refer to the record of the trial transcript, at page 137, where this took place. The person testifying was Mr. Nelson Bunker Hunt.

The question was:

Q. Did a relationship develop or did you have a conversation with Congressman Hansen?

A. Yes, I did.

Q. To the best of your recollection, what was the substance of that conversation?

A. Well, we talked about, you know, things in general, and then the Congressman said he would like to talk to me privately a minute, and he said that on his last election or two before, he had had terrible problems with the Hayes Committee, Congresman Hayes, Wayne Hayes, is that the fellow's name? He said that he had had to defend himself from these charges and that the legal bills had been extremely high and the cost of his defense had been extremely high and it put he and his family in substantial debt. He was trying to raise some money to cover those expenses.

Q. Did he directly ask you for some money?

A. Yes. He said he would like to get some contributions, that he had, and I don't remember the figure, $300,000 or $400,000 worth of legal bills that he would like to try to raise, and he said he was planning on sending out a fund raising letter but there was a problem there with some committee in Congress, whether they would approve it. I am not sure which committee it was.

Mr. HANSEN of Idado. Mr. Speaker, will the gentleman yield for a brief question?

Mr. STOKES. I only have 3 minutes, and I am trying to close.

On the separation agreement, that agreement has never been given to either Ethics Committee. It has never been filed in any public place or any court of law.

On the question of amendment, any Member of this House can amend his disclosure form at any time. There is no prohibition whatsoever against amending. But this is not an amendment case. This is a failure-to-disclose case.

Mr. BROWN said to you a little while ago he asked him at our committee hearing: "Will you file now?" And he said no, he would not file now.

Mr. MOLINARI. Mr. Speaker, will the gentleman yield?

Mr. STOKES. In just a moment, if I have time.

He made reference to two Ethics Committees in which one said "I could" and one said "I couldn't."

The fact is, the prior Ethics Committee said that he could not; this committee has said that he could not.

The first committee said it to him twice. And then he wrote back a third time, and they refused to answer. He took the refusal to be acquiesence in the fact that he could do it.

Last, let me just say this: The committee voted 10 to 0 finding that we had jurisdiction in this matter, it voted 11 to 1 for reprimand.

If there is any committee in the Congress that is difficult to serve on, it is this committee. None of us have a personal gripe against the gentleman from Idaho. All of us, I am sure, would rather not be here today making this presentation. We do it out of a respect for this House, an obligation to this House, and the only reason we brought this matter before you is because, after 22 months of our monitoring this and taking no action, 22 months and 2 days, finally it was triggered by rule XIV. That brings us here today. That is the sole reason that we bring this matter before you, and we urge the House to adopt the reprimand resolution.

Mr. HANSEN of Idaho. Mr. Speaker, is there any time remaining?

The SPEAKER. The time has expired.

Mr. MOLINARI. Mr. Speaker, we have had a debate that I think has been very serious, and I would like to request unanimous consent, Mr. Speaker, that the debate be extended for 9 minutes, divided 3 minutes on each side, so that I may have an opportunity to ask a couple of questions that I think are important.

The SPEAKER. The gentleman makes the request that there be an extension of time of 9 minutes, 3 minutes on each side.

Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from Idaho [Mr. HANSEN] is entitled to 3 minutes; the gentleman from South Carolina [Mr. SPENCE] is entitled to 3 minutes; and the gentleman from Ohio [Mr. STOKES] is entitled to 3 minutes.

Which gentleman desires recognition?

Mr. MOLINARI. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. Mr. Speaker, I thought he was going to have his own time of 3 minutes, but I will be happy to yield.

The SPEAKER. The gentleman from New York does not have 3 minutes. The gentleman from South Carolina has the 3 minutes.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume, and I am happy to yield to the gentleman from New York.

Mr. MOLINARI. I thank the gentleman for yielding.

I would like to ask the gentleman from Colorado [Mr. BROWN] if he would engage in a colloquy with me.

Mr. BROWN, you raised a question which I think was very important, so important that the chairman of the committee, in summing up, alluded to the very question that puzzled me and I think is very important to what we are going to do here today, and that is, you had asked, Mr. HANSEN, sometime in recent weeks, if he would agree to revise his filing so as to cover the amendments that, in your judgment, or the committee's judgment, should have been included originally. Did I understand that correctly?

Mr. BROWN of Colorado. That is correct.

Mr. MOLINARI. And his response was that he chose not to do so?

Mr. BROWN of Colorado. Well, his response—and I do not mean to speak for him—covers three pages in the testimony. But my understanding, the bottom line was that he chose not to do so.

Mr. MOLINARI. The question I have, then, is this: If he had in fact amended his return in response to your request, do I interpret that that

the committee would have not proceeded to seek a reprimand on the House floor here today?

Mr. BROWN of Colorado. I do not think that I can state that to the House. At the time that question was propounded was after his conviction, and it was after we had already made a finding in the committee that he was guilty of the charges. It was at a point we were considering the appropriateness of a reprimand or other possible punishment.

Mr. MOLINARI. That is precisely why I raised the question, Mr. BROWN, because it was after the conviction. And if the committee, and certainly the Member from Colorado, felt it was significant that after conviction that a filing to correct might have changed the circumstances here today, then I think we have a much different ball game, and I am certainly going to vote differently.

I thank the gentleman for yielding.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] has 1 minute remaining.

Mr. SPENCE. Mr. Speaker, I yield the last 1 minute to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank my colleague from New York for making his point. I might just share my perspective of that.

It seems to me in what this body does, we have to answer to ourselves whether we are going to abide a circumstance whether a Member refuses to make a complete filing after that has been pointed out to him as forcefully as the Committee on Standards can point it out, after it has been pointed out bringing this issue to the floor.

It seems to me that this body is in a situation, if they refuse to act at this point, of sanctioning a refusal to comply with that rule.

I would hope the body—for whatever reasons that it may be difficult I can understand—but I would hope that this body would not fail to insist that those rules be followed.

□ 1440

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Do I understand correctly that the gentleman from Colorado is making the point that even though an appeal would be pending in this criminal matter, a member of the committee, the gentleman from Colorado, would insist that the Member in question ought to change something that would affect his legal strategy?

That is totally unfair. Totally unfair.

The SPEAKER. The Chair recognizes the gentleman from Idaho [Mr. HANSEN] for 3 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I understand the frustration and concern of the chairman of the committee regarding Bunker Hunt, but I want you to know that Mr. Hunt apparently has a less than good memory, and he made a lot of statements in the court record that were not true. He made statements like he contributed to my campaign, and to my knowledge, he has never contributed to my campaign. He has contributed to the campaigns of other members of the Idaho delegation, but not to mine.

He made statements like Mrs. Hansen and I had visited his ranch. I have never been to his ranch; I would not even know where it is. Mr. Hunt and I are not that good of acquaintances, and I think that there are a lot of statements that were made under duress and unfortunate circumstances that people might be called upon to make a judgment on, and I can tell you forthrightly that Mr. Hunt and I—I never asked Mr. Hunt for money.

Mr. Hunt might be thinking about Mrs. Hansen or something else, but he was not talking about GEORGE HANSEN. So I just want to clear the record for the committee, because I never had the opportunity to get that kind of input in. I think also that this business about filing is absolutely ridiculous because nobody offered me an opportunity to file, like the Attorney General, before criminal sanctions were hanging on me or a conviction. Nobody offered me the opportunity to make a change like Mr. Meese, or like Mrs. FERRARO or anyone else. I got hit on the head first, and then they came back and said do you want to file. Well, that is just like the tombstone of Boot Hill where it says, "Hanged by Mistake, So Sorry."

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. LIVINGSTON. Was the gentleman ever presented with any allegations from the Ethics Committee to the effect that charges might be brought against him before the criminal charges were actually brought against him?

Mr. HANSEN of Idaho. Absolutely not. I have never had any such indication from the committee.

Mr. LIVINGSTON. Is it the gentleman's understanding that the criminal charges that were brought against him actually emanated out of his statements and his violations of House rules?

In other words, are the criminal charges exclusively oriented or derived from the gentleman's alleged violations of House rules?

Mr. HANSEN of Idaho. The reason we are here today, by the committee's own statement, is pursuant to the court record, a record which has nothing in it as far as the committee files to begin with. I do not know why they do not judge it on their own files.

Mr. LIVINGSTON. The gentleman may misunderstand me. Is there anything in the criminal charges that have been brought against the gentleman in Federal court that are derived from any source of material exclusive of a violation of these rules?

Mr. HANSEN of Idaho. No. No way.

Mr. LIVINGSTON. In other words, it is totally derived, the criminal prosecution, is totally derived from the gentleman's statements in accordance with House rules?

Mr. HANSEN of Idaho. On the four matters that I did not fill on my form, that is the total and substance of it.

Mr. LIVINGSTON. No charges were brought by this body before those criminal charges were lodged, and by the chairman's own statement, the only reason these charges were lodged was because the gentleman was found guilty in a criminal court of a violation of these rules?

Mr. HANSEN of Idaho. Precisely correct.

Mr. LIVINGSTON. That is all I have. Thank you.

● Mr. FRENZEL. Mr. Speaker, as one who became involved with our colleague GEORGE HANSEN early in this issue, I offer no advice to any Member. At the time, I served on the Select Committee on Ethics and on the House Administration Committee. I worked closely with the gentleman from Idaho and Mrs. Hansen as they sought to find a way to meet their financial obligations.

My judgment is that he did seek competent counsel and advice in good faith. Twice I counseled against suggestions that related to the House Administration Committee. I reviewed several suggestions which were made to various personnel of the Ethics Committee. I was not competent to give good advice on them.

However, once he had chosen the course of property separation, he did not, I believe, stick to it. What should have been a clear separation was not. Since it was not, I believe there was an obligation to make spousal disclosure under our EIGA law and our House rules.

Therefore I shall vote for a reprimand. It is the least of the penalties the House can mete out to one of its Members. It is an appropriate penalty for one who in good faith made an arrangement at the outer limit of the law, and then skated past the danger sign.

GEORGE, because of his style and philosophy is a sort of lightning rod. As I said earlier, sometimes he is hard to love, but he did his best to solve a difficult problem between pressures to

pay debts he honored and pressures of our ethics law and his own financial situation.

This reprimand says he did wrong, but it does not say that he is a bad Representative. He is not. He is passionate defender of a strictly constructed Constitution, who seems to satisfy the feelings of his constituents. I hope he will continue to do so.

As a past script, I must say again that I believe the spousal reporting requirements are anachromistic. I tried to remove them and was out voted by the Democrat majority on the old Ethics Committee. Our spouses are individuals, and they ought to make their own determinations as to whether they wish to disclose, or not.

However, as long as the law exists, it ought to be followed, not just by GEORGE HANSEN, but by all Members, and all bureaucrats to whom the law applies.

Mr. HANSEN is right. All those about whom doubt exists ought to be put through the same wringer Mr. HANSEN has gone through. So far, we are observing a double standard.●

Mr. STOKES. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CONABLE

Mr. CONABLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. CONABLE. Mr. Speaker, in its present form, I am.

The Clerk read as follows:

Mr. CONABLE moves to recommit the resolution, House Resolution 558, to the Committee on Standards of Official Conduct.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the Chair was in doubt.

RECORDED VOTE

Mr. STOKES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 354, nays 52, answered "present" 6, not voting 21, as follows:

[Roll No. 330]

AYES—354

Addabbo	Aspin	Bedell
Albosta	AuCoin	Beilenson
Andrews (NC)	Barnard	Bennett
Andrews (TX)	Barnes	Bereuter
Annunzio	Bartlett	Berman
Applegate	Bateman	Bevill
Archer	Bates	Bliley
Boehlert	Gray	Moakley
Boggs	Green	Mollohan
Boland	Guarini	Montgomery
Boner	Gunderson	Moody
Bonior	Hall (IN)	Moore
Bonker	Hall (OH)	Morrison (CT)
Borski	Hall, Ralph	Morrison (WA)
Bosco	Hall, Sam	Mrazek
Boucher	Hamilton	Murphy
Boxer	Hance	Murtha
Breaux	Harkin	Myers
Britt	Harrison	Natcher
Brooks	Hatcher	Neal
Broomfield	Hawkins	Nelson
Brown (CA)	Hayes	Nichols
Brown (CO)	Hefner	Nielson
Broyhill	Hertel	Nowak
Bryant	Hightower	O'Brien
Burton (CA)	Holt	Oberstar
Byron	Horton	Obey
Campbell	Howard	Olin
Carper	Hoyer	Ortiz
Carr	Huckaby	Ottinger
Chandler	Hughes	Owens
Chappell	Hutto	Oxley
Chappie	Ireland	Packard
Cheney	Jacobs	Panetta
Clarke	Jeffords	Parris
Clay	Jenkins	Pashayan
Clinger	Johnson	Patterson
Coelho	Jones (NC)	Pease
Coleman (TX)	Jones (OK)	Penny
Conte	Jones (TN)	Pepper
Conyers	Kaptur	Perkins
Cooper	Kasich	Petri
Corcoran	Kastenmeier	Pickle
Coughlin	Kazen	Porter
Coyne	Kemp	Price
Crockett	Kennelly	Pritchard
D'Amours	Kildee	Pursell
Darden	Kleczka	Rahall
Daschle	Kogovsek	Rangel
Daub	Kolter	Ratchford
Davis	Kostmayer	Ray
de la Garza	Kramer	Regula
Dicks	LaFalce	Reid
Dingell	Lagomarsino	Richardson
Dixon	Lantos	Ridge
Donnelly	Latta	Rinaldo
Dorgan	Leach	Ritter
Dowdy	Lehman (CA)	Roberts
Downey	Lehman (FL)	Robinson
Dreier	Lent	Rodino
Duncan	Levin	Roe
Durbin	Levine	Roemer
Dwyer	Levitas	Rose
Early	Lewis (CA)	Roth
Eckart	Lewis (FL)	Roukema
Edgar	Lipinski	Rowland
Edwards (AL)	Loeffler	Roybal
Edwards (CA)	Long (LA)	Russo
Edwards (OK)	Lott	Sabo
Emerson	Lowery (CA)	Schaefer
English	Lowry (WA)	Scheuer
Erdreich	Lujan	Schneider
Erlenborn	Luken	Schroeder
Evans (IA)	Lundine	Schulze
Evans (IL)	Lungren	Schumer
Fascell	Mack	Seiberling
Fazio	MacKay	Sensenbrenner
Feighan	Madigan	Shannon
Fiedler	Markey	Sharp
Fields	Martin (IL)	Shaw
Flippo	Martin (NY)	Shelby
Florio	Martinez	Shuster
Foglietta	Matsui	Sikorski
Foley	Mavroules	Siljander
Ford (MI)	Mazzoli	Simon
Ford (TN)	McCain	Sisisky
Fowler	McCandless	Skeen
Frank	McCloskey	Skelton
Frenzel	McCurdy	Slattery
Frost	McDade	Smith (FL)
Fuqua	McGrath	Smith (IA)
Garcia	McHugh	Smith (NE)
Gaydos	McKernan	Smith (NJ)
Gejdenson	McKinney	Smith, Robert
Gekas	McNulty	Snowe
Gephardt	Mica	Solomon
Gibbons	Michel	Spence
Gilman	Mikulski	Spratt
Gingrich	Miller (CA)	St Germain
Glickman	Miller (OH)	Staggers
Gonzalez	Mineta	Stangeland
Goodling	Minish	Stark
Gradison	Mitchell	Stenholm
Stokes	Vandergriff	Whitten
Stratton	Vento	Williams (MT)
Studds	Volkmer	Williams (OH)
Sundquist	Vucanovich	Winn
Swift	Walgren	Wirth
Synar	Walker	Wise
Tallon	Watkins	Wolpe
Tauke	Waxman	Wortley
Tauzin	Weaver	Wright
Thomas (CA)	Weber	Wyden
Thomas (GA)	Weiss	Wylie
Torricelli	Wheat	Yates
Traxler	Whitehurst	Yatron
Udall	Whitley	Young (MO)
Valentine	Whittaker	Zschau

NOES—52

Anderson	Gregg	Moorhead
Badham	Hammerschmidt	Patman
Biaggi	Hansen (UT)	Paul
Bilirakis	Hartnett	Quillen
Burton (IN)	Hiler	Rogers
Carney	Hillis	Rudd
Coats	Hopkins	Sawyer
Coleman (MO)	Hubbard	Shumway
Conable	Hunter	Smith, Denny
Courter	Hyde	Stump
Crane, Daniel	Kindness	Taylor
Crane, Philip	Leath	Torres
Daniel	Livingston	Wilson
Dannemeyer	Long (MD)	Wolf
DeWine	Marlenee	Young (AK)
Dickinson	McCollum	Young (FL)
Dyson	McEwen	
Fish	Molinari	

ANSWERED "PRESENT"—6

Akaka	Dymally	Snyder
Craig	Heftel	Vander Jagt

NOT VOTING—21

Ackerman	Ferraro	Marriott
Alexander	Franklin	Martin (NC)
Anthony	Gore	Oakar
Bethune	Gramm	Rostenkowski
Collins	Hansen (ID)	Savage
Dellums	Leland	Solarz
Derrick	Lloyd	Towns

□ 1500

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, Wednesday, August 1, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE THAT IT DISAPPROVES THE APPOINTMENT OF ANNE M. BURFORD

Mr. D'AMOURS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 555) expressing the sense of the House of Representatives that it disapproves the appointment of Anne M. Burford as Chairperson of the National Advisory Commit-

tee on Oceans and Atmosphere and that the President should withdraw her appointment to that position.

The Clerk read as follows:

H. RES. 555

Whereas, on July 2, 1984, President Reagan appointed Anne M. Burford to be the Chairperson of the National Advisory Committee on Oceans and Atmosphere;

Whereas for over a decade the National Advisory Committee on Oceans and Atmosphere has played an important role in shaping future environmental policy;

Whereas past board members and chairpersons have had considerable expertise in the marine and atmospheric sciences and have maintained a nonpartisan approach to environmental issues;

Whereas Anne M. Burford, as Administrator of the Environmental Protection Agency, abandoned the nonpartisan approach to the environment shaped by Republican and Democratic Administrations for two decades;

Whereas Anne M. Burford's controversial and flawed tenure as Administrator of the Environmental Protection Agency led to her resignation under fire on March 9, 1983; and

Whereas two committees of Congress are still conducting investigations of the Environmental Protection Agency during the period Anne M. Burford served as Administrator: Now, therefore, be it

Resolved, That the House of Representatives disapproves the appointment of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere and urges President Reagan to withdraw her appointment to that position.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Hampshire [Mr. D'AMOURS] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Hampshire [Mr. D'AMOURS].

Mr. D'AMOURS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the appointment of Anne Burford to head the National Advisory Committee on Oceans and Atmosphere is absolutely preposterous. It is asking the fox to guard the henhouse. Over the weekend Mrs. Burford showed us all what she thinks of her new position. She calls NACOA a "joke" and a "nothingburger," whatever that is. Nothing I could say could more graphically demonstrate the contempt she has shown, and will continue to show again, for public service in general and for environmental protection in particular.

As I just said, Mr. Speaker, the appointment of Anne Burford to head NACOA is preposterous. We must not let this nomination stand without strong and continuing objection. NACOA is not a joke, and the Burford appointment is certainly no laughing matter.

I make this motion as chairman of the Subcommittee on Oceanography, and this is the subcommittee that created NACOA. This is the subcommittee that authorizes appropriations for NACOA's continuance.

In my capacity as chairman of the Subcommittee on Oceanography, I have worked personally with Anne Burford on questions involving ocean pollution. I have found her to be insensitive and unresponsive to the point where I think she is an antienvironmentalist. Given the nature and given the importance of this advisory panel, given its legislatively mandated qualifications for membership, given the legacy of the Burford Environmental Protection Agency, and given the demeaning and disparaging remarks Anne Burford made this weekend about the Agency she wants to head, I believe this appointment is totally unsupportable by anybody who believes in protecting the American environment.

Over the years NACOA has provided Congress and the administrations with an independent, a reasoned, and, most importantly, a bipartisan perspective on national oceans and atmospheric policy. The key to NACOA's effectiveness has been its bipartisanship, the bipartisanship of its analyses and the bipartisanship of its recommendations. In the eyes of those who have closely followed NACOA over the past several years, Dr. John Knauss, the current Chairman, has been a pivotal factor in its success. Dr. Knauss has been a pivotal factor in its success because he has been nonpartisan. He is an eminent scholar, and he has vast expertise in the field of oceanography. He has performed his duties in a professional and, as I indicated, a nonpartisan manner.

Now, contrast this with Mrs. Burford's 22-month tenure at the Environmental Protection Agency. It was marked by controversy, by ineptitude, and by scandal. She filled several high positions in EPA with representatives from the various industries they were supposed to impartially regulate. Many of her top appointees, including her General Counsel and Assistant Administrator for Solid Waste and Emergency Response, were forced to leave their posts under accusations of political manipulation, impropriety, and gross mismanagement.

As head of the Agency charged with carrying out the environmental laws enacted by Congress, Mrs. Burford abdicated this responsibility by seeking devastating reductions in EPA's budget. Many of the regulatory decisions that she made were so strongly opposed by the American public that she herself was forced to reverse them.

□ 1510

Such was the case with her attempt to increase the amount of lead content in gasoline. Her administration of the Superfund project program, it is common knowledge, was an utter disaster.

As a result of the reign of terror of Mrs. Burford at EPA, she left a demoralized and emasculated Agency. To their credit, many highly competent civil servants left the EPA rather than become a party to the ravishing of U.S. environmental policy; but worst of all, what Mrs. Burford did was to undermine the trust of the average American in the Agency charged with protecting his or her environment.

Now, I would call the attention of the Members to the fact that the NACOA enabling legislation is very specific about the necessary qualifications for membership on NACOA. Each member must be "eminently qualified by way of knowledge and expertise" in one or more oceanic or atmospheric fields of discipline.

Clearly, the appointment of Anne Burford is not consonant with this requirement. Quite frankly, this appointment under the circumstances is a slap in the face to the American people. Americans have demonstrated overwhelmingly time and again that they want a clean and healthful environment and they want their environmental policymakers to share these goals.

Mrs. Burford left the Environmental Protection Agency because she had lost public trust. Her performance as head of EPA provides absolutely no basis for confidence in her ability to fulfill the responsibilities of this important environmental policy position.

The appointment of Mrs. Burford to this crucial post is bad environmental policy.

I would call your attention to this fact. The House resolution merely sends a clear message to the administration that this House feels Anne Burford is absolutely unfit to chair the National Advisory Committee on Oceans and Atmosphere and that the appointment should be withdrawn.

Now, look, we are realists. We know we cannot force the President to cancel this appointment. We cannot force the President to ask Anne Burford to step down, but we certainly can and we are most respectfully and in a fully bipartisan way asking the President to arrange Mrs. Burford's departure from NACOA and do it in the interests of the American public's right to the best environmental protection we can provide them. That is all we are asking.

I urge the Members of the House to strongly, to overwhelmingly pass this legislation.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHEUER], the sponsor of the current resolution.

Mr. SCHEUER. Mr. Speaker, few of us in this House could have envisioned a situation that could bring Anne Bur-

ford back to the Government in a position of responsibility for anything remotely connected with the protection of our Nation's environment, let alone the chair of an important and prestigious Advisory Commission on the Oceans and Atmosphere.

Her tenure as Administrator of the Environmental Protection Agency was wracked by scandal, mismanagement, and inappropriate activity on a scale unprecedented in the 13 years of the Agency's existence.

I was saddened and disappointed last week to read two particular reactions to the widespread bipartisan criticism of the Burford appointment.

One was from President Reagan on Tuesday when he was asked about the overwhelming 74 to 19 vote against the Burford appointment by a Senate controlled by his own party.

The other was from Mrs. Burford herself in remarks on Friday when she termed this appointment as a "nothing," "a joke," as something beneath her.

Essentially, the President said the same thing in his press conference—to the American public, to Congress, liberals and conservatives, Republicans and Democrats, conservationists and environmentalists and every citizen who has helped maintain a bipartisan bottom line on environmental policies.

The appointment of Anne Burford to this important Commission clearly falls below that line.

The joke is on us.

Mrs. Burford's proponents, including the President, have once again enunciated that curious doctrine that the absence of criminal conviction is sufficient criteria by which to judge the quality of Government appointments.

Those who follow this line of thinking completely miss the point of what occurred last year at the Environmental Protection Agency.

Mrs. Burford's reign at EPA was marked by the use of "hit lists," Kafkaesque purges of respected scientists deemed "proenvironment" and the establishment of cozy relations between her top aides and the industrial polluters they were supposed to be regulating.

It is true that only Rita Lavelle, the pathetic, inept Director of the Hazardous Waste Cleanup Program, was actually convicted of committing a crime, but that begs the essential question.

It was not simply shouting and furor in Congress that forced out Mrs. Burford and nearly two dozen of her top EPA aides.

She and they were forced out because of the outrage of the American people at the near destruction of this Agency, and because her studied disregard for enforcing health and environment laws had become transparent, offensive, and unacceptable to millions upon millions of Americans.

Now it's quite true that Mrs. Burford was not accused of dumping toxic wastes at midnight by the side of the road.

But she was, by her own actions and the sworn testimony of others, shown to have attempted to circumvent the professionalism, bipartisanship, and respect for the law which has been the hallmark of the EPA through both Democratic and Republican administrations.

Was it a national hallucination that under Mrs. Burford's tender mercies the Environmental Protection Agency was abused, debased, degraded, and very nearly dismantled?

The fact is that it was necessary for the administration to reach back into history to tap William Ruckelshaus as EPA Administrator because of the national, bipartisan demand that Mrs. Burford's successor be a contrasting model of reasonableness, competence, integrity, skillful administration, and above all, a symbol of the Nation's commitment to the protection of our environment.

The SPEAKER pro tempore [Mr. PANETTA]. The time of the gentleman from New York [Mr. SCHEUER] has expired.

Mr. D'AMOURS. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I urge my colleagues to support this resolution disapproving the selection of Mrs. Burford to chair the National Advisory Commission on Oceans and Atmosphere.

I ask my colleagues today to think of your constituents who will look at this vote as an indication of whether we see a key environmental protection—leadership role.

As a matter of life and death or a joke;

As an important bipartisan responsibility or a "nothingburger job";

As demanding the best and the brightest or as a dumping ground for the fuzzy ghost of past wrongdoing.

Mr. D'AMOURS. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I get into my prepared presentation, I would like to bring to the attention of this side of the aisle that this resolution, House Resolution 555—sounds like something from Hawaii—that says that this is a bipartisan effort. I have not read the sponsors names off. I do not think it is important to do so. There is nothing bipartisan about this effort. This is a Democratic football brought to this floor for political reasons, and that is all it is.

□ 1520

Not only that, the resolution is fraught with I think frankly some dishonest statements. I will read it.

Whereas Anne M. Burford, as Administrator of the Environmental Protection Agency, abandoned the nonpartisan approach to the environment shaped by Republican and Democratic administrations for two decades * * *.

That is absolutely ridiculous. We know that is ridiculous.

Then it says "Whereas Anne M. Burford's controversial and flawed tenure as Administrator * * *." Flawed? Flawed in some people's minds and in their minds only.

I think, Mr. Speaker, that this resolution is worth about this much.

Mr. Speaker, I rise in strong opposition, if you do not know this already, to this resolution. And in so doing I come here today to speak about the facts, the fairness, and the politics.

I ask my colleagues: Why are we taking time away from other important legislative business to consider this resolution that just lays on the floor? Is it to pass a law? No, it is not to pass a law. Is it to establish the facts? No, not to establish the facts. Is it to ensure fairness? No, there is no fairness in this resolution.

Is it to play partisan politics? I regret the answer to the question is yes, yes, yes, yes, to play partisan politics.

Let us examine each one of the arguments raised by the opponents to this appointment of Mrs. Burford. First by experience Mrs. Burford is qualified for this position. She graduated from the University of Colorado at the age of 19 after only 2 years. She went to finish law school and became a Fulbright scholar. She served 4 years in the Colorado State Legislature where she played a major role in that State's air quality law, which has one of the highest standards in the United States, much higher than some others that I can mention right now that have dumped many thousands of tons of sludge into the river adjacent to another State.

And as we all know, she had been the Administrator of the EPA where she was deeply involved in the issues regarding the ocean and the atmosphere. Thus I find it fascinating that Mrs. Burford's qualifications are being challenged.

Some may not agree with her positions on the issues but that disagreement does not make her unqualified. Does this body question only the qualifications of people with more conservative political views?

Second, some of you opponents state that this appointment could set important national environmental policy. NACOA is exactly what its name says it is, it is an advisory committee. No policy is put into effect by this group.

In NACOA Mrs. Burford will be 1 of 18 team members whose recommendations are established through a strict voting procedure. NACOA's recommendations are based on the consensus of those 18 members, many of whom are Carter holdovers, not the voice of one member.

My friends, as an advisory committee, NACOA should have a balance of political views. If we intend advisory committees to merely reflect the political views found in the Congress at any time, then why do we have an advisory committee in the first place?

Opponents say the President should bow to political opposition to this appointment. Under the law which created the committee, the appointment is exclusively within the power of the President. The House has reserved no role for itself in the appointment. Thus, this resolution reaches beyond our constitutional mandate.

If, under the NACOA authorizing law, approval of appointments by the House is not required and not authorized, then what are we doing here wasting time as this country is faced with crucial decisions, wasting the time with a resolution that means nothing other than for political reasons.

I suggest we are here today to give critics one more partisan shot at Mrs. Burford. My colleagues are making a great effort to bring up the worst allegations of last year's campaign to remove Mrs. Burford from the EPA, and I ask all those with a sense of fairness to separate allegations from the facts, to look at the issues before the House today, and to look at the complete record of Mrs. Burford.

There are two issues presented by that record: what was accomplished at EPA and what happened to the allegations of wrongdoing.

While Mrs. Burford was Administrator, EPA eliminated a backlog of 2,000 approvals needed for State implementation plans for air quality. EPA eliminated a backlog of court deadlines for best available control technology for water quality. They issued final rules for hazardous waste disposal in January 1983, began a comprehensive implementation of Superfund enforcement by identifying sites for cleanup, ranking the hazards, and began cleanup of all these toxic dumps.

Because of the complexity of the laws and the need to develop comprehensive standards for cleanup and enforcement, EPA under every administration has failed to meet the ambitious deadlines set by Congress. Let me remind my colleagues, we hear a great deal about toxic wastes and toxic dumps. Who created those dumps? They were not done in 2 years. They were not done in the last 3 years and going on 4 years of the Reagan administration. They were there with Jimmy Carter. They were there, yes, with even President Ford, and President Nixon, President Johnson, and President Kennedy, and all down the line.

This is the only Administrator that started cleaning up those dumps. But now it is a political buzzword that we must get rid of the toxic waste today, waive the magic wand and it will be gone. She is the one that started cleaning them us, and you are the one criticizing her activities.

Mr. SAM B. HALL, JR. Will the gentleman yield?

Mr. YOUNG of Alaska. I am glad to yield to the gentleman for one-half second.

Mr. SAM B. HALL, JR. We do not usually differ on matters of voting, I will say to the gentleman from Alaska, but I would like to ask the gentleman one question. This lady has made some pretty strong statements in the past few days that to me cannot be overlooked. Now, whether it is a political ploy on the part of the people on this side I do not know. Maybe it is. But do you not think that she has said too much with reference to the job that she has just been appointed to take over?

Mr. YOUNG of Alaska. I would like to ask the gentleman, I would say I do not condone what she said, but the resolution was filed before those words were ever spoken. What I am speaking of is the resolution as read is an injustice, that resolution is an injustice to the individual. It is not right for this body through public pressure prior to that statement to make allegations through the resolution introduced by the gentleman. They are allegations and the only official found by a court to have committed any wrongdoing was promptly fired by President Reagan and the gentleman referred to that.

In response to allegations, the Department of Justice completed months of investigation with a finding that there was no credible evidence to support the filing of an indictment.

Mrs. Burford was cited not by a grand jury or Federal prosecutor, but by this Congress. The Congress cited her for contempt for not obeying an order to turn over information. Mrs. Burford did not turn over this information because she supported a President who appointed her, a President who acted on the advice of the Justice Department—we have heard those words today—that a release of the documents sought by the Congress would jeopardize cases which were pending to enforce pollution control laws.

Mrs. Burford was caught in a constitutional clash between the President and the Congress. It was this dispute which became elevated into the contempt of Congress citation. It is this dispute which the House has already considered, debated, and acted on and, in fact, this body rescinded the contempt of Congress resolution last year with no publicity and no votes against it.

Mr. MARLENEE. Will the gentleman yield?

Mr. YOUNG of Alaska. I am glad to yield to the gentleman.

Mr. MARLENEE. There have been some comments already made in the discussion of this appointment that tend to indicate that policy will be set by this committee. Could the gentleman from Alaska, my colleague, give me the full name of the committee?

Mr. YOUNG of Alaska. It is NACOA, and I do not have the full name written down here, but I am sure I can find it.

Mr. MARLENEE. Is it not the National Advisory Committee on Oceans and Atmosphere?

Mr. YOUNG of Alaska. That is right.

Mr. MARLENEE. Why is it called an advisory committee?

Mr. YOUNG of Alaska. That is exactly what it does do, it is advisory and is a policy advising committee.

Mr. MARLENEE. Does any policy that is brought forth or any suggestion brought forth or any information that is put out by this committee, is any of it binding on the President?

Mr. YOUNG of Alaska. Absolutely not.

Mr. MARLENEE. And there are no statutes?

Mr. YOUNG of Alaska. Absolutely not.

Mr. MARLENEE. No regulation or laws are formulated by this strictly advisory committee? Has Anne Burford, let me ask my colleagues if he will yield further, has Anne Burford ever been convicted in any court of law of any wrongdoing stemming from the charges that have been laid by this Congress?

□ 1530

Mr. YOUNG of Alaska. None; and on top of that this Congress lifted this citation contempt, voted unanimously, no votes against it. This again, as I mentioned before, is nothing but a political football of 1984, trying to raise the specter that for some reason the Reagan administration is against the environment. Let us get to that issue.

The Reagan administration has done more for the environment, to protect it, to produce clean air, clean water, set more land aside, and improve the parks more than any other administration—more than any other administration.

All I hear on that side is chitterchatter, talking about what they are going to do, and we had 4 years of that of doing nothing, nothing. Toxic waste dumps, the parks falling apart. Yes; we had preservation of lands, I ought to know; they preserved half of Alaska.

Mr. MARLENEE. Would the gentleman yield further for a question?

Mr. YOUNG of Alaska. Yes.

Mr. MARLENEE. Then, in essence, are you of the opinion that Anne resigned, resigned her Cabinet post to quiet the caballing that had arisen because they did not cater to the driven political whims of a few Congressmen whose appetite is whetted and whose political futures are fed on demagoguery and destroying those who are vulnerable?

Mr. YOUNG of Alaska. I cannot answer exactly why she resigned. All I know is that Secretary Watt and Administrator Burford were before the committees hour after hour answering questions that had no relevance to the jobs.

Let me continue with my presentation.

Mr. MARLENEE. If the gentleman would yield further for one further point, it seems that we have a lady who has resigned from one position as a Cabinet member and she now finds herself appointed to a committee that makes no policy that is binding on the Government or on the statutes, and yet we have people who are politically driven who are willing to kick this lady while she is down.

And if that is what they choose to do, I do not want any part of it. I do not apologize for her remark and do disagree with some of them and find some of them unfortunate. However, the partisan political drive to use a committee appointment to kick the lady while she is down is a sick approach to the type of deliberations that should be carried on by this body.

Mr. YOUNG of Alaska. I think that is a fair analogy. She was prosecuted, she was hounded, she was observed, she was looked upon, she was actually hounded out of office by the media and by those who do not respond, I believe, to good management. She did more under EPA for the environment than anyone on the other side has ever done.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to continue. Let us get to the politics in my main thrust of this whole argument, the sense of fairness and the politics.

Last year, when the Committee on Merchant Marine and Fisheries was prepared to reauthorize NACOA, there were many Members who expressed grave reservations about the value of NACOA and about the wisdom of reauthorizing that committee.

In fact this body, which is rushing to defend the role of NACOA, has not even taken the time to reauthorize the committee.

Yet today we find those very same people declaring this advisory committee of critical importance to the environment.

Most importantly, let us return to the question of fairness again—the question of fairness. Those who now oppose Mrs. Burford are saying that, "If you are a former high-ranking official, resign under accusations, and are then cleared of those accusations, you must be forever barred from appointment to a Government position." I ask my colleagues, is this fair under our system of justice?

Let me finish this appeal for fairness and explain why I am here.

I come here today to support the original American values of truth and fairness. I come here today to support the separation of powers as set forth in the Constitution and the right of the President to make his own appointment under the law. I come here more than that, because I strongly believe in the words, "liberty and justice," justice for all, men and women, young and old, people of all races, people of all political views and parties.

If we do not stand for those words, what do we stand for? If this body has used this for a political football prior to the NFL season and prior to the election of the President, and to prosecute one and to hound that person out of office as there was done when there was nothing ever done criminally by the EPA Administrator, Mrs. Burford.

If this body uses this resolution, uses this resolution knowing full well that it is not binding, if this body votes this resolution up then I would suspect respectfully that we are using the floor of the House, the Hall of the people, not for justice but for pure political reasons.

Mr. Speaker, this lady is qualified; yes, she is outspoken; yes, she may have made some statements of poor taste, but she is highly qualified. The President has the right to make that appointment. She has received that appointment. She was a good EPA director; she did start solving the problems of the environment that were left behind with Fritz and Grits. I would suggest respectfully, Mr. Speaker, that to vote this resolution up is an injustice to an individual.

If you stand for fairness and you stand for justice, you will vote this resolution down and let's let this body work on a legislative solution to the Nation's real problems, not use it for a football on artificial turf.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Alaska [Mr. YOUNG] has consumed 16 minutes, and he has 4 minutes remaining.

The gentleman from New Hampshire [Mr. D'AMOURS] has 7 minutes remaining.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Speaker, this resolution (H. Res. 555) expresses the outrage of the House—and the American people—at the President's appointment of Anne Gorsuch Burford to chair the National Advisory Committee on Oceans and Atmosphere. It is hard to imagine an appointment that would be more arrogant or more disdainful of the public's desire for a clean and healthy environment.

The absurdity of this appointment is apparent when one considers the nature of this important environmental advisory panel and the legacy of the Burford EPA. Over the years, NACOA has provided Congress and the administration with an independent, reasoned perspective on national oceans and atmospheric policy. It has been largely nonpartisan in its analyses and recommendations with regard to the sensitive environmental issues under its purview.

In contrast, Ms. Burford's tenure at the Environmental Protection Agency was marked by incompetence, scandal, and an unconscionable disregard of public health and the environment. As head of the Agency charged with carrying out the environmental laws enacted by Congress, Ms. Burford abrogated her responsibility by seeking, and obtaining, devastating reductions in the EPA budget. In addition, many of EPA's top appointees, including the Agency's General Counsel and the Assistant Administrator for Solid Waste and Emergency Response, were forced to leave their posts following widespread revelations of impropriety, political manipulation, and gross mismanagement.

It should also be remembered that many of the regulatory decisions made by Ms. Burford, including decisions to allow liquid waste disposal in landfills and to allow increased levels of lead in gasoline, were so out of touch with the environmental convictions of the American people that she was forced to reverse them. The administration of the Superfund Program was, by all accounts, an unmitigated disaster. Ms. Burford left an emasculated and demoralized agency; and, unfortunately, the incalculable damage to the public trust caused by her 2-year reign symbolizes this administration's approach to implementing the Nation's environmental laws.

Mr. Speaker, the American people demand a clean and healthy environment, and they want their environmental policymakers to share these goals. Ms. Burford was forced to resign from the Environmental Protection Agency because she had lost the confi-

dence of the American people. Her performance as head of the EPA provides no reasonable basis to believe she would be capable of impartially fulfilling the responsibilities of this important environmental policy position.

The appointment of Ms. Burford to this crucial post is not only bad environmental policy but an affront to the American people, who value the service of public servants whose integrity cannot be questioned. If this administration is truly committed to a safe and clean environment, the President will withdraw Ms. Burford's appointment. The appointment to this position should be someone who considers the Commission to be a worthy public institution and who considers this important public service to be an honor, rather than a joke.

Mr. Speaker, so that there will be no doubt that the allegations I have made regarding Ms. Burford are well founded, I have compiled a summary of some of the documented events which led to her resignation as EPA Administrator.

Mr. Speaker, I urge my colleagues to support this resolution and to send a clear signal to the administration that the American people will not tolerate public officials who hold the Nation's environmental laws in contempt.

Mr. Speaker, I would now like to just recite a mere summary of the Gorsuch-Burford record:

5/81 to 3/83—Deputy Administrator John Hernandez delayed for two years a cleanup of lead contamination from schoolyards and playgrounds in two Dallas neighborhoods near lead smelters. Depite the offer of the owner of one of the smelters to conduct a cleanup of the worst contaminated areas, Hernandez refused to allow cleanup and instead requested additional study.

6/30/81—EPA made available to the Dow Chemical Company a draft report on dioxin contamination of the Great Lakes area. Dow was provided the draft report in order to allow it to make revisions or other modifications.

7/81—In comparison to the last 6 months of the Carter Administration, there was an 84% reduction in the number of enforcement cases referred to the Department of Justice and a 48% reduction in the amount of civil penalties imposed by EPA.

12/11/81—Gorsuch met with representatives of the Thriftway Company, a small refiner with plants in New Mexico and Texas. The Thriftway representatives claimed that EPA regulations requiring lead reduction in gasoline were adversely affecting the company. Thriftway requested a waiver from the lead reduction requirements. Gorsuch explained that there was no procedure for such a waiver, but said that the regulations were to be modified and that "it did not make sense to enforce a regulation after changes had been proposed". Later, Gorsuch reassured the Thriftway officials that EPA would not prosecute if the company failed to comply with the regulations.

2/25/82—EPA suspended the 3-month old ban on the burial of drums containing liquid hazardous wastes in landfills. The suspension was intended to permit industry to continue its land disposal practice while EPA conducted negotiations with industry to weaken the ban. EPA gave no prior notice of the suspension and the public had no opportunity to object in advance. Due to a public outcry, the ban was reimposed four weeks later. This was a sufficient amount of time for Chemical Waste Management to bury 2,491 55-gallon drums of toxic waste in the Lowry Landfill outside Denver, Colorado. Chemical Waste Management at the time was a client of James W. Sanderson, a Denver attorney and EPA consultant nominated by Gorsuch to be EPA's third-ranking official.

4/82—Thornton Field, Special Assistant to Gursuch, in telephone conversations with defendant's attorneys, revealed the Justice Department's negotiating position concerning a Superfund enforcement case (United States v. General Disposal Co., Santa Fe Springs, California). Thornton's actions were without the knowledge or consent of the Department of Justice.

8/82—Gorsuch stated that she had delayed the allocation of Superfund money for the cleanup of the Stringfellow Acid Pits to damage the Senate campaign of then Democratic Governor Edmund G. (Jerry) Brown, Jr. The remark was made at a Republican luncheon aboard the yacht Sequoia.

9/82—Gorsuch traveled to Freehold Township, New Jersey, to announce approval of a Superfund project for the Burnt Fly Bog site with the Republican opponent of Representative James J. Howard, Chairman of the House Public Works and Transportation Committee. Another Superfund site, in New Jersey's First District, was the subject of a public ceremony attended by Rita Lavelle and the Republican opponent of Representative James J. Florio, the principal author of the Superfund law.

9/82—EPA lobbied heavily to prevent Senate consideration of the reauthorization of the Resource Conservation and Recovery Act (RCRA). EPA's principal objection was a provision in the House-passed bill (H.R. 6307) which lowered the regulatory exemption for "small generators" of hazardous wastes from 1,000 kg/month (1 metric ton) to 100 kg/month (220 pounds).

10/82—EPA awarded a $7.7 million contract for the cleanup of a large hazardous waste dump in Seymour, Indiana to Chemical Waste Management, Inc., a client of James W. Sanderson, an EPA consultant. EPA awarded the contract even though agency inspectors visiting the firm's Lowry Landfill in Denver a month earlier had discovered two sets of log books, one of which concealed a major chemical leak. EPA officials, including Sanderson, knew of the inspection report which charged Chemical Waste Management with violation of federal law for failure to stop the leak and inform agency inspectors of its existence, but made no effort to stop the award of the Seymour contract.

11/1/82—Gorsuch announced that EPA was about to begin testing a new chemical treatment process for decontaminating dioxin-laden soil at numerous sites in Missouri. An EPA press release stated that previous laboratory tests of the process on soil contaminated with PCB's had caused elimination of the PCB's within days of application. It was later revealed that EPA officials knew at the time of the release that the "new process" had not achieved and was not capable of achieving the results claimed. EPA's announcement was made to aid the election prospects of Senator John C. Danforth (R-Missouri) who, at the time, was engaged in a tough re-election campaign.

1/83—As Administrator, Gorsuch sought dramatic reductions in EPA's operating budget, including drastic cuts in EPA staff levels. By FY 1984, the agency's operating budget was down 30 percent from FY 1981 *not* counting for inflation. Research funds were cut 42 percent during the same period.

1/83—Hugh Kauffman, a hazardous waste investigator at EPA, was subjected to a month-long surveillance by the Inspector General's Office of EPA. The surveillance included tapping of Kauffman's private phone, trailing him for two days and background checks. At one point, he was photographed entering and leaving a Pennsylvania hotel room with a woman. The woman was his wife.

2/6/83—An aide to Rita Lavelle, former head of EPA's hazardous waste program, removed Lavelle's appointment calendars and two boxes of documents from her office. The calendars were requested in December 1982 by a House Science and Technology Subcommittee. Committee aides has telephoned EPA several weeks before the removal incident and were assured that the calendars would be mailed as soon as a memo could be prepared explaining "multiple erasures".

2/11/83—Stanley M. Brand, general counsel to the Clerk of the House, revealed that EPA officials had shredded subpoenaed documents concerning the nation's worst hazardous waste sites. Although the shredded documents were duplicates, Brand explained that the subpoena requested duplicates as well as originals because the former may contain notations essential to the House probe of alleged conflict of interest in the agency's hazardous waste program.

2/18/83—EPA Inspector General Matthew Novick concluded that EPA's bookkeeping of Superfund was so inept that the agency could not account for nearly 30 percent of the funds spent in 1982. The IG report also found that agency officials dipped into the fund to pay for expenses unrelated to Superfund, including travel costs, employee fringe benefits, and telephone calls.

3/1/83—Louis J. Cordia, the deputy director of EPA's Office of Federal Activities and a Burford appointee, maintained a list of possible EPA science advisors. The list designated certain persons as "unacceptable to this Administration", and others as desirable because of their conservative views. The list was in Cordia's handwriting and was on the stationery of the Heritage Foundation. Dr. Nicholas Ashford, as associate professor at Massachusetts Institute of Technology who was classified as a "menace" on the so-called hit list, was not reappointed to EPA's Science Advisory Board when his term expired in the summer of 1982. More than 50 other scientists were similarly removed from their positions on the Board due to characterizations such as "poison . . . he is a Nader on toxics", "snail darter type", "reported to be both liberal and environmental", "plays up to activists", etc.

3/18/83—Karl E. Bremer, chief of the Toxic Substance Office at EPA's Chicago branch, told a House subcommittee that John A. Todhunter, assistant administrator in charge of controlling toxic substances, ordered him to delete part of a study which indicated a possible link between exposure to dioxin and miscarriages. Bremer said the order was relayed by Todhunter's assistant, Marilyn C. Bracken, who indicated that "her job was on the line".

3/18/83—Representative James H. Scheuer released documents which revealed that Gorsuch had sent the White House detailed political assessments of proposed agency actions each week throughout the 1982 election campaign. The "issue alerts" projected how various interest groups, such as lead manufacturers and environmentalists, would react to EPA proposals ranging from relaxing restrictions on lead levels in gasoline to exempting chemicals from agency review.

4/8/83—William Hedeman and Gene Lucero, both top officials in EPA's Superfund program, testified before the Senate Environmental and Public Works Committee that Gorsuch deliberately slowed the Superfund program down and limited the expenditure of funds. Both Hedeman and Lucero said they believed that Burford wanted to show that the program was not needed and should be discontinued.

6/27/83—As of this date, 7 of 21 EPA political appointees, forced out of their jobs as a result of the recent agency scandal, were employed by the Administration as "temporary government consultants", each at a rate of more than $240 a day.

Mr. D'AMOURS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, first of all I want to commend my very good friend, the gentleman from Alaska, who is doing the best he can obviously to struggle with the summer heat in Washington. Nobody from Alaska ought to be subjected to that under any circumstances.

I would also like to say that I really think we ought to amend this resolution to include a vote of thanks to the President for reminding us that while the James Watts of the world may come and go, and the Anne Burfords may come and go and come again, that the spirit in which they were appointed and the program and the philosophy which they embodied lives on in the person of the President of the United States who appointed them.

And in so reminding the Nation in such a dramatic fashion, I think he has done us an immense service. I would remind my dear friend from Alaska that his colleagues in the Senate, in the Republican Party, voted almost 2 to 1 for this resolution.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. STUDDS. Certainly, I yield to the gentleman.

Mr. YOUNG of Alaska. I never take responsibility for the other body. This is the body of the people.

Mr. STUDDS. Once again the gentleman and I are in complete agreement.

Mr. Speaker, I rise in support of the resolution for two reasons. First, Mrs. Burford has no background in oceans policy, no demonstrated administrative skills, and quite obviously, given her statements of this past weekend, no real interest in the job.

Second, I believe that approval of this resolution can be an important first step toward the development of a constructive response on the part of Congress to the Burford appointment, and to the future of the National Advisory Committee on the Oceans and Atmosphere [NACOA].

NACOA was intended to serve as a reservoir of scientific, environmental, economic and legal expertise to the Congress with respect to oceans issues. Its record in the 7 years it has existed has been spotty, but the relevance and the professionalism of the work it has done has steadily increased. President Reagan has taken advantage of the statutory flexibility of the law that created NACOA to eliminate from that panel a fair representation of individuals with a background in the environment, but the overall credentials of the individuals appointed have been high.

The need for a panel like NACOA is great. There are a number of oceans issues that either cannot be—or have not been—adequately addressed through the normal give and take of Congress and the executive branch, or through the established interplay of local, State and Federal government. The Reagan administrations failure to sign the Law of the Sea Treaty has complicated the legal position of the United States internationally, and created extremely complex questions concerning freedom of navigation, maritime pollution, marine scientific research, and the proper limits of the territorial sea. Budgetary, environmental, and jurisdictional disputes continue to hinder oceans policymakers with respect to issues such as offshore oil production, coastal zone management, and the ocean disposal of hazardous waste.

The controversy surrounding the peculiar appointment of Mrs. Burford should prompt Congress to act positively not only on this resolution—which is, after all, nonbinding and essentially negative in nature—but also on a bill currently the subject of negotiations between the House and Senate to create a new NACOA, with new Members and a more meaningful mandate, less subject to the control of the executive branch. Only in this way will Congress and the country salvage something meaningful and constructive from the misguided actions of the President.

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. D'AMOURS] has 4 minutes remaining and the gentleman from Alaska [Mr. YOUNG] has 4 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, that is what you call teamwork.

Mr. Speaker, I yield 3 minutes to the gentleman from New York.

□ 1540

Mr. MOLINARI. Mr. Speaker, I think perhaps the tone of this debate has been a little too serious and I would like to try to put it in the context in which I view it.

Was this appointment dumb? Oh, yes, it was dumb.

Was it insensitive? Sure it was insensitive. For God's sakes, if anybody thought about it the appointment came on the eve of the week that the President was going around the country to talk about serious environmental matters.

Obviously, this appointment fell between the cracks some place.

Having said that, what are we dealing with? We are dealing with an advisory committee that has been in effect since 1971, that consists of 18 members that represent industry, academics, et cetera. They are all Presidential appointees. They are 3-year terms. They can be renewed once.

Essentially NACOA makes recommendations to the National Oceanic and Atmospheric Administration [NOAA] in their annual reports. Now, no major regulatory milestones have resulted from such recommendations since 1971. They meet approximately quarterly and on special occasions.

So, a mistake was made, admittedly. Very bad timing and I do not seek to justify the remarks that Mrs. Burford has made over the weekend. I took the floor and debated in favor of the criminal contempt resolution of Mrs. Burford, but I think, in fact, I agree with the gentleman from Alaska that the statement has been made that in fact this was a nothingburger. I think today we are getting political relish for that nothing-burger.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, I congratulate the gentleman from New Hampshire for introducing this resolution and strongly support it.

The appointment of Anne Burford to an environmental position after her appalling record as head of EPA is as about as inappropriate as you can get. It is an abomination. Clearly, Congress should express its disapproval.

This appointment is clearly intended as a payoff for what the President sees to be a political debt. Mrs. Burford was a loyal team player. She took the flak for the President in his attempts to totally dismantle the Environmental Protection Agency and the laws it was supposed to administer. She was clearly given this appointment to reward her for that loyalty.

Unfortunately, this resolution, while I strongly support it, probably comes too late to present Anne Burford from taking office, since Mrs. Burford, I understand, is due to be sworn in tomorrow. But the resolution constitutes a well deserved and much needed statement of our disapproval.

To take effective action to get rid of this anomoly constituted by the ap-

pointment, I have introduced H.R. 6015 to abolish the committee. It would be replaced by the National Oceanic and Atmospheric Commission already authorized by this House and presently pending before the Senate. The committee would be insulated from this kind of totally inappropriate appointment.

I hope that the House will overwhelmingly pass this resolution and then take action to overturn this just incredible action that has been taken by the President of the United States.

Mr. D'AMOURS. Mr. Speaker, I would like to reserve the balance of my time to close debate.

Mr. YOUNG of Alaska. Mr. Speaker, I, again, would like to restate that this resolution is a nothing resolution. The gentleman from New York has said it very clearly. Mrs. Burford will be sworn in tomorrow.

It is apparent that it is a political football. The allegations are untrue. She is outspoken and the words that she has said are sometimes very unfortunate. But we are trying an old case, last year's case.

Remember, I want to restate, this body rescinded its contempt citation unanimously.

Second, I want to set the record straight. The Reagan administration has worked with the environment. I serve on the committee. It is not a preservationist group, it is a conservationist-oriented administration. We no longer can be dependent upon the Mideast oil, the foreign minerals. We no longer can answer to the will and the whim of those political hotspots.

This administration, under Jim Watt, Under Secretary Clark and President Reagan, and yes, Anne Burford, have done the job. True, they do not follow the ilk of Secretary Andrus, the ilk of Dr. Cutler, Cynthia Wilson—who lied to my committee—they are of different persuasion. But rather, they are true conservationists and managers of the land and the environment, not preservationists and elitists.

Mr. D'AMOURS. Mr. Speaker, I would like to make a few observations. First off, I would like to compliment my very good friend from Alaska [Mr. YOUNG], who serves on the Committee on Merchant Maine and Fisheries with me, for having completely avoided injecting partisan politics into his approach to this resolution.

Mr. Speaker, this is not a partisan political issue. The people in the gentleman's district, the Republicans, as well as the Democrats and the Independents, who care about the environment feel strongly on this issue and he knows that.

The Senate last week voted in a fully bipartisan way to object to the appointment of Anne Burford. As a matter of fact, the Republicans voted overwhelmingly against her appointment. I think the vote was 33 to 19, in the Republican Party 19 supporting her. This truly is bipartisan.

I would like to call attention to one other matter, Mr. Speaker. This debate has proceeded almost as though the Congress has no business interjecting itself into this question. NACOA reports not only to the President, Mr. Speaker, but also to us in the Congress. We certainly have a great interest in addressing this question.

One thing that has to be answered, but has not been. It has been avoided on the floor. Anne Burford, this weekend, in Colorado, called the committee which she has been named to head, a joke. I wonder if the gentleman from Alaska would want people working for him who thought he was a joke, who thought his office was a joke, who thought his constituents were a joke.

Mr. Speaker, all we are doing in a fully bipartisan way, as I believe the vote will demonstrate, is asking the President: We are saying, Mr. President, please listen to us, please make a change here. We are not criticizing you, we are just asking you honestly and bipartisanly to make a change in the interest of environmental protection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, on occasions in the recent past, Members of the minority on the floor have been cautioned about utilizing votes in the Senate or referring to the Senate's deliberations in any way on this floor.

Is that something which is only going to apply to the minority and references such as we just heard used extensively in the debate of the gentleman from New Hampshire go unreprimanded by the Chair?

The SPEAKER pro tempore. The Chair would indicate that those references should not have been made to specific votes in the other body, Members on both sides of the aisle will refrain from those kinds of references.

Mr. WALKER. I thank the Chair.

● Mr. WAXMAN. Mr. Speaker, when Anne Gorsuch Burford was forced to resign from the Environmental Protection Agency last year, many of us hoped the administration would adopt new environmental policies that protected our health and natural resources.

We hoped President Reagan would change his policies and establish an effective and cooperative working relationship with us on environmental issues.

It was not to be. Over the last year President Reagan has opposed every environmental initiative we have proposed. He has worked against the reauthorization of the Clean Air and Water Acts, the Superfund Program, and numerous wilderness bills. And he refuses to recognize emerging environmental crises, such as acid rain and ground-water contamination.

His appointment of Anne Gorsuch Burford to chair the National Advisory Committee on Oceans and Atmosphere is the icing on the cake. If we ever needed proof that the more things change the more they stay the same, we have it.

The Burford/Reagan record of 1981–83 boasts no legislative accomplishment. It shows no protections for the health and environment. And it exhibits little concern for our Nation's general well-being.

Instead, the record shows a complete disregard for the charge EPA is given: Protecting the American people and their environment.

Look up the Burford-Reagan clean air record. In 1981 they proposed and supported: Doubling the air pollution in our national parks; Eliminating the pollutant standards that protect the most vulnerable people in our society, such as children, the elderly, asthmatics, and those with heart and lung ailments; Doubling the allowable amounts of dangerous automobile emissions, a move that would condemn millions of Americans in more than a dozen major cities to new health hazards; No toxic air pollutant controls; No acid rain controls.

It's just as depressing to look up the Burford/Reagan Superfund record. Rita Lavelle's, Anne Burford's, and Ronald Reagan's mismanagement of the millions of dollars set aside to clean up these most dangerous waste sites is legend. Sweetheart deals and shredded documents were standard operating procedures. Superfund money wasn't spent unless it served the Administration's purposes. As a result, only 6 of the more than 500 worst sites have been cleaned up.

Rita Lavelle, the program's director was fired, indicted, and sentenced to prison.

When she was Administrator, Anne Burford liked to say that EPA "was doing more with less." But the fact is her EPA was doing nothing at all. Enforcement actions reached all time lows. New and innovative control proposals stopped. Agency morale sank.

The Burford EPA was a crippled agency. Ineptness, incompetence, and corruption among the President's top 20 original EPA appointees led 19 to resign, several in the face of criminal charges.

Bill Ruckelshaus was given a hero's welcome by EPA's professional staff when Mrs. Burford was forced to resign. The relief that greeted his arrival is the best measure of the fear that accompanied Mrs. Burford's tenure.

Mr. Reagan's environmental philosophy has been simple. It's destroy first, ask questions later. He couldn't pick a better person to implement his goals than Anne Burford. She has succeeded once, so the President wants to bring her back for an encore. But we have to wonder whether our health and environment can survive a command performance.●

● Mr. HOWARD. Mr. Speaker, I wish to express strong support for H. Res. 555 and my equally strong opposition to the appointment of Mrs. Burford to the National Advisory Commission on Oceans and the Atmosphere.

Mrs. Burford has not earned an appointment to this post or any other Federal Government post. Although it is an advisory commission, the members are expected to advise Government officials on environmental issues affecting the atmosphere and the oceans. In public statements reported in the weekend's newspapers, Mrs. Burford makes it apparent that she does not take her appointment to this Federal post seriously. In fact, she labels it a "joke" and a "nothingburger."

Those statements demonstrate that Mrs. Burford has not learned a thing about responsibility to the public since her days at the Environmental Protection Agency. She failed at her job, in large part because she was not qualified for it and did not understand the agency's mission. President Reagan has now decided to give her another, less visible post.

As the sponsor of the contempt citation that was voted by the House against Mrs. Burford, I would like to address some specific aspects of her conduct at EPA. Statements made by her defenders that no wrongdoing has never been proven are completely false. Mrs. Burford left a legacy of mismanagement at the Environmental Protection Agency that has yet to be overcome.

Her record is not one to be proud of—much less to warrant appointment to a Federal Commission. It was her administration at EPA that led to the departure of much of the experienced professional staff. It was her directions that led to a gutting of the enforcement effort on clean water and clean air that required immediate corrective action by her successor. It was her inability to recognize the environmental dangers posed by toxic waste dumps that led to a 3-year standstill in the Superfund Program.

While these may not be criminal misdeeds, they are more than policy questions. They are actions taken by the Administrator of a Federal agency designed to thwart the will of Congress as expressed in the statutes by simply not enforcing the law. Once a law is enacted, the agencies are responsible for enforcing it. The Administrator is responsible for the agency just as we are for our offices and committees.

The history of the Superfund Program is replete with examples of political manipulation, sweetheart deals, and accommodation to business interests instead of concern for the environment. I would like to detail three of the examples that were uncovered by the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation.

First, there is the case of Dow Chemical and the draft dioxin report. Mrs. Burford's chief deputy made available to Dow Chemical a draft report citing Dow as the source for dioxin that had contaminated a Michigan river. Changes were made in that report to accommodate Dow's concerns and to delete references to Dow.

Second, there is the case of the Dallas lead cleanup. In this case, Mrs. Burford's chief deputy blocked a smelting firm in Dallas from conducting a voluntary cleanup of a playground and school area that had been contaminated by lead. This action was taken against the advice of the EPA regional office.

Third, there is the case of the Seymour, IN, Superfund site in which EPA agreed to settle with 24 major corporations for 25 percent of the cost of the estimated $30 million in cleanup costs while releasing the companies from future liability. This settlement, not unique by EPA standards during the Burford era, followed 1 year of negotiations.

There are certainly other examples. The Investigations Subcommittee has spent more than 2 years working on this situation. Much of that delay, however, was due to Mrs. Burford's refusal to release documents to a legitimate congressional investigation.

Mrs. Burford claims she was following directions from the Justice Department when she played the lead role in misleading and defying the Congress. There are certainly alternate courses of action for those who do not feel they have gotten the proper orders from their superiors. It takes courage and it takes a sense of public responsibility which Mrs. Burford so obviously lacks.

As a result, she became the first Cabinet level officer to be held in contempt by the House. All of her predecessors, even James Watt, yielded before reaching the stage of having a contempt citation voted on the House floor.

There has been a bipartisan consensus on the need to clean up the environment from the time EPA was founded under a Republican administration. The Democratic Congress was able to work with various EPA Administrators under both Democratic and Republican Presidents until the arrival of Mrs. Burford. She arrived with the belief that the EPA was evil and she set out to put that belief into practice. Her policies set the Nation's environmental efforts back several years. She should not be allowed to renew those antienvironmental policies even at an advisory commission post. I urge my colleagues to support this resolution.●

● Mr. SOLARZ. Mr. Speaker, on December 16, 1982, I joined 258 of our colleagues who voted to find EPA Administrator Anne McGill Burford in contempt of Congress.

This extraordinary vote took place after Ms. Burford refused to enforce key elements of our environmental laws and then resisted attempts by our authorized subcommittees to obtain documents thought to demonstrate her unwillingness to protect our air, land, and water resources. It was not long after that Ms. Burford was forced from her job. EPA, in 1983, lost more than two dozen high level employees. They had politicized the Agency, courted polluters, and turned their backs on the legal mandates enacted by the Congress designed to protect and enhance our natural resources.

In the wake of Ms. Burford's departure, and after the documents sought by Congressman ELLIOT LEVITAS' Public Works Oversight Subcommittee had been obtained, the House, acting in good faith, vitiated the contempt citation. Our colleagues, Congressman JIM HOWARD and ELLIOT LEVITAS, argued that no good purpose would be served by pursuing contempt of Congress charges against Ms. Burford. This was an act of statemanship on their part. Who knew, at that time, that Anne Burford would reappear in another capacity, in a position of responsibility in the area of Federal environmental policy?

Yet, on July 2, when Congress was in recess, President Reagan appointed Ms. Burford to chair the National Advisory Committee on Oceans and Atmosphere. This panel advises the President and the Congress on national ocean policy, coastal zone management issues, and on Federal marine and atmospheric programs. Because this panel, NACOA, is an advisory committee, the appointment does not require Senate confirmation.

On July 24, the Senate passed a nonbinding resolution disapproving the appointment of Ms. Burford as Chairman of NACOA. Today, we in the House have an opportunity to pass similar legislation. In spite of the fact that the legislation is merely symbolic, I support House Resolution 555.

With the possible exception of Social Security, there is no area which enjoys the degree of bipartisan support as do our efforts to safeguard the environment. For this reason, the Nation was nearly unanimous in condemning the actions of Anne Burford during here reign at the EPA. It was

not simply a matter of reacting to the political excesses, the wheeling and dealing which occurred at the Agency. It was a national recognition that she simply didn't believe in the laws—the Clean Air Act, the Safe Drinking Water Act, the Clean Water Act, TOSCA, RCRA, and Superfund—which represent our commitment to a safe and clean environment, that led to her demise.

Although President Reagan has already stated that he will ignore the will of Congress and follow through on Ms. Burford's appointment, I believe that the House must go on record in opposition to her return to Government. We know her record. We know her instinctual opposition to the laws which receive such broad support throughout the country. And we know too well the contempt she has for the doctrine of separation of powers.

Congressmen HOWARD and LEVITAS did the honorable thing, last year, when they authored legislation, which passed the House, purging Ms. Burford of the contempt citation. Even though she stonewalled Congress, and refused to turn over documents which Congrss was legally and constitutionally entitled to review, it was apparent at that time that nothing could be gained by pursuing the legal process further.

I wonder, however, whether they would do the same thing today. I wonder whether any subcommittee or full committee chairman would exhibit a similar willingness to "forgive and forget" in the wake of the President's decision to reappoint Ms. Burford.

If anything good will come from our vote today, it might be that a message will be sent to members of the executive branch who are contemplating the withholding of documents from the Congress on other matters. Until the appointment of Ms. Burford, they might have operated under the misapprehension that Congress would not follow through on contempt of Congress citations. In the wake of her "resurrection," I am not sure that any legislative or oversight chairman will be so forgiving in the future.

Today's vote, of course, has another more immediate purpose. The House of Representatives will echo the sentiments of millions of Americans who care about the quality of their environment and who remember all too well the threat posed to our ecology by the stewardship of Anne Burford at EPA. H. Res. 555, signaling our opposition to Ms. Burford's appointment as Chairperson of the National Advisory Committee on Oceans and Atmosphere, should be passed unanimously.●

● Mr. MATSUI. Mr. Speaker, by appointing Anne Burford to chair the National Advisory Committee on Oceans and Atmosphere, the President once again has shown appalling insensitivity to the environment. It was a bad decision and one which continues to receive the universal condemnation it deserves.

Anne Burford called the committee a joke and a nothingburger. The same can be said of her appointment.

Actually, I think her comments are quite revealing and should be taken seriously. As a White House insider, she has given her honest appraisal of the administration's programs and commitment to the environment. She knows that, as far as Reagan is concerned, envionmental issues and appointments really are a joke.

I think it's time we put a stop to this inappropriate levity. For protection of our national resources is not at all a humorous matter. We must show the President that careless, disrespectful, and token environmental efforts are unacceptable.●

● Mr. ALBOSTA. Mr. Speaker, I rise in support of House Resolution 555 in which the House of Representatives requests the President to withdraw the nomination of Anne M. Burford to be the next chair of the National Advisory Committee on Oceans and Atmosphere. I join my colleagues in a sense of moral outrage at the mere thought of returning Mrs. Burford to a position which is sensitive to environmental concerns. During her dubious tenure as Administrator of the EPA, she abused her position by making "sweetheart deals" with major polluters and failed to enforce the very regulations she was appointed to enforce.

As a member of the Subcommittee on Investigations and Oversight, I had the opportunity to question Mrs. Burford about the improprieties at the EPA. Her answers to my inquiries and that of the subcommittee were nonresponsive, defensive, evasive, and generally characteristic of her action or inaction at the EPA.

Mrs. Burford's scandalous activities while at the helm of the EPA make this new appointment inappropriate and indefensible. We should not hire a wolf to guard the sheep.

Her refusal to supply the House of Representatives with subpoenaed documents gave rise to a contempt citation. Her recent comments about this position, referring to it a "joke" and a "nothingburger", suggest that she would not take this job seriously nor responsibly. Mrs. Burford's disdain for compliance with the law, contempt of Congress and lack of sensitivity to environmental cleanup suggest that she should not be in this position.

Mr. Speaker, as the Public Works and Transportation Committee begins to consider the reauthorization of Superfund this week, it brings to mind the mismanagement of that important program under her tenure. The President needs to reconsider this appointment and install someone who will have an open mind and deal fairly with environmental issues as chair of the NOCOA. The President needs to indicate his support of the environment by appointing a more responsible and qualified individual.●

● Mrs. COLLINS. Mr. Speaker, I rise in support of H.R. 555, to disapprove the appointment of Anne M. Burford as chairperson of the National Advisory Committee on Oceans and Atmosphere [NACOA] and to urge President Reagan to withdraw this unfortunate appointment.

Mrs. Burford's term as administrator of the Environmental Protection Agency was a national disgrace from which that agency is only now recovering. She rode roughshod over the environment while cozying up to the President's corporate cronies and their bent for pollution. Her inexcusable mismanagement of the $1.6 billion Superfund toxic-waste cleanup has slowed this urgent program and illustrated her obvious lack of competence and responsibility.

Mr. Speaker, as if this shameful performance was not enough, the President has decided that she was merely a victim of the news media and his political opponents. Thus, he has appointed her to lead a distinguished advisory panel which she was already characterized as "a joke" and "a nothingburger." Hardly an auspicious start.

I am certain that our Nation's environment does not need any more leadership of the caliber Mrs. Burford is able to provide. Surely it must be possible to fill this position with someone other than "an embarrassment," a term used by some of President Reagan's own senior aides. Thus, I urge my colleagues to join the Senate is advising the President to reconsider his choice of Anne Burford as Chairperson of NACOA.●

● Mr. SHUMWAY. Mr. Speaker, I rise in opposition to House Resolution 555, a resolution disapproving the appointment of Mrs. Anne Burford to the position of Chair of the National Advisory Committee on Oceans and Atmosphere. I would like to take this opportunity to point out to my colleagues that when Congress established NACOA in 1971, we did not see fit to require the advice and consent of the Congress to approve the President's appointments. Why, then, should we take the valuable time of this body to discuss and vote on a nonbinding resolution that conflicts with the basic tenet of separation of powers? If this Congress really feels that its responsibility should include approving the Presidential appointments to NACOA, then we should be amending the NACOA Act, not spending time on this legislatively meaningless resolution.

I would also like to stress for my colleagues that with approximately only 40 legislative days left in this Congress, to be debating and discussing a

nonbinding resolution on a Presidential appointment to an advisory committee which has no policymaking authority is an unfortunate waste of this body's time. It would be much more beneficial to this Nation if we were to get on with the real business at hand by debating such consequential legislation as the crime control bill, the balanced budget amendment or even some of the important environmental legislation which has yet to be considered.

Finally, Mr. Speaker, for the benefit of those concerned that NACOA continue to carry out its mandated responsibilities to review National Oceanic and Atmospheric policy and provide recommendations to the executive and legislative branches, I, as one Member, am confident that the consensus process by which NACOA arrives at its recommendations will remain intact, producing the same quality of reports as always.

The President has appointed in Mrs. Burford an administrator as qualified in assisting NACOA deal with its water and air issues as any in the past. I urge my colleagues to vote against this resolution and I hope that we can move expeditiously to matters more pressing than this meaningless resolution.●

● Mr. RICHARDSON. Mr. Speaker, I rise today in strong support of House Resolution 555, to urge the President to reconsider the nomination of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere.

Mrs. Burford, as Administrator of the EPA, has made her position clear on our environment. She was willing to let the voices of big industry outweigh the demands of the American people for a clean environment. In her 22-month tenure as chief Administrator of the Environmental Protection Agency she took what had been a two decade tradition of a nonpartisan environmental protection policy and turned it into a crippled partisan troubled agency.

In an interview recently Mrs. Burford said that her new appointment was a "nothingburger. They meet three times a year. They don't do anything. It's a joke. The President wanted to appoint me to something, and he did."

Even unnamed White House aides said Mrs. Burford's comments did not reflect the President's views. Other members of the advisory commission reacted with dismay.

Unless the President decides otherwise, Mrs. Burford this week will take over as head of this panel, despite her deplorable record as head of EPA, despite her recent comments that have embarrassed the President and belittled an important advisory committee, despite a 79-14 Senate vote asking the President to withdraw this appointment.

Even if the President persists in keeping Mrs. Burford, I hope that this body makes a statement loud and clear that we will not be a party to this appointment.

"My own attitude has been that the law gives us what looks like a pretty important assignment. If the President of the United States asks you to serve on something like this, you ought to take it seriously" said one Member.●

● Mr. DONNELLY. Mr. Speaker, I rise to thank Anne Burford—to thank her for reminding us so forcefully just a few days ago why she should not be placed in any position with responsibility for our Nation's precious environment.

In her well-publicized comments last Friday, Mrs. Burford demonstrated once again that she has nothing but contempt for our environmental laws, and contempt for the efforts of Congress to make sure those laws are being enforced.

Yet President Reagan has named her to chair the National Advisory Committee on Oceans and Atmosphere, a committee Mrs. Burford dismisses with contempt as a joke.

Sadly, this administration does not seem to have gotten the message that our environment and our Government's efforts to protect it deserve to be treated with the highest respect. And respect is something that Mrs. Burford neither understands nor deserves.●

● Mr. MARKEY. Mr. Speaker, the reappointment of Anne Burford to a position of responsibility and trust is an outrage and an insult to the American people. Surely, if the Nation had any doubts about Ronald Reagan's environmental policies, then this single act has put them to rest. The President and his administration have one abiding and consistent attitude toward our priceless natural heritage and that is: complete and utter contempt.

The unvarnished truth is that by her own actions Anne Burford has demonstrated that she is unfit for public office.

In his second annual message to Congress, Abraham Lincoln set out his understanding of the importance of protecting our national trust: "A Nation may be said to consist of its territory, its people and its laws. The territory is the only part which is of certain durability."

During her tenure as Administrator of the Environmental Protection Agency [EPA], Anne Burford's accomplishments were not positive achievements, but rather an agenda of shame which has brought disgrace and discredit upon this administration.

The Burford policies were: Scorn for the territory and betrayal for clean water and clean air; Insults to the American people and jeers at faithful public service; and, abuse and disdain for the laws which she was sworn to uphold and defend.

Mr. Speaker, under the leadership of Anne Burford the letters EPA came to stand for equivocation, procrastination and apathy when it came to protection of the public health and safety, but it was effluents and polluters assistance when it came to sweetheart deals with polluting companies.

I submit that an official charged with enforcement of our laws protecting the environment must be a faithful servant, not a traitorous double agent. We cannot tolerate positions of responsibility and trust being filled by individuals who demonstrate hostility to the public at large and altruism for only the polluter, the conniver and the midnight dumper.

Mr. Speaker, this Nation's environment and the people's welfare depend upon the vigorous and nonpartisan enforcement of our laws. Our fragile planet and the future of our children cannot be entrusted to Anne Burford, who has consistently refused to act on urgent problems, repeatedly hindered others from fulfilling their duties, and invariably suppressed information.

To return to Mr. Lincoln's thoughts about the durability of our territory, I think the founder of our National Park System may have made an incorrect assumption. Mr. Lincoln apparently believed that the land, water and air, which are so durable and forgiving, would be fairly and honestly administered and looked after. I doubt that Mr. Lincoln would have placed so great a reliance upon the durability of the territory, if his nightmares had envisioned our reality: that is, Anne Burford in charge of protecting and defending our precious environment.

I think, Mr. Speaker, had Mr. Lincoln known that an individual who thinks protecting the air and the oceans is a "joke" would be named to chair a panel with such responsibilities we would have recalled the following lines from "Macbeth," and he would have wept for his country:

Fair is foul, and foul is fair;
Hover through the fog and filthy air.

Mr. Speaker, I do not share Anne Burford's vision of America as the setting for a harsh struggle of economy versus environment. I do not share her short-sighted and mean-spirited policies of maximizing the financial benefits of continued pollution at the expense of the long-term availability of the resources on which the health, wealth and well-being of the whole Nation ultimately depends.

Mr. Speaker, I think the American people agree that Anne Burford is not fit to serve in any position of responsibility and trust, and I strongly urge my colleagues to join us in condemning her appointment. It is our duty to protect them from this hostile steward

of our environment, for as the old New England proverb says:

Fool me once, shame on you;
Fool me twice, shame on me.●

● Mr. McCANDLESS. Mr. Speaker, I wonder how any of us would react if the President told us that he disapproved of someone we just hired and suggested that we fire that person. I venture to say that we'd be angry and, perhaps, amused that the President would interfere with a decision that was ours to make.

Well Mr. Speaker, some Members are forgetting the Golden Rule, because that's exactly what House Resolution 555 does—it tells the President that the Congress doesn't approve of the person he's appointed to the National Advisory Committee on Oceans and Atmosphere [NACOA], and that he ought to fire her.

While I don't know Mrs. Burford personally, I do know that she has engendered a lot of criticism and animosity, and that, as a result, many Members plan to vote for this resolution. But I believe on principle that it's the President's call. We have no constitutional or statutory authority to tell the President what to do in this instance.

Whatever opinion one holds of Mrs. Burford or of her appointment, our constitutional role is not to act as some sort of employment consulting agency to the President, tacitly approving or explicitly disapproving every executive appointment. We are supposed to establish our Government's policies and priorities. We ought not to be spending the precious little time we have for legislative debate on a resolution that has absolutely no binding effect.

Some Members argue that House Resolution 555 is a statement, and that by voting for it, we will send the President a message. As I have just explained, I do not view our constitutional role in the same manner. But to the extent Members are inclined to tell the President who he should or should not hire, the message could be dispatched as effectively, and at much less cost to the American people, by first-class mail.

I daresay that many American people feel that one of the major problems with the Congress is that it is always stepping into someone else's flower garden while forgetting to tend to its own. Quite frankly, I'm sure the people of my district in Riverside, CA—which borders on the Stringfellow hazardous waste site—would much prefer that we instead spent our legislative day talking about Superfund amendments to help speed the clean up of toxic wastes, or safe drinking water, or the Clean Air Act reauthorization.

I wish to emphasize that I am in no way trying to defend Mrs. Burford or her appointment. Quite frankly, if the recent news accounts I have read are accurate, I am puzzled as to why Mrs. Burford even wants to accept the appointment, because she seems to have little regard for NACOA.

Mr. Speaker, my constituents sent me here to legislate, not to act as a personnel manager to the President. I wouldn't want the President telling me who to hire, so I am not going to do it to him. For that reason, I plan to vote against this resolution.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New Hampshire [Mr. D'AMOURS] that the House suspend the rules and agree to the resolution, House Resolution 555.

The question was taken.

Mr. D'AMOURS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 51, not voting 19, as follows:

[Roll No. 331]

YEAS—363

Addabbo	Clarke	Fish
Akaka	Clay	Flippo
Albosta	Clinger	Florio
Alexander	Coats	Foglietta
Anderson	Coelho	Foley
Andrews (NC)	Coleman (MO)	Ford (MI)
Andrews (TX)	Coleman (TX)	Ford (TN)
Annunzio	Conable	Fowler
Applegate	Conte	Frank
Archer	Conyers	Frost
Aspin	Cooper	Fuqua
AuCoin	Coughlin	Garcia
Barnard	Courter	Gaydos
Barnes	Coyne	Gejdenson
Bateman	Crockett	Gekas
Bates	D'Amours	Gephardt
Bedell	Darden	Gibbons
Beilenson	Daschle	Gilman
Bennett	Daub	Gingrich
Bereuter	Davis	Glickman
Berman	de la Garza	Gonzalez
Bevill	Dellums	Goodling
Biaggi	DeWine	Gradison
Bilirakis	Dicks	Gray
Bliley	Dingell	Green
Boehlert	Dixon	Gregg
Boggs	Donnelly	Guarini
Boland	Dorgan	Gunderson
Boner	Dowdy	Hall (IN)
Bonior	Downey	Hall (OH)
Bonker	Dreier	Hall, Ralph
Borski	Duncan	Hall, Sam
Bosco	Durbin	Hamilton
Boucher	Dwyer	Hance
Boxer	Dymally	Harkin
Breaux	Dyson	Harrison
Britt	Early	Hatcher
Brooks	Eckart	Hawkins
Broomfield	Edgar	Hayes
Brown (CA)	Edwards (AL)	Hefner
Broyhill	Edwards (CA)	Heftel
Bryant	Emerson	Hertel
Burton (CA)	English	Hightower
Byron	Erdreich	Hiler
Campbell	Evans (IA)	Hillis
Carney	Evans (IL)	Holt
Carper	Fascell	Hopkins
Carr	Fazio	Horton
Chandler	Feighan	Howard
Chappell	Fiedler	Hoyer
Cheney	Fields	Hubbard
Huckaby	Moore	Shelby
Hughes	Moorhead	Shuster
Hutto	Morrison (CT)	Sikorski
Ireland	Morrison (WA)	Siljander
Jacobs	Mrazek	Simon
Jeffords	Murphy	Sisisky
Jenkins	Murtha	Skelton
Johnson	Myers	Slattery
Jones (NC)	Natcher	Smith (FL)
Jones (OK)	Neal	Smith (IA)
Jones (TN)	Nelson	Smith (NE)
Kaptur	Nichols	Smith (NJ)
Kasich	Nowak	Snowe
Kastenmeier	O'Brien	Snyder
Kazen	Oberstar	Solarz
Kennelly	Obey	Solomon
Kildee	Olin	Spence
Kleczka	Ortiz	Spratt
Kogovsek	Ottinger	St Germain
Kolter	Owens	Staggers
Kostmayer	Packard	Stangeland
LaFalce	Panetta	Stark
Lagomarsino	Parris	Stenholm
Lantos	Pashayan	Stokes
Leach	Patman	Stratton
Lehman (CA)	Patterson	Studds
Lehman (FL)	Pease	Sundquist
Lent	Penny	Swift
Levin	Pepper	Synar
Levine	Perkins	Tallon
Levitas	Petri	Tauke
Lewis (FL)	Pickle	Tauzin
Lipinski	Porter	Taylor
Long (LA)	Price	Thomas (GA)
Long (MD)	Pritchard	Torres
Lowery (CA)	Pursell	Torricelli
Lowry (WA)	Rahall	Traxler
Luken	Rangel	Udall
Lundine	Ratchford	Valentine
Mack	Ray	Vander Jagt
MacKay	Regula	Vandergriff
Markey	Reid	Vento
Martin (IL)	Richardson	Volkmer
Martin (NC)	Ridge	Walgren
Martin (NY)	Rinaldo	Walker
Martinez	Ritter	Watkins
Matsui	Roberts	Waxman
Mavroules	Rodino	Weaver
Mazzoli	Roe	Weber
McCloskey	Roemer	Weiss
McCollum	Rogers	Wheat
McCurdy	Rose	Whitehurst
McDade	Roth	Whitley
McEwen	Roukema	Whitten
McGrath	Rowland	Williams (MT)
McHugh	Roybal	Williams (OH)
McKernan	Russo	Wilson
McKinney	Sabo	Wirth
McNulty	Savage	Wise
Mica	Sawyer	Wolf
Mikulski	Scheuer	Wolpe
Miller (CA)	Schneider	Wortley
Miller (OH)	Schroeder	Wright
Mineta	Schulze	Wyden
Minish	Schumer	Wylie
Mitchell	Seiberling	Yates
Moakley	Sensenbrenner	Yatron
Mollohan	Shannon	Young (FL)
Montgomery	Sharp	Young (MO)
Moody	Shaw	Zschau

NAYS—51

Badham	Hyde	Nielson
Bartlett	Kemp	Oxley
Brown (CO)	Kindness	Paul
Burton (IN)	Kramer	Quillen
Chappie	Latta	Robinson
Corcoran	Leath	Rudd
Craig	Lewis (CA)	Schaefer
Crane, Daniel	Livingston	Shumway
Crane, Philip	Loeffler	Skeen
Daniel	Lott	Smith, Denny
Dannemeyer	Lujan	Smith, Robert
Edwards (OK)	Lungren	Stump
Erlenborn	Marlenee	Thomas (CA)
Hammerschmidt	McCain	Vucanovich
Hansen (UT)	McCandless	Whittaker
Hartnett	Michel	Winn
Hunter	Molinari	Young (AK)

NOT VOTING—19

Ackerman	Franklin	Madigan
Anthony	Frenzel	Marriott
Bethune	Gore	Oakar
Collins	Gramm	Rostenkowski
Derrick	Hansen (ID)	Towns
Dickinson	Leland	
Ferraro	Lloyd	

□ 1600

Mr. HUNTER changed his vote from "yea" to "nay."

Messrs. CARNEY, SLATTERY, and TORRES changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. D'AMOURS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 555, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

PERSONAL EXPLANATION

● Mr. FRENZEL. Mr. Speaker, on rollcall No. 331 today, I was unavoidably absent and unable to vote. Had I been present I would have voted "aye" on House Resolution 555, on the matter of the appointment and confirmation of Mrs. Burford.●

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4444, SMALL RECLAMATION PROJECTS ACT OF 1956 AMENDMENTS

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 98-919) on the resolution (H. Res. 559) providing for the consideration of the bill (H.R. 4444) to amend the Small Reclamation Projects Act of 1956, as amended, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4567, INDIAN HEALTH CARE AMENDMENTS OF 1984

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-920) on the resolution (H. Res. 560) providing for the consideration of the bill (H.R. 4567) to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2934, PUBLIC HEALTH SERVICE ACT, HEALTH PLANNING AMENDMENTS OF 1983

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-921) on the resolution (H. Res. 561) providing for the consideration of the bill (H.R. 2934) to amend the Public Health Service Act to extend through fiscal year 1985 the health planning authority under that act and to repeal that authority September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5585, RAILROAD SAFETY IMPROVEMENT ACT OF 1984

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-922) on the resolution (H. Res. 562) providing for the consideration of the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2436, ACTIVITIES OF CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATIONS

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-923) on the resolution (H. Res. 563) providing for the consideration of the Senate bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1610

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5973, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 557 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 557

Resolved, That during the consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, lines 1 through 15; beginning on page 3, line 23 through page 6, line 10; beginning on page 9, line 15 through page 10, line 5; beginning on page 11, line 9 through page 12, line 6; beginning on page 14, lines 3 through 6; beginning on page 25, line 21 through page 26, line 20; beginning on page 43; lines 7 through 16; beginning on page 47, line 3 through page 49, line 9; beginning on page 52, line 3 through page 53, line 12; beginning on page 56, line 8 through page 57, line 10; beginning on page 63, lines 15 through 21; and beginning on page 65, lines 1 through 4; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 17, line 19 through page 18, line 9; and beginning on page 47, lines 3 through 22. It shall be in order to consider an amendment to the bill printed in the Congressional Record of July 26, 1984, by, and if offered by, Representative Conte of Massachusetts, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LONG] is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 557 waives points of order against certain provisions of H.R. 5973, the Department of the Interior and Related Agencies Appropriations bill for 1985.

The rule does not provide for the bill's consideration since general appropriations measures are privileged. Also, the rule does not specify the division of time since the time for general debate will be determined by unanimous consent.

House Resolution 557 waives points of order against certain provisions of the bill under clause 2 and clause 6 of rule XXI.

Clause 2 of rule XXI prohibits appropriations for unauthorized purposes or language which has the effect of changing existing law. The precise sections for which clause 2 waivers are recommended are fully stated in House Resolution 557 by page and line number.

These waivers are necessary largely because authorizing legislation for the programs involved has not yet been enacted into law. Most, if not all, of the programs needing waivers have authorizing legislation under active consideration at some stage of the legislative process. In addition, several of these provisions contain matters which are legislative in nature, and thus are prohibited from being includ-

ed in a general appropriations bill. The waiver of clause 2 therefore covers both lack of an authorization and legislation in an appropriation bill.

Clause 6 of rule XXI prohibits the reappropriation of previously appropriated funds. A waiver of this rule is necessary for two paragraphs of H.R. 5973 because they transfer unexpended funds from the previous fiscal year to fiscal year 1985. Further, one of these paragraphs also allows the funds to be made available for a different purpose.

Finally, House Resolution 557 makes in order an amendment to be offered by Mr. CONTE and printed in the RECORD on July 26, 1984. The rule waives points of order against consideration of this amendment for violation of clause 2, rule XXI and clause 7, rule XVI.

The waiver of clause 2 is necessary because the amendment contains a rescission which repeals a previous appropriation and, therefore, constitutes legislation in an appropriations bill. The germaneness waiver is provided because no rescissions currently exist in the base bill. Therefore, a question arose as to whether an amendment rescinding funds might indeed be germane to the bill. The committee, in order to insure that Mr. CONTE would be able to offer his amendment, included the waiver.

The amendment, which Mr. CONTE will offer on behalf of himself and Representatives SYNAR, BROYHILL, and WOLPE, would rescind $10 billion in funds from the Synfuels Corporation. The Conte amendment may be amended by any other amendment which does nothing more than change the dollar figure. Any amendment, however, which might contain additional language other than a simple change in the dollar figure would violate House rules and, therefore, be subject to a point of order. Although the rule does not specify any other amendment, it does not preclude the offering of an amendment which is not in violation of House rules.

Mr. Speaker, H.R. 5973 appropriates $8.5 billion for the Department of the Interior and Related Agencies. These funds will support a wide variety of programs, including our national parks and forests, Indian services, energy research and conservation, the arts, humanities, and historic preservation.

The Rules Committee has recommended a rule that will allow timely consideration of the bill, and also will permit the House to work its will on an issue which, although not a part of this bill, is of great interest to the Members. I urge my colleagues to adopt this rule so that we may proceed to the consideration of this important appropriations bill.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained. If the Members will remember, last Wednesday the same rule, without the provision for the synthetic fuels amendments that the gentleman from Louisiana has outlined, was defeated 261 to 148.

We are now plowing the same ground again, and I believe that the reason the resolution was defeated last week was because the sythetic fuels amendments were not in order. Under this new rule the amendment of the gentleman from Massachusetts [Mr. CONTE] is in order. The Ratchford-McDade amendment, which I understand will be offered to reduce the figure in the Conte amendment is in order.

Mr. Speaker, we all know how important our synthetic fuels program is. I take the same position today that I took last week, namely, that the Synthetic Fuels Corporation should be fully funded. On the other hand, I have no objection to the House expressing its will on the amendments to be offered.

Mr. Speaker, I urge the adoption of the rule so we can get down to the business of passing the appropriation measure.

Mr. LONG of Louisiana. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. This rule now provides every Member of this body the opportunity to determine the proper level of funding that should be available to the Synthetic Fuels Corporation.

In light of the serious technical and economic problems that prevent the successful commercialization of synfuels technologies at this time, I hope that my colleagues will give their strong support to the bipartisan compromise amendment that will rescind $10 billion from the SFC.

But I did not seek recognition at this time to begin the debate on the amendments of today's bill. Rather, I rise to point out that today's effort to reduce the Synthetic Fuels Corporation's funding level is only the first step in reforming the Synthetic Fuels Corporation.

It is my hope that the authorizing committees with jurisdiction will soon address three other major problems that hamper our Nation's Synfuels Development Program.

First, there is considerable evidence to suggest that our Synfuels Program is now unwisely tilted in favor of premature commercialization when much additional research and development work needs to be done. I am convinced that we must step up our synfuels research and development efforts if we are to solve the numerous technical problems that currently prevent the successful commercialization of synfuels technologies.

Second, when the SFC was created, it was placed beyond the effective purview of Congress. If we are to guarantee that tax dollars are invested wisely, we must improve congressional oversight of the SFC.

And third, we must make the SFC more accountable to the American people. The creators of the SFC thought it would operate more efficiently if it were unfettered by many of the laws and regulations that other Federal agencies must follow. In reality, we have created an agency with a track record that is replete with numerous examples of abuses of the public confidence. If the SFC is to function in the best interest of the American people, it is imperative that it be accountable to the American people.

We should eliminate the SFC's exemptions from the Freedom of Information Act, conflict of interest regulations, Federal salary schedules, and Government in the sunshine regulations.

Again, I urge my colleagues to support the rule before us. In addition, I urge my colleagues to support the bipartisan compromise amendment to rescind $10 billion as the first step toward reforming the Synthetic Fuels Corporation.

□ 1620

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 5973, the Interior appropriations bill for fiscal year 1985.

The rule waives points of order against various programs that have not yet received final approval of their authorizations, thereby permitting us to proceed with appropriations for a number of important conservation, natural resource, and energy programs. In addition, in response to the overwhelming vote on the House floor last week, the rule provides for the consideration of an amendment that I will be offering on behalf of Congressmen WOLPE, BROYHILL, SYNAR, and myself to rescind $10 billion in funding for the Synthetic Fuels Corporation.

Mr. Speaker, recent criticisms of the Synthetic Fuels Corporation and its program are well-justified. Two Corporation Presidents, an five of the Corporation's seven directors, have resigned amid charges of cronyism, conflict of interest, sweetheart deals, and ethical violations. In the absence of a quorum, the SFC is dead in the water.

All of us in the Congress want energy security—there is no question about that. But we need to seriously

ask ourselves what price we are prepared to ask our constitutents to pay for that independence.

The Synthetic Fuels Corporation wants us to pay $92 per barrel for the Union Oil shale project—a subsidy of $69 per barrel for a technology that won't work after more than 20 tries. If the plant ever operates—and that seems to be a legitimate question—we will be paying about $1 million a day in subsidies.

That's not energy security—it's energy insanity.

At that price, we will be totally bankrupt before we are secure. At a time when everyone is arguing about reducing the deficit, let us not be fooled by claims about energy security, about how we can buy that security for only another $5 or $10 billion.

The $10 billion rescission that I will offer will permit a number of additional synfuels projects to be built. It will not continue the corporate welfare subsidy for the Union Oil shale technologies. It will not provide continued bailouts for the pet projects of the big oil companies—companies that are reporting record profits for the most recent quarter. It will not provide enough money to pursue the most environmentally dangerous approaches.

But the additional $3.3 billion that my amendment would permit to be spent will permit the funding of additional technologies to fully demonstrate the viability of synthetic fuels production. It will cut out the waste and the fat—not the beef.

Mr. Speaker, I urge the adoption of this rule, this bill, and my amendment to rescind $10 billion from the Sunfuels Corporation.

Mr. LONG of Louisiana. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, I take this time to rise in support of the rule, but also to alert the Members that at the time the amendment is offered by the gentleman from Michigan and the gentleman from Massachusetts, I will offer an amendment to reduce the rescission to $5 billion. This is a middle of the road position. This is a moderate position. This is a position that most of the Members should support.

We should not, Mr. Speaker, after the start that we made in 1980, after the difficulties that we went through in 1979, after the current problems that we now have in the Middle East, kill a program which is critical to the energy well-being of this country.

I can agree with most of what has been said by the gentleman from Michigan and the gentleman from Massachusetts. Yes, better management is needed. Yes, more accountability is needed. Yes, better oversight is needed, but what we do not need is to kill the bill.

Make no mistake about it, if we approve the amendment to be offered by the gentleman from Massachusetts and the gentleman from Michigan, we will not be reforming the program. We will not be improving the program. We will not be strengthening the program. We will be killing the program.

This country cannot afford the luxury of going forward without the development for commercial purposes of synthetic fuels. We simply do not have the luxury of relying on what we have in the form of natural resources. We cannot put ourselves in a position again of being at the mercy of the OPEC countries and that is exactly what we do if we turn back the clock on this program.

We can demand better oversight. We can demand more accountability. We can demand both the authorizing and the appropriation committees to get involved and make sure that this program is managed properly, that taxpayers' funds are used properly, but we cannot, Mr. Speaker, make the decision to turn back the clock, reverse the steps toward energy independence and in the long run leave this country holding the proverbial bag.

I support the rule and alert the Members to the amendment.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the bill, H.R. 5973.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. MCDADE] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Missouri [Mr. GEPHARDT] as Chairman of the Committee of the Whole and requests the gentleman from Indiana [Mr. JACOBS] to assume the chair temporarily.

□ 1629

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5973, with Mr. JACOBS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the start of the debate, I want to alert the membership to what the hope and plan for consideration of the bill will be. It is the intention of the Committee at the conclusion of general debate to read the bill by title. When action on amendments to title I is concluded and on all amendments to title II except for the motion to be offered by the gentleman from Massachusetts [Mr. CONTE] to rescind the $10 billion from the Synthetic Fuels Corporation, I will move that the Committee rise.

□ 1630

It is the intention of the Committee to return to reconsider the bill on Thursday, August 2. We hope to adhere to that plan and with the cooperation of the membership I am sure that we can.

Mr. Chairman, I am pleased to bring to the Committee of the Whole the Interior and related agencies appropriations bill for fiscal year 1985. This is a good bill. It is very good bill which has the support of all the members of the subcommittee which fashioned the bill, except in a few minor respects.

It is over the President's budget that was originally submitted but it is within the 302 allocation in the budget that was approved by the House upon

the recommendation of the Budget Committee.

Mr. Chairman, it was a difficult bill to fashion because of the whipsaw in which the President's budget recommendations placed us. That whipsaw was created when the President cut a number of the excellent programs that had appeared in the bill for fiscal year 1984, and at the same time he recommended increases in other excellent programs, the necessity for which the Committee acknowledged. As a result, the Committee found itself having to deal with reductions of $376 million that had been approved in the 1984 bill, and with increases that were almost in the same amount. The increases totaled $352 million so that by the time we considered the bill there was approximately $728 million that we had to reconcile between cuts and increases.

What we did do, Mr. Chairman, is draft a bill that was a combination of the programs that Congress wanted and those that the President wanted. The figures in the bill that we finally approved were $8,509,496,000 in new budget authority, a sum which is approximately $830 million above the President's budget request. In the bill we provided for many of the increases the President wanted but we did not make all of the reductions that the President wanted. And we maintained the programs that the Congress had approved in the fiscal year 1984 bill and which the President had signed into law. They are all excellent programs.

Significant additions over the budget are itemized in the committee report and I will not go into them at this time. You will find them on pages 4, 5, and 6 of the committee report.

Mr. Chairman, that is the kind of a bill that we have brought to the floor today, a bill that is based on reason, on long and detailed hearings, printed in 12 volumes of 13,000 pages. We heard over 800 witnesses. We heard from over 250 Members of Congress, all of whom addressed the needs of their districts when they appeared before us or wrote to us.

When we appeared before you last year, Mr. Chairman, our bill provided for a moratorium on coal leasing. You will recall, Mr. Chairman, that the former Secretary of the Interior, James Watt, had so mishandled the coal leasing program, that our committee recommended to the Congress, and the Congress approved, a moratorium on coal leasing until that program could be reviewed by an outside panel of expert members and the recommendations considered. That commission, known as the Linowes Commission, sustained the findings of the Appropriation Committee's investigative staff and the General Accounting Office that the Powder River Basin sale had been an improvident one. Our Appropriations Committee investigative staff had concluded that the taxpayers had lost approximately $60 million. The General Accounting Office's estimate was $100 million.

When the new Secretary of the Interior, William Clark, came before our committee he said that he would follow all the recommendations of the Linowes Commission except one, and based upon that assurance, Mr. Chairman, our committee recommended that the moratorium on coal leasing not be continued.

We said that we would continue to monitor the Secretary's activities not only in the field of coal leasing but other fields as well. But we had confidence in what the Secretary had testified and we did not renew the coal moratorium.

That is why, Mr. Chairman, I find most disconcerting the speech that was given by Assistant Secretary of the Interior Garrey Carruthers this June to the Wyoming Mining Association after the appearance of Secretary Clark before our committee. This is what Assistant Secretary Carruthers told the Mining Association on June 28, and I quote from an article that appeared in the Jackson Hole Guide:

U.S. Interior Department Assistant Secretary Garrey Carruthers compared his agency to a restaurant under new management Thursday during the 29th annual convention of the Wyoming Mining Association at Jackson Lake Lodge. Carruthers, who is the Interior Department Assistant Secretary of Land and Minerals Management, said William Clark's appointment as Secretary of the Interior, replacing former Secretary James Watt, will not precipitate any sweeping changes in the Department.

Carruthers is quoted as having said, "When a restaurant comes under new management usually the only things that really change are the prices and the specials. So instead of fried chicken, it might be country fried chicken or something like that," Carruthers told the convention. "That's also the case at the Interior Department. Since coming under new management, the only things which have changed are the specials."

In other words, according to Carruthers, the country and the Congress are going to be served the same old hash from Secretary Clark that they got from Secretary Watt. Carruthers was one of Watt's closest advisers and he still holds a high position in the Clark administration.

It was Carruthers, Mr. Chairman, who dismissed the report of our investigative staff on the Powder River by calling it "a deceitful political document."

The report was not only sustained by the General Accounting Office, but by the Linowes Commission as well. The statement that he made about the difference in the chicken seems likely to give us all a case of indigestion. And we are aware, Mr. Chairman, that based upon such statements from the Assistant Secretary, our committee had better not relax and had better stay on the alert insofar as Secretary Clark's policies are concerned.

Mr. Chairman, this is a good bill. It is based on reason, upon fact, upon the committee's determination to continue to rectify in some measure the indifference toward and the wrongs committed against the Indian people. It deserves your support.

There is one other point I want to make, and it is another disconcerting fact which relates to my very good friend, the gentleman from Pennsylvania [Mr. McDADE] who is the ranking member of our subcommittee, and with whom I have worked for so many years in fashioning this bill. This next year the gentleman from Pennsylvania [Mr. McDADE] will not be the subcommittee ranking minority member. He has called it a good bill. I find it hard to reconcile his intention to offer an amendment to reduce our bill with the statement that he made in the report. It is there for everyone to see. He said this:

I am proud of this legislation as it meets the very strict standards we set for ourselves prior to its drafting. We have succeeded in designing a bill that makes the kind of investments in our Nation that return dividends many times over in preservation and management of America's precious resources.

That is the speech that the gentleman has been making over the years and he is right, not only about the past bills, but he is right about this bill.

But he goes on and he says, "Yet there is one area in which we have failed, we have not produced a bill that will receive the support of the President. We must reduce the total funding level in this bill to assure its acceptance by the White House."

The gentleman from Pennsylvania is my very good friend, and whatever happens on our bill the gentleman from Pennsylvania will continue to be my very good friend. We have rarely disagreed. But certainly this time we disagree if he offers his amendment.

I think he is wrong in being a good soldier for the White House. That is his privilege. But it is up to us in the Congress to draft this bill.

We will meet the challenge when it comes. I hope his amendment will be rejected by the House.

With that, I reserve the balance of my time.

At this point, I place in the RECORD a comparative statement of new budget authority contained in the bill:

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
TITLE I - DEPARTMENT OF THE INTERIOR					
LAND AND WATER RESOURCES					
Bureau of Land Management					
Management of lands and resources	359,601,000	353,159,000	364,444,000	+4,843,000	+11,285,000
Construction and access	1,200,000	1,228,000	1,228,000	+28,000	---
Payments in lieu of taxes	105,000,000	105,000,000	105,000,000	---	---
Special acquisition of lands and minerals (authority to borrow)	---	10,000,000	---	---	-10,000,000
Land acquisition	1,391,000	---	4,500,000	+3,109,000	+4,500,000
Oregon and California grant lands	51,536,000	49,747,000	55,147,000	+3,611,000	+5,400,000
Range improvements	10,000,000	10,000,000	7,330,000	-2,670,000	-2,670,000
Service charges, deposits, and forfeitures	8,700,000	9,075,000	9,075,000	+375,000	---
Miscellaneous trust funds	100,000	100,000	100,000	---	---
Total, Bureau of Land Management	537,528,000	538,309,000	546,824,000	+9,296,000	+8,515,000
FISH AND WILDLIFE AND PARKS					
United States Fish and Wildlife Service					
Resource management	271,303,000	291,850,000	305,964,000	+34,661,000	+14,114,000
Construction and anadromous fish	27,301,000	9,127,000	17,342,000	-9,959,000	+8,215,000
Migratory bird conservation account	7,000,000	---	9,000,000	+2,000,000	+9,000,000
Land acquisition	42,297,000	57,500,000	60,658,000	+18,361,000	+3,158,000
National Wildlife Refuge Fund	5,760,000	5,760,000	5,760,000	---	---
Total, United States Fish and Wildlife Service	353,661,000	364,237,000	398,724,000	+45,063,000	+34,487,000
National Park Service					
Operation of the national park system	601,095,000	624,648,000	629,344,000	+28,249,000	+4,696,000
National recreation and preservation	10,377,000	9,343,000	11,690,000	+1,313,000	+2,147,000
Urban park and recreation fund	6,700,000	---	---	-6,700,000	---
Historic preservation fund	26,500,000	---	27,000,000	+500,000	+27,000,000
Visitors facilities fund	5,800,000	6,000,000	6,400,000	+600,000	+400,000
Construction	44,037,000	78,275,000	109,375,000	+65,338,000	+31,100,000
(Liquidation of contract authority)	(14,000,000)	---	---	(-14,000,000)	---
Land acquisition and state assistance	173,650,000	100,000,000	175,000,000	+1,350,000	+75,000,000
John F. Kennedy Center for the Performing Arts	4,542,000	4,621,000	4,621,000	+79,000	---
Total, National Park Service	872,701,000	823,087,000	963,430,000	+90,729,000	+140,343,000
Total, Fish and Wildlife and Parks	1,226,362,000	1,187,324,000	1,362,154,000	+135,792,000	+174,830,000
ENERGY AND MINERALS					
Geological Survey					
Surveys, investigations, and research	373,430,000	382,312,000	417,448,000	+44,018,000	+35,136,000
Total, Geological Survey	373,430,000	382,312,000	417,448,000	+44,018,000	+35,136,000
Minerals Management Service					
Leasing and royalty management	163,561,000	167,381,000	167,207,000	+3,646,000	-174,000
Bureau of Mines					
Mines and minerals	136,425,000	117,634,000	123,049,000	-13,376,000	+5,415,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	65,450,000	69,689,000	75,039,000	+9,589,000	+5,350,000
Abandoned mine reclamation fund (definite, trust fund)	271,228,000	291,701,000	307,031,000	+35,803,000	+15,330,000
Total, Office of Surface Mining Reclamation and Enforcement	336,678,000	361,390,000	382,070,000	+45,392,000	+20,680,000
Total, Energy and Minerals	1,010,094,000	1,028,717,000	1,089,774,000	+79,680,000	+61,057,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
INDIAN AFFAIRS					
Bureau of Indian Affairs					
Operation of Indian Programs	823,902,000	855,372,000	895,687,000	+71,785,000	+40,315,000
Construction	78,920,000	73,324,000	103,124,000	+24,204,000	+29,800,000
Road construction	4,000,000	---	1,000,000	-3,000,000	+1,000,000
Eastern Indian land claims fund	900,000	---	---	-900,000	---
Utah Paiute Trust Fund	---	---	2,500,000	+2,500,000	+2,500,000
Tribal trust funds:					
Definite amount	4,000,000	4,000,000	4,000,000	---	---
Indefinite amount	60,000,000	60,000,000	60,000,000	---	---
Revolving fund for loans (limitation on direct loans)	(13,075,000)	(16,100,000)	(16,100,000)	(+3,025,000)	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	(19,000,000)	---	---	(-19,000,000)	---
Total, Bureau of Indian Affairs	971,722,000	992,696,000	1,066,311,000	+94,589,000	+73,615,000
TERRITORIAL AND INTERNATIONAL AFFAIRS					
Administration of territories	79,262,000	53,829,000	76,954,000	-2,308,000	+23,125,000
Trust Territory of the Pacific Islands	112,109,000	96,132,000	118,225,000	+6,116,000	+22,093,000
Total, Territorial Affairs	191,371,000	149,961,000	195,179,000	+3,808,000	+45,218,000
DEPARTMENTAL OFFICES					
Office of the Secretary	44,068,000	47,371,000	44,131,000	+63,000	-3,240,000
Office of the Solicitor	19,463,000	20,157,000	19,463,000	---	-694,000
Office of Inspector General	16,814,000	18,053,000	17,253,000	+439,000	-800,000
Construction Management	800,000	---	750,000	-50,000	+750,000
Office of the Secretary (Special foreign currency program)	420,000	---	---	-420,000	---
Total, Secretarial Offices	81,565,000	85,581,000	81,597,000	+32,000	-3,984,000
Total, title I, new budget (obligational) authority, Department of the Interior	4,018,642,000	3,982,588,000	4,341,839,000	+323,197,000	+359,251,000
(Liquidation of contract authority)	(14,000,000)	---	---	(-14,000,000)	---
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	108,555,000	103,070,000	120,710,000	+12,155,000	+17,640,000
State and private forestry	60,579,000	25,505,000	61,485,000	+906,000	+35,980,000
National forest system	888,506,000	1,036,959,000	1,041,459,000	+152,953,000	+4,500,000
Construction	251,724,000	253,898,000	260,798,000	+9,074,000	+6,900,000
Timber receipts transfer to General Fund	(-38,860,000)	(-90,095,000)	(-90,095,000)	(-51,235,000)	---
Timber purchaser credits	(240,000,000)	(286,226,000)	(196,226,000)	(-43,774,000)	(-90,000,000)
Land acquisition	38,532,000	9,635,000	64,000,000	+25,468,000	+54,365,000
Youth Conservation Corps	---	---	10,000,000	+10,000,000	+10,000,000
Acquisition of lands for national forests, special acts	780,000	782,000	782,000	+2,000	---
Acquisition of lands to complete land exchanges	20,000	20,000	20,000	---	---
Range betterment fund	4,028,000	3,665,000	3,665,000	-363,000	---
Miscellaneous trust funds	90,000	90,000	90,000	---	---
Total, Forest Service	1,352,834,000	1,433,624,000	1,563,009,000	+210,175,000	+129,385,000
DEPARTMENT OF ENERGY					
Fossil energy research and development	260,214,000	199,881,000	267,558,000	+7,344,000	+67,677,000
(By transfer)	(39,000,000)	---	---	(-39,000,000)	---
Naval petroleum and oil shale reserves	256,600,000	223,804,000	159,855,000	-96,745,000	-63,949,000
Energy conservation	431,131,000	390,077,000	485,494,000	+54,363,000	+95,417,000
Economic regulation	30,330,000	27,157,000	31,037,000	+707,000	+3,880,000
Strategic petroleum reserve	158,770,000	---	---	-158,770,000	---
SPR petroleum account	(650,000,000)	(1,889,550,000)	(2,351,400,000)	(+1,701,400,000)	(+461,850,000)
Energy Information Administration	55,870,000	57,863,000	62,057,000	+6,187,000	+4,194,000
Total, Department of Energy	1,192,915,000	898,782,000	1,006,001,000	-186,914,000	+107,219,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Services Administration					
Indian health services	770,408,000	741,950,000	817,992,000	+47,584,000	+76,042,000
Indian health facilities	53,595,000	---	96,137,000	+42,542,000	+96,137,000
Total, Indian health	824,003,000	741,950,000	914,129,000	+90,126,000	+172,179,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	68,780,000	68,780,000	68,780,000	---	---
OTHER RELATED AGENCIES					
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION					
Salaries and expenses	18,783,000	20,736,000	16,986,000	-1,797,000	-3,750,000
SMITHSONIAN INSTITUTION					
Salaries and expenses	155,263,000	170,682,000	171,699,000	+16,436,000	+1,017,000
Museum programs and related research (special foreign currency program)	7,040,000	9,000,000	9,000,000	+1,960,000	---
Construction and improvements, National Zoological Park	3,500,000	3,500,000	4,150,000	+650,000	+650,000
Restoration and renovation of buildings	9,000,000	13,750,000	13,750,000	+4,750,000	---
Construction (rescission)	-8,000,000	---	---	+8,000,000	---
Subtotal	166,803,000	196,932,000	198,599,000	+31,796,000	+1,667,000
Salaries and expenses, National Gallery of Art	34,639,000	36,121,000	35,603,000	+964,000	-518,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	2,568,000	2,712,000	2,712,000	+144,000	---
Total, Smithsonian Institution	204,010,000	235,765,000	236,914,000	+32,904,000	+1,149,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Grants and administration	118,900,000	101,000,000	127,750,000	+8,850,000	+26,750,000
Administrative expenses	13,100,000	15,375,000	16,368,000	+3,268,000	+993,000
Subtotal	132,000,000	116,375,000	144,118,000	+12,118,000	+27,743,000
Matching grants	30,000,000	27,500,000	30,882,000	+882,000	+3,382,000
Total, National Endowment for the Arts	162,000,000	143,875,000	175,000,000	+13,000,000	+31,125,000
National Endowment for the Humanities					
Grants and administration	97,750,000	79,250,000	100,982,000	+3,232,000	+21,732,000
Administrative expenses	12,750,000	14,225,000	13,982,000	+1,232,000	-243,000
Subtotal	110,500,000	93,475,000	114,964,000	+4,464,000	+21,489,000
Matching grants	29,500,000	32,000,000	30,036,000	+536,000	-1,964,000
Total, National Endowment for the Humanities	140,000,000	125,475,000	145,000,000	+5,000,000	+19,525,000
Institute of Museum Services					
Grants and administration	20,150,000	11,612,000	27,000,000	+6,850,000	+15,388,000
Total, National Foundation on the Arts and the Humanities	322,150,000	280,962,000	347,000,000	+24,850,000	+66,038,000
COMMISSION OF FINE ARTS					
Salaries and expenses	340,000	380,000	379,000	+39,000	-1,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	1,546,000	1,168,000	1,578,000	+32,000	+410,000
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	2,447,000	2,765,000	2,725,000	+278,000	-40,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION					
Salaries and expenses	20,000	21,000	21,000	+1,000	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	2,275,000	2,330,000	2,229,000	-46,000	-101,000
Public development	9,600,000	4,500,000	4,500,000	-5,100,000	---
Total, Pennsylvania Avenue Development Corporation	11,875,000	6,830,000	6,729,000	-5,146,000	-101,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE					
Permitting and enforcement	2,963,000	2,934,000	1,430,000	-1,533,000	-1,504,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL					
Holocaust Memorial Council	1,853,000	2,051,000	1,976,000	+123,000	-75,000
Total, title II, new budget (obligational) authority, related agencies	4,004,519,000	3,696,748,000	4,167,657,000	+163,138,000	+470,909,000
Consisting of:					
Appropriations	4,012,519,000	3,696,748,000	4,167,657,000	+155,138,000	+470,909,000
(SPR petroleum account)	(450,000,000)	(1,889,550,000)	(2,351,400,000)	(+1,701,400,000)	(+461,850,000)
RECAPITULATION					
Total, new budget (obligational) authority, all titles	8,023,161,000	7,679,336,000	8,509,496,000	+486,335,000	+830,160,000
Consisting of:					
Appropriations	8,031,161,000	7,679,336,000	8,509,496,000	+478,335,000	+830,160,000
Rescissions	-8,000,000	---	---	+8,000,000	---
(Limitation on direct loans)	(13,075,000)	(16,100,000)	(16,100,000)	(+3,025,000)	---
(Limitation on guaranteed loans)	(19,000,000)	---	---	(-19,000,000)	---
(By transfer)	(39,000,000)	---	---	(-39,000,000)	---
(Timber receipt transfer to general fund)	(-38,860,000)	(-90,095,000)	(-90,095,000)	(-51,235,000)	---
(Timber purchaser credits)	(240,000,000)	(206,226,000)	(196,226,000)	(-43,774,000)	(-90,000,000)
(Liquidation of contract authority)	(14,000,000)	---	---	(-14,000,000)	---
(SPR petroleum account)	(450,000,000)	(1,889,550,000)	(2,351,400,000)	(+1,701,400,000)	(+461,850,000)
TITLE I -DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	537,528,000	538,389,000	546,824,000	+9,296,000	+8,515,000
United States Fish and Wildlife Service	353,661,000	364,237,000	398,724,000	+45,063,000	+34,487,000
National Park Service	872,701,000	823,087,000	963,430,000	+90,729,000	+140,343,000
Geological Survey	373,430,000	382,312,000	417,448,000	+44,018,000	+35,136,000
Minerals Management Service	163,561,000	167,381,000	167,207,000	+3,646,000	-174,000
Bureau of Mines	136,425,000	117,634,000	123,049,000	-13,376,000	+5,415,000
Office of Surface Mining Reclamation and Enforcement	336,678,000	361,390,000	382,070,000	+45,392,000	+20,680,000
Bureau of Indian Affairs	971,722,000	992,676,000	1,066,311,000	+94,589,000	+73,635,000
Territorial and International Affairs	191,371,000	149,961,000	195,179,000	+3,808,000	+45,218,000
Secretarial Offices	81,565,000	85,581,000	81,597,000	+32,000	-3,984,000
Total, Title I - Department of the Interior	4,018,642,000	3,982,588,000	4,341,839,000	+323,197,000	+359,251,000
TITLE II - RELATED AGENCIES					
Forest Service	1,352,834,000	1,433,624,000	1,563,009,000	+210,175,000	+129,385,000
Department of Energy	1,192,915,000	898,782,000	1,006,001,000	-186,914,000	+107,219,000
Indian Health	824,003,000	741,950,000	914,129,000	+90,126,000	+172,179,000
Indian Education	68,780,000	68,780,000	68,780,000	---	---
Navajo and Hopi Indian Relocation Commission	18,783,000	20,736,000	16,986,000	-1,797,000	-3,750,000
Smithsonian	166,003,000	196,932,000	198,599,000	+31,796,000	+1,667,000
National Gallery of Art	34,639,000	36,121,000	35,603,000	+964,000	-518,000
Woodrow Wilson International Center for Scholars	2,568,000	2,712,000	2,712,000	+144,000	---
National Endowment for the Arts	162,000,000	143,875,000	175,000,000	+13,000,000	+31,125,000
National Endowment for the Humanities	140,000,000	125,475,000	145,000,000	+5,000,000	+19,525,000
Institute of Museum Services	20,150,000	11,612,000	27,000,000	+6,850,000	+15,388,000
Commission of Fine Arts	340,000	380,000	379,000	+39,000	-1,000
Advisory Council on Historic Preservation	1,546,000	1,168,000	1,578,000	+32,000	+410,000
National Capital Planning Commission	2,447,000	2,765,000	2,725,000	+278,000	-40,000
Franklin Delano Roosevelt Memorial Commission	20,000	21,000	21,000	+1,000	---
Pennsylvania Avenue Development Corporation	11,875,000	6,830,000	6,729,000	-5,146,000	-101,000
Federal Inspector for the Alaska Gas Pipeline	2,963,000	2,934,000	1,430,000	-1,533,000	-1,504,000
Holocaust Memorial Council	1,853,000	2,051,000	1,976,000	+123,000	-75,000
Total, Title II - Related Agencies	4,004,519,000	3,696,748,000	4,167,657,000	+163,138,000	+470,909,000
Grand total	8,023,161,000	7,679,336,000	8,509,496,000	+486,335,000	+830,160,000

□ 1640

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am honored, indeed honored to present to the House for its consideration H.R. 5973, making appropriations for the Department of Interior and related agencies.

And I would like to take a moment to commend my friend, my good friend, the chairman of the subcommittee from Illinois who does an excellent job in conducting these hearings and spends countless hours in trying to fashion a bill.

Let me also say that the members of the subcommittee who are privileged to serve on this important appropriations committee have all, each of them, on both sides of the aisle, done an extraordinary job in helping to craft with their own impact a bill that advances the cause of protection and preservation of our natural resources, our cultural resources, and our energy resources in this great Nation of ours.

And I cannot let the moment pass without paying tribute to the staff on both sides of the aisle who do such an excellent job, and without whose able day-to-day assistance we probably could produce no bill. They have worked with great professionalism and skill.

So I say to my colleagues that I am indeed honored to have an opportunity to present this bill. I want to say at the outset that it is of course a tragedy that the bill as reported is not going anywhere. The bill that is presented to you today is veto bait.

Am I being a good soldier for the administration? I think I am being a good soldier for our country when I say we can balance the fiscal needs of this Nation with the resource needs of this Nation.

This bill is so far over, as it comes to you today, that it does not have the slightest chance of being passed and written into law.

That is why I will offer, at an appropriate time, a percentage cut that will attempt to exercise some restraint at a time of incredible deficits in this Nation, at a time when the economy is taking off and we want to see that economic picture in this country preserved.

My dear friend, my good friend from Illinois, may not believe that the White House ought to have a say in what the final numbers ought to be, but the fact is that they do.

And if we want to get a bill, and I do, then we have got to at least accommodate our desires to their desires and produce a compromise.

We need to have a compromise. And I hope we will because this is a tremendously important bill. It has been my privilege to serve on this subcommittee for about 20 years of my congressional experience.

The bill has about $8.5 billion in new budget authority in it. And in order to try to make it a little bit easier for the Members to understand, I would like to break it down to the categories.

Under the natural resources section of our bill, I include here the Bureau of Land Management, Fish and Wildlife Service, National Park Service, U.S. Forest Service, we are recommending in the neighborhood of $3.4 billion.

In the area of our Indian trust responsibilities, covering Indian health, our territories, Indian education, the recommendation is about $2.2 billion. I want to pause a moment here to pay tribute again to my friend from Illinois who spends a great deal of time, largely unnoticed trying to make sure that those needs are met and the subcommittee spends a great deal of time trying to make sure that it is done properly.

In minerals and lands we are funding in this bill just over $1 billion for the Geological Survey, the Bureau of Mines, Office of Surface Mining and the Mineral Management Service, all of them terribly important to the welfare of the Nation.

In our energy conservation accounts we are funding money for fossil and conservation accounts and for the Naval Petroleum Reserve to try to give us some kind of a Band-Aid assurance that if we do have an interruption someplace around the globe we will have some kind of an energy supply in this country available.

That is what the function of the petroleum reserve is, as you know. That account comes to $2,351,400,000 for the purchase of oil, which is off-budget in this bill, and for which, over the years, we have provided billions of dollars to fund the petroleum reserve which will contain 430 million barrels by the end of fiscal year 1984.

A word, and an important word about our cultural resources. You will be asked to pass on about $600 million in cultural resources in this bill, items such as historic preservation and the Smithsonian Institution. I think last year the Smithsonian Institution had about 30 million visitors. What a great resource it is for this Nation.

In addition to that, the National Art Gallery has priceless treasures, the Woodrow Wilson Scholarship Foundation, and the Endowment for the Arts and Humanities. This bill was called years ago by a man who was the chairman, an all-American bill, and it is.

If you happened to pick up the paper today, you might have noticed that over 7,000 people paid to go to Wolf Trap last night to watch the reopening of that magnificent theater that was donated by Mrs. Shouse and ably managed by Carol Harford; 7,000 people listened to Placido Domingo.

The operations of that theater are funded here. If you want to go to the east coast or the west coast, you would find two national seashores, Gateway on one side and another one on the other side of the Nation where they provide about 27 million visitations a year to citizens of this Nation who want to find some respite from the difficulties that face them every day.

This bill protects the seashores around the Nation, not to mention the incredible treasures that we call the National Park Service.

Years ago, a magnificent former Member by the name of Ben Reifel served on this committee. Ben was an amazing man, a man born on an Indian reservation in grinding poverty who educated himself. I think he ended up with a doctorate from Harvard, spent years in the BIA, and then his happiest times were times that he shared with us as a Member of this body.

He brought an incredible amount of wisdom to this bill. I remember on one occasion he went through an exercise in trying to set a capitalized value on Yosemite National Park. It was hard to arrive at a value for something so intrinsically magnificient as Yosemite but he tried to do it.

I remember the figures spinning out into the billions of dollars in that hypothetical exercise. The purpose of it was really just to try to let the membership know about some of the magnificient assets that we have.

I am proud to say that the man whose concept originated the U.S. Forest Service was a citizen of my district; Mr. Gifford Pinchot, who had been Governor of Pennsylvania and was recruited to come to Washington by President Theodore Roosevelt who had to invent a title for him, Chief Conservation Officer of the United States of America. That induced Gifford Pinchot to come to Washington to work in the White House.

He gifted the Nation with the concept that is the National Forest Service. It produces billions of dollars in income to the Treasury, provides huge amounts or our wood fiber products needs in the country, provides habitat and water resources, habitat for countless species of resources that exist in this country.

You know we talk so much sometimes about our failures; sometimes we ought to talk about our successes. The National Georgraphic just did a "look" at the animal population of this Nation. And they concluded that as a result of wise stewardship on the part of this Nation, there are more deer and elk in this Nation than there were in 1900; there are more today because of wise management.

□ 1650

Part of that was the foresight of Gifford Pinchot. All of these things

are rolled into and funded into this bill.

Of course I am honored to have an opportunity to present it as I have for some time. Of course I am deeply committed to the programs that exist in this bill, and I hope to see us eventually reform it in a way that will see it enacted into law.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield 7 minutes to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Chairman, I rise in support of the report from the Appropriations Committee and specifically the bill as developed, as worked on, as presented by the Subcommittee on Interior.

First of all, I would like to applaud both the chairman and ranking member for their approach to this bill. They have indeed been a joy to work with, open, available, accessible, at all times holding the public interest out before any other considerations. I am certain that if not today or tomorrow or Thursday, certainly by the time we reach conference that there will be an agreement between the gentleman from Illinois and the gentleman from Pennsylvania that will represent the best interests not ony of the committee, but of these entire United States, because that has been their approach to this legislation.

This bill as offered today addresses the highest priorities of the country as it relates to our environment, as it relates to our natural resources, as it relates to energy development.

I think it also provides the type balance necessary between environment and energy policies. And that, after all, ought to be one of the main responsibilities in this area. Preservation of the environment, yes, but concern for energy independence at the same time.

There are two particular areas of concern that obviously I think demand our attention. One is the whole question of conservation and development of new energy techniques. This bill is particularly strong in the area of research for fossil energy and the development of new alternatives. It looks with great concern and emphasizes with high priority the need to get out our coal resources that are the richest in the world. The need to come up with the means of coming up with coal liquification and gasification that can produce energy in a clean form. The need to preserve and stretch out and maximize our oil resources. And, yes, the need to continue to provide in an inexpensive form the natural gas resources which are so extensive in this country.

Second, in this balancing area we need to point to the fact that this committee again has gone out of its way to provide the financial wherewithal for the development of alternative means of energy.

This bill in its alternative area, in the area of alternative energy, is $68 million above the budget request, is $7 million above current levels of spending and is a beacon as far as the commitment that Congress is prepared to make in our continuing effort to strive for, and, yes, to achieve energy independence. This is particularly so in several key areas.

One is the development of fuel cells and, being from the State of Connecticut I am proud of the fact that Connecticut, is heavily involved in this effort. Were it not for the funds provided, were it not for the funds authorized, were it not for the appropriation that this committee, through the full committee and with the backing of the Senate, provided, we simply would not be moving forward in a fuel cell area in the way that we need to.

We would not be moving forward also—and that is provided in this bill—in the area of coal liquification, gasification and new combustion systems. All of this out there as a result of this committee saying, both the subcommittee and the full committee, that there must be a commitment to energy independence in this country.

Also in this area is the critical continuing commitment to conservation. The funding is in there for good conservation practices, not only in the homes of middle America, but in our schools, our hospitals, and our commercial buildings.

Another area that needs to be looked at is the whole question of energy independence, but energy independence balanced with environmental concerns. That is the whole issue of offshore drilling.

This committee has shown a sensitivity in this area. In fact, two areas where either a moratorium existed or there was a discussion of a moratorium, we have seen a hammering out of the problems and a lifting of the moratorium.

One of those would be in the Florida area, another would be in the moratorium proposed or discussed in the Alaskan area.

So this committee has shown it is not just for blanket prohibitions in these areas, but is sensitive to the ability to come up with a balance. That balance has still not been achieved in two areas where the committee recommends to the Congress the continuation of a moratorium. That is California and the Georges Bank area off the coast of Massachusetts. There are still major unresolved issues in these areas.

Therefore, we propose a continuation of a moratorium.

I am from the State of Connecticut. We know that our entire area looks to the area off Cape Cod, the area known as Georges Bank, not only for recreational purposes, but looks to it as the richest area of fishing off the east coast of the United States.

Until the State of Massachusetts and the Federal Government are able to get together to resolve the differences there as to where the drilling should take place, how extensive the drilling should be, I think the moratorium ought to be continued.

We are talking again of the richest fishing area off the east coast. We are talking areas that are rich as far as their lobstering grounds are concerned and areas that need to be protected from excessive development.

I think if we keep the pressure on in the form of a moratorium, we say both to the Governor of Massachusetts and the Interior Department, resolve your problems, define this area more precisely, protecting the fishing interest, but move forward.

I think this is what this moratorium does.

So I applaud the gentleman from Illinois. I applaud the gentleman from Pennsylvania. I would suggest that we have come forward with a balanced bill, a bill that addresses not only enviromental concerns, but is sensitive to energy independence and we have come forward with a bill that I suggest ought to have the support overwhelmingly of the Members of this House.

I thank the chairman for his time.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE], the distinguished ranking member of the committee.

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 5973, the fiscal year 1985 appropriations bill for the Department of the Interior and Related Agencies. I would like to commend the chairman of the subcommittee, Mr. YATES, the ranking minority member, Mr. McDADE, and all the members of the subcommittee for their hard work and willingness to compromise on many difficult issues which arose during the hearings and markup of this bill.

The most difficult issue of all, in my opinion, has been the issue of rescinding funds for the Synthetic Fuels Corporation.

At the appropriate time, I will be offering an amendment to rescind $10 billion in funds that were previously appropriated for the Synthetic Fuels Corporation. The time has come to trim the sails of this misguided missile.

The mismanagement of the Synthetic Fuels Corporation has been well documented. My colleagues are well familiar with the extravagant entertainment, lavish offices, and outrageous salaries provided for the officers and Directors of the Synthetic Fuels Corporation. The first President of the Synthetic Fuels Corporation resigned in the midst of controversy. His

successor was found guilty of ethics violations and resigned from office. Charges about conflicts of interest and sweetheart contracts have surrounded the Synfuels Corporation since its beginning.

In the midst of these charges, resignations have resulted in five vacancies on the seven-member Board of Directors, leaving the Synfuels Corporation without a legal quorum. Unable to do business, the Chairman of the Board, Edward Nobel, has nevertheless continued to sign letters of intent for projects of questionable value.

The intent of Congress in creating the Synthetic Fuels Corporation was to provide support for the demonstration of commercially viable synfuels technologies that would not otherwise be adequately tested. Instead of supporting a wide range of technologies, the Corporation has focused large sums of money on a few hopeless technogies and ignored the more promising ones. The continuation of the status quo, or a token spending cut as some have proposed, will waste billions and billions of dollars on technologies that are inefficient, uneconomic, and environmentally unsound.

So far, $3.1 billion have been committed by the Corporation for the construction of four synfuels facilities. Two other projects are being build without Federal funds. Passage of a $10 billion rescission will leave about $3 billion for additional projects, enough to provide limited funding to a variety of projects aimed at developing the information and infrastructure base needed for the orderly development of the synfuels industry.

Mr. Chairman, this bill provides $8.5 billion in new budget authority to maintain, cultivate, preserve and manage our Nation's vast cultural, natural and energy resources. The level of funding which we have recommended is some $830 million, or 10.1 percent over the President's request and $486.3 million over the fiscal year 1984 enacted level.

In a letter to me dated July 25, our good friend, the young slasher, states that the bill is $470 million over the deficit downpayment cap. He states that the bill in its present form is "unacceptable" for several reasons which include the increases which the committee has recommended for authorized land acquisitions, Indian health services, energy research and development, State and local energy conservation programs, and a fill rate of 186,000 barrels per day for the strategic petroleum reserve. I will submit the entire text of his letter for the RECORD.

Mr. Chairman, our committee's recommendations clearly reflect a total increase of 10 percent over the President's request. But we have determined, as a result of 13,000 pages of testimony which we received from 800 witnesses during 43 days of hearings that these levels of funding are required for the Department of the Interior and its 16 related agencies in fiscal year 1985.

I support this Interior appropriations bill for the programs, projects and activities which it funds, and for the revenues which the continued operation of several of these programs will generate.

Our natural and cultural resources are our national treasures. Because they are precious to this Nation, and because they are irreplaceable, they demand and merit a continued Federal investment. I feel that it is particularly important to remind my colleagues that the investments which we make in many of these programs return money to the U.S. Treasury.

In fiscal year 1983, $14.4 billion in receipts were generated from the Department of the Interior, Forest Service, and Naval Petroleum Reserve activities. Estimated receipts for fiscal year 1984 are $13 billion, and for fiscal year 1985, $12 billion.

The management of Federal lands involves activities which range from land acquisition to the acceleration of existing as well as new recovery plans for threatened and endangered species. Of the $549 million recommended from the Bureau of Land Management, I am particularly pleased by the inclusion of $12.7 million for wildlife habitat management, funds which will allow the Bureau to proceed with full implementation of recovery plans for 26 threatened and endangered species. We have also recommended $27.3 million for endangered species in the Fish and Wildlife Service account, and have added $2 million to the President's request to accelerate recovery plans in the Forest Service account.

Among the actions recommended by the committee to protect and preserve our fishery and wildlife resources are $4.8 million for the cooperative fishery and wildlife research units program, $9 million for the migratory bird conservation advance loan account, the restoration of operational funding for the Berkshire National Fish Hatchery and six other hatcheries which had been proposed for closure, $45,000 for the continuation of the guard dog program at Hampshire College, and $500,000 to begin planning and design for an anadromous fish research laboratory on the Connecticut River, the next important step in the restoration effort which is underway in the Northeast.

For the National Park Service, the committee has recommended $963.4 million. Included in this total are $1 million for State and local river conservation assistance, $27 million for the historic preservation fund, and $12.9 million for the Lowell National Historical Park.

For the Forest Service, the committee recommends, and I strongly support the provision of $2.7 million for the continuation of gypsy moth research and $3.6 million for urban forestry.

The committee's recommendation of $1 billion for the Department of Energy includes the provision of $24 million for State EPCA grants, $50 million for schools and hospitals, and $200 million for weatherization.

Just as important as the preservation and management of our natural resources is the preservation and management of our cultural resources.

To this end, the committee has included $236.9 million for the Smithsonian Institution, and $347 million for the National Foundation on the Arts and Humanities.

The committee has reached agreement on several complex and divisive issues, particularly on the issues of outer Continental Shelf oil and gas lease sales, coal leasing, and the strategic petroleum reserve. So that we may send our ninth fiscal year 1985 appropriations bill to one other body with our carefully crafted and responsible recommendations on these issues and programs, I urge my colleagues to support this bill.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise in strong support of the bill, H.R. 5973.

Mr. Chairman, the distinguished chairwoman of the Government Operations Subcommittee on Government Activities and Transportation on which I proudly serve, is unable to be present today, due to official business. Chairwoman COLLINS has asked that I present on her behalf the following statement concerning the NEH appropriation section contained in H.R. 5973.

Chairwoman COLLINS statement reads as follows:

Mr. CHAIRMAN. On July 25, 1984, the House Government Activities and Transportation Subcommittee, which I chair, held hearings on defiance of the National Endowment for the Humanities (NEH). The 1964 Civil Rights Act, as amended, requires 110 Federal agencies, including NEH, to file annually with the Equal Employment Opportunity Commission affirmative action plans including recruiting and hiring goals, and timetables.

The Chairman of NEH, Dr. William Bennett, refuses, notwithstanding his oath of office, to file this document. This defiance to comply with the Federal law has prompted the Department of Education, the Department of Justice, and the Federal Trade Commission to join NEH in its stance.

The unwillingness of NEH to comply with the EEOC filing requirement for goals and timetables is simply a mask concealing the fact that NEH's affirmative action program is a sham.

The figures reveal that although 68 percent of the agency's workforce is female, 63.8 percent of these women are clustered at jobs ranking at GS-11 or below. Similarly, blacks constitute 26 percent of the total workforce but only 7 of the agency's black workers hold the rank of GS-11 or above (or less than 3 percent of the agency's total workforce of 262).

My esteemed colleague, Rep. Sidney Yates of Chicago, is the manager of the House Interior Appropriations Bill, H.R. 5983, which goes to the floor today. It will include funding for $145 million for the National Endowment for the Humanities for Fiscal Year 1985.

At March 29 hearings, Mr. Yates questioned NEH on why the agency's workforce is so heavily composed of women and blacks in lower GS-level positions. Following my hearing, I initially decided to offer an amendment to NEH's appropriation conditioning the funds upon agency compliance with its affirmative action requirements. Following discussions with Mr. Yates, I have agreed to refrain, to allow NEH to voluntarily comply and immediately improve its hiring of women and minorities in the upper ranks of its agency.

However, through my oversight subcommittee, I intend to monitor closely NEH and its compliance with the EEOC annual goals and timetables directives. As an agency head who takes an oath of office to uphold the Federal laws, Dr. Bennett does not have the option to pick and choose which laws he will obey. Thus, should the agency continue to defy the law, my subcommittee will take whatever steps are required to recommend that release of NEH funds for Fiscal Year 1986 be contingent on full agency compliance with our nation's civil rights laws.

We further plan to act upon the suggestions offered by EEOC Chairman Thomas that Congress enact effective sanctions for those agencies which believe they have risen above the reach of Federal law.

Thank you very much, Mr. Chairman.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I want to take this opportunity to commend the Appropriations Committee and especially our colleague Chairman SID YATES for the excellent work he and the committee have done in bringing to the floor an Interior appropriations bill that represents a sound long-term investment in both the use and preservation of our natural resources.

Once put in place, legislative policy must be followed through to insure its proper implementation. These concerned about our natural resources have a real friend in Chairman SID YATES. Representative YATES has been extraordinary in his willingness to take the time needed in seeing that natural resources policy is brought to successful fruition. Excellent examples of this diligence are found in H.R. 5973's funding of Federal natural resource programs within the State of Minnesota.

The success of the Boundary Waters Canoe Wilderness Act of 1978 is due in no small measure to the willingness of the committee to follow up year after year in fulfilling the laws commitments on land acquisition and forestry programs. I am especially appreciative of the committee's inclusion of $150,000 to complete the metropolitan river corridor study. This study of the Mississippi, Minnesota, and St. Croix Rivers, 2 years in the making, will provide important information on the management strategies needed to effectively preserve and enhance these magnificent resources. Within the Twin Cities metropolitan river corridor there exists a Federal wild and scenic river, a national wildlife refuge, and numerous Corps of Engineers projects. Such multifaceted use, if it is to be effectively managed, demands a framework based upon cooperation and consultation. This river study provides just such a framework.

The foresighted actions we take today in providing for the needs of our natural resource base will reap numerous benefits in the future. I commend the committee for their work in this area.

Mr. McDADE. Mr. Chairman, I yield 10 minutes to my distinguished colleage, the gentleman from Ohio [Mr. REGULA], a very able member of the subcommittee.

Mr. REGULA. Mr. Chairman, this is a bill that is a labor of love for those of us who serve on the subcommittee. It deals with one of the most priceless things that are part of these United States, and that is the land resources.

Most people do not realize that over one-third of the U.S. land surface is controlled and owned by the Federal Government and it is the management of that land resource that is the responsibility of this subcommittee.

In addition to the one-third of America is onshore lands, the Government also manages a substantial portion of U.S. offshore lands which hold valuable oil and gas resources. I want to discuss that briefly today.

Before getting into that, I would commend the chairman and the members of the staff for excellent work and especially the ranking member of the subcommittee, our good friend from Pennsylvania [Mr. McDADE].

□ 1700

JOE has probably set a record for service on this committee. He has been a Member of this subcommittee for over 20 years and he certainly has served in the tradition of a predecessor from his area, Giffort Pinchot. He has brought to this responsibility care and love for America's precious land resources.

During my service I have always admired and been pleased with the way our colleague has fought to preserve the best of these United States, and to manage these lands well. I think evidence of the success of this management is the fact that if you look in the report you will note that Federal lands will produce over $12 billion in revenues for the national Treasury in fiscal year 1985, and the cost of this bill is only about $8.5 billion. So it means a net of about $4 billion flowing to our Treasury. This results, of course, from the forest timber receipts, as well as the management of the lands and the offshore leasing activities.

I was interested, coming from an inland State, Ohio, to note in our most recent constituent questionnaire, the results of one question. We included a question asking how many of those who responded had ever visited a national park. To my surprise, in Ohio, at least in the 16th District, over 76 percent of the respondents said that they had, at one time or another, visited a national park. I think that is eloquent testimony to the tremendous value of our National Park System, and why it is very important that we manage this resource carefully.

I would like to discuss briefly the policy implications of the moratorium that is provided in this bill. You might be interested in knowing that we have increased the amount of territory covered by these leasing bars from 786,000 acres in fiscal year 1982 to more than 52 million acres in fiscal year 1984. This represents a dramatic increase, almost 50 million acres, that have been put under a moratorium in the past 2 years. The bill before you today would prohibit leasing in areas off the coast of California and in the North Atlantic.

I would draw your attention to the fact that in 1978, when we were concerned about the energy resources available to our Nation, we mandated a 5-year program of offshore leasing. This body said to the Department of Interior, "Get moving, get these lands leased so that we can have access to this resource that is so vital to our own energy independence."

The Outer Continental Shelf Lands Act approved by this body by a vote of 338 to 18, mandated the Department of Interior to engage in, and I quote from the bill:

> Expedited exploration and development of the OCS, in order to assure national security, reduce dependence on foreign sources and maintain a favorable balance of payments in world trade.

Now, of course, with today's energy surplus situation, we have tended to think that this is not a problem for the future. But, I would say to you that I think, as we look down the road, we need to be concerned about energy security.

The United States is a huge energy consumer. The United States is the largest per capita user of energy in the world, because of the size of our economy, because of the lifestyle in the United States; therefore, it is important that we look to the future in de-

veloping a precious resource that is available to us in the offshore lands in the Outer Continental Shelf.

The technology particularly relating to safety and environmental protection, has improved tremendously over the last several years. If you look at the record of oil spills, the OCS program certainly has been far better than tankers or other techniques that are used to get energy to our shores.

The Federal Government controls about 97 percent of the Outer Continental Shelf that could be drilled. Therefore, the policy of this body becomes very important as we restrict that through legislative action. It has been estimated that the offshore lands hold one-third to one-half of all of the future reserves of this Nation. To date, only 2 percent of the Federal offshore lands have been leased. So I think the policy that we establish becomes quite important.

To illustrate the impact of our program in the United States, production from OCS lands dropped from 780 million barrels in 1971 to 450 million in 1982. At the same time, OCS production from the rest of the free world has been going up. We have, of course, the development off the coast of the United Kingdom, and we have the Norwegian development. Today the United States share of worldwide offshore production has shrunk from 21.7 percent in 1970 to only 7.6 percent in 1980. As a nation, our share of this resource is dropping.

I am afraid we may have a false sense of security because, at this point there is an oversupply of oil in the world and, therefore, the concern for developing the energy resource is not as great. However, I would point out to my colleagues here today, that there is a long leadtime in developing offshore reserves. It takes about 10 years from the time we initiate an action until oil is finally produced. Today, imports are at 1973 levels, but as the economy grows stronger, as we improve the quality of life in this Nation, we will depend even more on energy resources. Therefore, in view of that, I think it is important that we look to the future to ensure that we do develop this OCS resource to the best advantage for the people in the United States.

Last year we imported one-third of our consumption of petroleum reserves at a cost of $52 billion. This represents about three-quarters of the 1983 balance-of-payments deficit.

If we could reduce our dependence on imports, it would add to our own security, both from the standpoint of military security, as well as economic security. To say the least, the Persian Gulf is somewhat unstable, and to depend on this area too much I think is jeopardizing our position in the world.

Most of us do not realize that in the midseventies the United States entered into the International Energy Agency [IEA] agreements. What the result of this is, is a sharing of responsibility. This agreement provides that we must share with our allies our own resources in the event there is a shutdown of the Persian Gulf.

So to live in a fool's paradise of saying. "Well, what happens in the Persian Gulf is of no great concern to us because we do not depend on that as much as Japan or Europe," is not quite the situation.

If there were to be a destabilization of the Persian Gulf, and if this supply of energy were to be jeopardized, the United States, under the IEA agreement would be required to give a portion of our resources to our allies to maintain an equality of economic activity. Therefore, it becomes even more important that we not only develop the resources on the Outer Continental Shelf, but also that we have an ongoing Synthetic Fuels Program and that we strengthen our conservation activities so that we can be prepared for any eventuality.

It is interesting to note that to date over 27,000 wells have been drilled on the Outer Continental Shelf under the auspices of the Department of Interior, and out of those 27,000 wells there has been only one major spill in United States waters, and that was in 1969 in Santa Barbara.

I might say the United States probably has the best record of any nation in the world in terms of restrictions and a requirement for a high degree of safety and environmental technology, so that the level of spills has been very low.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA] has expired.

Mr. McDADE. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. REGULA. As a matter of fact, when the *Argo Merchant* spilled off the coast of Nantucket, there was more oil spilled, three times as much, from one tanker, as we have had in the 10 years of offshore exploration and production in the Outer Continental Shelf.

I do not propose to offer any amendments on the moratorium provisions in this bill, but I think it is important that this body recognize, for the future, that we need to take a new look at the Outer Continental Shelf program. We must ensure that we have an orderly, safe, careful development of this resource, so that we do not face a crisis as we did in the late 1970's when we did mandate that drilling go forth in the quickest possible way.

□ 1710

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding to me.

Mr. Chairman, I had planned to offer a limitation amendment to the pending legislation, which would have stipulated that none of the funds in this bill may be expended for the acquisition of land in that portion of the upper Delaware River in New York so designated by section 3(a)(19) of the Wild and Scenic Rivers Act. However, with the indulgence of the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], I would like to engage in a colloquy with him and with my colleague from New York [Mr. McHUGH] and my colleague from Pennsylvania and the ranking minority member of the subcommittee, Mr. McDADE.

As many of us know, section 705 of the National Parks and Recreation Act of 1978 designated the upper Delaware River as part of the Wild and Scenic River System. As enacted, it was a significant departure from previously used planning and management approaches to conserve an important landscape. The inherent purpose of the upper Delaware legislation at that time was to preserve and protect the rural character of the region, and the natural beauty of the valley. A partnership of governments was established; it encompasses local, State, county, and Federal officials, and was meant to emphasize the local aspects more than the frequently overwhelming Federal role. However, as management plans have been drawn up, it has become increasingly clear that there is much concern, misinformation, and innuendo, and that the people of the upper Delaware River region in New York have expressed fears that their local voice has been substantially diminished, and that their homes and livelihoods are in peril.

The enabling legislation authorizes the Secretary of the Interior to acquire an initial 450 acres of land. If the management plan approved by the Secretary stipulates an addition, the Secretary could acquire another 1,000 acres. And if the Secretary finds that local land use plans and laws are not in conformance with the management plan—which should have been agreed to by this consortium of governments to begin with—then the Secretary has the right to acquire even more land, up to 100 acres per mile on both the New York side of the river as well as on the Pennslylania side. A number of public hearings have been held, including one that I chaired that was attended by the National Park Service representatives and some of my col-

leagues. The last meeting, held in March, was attended by a significant number of constituents, and was much needed insofar as it brought many people face to face with one to clarify the issues. However, there are still some lingering doubts. Boundaries remain uncertain, as well as the amount of land the National Park Service intends to acquire. Each plan has been different, and fears have been compounded.

I would like to ask the chairman of the subcommittee several questions about the funds allocated in this measure:

One. How has been allocated for land acquisition by the Park Service?

Mr. YATES. The answer to the question is $175 million.

Mr. GILMAN. I thank the chairman. If the chairman would further yield, have these funds been earmarked at all?

Mr. YATES. Yes, they have. Approximately $100 million is earmarked for specific Federal land acquisition projects around the Nation and the gentleman should know that no funds have been allocated for the acquisition of land in the upper Delaware.

Mr. GILMAN. I think our residents would be pleased to know that.

If the chairman would further yield, could he tell us how the remainder of the funds will be allocated?

Mr. YATES. Approximately $73 million have been allocated to the States.

Mr. GILMAN. If the chairman would further yield, is there any indication as to how much of these funds would be received by the State of New York, and for what purposes would New York State be using these funds?

Mr. YATES. We do not know how much New York would get under the allocation. New York would use their funds on a matching basis to carry out their State comprehensive outdoor recreation plan for acquisition of parkland or development of existing recreation lands. It would not be used for Federal land acquisition.

Mr. GILMAN. I thank the chairman for these clarifications.

Might I ask further that although there is no line item in the bill for land acquisition funds for the upper Delaware River, should the National Park Service wish to go ahead with the management plan, would they have to come to your subcommittee for additional funds?

Mr. YATES. The answer to that question is "Yes."

Mr. GILMAN. I think all of us engaged in this discussion today are concerned that there not be any arbitrary acquisition by the National Park Service. Could I have the chairman's assurance that there will be a full opportunity for all of us who are involved with this problem to be heard before the subcommittee should the National Park Service approach Congress for additional funds?

Mr. YATES. The gentleman has my assurance that will take place.

Mr. GILMAN. I want to thank the distinguished chairman. I know those of who are concerned with this project wanted to make certain that Congress does have appropriate oversight in this matter. This affects residents in my district in the State of New York as well as those of Mr. McHUGH's and Mr. McDADE's in the State of Pennsylvania.

It is important that Congress remain involved in this issue throughout the process.

Mr. Chairman, because I do not wish to establish any untimely precedent in the matter by offering my amendment, I intend to withdraw it at this time.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, the President's budget for Forest Service activities called for cutbacks in forest research. I note that the committee report accompanying this appropriations bill states that the committee takes issue with this proposal, calling the rationale use "unclear and unjustified."

Among other cutbacks, the administration proposed the elimination of the forest research facility at the University of Missouri in Columbia, MO, and the transfer of some personnel positions and funds to other facilities. The committee specifically rejected this proposal, and as a strong supporter of the research facility I appreciate your action.

For the purposes of clarification, Mr. Chairman, please confirm my understanding of the report language in this regard. Is it accurate that the figures listed for oak growth and yield research and for wildlife research reflect increases over the President's request, and not the total appropriations for those activities?

Mr. YATES. The gentleman is correct.

Mr. VOLKMER. Thus, after these increases, the total appropriation for the Columbia research facility is in the neighborhood of $750,000; is that correct?

Mr. YATES. The gentleman is correct.

Mr. VOLKMER. I thank the chairman for his clarification, and I thank the committee for its explicit support for continuing the research at the Columbia facility.

Mr. YATES. Mr. Chairman, I reserve the balance of my time.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Texas [Mr. LOEFFLER], who makes such valuable contributions to the subcommittee.

Mr. LOEFFLER. I thank my distinguished ranking Republican member of the subcommittee for yielding, and say to him that all of us in this body, those of us who serve today as well as those who have served in previous years, wish to express our thanks to the gentleman for the outstanding job the gentleman has done on the Interior Appropriations Subcommittee for the past 20 years.

While we know next year in the new Congress, the 99th Congress, the gentleman will have other responsibilities on the Defense Appropriations Subcommittee that will take the gentleman away from our activities altogether, we will always look to the gentleman for his advice, and counsel, and guidance, and know that while the gentleman may not be meeting with us regularly, you will be with us in heart and spirit. I am sure the gentleman will have something to say about the priorities that we will establish next year.

I also wish to thank our distinguished chairman and the members of the committee for the very fair and equitable way that we have conducted the hearings during the course of this markup process, and I as well look forward to service on the committee during the years ahead.

Mr. Chairman, I do, however, rise to express only qualified support for the fiscal year 1985 Interior and related agencies appropriation bill which we have before us today. I say qualified support because I have serious reservations about several facets of the bill. First and foremost, this body must face the fact that the pending legislation is some $500 million over the Rose Garden budget allocation, and, as the distinguished ranking Republican has mentioned earlier, will certainly be subject to Presidential veto in its present form.

□ 1720

No one item accounts for this half-billion dollar excess. We simply have too much of a good thing in this bill. All told, there is at least $470 million in this Interior bill which the administration deems to be unacceptable.

The committee has, however, worked its will on this bill, allocating $8.5 billion among the Department of the Interior, the Department of Energy, as well as several independent agencies. Clearly, I do not wish to unravel and upset the priorities that the subcommittee and the full committee have established.

As we continue the consideration of amendments on this legislation, our ranking Republican, the gentleman from Pennsylvania [Mr. McDADE] will offer an amendment to reduce this bill perhaps as much as 4 percent across

the board, which would begin—and I say begin—to bring this appropriation bill within the realm of fiscal responsibility. If the amendment is not adopted, then I will be constrained to oppose the legislation on final passage.

Mr. Chairman, I must also bring to the attention of my colleagues the section of this bill dealing with the ability to explore, develop, and produce oil and gas from the offshore Outer Continental Shelf. As my colleagues are well aware, the Committee on Appropriations has, for each of the last 3 years, imposed moratoria on much of the Outer Contintental Shelf and, thus, have effectively stymied this Nation's efforts to achieve energy self-sufficiency in a responsible manner.

The committee bill before us continues the moratoria on the Outer Continental Shelf activities off the coast of California and in the Georges Banks region in the North Atlantic. However, I must point out to my colleagues that there are currently no lease sales scheduled—no leases sales scheduled—in either of these regions during fiscal year 1985. The Secretary of the Interior, Mr. Clark, has testified before both bodies that no lease sales are scheduled and none will occur offshore California or the Georges Bank region in fiscal year 1985.

The moratoria language is simply a rollover of language from previous years and, in my judgment, serves no legitimate purpose.

Today, and during the consideration of this bill, I shall not offer an amendment on this issue, but feel compelled to bring this matter of urgent national importance to the attention of my colleagues. Blanket moratoria, as contained in this bill, only serve to threaten our Nation's energy and economic future, not to enhance it. In my judgment, we must continue, as was begun during deliberation in the subcommittee and full committee, to reverse this trend toward putting our Federal energy resources under lock and key, and move responsible and expeditiously toward energy self-sufficiency.

Again, I thank the distinguished chairman and the distinguished ranking Republican member for their courtesies and for their fairness during the entire deliberation, the hearings, the markup, in the subcommittee and the full committee, and look forward to yet another year ahead with our distinguished chairman, the gentleman from Illinois, and say to our ranking Republican, thank you for a job well done, and I am sure the chairman and those of us on the subcommittee will be hearing from you next year anyway.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. McHUGH].

Mr. McHUGH. I thank the gentleman for yielding this time to me.

Mr. Chairman, I also wish to compliment the chairman and the distinguished Member from Pennsylvania, the minority member on this subcommittee, for the fine job that they and their subcommittee do.

Mr. Chairman, I rise to say just a few words about the Upper Delaware River addressed just a few moments ago by my distinguished friend, the gentleman from New York [Mr. GILMAN].

This unparalleled, beautiful river, 75 miles of it approximately, is governed by wild and scenic river legislation which was passed in this Congress in the late 1970's. The gentleman from New York [Mr. GILMAN], the gentleman from Pennsylvania [Mr. McDADE], and I cooperated in fashioning that legislation, and it is unique legislation in a number of important respects.

First of all, it strictly limits the amount of land that the Federal Government can purchase. Traditionally, wild and scenic river corridors were purchased in large measure by the Federal Government and managed exclusively by the Government. This legislation takes a different approach. It strictly limits the amount of property the Federal Government can purchase; and second, and equally as important, calls upon the local people to participate in the development of the management plan for the river corridor.

This is critically important, because if the local people take advantage of the opportunity they have to participate in the planning process, the management plan which will govern the river will reflect very substantially the local concerns people understandably have.

So we think this is important legislation. I understand that many people in our constituencies are concerned about the possibility that the Federal Government will purchase a considerable amount of territory. That is not the intent of the legislation. It is certainly not the intent of the authors, Mr. GILMAN, Mr. McDADE, and I, and certainly we will safeguard the interest of our local constituencies in seeing that the participation of the local people is preserved in the planning process and that the Federal Government does not purchase large segments of land which is not contemplated by the legislation itself.

Mr. YATES. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. I thank the distinguished gentleman from Illinois, the chairman of the Interior Subcommittee, for yielding this time to me.

I rise in support of this bill. I serve on the Interior Subcommittee, and it has been a distinct pleasure to serve under the leadership of the gentleman from Illinois and the ranking minority member, the gentleman from Pennsylvania.

Mr. Chairman, I favor the moratoria on specific areas of offshore drilling. During the markup to this bill, I voted against removing the moratoria.

As my colleagues know, one of the areas covered by the moratoria is on the Georges Bank off the coast of Massachusetts. Much has been made of the fact that it is important that the United States find and develop new sources of petroleum. Those of us who live in New England, which is at the end of every energy supply line in this country, are especially sensitive to that fact. No one who supports the Georges Bank moratorium argues that the New England States should be exempt from the national search to find new sources of energy. There have been petroleum exploration activities off the New England coast. In 1979, 63 tracts, totaling nearly 360,000 acres were leased and drilling began in 1980. That drilling activity, which has thus far only produced 8 dry holes, is continuing and will soon be supplemented by drilling activity on the more than 14 million acres off the New England coast that will be offered for lease by the Department of the Interior later this year. I think the record is clear. In spite of a number of environmental concerns, the people of New England realize that an OCS exploration effort is necessary from a national standpoint, and they are willing to be a part of that effort.

Why, then, do we ask for the moratorium? New Englanders know that new sources of energy are important to our economy and security. We, and those who support the California moratoria, also know, however, that our economy has other important elements—elements whose interest may sometimes compete with the interest of the petroleum industry. When deciding between these competing interests we ask only that fair consideration be given to the relative worth of each. The committee's moratorium covers about 8 million acres on the Georges Bank. This area comprises the most ecologically sensitive portions of one of the world's most productive fisheries. There is nothing conjectural about the value of this fishery, it is a proven economic resource which supports a multibillion dollar fishing industry. The products of this industry are not used for fertilizer or cat food, they are used to feed human beings both here and abroad.

If we are to open the most sensitive areas of the Georges Bank fishery to oil and gas exploration, with all of the risks associated with that activity compounded by the predictably severe weather in the area, the expected energy gains should at least balance the proven economic value of the fish-

ery. They do not. Resource estimates indicate that the value of the Georges Bank fishery is three times greater than the total economic value of the oil and gas resources in the area covered by the moratorium. The amount of oil and gas expected to be found in the moratorium area has been reduced by 95 percent in the course of various reestimates and it now appears that the bulk of the energy resource in the area is natural gas—a commodity hardly in short supply.

I hope that some accommodation can be worked out between the Department of the Interior and the affected coastal States which will permanently remove from consideration for leasing those OCS areas whose petroleum reserves are far outweighed by other considerations. Such an agreement would be clearly preferable to the moratoria procedure but I believe that the moratoria are necessary to produce an agreement. In addition, while no sale is scheduled in the Georges Bank moratorium area in 1985, continuation of the moratorium will provide protection against a slippage in the date for the 1984 lease sale. Without this protection, there would be nothing to legally prohibit the Secretary of the Interior from including areas now off limits in that sale.

Mr. Chairman, the leasing moratoria are necessary to insure that OCS development take place in consideration of, rather than in spite of, other economic interests. They are a valuable tool for reason in the leasing process and I urge my colleagues to continue them.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding this time to me.

Mr. Chairman, the previous speakers on this bill, even those who have indicated some suspicion of its excess spending, have been very complimentary to it. I must say at the outset that I am opposed to H.R. 5973 because there is too much spending in it.

Mr. Chairman, the bill calls for $8,509,496,000 in budget authority for fiscal year 1985. Last year's regular appropriation was for $7,953,783,000. This year's bill is $555,713,000, or 7 percent, above last year's regular appropriations. So far for fiscal year 1984, we have added $69,378,000 in supplemental appropriations for this function. This bill is $486,335,000, or 6.1 percent, over the amount appropriated to date for fiscal year 1984.

My judgment is that a 6-percent increase is unacceptable. So is 7 percent. It is twice our budget limit of 3.5 percent for domestic discretionary spending.

Moreover, individual sections of the bill can be described only as excessive. The Department of the Interior as a whole will receive $392,497,000, or 9.9 percent, more than in the appropriation we passed last year. Within the Department, the Fish and Wildlife Service gets $45,563,000, or 12.9 percent more than last year's appropriation. Energy and minerals functions receive $128,030,000, or 13.3 percent, more than last year's regular appropriation. Bureau of Indian Affairs, $97,189,000, or 10 percent more than last year.

Related agencies also fare very well. The Forest Service will receive $209,033,000, or 15.4 percent, more than last year. The Department of Energy appears to be a loser by $185,914,000. Almost all of those savings are from decreased strategic petroleum reserve activity. However, the committee informs us that in fact a supplemental for SPR awaits, to the tune of $459,190,000. Moreover, nonappropriated payments to SPR actually increase about 4 times—from $650 million last year to a projected $2.351 billion this year.

In addition, Mr. Chairman, arts-related appropriations increase at what are to me an unacceptable rate. The Smithsonian Institution receives an increase of $33,154,000, or 16.3 percent, more than last year. The National Foundation on the Arts and the Humanities increases $24,850,000, or 7.7 percent. There is no doubt that the arts are important to us. However, my judgment is that deficit reductions ought to be more important. I do not believe that it is fair or equitable for us to ask taxpayers to finance these large sorts of increases when restraint is being made in other areas, and the deficit remains so dangerously large.

I make comparisons to last year's appropriation for a very important reason. First, I feel that it is important that we make some reasonable comparison between like accounts. Virtually no appropriation certainly the Interior appropriation, finishes the year without some addition. If we do not compare this year's clean appropriation to last year's then we simply end up arbitraging the supplementals in each year. When we start to add supplementals, then it is reasonable to compare to the prior year's supplemented spending.

A second important reason to compare this year's appropriations to last year's presupplement level is that this bill historically receives large supplementals. From fiscal years 1978-83, the average supplemental is $140,951,330, or 5.3 percent. If fiscal 1980 is excluded—a year in which the Department of Energy received a large increase, most of it for synthetic fuels, resulting in serious inaccuracies between the original and final spending level—then the average supplemental is $791,713,800, or 8.5 percent. So far for fiscal year 1984, we have added $69,378,000, or about 1 percent.

The Parliamentarian's status report from June 27 indicates that there are entitlement authorities and other mandatory items requiring further appropriations. Some $2 million is for range improvements, attributable to this bill's account. Another $761 million is for civilian agency pay raises, and special benefits for Federal employees, a fraction of which is also attributable to this bill's account.

The committee reports that this bill will cost $8,509,496,000 if it is passed without modification. The bottom line is that it will surely cost us a few percentage points more, as has been the case in 5 out of the last 7 years.'

Finally, I note that in additions to this bill's report, some committee members express reservations about the bill as well. An amendment to rescind funding for the Synthetic Fuels Corporation I would support on its merits alone. When considering the fact that this bill is so much in excess of our budget targets, I intend to support other responsible amendments to reduce spending in this bill. I expect to get a spending reduction amendment of my own.

Mr. Chairman, we ought to be serious about deficit reductions. That will require restraint in every category, and on every bill. I urge a "no" vote to this appropriation.

Mr. YATES. Mr. Chairman, I have no further requests for time.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has 2 minutes remaining.

Mr. YATES. Mr. Chairman, I yield myself the balance of my time, and I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the measure now before us, H.R. 5973, Interior appropriations for fiscal year 1985. The Subcommittee on the Interior of the Appropriations Committee has conducted extensive hearings on the programs and projects encompassed in this legislation, which provides regular annual appropriations for the Department of the Interior and for other related agencies, including the Forest Service, the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and Humanities. It is only after careful consideration of all these and other programs that the committee has fashioned H.R. 5973.

Many of the initiatives undertaken by the committee in increasing the funds allocated to the Department of the Interior are centered around the production of our natural resources. The committee has recommended cer-

tain increases to further protect the resources of our Nation and to bar against their further erosion.

Similarly, for several years, it has been the interest of the committee to increase investment in our Nation's natural resources. Serious efforts have been made to support and initiate programs to replant those forest lands that lie fallow as a result of fire, insect infestation, wind, and harvests. Thus, the attempts to increase productivity and the ability of public lands to meet the ever-increasing needs of this Nation for the wide variety of products the forests provide, have centered around strengthening research.

Because research has become increasingly necessary for the development of barren forest lands, it is also significant in expanding the improtance of energy for our society. Energy, one of the sole determinants of the future of the economy and security of America, is predominantly developed by the Government. Government research funds can advance energy technologies, play a leadership role in energy conservation, and prepare ahead in the event of an oil import interruption. The provisions in this legislation provide for a stronger energy emergency preparedness capability, continued technology development, and for assistance to those people and institutions least able to make their homes and buildings more energy efficient. By increasing the budget for the Department of Energy, research, conservation, development and regulation can all be equally provided for by the technology that is catalytic in their implementation.

The Smithsonian Institution is also greatly in need of Federal support. Established by Congress in 1846, it primarily operated from the trust funds of the will of James Smithson. However, with the turn of the century it began to receive Federal appropriations to conduct some of its activities. With the expenditure of both private and Federal funds over the years, it has grown into one of the worlds great scientific, cultural, and intellectual institutions. To maintain the high caliber of intellectual activity ensconced in this Institution while concomitantly stimulating new development, an increase in Federal funding is of paramount importance and will continue to allow the Smithsonian to play the very important role it now enjoys.

So too, the National Foundation for the Arts and Humanities has received strong bipartisan support over the years, both in Congress and in the White House. Since its establishment in 1965, the past four Presidents have approved in turn, the congressional declaration that financial assistance for the arts and the humanities is a proper responsibility of the Federal Government in encouraging and enriching the human mind and spirit and in fostering the creativity of the American people. Consequently, these Presidents requested increased amounts in support of our cultural heritage and development in their budgets, and each year the Appropriations Committee and the Congress have overwhelmingly approved such increases. In this light, the legislation currently pending before us should be strongly supported. The arts must not be curtailed but must continue to exemplify the expressions of full-bodied creativity and overflowing spirit that reside in the hearts and minds of the American people.

To further the contribution made by museums to the public sector, additional grants are allocated to the institute of museum services. This fund enables the institute to continue serving as the intermediary between the Federal Government and those institutions deserving monetary assistance. Museums desiring support to expand collections and improve their overall establishment are represented and funded by this institute.

Furthermore, the National Gallery of Art, the Commission of Fine Arts, and the Historic Preservation Fund are similar recipients of the Appropriations Committee's increases in budget allowance with increases totalling over $62 million. These allocations are not frivolous but imperative, as they maintain the institutions which represent the history of our country and enable the American people to proudly remember the significance of this Nation's past.

While these creative individuals deserve Federal recognition, proper measures must be taken as well to pay tribute to those who have died for their beliefs. The Holocaust Memorial Council has been allocated an increase of $123,000 over the fiscal year 1984 funding level for a total of $1,976,000. These funds are provided for the planning, construction, and maintenance of a permanent living memorial and museum to the victims of the Holocaust in Washington, DC, and for the coordination of national days of remembrance to commemorate the millions who perished.

The importance therefore, of appropriating these Federal funds is essential in promoting creativity of mind and productivity of theory. These institutions and agencies have been extremely important in molding the minds of my constituents in New York and consequently deserve the Federal funding upon which they depend. If at this time we deny them the support they so desperately need, not only will we suffer, but the future of our children will suffer as well.

Accordingly, I urge my colleagues to promote the great American potential in developmental research, to ensure the unique creativity of the American people, and to uphold the freedom of the American spirit by lending their full support to this important measure.

Mr. AuCOIN. Mr. Chairman, I rise in strong support of H.R. 5973, the Interior appropriations bill for fiscal year 1985. This bill represents the culmination of long hours of work by the subcommittee, particularly that of the chairman and the ranking minority member. To them I offer my gratitude and my congratulations.

Mr. Chairman, if the Members will take the time to read the report they will find that our subcommittee heard from over 800 witnesses during 43 days of hearings. The hearings are contained in 12 published volumes totaling roughly 13,000 pages.

I bring those facts to the attention of the Members because they serve to illustrate just how important this bill is to the people of our country. As I have said many times, the annual Interior appropriations bill is probably the single most important piece of legislation affecting my State of Oregon. And that is true for many other States, primarily those where the Federal Government manages large tracts of lands.

This bill has been described as the all-American bill and with good reason. For in this bill are the necessary funds for the proper management of our Nation's timber lands, for fish hatcheries, for critical energy programs, for key land acquisitions, for the arts and humanities, for the strategic petroleum reserve—an important component in our national security system, and for a host of other natural resource and cultural programs.

The budget of the Forest Service is of particular importance to the economy of my State. The Forest Service budget is important because most of the timber companies in my State are not large private landowners. Instead, these firms must rely on timber offered for sale by the Forest Service from the lands that agency manages.

This bill provides for 5.05 billion board feet of timber for region 6. Funding is also provided for reforestation and timber stand improvement, two accounts that are labor intensive and add to the stability and productivity of our national forests in the region I represent. This bill also restores important funding for forest research and the State and private forestry program.

Mr. Chairman, the annual Interior appropriations bill is one of the few appropriations bills that actually makes money for the Treasury, thus helping to lessen our deficit. This is a critical point. This bill is a bill that makes investments that will generate revenues to local governments and the Federal Treasury. The bill before you today will generate revenues of over

$12 billion—$3.5 billion more than it appropriates.

I bring these points to the attention of the Members because I am sure that we will vote on an amendment today that will make an across-the-board cut of some amount in order to make it acceptable to David Stockman and the Office of Management and Budget. I urge my colleagues to defeat such an amendment, particularly if the House decides today to rescind $5 or $10 billion from the synthetic fuels program. It will be argued that there is no program in this bill that cannot absorb a modest across-the-board cut. That might be true for some bills, but to make cuts in this bill is simply penny wise and pound foolish.

Let me describe for you what a modest 3 percent across-the-board cut will do to just a few of the revenue-producing programs in this bill. Take the Forest Service's timber sales program. A 3-percent cut in this program will save $5.7 million. It will mean, nationally, a decrease in the timber sales program of 450 million board feet. By saving $5.7 million we will forego $59 million in revenue—$37 million of which would come from Oregon and Washington, the most productive timber growing region. It means that over 7,000 job opportunities will be lost nationally—2,200 lost in Oregon and Washington. The $2.5 million we will save by cutting the important timber stand improvement program by 3 percent will cost us another 150 job opportunities.

The Forest Service recreation program, which serves more Americans than any other Federal agency including the Park Service, will see its capacity of developed sites reduced by 1.5 million visitor-days.

The Bureau of Land Management, which is thought of as primarily an agency that manages range lands, also manages timber lands. A 3-percent cut in its timber sales program—which comes to $1.6 million—will mean that 31 million board feet will not be sold in Oregon. That amount of timber would support 290 direct and indirect jobs in Oregon, a State which still has an unemployment rate of over 9-percent. This modest $1.6 million cut will cost the Federal Treasury $3.7 million in revenues.

Let me turn to another critical natural resource program—fisheries in the Pacific Northwest. The fishing industry in Orgeon has traditionally generated hundreds of millions of dollars into the economy of the Northwest. Just 2 years ago, Oregon's fishing industry contributed $300 million to the State's economy. Yet this season is one of the worst in modern history—for example, there is no commercial coho season off the coast of Oregon and Washington. The Fish and Wildlife Service, through matching grants to States, is attempting to restore the great fisheries of the past through research on anadromous fish. A 3-percent cut, however, would stall this vital research on salmon, steelhead, and striped bass, all of which are experiencing conservation problems and are extremely important to the economy of the Northwest.

Mr. Chairman, I respect the view of those who will support an across-the-board cut today. I understand their desire to bring our $200 billion yearly deficits under control. I share their desire to rein in spending. But it just seems to me that in our zeal we ought to pause a moment and reflect on exactly what it is that we're doing. Let me repeat what I said earlier—this bill makes money for the Treasury. It's an investment. It stimulates employment in the private sector. It does all the things that nearly all of us, at one time or another, say we support.

I urge you to support this bill and defeat any amendments that will cost Americans jobs.

● Mr. FIELDS. Mr. Chairman, as the ranking minority member of the Panama Canal/OCS Subcommittee, I rise to express my strongest opposition to the inclusion of OCS moratorium language within this legislation.

Just a few short years ago, this Nation faced a monumental energy crisis which caused tremendous economic and personal discomfort for millions of Americans.

In response to that pressing problem, the Congress overwhelmingly adopted the Outer Continental Shelf Lands Act Amendments of 1978. The fundamental purpose of this historic landmark legislation was to "expedite exploration and development of the OCS in order to assure national security, reduce dependence on foreign energy sources and maintain a favorable balance of payments in world trade."

Since that time, the energy industry has worked with various government agencies at the State and Federal level to develop our offshore energy resources in a timely and environmentally safe manner.

Regrettably, their efforts to further reduce our dependence on unstable sources of foreign oil have been stifled time and again by the misguided actions of this Congress.

In the last 3 years, this body has blatantly ignored the fundamental purpose of the OCS Lands Act by insisting on language which has consistently diminished the amount of OCS acreage which is available for exploration and development activity.

For instance, 3 years ago, the fiscal year 1982 interior appropriations bill prohibited activity in just four northern basins in the central and northern California planning area which totaled some 700,000 acres. Unfortunately, these prohibitions have now grown to the point where under this legislation, moratoriums are placed on some 52 million acres of the OCS.

While this may not seem like a lot of acreage, we must remember that these 52 million acres represent more OCS land then has been leased during the entire 30 years of the Federal OCS program.

These moratoriums are extremely shortsighed, counterproductive, and dangerous to the future of this Nation. They are a giant step backward to the goal of achieving energy independence.

While the memory of gaslines may no longer be burned in the minds of our constituents, let us not delude ourselves into believing that our energy problems have been solved.

In fact, they are far from being solved. At a time, when we should be working deligently to increase our domestic production, sadly we find that we are still consuming more oil than we produce and that our known energy reserves will be gone by the late 1990's.

Now, is the time to reverse this unacceptable trend and since the OCS contains up to 60 percent of this Nation's undiscovered energy resources, it's clear the OCS will play the major, if not key, role in meeting the energy needs of our citizens.

Instead of discouraging energy exploration, this body should be encouraging the efficient and timely development of the estimated 43 billion barrels of oil and the 230 trillion cubic feet of natural gas which is projected to exist on the OCS.

With these resources, our Nation could replace some 25 years' worth of oil imports and we could heat 23 million homes in America for the next 50 years.

Clearly, we cannot accomplish the goal of developing these needed resources by increasing the amount of OCS restrictions and by injecting such uncertainty into the leasing process.

One of the major accomplishments of the 1978 amendments was to significantly increase the environmental and occupational safeguards of the OCS program. These changes were in addition to the many environmental laws, like NEPA, which were already in existence.

As a matter of fact, as a result of the Outer Continental Shelf Lands Act amendments, industry must now comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and navigation safety.

To date, the U.S. OCS program has had only one environmental accident of significance, and that was the blowout in the Santa Barbara Channel in southern California in 1969. As a matter of fact, out of the 60 largest oilspills that have occurred in the

waters of this Nation, only one is the result of OCS oil and gas activities, the remainder are the result of tanker spills, the majority of which were carrying imported oil.

During the past 10 years, all OCS-related oilspills have amounted to about 56,000 barrels—which is less than one ten-thousands of 1 percent of the oil produced offshore during that period.

There has never been an oilspill resulting from a blowout of any of the more than 6,000 exploratory wells drilled in U.S. waters. And, since 1969 fewer than 800 barrels of oil have been lost in blowouts from all types of wells.

Clearly, the OCS safety record is an excellent one and what is ironic is that by enacting these moratoriums this body is not only promoting increased dependence on foreign oil but is encouraging the transportation of oil on tankers which are far more dangerous to our environment than the OCS Leasing Program.

At the same time, they must be some recognition of the many positive socioeconomic benefits of the OCS program.

As a Representative from Houston, TX, I can assure you that OCS development means jobs and livelihoods for thousands of my constituents. In fact, according to a study prepared by the Texas Department of Water Resources: One new job in the oil and gas industry creates three and seven-tenths new jobs in other sectors of our economy and it results in almost $48,200 in wages, dividends, and royalties, almost $30,300 in Federal, State, and local taxes and $528,000 in gross receipts economywide.

In the gulf coast area, 85,000 jobs are directly or indirectly dependent on the offshore program. Approximately 10,000 of these jobs are associated with activity offshore from Texas, and 75,000 are related to offshore Louisiana.

But employment from the OCS Program is not limited to the Gulf Coast area. In fact, hundreds of thousands of Americans, in nearly every State across the country, are employed by companies who service and supply the offshore industry. And, I am not just talking about large oil companies but many small, privately owned, even mom-and-pop operations, who depend on the offshore industry for their livelihoods.

Let me briefly share with you what's involved in getting one of these offshore rigs into operation.

Long before any kind of drilling activity begins, important geophysical data is obtained from our ocean floors. The sophisticated equipment used to collect this vital information is manufactured and developed in Connecticut, Massachusetts, and Rhode Island.

The highly specialized maps used to locate potential energy resources are produced in California and Florida.

The steel used to build these massive rigs, which is some 6,000 tons each, is manufactured in Birmingham, Pittsburgh, and Baytown, TX.

The rigs are then fabricated at shipyards along the gulf coast in Alabama, Louisiana, Mississippi, and Texas, as well as in California and Maryland.

After they are assembled, the rigs are painted and treated with protective coverings manufactured in St. Louis, MO, and Union, NJ.

The engines that power the rigs are manufactured by companies in Peoria, IL, and Detroit, MI.

The cranes that hoist equipment and supplies comes from Nebraska, Pennsylvania, Texas, Washington, and Wisconsin.

Specialized drilling fluids, drilling tools, and cement arrive from Arkansas, California, Nevada, Oklahoma, Utah, and Wyoming. In cooler climates, heaters manufactured in North Dakota warm the chilled living quarters and work areas.

Crews and supplies are brought to and from the rig by helicopters and workboats which comes from Alaska, Connecticut, Louisiana, New York, Oregon, Texas, and Washington.

Special shoes, hard hats, and work clothes are manufactured in Kentucky, Minnesota, Pennsylvania, Tennessee, Texas, and Wisconsin.

After exploration wells are drilled, mobile rigs move off location. If commercial quantities of oil and gas have been discovered, production platforms and pipelines are built to move products ashore. Many more jobs are created in this stage of the process.

From this description, you can see that OCS activity creates jobs for hundreds of thousands of Americans in States throughout this Nation. These are jobs that will not exist, if the Congress continues to enact these moratorium prohibitions.

Let me say in closing that if you want to do something positive to create jobs, to further reduce our dependence on imported oil, to increase our national security, and to improve our environment, then I urge you to join with me in opposing these misguided, ill-conceived, and dangerous OCS moratoriums contained within this legislation.

To do otherwise is to condemn your constituents to future energy shortages which will make the gaslines of the late 1970's pale in comparison.

I believe we can and we must achieve the goals of Public Law 95-372 by developing the Federal OCS area in a timely and environmentally safe manner. The OCS holds the key to energy independence and security for this Nation.

Mr. Chairman, finally, I would like included in the record a document which analyzes the negative effects of the OCS moratoriums. According to this study, over 2,000 jobs have been lost as a direct result of these leasing prohibitions, over 2 billion barrels of oil have not been produced and over $8.7 billion has been lost to the Federal Government in OCS revenues.

I again urge my colleagues to join me in strongly opposing H.R. 5973, the Interior appropriations bill for fiscal year 1985.

The study follows:

ANSWERS TO QUESTIONS FROM REPRESENTATIVE JACK FIELDS

Question: If leasing prohibitions contained in the Fiscal Year 1984 Department of the Interior Appropriations Act (P.L. 98-146) continue,

(1) How many jobs will be lost?

Answer: Potential employment stemming from OCS leasing is usually estimated as a part of the environmental impact statement (EIS) prepared for each lease sale included in the 5-year leasing schedule. Thus, the following figures are derived from the EIS's for the various sales affected by the prohibitions, except for Central and Northern California where the estimate is based on potential loss in resource production (see Question (2) below) since an EIS for an areawide sale in that planning

North Atlantic (Sale 82)—180 (fewer jobs in peak employment year).

Eastern Gulf of Mexico (Sale 79)—50 (fewer jobs in peak employment year).

Southern California (Sale 80)—1,200 (fewer jobs in peak employment year).

Central and Northern California—885 (fewer jobs in peak employment year).

(2) How much oil and gas which could be produced, would not be?

Answer: If the leasing prohibitions were permanent, the following resources would not be produced. Figures are for millions of barrels of oil equivalent.

North Atlantic—100; Eastern Gulf of Mexico—138; Southern California—890; Central and Northern California—1,100.

(3) Loss of revenues to Federal and State Governments?

Answer: (a) Loss to Federal Government—The following estimates represent loss of total receipts if prohibitions were permanent, including interest, bonuses, royalties and taxes.

North Atlantic—$150 million.

Eastern Gulf of Mexico—$345 million.

Southern California—$4,450 billion.

Central and Northern California—$3,850 billion.

(b) Loss of State Governments—This loss can generally be attributed to two sources. First, the States would lose potential State tax revenues due to loss of employment and other economic activities. Second, the States would receive no revenues from section 8(g) tracts that are located in areas subject to congressional prohibitions. An estimate of these losses are not available.●

● Mr. RAHALL. Mr. Chairman, the measure before us today, the Department of Interior and Related Agencies Appropriations for fiscal year 1985, H.R. 5973, supports many important activities. I would, however, like to address certain matters pertaining to the Abandoned Mine Reclamation Program at the Office of Surface Mining.

This bill appropriates $263 million from the abandoned mine reclamation fund in State grants, an increase of 35 percent over fiscal year 1984 levels. Also appropriated are $13 million for the Rural Abandoned Mine Program.

I would at the outset commend the chairman of the Subcommittee on Interior, SIDNEY YATES, and others such as JOHN MURTHA, JOE MCDADE, and RALPH REGULA for their diligence in working for the reclamation of abandoned coal mine lands.

At this time, the States are preparing or have already submitted their AML grant requests for fiscal year 1985. In the case of West Virginia—the recognized abandoned mine land reclamation leader—this will be its fourth annual AML grant and the request totals $31 million.

West Virginia, however, is currently being shortchanged by OSM. In January of this year, the agency awarded the State $27,197,000 its third AML construction grant. Of this amount, $18,433,598 was made immediately available. Still owed to West Virginia is $8,763,402 in fiscal year 1984 funds.

During the Committee on Interior and Insular Affairs OSM budget hearing, and again during the Appropriations Committee hearing with the agency, OSM officials were unable to say when this $8.8 million would be made available to West Virginia. I would at this time strongly urge the agency to review its AML funding situation so that it may, in an expeditious manner, make good on its grant award to the State.

There can be no doubt that West Virginia has proven its ability to put to good use the reclamation funds it receives, and to which it is entitled to under SMCRA. At the beginning of this year, $46.9 million in State share and cooperative agreement AML funds had been returned to West Virginia with $16.9 million of this amount having been obligated for projects in my congressional district. These projects have generally had priority one and two rankings, and dealt with problems associated with dangerous and often burning coal refuse piles. In addition, the State has also received $5.3 million for emergency projects with approximately 39 percent of this amount having been expended in my district.

The RAMP Program in West Virginia has also been a success. Despite the continued efforts of OSM to eliminate RAMP, the Soil Conservation Service working with West Virginia's 14 soil conservation districts in conjunction with the State RAMP Committee has completed 11 projects with reclamation underway on 8 other projects.

As stated in the committee report, RAMP funds are to come out of the Secretary's share of the abandoned mine reclamation fund.

At this point, I would like to comment on OSM's proposal of January 25, 1984, to apportion the Secretary's share of the abandoned mine reclamation fund to the States.

This proposal has been controversial because it is based on the national abandoned mine land inventory—an extremely flawed document which does not accurately reflect the extent of AML sites across the Nation. Indeed, the Appropriations Committee has justifiably included report language expressing this concern.

I believe the Congress must give serious consideration to this matter. If left to its own devices, OSM will seek to apportion these funds to the States based on the inventory document. It is, as such, incumbent upon the States to immediately update their AML inventories so they more accurately reflect the degree of orphaned mine lands within their borders. However, the fact remains that the national abandoned mine lands inventory was never intended for use in allocating funds. It is, as such, questionable whether the inventory in and of itself should be the sole criterion used for apportioning unallocated Secretarial-share AML moneys.

The Interstate Mining Compact has, for example, suggested that the allocation be based on three criteria: First, allocate to all States/tribes with historic, long-term coal production, 100 percent of the AML funds generated by their current operations. Second, allocate to the western coal-producing States/tribes up to 70 percent of the AML funds generated by their current production. Third, allocate to all coal-producing States/tribes sufficient AML funds to guarantee $1 million per year for the remaining life of the AML Program.

As the development of this apportionment continues, I intend to pursue the consideration of other options and to work with my colleagues from the coal States to find a fair and equitable approach to the distribution of unallocated Secretarial-share funds.

Another problematic aspect of the proposed apportionment deals with its treatment of RAMP. OSM proposes to count moneys appropriated for RAMP against each State's allocation rather than deduct this funding—as it would for other Federal activities such as emergency projects, SOAP, and AML research—off-the-top prior to apportionment.

RAMP funds should be deducted prior to apportionment as are the other Federal deductions. It makes little sense to count RAMP funding against a State's AML apportionment when RAMP is a Federal program handled by the SCS and not OSM and the State agencies.

In my view, this OSM proposal is just another way for the agency to achieve its goal of eliminating RAMP. In this respect, OSM also continues to advocate bypassing the SCS by turning RAMP over to the States. The Congress has consistently upheld the integrity of RAMP and has indicated to the administration its desire for the program to be implemented in the manner as envisioned by SMCRA. It is now incumbent upon OSM to respect this position.●

● Mr. CORRADA. Mr. Chairman, the fiscal year 1985 appropriations bill for the Department of the Interior includes an increase of $300,000 in operations and maintenance of the Fish and Wildlife Service to conduct a thorough analysis of the refuge needs and objectives in the Caribbean Island National Wildlife Refuges in Puerto Rico. I am very pleased about this appropriation which will allow the Atlanta regional office of the Fish and Wildlife Service, which encompasses Puerto Rico, to conduct a study that will result in a list of management objectives for the refuges. In this manner, the Congress would be in a better position to determine where and how much money needs to be appropriated to ensure that the natural resources in Puerto Rico are preserved and protected. In addition, the bill provides money for one additional law enforcement agent for Puerto Rico to protect the resources managed under the Fish and Wildlife Service.

The Caribbean Refuges have more breeding birds, the greatest diversity of marine birds, and more species of breeding endangered marine turtles than any refuge in the southeast region in the Fish and Wildlife Service. It is long overdue for the Service to undertake a serious and comprehensive assessment of the needs in the Caribbean Island National Wildlife Refuges. I want to thank the chairman of the Subcommittee on Interior Appropriations, SID YATES, and his excellent staff for including this money. I urge my colleagues to support the fiscal year 1985 Interior Appropriations bill.●

● Mr. SYNAR. Mr. Chairman, the section of the committee's report providing funding for the Office of Surface Mining and the Solicitor's Office could almost be retitled, "The Challenge of Putting Humpty Dumpty Back Together Again." That is what much of their job is now all about.

At recent hearings held by the Government Operations' Subcommittee on Environment, Energy, and Natural Resources, which I chair, we learned, quite simply, that the Department has a real mess on its hands, particularly with regard to the collection of civil penalties owed by coal operators for violations under the Surface Mining Control and Reclamation Act of 1977. Conservatively estimated, about $150 million in fines owed under the Federal interim surface mining program re-

mains to be collected. Recordkeeping at the Department of the Interior is so inadequate that we cannot be certain that the $150 million figure is accurate, but it is the best we have. For all we know, the amount could be much greater. In addition, many mining sites against which notices of violations were issued during the Federal program have yet to be cleaned up.

The responsibility for straightening out the problem now falls to the current Secretary of the Interior; the current Acting Director of the Office of Surface Mining [OSM]; the incoming Director of that Office; and the Acting Director of the Division of Surface Mining at Interior's Office of the Solicitor. I don't envy any of them their jobs. But I am encouraged by the fact that the Department, after years of understating the situation, now acknowledges that it has a serious problem on its hands. This new realism, coupled with the agency's publicly stated commitment to solve the problem, is heartening.

The Appropriations Committee takes a constructive approach: It provides funds for badly needed improvements in management information systems, while pointing out that money alone is not the answer; a firm commitment from OSM leadership toward this end is also needed. The committee also provides funds to the Solicitor's Office to continue processing the Parker/Gasch court orders at no less than the fiscal year 1984 levels. This latter directive is particularly important. It is only over the past several months that the Department has hired lawyers necessary to handle the backlog of debt collection and site cleanup cases. It will require uninterrupted effort from this new, expanded cadre of attorneys to collect the debts and to get sites cleaned up.

Whether or not the funding in this bill is adequate is another question, but it should be noted that the Department has not made use of its existing authorities under the Debt Collection Act of 1982 and the Surface Mining Control and Reclamation Act to help pay the costs of collecting its debts and administering the act.

But let's not forget how Humpty Dumpty came to have his great fall in the first place. He didn't fall; he was pushed off the wall. On May 20, 1981, the Secretary of the Interior, James G. Watt, announced a reorganization of the Office of Surface Mining to streamline the operation of that Office. At the time, both Chairmen YATES and UDALL criticized the plan, but Secretary Watt and other key officials at the Department ignored their criticisms. Within the Solicitor's Office, people were also warning that cases were piling up and could not be handled with existing staff. They, too, were ignored. The Department proceeded, assuring Congress that the reorganization would make the program more efficient and effective.

Now we know that what the reorganization plan was very effective at doing was undercutting the ability of the Department to do its job in enforcing the act, particularly in the collection of civil penalties owed to the Treasury. The effect of the reorganization was to eliminate necessary and qualified staff at key points in the complex process through which a case must travel before any money can be collected. Cases piled up. The uncollected debt grew to monumental proportions.

There were inefficiencies throughout the Department. For starters, notices of proposed assessments, which notify an operator how much he owes and are a vital first step for collection, were not even given to the right people for service. It took an average of 412 days to hold assessment conferences, the point at which operators can informally challenge a penalty. And administrative hearings were pending, not for months, but for years. Very quickly, the word got out to many in the coal fields that the Federal Government was not serious about enforcing the law and collecting debts owed. Consequently, many operators, when served with a notice of violation, simply ignored it.

Contract dollars were also badly spent. Congress gave the Department money to buy computer systems. One system did not work. Another is duplicative, and departmental personnel either don't know how to make full use of another, or decided not to.

These types of problems appear throughout our hearing record, demonstrating that solving the Department's problems at this time will be very difficult. Nonetheless, I believe it is important that Congress provide the necessary support for departmental efforts to tackle the problem, while at the same time demanding a higher level of resolve and performance on Interior's part. For these reasons, I urge the Department to heed the committee's recommendations.

Let me comment briefly about another matter addressed in the committee's report. The committee provides that contracting out with A-76 procedures can take place "only upon completion of an A-76 study with funds specifically justified and approved for A-76 studies." In effect, the committee is bringing out into the open some of the costs of the A-76 Program—the diversion of personnel from their regular duties to conduct the cost comparison studies. I support that approach.

But these are not the only hidden costs. A contract which at first appears to be cheaper for the Government may contain substantial long range hidden costs such as unanticipated costs associated with the processing of change orders, the costs of contracting officers and lawyers necessary to resolve disputes, the costs of audits and audit resolution, the costs and inefficiencies arising from the failure of Government to properly anticipate the scope of the project and potential problems when writing bid proposals and contracts, and ballooning contract costs after an outside contractor captures a project because of low balling a contract. There are other, intangible costs, such as the loss of direct control over a project and the fact that once contracted out, it is frequently difficult to bring an activity back into the agency. Furthermore, undue emphasis on contracting out can lead to low morale and employee performance within the agency, which, in turn, makes it more difficult to carry out the Department's basic mission.

I have no objection to contracting out when thorough study shows it truly is cost effective, and when doing so makes sense in terms of the overall program of the agency. But the Department of the Interior has pushed hard to contract out, and to do so quickly. To date, we have had no assurance that, in fact, current projects will be cost effective when consideration is given to the variety of other factors that should be considered. Thus, I believe that the committee has taken an important step toward making the A-76 process more rational at the Department of the Interior, and I commend Chairman YATES and the members for their efforts.●

● Mr. LEVINE of California. Mr. Chairman, I rise in support of H.R. 5973, the fiscal year 1985 Interior Department appropriations bill. The bill contains two provisions which are of particular concern to the people of California.

First, H.R. 5973 includes a continuation of the Fiscal Year 1984 Interior Appropriations Act—Public Law 98-146—provisions which temporarily exempt economically, environmentally, and strategically sensitive areas off the California coast from oil and gas leasing. These provisions are the product of detailed discussions and negotiations in Congress, based upon previsous congressional action, State and local government recommendations and administrative exemptions by former Secretaries of the Interior. Since the change in leadership at the Interior Department, OCS oil and gas leasing program changes have been proposed. However, we have not yet found a long-term solution to the conflict between competing coastal uses. Extension of the California OCS moratoria is essential to continued efforts to reach an agreement on California coastal management.

We must do all we can to develop domestic energy resources—including increasing oil and gas production. How-

ever, we must also avoid resorting to costly litigation and time-consuming legislative battles. The economies of our coastal communities, which are dependent on a safe and clean coastline should not be endangered by offshore oil drilling. Also, environmentally sensitive areas such as Santa Monica Bay, the Monterey and Carmel coastlines, and other southern California beaches must be protected. Finally, we must also ensure the Navy's ability to carry out its national defense responsibilities without the interference of oil and gas leasing activities off the coast of San Diego. H.R. 5973 protects these sensitive areas while allowing oil and gas development in many other areas.

H.R. 5973 also includes a $28,165,000 appropriation for new parkland purchases in the Santa Monica Mountains National Recreation Area. This park provides a unique natural setting for millions of southern Californians who live and work in an urban environment and the many tourists from all over the world, who visit southern California beaches and the Santa Monica mountains. With this funding, the National Park Service may be able to accomplish the following: Complete acquisition in Zuma and Trancas Canyons, purchase the Oren Realty property, which is a significant ecological area; acquire the Charetville property, which offers a variety of outdoor recreational activities; buy the Leo Carillo/Rancho Sierra Vista connection, which includes the most spectacular mountainous scenery in the park, and acquire several trail corridors.

I commend the members of the Appropriations Committee for approving an Interior appropriations bill which encourages energy development while protecting our natural resources. I urge my colleagues to support this reasonable legislation.●

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

□ 1730

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read title I.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by titles, and that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title I?

Are there amendments to title I?

AMENDMENT OFFERED BY MR. KOGOVSEK

Mr. KOGOVSEK. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That pursuant to this Act and hereafter, and except with respect to those applications for which costs are recovered on the basis of a schedule of fees or charges fixed by regulation, the amounts collected under section 304 of the Act of October 21, 1976, and sections 101 and 203 of Public Law 93-153 and appropriated under this heading shall be sufficient to meet the actual cost, including direct and indirect costs, to the United States, as determined by the Secretary, of the application processing and other activities, including the full cost of preparation of environmental impact statements, required in connection with the application for which such charges are made: *Provided further*, That pursuant to this Act and hereafter, and except with respect to those applications for which costs are recovered on the basis of a schedule of fees or charges fixed by regulation, no funds other than those appropriated under this heading, or otherwise available under the provisions of subsection 307(c), may be used to meet the costs determined by the Secretary, in his discretion, to be reasonable under section 304(b) of the Act of October 21, 1976.

The Clerk read as follows:

Amendment offered by Mr. KOGOVSEK: On page 5, line 7, strike out the colon and all that follows down to the period on page 6, line 2.

Mr. KOGOVSEK. Mr. Chairman, this amendment will modify a legislative provision of the appropriation bill that would significantly change the intent of Congress when it wrote the Federal Land Policy and Management Act.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KOGOVSEK. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, as I understand this amendment, it proposes to strike out the phrase which requires actual costs be paid to the Bureau of Land Management in connection with rights-of-way, and that the word, "reasonable," be substituted.

Mr. Chairman, I think the gentleman's amendment has merit, and I have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KOGOVSEK].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. O'BRIEN

Mr. O'BRIEN. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

ADMINISTRATIVE PROVISIONS

Appropriation for the National Park Service shall be available for the purchase of not to exceed 1 aircraft for replacement only, 207 passenger motor vehicles of which 163 shall be for replacement only, including not to exceed 111 for police-type use and 4 buses; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses.

The clerk read as follows:

Amendment offered by Mr. O'BRIEN: Page 15, after line 9, insert the following new items:

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

For the establishment and operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

For the establishment and operation of the Jefferson National Expansion Memorial Commission, $75,000.

Mr. O'BRIEN. Mr. Chairman, the amendment that I am offering would provide $250,000 for the establishment and operation of the Illinois and Michigan Canal National Heritage Corridor Commission and $75,000 for the Jefferson National Expansion Memorial Commission.

These two commissions were authorized in S. 746, a bill we passed on June 29, just before the recess. The bill is now awaiting the President's signature. We have assurances from the White House that it will be signed.

Final passage of S. 746 marked the culmination of several years of bipartisan effort on the part of the Illinois congressional delegation.

Title I established a 100-mile national heritage corridor along the old Illinois and Michigan Canal between Chicago and LaSalle-Peru, IL.

Title II authorized the acquisition of land in east St. Louis, IL, for an addition to the Jefferson National Expansion Memorial across the Mississippi River in St. Louis, MO, known throughout the world for Eero Saarinen's famous Gateway Arch.

Title I called for the appointment by the Secretary of the Interior of a 19-member commission to oversee and coordinate the development of projects in the Illinois and Michigan Canal National Heritage Corridor. The bill authorized $250,000 annually for this purpose during the 10-year life of the commission.

My amendment would finance the I&M Commission's activities during its first year of operation.

Title II of S. 746 established the Jefferson National Expansion Memorial Commission, which would be set up in a somewhat different manner than the I&M Commission, and which would have different responsibilities.

I have included $75,000 for its work, a figure furnished to me by the sponsors of title II.

Mr. Chairman, until this year the great State of Illinois had the unenviable distinction of being one of only five States without a national park. The only property in Illinois managed by the National Park Service is the Abraham Lincoln home in Springfield.

The passage of S. 746 changed that. The east St. Louis project will become part of the National Park Service's Jefferson Memorial Expansion Park, and the route of the 19th century Illinois and Michigan Canal will become the Nation's first national historic corridor.

Before I close, I wish to pay my respects to Chairman YATES and ranking member MCDADE for their understanding with regard to this amendment. It should have been offered in committee. It was not so offered, only because I became so involved in the passage of the authorizing legislation that I quite forgot the vital matter of the appropriation. I thank the gentlemen for their tolerance and courtesy in not dismissing my effort out of hand.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I have read the gentleman's amendment, and on this side we have no objection to it.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I congratulate the gentleman for offering the amendment. It is a good amendment. We have no objection to it, and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. O'BRIEN].

The amendment was agreed to.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 5973, the 1985 appropriations bill for the Department of the Interior. I want especially to indicate my appreciation, as well as that of the Commonwealth of Massachusetts, for the continuation of the prohibition on OCS leasing and preleasing activity in certain areas of the northwest Atlantic. This language, as well as that covering some areas off the coast of California, represents a limited congressional response to the failure by the administration to develop an OCS development plan that adequately balances the need to find new sources of oil and gas with the equally justifiable need to protect the rights of other users of ocean resources.

The restrictions on leasing in the northwest Atlantic in this bill are limited, and they are reasonable. Of some 59 million acres in the North Atlantic planning area, only about 9 million acres are included in the proposed moratorium area. These tracts include those located within 50 miles of shore, within vital commercial fish spawning grounds, within lobstering canyons, and within the Great South Channel, where both fishing and shipping traffic are very heavy. Even the Environmental Protection Agency under this administration has recommended against leasing in three of the areas. This request for a moratorium is not, as has been alleged, a blanket request—rather, it reflects the judgment that certain areas should be at least temporarily excluded from consideration while oil industry interest is first focused on the vast number of less environmentally critical tracts that will remain eligible for leasing.

The Secretary of the Interior, William Clark, has expressed his willingness to listen to the concerns of coastal States and other parties in these matters. Frankly, I have never met an Interior Secretary, including Mr. Clark's predecessor, Mr. Watt, who did not express such a willingness. The real question, however, is whether he will act in a manner that reflects these concerns. The facts are that this administration remains opposed to Federal support of State coastal zone management programs, opposed to sharing even a portion of the revenues derived from the OCS Program with coastal States, and opposed to requiring that offshore oil lease sales be made consistent with federally approved State coastal zone management programs. The lyrics may have changed at the Interior Department, but the underlying tune remains the same.

The question before Congress is whether the Secretary of Interior should be looked to as the sole source of wisdom with respect to the selection of areas for oil leasing. That approach is not consistent with the law, but it is, unfortunately, the approach that has been adopted by this administration. The issues at stake—clean beaches, a healthy fishery, and oil and gas exploration—are undeniably important, but their relative value—I submit—can be judged just as intelligently from the shores of Cape Cod or the Pacific as from the banks of the Potomac. The moratoria proposals—for the Pacific and the North Atlantic—are needed to restore a meaningful State-Federal partnership to the oil leasing process. Congress should continue to insist on these lease restrictions until the administration demonstrates a real commitment to act on its own to restore the balance that ought, by law, to have existed all along.

The CHAIRMAN. Are there further amendments to title I?

VACATING PROCEEDINGS UNDER WHICH THE KOGOVSEK AMENDMENT TO TITLE I WAS AGREED TO

Mr. KOGOVSEK. Mr. Chairman, I ask unanimous consent to vacate the proceedings under which my amendment was adopted to title I, and to offer the correct amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. KOGOVSEK

Mr. KOGOVSEK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOGOVSEK: On page 5, line 13, strike out the word "actual" and all that follows through the word "Secretary" on line 15, and insert in lieu thereof "reasonable costs, as defined under section 304(b) of the Act of October 21, 1976".

On page 5, line 16, strike the word "full" and insert in lieu thereof "reasonable".

Mr. KOGOVSEK. Mr. Chairman, this amendment will modify a legislative provision of the appropriations bill that would significantly change the intent of Congress when it wrote the Federal Land Policy and Management Act of 1976 [FLPMA]. What this provision would do is reverse a judicial decision, made barely 1 year ago, by the 10th Circuit Court of Appeals which ruled against the Department of Interior. The intent of Interior's proposal is to force applicants of rights-of-way permits on BLM lands to incur the total or actual costs of processing the applications, including the full cost of preparation of environmental impact statements, as opposed to the current law's requirement to pay "reasonable costs."

On the face, this may not sound like a bad change in the law. However, further examination of the issue, the interpretation of the court ruling, and the intent of Congress regarding FLPMA show that this change needs further study and is more far reaching.

Current law states that if someone applies for a permit for a right-of-way on Federal land, the Government will pay for the processing of the application, but the applicant will reimburse the Government for the "reasonable costs" that are incurred. This change

in the appropriations bill would eliminate a major and far-reaching section of that law by requiring the reimbursement of the total costs, regardless of whether they are reasonable, regardless if these costs would have been incurred anyway, and regardless of the fact that these costs are a benefit to the general public and not just to the applicant.

First, I would like to point out that this is a major change in FLPMA. If the Department seeks such a major change, there is no question full hearings are necessary to allow all impacted parties to be heard on such a landmark legislative change.

Second, I would like to read a number of statements from the 10th Circuit Court decision that show this was, and is, in violation of the law and the intent of Congress.

The court held "the Interior must consider factors listed in the Federal Land Policy and Management Act in establishing reasonable costs of processing applications for rights-of-way for reimbursement purposes." The court was very clear in the matter. Some of the other statements from this decision are as follows:

The court stated that these costs "must be considered on an individual, case-by-case basis." The Department's budget document, in requesting this change states, and I quote: "The above language is being requested to clarify the congressional intent * * * without regard to making individual case-by-case determinations * * *." This change flies in the face of the court decision and the intent of Congress.

In dismissing Interior's arguments, the court chastised the Department with statements such as "We do not take such a trivial view of Congress' explicit enunciation" and "Our review of this unusually abundant legislative history reinforces our conclusion that the reasonableness factors were intended to limit the Secretary's authorization to charge reasonable costs * * *. To suggest that the Secretary may completely disregard that line flouts the clear expression of Congressional intent contained in the legislative history."

Mr. Chairman, if we allow this change to be made, it will be in direct violation of the court decision and, in all probability, will again be ruled as a violation of FLPMA since the intent of Congress is precisely clear in this matter.

In addition, I must address the costs aspect, since this is why it is in this bill.

Interior wants applicants to pay for the total costs of processing applications, as opposed to reasonable costs, as is required by current law. This is to reduce the Department's budget, but in actuality, will have other grave effects. First, we are talking about millions of dollars more that an applicant would now have to pay, and pay in advance, just to apply for a right-of-way. What will this do to the costs of telephone, electric, gas, cable television or many other costs to those people residing near BLM lands? What will this do to ranchers who need a right-of-way for their business? I ask these questions because it is not totally clear, since there have not been hearings on this subject. What it appears will happen is it will directly and disproportionately shift this cost burden to our constituents, when it is not necessary. Second, if an applicant is required to pay this type of money, in advance, another result will be a significant decrease in the ability, and willingness, to even apply for permits. In the West, where the Federal Government owns so much of the land, this would have the effect of the consumers subsidizing the Federal Government's ownership of these lands: lands that the people do not necessarily want the Federal Government to own in the first place.

The following is a statement made in the conference committee on FLPMA, when they were debating this very issue of "reasonable costs," and I quote: "I do not think we would ever get Congress to agree that the applicant must pay all of them—the costs—all of the time, nor will we get Congress to agree, nor this committee to agree, that the Government would pay all the costs in every instance."

Mr. Chairman, in conclusion let me say that this legislative provision in the bill should be amended, and my amendment would do just that. The evidence is overwhelming that this is not what Congress intended. My amendment would continue to allow the Department to charge "reasonable costs," as they well should. And let me say at this point, that if the Department of Interior determines that the "reasonable costs" are in fact the "actual costs," then they can already charge this under current law. The court decision agreed with this fact, and in the language of that decision, and FLPMA, stated the following: "In determining whether costs are reasonable under this section, the Secretary may take into consideration actual costs * * *" and then listed other factors also. If the Interior Department feels that they need to change the law, then I urge them, as a member of the Committee on Interior and Insular Affairs, to seek this change in our committee.

Thank you and I urge my colleagues to support this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KOGOVSEK. I yield to the chairman of the subcommittee.

Mr. YATES. Mr. Chairman, it was the understanding of this gentleman that the amendment the Clerk had read previously was in fact the amendment which he now read in which the term, "reasonable costs," was substituted for "actual costs," and we have no objection to the amendment on this side.

Mr. KOGOVSEK. Mr. Chairman, I thank the chairman of the subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KOGOVSEK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read title II.

The Clerk proceeded to read title II.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title II? The Chair hears none.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction $260,798,000, to remain available until expended, of which $26,750,000 is for construction and acquisition of buildings and other facilities; and $234,048,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1985 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That no more than $196,226,000 to remain available without fiscal year limitation, shall be obligated for the construction of forest roads by timber purchasers.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 42, after line 6, insert:

"(INCLUDING RESCISSION OF FUNDS)"

On page 42, line 19, strike the period and insert the following: ": *Provided further*, That of the unused funds for timber purchaser road credits previously appropriated under the heading "Forest Roads" in Public Law 94-373, Public Law 95-74, and Public Law 95-465 and under the heading "Construction and Land Acquisition" in Public Law 96-196 and Public Law 96-514, $226,290,000 is hereby rescinded.".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to rescind $226,290,000 in unexpended timber purchaser credit road funds appropriated in fiscal years 1977 through 1981.

Beginning in 1977, Congress began controlling the amount of purchaser road credit money that the Forest Service could include in timber sales contracts by appropriating a specific, and limiting, amount of budget au-

thority. These appropriations were counted as budget authority and outlays, pursuant to Public Law 93-378. In practice, however, the funds were never actually paid to a timber purchaser. The purchaser would receive a credit for timber harvested equal to the dollar amount of roads constructed, reducing receipts to the Treasury in the year the timber was harvested.

Mr. Chairman, this amendment will rescind a great amount of these funds that remain in the Treasury and are unused, and this will be of a substantial help to the budget deficit. I ask for an aye vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment on page 41.

The portion of the bill to which the amendment relates is as follows:

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, includng administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", $1,041,459,000 of which $134,095,000, for reforestation and timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1986: *Provided*, That the volume of lumber offered for sale on any national forest and the expenditures for that timber sale program may be increased over the level prevailing in the previous fiscal year only if estimated annual receipts, based on the actual bid values, are in excess of annual expenditures for timber sold in at least three of the preceding five years.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 41, beginning on line 25, strike all beginning with ":" through "years" on page 42, line 5.

Mr. YATES. Mr. Chairman, the purpose of this amendment would be to strike language from the bill which would have limited the Forest Service's ability to increase timber sales levels unless receipts from prior year sales exceeded the cost of those sales. It is a very serious issue. The committee believes that this must be addressed more adequately by the Forest Service.

I received a call, however, from the chairman of the Committee on Agriculture, who indicated that a subcommittee of his committee was studying the subject and he would perfer that, inasmuch as the language is legislation, his committee be given the opportunity to deal with it.

□ 1740

Our committee believes that the Legislative Committee should deal with it and therefore we offer this amendment to strike this provision from the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $485,494,000 to remain available until expended: *Provided*, That for the base State Energy Conservation Program (part D of the Energy Policy and Conservation Act, sections 361 through 366), each State will match in cash or in kind not less than 20 percent of the Federal contribution: *Provided further*, That pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended 42 U.S.C. 5821(b)(1)(B), of the amount appropriated under this head, $26,000,000 shall be available for a grant for basic industry research facilities located at Northwestern University without section 111(b)(2) of such Act being applicable.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 48, in line 10, after the word "contribution," strike the semicolon, insert a period, and strike the balance of line 10 through line 16.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, what this amendment does is strike out language which is in the bill which would set aside $26 million for a basic industry research facility at Northwestern University. While I am certain this is a project that is meritorious, I am certain that the money would be well spent at Northwestern University, it raises a very troubling issue that has been raised on the floor before and I think is a growing menace to the process of attempting to assure that there is peer review of research projects taking place within our academic community.

In this case, Northwestern University is being singled out for a $26 million program that has not undergone peer review in any way, shape or form. That bothers me, because what we are saying is that we are taking money out of our research budgets, setting aside money for particular universities that have not necessarily been shown to be the most meritorious projects in the country.

This amendment, No. 1, would save $26 million, but more importantly, it seems to me would keep the faith of the peer review process which I think is vital if we are to protect ourselves from having all research labs, all research facilities at universities, become political footballs on the House floor. We have seen this specter raise its head in a number of instances already. This is one more example of where we are making academic decisions in a political atmosphere. I am disturbed by that. I think that it ill serves the long term good of research in this country, and so I would ask for the approval of the amendment.

Mr. YATES. Mr. Chairman, I am opposed to the amendment.

The committee examined this matter very carefully, and while there is some merit to the argument of the gentleman from Pennsylvania, in this instance the committee found that there was special need for the appropriation and approved it.

I hope that the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was rejected.

Mr. RUDD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so for the purpose of engaging the chairman, the gentleman from Illinois [Mr. YATES], and the ranking member in a colloquy with regard to disaster areas.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I would be happy to engage in a colloquy with the gentleman, resplendent as he is in his white suit.

Mr. RUDD. Well, this is not the first time.

Mr. YATES. We hope it will not be the last.

Mr. RUDD. The problem has to do with the excessive rainfall downpours that occur in the West, rapid melting of the snows, unusually heavy from the snowpacks there, and severe flooding in Arizona, California, New Mexico, and Utah, which cause very severe damage in those areas on Forest Service land. The greatest damage was inflicted on transportation systems. Much of the damage, however, as the committee has received in testimony, has been eligible for relief funds from the Federal Highway Administration.

Some repair work has been done, but the Forest Service has identified repairs totaling $18.7 billion that must be financed through regular appropriations and which have not yet been initiated. Without these repairs, damaged roads and trails will remain closed, impairing timber output in the various areas, mineral activity, access to dams, range allotments, recreation areas, extensive damage to channels

caused by debris, jams, clogged channels. All of this has caused great damage and, of course, the water quality will be diminished.

The Forest Service has not officially asked for these funds, but the people on the local scene have indicated that they need these funds in order to proceed.

The committee has added some $3 million from the administration's budget request to aid in that repair work.

But the question, Mr. Chairman, with the gentleman having full knowledge that these funds are desperately needed, would it be agreeable to the gentleman and to the committee to urge in every way possible that the Forest Service should be required to request funds for rapid repair work wherever it is needed and that they give full priority to the damage caused by the severe flooding, especially to bridges that were knocked out and to the repair of roads.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman.

Mr. YATES. I agree that the Forest Service should request whatever funds are required to meet these high priority needs and should use available funds to meet the highest priority needs whenever possible.

I would point out to the gentleman that I hope he votes against the amendment to be offered by the gentleman from Pennsylvania for a 4-percent cut, because that cut will affect these funds.

Mr. RUDD. Well, I will let the gentleman from Pennsylvania respond to that. I yield to the gentleman.

Mr. McDADE. Mr. Chairman, first let me congratulate the gentleman from Arizona for his foresight in bringing this to the attention of the committee. Certainly no one who serves on the subcommittee could be unaware of the importance of taking care of areas of our Nation that have been damaged because of floods, and so forth.

I want to assure my friend that this member of the subcommittee, and I assume based on past records perhaps other members of the subcommittee will be willing to make sure that the Forest Service takes care of the problem.

Let me point out to my friend that there is about $261 million in the bill uncontested for construction by the Forest Service.

There is an additional enormous amount of money for general operation and maintenance, hundreds of millions of dollars, both of which will adequately take care of the gentleman's problem, as it will take care of the resources of this Nation in fine fashion after we make the bill eligible to be passed into law by enacting the 4-percent cut that I intend to offer.

Mr. RUDD. Well, I appreciate the gentleman explaining that in such a manner that it is very understandable to all those who are listening. I appreciate the hard work the gentleman from Pennsylvania has done and I wish to commend the chairman for the fine work that he does constantly and continuously on this bill and on the Appropriations Committee.

I thank the chairman.

Mr. YATES. Mr. Chairman, will the gentleman, yield?

Mr. RUDD. I yield to the gentleman.

Mr. YATES. Mr. Chairman, in the face of those encomiums, I hope the gentleman will certainly vote with the gentleman from Illinois.

Mr. RUDD. I thank the chairman for his attention. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $267,588,000, to remain available until expended, and $7,800,000 to be derived by transfer from unobligated balances in the fossil energy construction account, and $3,000,000 is to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the Energy Security Reserve established by Public Law 96-126: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 47, line 12 after "expended," delete through "account" on line 14 and insert the following: "and $39,196,000 to be derived by transfer from unobligated balances in the "fossil energy construction" account, $5,800,000 to be derived by transfer from the account in Public Law 96-126 (93 Stat. 970 (1979)) entitled "Alternative Fuels Production", $2,500,000 to be derived by transfer from unobligated prior year balances in the energy production, demonstration, and distribution account".

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlemen from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, this amendment clarifies in the bill the action taken by the committee to use unobligated balances from other accounts to offset the fossil energy research and development appropriation. It adds no new budget authority, but it does include transfers from other accounts as requested by the administration.

Specifically, the following transfers are included in the amendment:

Fossil energy construction; $39,169,000.

Alternative fuels production: $5,800,000.

Energy production, demonstration, and distribution: $2,500,000.

The fossil energy construction amount is made up of these items:

SRC-II: $33,901,000.

SRC-I: $4,000,000.

High-Btu gasification: $1,280,000.

Low- and medium-Btu plant: $15,000, for a total of $39,196,000.

In each of these fossil energy construction transfers, the appropriations were made for large scale demonstration and pilot plants that are no longer contemplated. This transfer makes it possible to use these funds for other projects as requested.

It is in the interest of efficiency and economy that we propose this amendment.

□ 1850

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

Mr. PANETTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to thank the distinguished chairmen of the Interior Appropriations Subcommittee and the full Appropriations Committee—Mr. YATES and Mr. WHITTEN—for their outstanding leadership in bringing this legislation to the floor today.

I know I speak for many of my colleagues from the various coastal States when I express my strong support for the provisions in H.R. 5973 which would extend the current exemption of certain economically, environmentally, and strategically sensitive areas offshore California and New England from oil and gas leasing until September 30, 1985. A similar moratoria was included in the Interior appropriations bill for fiscal year 1984, and I am pleased that the committee has once again seen the wisdom of maintaining the status of these unique areas.

Of the 1 billion acres currently eligible for lease on the Outer Continental Shelf [OCS], only 4.6 percent would be affected by the leasing moratoria contained in H.R. 5973. In terms of hydrocarbon resources, the Department of the Interior has estimated that these sensitive areas contain only 5.7 percent of the oil and gas on the entire OCS.

In the North Atlantic, these tracts include those located off the scenic coast of Cape Cod, those within vital commercial fish spawning grounds, within lobster canyons, and in the great south channel, where both fishing and shipping traffic is very heavy. The Environmental Protection Agency itself recommended against leasing in three of these four areas. The Georges Bank moratorium is supported by 22 Members of the New England congressional delegation and affects just 9 million of the 57 million acres in the Interior Department's North Atlantic planning area.

Off the coast of California, the moratoria contained in H.R. 5973 cover similar sensitive marine environments. The central and northern California moratorium limits development in areas with low oil and gas potential and extreme biological sensitivity, like the big sur coastline. These areas also lie offshore communities highly dependent upon California's $16 billion coast-related fishing and tourism industries.

Affected southern California areas like the Channel Islands national marine sanctuary and the Santa Monica Bay lie directly adjacent to habitats for endangered or threatened species, within an area highly susceptible to air pollution from offshore development, and are contiguous to State waters permanently off limits to oil and gas development under State law. The California moratorium is supported by 28 Members of the State's congressional delegation—including both Senators—and 27 coastal cities and counties.

The limited leasing bans contained in H.R. 5973 for these sensitive marine areas are consistent with our need to expand domestic sources of oil and gas. In fact, even with the existing moratoria in place the OCS acreage leased each year has increased dramatically. The tract exemptions proposed for fiscal year 1985 contain 7.4 million fewer acres than the moratoria enacted last year, and would not affect leasing in promising areas like the point Arguello field and the Tanner and Cortes Banks. California already produces more than 1 million barrels of oil per day. In addition, roughly 45 million acres of the Northwest Atlantic—three times the area exempted from lease there—remain available for lease despite the moratorium.

Because of congressional support for a similar moratoria last year, Interior Secretary Clark has indicated some willingness to negotiate a permanent solution on the status of these areas with Congress and coastal States. While I welcome the Secretary's good intentions, there has been little substantive action to address the concerns of affected States. The most recent OCS leasing schedule for the Department of the Interior leaves no indication if and when the sensitive tracts will be leased. Furthermore, the Reagan administration continues to support the Broad "area-wide" concept of OCS leasing, continues to oppose bipartisan OCS revenue-sharing legislation, and opposes bipartisan efforts in Congress to require that offshore leases be consistent with federally approved State coastal management programs.

In additional, while it has no immediate bearing on the OCS leasing program, the President has appointed as head of the Nation's most prestigious Advisory Committee on Coastal Management Anne Burford, the former head of the EPA. Such administration actions do little to relieve the coastal States' fundamental concerns about the Federal Government's commitment to sound coastal management.

Mr. Chairman, it is clear to me that enactment of the limited moratoria contained in H.R. 5973 is essential if we are to negotiate with the Department of the Interior a compromise solution on the use of these sensitive marine areas. A negotiated compromise is clearly preferable to the persistent State-Federal litigation of the recent past, and to extraordinary legislative remedies such as leasing moratoria. I remain committed to pursuing such a fair and balanced arrangement.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

(The portion of the bill to which the amendment relates is as follows)

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 179 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 163 shall be for replacement only, acquisition of 184 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 45 aircraft from excess sources; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the United States Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); and (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered except as provided in Appropriation Acts.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 47, after line 2, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(RESCISSION)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $10,000,000,000 are rescinded.

Mr. YATES. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. CONTE. I yield to the gentleman from Illinois.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

Is it in order for me to ask the Chair whether there are other amendments to this title? I had hoped, the reason for the question is that I had hoped that this would be the last amendment that would be offered, that there would be no other amendments that would be offered to title II. If I understand the parliamentary situation, is the gentleman's amendment being offered to title II?

The CHAIRMAN. That is correct, and that is the Chair's understanding.

The Chair also understands that there are two other amendments that

are at the desk that have not been submitted, and the Chair does not see in the House Chamber the Members who are going to offer those amendments.

Mr. YATES. Is it in order then for this gentleman to offer a unanimous-consent request that there be no further amendments to title II before we consider the amendment offered by the gentleman from Massachusetts?

The CHAIRMAN. That would not be a proper request.

Mr. YATES. That would not be a proper request?

The CHAIRMAN. That would not be a proper request in Committee of the Whole.

Mr. YATES. Has the Clerk read the amendment, Mr. Chairman?

The CHAIRMAN. The Clerk has read the amendment.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. GEPHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, had come to no resolution thereon.

IN TRIBUTE TO FRED WARING

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. GAYDOS. Mr. Speaker, this past weekend, a giant in the music business, one of the last of the big band conductors, a man known for both his music and his ideas, died.

Fred Waring, who at 84 years of age, had capped his 68-year career by conducting a youth choral group at the Pennsylvania State University on Friday, suffered a massive stroke on Saturday and died on Sunday.

Many Americans who found peace and serenity in the music of Fred Waring and the Pennsylvanians will miss this giant of the industry, but we who represent the State of Pennsylvania will feel the loss tremendously.

And, as chairman of the Pennsylvania Congressional Delegation, I want to convey to Fred's wife, Virginia, and to his children our deepest sympathy.

It would be easy for me to recap Fred Waring's accomplishments during his career in music, but that really wouldn't say much about the man himself. And, besides, so many know how he survived changes in music trends during the 1960's and 1970's only to be rediscovered as the present age of nostalgia began sweeping the country in the early years of the 1980's.

I could easily talk about the now-famous Waring Blendor, that modern machine that foreshadowed the present explosion of kitchen appliances.

I could mention that Fred Waring's success in music surpassed performing on stage through the publications he presented to the music world—the monthly Music Journal and Shawnee Press, one of the world's largest publishers of band and choral music.

In truth, though, Fred Waring's contributions are all of the above, and more.

His efforts to keep American morale high during World War II by composing songs that made Americans proud stand out in my mind as well as in the minds of others. I am sure President Reagan considered Fred's wartime contribution when he presented him with the Congressional Gold Medal, the highest honor our Government can present to a civilian, in 1981.

Fred was a familiar person to those of us from the Commonwealth of Pennsylvania. He gave of himself generously at the Delegation's Pennsylvania Day here in Washington.

Fred Waring will be missed. But there is a lot of pride in what he accomplished over the years as well.

Perhaps Fred expressed it best himself when, before his 1980 show at Carnegie Hall in New York, he said: "I can't believe I'm going to be 80. If I'd known I'd live this long and have this much fun, I'd have started earlier."

We, too, wish Fred had started earlier. Then we could have had the fun and pleasure of more of Fred Waring.

14 AND UNDER GIRLS FROM 8TH DISTRICT OF VIRGINIA, WORLD-CLASS SOCCER PLAYERS SHINE AT "ROBBIE" INTERNATIONAL TOURNAMENT

(Mr. PARRIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, with the Olympic soccer playoffs now underway, I feel that this is an appropriate moment to point with pride to the very unique and outstanding accomplishments of two girls' teams from my district. Also at this time, Mr. Speaker, as we are all engrossed in the Olympics in Los Angeles, I would urge the Olympic Committee to give the most serious and constructive thinking to including girls' soccer in Olympic competition 4 years from now. This would be a logical and respectful action by the committee, and I hope my colleagues woul join me in this effort.

Mr. Speaker, if I made the flat-out claim that the best, 14 and under girls soccer players in the world live in my congressional district, I know that some of the Members would quickly rise in protest. However, let me cite the facts concerning the efforts of the Braddock Road Cyclones and the Fairfax Blazers, noting that both teams are from Virginia's Eighth District. And after relating their accomplishments, I will defer to the wisdom of my colleagues.

First, I feel it is important to point out that the "Robbie" Invitational, held each year in Toronto, Canada, is considered by most as the largest and finest invitational soccer tournament in the world. This year, held during the first week in July, the tournament hosted about 450 teams from 11 countries, 21 American States, and 7 Canadian provinces—close to 8,000 athletes.

The bottom line, Mr. Speaker, is that after all that competition from the best girls' soccer teams in the world, there was an all-Virginia Eighth District final won by the Braddock Road team 2 to 1 over the Fairfax team.

Invitations are extended to teams with outstanding records in their local leagues and are alternated yearly according to odd/even birthdays for both boys and girls. This year was the even year, but once you have won the "Robbie" cup, you have a standing invitation to return at anytime.

But the real winners of this mammoth tournament are the Muscular Dystrophy and Cystic Fibrosis Foundations. "Robbie" officials, having turned over $200,000 to the two organizations from 17 previous events, expected to add $50,000 this year as proceeds from the tournament. "Robbie" was a young Canadian player who died of muscular dystrophy.

Mr. Speaker, there were 40 teams in the 14 and under age group at this year's "Robbie" including Beverly Hills, the west coast champion, and the awesome Dallas "Sting" which at one point had recorded 102 victories in a row. The group also embraced a team from the United Kingdom and one from Grenada.

Virginia had two teams entered, and fortunately were placed in different brackets. Each advanced out of their divisions to the quarter finals as Braddock Road beat West Rouge, Scarborough; Richmond Hill, Toronto; S.E. Cincinnati, of Ohio; and Longueil, Montreal; while Fairfax downed Wexford, Canada; Burlington, Canada; K-Land of, Florida; and Pickering, Canada.

The highly touted Dallas "Sting" of Texas was upset in their division by Troy of Michigan only to see Troy lose to Beaconsfield of Quebec in the quarter finals. While Beverly Hills of California won their quarter match, Fairfax and Braddock Road moved on by defeating respectively, Scarborough

United I of Canada and Lachine of Quebec.

In the semi-finals, Fairfax took on Beaconsfield and prevailed while Braddock Road stunned Beverly Hills with a 3-to-0 victory. And so what did the Global Television Network have for their broadcast, an Eighth District All-Virginia final. I understand the video tape will be sent to the teams and at least one of our local TV stations is interested in using this in a special program.

In a hard-fought game, typical of Virginia soccer, Braddock Road won the "Robbie" Cup, 2 to 1. These two teams have tremendous respect for each other and it was interesting to note that the Fairfax goal was the first and only goal scored against Braddock Road Cyclones in the entire tournament.

Mr. Speaker, the girls are deserving of special recognition, and I will include their names at the end of my remarks. But I also must acknowledge the efforts of their fine coaches. Rick Rice of the Cyclones finds time to keep an active dental practice and is ably assisted by his wife Carolyn, who is the varsity girls soccer coach at Lake Braddock High School, and Linda Hilspeth, the goalie for the George Mason University girls' team and second-string All-American. Don Beach, the Fairfax Blazers head coach, is a gallant example of community spirit. Don suffered a serious injury on his job and currently suffers from a paralysis of his left side. He still makes sure his girls get the best despite his own handicap. He is assisted by David and Carol McCall.

Mr. Speaker, I now list the team rosters. I do hope the next Olympics will include girls soccer, and if so, do not be surprised to see some of the following names on the U.S. Team.

The Braddock Road Cyclones: Kim Alcorn, Tracy Arwood, Amanda Cromwell, Debbie Griesse, Kristine Healy, Sonya McCarthy, Kathy Nelson, Jode Osborn, Meghan Owings, Anne Porter, Patti Reeder, Cathy Reid, Emily Rice, Maureen Ross, Nancy Stengel, Laura Teter, Lori Toenjes, and Malissa White.

The Fairfax Blazers: Lora Beach, Caryn Brownelle, Sarah Bushman, Nancy Fink, Becky Joy, Kim Lawall, Terri McCall, Vicki Meginley, Peggy Melanson, Marci Michaud, Kendra Nyse, Amy Nack, Lee Ann O'Shea, Kati Steele, and Allison Walton.

SGT. RUBEN TRISTAN ALMANZA

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, I was grieved to learn this weekend of the death of a friend and former colleague, Sgt. Ruben Tristan Almanza, who died in the line of duty. Sergeant Almanza was a distinguished member of the Corpus Christi Police Department. But more than that he was a kind, caring, and dedicated law enforcement official who laid down his life while trying to protect others.

I want to extend my sincerest sympathies to Sergeant Almanza's relatives, who are deeply saddened by his death but who are proud of his accomplishments and service to his fellow man. Sergeant Almanza is survived by his wife, Irma; three daughters, Melisa, Cristina, and Jennifer; his parents, Wenseslado and Antonia Almanza; and seven sisters.

I also want to send my condolences to the members of the Corpus Christi Police Department, the mayor, and other city officials who share in the loss of this fine public servant.

Sergeant Almanza was the first city police officer to be killed since 1971. Police officers were pursuing a robbery suspect. When officers closed in to apprehend him, the suspect shot Sergeant Almanza in the left shoulder above his heart and then fired again at close range, striking the Sergeant in the back of the neck and wounding him mortally.

This tragic death grieves me and the members of the Corpus Christi Police Department greatly. Law enforcement officials share a special camaraderie that other professionals do not. As a former county sheriff in Corpus Christi, I know firsthand what it is like to start each day not knowing how it will end nor which of our colleagues will place his life on the line for his fellow man. Therefore, law enforcement officials share a special sentiment with each other. We are far more than coworkers. We are brothers in a special fraternity and members of a close family. Officers trust each other because we never know when we will be called on to risk our lives for others or when the quick thinking or selfless actions of another will save our lives.

This special closeness for each other and our concern for each other's families are two of the most strongly felt emotions of all officers. Like brothers in a family, we know that, should anything happen to one of us, the others will be there to care for, comfort, support, and guide our families.

Because I have felt these obligations and experienced these friendships, I know how deeply grieved the members of the family, the police department, and city officials are at the death of Sergeant Almanza.

I was deeply honored to have known Ruben Almanza and to have worked closely with him. As my colleagues may know, before serving in the House of Representatives I was actively involved in the fight against narcotics, which are like a cancer destroying our society and ruining our children's lives. I had the honor of working with some of the finest and most dedicated narcotics officers, including Sergeant Almanza. He devoted his life, not only to law enforcement and the protection of society, but also to stopping the trafficking of illegal drugs in our country. Ruben Almanza had a commitment to stopping this problem and served with distinction in the city's narcotics division for the past 5 years. He was well liked and respected by his fellow officers and was regarded as a compassionate and hard-working officer.

I want to extend my sympathies to his family and friends. I know that he will be remembered well and that his work will be carried on by his fellow officers. His 9 years of service to the city of Corpus Christi is deeply appreciated.

PERSONAL EXPLANATION

Mrs. LLOYD. Mr. Speaker, due to the untimely death of Mr. Joel "Jay" W. Solomon, a personal friend and nationally recognized public servant, I was unavoidably absent from the House Chamber during the consideration of House Resolution 558 and House Resolution 555. Had I been present, I would have recorded my vote in favor of both House Resolution 558 and House Resolution 555.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker, I take this time to direct the attention of the House to the issue of tax reform which I believe is major issue for our country and a major issue that we will be facing through the next year.

Late in this year we will be having in the Ways and Means Committee of the House a hearing on tax reform, and I am told that also later this year there will be hearings in the appropriate committee in the other body with regard to tax reform. My great hope is that those hearings and discussions around the country will yield a national debate on whether or not we should have tax reform in the next few years.

We started with a Tax Code in the early part of this century which was a very simple and straightforward Tax Code. It was in essence a flat tax. All of the adjusted gross income of the American people was taxed at a more or less flat rate. And, of course, in the early part of this century the amount of taxes that were needed were very small compared to the amount that are taken today in terms of overall percentage of the Nation's wealth or gross national product.

As the years went by and as the defense needs of the country increased, and as other needs increased, Social Security and other needed and appropriate programs were passed, the need for additional taxes appeared. And as the Members of the House know, we went from a flat tax with a very broad base and a fairly low rate to a tax which has come to be very unflat and at a very high rate. In fact, at a very high number of rates.

Presently we have 13 brackets rather than the original 1 or 2 brackets that we started out with.

As a result of all of these changes I have come to the conclusion, and I think a number of people in the country have come to the conclusion, that we have a Tax Code which has gotten out of hand. We have a Tax Code which is unfair, which is overly complicated, and which is yielding a bad economic outcome.

Let me be more specific on each of those points. First, it is unfair. The reason it is unfair is that some people are able to take advantage of the deductions, the preferences, the advantages that have been put into the code over the years, but many people are not. In fact, the broad number of taxpayers in the middle class in our country are not able to make use of the many, many shelters and deductions and preferences that exist in the code and because they are unable to make use of those preferences they are able to pay at a fairly constant rate.

□ 1800

There are over 266 families in the country today and probably more who make over $200,000 a year in earned income, yet they pay absolutely not 1 cent in taxes.

It appears to me that that is unfair. There are people making $1 million in earned income a year and are paying absolutely no taxes, legally.

Half the income in the country, half the income that is earned in the country a year is today not subject to the income tax, because of the many preferences and advantages that have been put into the code over the years.

So I think one can conclude in looking at this code that it is unfair and that some people are able to take advantage of things that we put in the code much more than others and that because of that we treat families in very similar circumstances in very different ways, and that truly has led to a lot of, I think, unrest and concern about the way this code works.

I would like to go to the second part of my statement on taxes and say that our Tax Code is not only unfair; I think it is overly complicated. We passed a tax bill a few weeks ago and that bill was over 1,000 pages long, 1,000 pages of statute that will add further complications to our Tax Code.

The entire Tax Code today is over 2,000 pages long, which is longer than the King James version of the Bible. The regulations, if we were to bring them into this Chamber today would probably rise well above this microphone from the floor.

I submit to you and I submit to the Members of the body that there is not a human being in the world who fully understands all of the provisions of our Tax Code.

I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding and I am very glad to see the gentleman take this special order tonight to describe the important tax reform work that he is engaging in.

I think our colleagues know that few Members of the House have spent more time, more thoughtful time on this subject than the gentleman from Missouri. I want to compliment him for the leadership he is showing on what I consider to be an exceptionally well-thought-out proposal to move this country toward, first tax simplication, but second, perhaps, a better investment climate for the economy in general.

Like him, I believe that there are a number of important questions that have to be sorted out before we reach the point of legislating the significant changes that he is talking about. He knows and other Members know that, for example, in the current Tax Code and climate one of the leading advocates of research and development tax credits so we can give a spur, an incentive to some of our sunrise industries, high technology, so forth.

Some of the significant policy questions involved in the gentleman's proposal will be whether or not there are adequate incentives across the board for everyone; sunrise and sunset industries, investors making choices, following opportunities where they may be, rather than having somebody on a tax-writing committee deciding where those best opportunities are and perhaps skewing the choices that the market might otherwise make.

It could be those advantages offset the R&D tax-credit advantage that some of us are now proposing for the existing code as it is now constituted.

I will be following the debate on this question and certainly following the leadership of the gentleman from Missouri, and paying particular attention to that particular feature of the argument and the debate, as well as others.

But I think the gentleman ought to be complimented for the tremendous leadership he has shown. I believe the tax reform, tax simplification and developing an investment strategy for this country that makes sense and allows people to follow opportunities, the greater degree to which we can follow that course is the degree to which I think we begin to prepare this country and my State and the gentleman's State for the economic future that those States and this country face.

So I want to before leaving the floor tonight, compliment the gentleman, associate myself with the thrust of his remarks, keeping in mind there are significant questions I want to follow.

I would be remiss if I did not tell the gentleman during his recent trip to Oregon in my district in which he spoke on these issues, I would be remiss if I did not point out for my colleagues that he was incredibly favorably received.

The ideas he espouses, the interest shown, impressed me a great deal. I want to compliment the gentleman for that as well.

Mr. GEPHARDT. I thank the gentleman for his statement and his leadership in trying to find the answers to that very difficult tax area and tell him that I gained greatly from being in his district and talking with his constituents about their views and their concerns and criticisms, et cetera, of the various proposals that have been propounded for tax reform.

I look forward to working with the gentleman through the coming months in trying to fashion what I hope will be a significant and important tax reform effort.

I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I, too, want to compliment him for the work he has done in the area of tax reform and revision.

I have studied a number of the proposals he developed along with Senator BRADLEY. I think in many instances they make some sense. They certainly make a good case for changing the present system. Whether or not I agree with all the details of his program, I think there are some other ways of getting to a flatter tax schedule than even the gentleman proposes that might be preferable.

But I do think that the thrust of the direction in which he is attempting to move is helpful.

I just had a couple of questions. First of all, why is it that the Democratic Platform Committee decided not to write into its proposal a specific endorsement of the fair tax proposal that the gentleman puts forward?

Mr. GEPHARDT. The decision, if the gentleman will allow, the decision was made early on that the platform would not name, by name, specific proposals, the feeling being that it would be best to write a platform that was thematic in nature and that pointed out certain principles which the party wanted to follow in the tax area.

If the gentleman read the platform, as I am sure he did, in that area, you

will note that the themes, the ideas, the principles, the philosophy that is espoused in the tax area I think identifies a set of ideas that is very much like the bill propounded by Senator BRADLEY and myself.

But it is not so specific that it is that bill and only that bill, but it identifies a series or a set of ideas that are in general accord with the ideas that are presented by the Bradley-Gephardt bill.

Mr. WALKER. Yes; for example, I think I remember the platform correctly as saying that they want to defer a portion of indexation. Now your bill would totally eliminate indexation, is that not correct?

Mr. GEPHARDT. The latest iteration of the Bradley-Gephardt bill does not continue indexing, but as the gentleman knows if you go to a flatter tax with fewer brackets, the need for indexing is lessened.

Mr. WALKER. But not eliminated.

Mr. GEPHARDT. You would lessen it but not totally obviate it.

Mr. WALKER. One other question I had of the gentleman about his proposal: Why did you decide in terms of personal exemptions to allow $2,000 for wage earners but only $1,000 for children? That would seem to mitigate against families in the proposal rather than having a personal exemption which is the same for everyone as the present Tax Code does have.

Mr. GEPHARDT. The decision we made had to do with where we felt we wanted taxes to start in terms of family income, and all of our exemption decisions and all the decisions we made with regard to deductions for preferences that we left had to do with trying to get the rates at a certain point.

Obviously if you grant more exemptions or credits or exclusions, you wind up with higher rates and with what we had left in we were able to get the rates to 14, 26, and 30 percent; as the gentleman knows, we felt if we granted extra exclusions or preferences we would get our rates higher than that and we did not want to go higher than that.

□ 1810

Mr. WALKER. If the gentleman would just yield for a moment further, the problem, though, that that gives some of us in taking a look at the specific proposal, is the fact that it does then have an impact on people with children, that it particularly favors people without children in terms of the overall structure of the tax system, but people with children get penalized if in fact you do not give an exemption, that is a person exemption, rather than based upon a wage-earner criteria.

Mr. GEPHARDT. The gentleman's point is an interesting one and one that I am sure will be often made as we go into the debate of this proposal.

My answer is that we went to the $2,000 and $1,000 figures in concert with other changes that we made in the code, other than deductions that we retained and we felt that we made any further changes that we would simply have to do something on rates that we did not want to do.

But clearly, those exemptions will be in competition with other deductions that we left when we finally get down to actually writing the bill.

Mr. WALKER. I thank the gentleman for allowing me to participate.

Mr. GEPHARDT. I thank the gentleman.

Madam Speaker, I yield to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. I thank the gentleman for yielding and I also commend him for taking the time for this special order and for the great amount of work that he has done, along with Senator BRADLEY, in the whole area of tax reform. It has been very, very helpful to the national debate which is ongoing and certainly will continue into 1985 at a renewed level of intensity.

Tax reform involves a couple of things. Certainly reform of the whole tax structure, as the gentleman from Missouri has beeen working on, is an important aspect of it. The whole idea of simplifying the Tax Code or reducing a number of brackets, cutting out some of the current exemptions, is very appealing to the average constituent. I certainly find that in my own district.

So I think the gentleman is doing a very important work in that regard. Not, I would say, without an uphill battle in terms of eliminating those exemptions that have been in the code for a long time.

I would also like to commend the gentleman for joining me and other Members in another aspect of tax reform and that is reducing and eliminating some of the longstanding tax loopholes, not only for individuals, but also for corporations, which have grown up over the years in the Tax Code and which contribute to making it as high as the gentleman has described it being.

I well remember the excellent assistance that the gentleman from Missouri gave to me and other tax reform-minded Members last year and also earlier this year in consideration of what became the Pease-Gephardt-McHugh-Moody amendment which would have been offered to House bill 4170 and which had the purpose of trying to make the Tax Code more fair in the eyes of the average citizen, keeping in mind that we do have essentially a voluntary system of taxation and that it is crucial that the ordinary citizen feel that he is being treated fairly when it comes time for him to decide whether or not to be fully honest in making out his own tax return.

Of course that amendment also would have had the purpose of reducing the Federal deficit and last year of meeting the requirements of the House-passed and Senate-passed budget resolution for raising a certain amount of revenue and this year for going beyond the savings or the revenue figure that was in the budget resolution and reducing the deficit even beyond the $182 billion over 3 years, which was contemplated in the House-passed budget resolution.

The gentleman from Missouri was extremely helpful in fashioning that amendment and in getting it as far as we did. As the gentleman knows, once the budget resolution was adopted and did not call for additional revenue beyond the amount that was already in the House bill 4170, the rationale and the impetus for our particular amendment, at that time, was gone. But I am sure the gentleman joins me in a continuing commitment to the elements of that amendment as we look ahead to next year and an even greater requirement than we have had thus far to reduce Federal deficits as a way of literally saving our economy.

I would hope that the gentleman would grant in his own bill on tax reform essentially deals with reform and does not speak particularly to raising revenue, that the purpose of the bill is not particularly to raise more money, but to simplify the way in which we do raise it. Next year we will be looking at not only simplification, not only closing off tax loopholes, but also with the need for raising additional revenues to reduce the deficits. And my own feeling, in that regard, is that it is very important that we focus on those measures which could increase revenue which make our tax system more fair and more progressive and which balance out some of the inequities which were introduced into the Tax Code by the 1981 Tax Act.

It disturbs me that many people when they talk about the tax bill next year as a way of reducing the deficit talk about things like a national sales tax which would be regressive and the value-added tax, which would also be regressive, or a consumption-based tax, which very likely would be regressive.

It seems to me that rather we need to be focusing on measures like a progressive income tax surcharge or something like that which would raise additional revenues, but also do it in a way that would offset some of the regressivity that was built into the 1981 Tax Code.

Finally, as a fourth element, I would hope that we could all keep in mind the need to do something about corporate taxation. We are focusing a good

deal on individual taxation, certainly in terms of tax simplification that is important, but the fact is that the 1981 tax bill was extraordinarily generous to corporate America. In many respects, really, overdid tax breaks for corporations.

If we are going to talk in terms of a perception of fairness among the American people, part of that has to be addressing the corporate income tax and various deductions and exemptions that corporate America enjoys so that Americans once again have the feeling that their tax system is fair.

In 1980, as I recall, corporations were paying about 13 percent of all the revenues to the Federal Treasury, less than half of what they had been paying 30 years before. In the 3 or 4 years since 1980 that figure has dropped from 13 percent down to 8 percent. Indeed, many sectors of corporate America are paying in negative income tax. Chemicals, the banking industry, and others not only do not pay taxes, they get money back from the Federal Government at the end of the year, despite the fact that they have apparently substantial profits.

So, that area, I think, needs a lot of attention also.

I am delighted to have a couple of minutes to add my thoughts in my support for the efforts of the gentleman from Missouri. I am certainly grateful for his leadership in this area. I hope he keeps at it. I pledge my own support for his efforts.

□ 1820

Mr. GEPHARDT. I thank the gentleman for his fine statement.

Madam Speaker, I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding.

Madam Speaker, as any one of us here can tell you, our present tax structure is complicated, inequitable, and badly in need of reform. In the past, many have submitted proposals in the guise of tax reform, but invariably these have led to an even more complex and unfair system.

The very foundation of our tax system—honesty and self-compliance—are being eroded as more and more people lose faith in our system. Our tax system, and its unusually high compliance rate, used to be the envy of the world. But by 1981, the Internal Revenue Service estimated total unreported legal sources of income at about $250 billion. Our tax laws had become so complicated that about 41 percent of all taxpayers had their returns prepared that year by lawyers, accountants, and other tax professionals. Only about 33 percent of all taxpayers itemized their deductions. Some taxpayers were so intimidated by the standard deductions that they hired a preparer.

Professional tax assistance, in fact, is estimated at well over $1 billion, and directly employs 150,000 people. While these professionals generally do a good and honest job, the U.S. tax system has always depended on self-assessment—people figuring out what they owe and paying up voluntarily—albeit grumbling all the way. If millions of Americans can't figure out their own tax liabilities, the foundation of that system is seriously undermined. Complexity goes hand-in-hand with the perception of unfairness.

We have before Congress a proposal which I believe will remedy both the complexity and inequity of our present system. The "Fair Tax," proposed by Senator BILL BRADLEY and Representative DICK GEPHARDT, would have a tax rate of 14 percent for those individuals earning $25,000 or less, and couples earning $40,000 or less. Affecting 80 percent of the population, this wide-band tax bracket would have a flat tax effect. Only a few items would be deductible: home mortgage interest, charitable contributions, medical expenses, and child care, among a few others. Nearly 70 percent of all taxpayers will pay less because more people will be paying a fairer share of the tax burden.

While the same deductions would apply, Americans earning more would pay 26 or 30 percent depending upon their total income. For some, it would be considerably more than they are presently paying. In 1981, according to the Internal Revenue Service [IRS], 226 American families reported incomes of more than $200,000 and paid not 1 cent in taxes. The respected Brookings Institution has reported that the average effective—and legal—tax rate for people earning more than $1 million a year is only 17.7 percent—less than many middle-class families pay who must make up the revenue loss.

The biggest change in law would be the closing of the over-abundance of tax subsidies, loopholes, and shelters. Taken individually, each tax exclusion has at least one logical and noteworthy objective—and I admit that I have supported many in my time. But in the aggregate, they are undermining our entire system. Tax shelters tend to feed one upon the other because most tax shelters don't really allow a taxpayer to avoid taxes altogether. They only enable him to put off the time of reckoning to a later year. In order to avoid future taxes, he must invest in yet another tax shelter, perpetuating the situation indefinitely.

The resulting array of preferential tax provisions has many negative effects. Tax shelters cost the Treasury revenue, and thereby keep tax rates high in order to raise the necessary funds for Government. They unfairly benefit those Americans who can take advantage of them compared to those who can't. In addition, the system perpetuates inefficiency. It encourages people to lose money for tax reasons, making investments that do not contribute to U.S. competitiveness. In 1983 tax shelters soaked up more than $14 billion in investment capital. The IRS estimated that those shelters cost the Federal Government—and other taxpayers—more than $3.5 billion in lost revenue, to say nothing of the lost jobs could have been created if that $14 billion had been put to productive use.

Our system of tax subsidies leads to inefficiency in the allocation of capital. It also endangers our prospects for economic growth, full employment and our ability to compete in international markets. Such a system as ours only intensifies the danger that special groups will take care of themselves at the expense of the general welfare. For both our prosperity and well-being as a society, we need a tax system that puts the general interest first.

There is nothing wrong with people getting rich; in fact, it's good for both them and the country. But there is no reason why wealthy people should be enriched further with gimmicks whose general costs are hidden at the expense of high rates for the rest of us. In addition, the Treasury loses so much revenue as a result of these deals that the ultimate effect is simply to increase the budget deficit, putting upward pressure on market interest rates—interest rates which are again threatening our economic prosperity.

The "Fair Tax" is a plan to close tax loopholes and reduce tax rates—together. It does not pander to any one group; it touches just about everyone's loopholes, and it lowers everyone's tax rates. So it increases everyone's incentives to work, invest, and save, which is good for the economy. And it determines everyone's taxes at low, fair rates, without loopholes for some people to duck their fair share, which is good for the country, good for Americans.

Madam Speaker, we here in Congress have wasted hour after hour debating the merits of one tax package after another, particularly in recent years. And year after year, we have enacted so-called tax reductions and tax increases. But the perception remains throughout the Nation that the tax system helps those who help themselves—the rich get richer, the poor get benefits, and the middle-class gets taken. I urge those of my colleagues who have not yet endorsed the "Fair Tax" to do so; and I urge this body to not only legitimately consider the proposal but to enact it into law. The time is now, before the system becomes so corroded that it is beyond redemption. Thank you, Madam Speaker.

Mr. GEPHARDT. I thank the gentleman very much.

Madam Speaker I yield to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. I thank the gentleman for yielding.

Madam Speaker, I would like to compliment the gentleman from Missouri for his leadership and work on tax reform.

Our colleague from Ohio talked about deficit reduction. It is my opinion, and I am sure the opinion of many others, that before we talk about deficit reduction we need to restore the faith of the American people in our tax system. I think it is imperative to restore just this basic fairness. I am convinced that the gentleman's tax plan is a good step in restoring that faith.

It is my understanding that the gentleman's tax plan would have a tax cut for 70 percent of the American people, an actual tax cut, in the reformation of the tax system. So I think it is a good step. I do compliment the gentleman, and I thank him for allowing me to take part in this discussion.

Mr. GEPHARDT. I thank the gentleman very much for his fine statement.

Madam Speaker, I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Madam Speaker, I want to commend the gentleman for the leadership that he has provided on this whole issue of tax simplification and reform.

It has been an issue that we have talked about for an awful long time around this institution. It seems like it has been years of debate on the whole issue of plugging loopholes and trying to deal with the inequities of the Tax Code.

But I am afraid that every time we deal with taxes it is the same old story. What happens is we wind up dividing the pot up, plugging a few loopholes here, and then opening a few dozen other loopholes there, because that is the nature of the system that we are dealing with.

And I am afraid that the American public is not going to support that kind of approach any longer in dealing with the tax structure of this country.

The reason that is going to happen, I think the pressure point on all of us is clearly the deficit issue. Whoever is elected President is going to have to face up to that issue. There is no way around it. Whether it is a Democrat or a Republican, the issue of the deficit is going to be pervasive in the next session of Congress. There are only so many ways, we know, to deal with that issue, whether it is controlling the growth of entitlements or controlling the growth of defense or dealing with revenues, it is going to take all three if in fact we are going to try to provide some control on the deficit issue.

But we cannot deal with the revenue area unless we address this issue of tax simplification and reform. We are not going to be able simply to come back with a whole series of either new taxes or old taxes or revisions of existing taxes and expect the American public is going to be satisfied with that. We have a responsibility to address the problem of the Revenue Code itself. We are going to have to do that.

I do not think the public is going to tolerate special interests dividing up the pie anymore. I do not think the public is going to tolerate our use of the revenue area to continue to try to do things with revenues that we do not have the guts to do directly; and that is the unfortunate thing, as I think we have misused the Tax Code to try to fulfill goals that, frankly, should be fulfilled in other ways. It has now become, instead of an obligation that people feel that they have to this country, almost a game in which people are able to escape that burden and that responsibility. If they can afford a good accountant or a good lawyer, they are able to do that.

We have created a bureaucracy to try to make sense out of it, and we are now in the strange situation where, if we want to provide additional revenues, we have to add another 5,000 or 10,000 Internal Revenue agents in order to do the job. So we need this kind of massive bureaucracy now to implement the intricacies of the system that no longer make sense.

I think it is for all of those reasons that the American public is going to say, "Stop." You have got to deal with this system from the bottom up. And I think that the proposals that the gentleman has offered in the Fair Tax Act, the other proposals that have been submitted in recommending a simplification of our system, have to be debated, have to be faced up to. We cannot talk about this any more. The time, it seems to me, for action, is long past. And hopefully, in dealing with this deficit issue, whatever administration comes to office, they will face up to this challenge. I know that with the leadership of the gentleman from Missouri, no President, no administration, ought to escape dealing with that challenge. I commend the gentleman for what he is doing here, and I hope to join with him in the efforts to ultimately bring some commonsense to our tax structure.

Madam Speaker, I am pleased to take part in this special order on the subject of income tax simplication and reform. I want to commend the gentleman from Missouri [Mr. GEPHARDT] not only for leading this discussion but also for the overall leadership role he has played in developing this issue.

It is clear that this issue, which has been building among the public for a long time, has finally reached the light of day and could be one of the fundamental questions to be debated in the coming election campaign. I applaud this development. In my view, it can have only a healthy effect. I have felt strongly for many years that one of the most fundamental changes needed in the laws of this country is comprehensive reform and simplification of the Tax Code. It appears now that whoever wins the 1984 Presidential election will be committed to significant overall tax reform. It is most important that the debate begin on the nature of that reform.

To tax and to please is not given to men.

Edmund Burke once said. But our Tax Code is probably far more complex and irrational a set of laws than even Burke could have imagined. The Internal Revenue Code is riddled with an ever-growing number of deductions, credits, and exclusions, many of which amount to little more than outrageous tax loopholes and others of which cause tremendous economic distortions.

One reason for this increasing complexity is, of course, simple greed. Businesses and interest groups who want to obtain special tax breaks have consistently worked to convince Congress and the administration that they are deserving of these breaks, and Congress and the administration have often gone along.

An additional reason, considerably more justified but perhaps equally troublesome, is the continual use of the code as a vehicle for achieving societal goals. While most of us might agree with these goals, the laws taken together are a tangled mess, making it extremely difficult for most taxpayers to understand their rights and responsibilities.

In addition, the current system encourages individuals and businesses to direct their resources toward investments and spending which have little economic or productive value other than reducing their tax burden. The use of legal tax shelters costs the Government billions of dollars annually. And there can be little doubt that at least part of the growth of the illegal underground economy can be attributed to the complexity and irrationality of the Tax Code.

The complexity of our tax laws has also led to the growth of an Internal Revenue Service bureaucracy which is virtually forced by the ambiguity of the laws to establish arbitrary rules and regulations in order to carry out its enforcement responsibilities. In addition, this ambiguity has given individual employees an unfortunate amount of power over taxpayers, since they have considerable leeway in judging specific individuals and businesses and their tax situations.

Finally, of particular importance at this time is the fact that tax breaks used to achieve societal goals—or tax

expenditures—create a strain on the Federal budget that is practically concealed, since we often do not quantify the costs of these provisions. This is certainly true once they are written into the law. The burden is similar to that imposed by entitlement programs in that once a tax break is enacted, Congress cannot determine from year to year how much it is willing to lose in revenue in order to finance it. Eligible taxpayers are legally entitled to their deductions, no matter what the cost. The Treasury Department has estimated that 33 of the major tax deductions—for individuals alone—give up more than $150 billion in lost revenues. This is a burden that was distributed to other taxpayers. Certainly, we have to wonder whether this is a good or fair system.

I believe we need to create a simple, rational Tax Code. I have introduced a comprehensive income tax simplification proposal in this Congress, as well as the two previous Congresses, which I believe has been a good starting point for the debate on this issue. Obviously, the gentleman from Missouri has introduced different legislation on this issue, as have others. Indeed, I am a cosponsor of the Fair Tax Act. But I would like to discuss briefly my own bill, H.R. 2520.

H.R. 2520, the Income Tax Simplification Act, would eliminate virtually all deductions, credits, and exclusions, and it would establish an 18-percent tax on individual and corporate income. In addition, it would provide for a substantial personal tax credit, replacing the current personal exemption, to ensure fairness. The personal credit would, of course, be subtracted from tax owed, not from gross income. The credit would be $1,000 for a taxpayer, $1,000 for a spouse, $200 for each dependent, and $200 for every blind or aged member of the taxpayer's household.

To illustrate, a family of four with an income of $25,000 would do the following: First, they would calculate 18 percent of $25,000, which is $4,500. Then they would subtract their tax credits from that amount. In this case, the credits would total $2,400—$1,000 plus $1,000 plus $200 plus $200. The result would be $2,100—$4,500 minus $2,400, and the couple would owe this amount in taxes. Effectively, a family of four would receive the equivalent of a $13,333 exemption; a couple with no dependents would receive an exemption of $11,111. My bill is designed to raise approximately the same revenues as are raised under current law.

Legitimate concerns have been raised about income tax simplification which I would like to address. One is that we need these tax deductions and credits to encourage or make possible certain activities by millions of Americans, such as charitable giving and the purchase of homes. I certainly sympathize with this argument and fully recognize that Congress will never eliminate deductions such as the one for charitable contributions and the one for interest on home mortgages. While my own bill would eliminate these deductions, I introduced it in this manner because I felt it was important in designing a new system to start with a clean slate and work from there rather than beginning with some deductions already written into the law.

Another serious concern, and one which must be given particularly close attention in the enactment of any tax reform proposal, is the potential impact on low- and middle-income taxpayers of a single-rate tax. I do not support the shifting of a major part of the tax burden from upper-income taxpayers to low- and middle-income taxpayers. This is why I have included in my legislation a very substantial personal tax credit. As I have already noted, a family of four would pay no tax at all on its first $13,333 in income. It is very important for the Treasury to study the distributive impact of any tax reform proposal very carefully to ensure that low- and middle-income taxpayers do not end up paying a greater share of the tax burden than they do already.

Again, however, I would like to state emphatically that, of the other tax simplification proposals that have been introduced in Congress, the one with which I have the greatest agreement is the bill introduced by the gentleman from Missouri. I believe the Fair Tax Act attempts to resolve some of the most difficult problems raised by income tax simplification and still achieves major and welcome reform. While it is not the clean slate that I would start with, it veers from that clean slate in the best possible ways, preserving only the most valuable tax deductions and establishing only three tax brackets to ensure fairness.

It seems right now that the movement for income tax simplification and reform is picking up a head of steam that could make it one of the top domestic priorities for the next Congress and administration. I believe we need to work together to produce legislation which establishes a simple, rational, and fair system of taxation which helps to restore the trust of the American people. I hope the Ways and Means Committee will hold hearings on this issue before the end of this Congress so that we can get a start on this vital debate. I hope this special order will have some effect in bringing about that debate, and I want to thank the gentleman from Missouri once again for yielding to me and providing this time.

Mr. GEPHARDT. I thank the gentleman for his fine statement.

Madam Speaker, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. I thank the gentleman for yielding.

Madam Speaker, I had not planned to speak, but I noticed that this special order was on. The main reason that I am here is to point out that just yesterday the House passed legislation to make it possible for small businesses to get pollution control tax-exempt financing, just as big business can get such financing. Everyone should be aware of the fact that if it were not for the efforts of the gentleman from Missouri in previous legislation, small business would not have this opportunity. And it is because of the gentleman's efforts that it now appears we may be able to change the system so that small business has the same opportunity that big business does to get tax-exempt financing of this type and will be able to compete on equal terms. I wanted the gentleman to know that I certainly appreciate the work that he did in this effort, and I hope that small-business people across the land will be aware of the fact that it was through his efforts that we were able to take the steps necessary in order that we could then take the next step yesterday in order to finalize this effort, we would hope.

But the gentleman also should be commended very much for his efforts in regard to what he is doing toward tax simplification and improvements in our Tax Code. One of the things that the gentleman would do would be to minimize the number of loopholes that exist at this time.

If I could take a minute or two, I would like to point out one problem that exists with loopholes that everyone may not be aware of. Through the efforts of my Small Business Subcommittee we were able to get the Treasury Department to change their ruling which closed a $200 million per year loophole that Arco Petroleum was using in the pricing of their oil from Alaska as they brought it in to California. The situation is that we have a windfall profits tax of 70 percent on increases in the value of oil as a result of deregulation.

□ 1830

The oil companies own the Alaska Pipeline. Therefore, every dollar they can charge themselves of extra cost for transporting the oil from the well to Alaska enables them to avoid nearly 70 cents of taxes per dollar that they charge because the value of the oil at the wellhead in Alaska is determined by taking the value at the refinery and subtracting the transportation charge.

FERC, the Federal Energy Regulatory Commission, is a commission that is supposed to regulate pipeline charges. They have had this before them for 6 years. They have refused to set a tariff on the Alaska pipeline charges, and in the hearings before my

subcommittee, they said it would be at least another year.

Let me explain some of the accounting practices used by some of the oil companies in determining the rates they can charge themselves on those pipelines. If you took $100 million and borrowed $900 million to build a $1 billion pipeline, they determine the rate of return not on their investment of $100 million, but they deduct the interest on the $900 million and then say the rate of return can be on the value of the pipeline, which is $1 billion. So that they can make a $100 million investment, get a rate of return of 14 percent on the value of the pipeline, and get back $140 million per year on what their actual investment has been.

They not only stop there, they then can say that the oil companies can deduct depreciation on that pipeline, but they do not determine their return on the depreciated value of the pipeline, they determine the return on the appreciated value of the pipeline because of inflation and it would cost more to build at a later date.

In addition to that, they also, instead of deducting the taxes they pay, deduct the taxes that the charts show they should have paid, and normally those are something like three times what they actually pay because of the deductions they are able to take. Then when they get the oil to Valdez to ship it to California, they say that if they will take—and it has to go to the United States; they are prohibited from sending it to a foreign country. If they will take it outside the 200-mile limit, that then they will be able to consider that a foreign shipment, and they will not have to pay domestic taxes on that shipment because they got outside the 200-mile limit.

The revenue is so great on that transportation—the law, by the way, says that it has to be shipped on unsubsidized ships—the revenue is so great, that subsidized shipping companies have asked the administration to be able to return their subsidy so they could compete with it, and the administration has refused to let them return the subsidy.

It is estimated that this tax loophole is costing the Federal Treasury somewhere between $600 and $800 million per year. I thought it should be explained so that people would realize the importance of the gentleman's legislation and the importance of moving to see that we do simplify the Tax Code, and we do not have these types of loopholes that are costing us such tremendous amounts of money at times when we have such a big deficit.

I again commend the gentleman for his work in this effort.

Mr. GEPHARDT. I thank the gentleman for his statement and for his leadership in the Small Business Committee in trying to fashion a fair Tax Code, and one that will treat small business the same way we have historically treated large and big businesses, and I truly appreciate the efforts the gentleman has made and appreciate his statement.

I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman from Missouri for yielding, and also I have come to compliment the gentleman on the outstanding leadership on this very important area of what is the right way to have a proper revenue code for this country.

I have joined as a cosponsor of the Bradley-Gephardt legislation because I think of all the approaches that I have been studying, that proposal gives us the best chance for equity; the best chance for a code that all of us can understand. The best chance for fairness within our Tax Code. I, over the last couple of weeks, have been reading and trying to understand all the complexities of a tax revenue increase that I voted for a couple of weeks ago, and I am still trying today, for instance, to really understand the way the imputed interest is really going to work, and on down the line.

I was thinking, here we are talking about a $50 billion, 3-year "revenue enhancement" bill. I used that term since the incumbent would not sign a bill that was a tax increase. A revenue enhancement bill for $50 billion with all of those complexities within that, where in world will we be next year and the following years as we go into these needs for many more revenue enhancers, and what is the right way and the wrong way to do it.

What is happening, of course, around this city all the time now is those who represent the various different interests that want to have exemptions and more exemptions within the Tax Code are saying, well, maybe we should look at a sales tax, called a value added tax, because they know it is coming. So they are talking about, well, we know it is coming, so what we had better do is get in the forefront and figure out a way by which we can have more of a tax on the traditional, middle-income taxpayer in this country that is paying that large burden now, and so let us go for this very good-sounding thing called an ad valorem tax, or a value added tax which is really a sales tax, because if we do not head this off, the great need for revenue next year, the great need for revenue at this time because of the tremendous problems of the deficit means that we might actually accomplish some improvement of the Tax Code such as the Bradley-Gephardt bill, which is a bill that would give us a fair, equitable, understandable way by which to raise revenue.

I really compliment the gentleman for his efforts on working on the right way. We have a fair, equitable, understandable Tax Code in this country rather than going along with those that really are looking at the way by which to even make it worse than it presently is.

I compliment the gentleman.

Mr. GEPHARDT. I thank the gentleman for his fine statement and look forward to working with him in trying to actually achieve tax reform in our country.

I would like to conclude my statement tonight by addressing the third question that I think the fair tax bill and other bills try to address, that is the problem of the economic outcome of the kind of Tax Code we have today.

Through the years, as I have said, the Congress has added different tax incentives or preferences or advantages, whatever you want to call them, to try to achieve certain economic outcomes. Each of them, in isolation, has been a good idea; it was a good idea to try to get people to invest money on stocks and bonds, and so we tax stock and bond income at a lower rate so that people would put their money into those vehicles.

It was a good idea to try to get people to put storm windows on their houses and so a few years back we said if you will put a storm window on your house or a storm door on your house, we will give you a tax credit in order to help induce you to do that. It was a good idea, some years ago, to give people special tax treatment if they would invest their money in certain real estate ventures in order to get people to build apartments and to build houses and for people to invest their own earnings in buying a house or renting an apartment. I could go on and on down the list of the hundreds of tax preferences that we put in the code, each of them, in isolation, being a good social and even economic idea.

The problem is that because of the addition of more and more tax preferences, we are now at the point in America where Americans, whether they be businesspeople or just individuals, are paying more attention to the tax consequences of what they do rather than paying attention to the economic consequences. We have people seeking out tax help for every move they make, and we have people making decisions and investments and business investments, and even personal decisions based more on what happens to them taxwise than what will happen to them economics-wise.

There are more people involved in the tax preparation industry in America today than we have in the Army and the Air Force Reserve combined.

□ 1840

Each year as the number in that industry grows, the number of Americans that are involved in what I call a

paper chase grows. They are not creating real wealth. They are not really creating jobs in other industries. They are simply adding jobs to advise people how to beat Uncle Sam out of a few more bucks so that their constituent or their customer will feel assured that they have gotten every tax break that they can possibly get, so that their neighbor or their relative will not have gotten ahead of them in trying to figure out how to better game the code.

So I say that on these three grounds, this code is flawed and desperately needs to be changed. It is unfair. It is overly complicated. And it is creating bad or wrong economic outcomes. I submit, therefore, that for all of those reasons, our country would be better served if we went to a simpler and fairer code with a broader base, kind of back to basic the way it more or less was in 1913, with lower rates and fewer rates, which I think will give people the sense that the code is something they can deal with personally and something that gives them the kind of economic incentives that we really need.

Now, the bottom line is whether or not you can do this legislatively. Everybody seems to be for it in principle, but everybody quickly adds that it is probably not possible legislatively. Let me say that in the last few months, as I have been talking about my proposal and about simplification of taxes generally, I have noticed a ground swell of popular interest in tax reform, in basic, substantial tax reform.

I have no illusions about the difficulty of doing this. I have no illusions about the fact that hundreds of special interests, with their highly paid lobbyists, will be here to try to frustrate and defeat any effort for tax reform. But I am also of the knowledge that there is tremendous support for this to happen around the country. Therefore, I conclude that if we can make all of us understand in this body and outside this body that there is that kind of tremendous support, that when we actually get down to debating and discussing these proposals and trying to mark them up in committee and bring them to the floor that we can actually accomplish this if we will begin believing that it is something that can be accomplished.

I submit to you that if we can bring this off in the next year or so that we will not only restore faith in the tax system, faith in the country—remember that the Government program that most Americans have contact with is the tax program—that we will restore faith in the system, faith in the country, and we will obtain a better economic result. We will create more jobs. We will have more wealth created if capital is going to things that really make economic sense. We will be able to make this economy grow without inflation if we will take this bold and broad step to achieve substantial, far-reaching, lasting tax reform.

At this point I will conclude my remarks. I hope in later special orders to be able to delve into specific parts of these proposals and to try to carry on a discussion of the ramifications of change and the reasons for change. I look forward to carrying on that debate and discussion here in the House.

U.S. AGRICULTURAL EXPORTS: AMERICA'S TRADE HOPE FOR THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 30 minutes.

Mr. ROTH. Madam Speaker, I asked for a special order because I would like to address an issue that I think cries out for attention, and that is our trade deficits.

This year we are going to be suffering some $130 billion in trade deficits. Next year projections are for an even higher deficit. I think one ingredient to bring some equilibrium back into this equation is the area of U.S. agricultural exports, because they are America's future hope if we are again to achieve a balance in trade.

During much of the 1950's and 1960's, the world agricultural economy was characterized by relative stability. World trade was relatively small as compared to today. Several major countries and regions did not see the value of world trade as we see it today. In the United States, that period was characterized by overly abundant supplies, low prices, burdensome stocks, substantial cropland idled by Government programs, and relatively small volumes of agricultural trade.

Several forces emerged in the early 1970's to change this situation. The 1970's were characterized by instability, volatile prices, trade disruptions, fluctuating stocks, and significant differences in political thought. In all likelihood, the United States will experience the same type of agricultural trade instabilities well into the 1990's.

This instability could be avoided through new, innovative approaches to exporting our agricultural surpluses. I also believe that the opening up of the agricultural trade between nations and better international cooperation is preferable to limited trade because of differences in political thought. By expanding our agricultural exports, we are giving the U.S. farmer and the world a change and a chance to contribute to a more stable international order.

The U.S. exports in fiscal year 1983 were valued at some $35 billion, down 20 percent from the 1981 record, and 11 percent less then in 1982. The volume of U.S. agricultural goods in fiscal year 1983 was 145 million metric tons, 8 percent lower than the previous year. Conversely, total agricultural output rose some 27 percent during that period of time.

Economists tell us that although figures are down from previous years, our agricultural exports could be increased up to 35 percent. Not that these present numbers are not encouraging, but if we look at our $130 billion trade deficit, agriculture is one of the few success stories we have. But we can do better.

Congress must take the lead in promoting U.S. agricultural exports. We must not let the world's most efficient and productive source of high-quality food and fiber deteriorate. American agriculture is a tremendous blessing to us, and potentially to the entire world.

The population of the world today is about 4½ billion. By the year 2000, in about 16 years, the population of the world is projected to be about 6.2 billion people. That means for every two people we see in the world today, we will see three in only 16 years. American agriculture, therefore, is our real peace program because people can live without oil, people can live without many necessities, but people cannot live without food.

So I predict if another war is ever to come, and we hope it does not come, but if it does it is not going to come over oil, it is not going to come over the many issues that we discuss in this body, but it is going to come over the issue of food.

In the year of 1800, during Napoleon's time, we had a population on this planet of about 1 billion people. By the time of the Second World War we had about 2 billion people. In 1960, we had approximately 3 billion people, and today we have about 4.4 billion people. As I stated before, by the year 2000, we will have about 6.2 billion people. You can see that the population of the world is growing not in arithmetical proportions but in geometric proportions.

That is why the American farmer, in my opinion, is going to be the real instrument for peace in the future.

There are three trends that will dominate, I think, agricultural trade in the next decade: First, the growing size of trade; second, increased dependence of the world's least developed nations on trade to improve their nutritional levels; and, third, the increasing importance of the United States and other developed nations as the chief source of the necessities of life, particularly food. The third characteristic is probably the most important as it relates to the United States.

To achieve effective reform in agricultural exports, we must examine some of the commodities we ship aboard.

□ 1850

The three farm commodities in which America has a comparative advantage are: No. 1, dairy products; No. 2, wheat; and, No. 3, foodstuffs. In 1983 the United States exported some 52 million pounds of dairy products. This does not even scratch the surface of our potential.

To broaden our dairy exports, we must move toward increasing our bilateral trade agreements, such as those recently completed with China and Mexico. Bilateral dairy agreements aid in increasing our dairy exports and avoid potential problems with the EEC, and possibly New Zealand and Australia. They would also reduce our domestic dairy inventory.

The United States should no longer carry the world's buffer stocks of wheat. I advocate a policy that features an international wheat agreement to directly influence supply and demand for wheat, rather than requires participating nations to intervene directly. I suggest a four-point wheat policy which will: First, adjust the production of all exporting countries to meet the world wheat supply-and-demand situation; second, contribute to the food requirements of developing countries; third, prevent disruption of third-country markets by adherence to export subsidies; and, fourth, allow for comparative advantage to determine competitiveness in world market expansion.

The adoption of such a program will increase our wheat exports and create a mood of fairness among international traders.

Our foodstuffs such as vegetables, seed oils and other grains should be exported free of subsidies and tariffs. Emphasis, I think, should be placed on feeding the world and providing new markets for our farmers to sell their goods. This can be achieved through policy innovation in the areas of trade negotiations and market reserach.

As a member of the Subcommittee on International Economic Policy and Trade in the House, I have been deeply interested in the development of a trade policy that will enhance the potential of our agricultural community. This policy must be a cooperative effort among Congress, the governmental agencies involved in the exporting of U.S. goods, and those people in agriculture.

First, I think we need a vigorous and hard-line bargaining approach which would be taken by the U.S. Government to eliminate nontariff restrictions against U.S. agricultural products. We invite fair competition in the marketplaces throughout the world and believe that every possible method should be explored to expand the sale of U.S. agricultural products.

Second, Congress should ensure that agriculture be given equal treatment with other export interests in multilateral trade negotiations. These negotiations should include the establishment of agreements in coarse grains, livestock products, and oilseeds that call for international consultants on supply-and-demand trends.

Third, the U.S. Government should fully utilize "barter trading" as a means of enhancing agricultural exports to foreign cutomers who have difficulty obtaining sufficient credit to finance purchases.

Between the years, 1960 and 1968, we were engaged in countertrade or barter up to about $1 billion, 200 million American. Between 1968 and 1982, we had only one trade agreement. So I think it is important for us to reconsider and to take a look at our experiences of the past and to use what has been best in our experience and acclimate ourselves to the world as it is today, which means that many countries throughout the world need our food to provide for their people but do not have the financial resources to do so. But they do have the raw materials and the minerals that we as a nation need. I think it would be wise for us to put more emphasis in countertrade and in barter, not only to help ourselves but also to feed a hungry world.

Last year I introduced the milk for metals barter bill that would encourage the Secretary of Agriculture to use his authority to barter our surplus agricultural commodities for strategic minerals and metals to replenish our depleted supplies.

And, fourth, new efforts must be made to develop marketing programs to expand agricultural exports and encourage new export marketing groups such as the farm co-ops and export trading companies.

In my home State of Wisconsin, primarily a dairy export area, there has been an increasing interest in the export of milk and milk products. Dairy farmers are very eager to promote their products abroad. Many milk co-ops and other associations have become involved in the development of export markets for dairy products.

In conjunction with this, I propose that the dairy price support legislation be amended to provide for orderly and systematic disposition of the Commodity Credit Corporation stocks of dairy products, at concessional prices when possible, but on the basis of countertrade to poorer countries, if necessary, to prevent large accumulations of dairy products. Through these reforms, we can stimulate agricultural trade.

This Congress can also have an impact on the exporting of agricultural goods. Before us we have a proposal which could greatly influence the direction that this country takes toward agricultural trade.

House Joint Resolution 600 would establish a commission to study and make recommendations concerning agricultural related trade, export policies, programs, and practices that could be very helpful to the entire world and to our own country. Such a nonpartisan commission could be very effective in spotting trends and directions for agricultural trade. I encourage expeditious passage of this bill.

There are several other pieces of legislation that have been developed to ensure that we maximize the potential of our agricultural exports. I ask the chairmen of the Foreign Affairs Committee and the Agriculture Committee to take a close look at this legislation in order to avoid any flux that might result from congressional inaction.

The innovations that I have addressed today can all be focused on one simple word—coordination. If this country is able to coordinate all of its agricultural trade efforts, the possibilities are endless. This coordination can start with the creation of a Department of International Trade.

There is too much inertia when it comes to this very important legislation. We have been asking for a Department of International Trade for more than a year. Our U.S. Trade Representative, Bill Brock, our Secretary of Commerce, Malcolm Baldrige, and many, many others who are concerned and who are working in this area have asked that we establish a Department of International Trade so that we can have the coordination necessary in order to move forward with an aggressive trade policy. That is why it is so important for us in the Congress to overcome this inertia and to act, and to act now.

Daniel Webster said: "When the tillage begins, other arts follow. The farmers are, therefore, the founders of human civilization."

We must expand our horizons to preserve this slice of national heritage and efficient productivity that we have in this country. The development of new markets, the creation of a sense of fairness in the international trade arena, and the feeding of the less developed countries are all essential if we are to reach our potential in agricultural exports and to help the Third World and feed a hungry world. Agricultural exports help this country, and they help the entire world, including, of course, the Third World.

The policy changes such as those I have suggested, I think, are a step in the right direction for achieving these goals. These goals are goals that we want to address and we want to achieve.

Again, Madam Speaker, as I have underlined and stated before, these changes not only help us and help the American farmer but they help a hungry world that is going to grow hungrier as more and more people

come to the breakfast table every morning.

THE STATUS OF ANTICRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Madam Speaker, I want to talk a little while this evening on the issue of crime, and as our viewers will be able to see, I am going to be talking about crime to a nearly empty Chamber. But that is not surprising because one of the problems we have had with the crime issue in this Congress thus far is that Congress has been rather "empty" toward the whole idea of the President's anticrime package.

I think we really do need to understand that there has developed a difference between the position of this House and the position of the country as a whole, the position of the administration and even the position of the other body.

□ 1900

I would submit that it does begin to define that there really is a difference between the two political parties, the two great political parties in this country on this issue, which is a fundamental concern of many, many Americans.

The President made it a key issue for the rest of the year in his press conference the other evening when he said flatly that this was one of the items that he thought this Congress should act upon before adjourning.

I agree with the President. I think that the crime package that was passed out of the Senate by a vote of 91 to 1 deserves consideration as a package in this House, so that we can do something about substantive criminal code reform and give the American people some confidence that this Congress and this Government are as concerned about crime in the streets as they are; but I do not have very much confidence that we are going to see that happen in this House and that we are going to see those changes made this year. The reason why I am left without very much confidence on that issue is that I have taken a little bit of time to read what the Democratic party platform said on the issue of crime. It does not move in the direction of being a tough anticrime platform. The American people want tough standards on criminals. They want something done to put those who commit crimes behind bars. They want something done to get career criminals off the streets. They want action taken against those who commit violent crimes against persons and property. They want, in simple terms, to be safe. They want the feeling that we are taking those steps necessary to make our homes safe again, to make our streets safe again, so that they can feel safe again.

That is not what the Democratic Party platform when it speaks on crime is talking about. For example, in this platform, the platform has a section in which they talk about helping the victims of crime and that may be meritorious. We have a crime victims program in the State of Pennsylvania and it works rather well and that is a meritorious kind of thing, but it does not have a comparable section in the platform talking about going after criminals so that they cannot commit crimes in the first place or so that they will have disincentives on committing crimes in the first place.

Would it not be better not to have victims? We would be far better off if we did not have the victims in the first place than to have the party speaking to the plight of victims. If there are no victims, we do not need that section, and yet there is nothing in the Democratic platform which really speaks to the business of going after criminals. In fact, the only place that we find the word "tough" used in the entire Democratic platform statement on crime, the only place where the word "tough" is used is where they are talking about gun control. Then they talk about getting tough on that issue.

Well, let us think a little bit about that. Most of the people who have gone out and bought guns, who own guns, are people who are seeking to protect themselves against crime taking place in the streets and they fear may come into their homes. Most of the guns out there are owned by law-abiding citizens who are trying to protect themselves. That is where the Democrats want to get tough. They do not talk about getting tough on criminals. In fact, the only place they talk about violence is when they talk about violent acts of bigotry, hatred and extremism directed against minorities, which they go on then and define and then gay men and lesbians.

Now, I have some problem with that being the only recognition of violence that is in the entire crime section of their platform. Why not when you are including people who are victims of violent crimes, why not include crimes against the elderly? One of the groups of people in our society that feel most victimized by the crime that is going on around them, in fact are locking themselves into their homes, into their apartments, into their rooms, are the elderly, who are literally scared to death to leave their homes as a result of the crime statistics in many areas of this country, and yet there is not even any mention of the elderly and crime against the elderly in the Democratic platform; only minority groups and gay men and lesbians.

There is no mention at all of murder, rape, burglary, armed assault, robbery, or any of these things. There is no mention of those items as being violent crimes that they want to do something about, and yet those are the crimes that most Americans are concerned about. That is what they are concerned about out there.

The words are not even mentioned in the Democratic platform.

Well, what we heard today from some of the leaders of the Democratic Party on this issue was, and there were some of the leaders, the majority leader came to the floor to discuss this issue, the head of the Democratic Congressional Committee came to the floor to discuss the issue, the head of one of the Criminal Justice Subcommittees came to the floor to discuss the issue and what we heard from them was, well, the Democrats do in fact have this proposal. Now, it was passed in the House and it has been sitting over in the Senate, so therefore the Republican Party should not raise this issue. The President certainly should not raise it, because this issue was passed by this House and is over there in the Senate and they will not act on that.

Well, if that is the substance of their idea of what we should do about crime—it is the Justice Assistance Act is what I am talking about—if that is the sum and substance of what they are going to do to get tough on crime, that is their package, how come it is not in the Democratic platform?

The Justice Assistance Act or anything similar to the Justice Assistance Act does not even rate a mention by the platform that they just drafted a couple weeks ago in San Francisco. If that is their program, do you not think it ought to be somewhere in their platform, that this is their program for fighting crime?

We were told on the floor today that this is the thing that local law enforcement officials really want, that this is the thing they want passed, so therefore the Senate ought to act.

Well, I would say to those people, how come it is not in your platform? The only thing mentioned in here is the establishment of an independent criminal justice corporation and all that says is that should be considered. It does not say do it. It says it should be considered, and that is to spur local law enforcement efforts.

Well, where is this program that was all of a sudden announced on the House floor today? How come it does not even rate mention in the party platform?

The party platform talks a lot about fighting drug abuse and again we would all agree that that is something we want to do, but there is no language whatsoever in the platform about locking up drug traffickers. It goes into a lot of statistics and so on about how bad the problem is, but when you get down to what we are going to do, how are we going to get tough on crime, there is nothing in the platform to suggest that one of the things we ought to be doing is locking away people who traffic in drugs, not one line saying that.

Well, then, we look to find out what it is they are willing to do about crime. As I say, we have programs against drunk drivers, again very meritorious kinds of things, but what about the criminals that are raping, robbing, murdering, and so on out in the streets?

You cannot have a crime program, it seems to me, without addressing that. It is not addressed, but they do say that we ought to restore the credibility of our criminal courts. Interestingly enough, when you read that section, what it turns out that they are talking about doing is not making the courts tougher. Most of the section is a section looking for more ways to put criminals back out on the streets after we have caught them. That is the restoration of credibility in the court system.

What I am saying, this platform is a blueprint of why we are not acting on the President's crime control package here in the House of Representatives. The fact is that the President's crime control package is aimed at getting tough on crime. It is aimed at making some changes in Federal law that hopefully then would be reflected in State and local laws that are aimed at doing one thing, getting criminals off the streets, getting tough.

This House is not about to consider a tough anticrime program because the party that controls this House has already made it clear in their platform that they do not want a tough anticrime program.

Madam Speaker, I yield back the balance of my time.

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PENTAGON PROVIDES OLYMPIC PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Madam Speaker, no one is more proud of our Olympic athletes than I am. The individual accomplishments of each participant is surely worthy of recognition. Yet, there is an invisible partner working alongside the Olympians. That partner is the United States of America. That's right, our country and our Government. Despite all claims that the Los Angeles Olympics is truly a "private" affair, the United States is contributing resources, in the form of helicopters and security equipment, to the tune of $50 million.

The Department of Defense alone already has spent $35 million, just to provide added security to the Olympic games, and to insure that all proceedings go off according to plan. The Department of Defense is contributing 77 helicopters, 330 M-16 rifles and 393,000 rounds of ammunition to help the Los Angeles Police prepare for the possibility of a mishap at the games.

This is all well and good. the United States is the host country for these games, and should take all possible steps to guarantee the safety of all nations' delegations. What I cannot understand is how this is not regarded as a public act in support of the Olympics. Congress authorized the money and Congress appropriated the money. I have no quarrel with this country chipping in for the Olympics. But it is quite another matter to lend a hand and not receive at least a token acknowledgement.

The Pentagon is also aiding California law enforcement agencies by calling on the Air Force and the Army; 14 explosive-detecting dogs were flown to Los Angeles and made available to help with security arrangements, courtesy of Uncle Sam. In case an emergency situation arises, the Pentagon is providing blankets, cots, night vision goggles, splints, bandages, buses, and even four airplanes.

The largest single equipment expense to the Pentagon is $12 million for communication devices and radios. The radios alone are a substantial U.S. Government contribution. I'm glad to help the athletes, and the city of Los Angeles. But when they use those radios, I hope they don't attribute the usefulness of those items to private sources. The source is a very public one—the American taxpayer.

Not only has the U.S. Government contributed actual material goods, but it has provided manpower as well. For almost 2 years, 10 Pentagon employees have been working full time, trying to anticipate different emergency situations and figuring out how to respond to those situations. Those 10 people are paid with salary checks issued by the U.S. Government. If you still think the United States is not providing assistance to the Olympics in a real and meaningful manner, you may be interested to know that our Government is sending more than 100 employees to Los Angeles to help the city cope with the influx of visitors during the games.

If the Olympics is conducted as planned, there will be no need to highlight the high quality of the security arrangements. But the high quality security arrangements are in place. The United States has spent $10 million on the design, production, and maintenance of the intrusion detection system and the security fence that will surround the Olympic villages.

If this is not public support of the Olympics, I do not know what is. I am glad that the Los Angeles Olympic Committee has been successful in attracting private contributions. But it is important that they do not forget the public commitment. I am proud to live in the host country of this year's Olympiad, and I am especially proud of the American athletes who qualified to represent the United States. They should feel the support of their country behind them. They already know the country backs them emotionally. Let them know the country backs them financially as well.●

POSTAL LABOR CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 10 minutes.

● Mr. FORD of Michigan. Madam Speaker, with the breakup of AT&T, the Nation's largest civilian employer is now the U.S. Postal Service. The negotiations for new collective bargaining agreements between the Postal Service and the unions representing over a half-million postal employees are the single largest set of labor negotiations in the United States this year.

As we all know, these negotiations have been troubled from the start, and the existing contracts expired at midnight on July 20 with no new agreement having been reached and numerous controversial issues outstanding.

Title 39 of the United States Code prescribes an ordely, fair, and peaceful process for resolving postal bargaining disputes such as this. I regret to report, however, that one party to the dispute—Postal Service management—is not adhering to this process.

Instead of pursuing its goals peacefully, through the statutory factfinding and arbitration process, Postal Service management on July 25 unilaterally implemented a new pay and benefits system for incoming employees. Whatever the ultimate outcome, I now fear for the short-term and long-term impact of this action on postal employees and on the Postal Service itself.

I have expressed my dismay in a letter to the Postmaster General. I wish to share that letter with the House:

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, July 26, 1984.

Hon. WILLIAM F. BOLGER,
Postmaster General, U.S. Postal Service, Washington, DC.

DEAR MR. POSTMASTER GENERAL: I have been notified of your unilateral implementation of the pay and benefit levels for new hires contained in the Postal Service's final, pre-impasse offer.

It now seems clear to me that the ill-advised unit consolidation attempt in relation to the 1981 contract negotiations was not an isolated instance of short-sighted, reactionary, and unlawful labor relations policy.

The damage to labor-management relations within the Postal Service is likely to be permanent. I have watched and listened patiently for months as Postal Service management and the Board of Governors issued inflammatory and provocative statements about postal employees' pay and benefit levels—and, by implication, about the collective bargaining process which resulted in those levels. I have remained silent because of my belief that the bargaining process which we included in the Postal Reorganization Act of 1970 ultimately would result in a fair agreement for both sides. But this unilateral action now raises the question of whether the Postal Service shares my faith in the collective bargaining process.

Private sector labor law is clear: when impasse is reached, management may implement its final offer. The union, however, has the concomitant right to strike, thus ensuring parity of bargaining power. In this case, though, the unilateral action destroys parity. The postal unions are barred from striking. The Act's factfinding and arbitration procedures exist not merely as a substitute for private sector labor's right to strike, but also as a substitute for private sector management's right to unilateral implementation.

I believe that the unilateral changes that the Postal Service intends to implement are illegal under the Postal Reorganization Act. When the Act was passed, it was my understanding, the understanding of the Committee, and the understanding of the Congress that, if any disputes remained upon the expiration of any collective bargaining agreement, all parties would be required to respect the status quo pending exhaustion of the dispute resolution machinery established by section 1207.

Legalities aside, I sincerely am puzzled by this decision. The Postal Service apparently believes that this action makes it more likely that the arbitration board will impose the two-tier system which management could not gain through negotiations—perhaps not the 23% differential contained in its "final offer," but a two-tier system nonetheless. But, from your perspective, I would worry that the arbitration board is going to react unfavorably to this action, and view it as evidence of failure to bargain in good faith. Why the United States Postal Service could not have continued to advocate its contract offer peacefully, through the statutory dispute resolution process, is beyond my comprehension. Whatever is achieved by this action is being purchased at the cost of a generation of ill will and devastated morale.

Sincerely,

WILLIAM D. FORD,
Chairman.●

QUACKERY: THE NEED FOR A FEDERAL RESPONSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

● Mr. PEPPER. Madam Speaker, quackery is an enormous problem with a severe impact on the health and well-being of our citizens. An intensive 4-year study conducted by the Subcommittee on Health and Long-Term Care of the House Select Committee on Aging, which culminated in a hearing and a report entitled "Quackery: A $10 Billion Scandal," revealed that health fraud was the single most prevalent and damaging fraud perpetrated against the elderly. And the damaging effects are not limited to our Nation's senior citizens. Americans of all ages are being victimized.

The problem of medical quackery is growing at an alarming rate. In 1965, in hearings by the U.S. Senate Special Committee on Aging, it was estimated that quackery was costing the Nation $1 billion a year. Today the Subcommittee on Health and Long-Term Care conservatively estimates that it costs the Nation more than $10 billion. The cost in human terms, measured in disillusion, pain, and forsaken or postponed medical treatment because of reliance on unproven methods, is more difficult to measure, but nonetheless very real.

Nothing short of a full-scale, concerted effort involving all of the Federal, State, and local agencies responsible for controlling quackery will serve to have significant impact in reducing these reprehensible activities. The elements of this attack must include: the establishment of these activities as a priority commensurate with the potential harm; the development of educational activities to inform the public of the nature and degree of the hazards associated with unproven remedies; and increased enforcement activities, particularly the application of criminal sanctions.

I have introduced three bill today which will help us achieve these ends.

The first bill would amend the Federal Food, Drug, and Cosmetic Act, the Federal Trade Commission Act, and title 18 of the United States Code to increase criminal penalties for those who knowingly sell or offer for sale unsafe or ineffective drugs, medical devices, and medical treatments. Minimum fines of $1,000 will be increased to $5,000 and minimum prison sentences of 6 months and 1 year will be increased to 5 years and 10 years respectively. This will serve to place penalties in proper relation to the potential harm posed by fraudulent health remedies.

Second, a clearinghouse for consumer health education and information will be created within the National Library of Medicine. This clearinghouse will provide a data base on the efficacy, comparative cost, and possible side effects of drugs, medical devices, and treatments including both proven and unproven remedies, for American consumers.

Third, I am calling for the creation of a strike force on health quackery, to coordinate the efforts of those Federal agencies responsible for curbing the sale and promotion of fraudulent health remedies. The strike force would be established in the Department of Justice and composed of two representatives of the Department of Justice, the Food and Drug Administration, the Federal Trade Commission, and the U.S. Postal Service, selected by the head of each agency. The strike force will submit to Congress both a proposed plan of action and final report on progresss made in combatting health quackery.

I urge my colleagues to join me in support of this important and timely reform package.

Thank you.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Madam Speaker, due to official business, I was not recorded on several rollcalls earlier this year.

If I had been present, I would have voted "yes" on rollcalls 47, 79, and 148, all motions to approve the House Journal.

I also would have voted "yes" on rollcall 210, the Frenzel amendment to reduce funds for House of Representatives operations; "yes" on rollcall 301, adoption of the conference report on the Bankruptcy Amendments of 1984; "yes" on rollcall 303, the resolution providing for adjournment of the House and Senate from June 29 to July 23, 1984; and "yes" on rollcall 305 passage of the water resources development authorization.●

THE HELSINKI FINAL ACT: 9 YEARS LATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

● Mr. FASCELL. Madam Speaker, today marks the ninth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe [CSCE]. The leaders of 35 sovereign states—all of Europe except Albania—plus the United States and Canada met in Helsinki and

made solemn political commitments to observe various principles of international relations. CSCE commitments constitute a code of conduct not only for relations between nations, but also for the relationship between a government and its citizens.

The major focus of American interest in the Helsinki process has been on human rights, particularly in regard to the Soviet Union. Certainly the Final Act has resulted in more accurate information on the human rights situation in the U.S.S.R. Major credit is due here to the brave men and women who organized unofficial Helsinki monitoring groups in Moscow, Ukraine, Lithuania, Georgia, and Armenia and specialized groups on psychiatric abuse, invalids' rights and the difficulties of millions of religious believers in the U.S.S.R. Among the 45 Soviet citizens still imprisoned for their peaceful Helsinki work are Yuri Orlov, Anatoly Shcharansky, Tania Osipova, Mykola Rudenko, Vyacheslav Chornovil, Olha Heyko, Viktoras Petkus, Merab Kostava, and Robert Nazaryan; Soviet psychiatrist Anatoly Koryagin; and religious leaders Gleb Yakunin, Rostislav Galetsky, Alfonsas Svarinskas, and Sigitas Tamkevicius.

The human rights situation in the U.S.S.R. has markedly deteriorated since 1979. All elements in Soviet dissent have felt the heavy hand of the Soviet state: advocates of greater national and ethnic rights, proponents of independent labor unions, unofficial peace activists, and religious believers of all denominations. New laws have been passed which further extend the power of the Soviet state: unofficial contacts between foreigners and Soviets are discouraged; camp sentences for political prisoners can be easily prolonged; and the definition of crimes against the state has been extended.

Andrei Sakharov, 1975 Nobel Peace Prize Laureate, has also not been exempt from Soviet state oppression. Since January 22, 1980, Sakharov has been banished to the closed city of Gorky. Rather than allow his wife, Yelena Bonner, to go West for urgently needed medical care—as she has in the past—the Soviets, through their intransigence, forced Sakharov to undertake a hunger strike. Rather than let the world know the fate of the man who has been called "the conscience of mankind," the Soviet state has held the Sakharovs incommunicado since early May. Rather than let a trusted family friend see the Sakharovs, the Soviets issue bland official assurances that all is well. Since I believe the Sakharov case to be a major test of political and moral will of the West, I wrote to President Reagan on July 25, 1984, urging him to raise it with the Soviet Government "at every available bilateral opportunity." The world cannot allow Andrei Sakharov to become a "disappeared person." The world cannot sit idly by while Yelena Bonner faces criminal charges.

While the human rights picture in the Soviet Union is one of almost unrelieved gloom, recent developments in other East European countries demonstrate more positive responses to Helsinki commitments. In fact, each CSCE state has responded to the challenge of the Final Act in accord with cultural traditions and national imperatives. Bulgaria and Czechoslovakia have hewed most closely to the repressive Soviet line against human rights. Spurred on by economic incentives from the Federal Republic of Germany, the German Democratic Republic has allowed about 25,000 people to emigrate this year. Urged on by the need to unify a divided and demoralized Poland, the Polish Government recently declared a broad but conditional amnesty for political prisoners. Inspired by the success of its economic liberalization, Hungary has just announced reforms of its election system.

Certainly the Helsinki Final Act has mobilized citizens in many CSCE states: the Helsinki Monitors in the Soviet Union, Charter 77, and VONS in Czechoslovakia, and a new Helsinki Committee in Poland. CSCE has acted as a stimulus for positive changes by governments when East-West relations are good. When East-West relations are strained, CSCE is more circumscribed in its effects on governmental decisons. Nevertheless, even over the past 9 years, one can see an important positive CSCE-related trend emerging. The Final Act and the Helsinki process treats all 35 signatory States—no matter how large or small—as equals. In this way, the Helsinki process encourages a tendency in some East European countries to quietly undertake important positive initiatives somewhat independently of the Soviet Union.

The important changes which the CSCE has helped to foster are mostly long term. Therefore, I would strongly disagree with those who, looking at the deteriorating human rights scene in the U.S.S.R., propose renouncing the Final Act. After all, what is the realistic alternative? Rather, I propose we should persevere—hard as that is—and implement policies which encourage positive change, even if it is gradual. The people of the world, particularly in Eastern Europe and the Soviet Union, need every chance for peaceful positive change along the lines envisaged in the Helsinki Final Act.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LELAND (at the request of Mr. Wright), for this week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FASCELL, for 5 minutes, today.

(The following Members (at the request of Mr. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 30 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FORD of Michigan, for 10 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. DURBIN, for 15 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GEPHARDT, for 60 minutes, on August 1.

Mr. LEVIN of Michigan, for 60 minutes, on August 1.

Mr. ANDREWS of Texas, for 60 minutes, August 1.

Mr. MACKAY, for 60 minutes, on August 1.

Mr. RAY, for 5 minutes, on August, 2.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. DURBIN, for 15 minutes, August 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AUCOIN, during general debate on H.R. 5973 in the Committee of the Whole today.

(The following Members (at the request of Mr. RIDGE) and to include extraneous matter:)

Mr. FRENZEL.

Mr. GILMAN in five instances.

Mr. LOTT.

Mr. IRELAND.

Mr. ROTH.

Mr. SAWYER.

Mr. BROOMFIELD.

Mr. PHILIP M. CRANE in five instances.

Mr. CONTE.

Mr. CLINGER in two instances.

Mr. GEKAS.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. VENTO.
Mr. GAYDOS in two instances.
Mr. HOWARD.
Mr. HAMILTON.
Mr. HOYER in two instances.
Mr. ADDABBO.
Mr. FLORIO.
Mr. CLAY.
Mrs. BOXER.
Mr. MONTGOMERY.
Mr. PEASE.
Mr. YATRON.
Mr. BONKER.
Mr. SAM B. HALL, JR.
Mr. HARRISON.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, and

H.R. 1310. An act to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs, and for other purposes.

ADJOURNMENT

Mr. WALKER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 1, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3821. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a copy of EPA's proposed final rule on data compensation procedures under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], pursuant to the act of June 25, 1947, chapter 125, section 25(a)(4) (94 Stat. 3195); to the Committee on Agriculture.

3822. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed decision to convert to contractor performance the heating plants and systems functions at Fort Detrick, MD, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3823. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Edward J. Streator, Ambassador-designate to the Organization for Economic Cooperation and Development, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3824. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated May 5, 1983, submitting a report, together with accompanying papers and illustrations, on city waterway, Tacoma Harbor, WA. These reports were conducted under the authority of section 216 of the 1970 River and Harbor Act (H. Doc. 98-244); to the Committee on Public Works and Transportation and ordered to be printed.

3825. A letter from the Director of Civil Works, Department of the Army, transmitting the annual report of the Chief of Engineers for fiscal year 1983; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4829. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; with amendments (Rept. No. 98-766, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 559. Resolution providing for the consideration of H.R. 4444, a bill to amend the Small Reclamation Projects Act of 1956, as amended (Rept. No. 98-919). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 560. Resolution providing for the consideration of H.R. 4567, a bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes (Rept. No. 98-920). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 561. Resolution providing for the consideration of H.R. 2934, a bill to amend the Public Health Service Act to extend through fiscal year 1985 the health planning authority under that act and to repeal that authority September 30, 1986, and for other purposes (Rept. No. 98-921). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 562. Resolution providing for the consideration of H.R. 5585, a bill to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes (Rept. No. 98-922). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 563. Resolution providing for the consideration of S. 2436 a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes (Rept. No. 98-923). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 6043. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 6044. A bill to provide that certain good faith transfers of property made by the Southern Industrial Banking Corp. to depositors shall not be voidable under title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. HYDE, Mr. FRANK, Mr. SCHUMER, Mr. SMITH of Florida, Mr. RICHARDSON, Mr. LELAND, Mr. OWENS, Mr. ROE, Mr. MARKEY, Mr. MITCHELL, Mr. GRADISON, Mr. LEVIN of Michigan, Mrs. HALL of Indiana, Mr. WORTLEY, Mr. FRENZEL, Mr. CONTE, Mr. LEHMAN of Florida, Mr. LANTOS, Mr. WEISS, Mrs. BOXER, and Mr. BEILENSON):

H.R. 6045. A bill to establish criminal penalties for crimes against religious practices and property; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 6046. A bill to authorize the establishment of the Lewis and Clark National Historic Site in the State of Montana; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, and Mr. EDGAR):

H.R. 6047. A bill to amend title 38, United States Code, to eliminate gender-based distinctions in laws providing benefits to veterans; to the Committee on Veterans' Affairs.

By Mr. NOWAK (for himself, Mr. CONABLE, Mr. LAFALCE, and Mr. KEMP):

H.R. 6048. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefit guarantees to certain pension plans; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. PEPPER:

H.R. 6049. A bill to create within the National Library of Medicine a clearinghouse for consumer health education and information; to the Committee on Energy and Commerce.

By Mr. PEPPER (for himself and Mr. REGULA):

H.R. 6050. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Trade Commission Act, and title 18 of the United States Code to increase the criminal penalties for those who willfully sell or offer for sale drugs, devices, or medical treatment knowing that it is unsafe or ineffective or unproven for safety or efficacy; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 6051. A bill to establish a Strike Force on Health Quackery to coordinate the efforts of Federal agencies to curb the sale and promotion of fraudulent health remedies; jointly, to the Committees on the Judiciary, Energy and Commerce, and Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 6052. A bill to amend the Internal Revenue Code of 1954 to permit the tax-free rollover of partial distributions from qualified employer plans by increasing the limitations on the deduction for retirement savings; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 6053. A bill to amend the Railroad Retirement Act of 1974 to eliminate certain reductions in cost-of-living increases; to the Committee on Energy and Commerce.

By Mr. UDALL (for himself, Mr. CONABLE, Mr. CONTE, and Mr. SWIFT):

H.R. 6054. A bill to require that Presidential primaries or caucuses be held only during the period beginning on the second Tuesday in March and ending on the second Tuesday in June of the Presidential election; to the Committee on House Administration.

By Mr. WILLIAMS of Montana (for himself, Mr. SEIBERLING, Mr. MOODY, and Mr. CHENEY):

H.R. 6055. A bill to amend the act entitled "An Act To Improve the Administration of the National Park System by the Secretary of the Interior, and To Clarify the Authorities Applicable to the System, and for Other Purposes" and to amend the Federal Land Policy and Management Act of 1976 to exempt the National Park Service and the Bureau of Land Management from certain requirements; to the Committee on Interior and Insular Affairs.

By Mr. BATEMAN (for himself, Mr. TAUZIN and Mr. PARRIS):

H.R. 6056. A bill relating to the jurisdiction and authority of the coastal States regarding fisheries resources; to the Committee on Merchant Marine and Fisheries.

By Mr. HILER (for himself, Mr. AKAKA, Mr. CONTE, Mr. ERLENBORN, Mr. HOYER, Mr. JEFFORDS, Mr. KEMP, Mr. PERKINS, and Mr. WILLIAMS of Montana):

H.J. Res. 632. Joint resolution recognizing the importance of the Bureau of Apprenticeship and Training; to the Committee on Education and Labor.

By Mr. DUNCAN:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. STUDDS, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. GEJDENSON, Mr. DYMALLY, Mr. TORRICELLI, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. STARK, Mr. PATTERSON, Mr. WIRTH, Mr. WEAVER, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. MARKEY, Mr. SABO, Mr. KOLTER, Mr. EDGAR, Mr. LEVIN of Michigan, Mr. MCHUGH, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. OTTINGER, Mr. WALGREN, Mr. MARTINEZ, Mr. OBERSTAR, Mr. VENTO, Mr. PEASE, Mr. GLICKMAN, Mrs. SCHROEDER, Mr. FAZIO, Mr. SPRATT, Mr. HARKIN, and Ms. FERRARO):

H. Con. Res. 344. Concurrent resolution expressing the sense of the Congress concerning the need to achieve full democracy on Taiwan; to the Committee on Foreign Affairs.

By Mr. STOKES:

H. Res. 558. Resolution in the matter of Representative George V. Hansen; considered and agreed to.

By Mr. PEPPER (for himself, Mr. REGULA, and Ms. OAKAR):

H. Res. 564. Resolution authorizing the printing as a House document of the committee print entitled "Quackery, A $10 Billion Scandal"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

458. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to antitrust immunity for local governments; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1617: Mr. ROSE, Mr. MARKEY, Mrs. LLOYD, Mr. CAMPBELL, Mr. FAZIO, Mr. MURPHY, Mr. BONIOR of Michigan, Mr. DICKS, Mr. SUNDQUIST, Mr. FOLEY, Mr. KOGOVSEK, Mr. WIRTH, Mr. BLILEY, Mr. COOPER, Mrs. BOXER, Mr. TAYLOR, Mr. JACOBS, Mr. BROWN of Colorado, Mr. MARTIN of North Carolina, Mr. SIKORSKI, Mr. VOLKMER, and Mr. BADHAM.

H.R. 2053: Mr. RAY.

H.R. 3296: Mr. ALBOSTA, Mr. MCCURDY, Mr. UDALL, and Mr. WATKINS.

H.R. 3818: Mr. MRAZEK.

H.R. 4066: Mr. SIMON.

H.R. 4457: Mr. MARTINEZ.

H.R. 4459: Mr. LAFALCE and Mr. FORD of Tennessee.

H.R. 4559: Mr. WILSON.

H.R. 4571: Mr. SKEEN.

H.R. 4642: Mr. TAUZIN.

H.R. 4832: Mr. TORRES.

H.R. 4857: Mr. BURTON of Indiana.

H.R. 4966: Mr. BOEHLERT, Mr. HARTNETT, Mr. KOGOVSEK, and Mr. LONG of Maryland.

H.R. 5107: Mr. D'AMOURS, Mr. CORRADA, Mrs. BOXER, Mr. SIMON, and Mr. FRANK.

H.R. 5182: Mr. SWIFT and Mr. MORRISON of Washington.

H.R. 5341: Mr. PATTERSON, Mr. BRYANT, Mr. CLAY, Mr. HARRISON, and Mr. BONIOR of Michigan.

H.R. 5581: Mr. MORRISON of Connecticut, Mr. FROST, and Mr. MCHUGH.

H.R. 5640: Mr. NEAL.

H.R. 5725: Mr. BRITT, Mr. DELLUMS, Mr. FISH, Mr. FUQUA, Mr. GREGG, Mr. HEFTEL of Hawaii, Mr. JACOBS, Mr. JEFFORDS, Mr. LEVINE of California, Mr. MCNULTY, Mr. MATSUI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MRAZEK, Mr. OTTINGER, Mrs. SCHROEDER, Mr. STUDDS, and Mr. WEISS.

H.R. 5835: Mr. OTTINGER, Mr. HORTON, Mr. HEFTEL of Hawaii, Mr. BERMAN, Mr. COURTER, Mr. GRAY, Mr. MCCOLLUM, and Mr. BEREUTER.

H.R. 5913: Mr. FRANK.

H.R. 5937: Mr. DELLUMS, Mr. ORTIZ, Mr. SABO, and Mr. PATTERSON.

H.R. 5955: Mr. ACKERMAN, Mr. HARRISON, Mr. LELAND, Mr. ADDABBO, Mr. MITCHELL, Mr. TOWNES, Mr. STOKES, Mr. FAZIO, Mrs. BOXER, Mr. FRANK, Mr. MCHUGH, Mr. HUGHES, Mr. RICHARDSON, Mr. GARCIA, Mr. WOLF, Mr. ROE, Ms. SNOWE, Mr. ORTIZ, Mr. OWENS, Mr. FRANKLIN, Mr. HOWARD, Mr. RANGEL, Mr. YOUNG of Alaska, Mr. HORTON, Mr. BRITT, Mr. FISH, Mr. CONYERS, Mr. BEDELL, Mr. ECKART, Mrs. HALL of Indiana, Mr. FRENZEL, Mr. WORTLEY, Mr. MRAZEK, Mr. SKELTON, Mr. APPLEGATE, Mr. SCHEUER, Mr. BILIRAKIS, Mr. CROCKETT, Mr. STENHOLM, Mr. DURBIN, Mr. FROST, Mr. MCGRATH, Mrs. BOGGS, and Mr. GONZALEZ.

H.R. 5959: Mr. DAVIS, Mr. FAUNTROY, Mr. HARRISON, Ms. KAPTUR, and Mr. STOKES.

H.R. 5965: Mr. DOWDY of Mississippi.

H.R. 5995: Mr. COYNE, Mr. MILLER of California, Mr. DYMALLY, Mr. ROSTENKOWSKI, Mr. PEPPER, Mr. FLORIO, Mr. MARKEY, Mr. LEVINE of California, Mr. SMITH of Florida, Mr. WHEAT, Mr. FAZIO, and Mr. HAWKINS.

H.R. 6019: Mr. BOEHLERT, Mr. MARLENEE, Mrs. ROUKEMA, Mr. SNYDER, Mr. YOUNG of Florida, and Mr. GRAMM.

H.R. 6021: Mr. THOMAS of California, Mrs. SCHROEDER, Mr. YOUNG of Alaska, Mr. VANDERGRIFF, Mr. ROE, Mr. SCHULZE, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. CAMPBELL, and Mr. BROWN of Colorado.

H.J. Res. 233: Mr. FRENZEL, Mr. WON PAT, Mr. REID, Mr. RICHARDSON, Mr. TALLON, Mr. RATCHFORD, Mr. RAHALL, Mr. BRITT, Mr. CARPER, and Mr. LUNDINE.

H.J. Res. 243: Mr. PATMAN.

H.J. Res. 482: Mr. SUNIA, Mr. CLINGER, Mr. BILIRAKIS, Mr. SCHAEFER, Mr. LEHMAN of Florida, Mr. BOEHLERT, Mr. WILLIAMS of Montana, Mr. OWENS, Mr. MILLER of California, Mr. MOORE, Mr. OTTINGER, Mr. KOGOVSEK, Mr. HOYER, Mr. NATCHER, Mr. GUARINI, Mr. ROEMER, Mr. LEWIS of Florida, Mr. CARPER, Mr. YOUNG of Florida, Mr. SCHUMER, Mr. GRAY, Mr. MARKEY, Mr. MATSUI, Mr. CHAPPELL, and Mr. STRATTON.

H.J. Res. 491: Mr. ALBOSTA, Mr. ANTHONY, Mr. BEILENSON, Mr. BIAGGI, Mr. BOSCO, Mr. BOUCHER, Mr. BREAUX, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. CARR, Mr. COELHO, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. DICKINSON, Mr. DICKS, Mr. DINGELL, Mr. FLIPPO, Mr. FOWLER, Mr. FRANK, Mr. FRANKLIN, Mr. GRAY, Mr. SAM B. HALL, JR., Mr. HALL of Ohio, Mr. HANCE, Mr. HANSEN of Utah, Mr. HOPKINS, Mr. HOYER, Mr. HUCKABY, Mr. KOGOVSEK, Mr. LEHMAN of Florida, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. PICKLE, Mr. SILJANDER, Mr. SMITH of Florida, Mr. SPENCE, Mr. SPRATT, Mr. STENHOLM, Mr. STUMP, Mr. SWIFT, Mr. WATKINS, Mr. WIRTH, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 529: Mr. BONIOR of Michigan.

H.J. Res. 565: Mr. BEDELL, Mr. CHAPPIE, Mr. DEWINE, Mr. DAUB, Mr. D'AMOURS, Mr. EARLY, Mr. FISH, Mr. FRENZEL, Mr. GREGG, Mr. LAFALCE, Mr. MINETA, Mr. MORRISON of Connecticut, Mr. MARTIN of North Carolina, Mr. MOLLOHAN, Mr. OTTINGER, Mr. PRITCHARD, Mr. SCHEUER, Mr. TAUKE, and Mr. YOUNG of Alaska.

H.J. Res. 574: Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANTHONY, Mr. AUCOIN, Mr. BARNARD, Mr. BENNETT, Mr. BEVILL, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CHANDLER, Mr. CLARKE, Mr. CLAY, Mr. COOPER, Mr. CRAIG, Mr. DANNEMEYER, Mr. DUNCAN, Mr. EDWARDS of Alabama, Mr. FEIGHAN, Mr. GINGRICH, Mr. KAZEN, Mr. KEMP, Mr. LEVITAS, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. NEAL, Mr. OLIN, Mr. PER-

KINS, Mr. ST GERMAIN, Mr. SCHAEFER, Mr. SHARP, Mr. SHUMWAY, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. SUNDQUIST, Mr. SYNAR, Mr. WALKER, Mr. WEAVER, Mr. WIRTH, Mr. BROOMFIELD, Mr. ROE, Mr. KRAMER, Mr. KINDNESS, Mr. SAM B. HALL, JR., and Mr. GIBBONS.

H.J. Res. 583: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. ANTHONY, Mr. APPLEGATE, Mr. BADHAM, Mr. BARNARD, Mr. BARTLETT, Mr. FOLEY, Mr. BATEMAN, Mr. BATES, Mr. BERMAN, Mr. BETHUNE, Mr. BIAGGI, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BOSCO, Mr. EDGAR, Mr. EDWARDS of California, Mr. ERDREICH, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FIEDLER, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. FRANKLIN, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEJDENSON, Mr. BRITT, Mr. BROOKS, Mr. BROYHILL, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. CHAPPIE, Mr. CLARKE, Mr. CLAY, Mr. COELHO, Mr. CONYERS, Mr. COOPER, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. DANIEL B. CRANE, Mr. GEPHARDT, Mr. GIBBONS, Mr. GINGRICH, Mr. GORE, Mr. GRADISON, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. GUNDERSON, Mrs. HALL of Indiana, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HARTNETT, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. CROCKETT, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. DURBIN, Mr. DYMALLY, Mr. DYSON, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOLTER, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. JEFFORDS, Mr. JENKINS, Mr. JONES of Oklahoma, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEMP, Mrs. KENNELLY, Mr. O'BRIEN, Mr. OTTINGER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LATTA, Mr. LEATH of Texas, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mr. LOEFFLER, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. MADIGAN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. OWENS, Mr. PANETTA, Mr. PARRIS, Mr. PATTERSON, Mr. PICKLE, Mr. PRICE, Mr. PRITCHARD, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROBERTS, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mr. RUDD, Mr. RUSSO, Mr. MATSUI, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCCURDY, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MITCHELL, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MURTHA, Mr. MYERS, Mr. SABO, Mr. SCHEUER, Mr. SCHUMER, Mr. SHANNON, Mr. SHAW, Mr. SILJANDER, Mr. SISISKY, Mr. SMITH of Florida, Ms. SNOWE, Mr. SOLARZ, Mr. SOLOMON, Mr. SPRATT, Mr. STANGELAND, Mr. STARK, Mr. STOKES, Mr. STRATTON, Mr. STUMP, Mr. TALLON, Mr. TAUZIN, Mr. NIELSON of Utah Ms. OAKAR, Mr. OBERSTAR, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WALGREN, Mr. WAXMAN, Mr. WEISS, Mr. WHITLEY, Mr. WHITTAKER, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, Mr. YATRON, and Mr. YOUNG of Missouri.

H.J. Res. 585: Mr. GORE, Mr. WOLPE, Mr. EDGAR, and Mr. DURBIN.

H.J. Res. 587: Mr. ALBOSTA, Mr. BOLAND, Mr. FRANK, Mr. MURTHA, Mr. CLAY, Mr. DYMALLY, Mr. GUARINI, Mr. FOWLER, Mr. COUGHLIN, Mr. DE LA GARZA, Ms. KAPTUR, Mr. DELLUMS, Mr. LONG of Maryland, Mr. EMERSON, Mr. GEPHARDT, Mr. CROCKETT, Mr. DUNCAN, Mr. LOWRY of Washington, Mr. LEVINE of California, Mr. FORD of Tennessee, Mr. LUKEN, Mr. O'BRIEN, Mr. LELAND, Mr. WAXMAN, Mr. COURTER, Mr. SMITH of Iowa, Mr. GORE, Mr. EARLY, Mr. STOKES, Mr. CONTE, Mrs. BOGGS, Mr. ROYBAL, Mr. PURSELL, Mr. DICKS, Mr. FLIPPO, Mr. FAUNTROY, Mr. FOLEY, Mr. ROSE, Mr. SUNIA, Mr. COYNE, Mr. BROWN of California, Mr. GRADISON, Mr. WISE, Mr. SCHEUER, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. SYNAR, Ms. OAKAR, Mr. STAGGERS, Mr. MCCOLLUM, Mr. MCKERNAN, Mr. ANTHONY, Mr. FROST, Mr. FOWLER, Mr. BRITT, Mr. DARDEN, Mr. HATCHER, Mr. BLILEY, Mr. CORRADA, Mr. KRAMER, Mr. VENTO, Mr. TAUKE, Mr. IRELAND, Mr. LUNDINE, Mr. MCNULTY, Mr. KILDEE, Mr. DYSON, Mr. JEFFORDS, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. HORTON, Mr. HAWKINS, Mrs. KENNELLY, Mr. CARR, Mr. ADDABBO, Mr. PRICE, Mr. DASCHLE, Mr. PEPPER, Mr. VANDER, JAGT, Mr. ERDREICH, Mr. EDGAR, Mr. SUNDQUIST, Mr. WILSON, Mr. OTTINGER, Mr. SPENCE, Mr. DAVIS, Mr. MARTIN of North Carolina, Mr. PERKINS, Mr. RANGEL, Mr. ANDREWS of North Carolina, Mr. JONES of Oklahoma, Mr. KINDNESS, Mr. LOWERY of California, Mr. MOLINARI, Mr. FLORIO, Mr. DWYER of New Jersey, Mr. HEFTEL of Hawaii, Mr. FRENZEL, Mr. SWIFT, and Mr. YATRON.

H.J. Res. 603: Mr. HORTON, Mr. WON PAT, Mr. REID, Mr. ROE, Mr. OWENS, Mr. KOLTER, Mr. FROST, Mr. KLECZKA, Mr. LEVIN of Michigan, Mr. CORRADA, Mr. DE LA GARZA, Mr. RICHARDSON, Ms. FIEDLER, Mr. BONER of Tennessee, Mr. RODINO, Mr. HARRISON, Mr. DASCHLE, Mr. DELLUMS, Mr. PATTERSON, Mr. ADDABBO, Mr. BEILENSON, Mr. ROSE, Mr. CLAY, Mr. BRITT, Mr. LOWRY of Washington, and Mr. WORTLEY.

H.J. Res. 606: Mr. BARNES, Mr. BATEMAN, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BOSCO, Mr. DURBIN, Mr. EDGAR, Mr. EMERSON, Mr. FLIPPO, Mr. FROST, Mr. GRAMM, Mr. KOSTMAYER, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. PASHAYAN, Mr. SIMON, Mr. SOLOMON, Mr. TAUZIN, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. BOUCHER, Mr. CONTE, Mr. EDWARDS of Oklahoma, Mr. KLECZKA, Mr. LEVINE of California, Mr. MCHUGH, Mr. MARKEY, Mr. MAVROULES, Mr. MOAKLEY, Mr. PURSELL, Mr. ROWLAND, and Mr. SNYDER.

H.J. Res. 609: Mr. MORRISON of Connecticut and Mr. HAMMERSCHMIDT.

H.J. Res. 613: Mr. ROBERTS, Mr. CORRADA, Mr. PERKINS, Mr. CONYERS, Mr. HOYER, Mr. FAUNTROY, Mr. PATTERSON, Mr. WON PAT, Mr. CARPER, Mr. VOLKMER, Mr. QUILLEN, Mr. CHAPPELL, Mr. TOWNS, Mrs. BURTON of California, Mr. FAZIO, Mr. DARDEN, Mr. HEFNER, Mr. ACKERMAN, Ms. OAKAR, Mr. BOSCO, Mr. BARNES, Mr. WHITTAKER, Mr. RANGEL, Mr. RATCHFORD, Mr. CROCKETT, Mr. FLORIO, Mr. ROE, Mr. HERTEL of Michigan, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. FRANK, Mr. HATCHER, Mr. REGULA, Mr. FUQUA, Mr. STENHOLM, Mr. BATES, Mr. HOWARD, Mr. RICHARDSON, Mr. VENTO, Mr. FROST, Mr. GRAY, Mr. FORD of Tennessee, Mrs. HOLT, Mr. HAWKINS, Mr. BERMAN, Mr. KLECZKA, Mr. EARLY, Mr. MINETA, and Mr. SIMON.

H.J. Res. 624: Mr. BROWN of California, Mr. CROCKETT, Mr. DARDEN, Mr. DASCHLE, Mr. DELLUMS, Mr. LEVIN of Michigan, Mr. MADIGAN, Mr. RICHARDSON, and Mr. SOLARZ.

H. Con. Res. 239: Mr. BEREUTER.

H. Con. Res. 268: Mr. LOWRY of Washington, Mr. MATSUI, and Mr. STARK.

H. Con. Res. 302: Mr. GONZALEZ and Mr. VENTO.

H. Con. Res. 322: Mr. DURBIN, Mr. MATSUI, Mr. PATTERSON, and Mr. TALLON.

H. Res. 496: Mr. SKEEN, Mr. ROBERTS, Mr. THOMAS of Georgia, Mr. STENHOLM, Mr. GEPHARDT, Mr. STARK, and Mr. STAGGERS.

H. Res. 555: Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. BRITT, Ms. FERRARO, Mr. ASPIN, Mr. DURBIN, Mr. COELHO, Mr. BROWN of California, Mr. DWYER of New Jersey, Mr. STUDDS, and Ms. OAKAR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5151

By Mr. PEASE:

—Page 29, after line 8, insert the following new section (and redesignate succeeding sections accordingly):

STUDY OF PACKAGING OF DISTRIBUTABLE COMMODITIES

SEC. 115. (a) The Secretary of Agriculture shall conduct a study—

(1) to identify each of the forms and sizes of packaging currently used by the Commodity Credit Corporation for the storage of milk and the products of milk;

(2) to identify alternative forms and smaller sizes of packaging available for the storage of milk and the products of milk by such Corporation which would make such milk and products of milk more readily available for immediate distribution to recipients under any commodity distribution program administered by the Secretary of Agriculture; and

(3) to determine with respect to each form and size of package, identified under paragraph (1) or paragraph (2), for milk and for each product of milk—

(A) the cost that would be increased by the Commodity Credit Corporation to provide for the packaging of such milk or product of milk in such form and size of package; and

(B) the cost that would be incurred by such Corporation to store such milk or product of milk as so packaged.

(b) Not later than January 1, 1985, the Secretary of Agriculture shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report specifying the results of the study conducted under subsection (a).

H.R. 5973

By Mr. SMITH of Florida:

—Page 72, after line 2, add the following new section:

SEC. 314. None of the funds provided by this Act to the Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

H.R. 6028

By Mr. DAVIS:

—Page 3, after line 16, insert the following:

For establishing and operating an Indian and Rural Youth Emphasis training center at Newberry, Michigan, as authorized by section 427 of the Job Training Partnership Act, $4,750,000, in addition to amounts otherwise provided herein.

H.R. 6040

By Mr. DENNY SMITH:

—Page 3, line 1, strike out "or vegetable" and insert in lieu thereof ", vegetable, nut, or specialty crop".

By Mr. WILLIAMS of Montana:

—Page 25, after line 17, insert the following:

For the operation and maintenance of Tribally controlled Community Colleges, $871,200 in addition to amounts otherwise provided herein.

EXTENSIONS OF REMARKS

THE UNITED STATES SHOULD WELCOME JAPAN'S INCREASED INTERNATIONAL STATUS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the United States would do well to remember an old adage when it considers Japan's increased strength in the international system.

As teacher and parent, I know there's truth in the phrase, "Imitation is the highest form of flattery." A good parent does not fear the success of his child, but welcomes it. Japan is, in a sense, the U.S. prodigy child. Now she is grown and ready to assume more responsibility in a free international market.

The United States should welcome Japan's new international economic status and encourage Prime Minister Yasuhiro Nakasone's programs to assert a greater role for Japan in the global system.

A child's success strengthens a strong parental bond. The benefits of a new mature relationship are mutual.

Joseph Fromm, an assistant editor for U.S. News & World Report who was in Japan during the MacArthur occupation, wrote a perceptive personal reflection on this topic which I include and highly recommend to the attention of my colleagues:

JAPAN A SUCCESS STORY FOR AMERICA, TOO

TOKYO.—Japan, in the eyes of many Americans, is turning out to be a Frankenstein's monster unwittingly created during the years of the U.S. occupation—a formidable economic rival and uncertain ally. That view stems from Japanese industry's challenge to America and Tokyo's apparent reluctance to bear an equitable share of the common defense. Some Americans complain that the Japanese have forgotten the benefits that the occupation brought them and have become cynical about their partnership with the U.S.

Is this an accurate picture of today's Japan? A reporter who covered the occupation and has just returned to Tokyo for the first time in 30 years finds that nothing could be further from the truth.

The inescapable conclusion, underscored by talks with Japanese in every walk of life, is this: One of history's most remarkable success stories is on display here—a story of success for Americans as much as for Japanese.

The unique relationship forged between the occupying Americans and the conquered Japanese is alive, strong and likely to last into the predictable future. It has transformed Japan in ways that are downright breathtaking to a reporter who last saw this country as the occupation was ending.

When I left in 1953, this was still a nation with little hope. Many experts in Gen. Douglas MacArthur's headquarters doubted that Japan, overcrowded and lacking in natural resources, could become self-sufficient even in 50 years. Some wondered if democracy could long survive and suspected that strident militarism soon would re-emerge.

The Japan that I found upon my return could not be more different from the country I left 30 years ago—nor could it more thoroughly refute the gloomy prognosis of the early 1950s. In fact, the Tokyo that I knew no longer exists. In its place there is a prosperous and bustling metropolis of gleaming skyscrapers, modish shops and smart restaurants. The sidewalks are crowded with businessmen in three-piece suits and young men and women sporting the latest New York fashions. Downtown Tokyo resembles nothing more than Madison Avenue multiplied 100 times over. But there are differences. The streets and subways are clean and safe. Without a second thought, my interpreter traveled to her home in a remote district by subway at midnight. Violent crime by New York or Detroit standards is negligible and declining.

Everywhere there are signs of the affluence, dynamism and industrial prowess that once seemed forever beyond Japan's reach—and that today have converted this country into an economic superpower. In the fashionable Roppongi district of Tokyo, where I owned a small house, I learned how badly I had misjudged Japan's prospects: Property that I had scrambled to sell for $7,000 in late 1952, after anti-American rioting reinforced my worst fears about the future, now is valued at 2 million dollars.

What has brought about this transformation? In retrospect, it is clear that the Americans and the Japanese share the credit for an economic and political miracle—the Americans for imposing what must have been the most enlightened military occupation on record, and the Japanese for capitalizing on U.S. magnanimity to build an industrial democracy on the ashes of their defeat.

WHEN STUDENTS OUTRUN TEACHERS

With few exceptions, democratic reforms have succeeded beyond the wildest hopes of the occupation authorities who engineered them, largely because the Japanese had decided from the outset that there was much to learn from a nation that could inflict the first military defeat in their history.

Rather than resist their occupiers, they embraced the reforms essential to convert Japan from a feudal nation into a modern, industrial society—the eradication of a farm system that enslaved the peasants, the liberation of women from "subhuman" status, the establishment of trade unions, the guarantee of universal education through high school and the introduction of a democratic political process.

Since the occupation, the Japanese have continued to learn from the United States and to use that knowledge to outpace their teachers. Observes an American official who has spent many years in this country and in India: "The Indians say give me your money but keep your brains." The Japanese say give me your brains but keep your money."

Among the Japanese, especially those who can recall the MacArthur years, you find an almost universal gratitude for what the occupation did for their country. This was brought home to me when I was called out of the blue by a woman who had read in the *Yomiuri Shimbun* about my visit. "Fromm-*san*," she said, "I want to thank you and the other Americans in the occupation for what you did for Japan. You planted the seeds of democracy here. Women of my generation will never forget what you did for us."

Similar sentiments were expressed by a man with close rural connections: "Japanese farmers still remember the days when they toiled for absentee landlords and had to sell their daughters into prostitution to survive. They have not forgotten that it was the Americans who made it possible for them to own their own land and to prosper."

The young have a somewhat different attitude. They take it all for granted, indifferent to the origins of Japan's current achievements or the contribution of the occupation. A political scientist who has studied the long-term impact of the MacArthur shogunate says that young people have absorbed American culture and "Japanized" it—a phenomenon that is not new in a country that borrowed liberally first from China and then from Europe. "When young men and women travel to America," he points out, "they are surprised to find that you in the United States also have Coca-Cola and 7-Eleven stores. In their minds, these have come to be viewed as Japanese institutions."

This picture of contemporary Japan, which an economist friend in Tokyo calls "a lukewarm paradise," is not by any means without its darker side. With more than 50 percent of married women now working outside the home, latchkey children and juvenile delinquency are a worry.

Suicides, traditionally a feature of the Japanese scene, are increasing at an alarming rate. More than 25,200 were reported last year, a rise of nearly 19 percent from the year before. A major cause is desperation among ambitious middle-class men unable to meet mortgage payments for astronomically expensive houses.

REALISM ABOUT TRADE BARRIERS

Among government officials and business executives, there is widespread concern over "economic frictions" with the U.S. and differences over Japan's defense role. As the Japanese are almost totally dependent on imports to feed their industries—a fact driven home painfully by the "oil shocks" in 1973 and 1979—they feel extremely vulnerable and view export trade as a life-and-death matter.

Their greatest fear is of a protectionist backlash in the United States and Europe that would throw up more barriers against their products. While they will bargain hard every inch of the way, it is clear that Japanese leaders in the end will make the concessions—"the minimum concessions," as an American observer puts it—necessary to defuse recurrent crisis over trade. That has been demonstrated in recent weeks by

agreements concluded with the U.S. to ease restrictions against beef and citrus imports from America and to internationalize the yen.

Still, it would be a delusion for Americans to assume that deals such as these will automatically eliminate Japan's hugh export surplus. The Japanese, aside from subtle protectionism and a modest defense burden, enjoy unique cultural advantages in their competition with the major industrial countries. There is still an exceptionally strong work ethic—though it may be eroding among the young—and a cozy sense of cooperation among industrialists, government and organized labor that is not found elsewhere.

DEFENSE—ECHOES OF THE PAST

American complaints about Japan's defense efforts strike a rich note of irony for a reporter who covered an earlier debate over rearmament during the occupation. I have vivid memories of General MacArthur in 1949 telling the Foreign Correspondents' Club in Tokyo that Japan should become "the Switzerland of the Far East," an unarmed neutral under United Nations protection. Later, he induced a reluctant Japanese government to accept a Constitution that renounced war and outlawed the maintenance of armed forces. Thirty-five years later, at the same Foreign Correspondents' Club, I heard Defense Secretary Caspar Weinberger speak of the need for another reluctant Japanese government to do more to build up its defense forces.

The Japanese reaction to this role reversal is summed up half facetiously by Prof. Irie Takanori of Meiji University; "Teacher America has realized that its earlier lessons were in error and would like student Japan to forget them. But the student is stubbornly clinging to the mistaken lesson."

Since the Korean War, Japan, under pressure from Washington, has turned a half-blind eye to the Constitution and built a modest Self-Defense Force with a budget representing about 1 percent of the gross national product, relatively the smallest contribution to security by any nation in the Western Alliance. Tokyo has agreed to expand this effort gradually by assuming responsibility to protect sea-lanes to a distance of 1,000 miles from these islands. While a majority of Japanese support the present defense effort, they are overwhelmingly opposed to any move to erase or dilute the antiwar provision in the Constitution. They fear that this could open a Pandora's box.

"I suspect," says a veteran Western diplomat, "that the Japanese people do not trust themselves. With rare and brief exceptions, their history has been marked by military dominance in one form or another. Without the constraints imposed by the Constitution, they are uneasy about what might happen—about the danger that the military again would dominate the country."

One indelible impression remains at the end of a journey of rediscovery: The Japanese, with few exceptions, still see their partnership with America, forged in the dark days of defeat, as the key to their security and continuing prosperity. Preserving it remains an overriding priority.●

CHRISTOPHER COLUMBUS QUINCENTENARY COMMISSION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to lend my full support to the conference report to H.R. 1492 which passed the House last week. The legislation establishes a Christopher Columbus Quincentenary Commission to allow for this Nation to adequately prepare for a major celebration which will take place in 1992, to mark the 500th anniversary of the discovery of this great land—America.

I wish to pay a special tribute to my colleague from New York, Mr. GARCIA, who has been in the forefront of this legislation not only in terms of his introduction of the bill in the House, but his tremendous leadership throughout—especially in conference which allowed us to emerge with this sound legislative product.

The Commission is vested with the responsibility of ensuring that the celebration in 1992 take into account all of the dimensions of this historic event so it may be placed in its rightful place in world history. Central to the Commission's work will be to present and pay appropriate tribute to the great Christopher Columbus—a man of vision, courage, dedication, and conviction who embarked on a perilous journey and returned more than a conquering hero—he accomplished a feat which has earned him a lasting place in the annals of history. That same courage and conviction and sense of pioneering spirit was manifested in various segments throughout American history ranging from the first settlers who came in on the Mayflower, to the travels of Lewis and Clark, to the formation of 50 separate, but united States. That spirit which makes America the first and the best in the world brought us the inventions of Thomas Edison, the medical discoveries of Jonas Salk, the science and modern technology that has sent men and women into space. These all represent the American spirit.

The Quincentennial will be an opportunity for all peoples—of all nationalities—to share in the legacy of Christopher Columbus, an Italian sailor, who upon receiving assistance from the Queen of Spain, discovered America, which has become home to scores of Spanish, Italian, and other groups, all living united by the great bond of freedom. As an Italo-American, I take pride in this accomplishment, but as an American citizen, I take pride in the knowledge that our country is what it is today because of the unique blending of so many different people. Therefore, the celebration of the founding of our Nation should take place with no ethnic preference, but rather as a united Nation.

Two years ago, I was proud to stand before this Hall and announce the establishment of an organization in my hometown of New York City, the Columbus Quincentennial U.S.A. Organization, headed by its executive director, Norma Greenwood. For the past 2 years, serious planning has proceeded for the Quincentennial, part of which will take place in New York City. I feel that this is appropriate because of New York's historical role as the Gateway to the New World. Through New York's doors passed so many of our ancestors, whose spirits, hopes and dreams have become our spirits, hopes, and dreams.

It is in this spirit that I commend the passage of this legislation. During the Bicentennial of the United States in 1976, Americans showed the world its love for history and the pride they have in our great Nation. The Quincentennial should be an opportunity for the world again to see what makes America great.●

THE POST-CHADHA CONGRESS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. LOTT. Mr. Speaker, on June 23, 1983, the Supreme Court in the case of INS against Chadha held unconstitutional the authority of one House of Congress to reverse the Attorney General's suspension of deportation orders. The Court subsequently held similar legislative vetoes unconstitutional in the FERC natural gas case and in the FTC used car rule case.

Since that time, Congress has been scrambling to put this Humpty Dumpty check on executive actions back together again. In some instances we have reamended existing laws having unconstitutional one- or two-House legislative vetoes by changing them to joint resolutions of approval or disapproval in conformance with the Court's dictum that any such actions must take the form of legislation and be submitted to the President for his signature or veto. In other instances, committees have been placing interesting new committee review provisions into law to maintain a check on certain executive actions and decisions.

The July 21, 1984, issue of the Congressional Quarterly contains an article on post-Chadha congressional actions, in which a congressional research study is cited to the effect that Congress has placed some 30 provisions into 11 bills enacted since last year's decision, allowing legislative vetoes of agency decisions. Most of these provisions call for committee

review of proposed agency actions. In signing the fiscal 1985 HUD appropriations bill, President Reagan cautioned Congress against including such committee veto provisions in legislation, indicating the administration would ignore such attempts to interfere with the Executive.

Mr. Speaker, as the CQ article indicates, "legislation providing a comprehensive solution to the question of congressional authority over agency rulemaking languishes in committee." One such bill is H.R. 3939, the "Regulatory Oversight and Control Act," which I introduced on September 20 of last year and which now has 70 House co-ponsors. The bill was designed specifically to address the Chadha decision with respect to agency rulemaking. It would require that Congress enact a joint resolution of approval for major agency regulations, and would permit Congress to block minor regulations by enacting a joint resolution of disapproval. Unfortunately, my bill has been blocked in both the Rules and Judiciary Committees, despite extensive hearings into the whole legislative veto issue initiated by the Rules Committee chairman last year.

Mr. Speaker, in my testimony before the Rules Committee on my bill on November 9 of last year, I warned that inaction on a comprehensive approach would either result in "unbridled delegations and runaway regulations; or you will witness a new proliferation of veto alternatives on individual authorizations, much as the original legislative veto spread like wildfire in a windstorm." The CRS study confirms my fears about this new proliferation of veto alternatives, some of which raise new constitutional problems. I think the time has come to impose some uniformity on this process before it gets further out of hand.

I am today writing to the chairman of the Rules Committee asking that the committee consider a final report based on its extensive hearings—one which will recommend a uniform set of legislative veto standards that meet the Chadha test while retaining for the Congress an effective check on agency actions. I think enactment of my regulatory oversight and control bill would be an important step in the right direction.

At this point in the RECORD, Mr. Speaker, I include the letter and Congressional Quarterly article to which I have made reference and commend them to the reading of my colleagues.

The items follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1984.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to inquire about your plans for concluding our committee's inquiry into the post-Chadha legislative veto situation in the House.

Under your leadership, our committee has built an impressive hearing record on the status of existing statutory legislative veto provisions as well as on various proposed alternatives to the legislative veto given the Supreme Court's ruling. It is my hope that we can now produce an official committee report containing our findings and any recommendations. As you know, I have recommended a uniform process for handling agency regulations (H.R. 3939). Other constructive alternatives to the traditional one- and two-House legislative vetoes have been proposed by the various witnesses appearing before our committee.

I think it is particularly important for our committee to issue a final report which includes guidelines and recommendations given the uncoordinated proliferation of veto alternatives that are springing-up. According to a July 21 Congressional Quarterly article, based on Dr. Louis Fisher's CRS study, Congress has placed some 30 provisions in 11 bills providing vetoes of agency decisions over the past year since the Chadha decision—most involving committee (rather than one- or two-House) disapproval of agency actions. I think we have been less than diligent in policing such new provisions. Moreover, the President has warned in his recent signing of the fiscal 1985 HUD Appropriations Bill that such committee review devices are unconstitutional and therefore pose the prospect of another series of constitutional confrontations and decisions. I hope we can speak to such issues in our final report. I look forward to your response.

Very truly yours,

TRENT LOTT.

[From the Congressional Quarterly, July 21, 1984]

DESPITE HIGH COURT RULING, LEGISLATIVE VETOES ABOUND

[By Robert Rothman]

More than a year after the Supreme Court declared the legislative veto unconstitutional, Congress continues to include such provisions in bills it is passing.

Since the 7-2 court ruling on June 23, 1983, Congress has placed 30 provisions in 11 bills allowing legislative vetoes of agency decisions, according to a study by Louis Fisher, a specialist in U.S. government for the Congressional Research Service.

At the same time, Fisher wrote, Congress is adjusting a number of existing statutes that contain legislative vetoes, making them conform to the Supreme Court's decision.

But legislation providing a comprehensive solution to the question of congressional authority over agency rule-making languishes in committee. In addition, numerous cases challenging existing or previous legislative vetoes are pending in court.

BACKGROUND

A legislative veto is a tool by which a single congressional committee, one house of Congress or both the House and Senate may overturn an executive branch regulation or order.

The court, in *Immigration and Naturalization Service* v. *Chadha*, said legislative vetoes violate the Constitution's requirement that bills be approved by both houses of Congress and presented to the president for his signature or rejection. Before the decision, Congress had included such vetoes in more than 200 laws over the past 50 years. *(1983 Almanac p. 565)*

Writing for the court, Chief Justice Warren E. Burger acknowledged that the Constitution's scheme for separating and balancing governmental powers among three branches of government sometimes created practical and political difficulties.

But, he said, "convenience and efficiency are not the primary objectives—or the hallmarks—of democratic government. . . ."

With all of the system's "obvious flaws of delay, untidiness and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution," Burger said.

The breadth of the court's ruling seemed to invalidate every form of legislative veto: by one or more committees, by a single chamber or by both houses. That conclusion was reinforced less than two weeks after the *Chadha* ruling, when the court struck down a two-house veto of a Federal Trade Commisssion regulation and a one-house veto aimed at a Federal Energy Regulatory Commission rule.

Despite speculation that the balance of power between Congress and the executive branch might be tipped by the court's veto rulings, there has been little obvious change.

"The sun appears to come up in the east and set in the west despite *Chadha*," said Alan Morrison, a Washington, DC, attorney who pressed the legal challenge to the veto before the high court.

BUSINESS AS USUAL?

Most of the legislative veto provisions Congress has inserted into bills since the court acted have called for congressional committee review of proposed agency actions.

Affected laws include the fiscal 1984 appropriations for the Department of Housing and Urban Development (PL 98-45); the fiscal 1984 authorization for the National Aeronautics and Space Administration (PL 98-52); the fiscal 1983 supplemental appropriations (PL 98-63); the Caribbean Basin Economic Recovery Act (PL 98-67); the fiscal 1984 Department of Transportation appropriations (PL 98-78); the fiscal 1984 Department of Defense authorization (PL 98-94); the first fiscal 1984 continuing appropriations resolution (PL 98-107); the fiscal 1984 District of Columbia appropriations (PL 98-125); the Public Lands and National Parks Act (PL 98-141); the fiscal 1984 Interior appropriations (PL 98-146); and the Rehabilitation Amendments (PL 98-221).

Several fiscal 1985 appropriations bills also include veto provisions. In signing one of them, for the Department of Housing and Urban Development, President Reagan July 18 urged Congress to "discontinue the inclusion of such devices in legislation."

JOINT RESOLUTION APPROACH

Meanwhile, Congress has replaced legislative veto provisions in several laws with requirements that Congress pass and send to the president a joint resolution to approve or disapprove of agency actions.

This has been the approach used in bills to reauthorize the Export Administration Act (S 979) and Amtrak (HR 3648), permit agency reorganizations (HR 1314) and modify the District of Columbia's home rule charter (HR 3932). *(Export Administration, Weekly Report p. 1264; Amtrak, p. 569; reorganization, p. 854)*

Fisher noted that the joint resolution approach actually strengthens the hand of the legislative branch. By requiring each house of Congress to pass a joint resolution within a certain period of time, the approach en-

ables one chamber to block an agency rule by inaction—in effect, a one-house veto.

Several members have introduced legislation to apply that approach across the board, although none of these bills is given much chance of passage this year.

In the House, Minority Whip Trent Lott, R-Miss., sponsored a bill (HR 3939) requiring a joint resolution of approval before major rules can take effect, a joint resolution for disapproval if Congress wants to block minor rules, and a change in House floor procedures to facilitate the offering of amendments to appropriations bills blocking specific rules.

In addition, Stephen J. Solarz, D-N.Y., has introduced a bill (HR 5759) to apply the joint resolution approach to arms sales. Solarz' bill would prohibit the president from selling arms to any country, with certain exceptions, unless Congress passes a joint resolution authorizing the sale.

HR 5759 would allow sales to NATO countries, Japan, New Zealand, Australia and Israel to go through unless Congress passed a joint resolution within 15 days disapproving the sales.

In the Senate, Charles E. Grassley, R-Iowa, and Carl Levin, D-Mich., have introduced S 1650, authorizing Congress to disapprove the rules of any agency by passing a joint resolution of disapproval.

Grassley also may offer S 1650 as an amendment to a bill (S 1080) making major changes in the federal regulatory process. That bill has been ready for Senate floor action for months, but chances of approval this session appear slim.

Rep. Elliott H. Levitas, D-Ga., a leading proponent of the legislative veto, predicted that Congress will eventually formalize a vetolike procedure. "There is a strong perceived need to have this mechanism in place," he said.

COURT ACTION

Outside of Congress, the battle over congressional authority to overturn executive action is taking place in the courts. Several pending cases have raised questions left unresolved after *Chadha*.

Perhaps the most significant unanswered question is whether the ruling can be applied retroactively. If so, thousands of agency decisions will be invalidated.

More than 100 cases have been filed to challenge the use of the Reorganization Act of 1977, which contained a legislative veto provision, to transfer authority from the Labor Department to the Equal Employment Opportunity Commission (EEOC).

In *EEOC* v. *Allstate Insurance Co.*, U.S. District Court Judge William H. Barbour Jr. ruled that the EEOC had no authority to enforce the Equal Pay Act, since authority under the act was transferred to the agency from the Labor Department in the Reorganization Act of 1977. Barbour said that the legislative veto provision could not be separated from the Reorganization Act, making the entire law unconstitutional. Moreover, Barbour ruled, the *Chadha* decision should be applied retoractively to invalidate the Labor-EEOC reorganization of 1978.

The government appealed, but on June 11, 1984, the Supreme Court dismissed the appeal for want of jurisdiction. In a dissent, Chief Justice Burger and Associate Justice Sandra Day O'Connor noted, "There apparently are also lingering questions after *Chadha* on what a court is to do once it finds a legislative veto unconstitutional and non-severable. Finally, there are the substantive questions whether *Chadha* should be applied retroactively . . . ."

Another issue involves whether the *Chadha* standard can be applied to committee review of proposed agency actions, by far the most frequent congressional exercise of authority over agencies.

In *City of Alexandria* v. *United States*, U.S. Claims Court Judge Christine C. Nettesheim said that it can be. In 1981, an official from the General Services Administration (GSA) discussed a proposed sale of surplus federal property to the city of Alexandria, Va., with Jack Brooks, D-Texas, the chairman of the House Government Operations Committee, and a staff member. The staffer later said he doubted the committee would approve the sale, and GSA decided not to submit the proposed sale for committee review, as it must under the Federal Property and Administrative Services Act of 1952 (PL 82-522). The city later purchased the property at a higher price, and sued.

Nettesheim concluded that the committee review practice was tantamount to a legislative veto, and thus unconstitutional.

In a friend-of-the-court brief to the U.S. Court of Appeals for the Federal Circuit, Brooks and Frank Horton, R-N.Y., ranking member of the committee, argued that the court's ruling "would render virtually every statute requiring transmittal or submission of information to Congress void on the implicit assumption that furnishing information produces intuitive influence or interference in the agencies' decision-making." On June 21, 1984, the appeals court overturned Nettesheim's decision.

Regardless of how the courts ultimately rule, Fisher said that as a practical matter, agencies need to keep up good relations with the panels that hold their purse strings.

"An agency might advise the committee: 'As you know, the requirement in this statute for committee prior approval is unconstitutional under the court's test,'" he wrote in *Extensions*, the newsletter of the Carl Albert Congressional Research and Study Center.

"Perhaps agency and committee staff will nod their heads in agreement. After which the agency will seek the prior approval of the committee," Fisher predicted.●

A SOUND ENERGY POLICY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mrs. BOXER. Mr. Speaker, I believe the following testimony by Chrysler Corp. before the Subcommittee on Energy Conservation and Power Energy and Commerce Committee is historic.

It shows the concern of a big automaker for a sound energy policy and urges the continuation of fuel economy standards.

STATEMENT BY ROBERT M. SINCLAIR, VICE PRESIDENT-ENGINEERING, CHRYSLER CORP.

Thank you, Mr. Chairman. I am Robert M. Sinclair, Vice President of Engineering at the Chrysler Corporation.

I appreciate this opportunity to express Chrysler's views on the issue of automobile and light truck fuel economy, and especially how this issue relates to the bigger issue of energy conservation in our nation. We have submitted written answers to the Committee's formal questions for insertion into the hearing record, and I'd like in my oral comments this morning to concentrate on why I believe this country is being led down a primrose path toward destruction when it comes to energy conservation with regard to autos and light trucks.

Mr. Chairman, one year ago almost to this very day, Chrysler's Vice Chairman, Jerry Greenwald, testified before this Committee on the subject of energy conservation and CAFE standards for cars and light trucks. At that time, he said—and I quote—"We live by simple rules at Chrysler: we repay our debts and we obey the law." Today, I'm proud to say that Chrysler continues to obey the law with regard to CAFE. In fact, we have led the Big Three automakers in CAFE for the past four years, and we expect to do so again in model years 1984 and 1985 with passenger-car fleet averages of 27 and 27.7 miles per gallon, respectively.

Chrysler has met and continues to meet the CAFE standards because we have taken the energy conservation issue very seriously. Spurred on in part by the Energy Policy and Conservation Act, we consciously adopted an all-out corporate policy in the mid- to late-1970s of providing maximum fuel efficiency in our products. Our pledge to fuel economy was reinforced, as this body well knows, during the 1979-1980 federal loan-guarantee process by the fact that Chrysler was required by law to meet the CAFE requirements, or else we would have been put into default.

We met the law, but it didn't come cheaply. Chrysler has spent a record $4 billion to convert the overwhelming majority of its fleet to fuel-efficient, front-wheel-drive powertrains. (We will have spent more than $400 million of that, by the way, just moving our fleet from 26 mpg to 27.7 mpg.)

As a result of this massive undertaking, Chrysler has doubled its CAFE since 1974, and we are meeting a law that we believe has proven itself to be in the national interest. Now, however, after we have made these massive investments, there are those who would like to change the rules in the middle of the game and without much fanfare have the NHTSA dial back the CAFE standards—and undo a half-dozen years of social progress—by the flick of an administrative pen.

Chrysler strongly objects to this kind of national energy policy by convenience, and we think people of this nation object too. We have to ask, if Chrysler can meet the federal fuel economy law, then why can't our larger competitors? And even more important, what possible good is there in dialing back the fuel economy standards for the selfish benefit of companies which have ignored the law when such an action will surely send a dangerous message to the American consumer that there's no reason to worry about fuel conservation anymore?

Advocates of rolling back the CAFE standards would argue that today's relatively low fuel prices are justification for forgetting all about fuel economy and backing off on the law. They seem to forget that it's precisely because of the world's conservation habits of the last few years that we even have relatively stable fuel prices today. Are we really ready to backtrack to the gas-guzzling days of the 1970s, and set ourselves up for a third energy crisis? I hope not.

Yet that may be just what we're doing. Dialing back the CAFE standards would be another step in the wrong direction for fuel conservation and energy independence for our country. I think it's shocking to see, for

instance, that the use of gas-guzzling V-8 engines has gone up, not down, since the energy crisis of 1979 and 1980. In 1981, only 22 percent of all new U.S. cars had a V-8 under the hood. Last year, 32 percent did. Some would argue that Americans want V-8s because they want performance, but as Chrysler has shown with its innovative (and quite successful) Laser and Daytona sports cars, you can get just as much performance—and a lot more economy—with a turbocharged four-cylinder engine.

Rather than backtracking on the fuel conservation issue, Chrysler strongly believes that the government should be going the rest of the way in protecting the American public from the whims of OPEC and others by recognizing that petroleum is a finite commodity of strategic national proportions. And that means adopting a real national energy policy that gives consumers an incentive to buy fuel-efficient products.

And because the only conservation sign that most car drivers pay any attention to is to the one written on every gas pump in America—the price per gallon—Chrysler advocates an increased tax on gasoline and/or a surcharge on imported oil as the first step toward a bona fide national energy policy. America is far behind the rest of the industrialized world in gasoline taxes. Despite last year's nickel-a-gallon increase, the U.S. federal gasoline tax is still just half of Canada's tax, a fifth of Japan's, and less than a tenth of Italy's, to take but three examples.

If America had an energy policy as these other countries do, then we wouldn't need to worry about CAFE laws, as other countries in the world do not. Until a sensible long-term energy policy is adopted in this country, the CAFE requirements—for both cars and light trucks—should be left right where they are.

The government's credibility is at stake on this issue. To dial back the CAFE standards now would almost certainly make it impossible to institute other fuel-conservation programs in the future. It would send a message to the American people that we are willing to risk another energy crisis for the selfish interests of two giant law-breaking corporations. And it would also unfairly—and ironically—penalize those auto companies which have already paid the price to meet the CAFE standard. And that includes all of the major auto companies that sell in the American market, with the exception of the two which are now trying to change the law.

Mr. Chairman, in the auto business, it takes four or five years to design, develop, and tool a new vehicle or powertrain for production. If the CAFE standards are changed, and we who are meeting the law are not given at least that much time to revise our product lineups accordingly, then the companies which have ignored the law will gain significant, unearned advantages in the marketplace.

If, for instance, the companies which would break the law are released from their obligation to pay fines, they can use that money for future models and features that Chrysler can't afford because we spent our money on fuel economy. This is in fact a de facto penalty for Chrysler. Or to put it another way, Ford and GM will flunk the standards, and Chrysler will pay the fine. How ironic.

Mr. Chairman, Chrysler does not think this is what Congress had in mind when it passed the Energy Policy and Conservation Act of 1975, and we believe that any court in the land would uphold our belief. We hope that we would not have to test that belief, but we will not sit idly by and watch our investments go for naught. But beyond our private concerns, Mr. Chairman, there is reason enough for leaving the CAFE standards for passenger cars and light trucks where they are in the fact that to roll them back would be to do a great disservice to the American public. I hope that this Committee uses all the influence within its power to stop that from happening.

Thank you very much.●

THE PLIGHT OF FEDERAL SPENDING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, it is no secret in Washington that I feel the Nation's most serious problem is irresponsible Federal spending. Citizens nationwide seem to share my views. The majority of Americans consistently rank the Federal deficit as their No. 1 concern. Yet Federal spending still increases and the deficit spirals upward. Congress seems to have difficulty disciplining itself when it comes to spending the taxpayer's money.

When we spend other people's money, it loses personal relevance. With self-discipline lacking, waste and inefficiencies are encouraged. The free market mechanism we fight so valiantly to preserve in other arenas is swallowed by the malfunctioning allocation system we blindly allow to develop.

Marvin Stone, in U.S. World & News Report, reprinted a Paul Harvey editorial entitled "The New Poor," which details just such a situation in Detroit. Government spending is not solving the problems of the poor in our country. It is mismanaging them—at the taxpayer's expense. As Harvey suggests, the plight of the poor is a political issue. What we seem to forget sometimes is that the plight of the taxpayer's moneys is also a potent political issue. With the Federal deficit at the top of the country's domestic agenda, more free handouts are not a viable solution to the dilemma of the poor, especially when these handouts are bumbled so blatantly.

I suggest my colleagues read the following article and reflect on the benefits of Federal spending at work.

WHAT'S WRONG WITH THE SYSTEM?

(By Marvin Stone)

A few weeks ago, we carried a three-page story entitled "The Desperate World of America's Underclass," describing the burden of dealing with hunger and dilapidated housing in America's cities. Efforts to help this impoverished segment of society also were dealt with.

All this stuck a chord with W.M. Herrin, Jr., of Mobile, Ala., after he read about a recent horrendous foul-up in Detroit. The story he called to our attention was written by the well-known newscaster and syndicated columnist Paul Harvey. We asked Mr. Harvey for permission to reprint his column, because it addresses the question Mr. Herrin raised: "What's wrong with our distribution system?"

THE "NEW POOR"

(By Paul Harvey)

A political issue this year will be made of the plight of our country's poor.

The Conference of Mayors reports an increasing demand for emergency food in 19 of 20 major cities. Yet the number of newspaper "help wanted" ads has increased each of the last six months, including ads for unskilled workers.

The dichotomy can be explained. Some of the poor are mentally ill, "unemployable."

Some are old people who have lived longer than they ever expected or prepared for. Some are single mothers living on reduced welfare benefits.

Many are drifters, heretofore fed at church soup kitchens or by the Salvation Army.

Taxpayers have not been stingy. Spending on food-stamp programs reached an all-time record high last year—19.2 billion dollars.

New York City provides homes for 10,300 homeless, some of them in hundred-dollar-a-day hotel rooms.

Recent generations have been cared for by government at whatever cost. And government's "free handouts" are expensive.

In December, 1982, Major Coleman Young of Detroit declared "a human emergency in Detroit"; he created "The Mayor's Emergency Relief Fund. "Food for the hungry." This would be none of your concern except that he sought and got food from the federal government "to feed the poor people of Detroit."

For what has happened since, the mayor blames the Department of Agriculture. Two days before Christmas, 77 tons of surplus flour arrived "to feed the hungry"; a week later, another 12 tons.

He says the USDA sent Detroit 10 times more food than its soup kitchens could handle; it had to be warehoused.

The Detroit News says the cost of warehousing the surplus food cost the city hundreds of thousands of dollars.

But that's not the worst part.

This year—13 months later—city trucks have hauled 150 tons of surplus food—

Flour and rice and turkeys and butter and cheese. Twelve-hundred turkeys—

City trucks have hauled all this stuff to a city dump and dumped it.

"It spoiled," we are told, "while in storage."

The city trucks moved the stuff from the warehouse to the landfill—after dark.

Well, that's not the end of it, either. We asked our Detroit bureau for a follow-up. It turns out that the Department of Agriculture auditors now report that almost 205 tons spoiled—worth nearly $418,000.

While people were going hungry in the streets, flour, rice, powdered milk and dry beans were contaminated by insects, rats and birds. Some 81 tons of frozen turkeys, cheese and butter rotted when a refrigeration system failed. And 79 tons of food just "disappeared."

Who's to blame? The Department of Agriculture says it will use its audit report to demand that the city pay for the lost food. Mayor Young insists the city should not be held responsible because the federal officials didn't have the sense to listen to him.

In the meantime, the rest of us were busy scraping up extra cash to pay our income taxes.●

SIMPLIFY REFUGEE EDUCATION PROGRAM ADMINISTRATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that will assist many of our larger school districts in administering their refugee education programs by providing greater flexibility in the way in which eligible children are counted for Federal assistance.

Under this bill, local education agencies, which apply for funds under the Refugee Education Assistance Act, are able to use data provided by the Immigration and Naturalization Service to determine the numbers of eligible children. Under the current system, large urban school districts are required to conduct an independent data count, which results in significant cost to the local district. This amendment would simply allow LEA's the flexibility to use either their own data or data provided by the INS.

As New York's senior member of the House Education and Labor Committee, I have been actively involved in attempting to bring some administrative relief to this program. During our committee's consideration of immigration reform legislation during the last session, I joined with my colleague on the committee, BILL GOODLING, in offering this amendment. I also supported his efforts to offer this same initiative during House consideration of H.R. 1510, the Immigration reform bill, last month.

Given the questionable status of H.R. 1510 at this point in time, I believe that introduction of this legislation is necessary to assure that this issue remains high on our agenda during debate on the future of the pending legislation. If a bill is not adopted and signed into law this year, I intend to press for timely consideration of this bill in any future legislation considered by the Education and Labor Committee.

In this year, New York City received $736,210 in funds under REAA in order to educate 44,043 refugee children. Under this amendment, according to tentative estimates by city officials, New York could receive a minimum of $4.4 million in Federal aid which could increase to $14 million, depending on how many refugee children are being served.

Immigration reform is indeed needed by a number of municipalities, which are straining under the burden of providing services to refugees without being adequately compensated for such services by the Federal Government. This bill is a modest, but important part of the reform effort. I urge my colleagues to join me in supporting this legislation.

H.R. 6057

A bill to amend the Refugee Education Assistance Act of 1980 with respect to determinations of the number of eligible participants under such act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended—

(1) in the first sentence of section 201(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates"; and

(2) in the first sentence of section 301(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates".●

STEEL QUOTAS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. FRENZEL. Mr. Speaker, the following editorial from the Journal of Commerce of July 13 lays out the President's problem on steel with brutal clarity.

According to the editorial, "increased protectionism will inevitably mean higher prices for steel and goods made with steel." The record of postwar protectionism shows no evidence that protected industries become more competitive and outgrow their need for protection.

There will be enormous pressures on the President to protect jobs; jobs that pay 50 percent more than the average wage in manufacturing in America. The protection will cost our economy and our consumers a good deal more than the jobs pay.

Whatever the President does will be criticized. I personally hope he will not make a choice which directs America toward an industrial policy where the consumers must subsidize noncompetitive enterprises.

The editorial follows:

[From the Journal of Commerce, July 13, 1984]

REAGAN'S DILEMMA ON STEEL

The International Trade Commission has handed President Reagan an election-year dilemma by recommending this week that the steel industry should get special protection from imports over the next five years through a combination of import quotas and higher tariffs.

The decision was by no means unanimous, with agency Chairman Paula Stern and Vice Chairman Susan W. Liebeler both dissenting. The industry may have been hurt by imports, but there are other reasons for its problems, not least of all wages, which far exceed the average in American industry. Mrs. Liebeler would have the aid conditional on a stiff wage cut.

In making his decision within the next 60 days, Mr. Reagan must weigh the immediate gratification of votes in the major steel states against many grave longer-term difficulties.

Increased protection inevitably will mean higher prices for steel and goods made with steel, will put the nation into direct conflict with the European Community, which has warned it will reconsider its 1982 agreement on limiting shipments, and will make it harder for the developing countries to increase their exports in order to service their debts.

Will increased temporary protection under the "escape clause" provision of the U.S. trade law help the steel industry overcome its problems? The record, as Dick Lawrence pointed out in these columns this week, raises grave doubts.

The ITC recently studied five industries—bicycles, carpets, watches, stainless steel flatware and sheet glass—which had received protection in the '50s and '60s. It found that only one—bicycles—has modernized and become more competitive. But even it is still pushing for higher import duties.

The steel industry has received all sorts of protection and keeps coming back for more. At best, escape clause protection allowed the industries time for more orderly phasedowns and resource transfers. The ITC majority would have the president insist that the steel industry present a "plan" for becoming more competitive and stick to it.

In making his decision, the president also must recognize that, as the U.S. dollar continues to soar to new highs and the trade deficit to widen to unheard of proportions, the calls for protection from imports will become more shrill on all fronts.

Not only is the United States sucking in imports but it is sucking in investments as well to help finance the huge budget deficit. Because of higher interest rates, the budget deficit is likely to widen, despite the congressional downpayment.

Next year could prove especially tricky, especially if the economy stalls and the loss of jobs due to the trade deficit becomes more apparent.

Should Mr. Reagan open the protectionist flood gates now, he would lay up a lot of trouble for himself in 1985 when pressures will be even greater. More could be gained for all with a more balanced fiscal and monetary mix that would bring down interest rates and the dollar.●

A FLOOD OF IMPORTS, A SEA OF RED INK, WHERE'S NOAH, MOSES?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. GAYDOS. Mr. Speaker, in the June 25 edition of "Industry Week" there is a timely article by Mr. Phillip A. O'Reilly on the plight of the Nation's machine-tool industry.

Mr. O'Reilly, president and chief executive officer of Houdaille Industries, Inc., points out the industry's market

has been inundated by a flood of foreign imports; 35 percent of the total market has been lost. He suggests a 20th century Noah's Ark may be needed to save what is left.

The reason for this sad state of affairs is because our Government has, for the most part, chosen to ignore the predatory trade practices of foreign competitors and refused to properly enforce our Nation's trade laws or defend our home markets. In so doing, it not only risks the economic security of our country but its national security as well.

It is because of the Government's complacency that we have seen a trickle of goods from abroad grow to a torrent that has smashed a number of domestic manufacturing industries.

Mr. O'Reilly doesn't mention we could also use a Moses to lead us out of the sea of red ink into which that complacency has led us. Some of you may recall it was little more than a decade ago, 1971, that our Nation posted its first trade deficit in nearly a century: $2.3 billion. Today, after an almost unbroken string of deficits, the red ink stands at $100 billion and rising.

I urge my colleagues to read the following article by Mr. O'Reilly:

[From Industry Week, June 25, 1984]

FIGHT FOREIGN GOVERNMENT CARTELS

(By Phillip A. O'Reilly)

In the 20th century version of Noah's trial he was instructed by the Lord to fill his ark with two American-built machining centers, two American-built CNC lathes, two American-built grinding machines, and so on, because the torrent of products unleashed by the Japanese was flooding the market, and Noah's survivors might be all that remained of the once-proud American machine-tool industry.

Japanese numerically controlled (NC) machining centers gained a 70% market share in 1983, up from only 4% seven years before in 1976, Equal devastation occurred in NC lathes, and very deep pentration has taken place in other critical machine-tool lines. Imported machine tools, principally Japanese, have swept up to 35% of the total market.

American machine tools have not become an endangered species because the U.S. industry has outdated technology or is incapable of producing quality machines at fair prices. If that were true, other nations, principally European, would also have increased their share of our market, but his has not been the case. The United States remains the world's leading source of machine-tool innovation.

The Japanese achieved their position through the massive intervention and support of the Japanese government. In 1982, Houdaille Industries presented to President Reagan a petition that demonstrated, through numerous official Japanese documents, that the Japanese government has created a cartel in the Japanese machine-tood industry, effectively deterred foreign competitors in the Japanese market, and provided abundant subsidies in the form of grants, interest-free loans, low-interest loans, and a wide variety of tax breaks to enable Japanese machine-tool manufacturers to dominate the world's markets.

It is not possible for independent U.S. manufacturers to compete in those product lines where the resources of an entire nation are brought to bear against them. The deep pockets of their government have enabled the Japanese to develop great ability in sophisticated engineering and manufacturing techniques and to create an overwhelming advantage. The outcome in America has been the massive loss of jobs, manufacturing facilities, and skills, and has created a serious, if not terminal, gap in our industrial base.

Our concern is not just that of reestablishing equitable trade relations; it has now become a concern for our continuing ability to fight a conventional war. The National Machine Tool Builders' Association (NMTBA) has demonstrated, that, without government action, under existing trade laws our national defense capability will be critically weakened because we will no longer be able to produce the machine tools essential to the manufacture of military hardware in the event of a conflict. The security interest has been recognized on a bipartisan basis by the Congress, with senators and representatives of varying philosophical outlooks uniting to offer strong industry support.

In spite of the evidence presented and pressure from Congress, the Administration has thus far chosen not to act. This failure results from thinking conditioned by a mixture of illogical free-market ideology (combined with a disdain for industrial manufacturing businesses) and excessive concern for the political fortunes of Prime Minister Yasuhiro Nakasone of Japan. Positive recommendations from Commerce Secretary Malcolm Baldrige urging relief under Section 232 of the trade laws were sent back for further study, and discussions with the Japanese, conducted by the U.S. trade representative on their targeting practices, begun nearly a year ago, have been allowed to drift inconclusively.

Both the protection of our national industrial base and maintenance of international trade equity require strong action by our government on behalf of the machine-tool industry. It is time to take whatever steps are necessary to protect our economic well-being. Some steps, already taken by the industry, include consolidation of facilities (plant shutdowns), importation of foreign products, and off-shore production of machine tools. Virtually every large machine-tool manufacturer has begun at least to plan such measures and, in many cases, to implement them.

I do not want to mince words. These actions are not in the best interest of our nation. They will not protect our industrial base, they will not secure high-paying engineering and maufacturing positions for our citizens, and they will not provide ready access to critical machine tools for our manufacturers. They may enable the companies that are successful in undertaking them to survive as economic entities, with limited domestic employment opportunities. Unfortunately, there is no longer any choice for those companies in the bull's-eye of foreign targeters. The alternative is not to go on as we are, but to fade away altogether.

This is not an isolated tragedy. It has occurred and is occurring in other industries. It will occur in still others as less-developed nations adopt the Japanese model and learn to use it successfully.

Our dove, like the one that directed Noah to dry land, must come quickly in the form of strong affirmative action on the NMTBA's Section 232 petition.●

EPA: WHAT REALLY HAPPENED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. FLORIO. Mr. Speaker, the reemergence of Anne M. Burford has again drawn much attention to the important issues of the environment.

Some have said that Mrs. Burford did no wrong and was unfairly hounded out of office in 1983.

The Washington Post magazine on July 29 featured an informative article on this matter by Jonathan Lash of the Natural Resources Defense Council that I believe my colleagues will find very helpful.

The article follows:

EPA: WHAT REALLY HAPPENED

A STRANGE DRAMA IN WHICH DAVID STOCKMAN PLAYS THE LEADING ROLE

(By Jonathan Lash)

On a blustery afternoon in March 1983, less than two weeks after Anne Burford had been forced to resign as administrator of the Environmental Protection Agency, the man President Reagan had named to replace her came to EPA headquarters to give a speech. The only space large enough was the shopping mall beneath the EPA offices. Several thousand people were jammed between the stores and the sandwich shops, straining to see the man who already seemed a hero.

"Here we go again," he began, and the audience broke into applause.

William D. Ruckelshaus was back at the same agency he had left 10 years earlier, and many at EPA were relieved and flattered. He joked. They laughed. He promised openness, fairness and strict enforcement of the law. They clapped and cheered.

One staffer said it was like "the liberation of a prison camp." A top official mused, "A prison camp—I guess so, but Anne was as much a prisoner as the staff." Ruckelshaus had already seen part of the prison-camp image. His old friend Ernst Minor, a high-level EPA employee, had quietly taken him one Sunday morning to look at his future offices. "There were," Minor said, "locks and bolts and safes and security systems all over the place. Bill just looked at me and asked: 'What's been going on around here?' "

Ruckelshaus' warmth, his openness and his acceptance of EPA's "transcendent" obligation to protect "human life and that which sustains human life, our natural environment," contrasted dramatically with the skepticism his predecessor showed for the mission of the agency. Ruckelshaus recruited and won White House approval of able and experienced professionals to replace the dozen top officials who had left the agency. EPA's ability to function has begun to recover, too, but that has been a slow and halting process.

Although Ruckelshaus has healed EPA's spirit and is tending its wounds, he acknowledges that it is "harder to bring back trust between the agency and the society. The

level of mistrust with the press, with the environmental organizations, and with the Congress was very high."

Ruckelshaus has ardently sought to improve the administration's environmental image. A man of moderation, he has kept his agency out of controversies. He gives frequent speeches and regularly meets with reporters and editors to emphasize the need to proceed calmly and deliberately in dealing with environmental problems. He helped to convince the White House to launch a campaign of presidential meetings and speeches on the environment.

In June and July, the president went to parks and refuges to affirm his commitment to protection of the environment and to extol his administration's record on environmental issues. He invited environmental leaders to meet with him (even promising to read the book from which this article is adapted).

But in the midst of all the carefully engineered environmental hoopla, he appointed Anne Gorsuch Burford to chair an environmental advisory group. Ruskelshaus was not consulted.

These events revived a question that has followed Ruchkelshaus since he returned to Washington. Which is the real Reagan environmental policy?

Mistrust of Ronald Reagan's environmental policies was born even before he was elected president. He had spent decades attacking federal bureaucrats as people who "think control is better than freedom." In campaign speeches, he had criticized environmental laws and blamed EPA for the woes of the steel and auto industries.

The nomination of James G. Watts to be secretary of the Interior exacerbated the fears of environmentalists. Watt challenged both environmental protection and the motives of its advocates, asking whether their "real" goal was to "weaken America." He set out, he said, to make the policies of the past and the civil servants who had implemented them "yield to my blows."

When Anne Burford (then named Anne Gorsuch) came on the scene several months after Watt's appointment, the stage was already set.

She did not think of herself as anti-environmental any more than she labeled herself an environmentalist. In this she and Reagan were much alike. Both said they believed in protecting the environment, but they seemed to believe the problems of doing so and the consequences of not doing so were much exaggerated.

In speeches and testimony during her first year as administrator, Burford rarely mentioned polution or its effects on human beings. When she did refer to the problems that her agency was responsible for solving, it was in brusque terms—mechanical problems subject to technical solutions.

Like the president to whom she remained loyal through good times and bad, Burford, top aides said, believed the problem was too much government: too much government interferes with industry, the great engine of American prosperity, and requires too much taxation to support a wasteful and bloated bureaucracy. Government regulators had gotten out of hand, and environmental regulators were among the worst of them.

She knew what had to be done. She planned drastic cuts and swift policy changes, and she distanced herself from much of the staff at EPA. Burford later said she isolated herself from the EPA staff on the advice of Watt. "Watt told her," said Joe Foran, her deputy chief of staff, "that it's a lot easier to fire people you don't know."

After she was sworn in, Burford spoke to the EPA staff. Already shaken by rumors about her plans, the staff was told of hopes that "the EPA of the Reagan administration will be remembered for the money it saved taxpayers because we streamlined regulations, cut down on permit-processing time and we together cut back on the required paperwork for EPA projects. We should work together to keep a lid on those unnecessary regulations which have created hardships on our national industries, driving up the cost of consumer goods."

Burford believed enormous savings could be achieved through simple improvements in management. "With each passing day, I find that to say that the agency has been mismanaged in the past is charitable. It has not been managed at all."

During the summer of 1981, Burford began to work on the budget for 1983. The EPA operating budget had been $1,355 million when Reagan took office; Burford proposed $975 million. Some who worked on the budget with her say she believed she could make the cuts without harm. But, said a senior budget official: "She didn't understand the budget gaming that went on within the administration. She thought OMB [Office of Management and Budget] would just congratulate her for carrying out the president's program."

Burford's 1983 budget called for a 28 percent cut from the 1981 budget. Considering inflation, it would put EPA back where it was in 1973, before the passage of the Resource Conservation & Recovery Act, the Toxic Substances Control Act, the Safe Drinking Water Act and the "Superfund" hazardous waste cleanup act.

On Friday, Nov. 13, 1981, EPA received its "passback," from the OMB. The agency demanded cuts nearly twice as deep as those proposed by Burford. The cuts would reduce EPA to little more than half its size. The cuts reflected the view, expressed in one OMB briefing package, that "fewer regulators will necessarily result in fewer regulations and less harassment of the regulated."

Burford was furious, said senior staff members. She had brought EPA in line with the president's program. Now OMB was suggesting she had not done enough. Her staff urged her to appeal. She agreed. They worked all weekend on a lengthy and strongly worded letter.

She wrote to OMB that she was "deeply committed to meeting the president's environmental and fiscal objectives" and believed she had done so. The OMB cuts, she wrote, threw "in disarray a number of major redirections I have proposed . . ." The passback, she continued, "smacks of a bottom line in search of a reason."

It was a remarkable letter, and it concluded with a threat to appeal to the president.

A Nov. 19 meeting with Stockman did not go well. He told her she was a political appointee and that it was her job to take the heat for the president's programs, said senior staff members. Nothing was resolved, but the discussions revealed OMB's deep antagonism toward EPA and Stockman's apparent conviction that long-term control of EPA regulations required much deeper cuts. There was hostility to EPA research, which, it was believed, would only fuel demands for more regulation in the future.

On Monday, Dec. 7, 1981, EPA officials took the dispute to the White House Budget Review Board, presided over by presidential counselor Edwin Meese and Chief of Staff James Baker. Burford argued, senior staff members said, that EPA had offered cuts as deep as those at any agency. Stockman would not budge. By then he was aware that the recession and the president's tax cuts were going to cause huge federal deficits.

Baker, said senior EPA officials, was concerned about political ramifications. Like Stockman, said John Hernandez, then deputy administrator of EPA, Baker and Meese viewed the EPA from "a general interest in regulatory reform, and they viewed budgetary reform as one of the ways you did it."

Only one minor issue was resolved. Emerging from the meeting, Burford exploded in frustration. Staff members recalled she said, "OMB just doesn't play fair." Stockman, too, say several officials who were involved, was upset. He felt that Burford had broken her earlier promise to him to cut the agency's budget by 50 percent if necessary.

Three days later, Burford went to the president. For three hours, she and Hernandez argued their case. "It was surprising to me," Hernandez said. "The reception by the president was so warm and easygoing that I had no problem talking, being fluent, debating Stockman. . ."

On each issue, Hernandez said, the president said: "We'll certainly take each of these under consideration. We'll consult with the vice president, and we'll make a decision on it." A short time later, the president called to tell Burford she had won, but asked if she might find additional research cuts.

The final cuts left the 1983 EPA budget 29 percent below the 1981 budget—30 percent cuts in staff, and 42 percent in research.

A few days after William Ruckelshaus was confirmed as the new EPA administrator in May 1983, the House of Representatives rejected the president's request for cuts in the 1984 EPA budget and voted to restore the budget to 1981 levels.

Ruckelshaus said he told Reagan before he accepted the job that, "if I went over and took a look and decided [EPA] needed more money, I was going to come back and ask him. He said fine." By May, Ruckelshaus had recommendations from his staff to ask for more than the House had voted.

Stockman argued against an increase over 1983 levels, said one high-level EPA official. Stockman suggested the Senate and House would compromise on the higher House figure, giving EPA a generous increase.

When the Senate and House conferees met to resolve differences, Stockman threatened a presidential veto unless they adopted the low Senate figure, according to an EPA staffer.

During the summer of 1983, Ruckelshaus worked to prepare his 1985 budget—a large increase back to 1981 levels. OMB cut it sharply—back again to 1983 levels, eliminating funds for indoor air pollution research and other health effects studies, and cutting back on enforcement.

Ruckelshaus, like Buford before him, apparently was surprised. OMB officials had told his staff that the agency's problems had been Buford's fault for not making a strong enough case for EPA. Ruckelshaus thought he had a mandate from the president to increase the budget. He appealed.

Ruckelshaus and other EPA officials took their case to Stockman, Baker and after Ruckelshaus' wife, Jill, had publicly criticized the Reagan administration over its termination of members of the Civil Rights Commission "[William] Ruckelshaus seemed," said one participant at the meet-

ing, "to be eager to reassure them he was a team player. He was very low-key." Stockman, however, was tough.

The appeal meetings went on for more than five hours. A few days later, Ruckelshaus met with Reagan. In the ends, he got less than half the increase in operating funds he wanted.

Ruckelshaus also had sought authority to seek an expansion of the "Superfund." Created in 1980—over the bitter opposition of then-congressman Stockman—to deal with dangerous abandoned toxic waste dumps, Superfund was a major factor in Burford's problems. Administration policy seemed to be to spend as little of the fund as possible in hopes it could expire in 1985. By 1983 only a few dumps had been cleaned up, while EPA estimates of the number of dangerous sites in the country had increased tenfold to more than 1,500.

Ruckelshaus wanted a major cleanup program. The president promised to seek reauthorization of Superfund, but not necessarily an expansion, in 1985.

"I guess I am surprised," said a senior EPA career official, "that [Ruckelshaus] didn't have a blank check after all. He may have been surprised too, but he didn't show it."

Three weeks after she took office, Burford announced a reorganization that eliminated EPA's enforcement office. The 2,100 lawyers, technicians and staff who had enforced air, water, hazardous waste, pesticide and toxic chemicals laws were transferred to offices on regulations and policy.

EPA staffers said Burford believed no one had tried hard enough to cajole violators into voluntary compliance. Seth Hunt, who designed the reorganization for Burford, said one of the agency's problems had been that it was "full of attorneys. Way more than we needed." Enforcement attorneys, Hunt said, were "just hanging 'round waiting for something to do."

Shortly after the reorganization, William Sullivan, the enforcement counsel, told EPA regional administrators not to send cases to headquarters until they had explored "every opportunity for settlement."

The regions referred 313 cases in 1980. The number fell to 59 in 1981. "The enforcement program just descended into chaos," said Tom Gallagher, chief of EPA's investigative arm.

By the end of a year, not a single hazardous waste case had been referred for prosecution. Enforcement of air and water laws was almost at a standstill.

Late in April 1982, Burford called the 10 regional administrators to Washington. She asked Mike Brown, the new enforcement counsel, to write a speech for her demanding more enforcement. "It was a hot day and the air conditioning wasn't on yet," recalled Brown. Burford, who released the speech to the press, did not read it word by word to her administrators. Brown said Burford told them " 'If you think it's hot now, wait until you see what happens if I don't see some action.' "

Valdus Adamkus, a regional administrator whose office had by far the best enforcement record, was bewildered. A large, warm, voluble man, Adamkus grew up in Lithuania and came to the United States after spending much of World War II as a refugee. He worked his way through college and engineering school, and gained some local fame delivering Lithuanian votes for Republicans in the overwhelmingly Democratic city of Chicago. He speaks with the thick accents of Eastern Europe and with the eloquence of emotion and sincerity.

"I said, 'I would like to clear the air. I was told to negotiate until I was blue in the face and it would be a black mark against me if I referred a case [to Washington headquarters for enforcement review]. Now I hear that is not so. What do you really want?'

"At this point, I was brutally interrupted by [Burford adviser James] Sanderson. He said, 'What the administrator told you is very clear.' Sanderson said that to speak as I did could only be said by someone who does not understand English. I was so hurt."

The room was silent. Finally, they broke up for coffee. "One person after another," said Adamkus, "came to us to apologize for what Sanderson had said, and to say I was right to speak as I did. Later Sanderson came to me, and he smiled and told me he had not meant what he said, but he had to say it because there were too many career staff in the room and my remark might leak out."

Brown said Burford "had learned she had to have enforcement, but she could not admit she had made a mistake, so she had to revise history; she had to say, 'I never told you not to enforce.' "

Nevertheless, EPA's enforcement machinery was crippled. "There was," Sullivan said, "no direction, no positive program. Anne never did set any substantive goal. She was like a drama critic who sat down to write a play. She only knew what she didn't like."

Ruckelshaus and EPA deputy administrator Alvin Alm decided not to reestablish the enforcement division, to try to make the new structure work. But the enforcement statistics for the last three months of 1983 were worse then the same period a year earlier. When Ruckelshaus asked why, he was told that it was the states' fault, that the organization was unworkable, that there was a shortage of resources, that he had not provided enough guidance.

He delivered a blistering speech to the enforcement management. He said the statistics were "terrible . . . We have to develop a certain controlled sense of outrage in this agency if we are going to get these laws enforced. And someplace along the way we have lost that." The states, he said, could not do the enforcement job "unless they have a gorilla in the closet . . . and the gorilla is EPA."

Nevertheless, a number of enforcement attorneys in the field still complain that the tough talk has not been matched by resources.

EPA has continued under Ruckelshaus, as it did under Burford, to do battle with OMB. A senior political appointee said, "They just don't think of us as team players. Oh, they put Bill [Ruckelshaus] in kind of a great man category now—nothing is his fault—they blame it all on Al [Alm] or the staff. They and the White House hate Al because he's a Democrat and he worked for Carter and he's from Harvard."

OMB still holds up dozens of EPA regulations. "OMB's attitude toward us," said a Ruckelshaus staff member, "is like the attitude of the Soviet Union toward its borders—they shoot to kill."

Stockman, a vitriolic opponent of EPA while he was a congressman, had written a memorandum to Reagan shortly after the 1980 election in which he characterized EPA's growing responsibilities as "a ticking regulatory time bomb," an "incredible morass of new controls and compliance procedures" and a "monument to mindless excess." He urged "swift, comprehensive, and far-reaching regulatory policy corrections" to choke off the "mind-boggling outpouring" of regulation from "heavily biased," "McGovernite no-growth activists" who had taken over government regulation.

Many of the statutes EPA administers are before Congress for renewal, but Ruckelshaus has either asked Congress explicitly to wait until next year, as in the case of Superfund and the pesticides law, or simply refused to push for action this year. Ruckelshaus has put the blame on environmentalists and Congress.

"Everybody knows what's going on," said a Senate aide. "They're hoping the gridlock will hold and they can deal with these laws in a more 'favorable' atmosphere in 1985."

Many environmentalists believe the ceasefire in the attack on environmental protection that has been in effect since May last year will end after the election if Reagan wins. They point to a recent memorandum to the Cabinet Council on Natural Resources and Environment written by Christopher DeMuth, director of the office of information and regulatory affairs at EPA. The memo urged that the Clean Air and Clean Water acts and related environmental laws be superseded by "laws that emphasize economic incentives rather than mandatory federal standards." The DeMuth memo, they suggest, accurately portrays the administration's second-term environmental agenda.●

CAUTION BEST APPROACH IN DEALING WITH SOVIET ARMS TALKS BOYCOTT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BROOMFIELD. Mr. Speaker, the Soviets have made it clear that they won't play by internationally agreed rules unless they can bend them to their advantage.

Their decision to boycott the Olympics was irritating and disappointing, but not dangerous to the peace of the world.

Their boycott of arms control negotiations is far more serious.

The administration is correct in exercising caution despite the election-year pressures on it to come up with an agreement—any agreement—before election day.

The Soviets are stalling for time, hoping to win in the forum of world opinion and the heat of domestic U.S. politics what no prudent administration would give up at the bargaining table.

As the following Wall Street Journal editorial points out, the central fact to keep in mind in dealing with the Soviets is that they cheat. A review of the history of Soviet treaty compliance over the last 25 years demonstrates that fact beyond doubt.

Whatever agreements we make with the Soviets must be clearly verifiable and grounded in a sober understanding of what is in the long-range interests of the United States and not de-

signed merely to achieve short-range, political window dressing.

Mr. Speaker, I commend the following editorial to everyone concerned about United States-Soviet arms negotiations.

[From the Wall Street Journal, July 30, 1984]

ARMS-CONTROL REALITIES

Walter Mondale wants it known that he favors a "mutual, verifiable nuclear freeze." None of these buzz-words, however, gets us very far in terms of a real debate on how to achieve substantive agreements with the Soviets.

To get beyond superficiality, it is necessary to address the nettlesome problems of verification and compliance. The Soviets cheat. They have consistently violated bilateral and international arms-control agreements.

The U.S. in the 1970s made concessions in the vain hope of changing Soviet behavior. The Reagan administration decided instead to bargain from strength and has received far more support from Democrats than the "freeze" talk in San Francisco suggested. U.S. negotiating teams, led by Gen. Edward Rowny and Paul Nitze, find, not unexpectedly, that they are taken far more seriously when the West shows it has the political will to defend itself.

The Reagan administration also has believed it prudent to assess Soviet violations. A newly completed, still-classified report makes clear that verification and compliance can never be mere modifiers of the word "freeze" but are a primary issue. Entitled "A Quarter century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983," the study was conducted by President Reagan's General Advisory Committee (GAC) on Arms Control and Disarmament, composed of distinguished outside experts led by William R. Graham. It documents Soviet arms control violations dating back to 1961 and, indeed, escalating during the SALT heyday of the 1970s.

The commission found 17 "material breaches" by the Soviet Union involving nine treaties and four "international commitments," according to a classified summary of the report obtained by the Journal. Of the 17 breaches, seven involved SALT. In addition, the commission cited 10 "suspected" violations, for which data were insufficient to reach a firm conclusion.

Of the 10 non-SALT violations by the Soviet Union, it lists:

The unilateral breach of the moratorium on nuclear testing in 1961-1962;

The positioning of offensive weapons in Cuba in 1962;

Violations of the Limited Test Ban Treaty of 1963 by extraterritorial venting of radiation from 1965 to the present;

Deployment of nuclear-missile-type submarines in Cuban waters in 1970-1974;

Violations of the Biological Weapons Convention of 1972 from the date it was signed until the present;

Breaches of the Geneva Protocol of 1925 banning the transfer of chemical weapons for first use against nonparty countries;

Transit of aircraft carriers through the Turkish Straits since 1976 in violation of the Montreux Convention of 1936;

Failure to provide advance notice of military exercises from September 1981 to June 1982 in breach of the Helsinki Final Act of 1975;

The use of booby-trap mines and incendiary devices against civilians in Afghanistan in 1981 and 1982 in violation of the Conventional Weapons Convention of 1981;

The completion of SS-20 launcher positions in 1982 and 1983, unilaterally breaching Leonid Brezhnev's commitment to a deployment moratorium on these intermediate-range missiles aimed at Europe.

The seven violations of the SALT I, SALT II and Anti-Ballistic Missile (ABM) treaties from 1972 to the present are:

Deployment of medium intercontinental ballistic missiles (ICBMs), the SS-19 and SS-17;

Deliberate concealment activities impeding verification;

Development and deployment of mobile ABM radars;

Deployment of modern submarines exceeding the limit of 740 ballistic missile submarine launchers without dismantling other ICBM or submarine launched ballistic missile (SLBM) launchers;

"Probable continued deployment" of SS-16 mobile ICBMs and launchers at Plesetsk;

Testing of the SS-X-25, a second new ICBM, in "probable violation" of SALT II;

Construction of large, non-peripheral, battle-management-type ABM radars.

The GAC panel's main conclusion finds a "recurring pattern of Soviet violations since 1972" and an all-out deception and concealment campaign to mislead the U.S. about the true extent of the Soviet military buildup.

Indeed, the violations may go beyond the 17 breaches listed above. The study also cites 10 "suspected" violations, of which "several could have major military significance." For instance, it says that a "Soviet program now seems to be pursuing genetic engineering for new agents." These weapons, it says, would be so "unique" that the "West may remain ignorant of their properties" and thus they could have "potential serious consequences" for Western defense.

In terms of the ABM violations, the commission further remarks that the "Soviet actions are consistent with an ABM 'breakout' capability" and the "covert use of air defense systems to enhance ABM capability." The installation of an effective Soviet ABM system would significantly alter the strategic balance. Other hidden dangers: The GAC study notes that the Soviets may have concealed "extra stored missiles" on land and on submarines.

How does the U.S. deal with such a regime? After assessing the threat posed by Soviet cheating, the U.S. has to either develop countermeasures or abrogate treaties and build the weapons itself. Indeed, Zbigniew Brzezinksi, former national security adviser to President Carter, recently wrote on this page that continued reliance on arms control may be fruitless and that the U.S. should rely more on strategic defense systems.

In the long run, the answer is to maintain such a multifaceted, survivable and credible defense that no end of Soviet cheating will yield any hope of superiority. In the words of a draft Republican platform plank, "Agreements must be verifiable, but verification is not enough to prevent Soviet violations. To deter violations, we must continue to rebuild America's strength and maintain the will to respond."

Congress has passed a measure calling on President Reagan to release the GAC report to Congress. It deserves a thorough public hearing as well during this election year. If Mr. Mondale is serious about debating arms control we urge him to get a copy.●

A SAVING GRACE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, at a time when budget deficits are soaring ever higher, I firmly believe that it is the responsibility of this Congress to trim down rather than increase Federal appropriations wherever possible. This is a responsibility that the Democrat-controlled House has continued to neglect. By adopting House Concurrent Resolution 280, the so-called pay-as-you-go budget resolution, the Democrats have once again demonstrated their unwillingness to exercise fiscal responsibility. Rather than increasing taxes to offset this deficit, as the $49.8 billion tax increase in House Concurrent Resolution 280 proposes to do, I believe that Congress should reevaluate Government expenditures and eliminate excessive subsidies and spending. It is wrong to place the burden of fiscal irresponsibility on the backs of taxpaying Americans.

During the budget debate I worked closely with Congressman WILLIAM DANNEMEYER in his attempt to present an alternative budget modeled after the savings recommended by the Grace Commission. The Grace approach is premised on the need to cut Government spending by eliminating the extreme waste and inefficiencies that are now all too characteristic of the American system of government. A viable and thoroughly prepared set of proposals to significantly reduce the overwhelming budget deficits that we are currently confronted with are at our disposal, and yet we continue to pursue the dead-end policies that created the deficit problem in the first place. It is high time to reverse our direction and implement at least some of the Grace recommendations.

The following article by Marvin Stone provides additional testimony to the need of incorporating the Grace recommendations before it is too late:

[From U.S. News & World Report, May 28, 1984]

A SAVING GRACE

(By Marvin Stone)

J. Peter Grace is too crusty and too stubborn a man to let his crusade founder. He knows that time and again experts have come up with ideas for saving taxpayers' money by making the government more efficient. He knows that, time and again, those proposals have been ignored, allowed to gather dust while the government went on its merry way, wasting more money.

Recently the public was presented with a new set of money-saving proposals. They are known as the Grace Commission report because they were drawn up by a group of 2,000 volunteer business executives headed by Grace, who is chairman of W. R. Grace

& Company. They spent 18 months and 75 million dollars of private funds on perhaps the most exhaustive study of government operations ever made.

Peter Grace is determined that this report must not be allowed to gather dust, like its predecessors. We share his belief that it should stir both Congress and the Reagan administration into quick and decisive action.

How much money would be saved if the Grace proposals were adopted? That is a matter of dispute. The commission estimates its 2,478 recommendations would produce a total of 424.4 billion dollars in savings over a three-year period. A joint review by two federal agencies—the Congressional Budget Office and the General Accounting Office—said the three-year savings would be "only" 97.9 billion dollars.

Only 97.9 billion? Is even that a figure to sneeze at? As the late Senator Everett M. Dirksen once said, "A billion here, a billion there, and pretty soon you're talking about real money." To the long-suffering taxpayer, 97.9 billion dollars is real money. Certainly, at a time when the government is running 200-billion-dollar deficits, something needs to be done.

How would the Grace recommendations gain their estimated savings? Mainly by more-efficient management and accounting practices. Grace told a Senate committee that "program waste and inefficiency and systems failures account for 312.2 billion dollars, or almost three quarters, of the 424.4-billion total savings."

His voluminous study cites example after example of how inefficiency costs taxpayers.

How long will the taxpayers put up with such waste? Seldom in history have people been more outspoken in their demands for relief. Grace says that "our mail is running 13 to 1 in favor" of the commission's report.

Fortunately, it's also seldom that government officials and lawmakers—frantically trying to cope with huge federal deficits—have been under more pressure to meet taxpayers' demands.

Already, in both Congress and the White House, there are beginnings of moves to implement at least some of the Grace recommendations. In Congress, bills have been introduced that Grace estimates would effect more than 5 billion dollars' worth of the proposed savings. The White House is moving to implement other proposals that could save additional billions without the need of new legislation.

But all these actions are only a small beginning. Much, much more remains to be done. So the leaders of the Grace Commission, including Grace himself and his top aide, J. P. Bolduc, are staying on the job to make sure that more will be done. They have begun a public-education program that includes such projects as a speakers' bureau, television documentaries, videotapes, "news briefs" and a massive advertising campaign.

Says Bolduc: "Only through an educated public, equipped to seek and demand a more efficient and less costly government . . . will truly meaningful progress be realized."

Critics charge that some Grace recommendations go beyond mere efficiency and intrude into policymaking that should be left to Congress and the President. But that's no excuse for ignoring the many other money-saving ideas.

Dirksen was right. Save "a billion here, a billion there" and there's a chance to give taxpayers some real solace. This chance should not be allowed to slip away.●

CAPTIVE NATIONS WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, last week marked the 26th anniversary of "Captive Nations Week," and at this time I would like to recognize this important designated celebration and reaffirm my support for all those people living in the captive nations who continue to struggle for even the most basic human rights.

Unfortunately, Mr. Speaker, over the past 25 years the list of captive nations has grown to include Cuba, Vietnam, Laos, Cambodia, South Yemen, Afghanistan, and Angola. The history of communism and its enslavement of the people of these nations has been one marked by oppression, brutality, and disregard for basic human rights. This grim legacy continues as countless numbers of people are forced to live under tyranny, fear, and repression. The history of the captive nations is a somber one, but because of the heroic efforts of dedicated individuals throughout the captive nations, there is still hope for a brighter future.

A valiant contingent of freedom fighters continue to struggle against Communist tyranny throughout the captive nations. From the steep hill country of Afghanistan to the shipyards of Poland the cry for freedom and justice cannot be squelched—not even in the face of Soviet military might and the brutality of martial law. Throughout the captive nations freedom fighters continue to struggle for basic human rights against seemingly insurmountable odds. But the desire for freedom and self-determination is one that does not die easy. The entire world has taken notice of the brave struggle for freedom in places like Afghanistan where the Afghan rebels have fought the Soviet Red Army to a stalemate. The awesome power of the human spirit, as demonstrated by the Afghan rebels, is seen throughout the captive nations where the struggle against Communist repression and injustice is carried by an inspired group of brave people who have not given in to tyranny and keep alive the dream of liberty. From the jungles of Laos to streets of Gdansk the struggle for freedom marches on in many different forms—but behind this struggle is the very basic human desire to live a life of dignity, freedom, and self-determination.

The heroic struggle of these freedom fighters must not go unnoticed by those of us fortunate enough to live in the free world. In recognizing "Captive Nations Week," I ask my colleagues to express without equivocation, our undying resolve to support the rights of those brave people living in the captive nations who refuse to succumb to Communist oppression, and who have not forsaken their desire for freedom and self-determination.

Such an expression of solidarity sends a strong message to those brave people whose dream we share that someday they will emerge from the darkness of communism and come to live under the bright light of freedom. It also serves as a reminder to the Communist governments of the world that the United States will never remain silent in the face of continued human rights violations and unrestrained military aggression.●

AMERICA'S SHIPBUILDERS: A STRATEGIC INDUSTRY IN DECAY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. GAYDOS. Mr. Speaker, for some time now, I have been among the leaders in trying to awaken the Membership of this body to the threat to America's national security because of increasing dependence on foreign steel.

I also have expressed concern about the state of America's merchant marine industry, another of our basic, smokestack, industries that is being allowed to wither on the vine.

Earlier this month, an event occurred which, perhaps, is symptomatic of the plight we have allowed ourselves to suffer. At that time, Avondale shipyards of New Orleans, delivered a 42,000-ton coastal tanker to Exxon, USA.

The delivery is something we could cheer about, if it weren't for one unsettling factor: with the delivery of this tanker, there are currently no other orders on record for deep-water commercial ships in this country.

This has very serious implications for America, Mr. Speaker. It means another basic industry is in danger. Just as the steel industry has suffered the loss of nearly 50 percent of the jobs it provided 10 years ago, now the shipbuilding industry, too, will suffer lost jobs.

But, even more important, there are vital skills being lost as well, and the disappearance of our commercial shipbuilding industry will have an effect on our Nation's security—a drastic effect.

What can we do? What should we do? The answers to salvaging our shipbuilding industry aren't any easier to come by than the ones we seek for the steel industry.

Lee Rice, president of the Shipbuilders' Council of America, suggests that a major problem is that no one in Gov-

ernment has the responsibility to make the necessary comparisons between industrial capacity and defense needs. Therefore, as Rice says, "no coherent maritime policy can come from the Government."

Mr. Rice suggests that three things need to be done—now.

First, we must study and determine the requirements of the Nation's sealift assets and how many are needed.

Second, we must determine how many shipyards are needed and insure the quality of those yards.

And, third, we must be prepared to commit ourselves to supporting those yards.

The impact on our shipbuilding industry, though, is just one part of the overall problem. There is a significant impact on our merchant marine industry as well, and this can be easily seen if one were to take a look at the campus of the Harry Lundeberg School of Seamanship in Piney Point, MD.

This school, which is run by the Seafarers' International Union, is the only union training school that takes newcomers and teaches them to be deckhands, engine room workers, or stewards on American cargo ships.

The decline of our maritime industry clearly parallels the decline in enrollment at the school. During the Vietnam war, when this Nation last employed a large fleet of cargo ships, the school sometimes had as many as 600 students earning their seafaring credentials.

Today, with cheaper foreign-flag ships and automated supertankers taking over the bulk of the work, the school's enrollment has shrunk to a mere 160 students—and only 61 of these prospective new seafarers will find sure jobs in the maritime industry, replacing veteran seamen who will die or retire.

The other 100 students are experienced men and women who are refining their present skills or learning new ones to secure their footholds in what is rapidly becoming a nonexistent job market.

Twenty years ago, the United States was the acknowledged leader in the world's maritime industry. Today, the United States ranks seventh in the world in merchant ship registrations, trailing Liberia, Greece, Japan, Panama, Norway, Great Britain, and the Soviet Union.

More importantly, we have seen our merchant fleet's share of American ocean-borne trade decline steadily, falling to only 4.5 percent of all U.S. shipping tonnage in 1981 and less than 15 percent of the value of all U.S. ship-carried trade for that year.

We cannot afford this. It places us in a dangerous position in the event of a national emergency. It leaves us stranded, in the hands of other nations.

I want to share with you some recent remarks by Rear Adm. George H. Miller, U.S. Navy (Ret.), that appeared in the May 1984 ROA National Security Report. Admiral Miller, too, is concerned about America's ability to protect and defend itself and it would be in our interests to pay close attention to his views.

[From the ROA National Security Report, May 1984]

THE WAR AMERICA IS LOSING

(By Rear Adm. George H. Miller, U.S. Navy (Ret.))

The United States is losing the war for world political, economic and military supremacy; the Soviet Union is winning. This is a war featuring a classic struggle to control international trade and to achieve advantageous geographical position, a struggle that determined the rise and fall of civilizations like those of Greece, Carthage and Rome.

The 4,000-ship, heavily subsidized Soviet Merchant Marine is spearheading the campaign for world hegemony. Soviet "trade delegations" established in an increasing number of nations worldwide, supervise political, subversive and terrorist measures to acquire political control and an increasing share of world trade. The expanding Soviet Navy patrols the seas to protect Warsaw Pact merchant shipping. Soviet land "war of national liberation" are the final phase of the Soviet maritime campaign, which unlike similar campaigns of history has encountered no serious competition.

The United States, having spent most of her first two centuries under the protective wing of the Monroe Doctrine and the British Navy, has been able to develop and market her vast, natural resources relatively free of serious threats from abroad.

This fortuitous bonanza of wealth and security spawned a society of affluence which has fallen victim to the same complacency that brought down previous affluent societies. While Western nations chase the butterflies of "free trade," the Soviet government-owned merchant marine cuts its shipping rates to the degrees necessary to capture the patronage of the world's free traders. As Soviet trade expands so does her merchant marine, historically essential to world power status.

Soviet and Warsaw Pact arms-laden merchant ships have built the military strength of communist Cuba and Nicaragua which now have the capability to deny use of the Panama Canal to the U.S. in an emergency. Infiltration of "illegal aliens" into the United States itself from Cuba and elsewhere, an age old method of softening up a victim for conquest, has been underway for some time.

Soviet merchant ships are designed to serve as naval and military auxiliaries. The Soviet Union mans their merchant ships with politically-trained intelligence agents and naval reservists. The Soviet Merchant Marine and Navy coordinate at the highest government level.

On February 9, 1982, the Defense reporter of the London Daily Express wrote, "Soviet intelligence officers are entering Britain disguised as merchant seamen with the freedom to travel where they like . . . Security officials estimate that about 1,000 Russian 'seamen' come to Britain each week . . ." How many such "seamen" enter North American ports each week?

The merchant marine policy of the United States, Section 101 of the U.S. Merchant Marine Act of 1936, as amended, states, among other things, that the U.S. Merchant Marine is necessary for national defense and development of foreign and domestic commerce. It states further that the U.S. Merchant Marine shall be capable of serving as a naval and military auxiliary (auxiliary Navy as well as military sealift) in time of war or national emergency.

The Merchant Marine Act also states that the U.S. Merchant Marine shall be capable of carrying U.S. domestic waterborne commerce and a substantial portion of the waterborne export and import commerce of the United States.

Both Congress and the Maritime Administration have interpreted the term "substantial portion" as capable of carrying a minimum of 50 percent of foreign waterborne trade in U.S.-flag ships. A merchant marine capable of carrying that portion of U.S. foreign trade would consist today of about 5,000 U.S.-flag merchant ships.

To be capable of serving as a naval and military auxiliary as the law requires, many U.S. merchant ships should be operating routinely at sea in support of the Navy, as the Soviet merchant marine now operates with their navy.

The National Security Act of 1947, as amended, states in Section 5012 that the Navy shall be organized, trained and equipped primarily for prompt and sustained combat incident to operations at sea and that it (Navy) is responsible for preparation of the naval forces for the effective prosecution of war. The U.S. Merchant Marine is, by law, part of the naval forces of the United States.

The U.S. government is increasing the size of the combat Navy. But unless it also builds the merchant ships necessary to augment and support the combat Navy, as the law requires, the United States will still have only half a Navy. Secretary of the Navy John Lehman wrote in the Washington Post of December 12, 1983, that "The Navy is Ready."

A few years before Mr. Lehman became Secretary of the Navy, the Deputy Chief of Naval Operations for logistics, when asked how long the Navy could sustain major combat without adequate support of a U.S. Merchant Marine, replied without hesitation, "About one day."

U.S. Merchant Marine shipbuilding programs are virtually nonexistent. Where the United States shipbuilding industry was building an inadequate 94 merchant ships yearly 10 years ago, the annual building rate today is about 10 ships per year. The United States does not even have a ship research and development program comparable to those for aircraft, missiles, submarines and space.

Moreover, the U.S. Navy and Merchant Marine are no better prepared to operate together in an emergency today than they were prior to World War II. Then, however, the British were able to hold off the aggressor while the United States revised its shipbuilding midst the shock and confusion of another emergency.

Today the U.S. has hundreds of thousands of citizens deployed overseas, in Europe, Korea and elsewhere, for national defense. Without an adequate American Merchant Marine, it is impossible for the U.S. armed forces to support their forces overseas in a major war before they are annihilated or herded into cattle cars for the ride to Siberia.

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The 5,000 U.S.-flag merchant ships required to comply with Section 101 of the Merchant Marine Act is just about what the United States needs to support present foreign commitments and U.S. troops overseas, to transport essential supplies and to augment the combat Navy. The problem is to persuade weapons-oriented defense leaders to demand the same quality and realism in logistic planning that they require for deployment of their favorite weapons. If we can't sustain Americans overseas in combat, they should not be sent.

Responsibility for providing for the common defense, as the preamble to the Constitution requires, rests finally with the President, the Congress and the American people who elect them. This responsibility goes beyond feeding money to the insatiable big weapon constituencies. It includes determining when and under what circumstances it is in the common interest to commit our sons and daughters overseas and insuring that adequate support is available *before* they go.

The irony is that the Soviets have already built and are operating *their* navy and merchant marine as outlined in Section 101 of the U.S. Merchant Marine Act and Section 5012 of the U.S. National Security Act, while U.S. officials are ignoring important provisions of those laws. Meanwhile the Soviets are gaining would influence, and U.S. government officials appear not to recognize the grave implications of the Soviet drive to control international shipping.

The inevitable question then is why does Congress spend the money to come to Washington and pass laws when government officials don't bother to support them? Moreover, just how far down the road of negligence must a government official go before qualifying as treasonable?

The outlook? Unless the American people and government bring national defense in line with their Constitution and existing laws, *we* will be the El Salvador of the next generation.●

VOTING RECORD OF THE HONORABLE DON J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PEASE. Mr. Speaker, it has become my practice to insert periodically in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the rollcall vote number of the bill or resolution that the House was considering, followed by the bill number and a summary of the issue. This is followed by my own vote on the issue and the vote outcome.

This list of votes covers the period of January 24, 1984, through June 29, 1984:

KEY VOTES OF CONGRESSMAN DON J. PEASE

(8) H.R. 2615. Weatherization and Employment Act authorizing $200 million in fiscal year 1985 and necessary funds for the years 1986 to 1989 for low income weatherization program. Yes. Passed 222-157.

(11) H.R. 2714. Agricultural Productivity Act authorizing $10 million to conduct research on the effect of shifting from conventional, energy-intensive farming techniques to "organic" farming methods and to disseminate this information to farmers. Yes. Passed 206-184.

(17) H.R. 1904. Amendment to Child Abuse bill deleting "Baby Doe" section, which requires states that receive child protection grants to ensure that severely handicapped infants receive appropriate medical treatment. No. Failed 182-231.

(23) H.R. 555. Construction Work in Progress bill prohibiting the Federal Regulatory Commission from allowing utilities to include the costs of financing new power plants in rates, unless they demonstrate financial or new construction needs. Yes. Passed 288-113.

(29) H.R. 15. Establishment of a Select Committee on Hunger to conduct a comprehensive study of the hunger problem in the United States and abroad Yes. Passed 309-78.

(36) H.R. 3050. Rural Electrification Administration Financing, raising interest rates to REA borrowers by a variable rate formula and relieving REA of required repayment of long-term U.S. Treasury notes. Yes. Passed 283-111.

(41) H.R. 4164. Vocational-Technical Education Amendment, prohibiting the use of funds under the bill to buy equipment if the purchase results in financial benefit to an organization representing the interests of the purchaser or its employees. No. Passed 205-173.

(46) H.R. 3020. Small Business Authorization, authorizing $986 million in fiscal year 1984, $1.08 billion in fiscal year 1985, and $1.12 billion in fiscal year 1986 for Small Business Administration programs. Yes. Passed 386-11.

(55) H.R. 3755. Social Security Disability Reform Act, improving the Social Security disability review process and providing for payment of benefits to individuals whose cases are under appeal. Yes. Passed 410-1.

(57) H.R. 5154. NASA Authorization, authorizing $7.5 billion for NASA activities in fiscal year 1985, $40 million more than requested by the Administration. Yes. Passed 389-11.

(64) H.R. 5026. Prohibiting merchants from imposing surcharges on goods or services purchased with a credit card until May 31, 1985 and requiring a study on how the cost of credit cards could be borne by those who use them. No. Passed 355-34.

(70) H. Con. Res. 280. An amendment to the budget resolution, reducing deficits by $324 billion over three years by cutting military and domestic spending and increasing taxes. No. Failed 76-333.

(71) H. Con. Res. 280. An amendment to the budget resolution, reducing deficits by $261 billion by limiting domestic spending, holding defense increases to the rate of inflation, and raising revenues $76.2 billion. Yes. Failed 132-284.

(72) H. Con. Res. 280. An amendment to the budget resolution, reducing deficits by $234 billion by imposing a modified spending freeze, providing for inflation adjustments only in defense spending and most entitlement programs. Taxes would increase $47 billion. Yes. Failed 108-310.

(73) H. Con. Res. 280. An amendment to the budget resolution, reducing the deficit $205 billion by cutting domestic spending $94 billion, increasing defense spending $100 billion over the inflation level and raising revenue $47 billion. No. Failed 107-311.

(74) H. Con. Res. 280. The First Budget Resolution for fiscal year 1985, providing for a deficit reduction of $182 billion over 3 years by cutting domestic spending $16 billion, increasing revenue $50 billion and holding the increase in defense spending to 3.5 percent above the rate of inflation. Yes. Passed 250-168.

(82) H.R. 4170. Tax Reform Act, raises $49.2 billion in revenues over a four-year period; includes a freeze on 1984 tax cuts, curbs tax shelters and various tax abuses, and revises the tax treatment of private foundations and life insurance companies. Yes. Passed 318-97.

(87) H.R. 5397. Omnibus Budget Reconciliation Act of 1984, providing changes in law that cut spending by $3.9 billion over three fiscal years, including cuts in Medicare, welfare, veterans' and other benefit programs. Yes. Passed 261-152.

(90) H. Con. Res. 290. Resolution stating the sense of Congress that no appropriated funds should be used for planning, directing, executing or supporting the mining of ports or territorial waters of Nicaragua. Yes. Passed 281-111.

(94) H.R. 4974. Amendment to the National Science Foundation Authorization cutting funds across the board by 3.9 percent, resulting in a $58 million decrease. No. Failed 170-183.

(95) H.R. 4974. National Science Foundation Authorization providing $1.56 billion for fiscal year 1985 activities of NSF. Yes. Passed 252-99.

(109) H.R. 7. School Lunch and Child Nutrition Amendments, increasing funds for the Women, Infants and Children nutrition program, extending through fiscal year 1988 authorization for the summer food program for children, and liberalizing eligibility standards for school lunch and child nutrition programs. Yes. Passed 343-72.

(129) H.R. 4275. Amendment to the Federal Reclamation Hydroelectric Powerplants Authorization, requiring the power generated at Hoover Dam to be auctioned off at market prices to area utilities, instead of federal allocation under long-term contracts. Yes. Failed 176-214.

(135) H.R. 5119. Amendment to the International Security and Development Cooperation Act, eliminating $25 million in grant military assistance to the Philippines to signal U.S. displeasure with continuing human rights abuses. Yes. Failed 149-259.

(137) H.R. 5119. Amendment to the International Security and Development Cooperation Act, freezing military assistance program grants to non-Central American countries at the fiscal year 1984 appropriations level of $422.5 million. Yes. Failed 207-208.

(139) H.R. 5519. Amendment to the Foreign Assistance Authorization, providing $56.8 million less military aid to El Salvador in fiscal year 1985 than the bill provided. Yes. Failed 128-287.

(143) H.R. 5119. International Security and Development Cooperation Act authorizes $10.5 billion in foreign aid in fiscal year 1985—$4 billion in military, $5.6 billion in economic, and $961 million in other types of assistance. It also authorizes $129.3 million in supplemental military aid and $155 million in supplemental economic aid for Central America in fiscal year 1984. No. Passed 211-206.

(145) H.R. 5354. Equal Access Act, cutting off federal funds for school districts refusing to allow voluntary student-initiated religious groups in public high schools to use school facilities during noninstructional periods on the same basis as nonreligious stu-

dent groups. Yes. Failed under suspension 270-151 (two-thirds majority required).

(149) H.R. 5167. Amendment to Defense Authorization prohibiting procurement funding for any MX missiles in fiscal year 1985, stating that deletion of such funds constitutes a moratorium on MX funding, but not a unilateral termination of the MX program. Yes. Failed 212-218.

(151) H.R. 5167. Amendment to Defense Authorization eliminating all funding for procurement of components for binary chemical weapons (nerve gas). Yes. Passed 247-179.

(153) H.R. 5167. Defense Authorization Amendment deleting all procurement funds for the D-5 nuclear missile, designated to be launched from Trident II nuclear submarines. No. Failed 93-319.

(155) H.R. 5167. Defense Authorization Amendment barring the use of funds to purchase Sergeant York anti-aircraft guns (also called DIVADs) until the Defense Department reports test results to Congress. Yes. Failed 157-229.

(156) H.R. 4280. Women's Pension Equity Act, strengthening the pension rights of workers who interrupt their careers to raise a family and of homemakers who depend on the pensions of their working spouses. Yes. Passed 413-0

(158) H.R. 4145. State Justice Institute Act, creating a State Justice Institute to make grants to state courts to help them improve their operations. No. Failed 243-176 (a two-thirds majority is required for passage under suspension of the rules).

(162) H.R. 5653. Amendment to Energy and Water Appropriations for fiscal year 1985, cutting $10 million from breeder reactor research and transferring another $24 million from breeder reactor research to solar energy research and $9 million to nuclear fission programs. Yes. Failed 177-229.

(166) H.R. 5167. Amendment to the Defense Department Authorization for fiscal year 1985, barring the purchase of additional Pershing II missiles until April 1, 1985, and then only if the President certifies to Congress that the Soviet Union showed no willingness to limit such weapons. No. Failed 122-294.

(167) H.R. 5167. Amendment to the Defense Department Authorization deleting $7.1 billion for procurement of 34 B-1B bombers and spare parts in fiscal year 1985. Yes. Failed 163-254.

(168) H.R. 5167. Amendment to the Defense Department Authorization limiting fiscal year 1985 procurement appropriations to 106.5 percent of the amount appropriated in 1984. This procurement level is equal to that of 1984 plus the anticipated inflation. Yes. Failed 173-250.

(171) H.R. 5167. Amendment to the Defense Department Authorization providing that no funds may be used to test anti-satellite missiles (ASAT) against a target in space unless the Soviet Union conducts a test of its ASAT after enactment of the bill. Yes. Passed 238-181.

(175) H.R. 5167. Amendment to the Defense Department Authorization prohibiting the use of authorized funds to introduce combat troops into El Salvador and Nicarauga, except in certain circumstances. Yes. Passed 341-64.

(181) H.J. Res. 49. Agriculture Supplemental Appropriations. A motion that the House insist that no funds provided by the bill be used by the CIA for any covert actions against Nicaragua. The Senate amendment provided $21 million for such purposes. Yes. Passed 241-177.

(187) H.R. 5713. Amendment to Housing and Urban Development Appropriations permitting the president to cut any appropriations contained in the act by up to 10 percent. No. Failed 133-258.

(188) H.R. 5713. Housing and Urban Development Appropriations, appropriating $58.4 billion for HUD and such independent agencies as the Veterans' Administration, the Environmental Protection Agency, NASA, and the Federal Emergency Management Agency. Yes. Passed 282-110.

(194) H.R. 5712. Amendment to Commerce, Justice, State and Judiciary Appropriations, eliminating all funding ($31.3 million) for the National Endowment for Democracy (NED) in fiscal year 1985. The NED was established in 1983 to promote democracy overseas. Yes. Passed 226-173.

(195) H.R. 5712. Amendment to Commerce, Justice, State and Judiciary Appropriations to recommit the bill to the committee with instructions to trim 4 percent of all discretionary spending. No. Passed 208-194.

(196) H.R. 5712. Commerce, Justice, State and Judiciary Appropriations. The bill provides $10.7 billion for the Commerce, Justice and State Departments, 17 related agencies, and the federal judiciary. Yes. Passed 303-98.

(199) H.R. 5167. Amendment to the Defense Department Authorization authorizing the production of 15 MX missiles but prohibiting the obligation of funds appropriated for that purpose unless Congress gives its approval by passing a joint resolution after April 1, 1985. Yes. Passed 198-197.

(204) H.R. 5167. Final passage of Defense Department Authorization providing $207 billion for Defense Department procurement, research and development, and operations and maintenance in fiscal 1985. Contains provisions expanding education benefits to those who served in the military, restricting obligation of funds for the MX missile, cutting out nerve gas funding, and prohibiting testing of anti-satellite weapons against an object in space. Yes. Passed 298-98.

(212) H.R. 5753. Amendment to the Legislative Branch Appropriations, making a 2 percent across-the-board cut in the bill's funding level. No. Passed. 201-175.

(218) H.R. 5145. Motion to suspend the rules and pass the Human Services Amendments, reauthorizing Head Start, Community Services Block Grants and other social services programs through fiscal 1989. No. Failed 261-156 (two-thirds majority required).

(220) H.R. 5504. Surface Transportation Act authorizing the release of $5.2 billion from the Highway Trust Fund for interstate highway construction. Yes. Passed 297-73.

(222) H.R. 4772. Vietnam Veterans of America Charter, granting a federal charter to the Vietnam Veterans of America. Yes. Passed 295-96.

(223) H.R. 5600. Preventive Health Services/Family Planning Block Grant Authorization, providing $906.5 million for fiscal 1985-87 for preventive health services block grants, family planning and adolescent family life programs. Yes. Passed 290-102.

(224) H.R. 5603. Alcohol, Drug Abuse and Mental Health Services Authorization, authorizing $2.3 billion for fiscal 1985-87 for grants for alcohol, drug abuse and mental health programs and for fiscal 1985-88 for developmental disabilities aid. Yes. Passed 306-33.

(232) H.R. 1510. Amendment to the Immigration Reform and Control Act deleting the bill's employer sanctions provisions and substituting new funding and requirements for enforcement of existing labor laws on wages, hours and working conditions. No. Failed 120-304.

(247) H.R. 1510. Amendment to the Immigration Reform and Control Act, authorizing the Attorney General to grant temporary resident status to aliens who could show they had arrived in the U.S. prior to Jan. 1, 1982. Such aliens could seek permanent resident status after two years, providing they could demonstrate an understanding of English and U.S. history and government, or were enrolled in a course of study to learn these subjects. Yes. Passed 247-170.

(251) H.R. 1510. Immigration Reform and Control Act, imposing sanctions on employers who knowingly hire illegal aliens, providing legal status for many illegal aliens already in the U.S., and creating a new guest worker program and overhauling procedures for handling asylum, deportation and exclusion cases. Yes. Passed 216-211.

(254) H.R. 5580. Organ Transplant Act, authorizing $78 million over four years for grants to local organ procurement agencies, funding for certain drugs used by transplant patients and a nationalized computer system for linking organ donors and patients. Yes. Passed 396-6.

(255) H.R. 5798. Amendment to the Treasury, Postal Service and General Government Appropriations reducing spending for the Office of Administration in the Executive Office of the President by $1.5 million. Yes. Passed 326-74.

(266) H. Con. Res. 321. Early Projections of Election Results, asking the news media, particularly broadcasters, to refrain voluntarily from projecting election results until all polls are closed. Yes. Passed 352-65.

(279) H.R. 5798. Amendment to the Treasury, Postal Service and General Government Appropriations reducing by $147,000 the $1.17 million appropriation in the bill for pension, salary and staff of former presidents. Yes. Passed 347-59.

(283) H.R. 5898. Amendment to Military Construction Appropriations reducing spending in the bill by $25 million to reflect savings achieved by greater reliance on performance standards in contracting for Pentagon construction projects. Yes. Passed 219-180.

(284) H.R. 5898. Military Construction Appropriations for fiscal year 1985, appropriating $8.28 billion for military construction and military family housing in the U.S. and overseas. This bill's funding supports the active forces, National Guard and Reserve Components, Defense Agencies, and NATO. Yes. Passed 347-52.

(294) H.R. 5680. Federal Pay Equity Act, requiring the Office of Personnel Management to study the classification and pay systems of the Federal Government to determine whether sex-based discrimination exists. Yes. Passed 413-6.

(299) H.R. 5927. Debt Limit Increase, increasing the existing public debt limit of $1.52 trillion by $53 billion to $1.573 trillion, an amount estimated to provide sufficient government borrowing through August 1984. Yes. Passed 208-202.

(305) H.R. 3678. Water Resources Development Act, authorizing water projects, including port development, flood control, hydro-electric dams, water supply, urban water system repairs, to more than 300 Army Corps of Engineers projects. The bill also includes funds to help mitigate environmental impacts of water projects, and for a

new National Board on Water Resources Policy. Yes. Passed 259-33.●

U.N. VOTING PRACTICES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. YATRON. Mr. Speaker, earlier this year, the Department of State transmitted to us the "Report on Voting Practices of U.N. Member States," called for in Public Law 98-151 and Public Law 98-164. This report prepared by the U.S. Ambassador to the United Nations was intended to assess the extent to which U.N. members supported or opposed U.S. foreign policy in the General Assembly.

Just recently my distinguished colleague and chairman of the Committee on Foreign Affairs, Hon. DANTE B. FASCELL, forwarded to me a copy of an aide memoire sent to him by the Austrian Chargé d'Affaires in Washington concerning Austria's view of the Department of State's voting practice report. Because I believe the aide memoire would be of interest to Members, I insert it in the RECORD at this point.

AIDE MEMOIRE

The Report of the State Department to Congress on Voting Practices in the United Nations at the 38th General Assembly relates the voting conduct of other States to the relevant concepts of the USA. Attempts to examine the Austrian voting conduct on the basis of such comparisons must lead to erroneous results. In spite of the fact that the socio-political structure of both countries is based on the system of parliamentary democracy, Austria being a small and permanently neutral country situated in the centre of Europe must in a number of cases arrive at different conclusions and therefore at voting decisions different from those of the USA.

Moreover, the method used in the report does not lend itself to a refined evaluation: decisions achieved by consensus were not taken into account; abstentions accompanied by detailed explanations of vote were neglected and put on the same level with a totally adverse voting conduct. Furthermore the weight of the individual resolutions was not properly evaluated and therefore no differentiation was made between votings on highly political questions and, for instance, decisions containing budgetary implications only.

The Austrian conduct of voting in the United Nations General Assembly is determined by the principles of Austria's foreign policy and Austria's interests with regard to the issues before the General Assembly.

The 38th General Assembly adopted all together 357 resolutions on a wide scope of subjects ranging from various international conflicts, questions related to disarmament, economic development and human rights to budgetary and administrative matters. The voting conduct of the Austrian delegation reflects Austria's point of view on these substantive issues. It does not reflect Austria's attitude towards individual Member States of the United Nations.

WASHINGTON, D.C., June 13, 1984.●

INCREASED REPRESSION IN THE SOVIET UNION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BONKER. Mr. Speaker, the Congress went on record once again on June 29 in support of the Sakharovs, whose continued repression by Soviet authorities is a symbol of the increasingly severe repression that has characterized life in the Soviet Union in the past 10 years.

According to Jeri Laber, executive director of the U.S. Helsinki Watch Committee, more than 50 Helsinki monitors are in prison or internal exile in the Soviet Union, and, in 1982, the remaining members of the human rights monitoring group were forced to disband because of political pressure. Since 1979, there has been an increase in the number of reported incidents of severe, systematic beatings of political prisoners, and prison conditions are deplorable. Since 1980, the Soviet authorities have begun to resentence prisoners as they approach the end of their sentences.

Andre Sakharov and his wife, Yelena Bonner, are being persecuted because of their commitment to the 1975 Helsinki Final Act and their service in monitoring human rights conditions and helping victims of human rights violations. As Jeri Laber states in a recent column:

We must not cease our efforts to help Dr. Sakharov in his present crisis. We owe this—and much more—to him and to the thousands of others who suffer under the heartless political system of the U.S.S.R.

Mr. Speaker, I wish to submit for the RECORD Ms. Laber's article, which appeared in the June 19, 1984, Chicago Tribune, and commend it to my colleagues' attention:

SOVIETS STEP UP REPRESSION

(By Jeri Laber)

"Why are the Soviets persecuting the Sakharovs?" I am often asked. This question implies that there has been a change for the worse in Soviet policies. In truth, however, the recent Sakharov saga is merely an illustration, better publicized than others, of the increasingly severe repression that has characterized Soviet life since the Brezhnev era.

This repression has affected all of Soviet society and especially the "human rights activists" because they have selflessly defended the right of others to speak, write and act openly in accordance with the dictates of their consciences.

Since 1967, under Yuri Andropov's KGB, 3,700 human rights activists are known to have been arrested and imprisoned in the USSR, not including many thousands more whose names are not known to us. Among those arrested are well-known individuals like Yuri Orlov, the physicist who founded the first Helsinki monitoring group in Moscow in 1976 and was arrested nine months later; he was sentenced to seven years in strict-regime camps and five years in internal exile.

Even better known is Anatoly Shcharansky, a mathematician and Jewish activist who was arrested one month after Orlov, charged with treason and sentenced to three years in prison and 10 years in strict regime camps.

Not only have Soviet authorities weathered the storms of protest that surrounded such well-publicized cases but they have continued to arrest people, seizing scores whose names are virtually unknown beyond Soviet borders. One by one, individuals who dared to challenge official ideology in any way have been picked up and sent away—to prison, to exile or abroad.

More than 50 Helsinki monitors are in prison or internal exile in the Soviet Union, and this figure does not include the many who have been forced to emigrate to the West. When I was in Moscow in September, 1979, I met with some of the remaining members of the Moscow Helsinki Group. The vigorous men who had formed its nucleus—Orlov, Shcharansky, Slepak, Ginzburg, Grigorenko—were already gone, and the people I saw were mainly elderly women, then considered beyond the reach of the authorities.

Yet within a few years, they too were victims of repression: 66-year-old Malva Landa, a bouncy wide-eyed, spunky woman, was sentenced to five years of harsh internal exile; 79-year-old Oksana Meshko, a strong, handsome Ukrainian woman, a former political prisoner and mother of a political prisoner, has survived six months in a strict-regime camp and is now serving a five-year term of exile. In September, 1982, the three remaining members of the Moscow Helsinki Group—one of them Andrei Sakharov's wife, Yelena Bonner—were forced to disband the group because of police pressure.

Since 1979, moreover, there has been an increase in the number of reported incidents of severe, systematic beatings of political prisoners. Prisoners are beaten during pretrial detention and in the labor camps, usually by criminal inmates at the instigation of camp authorities. In prison and forced-labor camps they are kept on starvation diets, forced to do exhausting work, denied adequate medical care and frequently incarcerated in unheated, solitary cells. These harsh conditions—a form of slow torture—apparently result in many deaths within the camps.

Exile is hardly better. Former political prisoners are forced to live in extreme cold, often 40 degrees below zero, in drafty, poorly heated huts without enough clothing and food.

Since 1980, a devastating practice has begun of resentencing prisoners as they approach the end of their terms. Helsinki Watch has documented 31 cases of political prisoners who have been resentenced, either for "anti-Soviet slander" or on trumped-up charges of narcotics possession or other criminal offenses. In addition to these 31 cases, we know of at least 25 other instances in which political prisoners were released and then resentenced after a very short time.

Arrests, severe sentences and harsh treatment in prison and exile are intended to stifle any remnants of dissent in Soviet society. In addition, new laws have been passed to discourage contact between Soviet citizens and foreigners. These laws make it a crime to divulge workplace secrets to foreigners, and extend prison sentences for

those who engage in "anti-Soviet agitation and propaganda" with any kind of aid from abroad.

When the Soviet Union signed the Helsinki accords in 1975, it promised to respect its citizens' rights. Instead, it has systematically abused people for exercising their civil, political or religious rights. The harshest treatment of all has been reserved for people like Sakharov, whose only "crime" was to defend the rights of others. We must not cease our efforts to help Dr. Sakharov in his present crisis. We owe this—and much more—to him and to the thousands of others who suffer under the heartless political system of the USSR.●

TRIBUTE TO CHARLES WILSON OF CALIFORNIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to take this occasion to pay tribute to a former colleague who passed away last week—the distinguished gentleman from California, Charles Wilson. Charles Wilson for 18 years served the people of the 31st Congressional District in California—a significant period of time and certainly indicative of someone who did respond to the needs, concerns, and interests of those who elected him.

Charles Wilson served with special effectiveness as a member of the House Armed Services Committee and played an important role in the shaping of our defense policy over the almost two decades that he served in this body. He was an ardent supporter of a strong, national defense but was always wise enough to know that where waste did exist it should be eliminated. His service on this committee proved helpful to his district as he worked especially hard to secure defense contracts into his district and his State. Charles Wilson was an unabashed patriot who loved his country deeply. He once served as an adviser to the SALT I talks in Geneva.

Charlie Wilson also served on the Post Office and Civil Service Committee and played a key role in producing a number of significant pieces of legislation during his years on the committee which improved both the postal and civil service systems.

It would be less than candid for me not to admit to a high degree a disappointment in the lack of acknowledgement of a fellow colleague's passing. I also feel that it is unfortunate, if not bordering on hypocritical, that the accounts of Charlie Wilson's passing portrayed such a small dimension of a man who occupied his congressional seat for 18 full years. The picture that was painted certainly failed to capture the true essence of Charlie Wilson as an effective legislator and as a dear and valued friend.

To his family, his wife, Bock, his sons Stephen, Donald, Kenneth, and Bill and his daughter, Diana, I extend my deepest condolences, and I assure them that this was one Member of the House who truly appreciated Charles Wilson.●

FISCAL FOOLISHNESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, efforts to improve relations between the United States and the Soviet Union have been in progress for decades. Every area of interest common to both nations has been explored, yet obstacles remain to a permanent resolution of the differences that divide the nations. Ideologically, the Soviet Union is and always has been opposed to everything the United States represents. Our Nation is based on concepts of liberty and free enterprise while the Soviet Union remains staunchly Communist. It has been our Government's overriding concern to challenge the erosion of these concepts as it goes about the task of improving relations with the Soviet Union. Undoubtedly, a tension often develops between serving the interests of a capitalistic enterprise without sacrificing the standards of a democratic society. Regardless of the possible advantages involved in increasing economic ties with the Soviet Union, the United States refuses to ignore the fact that the money it invests in the Soviet Union today is used to finance Soviet projects tomorrow.

A recent move by a group of Western European banks reveals just that type of hypocritical double standard the United States attempts to avoid in its relations with the Soviet Union. A $250 million loan was granted by a group of Western European banks to the Soviet Union, the nation already ranking first in the world in loans subsidized by Western governments. What the Eurobanks chose to recognize in the loan was its fail-safe guarantee and its lucrative returns. What they chose to ignore was that in granting the loan, they insured themselves the privilege of financing further Soviet expansion inside and outside of that nation's borders. The loans were granted at the expense of the Western democracies without the explicit consent of those taxpayers living in the democracies.

For years, the Soviet leaders have predicted that Western capitalists would be willing to sell the very rope by which they hang themselves. The United States has begun to loosen the financial ties that bind them to the Soviet Union. It is time for all Western European banks to do the same before those same ties serve to hang the democracies they now support. Because I believe that it is extremely important to remember these facts in future dealings with the Soviet Union, I would like to include the following editorial in the RECORD today. It appeared in the Wall Street Journal on May 14.

I urge my colleagues to read the editorial and reflect upon the implications this loan reveals to the world about Western Eurobank's priorities:

[From the Wall Street Journal, May 14, 1984]

SUBSIDIZING THE SOVIETS

A group of West European banks last week brushed aside all memories of sick Polish loans and cheerfully had another go at the roulette wheel with a new $250 million loan to the Soviet Union. The Eurobanks would have happily forked over $300 million had not the Russians said, "Oh no, please, that's too much." We're happy to report that American banks chose not to play, proving that they have learned a few things.

The latest European plunge eastward coincided with some other news. In a joint report, the Organization for Economic Cooperation and Development [OECD] in Paris and the Bank for International Settlements [BIS] in Basel revealed that the Soviets already owed the West more than $28.7 billion, as of last June. That is twice as much as previous estimates, which did not combine private and government loans. And it almost certainly understates the total current Soviet hard-currency debt, which by all accounts is up from last June. Banking circles also believe that Moscow Narodny Bank's West European branches have a large net borrower position in the short-term "interbank" market.

But even without further growth, the $28.7 billion made the Soviet Union the third-largest hard-currency debtor in the world, behind Brazil and Mexico. More startlingly (see table), it ranked first in the world in loans subsidized by Western governments, a total of $17.67 billion.

The figures in the table are not all inclusive. IMF loans are excluded. And East German debt figures are incomplete because the West Germans describe some of it as "intra-German" lending, conveniently ignoring the well-known no man's land that separates the two Germanies. In short, the total West-to-East subsidy is underestimated.

The Soviet subsidy loan level, never before acknowledged by the lending countries, raises an interesting question for Europe's political and business leaders: When did taxpayers in the lending countries ever decide to subsidize communism?

	Total debt owed to the West [1]	Part of the total subsidized by Western taxpayers [1]	Proportion of the total subsidized by Western taxpayers
Brazil	$66,998	$12,494	19%
Mexico	65,090	6,667	10%
USSR	28,772	17,671	61%
Argentina	26,367	3,953	15%
Spain	25,295	3,198	13%
Venezuela	24,221	1,805	7%
S. Korea	24,000	7,039	29%

	Total debt owed to the West [1]	Part of the total subsidized by Western taxpayers [1]	Proportion of the total subsidized by Western taxpayers
S. Africa	16,828	4,286	26%
Poland	15,897	6,080	38%
E. Germany	(2)	(2)	(2)

[1] In millions.
[2] Questionable.

Of the $17.67 billion, $5.8 billion is bank loans guaranteed or insured by governments and $11.8 billion is direct credits backed by governments to Western exporters of goods "sold" to the Soviets. Those quotation marks symbolize the hocus-pocus of East-West trade. When loans to Brazil, Argentina and the like go sour, private bankers are at least forced to lose a little sleep until the IMF or central banks bail them out. But in lending to the communists, their bailout is up front in the form of guarantees. No wonder they can be so cheerful.

Two reasons can be offered for the Western generosity to the Soviets. As someone once noted, the Russians are like the Pentagon. They don't trade, they procure, and in huge amounts. Western businessmen and politicians simply can't resist those big deals. Since taxpayers aren't readily aware that they are providing the subsidies, who worries? The second reason is that Western politicians mistakenly believe that credit generosity is a way of appeasing Soviet warlords.

President Reagan, pressing his disfavor over the Siberian pipeline deal, has tried to lift OECD standards for loans to the Soviets. But European banks, businesses and politicians still are answering the siren call. They choose not to trouble themselves with the important fact that the Soviet Union, as an economic cripple, has little to trade in return, except the privilege of becoming dependent on Soviet energy. That fact has economic importance. One-sided trading is a sure route for the Soviets to the debt-restructuring line, and when they request the favor, the Europeans are not likely to refuse. At that point, the transfer of resources from West Europe to the Soviet people will grow even larger.

American bankers last week decided that it was time to draw a line. We wonder how much more the Europeans will want to contribute to the Soviet empire before they reach the same conclusion.●

JACK STEED: A DOER

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, strong, positive community involvement is the mark of an outstanding person, and my friend, Jack Steed, fits the bill perfectly. Jack Steed is a remarkable man, and his success as an elected official and businessman is known throughout my part of the country. Just recently a story appeared in the Athens Daily Review, Athens, TX, which describes Jack Steed's wonderful contribution to his fellow human beings, and I commend it to the attention of my colleagues and the Nation as follows:

[From Athens Daily Review]

FRIENDS REMEMBER WHEN STEED STARTED JAMBOREE

(By John H. Cox)

This week's 14th Black-Eyed Pea Jamboree brings to mind one of Athens' long term flag wavers, a person who had much to do with the annual affair's beginning.

"Jack has lost his marbles," local businessman and civic leader C.T. Bush Sr. told his wife about Jack Steed one day in early 1971. "He's got this notion of having a black-eyed pea festival here and heck, we don't even raise them here anymore.

Reflecting back on the BEP progress over the years, Bush now says, "I don't think we would have had the festival had it not been for Jack."

Throughout his life Steed has been the type of individual who sees a cause or idea and plunges into it, like for instance the city water and sewer problems.

"We're going to be knee-deep in sewage," he often uttered while serving as city councilman and mayor pro tem.

Time and time again Steed spoke out for increased city utility rates or for the passage of bond issues to fund needed water and sewer improvements.

Recent passage of water treatment plant improvement bonds and expectations for approving increased rates to fund Athens water and sewer upgrading validate his perserverance.

Professionally in Athens he was a merchant and salesman but the Canton native's salesmanship goes back a long time before he became a furniture or advertising marketer.

"If I had a nickel, I'd ask you to marry me," he told his college sweetheart Avanell in 1934.

"I guess I was a pretty good salesman because she gave me a dime right then," he recently said in remembering back when they attended what was then North Texas Agriculture College, now the University of Texas at Arlington.

Shortly after Mrs. Steed died, illness forced Steed to relinquish his council post in Dec. 1982. He moved back to Arlington last year for medical treatment and is now living there with this daughter Beverly Carpenter.

"Even though Dad was gone from home a lot, life with father was pretty great," she says in reflecting about growing up in the Steed household. "Dad could sell ice to an Eskimo and make him think he was getting the best deal in the world."

A little known aspect of Steed's life surfaced while talking to him last week—from 1942-45 he served as a special agent with the FBI.

"I guess some would call it exciting," Steed said. "I was stationed all over the nation—Denver, Kentucky, Washington D.C. I didn't have to do poor old work all the time."

He reflected on some of the rules laid down by then FBI Director, J. Edgar Hoover.

"We had to wear suits, no sport coats," he said. "Every two hours we had to report where we were."

Steed, who had been stationed at Kilgore Junior College and was coordinator of state vocational education programs for North East Texas, learned of the FBI opportunity from his sister-in-law.

"She was a clerk in the Dallas FBI office and told me the Bureau needed manpower," he said. "I applied and was selected."

After World War II ended, Steed became an insurance agent in Marshall and in 1959 moved to Tyler to sell furniture.

In 1965, the people he worked for had such confidence in his ability they gave him the opportunity to become a partner in their Athens store.

From that point on, he became known throughout the city as civic minded. The BEP may have been the frosting on the cake.

"The idea started when Jack, Neil Hunter, John Diebel and Shannon Francis were together one night," explains Charles Bush Jr. "During the conversation someone mentioned that whenever he was in Dallas and said he lived in Athens he'd get a 'Oh, the black-eyed pea capital' remark."

"Well, Jack almost immediately jumped on the idea and said he thought we could build a city promotion around it."

Steed was Chamber of Commerce president during the BEP's first year. Later that year, current Chamber Executive Vice President and General Manager Wayne Mackley came on board to administer the organization.

"I came in November after the first Jamboree had run," Mackley says. "So I can't really say exactly what Jack did during then, but from everything I've heard he was certainly very influential in getting the Chamber to run with it.

"And since I've been here, he's always been one of the leaders in getting things done."

Based on his Chamber and church (First United Methodist) work, a group of citizens approached Steed to run for city council in 1976.

"I never really thought about running," Steed said. "But there were about 20 citizens who finally argued me into it."

Steed was opposed by former mayor Claude Myers and Tony Alotto. Although he ended on top, Steed failed to get 50 percent of the vote and was forced into a runoff election with Myers. He won that by a 32 vote margin and took his seat at the council table.

"If I had to put my finger on one thing that stands out in my mind about Jack, it is his capacity for fairness," another former mayor, Tommy Smith, recently said. "For example, although he was old enough to be eligible for old age tax exemption, he thought it was unfair and voted against it. That showed his true character.

"Also, Jack was never too busy to help you. He was very thorough and knowledgeable of how to investigate. That's why we always sent him to check out potential city employees."

Both former City Administrator and present City Councilman Cody Thompson and current City Administrator Carl Tomerlin were investigated by Steed.

"He came to Burleson, didn't tell anyone who he was or way he was asking questions, and did a thorough investigation on me," Thompson recently remembered. "He literally worked all the time for the city. His coffee talk was worth a lot."

Like Smith, Thompson expressed thoughts about Steed's unselfishness.

"He didn't feel the youth owed him something just because he was 65," Thompson says. "Instead, he figured he owed the youth something, He always stayed aggressive. Wasn't for growth for growth's sake

but for the youth. He wanted the kids of Athens to stay here and make it here.

"He made an impression on me to stay."

Tomerlin also remembers.

"When he did an investigation, he did one," he says. "But after I was hired, he often sat down and advised me in several ways."

Steed's assessment of Tomerlin is very positive.

"Carl has saved this city a gob of money," he says. "For example, his insurance changes saved Athens $2,000 per year."

Looking into the future, Steed has some suggestions for Athens.

"We better start looking for a new landfill now," he says. "Athens is going to have a normal rate of growth and preparing for that is upmost. We had real problems in getting the present landfill on line; I don't want someone else having the same troubles.

"The city is now getting into a position to get all its water and sewage problems put aside for awhile. That's going to be a relief."●

THE UNIVERSITY OF MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HOYER. Mr. Speaker, recently an editorial in the Washington Post lauded the University of Maryland for the outstanding strides in education that have been made at this institution, and, in particular, cites the work of two regents, Joseph D. Tydings and Blair Lee III, in promoting the importance of public support in creating quality education.

I would like to include this editorial for the RECORD, and would also like to add that in addition to these two men, another name should be added: That of Peter F. O'Malley, who was chairman of the board for many years and had a profound influence on the positive direction this fine Maryland institution has taken.

I am pleased that the Post has made this recognition, not only because I am a graduate of this excellent school and sit as a member of its alumni board, but also because I represent the district in which this school is located and I have seen, firsthand, how effective and important the University of Maryland has been in my community.

From Pulitizer Prize winners to recognition as one of the top schools, nationally, in a variety of technical fields, the University of Maryland has shown its excellence. Today's Post article, while long overdue, is further evidence that public education not only works today, it thrives.

SELF-PORTRAIT OF A UNIVERSITY

When the president of the University of Maryland, John Toll, sent his annual report to the regents the other day, it was a routine affair in one sense. But it was also a self-portrait of a gigantic institution that has come to have a profound influence in this region. The steady rise in the quality of the university, and its widening interests, have benefited far more than its formally enrolled students. Mr. Toll began by citing some of the past year's more visible achievements.

There was the Pulitzer Prize that the historian Louis Harlan won for his biography of Booker T. Washington, and the Guggenheim Fellowship awarded to John Fuegi, a professor of Germanic and Slavic literature who is writing a biography of Bertolt Brecht. Mr. Toll observed that Judith Resnick, who earned her doctorate at Maryland, is scheduled to become the university's first graduate to orbit the Earth when the postponed space shuttle flight finally takes off.

IBM gave the university $5 million last year for computing equipment and software. The university has always been strong in computer science. It's now giving new emphasis to biotechnology. Among other recent projects in the field, last winter at Shady Grove it announced the formation of a center for advanced research to be run jointly with the National Bureau of Standards, the Montgomery County government and local companies.

The university's Eastern Shore campus has been working on the cultivation of oysters in the Chesapeake Bay, Mr. Toll said. The Baltimore County campus began publication of "The Journal of Historical Linguistics and Philology." The medical school is developing an advanced program in human genetics. One law professor published a book on corporate and securities law; another, a book on the rights of retarded people.

Mr. Toll emitted the university president's ritual groan over inadequate funding and low salaries for faculty. But if there are shortfalls, the striking thing is the progress that the university has made over the years. A lot of it began with the patient, intelligent work of the university's friends in persuading Marylanders that the university deserves their generous support and will repay it. Mr. Toll acknowledged in particular the exertions of two of the university's regents, Joseph D. Tydings and Blair Lee III. Both earlier had held more conspicuous public office—Mr. Tydings in the Senate and Mr. Lee as the state's lieutenant governor and, for a time, acting governor. Both men have contributed a great deal to the improvement of life in their state, but nothing that is likely to have a more permanent or more beneficial influence than their work for the university.●

NATO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my foreign affairs newsletter for July 1984 into the CONGRESSIONAL RECORD:

NATO

A critical issue is the present condition and future of the North Atlantic Treaty Organization (NATO), an alliance formed in 1949 to protect North America and Western Europe from Soviet attack. NATO has kept the peace for thirty-five years, but prominent people like Henry Kissinger have said that the alliance is in trouble and may not last to the end of the century without a renewed commitment by its membership. A recent Senate amendment to withdraw thousands of American troops from Europe unless the allies increased their defense spending failed by only fourteen votes, and there can be no doubt that U.S. frustration with NATO is growing. These warning signs of eroding support make the debate on NATO more urgent, since there always has been a consensus in Congress and the public that the U.S. should play a vital role in the alliance.

The central issue that NATO must address is the lack of agreement on a common strategy for dealing with the Soviet Union. At very least, this strategy would require a coordinated response by NATO members to major Soviet challenges around the world. Such a strategy was possible during the first twenty years of the alliance's life, but detente in the last decade brought benefits to Europe that were not shared by America. Thus, most Europeans today believe that a working relationship can be maintained with the Soviet Union, while most Americans still see the Soviet Union as an aggressive power whose designs on Europe and other regions must be resisted. This difference in perception is dividing the alliance, and ultimately may threaten its viability.

A second issue for NATO is how to ease economic tensions that are sapping the alliance's strength. The U.S. is enjoying an economic recovery that is faster than Europe's. European leaders argue that the U.S. recovery is taking place at Europe's expense, and that high U.S. interest rates soak up money that could be invested in Europe's recovery. The U.S. and Europe are also engaged in several trade disputes that have serious implications for important economic sectors on both sides of the Atlantic. The strength of NATO depends on the combined economic strength of its members, and both the U.S. and Europe will have to make future economic decisions in view of their impact on the alliance.

How NATO should react to the challenge of events beyond the North Atlantic region is a third issue. The U.S. position is that NATO should fashion a coordinated response to such events. Washington believes that NATO has a duty to act when its security is at stake, and that European members should be ready to replace U.S. forces that might be moved from Europe in an emergency. The Europeans, however, are not keen on replacing U.S. troops, and they are especially reluctant to ready their own troops for combat abroad. They point out that U.S. and European interests may not coincide outside Europe, that some nations cannot legally use armed force outside their borders, and that Europe no longer has the resources necessary to project military force to distant points.

A final issue before NATO is how to improve its conventional military strength. This is a pressing concern because there is doubt whether NATO could counter an invasion by the Warsaw Pact without early, and probably cataclysmic, use of nuclear weapons. The Europeans know that their own homelands would be the first areas devastated in a nuclear exchange, so they and the U.S. have agreed on the need to upgrade conventional forces. There is disagreement, however, on the allocation of expense. The U.S. wants its allies to increase their defense budgets 3 percent annually, just as they said that they would do in 1978. The allies say that they will do their best to increase defense spending, but contend that their eco-

nomic troubles may keep them from reaching the original goal.

How the burden of a stronger conventional defense should be shared is in fact one of NATO's knottiest problems. The U.S. spends more of its gross domestic product (6.5 percent in 1982) on defense than do its NATO allies (3.7 percent in 1982), and in 1983 the U.S. increased its defense spending by 7.6 percent while the allies raised theirs by only 2 percent. For their part, the allies point out that during the 1970s they increased their defense spending by 2 percent annually while U.S. military outlays fell by 1 percent per year. They note as well that they get more value for each dollar because their conscripted forces cost less than America's volunteer force. Burden-sharing also involves NATO's commitment to a more equitable balance in arms sales between the U.S. and the allies. At present, the U.S. enjoys a seven-to-one advantage in such sales within NATO. The allies recognize NATO's need for advanced weaponry, but they are afraid that a U.S. push for more of it will give American arms manufacturers an even larger share of NATO's markets. The cost of new weapons is high, and many Europeans doubt that they can afford them.

NATO's conventional strategy is also unsettled. Greater conventional strength based on advanced weaponry would decrease NATO's reliance on nuclear weapons, but also would enable NATO to strike deep into Warsaw Pact territory. The possibility that new weaponry might cause NATO to shift to an offensive strategy is extremely troubling to many in Europe, particularly in Germany.

These are the major issues that will dominate NATO's deliberations during the coming year. One of the important ways that the U.S. can contribute to resolving them is through arms control. Goodfaith efforts and meaningful negotiations with the Soviet Union can help close the rift between American and European perceptions, and can give our friends in Europe the political support that they need to make the case for increased defense spending and stronger conventional forces.

Other issues will surface, but if the alliance can handle these it will continue to provide an effective military shield behind which the nations of the West can prosper. The allies still appreciate the importance of NATO. So do many Americans. All parties, however, must be willing to accept the responsibilities and sacrifices necessary to keep the alliance healthy.●

SOCIAL SECURITY DEPENDABLE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. VENTO. Mr. Speaker, recently an article by Senator DANIEL PATRICK MOYNIHAN concerning the current status of our Social Security System and its outlook for the future was published in the St. Paul Sunday Pioneer Press (July 15). Senator MOYNIHAN, who served as a member of the National Commission on Social Security Reform, observes that Congress' passage of the Social Security Act Amendments of 1983 insured the future stability of our Nation's basic social insurance program and notes that the Social Security Program has helped millions of older Americans avoid living in poverty. Senator MOYNIHAN's reasoned observations are especially timely in light of the recent remarks by President Reagan suggesting that young people will never be able to receive as much from this system as they are paying into it and that further—although unspecified—changes may be necessary.

President Reagan's comments are a disservice to the Nation and only serve to exacerbate unfounded fears and anxieties among young workers and older Americans. The President's statements and responses mislead young people when he suggests that there will not be a strong Social Security System in the future to meet the needs of today's young people. For 50 years now, the American people have honored the social contract in which working people provide the financial security for older Americans and income security for those disabled. Irresponsible statements from President Reagan or others are geared to undermine the Social Security Program and generational contract. The real risk to the Social Security Program comes from the catastrophic events in our economy which has been subjected to the roller coaster ride of Reagan's "voodoo economics!" There is no sound reason to suggest that this social contract will not be honored for future generations as well as current retirees. The universal nature of the Social Security System has been and will continue to be the foundation of the System's strength, both for today's and tomorrow's beneficiaries.

[From St. Paul (MN) Sunday Pioneer Press, July 15, 1984]

SOCIAL SECURITY DEPENDABLE; DON'T TAMPER WITH IT NOW

(By Senator Daniel Patrick Moynihan)

"If it ain't broke, don't fix it," is a commonsensical caution for people not content to leave well enough alone. I propose a corollary, one particularly suited to any discussion of the Social Security system; "If it's fixed, don't break it!"

On Jan. 15, 1983, the National Commission on Social Security Reform, on which I served, agreed to a set of recommendations to put Social Security on a firm financial footing.

Our proposals became law three months later, and my optimism about their efficacy—expressed at the time—remains. On April 5 of this year, Donald T. Regan, treasury secretary; Raymond J. Donovan, labor secretary, and Margaret M. Heckler, health and human services secretary—the trustees of the Social Security funds—reported that the benefits provided "under these programs can be paid well into the next century."

During the commission's deliberations, Alan Greenspan, our chairman and former chairman of the president's Council of Economic Advisors, imposed a simple but crucial rule: Members were entitled to their own opinions, but not to their own facts. In deference to our chairman's rule, herewith some facts:

By next year, the revenues from Social Security taxes will match the costs of Social Security benefits. Indeed, we now expect revenue surpluses to begin in 1986 and build, according to Social Security's actuaries, to $13.4 trillion by 2025 and $18.4 trillion in 2045. Unless the economy takes a sudden nosedive and sharply erodes Social Security revenues within the next few years, the retirement and disability funding problems would seem to be behind us.

The universal social insurance system established in 1935 is central to the way we plan our lives.

Social Security is an undeniable success. The system has helped reduce poverty dramatically among the nation's elderly. In 1937, three years before the first check was distributed, two-thirds of all Americans 65 years or older had no means of support except help from friends and relatives or private charities. Today, more than 85 percent of all elderly citizens have incomes above the national proverty line.

If we are to have another debate about changing the Social Security system, let us not lose sight of these facts: The program is secure; it is depended on; it is effective. The burden of proof falls upon those wishing to change things.

President Ronald Reagan recently remarked (once again!): "There is a possibility—well, probability—that many people, young people now paying in, will never be able to receive as much as they're paying." In response, James M. Brown, a spokesman for the Social Security Administration, said that Social Security "is not just a retirement benefit. You are buying a package that also includes protection against disability and death. Nobody else offers a package like that," The president sometimes seems genuinely to misunderstand the system.

Few among us know what our financial condition will be in the future, and it is only wise to eliminate fear of economic calamity by making regular, and relatively small, premium payments throughout our working lives.

At its inception in 1935, Social Security provides benefits only for retirees, but eligibility has since been broadened. In 1939 before the first benefit was paid, retirees' dependents and survivors were accepted as beneficiaries. And under President Dwight Eisenhower in 1956, permanently and totally disabled workers began receiving Social Security checks. Today, some 25 million retired workers, almost 4 million disabled workers, and more than 7 million survivors receive Social Security benefits.

As with other types of insurance, of course, the lucky ones are those who do not need to collect. But it is nice to know it is there.

There is no little antagonism to the compulsory nature of Social Security. However, the system is trustworthy only if it's universal. If given the chance, how many people would have the time, knowledge, and, above all, capital to provide securely for the future? And what of those who would try but fail? Stock go down sometimes, right?

The plain fact is that Social Security means that older persons in America do not depend on their children for support. This is a blessing beyond words. Not to the children, but to the parents who know they never will be a burden to the dearest persons in their lives.

Recently, Treasury Secretary Regan said the practice of paying benefits to those at

the "upper end" of the economic scale should be re-examined. Well, why should well-off Americans receive an income supplement? Because depriving them of the benefits for which they have paid undermines the insurance principle of Social Security.

Would it be right or prudent to tell those whose homes burn down that they cannot collect fire insurance because they have resources sufficient to cover the losses? Of course not. Just so with Social Security.

Once we end the universal nature of the system, we inevitably weaken the universal nature of its political support.

Certainly, there are administrative changes that can improve Social Security Administration operations. Our commission recommended, and Congress approved, appointment by the president of two members of the public to the Social Security Board of Trustees. We can enhance public confidence in the system by increasing public involvement in its oversight. But these appointments have not been made.

It has been suggested that the agency be made an independent body (it is now within the Department of Health and Human Services). I agree with Robert Ball, the agency's former commissioner, who said this step (which would not change the benefit structure) "would add significantly to the public understanding of the trustee character of Social Security as a retirement and group insurance plan."

Social Security has been a fixture in the United States for nearly a half-century. Yet after all this time and success, some are not reconciled to it. This is unfortunate. But it is a minority view, and it doesn't change the facts. Social Security is fixed in more ways than one. Don't break it.

[Senator Moynihan, of New York, is the ranking Democrat on the Senate Finance Committee's Social Security and income maintenance programs subcommittee.—The Los Angeles Times]●

IN MEMORY OF FORMER CONGRESSMAN CHARLIE WILSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLAY. Mr. Speaker, a former colleague, Charles Wilson, passed away Saturday, July 21, 1984. I insert my message to his lovely wife, Bok, as a lasting tribute to a true friend:

DEAR BOK: You are not alone. All of Charlie's many friends share his loss with you. Carol and I count ourselves among his closest friends.

At a time like this, words are not adequate to convey the pain and emptiness we feel. Even constrained by our limited power of expression, we are compelled to verbalize the deep hurt we share with you—the loss of our dear and longtime friend, Charlie.

True friends are a rarity, Charlie was our true friend. When he laughed, we laughed. When he cried, we cried. When he rejoiced, we rejoiced. When he hurt, we hurt. When he died, a part of all mankind died.

Ernest Hemingway put it best when he wrote: "For Whom the Bell Tolls." He said, "No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind: and therefore never seem to know for whom the bell tolls; it tolls for thee."

A longtime family commitment forced Carol and I to be in Connecticut, and we will be unable to see you for the next few days, however, we will call you when we return so that we can get together.

Sincerely,

BILL AND CAROL CLAY.●

WESTERN WALK OF FAME

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. MOORHEAD. Mr. Speaker, on August 18, 1984, the Newhall Merchant's Association and the Western Walk of Fame organization will honor five men for significant contributions to our Western heritage and the mystique of the cowboy.

The Western Walk of Fame is a young idea that honors old ideals. The walk was begun several years ago as a remembrance of the cowboys of the past. It is a natural outgrowth of the Santa Clarita Valley's long and romantic association with the Old West as portrayed by many a Hollywood legend.

The mutual admiration began when William S. Hart purchased a ranch in the Santa Clarita Valley and began making silent shoot-em-ups. The parade of dusty heroes continued unabated from Hart, to Tom Mix, to Tex Ritter, to Hoot Gibson, to Gene Autry, to Roy Rogers, to name just a few.

The Western Walk of Fame is also a natural outgrowth of the people of the Santa Clarita Valley who live by many of the same attitudes and values venerated by the stalwart of cowboy lore. In this commonality, there is a shared belief in independence, stength, integrity and a love for nature and its creatures. There is a bond of affection for the great outdoors, for plenty of elbow room for the big open sky and the scent of sage.

The Western Walk of Fame is a source of pride to the people of Newhall, Saugus, Valencia, and Canyon country. It is a source of honor for many cowboys past and present. This month, it will gain new stature as it honors Robert Conrad (Jim West), Dennis Weaver (Chester), Clint Walker (Cheyenne), and Clayton Moore (the Lone Ranger). A special posthumous award will be dedicated to John Wayne, who has probably done more for cowboys than boots and saddles.

Mr. Speaker, it is a pleasure for me to bring to the attention of my colleagues in the House of Representatives that the vitality of a new tradition continues in a community enriched by many old traditions.●

WHAT HAPPENED TO REPRESENTATIVE GOVERNMENT?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, democracy is a system of government in which political power is supposedly exercised by the people. In our system of self-government, the people elect representatives who are to act as their agents in making and enforcing laws and decisions. Perhaps it is the very loftiness of these ideals that make the occasional shortcomings of our system especially distressing.

One of the people who I was elected to represent, my constituent Glen R. Larson, recently brought to my attention a glaring example of how our system of representation has been betrayed by many elected officials. Mr. Larson sent me a clipping from the Wall Street Journal that clearly illustrates that on the issue of the Federal deficit, Congress has represented a mere 12 percent of the American people. He asked that I bring this to the attention of my colleagues here in Congress. I hope that each of you will take the time to read the brief piece that follows:

[From the Wall Street Journal, May 21, 1984]

ASIDES: CONGRESSIONAL NONSUPPORT

Both the Senate and House have passed deficit "downpayment" packages amid much anguish in Congress that they couldn't shove more than $50 billion in new taxes onto their constituents. Simultaneously a group called Citizen's Choice Inc. has done something really weird: They commissioned the Gallup Poll to ask people (that is, people who pay taxes but do not serve in Congress) how they think the deficit should be cut. They said: by cutting nondefense government programs—46 percent; by cutting defense spending—22 percent; by raising taxes—12 percent. So how did Congress ever get it into its head that it represents only 12 percent of the people?●

SOVIET REWRITES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HOYER. Mr. Speaker, a few months ago I had the honor of bringing to the attention of my colleagues an article from the New York Times about David A. Brody, a good friend of mine and to many in this House. In an ironic twist of events, the Soviet news agency, TASS, used the article and, with information culled from other

sources, produced an interesting version of the Times article.

For instance, the B'nai B'rith is described as "completely under the control of Zionist circles." Brody's office is called "an apartment," and he is referred to as the "Zionist agent."

It is an interesting piece of anti-Israeli propaganda, carefully crafted to produce the overall effect that this country is dangled from the strings held by the Israelis. It is an object lesson in how the Soviets are able to place certain meanings on even the most simple and straightforward stories. It certainly serves as yet another example of Soviet "disinformation."

Dave Brody has been and continues to be a most effective voice on behalf of the rights of all citizens, be they Americans, Israelis, or Soviets. His abilities and achievements speak louder than any "disinformation" the Soviets may attempt.●

INTRODUCTION OF H.R. 6046, TO AUTHORIZE THE ESTABLISHMENT OF THE LEWIS AND CLARK NATIONAL HISTORIC SITE IN THE STATE OF MONTANA

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. MARLENEE. Mr. Speaker, today I am introducing legislation to authorize the establishment of the Lewis and Clark National Historic Site in Great Falls, MT.

Mr. Speaker, it gives me great pleasure and honor to introduce this legislation which will authorize a land donation by the State of Montana to the Secretary of the Interior for the purpose of constructing a visitor center to commemorate the historic portage of the Lewis and Clark expedition around the magnificent Great Falls of the Missouri.

On June 13, 1805, Capt. Meriwether Lewis discovered the roaring falls which assured him that the expedition was still on the correct trail in their expedition to find a Northwest Passage to the Pacific Ocean. Captain Lewis noted in his journal at that time what a marvelous spectacle of nature the Great Falls of the Missouri was. As he stood on the banks of the wild Missouri he observed abundant wildlife in all directions and beautiful mountains on the horizon thrusting up from the flat, treeless plains.

Today, the Great Falls of the Missouri are still a marvelous sight to behold. One can still imagine the excitement and awe which Captain Lewis felt as he observed the mist of the mighty Missouri River as it fell 80 vertical feet to create the main fall and several other small falls. On a clear day in the Big Sky Country a visitor can see the Rocky Mountain Front, or the "Shining Mountains" as the expedition named that point where the Plains meet the Rocky Mountains, the Big Belts, Little Belts, Highwoods, and Bearpaw Mountains.

Mr. Speaker, it is important for the people of this country to have the opportunity to enjoy a visitor center at this critical point on the Lewis and Clark Trail. Under this legislation a visitor center will be built, maintained, and operated by the National Park Service to tell the story of the portage around the Great Falls of the Missouri. The center will tell of the tremendous toil and effort by those 33 men and 1 woman to haul tons of supplies and equipment around five river falls and 18 river miles; it will tell of Captain Lewis' famous encounter with a grizzly bear in what is now the heart of Great Falls, MT; it will tell a story of early American explorers with a mission overcoming incredible odds and adversity; it will tell of a group of people working together for their country with a spirit which has made this country great.

Mr. Speaker, I ask my colleagues to join me in supporting this historic public visitor center which will be constructed halfway between St. Louis, MO, and Portland, OR. Already, the Lewis and Clark National Heritage Foundation has expressed its interest in this legislation. The people of Great Falls, MT, have also worked hard to raise the public awareness of this portage site. In fact, they reenacted the Lewis and Clark portage around the Great Falls in an 8-day ceremony last month which attracted State and national interest.

I request this bill be referred to the House Interior and Insular Affairs Committee as soon as possible so we may hold hearings in the near future.●

SPECIAL REPORT ON WOMEN IN AMERICAN SOCIETY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLINGER. Mr. Speaker, recently 23 members of the House Wednesday Group released a Special Report on Women in American Society. The report, prepared by Dr. Joyce Van Dyke and endorsed by a wide spectrum of my House Republican colleagues, proposes precise and carefully grounded recommendations for a future Republican agenda for women in the areas of civil rights, economic equity, family care, and health and retirement.

We have sent the report to members of the Republican Party's platform committee and to the administration, and hope to see our recommendations embodied in the Republican Party's platform. In light of this, I would recommended to my colleagues a recent editorial from the Virginian-Pilot which commends our report's agenda as a productive program both for American women and the Republican Party.

[From Virginian-Pilot, Norfolk, VA, July 2, 1984]

TOUGH TALK ON WOMEN'S RIGHTS

Efforts to amend the Constitution to guarantee equal rights for women seem to be going nowhere. But "women's issues" refuse to go away. A special report, "Women in American Society," just published by the Wednesday Group of moderate Republicans (such as 2nd District Congressman G. William Whitehurst) in the House of Representatives, suggests that the movement to end economic discrimination against women almost surely will gain strength—and possibly chalk up substantial successes—in the 1980s.

Whatever its merits, the down-and-perhaps-out Equal Rights Amendment necessarily does not define the institutional and legal obstacles women encounter in the quest for equal opportunity. The broad language of the ERA ("Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex") stirred fears—skillfully exploited by anti-ERA forces—of unisex rest rooms and female soldiers on front lines in wartime; the amendment failed to win ratification by 36 states to make it a part of the Constitution.

"Women in American Society" is notable for its precise identification of barriers to women's progress, as well as the specificity of its recommendations for overcoming them.

Prepared by Joyce Van Dyke, Wednesday Group project director on women's issues, the 31-page report asserts:

Women as a group are accorded less protection against discrimination within federally assisted programs than are minorities, the aged and the handicapped; enforcement of women's rights is frequently capricious.

Women are "systematically under-paid in all industries and occupations and at all educational levels."

The nation lacks a policy regarding dependent care, despite trends that point to a potential crisis in this area.

Older women are more likely to live in poverty than older men. In 1981, median income for men age 65 and older was $8,173; for women, $4,757.

The report then proposes an array of federal reforms: the broadening and enforcing of civil-rights protections against gender-based discrimination; a multiple assault on economic inequities; incentives for development of child-care programs and work schedules helpful to working parents; banishment of gender-based discrimination in federally assisted and federally operated health-care services and programs; Social Security reforms to provide equitable benefits for women and two-earner families.

"The cost of disregarding the economic problems of women is high," says the report. "First and foremost, it is a cost borne by women themselves. But there are other costs: that of disregarding the majority of new American workers and their dependents; and the steady drain on the feder-

al budget by the many social programs which provide essential assistance to women, but do little to address the issue of why women are poor in the first place."

This kind of talk about the economic position of American women will be increasingly difficult for the Reagan forces to dismiss in the current presidential campaign because it now comes from the political center.

Moderate Republicans fear that the Reagan administration has not demonstrated sufficient concern for the needs of women in the labor force, as well as elderly women, and that this could injury Republicans in November. The partisan purpose of the Wednesday Group report is to "reinvigorate the long-standing link between women's issue and the Republican Party" by "focusing on a variety of issues which directly benefit women, as well as American society at large."

The Republican Party could do worse than embrace the Wednesday Group program, regardless of a Reaganite aversion to extending civil-rights regulation. Walter Mondale—who could, but probably won't, choose a woman as his running mate on the Democratic ticket—will make the most of female disenchantment with the President. The Wednesday Group proposals could contain the damage.●

IN MEMORY OF FORMER CONGRESSMAN CHARLIE WILSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLAY. Mr. Speaker, I would like to bring to the attention of my colleagues an article that appeared in the newspaper of Capitol Hill, Roll Call, on July 26, 1984, regarding former Congressman Charlie Wilson. It is with deep personal sadness for this valued and esteemed friend that I share the following:

GOOD MAN, CHARLIE

The obituaries say that former Congressman Charlie Wilson died of a heart attack. I say he died of deprivation.

For Charlie was a man who reveled in the role of Congressman; friends and camaraderie sparked his life systems. He had lost both.

Some called him Goodtime Charlie. And in a non-derogatory way, it was fitting. Charlie loved life, especially as it centered around Congress and politics. And he loved people. He was a gregarious human, generous and caring and generally goodnatured. He was also opinionated, outspoken, sometimes cantankerous and fiercely partisan. Because of the first mentioned qualities, and perhaps some of the latter, he attracted large groups to his favorite tables at the Democratic Club, where quips and barbs mingled with talk of politics, sports and the events of the day.

Because Charlie was a member of the House Armed Services Committee and also on the Post Office and Civil Service Committee, many were drawn to the table by the lure of opportunism.

Though he enjoyed sports, the company and conversation of friends, his Irish coffees and an occasional wager on the horses, Charlie's prime interest was politics. His mentor was the legendary California Democratic leader Jesse Unruh; his hero the political whiz Rep. Phil Burton. Charlie had come up from the state legislature and found a home in Congress. But over all he was devoted to his wife, Betty and his family.

When Betty was stricken with cancer, Charlie, who suffered from diabetes, began to indulge himself, unmindful of his own health. After her death, Charlie was at loose ends until he met an attractive Korean woman, Hyun Ju Chang, and made her his bride.

When all seemed to be going well, Charlie was cited by the Ethics Committee for alleged improprieties. As a result, he was defeated in the primary. He lost his seat in Congress. The House voted censure. He was broken, despondent.

Now he sat, mostly alone in the club, the opportunists nodding or waving as they passed his table. No attractive job offers came to him. He opened a consulting business, but again those who had curried his favor when in power passed up his services. He retired.

There is more to Charlie Wilson than the fact that he was one of a handful of men subjected to Congressional censure. In the 1960's I was attempting to open a private club for Congressmen, journalists, and other affinity groups. Charlie was one of a dozen Congressmen on my board of directors. When a disgruntled co-founder began a smear campaign in the newspapers many of my "good friends" pulled out with self-serving statements. Charlie Wilson, who I had known only for a short time, stood with me all the way. He had nothing to gain. But, as I said, he was partisan, and loyal, and true to his friends.

How do you measure a man? Well, you really have to know him.●

JUSTICE ASSISTANCE ACT SHOULD BE ENACTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to join my good friend, the distinguished chairman of the Subcommittee on Crime, Mr. HUGHES, in expressing concern about the other body's failure to act favorably on a major anticrime initiative—H.R. 2175, the Justice Assistance Act.

This important measure passed the House with my support in May 1983 by an overwhelming margin of 399 to 16, but has not been acted on by the other body. Specifically, this measure would establish a block grant program providing law enforcement assistance to the States. It authorizes $170 million in each of the fiscal years through 1986 for a newly created Office of Justice Assistance; $25 million in each of those same fiscal years for the National Institute of Justice; $25 million each year through fiscal year 1986 for the Bureau of Justice Statistics; and $20 million annually for States facing emergency crime situations.

This modest amount of funding is more than justified, particularly considering the specific types of programs it would be targeted for. The program areas include community citizen-police anticrime; sting operations—antiburglary, antifencing; combating arson; white collar, organized crime and public corruption; career criminal identification and prosecution; victim, witness and juror assistance; alternatives to jail and prisons for nondangerous persons; treatment for drug dependent offenders; alleviate prison overcrowding; criminal justice personnel training and management assistance; prison industry projects; operational information systems for criminal justice agencies; programs to respond to serious crime by juvenile offeners; and innovative programs.

In order to help encourage maximum cost-efficiency, the legislation also includes a 50–50 Federal/State matching requirement for all purposes except the innovative programs, which has a 75–25 Federal/State matching requirement. In addition, grant recipients would have to assume all costs of these programs after receiving this assistance for 4 years.

Considering that approximately 95 percent of all violent crime falls under the jurisdiction of State and local law enforcement agencies, this anticrime assistance would be well spent. It should be noted, too, that the programs this money would support are those which have proven successful over the years.

These facts, combined with our Nation's intolerable crime situation, makes an overwhelming case for the enactment of the Justice Assistance Act. The House has already acted favorably on H.R. 2175. I would urge our colleagues in the other body to do the same.

One further observation. While providing financial assistance to State and local law enforcement agencies is a vital component of any effective anticrime strategy, there are other important steps that can and should be taken at the Federal level to help our Nation's police community. Certainly one of those steps is the enactment of my bill, H.R. 5835, to outlaw armor-piercing "cop killer" bullets that can penetrate the bulletproof vests worn by more than half of our Nation's law enforcement community. As a 23-year police veteran, myself, I consider this measure to be the most important police protection initiative to be considered in recent years. Clearly, the passage of both H.R. 2175 and H.R. 5835 would demonstrate in resounding fashion our resolve to give the law enforcement community every possible advantage in the fierce battle against crime.●

CYPRUS—10 YEARS OF CONFLICT

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. IRELAND. Mr. Speaker, it has been 10 years since Turkish armed forces invaded the island nation of Cyprus and seized over one-third of its territory.

The Turkish supported faction occupying 40 percent of Cyprus has repeatedly assured both the United Nations and the United States that good faith negotiations to end the crisis are imminent. Except for a few general agreements on paper, there has been no progress toward settlement of the problem—20,000 Turkish troops remain on the island, 200,000 Greek Cypriots remain refugees, and 2,000 people, including 8 Americans, are still missing.

The situation has worsened considerably with the declaration of an independent state in the north last November, and the Turkish Cypriot refusal to live up to agreement regarding Famagusta.

This continuous bad faith and counterproductive action on the part of Ankara's protege can no longer be ignored by the United States. Our national security interests call for decisive action to persuade Ankara to support meaningful negotiations. There are a number of compelling points that call for a stern and immediate message to be sent to Ankara:

U.S. and NATO security interests will continue to be damaged as long as the Cyprus problem exists. The southeastern flank of NATO, Greece and Turkey, has not been an effective operating unit since the invasion of Cyprus.

Although Turkey claims the need for more military resources to meet its NATO role, it continues to commit unnecessary and substantial military resources to Cyprus.

The continued commitment of American taxpayer dollars that fund the illegal occupation of Cyprus severely strains our Nation's image as a supporter of freedom and democracy.

By refusing to support meaningful negotiations concerning Cyprus, Turkey has clearly breached the trust extended by the Congress in the 1978 lifting of the arms embargo.

The failure to enact and fund foreign assistance legislation which conditions aid to Turkey would, in effect, condone Turkey's landgrab in Cyprus, thereby assuring continued instability in a region vital to American security interests. In addition, unconditional aid will send a clear message to the world community that the United States can no longer be depended on to stand up for the cause of freedom. The patience of the people of the United States and Cyprus have been tried too long. Our patience on this issue has come to an end.●

A TRIBUTE TO CLARENCE BLAKESLEE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. SAWYER. Mr. Speaker, I would like to recognize an outstanding gentleman from my district, in fact, from my home town, Clarence Blakeslee.

Clarence has been a servant of the public for more than 41 years beginning with his service in the 28th Infantry Division during WWII as a front observer radio man. He was at the Battle of St. Lo and the Battle of Hurten Forest, where he was decorated with the Bronze Star Medal and received four battle stars. Clarence returned to Michigan after the war and founded Blakeslee Plumbing & Heating in 1948, from which he is now retired.

From 1961 to 1977, Clarence served as councilman of the city of Rockford, MI, and for 3 years, from 1970–73, he was the elected mayor of our city. For the past 5 years Clarence has served as a commissioner on the Kent County Commission from which he is retiring at the end of this year.

Clarence Blakeslee has contributed to Rockford and Kent County in so many ways. He was one of seven founders of the Rockford Historical Society and Museum in 1965. He sits on the board of the Kent County Library, as well as the Kraus Memorial Library. During his term as mayor, he instigated Rockford's Ten Mile Bridge, the Rogue Valley Towers Senior Citizens Center and the city complex.

Finally, I would mention a collateral career to which Clarence has devoted himself and which has won him the thanks and praise of Kent County Republicans for years. Clarence is the official photographer for the Republican Party in Kent County, as well as being the first official photographer for the Rockford Register since his return from WWII. He has given generously of his time and energy and never has he asked for compensation. Clarence has made it his duty to be on the scene of virtually every Republican event for—well, for as long as everyone can remember. He and his camera are a valuable pair to our city and county.

Clarence has been a part of and recorded our history in his own special way. He has been selfless in his contributions to West Michigan and we are honored to be the beneficiaries of a man with so much to offer. Clarence, I thank you and I pay tribute to you.●

COMMEMORATION OF THE "SMOKEY BEAR" STAMP

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to note the issuance of a stamp commemorating Smokey the Bear. This stamp will be issued on August 13, 1984, in Capitan, NM, and is due in no small measure to the efforts of a constituent of mine, Michael Marchese, a firefighter from Williamsport, PA. For more than 6 years now, Mr. Marchese has made efforts to get the postal service to dedicate a stamp to this well-known symbol of forest fire prevention.

For those who may be unfamiliar with the story of Smokey, it began in the late 1940's with a cartoon on a fire prevention poster. In May 1950, a disastrous forest fire broke out in the Lincoln National Forest in New Mexico. The fire was not brought under control until after more than 17,000 acres of timber, watershed, and forest habitat for wildlife had been destroyed. During the fire, 24 firefighters nearly lost their lives while trapped as the fire surrounded them. After their escape, these firefighters noticed a badly burned bear cub clinging to a scorched tree. They rescued the animal and nursed him back to health, noticing that he bore a striking resemblance to the Smokey Bear cartoon developed a few years earlier. Because of this, the healing cub was soon transferred to the National Zoo in Washington, DC, and became a living symbol of Smokey Bear and forest fire prevention. Since the introduction of Smokey in the 1940's, when over 10 million acres of woodlands were burned every year, forest fires have been greatly reduced. In 1981, only 3 million acres were burned. Since his introduction, Smokey has served as a catalyst to children for the very important message of forest fire prevention.

For Michael Marchese, the dedication of the Smokey Bear stamp represents the fruits of more than 6 years of labor. During this time, he has worked tirelessly, appearing 15 times before the U.S. Postal Service's Citizens' Advisory Committee asking that the stamp be issued. In addition, Mr. Marchese has spent a considerable portion of his personal funds toward this goal. Although he has made a considerable investment of time and money, Mr. Marchese is delighted that the postal service is finally dedicating a stamp to Smokey Bear, as it "will serve as a year-round message for fire prevention." It is truly a pleasure, Mr. Speaker, to note the dedication of the Smokey Bear stamp in commemora-

tion of his message of forest fire prevention, and to note the dedication of Michael Marchese of Williamsport, PA, in working long and hard to see that Smokey's message that "Only You Can Prevent Forest Fires" is passed along to children and adults who continually need to be made aware of the importance of protecting one of America's most vital natural resources—her woodlands.●

COMMENDING THE 77TH U.S. ARMY RESERVE COMMAND ON RESERVE DAY IN NEW YORK CITY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. ADDABBO. Mr. Speaker, I am proud to call the attention of my colleagues to the distinguished 77th U.S. Army Reserve Command which epitomizes the ideal of a high state of mobilization readiness. In an age that has placed increasing emphasis on nuclear and space weaponry, we sometimes forget to honor the noble efforts of the conventional forces that have played such a great part in protecting our Nation in the past and continue to preserve our freedom until the present day.

The 77th USARCOM not only has an extraordinarily notable wartime record, but also has made exceedingly significant peacetime contributions. Therefore, I am extremely pleased that this division will be honored for its manifold achievements at the "Reserve Day" celebration in New York City on September 16, 1984.

The 77th, or "Statute of Liberty Division," occupies the historic post of Fort Totten in New York. They have a record of distinction that goes back to the American Expeditionary Force in France during World War I. In addition, the 77th USARCOM participated in the peacetime Regular Army during the 1920's and 1930's. During World War II, they were active as one of six U.S. Army Reserve combat divisions.

Moreover, the 77th also has an outstanding peacetime record. In 1972, they did extensive rescue and relief work during Tropical Storm Agnes. The 77th is the first Army Reserve unit to be deployed as part of a one army team in a prolonged relief in a natural disaster. In addition, the 77th USARCOM took part in PIRC—the program for the improvement of Reserve components in 1975.

The 77th USARCOM still prides itself in the pursuit of excellence. It is for these myriad accomplishments that I commend them today.●

WEATHER SATELLITE FAILURE LEAVES UNITED STATES BLIND IN EAST

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BROWN of California. Mr. Speaker, one of three remaining U.S. weather satellites operated by the National Oceanic and Atmospheric Administration failed yesterday, rendering us blind to developing hurricanes and severe storms in the East.

An operational weather satellite system for comprehensive coverage of the Earth would consist of two polar orbiting satellites and two geostationary satellites. The failure of one of the geostationary satellites yesterday and the one remaining polar orbiting satellite leaves only two satellites remaining to provide only partial coverage.

Mr. Speaker, the military has operated a weather satellite system for some time which parallels NOAA's. NOAA and the military should cooperate in this effort. Duplication of effort, and of mistakes—the military has had its share of problems and satellite failures—is wasteful, inefficient, and dangerous. Failure of the civilian weather satellites leaves us vulnerable to unanticipated hurricanes and severe weather. Failure of the military weather satellites can have a major impact on military operations.

In a time when we are concerned about military preparedness and high Federal deficits, cooperation between the civilian and military agencies that need accurate and timely weather data only makes sense.●

COASTAL STATES MARINE RESOURCES ACT

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BATEMAN. Mr. Speaker, as I am sure you know, Maryland's crabbers in recent years have been coming into Virginia's waters to dredge for crabs during the late winter and early spring. This action has caused economic hardship for Virginia's watermen, and the increased harvest may soon create a threat to the blue crab resource.

Today I introduce a bill to aid Virginia's watermen in their fight to protect the Commonwealth's blue crab resource and their own historic livelihood. This bill, the Coastal States Marine Resources Act, would allow States to protect their marine resources by restricting harvesting of those resources by nonresidents.

My bill would allow States to prohibit nonresident fishing of certain edible species of fish, crustaceans, and mollusks, if restrictions designed to reduce harvesting of the species were deemed necessary, as a conservation measure, and would make fishing or crabbing economically unfeasible.

A few years ago, fishing trawlers from Florida came into the Virginia waters of the Chesapeake bay with fishing techniques which would sweep the bay of finfish. While that situation was dealt with, we have no assurance that it will not reoccur.

The Virginia Marine Resources Commission has the statutory authority to regulate the Virginia fishery in keeping with sound conservation practices. Until recent years, there was no nonresident commercial fishing in Virginia's internal waters.

The catch data upon which sound management plans for various species is based relates to Virginia resident watermen, not nonresidents. It therefore becomes important to sound management of fishing resources that nonresidents not be permitted to harvest seafood in our internal waters, under some circumstances.

The marine resources of the Chesapeake Bay and its tributaries and other esturine systems are limited. If sound conservation programs are to be put in place, and nonresidents are permitted to harvest in internal waters of coastal States, the limits on catch, length and time where fishing and crabbing are permitted may have to be so restrictive as to make it economically unfeasible for anyone to continue to earn a living as a waterman.

The purpose of my bill is to give the coastal States such as Virginia the authority to soundly regulate its internal fishing resources.

Though State laws prohibiting nonresident fishing have been declared unconstitutional in the past, I believe that this specific grant of authority by the U.S. Congress would pass constitutional review. I invite my colleagues to join me as a sponsor of this important tool for sound conservation of the marine resources of the internal waters of coastal States.●

TRIBUTE TO ARTHUR D. KRIEGER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HARRISON. Mr. Speaker, on August 26, 1984, an outstanding young man from Conyngham, PA, will be awarded the highest distinction in Boy Scouts.

Arthur D. Krieger will receive the "Eagle Scout Court of Honor" at a ceremony to be held in his honor.

Arthur is a member of troop 207, Conyngham, PA. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, Arthur is so duly honored.

Mr. Speaker, I join with Arthur's family and friends in paying tribute to this outstanding young person.●

DISABLED DOESN'T MEAN BEING UNABLE

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CHANDLER. Mr. Speaker, today I want to take a minute to share with my colleagues my respect for a young man who is living proof that being disabled doesn't mean being unable.

That young man is 21-year-old Jeff Keith of Fairfield, CT; 10 years ago, Jeff lost his right leg to cancer. Instead of giving up on life and thinking about all of the things he couldn't do, Jeff set out to lead as normal and full a life as possible. He continued his active involvement in sports by swimming, skiing, playing baseball and lacrosse and even participating in a triathlon. A few months ago Jeff graduated from Boston College with a degree in English.

This summer Jeff is involved in perhaps his greatest challenge by running a 3,600 mile, 6-month cross-country race that began June 4 in Boston and will end this November in Los Angeles.

As he runs across his nation, Jeff is sending a powerful message to other disabled individuals that they can overcome a handicap and lead a full life. He is also raising funds for cancer research and sports for the disabled.

Jeff's run has taken him to Washington, DC, this week, and I am pleased to be joining him later today on part of his courageous journey. I think that Jeff deserves our admiration and respect for enlightening us on cancer and handicaps, but also inspiring every American with his example that one individual can make a difference.●

A TRIBUTE TO JOHN M. ROBB, SR.

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLINGER. Mr. Speaker, throughout life, there are rare occasions when we are afforded the opportunity to be acquainted with a person that is an inspiration to each of us. John M. Robb, Sr., is just such a person. He has unselfishly dedicated his life to serving humanity, especially our young men involved in Scouting.

John served in the U.S. Air Force and later in the European theater of war. Furthermore, he remains extremely active in several veterans' organizations. He was a loyal employee of Westinghouse Electric Corp. and then at Houghton College in New York. He also serves his community in various capacities, from captain of the fire police to constable of Caneadea.

But more importantly to our Scouters, John stands as a living example of what dedication, hard work, and caring can accomplish. He is a veteran Scouter of 43 years, Scoutmaster for 29 years, and has further served as adult leader, assistant Scoutmaster, committee chairman, and neighborhood commissioner.

John has received innumerable Scouting awards, including Scouter's Key for Scoutmasters, American Legion Citation of Honor, and the National Eagle Scout Award for Outstanding Leadership. He is also on the Boy Scouts of America National Jamboree staff and chairman of the 19th International Calumet Camporee.

John Robb not only motivates, but inspires Scouters everywhere. He is the epitome of what every Scouter strives to become. We sincerely appreciate all your dedication. Thank you, John Robb.●

A BILL TO ELIMINATE GENDER-BASED DISTINCTIONS IN LAWS PROVIDING BENEFITS TO VETERANS

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. MONTGOMERY. Mr. Speaker, last year the Committee on Veterans' Affairs reported a measure (H.R. 2920, as amended) which subsequently became Public Law 98-160. The bill created an Advisory Committee on Women Veterans in the Veterans' Administration. The Administrator of Veterans' Affairs, Harry Walters, has indicated that the agency will meet the needs of women veterans. The Congress strongly supports that commitment. We insist that it be done. We want to see that every facility which the VA plans to construct or renovate is compatible with the needs of women veterans for health care.

The significant role of women in the military is well established. There are nearly 200,000 women serving in the Armed Forces today, while there are over 1.1 million women veterans. Since 1972, the laws authorizing benefits for women veterans have provided benefits on the same basis as men. However, we have never completely eliminated references in the laws from which an inference might be drawn that benefits are not equally available to women as well as men. We cannot afford to have any vestige in the law that implies any inequality of treatment for veterans.

Mr. Speaker, today I am introducing legislation cosponsored by Mr. HAMMERSCHMIDT and Mr. EDWARDS, the ranking minority and majority members of the Committee on Veterans' Affairs, to eliminate references to "males only" which exist in the laws providing benefits to veterans. Introducing this legislation is a clear signal of our continuing commitment to insure that women are afforded the same veterans' benefits as men, now and in the future.●

STATE'S SUCCESS WITH ENTERPRISE ZONES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. KEMP. Mr. Speaker, I would like to commend to my colleagues' attention the following Wall Street Journal articles highlighting the success that States have had with enterprise zones. These State-sponsored zones have attracted businesses to depressed areas, created jobs for thousands of Americans, and breathed new life into our inner cities. Not only do enterprise zones offer hope to our inner-city residents, they also offer productive, real jobs. Passage of enterprise zone legislation by Congress is one of the best jobs bills we can offer to the American people. I urge my colleagues to read the following article and support Federal enterprise zone legislation.

STATES EXPAND ENTERPRISE ZONES DESPITE LACK OF FEDERAL INCENTIVES

(By Joann S. Lublin)

Despite President Reagan's renewed efforts, there seems to be little chance that Congress will enact his plan this year for federally supported business-enterprise zones.

But many states aren't waiting for Washington to act: Even without federal incentives, hundreds of communities are offering tax breaks to businesses to help revive depressed areas.

As one of his six legislative goals for the remainder of the year, the president wants Congress to enact his three-year-old plan for enterprise zones. But Mr. Reagan is facing an apparently immovable obstacle in the form of Democratic Rep. Dan Rosten-

kowski, chairman of the House Ways and Means Committee, who criticizes the Reagan proposal as a needless giveaway to business. The Treasury Department estimates the program would cost the government $3.4 billion in lost revenue in its first five years.

ISLANDS OF ADVANTAGE

Mr. Rostenkowski's opposition alone is probably enough to block the bill's passage, and the president is expected to respond in campaign speeches by rebuking Congress for its inaction. But while the issue is debated in Washington, state-established enterprise zones are slowly breathing new life into distressed inner cities and small towns across the country. These islands of tax and regulatory advantage have sprung up in 16 of the 23 states enacting enterprise-zone laws since 1981.

By year-end, businesses will have invested or committed nearly $2 billion in more than 300 communities' zones, generating or retaining about 60,000 jobs, estimates the Sabre Foundation, a nonprofit Washington think tank.

"I think the success has been more than you would have expected, especially when you consider the states don't have a lot to offer in the way of tax incentives," says Stuart Butler, a British economist who is a leading advocate of the zones.

Indeed, most states set up their programs to take advantage of Mr. Reagan's proposal. The administration's plan would designate 75 zones over three years. Businesses operating in those zones would be exempted from all capital-gains taxes and 75% of corporate income taxes, and their employees would receive individual income-tax credits.

State and local tax breaks, however, are only about 20% as lucrative as the proposed federal tax advantages, the Sabre Foundation says. Thus, large companies have been reluctant to enter the zones. "What's in place are some goodies, but not enough," says Melvin Taylor, who is building an ice cream-making plant in a Baltimore enterprise zone.

But the lack of federal action isn't likely to cool states' enthusiasm for the programs. Five additional states are considering authorizing enterprise zones, and at least two are likely to pass bills soon. "Some of them are doing it because * * * otherwise they're at a competitive disadvantage" with states already promoting such programs, says Richard Cowden, who edits a newsletter on enterprise zones for the Sabre Foundation.

The amount of business investment in an enterprise zone often depends on the generosity of the tax incentives offered. Connecticut's breaks, for example, include temporary property-tax abatement, certain sales-tax exemptions, income-tax reductions and job-training reimbursement. Since fall 1982, businesses have invested or committed about $97 million to the state's six zones, mainly for commercial projects. About 6,000 jobs have been created or retained.

"We are flabbergasted at how much difference they (the incentives) have made in revitalizing areas," says Carol Gaetjen, manager of Connecticut's enterprise-zone program. In New London's zone, for instance, a $20 million office park is going up on 25 acres of waterfront land left vacant by slum clearance eight years ago. The acreage "was something sitting there waiting to happen, and the zone was the trigger," Mrs. Gaetjen says.

Tax savings for businesses in enterprise zones can be substantial. SFE Technologies of San Fernando, Calif., last month opened a $9.5 million, 100,000 square-foot electronics parts plant in a New Orleans zone. The expected saving of nearly $200,000 just from reduced sales taxes on equipment and construction materials influenced the choice of the location, a company official says.

By contrast, the major lure of Florida's enterprise-zone legislation—a credit on the state's already low corporate income taxes—is less appealing. "It's just not that toothy right now," concedes Tim Nugent, director of a redevelopment agency in Tampa's Tybor City, a historic, former cigar-making district that became an enterprise zone three years ago.

Many city officials often find they must package tax incentives with regulatory favors and other inducements to persuade companies to expand, remodel or set up operations in the rundown areas. Among the extra aides: streamlining or "one-stop" shopping for building and other permits, public-works improvements such as lighting and sewer repairs, and low-cost loans to small businesses.

Such packaging made a difference for Speigel Inc., the Illinois mail-order catalog concern. It considered a Sun Belt relocation of an obsolete mail-center complex in Back of the Yards, a depressed Chicago manufacturing area that is now an enterprise zone. Instead, Spiegel will spend $20 million to modernize the 1,900-employee complex. The city's relaxation of certain building-code requirements, along with state tax breaks and retraining aid, persuaded Spiegel to stay in Chicago, according to the company.

Some localities are also making extra efforts to alter the public view of an enterprise-zone neighborhood as a blighted slum, beset by crime and declining property values. They increase police patrols or enlist community groups and local merchants in neighborhood cleanup campaigns. The Illinois law allows city-owned commercial property to be "shopsteaded"; a city can donate a building to a community group for activities such as a child-care center.

POOR IMAGE OFTEN PERSISTS

Nevertheless, a depressed area's poor image often persists even after revitalization begins. Physical improvements take time, and changing the community perception takes even longer, says Gregory Dunn, project manager for the South Norwalk, Conn., enterprise zone.

The proliferation of new, small concerns in many enterprise zones presents another problem. Such companies tend to employ few workers or demand highly technical skills that local residents may lack. "Unfortunately, what (the zone) needs are some very labor-intensive businesses," says William Regan, who runs Teaching Computer Systems Inc., a five-person concern, in the Baltimore zone. He brought his staff with him when he moved from Columbia, Md., and doesn't expect to employ more than a few others.

The richer array of tax incentives offered by the pending federal legislation might attract a better mix of small and big businesses to enterprise zones. Mr. Taylor, who is building the ice cream plant in Baltimore, says he expects eventually to employ 300 people, and reap more than $1.5 million in property and corporate income-tax breaks over three years. Yet a federal enterprise-zone program, Mr. Taylor insists, could "change the whole complexion of investment in this country.●

COORS PLANT GIVEN EXEMPTION TO OSHA NOISE RULES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. OBEY. Mr. Speaker, in May, I informed the House that investigations by my office had revealed that the Occupational Safety and Health Administration had dramatically cut back inspections of the Adolph Coors Co. following the appointment of Thorne Auchter as the head of the agency in March 1981.

During previous administrations, OSHA had inspected a Coors-owned factory about once every 7 weeks. Following Auchter's takeover, no inspections of any type were conducted at Coors for the first 18 months and in the 33-month period between Auchter's takeover of the agency and January of this year, only four inspections were conducted.

Three of those were not general inspections but were investigations into the deaths of Coors employees as the result of three separate fatal accidents in company owned and operated facilities. The law specifically requires the agency to do followup investigations on all workplace fatalities.

Although there was a decline in inspections of all worksites during this period, the national decline was about 10 percent as opposed to an 80 percent decline at Coors and when fatality inspections are eliminated, the decrease in the average yearly number of inspections of the Coors Co. is more than 90 percent.

Since I first reported on the agency's record with Coor's, I have looked more closely at the only general inspection conducted at a Coors worksite during that period. That one inspection took place in December 1982. It was a general scheduled inspection but appears to have focused mostly on noise and hearing. Findings of the inspection are as follows:

(1) Provisions of the law requiring employers to adopt engineering controls to reduce noise levels in the workplace were being ignored.

(2) Noise levels in the plant were above OSHA limits in all portions of the plant where tests were given.

(3) Noise levels between 170 percent and 250 percent louder than permitted under OSHA regulations were found.

(4) Approximately one-third of the workers showed significant hearing loss since going to work at the facility.

The inspectors recommended citations but the agency eventually vacated all of the citations on the basis of an agreement with the company which not only waived possible fines, but also exempted the company from correcting conditions in the plant that were in violation of the law. The rationale given for exempting the company from the same law that other employers are expected to meet was that the facility could be used by the National Institute for Occupational Safety and Health to learn more about hearing loss in workplaces where Government standards for noise and hearing loss were being violated.

It is interesting however that OSHA reached this conclusion without contacting the National Institute for Occupational Safety and Health or seeking their scientific judgments as to whether they wished to conduct such research or whether this facility represented a useful or usable research opportunity.

NIOSH did finally visit the Coors facility in May of this year and stated that they would not participate in such a study.

Mr. Speaker, this is an example of another type of the gross abuse of the law that has been practiced at OSHA. Only 2 months ago we learned that the agency was promoting a scheme by which the Dan River Textile Co. could escape Federal requirements for cotton dust exposure by having another study of what breaking those rules would do to worker's lungs. NIOSH was also volunteered by the Labor Department for funding that research. In that instance, NIOSH also said they would not participate.

In another case, we learned that Gulf Coast Lead Co. in Tampa, FL, was given a variance from Federal lead level requirements. When one of the employees at the plant had to be carried off the job because of kidney failure linked to high levels of lead in his blood, the variance and experiment was finally terminated.

OSHA testified before the Appropriations Committee that the Gulf Coast Lead case and another case involving mechanical guarding were the only experimental variances that have been granted since January 1981. However, the situation at Coors demonstrates that the Department has been granting variances after the fact as well as before, and that experimentation on workers has been used as an excuse to provide selected employers an opportunity to avoid meeting the same worker protection standards that are required of most employers in more instances than have thus far been cited by the Department.

Mr. Speaker, we cannot let Occupational Safety and Health regulation require many employers to meet requirements from which others are exempted. Protecting worker health cannot be allowed to become another tool of political patronage. When Federal inspectors find a workplace that is particularly dirty, noisy, or unhealthy, they have not found an opportunity for long-term scientific inquiry on the human consequences of violating rules that have already met the test of science and the Federal regulatory process. They have rather found a problem that needs to be corrected.

In a nutshell, employees of this Government who are charged with protecting the health and lives of American workers at taxpayer expense are not there for the purpose of locating someone else's ears, lungs, or kidneys in order to conduct crude experiments on already established scientific findings—even if it may mean higher quarterly dividends for friends of the administration in power.

That is what equal justice under the law and equal enforcement of the law is all about. That is not just necessary to provide decent working conditions for workers; it is necessary to provide an equal playing field for employers who are engaged in stiff competition.

Following is the text of the settlement agreement between the Coors Co. and OSHA:

United States of America Occupational Safety and Health Review Commission

RAYMOND J. DONOVAN, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR, COMPLAINANT, V. ADOLPH COORS COMPANY, RESPONDENT

OSHRC DOCKET NO. 83-0554

STIPULATION AND NOTICE OF DISMISSAL

Come now complainant, Secretary of Labor, and respondent, Adolph Coors Company, and make the following stipulations and agreements:

1. In consideration of complainant's agreement to withdraw the citation hereinafter described, respondent, without admitting that it has violated any of the provisions of the Occupational Safety and Health Act, or any of the regulations and standards promulgated pursuant thereto, hereby agrees to cooperate in, and volunteer the use of, the "cold-end" of its glass plant for, a research study on the effect of occupational noise on the hearing of employees exposed thereto, and the relationship of the implementation of hearing conservation programs and personal protective equipment to said noise exposure.

2. It is agreed that the aforesaid research study is to be conducted by the National Institutes of Occupational Safety and Health as agent for, and pursuant to a memorandum of understanding with, the Occupational Safety and Health Adminstration. The specific protocol and procedures for the aforesaid research study will be agreed to separately and specifically between complainant and respondent prior to commencement of said study.

Wherefore, based on the aforesaid considerations, complainant hereby withdraws other than serious citation number 1 for alleged violation of 29 C.F.R. § 1910.95(b)(1) issued on May 31, 1983.

Dated this 15th day of October, 1983.

FRANCIS X. LILLY,
Deputy Solicitor of Labor.
TEDRICK A. HOUSH, Jr.,
Regional Solicitor.

Bradley, Campbell & Carney, P.C., by Lawrence W. Marguess, 1717 Washington Avenue, Golden, Colorado 80401-1994 (303) 278-3300. Attorneys for Respondent.

Jaylynn K. Fortney, Attorney, 911 Walnut Street, Room 2106, Kansas City, Missouri 64106 (816) 374-6441. Attorneys for Raymond J. Donovan, Secretary of Labor, U.S. Department of Labor.●

POSTAL NEGOTIATIONS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLAY. Mr. Speaker, with contract negotiations now broken off, the Postal Service and the postal employee unions have entered the legally mandated factfinding process. Under the Postal Reorganization Act of 1970, a joint selected factfinding panel will have 45 days to report its findings. Then, assuming that both management and the unions still cannot agree, an impartial panel of arbitrators will conduct hearings and make a final and binding determination.

While it is regrettable that labor and management were unable to reach agreement, this dispute resolution process is rational and one of proven success.

What is most disturbing however is the decision of the Postal Service to unilaterally implement a 23-percent pay cut for all postal employee hired on or after August 4, 1984. This action is highly improper and inconsistent with the intent of Congress when it enacted the Postal Reorganization Act 1970.

When I was privileged to chair the Subcommittee on Postal Personnel and Modernization and the Subcommittee on Postal Operations and Services, I had ample opportunity to understand the intricacies of the Postal Reorganization Act of 1970 which governs postal labor relations. That landmark legislation provided for binding arbitration to resolve contract disputes because postal employees were denied the fundamental right of most working people—the right to withhold their labors—the right to strike.

I was therefore shocked that postal management decided to escalate existing tensions by reducing the pay and benefits of new employees, particularly since Congress provided binding arbitration as a substitute for the right

to strike. Congress intended that matters in dispute—pay and benefits particularly—would be maintained in the status quo until the arbitration panel had the opportunity to work its collective will.

I appreciate the fact that the Postal Service believes—erroneously, in my judgment—that they are acting in accordance with the law. Nevertheless, their actions are not simply inconsistent with the intent of Congress, they are penny wise and pound foolish. For the relatively small amount that the Postal Service saves by this ill-advised action, they have pushed postal labor relations back many years. This action will irrevocably damage postal labor relations and exacerbate tensions in the workplace.

I urge the Reagan-appointees who now control the Postal Board of Governors to reconsider this ill-advised action and to follow the independent panel of factfinders and others to work their collective will free of the antagonism which the Governors' actions have generated.●

SENATE—*Wednesday, August 1, 1984*

(Legislative day of Monday, July 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend Roberto Balducelli, pastor, St. Anthony of Padua Roman Catholic Church, Wilmington, DE. He is sponsored by Senator JOSEPH R. BIDEN, JR.

PRAYER

The Reverend Roberto Balducelli, O.S.F.S., pastor, St. Anthony of Padua Roman Catholic Church, Wilmington, DE, offered the following prayer:

Let us pray.

Almighty God, as we assemble this day to meet the responsibilities of our office, we want to acknowledge Your lordship, and give praise to Your name.

We ask You for the blessing of Your presence in our midst.

Let the awareness of Your presence be a source of strength to us. Let it lend wisdom to our deliberations, and rightness to our decisions.

Let it be inspiration and courage for us.

We ask You kindly to bless the seriousness of our intentions.

Through the power of Your presence, lend efficacy to our efforts on behalf of the dignity, justice, and peace in the world.

You are the foundation of human dignity, the source of assurance and tranquility and especially of the tranquility of order, which is peace.

In the history of our Nation, the mandate is engraved that our aim as a nation should be the affirmation of Your rule.

Let our work this day contribute to that affirmation and that rule and so to the glory of Your name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

COMMENDATION OF THE VISITING CHAPLAIN

Mr. BAKER. Mr. President, I recall with great pleasure a trip that I took as a part of an official delegation to Europe years ago. Senator BIDEN was a member of that delegation. And in the course of our travels we stopped off in Rome, and visited the Vatican. It was a great honor at that time to be received by the Holy Father, and to have an opportunity to visit with him. But perhaps my most vivid memory of that occasion is not the audience with the Pope, but rather my acquaintance with Father Robert who gave us the opening prayer this morning. He is a man of many talents who has served with great distinction. But a quality of Father Robert's at that time emerged that I had not previously suspected. Father Robert obviously is and was then a young man. But on that occasion I chose after the audience with the Pope to engage in my most favorite hobby of photography, and my colleague should know that I substitute the bulk of equipment for lack of talent and artistic quality. And I was loaded down.

Nothing would do, but that I had to climb to the top of the dome of St. Peters which is no small chore. It is a huge edifice, as many of my friends and colleagues know, and of inspirational design. But the access to the top of the dome is not terribly convenient nor an easy path to traverse. And I was struggling with my mound of photographic equipment through the narrow stairways and corridors leading to the top, the pinnacle of St. Peter's, and I was really about to lay down my burden, travel alone, and miss the opportunity to take the grand vista and vision of the Holy City stretching out before us when Father Robert said, "Would you like me to help you with your load?" And so there I was, and a man somewhat junior to Father Robert, agreeing readily and enthusiastically to share my burden with this man of God who was then showing me talents that I had not previously suspected.

To make a long story short, Mr. President, we reached the top of St. Peter's, and I was worn out even with half of my equipment. And Father Robert was there dancing about the small catwalk at the very pinnacle not even breathing hard. And then I knew that the Lord had favored him with many qualities, but one was his eternal youth.

Mr. President, I have grown to know Father Robert since then on a more personal basis, and I wish to say that I express my appreciation to Senator BIDEN for making it possible for me to hear once more the resonant tones of Father Robert, to welcome him to the Senate of the United States, and to say that his stamina and physical strength, to say nothing of his moral strength, make me stand in awe.

Mr. BIDEN. Will the Senator yield for a brief moment?

Mr. BAKER. Yes.

Mr. BIDEN. The eloquent statement by the Senator from Tennessee I am sure is felt deeply by Father Robert. I should note for the Senator from Tennessee that there is in Father Robert's office hanging above his desk, his credenza, not a picture of the Senator from Delaware, not anything having anything to do with the Senator from Delaware, but a magnificent picture taken by the Senator from Tennessee from that very pinnacle, and alongside that several pictures and letters from the Senator from Tennessee.

So I am not at all surprised about Father Robert carrying your load because he has been carrying mine for 10 years. I was surprised at one thing on that trip, also I say to my friend from Tennessee. It was not his stamina, it was not his knowledge of the subject matter, it was not the grace with which he translated for me with the Secretary of State of the Vatican, better known by some as the Kissinger of the Vatican, Cardinal Agostino Casaroli, but it is when we went to see the Minister of Interior dealing with the need to coordinate the United States-Italian antidrug efforts that really I learned a new dimension of Father Robert. As we all left the Minister's office and walked down the corridors, we looked to see where Father Robert was. It turned out that Father Robert continued to make diplomatic policy for the United States, because as I looked back I saw four hands moving like this as rapidly as they could, two of which belonged to the priest from my small city, and two which belonged to the Minister of the Interior. God only knows what they agreed on, I say to the Senator from Tennessee.

But I must say, Mr. President, relations between the United States and the Italian Government with regard to international drug traffic have gotten much better since that day. I do not know who is responsible, but I suspect maybe Father Robert is. I thank the leader for his indulgence, and I yield the floor.

Mr. BAKER. Mr. President, I thank the Senator from Delaware for his remarks. I once again welcome with warm enthusiasm Father Robert. He is a great man and a good friend.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today I hope we will be able to reach the agriculture appropriations bill and dispose of it. I also hope that we may be able to take up the military construction appropriations bill. I do not, however, expect to complete that bill today.

Tomorrow, Mr. President, I anticipate we will go to the foreign assistance authorization bill. We will probably require time on both Thursday and Friday. I do not anticipate a Saturday session. I do anticipate, however, that Thursday might be later than normal in order to try to finish that bill.

Mr. President, I may have extended beyond the time allocated under the standing order. If I have, would the minority leader object if I took 1 more minute with a similar amount to be added to his time?

Mr. BYRD. Mr. President, I am happy to have the distinguished majority leader utilize 5 minutes of my time.

Mr. BAKER. I thank the Senator. I have a request from the distinguished President pro tem who has to leave the Chamber to attend other matters.

Mr. BYRD. Mr. President, I yield such time as the distinguished Senator may require.

Mr. BAKER. I thank the Senator. I yield to the Senator from South Carolina.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 15 minutes.

TRIBUTE TO MAJ. GEN. FRANCIS S. GREENLIEF

Mr. THURMOND. Mr. President, I rise this morning to bring to the attention of the Senate and the Nation the recent retirement of a man whose leadership, intelligence and unselfish work have resulted in a truly significant contribution to our Nation's national security.

The man of whom I speak is Maj. Gen. Francis S. Greenlief, former head of the Army National Guard, the National Guard Bureau, and now recently retired as executive vice-president of the Washington-based National Guard Association of the United States.

Mr. President, it has been my privilege to know General Greenlief during his time as head of the Washington office of the National Guard Association. Because of the programs initiated by that association during his tenure, the Congress has added more than $4 billion to defense budgets to purchase equipment for the National Guard. In addition, the Congress has passed approximately 45 major pieces of legislation aimed at increasing the readiness of the Guard. Most of these actions were a direct result of General Greenlief's efforts.

His efforts have helped make the total force policy one of reality and also contributed significantly to the increased state of readiness of the National Guard.

Mr. President, during his tenure, it was my pleasure to often confer with General Greenlief regarding the needs of the Guard. He always came to visit with a folder full of facts to justify the legislative steps proposed by the Guard Association. His professionalism, integrity and candor were the key factors in winning congressional support for the National Guard Association initiatives.

General Greenlief's success in the Congress was due in large part to the work he did before he knocked on our doors. He enjoyed a fine relationship with the officers and enlisted personnel of the Guard throughout the Nation. Together they determined their priority unfulfilled needs, and General Greenlief ably presented those needs to the Congress.

Mr. President, during my recent visit to the battlefields of Normandy, I encountered General Greenlief checking out the land where he first commanded men in combat as a rifle platoon leader. Having enlisted in the National Guard in his native State of Nebraska, he came to Normandy with tens of thousands of men to fight and win World War II. After Normandy he participated in the northern France, Rhineland and Ardennes Campaigns. He holds Distinguished Service Medals from both the Army and Air Force, the Silver and Bronze Star Medals for heroism, the Purple Heart with three oak leaf clusters, the Combat Infantryman's Badge, the Croix de Guerre with Gold Star and numerous other active duty decorations. At the conclusion of World War II, General Greenlief returned to Nebraska where he worked his way through the ranks to become Acting Assistant Adjutant General of Nebraska and Division Chief of Staff of the 34th Infantry Division.

In 1960, he came to Washington as Executive Officer of the National Guard Bureau's Army Directorate. In 1963, he was appointed as the Deputy Chief of the National Guard Bureau. General Greenlief was promoted to the rank of major general on February 9, 1965 and in 1967 he was extended for an additional 4-year term as the Deputy Chief of the National Guard Bureau. It was during his second term in 1970 that he was appointed Director of the Army National Guard in addition to his duties as the Deputy Chief of the Guard Bureau. In 1971, he was appointed by the President as the Chief of the National Guard Bureau.

Mr. President, it was during this period that General Greenlief recognized the lack of cohesion in the Army Guard's Aviation Program. Although a man in his early fifties, he undertook training in rotary and fixed wing aircraft, earned his Army aviator wings, and revitalized the Army Guard's Aviation Programs. Today he is recognized as the "Patron Saint of Army Guard Aviation." In a rare tribute to a living person, the Guard Bureau established the Francis S. Greenlief Award for excellence in Army aviation. This award is the most sought after award for Army Guard aviators.

In 1974, General Greenlief retired as the Chief of the National Guard Bureau and accepted a position on the staff of the National Guard Association of the United States. In September of 1975, he was appointed the executive vice president of the association, and he held this post until his retirement on July 1 of this year. Upon his retirement from the association, he was called to the office of the Secretary of the Army and presented the Army's Distinguished Civilian Service Medal.

Mr. President, General Greenlief is certainly one of the most outstanding military leaders ever produced in this country. A man of solid character, superior leadership qualities and deep patriotism, his contributions to our national security will be reflected in Guard readiness and strength for many years to come.

In conclusion I ask unanimous consent that there be placed in the RECORD at the end of my remarks a news release dated June 13, 1984, announcing General Greenlief's retirement from the National Guard Association of the United States.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

GREENLIEF TO RETIRE AS NATIONAL GUARD ASSOCIATION EXECUTIVE VICE PRESIDENT

WASHINGTON, DC (NGAUS).—Major General Francis S. Greenlief (Ret.) will retire as Executive Vice President of the National Guard Association of the United States (NGAUS) on 1 July, after 10 years of service in that position.

During his tenure with the 56,000-member Association, the Congress added more than $4 billion in equipment for the National Guard and passed 45 major pieces of legislation aimed at increasing the readiness of the National Guard within the total force. Working in the authorization bill this session are more than a half billion dollars in equipment add-ons and four major pieces of Guard legislation.

Greenlief brought to the Association position 35 years of National Guard experience, which culminated in his 1971-1974 service as Chief of the National Guard Bureau.

During his tour as Guard Bureau chief, Greenlief implemented numerous innovative programs, to include expansion of black and female participation in the National

Guard, and more than doubling Army Guard aviation strength and aircraft inventory. He also developed an Army Guard aviation safety program which has had positive and long-lasting results in life and material savings. During his service as chief, he quickly recognized the seriousness of a "no-draft" environment to the National Guard and immediately instituted steps to insure maintenance of adequate strength, which were successful.

When the Total Force Policy was penned, Greenlief personally worked to insure the Departments of Army and Air Force understood the Policy's meaning, and that each state adjutant general also understood the words meant what they said—the Guard is a part of the total force. As a result, the 50 states, Puerto Rico, the District of Columbia and the Virgin Islands achieved the most mobilization-ready force the United States ever had in the reserve components, according to a joint resolution adopted by the Congress in 1974.

The general began his military career in 1940 as a private with the Nebraska National Guard, was ordered to active duty that year as a corporal, became acting first sergeant of G Company of the 134th Infantry in 1942 and entered Office Candidate School that same year. Following graduation, he served during the war as commanding officer of Company L, 134th Infantry, participating in the Normandy, Northern France, Rhineland and Ardennes Campaigns.

Returning to the Nebraska Guard, Greenlief worked his way through the ranks to become acting assistant adjutant general of Nebraska and division chief of staff. He was assigned as executive officer of the Guard Bureau's Army Division in 1960 and was designated as the assistant chief for Army in 1965. The following year, he was appointed as the Bureau's deputy chief. In 1965, he was promoted to major general, and in 1970, he was appointed director of the Army National Guard in addition to his duties as Bureau deputy chief. He was appointed by the President as Chief of the Bureau in September of 1971. In addition to his Bureau positions, Greenlief completed flight training and was designated an Army aviator in 1969.

Greenlief's awards and decorations include the Distinguished Service Medal, USA, with cluster; Distinguished Service Medal, USAF; Silver Star; Bronze Star; Purple Heart with three Oak Leaf Clusters; Croix de Guerre with Gold Star; European-African-Middle Eastern Campaign Medal with four Battle Stars; the Combat Infantry Badge and the Army Aviator Badge; Distinguished Service Medal, NGAUS; and many state awards.

Major General Greenlief resides in Vienna, Virginia with his wife, Mavis, and daughter Connie.

MAJ. GEN. FRANCIS GREENLIEF

Mr. EXON. Mr. President, I am pleased to honor a fellow Nebraskan today, Maj. Gen. Francis Greenlief, retired, the retiring executive vice president of the National Guard Association of the United States.

General Greenlief has a long and distinguished career of service of his country, beginning with his enlistment in the Nebraska National Guard in July 1940. Shortly thereafter he graduated from officer candidate school and served as an infantry platoon leader and company commander with the 134th Infantry Regiment, Nebraska National Guard, as that regiment fought its way across France and into Germany.

After the war General Greenlief continued his service with the Guard, including a tour as acting assistant adjutant general of Nebraska. In 1960, he was ordered to active duty with the National Guard Bureau. Later, while serving as deputy chief, National Guard Bureau, General Greenlief completed flight training in both fixed and rotary wing aircraft. This is a rather notable achievement for so senior an officer.

General Greenlief served as the chief of the National Guard Bureau during the early 1970's—a period of major change for our armed services. He quickly recognized the potentially negative impact upon the Guard of the change from compulsory to voluntary service and immediately took action to ensure the maintenance of adequate strength within the Guard. That he was successful in this endeavor is testimony to his outstanding qualities as a leader and a manager.

General Greenlief also implemented numerous innovative programs to expand the involvement of blacks and women in the Guard, as well as expanding the role of Army Guard aviation.

And with the advent of the total force policy whereby the Reserve components of our Armed Forces play an increasing role in our overall national security, General Greenlief personally worked to truly integrate the Guard into an overall force structure. The Congress recognized his success by a joint resolution in 1974 which noted that the Guard had achieved the most mobilization-ready force the United States had ever had in the Reserve components.

After his retirement from active service, General Greenlief continued to work for a strong, modern, and ready Guard while serving as the executive vice president of the National Guard Association of the United States. His 10-year tenure at the National Guard Association yielded the same success he had achieved in uniform. Largely because of his dedicated efforts, the Guard stands more ready than ever.

I am sure all Senators and patriots everywhere share my respect for and appreciation of Gen. Fran Greenlief. His advice and counsel have been invaluable to me over the years. He has been a true friend and I wish him all the best and Godspeed in his future endeavors. He has been an inspiration to us all.

Mr. BOSCHWITZ. Mr. President, it is a real pleasure to be able to make some brief comments on the career of Francis Greenlief on the occasion of his retirement from his position as executive vice president of the National Guard Association.

I'm sure there are others who can and will comment in greater length on General Greenlief's service to our country during the Second World War. His service in Europe during that conflict was of the highest caliber and would, in itself, have justified the high esteem in which he is held. His work since then has only added to the magnificent record he compiled during those war years.

I would like to focus my own remarks on two aspects of General Greenlief's work which have had a particular impact on our own National Guard in Minnesota. The first contribution I'd like to acknowledge was General Greenlief's work on the Norwegian-Minnesota National Guard Exchange program. This program sends members of the Armed Forces from these States on exchange training programs every year. It has been a tremendous source of knowledge for all concerned, as well as an enhancement of the relationship between two NATO allies. It was General Greenlief's support for this fine project back when he was the Chief of the National Guard Bureau that got it off the ground. It continues to this day and is a constant reminder to us in Minnesota of the fine work he did in that position.

On a more general note, if you will pardon the expression, I also want to thank General Greenlief for his work as the executive vice president of the National Guard Assocation, particularly in the area of readiness. His work in Washington, both in the Pentagon and here on Capitol Hill, has helped to insure that the men of the Minnesota National Guard receive the priority they should when it comes to doling out defense dollars. We have had a marked improvement in the combat readiness of our forces in Minnesota, and I am sure that's true for the Guard units of other States as well. General Greenlief's efforts during the past 10 years are, in no small part, responsible for much of that improvement.

We do not pause here in Washington often enough to say thank you. I commend my friend, the senior Senator from South Carolina, for setting aside this time for the members to express our gratitude to a man whose career has so materially benefited the National Guard units of our individual States and, thereby, our Nation as a whole. We in Minnesota remember what you have done for us, General, and we thank you for it.

Mr. WARNER. Mr. President, it is a pleasure and an honor to have the opportunity to say a few words to recognize the outstanding contributions which Maj. Gen. Francis Greenlief has made to our national security.

As executive vice president of the National Guard Association for the past 10 years, General Greenlief's support of our national defense has been outstanding in every respect.

His experience in the National Guard spans some 35 years, and in his last tour of duty he served as Chief of the National Guard Bureau.

He was instrumental in initiating progressive programs to modernize the National Guard and increase its combat readiness.

I am particularly grateful to him for his assistance in providing fowardlooking infrared systems for Army National Guard units—the 149th Tactical Fighter Squadron of the Virginia Air National Guard being one of the first units to receive these systems.

As a result of his support, these A-7 attack squadrons will have the ability to operate in combat in darkness and reduced visibility.

I commend General Greenlief for his selfless dedication and outstanding service to the Nation and wish him and his family a well-deserved and most happy retirement.

Mr. NUNN. Mr. President, I welcome the opportunity to join my colleagues in paying tribute to Maj. Gen. Francis S. Greenlief, USA, retired, who recently retired as executive vice president of the National Guard Association of the United States.

Fran Greenlief, as he is known to both soldiers and statesmen, experienced and helped shape over four decades of the National Guard. He knows the travails of the foot soldier in combat as a combat veteran of World War II, the decades of peacetime training, and the selective mobilization of Guard Forces during the Vietnam conflict. As director of the Army National Guard and later chief, National Guard Bureau, Fran Greenlief led the National Guard from the status of a provincial, weekend militia to a potent fighting force capable of carrying a significant portion of the Nation's defense mission.

General Greenlief's service to the Guard and the Nation did not end with military retirement in 1974. As the executive vice president of the National Guard Association of the United States, he was the moving force behind turning the idea of "total force" into a reality. The rapid improvement of the Guard's readiness and combat capability was not simply a matter of more and better equipment, although that was an important element. Under Fran Greenlief's leadership, the Guard became a full-fledged member of the "total force" through equal opportunity recruiting and promotion; a revitalized, combat-oriented leadership; and an assumption of many high-priority missions with rapid mobilization responsibilities.

The Guard of today is becoming equipped with the most modern weapons; trained in the latest, most challenging exercises; and holding its own in healthy competition with Active and Reserve components. The readiness of the National Guard is a critical component of our Nation's deterrent force. There are few leaders in the last 50 years who have had as sustained and profound an influence in shaping this important force.

The Nation owes a debt of gratitude to Fran Greenlief. We wish him and his charming wife, Mavis, well in their well-deserved second retirement.

Mr. BOREN. Mr. President, I commend the distinguished senior Senator from South Carolina for organizing the tribute to an able and outstanding soldier. Fran Greenlief has compiled a record of service that is to be envied and admired by all.

Starting as a private in the Nebraska National Guard in 1940, he literally rose through the ranks to culminate his active duty career as Chief, National Guard Bureau from 1971 to 1974. Upon retirement, he continued to serve his country with the National Guard Association, first as a distinguished member of the staff of that 56,000 member organization and later as the executive vice president of the association—the position from which he is now retiring.

To suggest that General Greenlief is in fact retiring from all association with the Guard is to ignore the scope of his activities over the past 35 years and the value that his colleagues placed on his advice and leadership.

Those of us who have been in the Guard ourselves and remain vitally interested in its health and well-being are sad at seeing the loss of the type of active leadership provided by Fran Greenlief, we are also pleased at seeing an old friend successfully reach another desired plateau in a productive life.

It is also a time to pay tribute to Fran's family—his wife, Mavis, and his daughter, Connie. He would be the first to point out that his success is their success and that without their support, the achievements we celebrate today would not have been possible.

My congratulations to General Greenlief and my best wishes to him and his family. I hope that his retirement will be as rich and full as his active career.

TEXTILE IMPORTS

Mr. THURMOND. Mr. President, this past Friday, July 27, 1984, I addressed the Senate regarding the growing problem of fraudulent imports of textile/apparel products into this country. In my statement, I pointed out that even though, from October 1983 to mid-July of this year, the Customs Service had seized $19.6 billion in illegally shipped textile products; this represents only a small portion of goods crossing our borders through fraudulent means. I questioned how our foreign trading partners, practically without impunity, could be allowed to operate or condone such an elaborate system of circumvention and disregard of our trade laws and agreements.

Thus, Mr. President, I was extremely pleased to see that the Reagan administration is initiating action to curtail the fraudulent shipment of textile products into this country. Customs Service Commissioner William Von Raab has announced plans to publish regulations designed to prevent frustration and subversion of our textile trade agreements and trade laws. Mr. President, I ask unanimous consent that an article appearing in today's Washington Post which further details this development be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE HOUSE TIGHTENS TEXTILES IMPORT RULES, ADDS CUSTOMS AGENTS

(By Stuart Auerbach)

The Reagan administration, bowing to increasing election-year pressure from the domestic textile industry, is tightening import rules and increasing the number of customs officials to fight "textile bandits" who subvert quota regulations, Customs Commissioner William Von Raab said yesterday.

The new rules strengthen "country-of-origin" provisions and are aimed at stopping textile-exporting nations from evading quotas by shifting partially made garments to other countries for shipment under their unused quotas. The rules will be published in the Federal Register this week and take effect Sept. 7.

The stricter regulations are the result of a presidential directive, issued last May, ordering the government to restrict textile imports by eliminating abuses. Despite a presidential order last December that tightened import rules, textile imports continued to surge to record heights during the first fourt months of 1984.

At the time the December rules were announced, White House sources warned there would be more import restrictions if high levels of foreign textiles continued to surge into the country. Presidential aides said Reagan ordered the tougher rules because of a promise he had made to an influential textile-state Republican, Sen. Strom Thurmond of South Carolina.

The new regulations drew immediate opposition from retail groups, who said they would disrupt purchases already made for the Christmas season and increase consumer costs for clothing.

"This is a little overkill," said Thomas Hays, vice president of the May Co., who met yesterday afternoon with U.S. Trade Representative William E. Brock to protest the new regulations. Hays is an officer of the Retail Industry Trade Action Coalition formed this year as a counterforce to textile industry lobbying efforts.

The National Retail Merchants Association asked Senate Finance Committee

Chairman Robert J. Dole (R-Kan.) to register his objection to the administration move on the grounds that any trade retaliation would hurt American farmers.

Under present rules, a garment partially completed in one country but shipped to another for finishing is counted for quota purposes as originating in the second country if "substantial transformation" took place there. The new rules would change that so, for instance, a sweater whose parts were made in one country but assembled and finished in another would count against the first country's quota.

Exporting countries, mostly in the booming Pacific Rim nations of Southeast Asia, say garments sometimes are shipped from country to country to take advantage of low wage rates for labor-intensive tasks. But, they add, the labeled country of origin represents the major manufacturing nation.

Von Raab, however, called abuses of the country-of-origin rules "a major scheme" to evade U.S. quotas and cited cases where jeans made in one country were merely washed in another to qualify for the second country's quota.

"There are tremendous abuses out there that have to be addressed immediately," he said in an interview. He added that overseas suppliers "are too willing to charge through loopholes that maybe really aren't there."

To police the new rules, Van Raab said 60 new agents will be added in this country and overseas in the textile area alone.

Mr. THURMOND. In a related incident, to my dismay, I have recently discovered that, at least in one important case, a major trading partner had direct encouragement from the U.S. Government, under the previous administration, to increase their textile exports to this country with the assurance that applicable trade agreements would not be strictly enforced. In September 1980, the Carter-Mondale administration entered into a secret agreement with the People's Republic of China [PRC]. This agreement, which is set out in a letter from Mr. H. Reiter Webb, then chief textile negotiator, to the Chinese Ambassador, allowed the PRC to ship into the United States massive amounts of textile products with the assurance that our trade laws, designed to prevent flooding of markets by subsidized foreign products, would not be enforced. Mr. President, I ask unanimous consent that a copy of this September 12, 1980 letter, which was only recently brought to light through a Freedom of Information Act request, be placed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, the effects that this secret agreement had on the volume of textile imports from mainland China and the loss of American textile jobs are now all too well known. In a word, the results have been disastrous. The existence of this agreement helps explain how the PRC was able to jump from a minor exporter of textiles to the United States, in the mid-1970's, to the fourth largest exporter of textile goods to the United States today. Specifically, textile imports from that country increased from 221 million square yards in 1979 to 671 million square yards in 1982. That increase of 450 million square yards represents a net loss of over 100,000 U.S. textile jobs.

Mr. President, it is unfortunate that this agreement was made. It is absolutely appalling that the Carter/Mondale administration deliberately kept it secret from Congress and the textile industry. This clandestine manner of handling a major trade policy issue shows utter contempt for the American textile/apparel industry and its over 2 million employees nationwide. Absent a showing of national security implications, there was simply no valid reason to secret such an important augmentation of a key textile trade agreement.

Mr. President, I sincerely hope that we have not inherited any other secret agreements from the previous administration that have had the effect of flooding our markets, and displacing American workers. I also hope that no future administration, whether Democrat or Republican, will seek to make such a secretive, one-sided arrangement with any foreign country. It is most unfortunate that one of our basic industries and thousands of our citizens have suffered economic loss by this unwise decision.

Mr. President, again I wish to emphasize the importance of vigorous, evenhanded enforcement of our trade laws and of prompt action by Congress to improve those laws where necessary.

EXHIBIT 1

OFFICE OF THE
U.S. TRADE REPRESENTATIVE,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, September 12, 1980.

His Excellency CHAI ZEMIN,
Ambassador of the People's Republic of China, Washington, DC.

DEAR MR. AMBASSADOR: As agreed during the discussions leading to a bilateral textile trade agreement between our two nations, I wish to clarify the views and intentions of my Government as regards implementation of paragraph 8 (the consultative mechanism) of the Agreement.

Our two Governments recognize that textile trade between our two countries has only recently been reestablished and that the prospects of the trade and the current status of trade between our two countries should be taken into account.

Accordingly, consultations as envisioned under the consultative mechanism of this Agreement shall not be requested without reference to factors and criteria as contained in Annex A of the GATT Multi-Fiber Arrangement (MFA). A written statement will be supplied promptly which will include data similar to that contemplated in paragraphs 1 and 2 of Annex A of the MFA.

Hence, unless there are unforeseen circumstances to the contrary, the Government of the United States of America would not envision requesting consultations with the Government of the People's Republic of China on a category not already subject to a Specific Limit before imports from China in the category of categories concerned have reached the levels already established by comparable, important, capable suppliers. By this, it is meant that the Government of the United States would use the consultation clause sparingly and would not request the Government of the People's Republic of China to limit its exports in the category or categories concerned without having full regard both to the equitable treatment of the Government of the People's Republic of China as compared with other such suppliers of like textile and apparel products and, as appropriate, to the Government of the People's Republic of China's position as a new entrant to the United States' market, with respect to products not already subject to Specific Limits. Further, the Government of the United States of America will give full consideration to the factors indicated above.

It is also recognized that the established public policy of the Government of the United States of America is to provide as much opportunity as practicable for the growth and development of trade in textiles to all its bilateral agreement suppliers, consistent equally with the United States need to avoid disruption of its domestic market or the threat thereof. The Government of the People's Republic of China, therefore, has the assurances of the Government of the United States of America that resort to these consultation procedures shall be on a fair and equitable basis vis-a-vis other bilateral agreement suppliers, taking into account the position of the People's Republic of China as recognized above.

If recourse to the provisions of paragraph 8(c) would result in actual injury to production and marketing of textile products from China and/or would have actual impact on goods which have been or are about to be shipped, the Government of the United States will undertake to alleviate the adverse effects.

Sincerely,

H. REITER WEBB, Jr.,
Chief Negotiator for Textile Matters.

Mr. THURMOND. Mr. President, I thank the distinguished majority leader.

ORDER FOR THE RECORD TO REMAIN OPEN TODAY

Mr. BAKER. Mr. President, at the request of Senator THURMOND, I also ask unanimous consent that if the Senate should recess or adjourn prior to the hour of 6 p.m. today, that the record remain open for statements only by Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader for accommodating the time for these remarks and this action.

Mr. BYRD. Mr. President, the distinguished majority leader is very welcome.

ORDER TO PLACE H.R. 5297 ON THE CALENDAR

Mr. BAKER. Mr. President, I have one other matter which I believe has been cleared on both sides, a unani-

mous-consent request, which I will now state for the consideration of the minority leader and other Members.

Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the standing order, the minority leader is recognized.

AFGHANISTAN FOOD AND MEDICAL ASSISTANCE AMENDMENT

Mr. BYRD. Mr. President, in 1980, following the Soviet invasion of Afghanistan, President Carter prohibited Soviet fishing vessels from exploiting American resources. The present administration has now lifted the prohibitions relating to sales of U.S. grain to the Soviets and the sale of oil and gas production equipment to the Soviets. And now Soviet vessels will be allowed to enter American waters to fish.

This is very inconsistent, I would say, with the inflammatory rhetoric which has become the hallmark of this administration's policies toward the Soviet Union. For their part, the Soviets are much more predictable in carrying out foreign policy.

Six days after the administration announced the end of the fishing sanction, the Soviets are engaged in a major assault against the Afghans.

The United Press International report of July 31 says, "Hundreds of tanks have launched a major offensive" in the Shomali Valley. The report quotes diplomatic sources as saying that there is "massive destruction" and that "whole villages were reduced to rubble."

On June 19, 1984, I introduced a sense of the Congress resolution to encourage support throughout the free world for increased food and medical assistance for the people of Afghanistan. A report by the British Afghan Aid Committee released at that time indicated that Afghan civilians were suffering from terrible malnutrition because of the Soviet's "scorched earth" policy.

The Senate unanimously adopted that resolution. I sent a letter to Secretary of State Shultz on July 10, encouraging him to look into the problem.

The Soviets may have been emboldened by the decision to lift the sanctions on fishing.

Mr. President, now that we have assured ourselves that the Soviets will have enough to eat, I hope that there will be a heightened commitment on the part of this Nation and other free nations, including Moslem nations, throughout the world to stand by the freedom-loving people of that war-torn land. The Afghans, too, need fish. They, too, need food. And they need medical supplies.

There is no more immediate challenge to democratic ideals than that presented by the Soviet occupation of Afghanistan. I hope that freedom-loving countries of the world will join in expressing outrage and profound concern at the mass murders and the genocide that are being committed by the Soviets against helpless men, women, and children in Afghanistan.

Mr. President, I hope the rest of the world will express its concern, and that it will be a heightened concern, and that the freedom-loving countries of the world—and certainly the Moslem countries of the world—will do what they can to supply the Afghan people with food so that the Soviets' "scorched-earth" policy will to that degree be thwarted.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a copy of my letter to Secretary Shultz dated July 10, 1984, and a UPI story dated July 31, 1984, which speaks of the Soviet drive into the Shomali Valley.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, July 10, 1984.

Hon. GEORGE P. SHULTZ,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: On June 19, the Senate passed unanimously an amendment which I offered, expressing the sense of the Congress that the free world should provide the people of Afghanistan with essential food and medical supplies during the Soviet occupation of their country. I enclose a copy of that amendment and the supporting discussion.

Recent press reports indicate that brutal Soviet attacks on civilian crops and farmlands have created critical food shortfalls. At the same time, Soviet attacks on hospitals and restrictions on shipments of medical supplies have resulted in dangerous shortages in these goods. I have met with leading representatives of the Afghan resistance and they confirm that the threat to the survival of the civilian population and the freedom fighters is real and immediate. By all indications, a failure to act soon to address these shortages will result in famine and countless deaths this fall and winter.

Therefore, I am writing to request that the Department of State utilize the appropriate emergency authority to respond to the plight of the people of Afghanistan. In accordance with the amendment passed by the Senate, I urge the Department to work in concert with other interested nations and international organizations such as the World Food Program of the United Nations to assure that the men, women, and children of Afghanistan do not perish under the brutal Soviet occupation.

I am sure you agree that the Soviet occupation of Afghanistan represents as clear a challenge to the political will of freedom-loving nations as does any situation in the world today. I urge that every possible action be taken immediately to assure that the Afghan resistance is not lost due to a failure to supply basic human needs.

Sincerely,

ROBERT C. BYRD.

[From the New York Times, July 25, 1984]

THREE SOVIET DRIVES REPORTED IN AFGHANISTAN

(By Drew Middleton)

The Soviet Army and Air Force have mounted a new offensive against Afghan guerrillas in three sectors of Afghanistan, according to reports reaching the West from official sources in Pakistan and India.

The Soviet attacks, Western analysts said, began last week and are continuing. They said the attacks had been accompanied by heavy bombardment of villages supporting the Afghan guerrillas.

The most recent Soviet attacks have been in three areas; the Logar Valley south of Kabul, the Shomali Valley running north from the capital, and Herat Province, which lies in the extreme west bordering Iran. One of the Soviet Air Force's major bases is near Herat.

While the Logar Valley operation was under way, Western analysts said. Soviet artillery were reported to have shelled targets in the southern Shomali Valley, north of Kabul. The main highway runs north through this valley to the frontier. Here, too, analysts believe that the Soviet objective was to clear the valley of insurgents and their supporters. The shelling, according to reports reaching Pakistan, was extremely heavy and accurate.

SOVIET GROUND SWEEP

Insurgent bases and ammunition stores were the targets of a strong force of Soviet ground troops who swept into the west of Herat Province last week.

Soviet operations appear to be following a now familiar pattern, the Western analysts said. As in the Panjshir Valley campaign in April, May and June, the Russians are reportedly seeking to clear insurgents from regions that could be used as bases for attack against the major highway that connects their main bases.

This runs from Termez on the Amu Darya River, the frontier between the two countries, south, southwest and finally north passing through Kabul, Ghazni, Khandahar the Herat until it crosses the Soviet border about 50 miles north of Herat.

All the main Soviet strongholds are on or close to this highway and from a military standpoint, the analysts said, it is essential that traffic move freely if the Soviet forces are to have logistical support for their operations.

ATTACK IN LOGAR VALLEY

The attack in the Logar Valley, according to reports from Afghan sources in Islamabad, Pakistan, appears to have been prompted by the return of villagers who had been driven out by intense Soviet bombing last year. Their return re-established the villages as bases for guerrilla raids on the Soviet forces.

The offensive, Western analysts said, included drives by Soviet infantry, tanks and armored fighting vehicles into the valley from the south and north. These ground operations were said to have been accompa-

nied by heavy bombing of villages in the valley and the destruction by ground forces of food stores and wells.

These Soviet tactics, aimed at uprooting the rural population that generally supports the insurgents, are regarded by many Western analysts as the most serious threat to the rebels' future.

One British estimate is that just under one-third of Afghanistan's prewar population of about 15 million has been displaced. the majority of the refugees have fled to Pakistan and Iran, while the rest have left their fields for the mountains or for villages outside the combat zones.

DIFFERENCES IN LEADERSHIP

Meanwhile, reports of serious differences at the highest level of the Afghan Government, involving shooting in at least one incident, are also reaching Western capitals, Western intelligence sources said.

These reports, they said, may reflect the split within the Afghan Communist Party between the Khalq (Masses) faction of the party and the Parcham (Banner) faction. The latter, according to the intelligence sources, holds most of the important Government posts.

One report, which could not be confirmed, is that the Minister of Defense, Gen. Abdul Qader shot and wounded the Minister of Communications, Lieut. Col. Muhammad Aslam Watanjar.

The reasons for President Babrak Karmal's protracted stay in the Soviet Union are unclear. He is still in Russia two weeks after Tass, the official Soviet press agency, announced that he had arrived for "a brief visit."

He, like most of the higher officials, is a member of the Parcham faction. The majority of the army's officers belong to the Khalq faction.

[From UPI, July 31, 1984]

AFGHAN

(By Neal Robbins)

NEW DELHI.—Soviet and Afghan troops backed by warplanes and hundreds of tanks have launched a major offensive against rebels in the Shomali Valley that has reduced entire villages to rubble, Western diplomats said Tuesday.

The diplomats said Soviet and Afghan troops have met heavy resistance from Islamic rebels since the offensive in the strategic valley north of the Afghan capital began about three weeks ago.

They said the drive into the Shomali, through which runs a road connecting Soviet bases, coincided with new Soviet campaigns in the Panjshir Valley northwest of Kabul and the Logar Valley southeast of the capital.

The diplomats said Soviet warplanes and tanks pounded the towns of Guldara, Qarabagh and, Shakardara as well as smaller villages in the Shomali. There were no details of casualties, but destruction was described as widespread.

"An eyewitness said he saw hundreds of tanks and armored personnel carriers, the largest assembly of such weapons he had seen since the war began" with the Soviet invasion of 1979, one source said.

"He saw massive destruction throughout the Shomali, and sometimes whole villages were reduced to rubble by Soviet bombing," the source said. There were no details on casualties.

In Shakardara, a bomb exploded outside a home last Wednesday, killing 12 members of a family when a wall collapsed, the diplomats reported.

They said rebels put up heavy resistance, shooting down a MIG warplane and a helicopter.

The Soviets are believed to be trying to remove insurgents from areas where attacks could be mounted on a major highway connecting Soviet bases, a Western analyst said.

The offensive follows a major offensive in the Panjshir last spring that left Soviet forces in control of most of the valley, which opens onto the Shomali and the highway running through it from Kabul to the Soviet border.

On July 17, a large force of Soviet and Afghan Government troops battled rebels at the upper end of the valley near the town of Khenj, a source said.

In the Logar Valley, southeast of Kabul, Afghan forces backed by Soviet air support launched a two-pronged attack to open the road from Kabul to the nearby city of Gardez, the sources said.

The drive appeared to be aimed at opening supply routes to beleaguered outposts, they said.

Afghan rebels are fighting to expel the estimated 105,000 Soviet troops occupying the country and oust the Soviet-backed Communist Government.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the minority leader.

"STAR WARS" CANNOT STOP CRUISE MISSILES, BOMBERS AND SUBMARINES NUCLEAR ATTACKS—THE SOVIETS COULD EVADE IT

Mr. PROXMIRE. Mr. President, this is the seventh and last response I shall make to Gen. Daniel Graham's letter to me in defense of "star wars." General Graham has set forth arguments he has selected opposing "star wars." He then replies in more detail in support of the antimissile system. I strongly disagree with General Graham and "star wars." So Mr. President, let me state the general's seventh and last argument in support of the antimissile system at this point:

7. IT WON'T STOP OTHER KINDS OF ATTACK

Answer. True enough. High Frontier cannot defend against bombers, cruise missiles, close-in submarines firing at short range or weapons in suitcases. But the Soviets will not attempt a first strike with such weapons. It takes too long to carry out and there would be no chance of a crippling blow to our retaliatory systems.

High Frontier is designed to cope with the current and real threat of deliberate or accidental strike by the most dangerous of nuclear weapons, the long-range ballistic missile. Further, it provides a means of survival should deterrence somehow fail—not a means to escape all damage, but a far more reasonable choice than mere vengeance for the death of our nation and people, which is the essence of the situation today.

Mr. President, General Graham has saved the most serious weakness of the "star wars" for his final response. The general agrees that this immensely expensive antimissile program will do nothing to stop nuclear attacks on our country from "bombers, cruise missiles, close-in submarines firing at close range, or weapons in suitcases." So what will be the Soviet Union's reaction to the United States production and deployment of "star wars"? Simple. They have an easy option. They can stick with their land-based ICBM's, but beef them up by a factor of 5 or 10, whatever it takes to overwhelm our antinuclear missiles. Or they can concentrate on building and deploying cruise missiles, bombers, and submarines or terrorists carrying suitcases as a handy supplement. Or, of course, they can and probably would do both. None of this would take any advance in technology beyond today's capability.

The "star wars" defense could not develop any foreseeable technological breakthrough to stop any of these modes of offensive nuclear attack and General Graham admits that. Let's consider them in order.

Why would "star wars" be helpless against a nuclear attack by cruise missiles? Cruise missiles, in the first place, are extraordinarily small, only about 20 feet in length. Most important, the cruises hug the ground. With a map in their "brain," they can be programmed to fly over, around or into cities. They evade radar. How could a defensive antimissile net catch, let alone destroy, them? It could not. General Graham admits as much.

How about range? Could they reach all significant targets in the United States? Absolutely. They already have a range of 1,500 miles or more and the range is being constantly extended. They can be fired from directly off our coast from submarines or from bombers or even from such innocent appearing vessels as fishing boats. They could not only reach New York, Boston, Washington, Los Angeles, San Francisco, New Orleans, they could hone in on Chicago and Pittsburgh, St. Louis and Kansas City, Denver and Omaha. They could hit every military target in United States.

It is true that presently, cruise missiles are kiloton instead of megaton weapon systems. But cruise missiles can carry up to a 250-kiloton payload. That means they already have a nuclear payload more than 10 times the size of the A-bomb that wiped out Nagasaki and the A-bomb that wiped out Hiroshima. That is how powerful they are. Even without any technology improvement, cruise missiles can be produced, deployed, and launched in a volume that would provide the same aggregate megaton payload as intercontinental ballistic missiles.

As General Graham concedes, submarines and bombers could be used as

platforms for much larger nuclear weapons by the Soviets with total effectiveness against the most elaborate kind of "star wars" defense. And "star wars" would do nothing against a final, mopup attack by the Soviet Union against any American targets that remained using terrorists as he puts it, with suitcases. A "star wars" defense would neither lessen the severity of a Russian nuclear attack significantly nor delay it.

"Star wars" at best could only change the nature and direction of the attack. So to answer each of the arguments that General Graham makes in summary, "star wars," would constitute a trillion dollar failure—talk about deficits—for the following reasons:

First, in all likelihood it will not work.

Second, it would certainly be enormously expensive.

When I say a trillion dollars, I mean just that. If you carefully examine all the data, the Defense Department now is guessing at something like half a trillion dollars. When they guess at half a trillion dollars, you know it is going to be at least twice as expensive in the long run, based on their previous record.

Third, it would carry the nuclear arms race into space. And it would not only create a new immensely expensive arms race in defensive missiles; it would also sharply aggravate the offensive, nuclear arms race to overcome the defensive systems.

Fourth, it is certainly provocative and destabilizing because it could threaten the nuclear stalemate, the balance of nuclear forces, that has kept peace between the superpowers for more than 30 years, by pushing both superpowers off on an unpredictable, highly dangerous course.

Fifth, it would virtually destroy arms control. The Anti-Ballistic-Missile Treaty would instantly become a dead letter, if we deployed "star wars." Satellites which represent the eyes and ears of arms control would become vulnerable at any moment the new technology wished to take them out. The complex new defensive arms race and the certain-to-be-stepped-up offensive missile race which "star wars" would provoke would make arms control verification exceedingly difficult if not impossible.

Sixth, a "star wars" defense would be conspicuously vulnerable to an adversary that simply produced enough offensive missiles to blow it away, as well as to technological advances in offensive missiles that could frustrate it. Since nuclear weapons production of immense megatonnage is far and away the cheapest kind of military power per pound of destruction, we can be sure the Soviets would develop whatever offensive nuclear capability they needed to defeat "star wars."

Seventh, "star wars" provides absolutely no defense—as General Graham, its most vigorous advocate, stipulates—to ground-hugging cruise missiles, to submarines, to bombers, or to a terrorist with a suitcase. So we would have to erect this immensely costly "star wars" defense with the full knowledge that the Soviets could not only overcome it by increasing the numbers of their offensive ICBM's, but could completely evade it by relying on cruise missiles, bombers, and submarines.

The uselessness of "star wars" should teach us that there is no substitute for arms control negotiations leading to a mutual, verifiable nuclear freeze, followed by negotiated joint reductions of nuclear weapons on both sides. It also teaches us that, in the meantime, we have no recourse except to rely on deterrence—grim but practical—that has kept the peace for more than 30 years.

THE TIBETAN PROBLEM

Mr. PROXMIRE. Mr. President, in the past 25 years, the world has heard little of the people of Tibet. When the Chinese imposed a military dictatorship on the Tibetans in 1959, they restricted communications, and Chinese propaganda became the primary source of information on Tibet.

Over the years, however, the outside world obtained bits of information suggesting that the Chinese Communist regime suppresses Tibetan culture and religion. On June 23, the New York Times printed an essay by John F. Avedon on the current situation in Tibet, revealing the possibility that Tibetans are suffering at the hands of the Chinese. New evidence from Tibetan refugees in India indicates that Tibetans may have been subject to forced labor, starvation, and imprisonment. The reports estimate that 1.2 million Tibetan deaths have resulted from these policies.

The new evidence also suggests that there have been deliberate attempts to destroy Tibetan culture. Over 6,000 monasteries have been demolished, and artifacts have been ruined or sold. These acts are especially upsetting because Tibet has been at the heart of Buddhist art, literature, and religious study for milleniums.

The number of major uprisings in the past 25 years suggests that many Tibetans are strongly opposed to the imposition of Chinese military rule. When the Tibetan leader, the Dalai Lama, was forced to flee in 1959, as many as 100,000 Tibetans followed him and settled in India, Nepal, Bhutan, and Sikkim. These refugees have managed to retain their national identity, and they have become a symbol of freedom to the Tibetans controlled by the Chinese military. The Chinese Government has had to keep a tremendous troop force in Tibet in order to maintain dictatorial control.

Because the alleged cruel policies have resulted in a horrifying number of deaths, Mr. Avedon called the situation a holocaust.

Mr. President, the reports of human suffering in Tibet are unconfirmed. But if it is true that the military regime in Tibet is ruling in a violent, oppressive fashion that is destroying an entire culture, then the world community should act to save the Tibetans.

To do this, it needs the Genocide Treaty. The Genocide Treaty makes the intentional destruction of a racial, ethnic, religious, or national group a crime under international law. The United States has yet to join the 92 other nations who have already ratified this human rights treaty.

We do not know the extent of the cruelty of the military government in Tibet. We do not know if there is genocide taking place in Tibet. But we do know that the United States must ratify the Genocide Convention. That means the U.S. Senate, this body. Presidents, both Republican and Democratic, have consistently pleaded with this body to ratify the convention. We have refused to do it.

As I have pointed out many times, the overwhelming proportion of organizations in this country that have studied the Genocide Treaty have asked us to ratify it. The American Bar Association, which opposed the treaty for some years, is now satisfied that it is in our national interest and enthusiastically endorses and supports it. Every religious organization, Protestant, Catholic, Jewish, all of them endorse the Genocide Treaty. All of the fraternal organizations which have acted on this treaty have endorsed it. It is only opposed by the John Birch Society, the Ku Klux Klan, and a few of the far-out organizations that every Senator I know repudiates at every opportunity we get to repudiate them.

Ratification of the Genocide Convention would show our disapproval of any inhumane policies that threaten a people's survival.

Mr. President, I ask unanimous consent that Mr. Avedon's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHINA'S TIBET PROBLEM

(By John F. Avedon)

Thirty-four years after its invasion of Tibet, China remains in a quandary on the roof of the world. After seven years of secret negotiations with the Dalai Lama, Tibet's exiled ruler, the difficult issue of Tibetan independence remains unresolved. The talks are stalled, but underneath their stated positions both sides seem interested in working out a deal—for more or less

freely administered automomy. The burden is not on China—to recognize the full extent of Tibetans' nationalism and need for sovereignty and to take steps to advance the negotiations.

For more than 20 years, Chinese propaganda has portrayed Tibet as "the darkest feudal serfdom in the world." In fact, nothing could be further from the truth. Though Tibet's economy was undeveloped and its social system stratified, its ancient civilization stood out as one of the most impressive in the world history. A nation the size of Western Europe, in which one-quarter of the male population was monks, Tibet alone possessed the entire body of Buddhist literature and liturgy. Its state-run medical colleges taught the 2,500-year-old science of Buddhist medicine, and its 6,000 monasteries had, for more than a millennium, been centers of scholarship and art.

The Chinese invaded in 1950. They conquered the country easily, although they allowed the Dalai Lama to rule as a figurehead. In 1959, a popular revolt against Communist economic and cultural reforms spread to the capital, forcing him to flee, followed by 100,000 refugees. Since then, Peking has ruled Tibet directly—and little news about the country, apart from Chinese propaganda, has reached the outside world.

Now, evidence obtained by Tibetan refugees living in India has provided the first glimpse of what can only be called a holocause. Forced labor, imprisonment and widespread starvation have caused the deaths of an estimated 1.2 million Tibetans—one-seventh of the population. A total of 6,254 monasteries have been gutted, their priceless art treasures either melted into bullion or sold for foreign exchange. The buildings were razed by field artillery and dynamite: Their ruins now pock the dramatic landscape—a constant reminder of the terror of the last 25 years.

By China's own admission, Tibet is the poorest region in the People's Republic. What Peking does not speak about is the sustained unrest of the Tibetan people and the continued need for stringent military control. Since 1959, there have been at least 50 major uprisings. There are more than 100,000 political prisoners. Amdo, Tibet's northeastern province, is home to the largest gulag in China—or anywhere in the world. It houses some 10 million prisoners—most of them Chinese. Peking maintains a half-million troops in central Tibet—one soldier for every 12 Tibetans. Tibet remains in an explosive state: In the latest round of arrests, last autumn, 3,000 dissidents were interred and 35 publicly executed.

Peking knows that it cannot bring stability to Tibet unless it is able to convince the Dalai Lama to return. He and 100,000 refugees have constituted a democratic government in exile based in Dharamsala, India. They have recreated a self-sustaining society that preserves Tibetan culture and functions as a living refutation of China's claims. The six million people remaining in Tibet look to them as the sole hope for Tibetan freedom. The Chinese have sought unsuccessfully to persuade him to come home since 1977: They hope he will preside over an apparently legitimate government under their control. He has shown no interest in returning under those conditions but continues to talk to Peking and has offered to visit in 1985—a visit the Chinese had hoped to use to strengthen their position among Tibetans and justify it to the rest of the world.

Yet throughout the negotiations, China has behaved in a duplicitous and ultimately self-defeating manner. It continues to promise widespread liberalization and a measure of self-government. Nonetheless, Peking has increased its troop strength in Tibet and drastically tightened public security.

Compromise is possible. The Tibetan government in exile has not admitted that it would accept anything less than complete independence. China maintains that Tibet is an inseparable part of the People's Republic. Yet in fact both sides recognize that they will probably have to settle for some form of partial autonomy.

In order to reach a compromise, Peking must admit that its claims to Tibet are unfounded and unrealistic. China can never hope to amend the inestimable tragedy of having destroyed a 2,100-year-old culture in a mere 25 years. It should, however, be able to find the courage to permit a new Tibet to rebuild itself from the ruins of the old.

Mr. BYRD. Mr. President, will the distinguished Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to my good friend, the minority leader.

Mr. BYRD. Has the distinguished Senator seen the news reports of the expanded Soviet assault on helpless men, women and children and defenseless villages in Afghanistan during the past few days?

Mr. PROXMIRE. Yes, indeed. May I say that I absolutely deplore that kind of action by the Soviet Union. I think it may well constitute a planned, premeditated effort to extinguish the Afghanistan people, in which case it would be an act of genocide.

Mr. BYRD. Mr. President, will the Senator yield further?

What reaction does the Senator have to the restoration of fishing "rights" to the Soviets just off our east and west coasts? Just a few days ago, the Reagan administration removed the fishing restriction which had been placed by the Carter administration on the Soviets as a result of their invasion of Afghanistan. We hear all this hot bombast downtown about the Soviets. Perhaps the extent to which this administration went in its hot rhetoric against the Soviets in the arms control context now causes the administration to feel that it has to show a conciliatory mood by backing away from the restrictions that were placed on the Soviets by Mr. Carter—restrictions which hurt.

In the case of the grain embargo, the late President Brezhnev spoke about the weakness and the ineffectiveness of the Soviet agricultural policies. He said that before the world. The Carter administration imposed a grain embargo when the Soviets invaded Afghanistan. Then we turned around under this administration and lifted the grain embargo.

Second, this administration had beaten our European allies over the head because they wanted to enter into deals with the Soviet Union for the sale of oil and gas equipment. Then we turned around and lifted our own restrictions on such equipment after telling our allies that they ought to "hang tough," and then we did not "hang tough."

Now we are going to feed the Soviets by restoration of Soviet "rights" to fish off the east and west coasts of our country. Meanwhile, the Afghans are going to continue to starve as a result of the Soviet-scorched Earth policy; Afghans are going to bleed and die while the Soviets are going to have more to eat as a result of our conciliatory move.

I wonder if the Senator has any thoughts with respect to the hot rhetorics having gone so far as to drive the Soviets into a mood which is certainly not a placative mood toward the United States; the Soviets continue to resist entrance into arms talks, but now in an election year the administration at least is perceived to want the Soviets to come back and enter into arms negotiations. Of course, the Soviets are not to be excused, because they have used hot rhetoric as well. But in order to get them back now, the Reagan administration offers them another concession. This administration withdrew the grain embargo without even asking for a quid pro quo; then made the concession on the oil and gas equipment and technology without even asking for a quid pro quo; and now restores their so-called "rights" to fish in American waters off both coasts in an effort to placate them and bring them back into the arms control talks.

Mr. PROXMIRE. If the distinguished leader will yield, I could not agree with him more.

May I say to my good friend, as he may know, I vigorously opposed renouncing our previous but wise position on the grain embargo; it made sense. It is the one kind of forceful and effective action we could take. Sure, it is unpopular with the farmers, but it is the right kind of action. We are not going to go to war with the Soviet Union or nuke the Soviet Union. But this is the kind of economic action they understand. They have a pitifully incompetent agricultural system in the Soviet Union. Of course, their military moves on its stomach, so we were supplying the food in effect that kept their military effective in Afghanistan.

Now, in addition to that, the Senator is right about the oil and gas line in Western Europe. That was enormously helpful to the Soviet Union. There is no reason why we should help them economically. We are not going to use military actions because it could incinerate the world, but we can use economic action; it would be effective. The Senator has made a very, very good case that what we are doing is exactly the opposite of what Theodore Roosevelt advised us to do in foreign

policy—speak softly—we are not speaking softly—and carry a big stick. We are not carrying any stick at all. I think the Senator's advice is correct.

I just received a letter in response to a letter I wrote to former Secretary of State Rusk asking his views on our relationship with the Soviet Union. He took the same position that the distinguished leader has taken. I am going to put his letter in the RECORD on a subsequent day. But he pointed out that dealing with the Soviet Union is enormously difficult. Whether we are dealing with the Soviet Union or any other country, we do not make any progress by insulting them. On the other hand, we can take a tough, hard action which they will understand, and this is what we have not done. Fishing rights is a good example. The grain embargo is another. The oil and gas situation is yet another. The Senator is absolutely correct. It is an indication the administration is following, in my judgment, the reverse of the kind of policy they should follow.

Mr. BYRD. I thank the distinguished Senator from Wisconsin.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements limited to 5 minutes each.

WISCONSIN'S 10 MOST ADMIRED SENIOR CITIZENS

Mr. KASTEN. Mr. President, I rise today to give recognition to 10 outstanding individuals from my home State of Wisconsin who are an inspiration to all of us.

These individuals were recently chosen from among 100 across Wisconsin to receive the honor of being named, "Wisconsin's 10 Most Admired Senior Citizens."

All of these individuals have been active, involved members of their communities who have given of their time and efforts to help others. Their records of service are exemplary, and all have earned this honor for truly outstanding work.

They are community leaders, volunteers, educators, public servants, and business men and women. They are also, shining examples of involved and caring Americans who haven't let age become a barrier.

This Friday, these individuals will be honored at the Wisconsin State Fair in Milwaukee, and at this time I would like to enter into the RECORD their names and a brief description of their backgrounds, as provided by the Milwaukee Sentinel.

Henry Bannach, 82, of Antigo. He has been a School Board member, and has been active in the local Rotary Club. He has also served as president of Langlade Memorial Hospital.

Kenneth F. Bick, 80, of Janesville. He has been an active member of the Rotary Club and has been named a Paul Harris Fellow, the highest Rotarian honor. Mr. Bick is a member of the board of directors of the Rock County Chapter of the American Red Cross and is chairman of the Retired Teachers Breakfast Club.

Floyce Knoke, 78, of Lancaster, reads aloud to groups at the Lancaster Nursing Home, leads planned meetings for elderly activities and has been a volunteer driver in a local escort program. Ms. Knoke continues to tutor children during the summer months and is active in local children's organizations. She is active in the Grant County Commission on Aging, the Lancaster Council of Churches, and the Grant County Republican Women.

Thomas A. Leonard, 87, of Middleton, is active in medical, artistic, literary, and philanthropic activities, despite becoming almost completely blind 10 years ago. Mr. Leonard is currently emeritus professor for health sciences at the University of Wisconsin-Madison. He also is a member of the Research Review Board and the long-range planning committee at Madison General Hospital.

Alma Therese Link, 81, of Oshkosh. Ms. Link has worked on behalf of senior citizens and education. She was president of the Winnebago County Retired Teachers Association in 1975 and 1976. She also helped found the Oshkosh Senior Center and in 1979 was appointed by the Oshkosh Committee Council to the Oshkosh Committee on Aging, of which she is now president.

Laurence A. Raymer, 75, of Beloit. Mr. Raymer is vice chairman of the Beloit Senior Commission, which operates the Grinnell Senior Center. He also is vice president of the Beloit Historical Society and a director of the Greater Beloit Association of Commerce.

Lorriane Schreck, 62, of Menomonee Falls, is a volunteer director of Citizens Outreach Services of Waukesha County. Mr. Schreck is also a member of the Wisconsin Congress on Aging and is a certified consumer counselor.

Robert W. Teeples, 65, of Black River Falls, works in his community through the American Legion, Veterans of Foreign Wars, Disabled American Veterans, National Order of Battlefield Commissions, Alamo Scouts Association, both the Jackson County and State Historical Societies, and the Masonic Lodge.

Gerdine Turner, 73, of Madison. She is blind and lost both of her legs after an illness in 1980, but remains active in many organizations, including the Harmony Chapter No.3, the Order of the Eastern Star, and the Col. Charles Young unit No. 389 of the American Legion Auxiliary. She also is active in the YMCA.

Louis M. Zadra, 74, of Niagara, helped create the Niagara Senior Citizens Club and is a member of the Marinette County Commission on Aging. He is a volunteer in the Nursing Home Ombudsman program and the Lake Michigan Area Agency on Aging.

HEARINGS ON BOILERMAKERS AND OPERATING ENGINEERS

Mr. HATCH. Mr. President, the Labor and Human Resources Committee, over the last 2 years, has conducted 10 days of hearings into allegations of misconduct by certain officials of the International Brotherhood of Boilermakers, Ironshipbuilders, Blacksmiths, Forgers and Helpers, and the International Union of Operating Engineers.

These hearings were conducted pursuant to the committee's authority and responsibility to investigate matters within its jurisdiction, which includes the conduct of employee organizations.

In addition, the committee acted pursuant to a resolution which it adopted on November 15, 1983, setting forth the procedure for obtaining relevant documents, for the scheduling of hearings, and for the issuance of reports by members.

On June 20, 1984, the committee concluded the hearings on the Boilermakers and the Operating Engineers. These hearings, of course, were not an end in themselves. They were intended to form the evidentiary basis for developing whatever legislative recommendations might be appropriate to promote proper conduct by union officials and pension trustees. Toward that end, and pursuant to the rules of the Senate and the committee and the committee's November 15 resolution, I directed my staff to prepare a summary of the testimony and the documentary material submitted for the RECORD. I have also asked that my staff include any legislative recommendations.

My staff has just submitted to me the summary report and recommendations. And I directed that it be included as part of the committee record of these hearings.

It is a highly informative report, one that merits the attention of all Senators, not just the members of the Labor Committee. For this reason, I felt that it was important to draw it to the attention of the full Senate. I would like to set out this report verbatim, except for the exhibits which are too voluminous for inclusion in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HEARINGS INTO ALLEGATIONS OF MISCONDUCT BY CERTAIN OFFICIALS OF THE INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRONSHIPBUILDERS, BLACKSMITHS, FORGERS AND HELPERS, AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS

OVERVIEW

[Exhibits mentioned in text not reproducible for the RECORD.]

Despite the existing number of Federal labor laws regulating the conduct of union hiring halls and the seemingly sufficient number of Federal agencies charged with ensuring compliance with these Federal labor statutes and regulations, several local lodges of international construction unions have been allowed to engage in referral practices which are both discriminatory and unsafe. Unqualified workers have been routinely referred for work as skilled craftsmen, working qualification tests have been circumvented, and favoritism has been

rampant in choosing who will be referred for work. Since many of the construction sites invoved are at nuclear power plants, chemical plants and other industrial facilities, the potential safety hazard for co-workers and the general public cannot be underestimated. Consequently, both new legislation and an administrative recommitment to enforce existing statutory obligations is needed to ensure the safety, proficiency and durability of our nation's construction sites.

These are the conclusions of the majority of the Senate Committee on Labor and Human Resources following a two-year investigation of job referral practices by one major construction trade union—the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers, and a one-year investigation of another—the International Union of Operating Engineers. Ten days of hearings on this subject, held between May 11, 1982, and June 20, 1984, have produced compelling evidence of the following major abuses:

(1) Business agents of local lodges of these unions routinely refer unqualified persons to the most dangerous field construction projects, including nuclear and conventional power and chemical plants. Poor performance, such as bad welding, has been the result.

(2) A business agent of one operating engineers local, local 406 in Lake Charles, Louisiana, referred inexperienced women to construction jobs at chemical plants in return for sexual favors.

(3) A broad pattern of corruption, including extortion, payroll padding, and job discrimination occurred in the Operating Engineers Lake Charles local between 1975 and recent months.

(4) A Committee staff review of referrals by Boilermakers Local 154 in Pittsburgh revealed that the local improperly referred 273 persons as journeymen to construction jobs between 1979 and 1982. Seven of these unqualified persons were referred as journeymen to the Beaver Valley Nuclear Power Plant in Shippingsport, Pennsylvania. A parallel study by the General Accounting Office [GAO] found that 51 percent of the GAO's sample were improperly referred and paid as journeymen over this same period.

(5) Job discrimination in these construction locals is widespread. Youthful relatives of the Pittsburgh business agent, though only recently qualified as journeymen, earned $40,000 to $49,000 a year, while veteran journeymen who were out of favor made $10,000 or less, and in one case, only $1,400. Referral of favored workers out of the sequence in which they signed the out-of-work list also was prevalent in Boilermaker and Operating Engineer locals in Cleveland and the Operating Engineer local in Lake Charles.

(6) Two members of the International Brotherhood of Painters and Allied Trades provided affidavits that they were referred to conventional power plants around Pittsburgh and paid journeyman's wages, in 1981 and 1982, even though they had no Boilermaker experience. Journeyman's pay at that time was as much as $15.18 an hour—some 30 percent more than apprentice or beginner's pay.

(7) Extensive testimony by rank-and-file Boilermakers revealed that cheating on welder qualification tests is widespread in that union. Six different welders testified that they had taken the welding test for unqualified persons under threat of losing their jobs. And five other welders and two welding inspectors testified that they saw others cheat on the test.

(8) The Nuclear Regulatory Commission [NRC], rather than seeking to correct these problems, sought improperly to discredit a Committee witness. Shortcomings of two reports issued by the NRC on this subject emerged under questioning from the Chairman during the course of the Committee hearings on the Boilermakers Union.

BACKGROUND

The Committee's inquiry into these matters began in April 1982, when several rank-and-file members of the National Transient Division of the Boilermakers Union asked the majority's investigative staff to look into a series of allegations of corrupt practices by union officials in Pittsburgh and South Carolina, including job discrimination, the referral of unqualified welders to nuclear and other construction sites and the danger to safety posed by this practice.

The request by these men and women led to seven days of hearings before the Committee on May 11 and 13, 1982; June 29, August 2, and October 25, 1983; and June 19 and 20, 1984. Members of Operating Engineers Local 406 in Lake Charles, La, and Local 18 in Cleveland, Ohio, contacted the majority staff about similar practices in their union, and hearings were held on February 28 and 29, and May 22, 1984.

This report was completed on July 23, 1984, and includes analysis of all materials submitted by Committee witnesses and other interested parties through July 19, one month after Boilermakers Union officials testified before the Committee. Following that hearing, witnesses for the International Brotherhood of Boilermakers and its Pittsburgh local were told that the record would be closed one month later. On July 13, 1984, David W. Elbaor, counsel for the International, wrote the Committee that the International would not be able to comply with the deadline because of problems involved in obtaining documents from third parties and from the Committee staff.

It should be noted that the allegations made by rank-and-file union members had been aired in a public hearing no less than 7 months, and in some instances, more than a year prior to the hearing on June 19, 1984. Despite this ample period for preparation, the International offered no documentation which specifically rebutted the allegations made by its members. Consequently, the staff, interested in completing the report expeditiously, and not wishing to be criticized by the International for unnecessarily delaying completion of its inquiry, chose to proceed with the preparation of the report, based on material submitted by July 19, 1984. All documents to be provided to Mr. Elbaor by the Committee staff were in fact provided on June 19, 1984.

BOILERMAKER INVESTIGATION

During the 2 years of Boilermaker hearings, 19 rank-and-file union members and two welding supervisors testified under oath and made the following allegations:

Referrals

First, several witnesses stated that various Boilermakers locals (primarily Locals 154 in Pittsburgh and 687 in Charleston, S.C.) routinely referred unqualified members for work, individuals who did not possess even the bare minimum level of competency in the trade and that these individuals were paid journeyman wages of 30 percent more than the beginner's wage to which they were entitled. Moreover, witnesses testified that unqualified welders, referred through Boilermaker locals, had worked at nuclear construction sites including the Three Mile Island Plant near Harrisburg, Pa., and the Beaver Valley Plant at Shippingport, Pa.

It was unclear it first how this allegation might be corroborated. According to collective bargaining agreements governing Local 154 in Pittsburgh, strict rules were established governing who could and could not be referred for work. Between 1976 and 1979, an individual could be placed on the out-of-work list for qualified construction boilermakers if he could establish that (1) he had four years in the trade, (2) he had successfully completed a federally approved apprenticeship program, or (3) he had passed a competency examination.

In 1979, this rule was tightened to read that an individual could be referred for work as a qualified construction Boilermaker only if he had 8,000 hours in the trade or had successfully completed a federally approved training program.

How much would such a person be paid? According to the International, as explained in a letter to the NLRB dated January 12, 1982, (see p. 10) individuals who had met the 8,000 hours standard would be paid the journeyman wage.

Thus, one way of determining the veracity of the first allegation was to ascertain whether members being paid a journeyman wage had satisfied the 8,000 hour requirement.

The Committee staff first turned to the International's pension trust records, which list all the hours worked by each union member in covered employment anywhere in the United States. While these documents could not prove conclusively whether an individual did or did not have 8,000 hours, they would provide a threshold for the Committee's inquiry.

According to these documents, 699 individuals either joined or transferred into Local 154 between 1976 and 1982. At the time of their affiliation with the union, 420 or 60 percent did not have either 8,000 hours or 4 years in the trade, depending on when they joined.

With regard to Local 687, the figure was 238 or 45 percent of the union membership as of March 1, 1983.

The list of 420 names was then matched with documents Local 154 had turned over to the National Labor Relations Board. This matching indicated that of the 273 for which there was sufficient data on which to draw a conclusion, all 273 were paid the journeyman's wage even though they did not possess 8,000 hours in the trade and had not completed an apprenticeship program.

On April 14, 1984, the list of 420 names was given to Local 154 so that they could submit to the Committee any documents they might have which would indicate whether these 420 individuals had acquired 8,000 hours in the trade by some other means than working in covered employment.

In discussions with the officials of Local Lodge 154, it was learned that in most instances when an individual joined or transferred into the lodge, he would bring to the union hall W-2 records or other personal proof of his work history. A decision would be made by the local's business agent at that point as to how the individual should be classified. Each individual was supposed to fill out a qualification sheet which indicated whether he had 8,000 hours or four years in the trade, depending upon the year he joined, and these qualification sheets were retained by the local.

Consequently, the local was asked and agreed to supply to the Committee informa-

tion indicating whether each individual on the list of 420 names was actually affiliated with Local Lodge 154, a copy of the individual's qualification sheet, and what classification this individual was given when referred out for work through Lodge 154. In late May 1984, these materials were delivered to the Committee.

According to these documents, 303 of the 420 individuals on the list signed a qualification sheet which stated that the member had either 8,000 hours or 4 years in the trade. Qualification sheets were not provided for 117 persons or 28 percent of the names on the list. The materials submitted to the Committee provided no other indication of whether these individuals did in fact have 8,000 hours or 4 years in the trade, whether they were classified as a journeyman or whether they were paid a journeyman's wage.

The staff review also indicated, however, that more than half of the qualification sheets were not signed until at least 6 months after the members became affiliated with Local Lodge 154. In fact, 48 percent of the classification sheets submitted to the Committee were signed more than a year after the individual became affiliated with the union.

Consequently, the documents received by the Committee did not rebut this initial allegation. Instead, the materials submitted by the union appeared to support testimony by union witnesses that unqualified Boilermakers were being referred for work and paid at the journeyman rate. During the hearings, three of the witnesses before the Committee—Charles Shirley, Glenn Bowser, and Francis Darrell Hall—stated that they personally had been referred for work and paid at the journeyman's wage rate, even though they did not have the requisite 8,000 hours in the trade and had not completed a training program.

Moreover, the General Accounting Office testified on June 20, 1984, that in a study of 85 individuals referred for work through Local 154, 43, or 51 percent, did not have the requisite 8,000 hours nor had they completed an apprenticeship program at the time they were referred as journeymen. The GAO report was based on NLRB records and tax information generated in a job discrimination proceeding against Local 154 in Pittsburgh; it was comprehensive with respect to the 85 workers examined. The GAO stated that it sought to do a broader sample of worker qualifications in Local 154, but that its efforts were thwarted by refusal of attorneys for both the International and Local 154 to turn over the necessary documentation in time for the June 19 and 20, 1984, hearings. (GAO statement is Exhibit 1.)[1]

The attorney for Local 154, Mr. Joseph Maurizi, was asked by Committee counsel on May 22, 1984, approximately one month prior to the hearing, to provide any additional documentation that might exist regarding the qualifications of the 273 workers. No additional documentation was provided.

At the hearing on June 19, 1984, Mr. Maurizi argued that individuals were qualified on the basis of their own ability displayed on the job. Under questioning, however, he admitted that the 8,000 hour standard adopted by Local 154, to be used to determine who could be referred for work as a qualified construction boilermaker, was waived by the Local Lodge on its own volition. The waiver was not addressed in the collective bargaining agreement in force during this period, nor was it explained in the International's submission to the National Labor Relations Board on January 12, 1983, which purported to explain how Local Lodge 154 interpreted the 8,000 hour standard.

The Committee did not receive pay records concerning the members of Local 687 and, as a result, was not able to complete a comparable study of that lodge. Nonetheless, the staff went ahead and examined the pension records for that local and learned that at the end of 1982, there were 300 Local 687 members who had less than 8,000 hours Boilermaker experience. The local's late president, Mr. Kenneth Horne, told the Committee staff prior to his death in August 1983 that qualification sheets were not maintained, and indeed one witness, Charles Shirley, stated that he was not even asked his qualifications when he bought his journeyman's book in Charleston from Mr. Horne despite his not having 8,000 hours. Of the 300 Charleston Boilermakers who had less than 8,000 hours at the end of 1982, 238 were classified as "mechanics" or journeymen, 18 as trainees, 21 as apprentices, and 23 with no classification at all. At the close of the June 19 hearing Committee Chairman Orrin G. Hatch asked Mr. Charles Jones, president of the International, to provide the Committee the pay records of Local 687 to determine whether any of the 238 unqualified "mechanics" were referred as journeymen and received journeyman's pay. The attorney for President Jones replied that he would attempt to locate the documents and supply them if they were still in existence; however, the staff had not received any notification regarding the disposition of these documents by the time this report was written.

Union misstatements

Throughout the discussion of the 8,000 hour requirement for journeyman status in the Boilermakers' Union, witnesses for the International and for Local 154 in Pittsburgh made numerous statements under oath that could be interpreted as intended to confuse and mislead the Committee regarding the significance of the 8,000 hour requirement.

The 8,000 hour requirement was adopted by the union and contractors in the mid-and late-1970s as a quality control device to guard against referral of unqualified persons to construction jobs. It appeared in the collective bargaining agreements governing referrals from Local 154 from 1979, through the present, and Local 687 from 1976 to present. (Exhibits 2 and 3)

An extensive explanation of the 8,000 hour standard was contained in a January 12, 1983, letter from Joseph W. Moreland, counsel for the International, to Joseph M. McDermott, field examiner for the National Labor Relations Board in Pittsburgh. (Exhibit 4) Mr. Moreland's letter came in response to Mr. McDermott's request for clarification of the requirement as it related to a case of two rank-and-file Boilermakers who had argued that they should be referred for work on the basis of ability even though they had not completed an apprentice program and did not have 8,000 hours of practical Boilermaker field construction experience. (Exhibit 5)

The Moreland letter made clear that the 8,000 hour standard adopted by the union was an absolute standard for journeyman referral and pay. It stated that the union agreed with employers that "a uniform standard requiring practical experience roughly equivalent to that acquired through a formal apprenticeship program, four to five years of full-time on-hands experience should be required of those who did not have the benefit of formal apprenticeship training. The 8,000 hours requirement for classification of a registrant as a journeyman Boilermaker was the amount of experience agreed upon in such negotiations."

Moreland went on to state that: "the 8,000 hour requirement is obviously intended to serve as an objective mechanism whereby both to avoid any inference of invidious discrimination and to assure contractors that they will receive the services of skilled, experienced construction boilermakers in accordance with the wage scale set forth" under the 1979 collective bargaining agreement between Local 154 in Pittsburgh and the Boilermaker Employers of the Western Pennsylvania area. The letter concluded that the 8,000 hour requirement for registration on the out-of-work list could not be characterized as "arbitrary." According to Moreland:

"This requirement for journeyman referral and compensation is not an abstract figure plucked from the air or accepted with nadiral disinterest in the desires of the membership. Bonafide collective bargaining has produced precisely that which the law seeks to promote: a peaceful accommodation of competing interest effected by the parties themselves."

Moreland said the 8,000 hour standard had been adopted by a "majority" of Boilermaker locals where "collective bargaining has resulted in an election to adopt referral standards conforming to the minimum standards."

Despite the clear and precise language of the Moreland letter, Boilermaker witnesses testified evasively regarding the application of the 8,000 hour requirement. In a sworn statement provided to the Committee on October 25, 1983, International President Charles Jones said, "There is no link between 8,000 hours and membership or any classification in this union as a mechanic or journeyman, and no contractor can be forced to hire a referral based on union membership." Neither the chairman nor any witness contested the Jones statement with respect to union membership, as there is provision under the Union's constitution for "Apprentice", "Helper", and "Trainee" memberships for persons with less than 8,000 hours. However, the Chairman and majority staff considered it a significantly misleading statement that 8,000 hours had nothing to do with the journeyman's classification. As the Chairman pointed out repeatedly on June 19, amid union disclaimers, the Moreland letter "speaks for itself" on that point: the 8,000 hours clearly was the standard for journeyman's classification and pay.

In addition, witnesses for the General Accounting Office and the Pennsylvania Crime Commission testified on June 20 that the employer witnesses they had interviewed in the course of investigations on referrals of

[1] Following the hearings, the GAO reviewed the Committee's documentation on referrals of unqualified Boilermakers. On July 23, it reported to the Committee that it agreed with the majority staff that 255, or 96 percent, of the 273 persons in the majority staff's study had been referred improperly. The 255 persons found to be unqualified by the GAO included all seven of the unqualified persons that the Committee staff determined were referred improperly as journeymen to the Beaver Valley Nuclear Power Plant in Shippingport, Pa. See p. 24.

unqualified persons uniformly believed that any person referred to them as a journeyman should have 8,000 hours. The Pennsylvania Crime Commission witness, Mr. Chris DuCree, director of the Commission's Pittsburgh office, testified that referring out workers as journeymen without 8,000 hours work experience or completion of an apprenticeship was "theft by deception" and "illegal under Pennsylvania statute." Since the opening of his investigation in September 1983, DuCree said that more than 50 interviews had been conducted of Local 154 and National Transient members in the Pittsburgh area and that almost all of those persons interviewed had received journeyman's wages even though they did not meet the criteria for journeymen.[2]

Mr. Jones, when confronted with the Moreland letter on June 19, 1984, argued that the 8,000 hour requirement was "simply for placement on the out-of-work list" and was a "first step in the screening and testing of workers." Both Mr. Jones and Mr. Elbaor argued that employer tests would weed out the unqualified workers. However neither witness squarely addressed the testimony raised by six rank-and-file Boilermakers before the Committee that they had cheated on the test. (See pp. 32-36.) Although such admissions had been made at every Boilermaker hearing except October 25, 1983, Mr. Jones failed to investigate those allegations. The union president also ignored a conclusion that seemed to follow from reading the Moreland letter: "That no person with less than 8,000 hours or completion of apprentice training should even be on the journeyman referral list in the first place or even referred for testing." Both Messrs. Jones and Elbaor argued that competent people with less than 8,000 hours could be assigned and paid as journeymen if the contractor so desired; however, neither witness focused on the unlikelihood that such determinations were made by contractors with regard to such a large number (273) of referrals of unqualified persons identified in the Committee staff's study on Local 154. The testimony of Messrs. Jones and Elbaor also ignored the question of whether employers associated with electric utility or government construction projects had the right to pay workers more than they are qualified to receive under binding collective bargaining agreements. The majority staff feels that contractors have no such right and that to do so is to overcharge the ratepaying public or taxpayer. Where an 8,000 hour rule is in effect, persons not meeting that standard should be referred and paid as apprentices, helpers or trainees, depending upon the local binding collective bargaining agreement.

Statements by Mr. Jones regarding the findings of the GAO report and other Federal investigations also appeared to be significantly misleading. GAO witnesses stated on June 19, 1984, that Jones had incorrectly testified on at least four portions of the GAO's "statement of facts," a document on which the GAO testimony was based. Mr. Jones also made the apparently erroneous statement on June 19 that Federal agencies had "thoroughly investigated" all the charges made before the Committee" and found them and their inferences to be false, fictitious, and untrue." Jones' statement ignored the fact that an investigation of the charges by the Federal Bureau of Investigation was still ongoing, that two Nuclear Regulatory Commission investigations had been discredited at Committee hearings (see pp. 27-30) and that the National Labor Relations Board had recommended a $5 million settlement against the union in a job discrimination case that also was still ongoing. In point of fact, no Federal investigation had ever found for the union, except for the NRC reports, which focused only on a small portion of the overall allegations and were ultimately discredited by the Chairman in the course of the hearings. (Justice Department letter regarding ongoing nature of Boilermaker investigation is Exhibit 7.)

In addition, Mr. Jones testified on June 19, 1984, that "under our 8,000 hour rule, both union and non-union persons who seek placement on the hiring hall's out-of-work list from which job referrals are made are required to produce documentary or other evidence of 8,000 hours actual, practical working experience in Boilermaker-type field construction." When informed that Local 154 was unable to vouch for the qualifications of 273 of the persons it referred erroneously as journeymen between 1979 and 1982, Jones said the verification "is the warranty of the individual who makes them" and that it would be "somewhat difficult and quite expensive to go into a program of verifying each and every statement made in one of these representations."

Again, in contrast to Mr. Jones' statements, five Boilermaker employers told the majority staff in telephone interviews prior to the hearing that the unions made the determination as to who was a journeyman and that the employers generally tested only those persons referred as welders. Employer statements were as follows: Robert K. Dorman, Director of Construction for Wheelabrator-Frye, Inc. in Pittsburgh stated that "the employer calls the hall and asks for x number of journeymen. The union in turn answers the request by referring the number of journeymen requested. The only type of test conducted that would determine his/her qualifications would be a welding-certification test. Essentially you take the union's word that they are sending you what you ask for—there's a certain amount of trust involved."

Paul Heard, Equal Employment Coordinator for Universal Corp., in Baton Rouge, Louisiana, said:

"If we call the hall and ask for x number of qualified journeymen, then we assume the union will answer that request by providing us with such. If we find that they do not perform satisfactorily, then we will lay them off the job. In a sense it is blind trust that the hall will send us qualified individuals."

Jim R. Cleveland, President of Cleveland Consolidated Inc. in Atlanta, Georgia, stated that his company generally takes the union's word that those referred by them are qualified to perform the work. He, like Heard, said that a certain amount of trust was involved.

Bob Sheehan, Director of Human Resources for Schneider Enterprises, Inc., of Pittsburgh, one of the contractors at the Beaver Valley Nuclear Plant, said that his company, too, only tested welders. Asked how he knows how to distinguish between apprentices and journeyman non-welders, Sheehan replied, "The union provides us with that information."

Dean Freeman, manager, Field Labor Relations for Pittsburgh Des Moines Steel Co., stated that if he, as the employer, were to make a request of x number of journeymen Boilermakers then he would expect the union to fulfill that request and supply the needed qualified journeymen. He also said that in the past it could be possible for the union to have sent less than the number of qualified journeymen asked for and said they were qualified. In other words, they could have been paying journeymen wages to helpers and apprentices. Asked if it could easily be detected, whether a worker was qualified to receive the journeyman's wage, he stated that in some cases it would be very difficult, especially if it was a job of short duration.

"Mechanics" versus journeymen

Further confusion was caused at the hearings by denials on the part of Mr. Jones and Mr. Elbaor that the "mechanic" designation on union cards sold to various witnesses who had less than 8,000 hours and had failed to complete an apprentice program had anything to do with journeyman status in the union. "The 8,000 hour requirement has nothing to do with the mechanic's card," said Mr. Elbaor at the June 19, 1984, hearing. However, three witnesses who did not meet the union's qualification standards for journeyman status—Charles Shirley, Francis D. Hall, and Glenn Bowser—said the "mechanics" books that they purchased allowed them to be referred and paid as journeymen. Finally, the GAO's testimony left no doubt that the terms "mechanic" and "journeyman" were used interchangeably in the Boilermakers Union. "A 'mechanic' as used in the Boilermaker trade is a journeyman," said Franklin A. Curtis, Associate Director of the GAO's Human Resources Division, at the June 20, 1984, hearing.

Maurizi testimony

Another significant statement that could be interpreted as intended to confuse the Committee was the August 2, 1983, testimony by Mr. Joseph Maurizi, counsel for Local 154 in Pittsburgh, that the 8,000 hour requirement was not adopted by Local 154 until October 1, 1982. (August 2, 1983, hearign record, p. 308) In fact, the Joint Referral Committee of Local 154, made up of union and contractor representatives, first adopted the requirement on February 9, 1979, and it was incorporated into the Collective Bargaining Agreement that went into force on June 1, 1979. This information was first made available to the Committee staff in May 1984, as an attachment to the January 12, 1983, Moreland letter to the NLRB. (See Exhibit 4.)

At the time of Mr. Maurizi's 1983 testimony, the Committee staff had no way of knowing that the 8,000 hour requirement really had been put in effect in 1979—not 1982—and that the 273 persons had been improperly referred while the requirement was in effect over those three years. Confronted by the Moreland letter at the June 19, 1982, hearing, Maurizi said that he meant the requirement had not been "implemented" or enforced prior to October 1, 1982.

By failing to disclose the existence of the 8,000 hour requirement, whether "implemented" or not, between the years of 1979 and 1982, Mr. Maurizi's testimony by itself, would mislead the Committee on a significant issue. A close reading of his August 2, 1983, testimony can only leave the impres-

[2] A recent memorandum from the International Brotherhood of Boilermakers argues that potential state criminal prosecution of union officials for illegal referral practices would be preempted under the National Labor Relations Act. Such an argument, which may well be accurate, simply emphasizes the need to amend existing federal labor statutes. (Exhibit 6.)

sion that the 8,000 hour requirement did not exist in any form prior to October 1, 1982. Had it not existed, there could be no finding that 273 persons were referred improperly between 1979 and 1982. Under questioning Mr. Maurizi conceded that the local union had agreed to a collective bargaining agreement containing this requirement at the insistence of the International but that the local had chosen not to enforce it.

Uneven application of rule

Despite statements by Messrs. Jones and Elbaor that fast learners without 8,000 hours experience should get journeyman referrals, evidence emerged at the hearings that some union locals used the 8,000 hour rule against union dissidents who considered themselves qualified for journeyman work but did not possess 8,000 hours in the trade or completion of an apprentice training program.

For instance, Francis Darrell Hall, a member of a group seeking to reform Local 154's hiring practices, testified that he was unable to obtain referrals out of Local 154 because he did not have 8,000 hours Boilermaker field experience. He did, however, have 29 years experience as a welder for the Pullman Standard Company. During the same time frame that the local was denying Hall work, it was routinely referring individuals who did not possess 8,000 hours or apprentice training to construction jobs at journeyman's pay.

Another welder, Theordore Hull, a dissident member of Local 744 in Cleveland, Ohio, testified that he was not referred despite 20,000 hours total Boilermaker experience because about 14,000 of those hours were in a Boilermaker "shop" instead of "field" local. At the same time, he said, numerous friends and relatives of Local 744 officials were getting referred as journeymen, without having 8,000 hours of apprentice training.

A third rank-and-file witness, Charles Shirley, a 7-year veteran Boilermaker with previous experience as a millright welder, told the Committee that he could no longer get referrals out of Local 154 because he was 40 hours short of having his 8,000 hours. Shirley called his predicament a "Catch 22" situation. He held a fully qualified union journeyman book but could not get the 40 hours necessary to complete his 8,000 hours and thus get on the journeyman referral list. Nor could he get the local to credit his previous service as a millright welder.

Such uneven applications of the 8,000 rule are egregious and should not be permitted by the union. In the staff's opinion, exceptions should be made for comparable experience such as that of Hall, Hull and Shirley. However, a competent young Boilermaker should have to complete an apprentice or trainee program in the time-honored guild tradition of the construction unions, before he can be referred as a journeyman and get journeyman's pay.

Favoritism

Numerous witnesses also testified at the hearings that they were discriminated against by business agents who referred friends or relatives out of sequence on the local's out-of-work list.

Cleveland Boilermaker Theodore Hull, by now relegated to a "C" list for referrals of members in a sub-journeyman classification, testified on June 20, 1984, that he was incurring the same discrimination on the "C" list that he had experienced on the "A" list. The "A" list included numerous relatives and friends of union officials who had been placed on the list despite their lack of qualifications. Mr. Hull said that on June 7, 1984, he was told by Local 744 officials that 9 persons were ahead of him on the "C" list, but he subsequently learned that 10 persons had been referred in front of him by the time of his testimony before the Committee some 13 days later. Hull said he had asked for his place on the list "many times" over the last 6 years, but that June 7, 1984, was the first time he had ever been told. He said he never had been allowed to examine the local's out-of-work book over this period.

Another Local 744 witness at the June 19, 1984, hearing, Joe Danko of Newell, West Va., said he had been "bypassed many times" on the Local 744 out-of-work list. "I'm not held in too high esteem there for the simple reason that if something is wrong, I make it a point to make sure that it's known." Mr. Danko also alluded to the discriminatory nature of the different types of referral lists kept by the local. "They have three referral lists," he said. "They have the A list, the B list, and the C list, and which list you're on depends on how much esteem you're in."

A pattern of discrimination clearly had developed in Pittsburgh Local 154 between 1979 and 1982, when relatives and friends of the late business agent, Fred Gualtieri, were earning 5 to 10 times what Mr. Gualtieri's critics were earning, although all were qualified journeymen who were entitled to equal treatment on the local's out-of-work list. For instance, in 1980, Wayne Boring, a witness before the Committee in 1982, earned $8,127, while Gregory P. Gualtieri, nephew of the late business agent Fred Gualtieri, made $49,171. In 1980, Anthony Asolone made $5,064, while Michael P. Gualtieri, the son of Fred Gualtieri, made $42,910, and William A. Lawlor, Jr., son of Local 154 business representative William Lawlor, Sr., made $37,935.

In 1981, Darrell B. Hall, a witness before the Committee in 1981 made $1,404, while Richard K. Rittenhour made $30,807. According to testimony by Local 154 member John Fleck on June 29, 1983, Rittenhour's father worked as a carpenter on Fred Gualtieri's vacation home at the Seven Springs Resort near Pittsburgh in the late 1970's.

Also, in 1981, Gary Boring, a witness before the Committee in 1982 and 1983, made $16,227, while Gregory P. Gualtieri made $42,477. And in 1981, Wayne Boring, Gary Boring's brother, made $12,445, while Carl Pitzerel, a cousin of Fred Gualtieri's, made $31,043.

In 1982, Robert P. Stockdill, a witness before the Committee in 1983, made $4,439, while Michael P. Gualtieri made $29,220. And in 1982, Gregory P. Gualtieri made $39,998, while French Gower, a witness before the Committee in 1983 and 1984, made $7,100.

When these comparisons were raised by the Chairman at the June 19, 1984, Committee hearing, Local 154 Attorney Joseph Maurizi objected that the comparison was unfair because the union dissidents had not necessarily been seeking work at all times in Local 154's jurisdiction and might not have accepted all jobs that were offered to them. However, Mr. Gerald Kobell, Director of the NLRB office in Pittsburgh, told the Committee staff that he considered these factors prior to seeking large monetary awards for Gary and Wayne Boring, Anthony Asolone, Darrell Hall, Robert Stockdill, and French Gower. The NLRB proposed restitution of $398,847 in total lost earnings due to discrimination against these six individuals between 1977 and 1982. These amounts are being contested by Local 154 and were not expected to be finalized before October 1984. The local in July 1984 offered a $2.5 million settlement of the NLRB's overall $5 million claim for the 78 dissidents involved in the case, but this was rejected by the dissidents. (NLRB's proposed restitution order is Exhibit 8.)

The depth of animosity against dissidents in Local 154 was further illustrated when two members of the International Brotherhood of Painters and Allied Trades in Pittsburgh submitted affidavits stating that they had been referred as Boilermaker journeymen and received journeymen's pay in 1981 and 1982—years in which dissidents received very little work out of Local 154. The affiants, Thomas J. Smith and John A. Nagy, said they had absolutely no experience as Boilermaker journeymen at the times they received their journeymen referrals to power plants in the Pittsburgh area.

Testimony regarding hiring abuses in Local 687 in Charleston, S.C., was given on June 29, 1983, by a confidential witness who testified behind an opaque screen to protect his identity. This witness, known as "Welder No. 1—South Carolina," said that unqualified persons who were friends of the local business agent were being referred ahead of veteran journeymen on the out-of-work list. "In my local alone, I would say that 65 to 70 percent (of the 750 members of the local) are unqualified." He said journeyman books were sold to carpenters, bartenders, bar owners, and persons from other trades that had nothing to do with Boilermaking. "What I am trying to tell you," he added, "is that these guys have never seen a Boiler. Some of them are apple packers. Some are car salesmen. Some of them are just plain deadbeats. They could not hold a job at all without a union book in their hand."

Safety concerns

The apparent abuses of the 8,000 hour rule, a rule adopted by the union to ensure a minimum level of competency in the trade, and the ambivalent attitude toward enforcement of the rule that was displayed throughout the hearings by witnesses for the International, raises concerns over the safety of the plant projects to which unqualified workers are referred.

At the June 29, 1983 hearing, Welder Witness No. 2, a confidential witness from Pennsylvania who testified behind the screen, stated under oath that approximately 60 percent of the Boilermakers he worked with in the fuel pool system on Unit 1 of Three Mile Island in the mid-1970's were not qualified for the union journeyman books they held. He said that many of these persons had bought their books "right there on the job" from John Chappel, a business agent for Local 636 in Titusville, Pennsylvania.

Related testimony about the lack of qualifications on the part of some members of Local 636 came from James Quinn, secretary-treasurer of Local 154, who testified at the June 19, 1984, hearing that Local 154 at one point had found it necessary to stop referring out Local 636 members because of their lack of qualifications. Quinn said:

"Once it was determined that Local 636 cards were coming in with every Tom, Dick and Harry off the street that couldn't do anything, but the fact that they had a Boilermakers card, I personally went to the International Vice President of our area and

asked him to look into it. He looked into it and stopped it as far as Pittsburgh went, and Pittsburgh did not put any 636 new men on."

In its study of Local 154's referral of 273 unqualified Boilermakers as journeymen between 1979 and 1982, the majority staff attempted to identify the locations to which a sample number of these persons had been referred. The staff wrote and received responses from four major contractors in the Local 154 area—Babcock and Wilcox, Inc., Foster-Wheeler Energy Corp., Schneider Enterprises, Inc., and GPU Nuclear. Responses indicated that between 1979 and 1982, seven unqualified persons who did not meet the 8,000 hour standard had been referred by Local 154 to the Beaver Valley Nuclear Power Plant at Shippingport, Pa., and 166 others had been referred to conventional power plants or other industrial facilities in the local 154 area.[3]

Testimony throughout the hearings revealed that dangerous practices can be the consequence of referrals of unqualified persons and lax monitoring procedures on the part of union officials and company management. For instance, Welder Witness No. 2 at the June 29, 1982, hearing, testified that "some of the worst work I've ever seen" was done on the Three Mile Island Unit 1 fuel pool and fuel transfer pipe where the witness worked with allegedly unqualified persons. The witness testified that some incompetent welders attempted to weld "with stick wire and they could not weld it. So it was undercut, full of sludge. They just took a tig torch and washed it down and left the slag right in there. . . There is one big transfer pipe. The whole one end of the reactor side was like that, and there were probably 25 or 30 studs in the fuel pool itself, where they had had bad welds and they took and washed them all down with a tig torch to make them all look unform."

The witness testified that although the Nuclear Regulatory Commission did not consider the fuel pool a primary safety-related system, the fuel pool residue constituted nuclear waste, and if the fuel pool ever fell apart, nuclear waste could leak and cause an accident.

In related testimony, witnesses testified as follows:

French Gower, a member of the National Transient Division of the Boilermakers Union, testified that he was ordered to do electrical wiring at the Beaver Valley Nuclear Plant in 1980, even though he was a Boilermaker and not an electrician. Mr. Gower also tesitifed that at the Cardinal Power Plant in Brilliant, Ohio, in 1980, unqualified welders cracked all the welds on a device called the "super heater header" on the boiler.

Walter J. Fisher, of Runnemeade, N.J., a retired member of Boilermaker Lodge 329 in Philadelphia, testified that a boiler at the Toronto, Ohio, plant at Ohio Edison Electric Co. had to be completely redone because of shoddy, improper workmanship by inexperienced and unqualified welders. Fisher said that when he spotted a bad weld on the job, he informed the welder and said, "It is no sin to admit that you can't weld. You might be a tacker or something like that, but you're welding a joint there that is going to leak. Why don't you tell this guy to put you on as a fitter?" Fisher said, however, that the job foreman did not care: "He did not say anything. Neither did the pusher. So the guy just kept on welding."

Theodore Hull testified that on a job at the Hammermill Paper Co. in Erie, Pa., in 1983, a fellow boilermaker "was so drunk he just couldn't handle the job and he blew a big hole in the bottom of the tube" that he was welding. Hull said the foreman did not fire the welder but told him to "go in some corner and sleep it off."

Thomas J. Smith, one of the two painters who were referred as Boilermaker journeymen in Pittsburgh, wrote in his affidavit about the competency levels of those working at the power plant job to which he was referred in 1981:

"All painters worked the day shift, and Russ Franciscus, Ed 'Bunko' Wagner, and Whitey Rabitow, also painters, worked at night on the job. I worked with an impact hammer, a spud wrench, and a burning torch on the expansion joint of the precipitator. I also assisted a welder who welded brackets on upside down because he did not know what he was doing. I had no boilermaking experience before, so I had to ask the foreman, pusher or other workers how to do each job assigned."

Welder Witness No. 1, the South Carolina witness who testified at the June 29, 1983, hearing, said he had witnessed poor work on the part of unqualified welders on the last two power plant jobs to which he had been referred. "It was worse than shoddy—it was a first-class butcher job." He said he had observed numerous bad welds on those jobs as well as dangerous practices such as lifting materials with cables that were under strength. In one instance at the Cross, S.C. Generating Station in 1982, he said that several unqualified welders failed to pass their welding test but the union put them to work anyway.

Gary Boring, a National Transient Division member who gets his work referrals out of Pittsburgh Local 154, testified that while welding on the condenser of Three Mile Island Unit 2 in the mid-1970's, he wanted to remove some slag that was present in a weld that had been started by another welder. But when he brought this to the attention of the foreman, he was told to go ahead and weld, regardless of the slag present, which he did. Boring also alleged to NRC investigators in 1979 that several unqualified welders had bought union "books" that allowed them to work at Three Mile Island without pssing welding tests.

NRC REPORTS

NRC sought, improperly in the opinion of the majority staff, to discount the allegations by Gary Boring and the confidential witness who testified on June 29, 1983, to minimize the problems at Three Mile Island.

First NRC report

On April 9, 1980, NRC issued a report finding "no evidence" to substantiate charges Boring had made to NRC in 1979 regarding his own bad welds and the presence of unqualified welders at Three Mile Island. At the May 11, 1982, hearing, however, it was revealed that (1) NRC did not contest Boring's allegations of slag in his own weld but simply ignored that incident because "the condenser is a non-safety system not included in the quality scope of work at Three Mile Island", and (2) NRC had dismissed Boring's allegations of unqualified welders working with illegal books at Three Mile Island without interviewing any of 34 principals named by Boring. (Boring testified that he had been asked by Labor Department investigators not to give NRC the names; however, NRC did not make any effort to get them from the Labor Department and closed its investigation without interviewing any of the 34 individuals. See May 11, 1982, hearing record, p. 52.)

It should also be noted that the NRC's contention that the condenser is not a "safety" system was contradicted by the NRC's subsequent testimony that radioactive material could leak from the primary to the secondary side of the cooling system, where the condenser is located. (June 29, 1982, Hearing Record, p. 84.) While damage to the condenser would not be potentially as serious as would damage to a pipe in the primary or secondary cooling loops, allegations of bad welds in the condenser or any other section of a nuclear power plant should not be taken so lightly by the NRC. And the presence of bad welds in a "non-safety" system should make NRC more wary that they could have occurred in a "safety" system as well. (NRC Report is Exhibit 9.)

Second NRC report

Following the May 11, 1982, hearing, NRC made another attempt to discredit Gary Boring. In a report issued on June 10, 1983, NRC stated that Boring had retracted his earlier statement about bad welds at Three Mile Island. The report accused him of making "direct contradictions" in his statements, and it questioned his continued credibility as a government witness. Questioning of a panel of NRC witnesses at the June 29, 1983, Committee hearing revealed, however, that NRC had confused what Boring was saying. He had said only that he had no knowledge of bad welds at what NRC considered "safety" systems, but he had not retracted his statement about bad welds in the condenser, a "non-safety" system. (June 29, 1983, hearing record, p. 142-149.)

Boring testified at the June 29 hearing that in an interview on March 29, 1983, he had repeated his statement about bad welds in the condenser but that NRC investigators had disallowed it and wanted to talk to him only about the safety systems. When he told them that he had no knowledge about any bad welding in those systems, he said NRC characterized his statement as saying he had no knowledge of any bad welds at all, which was not what he had said. After confusing him in this manner, NRC accused Boring of making contradictory statements, which he in fact had not made. Chairman Hatch asked "How can your agency in good conscience dismiss his (Boring's) entire testimony as contradictory, when an affidavit which your own investigator drafted on his own terms left out critical information that had been given your agency by Mr. Boring on at least two or three different occasions? That is what you are using to compare with his statement . . ." The Chairman concluded that:

"It seems to me you chose to dismiss the entire investigation because Gary did not work in the 'safety' area. Now, whether Gary worked or did not work in the safety area should not be determinative, because he shows that unqualified welders were working on the nuclear site. I think if you had interviewed the 34 welders (on Boring's list), you might have found out where they worked and maybe have resolved the issue." (NRC later asked the FBI to interview the 34 welders so as to assure confidentiality of

[3] This report will not identify these individuals by name because of an agreement with the union not to disclose names of persons for whom pension records and qualification sheets were provided by the union as a means for the Committee's identification of worker qualifications.

their interviews. NRC said it could not legally grant absolute confidentiality. See Exhibit No. 10.)

Ultimately at the June 29, 1983, hearing, NRC investigator R. K. Christopher, one of the NRC agents who had interviewed Boring on March 20, 1983, repudiated the report's statements questioning Boring's credibility: "I do not question Gary's credibility or his intent by any stretch of the imagination." Rather he said his agency did not have the resources to focus on the condenser allegations or interview the 34 welders. "What I think we are trying to state in our position is that . . . we have extreme resource problems," Christopher said. "I have the sum total of three investigators in my office to cover the entire United States." In the staff's opinion, under close examination, NRC seemed more concerned with quickly ridding itself of the problems raised by Mr. Boring than with ascertaining whether the allegations were accurate. (Second NRC Report is Exhibit 11.)

Third NRC report

On September 2, 1983, the NRC issued a report finding that plant safety was not threatened by the allegedly poor workmanship in the welds on the fuel pool and fuel transfer pipe of the Three Mile Island Unit 1 and the condenser of Unit 2. In the staff's judgment, the body of the NRC Report did not support the report's conclusions. For instance, the report found that the inspected weld joints in the Unit 2 condenser "indicated poor final weld workmanship." And the report said there were "many areas of weld spatter, excessive convexity, improperly removed weld slag, weld clips that were knocked off with a hammer pulling out base metal, and many grinding scars."

With respect to the Unit 1 fuel pool, the report found that "20 of the 38 pipe ends had white deposits on the end of the pipes which indicated that they might have leaked sometime in the past."

With respect to the stud attachment welds in the fuel transfer pipe, the inspectors could not make a visual inspection because the welds were embedded in concrete. No X-ray inspections were made of any welds in either the Unit 1 fuel pool, fuel transfer canal or the Unit 2 condenser, although such X ray tests had been requested by Chairman Hatch at the June 29, 1983, Committee hearing. (Third NRC Report is Exhibit 12). For Chairman's request on X-rays, see June 29, 1983, hearing record, p. 19.)

OTHER NRC ISSUES

Palo Verde report

In a letter dated December 9, 1983, Committee Chairman Orrin Hatch asked NRC Chairman Nunzio Palladino to investigate safety shortcomings at the Palo Verde Nuclear Power Plant in Wintersburg, Arizona, that were alleged in a confidential letter to the Committee by a Boilmaker who did not testify in the Committee hearings. The NRC found that "none of the work in question involves any equipment which performs a nuclear safety-related function at Palo Verde." Therefore, the report cited "poor practice" in construction of a storage tank at the plant site, and it found that the tank had buckled and collapsed because it had not been vented properly to the atmosphere. To the majority staff, it appears that in this instance, the problem lay in the design of the tank, not in its construction. The staff feels that these allegations were relatively minor in nature, and do not impact on this report's conclusions involving welding. (Palo Verde Report is Exhibit 13.)

Welding tests

Another NRC issue that emerged at the hearings is that NRC does not uniformly require contractors at nuclear power constuction sites to institute positive photographic identification systems of persons taking welding tests. In a May 21, 1982, letter, Committee Chairman Hatch asked NRC Chairman Palladino to institute such a system to guard against cheating on welding tests. However, Chairman Palladino wrote back on June 28, 1982, that a sampling program of that sort would be instituted but that nothing more extensive could be done. The staff considers it essential that NRC order all contractors at nuclear plant sites to require positive photo identification to ensure the integrity of their welding tests. (For testimony on photo identification, see June 29, 1983, Hearing Record, p. 148-149.)

TEST CHEATING

Another major allegation by rank-and-file witnesses at the hearings was that union officials forced them to take welding tests for inexperienced or unqualified persons in order to get them qualified for power plant jobs. During the course of the hearings, six witnesses testified, under oath, that they had taken tests for other individuals at the express instruction of union officials. An additional five witnesses testified, again under oath, that they had seen competent welders taking tests for others. Two other witnesses testified that, while they did not have direct knowledge of test cheating, conditions were so lax in the test booth that cheating was likely.

French Gower, a member of the National Transient Division, testified that he had taken 100 to 150 tests for other persons over the course of his career, always under pressure from union officials.

John Fleck, a member of Local 154, testified that he had taken 21 tests at the Keystone Power House in 1977 to qualify about 15 to 18 men. He said he did so under orders from "the director on the job." He later explained to the Majority staff that this meant the foreman, a union official.

Gary Boring, a member of the National Transient Division, testified that in December 1977, he took between 13 and 15 welding tests at the Conemaugh Generating Station in Huff, Pa. He said, "I was specifically directed to take these tests by, I believe, what I will say is the director, the job foreman, and the steward."

Wayne Boring, a member of the National Transient Division, testified that he took tests for four or five other welders in 1981 at the Duck Island Power Plant in Trenton, N.J. He said he did so at the request of the welding supervisor, a company official. Boring later told the staff that this official was pressured by the union "to get men qualified for the job." Boring added that on another occasion in 1981, at the Keystone Power Plant in Pennsylvania, he took a test "for a young guy having a hard time with the tests." He said he was asked to do so by "the official or whatever in charge of the test booth there."

Welder Witness No. 2 at the June 29, 1983, hearing, testified that over the last 3 or 4 years he had taken welding tests for 10 or 11 people under orders from his union foreman. Asked why he did so, he said, "I needed the job." (These tests were at conventional power plants and not at Three Mile Island, where much of his other testimony was focused.)

At the May 11, 1982, hearing, Witness No. 2, a welder from the East who also testified behind the screen to protect his identity, stated that he took tests for other welders at nuclear sites on two separate occasions. On one of these jobs, he said he took 30 tests over a 2-year period. He did so, he said, at the instruction of the welding foreman. He testified that he was not expressly told that the tests were for other persons, but he knew they could be for no other reason because he had to requalify only once every 3 months, for a total of eight tests over the 2-year period.

At the same hearing, another confidential witness, Witness No. 1, a welding Supervisor who had worked mostly in the Northeast, said he had observed ringers taking the tests for other welders on some 75 to 100 different jobs, including chemical plants, nuclear power plants, conventional power plants and bridges. He also said he had been offered, but had turned down, bribes on "every job" to allow persons to pass the welding test or allow other ringers to take the test for them. The witness also said that the majority of people actually controlling documents that identify persons for testing were union officials. The following dialogue explored this point at the May 11, 1982, hearing:

"The CHAIRMAN. The Nuclear Regulatory Commission says that a number is given the person taking the test, and that he retains his number throughout his tenure on that particular job. Would this not be a good safeguard against the compromise of the test?

"WITNESS No. 1. We call that either stamps or brass in the industry. Again, it is a matter of follow-up or control. The majority of people controlling the brass or the stamps are the union people, the shop stewards, the general foreman.

"The CHAIRMAN. So you are saying there may be some manipulation of those?

"WITNESS No. 1. Absolutely.

"The CHAIRMAN. So this is not enforced, even though the NRC thinks it is?

"WITNESS No. 1. The NRC, you know, they are understaffed and underqualified. It is as simple as that."

Joseph Danko, a welding supervisor who also works sometimes as a welder, testified that he had frequently observed test cheating, the employment of persons without requiring them to take the test and the hiring of totally unqualified persons. At the Mount Storm Virginia Power Plant, in 1982, he said, "We had people that were groundskeepers, gas station attendants, painters and steamfitters." And on a job at the Mitchell Power Plant in Moundsville, West Va., he said the union "sent a young lady out there, probably 20 years old, maybe a little bit more, that was a coal miner, had never seen a boiler, had no idea what it was. She was sent out there by the union because her Dad was friends with somebody in the union hall. She couldn't even light a torch, and needless to say, created problems."

Vernon Boring, a brother of Gary and Wayne Boring, testified that he observed the welding foreman helping three welders with a test at the Reesdale, Pennsylvania Power Plant on April 11, 1983. Boring said he witnessed this from the fourth floor above the testing area, where the persons involved in the test could not see him because they had bright lights in their faces.

Joseph Friend, a member of Local 154, testified that he saw a colleague take tests for six different people at the Conemaugh, Pennsylvania Power Plant in 1981, He said

this was done because "if the local is hard up for qualified welders, and the company calls for welders, you got to give them somebody."

Welder No. 3, another behind-the-screen witness at the May 11, 1982, hearing, testified that he knew of "approximately six or eight incidents where people were running maybe five or 10 coupons for people who did not even have to take the test, and then these people would be put on as welders."

Two other welders—Theodore Hull and a confidential witness, "Welder No. 3 from the Nation at Large," (June 23, 1983)—testified that conditions they had observed at test sites were so lax as to invite test cheating. Hull said that when he was tested at the Perry, Ohio, Nuclear Plant in early 1984, the test was virtually unsupervised. Hull said the welding supervisor "was in there like maybe 15 minutes. Then he would be gone for most of the day, come back in the afternoon for 15 minutes, and then be gone." Hull said he was given only one day to pass the test while three members at Local 744 were given a week. He said companies agreed to allow the union to get their people qualified "just to make it easier, so they don't have union problems that they don't want."

Union testimony

Asked about these alleged incidents at the June 19, 1984, hearing, Union President Charles Jones said that the allegations of test cheating were "hard to believe." However, Mr. Jones was unable to provide documentation to challenge the substantial body of testimony from persons that they had cheated on the test. Arguably, such an admission on an individual's part is more significant than testimony about observations of a second party's cheating. Mr. Jones ultimately acknowledged that neither he nor the union had investigated any of the alleged test cheating incidents, although these allegations had been on the record for no less than ten months, and in some instances, more than 2 years.

At the hearing on the next day, GAO witnesses testified that the employers they interviewed for their study on worker qualifications in the Pittsburgh area" indicate that they believe it is unlikely for one individual to take a test for another" because welding tests were administered or supervised by company personnel. The GAO added, however, that two of the persons who admitted to test cheating before the Committee told GAO in mid-1984 that "cheating on welding tests is still occurring and welders are hired without taking tests. One of the individuals told us that he had, in early 1983, taken a welding test for another boilermaker who was hired by the company as a journeyman welder."

Two utilities who employ Boilermakers—Georgia Power Co. and Alabama Power Co.—testified that their companies were satisfied with the referrals they received from the Boilermakers Union. However, the significance of their testimony was limited because both contractors were outside the areas under the staff's study—Pennsylvania and South Carolina. Neither contractor employed boilermakers referred by the two locals under investigation. Also, despite announcements in October 1983 that a final hearing would be held sometime in early 1984, neither company notified the Committee of its interest in testifying until 4 days before the hearing, when both utilities did so at the request of the union. The late notification made it impossible for the Committee to verify or contest these witnesses' statements.

An issue raised by the hearings that commends itself to further study by Congressional Committees with jurisdiction over energy matters, is whether public utilities have an incentive to overhire or "featherbed" under "cost-plus" type contracts that yield a greater return on greater overall costs because of the application of a fixed profit percentage to the cost base.

The Georgia Power Co. witness said there were no cost-plus contracts on his system, and the Alabama Power witness said he was not sure about the makeup of his company's contracts. However, two rank-and-file Boilermakers who testified at the hearings, stated that contractor featherbedding under cost-plus arrangements was widespread in the construction industry. Charles Shirley, a member of Local 687 in Charleston, SC, who is referred for work out of Pittsburgh local, said:

"The more bodies they (the contractors) have out there, the more money they make . . . I think that is why they tolerate a lot of this (referrals of unqualified persons)."

The other witness who addressed this point, Theodore Hull of Cleveland Local 744, said that overstaffing was so rife at the Perry Nuclear Power Plant near Cleveland when he worked there in early 1984, that his entire crew was told to go to the bottom of the reactor containment vessel and keep out of the way for several days until work could be found for them. During this time he said:

"A lot of guys were sleeping, and a lot were just walking around . . . A lot of guys were smoking marijuana and I've seen drinking down there."

Finally, Mr. Jones indicated on June 19, 1984, that Bechtel, Georgia Power, Alabama Power, and National Constructors Association wished to testify on behalf of the union's referral practices. In fact, only two companies, Georgia Power Co. and Alabama Power Co., contacted the Committee prior to the hearing and time was provided for their testimony, despite its questionable relevance. A third company, Bechtel Power Corporation asked and was given permission to submit a written statement, but company representatives recently contacted majority staff and indicated that they decided not to provide any statement for the record.

Elbaor misstatements

At the June 19, 1984, hearing, union attorney David Elbaor, made numerous misstatements regarding earlier testimony by rank-and-file members on the subject of test cheating. Mr. Elbaor's erroneous statements were of such serious nature that it is important that they be corrected and not allowed to stand unrebutted.

First, Mr. Elbaor stated that Welder Witness No. 2, from the June 29, 1983, hearing, a witness who testified about faulty welding at the Three Mile Island Nuclear Power Plant, did not testify under oath. The staff considers this an apparent attempt to discredit the accuracy of the witness' testimony. In fact, the witness was sworn, as is indicated in the printed record of the hearing which had been available for some six months. (June 29, 1983, hearing record, p. 8)

Second, Mr. Elbaor testified that Gary Boring had retracted his May 11, 1982, testimony regarding bad welds at Three Mile Island. Mr. Boring, in fact, had told the Nuclear Regulatory Commission that he had not been aware of any such welds in the primary systems of Three Mile Island Unit 2, but that he himself had performed faulty welds in the condenser of the plant. (June 29, 1983, hearing record, p. 142-145) Similarly, union president Charles Jones testified erroneously that another Committee witness, Charles Shirley, had retracted testimony that he had either taken the welding test for unqualified welders or had seen other persons cheat on the test. Mr. Shirley never, in fact, testified that he took such a test or saw others take it. He said only that he had "heard" of such practices, so his testimony on that point was never given weight by the majority staff.

Finally, Mr. Elbaor testified that another witness, French Gower, had "lied to the FBI" regarding his statement in the August 2, 1983, hearing that he took 100 to 150 tests for other persons. Mr. Gower testified on June 20, 1984, that he had never been interviewed by the FBI on that subject. Since the Justice Department has told the committee that its inquiry has not been completed, the only way that Mr. Elbaor could make such a statement as to what an individual has told the FBI would be for him to have access to the Bureau's actual field reports or be informed of their contents by Bureau agents. Because of the seriousness of the charges made by Mr. Elbaor against Mr. Gower and the possible criminal violations involved, Mr. Elbaor was asked whether he possessed a copy of a FBI report on Mr. Gower. He responded that he did not.

Rank-and-file union members have often indicated their reticence about cooperating with the Bureau out of a fear that their names would be leaked to the union and consequently they would be subject to retaliation. Since it appears that, in this instance, such a disclosure may have occurred, the FBI has been asked to investigate whether Mr. Elbaor was given access to Bureau reports. The staff, subsequently, asked the FBI to investigate whether Mr. Elbaor, in fact, had access to such FBI materials and if so, whether any Federal laws were violated.

ILLEGAL BOOK SELLING

Another allegation made at the hearings was that business agents of Boilermaker locals were selling journeyman memberships to unqualified persons at prices in excess of the legal initiation fee. Such a practice, if the business agent converted the proceeds to his own use, would be in violation of 29 U.S.C. 501(c) dealing with corrupt payments to union officials.

At the October 25, 1984, hearing, three witnesses—Francis D. Hall, Darrell B. Hall, and Glenn Bowser—testified regarding the purchase of Boilermaker memberships or "books" at inflated prices from Gerald Dill, an Ohio Boilermaker who allegedly arranged for the sale of books out of Local 271 in Montreal. Darrell Hall testified that he paid Dill $1,600 in 1978, including $600 for a book for his father, Francis Hall, and $1,000 for a book for a friend, E. A. Dubyak, a person with no Boilermaker experience. Bowser testified that he, too, bought a Boilermaker book from Dill at a cost of $500 in 1976. Documents provided the Committee showed that all three—Francis Hall, Dubyak, and Bowser—received Boilermaker Journeyman cards from Local 271 in Montreal. The Montreal initiation fee at the time of all the purchases was $200. (Exhibits 14 through 19)

Union President Charles Jones, asked at the June 19, 1984, hearing whether he had investigated the alleged sales by Dill, said, "I don't know who Mr. Dill is." The staff

considered this admission to be an extraordinary oversight on Mr. Jones' part in view of the fact that the evidence against Dill, who himself had declined to testify, had been on the record for almost 8 months. Mr. Jones said that many of the Montreal books had been revoked when it was learned that certain applications had been falsified. However, none of the Hall, Dubyak, and Bowser transactions have been revoked and all three still held their Montreal cards when they testified on October 25, 1983.

Nonetheless, Mr. Jones stated that he would not tolerate illegal book-selling and cited as effective self-policing an incident in which the International reported book-selling by a phony union local in Delaware to federal authorities for a prosecution that proved ultimately successful in 1982. In that instance, outsiders were taken away initiating fees meant for the union. Mr. Jones, however, could not identify a single instance in which the union had similarly reported the alleged illegal sales by Boilermaker business agents.

Union misstatement

Questioning over the allegations of illegal book-selling raised a serious inconsistency in Mr. Jones' testimony. In his opening statement June 19, 1984, he stated it was doubtful that a person had ever been paid on the basis of the classification on his union card. Jones' testimony appeared to be undercut, however, by the fact that the bogus Boilermaker journeyman books sold by the Delaware imposter, James Whritner, known as "New York Jim", were regarded as valuable enough by purchasers that they would pay upwards of $500 to $1,000 for them. (May 13, 1983, hearing record, p. 199)

If persons holding Whritner's books could not obtain Boilermaker journeyman referrals, it is difficult to understand how Whritner was able to realize in excess of $200,000 through the sale of fraudulent union memberships, the figure supplied the Committee by U.S. Postal Inspectors. Also, Messrs. F.D. Hall and Glenn Bowser were able to obtain Boilermaker referrals on the basis of their cards although they did not meet the 8,000 hour or apprentice training requirement. Jones' statement about a journeyman's card not leading to journeyman's pay is further contradicted by the employer statements on p. 15-16 of this report.

OTHER ISSUES

Other issues at the Boilermaker hearings included allegations that officials of Local 154 required members to buy raffle tickets under threat of firing, and that a portion of members' salaries was deducted for a "vacation fund" and lent back to members at 18 percent interest.

50-50 raffle

At the May 11, 1983, Committee hearing, Gary Boring testified that officials of Local 154 required all workers, including transients, to purchase five raffle tickets, at $1 per ticket, for each week that they worked out of the union. The raffle tickets were known as the "50-50" raffle because 50 percent of the proceeds were to be paid out to participants and the other half was to go into the local's welfare fund.

At the May 11, 1983, hearing, Witness No. 1, a confidential behind-the-screen witness who was a welding supervisor, testified that the forced sale of such tickets was widespread at construction sites throughout the union, and that, "It is well known, if you do not buy them you are not going to be on that job very long." At the Committee's August 2, 1984 hearing, French Gower, a member of the National Transient Division who gets most of his referrals from Local 154, said that he was fired from a job in 1980 for refusing to buy tickets. On June 20, 1984, Joe Danko, a member of Local 744 in Cleveland, said he also had been fired for refusing to buy raffle tickets.

By mid-1983, former rank-and-file witnesses in touch with the Committee staff told the staff that forced sales of 50-50 tickets had ceased in Local 154 as a result of the 1982 Committee hearings. At the June 29, 1983, hearing, John Fleck, a member of Local 154, and Bruce Lawson, a member of Charleston, S.C., Local 687, who gets his referrals from Local 154, testified to that effect. Fleck said, "They do not ask you now (to buy the tickets). Years ago, they used to just staple them on your check." At present, the staff was unsure whether the practice had ceased in Local 744, however.

Vacation fund

At the June 20, 1984, Committee hearing, Joe Danko testified that in Cleveland Local 744, $1 an hour of employees' gross wages was automatically deducted for a "vacation" or "savings" plan which could be lent back to the employee at 18 percent annual interest. For a period of time prior to the money's deposit in the employee's account, Danko said, the employer and the local would earn interest from the employee's money. Following are excerpts from Danko's testimony:

"Mr. DANKO. They have what they call a vacation plan or savings, whichever the case may be.

"The CHAIRMAN. What does that mean?

"Mr. DANKO. In Cleveland it consists of $1 an hour which is put into the bank for you. You have nothing to say about it. It is automatically taken.

"The CHAIRMAN. Well, isn't it ultimately put into your own account, though, after about 30 days?

"Mr. DANKO. After 30 days, yes, sir.

"The CHAIRMAN. Well, what's wrong with that, if they are causing you—I agree, they shouldn't have to force you to save or—

"Mr. DANKO. This, in itself, there is nothing wrong with it providing it was done the way it was supposed to be but, by the same token, this can amount to hundreds of thousands of dollars which the company that you're working for holds, gets interest off of it during that period of time. They in turn turn it over to the local, which takes another 15 days that this is deposited in their account. They get money off of this before it is put into your account. Now Cleveland—

"The CHAIRMAN. But can't you take it out of your account after 30 days?

"Mr. DANKO. It never all gets in there in that period of time. In other words, if the pay period ends in the middle of the month, say from the 15th of May, this will go in the 15th of June and anything worked from the 15th of June will not go in until the 15th of July.

"The CHAIRMAN. How long a time has to expire before you can take that out?

"Mr. DANKO. I would say in order to get everything that you work, most of these jobs as a general rule will last 6 or 8 weeks. They are repair jobs. Some will go possibly 12 weeks. You have to wait at least 5 months if you want to get all of it.

"The CHAIRMAN. I see. Now you tried to borrow on one of those accounts, and I think that was in Chillicothe?

"Mr. DANKO. This is the Brotherhood Bank in Kansas City. I believe it is probably owned by the International. Certain locals will take, deduct this money from you. It goes into the Kansas City bank. You only get this once a year, unless—

"The CHAIRMAN. In other words, you wait for 12 months—

"Mr. DANKO. That's right, unless you request it. Then if you request it they give you your money in the form of a loan on which you pay 18 percent interest.

"The CHAIRMAN. In other words, they deduct this money from you once for every hour you work—

"Mr. DANKO. That's right, sir.

"The CHAIRMAN [continuing]. They put it into, I guess, a savings or a vacation fund—

"Mr. DANKO. More or less, yes.

"The CHAIRMAN [continuing]. Which they then put into a bank, which you have difficulty getting out much shorter than 5 months even though the job only generally lasts 6 weeks or so.

"Mr. DANKO. That's right.

"The CHAIRMAN. And in this particular case in Kansas it would take you a year to get it out, and if you tried to take your own monies and borrow against them, they would charge you 18 percent interest.

"Mr. DANKO. That's right, sir. Unfortunately, I forgot to bring them, but I have papers to substantiate this.

"The CHAIRMAN. What happens? Do they ever deny you the right to borrow your own funds?

"Mr. DANKO. It depends on the business agent. If he don't like you, he don't have to okay it.

"The CHAIRMAN. If he doesn't what happens then?

"Mr. DANKO. Well, then, you just wait. You don't get your money.

"The CHAIRMAN. So you wait for about a year then?

"Mr. DANKO. That's right.

"The CHAIRMAN. But you ultimately get your money?

"Mr. DANKO. Oh, you would get it ultimately, yes.

"The CHAIRMAN. But if he approves it you are going to pay 18 percent interest just to use your own money?

"Mr. DANKO. That's right.

"The CHAIRMAN. That doesn't seem right to me.

"Mr. DANKO. It isn't right.

Mr. Danko was the only witness at the Boilermaker hearings to testify on the subject of the vacation fund. It is unclear whether the fund involves the International or only Local 744. At any rate, Mr. Danko's allegations should be thoroughly investigated by the Department of Labor, which has jurisdiction over issues involving union pension funds.

OPERATING ENGINEERS INVESTIGATION

Witnesses in the Operating Engineers hearings testified to a broad pattern of abuses by local business agents in Lake Charles, LA, and Cleveland, OH. The Lake Charles allegations included job referrals of unqualified women equipment operators in return for sexual favors, extortion of rank-and-file members for contributions to the business agent's legal defense fund, payroll padding, job discrimination, and extortion of contractors. The Cleveland allegations centered on job discrimination and questionable use of union funds. Officials of Lake Charles and Cleveland locals, and the President of the International, J.C. Turner, turned down the Committee's requests that they testify at the hearings.

LAKE CHARLES INVESTIGATION

Sexual favors

One Louisiana witness testified directly and another submitted an affidavit that they had been referred to jobs at chemical plants without the requisite journeyman experience [4] in return for sexual favors granted to Willard Carlock, Sr., business agent of Local 406 in Lake Charles, LA.

At the February 28, 1984, hearing, a behind-the-screen witness testified under oath that Carlock referred her to a job at the Olin Matheson Chemical Plant in Lake Charles in August 1978 in return for sexual favors. "He told me if I wanted the job, this is what I would have to do," she said. She said she submitted to Carlock's demands "because I needed a job. I had a family to raise, and I had never made money like that in my life, and I just couldn't pass it up."

The confidential witness said she received a second referral to the Olin Plant in the fall of 1978, again in return for a sexual favor to Carlock. She did not sign the out-of-work book for either referral. On the first referral she was paid $7 an hour, but on the second she received the full $11 an hour journeyman's wage. Her previous experience had been as a waitress, and she had no experience operating heavy construction equipment. She said her job at the Olin plant was to turn on the welding machines in the morning, turn them off at the end of the day, and fill them up with gas if that was needed during the day. She was laid off in October 1978, and began studies to become a beautician.

Similar testimony came in a sworn affidavit submitted to the Committee on May 22, 1984, by Beverly Edwards of Sulfur, LA. Edwards said she had lived with Carlock for some years and was given her choice of job referrals by Carlock in return for sexual favors. She said that on various referrals to chemical and coal plant projects she observed theft by workers, and workers sneaking away from the job but getting paid full wages. She was not a union member and had no experience. Typically, she said, she worked no more than 4 hours of her 8-hour shift, but routinely received journeyman's pay for a full 8 hours.

Two other women without operators' experience testified before the Committee on February 28, 1984, that Carlock referred them to journeyman jobs without their signing the out-of-work list. Both witnesses, Cheryl Alexander and Janice Maxey Green, testified that Carlock sought sexual favors from them but they did not comply with his wishes.

Alexander testified that on her first job, in 1978, at the T.L. James Chemical Plant, she was referred as an oiler but, as it developed, "I sat under the shade tree to stay out of the sun, and that is it." She testified that when she asked her job foreman what she was supposed to do, he said, "Nothing. Just don't fall asleep, because if the company personnel come by, they would be rather upset if you did." When she got tired of sitting under the tree, she said, she "just got up and walked around."

On later referrals between 1978 and 1983, Alexander said she "came and went as I pleased," but always received full pay. "There were a lot of days I didn't work, or I would decide at noon or whatever . . . that I wanted to go to the hall, and I left." In socializing with Carlock at the union hall, she said she observed extensive abuses of the referral process, including out-of-sequence referrals for Carlock's friends and referrals of "the scrounge of what was left" for contractors that were out of favor with him. During the 1978–1983 period, she said Carlock made "very many overtures" to her about having sex with him, but she always refused. In November 1979, about a year and a half after she started work, she said Carlock became "irritated with me because I wouldn't have sex with him." So she then entered a training program in order to avoid being laid off. For a time, Carlock's sexual overtures to her ceased, but they were to resume again later. Finally, in 1983, she left the union after Carlock told her, I wasn't taking care of him, so why should he take care of me?"

Janice Green, the other witness who testified on this subject, said Carlock hired her for a journeyman position in August 1980, "without any experience whatsoever." On her first day, Green said, Carlock made suggestions that he expected a sexual favor, but she resisted him and offered to return the referral if such strings were attached. She said Carlock let her have the job anyway and sent her to the Pullman-Kellogg Liquid Natural Gas Plant in Lake Charles, where she worked as a unit operator maintaining welding machines and diesel water pumps. She said she had 2 to 3 hours a day free time, during which she would "sit in my shack and read books." She continued on the job until February 1981, when she was laid off by Pullman-Kellogg.

Job discrimination

Howard Taliaferro, a veteran equipment operator with 18 years' service in Local 406, testified on February 28, 1984, that while inexperienced women operators were getting referrals for sexual favors, or in anticipation of such favors, journeymen such as himself were not being referred for work. Taliaferro said he could not get referrals for some 15 or 16 months commencing in 1981, because he had angered Carlock. Taliaferro said he followed the out-of-work list carefully and on one day when he thought his name was coming up to go on a pipeline job at Jennings, La., he went to the job site and "found five or six operators on the job that had never signed the out-of-work list." Taliaferro said he provided the names of these operators to the National Labor Relations Board in New Orleans, but that the NLRB dismissed his complaint without even interviewing any of the other operators. Taliaferro said the NLRB investigator told him, "We just don't have the gas or the time. You're causing me a lot of trouble." Taliaferro also submitted affidavits from 10 other journeyman operators alleging job discrimination in Local 406.

CARLOCK DEFENSE FUND

Four rank-and-file members of Local 406 testified that Carlock or his associates required them to make payments to a legal defense fund for Carlock as a condition of their continued employment. Three other Local 406 members submitted sworn affidavits to that effect.

Witnesses said the fund initially was raised to pay Carlock's legal expenses regarding investigations of Carlock's alleged involvement in labor violence at Ellender Bridge and the Jupiter Chemical Plant in the mid-1970s. Witnesses said the collections were never voluntary and that they continued for at least a year after an announcement had been made by the statewide business agent of the Operators that Carlock's legal expenses had been paid off. Following are excerpts of witness testimony regarding contributions to the fund: (All testified or submitted affidavits on February 28, 1983, except James LeDoux who appeared before the Committee on May 22, 1984.)

Gene Barr, a veteran operator, said that in late 1977, he, along with 14 or 15 other operators, attended a meeting in which Mike Scimemi, a close associate of Carlock's said, "Carlock needed us all to donate a certain amount of money for his attorney's fees." Barr said that Scimemi told them that "if you will all do this for Mr. Carlock, you'll never have to worry about a job." Scimemi asked for $1,500 from each member. Barr borrowed the money from Finance Service Company of Lake Charles and gave it to Carlock. A check issued by the Finance Company and dated November 16, 1977, was endorsed by both Barr and Percy Foreman, Carlock's attorney. According to documents provided the Committee, eight other operators borrowed similar amounts from the same company on November 16 or 17, 1977, and made the payments to Carlock. All the check stubs were endorsed by Percy Foreman, with the exception of one check that was endorsed by Willard Carlock, Sr. The checks totalled $14,556. (Exhibit 20)

Alton Janise of Lake Charles, who was hospitalized at the time of the hearing, submitted a sworn affidavit stating that he was approached by Ronnie Leger, an associate of Carlock's and told to contribute to the Carlock Fund. At this time, mid-January 1979, Janise was a steward for Weiss Construction Co. at the Olin Matheson job site in Lake Charles. Janise said he collected about $800 in cash from his crew and gave it to Carlock, together with his wife's personal check for $50, on January 21, 1979. A copy of the Janise check, endorsed by Carlock, was furnished to the Committee. (Exhibit 21)

John Sylva testified that he contributed $400 to $500 in cash to the Carlock defense fund over a 9-month period in 1979 and 1980. Sylva said he did so at the request of Houston Byrd, foreman on the Pullman-Kellogg job at Lake Charles, who told him, "You pat the man's back, he's going to pat yours." Sylva said Byrd collected $12.50—one hour's pay—from him each Monday morning over the 9-month period. Sylva said contributions were made regularly by at least 100 people in his immediate work area.

Janice Green, who also worked on the Pullman-Kellogg job in 1980, testified that Houston Byrd also approached her about contributing to Carlock, and that she gave him $25, which she thought would be a one-time contribution. But the next week he approached her again, and she again gave $25. In the third week, Bryd approached her again, but she resisted. She said Byrd then told her, "Willard Carlock got you your job. Willard Carlock can take it away." She never contributed again and was laid off in February 1981.

James LeDoux testified that he contributed $150 to Carlock's defense fund in 1979 and 1980 on the understanding that "If I would contribute the money to Willard Carlock and his cronies, I would stay on the job longer; I would have better working conditions."

Other sworn affidavits on the defense fund were submitted to the Committee by Jess W. Rowsey and Lee Savoie. Rowsey stated that he paid at least $140 into the defense fund and that he witnessed the statewide business agent, Peter Babin II, making a statement to the local in April or May

[4] Generally, a four-year apprenticeship or agreement by both contractor and union, following on-the-job training, that a person deserved journeyman status and pay.

1979, that the defense fund had been paid in full and that there was no need for further collections. However, Rowsey said attempts to collect money for the fund were still being made as late as 1980. Savoie stated that Nathan Courville, a Local 406 steward, forced him to contribute $100 to the fund, even though he had not worked for 4 years, had been hurt, and could not afford to give money.

Grand Jury

In 1981, a Federal Grand Jury in Lafayette, La., took testimony about the Carlock defense fund but did not return indictments. Green and Sylva, who had been witneses before the Lafayette Grand Jury, told the Committee on February 28, 1984, that numerous other potential witnesses before that Jury appeared to be intimidated by the access of outsiders to the Grand Jury room. Green said that Frank Salter, a lawyer perceived to be Carlock's attorney was asking witnesses how they had testified as they went out into a hall in full view of persons still scheduled to testify. Salter told the Committee later that he had never represented Carlock; however, the perception that he did could have had a chilling effect on Grand Jury witnesses. Salter should not have been allowed to debrief witnesses in view of others yet to testify. Green also said that "a lot of people at this hearing were pressured before they came to this hearing that if they testified against Carlock, they would lose their jobs and that they would never work again in Lake Charles."

Sylva said he also was questioned by Salter but told the lawyer that what he said was "none of your darn business." Sylva said that while he was seated in the corridor close to a pay telephone, he also noticed that C. J. Laird, assistant business agent to Carlock, "Kept calling that number and asking different people to come to the phone." He said that one person phoned by Laird "hollered out quite loudly, 'C.J., I'm not about to commit perjury for anyone.'"

At the Committee's hearing on the day following Sylva and Green's testimony, Stephen S. Trott, Assistant Attorney General, Criminal Division, U.S. Department of Justice, testified that the Local 406 investigation would be reopened by the Justice Department based on the testimony from the previous day's hearing. Trott said:

"Watching the information that you have developed, it has become absolutely crystal clear to me that the predicate on which this investigation involving the defense fund was closed may very well have been defective and influenced by an obstruction of justice in subornation of perjury. I have determined that this investigation shall be reopened and shall be carefully examined in that respect. We intend to pursue this vigorously and get to the bottom of it."

Payroll padding

At the May 22, 1984, hearing, a panel of witnesses from both the union and contractors testified that union corruption and company mismanagement led to massive cost overruns on a construction project at the Roy S. Nelson Electrical Generating Station, Unit No. 6, in Westlake, La., near Lake Charles.

The Committee's investigation focused on the plant's coal-handling facilities, constructed between 1979 and 1981, by Pullman-Torkelson Co., under subcontract to Bechtel Power Corp., the prime contractor for the Nelson plant. The Committee staff reviewed but did not release a 700-page report on a joint Bechtel-Gulf States Utilities audit of Pullman-Torkelson's $43 million claim on what was to be $11 million in subcontracts. To its credit, Gulf States agreed to pay only a little over $3 million of the overrun, based on legitimate claims. Pullman-Torkelson was the main victim of the alleged union corruption and had to consolidate with another company, Wheelabrator-Frye, Inc., due to the staggering losses it incurred on the Nelson project. Following are excerpts of the sworn testimony by union members and company officials on the Nelson cost overrun:

Charles Lovett, a 21-year veteran of Local 406 who was job steward for Bechtel at the Nelson project between November 21, 1978, and January 29, 1982, testified that operators favored by Carlock were able to come and go as they pleased, were paid unnecessary overtime and were paid even though they would be "as far as 500 miles away on hunting and fishing trips, sometimes with the business agent." Lovett said some of these individuals were able to get paid at the same time on multiple company payrolls that yielded them as much as 1,200 hours pay per month. (Following Lovett's testimony, the Chairman and Ranking Minority Member of the Committee wrote the International's pension fund a joint letter requesting pension records of 61 individuals named by Lovett as being paid for "no show" jobs, or as it is sometimes called, "ghost employees." The pension fund complied with the request, and an evaluation of these and various company records was under way at the time of the preparation of this report.)

Lovett also testified that incidents of sabotage occurred on the Pullman-Torkelson job site in order to prolong the job and keep the operators working. He said certain operating engineers loosened the clamps on the freezing unit that kept the sides of the coal storage hole from collapsing. Once they were loosened, the hole collapsed, and the job was delayed for a 2-year period, he said. Lovett also testified that Pullman-Torkelson was coerced into renting an inoperable bullbozer from Cat-Low Equipment Co., a firm owned by Willard Carlock Jr., at a cost of about $144,000 in 1979 and 1980. Lovett submitted documentation that Pullman-Torkelson paid more than $25,000 to repair the bulldozer on December 17, 1979. He said that, to his knowledge, the bulldozer was never used on the Pullman-Torkelson job. Lovett said that Pullman-Torkelson officials gave in on the equipment rental "under severe threat and intimidation" from the union. He said they feared that had they not rented the bulldozer from Cat-Low, "every piece of equipment on the Pullman-Torkelson job would have been sabotaged as it came on the job. It is just that simple. (Repair voucher is Exhibit 22.)

Lovett also confirmed characterizations by Pullman-Torkelson officials in the Gulf States audit report that Pullman-Torkelson was overstaffed by at least 100 percent on the job, that craftsmen played basketball on a double-time day, and that workers gambled and drank routinely on the job, left the job at early hours and still got paid for the full 8 hours.

Elmer J. Richard, field office manager and field purchasing manager for Pullman-Torkelson on the Nelson job from July 1979 to February 1980, testified to ghost hiring and "frequent irregularities" in timekeeping that led to overpayment of union members. Richard said there were at least 10 ghost employees on the job during his tenure as office manager. In lieu of sending out an oiler to assist the operator in maintaining equipment, Richard said he would get a referral slip with a name and social security number and would be approached by the operators' master mechanic, Ronnie Leger, with the assurance that the operator would take care of the maintenance on the unit, but that he wanted to put the oiler's name on the payroll anyway. "In order to complete the tie-in for payroll purposes," Richard said, "I would have to make sure that the timekeeper was aware of it and also that the payroll clerk was aware of it and we also tried to maintain a low-key attitude toward this—no publicity, if possible." Richard said he was told by his superior, the field superintendent, to go along with the union's payroll claims. Richard said the company felt that had they resisted, "we would have seen a marked difference in their performance in the field . . . They would have definitely retaliated." Richard said that while the Operating Engineers Union was the only union that "ghosted," others were overstaffed and were paid excessive overtime. He said these were the Teamsters, Iron Workers, Carpenters, and Laborers.

A statement for the record from David Atkins, construction coordinator for Pullman-Torkelson on the coal handling contracts between January 1, 1980, and April 1, 1981, made allegations similar to those of Lovett and Richard. Atkins had planned to testify at the hearing, but was detained on business in Lake Charles, so his statement for the Gulf States audit report was placed in the record with his permission.

Atkins said that for all practical purposes, the craft foremen were writing payroll checks on the job. He said that by the end of February 1980, actual labor costs were running two or three times above his estimates. He attributed this to overstaffing by the Carpenters, Laborers, Iron Workers, and Operating Engineers Unions. He estimated that one of the Pullman coal-handling jobs was 30 to 35 percent overstaffed and the other was 50 to 60 percent overstaffed. Atkins said, "The operators had thoroughly intimidated Pullman supervision and were featherbedding the job, overstaffing it, and not cooperating with the contract."

John Fruge, a member of Local 953 of the International Brotherhood of Carpenters and Joiners of America, testified to extensive abuses by both Carpenters and Operating Engineers Unions on the Pullman-Torkelson coal handling jobs.

Fruge, who served as carpenter steward on Pullman's active storage substructure from July to October 1979 and later as superintendent for Loftin Construction Co., a subcontractor on Pullman's car rotary dumper hole project, said he found on the first job that the Carpenters were 30 to 40 percent overstaffed. With Loftin, he supervised Operating Engineers and said they were at least 50 percent overstaffed. When he attempted to cut back the unnecessary operators, he said he was told, "If you don't keep these people on, the pumps are going to break down, the weather machines won't run. You'll encounter these things. So the people might as well stay on the job."

Fruge said the Carpenters Union referred numerous unqualified people to the job, including the daughter of Robbie Carlysle, the general foreman on the rotary car dumper hole project, and the secretary to the sheriff of Lake Charles, Wayne McAlvin. He said Carlysle's daughter might work 2 or 3 hours a day (always at paperwork—not carpentry) or might take off a week at a time, but would always be paid fulltime or

overtime. Throughout this period, Fruge said, "They had qualified carpenters sitting on the bench at the halls, and they would stay there because the unqualified people would stay on the jobs because of their connections with the business agent or family ties."

Fruge said that while he was a carpenter job steward in charge of incoming materials and supplies, Carlysle told him to make all his lumber purchases from a supply company owned by Carlysle's father-in-law. After awhile, Fruge noticed that Carlysle was ordering an excessive volume of material, which he soon learned was being delivered to the site of a house that Carlysle was building. When Fruge complained about this practice to the general foreman, he said his responsibilities as materials coordinator were taken away and given to the Teamsters. He said he later learned that another union official, Ronnie Cannon, the business agent, was building his house with Pullman-Torkelson materials. Fruge said he eventually checked invoices on all the incoming materials and estimated the company's losses due to theft of these materials at "anywhere from $250,000 to $400,000" of which about $100,000 went for Carlysle's house. He said Carlysle also was using carpenters to build his home while they were being logged in and paid on the Pullman-Torkelson payroll.

James LeDoux, a member of Local 406 of the Operating Engineers Union, testified that he was asked to participate in the sabotage of the coal storage hole, which added an additional period of up to 2 years to the Pullman-Torkelson job. He said Mike Greer and Willard Carlock, Jr. asked him to go down into the hole and loosen some clamps on some rubber hoses of the terra freeze unit so that the brine system would leak and the hole would thaw and eventually collapse. He said he refused to do it, but that the project was sabotaged the next night anyway. LeDoux also testified that the Operators on the Pullman job often played cards or basketball, drank, and engaged in sex at the operators shack during working hours. LeDoux said the windows on the shack were painted black because "they didn't want people to see what was going on inside." Once, he said, he personally caught "this operator and this girl in one of our shacks . . . they had the door locked." He said the operators used the shack for sleeping and playing cards as well as for sex.

Extortion of contractor

A far-reaching scheme of sabotage and extortion on the part of Willard Carlock was alleged at the February 28, 1984, hearing by Ann Blackwell, construction manager for Mar-Len of Louisiana, a civil and underground building contractor that employs members of Local 406 of the Operating Engineers union.

Blackwell said her primary experience with the Operators was on two projects—a $5 million fire protection installation on the U.S. Department of Energy's Strategic Petroleum Reserve project at West Hackberry, La., and a paving project on Maplewood Drive in Sulfur, La.

Blackwell said that the West Hackberry job, which had been scheduled for completion on January 30, 1982, was delayed for 6 months because of "continued equipment failures, part of an apparent scheme by the Operating Engineers to extort me." She said there were work slowdowns, faked illnesses, and bomb threats. At one point, she said the Operators all left the job because they said they got sick from the drinking water; however, affidavits submitted into the record and one direct witness, Truman Johnson, an operator on the West Hackberry job, stated that there was nothing wrong with the water but that operators were told to go home in protest against Blackwell's firing of the master mechanic's son for speeding on a piece of construction equipment.

Blackwell said that in order to get her to rent construction equipment from Tri-Coast, a company in which she believed Carlock or other union officials had a financial interest, operators on the West Hackberry job began to systematicaly destroy her equipment. According to an affidavit by Tracy Willard, a local 406 operator who served as Blackwell's equipment superintendent, "Operators were deliberately tearing up Mar-Len's equipment. The 406 master mechanic, Mike Scimemi, was directing this. They were burning up starters, getting sick and going home, sending oilers that were not needed."

Blackwell also submitted an affidavit by Richard D. Hambrick, the head of her field engineering crew, stating that Scimemi deliberately cut the site's main instrumentation cable in November 1981. "Scimemi was operating the machine when the cable was cut," Hambrick said. "Many times operators cut cables like this one that were very plainly located. Some of them that were actually exposed were cut." Repair of the main cable cost her company between $30,000 and $60,000, Blackwell said.

After incurring about $100,000 in overall equipment repair costs, Blackwell said she was told by Mike Scimemi that she might try renting equipment from Tri-Coast even though she already had the same equipment in her own inventory. In all, she rented seven or eight pieces of equipment from Tri-Coast, at a cost of about $100,000. Yet in every instance, she already had equipment that she considered superior to those pieces provided by Tri-Coast. She said sabotage to her equipment stopped once she started renting from Tri-Coast. "I learned through trial and error that the only way I could keep a piece of Mar-Len equipment running was to rent a sufficient number (from Tri-Coast)," she said. Although Carlock was not listed as an owner of Tri-Coast, Blackwell said, "Carlock would come out to the job and he just quite frankly acted like he owned Tri-Coast . . . From all his actions and dealings out at Hackberry at that time he obviously had an interest in that company." Blackwell said Carlock would come out "every 3 or 4 days after I started renting Tri-Coast equipment, and asked me was all my equipment running all right, and kind of suggesting I might need another piece . . ." She said Carlock never told her he owned Tri-Coast but did tell her quality assurance manager, William Bonvillain, that Mar-Len should be renting from Tri-Coast to avoid having equipment breakdowns. Blackwell also submitted affidavits of three workers that tended to link Carlock to some financial interest in Tri-Coast. The affidavits stated as follows:

Ricky Cardenas, a Tri-Coast truck driver, stated that Carlock would stay in the Tri-Coast offices nearly every day and use Local 406 operators to rig out tractor-trailor rigs owned by Carlock and put them to work for Tri-Coast.

Charles Shoemaker, a Tri-Coast office manager, stated that Carlock spent 5 or 7 hours a week at the Tri-Coast offices and that Carlock gave the Tri-Coast president blank referral slips that had been signed by a union representative.

Newell K. Guillory, a Local 406 operator, said that Tri-Coast paid less than union scale to some operators from Local 406. He said he was given orders repeatedly by Carlock to do Tri-Coast work and never paid union dues or assessments while he worked at Tri-Coast.

Blackwell said she went through a long struggle with Carlock over her intentions to fire Scimemi and hire a master mechanic of her choice, as specified under a written agreement with the union. After she finally fired Scimemi, Local 406 operators refused to work for a 3-week period, and Carlock demanded that Mar-Len terminate Blackwell as a condition for the replacement of Scimemi. Finally Mar-Len officials contacted headquarters of the International and the dispute was resolved in Blackwell's favor.

On Mar-Len's other project, the Maplewood paving job, Blackwell said the union forced her to hire three ghost employees as oilers—Employees Gia Marie O'Quinn, Rene Mancuso, and Margaret Barnes. With respect to Barnes, Blackwell provided pay records showing she was paid during the same period of time in 1980 by both Tri-Coast and Mar-Len. (Exhibit 23) Blackwell submitted an affidavit from O.T. Fisher, foreman on the Maplewood Project, attesting that the three oilers were sent to the project by Garland Davidson, president of Tri-Coast, and that the three showed up for work rarely, if at all.

Blackwell introduced a July 18, 1983, letter she wrote to J.C. Turner, president of the International, revealing her problems with Local 406. Blackwell testified, and union attorneys confirmed to the Committee staff, that the letter was never answered. (The attorneys stated Turner did not want to prejudice pending litigation between Blackwell and union officials in regard to these matters.) Blackwell said she received one call from the local FBI agent, but that he never followed up with an interview. On the day following her testimony, however, Assistant Attorney General Stephen Trott pledged to investigate Blackwell's charges as well as those regarding the Carlock legal defense fund, and she was interviewed by the FBI when she returned home from the hearing. Department of Energy investigators also visited Lake Charles and conducted interviews prior to Blackwell's testimony in Washington, but told both Blackwell and the Committee staff at the time of the hearing that their investigation was still ongoing and that they could not release any documents or make any statement at that time.

CLEVELAND INVESTIGATION

Witnesses from Operating Engineers Local 18 in Cleveland testified on February 29, 1984, to a longstanding pattern of employment discrimination and misuse of funds by union officials.

Professor Stephen W. Gard, of the Cleveland-Marshall College of Law, an attorney for members challenging the union leadership, testified to "a long and unfortunate history" of abuses in Local 18, including the fact that Local 18 was a focal point in the original investigations conducted by the Senate Government Operations Committee under the late Senator John McClellan in the 1950s. Despite court judgments against the local, Gard stated that the union was still discriminating against members. As recently as 1984, Gard said, Murphy had been denied his right of electoral participation as required by a court order in *Murphy* vs. *Local 18*. And in addition, Gard said he be-

lieved there had been "repeated violations of fiduciary obligations" under 29 U.S.C. 501 of the Labor Management Reporting and Disclosure Act. A large number of favored members were still being carried on Local 18's membership roll, Gard siad, even though the members had been in substantial arrearage on their dues. Thus Local 18, he said, became obligated for a per-capita debt tax to the International for those members. "This is a substantial sum of money which has been lost to the members of Local 18 as a result of the failure to properly account within the union, by the union leadership, in a proper manner," Gard said. Gard also testified that in 1982, Local 18 made a political contribution of $15,000 to Richard Celeste, a candidate for governor of the State of Ohio. He said the contribution was made out of the General Fund and not the political action fund and was not specifically authorized by the membership of Local 18. "This," he said, "would be a violation of the union's fiduciary obligations to its membership," although it apparently did not violate federal and state election laws.

Gard said another abuse in Local 18 was employment discrimination. After Murphy had become a dissident in 1970, he worked only about 200 hours in 1971, not at all in 1972, 2 weeks in 1973, not at all in 1974 through 1977, 4 hours in 1978, and not at all in 1979. By contrast, Gard said, James Nebitz, who had no operators' experience prior to his marriage to a union officials' daughter on November 18, 1978, received "extraordinary treatment through the union referral system." Gard said that prior to June 1978, Nebitz had no hours in the union. From June 1978 to June 1979, he had 1500 hours. From June 1979 to June 1980, he worked more than 2,000 hours. From June 1980 to March 1981, he worked over 1300 hours. From March 1981 when his marriage ended in separation and divorce, he worked zero hours and never got another referral from the local.

Gard said that although Murphy finally won an employment discrimination lawsuit against Local 18, it took him 9 years of lost earnings—from 1973 to 1982—to do so, and that he was not sure the judicial remedy was totally effective. Gard said new Federal legislation was necessary to expedite requirements, including the attachment of recording devices to specifically designated dispatch telephones within union hiring halls so that it later can be determined whether a worker has been discriminated against. He said the NLRB's primary responsibility was to deal with collective bargaining and that "they have neither the resources nor the time to deal with the problems which are had by individual members who are discriminated against in referrals. These people need a remedy." Despite various safeguards of the court order in the Murphy case, such as a requirement that Murphy be able to inspect the out-of-work referral deck, Gard said he suspected that union officials were using their influence "which is quite large with contractors," to persuade contractors to request certain individuals, or not request certain others, for their jobs. Such "steering" of job referrals should be made illegal as well, he said. Gard also said additional safeguards would be necessary to detect individual abuses because within Local 18 alone, there were 14,000 to 16,000 members, each of them qualified to operate different kinds of machinery. "Therefore, unless we have complete oversight of the union, sheer complexity of the referral system makes it almost impossible to discover each individual abuse," he said.

Ervin Shimman, a veteran member of Local 18, said he, like Murphy, had become a victim of employment discrimination when he began criticizing the actions of Local 18 officials in the early 1970s. He said that although he had been in the union for 38 years, he had only attained pension contributions of $12,845 as of July 1, 1983. He said workers with only 16 or 17 years experience had two to three times his pension accumulations, indicating they work much more often. Shimann also said 2,000 favored individuals had been carried on the books as active members at a cost of $300,000 for the International per capita debt tax. Yet he said that any dissident who gets behind in his dues is expelled immediately. He cited the example of Robert Crockwood of Toledo, "who was expelled as soon as he got behind in his dues because he was a dissident."

Another abuse alleged by Shimann was that a 1982 Cadillac automobile was transferred to Earl Ervin, the outgoing business manager of Local 18, without notice or approval by the union membership. The transfer was documented at page 9 of Local 18's 1982 LM-2 report to the U.S. Department of Labor. The car's net book value at the time of transfer was placed at $20,281.

William Murphy reiterated his discrimination problems as described earlier by Gard, and, along with Shimann, expanded on Gard's apprehensions that the union was urging contractors to request operators favored by union officials. This was now "open to extraordinary abuse," Murphy said. Murphy and Shimann said that in the spring of 1983, Rollo Zoll was referred as a master mechanic on the Tibitz Co. job at Lima, Ohio. However, the union mounted and extensive campaign to discredit Zoll and to get the employer to name Bob Hedges as master mechanic. Zoll angered the union by refusing to get the contractor to request favored operators for the Tibitz job, Shimann said. The company held fast in this case and retained Zoll. Continuing on the subject of "steering," Murphy said that at pre-job conferences, the union agents talk to the contractor, "and it just happens that their supporters happen to get these jobs." But Murphy said that on a recent trip to the union hall, he observed that an individual who was out of favor with the union leadership was not referred although he was specifically requested by an employer. On other matters, Murphy testified that he had been fined and suspended for his dissident activities and had twice been physically beaten by the union leadership.

RECOMMENDATIONS

Based upon a review of the 10 days of hearings concerning the practices of several local lodges of the International Brotherhood of Boilermakers and the International Union of Operating Engineers, the Committee's majority staff makes the following administrative and legislative recommendations:

1. The Boilermakers Union has included in its collective bargaining agreements a requirement that only individuals who possess 8,000 hours in the trade or have completed an apprenticeship program can be placed on the out-of-work list, be referred for work and paid at the journeyman rate. According to the union's own documents, this standard was adopted by a majority of Boilermaker locals to ensure a minimum level of competency in the trade. Nonetheless, individuals who do not possess these qualifications have been referred for work as journeymen. At the same time, union members out of favor with the union leadership have had the rules applied strictly and have not been referred despite their qualifications. Efforts should be made to ensure that qualification standards are imposed uniformly and are not manipulated to punish dissidents or protect local leadership.

2. Employers associated with electric utility or government construction projects should pay workers in accordance with collective bargaining agreements when such an agreement exists: to violate the agreement is to overcharge the ratepaying consumer or taxpayer.

3. Legislation is needed to require contractors to certify that workers are qualified for the journeymen positions to which they are referred in the nation's key industrial facilities. The current referral process, in which qualification records are not always kept, is tantamount to a state police Department issuing driver's licenses without proof of a driver's test or a university graduating an engineer without proof that he or she passed calculus. Must we wait for a major accident caused by a bad welder doing a bad weld before we take the necessary action to ensure the public safety?

4. The welding tests administered to Boilermakers by their employers are subject to compromise. For their own protection, employers should be more vigilant to police such tests and report any abuses to local authorities or, with respect to nuclear power plants, to the Nuclear Regulatory Commission. New legislation is needed to make test cheating or extortion to compel test cheating a Federal offense.

5. NRC should require all contractors at nuclear construction sites to institute positive photo identification systems to guard against cheating on welding tests.

6. Witnesses at the Boilermaker hearings documented several instances of illegal Boilermaker membership sales; the union itself reported such sales of fraudulent books by a person not affiliated with the Boilermakers Union. The fact that such an imposter could operate illustrates the existence of a market for the illegal sale of Boilermaker books. The FBI should expedite its current investigation of such illegal practices, which constitute the first link in referrals of unqualified persons to construction jobs.

7. The Department of Labor should investigate allegations regarding forced contributions to a Boilermaker Union "vacation fund" which are allegedly lent back to union members at 18 percent interest.

8. A broad pattern of corruption including extortion, payroll padding and job discrimination has occurred in Operating Engineers Local 406 in Lake Charles, La. The Department of Justice should expedite its efforts to bring these matters before a Federal grand jury for disposition.

9. A pattern of job discrimination exists in the locals of the Boilermakers and Operating Engineer Unions that were investigated by the Committee. Present law is not adequate to combat these abuses. The Committee should consider legislation to permit a more rapid and effective remedy to hiring hall discrimination. In the meantime, the National Labor Relations Board should make sure that allegations concerning union hiring hall discrimination in Cleveland and Pittsburgh are not summarily dismissed but are reviewed in accordance with established Board procedure.

SOVIET FORCED LABOR AND THE HELSINKI FINAL ACT

Mr. HATCH. Mr. President, 9 years ago today the leaders of 35 nations gathered in Helsinki to sign the Final Act of the Conference on Security and Cooperation in Europe. In placing their signatures on this document, known commonly as the Helsinki Final Act, these leaders pledged that their respective states would respect human rights and fundamental freedoms as well as promote the effective exercise of civil, economic, social, and other rights. These rights and freedoms were viewed as deriving from the inherent dignity of the human person.

It is unfortunate that, 9 years after this momentous occasion, these words have not been made the basis for laws and policies in some of the states whose governments promised to implement and comply with the provisions of the Helsinki Final Act. In the Soviet Union, for example, these words are blatantly disregarded as an estimated 4 million Soviet citizens are forced to labor under harsh and degrading conditions in a system of at least 1,100 labor camps. The Gulag network in the U.S.S.R. is by far the largest such forced labor system in the world and is the home for a minimum of 10,000 political prisoners.

The conditions under which forced laborers must live and work are almost beyond comprehension. The cells are terribly overcrowded, with only a bucket to serve as a toilet. There is very little heating in the prisons, even during the coldest of the Siberian winter months, and, as clothing is strictly limited by the camp authorities, warm clothing is virtually nonexistent. Food rations are used as forms of punishment. At the slightest sign of disobedience, the regular diet, itself grossly inadequate, can be reduced even further, literally starving the prisoner into total submission. The legally permitted food packages from family and loved ones back home are often withheld in the case of political prisoners. And health care, which obviously is very much needed under such grueling living conditions, is all but unknown.

These camps serve two purposes. First, they serve to isolate and punish those who dare to exercise the right guaranteed in the Helsinki Final Act, "to know and act upon their right." Second, they serve to maintain and perpetuate the economic system of the U.S.S.R. It has been stated by many former prisoners of the Gulag that nearly all sectors of the Soviet economy rely on forced labor in meeting the specified quotas demanded by the central planners. The forced laborers are given the work that other workers, no matter what the incentives, have no desire to do. Thus, Mr. President, in the freezing Siberian wilderness, forced laborers are felling timber or laying pipelines while in nearby camps others are manufacturing the wood into lumber or furniture, often losing fingers or entire hands while working the dangerous and unsafe machines. Still others are cutting glass for chandeliers and other elegant glasswares for export to the West, breathing in glass dust and spitting out blood in the process. All of this goes on daily in the "workers' paradise."

Mr. President, it is a tragedy and a disgrace to humankind that the Soviet forced labor system exists in today's world. Freedom from slavery in all its forms is the oldest human right recognized by the international community. Soviet utilization of forced labor violates the U.N. Charter, the 1926 Anti-slavery Convention and the 1930 Forced Labor Convention. It also stands in stark and malevolent contrast to both the provisions and the spirit of the Helsinki Final Act, whose anniversary we note today, and the Madrid Concluding Document, which was agreed to almost 1 year ago.

As a member of the Commission on Security and Cooperation in Europe, I consider it sad but nevertheless appropriate to commemorate the anniversary of the Helsinki Final Act by noting the plight of those who must live, and often die, in Soviet labor camps. The Final Act has made such human rights concerns a legitimate topic for discussion among states, and as long as its provisions remain unfulfilled, we must let the Soviet Government know that we find forced labor and other human rights abuses reprehensible. The Helsinki process has given the international community the opportunity to do just this. Not to speak out on behalf of those who are being denied their fundamental human rights would make us not-so-innocent bystanders to such actions.

TOO MUCH GLOOM AND DOOM ON FUTURE

Mr. HATCH. Mr. President, on several occasions in recent months, I have used the floor of this Chamber to call to the attention of my colleagues the often unnoticed but, nevertheless, steady and relentless effort on the part of those who would control the impressionable minds of schoolchildren by placing before them instructional materials which are designed to destroy their value systems, instill fear in their very survival, and project for them a future of chaos and calamity.

I would remind my colleagues that on July 20, 1983, I sounded another alarm concerning the status of education by calling your attention to the curriculum on nuclear destruction, called choices, developed by the National Education Association and surreptitiously, it seems, introduced into the classrooms of the Nation by association members. On that occasion, Mr. President, I expressed great concern about the tone of letters children, worried about their chances of survival, were writing to President Reagan.

Again in April of this year, I spoke to this body on the provocative editorial written by Morton Kondracke that appeared in the Washington Times on April 5, 1984, expressing Kondracke's apprehension over indoctrination of children by the writers of children's books which tell them that to defend one's patriotic values "* * * is stupid, bigoted, and dangerous to living things."

On Sunday, July 22, 1984, the New York Times carried an article by Mr. Albert Shanker, president of the American Federation of Teachers, titled "Too Much Gloom and Doom on Future." In his illuminating statement, Mr. Shanker describes the role the textbook can and does play in creating either optimism or pessimism in children irrespective of the subject matter it covers. Mr. Shanker cites a number of studies and reports which clearly indicate that many textbooks and other materials being used in the classroom, many of which are teacher produced, are causing clouds of pessimism about the future to hang heavily over the heads of the high school students of the Nation.

Mr. President, Albert Shanker's message is a very powerful one. In my judgment, Mr. Shanker rightly asserts that the "* * * global pessimism of these textbooks sends students the wrong message about their country."

Mr. President, I have known Mr. Shanker for several years. He has provided the Senate Committee on Labor and Human Resources, and some of our subcommittees, with invaluable testimony on a number of important issues in education. Dr. Shanker's statement in the New York Times on Sunday, July 22, 1984, is an important message and an excellent example of his wisdom and foresight where education is concerned. I want to personally commend him for the commitment he has made to do all he can to keep the classroom of the Nation free from destructive influences and biased materials.

His is a message that should be widely read and discussed by parents and others interested in the perfection and perpetuation of the American way of life. For that reason, Mr. President, I ask unanimous consent that the full text of Mr. Shanker's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1984]

TOO MUCH GLOOM AND DOOM ON FUTURE

(By Albert Shanker)

What people think makes a difference in how they act. The philosopher William James used the example of someone hang-

ing onto the edge of a cliff. If the person is an optimist or has at least some faith, he may well hang on long enough for rescuers to come. If, on the other hand, he feels all is hopeless, that he is doomed no matter what, he may well let go too soon—just before someone comes to save him.

Our schools play a role in creating optimism or pessimism. In addition to teaching math, English and other basics, schools—in social studies, science and other classes—give children a vision of the future. If that vision is unrealistic in either direction—overly optimistic or overly pessimistic—students may well grow into adults who sit on their hands and do nothing. If it's overly optimistic, they may think there's nothing they have to do; if it's too pessimistic, they may think there's nothing they *can* do—and, like the hopeless cliffhanger, they may just give up. What have our schools been teaching children about the future?

Well, mostly they've been reflecting the larger society. During the last few decades the American public has been given a very pessimistic view of what the future holds. There have been best sellers devoted to the rapid destruction of our environment. There have been books, magazine articles and television shows devoted to the depletion of vital energy and mineral resources and predictions of massive starvation resulting from world population growth. For the most part, only one side of the argument has been made, that side. Sure, there's usually someone who disagrees, but that someone is portrayed as representing a special interest whose goal is to exploit nature to make a fast buck now. All of this has had an enormous impact on the curricula of the schools. Nothing is more "relevant," interesting or exciting than for teachers to gather these exposés and make this generally accepted wisdom the basis for teaching the daily lesson in science or social studies.

Of course, there's no doubt that we did neglect to take care of our environment, and much of the emphasis on the effects of pollution, of chemicals in food, of problems with waste disposal has resulted in necessary corrective steps. But, one of the results of this recent teaching has been to create a pessimistic bias in many textbooks and courses. The late Herman Kahn, founder of the Hudson Institute, one of America's most important think tanks, was shocked by what he called the "cloud of pessimism" hanging over our high school students and the nation.

The institute examined 63 basic high school textbooks published since 1962 to see how they dealt with questions of population growth, environment, natural resources and economic development. (The study formed the basis of *Why Are They Lying to Our Children?* by Herbert I. London, director of the Hudson Institute's Visions of the Future program, which seeks to present students and teachers with a more balanced view of the world's problems and America's role. It's just been published by Stein & Day, Briarcliff Manor, N.Y.) The study found "an astonishing amount of misinformation and sloppy writing," contradictions, a "lack of objectivity" in textbooks—and that they were clearly aimed at changing student attitudes and behavior in one direction. One text, published in 1981, presented this apocalyptic vision: "You may have heard about the 'four giant horsemen' galloping across the face of the earth. One stands for Famine, the second for Disease, the third for War, and the fourth for Death. Today, these four giant horsemen are galloping more swiftly than ever before. But many, many others still do not see the danger."

According to Jane Newitt, director of demographic studies at the Hudson Institute, writing in the January 1984 issue of *Social Education*, "A reasonable desire—to impress students with the magnitude of the world's problems—has been pushed to the point of substituting indoctrination for substantive instruction." Newitt says the doom and gloom books are so intent upon making their points that they fail to mention the vast increases in per capita income since 1960 in the countries with 94 percent of the world's population, or the huge increases in life expectancy. The population is said to be growing faster and faster, but few books mention the fact that the population growth rate peaked nearly 20 years ago and has been declining ever since. The books predict massive famines—but fail to report that world food production has outpaced population growth for three decades. Of course, there are people starving, but not because there's not enough food. The reason is the political problem of how to get the food to those who need it. If we don't tell that to students, their efforts are going to be focused in the wrong direction.

Newitt demonstrates that there's a clear political and moral message in these books. "We" are responsible because we are eating, wasting and consuming to much. That's why "they," the have-nots, are deprived. "Thirty-one textbooks allude to looming ecological catastrophes of global proportions. Invariably, it is 'especially affuent human beings like the Americans' whose profligate and irresponsible consumption threatens 'to make the earth unlivable' and accounts for the plight of the Third World's starving masses. What is relatively new," she writes, "is the intrusion of this moral mission into the traditionally dry matter of textbooks." It is "ideology," she says, "and rigid. By placing students on the morally reprehensible side of the 'gap,' it denies legitimacy to their competitive spirit and their desire for the life-enriching experiences money can buy."

More important, the global pessimism of these textbooks sends students the wrong message about their own country. Newitt says there is no reason to believe American students would become complacent about the world's problems "if they were encouraged to view themselves as part of the spectrum of nations—and as a part that makes many contributions to the betterment of the whole."

AMERICAN COPPER INDUSTRY—STATE OF CRISIS

Mr. LONG. Mr. President, on many occasions in the past I have risen to address the particular problems of America's energy industry. I will continue to express these concerns in the future but today I want to ask the Senate to consider the plight of the copper industry.

The American copper industry is in a state of crisis. Thousands of Americans have lost their jobs because of unfair foreign competition that is destroying the domestic copper industry. Ironically, American dollars helped create this crisis and continue to perpetuate it.

I invite the attention of my colleagues to the facts outlined in the remarks on this subject delivered recently by J. Hugh Liedtke, chairman and chief executive officer of Pennzoil Co. to that company's shareholders. Mr. Liedtke's remarks are particularly timely in the light not only of the recent finding by the U.S. International Trade Commission of serious injury to the domestic copper industry, but also in light of the hearing on financial assistance to copper exporting nations scheduled tomorrow by the International Economic Policy Subcommittee of the Committee on Foreign Relations. I ask unanimous consent to insert in the CONGRESSIONAL RECORD a copy of Mr. Liedtke's speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

COPPER IN CRISIS

Time is running out, too, in terms of taking effective action to halt the destruction of America's copper industry. And "destruction" is not too strong a word. Last year and the year before, the copper industry was forced to shut down mine after mine after mine, and lay off nearly half its work force. Why? Because the world is awash in copper, copper churned out by producers in Chile, Peru, Zambia and Zaire which are flooding the market and causing prices to collapse. Primarily, these are state-owned mines that produce, not in response to demand, but in order to keep their workers employed and to earn foreign exchange. Many, if not most, operate at a deficit. They can operate at a loss because of a steady infusion of cash and credit from international lending institutions like the International Monetary Fund (IMF) and the World Bank. These lenders are supported by American tax dollars, so you and I are helping pour billions of dollars into Third World countries that use these funds to prop up their deficit-ridden industries which are destroying our own.

There have been some half-hearted attempts to limit or condition America's support. But they are far too little, in view of the dimensions of the problem. About 40 percent of world copper capacity is in the hands of these state-owned foreign mines, and the aid they're receiving is enormous. Last year alone, Chile received authorization for $550 million in standby credit from the IMF, and then an additional $308 million, also from the IMF, and then an additional $268 million loan from the Inter-American Development Bank—all to increase copper production at a time when world copper demand was at a low and the world already awash in copper. I ask, does this make any economic sense? Is there any soundness, any "rightness," any integrity in this? I contend the answer is, none whatsoever.

Nor is the banking industry totally blameless in this regard. The policies of the Federal Reserve, in turning a blind eye on the actions of some large multinational banks, contribute to the already grave situation. Many of these banking institutions piled bad loan upon bad loan, helping debtor nations meet the interest payments on loans which would never have been made to the private sector in this country. Billions of dollars have gone into these loans, which are nonperforming or, in any event, can perform only if the banks lend still more funds.

There is a growing suspicion in some quarters that the rise in interest rates, at a time when banks are awash in money, is intimately tied to a desire to replace losses in profits caused by sour loans. When the banks grant loans to countries where they would not ordinarily be justified in order to receive abnormally high interest rates, the risk is obviously very high. Now the banks want to share that risk with the American public. And so interest rates creep upward, affecting American business across the board. Ultimately, every American consumer pays the price.

It is a complicated set of problems, and I only give you the highlights. For the copper industry, the bottom line is survival. Thousands of American copper miners have lost their jobs. A key American industry, which produces a vital natural resource, and is without equal in terms of efficient use of men and materials, is nonetheless fighting for its life in a global game without any rules.

The copper industry is fighting back, as you may know, seeking relief in terms of import quotas. This relief, while needed and deserved, can only spell a temporary solution. The fundamental problem remains, and it is not solely confined to copper. Other basic American industries face similar threats. Temporary relief for copper will only beg the central question, which has to do with America's support of lending institutions that undercut its own industries.

Our elected leaders must carefully examine the soundness of such policies. Our essential domestic industries don't want protection, as such. They don't want to be coddled, but at the same time they don't want to be crucified."

MURFREESBORO VA MEDICAL CENTER NAMED IN HONOR OF SERGEANT YORK

Mr. BAKER. Mr. President, I am proud to support the legislation which will name the Veterans' Administration Medical Center in Murfreesboro, TN, in honor of the late Sgt. Alvin C. York.

For his outstanding combat heroism during World War I, Sergeant York was awarded the Congressional Medal of Honor, the French Croix de Guerre, and the Tennessee Medal for Valor. Sergeant York is one of Tennessee's most prominent heroes and an illustrious veteran all Americans can admire. The fine Murfreesboro medical facility will provide an appropriate and long-overdue memorial to Sergeant York and all brave veterans who have given their talents in the defense of our Republic and the freedoms we cherish.

TURKEY-CYPRUS AMENDMENT

Mr. PRESSLER. Mr. President, an important provision of S. 2582 seeks to advance the long and difficult effort by the United States to achieve a just and peaceful settlement on the island nation of Cyprus. The provision has two features. It restores the traditional 7:10 ratio in U.S. military aid to Greece and Turkey and it links Turkey's MAP program—the all-grant component of the $715 million military aid package—to a Presidential certification that the coastal city of Varosha has been returned to the Government of Cyprus under U.N. auspices for the immediate resettlement of Greek Cypriot refugees. This provision was endorsed by the Foreign Relations Committee by a large margin of 12 to 6. I believe it deserves an equally strong endorsement by the entire Senate.

Consideration of this provision comes within days of the anniversary of the Cyprus tragedy. Ten years ago, Turkish troops invaded the island after a Greek-engineered coup temporarily ousted the government of Archbishop Makarios. Many Senators are familiar with the sequence of events since the 1974 invasion. Suffice it to say, the occupation of the northern third of Cyprus by Turkey continues to this day. Adoption of this provision is necessary, if there is to be hope of reunifying the island of Cyprus in the near term.

U.S. aid to Turkey can provide effective leverage for resolving the Cyprus problem. Unfortunately, the fiscal year 1985 aid request provided no positive incentives for Turkey to make progress on Cyprus. Instead, by increasing total aid levels for Turkey beyond the 7:10 ratio, the foreign aid request removes our ability to send a firm and clear message to Turkey. Such a message is vital at this time, given the November 1983 declaration of statehood by the Turkish Cypriots and the worsening situation caused by this action. This provision reintroduces into this year's aid program the widely held American view that there should and must be movement toward a Cyprus settlement.

The administration responded correctly last November when Mr. Denktash declared the "independence" of the occupied north of Cyprus. The administration, and many of us in the Senate, deplored that act and expressed our deep regret and dismay that this unilateral act would set back the delicately constructed intercommunal talks. This situation must not be ignored in the fiscal year 1985 aid request for Turkey. It is unacceptable that Turkey should be rewarded with an increase in aid in spite of the unresolved and serious difference between our Government and theirs over Cyprus.

Some people claim that the Turkish Government cannot control the actions of the Turkish Cypriot community. These claims are made despite the fact that Turkey occupies Northern Cyprus and provides critical financial support to the Turkish Cypriots.

It is difficult to believe that the Turkish Cypriots are independent from Ankara and act as totally free agents. We should note that Turkey today is the only country to recognize this so-called Turkish Republic of Northern Cyprus, and it is through that recognition that Mr. Denktash has tried to legitimize and expand the international contacts of the Turkish Cypriot community. Turkey alone is capable of exerting truly meaningful pressure on the Turkish Cypriots. Turkey holds the key to any movement to a Cyprus settlement because of the close ties to the Turkish Cypriots and because the presence of their troops—about 20,000—constitutes one of the main obstacles to a settlement. So while the linkage between Turkey and the decisions made on Cyprus may be less than complete, that linkage may be our most effective vehicle for settling the Cyprus conflict.

Let us return to the actual features of the committee-adopted provision. There should be little controversy about its first feature, since the tradition of granting military aid to Greece and Turkey on a 7:10 basis has been the practice of Congress for several years, and corresponds with section 620(C) of the Foreign Assistance Act, which calls for maintaining the present balance of forces in the eastern Mediterranean. In past years, Congress has had to act to restore this ratio. The ratio demonstrates the U.S. commitment to keep a balance in military ties to Greece and Turkey. I trust Senators will support maintaining this standard. It has become a symbol of American intentions to remain even-handed and the present Greek Government, faced with considerable pressure from anti-American element in the country, would be placed in an extremely difficult position if this balance were not maintained.

The second part of this committee provision, pertaining to Varosha, is in some ways more important. It links Turkey's MAP grant program of $215 million, to the return of Varosha under U.N. auspices to the Government of Cyprus. We consider this to be a positive approach for several reasons. First, it provides Turkey with an opportunity to follow through on a position it supports and, in the process, to receive the all-grant portion of its military aid package. Turkey is not punished but rewarded for following through on a proposal it has endorsed in the past. Turkey has supported the idea of transferring Varosha to interim U.N. administration. This provision does not ask Turkey to act contrary to previously stated Turkish policies.

This approach is also consistent with the position previously adopted by the Turkish Cypriot leadership. In November 1983 and again on January 2, 1984, Mr. Denktash stated that the return of Varosha could provide a way to break through the current stalemate. The committee bill merely encourages and strengthens the Turkish Cypriot proposal. Third, the return of Varosha can have a real spillover effect in re-

solving the wider differences which divide the two communities on Cyprus. Settling this one key issue can have the psychological benefit of propelling the resolution of other major Cypriot issues.

So much of the Cyprus problem relates to simple basic human values. That's why the Varosha proposal has such promise and potency. It has become the symbol of the desire to return to one's former home after the terrible human displacements that occurred in 1974, affecting such a large percentage of the total Cypriot population. Varosha is the 20th century town adjoining an ancient coastal city Famagusta—an area of important economic and tourist potential for Cyprus. Famagusta had some of the island's best and newest hotels, primarily Creek Cypriot owned, when the war of 1974 broke out. The city remains abandoned. That area has come to symbolize the tragic economic and social consequences of the island's division.

Previous statements by the Turkish Cypriot leadership indicate that they understand the importance of this area in a settlement for Cyprus. The issue of Varosha has always been one of the four major agenda items in the intercommunal talks which have convened intermittently since 1976. On several occasions, Mr. Denktash offered to return Varosha even prior to the resumption of the talks. In the months since the November declaration of independence, Mr. Denktash has repeated this offer. Unfortunately, Mr. Denktash began to backtrack on his proposal by reducing the size of the sector in Varosha he would be willing to turn over to the United Nations. In recent weeks, when discussions with the U.N. Secretary General reached a critical point, he has added other strings as well.

The Pressler-Biden amendment would be unnecessary if the Turkish Cypriots and Secretary General de Cuellar had reached a satisfactory arrangement on the transfer of Varosha to interim U.N. administration. This action would have been a real breakthrough on the road to reunification—a process that is essential if the integrity of the Republic of Cyprus is to be preserved. In the absence of such action, this amendment remains necessary. It sends a clear message to Turkey about issues that can improve our bilateral relationship.

We are willing to respond to Turkey's legitimate defense needs. And, Turkey remains a vital element in NATO defense. But Turkey's willingness to cooperate on issues of mutual concern, including Cyprus, are a critical measure of United States-Turkey cooperation. This provision provides a clear signal of the priority the Senate attaches to the resolution of the Cyprus situation. I urge all Senators to vote to sustain the Foreign Relations Committee's judgment on this measure.

Mr. President, I ask unanimous consent that my Dear Colleague letter on this subject be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 1, 1984.

S. 2582, FOREIGN ASSISTANCE AUTHORIZATION
TURKISH MILITARY AID

DEAR COLLEAGUE: U.S. policy toward Cyprus, Turkey and Greece is not a partisan issue. A 12-6 bipartisan Foreign Relations Committee majority approved an amendment retaining the traditional 7:10 Greece/Turkey military assistance ratio and linking U.S. grant military aid to Turkey to progress toward a settlement of the Cyprus conflict.

Members of both parties on the House Foreign Affairs Committee also led an effort in the House to reduce requested FY 1985 military assistance to Turkey. Thus, both Republicans and Democrats in both houses support using our military aid as leverage to encourage greater Turkish cooperation in moving toward a negotiated settlement of the Cyprus problem.

The reasons for doing so are clear. First, Turkey supported the illegal secession of Turkish Cypriots and is the only nation to recognize this renegade state. Second, each year before Congress votes on hundreds of millions of dollars in military aid to Turkey, that nation tries to demonstrate that it is sincere about making progress on the Cyprus issue—and each year, after Congress makes such appropriations, Turkey has backed away from meaningful efforts to resolve the Cyprus problem.

With the Turkish aid limitations included in S. 2582, Turkey would still receive entirely adequate U.S. military assistance. But until Turkey fulfills its promises of the past ten years regarding Cyprus, it should not receive more. This is not a punitive measure. It should be seen as an effort to reward Turkey if Turkey will take appropriate actions concerning the Cyprus conflict.

Turkey has indicated it will participate in Cyprus talks next week under the auspices of the U.N. Secretary General. In view of this development, it would be appropriate to defer consideration of any change in the Committee bill relating to Turkey until the sincerity of Turkish involvement in those talks can be fairly assessed.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

HELSINKI, BONN, AND BERLIN

Mr. LEAHY. Mr. President, today we commemorate the ninth anniversary of the signing of the Helsinki Final Act by 33 Europeans nations, the United States, and Canada. The Helsinki Final Act, with its compelling language on human rights and humanitarian cooperation, became a symbol of hope for the oppressed peoples of Eastern Europe and the Soviet Union.

That language includes pledges by participating States to facilitate freer movement and contacts among people across national borders. The Final Act envisions a Europe in which spouses are no longer separated, children and parents no longer divided, all people are free to travel and to visit friends and family or to love in the country of their choice. Indeed, tens of thousands of people seeking to emigrate from Eastern Europe and the Soviet Union have already benefited directly from the human contacts provisions of the Helsinki accords. The current situation between the Federal Republic Germany and the German Democratic Republic is an example of the benefits Helsinki can reap.

Mr. President, today we are witnessing a shift in relations between these two countries—a cooperation and communication not seen before. As part of their increase in cooperation, which includes significant economic assistance from West Germany to East, over 24,000 men, women and children have been allowed to emigrate this year from the German Democratic Republic. This figure represents the highest annual emigration rate since the erection of the Berlin Wall 23 years ago. In addition, almost one third of the dreadful automatic firing devices, developed to discourage illegal emigration to the West, have been dismantled. Travel and visitation restriction have been eased. Time periods governing such movements have significantly increased and exchange rates have been reduced a full third.

We welcome these positive gestures as illustrations of the kinds of actions called for in the Helsinki Final Act and the Madrid Concluding Document.

Although positive steps have been taken by the East German Government, much remains to be done there. The GDR has continued to restrict the fundamental freedoms of thought, conscience, religion and belief among its people. The activities of the Ministry for State Security's secret police are pervasive. Operating above judicial controls, the police do not hesitate to install listening devices, open private mail and observe or interrogate whomever they choose.

The number of uniformed police and plainsclothes Ministry for State Security officers patrolling the areas around many Western Embassies has increased, serving to intimidate, and at times, prevent visitors. East German pedestrians near Western missions may be questioned by police without cause. Many East German visitors have their ID's checked by the authorities and are detained for questioning after departing Western missions. These actions are in direct and blatant violation of the pledge, made at Madrid, to facilitate access of foreign missions, and suggest a disregard for both the Helsinki and Madrid human contacts provisions.

Mr. President, the contrast that these recent GDR actions present

should not go unnoticed. While we recognize improvements, we must not hesitate to criticize those aspects of policy which run counter to the principles and provisions of the Final Act. We should not shy away from condemning human rights abuses nor should we refrain from welcoming and encouraging positive steps. In the GDR today are excellent examples of Helsinki pledges realized, yet, at the same time, there are also demonstrations of promises flouted. We must strive to ensure that more promises are fulfilled than hopes dashed.

In commemoration of the ninth anniversary of the Helsinki Final Act, let us reaffirm our own dedication to the principles embodied in that document and our determination to work toward full implementation in all signatory nations.

THE CARIBBEAN CONFERENCE AT THE UNIVERSITY OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, the University of South Carolina recently hosted a major conference of nations from the Caribbean Basin. This landmark event was an historic occasion not only for the university, but for the State of South Carolina and the entire Nation. Indeed, this conference symbolized the United States commitment to our friends in this important region of our hemisphere.

As a gesture reaffirming our friendship with our neighbors to the south, President Reagan attended this conference on July 19, 1984. I was pleased to encourage the President to participate in this meeting, and his presence served to strengthen our alliance with the Caribbean states.

Mr. President, University of South Carolina President James B. Holderman is to be commended for his leadership, initiative, and hospitality in hosting this productive forum. All of those associated with this event deserve recognition for their contributions in preparing for the conference, and their assistance proved to be an important asset.

Mr. President, in order to share more with my colleagues about the Caribbean Conference at the University of South Carolina, I ask unanimous consent that certain articles from major newspapers in my State be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Greenville News, July 11, 1984]

REAGAN WILL ATTEND CARIBBEAN MEETING AT U.S.C.

President Reagan will attend a meeting of Caribbean leaders sponsored by the University of South Carolina in Columbia July 19, his spokesman announced Tuesday.

Deputy White House press secretary Larry Speakes said the Caribbean conference was organized by the university "to strengthen the close ties among the Caribbean states."

He said the president was looking forward to "exchanging views on a wide range of subjects."

"The university is seeking to provide an informal, unofficial setting to permit full and frank exchanges on a wide range of matters affecting the Caribbean area," Speakes said.

The Caribbean leaders will organize the agenda for the meeting, and political, economic and security issues are expected to be discussed, USC spokesman Hans Knoop said.

About 18 heads of government or their representatives from independent nations and dependent territories from the Caribbean region will attend the meeting, USC President James Holderman said. The list of those attending has not been released.

Those invited were: Antigua, the Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Christopher-Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Also invited were Martinique, Guadaloupe and French Guiana, Anguilla, Bermuda, British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands, the Netherlands Antilles, Puerto Rico and the U.S. Virgin Islands. Cuba was not invited.

July 19 is the last day of the Democratic National Convention. Asked whether it was appropriate for the president to be traveling during the convention, Speakes replied: "It is a rare, probably a first opportunity . . . and I think the American people, and I would trust some Democrats too, would like for the United States to be properly represented when so many heads of state from such a vital region are in our own country."

The president's visit will be his second to South Carolina in less than a year. Reagan was in Columbia last September, when he received an honorary degree from USC and spoke at a public convocation on campus.

On the day of his visit, he will attend a morning meeting with Caribbean leaders, and will speak at a "working luncheon," Knoop said.

Holderman said the meeting of Caribbean leaders, scheduled to begin Tuesday, "will be informal in style and format, but serious in purpose and content, as the Carribean leaders will discuss political, economic and security issues within the region, as well as relations with the United States and other nations."

The idea grew out of visits to USC within the past year of Jamaican Prime Minister Edward Seaga and Dominican Republic President Salvadore Blanco, Knoop said.

They, other Caribbean leaders, and the U.S. State Department encouraged the meeting, he added.

"We were told by several people around the region that a meeting of heads of government might serve as a catalyst to progress within the region as well as to new departures in Caribbean-American relations," Holderman added.

The meeting also will provide opportunities for bilateral discussions between nations, Holderman said.

Holderman noted that USC is involved in several joint ventures with Caribbean nations and universities, including the areas of marine science, tourism development, business and public administration, and public health.

[From the Greenville News, July 20, 1984]

REAGAN LAUDS INVASION OF GRENADA IN CARIBBEAN CONFERENCE SPEECH

COLUMBIA.—President Reagan patted himself and Caribbean leaders on the back Thursday for last year's invasion of Grenada while blasting the Soviet Union and Cuba for trying to undermine freedom in the island region and Central America.

Speaking to the Caribbean Leadership Conference at the University of South Carolina, the president zeroed in on the upcoming election in Nicaragua, calling it a sham orchestrated by the Communists.

"The Soviet bloc and Cuba have been committing enormous resources to undermining our liberty and independence," Reagan told the leaders of 15 Caribbean nations and territories attending the conference. "Nowhere is this threat more pressing than in Nicaragua, a country which today marks the fifth year of Sandinista dictatorship."

Reagan, in a speech covered by about 300 reporters at USC's Russell House, said the United States would "wholeheartedly welcome" democratic elections in Nicaragua.

"But no person committed to democracy will be taken in by a Soviet-style sham election," he said.

The Sandinistas, who control Nicaragua and are fighting U.S.-backed rebels, have promised to hold democratic elections, Reagan said. But he accused them instead of systematically setting up a dictatorship, while increasing their ties with Cuba and the Soviets.

Cuba was not invited to the session.

Trade, socioeconomic problems and security were the chief topics of discussion by those attending the three-day conference, most of which was behind closed doors.

Reagan met privately with the leaders for more than two hours before addressing the conclusion of a "working luncheon" covered by the press. The public, with the exception of the USC trustees and a few invited guests, were not allowed to attend the speech.

In his address, the president commended the Caribbean officials for their "courage and leadership" in helping turn back "the communist power grab" in Grenada last fall.

"We can be proud that, thanks to the unity and determination of our democracies, we saved the people of that troubled island," said Reagan. "We restored their freedom, we revived their hope in the future and we prevented the danger of turmoil from spreading beyond Grenada's shores."

Reagan aids stressed that the whirlwind trip to Columbia, the second the president has made in a year, was not a campaign stop.

But a confident Reagan took full advantage of the occasion to aim a few lightly-veiled shots at the Carter-Mondale administration, less than a day after Walter Mondale was selected as the Democratic nominee for president.

"Four years ago, economic prospects were bleak and the forces of tyranny were on the move, emboldened by what seemed to be a paralysis among the democratic peoples of the hemisphere," said Reagan. "But, by joining together with courage and determination, we've turned that situation around."

Reagan also lauded his Caribbean Basin Initiative, a package of economic incentives intended to spur growth in the region.

"It encourages job-creating business investment for growth and prosperity," he said.

Dominican Republic President Jorge Blanco, who spoke before Reagan, said most Caribbean nations support the CBI. But he said some countries in the region confront such severe economic realities that it will be difficult to stimulate the desired growth.

Reagan's visit was a tightly controlled event from the time Air Force One touched down at 10:25 a.m. at the Columbia Metropolitan Airport until it departed for Washington about 3 p.m.

There was no public access to the president, although scattered crowds waved as Reagan's motorcade sped toward the USC campus. Several people held signs aloft as the motorcade neared Russell House. One read: "Democrats for Reagan" while another said: "Good Job in Grenada."

About 200 people cheered as the motorcade neared Russell House, but later several dozen demonstrators showed up with signs protesting U.S. involvement in Grenada and Central America.

"Reagan, Reagan you can't hide. We charge you with genocide," chanted the demonstrators, who were held back by security forces more than a block from the meeting site. One Reagan supporter nearby counter-chanted his support for the president. One young man held aloft a small sign describing Mondale as a "pinko."

Running 25 minutes behind his scheduled departure time of 2:20 p.m., Reagan, in a tightly-sealed limousine, whizzed past a band of fans who'd been waiting patiently in the hot sun at the Columbia airport.

Earlier, as the well-wishers stood silently behind yellow ropes, keeping them far from the runway, a group of security men chuckled when asked if the president would stop to chat, "No ma'am," said one state trooper. "Last time he did that, all hell broke loose," he added, referring to the assassination attempt on Reagan in Washington. "He ain't gonna do that again."

All day Thursday, the airport was shrouded under heavy security, including police dogs that patrolled the landing strip.

As the blue and white jet touched down at 10:25 a.m., a smiling Reagan strode down the airplane steps and into the presidential limousine.

He was followed by U.S. Sen. Strom Thurmond, and Republican Congressmen Tommy Hartnett and Carroll Campbell.

Campbell was in the state earlier this week, but flew back to Washington to fly down with the president.

[From the (Columbia, SC) State, July 18, 1984]

CARIBBEAN CONFERENCE SIGNIFICANT, HISTORIC

The conference of leaders of 15 Caribbean states at the University of South Carolina this week is an historic first, which is surprising, for we would have assumed common concerns had brought them together long before now.

For the university, of course, it is also an historic occasion. USC, under the administration of President James B. Holderman, has entertained many outstanding international figures for which it is achieving widespread recognition.

But never before have so many nations been represented at once here. They honor South Carolina, the university and Columbia with their presence. The State welcomes them and wishes for them a fruitful meeting.

Although not so powerful as those nations whose meetings are called "summits," a term which presumes there is nothing higher than the attending heads of state, the Caribbean states' conference in the United States is significant in its own right.

For too many years, the United States has ignored the interests of nations to the south, or disregarded their strategic importance to our own long-range security and interests. Recent events in Central America, however, have compelled our attention and involvement. Even today, political processes are at work in this country to determine the extent of our involvement in Central America.

The Democrats' convention in San Francisco grapples with proposals to ban American military involvement in Latin America. Had such a policy been in effect the United States would have been forbidden to send troops to Grenada, where Cuba sought to expand its Marxist influence. Thanks to the encouragement of Jamaica's Prime Minister Edward P.G. Seaga and other Caribbean leaders, the United States joined their forces in liberating Grenada, a welcome assertion of power.

And tomorrow, President Reagan will underscore the Administration's concern for good, workable relations in the Caribbean by speaking to the conference here. He has sent key officials to take part in the meetings today and tomorrow to further his recent Caribbean Basin initiative.

As it is with such meetings, any real assessment must await the outcome, but observers do not expect any monumental decisions. The fact of the conference, however, is most significant for the region and the United States' interests there.

[From the Greenville News, July 21, 1984]

USC PROVIDES FORUM

The University of South Carolina's sponsorship of the meeting of 15 Caribbean heads of state in Columbia was an admirable stroke.

The academic setting provided a relaxed forum allowing needed give and take between U.S. officials and the Caribbean nations targeted for economic aid.

Perhaps such a dialogue could have been accomplished in more formal diplomatic meetings, but USC accomplished a real coup in organizing the conclave, which was the first time most of the conferees had assembled to discuss their problems.

In the process, some needed and welcomed criticism—as well as praise—was provided by the intended recipients of the Caribbean Basin Initiative. That's the package designed to build the region's economy by encouraging exports to the United States through duty free guarantees while encouraging U.S. investors to build plants there.

A major USC contribution was fostering within the recipients an awareness that the United States really cares about elevating their economic prosperity. That message was conveyed by attracting such high officials as President Reagan and U.S. Trade Representative William Brock.

Adding to this was South Carolina's historical ties to the Caribbean, an intermix of economies and families dating to the colonial era.

The meeting ended with the certainty that the Caribbean Basin Initiative was not perfect, but that questions and criticisms raised at USC had reached the highest levels of U.S. government.

THE SOUTH CAROLINA FAMILY OF THE YEAR

Mr. THURMOND. Mr. President, the institution of the family has been one of the most significant factors contributing to a stable society. The family unit provides a solid foundation upon which one develops a basic understanding of responsible community life. It is within the family that one learns of love, commitment and unity, and the importance of values, morals, and faith.

Therefore, it is appropriate to acknowledge those outstanding families who have made a strong commitment to this vital institution as well as positive contributions to society, since they provide a model embracing honest, traditional values.

Recently, the South Carolina Family of the Year State Selection Committee met and chose the Roy Nichols family of Pelion, SC, as the 1984 South Carolina Family of the Year. The committee based its decision on family unity and contributions to the community.

Mr. President, Roy and Ruth Nichols are to be commended for the fine example that they set not only for their neighbors and friends, but for the entire State of South Carolina, and, indeed, the Nation. Their selfless devotion to their community, as well as their love for their children and granchildren, deserve high praise.

The Nichols family will be honored in August at ceremonies at the South Carolina Statehouse, and the Governor's mansion. At that time, Gov. Dick Riley will proclaim the last week in August as "Family Week" in South Carolina.

In addition, nine other families were selected as Regional Families of the Year in South Carolina for 1984, and they deserve recognition as well: Lewis and Earlette Burdette of Greenville, George and Mary Marshall of Joanna, Fannie Flemming of Lancaster, Robert and Carolyn Garland of Jackson, S. Gaillard and Carrie LeNoir of Horatio, Jimmie and Billie Hardee of Darlington, Phillip and Shirley Anne Barnhill of Conway, William and Elaine Simpson of Charleston, and Marvin and Karon Kaye of Waterloo.

Mr. President, in order to learn more about the South Carolina Family of the Year, the Roy Nichols family, I ask unanimous consent that the following article be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA FAMILY OF THE YEAR

The Pelion family of Roy and Ruth Nichols has been named South Carolina's Family of the Year.

The Nicholses, who were selected from among 10 regional winners, were chosen for the award by the State Family Week Committee. They will be honored Aug. 24 at a

news conference at which Gov. Richard W. Riley will proclaim the week of Aug. 27 as Family Week in South Carolina. The Nichols family will then be guests of honor at a luncheon at the Governor's Mansion.

The committee made its decision based on family unity and contributions to the community.

"It's just fantastic, just wonderful," said Mrs. Nichols shortly after being told of the committee's decision. "We are a very close-knit family. Also, we have always extended a willing and helping hand in our community. We didn't do this for any kind of honor, but rather to show our love."

The couple, who are active in community and church affairs, have two children and two grandchildren.

Benjamin Roy Nichols, a graduate of Newberry College and the University of South Carolina (USC), is a retired educator. He worked in the Newberry and Lexington counties' school system for 41 years, 25 of them as principal of Pelion High School. He is a member of the American Legion, Lexington County Historical Society, Pelion Ruritan Club and Holy Trinity Lutheran Church.

Mrs. Nichols also graduated from Newberry College and USC. She served her community as an educator for 36 years; 32 years as a teacher, guidance counselor and librarian and four as principal of Pelion High School before retiring. She is also involved with her church, the Lexington County Cancer Society and the South Carolina Lung Association.

The eldest child, Jean Nichols Haggard, is assistant principal at Lexington High School. Married and the mother of two children, Jean kept up the family tradition by earning a bachelor's degree from Newberry College and then a master's degree from USC.

The Nichols' son, Hugh, graduated from Newberry College, where he was active in intramural sports and the Alpha Tau Omega Fraternity. He is employed with a real estate company in Myrtle Beach.

The family was chosen by a committee comprised of representatives from the state's Department of Parks, Recreation and Tourism; the Department of Youth Services; the Department of Agriculture; the Commission on Aging; the Department of Social Services and the Clemson Extension Service.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that morning business be extended until not past the hour of 12:10 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, in a moment, as soon as the players are here, I intend to ask the Senate to turn to the consideration of the agriculture appropriations bill. It is anticipated, however, that a motion to waive the provisions of the Budget Act will be made prior to the leadership asking the Senate to turn to the bill itself. But until the chairman of the Budget Committee is here and the chairman of the Agriculture Subcommittee, I would not wish to proceed. I am told they will be here shortly, in a matter of minutes, so for the moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, it appears that we are not yet ready to get on to the agriculture appropriations bill or the budget matters that must precede it. There is another matter, however, that we can do that I think will take only a few minutes, although I think it will require a rollcall vote; that is H.R. 4325, the Child Enforcement Act.

I have conferred with the minority leader who has indicated to me privately that he feels there will not be an objection to the request I am about to put. Mr. President, first of all, I believe the time for the transaction of routine morning business has expired, has it not?

The PRESIDING OFFICER. The Senator is correct. Morning business is closed.

CHILD SUPPORT ENFORCEMENT AMENDMENTS—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee on conference on H.R. 4325 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the RECORD of the House proceedings.)

Mr. BAKER. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I think we can dispose of this conference report rather quickly. We are waiting for Senator ARMSTRONG to handle the conference report on this side. Senator LONG is on the floor.

Briefly, we have put together a good compromise, one that has widespread support on both sides of the aisle, and on both sides of the Capitol. I would say while my distinguished colleague, Senator LONG is on the floor, that this all started years ago under his leadership. This is sort of the next logical step in trying to collect child support from errant fathers. We believe that we have been able to work with the administration, work with Republicans and Democrats, and that we have a good product.

It is my hope that the Senate will approve the conference report today so that the House can act quickly and send the bill to the President as soon as possible. We all hope that the States and the Federal Government will not be delayed in implementing the important new enforcement procedures contained in H.R. 4325.

The House of Representatives passed H.R. 4325 on November 16, 1983, by a vote of 422 yeas to 0 nays. The Finance Committee reported its version of the bill on March 23 by unanimous vote, and the Senate, by a unanimous vote of 94 yeas, passed the committee bill on April 25. The conference committee met on June 28 and reached final agreement on July 26.

This conference report retains many of the most important provisions of the Finance Committee version and has the wholehearted support of the administration. The administration took the lead in reforming the Child Support Enforcement Program by developing its own legislation introduced by all the majority members of the Finance Committee on July 27, 1983. Many of the administration's original provisions are reflected in the conference agreement.

The conference report we are considering today has truly been a bipartisan effort. I believe the final legislation reflects a strong spirit of cooperation and support for the program's goal—collecting financial support for children.

The conference agreement includes the mandatory enforcement techniques which were contained in both the House and Senate versions of H.R. 4325: Mandatory income withholding after an arrearage of 1 month; the imposition of liens on property; the requirement that a bond be secured in certain cases; consumer credit agency reporting; and the intercept and offset of State income tax refunds for child support cases. Additionally, the House conferees adopted the Grassley amendment to extend the current Federal income tax offset used for welfare cases to nonwelfare cases. This provision will be effective for refunds payable after December 31, 1985, and before January 1, 1991. The Federal Office of Child Support Enforcement estimates that in its first year of implementation, the offset will affect some 800,000 taxpayers. Ultimately, the provision could affect upward of 2 million returns. This could prove to be an important collection tool for the program.

With regard to the financing of the program, the conference agreement retains the Finance Committee incentive structure with a modification of the non-AFDC cap to reflect the desire of the House and many in the Senate to have non-AFDC incentives increase over time. Finally, the Federal match, which was decreased to 65 percent in the Senate bill, will instead be reduced to 66 percent by 1990. This gradual decrease places more emphasis on State participation than is the case under current law.

At this point, I ask unanimous consent to have printed in the RECORD a brief summary of the provisions of the conference agreement on H.R. 4325, the Child Support Enforcement Amendments of 1984.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CHILD SUPPORT ENFORCEMENT AMENDMENTS

The Child Support Enforcement Amendments of 1984, as agreed to by House and Senate conferees, strengthen the child support enforcement and paternity establishment program authorized by title IV-D of the Social Security Act by requiring the States to implement effective enforcement procedures, by providing incentives to the States to make available services to both Aid to Families with Dependent Children (AFDC) and non-AFDC families and to increase the effectiveness of their programs, and by otherwise improving Federal and State administration of the program.

Purpose of the program.—Language is added to the statement of purpose assuring that services will be made available to non-AFDC families as well as AFDC families.

Improved child support enforcement through requiring State laws and procedures.—States are requiring to enact laws establishing the following procedures with respect to their IV-D cases:

1. Mandatory wage withholding for all IV-D families (AFDC and non-AFDC) if support payments are delinquent in an amount equal to 1 month's support. States must also allow absent parents to request withholding at an earlier date.

2. Imposing liens against real and personal property for amounts of overdue support.

3. Withholding of State tax refunds payable to a parent of a child receiving IV-D services, if the parent is delinquent in support payments.

4. Making available information regarding the amount of overdue support owed by an absent parent, to any consumer credit bureau, upon request of such organization.

5. Requiring individuals who have demonstrated a pattern of delinquent payments to post a bond, or give some other guarantee to secure payment of overdue support.

6. Establishing expedited processes within the State judicial system or under administrative processes for obtaining and enforcing child support orders, and, at the option of the State, for determining paternity.

7. Notifying each AFDC recipient at least once each year of the amount of child support collected on behalf of that recipient.

8. Permitting the establishment of paternity until a child's 18th birthday.

9. At the option of the State, providing that child support payments must be made through the agency that administers the State's income withholding system if either the custodial or noncustodial parent requests that they be made in this manner. The procedure must be available regardless of whether there is an arrearage that requires withholding to occur. The State must charge a fee equal to the cost incurred by the State for this service up to a maximum of $25 a year.

The Secretary may grant an exemption to a State from the required procedures, subject to later review, if the State can demonstrate that such procedures will not improve the efficiency and effectiveness of the State IV-D program.

The enforcement provisions are generally effective October 1, 1985. However, if a State agency administering a plan approved under part D of title IV of the Social Security Act demonstrates to the satisfaction of the Secretary of the Department of Health and Human Services, that it cannot, by reason of State law, comply with requirements of a provision mentioned above, the Secretary may prescribe that the provision will become effective beginning with the fourth month beginning after the close of the first session of such State's legislature ending on or after October 1, 1985.

Federal matching of administrative costs.—The Federal matching share is gradually reduced from 70 percent as follows: 68 percent in fiscal years 1988 and 1989, and 66 percent in fiscal year 1990 and each year thereafter.

Federal incentive payments.—The current incentive formula which gives States 12 percent of their AFDC collections (paid for out of the Federal share of the collections) is replaced with a new formula that is designed to encourage States to develop programs that emphasize collections on behalf of both AFDC and non-AFDC families, and to improve program cost effectiveness. The basis incentive payment will be equal to 6 percent of the State's AFDC collections, and 6 percent of its non-AFDC collections. States may qualify for higher incentive payments, up to a maximum of 10 percent of collections, if their AFDC or non-AFDC collections exceed combined administrative costs for both AFDC and non-AFDC components of the program.

The total dollar amount of incentives paid for non-AFDC families may not exceed the amount of the State's incentive payment for AFDC collections for fiscal years 1986 and 1987. However, thereafter the incentive paid for non-AFDC collections will be capped at an amount equal to 105 percent of the incentive for AFDC collections in fiscal year 1988, 110 percent in fiscal year 1989, and 115 percent in fiscal year 1990 and any fiscal year thereafter. The agreement also provides that for fiscal year 1985, the amount of the AFDC incentive will be calculated on the basis of AFDC collections without regard to the provision added by the Deficit Reduction Act of 1984 that requires that the first $50 collected on behalf of an AFDC family in any month must be paid to the family without reducing the amount of the AFDC payment to the family.

States may exclude the laboratory costs of determining paternity from combined administrative costs for purposes of computing incentive payments. States are required to pass through to local jurisdictions that participate in the cost of the program an appropriate share of the incentive payments, as determined by the State, taking into account program effectiveness and efficiency. Amounts collected in interstate cases will be credited, for purposes of computing the incentive payments, to both the initiating and responding States.

As part of the new funding formula, "hold harmless" protection is provided for fiscal years 1986 and 1987 which assures the States that for those years they will receive the higher of the amount due them under the new incentive and Federal match provisions, or 80 percent of what they would have received under prior law.

The provision is effective beginning with fiscal year 1986.

Matching for automated management systems used in income withholding and other procedures.—The agreement specifies that the 90 percent Federal matching rate that is currently available to States that elect to establish an automatic data processing and information retrieval system may be used, at the option of the State, for the development and improvement of the income withholding and other procedures required in the bill through the monitoring of child support payments, the maintenance of accurate records regarding the payment of child support, and the provision of prompt notice to appropriate officials with respect to any arrearages that occur.

The agreement also specifies that the 90 percent matching is available to pay for the acquisition of computer hardware.

The provision is effective October 1, 1984.

Fees for services to non-AFDC families.—States will be required to charge an application fee for non-AFDC cases not to exceed $25. The amount of the maximum allowable fee may be adjusted periodically by the Secretary to reflect changes in administrative costs. The State may charge the fee against the custodial parent, or pay the fee out of State funds, or it may recover the fee from the noncustodial parent.

In addition, at the option of the State, a late payment fee equal to between 3 and 6 percent of the amount of overdue support may be charged to the noncustodial parents of AFDC and non-AFDC families. The State may not take any action which would have the effect of reducing the amount of support paid to the child and will collect the fee only after the full amount of the support has been paid to the child. The late payment fee provision is effective upon enactment.

Continuation of support enforcement for AFDC recipients whose benefits are being terminated.—States must provide that families whose eligibility for AFDC is terminated due to the receipt of (or an increase in) child support payments will be automatically transferred from AFDC to non-AFDC status under the IV-D program, without requiring application for IV-D services or payment of a fee.

The provision is effective October 1, 1984.

Special project grants to promote improvement in interstate enforcement.—The Secretary is authorized to make demonstration grants to States which propose to undertake new or innovative methods of suport collection in interstate cases. The authorization is $7 million in FY 1985, $12 million in FY 1986, and $15 million in FY 1987 and years thereafter.

Periodic review of State programs; modification of penalty.—The Director of the Federal Office of Child Support Enforcement is required to conduct audits at least every three years to determine whether the standards and requirements prescribed by law and regulations have been met. Under the penalty provision, a State's AFDC matching funds must be reduced by an amount equal to at least 1 but no more than 2 percent for the first failure to comply substantially with the standards and requirements, at least 2 but no more than 3 percent for the second failure, and at least 3 but no more than 5 percent of the third and any subsequent consecutive failures.

Annual audits are required unless a State is in substantial compliance. If a State is not in substantial compliance, the penalty may be suspended only if the State is actively pursuing a corrective action plan, approved by the Secretary, which can be expected to bring the State into substantial compliance on a specific and reasonable timetable. If at the end of the corrective action period substantial compliance has been achieved, no penalty would be due. If substantial compliance has not been achieved, penalties would begin at the end of the corrective action period if the State has implemented the corrective action plan. A State which is not in full compliance may be determined to be in substantial compliance only if the Secretary determines that any noncompliance is of a technical nature which does not adversely affect the performance of the child support enforcement program.

The provision is effective beginning in fiscal year 1984.

Extension of section 1115 demonstration authority to the child support program.—The section 1115 demonstration authority is expanded to include the child support enforcement program under specified conditions.

The provision is effective upon enactment.

Child support enforcement for certain children in foster care.—State child support agencies are required to undertake child support collections on behalf of children receiving foster care maintenance payments under title IV-E, if an assignment of rights to support to the State has been secured by the foster care agency. In addition, foster care agencies are required to take steps, where appropriate, to secure an assignment to the State or any rights to support on behalf of a child receiving foster care maintenance payments under the title IV-E foster care program.

The provision is effective October 1, 1984.

Collection of spousal support.—Child support enforcement services must include the enforcement of spousal support, but only if a support obligation has been established with respect to the spouse, the child and spouse are living in the same household, and child support is being collected along with spousal support.

The provision is effective October 1, 1985.

Modification in content of annual report by the Secretary.—The present annual report information requirements are expanded to include data needed to evaluate State programs.

The provision is effective for reports issued for fiscal year 1986 and years thereafter.

Requirement to publicize the availability of child support services.—States must frequently publicize, through public service announcements, the availability of child support enforcement services, together with information as to the application fee for such services and a telephone number or postal address to be used to obtain additional information.

State commissions on child support.—The Governor of each State is required to appoint a State Commission on Child Support. The Commission must include representation from all aspects of the child support system includng custodial and non-custodial parents, the IV-D agency, the judiciary, the Governor, the legislature, child welfare and social services agencies, and others.

Each State commission is to examine the functioning of the State child support system with regard to securing support and parental involvement for both AFDC and non-AFDC children, including but not limited to such specific problems as: (1) visitation; (2) establishment of appropriate objective standards for support; (3) enforcement of interstate obligations; and (4) additional Federal and State legislation needed to obtain support for all children.

The commissions shall submit to the Governor and make available to the public, reports on their findings and recommendations no later than October 1, 1985. Costs of operating the commissions will not be eligible for Federal matching.

The Secretary may waive the requirement for a commission at the request of a State if he determines that the State has in place objective standards for child support obligations, has had a commission or council within the last five years, or is making satisfactory progress towared fully effective child support enforcement.

Requirement to include medical support as part of any child support order.—The Secretary of Health and Human Services is required to issue regulations to require State agencies to petition to include medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. The regulations must also provide for improved information exchange between the State IV-D agencies and the medicaid agencies with respect to the availability of health insurance coverage.

Increased availability of Federal parent locator services to State agencies.—The present law requirement that the States exhaust all State child support locator resources before they request the assistance of the Federal Parent Locator Service is repealed.

The provision is effective upon enactment.

Extension of medicaid eligibility when support collection results in termination of AFDC eligibility.—If a family loses AFDC eligibility as the result (wholly or partly) of increased collection of support payments under the IV-D program, the State must continue to provide medicaid benefits for 4 calender months beginning with the month of ineligibility. (The family must have received AFDC in at least three of the six months immediately preceding the month of ineligibility.)

The provision is effective upon enactment. It is applicable to families becoming ineligible for AFDC before October 1, 1988.

Guidelines for determining support obligations.—Each State must develop guidelines to be considered in determining support obligations.

The provision is effective October 1, 1987.

Availability of social security numbers for purposes of child support enforcement.—The absent parent's social security number may be disclosed to child support agencies both through the Federal Parent Locator Service and by the IRS.

The provision is effective upon enactment.

Collection of overdue support from Federal tax refunds.—Current law requires the Secretary of the Treasury, upon receiving notice from a State child support agency that an individual owes past due support which has been assigned to the State as a condition of AFDC eligibility, to withhold from any tax refunds due that individual an amount equal to any past due support. The conference agreement extends this requirement to provide for withholding of refunds on behalf of non-AFDC families, under specified conditions.

The provision is effective for refunds payable after the year ending Dedember 31, 1985, and prior to January 1, 1991.

Wisconsin child support initiative.—The Secretary of HHS is required to grant waivers to the State of Wisconsin to allow it to implement its proposed child support initiative in all or parts of the State as a replacement for the AFDC and child support programs. The State must meet specified conditions and give specific guarantees with respect to the financial well-being of the children involved.

Sense of the Congress that State and local governments should focus of the problems of child custody, child support, and related domestic issues.—The conference agreement incorporates the language of S. Con. Res. 84 urging State and local governments to focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are within the jurisdictions of such governments.

Mr. DOLE. Mr. President, this legislation was not developed without extensive hearings and study. The Finance Committee held hearings in September 1983 and in January 1984. Testimony was received from over 30 witnesses, including the Secretary of Health and Human Services, 4 U.S. Senators, 2 Members of the U.S. House of Representatives, 1 Governor, other public officials, State Child Support Program administrators, women's legal rights organizations, and groups representing custodial and noncustodial parents. The majority of the witnesses agreed that although the Child Support Program has been operating with some success for a number of years, data indicate that child support is largely being ignored and the economic well-being of children is suffering.

It is my view, and that of all the House and Senate conferees, that the agreement reached on H.R. 4325 will, when fully implemented, lead to a more effective Child Support Program. The legislation will ensure that the enforcement and collection tools established in the bill will be available to all children whether or not they are receiving public assistance. It provides incentives that financially reward States which operate efficient, effective child support programs.

Finally, I would like to thank all the members of the Finance Committee who contributed to the development of the Child Support Enforcement Amendments of 1984. I am especially grateful to the Senate conferees, led on the minority side by Senator RUSSELL LONG, recognized as the father of the Child Support Program. Senators PACKWOOD, ARMSTRONG, GRASSLEY, MOYNIHAN, and BRADLEY contributed greatly to the process. A number of Senators not serving on the Finance Committee also made valuable contributions. Senator TRIBLE introduced an early version of the present bill and testified before the Finance Committee. Senator TRIBLE was an especially convincing advocate for the mandatory income withholding provision which is the centerpiece of the bill. Senators HAWKINS, KASSEBAUM, and HATCH all appeared before the Finance Committee and provided insight and support that was important to the committee during the markup process.

The administration, through effective leadership by the President and tireless effort by Secretary Heckler, deserves a large share of the credit for the successful completion of the amendments. I would like to thank the staff of the Federal Office of Child Support enforcement, especially David Smith, for the assistance provided to the committee and its staff. From the Department of Health and Human Services, Tom Ault, Deirdre Duzor, Fran White, and Fran Paris were always available for expert assistance. I would also thank Margaret Malone of the Congressional Research Service. Without her knowledge and expertise, the final product would have surely suffered. Additionally, I want to acknowledge the work of the staff of the Senate conferees: Dundeana Langer for Senator GRASSLEY, Kathy Shine for Senator PACKWOOD, Margaret Webber and Brian Waidmann for Senator ARMSTRONG, Joe Humphreys of the minority staff, Jane Ross for Senator MOYNIHAN, and Ken Apfel for Senator BRADLEY.

I urge my colleagues to adopt the conference agreement to accompany H.R. 4325, the Child Support Enforcement Amendments of 1984.

I am happy to yield at this point to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, the Child Support Enforcement Program was enacted 10 years ago because the Congress believed that children have a right to know who their parents are and to be supported by them. Neither children nor taxpayers are justly treated by a system which permits parents to shirk their parental responsibilities and abandon their children to welfare. In its first 10 years of existence, the Child Support Program has done a great deal to change that system. The program is now collecting over $2 billion each year in child support payments, locating over 800,000 absent parents each year, and establishing paternity for over 200,000 children.

Although the results of the Child Support Program have been impressive, there are still too many children who receive little or no support from their absent parents. There are too many cases where child support awards are unrealistically low or where insufficient efforts are made to enforce support. The conference agreement now pending before the Senate proposes a number of improvements in the Child Support Enforcement Program. Its enactment should strengthen that program significantly.

The pending legislation calls upon the States to utilize wage withholding and other techniques which some States have shown to be highly effective in collecting support. It reemphasizes the requirement that child support services be made available to help families stay off of welfare and not just to collect for those who are already on the welfare rolls.

An important element of this legislation is the strengthening of the audit role of the Director of the Office of Child Support Enforcement. Through periodic audits, the Director is required to monitor the operations of State programs, not just for technical compliance with Federal rules but also to assure that they meet standards of effectiveness.

The conference agreement also incorporates a Senate provision requiring States to establish guidelines for child support awards. While these guidelines need not deprive judges of the flexibility that is often required in determining a support level, they should help to assure that awards are not made on a totally arbitrary basis which ignores the realistic needs of the family or the ability of the absent parent to meet those needs.

The enforcement of child support is a difficult task. The enactment of these amendments will not eliminate the need for continuing and increasing efforts on the part of those State and local officials who are charged with this responsibility. But the amendments will strengthen the program, and should provide added tools to assist those officials. I support the conference agreement and I urge the Senate to approve it.

Mr. President, let me say in conclusion that from the point of view of the Senate, this has been a very successful conference. I believe the House is satisfied as well, I urge Senators to agree to the conference report.

Mr. BRADLEY. Mr. President, today marks a major breakthrough in the effort to improve our sorry record of collecting child support. As a member of the Conference Committee which reached the agreement before us, I am delighted with the results of our negotiations. This bill is long overdue and much needed.

For many single-parent families, child support payments from the absent parent is a major source of income. But for 40 percent of those families no child support has been awarded by a court. And what of the remaining 60 percent? Fewer than half received the full amount due; 23 percent received only part of what they were entitled to; and 28 percent received nothing at all—even though a court had ordered payments to be made.

Some years back, Congress decided to help enforce child support orders for families receiving public assistance, and the current Child Support Program has had a positive impact. But it is far from adequate. There is a wide disparity in performance among States and no State has even a 50-percent compliance rate with court orders. The system is in need of major improvements.

Mr. President, earlier this year, Senator DURENBERGER and I introduced legislation that was cosponsored by 20 Senators. It requires mandatory wage withholding and other enforcement tools to insure that child support is paid regularly and on time for all children, not just those on welfare. And my bill gave strong incentives to States to be as aggressive as possible in enforcement. While the conference report is not as strong as the bill I introduced, it will substantially improve the collection of child support payments from parents who are ignoring their legal obligations. The core element of the bill before us is the same as the bill I introduced: strong enforcement of child support through mandatory income withholding and incentive payments to State and local governments to encourage better performance.

These are significant changes that I believe will help improve the record on collecting child support. It should be pointed out, however, that these efforts may not be enough to correct the abuse and neglect we are witnessing today. If these reforms do not prove to be a sufficient enforcement tool, we

may well have to incorporate automatic withholding of child support payments from the wages of those obligated to pay as a part of the original court decree not just after there has been a 1-month lapse in payment. I shall certainly be monitoring the situation over the next couple of years to see how effectively the changes we are making today actually work.

Mr. President, while the bill is not perfect, I was especially pleased that the House-Senate conferees agreed to strengthen the final version of the bill in three ways. First, all tax refunds from noncustodial parents with delinquent payments will now be attached, not just refunds owed to welfare families. Second, the conferees agreed to provide 4 months of medicaid coverage to families going off AFDC because of improved collections. And third, the reform bill includes a stronger incentive payment to State and local governments to further encourage States to go after all noncustodial parents who are not paying their child support, not just those whose children are on AFDC.

Mr. President, there has been much written about the feminization of poverty and the need to do something about it. This bill takes positive action to help correct that deplorable situation.

For the million parents of families not receiving their due, I hope the Senate will support this conference report. And for the absent parents, largely fathers, who are not paying their child support, we say, "Get ready, because we are coming after you. You are now going to have to support your family."

Mr. ARMSTRONG. Mr. President, passage of the conference report on this legislation brings to an end a yearlong effort to write tough new child support legislation. I commend the conferees and others who have worked on this measure, members of the staffs, and a number of people outside Congress who have participated in drafting this legislation, State officials, single parents and others who have really called to the attention of the Congress and provoked the conscience of the Nation a human tragedy of very great proportion.

President Reagan will sign the bill into law as soon as possible. I feel confident that its final passage will help correct a serious and expensive problem for many of our country's women and children—this problem is the failure of absent parents to fulfill child support obligations.

Four million children of divorced, separated or unmarried parents are not receiving either full or timely child support payments. In 1981, according to the Census Bureau, more than 8 million women were raising children alone. Most of these women were eligible for child support, but obligations had been established for only 4 million children. The total unmet obligation amounts to almost $4 billion a year—an unbelievable amount considering the young lives being affected. Specifically: (1) 40 percent of single parents lack a child support order because the father is not known, or the mother chooses not to seek one; (2) of the 60 percent of single parents with court ordered child support, 28 percent get no support assistance at all—that is to say, the court orders are being violated in 20 percent of the cases just from start to finish. There is no compliance with the court orders at all—a quarter receive some assistance, and only 47 percent receive the full amount due in any particular year.

This legislation before us today amends the Social Security Act to improve the ability of States to collect support for non-AFDC and AFDC families. This child support legislation has a two-pronged approach to collecting delinquent child support payments: First, the legislation increases Federal financial payments to States that improve child support collections beyond current levels. Second, it directs States to adopt effective, proven procedures to increase collections. It is expected to increase child support collections by at least $600 million. In brief, the bill includes the following provisions:

It provides financial incentives for States that develop effective child support enforcement programs. These incentives are intended to encourage States to increase their cost-effectiveness ratio in making collections.

It requires States to impose mandatory wage withholding on absent fathers who are more than 45 days behind in child support.

It requires States to intercept State tax refunds from absent fathers behind in child support.

It provides for mandatory imposition of liens against real and personal property for amounts of overdue child support owed by an absent parent. It requires the transfer of available information regarding the amount of overdue support owed by an absent parent to any consumer credit organization upon request.

It provides the States a 90 percent Federal matching rate that is available to establish automatic data processing and information retrieval systems to improve state collections and provide better information for intrastate collections.

It also provides child support enforcement for certain children in foster care.

Finally, it requires States to develop procedures that would expedite judicial proceedings in child support cases in civil courts.

These provisions have already been enacted by many States and provide only the minimum requirements that States may enact to increase collections. In addition, the Federal match would remain at 70 percent until 1988. This match would then be reduced to 68 percent until 1990 and then reduced to 66 percent. This would allow States time to implement these new collection mechanisms and to benefit from increased collections reducing the burden of State administration costs. In my own State, Colorado is expected to receive a net gain of an estimated $400,000 dollars over current law in 1986 according to the Office of Child Support Enforcement.

American children are being cheated out of several billions of dollars of court ordered child support. Each year the problem becomes increasingly worse as an additional 2 million children are being raised in single parent families. In addition, the nonpayment of child support has pushed more and more families onto the welfare rolls resulting in taxpayers actually subsidizing child support cheaters. Some 87 percent of those receiving Federal welfare payments through the Aid to Families with Dependent Children are eligible because child support is not being paid. Annual AFDC costs now exceed $13 billion.

Yet loss of Federal money by nonpayment of support is not the only tragedy nor is this legislation a substitute for parents who are not willing to meet child support obligations. Each day many custodial parents face the anguish and frustration of trying to support children alone complicated by financial difficulties and perhaps the frustration of waiting months for court redress. The final passage of this legislation will help prevent further suffering of these individuals and the 2 million children who may be added to this list each year. Finally, I urge States to consider additional measures to increase child support collections and to improve cooperation between States in locating and forcing absent parents to fulfill their child support obligations.

Mr. President, unless there are other Senators who wish to speak, I think we will be ready to go to a vote in just a moment. We are going to run our trap line and see if there is anybody who has indicated a desire to speak. If not, I think we will be ready to bring this debate to a conclusion.

Mr. DOLE. Mr. President, I wish to thank the distinguished Senator from Colorado for his leadership, along with the distinguished Senator from New Jersey. This is very important and significant legislation. It is something for which we have worked hard. With the help of the distinguished Senator from Colorado and others, we have a good bill. It is fair. It is balanced. It means we are going to collect more child support from errant fathers.

Mr. DURENBERGER. Mr. President, I am extremely pleased, as a supporter of child-support enforcement reform, that we are considering the child support conference report today. I want to commend the chairman of the Finance Committee for his efforts in bringing this report to the floor, and I should also like to recognize the other Senate conferees—Senators PACKWOOD, GRASSLEY, ARMSTRONG, LONG, MOYNIHAN, and BRADLEY—for their tremendous contribution to passage of this legislation.

The bill we are considering today is modeled after title V of the Economic Equity Act which I introduced in March of 1983, as well as legislation that I introduced last January with Senator BRADLEY to ensure compliance with court-ordered child support payments.

Failure to pay child support in this country has reached epidemic proportions. In fact, this situation has become so serious that everyone knows someone who is not receiving child support.

Translated into dollars and cents and national statistics, this problem is even more horrifying. Between a quarter and a third of fathers never make a single court-ordered payment. Absent parents fail to pay approximately $3 billion each year, and this trend is growing.

In addition, the number of single-parent families has mushroomed. In 1980, there were 8.5 million single-parent families, an increase of over 100 percent from 1970. The Census Bureau predicts that only half of all children born this year will spend their entire childhood living with both natural parents. Women head 90 percent of the rapidly growing number of single-parent families.

What happens to a woman when confronted with a marriage that has been irreconcilably broken by financial problems, communication breakdowns, and changing values? At age 40, she may find herself raising her children alone, with no or limited means of support and terribly frightened.

Her efforts to achieve self-sufficieny and regain her self-esteem are frustrated by forces beyond her control. She quickly learns that the chances of employment are few without job skills and experience. She is confronted by the fact that the same society that encouraged her to raise and care for her family, now refuses to attach a value to the work she has performed.

If she is fortunate enough to obtain an order for child support from her former spouse, there is no guarantee that the support will ever be paid. While her standard of living quickly declines, she sees her former husband's increasing.

In many cases, she will be forced to turn to public assistance just to make ends meet. Only then can she find help collecting past-due support. Once the support starts arriving her financial situation improves—she now has enough income to obtain adequate dependent care, pay her medical bills, and provide for transportation expenses.

Unfortunately, once she becomes self-sufficient she no longer finds child support collection officials anxious to pursue her child support claims. In time, the support stops and she is forced to return to public assistance. This catch-22 may continue throughout her children's lives.

The breakdown of the American family is shocking in a society that has placed that institution at the apex of its social structure. Family dissolution is a problem that we, as national leaders, must address in the coming years. If we are going to maintain the backbone of our society, we must begin to search for ways in which we can keep the family together.

All too often we have ignored this need and sacrificed family unity and self-reliance for well-intentioned economic considerations. In doing so, we have damaged the health of America's children.

A child confronted by dissolution is frequently caught in an unwinnable and unhealthy situation. Far too often, children are used as puppets by parents who are acting out their own frustrations.

Not only do these children suffer during the course of the legal proceedings, but their anguish may continue for many years to come. In many cases, visitation and support issues rapidly intertwine to catch the children in their parents' game of cat-and-mouse. For example, any one of the following is a typical scenario: First, the absent parent fails to pay support, and the custodial parent terminates visitation; second, the custodial parent refuses visitation, and the absent parent stops paying support; third, the absent parent purchases gifts for the children in lieu of support; or fourth, either or both parents move to a new locality.

These are just a few of the tragic situations that follow divorce, but they all lead to one inevitable conclusion—the innocent children are the ultimate victims.

Although these serious family law issues are primarily within the jurisdiction of the State and local governments, Congress does have an obligation to protect these children's financial well-being by tackling the child-support enforcement problem.

The bill which we are considering today is a strong piece of legislation and incorporates many of the provisions of title V of the Economic Equity Act. It includes:

Mandatory wage withholding after arrearages equal 1 month.

Mandatory Federal and State income tax offsets for both AFDC and non-AFDC families.

Mandatory liens against real and personal property.

Mandatory security and bonding procedures.

Support for State and local government initiatives with respect to visitation, child custody, and related domestic issues.

Development of objective standards for support.

This legislation also establishes a new incentive formula for both AFDC and non-AFDC collections. Hopefully, this change will encourage States to become more cost effective and responsive to all families—not just those receiving AFDC.

There is a gradual reduction in the Federal matching formula included in the bill as well. Although I originally would have preferred maintaining the Federal match at 70 percent, the new rate represents a compromise that recognizes the enormous Federal deficit and the needs of the States. When coupled with new incentive payments and greater State efficiency, this change will be negligible.

Passage of this legislation by the Senate will send a signal to American women that we intend to remove economic discrimination today. But, this does not complete our task. We must take action to ensure passage of all the other provisions of the Economic Equity Act. We must increase the availability of the dependent care tax credit. We must remove all insurance discrimination that currently exists. We must reform public pensions for civil service spouses. Finally, we must set an example by removing impediments established in our regulatory and tax codes.

Mr. President, the challenge that awaits us is great, but enactment of strong child-support enforcement legislation is an important beginning. As we move ahead to our next goal, I believe it is vital that we keep in mind the importance of removing economic barriers which confront women. Hubert Humphrey articulated this well, in 1966, when he stated:

> Despite the fact that we are doing better in this respect than most other countries, it still remains true that the richest underrealized resource in America is the talent of its women.

Mr. GRASSLEY. Mr. President, it is with extreme delight that I rise to support H.R. 4325. The conferees have reached agreement on a child-support enforcement package which deserves every Senator's support.

This bill represents the culmination of many individual Senator's and Representative's efforts to fashion a stronger IV-D Program. The Reagan administration and Secretary Heckler gave their firm commitment to help develop meaningful improvements in

the current Child Support Enforcement Program, and of course, the interest groups were key in generating such overwhelming support for reforms. We have worked hard over these many months, and heard testimony from numerous interest groups and the various levels of Government involved with the IV-D Program. H.R. 4325 represents a truly bipartisan approach to remedying the national disgrace of nonpayment of child support.

While the IV-D Program has made great headway in collecting overdue child support, it was apparent that improvements were needed. Program effectiveness varies greatly from State to State, as does the emphasis on AFDC against non-AFDC collection efforts. The items included in H.R. 4325 will enable us to make good on our pledge to assure that assistance in obtaining support will be available to all children.

The conferees approved a very balanced bill which calls on States to implement proven enforcement techniques, restructures the financing of the program to place more emphasis on States' performance, and addresses the need to develop guidelines for child support awards, as well as the need for the States to examine custody and visitation issues.

I was particularly pleased with the inclusion of the Senate's Federal and State income tax refund offset provision for non-AFDC families. The refund offset was an important part of my bill, S. 1708, and Congressman CAMPBELL's companion bill H.R. 3545. The refund offset was successfully offered during the Senate Finance Committee's markup by myself and Senators PACKWOOD and DURENBERGER. I know they share my pleasure with the enactment of this measure. It is a critical tool to ensure that all children are afforded equal footing in obtaining their support payments.

As this country struggles to deal with the changing family makeup, we need to take steps which recognize the ever-increasing number of single-parent homes. The ultimate responsibility of any parent is to provide for the well-being of their children. This responsibility does not end with the dissolution of a marriage, nor does it fail to exist in the case of children fathered outside of marriage. The thrust of this legislation is to encourage prompt payment of court-ordered payments, and to provide a more uniform and effective system of enforcing those payments. In conjunction with the enforcement of the support payment, it should be carefully noted that Congress views visitation rights as being just as important to the well-being of the child.

Our work will not end with the passage of this measure. We need to continually monitor the effectiveness of the program changes and their implementation by the States. I believe we have given the States very effective tools and guidelines by which to improve their programs, and structured the financing to give them greater incentives to operate a truly worthwhile program. Nonetheless, it will be critical that Congress keep a watchful eye on program specifics and their effect on the State and local operations.

Passage of this legislation highlights the tremendous progress we have made since the inception of the IV-D Program in 1975. Senator LONG certainly deserves our thanks for his work in recognizing the Federal role in assisting in the collection of delinquent payments. Before the taxpayers have to step in and help pick up the tab for welfare programs, every effort must be made to assure parental responsibility is being fulfilled. The Child Support Enforcement Program has heightened public awareness of the problems faced by many families in receiving a steady flow of payments.

I urge all of my colleagues to join me in supporting H.R. 4325 so we may make further progress in helping children receive their due.

Mrs. HAWKINS. Mr. President, just as charity is to begin at home, so should the home be a place for the great principle of our land, "liberty and justice for all." Yet, with an appalling pattern of neglect in child support payments, over half of all female heads of households and their children have been consistently deprived of their just due.

In 1981, children were cheated out of $4 billion in child support payments with the result of forcing many families to turn to welfare aid. As the tide has begun to turn under the Reagan administration, some 77,000 families have been relieved of welfare dependence due to increased enforcement of support since then. As Republicans, we are calling for a removal of the burden of child support from society by placing it on the delinquent parents where it belongs.

President Reagan has made great strides in forcing neglectful parents to take responsibility for child support. Resulting in yields of over $175 million in 1982 the administration has begun to aid the States in collecting overdue support payments by attaching Federal tax refunds of delinquent absent parents to pay the support due. In addition, the Parent Locator Service has been improved so that Federal technical aid assists State and local agencies in locating absent parents. Another positive step has been the abolishment of the bankruptcy loophole often used for avoiding child support payments.

The President has proposed major improvements in the Child Support Enforcement Program of 1975. This program provides a plan for absent parents to reimburse the State for prior welfare expenditures and offers numerous procedures for the collection of payments. The President's proposal helps improve efficiency through a system of State collection incentives under which bonuses would be paid to States according to their success in support payment collection. President Reagan's proposal also calls for stricter collection techniques and for more audits of State compliance. Besides simply establishing paternity, the proposal provides special grants for States to set up automated systems for tracking down delinquents.

In this manner, the Republicans are taking a clear stance on a vital social issue: parents must be responsible for the support of their own children and the disturbing and persistent trend of neglect in child support must be reversed. Compliance with the law can and must be promoted, especially in the case of a law so central to the preservation of an equitable society with the American family at its core.

I am pleased that the House and Senate conferees have resolved the differences between their child support bills. The ultimate beneficiaries of this legislation will be the American child.

Mr. KASTEN. Mr. President, I rise in support of the conference report on H.R. 4325, the Child Support Enforcement Amendments of 1984. The House and Senate conferees have worked diligently on this package and the result is an equitable system for strengthening child support enforcement in this Nation.

Most Americans are alarmed to know that over $4 billion a year is paid out in welfare benefits simply because many parents are refusing to pay court ordered child support. The Bureau of the Census estimates that more than 2 million parents either disobey the courts by ignoring the orders or making child support payments late. As a result, more and more custodial parents are pushed to the welfare system, accounting for more than 85 percent of those receiving Federal Aid to Families with Dependent Children. These statistics simply cannot be ignored. We must put teeth into existing child support enforcement laws for the benefit of the families of this Nation.

The package before us provides strong incentives for States to strengthen their child support collections programs, using such tools as mandatory withholding from wages for overdue support, tax intercepts, and property liens in delinquent support cases. This legislation allows for the first time for the collection of payments for both AFDC and non-AFDC cases. This will end the need for many families to spend down their assets before any action can be taken to assist in the collection of payments.

Perhaps most important, this bill will allow Wisconsin to carry out its own child support initiative, one of the boldest in the Nation.

This initiative, which employs a system of immediate income assignment in divorce, separation, and paternity cases, guarantees each child a minimum allowance, and requires that both parents contribute to the support of their child, based on income. Under the provisions of H.R. 4325, Wisconsin will be able to expand this system operating in 10 pilot counties to the entire State. That means security for custodial parents and children, and great savings for the State welfare system.

In a nation which places such a high premium on the welfare and security of its citizens, it is unthinkable that we could ignore the tragedy of child support delinquencies. The conference report before us gives us an opportunity to do something about this tragedy and to reaffirm our commitment to the children of this Nation.

Mr. President, I ask my colleagues to join me in support of the conference report on H.R. 4325.

● Mr. MOYNIHAN. Mr. President, I rise today in strong support of the conference report on H.R. 4325, the Child Support Enforcement Amendments of 1984.

I have followed this legislation for some considerable time. In September 1983, the Senate Finance Subcommittee on Social Security and Income Maintenance, on which I serve as ranking minority member, held extensive hearings on this legislation. The full Finance Committee conducted additional hearings on January 24, 1984, and I was a member of the conference committee which produced this final legislation.

This legislation has focused attention on one of the most deplorable situations affecting the Nation's social welfare—the nonpayment of child support. The current record of child support collections is intolerable: Almost 55 percent of the more than 4 million women legally entitled to child support payments are not receiving the full amount; 28 percent of these women receive nothing at all. Nonpayment for child support increases the likelihood that a child will fall into poverty and remain so, prolonging reliance on public assistance.

Congress created the Office of Child Support Enforcement in 1975 to establish and enforce child support obligations, to establish paternity, and to assist in the enforcement of interstate support cases. This is a Federal and State effort, and its 9-year history is one of significant success. More than $8.8 billion has been collected in child support, over 2.2 million support orders have been established, and the paternity of more than 8,000 children has been determined. But this is not enough. The record of compliance on child support orders remains disgraceful.

The measure under consideration today will provide the stronger tools needed to enforce child support obligations and relieve the difficult economic circumstances facing a growing number of American families. It provides assistance for children who need such to secure the financial support due them from their absent parents. This measure imposes vigorous enforcement mechanisms including mandatory wage withholding of child support when a support payment is 1 month late, mandatory interception of State and Federal income tax refunds for back child support, and imposition of liens on real and personal property to secure payments. These reforms in the administration of the child support system are essential, and I am pleased to support them.

There is a strong link between female-headed households, poverty, welfare recipiency and child support. The Census Bureau reports that 19 percent of all families with children are headed by women—and 12.5 million children under age 18 live in female-headed households; 59 percent of the black poverty population lived in female-headed families in 1980. Between 1970 and 1981 the number of these households increased over 100 percent. Poverty rates among women heading households are much higher than for male heads of households and husband-wife couples; 52 percent of all children in female-headed families had incomes below the poverty line, compared with 11 percent of children living in married couple families. Lack of child support from the absent parent, which occurs in over 50 percent of all cases where child support is due, is a compelling explanation for the preponderence of poverty in single-parent female-headed households and the substantial numbers of such families who become part of the welfare system.

A few years ago, in a paper I published in the Journal of Socioeconomic Studies, I examined the rise since 1940 in the proportion of children who receive public assistance. The projections, though necessarily tentative so far as the future is concerned, are striking. One child in three born in 1980 will be on public assistance [AFDC] before the age of 18. That is more than four times the 1940 ratio.

What is just as striking is the profound change in the composition of the welfare population, which is quite pertinent to our discussion today of child support enforcement. The welfare population today is associated to a substantial degree not with widowhood but with abandoned female-headed families.

Let us consider one more illustration of the pervasiveness and complexity of the situation regarding the enforcement of child support obligations. For all women with incomes below the poverty line, only 60 percent received some amount of child support payment, and then the average annual payment received was just $1,440. In other words, the custodial parent received just $120 a month an average from the absent parent to support their child. If each family with no father present receiving AFDC in December 1982 had received just that $1,440 average annual payment, the savings in welfare payments would have been close to $5 billion, rather than $800 million. This is money that could have been used to enhance the services available to our Nation's children through the AFDC Program, Child Nutrition Programs, the School Lunch Program and other social welfare programs that have suffered severe funding cuts in the past 3 years.

Adoption of this legislation will not remedy all the problems associated with the child support system, but this measure most certainly will improve collection of both AFDC and non-AFDC support obligations.

H.R. 4325 is a most responsive measure to the well-documented problem of child support enforcement. I am pleased to support it, and I encourage my colleagues to join me in enacting it.●

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDING OFFICER (Mr. HUMPHREY). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—99

Abdnor	Durenberger	Lautenberg
Andrews	Eagleton	Laxalt
Armstrong	East	Leahy
Baker	Evans	Levin
Baucus	Exon	Long
Bentsen	Ford	Lugar
Biden	Garn	Mathias
Bingaman	Glenn	Matsunaga
Boren	Goldwater	Mattingly
Boschwitz	Gorton	McClure
Bradley	Grassley	Melcher
Bumpers	Hatch	Metzenbaum
Burdick	Hatfield	Mitchell
Byrd	Hawkins	Moynihan
Chafee	Hecht	Murkowski
Chiles	Heflin	Nickles
Cochran	Heinz	Nunn
Cohen	Helms	Packwood
Cranston	Hollings	Pell
D'Amato	Huddleston	Percy
Danforth	Humphrey	Pressler
DeConcini	Inouye	Proxmire
Denton	Jepsen	Pryor
Dixon	Johnston	Quayle
Dodd	Kassebaum	Randolph
Dole	Kasten	Riegle
Domenici	Kennedy	Roth

Rudman	Stennis	Tsongas
Sarbanes	Stevens	Wallop
Sasser	Symms	Warner
Simpson	Thurmond	Weicker
Specter	Tower	Wilson
Stafford	Trible	Zorinsky

NOT VOTING—1

Hart

So the conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, does that complete action now on on the conference report?

The PRESIDING OFFICER. It does.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, as I announced earlier, it is the intention of the leadership on this side to ask the Senate to turn to the agriculture appropriations bill, but at this time it is necessary, I believe, to dispose of matters related to the Budget Act.

Mr. President, I ask unanimous consent that pursuant to section 904 of the Congressional Budget Act, that section 303(a) of that act be waived with respect to the consideration of H.R. 5743, the agriculture appropriations bill for fiscal year 1985, as reported by the Senate Committee on Appropriations.

Mr. CHILES. Mr. President, I object.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. I thank the Chair.

Mr. President, I move that pursuant to section 904 of the Congressional Budget Act, that section 303(a) of that act be waived with respect to the consideration of H.R. 5743, the agriculture appropriations bill for fiscal year 1985, as reported by the Senate Committee on Appropriations.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee. Is there debate?

Mr. CHILES. Yes. [Laughter.]

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I want to begin with two very simple facts. One is a legislative fact; we have not enacted the first concurrent budget resolution. Second, is a calendar fact, today is August 1. Congress has been in session since January. The President's budget was submitted last February. The Senate Budget Committee has been at work since the day the budget came out, and still we do not have a budget resolution.

The Budget Committee held all its hearings. We even held a markup. That did not happen immediately. First, we had to overcome the reluctance of some people in the majority who believed it was not necessary to have a markup. They believed we already had a deficit reduction act. That is all that would be necessary. But I will have to say that the minority ranking member of the Budget Committee, the Senator from Florida, was finally accommodated on that question.

We did hold a markup. I think it worked well. We reported out a budget resolution, and the Senate passed it.

So we debated it for about a month, passed it in the Senate, and the House passed their own version some months before. But here we are on the first of August, and we still do not have a conference-enacted budget resolution agreed to by both Houses.

In January, during the State of the Union Address, the President called for joint White House-congressional talks on ways to cut the deficit. Those meetings were initiated. The Republicans from the Senate, the Democrats from the Senate, and the same from the House went to those meetings. The issue was talked about, kicked around, but those talks came apart over the same issue we face now: the military spending figure. Senator DOMENICI back in early March floated a military spending figure of $294 billion.

The White House responded at that time by shooting that number down. And when that number went down, the bipartisan talks went with it.

Shortly afterward, on March 15, the Republican leadership assembled in the Rose Garden, and they presented their deficit reduction plan. They called it a deficit down payment. It really amounted to more of a "no-money-down" offer, the kind that is supposed to lure customers into the store under the belief they are getting a bargain. But as so often happens, it turned out to be more advertising than a bargain. I think there are a lot of people on this side of the aisle who today are willing to go along with that $294 billion figure despite some grave doubts on the worth of the Rose Garden plan. We never had a chance. The White House insisted on their own number for defense. Let us look at it from their perspective.

I think their perspective, Mr. President, is they already had their meeting. They already had their compromise. They had wanted a figure even higher than the $299 billion, and they assumed that they have already compromised and the show was over.

I have a hard time understanding, Mr. President, how Republicans sitting down with the President somehow believe they can bind the rest of the Congress. The House has a Democratic majority but Democrats are not a majority in the Senate. We like to get our 2 cents' worth, and feel like we are part of the process as well. But the President has a way of feeling that once he has talked to anybody that is a bargain.

We keep running into this same Presidential notion; that is, that the Congress has misled him on the spending cuts in the last tax writeup. He said he was told there would be $3 of spending cuts for every $1 of tax cuts. We kept trying to find out where that notion came from. It turned out the President had it a little backward, and my friend from New Mexico has straightened up the record, or tried to many times. But in spite of that, no Democrats were ever involved; never signed on to some commitment, although the President has always seemed to feel a commitment was made.

So all we have is a White House compromise among Republicans, and that has been the binding glue. Nothing can move it. Everyone else is supposed to march in line with the one-party compromise. That has been the posture all year long. That is why we have no budget resolution and here it is August 1.

Now the leadership is calling up appropriations bills, asking us to go ahead and pass them despite the fact that the calendar says that it is August 1, and in spite of the fact that we do not have a budget resolution.

I hope the Senate will understand that I have—and my distinguished chairman from Mississippi will understand—no grievance against this agriculture appropriation bill. The chairman has been very kind to the Senator from Florida, and all other Members of the Senate, as far as I know, who have tried to come to him and say we have particular agriculture problems in our State.

The chairman and the ranking Democrat, the Senator from Missouri, worked very long and hard on that subcommittee. I happen to be a member of it on the Appropriations Committee, and I have seen their work over a long period of time. They always produce a very worthwhile product. When this bill comes up for a vote, I intend to vote for it. I think it is a good bill.

But I am also for the budget process.

And the fact of the matter is that we are 2 months behind with no evidence that the majority is serious, either about accelerating the process or even abiding any more this year. We find ourselves in the situation—since we have no resolution to guide us—of bringing appropriations bills to the floor that will require a waiver as specified in the Budget Act. What we are doing in effect is trying to wipe out the mandate of the Budget Act and take us back to the old days when we went ahead, passed appropriations

bills, and then just added up the total to see what we had. That is exactly what will happen if this waiver is approved.

Since the leadership has done about all it can to waive the Budget Act all year long, I think it is time we put a halt to that fast footwork. That is why I am against this motion, and that is why I feel it is necessary to spend some time telling my colleagues why we need a budget resolution before we proceed with these appropriations bills any further.

To begin with, we need a budget resolution because the law says we must have one, the same law we passed in 1974 in an attempt to help us put our economic house in order.

Maybe you will remember those bleak days before 1974, reaching back into our economic past, when we had no way of knowing how much we were going to spend until we spent it; no way of knowing what level of taxation would be necessary to match the level of appropriations. Back in those days we had a budget surplus only once, and we actually ran deficits as high as $25 billion in 1968. And we thought that was awful.

Some people have asked me since then, "How is it that you are a member of this Budget Committee, one of the sponsors of the act, who helped draft it—how is it that prior to adoption of the law we had deficits, as high as $25 billion and now—with the act you seem to be proud of—the deficits are $170 billion to $180 billion?"

It is a hard question to answer sometimes, Mr. President, but I guess one of the best ways I know to answer is that the programs giving us grief today were passed prior to the time we had a Budget Act. They were passed prior to the time that we had to look 5 years out and see what a program will cost, and how fast it could be expected to grow.

Look back at the record and see what the proponents on the floor said medicare was going to cost; see what medicaid was going to cost; what a 10- or 20-percent increase in Social Security was going to cost; what the cost effect would be for the cost-of-living benefits, or any of the formula programs that were built in prior to the time we had a Budget Act. No one ever looked at those issues a decade ago. Someone would come to the floor and say, "This little program will only cost $5 million this year." They did not say that the next year it would cost $50 million and then the next year $500 million and then maybe it would soon cost $5 billion a year, and on and on.

Mr. President, I still think there is a valid purpose for the act. We are still trying to work our way out, to find a solution to some of the problems we got into beforehand. If you look and see what we have created in the way of new entitlement programs since the act, I think you will find that thus far we have been very successful. A lot of programs that had a lot of support have not passed because the Budget Act has made us look and see how much they were going to cost.

We prepared and enacted this new congressional budget process with an idea I think was as good as it was simple. The first thing we were supposed to do was conduct hearings, gather together the best advice, the best evidence, on economic performance. Based on that information and the input of the Appropriations Committee early in the year we were to fashion a budget resolution and lay out the spending allowances for the committees.

What did that do? Well, I think it did several things, Mr. President. It required us to take a look in the beginning of the year and see how much money we were going to bring in. Then it required us to determine how much money we needed to conduct the Government. Then we had to decide how we were going to cut the Federal pie.

Of course, when the Budget Committee finished its work, then that bill came to the floor and for the first time, Mr. President—not in the history of the Congress, because I cannot say what happened in the first 100 years or so—the Senate and the House conducted a national debate through its elected representatives, on where we should spend the money, what our priorities should be. It was the first time we really had a debate on how much we should spend for education, for highways, for defense, and so forth. Prior to that time, Mr. President, we did not really have that debate.

I was in the State legislature for 12 years and have been in the Congress for 14 years, and I have never voted for a bad appropriations bill. It was always a good bill. It always helped somebody. There was always a group out there saying, "We need it. It is for a good purpose and we ought to have it." But the one thing that was missing, Mr. President, was that there was never anybody who ever said, "Wait a minute. We only have so many dollars. How do we divide up those dollars? How do we decide how much or what percentage should go to education, what percentage should go to defense, and how do we set our priorities?"

So the Budget Act for the first time gave us a number that we worked from to frame those priorities. In the old way of dealing we passed all of these appropriations bills and never added them up until the end of the year to see where we were.

I went to the Appropriations Committee. I wrestled to get on there. I felt that was where the action was. I got on the committee. I went in behind the Senator from Missouri, on his coattails. At that time, I wanted people to think that I had as many votes as he did, but I did not. They expanded the committee by one and put me on.

When I got there, I found that the subcommittees really sat like feudal barons. There was a rule then, and it applies today, which was do not monkey with another person's money. Nobody bothered anybody else's subcommittee. If you were on that subcommittee it proved you were interested in it and you tried to get all the dollars you could for that subcommittee, letting the other subcommittees worry about themselves.

They had a habit of putting in all the money they could in the Appropriations Committee and then come to the floor and offer amendments to add more money. That was done time after time after time. It shocked me, coming from the State legislature where we had to pass the taxes to meet the appropriations before we could go home. We had an appropriations committee that you just died to get on because when that bill went to the floor, if there was one amendment to that bill it was pulled down and went back to committee. So the only way you got on that appropriations committee was if you controlled enough votes to make sure no one amended that bill. Whatever we wanted done had to be done in the appropriations bill so we would have some idea what the spending was going to be and what the controls were going to be.

Up here we did not have that. It was just a game of add, add, add—add all you can.

In the State legislature, we passed one bill, and we knew what that total was. We knew the day we finished the bill we had to start working on the taxes to cover it before we could go home if we had gone above. Here we just pass them all and they begin to add up, and somebody has to crank a little money out, add a little to the deficit, sell a few bonds, and that was that.

I do not think we want to go back to that, Mr. President, I think the Budget Act is meant to keep us from going back. I think that is why the Budget Act says you will not pass any appropriations bills until this Congress sets a ceiling—and it is the Congress, not the Budget Committee—which the committees can meet. I think that was a valid purpose.

I think the process has worked. I do not think we have created any grand and glorious programs, even though, at times, there might have been a groundswell for one new program or another.

Today, we have to determine outyear costs. Congress imposed that discipline on themselves. Now we are supposed to understand that before we arrive at a spending figure, we must determine our spending priority. We

wanted to know exactly where our largest national needs rested. The budget resolution was designed as that blueprint for the spending process and for dividing the pie.

The Appropriations Committee has the full decision of deciding how we spend any money allocated. Thank goodness, they have that, because I do not think that should be the province of any Budget Committee. But today, we seem to want to abandon all that. We are going to pass the pie around and let everybody have a slice. If we run out of pie, then we make some more: We go back to the printing press and just crank it a little bit more. That is how we used to do it. Some may want to do it again, because there are people who want to avoid the Budget Act.

I am sure the President can say, "Even though I am against any sort of compromise that would resolve the budget impasse, I am responsible, because I am going to veto any bill that comes in here." Well, what about the next President? This President might, and this President will veto everything he is against. But he is not going to veto those things that he wants including the higher military number; he is not going to veto that.

This is the President who has just added $5 billion to our deficit by saying we have to provide some more money in social security. That did not comply with the law, either, but Congress rushed to aprove it because these are election times. If someone wants to add a little something in election times, everybody is willing to join in.

Mr. President, here it is August 1. The act is still being avoided. On August 1, Congress and the conferees and the Budget Committee are not meeting, not even thinking seriously about meeting. Here it is, August 1, and we are going ahead with appropriations bills. I do not think we should do that. I do not think we should be going ahead and passing any appropriations bills when we do not have a budget resolution.

What about our budget past? If you look back over the years, we have never gotten this far into the year without agreeing to a budget conference report. We did not do that in 1977, in 1978, in 1979, or in 1981. In all of those years, it was done by May. If you want to look at the years 1980, 1982, and 1983, it was all done by June. So by May or June in every other year, we had a budget resolution. Well, it is not May. It is not June. It is not even July anymore. It is August 1.

Mr. President, I ask unanimous consent that a table showing the dates on which we completed the other budget resolutions be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DATES FOR SENATE PASSAGE OF CONFERENCE REPORTS ON FIRST CONCURRENT BUDGET RESOLUTIONS

Congress	Year	Senate	Number
95–1	1977	May 13, 1977	S. Con. Res. 19.
95–2	1978	May 15, 1977	S. Con. Res. 80.
96–1	1979	May 23, 1979	H. Con. Res. 107.
96–2	1980	June 12, 1980	H. Con. Res. 307.
97–1	1981	May 21, 1981	H. Con. Res. 115.
97–2	1982	June 22, 1982	H. Con. Res. 352/S. Con. Res. 92.
98–1	1983	June 23, 1983	H. Con. Res. 91.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield for a question.

Mr. SARBANES. When was the first budget resolution passed by the Senate in this session?

Mr. CHILES. The first budget resolution was passed by the Senate on May 18, Mr. President.

Mr. SARBANES. When was it passed by the House, does the Senator know?

Mr. CHILES. It passed the House on April 5, 5 weeks before we dealt with it.

Mr. SARBANES. So we passed it 2½ months ago; is that correct?

Mr. CHILES. That is correct.

Mr. SARBANES. Did the Senator state earlier the extent to which there had been conferences with respect to the first budget resolution?

Mr. CHILES. It has been almost 2 months since the conferees were appointed. As far as I know, I think we have met four times—June 13, June 14, June 26, and June 27. I say to the distinguished Senator from Maryland, those were all fairly brief meetings. A couple of those meetings did not last more than a few minutes.

Mr. SARBANES. Mr. President, is not this activity or lack of activity on the part of the conferees on the first budget resolution—I know the Senator just put into the RECORD the dates on which the budget resolution was passed finally in previous sessions. But is not this lack of activity on the part of the conferees a marked departure from how the two Houses did business in previous sessions with respect to the budget resolution?

Mr. CHILES. The Senator is correct. Prior to this, in all other years we have had a budget no later than June.

I would say that we had some very tough conferences in those years and had what looked to be nearly insoluble problems. But in every instance, the chairmen were pushing and pushing for meetings and agreement. I would say that sometimes, we probably had as many as 20 meetings in some of those budget conferences. They lasted hour after hour, trying to reach a solution to some virtually irreconcilable problems. This time, we had four meetings, and they were very short.

Our whole hangup here is the defense number. Just to tell the Senator from Maryland where we are on that number, the House has a figure of $286 billion. The Senate has $299 billion. The House, has made two offers, as I understand it. The House said, "We will split." They have offered, I think, 292.5. They say that offer includes a split on the deflator number, and there is a difference of 1 percent between whether you use the DOD deflator or use the CBO deflator. They have offered to split that difference as well.

I said earlier, and I do not know whether the Senator was here, but the distinguished chairman of the committee, the Senator from New Mexico, had a figure in March of $294 billion for defense that he personally supported. That is the figure he carried to the White House, and the White House turned him down. So you see that $292.5 and $294 billion, to the Senator from Florida, looked awfully close.

If the Senator remembers our votes, we had a tie vote on an amendment by the Senator from Florida that would have had defense at a 4-percent increase, which would have been $291 billion. So it is not like the Senate has been so locked on the $299 billion figure. We nearly approved $291 billion, but it failed on a tie.

The House has offered more than that, $292.5 billion. The Senator from New Mexico started off with $294 billion. The numbers are not far apart, but they remain a hangup.

The Republican majority has made a conference offer to "take care of this problem."

They say we will simply have a range. We will allow the high to be the Senate number of 299 and the House can have their number 287, and that range will be our budget number.

Now, I say to the distinguished Senator from Maryland, that settling for ranges is not my idea of what comes out of a conference. I suspect that if the House was to buy that—and they have not shown any evidence that they will buy it—do you not think it would be logical for them to say, "All right, we will take our high number on the domestic spending programs, and we will have a range on that, and the Senate can have the low number?"

Now, I just ask you, Mr. President, how does that work for a budget process? I am a budgeteer. That is where I come from in this problem. If either side can have their high number and either side can have their low, there is no reason for the conference committee to meet; we just pass our separate budgets and we go on from there. In effect, what are we doing in the Appropriations Committee? The Appropriations Committee—by reason of a White House agreement with the majority—has decided that they will not mark up anything higher than the Senate budget mark. They have agreed to that on every item except

defense. No agreement on defense. That one is just hanging out there because they might want to go above $299 billion on defense I guess. We are not even bound by $299 billion on defense.

We know Caspar Weinberger is not satisfied with that. He says we are dismantling the country. I think JOHN TOWER would like more, too.

It is not like we are without a process. The trouble is we have the President and the Republicans agreeing on what the process is. And because they have that agreement the rest of us are supposed to disregard the law on the books called the Budget Act. Let us forget about that. That is just a law.

Now, if I am not mistaken, this is the same President who said we need a constitution amendment to prevent spending. Why is it necessary to have a constitutional amendment to prevent spending when he will not even follow a law on the books passed for the purpose of holding down that spending? I guess it is because that law does not work the way he wants it to. That law would say he may have to compromise his $299 billion number. He may have to come down a few billion dollars from that particular number.

That is where we are right now.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. CHILES. Yes, sir.

Mr. SARBANES. The waiver that is now being sought is required under the Budget Act in order to consider an appropriations bill at a point in time prior to the adoption of the first concurrent resolution, is that correct?

Mr. CHILES. That is correct.

Mr. SARBANES. Even though the amounts in the bill may be less than was contained in the resolution passed by the Senate? It need not necessarily exceed the amount. We simply have not adopted a resolution, is that correct?

Mr. CHILES. That is correct. I tried to make it clear in my opening remarks I am not challenging this bill. I happen to think this agriculture appropriation bill is a good bill. I have applauded the chairman and ranking member. I am a member of the Appropriations Subcommittee dealing with agriculture.

Mr. COCHRAN. If the Senator will yield, it is within the section 302(b) allocation figure.

Mr. CHILES. I knew it could not be far away. It is within the allocation. The point that the Senator from Florida makes is that the purpose of the Budget Act was to give guidance to the Appropriations Committee. That was the purpose—to provide some limitations.

There is one bill that is really a key, and that is the defense bill. That is one area where no guidance is wanted or sought.

Mr. SARBANES. If the Senator will yield further, what we have is a process which was set up to accomplish worthy objectives and which was really neutral in and of itself as to the substantive decision. The budget process does not in effect tell you what the substance of your decision is going to be on defense spending or agricultural spending or any other program spending. It sets up a process by which you get there to impose some order and discipline on that budget process.

Now, what is happening, as I understand it, is that in order to ensure a particular substantive result in the defense area the whole process is being pushed aside and not followed. Of course, what is happening is we are getting a conflict between following the budget process, which I think is extremely important, and by the same token passing appropriations bills at a reasonable and opportune time so that it is available to the departments to know what their spending is going to be for the next year; that we are not always operating on continuing resolutions. Of course, the longer the budget process is held off, the greater the pressure builds to go ahead and enact an appropriation bill anyhow since the beginning of the fiscal year is approaching.

Now, we have enacted I think three of those bills so far. I have long been critical of the failure of the Congress to get the appropriations bills into place before the beginning of the fiscal year. That is no way to do orderly business. I do not care what the level in the appropriation bill might be. I might think it should be higher or lower in a particular appropriation bill. I think it is difficult to quarrel with the proposition that whatever level is finally going to be decided on, it ought to be in place before the fiscal year begins so you can have the orderly flow of governmental business, not rely on continuing resolutions, not have departments go into the next fiscal year without having their budget available to them. But, of course, to do it properly you need to get the budget resolution into place in a reasonable period of time. As the Senator has pointed out, that has happened in every previous year.

We have not always been able to follow along with the appropriations bills in a timely fashion, but now that budget process has been in effect put to one side. As I understand it, the conferees have not met now for over a month.

Mr. CHILES. That is correct. Almost 2 months. I say to the distinguished Senator from Maryland that I think he is right on point. The concern the Senator from Florida has is what does this do to the process of discipline we say we were imposing in the Budget Act. We have all kinds of people who say, "Why can't you all do something to control spending?" All kinds of people say we have to pass a constitutional amendment and other controls. Here we are disregarding a control that we have.

I thought we were supposed to be a country of laws. Here we are a country of men. Some men have decided that what we want to do is more important than the law, so forget the law. I can guarantee you, Mr. President, if we pass that defense appropriation bill, there will not be any problem with this budget resolution. I have heard people say, "Don't worry; before the year is over, once the fight is settled on the defense appropriation bill we will go back and we will pass a budget resolution." Now, is that the way it is supposed to work?

If this President's hangup is defense, what is the next President's hangup going to be? It may be the same thing on some social program, and it may be an area in which he wants more money and refuses to abide discipline, and refuses to allow Congress to work its will.

We have conference committees, and that is the way the House and the Senate reconcile their differences. I guess they have been doing that since Congress began.

Mr. SARBANES. As I understand it, with respect to the differences on the defense figure in the budget resolution, the House has a 287 figure and the Senate had a 299 figure. The Senate, by a tie vote, failed to adopt the 291 figure, and the chairman of the Budget Committee indicated that a 294 figure was acceptable to him, and the House has now offered 292.5. Is that correct?

Mr. CHILES. That is correct.

Mr. SARBANES. So what is happening is that, in order to get the absolute figure that the President is seeking, the whole process has simply been shunted aside. Is that correct?

Mr. CHILES. I understand that the President has said, "I already compromised on defense. I compromised at the White House." Of course, none of us were there, and no House Democrats were there, nobody from this side. But that deal was struck. So we find ourselves hung up.

Mr. President, I understand that the distinguished Senator from Wisconsin would like to make a statement on this, and I am happy to yield to him at this time or to yield the floor.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Senator from Wisconsin.

WHERE IS THE BUDGET?

Mr. PROXMIRE. I thank the Senator from Florida. I know that the chairman of the Budget Committee is on the floor and is waiting.

First, I want to say that I completely support the Senator from Florida. I think he is 100 percent right on this.

Mr. President, in the next few days, the Senate will be passing appropriations bills, we hope, and passing a number of them. Like most things we do, this has a good news-bad news aspect.

The "good news" is that we are fulfilling one of our fundamental responsibilities—providing money to operate the Government. The "bad news" is that we are doing so without a budget resolution. We could be busting the budget into smithereens without a voice being raised to alert us to our transgressions.

I am not an unqualified admirer of the budget process. Like many of my colleagues, I believe we spend too much time on the budget with too few results to show for our efforts. But one part of the process has worked—setting ceilings for nondefense discretionary spending.

Government spending has continued to zoom upward despite passage of the Congressional Budget Act. But the origins of those upward pressures have changed and changed dramatically. Entitlement spending is now under control while funding for defense and interest payments on the national debt have become the new villians in this drama. Because we do not have a budget resolution, we may be witnessing the reincarnation of discretionary spending as a bad guy.

In years past, this Senator can remember the Chairman of the Budget Committee coming to the floor and pointing out that the appropriations for some popular program were over the budget. As a member of the Appropriations Committee, I can testify that those admonitions from Senators Muskie or HOLLINGS or DOMENICI usually worked. They did not make the Budget Committee or the chairman any friends, but spending was restrained. Why have we not heard those warnings this year? Answer: We have no congressional budget resolution.

Both the House and the Senate have passed a differing version of this resolution. But different versions of a resolution do not a budget make. Each House can remain faithful to its version, dot every "i," cross every "t," yet total spending will exceed the ceiling set in either resolution.

Here is how this seemingly illogical result can be achieved. The House version of the resolution has lower spending for defense and higher spending for domestic programs when compared to its Senate counterpart. When appropriations bills are being considered, all the pressures will be to keep defense spending close to the Senate level and domestic spending at the House level. Voila—watch the budget being busted.

If the story ended here, it would be bad enough. But spending the taxpayers' money is not a straightforward process. Over the years, the administration and the Congress have devised a number of means to make more spending seem like less. A committee can deliberately provide a low appropriation for a popular program in anticipation of a supplemental later in the year to make up the difference. This approach has come to be known as "smoke and mirrors" budgeting.

One of the least known but most valuable services provided by the Budget Committees and the Congressional Budget Office was to root out and expose this type of budgeting. For years, we made less use of these tricks because the odds were high that the trickery would be uncovered.

Now, we seem to be moving in the opposite direction. Instead of common assumptions, every committee can make up its own. Instead of standard estimates, openly arrived at, we go behind closed doors and reach informal agreements. While this obfuscation may hide the fact that spending is increasing, at least until after the election, it will only compound the problems we face next year.

Why do we do this? I have no doubt that we are taking this course because this is an election year. Domestic discretionary spending is a relatively small part of the budget—about $150 billion all told. But its political visibility is much higher. It includes all the pork barrel spending that every elected official from the President on down likes to be able to award to his friends. Need a grant? Do not worry. It is an election year. Want a new irrigation project? We can get it for you wholesale. Do you want cheap power? Be our guest. To some extent, this spending takes place every year, but because we have no budget ceiling, it will explode this year.

The dangers of such spending are breathtaking. We are in the midst of an economic recovery which is nearly 2 years old. The gross national product may expand over 6 percent this year after adjusting for inflation. So the budget should be in balance or close to it. But is it? No way. The budget deficit will be around $170 billion this year and may top $200 billion next year at the rate we are going. Talk about a recipe for disaster.

Mr. President, the budget resolution and its spending targets gave us one of the few effective tools to hold down spending. Now, apparently, the Congress has thown that away. Look out, taxpayers, the floodgates are open.

Mr. President, I yield the floor.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me open this discussion with a little table that I wish to put in the RECORD after I have discussed it.

The issue before the Senate is the fact that the first budget resolution is in conference and that the conferees have been unable to arrive at a satisfactory conclusion, and about that there is no doubt. Everything has been resolved in the first budget resolution on all issues that would matter much except the defense issue. So I think if we could resolve the defense issue the conference would be concluded, because I believe most of the domestic targets are satisfactory to the Senate conferees. As a matter of fact, for those who were worried about the appropriated accounts coming in at levels which would significantly and adversely affect the deficit, let me say this is a very different year. The strategy that we planned on this side was significantly different than normal. But what we have agreed upon are some allocations to the various appropriations subcommittees. Not only did we agree upon them with the President, but in an open meeting, the Appropriations Committee took the appropriated accounts and allocated a fixed amount of budget authority to each subcommittee, the sum total of which is budget authority equal to the previous year's budget authority plus an adjustment to take account of the Baker amendment adopted by the Senate during floor debate on the Deficit Reduction Act.

That vote was open and everyone voted on it in the Appropriations Committee, and so what we have effectively done is to assign to each subcommittee an amount of budget authority and we have agreed to allocate in an open meeting, which was bipartisan, and everyone voted on the allocation.

As a matter of fact, if Congress ends up on the nondefense appropriated accounts living within the budget resolution numbers, which this bill that is before us lives within, we will have done as good a job in terms of the targets and the allocations or crosswalks as in years when the Congress adopted the first budget resolution on time.

We seldom have had crosswalks that are the same in both the House of Representatives and Senate. As a consequence there has been a rather confused state of affairs in terms of adding up the budget authority to see where we stood with reference to the targets.

I do not know if we are going to live up to the commitment, and I will explain how we had a different strategy this year in a few moments. But basically the President has said as long as the appropriated accounts do not

exceed those allocations and that cumulative total he will sign the bill.

All I know is that the chairman of the Appropriations Committee on the Senate side has agreed to the allocations and the five bills that we have passed in the Senate, taken together, are consistent with the allocations. A number have already been marked up that are pending floor action and none of them exceed it. I submit that for a very different kind of year, one that is very difficult for the budget process and for this chairman, if we come out with the sum total of budget authority for all appropriated accounts in all of the subcommittees, as we have thus far, we will be doing as good a job as when the Congress adopted a first budget resolution on time.

That does not mean that the first budget resolution is insignificant. As a matter of fact, in this instance, those numbers came principally from the fiscal year 1985 budget resolution that the Senate agreed to. So it served a very good purpose. The resolution has not gone through conference, but has already served a pretty good purpose.

Let me back up and say what was different about this year. Some called the deficit reduction package a downpayment. My friend from Florida thinks it is otherwise, but what we have already passed is a tribute to the budget process. What was done this year in the tax reform package, the COLA deferrals, and all of those entitlements that are part of the package to this point, are included in last year's budget resolution either as reconciled items or as targets of the second resolution which was made binding automatically by language in the first resolution.

So, we will have accomplished a significant amount, most of which is attributable to last year's budget process and all the rest of which is attributable to the first budget resolution this year in the Senate without ever having agreed upon a conference to arrive at those numbers.

I wish more than anyone else in this body that I could go over there and bring you a budget resolution that could pass this body and that would live up to the commitments that I have made to this side of the aisle and to the President of the United States. And I know my responsibility is not only there. It is to everyone.

So what remains? Let me repeat that all substantive issues contemplated by last year's or this year's budget resolutions that are mandatory on this body either been accomplished or are clearly going to be accomplished from the pattern that has already been set.

That leaves defense, and frankly I tried to settle defense in conference. It has become, as I view it, a political issue of very, very high dimension.

Let me take the Senate back so that no one will forget that the Senator from New Mexico frequently has voted for a budget resolution that was not the will of the majority and that did not pass in his own committee. Two times it has been a majority and there have been budget resolutions that I espoused and that I got through. But because I think the system is a good system and because it is going to be needed in this decade as it was never needed before, I have even voted for a budget resolution that I did not favor.

And I have gone to conference on that budget resolution that I did not favor, and I brought back a budget conference report that I did not favor, and I brought back one that uses a bit of ingenuity when there appears to be a stalemate.

Mr. President, the fiscal year 1984 budget resolution was a budget resolution that almost everyone who cares about the budget process said could not be agreed upon and was a waste of time because in our body we were very restrained. In the House not only were they not restrained, but they decided that we were going to have a whole series of billions of dollars in new spending for new programs.

In all deference to my friend from Florida, who helped me with it, and to the chairman of the House committee and a few other people that wanted to get a budget resolution, we decided to do something very different. As you will recall, we set up a reserve fund in the budget resolution which basically, when you look at it, sets some parameters and said here is a low and here is a high target. And we did that for domestic spending.

So what we really did was to create a range, and said, "Since this is a first budget resolution and its sets targets, here are the targets." And since the House has additional programs and additional domestic money right in the budget resolution, we put in a second series of numbers. We said that those too could become operative under certain circumstances.

Now I went to conference this year knowing full well that I had worked very hard to get the President of the United States to agree to basically a new budget. The new budget is what I have just described to this point—agreeing to the tax reforms that were in last year's resolution, agreeing to the entitlement changes that were mandated by it, which we passed, and agreeing to a ceiling on budget authority for the rest of the domestic accounts.

All of that, it is the opinion of the Senator from New Mexico, is going to be accomplished. For those that think it is not enough, they have an opportunity to come to the floor and offer to cut them if they would like; a pretty simple proposition.

For those that thought $50 billion in taxes was not enough, clearly they could have offered amendments. If they wanted to add more taxes they could have added them. They did not. That is over with.

I offered a suggestion that, on defense, rather than get no budget resolution, because that was the only issue remaining—and do not forget that we're talking about first budget resolution targets—I said, "Why don't we treat defense this year like we treated domestic accounts last year? where there appears to be an irreconcilable difference, which may turn out to be rather irrelevant, let's set up a range of numbers. I suggested, "Why don't we use the Senate number and the House number and in the first budget resolution go ahead and say we have this band or these parameters within which the appropriators can work their will in defense matters?"

Now some said, "Isn't that a ridiculous way to couch a first budget resolution on an irreconcilable issue?" Some would say that the analogy with last year does not make sense, and I am sure my friend from Florida will say it was much different. We had all kinds of conditions on the money that we put in the reserve account.

Well, let me tell you, from the practical standpoint, in a first budget resolution on an irreconcilable item, a range of numbers may sound to some as being rather absurd but the Senator from New Mexico suggests quite to the contrary. It is very practical. It has been used before. Now let me tell you what I mean.

I have before me defense spending targets for fiscal years 1980 through 1984. I will tell you what the target was in the first budget and what we actually appropriated.

In fiscal 1980, we exceeded the target by $9.2 billion. And when I say we were off, I hope everybody understands that is really what a first budget resolution is all about. You set a target but you can exceed it and then that is ratified later by the Congress. In fiscal 1981, we exceeded the target by $11.9 billion.

In fiscal 1982, we were under the target by $7.6 billion.

In fiscal 1983, we were under the target by $7.8 billion.

In fiscal 1984, we were under the target by $4 billion.

Now, I just happened to do the arithmetic and it turns out that over the years that I just described, fiscal years 1980 through 1984, we missed the targets by an average of 4 percent. That is what the range has been for purposes of this discussion, 4 percent. The range I offered as a way to solve the defense problem using the House low and the Senate high was 4.4 percent.

Mr. President, I do not want to minimize the urgency of the argument made by the Senator from Florida. I do not want to minimize the fact that

he quite appropriately should be here resisting this motion and calling to our attention the situation that is before us.

On the other hand, neither do I want to minimize importance of us agreeing with the leader of the Senate in his motion to waive and proceed with an agriculture appropriation bill that is clearly within the allocation as I have described it. Once we proceed to consider this bill, Senators will have an opportunity to come here and reduce it if they would like.

Now let me make one last point about defense. It is interesting that there are those who would say that we should not proceed until we have established a defense number in a conference. Well, let me say, Mr. President, if those in the U.S. House, who claim that the budget resolution target number on defense is going to hold up appropriations for defense are serious about it, I issue them a challenge here today. If they would like to have a meeting and commit themselves to indeed producing an appropriation bill, if they are willing to say that if you all can agree on a number, whether it is the $294 billion that my friend from Florida has suggested, the $299 billion that we worked out with the President, or the 5-percent real growth suggested by the House in conference, if they want to make a commitment that they are going to report that bill in due course as a normal appropriation item and do that before we leave here for this general election, then surely the Senator from New Mexico will take that message to the highest places that he can to see if we cannot reach an accord.

I do not believe that is the case. I believe that it is totally politicized at this point.

Mr. CHILES. Has the Senator from New Mexico ever tried that as the head of the conference with the House? Has he ever proposed it? I have been at those meetings. I have not heard him propose that before.

Mr. DOMENICI. As a matter of fact, I say to my friend from Florida, I do not think it is a matter for you, I, and Chairman Jones. I have talked privately about the fact that I do not believe the defense number that we are arguing about here, which is all that is left in the budget resolution, is the real issue.

Mr. CHILES. I would hope the Senator from New Mexico would not go in the corner and I say I do not believe they will agree. I think it is better to say that to the conference.

Mr. DOMENICI. I have said that to the distinguished chairman of the House committee, and told him that I did not think I could tell the President with any certainty that there was genuine interest in reporting a full bill over there regardless of our number.

Mr. CHILES. Have you told him that you would be happy to go to the President and try to get the President to yield in his number if you felt there was an indication that the House would report out a bill?

Mr. DOMENICI. No. What I just said was public and open right here in the Senate so everyone can understand. I do not have any confidence that there is really a desire to produce a full appropriation bill in a timely manner, and consequently it appears to me that all the talk about not getting a budget resolution because of defense is truly irrelevant. It is not the issue. We cannot even get a conference in the authorizing committee to agree. They are at loggerheads. I checked today. They are no closer to agreement than they were 4 or 5 days ago. How in the world is a number in a budget resolution going to really do the job for defense, get us a defense apopropriation bill, which I believe the defense of our country deserves? I just do not believe that is the issue.

I want to conclude my remarks. As I told the Senator from Florida, I have to be at an appropriations meeting. I do not intend at all to cut anybody short. He will have the floor as long as he desires. I ask unanimous consent to have printed in the RECORD a table showing the budget resolution targets in defense versus actual appropriations.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FUNCTION 050—NATIONAL DEFENSE BUDGET AUTHORITY

[In billions of dollars]

	Second budget resolution	Actual appropriation	Actual versus second resolution
Fiscal year:			
1976	101.0	103.8	+2.8
1977	112.1	110.4	−1.7
1978	116.4	119.8	+3.4
1979	127.0	127.8	+0.8
1980	141.2	145.8	+4.6
1981	172.7	182.4	+9.7
1982	226.3	218.7	−7.6
1983	253.6	245.8	−7.8
1984	268.6	264.6	−4.0

Mr. DOMENICI. I yield the floor.

Mr. SARBANES. Mr. President, does the Senator have enough time to yield for a question?

Mr. DOMENICI. Of course.

Mr. SARBANES. I think the distinguished chairman.

I want to say, Mr. President, that I have a lot of regard for the chairman of the committee, and for his efforts to make the budget process work over the years. I say to the chairman of the Budget Committee that I think the difficulty that the motion before us places some of us in is that there are two problems here. I have long felt, and have so stated on the floor of the Senate, that it is very important for us to pass appropriations bills before the beginning of the fiscal year. Aside from what the figure is in the appropriations bill over which members may sharply differ and which go to the whole question of priorities, it is not a good way to do business to go into the next fiscal year without the departments having their budgets available to them. In fact, they ought to have it ahead of time so they can begin to do the planning that is necessary. We have done that now with the few appropriation bills here.

So in that sense, I think an effort to clear the appropriation bills as quickly as we can—and particularly before we get into the late September-October period—is to be commended. By the same token, though, we have another important consideration; that is, that the budget process ought to work. It has not been by and large ignored or simply brushed aside. Of course, we are in the situation now that we do not have this first budget resolution. In fact, I think the distinguished Senator from Florida put some material in the RECORD that indicated that in all past years well before this time a first budget resolution had been adopted, it was there as guidance to the Senate as it then proceeded to consider the appropriation bill.

So I think the point that the distinguished Senator from Florida is trying to make here this afternoon about the need to carry this process on through so we are proceeding in an orderly fashion is a very important point. I say to the chairman: what is the prospect that we could get a first budget resolution out of the conference, and then adopted by the two Houses?

That part of the process would have been done properly, completed, and then we would not have this problem of these appropriation bills coming along. And we could deal with the other problem, which is also important, which is getting appropriation bills enacted in a timely fashion, and in particular in sufficient time before the beginning of the fiscal year. All of that ought to be done in terms of the orderly procedures of Government can be carried out.

Mr. DOMENICI. The prospects do not appear great to the Senator from New Mexico. I think I have stated the case for the majority of the conferees here in the last 15 or 20 minutes.

Obviously, if the authorizing committee could come to some agreement, that might shed different light on it. I have made a proposal on the range between the Senate high and the House, low, and tried my best to tell you that it was a reasonable way. We have had to be extremely innovative. The budget process is a wonderful process. It works. It is flexible enough to require some rather ingenious approaches from time to time.

The range that I have suggested is one approach. I would ask that the language which I offered for a range on the target for defense be made a part of the RECORD for those who are interested in this debate. It might be difficult for them to understand. The Senator from New Mexico is so familiar with it. But that will show you in numbers what I had suggested as a majority proposal to the House. I will make it again. I made it again verbally on the phone. The House is not willing to do that. They want to settle on a number. So I do not think the prospects are extremely good that we can accomplish it in the next few days. That is the best I can tell the Senator.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

PROPOSED RANGE LANGUAGE

The conferees agree that the funding levels reflected in the First Concurrent Budget Resolution for FY 1985, 1986 and 1987, should be targets, as intended by the Budget Act of 1974. The conferees further agree that the conference substitute should not prejudge the outcome of the defense funding level in Function 050, but leave latitude to the authorizing and appropriations processes to determine the final levels for defense for the three years. Therefore, the conference substitute shows a range of defense spending between $299 and $285.7 billion in budget authority for FY 1985 and between $266 and $255.9 billion in outlays for FY 1985. For FY 1986, the range is between $333.7 billion and $310 billion for budget authority and between $294.6 billion and $275.8 billion in outlays; and, for FY 1987, the range is between $372.0 billion and $336.1 billion in budget authority and between $330.4 billion and $303.9 billion in outlays. It is the intent of the conferees that the Second Concurrent Budget Resolution shall reflect the final result of the authorizing and appropriating processes for Function 050. The conferees fully anticipate that the authorization conferences will result in a FY 1985 defense level which will not exceed $299 billion in budget authority for Function 050. It is the expectation of the House conferees that the House Appropriations Committee will report bills that will yield no more than $285.7 billion in budget authority for Function 050. It is the expectation of the Senate conferees that the Senate Appropriations Committee will report defense appropriations bills that will result in a level of spending for Function 050 of $299 billion.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. I want to say to my good friend from New Mexico that I am going to make a few comments about his statement. I do not feel that he has to be here. I want him to know that before he leaves. I see he is leaving his most able assistant there who will note down any of the things that I say. I just wanted him to know that.

Mr. DOMENICI. Frequently, if I knew that a fellow Senator was going to offer some comments on a statement I made I would not dare leave. In this case, I feel very comfortable leaving. I know you do not agree with me on some of the issues, and I clearly expect you to state it. I am sorry I have to go offer an amendment to the appropriation.

Mr. CHILES. I am not sure I agree with you about whether you should leave or not.

Mr. DOMENICI. Nonetheless, I will have to make that decision.

Mr. CHILES. Mr. President, my good friend from New Mexico did say that this is a very different kind of year. I agree with him on that. I think it is, It is the kind of year divisible by four, an election year. Somehow when those years are divisible by the number four they become difficult. I guess that is the gist of our hangup here. But the distinguished chairman of the committee also talked about this new process that is in place. According to this argument we do not have to worry because the chairman of each of the appropriations subcommittees and the chairman of the full committee have agreed to accept these allocations, and the President has agreed that he will only allow bills to become law if they meet those allocations.

That may be the safest process in the world. But I think we have to agree that it is sort of an ad hoc process. It is not sanctioned in law. It does not cover all of the areas of appropriations because defense is not included in that.

So it seems to me we are putting an ad hoc process in place of the law we passed after long debate between the House and the Senate and long debate among people that had all kinds of different interests and views—whether they were on the Finance Committee, Ways and Means Committee, whether they were on the Appropriations Committee, whether they were interested in the budget process. But now we have a new, ad hoc process that has been arrived at which I suspect three or four Senators, maybe a couple of Republican House Members, the President of the United States, and that process takes the place of the Budget Act and do not because that small group will handle things.

Mr. President, if you have no budget resolution limit, then event if the Appropriations Committees bring out a bill within the budget, there is nothing to prevent floor amendments to add billions of dollars because there is no point of order protection, there is no budget protection, because there is no formal, Budget Committee limit. So somehow this little ad hoc process does not cover the floor, does not cover anything that can happen on the floor. My concern is, what do we do with the budget process in the future? What do we do with years another President, if we have another one of these difficult years?

We have had some problems before. We had a defense number before that was a difference of $12.6 billion between the House and the Senate in 1981. We resolved that difference not quickly, not easily, not without blood, pain, and endless sorts of debates and discussions, but we resolved it. We resolved it because we had the bill and the determination of the leadership, of the people who were in charge of committees, and the people who were in charge of the House and Senate, to say we had to come to a resolution on it, and we had to be able to resolve it. We did.

This year, this very different kind of year, we do not have that.

The Senator from New Mexico has talked about the fact that there has not been anything new presented, that there was a precedent set last year. I think there is a difference.

Last year, we were talking about how to resolve a difference when we had a group of House Members who said, "Look, we are sponsoring some programs to help the poor, to help some areas that have been left out of Government. We have those programs ready in the authorizing committee. We should not be cut off before we ever have our day in those committees."

I scratched my head along with the Senator from New Mexico on how to resolve this in order to get a budget. This was a good-size block of votes in the House. We had to be concerned about that block of votes.

To digress for a moment, Mr. President, to say why we had to be concerned, Republicans do not vote for the budget resolution in the House. They just do not vote for it. Whatever it is, it is too high. It is easier to vote no. If Republicans do not vote for the resolution, that means you have to pass it with Democrats, so you have to be careful. You are dealing with every faction you can think of. They have factions over there, whether it is crabgrass, cut flowers, or one-eyed jacks. They have caucuses over there. If one of the caucuses says, "We are against this and all of our Members are going to be against it," then you are concerned.

If we had our Republican brethren over there who would split with us in that process, it would be different. This was one of the groups we had to deal with.

PETE and I scratched our heads on that and said, "Well, we just set aside a block of money. It will not be as much as their programs are. It will not be like a high in defense of 299 and 297." We did not do that. We took a portion of the money and said, "We will put that into a category and say it cannot be used for anything else."

I have not heard anyone say that about the defense category yet, that it cannot be used for anything else.

Under the House proposals, because they did not accept the caps, they would be free to use the money. Maybe we bound ourselves in the Senate saying we had some caps, but I do not know whether we did on defense or not. Maybe we did.

Anyway, we put in all the dollars.

The other thing we said was, "This money cannot be used for anything else, and these programs will have to pass the authorizing committees of the House and the Senate." We kind of laughed when we said that because we knew those programs were not going anywhere in this Senate. No way. No how.

But we said they had to do that and then they had to go to the President and be signed by him. So we were able to come back and talk to our most conservative colleagues, the Senator presently presiding being one of them, saying, "We do not think you have to worry about this money being spent." Enough of our colleagues understood what we were talking about and said, "You are right, that money is not going anywhere."

Remember, we did not crosswalk it to appropriations. So it did not even go to the Appropriations Committee. It just sort of hung out there in ether.

We are not talking about this range of money being ether, this defense money. It is not part of starwars. It is not going up there on the laser. It is right there. It is in the bosom of the committee where it can be dealt with.

Well, we did that, and they did not go anywhere. If we are talking about setting some precedent like that, where something had to be authorized, had to be passed by both Houses before it could be looked at, then I think we might be talking about a similar precedent.

But what about the precedent we would set under the proposal of the distinguished Senator from New Mexico? What would that precedent say? Would not that precedent say to the House that anytime they wanted to they could say, "We are higher on domestic programs this year, and we think you have cut too low; we think there is more money needed for a jobs program, for a subsidized housing program, for additional money for food stamps, and we want these programs, so we will set up a range. We will take our high figure and you take your figure, and we will battle over that."

There may be a different President in the White House at that time. Where would we stand with that kind of precedent? I do not think they would like that. I do not think that is something we would want to do.

If the House was to work off of its domestic numbers and the Senate of off its higher defense numbers, then we could add $78 billion more to the deficit than either House intended. So we are not talking about nickles and dimes here. We are talking about whether we potentially can add $78 billion to the deficit.

Mr. President, I submit some figures for the record at this time which show the difference between the House's number for domestic and defense, and the Senate figure on those two items, and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS WITH VARIOUS SPENDING LEVELS

	Fiscal year—				4-Year total
	1984	1985	1986	1987	
CBO baseline deficits	189.4	197.2	216.9	245.2	
Baseline minus deficit reduction act	188.1	181.7	193.5	211.7	
Alternative deficits:					
(A) House domestic and Senate defense	180.3	183.7	189.7	205.6	
(B) House domestic and House defense	177.3	172.7	168.5	174.1	
(C) Senate domestic and Senate defense	179.6	181.8	186.2	200.0	
(D) Senate domestic and House defense	176.6	170.8	165.0	168.5	
(E) Highest (A) minus lowest (D)	+3.7	+12.9	+24.7	+37.1	+78.4

Mr. CHILES. Mr. President, I see the distinguished Senator from Nebraska on the floor. He told me that he wished to say a few words on this proposition. I would be happy at this time to yield to him.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair. I thank my friend, the ranking member on the Committee on the Budget, on which I serve.

It is 10 minutes to 3 in the afternoon. I had hoped we could get on with the matter before us, the agriculture appropriations bill, as quickly as possible, because this Senator, for one, has some tremendously important amendments.

At this time, I thank the subcommittee chairman, the Senator from Mississippi [Mr. COCHRAN], who is seated at this time in the majority leader's chair, and the Senator from Missouri [Mr. EAGLETON] who has been on and off the floor in the last few minutes, for the great cooperation we have had from them. They understand agriculture, they understand our problems out there. I shall be offering an amendment or two to try to straighten out that situation a little further. Therefore, Mr. President, I hope that we can get on with the consideration of the appropriations bill at an early hour.

I shall not take a long time to explain the amendments. Some other Senators want to talk on them, but I hope we can move this along.

Let me say, Mr. President, that I congratulate the Senator from Florida for taking the time to bring up this tremendously important matter that has been all but overlooked during the deliberations or lack thereof that we have had in the Senate. I speak specifically, Mr. President, of the fact that on May 15, the U.S. Senate was supposed to have acted on the first concurrent budget resolution. Everyone knows that we have not. We are on an appropriations bill here today and we have not ever come to grips with the budget resolution that is supposed to set some kind of ceiling. That is what the Budget Committee was assigned to do when the Budget Committee was formulated before I came to the Senate.

Since I have been here, Mr. President, this being now my sixth year, the present occupant of the chair, the distinguished Senator from Colorado [Mr. ARMSTRONG], and the Senator from Florida [Mr. CHILES], of course—I see no other Senators on the floor at this time who are on the Budget Committee—I think all would agree that we worked extremely hard, night and day sometimes, to try to beat out a compromise that could pass the U.S. Senate.

The sad thing about all of this is that we are no longer even trying to work out a compromise, either on the first concurrent budget resolution that was supposed to have been passed by no later than May 15 last; we have all but given up in the conference with the House of Representatives on the Department of Defense authorization bill. I happen also to be one of those conferees. Compromise, understanding, trying to recognize the other point of view, have seemingly become lost arts in the U.S. Senate. I say, Mr. President, that that is very sad. It seems, Mr. President, that we go on from impasse to impasse to impasse.

I simply say that, as a freshman Member of this body, it appears to me that the system, the whole process, if you will, is beginning to break down to the detriment not just of the institutions of the U.S. Senate but of the people that we are sent here to represent. One of the senior Members of this body, in whom I have the greatest respect and confidence, said the other day that he can only describe the processes in the Senate today or lack thereof as deteriorating from what this body used to be.

While it is deteriorating and while we do not discharge our responsiblities to follow the rule, while we do pass over that magic May 15 date for the first concurrent budget resolution, and while we pay no attention whatsoever to the date of October 15 upcoming, when we are supposed to have passed the second concurrent resolution—those are things that are hardly ever mentioned, let alone thought about. What has happened, Mr. President? Well, it is a pretty sorry picture when we look at the fiscal affairs of the United States of America today.

Mr. President, in his January 1981 inaugural address, President Reagan made a very keen observation of deficit financing. He said:

> For decades, we have piled deficit upon deficit, mortgaging our future and our children's future, for the convenience of the present. To continue this long trend is to guarantee tremendous social, cultural, and economic upheavals.

Certainly, that is the record since that time that has been presided over by the present President of the United States and all of us here.

Mr. President, let me add a caveat here. I do not stand on the floor of the Senate trying to blame the Democrats or the Republicans or the U.S. Senate or the House of Representatives or the lack of people in leadership positions, because I think we all have a great respect for them. But to a large degree, I believe that the deterioration in the process has begun to set in. I think we can take a look at the stark realities, harking back to what President Reagan said in his inaugural address in January 1981, and measure it from there.

Mr. President, this country is going into debt at a faster rate than every before in history. This country is passing through, right now, the longest real interest rate at the highest rates in its history. That has come about primarily because we have abandoned any pretense—any pretense whatsoever—of coming to grips with the important matter of matching income with outgo. I simply say that I think the great crisis we have in Nebraska and the other farm States today can be primarily attributed to the fact that we have runaway deficits, skyrocketing national debt, that have forced interest rates up to the place that our farmers are presently falling like flies.

It is not only our farmers and ranchers; it is the small business suppliers that form the backup necessary for a successful food plant in America.

How bad is it? It is much worse than most of the people in the United States or the House of Representatives understand today. When you look at the fact that it took us 205 years in the history of the United States of America to reach the $1 trillion debt ceiling and then recognize that that was in 1981, then recognize that, 3 years later, in 1984, we are already past $1.5 trillion—remember, 205 years to get to $1 trillion national debt; 3 years thereafter we are at $1.5 trillion. Certainly, the fastest going into debt that we have ever seen in this country.

Let us put that in terms, if we can, that may make it a little more meaningful. In 1971, every man, woman, and child in the United States of America owed, as their proportionate share of the national debt, approximately $2,000 each. These figures that I give are round or approximate, but they are accurate. So let us start out with 1971. That is not a very long time ago; $2,000 each for every man, woman, and child, or, for a typical family of four, $8,000 that they owed. Ten years later, in 1981, that doubled to $4,000 for every man, woman, and child, or $16,000 for a typical family of four.

And where are we headed now? Under the budget that the President of the United States delivered to us at the beginning of this year, by 1987, 3 years from right now, that will have doubled again to $8,000 for every man, woman, and child in the United States, or $32,000 for every family of four.

I do not know the experience of other Members of the Senate, but my wife and I have three children, five grandchildren and one more upcoming next month. I am ashamed of what we are doing to the young people of this country and most of them do not begin to understand it. As far as my three children are concerned, now out with families of their own, I do not believe they are ever going to begin to be able to start paying off that $32,000 that their families of four owe.

No, Mr. President; I do not believe they are even going to be able to afford the debt service on that magnificent national debt that we are passing on to them because we do not have the courage to bite the bullet. Not passing a budget resolution as required is the first step in the wrong direction, and everything complicates and becomes more perilous after that. When you talk about interest rates today and the percentage of the national debt that we are passing on to the taxpayer or charging off to the deficit, there is an astonishing increase in the percentage of our annual budget which goes for the debt service alone and that does not do anybody any good.

For example, in 1971, interest on the national debt was 7 percent of the total budget, in 1981 it had jumped to 10 percent, in 1985 it was 13 percent, and by 1987 it is confidently predicted that it will be 15 percent. I suspect in all seriousness that it might be even worse.

Mr. President, I again thank the Senator from Florida for giving us a chance to maybe begin to light the fire of understanding, if you will, of what is not being done by the Congress of the United States. Until that is understood, then I suspect we will never be able to move forward with some kind of cooperative effort on both sides of the aisle and between both Chambers to get that job done. In closing, Mr. President, we are not going to be able to get that job done without the understanding, without the cooperation, and without the lambasting by the President of the United States, whoever that individual might be next year.

Mr. President, I yield the floor.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, the Senator from Kentucky, Senator FORD, has come to the floor. He indicates an interest in talking about budget matters. Of course, he knows that I am now talking about whether we should waive the Budget Act and continue to pass appropriation bills when we find ourselves in this dilemma. The law says that we will have a Budget Act. Every other year, we have had an act that has been passed by both Houses by June, in May in most of the years. We find ourselves now in the first of August and no Budget Act and no attempt being made really to resolve the dilemma that we have which hinges primarily on whether the defense number is going to be $299 billion or $286 billion, and that is a $13 billion difference.

We resolved a $12.6 billion difference before. It was not easy. As I said, there was a lot of blood on the floor. But here we find ourselves in a position where really no attempts have been made.

I am delighted to see the Senator from Kentucky, who has a long and abiding interest in the process, and to yield to him in this matter.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I thank the distinguished Senator from Florida.

Mr. President, I have the dubious honor, I guess, of serving as the cochairman of the temporary Select Committee To Study the Senate Committee System. We have now put together a small staff of two or three people and have started hearings.

Yesterday, we listened to at least a half dozen of our colleagues, along with the majority leader of the Senate, the chairman of the Appropriation Committee, and a distinguished former colleague, Senator Henry Bellmon of Oklahoma. I think it would behoove every Member of the Senate to secure a copy of Senator Bellmon's statement. He talked about problems he now sees, about the ability of the Congress to cope with our economic problems; and the direction we ought to go. So I would suggest to my colleagues that they get a copy of the statement of former Senator Bellmon of Oklahoma. I think it would be enlightening.

The three things he talked about in his statement, and I think it was a

common theme of all those who testified yesterday—and by the way, we will have hearings tomorrow and additional Members of this body will testify—but the theme that ran through the testimony of the first day was the layer upon layer upon layer of problems we have in arriving at a solution to the budget problems of this great country.

We talk about authorization, we talk about appropriations, and we talk about the budget process. We are trying to authorize and appropriate when we have no budget. We have timeframes within which the statute says we must do certain things, but we have gone beyond those.

We find ourselves still working on the budget for the year in which we are operating and the President of the United States has already sent us the budget for next year.

Mr. President, there are at least 21 States—Kentucky included—that have biannual budgets. There is something about that that appeals to me.

Eight years ago there was a piece of legislation on the floor asking for a study of a 2-year budget. I decided 3 years ago that I would introduce a 2-year budget bill. Well, that year I think I got six, maybe eight, Senators to cosponsor the bill. I introduced it in the next session of the Congress and there were some 15 or 16 cosponsors.

Then Senator QUAYLE of Indiana became very interested and introduced a 2-year budget bill. We discussed the differences in our philosophy of a 2-year budget and found that we were not too far apart. So then we combined our resources and introduced the so-called Quayle-Ford 2-year budget bill.

The distinguished chairman of the Governmental Affairs Committee, the Senator from Delaware, Mr. ROTH, has also become interested in a 2-year budget. Others have shown an inclination that this may partially be a way out of our budgetary dilemma.

Let me tell you simply how I see a 2-year budget. It takes 6 months to put the budget together. We would have 18 months to study what we have done and where we are going. This would give us an opportunity to look at the agencies and understand better how they are spending our money.

There are smart people in the U.S. Senate. But the smartest of people cannot instantaneously make a decision. They have to have some time to think it out, to look ahead. Too often we are trying to take care of yesterday today, because we were not able to complete our business then. What should have been completed yesterday—we are still on today.

That is one reason we still have a legislative day. I made a motion here one day that nothing be done to this piece of legislation for 45 legislative days. Well, I think it took about 4 months, maybe 5 months, before 45 legislative days expired. Maybe that is one reason we recess instead of adjourn, so we can continue 1 long day in an effort to get something done.

If we enact a 2-year budget, our States, counties, and communities would have some time to make long-range plans instead of going like a yo-yo when the President sends a budget to Congress. We cannot pass an appropriation bill by October 1, so we meet in late night sessions and finally pass a 15-day continuing resolution. We cannot complete it in 15 days, so we go for 30 days. Then we go for another 30 days. The States are not sure whether they are going to get x amount or y amount or any amount. Then finally we put them on a continuing resolution, and never complete the budget.

I believe, since the budget process was begun a decade ago, only in 1 year have we ever been able to complete the budgetary process on time. It becomes worse and worse every year.

Mr. President, while trying to get more cents out of the dollar, we should give States, counties, and local communities an opportunity to plan so that they may spend their money wisely, rather than going to the bank, borrowing money to keep a program in place that is good for the community and paying interest on that money which dilutes the effectiveness of that program.

The 2-year budget process would switch the Federal Government to a 2-year budget cycle. I have noted as I said earlier, Mr. President, with some satisfaction, that the biennial budget proposal is receiving greater attention in Congress these days. There is some momentum and support of a 2-year budget, I believe because my colleagues who are students of the budgetary process can see the benefits of the proposal that a 2-year budget would bring: Enlarging the timetable for consideration of regular budget resolutions and appropriations measures; avoiding the consequences of rushing through continuing resolutions; allowing additional time for Congress to conduct more meaningful and effective oversight.

An interesting event occurred a couple of years ago. An amendment I offered was enacted to require the Senate Commerce Committee to hold two oversight hearings of the Federal Trade Commission annually, something we normally don't have time to do.

What do you do when you have time for oversight? You bring that agency in. You ask them about their program for the coming year, and how much money they are going to spend? How many employees do they have? How many do they need? They set up a schedule for the first 6 months. At the end of that 6 months you call that agency back in. You go back and review what the agency has said they were going to do, how much money they were going to spend, and what that would accomplish. You review to see if it has transpired or not.

Second, you ask them what they are going to do for the next 6 months. You go through the same procedure. At the end of that budget period they come back in and review the year. You have an opportunity and ability to better scrutinize agencies as to their expenditure of money, as to their ability to carry out programs, as to whether they are following through on the mandate of Congress. It gives us the opportunity to do the job that we were sent here to do.

I know we have a philosophy as propounded by the majority leader that darkness brings light at the end of the tunnel. He said that on the Senate floor, I believe. It meant we would stay in all night. We would stay in late nights. We would stay here as long as it would take until 2 or 3 o'clock in the morning to pass legislation. We do not have the time to debate.

I think the budgetary procedures of the Senate are the chief problems we face as we try to do our job. The 2-year budget process will not solve all of our problems, but it certainly would give us a better opportunity to look at those problems, and give us time to think them through.

Let me reiterate that the 2-year budget would enlarge the timetable for consideration of regular budget resolutions, and avoid the consequences of a rush-through continuing resolution. It would allow the necessary additional time for Congress to conduct more meaningful and effective oversight.

It would reduce the uncertainties which confront State and local governments annually over the future of the federally funded programs.

Mr. CHILES. Mr. President, will the Senator yield at that point?

Mr. FORD. I am glad to yield.

Mr. CHILES. I just wondered about the 2-year budget. I think there are some areas perhaps which we could look at—budgeting some items for more than the 2 years. I think we can start though in streamlining the budget process by making the first resolution binding, eliminating the second one, then codifying our reconciliation process, limiting the time there to prohibit the nonbudgetary items.

You know what we have had in the reconciliation process.

We had some authorizing committees decide they would put something in the reconciliation; that is, a bill that they knew would not go on the floor, or would be filibustered, and come under time constraints. Instead they put it on there so they knew it would limit the time. Certainly that ought to

be a correction we should be looking at. I wonder if the Senator would agree with that.

Mr. FORD. I think that is absolutely correct. I agree with the Senator from Florida because debate is limited under the reconciliation resolution, and legislation is sometimes passed that could not be secured otherwise. We cannot debate it sufficiently and we cannot amend it under the germaneness rules. It is something that we ought to look at very hard.

As I go back, as I think about the theme that went through all the testimony from the majority leader of the Senate to each one of those Senators and former Senators who testified, almost without exception they approve some variation of the 2-year budget. I think at some point we have to give more serious consideration to this change.

We have three committees, maybe four, which have some jurisdiction over a 2-year budget proposal. It will be difficult to get it out. The Budget Committee wants a piece of it, and that is fine. The Governmental Affairs Committee wants a piece of it; the Appropriations Committee wants a piece of it and since it deals with the 1974 Budget Act the Rules Committee has jurisdiction. So we have at least four committees which have an interest in a 2-year budget.

I would like to see us become very serious about it and do something to see if it works. It works for 21 States. Surely, the Federal Government could work under that process.

Second, I go back to the ability of our States to have a long-term opportunity and I refer to 2 years as a long term compared to what we are going through now to be able to spend the money wisely.

If they can look down the road and are not pressured to hurry, they will be able to make the right judgment in the best interests of their citizens. If we can let them know for the next 2 years what they are going to get, they will have the opportunity to make a better judgment.

Mr. CHILES. I think an area in which I have some agreement with the Senator from Kentucky, and I know this is an interest he has had for a long time, feeling very strongly about it, is that there are areas where we could well look at 2-year appropriations. That would take care of a number of problems the Senator has raised.

I have a concern as to whether you can set your budget figures for 2 years because we cannot predict the economy 2 years in advance. The economy can change very quickly.

Mr. FORD. Let me say neither can the States and the States do not have the expertise we should have in the Federal Government to make a judgment on a 2-year budget.

Mr. CHILES. But the States are in a little different situation. As I recall in my State, we got into trouble sometimes when the sales tax receipts would fall out from under us, because our economy is based very much on light tourism and we could get into severe trouble quickly. Then we would have to go back and cut everything.

Mr. FORD. There is a procedure though. In Kentucky, it is the Governor's responsibility under the constitution to ensure a balanced budget.

Mr. CHILES. I understand. But it seems to me that because our actions will affect every State, as well as perhaps affecting the international economy, I think we have to be able to look at that every year and to make adjustments if necessary.

Mr. FORD. Let me ask a question. If you have a 2-year budget in place, I think we should be in reasonably good shape to make budget estimates. We have had some very good people consider this problem. I think Alice Rivlin did an excellent job making budget estimates and pointing to the route we should take. I think we could trust experts of her caliber to help us make judgments on a 2-year budget; or how to provide for proper flexibility.

It is like the constitutional amendment for a balanced budget. For it to work, there must be pressure valves, exceptions, in case something happens, X, Y, Z, whatever it might be.

Mr. CHILES. I think Alice Rivlin and all forecasters we have had before the committee say, "The first year figures we give you we hope are a valid guess. After that we want you to know that they are not, necessarily, because we are just kind of adding on so we cannot say whether they are any kind of a valid guess or not."

I think it gets a lot fuzzier as you get out there beyond the first year.

Mr. FORD. I understand that, but hopefully we can eventually stabilize the economy. Today, we cannot operate under a 1-year budget without a supplemental; a 2-year budget supplemental would also be necessary. I think all of these things can be factored in, but at least we have a timeframe that eases the pressure on those who have to put a budget together. It gives a better opportunity to give thought to where we are going and to find the answers we are looking for. We have to have some time to think these things through to make the best possible judgment.

Mr. CHILES. I see the distinguished Senator from New Mexico has a question. I will be glad to yield to him.

Mr. DOMENICI. Will the Senator yield?

Mr. FORD. I am happy to yield.

Mr. DOMENICI. What I am going to say and the question I am going to ask is in no way intended to be in derogation of the concept of 2-year budgeting. As we move through history, obviously, we have to learn and do things better.

Would the Senator think that in calendar years 1968 through 1975, when we had no Budget Act, that we got more or less appropriations bills passed on time before the new fiscal year compared with calendar years 1976 through 1985?

Mr. FORD. The distinguished Senator from New Mexico knows I do not know that answer. I would have to guess that the Senator is going to say achieved less.

Mr. DOMENICI. I just wanted the Senator's guess.

Mr. FORD. I do not want to guess. I just think if you have a 2-year budget you will get more done, either under the present budget system or that in place before 1975.

Mr. DOMENICI. I do not disagree. The point I was going to make is there is a lot being said in the study committee headed by the distinguished junior Senator from Indiana, about the processes being overlapping; a lot being said about too much time being taken for fiscal matters; a lot being said that might imply that we are not getting our appropriating work done because of the budget process.

If I had some time——

Mr. FORD. The Senator can have all the time he wants to use.

Mr. DOMENICI. But I have to go to a meeting, I am sorry.

I just want the RECORD to reflect that before the Senator from Kentucky and I were even here, in 1968, we did not have any Budget Act. We got one appropriations bill through, I say to my friend from Florida. In 1969, another interesting thing, both bodies were of the same party in 1969, and we got zero appropriations bills on time. In 1970, the same set of facts and zero appropriations bills on time. In 1971, four; in 1972, three; in 1973, zero; in 1974, one; in 1975, zero.

I submit that in the first 5 years of the budget process we got 13, 10, 8, 3, and 1, then we got zero, then we got 1, and then we got 6.

I notice that transportation is in conference, I say to my friend from Florida. I heard that is the first time it has been in conference in 5 years.

I heard last year we passed the human resources bill on time. That was the first time in 7 years.

I submit that it is just a difficult process. Add to it the fact that, for a part of this budget cycle, we have had a Republican Senate and a Democratic House and a President with some very different ideas than his predecessors.

For those who think we spend too much time on the budget process, I submit no matter what processes we have, the majority of the time in the last 3 years was going to be on taxes, on spending, and I submit for about 3 or 4 more years, the majority of the

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time is going to be spent on those, whatever the process. And very serious disagreements are going to occur.

In addition, less new legislation has been passed in the last 5 years under the budget process that is apt to incur obligations in the future than at any similar time since 1962.

Mr. FORD. Will the distinguished Senator yield?

Mr. DOMENICI. One more minute and I shall yield permanently, Mr. President.

Mr. FORD. Mr. President, I yield the floor.

(Mr. WARNER assumed the chair.)

Mr. DOMENICI. Actually, Mr. President, the fact of the matter is that we are not going to escape dealing principally with fiscal matters—appropriations, taxation—and we are going to have to find a way to get that done. From my standpoint, I am for anything new that will accomplish it.

For those who think we can keep the budget process but, somehow or other, we have to assign it to somebody else, I submit that is not going to accomplish anything. Somebody is going to have to do that work and somebody is going to have to present it and somebody is going to have to make independent judgment on it. There is a lot of room for improvement, but basically, for those who think there is some new, utopian way to fix all this and that we have been going through some unauthorized misery for ourselves and this institution and legislatively for the American people since we have had a Budget Act, it just is not true.

The fact of the matter is, ask some of the old timers, as you call them before those committees, what the process was like 15 years ago. I understand you could not get some bills finished in 15 or 20 days, I say to my friend from Florida. They were not budget resolutions and they were not major tax bills. I assume we would look back on that day and say, "What were they wasting time for? Why did they not get on with the business?"

I tell you, Mr. President, I think we do a pretty good job in this place when you consider the kind of rules we operate under. We work by consensus and agreement here. It is almost magical the way Senator BAKER works time agreements. Without it, we would get nowhere.

I submit that is not a function of reorganizing committees, that is not a function of overlapping jurisdictions, authorizing, appropriations, and the like. It is a function of the rules of the Senate and the demeanor of Senators. Maybe we ought to work on that a little bit. When we call a bill up, maybe there ought to be a general understanding that if you have an amendment, you have 10 or 12 hours to get down here for it. Maybe that is something we ought to look into.

I think that is the problem we are having plus the fact we are on too many committees. Maybe he is already finding that, I say to my good friend, the Senator from Kentucky [Mr. FORD], too many assignments in terms of subcommittees and the like. Surely, we ought to be doing something about that.

I guess what I am saying is something along the lines that we all are born with original sin and we all cause delays in that way from time to time and, from time to time, we get religion and do not act that way and we get things done. But that is the way it is always going to be in this body.

I, for one, am willing to sacrifice some of the protections we have as individual Senators, some of the tremendous freedoms we have as Senators, some of the tremendous qualities that come from the liberal rules on germaneness and the like. I am willing to consider some of them. I am even willing to look again at the filibuster. Maybe the post-cloture filibuster ought to be looked at. We did not intend for that to happen.

Generally speaking, Mr. President, we surely ought not to think that we can organize the committee structure in some way so as to remedy our problems with floor action. We shouldn't kid ourselves. When matters get to the floor, it would be the same kind of problem we have been having since before the budget process began when we did not produce a single appropriation bill on time in 1969, not a single one in 1970, not a single one in 1973, all of which was when both bodies were of one party.

Surely, those people who redrew the Budget Act knew all that. They drew it within that context, with that history, in that kind of atmosphere. They were saying we need something better; we need something that will do a little better.

I say that with the knowledge that we have not been able to get a budget resolution this year. I understand that. I have made my point about it today. It is not with a great deal of pride that I have made the argument that we do not have one. But we have gotten them from time to time under difficult circumstances, with both bodies of different persuasions and a President with a very different persuasion than many members of his own party; and nonetheless, we have gotten it done.

I do not have quick fixes for it and I shall be testifying before the Select Committee on the Committee System tomorrow. If I cannot finish tomorrow, perhaps I can find another time convenient to the Senator. I have some suggestions, but I really think anybody looking for Utopia just has to understand that that will not be the case in the U.S. Senate.

Mr. FORD. Mr. President, I understand my distinguished colleague from New Mexico, but maybe we ought to go back to the old budget process. We had much smaller budget deficits then than we do now. Maybe there was something to that procedure.

But, Mr. President, I am not proposing a quick fix. What we are doing now is a quick fix. We cannot fix anything, so we put a Band-Aid on it and call it a continuing resolution.

I do not propose dismantling the current budget process. I want to keep the system but expand it and make it workable. Give Members of this body an opportunity to think things through instead of being pushed right to the wall, to that darkness that brings light at the end of the tunnel.

Mr. President, I understand the Senator from New Mexico. He was here when the new budget process was put into place during the first year of my tenure in the Senate. I stood in awe of the distinguished Senator from Arkansas, Mr. McClellan and the distinguished Senator from Maine, Mr. Muskie, as they debated in our caucus whether a budget committee was desirable or not. We had long and hard debate. But I think we do a disservice not to our constituents when we keep them in limbo on a 15- or a 30- or a 90-day continuing resolution, and then give up and make it a continuing resolution for the rest of the fiscal year. Before you know it we are already starting over, debating the President's budget for the next fiscal year. If we had time for oversight, if we had time to scrutinize the agencies and time to do those things which are in the best interests of the economy and of this country, I think we would perform our job better. A 2-year budget is not utopia; it is not a quick fix, it won't solve our deficit problems, but it will at least give us a better opportunity to address the problems we face. There is not a Member of this Senate, who can give us the detail of expenditures of the various agencies, how much they spend in this program, who much they spend in that program, how many employees they have that affect that program and how many employees affect the next one. I bet there is not a Member of this body who knows how much money was borrowed by a State or local community in order to continue the funding of a program while waiting to learn whether or not we are going to guarantee that money to them. And when they borrow that money, it costs them interest and that dilutes the taxpayer's dollar.

The majority leader of the Senate testified yesterday, along with the chairman of the Appropriations Committee and our distinguished former colleague from Oklahoma—and the theme was authorization, appropria-

tion, and budget: How do you better coordinate the process?

I do not understand the rigid opposition or the attitude. "Yes, it is a good thing and we might get to look at it some day, but we are too busy right now." The reason we are too busy right now is because we cannot get a budget together, we cannot get all our authorization bills out. We cannot appropriate.

Mr. President, this is an item that cries out for consideration. I hope that as we travel down this road in the next 2 or 3 months we can make some kind of judgment as it relates to the 2-year budget process. If States can make it work, maybe we ought to follow their example because they have as many problems as we do, if not more.

Mr. President, I thank the distinguished Senator from Florida for giving me an opportunity to bring this up, and at least point out that there is such a thing as a 2-year budget proposal. It is there. A lot of thoughtful people support it. A lot of knowledgeable people with expertise and experience in running Government say it is the way to go. It will give us the opportunity to better serve our constituencies and find an answer to the economic problems of this country.

The bill on the $200 billion deficit will be due one of these days. The economy cannot continue to improve while being fueled by $200 billion annual deficits. My grandchildren will have to pay the bill. Within the next 3 years we will have doubled the national debt from 1981. If we do not have the time to try to figure out how to take that burden off them, then we are jeopardizing not ourselves but future generations.

Mr. President, again I thank the distinguished Senator from Florida for allowing me this time to speak.

I yield the floor.

Mr. CHILES. I thank the distinguished Senator from Kentucky. He alwasy has well-thought-out reasons for his propositions. I know he spent considerable time in thought on this. While I have some differences with some of those thoughts, I think the points he makes are, in the main, very well taken

I was struck, Mr. President, by some of the observations of the distinguished Senator from New Mexico, the chairman, in his colloquy with the Senator from Kentucky. I think he made a speech more eloquent than mine as to why we should have a budget process, why that process is important, why it should not be scuttled, why we should not lose it by virtue of the fact that one side has decided they do not want to "give" on a figure. It happens to be defense now.

It might be social programs next time. But they are not ready to "give" on that process. And when I listened to what he said about those years before we had the budget process and the fact that we did not pass appropriation bills on time, it reminded me of some of the quagmire that we were in, and especially the way we would start new programs. I see the distinguished former chairman of the Finance Committee and the ranking member is present. I know he will remember that when we started some programs like medicare and medicaid, it was said on the floor, "This little program is just going to cost a few million dollars, never going to be something that we really have to worry about." No one looked 5 years down the line at the cost of the program. We got started and now we cannot get untangled from some of those entitlement programs because no one thought of the future. No one thought about inflation. When we started passing cost-of-living increases, as I recall, when we passed the COLA's, that was because we were trying to restrain a Congress that would get on the floor with a 5-percent raise, and somebody would say, "Make it 10"; or, if it was 10, somebody would say, "Make it 20."

We said that we cannot stand this very long, that we have to put on some restraint. We did not have any idea we could get 14 percent inflation or 16 percent or 18 percent.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. LONG. I wonder if the Senator was here at the time the Nixon administration became convinced that they should go along with an automatic Social Security cost-of-living adjustment, the COLA the Senator is talking about. Before that time we based Social Security financing on traditional wisdom and the usual way of calculating the income and the receipts.

But this proposal was to give an automatic cost-of-living increase in benefits when the cost of living went up.

Mr. CHILES I happened to have been here. That was 1972, I believe, and I had arrived about 1971. So, I have to plead guilty. I think I was here.

Mr. LONG. The Senator from Louisiana was the chairman of the Finance Committee at that time, and he recalls what happened in the committee.

It seems that the chairman of the House Ways and Means Committee, Mr. Wilbur Mills, had decided to run for the Democratic nomination for President of the United States. Our friend, Mr. Mills, went up to New Hampshire for the New Hampshire primary. His efforts were not going too well, and apparently, it must have seemed to the distinguished chairman that if he would advocate a further increase in Social Security benefits, it would help.

So the chairman of the Ways and Means Committee sent the Senate Finance Committee a wire calling upon us to approve an amendment providing for a further 20-percent, across-the-board increase in Social Security benefits, without any additional tax to pay for any of it. It was all to be paid for by these new actuarial assumptions, so-called dynamic assumptions.

Mr. Mills communicated that he had thought about it, and he had become convinced that we could rely upon these dynamic assumptions, which assume that the economy would continue to grow, that productivity would continue to increase, and that we need not worry too much about unemployment. He believed the dynamic assumptions to be sound.

So the distinguished chairman of the Ways and Means Committee was suggesting to us that we should agree to a Social Security benefit increase, to be financed based on these dynamic assumptions; that in doing so, there need be no tax increase in order to carry the burden of a 20-percent, across-the-board increase, in addition to the automatic cost-of-living increase provision.

When that matter was discussed in the Senate Finance Committee, the Senator from Louisiana asked the Senator from Georgia, Mr. Talmadge, "What do you think would happen if this were offered on the floor of the Senate?"

The Senator from Georgia said that undoubtedly the Senate would adopt the amendment, that it would have too much popular appeal to be defeated.

So the Senator from Louisiana at that point said, "Well, if the Senate is going to do it anyhow, why don't we go ahead and recommend it, and take some credit for giving everybody a 20-percent, across-the-board increase?"

At that point, Senator Hansen spoke up and said, "Mr. Chairman, I'll have to vote my conscience. No matter what anybody else here does, I don't think we can afford anything like this, and I will have to vote against it."

We had a vote in committee, and on a tie vote, the proposal failed.

It was then offered on the Senate floor and was sponsored at that time by Mr. Frank Church, speaking for the Committee on Aging. About half the Senate had signed up as cosponsors. The Senator from Louisiana, following the logic he expressed in the committee, already had indicated that he would vote for it on the floor, so I joined as a cosponsor.

The vote on the Church amendment was 82 to 4. So the Senate went along with the 20-percent, across-the-board increase in benefits, as well as the automatic cost-of-living increase provision. The Senator knows that this was

the beginning of the Social Security solvency problems.

Mr. CHILES. That was 20 percent, and that was built into the base, and was there every year thereafter. I believe a lot of people think that when there is a 3-percent increase or a 5-percent increase, it is that year, and you go back to what the base year was. I think people do not realize that becomes the base.

Mr. LONG. The 3-percent increase goes on top of the 20 percent.

Mr. CHILES. That is right. Human nature has not changed, has it?

The President of the United States said the other day that he thought maybe we would give a 5-percent increase, or $5 billion. We give a cost-of-living increase whether it complies with the law or not. I notice that the Senate got in step with that quickly.

Mr. LONG. That is a good example. The Finance Committee did not even look at that measure in committee. The amendment was offered on the floor, and everybody jumped on board; and it is going to cost billions of dollars, assuming that it does actually result in a cost-of-living increase which otherwise would not have occurred.

Mr. CHILES. Because I was not here when we passed Medicare, I wonder if the Senator will tell me if we had any idea at that time what the potential costs were of that program.

Mr. LONG. Mr. President, the cost of medicare was estimated to be considerably below what it proved to be. But that was nothing compared to what occurred with regard to medicaid, which, as the Senator knows, costs many billions of dollars a year. In fact, I hope the Senator might provide us with the actual medicaid cost, if the staff has it.

Mr. CHILES. We will have that in a minute.

Mr. LONG. Medicare greatly exceeded the original estimates. We had to call hearings and try to make some plans to do something about the cost problem. But that is nothing, or practically nothing, in relative terms, compared to what happened with the medicaid proposal. That proposal was initially estimated by the Department to cost us about $200 million a year. In short order, the thing was costing us $10 billion a year. I believe $10 billion is 50 times $200 million.

I hate to report this. But my duty as a man of honor requires me to tell the truth on this subject, and I have to do it.

Mr. CHILES. I have those figures now. It is $21 billion in 1984, projected to go to $23 billion in 1985.

Mr. LONG. Is that the cost of medicaid?

Mr. CHILES. That is medicaid. That is the Federal share.

Mr. LONG. Only the Federal share.

Mr. CHILES. It is not the States' share.

Mr. LONG. There we have a program which is costing 100 times what the estimate was when we voted it into law.

I was disappointed at the time when it was costing about $5 billion a year, which was only about 25 times the original estimate. I looked into the matter to see how this estimate was arrived at.

Does the Senator know how they arrived at the conclusion that this medicaid program was only going to cost $200 million a year?

Mr. CHILES. No; I do not know.

Mr. LONG. Let me just inform the distinguished ranking minority member of the Budget Committee. It was assumed by the Department that if the States continued to spend the same amount of money they were spending, and you added to it a generous amount of Federal matching, which could be up to 83 percent of the overall cost—that would be like putting up $5 in Federal funds every time the State puts up $1—if you proceed on that basis, it was estimated that this program would only cost $200 million.

Nowhere in the assumptions did there appear any question what would happen if the States said, "If we put more money in this thing, the Federal Government will put up maybe three times what we are putting up." So, nowhere did anyone estimate what the additional State contribution would be if the Federal Government was matching it two dollars for one or more than two for one. No one in the Department for a moment estimated what would happen in that case. In fact, for that matter, no one even estimated what would happen if the State would simply take some medical services that it was providing by itself and change its way of doing business so that those costs would be matched by the Federal Government rather than leave it the way it was, where they did not get the matching.

Mr. CHILES. The Senator is talking about the county hospitals and county homes and all of those things that used to be provided for out of local tax dollars that the State did not provide.

Mr. LONG. Of course.

Mr. CHILES. I was in the State legislature at that time and I do remember when we said: "Now, wait a minute we have this Federal program coming now; we have to change some processes here."

Mr. LONG. Of course.

No one ever challenged the Department's assumption. In fact, I hate to say this, I feel ashamed to report this, but that is why we needed to adopt a budget process.

Mr. CHILES. The Senator is right.

Mr. LONG. It never occurred to people to go into all this and say, "Hold on; let us take these assumptions apart and see how they arrive at this number because that might not be a safe assumption." It never occurred at that point to anyone to take all the elements of the assumption apart and say, "Look, why could not these States, providing medical services that do not now qualify for matching, simply make a small modification in the way they have been doing business so that this would then qualify for matching, without any increase in State spending."

If we had looked into the matter, we would have seen that it was going to cost us a lot more than $200 million.

Mr. CHILES. I listened carefully to what the Senator from Louisiana said. The point really struck me when he noted we did not have a process that made us look closely, and that was the reason we finally decided we had to pass the budget process. We realized we had gotten ourselves in trouble. We started some programs that without considering the longrun cost. What we needed was a Congressional Budget Office, some group independent of the White House. We knew OMB had some numbers people but they had to rely on those in the White House. We have seen it happen to Presidents in our party as we have seen it happen to to other side. At to those figures they sort of cut the cloth to fit the pattern at the time.

As I think about what the Senator from Louisiana said, I wonder if he will think through with me a minute. When I got here, one of the most pressing demands for a program that I knew about in my State and in the country was the program for national health insurance. I can tell the Senator the people wanted that.

Mr. LONG. Yes.

Mr. CHILES. That was popular. I did not go to any meeting in which people did not say, "Are you going to be for national health insurance?" And I think the Senator from Florida said it sometime, "I am for motherhood and I have to be for national health insurance."

But I remember it, and the Senator from Louisiana was on the Finance Committee where the legislation would have to be written. There were a number of bills introduced and those bills were getting a lot of support, just like we saw support for medicare and medicaid. But as I recall, about that time along came the budget process and it was the Finance Committee and others that started asking CBO, "What does it look like the cost of these programs will be?" And when those numbers came back, everyone said, "Wait a minute, that plan will not do it."

Then the distinguished Senator from Connecticut started talking about catastrophic health insurance,

that it was the way to start off, to bite a piece at a time, and I thought that made sense.

But when we started looking at those numbers, someone said, "Wait a minute, every hospital that has these life-prolonging machines, if you have catastrophic insurance, the longer they run those machines, the less they cost them." If you have one, whatever it is, a dialysis machine or a catscanner, as long as you can keep a heartbeat going, they will get paid. And that catastrophic insurance will be catastrophic to the budget, catastrophic in dollars.

It never seemed that we could work that one out.

But the fact that we finally had to look forward 5 years to see the future costs of these programs that kept us from going too fast, too soon.

Mr. LONG. It was not all that, but that definitely played a part.

As the Senator knows so well, those of us who felt that catastrophic insurance would not cost all that much introduced bills to try to move in that direction. The Senator from Louisiana did, and he had a bill in and had some cosponsors on it.

Then on one of our bills we thought that there would be a good chance in a small way to try the catastrophic insurance out.

So Senator Hartke offered a floor amendment, and I joined as a cosponsor. It was one of the times I was managing one of the social security bills. We said that if you have a failing kidney and you need kidney dialysis we could take care of the kidney dialysis under the medicare program. So we had then what amounted to a catastrophic illness program for kidney dialysis patients.

The Senator can recall what happened. We had good-faith estimates on what that would cost, and I think that was a good estimate based on how much it would cost to do this sort of thing before the Federal Government started paying for it.

The Senator knows that when we put the program into effect, the cost just mushroomed. The number of people who sought kidney dialysis turned out to be much higher than estimated. The costs were so much higher than we had been told that it made all of us begin to take a second look at the idea of catastrophic health insurance.

Catastrophic health insurance is still not the law, and one of the main reasons is the escalation of the cost that occurred in the other program.

Perhaps the Senator might have some figures, or his staff might have some figures, to help us to show how the cost of that program mushroomed, when we saw what happened when we tried a catastrophic program even on a small basis in one specific area.

Mr. CHILES. I am confident that number is over $1 billion that we are paying on kidney dialysis.

Mr. LONG. It is well over $1 billion.

Mr. CHILES. Yes. I think it was originally estimated at $230 million in 1974. By 1982 it had climbed to $1.8 billion. And in 1984, the figure is $2.6 billion. That's a notable example of actual costs exceeding original prediction in fact, it's over ten times as much.

Mr. LONG. We estimated it would be a mere fraction of that.

It is not the popular thing to do, but our duty to the taxpayer really requires us to hold the line and vote against a popular proposal such as the one to provide catastrophic illness insurance, or to provide some other worthy benefit to a lot of nice people out there. We fight to hold the ground to try to protect the budget and the taxpayers. It used to be that when we came out here on the floor we had no allies to speak of, as was just indicated by the example of the amendment on the 20-percent across-the-board Social Security increase.

One of the great contributions of the budget process is that it at least give us some allies we could look to. We had a right to expect the help of the people on the Budget Committee, every responsible member, at least the chairman, the ranking member, and the dedicated members on that committee—I am not saying they are all equally dedicated, but a lot of them were dedicated and still are. The dedicated members on that committee could be expected to join forces and help us to hold our ground if we had the courage to try to protect the integrity of the budget and to try to keep spending from getting out of line.

I just would hate to see the budget process go out of the picture without at least finding something to take its place. And if it is going to fall into disuse—if we are going to have rules, but we are not going to follow the rules; we are just going to keep brushing them aside and not abiding by them—I see no alternative but, in due course, there would no longer be a budget process.

Mr. CHILES. It seems to me as though the Finance Committee followed the rules, did they not? The Finance Committee honored everything in the budget resolution, and the debt reduction bill in this body was honored by the Finance Committee. It was not easy to do.

Mr. LONG. The Senator from Louisiana did not vote for the budget resolution in the Senate this year for the reason that he thought the deficit absolutely was going to be too big. And the final product had the deficit increasing in the outyears. I thought, "Heavens to Betsy, can't we at least have a budget resolution where the deficits will get smaller rather than larger?" So the Senator voted against the resolution for that reason.

But what the Senate did pass was at least a restraint, an effort to restrain unlimited spending. That resolution was the will of the majority of the Senate. Even though the Senator from Louisiana did not think there was enough fiscal discipline in it, it is better than nothing at all.

Mr. CHILES. I agree with the Senator in that, but I agree with his other statement, as well.

Mr. LONG. We on the Finance Committee went to work in good faith and we have complied with what the Senate passed. We have passed both the tax increases and the spending cuts in the Finance Committee. And may I say to the Senator that in the Finance Committee is where all the burden of raising the taxes falls. That is the unpleasant part of it, I should think. But it is not pleasant to cut spending, either. We also did the spending cuts that we were called upon to do.

We have done our part, and now we are in a position to ask, "Why don't others?" Frankly, I am not pointing the finger at our Budget Committee, and I am not pointing the finger at the House Budget Committee, but I am pointing the finger at the mix. Why do these people not get together? Why do they not get together and agree on something?

Mr. CHILES. We did in every other year. As the Senator knows, by June, May in most of the years, but by June in every other year we have passed and had out of conference a budget resolution. That was the pattern that we followed. This year is the first time we have not done that.

Mr. LONG. Mr. President, if I might say, just as one Senator, it seems to me that we on the Finance Committee have done the most unpleasant task. We have made spending cuts that affect old people and that affects sick people. We have cut the part with respect to entitlements and we have raised all those taxes.

Now, if we can do all that, why, for Pete's sake, cannot the people on the Budget Committee get together and come up here with something to come within what we recommended in the Senate and what the House recommended on it? If we cannot follow the Senate proposal, follow the House approval. Why can they not come together?

Mr. CHILES. I think the answer is that we could and we should. But if we have an agreement in which the White House says, "we have worked this out with some of the leadership of the majority party and some of the leadership on the minority party over at the House. We have already had our agreement. We have already had our compromise. We did it down at the

Rose Garden. We are not changing any of those numbers. Just don't change any of those numbers. That has already been done," then, as long as people in the majority party feel bound by that, there is not much we can do. We have only had four meetings in the conference. The conference went in in June. We met four times on June 13, June 14, June 26, and June 27.

Mr. BYRD. Will the Senator yield?

Mr. CHILES. Yes.

Mr. BYRD. The distinguished Senator from Florida, I believe, made some reference to people at the White House having worked out something with the leadership on the minority side.

Mr. CHILES. No; I said the minority in the House. I said the majority side in the Senate and the minority in the House.

Mr. LONG. Mr. President, the Senator said that the committee has met on four occasions. Can he give me an estimate as to how many hours those committee meetings were?

Mr. CHILES. In no instance was it an hour, I do not think; in a couple of them, it was 15 or 20 minutes.

Mr. LONG. In no case beyond an hour?

Mr. CHILES. No. Well, my staff says one time it was more than an hour, but it must have been with some rollcall votes.

Mr. LONG. In terms of overall time, how much time would the Senator say that the House and Senate Budget Committees have met to try to resolve their differences?

Mr. CHILES. I would say less than 5 hours; 6 would be the total outside.

Mr. LONG. Is the Senator aware of what the Finance Committee did trying in fulfilling our part of the job?

Mr. CHILES. I hate to have the Senator tell me.

Mr. LONG. We met around the clock—around the clock. We would meet until past midnight, maybe 2 o'clock one morning. Then the chairman of the conference would be kind to us and say, "Well, now, take the rest of the day off and be here at 8 o'clock this morning." So in about 6 or 8 hours, we would be back in there.

We would work until past midnight. The Senate conferees and the House conferees on that tax bill would work past midnight. We would start at 10 o'clock in the morning and work past midnight. Then, in the early hours of the morning, the chairman of the conference would say, "Well, now, you just take the rest of this day off." Take the rest of it off? The day was gone. It had been gone for 3 or 4 hours.

We would come back at 10 o'clock in the morning, and then we would meet all day that day and all night that night, all the way through to maybe 5 or 6 o'clock the next morning.

Mr. CHILES. Let me ask the Senator from Louisiana: Is this his idea of a conference? He has had so much more experience than I have at conferencing with the Ways and Means Committee where they really get serious about things and talk big bucks. Has he ever had a conference in which you took the high number of one House and the low number of the other and said, "We are just going to have a range. You can go anywhere between that high number and that lower number in that proposition? That is the offer of the majority party. The offer on defense is that we will take $299 billion, and you can take $286 billion and we will say that is a range, so we can go anywhere between the range." Has the Senator ever had a conference like that?

Mr. LONG. We have not done it exactly that way. What tends to happen in our committee, if we had a number, say it is 200, and the House has a number of 100, if we cannot get together, we would say, "Let's make it 150. Let's split the difference."

Mr. CHILES. The House has offered to do that, and the Senate majority summarily rejected that. The House has offered to split already, but that has been totally rejected.

Mr. LONG. Well, often in conference, if we could not resolve it any other way, we would say we will split the difference, which in effect says neither side agrees with the other side. "We don't agree with you for a moment, and you don't agree with us for a moment. But you have a figure that says 200 and we have a figure that says 100; just split the difference. So if you are wrong, you are only half wrong; and if we are wrong, we are only half wrong. Let's just split the difference."

I think it has been resolved in that way in conferences in which this Senator has been a member more than it has the other way. But certainly there are ways to resolve something like that.

I would say to the Senator that he would be surprised at how much more likely people are to consider a proposition of that sort after you have them up for 24 hours in a row.

You just keep them in there working for 24 hours—after about 16 or 18 hours they get to be more reasonable. After 24 hours they soften up a little. After 30 hours they will soften up some more. So if you keep them there, make them put their nose to the grindstone, after a while they will come around.

Mr. CHILES. Is the Senator from Louisiana being somewhat critical of the fact that over the last 2 months we have only spent 5 hours on this basis?

Mr. LONG. I am not necessarily critical. I am here to suggest that the Finance and Ways and Means conference met around the clock, 24 hours running long hours for days on end.

Mr. CHILES. I think the Senator knows I am being facetious. I think he has made a very, very good point.

Mr. LONG. Of course, I certainly think that the Budget Committee could meet for more than 5 hours even on a single day. If we could meet for as long as 16 to 20 hours, you would certainly think the Budget Committee members of the two sides do meet for more than 5 hours on 1 day, not just on 4 different days. I think it certainly ought to be possible to work something out.

Mr. COCHRAN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. CHILES. I would be happy to yield.

Mr. COCHRAN. In connection with the fact that this debate has taken some 3, 4 hours now, will the Senator agree with me when I answer other Senators that the reason for this discussion is not because this appropriations bill is over the budget, and there is no effort being made to single this bill out as an example of an effort to spend more than the Senate had agreed to budget for these programs that are funded by this bill?

Mr. CHILES. I would certainly agree with that. I have tried to make that point from my opening statement on. Maybe I need to stop every 15 minutes and say that.

Mr. COCHRAN. I would not suggest the Senator needs to do that. But since such a great deal of time has passed, there has been some question.

Mr. CHILES. I think that is true. I would certainly say there is no way this bill can be over the budget resolution because we do not have a budget resolution.

Mr. COCHRAN. I would like to indicate what in my opinion is an important point about this appropriations bill in light of the discussion that is going on right now.

If the President's request for supplemental funding is approved by Congress this year, this bill for spending in fiscal year 1985 will be $292 million below the fiscal year 1984 levels of spending. I think that is significant. It certainly is relevant to the discussion that has been taking place on why it is necessary for the Senate to do everything possible to restrain the growth in spending. This bill is an example of spending restraint. It is interesting that the consideration of the bill is being held up. I am not criticizing the discussion. We are looking for ways to get a handle on the budget.

It is sort of like whatever this downpayment of deficit reduction was, is gone. The fact that we do not have a budget resolution—well, as the Senator from New Mexico says, this is a very different year. I worry about the

process. I worry about what happens to the time and the effort that has been put into the Budget Act, and what I think does have some valid purposes. I think the Senator from Louisiana helped very much to bring that out on the floor.

When we look at where we are in trouble on this deficit, it is basically programs that we started before we had this kind of act, and it is not paying attention to facts that literally came out because a lot of facts came out even in 1980-81 on the tax cut and all. But a lot of people did not want to pay attention to the fact that you can make some magic. We had a new theory of supply economics—that you could tax cut all you want to and build up the income. Well, it has not worked.

I am convinced that the Budget Act is the basis of trying to invoke some discipline here. I listen to people talk about the need for a balanced budget.

Mr. CHILES. I want to hasten to agree with the Senator about everything he says about this bill, everything he says about the work of the distinguished chairman from Mississippi on this, and the ranking member, the Senator from Missouri, because I think they have continually produced bills that come within the parameters.

The argument I challenge is on appropriation bills. I will tell the distinguished Senator from Mississippi and I will say this to the Senator from Louisiana. I feel it is a travesty. It is a disgrace. It is a derogation of our duty that we have not met in the conference as the Finance Committee and the Ways and Means Committee met, and that we have not brought out a budget resolution.

What the Senator from Florida began to see when he shaved in the morning was a person you could almost say was becoming a coconspirator because he was sitting idly by, not having anything to say. And has the press had anything to write about the fact that there is no budget resolution? That is not very big news. I do not see much about it. I do not hear much about it.

We have not been doing much, and it has taken a long time not to do it.

My God, how long will it take us to pass a constitutional amendment? This country will be totally bankrupt before that can happen.

My concern is if we let this process go down the drain, if we cannot use it in a hard case—let us agree this is a hard case on the defense number. But if we cannot use it, if we cannot do as the Senator from Louisiana says, put people in a room and by gosh keep them there until we come up with something, then I think we risk losing the process. And the fact the Senator from Florida says he is becoming a cosponsor to this bill rather than sitting silent means that I decided maybe we need to go back and have the Senate understand a little bit more about that.

It is interesting to note that 64 people in the Senate were not here in 1974 when we passed the Budget Act, and when those of us felt that we had to do something finally. I remember those debates.

They were rough as they could be because we were impinging on people's jurisdiction. I remember some of the strongest debates I ever heard, and good debates at that time, by the way, by the Senator from Louisiana, the Senator from Maine, the Senator from Arkansas, and the chairman of the Appropriations Committee. I mean there was blood on the floor. It took place here. It took place in the caucus. It took place in the halls. It was all around us. Yet through all of that, there was a pressing sort of feeling that we had to do something. We were in disarray. We had to do something.

I wonder now. Maybe the 64 that were not here do not understand that. Maybe it is time to go back, try to educate some people, and talk to them, rebuild an institutional memory.

So that is what the Senator from Florida is concerned about. It is not this bill, and not what is in this bill. I hope the chairman understands that. I want to send that word high and everywhere I can.

Mr. COCHRAN. I thank the distingished Senator, Mr. President, for his comments and appreciate his kind words very much.

Mr. CHILES. I yield at this time to the distinguished Senator from Tennessee who has been a very, very valuable member of the Budget Committee, has worked long and hard in trying to enforce the processes, and in trying to bring about some deficit reduction. I yield to him at this time.

Mr. BYRD. Mr. President, would the distinguished Senator from Tennessee yield?

Mr. SASSER. I yield to the minority leader.

Mr. BYRD. I thank the distinguished Senator.

On a happier note, Senator CHILES became a grandfather for the second time at 2:30 p.m. today, Mr. President.

So for the second time he has been able to taste immortality. He now can see himself continuing on beyond the normal span of life for any of us. His son, Bud, and his daughter-in-law, Kitty, had born to them this beautiful little girl today. She weighed 7 pounds and 2 ounces and her name is Katherine Anne. So I, as a grandfather, wish to commend the distinguished Senator from Florida. This event is of far greater importance than that about which he has spent his time talking about all day in the Senate. [Laughter.] I am amazed that he is even in the Senate this afternoon. He should be commended for being at his post of duty on the Senate floor as the ranking member of the Budget Committee at a time when this happy event occurred I compliment him. I extend to Kitty and the baby every good and perfect wish, not only for today, but also throughout the long months and years ahead.

Mr. CHILES. I thank very much the Senator from West Virginia. While I have been talking, my daughter-in-law has been producing. [Laughter.]

This is a very glad event for our family. This is their second child.

This makes me a grandfather four times, two boys and two girls. It is a happy event for them because their first child was born of a pregnancy that lasted just 5½ months. Lawton IV, because he was born so premature, weighed just a little over a pound and went to under a pound shortly after his birth. He was truly a miracle baby. The University of Florida prenatal clinic, where their great work helped so much, had some of the doctors saying they did not claim all the credit but it was the "Man Up There." I certainly acknowledge that. The Good Lord performed a miracle.

But our new granddaughter Katherine Anne, arrrived after 9 months and 1 week. So we are averaging up. We are almost to 7 months now.

I very much thank the distinguished minority leader for his comments.

Mr. BYRD. Mr. President, did I understand the distinguished Senator from Florida to refer to Lawton IV?

Mr. CHILES. That is correct.

Mr. BYRD. I hope as the years go by there will be many, many more Lawtons. We certainly hope that the Senator will be the grandfather, the great-grandfather, the great-great-grandfather of many future Lawtons. Based on the quality of the work of the Senator from Florida and his dedication to the Senate, and to his people, I would join in the hope that there will not be any end to the number of Lawtons as the years come and go.

Mr. CHILES. I thank the Senator.

Mr. BYRD. I thank the Senator from Tennessee.

Mr. SASSER. I thank the minority leader.

Mr. President, I rise to comment briefly on the status of the congressional budget process.

It is fair to say that at this point the congressional budget process is dead in the water. These appears to be little prospect of resolving the major difference in defense spending which is currently the primary obstacle in achieving a budget resolution for the upcoming fiscal year.

This is unfortunate. In effect we are saying that the budget process does not really matter. In effect we are reinforcing the growing disillusionment with the budget process amongst Members of this body—a disillusion-

ment this Senator shares to some extent. In effect we are demonstrating to the American people that we are incapable of dealing with the serious economic issues facing the Nation.

In effect, we are abrogating our responsibility to put the financial house of the country in order. In effect, we are relinquishing our obligation to abide by the Congressional Budget Act, which is the law of the land.

By our actions thus far, we are essentially sentencing the congressional budget process to a state of limbo—declaring the process irrelevant. Why? Because the administration refuses to accomodate the process of compromise with regard to the level of defense spending. We are relegating the congressional budget process to oblivion because no agreement can be reached on defense spending.

It is ironic that the process which sounded the opening gun of the Reagan economic revolution just 3 years ago is not the same process which is being abandoned by the majority leadership in this body and the White House. It is ironic that at the same time that administration officials are attempting to refute the President's chief economic adviser until just a few days ago, Dr. Feldstein, on the importance of large and seemingly uncontrollable deficits, at the same time the administration is trying to downplay the impact of these deficits on the future of the economy, and at the same time that they are making public pronouncements saying that deficits do not really matter—in essence, that is what the Secretary of the Treasury has said on more than one occasion—a consensus is building and growing every day of the need to confront these large deficits.

The public opinion polls are beginning to show the question of the massive Federal deficit is of paramount importance to Main Street and to the man and woman on Main Street.

Yet, despite the accumulation of evidence citing the need to reduce these deficits, and despite the President's own public appeal for a balanced budget, the intransigence being exhibited against an economic blueprint for establishing such goals simply defies comprehension.

I will not engage in a debate over the potential damage the high-deficit policies of this administration will cause. It seems clear enough that the accumulated expertise of most economists and financial analysts speaks for itself. Indeed, economic history speaks for itself. What is essential to this discussion, however, is the need for order and procedure. The congressional budget process was established in order that Congress would have the tools necessary to analyze, in a macroeconomic perspective, the direction of the economy. To abandon at this point in the name of political convenience, is outrageous and borders on the irresponsible. I submit that this does not serve the people of this country in a fiscally responsible manner.

It is time, Mr. President, for us to cut the rhetoric and to adhere to the budget process, to adhere to the law of this land. Why? Because the stakes are so large.

What is at stake is the future economic viability of this Nation, indeed the future economic viability of all of what we like to call the Western World, the free world. We simply must not abandon the congressional budget process at this very critical and crucial time.

It is sad to say that currently we are in a state of budgetary chaos.

It is time to stop the political posturing. It is time to get down to some hard work, to some compromises, dealing with the important issues; getting together in a room, as the Senator from Louisiana suggested, and making the hard decisions, making the decisions that the people of this country expect us to make. It is time to get on, Mr. President, with the budget process. We should not waste another day in doing so because for each day that is wasted, that is a day that is lost and that we cannot recall.

Mr. President, I yield the floor.

Mr. CHILES. Mr. President, I understand that the majority leader had some indication that he would like to return to morning business for some time and then maybe put us out.

Mr. COCHRAN. Mr. President, until we can see what the situation is and what the majority leader's wishes are, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. D'AMATO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TSONGAS. Mr. President, I wish to add my voice to those objecting to proceeding on the agricultural appropriations bill. This is a matter of principal—not objection to the specifics of the bill itself.

Mr. President, it seems to me that the Senate should abide by its rules. Ten years ago, the Congressional Budget and Impoundment Control Act became law. Its intent was to correct a glaring flaw in the budget process, namely the piecemeal approach to spending and tax policies. The Budget Act was passed to impose coherence and establish priorities in our fiscal policymaking.

Today, we are undermining this budget process. By turning to appropriations bills without a budget resolution that sets overall levels of spending and revenues, we are admitting our inability to agree, to set budget priorities, or to establish spending goals. It is as though I were to take out my checkbook and start writing checks without paying any attention to my bank balance.

Mr. President, this is an unfortunate approach to budget policy. It is particularly damaging in today's economy. Huge budget deficits not only threaten our present recovery but will undermine future living standards for years to come unless action is taken soon. By failing to pass a budget resolution, we are sending signals to Wall Street and Main Street that we are not willing to shoulder our responsibilities, that instead, we wish to bury the spending issue in a piecemeal approach—an approach that conceals spending policy at a time when it should be openly debated.

At the risk of sounding like a broken record, I want to underscore again the problems that these deficits are causing and the dangers that they pose. Paul Volcker, Chairman of the Federal Reserve Board, has told us time and again that interest rates will not fall until we in the Congress take a much bigger bite out of the deficit. The high interest rates may be palatable to some of us, but not if we are trying to buy a home, start up a new business, or export to markets where the overvalued dollar has made our products so expensive that we cannot sell them.

And this is only the tip of the iceberg. What worries me seriously is the impact that these whopping deficits are having on the interest payments that must be made on the Federal debt. Just like any household, as we continue to spend beyond our means year after year, the interest payments that we make to finance our ever-growing debt is becoming an increasing share of the household budget.

So it is with interest on the Federal debt. The fastest growing portion of Federal spending is not welfare payments, or social security, or defense, but interest on the debt. The U.S. Government will spend over $109 billion this fiscal year to finance the debt—double the amount required just 4 years ago. Over the next 3 years, projections of increase in interest expenditures, based on a conservative assumption of stable interest rates, of $71 billion will wipe out all of the tax and spending reductions that we passed last month after long weeks of negotiation.

Mr. President, I shall have more to say on the deficit at a later date when I intend to offer specific deficit reduction proposals. At this time, I reiterate my opposition to by-passing the Senate rules, undermining the budget process, and concealing from the American public our inability to come to grips with Federal budget policy.

Mr. President, the issue ultimately comes down to whether the people in this country are going to look to us as being capable of showing some resolution on the issue of the deficit. There has been enough discussion here about the deficit issue; I shall not take the time to do it again. I shall be offering an amendment later on in this session on a trigger to bring a budget freeze into operation. We can deal with that when the time comes.

It seems to me that the country is looking to the Senate and the House to exercise some restraint on the deficit and to show some aggressive innovation. If we go ahead without the budget process being recognized and adhered to, there is a message, but, unfortunately, it is the wrong one. So I wish to enlist my services on the side of those who feel that the budget process should be reasonably sacred and we should not violate its procedures by going ahead with this appropriation bill.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, in a moment, I intend to ask the Senate to turn to a brief period for the transaction of routine morning business, which will leave the motion pending when we return tomorrow. That means, in turn, that we shall not be on the foreign assistance authorization bill. I expect that will be the next action, but in any event, it is the intention of the leadership on this side to stay on this matter.

Mr. President, there will also be a cloture vote tomorrow. I shall consult with the minority leader in a few moments and see if we can establish a mutually convenient time for that vote. Otherwise, the vote will occur, under the provisions of the rule, an hour plus quorum time after we convene.

Mr. President, there will be no more record votes today.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend past the hour of 6 p.m., in which Senators may speak for not more than 5 minutes each, with the exception of the two leaders, against whom no time restriction will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills and joint resolutions:

On June 18, 1984:

S.J. Res. 261. Joint resolution to provide for the designation of the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week".

S.J. Res. 289. Joint resolution to designate June 18, 1984, as "National Child Passenger Safety Awareness Day".

On June 20, 1984:

S. 2776. An act to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes.

On June 30, 1984:

S.J. Res. 297. Joint resolution to designate the month of June 1984 as "Veterans Preference Month".

On July 2, 1984:

S. 1135. An act to consent to the Goose Lake Basin Compact between the States of California and Oregon.

S.J. Res. 257. Joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean".

S.J. Res. 298. Joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day".

On July 3, 1984:

S. 837. An act to designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes.

S.J. Res. 59. Joint resolution to authorize and request the President to designate February 27, 1986, as "Hugo LaFayette Black Day".

S.J. Res. 150. Joint resolution to designate August 4, 1984, as "Coast Guard Day".

S.J. Res. 230. Joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "National Birds of Prey Conservation Week".

S.J. Res. 270. Joint resolution designating the week of July 1, through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp".

S.J. Res. 303. Joint resolution to designate the week of December 9, 1984, through December 15, 1984, as "National Drunk and Drugged Driving Awareness Week".

On July 9, 1984:

S. 2403. An act to declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

S.J. Res. 238. Joint resolution to designate the week beginning November 19, 1984 as "National Adoption Week".

S.J. Res. 278. Joint resolution to commemorate the one hundredth anniversary of the Bureau of Labor Statistics.

S.J Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day".

On July 10, 1984:

S. 2375. An act to amend the Small Business Act to improve the operation of the secondary market for loans guaranteed by the Small Business Administration.

S. 2729. An act for the relief of Jean Willheim Willrich.

MESSAGE FROM THE HOUSE

At 5:28 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 2496) to amend the Adult Education Act in order to simplify requirements for States and other recipients participating in Federal adult education programs, and for other purposes, with amendments; it insists upon its amendments, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PERKINS, Mr. FORD of Michigan, Mr. ANDREWS of North Carolina, Mr. MILLER of California, Mr. CORRADA, Mr. KILDEE, Mr. WILLIAMS of Montana, Mr. HAWKINS, Mr. BIAGGI, Mr. BOUCHER, Mr. ACKERMAN, Mrs. BURTON of California, Mr. HAYES, Mr. ERLENBORN, Mr. GOODLING, Mr. PACKARD, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARTLETT, Mr. NIELSON of Utah, Mr. CHANDLER, and Mr. TAUKE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5526. An act to amend title 18 of the United States Code with respect to escape from custody resulting from civil commitment;

H.R. 5799. An act to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service;

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes;

H.R. 5872. An act to amend title 18 of the United States Code with respect to certain bribery and related offenses;

H.R. 5910. An act to amend chapter 87 of title 18, United States Code, to improve provisions imposing criminal penalties for contraband and riots in Federal prisons;

H.R. 5919. An act to amend title 18 of the United States Code with regard to the admissibility of business records located in foreign nations, and for other purposes;

H.R. 5946. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service;

H.R. 5951. An act to change the appointment process for judges of District of Columbia courts, and for other purposes;

H.R. 6007. An act to establish certain procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes; and

H.R. 6013. An act to amend the Small Business Act and the Small Business Investment Act of 1958.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 577. Joint resolution designating August 1984 as "Polish American Heritage Month."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5799. An act to amend title 5, United States Code, to establish certain requirements for procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service; to the Committee on Governmental Affairs.

H.R. 5946. An act to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service; to the Committee on Energy and Natural Resources.

H.R. 5951. An act to change the appointment process for judges of District of Columbia courts, and for other purposes; to the Committee on Governmental Affairs.

H.R. 6007. An act to establish procedures regarding the judicial service of retired judges of District of Columbia courts, and for other purposes; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The Committee on Commerce, Science, and Transportation was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5526. An act to amend title 18 of the United States Code with respect to escape from custody resulting from civil commitment;

H.R. 5846. An act to amend title 18, United States Code, to improve collection and administration of criminal fines, and for other purposes;

H.R. 5872. An act to amend title 18 of the United States Code with respect to certain bribery and related offenses;

H.R. 5910. An act to amend chapter 87 of title 18, United States Code, to improve provisions imposing criminal penalties for contraband and riots in Federal prisons; and

H.R. 5919. An act to amend title 18 of the United States Code with regard to the admissibility of business records located in foreign nations, and for other purposes.

MEASURE HELD AT THE DESK

Pursuant to the order of the Senate of July 31, 1984, the following bill was ordered held at the desk:

H.R. 6013. An act to amend the Small Business Act and the Small Business Investment Act of 1958.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Appropriations, with amendments:

H.R. 5899. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-568).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services:

Robert S. Cooper, of Virginia, to be an Assistant Secretary of Defense.

James Paul Wade, Jr., of Virginia, to be an Assistant Secretary of Defense.

Everett Pyatt, of Virginia, to be an Assistant Secretary of the Navy.

Charles G. Untermeyer, of Texas, to be an Assistant Secretary of the Navy.

Donald C. Latham, of Virginia, to be an Assistant Secretary of Defense.

Robert W. Helm, of Virginia, to be an Assistant Secretary of Defense.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TRIBLE (for himself and Mr. HUMPHREY):

S. 2898. A bill to amend section 5155 of the Revised Statutes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN:

S. 2899. A bill to provide employment opportunities to unemployed young men and women in projects accomplishing the conservation, rehabilitation, and improvement of Federal, non-Federal, and Indian lands and provide such young people with educational assistance in return for their services; to the Committee on Energy and Natural Resources.

By Mr. WILSON:

S. 2900. A bill to amend the "Tariff Schedules of the United States" to clarify the classification of unfinished gasoline; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TRIBLE:

S. 2898. A bill to amend section 5155 of the Revised Statutes; to the Committee on Banking, Housing, and Urban Affairs.

BANKING CONVENIENCE ACT

Mr. TRIBLE. Mr. President, one of the most welcome developments of the electronic age for consumers of financial services has been the advent of networks of shared automated teller machines [ATM's].

Today, Senator HUMPHREY and I are introducing "the Banking Convenience Act of 1984" to protect and foster these shared ATM networks.

Before explaining the need for this bill, and its nature, a brief introduction to shared ATM networks may be helpful.

1. SHARED ATM NETWORKS

In a network of shared automated teller machines, customers of banks, thrifts, credit unions, credit card companies and others may have remote access to their checking, savings, or credit card accounts by using ATM's established by third parties.

Using these networks of shared ATM's, these customers may conduct a wide variety of banking transactions while traveling away from home on business or for pleasure. By inserting a plastic card into an ATM, the customer tens, hundreds or even thousands of miles from home may withdraw cash from, or make deposits to, his checking or savings account; receive cash from a credit card loan; pay bills to third parties; deposit money into one of his accounts; inquire as to the balances in his accounts; or transfer funds among accounts, swiftly, electronically, and at low cost.

On a massive and ever increasing scale, consumers are demanding and receiving the benefits of automated teller machines tied into shared ATM networks.

Ten years ago, there existed only a handful of underutilized ATM's. Today, in response to overwhelming consumer demands, over 200 shared regional ATM networks serve customers in every State and region of the United States, allowing customers to use 16,000 ATM's to conduct 60 million transactions every month. And by using the 10,000 ATM's linked by computer into 7 national shared networks, American consumers can obtain cash almost anywhere in the United States.

Similar sharing arrangements are now assisting the growth of retail point-of-sale systems, through which a customer can pay his bills using electronic devices located in department or grocery stores, obtaining the con-

venience and discounts of cash payment without the risks or inconvenience of actually carrying cash.

Increasingly, consumers will be using shared systems to do more and more banking and bill paying at home as the home banking revolution proceeds.

In short, customers of banks, thrifts, credit card companies, and retailers have a huge stake in protecting shared ATM networks and fostering their future growth.

These same concerns are shared by the more than 9,000 banks, savings institutions, credit unions, and others which participate in shared ATM networks to serve their existing customers and to attract new ones. Many of these institutions and other entrepreneurs have invested very heavily in the development of shared networks, and are vitally affected by developments which could harm the networks or undermine their economic viability.

With that background, why is legislation needed?

2. NEED FOR LEGISLATION

Recently, a U.S. district court issued a ruling which could inconvenience millions of consumers by severely disrupting existing networks of shared ATM's, raise the cost of financial services provided through these networks, imperil the hundreds of millions of dollars already invested in shared ATM's, and place national banks at a severe competitive disadvantage.

The district court held that if a national bank's customers use an ATM owned by a third party, then that ATM is a branch of the national bank for purposes of the Federal McFadden Act. Under that law, national banks headquartered in a certain State may only establish branches where that State's law allows banks chartered by the same State to have branches. Previously, shared ATM's have not been considered branches of national banks, and their location has not generally been regulated by State bank branching laws.

Because many States restrict branching by State banks, and because many ATM's have been placed without regard to branching restrictions, the court's decision implies that many national banks are now engaged in illegal branch banking when they participate in shared ATM networks.

Since shared ATM's have not been considered branches before, national banks have not filed branch applications—or paid the application fees—with the comptroller of the currency for the ATM's their customers use. They have not received the comptroller's permission to operate such branches. And even if they filed the applications and paid the fees, the comptroller would be unable to approve the applications because the ATM's would often be illegally located if considered bank branches.

If the court is correct, and a shared ATM is a branch, then national banks could not allow their customers to use out-of-State ATM's, because Federal law does not allow out-of-State branches. In the 29 States which do not permit even statewide branching, national bank customers could not use many ATM's even within their home States. And ATM's located in home office protection areas—areas where another bank is already headquartered—would be similarly off-bounds.

In effect, national banks would be unable to participate in existing national or regional shared ATM networks. Obviously, the customers of these banks would lose, if the court's ruling stands. And national banks would be placed at a severe competitive disadvantage, because other banks and financial institutions could continue to offer customer services through the existing networks.

The damage would not be confined to national banks and their customers, however. Since other provisions of Federal law apply to State banks which are Federal Reserve System members the same branching restrictions as apply to national banks, those State member banks and their customers could also be harmed by the court's ruling.

Because of the economics of shared ATM systems, the ruling would also harm all users of shared ATM's and those who have worked so hard and invested so heavily in the development of these systems.

Generally, these systems display economies of scale, which means that the larger the number of transactions on the system, the smaller the cost of each transaction. If fewer customers used shared ATM networks, there would be fewer transactions on each system, and higher costs for each remaining transaction. These costs would be reflected in higher transaction fees paid by participating financial institutions, and they would ultimately be passed on to the customers of participating banks, thrifts, credit unions and credit card companies which participate in the networks.

It is also possible, of course, that the reduction in business on these networks would jeopardize their economic feasibility, and whole networks might disappear, taking with them substantial investments.

3. THE BANKING CONVENIENCE ACT OF 1984

Mr. President, it is inconceivable to me that Congress would permit these disastrous ripple effects to occur. This legislation, the Banking Convenience Act of 1984 would head off these disasters.

The bill declares that a shared ATM used by a national bank's customers—but not owned or rented by that bank—is not a branch of that bank under Federal law, and that the location of such shared ATM's is not restricted by State branching laws through the McFadden Act. The bill also clearly authorizes national banks to permit their customers to use shared ATM's.

This is conservation bill, Mr. President, because it aims to preserve the status quo. It would merely codify the rulings and interpretations of the Comptroller which led to national bank participation in existing shared ATM networks. Its primary purpose is to preserve these networks for the benefit of American consumers, and, by clarifying the current situation, to foster the future growth of these networks.

4. CONCLUSION

Mr. President, Congress needs to ride the wave of electronic banking; to get on the side of financial innovation; to preserve and foster shared ATM networks; and to help our consumers and financial institutions enter the 21st century.

This bill will do that, Mr. President, and I urge my colleagues' support. American consumers will thank us.

Mr. President, I ask unanimous consent that a copy of my bill, a fuller explanation of it, and a recent article by Rudolf Pyatt of the Washington Post on the threat to shared ATM system be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Banking Convenience Act of 1984".

SEC. 2. Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding any other provision of this section or of a similar State law, a national bank may share, or permit its customers to use, an automated device that is not established by that bank, and such automated device shall not be considered a branch of that bank within the meaning of subsection (f) of this section.

"(2) For the purpose of this subsection—

"(A) an automated device is established by a national bank only if it is owned or rented by that bank;

"(B) an automated device is not established by a national bank if the bank is assessed transactional fees or similar charges for its use; and

"(C) the term 'automated device' includes, without limitation, automated teller machines, customer bank communication terminals, point-of-sale terminals, and cash dispensing machines.".

EXPLANATION OF THE BANKING CONVENIENCE ACT

The federal McFadden Act (12 U.S.C. 36) defines the term "branch" as a place of business where "deposits are received, or checks paid, or money lent". A national bank may establish such a branch, under McFadden, "at any point within the state in which said association is located, if such establishment and operation are at the same

time authorized to state banks by the statute law of the state in question . . . and subject to the restriction as to location imposed by the law of the state on state banks."

An important U.S. Appeals Court case (*Independent Banker's Association of America* v. *Smith*, 1976), in interpreting the McFadden Act, held that an electronic banking facility receiving or disbursing funds is a branch of a national bank if it is *"established (ie. owned or rented)"* by the national bank. (emphasis added)

The *Smith* decision implied that an ATM which is neither "owned (n) or rented" by a national bank, but merely used by the bank's customers on a fee basis, would not be considered a national bank branch, nor would its location be subject to state branching law under the McFadden Act.

Following this reasoning, the Comptroller of the Currency—the primary regulator of national banks—then published a regulation (12 CFR 5.31(b)) which provides that an ATM can only be considered a branch of a national bank if the bank "establishes" the ATM by owning or renting it. Under this regulation, if the bank's customers merely use an ATM which is neither owned nor rented by the bank, then the national bank has not "established" a branch. In an interpretive letter, the Comptroller's office has indicated that a national bank's participation in a shared ATM network on a transaction fee basis may not constitute "branch banking" under the Comptroller's regulation. (1981-82 Transfer Binder (CCH) Banking L. Rep. ¶85, 234).

As a result of the Comptroller's actions, national banks using shared ATMs have not been required to file branching applications, pay fees, or receive the Comptroller's permission to use an ATM established by another.

Based upon these interpretations—and because many states have laws which permit wider establishment of electronic banking facilities than of traditional bank branches—national banks are participating in 7 national and 200 regional shared ATM networks.

On April 26, 1984, in the case of *Independent Bankers' Association of New York* vs. *Marine Midland Bank*, the U.S. District Court for the Western District of New York rejected the Comptroller's interpretations and regulations as well as the *Smith* decision.

The *Marine Midland* Court held that an ATM owned by a supermarket, but used by the customers of Marine Midland Bank (a national bank) as part of a shared ATM network was in fact a "branch" of that national bank for purposes of the McFadden Act and, thus, subject to state branching restrictions.

In other words, mere use by a national bank's customers turns a shared ATM into a branch.

If the District Court's decision stands, national banks and state member banks participating in shared ATM networks would be engaged in illegal branch banking. Customers of those banks could only use ATMs located in places where those banks could establish "brick and mortar" branches. Use of ATMs across state lines by customers of these banks could be prohibited. Even in their home states, consumers could lose access to many in-state ATMs (if they are unlucky enough to live in a state which does not permit statewide branching).

"The Banking Convenience Act of 1984" overturns the *Marine Midland* decision and ratifies the Comptroller's interpretation of the earlier *Smith* decision, with the intent of preserving the status quo in shared ATM networks.

Following the Comptroller's lead, the bill distinguishes between two kinds of "automated devices"—those which are "established by a national bank and those which are "not established" by a national bank. If a device is "owned or rented" by the bank, it is "established" by the bank (and continues to be considered a branch under the McFadden Act). But if a device is not owned or rented by the bank, but the bank pays fees or other charges for its use—if it is a shared ATM—then the device is "not established" by the bank "and shall not be considered a branch of that bank within the meaning of" the McFadden Act.

In addition, the bill explicitly authorizes a national bank to "share, or permit its customers to use, an automated device which is not established by that bank."

Finally, the term "automated device" is broadly defined to include ATMs and similar electronic devices such as cash dispensing machines and retail point-of-sale terminals.

The effect of these provisions is to allow national banks to continue to provide customer access to shared ATMs located without regard to state or federal branching law.

RULING MAY DAMPEN ATM'S FUTURE

(By Rudolph A. Pyatt, Jr.)

The completion of a merger agreement last week by the two largest automatic teller machine (ATM) networks in the Washington region is undoubtedly one of the most significant developments in the brief history of electronic banking.

With the merger of the MOST and Network Exchange systems into a new company called Internet, cardholders of member financial institutions will soon be able to use ATMs and point-of-sale (POS) terminals in either banking system throughout Washington, Maryland and Virginia. Internet thus becomes one of the nation's biggest regional electronic banking systems.

The merger obviously increases the ability of participating financial institutions to expand their services into remote markets in the region. More important, perhaps, is the logical extension of this development—the establishment of a universal electronic payment system in the mid-Atlantic region.

The significant benefit in the long run is that Internet now is in a position to discuss possible uses of the system with retailers and other companies, according to David A. O'Connor, its president and chief executive. The merger, he added, means nonfinancial services firms, particularly major retailers that have long advocated a universal system, will be in a better position to make financial and other commitments to that concept.

Widespread optimism about Internet's future may be a bit premature, however.

A more significant development unfolding in the courts poses a possible threat not only to Internet, but to every shared ATM network in which national banks participate.

At issue is whether an ATM that is part of a shared electronic banking system is a branch, even if it is not owned or rented by a national bank. The case, which is before the 2nd U.S. Circuit Court of Appeals in New York, stems from a ruling in April by a federal judge in New York that an ATM owned by a supermaket and used by customers of Marine Midland Bank is a branch of that bank.

Wegman's Food Markets Inc. operates a chain of supermarkets in western New York state. Wegman's also owns several ATMs, which it installed in its supermakets to attract customers and to compete with other chains that provide similar services. Wegman's has made the ATMs available to bank cardholders of a shared ATM network, of which Marine Midland is a member. Marine Midland neither owns nor rents an ATM in Wegman's and pays a fee each time one of its customers uses a machine owned by the food chain.

A small upstate New York bank and the Independent Bankers Association of New York State challenged the arrangement, however, claiming that Wegman's was conducting unauthorized banking business and that an ATM in one of the chain's stores is an unlawful Marine Midland branch. In a suit filed in U.S. District Court, the plaintiffs further alleged that Marine Midland's use of the ATM in a Wegman's supermarket gave the bank an unfair advantage over competitors who did not use the machine.

Basing its defense on regulations already established by the Comptroller of the Currency, Marine Midland maintained that argument and ruled for the plaintiffs, even though the comptroller's regulation covering the issue is supported by an earlier decision in the U.S. Court of Appeals for the District of Columbia.

The comptroller's regulations—exempting from the definition of a "branch" an ATM not owned or rented by a bank—have remained unchallenged since 1976. If the court's new interpretation is upheld on appeal, the precedent could lead to chaos in the development of regional and nationwide electronic banking systems.

Isolated though the case may be, it has broad implications for national banks and other institutions that have invested well over a billion dollars in the development of ATM networks. "To destroy the legal ground of a large part of this vast and expensive development . . . would clearly be unjust," the comptroller of the currency and the Federal Reserve Board said in a friends-of-the-court brief filed in the appeals court.

The Consumer Bankers Association, which filed a similar brief in support of Marine Midland's appeal, declared that the lower court decision "seriously threatens the present and future of shared ATM networks by national banks and the public."

A failure by Marine Midland to win on appeal could be interpreted as a signal for further challenges. And if the situation ultimately reaches a point in which electronic banking transactions across state lines are "outside the bounds of banking regulations," said Internet's O'Connor, "we would have to shut off the system until changes are made. The impact would probably make impractical the kind of system we have."

Ditto the six national and 199 other regional networks.

The U.S. District Court's ruling in the case reflects a total disregard for the legal, regulatory and economic considerations that support the development of shared ATM systems. The evidence in the case suggests that it has a high nuisance quotient and should have been rejected by the court.

Mr. HUMPHREY. I am pleased to join Senator TRIBLE in the introduction of the Banking Convenience Act of 1984. This legislation will ensure bank customer's continued access to

shared automated teller machine [ATM] networks in the years ahead.

Currently, millions of consumers enjoy the convenience of conducting bank transactions from virtually anywhere in the United States through an ATM network. However, users of these networks are at risk of losing this service as a result of a recent district court decision.

On April 6, 1984, the U.S. District Court for the Western District of New York held in the case of Independent Bankers Association of N.Y. against Marine Midland Bank that an ATM owned by a supermarket chain, but used by customers of Marine Midland Bank, a national bank, as part of a shared ATM network was a "branch" of Marine Midland for purposes of the McFadden Act. This shared network, therefore, was subject to State branching restrictions. If upheld, the district court's decision could severely limit the availability of these networks to consumers in other parts of the country.

Mr. President, the Banking Convenience Act would correct this situation by merely codifying existing comptroller rulings and interpretations which have long permitted national bank participation in shared ATM networks. This will allow consumers to continue to benefit from the convenient services offered by these shared ATM networks. I urge colleagues to support this important legislation.

By Mr. GLENN:

S. 2899. A bill to provide employment opportunities to unemployed young men and women in projects accomplishing the conservation, rehabilitation, and improvement of Federal, non-Federal, and Indian lands and provide such young people with educational assistance in return for their services; to the Committee on Energy and Natural Resources.

AMERICAN CONSERVATION CORPS ACT

Mr. GLENN. Mr. President, on June 13, the Senate passed the first component of my Volunteers for America Program when it agreed to establish the citizen-soldier GI bill. The second component of Volunteers for America was introduced last February as the Student Aid Volunteers Earnings Act, or SAVE Program. SAVE creates a corps of motivated young people to provide needed community services in exchange for work experience and a substantial grant for higher education or vocational training after leaving the program.

Mr. President, I am pleased today to introduce the third and final component of the Volunteers for America Program—the American Conservation Corps Act of 1984. This program proceeds from the proposal of Senator MOYNIHAN and others for the American Conservation Corps Act of 1983, which I was proud to cosponsor. The original program was intended to provide our country with needed workers to preserve our land, water, and other natural resources, while providing young people with meaningful work experience.

I applaud these goals, but feel that it is no longer enough to simply give young people a short-term job—we must give them the opportunity to fully prepare themselves for today's highly competitive labor market. For this reason, my program creates a trust fund to which participants contribute 25 percent of their salary and to which the Government adds an amount double that contributed by the participants. This money will be available for use by corps members after they leave the program to pay for higher education or vocational training.

There are really two questions at issue in deciding whether to enact this legislation. First, does the country need the services of our young people for land and water conservation and rehabilitation? And second, do our young people need the opportunities for work experience and higher education which this program promises? I believe the answer to both of these questions is a resounding "yes."

One of America's most rapidly deteriorating resources is the quality of our State and national parks. Increased use, combined with declining funds for maintenance and repair, are putting a strain on park resources. The General Accounting Office estimates needs of at least $1.6 billion to correct health and safety hazards by improving or replacing park system facilities such as water supplies, roads, and hotels. With fewer funds available, some parks have been forced to cut back on visitor services, resource protection, and park maintenance. In the Rocky Mountains, for example, it was reported that visitor centers and campgrounds opened later in the summer and closed earlier in the fall; some interpretive programs were canceled; resource protection projects were delayed; and garbage was collected less frequently. Some parks even had to eliminate scheduled ranger patrols and respond only to emergency calls. Clearly, our young people could be called upon to alleviate some of the serious deficiencies in the maintenance and rehabilitation of these important national resources.

But the national parks are not the only resources that require intensive rehabilitation efforts. Government-owned forests are being seriously neglected with respect to intermediate timber stand management such as thinning. These practices, if uncorrected, will lead to lower rates of productivity and increase the pressure to harvest lands which now serve as wilderness, recreation, and undisturbed wildlife areas.

It is obvious that our country needs the hard work that young conservation corps participants can provide. But do American young people really need these opportunities? We need only look at the most recent statistics on unemployment and education among our youth.

In June, there were still over 8.1 million Americans out of work, and nearly 40 percent of them were under age 25. The unemployment rate for 16- to 19-year-olds stood at 17.6 percent. Among black teenagers, unemployment was over 34 percent.

At the same time that young people face the prospect of likely unemployment, fewer and fewer are able to continue their education. Their hope for the future grows dimmer. In 1982, only 36.4 percent of the black graduating high school seniors entered college, a significant decline from 43 percent in 1980 and 1981. Overall, the rate of enrollment of high school graduates in higher education has declined 6 percent from 1981 to 1982.

As a nation, we cannot afford the potential loss of what amounts to an entire generation of young Americans. Young people need access to jobs and the resources to continue their education. It is no less than vital to the continued economic survival of our country.

The American Conservation Corps Act of 1984 will include residential and nonresidential conservation centers. The activities of participants will include conservation of forests, wilderness areas, and rangeland; reclamation of strip-mined land, waterfronts, and other land damaged by fire or natural disasters; and the protection of wildlife, birds, and fish.

Enrollees must be unemployed and between the ages of 16 and 24. They must participate for at least 6 months, but no more than 24 months. Twenty-five percent of the funds may be used for summer programs for young people between the ages of 15 and 21.

Participants will be paid the equivalent of the minimum wage, but 25 percent of this salary will be contributed to an education trust fund. Federal funds will be used to double-match each participant's contribution. Corps members who complete at least 6 months of service may draw upon their education trust fund to pay for postsecondary education or vocational training after they leave the program.

I believe that we can reasonably fund this program at $50 million in the first year, and eventually level off at $110 million per year. I believe that this will prove to be a prudent investment in both our environment and our young people.

Taken as a whole, the Volunteers for America Program—composed of the citizen-soldier GI bill, the SAVE Program, and the American Conservation

Corps Act of 1984—offers a coherent plan to address both the needs of the Nation and the needs of our young people. It would give them a chance to earn a good education. It would build upon American's proud traditions of patriotism and voluntarism—and it would provide a positive way to rekindle youthful idealism. But perhaps most important of all, it would reestablish a crucial link between public service and private reward. And if we can demonstrate to this generation of Americans that idealism need not be impractical, then perhaps a more ideal society need not be implausible.

I urge my colleagues to give this bill their full consideration and complete support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "American Conservation Corps Act of 1984".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) public lands, resources, and facilities, including parks, rangelands, wildlife refuges, forests, water resources, fishery facilities, historic and cultural sites, and urban and community resources, have become subject to increasing public use and resource production demands;

(2) the condition of many of these lands, resources, and facilities has deteriorated as a result of these increasing uses and demands and as a result of the inability of Government agencies to adequately staff and fund the maintenance necessary to arrest the deterioration;

(3) public land management agencies have a responsibility to assure that public lands and resources are managed—

(A) to assure continued productivity,

(B) to protect public health and safety, and

(C) to assure their wise and economic conservation, maintenance, and use;

(4) a program designed to systematically guide and enhance the conservation, rehabilitation, and improvement of our public lands, resources, and facilities is urgently needed; and

(5) youth conservation programs have proven highly successful and cost effective in providing training and jobs for unemployed youth and in assisting land management agencies at all levels of government to reduce the backlog of neglected public land conservation, rehabilitation and improvement projects and to carry out other public land resource management work.

(b) PURPOSE.—It is the purpose of this Act to—

(1) reduce the backlog of conservation, rehabilitation, and improvement work on the public lands, prevent the further deterioration of public lands and resources and facilities, conserve energy and restore and maintian community lands, resources, and facilities;

(2) establish an American Conservation Corps to carry out a program to improve, restore, maintain, and conserve public lands and resources in the most cost-effective manner;

(3) use such program to assist State and local governments in carrying out needed public land and resource conservation, rehabilitation, and improvement projects;

(4) provide for implementation of the program in such manner as will foster conservation and the wise use of natural and cultural resources through the establishment or working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

(5) use this program to increase (by training and other means) employment opportunities for young men and women especially those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed and to provide such young people with educational assistance in return for their services.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "Secretary" means the Secretary of the Interior, except where otherwise expressly provided.

(2) The term "public lands" and "publicly owned lands" means any lands and waters (or interest therein) owned or administered by the United States or by any agency or instrumentality of a State or local government.

(3) The term "program" means the public lands conservation, rehabilitation, and improvement program established under this Act.

(4) The term "program agency" means any Federal agency or instrumentality with responsibility for the management of any public or Indian lands, any State agency designated by the Governor to manage the program in that State, and the governing body of any Indian tribe.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) The term "Indian" means a person who is a member of an Indian tribe.

(7) The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for individual Indians or Indian tribes, and any real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States.

(8) The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs, and the oversight of local labor conditions.

(9) The term "chief administrator" means the head of any program agency as that term is defined in paragraph (4).

(10) The term "enrollee" means any individual enrolled in the American Conservation Corps in accordance with section 5.

(11) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

(12) The term "trust fund" means a trust fund established pursant to section 10.

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT PROGRAM

SEC. 4. (a) ESTABLISHMENT AND ADMINISTRATION OF PROGRAM.—Not later than ninety days after the enactment of this Act, the Secretary, in cooperation with the Secretary of Agriculture and after consultation with the Secretary of Labor, shall establish and administer a public lands conservation, rehabilitation, and improvement program to carry out the purposes of this Act. Under such program, the Secretary shall provide assistance to program agencies for the establishment and operation of residential and nonresidential American Conservation Corps centers and for the implementation by the American Conservation Corps of projects designed to carry out such purposes.

(b) PROJECTS INCLUDED.—The program established under this section may include, but shall not be limited to, projects such as—

(1) forestry, nursery, and silvicultural operations;

(2) wildlife habitat conservation, rehabilitation, and improvement;

(3) rangeland conservation, rehabilitation, and improvement;

(4) recreational area development, maintenance, and improvement;

(5) urban revitalization;

(6) historical and cultural site preservation and maintenance;

(7) fish culture and habitat maintenance and improvement and other fishery assistance;

(8) road and trail maintenance and improvement;

(9) erosion, flood, drought, and storm damage assistance and control;

(10) stream, lake, and waterfront harbor and port improvement, and pollution control;

(11) insect, disease, rodent, and fire prevention, and control;

(12) improvement of abandoned railroad bed and right-of-way;

(13) energy conservation projects and renewable resource enhancement;

(14) recovery of biomass from public lands, particularly forestlands; and

(15) reclamation and improvement of strip-mined lands.

(c) PREFERENCE FOR CERTAIN PROJECTS.—The program shall provide a preference for those projects which—

(1) will provide long-term benefits to the public;

(2) will provide meaningful work experience to the enrollee involved;

(3) will be labor intensive; and

(4) can be planned and initiated promptly.

(d) LIMITATION TO PUBLIC LANDS.—Projects to be carried out under the program shall be limited to projects on public lands or Indian lands except where a project involving other lands will provide a documented public benefit and reimbursement will be provided to the program agency for that portion of the total costs of the program which does not provide a public benefit. Notwithstanding any other provision of law, any reimbursement referred to in the preceding sentence shall be retained by the program agency and shall be used by the agency for purposes of carrying out other projects under the program.

(e) CONSISTENCY.—The Secretary and the chief administrators of other program agencies shall assure that projects selected under this Act for conservation, rehabilitation, or improvement of any public lands are consistent with the provisions of law relating to the management and administration of such lands and with all other applicable provisions of law.

(f) CONSERVATION CENTERS.—(1) Each program agency may apply to the Secretary for approval of conservation centers to carry out projects under this Act.

(2) Applications for approval of conservation centers shall be submitted to the Secretary in such manner as the Secretary may prescribe. Each application shall contain, in such detail as the Secretary deems necessary—

(A) a comprehensive description of the objectives and performance goals for the conservation center and a description of the types of projects to be carried out, including a description of the types and duration of training (including work experience) to be provided;

(B) a description of the facilities and equipment to be available for use in the center;

(C) an estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required, and the services which will be required for their support;

(D) a plan for managing the conservation center, supplying the necessary equipment and material, and administering the payroll; and

(E) such other information as the Secretary shall prescribe.

(3) In approving conservation centers, the Secretary shall give due consideration to the cost and means of transportation available between the center and the homes of the enrollees who may be assigned to those centers. The location and type of conservation centers shall be selected in such manner as will increase the enrollment of economically, socially, physically, and educationally disadvantaged youths, and of youths from areas of high unemployment.

(g) LOCAL GOVERNMENT PARTICIPATION.—Any State carrying out a program under this Act shall provide a mechanism under which local governments in the State may be approved by the State to participate in the program and to carry out projects in accordance with the requirements of this Act.

(h) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the management of conservation centers under the program.

(i) JOINT PROJECTS.—The Secretary is authorized to develop jointly with the Secretary of Labor regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this Act are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Job Training Partnership Act). Such regulations shall provide standards for approval of joint projects which meet both the purposes of this Act and the purposes of such employment and training statutes under which funds are available to support the activities proposed for approval. Such regulations shall also establish a single mechanism for approval of joint projects developed at the State or local level.

ENROLLMENT, FUNDING, AND MANAGEMENT

SEC. 5. (a) ENROLLMENT IN PROGRAM.—(1) Enrollment in the American Conservation Corps shall be limited to individuals who, at the time of enrollment, are—

(A) unemployed;

(B) not less than sixteen or more than twenty-five years of age (except that programs limited to the months of June, July, and August may include individuals not less than fifteen years and not more than twenty-one years of age at the time of their enrollment); and

(C) citizens or lawful permanent residents of the United States or lawfully admitted alien parolees or refugees.

(2) Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained age sixteen but not attained age nineteen, and who are no longer enrolled in any secondary school shall not be enrolled unless they give adequate written assurances, under criteria to be established by the Secretary, that they did not leave school for the express purpose of enrolling.

(3) The selection of enrollees to serve in the American Conservation Corps in any conservation center shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have—

(A) applied to, or been recruited by, the program agency, a State employment security service, an administrative entity under the Job Training Partnership Act, community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal farmworker program; and

(B) been screened for eligibility and referred to the program agency by the State employment security service.

(4) In the recruitment and selection of enrollees, special consideration shall be given to both—

(A) economically, socially, physically, and educationally disadvantaged youths, and

(B) youths residing in areas, both rural and urban, which have substantial unemployment.

(5) No individual may remain enrolled in the American Conservation Corps after that individual has attained the age of twenty-six.

(b) SERVICES, FACILITIES, SUPPLIES, ET CETERA.—The program agency shall provide such quarters, board, medical care, transportation, and other services, facilities, supplies, and equipment as the Secretary deems necessary for conservation centers. Whenever possible, the Secretary shall make arrangements with the Secretary of Defense to have such logistical support provided by a military installation near the proposed center, including the provision of temporary tent centers where needed. The Secretary shall establish basic standards of health, nutrition, sanitation, and safety for all conservation centers, and shall assure that such standards are enforced.

(c) CONSERVATION CENTER MANAGEMENT.—Every conservation center shall have sufficient supervisory staff appointed by the chief administrator which may include enrollees who have displayed exceptional leadership qualities.

(d) FUNDING.—(1) The Secretary may award grants to, or enter into agreements with, program agencies for the funding and operation of conservation centers approved by the Secretary under this Act.

(2) The Secretary shall not make any grant to, or enter into any agreement with any program agency for the funding of any conservation center under this Act unless such agency certifies that projects carried out by the conservation center will not—

(A) result in the displacement of any individual currently employed (either directly or under contract with any private contractor) by the program agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(B) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned; or

(C) impair existing contracts for services.

(3) Of the sums appropriated to carry out this Act for any fiscal year—

(A) not less than 35 per centum shall be made available by the Secretary for expenditure by State program agencies of which not more than 25 per centum may be used within a State for programs limited to the months of June, July, and August;

(B) not less than 25 per centum shall be made available by the Secretary for expenditure pursuant to agreements within the Secretary of Agriculture of which not more than 25 per centum may be used for programs limited to the months of June, July, and August;

(C) not less than 25 per centum shall be made available by the Secretary for expenditure by program agencies within the Department of the Interior of which not more than 25 per centum may be used for programs limited to the months of June, July, and August;

(D) not less than 5 per centum shall be made available by the Secretary for expenditure by the governing bodies of participating Indian tribes; and

(E) the remaining amount shall be made available by the Secretary for expenditure by other Federal program agencies and for demonstration projects or projects of special merit carried out by any program agency or by any nonprofit organization or local government which is undertaking or proposing to undertake projects consistent with the purposes of this Act.

10 per centum of the amount disbursed to State agencies under subparagraph (A) (or to local governments within the State where paragraph (4) applies) shall be divided equally among the States and 90 per centum of such amount shall be distributed among such States proportionately according to the total youth population of such States between the ages of fifteen and twenty-five (as determined on the basis of the most recent census). Any State receiving funds under subparagraph (A) for the operation of any conservation center shall be required to provide not less than 15 per centum of the cost of operation of such center. Any State receiving funds under subparagraph (A) for any fiscal year shall provide not less than 10 per centum of such funds to local governments approved by the State under section 4(g) to carry out projects under this Act unless no such local government in that State is approved before the end of such fiscal year. In any case where no such local government is approved before the end of such fiscal year, such 10 per centum may be expended by the State in accordance with this Act.

(4) If, at the commencement of any fiscal year, any State does not have a program

agency designated by the Governor to manage the program in that State, then during such fiscal year each local government within such State may establish a program agency to carry out the program within the political subdivision which is under the jurisdiction of such local government. In any such case, the State share (or a reasonable portion thereof) for such State may be made available by the Secretary for expenditure by such local government program agencies to carry out the program within such political subdivisions. Such local government program agencies shall be in all respects subject to the same requirements as State program agencies. Where more than one local government within a State has established a program agency under this subsection, the Secretary shall allocate funds between such agencies in such manner as he deems equitable.

(5) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

(6)(A) There is authorized to be appropriated to the Secretary for purposes of carrying out this Act $50,000,000 for the fiscal year 1985, and the amount determined under subparagraph (B) for each of the fiscal years 1986 through 1988 from so much of the following amounts as would otherwise be credited to miscellaneous receipts in the Treasury—

(i) all franchise fees estimated to be collected for the fiscal year concerned by the Secretary and Secretary of Agriculture; and

(ii) all receipts estimated to be due and payable to the United States for the fiscal year concerned from (I) permit fees (including fees for special use permits) imposed by the Secretary or the Secretary of Agriculture, (II) sales of timber by the Secretary or the Secretary of Agriculture, and (III) leasing activities of the Secretary and the Secretary of Agriculture other than leasing activities under the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

Such sums shall remain available until expended. Appropriations under this section shall be made without fiscal year limitation.

(B) The amount authorized to be appropriated under subparagraph (A) for 1986 shall be $80,000,000 and for each of the fiscal years 1987 and 1988 shall be $110,000,000.

(7) No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

(8) Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be carried out in the area in the absence of such funds.

FEDERAL EMPLOYEE STATUS

SEC. 6. (a) IN GENERAL.—Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment:

(1) For purposes of the Internal Revenue Code of 1954 and title II of the Social Security Act, enrollees and crew leaders shall be deemed employees of the United States and any service performed by any person as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders shall be deemed civil employees of the United States within the meaning of the term "employee"; as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee member or crew leader while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of the Secretary or the conservation center supervisory staff (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(3) For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of title 28, United States Code.

(4) For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

(b) AMENDMENT OF TITLE 5.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (12) the following new paragraph:

"(13) service as an enrollee or crew leader only if the enrollee or crew leader in the American Conservation Corps later becomes subject to this subchapter.".

USE OF VOLUNTEERS

SEC. 7. (a) Where any program agency has authority to use volunteer services in carrying out functions of the agency, such agency may use volunteer services for purposes of assisting projects related to conservation centers established under this Act and may expend funds made available for those purposes to the agency, including funds made available under this Act, to provide for services or costs incidental to the utilization of such volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(b)(1) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding or in facilitating the activities administered by the Secretary through the Bureau of Land Management.

(2) In accepting such services, the Secretary—

(A) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee, enrollee, crew leader, or other participant under this Act; and

(B) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(3) Volunteers under this subsection shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

ENROLLEE PAY AND SERVICE OBLIGATIONS

SEC. 8. (a) PAY.—The Secretary shall establish standards for—

(1) rates of pay for enrollees which shall be not less than the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); and

(2) rates of pay for crew leaders which shall be at a wage comparable to the compensation in effect for grades GS-3 to GS-7.

(b) SERVICE OBLIGATION.—Except for enrollees in a program limited to the months of June, July, and August, each enrollee in a program authorized by this Act shall agree to—

(1) work 40 hours per week in a program carried out by a program agency pursuant to section 4;

(2) the contribution of 25 percent of the pay the enrollee is entitled to pursuant to subsection (a) to the educational trust fund established under section 10 of this Act; and

(3) serve at least six months and for six-month intervals but in no event more than 24 months in order to receive the Federal matching funds under the educational trust fund pursuant to section 10(b)(2).

EDUCATION, GUIDANCE, AND PLACEMENT

SEC. 9. (a) ACADEMIC CREDIT.—Whenever possible, the Secretary shall make arrangements for the award of academic credit by educational institutions and agencies to enrollees for competencies developed from work experience under this Act.

(b) STUDY.—Program agencies may provide training and educational materials and services for enrollees and may enter into arrangements with academic institutions for academic study by enrollees during nonworking hours to upgrade literacy skills, obtain equivalency diplomas or college degrees, or enhance employable skills. Whenever possible, an enrollee seeking study or training not provided at his or her conservation center shall be offered assignment to a conservation center providing such study or training.

(c) CERTIFICATION.—The program agencies shall provide certification of the training skills acquired by enrollees who have participated in the program.

(d) GUIDANCE AND PLACEMENT.—The program agency shall provide such job guidance and placement information and assistance for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

EDUCATION TRUST FUND

SEC. 10. (a)(1) There is established in the Treasury of the United States a trust fund to be known as the "American Conservation Corps Education Trust Fund" which shall consist of—

(A) amounts transferred to the trust fund under subsection (b);

(B) amounts credited to the trust fund under subsection (c); and

(C) such amounts as may be appropriated to the trust fund.

The trust fund shall remain available without fiscal year limitation and the amounts

in the trust fund may be used only for appropriations authorized under subsection (d).

(2) The Secretary of the Treasury shall be the trustee of the trust fund and shall report to the Congress not later than March 1 of each year on the operation and status of the trust fund during the preceding fiscal year and on the trust fund's expected operation and status during the five fiscal years following such fiscal year.

(b)(1) From amounts appropriated pursuant to section 5(d)(6), the Secretary shall transfer to the Secretary of the Treasury an amount equal to 25 percent of the anticipated stipends to be paid to enrollees under this Act in the fiscal year in which the transfer is made. The Secretary of the Treasury shall transfer such amounts to the trust fund. The Secretary of the Treasury shall transfer at least quarterly the amount required to be transferred under this subsection on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in any amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the actual stipends paid for preceding quarters.

(2) The Secretary of the Treasury shall transfer from the General Fund of the Treasury to the trust fund an amount equal to 200 percent of the amount transferred pursuant to paragraph (1) of this subsection in each quarter. During the fiscal year proper adjustments shall be made in any amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the actual stipends paid for preceding quarters.

(c)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by the trust fund may be sold by the Secretary of the Treasury at the market price.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to, and form a part of, the trust fund.

(d)(1) There are authorized to be appropriated for each fiscal year out of amounts in the trust fund such sums as are necessary to—

(A) make payments authorized under section 11 of this Act, and

(B) make such other payments as may be necessary for the fair and efficient administration of the postservice educational benefits under section 11, including payments required by reason of section 11(e) and section 12(b) of this Act.

POSTSERVICE EDUCATIONAL BENEFITS

SEC. 11. (a)(1) Each enrollee in the American Conservation Corps program may within six years after the completion of the period of service described in section 8(b) withdraw amounts from the trust fund to which the enrollee is entitled to attend any eligible institution.

(2) Each recipient is entitled to the amount transferred on his behalf pursuant to section 10(b)(1) plus 200 percent of that amount transferred pursuant to section 10(b)(1), plus interest at 6 percent per year.

(b) Each such enrollee shall sign an agreement to use the funds paid under this section to pay the cost of tuition, and living expenses attributable to enrollment in an eligible institution.

(c) The Secretary is authorized to extend the six-year period referred to in paragraph (1) of subsection (a) for service as a member of the Armed Forces of the United States.

(d) For the purpose of this Act an eligible institution includes—

(1) an institution of higher education as defined in section 1201 (a) of the Higher Education Act;

(2) an eligible institution as defined under section 435 of the Higher Education Act of 1965; and

(3) any institution or course of study approved for veterans for the purposes of chapters 32, 34, 35, and 36 of title 38, United States Code.

(e)(1) Any such enrollee may prior to the end of the six-year period referred to in paragraph (1) of subsection (a) withdraw amounts to which the enrollee is entitled under paragraph (2) of subsection (a) from the educational trust fund. Whenever any such enrollee withdraws such amount for any purpose other than the purposes described in subsection (b) the amount to which the enrollee is entitled is the amount transferred pursuant to section 10(b)(1), plus interest at 6 percent per year.

(2) Any enrollee who withdraws some, but not all, of the amounts to which the enrollee is entitled under paragraph (2) of subsection (a) from the educational trust fund for the purposes described in subsection (b), shall be entitled to withdraw from the remaining funds to which the enrollee would otherwise be entitled under paragraph (2) of subsection (a) for any purpose other than the purposes described in subsection (b) an amount proportionate to the amount transferred pursuant to section 10 (b)(1), plus interest at 6 percent per year.

(3) Any enrollee who withdraws any amount to which the enrollee is entitled under paragraph (2) of subsection (a) for any purpose other than the purposes described in subsection (b) may not—

(A) reenter the program authorized by this Act; and

(B) withdraw any additional funds from the trust fund at any future date.

EVALUATION AND PILOT PROJECTS

SEC. 12. (a) RESEARCH AND EVALUATION.—The Secretary shall provide for research and evaluation to—

(1) determine costs and benefits, tangible and otherwise, of work performed under this Act and of training and employable skills and other benefits gained by enrollees, and

(2) identify options for improving program productivity and youth benefits, including improved alternatives for: organization, subjects, sponsorship, and funding of work projects; recruitment and personnel policies; siting and functions of conservation centers; work and training regimes for youth of various origins and needs; and cooperative arrangements with programs, persons and institutions not covered under this Act.

(b) DEMONSTRATIONS.—The Secretary may authorize pilot or experimental projects to demonstrate or test new or alternative arrangements or subjects of work and training for programs under this Act, which may include alternatives identified under subsection (a)(2).

(c) CCC SITES.—The Secretary, in consultation with the Secretary of Agriculture, shall study sites at which Civilian Conservation Corps activities were undertaken for purposes of determining a suitable location and means to commemorate the Civilian Conservation Corps. Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to the Congress containing the results of the study carried out under this section. The report shall include cost estimates and recommendations for any legislative action.

ANNUAL REPORT

SEC. 13. The Secretary shall prepare and submit to the President and to the Congress at least once each year a report detailing the activities carried out under this Act. Such report shall be submitted not later than December 31 of each year following the date of enactment of this Act. The report shall describe (1) conservation work procedures, accomplishments and benefits; (2) the extent to which youth who are economically, socially, physically or educationally disadvantaged have been enrolled in and benefited by the program; (3) other youth benefits; and (4) problems and opportunities encountered in carrying out the Act which require attention. The Secretary shall include in such report such recommendations as he considers appropriate.

LABOR MARKET INFORMATION

SEC. 14. The Secretary of Labor shall make available to the Secretary and to any program ageny under this Act such labor market information as is appropriate for use in carrying out the purposes of this Act.

EMPLOYEE APPEAL RIGHTS

SEC. 15. (a) In the case of—

(1) the displacement of a Federal employee or the failure to reemploy a Federal employee in a layoff status, contrary to a certification under section 5(d)(2) (A) or (B) of this Act, or

(2) the displacement of a Federal employee by reason of the use of one or more enrollees under section the use of one or more enrollees under section 7(b)(2)(A) of this Act,

such employee is entitled to appeal such action to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(h) In the case of—

(1) the displacement of any other individual employed (either directly or under contract with any private contractor) by a program agency or grantee, or the failure to reemploy an employee in layoff status, contrary to a certification under section 205(d)(2) (A) or (B) of this Act, or

(2) the displacement of such individual by reason of the use of one or more enrollees under section 7(b)(2)(A) of this Act

the requirements contained in section 144 of the Job Training Partnership Act (Public Law 97-300) shall apply, and such individual shall be deemed an interested person for purposes of the application of such requirements.

(c) For purposes of this section, the term "displacement" includes, but is not limited to, any partial displacement through reduction of nonovertime hours, wages, or employment benefits.

By Mr. WILSON:

S. 2900. A bill to amend the Tariff Schedules of the United States to clarify the classification of unfinished gasoline; to the Committee on Finance.

CLARIFICATION ON THE CLASSIFICATION OF UNFINISHED GASOLINE

● Mr. WILSON. Mr. President, I am introducing a bill today that would clarify the tariff classification for imports of unfinished gasoline. This bill is intended to resolve an anomaly that would be created in the Tariff Schedules with respect to imports of unfinished gasoline as a result of the proposed reclassification of this product by the U.S. Customs Service. If this reclassification goes into effect, intermediate feedstocks would be dutiable at a higher rate than the finished product manufactured from it. Even more importantly, this reclassification would have a major adverse impact on the bilateral trade relationship between the United States and the People's Republic of China [PRC].

Gasoline has been imported from the PRC for the past 3 years. Throughout this period, Customs has consistently classified this product, as well as similar products from other foreign nations such as Mexico, as motor fuel under Tariff Schedules of the United States [TSUS] item No. 475.25. Under this classification, duties are assessed at the rate of 1.25 cents per gallon. Customs now proposes to reclassify this gasoline as a chemical mixture under schedule 4, part 2, subpart E. Under this classification, the tariff rate for gasoline from the PRC would be assessed at 5 percent or the highest rate applicable to the component material. As gasoline from the PRC contains tetra ethyl lead, with a duty rate of 11.1 percent, gasoline imports from the PRC would be assessed at that higher rate. This rate is equal to approximately 8.5 cents per gallon.

The apparent rationale for this reclassification is that the octane level of Chinese gasoline at the time of importation is below the standard for motor fuel set by the American Society of Testing and Materials. Despite the fact that this product is intended for use as gasoline, it must nevertheless be provided with certain additives after its importation to meet U.S. specifications. The Customs Service is of the view that this product cannot therefore be classified as motor fuel.

The proposed reclassification, with the very large duty rate increase, would have a very adverse effect on our bilateral trade relations with the PRC. Chinese exports of motor fuel to the United States constitute its largest single category of exported product to the United States. Yet, via this one administrative stroke, China's largest export item would immediately be halted. Such an action by an agency of the executive branch will appear incomprehensible to the Chinese. The ripple effects on sales of U.S. exports to China will undoubtedly be felt very shortly thereafter.

This bill does not raise or lower duty rates on imported gasoline. It is intended only to maintain that duty rate structure which has consistently been applied to such product up until this time.

This bill is supported and, indeed, recommended by the administration. Both the Department of Commerce and the Office of the U.S. Trade Representative have called for the earliest possible consideration of such action.

I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Part 10 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by inserting the following at the end of headnote 2:

"(c) 'Motor fuel blending stock' (item 475.27) is any product derived primarily from petroleum, shale oil, or natural gas, except napthas, whether or not containing additives, which is chiefly used for direct blending in the manufacture of motor fuel."; and

(2) by adding in numerical sequence a new item 475.27 called "Motor fuel blending stock", with a column one rate of 1.25¢ per gallon and a column two rate of 2.50¢ per gallon; and

(3) by amending item 475.30 by inserting "or motor fuel blending stock" after "fuel".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1984.●

ADDITIONAL COSPONSORS

S. 1623

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2433

At the request of Mr. DANFORTH, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2433, a bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes.

S. 2750

At the request of Mr. WALLOP, the names of the Senator from Montana [Mr. MELCHER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2750, a bill to permit States to bring suits against the United States to adjudicate disputed land titles.

S. 2845

At the request of Mr. DANFORTH, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 2845, a bill to amend the Trade Act of 1974 to clarify the scope of certain determinations by the International Trade Commission under title II of such act.

S. 2879

At the request of Mr. MELCHER, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 2879, a bill to provide for cooperation between the Secretary of the Interior and Indian tribes with respect to the regulation of coal mining operations on Indian reservation lands and the acquisition and reclamation of abandoned mines on such land, and for other purposes.

S. 2894

At the request of Mr. MELCHER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2894, a bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property used in a trade or business.

SENATE JOINT RESOLUTION 299

At the request of Mr. ABDNOR, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. THURMOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate November 1984 as "National Diabetes Month."

SENATE JOINT RESOLUTION 301

At the request of Mr. MITCHELL, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Michigan [Mr. LEVIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Georgia [Mr. NUNN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Indiana [Mr. QUAYLE], the Senator from Illinois [Mr. DIXON], the Senator from Florida [Mrs. HAWKINS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Connecticut

[Mr. DODD], and the Senator from Nevada [Mr. LAXALT] were added as cosponsors of Senate Joint Resolution 301, a joint resolution to authorize the Kahlil Gibran Centennial Foundation of Washington, DC, to erect a memorial in the District of Columbia.

SENATE JOINT RESOLUTION 304

At the request of Mr. HELMS, the names of the Senator from Illinois [Mr. PERCY], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate the month of October 1984 as "National Quality Month."

SENATE JOINT RESOLUTION 331

At the request of Mr. DANFORTH, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 331, a joint resolution to require the Interstate Commerce Commission to consider certain indicators in determining the revenue adequacy of railroads, and for other purposes.

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

SENATE JOINT RESOLUTION 335

At the request of Mr. WARNER, the names of the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. PERCY], the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 335, a joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week."

SENATE CONCURRENT RESOLUTION 120

At the request of Mrs. HAWKINS, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of Senate Concurrent Resolution 120, a concurrent resolution expressing the sense of the Congress that the legislatures of the States should develop and enact legislation designed to provide child victims of sexual assault with protection and assistance during administrative and judicial proceedings.

SENATE RESOLUTION 402

At the request of Mr. BOSCHWITZ, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Resolution 402, a resolution opposing certain proposed import restrictions by the European Community on U.S. agricultural products.

AMENDMENTS SUBMITTED

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1984

PELL AMENDMENTS NOS. 3586 THROUGH 3588

Mr. PELL submitted three amendments intended to be proposed to the bill S. 2582, to provide a supplemental authorization of appropriations for the fiscal year 1984 for certain foreign assistance programs; to amend the Foreign Assistance Act of 1961, the Arms Export Control Act and other Acts to authorize appropriations for the fiscal year 1985 for international security and development assistance, for the Peace Corps, and the International Development Association, and for other purposes, as follows:

AMENDMENT NO. 3586

On page 51, following line 21 add the following new section:

"SEC. 902. (A) The Secretary of the Treasury shall instruct the U.S. Executive Directors to the World Bank, the InterAmerican Development Bank, the Asian Development Bank, and the African Development Bank to work to ensure that a comprehensive environmental impact assessment is conducted in connection with every development project reviewed and considered by the Board of Executive Directors, to seek modifications in any project which is likely to have a significant negative environmental impact, and to vote against any such project where adequate modifications are not adopted.

(B) The Secretary of the Treasury shall transmit annually a report to the Committee on Foreign Relations of the Senate and the Committee on Banking, Finance and Urban Affairs of the House on the implementation of this section. Such report shall include a list of projects which U.S. Executive Directors to each Bank have sought modifications in or voted against due to environmental considerations, the methodology employed by each Bank in making its environmental assessment of development projects, and the number of staff employed by such Banks in carrying out their environmental assessment."

AMENDMENT NO. 3587

At the appropriate place in the bill, add the following new section:

"SEC. . AMERICAN UNIVERSITY IN CAIRO.

The Secretary of State together with the Administrator for the Agency for International Development shall prepare a study which—

(1) investigates the long-term funding problems of the American University in Cairo, and

(2) determines what appropriate means may be used to help meet those funding problems, including the possible reconstitution of the Egyptian pound endowment. The results of this study shall be provided to the Speaker of the House of Representatives and the Chairman of the Foreign Relations Committee in the Senate by March 1, 1985."

AMENDMENT NO. 3588

At the end of the bill, add the following new section:

POLICY ON TAIWAN

SEC. . (a) The Congress finds that—

(1) February 28, 1984, marked the twelfth anniversary of the Shanghai Communique signed by the United States and the People's Republic of China;

(2) The communique and the 1979 United States-People's Republic of China normalization agreement greatly improved relations between Washington and Beijing;

(3) peace has prevailed in the Taiwan Strait since the normalization of relations between the United States and the People's Republic of China;

(4) maintaining a sound United States-People's Republic of China relationship serves the interests of both countries and the interests of peace in the Pacific region;

(5) the United States has also pledged in the Taiwan Relations Act to continue commercial, cultural, and other relations between the people of the United States and the people of Taiwan; and

(6) the United States established diplomatic relations with the People's Republic of China in the expectation that the future of Taiwan will be determined by peaceful means.

(b) it is the sense of the Congress that Taiwan's future should be settled peacefully, free of coercion, and in a manner acceptable to the people of Taiwan and consistent with the Taiwan Relations Act enacted by the Congress and with the communiques entered into between the United States and the People's Republic of China.

COMMISSION ON OBSERVANCE OF MARTIN LUTHER KING, JR. HOLIDAY

MATHIAS (AND DOLE) AMENDMENT NO. 3589

Mr. BAKER (for Mr. MATHIAS and Mr. DOLE) proposed an amendment to the bill H.R. 5890, to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That the Congress finds that—

(1) January 20, 1986, marks the first observance of the Federal legal holiday, established by Public Law 98-144, honoring the birthday of Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

SEC. 2. There is established a commission to be known as the Martin Luther King, Jr. Federal Holiday Commission (hereinafter in this Act referred to as the "commission").

SEC. 3. The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Fed-

eral legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and

(2) to provide advice and assistance to Federal, State, and local governments and to provide organizations with respect to the observance of such holiday.

SEC. 4. (a) The Commission shall be composed of—

(1) four officers from the executive branch, appointed by the President;

(2) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) four Senators, appointed by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate;

(4) Coretta Scott King and two other members of the family surviving Martin Luther King, Jr., appointed by such family;

(5) two individuals representing the Martin Luther King, Jr. Center for Non-Violent Social Change (a not-for-profit organization incorporated in the State of Georgia), appointed by such organization; and

(6) fourteen individuals other than officers or employees of the United States or Members of Congress, appointed by the members of the Commission under paragraphs (1) through (5) of this subsection from among individuals representing diverse interest groups, including individuals representing labor, business, civil rights, and religious groups, and entertainers.

(b) Not more than half of the members of the Commission appointed under each of paragraphs (2), (3), (5), and (6) of subsection (a) shall be of the same political party.

(c) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) Members of the Commission shall serve without pay, but may, subject to section 7, be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 5. (a) The Commission shall first meet within 30 days after the date of the enactment of this Act. At this first meeting the Commission shall elect a chairperson from among its members and shall meet thereafter at the call of the chairperson.

(b) The Commission may encourage the participation of, and accept, use, and dispose of donations of money, property, and personal services from, individuals and public and private organization to assist the Commission in carrying out its responsibilities under this Act.

(c) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this Act.

SEC. 6. (a) The Commission may appoint a director and a staff of not more than five persons, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Subject to section 7, the Commission shall set the rates of pay for the director and staff, except that the director may not be paid at a rate in excess of the maximum rate of pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, and no staff member may be paid at a rate in excess of the maximum rate of pay payable for grade GS-13 of such General Schedule.

(b)(1) Upon the request of the Commission, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its responsibilities under this Act.

(2) Each head of such department or agency is authorized to cooperate with and assist the Commission in carrying out its responsibilities under this Act.

SEC. 7. All expenditures of the Commission shall be made from donated funds.

SEC. 8. Not later than April 20, 1986, the Commission shall submit a report to the President and the Congress concerning its activities under this Act.

SEC. 9. The Commission shall cease to exist after submitting its report under section 8.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CIVIL SERVICE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Civil Service of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, August 1, to hold a hearing on S. 2821, Civil Service Former Spouse Benefits Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, August 1, to hold a hearing on buy America restrictions on the use of foreign-made cement in Federal-aid highway projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTHEAST ASIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, August 1, at 2 p.m., to hold a closed briefing on recent developments in the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, August 2, to hold a hearing on S. 2524, use of IMF resources by major copper producing companies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 1, to hold a hearing on S. 2456, Commission on the Ukraine Famine Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE HELSINKI FINAL ACT—9 YEARS LATER

● Mr. DOLE. Mr. President, today, August 1, 1984, marks the ninth anniversary of an historic event—the signing of the Helsinki Final Act. Nine years ago, the leaders of 32 European nations, the Soviet Union, Canada, and the United States agreed to enhance European security and cooperation through increased trade, cultural, and scientific exchanges and the relaxing of military tensions. Significantly, the 35 signatories to the Final Act also recognized the importance of human rights in their relations. Indeed, the recognition of human rights is a fundamental principle behind Helinski. Seldom has the promise of security and cooperation generated such hope.

In signing the Final Act, each signatory pledged their respective governments to uphold all the provisions stipulated therein. Besides the more traditional concerns of military security and economic cooperation, these provisions carved out a legitimate place in East-West diplomacy for subjects of a humanitarian nature such as religious liberty, family reunification and the uninterrupted dissemination of information. Clearly, all the signatories, for the first time, recognized that the way in which a government treats its own citizens can affect that government's relationship with other nations.

Unfortunately, Mr. President, some signatories have flagrantly violated both the spirit and letter of the Final Act. The Soviet Union, and some of her East European allies, continue to jam Western radio broadcasts, restrict freedom of religion, deny their citizens the right, as stated in the Final Act, "to know and act upon their rights," and supress their peoples' freedom of movement. These violations are compounded by the Soviet Government's increasingly vicious campaign in Afghanistan, by their harsh abuse of those who seek to promote human right within the Soviet Union, including members of the Moscow, Ukrainian, Lithuanian, Armenian and Georgian Helsinki Monitoring Groups, and their contempt for world opinion as illustrated by their silence about the Sakharovs.

As Cochairman of the Commission on Security and Cooperation in Europe, I have become acquainted with numerous Soviet violations of the Helsinki Final Act, including violations of the family reunfication provisions. One such case, the Yakir family of Moscow, is indicative of the Soviets' flagrant disregard of the humanitarian aspects of the Helsinki accords. Yevgeny and Rimma Yakir and their 28-year-old son Alexander are Soviet Jewish refuseniks. Since 1973, they have been attempting to emigrate to Israel, and yet they have been continually refused permission to do so. At the same time, the Yakirs have been harassed by the KGB and dismissed from their jobs. At the moment, the Yakirs' hopes are at a very low ebb. In June, Alexander was arrested on charges of draft evasion for refusing to obey a summons to report for military services. Alexander declared that for him to swear an oath of loyalty to the Soviet Army would be an act of dishonesty and a direct betrayal of his principles. Alexander's trial, and with it the crushing of his family's hopes for emigration in the near future, is scheduled for tomorrow, August 2.

On this ninth anniversary of the Helsinki Final Act, we must rededicate ourselves to the promise of the better world envisioned by these accords and to the work necessary to realize this hope. Through our efforts to ensure Soviet compliance with this historic act, we will bring about an improvement in the lives of those who live under Soviet and East European domination. It is my sincere hope that the Yakir family will one day very soon reap the benefits of improved Soviet compliance. For without these improvements, true security and cooperation in Europe will be very difficult to attain indeed.●

MINNIE PEARL: TENNESSEE'S TREASURE

● Mr. SASSER. Mr. President, it is with pride that today I address the Senate to honor one of Tennessee's greatest gifts to the entire world—our one and only Minnie Pearl.

On August 2, Minnie Pearl will be here in Washington to receive the coveted Mark Twain Award for Humor from the International Platform Association. She will join such luminaries as Bob Hope and Art Buchwald and a mere handful of others who have been so recognized. I cannot think of anyone more worthy of this award.

Throughout her career of 50 years, Minnie Pearl has brought us a more innocent world, peopled with an entire cast of kin and near kin, in which fun is the only object and common sense is the only viewpoint. I only wish Tennessee had more of her to share with the less fortunate.

Mr. President, without objection I should like to enter in the RECORD an article which appeared on July 13 in the Tennessean about our Tennessee treasure, Minnie Pearl.

The article follows:

ANOTHER HONOR FOR MINNIE—COMEDIENNES GROUP TO PRESENT MARK TWAIN AWARD

(By Sandy Neese)

That special pearl of the Opry named Minnie is about to add another feather to her famous hat.

On August 2, the queen of country comediennes will become the first ever country act to be honored with the prestigious Mark Twain Award for Humor from the International Platform Association. The ceremonies will take place in Washington, D.C. during IPA's annual convention.

"I've never understood why I'm getting it," she says with characteristic modesty. "Only about 10 or 15 people have received it. I was just shocked out of my mind. It's entirely different from anything I've ever gotten and I value it very highly because it's so old."

Upon her acceptance of the honor, Nashville's own favorite daughter will join a very exclusive club. Former recipients include such international celebrities as Bob Hope, Danny Kaye, Erma Bombeck, Victor Borge, Norman Lear, Art Buchwald and George Plimpton.

She'll receive a silver bowl at the gala awards dinner, and already knows what the inscription will read. "It'll say 'The Mark Twain Award to Minnie Pearl, a gentle depictor of the virtues and frailties of the human race with humor's paintbrush.' Isn't that pretty! I'm not known as being gentle as a rule, I'm usually pretty broad," she quips.

Ironically, the Opry funny lady remembers the days during the 1920s and 1930s when platform speakers toured the country, entertaining audiences in small towns across the length and breath of America. The International Platform Corporation, she says, is an offshoot of the old Lyceum Corporation.

"The Lyceum Corporation sent people around who were platform speakers. A lot of people in this generation have never heard of a platform speaker. But I'll tell you who was a platform speaker—James Whitcomb Riley. And another one was Mark Twain. There were lots of them. Sometimes they'd carry a prop, like a table or a lamp. They were what I think we'd call now 'standup comics'."

"They did humorous monologues, performing alone on a platform. Some local club or organization would bring them in.

"Like in my hometown of Centerville, it was Mama's reading circle that signed up for a speaker. They would guarantee them what was a nominal fee at that time, I'm sure, to come in and talk. Then they'd have an evening of entertainment at the town hall or whatever, and all the people would go. It was a cultural thing.

The speakers fascinated a young Sarah Ophella Colley, a.k.a. Minnie Pearl, for she never had any doubts about what career she wanted to pursue. "These speakers had subtle, delightful humor. I can remember going, and I would just sit open-mouthed, because I already had in my mind that I was going on stage. Why, I never said I was going to do anything else," she says, determination still ringing in her voice.

"Other people would say to the children, "What are you going to do when you grow up? They'd say, 'I want to be a nurse,' or 'I want to be a teacher,' or 'I want to be housewife,' I'd say, 'I'm going to go on stage and make it.' And you know what my Mama and Daddy said? 'Oh, no! Oh, no!' They kept me at home until I was 21, then I took off like Judas' goat.

"I left in August of 1934 to seek my fortune, I first went on the stage at 18 months old, when I sang in a recital. That was not only the beginning, but also the end," says this delightful lady, laughing. "They should've pinched my little head off!"

It is fitting that the IPA should present the award to Minnie in August, for that is the month that marks the country comedienne's 50th anniversary as an entertainer.

"I've been 44 years on the Opry, and 16 years on 'Hee Haw.' And in August, I'll celebrate my 50th year in show business," she says.

She's hard at work now on the Minnie Pearl Museum, which she hopes will be ready to open during her silver anniversary month. In the museum will be a lot of the mementos she's acquired during her years of making audiences all over the world laugh. And she's as excited as a kid about to go to the circus!

"We're redoing a building on Division that was a studio and it's going to be a little Victorian cottage, yellow clapboard with white trim and window boxes, like my little imaginary cottage at Grinders Switch," she says with enthusiasm.

"It's going to be different from the other museums. We'll have a gift shop, too, and I've got the cutest little Minnie Pearl doll! She's so sweet, just so precious! She's a soft doll and she has the Minnie hat and the calico pinafore. And my hats! Oh, my souvenir hats are adorable! They're made by the Amish."

Also for sale in the gift shop will be a reissue of the Minnie Pearl cookbook and her *Christmas at Grinders Switch,* which she wrote 20 years ago. "That makes a wonderful Christmas gift. It tells the story of the way Christmas was . . . is, at Grinders Switch."

But there'll be much more behind those cottage doors across from the parking lot of the Country Music Hall of Fame than a gift shop. "Now, I sound commercial, because I'm talking so much about the gift shop. But the actual museum is very uncommercial.

"It's the story more or less of the life of Minnie Pearl, from Grinder's Switch to the Grand Ole Opry, plus the woman behind her, Sarah Ophelia Colley Cannon, and her life. I'm the only person who has a museum that I know of that's two people!

"Chris Tibbott—she does the sets for 'Hee Haw'—is doing the inside, and it's going to be darling! We're going to have a great big 12-foot hat just like my hat suspended upside down from the ceiling."

Minnie Pearl's second most recognizable trademark, after the pricetagged hat, are her old shoes.

And therein lies a problem. "I took them off on the Grand Ole Opry one night and gave them to my best friend Roy Acuff for his museum. I said, 'I'd love to have my shoes in your museum, but if you don't mind I'll borrow them back to wear while I'm living.'" She's got them, but they're not hers. "Now I'm faced with whether to ask him to give them to me for my museum!"

Visitors to the Minnie Pearl Museum will have access to valuable film footage of the comedienne performing with everyone from Tennessee Ernie Ford to priceless shots of

Minnie and Rod Brasfield on the stage of the Old Ryman Auditorium.

"And I've got the film from 'This Is Your Life' when I was on in 1957. It's going to be something else! We're going to show my life from the first time I went on stage at 18 months."●

IRBY COOPER: BUSINESSMAN AND HUMANITARIAN

● Mr. SASSER. Mr. President, I want to take this occasion today to direct the attention of my colleagues to the example of Mr. Irby Cooper of Memphis, a man whose way of life provides a standard worthy of the attention of all of us: success in the world of American business and the drive to succeed need not be the only qualities which define one in life; indeed, in the case of Irby Cooper, they merely complement a man of character, compassion and commitment.

Let me illustrate the point. The Memphis Business Journal recently contained an article which outlines Irby's remarkably successful record as a builder and developer of hotels, office buildings and other facilities. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

As impressive as the litany of successful business ventures of Irby Cooper is, it reveals only a part of the man.

In the many years I have had the privilege of knowing him, Irby Cooper has always been first a family man. Both he and his wife Bernice are devoted to each other and to their four children.

The intensity of the Cooper devotion to family is matched by his dedication to another key part of his life; a devout man, Irby is tireless and selfless in the spiritual and community activities that revolve about the synagogue. This commitment of the Coopers is well-known and regarded with both affection and admiration in Memphis; the family was honored for its many contributions earlier this year at an annual Israel bond drive dinner, an event at which I was fortunate enough to participate.

Then, too, there are the endless contributions that Irby and the Cooper family make to the civic and community life of Memphis, a city he cherishes and for which does so much. There is, in fact, so much that can be said in this regard that I might neglect the focus of my remarks, and that is that all of us would do well to emulate the example provided in life by a man as successful as Irby Cooper.

As successful in business as he has been, Irby is self-effacing and ready to credit another Memphian—Kemmons Wilson, founder of the Holiday Inns—with providing an example. Kemmons Wilson," he says, "inspired positive attitudes, and after he guided us along, he gave me some confidence."

I can say the same of Irby Cooper, and I consider it an honor to share both his counsel and friendship. And as you consider the record of success achieved by Irby Cooper, remember that it is but a part of the life of an outstanding man.

[From the Memphis Business Journal, June 11-15, 1984]

COOPER REALTY IGNORES ADVICE, THEN SLEEPS EASY

(By Carroll Brumfield)

Irby Cooper is one man who didn't listen to Kemmons Wilson and hasn't regretted it.

It was in 1960 that Cooper approached the Holiday Inns founder with a deal that sounded like a sure loser—a hotel in the quaint little mountain hamlet of Gatlinburg, then a summer resort that folded up during the fall and winter months.

"A fellow who did some law work for me (Al Thomas) called me one day and said he'd just been to a bar association meeting in Gatlinburg. He said, 'You would not believe the town. It's nothing but resorts. You ought to think about building a hotel there' ," Cooper says.

"Gatlinburg wasn't what it is today. At the time, businesses would close come Labor Day, but the potential seemed very good, so I called Kemmons Wilson and told him I would like to do a Holiday Inn there."

Putting one of his hotels in a tourist town with such a short season didn't sound so hot to Wilson.

"He said, 'We don't believe in resorts', but that, if I wanted to, I could come out and talk to him."

Cooper did, and Wilson continued to try to discourage him, pointing out that it would be a high-risk venture. "He tells the story that he wrote me a letter . . . I don't know if he wrote me a letter, but he did tell me that," Cooper says.

Despite that, in 1961 the relentless Cooper obtained a franchise from Wilson and embarked on building a 103-room hotel with a group of investors that included his father, Louis Cooper, Memphis lawyer Raymond Shainberg and Shainberg's father-in-law, Louis Sturman.

Since then, the Gatlinburg Holiday Inn has grown to 411 rooms. And Cooper has built a 208-room Holiday Inn at Pidgeon Forge, just five miles away.

Moreover, the hard-won inn at Gatlinburg was the beginning of a new thrust for his Cooper Realty Co., which began as a part-time venture while Cooper worked nights as a reporter covering prep sports for The Commercial Appeal.

In those days, Cooper built homes, but today his firm owns and manages 10 hotels, eight Holiday Inns, a Ramada and a Hilton stretching from Fort Myers, Fla., to Kingston, NY. And while the company owns and manages a number of residential and commercial properties in Memphis and the Mid-South, it is the hospitality business that consumes most of Cooper's time.

Ironically, Cooper now gives much of the credit to Wilson for the success he's enjoyed in the hospitality industry—including that of the first hotel at Gatlinburg.

"I had a lot of confidence in Kemmons . . . He inspired positive attitudes, and after he guided us along, he gave us some confidence," Cooper says.

"Of course, I was nervous. Anybody honest in business, if they tell you the truth, will have a certain bit of nervousness. But that's good. It keeps your alarm signals up to watch for pitfalls."

Cooper subsequently established CSS Hotels and with his associates built properties in Cookeville and Newport, Tenn., Kingston, NY, Albion, Mich., and Decatur, Ala. The Albion property later was sold.

Another expansion came in 1982, when he and Knoxville investors built the Knoxville Airport Hilton Inn and the World's Fair Holiday Inn to provide lodging for visitors to the 1982 World's Fair. He also assumed management of the Ramada Airport Hotel in Fort Myers, Fla., that year.

Last year, Cooper opened the St. Peters/St. Charles, MO, Holiday Inns, and CSS Hotels built and opened the Pidgeon Forge property.

Cooper's innovative spirit has kept his inns at the top of Holiday Inns' occupancy list. He was among the first to introduce VIP floors with consierge service in his Holiday Inns in the early 1980s. The service is available in his hotels at Knoxville, Pidgeon Forge and St. Charles.

"It was just an idea that some guests who travel a lot would be willing to pay more to be catered to somewhat, to get special attention on special floors," says Cooper. "Its met with pretty good reception.

"In management, all of our people enjoy the hospitality business and find it exciting," says Cooper. "It sounds like a cliche, but they recognize the importance of the guest and want to make sure he knows we feel that way."

With women business travelers representing an increasingly important market share, Cooper's hotel managers are paying more attention to such details as security and amenities.

As in Gatlinburg, Cooper has bucked the mainstream at home. When most office building developers were heading east, in 1974 Cooper built the Mid-Memphis Tower at 1407 Union, a 15-story, 200,000 square-foot building with a parking garage.

Although it was "slower to rent," partly because of the mid-1970s recession, the building has been fully occupied. "We wanted some space for ourselves recently and we couldn't get it," he says. "That's a nice kind of a problem to have."

Cooper also developed the first mixed-use vertical building—Medical Center Tower, a 19-story fixture on Madison that contained commercial space on the ground floor, a garage, an office building and a hotel on the top. He has since sold the property.

Now Cooper searches for expansion markets for his hospitality division amid a hotel-building boom engendered by an industry move toward market segmentation.

"Like anybody in this business, I hope it doesn't get overbuilt," he says. "I'm not sure all the segments are needed or will be responded to . . . I think the middle segments will continue to succeed—middle to upper-mid-level properties, but not necessarily luxury prices."●

CONTACTS AND EXCHANGES—9 YEARS AFTER HELSINKI

● Mr. PELL. Mr. President, 9 years ago today, the leaders of 33 European nations, the United States, and Canada signed the Final Act of the Conference on Security and Cooperation in Europe [CSCE]. After 2 years of intensive negotiations, the signing ceremony represented a breakthrough in international diplomatic relations. While the Final Act encompasses

nearly every aspect of East-West relations, for the first time, human rights were accorded the status of a fundamental element of those relations. The 35 participating states recognized that respect for human rights is as important a factor in state-to-state relations as respect for national borders or refraining from the use of force.

Significantly, the Helsinki Final Act also called upon the signatories to promote exchanges and contacts in the cultural, educational, and scientific fields as a means of achieving greater mutual understanding among people. Such humanitarian cooperation among the people of the 35 nations, it was believed, should lead to a lessening of tensions among the governments of those nations and, eventually, to the establishment of genuine peace.

As a founding member of the U.S. Commission on Security and Cooperation in Europe and its original cochairman, I have witnessed the hard realities of implementing the provisions of the Helsinki Final Act. For even as the Final Act promotes exchanges in the fields of culture, education, science, and trade, it also encourages citizens and governments to question the pursuit of exchanges and contacts with regimes who show so little regard for cultural and intellectual freedom. My colleagues, it is this extraordinary paradox that became understood as the concept of "linkage," embodied in the Helsinki process.

This day, August 1, 1984, commemorates 9 years of Soviet abuses of the human rights provisions in the Helsinki agreement, and of condemning those abuses at the Belgrade, Madrid, Hamburg, and other CSCE meetings. Yet there have been positive developments in those 9 years, accomplishments that are too often forgotten in light of the overwhelming amount of work yet to be achieved.

Mr. President, the Helsinki Final Act was the impetus for theater seminars, academic exchange agreements, writers' conferences, legal statutes to ease travel restrictions and joint scientific research projects—all of which have borne positive results for both East and West. These improvements in private and official contacts are evidence that the Eastern governments are aware of their commitments to some provisions of the Final Act.

Mr. President, we must strive to ensure that other commitments—especially the human rights pledges—are met with no less vigor and determination. One method to achieve this is to ensure that the discussion of further exchanges among artists, businessmen, writers, journalists, and politicians be linked to considerations of the state's recognition of the individual's right to exercise fundamental rights: To practice his religion, to live in the country of his choice, to work in his field or to travel. Only by constantly reminding the Eastern governments of their obligation to respect human rights as we engage in cooperative endeavors will we create the kind of leverage that will ultimately ensure successful exchange programs—those which incorporate balance, reciprocity, and dignity among all citizens' contacts, East and West. In short, the Helsinki Final Act set a standard of governmental conduct that must apply to all human interaction.

Ours is not an easy task. The drafters of the Final Act recognized that achievement of the goals embodied in that historic document would be slow and gradual. Yet we should not be deterred by temporary setbacks. A firm and uncompromising commitment to the value of human rights will eventually produce the results of a more humane and just world.●

SOCIAL SECURITY COLA

● Mr. DOLE. Mr. President, on Tuesday, July 24, President Reagan announced his intentions to recommend a technical change in the Social Security cost of living adjustment (COLA) to ensure that the COLA is paid in January even if inflation is very low. Two days later, the Senate approved an amendment offered by me and the distinguished Senator from New York which would accomplish this end. This amendment to H.R. 1428 was approved by an overwhelming vote of 87-3.

In the past several days, I have received a number of calls from interested citizens and read a number of editorial accounts which indicate there is some real confusion about the nature and impact of the proposed change. I would like to take this opportunity to help clarify the record.

PRESENT LAW

Under the law, the annual COLA for Social Security and supplemental security income [SSI] recipients is paid in January of each year. Generally, it is based on the full increase in the cost of living, as measured by the Consumer Price Index, over the year ending a quarter before the adjustment is paid. In other words, the January 1985 COLA would be based on the full increase in the CPI between the third quarter of 1983 and the third quarter of 1984.

Due to a technicality, one which has been in the law since indexing was adopted in 1972, the COLA is not payable if it would be less than 3 percent; instead, it would be deferred until the following year. In the next year, the COLA would be based on the full increase in the cost of living over the preceding 2 years.

I would like to stress that the 3-percent trigger is a technicality in the law that few people were even aware of prior to the President's remarks. It was put in the law as a matter of administrative convenience—why bother to make such a small adjustment in millions of benefit payments when it could just be added to the amount that would otherwise be payable the following year. In addition, the 3-percent trigger was not in any way a financing solvency issue. As my colleagues may recall, in 1972, the Social Security trust funds were flush and believed to be well financed in the very long range.

THE ACTUAL COLA PAID OVER THE YEARS

The first COLA paid under the new law was in 1975 in the amount of 8 percent. The COLA has been paid in full ever since, at a rate of 6.4 percent in 1976, 5.9 percent in 1977, 6.5 percent in 1978, 9.9 percent in 1979, 14.3 percent in 1980, 11.2 percent in 1981, 7.4 percent in 1982, and, after a one-time 6-month delay enacted in the 1983 Social Security amendments, 3.5 percent in 1984. Due to the steady decline in the rate of inflation since President Reagan took office in 1981, we are now actually faced with the prospect that the COLA may not be triggered.

THE SENATE PROVISION

The amendment approved last week is a simple one. All it does is waive, for 1 year, the 3-percent trigger in the law. If the measured increase in the CPI turns out to be 3 percent or higher, this amendment will have no impact at all. If the measured increase in the CPI turns out to be less than 3 percent, this amendment will allow Social Security beneficiaries to receive their COLA on time, in its actual amount—whether that be 2.8 percent, 2.9 percent, or any other amount—rather than having it deferred until 1986.

Is the COLA likely to be less than 3 percent? At this point, no one is sure. To date—through June 1984—the rate of inflation has averaged 2.7 percent, on an annual basis. If the rate of inflation averages 4.3 percent or more in the July-October quarter, the COLA will exceed 3 percent and this amendment will have no effect. If inflation runs lower than that, this amendment will become operative. In that event, there will be a cost because benefits will be increased in 1985 when they otherwise would not have been.

According to the Social Security actuaries, if the COLA is 2.7 percent, that is estimated to cost about $4.8 billion in additional benefit payments. Part of this cost would be offset, however. When benefits are increased, so is the amount of earnings subject to the Social Security tax, though by an amount based on wage growth. The exempt amount under the retirement-earnings test is also increased. The net income is estimated at $1.5 billion, for a net cost in 1985 of $3.3 billion. There would be a negligible long-range cost.

Importantly, an expenditure on the Social Security and SSI COLA was ex-

pected to be made and also budgeted for. The Social Security Board of Trustees assumed a COLA of 4.7 percent and have based their trust fund projections on that assumption. The President's budget assumed a COLA of 4.3 percent and the budget and deficit projections are based on that assumption. With the actual rate of inflation now more favorable than assumed, any expenditure due to this amendment would already be fully accounted for. This does not suggest that any spending already budgeted for should be spent, only that the trust fund and budget projections we have been relying on will not be adversely effected.

Another point I would like to stress is that this proposal does not unravel the recommendations of the National Commission on Social Security Reform, as approved by Congress. The commission recommended, and the Congress enacted, a one-time 6 month delay in the COLA and also a stabilizer whereby if reserves are very low, the COLA would be based on the lower of the increase in wages or prices. In addition, the commission recommended and the Congress enacted a little noticed provision which actually waived the 3 percent trigger in 1984. There was concern about the misunderstanding that could be created if beneficiaries had their COLA delayed from July to January, waiting 18 months, only to learn that due to a technicality in the law, they would not receive a COLA for another 12 months. The Senate amendment just extends that provision for another year.

Certainly, there were good political reasons for supporting this amendment. Later this fall, when and if it became clear that a COLA would not be paid in January, Members of Congress would surely have scrambled to pass just this amendment. Whether the temptation could have been resisted to turn Social Security into another election-year issue only weeks before the election is anyone's guess. But my guess is that we will all be better off—Republicans and Democrats alike, and most especially, the elderly and disabled who depend on Social Security and SSI—not to go through that again needlessly. To approve this all but inevitable measure as quickly as possible makes good sense.

But we are not just playing politics by waiving the trigger. As we adjust to a new low inflation environment, it may be reasonable for Congress to consider some modification of the trigger on a more permanent basis. It may not be appropriate to have Social Security and SSI recipients wondering from year to year about whether or not the inflation rate will be above or dip below 3 percent. At least for the elderly and disabled poor who rely on SSI, even a 1 percent or 2 percent COLA is a real help.

SUPPORT FOR SENATE AMENDMENT

I might note in closing that Robert Myers, executive director of the National Commission on Social Security Reform, supports eliminating the 3 percent trigger on policy grounds and on the grounds that the trigger is technically flawed.

Quoting Mr. Myers, "From a policy standpoint, the elimination of the 3 percent trigger requirement is desirable. Such requirement was initially provided solely for administrative reasons—because of the difficulty then of making the increase applicable to so many millions of checks—but as a result of improved operating efficiency, such reason is no longer pertinent. Another reason for eliminating the trigger requirement as it is now contained in the law is that it over-benefits some beneficiaries—namely, those who first become eligible in the year after that in which the trigger requirement is not met." Due to this technical flaw, in fact, the 10-year cost of waiving the trigger is less than the 1985 cost. According to the Social Security actuaries, the net 10-year cost of paying a 2.7 percent COLA on time, rather than deferring it, is $1.1 billion.

I hope this information helps clarify the issues surrounding the Senate amendment. I applaud the President for having taken the initiatve in this area and am pleased with the bipartisan support the amendment received in the Senate.●

FEDERAL GRAND JURY INDICTS PAGAN MOTORCYCLE GANG MEMBERS

● Mr. NUNN. Mr. President, outlaw motorcycle gangs have become a serious menace to law and order in several sections of the United States. The Senate Permanent Subcommittee on Investigations, of which I am ranking minority member, has studied the activities of the motorcycle gangs and evaluated the effectiveness of law enforcement in combating them.

In preliminary inquiries by the minority staff of the subcommittee, and in subsequent hearings, we found that outlaw motorcycle gangs constitute substantive organized crime groups whose illegal activities include extortion, murder and political corruption as well as interstate traffic in firearms, stolen goods, prostitution and narcotics. Drug trafficking is a favorite pursuit of these gangs and in some regions of the Nation—in the Middle Atlantic States of Pennsylvania, New Jersey, Maryland, Delaware and adjacent area—they are believed by Federal law enforcement officers to play a preeminent role in the manufacture and distribution of synthetic drugs such as PCP, amphetamine, methamphetamine and dextroamphetamine.

In a report issued on July 17, 1984, the subcommittee devoted considerable attention to the presence of outlaw motorcycle gangs in the Middle Atlantic region and identified the Pagan motorcycle gang as being the strongest of such groups in that part of the Nation.

Formed in Prince Georges County, MD, in 1959, the Pagan gang is believed to have 40 to 45 chapters nationwide, about 26 of which reportedly are in New Jersey, Pennsylvania, Delaware, and Maryland. Police estimate membership may be as high as 800.

Among the witnesses called to testify before the subcommittee in its February 23, 1983, hearings on the Pagans, Banditos, Outlaws, Hell's Angels, and other motorcycle gangs were two reputed Pagan gang leaders, Donald (Gypsy) Trott of Newport, DE, believed to be the national vice president of the group, and Charles (McNut) McKnight of Chester, PA, reportedly in charge of the manufacture and distribution of methamphetamine and PCP for the Pagans in the Philadelphia area.

Independent inquiry by the subcommittee minority staff indicated that Trott and McKnight were two of the half donzen or so leaders who controled the nationwide activities of the Pagan gang. Appearing under subcommittee subpoena and accompanied by counsel, McKnight and Trott both refused to testify, invoking the fifth amendment privilege against self-incrimination, although Trott did waive the privilege briefly in response to several questions about his childhood, education, military service, and marriage.

Two days after the filing of the subcommittee report—in a July 19 action by a Federal grand jury in Philadelphia—Trott, McKnight, and 20 other reputed Pagan gang members and associates were indicted on racketeering charges in connection with an alleged large scale drug trafficking ring.

The indictments charged that Trott, McKnight, Paul (Ooch) Ferry of Islip Terrace, NY, the reputed national president of the gang, and the other defendants had "used force, violence, and threats of force and violence, including, without limitations, beatings and assaults" in operating their drug ring. The grand jury accused the gang members of having distributed methamphetamine and PCP since 1975.

This significant Federal action against the Pagans is the kind of antiorganized crime effort that the Investigations Subcommittee has been advocating for some time. Commenting on the threat to society posed by the outlaw motorcycle gangs, the July 1984 subcommittee report noted that these gangs are among a number of so-called emerging organized crime groups and should be subjects of inquiry and prosecution by Federal law enforcement, including the Federal or-

ganized crime strike forces as well as other components of the Justice Department. The subcommittee report went on to say:

While acknowledging readily that the overwhelming majority of motorcycle club enthusiasts are law-abiding and responsible men and women who engage in their sport as a wholesome recreational and social outlet, the subcommittee received harrowing accounts of the conduct of that very small percentage of bikers who practice a lifestyle at once criminal, barbaric and self-destrictive. Romanticized in fiction, outlaw bikers, in reality, are a dangerous, violent breed of hoodlum whose illicit activities should be controled more effectively by Federal law enforcement.

Ann W. O'Neill, a reporter on the Philadelphia Daily News, wrote an article on the recent Federal indictments of the gang members. Mr. President, I request that the article "Twenty-two Pagans Indicted on Drug Charges," from the Philadelphia Daily News of July 20, 1984, be printed at this point in the RECORD. In addition, Mr. President, I request that a press release from the U.S. attorney, eastern district of Pennsylvania, regarding the indictments also be printed in the RECORD at this point.

The material follows:

[From the Philadelphia Daily News, July 20, 1984]

22 PAGANS INDICTED ON DRUG CHARGES

(By Ann W. O'Neill)

The indictments of 22 Pagans—including the national president and 10 other members of the ruling Mother Club—dealt "a major blow to the leadership" of the outlaw cycle gang that has monopolized the manufacture and distribution of methamphetamine along the East Coast for a decade, authorities said yesterday.

A federal grand jury in Philadelphia returned two indictments yesterday, accusing 22 members and associates of the Pagans with federal racketeering offenses.

Five Pagans, all members of the Mother Club, the biker gang's governing body, were also charged with engaging in a continuing criminal enterprise under the federal "Drug Kingpin Statute." They are accused of using their position in the Pagan hierarchy for drug trafficking in several states.

Other members and associates were charged with federal drug violations involving the manufacture and distribution of "hundreds of pounds" of methamphetamine, a stimulant known as "speed," and phenyclyclidine, a hallucinogen known as "PCP," which is frequently sprayed on parsley and distributed as "killerweed," the indictment said.

The indictments followed a two-year investigation by the FBI, the U.S. Drug Enforcement Administration, state police in Pennsylvania and New Jersey and dozens of local law-enforcement agencies, U.S. Attorney Edward S.G. Dennis said. The continuing investigation, one of the largest and most comprehensive ever into motorcycle gang activity, could result in more indictments, federal law enforcement officials said.

A series of early morning raids in several states—including Pennsylvania, New Jersey and New York—resulted in the arrests of 18 Pagans. Four remain at large. Most of the bikers arrested were from Philadelphia, Delaware County and South Jersey—long considered Pagan strongholds. The arrests occurred without incident, said Allen K. Tolen, assistant special agent in charge of the FBI's Philadelphia office.

Dennis said the investigation of the Pagans' drug trafficking previously had resulted in the arrests of 49 members or associates, the seizure of four clandestine drug laboratories, and the confiscation of more than $500,000 worth of contraband.

Yesterday, authorities seized the Long Island home of Paul "Ooch" Ferry, 45, the national president of the Pagan motorcycle club, and a farmhouse near Pittsburgh owned by the Pagans. The properties were seized under a federal provision that allows the forfeiture of assets gained through criminal activity, Dennis said.

The grand jury's investigation showed the 22 used the Pagans "to organize, facilitate and control the manufacture and distribution" of speed and PCP both within the club and outside it.

The indicted Pagans used force, violence and threats to protect their drug suppliers, to control prices and quality of the drugs, to control or eliminate competition from outsiders, and to enforce discipline among club members, the indictments alleged.

The indictments identified the Pagan national officers as Ferry, the Mother Club president; vice president Donald "Gypsy" Trott, 49, a fugitive from Newport, Del.; treasurer Donald "Dino" Robinson, 36, of Aston, Delaware County; and Richard "Cheyenne" Richter, 36, address unknown. Local chapter presidents and officers from Philadelphia, Atlantic City and Delaware County were also among those indicted.

Other Philadelphia-area Pagans indicted were: John "Egyptian" Kachbalian, 22, of Fitzwater Street near 20th; Francis "Cheese" Copes, 37, of 4th Street near Pierce, identified as the Philadelphia chapter's sergeant-at-arms; Rocco "Rock 'n Roll" Kavatto, Turnersville, N.J., a club associate; Charles "McNut" McKnight, 43, of Glenolden, a Mother Club member and president of the Delaware County chapter; Kennth "Shadow" Weaver, 43, Linwood, N.J., president of the Atlantic City chapter; Michael "Caveman" Lawless, 26, Buist Avenue near 64th; Michael "Bugsy" Giordano, 32, of Cantrell Street near 27th; Charles "Uncle Charlie" Moore, age unknown, of C Street near Cambria; and John "Wacker John" Gavis, 39, address unknown.

No addresses were given for three members of the Mother Club Chapter, who are in jail on earlier charges. They are: Ronald "Angel" Cimorose, 40; Anthony "Mangy" Mengenie, 32; and Michael "White Bear" Grayson, 39.

The indictments, 76 pages and 101 pages, itemized dozens of incidents in which speed and PCP allegedly were delivered and distributed among Pagans from 1975 until last October. Many of the drug deals occurred during club social events—birthday and Christmas parties, weddings and funerals.

Attending many of those social events and meetings, according to the indictment, was James "Jimmy D" DeGregorio, a former Pagan speed manufacturer, or "cooker," turned informant. DeGregorio, who was not indicted, became a federal informant when he faced an 18- and 30-year prison term for a 1982 conviction involvement the shooting and attempted abduction of an associate of reputed organized crime figure Harry "The Hunchback" Riccobene. Riccobene is said to be allied with the Pagans' distribution of speed.

DeGregorio, who is under the federal witness protection program, has reportedly been giving extensive evidence in a federal investigation of links between the Pagans and organized crime figures.

Dennis would not comment on DeGregorio's role in the grand-jury investigation that led to the indictments of his former associates. Nor would he comment on any investigation of Pagan-mob ties, other than to say, "We will expect there to be some evidence relating to some members of LCN [La Cosa Nostra]. We'll have to wait until the case is tried until you learn about the evidence."

[Press Release]

Edward S. G. Dennis, Jr., United States Attorney for the Eastern District of Pennsylvania, John Wilder, Special Agent in Charge of the Drug Enforcement Administration's Philadelphia Office, and John L. Hogan, Special Agent in Charge of the Federal Bureau of Investigation's Philadelphia Office, jointly announced today that on July 18, 1984, a Federal Grand Jury sitting in Philadelphia returned two Indictments charging 22 members and associates of the Pagan Motorcycle Club ("PMC") with violations of the Racketeer Influenced and Corrupt Organizations laws ("RICO"), 18 U.S.C. §§ 1951 *et seq.* Five of the defendants are also charged with engaging in a continuing criminal enterprise in violation of 21 U.S.C. § 848, also known as the "Drug Kingpin Statute." The indictments also include additional charges against many of the defendants for numerous substantive violations of federal drugs laws. Included among the 22 defendants are 11 members of the Mother Club Chapter, or governing body, of the PMC, including the National President, National Vice-President, National Sergeant-at-Arms and National Treasurer of the PMC.

Both indictments charge that the defendants conspired to conduct and participate, directly and indirectly, in the conduct of the affairs of the PMC through a pattern of racketeering activity, primarily including acts in violation of the federal drug laws. The indictments further allege that the overall purpose of the conspiracy was to distribute and manufacture controlled substances, principally methamphetamine and phencyclidine, and to use the structure and organization of the PMC to organize, facilitate and control the manufacture and distribution of controlled substances both within the PMC and outside of it. Both indictments also allege that in order to accomplish the purposes of the conspiracy, the defendants and other co-conspirators used force, violence, and threats of force and violence (1) to protect sources of supply of controlled substances to the PMC, (2) to control or eliminate competition in the manufacture and distribution of controlled substances, both within the PMC and outside of it, and (3) to enforce discipline among the members of the PMC and generally to create a climate of fear, both within the PMC and outside of it, which enhanced and facilitated the ability of the defendants and other PMC members and associates to organize and control drug related activity. The indictments allege that from 1975 through October, 1983, acts in furtherance of the conspiracy took place in, among others, the states of Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia and North Carolina.

The defendants named in the indictments, their age, their addresses, their positions

within the PMC, the charges against them and the maximum prison terms and fines that could be imposed are listed below:

UNITED STATES V. FERRY, ET AL.

1. Paul Ferry, a/k/a "Ooch", age 45, 921 Montauk Avenue, Islip Terrace, New York.

Position: National President (President of Mother Club).

Charges: RICO conspiracy, 1 count; RICO, 1 count; continuing criminal enterprise, 1 count; possession with intent to distribute, 4 counts; attempt to distribute or possess with intent to distribute, 2 counts.

Maximum: Life imprisonment, without parole, and $150,000 in fines.

2. Donald Trott, a/k/a "Gypsy", age 49, current address unknown.

Position: National Vice-President (Vice-President of Mother Club).

Charges: RICO conspiracy, 1 count; RICO, 1 count; possession with intent to distribute, 3 counts; manufacture, 1 count.

Maximum: Imprisonment for 60 years and $110,000 in fines.

3. Ronald Cimorose, a/k/a "Angel", age 40, State Correctional Institution, Huntingdon, Pennsylvania.

Position: Mother Club Chapter.

Charges: RICO conspiracy, 1 count; RICO, 1 count; continuing criminal enterprise, 1 count; distribution and possession with intent to distribute, 6 counts.

Maximum: Life imprisonment, without parole, and $150,000 in fines.

4. Anthony Mengenie, a/k/a "Maingy", age 32, State Correctional Institution, Dallas, Pennsylvania.

Position: Mother Club Chapter.

Charges: RICO conspiracy, 1 count; RICO, 1 count; continuing criminal enterprise, 1 count; possession with intent to distribute and manufacture, 9 counts.

Maximum: Life imprisonment, without parole, and $150,000 in fines.

5. Joseph Zappulla, a/k/a "Limey", age 37, 118 Harper Avenue, Irvington, New Jersey.

Position: Mother Club Chapter.

Charges: RICO conspiracy, 1 count; RICO 1 count.

Maximum: Imprisonment for 40 years and $50,000 in fines.

6. Joseph Ventura, a/k/a "Abraxus", age 40, RD 3, Box 558 (Rt. 113), Milford, Delaware.

Position: Mother Club Chapter.

Charges: RICO conspiracy, 1 count; RICO 1 count; possession with intent to distribute, 2 counts.

Maximum: Imprisonment for 50 years and $80,000 in fines.

7. Robert Baruti, a/k/a "Benny", a/k/a "Barracuda", age 39, 903 Grant Avenue, Scullville, New Jersey.

Position: Mother Club Chapter.

Charges: RICO conspiracy, 1 count; RICO 1 count; interstate travel in aid of racketeering, 1 count; distribution, 2 counts; unlawful use of telephone, 1 count.

8. Walter Jozwiak, a/k/a "Buckets", age 45, Federal Correctional Institution, Raybrook, New York.

Position: Former President, Atlantic County, NJ, Chapter.

Charges: RICO conspiracy, 1 count; RICO, 1 count; distribution and possession with intent to distribute, 3 counts.

Maximum: Imprisonment for 55 years and $95,000 in fines.

9. John Kachbalian, a/k/a "Egyptian", age 22, 2017 Fitzwater Street, Philadelphia, Pennsylvania.

Position: Philadelphia, PA. Chapter.

Charge: RICO conspiracy, 1 count; RICO, 1 count; possession with intent to distribute, 2 counts; unlawful use of a telephone 1 count.

Maximum: Imprisonment for 54 years and $110,000 in fines.

10. Francis Copes, a/k/a "Cheese", age 37, 1725 South Fourth Street, Philadelphia, Pennsylvania.

Position: Sergeant-at-Arms, Philadelphia, PA, Chapter.

Charge: RICO conspiracy, 1 count; RICO, 1 count.

Maximum: Imprisonment for 40 years and $50,000 in fines.

11. Carmine Ferrendi, age 28, 815 Greenlawn Avenue, Islip, New York.

Position: Member Suffolk County, NY, Chapter.

Charge: RICO conspiracy, 1 count; RICO, 1 count; possession with intent to distribute, 1 count; attempt to possess with intent to distribute, 2 counts.

Maximum: Imprisonment for 55 years and $95,000 in fines.

12. Rocco Kovatto, a/k/a "Rock 'n Roll", age 37, 119 Boundbook Court, Turnersville, New Jersey.

Position: Associate of the PMC.

Charge: RICO conspiracy, 1 count; RICO, 1 count; Manufacture, 1 count.

Maximum: Imprisonment for 45 years and $65,000 in fines.

UNITED STATES V. GRAYSON ET AL

1. Michael Grayson, a/k/a "White Bear", age 39, Federal Correctional Institution, Allenwood, Pennsylvania.

Position: Mother Club Chapter.

Charges: RICO conspiracy, 1 count; RICO, 1 count; continuing criminal enterprise, 1 count; possession with intent to distribute, 2 counts; attempt to possess with intent to distribute, 2 counts.

Maximum: Life imprisonment, without parole, and $150,000 in fines.

2. Charles McKnight, a/k/a "McNut", age 43, 1069 West Ashland Avenue, Glenolden, Pennsylvania.

Position: Mother Club Chapter.

Charge: RICO conspiracy, 1 count; RICO, 1 count; continuing criminal enterprise, 1 count; distribution and possession with intent to distribute, 7 counts; manufacture, 4 counts; possession of piperidine with intent to manufacture, 1 count.

Maximum: Life Imprisonment, without parole, and $150,000 in fines.

3. Donald Robinson, a/k/a "Dino," age 36, 2129 Bridgewater Road, Aston Township, Pennsylvania.

Position: National Treasurer (Treasurer of Mother Club).

Charges: RICO conspiracy, 1 count; RICO, 1 count; attempt to possess with intent to distribute, 3 counts.

Maximum: Imprisonment for 55 years and $95,000 in fines.

4. Richard Richter, a/k/a "Cheyanne," age 39, current address unknown.

Position: National Sergeant-at-Arms (Sergeant-at-Arms of Mother Club).

Charges: RICO conspiracy, 1 count; RICO, 1 count; possession with intent to distribute, 4 counts.

Maximum: Imprisonment for 60 years and $110,000 in fines.

5. Kenneth Weaver, a/k/a "Shadow," age 43, 117 West Devonshire Avenue, Linwood, New Jersey.

Position: President, Atlantic County, NJ, Chapter.

Charges: RICO conspiracy, 1 count.

Maximum: Imprisonment for 20 years and $25,000 in fines.

6. Thomas McKnight, age 42, 998 Shavertown Road, Boothwyn, Pennsylvania.

Position: Associate of the PMC.

Charges: RICO conspiracy, 1 count; RICO, 1 count; possession with intent to distribute, 3 counts.

Maximum: Imprisonment for 55 years and $95,000 in fines.

7. Michael Lawless, a/k/a "Caveman," age 26, 6402 Buist Avenue, Philadelphia, Pennsylvania.

Position: Member of Philadelphia, PA, Chapter.

Charges: RICO conspiracy, 1 count; RICO, 1 count; manufacture, 1 count; possession of piperidine with intent to manufacture phencyclidine, 1 count.

Maximum: Imprisonment for 50 years and $80,000 in fines.

8. Michael Giordano, a/k/a "Bugsy," age 32, 2738 Cantrell Street, Philadelphia, Pennsylvania.

Position: Member of the PMC.

Charges: RICO, conspiracy, 1 count; RICO, 1 count, attempt to manufacture, 1 count; distribution and possession with intent to distribute, 6 counts.

Maximum: Imprisonment for 75 years and $155,000 in fines.

9. Charles Moore, a/k/a "Uncle Charlie," 2904 C Street, Philadelphia, Pennsylvania.

Position: Member of the PMC.

Charges: RICO conspiracy, 1 count; RICO, 1 count; possession of piperidine with intent to manufacture phencyclidine, 1 count.

Maximum: Imprisonment for 45 years and $65,000 in fines.

10. John Gavis, a/k/a "Wacker John", age 39, address unknown.

Position: Member of the PMC.

Charges: RICO conspiracy, 1 count; RICO, 1 count; manufacture, possession of piperidine with intent to manufacture phencyclidine, 1 count.

Maximum: Imprisonment for 55 years and $95,000 in fines.

These indictments were developed by the Organized Crime Drug Enforcement Task Force of the Mid-Atlantic Region, one of 12 such Task Forces created by President Reagan and Attorney General William French Smith to combat the involvement of organized crime in drug trafficking, and are the result of an intensive two-year probe into the illegal drug manufacturing and drug distribution activities of members and associates of the PMC. This investigation, coordinated by the Drug Enforcement Administration, the Federal Bureau of Investigation and the United States Attorney's Office in Philadelphia, has also relied on the substantial cooperation of federal, state and local law enforcement agencies throughout the East Coast, including the Bureau of Alcohol, Tobacco and Firearms, the Pennsylvania State Police, the New Jersey State Police, the Maryland State Police, the Delaware County District Attorney's Office, the Suffolk County, New York District Attorney's Office, the Chester County District Attorney's Office, the Philadelphia Police Department, the New Castle County, Delaware Police Department, and the Egg Harbor Township, New Jersey, Police Department.

This case was presented to the Grand Jury and will be prosecuted by Terri A. Marinari, Chief, President's Drug Task Force, and Assistant United States Attorney Thomas H. Lee, II.

Prior to their indictments, the two year investigation has resulted in the arrests of 49 defendants, seizure of four clandestine

PCP laboratories and confiscation of over ½ million dollars in assets.●

THE HELSINKI ACCORD AND SOVIET JEWS

● Mr. D'AMATO. Mr. President, today, August 1, 1984, marks the ninth anniversary of the signing of the 1975 Helsinki accord. This international agreement, endorsed by the Soviet Union, guarantees certain fundamental human rights to all peoples in the Soviet Union. Under the Helsinki accord, the Soviet Union is obligated to respect the freedom of thought, conscience, religion and belief of all human beings. By signing this agreement, the Soviet Union agreed to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms, all of which derive from the inherent dignity of the human person and are essential for his free and full development."

The U.S.S.R. also agreed to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family." Yet, the Soviet Union has flagrantly violated every one of these provisions.

As a member of the Commission on Security and Cooperation in Europe which monitors adherence to the Helsinki pledges, I am deeply disturbed by the continuing blatant suppression of basic human rights in the Soviet Union and throughout the world. Every day over 2½ million Soviet Jews are denied their fundamental rights guaranteed by the Helsinki accord. They are not allowed to openly practice their religious beliefs: they are not allowed to possess Bibles, Sabbath candles, yarmulkes or other means neccesary to the practice of their faith. Parents are not allowed to teach and pass on to their children their religious and cultural heritage. The Soviet Union suppresses the study of Hebrew language and Jewish culture, confiscates Hebrew books, breaks up classes and arrests Hebrew teachers. Soviet Jews have no seminary to train prospective clergy, no right to publish or to organize and no opportunity to maintain ties with other Jews abroad. Young Jews are denied admission to public universities because of their faith; others are denied jobs and stripped of their academic degrees. All Jews in the Soviet Union are victims of the escalating anti-Semitic campaign by the Soviet Government which incorporates virulent propaganda into many areas of official and public media.

Most disturbing of all, practically every Jew who requests permission to emigrate to Israel or to the United States is refused a visa. Those who apply for visas risk losing their jobs, their social status, their civil rights, their communication with the outside world and their hopes of living in a world free of persecution.

On this ninth anniversary of the signing of the Helsinki Final Act, I reiterate my personal concern over the plight of Soviet Jews and the merciless restriction of their emigration. In spite of the commitments it undertook in Helsinki, the Soviet Union has now closed and almost locked the gates of Jewish emigration. The number of Soviet Jews permitted exit visas has plummeted from a peak of more than 51,000 in 1979 to a projected total of fewer than 1,000 in 1984. This current Soviet policy leaves thousands of Jews trapped in a repressive country, outcasts in their own society and unable to enjoy basic human rights.

Many refuseniks first applied for exit visas before the signing of the Helsinki accord and they are still waiting today for permission to emigrate. The Greater New York Conference on Soviet Jewry this week issued a list of 166 such families, many of whom have been waiting up to 15 years. These people are being denied the most basic human rights and many of them are serving jail or prison terms. In a recent development, Sakhar Zunshain of Riga, was tried and sentenced in July for pursuing a legal course of action. He was jailed because he made formal, legal appeals to the authorities for permission to emigrate to Israel and then protested the refusal.

Iosif Begun, Ida Nudel, Anatoly Shcharansky, the Brailovsky family and the Yakir family are names of Jewish activists and refuseniks familiar to most of us. But these names only touch the surface, for the list of other refusenik families continue on and on and on. When the Helsinki accord was signed by the Soviet Government, hope for a more humane future was instilled in the citizens of the Soviet Union. We must persevere in our efforts to ensure that those hopes are realized. The Soviet Union must be pressured to recognize its international commitments and guarantee the human rights so vital to the lives of its Jewish people and, indeed, of all people.●

CAPE VERDE: A FORCE FOR PEACE

● Mr. PELL. Mr. President, I would like to draw the attention of my colleagues to an informative and interesting article entitled "Cape Verde: From Way Station to Diplomatic Crossroads," which appeared recently in Africa Notes published by the Georgetown University Center for Strategic and International Studies. This article, written by Alex Rondos, traces Cape Verde's development from Portuguese colony through independence to mediator in the southern African conflict.

Under the capable leadership of President Aristedes Pereira, Cape Verde has facilitated direct communication between the leaders of Angola, South Africa, and the United States on the Namibian question and has encouraged both Angola and Mozambique to reach accommodations with South Africa in order to end the warfare in southern Africa. Although one of the smallest states in Africa and geographically removed from the area of conflict, Cape Verde, as Rondos points out, has been an effective intermediary and force for peace because of its close cultural and linguistic ties to Mozambique and Angola, also former Portuguese colonies, and its longstanding friendship with the United States.

The United States and Cape Verde have enjoyed good relations since the early 19th century, when Cape Verdeans were recruited to serve as seamen on American whaling ships. Over the years, thousands of Cape Verdeans have come to the United States and settled primarily in the New England area. They have made invaluable cultural and economic contributions to our country and, by sending money to relatives and friends on Cape Verde, have played a vital role in that island nation's difficult but determined effort to achieve economic development.

Today, there are some 300,000 Americans of Cape Verdean descent, and I am proud to say that more than 30,000 of them live in my home State of Rhode Island.

The United States and Cape Verde will continue to be drawn together by family ties and by a common commitment to peace not only in southern Africa but in the world as a whole. For those unfamiliar with Cape Verde's contribution to the quest for peace in Africa, I highly recommend Mr. Rondos' article. Mr. President, I ask that the full text of this article be printed in the RECORD.

The article follows:

[From Africa Notes, June 20, 1984]

CAPE VERDE: FROM WAY STATION TO DIPLOMATIC CROSSROADS

(By Alex Rondos)

Cape Verde, one of Africa's most minuscule ministates, emerged from obscurity beginning in the late 1970s to provide the venue for some of the earliest and most delicate talks that laid the groundwork for the developing detente in southern Africa (see "Destabilization and Dialogue: South Africa's Emergence as a Regional Superpower" by John de St. Jorre in CSIS Africa Notes no. 26, April 17, 1984). How did this tiny nation of 10 islands and 5 islets (1,557 square miles in all, with a population of some 300,000), located halfway up the western coast of Africa and some 400 miles offshore, become so directly involved in the dialogue between South Africa and its neighbors?

Some of the answers can be found in the country's history and economic plight. But the Cape Verde story also illustrates an

aspect of contemporary Africa that we tend to ignore or underrate—the capacity of Africans for autonomous diplomatic initiatives. Observers who sweepingly ascribe the current "detente" trends in southern Africa to Western shuttle diplomacy and/or to abject submission by South Africa's neighbors to military coercion do not take sufficient account of the hard, strategic thinking that has been going on within African councils since the late 1970s. The initiatives taken by the Africans themselves to encourage and facilitate dialogue between the protagonists in southern Africa reflect a high degree of consensus on a key strategic point—that first priority must be given to containing and dealing with the divisive issues of the region in regional terms, which means keeping superpower influence and involvement from escalating into military confrontation.

THE LUSOPHONE CONNECTION

In addition to a shared language, the five African states colonized by Portugal (Angola, Cape Verde, Guinea-Bissau [formerly Portuguese Guinea], Mozambique, and São Tomé and Principe) have a common bond in that they are among the relatively few African countries in which armed struggle was required to achieve independence. Cape Verde's President Aristides Maria Pereira shares with Mozambique's President Samora Machel a firsthand appreciation of the role (and the costs) of violence as a tool of political change.

The Cape Verde archipelago was uninhabited until its discovery by the Portuguese in 1456. With the beginning of colonization in 1462, the settlers brought African slaves to the islands, and most of the country's present inhabitants are the racially mixed descendants of these two groups. When Portugal's overseas territories were officially incorporated into the Portuguese state in 1951, Cape Verde was considered the most "assimilated" of these holdings, and Verdeans were favored over other Africans in employment as (minor) civil servants in the mainland colonies. Nevertheless, many Verdeans resented Portugal's neglect of the islands' economic development, and found common cause with the Partido Africano da Independencia da Guiné e Cabo Verde (PAIGC) formed by Amilcar Cabral in Portuguese Guinea in 1956. Indeed, one Verdean—President-to-be Pereira—was a cofounder of the PAIGC with responsibility for the party's security and intelligence operations.

Born in 1922 of a Verdean family, Pereira initially worked in the Bissau post office and was a senior postal clerk when he turned to liberation politics. While lacking Cabral's academic credentials and skills as a revolutionary theoretician, Pereira proved to be a talented administrator and problem-solver. On September 19, 1959 six weeks after 50 Africans were killed and 180 wounded when police fired on striking workers at Pidgiguiti, the PAIGC executive decided to proclaim an all-out independence struggle "by all possible means, including war." In 1960, Pereira set up an exile headquarters for the PAIGC in Conakry, Guinea.

A new phase of generalized armed rebellion in Portuguese Africa began in March 1961 when an insurrection broke out across a wide area of northern Angola. The PAIGC entered the fighting in earnest in 1963, and Mazambique in 1964. The islands of Cape Verde, kept under relatively tight control by Portuguese police and military, were used as a place of confinement for political prisoners from the other African possessions and from the metropole.

In January 1973, Cabral was assassinated in Conakry, apparently by a Portuguese-infiltrated PAIGC splinter group. Pereira was seized by the assassins while working late at his PAIGC office, and put aboard a boat bound for Portuguese Guinea. The vessel was stopped by a naval patrol of the Conakry government before he could be handed over to the Portuguese, and he subsequently succeeded Cabral as PAIGC secretary-general.

On July 5, 1975 (in the year following the military coup in Potugal that effectively ended the colonial era), Cape Verde achieved independence under a PAIGC regime headed by Pereira as president. It was widely assumed that, in accordance with the party's longstanding policy, the next step would be federation with the PAIGC government of Guinea-Bissau. Toward that end, a Council of Unity was formed on January 12, 1977 comprising the heads of the legislatures of the two countries and six colleagues from each side. But there were already signs, as Pereira acknowledged, that "the road to unity cannot be an easy one."

Beginning with a meeting in June 1979 in the Angolan capital of Luanda, the leaders of the five lusophone states have gathered almost every year (March 1980, September 1982, December 1983, and April 1984) to discuss political and economic issues of common interest and concern, and various forms of mutual assistance.

REJECTION BY GUINEA-BISSAU

On November 14, 1980, a military coup in Guinea-Bissau led by Africans of mainland descent displaced a government whose leader (Luiz de Almeida Cabral, brother of the slain PAIGC founder) and predominant element were mesticos (racially mixed) of Verdean origin. While other issues were also involved, the coup came shortly after Assembléia Nacional Popular had approved a new constitution decreeing that resident Verdeans would henceforth enjoy the same rights and be subject to the same duties as citizens of Guinea-Bissau and be "so considered." This clause was perceived by mainland blacks as confirmation of an intention to consolidate more power in the hands of Verdeans of mixed descent with personal loyalty to Cabral.

The new government of Guinea-Bissau affirmed its adherence to the PAIGC's domestic policies, but opposed the idea of close ties with Cape Verde. These positions were confirmed at a November 1981 congress of the ruling party (which ironically maintained its original name). Meanwhile, Cape Verde's leadership regretfully acknowledged the reality that the idea of close ties with Guinea-Bissau was dead for the foreseeable future by changing the name of the Verdean ruling party to the Partido Africano da Indepêndencia de Cabo Verde (PAICV); a constitutional amendment to this effect was passed in February 1981.

Relations between the two countries improved after the January 1982 release of Luiz Cabral, and diplomatic ties have been resumed. The mediation of Mozambique's President Machel played a key role in the rapprochement.

THE ECONOMY: PROBLEMS WITHOUT END

With a 1981 per capita gross national product of $340, Cape Verde is categorized by the World Bank as a low-income country. This is an understatement. The islands suffered 10 disastrous droughts between 1748 and 1948, each resulting in the death from famine of between 10 and 40 percent of the population. The lastest drought began in 1968 and is still going on. Although mass starvation has been averted by Western bilateral and multilateral food aid, population pressure on the less-arid islands has impelled many islanders over the years to migrate to a variety of destinations. Some 80,000 are in Angola—an incentive for Verdean diplomatic efforts to promote the kind of regional changes in southern Africa that might lead to an improvement in Angola's economic health. Others have made their way to Guinea-Bissau, São, Tomé and Principé, the United States (there are some 300,000 U.S. citizens of Verdean origin, most of them living in the New England states), and Portugal. Remittances from these emigrants and former nationals are an important source of foreign exchange for Cape Verde, reportedly covering about 40 percent of the trade deficit in 1979.

Although a third of Cape Verde's citizenry work in the agricultural sector, some 90 percent of the food consumed comes from abroad. In 1981, export earnings covered only 4.3 percent of import costs. Portugal is the main trading partner, followed by the Netherlands. International assistance amounted to $140 million between 1975 and 1980, but the government remains too impoverished to implement its plans for economic development infrastructure.

The most promising economic resource is Cape Verde's position on Atlantic sea and air routes. Although the international airport on Sal Island is under-utilized, it is a major source of employment and hard currency. A decision that was politically difficult but economically pragmatic was Cape Verde's agreement to allow South African Airways continued landing and refueling rights after independence. SAA accounts for some 90 percent of the airport's traffic, and the fact that Cape Verde is readily accessible to South Africans is surely one of the reasons for its slection as a meeting place for negotiations on southern Africa. In an interview published in the November-December 1983 issue of Africa Report, Pereira dealt straightforwardly with a question on why Cape Verde has continued to allow SAA to land:

"This is a problem that goes back to the beginning of our independence, because at that time decisions had already been made to boycott South African planes and ships. We analyzed the situation and found that we should not suspend the landing rights of South African planes. After independence, we realized that in our case it was very difficult to go ahead with sanctions, because we are islands and our communications with the exterior are very difficult. Therefore, we needed the airport. Because we didn't have financial resources to maintain the airport, it had to maintain itself by providing service. Just two planes—TAP of Portugal and South African Airways—utilized the airport at that time. We tried to attract other airlines, but this was not possible. Our choices were to boycott South African Airways and to have to close the airport, or to keep the airport open. Anyone in our situation would choose the second.

"We have had the opportunity to listen to our friends from the ANC [African National Congress], and they have understood our position. Therefore, within our government, we decided to continue to accept these planes, and it is something we have never hidden. We declared this publicly at the level of the OAU, in spite of their decision to boycott. An OAU mission visited us to verify the conditions under which we au-

thorized South African planes to land, and a subsequent OAU decision incorporated the Cape Verde government's decision, meaning that the OAU found that in our specific case it is normal that we not boycott South African planes. Given this OAU decision, and the ANC's agreement, we feel that we have taken all interests into account."

DIPLOMATIC INITIATIVES, 1979-84

On January 25, 1979, the government of Cape Verde hosted a secret meeting between representatives of the Angolan and South African governments. In the ensuing five years, President Pereira has made trips to most of the Front Line states of southern Africa and to Washington, and has hosted a range of key Front Line, South African, and American personalities and delegations. Special importance is attached to his role as an intermediary between the United States and Angola.

In addition to the reasons previously noted that have enabled Cape Verde to play a role in the distant southern African crisis (South African access to the Sal Island airport, Capt Verde's linguistic and cultural ties with the two lusophone Front Line states, and Pereira's zest for the role of mediator), there is a special political affinity between Cape Verde and Angola that goes back to the pre-independence relationship between Pereira and the late Agostinho Neto, Angola's first president. It was that relationship which made possible the initial 1979 Angolan-South African meeting. The large number of Americans of Verdean origin has also been a factor in the development of U.S.-Verdean diplomatic relationships in the years since independence.

Finally, the direct experience of the Verdean leadership with the waging and ultimate resolution of a liberation struggle has left them with a perspective oh the southern African situation that meashes with that of President Samora Machel of Mozambique. Quoting Machel in a recent interview with Jeune Afrique ("One chooses one's friends but not one's neighbors"), Pereira went on: "Neither Mozambique nor Angola will be able to liberate our brothers from a universally condemned regime . . . And the fact that the two countries are plunged into a state of permanent war is of no help at all . . ." President Pereira does not mask his concern that rejection of South African peace overtures by Mozambique and Angola would not help blacks within South Africa in any substantial way, and might actually make their situation worse by bringing into being a permanent confrontation like that between Israel and the Arab states—one which would give Pretoria an excuse to adopt a crisis-management posture that would involve increased repression of South Africa's blacks. There is concern as well that continued fighting would increase the risk of further superpower involvement.

Cape Verde also shares Machel's doubts that the necessary conditions for a classical guerrilla war of liberation yet exist in South Africa. In the absence of self-sustaining bases of political support within the Republic's borders, raids launched from outside South Africa can accomplish little enduring significance. Finally, a distinction is drawn between the struggle of the Portuguese colonies against foreign domination and the situation in South Africa, where the white population has no place to go and will have to be accommodated in whatever power-sharing arrangement ultimately emerges. For all of these reasons, the Verdeans have come to believe that an end to warfare in the region and an emphasis on peaceful struggle within the Republic is most likely to promote movement toward a more just South Africa.

While Verdean emissaries have travelled frequently and extensively during the last two years, it is not easy to pin down their precise movements. It does appear, however, that the third lusophone summit, held in the Verdean capital of Praia on September 21-22, 1982, served as a catalyst for the negotiations that took place between Angola and South Africa on Verdean soil later that year. Some of the other dates to mark down:

On November 10 and 23, 1982, U.S. Vice-President George Bush stopped off at Praia at the start and end of a two-week tour of Africa. At both of these meetings the possibility of a summit between Angolan and South African officials was discussed.

On December 7, 1982, Angolans and South Africans met in Cape Verde for the first time since 1979. The Angolan delegation was led by Minister of Interior Manuel Alexandre Rodrigues (Kito) and the South African delegation by Foreign Minister Roelof ("Pik") Botha and General Magnus A. de M. Malan, minister of defense. The two sides reportedly did not go far beyond airing their respective positions, and some of the debate may have centered on the question of South African support for the UNITA guerrillas in Angola; if the Cubans were to withdraw from Angola, what guarantee would Angola's MPLA regime have that Pretoria would not continue to back UNITA?

The prospects for a second high-level meeting faded as a consequence of a step-up in South African military activity against SWAPO bases in Angola shortly after the December 1982 talks, but a low-level follow-up meeting took place in Cape Verde on February 23, 1983.

The second half of 1983 was marked by another round of intense diplomacy. Pereira visited Mozambique in early September, where President Machel publicly praised him for his role in facilitating talks between Angola and South Africa. In early October, Pereira left for what had originally been announced as a private visit to the United States but turned out to be a fairly high-profile event that included a meeting with President Reagan.

The next key development was the December 18-20, 1983 lusophone summit in Bissau. Participants in the preparations for the meeting have confirmed that it was significant in several ways: the five governments agreed to back fully any negotiations and agreements by Angola and Mozambique with South Africa (by this point Machel had clearly decided on the road to Nkomati); they agreed to proceed in tandem; and, according to several sources, they also began outlining a "revision in the strategy" with regard to dealings with South Africa.

Since the Bissau meeting, the lusophone states have taken a lead role in the effort to build a consensus among OAU members. On April 27-28, a lusophone summit in Maputo reinforced the support for the peace moves. It was followed by an April 29 Front Line summit in Arusha, Tanzania, which reaffirmed its participants' "total and unqualified commitment to the liberation struggles" in South Africa and Namibia, but made no promise of further practical support to the ANC and SWAPO, other than catering for refugees.●

NATIONAL HOSIERY WEEK

● Mr. HELMS. Mr. President, the week of August 12-18 marks the 14th annual observance of National Hosiery Week. I am proud to pay tribute once again to this important industry, which has played such a vital role in our free enterprise system.

In many communities, hosiery manufacturers are major employers. They provide jobs and produce revenue for operating State and local governments. More than anything, though, they provide good quality of life for the people in the communities where they are located, and quality products.

Mr. President, the average hosiery company is a small- or medium-sized business. Most are family owned, and located in small towns and cities throughout the country. Yet they employ 65,000 workers in 415 plants and have total retail sales of more than $6 billion.

Mr. President, this week is especially significant to me because more hosiery mills are located in North Carolina than in any other State. I am very proud of that. Incidentally, the average hosiery mill produces 9 million pairs a year and employs 158 workers.

During National Hosiery Week, retailers across the country will join the celebration as stores display all types of hosiery for the entire family. Mr. President, the hosiery industry is a good example of how well the free enterprise system works, and what it means to the people of this country.

North Carolina is proud of its distinctive leadership in the hosiery industry, and we are grateful for the fine quality of life this industry has provided for so many people.

On behalf of my fellow North Carolinians, I extend my sincere thanks and congratulations to the hosiery industry for the outstanding job it is doing for the people of our State and Nation.●

FLOW OF SUBSIDIZED PRODUCTS INTO THE UNITED STATES

● Mr. QUAYLE. Mr. President, one of the least emphasized issues facing this Nation is our response to the flow of subsidized products into our country. As a nation, we have a very casual attitude toward free trade. Today's modern vocabulary speaks not just of free trade but of fair free trade.

Fair free trade is a bit like apple pie, motherhood, and the American flag. However, when it comes to enforcing fair free trade, our actions have simply not met our rhetoric. One of the industries most affected by subsidized products is our steel industry.

Having a viable steel industry is not only important to my State of Indiana, but it is important to our Nation and its national security as well. Over the past years, I have worked with the steel industry—both management and labor—to obtain more productivity,

capital investment, and modernization of our steel mills. The 1981 Economic Recovery Tax Act was most helpful in this respect, providing the long-needed incentives to modernize. Although great strides have been made, and our steel industry is more productive, efficient, and modernized today than it was 5 years ago, there still looms before us the problem of subsidized steel being dumped into this country.

I have always maintained that the most effective way to deal with nations dumping steel, or any other product, is through direct, reciprocal actions. As a matter of policy, we should vigorously prohibit subsidized steel or other subsidized products from entering our borders.

There are basically three ways to counter steel imports. First, we could have current trade laws vigorously enforced. Our antidumping laws could be enforced through tariffs and countervailing duties. We could further promote fair free trade through strict adherence to the GATT agreement.

Second, we could achieve voluntary arrangements and agreements with particular countries that are dumping products into this Nation. We have, for example, a voluntary steel agreement with Europe that was executed in 1982. Thus far, I believe it has worked.

Finally, we can impose quotas as a means of retaliation. I have been in steadfast agreement with the steel industry representatives that quotas should be our last resort, but, unfortunately, we are now at that point of last resort. The trade laws have not been enforced. We do not have any import-restricting agreements with such violators as Brazil, Argentina, and Korea. We have no alternative but to insist on quotas for our remedy.

I am, therefore, cosponsoring the Fair Trade in Steel Act of 1984, S. 2380. As a strong proponent and friend of the steel industry, I feel we have simply run out of alternatives.

As every Senator should know, the U.S. steel industry is in trouble. Prices for steel products, according to industry data, have dropped since 1981 because of the unfair trade facing the industry. The industry has lost over $4.5 billion during the last 2 years alone. Steel imports have risen precipitously. Capturing an average of 9.3 percent of the U.S. market during the 1960's, imports rose to a level of 15.3 percent in the 1970's. They then swelled to 20.5 percent of the domestic market in 1983, and they surged to 26 percent this past January and February. This has resulted in a sharp drop in employment in the steel industry, from a level of 570,000 during the peak production year of 1979 to only 346,000 in 1983. Employment in Indiana has dropped from an annual average of just over 68,000 in 1979 to 49,700 in 1983.

We also know the steel industry is presently undergoing an extensive modernization process. This modernization effort is absolutely essential if the steel industry is to survive. During this modernization process, however, the industry is being forced to face increasing imports of steel from foreign producers, much of this steel being subsidized by the foreign producers' governments.

We simply cannot ignore this practice which takes unfair advantage of our economic principles and which places our steel industry at a disadvantage. This basic unfairness was recognized by the International Trade Commission [ITC] on June 12, 1984, when it ruled—in response to a section 201 petition under the 1974 Trade Act—that the U.S. steel industry was indeed being injured by these steel imports. The ITC's recommended solution, however, is simply not adequate to address the very real, very urgent, and very unfair problems which face this industry.

I hope my cosponsorship of the Fair Trade in Steel Act of 1984 will serve as a strong signal to President Reagan that he should go beyond the ITC recommendations and call for limitations on the full range of subsidized steel imports. A subsidy by another name is simply unfair trade. Decisive and quick action is needed to achieve an effective solution to this painful situation.

While the focus of this bill, and of the ITC's recommendations, is on the grievous effect that subsidized steel imports are having on the U.S. steel industry, we must not forget that this is only one side of the coin. I support taking this decisive action against the importation of subsidized steel into the United States while the domestic steel industry is modernizing with the clear understanding that the industry must uphold its part of the bargain.

My support of the Fair Trade in Steel Act presumes the commitment by steel industry management and labor to significant increases in modernization investment by the industry and the continuation of the worker/management partnership of recent years that has resulted in very promising and encouraging increases in productivity and efficiency. The continuation of this partnership and productivity trend is essential to the industry's future health and competitive ability.

I believe that the President and the Congress have a responsibility to assist industries that are targets of unfair trade practices. However, in taking up S. 2380 or similar legislation, Congress must not be seen as heralding a new age of protectionism. We all must realize that protectionism does not and will not address the root cause of the problem. Fair free trade is still clearly the best way to make use of our resources and distribute the world's wealth. In cosponsoring S. 2380, I am not advocating adoption of a new national policy, but joining in an act of self-defense—a measure of last resort in indicating to the President and the world that we need action and need action now.

In conclusion, I firmly feel that action must be taken to allow the steel industry the time and the financial means to undertake the essential and badly needed modernization. The American people cannot begrudge the steel industry the chance to do this. This industry must use this respite to continue to work to become more competitive, or the efforts and sacrifices will be in vain. Finally, and as a further step in this effort, I believe we in Congress and those in industry must call upon the appropriate committees of jurisdiction to look at our trade laws to see why these laws have so clearly failed to function as intended.●

TRIBUTE TO NEW JERSEY POW'S AND MIA'S

● Mr. LAUTENBERG. Mr. President, over 10 years ago this Nation witnessed the final withdrawal of American ground troops from Southeast Asia. For most families this was a time of joy and reunion. For 27 families in New Jersey, and thousands of others nationwide, it was a painful reminder that their sons had not yet come home. The families of our POW's and MIA's have worked tirelessly to locate these men. Their courage, sacrifice, and dedication has been an inspiration to all of us. We must make their cause our cause.

Americans disagreed on U.S. participation in the Vietnam war. However, despite these differences, all Americans speak in one voice in demanding that the governments of Southeast Asia account for our POW's and MIA's. We cannot rest in our efforts until we are completely satisfied that this has been done.

In the last 10 years the families of the POW's and MIA's have been the conscience of the Nation on this issue. They deserve our heartfelt thanks and support. On August 6, Senator BRADLEY and I, along with our colleagues in the New Jersey congressional delegation, will be honoring these families at a ceremony in Clifton, NJ. They will be presented with commemorative medals issued by Congress in recognition of their courage and dedication.

I ask that the names of New Jersey POW's and MIA's appear in the RECORD following my remarks. These men served courageously when their Nation called, and they and their families should be honored today.

The list follows:

POW'S AND MIA'S

NAVY

AX3 Eric John Schoderer, USN
LTJG Dennis Michael Ehrlich, USNR
CDR Donald Richard Hubbs, USN
LT Robert Franklin Barber, USN
LTJG Charles Brooks Pfaffman, USNR
CDR Carl Benjamin Austin, USN
LT John Richard McDonough, USNR

AIR FORCE

MAJ Phillip L. Mascari
SSGT Frederic T. Garside
SGT Larry W. Maysey
LT COL Henry P. Brauner
LT COL Joseph T. Kearns, Jr.
TSGT Donald K. Springsteadah
1LT Donald W. Bruch, Jr.
MAJ George J. Pollin
MAJ Eugene M. Pabst

ARMY

SGT Joseph D. Puggi
SP4 Walter E. Demsey, Jr.
1LT Thomas W. Knuckey
SSG Frank David Moorman
SFC Arthur E. Bader, Jr.
SSG Walter A. Cichon
SFC Robert F. Scherdin
CW3 Walter F. Wrobleski
CW3 Douglas Lee O'Niell

MARINES

MAJ James T. Egan, Jr.
LCPL Theothis Collins●

ENTERPRISE ZONES: TIME FOR THE FEDS TO BOLSTER STATE SUCCESS

● Mr. DOLE. Mr. President, while Congress has procrastinated on President Reagan's enterprise zone initiative to revitalize distressed areas, the States have moved boldly ahead and made great strides in targeted tax and regulatory relief to stimulate economic growth. While State enterprise zone programs vary considerably in their scope and the specific types of relief they offer, they share the goal of spurring development by removing artificial barriers imposed by government and drawing on the latent resources of the community and its people to spark renewal.

As the Wall Street Journal reported on July 31, "while the issue is debated in Washington, State-established enterprise zones are slowly breathing new life into distressed inner cities and small towns across the country. These islands of tax and regulatory advantage have sprung up in 16 of the 23 States enacting enterprise-zone legislation since 1981." States and localities are making enterprise zones work. But many of the States are proceeding in the expectation that Federal legislation will be passed, and that is where we have fallen down. Federal incentives will give enterprise zones the kind of boost that can give the inner cities and depressed rural areas their best chance in years to regenerate themselves.

Mr. President, the important thing about enterprise zones is that the plan uses simple incentives to bring to bear the full resources of the neighborhood, of the business community, of civic organizations, and of the people themselves to bring about economic renewal. The Senate has now passed Federal enterprise zone legislation twice, and the House has balked at giving the program a chance. This is a matter that transcends partisanship, and now that we are ready to try again on enterprise zones, I hope that the vital experiments now going on in the States will convince Members that now is the time to act.

Mr. President, I ask that the Wall Street Journal article of July 31 on State enterprise zones be included in the RECORD at this point.

The article follows:

STATES EXPAND ENTERPRISE ZONES DESPITE LACK OF FEDERAL INCENTIVES

(By Joann S. Lublin)

Despite President Reagan's renewed efforts, there seems to be little chance that Congress will enact his plan this year for federally supported business-enterprise zones.

But many states aren't waiting for Washington to act: Even without federal incentives, hundreds of communities are offering tax breaks to businesses to help revive depressed areas.

As one of his six legislative goals for the remainder of the year, the president wants Congress to enact his three-year-old plan for enterprise zones. But Mr. Reagan is facing an apparently immovable obstacle in the form of Democratic Rep. Dan Rostenkowski, chairman of the House Ways and Means Committee, who criticizes the Reagan proposal as a needless giveaway to business. The Treasury Department estimates the program would cost the government $3.4 billion in lost revenue in its first five years.

ISLANDS OF ADVANTAGE

Mr. Rostenkowski's opposition alone is probably enough to block the bill's passage, and the president is expected to respond in campaign speeches by rebuking Congress for its inaction. But while the issue is debated in Washington, state-established enterprise zones are slowly breathing new life into distressed inner cities and small towns across the country. These islands of tax and regulatory advantage have sprung up in 16 of the 23 states enacting enterprise-zone laws since 1981.

By year-end, businesses will have invested or committed nearly $2 billion in more than 300 communities' zones, generating or retaining about 60,000 jobs, estimates the Sabre Foundation, a nonprofit Washington think tank.

"I think the success has been more than you would have expected, especially when you consider the states don't have a lot to offer in the way of tax incentives," says Stuart Butler, a British economist who is a leading advocate of the zones.

Indeed, most states set up their program to take advantage of Mr. Reagan's proposal. The administration's plan would designate 75 zones over three years. Businesses operating in those zones would be exempted from all capital-gains taxes and 75% of corporate income taxes, and their employees would receive individual income-tax credits.

State and local tax breaks, however, are only about 20% as lucrative as the proposed federal tax advantages, the Sabre Foundation says. Thus, large companies have been reluctant to enter the zones. "What's in place are some goodies, but not enough," says Melvin Taylor, who is building an ice cream-making plant in a Baltimore enterprise zone.

But the lack of federal action isn't likely to cool states' enthusiasm for the programs. Five additional states are considering authorizing enterprise zones, and at least two are likely to pass bills soon. "Some of them are doing it because . . . otherwise they're at a competitive disadvantage" with states already promoting such programs, says Richard Cowden, who edits a newsletter on enterprise zones for the Sabre Foundation.

The amount of business investment in an enterprise zone often depends on the generosity of the tax incentives offered. Connecticut's breaks, for example, include temporary property-tax abatement, certain salestax exemptions, income-tax reductions and job-training reimbursement. Since fall 1982, businesses have invested or committed about $97 million to the state's six zones, mainly for commercial projects. About 6,000 jobs have been created or retained.

"We are flabbergasted at how much difference they (the incentives) have made in revitalizing areas," says Carol Gaetjen, manager of Connecticut's enterprise-zone program. In New London's zone, for instance, a $20 million office park is going up on 25 acres of waterfront land left vacant by slum clearance eight years ago. The acreage "was something sitting there waiting to happen, and the zone was the trigger," Mrs. Gaetjen says.

Tax savings for businesses in enterprise zones can be substantial. SFE Technologies of San Fernando, Calif., last month opened a $9.5 million, 100,000 square-foot electronics parts plant in a New Orleans zone. The expected saving of nearly $200,000 just from reduced sales taxes on equipment and construction materials influenced the choice of the location, a company official says.

By contrast, the major lure of Florida's enterprise-zone legislation—a credit on the state's already low corporate income taxes—is less appealing. "It's just not that toothy right now," concedes Tim Nugent, director of a redevelopment agency in Tampa's Tybor City, a historic, former cigar-making district that became an enterprise zone years ago.

Many city officials often find they must package tax incentives with regulatory favors and other inducements to persuade companies to expand, remodel or set up operations in the rundown areas. Among the extra aids: streamlined or "one-stop" shopping for building and other permits, public works improvements such as lighting and sewer repairs, and low-cost loans to small businesses.

Such packaging made a difference for Spiegel Inc., the Illinois mail-order catalog concern. It considered a Sun Belt relocation of an obsolete mail-center complex in Back of the Yards, a depressed Chicago manufacturing area that is now an enterprise zone. Instead, Spiegel will spend $20 million to modernize the 1,900 employee complex. The city's relaxation of certain building code requirements, along with state tax breaks and retraining aid, persuaded Spiegel to stay in Chicago, according to the company.

Some localities are also making extra efforts to alter the public view of an enterprise-zone neighborhood as a blighted slum, beset by crime and declining property values. They increase police patrols or enlist community groups and local merchants in neighborhood cleanup campaigns. The Illi-

nois law allows city-owned commercial property to be "shopsteaded"; a city can donate a building to a community group for activities such as a child-care center.

POOR IMAGE OFTEN PERSISTS

Nevertheless, a depressed area's poor image often persists even after revitalization begins. Physical improvements take time, and changing the community's perception takes even longer, says Gregory Dunn, project manager for the South Norwalk, Conn. enterprise zone.

The proliferation of new, small concerns in many enterprise zones presents another problem. Such companies tend to employ few workers or demand highly technical skills that local residents may lack. "Unfortunately, what (the zone) needs are some very labor-intensive businesses," says William Regan, who runs Teaching Computer Systems Inc., a five-person concern, in the Baltimore zone. He brought his staff with him when he moved from Columbia, Md., and doesn't expect to employ more than a few others.

The richer array of tax incentives offered by the pending federal legislation might attract a better mix of small and big businesses to enterprise zones. Mr. Taylor who is building the ice cream plant in Baltimore, says he expects eventually to employ 300 people, and reap more than $1.5 million in property and corporate income-tax breaks over three years. Yet a federal enterprise-zone program, Mr. Taylor insists, could "change the whole complexion of investment in this country.●

WILLIAM R. HOWARD LEADS PIEDMONT AIRLINES

● Mr. HELMS. Mr. President, yesterday William R. Howard, president and chief executive officer of Piedmont Airlines, addressed the luncheon meeting of the Washington Aero Club. Bill Howard is a remarkable citizen. Under his dynamic leadership, Piedmont Airlines has met the challenge of deregulation. For example, Mr. President, according to figures released earlier this week, Piedmont Airlines recorded during the second quarter of 1984 the largest operating profit in its 36-year history.

Bill Howard is an outstanding executive and a fine man. He has a great deal to say worth listening to regarding the state of the aviation industry today, and in particular about how Piedmont Airlines has prospered following deregulation.

I ask that the text of Mr. Howard's speech before the Washington Aero Club on July 31, 1984 be printed in the RECORD at the conclusion of my remarks.

The material follows:

ADDRESS OF WILLIAM R. HOWARD, PRESIDENT AND CHIEF EXECUTIVE OFFICER, PIEDMONT AIRLINES

Although from time to time I have had the privilege of attending a number of Aero Club meetings, this is my first opportunity to appear before you. I am honored at the opportunity to discuss our company with you, the membership of the oldest and most prestigious aviation club in the U.S.

During the next few minutes I am going to try to explain, by word and picture, where Piedmont has been, where it is, and where it is headed, under deregulation.

As I am sure some of you are aware, since deregulation Piedmont has, percentagewise, been the fastest growing of the conventional airlines. That growth has been based on strategies that have been somewhat unconventional—and yet have been reasonably successful. Let me show you what I mean by unconventional.

Before I do so, however, I should tell you that at 11:30 this morning, here at a press conference in this building, we announced service to two new cities. Effective November 1 Piedmont will commence service with three daily round trips between Evansville, Indiana and our Dayton hub, and on that same day we will commence service with two round trips between Rochester, NY, and our Baltimore hub. In both cases those cities receive a wide range of connecting service to major eastern and southern cities—providing them with far better air transportation than they have ever before experienced. With us at the press conference was Congressman Frank Horton representing Rochester, and Congressman Francis X. McCloskey, Congressman from Evansville, and Evansville's Mayor Michael Vandeveer. We very much appreciate the time these gentlemen have taken to participate in these announcements this morning. I assure you gentlemen, we'll do our very best to make you pleased and proud of the service we will be providing to Evansville and to Rochester.

As many of you will recall, in October of 1978 when Congress deregulated the airline industry, the most common airline reaction was that deregulation would offer some marvelous opportunities for airlines to at last get into some "greener pastures" where other carriers were making profits. For example, one of the east/west transcontinental carriers jumped in the New York-Florida market and one of the east coast to Florida carriers jumped into the transcontinental market. Both thought they saw opportunities to seize a share of the other's lucrative market. Since that time both of those carriers have backed out of those markets. That reaction to deregulation has been repeated many times across the country and in one case, at least, the attempt to get into too many new major routes, resulted in at least the temporary demise of that Texas carrier.

As I have said, Piedmont has been among the fastest growing of any of the carriers since deregulation. We have added Boston and Pittsburgh and Philadelphia and Miami, Tampa, Orlando and Memphis, New Orleans and Dallas, Houston and Denver, and the list goes on. In each case those are major U.S. cities.

The significant difference between what we have done, and what most others have done—and not everyone seems to recognize the difference—is that in virtually every case, Piedmont's new routes are between a new large city and a much smaller city where no nonstop service had previously been provided. In most cases that new service was provided in a market so small that many doubted that it would work. For example, when we started our first hub at Charlotte, we inaugurated Charlotte-Boston, Charlotte-Miami, and Charlotte-Dallas service. In each case those were regarded as marginal opportunities that probably could not work. We were betting however that between our use of smaller jet aircraft (737's) with two engines and two pilots, and the self-feed that we would provide at those new hubs, that we would make them work.

They did work, and as a result, people in a city like Fayetteville, for example, have daily round-trip commuter service to 26 important markets through our hub in Charlotte. Although a few airline critics have suggested that the hub is for the benefit of the airline and not the passengers—try telling that to the people of Fayetteville or any of a dozen similar cities in the Carolinas or Michigan or Ohio or more recently New York or Rhode Island or Connecticut. Try telling them that their new Piedmont hub with well-timed service to and from a medium sized hub is not a real asset.

As we completed the major work on our first hub at Charlotte, we began to work on a blueprint to create a wholly "new Charlotte," a new hub which would provide better service to a whole handful of cities than had previously been possible. In July of 1982 we opened a new hub at Dayton, which will provide Evansville, for example, with the opportunity to go to Boston or New York or Washington among others, and return home the same day. The Dayton hub became profitable almost from the start, and we provided the quality of transportation that has never before been enjoyed by Dayton or by the Ohio and Michigan and Indiana cities that it feeds.

Then in July of 1983 we opened a new similar hub in Baltimore. Try telling the people in Providence, or Hartford, or Albany, for example, that a hub of this kind does not provide far more service than any possible combination of linear routes would do—and here is the service opportunities that Congressman Horton's city of Rochester will get from two daily round trips to Baltimore, and here are the service opportunities Mayor Vandeveer's Evansville will get from their round trips to Dayton.

Please, Admiral Engen, don't tell those that live in the Fayettevilles or the Grand Rapids or the Akron/Cantons or the Providences or any of the other 40 feed cities that Piedmont serves that this service through three new hubs has not been an advancement in air transportation for the benefit of the air traveling public. We have not only convenienced travelers by providing service between big cities and medium cities not heretofore possible, but we have spread that traffic across the country, away from the major hubs to the smaller hubs. From an ATC standpoint that spreading should have been a relief. Most of the traffic that used to flow from the Carolinas to Boston flowed over New York, and most of the traffic that used to flow from our area to Florida flowed over Atlanta, as did the traffic to Dallas/Ft. Worth and Houston. Some of the peaking that occurred at those major hubs has unquestionably been pulled away from them and moved to more manageable airports. Thus the new smaller hubs should aid, not hinder the ATC efforts.

Undeniably, the results for Piedmont have been good. Passenger growth, revenue passenger miles, revenues, operating profit, net profit are in good shape. I should mention that both the operating profit and the net profit for the first half of 1984 are very nearly the same as they were for the total year of 1983. We will have a good 1984.

What about our service to the greater metropolitan Washington area? I wonder if you knew that Piedmont provides the most scheduled service to the area with over 80 jet departures a day today, and 91 by November 1st. And if you want to include the commuter flights associated with those airlines, the comparison is even more dramatic. Shortly after we announced the new Balti-

more hub, we also announced the purchase of Henson Airlines which had 59 departures a day at Baltimore/Washington International itself, with the result that we have *far* more service at BWI, and more service covering the Baltimore/Washington area than any other carrier. It's clear that with our growth plans at Baltimore, that edge will only be enhanced.

During that period Piedmont's stockholders equity—and our equity per share—have all improved impressively—and perhaps most important of all, even in light of Piedmont's rapid growth, when we more than tripled our jet aircraft fleet, our debt/equity ratio has improved each year, and we expect further improvement in 1984.

On November 1st of this year we will add some impressive new services—these will include the Rochester and Evansville service I mentioned, and a round trip between Charlotte and San Francisco and a round trip between Dayton and San Francisco; daily round trips between Baltimore-Dayton; Dayton-Denver; and Baltimore-Columbia.

And in spite of it all I haven't really told you the thing of which I am most proud. I am most proud of our passenger complaint to compliment ratio. Almost one-to-one—one complaint to one written compliment—and our CAB complaint record is about as good as any in the industry.

Obviously, we at Piedmont are pleased and proud of our progress, but certainly not everything is going well. During the last 18 months the frequency of our ATC delays has increased more than 50%, and the length of the average ATC delay has doubled during that same time period—and that's not the worst of it. The worst of it is that most of those increases are generally during periods of good weather. Our passengers tend to understand ATC delays in bad weather, but they tend to disbelieve you when the sun is shining.

Earlier in this talk I grumbled about Admiral Engen's occasional reference to hubs as being the source of ATC delays. In fairness, however, I want to tell you that I honestly think that our new FAA Administrator, Admiral Engen, is an able man who has undertaken a difficult task, and will make progress with it. He is convinced that he is getting at the roots of the problem, and I expect to see some results—but it won't come a minute too soon. Passengers are being inconvenienced, millions of gallons of jet fuel are being wasted and tempers are running short. Airline passengers, through billions of dollars in passenger taxes, have paid for a truly first rate ATC system. The money is available, the technology exists, and the need in indisputable. We need now to get on with the job—on a high priority basis.

Thank you so very much for this opportunity to chat with you this afternoon.●

IN SUPPORT OF WORLD FOOD DAY

● Mr. D'AMATO. Mr. President, I rise this afternoon to join as a cosponsor of Senate Joint Resolution 332, legislation proclaiming October 16, as "World Food Day." The purpose of this legislation is to increase the awareness of the American public to the serious problems of world hunger.

Mr. President, as many as half a billion people around the world still suffer from hunger and malnutrition. These numbers are simply unacceptable. Many of these people inhabit the newly developing countries of the world. Many of these mostly African countries are plagued by recurring natural catastrophes and inadequate food production. Their problems are in dire need of international attention. Crises like the African drought and the accompanying starvation may be expected to arise again, requiring a widespread humanitarian response from the world's greatest food producers, of which we are the leader.

We are very lucky in the United States; we have been blessed with agricultural abundance and it is in the traditional American spirit of generosity that we provide assistance to less fortunate countries through programs such as the Food-for-Peace Program—Public Law 480. Through cooperation with private organizations, business, and other developing nations, we must continue in our efforts to ease the pain and suffering caused by hunger.

This World Food Day resolution is part of a continuing effort to generate an understanding of the world's food problem. World Food Day, October 16, will be dedicated to exploring ways in which our Nation can further contribute to the elimination of hunger in the world.

I heartily encourage the prompt adoption of Senate Joint Resolution 332.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

Mr. BAKER. Mr. President, I have consulted with the minority leader and the clearance process on our side. I now make the following unanimous-consent requests.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow. I further ask unanimous consent that after the recognition of the two leaders under the standing order there be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business until 12 noon, with statements therein limited to not more than 5 minutes each.

Mr. President, I ask unanimous consent that the time for the vote on the cloture motion under the provisions of rule XXII be changed until the hour of 3 p.m. and that the mandatory quorum under the provisions of that rule be waived.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, that is the end of the request.

May I explain that in this sequence, if the order is granted, at 12 noon we would be back on the motion, under the provisions of the Budget Act, to waive section 303 of that act in order to proceed to the agriculture appropriations bill. We would stay on that until the hour of 3 p.m. At 3 p.m., under the order, if it is granted, we would have the vote on cloture without the preliminary quorum call. If cloture is invoked, Mr. President, we would remain on the nomination until it is completed. If cloture is not invoked, we would resume consideration of the motion if it had not been previously disposed of.

That is my interpretation of the request. Could I inquire of the Chair if it concurs in that interpretation?

The PRESIDING OFFICER. That would be correct.

Mr. BYRD. Mr. President, this request meets with the feelings of our people on this side of the aisle. I just wanted to make sure it was clearly understood that there would be no debate on the nomination or on cloture prior to 3 o'clock. In other words, those 3 hours would be used between 12 and 3 on the motion by the distinguished majority leader to provide the waiver in connection with the agriculture appropriation bill. So I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, I thank the minority leader, and I thank all Senators who have considered this matter in the clearance process.

Mr. President, I have a few things that are cleared for action by unanimous consent on this side. If the minority leader is prepared to do it, I am prepared to go through my file and see how far we can go.

Mr. President, first, I would propose to call up H.R. 5890, which is at the desk, if the minority leader has no objection.

Mr. BYRD. No objection.

COMMISSION RELATING TO MARTIN LUTHER KING, JR., HOLIDAY

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 5890 not at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

31-059 O-87-9 (Pt. 16)

A bill (H.R. 5890) to establish a commission to assist in the first observance of Federal legal holiday honoring Martin Luther King, Jr.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, The Senate proceeded to consider the bill.

AMENDMENT NO. 3589

(Purpose: To establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Maryland [Mr. MATHIAS], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. MATHIAS, proposes an amendment numbered 3589.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Congress finds that—

(1) January 20, 1986, marks the first observance of the Federal legal holiday, established by Public Law 98-144, honoring the birthday of Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

SEC. 2. There is established a commission to be known as the Martin Luther King, Jr. Federal Holiday Commission (hereinafter in this Act referred to as the "Commission").

SEC. 3. The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and

(2) to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of such holiday.

SEC. 4. (a) The commission shall be composed of—

(1) four officers from the executive branch, appointed by the President;

(2) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the minority leaders of the House of Representatives;

(3) four Senators, appointed by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate;

(4) Coretta Scott King and two other members of the family surviving Martin Luther King, Jr., appointed by such family;

(5) two individuals representing the Martin Luther King, Jr., Center for Non-Violent Social Change (a not-for-profit organization incorporated in the State of Georgia), appointed by such organization; and

(6) fourteen individuals other than officers or employees of the United States or Members of Congress, appointed by the members of the Commission under paragraphs (1) through (5) of this subsection from among individuals representing diverse interest groups, including individuals representing labor, business, civil rights, and religious groups, and entertainers.

(b) Not more than half of the members of the Commission appointed under each of paragraphs (2), (3), (5), and (6) of subsection (a) shall be of the same political party.

(c) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) Members of the Commission shall serve without pay, but may, subject to section 7, be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 5. (a) The Commission shall first meet within 30 days after the date of enactment of this Act. At this first meeting the Commission shall elect a chairperson from among its members and shall meet thereafter at the call of the chairperson.

(b) The Commission may encourage the participation of, and accept, use, and dispose of donations of money, property, and personal services from, individuals and public and private organizations to assist the Commission in carrying out its responsibilities under this Act.

(c) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this Act.

SEC. 6. (a) The Commission may appoint a director and a staff of not more than five persons, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Subject to section 7, the Commission shall set the rates of pay for the director and staff, except that the director may not be paid at a rate in excess of the maximum rate of pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, and no staff member may be paid at a rate in excess of the maximum rate of pay for grade GS-13 of such General Schedule.

(b)(1) Upon the request of the Commission, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its responsibilities under this Act.

(2) Each head of such department or agency is authorized to cooperate with and assist the Commission in carrying out its responsibilities under this Act.

SEC. 7. All expenditures of the Commission shall be made from donated funds.

SEC. 8. Not later than April 20, 1986, the Commission shall submit a report to the President and the Congress concerning its activities under this Act.

SEC. 9. The Commission shall cease to exist after submitting its report under section 8.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3589) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5890) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, I now say to the minority leader that I have cleared on this side two items on today's Calendar of Business, and that is Calendar Order Nos. 1074 and 1076. I wonder if the minority leader can clear either or both of those matters.

Mr. BYRD. Mr. President, I am happy to respond in the affirmative.

Mr. BAKER. I thank the minority leader.

REDUCTION OF EMIGRATION FROM THE SOVIET UNION

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 1074.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 279) expressing the sense of the Congress regarding the reduction of emigration from the Soviet Union.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with amendments.

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

H.J. RES. 279

Whereas the number of Jews allowed to emigrate from the Soviet Union [has] decreased from fifty-one thousand *in 1979* to **[**two thousand**]** *about thirteen hundred* last year, a drop of *over* 95 per centum;

Whereas the Soviet Union signed the Helsinki accords on August 1, 1975, which bound them to allow **[**the free emigration of ethnic nationals;**]** *freedom of movement, including emigration;*

Whereas the Soviet Union has grossly violated that agreement by refusing emigration to Soviet Jews and by harassing, intimidat-

ing, and punishing those Soviet Jews who apply for exit visas under the provisions of the accords;

Whereas the Soviet Union has [banned] *systematically interfered with the practice of* The Hebrew language and culture and severely restricted Jewish religious expression;

Whereas the Soviets have made it almost impossible for Soviet Jews to [seek] *obtain* higher education and meaningful employment inside the Soviet Union;

Whereas the Soviet Union uses mental hospitals and *abuses of* psychiatric [torture] *treatment* to punish dissenters and refuseniks; and

Whereas the Soviets have violated the United [Nation's] *Nations'* Declaration of Human Rights, to which they are a party, by refusing free emigration for Soviet Jews and others: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should [insist on] *urge* Soviet compliance with the Helsinki accords and the United Nations' Declaration of Human Rights at [the current CSCE Review Conference and] the General Assembly of the United Nations *and at all other appropriate international meetings,* especially as these documents relate to the emigration of Soviet [Jews] *Jews,* as a sign of Soviet good will in other negotiations.

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMUNITY PLANNING ASSISTANCE TO INDIAN TRIBES

Mr. BAKER. Mr. President, next I ask the Chair to lay before the Senate Calendar Order No. 1076, H.R. 4952.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4952) to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4952) was ordered to a third reading, was read a third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSE JOINT RESOLUTION 453 ORDERED HELD AT DESK

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives from the House, House Joint Resolution 453, the National High Tech Week resolution, that it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR ITEMS INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I have a list of matters that are cleared to be indefinitely postponed on this side. If the minority leader would permit me to do so, I would like to read that list now, and see if he objects to any of them. I may say in advance that what I propose to do is make one unanimous-consent request that that action be taken as to those which are cleared on both sides.

The measures involved, Mr. President, and cleared for indefinite postponement on this side are as follows: Calendar Order 141, S. 1280; 142, S. 1281; 143, S. 1282; 144, S. 1283; 177, S. 1288; 178, S. 1289; 179, S. 1290; 181, S. 1292; 206, S. 662; 240, Senate Joint Resolution 86; 505, H.R. 4139; 537, S. 2062; 657, S. 1059; 799, H.R. 5394; and 1058, S. 2853.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, that is all I have in today's folder. If any other Senator seeks time, I am prepared to yield the floor. I see no Senator now seeking recognition.

Therefore, I move in accordance with the order previously entered that the Senate now stand in recess until the hour of 11 o'clock a.m. on tomorrow.

The motion was agreed to; and at 6:01 p.m., the Senate recessed until tomorrow, Thursday, August 2, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate August 1, 1984:

THE JUDICIARY

Paul M. Bator, of Massachusetts, to be U.S. circuit judge for the District of Columbia circuit, vice, a new position created by Public Law 98-353, approved July 10, 1984.

Juan R. Torruella del Valle, of Puerto Rico, to be U.S. circuit judge for the first circuit, vice a new position created by Public Law 98-353, approved July 10, 1984.

Emory M. Sneeden, of South Carolina, to be U.S. circuit judge for the fourth circuit, vice, a new position created by Public Law 98-353, approved July 10, 1984.

Frank H. Easterbrook, of Illinois, to be U.S. circuit judge for the seventh circuit, vice, a new position created by Public Law 98-353, approved July 10, 1984.

Cynthia Holcomb Hall, of California, to be U.S. circuit judge for the ninth circuit, vice, a new position created by Public Law 98-353, approved July 10, 1984.

Charles E. Wiggins, of Virginia, to be U.S. circuit judge for the ninth circuit, vice, a new position created by Public Law 98-353, approved July 10, 1984.

Thomas J. Aquilino, Jr., of New York, to be a judge of the U.S. Court of International Trade, vice Frederick Landis, retired.

HOUSE OF REPRESENTATIVES—*Wednesday, August 1, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, our Creator, in our service to You help us to reach out and include, rather than exclude. Help us to open doors so there are no outsiders, for it is in serving Your people that we truly serve You. Our love for You, O God, whom we cannot see, will be judged by how we love those whom we can see. Whatever we do to the least of Your people, we do to You. Guide us in all we do so that we may see a more just and peaceful world. This we ask in Your name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule 1, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 577. Joint resolution designating August 1984 as "Polish American Heritage Month"; and

H. Con. Res. 342. Concurrent resolution relative to adjournment to a date certain during the remainder of the 98th Congress.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 268) "An act to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes."

NATION'S GOVERNORS OFFER THEIR OWN BALANCED FEDERAL BUDGET PLAN

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, a distinguished group of this Nation's Governors have announced their intention to propose their own balanced Federal budget.

We welcome any serious effort to identify possible budget savings and to prepare the American public for the uncomfortable choices that we will have to make to reduce our deficit.

If the Governors' effort is going to be a constructive venture, it will have to be more than just an exercise in rhetoric.

They will have to look into their own State budgets for places to make economies. They must not assume that the budget can be balanced while their own favorite programs, such as revenue sharing, industrial development bonds, and farm price supports, and so forth, remain untouchable.

We look forward to hearing from the Governors, and hope that they will help lead the way to the kind of austerity and self-sacrifice that is essential if the Federal deficit is to be brought under control.

WARSAW UPRISING

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, August holds great historical significance for Poland and those in the fight for justice and freedom. Today marks the 9-year anniversary of the Helsinki accords on human rights, largely ignored by the Soviet Union.

Forty years ago today, the freedom fighters of the Polish underground, the home army, began a struggle to free Warsaw from Nazi forces. During the entire battle Soviet forces camped across the Vistula, refusing to aid the Poles, and after 63 days the heroic home army was destroyed and Warsaw was demolished by the Nazis with the aid of the Communists.

On August 31, 4 years ago, the Solidarity Union entered into an agreement with the Polish Government recognizing once again the spirit of free Poland, but just weeks later the Soviet-dictated government imposed martial law and crushed this movement for freedom and democracy. As one dissident said: "On that night, it was not I who was arrested, it was freedom. It is not I who am a prisoner today, it is Poland."

Today I pray that the administration recognizes this as it considers loosening its sanctions.

ADMINISTRATION HARMFUL TO THE POOR

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker and my colleagues, a week or so ago in his Presidential news conference, President Reagan indicated that there "was not one single fact or figure," in his words, to substantiate the charge that his administration has been harmful on the poor. Well, I have done some checking. Under the Reagan administration, 1,500,000 Americans have been excluded from our efforts to help Aid to Families With Dependent Children.

Under the Reagan administration, because of his budget cuts, 3,900,000 children no longer receive a school lunch. If the President is elected for another term, his budget indicates that he wants to cut $5.7 billion from America's medicaid program, which goes only to the poor.

This President simply does not understand how his budget is harmful to the poor, or as a high school senior in Montana said to me 2 weeks ago, "Congressman, this President is out of it."

SHE'S A BIG SPENDER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last week it was reported in the national press that GERALDINE FERRARO, Democratic candidate for the Vice Presidency, attacked President Reagan as no friend of the poor and calling herself a fiscal conservative.

She went on to hit the President hard on the Federal deficit stating, "The current economic recovery is fueled by those deficits. It's a national shopping binge paid from money borrowed from the Federal Government."

It's interesting to note the facts, as recorded by the National Taxpayers Union [NTU]. Mrs. FERRARO's rating with that watchdog agency was 18 percent in 1982, and 16 percent in 1983, making her voting for big spending over 80 percent of the time. She is a big spender. NTU's year-end figures from 1982 reflected the worst 25 percent of those voting for high spending—all were Democrats. Including the Democratic Vice Presidential nominee GERALDINE FERRARO.

AN ALARMING ELECTION-YEAR POLITICAL MOVE

(Mr. PICKLE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, since the President's announcement last week that he would seek a cost-of-living increase for Social Security beneficiaries, there has been a growing outcry from citizens, the press, and public officials.

They condemn this action for what it is: An alarming election-year political move.

The American people are wise enough to realize that the President and many in both national parties are simply tinkering with Social Security in an attempt to gain votes in November.

We created the Social Security cost-of-living law in 1972 to take Social Security out of election year-politics. Now, President Reagan is thrusting it back into politics.

The House should not hastily rubberstamp the Senate's bill to enact the President's proposal. We should examine it carefully and thoroughly, and decide if this is the responsible thing to do. If we pass this legislation, it should be because it is sound public policy—not merely because it is good electioneering.

TIM DAGGETT AND THE OLYMPIC GOLD

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, even though I'm not his coach, his proud parent, or even his neighbor from West Springfield, MA, I am Timmy Daggett's Congressman, and my heart leapt like every other American's last evening when he cinched his team's gold medal, punching down to a perfect landing for a perfect "10" in the high bar competition.

This "can do" men's gymnastic team, only hoping for a bronze to put our country on the map in this competition, did the impossible last evening at the Pauley Pavilion in Los Angeles. In a sport completely dependent on individual performance, this group of young American men worked as a team—each one taking pride in the others' performances and humbly but proudly accepting the golds for the United States.

I know I speak for Tim Daggett's friends and neighbors in western Massachusetts as well as for all his countrymen in saluting him and his teammates Widmar, Gaylord, Conner, Hartung, and Johnson. After years of sacrifice, practice, and determination, they have reached the pinnacle of success in this rigorous but beautiful sport. I thank them for sharing with us their dedication and instilling in us a deep sense of national pride.

□ 1010

JOEL W. "JAY" SOLOMON

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise with regret to inform the House of the untimely death of Joel W. "Jay" Solomon. Jay Solomon, to those of us privileged to know him, and to have had the opportunity to work with him in his endeavors, was both a fine community and business leader. Many of my colleagues in the House know him better as the Administrator of the General Services Administration from May 1977 to April 1979. During his tenure he spearheaded investigations into Government corruption, leading to 41 indictments and the conviction of 27 Government employees and contractors on fraud charges. His honesty, his integrity, and his desire to serve his country as effectively as possible was evident during his term as the GSA Administrator.

Mr. Speaker, Jay was a good personal friend and I will always feel honored to have known him. He was always there to lend a helping hand to his community and his country and the contribution he made to his community of Chattanooga, TN, is enormous. He was an outstanding businessman and built his own business, the Jay Solomon Development Corp., up to national prominence. In recognition of his achievements and the work he did for his fellow man, the Federal building in Chattanooga, which houses my own district office, was renamed the Jay Solomon Federal Office Building. He is survived by his wife, Peggy, and his two children, Joel and Linda.

SYNFUELS FUNDING CUT

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, tomorrow the House will consider a $10 billion cut in the synthetic fuels agency. This morning I would like to discuss with my colleagues the five worst arguments for the $10 billion cut.

The first argument is that a $10 billion cut will not affect pending applications before Synfuels; in fact, Synfuels today has authority for $8.6 billion in new applications. To cut $10 billion is to not leave 1 cent for new applications and, in fact, require SFC to cancel existing commitments.

The second argument is that after the $10 billion cut, the Synthetic Fuels Corporation will still have sufficient resources for research and development. This argument has been made repeatedly on the floor by those in favor of the $10 billion cut. Let us make it clear: Synfuels does not have the legal authority to spend one penny on R&D, and to suggest that it can is to really obfuscate the arguments before the House.

The third argument is that the Synthetic Fuels Corporation has funded a sufficient number and type of projects to prove that it is not feasible. In fact, the SFC has not funded one project in the Midwest or East involving our coal resources, although several pending applications are now at the agency.

The fourth argument is that a $10 billion cut will not discourage development of the synfuels industry; but, of course, that is not true. It would destroy credibility in the program and no corporation would be willing to invest in it in the future.

The fifth and final argument is that we no longer need a synfuels program in the United States. Today we still import one-third of our petroleum, the same percentage as at the time of the Arab oil embargo.

I urge my colleagues to vote "no" on the $10 billion Conte-Wolpe cut, and vote "yes" on the $5 billion Ratchford-McDade cut.

MONDALE CITES MASSIVE DEFICITS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I see in the morning paper that Mr. Mondale gave a speech yesterday in Cleveland in which he said massive deficits as far as the eye can see are undermining hopes of economic growth and black participation in the American dream.

Nothing could be better said or more eloquently stated. The only problem is, for a leader of the Democratic Party to complain about deficits is kind of like the young man who killed both of his parents and then, when he was brought to trial, he threw himself on the mercy of the court because he was an orphan.

Mr. Speaker, we have Discharge Petition No. 10 right here at the desk whereby we can bring the balanced budget amendment to the Federal Constitution to a vote. I would ask you in your leisure moments this morning to sign that discharge petition so that we in the House can have a vote on the issue so the people of this country can determine who truly is interested in bringing runaway Federal spending under control. You control the House. We cannot bring it to a vote until you say so. My request to you, sir: Let us have the vote.

THE MONDALE-CARTER YEARS OF DOUBLE-DIGIT INFLATION

(Mr. BILIRAKIS asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, let's go back 4 years in time. Remember when the Mondale-Carter team left office in 1980? Remember the 2 back-to-back years of double-digit inflation? I am sure the American people have not forgotten.

I am also sure that the American people will not forget that Ronald Reagan has brought inflation under control. In 1983, the Consumer Price Index fell to 3.8 percent—less than a third of what it was under Mondale-Carter. The average American has more money that goes further because of the drop in inflation. Confidence in the economy is soaring as consumer spending, after being adjusted for the low inflation, has skyrocketed by 10 percent—the largest quarterly increase in two decades. The American people will remember the Mondale-Carter administration was the administration of runaway inflation.

INTERNATIONAL PARLIAMENTARY GROUP [IPG] FOCUSES ON SOVIET HUMAN RIGHTS ABUSES

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the location and condition of Andrei Sakharov remains unsubstantiated despite Soviet assurances. There is evidence that he is confined in a mental hospital in the city of Gorky and being treated with mind-altering drugs.

The Washington Post has taken editorial leadership in repeatedly devoting its lead editorial to the circumstances of Dr. Sakharov and the symbol that he represents to the world of Soviet repression of human rights.

Mr. Speaker, peoples throughout the world cannot understand why the Soviets continue to build detractors by cruelly persecuting their own people who are critical of their policies. If a system of government cannot tolerate criticism, it is obviously a system that ultimately will fail.

Perhaps enlightenment and an understanding of history will eventually catch up with the Soviet leadership. Until they do, pressure for change must come from outside.

One important effort to pressure for change is the newly formed International Parliamentary Group for Human Rights in the Soviet Union. It is a group of 400 parliamentarians from 13 free-world countries, all committed to fighting human rights abuses in the Soviet Union. I urge my colleagues to join.

MISERY INDEX AT 11-YEAR LOW

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, when President Reagan took office, many of this Nation's economic gurus predicted disaster on every front. Now, nearly 4 years later, they continue to speak of doomsday. Yet they ignore one of the most telling of our economic indicators, the misery index. Mr. Speaker, the misery index is at an 11-year low and promises to decline further.

The index, based on the sum of the unemployment rate and the 12-month change in the Consumer Price Index fell to 11.3 percent, its lowest level since the preoil embargo days of July 1973.

These soothsayers would have us elect to office a man who helped drive this index to an alltime high of 21.9 percent in June of 1980. Let's leave aside all the economic and political rhetoric and deal with the facts. The Reagan plan for economic recovery is working.

□ 1020

NATIONAL HIGH-TECH WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 453) designating the week of September 30 through October 6, 1984, as "National High-Tech Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 453

Whereas the economy of this Nation is closely tied to technological advances;

Whereas the United States has long been a leader in high technology development;

Whereas it is of the highest national interest to focus our collective abilities to maintain this leadership;

Whereas the national commitment to high technology development has been called into doubt;

Whereas the youth of the Nation need to have educational opportunities to grow and develop in a high technology environment; and

Whereas our youth should have a national focus on their high technology future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 30 through October 6, 1984, is designated as "National High-Tech Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, including programs aimed at educating the Nation's youth about high technology.

The SPEAKER. The gentlewoman from Indiana [Mrs. HALL] is recognized for 1 hour.

Mrs. HALL of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to my friend, the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding.

The minority has no objection to this joint resolution being taken up at this time.

Mr. DYMALLY. Mr. Speaker, House Joint Resolution 453 will provide a week at the beginning of the school year when teachers and parents will have the opportunity to focus the attention of students on the impact of high technology on their lives and careers. The main purpose of the week is educational.

The high-technology revolution will have such profound effects on the lives of all children that they cannot afford not to become prepared for changes it will cause.

Mr. Speaker, I ask for support of House Joint Resolution 453, and I wish to thank the gentleman from California [Mr. DANNEMEYER] and the Chair of the Subcommittee on Census and Population, the gentlewoman from Indiana [Mrs. HALL], for their support of this measure.

Mr. Speaker, the children of this country are being carried, perhaps unconsciously on their part, into a world where computers and the high technology that makes them possible, defines the possibilities and the limits of their experience. Jobs will be centered about computers just as some kinds of jobs will be lost because of computers and the robotics which they control. Our children spend their time, their money, and their leisure on activities made possible by computers. It is incumbent on us as parents, teachers, corporate and political leaders to see that our children are well enough informed about the world into which they are being thrust so that when their time comes, they will know how to live comfortably, prosperously, and happily in that world. That is why I am proud to announce that within a few minutes the House of Representatives will pass House Joint Resolution 453 which will set aside the week of September 30 to October 6, 1984, as "National High Tech Week"—a week which will give parents and teachers a time in which to focus their attention and that of their children and students on the implications of the high

technology revolution for their lives and careers.

We have chosen to symbolize the passage of this bill by sharing the podium with a robot. We have chosen this kind of symbol because I think it illustrates the kinds of options that are being offered our children. In our youth, this robot, which is being developed as a toy was not available at any price—not for industry and certainly not as a toy. Today a child can program this robot to speak, to play games, even to go across the room to get the software to plug into the child's video game machine. Children who learn to use this robot will have given themselves their first lesson in how to operate the sophisticated industrial robots that will make their cars, process their food, and protect them from hazardous materials in the future. I have chosen this symbol to demonstrate the need to teach our children to use wisely the high technology toys, tools, and machines that will play such an important part in defining the quality of their lives.

I would like to point out to everyone that a commemorative bill such as that for High Tech Week must have a majority of Members of Congress as cosponsors in order to assure passage. While my staff worked hard to gain the necessary cosponsors, I wish to commend Robert Haavind, the editor of High Technology magazine for making us aware of the usefulness of such a commemorative week through an article published in this magazine. Once we introduced the bill, Mr. Haavind was also very generous in helping us to explain to the various Members of Congress what an educational opportunity would be provided by High Tech Week. I am delighted that all of our work has resulted in passage of the bill. I believe this week provides an ideal focus for efforts to educate our children and the general public about the implications of the high tech revolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 6028, and to include extraneous matter, along with tables and charts.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES APPROPRIATION ACT, 1985

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. CONTE] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Florida [Mr. FUQUA] as Chairman of the Committee of the Whole and requests the gentleman from Texas [Mr. DE LA GARZA] to assume the chair temporarily.

□ 1025

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6028, with Mr. DE LA GARZA (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the distinguished gentleman from Kentucky [Mr. NATCHER] will be recognized for 1 hour and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, at this time we present for the approval of the House the fiscal year 1985 appropriation bill for the Departments of Labor, Health and Human Services, and Education, and related agencies.

It is an honor for me to serve on this subcommittee, Mr. Chairman, with my distinguished friend, the gentleman from Massachusetts [Mr. CONTE]. The gentleman from Massachusetts, as the Members know, is not only the ranking minority member on this subcommittee but he is the ranking minority member on the full Committee on Appropriations and is one of the able Members of the House. It is a distinct honor for me to serve with all of the members of this subcommittee, Mr. Chairman. These are all able Members of the House.

We consumed about 14 weeks in hearings on this bill. When we had the bill before the subcommittee, we heard testimony from several hundred witnesses from the executive branch and from outside groups, as well as Members of Congress. We have an excellent staff on our subcommittee, the same as we do on all the other subcommittees, Mr. Chairman, of the Committee on Appropriations.

This bill, Mr. Chairman, could actually be called the people's bill. It is the bill that contains the money for job training, the Job Corps, protection of pension funds, summer youth employment, the dislocated worker assistance program, worker safety and health, and Federal unemployment benefits and allowances. It contains money for training, job search, and relocation allowances under the Trade Act for the unemployed. It is the bill, Mr. Chairman, that contains the money for most Federal assistance for health and education.

Further, it is the bill, Mr. Chairman, that contains the money for veterans' employment services and biomedical research under the direction of the National Institutes of Health.

In this bill we have the money for alcohol, and drug abuse, and mental health programs and for medicaid. The social services block grant and the community services block grant are in this bill, along with money for compensatory education and education for the handicapped.

The bill, Mr. Chairman, further provides the money for vocational and adult education and higher and continuing education, money for library services and for ACTION volunteer programs, and money for the Offices of Civil Rights.

Therefore, Mr. Chairman, on our subcommittee we believe that this bill could be called "the people's bill."

In this bill we recommend the sum of $6,124,701,000 for the Department of Labor. For the Department of Health and Human Services we recommend $72,043,305,000.

For the Department of Education we recommend the sum of $17,191,262,000.

For related agencies we recommend the sum of $788,177,000. The grand

total of the departments and related agencies is $96,147,445,000.

The sum of $70,932,370,000 is mandatory. That means Mr. Chairman, it is fixed by law. Nothing as far as our committee is concerned can be changed. A total of $25,215,075,000 is discretionary money.

We deferred action, Mr. Chairman, on budget estimates of $7,196,306,000 for programs that are not authorized. We have held back the sum of $7,913,213,000 of our section 302 funding allowance under the House budget resolution for these programs after they are authorized: This is the 1984 level for these programs.

Seventy-four percent of the total appropriations in the bill is for entitlement programs. For discretionary programs, Mr. Chairman, in which spending is controlled throught the annual appropriation bill, the bill includes the figure that I just gave of $25,215,075,000, which is an increase of $3,539,181,000 over the budget but a decrease of $421,733,000 below the amount appropriated for these programs for fiscal year 1984. assuming that we eventually fund the deferred items at the 1984 level, we have $1,712,000 remaining in our section 302 funding allocation under the 1985 House budget resolution.

After 14 weeks of hearings, with hundreds of witnesses, as I pointed out, Mr. Chairman, in marking up this bill we decided to place the major increase in those parts of the bill that mean so much to the people. For job training programs, we recommend $1,886,151,000 for the period July 1, 1985, to June 30, 1986. For summer youth employment, we recommend $824,549,000 for the summer of 1986. This will provide a level of 818,000 jobs.

Those two programs that I have just mentioned, as the Members know, are forward funded programs.

For dislocated workers, there is $222.5 million for 1985. For the Job Corps, there is $600 million to provide for 40,500 enrollees.

For the Trade Act, there is $26 million.

For OSHA, Mr. Chairman, we recommend in this bill $219,652,000.

For the National Institutes of Health, we recommend $4,834,343,000.

Mr. Chairman, I would like to point out one fact in this particular part of the presentation of the bill. When my good friend, the gentleman from Massachusetts, Mr. SILVIO CONTE, the ranking minority member on this subcommittee and the ranking minority member on the full committee, and I were elected members of this committee, we had $75 million, as the gentleman remembers, for the National Institutes of Health. Think about it, Mr. Chairman. It was $75 million about 30 years ago, and now we are up to $4,834,000,000.

This is money that is well expended. It pertains to cancer, heart and stroke, and all of the biomedical research that means so much to our people. This is an increase of $505,325,000 over the budget request and $598,975,000 over fiscal year 1984.

□ 1030

For the National Cancer Institute, the bill that we recommend to the House contains $1,084,950,000, an increase of $73,034,000 over the budget and $92,293,000 over fiscal year 1984.

We have 6,200 new and competing research grants in the bill, instead of 5,000 requested in the budget and 5,272 as we have for fiscal year 1984. This is where the money is well expended. It goes to the universities medical schools, dental schools, and colleges throughout this country and the research facilities where biomedical research is conducted on all of the dread diseases.

We have $405,318,000 for alcohol, drug abuse, and mental health programs; there is $362,300,000 for the community services block grant.

For education, Mr. Chairman, we recommend $3,680,000,000 for chapter 1 grants for education of disadvantaged children; $1,298,540,000 for education for the handicapped; $1,215,400,000 for rehabilitation services; $5,079,000,000 for student financial assistance, including $3,753,000,000 for the Pell grant program.

We bring this program, Mr. Chairman, from a maximum grant of $1,900 to $2,100. We recommend that to this House.

We have $831,314,000 for vocational and adult education, the same amount as 1984 and the full amount authorized.

We have $50,000,000 for title VII for higher education facilities at the universities and colleges that they must compete for, Mr. Chairman. For the first time in a number of years, we recommend $50,000,000 in title VII of the Higher Education Act.

Library services were left completely out of the President's budget. We put it back in and recommend to you and to the House, Mr. Chairman, $86,880,000.

For the ACTION Agency, we recommend $147,722,000.

The CHAIRMAN (Mr. FUQUA). The time of the gentleman from Kentucky has expired.

Mr. NATCHER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, this is a good bill. This is the best bill that the Appropriations Committee has marked up for labor, health, and education since I have been a member.

At this time I would like to point out one other matter. The distinguished gentleman that sits in the chair, the chairman of the Committee of the Whole today, the gentleman from Florida [Mr. FUQUA] who presides over this bill, has presided over this bill on a number of occasions. He is one of the best presiding officers in the House and it is a distinct honor and a privilege for us to present this bill when the gentleman from Florida is in the chair, and I say to the distinguished gentleman, we appreciate the fact that he presides each time this bill is presented.

Mr. Chairman, it is a good bill. We recommend it to the House. I have a more detailed statement on the bill which I would like to insert in the RECORD at this point:

TOTAL APPROPRIATIONS FOR LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION PROGRAMS

H.R. 6028 as reported includes $96,147,445,000 in new budget authority for the Departments of Labor, Health and Human Services, and Education and Related Agencies.

Seventy-four percent of these funds, $70,932,370,000, is for entitlement programs in which funding levels are determined by the basic authorizing laws. The Committee recommendation for these entitlements is, in net, $169,224,000 more than recommended by the President but $1,327,336,000 less than appropriated for these programs in fiscal year 1984. This reduction is due principally to decreases in Federal support for State unemployment assistance.

The bill includes $25,215,075,000 for discretionary programs in which spending is controlled through the annual appropriation bill. This is $3,539,181,000 over the amount recommended by the President but $421,733,000 less than appropriated for discretionary activities in fiscal year 1984. The year to year comparisons are distorted by the fact that the Congress provided $2.9 billion in fiscal year 1984 to forward fund employment assistance programs under the Job Training Partnership Act. If these funds are excluded from the comparison, the bill provides an increase of $2,481,677,000 over 1984 for discretionary programs.

H.R. 6028 does not include funding for a series of activities for which authorizations have not yet been extended for 1985. These include some of the most important and most popular activities under our jurisdiction including Headstart, Refugees, Health Block Grants, Impact Aid, Nurse Training, etc. Consideration of Budget estimates totalling $7,196 million has been deferred for these programs. In fiscal year 1984 these activities received $7,913 million. Funding for these programs will be considered as soon as possible after the enactment of new authorizations.

In addition to the amounts included in the bill, very large sums are automatically appropriated each year for labor, health and human services and education programs under permanent law. The principal items in this category are the social security, unemployment compensation and railroad retirement trust funds. In the aggregate total budget authority for the Departments of Labor, Health and Human Services and Education and Related Agencies would increase to $382,477,611,000 in fiscal year 1985. This is $27,458,523,000 (7%) above the 1984 level. After consideration of the unauthorized programs is completed it is expect-

ed that total spending will exceed $390 billion.

DEPARTMENT OF LABOR

The bill provides a total for the Department of Labor of $6,124,701,000, including $4,907,301,000 for discretionary programs and $1,217,400,000 for entitlements. The bill exceeds the President's budget request by $299,530,000, all in discretionary programs, but it is below the 1984 appropriation by $9,631,147,000. The reduction from 1984 is accounted for by the fact that no 1985 appropriations are needed for advances to the Unemployment Trust Fund (the 1984 amount was $7.1 billion) and that the 1984 bill included a one-time transition appropriation of $2.9 billion for the Job Training Partnership Act.

We recommend $3,823,079,000 for programs under the Job Training Partnership Act for 1985, an increase of $212,455,000 over the President's budget. Most of the increase, $200,000,000, is for summer youth employment. In this bill we included $824,549,000 for the summer of 1986 and we provide an additional $100,000,000 for the summer of 1985 to bring it up to a total of $824,549,000. The regular appropriation for the summer of 1985 was included in the 1984 appropriations bill. For the Job Corps we provide $600,000,000 to maintain the current program level of 40,500 trainees.

The bill includes $26,000,000 for training and job search activities under the Trade Act. This is the same as last year. The President requested no funds for this.

For the State Employment Service we provide $740,398,000 for State allotments. This is the same as last year and the same as the budget request. The Committee recommends $35,000,000 to administer the Targeted Jobs Tax Credit, $15,000,000 more than last year. This program will continue to be financed by general revenue. We don't believe the Trust Fund should be used for this program. The bill includes $1,580,600,000 for State administration of the unemployment insurance system. The Committee reduced the request for contingency funds because of lower official unemployment rate estimates.

The Committee provided 50 additional Wage and Hour investigators, primarily for the Special Targeted Enforcement Program. This program is aimed at those industries that tend to employ illegal aliens.

We provided an additional $1,900,000 for OSHA State programs so that OSHA can continue to fund the New York State plan that was initially approved in 1984.

The bill includes $6,540,000 to enable the Bureau of Labor Statistics to implement the report on plant closings and mass layoffs. This report should provide much useful data to the Congress and the Executive Branch.

We approved seven new positions for the Inspector General to be used in the Office of Organized Crime.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The bill which we present today includes $72,043,305,000 for programs administered by the Department of Health and Human Services. This includes $10,568,609,000 in advance appropriations for fiscal year 1986 for the public assistance entitlements—principally Medicaid, Aid to Families with Dependent Children, Supplemental Security Income and Black Lung Benefits. The total recommended for the Department is $1,036,828,000 above the level requested by the President and $5,379,480,000 above the 1984 level. The bill does not include funding for numerous Health and Human Services programs for which the President's budget requested $6,272,376,000. These programs were not authorized at the time of mark-up of the bill. Funding for these programs, including such popular activities as Headstart, Low Income Energy Assistance, elderly feeding programs, Health Block Grants, research training and health professions assistance, will be considered as soon as possible after the enactment of authorizing legislation. Two entire accounts, the Human Development Services appropriation and the Health Resources and Services appropriation have been deferred in their entirety because of authorization problems.

There is no department or agency of the Federal government more important to the American people than the Department of Health and Human Services. Its activities form the heart of the so-called "safety net" system which provides for our neediest and most vulnerable citizens. More than 40 million Americans benefit directly from these programs either through direct financial help or through support services such as community health centers, crippled children's services and elderly feeding programs. In addition to these safety net programs, this department manages those programs which protect the health of our people through systems of biomedical research, disease control and health promotion. The amounts recommended continue this country's long standing commitment to these purposes. While there are substantial increases in this bill for the Department of Health and Human Services, we believe strongly that these are justified and that they deserve the support of this House.

DISCRETIONARY ACTIVITIES

Of the $72 billion included in the bill for the Department of Health and Human Services, $6,603,929,000 is for discretionary programs in which spending levels are determined through the annual appropriation process. The amount included in the bill for these discretionary programs is $603,813,000 above the comparable level allocated to these programs in 1984. This is an increase of approximately 10 percent. The level recommended by the Committee is $1,196,665,000 above the President's budget.

The increases over the budget recommended by the Committee are intended to accomplish a number of key objectives. First, the Committee has restored numerous programs to the 1984 level which the President's budget proposed to eliminate. Examples of these items include the Community Services Block Grant (+$354 million), the Work Incentives program (+$267 million), mental health clinical training (+$21 million), service demonstration projects for the chronically mentally ill (+$9 million) and child welfare research (+$10 million). Second the Committee bill includes substantial increases to take advantage of unprecedented opportunities in the biomedical research programs at the National Institutes of Health and the Alcohol, Drug Abuse and Mental Health Administration. The bill includes $5,142 million for biomedical research. This is an increase of $635 million—14 percent—over 1984. Third, the bill includes a number of smaller program increases for very high priority areas such as infectious disease programs at the Centers for Disease Control, nursing home safety inspections, and Medicare claims processing contract costs.

NATIONAL INSTITUTES OF HEALTH

The sixteen appropriations include in the bill for the National Institutes of Health, in the aggregate, amount to $4,834,343,000. This is an increase of $505,325,000 over the budget estimates and $598,976,000 over the comparable fiscal year 1984 appropriations. Within the total, the major appropriations are: $1,084,950,000 for the National Cancer Institute, an increase of $73,034,000 over the 1985 budget estimate, and $97,293,000 over the comparable appropriation for 1984; $764,135,000 for the National Heart, Lung, and Blood Institute, an increase of $73,282,000 over the budget estimate and $89,477,000 over the 1984 appropriation; $515,516,000 for the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, an increase of $59,127,000 over the budget request and $72,984,000 over the comparable appropriation for 1984; $412,987,000 for the National Institute of General Medical Sciences, an increase of $37,580,000 over the budget request and $46,153,000 over the comparable appropriation for 1984; $379,520,000 for the National Institute of Neurological and Communicative Disorders and Stroke, an increase of $44,431,000 over the budget request, and $54,026,000 over the 1984 appropriation; $355,728,000 for the National Institute of Allergy and infectious Diseases, an increase of $39,039,000 over the budget request, and $50,057,000 over the 1984 appropriation; $303,531,000 for the Division of Research Resources, an increase of $58,558,000 over the budget request, and $61,608,000 over the 1984 appropriations; $296,929,000 for the National Institute of Child Health and Human Development, an increase of $26,582,000 over the budget request, and $31,921,000 over the 1984 appropriation; $189,437,000 for the National Institute of Environmental Health Sciences, an increase of $11,604,000 over the budget request, and $16,441,000 over the 1984 appropriation; $171,097,000 for the National Eye Institute, an increase of $16,765,000 over the budget request, and $20,318,000 over the 1984 appropriation; $140,102,000 for the National Institute on Aging, an increase of $25,781,000 over the budget request, and $27,805,000 over the appropriation for 1984; and $95,826,000 for the National Institute of Dental Research, an increase of $8,612,000 over the budget request, and $11,516,000 over the 1984 appropriation. These are the 12 major research institutes and divisions. In addition, a total of $124,585,000 is included for the John E. Fogarty International Center for Advanced Study in the Health Sciences, the National Library of Medicine, the Office of the Director, and for Buildings and Facilities.

The Committee has deferred consideration of 1985 budget requests totalling $237,435,000 for unauthorized programs, including research training, medical library assistance, and cancer control and construction activities.

The Committee continues to place top priority on the support of basic biomedical research through the mechanism of the investigator-initiated research project grant.

The NIH is the largest source of support for biomedical research conducted in the universities, medical schools, dental schools, and research institutions of this Nation. For the past 35 years, the support of investigator-initiated research grants has been the principal mechanism of distributing funds provided for NIH-supported research. The Committee believes that the support of these projects must be sustained and enhanced so that the current momentum of scientific discovery is preserved and future health gains are assured. In recent years,

while the number of new and competing grants has stabilized at approximately 5,000, the award rates and paylines for these grants have declined and many excellent investigators have not received funding. The Committee, therefore, has increased the funding for NIH by $151,474,000 to support an estimated 6,200 new and competing research project grants. In distributing this amount among the individual institutes the Committee has followed the recommendations of the NIH Director which will raise both award rates and paylines for most of the institutes above the levels projected in the budget request.

Last year the Committee restored funds in the 1984 budget to support approximately 99 percent of direct costs for noncompeting projects and 96 percent of costs for competing projects. At these levels NIH was able to fund its grants at levels that prevailed in the years prior to the austerities of the 1982 and 1983 budgets. The 1985 request again proposes significant downward negotiations from study section recommendations and committed amounts. The Committee believes that these arbitrary reductions from full costs-beyond the discretionary adjustments considered appropriate by the awarding Institute threaten the very scope of the research being conducted. The Committee has added $106,072,000 over the request so that NIH may continue to support research project grants at levels more consistent with the historical policy that the Committee advocated in 1984 appropriations. With these additional funds noncompeting awards would be supported at about 99 percent of commitments and new and competing awards would be supported at about 97 percent of estimated study section recommendations.

NIH estimates that the bill will support a total of 18,294 research projects. This compares with 17,094 which would be supported by the 1985 budget request, 17,202 supported in 1984, and 16,921 supported in 1983. The total of 6,200 *competing* grants supported by the amounts in the bill by the 1985 budget request, 5,272 supported in 1984, and 5,389 supported in 1983.

It is generally recognized that the NIH intramural research program constitutes the single most outstanding biomedical and behavioral research institute in the world. The NIH campus brings together scientists with experience in many different fields to conduct research and facilitates extensive and fruitful collaboration. In addition, the diversified assembly of investigators in the intramural program serves as an asset in the administration of the NIH extramural programs. The Committee has provided the NIH intramural program with an additional $27,180,000 which will enable NIH to support the intramural program at the 1984 operational level, as well as to enhance further its scientific activities. This amount restores at least 442 positions (full-time equivalent) which were reduced in the FY 1985 request. The Committee believes that the proposed personnel reduction would adversely affect the intramural research program. This policy seems especially unwise at a time when the intramural program is producing such remarkable achievements as the recent discovery of the probable cause of AIDS.

The Committee believes that real dollar reductions proposed in the portion of total NIH resources available for other funding mechanisms such as centers, other research grants, and R&D contracts will disrupt the balance of programs that translate the results of basic research into treatment and prevention modes. The bill includes funds to support these programs at current levels.

In addition, the Committee has recommended selective increases including $24,621,000 to enable NIH to support an estimated additional 200 research career awards with a $10,000 increase in salary support; $3,304,000 for the minority biomedical research support program; $36,170,000 for major new clinical trials; and $28,221,000 for biomedical research support of which $10,000,000 is to be used for the shared instrumentation program. The Committee has long recognized the importance of research centers in bringing together the scientific and clinical expertise necessary for studying identifiable investigative and clinical problems and for rapidly applying discoveries generated by basic research. The Committee has provided increases for centers in most of the institutes. In addition, the Committee has included $20 million for the NIH Office of the Director for a new program of center grants with the twin goals of focussing on medical diseases or disorders which have a disproportionate impact upon the minority community, and of drawing into the extramural programs many fine educational institutions which have hitherto not participated adequately in them.

A number of laboratory buildings on the NIH campus have been operational for approximately 40 years. The support systems and architectural features of these buildings are obsolete and deteriorated. The Committee has included an additional $10,130,000 to enable NIH to continue the renovations which have been planned. In addition, the Committee has added $500,000 to update the design for the proposed National Institute of Child Health and Human Development building and its associated parking structure. This building would permit the consolidation of the intramural program of the NICHD, which is now scattered in 12 separate buildings.

The Committee has rejected the proposal to charge patients participating in research protocols at the Warren G. Magnuson Clinical Center for "nonresearch related services." This proposal could disrupt the unique research mission of the Clinical Center and adversely affect the ability of the NIH to recruit research subjects into its studies. The Committee has, therefore, restored the $7,500,000 budget reduction which was associated with this proposal.

ENTITLEMENT ACTIVITIES

The remaining $65.4 billion in the bill for the Department of Health and Human Services is for the entitlement programs administered by this Department. The largest items are $21.6 billion for Medicaid, $11.6 billion for Supplemental Security Income, $6.7 billion for Assistance Payments including AFDC, $2.7 billion for the Social Services Block Grant and $19.8 billion in payments to the Medicare trust funds. These programs are authorized for the most part by various titles of the Social Security Act. The amounts included by the Committee are to fund these programs under the provisions of the Act as currently constituted. The Committee has rejected those proposals in the President's budget which would have amended the basic laws for the Medicaid and Aid to Families with Dependent Children programs. This is a matter under the jurisdiction of the authorizing committees. The amount recommended in the bill is $4.8 billion above the level appropriated for these entitlements in 1984. This is due partially to the provision of $2.6 billion in FY 1986 advance funding for the Black Lung and Supplemental Security Income accounts. Advance funding for the other entitlements has been included for several years and the Committee has approved the President's request to include advances for these additional programs in the 1985 bill.

The entitlement programs administered by the Department of Health and Human Services are at the heart of the safety net which provides basic subsistence support for the indigent. Over 25 million Americans benefit directly from the Medicaid, Supplemental Security Income, Foster Care and Aid to Families with Dependent Children programs. In addition to these programs for the indigent, the bill includes $19,807 million to subsidize part B services under Medicare. The $2,125 million increase included by the Committee for this payment will benefit virtually all Americans over the age of 65.

DEPARTMENT OF EDUCATION

The Committee bill includes a total of $17,191,262,000 for the Department of Education. This amount is $2,339,384,000 over the President's budget and $2,473,223,000 over the 1984 appropriations for the programs considered by the Committee.

The Committee deferred consideration of $506,630,000 requested in the budget for the Impact Aid program because part of this program is not authorized at the present time. When the authorization is enacted, the Committee will take necessary action to provide an appropriation for the program.

For chapter 1 of the Education Consolidation and Improvement Act, the bill includes $3,680,000,000 an increase of $200,000,000 over the budget and the 1984 appropriation. This program helps the States and local school districts provide supplementary educational services to about 5 million disadvantaged children.

For Special Programs concerning elementary and secondary education, the bill includes $713,559,000 an increase of $185,692,000 over the 1984 appropriation. Included in the total figure is $678,879,000 for the Chapter 2 block grant program, which is an increase of $199,459,000 over the 1984 appropriation but a decrease of $50,000,000 from the budget request. The Committee felt that a 50 percent increase was a little too high so we made an adjustment to bring it more in line with other program increases. For other special programs, we restored funding for civil rights training and advisory services, Ellender fellowships, women's educational equity, and territorial assistance. The budget has proposed to terminate these programs.

In the bill, we provide $143,656,000 for bilingual education. This amount is $4,411,000 over the budget request. The amount in the bill is the full amount authorized under current law and we estimate that about 250,000 children of limited English speaking ability would be assisted in 1985.

We recommend $1,298,540,000 for education of handicapped children, an increase of $84,095,000 over the budget and $59,125,000 over the 1984 appropriation. This amount will help the States and local school districts provide special education services to about 4.2 million handicapped children.

For rehabilitation services to disabled youths and adults, the bill includes $1,215,400,000, an increase of $123,740,000 over the budget request. Included in the total is $1,092,800,000 for the basic State grant program, $38,000,000 for the National Institute of Handicapped Research,

$13,000,000 for projects with industry, $22,000,000 for the independent living program, and $4,200,000 for the Helen Keller Center.

For vocational and adult education, the Committee recommends $831,314,000, the full amounts authorized under current law for these programs. This amount is the same as the budget request and the 1984 appropriation. Vocational education funds are used to support programs that provide education, training, and basic instruction needed by persons to successfully compete and advance in the labor market. Enrollments in vocational education have increased by more than 85 percent in the last 10 years, with current enrollment totaling 16.5 million secondary, postsecondary, and adult students. The total includes $100,000,000 for adult education to help States provide literacy training for 2,100,000 adults.

For student financial assistance, the bill includes $5,079,000,000, an increase of $1,425,000,000 over the budget request, and $1,092,140,000 over the amount appropriated for 1984. The budget request is based on a legislative proposal to restructure existing student aid programs. Since Congress has taken no action on this proposal, the Committee's recommendation is based on current law. The Committee recommends $3,753,000,000 for the Pell Grant program, an increase of $953,000,000 over the 1984 appropriation.

The total for Pell Grants includes $353,000,000 to cover a funding shortage estimated for 1983 and 1984. The Committee bill would also provide sufficient funding to permit a maximum Pell Grant of $2,100 compared to $1,900 for the previous year. Also included in the bill is $425,000,000 for supplemental grants, $600,000,000 for college work study, $200,000,000 for direct loan capital contributions, and $76,000,000 for State student incentive grants.

For the guaranteed student loan program, the bill includes $3,046,000,000 an increase of $205,323,000 over the budget and $790,760,000 over the 1984 funding level. The amount recommended is based on a current estimate of funds required for 1985.

For higher education assistance programs, the bill includes $459,391,000, an increase of $207,320,000 over the budget and $50,525,000 over the 1984 appropriation. In general the Committee has restored funding for these programs to the 1984 appropriation level including special programs for the disadvantaged, strenghtening developing institutions, cooperative education, international education, and graduate training. The Committee bill includes $50,000,000 for academic facilities grants under Title VII of the Higher Education Act. The Committee feels that all colleges and universities should have an opportunity to compete for funds to help institutions meet some of their facility needs. The Committee bill also includes $6,000,000 to endow the Community College of American Samoa and the College of Micronesia as land-grant institutions.

For college housing loans, the bill provides $40,000,000 in authority to make new loans during 1985. This is the same loan level as provided for 1984. For the National Insititute of Education, the Committee recommends approval of the budget request which would provide an increase of $6,000,000 over the 1984 appropriation.

Mr. Chairman, this bill includes $86,880,000, the same amount as in 1984 for library programs. No funds were included in the budget for these programs. For the American Printing House for the Blind, we recommend $5.5 million; for the National Technical Institute for the Deaf, $31,400,000; for Gallaudet College $58.7 million; for Howard University, $158,230,000; for the Office of Civil Rights, $42,633,000; and for the Office of Inspector General, $15,312,000.

RELATED AGENCIES

The bill includes $788,177,000 for 11 related agencies. This is entirely descretionary spending. We exceed the budget request by $32,665,000.

The Action agency is funded at $147,722,000, an increase of $27,505,000 over the budget request. We provide $17,200,000 for the VISTA program, an increase of $11,400,000 over the budget. The Administration proposed to eliminate this program. We added $13,945,000 over the budget for the older American volunteer programs, namely Foster Grandparents, Retired Senior Volunteers, and Senior Companions. These are fine programs that the Committee has always strongly supported. They are certainly deserving of this small increase.

The Committee hopes that Action will take steps to tighten up and improve the management of the agency. The Committee report contains several recommendations along this line that the Committee hopes the agency will implement.

The bill contains one new agency this year, the National Council on the Handicapped, funded at $500,000.

The remaining related agencies are basically continued at the current rate. The Corporation for Public Broadcasting is not yet authorized and has been left out of the bill. The House Rules, of course, prevent us from including unauthorized items.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join with the distinguished chairman of the subcommittee, one of the most respected Members of the House, BILL NATCHER of Kentucky, in bringing H.R. 6028, the Labor, Health and Human Services and Education appropriations bill for fiscal year 1985 to the House floor.

It is an honor and a distinct privilege to serve as the ranking minority member of this subcommittee with the distinguished chairman, the gentleman from Kentucky and all the members of the subcommittee.

This is one of the most important bills considered by the House. It is a bill that touches millions of Americans: The worker, the young, the old, the disabled, and the poor.

It is a bill that demonstrates the compassion of the American people toward their fellow citizens.

It is a bill that demonstrates this Nation's commitment to its future, through the education of its youth.

It is a bill that contributes to the desire of our hard-working people for productive employment, through job training, workplace safety, and the enforcement of laws protecting our workers.

Mr. Chairman, the bill we bring to the floor recommends a total of $96.1 billion in Federal funding, including $85.6 billion in current year appropriations, and $10.5 billion in advance appropriations. That is $1.7 billion below the comparable fiscal year 1984 appropriation, and $3.7 billion above the President's request.

The primary reason for the decrease from last year is a $7 billion decrease in the Department of Labor, due to the decline in unemployment, balanced by a smaller increase in health entitlements and guaranteed student loans, as well as $3 billion in first time advance appropriations requested by the administration.

In addition to the $96.1 billion in direct appropriations, the bill recommends $7.5 billion in trust fund appropriations.

Of the total recommended by the committee, $70.9 billion, or 74 percent is for entitlements, over which the committee has no budget control. That is a reduction of $1.3 billion below fiscal year 1984, and an increase of $169 million over the budget request.

As in the past, the committee, for the most part, accepted the administration's budget request, which in some cases assume legislative savings that have not been enacted by the authorizing committees.[1]

The balance of the committee's recommendations, $25.2 billion, is for discretionary appropriations. That is $421.7 below fiscal year 1984, and $3.5 billion over the budget request.

However, if you correct for the fact that the fiscal year 1984 appropriation includes $2.9 billion in one-time forward funding for the Job Training Partnership Act, the committee's recommendation is nearly $2.5 billion above the fiscal year 1984 figures for discretionary programs, primarily in the areas of education and biomedical research.

In addition, the committee deferred consideration of a large number of programs, because their authorizations for fiscal year 1985 are not in place.

Those programs range from low income energy assistance, to Head Start, to community health centers, to the health block grants. For these progams, a total of $7.8 billion was appropriated in fiscal year 1984, and a total of $7.1 billion was requested by the administration for fiscal year 1985.

Let me make one quick point here. After the subcommittee markup, an increased authorization of $478 million for the maternal and child health block grant was enacted in the Deficit Reduction Act.

That is close to the level I proposed in a bill I introduced, H.R. 4661. While we have deferred on maternal child

[1] The Senate, which used CBO estimates rather than the budget request for mandatory programs, is about $1.8 billion higher so that's the latest estimate of the underestimation in the budget request for these programs.

health care, I will support a level as close to the $478 million in the Senate bill as we can as part of the conference on this bill.

Overall, then, for discretionary programs, this bill is $2.5 billion over the comparable fiscal year 1984 level. That is the level of increase provided for in the House-passed budget resolution, and the subcommittee's informal 301(b) allocation based on that resolution.

If you take the $25.2 billion in discretionary authority recommended by the committee, and add the 1984 level of funding for programs deferred by the subcommittee, because they have not been authorized by the committees, you come up with a total of $1,712,000 below the $33 billion allocation target provided for in this bill.

It is my belief that with this bill, we are within striking distance of a bill that will be signed by the President. We are above the Senate bill, and the so-called rose garden agreement, which is said to be $32.6 billion, but, when the scorekeeping mechanisms used are taken into account, is somewhat higher. I have looked at the House and the Senate bills very closely, and there are enough differences in the amounts provided for various programs by each that it should be possible in conference to reach a compromise that will be acceptable to all parties, and also acceptable to the White House.

Last year, as you will recall, a Labor/HHS bill was signed into law for the first time in 5 years. It is my intention, and I believe it is the intention of the distinguished gentleman from Kentucky, to work toward that goal again. I am supporting this bill, because I believe it provides the basis to work to an agreement that will be acceptable.

HIGHLIGHTS

This bill, Mr. Chairman, responds to the crisis in this Nation's education system that has been at the forefront of the Nation's attention for the last year, and recommends significant increases in the appropriations for a number of education programs. It recommends $17.2 billion for the Department of Education, $2.5 billion over fiscal year 1984, and $2.3 billion over the budget request.

The bill provides $200 million of the $250 million increase requested for the chapter 2 block grant by the President, as well as the $6 million increase requested for the National Institute of Education.

In addition, it provides an increase of $200 million for chapter 1, compensatory education for the disadvantaged, to maintain the level of services for children in need of remedial education.

In student financial assistance, the bill provides $5.1 billion, $1.1 billion over 1984, and $1.4 billion over the budget request.

By far, the most significant increase is provided for Pell grants, with an increase of $600 million to raise the maximum grant from $1900 to $2100, and an additional $343 million to cover the unexpected shortfall in the 1983 and 1984 program years, due to a higher than expected number of applicants.

In addition, increases are recommended for other student financial aid programs—SEOG's, work study, and direct loans—which are important for independent colleges with tuitions higher than the public universities.

Mr. Chairman, we have fallen behind, in the past several years, in providing opportunities for low income and middle income students to obtain a college education, while tuition costs have climbed. This bill will go a long way toward restoring our commitment to equal opportunity and equal access to a higher education.

In the Department of Health and Human Services, under which more than half of the discretionary programs are not considered because they're not authorized, the bill maintains our commitment to biomedical research at the National Institutes of Health.

The bill recommends $4.8 billion for NIH, $600 million over the comparable '84 level, and $500 million over the budget request.

Mr. Chairman, during our hearings, we heard from a group of Nobel laureates, who indicated that the declining percentage of grants being funded threatened to turn researchers away from science, and endangered the future of our scientific enterprise. NIH is the foremost biomedical research organization in the world, responsible for many of the miracles of modern science. It is an investment that pays off handsomely in saved lives and improved health for all Americans.

In the Department of Labor, the bill provides $3.850 billion for job training, an increase of 214 million over fiscal year 1984, and $213 million over the budget request. This includes an additional $100 million for summer youth employment for both the summers of 1985 and 1986, to bring the funding level in line with the funding provided in urgent supplemental appropriations, House Joint Resolution 492, that was recently enacted.

It includes $6.5 million to initiate a Bureau of Labor Statistics report on plant closings and major layoffs.

It also includes $1 million in first-time direct funding for the Women's Bureau's demonstration programs for the employment and training for women, an amendment I proposed in full committee. Since I didn't get a chance there, I would like to thank the gentlelady from Louisiana [Mrs. BOGGS] for her support of the increased funding for the displaced homemakers network.

In the bill, the committee did not agree with the recommendation for 10 new positions in the Labor Management Standards Enforcement Office. As the committee report indicates, that was based on an Inspector General report indicating that there are serious questions about the wisdom of recent expansions which have taken place within LMSE in the compliance audit program. If the IG's report is accurate, it is apparent that the compliance audit program has failed to achieve the goals for which it was created and has diverted department resources from productive enforcement efforts. Based on that IG report, the logical conclusion could very well follow that the Department ought to consider abolishing the program outright.

Under education for the handicapped, personnel preparation, until the required manpower study is completed, the percentage of funds used for in-service and continuing education training should remain the same as in fiscal year 1984.

In addition, with regard to certain statements made in the committee report relating to the provision of information by the Office of Special Education and Rehabilitation Services, it is my belief that the event that transpired was a onetime occurrence that has been resolved satisfactorily. In no way, in my opinion, should this be considered a reflection on the competence of the individuals in that Office, who I might say have my confidence and respect for the years of valuable service in building the quality programs in the Office of Special Education.

With respect to another portion of the committee report, relating to the Centers for Disease Control, yesterday I received a letter from Dr. James O. Mason, Director of CDC, expressing concern about the language. I would like to include the text of that letter in the RECORD at this point:

DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL,

Atlanta GA, July 31, 1984.

Hon. SILVIO O. CONTE,
House of Representatives, Washington, DC.

DEAR MR. CONTE: We have reviewed the report accompanying H.R. 6028, the fiscal year 1985 Appropriations for Labor, Health and Human Services, Education and Related Agencies (House Report 98-911). It includes language on pages 26 and 27 relating to the programs of the National Institute for Occupational Safety and Health (NIOSH) about which I, as the newly appointed Director of the Centers for Disease Control (CDC), am concerned particularly in light of the recent aggressive actions taken to address the issues of the scientific excellence and productivity of the Institute.

For the last 2 years, NIOSH has had in place a significantly strengthened peer-review system. In late 1981, NIOSH management reviewed the then existing peer-review system and implemented specific measures

to strengthen the system, including the following: (1) all research projects sponsored by NIOSH must undergo peer review, including all extramural projects and those intramural projects involving an effort of 1 or more person years; (2) each peer-review committee must include at least two technical reviewers from outside the Institute, and all reviewers must submit a written analysis of the project; (3) peer-review committee meetings are required to be open to the public and are to be announced in the Federal Register 15 days before the meeting; (4) all comments from reviewers must be addressed in writing to the researcher and are submitted to the Research Division Director for review and clearance before the research can begin. NIOSH modeled its peer-review system on the NIH system, which is highly regarded throughout the scientific community. I believe this effort had been successful in improving the quality of NIOSH research.

We have also taken additional steps to ensure the scientific credibility of the Institute's research program. In 1983 a Science Advisory Staff composed of internal NIOSH scientists was established to report to the Deputy Director of NIOSH. This staff provides internal scientific review of research projects and operations. Also in 1983 the first Board of Scientific Counselors in the Institute's history was established. This group, composed of 10 of the Nation's leading scientists from outside government in the fields of occupational medicine, nursing, toxicology, epidemiology, neurology, engineering, chemistry, and psychology, advises the Director on all aspects of research conducted by NIOSH.

Regarding the allegation that the Institute may be top-heavy with administrative personnel while understaffed in trained scientists, one of the reasons for the transfer of NIOSH headquarters to Atlanta, Georgia, was to preserve positions for the Institute's scientists. The physical separation of NIOSH from CDC headquarters had indeed resulted in an unnecessary over-investment in NIOSH of resources for administration. Because CDC had a full set of similar administrative services in Atlanta, the move to Atlanta resulted in consolidation and in the reduction of NIOSH resources devoted to administration. It must be recalled that eliminating the duplication in administrative expenditures took place against a background of reductions in budget and personnel expenditures throughout government. Even so, Congressionally approved reductions in the Institute's budget from fiscal year 1980 to fiscal year 1982 were taken without reducing the number of scientific staff on board at that time. Of the 773 budgeted positions allocated to NIOSH this fiscal year, only 125 (16 percent) in Atlanta, Cincinnati, and Morgantown are devoted to administrative management.

A review of the regulatory agenda of the Occupational Safety and Health Administration (OSHA) reveals that in the last 3 years its major concerns have been heavily oriented to issues identified by NIOSH and recommendations made to OSHA by the Institute. Ethylene dibromide, ethylene oxide, cotton dust, oil and gas well drilling, 1,3-butadiene, benzene, asbestos, and a number of others are on the regulatory agenda of OSHA as a consequence of new findings, new analyses, and new recommendations by NIOSH, including numerous observations from studies on human effects, as well as the result of epidemiologic field investigations involving workers.

Over the past 4 years, NIOSH has issued 42 policy statements recommending action to protect American workers; of these, 28 have been or are being considered for regulatory action by OSHA. In addition, NIOSH has contributed to every rulemaking procedure initiated by OSHA over the past 3 years.

We recognize the need for more data on human effects, and clearly see the need for longitudinal studies, as well as other types of epidemiologic studies, in occupational groups. We clearly understand and appreciate the unique access we have to cohorts of workers as a result of the "right-of-entry" authority. NIOSH has not decreased its effort in the area of industrywide studies. On the contrary, despite a reduction in the overall NIOSH budget, the funds allocated to industrywide studies over the past 4 years exceed the funds allocated to industrywide studies in the previous 4 years. During the same period, NIOSH has completed more studies, issued more technical reports, and published more scientific articles in peer-reviewed journals than previously. In fact, from fiscal year 1980 through fiscal year 1983 NIOSH issued an average of 27 final industrywide reports per year. In addition, NIOSH scientists published an average of 88 technical reports and scientific journal articles relating to the Institute's industrywide studies per year. The average number of ongoing industrywide studies has remained virtually constant between 60 and 70 per year.

While we recognize the importance of the industrywide studies activity, it is only one part of our epidemiologic program. The conduct of health hazard evaluations at the rate of approximately 500 per year during the past 3 years is a crucial source of data on the human health effects of various exposures. A three-fold increase in the number of reports resulting from these investigations has occurred over the past 4 years.

We believe that the actions the Institute has already taken satisfy the concerns expressed in the report. Nevertheless, we will proceed with the development of the plan as directed in the report. As part of that development, I would be interested in learning in more detail the specific concerns of the Committee so that we may address them directly. I am sending an identical letter to Congressman Natcher.

Sincerely yours,

JAMES O. MASON, M.D., DR. P.H.,
Assistant Surgeon General, Director.

Mr. Chairman, the Labor/HHS/Education bill is one of the most difficult bills considered by the House. It takes a tremendous amount of work and patience. We began our hearings on February 21 of this year, and held hearings 4 days a week through May 17. Our hearings are printed in 10 volumes containing over 13,000 pages of proceedings. We heard from more than 300 administration witnesses, and 281 public witnesses, including 26 Members of Congress. And on every one of those pages, and from every one of those public witnesses, there is a call for additional funds to meet a need that is not being met.

Within the current climate of fiscal restraint and the overshadowing Federal deficit, it is a simple fact of life that not every need can be met. It becomes incumbent upon the committee to set priorities, to weigh needs, and to do the best we can within the limits that the Congress, and the economic situation, have placed upon us.

Yet I am sure we will hear today that we should have done more here, or we did not do enough there.

On the other hand, I am sure we will hear today complaints from the other side of the coin, saying there's too much in here. Take a meat ax, and cut away. Forget the weeks of hearings. Forget the effort to weigh the needs in different areas and come up with a set of priorities that can make a difference in this great country of ours.

The task that this subcommittee is charged with, balancing the needs of our people with the need for restraint, in a fiscally responsible and humanly responsive way, is one that we take seriously, both for its effects on our people and on the Federal budget.

We have taken the amount of discretionary funds provided in 1984, and stayed within that total. We used some of the funds provided in 1984 to forward fund the job training partnership for some justified increases in 1985 in education and health, with change to spare.

We have stayed within the House budget resolution, and the subcommittee's allocation of the ceiling set by that budget resolution.

This bill makes a strong statement about the importance of education, and the Federal commitment to excellence. For all of you who agree on the importance of these education programs, and believe it deserves the priority we have given it, I urge you to support the bill.

Last year, for the first time in 5 years, BILL NATCHER and I and the subcommittee worked out an agreement that got a bill signed for the first time in 5 years in a ceremony at the White House. I believe we can do that again, and that this bill offers a good starting point.

We can take this bill, with its priorities on education, and health, and job training, and reach a compromise with the Senate that will be acceptable to all parties.

But it is important that we take a bill with the priorities of the House to conference.

If we are going to bargain, let us bargain over the importance of education.

And if we are bargaining over the importance of education, let us bargain from a position of strength.

I support this bill, and urge its adoption.

□ 1050

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan, my good friend, and a very valuable member of the committee.

Mr. PURSELL. I thank the gentleman.

Mr. Chairman, I want to congratulate the ranking minority member, SIL CONTE, and our distinguished leader, BILL NATCHER who have presented what I call a bipartisan bill, one of the most effective leaders in the House and I concur.

It looks like our bill is stronger than the Senate with respect to education. I think you outlined specific programs quite well. One of the programs that will be funded at a later date, and I wanted a colloquy here with you, is the important nurses program in the United States. It is my understanding that this program has not been authorized, at this point.

Once it has been authorized, will it be reflected later in funding in either a continuing resolution or a supplemental? What is your best estimate of that timetable? Could you make a judgment there?

Mr. CONTE. The probable vehicle is the continuing resolution or if the Senate puts it in, in this bill, we can take care of that in conference.

Let me say that no man on that committee has fought harder for the nursing profession than our good friend from Michigan, CARL PURSELL.

I have always said, said it many times on the floor of the House, when nursing programs were cut out here, that you never turn your back to a nurse. I will tell you, CARL PURSELL had never turned his back to a nurse.

Mr. PURSELL. Thank you very much.

I also want to comment on the work of the subcommittee, both sides, with respect to the Pell grants for students for the future of this country. I think they have done an outstanding job, sort of reversing earlier trends some years back and have filled that gap and that vacuum very well.

I hope the conference, particularly on the Senate side is supportive of the work that has been done here by this House subcommittee.

I thank the gentleman for his time.

Mr. CONTE. the gentleman is absolutely right. We want to thank him for his help in the education field on this bill.

This is the greatest, the best bill, as far as education, in the history of the U.S. Congress.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] has consumed 17 minutes.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Iowa [Mr. SMITH], a member of the subcommittee.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

I want to commend the chairman and all the members of the committee for this bill. As a member of the subcommittee, I am well aware of the competing forces for more money for meritorious programs at a time when funding must be limited but the bill represents the best solution possible under the circumstances.

I want to point out that we keep hearing talk about how we must cut Government expenditures and especially the nonmilitary discretionary expenditures. Most of the nonmilitary discretionary expenditures are in this bill. We are talking about cancer research, heart research, programs for the elderly, vocational training, we are talking about heart research, we are talking about education; they are talking about all these things when they want to reduce nonmilitary spending further.

Well, if they really want to cut more, they must do it in this bill. So this is the time for people who want to make more nonmilitary reductions to stand up and put a list in the record of things they want to cut and how much they want to cut.

While they are at it, I wish they would do this: $36 billion of the money in this bill goes to State and local governments. While they are putting their list in the record, they should also tell those local and State governments, how they are going to raise the money they will not receive as a result of the reduction. This is the time to stand up and tell people exactly where they stand. If we are going to have honesty in government and talk about taxes, do it right now; this is the place.

I think this is a good bill as it is written, and I fully support it.

Mr. Chairman, I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. I thank the gentleman for yielding.

Mr. Chairman, I am very proud to serve on this subcommittee. I have said this before, but let me say it again that the gentleman from Kentucky, our chairman, is the best subcommittee chairman in all of the Congress; there is no man for whom I have a higher regard, no man who runs a better hearing, no man who is easier to work with, and I think all of the members of our committee find serving under his leadership a fascinating, interesting, and rewarding experience.

These compliments apply equally to my ranking minority member who influences so much of what happens in the Congress. It is a pleasure to serve with him and with the Members on both sides of the aisle on this subcommittee.

I might say also, Mr. Chairman, that we have an excellent staff, who deals with a tremendous amount of detail and the interests of many, many, very worthwhile constituencies, and they do it with great ability and with great commitment.

Mr. Chairman, the members of the subcommittee worked very hard to produce a bill which could be supported by all the Members of this body. I think this bill is such a product.

It provides $96.1 billion in new budget authority for the Departments of Labor, Health and Human Services, and Education. This is a decrease of $1.7 billion from the 1984 appropriation and a $3.7 billion increase over the President's budget request. This excludes $7.9 billion in funding deferred due to a lack of authorization.

Entitlement programs encompass 74 percent of the bill. Over this amount, the Appropriations Committee has absolutely no control.

The remaining discretionary spending equals $25.2 billion, a decrease from fiscal year 1984 of $421 million, which excludes those amounts I previously mentioned as deferred.

To BILL NATCHER's credit, this bill is not full of irresponsible spending increases. Throughout our markup, there was an effort to focus spending increases only on programs where there was a true consensus of support and critical need. No increase came without debate. Not everyone on the subcommittee was pleased with each program level. In my view, no program will suffer from the priorities established in this legislation and many will benefit.

The bill includes very important funding for health research and education. In the health area, the bill includes $4.8 billion for the National Institutes of Health, in my view one of the most important items funded by this bill.

This is an increase of $505 million over the budget request and $598 million over fiscal year 1984 funding. With that amount, 6,200 new and competing research grants will be funded by the NIH, the highest number since I have served as a member of the subcommittee.

Also in the NIH, the committee report includes directives to increase the funding available for the study of Alzheimer's disease in the National Institute of Aging. The subcommittee added $5 million to the bill, establishing five new Alzheimer's research centers for the total in the centers program of $5.8 billion. This is a significant increase and one I strongly supported.

The NIH section also includes important language on contraceptive research, Epstein-Barr virus, myopia or nearsightedness, and blood screening for acquired immune deficiency syndrome [AIDS]. Also, the bill calls for the formation of a urology research coordinating committee—an effort I initiated.

In the Department of Education, the bill includes $3,753,000,000 for the Pell Grant Program—this amount is $953

million over the amount approved in fiscal year 1984. The Pell Grant Program provides funds to needy students to attend postsecondary educational institutions. This increase—almost $1 billion—is extremely important in light of the Presidental Commission report on excellence in education. I continue to hear from my constitutents, both students and their parents, of their strong support for this program. These funds will allow an estimated 2.6 to 2.8 million students to attend college in academic year 1984-85.

There are no funds, I am sorry to say, in the bill for the impact aid program because it is not currently authorized. Impact aid funds are very important in my district and I look forward to seeing these funds included in the bill at a later date or in the continuing resolution which will follow this and any other uncompleted appropriations bills.

The bill includes $38 million for the National Institute of Handicapped Research [NIHR]. The activities of the NIHR are important to all of us—not just the handicapped or the disabled. Touring the Rehabilitation Institute in Chicago has only furthered my belief in this very important research. This level is an increase of $2 million from 1984.

The bill includes an increase in funding of $6 million for the National Institute of Education. The bill does not include a directive on the lab and centers competition to be held by the NIE—as does the Senate bill—but I hope this issue will be resolved in conference with the Senate's restrictive language regarding the competition removed. The NIE has worked long and hard to plan for this competition and I hope the Congress will have the sense to not waste this investment and allow NIE to go forward in the regions the Secretary has determined—thus assuring a fair an open lab and center competition in all States.

The bill includes an increase of almost $200 million for the chapter 2 program in the Department of Education. This increase in the State block grant program is directed at identifiable projects to improve school effectiveness—a very good investment in my view.

The programs for the handicapped receive funding increases under this bill. H.R. 6028 includes $1.2 billion for these programs, an increase of $84 million from the budget request and $59 million over 1984. I was pleased to support these levels.

The National Diffusion Network and the other programs currently at jeopardy in the Secretary's discretionary fund because of the Chicago court order are taken care of by earmarkings in the bill. The Committee is taking an unusual action here but one I believe was essential to ensure that these important programs will continue in fiscal year 1985.

Once again, the Committee report includes a directive that the Department of Education encourage those financial institutions offering graduate student loans to also offer the PLUS loans. I have been very pleased to see how the availability of the PLUS loans has increased and I hope the Department will continue its progress in this important area.

For the related agencies, the bill includes the authority to transfer $2,424 million for the activities of the Prospective Payment Assessment Commission, a very small amount for this very important commission established by the Congress to advise it and the executive branch on issues related to medicare reimbursement under the new diagnosis related groups [DRG] system. This commission will play a key role in controlling health care costs and I was very pleased to see these funds included in the bill.

Also in the related agencies, the Railroad Retirement Board has experienced difficulties with waste, fraud and abuse in its operation as has been reported by the GAO. The Committee report includes a directive for the Board to further identify the source of these problems and to provide the Committee with a review of the actions taken to rectify the situation. I look forward to hearing from the Board on its progress prior to the 1986 budget hearings.

I have highlighted only some of the important programs in this legislation. Mr. NATCHER and Mr. CONTE have said over and over again that this bill is where the "people" programs are located. I am proud to serve as a member of the Labor, HHS and Education Subcommittee and ask that my colleagues keep in mind the many people that will benefit from your vote in support of this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Chairman, I rise in support of H.R. 6028, the fiscal year 1985 appropriations for the Departments of Labor, Health and Human Services, and Education. This is an excellent bill that was crafted with the great sensitivity that is always displayed by Subcommittee Chairman BILL NATCHER and ranking minority member SILVIO CONTE.

I want to address my comments to three particular parts of this bill which are of great interest to the people of Connecticut and the Nation.

The first is funding for student assistance. Once again, this bill provides a reassurance to parents and students from low- and middle-income families that there will be help for them to finance the ever-increasing cost of a college education.

For the five major student assistance programs, there is more than $5 billion in new budget authority in the bill, a level which is more than $1.4 billion above the administration's budget request. In addition, there is another $3,046 million for guaranteed student loans.

Taken together, these funds mean that there will not be an appreciable drop in eligibility for student aid, nor will there be a decrease in the real value of the student assistance dollars that are provided to eligible students.

To the student in Connecticut, where the cost of living and the cost of tuition in both public and private colleges and universities are high, this bill is very good news.

From another perspective, this bill also merits support. The committee has chosen to include more than $47 million for State inspection of nursing homes which serve medicare beneficiaries. This is an increase of more than $8 million over the fiscal year 1984 level.

As one who chaired Connecticut's panel which investigated the nursing home industry in the State, I can tell the House that it is absolutely essential to have annual inspections of skilled nursing facilities and other institutions which tend to elderly, infirm men and women. These funds will help ensure that annual inspections are carried out.

The third important issue, Mr. Chairman, is the commitment in this bill to Research on Alzheimer's disease. This disorder affects nearly 2 million Americans, but it is a tremendously complex disease, and the cause for it has yet to be discovered.

While the administration did request an increase of $1.2 million in the National Institute on Aging's budget for Alzheimer's disease research, the committee has determined that this is not enough. Thus, the committee has ordered an even larger increase in research project grants on Alzheimer's disease.

In addition, the committee has added $5 million to fund five more Alzheimer's disease research centers, for a total of $8.5 million in fiscal year 1985 for these centers.

Again, Mr. Chairman, this is an excellent bill which deserves our support.

□ 1100

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the distinguished ranking minority member for yielding me this time, and I take this time for the purpose of asking the distinguished chairman of the committee some questions in two

areas that are matters that, as he knows, have been of concern to me.

The first of those is the funding to deal with this dread scourge we have faced, the AIDS epidemic, with its alarming death rate.

Mr. Chairman, although funds have not been earmarked specifically for AIDS, it is my understanding that the bill before us provides an increase over the budget of $505 million for the National Institutes of Health, part of which can be used to combat AIDS; is my understanding correct and is that number correct?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

The gentleman from New York's understanding is correct.

Mr. GREEN. Further, Mr. Chairman, it is also my understanding that the subcommittee has called for a report to be submitted by NIH outlining any additional funding requirements that NIH may have in order to respond to the recent discoveries on AIDS and utilize those. Am I correct in assuming that it is the intention of the subcommittee to consider additional funding to NIH in a supplemental appropriation should the report, which I understand is due on September 1, indicate the need for such further funds?

Mr. NATCHER. If the gentleman would yield further, I would say to the gentleman that he is correct. And, further, I would like the gentleman from New York [Mr. GREEN] to know that we appreciate his assistance each year with our bill. As a member of the full Committee on Appropriations, he is not only interested in this bill, but he has worked with us all down through the years and we appreciate it.

Mr. GREEN. I thank the distinguished chairman for that comment.

If I could turn to one other area and that is the question of the biomedical sciences program.

Mr. Chairman, the 2 years prior to this year your subcommittee included language in its report urging the Secretary of Education to fund from his discretionary fund the biomedical sciences program. But he has thus far declined to do so.

The program, which assists minority students with an affinity for math, science and biomedical sciences, is in danger of coming to its final year with no funds available for an evaluation of the worth of the program.

I certainly understand the chairman's reluctance to include language a third time, but am I correct in assuming that the Secretary still has the authority, should he so wish, to fund the needed $1 million for this program evaluation from the discretionary funds allotted to him in the bill?

Mr. NATCHER. The gentleman is correct.

Mr. GREEN. To continue, should there be an authorization for this program, which I understand is a distinct possibility, would the subcommittee then consider funding for the program in a fiscal year 1985 supplemental?

Mr. NATCHER. If the gentleman would yield further, I would say to the gentleman, yes, should there be an authorization for funding for this program, it would be given serious consideration in a fiscal 1985 supplemental bill. Every consideration would be given to it.

Mr. GREEN. I do thank the distinguished chairman for responding to my questions on the biomedical sciences program.

We have a situation where the program was following one cohort of minority and disadvantaged children, starting with the first year in high school and next year is to be their first year in college. This next year was the year that we were to reap the benefits of seeing whether this program was working to attract more minority and disadvantaged children into these science areas.

The program has been included as part of a block grant to States, but rather obviously we cannot expect States to use money that is given to them on a block grant basis to conduct an evaluation of a national program. So if there is to be an evaluation it would have to be done at the national level.

In conclusion, let me congratulate the distinguished chairman and the distinguished ranking minority member on a good bill in very difficult times. I certainly share their hope and expectation that we can produce a bill that will achieve all the priorities that we want in these vital areas and still be acceptable to the administration in fiscal terms.

Mr. NATCHER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. WHITTEN], the chairman of the full Committee on Appropriations.

Mr. WHITTEN. Mr. Chairman, I rise to congratulate my friend from Kentucky, Hon. BILL NATCHER, chairman of the subcommittee, with whom I have served many years. He does a fine job in the House of Representatives. His record of attendance will never be reached in the history of this country, and I say here that his record of service to the people of his district, his State and the Nation, will be hard to match, as will be his standing with his colleagues.

I commend, too, the ranking member, Hon. SILVO CONTE with whom I work very closely and other members of this strong subcommittee.

I commend all of them on this bill which takes care of education and health and more than any other bill, the well-being of the people of the Nation. In my position as chairman of the Committee on Appropriations I am on all subcommittees and none does a better job that does this subcommittee.

Mr. Chairman, with so much money going into military spending, almost around the world, it is imperative that we take care of our own people, our own country, for it is our people who have to provide for the other activities, for the military and all the rest.

Mr. Chairman, after all is said and done for real defense we must have a strong economy, public support, as well as capability and readiness.

Our committee recognizes this fact and we act accordingly. Our Committee on Appropriations is keeping below the President's budget ceiling, below the ceiling budget approved by the House, as we have committed ourselves to do.

We have exercised our right to recommend funds in line with the testimony before us and according to our belief, for a strong country, a strong people is necessary for our present and our future.

□ 1110

We will hold the line. But as I said many years ago, it is not what we spend on our own country that creates our problems. I say again to our friend from Kentucky [BILL NATCHER], we take pride in your record of constant attendance for 30 years. It is unbelievable yet true. But also we appreciate your record of service.

Mr. Chairman, back to the bill, with all deference to our President, to the Bureau of the Budget which recommends, it is up to the Congress, the peoples branch, to determine how much and what for. Education, the health and well-being of our people must come first.

When we finish with the bill before us I shall call up the second supplemental appropriations bill where we make reductions of more than $900, million, by putting first things first.

My colleagues, I urge your support of the bill before us and the one which follows.

Mr. NATCHER. Mr. Chairman, I yield 9 minutes to the distinguished gentleman from Massachusetts [Mr. EARLY], a member of the subcommittee.

Mr. EARLY. I thank the chairman for yielding.

Mr. Chairman, Chairman NATCHER, Mr. CONTE, and ranking minority members, I am extremely honored to serve on this particular subcommittee. As Chairman NATCHER suggested in his opening remarks, this is the people's bill, and that is just what it is.

I want to address just one phase of it, and that is the National Health In-

stitutes. I think in a big bill, with a lot of money involved, it is easy to recite across-the-board cuts or reductions here and reductions there. But we have a responsibility where we make our reductions. There are several areas in which we spend money to save money, and this is one of them, at the National Health Institutes.

Chairman NATCHER also spoke of a hearing that we had, a hearing of several hours, with numerous Nobel laureates, distinguished people in their professions. Let me identify who some of them were: Dr. Renato Dulbecco, Nobel laureate; Dr. Mahlon Hoagland, president and scientific director of the Worcester Foundation for Experimental Biology in Shrewsbury, MA; Dr. George Palade, Nobel laureate; Dr. Hamilton O. Smith, Nobel laureate; Dr. Torsten Wiesel, Nobel laureate; and several others.

And this hearing went for several hours. This is the testimony of that hearing, and I just want to speak to a few of the points. We in Government are here to have foresight, not to have hindsight. Let me tell you what these people told us.

They said to Chairman NATCHER: "Mr. Chairman, I must now turn to the sad truth that all is far from well. I know that you and your committee members are aware of the many national and international indicators that show our country to be falling behind as a front-running international force in pure and applied science."

Consider a few points. And these are the things that should be considered by the people who are going to try to reduce the National Health Institutes.

One, West Germany and Japan have the highest percentage of GNP devoted to national civilian R&D expenditures. West Germany's ratio has reached 2.5 percent, and Japan's is 2.3 percent, compared to the ratio of the United States which is 1.7 percent.

Two, during the period of 1979 to 1981, 49 percent of all U.S. patents granted in the field of drugs and medicine were awarded to foreign inventors.

Three, Japan and West Germany have increased their investment in civilian R&D more rapidly than their economic growth rate.

Four, in 1981, the number of scientists and engineers engaged in R&D in the United States was 740,000. This is estimated to be only one-half of the total number of scientists and engineers engaged in R&D in the U.S.S.R.

Five, the Japanese Government has targeted biotechnology as a key technology of the future.

Six, the current patent of U.S. Government funding for basic and generic applied research and biotechnology in the United States may compromise the United States competitive position in the commercialization of biotechnology.

It is going to be suggested that there should be reductions in this account. Mr. Chairman, I say to you that there should be considerable increases over what we have here.

Let us look at what these Nobel laureates tell us. In this particular bill, with the funding, only about 3 of 10 research grant applications to NIH that are approved by the peer review process can be funded. That is right: We are going to fund just 3 out of 10. Twenty years ago, 19 out of every 20 approved applications were funded.

They also tell us that between 1972 and 1981 the support for applied research and development in academia was six times greater than the support for basic research.

In 1960, they tell us, the annual average growth rate in academic research and development expenditures was 12 percent. It declined to 2.8 percent in 1970.

Let us look at some of the breakthroughs if we want to apply not to the compassionate part of it but to the dollars and cents part of it. What we have done in medical science in the last few years, we have reduced the death rate from stroke by 46 percent. Let us not consider the 122,000 lives that that saved, but what it did; it saved us $5.2 billion.

It is going to be suggested that some people are going to try to reduce that.

Medical science has reduced the death rate from coronary heart disease by 30 percent. Never mind the 148,000 lives it saved; it saved us $7.7 billion.

What have we done with our investment in medical science through NIH? For all of those people who say, "Let the private sector get involved," what it has done, it has spawned more than 100 new companies in the emerging biotechnology industry, creating $1 billion in private-sector investment in 1983. It has contributed over $40 billion to our GNP each year from non-health-related products, more than the total of the Federal Government investment in basic research over nearly the last 50 years.

Through Chairman NATCHER, I would like to say that many people can suggest that there is a lot of money in this bill. If there is an area in which we spend money to save money, it is in the National Health Institutes. In my opinion, we are not spending nearly enough. And I think some Members are going to come in here and suggest very broad amendments that are just going to include everyone.

You know, it is nice to go back to the district and say that you are the chairman of the diabetes drive or the chairman of the leukemia drive or you are concerned about cancer. The United States is falling behind Japan and Germany and other countries. We owe it to the people of the United States to make sure we do not fall behind. We cannot let, in basic biomedical research, happen to us what has happened in the automobile business and computer chip business and everything else. It is what we do here which will determine if we will continue to be the leader in this particular area.

I urge the Members of this House, before they accept cuts, look to see if they are responsible cuts.

Chairman NATCHER, Mr. CONTE, and the members of this committee are extremely frugal. They spend the taxpayers' money like it is their own money. There is nothing in this particular bill, especially in this section, that is excessive. If anything, if we are going to stay competitive, you have to spend the money.

I urge the Members to support the people's bill.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. EARLY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman from Massachusetts for yielding, and I want to associate myself with his remarks.

Mr. Chairman, I want to say, as the junior member of the subcommittee, that, as everybody on the committee knows, the gentleman from Massachusetts [Mr. EARLY] takes more time with respect to this critical area of the budget than any other member of the subcommittee and of the Congress of the United States. The gentleman is more knowledgeable with respect to the impact of expenditures in this area and the problems which they seek to overcome than any other member of the subcommittee. On behalf of my constituents—and NIH is not in my district, of course—who benefit from the work that is done at NIH and from the research work that is done around the country, I thank the gentleman for the commitment that he has shown, the leadership that he has shown, and the tenacity that he has shown in this critical area of this budget. I congratulate the gentleman from Massachusetts.

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Mr. EARLY. I want to thank the gentleman for his comments. I just want to repeat that I am just delighted and honored to serve under Mr. NATCHER and the minority leader, Mr. CONTE. It is one of the more responsible committees in this House, and it is the peoples' committee.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding me this time.

Mr. Chairman, like a number of other commentators on this bill, I would like to begin by paying tribute to the distinguished gentleman who

put it together. I do so primarily because my remarks about the bill will be critical.

One can never criticize a Natcher bill without some apprehension, because the gentleman from Kentucky is such a splendid legislator and takes such infinite pains with the production of the bill that those who are obliged to raise objections to the amounts of money being spent have to be very careful about how they do it.

I, myself, have gone to the distinguished subcommittee chairman and asked him for funds that were not in the President's budget, that I thought were useful. While I have been before his subcommittee, I have noticed the great sensitivity, the very careful attention that he gives to witnesses and indeed the gentlemanly courtesy which is accorded to people who testify before his committee.

His treatment is given to everybody, not just to Members of Congress like myself. Just as I cannot say enough good things about the chairman, so I have previously showered praise on my mentor, the distinguished gentleman from Massachusetts. He is the greatest.

That said, Mr. Chairman, one must come to grips with the numbers in the bill. As closely as I can figure, it calls for spending of somewhere around $96.1 billion. Lurking over the Senate is another nearly $8 billion of unauthorized and unappropriated money which is going to be accepted in the conference. Following behind that, is another half a billion for the math and science. Heaven knows how many further supplementals are lurking in the more distant future.

If one simply takes the unappropriated stuff that the Senate will put in, we are then talking about $104 billion. If we compare that against 1984's actual continuing resolution, it is an enormous increase. If we take 1984 plus supplementals to date, we are still talking about a 5-percent increase actually about 4.8 percent. Now 5 percent is much more than we promised ourselves we would spend. You will recall we made a 3.5-percent commitment in our budget resolution.

Now, that is not the worst of it. When we separate out discretionary programs in this budget, including those items over in the Senate, we get ourselves down to some $33.1 billions of spending. Of this amount, this bill includes about $25.2 billion.

That is a 10.5-percent increase over the numbers in the 1984 continuing resolution bill.

So, we are not talking about a 3.5-percent increase, we are not talking about a 5-percent increase. For these discretionary items we are talking about a 10.5-percent increase. If we assume that the Senate nearly $8 billion figure is added as is, we are talking about a little more than an 8-percent increase.

Mr. Chairman, that is not what we said we were going to do when we passed the House budget. I am going to quote from Chairman JONES of the Budget Committee on April 4, in describing his bill, which a majority of the Members of this House voted for. He said on page 7778 of the RECORD:

> The committee bill provides 3.5 percent real growth in safety net programs and holds all other programs to 3.5 percent nominal growth, which is two-thirds of the rate of inflation, certainly less than inflation.

So what happened to the 3.5 percent? It became overall 5 percent in discretionary accounts it swelled to 10 percent. I think this bill is too expensive for approval in this House.

If the bill is not substantially amended. I recommend a negative vote solely because it exceeds the standard we set for ourselves.

Mr. NATCHER. Mr. Chairman, we have no additional requests for time on this side.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. O'BRIEN].

Mr. O'BRIEN. I thank the gentleman for yielding to me.

Mr. Chairman, all that needs to be said has been said. I compliment Chairman NATCHER and ranking member CONTE for handling with extraordinary skill a very difficult bill. On balance, I think we have done a good job here. I suspect other Members of this House, if placed in our position, would find it difficult to come out with a better result.

I cannot pass the moment by, however, without commenting on how we handle these types of appropriations compared with other types, keeping in mind the spectre of the huge deficit looming up behind us. This is important appropriating; this is significant for all the people of the United States. But some weeks ago, an appropriation was considered where we declined to eliminate the expenses going toward providing, individual operators for automatic elevators. Has we taken the lead there, as Mr. PURSELL and I discussed among ourselves, to set those jobs aside for handicapped persons, such funding could be defended. It seems to me we must protect this type of appropriation and eliminate the luxury types that we do not need. I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I thank the gentleman for yielding me this time.

Mr. Chairman, one of the interesting aspects of this bill is that continually, particularly in this Presidential election year, we hear the statements made, it is Reagan's deficit, Reagan is responsible for the $160, $170 billion deficit. This bill points up again what Mr. WHITTEN, our distinguished Appropriations chairman eloquently stated in his remarks just a few minutes ago. That is Presidents propose spending levels and Congress disposes. In this instance, the President has requested $3.7 billion less than what the spending level of this bill proposes to authorize. In other words, the President makes a request, Congress considers it, and we have a bill before us that a lot of speakers here this morning have praised and is $3.7 billion higher than what the President's request is.

It may be presumptuous of us, for any of us, to say on the floor of this House that we speak for any special interest group. But I know when my colleague, Mr. CONTE, and other members were speaking on behalf of this bill, more than one of them made reference to the hundreds of witnesses that have come and testified on behalf of this legislation attesting the need. To those witnesses I have only one question in those crowded hearing rooms: Will anybody in the crowded hearing room who is not a beneficiary of this program or not owing his or her living to administering the benefits that will be flowing from this program please stand up?

I would submit that not one person in those hearing rooms would stand up. Well, there are 106 million American taxpayers, working today to pay the taxes so that we can have the funds to redistribute in this forum for all these needs. I think it is appropriate for someone to suggest that there is somebody in this Chamber speaking for the 106 million men and women of America who are working today in order to pay the taxes so that the people in this Chamber can redistribute the money to these people who ostensibly have this need.

This bill is too expensive; I hope we can reduce it, at least to the President's request. If we cannot do that, we should reject it.

● Mr. SHELBY. Mr. Chairman, this is a responsible bill, appropriating $96.1 billion for the three departments—this total is $4.7 billion more than administration's request, but $1.7 billion less than fiscal year 1984 appropriation.

Within the Health and Human Services Department, the appropriation of $4.8 billion for NIH is vital. NIH located right here on the outskirts of Washington is often considered the premier biomedical research institution in the world. Funding will support the ongoing and acclaimed work of 11 existing national research institutes. Their work in the prevention and treatment of disease has yielded major breakthroughs in such illnesses as arthritis, coronary disease, and that devastating disease: Cancer.

The bill appropriates $1.08 billion alone for the support of the National Cancer Institute [NCI]—an unparalleled venture in the forefront of national efforts to combat this disease.

In 1981, our Nation made a commitment to fight cancer, and we have. We made that commitment because we became increasingly aware that cancer was an enormous drain on our resources, both human and economic.

Cancer will hit three out of four American families. In one year, the hospital and medical costs of cancer are over $9 billion. If you or I were to discover that we had fatal cancer, it would cost us $20,000 to die.

I believe we owe our constituents the most careful consideration of how we spend their money. I have long weighed the relative cost-benefit of our expenditures in biomedical research, and I have come to the firm conclusion that this money is well spent, it is an investment in preventing disease before it strikes, and is vitally needed in carrying on the research momentum.

Cancer is a devastating disease, a disease we all associate with painful and difficult treatment. We may have it within our power to help NIH and the NCI and those involved in clinical research and in treatment to change this reality. We may be able to beat many of the diseases associated with cancer as well as other diseases. We cannot do it without making the capital investment this bill provides.●

● Mr. STARK. Mr. Chairman, I commend you for the fine job you have done on this bill. However, as former chairman and ranking member of the Public Assistance and Unemployment Compensation Subcommittee, I am very disappointed to find that the Committee on Appropriations has not increased the funding for title IV, part B.

Title IV, parts B and E, fund Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980. In 1980 when the Public Assistance and Unemployment Compensation Subcommittee approved the Adoption Assistance and Child Welfare Act, legislation which was urgently needed to reform our foster care and child welfare system, it assumed that $266 million was necessary to properly implement the law. Instead of $266 million, the Appropriations Committee has decided to continue to grossly underfund title IV, part B, at $165 million.

Mr. Chairman, while it is true that simply throwing money at a problem will not solve it, the lack of adequate funding for child welfare services has meant the difference between life, abuse, and even death for too many children in our country. This was the major conclusion of over two dozen witnesses at hearings held in California and Connecticut this year.

The horror stories we heard about children who were seriously abused, neglected, disturbed, and damaged made me sick. Even worse was the finding that these victims grow up to be victimizers. Without preventive services funded under title IV, part B, our juvenile and prison systems are swelling. In our prison population, 70 to 80 percent of the sexual offenders have been childhood victims of sexual abuse or trauma. In California, 33 percent of children at the California Youth Authority have been in foster care, while 69 percent of the inmates in the prison system were foster children.

Because there are not adequate funds to provide the preventive services for children and families in crisis, more children are coming into foster care with more serious problems requiring more services.

Mr. Chairman, you can't put out a forest fire with a squirt bottle and you can't make very damaged children healthy with underfunded and understaffed programs.

Social scientists have long theorized that if, for one generation of children, the abuse and poverty cycle could be broken and a nurturing atmosphere substituted, we would be well on our way toward solving some of the world's biggest problems. We have this opportunity for at least the 600,000 foster children in the United States today. There is no greater injustice than for society to accept or demand custody of abused, abandoned, neglected, handicapped, and dependent children only to continue that neglect and abuse.

The Senate has voted to increase title IV, part B, funds by $35 million. I hope that the House conferees would recede to the Senate and accept this small but vitally important increase to save lives and help rebuild a future for our most precious resource—our children.●

● Mr. BIAGGI. Mr. Chairman, I rise to express my support for the bill before us which will provide funds for programs within the Departments of Health and Human Services and Labor for fiscal year 1985.

I believe this bill before us merits our strong support for it provides funding for some of the most important programs which assist those in our society who depend upon the Federal Government to help them help themselves. Specifically, H.R. 6028 provides a total of $96.1 billion which is $3.7 billion above the administration's requests and $1.7 billion below fiscal year 1984 actual spending. This decrease below last year's levels is a result of failure to provide funding for four important programs which have not yet been reauthorized during this session: the Low-Income Energy Assistance Block Grant, the Maternal and Child Health Block Grant, and the Primary Care Block Grant, and the Alcohol, Drug Abuse and Mental Health Block Grant. Final action on these reauthorization bills are expected in the near future and I have full confidence that the chairman will act to also provide appropriate funding for these important programs as well.

With respect to the Department of Labor, a number of important programs important to New York will be funded. As New York State senior member of the House Education and Labor Committee, I have joined with my colleagues to assure that these programs, which assist us in our national training and employment effort, are continued in a timely and efficient fashion. Specifically, for the Job Training Partnership Act [JTPA], a total of $3.724 billion is provided, of which $215.9 million will be allocated to New York. This program, the replacement to CETA, establishes a national public/private partnership with business and industry to train and retrain disadvantaged workers. Of this $215 million, $123.5 million is provided for the Disadvantaged Youth Program under title II-A, $57.5 million for summer youth programs under II-B, $10.4 million for dislocated workers under III, $1.9 million for Native Americans under IV, $1.4 million for migrants and farmworkers, $22.9 million for the Job Corps, $475,000 for veterans programs and a national total of $58.3 million for national activities.

I am especially pleased that the committee has responded in a generous—and appropriate fashion to address the need to provide added funding for State activities with respect to the Occupational Safety and Health Act. The $1.9 million in this bill will allow for an equal match of State funds in order to assist in the implementation of the OSHA State plan to 1 million of New York's public employees. This plan was originally funded in last year's bill as well, as this action by the committee will assure that the intent of Congress, in passing OSHA, will be carried out in full and that safety and health of our workers will not be compromised.

Funding for the Senior Community Service Employment Program under title V of the Older Americans Act has been deferred pending final congressional action on H.R. 4785, the reauthorization of the act, by Congress. I anticipate that this bill, of which I am an original cosponsor, will be acted upon shortly by the House, at which time, this program will be extended for an additional 3 years. The program is currently funded at $317.3 million which supports 62,500 jobs nationwide and it is my hope that the committee will provide the necessary funds in order to assure that these jobs are retained over the coming fiscal year.

This bill also provides $425.4 million for the Child Support Enforcement Program which supports State programs to collect child support payments from absent parents in order to reduce Federal and State AFDC costs. This is in addition to the $138 million in advance appropriations which were provided last year in anticipation of congressional approval of the Child Support Enforcement Amendments of 1983, which is expected to be signed into law in the near future. For the first time since the program was established, we have, with the passage of H.R. 4325, taken a forceful step to address the pressing problem of nonpayment of child support and the funding provided in this bill will allow us to continue these important activities.

With respect to the education programs authorized under this bill, I am pleased that the committee has provided $3.69 billion for title I education programs and $678.9 million for the chapter 11 block grant. These funds remain the core of our Federal support to education programs to assist the disadvantaged as well as support for innovative programs within States under the block grant.

For higher education, a total of $3.046 billion is provided for the Guaranteed Student Loan Program of which $447.8 million will flow to New York State students and their families. The Pell Grant Program is increased to $3.4 billion from the current $2.8 billion which will allow increased educational opportunities to disadvantaged students, securing a floor of support to assure that they retain full access to educational opportunities in both the public and the private sectors.

I am especially pleased that this bill has provided a substantial increase in the Supplemental Educational Opportunity Grant [SEOG] Program at $425 million which assures that States, like New York, receive their fair share of educational dollars. With these funds, New York State can expect to receive an additional $45 million which will support increased educational opportunity particularly in the private sector.

This increase is a result of changes in the Higher Education Act which was amended in 1980 in a joint effort by myself and Senator Jacob Javits in response to concerns that States, such as my own State of New York, which provides a substantial effort in State funds, are in turn, penalized by receiving less than their fair share of Federal dollars. This is the first time since passage of the 1980 amendments to the act that this revised formula is able to take effect and I am grateful to the committee for their recognition of increased funds for this critical educational program.

I also wish, at this point, to pay tribute to the individual who was responsible for the adoption of this amendment, Hank Paley, who passed away suddenly this past May. Hank, as president of the Commission on Independent Colleges and Universities in the State of New York, was instrumental in the adoption of this amendment and worked closely with myself and Senator Javits to assure its adoption. While his untimely death was a shock to higher education, not only in New York, but across the Nation, I believe that this increase in funds is a fitting tribute to his hard work and dedication on behalf of New York, its students and its independent colleges and universities.

Mr. Chairman, on the whole, I believe that this bill is a most favorable response to the needs of millions of Americans who rely on critical social service programs for their survival for health, education, and training opportunities. I wish to pay special tribute to Chairman NATCHER, for his continued diligence in producing a product which merits our strong, bipartisan support. I join with my colleagues to urge support for H.R. 6028.●

● Mr. ROYBAL. Mr. Chairman, H.R. 6028 is a quality piece of legislation which enhances the level of our investment in the well-being of this country. Let me focus for a moment on several of the public health and disease prevention aspects of this bill.

First of all, our bill rejects the administration's status quo approach to public health by adding $567 million. For the Centers for Disease Control [CDC], we provide an additional $19.8 million over the budget request in order to respond rapidly to public health emergencies and disease control and prevention activities. We have added $3.35 million and eight positions over the budget request for acquired immune deficiency syndrome [AIDS], providing a total of $15.35 million for AIDS activities in fiscal year 1985. With this increase, the CDC will be able to improve laboratory diagnosis of retroviruses, determine the prevalence of retrovirus antibody and viremia in various populations including lymph node syndrome cases and carry out basic studies for vaccine development. Further, this increase will allow CDC to expand investigation of transfusion-associated cases and donors, including pediatric cases.

We include in our AIDS recommendation an additional $300,000 to expand the public education program by involving community-based AIDS education groups and the National Hemophilia Foundation.

Further, we are instituting a new procedure which requires CDC to inform our committee promptly when it anticipates any major diversion of program resources in response to a public health crisis such as with AIDS.

Our recommendation also includes an additional $1.5 million for the diabetes control program which has resulted in significant cost reductions in hospital stays. This increase will help to expand patient and physician education activities especially among high-risk populations.

For the National Institutes of Health, our committee has added $505.3 million over the budget request; and for the National Institute of Mental Health, $50 million over that request. Within those increases, our committee recommended several important public health initiatives. These include—

Expanded support for AIDS research in blood testing, HTLV-III production, vaccine development, monocyte abnormalities and immune abnormalities; collaborative therapy trials of AIDS using standard protocols; clinical study related to treatment and prevention of AIDS; and epidemiological studies including possible HTLV-III infections in health care workers.

A reporting requirement with a September 1 deadline identifying by Institute the additional funding needed to respond to the recent AIDS discoveries, together with a description of activities to be conducted in fiscal year 1985.

Significant enhancement of research on Alzheimer's disease and related disorders with an additional $5 million to fund five more research centers of excellence, bringing the total centers program to $8.5 million; a provision requiring a rate of growth no less than that provided in fiscal year 1984 for the research grants program; and a new research initiative in NIMH to focus on family stress problems related to the care of victims of this disease. These initiatives should raise the funding level for Alzheimer's disease research in fiscal year 1985 to over $50 million.

Initiation of a collaborative research program focused on learning disabilities, designed to develop interventions that will help learning disabled children and their families cope successfully with their disabilities. This program would involve the National Institute of Mental Health, the National Institutes of Health, and the Department of Education.

Significant expansion of mental health research and services demonstration, providing more than $23.5 million over fiscal year 1984; restoration of support for clinical training; funding for a family stress program on Alzheimer's disease; and additional support for clinical research on child and geriatric mental health.

Support for accelerated vaccine development including the funding of high-priority clinical trials related to vaccine development.

Expansion of research in geriatrics with a $25.8 million increase over the budget request for the National Insti-

tute on Aging. Included in that increase is the additional $5 million for the Alzheimer's centers program; $2.8 million to carry out the geriatric training initiative designed to ameliorate the current critical shortage of medical and health personnel trained in aging issues; restoration of funding for the systolic hypertension clinical trial; and expansion of project grant awards.

In addition to these initiatives which I strongly recommended as a necessary part of our public health investment, I sponsored language requiring NIH to evaluate its pattern of funding for clinical research among all the Institutes, including the National Cancer Institute. This comprehensive review will enable our committee to determine the impact of policy decisions on the funding of clinical research which provides the vital link between basic research and the delivery of appropriate care to the patient. Related to this is the issue of adequacy of our support for clinical research training. It is critically important that our funding decisions assure the flow of young clinical investigators into the field of biomedical research.

Our committee also recommended educational increases which deserve the support of the House in chapter I assistance to disadvantaged children, chapter II, bilingual education, libraries, financial assistance to students and higher education discretionary programs, including several aimed at assisting financially disadvantaged students.

I urge my colleagues to support this bill and to oppose any effort to reduce the level of commitment recommended in this outstanding piece of legislation.●

● Mr. OBEY. Mr. Chairman, the Department of Labor has repeatedly come to the Congress over the last 3 years asking that major staff increases be provided to the Labor Management Services Administration for a new compliance audit program. The Congress wisely cut back those requests in each of the last 3 years but none the less nearly 100 new positions were added for the program.

A recent report by the Inspector General of the Department indicates that continued use of these positions for the program is of very questionable utilty.

The report states that the increases were requested by the Department "even though there has been no validation of the need for or the effectiveness of the program."

The intention of the program is to: To uncover section 501 (c) (Taft-Hartley Act) violations (embezzlements) and other criminal and civil violations of the Labor Management Reporting and Disclosure Act; to create a visable enforcement presence in the Labor Community; and to provide effective grass roots technical assistance directly to union officials.

The IG found that "CAP [compliance audit program] has not achieved its objectives. It has not been successful in uncovering criminal activity, resolving many civil violations, or meeting its enforcement presence or technical assistance goals."

The IG review of CAP audits showed a success rate of less than 1 percent and that many of the cases claimed as successes by CAP were not really attributable to the efforts of the program.

The IG concluded that the "added staff directed to the CAP has not produced satisfactory results and recommend that the more traditional methods of identifying and prosecuting union corruption appear to be far more effective."

Mr. Chairman, the Appropriations Committee denied the Department all of the new positions requested for this program in the coming year. While the existing positions are still in the Bill, I think I can speak for the committee in saying that we are going to be looking very carefully at the way that the existing positions within LMSA are used in the coming year before deciding on next year's Budget.

It is apparent to me that a significant reallocation of positions out of the CAP program and into the more effective efforts of finding and convicting offenders is necessary if we really want to get the most bang for our buck. The Department has been given the latitude to make such a reallocation during the coming fiscal year but may well find its options more narrowly defined in the fiscal 1986 appropriation if that latitude is not used wisely during fiscal 1985.●

● Mr. FORD of Michigan. Mr. Chairman, I rise to speak in favor of H.R. 6028, the Departments of Labor, Health and Human Services, and Education, and related agencies appropriation bill for 1985. I am particularly pleased at appropriated levels for programs under the jurisdiction of the Department of Education—a $2.47 billion increase over last year's funding. For the past 4 years we have allowed education programs to languish and students of every age across this country to suffer. We have ignored the very clear and certain fact that education is the key to our standard of living in the future, to our success in every aspect of life, and the singular most important factor in guaranteeing the security of our country. My distinguished colleague, Mr. NATCHER, the chairman of the Labor, Health and Human Services Subcommittee is to be commended for his sensitivity to the importance of these programs and his efforts to once again treat educational programs as the priority they should be.

In fiscal year 1980, the elementary and secondary education programs received an appropriation of $7.393 billion. If we had inflated those figures according to the inflation rates for the last 4 years, they would now be receiving $10.027 billion and overall the education budget would be $19.943 billion.

A recent statewide poll in my home State of Michigan showed that residents of that State believe that the Federal Government should be increasing its support for education. Unfortunately, through the policies of the Reagan administration, the Federal Government has not held up its end in supporting education. During the 1979-80 school year, the Federal share of the costs of elementary and secondary education was 9.2 percent. In the current school year, the Federal share is only 6.4 percent—a decrease in Federal support for our schools of 30 percent in 4 years. As a result States are not only being asked to do their share but also to makeup for a diminished Federal effort. Very often they cannot do it. The final losers are the students.

I believe that one of the highest priorities for the Federal Government in the years ahead is to once again become a strong partner in support of education. H.R. 6028 is a step in that direction and deserves our support and vote.●

● Mr. LEVINE of California. I rise in strong support of the Labor-HHS-Education appropriations for fiscal year 1985. I would like to commend the distinguished chairman of the Appropriations Committee, Mr. WHITTEN, and the chairman of the subcommittee, Mr. NATCHER, for their leadership and their work on behalf of this legislation. I would like to extend a particular thank you to my colleague from California, Mr. ROYBAL, for his assistance in introducing language into the committee report which would require the National Institute for Handicapped Research to give consideration to funding a national center for the partially sighted.

The need for a comprehensive rehabilitative center which provides low-vision care and a broad range of rehabilitative care has been amply demonstrated. Invaluable assistance would be provided to the more than 2 million partially sighted individuals in the country, along with the researchers and technical support staff who provide assistance.

A national center for the partially sighted will also serve as a clearinghouse for the collection and dissemination of referral information, patient data, and assessments of the special needs of and optimal rehabilitative techniques for the partially sighted. Thus, a comprehensive center would encompass the broad range of patient needs that the low-vision clinics and

private practitioners are not able to offer.

Partially sighted individuals would for the first time, be provided with the kind of cost-effective services they desperately need. The cost of treating partially sighted persons, as persons with valuable remaining eyesight, is far less than that of treating them as if they were totally blind.

At this time there are only seven comprehensive low-vision rehabilitation centers in the Nation, three that serve partially sighted persons of all ages and four that confine their assistance to veterans. These centers deal strictly with low-vision problems. They are not rehabilitative in the comprehensive sense, which is why there is a need for a national information, referral, and training center.

A comprehensive center differs from low-vision clinics and from the private practice of optometrists and ophthalmologists. This distinction occurs because in addition to low-vision care, a comprehensive center would offer services that assist patients to better handle psychological problems, move about alone and safely, find educational, vocational, recreational and social opportunities, and locate and receive economic assistance when it is needed.

In order to reduce the necessity of dependency on scarce tax dollars, qualified individuals and organizations that desired to establish and operate low-vision facilities would be provided with technical assistance emphasizing the acquisition of support from the private sector.

In closing, I would once again like to say how pleased I am that the committee sees the critical need for a comprehensive rehabilitative center on low-vision care. I look forward to working with the committee to make such a center a reality.●

● Mr. RANGEL. Mr. Chairman, as chairman of the Select Committee on Narcotics Abuse and Control, I rise to express my support for the funding provided in H.R. 6028 for the research programs of the National Institute on Drug Abuse [NIDA].

The bill includes $63,513,000 for drug abuse research in 1985, the same amount requested in the President's budget. This level represents an increase of about $8.9 million or 16 percent over 1984 funding. This will allow NIDA to support an estimated 385 extramural research projects, 45 more than last year. The bill also includes $14.9 million, as requested, for NIDA's administrative costs and program support.

The basic and applied research NIDA conducts is essential to expanding our knowledge of the biological and behavioral mechanisms of drug abuse. In recent years, NIDA research has led to significant advances in understanding where and how drugs work in the brain. Drug abuse research is also critical to the development of new treatment, prevention and diagnostic approaches for the identification and care of drug abusers and the prevention of drug abuse. NIDA research programs also monitor the nature and extent of drug abuse in America and changing drug abuse patterns.

I am pleased the Appropriations Committee report recognizes the need for improved national data collection on drug abuse, treatment capacity, and utilization of treatment services. The select committee has been deeply concerned by the loss of data brought about by the shift to block grant funding for drug abuse services in 1982. Without a uniform national drug abuse data system, we cannot assess changing drug abuse trends accurately or allocate our scarce resources effectively. Clearly, Federal assistance is needed to establish such a national data collection system. The committee's report directs that a portion of the 1985 increase be allocated toward establishing a comprehensive data collection system.

While I support the increases provided for NIDA research in H.R. 6028, I believe a stronger Federal commitment to drug abuse research is needed. Budget cuts in 1981 and 1982 cut deeply into NIDA's important research activities, especially in the areas of prevention and treatment assessment and epidemiology. Increases in subsequent years have helped to restore some of NIDA's research program. But the number of extramural research projects NIDA can support is still well below the 423 projects supported in 1980. Establishment of a comprehensive drug abuse data system will also require additional resources. Nonetheless, the amount appropriated in H.R. 6028 will help NIDA continue to strengthen its research programs, and I urge all Members to support the funding level in the bill.●

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Mr. CONTE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. NATCHER. I have no further requests for time, Mr. Chairman, and we yield back the balance of our time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 6028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $69,619,000, together with not to exceed $45,200,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, $3,723,079,000 plus reimbursements, to be available for obligation for the period July 1, 1985, through June 30, 1986, including $2,000,000 for the National Commission for Employment Policy, including $3,000,000 for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and including $10,000,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further,* That the amount appropriated under this paragraph for the summer youth employment and training program shall be allocated to States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program.

For the summer youth employment and training program authorized by the Job Training Partnership Act, $100,000,000, in addition to amounts otherwise provided herein for these purposes, to be allocated to States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program, to be available for obligation for the period July 1, 1984, through June 30, 1985.

For activities authorized by sections 236, 237, and 238 of the Trade Act of 1974, $26,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended) $56,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 231-238 and 243-244, title II of the Trade Act of 1974, as amended; and sections

101(a)(15)(H)(ii) and 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), and section 51 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 51), notwithstanding section 261(f)(2)(A) of the Economic Recovery Tax Act of 1981, as amended, $71,400,000, together with not to exceed $2,305,898,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $740,398,000 shall be available for obligation for the period July 1, 1985, through June 30, 1986, to fund activities under section 6 of the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $263,817,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, $60,757,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1985, for such Corporation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $192,582,000, together with $397,000, which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, $211,400,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1985.

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, $949,244,000, of which $910,781,000 shall be available until September 30, 1986, for payment of all benefits and interest on advances under subsection (c)(2) of section 9501 of the Internal Revenue Code of 1954, as amended, as authorized by section 9501(d) (1), (2), (4), and (7) of that Act and of which $24,403,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $13,688,000 for transfer to Departmental Management, Salaries and Expenses, and $372,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $219,652,000, including not to exceed $53,091,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further*, That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational

Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further,* That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $150,550,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed forty-five passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $153,400,000, of which $9,625,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1988, and not to exceed an additional amount of $20,420,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including $2,129,000 for the President's Committee on Employment of the Handicapped, $100,730,000, together with not to exceed $240,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $122,172,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001-08 and 2021-26.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $67,000, to remain available until expended. This appropriation shall be available in addition to other appropriations to such agency for payments in foreign currencies.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $39,465,000 together with not to exceed $4,300,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

SEC. 102. None of the funds appropriated under this Act shall be used to grant variances, interim orders or letters of clarification to employers which will allow exposure of workers to chemicals or other workplace hazards in excess of existing Occupational Safety and Health Administration standards for the purpose of conducting experiments on worker health or safety.

This title may be cited as the "Department of Labor Appropriation Act, 1985".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $26,500,000, together with $5,500,000 to be derived from the Medical Facilities Guarantee and Loan Fund's Direct Loan Revolving Fund, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year no commitments for direct loans, or loan guarantees shall be made.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, and not to exceed $2,600,000 may be disbursed with respect to any liability or contingent liability incurred prior to 1985.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

To carry out title III and section 1102 of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $198,802,000, of which $1,810,000 shall remain available until expended for construction and renovation of facilities: *Provided,* That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 of the Public Health Service Act with respect to cancer, $1,084,950,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and section 1105 of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $764,135,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 of the Public Health Service Act with respect to dental diseases, $95,826,000.

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 of the Public Health Service Act with respect to arthritis, diabetes, and digestive and kidney diseases, $515,516,000.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For carrying out section 301 of the Public Health Service Act with respect to neurological and communicative disorders and stroke, $379,520,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 of the Public Health Service Act with respect to allergy and infectious diseases, $355,728,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 of the Public Health Service Act with respect to general medical sciences, $412,987,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 of the Public Health Service Act with respect to child health and human development, $296,929,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 of the Public Health Service Act with respect to eye diseases and visual disorders, $171,097,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 of the Public Health Service Act with respect to environmental health sciences, $189,437,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 of the Public Health Service Act with respect to aging, $140,102,000.

RESEARCH RESOURCES

For carrying out section 301 of the Public Health Service Act with respect to research resources and general research support grants, $303,531,000: *Provided,* That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of

the general research support grants program any amount for indirect expenses in connection with such grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $11,526,000, of which $1,999,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $43,820,000.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $47,509,000, including purchase of not to exceed thirteen passenger motor vehicles for replacement only: *Provided,* That $20,000,000 of the foregoing amount shall remain available until September 30, 1986.

BUILDINGS AND FACILITIES

For construction of, and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, $21,730,000, to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, $405,318,000.

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

For a portion of the cost of the maintenance and operation of Saint Elizabeths Hospital in the District of Columbia, $48,595,000: *Provided,* That the Secretary of Health and Human Services may set rates for inpatient and outpatient services provided through Saint Elizabeths Hospital that in the aggregate do not exceed the estimated total cost of providing such services, and may bill and collect from (prospectively or otherwise) individuals, the District of Columbia, Executive agencies and other entities for any services so provided. Amounts so collected shall be credited to the appropriation for Saint Elizabeths Hospital and shall remain available until expended.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, title XIX of the Social Security Act, $15,661,000,000, to remain available until expended.

For making, after May 31, 1985, payments to States under title XIX of the Social Security Act, for the last quarter of fiscal year 1985 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

Payment under title XIX may be made for any quarter beginning after June 30, 1984, and before October 1, 1985, with respect to any State plan or plan amendment in effect during any such quarter, if submitted in, or prior to, such quarter and approved in that or any such subsequent quarter.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1986, $5,980,000,000, to remain available until expended.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, $19,807,020,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII and XIX of the Social Security Act, $96,247,000, together with not to exceed $1,084,488,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided,* That these amounts shall be in addition to $45,000,000 for this purpose available under section 118 of Public Law 97-248: *Provided further,* That $20,000,000 of the foregoing amount shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 217(g), 228(g), 229(b), and 1131(b)(2) of the Social Security Act and section 152 of Public Law 98-21, $512,722,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives, and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $1,024,131,000. For making, after September 1 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1986, $270,000,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $9,328,076,000 to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury. For making, after August 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For carrying out the Supplemental Security Income Program for the first quarter of fiscal year 1986, $2,345,769,000, to remain available until expended.

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV-A and -D, X, XI, XIV, and XVI, of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), $4,871,025,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States under titles I, IV-A and -D, X, XIV, and XVI of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States under titles I, IV-A and -D, X, XIV, and XVI of the Social Security Act for the first quarter of fiscal year 1986, $1,812,840,000, to remain available until expended .

CHILD SUPPORT ENFORCEMENT

For carrying out, except as otherwise provided, titles IV-D and XI of the Social Security Act, $425,411,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States under title IV-D of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States under title IV-D of the Social Security Act for the first quarter of fiscal year 1986, $160,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $3,784,515,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That travel expense payments under section 1631(h) of such Act may be made only when travel of more than seventy-five miles is required: *Provided further,* That $50,000,000 of the foregoing amount shall be apportioned for use only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects,

and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That $210,166,000 for automatic data processing and telecommunications activities shall remain available until expended: *Provided further,* That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States.

HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,700,000,000.

FAMILY SOCIAL SERVICES

For carrying out except as otherwise provided, parts A, B, and E of title IV and section 1110 of the Social Security Act, $651,902,000.

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, $266,760,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For carrying out the Community Services Block Grant Act, $362,300,000, of which $19,360,000 shall be for carrying out section 681(a)(2)(A), $3,920,000 shall be for carrying out section 681(a)(2)(D), $2,940,000 shall be for carrying out section 681(a)(2)(E), and $6,000,000 shall be for carrying out section 681(a)(2)(F): *Provided,* That not more than 10 per centum of the funds appropriated and allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $133,000,000 together with not to exceed $8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, $53,391,000 together with not to exceed $20,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $17,850,000 together with not to exceed $2,350,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $8,500,000.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 203. Appropriations in this Act for the Health Resources and Services Administration, the National Institutes of Health, the Centers for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Office of the Assistant Secretary for Health, the Health Care Financing Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand five hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

SEC. 204. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327A of the Public Health Service Act.

SEC. 206. Funds appropriated in this title for the Social Security Administration and the Office of Child Support Enforcement shall be available for not to exceed $5,000 for official reception and representation expenses related to income maintenance or child support enforcement activities of the Department when specifically approved by the Commissioner of Social Security.

SEC. 207. Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed $2,000 for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

SEC. 208. No funds appropriated for the fiscal year ending September 30, 1985, by this or any other Act, may be used to pay basic pay, special pays, basic allowance for subsistence and basic allowances for quarters of the commissioned corps of the Public Health Service described in section 204 of title 42, United States Code, at a level that exceeds 110 percent of the Executive Level I annual rate of basic pay.

SEC. 209. None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1985".

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $3,680,000,000 to become available on July 1, 1985, and remain available until September 30, 1986: *Provided,* That no funds shall be used for purposes of section 554(a)(1)(B), $5,746,000 shall be available for purposes of section 555(d) to provide technical assistance and evaluate programs, $258,024,000 shall be available for purposes of section 554(a)(2)(A), $146,520,000 shall be available for purposes of section 554(a)(2)(B), $32,616,000 shall be available for purposes of section 554(a)(2)(C) and $36,800,000 shall be available for purposes of section 554(b)(1)(D).

For carrying out section 418A of the Higher Education Act, $7,500,000.

SPECIAL PROGRAMS

For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981, $678,879,000, of which $40,700,000 shall be for programs and projects authorized under subchapter D of said Act, including $10,700,000 for programs and projects authorized under subsection 583(a)(1) of said Act; $14,500,000 shall be used for awards not to exceed a cumulative amount of $1,000,000 to any recipient for national impact demonstration or research projects; $7,000,000 for activities authorized under subsection 583(b)(1) of said Act; $3,500,000 for programs authorized under subsection 583(b)(2) of said Act; $3,000,000 for programs authorized under subsection 583(b)(3) of said Act; and $2,000,000 for activities authorized under subsection 583(b)(4) of said Act: *Provided*, That $638,179,000 to carry out the State block grant program authorized under chapter 2 of said Act shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986: *Provided further*, That no more than 50 per centum of the funds provided to State education agencies under chapter 2 shall be used for administrative purposes to include activities for improving State departments of education: *Provided further*, That none of the increase in funding for either State education agencies or local school districts above the level provided in the fiscal year 1984 appropriation shall be used for any purpose other than the development or support of identifiable projects to improve school effectiveness: *Provided further*, That $40,700,000 for the purpose of subchapter D of said Act shall become available for obligation on October 1, 1984.

For grants to State education agencies and desegregation assistance centers authorized under section 403 of the Civil Rights Act of 1964, $24,000,000.

For carrying out activities authorized under title IX, part C of the Elementary and Secondary Education Act, $5,760,000.

For carrying out activities authorized under section 1524 of the Education Amendments of 1978, $1,920,000.

For carrying out activities authorized under section 1525 of the Education Amendments of 1978, $1,000,000.

For carrying out activities authorized under Public Law 92-506, as amended, $2,000,000: *Provided*, That said sum shall become available on July 1, 1985, and shall remain available until September 30, 1986.

BILINGUAL EDUCATION

For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, $143,656,000 of which $3,686,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1985, and shall remain available until September 30, 1986.

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $1,298,540,000, of which $1,125,000,000, for section 611 and $29,330,000 for section 619 shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, the Helen Keller National Center Act, and the International Health Research Act of 1960, $1,215,400,000, of which $1,091,395,600 shall be for allotments under section 100(b)(1) of the Rehabilitation Act, and $1,404,400 shall be for activities under section 110(b)(3) of the Rehabilitation Act.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $831,314,000 which shall become available for obligation on July 1, 1985, and shall remain available until September 30, 1986, except that $8,178,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1985, and shall remain available until expended: *Provided*, That $7,000,000 for State advisory councils under section 105 of the Vocational Education Act shall first be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount at least equal to the amount it received in the previous fiscal year, and the remainder shall be distributed equally among the aforesaid recipients of these funds: *Provided further*, That not to exceed $99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further*, That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 ($3,753,000,000), 2 ($425,000,000), and 3 ($76,000,000) of part A, and parts C ($600,000,000) and E ($225,000,000) of title IV of the Higher Education Act, $5,079,000,000, which shall remain available until September 30, 1986: *Provided*, That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1984-1985 academic year: *Provided further*, That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payment schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further*, That the maximum grant a student may receive in the 1985-1986 academic year shall be $2,100.

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, $3,046,000,000 to remain available until expended.

HIGHER EDUCATION

For carrying out subpart 4 of part A of title IV, section 734, and titles III; VI; VII, parts A and B; VIII; IX, parts B, C, D, and E; title X; and sections 420 and 734 of the Higher Education Act; section 506 of the Education Amendments of 1972, as further amended by title XIII, part G, section 1361(a) of the Education Amendments of 1980; title XIII, part H, subpart 1 of the Education Amendments of 1980; the Minority Institutions Science Improvement Program under section 528(3) of the Omnibus Budget Reconciliation Act of 1981 (20 U.S.C. 3489(3)), and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $459,391,000: *Provided*, That $18,775,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act: *Provided further*, That not less than $45,741,000 of funds appropriated for title III of the Higher Education Act shall be available only to historically black colleges and universities.

HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, $14,194,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1985, no new commitments for loans may be made from this account.

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1985 shall not exceed the total of loan repayments and other income available during such period, less operating costs. Payments of insufficiencies in fiscal year 1985 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1985. During fiscal year 1985 and within the resources and authority available, gross commitments for the principal amount of direct loans shall be $40,000,000.

EDUCATIONAL RESEARCH AND STATISTICS

For necessary expenses to carry out sections 405 and 406 of the General Education Provisions Act, as amended, $62,978,000.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act (20 U.S.C., ch. 16); and title II, part B except section 224, and part C of the Higher Education Act, notwithstanding the provisions of section 221, $86,880,000.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), $5,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681 et seq.), $31,400,000, of which $1,400,000 shall be for construction and shall remain available until expended.

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), $58,700,000.

HOWARD UNIVERSITY

For partial support of Howard University, $158,230,000, of which $2,000,000 shall be for an endowment matching grant in accordance with policies and procedures as appropriate for comparable grants under the Challenge Grant Amendments of 1983 (Public Law 98-95) and shall remain available until expended. If requested by the institution, any construction financed by this account shall be supervised by the General Services Administration.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $241,075,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $42,633,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $15,312,000.

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by the title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 306. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 307. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 308. Section 402(c) of the Housing Act of 1950 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by redesignating clause (9) as clause (10); and

(3) by inserting after clause (8) the following:

"(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1985; and".

SEC. 309. No funds appropriated in any Act to the Department of Education for fiscal years 1984 and 1985 shall be withheld from distribution to grantees because of the provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983: *Provided*, That the court's decree entered on September 24, 1980, shall remain in full force and effect.

This title may be cited as the "Department of Education Appropriation Act, 1985".

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

For expenses necessary for Action to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 et seq.), $147,722,000, of which $17,200,000 shall be available to carry out title I, part A of said Act.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. Chapter 71), $23,611,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $3,837,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $690,000.

NATIONAL COUNCIL ON THE HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the National Council on the Handicapped to carry out sections 141-143 of Public Law 98-221, $500,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $137,964,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance

and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $6,358,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission, $6,143,000.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

For expenses necessary to carry out section 601 of Public Law 98–21, $2,424,000 to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $405,000,000, less the amounts of any funds credited to the account during the fiscal year pursuant to section 417 of Public Law 98–76 and available for the payment of benefits in such fiscal year, which shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENT TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for unnegotiated checks, $15,000,000 which shall be the maximum amount available for payments pursuant to section 417 of Public Law 98–76: *Provided*, That these funds shall remain available through September 30, 1986.

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, $55,422,000 to be derived from the railroad retirement accounts: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 1,180 full-time equivalent employees: *Provided further*, That $500,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228a-r): *Provided further*, That $910,000 of the funds provided under this limitation shall be available for construction of a new computer facility in the Railroad Retirement Board's headquarters building.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,678,000 shall be apportioned for fiscal year 1985 pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 655), from moneys credited to the railroad unemployment insurance administration fund, and of this amount $3,038,000 shall be derived from contributions credited to the railroad unemployment insurance account and shall be credited to the railroad unemployment insurance administration fund as authorized by section 11(a)(iv) of the Railroad Unemployment Insurance Act: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 398 full-time equivalent employees: *Provided further*, That $390,000 of the funds provided under this limitation shall be available for construction of a new computer facility in the Railroad Retirement Board's headquarters building.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $32,352,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, $9,000,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Health and Human Services, and Education are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or

course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

SEC. 512. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretaries of Labor, Health and Human Services, and Education who under title 5, United States Code, section 101 are exempted from such limitations.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985".

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order against the bill?

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude no later than 1:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. FRENZEL. Reserving the right to object, Mr. Chairman, is the bill open to amendment at any point?

The CHAIRMAN. The gentleman is correct. Unanimous consent was granted for the bill to be open for amendment at any point.

Mr. FRENZEL. Did the Chair request protection for points of order?

The CHAIRMAN. The Chair asked if there were any points of order, and no one raised any points of order.

Mr. FRENZEL. So the raising of a point of order at this point is untimely?

The CHAIRMAN. That would be an untimely request.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENTS OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer 4 amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

The was no objection.

The Clerk read as follows:

Amendments offered by Mr. DANNEMEYER:

Page 6, line 22, strike out "$211,400,000" and insert in lieu thereof "$202,500,000";

Page 14, line 16, strike out "$100,730,000" and insert in lieu thereof "$98,330,000";

Page 17, line 16, strike out "$1,084,950,000" and insert in lieu thereof "$1,078,950,000";

Page 17, line 21, strike out "$764,135,000" and insert in lieu thereof "$759,935,000";

Page 17, line 24, strike out "$95,826,000" and insert in lieu thereof "$95,326,000";

Page 18, line 5, strike out "$515,516,000" and insert in lieu thereof "$512,616,000";

Page 18, line 10, strike out "$379,520,000" and insert in lieu thereof "$377,420,000";

Page 18, line 15, strike out "$355,728,000" and insert in lieu thereof "$353,728,000";

Page 18, line 19, strike out "$412,987,000" and insert in lieu thereof "$410,687,000";

Page 18, line 24, strike out "$296,929,000" and insert in lieu thereof "$295,229,000";

Page 19, line 4, strike out "$171,097,000" and insert in lieu thereof "$170,197,000";

Page 19, line 9, strike out "$189,437,000" and insert in lieu thereof "$188,437,000";

Page 19, line 12, strike out "$140,102,000" and insert in lieu thereof "$139,302,000";

Page 19, line 16, strike out "$303,531,000" and insert in lieu thereof "$301,831,000";

Page 24, line 17, strike out "$9,328,076,000" and insert in lieu thereof "$9,322,576,000";

Page 26, line 12, strike out "$3,784,515,000" and insert in lieu thereof "$3,721,015,000";

Page 28, line 22, strike out "$133,000,000" and insert in lieu thereof "$129,200,000";

Page 37, line 17, strike out "($3,753,000,000)" and insert in lieu thereof "($3,726,500,000)";

Page 37, line 18, strike out "($425,000,000), and 3 ($76,000,000)" and insert in lieu thereof "($422,000,000), and 3 ($75,000,000) ";

Page 37, line 19, strike out "($600,000,000) and E ($225,000,000)" and insert in lieu thereof "($595,700,000) and E ($223,400,000)";

Page 37, line 20, strike out "$5,079,000,000" and insert in lieu thereof "$5,043,100,000)";

Page 46, line 13, strike out "$147,722,000" and insert in lieu thereof "$146,422,000".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman, these amendments are considered en bloc, and I thank the distinguished chairman of the subcommittee, the gentleman from Kentucky [Mr. NATCHER], for permission to offer these amendments en bloc. I think it will expedite the proceedings of the House.

These amendments reflect the sense of the recommendations of the Grace Commission, of which we have heard much in this body in the course of this calendar year, and I suspect we are going to hear more during the balance of the year and in the years to come.

Members will recall that the President appointed this Commission about 2 years ago, June 1982. It consisted of 161 executives from major business concerns of America. They volunteered their time to examine the entire funding programs of the U.S. Government. They utilized the work of over 2,000 volunteers. There was no taxpayers' money that was spent in this effort. They actually expended about $70-some million in producing the recommendations.

They published 47 reports containing 2,478 recommendations indentifying 780 specific issues where reductions in spending could take place.

This report, called the Grace Commission Report, after its chairman, Peter Grace, was filed last December and now is in the process of being considered by agencies of the executive branch to determine how many, if at all, will be implemented.

The sum total of the recommendations of the Grace Commission identified some $424 billion of reduction in Federal spending over a 3-year period. The Congressional Budget Office analyzed that and concluded, based on an analysis of less than all of them, that the savings would be closer to $98 billion, not $424 billion. Whatever the true figure is, time will tell, but it is somewhere between $98 billion and $424 billion.

We in this Chamber have the ability to reduce the deficit by that magnitude over the next 3 years if we have just one thing to do it; that is, the will to do it. One of the difficulties, of course, is when a Member of Congress, any of us, stands in the well and seeks to identify where we are going to cut money, the natural reaction for any Member of the House is to look at that proposed reduction and say, "How will that play in my district? Can I explain that to my constituents?" Politically, it is probably a difficult way to go about reducing the deficit. A more politically acceptable way would be an across-the-board cut of 5 percent or 10 percent, or a freeze, or a combination. To do it this way is difficult for the reasons I have stated. Nevertheless, I think it is a very responsible way to proceed.

All of the recommendations of the Grace Commission can be implemented in one of two ways: by legislative action; that is, where Congress, we, change the law; or by implementation of executive branch action. About 28 percent can be implemented by action of the Executive; about 72 percent require legislative change.

The amendment that is before us right now contains recommendations of the Grace Commission that relate to those which can be implemented by Executive action. We do not have to change the basic law to implement them, and they are contained in titles I, II, III, and IV. They are identified in the amendments that this Member from California has offered. They contain about 12 specific items totaling some $147.5 million.

I have at the desk, in case any Member is interested, a description of

the Grace Commission recommendations and language. If Members want to read precisely how the savings can be achieved as identified in the Grace Commission report, Members can come to the desk and I will be happy to share this data with them. I have a very brief summary of what they do, and I will hope to read through them here to the extent that I have time.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Labor, special benefits, better monitoring and control of automated disability payment system.

Departmental management, develop objectives, productivity improvement.

HHS. Departmental management, operating divisions should direct and fund research, not Office of the Secretary. Operating divisions should also control evaluation, management and funding.

NIN. Establish a 5.5-percent ceiling on administrative costs of research grants.

SSA. Improve management control of work flow; simplify and condense program operating manuals.

SSI. Eliminate Federal fiscal liability payments to States for errors in SSI payments.

Education. Improve management information systems control to reduce error and fraud and student financial assistance programs.

These total $147.5 million out of a total appropriation bill of some $96 billion.

□ 1140

That is a relatively modest percentage cut of 0.15 percent.

I will, in closing, remind my colleagues that this bill is $3.7 billion higher than the President's request. I would rather have an amendment that would reduce that excess by $3.7 billion. If I offered it, I suspect I could not get the majority of the Members to support it. I believe sincerely that it is rational and fair to ask my colleagues to support this amendment reducing it by $147.5 million in order to implement the modest recommendations of the Grace Commission.

Mr. Chairman, I ask for the Members' support.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. DANNEMEYER].

Mr. Chairman, during our hearings with the departments and agencies, we asked witness after witness as to whether or not they were carrying out the recommendations of the Grace Commission, and as to whether or not the recommendations of the Grace Commission had been considered at the time their respective budgets were complied and submitted to OMB. We were told that many of these recommendations were reflected in the budget.

For example, in part II of the hearings concerning the Department of Health and Human Services, Mr. Chairman, this subject appears on page 83. In part V of the hearings on the Office of the Secretary of Health and Human Services, it appears on page 1381. In part VI of the hearings for the Department of Education, our line of questioning and the answers appear on page 1393.

Mr. Chairman, our hearing record shows frequent references to the Grace Commission report.

The gentleman's amendment in many instances would make reductions that have already been made in the budget. The Departments and the agencies are following the Grace Commission report, according to the information available to us.

The reductions proposed by this amendment, Mr. Chairman, are not necessary and could disrupt the operations of the Department of Labor, the Department of Health and Human Services, and the Department of Education. Many of the Grace Commission recommendations are now being studied by the agencies. Some of these require legislation which will have to go to the authorizing committee for approval.

Just to show the Members, Mr. Chairman, as to whether or not we were carefully considering the Grace Commission report, let me just cite one instance here as far as the Department of Education is concerned.

On page 1393 of our hearings:

Mr. NATCHER. In developing your budget request for salaries and expenses, did you follow any of the recommendations made by the Grace Commission?

Mr. HEATHERLY—

Testifying for the Department—

Yes, Mr. Chairman, we have built some of those recommendations into our 1985 budget request. Unfortunately, most of the dollar savings identified by the Grace Commission, by their own admission and statements, would require legislative changes in the programs. Those have been deferred pending final discussion with the Department of OMB and the White House on those recommendations.

Now, that is as far as Education is concerned.

As far as Health and Human Services, Mr. Chairman, when the Secretary of Health and Human Services, Mrs. Heckler, appeared before our committee, we directed a question to her concerning the Grace Commission recommendations.

On page 83:

Mr. NATCHER. We have heard a great deal about the recommendations of the Grace Commission. Which of the Commission's recommendations with respect to the Department of Health and Human Services do you plan to carry out?

Mr. Chairman, we went into detail with this fine lady and asked her, "What have you done about it? Have you considered it?" Her answer is quite extensive, and it is printed in our hearings.

That was during the hearings with the Secretary of Health and Human Services, and we say to our friend, the gentleman from California [Mr. DANNEMEYER], that we carefully considered this matter all through the hearings. It was pointed out to us time after time, as I have just said, that the Commission report and many of their recommendations require legislative changes.

In addition to that, as I have just stated and as far as the Department of Labor is concerned, Mr. Chairman, when Secretary Donovan appeared before our committee, on page 47 of the hearings, we said to him:

Mr. Secretary, the Grace Commission made a number of recommendations concerning your Department. Can you tell us what steps, if any, the Department is taking to implement some of these major recommendations?

Mr. Chairman, I am trying to show that we very carefully went into detail with all of them on the Grace Commission report.

I say to the Members that acceptance of this amendment as proposed by the gentleman from California, would be a serious mistake. In marking up this bill, we carefully considered the Grace Commission report.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. NATCHER] has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 1 additional minute.)

Mr. NATCHER. Mr. Chairman, we asked each of the withnesses, "Have you considered it?"

Let me say to the gentleman from California, that as far as the President of the United States is concerned and as far as the heads of the Departments of Government are concerned, I think they have been proceeding in good faith about this matter.

Mr. Chairman, this amendment should be defeated.

Mr. CONTE. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

At the outset, Mr. Chairman, I want the Members to know that I appreciate the interest of the gentleman from California in the Grace Commission. I know of no Member of the House who has taken a greater interest in the Grace Commission and has spent more time analyzing the Grace Commission than my good friend, the gentleman from California [Mr. DANNEMEYER]. He watches this issue here on the

floor of the House, on special orders, and on every bill.

We really could call him the "watchdog" of the House of Representatives in regard to wasteful spending and trying to do what he can to squeeze out any fat in any of these bills dealing with the budget as they have come before the House. he is my good friend, and I want to compliment him. His people in California are fortunate to have such a man carrying out this responsibility, because it is not a popular issue and it is a very arduous task.

I am interested in the Grace Commission as well. I have here a collection of materials that we collected during the hearings we had with each of the agencies on the Grace Commission. If you look at these responses, you will see that most of the cuts that are recommended here have already been addressed by the various Departments.

The Labor Department has already accepted four of the six specific recommendations made by the Grace Commission to improve the monitoring and the control of the disability payment system. Additionally, under the departmental management, the Department of Labor has already accepted all of the Grace Commission's recommendations.

In Health and Human Services, it has already worked to eliminate much of the organizational layering and the duplication in HHS. The NIH has agreed to establish an acceptable range for administration costs. The Social Security Administration is already working to simplify and condense operating manuals.

□ 1150

The Department of Education has already instituted over 85 percent of the Grace Commission recommendations. Most of that effort has centered on the tightening of controls on student financial assistance programs.

We have accepted in the funding recommendations in this bill the Grace Commission recommendation to decrease employment in Health and Human Services, Office of the Secretary, by 1,000 persons.

We cut the budget of the Office of Policy Research in Health and Human Services, as the Commission recommends.

Throughout this bill, we allow for some reductions in personnel as a result of management efficiencies to be instituted in those particular departments.

In addition, the agencies have all taken steps on their own to implement the Grace Commission recommendations; so therefore, I say we have addressed in this bill the areas that the gentleman's amendment is concerned with. The Agencies have done a good job. It is far from over. It is far from complete and we will continue to follow up on these issues. On that basis, I hope the amendment of the gentleman from California is defeated.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is very frustrating for Members to hear the President of the United States on television every couple weeks talking about the fact that we could save literally billions of dollars if we implement the savings in the Grace Commission report.

Now, I know every Member of Congress, whether they be Democratic or Republican, whether they be on the Appropriations Committee or on the Banking Committee or whatever committee, must feel that same frustration that I do today.

I would like to ask members of the committee who know more about the bill than I do, but who share the same frustration that I do, is it genuine, is it sincere if we tell the folks back home that in looking at these important areas of spending, that is, education and HHS, that we have in fact done all that we might do to implement the Grace Commission report?

Let me be as specific as I can and maybe the chairman, my friend, the gentleman from Kentucky, might respond on his personal feelings about the Grace Commission.

Specifically, Mr. Chairman, when I look at the Grace Commission savings, it is talking about $400 billion of savings, and I am a pretty good budget fellow myself, I can find about 10 percent of that real. Out of that $430 billion in savings, I, if I were King or President or head of the Budget Committee or could write the law myself, I could only save about $1 in $10. That would be $40 billion. That is a lot of money. That would help reduce the deficit. That would help small business in America and all the rest; but taking that same formula in this particular appropriation bill, I tried to look at the Grace Commission savings and have found a couple ways we might save some money.

I would like to ask the chairman of the committee to repeat, have we in the Congress of the United States done all in the gentleman's opinion that we can do to implement the reasonable Grace Commission savings visa-vis Education and HHS? Should we do more, and if so, what could be done?

I yield to the chairman.

Mr. NATCHER. Mr. Chairman, in answer to the gentleman's question, I would say this. As I pointed out earlier, during the hearings, we inquired of the different agency heads and the Secretaries of the Departments as to what they were doing in regard to the Grace Commission report. We felt during all the hearings that it was important enough that we should do this.

I say to the gentleman from Louisiana that, no, I do not think enough has been done up to this time. I say that to the gentleman frankly.

We said to the Secretaries of these three Departments, "Have you structured your budget in such a way as to consider the Grace Commission report?"

As I pointed out a few moments ago, they said that in some instances legislative proposals would be in order.

In answer to the gentleman's question, and I appreciate the question the gentleman has propounded concerning this matter, no; not enough has been done. I think all the agency heads, and all the Secretaries throughout the Federal Government ought to consider carefully the Grace Commission report and structure their budgets accordingly, when it can be done, unless it takes legislative proposals to carry out the recommendations.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his answer. Following up on what the gentleman just said, does the gentleman believe that these administrative officers have done all they could to implement the Grace Commission report?

Specifically, I ask that question because administrative directives can do most of what the Grace Commission suggested. They do not usually need changes in law. In some places they do, but 8 chances out of 11 they could do it by administrative directive.

Have they done that, Mr. Chairman?

Mr. NATCHER. Mr. Chairman, if the gentleman will yield further, I would say to the gentleman that I have my doubts that the Secretaries of the Departments have followed the report to the extent that all of the recommendations could have been implemented at this time.

I do say to the gentleman, too, I have my doubts that all of the reductions can be made according to this report.

You know, when you get into health and education and these programs that mean so much to the people, it is easy in commission reports to recommend all kinds of things.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(At the request of Mr. NATCHER, and by unanimous consent, Mr. ROEMER was allowed to proceed for 3 additional minutes.)

Mr. NATCHER. Mr. Chairman, if the gentleman will yield further, I have my doubts that the reductions on the order of those recommended in this commission report will take place.

Mr. ROEMER. Well, I thank my chairman, and I will be glad to yield to my friend, the gentleman from Iowa, in just a second.

I remind the chairman that I have admitted 10 percent savings in the

Grace Commission, taking their $400 billion, I think we can do $1 out of $10.

In the area of administrative overhead, I have taken in my amendments one dollar out of twenty, so I agree with the chairman. Much of the Grace Commission directive is exaggerated.

Some of the things they suggest I think are bad management, but I would like the House of Representatives to know that one Member, the gentleman from Louisiana, feels that we do ourselves political as well as economic advantage if we take every bit of the Grace Commission that is feasible and implement it.

My question as I read this bill is, Have we done that?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to my friend, the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding.

I think the gentleman is exactly right. About 10 out of 11 of the items they recommended are a matter of executive discretion.

We have for the last 25 years or 27 years had a Government Operations Committee and we have had a General Accounting Office which review these matters. Year after year that is what they have done and that is what they will have to continue to do. Anything as big as the Government of the United States will always have some things that are wrong and some abuses. You have to keep looking for them year after year.

What are some of the other recommendations of the Grace Commission? Well, there are such things, for example, as eliminating COLA's. The President does not want to do that. He said he wants cost of living increases. There are other things that Congress is not going to do because the American people do not support elimination of such programs. Of course, if you want to sell all of the assets of the Federal government, you could get some money for them. For example, they talk about public buildings. Do you know that right now for the 40 percent of the public buildings that the Federal Government is renting, 60 percent of our total building cost is used to pay for that rental cost. It is more expensive to rent instead of less expensive. Some people assume that if the Government rents instead of buying a building it is less costly, but it is not so.

So the gentleman is exactly right. We should continue to look as we have been for the last 20 years at all ways to save, but the savings just are not there, and to tout that as some answer to our budget problem just will not square with the facts.

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

Let me say that I agree with the general premise that much of the Grace Commission is overstated. I agree with the general premise that much of the Grace Commission could be done by administrative fiat and/or directive, but I also agree with an internal feeling that I have that we will only get the savings called for if we in the Congress begin to slice the budget at the administrative level.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for an additional 2 minutes.)

Mr. ROEMER. Mr. Chairman, we will only get a portion even of these savings if we in the Congress begin to slice the budget at the administrative level and force the administrators to perform. I worry and wonder if they will perform without that kind of pressure.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I will be glad to yield to my friend, the gentleman from Massachusetts, a member of the committee.

Mr. CONTE. Mr. Chairman, in all fairness, let us just take the Department of Labor in regard to the Grace Commission report in coming up with our budget.

In ETA, they reduced 300 jobs in 1984. They reduced the Federal rolls as a result of the job training program as well as decreased staff need through reorganization and management efficiencies.

In the Labor Management Services Administration [LMSA], there is a reduction of 27 jobs in this bill.

In ESA, they are reducing 98 jobs.

In OSHA, they are reducing 32 jobs.

In MSHA, 156 jobs.

They are reducing by a net total in Labor of over 600 people.

Now, I know the next question is, Why does it not show up in this budget? Well, you have got to realize, if you were here earlier in my presentation, we added a lot of money. We added about $1½ billion in higher education, about $600 million in the National Institutes of Health, about $400 million in chapters I and II; so we added $3.7 billion in total over the President's budget, which already took account of these savings.

Even though these Grace Commission recommendations have been followed, the bottom line is much higher than it would have been if we had not had these items.

□ 1200

Mr. ROEMER. Does the gentleman from Massachusetts think that we have saved some money from the Grace Commission?

Mr. CONTE. By all means.

Mr. ROEMER. How much do you think; has your committee been able to ascertain that? Because you knew some Member of Congress was going to ask that foolish question. If we have those billions out there to be saved, how much have we saved?

Mr. CONTE. Take the 612 reduction here in Labor that I just gave, and multiply that by $50,000, and you get an estimate of the savings in this one area. Obviously, there are others.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. ROEMER] has again expired.

(By unanimous consent Mr. ROEMER was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. I thank the comments of the various members of the committee, particularly the gentleman from Massachusetts. I can only say that the Grace Commission savings, of which I see specific outlines here are not personnel. They are systems, and in a mangement enterprise you know that systems can eat you alive. Members of Congress have seen our own system eat us alive here on a few late nights.

Let me be specific. In the Department of Education they have an administration budget of a quarter of a billion dollars in this bill, $241 million in this bill. The Grace Commission said that in the administration of the Department of Education there are three separate major automated data processing systems. In one Department, three separate ADP systems. Input errors are common, they say. Reconciliations of financial systems accounts are not done on a regular basis, they say. And training of personnel responsible for internal controls is not adequate, they say.

They go on to say that competent, tough management could save $372 million in 3 years if applied to this single Department.

I wonder if anybody on the committee can give me a number or a guess at how much of that $372 million in the overhead of the Department of Education alone has been saved in this bill. Is there a way to ascertain that or is it all smoke and mirrors?

Mr. NATCHER. Will the gentleman yield to me?

Mr. ROEMER. I yield to the gentleman from Kentucky.

Mr. NATCHER. I would say to the gentleman from Louisiana that I am unable to give him an answer to that question. Frankly, I doubt that anyone can give you an accurate figure.

Mr. ROEMER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. ROEMER] has again expired.

(By unanimous consent Mr. ROEMER was allowed to proceed for 1 additional minute.)

Mr. CONTE. Will the gentleman yield?

Mr. ROEMER. I yield to my friend from Massachusetts.

Mr. CONTE. I know what the gentleman from Louisiana is getting at, and I can understand his frustrations. Regardless of political party, regardless of who is in office, there is that layer of bureaucracy down there that stays there no matter who comes in office.

Mr. ROEMER. Let us not let them win, I would say to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I hope we are not going to. We are watching them and we are watching them closely.

I have here in the area of management improvement in the Department of Education, of which the gentleman is speaking, their answer to my question about the Grace Commission, where they say the full-time equivalent employment in the Department has been reduced by over 30 percent, a savings of about $70 million, and that they expect further reductions in fiscal year 1985, a savings of $7.2 million.

Debt collection procedures have been strengthened. New regulatory and legislative changes are being proposed. The legislative change would, for example, allow lenders to require cosigners on tuition loans, authorize the use of private attorneys, and so on and so on. I could show you this. They have a whole list of things that they claim they have done.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. ROEMER] has again expired.

(By unanimous consent Mr. ROEMER was allowed to proceed for 2 additional minutes.)

Mr. CONTE. What we really need, maybe, is some kind of oversight that would go after each one of these agencies and make sure that they are carrying out these recommendations.

Mr. ROEMER. I thank the gentleman. I do not want the Grace Commission to result in another congressional committee. That is probably not in our best interests.

Mr. CONTE. The Government Operations Committee ought to be doing it. They are here in existence now.

Mr. ROEMER. I think my proposition is this, because I do not have all of the answers, but as my frustrations rise I would like to see some numbers on data processing alone. The Grace Commission report said there were thousands of computers in our Government, often unconnected, often on different computer languages, and seldom doing the job that they were purchased to do. In education alone we could save more than $100 million on data processing if we were to organize it.

Who is organizing it? Reading this bill I would say no one.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

I rise to speak in favor of this amendment.

Mr. Chairman, in my judgment this is a very modest amendment. I think the committee ought to be indebted to the gentleman from California [Mr. DANNEMEYER] for having raised this question.

We have already had I think a splendid discussion on whether or not we have utilized the Grace Commission report to its maximum efficient use within our operation. My guess is that most Members of Congress, and nearly everybody in the general public, would say we have not.

Now here in a bill which will be somewhere around $100 billion, when we come out of conference and the other body's add-ons are achieved, we are being asked to consider a few Grace Commission savings which amount to less than $150 million.

Two of those suggestions, some improvement of management controls in work flow in the Social Security Administration where it is now estimated that employee productivity levels are in the 50-percent range; and one other suggestion in the Department of Education where we are talking about reducing exposure to waste, fraud, and abuse and error, through improved internal controls, those two items alone make up two-thirds of the gentleman from California's amendment.

It seems to me that somewhere in this $100 billion we could squeeze a paltry $150 million for improved management controls. I am exceedingly disappointed that the committee leadership has not chosen to accept this amendment. I suggest it should be accepted simply as an experiment to see if we can put a little pressure on these departments and thereby have them save the taxpayers some money.

I yield back the balance of my time.

Mr. GREGG. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

I also wish to agree with the gentleman from California's amendment. As the gentleman from Minnesota has appropriately pointed out here, this amendment represents less than one-twentieth of a percentage of the entire bill. If the House does not have the courage to address that sort of minuscule reduction in spending, then I do not think we are ever going to be able to address the fundamental issue of our deficit.

But, more importantly than that, this is not an across-the-board cut. This is a targeted attempt to react to a very legitimate study that was done by some very capable people in the area of cost savings. I am sure we have all gone back to our districts as we have campaigned in this election year, and we have talked about waste and fraud and abuse. And when somebody says, well, aren't you going to have to cut social spending to reduce the deficit, no, we said, we can do it with waste, fraud, and abuse. And if someone happened to come along, a conservative to say that you cannot do it because it will have an effect on defense systems, then we say no, we can do it through waste, fraud, and abuse.

Here is the perfect opportunity to do something with waste, fraud, and abuse. The Grace Commission is a legitimate document on that issue. It has made some excellent points. Whether you accept the entire document or whether you accept a percentage of it, the fact is that it is a legitimate document on the issue of waste, fraud, and abuse, and it raises some very significant questions about the way we are spending money, both on the administrative side and on the legislative side.

But this amendment is attractive because not only would this amendment address the issue of waste, fraud, and abuse, but to those of you on the other side of the aisle who want to get a few little kicks in at the administration, this is an amendment to direct the administration to do something on waste, fraud, and abuse. This is not an attempt to do it legislatively. This is an amendment which says to the administration, listen, your own commission directed you to make these savings; now we are not going to give you the money to spend because we know that you are going to come through on the issue of saving this money.

So this is an opportunity for all of us to say to the administration: "Live by the Grace Commission as you gave it to us."

I think that is a legitimate point.

Mr. WILLIAMS of Montana. Will the gentleman yield?

Mr. GREGG. I am happy to yield.

Mr. WILLIAMS of Montana. I appreciate the gentleman's yielding.

I do not know what the Members of his side of the aisle go home and tell folks about how they are going to balance this budget. Maybe you do say that you can do it through waste, fraud, and abuse.

Let me assure you that is not a democratic battlecry. The President went through an entire campaign saying we could balance the budget by just getting rid of waste, fraud, and abuse. What we have learned, at least on this side, is that that is nonsense.

Mr. GREGG. I think it is going to come as a surprise to the gentleman's constituents that he does not believe there is less than 1 percent of waste, fraud, and abuse in this bill and in the management of the dollars being spent by this bill. I think most of the American people accept the fact that within our agencies there is misman-

agement, there is failure, and that certainly that failure and mismanagement exceeds 1 percent. This bill, this amendment, is requesting that we cut that agency less than 1 percent, actually less than half of 1 percent in order to address the issue of waste, fraud, and abuse.

□ 1210

I think it is a very legitimate amendment, and I support it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 332]

ANSWERED "PRESENT"—413

Ackerman	Burton (CA)	Dingell
Addabbo	Burton (IN)	Dixon
Akaka	Byron	Donnelly
Albosta	Campbell	Dorgan
Alexander	Carney	Dowdy
Anderson	Carper	Downey
Andrews (NC)	Carr	Dreier
Andrews (TX)	Chandler	Duncan
Annunzio	Chappell	Durbin
Applegate	Chappie	Dwyer
AuCoin	Cheney	Dymally
Badham	Clarke	Dyson
Barnard	Clay	Early
Barnes	Clinger	Eckart
Bartlett	Coats	Edgar
Bateman	Coelho	Edwards (AL)
Bates	Coleman (MO)	Edwards (CA)
Bedell	Coleman (TX)	Edwards (OK)
Beilenson	Collins	Emerson
Bennett	Conable	English
Bereuter	Conte	Erdreich
Berman	Conyers	Erlenborn
Bevill	Cooper	Evans (IA)
Biaggi	Corcoran	Evans (IL)
Bilirakis	Coughlin	Fascell
Billey	Courter	Fazio
Boehlert	Coyne	Feighan
Boggs	Craig	Fiedler
Boland	Crane, Daniel	Fields
Boner	Crane, Philip	Fish
Bonior	Crockett	Flippo
Bonker	D'Amours	Florio
Borski	Daniel	Foglietta
Bosco	Dannemeyer	Foley
Boucher	Darden	Ford (MI)
Boxer	Daschle	Ford (TN)
Breaux	Daub	Fowler
Britt	Davis	Frank
Brooks	de la Garza	Franklin
Broomfield	Dellums	Frenzel
Brown (CA)	Derrick	Fuqua
Brown (CO)	DeWine	Garcia
Broyhill	Dickinson	Gaydos
Bryant	Dicks	Gejdenson
Gekas	MacKay	Rowland
Gephardt	Madigan	Roybal
Gibbons	Markey	Rudd
Gilman	Marlenee	Russo
Gingrich	Martin (IL)	Sabo
Glickman	Martin (NY)	Sawyer
Gonzalez	Martinez	Schaefer
Goodling	Matsui	Schroeder
Gore	Mavroules	Schulze
Gradison	Mazzoli	Schumer
Gray	McCain	Seiberling
Green	McCandless	Sensenbrenner
Gregg	McCloskey	Shannon
Guarini	McCollum	Sharp
Gunderson	McCurdy	Shaw
Hall (IN)	McDade	Shelby
Hall (OH)	McEwen	Shumway
Hall, Ralph	McGrath	Shuster
Hall, Sam	McHugh	Sikorski
Hamilton	McKernan	Siljander
Hammerschmidt	McKinney	Simon
Hance	McNulty	Sisisky
Hansen (ID)	Mica	Skeen
Hansen (UT)	Michel	Skelton
Harkin	Mikulski	Slattery
Hartnett	Miller (CA)	Smith (FL)
Hatcher	Miller (OH)	Smith (IA)
Hawkins	Mineta	Smith (NE)
Hayes	Minish	Smith (NJ)
Hefner	Mitchell	Smith, Denny
Heftel	Moakley	Smith, Robert
Hertel	Molinari	Snowe
Hightower	Mollohan	Snyder
Hiler	Montgomery	Solarz
Hillis	Moody	Solomon
Holt	Moore	Spence
Hopkins	Moorhead	Spratt
Horton	Morrison (CT)	St Germain
Howard	Morrison (WA)	Staggers
Hoyer	Mrazek	Stangeland
Hubbard	Murphy	Stark
Hughes	Murtha	Stenholm
Hunter	Myers	Stokes
Hutto	Natcher	Stratton
Hyde	Neal	Studds
Ireland	Nelson	Stump
Jacobs	Nichols	Sundquist
Jeffords	Nielson	Swift
Jenkins	Nowak	Synar
Johnson	O'Brien	Tallon
Jones (NC)	Oakar	Tauke
Jones (OK)	Oberstar	Tauzin
Jones (TN)	Obey	Taylor
Kaptur	Olin	Thomas (CA)
Kasich	Ortiz	Thomas (GA)
Kastenmeier	Owens	Torres
Kazen	Packard	Torricelli
Kemp	Panetta	Towns
Kennelly	Parris	Traxler
Kildee	Pashayan	Udall
Kindness	Patman	Valentine
Kleczka	Patterson	Vander Jagt
Kogovsek	Paul	Vandergriff
Kolter	Pease	Vento
Kostmayer	Penny	Volkmer
Kramer	Pepper	Vucanovich
LaFalce	Perkins	Walker
Lagomarsino	Petri	Watkins
Lantos	Pickle	Waxman
Latta	Porter	Weaver
Leach	Price	Weiss
Leath	Pritchard	Wheat
Lehman (CA)	Pursell	Whitehurst
Lehman (FL)	Quillen	Whitley
Lent	Rahall	Whittaker
Levin	Rangel	Whitten
Levine	Ratchford	Williams (MT)
Levitas	Ray	Wilson
Lewis (CA)	Regula	Winn
Lewis (FL)	Reid	Wirth
Lipinski	Richardson	Wise
Livingston	Ridge	Wolf
Lloyd	Rinaldo	Wolpe
Loeffler	Ritter	Wortley
Long (LA)	Roberts	Wright
Long (MD)	Robinson	Wyden
Lott	Rodino	Wylie
Lowery (CA)	Roe	Yates
Lowry (WA)	Roemer	Yatron
Lujan	Rogers	Young (AK)
Luken	Rose	Young (FL)
Lundine	Rostenkowski	Young (MO)
Lungren	Roth	Zschau
Mack	Roukema	

□ 1230

The CHAIRMAN. Four hundred and thirteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. DANNEMEYER] for a recorded vote.

Mr. DANNEMEYER. Mr. Chairman, I renew my demand for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Members are advised that the time for this vote will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 182, noes 226, not voting 25, as follows:

[Roll No. 333]

AYES—182

Albosta	Gregg	Olin
Andrews (TX)	Gunderson	Packard
Archer	Hall, Ralph	Parris
Badham	Hall, Sam	Pashayan
Barnard	Hamilton	Patterson
Bartlett	Hance	Paul
Bateman	Hansen (ID)	Penny
Bennett	Hansen (UT)	Petri
Bereuter	Hartnett	Pickle
Bilirakis	Hiler	Quillen
Bliley	Hillis	Ray
Breaux	Holt	Ridge
Broomfield	Hopkins	Ritter
Brown (CO)	Hubbard	Roberts
Broyhill	Hughes	Robinson
Burton (IN)	Hunter	Roemer
Byron	Hutto	Rogers
Campbell	Hyde	Roth
Carney	Ireland	Roukema
Carper	Jenkins	Rowland
Chappie	Kasich	Rudd
Cheney	Kindness	Schaefer
Clinger	Kolter	Schulze
Coats	Kostmayer	Sensenbrenner
Coleman (MO)	Kramer	Sharp
Conable	Lagomarsino	Shaw
Corcoran	Latta	Shumway
Crane, Daniel	Leach	Shuster
Crane, Philip	Lent	Siljander
D'Amours	Levitas	Sisisky
Daniel	Lewis (CA)	Skeen
Dannemeyer	Lewis (FL)	Skelton
Darden	Livingston	Slattery
Daschle	Loeffler	Smith (NE)
Daub	Lott	Smith, Denny
DeWine	Lowery (CA)	Smith, Robert
Dickinson	Lujan	Solomon
Dorgan	Luken	Spence
Dreier	Lungren	Stenholm
Duncan	Mack	Stump
Dyson	MacKay	Sundquist
Eckart	Marlenee	Tauke
Edwards (OK)	McCain	Tauzin
Emerson	McCandless	Taylor
English	McCollum	Thomas (CA)
Erdreich	McEwen	Thomas (GA)
Erlenborn	McGrath	Valentine
Evans (IA)	McNulty	Vander Jagt
Feighan	Mica	Vandergriff
Fiedler	Michel	Vucanovich
Fields	Miller (OH)	Walker
Flippo	Molinari	Weaver
Fowler	Montgomery	Whitehurst
Franklin	Moore	Whitley
Frenzel	Moorhead	Whittaker
Gaydos	Morrison (CT)	Williams (MT)
Gekas	Murphy	Winn
Gingrich	Myers	Wortley
Glickman	Nelson	Yatron
Goodling	Nichols	Zschau
Gradison	Nielson	

NOES—226

Ackerman	Addabbo	Alexander

Anderson	Gray	Owens
Andrews (NC)	Green	Panetta
Annunzio	Guarini	Patman
Applegate	Hall (IN)	Pease
Aspin	Hall (OH)	Pepper
AuCoin	Hammerschmidt	Perkins
Barnes	Harkin	Porter
Bates	Hatcher	Price
Bedell	Hayes	Pritchard
Beilenson	Hefner	Pursell
Berman	Heftel	Rahall
Bevill	Hertel	Rangel
Biaggi	Hightower	Ratchford
Boehlert	Horton	Regula
Boggs	Howard	Reid
Boland	Hoyer	Richardson
Boner	Jacobs	Rinaldo
Bonior	Jeffords	Rodino
Bonker	Johnson	Roe
Borski	Jones (NC)	Rose
Bosco	Jones (OK)	Rostenkowski
Boucher	Jones (TN)	Roybal
Boxer	Kaptur	Russo
Britt	Kastenmeier	Sabo
Brooks	Kazen	Sawyer
Brown (CA)	Kemp	Scheuer
Bryant	Kennelly	Schroeder
Burton (CA)	Kildee	Schumer
Carr	Kleczka	Seiberling
Chandler	Kogovsek	Shannon
Chappell	LaFalce	Shelby
Clarke	Lantos	Sikorski
Clay	Leath	Simon
Coelho	Lehman (CA)	Smith (FL)
Coleman (TX)	Lehman (FL)	Smith (IA)
Collins	Levin	Smith (NJ)
Conte	Levine	Snowe
Conyers	Lipinski	Snyder
Cooper	Lloyd	Solarz
Coughlin	Long (LA)	Spratt
Coyne	Long (MD)	St Germain
Crockett	Lowry (WA)	Staggers
Davis	Lundine	Stangeland
Dellums	Madigan	Stark
Derrick	Markey	Stokes
Dicks	Martin (NY)	Stratton
Dixon	Martinez	Studds
Donnelly	Matsui	Swift
Dowdy	Mavroules	Synar
Downey	Mazzoli	Tallon
Durbin	McCloskey	Torres
Dwyer	McCurdy	Towns
Dymally	McDade	Traxler
Early	McHugh	Udall
Edgar	McKernan	Vento
Edwards (AL)	McKinney	Volkmer
Edwards (CA)	Mikulski	Watkins
Evans (IL)	Miller (CA)	Waxman
Fascell	Mineta	Weiss
Fazio	Minish	Wheat
Fish	Mitchell	Whitten
Florio	Moakley	Wilson
Foglietta	Mollohan	Wirth
Foley	Moody	Wise
Ford (MI)	Morrison (WA)	Wolf
Ford (TN)	Mrazek	Wolpe
Frank	Murtha	Wright
Fuqua	Natcher	Wyden
Garcia	Neal	Wylie
Gejdenson	Nowak	Yates
Gephardt	O'Brien	Young (AK)
Gibbons	Oakar	Young (FL)
Gilman	Oberstar	Young (MO)
Gonzalez	Obey	
Gore	Ortiz	

NOT VOTING—25

Akaka	Gramm	Oxley
Anthony	Harrison	Savage
Bethune	Hawkins	Schneider
Courter	Huckaby	Torricelli
Craig	Leland	Walgren
de la Garza	Marriott	Weber
Dingell	Martin (IL)	Williams (OH)
Ferraro	Martin (NC)	
Frost	Ottinger	

The Clerk announced the following pairs:

On this vote:

Mr. Gramm for, with Mr. Anthony against.

Mr. Craig for, with Mr. Leland against.

Mr. Courter for, with Mr. Hawkins against.

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. SIMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 6028, the Labor/HHS/Education appropriation bill for fiscal year 1985. This bill is a demonstration of the House's singular commitment to educational quality and equity. We cannot build a finer, educationally fit America by cutting back on educational opportunity and educational excellence. There is no such thing as the status quo in the pursuit of the highest quality American education—as a Nation, we are either moving forward or we are moving backward.

I want to commend my colleague and friend from Kentucky, the distinguished chairman of the subcommittee, Mr. NATCHER, for shepherding this very important bill to the House floor for our consideration today. I also want to acknowledge the outstanding work of the gentleman from Massachusetts [Mr. CONTE] and the other members of the subcommittee for bringing us such a fine bill.

The bill is especially noteworthy for its provision in higher education, particularly those affecting the title IV, student assistance programs. For the first time, the Pell Grant Program will have a $2,100 maximum grant and cover 60 percent of the 'cost of attendance'. The College Work Study Program has been provided with a $45 million increase; Supplemental Educational Opportunity Grants [SEOG] with a $50 million increase; and the National Direct Student Loan [NDSI] Program with a $20 million increase. These much-needed and long overdue increases in the student aid programs may seem modest to some of my colleagues, but they may mean the difference in attending college or not having the opportunity to pursue a postsecondary education. These increases will help many low- and middle-income students and their families afford the rising cost of attending the college of their choice or the only one the family can afford. As college costs have risen dramatically over the past 5 years, Federal student assistance has declined. Many minority and low-income students will never gain access to higher education unless this House takes a leadership role in providing the funding and access tools for these students. I commend Mr. NATCHER for taking a leadership role by bringing this bill to the House and urge my colleagues to support it.

AMENDMENTS OFFERED BY MR. OLIN

Mr. OLIN. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. OLIN.

Page 17, line 16, strike out "$1,084,950,000" and insert in lieu thereof "$1,077,950,000";

Page 17, line 21, strike out "$764,135,000" and insert in lieu thereof "$759,135,000";

Page 17, line 24, strike out "$95,826,000" and insert in lieu thereof "$95,226,000";

Page 18, line 5, strike out "$515,516,000" and insert in lieu thereof "$512,316,000";

Page 18, line 10, strike out "$379,520,000" and insert in lieu thereof "$377,520,000";

Page 18, line 15, strike out "$355,728,000" and insert in lieu thereof "$353,528,000";

Page 18, line 19, strike out "$412,987,000" and insert in lieu thereof "$410,587,000";

Page 18, line 24, strike out "$296,929,000" and insert in lieu thereof "$295,929,000";

Page 19, line 4, strike out "$171,097,000" and insert in lieu thereof "$170,097,000";

Page 19, line 9, strike out "$189,437,000" and insert in lieu thereof "$188,437,000";

Page 19, line 12, strike out "$140,102,000" and insert in lieu thereof "$139,102,000";

Mr. OLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OLIN. Mr. Chairman, this amendment relates to a saving that is possible by recommendation of the GAO and the Grace Commission, and it is of concern to the committee. The item was included in the amendment just defeated. It is not my intention to prolong the debate on this subject, but the merits of this case may be unique. This amendment would reduce the appropriation to the 11 different parts of the National Institutes of Health, to recognize the fact that the overhead rates which they have been allowing to their grantees have risen over the years, from starting with a 15-percent cap in 1958 to 20 percent in 1963; in 1966, the cap was removed entirely; and then during the 1970's the overhead rates which were allowed to the grantees of NIH crept up from about 20 percent in 1966 to 30 percent in 1982. The estimate for 1985 fiscal year is 31 percent.

□ 1240

The GAO, in a study published this March, recommended to the administration that they implement fixed rates for the major NIH grantees. The Grace Commission estimated that these overhead costs which now amount to about $900 million a year could be cut as much as $167 million in the first year. That might be a little bit extreme, but, certainly there are some savings available here if the administration will take advantage of it.

My amendment would cut this $990 million which is available for overhead costs. Instead of cutting 10 percent as recommended by Grace, it would cut it 2.5 percent. We would be encouraging these agencies and the administration to exercise and implement the recommendations of the Grace Commission as well as the GAO report. The subject has been studied ad infinitum, I think Mr. Chairman, and the time is to act, and I recommend that this amendment be carried, and that the NIH appropriations be cut by $28 million.

I recognize that the chairman of the subcommittee has studied this, but I think in this case research would indicate that this saving is reasonable. No one will be hurt by it, and it will improve the operations of the Government.

Mr. Chairman, I want it to be understood very clearly that my amendment in no way is intended to reflect poorly on the National Institutes of Health and the research which they conduct and support. All of us know that the NIH engages in some of the most advanced and pioneering research efforts of any institution in the world.

But in past 12 years, one portion of its budget has grown faster than any other. Since Congress removed the limitation on indirect cost reimbursements in 1966, that component has grown greatly. And it is one of the parts of the NIH budget that is hard to audit and verify.

Let's step back and look at the story.

In 1958, Congress imposed a 15-percent ceiling on indirect costs for outside research projects. The figure was raised to 20 percent in 1963, and lifted completely in 1966.

The General Accounting Office released its study in March 1984. In a 10-year period, 1972–82, indirect research costs climbed 315 percent, from $166 million to $690 million. During the same period, direct costs grew only 151 percent, from $642 million to $1.6 billion.

During this period, indirect costs grew from 20.6 percent to 30 percent of total NIH grants. The estimate for 1985 is 31 percent.

The President's Private Sector Survey on Cost Control (Grace Commission) recommended a 10-percent across-the-board reduction in indirect costs. Similar proposals were made in the 1983 and 1984 fiscal budgets.

The Committee on Appropriations has ordered a study from the Department of Health and Human Services and wishes to address the problem of indirect research costs on a Government-wide basis. I commend the committee for their strong interest.

Mr. Chairman, we should not wait any longer. We know the problem exists and we know its extent. A modest beginning is all that my amendment calls for. It would put in place the incentives for further reductions and could serve as an example for other research agencies of the Federal Government.

My amendment is not as severe as the recommendation of the Grace Commission nor that of the previous amendment by the gentleman from California [Mr. DANNEMEYER] which was rejected.

The kind of expenses I am speaking of relate to administrative costs, use of equipment, operations and maintenance, or what the business world referes to as overhead. My amendment does not touch basic research, which is the heart and principal purpose of the entire NIH program.

My proposal to cut expenses by $28 million is very small, especially when we stop to remember we are considering an appropriation of more than $4 billion for one agency in this bill.

Indirect, administrative costs are the hardest to audit and verify. The GAO notes that very few of the grantees explain why their indirect costs have grown so sharply.

Mr. Chairman, if we begin modest cost reductions now, the NIH will be put well on the path of solving this problem. And in doing so, it could serve as a model for cost control and containment for other Government agencies engaged in similar endeavors.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Virginia.

Mr. Chairman, the proposed amendment to reduce funds for reimbursement of indirect costs on research project grants is, at the least, premature. The President's Office of Science and Technology Policy has initiated a study on this particular matter, and we are now waiting to hear from this study.

This study is being undertaken in response to a directive from the Appropriations Subcommittee on Labor, Health and Human Services and Education to examine on a Government-wide basis this important, complex, and poorly understood subject. These costs are just as real as the so-called direct costs and are essential to the successful conduct of any research project or program. Until solidly based evidence is available that the costs are unwarranted, and none to that effect has been offered, the result of this proposal would, in reality, be a significant cut, Mr. Chairman, in the Nation's biomedical research effort, and would cause an unjustified delay in our fight against the many dread diseases for which we have included research funds in this bill.

I would like to call the gentleman from Virginia's attention to page 31 of our report in which we discuss indirect costs. The committee notes that NIH intends to reimburse fully the indirect costs on research grants in 1985. While the growth of indirect costs as a proportion of total costs is a major concern, the problem is not unique in NIH and should be addressed through a Government-wide plan.

The committee is aware that NIH has offered assistance to the Office of Science and Technology Policy and has provided comments to the General Accounting Office on its recent analysis of this issue. The committee requests a report from the Department prior to next year's hearings which would describe the status of discussions with OSTP and outline possible options for a Government-wide plan to contain indirect cost growth.

I would like to say, Mr. Chairman, to the gentleman from Virginia, our subcommittee recognizes the importance of this particular matter, we have discussed it in our hearings and in our reports for many years. It is a very complex problem. We continue to be concerned about the increase in indirect costs, and that is why we have incorporated this in our report. We understand the gentleman's intent, but at this particular time, I would say to the distinguished gentleman that his amendment should be defeated.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman.

Mr. OLIN. I thank the chairman of the subcommittee for yielding, and I appreciate his point of view as expressed. On the other hand, I still think, as expressed by the gentleman from Louisiana here a while ago, that in some of these areas where we recognize that we have identified the source of inefficiency that needs to be improved, we have studied it carefully, that we not be caught in a situation where we are trying to correct the entire U.S. Government where we could take action in one particular area based on information at hand.

It is certainly not my intention to diminish the funds that are available for direct research in this area. But having come from private industry, I know something about overhead. I know how difficult it is to measure overhead and assess it properly. This situation calls for some fixed rates, which we will allow. We do not have to debate them; we do not have to audit them. We ought to move on this kind of a situation, Mr. Chairman, and I hope that regardless of what happens to this amendment, that the committees of Congress will move over the next year to take some action in this area.

Mr. NATCHER. Mr. Chairman, I would like to further say to the gentleman, the author of this amendment, that next year when we hold our hearings on the 1986 budget, or at any time a supplemental request is presented to our subcommittee which involves this particular matter certainly we are

going to go into it; it is an important matter. But the part that bothers me the most, Mr. Chairman, is that the amendment is directed only to this particular bill, and only to grants for basic medical research when it is really a Government-wide problem, which affects all of our colleges and universities who receive Federal research grants.

Mr. Chairman, I ask that the amendment be defeated.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as well-intentioned as the amendment may be, I think the gentleman from Virginia may be getting into something in 10 minutes that the committee and the administration have been trying to figure out now for a couple of years, and I think we are making some progress on it. In fiscal years 1983 and 1984, the administration proposed decreasing the payment for indirect costs by a flat 10-percent across-the-board cut. In the fiscal year 1983 committee report on that bill, it said the following:

The committee is sufficiently familiar with the complex issues surrounding reimbursement for research costs to have reached the conclusion that a flat, across-the-board reduction in one component of cost is not an intelligent or equitable way to deal with them. The budget proposal subjects all grantee institutions to the same percentage reduction regardless of their cost consciousness or efficiency thereby reducing incentives for containing expenditures.

That the policy was not carefully thought through before its incorporation into the fiscal year 1983 budget request is clear from the fact that it would apply only to research supported by the National Institutes of Health, the Alcohol, Drug Abuse and Mental Health Administration. Other Federal agencies would continue to pay 100 percent of indirect costs.

In the fiscal year 1984 report it said:

The problem of rising indirect costs is not unique to NIH, which is not involved in setting the rate, and should be addressed on a government-wide basis. Accordingly, the committee recommends the administration in consultation with the administrators and scientists and representative grantee institutions take the necessary steps to formulate a government-wide plan for calculating indirect costs on research supported by all agencies with R&D budgets.

In the fiscal year 1985 budget, there was no request for reduction of reimbursement of indirect costs.

At our hearings, we questioned the Secretary and the Director of NIH to see what progress they were making. Here is what the Director of NIH had to say:

On February 14, Secretary Heckler sent a letter to Dr. George Keyworth, Science Adviser to the President. She recommended that the Office of Science and Technology Policy take an active leadership role in addressing the indirect costs issue on a governmentwide basis and offer to provide technical assistance where needed.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. OLIN. I hear what the gentleman has to say and I am pleased to have that information. On the other hand, here is a specific case with an agency of the Government, NIH, where overhead costs have gone 15 to 20 percent, to 25 to 30 percent, and now are 31 percent. The GAO report in March of this year recommended that the administration, the OMB, cause the NIH to negotiate with various grantees for fixed rates that fit their situation, not a flat rate.

By any stretch of the imagination, this 31 percent on the average can be reduced 2.5 points with no effect whatsoever on the effectiveness of research, and it will provide a tremendous stimulus for NIH to get this problem solved. It will also be an example for other agencies of the Government.

I, for one, do not think it makes sense to put off an area where you are pretty sure you know what to do, you are ready to do it. We ought to go ahead and do it, and not hide behind the fact that we need to straighten out the whole Government and avoid working on a problem that could be corrected.

□ 1250

Mr. CONTE. In answer to the gentleman, none of the studies commissioned by the committee recommended an across the board as a preferable option in controlling indirect costs.

I think we have made substantial progress here in addressing this issue. We have gotten the Administrator to move from a quick-and-dirty approach to a comprehensive Government-wide attempt to fashion a solution under the direction of the Chief Science Policy Adviser in the Government.

It is that kind of sound policy development that is likely to lead to true cost savings in the Government, not the slingshot or the ill-considered approach proposed by the gentleman's amendment.

I, therefore, urge rejection of the gentleman's amendment. Incidentally, the gentleman's amendment was part of the Dannemeyer amendment which we just defeated.

Mr. Chairman, we will work with the gentleman next year on this issue.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Virginia [Mr. OLIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OLIN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-eight Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1300

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Virginia [Mr. OLIN] for a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. For what purpose does the gentleman from Michigan [Mr. LEVIN] rise?

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. Normally, Mr. Chairman, I thought we had rotated between the sides in recognizing Members for amendments. With the time limitation, we are clearly not going to get to debate all the amendments, and I make the inquiry to find out if there is some reason to recognize two majority amenders in a row.

The CHAIRMAN. The Chair was using its discretion. The gentleman from Michigan had approached the Chair and said that he had an amendment and he would like to offer his amendment as soon as he could, so the Chair was trying to accommodate the gentleman.

Mr. FRENZEL. Mr. Chairman, I have a further parliamentary inquiry.

I assume it is not strange to the Chairman that the gentleman would want to offer it in a hurry, but there are five or six other Members who are trying to get under the wire by 1:30.

Mr. NATCHER. Mr. Chairman, will the gentleman yield to me?

Mr. FRENZEL. Under my parliamentary inquiry, Mr. Chairman, I yield to the distinguished subcommittee chairman.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to the distinguished gentleman from Minnesota that this amendment that will be offered on this side will be accepted, and it should not take more than 2 minutes.

Mr. FRENZEL. Mr. Chairman, I thank the subcommittee chairman.

The CHAIRMAN. The gentleman from Michigan [Mr. LEVIN] is recognized.

AMENDMENT OFFERED BY MR. LEVIN OF MICHIGAN

Mr. LEVIN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVIN of Michigan: Page 4, line 18, strike out "$2,305,898,000" and insert in lieu thereof "$2,342,898,000".

Page 4, line 21, strike out $740,398,000" and insert in lieu thereof "$777,398,000".

Mr. LEVIN of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN of Michigan. Mr. Chairman, I will be brief.

This amendment has been discussed with the chairman and the ranking minority member of the subcommittee. What this would do would be to increase the amount that is provided under the unemployment insurance and employment service operations provision.

Right now the amount allocated for those provisions would be frozen to the present level. This would increase it by the inflation rate so that in the conference committee there could be consideration of whether or not there should be some increase so that there does not have to be, as is currently happening in Michigan and other States, a closing of employment service offices and a shutting down of services that help to place the unemployed.

So, Mr. Chairman, I would hope very much that we will adopt this amendment so that it can be further considered, and carefully considered, within the conference committee.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. LEVIN of Michigan. I am honored to yield to the chairman of the subcommittee.

Mr. NATCHER. Mr. Chairman, I would like to inquire of the gentleman if the amount of his amendment is added to the amount of $740 million in the committee bill.

Mr. LEVIN of Michigan. Mr. Chairman, it increases it from $740 million to $777 million.

Mr. NATCHER. Mr. Chairman, we have no objection to this amendment on this side.

During the hearings with the Department, Mr. Chairman, we inquired as to whether or not this amount was sufficient, the amount that was incorporated in the bill. They advised us that they thought it was. We inquired as to what would happen if the amount turned out to be not sufficient. They informed us that they believed that the States could absorb the difference.

Mr. Chairman, there may be some States that cannot absorb the difference.

At this time, Mr. Chairman, on this side we accept the amendment.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment comes as a surprise. I just saw it a few minutes ago when the gentleman from Michigan brought it over.

I am not going to argue against the amendment or for it, but we are going to look into this very, very closely, and if we do not feel it is the right thing to do, we will knock it out in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. LEVIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: Page 29, line 9 strike out "$17,850,000" and insert in lieu thereof "$18,945,000".

Mr. ERLENBORN. Mr. Chairman, this amendment would restore funding for the Department of Health and Human Services, Office for Civil Rights, to the same level as last year's appropriation. The Committee bill reduced this funding by $1,095,000.

While I am reluctant to propose any funding increases in this bill, based on the importance of the duties and the likely increased caseload of this office. I do not believe that a cut in resources is appropriate. The Office of Civil Rights is, of course, the office within HHS which would investigate complaints about mistreatment of handicapped infants or "Baby Does."

Just a few weeks ago this House passed, after long debate, a bill setting up a procedure under which the States and the Federal Government will investigate complaints of mistreatment or nontreatment, and I am happy to report that the Senate has passed a similar bill. We will soon be in conference on that, and I am quite confident we will have the bill signed into law maybe by the beginning of the next fiscal year.

Complaints by the handicapped rights and prolife community about violations of Federal civil rights laws have run into many roadblocks this year. Due to the Federal court decisions, the HHS Office of Civil Rights has often found its hands tied in investigating and acting on those complaints. With the passage of the Murphy-Erlenborn provision, much of that confusion should be eliminated. It would be unfair at this point, when we are on the verge of establishing a system for dealing with these problems, to further hinder these efforts, due simply to a lack of funding in HHS.

Under the new procedures, the States have the primary responsibility for investigating and acting on "Baby Doe" complaints. The HHS Office of Civil Rights, however, still maintains an important role. It will be requested to advise the 50 States and other jurisdictions on what procedures would be appropriate and to provide backup investigatory resources.

Now, in this new office, with this new and expanded workload that would be placed on the office, H.R. 6028, as reported by the committee, would cut the budget and reduce the staffing by 50 positions. My amendment would not restore all 50 positions since it would not provide for inflation-related increases in salaries, rent, and other expenses. It would allow the office to avoid a cut of quite so many offices so that it may pursue "Baby Doe" complaints with sufficient resources.

Mr. Chairman, my amendment is supported by the following associations: the Association for Retarded Citizens, the American Life Lobby, Down's Syndrome Congress, the Ad Hoc Committee in Defense of Life, Spina Bifida Association of America, Disability Rights Center, Inc., Christian Action Council, Doctors for Life, and the National Right to Life Committee.

Mr. Chairman, I would hope that my amendment would be adopted.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I want to congratulate the gentleman on his amendment.

As I understand it, it restores $1,095,000 to the Office of Civil Rights within the Department of Health and Human Services, and this simply restores the budget of that Department to its fiscal 1984 level; is that correct?

Mr. ERLENBORN. Mr. Chairman, I am sorry, but I was distracted. What was the gentleman's question?

Mr. HYDE. Mr. Chairman, I asked whether or not this restores the budget for the Office of Civil Rights within the Department of Health and Human Services to the fiscal 1984 level.

Mr. ERLENBORN. The gentleman is correct. It does not add above the 1984 level; it restores the budget to that level.

Mr. HYDE. Mr. Chairman, not only does this office need this money, but it has an increased workload in investigating complaints on problems brought to it about handicapped infants that may be denied the usual routine medical care, food, and that sort of thing.

Mr. ERLENBORN. This is correct.

Mr. HYDE. Mr. Chairman, I think it is an excellent and necessary amendment, and I congratulate the gentleman from Illinois.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I thank the gentleman for yielding.

I stand up here to speak reluctantly, because I think we are within the 302(b) subcommittee allocation ceiling, within $1.7 million, and this just about bumps up against that ceiling. But the amendment appears to have merit, and I hope the subcommittee chairman can go along along and accept the gentleman's amendment.

Mr. NATCHER. Mr. Chairman, will the gentleman yield to me?

Mr. ERLENBORN. I yield to the subcommittee chairman.

Mr. NATCHER. Mr. Chairman, we have carefully considered the amendment offered by the gentleman from Illinois [Mr. ERLENBORN]. This would carry the funding of this office back to the 1984 level; that is correct, is it not?

Mr. ERLENBORN. The gentleman is correct.

Mr. NATCHER. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ERLENBORN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment which is at the desk and identified as amendment No. 1.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: After line 6, page 56 add the following new section:

"SEC. . Notwithstanding any other provision of this Act, all funds appropriated by this Act, except those funds appropriated under:

(1) Title I, Department of Labor, Employment and Training Administration, for Federal Unemployment Benefits and Allowances;

(2) Title I, Department of Labor, Employment Standards Administration, for Special Benefits;

(3) Title I, Department of Labor, Employment Standards Administration, for the Black Lung Disability Trust Fund;

(4) Title II, Department of Health and Human Services, Health Resources and Services Administration, for Federal Interest Subsidies for Medical Facilities;

(5) Title II, Department of Health and Human Services, Office of the Assistant Secretary for Health, for Retirement Pay and Medical Benefits for Commissioned Officers;

(6) Title II, Department of Health and Human Services, Health Care Financing Administration, for Grants to States for Medicaid;

(7) Title II, Department of Health and Human Services, Health Care Financing Administration, for Payments to Health Care Trust Funds;

(8) Title II, Department of Health and Human Services, Social Security Administration, for Payments to Social Security Trust Funds;

(9) Title II, Department of Health and Human Services, Social Security Administration, for Special Benefits for Disabled Coal Miners;

(10) Title II, Department of Health and Human Services, Social Security Administration, for the Supplemental Security Income Program;

(11) Title II, Department of Health and Human Services, Social Security Administration, for the Assistance Payments Program;

(12) Title II, Department of Health and Human Services, Social Security Administration, for Child Support Enforcement;

(13) Title II, Department of Health and Human Services, Human Development Services, for Social Services Block Grant;

(14) Title II, Department of Health and Human Services, Human Development Services, Family Social Services, for that portion of appropriations made available for the Foster Care Program and Adoption Assistance;

(15) Title III, Department of Education, for Rehabilitation Services and Handicapped Research;

(16) Title III, Department of Education, for Guaranteed Student Loans;

(17) Title III, Department of Education, for Higher Education Facilities Loans and Guarantees;

(18) Title IV, Related Agencies, Railroad Retirement Board, Federal Payment to the Railroad Retirement Accounts;

are hereby reduced by 5.9 percent.".

Mr. FRENZEL. Mr. Chairman, my amendment is a simple one, and is similar to those I have offered to several appropriations bills. I remind Members again that our House-passed budget indicated that domestic discretionary spending ought to increase by no more than 3.5 percent. I have attempted, where possible, to provide means for Members to vote to uphold the budget resolution.

It was not my budget resolution. I felt it was too expensive. Since it is the only guide we have, my judgment is that we ought to support it.

The Labor-HHS appropriation includes $85,578,836,000 for all programs for fiscal year 1985. Of that, only a relatively small portion—$25,200,075,000—is discretionary spending. The remainder consists of mandatory spending which we are obligated to spend because of entitlement programs, and a small amount of other discretionary spending which is unauthorized and thus not appropriated in the House bill.

My amendment only affects the authorized discretionary spending included in the bill. For this year we appropriated $22,807,856,000 for those programs. For next year, as I have indicated, the committee has recommended $25,200,075,000. That is a 10.5-percent increase—far in excess of our budget's 3.5-percent limit.

My amendment makes a 5.9-percent reduction in that discretionary spending. If my amendment is accepted, discretionary spending in the bill would be $23,713,271,000—that is a 4-percent increase over last year's level—actually in excess of the budget resolution target.

However, there are also a dozen or so programs that are unauthorized and unappropriated. The Senate bill includes $7.9 billion for these programs, a 2-percent increase over last year's level of $7.8 billion.

In constructing my amendment, I assumed that the final appropriation would include funding for unauthorized programs. I assumed that the Senate's reported figure will be very close to the final amount. If so, the total for discretionary programs will be about $31.65 billion under my amendment. That is approximately a 3.5-percent increase over last year's $30.6 billion total level.

This amendment is a responsible one, in my judgment. It allows an increase in the House-reported programs of 4 percent—more than our budget allows. It also makes no adjustment for the recently passed math and science bill. If that is added to this bill, total discretionary spending will increase by as much as 5 percent. If we are serious about our budget, this amendment really ought to be made stricter.

Moreover, the amendment is also important for what is excluded. No reduction whatsoever is made in Social Security, medicare, medicaid, unemployment compensation, SSI, railroad retirement, black lung benefits, guaranteed student loans, and a long list of other programs. This amendment affects only about one-third of spending in the bill.

I really don't like across-the-board amendments. I would prefer to have the Appropriations Committee construct appropriations. However, this bill, as in the case of some that preceded it, is well over our budget limits. An across-the-board amendment preserves the proportions developed by the appropriations Committee. I know of no other way to try to reduce spending without radically altering the good work that the committee does on all these bills.

My personal preference would be not to inflict this extra cut on line items already frozen or reduced. A good example is funding for our libraries. The library funding in this bill has already been frozen. It should not be further reduced. However, my amendment is solely based on budget considerations. To add questions of item priority would hopelessly complicate my amendment. Therefore I had to keep it clean.

I urge a positive vote for my amendment.

□ 1310

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

I regret very much that I have to oppose my good friend, the gentleman from Minnesota, because the gentleman and I usually are on the same side of the issue, but I think in this particular matter, he has gone a little too far.

This is a 5.9-percent across-the-board cut in the discretionary programs in this bill.

Let me tell the House something. We have heard a lot of discussion, and my good friend, to the gentleman from California [Mr. DANNEMEYER] is very upset with me because he felt that as the ranking Republican, I should have supported his amendment.

Let me tell you something. Back in 1981 we had rescissions of some $14.5 billion. That figure was close to $13 billion in social programs and we gave the President that rescission. Do you know where that rescission went? It was the first time since the Budget Act that this Congress went along with that kind of a rescission. Do you know where that rescission went? The $13 billion did not go into savings, did not go to help balance the budget. It went right into Defense.

Then in 1981 we cut billions more out of the social programs in reconciliation. It did not go to balance the budget. It went right back, slid right into Defense.

We were spinning our wheels. Every cut that we were making was going into Defense.

Now, let me tell you this. The discretionary programs in this appropriations bill here are a half a billion dollars lower—listen to this—a half a billion dollars lower than the discretionary levels back in 1980. You know what has happened. We have had inflation in all those years. This bill is a half a billion dollars lower than 1980.

Now the gentleman from Minnesota wants to cut another 5.9 percent across the board by a meat ax approach in programs like education, health research, job training, community services for the poor, work incentive programs for AFDC recipients, and on and on.

I think it dispays a gross insensitivity to the needs of the people that are addressed in this particular bill. It would cut discretionary programs by $1.5 billion.

No one supports this amendment. The White House does not support this amendment. The Rose Garden agreement committed us to at least a $2.1 billion increase over the 1984 program level.

Now, this bill is over the Rose Garden agreement by about $400 million, I believe. I hope that by the time it gets back to the Rose Garden, it will be right on target, and the chairman and I are going to work toward that end; but this amendment would take a chain saw cut, not a clipper saw, a chain saw cut to the agreement that was made in the Rose Garden. It would cut a billion dollars out of the Rose Garden agreement.

Mr. Chairman, there would not be a rose bush left, if this amendment passed. All we would have would be weeds.

Mr. Chairman, I hope the amendment is defeated.

Mr. NATCHER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I want to concur with the statement that has just been made by my distinguished friend, the gentleman from Massachusetts [Mr. CONTE].

This is a meat ax amendment to this bill and it should not be agreed to.

We held hearings on this bill that lasted for some 14 weeks. We carefully marked this bill up. This bill is $421,733,000 under the fiscal year 1984 level.

Let me restate that. We are nearly half a billion dollars under the amount in the bill that we had in 1984.

In addition to that, Mr. Chairman, we are under the amount tentatively allocated to our subcommittee under the first budget resolution for 1985 as passed the House.

If you vote for this amendment, you cut spending for discretionary programs by approximately 6 percent. This is a total cut of $1.5 billion. As far as job training is concerned, you cut out $231,005,000.

Now, think about it. There are some 9 million or 10 million people unemployed. In H.R. 6028 we are trying to do something about it, Mr. Chairman. If we adopt this amendment, you cut out of this bill $231 million for the unemployed.

As far as the summer youth program is concerned—employment for the boys and girls in the cities during the summer, if you adopt this amendment, Mr. Chairman, you cut out $55,473,000.

As far as the National Institutes of Health are concerned, you would cut the National Institutes of Health by $290,061,000.

Research on cancer, heart and stroke, all of the diseases, would be cut.

Mr. Chairman, this is something that means so much to the people in this country. In cancer alone, the cut would be $65 million.

The Heart, Lung and Blood Institute would be cut $45,848,000.

As far as child health is concerned, $17,816,000.

As far as the aging are concerned, Mr. Chairman, National Institute on Aging, would be cut $8,406,000.

□ 1320

Alcohol, drug abuse, and mental health, $24,319,000; child welfare assistance, $9,900,000.

As far as elementary and secondary education is concerned, if you adopt the amendment offered by my friend from Minnesota [Mr. FRENZEL] you reduce this bill $220,800,000 in chapter 1.

Under chapter 2, grants for special education, adoption of this amendment would reduce the bill $40,783,000.

Education for the handicapped, Mr. Chairman, would be cut $77,912,000; the amendment offered by the gentleman from Minnesota would take vocational education down $43,879,000. Student financial assistance would go down $304,740,000. As far as Pell grants are concerned, $225,180,000. Other higher educational programs, Mr. Chairman, $27,563,000.

Mr. Chairman, this is strictly a meat ax approach. This amendment should be defeated.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Pennsylvania.

Mr. GRAY. I would like to join with the chairman in urging that this body oppose the meat ax approach. Certainly the committee has done an excellent job, and as the ranking minority member has said, this goes beyond the bud and is going to produce nothing but weeds.

Mr. Chairman, I have a question concerning the bill before us today. Language in the committee report indicates that the additional $200 million for the chapter 2 education block grant could be used in part by States to offset losses suffered by the repeal of the Emergency School Aid Act. Is it your understanding, Mr. Chairman, that this additional funding does not preclude a separate appropriation at some future date for the new magnet school bill, H.R. 1310 title VII as passed by both House and Senate?

Mr. NATCHER. Yes; that is correct.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentlewoman from Louisiana.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. NATCHER] has expired.

(By unanimous consent Mr. NATCHER was allowed to proceed for 1 additional minute.)

Mrs. BOGGS. Mr. Chairman, I rise in support of the fiscal 1985 Labor-HHS bill. I would like to commend the members of the subcommittee for their usual fine work on this bill. In particular, I would like to call attention to the subcommittee's continued strong support for the Ellender Fellowship Program administered by the Close Up Foundation. Our support for

this program will permit many needy students from around the Nation to participate in Close Up.

I agree with many of the provisions in this bill and as the chair of the Crisis Intervention Task Force of the Select Committee on Children Youth and Families, I wish to comment particularly on the provision to continue funding for the 10 regional resource centers, and the one national center, at their current level through 1985. These centers which disseminate state-of-the-art information and technical assistance to States on issues concerning child abuse, foster care, runaway and adoption, are scheduled to be phased out October 1 by the administration.

This action seems inconsistent with the finding of the recently issued report by the Secretary of Health and Human Services on children in foster care. The report notes that between 1977 and 1982, the number of children in foster placement was reduced by more than half, from 500,000 to 243,000. In addition, the proportion of foster children free for adoption who are awaiting placements dropped from 49 percent to 34 percent.

In the report, the Secretary attributed these declines, in large part, to implementation of Public Law 96-272: The Foster Care and Adoption Assistance Act of 1980. Yet, a key mechanism for ensuring the continued success of the foster care reform legislation—the regional resource centers—will soon be eliminated.

In my own State of Louisiana, the region VI resource center in Austin, TX helped establish multidisciplinary teams to address cases of child abuse and neglect. These teams, an example of the new treatment technology in child abuse, help to prevent children from entering the foster care system. In addition, through its venture grant program, the region VI resource center funded innovative programs in Louisiana, involving the local business community, to promote adoption of special needs children.

Despite these good efforts, on August 31 the region VI resource center will close its doors. The center has been notified by the Office of Human Development Services, within the Department of Health and Human Services, that its funding will terminate the end of this month. All the other centers will also lose their funding by October 1, 1984.

H.R. 6028, a bipartisan effort, urges the Department of Health and Human Services to continue funding for the resource centers, at their current level, through 1985.

Mr. Chairman, I would like to ask my distinguished colleague, the subcommittee chairman, the gentleman from Kentucky, if it was the express intent of the subcommittee to preserve and protect all of the regional resource centers to be funded at their current level, so that they may continue their vital work?

Mr. NATCHER. Yes; it is the intent of the subcommittee that the regional resource centers continue to exist and function through 1985.

Mrs. BOGGS. I thank the gentleman for yielding and for his affirmative answer.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express some concern over the report language contained on page 105 of the House bill. There are two particular areas in that report language.

First of all, they have a phrase which says "despite the clear intent of the block grant legislation." I want to make sure that we understand that John Ashbrook and I were the sponsors and writers of the chapter 2 block grant legislation. And also I was the sponsor of Public Law 98-211 which amended that block grant, so that is an incorrect statement.

But the last phrase says, "at the level of funding that the local educational agencies received under the ESAA."

Now, it seems to me we are trying to encourage lawsuits with that kind of language. The language is in direct conflict with the authorizing statute, Public Law 98-211, which amended the block grant.

The authorizing committee did say, and in fact I was the author of the report language which stated, "It is the intent of the committee that section 565(a) of the Education Consolidation and Improvement Act of 1981 be interpreted such that State chapter 2 distribution formulas provide adjusted allocations to LEA's with only the greatest numbers or percentages of high cost children rather than allocations to LEA's with any number or percentage of such children."

This provision is a direct reference to the State distribution formula for the 80 percent of the funds that flow to the local education agencies and not, I repeat, not to the 20 percent setaside for State programs. In fact, it would be impossible to carry out the language in 98-911.

For example, in New York the total funding in fiscal year 1984 for State programs under the block grant, the so-called 20 percent, is $6 million. This $6 million would only be enough to fund one school district at the level anticipated in the report language.

If there were statutory language I am certain it would be subject to a point of order since it would dictate how and where the dollars were to be spent rather than providing a mere limitation on spending.

Since this is only report language it does not have the force of law but, nevertheless, I wish to register my concern about this language which is clearly erroneous.

Mr. CONTE. Will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Massachusetts.

Mr. CONTE. That report language is mine and it is not erroneous.

Mr. CHAIRMAN. Over the 2 or 3 years that the chapter 2 block grant has been in operation, it has become clear that the States have not picked up the funding of that program. Cities that previously received ESAA funds have been left high and dry.

I have one such situation in my own district. The city of Holyoke received a 1 year funding grant of $300,000 to permit it to begin a voluntary school desegregation plan. Then chapter 2 came into effect.

Since that time, the State of Massachusetts has provided next to no assistance to the city of Holyoke to continue to implement that plan. Strapped by proposition 2½, the city has been scraping the barrel to try and run its plan.

But it is not my intention to require the States to spend their entire setaside on desegregation. There is nothing in this report language that would change the basic law.

But I do believe that States that have been doing nothing ought to get going and provide some help.

In addition, before I forget, I wanted to say something about the previous colloquy on regional resource centers.

In the subcommittee markup, the subcommittee restored the proposed budget cut in that line, which had been proposed for deletion in its entirety, back up to $10 million, the 1984 level.

I offered report language in that markup which can be found on page 97 of the committee report.

Let me state that it is my intention that with the funds added back into the bill, the regional resource centers be kept going at least through 1985.

I know that the Senate has similar language in its report, I would be happy to work toward assuring that these resource centers be kept in operation.

Mr. GOODLING. Then I would certainly agree with the gentleman. I am glad for the chance for the colloquy, because, as I indicated, the 80 percent is there and they should be forced to use that 80 percent for your purposes.

We want to make sure that there is nothing in the language which would say that this is the only reasonable thing they can do with this 20 percent.

I wrote this language to try to help your district, and particularly because New York was descending upon me constantly. So I think our colloquy has clarified it and I do not believe lawsuits now could become part of the daily problem that local school admin-

istrators would normally be faced with.

Mr. CONTE. I want to thank the gentleman from Pennsylvania for his contribution.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. PERKINS. I would like to ask the manager of the bill, the gentleman from Kentucky [Mr. NATCHER] a question regarding the Job Corps.

Mr. Chairman, the report of the Appropriations Committee states, on page 10, that—

> The committee strongly supports the civilian conservation centers currently operated by the Departments of Agriculture and Interior.

I believe that related language in the committee report needs clarification for purposes of legislative intent.

The Appropriations Committee has accepted the administration's budget request of $600 million for the Job Corps. Despite increased costs, the Appropriations Committee report indicates that an average enrollment level of 40,500 can be maintained with that appropriation, assuming offsetting cost savings resulting in part from "contracting of civilian conservation centers * * *. The Labor Department is instructed to keep the committee fully informed concerning the contracting of these centers."

What is the meaning the phrase: "contracting of civilian conservation centers?"

I take it that the Appropriations Committee is not endorsing the contracting out of any civilian conservation center as a whole. I know that the Job Corps has entered into contracts making provision for education and training programs at some of the conservation centers. However, the civilian conservation centers are located in national parks and forests. Very valuable work is performed by Job Corps members to improve these public lands. Supervision of that work must continue to be the responsibility of the Department of Interior and Agriculture which are responsible for these parks and forests.

The Job Corps may, where appropriate, negotiate contracts with private contractors to carry out some of the functions of operating civilian conservation centers.

But would the manager of the bill agree with me that we do not intend to see the total operation of any civilian conservation centers turned over by the Federal Government to private contractors?

□ 1330

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the chairman of the subcommittee.

Mr. NATCHER. Mr. Chairman, I would like to say to my distinguished friend from Kentucky, chairman of the Committee on Education and Labor, that it is not the intent of our subcommittee or our Committee on Appropriations to see that the total operation of any civilian conservation centers is turned over by the Federal Government to private contractors. That is not our intent.

Mr. CONTE. I agree with the chairman.

The CHAIRMAN. All time has expired.

Mr. DANNEMEYER. Mr. Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will state the motion.

The Chair will first advise the gentleman that it is not debatable at this point under the unanimous-consent agreement.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Is it not true that on behalf of this motion this Member would have 5 minutes?

The CHAIRMAN. All debate on the bill and all amendments to the bill under the unanimous-consent agreement was to end at 1:30, unless amendments had been printed in the RECORD.

Mr. DANNEMEYER. This is not an amendment.

The CHAIRMAN. All debate on the bill ended at 1:30, under the unanimous-consent agreement.

Mr. DANNEMEYER. Maybe this Member does not understand, but the preferential motion takes precedence over the time limitation that has been agreed to; does it not?

The CHAIRMAN. It could be offered, but there will be no debate on the preferential motion.

Mr. DANNEMEYER. This Member would have no time on behalf of it?

The CHAIRMAN. The gentleman would not have any time under the unanimous-consent agreement.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WALKER. The time limitation was on the bill itself; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. WALKER. The preferential motion deals with a specific motion before the House which would be my understanding, would permit the gentleman 5 minutes of time to debate his motion. That is the pattern that I have understood we have used before when time limitations have been declared. Is this a change of policy on the part of the Chair?

The CHAIRMAN. The Chair will state that the precedents of the House are that when the time limit is on the entire bill, that includes all motions thereto.

Mr. WALKER. So that the Chair is ruling that this motion is a part of the debate on the bill?

The CHAIRMAN. That is correct.

Mr. DANNEMEYER. Mr. Chairman, I ask unanimous consent this Member be given 5 minutes to speak on behalf of the motion.

Mr. DURBIN. Objection.

The CHAIRMAN. Is there objection to the requests of the gentleman from California?

Mr. DURBIN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Does the gentleman wish to offer his preferential motion?

Mr. DANNEMEYER. I ask unanimous consent to withdraw that preferential motion, Mr. Chairman.

The CHAIRMAN. The motion is not offered.

The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2 of rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1340

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota [Mr. FRENZEL] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 276, not voting 13, as follows:

[Roll No. 334]

AYES—144

Albosta	Barnard	Bedell
Archer	Bartlett	Bennett
Badham	Bateman	Bethune

Bliley	Hansen (UT)	Pashayan
Bosco	Hartnett	Paul
Breaux	Hightower	Penny
Broomfield	Hiler	Pritchard
Brown (CO)	Hillis	Quillen
Broyhill	Huckaby	Ray
Burton (IN)	Hunter	Ritter
Campbell	Hyde	Roberts
Carney	Ireland	Robinson
Chappie	Kasich	Roemer
Cheney	Kemp	Rudd
Coats	Kindness	Sawyer
Conable	Kramer	Schaefer
Corcoran	Lagomarsino	Schroeder
Courter	Latta	Schulze
Craig	Leach	Sensenbrenner
Crane, Daniel	Leath	Shaw
Crane, Philip	Lent	Shelby
Daniel	Levitas	Shumway
Dannemeyer	Lewis (CA)	Shuster
Darden	Loeffler	Siljander
Daub	Lott	Skeen
Derrick	Lowery (CA)	Slattery
DeWine	Lujan	Smith, Denny
Dorgan	Lungren	Smith, Robert
Dreier	Mack	Solomon
Duncan	Marlenee	Spence
Edwards (AL)	Martin (IL)	Stangeland
Edwards (OK)	McCain	Stenholm
English	McCandless	Stump
Erlenborn	McCollum	Sundquist
Evans (IA)	McEwen	Tauke
Fields	McGrath	Tauzin
Franklin	Michel	Taylor
Frenzel	Miller (OH)	Thomas (CA)
Gekas	Molinari	Vander Jagt
Gibbons	Montgomery	Vucanovich
Gingrich	Moore	Walker
Goodling	Moorhead	Weber
Gradison	Myers	Whitehurst
Gregg	Nelson	Whittaker
Gunderson	Nichols	Winn
Hall, Sam	Nielson	Wortley
Hammerschmidt	Oxley	Wylie
Hansen (ID)	Packard	Zschau

NOES—276

Ackerman	Coughlin	Guarini
Addabbo	Coyne	Hall (IN)
Akaka	Crockett	Hall (OH)
Alexander	Daschle	Hall, Ralph
Anderson	Davis	Hamilton
Andrews (NC)	de la Garza	Hance
Andrews (TX)	Dellums	Harkin
Annunzio	Dickinson	Hatcher
Applegate	Dicks	Hawkins
Aspin	Dingell	Hayes
AuCoin	Dixon	Hefner
Barnes	Donnelly	Heftel
Bates	Dowdy	Hertel
Beilenson	Downey	Holt
Bereuter	Durbin	Hopkins
Berman	Dwyer	Horton
Bevill	Dymally	Howard
Biaggi	Dyson	Hoyer
Bilirakis	Early	Hubbard
Boehlert	Eckart	Hughes
Boggs	Edgar	Hutto
Boland	Edwards (CA)	Jacobs
Boner	Emerson	Jeffords
Bonior	Erdreich	Jenkins
Bonker	Evans (IL)	Johnson
Borski	Fascell	Jones (NC)
Boucher	Fazio	Jones (OK)
Boxer	Feighan	Jones (TN)
Britt	Fiedler	Kaptur
Brooks	Fish	Kastenmeier
Brown (CA)	Flippo	Kazen
Bryant	Florio	Kennelly
Burton (CA)	Foglietta	Kildee
Byron	Foley	Kleczka
Carper	Ford (MI)	Kogovsek
Carr	Ford (TN)	Kolter
Chandler	Fowler	Kostmayer
Chappell	Frank	LaFalce
Clarke	Fuqua	Lantos
Clay	Garcia	Lehman (CA)
Clinger	Gejdenson	Lehman (FL)
Coelho	Gephardt	Levin
Coleman (MO)	Gilman	Levine
Coleman (TX)	Glickman	Lewis (FL)
Collins	Gonzalez	Lipinski
Conte	Gore	Livingston
Conyers	Gray	Lloyd
Cooper	Green	Long (LA)
Long (MD)	Panetta	Smith (NE)
Lowry (WA)	Parris	Smith (NJ)
Luken	Patman	Snowe
Lundine	Patterson	Snyder
MacKay	Pease	Solarz
Madigan	Pepper	Spratt
Markey	Perkins	St Germain
Martin (NY)	Petri	Staggers
Martinez	Pickle	Stark
Matsui	Porter	Stratton
Mavroules	Price	Studds
Mazzoli	Pursell	Swift
McCloskey	Rahall	Synar
McCurdy	Rangel	Tallon
McDade	Ratchford	Thomas (GA)
McHugh	Regula	Torres
McKernan	Reid	Torricelli
McKinney	Richardson	Towns
McNulty	Ridge	Traxler
Mica	Rinaldo	Udall
Mikulski	Rodino	Valentine
Miller (CA)	Roe	Vandergriff
Mineta	Rogers	Vento
Minish	Rose	Volkmer
Mitchell	Rostenkowski	Watkins
Moakley	Roth	Waxman
Mollohan	Roukema	Weaver
Moody	Rowland	Weiss
Morrison (CT)	Roybal	Wheat
Morrison (WA)	Russo	Whitley
Mrazek	Sabo	Whitten
Murphy	Savage	Williams (MT)
Murtha	Scheuer	Wilson
Natcher	Schneider	Wirth
Neal	Schumer	Wise
Nowak	Seiberling	Wolf
O'Brien	Shannon	Wolpe
Oakar	Sharp	Wright
Oberstar	Sikorski	Wyden
Obey	Simon	Yates
Olin	Sisisky	Yatron
Ortiz	Skelton	Young (AK)
Ottinger	Smith (FL)	Young (FL)
Owens	Smith (IA)	Young (MO)

NOT VOTING—13

Anthony	Gramm	Stokes
D'Amours	Harrison	Walgren
Ferraro	Leland	Williams (OH)
Frost	Marriott	
Gaydos	Martin (NC)	

□ 1350

The Clerk announced the following pair:

On this vote:

Mr. Gramm for, with Mr. Stokes against.

Messrs. YOUNG of Alaska, MICA, and COUGHLIN changed their votes from "aye" to "no."

Mrs. SCHROEDER and Mr. PENNY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1400

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the RECORD?

Mr. ROEMER. No; it was not, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. ROEMER: Page 42, line 9, strike out "$241,075,000" and insert in lieu thereof "$222,675,000".

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROEMER. As I understand it under the rules, I am not allowed to debate the amendment. Am I in order to ask unanimous consent for 1 minute, divided between the chairman of the committee and myself?

The CHAIRMAN. The unanimous consent, if granted——

Mr. ROEMER. Mr. Chairman, I ask unanimous consent for 4 minutes, during which to discuss my amendment, divided equally between the chairman of the subcommittee and myself. Two minutes each way.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. CONTE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Louisiana [Mr. ROEMER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the RECORD?

Mr. DAVIS. Yes, Mr. Chairman; it was.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 3, after line 16, insert the following:

For establishing and operating an Indian and Rural Youth Emphasis training center at Newberry, Michigan, as authorized by section 427 of the Job Training Partnership Act, $4,750,000, in addition to amounts otherwise provided herein.

Mr. CONTE. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Michigan.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] reserves a point of order against the amendment offered by the gentleman from Michigan [Mr. DAVIS].

The gentleman from Michigan [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS. Mr. Chairman, I am offering an amendment today to establish a Job Training Center for the Indian and rural youths of several Northeast and Midwest States, to be located at Newberry, MI. This project would give vital employment training to these young people from Michigan, Wisconsin, Minnesota, New York, Iowa, Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, and Vermont.

The center is proposed by the Intertribal Council of Michigan and has the unqualified support of the Four-State Indian Assembly—representing the States of Minnesota, Wisconsin, Iowa, and Michigan, and the support of the New England Indian task force—representing all federally recognized tribes in New England.

At a cost of $4.75 million, this project would train approximately 900

Indian and rural youths per year at a site which is unique I'm sure to the Job Corps center program. It is a former mental health facility owned by the State of Michigan. Michigan has offered to lease the entire site for $1 a year for this project. The campus already has in place 12 buildings which include all the dormitory, food service, and recreational facilities needed, as well as plenty of classroom and workshop space. With some renovation, the center could be in operation within 6 months of funding. Because of the high unemployment remaining in rural areas and especially among Indian populations of this region, this project could have a lasting effect on the employment picture for many youths who find themselves ill-prepared for today's job market. Additionally, such a project would provide an economic boost to a small community such as Newberry, where countywide unemployment still runs at 17 percent. This project would also put to good use an excellent facility which now stands empty.

For these reasons the proposed center also has the full support of Michigan Gov. Jim Blanchard, as well as the Michigan State Legislature, the Michigan Departments of Mental Health and Social Services, the Michigan Employment Security Commission and Michigan Senators DON RIEGLE and CARL LEVIN.

Finally, it is important to know that there currently are only two Indian job corp centers in the United States. They are the Kicking Horse Center in Montana and the Talking Leaf Center in Oklahoma. These centers have proven very successful, placing over 60 percent of enrollees in viable jobs. Both of these projects have long waiting lists and because they give priority to local applicants, are not able to serve the large population of youths in the Northeast and Midwest areas—a population of about 170,000 young native Americans. I feel strongly that this project can make a difference for the employment prospects of many young people in this region and I believe we can make an important and wise investment of Federal dollars. I urge my colleagues to accept this amendment today.

POINT OF ORDER

Mr. CONTE. Mr. Chairman, I rise to pursue my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. Mr. Chairman, let me say at the outset that I regret that I have to raise this point of order against my good friend from Michigan, but there are only a couple of berries left in the basket, and JOHN ERLENBORN took those berries out.

Mr. Chairman, I make the point that the amendment violates section 303A of the Congressional Budget Act of 1974, which sets forth in section 1007 of the House Manual, which provides that it shall not be in order in the House of Representatives to consider any bill or resolution or amendment thereto which provides new budget authority for the fiscal year until the first concurrent resolution on the budget for such a year has been agreed to.

The amendment provides new budget authority for the 1985 fiscal year. A concurrent resolution on the budget for the 1985 fiscal year has not been agreed to. Therefore, the amendment is not in order.

The CHAIRMAN [Mr. FUQUA]. Does the gentleman from Michigan desire to be heard?

The Chair is prepared to rule that the amendment is out of order under section 303 of the Budget Act. It does grant new budget authority for a fiscal year for which the first concurrent budget resolution, has not been adopted, and therefore the amendment is out of order.

● Mr. WEISS. Mr. Chairman, I would like to stress the vital importance of the funding for research on AIDS [acquired immune deficiency syndrome] included in the fiscal year 1985 Labor-HHS-Education appropriations bill as well as the fiscal year 1984 supplemental that we are acting on today.

The AIDS epidemic had taken nearly 2,400 lives by mid-July, and more than 5,200 cases had been reported to the Center for Disease Control in Atlanta. And the relentless killer is not slackening its cruel pace.

Yet in an appalling demonstration of disregard, the Reagan administration failed to sent to Congress an updated budget request for AIDS. Administration officials apparently totally ignored a memo written in May by Assistant Secretary of Health Dr. Edward Brandt, Jr., noting the need for an increase of more than $20 million in fiscal year 1984 for AIDS and nearly $36 million in fiscal year 1985 based on recent research advances on the probable cause of AIDS and the probable development of a blood test for AIDS.

The adminstration's failure to act has meant that all congressional work on AIDS in the fiscal year 1984 supplemental and the fiscal year 1985 Labor-HHS-Education appropriation had to be done in an information vacuum, without the basic background needed from officials involved in the AIDS program at the Public Health Service.

This neglect has harmed the AIDS program as well as many other vital public health activities which had to be shortchanged so that AIDS research could continue.

Despite this lack of cooperation, the Appropriations Committee has approved increases for AIDS in fiscal year 1984 and 1985. These include an overall increase for the National Institutes of Health [NIH] of $600 million in fiscal year 1985 with instructions that sufficient moneys be made available to meet additional AIDS research needs, and a small increase of $1.6 million to CDC for a total CDC expenditure of $15.35 million in fiscal year 1985. An additional $8 million for AIDS was included in the fiscal year 1984 supplemental as well.

I commend the distinguished chairman of the Labor-HHS-Education Appropriations Subcommittee, Mr. NATCHER, for his concern and leadership on this issue and urge that the subcommittee continue to monitor the spending levels and needs of the AIDS programs.

Secretary Heckler has repeatedly stressed that AIDS is the Nation's No. 1 health priority. The action with regard to the AIDS funding demonstrates that that those words are only empty rhetoric.

Last month I wrote to Secretary Heckler urging that the budget request immediately be approved and communicated to Congress. I am inserting a copy of that letter in the RECORD at this point:

INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, July 9, 1984.

Hon. MARGARET HECKLER,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR MADAM SECRETARY: I am writing to express my deep concern about the Department's requested funding levels for the Public Health Service's program to control the AIDS epidemic.

Federal health officials have maintained that once a probable cause of the disease is discovered, additional resources would be required to support expanded research efforts. In accordance with this research strategy, Dr. Edward Brandt, Assistant Secretary for Health, has requested your favorable consideration of additional funds for the PHS effort to combat the AIDS epidemic. In a May 25 memorandum obtained by the subcommittee, Dr. Brandt states that the PHS needs a FY '84 supplemental of $20 million and 4 FTE's and a FY '85 budget amendment of an additional $35.8 million and 37 FTE's "in order to seize the opportunities which the recent breakthroughs have provided." It is my understanding that this urgent request has yet to be approved by your office and forwarded to the Office of Management and Budget for its consideration.

As you are aware, there has already been considerable Congressional action on both a FY '84 supplemental and the FY '85 Labor-HHS appropriation. Unfortunately, these actions have been taken without the benefit of timely and realistic budget information that is based on the expert scientific judgments of public health officials involved in conducting the PHS's AIDS program. I fear that delays in communicating these critical funding needs will only hamper the ability of the Public Health Service scientists to plan and carry out their work with the urgency demanded by this epidemic.

In keeping with your April 23 pledge that "there will be no pause in bringing the full benefits of today's discovery (HTLV-III) to

the victims of AIDS and those at risk," I urge you to approve this PHS funding request and insure that it is promptly communicated to Congress.

I would appreciate your providing the subcommittee with all documents pertaining to additional AIDS funding.

Thank you for your cooperation on this important matter.

Sincerely,

TED WEISS,
Chairman.●

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6028) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

□ 1410

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit with instructions.

MOTION TO RECOMMIT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Speaker, as a member of the committee, I was standing, waiting to be recognized.

The SPEAKER. Does the gentleman have a motion?

Mr. MYERS. I offer a motion to recommit, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MYERS. In its present form, I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. MYERS moves to recommit the bill, H.R. 6028, to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 329, noes 91, not voting 13, as follows:

[Roll No. 335]

AYES—329

Ackerman	Daschle	Harkin
Addabbo	Daub	Hatcher
Akaka	Davis	Hawkins
Albosta	de la Garza	Hayes
Alexander	Dellums	Hefner
Anderson	Derrick	Heftel
Andrews (NC)	Dickinson	Hertel
Andrews (TX)	Dicks	Hightower
Annunzio	Dingell	Hopkins
Applegate	Dixon	Horton
Aspin	Donnelly	Howard
AuCoin	Dorgan	Hoyer
Barnard	Dowdy	Hubbard
Barnes	Downey	Huckaby
Bateman	Duncan	Hughes
Bates	Durbin	Hutto
Bedell	Dwyer	Hyde
Beilenson	Dymally	Ireland
Bennett	Dyson	Jacobs
Bereuter	Early	Jeffords
Berman	Eckart	Jenkins
Bethune	Edgar	Johnson
Bevill	Edwards (AL)	Jones (NC)
Biaggi	Edwards (CA)	Jones (OK)
Bilirakis	Emerson	Jones (TN)
Boehlert	English	Kaptur
Boggs	Erdreich	Kasich
Boland	Erlenborn	Kastenmeier
Boner	Evans (IL)	Kazen
Bonior	Fascell	Kennelly
Bonker	Fazio	Kildee
Borski	Feighan	Kleczka
Bosco	Fiedler	Kogovsek
Boucher	Fish	Kolter
Boxer	Flippo	Kostmayer
Breaux	Florio	LaFalce
Britt	Foglietta	Lantos
Brooks	Foley	Leach
Brown (CA)	Ford (MI)	Leath
Bryant	Ford (TN)	Lehman (CA)
Burton (CA)	Fowler	Lehman (FL)
Byron	Frank	Lent
Carney	Franklin	Levin
Carper	Fuqua	Levine
Carr	Garcia	Levitas
Chandler	Gaydos	Lewis (FL)
Chappell	Gejdenson	Lipinski
Clarke	Gephardt	Livingston
Clay	Gibbons	Lloyd
Clinger	Gilman	Long (LA)
Coelho	Gingrich	Long (MD)
Coleman (MO)	Gonzalez	Lowry (WA)
Coleman (TX)	Goodling	Luken
Collins	Gore	Lundine
Conte	Gray	MacKay
Conyers	Green	Madigan
Cooper	Guarini	Markey
Coughlin	Gunderson	Martin (NY)
Courter	Hall (IN)	Martinez
Coyne	Hall (OH)	Matsui
Crockett	Hall, Ralph	Mavroules
D'Amours	Hamilton	Mazzoli
Darden	Hammerschmidt	McCain
McCloskey	Price	St Germain
McCurdy	Pritchard	Staggers
McDade	Pursell	Stangeland
McGrath	Rahall	Stark
McHugh	Rangel	Stratton
McKernan	Ratchford	Studds
McKinney	Ray	Sundquist
McNulty	Regula	Swift
Mica	Reid	Synar
Mikulski	Richardson	Tallon
Miller (CA)	Ridge	Tauzin
Miller (OH)	Rinaldo	Taylor
Mineta	Rodino	Thomas (GA)
Minish	Roe	Torres
Mitchell	Rogers	Torricelli
Moakley	Rose	Towns
Mollohan	Rostenkowski	Traxler
Moody	Roth	Udall
Moore	Roukema	Valentine
Morrison (CT)	Rowland	Vander Jagt
Morrison (WA)	Roybal	Vandergriff
Mrazek	Russo	Vento
Murphy	Sabo	Volkmer
Murtha	Savage	Watkins
Natcher	Sawyer	Waxman
Neal	Scheuer	Weaver
Nelson	Schneider	Weiss
Nichols	Schroeder	Wheat
Nowak	Schulze	Whitehurst
O'Brien	Schumer	Whitley
Oakar	Seiberling	Whitten
Oberstar	Shannon	Williams (MT)
Obey	Sharp	Wilson
Olin	Shelby	Wirth
Ortiz	Sikorski	Wise
Ottinger	Simon	Wolf
Owens	Sisisky	Wolpe
Panetta	Skelton	Wortley
Parris	Slattery	Wright
Patman	Smith (FL)	Wyden
Patterson	Smith (IA)	Wylie
Pease	Smith (NE)	Yates
Penny	Smith (NJ)	Yatron
Pepper	Snowe	Young (AK)
Perkins	Snyder	Young (FL)
Petri	Solarz	Young (MO)
Porter	Spratt	

NOES—91

Archer	Hansen (UT)	Pashayan
Badham	Hartnett	Paul
Bartlett	Hiler	Quillen
Bliley	Hillis	Ritter
Broomfield	Holt	Roberts
Brown (CO)	Hunter	Robinson
Broyhill	Kemp	Roemer
Burton (IN)	Kindness	Rudd
Campbell	Kramer	Schaefer
Chappie	Lagomarsino	Sensenbrenner
Cheney	Latta	Shaw
Coats	Lewis (CA)	Shumway
Conable	Loeffler	Shuster
Corcoran	Lott	Siljander
Craig	Lowery (CA)	Skeen
Crane, Daniel	Lujan	Smith, Denny
Crane, Philip	Lungren	Smith, Robert
Daniel	Mack	Solomon
Dannemeyer	Marlenee	Spence
DeWine	Martin (IL)	Stenholm
Dreier	McCandless	Stump
Edwards (OK)	McCollum	Tauke
Evans (IA)	McEwen	Thomas (CA)
Fields	Michel	Vucanovich
Frenzel	Molinari	Walker
Gekas	Montgomery	Weber
Gradison	Moorhead	Whittaker
Gregg	Myers	Winn
Hall, Sam	Nielson	Zschau
Hance	Oxley	
Hansen (ID)	Packard	

NOT VOTING—13

Anthony	Harrison	Stokes
Ferraro	Leland	Walgren
Frost	Marriott	Williams (OH)
Glickman	Martin (NC)	
Gramm	Pickle	

□ 1420

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TABLE DETAILING AMOUNTS RELATIVE TO H.R. 6028, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATION ACT, 1985

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a detailed table showing the amounts in H.R. 6028, just passed, for each of the programs funded in the bill together with appropriate comparisons.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
SUMMARY					
Title I - Department of Labor:					
Federal Funds	15,753,848,000	5,825,171,000	6,124,701,000	-9,631,147,000	+299,530,000
Trust Funds	(3,319,550,000)	(2,615,327,000)	(2,535,627,000)	(-783,923,000)	(-79,700,000)
Unauthorized, not considered	(317,300,000)	(317,300,000)	DEFER		
Title II - Department of Health and Human Services:					
Federal Funds (all years)	66,663,825,000	71,006,479,000	72,044,400,000	+5,380,575,000	+1,037,921,000
Trust Funds	(4,760,330,000)	(4,839,353,000)	(4,899,353,000)	(+139,023,000)	(+60,000,000)
Unauthorized, not considered	(6,880,913,000)	(6,272,376,000)	DEFER		
Title III - Department of Education	14,718,039,000	14,851,878,000	17,191,262,000	+2,473,223,000	+2,339,384,000
Unauthorized	(585,000,000)	(506,630,000)	DEFER		
Title IV - Related Agencies:					
Federal Funds	758,802,000	755,512,000	788,177,000	+29,375,000	+32,665,000
Trust Funds	(57,546,000)	(56,922,000)	(57,846,000)	(+300,000)	(+924,000)
Unauthorized, not considered	(130,000,000)	(100,000,000)	DEFER		
Total, all titles:					
Federal Funds	97,896,514,000	92,439,040,000	96,148,540,000	-1,747,974,000	+3,709,500,000
Current year 1/	(90,124,514,000)	(81,870,431,000)	(85,579,931,000)	(-4,544,583,000)	(+3,709,500,000)
1986 advance 2/	(7,772,000,000)	(10,568,609,000)	(10,568,609,000)	(+2,796,609,000)	---
Trust Funds	(8,135,986,000)	(7,511,602,000)	(7,492,826,000)	(-643,160,000)	(-18,776,000)
Unauthorized, not considered	(7,913,213,000)	(7,196,306,000)	DEFER		
CURRENT YEAR, INCLUDING PRIOR YEAR ADVANCES:					
Mandatory:					
Mandatory, current appropriations	(64,487,706,000)	(60,194,537,000)	(60,363,761,000)	(-4,123,945,000)	(+169,224,000)
Mandatory, prior year advances	(7,081,600,000)	(7,902,000,000)	(7,902,000,000)	(+820,400,000)	---
Subtotal, Mandatory	(71,569,306,000)	(68,096,537,000)	(68,265,761,000)	(-3,303,545,000)	(+169,224,000)
Discretionary, current appropriations	(25,636,808,000)	(21,675,894,000)	(25,216,170,000)	(-420,638,000)	(+3,540,276,000)
Total, Adjusted current year	97,206,114,000	89,772,431,000	93,481,931,000	-3,724,183,000	+3,709,500,000
Discretionary (unauthorized, not considered)	(7,783,213,000)	(7,096,306,000)	DEFER		
TITLE I, DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
PROGRAM ADMINISTRATION					
Comprehensive employment and training	9,170,000	8,191,000	8,191,000	-979,000	---
Employment security	5,200,000	1,035,000	1,035,000	-4,165,000	---
Trust funds	(12,259,000)	(16,200,000)	(16,200,000)	(+3,941,000)	---
Financial control and management systems	17,423,000	13,858,000	13,858,000	-3,565,000	---
Trust funds	(4,086,000)	(8,000,000)	(8,000,000)	(+3,914,000)	---
Executive direction and administration	3,882,000	2,919,000	2,919,000	-963,000	---
Trust funds	(2,718,000)	(2,800,000)	(2,800,000)	(+82,000)	---
Regional operations	34,141,000	28,187,000	28,187,000	-5,954,000	---
Trust funds	(16,246,000)	(18,200,000)	(18,200,000)	(+1,954,000)	---
Apprenticeship services	12,923,000	11,732,000	11,732,000	-1,191,000	---
Undistributed	---	---	3,697,000	+3,697,000	+3,697,000
Total, Program Administration	118,048,000	111,122,000	114,819,000	-3,229,000	+3,697,000
Federal funds	82,739,000	65,922,000	69,619,000	-13,120,000	+3,697,000
Trust funds	(35,309,000)	(45,200,000)	(45,200,000)	(+9,891,000)	---
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Block grant	1,886,151,000	1,886,151,000	1,886,151,000		
Summer youth employment and training program:					
(Summer 1985)	724,549,000	---	100,000,000	-624,549,000	+100,000,000
(Summer 1986)	---	724,549,000	824,549,000	+824,549,000	+100,000,000
Dislocated worker assistance	223,000,000	223,000,000	222,500,000	-500,000	-500,000

1/ FY84 includes $2.9 billion of one time forward funding for Job training activities.
2/ Prior year amount does not include $130 million in FY84 funding for CPB provided in FY82.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
Federally administered programs:					
Native Americans	62,243,000	62,243,000	62,243,000	---	---
Migrants and seasonal farmworkers	60,357,000	60,357,000	60,357,000	---	---
Job Corps	577,500,000	600,000,000	600,000,000	+22,500,000	---
Veterans' employment	9,720,000	8,846,000	9,519,000	-201,000	+673,000
National activities	61,678,000	45,478,000	57,760,000	-3,918,000	+12,282,000
Subtotal, Federal activities	771,498,000	776,924,000	789,879,000	+18,381,000	+12,955,000
Total, Job Training Partnership Act (comparable)	3,605,198,000	3,610,624,000	3,823,079,000	+217,881,000	+212,455,000
Transition to forward funding 1/	2,893,810,000	---	---	-2,893,810,000	---
Redwoods Park activities	400,000	---	---	-400,000	---
Trade adjustment program activities	26,000,000	---	26,000,000	---	+26,000,000
Trade adjustment administrative costs	3,700,000	---	---	-3,700,000	---
Total, Training and Employment Services	6,529,108,000	3,610,624,000	3,849,079,000	-2,680,029,000	+238,455,000
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS (unauthorized)	(317,300,000)	(317,300,000)	DEFER		
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES					
Trade adjustment assistance	2,000,000	51,000,000	51,000,000	+49,000,000	---
Unemployment assistance and payments under other Federal unemployment programs	10,000,000	5,000,000	5,000,000	-5,000,000	
Total, FUBA	12,000,000	56,000,000	56,000,000	+44,000,000	---
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Administration:					
Trust funds	(1,285,284,000)	(1,299,977,000)	(1,299,977,000)	(+14,693,000)	
National Activities:					
Trust funds	(16,806,000)	(16,806,000)	(16,806,000)	---	---
Contingency:					
Trust funds	(587,310,000)	(347,617,000)	(263,817,000)	(-323,493,000)	(-83,800,000)
Subtotal, Unemployment Compensation(trust funds)	(1,889,400,000)	(1,664,400,000)	(1,580,600,000)	(-308,800,000)	(-83,800,000)
Employment Service:					
Allotments to States:					
Federal funds	20,300,000	22,200,000	22,200,000	+1,900,000	
Trust funds	(720,098,000)	(718,198,000)	(755,198,000)	(+35,100,000)	(+37,000,000)
Transition to forward funding:					
Federal funds	9,600,000	---	---	-9,600,000	---
Trust funds	(521,395,000)	---	---	(-521,395,000)	---
National Activities: 2/					
Federal funds	32,900,000	1,300,000	49,200,000	+16,300,000	+47,900,000
Trust funds	(7,707,000)	(40,000,000)	(7,100,000)	(-607,000)	(-32,900,000)
Subtotal, Employment Service	1,312,000,000	781,698,000	833,698,000	-478,302,000	+52,000,000
Federal funds	62,800,000	23,500,000	71,400,000	+8,600,000	+47,900,000
Trust funds	(1,249,200,000)	(758,198,000)	(762,298,000)	(-486,902,000)	(+4,100,000)
Total, State Unempl. Ins. and Empl. Ser. Oprs.	3,201,400,000	2,446,098,000	2,414,298,000	-787,102,000	-31,800,000
Federal Funds	62,800,000	23,500,000	71,400,000	+8,600,000	+47,900,000
Trust Funds	(3,138,600,000)	(2,422,598,000)	(2,342,898,000)	(-795,702,000)	(-79,700,000)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	7,109,000,000	---	---	-7,109,000,000	
Total, Employment & Training Administration	16,969,556,000	6,223,844,000	6,434,196,000	-10,535,360,000	+210,352,000
Federal funds	13,795,647,000	3,756,046,000	4,046,098,000	-9,749,549,000	+290,052,000
Trust funds	(3,173,909,000)	(2,467,798,000)	(2,388,098,000)	(-785,811,000)	(-79,700,000)

1/ Includes $100 million supplemental for summer youth from HJ Res 492.

2/ Includes $20 million in FY 1984 base and FY 1985 estimates for Targeted Jobs Tax Credit program.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to - FY 1984	House Bill compared to - FY 1985 Budget
LABOR-MANAGEMENT SERVICES ADMINISTRATION					
SALARIES AND EXPENSES					
Labor-management relations service	4,004,000	5,166,000	5,166,000	+1,162,000	---
Labor-management standards enforcement	21,904,000	22,521,000	22,303,000	+399,000	-218,000
Pension and welfare benefit programs	28,963,000	29,299,000	29,088,000	+125,000	-211,000
Executive direction, management and support	4,571,000	4,200,000	4,200,000	-371,000	---
Total, LMSA	59,442,000	61,186,000	60,757,000	+1,315,000	-429,000
PENSION BENEFIT GUARANTY CORPORATION					
Program Administration (non-add)	(34,827,000)	(33,057,000)	(33,057,000)	(-1,770,000)	---
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of wage and hour standards	72,614,000	74,844,000	75,444,000	+2,830,000	+600,000
Federal contractor EEO standards enforcement	47,356,000	48,630,000	48,630,000	+1,274,000	---
Federal programs for workers' compensation	52,156,000	54,244,000	54,244,000	+2,088,000	--
Trust funds	(380,000)	(397,000)	(397,000)	(+17,000)	--
Executive direction and support services	13,551,000	14,264,000	14,264,000	+713,000	---
Total, salaries and expenses	186,057,000	192,379,000	192,979,000	+6,922,000	+600,000
Federal funds	185,677,000	191,982,000	192,582,000	+6,905,000	+600,000
Trust funds	(380,000)	(397,000)	(397,000)	(+17,000)	---
SPECIAL BENEFITS					
Federal employees compensation act benefits	216,000,000	207,000,000	207,000,000	-9,000,000	--
Longshore and harbor workers' benefits	4,100,000	4,400,000	4,400,000	+300,000	--
Total, Special Benefits	220,100,000	211,400,000	211,400,000	-8,700,000	---
BLACK LUNG DISABILILTY TRUST FUND					
Benefit payments and interest on advances	827,269,000	910,781,000	910,781,000	+83,512,000	
Pay freeze savings	-9,250,000	---	---	+9,250,000	
Employment Standards Admin., salaries & expenses	21,949,000	24,403,000	24,403,000	+2,454,000	
Departmental Management, salaries and expenses	13,406,000	13,688,000	13,688,000	+282,000	--
Departmental Management, inspector general	620,000	372,000	372,000	-248,000	--
Subtotal, Black Lung Disablty. Trust Fund, apprn	853,994,000	949,244,000	949,244,000	+95,250,000	--
Appro. available from prior year	4,161,000	---	---	-4,161,000	
Total adjusted apprn. including drawdown Federal Funds	858,155,000	949,244,000	949,244,000	+91,089,000	-
Treasury administrative costs (indefinite)	756,000	756,000	756,000	---	--
Total, Employment Standards Administration	1,265,068,000	1,353,779,000	1,354,379,000	+89,311,000	+600,000
Federal funds	1,264,688,000	1,353,382,000	1,353,982,000	+89,294,000	+600,000
Trust funds	(380,000)	(397,000)	(397,000)	(+17,000)	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and health standards	6,090,000	6,165,000	6,165,000	+75,000	
Enforcement:					
Federal Enforcement	81,684,000	82,443,000	82,443,000	+759,000	
State programs	54,607,000	55,499,000	57,399,000	+2,792,000	+1,900,000
Technical Support	13,535,000	13,713,000	13,713,000	+178,000	---
Compliance Assistance	37,607,000	37,755,000	37,755,000	+148,000	---
Safety and health statistics	13,016,000	16,819,000	16,819,000	+3,803,000	
Executive direction and administration	6,021,000	5,358,000	5,358,000	-663,000	
Total, OSHA	212,560,000	217,752,000	219,652,000	+7,092,000	+1,900,000
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement:					
Coal	76,455,000	75,130,000	75,130,000	-1,325,000	
Metal/nonmetal	29,110,000	29,245,000	29,245,000	+135,000	
Standards development	913,000	928,000	928,000	+15,000	
Assessments	2,115,000	1,901,000	1,901,000	-214,000	
Educational policy and development	12,140,000	12,298,000	12,298,000	+158,000	--
Technical support	18,358,000	18,412,000	18,412,000	+54,000	
Program administration	12,306,000	12,636,000	12,636,000	+330,000	
Total, Mine Safety and Health Administration	151,397,000	150,550,000	150,550,000	-847,000	

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	47,880,000	50,355,000	56,895,000	+9,015,000	+6,540,000
Labor Market Information (Trust Funds) 1/	(20,400,000)	(20,420,000)	(20,420,000)	(+20,000)	---
Prices and cost of living	47,053,000	48,376,000	48,376,000	+1,323,000	---
Wages and industrial relations	15,532,000	16,260,000	16,260,000	+728,000	---
Productivity and technology	4,400,000	4,578,000	4,578,000	+178,000	---
Economic growth and employment projections	2,800,000	2,898,000	2,898,000	+98,000	---
Executive direction and staff services	14,085,000	14,768,000	14,768,000	+683,000	---
Consumer Price Index Revision	4,837,000	9,625,000	9,625,000	+4,788,000	---
Total, Bureau of Labor Statistics	156,987,000	167,280,000	173,820,000	+16,833,000	+6,540,000
Federal Funds	136,587,000	146,860,000	153,400,000	+16,813,000	+6,540,000
Trust Funds	(20,400,000)	(20,420,000)	(20,420,000)	(+20,000)	---
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive direction	11,070,000	11,232,000	11,232,000	+162,000	---
Legal services	35,863,000	39,598,000	39,598,000	+3,735,000	---
Trust funds	(229,000)	(240,000)	(240,000)	(+11,000)	---
International labor affairs	4,455,000	4,794,000	4,794,000	+339,000	---
Administration and management	24,769,000	24,486,000	24,486,000	-283,000	---
Adjudication	9,974,000	10,093,000	10,093,000	+119,000	---
Promoting employment of the handicapped	2,001,000	2,129,000	2,129,000	+128,000	---
Women's Bureau	3,862,000	4,130,000	5,130,000	+1,268,000	+1,000,000
Civil Rights Activities	3,205,000	3,268,000	3,268,000	+63,000	---
Total, Salaries and expenses	95,428,000	99,970,000	100,970,000	+5,542,000	+1,000,000
Federal funds	95,199,000	99,730,000	100,730,000	+5,531,000	+1,000,000
Trust funds	(229,000)	(240,000)	(240,000)	(+11,000)	---
VETERANS EMPLOYMENT SERVICE					
Federal funds	2,554,000	---	---	-2,554,000	---
Trust funds	(118,932,000)	(122,172,000)	(122,172,000)	(+3,240,000)	---
Total, Veterans Employment Service	121,486,000	122,172,000	122,172,000	+686,000	---
OFFICE OF THE INSPECTOR GENERAL					
Federal funds	37,707,000	39,465,000	39,465,000	+1,758,000	---
Trust funds	(5,700,000)	(4,300,000)	(4,300,000)	(-1,400,000)	---
Total, Office of the Inspector General	43,407,000	43,765,000	43,765,000	+358,000	---
SPECIAL FOREIGN CURRENCY PROGRAM	67,000	200,000	67,000	---	-133,000
Total, Departmental Management	260,388,000	266,107,000	266,974,000	+6,586,000	+867,000
Federal funds	135,527,000	139,395,000	140,262,000	+4,735,000	+867,000
Trust funds	(124,861,000)	(126,712,000)	(126,712,000)	(+1,851,000)	---
Total, Labor Department 2/	19,075,398,000	8,440,498,000	8,660,328,000	-10,415,070,000	+219,830,000
Federal funds	15,755,848,000	5,825,171,000	6,124,701,000	-9,631,147,000	+299,530,000
Trust funds	(3,319,550,000)	(2,615,327,000)	(2,535,627,000)	(-783,923,000)	(-79,700,000)
Unauthorized	(317,300,000)	(317,300,000)	DEFER		

1/ Funded in Employment Services in FY84.

2/ Includes $2.9 billion of FY84 forward funding for Job training for comparability.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budge
TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES					
PUBLIC HEALTH SERVICE HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES (Unauthorized)					
Health Care Delivery and Assistance:					
Maternal and Child Health Block Grant 1/2/.....	(399,000,000)	(407,300,000)	DEFER		
Primary Care Block Grant 1/:					
Community health centers 1/.....	(337,000,000)	---	DEFER		
Black lung clinics 1/.....	(3,120,000)	---	DEFER		
Migrant health 1/.....	(42,000,000)	---	DEFER		
Family planning 1/.....	(140,000,000)	---	DEFER		
Consolidated grant 1/.....	---	(533,400,000)	DEFER		
Block grant program support 1/.....	(2,060,000)	(1,000,000)	DEFER		
Subtotal, Primary Care Block Grant (non-add)	(524,180,000)	(534,400,000)	DEFER		
Home health demonstrations and training.....	(5,000,000)	---	DEFER		
National Health Service Corps.....	(91,000,000)	(67,174,000)	DEFER		
Hansen's disease services (Carville).....	(18,183,000)	(18,694,000)	DEFER		
Federal employee occupational health.....	(1,194,000)	---	DEFER		
Payment to Hawaii for treatment of Hansen's Dis...	(2,200,000)	(1,905,000)	DEFER		
Direct operations.....	(39,222,000)	(20,793,000)	DEFER		
Total, Health Care Delivery & Assistance.....	(1,079,979,000)	(1,050,266,000)	DEFER		
Health Professions:					
Health professions student assistance:					
Exceptional need scholarships.....	(5,600,000)	---	DEFER		
National Health Service Scholarships.....	(6,300,000)	---	DEFER		
Student assistance for disadvantaged (loans)..	---	(5,000,000)	DEFER		
Health professions institutional assistance:					
Financial distress.....	(5,600,000)	(4,188,000)	DEFER		
Public health/health administration:					
Public Health capitation.....	(4,838,000)	---	DEFER		
Special projects.....	---	(2,000,000)	DEFER		
Health Administration grants.....	(1,440,000)	---	DEFER		
Public Health traineeships.....	(2,569,000)	---	DEFER		
Health Administration traineeships.....	(480,000)	---	DEFER		
Preventive medicine residencies.....	(1,600,000)	(1,000,000)	DEFER		
Subtotal, PH/HA.....	(10,927,000)	(3,000,000)	DEFER		
Family Med/Gen Dentistry res. & trng.....	(34,000,000)	(20,000,000)	DEFER		
General Internal Medicine and Pediatrics.....	(17,500,000)	(9,500,000)	DEFER		
Family medicine departments.....	(7,790,000)	(5,000,000)	DEFER		
Physician assistants.....	(4,724,000)	---	DEFER		
Area health education centers.....	(17,920,000)	(10,000,000)	DEFER		
Health professions data analysis.....	(3,000,000)	(2,000,000)	DEFER		
Disadvantaged Assistance.....	(18,188,000)	(24,000,000)	DEFER		
Health professions spec ed initiatives.....	(3,000,000)	(3,000,000)	DEFER		
Nurse training:					
Advanced nurse training.....	(13,260,000)	(1,300,000)	DEFER		
Nurse practitioner.....	(11,760,000)	(3,000,000)	DEFER		
Special projects.....	(7,156,000)	(8,000,000)	DEFER		
Traineeships.....	(9,600,000)	---	DEFER		
Fellowships.....	(960,000)	---	DEFER		
Research grants.....	(9,000,000)	(2,000,000)	DEFER		
Nurse Anesthetists.....	(400,000)	---	DEFER		
Center for Nursing Research.....	---	---	DEFER		
Subtotal, Nurse training.....	(52,136,000)	(14,300,000)	DEFER		
Health professions direct operations.....	(19,470,000)	(15,305,000)	DEFER		
Total, Health professions.....	(206,155,000)	(115,293,000)	DEFER		

1/ Proposed for consolidation & transfer to Office of the Asst. Sec. for Health in President's Budget.
2/ FY 1985 authorization is $373 million.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
HMO and Resources Development:					
Health Planning	(65,086,000)	---	DEFER		
Health teaching facilities	(800,000)	(1,200,000)	DEFER		
Direct operations	(12,537,000)	(12,335,000)	DEFER		
Total, HMO & Resources Development	(78,423,000)	(13,535,000)	DEFER		
Buildings and facilities	(883,000)	---	DEFER		
Program management / Program support	(14,711,000)	(8,025,000)	DEFER		
Total, Health Resources & Services(unauthorized)	(1,380,151,000)	(1,187,119,000)	DEFER		
MEDICAL FACILITIES GUARANTEE AND LOAN FUND	32,000,000	26,500,000	26,500,000	-5,500,000	---
HMO LOAN AND LOAN GUARANTEE FUND (non-add)	(12,360,000)	(2,600,000)	(2,600,000)	(-9,760,000)	---
Total, Health Resources & Services Admin	32,000,000	26,500,000	26,500,000	-5,500,000	---
(Unauthorized, not considered)	(1,380,151,000)	(1,187,119,000)	DEFER		
CENTERS FOR DISEASE CONTROL					
DISEASE CONTROL					
Preventive Health Services Block Grant	(80,165,000)	(89,500,000)	DEFER		
Venereal diseases (unauthorized):					
Grants	(45,510,000)	(45,510,000)	DEFER		
Direct operations	(8,968,000)	(9,477,000)	DEFER		
Subtotal	(54,478,000)	(54,987,000)	DEFER		
Immunization (unauthorized):					
Grants	(30,482,000)	(34,393,000)	DEFER		
Direct operations	(7,407,000)	(7,991,000)	DEFER		
Vaccine stockpile	(4,000,000)	(4,000,000)	DEFER		
Subtotal	(41,889,000)	(46,384,000)	DEFER		
Infectious disease	44,000,000	46,161,000	49,511,000	+5,511,000	+3,350,000
Tuberculosis grants (unauthorized)	(5,000,000)	---	DEFER		
Chronic & environmental disease prevention	25,338,000	26,057,000	28,590,000	+3,252,000	+2,533,000
Occupational Safety and Health (NIOSH):					
Research	53,788,000	53,943,000	55,443,000	+1,655,000	+1,500,000
Training	8,760,000	---	8,760,000	---	+8,760,000
Scientific and technical services	2,332,000	2,502,000	2,502,000	+170,000	---
Subtotal, NIOSH	64,880,000	56,445,000	66,705,000	+1,825,000	+10,260,000
Epidemic services	46,030,000	47,478,000	49,144,000	+3,114,000	+1,666,000
Buildings and facilities	1,810,000	1,810,000	1,810,000	---	---
Program management	2,914,000	1,042,000	1,042,000	+128,000	---
User fees	---	-2,000,000	---	---	+2,000,000
Total, Disease Control	184,972,000	178,993,000	198,802,000	+13,830,000	+19,809,000
Total, (Unauthorized)	(189,532,000)	(190,871,000)	DEFER		
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	987,657,000	1,011,916,000	1,084,950,000	+97,293,000	+73,034,000
National Heart, Lung, and Blood Institute	674,658,000	690,853,000	764,135,000	+89,477,000	+73,282,000
National Institute of Dental Research	84,310,000	87,214,000	95,826,000	+11,516,000	+8,612,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	442,532,000	456,189,000	515,516,000	+72,984,000	+59,327,000
National Institute of Neurological and Communicative Disorders and Stroke	325,494,000	335,089,000	379,520,000	+54,026,000	+44,431,000
National Institute of Allergy and Infectious Diseases	305,671,000	316,689,000	355,728,000	+50,057,000	+39,039,000
National Institute of General Medical Sciences	366,834,000	375,407,000	412,987,000	+46,153,000	+37,580,000
National Institute of Child Health and Human Development	265,008,000	270,347,000	296,929,000	+31,921,000	+26,582,000
National Eye Institute	150,779,000	154,332,000	171,097,000	+20,318,000	+16,765,000
National Institute of Environmental Health Sciences	172,996,000	177,833,000	189,437,000	+16,441,000	+11,604,000
National Institute on Aging	112,297,000	114,321,000	140,102,000	+27,805,000	+25,781,000
Research Resources	241,923,000	244,973,000	303,531,000	+61,608,000	+58,558,000
John E. Fogarty International Center	11,336,000	11,426,000	11,526,000	+190,000	+100,000
Subtotal	4,141,495,000	4,246,589,000	4,721,284,000	+579,789,000	+474,695,000
National Library of Medicine	42,113,000	43,820,000	43,820,000	+1,707,000	---
Office of the Director	26,720,000	27,509,000	47,509,000	+20,789,000	+20,000,000
Buildings and facilities	25,040,000	11,100,000	21,730,000	-3,310,000	+10,630,000
Unauthorized items not considered	(240,673,000)	(237,435,000)	DEFER		
Total, National Institutes of Health, authorized	4,235,368,000	4,329,018,000	4,834,343,000	+598,975,000	+505,325,000

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	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budge
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION					
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH					
Alcohol, Drug Abuse and Mental Health Block Grant 8...	(442,000,000)	(472,380,000)	DEFER		
Block grant program support...	(1,000,000)	(500,000)	DEFER		
Mental Health:					
Mental Health Services Demonstrations; CSP...	7,000,000	---	9,000,000	+2,000,000	+9,000,000
Research ...	174,000,000	177,603,000	195,958,000	+21,958,000	+18,355,000
Research training (unauthorized)...	(15,360,000)	(15,360,000)	DEFER		
Clinical training...	21,000,000	---	21,000,000	---	+21,000,000
Direct operations...	32,688,000	33,355,000	35,000,000	+2,312,000	+1,645,000
Subtotal, mental health...	234,688,000	210,958,000	260,958,000	+26,270,000	+50,000,000
Drug Abuse:					
Research ...	54,600,000	63,513,000	63,513,000	+8,913,000	---
Research training (unauthorized)...	(891,000)	(891,000)	DEFER		
Direct operations...	14,556,000	14,866,000	14,866,000	+310,000	-
Subtotal, drug abuse...	69,156,000	78,379,000	78,379,000	+9,223,000	-
Alcoholism:					
Research ...	42,808,000	47,835,000	47,835,000	+5,027,000	
Research training (unauthorized)...	(1,086,000)	(1,086,000)	DEFER		
Direct operations...	11,373,000	11,550,000	11,550,000	+177,000	---
Subtotal, alcoholism...	54,181,000	59,385,000	59,385,000	+5,204,000	- -
Buildings and facilities...	1,515,000	---	---	-1,515,000	---
Program management, ADAMHA...	6,301,000	6,596,000	6,596,000	+295,000	--
Total, Alcohol, Drug Abuse and Mental Health....	365,841,000	355,318,000	405,318,000	+39,477,000	+50,000,000
Total, (Unauthorized)...	(480,365,000)	(490,137,000)	DEFER		
ST. ELIZABETHS HOSPITAL...	67,744,000	48,595,000	48,595,000	-19,149,000	---
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH					
PUBLIC HEALTH SERVICE MANAGEMENT 2/					
(Unauthorized)					
Research, Statistics and Technology:					
Health Services Research:					
Research...	(15,730,000)	(14,212,000)	DEFER		
Trust funds...	(1,050,000)	(1,050,000)	---	(-1,050,000)	(-1,050,000
Program support...	(1,919,000)	(2,024,000)	DEFER		
Subtotal...	(18,699,000)	(17,286,000)	DEFER		
Health Statistics:					
Program operations...	(42,765,000)	(39,338,000)	DEFER		
Program support...	(3,356,000)	(3,472,000)	DEFER		
Subtotal...	(46,121,000)	(42,810,000)	DEFER		
Special health initiatives:					
Adolescent family life...	(14,918,000)	(14,716,000)	DEFER		
Smoking and health...	(3,521,000)	(3,538,000)	DEFER		
Health promotion...	(2,515,000)	(3,541,000)	DEFER		
Physical fitness and sports...	(1,141,000)	(1,364,000)	DEFER		
Uniform Services Univ. of Health Sciences...	(700,000)	(808,000)	DEFER		
Subtotal, Special health initiatives...	(22,795,000)	(23,967,000)	DEFER		
Public Health Service termination expenses...	---	(5,000,000)	DEFER		
Public Health Service Management...	(19,107,000)	(18,540,000)	DEFER		
Total, PHS management, unauthorized...	(105,672,000)	(106,553,000)	DEFER		
RETIREMENT PAY AND MED. BENEFITS FOR COMM. OFFICERS					
Retirement payments...	61,408,000	63,977,000	63,977,000	+2,569,000	---
Survivors benefits...	3,035,000	3,157,000	3,157,000	+122,000	---
Dependent's medical care...	10,913,000	11,455,000	11,455,000	+542,000	---
Legislative proposal...	---	---	---	---	
Contingency reserve...	---	7,859,000	---	---	7,859,000
Total, Retirement pay and medical benefits...	75,356,000	86,448,000	78,589,000	+3,233,000	-7,859,000
Total, Public Health Service...	4,961,281,000	5,024,872,000	5,592,147,000	+630,866,000	+567,275,000
Total, Public Health Service (unauthorized)...	(2,396,393,000)	(2,212,115,000)	DEFER		

8 Proposed for transfer to Office of the Asst. Secretary for Health in President's Budget.

2/ Excludes funds for National Youth Sports considered under Office of Community Services.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
HEALTH CARE FINANCING ADMINISTRATION					
GRANTS TO STATES FOR MEDICAID					
Grants to states, current year program level	20,708,579,000	21,222,000,000	21,222,000,000	+513,421,000	---
Less funds advanced in prior year	-5,115,600,000	-5,561,000,000	-5,561,000,000	-445,400,000	---
Total appropriation, current year	15,592,979,000	15,661,000,000	15,661,000,000	+68,021,000	---
Subsequent year advance appropriation	5,561,000,000	5,980,000,000	5,980,000,000	+419,000,000	---
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Supplemental medical insurance	16,811,000,000	19,020,000,000	18,957,020,000	+2,146,020,000	-62,980,000
Military Service Credits	79,000,000	84,000,000	84,000,000	+5,000,000	---
Hospital insurance for uninsured	750,000,000	762,000,000	762,000,000	+12,000,000	---
Federal uninsured payment	42,000,000	38,000,000	4,000,000	-38,000,000	-34,000,000
Total, Payment to Trust Funds	17,682,000,000	19,904,000,000	19,807,020,000	+2,125,020,000	-96,980,000
PROGRAM MANAGEMENT 1/					
Professional Standards Review Organization:					
Non-hospital activities:					
Trust funds	(13,000,000)	---	---	(-13,000,000)	---
Research, demonstration, and evaluation:					
Federal funds	20,600,000	23,000,000	23,000,000	+2,400,000	---
Trust funds 4/	(12,500,000)	(12,000,000)	(12,000,000)	(-500,000)	---
Subtotal, Research and evaluation	33,100,000	35,000,000	35,000,000	+1,900,000	---
Medicare Contractors (Trust Funds) 2/ 4/	(789,900,000)	(852,600,000)	(852,600,000)	(+62,700,000)	---
Continsency fund (Trust Fund)	(25,000,000)	(20,000,000)	(20,000,000)	(-5,000,000)	---
Subtotal, Contractors	(814,900,000)	(872,600,000)	(872,600,000)	(+57,700,000)	---
State Certification:					
Medicare certification, trust funds 3/	(39,000,000)	(47,074,000)	(47,074,000)	(+8,074,000)	---
General program support, federal funds	600,000	2,685,000	2,685,000	+2,085,000	---
End Stage Renal Disease (ESRD) Networks (trust funds)	(4,837,000)	(4,546,000)	(4,546,000)	(-291,000)	---
Federal Administration:					
Federal funds	69,000,000	70,562,000	70,562,000	+1,562,000	---
Trust funds	(140,000,000)	(148,268,000)	(148,268,000)	(+8,268,000)	---
Subtotal, Federal Administration	209,000,000	218,830,000	218,830,000	+9,830,000	---
Total, Program management:					
Federal funds	90,200,000	94,247,000	94,247,000	+6,047,000	---
Trust funds	(1,024,237,000)	(1,084,488,000)	(1,084,488,000)	(+60,251,000)	---
Subtotal, program management	1,114,437,000	1,180,735,000	1,180,735,000	+66,298,000	---
Total, Health Care Financing Administration	33,365,179,000	35,661,247,000	35,564,267,000	+2,199,088,000	-96,980,000
Subsequent year advance	5,561,000,000	5,980,000,000	5,980,000,000	+419,000,000	---
Trust funds	(1,024,237,000)	(1,084,488,000)	(1,084,488,000)	(+60,251,000)	---
SOCIAL SECURITY ADMINISTRATION					
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	521,258,000	512,722,000	512,722,000	-8,536,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	1,058,953,000	1,015,000,000	1,015,000,000	-43,953,000	---
Administration	9,047,000	9,131,000	9,131,000	+84,000	---
Total, Black Lung	1,068,000,000	1,024,131,000	1,024,131,000	-43,869,000	---
Subsequent year advance appropriation	---	270,000,000	270,000,000	+270,000,000	---

1/ Excludes $1.5 million for the Prospective Payment Assessment Comm. considered as a related agency.
2/ Doesn't incl. $45 m. in FY84 & FY85 from PL 97-248.
3/ Medicaid funds appropriated in "Grants to States".
4/ Includes $4 million reprogrammed in FY 1984.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	--- House Bill compared to --- FY 1984	FY 1985 Budget
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	7,400,000,000	8,436,786,000	8,381,786,000	+981,786,000	-55,000,000
Hold harmless payments	5,000,000	---	---	-5,000,000	---
Beneficiary services	5,000,000	5,000,000	5,000,000	---	---
Federal fiscal liability	25,000,000	21,115,000	21,115,000	-3,885,000	---
Administration	900,000,000	936,175,000	936,175,000	+36,175,000	---
Demonstration projects	4,000,000	---	---	-4,000,000	---
Legislative proposals	---	-16,000,000	-16,000,000	-16,000,000	---
Total apprn., Supplemental Security Income	8,339,000,000	9,383,076,000	9,328,076,000	+989,076,000	-55,000,000
Apprn. available in prior year	-16,786,000	-36,786,000	-36,786,000	-20,000,000	---
Apprn. available from subsequent year	36,786,000	---	---	-36,786,000	---
Subsequent year advance appropriation	---	2,345,769,000	2,345,769,000	+2,345,769,000	---
ASSISTANCE PAYMENTS					
AFDC benefit payments	6,914,000,000	6,553,950,000	6,553,950,000	-360,050,000	---
Adult categories	14,000,000	14,014,000	14,014,000	+14,000	---
Emergency assistance	45,000,000	56,100,000	56,100,000	+11,100,000	---
State and local administrations	867,700,000	908,083,000	908,083,000	+40,383,000	---
Admin. and training: Territories	8,000,000	5,717,000	5,717,000	-2,283,000	---
Repatriation	1,000,000	1,520,000	1,520,000	+520,000	---
Research & evaluation	3,000,000	2,575,000	2,575,000	-425,000	---
Federal administration	35,000,000	35,066,000	35,066,000	+66,000	---
Legislative proposal	---	-633,000,000	-633,000,000	-633,000,000	---
Subtotal, current year program level	7,887,700,000	6,944,025,000	6,944,025,000	-943,675,000	---
Less funds advanced in previous years	-1,718,000,000	-2,073,000,000	-2,073,000,000	-355,000,000	---
Total, Assistance payments, current request	6,169,700,000	4,871,025,000	4,871,025,000	-1,298,675,000	---
Appropriation available in prior year	-165,336,000	---	---	+165,336,000	---
Subsequent year advance appropriation	2,073,000,000	1,812,840,000	1,812,840,000	-260,160,000	---
CHILD SUPPORT ENFORCEMENT					
Program level, current law	602,092,000	563,411,000	563,411,000	-38,681,000	
Less funds advanced in previous years	-118,000,000	-138,000,000	-138,000,000	-20,000,000	
Current request, Child Support Enforcement	484,092,000	425,411,000	425,411,000	-58,681,000	---
Appropriation available in prior year	-47,510,000	---	---	+47,510,000	
Subsequent year advance appropriation	138,000,000	160,000,000	160,000,000	+22,000,000	
LOW INCOME HOME ENERGY ASSISTANCE (Unauthorized)					
Energy Assistance Block Grant	(2,072,704,000)	(1,872,704,000)	DEFER		
Federal Administration	(2,296,000)	(2,296,000)	DEFER		
Subtotal, Energy assistance 1/	(2,075,000,000)	(1,875,000,000)	DEFER		
OFFICE OF REFUGEE RESETTLEMENT					
Refugee and Entrant Assistance (Unauthorized)					
Cash and medical assistance	(310,565,000)	(227,313,000)	DEFER		
State administration	(46,585,000)	(34,097,000)	DEFER		
Social services	(71,700,000)	(46,200,000)	DEFER		
Voluntary agency program	(4,000,000)	(4,000,000)	DEFER		
Education assistance for children	(16,600,000)	(12,976,000)	DEFER		
Preventive health	(4,400,000)	(8,891,000)	DEFER		
Targeted assistance	(81,500,000)	(19,390,000)	DEFER		
Federal Administration	(6,411,000)	(6,645,000)	DEFER		
Total, Refugee Resettlement	(541,761,000)	(359,512,000)	DEFER		

1/ Proposed for later trans. in the President's budget to be derived from Petroleum Overcharge Fund.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
LIMITATION ON ADMINISTRATIVE EXPENSES:					
Federal funds	11,867,000	---	---	-11,867,000	---
Trust funds	(3,718,303,000)	(3,724,515,000)	(3,784,515,000)	(+66,212,000)	(+60,000,000
Total, Limitation on administrative expenses	3,730,170,000	3,724,515,000	3,784,515,000	+54,345,000	+60,000,000
Total, Social Security Administration:					
Federal funds:					
Current year	16,401,071,000	16,179,579,000	16,124,579,000	-276,492,000	-55,000,000
Subsequent year advance appropriations	2,211,000,000	4,588,609,000	4,588,609,000	+2,377,609,000	---
Trust funds	(3,718,303,000)	(3,724,515,000)	(3,784,515,000)	(+66,212,000)	(+60,000,000
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES					
SOCIAL SERVICES BLOCK GRANT (Title XX)	2,675,000,000	2,700,000,000	2,700,000,000	+25,000,000	---
HUMAN DEVELOPMENT SERVICES 1/ (Unauthorized)					
Programs for Children, Youth, and Families:					
Head start	(995,750,000)	(994,659,000)	DEFER		
Child abuse:					
State grants 2/	(6,720,000)	(6,720,000)	DEFER		
Discretionary activities 2/	(9,479,000)	---	DEFER		
Runaway youth	(23,250,000)	(10,504,000)	DEFER		
Subtotal, CY & Families	(1,035,199,000)	(1,011,883,000)	DEFER		
Programs for the Aging:					
Grants to States:					
Consolidated grants	---	(644,746,000)	DEFER		
State agency activities	(21,673,000)	---	DEFER		
Supportive Services and Centers	(240,869,000)	---	DEFER		
Nutrition:					
Congregate meals	(321,574,000)	---	DEFER		
Home-delivered meals	(62,025,000)	---	DEFER		
Subtotal, Elderly nutrition program	(383,599,000)	---	DEFER		
Total, State agency programs	(646,141,000)	(644,746,000)	DEFER		
Grants to Indians	(5,735,000)	(7,500,000)	DEFER		
Research, training, and special projects	(22,175,000)	(5,000,000)	DEFER		
Federal Council on Aging	(175,000)	(175,000)	DEFER		
Subtotal, Aging programs	(674,226,000)	(657,421,000)	DEFER		
Developmental disabilities program:					
State grants	(43,750,000)	(45,400,000)	DEFER		
Protection and advocacy	(8,400,000)	(8,400,000)	DEFER		
Special projects	(2,447,000)	(2,600,000)	DEFER		
University affiliated facilities	(7,413,000)	(7,800,000)	DEFER		
Subtotal, Developmental disabilities	(62,010,000)	(64,200,000)	DEFER		
Native American Programs	(29,000,000)	(28,000,000)	DEFER		
Program direction	(65,412,000)	(64,245,000)	DEFER		
Total, Human Development Services	(1,865,847,000)	(1,825,749,000)	DEFER		

1/ President's budget includes an additional $116,000,000 for elderly feeding activities and $80,400,000 in child care feeding activities currently administered by the Dept. of Agriculture.
2/ Proposed for transfer to Research & Demo in Budget.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
HUMAN RESOURCES RESEARCH AND DEMONSTRATION					
Consolidated program 1/	---	4,250,000	---	---	-4,250,000
FAMILY SOCIAL SERVICES					
Entitlement activities:					
Foster care	440,170,000	460,279,000	460,279,000	+20,109,000	---
Adoption assistance	5,000,000	12,800,000	12,800,000	+7,800,000	---
Subtotal	445,170,000	473,079,000	473,079,000	+27,909,000	---
Discretionary activities:					
Child welfare assistance	165,000,000	165,000,000	165,000,000	---	---
Child welfare training	3,823,000	3,823,000	3,823,000	---	---
Adoption opportunities 2/	(1,912,000)	---	DEFER		
Child welfare research 2/	10,000,000	---	10,000,000	---	+10,000,000
Subtotal	178,823,000	168,823,000	178,823,000	---	+10,000,000
Total, Family Social Services	623,993,000	641,902,000	651,902,000	+27,909,000	+10,000,000
WORK INCENTIVES					
Grants to States	256,760,000	---	256,760,000	---	+256,760,000
Program direction and evaluation	14,000,000	---	10,000,000	-4,000,000	+10,000,000
Total, Work incentives	270,760,000	---	266,760,000	-4,000,000	+266,760,000
Total, Asst. Sec. for Human Development	3,569,753,000	3,346,152,000	3,618,662,000	+48,909,000	+272,510,000
COMMUNITY SERVICES BLOCK GRANT					
Grants to States	316,680,000	---	325,780,000	+9,100,000	+325,780,000
Discretionary funds 3/	31,320,000	5,760,000	32,220,000	+900,000	+26,460,000
Program support	4,300,000	2,919,000	4,300,000	---	+1,381,000
Total, Community Services appropriation	352,300,000	8,679,000	362,300,000	+10,000,000	+353,621,000
DEPARTMENTAL MANAGEMENT					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal funds	146,096,000	133,000,000	133,000,000	-13,096,000	---
Trust funds	(8,000,000)	(8,000,000)	(8,000,000)	---	---
Total, Departmental management	154,096,000	141,000,000	141,000,000	-13,096,000	---
OFFICE OF THE INSPECTOR GENERAL:					
Federal activities:					
Federal funds	67,200,000	58,491,000	53,391,000	-13,809,000	-5,100,000
Trust funds	(6,000,000)	(20,000,000)	(20,000,000)	(+14,000,000)	---
Total, Inspector General (current year)	73,200,000	78,491,000	73,391,000	+191,000	-5,100,000
OFFICE FOR CIVIL RIGHTS:					
Federal funds	18,945,000	17,850,000	18,945,000	---	+1,095,000
Trust funds	(2,350,000)	(2,350,000)	(2,350,000)	---	---
Total, Civil Rights	21,295,000	20,200,000	21,295,000	---	+1,095,000
POLICY RESEARCH	10,000,000	8,000,000	8,500,000	-1,500,000	+500,000
Total, Departmental management:					
Federal funds	242,241,000	217,341,000	213,836,000	-28,405,000	-3,505,000
Trust funds	(16,350,000)	(30,350,000)	(30,350,000)	(+14,000,000)	---
Subsequent year advances	---	---	---	---	---
Total, Department of Health and Human Services:					
Federal funds (all years)	66,663,825,000	71,006,479,000	72,044,400,000	+5,380,575,000	+1,037,921,000
Current year	(58,891,825,000)	(60,437,870,000)	(61,475,791,000)	(+2,583,966,000)	(+1,037,921,000)
Subsequent year advances	(7,772,000,000)	(10,568,609,000)	(10,568,609,000)	(+2,796,609,000)	---
Trust funds	(4,760,330,000)	(4,839,353,000)	(4,899,353,000)	(+139,023,000)	(+60,000,000)
Unauthorized, considered	(6,880,913,000)	(6,272,376,000)	DEFER		

1/ Consolidated program not authorized.
2/ Proposed for trans. to Research & Demo. in Budget.
3/ $5,760,000 for National Youth Sports Program requested in the President's budget under Office of the Assistant Secretary for Health.

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to - FY 1984	House Bill compared to - FY 1985 Budget
TITLE III--DEPARTMENT OF EDUCATION					
COMPENSATORY EDUCATION FOR THE DISADVANTAGED					
Grants for the Disadvantaged (Chapter 1):					
Grants to local educational agencies	3,003,680,000	3,034,519,000	3,200,294,000	+196,614,000	+165,775,000
State agency programs:					
Migrants	258,024,000	229,626,000	258,024,000	---	+28,398,000
Handicapped	146,520,000	146,520,000	146,520,000	---	---
Neglected and delinquent	32,616,000	32,616,000	32,616,000	---	---
State administration	34,414,000	38,973,000	36,800,000	+2,386,000	-2,173,000
Evaluation and studies	4,746,000	5,746,000	5,746,000	+1,000,000	---
Total, Chapter 1	3,480,000,000	3,480,000,000	3,680,000,000	+200,000,000	+200,000,000
Migrant education:					
High school equivalency program	6,300,000	---	6,300,000	---	+6,300,000
College assistance migrant program	1,200,000	---	1,200,000	---	+1,200,000
Total, Compensatory Education programs	3,487,500,000	3,480,000,000	3,687,500,000	+200,000,000	+207,500,000
IMPACT AID (Unauthorized)					
Maintenance and operations:					
Payments for 'a' children	(457,500,000)	(476,630,000)	DEFER		
Payments for 'b' children	(77,500,000)	---	DEFER		
Special provisions (Section 2)	(20,000,000)	(28,000,000)	DEFER		
Subtotal	(555,000,000)	(496,630,000)	DEFER		
Disaster assistance	(10,000,000)	(10,000,000)	DEFER		
Construction	(20,000,000)	---	DEFER		
Total	(585,000,000)	(506,630,000)	DEFER		
SPECIAL PROGRAMS					
Improving School Programs (Chapter 2):					
State block grants	450,655,000	685,655,000	638,179,000	+187,524,000	-47,476,000
Secretary's discretionary fund:					
Inexpensive book distribution (including RIF)	6,500,000	6,500,000	7,000,000	+500,000	+500,000
Arts in education	2,125,000	2,125,000	3,500,000	+1,375,000	+1,375,000
Alcohol and drug abuse education	2,850,000	3,000,000	3,000,000	+150,000	---
Law related education	1,000,000	---	2,000,000	+1,000,000	+2,000,000
National Diffusion Network	10,000,000	10,000,000	10,700,000	+700,000	+700,000
Discretionary projects	6,290,000	21,599,000	14,500,000	+8,210,000	-7,099,000
Subtotal, Secretary's discretionary fund	28,765,000	43,224,000	40,700,000	+11,935,000	-2,524,000
Total, Chapter 2	479,420,000	728,879,000	678,879,000	+199,459,000	-50,000,000
Other Special Programs:					
Training and advisory services (Civil Rights IVA)	24,000,000	---	24,000,000	---	+24,000,000
Follow through	14,767,000	---	---	-14,767,000	---
Territorial teacher training assistance	1,000,000	---	1,000,000	---	+1,000,000
General assistance for the Virgin Islands	1,920,000	---	1,920,000	---	+1,920,000
Ellender fellowships	1,000,000	---	2,000,000	+1,000,000	+2,000,000
Women's educational equity	5,760,000	---	5,760,000	---	+5,760,000
Science and mathematics education (proposed legislation) (non-add)	---	(50,000,000)	---	---	(-50,000,000)
Subtotal, Other special programs	48,447,000	---	34,680,000	-13,767,000	+34,680,000
Total, Special programs	527,867,000	728,879,000	713,559,000	+185,692,000	-15,320,000
BILINGUAL EDUCATION					
Grants to school districts	89,547,000	100,459,000	98,000,000	+8,433,000	-2,459,000
Training grants	32,610,000	25,000,000	29,000,000	-3,610,000	+4,000,000
Support services	13,320,000	10,100,000	12,970,000	-350,000	+2,870,000
Vocational training	3,686,000	3,686,000	3,686,000	---	---
Emergency immigrant education	30,000,000	---	---	-30,000,000	---
Total	169,183,000	139,245,000	143,656,000	-25,527,000	+4,411,000

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
EDUCATION FOR THE HANDICAPPED					
Education for the handicapped:					
Deaf-blind centers	15,000,000	12,000,000	15,000,000	- -	+3,000,000
State assistance:					
State grant program	1,068,875,000	1,068,875,000	1,125,000,000	+56,125,000	+56,125,000
Preschool incentive grants	26,330,000	26,330,000	29,330,000	+3,000,000	+3,000,000
Special purpose funds:					
Severely handicapped projects	4,000,000	4,000,000	4,000,000	---	---
Early childhood education	21,100,000	21,100,000	21,100,000	---	---
Secondary and transitional services	6,000,000	6,000,000	6,000,000	---	---
Postsecondary programs	5,000,000	5,000,000	5,000,000	---	---
Innovation and development	15,000,000	12,000,000	15,000,000	---	+3,000,000
Media services and captioned films	14,000,000	14,000,000	14,000,000	---	---
Regional resource centers	4,500,000	4,500,000	4,500,000	---	---
Recruitment and information	1,000,000	1,000,000	1,000,000	---	---
Special education personnel development	55,540,000	37,640,000	55,540,000	---	+17,900,000
Special studies	3,070,000	2,000,000	3,070,000	---	+1,070,000
Total, Education for the handicapped	1,239,415,000	1,214,445,000	1,298,540,000	+59,125,000	+84,095,000
REHABILITATION SERVICES AND HANDICAPPED RESEARCH					
Rehabilitation services:					
Basic State grants	1,003,900,000	1,003,900,000	1,092,800,000	+88,900,000	+88,900,000
Service projects:					
Projects with industry	13,000,000	11,200,000	13,000,000	---	+1,800,000
Severely disabled	12,135,000	14,635,000	14,635,000	+2,500,000	---
Migrants/Indians	1,665,000	1,665,000	1,665,000	- -	---
Helen Keller Center	3,700,000	3,700,000	4,200,000	+500,000	+500,000
Client assistance	5,100,000	---	5,100,000	---	+5,100,000
Recreation	2,000,000	---	2,000,000	---	+2,000,000
Independent living	19,400,000	21,000,000	22,000,000	+2,600,000	+1,000,000
Training	22,000,000	5,000,000	20,000,000	-2,000,000	+15,000,000
Subtotal	1,082,900,000	1,061,100,000	1,175,400,000	+92,500,000	+114,300,000
National Institute for Handicapped Research	36,000,000	30,060,000	38,000,000	+2,000,000	+7,940,000
Evaluations and studies	2,000,000	500,000	2,000,000	---	+1,500,000
Total	1,120,900,000	1,091,660,000	1,215,400,000	+94,500,000	+123,740,000
VOCATIONAL AND ADULT EDUCATION					
Consolidated Grant	---	731,314,000	---	---	-731,314,000
Vocational education:					
Basic grants	566,969,000	---	566,969,000	---	+566,969,000
Program improvement and supportive services	99,590,000	---	99,590,000	---	+99,590,000
Programs of national significance	8,178,000	---	8,178,000	---	+8,178,000
Special programs for the disadvantaged	14,356,000	---	14,356,000	---	+14,356,000
Consumer and homemaking education	31,633,000	---	31,633,000	---	+31,633,000
State advisory councils	7,000,000	---	7,000,000	---	+7,000,000
State planning	3,588,000	---	3,588,000	---	+3,588,000
Subtotal, Vocational education	731,314,000	731,314,000	731,314,000	---	---
Adult education	100,000,000	100,000,000	100,000,000	---	---
Total	831,314,000	831,314,000	831,314,000	---	---
STUDENT FINANCIAL ASSISTANCE					
Pell Grants:					
Current year	2,800,000,000	2,800,000,000	3,400,000,000	+600,000,000	+600,000,000
Prior year shortfalls	---	---	353,000,000	+353,000,000	+353,000,000
Subtotal, Pell Grants	2,800,000,000	2,800,000,000	3,753,000,000	+953,000,000	+953,000,000
Supplemental grants	375,000,000	---	425,000,000	+50,000,000	+425,000,000
Work study	555,000,000	850,000,000	600,000,000	+45,000,000	-250,000,000
Direct loans:					
Capital	161,060,000	---	200,000,000	+38,940,000	+200,000,000
Cancellations	19,800,000	4,000,000	25,000,000	+5,200,000	+21,000,000
State student incentive grants	76,000,000	---	76,000,000	---	+76,000,000
Total, Student Financial Assistance	3,986,860,000	3,654,000,000	5,079,000,000	+1,092,140,000	+1,425,000,000

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	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
GUARANTEED STUDENT LOANS					
Guaranteed student loan program	2,255,240,000	2,840,677,000	3,046,000,000	+790,760,000	+205,323,000
HIGHER EDUCATION					
Assistance for disadvantaged:					
Strengthening developing institutions	134,416,000	134,416,000	134,416,000	---	---
Special programs for the disadvantaged	164,740,000	82,370,000	164,740,000	---	+82,370,000
Program development:					
Fund for the Improvement of Postsec. Education	11,710,000	11,710,000	12,710,000	+1,000,000	+1,000,000
Minority institutions science improvement	4,800,000	4,800,000	4,800,000	---	---
Cooperative education	14,400,000	---	14,400,000	---	+14,400,000
International education and foreign language studies:					
Domestic programs	25,800,000	---	25,800,000	---	+25,800,000
Overseas programs	5,000,000	---	5,000,000	---	+5,000,000
Veterans cost of instruction	3,000,000	---	3,000,000	---	+3,000,000
Graduate support:					
Graduate/professional opportunity program	11,000,000	---	12,000,000	+1,000,000	+12,000,000
Public service fellowships	2,500,000	---	2,500,000	---	+2,500,000
National Graduate Fellowships	---	---	2,000,000	+2,000,000	+2,000,000
Construction:					
Academic facilities	---	---	50,000,000	+50,000,000	+50,000,000
Interest subsidy grants	24,500,000	18,775,000	18,775,000	-5,725,000	---
Special endowments:					
Mansfield Foundation	5,000,000	---	---	-5,000,000	---
Land grant colleges/Samoa, Micronesia	---	---	6,000,000	+6,000,000	+6,000,000
Taft Institute	---	---	750,000	+750,000	+750,000
Law related education:					
Legal training for disadvantaged	1,000,000	---	1,000,000	---	+1,000,000
Law school clinical experience	1,000,000	---	1,500,000	+500,000	+1,500,000
Assistance to Guam	---	---	---	---	---
Total	408,866,000	252,071,000	459,391,000	+50,525,000	+207,320,000
HIGHER EDUCATION FACILITIES LOANS AND INSURANCE	19,846,000	14,194,000	14,194,000	-5,652,000	---
COLLEGE HOUSING LOANS, LOAN LIMITATION	(40,000,000)	---	(40,000,000)	---	(+40,000,000
EDUCATIONAL RESEARCH AND STATISTICS					
National Institute of Education	48,231,000	54,231,000	54,231,000	+6,000,000	---
National Center for Education Statistics	8,747,000	8,747,000	8,747,000	---	---
Total	56,978,000	62,978,000	62,978,000	+6,000,000	---
LIBRARIES					
Public libraries:					
Services	65,000,000	---	65,000,000	---	+65,000,000
Interlibrary cooperation	15,000,000	---	15,000,000	---	+15,000,000
College library resources	---	---	---	---	---
Training and demonstrations	880,000	---	880,000	---	+880,000
Research libraries	6,000,000	---	6,000,000	---	+6,000,000
Construction	---	---	---	---	---
Total	86,880,000	---	86,880,000	---	+86,880,000
PAYMENTS TO SPECIAL INSTITUTIONS					
AMERICAN PRINTING HOUSE FOR THE BLIND	5,000,000	5,000,000	5,500,000	+500,000	+500,000
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF	28,000,000	31,400,000	31,400,000	+3,400,000	---
GALLAUDET COLLEGE	54,000,000	46,835,000	58,700,000	+4,700,000	+11,865,000
HOWARD UNIVERSITY	145,200,000	158,230,000	158,230,000	+13,030,000	---
Total, Payments to Special Institutions	232,200,000	241,465,000	253,830,000	+21,630,000	+12,365,000

HR 6028 - FY 1985 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
DEPARTMENTAL MANAGEMENT					
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	12,989,000	15,312,000	15,312,000	+2,328,000	---
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	49,596,000	42,433,000	42,433,000	-6,763,000	---
SALARIES AND EXPENSES 1/	231,472,000	243,005,000	241,075,000	+9,603,000	-1,930,000
Total, Departmental management	293,057,000	300,750,000	299,820,000	+5,163,000	-1,930,000
EDUCATION AND RESEARCH OVERSEAS	1,133,000	---	---	-1,133,000	---
TOTAL, Department of Education	14,738,039,000	14,851,878,000	17,191,262,000	+2,473,223,000	+2,339,384,000
Unauthorized	(505,000,000)	(504,630,000)	DEFER		
TITLE IV - RELATED AGENCIES					
Action (Domestic Programs): 3/					
Volunteers in Service to America:					
VISTA operations	11,831,000	5,800,000	17,200,000	+5,369,000	+11,400,000
Service learning	1,830,000	1,757,000	1,757,000	-73,000	---
Subtotal	13,661,000	7,557,000	18,957,000	+5,296,000	+11,400,000
Citizen Participation and Volunteer Demonstration Programs	1,784,000	1,801,000	1,801,000	-183,000	
Older Americans Volunteer Programs:					
Foster Grandparents Program	48,400,000	48,400,000	56,100,000	+7,700,000	+7,700,000
Senior Companion Program	12,016,000	12,016,000	16,086,000	+4,070,000	+4,070,000
Retired Senior Volunteer Program	27,445,000	27,445,000	29,620,000	+2,175,000	+2,175,000
Subtotal, Older Volunteers	87,861,000	87,861,000	101,806,000	+13,945,000	+13,945,000
Program Support	25,815,000	22,998,000	25,158,000	-657,000	+2,160,000
Total, Action 3/	129,321,000	120,217,000	147,722,000	+18,401,000	+27,505,000
Corporation for Public Broadcasting (unauthorized):					
FY 1987 advance (current request) 4/ 5/	(130,000,000)	(100,000,000)	DEFER		
Federal Mediation and Conciliation Service	23,161,000	22,451,000	23,611,000	+450,000	+1,160,000
Federal Mine Safety and Health Review Commission	3,858,000	3,817,000	3,837,000	-21,000	---
National Commission on Libraries and Information Science	674,000	690,000	690,000	+16,000	
National Council on the Handicapped	500,000	500,000	500,000	---	---
National Labor Relations Board	133,594,000	137,964,000	137,964,000	+4,370,000	---
National Mediation Board	6,238,000	6,358,000	6,358,000	+120,000	---
Occupational Safety and Health Review Commission	5,882,000	6,143,000	6,143,000	+161,000	
Prospective Payment Assessment Commission (trust funds)	(1,500,000)	(1,500,000)	(2,424,000)	(+924,000)	(+924,000
Railroad Retirement Board:					
Dual benefits payments account	420,000,000	405,000,000	405,000,000	-15,000,000	---
Federal payment to the Railroad Retirement Account	---	15,000,000	15,000,000	+15,000,000	---
(Limitation on administration)	(56,046,000)	(55,422,000)	(55,422,000)	(-624,000)	---
Soldiers' and Airmen's Home (trust fund limitation):					
Operation and maintenance	30,924,000	32,352,000	32,352,000	+1,428,000	---
Capital outlay	4,550,000	5,000,000	9,000,000	+4,450,000	+4,000,000
Total, Related Agencies:					
Federal funds	758,002,000	755,512,000	788,177,000	+29,375,000	+32,665,000
Trust funds	(57,546,000)	(56,922,000)	(57,846,000)	(+300,000)	(+924,000
Unauthorized	(130,000,000)	(100,000,000)	DEFER		

1/ Excludes National Council on the Handicapped, considered as a related agency.
3/ "Current rate" for FY84 in Con Res (PL 98-154).
4/ FY 1984 appropriation adv. in FY82 is $130 million.
FY 1985 appropriation adv. in FY83 is $130 million.
FY 1986 appropriation adv. in FY84 is $130 million.
5/ FY 84 Supplemental also includes $15 million for FY 84 and $23 million for FY 85.

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	FY 1984 Enacted Appropriations	FY 1985 President's Budget	House Bill	House Bill compared to FY 1984	House Bill compared to FY 1985 Budget
SUMMARY					
Title I - Department of Labor:					
Federal Funds	15,755,848,000	5,825,171,000	6,124,701,000	-9,631,147,000	+299,530,000
Trust Funds	(3,319,550,000)	(2,615,327,000)	(2,535,627,000)	(-783,923,000)	(-79,700,000)
Unauthorized, not considered	(317,300,000)	(317,300,000)	DEFER		
Title II - Department of Health and Human Services:					
Federal Funds (all years)	66,663,825,000	71,006,479,000	72,044,400,000	+5,380,575,000	+1,037,921,000
Trust Funds	(4,760,330,000)	(4,839,353,000)	(4,899,353,000)	(+139,023,000)	(+60,000,000)
Unauthorized, not considered	(6,880,913,000)	(6,272,376,000)	DEFER		
Title III - Department of Education	14,718,039,000	14,851,878,000	17,191,262,000	+2,473,223,000	+2,339,384,000
Unauthorized	(585,000,000)	(506,630,000)	DEFER		
Title IV - Related Agencies:					
Federal Funds	758,802,000	755,512,000	788,177,000	+29,375,000	+32,665,000
Trust Funds	(57,546,000)	(56,922,000)	(57,846,000)	(+300,000)	(+924,000)
Unauthorized, not considered	(130,000,000)	(100,000,000)	DEFER		
Total, all titles:					
Federal Funds	97,896,514,000	92,439,040,000	96,148,540,000	-1,747,974,000	+3,709,500,000
Current year 1/	(90,124,514,000)	(81,870,431,000)	(85,579,931,000)	(-4,544,583,000)	(+3,709,500,000)
1986 advance 2/	(7,772,000,000)	(10,568,609,000)	(10,568,609,000)	(+2,796,609,000)	---
Trust Funds	(8,135,986,000)	(7,511,602,000)	(7,492,826,000)	(-643,160,000)	(-18,776,000)
Unauthorized, not considered	(7,913,213,000)	(7,196,306,000)	DEFER		
CURRENT YEAR, INCLUDING PRIOR YEAR ADVANCES:					
Mandatory:					
Mandatory, current appropriations	(64,487,706,000)	(60,194,537,000)	(60,363,761,000)	(-4,123,945,000)	(+169,224,000)
Mandatory, prior year advances	(7,081,600,000)	(7,902,000,000)	(7,902,000,000)	(+820,400,000)	---
Subtotal, Mandatory	(71,569,306,000)	(68,096,537,000)	(68,265,761,000)	(-3,303,545,000)	(+169,224,000)
Discretionary: current appropriations	(25,636,808,000)	(21,675,894,000)	(25,216,170,000)	(-420,638,000)	(+3,540,276,000)
Total, Adjusted current year	97,206,114,000	89,772,431,000	93,481,931,000	-3,724,183,000	+3,709,500,000
Discretionary (unauthorized, not considered)	(7,783,213,000)	(7,096,306,000)	DEFER		

1/ FY84 includes $2.9 billion of one-time forward funding for Job training activities.
2/ Prior year amount does not include $130 million in FY84 funding for CPB provided in FY82.

RECOGNIZING THE ANNIVERSARIES OF THE WARSAW UPRISING AND THE POLISH RESISTANCE DURING WORLD WAR II

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J Res. 272) recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BROOMFIELD. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Indiana, the chairman of our subcommitte, for the purpose of explaining this resolution, if he will.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I speak in support of Senate Joint Resolution 272 to commemorate the 40th anniversary of the Warsaw uprising on August 1, 1944.

The Warsaw uprising was an event of major significance in the history of World War II. The crucial role and heroic resistance of the Polish Home Army in that uprising is a source of inspiration to all of us and worthy of our praise.

The spirit of Polish resistance to foreign oppression and domination is symbolized by this historic event. It is remembered by Poles everywhere. That same spirit in the Polish national character was manifested in the emergence of the Solidarity Trade Union movement in 1980.

Mr. Speaker, Senate Joint Resolution 272 is similar to House Joint Resolution 560 which was introduced by our colleague Mr. ROSTENKOWSKI on May 2, 1984. I want to commend our colleague from Illinois for his strong leadership on this issue.

I hope my colleagues will join in this special recognition of what started on August 1, 1944, and the important role of the Polish Home Army in the Allied war effort.

I urge the adoption of Senate Joint Resolution 272.

□ 1430

Mr. BROOMFIELD. Mr. Speaker, courage is a difficult quality to define and it is rarely found in abundance at any one time in history. But as we stand here today on the eve of the 40th anniversary of the Warsaw uprising, we can recall a time when courage was both instantly recognizable and uncommonly plentiful. The heroic resistance of the Polish people to the invasion of Poland by the armies of Germany and later the Soviet Union rose to its zenith during the Warsaw uprising. The Polish Home Army held major portions of the city for 63 days against the relentless pounding of vastly superior numbers of a well-supplied German Army. The dramatic suffering and sacrifice of 250,000 Polish casualties is compelling testimony to the courage of the Polish people. Throughout the duration of the uprising the Soviet Army stood posed but motionless outside the city offering no assistance to the battling freedom fighters within.

Today, the Polish Government and its Soviet supporters offer nothing in the way of assistance to Polish people

seeking freedom in the spirit of the Warsaw uprising. Officially outlawed, the Solidarity trade union movement clings with teeth-clenched determination to its goal of a society characterized by freedom, democracy, and self-determination. In recognizing the anniversaries of the Warsaw uprising and the resistance to the invasion of Poland during World War II, we highlight the struggle of the Polish people that continues today. We can't help but be reminded of the courage of the people of Warsaw in 1944 as we observe the same courage and determination evident in the Poland of today.

Mr. Speaker, it is only fitting that the Congress recognize these events which symbolize the value we all attach to the attainment and preservation of freedom and liberty.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Joint Resolution 272, legislation recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II. I commend the gentleman from Illinois [Mr. ROSTENKOWSKI] for taking the initiative of bringing this important measure before the House.

The resolution points to the heroic spirit and deeds of the Polish people, attributes for which they continue to be well known.

As the resolution indicates on August 1, 1944, the Polish Home Army, under the command of Gen. Tedeusz Bor-Komorowski rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet sweep through Eastern Europe. These courageous Poles "held major portions of the city for 63 days against insuperable odds and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately 250,000 Poles were killed, wounded, or missing.

Mr. Speaker, I believe it is entirely appropriate and fitting that Congress recognize the courage and manifest dedication to the pursuit of freedom demonstrated by the heroic Poles. As the resolution points out, the Warsaw uprising "stands as a poignant reminder to the world of the power of the human spirit over adversity." It is a lesson that millions of Poles today bear clearly in mind as they too fight against Communist adversity which now plagues Poland.

Accordingly, Mr. Speaker, I urge my colleagues to support Senate Joint Resolution 272.

● Mr. ROSTENKOWSKI. Mr. Speaker, 40 years ago today the Polish Home Army under the command of Tadeusz Bor-Komorowski rose up against the Nazi occupation forces in Warsaw. Greatly outnumbered and inadequately armed, the Polish Home Army continued its struggle for 63 days, allowing General Eisenhower and the Allied Forces to capture much of Germany. Over 250,000 Polish citizens were killed, wounded, or captured in the struggle.

Senate Joint Resolution 272, which is identical to House Joint Resolution 560, which I have introduced in the House, commemorates this heroic effort. In addition, this resolution acknowledges the self-sacrifice of the three leaders of the Home Army: Lt. Gen. Stefan Rowecki, murdered by the Gestapo in 1944; Lt. Gen. Tadeusz Bor-Komorowski, captured after the Warsaw uprising and died in London in 1966; and Maj. Gen. Leopold Okulicki, who died in a Soviet jail in 1945. Under the leadership of these three men, the Polish Home Army functioned as the largest and best organized Nazi resistance effort in occupied Europe, and so provided the Allied effort with invaluable assistance.

The Communist government of Poland has refuse to recognize the meaning of this historic uprising, at a time when the Polish people continue to struggle for freedom. On the 40th anniversary of the Warsaw uprising, let us remember those who gave their lives in the home army's valiant struggle to keep Poland free.●

● Mr. FASCELL. Mr. Speaker, I rise in strong support of Senate Joint Resolution 272, commemorating the 40th anniversary of the Warsaw uprising on August 1, 1944. At the outset, I want to commend the gentleman from Illinois, [Mr. ROSTENKOWSKI], for his outstanding and persevering leadership on this issue, who introduced an almost identical resolution, House Joint Resolution 560 in the House.

The Warsaw uprising of 1944 is both a glorious and tragic event. During the Nazi withdrawal from the city of Warsaw, a withdrawal filled with the worst sort of brutality against the Polish people, the Polish Home Army, under the command of Gen. Tadeusz Bor-Komorowski led a rebellion against Nazi tyranny.

For 63 days, the Polish people rose up against the Nazi occupation. Against insurmountable odds, the Poles desperately struggled to regain their freedom. The rebellion cost the lives of some quarter of a million Poles. The leaders of the rebellion, including General Bor-Komorowski, were imprisoned or killed.

Senate Joint Resolution 272 properly commemorates the events of August 1944, and correctly states that the uprising, "stands as a poignant reminder to the world of the power of the human spirit over adversity." I am pleased to support the resolution and hope that the House will approve it overwhelmingly.●

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 272

Whereas August 1, 1984, marks the fortieth anniversary of the Warsaw uprising, an event of major significance in the history of World War II;

Whereas on August 1, 1944, the Polish Home Army under the command of General Tedeusz Bor-Komorowski rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of the city for sixty-three days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately two hundred and fifty thousand Poles were killed, wounded, or missing;

Whereas September 1, 1984, marks the forty-fifth anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just sixteen days later by the Soviet invasion from the East and the subsequent occupation of a zone populated by thirteen million Poles, these events having led to the development of a strong underground movement directed by the Polish Government in exile;

Whereas the three wartime leaders of the Polish Home Army, Lieutenant General Stefan Rowecki, murdered by the Gestapo in 1944, Lieutenant General Bor-Komorowski, imprisoned by the Nazis and died in London in 1966, and Major General Leopold Okulicki, imprisoned by the Soviets and perished in a Soviet jail in 1945, symbolize the supreme personal sacrifice and commitment to the cause of freedom and self-determination;

Whereas the spirit of Polish resistance to foreign oppression and domination is symbolized by these historic events and remains a vital element in the Polish national character as manifested by the emergence of the Solidarity Trade Union movement in 1980; and

Whereas, in prior years, the President has granted special recognition to these important days in Polish history, with particular regard to the crucial role of the Polish Home Army in the Allied war effort, and to the leaders of the Polish Home Army: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the United States joins in recognizing the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the World War II invasion of Poland and the leaders of that resistance, which symbolizes the currently continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in fulfillment of their national aspirations.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6040, and that I may include extraneous and tabular material.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1984

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts [Mr. CONTE] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1435

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6040, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes, and the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, our Committee on Appropriations brings to you a good bill, the supplemental appropriation for fiscal year 1984. This bill is necessary for the remainder of the year.

We are trying to get all our bills passed through the House and hopefully through conference. Already three bills have been signed into law, our actions this morning in passing the Labor-HHS bill means 10 bills have been passed, 11 have been reported. My attention is called to the fact that we have only 21 days, active days, left before the end of this session, so we must move quickly.

The supplemental appropriation bill virtually covers the entire Government and has many critically needed items in it for the veterans, food stamps, and other items which I will describe.

This bill which we bring to you is under the President's budget request by some $930 million. It is under the House Appropriation Committee 302 budget allocation for fiscal year 1984 by $768 million. And it is under the revised fiscal year 1984 budget ceilings contained in the House-passed budget resolution which is what our committee has promised to live under. We are under that revised figure by some $209 million.

May I say that in this bill we have dealt with many, many items. The reductions that have been made fall in the increases requested for various aspects of foreign aid. But I would call your attention to the fact that great increases have been requested in that area and if we had not reduced those items we would have had to reduce domestic programs in order to make it up.

I repeat again, this bill is under the three budget measures that we come under, and which we have agreed to cooperate. That is the ceiling imposed by the House on itself where we have committed ourselves orally and in our presentation to the Congress to stay within that limit. Also under the 302 allocation as called for by the Budget Act and your Committee on Appropriations is living within that. And as I have pointed out, this is some $930 million below the amount recommended by the President, though the committee is recommending various priority shifts as to where this money should go.

May I point out that involved in this, 92 percent of the amount of money involved in the overall bill is for a dozen or so important items. For example, $700 million is for food stamps. Also Public Law 480, $175 million, HUD-assisted housing, the EPA Superfund, the FEMA emergency food and shelter program, veterans' programs, including loans, loan defaults, and compensation and pensions. We have the strategic petroleum reserve, the HHS Office of Human Development, rehabilitation services, and handicapped research, payments to civil service retirement and disability funds, and, of course, the increased pay costs for civilian and military pursant to a law which the Congress passed and was signed by the President.

As you know, in our system we have 13 subcommittees. They have spent hours upon hours going over the testimony and going over the requests, reviewing the needs. I come to you as chairman of that committee for the members of each of the subcommittees. but this represents the judgment of the various subcommittees which has been put together.

At this point, Mr. Chairman, I insert in the RECORD a brief summary of the major items in this bill:

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1984—SELECTED MAJOR ITEMS

Food Stamps	$700,000,000
Public Law 480	175,000,000
DOD—Operation and maintenance	273,900,000
HUD-assisted housing	150,000,000
EPA—Superfund	50,000,000
FEMA—Emergency food and shelter	60,000,000
Veterans programs	485,688,000
(Loan defaults)	(260,000,000)
(Compensation and pensions)	(154,900,000)
(Readjustment benefits)	(52,200,000)
Strategic petroleum reserve	459,190,000
HHS—Office of Human Development Services	68,200,000
Rehabilitation services and handicapped research	34,200,000
Payment to Civil Service Retirement and Disability Fund	238,081,000
Agency for International Development	195,095,000
Increased pay costs	2,053,392,000
Department of Defense	(1,543,450,000)
Civilian agencies	(509,942,000)
All other (net)	426,878,400
Bill totals:	
President's request	6,300,363,170
Recommendation	5,369,624,400
Difference	−930,738,770

Mr. CONTE. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the bill before the committee is the second supplemental for the 1984 fiscal year.

The bill totals $5.4 billion in budget authority, of which $4.8 billion, or 89 percent, is provided for programs where supplementals were requested by the President.

Four of these programs will run out of funds if supplemental appropriations are not enacted before the August recess: $700 million for food stamps, $155 million for veterans compensation and pensions, $52 million for veterans readjustment benefits, and $260 million for veterans loan guarantees.

The remaining supplementals for programs where funds were requested

by the President are: $274 million for operation and maintenance in the Department of Defense, of which approximately $118 million is for costs associated with operations in Lebanon, and Grenada, and $156 million is for increased civilian personnel costs such as social security taxes, health insurance, and disability compensation; $175 million for titles I and III of Public Law 480, which finance sales of agricultural commodities for dollars or convertible foreign currencies on credit terms; $50 million for EPA's Superfund to initiate planning, design, and cleanup work at additional abandoned hazardous waste sites; $459 million for the strategic petroleum reserve, which is intended to assure that funds are available for construction contracts at Big Hill, TX; $102 million for the FAA to liquidate defaulted aircraft loans; $238 million for the civil service retirement and disability fund; $2 billion for increased costs of the January pay raise that have already been incurred by Federal agencies.

The committee report shows that the bill is $931 million below the President's budget estimates. However, this figure consists of cuts totaling $1.3 billion in DOD pay, the Library of Congress, foreign aid, and atomic energy defense activities, plus assorted addons of $392 million.

The bill does not require a budget waiver because the Budget Committee has given our committee credit for the $2 billion synfuels rescission in the Deficit Reduction Act.

In a nutshell, that is the second supplemental. It will not be an easy vote for many Members, particularly on this side of the aisle.

On the one hand the bill does contain urgent appropriations for food stamps, DOD operations, veterans programs, civil service retirement, and pay costs. On the other hand, the bill contains $392 million in assorted addons.

I intend to vote for the bill. I think that the funds provided for programs where the administration has requested supplementals are, on balance, more important than such election-year frivolities as $2.5 million to restore Franklin Roosevelt's yacht.

I opposed the bill in committee. We should have, and could have, done a better job in cutting unrequested supplementals. But we are past that point now. The recess is only 8 days away. We do not have time to go back to our subcommittees and construct another bill. Accordingly, based on the urgent appropriations before the House, I will vote "yes."

During the full committee meeting on July 26, when we reported the second supplemental, it was estimated that the revised bill would exceed our allocation of discretionary budget authority by $1.1 billion. That estimate was derived as follows:

[In billions of dollars]

Amount remaining to the committee, as reported by the Budget Committee on April 26, 1984 (H. 3122)	−2.061
Discretionary programs in House Joint Resolution 492 as enacted	+.578
Discretionary budget authority in revised second supplemental, as drafted	+2.590
Amount over allocation	+1.107

However, also on July 26 the Budget Committee filed a new status report which shows that the committee is $3.481 under its allocation of discretionary budget authority—H-7959. This figure was apparently derived by using the $2 billion synfuels rescission in the Deficit Reduction Act to offset discretionary budget authority in fiscal 1984.

The current estimate is:

[In billions of dollars]

Amount remaining based on status report of April 26	−2.061
Synfuels rescission in the Deficit Reduction Act	−2.000
Discretionary programs in House Joint Resolution 492 as enacted	−.578
Senate office buildings in 1985 legislative bill	+.002
Amount under allocation	+3.481
Discretionary budget authority in revised second supplemental, as reported	+2.713
Amount under allocation, counting revised second supplmental as reported, and synfuels rescission	−.768

Using the Synfuels rescission to offset 1984 discretionary budget authority is highly questionable. The funds rescinded were appropriated in the fiscal 1980 Interior bill. Section 5(b) of the 1984 budget resolution establishes the scorekeeping procedure which we are now working under, based on "new discretionary budget authority." It simply does not make sense to use a rescission of budget authority provided in fiscal 1980 to offset the committee's allocation of new discretionary budget authority for fiscal 1984.

□ 1440

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, chapter V includes funds for a number of programs of a supplemental and emergency nature.

To begin with, we have recommended $260 million to cover losses in the veterans loan guaranty revolving fund. These losses are the result of a substantial increase in defaults on veterans home loans. I should point out that we expect an additional $400 to $500 million will have to be appropriated in fiscal year 1985 to meet these losses and insure the integrity of the fund.

We have also included an appropriation for $60 million for the housing and feeding of homeless Americans. This appropriation is necessary to meet the homeless problem in the coming winter. The funds are provided, as they have been in the past, through the Federal Emergency Management Agency and are available through the private voluntary organizations. I should point out that in the committee report we make clear that restrictions on the use of funds for rehabilitating existing facilities and paying utility costs are to be lifted in order to insure the broadest use of these funds.

Chapter V also includes $5 million for design work on a stop gap emergency sewage treatment plant in San Diego, CA. The purpose of this plant is to treat up to 30 million gallons of Mexican sewage that each day is polluting water in and around San Diego.

Because of the circumstances and the emergency nature of this problem—Federal action and separate funding has been provided in this bill. At the same time, it was our opinion that because this plant would treat Mexican wastewater—the Mexican Government should make some contribution to this effort. We have provided a legisaltive mechanism that requires the President to certify such a contribution, and we also require that State and local funding for this project represent not less than 10 percent of the total cost.

We have also included $150 million in chapter V for the section 235 Homeownership Assistance Program. This program was authorized in the 1983 Housing and Urban-Rural Recovery Act—But was not funded in the final 1984 appropriation bill. The $150 million recommended should give the restructed program an opportunity to see what can be accomplished in various areas of the country. It is expected that the program could be particulary beneficial in aiding low-income families.

Finally, Mr. Chairman, we have recommened the full $50 million requested for the Superfund activities and we have included $2 million for the Federal Emergency Management Agency section 1362 program. This activity provides for the acquisition of flood damaged structures. These funds are needed on an emergency basis to meet serious flooding problems in various areas throughout the United States.

Mr. Chairman, that is a brief summary of what is contained in Chapter V.

I would hope that the members of the Committee will support this chapter and the bill itself.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

I would point out to the House that some of the money that we have in here is money that we could have expected to come along in a supplemental appropriation because last year we tried to pull the wool over the eyes of the American people about what it was we were doing when we were spending money. The main area here is the food stamp program. There is $700 million in this bill for the food stamp program.

We may remember last year when we were going through the appropriations processes we were told we were keeping this appropriation under the budget, but it turned out we were only appropriated money for food stamps for a part of the year.

Now, sure enough, we come back and we have to fund the program for the rest of the year that we did not fund it for last year so that we could pretend to be staying under the budget.

So once again we see the sham revealed for what it is when we finally get to the supplemental appropriation.

We have got $700 million here that we are having to spend for food stamps because we did not appropriate enough money in the first place.

I think that tells the American people just what has gone wrong with the spending and budgeting process around this House.

We also have in this bill approximately $1 billion of money that the administration has not requested. The idea that we are coming to this floor with this supplemental because the administration is demanding that we spend this money when the administration makes their claim that there is over $1 billion of money that is in this bill that has absolutely nothing to do with their request. So we are in fact dealing with a supplemental appropriation which goes far beyond what the administration has sent up here asking to be spent.

So anybody who votes for this particular supplemental ought to realize that we are spending money above and beyond what the administration thinks is necessary and we are also spending money that is above and beyond the budget process that we spent a lot of time with last year.

I would suggest we may want to vote for what I would call the Mondale-Ferraro amendment later on, which will be a 1-percent cut which will attempt to do something to bring down the spending level in this bill.

Mr. Mondale's and Ms. FERRARO's statements yesterday about how the deficit is devastating poor people in the country, I would think we would want to do what we can on this House floor today and help the poor by voting for less deficit.

Mr. WHITTEN. Mr. Chairman, I yield myself 1 minute.

May I say last year we were unable to get a budget request from the administration for the money required by law for food stamps. Being unable to get a budget request, though we had asked for it, we appropriated the amount in the President's budget for the time for which it would last. We finally received the budget request for the $700 million that is needed to complete the fiscal year. That request was submitted to Congress on July 27, only four days ago.

May I say that the gentleman [Mr. WALKER] is right. This bill represents $930 million less than was recommended by the President, but we have put it in those places where the 57-member Appropriations Committee thought best and we recommended it to you.

So what we have done has failed to go along with that item by item as requested by the Office of Management and Budget, but we have stayed within the overall limit.

I respectfully submit it and it is up to the Congress to determine to what projects money should be appropriated. After all this is a recommendation. It represents our best judgment. We have been completely fair. The statements are made as a matter of record. We so advised the House on the last year.

□ 1450

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I have generally problems with supplementals, but in light of some of these requests I think are legitimate when you go through this section by section—and I am a member of the Appropriations Committee—I do have problems, however, with the Maritime Administration request, or whoever made the request to our committee, in respect for $2.5 million to be matched by local equal funds for the modernization and restoration of the Presidential Franklin Roosevelt yacht.

I do not see that as an emergency, as a crisis in this nation. I do not think it is appropriate for this bill. I do not think it is appropriate to use tax money. Private contributions can be used for that purpose. Historical or otherwise, they want to leave it as I understand to a museum. My report says it is in the interest of national security. That is really a broad definition of national security, in my opinion.

I think that that provision and that program really should not be in a critical supplemental bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Would the gentleman repeat again what it was that we are spending for that is an urgent supplemental?

Mr. PURSELL. Well, if you read the report you will see an item in here for $2.5 million to be matched by local and State funds, I assume tax funds, too. So you could talk about $5 million plus to be used for restoring the Presidential yacht. The report says implying some reason for national security.

I do not see that as an emergency or a real crisis in this Nation using tax dollars for that purpose.

Mr. WALKER. I agree with the gentleman and I thank him for pointing it out.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, first of all, I think that it is ironic that here on the House floor we have some Members acting as though somehow the administration's request is paramount.

The real problem is that the administration has failed to make the proper request in the past, particularly as it relates to the Customs Agency of this country. Funds for the Department of the Treasury and Customs were not properly requested in terms of the number of personnel we need. I sought, Mr. Chairman, as a Member of this body, to seek from the Appropriations Committee the appropriations necessary to properly staff our borders.

I think what has happened in this country as a result of the administration's requested cut, indeed, a request of 2,000 less personnel for our ports of entry around this Nation for fiscal year 1983, has been devastating. The administration succeeded with some 400 cuts in personnel and we are now at a stage in this country where the safety, the health and the welfare of those men and women who stand at our borders are currently in great danger.

I would only ask, Mr. Chairman, that this body give due consideration to an amendment which I do intend to offer which will authorize 154 additional personnel, only to bring the Agency back up to fiscal year 1981 levels. It will cost $450,000 for the 2 months left in this year.

I think it is proper for those who talk about and order, drug enforcement, and trade between nations, that the Members of this body see to it that this amendment passes, even though we do not yet have an authorization bill passed by the other body.

Mr. WHITTEN. Mr. Chairman, I will say that because of the overall situation, I will have to make a point of

order if the amendment is offered, but I agree with the gentleman about the need. I hope the authorizing committee will get busy on the issue.

Mr. CONTE. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, one of the problems with this supplemental appropriation is that it almost totally ignores one of the most pressing U.S. foreign policy requirements in the world today, Central America. Out of a request of $634 million for economic development and security assistance, the committee, unwisely I believe cut $500 million.

I am going to offer an amendment to redress that stark deficiency. I understand that my amendment technically may be subject to a point of order later, but I wanted to take some time to a least explain to the committee one of the real problems that we have with this supplemental appropriations bill.

As I mentioned, the bill would cut $500 million out of a requested $634 million budget request for Central America. This is not just a broad brush rejection of the President's Central American package, it is a broad brush rejection of the heart of the bipartisan Kissinger Commission policy for Central America.

That bipartisan Commission upon which Mr. WRIGHT and I served, did not just recommend security assistance, they identified a pressing need for humanitarian aid, economic development, social, educational, medical, and political development moneys—all of which are cut starkly in this bill.

Moreover, this bill would reverse the policy course approved by the House just 2 months ago. Of course, there are differences in this body about what we should be doing in Central America, but it seems to me there can be no disagreement over the necessity of fulfilling the commitment that this House voted on just in May in the Broomfield-Murtha amendment to the authorization bill, which authorized the levels of funding requested in this bill, but rejected by the committee.

The election of Mr. Duarte in El Salvador was welcomed, I think, on a bipartisan basis by our colleagues here and in the other body. I think each and every one of us wants to do something to help implement the democratic reforms that not only are coming, but must continue to come in El Salvador.

But it is not just El Salvador that is at stake. Severe cuts were made in development and security assistance programs throughout the region, including Honduras and Costa Rica.

Costa Rica, without even an army, is pressed on its border by Nicaragua. They do not, as I repeat, have an army. They have a police force. It seems to me that whether it is Costa Rica with no army or Honduras, which is an ally, as is Costa Rica of the United States, these are areas of Central America that demand by this body in the supplemental with regard to security as well as economic and social development requirements.

I pointed out that this committee's recommendations are wholly inconsistent with the Jackson plan—the Jackson plan named after Senator Henry "Scoop" Jackson, at whose initiative the bipartisan Commission on Central America was constituted.

Let me give my colleagues a couple of ideas as to what the committee did and I think unfortunatley so.

Of the $197 million requested in military assistance, the committee recommended $24 million. $24 million out of a request of $197 million must of it urgently needed security assistance in El Salvador.

Of the $290 million requested in economic support funds, the committee only recommended $170 million of which $40 million of that was earmarked for the Dominican Republic, and $25 million was earmarked for African food relief.

I am not opposed to aid to the Dominican Republic. I am not opposed to African relief efforts. Indeed, we need to take steps in with regard to both those areas.

□ 1500

I have been in the forefront of attempting to give to Jamaica and the Dominican Republic and Haiti and other Caribbean countries, as well as Africa, badly needed economic assistance, but it should not come at the expense of Central America, especially not at this crucial time in the history of our hemisphere.

Of the $73 million requested in development assistance, the committee recommended zero.

Of the $1 million in the new Peace Corps Program for Central America, the committee recommended zero. Why would we cut the Peace Corps?

Frankly, I think the vast majority of the Members of the body think that the Peace Corps should be continued and that that modest request should be fulfilled.

To add to the problems of this bill, the subcommittee conditions its aid to Costa Rica, which is under threat from Nicaragua, we conditioned our aid to Costa Rica, upon receipt of a personal letter from the president of Costa Rica, that our aid not be used to expand its security force or to acquire any weapons.

I am not going to give any lengthy address on the subject on Costa Rica, but I would say to my colleagues, here is the jewel of democracy in Central America, tiny little Costa Rica, let us not treat them with such disdain that we ask for the types of conditions upon their aid that makes it almost impossible for them to save face and still accept U.S. foreign assistance.

I want to say, in conclusion, that I want to pay my respects to the chairman of my subcommittee for his efforts which are going on right now to get needed security assistance into Central America in the 1985 appropriation bill. That has been very welcome. Chairman LONG, your comments in the New York Times yesterday I think reflect the vast support in this body for a bipartisan approach to Central America and they were on target with regard to one concern for Mr. Duarte and the continuation of those democratic reforms that all of us want to see. I give the gentleman proper credit for the effort he has made to make changes in the human rights conditions in El Salvador and demand progress in Central America. As he knows, I have also been concerned and deeply involved in the issue of human rights in El Salvador, Nicaragua, and elsewhere in the region, as have other members of this subcommittee.

I would just hope that this supplemental can be repaired to the point where we can also take care of our 1984 obligations, not just put off our help until 1985. I will have an amendment to this end at the proper time, but I did want to take this time to at least address some of my immediate concerns.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. LONG], the chairman of the subcommittee.

Mr. LONG of Maryland. Mr. Chairman, I strongly urge this Committee to support the committee's mark on this supplemental. The committee-passed bill is lean, fair, and balanced. The bill contains reductions in both economic and military aid, keeping in mind our precarious budget and deficit situation, while still providing for significant increases for fiscal year 1984 over the fiscal year 1983 funding levels.

The committee followed the guidelines traditionally used in regard to supplemental appropriations, that is, emergency conditions, a change in circumstances since the original appropriations were approved and a need for authorization. I believe each item in the bill meets these guidelines.

The issue in this supplemental is not one of support for President Duarte or even an issue of "nickel and diming" El Salvador. It is an issue of prudent expenditures which best effectuate our foreign policy goals. This administration, which stresses that throwing money at a problem is no solution, is proposing to do precisely that in Central America. By the time this supplemental is enacted, there will be probably less than 30 days left in the fiscal year, yet the administration is proposing to provide El Salvador with an ad-

ditional $116 million in military assistance on top of the $62 million just appropriated in the emergency supplemental. This would result in a 300-percent increase in military assistance over fiscal year 1983 and is simply without any justifiable basis.

We are now currently marking up for fiscal year 1985 $126 million in military assistance and $170 million, I think, in economic assistance. That is plenty of money, believe me, to do our job, give them what they need to get along on but not so much that their generals can go rushing to Miami banks with it.

Mr. CONTE. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from San Diego, CA [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I simply want to rise to thank the committee for the concern that they have manifested in this bill for the problem that we have right now on the Mexican-California border immediately adjacent to San Diego. We do have raw sewage flowing into San Diego on a regular basis, and the $5 million that is included for the initial planning and design will allow us to at least initiate a solution to this problem that the people of San Ysidro, Imperial Beach, and the rest of the country have suffered for the last many years. We do have a severe health problem. We have had a quarantine of beaches on a regular basis. We want to give our heartfelt thanks to the committee for recognizing the problem and moving in such an expeditious manner.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to rise in support of the remarks of my subcommittee chairman on the foreign assistance title of this bill.

Mr. KEMP, I believe, left the impression that this committee has made deep cuts in foreign assistance under this bill. That is simply not the fact. We went across the board and took every item that we regarded as not being an emergency nature and simply knocked it our or reduced it.

We denied the funds for IDA. We denied the funds for the World Bank. We denied the funds for the economic accounts, including education and population, health and development accounts. We did not just limit military aid, we also took the economic aid and we limited it by as much as humanly possible, because we feel that this is a very tough time economically. We have only 2 months left in the fiscal year.

I want to point out that before you can consider supporting any amendment offered by the gentleman from New York to add further money to this bill, keep in mind that grant military assistance under this bill is already 56 percent above last year and 443 percent above 1981. For El Salvador, if you take economic support funds and military aid, this bill is already 238 percent above 1981 and 23 percent above last year.

For El Salvador, military aid alone, this bill is already 56 percent above last year and 257 percent above 1981. I think that is quite enough.

We have not singled out El Salvador for special treatment. We have not singled out Central America for special treatment. We have already provided $130 million in this bill for Central America.

Costa Rica is getting $60 million in economic aid; El Salvador is getting $25 million; Honduras, another $20 million. We provided military assistance to Costa Rica, to Honduras, to Panama, and for regional military training.

This bill is adequate for our needs at the present time. It, together with the bill now coming out of the committee, the 1985 regular bill, will provide all of the money that we need for foreign aid for this year.

I do not believe that we can explain to the folks back home or to each other why it is not sufficient to provide a bill which is already 56 percent above last year's level. I think that is quite enough, and I urge the Members to stick with the committee.

Mr. CONTE. Mr. Chairman, I have no further requests for time.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I appreciate the gentleman yielding, and I rise to engage my chairman in a brief colloquy.

The Agricultural Research Service in Fresno, CA, has encountered a problem in which the lease on the existing property that they occupy will be running out at the end of this fiscal year. I am wondering if the chairman would have a suggestion as to how USDA could proceed to acquire property of the appropriate type in the timeframe that we have available. The chairman indicated to me earlier that he thought a lease-back possibility with a temporary rental agreement, with a reservation to purchase, might be a stronger approach than simply appropriating funds in this bill, and I am in agreement with him on that.

Mr. WHITTEN. May I say that we will be going to conference on this bill. This may be a matter that could be clarified in conference and I certainly will look at it with that in mind. Usually a lease with option to purchase is the best approach. I appreciate the gentleman's question. We will see what we can do.

Mr. FAZIO. I appreciate the gentleman's willingness to resolve the issue in conference, and I look forward to working with him in that regard.

Mr. WHITTEN. I thank the gentleman.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. WAXMAN].

□ 1510

Mr. WAXMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee. I thank the chairman for his patience and indulgence. If I may, I would like to ask the gentleman from Kentucky several questions about the bill's provisions on the epidemic of acquired immune deficiency syndrome [AIDS].

I know that the gentleman and the subcommittee he chairs have worked diligently on dealing with this dangerous disease. I know that the Appropriations Committee has tried several times to get accurate and up-to-date estimates on the amount of money that the Public Health Service estimates is needed to do basic epidemiology and research.

When the Secretary of HHS, Mrs. Heckler, announced the discovery of a virus that probably causes the disease, the Department also promised to evaluate its research and public health needs and to report these needs to the Congress. The Public Health Service completed that study in May of this year, estimating that $20 million more is needed in 1984, and that an additional $35 million would be needed in 1985. I will include that estimate for the record.

It is my understanding that in the 10 weeks since the study was completed, the Public Health Service's recommendations have not yet been reviewed by HHS or OMB. During just the time since the Public Health Service finished its work, more than 600 people have died and at least 1,200 more have been diagnosed.

Has the gentleman from Kentucky received a new recommendation from HHS for the funding necessary to do public health work, develop a vaccine against the new virus, or do basic research?

Mr. NATCHER. We have not received the Department's recommendation up to this time.

Mr. WAXMAN. I had intended to offer an amendment to this bill and to the appropriations bill for 1985 to increase funding to the level requested by the Assistant Secretary for Health and the Public Health Service. Since these recommendations have not been received, however, I assume that many Members would feel it necessary to await the administration's proposals and official position.

I will not offer the amendments today, but I would ask the gentleman

if the committee intends to review the needs for additional AIDS research funding if and when the administration does make further recommendations?

Mr. NATCHER. We will, of course, review HHS's requests carefully.

As the gentleman from California knows, and the gentleman has certainly worked with our subcommittee all down through the years, not only on this particular matter, but on others. We have in this supplemental, as the gentleman knows, $1,750,000 for Center for Disease Control for AIDS. In addition, $6,550,000 for the National Institutes of Health. That, Mr. WAXMAN, as you know, added to the $47,595,000 already available for 1984, provides a total of $55,895,000 for work on this disease. The 1985 bill, which we have just passed, includes an increase over the budget of $3,350,000 for the Centers for Disease Control for work on AIDS. The 1985 budget request included $54,000,000 for this purpose, according the testimony which we received in our hearings. In addition, our 1985 bill includes an increase over the budget of more than $505,000,000 for the National Institutes of Health. This should provide NIH with a substantial increase for research on AIDS.

Mr. WAXMAN. I thank the gentleman for that comment. I want to point out to my colleagues that the money that is in this bill for this purpose of dealing with this very dreaded disease is at the insistence of the Members of the Congress itself, and particularly under the leadership of our colleague, Congressman ROYBAL from California. It is notwithstanding the fact that the administration has not made a request for the funds that should be available for this purpose, even after the researches, scientists, and the Public Health Service have made specific recommendations. This delay is inexcusable.

[Memorandum]

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE,

Washington, DC, May 25, 1984.

To: The Secretary.

From: Edward N. Brandt, Jr., M.D., Assistant Secretary for Health.

Subject: Proposed FY 1984 Supplemental and FY 1985 Amendment for Acquired Immunodeficiency Syndrome.

For nearly three years the Public Health Service has led the fight against the relatively new but extremely serious public health problem known as Acquired Immunodeficiency Syndrome or AIDS. As a result of the efforts of many people within the PHS and scientists in laboratories throughout the world you were recently able to report some significant breakthroughs. These include the discovery of the virus HTLV-III, the probable cause of AIDS, the development of a process to mass-produce this virus and that of a blood test for AIDS.

These exciting discoveries bring us much closer to the detection, prevention and treatment of AIDS. There is much left to do. As of April 23, the date on which you announced the AIDS virus discovery, there had been reported a total of 4,177 cases of AIDS with 1,807 deaths in 45 States, the District of Columbia and Puerto Rico. This represents a mortality rate of 43 percent which is clearly unacceptable. In order to seize the opportunities which the recent breakthroughs have provided us we will need additional funds both for the remainder of this fiscal year and for FY 1985. Although I realize that general policy would discourage supplemental and amendment requests at this time, I believe that the unique situation with respect to AIDS justifies our forwarding the requests at this time.

Attached is a table summarizing the additional funds needed. For Fiscal Year 1984 we are requesting a supplemental appropriation of $20,076,000 and 4 FTEs and for Fiscal Year 1985 we are asking for an additional amount of $35,809,000 and 37 FTEs. Summaries of the needs of the four PHS agencies involved and justifications for the additional funds requested are also attached.

I ask your favorable consideration of the PHS proposals and respectfully request you forward it to the Office of Management and Budget.

CENTERS FOR DISEASE CONTROL ADDITIONAL AIDS RESOURCES FOR FISCAL YEARS 1984 AND 1985

SUPPLEMENTAL FUNDING FOR AIDS ACTIVITIES FOLLOWING THE IDENTIFICATION OF THE PROBABLE ETIOLOGIC AGENT

On April 23, 1984, Secretary Heckler announced that the probable cause of AIDS has been found and a new process developed to mass produce the virus. Isolation of the probable etiologic agent of AIDS will greatly assist prevention efforts because for the first time it affords the opportunity to characterize the agent in detail and understand its behavior.

AIDS projects currently underway will be expanded and refined and new projects will be initiated in the areas of laboratory investigations, surveillance, and epidemiologic studies. Special emphasis will be placed on technology transfer and information dissemination, and programs on disease prevention and control will accelerate rapidly.

Now that the probable etiologic agent of AIDS has been identified, other urgent questions need to be answered. Information will be required on the pathogenesis of the disease, the possible contribution of other agents, and the nature and the natural history of the HTLV-III virus. The isolation of the etiologic agent should now make it possible to identify transmitters, develop and evaluate the usefulness of specific diagnostic and screening tests for AIDS in donors and plasma, therapeutic measures, and biological products and vaccines for prevention; and to transfer these techniques and products and the knowledge to use them appropriately to the medical and public health communities. Laboratory and epidemiologic studies based upon these specific tests should further and more precisely define the modes of AIDS transmission and lead to implementation of strategies to interrupt and control the disease. For the first time, it will be possible to establish that controls are truly uninfected with AIDS agents.

Laboratory technology which resulted in the isolation of the AIDS agent will make it possible to isolate other previously unknown related agents. Characterization of these agents and determination of their clinical and epidemiologic significance will be important.

ADDITIONAL AIDS RESOURCE NEEDS (SUPPLEMENTAL REQUEST), FISCAL YEAR 1984

Project	Pos./FTE	Funds
1. Improve laboratory diagnosis of retroviruses, determine their pathogenetic mechanisms, institute technology transfers and initiate basic studies for vaccine development	3.38/1.25	$1,700,000
2. Determine the prevalence of retrovirus antibody and viremia in various populations, including homosexual men, I.V. drug users, Haitians, hemophiliacs, and volunteer blood donors in the U.S. Lymphadenopathy syndrome cases will be included		130,000
3. Expand investigation of transfusion-associated cases/donors	3.75/1.5	468,700
4. Expand international epidemiologic investigations (Zaire, other)	1.56/0.63	245,400
5. Expand epidemiologic studies of AIDS in families to include additional study sites and pediatric cases	.31/0.12	187,300
6. Expand laboratory data acquisition, analysis, presentation, retrieval and storage of AIDS patient materials		31,250
7. Improve diagnosis and treatment of opportunistic infections: a. Bacterial (including M. avium, M.tb, Legionella); b. Parasitic (including pneumocystis carinii, Cryptosporidium); c. Viral (including Herpes viruses); d. Mycotic (including Candida, Aspergillus, Cryptococcus)		437,350
Total resources needed	9/3.5	3,200,000

ADDITIONAL AIDS RESOURCES NEEDS (AMENDMENT), FISCAL YEAR 1985

Project	Pos./FTE's	Funds
1. Improve laboratory diagnosis of retroviruses, determine their pathogenetic mechanisms, institute technology transfers and initiate basic studies for vaccine development	3.43	$800,000
2. Determine the prevalence of retrovirus antibody and viremia in various U.S. populations, including persons from various regions of Africa, India, China, and the Caribbean. Lymphadenopathy syndrome cases will be included		225,000
3. Expand investigation of transfusion-associated cases/donors	5	730,000
4. Expand International epidemiologic investigations (Zaire, other)	2.86	375,000
5. Expand epidemiologic studies of AIDS and lymphadenopathy syndrome in families to include additional study sites and pediatric cases	.71	415,000
6. Expand laboratory data acquisition, analysis, presentation, retrieval and storage of AIES patient materials		170,000
7. Improve diagnosis and treatment of opportunistic infections: a. Bacterial (including M. avium, M.tb, Legionella); b. Parasitic (including pneumocystis carinii, Cryptosporidium); c. Viral (including Herpes viruses); d. Mycotic (including Candida, Aspergillus, Cryptococcus)		245,000
8. Conduct study of sexual partners of homosexual AIDS patients in Boston to determine transmission risk factors		165,000
9. Develop rapid reporting AIDS surveillance network using microcomputers in selected State/local health departments	.62	80,000
10. Expand existing cooperative agreements with State/local health departments to include risk reduction (information/education) programs for high risk groups	1.88	2,500,000
11. Enhance cooperation with national Hemophilia foundation to acquire hemophilia patient specimens and medical history data and to disseminate up-to-date information to hemophilia treatment clinics		125,000
12. Define the complete spectrum of AIDS including lymphadenopathy syndrome cases, through active reviews of tumor registries and identification and follow-up of cases with prodromal signs/symptoms suggestive of AIDS	1.88	270,000
13. Expand the number of surveillance cooperative agreements to include an additional 3–5 State/local health departments that have reported a significant number of AIDS cases	.62	460,000
14. Expand cooperative agreement with U.S. Conference of Mayors to provide a broader network for an information interchange system of city governments and local health departments		140,000
15. Expand laboratory space for Viral Disease by adding two floors to the Virology Laboratory currently under design		4,500,000
Total resources required	17	11,200,000

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION: ADDITIONAL AIDS RESOURCES FOR FISCAL YEARS 1984 AND 1985

AIDS SUPPLEMENTAL FISCAL YEAR 1984

The Alcohol, Drug Abuse, and Mental Health Administration is requesting a supplemental appropriation in FY 1984 to support research on the psychological and behavioral factors related to AIDS victims and the relationship of AIDS to drug use. These studies will require the following additional amounts in FY 1984.

National Institute of Mental Health	$375,000
National Institute on Drug Abuse	800,000
Total	$1,175,000

Some of the research investigations to be supported include the following:

National Institute of Mental Health

Research studies aimed at increasing knowledge about the psychological and behavioral factors which increase vulnerability among at-risk populations and AIDS patients; psychoimmunologic and neuroendocrinologic studies examining the effects of stress on the immune system.

Retrospective and prospective studies focusing on psychosocial and behavioral factors associated with the development of symptomatic mental health reaction in AIDS patients and members of high risk groups. Included in this area are: risk-assessment studies to refine procedures for differentiating which individuals with AIDS or in high risk populations are likely to experience emotional disturbance or psychological dysfunction; studies examining the relationship between social, behavioral, and psychological factors and the course and prognosis of the illness.

Funds would also be used to supplement large scale prospective cohort studies now being funded by NCI or NIAID to obtain psychological and behavioral data relative to AIDS patients or populations at high risk for AIDS.

NATIONAL INSTITUTE ON DRUG ABUSE

The study initiated in FY 1983 will be expanded to include a second component of 200 homosexual AIDS patients who do or do not use drugs. The researchers will investigate the causal or modifying relationship of drug use among homosexuals in the development of AIDS.

The second year of this study was to include two additional substudies: (1) a group of 40 drug-users who are imprisoned on various charges and who acquire AIDS. Detailed questionaires on lifestyle and drug-use, medical histories, immunologic function, and other predictive factors will be measured. This group is unique in that they did not seek out treatment and may have unique variables—types of drug used, disease acquired, extent of disease; and (2) a followup study designed based on the cohort studies of the drug abuse populations. These studies will focus on changes in the individual's health to see what relationships exist between AIDS and immunological status, virological profile, drug abuse life style or other identified factors. These will include a proportionate representation of the above studied group.

A study to examine the influence of marijuana components on both hormonal and cellular immune responses in vivo and in vitro. For example, antibody formation by immune splenocytes or skin graft reactions, lymphocyte blastogenic responses, and lymphokine production.

A study of the effects of narcotics on the immune system. This group is investigating the ability of lymphocytes of addicts as compared to normal subjects to form rosettes, the extent and duration of any alteration, mechanism of this effect and any genetic factors involved. This is an attempt to determine immunological changes resulting from narcotic and other drug use.

The overall objective of another application will be to assess the potential immunosuppressive effects of marijuana smoke through measures of dose-related increases in susceptibility to microbial infection and tumor growth in rats receiving marijuana smoke. Resistance to systematic as well as to localized infections will be assessed.

A proposed case-comparison study of AIDS patients with a history of intravenous heroin and cocaine use is ready to begin this summer. The purpose of this study is to attempt to quantify the risk factors associated with neede-sharing and AIDS. In addition, an attempt will be made to quantify the risk factor of the spouse and children living with needle-sharers. Physical examination and immunochemistries will be used to assess health changes during the study.

A comparative registry analysis from the Treatment Outcome Prospective Study (TOPS), the Bronx, and New York City to determine the presence of previously treated methadone clients among the patients listed in the AIDS registries currently maintained by New York City, other states and CDC will be attempted. This analysis will provide a preliminary determination of the association between long-term heroin and other parental drug use with the appearance of AIDS.

The next followup wave of TOPS provides an opportunity to conduct immunochemistry and clinical chemistry studies on patients with varying drug use patterns in geographically disparate cities. This study will be the first nationally based study to determine normative values for the more recently developed virological studies like HTLV among drug abusers. Attempts will be made to correlate the findings of this study with the clustering of AIDS in certain portions of the country. In addition, the presence and recurrence of other viral infections like herpes can be analyzed in terms of drug use patterns. The hypothesis that several of the psychoactive substances may have immunosuppressive effects can be tested in a naturalistic setting.

AIDS AMENDMENT, FISCAL YEAR 1985

The Alcohol, Drug Abuse, and Mental Health Administration is requesting a budget amendment in FY 1985 to continue efforts begun in FY 1984 that were made possible by the proposed supplemental. The amounts requested are as follow:

National Institute of Mental Health	$425,000
National Institute on Drug Abuse	397,000
Total	822,000

The activities are described below:

National Institute of Mental Health—Continuation cost of work begun in 1984.

National Institute on Drug Abuse—Continuation cost of work begun in 1984.

FOOD AND DRUG ADMINISTRATION: ADDITIONAL AIDS RESOURCES FOR FISCAL YEARS 1984 AND 1985

FOOD AND DRUG ADMINISTRATION FISCAL YEAR 1984 AND 1985 SUPPLEMENTAL FUNDING FOR AIDS ACTIVITIES

Given FDA's fundamental authorities for licensing biological products and approving new drugs, as well as responsibility for assuring the safety of the national blood supply, there is no question that the agency will be heavily involved in dealing with AIDS for a long time, regardless of the precise nature of the drugs and vaccines that are eventually developed. It will be necessary to grow sufficient quantities of the virus and pursue a number of approaches involving both monoclonal antibody and recombinant DNA technology. Methods and animal models for evaluating candidate vaccines as well as diagnostic tests must be developed. Subsequently possible vaccines and treatment, will be evaluated, screening tests developed and refined, and standards set for licensing the products that will be developed. At the same time, in order to facilitate development and approval of these products, the FDA must continue research on the immunological factors involved and stay abreast of the research conducted both within and outside the government.

The FDA request includes different levels of funding in FY 1984, FY 1985, and FY 1986. The requested Supplemental Appropriation in FY 1984 is for $2,600,000 for the facility renovations and equipment necessary to expand AIDS work. The provision of these funds in FY 1984 will enable the agency to begin immediately to prepare the necessary high-containment laboratories. However, if these funds cannot be made available by July 1, 1984, the request would have to be revised to include this amount in FY 1985, since the funds could not be obligated by the end of FY 1984. The intent is to renovate several current animal rooms in Building 29A on the NIH campus into high-containment rooms needed for the AIDS work. This would require the agency to move existing animals out and contract for the maintenance of these animals.

The FY 1985 request totals $5,750,000. Of this amount $2,500,000 consists of one-time costs. The amount of $2,000,000 is for contracts to assess the impact on the national blood supply if those who are screened as positive for the AIDS agent are excluded from further donation, and to assess the past and current exposure to the AIDS agent by hemophiliacs who receive Anti-Hemophiliac Factor made from pooled plasma. The other $500,000 is for the one-time cost of moving the animals out of the space to be renovated in Building 29A and establishing a new location for them.

In addition to the one-time investment, the continuing needs are estimated at $3,250,000 the amount needed to meet operating needs for FY 1985. This amount would support 11 professional scientists using the IPA mechanism, 20 FTE staff years, and the cost of contracting for the animal support currently located in the space to be used for the AIDS work. While it is intended to use the IPA route as much as possible, 20 FTEs will be needed for technical and other support staff. This is essential because it is believed that 11 is probably the maximum number of IPAs which could be recruited, with the balance of the staff to be government employees.

Food and Drug Administration: Summary of increased resources necessary for work on AIDS

Fiscal year 1984 supplemental:	
Facility renovations	$950,000
Equipment	1,650,000
Total	[1] 2,600,000
Fiscal year 1985 budget amendment:	
Contracts relating to the safety of the national blood supply and protection of hemophiliacs	2,000,000
Contract for maintenance of animals currently located in the space to be renovated for AIDS work	1,150,000
Professional scientists under IPA's	1,100,000
Intramural FTE's (20)	1,500,000
Total	5,750,000
Fiscal year 1986 impact:	
Contract for maintenance of animals	650,000
Scientists under IPA's	1,100,000
Intramural FTE's (20)	1,500,000
Total	3,250,000

[1] This request is contingent on fiscal year 1984 funds being made available by July 1, 1984 if the funds are to be obligated by September 30, 1984. If funding cannot become available by July 1, this amount of $2,600,000 would have to be added to the fiscal year 1985 request.

NATIONAL INSTITUTES OF HEALTH: ADDITIONAL AIDS RESOURCES FOR FISCAL YEAR 1984 AND 1985

AIDS AMENDMENT, FISCAL YEAR 1985

The NIH is requesting a budget amendment for fiscal year 1985 to continue the efforts begun in fiscal year 1984 that were made possible by the proposed supplemental and to initiate some new effort. The amounts requested are as follows:

National Cancer Institute	$7,900,000
National Institute of Dental Research	295,000
National Institute of Allergy and Infectious Diseases	8,942,000
Division of Research Resources	900,000
Total, NIH	18,038,000

The activities of the various Institutes are described below.

National Cancer Institute

Continuation costs of work begun in 1984.

Expanded effort in blood testing, HTLV III production, vaccine development, and SAIDS research.

National Institute of Dental Research

Continuation costs of work begun in 1984.

Expanded effort made possible by major equipment purchases.

National Institute of Allergy and Infectious Diseases

Continuation costs of efforts initiated in 1984.

Evaluation of immune abnormalities in AIDS through the analysis of cell surface markers and correlative studies of cell activation and function.

Extension of ongoing study at NIH in epidemic cities to study possible HTLV III infections in health care workers.

Collaborative therapy trials of AIDS using standard protocols and the central data analysis center.

Clinical study on the use of alpha interferon for treating pre-AIDS and/or preventing development of AIDS.

Division of Research Resources

Continuation costs of efforts initiated in 1984 at the Regional Primate Research Centers.

AIDS SUPPLEMENTAL FY 1984

The NIH is requesting additional funds in FY 1984 to support expanded research made possible by the isolation of a new human retrovirus described as the probable causative factor of AIDS. This breakthrough has provided us with the knowledge to increase our efforts against AIDS, efforts that will require the following additional amounts in FY 1984:

National Cancer Institute	$3,900,000
National Institute of Dental Research	81,000
National Institute of Allergy and Infectious Diseases	8,330,000
Division of Research Resources	790,000
Total, NIH	13,101,000

Some of the areas that have opened as avenues for increased efforts are described below, by Institute.

National Cancer Institute

Further work on human cell lines that produce large amounts of HTLV III, including further development needed to mass-produce the material necessary for blood screening tests.

Development of rapid immunological assays to detect infection.

Accelerated efforts to produce a vaccine to prevent AIDS and to develop other ways to halt its development.

Expanded search for a safe, effective therapy for AIDS and its related diseases.

Expansion of a contract that provides the prime source for HTLV III production, the entire early scale-up into fermentation, and the transfer after exponential expansion into the for-profit sector for testing blood for antibodies.

Maintenance of production of HTLV III for primate models and vaccine development.

Supplementation of existing grants, particularly studies involving simian AIDS.

National Institute of Dental Research

Expanded investigations concerning the role of monocyte abnormalities in AIDS.

Studies on the epidemiology, transmission, and possible etiologic agent of AIDS in Zaire.

Modification and expansion of contracts dealing with specimen storage and distribution.

Development of a laboratory for the growth and study of a unique fungus, Thermoaacus crustaceus, which has been found in the blood of some AIDS patients.

Expanded studies of cryptosporidiosis, a serious opportunistic infection seen in AIDS patients and one that is now poorly understood, difficult to diagnose, and has no suitable treatment.

Research on the severe and even life-threatening diarrhea that affects AIDS patients.

Development of surrogate tests, particularly interferon production, to predict AIDS.

Expanded efforts in studies on the immunological defects in AIDS.

Additional AIDS public education programs in several major metropolitan cities throughout the United States where AIDS is statistically emerging.

Studies of Salmonella sepsis and related infectious complications in AIDS patients.

Division of Research Resources

Epidemiological studies at the Regional Primate Research Centers, using methods similar to those employed with AIDS patients, to detect the virus in the primate colonies.

Development of an antiserum to permit rapid, reliable field detection of AIDS and AIDS-carriers in the Centers' primate colonies.

Tests of the pathogenicity of retrovirus strains associated with human leukemia and AIDS.

Development of a vaccine to immunize nonhuman primates against AIDS.

Searches into the mechanisms of bost immune defense against opportunistic organisms that colonize the oral cavity.

National Institute of Allergy and Infectious Diseases

Investigations of polyamine inhibitors to attempt to control cytomegalovirus infections in AIDS, since other virus infections may be co-factors that allow the HTLV III virus to express itself clinically.

Research on seven specific opportunistic microorganisims as they relate to the life-threatening infections in AIDs patients, including basic biology of the organisms, mechanisms of pathogenesis, virulence factors, immunogens and immunopathology, immunotherapy, and immune prophylaxis.

Implementation of a multi-institutional clinical trial of Dapsone in AIDS patients with Pneumocystis carinii pneumonia; Dapsone is a drug licensed for use against leprosy and certain skin conditions, and which has been found to be effective in rats against P. carinii pneumonia.

New studies on the biology, pathogenesis, and prevalence of Cryptosporidium; analysis of human cytomegalovirus; herpes simplex virus and leukocyte interactions in AIDS; and the antimicrobial susceptibility of P. carinii.

Testing among potential AIDS victims (identified under an ongoing contract) for exposure and response to the newly reported BTLV III agent.

Investigations of immune derangements in drug addicted parents and their children.

Injection of HTLV-III virus and Lymphadenopathy Associated Virus (LAV) into chimpanzees in attempts to produce AIDS in experimental animals.

Establishment of a laboratory to culture candidate AIDS retrovirus.

Establishment of a vaccine development facility to produce candidate vaccines using the techniques of oligonucleotide and peptide synthesis as well as insertional cloning procedures in vaccinia virus.

Development of a new chimpanzee facility to study the transmission of HTLV III and to establish a model for protection as well as a model to investigate factors that produce susceptibility such as T helper cell activation.

IMPACT OF ADDITIONAL FUNDING IN 1984-85 ON THE 1986 REQUEST

Continuation costs of the proposed AIDS supplemental in 1984 and budget amendment in 1985 are projected to have the following impact in 1986:

National Cancer Institute	$8,400,000
National Institute of Dental Research	222,000
National Institute of Allergy and Infectious Disease	8,763,000
Division of Research Resources	941,000
Total, NIH	18,326,000

PUBLIC HEALTH SERVICE ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS]

[In thousands of dollars]

Resources	Fiscal year 1982 actual	Fiscal year 1983 actual	Fiscal year 1984			Fiscal year 1985		
			Appropriation Public Law 98–139	Proposed supplemental	Revised total	President's budget	Proposed amendment	Revised total
	[1]	[2]	[3]	[4]	[5-3+4]	[6]	[7]	[8-6+7]
A	150	350	400	+2,600	3,000	475	+5,750	6,224
(FTE's)	[3]	[7]	[8]		[8]	[9]	[+20]	[29]
C	2,050	6,202	12,000	+3,200	15,200	12,020	[1] +11,200	23,202
(FTE's)	[25]	[45]	[73]	[+4]	[77]	[80]	[+17]	[97]
NIH:								
NCI	2,400	9,790	12,438	+3,900	16,338	15,061	+7,900	22,961
NHLBI	5	1,202	4,736		4,736	7,148		7,148
NIDR	25	25	30	+81	111	35	+295	330
NINCDS	31	684	1,402		1,402	1,150		1,150
NIAID	297	9,223	14,720	+8,330	23,050	16,082	+8,942	25,024
NEI	33	45	58		58	61		61
DRR	564	699	775	+790	1,565	779	+900	1,679
Subtotal, NIH	3,355	21,668	[2] 34,159	+13,101	47,260	40,316	+18,037	58,353
(FTE's)								
AMHA		516	[3] 1,786	+1,175	2,961	2,431	+822	3,253
(FTE's)								
PHS total	5,555	28,736	48,345	+20,076	68,421	55,242	+35,809	91,051
(FTE's)	[28]	[52]	[81]	[+4]	[85]	[89]	[+37]	[126]

[1] Includes $4,500,000 for 2 additional floors for Virology Laboratory.
[2] Includes $186,000 in NHLBI and $282,00 in NINCDS carried forward from fiscal year 1983 supplemental.
[3] Includes $86,000 carried forward from fiscal year 1983 supplemental.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in opposition to this bill.

This supplemental appropriation, H.R. 6040, is another budget buster.

The bill breaches our 1984 budget authority ceiling by $1.4 billion. No budget act point of order lies against the bill because of bad language in the budget resolution.

No one denies the aggregate limit has been exceeded, yet we cannot make a point of order.

Of the $5.4 billion in this urgent supplemental, we provide $5 million to refurbish the Presidential yacht, *Potomack*, and several million to provide a place to watch the affects of the Johnstown flood.

This bill is rife with such chauvinistic projects, which, while worthy, are by no means urgent. It ought to be soundly defeated. If not, it ought to be vetoed.

● Mr. MONTGOMERY. Mr. Chairman, I am very glad to see the swift action which the Committee on Appropriations has taken to consider the urgent needs of the Veterans' Administration contained in the second supplemental appropriations bill for 1984. I want to commend the chairman of the committee, Mr. WHITTEN; the ranking minority member, Mr. CONTE, and the ranking minority member of the subcommittee dealing with veterans' matters, Mr. GREEN, for their concern for our Nation's veterans. I would also like to take a moment to especially praise the chairman of the Subcommittee on HUD-Independent Agencies, Mr. BOLAND, for the action taken by his subcommittee on the supplemental request by the Veterans' Administration. Chairman BOLAND has a well-deserved reputation for looking out for veterans' interests, and I think this measure provides additional evidence, although none was needed, of his continuing commitment to serving veterans.

Mr. Chairman, the Office of Management and Budget held back the VA's request for supplemental funding for veterans' programs for a long time—almost 2 months I believe. Knowing the revolving fund for VA's home loan program was depleted, OMB waited months before submitting the VA's urgent request as part of a governmentwide request. I am disturbed that this vital supplemental request languished at OMB while the merit of other, less urgent, requests was debated. As a result of this unwise strategy, the VA's Loan Guaranty Revolving Fund ran out of money last week. The VA was literally in the process of closing the loan guaranty program down until permission was granted to temporarily transfer funds from other accounts to continue operations. It would have created many hardships for veterans and many other people had the agency been required to shut down the home loan program.

Most informed people knew the VA's Loan Guaranty Revolving Fund, which supports the very successful GI home loan program, would run out of money this year without supplemental funding. Everyone who had looked at the figures knew this. Our committee knew it in February. Over 2 months ago, on May 22, 1984, I wrote to Mr. Stockman and urged him to submit the VA's supplemental funding request without further delay. In that letter I said, "allowing the VA Loan Guaranty Revolving Fund to run out of money would not only affect the integrity of a program which has benefited millions of veterans while at the same time boosting the economy, but it would affect the very credibility of the U.S. Government."

An administration proposal based on a Grace Commission recommendation was submitted to Congress earlier this year in order to delay in my view, the need to request additional funding for this program. The proposal did not address the underlying problem of long-term self-sufficiency, and would have created more serious financial problems for veterans home loan programs 2 to 3 years from now. Our committee and the House rejected the administration's plan. Instead, we adopted a reform package similar to a proposal suggested by the Congressional Budget Office that will put the program on a more sound financial basis although substantial appropriations will be required in fiscal year 1985. This provision is now part of Public Law 98-369.

Mr. Chairman, I would also like to briefly note and commend the committee's actions in increasing the pay supplemental for the VA medical care account by $40 million. The Appropriations Committee action is a signal during a time of uncertainty about the future of VA health care that we, in the Congress, will not shirk our commitment to the veterans of this country.

Mr. Chairman, I want to again express my appreciation to the chairman

of the committee and all members of the committee for the attention they have given to appropriate much-needed funds to supplement various VA accounts in this bill.●

● Mr. McDADE. Mr. Chairman, chapter VI, the Interior chapter of the second supplemental bill for fiscal year 1984, contains $633,026,000 in new budget authority, an increase of $43,885,000 above the amounts requested by the Department of the Interior. In addition, the committee rescinded $30,000,000 in contract authority.

One of the committee's major initiatives is to provide $459,190,000, the fiscal year 1985 administration request, to assure that funds are made available to award a major construction contract at Big Hill, TX. This will keep construction of additional permanent storage capacity on schedule. I might add that this is the final permanent construction storage site of the strategic petroleum reserve. In addition, report language was included which directs that any proposed changes to appropriation levels to adjust the distribution capacity must not be done at the expense of the development of expansion of permanent storage capacity.

Funds not budgeted by the Department of the Interior in the amount of $5.3 million are provided for basic unemployment compensation. The Congress provided in Public Law 96-499, the 1980 Reconciliation Act that each individual department would be required to budget for these benefits. This action was taken with the hope that the departments affected would be more aggressive in challenging claims. Formerly, the Department of Labor budgeted for all departments; $94.5 million was included for fire suppression costs for the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service.

As in past years, the committee rejected efforts by the administration, to close seven fish hatcheries, which, in the opinion of the committee, continue to provide beneficial resource services, particularly in the area of research. Under the National Park Service account approximately $5.7 million is provided for priority construction projects.

Additionally unbudgeted amounts added for BLM, Forest and Wildlife Service and the National Park Service permits continuation of summer seasonal employment and procurement and maintenance as provided in the 1984 bill. Reductions made in the Office of the Secretary, the Inspector General, the Solicitor, the Commission on Fine Arts, and the National Gallery of Art are due to vacancies and large unobligated balances in the apportioned allocations as of March 31, 1984.

The balance of the Interior chapter funds $17 million under the BIA account for acquisition of temporary water supplies for the Ak Chin Indian community, $3.6 million for Indian education grants and teacher training programs, and $2.44 million for various health and administrative programs for the Northern Marianas.

Our chapter provides cuts where we could and makes available additional funds where it was deemed necessary. I believe it deserves our support.●

● Mr. STOKES. Mr. Chairman, I rise to express my enthusiastic support of the fiscal year 1985 Labor-HHS-Education Appropriations Act, which recommends a total of $96.147 billion for the Federal agencies which provide critical employment and training, health and human services, and educational benefits to the people of this Nation. The fiscal year 1985 Labor-HHS-Education appropriations bill is vital legislation—not only because it extends a lifeline to millions of poor, disadvantaged, and elderly Americans, but also because directly or indirectly this bill touches the lives of nearly every American. And so, I want to take this opportunity to thank my distinguished friend and colleague, Congressman BILL NATCHER, for his able leadership, sensitivity, and compassion in crafting a bill which is fiscally responsive, yet fair in addressing the real needs of people who are served through this legislation. I take great pleasure in joining with Chairman NATCHER and my other colleagues on the Labor-HHS-Education Subcommittee in presenting to the House a bill over which we labored long and hard. I strongly recommend it to you.

In the area of employment and training, the bill includes $3.85 billion for the Job Training Partnership Act. At a time when 8 million Americans are still unemployed and thousands of families are struggling to make ends meet, creating job opportunities and skill development among the structurally unemployed, our youth, and displaced workers must remain a high national priority. While I personally would support even higher appropriations for programs to train people and put them to work, I am delighted that the fiscal year 1985 Labor-HHS-Education Act, H.R. 6028 includes $825 million for the Summer Youth Employment Program—$100 million more than was requested—and $600 million for the Job Corps Program. These programs have broadened the horizons and created a sense of self worth for thousands of disadvantaged teenagers who are now productive and capable members of their respective communities. I would hope that in conference with the Senate on this bill that the highest possible funding levels can be sustained for these two programs which have a documented record of success.

A major portion of the fiscal year 1985 Labor-HHS-Education appropriations bill is devoted to health care research, services and prevention programs which are vital to the well-being and quality of life for millions of Americans.

Unfortunately, recommendations for several areas in which I am intensely interested—the Health Manpower Training and Education Programs and the health block grants—are deferred in this bill until the necessary authorizing legislation is finalized. I strongly encourage this body to take swift action to finalize this legislation, so that increased appropriations may be considered and acted upon for the training of doctors and other health professionals, aid to minority health professions schools, and health care services for mothers and children.

For programs which are authorized, I believe that the recommendations in the Labor-HHS-Education bill are sound and a wise investment in the health of this Nation. For example, the bill includes an additional $599 million, a 14-percent increase above last year's budget, for the National Institutes of Health [NIH]. These funds are desperately needed now for continued excellence and progress in combatting cancer, diabetes, stroke, heart disease, and the other medical disorders which debilitate our Nation with devastating social and economic consequences.

Once again, recent reports have revealed that black and minority Americans still suffer poorer health status, live shorter lives, endure tragic rates of infant mortality, high blood pressure, cancer, stroke, blindness, et cetera. During our subcommittee hearings this year, testimony was presented which starkly highlighted the need for comprehensive and accelerated action to address this shocking and alarming situation. Therefore, the bill includes $20 million in new resources for the National Institutes of Health to enhance and expand ongoing research on health problems of particular importance to black and other minority Americans.

A central component of this greatly needed initiative will be the establishment of NIH research centers of excellence at graduate black colleges, which possess a creative pool of research talent that for too long has been neglected. The new minority research centers funded under this bill will contribute new ideas and fresh insight into the minority health problems confronting this Nation. The subcommittee intends that these new resources supplement—rather than supplant—research and research training activities currently funded at these institutions.

Finally, I would like to bring to your attention the $17.91 billion included in

this bill for the Department of Education—an amount which is fully $2.473 billion more in Federal resources than was provided last year for our Nation's education.

These funds are a critical investment in the future of this country and are greatly needed to stem the deterioration in education services which has occurred over the past 3 years. Without the approval of these additional resources, more students will be squeezed out of the highly successful chapter I program, school districts will be financially unable to reach out and identify new handicapped students who need special educational services, and fewer college students will be able to obtain adequate financial aid.

In 1983, the Report of the President's Commission on Excellence in Education, "A Nation at Risk: The Imperative for Educational Reform," examined the quality of American education and found it sorely lacking. Mr. Chairman, our Nation's educational system is failing to tap and fully develop a significant pool of human talent. We have a tremendous wealth of talent and intellectual ability and ingenuity in our young people which is being wasted.

If the Federal Government is going to assume a leadership and principal role in implementing actions to improve excellence in education and ensure equality of educational opportunity for all, then the necessary resources must be provided. In my opinion, the resources provided in H.R. 6028 represent a major step in addressing the educational needs of students who are disadvantaged, of limited English speaking ability, or handicapped—the very students identified in the "A Nation at Risk" report as being most at risk. The resources provided in H.R. 6028 represent a public commitment toward moving public education forward and I urge your wholehearted support of these funds.

In closing, I would like to reiterate my endorsement of the fiscal year 1985 Labor-HHS-Education Appropriations Act. The programs funded in this bill provide some of the most important services upon which the people of this Nation rely. H.R. 6028 corrects many of the wrongs which were presented to us by the administration and I hope that you will join me in voting for this important legislation.●

● Mr. MARKEY. Mr. Chairman, I rise to support the second supplemental appropriations bill as a necessary increase in funds for a number of vital programs.

I support the extra money for food stamps, for veteran's programs, for federally assisted housing, and funding for handicapped research.

I also support the appropriations for the Army Corps of Engineers. This bill appropriates funds for a vital project at Revere Beach in my district. The damage done by flooding at Revere is serious and needs to be addressed. The money appropriated by this bill will help arrest the threat of flood damage at Revere and I strongly urge the Corps of Engineers to move forward on this vital project.

I commend the committee chairman and my dear friend and colleague, SILVIO CONTE, for bringing this balanced and necessary bill to the floor at this time. I urge my colleagues to support the measure.●

● Mr. LIVINGSTON. Mr. Chairman, while I believe that our committee has erred in excluding the vast majority of the President's request for Central America, I urge my colleagues to support an important item that is included in the bill, humanitarian assistance for Miskito and other Nicaraguan Indians. There is still a pressing need for this $7.5 million in aid among the 33,000 Indians who have been displaced from their homes by the Sandinista government.

I offered this amendment in the Subcommittee on Foreign Operations after meeting with Steadman Fagoth, leader of the Miskito Indians, and after seeing shocking photographs taken by Louisianians who went to Honduras to distribute privately financed food and medical supplies. The photos showed Indian children living in substandard camps and suffering from malnutrition, parasitic infections, and lack of clothing. Mr. Chairman, these pictures were heartbreaking illustrations that 100 children are dying every month, and that perhaps 2,000 or 3,000 more will die by the end of the rainy season unless we add to the private sector donations currently available.

As of early June, there was no food at all for these refugees, despite the fact that one person can be fed for only $15 per month. The living conditions are terrible. The four camps operated by the Sandinistas inside Nicaragua were described by the Miskitos and those who went to assist them as virtual concentration camps. And while those operated in Honduras by the U.N. High Commissioner on Refugees were better, they still were not up to the task. The Miskitos felt that the U.N. camps were a threat to their lives, and that the U.N. officials cooperated too closely with the hostile Sandinista government. That is supported by a subsequent—July 23, 1984—report of the Heritage Foundation, "Are United Nations Camps Cheating Refugees in Honduras?"

Mr. Chairman, this bill corrects that situation and provides $7.5 million for food, medicine and medical care, clothing, temporary shelter, and transportation for supplies and personnel. The funding has been authorized by the Congress and is to be administered by the U.S. Agency for International Development independent of U.N. relief agencies. No funds are to go to the Sandinista government, and none are to support any activities against that government.

Mr. Chairman, I hope my colleagues will join me in supporting this vital assistance. This Congress has been very responsible in holding hearings on this major problem in the past, and reports from recent congressional trips to the area indicate that the problem is just as pressing today. I hope, therefore, that we will now act to provide this modest sum for humanitarian relief.

Thank you, Mr. Chairman.●

Mr. WHITTEN. Mr. Chairman, I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read chapter I of title I of the bill.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter I?

The Clerk will read.

The Clerk proceeded to read chapter II.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter II?

The Clerk will read.

The Clerk proceeded to read chapter III.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter III?

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I have a point of order against material in chapter III.

The portion of the bill to which the point of order relates is as follows:

None of the funds available to the Department of Defense may be used for the floating storage or transportation of petroleum or petroleum products unless such storage or transportation is accomplished in vessels documented and built in the United States,

in accordance with 10 U.S.C. 2631 and 46 U.S.C. 1241.

The CHAIRMAN. The gentleman will state it.

Mr. FRENZEL. Mr. Chairman, the point of order is against lines 7 through 12 on page 14, that the language constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI. The rule is well known to this committee. This section prohibits the use of funds for the floating storage or transportation of petroleum or petroleum products unless shipped or stored on vessels documented and built in the United States.

The language requires additional duties and functions not authorized under existing law, and therefore attempts to change existing law in the guise of a limitation on appropriations. This section addresses legislative matters, and therefore goes beyond the limitations of funds which are the subject of this appropriation.

I, therefore, make a point of order that the language is in violation of rule XXI, clause 2.

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order, and the point of order is sustained.

Are there further points of order?

If not, the Clerk will read.

The Clerk read chapter IV and proceeded to read chapter V.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter V be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter V?

POINT OF ORDER

Mr. SEIBERLING. Mr. Chairman, I have a point of order against a provision of chapter V.

The portion of the bill to which the point of order relates is as follows:

ADMINISTRATIVE PROVISIONS

SEC. 1. Subject to valid existing rights, administration of the following described lands is hereby transferred to the Veterans Administration for use as an addition to the Veterans Administration Medical Center, San Francisco, to be used for the purpose of parking vehicles, notwithstanding any other provision of laws: That tract of unimproved Department of the Interior land lying easterly of the Veterans Administration Medical Center, San Francisco, and known as East Ft. Miley, provided that the actual description of the lands to be administered by the Veterans Administration shall be determined by a survey made and approved by the Secretary of the Interior. The actual description shall be published in the Federal Register by the Secretary of the Interior as a Public Land Order.

SEC. 2. In the event that the Administrator of the Veterans Administration determines that all or any part of the lands described in section 1 are no longer needed for Medical Center purposes, those lands no longer needed shall be returned to the jurisdiction of the Secretary of the Interior.

SEC. 3. These provisions may be cited as the "Veterans Administration Medical Center, San Francisco, Transfer Act of 1984".

The CHAIRMAN. The gentleman will state it.

Mr. SEIBERLING. Mr. Chairman, I make a point of order against a provision entitled "Adminstrative Provisions" beginning on line 15, page 22 and ending on line 11, page 23, on the ground that this constitutes legislation on an appropriation bill in violation of rule XXI.

Mr. BOLAND. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded, and the point of order is sustained.

Are there further points of order?

If not, the Clerk will read.

The Clerk proceeded to read chapter VI

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter VI be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Are there any points of order against chapter VI?

If not, the Clerk will read.

The Clerk proceeded to read chapter VII.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter VII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter VII?

If not, are there any amendments to chapter VII?

□ 1520

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

OFFICE OF HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social services block grant", $25,000,000.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 30, after line 11, insert the following new item:

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human development services", $15,000,000, of which amount $10,000,000 shall be available for part B of title III of the Older Americans Act of 1965 and $5,000,000 shall be available for subpart 2 of part C of such title.

Mr. BIAGGI. Mr. Chairman, I rise to offer an amendment to H.R. 6040, the second supplemental appropriations bill for fiscal year 1984. My amendment would add $15 million in funds for two programs under the Older Americans Act. The first would be $10 million for title IIIB—supportive services and senior centers—the second would be $5 million for title IIIC2—the national home delivered meals program.

On merit, each of these programs is most deserving of this modest increase in funds. In the case of title IIIB—despite it being the glue which holds the rest of the act together—it has not enjoyed an increase in appropriations since 1980. My amendment would raise the appropriation level to $250 million which is still well below the authorized level of $365.3 million.

Title IIIB provides funds for the following important services. Transportation, adult day care, community based care, in home care such as personal care—shopping, housekeeping and chore services, escort, legal, telephone reassurance, client counseling, case management, assessment and repairs and maintenance programs. Each of these services separately, or in the aggregate, help to achieve the goal of providing a coordinate degree of services aimed at promoting independence and dignity for senior citizens.

The fiscal pressures on title IIIB have grown enormously as a result of the 4-year freeze in their funding level. Consider the most important service it provides—transportation. Transportation costs alone have increased by over 15 percent in the time that IIIB has not had an increase. These transportation services include those which take seniors to and from nutrition programs—or which help to deliver the home delivered meal. Congress has seen fit to provide increases in funds for the nutrition program under the act in recent years but unless we begin to address ourselves to the needs of title IIIB since it is so closely linked to the nutrition program, we will be creating a problem for the future.

Congress did in fact provide a mechanism under an amendment I authored to the 1981 Older Americans Act amendments, to allow for a transfer of up to 20 percent of funds between titles III B and C. However, I viewed that as a short-term solution and one that should not serve as an excuse to deny additional funding for title IIIB.

One final justification for my amendment. As an original member of the House Select Committee on Aging I have been working closely with my colleague from Maine, Ms. SNOWE, on a new and potentially serious problem which impacts directly on title IIIB. The implementation of the so-called

prospective reimbursement program or DRG's has begun to result in an increase in the number of elderly patients being discharged earlier from hospitals. These elderly in a number of instances are being referred to area agencies on aging who are now being called upon to provide community based care out of their existing—and frozen title IIIB allotment. Testimony received before both the House Select and Senate Special Committee on Aging documents this point. Ms. SNOWE's interest stems from the particular problems affecting area agencies in the State of Maine. All told there has been a dramatic 38-percent increase in the number of such referrals in States including Maine, Massachusetts, Nebraska, Tennessee, Arkansas, and Michigan just in the first 3 months of full implementation of DRG's. These numbers will most certainly grow as the system does.

This latest crisis on the shoulders of title IIIB helped to provide the justification for an amendment I successfully authored to H.R. 4785 while it was in the Education and Labor Committee. This amendment provides for a major increase in the authorizations under title IIIB for the 3 years that H.R. 4785 reauthorizes the Older Americans Act for it was based on legislation authored by Ms. SNOWE, H.R. 5265. I was able to gain passage of this amendment on the strength of trying to remedy the demands placed on IIIB since 1980 and to cope with new demands caused by the DRG phenomenon. My colleague Ms. SNOWE who serves as the ranking minority member of my Subcommittee on Human Services deserves great credit for bringing this important matter to the attention of the House and passage of my amendment today will demonstrate our concern and desire to cope with this issue.

The second part of my amendment would increase appropriations for the national home delivered meals program or title IIIC2 of the act by $5 million. An increase such as I am proposing would raise the appropriations level for this program to $67 million, still below the $8.7 million authorized. More importantly, this could assist in the providing of up to 1 million additional meals for the homebound elderly of this Nation.

Let us review a little of the history of this program. It was established as part of the 1978 amendments to the Older Americans Act. It was established in response to data which indicated that upward of 20 percent of elderly individuals in nursing homes were there simply due to an inability to maintain a proper diet. The costs of nursing home care far exceed that of providing one hot meal a day 5 days a week as this program does.

The Subcommittee on Human Services which I chair has done extensive research including a survey of some 1,200 home delivered meals programs across the Nation and our findings provide, I believe, a more than ample justification for this modest increase in funds: 82 percent of those surveyed cited increased demand for home delivered meals in the past year; 78 percent state that waiting lists have increased to the extent that the average waiting list is now 299.

Our findings buttress those from an earlier analysis done by the Administration on Aging which points to the fact that the average age of seniors serviced by this program is 78—eligibility age is 60. A total of 65 percent of the recipients of home delivered meals have incomes under $6,000. A total of 98 percent are considered to be priority in need of services as compared to 78 percent to those receiving congregate meals.

The justification for this amendment rests not only with the demand of today—but the expected demand of the future. The Census Bureau tells us that the fastest growing segment of the elderly population are those 75 and over—the exact group served by this program. We must be in a position to offer cost-effective and humane alternatives to institutionalization. The national home delivered meals provide such an alternative and this $5 million increase will allow it to better fulfill its mandate.

We consider this amendment as Congress rapidly approaches final action on a reauthorization of all the programs and services under the Older Americans Act. The Senate has already completed action on their bill, S. 2603—while the House bill, H.R. 4785 is expected to be passed next week. Both bills would extend the programs under the act for 3 additional years and if the House bill prevails, with significant increases in authorizations.

Yet as everyone in this House knows, it is appropriations which really count. For the Older Americans Act to work most effectively in all of our congressional districts—we must provide for balanced growth in funding—the act is set up to be coordinated—but it will never achieve that mandate if growth among individual programs are as sporadic as it has been.

Next year, we will observe the 20th anniversary of the Older Americans Act. No one can dispute that it is a major success story. It is time to recognize this the best way we can and provide its key programs with increases in funds. The Biaggi amendment deserves support for that reason.

Let me make one final observation. Passage of my amendment will be of enormous help to the national network made up of State agencies on aging as well as area agencies on aging who have been struggling for the past 4 years with the frozen title IIIB funding. It was ofttimes difficult to make the same case before Congress to provide increases in funds for the services they provided under title IIIB. Yet the network persevered and managed to grow and respond to the difficult challenges which were compounded by a lack of growth in Federal resources. Theirs was often a quiet struggle but one which has not gone totally unnoticed. Today every State in this Nation has a State agency on aging and there are more area agencies on aging than there are congressional districts which means that decisions are in fact being made at the local level. Let the adoption of the Biaggi amendment signal a recognition of the important work performed by all levels of the aging network and a balanced appropriation growth policy of the future will enhance the performance of the act and those who administer it on the State, area and service provider levels.

One final note. The $5 million provided in my amendment for the National Home Delivered Meals Program has been sought for some time not only by myself and others in Congress but by the main advocates for the program, the leadership of the National Association of Meal Programs and the National Association of Nutrition and Aging Service Programs. Earlier this year, the president of NAMP, Mamie Lee of Pittsburgh passed away suddenly. I worked closely with her and feel that our approval of this amendment would serve as a tribute to this fine woman and those like her who work day after day to make life better for our elderly.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am delighted to yield to the distinguished chairman of the subcommittee.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, as I understand the gentleman's amendment, $10 million is for support services, and $5 million is additional money for "Meals on Wheels" for the elderly.

As the gentleman has pointed out, this would be the first increase that we have had in this particular category for several years.

Unless there is some objection on the other side from my friend, the gentleman from Massachusetts [Mr. CONTE], we have no objection on this side to this amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I would be delighted to yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, we have no objection on this side. This is an area of funding that I have worked very hard for in the past.

I would urge the gentleman in the well, though, to work with the authorization committee and get them going. We had to defer all of these appropriations in the 1985 bill because there is no authorization.

Mr. BIAGGI. I am familiar with that, and I thank the gentleman for his suggestion and also for his support, and also the support of the gentleman from Kentucky [Mr. NATCHER].

● Mr. ROYBAL. Mr. Chairman, I would like to speak in favor of the amendment which is being offered by my friend and colleague, MARIO BIAGGI—a very dedicated and responsible member of the Select Committee on Aging and chairman of the Human Services Subcommittee. This amendment would increase the funding levels for titles III B and C2 of the Older Americans Act by $10 million and $5 million, respectively.

As chairman of the Select Committee on Aging, I cannot stress enough just how important this legislation is to millions of older Americans. Since its inception in 1965, this legislation has been, and continues to be, the primary vehicle for social service delivery to all older Americans.

According to statistics from my own State of California alone, during the 1982-83 fiscal year, approximately 9,083 elderly Californians were put on waiting lists for home delivered meals. I commend my distinguished colleague for this effort and I could not endorse this amendment more strongly.

The Older Americans Act is the life blood to millions of older Americans throughout this Nation. I strongly urge my colleagues to join me in support of this important amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BIAGGI].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to chapter VII? If not, the Clerk will read.

The Clerk proceeded to read chapter VIII.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter VIII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order that lie in chapter VIII? Are there any amendments to chapter VIII?

The Clerk will read.

The Clerk proceeded to read chapter IX.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order that lines 12 through 19 on page 36 constitute legislation on an appropriation bill and, therefore, violate clause 2 of rule XXI.

The portion of the bill to which the point of order relates is as follows:

None of the funds appropriated by this or any other Act for military construction projects exceeding $5,000,000 in the United States territories and possessions in the Pacific and on Kwajalein Island may be used for the performance of any work by foreign contractors: *Provided*, That the lowest responsive bid of a United States contractor does not exceed the government estimate for the project by greater than twenty per centum.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, the section prohibits funds from being used for military construction projects exceeding $5 million in U.S. territories and possessions in the Pacific if performed by foreign contractors, unless the lowest U.S. bid exceeds the estimate for the project by 20 percent or more. The language changes the existing "Buy America" restrictions in current law and requires additional duties and functions to be performed by administering officials.

Mr. Chairman, this section addresses legislative matters and, therefore, goes beyond the limitation of funds which are the subject of this appropriation. I make a point of order that lines 12 through 19 on page 36 are in violation of rule XXI, clause 2.

Mr. HEFNER. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded. The point of order is sustained.

The Clerk will read.

The Clerk concluded reading chapter IX and proceeded to read chapter X.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter X be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter X? Are there any amendments to chapter X?

The Clerk will read.

The Clerk proceeded to read chapter XI.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter XI be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against chapter XI? Are there any amendments to chapter XI?

AMENDMENT OFFERED BY MR. COLEMAN OF TEXAS

Mr. COLEMAN of Texas. Mr. Chairman, I offer an amendment.

Mr. WHITTEN. Mr. Chairman, I reserve a point of order against the amendment, which has been discussed with me.

The portion of the bill to which the amendment relates is as follows:

CHAPTER XI

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

POSTAL SAVINGS SYSTEM LIQUIDATION

For necessary funds to be held in trust for payment of claims by or on behalf of depositors to the Postal Savings System, as authorized by section 2 of Public Law 82-117, approved August 13, 1971, $1,000,000.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Texas: Page 39, after line 21, insert the following:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENDITURES

For additional amount for "salaries and expenses", $450,000, which shall be for 154 additional positions for primary inspection for all ports of entry.

Mr. COLEMAN of Texas. Mr. Chairman, my amendment would provide the funds for up to 2 months, through fiscal year 1984, to provide for an additional 154 Customs inspectors at all ports of entry. This amendment comes after a long period of research conducted by my office on the understaffing of Customs personnel at border ports of entry.

In June, I met with Customs Commissioner William Von Raab to discuss the problem of understaffing at the border ports of entry. Mr. Von Raab admitted to me that every land port of entry was below current service level in staff. I asked the Commissioner what the Congress could do to help, and he suggested additional funding through the supplemental appropriations bill. That is what my amendment would do.

I requested that the Customs Service provide me with the number of Customs inspection personnel necessary to bring the level back up to fiscal year 1981 current services. The Customs Budget Office provided me with a list of 154. I also asked for the amount of additional funding it would take to acquire the 154 personnel. For 2 months, which is what my amendment would provide for, the cost would be an additional $450,000. That is a small price to pay for the benefits the citizens of this Nation would reap. Furthermore, for those of you concerned about budget ceilings, the Budget Committee has informed me that this amount of funding is far below the ceiling for discretionary spending.

The Customs inspector provides many services to the American public. The inspector is our first line of defense against the unlawful transfer of narcotics into our country. The Customs inspector provides the transfer

through which international commerce is conducted. In places like El Paso and San Diego, tourists and people doing business cross between the United States and Mexico as often as people in Washington, DC cross into Maryland and Virginia.

Because of cutbacks in funding for personnel in the last 3 years, inspection personnel have been reduced. The result has been a combination of less defense against narcotics traffic, delays in commerce and tourism, and the deterioration of Customs personnel morale and safety. Already this year we have had one tragedy and several near-tragedies involving Customs inspectors. Last January, an inspector on the bridge in Del Rio, TX was murdered after being kidnapped from his post. Had there been more than two inspectors on the bridge, this tragedy might have been avoided. Every day, cars are stopped at border crossings with Mexico for unreasonably long periods of time. This only helps to impede trade, and for the United States-Mexico border, sustain the border recession caused by the peso devaluation. Ports such as Miami, FL are overwhelmed with influx of drugs. Are these cutbacks efficient Government? Cutting funding does not automatically increase efficiency and productivity as some would have you believe, and the situation in the Customs Service is an example of such unsound reasoning. This amendment is a start to put the Customs Service back together and rebuild our defenses against drug traffic, our trade mechanism, and our borders to the world.

□ 1530

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Mississippi [Mr. WHITTEN] insist on his point of order?

Mr. WHITTEN. I insist on my point of order, Mr. Chairman, and may I make a comment at this point?

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. WHITTEN. Mr. Chairman, I agree with the presentation that has been made by my colleague from Texas [Mr. COLEMAN]. However, appropriations for the Customs Service are unauthorized. Being unauthorized, the amendment is subject to a point of order under the Rules of the House on which I can given specific citations. But I do think the present situation is a good example of where the legislative committee should try to get an authorization enacted because I do not think there is any significant difference of opinion among our colleagues about the need for these additional funds and people.

I take this occasion to urge our colleagues on the legislative committees to please authorize many of these programs where year after year we are forced to consider providing funds without authorizations, even when everybody agrees it needs to be done. So I am taking this occasion to urge our colleagues on the legislative committees to deal with these subjects so that we will not have this situation facing us time and time again. One action which the legislative committees could take to relieve this situation is the expanded use of 2-year and multiyear authorization bills.

I want to add that our committee has cooperated with the Rules Committee for many years, and we generally have not asked that matters be waived where it is legislation. Our committee meets and reviews the whole Government operations as presented in the bills of the 13 subcommittees. The committee sometimes reports bills with provisions that could be knocked out on the floor. As long as we do not have a rule waiving matters not under our jurisdiction, and we are not going to ask for such a rule, then we have very little difficulty.

So I am merely making a plea for increased cooperation which I feel we will have in the future. So when our committee does include provisions in bills which technically might be subject to points of order, it is up to the Member who offers it and the legislative committee to work it out. Otherwise they may be struck on a point of order.

Again, Mr. Chairman, I regretfully have to insist on my point of order.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] wish to respond to the point of order? The Chair will state that the Chair understands that H.R. 2602, authorizing appropriations for the Customs Service for fiscal year 1984, has not been enacted into law, and that therefore there might be a strong presumption that it is a sustainable point of order.

Mr. COLEMAN of Texas. I concede the point of order, Mr. Chairman.

I would only comment to the chairman of the Appropriations Committee that indeed his admonition to those Members on authorizing committees was, I think, well taken, but certainly it is the other body that has not passed the authorization bill that we are in dire need of. I hardly think the House can be blamed at this point. Indeed it is in my view the other body that has withheld the authorization bill.

Mr. Chairman, I thank the chairman of the committee for his comments, and I do concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. DENNY SMITH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of entering into a colloquy with the chairman of the committee.

In regard to title I of the bill, which I understand we passed over, my question is quite simply whether the definition of "vegetable" and "fruit" orders, as contained in section 1, also covers specialty crops such as hops.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, I am advised that the dictionary definition states that hops are a member of the mulberry family and the dictionary defines mulberries as a fruit.

It is my understanding that hops would be covered because the dictionary says they are a fruit.

Mr. DENNY SMITH. Mr. Chairman, I thank the committee chairman, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read chapter XII.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that chapter XII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments?

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

CHAPTER XII

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

HEALTH, DEVELOPMENT ASSISTANCE

For an additional amount for "Health, development assistance", $7,500,000: *Provided*, That these funds shall be transferred to "International disaster assistance": *Provided further*, That these funds shall remain available until September 30, 1985; *Provided further*, That these funds shall be used only for assistance for Miskito and other Indian groups in Honduras dislocated or otherwise suffering as a result of the strife in that region, for food, medicine and medical care, clothing, temporary shelter, transportation for supplies and personnel, and similar assistance to alleviate the suffering of such people.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $3,895,000.

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $3,700,000, to remain available until September 30, 1985.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $170,000,000, to remain available until September 30, 1985, to be allocated as follows notwithstanding any other provision of law, Costa Rica, $60,000,000; El Salvador, $25,000,000: *Provided*, That any of these funds which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate

account and not commingled with any other funds; Honduras, $20,000,000; and the Dominican Republic, $40,000,000: *Provided*, That no funds may be obligated or expended for the Dominican Republic until a budget request is received for these funds; Africa, $25,000,000: *Provided*, That this amount shall remain available until September 30, 1985, and shall be transferred to and shall be made available for "International disaster assistance" to be used only for the famine-stricken countries of Africa, for inland transportation and distribution of food, the purchase, transportation and distribution of medical supplies and animal vaccines, and for other assistance necessary to meet the emergency needs of such countries: *Provided further*, That the Committees on Appropriations shall be notified about the use of these funds in accordance with existing procedures.

CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN POLAND

For an additional amount for the "Economic Support Fund", to carry out Public Law 98-266, $10,000,000, to remain available until expended.

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount for "Peace Corps", $1,000,000, to remain available until September 30, 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $9,650,000, of which $2,000,000 shall be transferred to the Agency for International Development and shall be made available for "International disaster assistance" to be used only for medical and medically related assistance for Afghan refugees.

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $24,750,000, to remain available until September 30, 1985, to be allocated only as follows notwithstanding any other provision of law: Costa Rica, $7,850,000; Honduras, $10,000,000; Panama, $2,500,000; Regional Military Training Center, $3,100,000; and Panama Canal Area Military Schools, $1,300,000: *Provided*, That no funds may be obligated or expended for Costa Rica until a written request for these funds is received from the President of Costa Rica: *Provided further*, That no funds may be obligated or expended for Costa Rica that would result in an expansion of existing security forces or the introduction of new weapons systems.

GENERAL PROVISIONS

No funds in this chapter shall be directly made available for Guatemala except for economic development projects through private voluntary organizations or projects specifically targeted for Indians in Guatemala and submitted to the Committee on Appropriations through the regular notification process.

None of the funds made available by this chapter shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

The Clerk read as follows:

Amendment offered by Mr. KEMP: Strike page 42 line 1 through page 45 line 13 and insert in lieu thereof the following:

CHAPTER XII

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION DEVELOPMENT ASSISTANCE

For an additional amount for "Agriculture, rural development and nutrition development assistance", $10,000,000.

HEALTH, DEVELOPMENT ASSISTANCE

For an additional amount for "Health, development assistance", $25,500,000: *Provided*, That of that amount, $7,500,000 shall be transferred to "International disaster assistance": *Provided further*, That these funds shall remain available until September 30, 1985: *Provided further*, That these funds shall be used only for assistance for Miskito and other Indian groups in Honduras dislocated or otherwise suffering as a result of the strife in that region, for food, medicine and medical care, clothing, temporary shelter, transportation for supplies and personnel, and similar assistance to alleviate the suffering of such people.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE

For an additional amount for "Education and human resources development, development assistance", $10,000,000.

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES, DEVELOPMENT ASSISTANCE

For an additional amount for "Energy and Selected Development Activities, Development Assistance", $27,500,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $3,895,000.

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $3,700,000, to remain available until September 30, 1985.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $275,000,000, to remain available until September 30, 1985.

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount for "Peace Corps", $2,000,000, to remain available until September 30, 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $9,650,000, of which $2,000,000 shall be transferred to the Agency for International Development and shall be made available for "International disaster assistance" to be used only for medical and medically related assistance for Afghan refugees.;

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance" $180,000,000, to remain available until September 30, 1985.

GENERAL PROVISIONS

None of the funds made available by this chapter shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

Mr. KEMP (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. KEMP] will be recognized for 5 minutes in support of his amendment.

Mr. LONG of Maryland. Mr. Chairman, I have a point of order.

Mr. KEMP. Mr. Chairman, I would ask the gentleman from Maryland if he would reserve the point of order.

Mr. LONG of Maryland. Mr. Chairman, I make the point of order that the gentleman's amendment includes numerous items that are in violation of clauses 2 and 6 of rule XXI.

The CHAIRMAN. Does the gentleman wish to be heard now on his point of order?

Mr. KEMP. Mr. Chairman, I would ask, would the gentleman reserve his point of order so that I could at least explain the amendment and then have him make his point of order?

Mr. LONG of Maryland. Mr. Chairman, I would be happy to reserve my point of order.

The CHAIRMAN. The gentleman from Maryland [Mr. LONG] reserves a point of order on the amendment, and the gentleman from New York [Mr. KEMP] is recognized for 5 minutes in support of his amendment.

Mr. KEMP. Mr. Chairman, I will not use all the time. I want to thank the subcommittee chairman, the gentleman from Maryland [Mr. LONG], for his patience in allowing me to at least explain what I raised a little earlier when I discussed one of the flaws that I think is in this appropriation bill. My amendment would address the significant cut in the President's program for Central America which, as I pointed out in my earlier remarks, Mr. Chairman, really is not just the President's initiative but the total effort that has been made by the bipartisan Commission for Central America, the Kissinger Commission.

My amendment would add a total of $359 million, Mr. Chairman, to bring the bilateral programs in Central America up to the request in accord with not just the President's request, but with the Commission's recommendations. The Kemp substitute would provide half again as much economic aid as military assistance, $73 million in development aid, $290 million in economic assistance, $1 million in expanding Peace Corps operations, and $197 million in security assistance. It would carry out, as I pointed out earlier, the wishes of the House of Representatives which voted in May on the Broomfield-Murtha amendment to the foreign aid authorization bill which I alluded to and which passed on May 10.

I just want to make one point to my colleagues, and then I will sit down and obviously allow the point of order to be discussed. My point is simply this: The new President of El Salvador, Napoleon Duarte, has achieved a remarkable degree of support in this country for helping El Salvador cope with its serious economic and security problems. It has been now almost 2½ months before this body has taken any action on the outstanding supplemental request for his country. He has made reforms. He has fulfilled every single obligation that was required of him. I do not think there is any other country in the world that is subject to such conditions, many of which I supported, and, as I said earlier, I give the chairman of the committee a great deal of credit for his efforts pushing those reforms.

□ 1540

It seems to me, Mr. Chairman, extremely important that in the 1984 fiscal year and in this 1984 supplemental appropriation that we begin the process of enabling the new Government of El Salvador to meet the formidable challenges it faces, and acknowledge the reforms that have been made, not only in El Salvador, but throughout Central America.

I would ask my colleagues to give our well-deserved support to this new leader, to his new administration, and to the program that has been established on a bipartisan basis for Central America. We have done this for other friends and allies; now it is critical that we move ahead with this very important and urgently needed security, economic, and development assistance.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I would be glad to yield to my chairman and then to the gentleman from Wisconsin.

Mr. LONG of Maryland. Mr. Chairman, the points the gentleman has made are very well taken. That is why I supported the $62 million in the urgent supplemental. Of course, another $20 million became available as a result of the Long-Specter amendment which stipulated that one-third of the continuing resolution money be withheld until there was a trial and verdict in the case of the killers of the nuns. That trial has occurred and a guilty verdict was reached.

That means that right now there is at least $50 million available to be spent in what is only a little over 2 months between now and the end of the fiscal year. More than that amount would be simply thrusting money down their throats. Of course, we are giving additional money, almost full funding, in the fiscal 1985 bill.

Mr. KEMP. Mr. Chairman, I will just take my time back long enough to remind my colleagues that the urgent needs of the Government of El Salvador prompted President Duarte to seek more assistance elsewhere. He recently went to Europe to ask the Western European governments to provide some assistance to El Salvador. Certainly all of us would like to see our European allies contributing more to the defense of this vital region of the world; but again, Mr. Duarte has been in West Germany recently requesting their help on a very urgent basis. So it simply is not the case that they don't need more help.

Napoleon Duarte has been President now for 2 months. Not a single new dollar has been forthcoming from the United States, not a vote in support of El Salvador. It seems to me that the amendment I propose is an essential step, not just for El Salvador, but in helping to implement the bipartisan recommendations in the Kissinger Commission.

Mr. LONG of Maryland. Mr. Chairman, I think Mr. Duarte has been well rewarded for his visits.

POINT OF ORDER

Mr. LONG of Maryland. Mr. Chairman, I press my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LONG of Maryland. Mr. Chairman, I make a point of order that the gentleman's amendment includes numerous items which are in violation of clause 2 and clause 6 of rule XXI. I would be happy to read all those, if the gentleman insists, but I do not think that is needed.

The CHAIRMAN. Does the gentleman from New York [Mr. KEMP] wish to speak on the point of order?

Mr. KEMP. No, Mr. Chairman; I will await the ruling of the Chairman.

The CHAIRMAN. Failing any citation to laws authorizing the appropriations contained in the amendment, the Chair sustains the point of order.

PREFERENTIAL MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. STRATTON moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Chairman, I was following on the closed circuit television the remarks of the gentleman from Maryland [Mr. LONG] and the gentleman from Wisconsin [Mr. OBEY] about how many millions of dollars over and above what had been provided last year were included in the current legislation and how there was so much money available to El Salvador that it was running out of their ears.

I had the privilege a couple weeks ago, under the leadership of the distinguished gentleman from Alabama [Mr. NICHOLS] to make my first trip to El Salvador and to Nicaragua and to see exactly what the situation was down there.

I must say that I was a little bit amazed at the actual situation that existed there in El Salvador in contrast to what many of the people who have been journeying down to that fair land have been reporting back here.

We had in particular the opportunity to meet with President Duarte in the presidential palace, a very lovely palace, and the President was extremely generous with his time. He indicated that he appreciated the support and encouragement he had gotten from the United States, but he said:

Actually, in spite of this love affair that has gone on between our two countries, when the actual honeymoon came on, it lasted only 12 hours.

He said, "Before the election I was led to believe that we were going to get hundreds of millions of dollars if we won the election," but he said, "At the present time we haven't gotten a single cent," just as the gentleman from New York [Mr. KEMP] has already indicated.

It was only 2 days after that visit that President Duarte left to go to European countries, West Germany, and others, to try to pick up money for the support of the regime that he was heading and which had received these elaborate promises from the United States of America, but so far without any concrete results.

We tried to point out that probably there was some foul up in the appropriation procedures, because if he had been led to believe it was going to be available, we oftentimes do slip up. But I think it is important for this House to realize that the President of the Salvador Republic, who is doing an outstanding job—he has changed people in the military; he has eliminated those in the military that he thinks were responsible for the death squads; and he has talked directly to the junior officers and told them what he is seeking to do.

I think it is criminal that we not now be providing him with the funds he needs to run that country. He can sit in a beautiful presidential palace, but if he does not have the support of the United States, if he does not have the support of this Congress, if he does not have the support that I thought had been provided to him when the gentleman from Texas, our majority leader [Mr. WRIGHT] made his eloquent speech and turned this House around on aid to El Salvador, then we are failing, I think, in providing what is actually humantiarian aid to a country that is improving, that is doing a better job, and I think this aid is on a par with the kind of funds that we gave to Asian countries, to European countries and African countries after

World War II. But somehow there seems to be an impression that something is wrong to give anything to a country in Central America.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be very happy to yield.

Mr. LONG of Maryland. Mr. Chairman, I think at the time the gentleman visited down there, it is quite possible that the Senate had not acted on the urgent supplemental conference bill. If that is true, since that time, the Senate has acted and El Salvador has been sent an additional $62 million in military assistance.

There is no sense in providing this big increase with only 2 months remaining in the fiscal year.

Further, the subcommittee started marking-up the 1985 foreign aid bill this morning and it contains additional funds for El Salvador. A point of order has been raised on the proposed amendment already so we are really talking about a dead horse.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Chairman, I just want to support what the gentleman from New York has said and what the other gentleman from New York is trying to do. I am not a great advocate of foreign aid, as this body knows, but I was persuaded that their cause is just and I hope that what we are sending them down there is needed.

Mr. Chairman, I support the amendment offered by my colleague, Mr. KEMP, and urge my colleagues to do the same. This assistance, both military and economic, is desperately needed by El Salvador. We have nurtured this country, and just when it is beginning to develop the infrastructure necessary to support a democratic government responsive to the needs of its people, we are refusing to help them.

During a recent visit by Armed Services Committee members, both Salvadoran and U.S. officials agreed that significant progress toward creating a democracy in El Salvador is being realized. Earlier this year El Salvador held its first free presidential election in many years. Over 80 percent of the eligible population voted. Human rights violations appear to be on the decline, and the major opposition candidate, Roberto D'Aubuisson, told the delegation that he will support the new government within the framework of the Constitution.

President Duarte stressed, however, that "the honeymoon of his election was over after the first 12 hours." He noted that the elections created great expectations on the part of the Salvadoran people, as well as the United States and various European governments. If democracy is to flourish, the country's economic and social conditions must improve; the agrarian reform must continue; and most importantly, the United States must continue its assistance to the people of El Salvador. He complained that the United States has not responded as expected and instead has essentially been "yes, in sentiment—no, in resources."

The Government and people of El Salvador were led to believe that if free elections were held and the Government took positive steps toward controlling human rights violations, that U.S. assistance would be forthcoming.

There was general agreement among the Embassy, church, and Salvadoran officials who met with the delegation that the human rights situation is improving. Significant progress has been made in preventing indiscriminate violence since President Duarte assumed office. He has taken several positive steps to ensure that human rights are not violated, including the removal of officials suspected of death-squad affiliations from Government positions. He has committed himself to the establishment of a commission to investigate human rights violations, and has addressed military units throughout the country on the need to stop such violations. Finally, to dramatize the firm stance of his administration against human rights violations, Duarte intends to supervise personally the investigation of the next documented case of abuse.

The Salvadoran military is also making progress and is struggling to train and equip its forces so that peace can be maintained. Without that peace and the elimination of guerrilla attacks, needed land reform and critical industrial and agrarian development cannot be accomplished.

El Salvador, of course, faces many problems in its quest to become a stable democracy. Reform will not be easy and will not come about as quickly as most would like. However, one thing is clear; without meaningful U.S. assistance, furnished in a timely manner, the Government of El Salvador will not be able to fulfill its commitment to its people.

Although El Salvador is fiercely independent and cherishes its sovereignty, it recognizes that it desperately needs the temporary assistance of other countries.

I urge my colleagues to support the amendment offered by Mr. KEMP as a commitment to El Salvador's efforts to help itself, and to so ensure that U.S. troops will not be needed to assist that country.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York [Mr. STRATTON].

The preferential motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read title II.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments?

The Clerk will read.

The Clerk proceeded to read title III.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 68, after line 21, insert the following new section:

SEC. 303. None of the funds made available to the United States Postal Service under this Act or any other Act may be used to restructure employee compensation practices as in effect under the most recently effective collective bargaining agreement under section 1206 of title 39, United States Code, except in accordance with the results of procedures set forth in section 1207 of such title.

Mr. WHITTEN. Mr. Chairman, I reserve a point of order on the amendment.

The gentleman from California [Mr. ROYBAL], chairman of the subcommittee, is not on the floor, so I reserve a point of order at this time.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] reserves a point of order on the amendment.

The gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes in support of his amendment.

□ 1550

Mr. CONTE. Mr. Chairman, I have spoken with the gentleman from California [Mr. ROYBAL] and counsel in regards to this amendment.

The Chairman, this amendment is designed to send a clear and strong message to the negotiators—on both sides—of the current Postal Service employee contract talks. That message is fairness and negotiations in good faith.

I'm sure that Members are familar with the current stalemate in employee contract negotiations. The latest union contract expired on July 20, 1984; 600,000 unionized employees are now working without a collective-bargaining agreement. At the end of the negotiation process, both sides were still miles apart from reaching common ground. However, the specific issues involved in the negotiations are not the reason for this amendment. In 1970, the Congress attempted to depoliticize, as much as possible, the work-

ing of the Postal Service. The problem now is not with the particular issues or demands under negotiation, but with an abuse of the process as provided in the law.

The Postal Service Reorganization Act of 1970 grants the postal workers the right to bargain collectively. Designed to protect the public interest, the law provides for an orderly and fair process to negotiate union contract agreements. If an existing contract expires and the parties involved are at an impasse, then a 45-day fact-finding period begins. If the issues are still not resolved at this point, the negotiations are referred to a three-member arbitration board to conclude a binding agreement.

In return for this right to bargain collectively, we expect our postal employees to refrain from strikes or any job actions. The experience in 1970 should remind Members of the reason for this prohibition.

Recent news reports about unilateral moves by the U.S. Postal Service are disturbing to many Members of Congress, including myself. Last week, the Postal Service announced that new employees hired after August 4, 1984 would be paid about 23 percent less than current workers.

With the negotiations heading for the binding arbitration stage, the Postal Service has decided to impose one of its demands, subverting the process provided in the Reorganization Act. This is unfair and a breach of the agreement reached by Congress in the 1970 Reorganization Act.

This amendment is designed to prohibit the Postal Service from imposing this unfair, unilateral action before an agreement is reached. The amendment deals only with the process of negotiations, not the issues under consideration. It says that there can be no restructuring of the employee's compensation practices until there is a negotiated agreement as provided by the law. If there are changes to be made in employee compensation, let those changes develop as a result of the negotiation process designed by Congress and in effect for 14 years.

Let me emphasize to the House, the amendment is not an attempt to take sides in the dispute, but an effort to make sure that the procedures mandated by the Congress are followed during this negotiation.

The Congress has an obligation to insure that the spirit and intent of the law is fulfilled. Postal workers are Federal employees and should have all the rights and protections reserved for them by the law, nothing more or nothing less.

I urge my colleagues to support this amendment.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my understanding is that a point of order has been reserved.

I would like to ask some questions with regard to the subject matter to the author of the amendment.

It is my understanding that this amendment is one in which title 39 of the United States Code is affected, particularly with regard to the procedures set forth in section 207 of that title. Please explain to us what is contained in that section.

Mr. CONTE. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Chapter 39, to which you referred, is the Postal Reorganization Act of 1970.

Mr. ROYBAL. In this Postal Reorganization Act, is what you are attempting to do in this instance is to modify that act or to put in place certain procedures that come under that act?

Mr. CONTE. Does the gentleman mean my amendment?

Mr. ROYBAL. By your amendment.

Mr. CONTE. No; it does not try to modify that act. It is just a straight funding prohibition which refers to chapter 39, the Postal Service Reorganization Act.

Mr. ROYBAL. Has any attempt been made to try to get this amendment also passed in the other body?

Mr. CONTE. Not at this point. But certainly, if this amendment is adopted today, there will be a lot of work done to get it adopted. I expect to talk to Mr. ABDNOR and other Members in the other body. I think many Members of Congress are very upset about this unilateral action by the Postal Service.

Mr. ROYBAL. May I say that I wholeheartedly agree with the gentleman from Massachusetts in the statements that he has made with regard to this matter. I think that it is a correct procedure to take in the absence of insisting on the point of order. We are not going to insist on that point of order. But I wanted to be sure that we had something in place in the other body that would complement what is being done here today so that when we go to conference we will have at least been able to present our subject matter on an equal basis.

Mr. CONTE. First of all, let me say, as I have said many, many times here on the floor, that I have the greatest respect for the gentleman from California [Mr. ROYBAL]. He has done a great job as chairman of that subcommittee. It is a pleasure for me to work with him.

Let me say that if this amendment is adopted today the gentleman can be assured that starting tonight I will work with Members of the other body on this amendment, and I think we have a lot of support.

Mr. ROYBAL. I thank the gentleman.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WHITTEN. Mr. Chairman, I reserved the point of order until I could confer with the chairman of the subcommittee. It is his desire not to insist on it, as I understand it.

The CHAIRMAN. The gentleman does not insist on his point of order.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts. I would bring to the attention of the committee that Chairman FORD, chairman of the authorizing committee of the Post Office and Civil Service Committee, on July 26, 1984, wrote to Postmaster Bolger with reference to the procedures to which this amendment speaks. In that letter the chairman of the authorizing committee essentially took the same position that the ranking minority member, the gentleman from Massachusetts [Mr. CONTE] takes in offering his amendment, which is to say to hold the parties in equal position until such time as the statutory arbitration procedure has an opportunity to work, so that none of the individuals involved will be prejudiced during the period of time during which the arbitrators consider this matter.

If that were not the case, as the gentleman from Massachusetts points out, unlike the private sector where in the private sector the employer would have the option of imposing his last offer, the employee would then have the alternative opportunity to go out on strike, in this instance, of course, the employees are precluded from taking that action as a strike is illegal. Therefore I think the actions of the gentleman from Massachusetts and the substance of this amendment are entirely appropriate and effect fairness for both sides without, as the gentleman has said, interjecting ourselves in and taking a position as to either issue.

□ 1600

In closing, Mr. Chairman, I would like to quote from the letter Mr. FORD sent to Postmaster General Bolger dated July 26, 1984, wherein he said, and I quote:

> Why the United States Postal Service could not have continued to advocate its contract offer peacefully, through the statutory dispute resolution process, is beyond my comprehension. Whatever is achieved by this action is being purchased at the cost of a generation of ill will and devastated morale.

I think if we adopt the amendment of the gentleman from Massachusetts we will preclude that unwanted effect

and therefore I rise in strong support of the gentleman's amendment.

The CHAIRMAN. Is there further discussion on the amendment.

Mr. DAUB. Mr. Chairman, I wish to associate myself with the remarks of my colleague from Massachusetts, Mr. CONTE, and indicate my support for his amendment. He raises some excellent points with respect to the obligations we have to postal employees, and his amendment clarifies those obligations.

In a recent letter I sent to John McKean, the Chairman of the Board of Governors for the U.S. Postal Service, I urged him to keep in mind the important role that the mail sorters and handlers have played in achieving management's objectives. Their efforts have indeed been significant in bringing the Postal Service to a sound financial footing, a point that must be recognized in the negotiating process.

In addition, I encouraged good faith efforts to provide incentives for continued advances in productivity. A profitable Postal Service not only reflects well on the performance of postal employees but also underscores its ability to compete effectively with other mail deliveries.

We must assure that in the negotiating process the proper procedures are followed. A credible and competitive postal service is a vital asset to this Nation, and the concerns of postal workers and letter carriers must be addressed.

I commend my colleague from Massachusetts for introducing this amendment, and once again, voice my support for the measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On Page 69, after line 2, insert the following section:

SEC. 303: Notwithstanding any other provisions of this Act, each amount appropriated or otherwise made available in this Act is hereby reduced by one percent.

Mr. WALKER. Mr. Chairman, yesterday the Democratic candidate for President of the United States, Mr. Mondale, was quoted with regard to deficit and the Washington Times newspaper of this morning reports it this way:

Mr. Mondale attacked the administration's federal deficit as the cause of high interest rates, collapse of small businesses, unmanageable mortgage levels and out-of-reach educational costs.

"I have heard that the deficit is too difficult an issue for Americans to understand," he said. "I am told that the deficit is too cold a concept to move people. I don't believe it."

Now, if the version of this supplemental that the chairman of the Appropriations Committee rolled for us out here a little while ago is in fact a correct version of what we are considering here, I would suggest we right now have an opportunity to do something about that which Mr. Mondale spoke of yesterday.

Mr. Mondale was attacking the administration's high deficit, Federal deficit. Well, according to the chairman of the committee, what we have before us here today is a supplemental appropriation which was asked for by the administration, that we juggle the figures a bit to meet our own priorities but we are in fact acting on the administration's request.

What I am suggesting is if we really are concerned about the same things Mr. Mondale is concerned about, here is a chance to do something about those concerns, at least reduce this supplemental appropriation by 1 percent.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. WALKER. I would be glad to yield to the gentleman from Illinois.

Mr. YATES. Does the gentleman intend his amendment to be applicable to the pay increases that are provided in this bill for the Government employees?

Mr. WALKER. I would say to the gentleman that it is my intention to cover all aspects of the bill with a 1-percent cut in the total funding of the bill.

Mr. YATES. Will the gentleman yield for a further question?

Mr. WALKER. I would be glad to yield.

Mr. YATES. Are not the funds that are in this bill for the pay increases based upon request of the administration?

Mr. WALKER. The gentleman is absolutely correct. The point that I am making is the fact that it is your Presidential candidate who is telling us the administration has this high deficit problee which is causing untold problems across the country.

So if the gentleman is correct, these are administration requests, here is an opportunity offered by this gentleman on the Republican side to reduce the administration's request by a modest 1 percent.

And I would suggest to the gentleman that the administration claims that within this particular appropriations bill there are some things in there that they did not request. I would say to the gentleman that they claim that there are a little over $1 billion of unrequested domestic add-ons.

All my amendment would do would be to get about half of that back. It would get $540 million of that back. It would also, it seems to me, speak to something that we have heard an awful lot on this floor. We have heard an awful lot of people who say that we cannot cut individual appropriation bills because there are good and proper reasons for those bills to be brought before us at the levels they are.

This is a general appropriations bill, this goes to all aspects of Government. Those of you who have told your constituency that you want to see something done in the defense area, here is your chance. My amendment would cut $187 million, a fairly modest decrease, but neverless a decrease; $187 million out of defense.

Are you going to go back and explain to those people that you have been telling that you are going to get at the deficit by cutting defense that you voted against doing something about defense? Or how about the $240,000 in military foreign aid?

I say that if you vote against it, you are voting against those cuts. How about the $1.8 million in economic foreign aid? Save that amount of money. I suggest there is a few other things you might want to consider, too.

Why, this is a very dangerous amendment; this saves $25,000 of the money that is in here for restoring the Presidential yacht. Good heavens, you do not want to go back and tell your constituents that you actually saved $25,000.

How about $5,000 restoration of a golf course down here at East Potomac Park? My amendment actually cuts $5,000 out of the restoration of a golf course. Or how about the $6,000 of the upgrading of our own video recording system around here?

You know, it must be taxing on the video recording system to have those wide angle shots of the Chamber; we are having to upgrade it to the tune of $600,000. Well, I save $6,000 of that.

Or how about the $5,000 for additional parking places out in San Francisco? It seems to me here is something we might want to consider doing.

In other words, you know, we are really not doing anything very drastic in this amendment. It is a 1-percent cut. It is a way of speaking to the deficit.

I would ask for its approval.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this type of amendment is troublesome to all Members. In my experience in Congress, I have seen two or three major programs or bills where the budget of the President and the Office of Management and Budget regularly sent down recommendations at a higher than necessary figure so that Members of Congress could show how much they cut the budget. Foreign aid has been handled many times that way.

Your Committee on Appropriations, 57 members, 13 subcommittees, spent hours working on this bill. They bring you their best judgment as to projects and amounts.

After all that work, we bring you a bill which is under the President's request by $930 million. It is under the House 302 allocation by $768 million and under the revised fiscal 1984 budget ceilings contained in the House-passed budget ceiling for fiscal year 1985. It is under that ceiling by $209 million.

Here is our situation: I was one of those that promoted the Budget Act, because we had so many entitlements in law. Fifty-eight percent of annual expenditures did not come to the Congress for annual appropriation. I hate to say it, but the Budget Committee by and large has given time and attention to the control of controllables, the remaining 42 percent where we did not have a problem to start with.

Be that as it may, if you start the practice of percentage cuts, judging by past experience, you lead to adding increases in the bills, so you can take it out. In the long run you will lose, because you will not reflect what the Committee on Appropriations believes, after thousands of hours of hearings.

Let me tell you what this amendment would do. It would cut out the appropriations for programs which many of you believe in and which your constituents believe.

Many of you usually send out news releases on veterans compensation. It would cut that program. It would cut the veterans' readjustment benefits, civil service retirement, it would reduce food stamps, Public Law 480, and many others.

In those cuts the beneficiaries could go to court, as I understand it, where you have entitlements and get judgments. We might then go through all that paying of judgments and other expense. I realize that the gentleman from prior actions wants to cut whatever we do by a certain percentage. If the bill had been 10 percent lower, or 20 percent he or someone else would have offered this same amendment. The author will get a certain amount of attention in the press.

Again I tell you, you jeopardize the system that we have of bringing you our honest judgment. If you start the practice of taking out 5 percent, everybody will soon learn, "put 5 percent in there so that so-and-so could take it out" or better they will probably add 10 percent just to be safe.

□ 1610

That is a bad system. It will damage those very programs that so many Members are proud of having sponsored.

So this practice of a percentage cut whatever the amount, can only weaken our system. I urge the defeat of this amendment. Let us get back to where we rely on the results of the work of 57 Members over the months.

I hope you will help us stop this 1-, 2-, 3-percent cuts across the board, because if we do not, we could well have to pass another supplemental appropriations bill to take care of essential programs; programs in which you believe.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken, and on a division (demanded by Mr. WALKER) there were—ayes 2, noes 21.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 238, not voting 11, as follows:

[Roll No. 336]

AYES—184

Andrews (NC)	Hall (OH)	Packard
Andrews (TX)	Hall, Ralph	Pashayan
Applegate	Hall, Sam	Patman
Archer	Hammerschmidt	Patterson
AuCoin	Hance	Paul
Badham	Hansen (ID)	Pease
Bartlett	Hansen (UT)	Penny
Bereuter	Harkin	Petri
Bethune	Hartnett	Porter
Biliirakis	Hiler	Pursell
Bliley	Hillis	Quillen
Bosco	Hopkins	Ray
Breaux	Hubbard	Regula
Britt	Huckaby	Ridge
Brown (CO)	Hughes	Rinaldo
Broyhill	Hyde	Ritter
Burton (IN)	Ireland	Roberts
Campbell	Jacobs	Roemer
Carney	Kasich	Roukema
Carper	Kemp	Russo
Chandler	Kindness	Schaefer
Chappie	Kostmayer	Schroeder
Cheney	Kramer	Schulze
Clinger	Lagomarsino	Seiberling
Coats	Latta	Sensenbrenner
Coleman (MO)	Leach	Sharp
Conable	Lent	Shaw
Corcoran	Levitas	Shumway
Courter	Lewis (CA)	Shuster
Craig	Lewis (FL)	Siljander
Crane, Daniel	Livingston	Skeen
Crane, Philip	Loeffler	Slattery
D'Amours	Lott	Smith (NE)
Daniel	Lujan	Smith, Denny
Dannemeyer	Luken	Smith, Robert
Darden	Lundine	Snyder
Daub	Lungren	Solomon
DeWine	Mack	Spence
Dickinson	MacKay	Spratt
Dorgan	Madigan	Stenholm
Dreier	Marlenee	Stump
Duncan	Martin (IL)	Sundquist
Edwards (AL)	Martin (NY)	Tauke
Edwards (OK)	McCain	Tauzin
Emerson	McCandless	Taylor
English	McCollum	Thomas (CA)
Erlenborn	McEwen	Vandergriff
Evans (IA)	McGrath	Vucanovich
Feighan	Mica	Walgren
Fiedler	Michel	Walker
Fields	Miller (OH)	Weaver
Franklin	Minish	Weber
Frenzel	Molinari	Whitley
Gekas	Montgomery	Whittaker
Gibbons	Moore	Winn
Gingrich	Moorhead	Wortley
Glickman	Morrison (WA)	Wylie
Goodling	Neal	Young (AK)
Gore	Nichols	Young (FL)
Gradison	Nielson	Zschau
Gregg	Olin	
Gunderson	Oxley	

NOES—238

Ackerman	Gaydos	Obey
Addabbo	Gejdenson	Ortiz
Akaka	Gephardt	Ottinger
Albosta	Gilman	Owens
Alexander	Gonzalez	Panetta
Anderson	Gray	Parris
Annunzio	Green	Pepper
Aspin	Guarini	Perkins
Barnard	Hall (IN)	Pickle
Barnes	Hamilton	Price
Bateman	Harrison	Rahall
Bates	Hatcher	Rangel
Bedell	Hawkins	Ratchford
Beilenson	Hayes	Reid
Bennett	Hefner	Richardson
Berman	Heftel	Robinson
Bevill	Hertel	Rodino
Biaggi	Hightower	Roe
Boehlert	Holt	Rogers
Boggs	Horton	Rose
Boland	Howard	Rostenkowski
Boner	Hoyer	Roth
Bonior	Hunter	Rowland
Bonker	Hutto	Roybal
Borski	Jeffords	Rudd
Boucher	Jenkins	Sabo
Boxer	Johnson	Savage
Brooks	Jones (NC)	Sawyer
Broomfield	Jones (OK)	Scheuer
Brown (CA)	Jones (TN)	Schneider
Bryant	Kaptur	Schumer
Burton (CA)	Kastenmeier	Shannon
Byron	Kazen	Shelby
Carr	Kennelly	Sikorski
Chappell	Kildee	Simon
Clarke	Kleczka	Sisisky
Clay	Kogovsek	Skelton
Coelho	Kolter	Smith (FL)
Coleman (TX)	LaFalce	Smith (IA)
Collins	Lantos	Smith (NJ)
Conte	Leath	Snowe
Conyers	Lehman (CA)	Solarz
Cooper	Lehman (FL)	St Germain
Coughlin	Levin	Staggers
Coyne	Levine	Stangeland
Crockett	Lipinski	Stark
Daschle	Lloyd	Stratton
Davis	Long (LA)	Studds
de la Garza	Long (MD)	Swift
Dellums	Lowry (WA)	Synar
Derrick	Markey	Tallon
Dicks	Martinez	Thomas (GA)
Dingell	Matsui	Torres
Dixon	Mavroules	Torricelli
Donnelly	Mazzoli	Towns
Dowdy	McCloskey	Traxler
Downey	McCurdy	Udall
Durbin	McDade	Valentine
Dwyer	McHugh	Vander Jagt
Dymally	McKernan	Vento
Dyson	McKinney	Volkmer
Early	McNulty	Watkins
Eckart	Mikulski	Weiss
Edgar	Miller (CA)	Wheat
Edwards (CA)	Mineta	Whitehurst
Erdreich	Mitchell	Whitten
Evans (IL)	Moakley	Williams (MT)
Fascell	Mollohan	Williams (OH)
Fazio	Moody	Wilson
Fish	Morrison (CT)	Wirth
Flippo	Mrazek	Wise
Florio	Murphy	Wolf
Foglietta	Murtha	Wolpe
Foley	Myers	Wright
Ford (MI)	Natcher	Wyden
Ford (TN)	Nelson	Yates
Fowler	Nowak	Yatron
Frank	O'Brien	Young (MO)
Fuqua	Oakar	
Garcia	Oberstar	

NOT VOTING—11

Anthony	Leland	Pritchard
Ferraro	Lowery (CA)	Stokes
Frost	Marriott	Waxman
Gramm	Martin (NC)	

□ 1630

Messrs. McNULTY, MAVROULES, and MOODY, Mrs. SCHNEIDER, and Messrs. GILMAN and KAZEN

changed their votes from "aye" to "no."

Messrs. HILLIS and MINISH changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WHITTEN. Mr. Chairman, I move the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MINISH] having assumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 304, noes 116, not voting 13, as follows:

[Roll No. 337]

AYES—304

Ackerman	Bethune	Burton (CA)
Addabbo	Bevill	Byron
Akaka	Biaggi	Carney
Albosta	Bliley	Carper
Alexander	Boehlert	Carr
Anderson	Boggs	Chandler
Andrews (NC)	Boland	Chappell
Andrews (TX)	Boner	Clarke
Annunzio	Bonior	Clay
Applegate	Bonker	Clinger
Aspin	Borski	Coelho
Barnard	Bosco	Coleman (MO)
Barnes	Boucher	Coleman (TX)
Bates	Boxer	Collins
Bedell	Breaux	Conte
Beilenson	Britt	Cooper
Bennett	Brooks	Coughlin
Bereuter	Brown (CA)	Coyne
Berman	Bryant	D'Amours
Daniel	Kazen	Regula
Darden	Kemp	Reid
Daschle	Kennelly	Richardson
Davis	Kildee	Ridge
de la Garza	Kleczka	Rinaldo
Derrick	Kogovsek	Robinson
Dicks	Kolter	Rodino
Dingell	Kostmayer	Roe
Dixon	LaFalce	Rogers
Donnelly	Lantos	Rose
Dowdy	Latta	Rostenkowski
Downey	Leath	Roth
Duncan	Lehman (CA)	Roukema
Durbin	Lehman (FL)	Rowland
Dwyer	Levin	Roybal
Dymally	Levine	Rudd
Dyson	Levitas	Sabo
Early	Lipinski	Sawyer
Eckart	Livingston	Scheuer
Edgar	Lloyd	Schneider
Edwards (AL)	Long (LA)	Schumer
Edwards (CA)	Long (MD)	Seiberling
Emerson	Lowry (WA)	Shannon
Erdreich	Luken	Sharp
Erlenborn	Markey	Shaw
Evans (IL)	Marlenee	Sikorski
Fascell	Martin (NY)	Simon
Fazio	Martinez	Sisisky
Feighan	Matsui	Skelton
Fish	Mavroules	Smith (FL)
Flippo	Mazzoli	Smith (IA)
Florio	McCloskey	Smith (NE)
Foglietta	McCurdy	Smith (NJ)
Foley	McDade	Smith, Robert
Ford (MI)	McHugh	Snowe
Ford (TN)	McKernan	Snyder
Fowler	McKinney	Solarz
Frank	McNulty	Solomon
Franklin	Mica	Spratt
Fuqua	Miller (CA)	St Germain
Garcia	Miller (OH)	Staggers
Gaydos	Mineta	Stangeland
Gejdenson	Minish	Stark
Gephardt	Mitchell	Stratton
Gibbons	Moakley	Studds
Gilman	Molinari	Sundquist
Glickman	Mollohan	Swift
Gonzalez	Montgomery	Synar
Goodling	Moore	Tallon
Gore	Morrison (CT)	Tauzin
Gray	Morrison (WA)	Taylor
Green	Mrazek	Thomas (GA)
Guarini	Murphy	Torres
Hall (IN)	Murtha	Torricelli
Hall (OH)	Myers	Traxler
Hamilton	Natcher	Udall
Hammerschmidt	Neal	Valentine
Hance	Nelson	Vander Jagt
Harkin	Nichols	Vento
Harrison	Nowak	Volkmer
Hatcher	O'Brien	Walgren
Hawkins	Oakar	Watkins
Hefner	Oberstar	Waxman
Heftel	Obey	Weiss
Hightower	Ortiz	Wheat
Hillis	Ottinger	Whitehurst
Holt	Owens	Whitley
Hopkins	Packard	Whitten
Horton	Panetta	Williams (MT)
Howard	Parris	Wilson
Hoyer	Patterson	Wise
Huckaby	Pease	Wolf
Hughes	Pepper	Wolpe
Hunter	Perkins	Wortley
Hutto	Petri	Wright
Hyde	Pickle	Wylie
Jeffords	Porter	Yates
Jenkins	Price	Yatron
Jones (OK)	Pritchard	Young (AK)
Jones (TN)	Rahall	Young (FL)
Kaptur	Rangel	Young (MO)
Kasich	Ratchford	
Kastenmeier	Ray	

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Archer	Campbell	Crane, Philip
AuCoin	Chappie	Crockett
Badham	Cheney	Dannemeyer
Bartlett	Coats	Daub
Bateman	Conable	Dellums
Bilirakis	Conyers	DeWine
Broomfield	Corcoran	Dickinson
Brown (CO)	Courter	Dorgan
Broyhill	Craig	Dreier
Burton (IN)	Crane, Daniel	Edwards (OK)
English	Loeffler	Savage
Evans (IA)	Lott	Schaefer
Fiedler	Lowery (CA)	Schroeder
Fields	Lujan	Schulze
Frenzel	Lungren	Sensenbrenner
Gekas	Mack	Shelby
Gingrich	MacKay	Shumway
Gradison	Madigan	Shuster
Gregg	Martin (IL)	Siljander
Gunderson	McCain	Skeen
Hall, Ralph	McCandless	Slattery
Hall, Sam	McCollum	Smith, Denny
Hansen (ID)	McEwen	Spence
Hansen (UT)	McGrath	Stenholm
Hartnett	Michel	Stump
Hayes	Moody	Tauke
Hertel	Moorhead	Thomas (CA)
Hiler	Nielson	Towns
Hubbard	Olin	Vandergriff
Ireland	Oxley	Vucanovich
Jacobs	Pashayan	Walker
Johnson	Patman	Weaver
Kindness	Paul	Weber
Kramer	Penny	Whittaker
Lagomarsino	Pursell	Winn
Leach	Ritter	Wirth
Lent	Roberts	Wyden
Lewis (CA)	Roemer	Zschau
Lewis (FL)	Russo	

NOT VOTING—13

Anthony	Leland	Quillen
Ferraro	Lundine	Stokes
Frost	Marriott	Williams (OH)
Gramm	Martin (NC)	
Jones (NC)	Mikulski	

□ 1650

Messrs. WIRTH, CONYERS, SAVAGE, DELLUMS, TOWNS, CROCKETT, and HAYES changed their votes from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. LOWERY of California asked and was given permission to address the House for 1 minute.)

Mr. LOWERY of California. Mr. Speaker, I missed the vote on rollcall 336. I regrettably was out of the House Chamber in a meeting with the State Department regarding an urgent issue on the seizure of a tuna boat in the Western Pacific.

Had I been here, I would have voted "aye" on that amendment.

CONFERENCE REPORT ON H.R. 4325, CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1985

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-925)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Child Support Enforcement Amendments of 1984".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Purpose of the program.
Sec. 3. Improved child support enforcement through required State laws and procedures.
Sec. 4. Federal matching of administrative costs.
Sec. 5. Federal incentive payments.
Sec. 6. 90-percent matching for automated management systems used in income withholding and other required procedures.
Sec. 7. Continuation of support enforcement for AFDC recipients whose benefits are being terminated.
Sec. 8. Special project grants to promote improvements in interstate enforcement.
Sec. 9. Periodic review of effectiveness of State programs; modification of penalty.
Sec. 10. Extension of section 1115 demonstration authority to child support enforcement program.
Sec. 11. Child support enforcement for certain children in foster care.
Sec. 12. Enforcement with respect to both child and spousal support.
Sec. 13. Modifications in content of annual report of the Secretary.
Sec. 14. Requirement that availability of child support enforcement services be publicized.
Sec. 15. State Commissions on child support.
Sec. 16. Inclusion of medical support in child support orders.
Sec. 17. Increased availability of Federal parent locator service to State agencies.
Sec. 18. State guidelines for child support awards.
Sec. 19. Availability of social security numbers for child support enforcement purposes.
Sec. 20. Extension of eligibility under title XIX when support collection results in termination of AFDC eligibility.
Sec. 21. Collection of past-due support from Federal tax refunds.
Sec. 22. Wisconsin child support initiative.
Sec. 23. Sense of the Congress that State and local governments should focus on the problems of child custody, child support, and related domestic issues.

PURPOSE OF THE PROGRAM

SEC. 2. Section 451 of the Social Security Act is amended by striking out "and obtaining child and spousal support," and inserting in lieu thereof "obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A) for whom such assistance is requested,".

IMPROVED CHILD SUPPORT ENFORCEMENT THROUGH REQUIRED STATE LAWS AND PROCEDURES

SEC. 3. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (19) the following new paragraph:

"(20) provide, to the extent required by section 466, that the State (A) shall have in effect all of the laws to improve child support enforcement effectiveness which are referred to in that section, and (B) shall implement the procedures which are prescribed in or pursuant to such laws.".

(b) Part D of title IV of such Act is further amended by adding at the end thereof the following new section:

"REQUIREMENT OF STATUTORILY PRESCRIBED PROCEDURES TO IMPROVE EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT

"SEC. 466. (a) In order to satisfy section 454(20)(A), each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

"(1) Procedures described in subsection (b) for the withholding from income of amounts payable as support.

"(2) Procedures under which expedited processes (determined in accordance with regulations of the Secretary) are in effect under the State judicial system or under State administrative processes (A) for obtaining and enforcing support orders, and (B) at the option of the State, for establishing paternity. The Secretary may waive the provisions of this paragraph with respect to one or more political subdivisions within the State on the basis of the effectiveness and timeliness of support order issuance and enforcement within the political subdivision (in accordance with the general rule for exemptions under subsection (d)).

"(3) Procedures under which the State child support enforcement agency shall request, and the State shall provide, that for the purpose of enforcing a support order under any State plan approved under this part—

"(A) any refund of State income tax which would otherwise be payable to an absent parent will be reduced, after notice has been sent to that absent parent of the proposed reduction and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State), by the amount of any overdue support owed by such absent parent;

"(B) the amount by which such refund is reduced shall be distributed in accordance with section 457(b)(4) or (d)(3) in the case of overdue support assigned to a State pursuant to section 402(a)(26) or 471(a)(17), or, in the case of overdue support which a State has agreed to collect under section 454(6), shall be distributed, after deduction of any fees imposed by the State to cover the costs of collection, to the child or parent to whom such support is owed; and

"(C) notice of the absent parent's social security account number (or numbers, if he has more than one such number) and home address shall be furnished to the State agency requesting the refund offset, and to the State agency enforcing the order.

"(4) Procedures under which liens are imposed against real and personal property for amounts of overdue support owed by an absent parent who resides or owns property in the State.

"(5) Procedures which permit the establishment of the paternity of any child at any time prior to such child's eighteenth birthday.

"(6) Procedures which require that an absent parent give security, post a bond, or give some other guarantee to secure payment of overdue support, after notice has been sent to such absent parent of the proposed action and of the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State).

"(7) Procedures by which information regarding the amount of overdue support owed by an absent parent residing in the State will be made available to any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) upon the request of such agency; except that (A) if the amount of the overdue support involved in any case is less than $1,000, information regarding such amount shall be made available only at the option of the State, (B) any information with respect to an absent parent shall be made available under such procedures only after notice has been sent to such absent parent of the proposed action, and such absent parent has been given a reasonable opportunity to contest the accuracy of such information (and after full compliance with all procedural due process requirements of the State), and (C) a fee for furnishing such information, in an amount not exceeding the actual cost thereof, may be imposed on the requesting agency by the State.

"(8) Procedures under which all child support orders which are issued or modified in the State will include provision for withholding from wages, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing application for services under this part.

Notwithstanding section 454(20)(B), the procedures which are required under paragraphs (3), (4), (6), and (7) need not be used or applied in cases where the State determines (using guidelines which are generally available within the State and which take into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations) that such use or application would not carry out the purposes of this part or would be otherwise inappropriate in the circumstances.

"(b) The procedures referred to in subsection (a)(1) (relating to the withholding from income of amounts payable as support) must provide for the following:

"(1) In the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being

enforced under the State plan, so much of such parent's wages (as defined by the State for purposes of this section) must be withheld, in accordance with the succeeding provisions of this subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)). If there are arrearages to be collected, amounts withheld to satisfy such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b), but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

"(2) Such withholding must be provided without the necessity of any application therefor in the case of a child (whether or not eligible for aid under part A) with respect to whom services are already being provided under the State plan under this part, and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued or modified in the State. In either case such withholding must occur without the need for any amendment to the support order involved or for any further action (other than those actions required under this part) by the court or other entity which issued such order.

"(3) An absent parent shall become subject to such withholding, and the advance notice required under paragraph (4) shall be given, on the earliest of—

"(A) the date on which the payments which the absent parent has failed to make under such order are at least equal to the support payable for one month,

"(B) the date as of which the absent parent requests that such withholding begin, or

"(C) such earlier date as the State may select.

"(4)(A) Such withholding must be carried out in full compliance with all procedural due process requirements of the State, and (subject to subparagraph (B)) the State must send advance notice to each absent parent to whom paragraph (1) applies regarding the proposed withholding and the procedures such absent parent should follow if he or she desires to contest such withholding on the grounds that withholding (including the amount to be withheld) is not proper in the case involved because of mistakes of fact. If the absent parent contests such withholding on those grounds, the State shall determine whether such withholding will actually occur, shall (within no more than 45 days after the provision of such advance notice) inform such parent of whether or not withholding will occur and (if so) of the date on which it is to begin, and shall furnish such parent with the information contained in any notice given to the employer under paragraph (6)(A) with respect to such withholding.

"(B) The requirement of advance notice set forth in the first sentence of subparagraph (A) shall not apply in the case of any State which has a system of income withholding for child support purposes in effect on the date of the enactment of this section if such system provides on that date, and continues to provide, such procedures as may be necessary to meet the procedural due process requirements of State law.

"(5) Such withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency in accordance with section 457 under procedures (specified by the State) adequate to document payments of support and to track and monitor such payments, except that the State may establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of such public agency) otherwise than through such public agency so long as the entity making such collection and distribution is publicly accountable for its actions taken in carrying out such procedures, and so long as such procedures will assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

"(6)(A)(i) The employer of any absent parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such absent parent's wages the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by such employer) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the appropriate agency (or other entity authorized to collect the amounts withheld under the alternative procedures described in paragraph (5)) for distribution in accordance with section 457.

"(ii) The notice given to the employer shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion thereof which is attributable to each individual employee being separately designated).

"(C) The employer must be held liable to the State for any amount which such employer fails to withhold from wages due an employee following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

"(D) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer.

"(7) Support collection under this subsection must be given priority over any other legal process under State law against the same wages.

"(8) The State may take such actions as may be necessary to extend its system of withholding under this subsection so that such system will include withholding from forms of income other than wages, in order to assure that child support owed by absent parents in the State will be collected without regard to the types of such absent parents' income or the nature of their income-producing activities.

"(9) The State must extend its withholding system under this subsection so that such system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by absent parents in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent.

"(10) Provision must be made for terminating withholding.

"(c) Any State may at its option, under its plan approved under section 454, establish procedures under which support payments under this part will be made through the State agency or other entity which administers the State's income withholding system in any case where either the absent parent or the custodial parent requests it, even though no arrearages in child support payments are involved and no income withholding procedures have been instituted; but in any such case an annual fee for handling and processing such payments, in an amount not exceeding the actual costs incurred by the State in connection therewith or $25, whichever is less, shall be imposed on the requesting parent by the State.

"(d) If a State demonstrates to the satisfaction of the Secretary, through the presentation to the Secretary of such data pertaining to caseloads, processing times, administrative costs, and average support collections, and such other data or estimates as the Secretary may specify, that the enactment of any law or the use of any procedure or procedures required by or pursuant to this section will not increase the effectiveness and efficiency of the State child support enforcement program, the Secretary may exempt the State, subject to the Secretary's continuing review and to termination of the exemption should circumstances change, from the requirement to enact the law or use the procedure or procedures involved.

"(e) For purposes of this section, the term 'overdue support' means the amount of a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child which is owed to or on behalf of such child, or for support and maintenance of the absent parent's spouse (or former spouse) with whom the child is living if and to the extent that spousal support (with respect to such spouse or former spouse) would be included for purposes of paragraph (4) or (6) of section 454. At the option of the State, overdue support may include amounts which otherwise meet the definition in the first sentence of this subsection but which are owed to or on behalf of a child who is not a minor child. The option to include support owed to children who are not minors shall apply independently to each procedure specified under this section.".

(c) Section 454(6)(B) of such Act is amended to read as follows: "(B) an application fee for furnishing such services shall be imposed, which shall be paid by the individual applying for such services, or recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and shall be considered income to the program), the amount of which (i) will not exceed $25 (or such higher or lower amount (which shall be uniform for all States) as the Secretary may determine to be appropriate for any fiscal year to reflect increases or decreases in administrative

costs), and (ii) may vary among such individuals on the basis of ability to pay (as determined by the State), and".

(d) Section 454 of such Act (as amended by subsection (a) of this section) is further amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (20) the following new paragraph:

"(21)(A) at the option of the State, impose a late payment fee on all overdue support (as defined in section 466(e)) under any obligation being enforced under this part, in an amount equal to a uniform percentage determined by the State (not less than 3 percent nor more than 6 percent) of the overdue support, which shall be payable by the absent parent owing the overdue support; and

"(B) assure that the fee will be collected in addition to, and only after full payment of, the overdue support, and that the imposition of the late payment fee shall not directly or indirectly result in a decrease in the amount of the support which is paid to the child (or spouse) to whom, or on whose behalf, it is owed.".

(e) Section 454(5) of such Act is amended by inserting after "directly to the family" the following: ", and the individual will be notified at least annually of the amount of the support payments collected;".

(f) Section 454 of such Act is further amended by adding at the end thereof (after and below paragraph (21) (as added by subsection (d) of this section)) the following new sentence:

"The State may allow the jurisdiction which makes the collection involved to retain any application fee under paragraph (6)(B) or any late payment fee under paragraph (21).".

(g)(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall become effective on October 1, 1985.

(2) Section 454(21) of the Social Security Act (as added by subsection (d) of this section), and section 466(e) of such Act (as added by subsection (b) of this section), shall be effective with respect to support owed for any month beginning after the date of the enactment of this Act.

(3) In the case of a State with respect to which the Secretary of Health and Human Services has determined that State legislation is required in order to conform the State plan approved under part D of title IV of the Social Security Act to the requirements imposed by any amendment made by this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely by reason of its failure to meet the requirements imposed by such amendment prior to the beginning of the fourth month beginning after the end of the first session of the State legislature which ends on or after October 1, 1985. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

FEDERAL MATCHING OF ADMINISTRATIVE COSTS

SEC. 4. (a) Section 455(a) of the Social Security Act is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out ", beginning with the quarter commencing July 1, 1975,";

(3) by striking out paragraph (2) and redesignating paragraphs (1) and (3) as subparagraphs (A) and (B), respectively;

(4) by amending paragraph (1)(A) as so redesignated to read as follows:

"(A) equal to the percent specified in paragraph (2) of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454, and";

(5) in paragraph (1)(B) as so redesignated, by striking out "specified in clause (1) or (2)" and inserting in lieu thereof "specified in subparagraph (A)"; and

(6) by adding at the end thereof the following new paragraph:

"(2) The percent applicable to quarters in a fiscal year for purposes of paragraph (1)(A) is—

"(A) 70 percent for fiscal years 1984, 1985, 1986, and 1987,

"(B) 68 percent for fiscal years 1988 and 1989, and

"(C) 66 percent for fiscal year 1990 and each fiscal year thereafter.".

(b) Subsections (d)(1)(B), (d)(2)(A), (d)(2)(B), and (e) of section 452 of such Act are each amended by striking out "455(a)(3)" and inserting in lieu thereof "455(a)(1)(B)".

(c) The amendments made by this section shall apply to fiscal years after fiscal year 1983.

FEDERAL INCENTIVE PAYMENTS

SEC. 5. (a) Section 458 of the Social Security Act is amended to read as follows:

"INCENTIVE PAYMENTS TO STATES

"SEC. 458. (a) In order to encourage and reward State child support enforcement programs which perform in a cost-effective and efficient manner to secure support for all children who have sought assistance in securing support, whether such children reside within the State or elsewhere and whether or not they are eligible for aid to families with dependent children under a State plan approved under part A of this title, and regardless of the economic circumstances of their parents, the Secretary shall, from support collected which would otherwise represent the Federal share of assistance to families of absent parents, pay to each State for each fiscal year, on a quarterly basis (as described in subsection (e)) beginning with the quarter commencing October 1, 1985, an incentive payment in an amount determined under subsection (b).

"(b)(1) Except as provided in paragraphs (2), (3), and (4), the incentive payment shall be equal to—

"(A) 6 percent of the total amount of support collected under the plan during the fiscal year in cases in which the support obligation involved is assigned to the State pursuant to section 402(a)(26) or section 471(a)(17) (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'AFDC collections' for that year), plus

"(B) 6 percent of the total amount of support collected during the fiscal year in all other cases under this part (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'non-AFDC collections' for that year).

"(2) If subsection (c) applies with respect to a State's AFDC collections or non-AFDC collections for any fiscal year, the percent specified in paragraph (1)(A) or (B) (with respect to such collections) shall be increased to the higher percent determined under such subsection (with respect to such collections) in determining the State's incentive payment under this subsection for that year.

"(3) The dollar amount of the portion of the State's incentive payment for any fiscal year which is determined on the basis of its non-AFDC collections under paragraph (1)(B) (after adjustment under subsection (c) if applicable) shall in no case exceed—

"(A) the dollar amount of the portion of such payment which is determined on the basis of its AFDC collections under paragraph (1)(A) (after adjustment under subsection (c) if applicable) in the case of fiscal year 1986 or 1987;

"(B) 105 percent of such dollar amount in the case of fiscal year 1988;

"(C) 110 percent of such dollar amount in the case of fiscal year 1989; or

"(D) 115 percent of such dollar amount in the case of fiscal year 1990 or any fiscal year thereafter.

"(4) The Secretary shall make such additional payments to the State under this part, for fiscal year 1986 or 1987, as may be necessary to assure that the total amount of payments under this section and section 455(a)(1)(A) for such fiscal year is no less than 80 percent of the amount that would have been payable to that State and its political subdivisions for such fiscal year under this section and section 455(a)(1)(A) if those sections (including the amendment made by section 5(c)(2)(A) of the Child Support Enforcement Amendments of 1984) had remained in effect as they were in effect for fiscal year 1985.

"(c) If the total amount of a State's AFDC collections or non-AFDC collections for any fiscal year bears a ratio to the total amount expended by the State in that year for the operation of its plan approved under section 454 for which payment may be made under section 455 (with the total amount so expended in any fiscal year being hereafter referred to in this section as the State's 'combined AFDC/non-AFDC administrative costs' for that year) which is equal to or greater than 1.4, the relevant percent specified in subparagraph (A) or (B) of subsection (b)(1) (with respect to such collections) shall be increased to—

"(1) 6.5 percent, plus

"(2) one-half of 1 percent for each full two-tenths by which such ratio exceeds 1.4;

except that the percent so specified shall in no event be increased (for either AFDC collections or non-AFDC collections) to more than 10 percent. For purposes of the preceding sentence, laboratory costs incurred in determining paternity in any fiscal year may at the option of the State be excluded from the State's combined AFDC/non-AFDC administrative costs for that year.

"(d) In computing incentive payments under this section, support which is collected by one State on behalf of individuals residing in another State shall be treated as having been collected in full by each such State.

"(e) The amounts of the incentive payments to be made to the various States under this section for any fiscal year shall be estimated by the Secretary at or before the beginning of such year on the basis of the best information available. The Secretary shall make such payments for such year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appro-

priations available for payments under this section shall be deemed obligated.".

(b) Section 454 of such Act (as amended by subsections (a), (d), and (f) of section 3 of this Act) is amended—

(1) by striking out "and" at the end of paragraph (20);

(2) by striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (21) the following new paragraph:

"(22) in order for the State to be eligible to receive any incentive payments under section 458, provide that, if one or more political subdivisions of the State participate in the costs of carrying out activities under the State plan during any period, each such subdivision shall be entitled to receive an appropriate share (as determined by the State) of any such incentive payments made to the State for such period, taking into account the efficiency and effectiveness of the activities carried out under the State plan by such political subdivision.".

(c)(1) The amendments made by the preceding provisions of this section shall become effective on October 1, 1985.

(2)(A) Effective until September 30, 1985, section 458(a) of the Social Security Act is amended by striking out "distributed as provided in section 457 to reduce or repay assistance payments" and inserting in lieu thereof "distributed as provided in paragraphs (1), (2), and (4)(A) of section 457(b)".

(B) The reference to provisions of section 457(b) of the Social Security Act in the amendment made by subparagraph (A) of this paragraph is a reference to such provisions as in effect after the effective date of section 2640(b) of the Deficit Reduction Act of 1984.

90-PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES

SEC. 6. (a) Section 454(16) of the Social Security Act is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) to facilitate the development and improvement of the income withholding and other procedures required under section 466(a) through the monitoring of support payments, the maintenance of accurate records regarding the payment of support, and the prompt provision of notice to appropriate officials with respect to any arrearages in support payments which may occur, and (E)".

(b) Section 455(a)(1)(B) of such Act (as redesignated by section 4(a) of this Act) is amended—

(1) by inserting after "automatic data processing and information retrieval system" the following: "(including in such sums the full cost of the hardware components of such system)"; and

(2) by inserting before the semicolon at the end thereof the following: ", or meets such requirements without regard to clause (D) thereof".

(c) The amendments made by this section shall apply with respect to quarters beginning on or after October 1, 1984.

CONTINUATION OF SUPPORT ENFORCEMENT FOR AFDC RECIPIENTS WHOSE BENEFITS ARE BEING TERMINATED

SEC. 7. (a) Section 457(c) of the Social Security Act is amended—

(1) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall"; and

(2) by striking out "the net amount of" in paragraph (2), and by striking out "to the family" and all that follows in such paragraph and inserting in lieu thereof "to the family (without requiring any formal reapplication and without the imposition of any application fee) on the same basis as in the case of other individuals who are not receiving assistance under part A of this title,".

(b) The amendments made by subsection (a) shall become effective October 1, 1984.

SPECIAL PROJECT GRANTS TO PROMOTE IMPROVEMENTS IN INTERSTATE ENFORCEMENT

SEC. 8. Section 455 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e)(1) In order to encourage and promote the development and use of more effective methods of enforcing support obligations under this part in cases where either the children on whose behalf the support is sought or their absent parents do not reside in the State where such cases are filed, the Secretary is authorized to make grants, in such amounts and on such terms and conditions as the Secretary determines to be appropriate, to States which propose to undertake new or innovative methods of support collection in such cases and which will use the proceeds of such grants to carry out special projects designed to demonstrate and test such methods.

"(2) A grant under this subsection shall be made only upon a finding by the Secretary that the project involved is likely to be of significant assistance in carrying out the purpose of this subsection; and with respect to such project the Secretary may waive any of the requirements of this part which would otherwise be applicable, to such extent and for such period as the Secretary determines is necessary or desirable in order to enable the State to carry out the project.

"(3) At the time of its application for a grant under this subsection the State shall submit to the Secretary a statement describing in reasonable detail the project for which the proceeds of the grant are to be used, and the State shall from time to time thereafter submit to the Secretary such reports with respect to the project as the Secretary may specify.

"(4) Amounts expended by a State in carrying out a special project assisted under this section shall be considered, for purposes of section 458(b) (as amended by section 5(a) of the Child Support Enforcement Amendments of 1984), to have been expended for the operation of the State's plan approved under section 454.

"(5) There is authorized to be appropriated the sum of $7,000,000 for fiscal year 1985, $12,000,000 for fiscal year 1986, and $15,000,000 for each fiscal year thereafter, to be used by the Secretary in making grants under this subsection.".

PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS; MODIFICATION OF PENALTY

SEC. 9. (a)(1) Section 452(a)(4) of the Social Security Act is amended by striking out "not less often than annually" and inserting in lieu thereof "not less often than once every three years (or not less often than annually in the case of any State to which a reduction is being applied under section 403(h)(1), or which is operating under a corrective action plan in accordance with section 403(h)(2))".

(2) Section 402(a)(27) of such Act is amended by striking out "operates a child support program in conformity with such plan" and inserting in lieu thereof "operates a child support program in substantial compliance with such plan".

(b) Section 403(h) of such Act is amended to read as follows:

"(h)(1) Notwithstanding any other provision of this Act, if a State's program operated under part D is found as a result of a review conducted under section 452(a)(4) not to have complied substantially with the requirements of such part for any quarter beginning after September 30, 1983, and the Secretary determines that the State's program is not complying substantially with such requirements at the time such finding is made, the amounts otherwise payable to the State under this part for such quarter and each subsequent quarter, prior to the first quarter throughout which the State program is found to be in substantial compliance with such requirements, shall be reduced (subject to paragraph (2)) by—

"(A) not less than one nor more than two percent, or

"(B) not less than two nor more than three percent, if the finding is the second consecutive such finding made as a result of such a review, or

"(C) not less than three nor more than five percent, if the finding is the third or a subsequent consecutive such finding made as a result of such a review.

"(2)(A) The reductions required under paragraph (1) shall be suspended for any quarter if—

"(i) the State submits a corrective action plan, within a period prescribed by the Secretary following notice of the finding under paragraph (1), which contains steps necessary to achieve substantial compliance within a time period which the Secretary finds to be appropriate;

"(ii) the Secretary approves such corrective action plan (and any amendments thereto) as being sufficient to achieve substantial compliance; and

"(iii) the Secretary finds that the corrective action plan (and any amendment thereto approved by the Secretary under clause (ii)), is being fully implemented by the State and that the State is progressing in accordance with the timetable contained in the plan to achieve substantial compliance with such requirements.

"(B) A suspension of the penalty under subparagraph (A) shall continue until such time as the Secretary determines that—

"(i) the State has achieved substantial compliance,

"(ii) the State is no longer implementing its corrective action plan, or

"(iii) the State is implementing or has implemented its corrective action plan but has failed to achieve substantial compliance within the appropriate time period (as specified in subparagraph (A)(i)).

"(C)(i) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(i), the penalty shall not be applied.

"(ii) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(ii), the penalty shall be applied as if the suspension had not occurred.

"(iii) In the case of a State whose penalty suspension ends pursuant to subparagraph (B)(iii), the penalty shall be applied to all quarters ending after the expiration of the time period specified in such subparagraph (and prior to the first quarter throughout which the State program is found to be in substantial compliance).

"(3) For purposes of this subsection, section 402(a)(27), and section 452(a)(4), a State which is not in full compliance with the requirements of this part shall be determined to be in substantial compliance with such requirements only if the Secretary determines that any noncompliance with such

requirements is of a technical nature which does not adversely affect the performance of the child support enforcement program.".

(c) The amendments made by this section shall be effective on and after October 1, 1983.

EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAM

SEC. 10. (a) Section 1115(a) of the Social Security Act is amended—

(1) by striking out "part A" in the matter preceding paragraph (1) and inserting in lieu thereof "part A or D";

(2) by striking out "402," in paragraph (1) and inserting in lieu thereof "402, 454,"; and

(3) by striking out "403," in paragraph (2) and inserting in lieu thereof "403, 455,".

(b) Section 1115 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) In the case of any experimental, pilot, or demonstration project undertaken under subsection (a) to assist in promoting the objectives of part D of title IV, the project—

"(1) must be designed to improve the financial well-being of children or otherwise improve the operation of the child support program;

"(2) may not permit modifications in the child support program which would have the effect of disadvantaging children in need of support; and

"(3) must not result in increased cost to the Federal Government under the program of aid to families with dependent children.".

CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

SEC. 11. (a)(1) Section 457 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the preceding provisions of this section, amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E—

"(1) shall be retained by the State to the extent necessary to reimburse it for the foster care maintenance payments made with respect to the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the foster care maintenance payments made with respect to the child during such period but not the amounts required by a court or administrative order to be paid as support on behalf of the child during such period; and the responsible agency may use the payments in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or a part thereof available to the person responsible for meeting the child's day-to-day needs; and

"(3) shall be retained by the State, if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the State (with appropriate reimbursement to the Federal Government to the extent of its participation in the financing) for any past foster care maintenance payments (or payments of aid to families with dependent children) which were made with respect to the child (and with respect to which past collections have not previously been retained);

and any balance shall be paid to the State agency responsible for supervising the placement of the child, for use by such agency in accordance with paragraph (2).".

(2) Section 457(b) of such Act is amended by inserting "(subject to subsection (d))" after "shall" in the matter preceding paragraph (1).

(b) Part D of title IV of such Act is further amended—

(1) in section 454(4)(B), by inserting "including an assignment with respect to a child on whose behalf a State agency is making foster care maintenance payments under part E," immediately after "such assignment is effective,", and by inserting "or E" immediately after "part A"; and

(2) in section 456(a), by inserting "or secured on behalf of a child receiving foster care maintenance payments" immediately after "section 402(a)(26)".

(c) Section 471(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(17) provides that, where appropriate, all steps will be taken, including cooperative efforts with the State agencies administering the plans approved under parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.".

(d) Section 464(a) of such Act is amended—

(1) by inserting "or section 471(a)(17)" after "402(a)(26)"; and

(2) by striking out "457(b)(3)" and inserting in lieu thereof "457(b)(4) or (d)(3)".

(e) The amendments made by this section shall become effective October 1, 1984, and shall apply to collections made on or after that date.

ENFORCEMENT WITH RESPECT TO BOTH CHILD AND SPOUSAL SUPPORT

SEC. 12. (a) Section 454(4)(B) of the Social Security Act is amended—

(1) by striking out "and, at the option of the State," and inserting in lieu thereof ", and"; and

(2) by inserting ", and only if the support obligation established with respect to the child is being enforced under the plan" immediately after "but only if a support obligation has been established with respect to such spouse".

(b) Clause (A) of section 454(6) of such Act is amended—

(1) by striking out ", at the option of the State,"; and

(2) by inserting ", and only if the support obligation established with respect to the child is being enforced under the plan" immediately after "but only if a support obligation has been established with respect to such spouse".

(c) The amendments made by this section shall become effective October 1, 1985.

MODIFICATIONS IN CONTENT OF ANNUAL REPORT OF THE SECRETARY

SEC. 13. (a) Section 452(a)(10)(C) of the Social Security Act is amended to read as follows:

"(C) the following data, with the data required under each clause being separately stated for cases where the child is receiving aid to families with dependent children (or foster care maintenance payments under part E), cases where the child was formerly receiving such aid or payments and the State is continuing to collect support assigned to it under section 402(a)(26) or 471(a)(17), and all other cases under this part:

"(i) the total number of cases in which a support obligation has been established in the fiscal year for which the report is submitted, and the total amount of such obligations;

"(ii) the total number of cases in which a support obligation has been established, and the total amount of such obligations;

"(iii) the number of cases described in clause (i) in which support was collected during such fiscal year, and the total amount of such collections;

"(iv) the number of cases described in clause (ii) in which support was collected during such fiscal year, and the total amount of such collections; and

"(v) the number of child support cases filed in each State in such fiscal year, and the amount of the collections made in each State in such fiscal year, on behalf of children residing in another State or against parents residing in another State;".

(b) Section 452(a) (10) of such Act is further amended—

(1) by striking out "and" at the end of subparagraph (G);

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after subparagraph (H) the following new subparagraph:

"(I) the amount of administrative costs which are expended in each functional category of expenditures, including establishment of paternity.".

(c) The amendments made by this section shall be effective for reports for fiscal year 1986 and each fiscal year thereafter.

REQUIREMENT THAT AVAILABILITY OF CHILD SUPPORT ENFORCEMENT SERVICES BE PUBLICIZED

SEC. 14. (a) Section 454 of the Social Security Act (as amended by the preceding provisions of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (21);

(2) by striking out the period at the end of paragraph (22) and inserting in lieu thereof "; and"; and

(3) by inserting immediately after paragraph (22) the following new paragraph:

"(23) provide that the State will regularly and frequently publicize, through public service announcements, the availability of child support enforcement services under the plan and otherwise, including information as to any application fees for such services and a telephone number or postal address at which further information may be obtained.".

(b) The amendments made by subsection (a) shall become effective October 1, 1985.

STATE COMMISSIONS ON CHILD SUPPORT

SEC. 15. (a) As a condition of the State's eligibility for Federal payments under part A or D of title IV of the Social Security Act for quarters beginning more than 30 days after the date of the enactment of this Act and ending prior to October 1, 1985, the Governor of each State, on or before December 1, 1984, shall (subject to subsection (f)) appoint a State Commission on Child Support.

(b) Each State Commission appointed under subsection (a) shall be composed of members appropriately representing all aspects of the child support system, including

custodial and non-custodial parents, the agency or organizational unit administering the State's plan under part D of such title IV, the State judiciary, the executive and legislative branches of the State government, child welfare and social services agencies, and others.

(c) It shall be the function of each State Commission to examine, investigate, and study the operation of the State's child support system for the primary purpose of determining the extent to which such system has been successful in securing support and parental involvement both for children who are eligible for aid under a State plan approved under part A of title IV of such Act and for children who are not eligible for such aid, giving particular attention to such specific problems (among others) as visitation, the establishment of appropriate objective standards for support, the enforcement of interstate obligations, the availability, cost, and effectiveness of services both to children who are eligible for such aid and to children who are not, and the need for additional State or Federal legislation to obtain support for all children.

(d) Each State Commission shall submit to the Governor of the State and make available to the public, no later than October 1, 1985, a full and complete report of its findings and recommendations resulting from the examination, investigation, and study under this section. The Governor shall transmit such report to the Secretary of Health and Human Services along with the Governor's comments thereon.

(e) None of the costs incurred in the establishment and operation of a State Commission under this section, or incurred by such a Commission in carrying out its functions under subsections (c) and (d), shall be considered as expenditures qualifying for Federal payments under part A or D of title IV of the Social Security Act or be otherwise payable or reimbursable by the United States or any agency thereof.

(f) If the Secretary determines, at the request of any State on the basis of information submitted by the State and such other information as may be available to the Secretary, that such State—

(1) has placed in effect and is implementing objective standards for the determination and enforcement of child support obligations,

(2) has established within the five years prior to the enactment of this Act a commission or council with substantially the same functions as the State Commissions provided for under this section, or

(3) is making satisfactory progress toward fully effective child support enforcement and will continue to do so,

then such State shall not be required to establish a State Commission under this section and the preceding provisions of this section shall not apply.

INCLUSION OF MEDICAL SUPPORT IN CHILD SUPPORT ORDERS

SEC. 16. Section 452 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall issue regulations to require that State agencies administering the child support enforcement program under this part petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. Such regulation shall also provide for improved information exchange between such State agencies and the State agencies administering the State medicaid programs under title XIX with respect to the availability of health insurance coverage.".

INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

SEC. 17. Section 453(f) of the Social Security Act is amended by striking out ", after determining that the absent parent cannot be located through the procedures under the control of such State agencies,".

STATE GUIDELINES FOR CHILD SUPPORT AWARDS

SEC. 18. (a) Part D of title IV of the Social Security Act (as amended by section 3(b) of this Act) is further amended by adding at the end thereof the following new section:

"STATE GUIDELINES FOR CHILD SUPPORT AWARDS

"SEC. 467. (a) Each State, as a condition for having its State plan approved under this part, must establish guidelines for child support award amounts within the State. The guidelines may be established by law or by judicial or administrative action.

"(b) The guidelines established pursuant to subsection (a) shall be made available to all judges and other officials who have the power to determine child support awards within such State, but need not be binding upon such judges or other officials.

"(c) The Secretary shall furnish technical assistance to the States for establishing the guidelines, and each State shall furnish the Secretary with copies of its guidelines.".

(b) The amendment made by subsection (a) shall become effective on October 1, 1987.

AVAILABILITY OF SOCIAL SECURITY NUMBERS FOR CHILD SUPPORT ENFORCEMENT PURPOSES

SEC. 19. (a) Section 453(b) of the Social Security Act is amended by inserting "the social security account number (or numbers, if the individual involved has more than one such number) and" before "the most recent address".

(b)(1) Section 6103(l)(6)(A)(i) of the Internal Revenue Code of 1954 is amended by inserting "social security account number (or numbers, if the individual involved has more than one such number)," before "address".

(2) Section 6103(l)(8)(A) of such Code is amended by inserting "social security account numbers," before "net earnings".

EXTENSION OF ELIGIBILITY UNDER TITLE XIX WHEN SUPPORT COLLECTION RESULTS IN TERMINATION OF AFDC ELIGIBILITY

SEC. 20. (a) Section 406 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(h) Each dependent child, and each relative with whom such a child is living (including the spouse of such relative as described in subsection (b)), who becomes ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D, and who has received such aid in at least three of the six months immediately preceding the month in which such ineligibility begins, shall be deemed to be a recipient of aid to families with dependent children for purposes of title XIX for an additional four calendar months beginning with the month in which such ineligibility begins.".

(b) The amendment made by subsection (a) shall apply only with respect to individuals becoming ineligible for aid to families with dependent children (as described in section 406(h) of the Social Security Act as added by such subsection) on or after the date of the enactment of this Act and before October 1, 1988.

(c) Section 1902(a)(10)(A)(i)(I) of such Act is amended by inserting "or 406(h)" after "402(a)(37)".

COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

SEC. 21. (a) Section 464(a) of the Social Security Act (as amended by section 12(d) of this Act) is further amended by inserting "(1)" after "SEC. 464. (a)" and by adding at the end thereof the following new paragraphs:

"(2)(A) Upon receiving notice from a State agency administering a plan approved under this part that a named individual owes past-due support (as that term is defined for purposes of this paragraph under subsection (c)) which such State has agreed to collect under section 454(6), and that the State agency has sent notice to such individual in accordance with paragraph (3)(A), the Secretary of the Treasury shall determine whether any amounts, as refunds of Federal taxes paid, are payable to such individual (regardless of whether such individual filed a tax return as a married or unmarried individual). If the Secretary of the Treasury finds that any such amount is payable, he shall withhold from such refunds an amount equal to such past-due support, and shall concurrently send notice to such individual that the withholding has been made, including in or with such notice a notification to any other person who may have filed a joint return with such individual of the steps which such other person may take in order to secure his or her proper share of the refund. The Secretary of the Treasury shall pay the amount withheld to the State agency, and the State shall pay to the Secretary of the Treasury any fee imposed by the Secretary of the Treasury to cover the costs of the withholding and any required notification. The State agency shall, subject to paragraph (3)(B), distribute such amount to or on behalf of the child to whom the support was owed.

"(B) This paragraph shall apply only with respect to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985, and before January 1, 1991.

"(3)(A) Prior to notifying the Secretary of the Treasury under paragraph (1) or (2) that an individual owes past-due support, the State shall send notice to such individual that a withholding will be made from any refund otherwise payable to such individual. The notice shall also (i) instruct the individual owing the past-due support of the steps which may be taken to contest the State's determination that past-due support is owed or the amount of the past-due support, and (ii) provide information, as may be prescribed by the Secretary of Health and Human Services by regulation in consultation with the Secretary of the Treasury, with respect to procedures to be followed, in the case of a joint return, to protect the share of the refund which may be payable to another person.

"(B) If the Secretary of the Treasury determines that an amount should be withheld under paragraph (1) or (2), and that the refund from which it should be withheld is based upon a joint return, the Secretary of the Treasury shall notify the State that the withholding is being made from a refund based upon a joint return, and shall furnish to the State the names and addresses of each taxpayer filing such joint return. In the case of a withholding under paragraph (2), the State may delay distribution of the amount withheld until the State has been notified by

the Secretary of the Treasury that the other person filing the joint return has received his or her proper share of the refund, but such delay may not exceed six months.

"(C) If the other person filing the joint return with the named individual owing the past-due support takes appropriate action to secure his or her proper share of a refund from which a withholding was made under paragraph (1) or (2), the Secretary of the Treasury shall pay such share to such other person. The Secretary of the Treasury shall deduct the amount of such payment from amounts subsequently payable to the State agency to which the amount originally withheld from such refund was paid.

"(D) In any case in which an amount was withheld under paragraph (1) or (2) and paid to a State, and the State subsequently determines that the amount certified as past-due support was in excess of the amount actually owed at the time the amount withheld is to be distributed to or on behalf of the child, the State shall pay the excess amount withheld to the named individual thought to have owed the past-due support (or, in the case of amounts withheld on the basis of a joint return, jointly to the parties filing such return).".

(b)(1) Section 464(a)(1) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "and pay" in the second sentence and inserting in lieu thereof the following: "shall concurrently send notice to such individual that the withholding has been made (including in or with such notice a notification to any other person who may have filed a joint return with such individual of the steps which such other person may take in order to secure his or her proper share of the refund), and shall pay".

(2) Section 464(b) of such Act is amended—

(A) by inserting "(1)" after "(b)";

(B) by striking out "The regulations shall specify" in the second sentence and inserting in lieu thereof "The regulations shall be consistent with the provisions of subsection (a)(3), shall specify";

(C) by striking out "and provide" and inserting in lieu thereof "and shall provide";

(D) by adding at the end of paragraph (1) as so redesignated the following: "Any fee paid to the Secretary of the Treasury pursuant to this subsection may be used to reimburse appropriations which bore all or part of the cost of applying such procedure."; and

(E) by adding at the end thereof the following new paragraph:

"(2) In the case of withholdings made under subsection (a)(2), the regulations promulgated pursuant to this subsection shall include the following requirements:

"(A) The withholding shall apply only in the case where the State determines that the amount of the past-due support which will be owed at the time the withholding is to be made, based upon the pattern of payment of support and other enforcement actions being pursued to collect the past-due support, is equal to or greater than $500. The State may limit the $500 threshhold amount to amounts of past-due support accrued since the time that the State first began to enforce the child support order involved under the State plan, and may limit the application of the withholding to past-due support accrued since such time.

"(B) The fee which the Secretary of the Treasury may impose to cover the costs of the withholding and notification may not exceed $25 per case submitted.".

(c) Section 464(c) of such Act is amended—

(1) by striking out "(c) As used in this part" and inserting in lieu thereof "(c)(1) Except as provided in paragraph (2), as used in this part"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of subsection (a)(2), the term 'past-due support' means only past-due support owed to or on behalf of a minor child.".

(d) Section 454(6) of the Social Security Act (as amended by section 3(c) of this Act) is further amended—

(1) by redesignating clause (C) as clause (D);

(2) by striking out "fee so imposed" in clause (D) as so redesignated and inserting in lieu thereof "fees so imposed"; and

(3) by striking out ", and" at the end of clause (B) and inserting in lieu thereof ", (C) a fee of not more than $25 may be imposed in any case where the State requests the Secretary of the Treasury to withhold past-due support owed to or on behalf of such individual from a tax refund pursuant to section 464(a)(2), and".

(e)(1) Section 6402(c) of the Internal Revenue Code of 1954 is amended—

(A) by striking out "to which such support has been assigned" and inserting in lieu thereof "collecting such support"; and

(B) by inserting before the last sentence thereof the following: "A reduction under this subsection shall be applied first to satisfy any past-due support which has been assigned to the State under section 402(a)(26) or 471(a)(17) of the Social Security Act, and shall be applied to satisfy any other past-due support after any other reductions allowed by law (but before a credit against future liability for an internal revenue tax) have been made.".

(2) Section 6402 of such Code (as amended by section 2653 of the Deficit Reduction Act of 1984) is further amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) TREATMENT OF PAYMENTS TO STATES.—The Secretary may provide that, for purposes of determining interest, the payment of any amount withheld under subsection (c) to a State shall be treated as a payment to the person or persons making the overpayment.".

(f)(1) Section 6103(l) of such Code (as so amended) is further amended by adding at the end thereof the following new paragraph:

"(11) DISCLOSURE OF CERTAIN INFORMATION TO AGENCIES REQUESTING A REDUCTION UNDER SECTION 6402(c).—

"(A) RETURN INFORMATION FROM INTERNAL REVENUE SERVICE.—The Secretary shall, upon receiving a written request, disclose to officers and employees of a State agency seeking a reduction under section 6402(c)—

"(i) the fact that a reduction has been made or has not been made under such subsection with respect to any taxpayer;

"(ii) the amount of such reduction;

"(iii) whether such taxpayer filed a joint return;

"(iv) Taxpayer Identity information with respect to the taxpayer against whom a reduction was made or not made and of any other person filing a joint return with such taxpayer; and

"(v) the fact that a payment was made (and the amount of the payment) on the basis of a joint return in accordance with section 464(a)(3) of the Social Security Act.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Any officers and employees of an agency receiving return information under subparagraph (A) shall use such information only for the purposes of, and to the extent necessary in, establishing appropriate agency records or in the defense of any litigation or administrative procedure ensuing from a reduction made under section 6402(c).".

(2) Section 6103(p)(3)(A) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

(3) Section 6103(p)(4) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

(4) Section 6103(p)(4)(F)(ii) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

(5) Section 7213(a)(2) of such Code (as so amended) is further amended by striking out "or (10)" and inserting in lieu thereof "(10), or (11)".

(g) The amendments made by this section shall apply with respect to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985.

WISCONSIN CHILD SUPPORT INITIATIVE

SEC. 22. (a)(1) If the State of Wisconsin requests the Secretary of Health and Human Services to waive the requirements of parts A and D of title IV of the Social Security Act, or to waive the requirements of part D and only those requirements of part A of such Act as relate to the provision of aid to dependent children as defined (without regard to section 407) in section 406(a) of the Social Security Act (hereafter referred to in this section as "dependent children in single-parent families"), in order to permit the State to make an adequate test in any county or counties, or throughout the State, of its Child Support Initiative, the Secretary shall waive such requirements if—

(A) the State provides a complete description, in accordance with paragraph (2), of the program, known as the Initiative, which it will operate in place of the programs under such parts A and D, and makes the description readily available to the public throughout the State;

(B) the Governor provides assurances that, under the Initiative, assistance will be provided to all children in need of financial support, and the State will continue to operate an effective child support enforcement program;

(C) the State agrees that, during the conduct of such test, it will continue to determine eligibility for medical assistance under the State plan approved under title XIX of the Social Security Act, applying the criteria (insofar as may be applicable to members of families with dependent children affected by the Initiative) in effect under its State plan approved under part A of title IV for the month preceding the month in which the Initiative (approved under this section) becomes effective, except that such criteria shall be deemed to have been changed to the extent necessary to comply with generally applicable changes in Federal law or regulations occurring after the date of the enactment of this Act;

(D) the State specifies measurable performance objectives, submits an evaluation plan (including criteria for evaluating the Initiative), and agrees to submit interim and final evaluations and reports, at such time or times and containing such information, as the Secretary may require; and

(E) the State agrees to obtain, at least once every two years, a financial and compliance

audit of the funds received under this section and to obtain, after the close of the operation of the Initiative under this section, such an audit and make it public within the State on a timely basis and provide a copy to the Secretary within 30 days after its completion.

(2) The program description provided under paragraph (1)(A) shall describe in detail how the proposed Initiative will affect children and families, with specific reference to the principles for calculating benefits and establishing and enforcing child support obligations. The description shall also include estimates of cost and program effects and provide other relevant information necessary for the Secretary to determine whether the financial well-being of children and their families will be adversely affected by the operation of the Initiative.

(b) The Child Support Initiative proposed by the State of Wisconsin as detailed in the program description submitted to the Secretary, and the related requested waivers, shall become effective within 120 days after its submission unless the Secretary determines that the financial well-being of children in the State will be adversely affected by the Initiative. The Secretary shall notify the State in writing that, effective with the beginning of the following quarter (or of such later quarter as the State may select), the State may operate its Child Support Initiative instead of its programs of aid to families with dependent children (or, if the State had so requested, instead of its program of aid to dependent children in single-parent families) and child support enforcement in such county or counties, or on a statewide basis, as the State has indicated in its request. Except as specifically provided in subsection (c), no amount will be payable for any quarter under section 403(a) (or under section 403(a) with respect to single-parent families, if the State had so requested), 455(a), or 458 of the Social Security Act with respect to such county or counties in which the Initiative is in effect.

(c)(1) For each quarter during which such program is in effect throughout the State, the Secretary will pay to the State the sum of its proportionate share (as defined in paragraph (4)(A)) of each of the following:

(A) the amount advanced by the Secretary to all the other States (as defined in section 1101(a) of the Social Security Act) for such quarter with respect to section 403(a)(1) and (2) of such Act;

(B) the amount so advanced by the Secretary with respect to section 403(a)(3) of such Act;

(C) the amount so advanced by the Secretary with respect to section 455(a) of such Act; and

(D) the amount so advanced by the Secretary with respect to section 458(a) of such Act,

reduced by so much of its proportionate share of support collections on behalf of individuals receiving aid to families with dependent children (as defined in paragraph (4)(B)) as would have been credited to the Federal Government under section 457(b) of such Act had such collections been made in the last quarter of fiscal year 1986.

(2) If in any quarter the Initiative approved under this section is in operation in fewer than all the counties in the State, the amount paid to the State with respect to the counties to which the waiver under subsection (a) applies shall equal (in lieu of the amount specified in paragraph (1)) the proportionate share with respect to the counties in which the Initiative is operated (as defined in paragraph (5)(A)) of the amount advanced to the State under the four authorities specified in paragraph (1) with respect to all the other counties for such quarter, reduced by so much of the proportionate share of support collections (as defined in paragraph (5)(B)) with respect to the counties in which the Initiative is operated, as would have been credited to the Federal Government under section 457(b) of such Act had such collections been made in the last quarter of fiscal year 1986.

(3) Payment under this subsection shall be estimated by the Secretary before the beginning of each quarter during which the Initiative is in effect on the basis of the advances made under parts A and D of title IV of the Social Security Act for such quarter, and the Secretary shall make payments for such quarter on a monthly basis (with each payment made no later than the beginning of the month involved), in the amounts so estimated, and adjusted as necessary to reflect the amount of any previously made overpayment or underpayment under this section. Payment of any amount determined with respect to paragraphs (1)(A) and (1)(B) shall be made from amounts appropriated to carry out part A of title IV of the Social Security Act for the appropriate fiscal year; payment of any amount determined with respect to paragraphs (1)(C) and (1)(D) shall be made from amounts appropriated to carry out part D of title IV of the Social Security Act.

(4)(A) The State's proportionate share of each amount enumerated in paragraph (1) shall be the portion of such amount that bears the same ratio to such amount as the corresponding portion advanced to the State for quarters in fiscal years 1984 through 1986 bears to the total corresponding amount advanced to all the other States for such quarters.

(B) The State's proportionate share of support collections means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children by all the other States for the quarter involved as such collections by the State for quarters in fiscal years 1984 through 1986 bear to the total of such collections by all the other States for such quarters.

(5)(A) The proportionate share with respect to the counties in which the Initiative is operated, in the case of—

(i) the amount advanced to the State with respect to all other counties under section 403(a)(1) of the Social Security Act;

(ii) the amount so advanced under section 403(a)(3) of such Act;

(iii) the amount so advanced under section 455(a) of such Act; and

(iv) the amount so advanced with respect to section 458(a) of such Act,

is the sum of such amounts, each having been multiplied by the ratio of (I) the corresponding amount advanced with respect to such counties for all quarters in fiscal years 1984 through 1986 to (II) the corresponding amount advanced with respect to all the other counties in the State for all such quarters.

(B) The proportionate share of support collections for any quarter, with respect to the counties in which the Initiative is operated, means the amount that bears the same ratio to such collections on behalf of individuals receiving aid to families with dependent children with respect to all the other counties in the State for such quarter as such collections by such counties for quarters in fiscal years 1984 through 1986 bear to the total of such collections by all the other counties in the State for such quarters.

(6) If the State requests, under subsection (a), waiver of only those requirements under part A of title IV of the Social Security Act as relate to the provision of aid to dependent children in single-parent families, and continues to operate its program of aid to families with dependent children deprived by reason of the unemployment of a parent—

(A) the State's proportionate share of the amount specified in paragraph (1)(A) (and only that amount) shall be computed under paragraph (4) by application of the ratio of (i) the amount advanced to the State, under section 403(a)(1) of the Social Security Act for quarters in fiscal years 1984 through 1986 with respect to expenditures in the form of aid to dependent children in single-parent families, to (ii) the amount advanced to all the other States, under section 403(a)(1) and (2) of such Act with respect to such expenditures, rather than by application of the ratio specified in paragraph (4); and

(B) part A of title IV of such Act shall continue to apply to the State's program of aid to families with dependent children deprived by reason of the unemployment of a parent; except that section 403(a)(3) shall not apply during the period that, or in the part or parts of the State where, the Initiative is in effect.

(d)(1) The State may cease to conduct the Initiative under this section and (if it so chooses) return to the administration of its plans approved under part A and part D of title IV of the Social Security Act upon the provision to the Secretary of at least 3 months advance notice (or such greater advance notice as may be necessary so that administration of such plans will resume at the beginning of a quarter in the fiscal year).

(2) The Secretary may terminate approval of the Initiative upon the giving of at least 3 months advance notice (or such greater advance notice as may be necessary as specified in paragraph (1)) to the State if it is determined that the financial well-being of children in the State (or county or counties involved) would be better achieved by the operation of programs under part A and part D of title IV of the Social Security Act.

(e) This section shall be in effect for quarters beginning after September 30, 1986, and ending before October 1, 1994.

SENSE OF THE CONGRESS THAT STATE AND LOCAL GOVERNMENTS SHOULD FOCUS ON THE PROBLEMS OF CHILD CUSTODY, CHILD SUPPORT, AND RELATED DOMESTIC ISSUES

SEC. 23. (a) The Congress finds that—

(1) the divorce rate in the United States has reached alarming proportions and the number of children being raised in single parent families has grown accordingly;

(2) there is a critical lack of child support enforcement, which Congress has undertaken to address through the child support enforcement program;

(3) Congress is strengthening that program to recognize the needs of all children;

(4) related domestic issues, such as visitation rights and child custody, are often intricately intertwined with the child support problem and have received inadequate consideration; and

(5) these related issues remain within the jurisdiction of State and local governments, but have a critical impact on the health and welfare of the children of the Nation.

(b) It is the sense of Congress that—

(1) State and local governments must focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are properly within the jurisdictions of such governments;

(2) all individuals involved in the domestic relations process should recognize the seriousness of these matters to the health and welfare of our Nation's children and assign them the highest priority; and

(3) a mutual recognition of the needs of all parties involved in divorce actions will greatly enhance the health and welfare of America's children and families.

And the Senate agree to the same.

DAN ROSTENKOWSKI,
HAROLD FORD,
PETE STARK,
DONALD J. PEASE,
ROBERT T. MATSUI,
WYCHE FOWLER, Jr.,
BARBARA B. KENNELLY,
BARBER B. CONABLE, Jr.,
CARROLL CAMPBELL,
W. HENSON MOORE,
WILLIAM THOMAS,
Managers on the Part of the House.

ROBERT DOLE,
BOB PACKWOOD,
WILLIAM L. ARMSTRONG,
CHUCK GRASSLEY,
RUSSELL B. LONG,
DANIEL PATRICK MOYNIHAN,
BILL BRADLEY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4325) to assure, through mandatory income withholding, incentive payments to the States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. STATEMENT OF PURPOSE

SECTION

Present law

Title IV-D of the Social Security Act authorizes funds for the purpose of "enforcing the support obligations owed by absent parents to their children and the spouse (or former spouse) with whom such children are living, locating absent parents, establishing paternity, and obtaining child and spousal support . . ."

House bill

Amends present law by adding the following language: "and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A) for whom such assistance is requested."

Effective date.—On enactment.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

2. REQUIRED STATE PROCEDURES

SECTION 3

Present law

The Federal statute generally does not specify the types of procedures States must use in operating their programs. Sec. 454(13) requires the States to comply with such requirements and standards as the Secretary determines to be necessary to the establishment of an effective program.

House bill

States are required to enact laws establishing the following procedures for use in their IV-D programs.

Senate amendment

Similar to House bill.

Conference agreement

The conference agreement includes the provision that is in both the House bill and the Senate amendment requiring the States to have laws establishing specified child support enforcement procedures for use in their IV-D programs. Under the conference agreement, income withholding procedures must be used in all cases that meet the specifications set forth in this bill. However, the States need not apply certain other procedures in those cases where they determine (taking into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations) that such application would be inappropriate, or would not serve the purpose of the child support program. The procedures with respect to which this State discretion is available are: State tax refund intercept, liens, posting of bond or giving security, and making available information to credit agencies.

With regard to the income withholding procedures, the conferees want to make clear their intent that individuals will not be exempt from withholding because they are employees of the Federal government. The conferees believe that section 459 of the Social Security Act will allow income withholding to be applied to Federal employees. This section provides that moneys (the entitlement to which is based on remuneration for employment) due from or payable by, the United States or the District of Columbia are subject to garnishment to the same extent as if the United States or the District of Columbia were a private person in cases involving enforcement of child support or alimony obligations.

Section 459 was added to the Social Security Act in 1975 as part of the original child support enforcement legislation specifically to assure that individuals who owe child support obligations which are being enforced in accordance with State law cannot evade their obligations simply because the payments being made to them are Federal moneys. The legislative history of this provision reflects the explicit intention of the Congress to override prior decisions by the courts which had held that garnishment or attachment procedures involved the immunity of the United States from suits to which it had not consented.

The conferees reaffirm Congressional intent that individuals should not be exempt from enforcement of child support obligations through attachment or withholding of wages on the basis of their relationship to the Federal government. The conferees note that the current garnishment provisions are written broadly to include (with specific exceptions) all compensation paid or payable for personal services whether the compensation is denominated as wages, salary, commission, bonus pay, severance pay, sick pay, and incentive pay, and extend as well to pensions, retirement or retired pay, annuities, dependent or survivors' benefits, and other similar amounts. In view of the broad interpretation which was clearly intended by the framers of this provision, the conferees believe that there is no merit in the argument that has been raised in at least one State that an individual is immune to wage withholding for the enforcement of child support obligations on the grounds that the private company for which he is working is operating on Federal land.

(A) INCOME WITHHOLDING

1. House bill

In the case of each absent parent against whom a support order is or has been issued or modified in the State, the State must provide for withholding from wage income, in accordance with the conditions described below.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

2. House bill

The amount withheld must be the amount of the current support order, plus amounts for arrearages and for a fee to the employer to cover the cost of withholding. The fee to the employer will be established by the State. The total amount withheld may not exceed the limits provided in sec. 303(b) of the Consumer Credit Protection Act. The limits provided in that law are 50 percent of disposable earnings in the case of an absent parent who has a second family, and 60 percent in the case of an absent parent without a second family. These limits are each increased by 5 percent (to 55 and 65) if there are arrearages with respect to a period prior to the 12-week period which ends with the beginning of the pay period involved. (The Consumer Credit Protection Act defines disposable earnings as that part of the earnings remaining after the deduction of any amounts required by law to be withheld.) The State need not withhold up to the maximum amount permitted in order to satisfy arrearages.

Senate amendment

Same as House bill, except States are allowed, rather than required, to provide for a fee to cover the cost to the employer of the withholding procedure. Also includes technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

3. House bill

Withholding must begin the earlier of: (1) when the arrearage reaches an amount equal to one month's support payment; or

(2) when an absent parent requests withholding. States may begin withholding at any earlier time.

Senate amendment

Same as House bill, except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

4. House bill

Withholding must occur without amendment of the order or further action by the court. Withholding must be initiated without the necessity of any application therefore on behalf of all IV-D (both AFDC and non-AFDC) families. Families not receiving IV-D services may file an application for such services to trigger the initiation of withholding by the administering agency on their behalf.

Senate amendment

Same as House bill, except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

5. House bill

Withholding must be carried out in full compliance with all procedural due process requirements of the State. The State must provide the absent parent with advance notice of withholding and the procedures to be followed if the absent parent wants to contest the action on the grounds that withholding is not proper in the case because of mistakes of fact. If the absent parent contests the withholding, the agency administering the system must determine whether the withholding will actually occur, and must notify the individual of the date on which the withholding is to begin within not more than 30 days after the provision of the advance notice.

Senate amendment

Same as House bill, except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment with an amendment providing that if withholding is contested, the State must notify the non-custodial parent within no more than 45 days whether and when such withholding will occur. If the State determines that withholding will occur, it must furnish the parent with the information that is contained in the notice it sends to the employer requiring that withholding begin. The conference agreement also clarifies that the requirement for advance notice shall not apply in the case of any State that has an income withholding system in effect on the date of enactment if such system provides on such date, and continues to provide, such procedures as may be necessary to meet due process requirements of State law.

6. House bill

The withholding system must be administered by an entity designated by the State (the IV-D agency or other public entity), and provision must be made for expeditious distribution of amounts withheld. The State may provide procedures for the collection and distribution of withheld amounts other than through a public agency or entity, so long as such procedures are publicly accountable, allow prompt distribution, and permit the keeping of records to document the payment of support.

Senate amendment

Same as House bill, except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

7. House bill

Employers of individuals subject to withholding, upon receiving proper notice from the State to begin withholding for child support payments (which must be a separate document containing no information other than the amount to be withheld and the amount of the fee to be retained by the employer, or other information necessary for the employer to comply with the withholding order), must be: (1) required to withhold from wages and forward to the appropriate agency (or comply with State approved alternative procedures summarized above) the amount specified in the notice plus a fee paid to the employer (unless any such fee is waived by the employer); (2) allowed to combine all amounts withheld from employees for child support into one check to the appropriate agency, and otherwise simplify the withholding process; (3) held liable to the State (on behalf of the State in AFDC cases and on behalf of the obligee in non-AFDC cases) for any amount they fail to withhold; and (4) subject to a fine if an employee is discharged from employment, refused employment or subjected to disciplinary action because of withholding for child support, even if there are other withholdings for the same employee for other purposes.

Senate amendment

Same as House bill, except the State is not required to include in the notice to the employer an amount to be withheld by him as a fee to cover the cost of withholding. The amendment also provides that an employer shall not be required to vary the normal pay and disbursement cycles in order to comply with the requirement, and includes technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

8. House bill

Withholding for child support payment must take priority over any legal process under State law against the same wage.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

9. House bill

The State may extend its system of withholding to include withholding from forms of income other than wages.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

10. House bill

The State must make such arrangements and enter into such agreements with other States as may be necessary: (1) to extend its withholding to include withholding from income derived within the State in cases where the support orders were issued in other States, and (2) to encourage the extension of the withholding systems of other States so that such systems will include withholding from income derived in those States in cases where the support orders were issued within the State.

Senate amendment

The State must extend its withholding system so that it will include withholding from income derived within the State in cases where the support orders were issued in other States.

Conference agreement

The conference agreement follows the Senate amendment.

11. House bill

There must be provision for terminating withholding.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

12. House bill

All child support orders issued or modified in the State after October 1, 1985 must include provision for withholding of wages if arrearages occur. Withholding must be applied under the conditions and procedures established by the State for cases that are not IV-D cases, and in accordance with the requirements and procedures summarized above for IV-D cases.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

13. House bill

For purposes of the income withholding provision, defines "wages" as all cash remuneration for employment, determined without regard to any exclusions from or limitations on such term (or the term "employment") which may be applicable under other provisions of the Social Security Act or under other Federal, State, or local laws.

Senate amendment

No provision.

Conference agreement

The conference agreement gives the States the authority to define wages.

(B) EXPEDITED PROCEDURES

House bill

States must make reasonable efforts to expedite and otherwise improve the establishment of, compliance with, and enforcement of child support obligations and any related obligations arising under or in connection with the support orders involved.

Senate amendment

Requires States to have in effect expedited processes within the State judicial system for establishing paternity and obtaining and enforcing child support orders. Decisions or recommendations resulting from the expedited process must be reviewed (i.e., ratified, modified, or remanded) by judges of the court. In addition, appelate review of child support decisions or actions resulting from the expedited processes would be conducted by the regular court system at the request of either party.

The Secretary would have authority to waive expedited procedures in political subdivisions of States due to variations within States in the effectiveness and timeliness of current processes. Jurisdictions that use administrative processes would qualify for a waiver on the same basis as State or politi-

cal subdivisions using regular court processes.

Conference agreement

The conference agreement mandates that the States use expedited processes, but allows them to determine whether they are under the judicial system or administrative processes. States are permitted but not required to include paternity establishment in their expedited process. The Secretary may waive the requirement for political subdivisions within a State as provided in the Senate amendment. The managers intend that States shall adopt judicial or administrative changes as needed to expedite the processing of child support actions. It is not intended that the Secretary be authorized to specify the particular administrative or judicial structures to be adopted by the States. Rather, it is intended that the Secretary should measure a State's compliance with this provision primarily on the basis of the results it produces. A State will not be out of compliance if it is achieving appropriate results or is in the process of implementing changes which are reasonably designed to bring about such results.

(C) STATE INCOME TAX REFUND OFFSETS

House bill

Requires States, at the request of the State IV-D agency, to withhold from any tax refund otherwise payable amounts of pastdue support owed by an absent parent for the benefit of an AFDC child, or, at the option of the State, any child who is receiving IV-D services. Provision must be made for withholding for interstate cases.

Senate amendment

Similar to House bill, but also requires the State to withhold amounts owed on behalf of a child who is not receiving AFDC and allows the State to withhold a fee to cover the costs of collecton. The amendment requires notice of the absent parent's home address and social security number to the State agencies that request and enforce the order, and includes technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

2. House bill

Requires notice to the absent parent of the proposed reduction and the procedures to be followed to contest the action. Procedures must be in compliance with due process procedures of the State.

Senate amendment

Same as House bill, except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

(D) LIENS AGAINST PROPERTY

House bill

Requires States to have procedures for imposing liens against real and personal property for amounts of past-due support owed by a State resident or an individual who owns property in the State.

Senate amendment

Same as House bill, but limited to cases where the States find the procedure appropriate. The amendment includes technical differences.

Conference agreement

The conference agreement follows the Senate amendment with an amendment deleting the reference to "appropriate" cases. Discretion not to apply the procedure when the State determines that it is inappropriate is provided in the more general discretionary authority which is included in the conference agreement as described above (under the heading "Required State Procedures").

(E) PATERNITY STATUTE OF LIMITATIONS

House bill

State paternity laws must permit the establishment of paternity until a child's 18th birthday.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

(F) SECURITY OR BOND IN CERTAIN CASES

House bill

Requires States to have procedures to require in appropriate cases that an individual give security, post a bond, or give some other type of guarantee to secure support obligations of absent parents who have a pattern of past-due support. There must be notice to the individual of the proposed requirement including the procedures to be followed to contest the action. Procedures must be in compliance with due process procedures of the State.

Senate amendment

Same as House bill, except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment with an amendment deleting the reference to "appropriate cases." Discretion not to apply the procedure when the State determines that it is inappropriate is provided in the more general discretionary authority which is included in the conference agreement as described above (under the heading "Required State Procedures").

(G) PROVIDING INFORMATION ON OVERDUE SUPPORT TO CREDIT AGENCIES

House bill

Requires States to make available to consumer credit bureau organizations, at the request of such agencies, the amount of past-due support owed by absent parents residing in the State. States must make available information on arrearages of $1,000 or more, and may make available information on smaller arrearages. An individual must be notified of the proposed action and given reasonable opportunity to contest the accuracy of the information involved. The notification and procedures for contesting the proposed release of information to credit agencies must be in compliance with the due process procedures in the State. The State may charge a fee to the credit agencies who request and receive this information which cannot exceed the cost to the State of providing the information.

Senate amendment

Same as House bill except for technical differences.

Conference agreement

The conference agreement follows the Senate amendment.

(H) TRACKING AND MONITORING OF SUPPORT PAYMENTS BY PUBLIC AGENCY

House bill

The State must provide that, at the request of either the custodial or absent parent, child support payments must be made through the agency that administers the State's income withholding system regardless of whether there is an arrearage which requires withholding to occur. The State must charge a fee equal to the cost incurred by the State for these services, up to a maximum of $25 a year.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with an amendment making the provision optional with the State.

(I) NOTIFICATION TO AFDC RECIPIENT OF SUPPORT COLLECTED

House bill

No provision.

Senate amendment

States are required to notify each AFDC recipient, at least once each year, of the amount of child support collected on behalf of that recipient.

Conference agreement

The conference agreement follows the Senate amendment.

(J) DEFINITIONS

House bill

For purposes of the provisions dealing with State income tax refund offsets (c), liens (d), security/bond (f), and information for consumer credit agencies (g), the term "past-due support" is defined as meaning the amount of a delinquency, determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a child, or of a child and the parent with whom the child is living.

Senate amendment

For purposes of the provisions dealing with State income tax refund offsets (c), liens (d), security/bond (f), and information for consumer credit agencies (g), the term "overdue support" is defined as meaning the amount of a delinquency (which has continued for such minimum period of time as established by the Secretary) pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child, which is owed to or on behalf of a minor child. At the option of the State, overdue support may include spousal support (in specified circumstances) and may include amounts which are owed to or on behalf of a child who is not a minor child.

Conference agreement

The conference agreement follows the Senate amendment with modifications to strike the Secretary's authority to establish the minimum period of time, and to require the collection of spousal support if the State is otherwise required to collect spousal support as provided under sec. 12 of the conference agreement.

(K) EXEMPTION AUTHORITY

House bill

The Secretary may grant an exemption, subject to later review, of the required procedures, if the State can demonstrate that such procedures will not improve the efficiency and effectiveness of the State IV-D program.

Senate amendment

Same as House bill. (Does not apply to provision (I) relating to notice to AFDC recipients.)

Conference agreement

The conference agreement follows the Senate amendment.

(L) EFFECTIVE DATE

House bill

October 1, 1985.

Senate amendment

October 1, 1984. If a State agency administering a plan approved under part D of title IV of the Social Security Act demonstrates, to the satisfaction of the Secretary of Health and Human Services, that it cannot, by reason of State law, comply with the requirements of a provision mentioned above, the Secretary may prescribe that the provision will become effective beginning with the fourth month beginning after the close of the first session of such State's legislature ending on or after October 1, 1984.

Conference agreement

The conference agreement provides for an effective date of October 1, 1985 and provides that if a State cannot, by reason of State law, comply with the requirement of a provision mentioned above, the Secretary may waive the requirement of such provision until the beginning of the fourth month beginning after the close of the first session of such State's legislature ending on or after October 1, 1985.

3. FEDERAL MATCHING OF ADMINISTRATIVE COSTS

SECTION 4

Present law

The Federal Government pays 70 percent of State and local administrative costs for child support enforcement services to both Aid to Families with Dependent Children (AFDC) and non-AFDC families, on an open-end entitlement basis.

House bill

Retains present law.

Senate amendment

Reduces the Federal matching rate as follows:

Fiscal year 1987 to 69 percent
Fiscal year 1988 to 68 percent
Fiscal year 1989 to 67 percent
Fiscal year 1990 to 66 percent
Fiscal year 1991 to 65 percent

Conference agreement

The conference agreement provides for Federal matching of administrative costs as follows:

70 percent for fiscal years 1984, 1985, 1986 and 1987

68 percent for fiscal years 1988 and 1989

66 percent for fiscal year 1990 and years thereafter.

4. FEDERAL INCENTIVE PAYMENTS

SECTION 5

Present law

A 12 percent incentive payment (financed out of the Federal share of collections) is made to States and localities for collections made on behalf of AFDC families.

1. House bill

Repeals the 12% incentive payment, effective October 1, 1985. Establishes new incentives based on collections on behalf of both AFDC and non-AFDC families. Requires the Secretary to make incentive payments as follows:

The basic incentive payment is equal to 4% of the State's AFDC collections, and 4% of its non-AFDC collections (subject to the cap described below).

To the extent AFDC or non-AFDC collections equal or exceed combined adminstrative costs for both AFDC and non-AFDC, higher incentives will be paid on a sliding scale up to 10% each of non-AFDC and AFDC collections, according to the following cost/collection ratios:

AFDC incentive

Ratio of AFDC collections to combined AFDC/non-AFDC administrative costs:	*Incentive equal to this percent of AFDC collections*
1.0:1	5.0
1.1:1	5.5
1.2:1	6.0
1.3:1	6.5
1.4:1	7.0
1.5:1	7.5
1.6:1	8.0
1.7:1	8.5
1.8:1	9.0
1.9:1	9.5
2.0:1	10.0

Non-AFDC incentive

Ratio of non-AFDC collections to combined AFDC/non-AFDC administrative costs:	*Incentive equal to this percent of non-AFDC collections*
1.0:1	5.0
1.1:1	5.5
1.2:1	6.0
1.3:1	6.5
1.4:1	7.0
1.5:1	7.5
1.6:1	8.0
1.7:1	8.5
1.8:1	9.0
1.9:1	9.5
2.0:1	10.0

The total dollar amount of the incentive paid for non-AFDC collections is capped at an amount equal to 125% of the State's incentive payment for AFDC collections.

Senate amendment

Repeals the 12% incentive payment, effective October 1, 1985.

Establishes new incentives based on collections on behalf of both AFDC and non-AFDC families. Requires the Secretary to make incentive payments as follows:

The basic incentive is 6% of collections. Above 6%, incentives are paid according to the following cost/collection ratios:

AFDC incentive

Ratio of AFDC collections to combined AFDC/non-AFDC administrative costs:	*Incentive equal to this percent of AFDC collections:*
1.4:1	6.5
1.6:1	7.0
1.8:1	7.5
2.0:1	8.0
2.2:1	8.5
2.4:1	9.0
2.6:1	9.5
2.8:1	10.0

Non-AFDC incentive

Ratio of AFDC collections to combined AFDC/non-AFDC administrative costs:	*Incentive equal to this percent of AFDC collections:*
1.4:1	6.5
1.6:1	7.0
1.8:1	7.5
2.0:1	8.0
2.2:1	8.5
2.4:1	9.0
2.6:1	9.5
2.8:1	10.0

The incentive paid for non-AFDC collections is capped at an amount equal to 100% of the incentive for AFDC collections.

Conference agreement

The conference agreement follows the Senate amendment with an amendment providing that the incentive paid for non-AFDC collections will be capped at an amount equal to 100% of the incentive for AFDC collections in fiscal years 1986 and 1987, 105% in fiscal year 1988, 110% in fiscal year 1989, and 115% in fiscal year 1990 and any fiscal year thereafter. The agreement also provides that for fiscal year 1985, the amount of the AFDC incentive will be calculated on the basis of AFDC collections without regard to the provision added by the Deficit Reduction Act of 1984 that requires that the first $50 collected on behalf of an AFDC family in any month must be paid to the family without reducing the amount of the AFDC payment to the family.

2. House bill

At State option, the laboratory costs of determining paternity may be deducted from combined administrative costs for purposes of computing incentive payments.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

3. House bill

Under a pass-through requirement, States must assure that localities which participate in the costs of collecting support will receive an appropriate share of any incentive payments, as determined by the Secretary.

Senate amendment

Requires the States to develop their own criteria for passing through incentives to localities, taking into account efficiency and effectiveness of local programs.

Conference agreement

The conference agreement follows the Senate amendment.

4. House bill

Incentive funds must be estimated and projected on an annual basis so that States will know in advance what their payments will be.

Amounts collected in interstate cases will be credited, for purposes of computing incentive payments, to both initiating and responding States.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

5. House bill

Effective date.—October 1, 1985. However, for fiscal year 1986 only, States will receive the higher of the amount due them under the new incentive provision or 80 percent of what they would have received under the existing 12 percent incentive program.

Senate amendment

Same as House bill, except for fiscal year 1986 and fiscal year 1987, a State is eligible to receive the higher of the amount due it under the new incentive and match provisions or 80 percent of what it would have received under the existing 12 percent incentive formula and 70 percent match.

Conference agreement

The conference agreement follows the Senate amendment.

5. NINETY PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES

SECTION 6

Present law

Ninety percent Federal matching is available, on an open-end entitlement basis, to States that elect to establish an automatic data processing and information retrieval system designed to assist management in the administration of the State plan, so as to control, account for, and monitor all the factors in the support enforcement collection and paternity determination process. Funds may be used to plan, design, develop, and install or enhance the system. The Secretary must approve the system as meeting specified conditions before matching is available.

House bill

Maintains present law. In addition, specifies that if a State meets the requirements in present law, matching funds may be used for the development and improvement of the income withholding and other procedures required in the bill (described in item 2) through the monitoring of child support payments, the maintenance of accurate records regarding the payment of child support, and the provision of prompt notification to appropriate officials with respect to any arrearages that occur.

Also specifies that the 90 percent matching is available to pay for the acquisition of computer hardware.

Effective date.—First quarter after enactment.

Senate amendment

Same as House bill, except for technical differences and an effective date of October 1, 1984.

Conference agreement

The conference agreement follows the Senate amendment.

6. FEES FOR SERVICES

SECTION 3

Present law

(a) Application fee

States have the option of charging an application fee for furnishing services to non-AFDC families. The fee must be reasonable, as determined under regulations of the Secretary. Currently the maximum allowable fee is $20 (to be paid by the custodial parent) unless the State has a fee schedule based on each applicant's income. In the latter case, the schedule must be designed so as not to discourage applications by those most in need of services.

(b) Additional costs

In addition, a State may at its option recover costs in excess of the fee. Such recovery may be from either the custodial parent or the absent parent. If a State chooses to make recovery from the custodial parent, it must have in effect a procedure whereby all persons in the State who have authority to order support are informed that such costs are to be collected from the custodial parent.

(c) Late payment fee

No provision.

House bill

(a) Application fee

Retains present law.

(b) Additional costs

Retains present law.

(c) Late payment fee

No provision.

Senate amendment

(a) Application fee

States are required to charge an application fee for non-AFDC cases. The fee may not exceed $25, but, beginning in fiscal year 1986, the Secretary may adjust the maximum allowable fee amount to reflect changes in administrative costs. The State may charge the fee against the custodial parent or pay the fee out of its own funds. The State may also recover the fee from the absent parent. Additionally, the State may vary the amount of the fee to reflect ability to pay. (If the State pays the fee from it's own funds, the payment may not be considered an administrative cost for purposes of federal matching.)

(b) Additional costs

Retains present law.

(c) Late payment fee

States must have in effect a law under which a late payment fee is charged to the absent parents of AFDC and non-AFDC families on support that is overdue. The fee must be a uniform amount established by the State equal to 3 to 10 percent of the overdue support owed for months beginning the month following the enactment of the bill. The State may not take any action which would have the effect, directly or indirectly, of reducing the support paid to the child and may collect the fee only after the full amount of the overdue support has been paid to the child.

Effective date.—October 1, 1984.

Conference agreement

The conference agreement follows the Senate amendment with several modifications. States are required to charge an application fee as proposed by the Senate but the managers wish to clarify that the HHS secretary's authority to adjust the fee beginning in FY 86 pertains only to the maximum allowable fee. The conference agreement also establishes a late payment fee that is optional to the States and limits the fee to between 3 and 6 percent. States may provide for these fees to be retained by the jurisdiction making the collection. In such a case, the collecting jurisdiction would be able to utilize the income generated by the fees to cover enforcement costs not otherwise funded by the State. To the extent such costs were met from the fees, they would not be subject to matching.

7. CONTINUATION OF SERVICES FOR FAMILIES THAT LOSE AFDC ELIGIBILITY

SECTION 7

Present law

There is no special provision requiring States automatically to continue support collection activities on behalf of families when they lose eligibility for AFDC.

House bill

States must provide that AFDC recipients whose eligibility for AFDC is terminated due to the receipt of (or an increase in) child support payments or for other reasons will be automatically transferred from AFDC to non-AFDC status under the State IV-D program, without requiring reapplication or the payment of an application fee; and will be provided child support enforcement services on the same basis and under the same conditions as other non-AFDC cases.

Effective.—October 1, 1985.

Senate amendment

Same as House bill, except for technical differences. The effective date is October 1, 1984.

Conference agreement

The conference agreement follows the House bill, but with an amendment providing for the effective date in the Senate amendment.

8. SPECIAL PROJECT GRANTS TO PROMOTE IMPROVEMENTS IN INTERSTATE ENFORCEMENT

SECTION 8

Present law

There is no special provision for funding of interstate enforcement activities.

House bill

Beginning with fiscal year 1985, authorizes an appropriation of $15 million a year to be used by the Secretary to fund special projects developed by States with the objective of using innovative techniques or procedures for, and otherwise improving, child support collections in interstate cases. (Report language makes clear Congressional intent that these special funds should be used by a State to augment and not supplant existing State efforts with respect to interstate cases.)

Senate amendment

Same as House bill, except authorizes $5 million for fiscal year 1985, $10 million for fiscal year 1986, and $15 million for fiscal year 1987 and years thereafter. (Senate report includes language similar to that in the House report.)

Conference agreement

The conference agreement follows the House bill with an amendment authorizing $7 million in fiscal year 1985, $12 million in fiscal year 1986, and $15 million in fiscal year 1987 and years thereafter.

9. PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS; MODIFICATION OF PENALTY

SECTION 9

Present law

The Director of the Office of Child Support Enforement is required to conduct an annual audit of each State's child support enforcement program to determine whether it complies with the requirements of the Federal statute. If he finds that the State has failed to have an effective program meeting the specified requirements, the amount of the Federal matching payments to the State under the AFDC program must be reduced by 5 percent. This penalty has

never been imposed. Legislation has periodically been enacted to suspend its implementation.

House bill

The present audit and penalty requirements are modified as follows:

The Secretary is required to conduct a review of each State's program at least every 3 years to determine whether the program substantially complies with the requirements of the statute, and to evaluate its effectiveness in carrying out the purposes of the Federal child support law.

If the Secretary finds that a State has not met the requirements of the law, and there has not been corrective action to bring about substantial compliance, the amount of the State's AFDC matching must be reduced by not more than 2 percent, or, if the finding is the second consecutive such finding, not more than 3 percent, or, if the finding is the third or subsequent consecutive such finding, not more than 5 percent. The reduction must continue until the first quarter throughout which the program is found to meet the requirements.

Effective date.—October 1, 1983.

Senate amendment

The present audit and penalty requirements are modified as follows:

The Director of the Federal Office of Child Support Enforcement is required to conduct audits at least every three years to determine whether the standards and requirements prescribed by law and regulation have been met. Under the penalty provision, a State's AFDC matching funds must be reduced by an amount equal to at least 1 but no more than 2 percent for the first failure to comply substantially with the standards and requirements, at least 2 but no more than 3 percent for the second consecutive failure, and at least 3 but not more than 5 percent for the third and any subsequent consecutive failures.

Annual audits would be required unless a State is in substantial compliance. If a State is not in substantial compliance, the penalty may be suspended, but only if the State is actively pursuing a corrective action plan which can be expected to bring the State into substantial compliance on a specific and reasonable timetable. A State which is not in full compliance would be determined to be in substantial compliance only if the Secretary determines that any noncompliance is of a technical nature which does not adversely affect the performance of the child support enforcement program.

Effective date.—October 1, 1983.

Conference agreement

The conference agreement follows the Senate amendment with several modifications: (1) audits are to be performed on the basis of substantial compliance as defined in the Senate amendment; (2) the Secretary of HHS is required to approve State corrective action plans designed to achieve substantial compliance; and (3) the Secretary may suspend penalties to allow States to implement approved corrective action plans. If at the end of the corrective action period substantial compliance has been achieved, no penalty would be due. If substantial compliance has not been achieved, penalties would begin at the end of the corrective action period if the State has implemented the corrective action plan.

10. EXTENSION OF SEC. 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT

SECTION 10

Present law

SEC. 1115 of the Social Security Act authorizes the Secretary to grant waivers to States in the operation of their AFDC and medicaid programs, if he determines that the waivers are necessary to enable the States to conduct experimental, pilot, or demonstration projects which are likely to assist in promoting the objective of the programs.

House bill

Expands the sec. 1115 demonstration authority to include the child support enforcement program under the following conditions: (a) the intent of the requested waiver must be to test modifications that will improve the financial well-being of children: (b) a waiver will not be allowed for any modification that would disadvantage children in need of support; and (c) the requested waiver will not result in an increase in Federal AFDC costs.

Effective date.—On enactment.

Senate amendment

Same as House bill, except also allows demonstrations that are intended to improve the operation of the program, so long as the conditions described in (b) and (c) of the House bill are met.

Conference agreement

The conference agreement follows the Senate amendment. The conferees express concern about protecting children who may be affected by these child support demonstration projects. It is the intention of the conferees that any children involved in the demonstrations will not be disadvantaged financially or otherwise.

11. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

SECTION 11

Present law

There is no specific authority in the law for collection of child support on behalf of children who are placed in foster care. This authority was deleted when the foster care program was transferred from the title IV-A to title IV-E.

House bill

Requires state child support agencies to undertake child support collections on behalf of children receiving foster care maintenance payments under title IV-E of the Social Security Act, if an assignment of rights to support to the State has been secured by the foster care agency.

Requires States to take steps, where appropriate, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under the title IV-E foster care program.

Effective date.—October 1, 1983.

Senate amendment

Same as House bill, but with an effective date on enactment.

Conference agreement

The conference agreement follows the House bill and the Senate amendment, but with an effective date of October 1, 1984.

12. ENFORCEMENT WITH RESPECT TO BOTH CHILD AND SPOUSAL SUPPORT

SECTION 12

Present law

At the option of the State, child support enforcement services may include the enforcement of spousal support, but only if a support obligation has been established with respect to the spouse, and the child and spouse are living in the same household.

House bill

Collection by the State of spousal support under the specified circumstances is required, rather than allowed.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with an amendment clarifying that the provisions in current law and the House bill apply only where child support is being collected along with spousal support.

13. MODIFICATIONS IN CONTENT OF SECRETARY'S ANNUAL REPORT

SECTION 13

Present law

Within 3 months after the close of each fiscal year, the Secretary must submit an annual report to the Congress on child support program activities. The statute specifies certain data which must be included in the report.

House bill

The information required to be included in the annual report is modified to include the following information by State:

(1) the number of AFDC and non-AFDC cases in which there are preexisting or newly established support obligations, the amount of those obligations, the number of such cases with collections and the amount collected;

(2) the number of cases with support obligations in which 33-66 percent under 33 percent and 0 percent was paid; and

(3) data regarding interstate collection.

Effective for reports due beginning with fiscal year 1987.

Senate amendment

Modifies the present reporting requirements to require the following information by State:

(1) the total number of cases in which a support obligation has been established in the past year and the total amount of such obligations for these cases;

(2) the total number of cases in which a support obligation has been established and the total amount of such obligations for these cases;

(3) those cases described in (1) in which support was collected during such fiscal year and the total amount of such collections; and

(4) those cases described in (2) in which support was collected during such fiscal year and the total amount of such collections.

Additionally, the annual report must include information on the child support cases filed and the collections made in each State on behalf of children residing in another State or cases against parents residing in another State.

Finally, the annual report must detail how much in administrative costs is spent in each functional category (including paternity) of expenditures. The information is to be separately stated for current and for past AFDC cases and non-AFDC cases.

Effective for reports due beginning with fiscal year 1986.

Conference agreement

The conference agreement follows the Senate amendment.

14. REQUIREMENT TO PUBLICIZE THE AVAILABILITY OF CHILD SUPPORT SERVICES

SECTION 14

Present law

No provision.

House bill

States must frequently publicize, through public service announcements and other means, the availability of child support enforcement services, together with information as to the application fee for such services, if any, and a telephone number or postal address to be used to obtain additional information.

Effective date.—October 1, 1985.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with an agreement limiting the requirement to public service announcements. The announcement may be made using radio, television, newspapers, or such other media as the State determine appropriate.

15. STATE COMMISSIONS ON CHILD SUPPORT

SECTION 15

Present law

No provision.

House bill

The Governor of each State is required to appoint a State Commission on Child Support. The Commission must include representation from all aspects of the child support system including custodial and non-custodial parents, the IV-D agency, the judiciary, the governor, the legislature, child welfare and social services agencies, and others.

Each State commission is to examine the functioning of the State child support system with regard to securing support and parental involvement for both AFDC and non-AFDC children, including but not limited to such specific problems as: (1) visitation; (2) establishment of appropriate objective standards for support; (3) enforcement of interstate obligations; and (4) additional Federal and State legislation needed to obtain support for all children.

The commissions shall submit to the Governor and make available to the public, reports on their findings and recommendations no later than October 1, 1985.

Costs of operating the commissions will be eligible for Federal matching only in the case of costs for transportation within the State and such other costs as are specifically allowed by the Secretary in regulations.

The Secretary may waive the requirement for a commission at the request of a State if he determines that the State has in place objective standards for child support obligations, has had a commission or council within the last five years, or is making satisfactory progress toward fully effective child support enforcement.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill with an amendment eliminating Federal matching for costs.

16. REQUIREMENT TO INCLUDE MEDICAL SUPPORT AS PART OF ANY CHILD SUPPORT ORDER

SECTION 16

Present law

There is no provision in the child support statute that requires State agencies to undertake efforts to include medical support as part of any child support order. On August 4, 1983 the Secretary issued a notice of proposed rule-making proposing to require IV-D agencies to petition to include medical support orders in situations in which coverage is available to the absent parent at reasonable cost.

House bill

The Secretary of Health and Human Services is required to issue regulations to require State agencies to petition to include medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. The regulations must also provide for improved information exchange between the State IV-D agencies and the medicaid agencies with respect to the availability of health insurance coverage.

Effective date.—On enactment.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill. The conferees wish to point out that while they have approved a four-month Medicaid extension, as discussed later in this report, the conferees believe the best long run solution to achieving medical insurance coverage for all families is the use of private medical insurance which is or can be made available through a parent's employer.

The conferees direct the Secretary of HHS to examine additional administrative, regulatory and legislative possibilities to fully and vigorously use this private coverage, and report to the Finance Committee and the Ways and Means Committee by January 1, 1986 on actions taken.

17. INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

SECTION 17

Present law

The Federal statute requires operation by the Federal Government of a Parent Locator Service (PLS) to assist States in locating absent parents. States may use the Federal PLS only after there has been a determination that the absent parent cannot be located through procedures under the control of the State child support agency.

House bill

Repeals the requirement that the States, in effect, exhaust all State child support locator resources before they may request the assistance of the Federal PLS.

Effective date.—On enactment.

Senate amendment

Same as House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

18. GUIDELINES FOR CHILD SUPPORT AWARDS

SECTION 18

Present law

The IV-D statute includes no requirement that States establish guidelines to be considered in determining support orders.

House bill

No provision. (See item on State Commissions.)

Senate amendment

Requires each State to establish guidelines for child support awards within the State. The guidelines may be established by law or by judicial or administrative action. They must be made available to all judges and others who have the power to determine child support awards, but need not be binding upon them. The Secretary must provide technical assistance to the States in establishing the guidelines.

Effective date.—October 1, 1986.

Conference agreement

The conference agreement follows the Senate amendment with a modification making the provision effective October 1, 1987. Although the provision does not require that guidelines for support awards be established before October 1, 1987, States are encouraged to begin their consideration of appropriate guidelines as soon as possible.

19. AVAILABILITY OF SOCIAL SECURITY NUMBERS

SECTION 19

Present law

Child support agencies have access to certain types of information through the Federal Parent Locator Service and the Internal Revenue Service. The Secretary of HHS, through the Parent Locator Service, is authorized to furnish the agencies with the most recent address and place of employment of absent parents. The Secretary of the Treasury is authorized to release certain wage, income tax, and return information to Federal, State and local child support enforcement agencies if needed by such agencies for purposes of the child support enforcement program. Neither Secretary is authorized to release the absent parent's social security number.

House bill

No provision.

Senate amendment

Provides for the disclosure of the absent parent's social security number to child support agencies both through the Parent Locator Service and by the Secretary of the Treasury.

Conference agreement

The conference agreement follows the Senate amendment.

20. EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTION RESULTS IN TERMINATION OF AFDC ELIGIBILITY

SECTION 20

Present Law

When a family loses eligibility for AFDC as a result of child support collections, it also loses categorical eligibility for medicaid.

House bill

If a family loses AFDC eligibility as the result (wholly or partly) of increased collection of support payments under the IV-D program, the State must continue to provide medicaid benefits for 4 calendar months beginning with the month of ineligibility.

(The family must have received AFDC in at least three of the six months immediately preceding the month of ineligibility.)

Effective date.—On enactment.

Senate amendment

Retains present law.

Conference agreement

The conference agreement follows the House bill, but with an amendment limiting the application of the provision to families becoming ineligible for AFDC before October 1, 1988.

21. COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

SECTION 21

Present law

Upon receiving notice from a state child support agency that an individual owes past-due support which has been assigned to the State as a condition of AFDC eligibility, the Secretary of the Treasury is required to withhold from any tax refunds due that individual an amount equal to any past-due support. The withheld amount is sent to the State agency, together with notice of the taxpayer's current address. The Secretary of the Treasury is required to issue regulations, approved by the Secretary of Health and Human Services, prescribing the timing and content of notices by the States. States are required to reimburse the Federal Government for the cost of the procedure.

The amount currently being charged the States for each case that is being offset is $11.00. This will be reduced to $3.20 for cases processed in 1985.

"Past-due support" is defined as the amount of a delinquency determined under court order or order of an administrative process established under State law for support and maintenance of a child or a child and the parent with whom the child is living.

Under present procedures, the State agency, or, at the option of the State, the Federal Office of Child Support Enforcement, must give an individual prior notice that the offset will occur, and the individual may contest the action with the State agency. In addition, the Internal Revenue Service must provide the taxpayer with a notice, concurrent with the offset, of the amount of the offset and of the State to which it has been paid.

House bill

No provision.

Senate amendment

Extends the present system for withholding past-due support from Federal tax refunds to absent parents of non-AFDC minor children, as follows:

State child support agencies will be required to submit to the IRS for withholding, the names of absent parents who owe past-due support to whom the withholding procedures may be applied. These must be limited to cases where there are arrearages of $500 or more, and which, on the basis of current payment patterns and the enforcement efforts that have been made, the State agency determines are unlikely to be paid before the offset occurs. In addition, States may limit arrearages which they submit to the IRS to amounts that have accrued since the State undertook to collect support for the non-AFDC family.

Once a State agency has determined that the name of an absent parent will be submitted to the IRS, it must send notice to that absent parent of the proposed offset, including the procedures to be followed in contesting the proposed offset. The notice must also inform the absent parent and spouse, if any, of the procedures which may be taken to protect the unobligated spouse's portion of the refund.

If, on the basis of the information provided by the State child support agency (through the Department of Health and Human Services), the IRS determines that an income tax refund must be withheld to pay past-due support, the IRS must provide the taxpayer with notice, concurrent with offset, of the amount of the offset and of the State to which it has been paid so that any questions which the taxpayer may have about the child support obligation may be addressed to the appropriate State child support agency. The IRS notice must also inform the taxpayer that, in the case of a joint return where both spouses had income the spouse who is not liable for the past-due obligation may file an amended tax form to recover the unobligated spouse' portion of the amount that was withheld. If the unobligated spouse subsequently files an amended return to secure his or her proper share of a refund, the IRS must pay that share to the individual.

Amounts of refunds withheld by the IRS will be sent to the State child support agency that submitted the name for offset, so that they can in turn be paid to the family that is owed the past-due support. It is expected that generally the State agency will make prompt payment to the families involved. However, if the IRS informs the State agency that the absent parent has filed a joint return, and therefore the possibility exists that the unobligated spouse may file an amended return to claim his or her share of the return, the State agency will be authorized to delay payment to the family that owed past-due support for a period of up to six months, or (if earlier) until the unobligated spouse has been paid the proper share of the refund.

The IRS may charge the State a fee of up to $25 for processing each non-AFDC case submitted. The State may in turn require that a fee of up to $25 be paid by the family requesting offset. This user fee is intended to defray costs incurred by the IRS and the State in processing the non-AFDC cases and in meeting the notice requirements.

Effective date.—Effective for refunds payable after December 31, 1985.

Conference agreement

The conference agreement follows the Senate amendment, but limits the provision to apply to refunds payable after December 31, 1985 and before January 1, 1991.

22. WISCONSIN CHILD SUPPORT INITIATIVE

SECTION 22

Present law

Although the Social Security Act allows the Secretary to waive certain requirements of the AFDC program for purposes of demonstration programs, there may not be authority broad enough to allow a State to restructure substantially its AFDC and child support programs.

The State of Wisconsin is planning to undertake a major experiment which involves both its child support enforcement and AFDC programs.

House bill

Requires the Secretary of HHS to approve requests from the State of Wisconsin for waivers of Federal IV-D (CSE) and IV-A (AFDC) requirements that will allow the State to continue to receive Federal CSE and AFDC matching funds while testing modifications in both programs contained in its "Child Support Initiative," if the requested waivers meet the conditions summarized below.

The purposes of the requested waiver authority should be: (a) to improve the financial well-being of children; (b) to obtain flexibility in the manner and procedures to be used in providing IV-D CSE assistance to single parent households in gaining adequate child support, including the provision of IV-D services whether or not a family formally applies for such services; (c) to permit the State to test alternative IV-D and AFDC procedures in different sub-state areas without being out of compliance with "Statewideness" requirements; (d) to permit the State to establish alternative arrangements for the payment of child support in order to reinforce parental responsibility for the child; and (e) to permit the State to use Federal AFDC matching funds to insure that there is an adequate level of support when the contribution of the absent parent, by itself, is inadequate (including the provision of such support to non-AFDC families without requiring them to reduce income and assets to the prevailing AFDC eligibility level).

The alternative IV-D CSE and AFDC procedures or modifications allowed under the requested waivers must not disadvantage children in need of child support or make children in the State worse off financially than they would be without the modifications in the State AFDC and IV-D programs. The State may receive no more Federal AFDC funds than it would without the modifications.

Effective date.—October 1, 1983.

Senate amendment

As under the House bill, requires the Secretary of HHS to waive requirements of the AFDC and child support programs for the State of Wisconsin under specified conditions. The State may test its initiative in any county or counties, or throughout the State.

To qualify for waiver, the State must provide a complete description of the program which it will operate in place of the AFDC and child support programs, and make the description readily available to the public throughout the State. The Governor must provide assurances that, under the initiative, assistance will be provided to all children in need of financial support, and the State will continue to operate an effective child support enforcement program.

In addition, the State must agree that, during the period of the test, it will continue to determine eligibility for medical assistance under the State plan approved under title XIX of the Social Security Act, applying the criteria (insofar as may be applicable to members of families with dependent children affected by the initiative) in effect under its AFDC State plan approved for the month preceding the month in which the initiative becomes effective, except that the criteria shall be considered to have been changed to the extent necessary to comply with future changes in Federal law or regulations.

The State must specify measurable performance objectives, submit an evaluation plan, and agree to submit interim and final evaluations and reports, as the Secretary may require. In addition, the State must agree to obtain, at least once every two years, a financial and compliance audit of the funds it receives under this provision, and to obtain, after the initiative is ended, a final audit which must be made public.

The State's proposal must describe in detail how the initiative will affect children and families, with specific reference to the principles for calculating benefits and establishing and enforcing child support obligations. The description must also include estimates of cost and program effects and provide other relevant information necessary for the Secretary to determine whether the financial well-being of children and their families will be adversely affected by the initiative.

In general, the Federal payment which Wisconsin will be eligible to receive to operate its initiative will be equal to the State's proportionate share of the amount paid to all States for: (1) AFDC benefit costs; (2) AFDC administrative costs; (3) child support administrative costs; and (4) child support incentive payments.

The State's proportionate share of each amount listed above shall be the portion of each amount that bears the same ratio to such amount as the corresponding amount advanced to the State for quarters in fiscal years 1984 through 1986 bears to the total corresponding amount advanced to all other States for such quarters.

The initative proposed by the State and the related requested waivers will become effective within 120 days after submission unless the Secretary determines that the financial well-being of children in the State will be adversely affected by the initiative. The Secretary must notify the State that, effective with the beginning of the following quarter (or later at the option of the State) the State may operate its initiative instead of its AFDC or child support programs in the areas designated by the State.

The State may cease the initiative and return to the administrative of the regular AFDC and child support programs upon provision to the Secretary of at least 3 months notice. The Secretary may terminate approval of the initiative upon the giving of 3 months advance notice to the State if it is determined that the financial well-being of children in the areas where the initiative is in effect would be better achieved by operating the regular AFDC and child support programs.

Effective date.—For quarters beginning after September 30, 1986, and ending before October 1, 1994.

Conference agreement

The conference agreement follows the Senate amendment.

23. SENSE OF THE CONGRESS LANGUAGE

SECTION 23

Present law

No provision.

House bill

No provision.

Senate amendment

Incorporates Senate Concurrent Resolution 84, which makes certain findings with respect to child support enforcement, and sets forth as the sense of the Congress that—

(1) State and local governments must focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are properly within the jurisdictions of such governments;

(2) all individuals involved in the domestic relations process should recognize the seriousness of these matters to the health and welfare of our nation's children and assign them the highest priority; and

(3) mutual recognition of the needs of all parties involved in divorce actions will greatly enhance the health and welfare of America's children and families.

Conference agreement

The conference agreement follows the Senate amendment.

24. LIMITATION ON DISCHARGE IN BANKRUPTCY OF CHILD SUPPORT OBLIGATIONS

SECTION 24

Present law

In general, the Bankruptcy Act does not allow discharge in bankruptcy from any debt to a spouse, former spouse, or child of the debtor, for alimony to, maintenance for, or support of such spouse or child, if it is in connection with a separation, divorce decree, or property settlement agreement. However, support obligations that are assigned generally may be discharged, unless they are assigned to the State in connection with the collection of support by the IV-D agency on behalf of an AFDC recipient. In addition, a support obligation arising from a paternity determination is usually not protected from discharge in bankruptcy because it does not meet the requirement that it be in connection with a separation, divorce decree, or property settlement agreement.

House bill

No provision.

Senate amendment

Amends the Bankruptcy Act to provide that obligations that have been assigned to the State as part of the IV-D enforcement process may not be discharged in bankruptcy, regardless of whether they are on behalf of an AFDC family or non-AFDC family. In addition, the amendment provides protection against discharge in cases where support is established on the basis of a paternity determination.

Conference agreement

The conference agreement follows the House bill.

DAN ROSTENKOWSKI,
HAROLD FORD of Tennessee,
PETE STARK,
DONALD J. PEASE,
ROBERT T. MATSUI,
WYCHE FOWLER, Jr.,
BARBARA B. KENNELLY,
BARBER B. CONABLE, Jr.,
CARROLL CAMPBELL,
W. HENSON MOORE,
WILLIAM THOMAS of California,
Managers on the Part of the House.

ROBERT DOLE,
BOB PACKWOOD,
WILLIAM L. ARMSTRONG,
CHUCK GRASSLEY,
RUSSELL B. LONG,
DANIEL PATRICK MOYNIHAN,
BILL BRADLEY,
Managers on the Part of the Senate.

MAKING IN ORDER ON TOMORROW OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 4325, CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that it may be in order, on Thursday, August 2, 1984, or any day thereafter, any rule of the House notwithstanding, to consider the conference report on the bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I would like to state for my colleagues that this conference report has been worked out to the satisfaction, I believe, of all the conferees. I know of no objection to it on this side.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5798, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1985

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5798) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and, without objection, appoints the following conferees: Messrs. ROYBAL, ADDABBO, AKAKA, HOYER, BOLAND, LONG of Maryland, WHITTEN, MILLER of Ohio, RUDD, ROGERS, and CONTE.

There was no objection.

HUNGER RELIEF ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5151.

□ 1655

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5151) to alleviate hunger in the United States by strengthening

Federal nutrition programs, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 27, 1984, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Hunger Relief Act of 1984".

□ 1700

Mr. PANETTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, basically what I would like to do is to set the stage on the bill that is before the House. It is H.R. 5151, which is a bipartisan effort to try to address the serious problem of hunger in our society.

There are several key points that I would like to reiterate to the Members.

First of all, this is a bipartisan effort by the minority Members of the Agriculture Committee, particularly the gentleman from Missouri [Mr. EMERSON], who is the ranking Republican Member on the subcommittee, and myself, along with the gentleman from Illinois [Mr. MADIGAN] and the gentleman from Texas [Mr. DE LA GARZA], the chairman of the full committee. It does represent assistance, urgent assistance in the hunger area that has been identified as needed not only by our subcommittee, but by the mayors, by the Government Accounting Office, by the Governors, and particularly by the President's task force on food assistance.

It recognizes that we do have a crisis with regard to hunger, both in terms of the need that we have seen in city after city and in rural areas in this country and also in terms of the implications of not dealing with that in terms of health care impacts as well as educational impacts.

This bill is within the budget resolution. The gentleman from Missouri and myself made a special effort to ensure that any bill we brought here was a bill that fell within the bounds of the budget resolution as adopted by the House.

There are four key areas that are addressed by this bill: First, to try to increase work incentives; second, to increase the adequacy and accountability of benefits that are provided through the food stamp program; third, to improve nutrition education and surveillance in our society; and fourth, to improve the administration and the accountability of this program.

As I mentioned in the general debate, there has been a great deal of talk and concern about the issue of hunger in our society. The time for that, it seems to me, is over. The time has come to try to do something to deal with this problem.

H.R. 5151 represents that kind of effort.

If I might say to my colleagues in the House that what we might anticipate are roughly five amendments, one by the gentleman from Missouri [Mr. EMERSON], one by the gentleman from Missouri [Mr. COLEMAN], who is on the subcommittee, and the gentleman from Vermont [Mr. JEFFORDS], the gentleman from Connecticut [Mr. MORRISON], and the gentleman from Pennsylvania [Mr. WALKER].

We believe at this point that we can expedite the process on amendments. We anticipate there may be some rollcalls on some of those amendments, but we are hoping to expedite this bill as much as possible this evening.

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—FOOD STAMP AND RELATED PROVISIONS

ELIGIBILITY OF THE HOMELESS

SEC. 101. (a) The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by—

(1) in clause (1), after "consumption", inserting "(or in the case of an individual who does not reside in a permanent dwelling or who has no fixed address, for such individual's consumption)"; and

(2) in clause (2), after "consumption" each time that it appears, inserting "(or in the case of individuals who do not reside in permanent dwellings or who have no fixed addresses, for such individuals' consumption)".

(b) Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)) is amended by—

(1) striking out the semicolon at the end thereof and inserting a period in lieu thereof; and

(2) adding at the end thereof the following: "The State agency shall provide a method of certifying and issuing coupons to eligible households who do not reside in permanent dwellings or who have no fixed addresses, and shall take steps to assure that such method limits participation in the food stamp program to eligible households.".

ADJUSTMENT OF COST OF THRIFTY FOOD PLAN; DEFINITION OF THE DISABLED

SEC. 102. (a) Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) in subsection (o)—

(A) in clause (7), striking out "and October 1, 1984," and "and" at the end thereof; and

(B) striking out clause (8) and inserting in lieu thereof the following new clauses:

"(8) on October 1, 1984, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending June 30, 1984, and round the result to the nearest lower dollar increment for each household size, (9) on October 1, 1985, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending June 30, 1985, increase the cost of such diet by one per centum, and round the result to the nearest lower dollar increment for each household size, and (10) on October 1, 1986, and each October 1 thereafter, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30, and round the result to the nearest lower dollar increment for each household size."; and

(2) in subsection (r)—

(A) amending clause (2) by inserting, before the semicolon at the end thereof, ", federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act if the Secretary determines that such benefits are conditioned on meeting the disability or blindness criteria used under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note)";

(B) amending clause (4)(A) by, after "service-connected", inserting "or non-service-connected";

(C) amending clause (5)(B) by striking out "or" at the end thereof;

(D) striking out the period at the end of clause (6) and inserting in lieu thereof "; or"; and

(E) adding at the end thereof the following new clause:

"(7) is an individual receiving an annuity under section 2(a)(1)(iv) or 2(a)(1)(v) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)(1)(iv) or 231a(a)(1)(v)), if his service as an employee under the Railroad Retirement Act of 1974, after December 31, 1936, had been included in the term 'employment' as defined in the Social Security Act, and if an application for disability benefits had been filed."

(b) It is the sense of Congress that the basis for benefit levels of the food stamp program should be reviewed. The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate are encouraged to provide for such a review, which should be completed by April 1, 1986.

CATEGORICAL ELIGIBILITY

SEC. 103. (a) Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended by—

(1) inserting after the first sentence of subsection (a) the following new sentence: "Notwithstanding any other provisions of this Act, except the provisions of section 6 (b) and (g) and the third sentence of section 3(i), households in which each member receives either benefits under a State plan approved under part A of title IV of the Social Security Act, supplemental security income benefits under title XVI of the Social Security Act, or aid to the aged, blind, or disabled under titles I, X, or XIV of the Social Security Act, shall be eligible to participate in the food stamp program."; and

(2) striking out subsection (j).

(b) Section 11(i) of the Food Stamp Act of 1977 (7 U.S.C. 2020(i)) is amended by adding at the end thereof the following new sentence: "No household shall have its application to participate in the food stamp program denied or its benefits under the food stamp program terminated solely on the basis that its application to participate has been denied or its benefits have been terminated under any of the programs carried out

under the statutes specified in the second sentence of section 5(a) of this Act and without a separate determination by the State agency that the household fails to satisfy the eligibility requirements for participation in the food stamp program specified in this Act.".

EXCLUDED INCOME

SEC. 104. The first sentence of section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended by adding at the end of clause (3) the following, "and to the extent loans include any origination fees and insurance premiums,".

DEDUCTIONS FROM INCOME

SEC. 105. (a) Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by—

(1) in the third sentence, striking out "18" and inserting in lieu thereof "20";

(2) in the fourth sentence—

(A) amending the proviso to clause (2) to read as follows: ": Provided, That the amount of such excess shelter expense deduction shall not exceed $155 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $260, $215, $180, and $110 a month, respectively, adjusted on October 1, 1985, and on each October 1 thereafter to the nearest lower dollar increment to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30,"; and

(B) amending clause (3) to read as follows:

"(3) a deduction combining the dependent care and excess shelter expense deductions under clauses (1) and (2), the maximum allowable level of which shall not exceed the maximum allowable deduction under clause (2).".

(b) The provisions of subsection (a)(1) shall be implemented on April 1, 1985.

MONTHLY REPORTING AND RETROSPECTIVE ACCOUNTING—STATE OPTION

SEC. 106. (a) Section 5(f)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(2)) is amended by—

(1) in subparagraph (A), after "households" inserting ", and for all applicant households upon application,";

(2) amending subparagraph (B) to read as follows:

"(B) Household income for all other households shall be calculated either on a prospective basis as provided in paragraph (3)(A) or on a retrospective basis as provided in paragraph (3)(B), as elected by the State agency."; and

(3) striking out subparagraph (C).

(b) Section 6(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)) is amended to read as follows:

"(1) State agencies, whether they elect to use a system of prospective accounting or a system of retrospective accounting in accordance with section 5(f)(2) of this Act, may (A) require certain categories of households, including households with earned income (except migrant farmworker households), households with potential earners, including individuals receiving unemployment compensation benefits and individuals required by section 6(d) of this Act to register for work, and households required to file a similar report under title IV-A of the Social Security Act, but not including households that have no earned income and in which all adult members are elderly or disabled members, to file monthly reports of household circumstances in accordance with standards prescribed by the Secretary, or (B) require certain categories of households to report at specified less frequent intervals. The Secretary may permit State agencies to accept, as satisfying the requirement that households report at such specified less frequent intervals, (A) recertifications conducted in accordance with section 11(e)(4) of this Act, (B) in person interviews conducted during a certification period, (C) written reports filed by households, or (D) such other documentation or actions as the Secretary may prescribe. Each household that is not required to file monthly reports shall be required to report or cause to be reported to the State agency changes in income or household circumstances which the Secretary deems necessary in order to assure accurate eligibility and benefit determinations.".

RESOURCES LIMITATION

SEC. 107. (a) Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by—

(1) in the first sentence, striking out "$1,500" and "$3,000" and inserting in lieu thereof "$2,250" and "$3,500", respectively; and

(2) in the second sentence—

(A) after "physically disabled household member" inserting "and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle"; and

(B) striking out "$4,500" and inserting in lieu thereof "$5,500".

(b) The provisions of subsection (a) shall be implemented on April 1, 1985.

STAGGERING OF COUPON ISSUANCE

SEC. 108. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end thereof the following new subsection:

"(h) The State agency may implement a procedure for staggering the issuance of coupons to eligible households throughout the entire month: Provided, That the procedure assures that, in the transition period from other issuance procedures, no eligible household experiences an interval between coupon issuances of more than thirty-five days, either through regular issuances by the State agency or through supplemental issuances.".

DISASTER TASK FORCE; OFFICE HOURS; TAX INFORMATION

SEC. 109. (a) Section 5(h)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2015(h)(2)) is amended to read as follows:

"(2) The Secretary shall (i) establish a Food Stamp Disaster Task Force to assist States in implementing and operating the disaster program and the regular food stamp program in the disaster area, and (ii) send members of such task force to the disaster area as soon as possible after the disaster occurs to provide direct assistance to State and local officials.".

(b) Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by—

(1) in subsection (e)(2), as amended by section 101, adding at the end thereof the following: "The State agency shall assess, from time to time, the need for operating food stamp offices within the State during evening and weekend hours;"; and

(2) adding at the end thereof the following new subsection:

"(o)(1) Each State agency shall request and use any information available from the Secretary of the Treasury under the Internal Revenue Code of 1954 relating to return information with respect to unearned income for purposes of income and eligibility verification in accordance with paragraph (2), and target such information to those uses which are most likely to be productive in identifying and preventing ineligibility and incorrect participation.

"(2) In order to protect households applying for or participating in the food stamp program from the improper usage of information obtained from the Secretary of the Treasury under the Internal Revenue Code of 1954 (relating to disclosure of return information with respect to unearned income to Federal, State, and local agencies administering certain programs), no State agency receiving such information shall take any action based thereon to reduce, suspend, terminate, or deny program benefits to the household involved until such agency has taken steps to independently verify the information. Such verification shall include (1) verification of the exact amount of the asset or income involved, (2) an evaluation of whether the household actually has access to such asset or income for its own use, and (3) a determination regarding the period or periods when the household actually had such asset or income.".

JOB SEARCH PROGRAM

SEC. 110. (a) Section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)) is amended by—

(1) amending paragraph (1)(ii) to read as follows:

"(ii) refuses without good cause to fulfill the job search requirements prescribed by paragraph (4) and whatever reasonable job search requirements are prescribed by the State agency in accordance with paragraph (4), which may, at the option of the State agency, provide that such requirements apply to program applicants at the time of application: Provided, That the period of ineligibility shall be two months;";

(2) adding at the end of paragraph (1) the following new sentences: "Any period of ineligibility for violations under this paragraph shall end when the household member who committed the violation complies with the requirement that has been violated. If the household member who committed the violation leaves the household during the period of ineligibility, such household shall no longer be subject to sanction for such violation and, if it is otherwise eligible, may resume participation in the program, but any other household of which such person thereafter becomes a member shall be ineligible for the balance of the period of ineligibility."; and

(3) adding at the end thereof the following new paragraph:

"(4)(A) Each State agency shall implement a job search program. For purposes of this Act, a "job search program" means a program that contains terms and conditions comparable to those prescribed in section 402(a)(35)(A) (i) and (ii) of part A of title IV of the Social Security Act and, except that a State agency shall have no obligation to incur costs exceeding $25 per participant per month, in section 402(a)(35)(B) of part A of title IV of such Act for job search activities under the Aid to Families With Dependent Children program (except that the State agency shall retain the option provided in paragraph (1)(ii) relating to applying the program requirements to applicants). A "job

search program" may also include, to the extent determined appropriate by the State agency, reasonable job search training and support activities that may consist of jobs skills assessments, job finding clubs, training in techniques for employability, job placement services, or other direct training or support activities determined by the State agency to expand the job search abilities or employability of those subject to the program. The State agency may provide that participation in such training or support activities may supplement or supplant other requirements imposed on those subject to the program.

"(B) Each State agency shall exempt from job search requirements under paragraph (1) categories of household members to which the State agency determines that the application of such requirements is impracticable as applied to such categories due to factors such as, but not limited to, the availability of work opportunities and the cost effectiveness of job search activities. In making such a determination, the State agency may designate a category consisting of all such household members residing in specified area(s) of the State. The State agency shall also exempt or suspend from such requirements individual household members not included in any such category but with respect to whom it determines that such requirements are impracticable because of personal circumstances such as, but not limited to, lack of job readiness and employability, the remote location of work opportunities, and unavailability of dependent care.".

(b) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended by—

(1) striking out the period after paragraph (21) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following new paragraph:

"(22) the manner in which the State agency will carry out the job search program under section 6(d)(4) of this Act.".

(c) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(h)(1) Effective October 1, 1984, the Secretary shall allocate in each fiscal year, from funds appropriated for such fiscal year under section 18(a)(1) of this Act, the amount of $50,000,000, which amount shall be used to pay to each State agency the full cost (except as otherwise provided in this subsection) of carrying out the job search program under section 6(d)(4) of this Act.

"(2) If, in carrying out such activities, a State agency incurs costs that exceed the amount payable to the State agency under paragraph (1), the Secretary shall pay such State agency an amount equal to 50 per centum of such additional costs in accordance with subsection (a).

"(3) The Secretary shall, in accordance with subsection (a), reimburse each State agency in an amount equal to 50 per centum of the total amount of payments made or costs incurred by the State agency in connection with transportation costs and other expenses reasonably incurred by participants in the job search program, except that such total amount shall not exceed an amount representing $25 per participant per month.

"(4) The Secretary shall monitor the job search programs carried out by State agencies under this Act to measure their effectiveness in terms of the increase in the numbers of household members who obtain employment and the numbers of such members who retain such employment as a result of their participation in the program. The Secretary shall, not later than April 1, 1987, report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of such job search programs.".

PILOT PROJECT FOR RURAL AREAS OF ALASKA

SEC. 111. Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A)(i) During the period from October 1, 1985, through September 30, 1989, from the sums appropriated under this Act the Secretary shall, subject to the provisions of this paragraph and paragraph (2), pay to the State of Alaska.

"(1) for the fiscal year ending September 30, 1986, an amount equal to the amount that would have been expended by the Secretary to carry out the food stamp program in the rural areas of Alaska during such fiscal year, including the value of coupon allotments and State administrative expenses, as determined by the Secretary in consultation with the State of Alaska, as such amount may be adjusted under the following sentence, and

"(2) for each fiscal year thereafter through the fiscal year ending September 30, 1989, the amount paid for the preceding fiscal year adjusted to reflect food price changes in the rural areas of Alaska for the fiscal year for which the determination is being made, as projected by the Secretary on the basis of the best data available, as such amount may be further adjusted under the following sentence,

to finance 100 per centum of the State's expenditures for providing non-cash food assistance to needy persons in the rural areas of Alaska and 50 per centum of the State's administrative expenses related to the provision of such assistance. The amounts determined under clauses (1) and (2) of the preceding sentence shall be adjusted by the Secretary from time to time, but not less often than annually, to reflect any changes in the number of needy persons in the rural areas of Alaska requiring food assistance under the plan approved by the Secretary under paragraph (2)(A), as determined by the Secretary in consultation with the State of Alaska. The State of Alaska may at reasonable intervals, but not more frequently than twice in any fiscal year, propose to the Secretary adjustments under the preceding sentence, which proposal shall promptly be acted upon by the Secretary in consultation with the State. For the purposes of this subsection, the term 'rural areas of Alaska' means all areas of the State of Alaska other than areas within the municipality of Anchorage, Matanuska-Susitna Borough, Fairbanks Northstar Borough, Kenai Peninsula Borough, city/borough of Juneau, city/borough of Sitka, Ketchikan Gateway Borough, city of Valdez, Fort Greely, Fort Richardson, Fort Wainwright, Eielson Air Force Base, and Elmendorf Air Force Base.

"(ii) The payments to the State for any fiscal year shall not exceed the expenditures by the State during that year for the provision of the assistance the provision of which is included in the plan of the State approved under paragraph (2) and 50 per centum of the related administrative expenses, except as otherwise provided in the following subparagraph (B).

"(B) The Secretary shall, subject to the provisions of paragraph (2), pay in advance to the State for the applicable fiscal year, at such times and in such manner as the Secretary may determine, the amount estimated by the State pursuant to paragraph (2)(A)(i)(IV), reduced or increased to the extent of any prior overpayment or current underpayment which the Secretary determines has been made under this subsection and with respect to which adjustment has not already been made under this paragraph, except that the State may carry over, for use during the first succeeding quarter of any fiscal year, up to 5 per centum of the amount paid to it by the Secretary under this subsection for the preceding fiscal year.

"(2)(A)(i) In order to receive payments under this subsection, the State shall have a plan for operation of the program for providing noncash food assistance to needy persons in the rural areas of Alaska approved by the Secretary under this subsection. By June 1, 1985, the State shall submit to the Secretary an initial plan for the provision of such assistance that—

"(I) designates a single agency of the State that shall be responsible for the administration, or supervision of the administration, of the program for the provision of such assistance;

"(II) assesses the food assistance needs of needy persons residing in the rural areas of Alaska;

"(III) describes the program for the provision of such assistance, including the noncash assistance to be provided and the persons to whom such assistance will be provided, and any agencies designated to provide such assistance, which program must meet such reasonable requirements as the Secretary may by regulation prescribe for the purpose of assuring that assistance is provided to needy persons in the rural areas of the State;

"(IV) estimates the amount of expenditures necessary for the provision of the assistance described in the program and related administrative expenses, up to the amount provided for payment by paragraph (1)(A)(i);

"(V) provides that persons to whom such assistance is made available may use such assistance to acquire equipment for procuring food by hunting and fishing in conformity with section 3(g)(6) of this Act;

"(VI) requires that the income and resources standards of eligibility, benefit levels, and other program standards, including but not limited to processing time, notice, and hearing requirements, for the program for the provision of such assistance shall not be more restrictive or less beneficial to program applicants and participants than such eligibility standards, benefit levels, and other program standards applicable to households under the food stamp program in the nonrural areas of Alaska;

"(VII) assures that by not later than January 1, 1988, and January 1, 1989, the State will submit reports to the Secretary on the operation of such program and its effectiveness in meeting the food needs of needy persons in rural areas of the State; and

"(VIII) includes such other information as the Secretary may require.

The State may submit for the approval of the Secretary any proposed revisions of such plan but no revision shall be implemented unless it has been approved by the Secretary. In formulating its initial plan under this subparagraph, and any revisions thereof, the State shall consult with representatives of the population to be served by the program, including representatives of the native populations of the rural areas of Alaska.

"(ii)(I) The Secretary shall approve or disapprove the initial plan submitted pursuant to subdivision (i) no later than August 1, 1985, and shall approve or disapprove any proposed revision to the plan no later than sixty days after it is submitted. The Secretary shall approve any plan, or any revision thereof, that complies with the requirements of subdivision (i). If the initial plan is disapproved because it does not comply with any of the requirements of that subdivision the Secretary shall, except as provided in subdivision (ii)(II), notify the appropriate agency in the State that payments will not be made to it under paragraph (1) until the Secretary is satisfied that there is no longer any such failure to comply, and until the Secretary is so satisfied, the Secretary will make no payments.

"(II) The Secretary may suspend the denial of payments under subdivision (ii)(I) for such period as the Secretary determines appropriate and instead withhold payments provided for under paragraph (1), in whole or in part, until the Secretary is satisfied that there is no longer any failure to comply with the requirements of subdivision (i), at which time such withheld payments shall be paid.

"(B)(i) The State shall provide for a biennial audit of expenditures under its program for the provision of the assistance described in paragraph (1)(A)(i), and within one hundred and twenty days after the end of each fiscal year in which the audit is made, shall report to the Secretary the findings of such audit.

"(ii) Within one hundred and twenty days after the end of the fiscal year, the State shall provide the Secretary with a statement as to whether the payments received under paragraph (1) for that fiscal year exceeded the expenditures by it during that year for which payment is authorized under this subsection, and if so, by how much, and such other information as the Secretary may require.

"(iii)(I) If the Secretary finds that there is a substantial failure by the State to comply with any of the requirements of subdivisions (i) and (ii), or to comply with the requirements of paragraph (2)(A)(i) in the administration of a plan approved under paragraph (2)(A)(ii), the Secretary shall, except as provided in subdivision (iii)(II), notify the appropriate agency in the State that further payments will not be made to it under paragraph (1) until the Secretary is satisfied that there will no longer be any such failure to comply, and until the Secretary is so satisfied, the Secretary shall make no further payments.

"(II) The Secretary may suspend the termination of payments under subdivision (iii)(I) for such period as the Secretary determines appropriate, and instead withhold payments provided for under paragraph (1), in whole or in part, until the Secretary is satisfied that there will no longer be any failure to comply with the requirements of subdivisions (i) and (ii) and paragraph (2)(A)(i), at which time such withheld payments shall be paid.

"(III) Upon a finding under subdivision (iii)(I) of a substantial failure to comply with any of the requirements of subdivisions (i) and (ii) and paragraph (2)(A)(i), the Secretary may in addition to or in lieu of any action taken under subdivisions (iii)(I) and (iii)(II), refer the matter to the Attorney General with a request that injunctive relief be sought to require compliance by the State of Alaska, and upon suit by the Attorney General in an appropriate district court of the United States and a showing that noncompliance has occurred, appropriate injunctive relief shall issue.

"(3)(A) The Secretary shall provide for the review of the programs for the provision of the assistance described in paragraph (1)(A)(i) for which payments are made under this subsection.

"(B) The Secretary is authorized as the Secretary deems practicable to provide technical assistance with respect to the program for the provision of the assistance described in paragraph (1)(A)(i).

"(4) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this subsection shall be fined not more than $10,000 or imprisoned for not more than five years, or both, but if the value of the funds, assets or property involved is not over $200, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(5) At the request of the State, the Secretary shall make available to the State, in accordance with the provisions of section 7 of this Act, coupons for use in the program for providing noncash food assistance to needy persons in the rural areas of the State, which coupons shall be redeemable in accordance with the provisions of section 10 of this Act.

"(6) Notwithstanding any other provision of this Act, while the program carried out under this subsection is in operation, no household residing in the rural areas of Alaska shall be eligible to participate simultaneously in the regular food stamp program and the program carried out under this subsection.

"(7) Not later than March 1, 1988, and March 1, 1989, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate reports containing the Secretary's conclusions, based on monitoring, with respect to the progress of the State's program in meeting the nutritional needs of the needy in rural areas of Alaska, together with copies of the State reports submitted under paragraph (2)(A)(i).

"(8) The provisions of section 4(b) of this Act and the authority of the Secretary to establish temporary emergency standards of eligibility for victims of a disaster under section 5(h) of this Act shall apply to the program carried out under this subsection.

"(9) Notwithstanding any other provision of this subsection—

"(A) if the State of Alaska fails to submit, in accordance with paragraph (2)(A), an initial plan for operating the program to be carried out under this subsection, the food stamp program shall continue to be carried out in the rural areas of Alaska until such plan is submitted, approved, and implemented; and

"(B) the State of Alaska may, upon not less than one hundred and eighty days prior to written notice to the Secretary, elect to terminate the program carried out under this subsection and reinstate the food stamp program in the rural areas of Alaska. Any such termination shall be subject to such reasonable terms and conditions as the Secretary may prescribe in consultation with the State.".

CHARGES FOR REDEMPTION OF COUPONS

SEC. 112. (a) Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended by adding at the end thereof the following new sentence: "No financial institution may impose on or collect from a retail food store a fee or other charge for the redemption of coupons that are submitted to the financial institution in a manner consistent with the requirements, other than any requirements relating to cancellation of coupons, for the presentation of coupons by financial institutions to the Federal Reserve Banks.".

(b) The Secretary, in consultation with the Board of Governors of the Federal Reserve System, shall issue regulations implementing the provisions of subsection (a).

STATE AGENCY LIABILITY

SEC. 113. (a) Effective with respect to the fiscal year beginning on October 1, 1985, and each fiscal year thereafter, section 16(d) of the Food Stamp Act of 1977 (7 U.S.C. 2025(d)) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) If a State agency's payment error rate for any fiscal year exceeds 5 per centum, the State agency shall, other than for good cause shown, be liable to the Secretary in an amount equal to the product of multiplying (1) the per centum by which its payment error rate for the fiscal year exceeds 5 per centum by (2) the total value of all coupons issued by the State agency for the fiscal year. Upon the assertion of a claim by the Secretary in the amount determined to be payable under this paragraph, the Secretary shall recover such amount through withholding from amounts otherwise payable to the State agency under this Act and, if such amounts are not adequate to satisfy the claim in full, the State agency shall pay to the Secretary the balance of any amount remaining due. The State agency may seek administrative and judicial review under section 14 of this Act of any claim or determination by the Secretary under this paragraph.".

(b) The Secretary of Agriculture shall, by not later than April 1, 1985, submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing—

(1) the effect, on the error rates of State agencies in administering the food stamp program, of the quality control procedures in effect on the date of enactment of this Act; and

(2) the statistical methods in effect on the date of enactment of this Act for calculating the error rates of State agencies in administering the food stamp program and the rationale for selecting and applying such methods.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 114. Section 5(a)(1) of the Agriculture and Consumer Protection Act of 1973 is amended by—

(1) inserting, after "two years," at the end of clause (1), "(2) shall permit local agencies administering the commodity supplemental food program, at their option, to provide supplemental commodities to low-income elderly persons under such terms and conditions as the Secretary may by regulation prescribe, except that local agencies shall not terminate or reduce commodity assistance to women, infants, and children in order to provide such assistance to the elderly,"; and

(2) striking out the clause designation "(2)" and inserting in lieu thereof "(3)".

EFFECTIVE DATES

SEC. 115. (a) Except as otherwise provided in this title, the Secretary of Agriculture shall issue final regulations implementing the provisions of this title within one hun-

dred and eighty days after the date of enactment.

(b) Notwithstanding any other provision of law, the Secretary of Agriculture shall issue final regulations implementing sections 101, 102(a)(1), 105(a)(2), and 112 by October 1, 1984.

AMENDMENT OFFERED BY MR. EMERSON

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Strike section 106, pages 8 through 10, and renumber the subsequent sections accordingly.

Mr. EMERSON. Mr. Chairman, my amendment restores the requirement that States continue to use the monthly reporting and retrospective budgeting [MRRB] provisions of the Food Stamp Act which were deleted in the subcommittee. Simply put, this provision is one that requires certain food stamp households to submit a report of their financial circumstances each month. Once a household is found eligible for food stamp benefits, these benefits are calculated based on the family's circumstance for a previous month.

This provision is aimed at reducing losses to the Food Stamp Program by eliminating overpayments to these households. Under the old system some households failed to report changes in their financial circumstances and thereby received benefits to which they were not entitled. Some people have described this procedure as onerous and one that should not be borne by those in need of food stamp benefits. I disagree. I believe this procedure is appropriate—it is not designed to remove eligible people from the Food Stamp Program. It is designed to ensure that only eligible people receive benefits in the amount to which they are entitled.

The Washington Post, of May 6, 1984, included an article by a member of its editorial page staff concerning the matter of monthly reporting and retrospective budgeting which I would like to include in the RECORD. This article is included in the committee report on H.R. 5151. The author discussed the recent charges by a District of Columbia Department of Human Services spokesman that cited this provision, MRRB, as the cause of a family's eviction problems. The details of the situation are found in the article. I would like to read part of this.

> Who is to blame? It is certainly true that if the government hadn't insisted on monthly reporting, the woman's check wouldn't have been cut off and the rent would probably have been paid. But the check also wouldn't have been cut off if the woman had taken a few minutes to mail in the form—a task that, despite dire predictions to the contrary, is being performed capably by almost all recipients covered by the requirement in every state.

The author goes on to discuss what I consider to be a problem with the public perception of welfare programs, including the Food Stamp Program, and the dependency factor. She asks:

> Are we really doing welfare clients a favor by assuming that they cannot bear the responsibility of mailing in a card once a month?

I do not believe we are. The family discussed in this article is large and receives more than $2,000 per month in cash and food stamps plus free medical care. The mother worries that her daughters "turned out the way I did * * * at home watching TV." I worry also and I believe that a system that perpetuates dependency does a disservice to both the families receiving assistance and those paying for it.

I believe it is our responsibility as legislators not only to set public policy on matters within our jurisdiction but also to ensure that the spirit as well as the letter of the law is carried out. The spirit—the image—of the Food Stamp Program is not the best. The author of this article sets forth a reason—

> One reason that welfare programs are held in low esteem by the general public is the belief that much of the money goes to people who aren't eligible. The sloppy way that most welfare departments used to maintain their records certainly lent credence to that belief. Having up-to-date records on clients should reduce the chance that money is misdirected, and also make it easier for welfare offices to respond to the frequent changes in a family's circumstances, which as the case illustrates, may increase as well as decrease its needs.

Improving the image and providing sound public policy is something we involved in the Food Stamp Program have tried to achieve. Requiring States to institute monthly reporting and retrospective budgeting for specific types of food stamp cases is one way to achieve this goal.

In addition, the chairman and I worked together on the job search provision included in the bill before us today. I think this is a partial answer to the problem posed by the family in the Post article. However, along with good job search and work programs, such as the ones we saw in San Diego last year, public assistance programs must be designed to ensure that the correct amount of benefits are paid to eligible families. Those receiving such assistance must cooperate in this process. To require less of them is to foster dependency.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. EMERSON] has expired.

(By unanimous consent, Mr. EMERSON was allowed to proceed for an additional 2½ minutes.)

Mr. EMERSON. Mr. Chairman, I believe the requirement that monthly reporting and retrospective budgeting be a part of the Food Stamp Program must be kept. I remind you that this requirement does not apply to all households—migrants and the elderly and the disabled who have no earnings are exempt by law. States are able to request waivers for other households that are less likely to have changes in their circumstances affecting the level of food stamp benefits. The AFDC Program has required monthly reporting for over a year and many States use the same forms and procedure in their Food Stamp Program.

Mr. Chairman, I know there has been extensive opposition from special interest groups and from State welfare agencies concerning MRRB. I have heard that my own State of Missouri would like to see MRRB as an optional provision. However my State—whether MRRB is Mandatory or optional—will continue to use MRRB as a management tool to reduce error rates and ensure that the correct level of benefits is paid to food stamp participants. There are many States that would simply drop this provision and error rates and the amount of food stamp money spent in error would begin to climb again. I do not want to see that happen.

My amendment will save $45 million over a 3-year period, I urge members to adopt this amendment.

[From the Washington Post, May 6, 1984]

EVICTION OF A WELFARE FAMILY—WHO WAS REALLY TO BLAME?

(By Jodie T. Allen)

Welfare programs in this country have few admirers. Efforts to reform them, however, are impeded not only by disagreement on all sides about what "reform" means but also by the fact that the cases with which the system must deal are enormously complicated.

Consider, for example, the Bookers, a welfare family of 15 evicted from their home last month as a result of falling $2,000 behind on the rent. When the story was reported in this newspaper, the headline blamed the family's troubles on a "welfare error." A D.C. Department of Human Services spokesman laid the primary blame on "one of the Reagan administration's so-called reforms" of the welfare system. Details of the case, however, suggest that the question of blame is not so easily resolved.

The reform cited by the DHS official is a requirement, enacted by Congress in 1981, that certain welfare families fill out forms each month reaffirming that their income and family status still qualify them for benefits. The welfare mother in question, Mrs. Booker, had been mailing in these forms for about a year before she failed to do so in April 1983. The department sent her a warning notice, but when she still didn't respond, it cut off her welfare grant.

Mrs. Booker cited the illness and subsequent death of her father last June as the cause of her failure to file. She did not, however—for reasons that are unclear—reapply for welfare until mid-August. But she did go into the welfare office in June to have the family's food stamp benefits increased from $509 to $676 because of the welfare loss. In the meantime the rent went unpaid.

Mrs. Booker's tardiness in reapplying for welfare might be explained by the fact that two of her daughters, who then had four children of their own, continued to receive

welfare benefits totaling $603 and free medical care. As a result the family's purchasing power was basically unaffected since the rent—which had absorbed most of Mrs. Booker's own welfare check—went unpaid and the value of her food stamps increased by $167. Ultimately, of course, the landlord lost patience and secured an eviction notice. After several months' delay, Mrs. Booker and her belongings were removed from the rundown house.

Who is to blame? It is certainly true that if the government hadn't insisted on monthly reporting, the woman's check wouldn't have been cut off and the rent would probably have been paid. But the check also wouldn't have been cut off if the woman had taken a few minutes to mail in the form—a task that, despite dire predictions to the contrary, is being performed capably by almost all recipients covered by the requirement in every state.

One reason that welfare programs are held in low esteem by the general public is the belief that much of the money goes to people who aren't eligible. The sloppy way that most welfare departments used to maintain their records certainly lent credence to that belief. Having up-to-date records on clients should reduce the chance that money is misdirected, and also make it easier for welfare offices to respond to the frequent changes in a family's circumstances, which—as the Booker case illustrates—may increase as well as decrease its needs.

It's too early to tell whether the new reporting requirements are an efficient way to reduce welfare payment errors—some states claim that administrative costs exceed savings. But the requirements may increase public confidence in welfare programs. Most people have to work all day to earn their income. Are we really doing welfare clients a favor by assuming that they cannot bear the responsibility of mailing in a card once a month?

Even if monthly reporting isn't at fault, it certainly looks as if the DHS would have saved money if it had simply paid off Mrs. Booker's back rent. (Now it may cost the department thousands of dollars a month to keep the family in two cramped hotel rooms until they find a new home.) But only a few months before Mrs. Booker's welfare check was cut off, she had also fallen behind in her rent and DHS had given her an emergency grant to get caught up. The department's rules prohibit frequent emergency grants for the sensible reason that recipients come to depend on them to pay their rent.

And what about Mrs. Booker's daughters? Since the time that her check was reinstated last September, two more of her daughters have had babies. As a result each is now eligible not only for a welfare grant for her child, but for a considerably larger grant for herself as the head of a separate welfare family. D.C. welfare payments are far from generous for a small household. But the large Booker household now receives more than $2000 a month in cash and food stamps plus free medical care. Another daughter is expecting a baby shortly.

Mrs. Booker worries that her daughters "turned out the same way I did . . . at home watching TV." Without some pressure and/or encouragement, that's all they're likely ever to do. But welfare law exempts them from participation in the WIN program which, with scant resources, tries to help welfare recipients find jobs. The District has experimented with a voluntary program for young welfare mothers, hoping to get them interested in and able to find jobs. But only a third of those contacted opted to participate.

At least in the case of the Booker family, critics might conclude that the welfare system has built, rather than alleviated, dependency. Would they be wrong?

ERROR RATES AND SANCTIONS IN THE FOOD STAMP PROGRAM

The 1982 Reconciliation Act required states to reduce rates of errors to 9% by 1983; to 7% by 1984; and, to 5% by 1985. Failure to acheive these rates of error will result in a penalty to states based on a percentage of the federal reimbursement for state administrative costs.

The federal government pays for 100% of food stamp benefit costs and 50% of state administrative costs.

Error rates have dropped 14% since 1981. The rate of payment error in the food stamp program was 9.9% in 1981 and 8.5% in 1983.

With a 9.9% rate of error, $900 million per year goes to food stamp participants who are either ineligible or receive too many food stamps.

H.R. 5151 emphasizes that states must reduce rates of error to 5% by 1985 and maintains current law sanctions through 1986.

Beginning with states' performance for 1986, and thereafter, sanctions will be based on the dollar equivalent of overpayments and payments to ineligible households—over and above the 5% tolerance level.

Collection of the sanction for any fiscal year would occur only after the actual error rate for the fiscal year is determined after the end of the year. Therefore, the increased sanctions required by H.R. 5151 will not be collected until 1987, at the earliest.

The "dollar for dollar" state liability that would apply beginning with fiscal year 1986 would not reduce or be taken from household benefits.

Many states have done exceptional jobs in running efficient programs and have achieved significant reductions in the rates of error. Others have not. Whether this diversity relates to states placing higher priorities on the administration of other assistance programs, complexities within a state, or other reasons is not known.

H.R. 5151 includes a provision requiring the Secretary of Agriculture to report, no later than Apirl 1, 1985, to the House Committe on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry on:

(1) the effect that the current law error rate goals and fiscal sanctions and incentives have had on state food stamp error rates; and

(2) the statistical methods utilized by the Department to calculate state error rates, including the rationale for using these methods.

No food stamp error rate sanctions have ever been collected since they were imposed by law in 1980.

The Food Stamp Act contains incentives—increases in the rate of federal reimbursement—for those states with rates of error below 5%.

According to a report by the General Accounting Office:

To reduce benefit errors, systems have been established to hold state and federal organizations financially liable (sanctions) for excessive errors in the day-to-day administration of the Food Stamp, Aid to Families with Dependent Children (AFDC), and the Supplemental Security Income (SSI) Programs.

Error rate limits above which sanctions can be imposed have varied by year, by program, and from state to state for the same program. These variations will continue but not to the extent that previously existed. For fiscal year 1985 and thereafter, the target rates for the AGDC, SSI, and Food Stamp Programs will be 3, 4, and 5 percent, respectively.

The Food Stamp error rate system results in proportionately smaller sanctions because of (1) its higher target error rate and (2) its specific procedures for calculating sanction amounts based on a percentage of federally reimbursed administrative costs instead of the amount of benefits issued, as in the AFDC and SSI Programs.

States had not reimbursed the federal government for any sanction amounts. A major reason was that the Departments of Agriculture and Health and Human Services had waived states' liability based on their promises to take corrective action. In contrast, the federal government has paid or acknowledged owing about $161 million for excessive overpayments of federally administered, state-financed SSI benefits.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I want to congratulate the gentleman on the amendment.

Is it not true that when the States have been given the option, as they have been in the past, the fact is that they did not use it and so therefore to suggest that somehow we are preserving this reporting requirement by making it optional in the bill is in fact to delete it entirely?

Mr. EMERSON. Well, there is some extensive history of that.

Mr. WALKER. I thank the gentleman.

□ 1710

Mr. PANETTA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of the amendments in working out the effort here, that is largely a bipartisan effort, in which we agree to disagree and, therefore, the gentleman from Missouri has offered this amendment.

The bill itself provides that the States would have the option of using the monthly reporting and retrospective accounting requirement. There are several reasons why we have made this optional. Let me discuss each of those reasons, if I might.

The first is that there is, it seems to me, a basic philosophy, that certainly has drawn a great deal of attention over the last few years, of this administration that we ought to minimize the redtape and the requirements that are now a burden on the States; that when it comes to programs like this, while the Federal Government ought to set goals and set some standards, that the actual implementation of

those goals, the enforcement of those goals really ought to be left up to the States to do as they see fit to do, pursuant to Federal requirements.

The problem with monthly reporting and retrospective accounting is it is exactly the opposite of that kind of philosophy. We not only set the goals in terms of the error rates that ought to be achieved by all of the States, but in this instance we are actually telling each of the States, mandating each of the States, how they will enforce that particular requirement. The result has been, frankly, a bureaucratic and red-tape nightmare.

Listen to the States. Thirty-eight of the States say please make this optional. There are some States that say yes, we will use this, we want to use it. Even the States that use it now, say it ought to be optional with the States because the States vary in terms of what will work as far as enforcement is concerned.

Listen. Listen to the reports that have been made on this issue. The Wall Street Journal recently published an article that looked at this whole issue and stated that what we have created here is a "bureaucratic never-never land." That is a quote from that article. In fact, what is happening is that this program, instead of reducing the cost to the Government, is increasing the cost to the Government.

So basically it is not working. What was intended to work is simply not working at the present time.

It is more difficult to verify qualifications because there is an increasing burden of paperwork that everyone has to shuffle through because of this mandate, so they are not looking at qualifications, they are not doing the things they ought to be doing in terms of ensuring that people who are entitled to these benefits in fact meet those qualifications. They are simply shuffling paperwork.

I think the Wall Street Journal article refers to some of these forms as like completing an income tax report.

The second problem is that it is not cost effective. There have been three pilot projects involved here, one in Colorado, one in Michigan, and one in Illinois. In all three of those pilot projects they show no savings in terms of the costs, and there is no error reduction as a result of implementing this process.

What has happened then, as a result of the problems that are incurred by the States in implementing monthly reporting? They are now seeking waivers and the administration argues that we have a waiver process so that those States who feel like they cannot comply with monthly reporting can simply apply for a waiver.

The problem is that the waiver process has become another bureaucratic nightmare in which States have to get in line, make their applications in order to get a waiver.

Let me just quote from one letter that we received from the Vermont Human Services Commissioner. He says, "Finally, I want to emphasize my support for making monthly reporting and retrospective budgeting a State option. All efforts to date to make it possible for States to obtain waivers from USDA from this onerous requirement have been dismal failures. Confusion and paper shuffling have proliferated. Waivers reluctantly and belatedly granted are so short lived that within a few months of implementation States have to resubmit and rejustify their requests. The constant uncertainty and administrative burden involved in resubmitting requests contribute to the continual instability and resultant costs of this program."

There is without question, in addition to all of this, an adverse effect on those in need. As a matter of fact, the Michigan pilot project established that 90 percent of those individuals who were terminated in fact met the qualifications, but found it too difficult to submit the forms that were required under this provision.

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(By unanimous consent Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. PANETTA. Finally, and I think this is the point I would like to make to the Members, I do think we have a responsibility to tell the States that they have to achieve certain error rate targets, goals, and indeed in this bill what we do is to increase the penalty for States that fail to achieve a 5-percent error rate. We think that is legitimate. That is really where the Federal role is.

Let us set the goal and let us allow the States to try to meet their goal. But how they do it really ought to be left to the States.

The point is this, in summary: I think that what we have provided here in making this optional is in keeping with the basic philosophy of federalism, that it really ought to be up to the States to determine how they enforce the provisions that are established at the Federal level.

The second point that I think is important is that this procedure just does not happen to be working right now. I wish it were working. It is not working and we ought to recognize that it is not working. It is not verifying those that it was intended to verify and it is not cost effective.

The key I think, as I have stated, is that this bill does increase the penalties in terms of overall error rate goals, and I think that is where we have a legitimate role to play at the Federal level.

So for all of these reasons I would urge the Members to vote against this amendment.

Mr. STENHOLM. Will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Texas.

Mr. STENHOLM. I want to make clear for the Members listening that they understand what you have just emphasized, what the committee is trying to do in regard to the monthly reporting requirement. What we are saying is that we recognize there are error rates at greater levels than we would like to see in many States. But rather than mandate monthly reporting, which evidence has been presented to the committee indicates, and I know in my district I have been convinced that mandating monthly reports in all States is not helpful to reducing error rates and the overall cost of the program.

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has again expired.

(On request of Mr. STENHOLM and by unanimous consent Mr. PANETTA was allowed to proceed for 1 additional minute.)

Mr. STENHOLM. While I will oppose this particular amendment, it makes much more sense to me to say to the States "Lower your error rate, but we will let you do it the way you want to. If you do not, you are going to pay an increased penalty. If you do, you are going to be rewarded." And the overall cost of the program will be less, we believe, and you believe, Mr. Chairman, and I agree with you, by allowing the States to do it rather than us mandating them to do something which may be contrary to the best wishes of all of us in lowering the costs.

Mr. PANETTA. The gentleman is correct, and that is exactly the goal that we are seeking in this legislation. I thank the gentleman for his comments.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. EMERSON. Will the gentleman yield?

Mr. DURBIN. I am happy to yield.

Mr. EMERSON. I just want to raise one brief point here in response to what the chairman has said about my amendment, and that is to say why do you select monthly reporting for optional treatment and not other aspects of the program? What, for example, if we wanted or if the States wanted program standards to be optional, or shelter deductions? We would say no, that this is a program that is national and has to be uniform. We have to have standards.

So that is the point of my amendment, to maintain standards against

which everyone in the country can operate.

Mr. PANETTA. Will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. PANETTA. I guess I think the only response is that it is pretty clear from the evidence we are getting with regards to this particular requirement that it is not working and that in fact it is doing exactly the opposite of what it was intended to do in terms of its cost effectiveness.

I thank the gentleman.

Mr. DURBIN. Let me begin by commending my colleague from Missouri, because I know that through committee hearings and his efforts on this legislation that he is doing the best that he can under the circumstances to make certain that this program is handled in an efficient manner, and one which does credit to the Federal Government for its efforts to try to help people who really do need help.

I found it interesting when we started discussing this bill in committee and the officials from the State of Illinois contacted me that their complaint about our legislation was not the fact that we were going to penalize them if they did not show that there were deficiencies, that they had payouts that were wrong. They brought to my attention the fact that we were suggesting some sort of mandatory reporting. That was what they thought to be counterproductive, actually counterproductive, because their own personal experience showed that the wrong things occurred when they said to the food stamp recipients to send in a monthly report or you will not qualify for food stamps. In the first instance they found that the people who were dropped from the rolls, when they went back and analyzed the people and investigated, were really the people who needed the food stamps and were deserving, and were the people who should be receiving them.

□ 1720

So the ones who were falling off the rolls were not people who were in fact cheating. The second thing that was found, it was very expensive to have mandatory monthly reporting.

In some instances in New Jersey, for example, it was reported that where the average food stamp benefit was $43 per month, the monthly reporting requirement was costing $25 a month to process and was not hitting the people who should be taken from the rolls.

I think one of the things that we have to also remember is that merely asking a recipient to send in some monthly form is no guarantee that it will be accurate, honest, or true. If that is the only requirement we are using to check people, there is no guarantee it will clean the rolls.

One of the things I asked for in this committee and was adopted as part of this legislation was for the Department of Agriculture to initiate a study to find the most effective ways to make certain that the Food Stamp Program and all Federal programs in this area were handled in an efficient and honest manner.

I think it is our best tactic at this point to say to the States as we do in this legislation:

> We are giving you a goal to make certain that you are in fact paying out the money honestly; the way you achieve it we will leave in your hands.

We are taking Government off their back when it comes to a means, but we are telling them what the end has to be. "We want an honest payout with respect to food recipients."

I rise in reluctant opposition to the amendment of the gentleman from Missouri and I think with this study we may find even more efficient methods to deal with this problem.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I would be happy to yield to the gentleman.

Mr. EMERSON. I thank the gentleman.

The new system is not intended to remove anyone from the program; it is designed to make sure the benefits reflect the true financial circumstances of households in the program.

I may say to the gentleman that the preliminary results from the USDA research in Illinois indicate that MRRB did not reduce participation by eligible households. Moreover, recipients reported that they did not have problems filling out the report form.

It should be stressed here that there are also many procedural protections for clients; under the current system, MRRB households which fail to file complete reports must be informed about what must be done to complete the report and afforded 10 more days in which to send in an acceptable report.

Mr. DURBIN. I would say to the gentleman in response that a study that is to be released very soon from a group in Cambridge, MA, indicates that the administrative costs of the monthly reporting were increasing substantially in the State of Illinois, 57 percent as a result of this project.

The conclusion of the study was that the people who were dropped from the rolls were truly needy recipients who just failed to send in the monthly form.

I think we are on the right track in setting a goal. When we tell the State how to implement that goal we are going too far.

Let us hold them to a standard, but let us leave to them the flexibility of meeting that goal in the most efficient manner.

Mr. EMERSON. Mr. Chairman, will the gentleman yield further?

Mr. DURBIN. I would be happy to yield to the gentleman.

Mr. EMERSON. Just to keep the record as full as possible here, because I imagine we will over the years be back to the subject again.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EMERSON and by unanimous consent, Mr. DURBIN was allowed to proceed for an additional 30 seconds.)

Mr. EMERSON. Mr. Chairman, will the gentleman yield further?

Mr. DURBIN. I yield to the gentleman.

Mr. EMERSON. One of the great problems with Illinois was at the time this study was being undertaken you were also implementing a new computer procedure and that probably, as much as anything, had to do with the difficulties.

Mr. DURBIN. I thank the gentleman.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is obvious listening to this debate that we have a decision to make here. This is either a Federal program or it is not a Federal program. Now it seems to me when I look at the bill and when I read through 5151, the committee specifically decided they were going to make this a Federal program, that the one recommendation that they ignored with regard to nutritional programs was moving to a State block grant program.

Now I am going to give you a chance to correct that a little bit later but that is not the point of this particular amendment.

This amendment speaks to the bill that is before us. The bill that is before us had made a conscious determination that we are not going to move toward more State discretion but instead, we are going to keep this program as a Federal program.

Now if that is the case, then all of this talk about giving the States more options and giving them an additional kind of discretion seems to me to be absurd.

If you are going to do that, then why not simply block grant the program, put the onus on the States, oversight the program from the Federal level and if the States are not performing up to par both in delivering nutritional needs to their constituents or with too much error or fraud, then come down on them from the Federal level.

You can do that or you can go the direction that the committee obviously decided to go; keep the program in

Federal hands and then micro-manage the program out of Washington.

Now it is interesting to me that it is only when we get a fraud that we decided that we are not going to micromanage the program; that there we are going to let it open to the States to decide how to deal with this problem. And that bothers me, because the one reform that we achieved back in 1981 aimed at doing something about fraud was the monthly reporting requirement.

That was the chief antifraud provision that we achieved when we passed reforms back in 1981.

We delayed and delayed and delayed and delayed the implementation of it. Finally we get to January of this year and we put it into effect and 6 months later we are back saying we want to make it optional again.

It seems to me that we do something that is going to actually stop fraud in the food stamp program. We know the overissuances in the food stamp program are still costing the taxpayers a billion dollars a year. That is $1 billion that the taxpayers are laying out that they are not getting what they are supposed to be getting for their money.

Government studies have indicated that if you add error, fraud, and abuse to that whole overissuance problem that the figure may go as high as $2 billion.

Now if that is the situation, then it seems to me that we ought to be doing something at the Federal level if we decide this is a Federal program to assure ourselves that we are not going to have that kind of fraud, waste, abuse, and overissuance in the program, that we really ought to be doing something such as the gentleman from Missouri has suggested, and that is assuring ourselves that there is a standardized reporting requirement that the Federal Government can rely upon coming from all of the States across the country.

That is all it seems to me that he is asking for. If we really want to give discretion to the States, I am all for that. But then let us give discretion to the States to manage the program in a way that they regard as most effective for the States.

Then as I say, you will have that opportunity by voting for a block grant approach to this program which it seems to me speaks exactly to all of the concerns and the points raised with regard to this amendment in opposition to it.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. STENHOLM. I thank the gentleman for yielding.

I find no quarrel with the argument that he is making today. The point that I am making and will make again in regard to this specific amendment is that monthly reporting is not working. Now we can get enjoined in the philosophical argument of whether we want to go completely to the State run or completely to the Federal run but we are not going to decide that today.

This gentleman probably will come down closer in agreement to the argument that the gentleman is making than I will going the other direction. But the point in this amendment is that montly reporting is not working, at least to my satisfaction and to most of the members of this committee who have looked at it.

And it seems more reasonable for us to attempt to use the carrot and the stick and say to the States: "If you get your error rates under control you are going to be rewarded, if not, you are going to be penalized." That is the argument.

Mr. WALKER. I do not have a particular argument with the gentleman if you are willing to give the States the opportunity to manage more than simply the fraud portions of the program.

But the decision has been made here to go the opposite direction, "We will micromanage what you do in terms of meeting the needs of your people."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. I also think it is important to recognize here that the gentleman says that the program is not working; we have had basically a 6 months' experience with this program and that the main reason why it is not working is because it is expensive.

Fraud is expensive, too. We have had a 20-year experience now with this program. We have never come up with anything that is acceptable to us in managing fraud. And the fraud continues to get more and more and more expensive for the taxpayer.

Yet every time we come up with an antifraud program, we come back to the House and say, "That is not working" so we abandon that one, too. Why not try this one? It has only been in effect 6 months. It seems to me it would be worth moving forward on.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be happy to yield.

Mr. EMERSON. To the gentleman from Texas, I dare say if we had food stamps operating in the form of block grants to the States, that we would probably have 50 States accepting MRRB as a requirement.

□ 1730

Mr. WALKER. I thank the gentleman.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief.

I just want to point out what we have done in this bill with respect to this amendment and I oppose this amendment.

First of all we have attempted to try and bring about the corrections to the problems of error rates. In fact, in some sense and I will have an amendment later on, I think we have gone too far and I think we ought to have a carrot as much as a stick. We have got to remember we are not prohibiting monthly reporting here, we are giving it as an option.

At the same time in this bill, we have increased tremendously the penalties to States for having an error rate in excess of 5 percent. By doing this, we are moving the cost of this program substantially over to the States if they have higher than 5 percent error rates.

Thus, what we have done is we have told the States that you have got to reduce your error rates. If you want to use monthly reporting to do this that is an option you have. But if a State finds that the use of monthly reporting is counterproductive, it does not assist them, it causes too much paperwork, it interferes with other ways to control the costs of their program, then do something else, but get your error rate under control.

The sanctions in this bill in the error rate sector are tremendously increased. Instead of a percentage of States administration costs based on the error rate, in the bill there is a dollar for dollar penalty to the State equal to the lost benefits if you are over a certain error rate. We have really given them the stick. They will get error rate under control. They will have to. Their State legislators will be screaming at them if they do not.

So let the States have the option. If it works, let them use it. If it does not work, let them not use it.

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment.

This bill is a carefully crafted piece of legislation and puts in some very strict penalties for the very things we would all agree should be avoided; namely, an undesirable or unjustified rise in food stamp error rates.

The reason we are doing this in this bill, under the leadership of the gentleman from California [Mr. PANETTA], is that the MRRB system which—with all due respect to my friend from Missouri—is not working. It has not been in place for only 6 months, as indicated by the gentleman from Pennsylvania [Mr. WALKER]. There have been several studies that have been under-

way for quite a while. The results of those studies are now in.

In Colorado there was a 90-percent increase in paperwork as a result of MRRB being in place. Furthermore, error rates did not significantly come down. In fact, in some cases they went up. In fact, it is the very area we want to bring them down, I say to the gentleman from Pennsylvania, where they went up. In policing the area of earned income of the family, error rates actually went up, not down with MRRB. It is not an effective system of administering food stamps.

The gentleman from Pennsylvania [Mr. WALKER] can talk all he wants about the philosophical desirability of Federal versus local control. Fine, we might all agree with him. But why impose an unworkable system and then sell it under the banner that it is Federal?

I love local programs when they work. Why do we not let local programs, in this case, work?

Mr. WALKER. If the gentleman would yield, I just wondered whether the gentleman is going to support my block grant amendment.

Mr. MOODY. Well, I will if it produces an adequate amount of money.

Mr. WALKER. It is the same amount of money as in the bill.

Mr. MOODY. I will look it over and let the gentleman know at the time. But let us deal with this issue once and for all. Let us deal with the amendment before us. We are not debating the gentleman's amendment. We will do so shortly, I trust. We are debating the amendment of the gentleman from Missouri, and I have problems with the gentleman's amendment.

To digress, the gentleman from Pennsylvania's amendment does not put error rate penalties in and the penalties are in the bill before us. H.R. 5151, for not achieving the 5-percent error rate. By 1986 the penalties would go up substantially for not achieving a 5-percent error rate, and that is probably good because all of us are concerned with error rates in food stamps even if administered purely by block grants.

But the gentleman from Pennsylvania [Mr. WALKER] cannot argue both sides of the street, that he wants a block grant, and at the same time wants a federally mandated program that mandates a very inefficient, ineffective, costly, paperwork-ridden, bureaucratic system, which is what MRRB has uncontrovertably turned out to be.

So, I would urge my colleagues, of both parties because it is very bipartisan issue, to oppose the Emerson amendment.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly to oppose my friend from Missouri on this particular amendment, but I am going to do so because I have a firm belief in the incentive system in regard to the relationship between the Federal Government and the States.

Now, we do a lot of talking up here about Federal authority over this and Federal regulation over this and so on, but it only works as well as you get a State to help you make it work. And only as well as that system is based on a responsibility for the State to respond. They have responded and responded well, Mr. Chairman. I think that it is time that we backed away slowly and cede a little authority and a little responsibility and more and more so to these States, particularly in regard to the MRRB program, which has not worked.

So I stand here to oppose this because I think it is time that we have given the States the authority to regulate. They have performed very well. I think that we should provide the kind of incentive that says that we are a partner in these kinds of programs and you do have a responsibility on the State level because we are going to give you that responsibility. If you do not, we are going to fine you heavily.

The program is working. When I was first associated with the food stamp program there was no doubt about it. In some areas the error rates were running as high as 15, 20, 25 percent. Today they are much lower. It indicates a willingness and a responsibility and the acceptance of that responsibility primarily through State activity.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just a few comments to the gentleman from Pennsylvania in regard to the block grant proposal that he will offer. I probably will support it, even though he will not propose a program that has been well thought out and thoroughly researched and all of the problems that are resolved in it, the basic concept, I think, of consistency, is important for us.

I agree to the point that has been made in this debate that if you are for monthly reporting being voluntary and allowing States rights in one position, as the gentleman from Missouri, who I greatly respect, has pointed out, why not in other areas? A very good question.

I guess the only answer to that that I could say is that we have not been able to delineate other areas in which we have received a consensus that this is a specific area that we can implement that will have a chance of working.

As we look at those areas, certainly this Member will be supporting them.

The debate in this particular instance can be summarized by saying, I think that when you speak to the folks back home who are trying to implement this particular program, mandatory monthly reporting, dictated by the Federal Government to States, is not as helpful to reducing the error rate as allowing the individual States to make that decision themselves, providing an incentive for them to do that, which you have already heard one Member will offer an amendment to reduce the penalty, which I will strongly oppose for the reason I am giving in opposition to this particular amendment.

So the basic point is what we are doing today is not working. Listen to the folks back home. The challenge to us in this Congress is to try to make Government work better. Opposition to this amendment, I believe, will do that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. EMERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EMERSON. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 338]

Ackerman	Bonker	Conyers
Addabbo	Borski	Cooper
Akaka	Bosco	Corcoran
Albosta	Boucher	Coughlin
Alexander	Boxer	Courter
Anderson	Britt	Coyne
Andrews (TX)	Brooks	Craig
Annunzio	Broomfield	Crane, Daniel
Applegate	Brown (CA)	Crane, Philip
Archer	Brown (CO)	Crockett
Aspin	Broyhill	Daniel
AuCoin	Bryant	Dannemeyer
Badham	Burton (IN)	Darden
Barnard	Byron	Daschle
Barnes	Campbell	Daub
Bartlett	Carney	Davis
Bateman	Carper	de la Garza
Bates	Carr	Dellums
Beilenson	Chandler	Derrick
Bennett	Chappell	DeWine
Bereuter	Chappie	Dickinson
Berman	Cheney	Dicks
Bethune	Clarke	Dingell
Bevill	Clay	Dixon
Biaggi	Clinger	Donnelly
Bilirakis	Coats	Dorgan
Bliley	Coelho	Dowdy
Boehlert	Coleman (MO)	Downey
Boggs	Coleman (TX)	Dreier
Boland	Collins	Duncan
Boner	Conable	Durbin
Bonior	Conte	Dwyer

Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1750

The CHAIRMAN. Four hundred and ten Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. EMERSON] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair would remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 293, not voting 20, as follows:

[Roll No. 339]

AYES—120

Archer
Badham
Bereuter
Bethune
Bilirakis
Bliley
Brown (CO)
Burton (IN)
Byron
Campbell
Carney
Cheney
Coats
Coleman (MO)
Conable
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Derrick
DeWine
Dickinson
Dreier
Edwards (AL)
Emerson
Fiedler
Florio
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gregg
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Ireland
Kasich
Kemp
Kindness
Lagomarsino
Latta
Leath
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lowery (CA)
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
McKinney
Michel
Miller (OH)
Moore
Moorhead
Myers
Nelson
Nielson
Oxley
Packard
Parris
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ritter
Robinson
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skelton
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Winn
Wolf
Wylie
Young (FL)

NOES—293

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Crockett
D'Amours
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fields
Fish
Flippo
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lipinski
Loeffler
Long (LA)
Lott
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
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Sisisky
Skeen
Slattery
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
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Whitley
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Williams (MT)
Wilson
Wirth
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Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NOT VOTING—20

Anthony
Bedell
Breaux
Broyhill
Ferraro
Ford (MI)
Frost
Garcia
Gramm
Hall, Ralph
Leland
Long (MD)
Markey
Marriott
Martin (NC)
Pashayan
Schumer
Simon
Stokes
Williams (OH)

□ 1800

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASHAYAN. Mr. Chairman, during the vote on the Emerson amendment, rollcall No. 339, I was detained by other important business and missed the vote.

I supported the Emerson amendment and should like the record to show that had I been present I would have voted "aye."

Mr. BONER of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the bill and would like to ask the gentleman from California about a specific provision in the bill which addresses one of the problems facing the homeless in our Nation. But first I would like to share with my colleagues a few words about a recent firsthand experience I had related to the homeless in the district I represent.

In June, I was asked by Nashville magazine, a local magazine in Nashville, to spend 2 days and 2 nights on the streets of Nashville, dressed as a homeless person, with only $5 in my pocket to spend the entire weekend.

Probably the greatest lesson I learned from this experience is that all street people do not fall into the stereotypes that many have constructed. Instead I found among many of these people a sense of caring, as well as laughter, cunning, intellect, ambition and, perhaps most assuring, a sense of hope among many people we believe are hopeless.

Nashville's—and the Nation's—homeless are not all winos, prostitutes, drug addicts, or even mentally ill. Sure, some I met clearly have mental and physical handicaps that need immediate attention. Some have lost their motivation and desire to go anywhere or do anything but roam about town. Others seem content to live a nomadic, hobo-like existence.

My greatest concern goes to the homeless whose conversations still contained words of optimism. While they spend their days busily trying to fulfill the immediate necessities of life, they continue to talk of finding a permanent job, of finding a better place to stay, of being reunited with their families and friends.

It is for these people—these people who have not been reached by the trickling down effect of the current economic recovery—who I am happy to speak out for in favor of this legislation.

While I do not claim that my experience as a street person made me an expert in the plight of our Nation's homeless or that it gave me all the answers to this tragic problem, it did give me an understanding of what some of the problems on the streets are. It also gave me the desire to look for solutions to some of these problems.

I believe the bill currently being debated takes an important first step in providing a solution to one of these problems: the nutritional needs of the homeless.

Under current law, our Nation's homeless face an almost impossible hurdle in trying to qualify for food stamps. While many of these people meet all the other eligibility requirements, they cannot receive food stamps because they do not have a permanent address. In Nashville, we have finally been successful in qualifying many homeless individuals for food stamps who meet the eligibility requirements by certifying their permanent address to be a local shelter.

The bill before us achieves a similar result and I would like to ask the gentleman from California to explain the specific legislative changes that allow the homeless to qualify for food stamps.

□ 1810

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BONER of Tennessee. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for his support of the bill and commend him for the work that he has done to try to assist the homeless. He has, I think, taken on a rather unique experience to live with the homeless and experience the problems that they are having.

In fact, the President's Commission on Hunger looked at the problem of those who are homeless and recommended that they be allowed to participate in the program.

So as a result of that, the first section of the bill that is before the House, H.R. 5151, provides the assurance that individuals who otherwise meet the eligibility criteria for the Food Stamp Program but who have no permanent address, who are homeless, nevertheless can qualify for those benefits.

Just as the gentleman from Tennessee has done, we, too, have recognized the need to try to address the growing problem of feeding the homeless, and I believe this bill will make sure that the homeless will have access to this program.

Mr. BONER of Tennessee. Mr. Chairman, I thank the gentleman from California [Mr. PANETTA] for his explanation and commend the committee for bringing this measure to the floor.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Missouri: Strike section 107(a), page 10, and insert in lieu thereof the following:

SEC. 107. (a) Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by—

(1) in the first sentence, striking out "$1,500" and "$3,000" and inserting in lieu thereof "$2,250" and "$3,500", respectively; and

(2) inserting in the second sentence, "and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle" after the words "physically disabled household member".

Mr. COLEMAN of Missouri (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN of Missouri. Mr. Chairman, my amendment maintains the increase in the resource limits of the Food Stamp Program which are presently contained in this bill, H.R. 5151, and retains the current policy on cars in the program and saves a total of $146 million over 3 years.

If I might, I would like to review exactly what the present law is and what the proposed resource levels are in this bill because I think it would be very informative for the general membership. Right now most families are allowed resources of $1,500. The elderly are allowed $3,000, and the eligibility for food stamps is still retained.

Under H.R. 5151 these resource limits are increased from $1,500 to $2,250 for everybody but the senior citizens, and for senior citizens it is increased from $3,000 to $3,500, as it does by my amendment. So I do not want anybody to think I do anything differently with resource limits other than the car. My amendment is directed only at the value of the car in question.

Now, I do believe that we ought to recognize that for people to receive food stamps in this country they might have the following resources and still be able to receive food stamps, because the following assets are totally disregarded when someone goes down and applies for food stamps: The home in which they live and the property, regardless of the number of acres, around the home; all of their household goods are exempt such as furniture, appliances, and so forth; the cash value of any life insurance is completely excluded from the resource limitation, or pension funds; and all cars. I want to emphasize that all cars are exempt if they are used for producing incomes, and most cars worth less than $4,500. That is in the current law. And any irrevocable trust funds. All of this is totally disregarded when we sit down and figure out whether someone is eligible or not.

This is just a partial list of the property, Mr. Chairman, that is not counted in determining food stamp eligibility. On top of that, most families can have $1,500 in cash or assets other

than what I have mentioned already and still be eligible for food stamps.

It is the language in the proposal that we have before us that will increase the threshold value of the automobile from $4,500 to $5,500 that I have a problem with, and I find it unnecessary to increase that value. The present policy regarding the car and the Food Stamp Program provides that the entire value of this automobile is exempt if the car is used for producing income consistent with its value or if it is necessary for long-distance travel—for example, migrants, because they need a car to get from one location or one farm to the other. Or if it is used for subsistence hunting or fishing in those areas where people hunt and fish for a living; or if it is needed by physically disabled people.

I am not touching any of this. Therefore, we are not discussing these cars, and anybody who brings up these cars to oppose my amendment is simply dragging a red herring because I am not touching any of those.

If a car is not exempt and does not fall within the exemptions that I just mentioned, it is evaluated on the basis of its wholesale value by the Department of Agriculture. And if it is over $4,500, then it is counted toward the resource maximum, and these types of cars include those cars needed to go to and from work, to training school or school, to look for work, or needed specifically for household transportation.

So let me give an example. If a family has three cars under present law, they could have a 1982 Ford Escort for transportation to a training school; they might also have a 1983 Chevette to go to work; and they also might have a 1983 Dodge Omni, all of which are valued at less than $4,500, and their food stamp eligibility would not be affected. In fact, this same family that might have these three fairly new cars could also have $1,500 in the bank and still be eligible for food stamps. I suggest that is a very generous basis for eligibility for this program.

Now, according to the Department of Agriculture on the characteristics of the recipients of food stamps and from the latest information we have for 1981, 90 percent of all households receiving food stamps have assets which are counted toward eligibility of less than $500, and half of those receiving benefits have no countable assets at all. That means they do not have a nickel in the bank. Therefore, an average family receiving food stamp benefits might have all the property I mentioned previously, the home, the property, the insurance policies, the pension funds, the household goods, the personal effects, a bank account with $500 in it, and three cars for transportation.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COLEMAN] has expired.

(By unanimous consent, Mr. COLEMAN of Missouri was allowed to proceed for 5 additional minutes.)

Mr. COLEMAN of Missouri. Mr. Chairman, they could have all of these assets and could have three cars up to a value of $4,500 and still receive food stamps. Now, it makes no sense to me why we should be supporting an increase in the value of these cars, the threshold value of the cars from $4,500 under present law to $5,500 under the bill, because these are cars that are worth more than cars the average Americans are driving today.

According to the Automobile Dealers Association, the average age of a car in this country is 7.2 years. That means the average American is driving a 1976 or 1977 car.

Now, let us go through it and look at what these cars might be in their value. Remember, a food stamp recipient can drive a $4,500 car and in fact might have three $4,500 cars and still be eligible, but the average taxpayer, the average driver in this country, is driving a 1977 Ford station wagon valued at $1,875 or maybe a 1977 Dodge valued at $2,300 or a 1977 Pontiac Firebird valued at $3,150.

I could give a lot more on that, but the point of it is that he is driving a car worth less than what we now have for the maximum amount for a food stamp recipient to drive.

The food stamp program as it already exists is very generous, and I do not think we need to raise it any further. Under the present food stamp law, with these cars that I am now going to list, a person would be eligible to receive food stamps and drive these cars: A 1982 Chrysler LeBaron worth $6,000; a 1979 Lincoln Continental valued—this is the wholesale value again, and the National Association of Used Car Dealers is what the USDA uses—a Chrysler LeBaron worth $6,000; and the wholesale value, which is counted, of the Lincoln Continental, 1979, $5,825; or a 1983 Chevrolet Chevette, which is valued at $4,200. These would all be eligible to receive food stamps.

This bill, Mr. Chairman, wants to add on to these to allow food stamp recipients to drive even newer cars and more expensive cars than those I just got through mentioning. It is quite a contrast when we point out that the average American who is paying the bill for the food stamp recipients is driving a 1977 Ford station wagon and the opponents of my amendment who support the bill or who might support another amendment down the line want food stamp recipients to drive a 1983 Ford LTD.

□ 1820

I think there is quite a contrast there. We ought to recognize that when we vote.

Frankly, my generosity is limited to the 1982 Chrysler LeBaron. that is what you can drive now and still get food stamps. Those people who want additional amendments want to raise that up even further and I do not think we should do that.

Let me tell you what cars would be eligible to drive, if my amendment fails or any amendment to my amendment were to succeed: You would be able to be eligible for food stamps and still drive to the welfare office in a 1982 Cadillac Cimarron, valued at $7,000. You could drive with the Chevrolet Malibu, 1983 model, worth $7,200, you would still be eligible for the food stamps under this bill and any amendment to the Coleman amendment.

You could drive a 1983 Chrysler LeBaron worth almost $7,000 or maybe you would like to drive up in a 1979 Porsche worth $7,200.

So what I am pointing out is why we do not need to raise this asset limit at all from $4,500 to $5,500. It is generous enough. I think our constitutents would want to know why these people are driving these cars and still be eligible for food stamps.

Now I am sure I have heard these arguments in committee, the gentleman from California will probably say "Well, we never increased the value of the $4,500 exemption and maybe in 1984 dollars this used car exemption should be worth over $8,000 or so."

Well, the point is not that a car might be worth more today, but that these cars are worth so much money today, on today's market and again the average taxpayer is driving a 7-year-old car worth a heck of a lot less and nobody is indexing or gradually phasing in an increase in value of the average taxpayer's car.

So, I suggest we not do the same or get into that position with increasing this asset for food stamp eligibility.

Now some will say well, this was in the President's recommendation the Commission made to him. I say well, you can pick and choose your recommendations because there were also other recommendations made in the President's Commission, and I do not think that the chairman is going to stand up and support a block grant amendment today, but that was in the Commission's task force.

There are other suggestions such as the cash out of the food stamp for the elderly and disabled; that is not in this bill. There was something about immediately forcing the States to live up to a 5-percent error rate. That is not in this bill. There are a lot of things not in the bill.

So I do not think that is a good argument because the task force recommended that the car be increased that we have to follow that.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. COLEMAN of Missouri was allowed to proceed for 1 additional minute.)

Mr. COLEMAN of Missouri. I thank my colleagues.

I will wrap this up at this point by suggesting that we have to have more of an argument that we have not increased the value of this car over a number of years. If you look at the statistics the average driver is driving a 7-year-old car worth less than what the average recipient of food stamps could drive under the terms of this bill.

I urge people to support my amendment and resist any amendments thereto. We will save $146 million over 3 years if my amendment is adopted and an additional $150 million in the 2 outyears if it is adopted. So it is almost $300 million that we can save by adopting the Coleman amendment by doing nothing other than present law.

I think it is something that our constituents are going to ask us, "Why did you vote to allow food stamp recipients to drive 1983 Chrysler LeBarons to the welfare office?" I think all of us ought to have a good answer tonight. The answer is: You did not, because you voted for the Coleman amendment and against all amendments thereto.

AMENDMENT OFFERED BY MR. PANETTA TO THE AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. PANETTA. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA to the amendment offered by Mr. COLEMAN of Missouri. Strike out paragraph (2) of the amendment and insert in lieu thereof the following:

"(2) in the second sentence—

"(A) after 'physically disabled household member' inserting 'and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle'; and

"(B) inserting after '$4,500,' the following: 'except that the Secretary shall, on April 1, 1985, and on each April 1 thereafter, adjust such amount to reflect changes in the Consumer Price Index for all urban consumers, United States city average, for used cars (base year 1967 = 100), published by the Bureau of Labor Statistics, for the twelve months ending the preceding December 31, and round the result to the nearest $100 increment: *Provided*, That such amount, as adjusted, may not exceed $5,500,' ".

Mr. PANETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. Mr. Chairman, the amendment that I offer here I think recognizes some of the concerns that have been indicated by the gentleman from Missouri but also recognizes the need to provide some flexibility with regard to the issue of the assets test.

Why is there a need for this flexibility? The point of any assets test is to ensure that those who are indeed in need qualify for the benefits that are provided. But if, in fact, that assets test does not keep up with present conditions, then what you are virtually doing is penalizing those in need who would otherwise qualify for those benefits under the assets test as established.

This area was addressed by the President's task forces and, obviously, while we are not taking 100 percent of all of their recommendations, the fact is we are taking a large majority of the recommendations that have been made by the President's task force.

They looked at the whole issue of assets requirements. The problem in this area is that most of the assets tests have not been updated since 1971; when it comes to personal assets. So they felt that there was a need, indeed, to update that assets test in some small way.

We are not fully updating it, I might say to my colleagues, but we are updating it in some way pursuant to the recommendations of the President's task force.

In the area of cars this area has not been updated since 1977, although there has been a 98-percent increase in the value of used cars over that period of time. So it has not been adjusted since 1977 and the task force, itself, I might point out, from the task force report of the President's commission, states the following and I think it is important to realize why we are dealing with assets at all:

As we have emphasized in our report, the Task Force is aware that many "new poor" households which have lost income due to unemployment in the past recession do not qualify for food stamps because they own too many assets such as autos or non-residential property. Sometimes these assets are not readily marketable, and if the household has borrowed to purchase them they may actually be a drain on the household's resources. In addition, because of the lag between application for assistance and actual enrollment in the program, households living off their assets may get precariously close to complete depletion of assets before they fall to the eligibility level and benefits begin. Therefore, we believe these households should be given greater access to the food stamp system. Raising the asset limit will help accomplish this.

We do this with regard to the personal assets limits as recommended by the task force and we do it in the bill as presented pursuant to the recommendation of the task force as well.

Now, let me state this, no one, obviously no one in this body or anyplace else supports those who abuse this program. I have heard a lot of the hypotheticals and there will be a lot of hypotheticals used on this program time and time and time again.

But neither in trying to protect the program from those who would abuse it ought we to penalize those who indeed are entitled to the benefits of this program.

That essentially is what we have tried to do in the amendment. Before I get to my amendment, let me ask the Members to look at who we are talking about, because again I know that the abuses and the hypotheticals can be used, but let me give you the statistics on who, right now, receives food stamp benefits.

Ninety-five percent of all households on food stamps have a gross income below the poverty line, 95 percent of the households on food stamps. They receive 98 percent of the benefits. So we are talking about the benefits being targeted and those who are below the proverty line, the ones that we refer to as the truly needy, the ones who need to have the safety net.

Seventy-six percent of all households own no countable assets whatsoever; 76 percent of the households on food stamps own no countable assets.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. JEFFORDS and by unanimous consent, Mr. PANETTA was allowed to proceed for 5 additional minutes.)

□ 1830

Mr. PANETTA. Ninety-seven percent of the households on food stamps, 97 percent, own assets of $500 or less. The average net income of someone on food stamps is $205 a month or $2,460 a year. So we are not talking about those who are not in need. This program addresses those who desperately need to have food assistance in our society. That is what the nature of this program is all about. Seventy percent of whom who are headed by a woman who receives food stamps and 20 percent of who are elderly.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

While we are on this section, I think it might be helpful to try and clear up some of these definitions.

For instance, if you own a car that is worth $5,000 and has a $5,500 lien on it, how is that considered? Is it considered as a $5,000 asset or how is it considered?

Mr. PANETTA. It is the market value of the car regardless of the equity that is owned in the car.

Mr. JEFFORDS. It is the wholesale value of the car rather than the net value.

Mr. PANETTA. $5,000.

Mr. JEFFORDS. Right. So, in other words, there is some discussion that the gentleman from Missouri [Mr. COLEMAN] had that indicated there is a freedom to trade around here and pick up automobiles.

Let me ask the gentleman this. Is this not the kind of typical person we are talking about. What occurred to me was in Springfield, VT, where we had a lot of people laid off at a plant. When I went and visited one home this is the situation I found that they had a car that was worth something around $5,000 and they had no other assets. They had gone through everything.

It is my understanding that because they had this car they then were ineligible for food stamps, even though it was liened to the hilt, in fact, they owed more to the bank than the car was worth. Because of that, is that not correct that that would prohibit that family from getting food stamps?

Mr. PANETTA. That is exactly correct. And that is the problem that we have run into time and time again, that the newly unemployed, the so-called new poor, who were working at a job suddenly found themselves laid off from a job, who had a car that they had very little equity in, suddenly found that they were not entitled to any benefits because of the value of the car. They were then faced with the decision: Should we sell the car? We have to sell the car. Get very little equity back, in order to get on food stamps.

The result is, I think, that we do need to at least understand that this provision has to provide some flexibility with regard to the value of the automobile.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. If the gentleman will yield on the point that he made and the example which I think the chairman—if I might bring it to his attention—might agree with me.

Mr. JEFFORDS. If the gentleman would yield, I was in error and I will admit to that. They do have sufficient assets so that they were over $1,500 when you added the $500 of nonvalue in the car.

Mr. COLEMAN of Missouri. No; the point of it is that they would have been eligible for food stamps under the example that the gentleman gave, having a $5,000 car, because under present law you can have $4,500 and plus $1,500. So you could drive a $6,000 car.

Mr. PANETTA. As pointed out by the gentleman, it depends on the other assets.

Mr. JEFFORDS. In that case the two added together added to more than the asset level.

Mr. PANETTA. If I might just complete the description of the amendment and then I think we can discuss the ramifications of it. It is solely because I think as a result of the hearings we have conducted across the country we found that the people who are receiving these benefits are truly those who desperately need these benefits. We are not talking about people who enjoy the prospect of getting on food stamps. Believe me. I wish I could take everyone in this House to the soup kitchens and the food pantries that we have gone to. It is not very pleasant. The people who are there do not enjoy being there. But sometimes when they need that help that is frankly what I think this country is all about.

The amendment that I am offering to the gentleman's amendment would hold the amount at the present figure, which is $4,500. We do not increase it to the $5,500 as recommended by the President's task force. We would hold the amount at $4,500. But we would allow it to increase pursuant to the CPI as the cost of used cars goes up, if they indeed do go up, with a cap of $5,500 over 3 years.

So while we do not immediately go to the $5,500 level as recommended by the President's task force, we would allow it to increase to that level, if, indeed, there is an increase in the used car value.

We think that recognizes the concerns that have been addressed here, but presents some flexibility, so that in the very least we are not harming people.

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(At the request of Mr. TRAXLER and by unanimous consent, Mr. PANETTA was allowed to proceed for 5 additional minutes.)

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I thank the gentleman for yielding.

If we could just go through this. It seems what we are hitting here are the people who normally do not take advantage of the system, the working poor. In my district, as I was recently taking a look at a company that was closing down, American Thread, they gave us 2 years' notice and we are taking a look at what we can do for people who are presently working there, people who have worked all their lives, many of them at this facility, but at very low-paying jobs. If these people owned a car that was valued at $6,000 or $7,000, but still owed $5,000 in debt to the bank on that vehicle, the gentleman is telling me that they would be assessed as having $6,000 or $7,000 in assets.

Mr. PANETTA. That is correct.

Mr. GEJDENSON. It strikes me that we do not put an asset test on the corporate lunch. That is, we sit here in this Congress and we try to reduce the deficit and deal with the financial problems of this country. We have not done that. And that in the one instance that we may be able to help the working poor continue to be working poor rather than take away their opportunity to work, that one moment in time when the Federal Government or State assistance can help them through the kind of transition we are now facing in Willimantic, CT, where people who have worked all their lives are about to lose their jobs, not because they were not productive, but because there is less of a demand for their product and they cannot compete with foreign imports because of an overvalued dollar, the one time that those people come for assistance, that we are going to say no to them.

In some ways I was hopeful that the gentleman from California would not have to offer his amendment because what we are doing is taking and reducing what we have given some years ago. We have lost so much because of the inflated value of secondhand automobiles and that what we are doing is not giving them additional coverage, we are not even compensating for what they have lost because of the increased value of those automobiles.

So I support the gentleman's amendment because I think I recognize it gives us an opportunity to do something for the working poor, although I had hoped we would be able to do more for people who want to work for a living.

Mr. PANETTA. I thank the gentleman.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Michigan.

Mr. TRAXLER. I thank the gentleman for yielding.

In the interest of time I am not going to seek my own time. I just want to make this point.

I think the gentleman from Vermont raised an interesting question and it is the issue that I was trying to get to in my "Dear Colleague" which I sent out to my friends here in this body. The point is and here is an actual case. This is the thing that troubled me so much about the income limitation as it relates to automobiles.

Take the case—this is an actual case—and put yourself in this situation. You are talking to a constituent

now. He is on the phone to you from your district. He found out that his company went bankrupt. It is a sudden layoff situation. No job. He is eligible for unemployment benefits. He has three children, two daughters in high school, one daughter in college. A very modest amount of money in his checking account. A very modest savings. And he has two snowmobiles.

Unfortunately when he got through paying for his mortgage, got through making the payment on his car which was 2 years old, when he got through making the grocery payments, utility payments—unfortunately, it was winter in our State and utility bills run for heating anywhere from, unlike the gentleman's State, $70 in the low end to $100-plus on the high end.

□ 1840

It was very difficult on his small unemployment benefit under these circumstances for him to make it. He checked with social services to see if he was eligible for food stamps. And because he had a 2-year old car, plus that small amount of money in his checking account and an additional $500 in savings, plus a snow machine or two—I do not recall what number, and he was trying to sell those, incidentally—he was not eligible for food stamps. Remember, he had been a taxpaying citizen for over 25 years. This guy was in his mid-forties. I mean, for heavens sakes, it could happen to us. Think about that one. He was in his mid-forties, never been on any kind of public assistance, always paid his taxes, always paid his own way, and he was ineligible for food stamps. At a time when he needed it most, this Government said, "Fellow, you got it too good, you got too much, and you can't have it." He was not a welfare cheat, he was not a welfare fraud, he was not on public assistance. And not that those people are. That is a great urban myth. But that is what is wrong with the Food Stamp Program. I do not know, maybe we ought to try harder, maybe we ought to figure a way in which to build up some credits in a bank, as a working, taxpaying American, and say, "If you do hit hard times, we are not going to force you to give every damn thing away to be eligible. You have been a good citizen."

And that is why I support the gentleman's amendment.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to support the Panetta amendment. Frankly, I think it is way too conservative. I think that Mr. PANETTA has bent over backward to basically keep the status quo. But it is better than the Coleman amendment because it at least allows the increase of the value of the car for cost of living. But in 1977, we said that the value of a car for the purposes of asset limitation was $4,500. It is 9 years. It is still $4,500. It has not changed. The inflation rate has clearly more than doubled.

All the Panetta amendment, basically, says is that we start today at $4,500 and we go from here and, basically, increase it for the cost of living. I think it ought to be at the committee position, $5,500.

Mr. FAZIO. Mr. Chairman, will the gentleman yield on that point?

Mr. GLICKMAN. I will be glad to yield to the gentleman from California.

Mr. FAZIO. I just wanted to make the point even more explicitly, the value of used cars has appreciated 98 percent since that 1977 date. It is a devastating situation to find ourselves in, as the gentleman indicates, that we cannot even take that inflation into account at the present time. We simply are going to have to, for political purposes, be more conservative than the President's Commission and begin to index from here.

So I think the gentleman makes an excellent point.

Mr. GLICKMAN. I agree with what the gentleman says. The rate of inflation on used cars has been tremendous. But given the options between us, Mr. PANETTA is clearly much more responsible than Mr. COLEMAN, and I would urge my colleagues not to be thrown off by any red herrings from Mr. COLEMAN. Mr. PANETTA's amendment keeps the asset limit at the exact same level today as it was in 1977 and in a future period of time lets it rise for a cost of living. That is a very conservative thing.

But I would just like to mention a couple of other things Mr. JEFFORDS mentioned. The asset limit of $4,500 is basically the value of the car, and it does not matter if you have got $4,500 worth of mortgage on that car, it still counts as $4,500. If you are thrown out of work and have to sell your car, most people in this country have at least 80 percent of the value of that car pledged. So you have probably less than 20 percent of an asset value left. And to keep the limit at what Mr. COLEMAN is talking about doing is all the worse, because there is no real value of the car, anyway.

Finally, Mr. COLEMAN indicates that, well, if you have cars that you use in your work, they are not counted in the asset limit. But what he fails to mention is that if you are out of work and if you need to use a car to find work, it is counted. And the fact of the matter is, if you are newly unemployed and you need to take your car, it may be a 1981 Buick or a 1980 Pontiac, out to find a job, you may be forced to sell that car in order to comply with food stamps, and then you cannot find work.

So I think for all of the reasons I have talked about, the Panetta amendment, while very conservative, is a more realistic position, and I urge my colleagues to support it.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from California.

Mr. FAZIO. I appreciate the gentleman from Kansas yielding.

I think in the brief time I have been on the Select Committee on Hunger I have been exposed to something that perhaps many of you on the Agriculture Committee have known for a long time, and that is that there are an awful lot of people newly poor who have slipped through the existing social safety net that we like to talk about, people who have suddenly found themselves for the first time in their lives without any source of income or a sufficient amount of food to put on the table.

I have encountered, in talking to social service workers in Yolo County in my district, some very interesting and, frankly, poignant case studies that indicate that there are a lot of single women with children, perhaps newly divorced, or at least without some other person in the home who can bring in some income, who are in a position in which they desperately need food stamps. Often because they perhaps have a family car left over from a slightly more affluent period in the recent past, they simply cannot qualify and this is tragic. We are finding people, particularly children with a nutritional need which is obviously exceedingly important at their age, in a position of having to divest themselves of all of their assets, as the gentleman indicates, their means of transportation to potential work, if that is available at all—and in some parts of the country it is not. In fact, they are having to divest themselves of everything that they have been able to hang onto in this very difficult period simply in order to feed themselves. And I think it would be only reasonable if we today at least agree that we ought to index this automobile figure in the future, even if we cannot go back and remedy the effect of past inflation.

So I want to support the Panetta substitute and the gentleman from Kansas in his position on it.

Mr. GLICKMAN. I thank the gentleman.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Panetta amendment.

Mr. Chairman, I would like to put in perspective some of what has been said earlier today in that this amendment impacts on a very small percentage of those who receive or will apply for food stamps. By and large, what we are trying to do, the gentleman from California and the members of the

committee, the gentleman from Missouri—and by the way, let me state that we have a good, viable working food stamp program. If there are errors, it is human error. I think that the gentleman from Missouri, the author of the original amendment that we are working with here, has made a good and valuable contribution to a working, viable food stamp program. But in 1984 we find ourselves with new circumstances and a new economic situation that has put a new type of food stamp applicant and/or recipient. Food stamps used to be out in the rural areas and the small towns and in the very inner city. We now have, because of the economic situation in this country, regretfully, brought in a new clientele, if you would, for the Food Stamp Program. And these are what our distinguished colleague from Michigan mentioned about, these are hard-working people who have earned fairly good amounts of money, but inflation, and what have you, have taken all that they have earned to live. But one of the things that an American family aspires for is a vehicle to move his family. This is one of the areas of emotional—not that it has been mentioned here, I want to clarify that—but this has been an emotional negative aspect of the Food Stamp Program, that you came in a Cadillac. In my area, the Cadillac grew into a Rolls Royce or a Mercedes. This has cast a negative impact on the Food Stamp Program. But we know that it is 4,500. We are trying to bring it to 5,500.

I address this to my colleagues from the suburban areas of the larger cities of the Midwest, the Upper Midwest and Northeast, that this is addressed to those who are being laid off from the factories, from the manufacturing areas, for whatever reason the factory closed. You have people who are put into a situation that they cannot control themselves, and yet I would say that most of these people, the last thing they would want to do is apply for food stamps. But there comes a time when they have to succumb to reality, and they apply. And there hangs out what the average American yearns for, that he went and bought a good car, a nice car, a $7,500 car, $8,000. And if you just look at the television, it does not buy too terribly much. But I have had a situation in my congressional district, with the terrible freeze that we just had this past December and early January, that hard-working people who had paid in income taxes to the Federal Government a lot more than they would ever get in 6 months or 8 months or 10 months of food stamps, who ask the question, "I paid my taxes, I worked diligently, but now I have this need, and why can't you help me?"

It is regretful that most of the time you would have to point to that car. Mind you, $5,500 does not buy much of a car. And the equity is not all that terribly much.

I know that the gentleman from Missouri mentioned the fact that we could save, yes, several million dollars, and that is good. I want to do that. But there should be other areas, because if you do not do this, you are on the verge of discriminating—you will, anyway—for someone who has a car beyond $7,500. But below $7,500 you would be discriminating against someone who through no fault of their own except our economic crisis, our economic situation, find themselves in this regretful situation that they have to apply for food stamps.

So I would want my colleagues who have never been bothered with the use of food stamps that it is perhaps time that they would look at what the committee has done in a positive and responsible way.

□ 1850

The CHAIRMAN. The time of the gentleman from Texas [Mr. DE LA GARZA] has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. Look at what the committee has done diligently. All of them, including the two gentlemen from Missouri, everyone on the committee has worked diligently. This is just a difference of philosophy. It is not an actual difference of anything else. But let me assure the members, when you talk about fraud, when you talk about abuse, this committee has done everything humanly possible. I would say categorically that if a person is getting food stamps that is not deserving of them, only two things happen: Either there was human error, or a deliberate impropriety; the person did not tell the truth. Only those two. Otherwise, we have got it so tight that we are even keeping people from getting food stamps as they need them, and in this case it would be people who have worked diligently and through no fault of their own find themselves in circumstances where they have to apply for food stamps.

I would hope that the members would support the compromise substitute by Mr. PANETTA.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in opposition to the Panetta amendment.

Mr. Chairman, let me respond, first of all, to a couple of comments that were made. First of all, Mr. PANETTA pointed out that we have not increased the asset limitation since 1971. I join with him in raising it from $1,500 to $2,250; that is in my amendment, and that does not change.

The place we differ, and the only place we differ in this and what this vote stands for that we are going to vote on is whether or not we are going to increase the car limitation from $4,500 to $5,500. Now, the chairman pointed out that the Food Stamp Program is serving the needy; if that is the case, and I certainly hope that is the case, then we ought not be worried about $7,000 cars being driven by these needy people.

If, in fact, what he has told us is true, they should not be driving $7,000 cars to the welfare office. Now, how onerous, the gentleman from Kansas, my friend from Kansas, says that the Coleman amendment is onerous. The Coleman amendment simply restates the present law. The present law allows people to come in with practically new cars as it is. A 1983 Chevrolet Chevette would still qualify under my amendment. A 1982 Chrysler Le Baron, valued at $6,000, would still be eligible. So I do not think it is onerous.

We hear a lot about the working poor, and I certainly try to be compassionate and have been a supporter of the Food Stamp Program, but I would like to talk about the working taxpayer. The working taxpayer who is driving a 1977 or 1976 automobile valued at probably less than $2,000, he and she, Mr. Taxpayer of America, are paying the bill for the multibillion-dollar food stamp recipients. I suggest that we also show compassion toward the taxpayers.

Here is a way that we can save $150 million over 3 years or $300 million over 5 years. It is certainly not a step in the wrong direction in which the Panetta amendment takes us. I want to point out to my colleagues so that nobody can say, when they are asked by a constituent, what you voted on here. If you vote for the Panetta amendment, you are voting for allowing, within 1 year, eligibility by food stamp recipients to own a 1982 Cadillac Cimarron; a 1983 Chevrolet Malibu; a 1983 Chrysler Le Baron; a 1983 Ford LTD; a 1983 Mercury Marquis; or a 1979 Porsche.

In a couple of years, you will have allowed people to come in with Ford Thunderbirds, 1983 Oldsmobile Cutlass Supremes, et cetera, et cetera, because the amendment becomes more liberal and more generous. Now, you can have, under my amendment, a $4,500 car plus $2,250, either in the value of a car or in the bank or some other asset that is not excluded. So you could, conceivably, have a car worth $7,250. That is generous enough. We should not go the increased step that Mr. PANETTA wants to take us, and I think we ought to recognize that what we are voting on here is that if you vote for Panetta, you are voting against the Coleman amendment, and you are voting for bigger, more expensive cars for food stamp beneficiaries.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman.

Mr. WALKER. Is it my understanding that if a family owned, let us say a 1981 Ford Escort that they use for transportation to go to a training school; they owned a 1982 Chevette that they drove to work, and they owned a 1981 Dodge Omni, all of which were valued under $4,500, that they would still be eligible for food stamps, even in that kind of a scenario?

Mr. COLEMAN of Missouri. They are eligible for food stamps today; they would be eligible under the Coleman amendment. So nobody is going to get cut away with these new cars. That is why I am saying it is so generous now it is almost embarassing to stand up and try to hold the line at 1982 cars.

Mr. WALKER. If the gentleman would yield further, so, in other words, you could have literally a three-car family, owning cars from 1981 to 1982 that are considered by many working families of this country their one car, and they would still be eligible for food stamps, and what the Panetta amendment would do, is ultimately make food stamp recipients eligible to own cars like a 1979 Cadillac Fleetwood Limousine; a 1980 Cadillac DeVille; a 1980 Lincoln Versailles; a 1979 BMW; a 1978 Jaguar. That is what we are talking about here is the difference between what a working family has to drive, and what a food stamp recipient could be driving under the Panetta amendment; is that correct?

Mr. COLEMAN of Missouri. That is the way that I see it, and very frankly, I think that we are generous enough under the present food stamp eligibility. I could have come up here with an amendment to cut it back, because nobody has upgraded the average taxpayers' car.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, obviously, there is a considerable amount of confusion at this point, and I hope that perhaps the chairman of the subcommittee will yield and try and straighten out some of my questions.

I have been dealing with this issue a long time, but I must say I am quite confused now. It is my understanding, and please correct me if I am wrong, that if the gentleman's amendment passes, at this moment in time there will be no difference between the gentleman's situation and the Coleman situation and present law; is that correct?

I yield to the gentleman for his response.

Mr. PANETTA. The gentleman is absolutely correct. If Mr. COLEMAN supports $4,500 which is the present limit, and that is exactly what we would hold to at this time.

Mr. JEFFORDS. Now, I am also confused on all these values, but in my understanding of economics, as rudimentary as it may be, is that the CPI kind of tries to keep things equal, sort of the same real value, so that if you take and put the CPI on to something, it sort of tries to take it back to where it was when we started.

It is my understanding that all the gentleman's amendment does is to look to the future and says, well, if Mr. COLEMAN is right, and $4,500 is the kind of area that we ought to have as the value of a car, well, let us kind of keep it there for the future. We recognize it is good now, so why do we not keep it the same for the future.

Is that basically what the gentleman's amendment does?

Mr. PANETTA. The gentleman is correct. We are trying to hold that value at constant dollars. If we agree that $4,500 ought to be the level, then we ought to at least agree that it ought to be that level in constant dollars.

Mr. JEFFORDS. Now, for the savings that he talks about, I think he is talking, as I understand it, relative to the bill and not the gentleman's amendment; is that correct? In fact, for the first year the savings on your two would be about the same; is that correct?

Mr. PANETTA. That is correct. At the $4,500 level.

Mr. JEFFORDS. Right.

Mr. PANETTA. If in fact it were increased, then it would be reflected in the amount of savings.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. COLEMAN of Missouri. That is an important point. The gentleman's amendment changes things in April 1985. No, they are not changed tomorrow; there is no difference in our amendment until April 1985; then the savings change. I think the chairman would want to reflect that.

Mr. JEFFORDS. I think that is correct.

□ 1900

Mr. PANETTA. I think the difference would be little if, in fact, there is a difference. It is dependent on whether there is an increase in the value of used cars according to the CPI. If there is not any change in the CPI, then that number would remain constant and the savings would be the same. If there is a difference, then the estimate we have is that the difference is between $11 million under the gentleman's amendment and $6 million under mine.

Mr. JEFFORDS. Thus, what the gentleman is trying to do, as I understand it, you are going back from what the bill has, $5,500 for a car, back to $4,500 for a car, and saying that if they are all right, these Members who are opposing the bill level, that $4,500 is the correct level, then we ought to keep it at the correct level for the future, until such time as we may modify it.

Mr. PANETTA. The gentleman is exactly correct. I think we ought to hold that level. If we agree that $4,500 is the level, then we ought to hold it to that, and I think that is the general feeling here. We ought to at least hold it at constant dollars so it does reflect the situation in the economy.

Mr. JEFFORDS. Frankly, I prefer to see us stay at the bill level. That, compared to what the President's commission asked for, is quite modest. They would practically double it. I think that was very modest, and certainly it is hard for me to see how even the strongest opponents of raising it at all can disagree with just holding it at some real level so that as we go forward we do not knock more and more eligible working poor off the system.

Mr. PANETTA. If the gentleman will yield further, in addition to that, Members should know that there is a cap of $5,500, so that over 3 years, regardless of where that rate of inflation is, it cannot exceed the cap of $5,500 that was established by the President's task force.

Mr. JEFFORDS. I see. So you even have a cap on it, even with the modest thing you have done.

Mr. PANETTA. That is correct.

Mr. JEFFORDS. I understand. It seems to me that is a very, very reasonable amendment relative to the complaints that have been made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PANETTA] to the amendment offered by the gentleman from Missouri [Mr. COLEMAN].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COLEMAN of Missouri. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 131, not voting 20, as follows:

[Roll No. 340]

AYES—282

Ackerman	Beilenson	Britt
Addabbo	Bereuter	Brooks
Akaka	Berman	Brown (CA)
Albosta	Bevill	Bryant
Anderson	Biaggi	Burton (CA)
Andrews (NC)	Boehlert	Carper
Andrews (TX)	Boggs	Carr
Annunzio	Boland	Chappell
Applegate	Boner	Clarke
Aspin	Bonior	Clay
AuCoin	Bonker	Clinger
Barnard	Borski	Coelho
Barnes	Bosco	Coleman (TX)
Bates	Boucher	Collins
Bedell	Boxer	Conte

Conyers
Cooper
Coyne
Crockett
D'Amours
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Long (LA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Pickle
Price
Pritchard
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Seiberling
Shannon
Sharp
Shelby
Sikorski
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOES—131

Archer
Badham
Bartlett
Bateman
Bennett
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappie
Cheney
Coats
Coleman (MO)
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
DeWine
Dickinson
Dreier
Duncan
Edwards (OK)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Ireland
Jones (TN)
Kasich
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Martin (IL)
Martin (NY)
McCain
McCandless
McGrath
Michel
Miller (CA)
Miller (OH)
Montgomery
Moorhead
Murphy
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paul
Penny
Petri
Porter
Pursell
Quillen
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Smith (NE)
Smith, Denny
Smith, Robert
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wortley
Zschau

NOT VOTING—20

Alexander
Anthony
Breaux
Dixon
Ferraro
Ford (MI)
Frost
Gramm
Kemp
Leland
Long (MD)
Markey
Marriott
Martin (NC)
Schumer
Simon
Stokes
Williams (OH)
Wilson
Wright

□ 1910

Mr. HAMMERSCHMIDT and Mr. MOORHEAD changed their votes from "aye" to "no."

Mr. SIKORSKI changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1920

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COLEMAN], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COLEMAN of Missouri. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 384, noes 25, not voting 24, as follows:

[Roll No. 341]

AYES—384

Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (TN)
Fowler
Franklin
Frenzel
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lundine
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stenholm
Stratton
Studds
Stump
Sundquist
Swift

Synar	Vento	Williams (MT)
Tallon	Volkmer	Winn
Tauke	Vucanovich	Wirth
Tauzin	Walgren	Wise
Taylor	Walker	Wolf
Thomas (CA)	Watkins	Wolpe
Thomas (GA)	Waxman	Wortley
Torres	Weaver	Wyden
Torricelli	Weber	Wylie
Traxler	Wheat	Yatron
Udall	Whitehurst	Young (AK)
Valentine	Whitley	Young (FL)
Vander Jagt	Whittaker	Young (MO)
Vandergriff	Whitten	Zschau

NOES—25

Ackerman	Garcia	Ottinger
Bennett	Gonzalez	Seiberling
Burton (CA)	Hawkins	Stangeland
Crockett	Hayes	Stark
Dellums	Kildee	Towns
Dixon	Lowry (WA)	Weiss
Downey	Miller (CA)	Yates
Foglietta	Moody	
Frank	Morrison (CT)	

NOT VOTING—24

Alexander	Leland	Rodino
Anthony	Long (LA)	Schumer
Breaux	Long (MD)	Shannon
Ferraro	Markey	Simon
Ford (MI)	Marriott	Stokes
Frost	Martin (NC)	Williams (OH)
Gramm	Mazzoli	Wilson
Kemp	Pritchard	Wright

□ 1930

Messrs. STARK, DELLUMS, GARCIA, MILLER of California, TOWNS, GONZALEZ, and SEIBERLING, Mrs. BURTON of California, and Messrs. MORRISON of Connecticut, HAYES, WEISS, YATES, DOWNEY of New York, OTTINGER, CROCKETT, and DIXON changed their votes from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 1940

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 27, strike out line 17 and all that follows through line 7 on page 28, and insert in lieu thereof the following:

"(2) If a State agency's payment error rate for any fiscal year exceeds 5 per centum, the State agency shall, other than for good cause shown, be liable to the Secretary in an amount equal to the difference between—

"(A) the product of—

"(i) the per centum by which State agency's payment error rate for the fiscal year exceeds 5 per centum; and

"(ii) the total value of all coupons issued by the State agency for the fiscal year; and

"(B) the amount of the payment error improvement determined under paragraph (3) for the fiscal year.

Upon the assertion of a claim by the Secretary in the amount determined to be payable under this paragraph, the Secretary shall recover such amount through withholding from amounts otherwise payable to the State agency under this Act and, if such amounts are not adequate to satisfy the claim in full, the State agency shall pay to the Secretary the balance of any amount remaining due. The State agency may seek administrative and judicial review under section 14 of this Act of any claim or determination made by the Secretary under this paragraph.

"(3) For purposes of paragraph (2)(B), the amount of the payment error improvement for the fiscal year referred to in such paragraph shall be equal to the product of—

"(A) the amount determined under paragraph (2)(A) of this section for such fiscal year; and

"(B) the per centum representing the ratio which (i) the positive difference (if any) between the payment error rate for the preceding fiscal year and the payment error rate for the fiscal year referred to in such paragraph bears to (ii) the difference between the payment error rate for such preceding fiscal year and 5 per centum;

rounded down to the nearest multiple 10 per centum or to zero, whichever is nearer. If the payment error rate for the fiscal year referred in such paragraph exceeds the payment error rate for the preceding fiscal year, then the amount of the payment error improvement for the fiscal year referred to in such paragraph shall be equal to zero.".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, my amendment is fairly easy to explain. If a State makes progress in reducing its error rate, its sanction would be slightly reduced from what it would be under the provisions of this bill. Even with my amendment, States will be saddled with greater penalties than they are under current law. In no way does it let them off the hook. But it does provide a carrot, an additional incentive for bringing down their error rates.

Specifically, my amendment would reduce a State's sanction by 10 percent for every 10 percent of progress it makes toward the target error rate of 5 percent. If a State does nothing to improve its error rate, it gets nothing under my amendment. And even if a State does an average job of bringing its error rate down, it will not trigger the 10-percent minimum in the amendment. Only those States that make an extraordinary effort will be rewarded, as I think they should be.

Our concern for needy Americans, as reflected in this bill and our work in general, focuses correctly on the adequate level of benefits. Seldom do we pay much attention to the administration of programs such as food stamps. It's more technical, it's not our area of expertise, it's tedious.

With little notice and an equal amount of comment, H.R. 5151 has made a major, indeed radical, change in the administration of the Food Stamp Program. This change may cost the States as much as $350 million in fiscal year 1987. This is a cost shift, not a cost saving.

Under current law, the States must reduce their error rates to 5 percent or face a sanction based on a percentage of their administrative funding. Under this bill, that sanction will be on a dollar-for-dollar basis for every error above 5 percent. In other words, if a State issues $200 million in benefits per year and has an error rate of 7 percent, its penalty would be $4 million.

Four million dollars is not a lot of money in our deliberations. But to a State legislature or food stamp administrator, it's an enormous sum to have to fork over to the Federal Government. And for what purpose? Under current law, the States are already making substantial progress in reducing their error rates. Beating them over the head harder is not likely to make much difference in their performance. But it will make a difference in their pocketbook.

As I said, $4 million is not much money. By coincidence, that figure is the price tag of my amendment as estimated by the Department of Agriculture. To be accurate, this estimate is highly sensitive to error rate reductions, the predicting of which is at best guesswork.

My point is, that for this small investment, we can give a signal to the States that we are not unmindful of the difficulties they face, and that when we are interested in cooperation rather than confrontation. Studies are fine, and I am pleased that we are going to give more attention to this issue in the coming year prior to the 1985 farm bill. But I want to be sure that we do not ignore this issue here and now. I urge my colleagues to support this amendment.

AMENDMENT OFFERED BY MR. PANETTA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. JEFFORDS

Mr. PANETTA. Mr Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA as a substitute for the amendment offered by Mr. JEFFORDS: On page 27, insert after "year" in line 23 the following: ", less any amounts that are recovered or collected by the State agency during the fiscal year under the provisions of this Act for allotments issued to ineligible households or overissued to eligible households and that are not retained by the State agency in accordance with the provisions of subsection (a)".

Mr. PANETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. Mr. Chairman, the situation is as explained by the gentle-

man from Vermont. I share his concern with regards to the sanctions area and the need to provide incentives to the States. What my substitute would do, essentially, is allow the States in the collection of their overpayments to credit those overpayments versus the penalty that would be imposed by the sanctions included in the legislation.

I think this is a fair way to deal with the States.

I have discussed this with the gentleman from Missouri, and I think this approach is more acceptable in terms of the subcommittee.

Under H.R. 5151, States would be liable to the Federal Government dollar for dollar for the value of food stamp payments made in error in excess of 5 percent, effective in fiscal year 1986. However, since States already recover overpayments and payments to ineligibles and return a portion of their recoveries to the Federal Government, the dollar-for-dollar sanction results in a double recovery by the Federal Government.

Effective in fiscal year 1986, the Panetta amendment would allow States to credit against the error rate sanctions they owe the Federal Government the amount of overpayment collections they have returned to the Federal Government in a given fiscal year. So, for instance, if a State returns $100,000 in claims collections to the Federal Government in fiscal year 1986 and its error rate sanction level for performance in fiscal year 1986 is $2 million, it would owe the Federal Government $1.9 million.

This amendment would not only correct an inequity in assessing sanctions against the States but would also encourage them to increase their claims collections activities. There would be a large fiscal incentive for the States to beef up the staffs that seek to recover fraud and nonfraud claims.

Since States already retain a portion of claims they collect—50 percent of frauds claims, 25 percent of nonfraud claims, they would receive credit against their error rate liability for only the portion of claims collected that is actually passed on to the Federal Government. The States would receive credit for collections that are achieved through a reduction in benefits for continuing participants, cash repayments, or those received by any other legal means.

In determining the offset for which a State qualifies, the Department of Agriculture would ascertain the amount of claims returned by a State to the Federal Government in a given fiscal year, say fiscal year 1986, even if the claims were not established in that year. The amount of claims received by the Federal Government for that year would be credited against whatever error rate sanctions, if any, the State owes for performance in that particular year, which in this case would be fiscal year 1986. Since sanctions for fiscal year 1986 would not be assessed until fiscal year 1987, it is in that year that the offset would have effect.

The Panetta substitute amendment would have no cost in fiscal year 1985 and fiscal year 1986. The preliminary CBO estimate of cost for fiscal year 1987 is $15 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PANETTA] as a substitute for the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Connecticut: Page 8, line 5, strike out the period and insert in lieu thereof "; and".

Page, after line 5, insert the following:

"(3) in the eighth sentence, by striking out '$35 a month' and inserting in lieu thereof 'the lesser of $35 a month or 5 per centum of monthly household income after any exclusions and before any deductions provided for in this section' ".

Mr. MORRISON of Connecticut (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Chairman, I commend the gentleman from Texas, Mr. de la Garza, and the gentleman from California (Mr. PANETTA) and the entire Committee on Agriculture for developing the Hunger Relief Act of 1984. It is vitally important that we begin to restore and extend the food stamp program, the main safeguard against hunger in America.

While we are improving the Food Stamp Act, it is appropriate that we pay special attention to the elderly and disabled, among the most vulnerable of food stamp recipients. The circumstances and needs of older Americans and the disabled differ in some respects from those of other recipients. We should tailor the food stamp program to reflect these differences to assure fair and adequate treatment for all served. The amendment I am offering to H.R. 5151 makes one such special adjustment.

My amendment will make a minor change in current law and this change will cost the Federal Government very little. Making a small adjustment here today, though, will telescope major improvements into the lives of low income elderly and disabled people around the country.

Few people realize that the food stamp program is by far the country's largest elderly nutrition program. Every day, millions of older Americans rely on food stamps to pay their grocery bills. Twice as much funding goes to food stamps for households with elderly members than to the congregate and home-delivered meals programs combined. And 20 percent of all food stamp households have at least one elderly member.

The program is similarly important to the disabled.

Specifically, my amendment would change the formula for calculating the excess medical expense deduction. As you know, excess medical expenses are only taken into account for determining eligibility and benefits for elderly and disabled recipients.

Under current law, a recipient must be able to document more than $35 a month in medical expenses before any medical expenses are deducted. Then only the amount over $35 is deductible, not the initial $35.

To require elderly and disabled recipients to pay the first $35 in monthly medical expenses before beginning to calculate their medical deduction is an unfair burden. The mean gross income for households which include an elderly or disabled member and which receive food stamps is $300 per month. So $35 is 12 percent of the gross household income.

Affluent Americans who itemize deductions when calculating their income tax pay only 5 percent of their gross income for medical expenses before the remainder becomes deductible. Amounts over 5 percent of gross income are considered extraordinary medical expenses. Should the rules be tougher for elderly and disabled food stamp recipients, some of the least fortunate people in the country?

And the $35 threshold is flawed in another way too. A flat figure deduction of this type is regressive. It requires a greater sacrifice from people with fewer resources. This punitive treatment should be avoided where possible.

I propose that the House adopt a formula for food stamp recipients similar to that used in the Federal income tax system. Medical expenses beyond 5 percent of gross household income, or expenses beyond the $35, whichever is less, would be allowed as deductions. Gross income is the level of income after exclusions have been figured.

The effect of this provision for the average recipient will be to make all expenses over $15 deductible for deter-

mining food stamp eligibility and benefits. This is approximately the amount paid by these individuals for part B medicare coverage. Their out-of-pocket costs for medical care over and above medicare will be deductible. The threshold for higher income recipients will be higher, and for lower income recipients will be lower.

The "whichever is less" language protects elderly and disabled recipients who live in households where the monthly gross income exceeds $700. Although 68 percent of elderly recipients are single-member households, 10,000 elderly recipients live in households of eight or more people. In such a case, we can hope that monthly gross income for the group will exceed $700. And only 13 percent of food stamp households have monthly gross income exceeding $600.

Medical expenses plague the elderly and disabled. Although most elderly and some disabled people are eligible for medicare, and many food stamp recipients qualify for medicaid, big gaps remain. My amendment would provide a measure of relief in an area where it is sorely needed.

Even if a person qualifies for medicaid, the coverage she or he will receive varies from State to State. Within limits, States decide what their medicaid programs will provide. For example, States are not required to pay for drugs, dental work, eyeglasses, or medical supplies. Medicaid plans in 21 States fail to cover dental expenses and two States pay for no drugs whatsoever. The low-income elderly and disabled must pay for the rest out-of-pocket, or go without.

Going without is the rule. Even though the need for additional medical supplies and services is great, most poor people have few if any dollars to spend each month on medical expenses.

Given this, it is clear that the $35 threshold is unrealistically high. It is so out of line, in fact, that only 150,000 of the 1.5 million participating households with elderly members successfully claimed a medical deduction in 1982. Only 10,000 of the 500,000 households with disabled members were able to do so.

Changing the threshold to 5 percent of gross monthly income, or $35, brings the medical deduction into reach of more recipients. It then begins to act as it was designed to, to bring some relief to low-income elderly and disabled recipients for their burdensome medical expenses.

My amendment will help some of the least fortunate and most vulnerable people in the country. It will end the embarrassment of imposing a much stricter standard on elderly and disabled food stamp recipients than we do on the well off who itemize tax deductions.

I urge your support for my amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, I have discussed this with the gentleman. I think he has identified an area of growing concern, obviously, involving health costs related to senior citizens. While we did not deal specifically with this particular area in the hearings or in our markup, we think there is sufficient concern involved here to consider it for purposes of the conference, and for that reason I would have no objection to this amendment.

Mr. MORRISON of Connecticut. I thank the gentleman from California.

Mr. Chairman, I would add that I had published in the RECORD a number of amendments addressed to the special problems of the elderly and disabled on the food stamp program. I understand from the gentleman from California that he would be willing to look into this area in the next session of Congress, and I plan to offer only this of my amendments, and I appreciate his support in that regard.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. MORRISON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 29, after line 8, insert the following:

OPTIONAL BLOCK GRANTS

SEC. 115. (a) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new section:

"STATE BLOCK GRANT OPTION

"SEC. 21. (a) As used in this section, unless the context otherwise requires, the term—

"(1) 'Attorney General' means the Attorney General of the United States.

"(2) 'Block grant State' means a State which is operating a low-income nutritional assistance program in accordance with this section.

"(3) 'Comptroller General' means the Comptroller General of the United States.

"(4) 'State' means the fifty States, the District of Columbia, Guam, and the Virgin Islands of the United States.

"(b)(1) A State may elect—

"(A) to operate a low-income nutritional assistance block grant program to finance expenditures for food assistance for needy persons within the State in accordance with this section, or

"(B) to have the Secretary operate the food stamp program within the State in accordance with sections 2 through 18 and section 20.

"(2) If a State elects to operate a low-income nutritional assistance block grant program pursuant to paragraph (1)(A), the State shall give notice to the Secretary of such election at least thirty days before the beginning of the first fiscal year it elects to operate the program.

"(3) The Secretary shall make grants to block grant States in accordance with this section.

"(4) The Secretary shall retain each fiscal year, out of funds appropriated pursuant to the authorization contained in section 18(a)(1) for such fiscal year (other than the amount apportioned pursuant to section 19(a)), an amount which bears the same ratio to the total amount appropriated pursuant to such authorization as the amounts received by and benefits distributed in block grant States for the period beginning April 1, 1983, and ending March 31, 1984, under this Act and section 8 of the Act of December 31, 1973 (Public Law 93-233; 42 U.S.C. 1382e note), bears to the total amount received by all States for such period under this Act and such section.

"(C)(1)(A) The Secretary shall allot to each block grant State in each fiscal year, out of funds retained under subsection (b)(4) for such fiscal year, an amount which bears the same ratio to the total amount of funds retained under such subsection as the amount received by any benefits distributed in such block grant State for the period beginning April 1, 1983, and ending March 31, 1984, under this Act and section 8 of the Act of December 31, 1973 (Public Law 93-233; 42 U.S.C. 1382e note), bears to the total amount received by all such block grant States for such period under this Act and such section.

"(B) Notwithstanding subparagraph (A), no block grant State may receive for any fiscal year an amount less than one-quarter of 1 per centum of the amount appropriated pursuant to the authorization contained in section 18(a)(1) for such fiscal year which remains after the apportionment required by section 19(a). If one or more block grant States receive minimum allotments by virtue of this subparagraph, the total amount of funds available to other States shall be reduced by the total amount of allotments received by viture of this subparagraph.

"(2)(A) If, with respect to any block grant State, the Secretary—

"(i) receives a request from the governing body of an Indian tribe or tribal organization within the block grant State that assistance under this section be made directly to the tribe or organizaton; and

"(ii) determines that the members of the tribe or tribal organization would be better served if grants to provide benefits under this section were made directly to such tribe or organization,

the Secretary shall reserve, from amounts which would otherwise be allotted to the block grant State under this section for the fiscal year, the amount determined under subparagraph (B).

"(B) The Secretary shall reserve for the purpose of subparagraph (A) from sums that would otherwise be allotted to the block grant State an amount which bears the same ratio to the block grant State's allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under this paragraph bears to the population of all individuals eligible for assistance under this section in the block grant State.

"(C) The sums reserved by the Secretary under this paragraph shall be granted to Indian tribes and tribal organizations on the basis of the relative number of individuals

contained in the Indian tribes and tribal organizations for whom a determination has been made under this paragraph.

"(D) To be eligible for a grant under this paragraph in any fiscal year, an Indian tribe or tribal organization must submit to the Secretary a plan for the fiscal year which meets such criteria as the Secretary may prescribe by regulation.

"(d)(1) To be eligible for a grant under this section in any fiscal year, a block grant State must submit an application to the Secretary for the fiscal year. Each application shall be submitted at such time and in such form as the Secretary shall require.

"(2) No funds may be allotted to a block grant State for any fiscal year after the fiscal year in which such block grant State received funds under this section unless the legislature of the block grant State conducts public hearings, not less often than biennially, on the proposed use and distribution of funds to be provided under this section.

"(3) As part of the application required by paragraph (1), the chief executive officer of each block grant State shall certify in writing that the block grant State will—

"(A) assess on a regular basis the food and nutrition needs of needy persons residing in the block grant State;

"(B) use the funds made available to it under this section to raise the level of nutrition among low-income households residing in that block grant State;

"(C) designate a single agency which shall be responsible for the administration, or supervision of the administration, of the program for which funds made available under this section are used;

"(D) provide that fiscal control and fund accounting procedures will be established to insure the proper disbursal of and accounting for Federal funds paid to the block grant State under this section, including procedures for monitoring the program carried out by the block grant State with the assistance provided under this section;

"(E) provide for an audit (pursuant to paragraph (8)), not less often than biennially, of the block grant State's expenditures of amounts received under this section;

"(F) describe how the block grant State program will operate to carry out this paragraph, including a description of the assistance to be provided under the program, the recipients who will be eligible under the program, and the administering agency; and

"(G) comply with all the requirements of this paragraph and the public hearing requirement of paragraph (2).

"(4) The Secretary may not prescribe the manner in which the block grant States comply with paragraph (3). Each block grant State may prescribe, and the Secretary may not limit, standards of or requirements for eligibility for benefits under this section. Such standards or requirements may include a requirement for work or household contributions, or both, as a condition of eligibility for benefits under this section.

"(5) A grant made under this section may not be used by the block grant State, or by any person with whom the block grant State makes arrangements to carry out this section, for the purchase or improvement of land, or the purchase, construction, or permanent improvement of a building or other facility.

"(6)(A) The chief executive officer of each block grant State shall prepare and furnish to the Secretary a plan which describes how the block grant State will implement the assurances specified in paragraph (3). The chief executive officer of each block grant State may revise a plan prepared under this subparagraph and shall furnish a copy of the revised plan to the Secretary before its implementation.

"(B) A plan, including any revision of a plan, prepared under subparagraph (A) shall be made available for public inspection within the block grant State in a manner that will facilitate the review of, and comment on, the plan.

"(C) An Indian tribe or tribal organization which receives a grant under subsection (c)(2) shall not be a part of the plan submitted under this paragraph.

"(7) The Secretary may, upon a block grant State's request, provide technical assistance with respect to programs for the provision of assistance under this section, including technical assistance for the purpose of determining the feasibility of specific block grant plans under consideration by the block grant State.

"(8) Each block grant State shall provide for an annual audit of the funds provided to such block grant State under this section and shall have such audit conducted by an entity independent of the agency administering activities or services under this section. The audit shall be conducted in accordance with generally accepted accounting principles. Within thirty days after the completion of the audit, the chief executive officer of the block grant State shall submit a copy of the audit to the legislature of the block grant State and the Secretary.

"(9) The Comptroller General shall from time to time evaluate expenditures by block grant States of grants made under this section in order to insure that expenditures are consistent with this section and to determine the effectiveness of the block grant State in accomplishing the purposes of this section.

"(e)(1) No person may on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, a program or activity funded with funds made available under this section. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to such a program or activity.

"(2) Whenever the Secretary determines that there has been a failure to comply with paragraph (1) or any applicable regulation pertaining to paragraph (1), the Secretary shall notify the chief executive officer of the block grant State and request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever the Attorney General has reason to believe there has occurred a pattern or practice in violation of this subsection, the Attorney General may bring a civil action in an appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"(f)(1) The Secretary shall pay each block grant State the total allotment of funds for a fiscal year to which the block grant State is entitled under subsection (c) immediately after the Secretary has determined the amount of such allotment.

"(2) Payments made to a block grant State under this section for an fiscal year may be expended by the block grant State only in such fiscal year or in the succeeding fiscal year.

"(3) Any funds paid to a block grant State under subsection (c) which are not expended by the block grant State in the fiscal year for which they are paid or in the succeeding fiscal year may be expended by the block grant State on other social services provided pursuant to Federal law. The block grant State shall inform the Secretary of all such funds expended on other social services. If the block grant State elects not to expend all or part of the funds on other social services, the unexpended funds shall be returned to the Secretary and added to the amount made available for allotment to all the block grant States under subsection (b)(4) for the following fiscal year.

"(g)(1)(A)(i) A block grant State shall repay to the United States any amounts not expended other than in accordance with this section.

"(ii) The Secretary shall (in the absence of repayment by the block grant State under clause (i)) offset the amounts against any other amount to which the block grant State is or may become entitled under this section.

"(B)(i) The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a block grant State has failed to use funds in accordance with this section or an assurance made under subsection (d)(3).

"(ii) The Secretary, after adequate notice and an opportunity for a hearing conducted within the affected block grant State, shall withhold funds from a block grant State which fails to utilize its allotment substantially in accordance with this section or fails to meet an assurance made on behalf of the block grant State under subsection (d)(3).

"(C) Any funds repaid, offset, or withheld under this paragraph in any fiscal year shall be added to the amount made available for allotment to all the block grant States under subsection (b)(4) for the following fiscal year.

"(2) The Comptroller General may conduct investigations of the use of funds received under this section by a block grant State in order to insure compliance with this section.

"(3)(A) In connection with an investigation conducted under this subsection, a block grant State shall make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General, upon a reasonable request, for examination, copying, or mechanical reproduction on or off the premises of the entity concerned.

"(B) The Secretary and the Comptroller General may not request information not readily available to a block grant State or require that information be compiled, collected, or transmitted in a form not already available.

"(h) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both. If the value of the funds, assets, or property involved is not over $200, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(i)(1) The Secretary, in consultation with the Comptroller General, shall evaluate possible alternate formulas for the allotment of funds to block grant States under subsection (c). The formulas shall provide for the equitable distribution of the funds to block grant States and take into account the population, number of low-income households, financial resources, levels of unemployment, and such other factors within the block grant States which the Secretary deems appropriate.

"(2) The Secretary shall report to the Congress on the evaluation conducted pursuant to paragraph (1) no later than one year after the date of enactment of the Food Stamp Optional Block Grant Act of 1983.".

(b) Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by striking out "As" in the matter preceding subsection (a) and inserting in lieu thereof "Except as provided in section 21(a), as".

(c) The amendments made by this section shall be effective on October 1, 1986.

Page 29, line 10, strike out "SEC. 115." and insert in lieu thereof "SEC. 116.".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. I there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is a rather substantive amendment. It is an amendment which I recognized we probably are not going to adopt here this evening, so therefore I intend to try to keep my remarks brief. But I do think something we need to understand it is one way of proceeding if we really are going to get this program under control and assure that people who need nutritional help really get that help, namely, getting it at the local level.

What my amendment would do is take the Food Stamp Program and convert it into a block grant program. The President's task force that we have heard a lot about on the floor today recommended that we move in that direction. As a matter of fact, that was their chief recommendation. We have heard an awful lot about the recommendations that they made here during the course of debate, but what we have not heard is the fact that the committee has decided to ignore the chief recommendation of the President's task force, that being that we go to a block grant type of approach.

The task force's recommendation was:

Allow States the option of establishing autonomous food assistance programs.

They said:

We have become convinced that people in need of food assistance would benefit if the program or any subset of them were controlled at a more local level, such as the State or county.

The gains in such a modification derive from the following states:

(1) More autonomy in allocating funds among the various food assistance programs;

(2) Greater discretion in administering programs; and

(3) Greater responsibility for assuring that funds are properly targeted toward those in greatest need.

The greater flexibility and improved administration that would be gained would help to increase the benefits available to the truly needy without at the same time increasing the cost to the taxpayer.

The administration contends that this is still the direction that they would like to go. In a letter to me from the U.S. Department of Agriculture they said:

A block grant option would permit any State to design a program to meet the special needs of its people. A State could continue its participation in current Federal programs if it believes its population would best be served by doing so. This flexibility would improve rather than weaken the system of the food assistance programs by giving State officials who are closer to their constituencies a greater role in structuring methods to provide assistance. Greater State autonomy, coupled with greater State responsibility for administration, could lead to program innovations that result in more effective service to those in need.

In other words, what I propose to do is give the States the option of taking the money for their nutritional services in a block grant, which would then give them the autonomy to administer the programs I think in a far more effective way.

I would suggest that this is an option that does not cut funding whatsoever. As a matter of fact, there is no cut in funding here. What it does is simply assures us that at some point in the future we may be able to stop the rapid climb in funding of this program because we would be meeting the needs in a more effective manner.

Block grants work. I recently did a survey in my district of what happened after we put block grants into effect in education in 1981. We were told at that time that there would be a problem with regard to funding getting the local school districts under the block grant approach. It has been the experience in at least my congressional district that the block grants resulted in 162 percent increase in the programs that were previously covered in the block grant programs.

□ 1950

The increases ranged from a low of 76 percent to a high of 596 percent in the school districts in my area. Not one school district received less money; all school districts got more money. In other words, block grants can deliver the money to local areas. It delivers the money to local areas in a very, very efficient manner, and assures that you get more bang for your bucks in terms of getting the people with the needs served by the money.

I would suggest that as we move toward the future that there are options available to us. There are block grant options that assure fair funding but do so in a way that assure that we have the kind of administration that cuts down on the waste, fraud and abuse that have been all too characteristic of this program.

Mr. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I rise in reluctant opposition to the amendment offered by the gentleman from Pennsylvania. His amendment authorizes optional block grants for the Food Stamp Program—a proposition that I find attractive and worthy of some in-depth study and hearings.

Just as the opponents of my amendment to require monthly reporting and retrospective budgeting wished to allow States to choose the best method—Mr. Walker also wishes to allow States to design the best possible food stamp program for the needy within each State. However, I believe much more information is needed and public hearings held before this body takes action on a matter so controversial as optional block grants for the Food Stamp Program.

For example, I have several questions which remain unanswered by the gentleman from Pennsylvania's amendment.

First, is it apprpriate to adjust the block grant to reflect changes in the cost of food and the number of people in need? If so, what method should be used?

Second, what formula should be used to distribute food stamp funds to States?

Third, should there be any restrictions placed on how States design food stamp programs or how benefits are delivered—cash versus coupons?

Fourth, what Federal review and what penalty for misuse of funds should be a part of any optional block grant, if any?

Fifth, what level of government is the most appropriate to design and administer programs aimed at helping the needy?

There are many more questions left unanswered by the gentleman's amendment. These are questions for which I intend to request a forum for response. I believe it is important that the Agriculture Committee hold full and complete hearings on this subject. Many Members have already made up their minds on this topic and do not care to explore the ramifications of

optional block grants. I have not—although I do find the optional block grant proposal appealing. However, until I am able to answer the questions I and others have raised, I cannot support this measure. It is my hope that the chairman of the subcommittee with jurisdiction over the food stamp program will hold full hearings on this subject before reauthorization of the food stamp program—scheduled for next year's farm bill.

Thank you, Mr. Chairman.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman.

Mr. WALKER. Without taking the time of the House, let me assure the gentleman that there are detailed answers within the proposal for all of the questions that he raised, and I would be glad to review those with him.

I would simply say to the gentleman that I agree with him that it would be worthwhile to move ahead and look at this in more detail, but I would also remind the gentleman that I first offered a block grant for food stamps back in 1980, so that we have had 4 years to look into this proposal, and I am sorry to say that not very much work has been done in that direction, beyond the President's task force, who, after they did look at it in some detail, decided that that is the direction that we ought to move.

I thank the gentleman for yielding.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the chairman.

Mr. PANETTA. I thank the gentleman for yielding.

I join in the gentleman's opposition to this amendment because clearly it does not make a case for moving toward block granting. This, I might point out, is not the proposal that the President's task force included, because it does not provide for an employment or inflation adjustment which was included in the President's task force.

Second, it does raise some serious concerns about the budgetary accountability for what we do provide to the States, insuring that the money that we do provide to the States goes to the poor and to those that are hungry.

Last, this is a proposal that I think ignores the issue that this is indeed a national program. It is a proposal that is opposed by the National Governors Association, the U.S. Conference of Mayors, the National Association of Counties, and many others. For that reason, we would oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER.]

The amendment was rejected.

AMENDMENT OFFERED BY MR. PEASE

Mr. PEASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEASE: Page 29, after line 8, insert the following new section (and redesignate succeeding sections accordingly):

STUDY OF PACKAGING OF DISTRIBUTABLE COMMODITIES

SEC. 115. (a) The Secretary of Agriculture shall conduct a study—

(1) to identify each of the forms and sizes of packaging currently used by the Commodity Credit Corporation for the storage of milk and the products of milk;

(2) to identify alternative forms and smaller sizes of packaging available for the storage of milk and the products of milk by such Corporation which would make such milk and products of milk more readily available for immediate distribution to recipients under any domestic commodity distribution program administered by the Secretary of Agriculture; and

(3) to determine with respect to each form and size of package, identified under paragraph (1) or paragraph (2), for milk and for each product of milk—

(A) the cost that would be incurred by the Commodity Credit Corporation to provide for the packaging of such milk or product of milk in such form and size of package; and

(B) the cost that would be incurred by such Corporation to store such milk or product of milk as so packaged.

(b) Not later than January 1, 1985, the Secretary of Agriculture shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report specifying the results of the study conducted under subsection (a).

Mr. PEASE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PEASE. Mr. Chairman, this amendment seeks only to ask the Department of Agriculture to conduct a study on alternative ways of packaging surplus dairy products in a way that might make them easier to distribute through the normal channels of distribution, like the cheese programs that we have heard so much about.

This program comes up for reauthorization in 1985, and I am hoping that we can get from the Department of Agriculture some facts and figures about alternative means of packaging so that we can make some intelligent decisions in 1985 which will help us make better use of surplus dairy products to feed poor people in America.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman.

Mr. DE LA GARZA. I would like to state to the gentleman that due to the fact that this is a very delicately crafted piece of legislation with great unanimity within our committee, that I would not want to disrupt that unanimity by inserting other areas of concern. There is a question as to whether this amendment would be proper or not in this legislation. What I would like to assure the gentleman about is that we appreciate his concern, we agree with his concern, and I personally would promise the gentleman that our committee will look at that issue; that I will personally contact the Department. Further, we would ask the Department to conduct, informally, the same request that the gentleman makes, and not have to provide for a study in this legislation.

Mr. PEASE. I thank the chairman of the committee for his obvious concern.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman.

Mr. PANETTA. I would certainly join in the chairman's comments. I think this is an area that we need to look at and we intend to do it with the subcommittee when we consider the reauthorization next year.

Mr. PEASE. Mr. Chairman, on the assurance of the distinguished chairman and the distinguished subcommittee chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any other amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—NUTRITION MONITORING

SEC. 201. The Secretary of Agriculture shall (1) in conducting the Department of Agriculture's continuing survey of food intakes of individuals and any nationwide food consumption survey, include a sample that is representative of low-income individuals and, to the extent practicable, the collection of information on food and other household expenditures by such individuals, (2) to the extent practicable, continue to maintain the nutrient data base established by the Department of Agriculture, and (3) encourage research by the public and private sectors on effective standards, methodologies, and technologies for accurate assessment of the nutritional and dietary status of individuals.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—FOOD, NUTRITION, AND CONSUMER EDUCATION

FINDINGS

SEC. 301. Congress finds that persons in households eligible for the food stamp program and other low-income persons, including those residing in rural areas, should have greater access to nutrition and consumer education to enable them to use their

food budgets, including food assistance, effectively and to select and prepare foods that satisfy their nutritional needs and improve their diets.

PURPOSE

SEC. 302. The purpose of the program authorized by this title is to expand effective food, nutrition, and consumer education services to the greatest practicable number of low income persons, including those participating in or eligible to participate in the food stamp program, to assist them to—

(1) increase their ability to manage their food budgets, including food stamps and other food assistance;

(2) advance their ability to buy food that satisfies nutritional needs and promotes good health; and

(3) better their food preparation, storage, safety, preservation, and sanitation practices.

ADMINISTRATION

SEC. 303. (a) Within the Department of Agriculture, the program authorized by this title shall be administered through the Extension Service in consultation with the Food and Nutrition Service, and the Human Nutrition Information Service. The Secretary of Agriculture (hereinafter in this title referred to as "the Secretary") shall assure that the Extension Service coordinates activities carried out under this title with the ongoing food, nutrition, and consumer education activities of other agencies of the Department of Agriculture.

(b) The Secretary shall, by not later than April 1, 1988, submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the effectiveness of the program authorized by this title.

STATE PARTICIPATION

SEC. 304. The cooperative extension services of the States shall, with funds made available under this title, carry out an expanded program of food, nutrition, and consumer education for low-income persons in a manner designed to achieve the purpose set forth in section 302. In operating the program, the cooperative extension services may utilize the expanded food and nutrition education program and other food, nutrition, and consumer education activities of the cooperative extension services or carried out by them in collaboration with other public or private nonprofit agencies or organizations. In carrying out their responsibilities under the program, the cooperative extension services are encouraged to:

(1) provide effective and meaningful food, nutrition, and consumer education services to as many low-income persons as possible;

(2) employ educational methodologies, including innovative approaches, that accomplish the purpose of this title; and

(3) to the extent practicable, coordinate activities carried out under the program with the delivery to low-income persons of benefits under food assistance programs.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 305. (a) There are hereby authorized to be appropriated to the Department of Agriculture to carry out the program under this title not to exceed, for the fiscal year ending September 30, 1985, $5,000,000; for the fiscal year ending September 30, 1986, $10,000,000; and for each of the fiscal years ending September 30, 1987, and September 30, 1988, $15,000,000.

(b) Any funds appropriated annually under this section shall be allocated in the manner specified in section 1425(c)(2) (A) and (B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

(c) Any funds appropriated under this section shall supplement any other funds appropriated to the Department of Agriculture for use by the Department and the cooperative extension services for food, nutrition, and consumer education for low-income households.

● Mr. McKINNEY. Mr. Chairman, I rise in strong support of H.R. 5151, the Hunger Relief Act of 1984, as a means to address the serious hunger problems facing this Nation.

In the State of Connecticut alone, a State that houses the headquarters of some 40 of the Fortune 500's largest companies, a State with an unemployment rate significantly lower than the national average, the soup kitchens and emergency food distributors have experienced large increases in demand for hunger relief.

Not only are more people coming to the soup kitchens, but they are coming earlier in the month than they ever have before. Traditionally, soup kitchens experience their heaviest demand toward the end of the month as people's welfare money runs out. But now people are running out of money for food by the second week of the month.

The Thomas Merten House in Bridgeport, CT, has experienced a 100-percent increase in the number of people needing food assistance since 1980. The Stamford soup kitchen has experienced a similar increase in demand in just the past year. Imagine, a 100-percent increase in the demand for emergency hunger relief in a city with one of the lowest unemployment rates of any city in the country.

The most disturbing trend amongst all these statistics is the dramatic increase in the number of mothers with small children visiting these soup kitchens, which have traditionally been the domain of single males. There is something fundamentally wrong with a Federal Food Assistance Program that fails to adequately provide for the nutritional needs of underprivileged babies.

Children are the future of this Nation, yet many soup kitchens have been forced to change their policy of not serving unaccompanied children in response to the tremendous number of young children who are wandering into the kitchens hungry.

The President's own Task Force on Food Assistance found that hunger is a "real and significant problem throughout the Nation."

H.R. 5151 begins to address the hunger by using the task force recommendations as its core. The task force recommended that: First, the benefits under the program be restored to a level that represents the Thrifty Food Plan; second, households, all of whose members receive assistance under Aid to Families with Dependent Children [AFDC] or supplemental security income [SSI] be categorically eligible for food stamps; third, work incentives for participants in the Food Stamp Program be increased; fourth, assets and/or resource eligibility standards be upgraded; fifth, that food stamps distribution should be staggered throughout the month and the offices should be opened some evenings and weekends; and sixth, the homeless should be incorporated more into the program. These recommendations are specifically addressed in this bill.

Under H.R. 5151, the Thrifty Food Program is funded at 100 percent; AFDC and SSI recipients become categorically eligible for food stamps; the deduction for earned income is raised from 18 to 20 percent to provide work incentives; assets are increased from $3,000 to $3,500 for the elderly—$1,500 to $2,250 for other households and the allowance for an automobile is increased from $4,500—a figure implemented in 1977—to $5,500, as recommended by the task force; food stamps are to be staggered throughout the month and the homeless are specifically mentioned as eligible for the Food Stamp Program.

In dollar terms, the bill restores only about one-seventh of the large reductions made in the Food Stamp Program in 1981 and 1982. According to the Congressional Budget Office, it is estimated that the 1981-1982 cuts reduced the fiscal year 1985 spending by $2.06 billion. H.R. 5151 increases fiscal year 1985 spending by $305 million which means over 85 percent of the original savings remain intact. Additionally, no antifraud or antiabuse provisions have been repealed in this bill. As a matter of fact, this bill toughens measures regarding States with error rates over 5 percent.

H.R. 5151 is a modest response to the hunger problem facing this Nation today. Eliminating the hunger problem in this country will be a long and arduous task. This Congress must face up to the challenge that stands before it.●

● Mr. ADDABBO. Mr. Chairman, the Hunger Relief Act, H.R. 5151 moves in the right direction although perhaps not as quickly as I had hoped.

When I signed on to cosponsor this legislation, the estimated benefits were three times the size of the current proposal. Even with the initial piece of legislation, I questioned whether we really met the needs of all those on food stamps. In my district, one does not have to read the lastest Presidential Commission's findings to recognize hunger in America. It is on the streets, in the classrooms, and on the faces of the people. They do not understand why this Congress must fight the administration in order to

pass food stamp legislation. And frankly, Mr. Chairman nor do I.

I will support this legislation before us today because our people need the program. There are a number of parts of this legislation that will do so good. Raising the maximum allotment for food stamps back to 100 percent of the USDA thrifty food plan for instance. This was one of the administration's major cuts in 1981. Another important provision is raising the asset limits for nonelderly households from $1,500 to $2,250 and for elderly households from $3,000 to $3,500 is a good thing.

Where this legislation runs into trouble concerns State error rates. It is not that we want to condone fraudulent practices. It is that we do not want to see States losing money because the real losers will be those who need food. While I agree that some reform may be needed, it is apparent that we must not make us such strigent formula as to jeopardize food stamp recipients in need.

It seems clear to me that the intent of a Hunger Relief Act is to meet the need of those who are hungry. Anything that would in anyway reduce our ability to do so should be guarded against. We, in this House know the legislative realities. We know that the White House finds more comfort in trimming social programs then providing the services. It is for this reason, we must pass legislation such as this whenever we can, with the hope that a new administration will end this legislative nightmare of feeding our poor and work with us, not against us. Until then, it is necessary for us to continue to promote these programs in whatever piecemeal fashion for which we can gain support.●

● Mrs. COLLINS. Mr. Chairman, this is a bill with a particularly apt and poignant title. Here in the wealthiest and mightiest country the world has ever known, 21 million people need food stamps to eke out the most basic of living standards.

This bill is very modest. It would raise the maximum allotment of food stamps from 99 to 100 percent of the Agriculture Department's thrifty food plan this coming fiscal year and to 101 percent of the thrifty plan in fiscal 1986. At the same time, the amount of earned income that could be deducted from gross income in calculating the stamp benefit would be increased from 18 to 20 percent.

Furthermore, in an effort to catch up just a bit with inflation, elderly households would be allowed in this bill to have $3,500 in assets, as opposed to $3,000 under current law, and still be eligible for stamps. Those who are not senior citizens would be able to have assets of $2,250, instead of the current $1,500.

Reciting these figures is disheartening because they are so little for many who need more. And we should remember that this administration severely cut the program in years past. The least we can do is to support the modest changes in this bill.●

● Mr. WEISS. Mr. Chairman, I am in support of the Hunger Relief Act of 1984. The Committee on Agriculture must be commended for taking a positive step to ease the hardship caused by increasing hunger at a time when the Food Stamp Program is the subject of scorn and inaccurate allegations in some conservative quarters.

At the very same time the Reagan administration was advocating major benefit reductions in the Food Stamp Program in 1981, hunger was reemerging as a major domestic problem. I believe those untimely cuts have been a major contributor to the growing hunger, and the administration must take responsibility.

Contrary to the President's assertion at his most recent press conference that not a single fact or figure proves his budget cuts have hurt the poor, a just-released Congressional Research Service study found that the 1981 reductions in cash welfare pushed more than half a million people into poverty. The majority of those individuals were children.

Ours is a country rich in agricultural resources, yet hungry people are lining up at soup kitchens, food pantries and shelters in numbers greater than any time since the Great Depression. The more than 160 soup kitchens and food pantries operating in New York City are serving up to and beyond their capacity.

New York's St. John the Baptist Church was serving 100 people per day when it opened its mid-day meal program just over a year ago. Today, that number has grown to 300. During the first 9 months of 1983, one voluntary food hotline reports it received more calls for food assistance than had been received in all of 1982. A large majority of the hotline's calls are requests for emergency food.

We don't have to rely solely on New York City's evidence. Recent reports on hunger by the President's Task Force on Food Assistance and the U.S. Department of Agriculture have documented that an increasing number of food stamp recipients are without food by the third or fourth week of each month. Many of these families seek assistance from emergency sources like food pantries, but some simply do without.

H.R. 5151 is an appropriate and reasonable effort to address the nutrition needs of our most disadvantaged citizens—the poor, the unemployed, the elderly, and the disabled.

The bill restores a modest $300 million in benefits in fiscal year 1985 by ordering a number of changes in the Food Stamp Program's administration—including many recommended by the President's Task Force on Food Assistance.

In approving this measure, we are voting to link food stamps to more realistic minimum nutritional standards by basing benefits in fiscal year 1985 on 100 percent of the thrifty food plan.

We are easing the financial burden on those recipients incurring high shelter and child care costs.

We are recognizing the plight of the new poor, who are needy even though they have assets that disqualify them from eligibility, by raising the assets limitation for certain automobiles to a more realistic level.

We are providing States with flexibility and reduced administration costs by making monthly reporting optional.

And we are pulling into the safety net the thousands of homeless people who are among our neediest citizens by declaring them eligible for food stamps.

This legislation is not without its problem provisions, however. By drastically increasing sanctions against States incurring high error rates in administering benefits, H.R. 5151 threatens to unnecessarily clobber States already facing severe penalties. Moreover, the method used by the Department of Agriculture in computing error rate sanctions is highly suspect. It prompted the Agriculture Committee to adopt an amendment ordering a study of the sanctions issue.

While the measure raises to $155 the combined ceiling for excess shelter costs and dependent-care deductions—used to determine eligibility and benefit levels—it fails to go far enough. To truly keep pace with rising rents and utility costs, I believe the excess shelter cost ceiling should be increased to $175. To assist the working poor and provide an additional incentive to unemployed recipients to seek work or job training, the dependent care deduction should be separated and capped at $160.

Last, H.R. 5151 only partially restores the deep and unfair cuts the Food Stamp Program has sustained since the incumbent President took office. I would hope that next year, when the Food Stamp Program comes up for reauthorization, we can make substantially more progress in alleviating hunger in the United States.

Meanwhile, the bill before us will serve as a modest downpayment on a major problem. I know my colleague and good friend from California [Mr. PANETTA] has worked closely with the minority members on his subcommittee to develop a mutually acceptable, bipartisan measure. This admirable effort deserves our strong support.●

● Mr. CONTE. Mr. Chairman, I rise in support of H.R. 5151, the Hunger Relief Act. This legislation makes sev-

eral reforms to the current Food Stamp Program; many of these reforms were proposed by the President's Task Force on Hunger.

Mr. Chairman, the U.S. Conference of Mayors conducted a study of hunger recently. In many of the cities studied, the cities were unable to serve all of those in need of food assistance. Even though government agencies, religious and volunteer groups have made extraordinary efforts to respond to the need for food assistance, the need far exceeds private and public resources available. Another survey showed that demand for emergency food aid had increased in 95 percent of the cities by an average of 71 percent.

Additionally, food assistance is now going to a new class of poor—the people who have been laid off and have very little expectation of ever returning to their former occupation. The President's Task Force on Hunger indicated that increased funding levels would not necessarily eliminate hunger in this Nation unless it was coupled with other structural reforms in the food stamp program. By and large, this legislation makes those reforms.

For example, the legislation extends food stamp eligibility to the homeless, increases food stamp benefit levels to 100 percent of the Agriculture Department's thrifty food plan, 101 percent in 1986, increases asset levels, and increases the earned income disregard. The legislation also makes a significant change to current law with respect to Monthly Reporting and Retrospective Budgeting [MRRB]. The legislation allows States the option of using MRRB, but does not require them to do so. The present law requirement is difficult for many States to administer, and is costly to administer.

Mr. Chairman, all of these changes have a modest price tag when compared to the benefits they will provide. This legislation will take us one giant step toward reducing hunger in this bountiful Nation. Why should anyone be forced to go hungry in America?●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5151, the Hunger Relief Act of 1984. This is a limited attempt by this body to respond to the alarming presence of poverty and hunger in the United States. This legislation seeks to address one of the cities in our midst, a city of hunger and desperation such as described by Gov. Mario Cuomo of New York in his depiction of our Nation as a "Tale of Two Cities."

H.R. 5151, most importantly, would increase benefits for food stamp recipients by basing maximum benefits in fiscal year 1985 on 100 percent of the thrifty food program. Benefits would subsequently be based on 101 percent of the thrifty food program in fiscal year 1986, returning to 100 percent of the thrifty food program in fiscal year 1987. This benefit increase is a response to the cruel budget cuts contained in the Omnibus Budget Reconciliation Act of 1982 which reduced food stamp benefits in fiscal year 1982 through fiscal year 1985 by holding benefits to 99 percent of the Agriculture Department thrifty food plan.

This measure also expands eligibility to include the many homeless who meet other eligibility standards required to receive food stamps. Additionally, the Hunger Relief Act provides for automatic coverage for recipients of aid to families with dependent children and recipients of SSI.

Mr. Speaker, we need to pass this bill if our Government is to pass the moral test in terms of how it affects the young, the elderly, the handicapped, and the needy. Relief organizations in the District of Columbia continue to indicate to me that hunger is getting worse.

The Congress in reducing the food stamp program made a mistake. More than 1 million beneficiaries lost their eligibility when we reduced the food stamp program by 13 percent in the Omnibus Budget Reconciliation Act of 1982.

The food stamp program, as it is presently constituted, based on the inadequate thrifty food program, barely provides subsistence for affected families. The Hunger Relief Act is a small beginning in the long walk we will have to take if we are to really have one nation and not a continuing "Tale of Two Cities."

I urge my colleagues to pass H.R. 5151.●

The CHAIRMAN. Are there any amendments to title III?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MOAKLEY) having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs, pursuant to House Resolution 517, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

RECORDED VOTE

Mr. PANETTA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 364, noes 39, not voting 30, as follows:

[Roll No. 342]

AYES—364

Ackerman	Durbin	Jones (OK)
Addabbo	Dwyer	Jones (TN)
Akaka	Dymally	Kaptur
Albosta	Dyson	Kasich
Anderson	Early	Kastenmeier
Andrews (NC)	Eckart	Kazen
Andrews (TX)	Edgar	Kemp
Annunzio	Edwards (AL)	Kennelly
Applegate	Edwards (CA)	Kildee
Aspin	Emerson	Kleczka
AuCoin	English	Kogovsek
Barnard	Erdreich	Kolter
Barnes	Erlenborn	Kostmayer
Bateman	Evans (IA)	LaFalce
Bates	Evans (IL)	Lagomarsino
Bedell	Fascell	Lantos
Beilenson	Fazio	Latta
Bereuter	Feighan	Leach
Bethune	Fiedler	Leath
Bevill	Fish	Lehman (FL)
Bilirakis	Flippo	Lent
Bliley	Florio	Levin
Boehlert	Foglietta	Levine
Boggs	Foley	Levitas
Boland	Ford (TN)	Lewis (CA)
Bonior	Fowler	Lewis (FL)
Bonker	Frank	Lipinski
Borski	Franklin	Livingston
Bosco	Frenzel	Lloyd
Boucher	Fuqua	Long (LA)
Boxer	Garcia	Lott
Britt	Gaydos	Lowry (WA)
Brooks	Gejdenson	Lujan
Broomfield	Gekas	Luken
Brown (CA)	Gephardt	Lundine
Brown (CO)	Gibbons	MacKay
Bryant	Gilman	Madigan
Burton (CA)	Gingrich	Marlenee
Byron	Glickman	Martin (IL)
Campbell	Gonzalez	Martin (NY)
Carney	Goodling	Martinez
Carper	Gore	Matsui
Carr	Gradison	Mavroules
Chandler	Gray	McCain
Chappell	Green	McCandless
Chappie	Gregg	McCloskey
Clarke	Guarini	McCurdy
Clay	Gunderson	McDade
Clinger	Hall (IN)	McGrath
Coats	Hall (OH)	McHugh
Coelho	Hall, Ralph	McKernan
Coleman (MO)	Hall, Sam	McKinney
Coleman (TX)	Hamilton	McNulty
Collins	Hance	Mica
Conable	Harkin	Michel
Conte	Harrison	Mikulski
Conyers	Hawkins	Miller (CA)
Cooper	Hayes	Miller (OH)
Coughlin	Hefner	Mineta
Courter	Heftel	Minish
Coyne	Hertel	Mitchell
Crockett	Hightower	Moakley
D'Amours	Hiler	Molinari
Daniel	Hillis	Mollohan
Darden	Hopkins	Montgomery
Daschle	Horton	Moody
Daub	Howard	Moore
Davis	Hoyer	Morrison (CT)
de la Garza	Hubbard	Morrison (WA)
Dellums	Huckaby	Mrazek
Derrick	Hughes	Murphy
Dickinson	Hutto	Murtha
Dicks	Hyde	Myers
Dixon	Ireland	Natcher
Donnelly	Jacobs	Neal
Dorgan	Jeffords	Nelson
Dowdy	Jenkins	Nichols
Downey	Johnson	Nowak
Duncan	Jones (NC)	O'Brien

Oakar	Roybal	Tauzin
Oberstar	Russo	Taylor
Obey	Sabo	Thomas (CA)
Olin	Savage	Thomas (GA)
Ortiz	Sawyer	Torres
Ottinger	Scheuer	Torricelli
Owens	Schneider	Towns
Packard	Schroeder	Traxler
Panetta	Schulze	Udall
Parris	Seiberling	Valentine
Pashayan	Sensenbrenner	Vander Jagt
Patman	Sharp	Vandergriff
Patterson	Shaw	Vento
Pease	Shelby	Volkmer
Penny	Shuster	Vucanovich
Pepper	Sikorski	Walgren
Perkins	Siljander	Watkins
Petri	Sisisky	Waxman
Pickle	Skeen	Weaver
Porter	Skelton	Weber
Price	Slattery	Weiss
Pursell	Smith (FL)	Wheat
Quillen	Smith (IA)	Whitehurst
Rahall	Smith (NE)	Whitley
Rangel	Smith (NJ)	Whittaker
Ratchford	Smith, Robert	Whitten
Ray	Snowe	Williams (MT)
Regula	Snyder	Winn
Reid	Solarz	Wirth
Richardson	Spence	Wise
Ridge	Spratt	Wolf
Rinaldo	St Germain	Wortley
Ritter	Staggers	Wright
Roberts	Stangeland	Wyden
Robinson	Stark	Wylie
Roe	Stenholm	Yates
Roemer	Stratton	Yatron
Rogers	Studds	Young (AK)
Rose	Sundquist	Young (FL)
Rostenkowski	Swift	Young (MO)
Roth	Synar	Zschau
Roukema	Tallon	
Rowland	Tauke	

NOES—39

Archer	Dreier	Lungren
Badham	Edwards (OK)	Mack
Bartlett	Fields	McCollum
Bennett	Hammerschmidt	McEwen
Broyhill	Hansen (ID)	Moorhead
Burton (IN)	Hansen (UT)	Nielson
Cheney	Hartnett	Oxley
Corcoran	Holt	Rudd
Craig	Hunter	Schaefer
Crane, Daniel	Kindness	Shumway
Crane, Philip	Kramer	Smith, Denny
Dannemeyer	Loeffler	Stump
DeWine	Lowery (CA)	Walker

NOT VOTING—30

Alexander	Gramm	Pritchard
Anthony	Hatcher	Rodino
Berman	Lehman (CA)	Schumer
Biaggi	Leland	Shannon
Boner	Long (MD)	Simon
Breaux	Markey	Solomon
Dingell	Marriott	Stokes
Ferraro	Martin (NC)	Williams (OH)
Ford (MI)	Mazzoli	Wilson
Frost	Paul	Wolpe

□ 2010

Mr. HUNTER and Mr. DEWINE changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW DURING THE 5-MINUTE RULE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Legislation and National Security of the Committee on Government Operations be permitted to sit tomorrow for hearing while the House is under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

STATUS REPORT ON AGRICULTURE COMMITTEE LEGISLATION

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, last week, in response to your request, I submitted a brief letter on the subject of legislation from the Agriculture Committee which remains pending before this session of Congress.

Today I want to share that information with our colleagues who are interested in these bills. It includes some legislation of great importance, some matters which I believe should be decided before we end this session.

One of those bills will come before the House for final action soon. That is H.R. 5151, the Hunger Relief Act. I hope the House will adopt this bill by the same overwhelming bipartisan margin it got in the House Agriculture Committee. And I hope also, Mr. Speaker, that the other body can be persuaded to act on this badly needed legislation this year.

Another issue of great significance is the soil conservation bill, S. 663, which is currently in conference. The House has passed a sound bill which has broad bipartisan support. We have not yet been able to reach agreement in the conference, and I can only tell the House that your conferees will do everything they can to work out a compromise that retains the basic elements of the House bill.

Also, I would remind the House that time is running short for final action on a third major bill, H.R. 3050, the Rural Electrification and Telephone Self-Sufficiency Act. The House passed that bill back on March 1. The Senate has not yet acted on this measure which is needed to provide long-term safeguards for rural electrification.

Beyond these bills, I want to list for the information of members other bills which the Agriculture Committee may bring to the House or which have passed the House and are awaiting action in the other body.

Bills originating in the Agriculture Committee which are expected to be brought before the House are:

House Joint Resolution 600, the Agricultural Trade and Export Policy Commisson Act (which was also referred to the Foreign Affairs and Ways and Means Committees).

House Resolution 3150, a conveyance of land to the Sabine River Authority in Texas.

Senate 1643, a bill to strengthen the operation of the Agricultural Stabilization and Conservation Committee system.

Bills which have passed the House and are pending in the Senate include:

H.R. 3903, to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural conservation program in the Colorado River Basin.

H.R. 5223, to exempt restaurant central kitchens from Federal inspection requirements.

H.R. 5358, the Honey Research, Promotion and Consumer Information Act.

H.R. 2714, the Agricultural Productivity Act.

H.R. 2784, the Atlantic Tunas Convention Act—originally reported by the House Agriculture and Merchant Marine and Fisheries Committees.

H.R. 2838, assistance to groups and organizations volunteering to plant tree seedlings on public lands.

H.R. 5221, to extend the period during which amendments to the U.S. Grain Standards Act contained in the 1981 Budget Reconciliation Act will remain in effect. The legislation would continue a system requiring users of Federal inspection services to pay the full cost of the services.

H.R. 5183, a Virginia land conveyance.

A number of wilderness bills which originated in the House Interior Committee and were also referred to the House Agriculture Committee.

□ 2020

ORDER OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from Idaho [Mr. CRAIG] go before mine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. CRAIG] is recognized for 60 minutes.

Mr. CRAIG. Mr. Speaker, this evening I have asked for a special order and am pleased that my colleague from Michigan would yield me some of his time to discuss once again before this House a most important issue that is now before us in two forms. For some time we have had an amendment offered by the gentleman from New York, Congressman BARBER CONABLE in the House Judiciary Committee, a proposed amendment to the Constitution to balance the Federal budget and limit taxes. We now have at the Speaker's desk a discharge petition, discharge petition No. 10, that would discharge an open rule for the purpose of dealing with that piece of legislation that is before the House Judiciary Committee to allow it to come to the floor for not only amendment, if so chosen by this membership, but most importantly for debate and for consideration by this House so that it could be sent out to the States for their consideration, an issue that in the latest of pollings shows over 83 percent of the American public now believes that it is essential, that for this body, this House, this Congress to control its spending it must be controlled by a constitutional amendment that will require a balanced budget and limit taxation so that the Congress would not just balance the budget on the backs of the taxpayers.

I concur, and now 160 of my colleagues having signed discharge petition No. 10 also concur. I would urge all of my colleagues here in the House to stand up in support of that amendment, in support of that discharge petition, and sign discharge petition 10.

Mr. MARLENEE. Will the gentleman yield?

Mr. CRAIG. I will be happy to yield to my colleague from Montana.

Mr. MARLENEE. Mr. Speaker, I will not only support the discharge petition, but I will support the gentleman.

But I would like to point out when you stated that some 83 percent of the people supported it, that my latest poll shows that in Montana about 75 percent of the people in organized labor support this same petition for this balanced budget amendment.

I thank the gentleman for yielding.

Mr. CRAIG. I appreciate my colleague bringing up the issue of who supports this.

For some time there have been many who have attempted to say that the issue of a constitutional amendment to balance the Federal budget and limit taxation is in large part a conservative issue, that it belongs, if you will, to Republicans and not to Democrats, or to conservatives and not to liberals.

It is interesting that when we look at the discharge petition it is not a partisan issue at all. I believe at current count already some 25 Democrats have already signed on that discharge petition and I am sure there will be a good many more.

My colleague from Montana is absolutely right. In his State he is a leader and has served in that leadership position in pushing the issue of an initiative drive which was completed in Montana to qualify the issue of a constitutional amendment to balance the Federal budget to be placed on the ballot out there in November. I am quite sure that because of the magnitude of signatures, some 60,000 plus, that there are Republicans and Democrats alike.

Why is that so? I think because the average American is now saying more loudly and clearly than they ever have before that it is time for this Congress to get its fiscal house in order, that every business man and woman, that every housewife and every husband has to on a regular basis consider the fact that they must balance their budgets, that they cannot run on and on in perpetua in a deficit situation, or some day, at some time, their friendly banker calls and says "pay up."

The American public understands that so very clearly. Forty-four States of this Nation must balance their budgets on an annual basis. They understand that so very clearly.

Yet it seems that it is only the Members of this House and of the other body, that body across the Rotunda, that have for some reason over a long period of time, by a majority of the Members, decided that this Congress and this Government does not have to. And in so doing over the years they have perpetuated a debt that is now so large that on an annual basis the taxpayers of this country must dig up over $100 billion just to finance the interest on the debt alone.

That is why it is not a partisan issue. That is why it is very much a bipartisan issue, because it is Democrats and Republicans alike, liberals and conservatives, taxpayers out there that we are having to ask now on that annual basis to come up with that $100 billion to finance the debt creation that this body has been involved in for over 25 years.

Mr. WALKER. Will the gentleman yield?

Mr. CRAIG. I will be happy to yield to my colleague from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think we do want to clarify though here that there are individual Democrats who share our concern about balancing the budget and so, therefore, have endorsed the discharge petition and have endorsed the amendment. There is, however, a difference between the two parties, is there not?

Mr. CRAIG. Oh, yes.

Mr. WALKER. Is it not true that the Democratic Party platform specifically says that they do not favor a balanced budget amendment to the Constitution?

Mr. CRAIG. It is my understanding that the platform that was drafted in San Francisco recently at their national convention and passed by a majority of their delegates, does possess that clause in it.

Mr. WALKER. So that platform literally puts aside the 83 percent of the American people who say they favor that approach and says to them "Your concerns do not bother us. What you want is not a concern of ours. We as a party are taking a policy position that we do not favor a balanced budget amendment to the Constitution."

Is that your understanding of the situation?

Mr. CRAIG. That is my understanding, yes.

Mr. WALKER. Beyond that, is it not true that we also have a problem developing with regard to the discharge petition, that all of a sudden we are beginning to see people who have signed up on the discharge petition taking their names off?

□ 2030

Mr. CRAIG. I understand there have been a couple in the last several days that have done so.

Mr. WALKER. And would that not be an indication that there may be some pressure being put on by the leadership around here to remove names from the discharge petition so that it does not have the chance of reaching 218?

Mr. CRAIG. Well, I think that is a reasonable conclusion that can be drawn, but I have to also mention to my colleague from Pennsylvania that the leadership of this House for a long, long time has prohibited the membership from the opportunity of debating a constitutional amendment for a balanced budget and an opportunity to send it out to the States. That is why we have to use the tool of a discharge petition; because a discharge petition in itself says that the committee chairman who presides over the committee or presides over the committee in which this bill now resides has refused to allow the debate and allow that bill or in this case, the amendment to come forth for debate.

I think that is what it says so clearly.

Mr. WALKER. Will the gentleman yield?

Mr. CRAIG. I would be happy to yield to the gentleman further.

Mr. WALKER. I thank the gentleman for yielding further. I think it is

important then to put into perspective what the gentleman just told us.

The gentleman is absolutely right and I think it is a point we need to clarify. But then is it not true that what they tell us that, "You have a route to get this through, if we will now allow debate, there is a route you can get this issue to the floor. You get a discharge petition at the desk."

And so what is now happening is that after the discharge petition is at the desk then, eventually what is happening is the same people who recommend that to us as a route of bringing the bill to the floor, if in fact they will not permit it to be debated, are then going to people and muscling them to take their names off the discharge petition?

In other words, it is one whole scheme of hypocrisy that suggests that people are not at all willing to have this issue discussed, are not willing to see any of the mechanisms of the House work to have the issue discussed and in fact may plunge this Nation toward a constitutional crisis as a result of the willingness of this House to debate a very legitimate issue that 83 percent of the American people say that they favor and only the Democratic Party in their policy statement says it does not favor.

I thank the gentleman for yielding.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield.

Mr. CRAIG. I would be happy to yield to the gentleman from Michigan.

Mr. SILJANDER. To compound the situation, it seems rather ironic that the same organization, the same leadership, not referring to all the individuals of the other side of the aisle, but the same leadership who seems, at least by inference, to be urging some of their colleagues to take their names off the discharge petition in one breath, in a second breath we heard at the national convention and so on on the floor and especially during 1-minutes, we have heard such dynamic orations about the deficits, and how the deficits are a crime and how "this Congress needs to deal with the deficits and why does not the Congress and why does not this President deal with the deficits"?

I have heard that from the other side of the aisle too many times, too numerous times to mention. But is not it also interesting that many of us on the same floor, in the same well, where all these speeches have been made about the deficits, we asked our Republican leadership, through the proper legal procedures and rules of this House, "Will you please allow us to bring under a unanimous-consent request the balanced budget amendment to the floor for an honest and open debate and honest and open vote?"

Sixty-five times, as I have counted; 65 different days someone on this side of the aisle has asked unanimous consent and OK by each of the leaderships. Sixty-five times the Republican leadership has said, "Yes, please bring up the balanced budget tax limitation amendment, please bring it up for a vote, allow the American people to witness, observe and read in the journal, observe over C-SPAN an honest and fair debate."

So we have 50 percent of the leadership agreeing, on the Republican side. Then we have yielded 65 times over to the other side, the majority side. Sixty-five times we have been turned down. We have been turned down by a silence on the majority side that will not allow that open forum for airing the opinions and the views of 83 percent of the American people.

I think it is pertinent, as the gentleman from Pennsylvania [Mr. WALKER] has pointed out, the gentleman from Idaho so articulately pointed out, that there is arm twisting going on. Can you prove it? Absolutely not. But is it not ironic that, though we requested it 65 times and the majority leadership has refused, and is it not interesting that majority members who have signed the discharge petitions, their names are mysteriously being withdrawn?

I think it is pretty clear what is happening. It is not the first time that this type of mysterious phenomenon has occurred on discharge petitions as the numbers have grown steadily toward the key mark of 218 which is required to force the bill out of committee.

If the gentleman would further yield, I have one more point I would like to make if I might. So many of my constituents have asked, "Congressman SILJANDER, why do not the Members of Congress simply balance the budget? Why do not you do it without a constitutional requirement? Just have the integrity and the honesty to respond and act" as the gentleman in the well indicated earlier, "like any American family must do to simply balance their budget? Why do we have to have pass in 38 States, pass a resolution forcing you to do a job that we have elected you to do?"

That is a tough question for an incumbent Member of Congress. My answer, I feel has been equally as vigorous as the question.

I have said that Congress, in analogy form, is much like a drug addict; we are addicted to spending as a body. And each and every time we need another fix the answer in 1982, the answer in 1983, again this year in 1984, the answer has always been shoot up another tax increase, give us more and more taxes, drain the pocketbooks of more and more Americans to give us that liberty and freedom to spend and spend and tax and tax.

And just like anyone addicted to any drug, giving that person more drug will not wean him or her off that drug. What is required is a forcible situation, withdrawing, weaning away, if you will, that drug from an addict.

This Congress has attempted, some of us in this Congress have attempted through the concept of the American Opportunity Society, to stop the liberal welfare society from spending this country down the drain to economic catastrophe. We have tried to bring up, as I said, 65 times, to bring up a forced weaning of the Congress from taxes and spending.

The resolution of the gentleman has been supporting tirelessly for months, the gentleman from Idaho [Mr. CRAIG] has been supporting for months and months, in my opinion and I must candidly say to you as I have said to my constituents many times over, there is no other alternative, there is no alternative regarding integrity.

That is not an alternative because we have consistently shown we do not have the integrity as a body to handle ourselves. We just seem to be addicted hopelessly to spending and taxation.

The only alternative as I have said to my constituents is a forced constitutional amendment to force us to live within our means like most Americans are required to do. And that, to the gentleman in the well, from Idaho [Mr. CRAIG] is my answer to my constituents.

It ought to be the only answer that Congress will never do it on their own. We will never balance the budget, or even attempt to, without the answer of more and more taxes. History proves that. The last 3 years have proven that unequivocally.

So I just want to tell the gentleman that I personally appreciate his time and his efforts in trying to be one of the Members in this body who has enough integrity and guts, courage to stand in the well and tell his fellow colleagues, and many of the American people, exactly what needs to be done to bring this economic spiral of spending and economic ruin and inconsistency and economic poor behavior of this Congress into line. You have been one of the few.

Now we are seeing more and more sign up. I, as the gentleman in the well, would encourage more courage amongst our Congressmen, our fellow colleagues, to go to the well, to sign the discharge petition No. 10, and not just run home to our districts and tell our constitutents, "Yes, we should balance this budget" and "Yes, we should get these deficits under control" and then come back here and do nothing about it. That is a specific detailed vehicle to limit the insane spending and the irrational taxation that this Congress has been perpetrating on the American middle-income sector for too many years.

□ 2040

Thank goodness for you, and thank goodness for discharge petition No. 10. And if we, enough of us, could put our signatures where our mouths are, we would find this Congress acting more responsibly in finding the 83 percent of the American people who expect us to act with integrity and courage to do so.

Please, let us sign that discharge petition and not wait for two more States to satisfy the constitutional mandate of 34 States calling for the Congress for a balanced budget amendment. Let us not allow the States to force us into doing something that we should do on our own. This is our last chance. In my opinion, there is a good opportunity by November that two more States will in fact, through resolution through their State legislatures or through referendum on their ballots, pass the mandate to force us to live within our means and not to tax them into the economic grave.

So I want to just, lastly, thank the gentleman for his time in yielding to me to share what I consider a very important difference between integrity and courage and the Congress refusing to yield to an addition of spending and taxation.

Mr. CRAIG. Let me thank my colleague from Michigan not only for his words and his wisdom but I think the clarity with which he has expressed one of the great problems that this country now faces. It is the problem of the House. It is the problem of the Senate of the United States. It is the problem of the body politic, the membership of this body that simply cannot control the appetite that you talked about.

I several months ago created an organization called CLUBB, Congressional Leaders United for a Balanced Budget, and my colleague from Michigan is a member of that. That organization, recognizing that this House was incapable of responding to the wishes of the American people, also recognizes that the vehicle exists, as you mentioned, in the latter portion of article V of the Constitution, in which States could force the issue upon Congress, the issue of a constitutional amendment. We decided that we may have to go out and ask State legislatures to help us to help ourselves, because I guess you are right, as an addict of spending, you really cannot help yourself any longer. You have to have someone else who kind of takes you by the hand and says it is time to dry out, it is time to get help, it is time to get advice, in the case of the addict, medical advice, in the case of this Congress, we need some darn good fiscal advice.

Recognizing that, I went to your State of Michigan. We worked with the State senate up in Michigan and issued forth a resolution that went through the committee, legislative committee, in Michigan, and passed the State senate in Michigan by almost a 2-to-1 vote. It is now in the house in Michigan. I believe it is in the judiciary committee there in the house, the Michigan Legislature. And we are very hopeful that Michigan in the late summer, in September when they reconvene, will be the 33d State of the Nation that will stand up, like already 32 States have since 1976 and have said to the Congress of the United States, "Do it. Either issue forth an amendment to balance the Federal budget and limit taxation or allow the convening of a Constitutional Convention for the purpose of authoring that amendment."

Now, it is interesting to me that a lot of people out there in the country today who once argued against that approach, saying that you just could not balance the budget because the Congress simply knew better than the citizens of this country how to run government and how to spend money, they are not using that argument any longer against the constitutional amendment for a balanced budget. Now they are saying that it is the fear of the convention that we must guard against, it is the fear that Congress may well force this Nation—remember, I said "Congress may well force this Nation," not the States, not the States that are petitioning Congress today for the purpose of a Constitutional Convention for a balanced budget, but the Congress in its unwillingness to act, the leadership of this House in its unwillingness to allow the Judiciary Committee of this House to send forth an amendment for the States to ratify will force a Constitutional Convention. We hope that will not happen but at the same time the pressure is necessary. And that is what is going on in Michigan today and other States.

My colleague from Montana was here a few minutes ago. They have run the initiative effort in Montana and are successful. We are working the initiative effort in California. So we hope that can be the case, second, but we hope the House is responsible enough to move prior to that happening.

Mr. SILJANDER. Will the gentleman yield?

Mr. CRAIG. I will be happy to yield once again to my colleague from Michigan.

Mr. SILJANDER. I once again thank the gentleman from Idaho for yielding.

Michigan is a key State. That is the State I represent. One of my State senators, Senator Ed Fredricks, introduced a resolution in the senate that has passed the senate committee, as you indicated, and passed the full senate. We are hopeful that there are the votes in the Michigan house of Representatives in Lansing, MI, to pass out of that committee a resolution calling for us to balance our budget. And if I were listening to this scenario unfold tonight and the clear articulation of the need for fiscal responsibility, I would write, and I intend to write my State representative, and tell him in Michigan to please vote for that and do all they can do to make sure that resolution is out of committee.

Would it not be great for Michigan to be the 33d or even the 34th State, Michigan, which turned over a State senate in midelection year, in the middle of the term, because of a tax issue, recalled two Senators, reelected different party members, and turned the leadership from the Democrats to the Republicans? Why did Michigan do that? Because they are fed up with too many taxes, they are fed up with taxation. Michigan has their own balanced budget amendment. Michigan is required to balance their budget.

So I hope that with the same furor that the Michigan Representatives overturned the State senate, they will also make sure that the State house acts responsibly and passes that resolution, or thay ought to consider doing the same thing in the State house of representatives in Lansing, MI.

Mr. CRAIG. I thank my colleague from Michigan. He has an opportunity to have a State legislator that he can write in Michigan. I do not have that opportunity. But I am going to write every member of the State house in the State of Michigan, encouraging them to issue forth that resolution based on the premise that I need their help and that every Member of this Congress needs their help in developing the strength and the backbone to be fiscally responsible.

Believe it or not, the legislature in the State of Michigan can do more to help us right now than almost any other force out there by issuing forth that resolution and becoming the 33d or 34th State.

I will be happy to yield to my colleague from Wisconsin.

Mr. ROTH. I thank the gentleman from Idaho for yielding, and I want to compliment the gentleman for taking this special order and I also want to compliment him for the diligent work he has put forth in working for a balanced budget amendment. I think his pleading in the long run is going to pay off, at least I certainly hope so, because we need to work for a balanced budget in this country if for no other reason than if we do not, we are going to have high interest rates and higher interest rates. And we know that 72 percent of all of the jobs in this country come from small business, and high interest rates are going to

put a real damper on this economy. That is what we do not want to see.

But, I do not know whether all of the blame for it lies in this House or in the other body. I look at it just a little bit differently. I agree with everything you have said, but I think that some of the onus rests on the American people, too, and the reason I say that is this: Mao Tse-tung said that in China power grows out of the barrel of a gun. But in this country, power grows out of the precincts. And when the people in the precincts speak, then I think we in this House are more apt to listen.

The reason I say that is that this is the 30th anniversary, 1954 to 1984, 30 years, that one party has ruled in this House, that has held the purse strings of this Government. And as the great financier, the genius in finance, Baron von Rothschild said, "If I can control the pursestrings, I care not who runs the government."

And who is controlling the purse-strings in this Government? And who has ruled and who has held the purse strings for 30 years?

Now, the gentleman from Idaho has yielded me the time. You come from an area that has a good many horses, and you know that if you do not have the reins you cannot drive the team, right? And I think that is something we have to face here in this House. And until we get the American people to speak and to speak on November 6, they determine who sits in this House, they deermine to a great degree how we vote.

□ 2050

So I think that our pleading has to go not only to the Members on the other side, but our pleading has to go to every single man and woman in America who walks into the ballot booth on November 6, and to say, "This is what we stand for. This is what the other people stand for. If you want our opinions, if you want our views to be implemented, you have to give us your support."

I think when we do that, I say to the gentleman, then I think that we are going to start moving this body, because as long as we do not have the numbers if is going to make it awfully difficult for someone like you. I know the gentleman has been working on this for weeks and months. He has gone all over the country. He has done a real yeoman's job, but I think he is going to need help and I think that help has to come not only from people on this side of the aisle; I think that help has to come from the American people.

I once again say that if the American people speak in the precincts, then we are going to start making these changes, but if we do not speak in the precincts as a nation, then we are not going to make the changes because we are going to have the same old policies we have had for 30 years. That is why I think this election November 6 is going to be so crucial.

You can elect whoever you want as President, you can do all kinds of things in government, but if you do not control the House of Representatives, you do not control the purse strings, and again as Rothschild said, "If I can control the purse strings, I care not who runs the government." That is the way I look at it.

Mr. CRAIG. Let me thank my colleague for that insight, and I really mean that. That is a very insightful comment. It is true that the American public has to share some of the responsibility for the deficit that has been created by this Congress over a long period of time because they have said in part, and sometimes in larger ways, that they want certain kinds of programs to solve certain kinds of problems.

But it is interesting when it comes to this issue. They did not say they wanted that program outside of a balanced budget. While they said they may have wanted their government to do something for them, they said they wanted their government also to be fiscally responsible, and I think they are saying that more today than they ever have. But the trick is, and I use the word "trick," is that we have allowed for so long Members of this body here, the House of the U.S. Congress, to go home and to tell their colleagues that they support a balanced budget, they were for it, absolutely; they would do everything there was to support and to work toward a balanced budget. But then they would come back here and make sure that did not happen.

It was always easy to be able to say you were for something, but then to have to really be put on the line of being for something, and to not only go home and say, "I support the idea but I am doing something real about it," that is why we now have discharge petition No. 10 up here, for Republicans and Democrats alike to say not only at home that they support what 83 percent of their constituency now says Congress must do, but they are actually going to do something about it. They are going to come back and they are going to sign discharge petition No. 10 and they are going to ask the leadership of this House to send to the floor a constitutional amendment to balance the Federal budget, limit taxes, so that we can debate it here, pass it out of this body and send it to the States of the Union for ratification.

There has been that opportunity in the past to say one thing and do another. We, by this effort, I hope, tonight are saying that now you have the opportunity to do as you have been saying for so long. And there are Members like that, and I am not saying that they are being dishonest. They are just finding it convenient to not do as they say.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to my colleague from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows, one of our great assets in the fight for the balanced budget is the fact that the President of the United States has announced that he thinks that this is a priority, that we need to move on a balanced budget amendment to the Constitution.

Some of the critics of that effort, and some of the critics of the president, then turn around and suggest that if the President is so serious about this, why does he not present a balanced budget; why does he not come forward with a balanced budget? To many people that would seem to be a legitimate argument and one that has some validity, and we hear it constantly.

I think the issue here, and it is an important issue, is the fact that the President of the United States has said to the American people flatly by endorsing this concept, "I am willing to be disciplined. I am willing to operate within the discipline of a constitutional amendment for a balanced budget."

The question now before the country is: Is Congress willing to be disciplined? Are they willing to live within the discipline of a balanced budget?

The answer clearly coming from this Congress is "No." The answer clearly coming from the Democratic Party in their platform is "No." The answer clearly coming from their candidate for President is "No." We have heard a lot from their candidate for President about the fact that he wants to fight deficits. I think what he said in his acceptance speech was that someone who wants to be President to fight deficits has to have the courage to say no; he has to be willing to use the veto pen. He was trying to criticize this administration.

I guess the question that arises is: Where has Walter Mondale shown that he is willing to stand up for smaller doses of spending? He certainly did not in the platform. There is one phrase in the platform, in the environmental section of the platform, one phrase that says, "To clean up all sites that threaten the public health."

I had totaled up by the staff of the committee with jurisdiction in this House. That is $153 billion of add-on spending for that one phrase that is in their platform. Walter Mondale did not have the guts to say no to the platform committee that added $153

billion of add-on spending to the platform. Where is he going to get the guts to say no when these bills come down to his desk? What would happen with the bills that we saw on the House floor today?

Today we had a good example of the dedication of this body to do something about deficits. We had one amendment offered to the Labor-HHS bill, which is the single largest appropriation that will go through this House, the single largest one, and Congressman FRENZEL offered an amendment to cut 6 percent out of discretionary spending; not out of the whole budget, just out of discretionary spending. How did the parties vote? The Republicans voted for the Frenzel amendment. The Democrats voted overwhelmingly against the Frenzel amendment.

I offered a 1-percent cut on the supplemental bill. That was an important 1-percent cut that we had out here today because that was to a bill that was described by the chairman of the committee as being a series of spending measures that the administration asked for; that the only reason why we had this supplemental bill out was because the administration had come up and asked for this spending.

They said, "We have made some adjustments, we have defined our own priorities," and I guess that is what we ought to do around here, but the point was that this was add-on Reagan deficit. This is something we are going to hear more about as being Reagan deficit money, and I said, "Why do we not cut 1 percent out of it? Why do we not cut $54 million?"

Overwhelmingly, look at the party votes. Overwhelmingly the Republicans voted for that 1-percent cut; overwhelmingly, the Democrats voted against it. Overwhelmingly, the Democrats said, "We do not want to cut anything of of these Reagan deficits that we are talking about. We want to spend more money." I think it is important to understand that.

Or the final vote that we had here today was on the question of whether or not we ought to tighten up on the Food Stamp Program or whether we ought to liberalize it. Across this country the American people understand that that program is just ridden with waste, fraud, and abuse. They see it in their food markets. They see it in their towns. They know doggone well that that is a program that has problems.

What did we vote to do on the House floor today by an overwhelming margin? We voted on the House floor today to liberalize this. We voted on the House floor today to say that somebody can own a 1978 Jaguar or a 1979 Cadillac limousine and still collect food stamps. We voted to open up the process more than it has been opened before.

I would suggest that a party that is talking about deficits as much as the Democratic Party is, and as much as our Presidential candidate is, really has some major problems when you take a look at their record and take a look at what the real facts are behind their spending practices.

Mr. CRAIG. Let me thank my colleague from Pennsylvania.

In closing this special order tonight, I think it can be said with some certainty that one of the problems that the Members of this House face today is the inability to say no, the inability to look at all of the priorities that we have given this Congress to spend in, that we have placed in Government over the years, and say that really one of the major forces that causes the cyclical nature of our economy, that creates unemployment that causes high interest rates, is our inability to stabilize our spending and keep it within a reasonable percentage of the gross national product of this country. We have no capacity to do that today. The will does not exist in this Congress.

□ 2100

There are 435 Members of this body, and I suspect that every Member has at least one special interest group that they cannot say no to, and you put all 435 special interest groups together, and what do you get? You get budgets that have been historically, for a period of some 30 years now, over budget, out of balance.

So we take that deficit and place it over in the debt column at the end of every fiscal year, and that has grown progressively over the years, and our Keynesian friends historically said that was good, that that caused the economy to move, that that stimulated growth and all of that was worth the time and, most importantly, the burden of doing it. I think what they failed to recognize was the collective impact of what they were about.

The collective impact of what we do today in this Congress now says to the taxpayer on an annual basis that "you must fork up over a hundred billion dollars to pay the interest on the national debt," and the Government; this is, the Congress, must OK the borrowing of that money from the economy of this country to finance it.

What that now causes is such great competition in the marketplace as to who will get the dollar to spend that we have had those cyclical problems of high interest rates and inflation, and, of course, that which inevitably follows is unemployment.

We have an opportunity in this Congress in 1984 to do something profoundly substantial to change the course of our Government, to put in place what I believe is one of the single most valuable tools to begin to say to this Congress, "No, you can't be irresponsible any longer. You are going to have to look at your priorities."

It does not mean there will be massive cuts. It does mean we are going to have to be responsible, to bring revenues and expenditures into line, and we are asking you to spend only a portion of the gross national product of this country. And we are going to ask this Congress to run the Government that we are responsible for running like we run some 44 State governments in this Nation and as all citizens must run their households and their businesses, and that is to keep their expenditures in line.

I have to believe that the American public is right by a substantial majority, and that if the Congress itself does not have the backbone to do it, maybe then the public will force us to do it. Thank goodness, Thomas Jefferson during the construction of our Constitution had the insight and the wisdom to recognize that at some time and some place in our history Congress might not be willing to respond to the will of the people, and that the will of the people could be spoken through their State legislatures in forcing the Congress through the constitutional route to do something.

Now, I hope that we do not have to ask our States to do that. I hope that this Congress could be so responsible as to respond to its citizenry in a fiscal fashion that will solve the problems at hand. That is why discharge petition No. 10 is before this Congress, and I hope my colleagues will sign it in great numbers so that we can bring the issue to a debate on this floor, the issue of a constitutional amendment to balance the Federal budget and limit taxation.

I thank my colleagues this evening for joining in this most important colloquy, this important special order. There will be numerous special orders in the coming days addressing once again the issue of a constitutional amendment to balance the Federal budget. I know of no other issue and I think the American public recognizes no other issue as important today as bringing our deficits into control and bringing fiscal sanity once again into this Congress and into our Government. In large numbers they are saying today that the only way that is possible to do is to limit the great capacity of this body to spend by saying that "we will put you in the limits of a constitutional amendment which will say that expenditures and revenues must at some time certain be in balance."

Mr. Speaker, I yield back the balance of my time.

THE NATIONAL DEBT AND THE FEDERAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Michigan [Mr. LEVIN] is recognized for 60 minutes.

Mr. LEVIN of Michigan. Mr. Speaker, I have come here tonight to talk about the deficit and to talk about the national debt. We have heard a lot of rhetoric on this floor. Several of us are going to talk tonight about some of the facts.

Tonight we have heard discussion about who is to blame, blaming the people or blaming the Constitution or blaming Congresses and Congress as an institution. This is my second year here now. I am proud of this institution, and it strikes me that before we look at structure, we ought to look at policies, we ought to look at facts, and we ought to look at the programs that have been enacted in these last 4 years.

I do not think the problem has been an insatiable appetite. I think it has been misguided policies. It has been policies that were enacted in 1981 and 1982 by a majority of this institution, including those who spoke here tonight. They voted aye when the administration presented certain policies and certain proposals for diminished revenues and increased expenditures.

I think the issue of the national deficit and the national debt is so serious that it will not await the passage of a constitutional amendment. We are talking about 3, 4, or 5 years. The problem is here and now, and the time for action is not 3 years from now, 4 years from now, or 5 years from now.

Mr. ANDREWS of Texas. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I am glad to yield to the distinguished gentleman from Texas.

Mr. ANDREWS of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this evening marks the first evening in a series of special orders that those of us who are Members of the freshman Democratic class will take to enter this empty Chamber, this quiet Chamber, and discuss issues and questions that face this Nation at this very critical time.

Certainly there is no greater issue that faces our country today than the size of the growing Federal deficit. That is the topic of this evening. During future evenings other issues will be discussed and engaged in by Members of the freshman Democratic class, issues from foreign affairs to the armed services and to the economy as a whole.

I think a real issue for the voters of this country in this important and critical election is in which direction this country is headed. Where will this Nation go? That is a question that has confronted the people of America for years, for generations, and for centuries. In 1862, Abraham Lincoln in his famous House Divided speech said, "If we could first know where we are and whither we are tending, we could better judge what to do and how to do it."

That truly is the issue that faces the American people in the summer and fall of 1984. Where are we going as a nation, and what role will this Congress and future Congresses play in the course of events that so trouble our country?

The issue that we want to discuss this evening in our special order is the crisis that our country faces because of this deficit. In 1979, then candidate Ronald Reagan campaigned very effectively around this Nation on the need to balance the Federal budget. And certainly we need to balance the budget of this country. At that time the deficit under President Jimmy Carter was $55 billion—an out-of-budget deficit if there ever was one—and Ronald Reagan use those numbers to Mr. Carter's defeat.

□ 2110

Tonight as we talk to the American people, the deficit approaches $200 billion, and to give you some type of idea or concept of where we are, where we are going, I think it is important to take a look at where we have been in terms of our deficits.

This chart that we have prepared, that was prepared by the Budget Committee for us, reflects budget deficits from the administration of the Truman years through what is projected to be the deficits of President Reagan through 1986. If you took each and every deficit of each and every administration, from the administration of George Washington through Jimmy Carter's administration and added them all together, they would fall short of the deficit that has literally quadrupled in such a short period of time.

You can see from the deficit quite frankly the last balanced budget we had was in 1967, during one of Lyndon Johnson's years, in 1968-69; but tonight as we speak, the deficit approaches $200 billion.

The Congressional Budget Office estimates that those deficits if they go unattended by the end of this decade could well be $300 billion. In Alice Rivlin's terms, deficits as far as the eye can see.

What are the consequences of these deficits? What does it mean to the American people, the small businessman that is trying to get a loan to keep his employees on the job, to the young homeowner, the young man right out of college trying to pay off the student loan program, to the blue-collar worker who has just gone back to work?

There are certainly signs of economic recovery in this country. Unemployment is down. Inflation is down, but if we are to have continued growth in our economy, certainly these deficits have to be controlled and their growth reversed.

Every time that interest rate, that prime rate, goes up only 1 percent, over a million people in this country are forced out of the home market. They simply cannot buy their first home. It is a staggering statistic, but a real one to a young family that is trying to purchase their first home in America today.

As surely as inflation is going down, interest rates are going up. If the deficit is not controlled, if it is not reversed in 1985, it may not matter who is President of this Nation when interest rates are soaring again.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Texas. No; I will not yield. We have limited time this evening and a full schedule that our Members have elected to use to utilize our special order.

Mr. WALKER. The gentleman is not going to allow participation in this debate?

Mr. ANDREWS of Texas. After I have finished making my statement, my presentation, then certainly we would be happy to yield.

I think what we really need to look at is in terms of trying to assess blame, to who is at fault, to assess blame at who is the person or the body that needs to do something about this problem. The truth is that there is enough blame to go around for everyone in this country. The budgets that President Ronald Reagan has submitted to this Congress in 1982 called for a deficit of $45 billion. For fiscal year 1983, the budget deficit that Ronald Reagan submitted called for a deficit of $92 billion. For fiscal year 1984, the deficit in the budget submitted by President Reagan was calling for a $189 billion deficit in his fiscal year 1984 budget proposals.

For fiscal year 1985, that budget calls for a deficit of $180 billion.

There are other results of these growing deficits. Business failures were 25 percent higher in 1983 than last year and 184 percent higher than during the Carter administration.

Farm foreclosures are double the 1982 rate, at the highest level in 1983 since the 1930's.

Loan delinquency rates have increased by one-third in just the last 12 months alone.

Staggering statistics, statistics that reflect no jobs, no growth, low productivity and absolutely no investment.

One thing surely that we have learned in the last few years is that the recovery that we have had has had no meaningful effect on the growth of these staggering deficits.

The real question I think tonight that we want to discuss in addition to the effect of where we are is what should we do. One proposal that I

have been pleased to hear that our freshmen class has put forward is the proposal called pay as you go. Under that suggestion, for a Member of Congress to bring forth a new idea, a new program, he simply has to find the revenues to pay for it. He has to either go to another program or another source of funds or he has to convince this body that sufficient taxes should be raised to pay for that program.

I think that is a step in the right direction, a step toward putting us on a meaningful flight path toward a balanced budget, which is exactly where we need to be and where we have got to move this country.

Mr. LEVIN of Michigan. Mr. Speaker, I wonder if the gentleman from Texas would yield back to me.

Mr. ANDREWS of Texas. Surely.

Mr. LEVIN of Michigan. I think the gentleman has so clearly outlined a couple points. One is the unprecedented nature of this deficit and that chart that the gentleman has presented so clearly states it, when people here talk about Congress as an institution or Government as an institution and point their finger there, they ignore the graphic illustration there that for a number of years we were able to substantially manage our affairs in this country. There were debts, there were deficits, sometimes too high and they were of serious concern, but in the last years they have gone up and then in the very last years they have gone up through the roof; so it is really passing the buck, I think the gentleman has shown so well, to lump all the last 40 or 50 years together and to say, "Ah, it's the institution of Congress or the Government."

Ironically, those who have spoken earlier tonight leave out any mention of the Chief Executive.

I also think the gentleman made a second point.

Mr. ROTH. Mr. Speaker, will the gentleman yield for a brief question? I do not mean to embarrass anyone.

Mr. LEVIN of Michigan. The gentleman does not embarrass us at all, but the gentleman had his day in court for many days. We want the court of the American people to hear our discussion.

Mr. ROTH. Mr. Speaker, would the gentleman yield for just two short questions? I promise it will not take more than 30 seconds.

Mr. LEVIN of Michigan. All right, I will yield.

Mr. ROTH. We have 435 Members in this body. How many are Democrats and how many are Republicans?

Mr. LEVIN of Michigan. Let me ask the gentleman, I think the majority are Democrats, but I would have to ask the gentleman what the vote was in 1981 and 1982 for the policies that helped to cause this. They were not the entire cause of this deficit. They were the major cause, and I want to go right now into the cause of this deficit.

Mr. ROTH. Maybe I can answer the question. It is 269 to 160 some.

Mr. LEVIN of Michigan. There is no question, but I have asked the gentleman who constituted the majority when these policies were enacted and I am now taking back my time so I can talk about that.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. No. I want to lay this out for the American people to hear and not be diverted.

Mr. WALKER. We are asking questions and we are not going to allow answers?

Mr. LEVIN of Michigan. People are getting the facts, not rhetoric, through our discussion, at least as we see them.

Mr. WALKER. Will the gentleman yield? It is the taxpayers' debate.

Mr. LEVIN of Michigan. Please, the gentleman knows the rules of the House. After we have finished our discussion, if there is ample time, we will be glad to yield back. We heard about 45 minutes of rhetoric here, uninterrupted on our side. We are determined to present the facts to the American people tonight. We are not going to be sidetracked by anything.

So I was saying to the gentleman from Texas that the gentleman also made a second point that was so important, and that is that what has happened is the opposite of the predictions that were made when the budgets were presented in 1981 and 1982. Instead of having a balanced budget, we have a historically unbalanced budget.

Instead of having a budget deficit as the President estimated of $22.8 billion in 1983, we had an actual deficit of $194 billion, which is what—eight times what was predicted and really pledged.

□ 2120

But I want to talk a bit, if I might, about the causes of this deficit because you cannot seek remedies unless one understands the causes of an illness. And figures can be complicated. But I suggest that one can understand this by jotting down a few figures, which I am going to do.

First of all on the outlay side, and here I use percentage of gross national product because I think it is the easiest way to understand it, and it takes into account inflation so we are using the same standard throughout, in 1970, and again I start with the outlay side, Social Security and medicare represented 3.8 percent of our GNP, the expenditure on Social Security and medicare. The estimated figures under the administration's budget for 1989 would be 6.6 percent. So there would be an increase of almost 3 percent of GNP outlaid for Social Security and medicare.

For defense, taking the 1980 figure, there was 5.2 percent of our GNP spent for national defense. The projection for 1989 would be 7.9 percent, an increase of almost 50 percent in terms of our GNP.

Interest on this deficit, the figure for interest in, 1970 was 1.5 percent. The projection for 1989 is 3.9 percent. In other words, a tripling of the amount we spend on GNP on liquidation or payment of interest.

Mr. ANDREWS of Texas. Will the gentleman yield for one short point?

Mr. LEVIN of Michigan. I am happy to yield.

Mr. ANDREWS of Texas. That is so interesting. And one of the saddest things about that statistic is that all of the budget cuts of 1981, all of the pain that we went through during this recession, and as a result of those budget cuts, the savings that were made are far less than the amount of money that we have had to pay on the interest on the national debt. So all the sacrifices that were made in those cuts of Gramm-Latta have all been eaten away by the dollars that we are now paying on the interest to the national debt.

Mr. LEVIN of Michigan. That is so true. If you then look at the fourth part of the outlay figure, in 1970, or you could take the 1980 figure, but in 1970 we were spending 7.4 percent of GNP on everything other than Social Security, defense, interest on our national budget, 7.4 percent in 1970. It went up to 10.1 percent in 1980. The projection for 1989 is that there will be a reduction to 6.8 percent of GNP spent again for everything other than Social Security, medicare, defense, and interest.

So with a projected reduction in all other categories, it is very clear what are the sources of this spiraling national debt, major sources: Social Security, medicare, defense, interest. Those are the major ones. We have to look also at the other programs, and I am the first to acknowledge that.

Now let us look at the revenue side. Social Security and medicare. In 1983 we passed a general Social Security bill. It provided for an increase in taxes so that by 1989 the estimate is that if medicare and Social Security take up 6.6 percent of GNP, 6.4 percent will be covered by revenues.

My feeling is that those figures probably are not completely accurate, that the medicare costs are going to increase more than expected. But still we have taken action within this Congress to shore up the deficit in terms of Social Security.

It is general revenues where there is a very substantial shortfall, because the estimate is that while in 1970 general revenues, general taxes took up

16.0 percent of GNP, by 1989 it would be reduced to 13.0, and each point of GNP involves billions of dollars.

Let me, therefore, spend just a few minutes talking about the general revenue side as we have now talked about the expenditure side, because it is absolutely clear that to get at this massive, growing malignancy of the national deficit within our Government and within our society there is going to have to be action on all sides, and those who peddle the single, simple answer are trying to mislead the American people.

In March 1981 when the new administration, the Reagan administration recommended a major tax cut they said that they would reduce revenues by over $690 billion from 1981 to 1986. But the eventual result, and this should be remembered by those who voted for it, was to reduce the deficit far below the revenues that came in, far below the levels that were projected by the administration. And if it were not for subsequent action within the Congress as finally approved by the President, the 1981 legislation would have caused revenues in 1986 to fall to only 17.3 percent of GNP rather than the administration's target of 19.5 percent, or a difference of nearly $100 billion.

So we have a spending-revenue mismatch, a grievous spending-revenue mismatch. When you take out Social Security from the picture, spending today exceeds revenues by 36 percent, by 36 percent.

Mr. ANDREWS of Texas. Will the gentleman yield?

Mr. LEVIN of Michigan. Yes; I yield to the gentleman.

Mr. ANDREWS of Texas. I think my friend from Michigan has made some excellent points. One thing that has come through very clear in those statistics is that you cannot balance this budget if you just look at the revenue side, any more than you can simply balance the budget if you take it all out of domestic spending, if you go to the medicare and medicaid and try to balance it that way, any more than you can balance it if you take all of the expenditures out of the defense budget.

It is almost like a three-legged stool we are dealing with in terms of trying to lick this problem. You have got to handle all three categories, revenues, slowing the growth of spending, curtailing, and modifying the growth of domestic spending, all at the same time in order to have a solution that is fair and a solution that genuinely puts us on a glidepath to a real balanced budget. You cannot do one without the other.

Mr. LEVIN of Michigan. I agree so much.

In a word, we need, it seems to me, two major characteristics.

There has to be a balanced approach to balancing the budget and it has to come now, not 5 years from now, through a Constitutional Convention. The question really is not the past or it is not the present. The past and the present have set the stage for difficult issues in the future, and the real question before us and before the administration, and most importantly before the country, becomes not whether we are going to act on this deficit but how we are going to act and by whom. That is really the issue, as I see it.

Mr. MACKAY. Will the gentleman yield?

Mr. LEVIN of Michigan. I will be glad to yield to the distinguished gentleman from Florida.

Mr. MACKAY. I am very pleased to be able to associate myself with the remarks of the gentleman from Texas and the gentleman from Michigan. We are part of a group in the freshmen Democratic Caucus who have tried to do something about the budget deficits within the parameters of the existing framework of the budget process.

This year, in fact, we offered an across-the-board spending freeze and it was very interesting what happened when that proposal was presented to the House. In fact, it did not pass. It was supported no more strongly by the Republican Party than it was by the Democratic Party. It was not supported by the Reagan administration and yet it probably is going to end up being the way that this country finally faces the deficit crisis.

Why would our class, which is a cross-section of America, it has people from all sections of the country with all differing political philosophies, why would we see this as the way that this country has got to go?

For one thing, we are very upset with the big dificits. We are upset with the high interest rates, as you have very adequately pointed out.

□ 2130

We are upset with the trade deficits that have come about as a result of that. We do not like a budget process which holds neither party in the House accountable. We do not like a budget process and a political process which allows the President to be beating the drum for a balanced budget constitutional amendment, at the same time when he incredibly has offered a budget which is unbalanced to the tune of $180 billion, a budget which his own party refused to support in either House of the Congress.

I think it is important that people see this rhetoric in the proper context. Why would an across-the-board spending freeze work? We believe it would work because it is the same process that goes on every place else in the world where a people find that their expenditures have outrun their income and they find they have to make serious efforts to bring it back into balance.

It happens in our families, it happens in small businesses, it even happens in city and State governments. You simply freeze your expenditures until you get your revenues sufficiently to cover your outgoes. The people of America understand that.

If it is across the board and no one has any windfalls and everyone bears the pain equally, the people of America support that.

Perhaps the reason that this was not supported by the Republican administration, perhaps the reason that it was not supported in the House, is that it would force both the conservatives, who are seeking to increase spending in conservative areas, defense spending, and the liberals who are seeking to increase spending in areas which had been cut substantially, the social programs; it would force both ends of the political spectrum in America to realize that they have to accomplish their goals within the bounds of a balanced budget.

Now some day we are going to get there. And what we find today is a very noisy and sometimes strident debate about whether we should abandon the legislative process and get there by going outside the process to a constitutional amendment, in effect saying to the American people, "Please make us do what we do not have the courage to do" and frankly, that is true of both parties and the President.

What we are saying is we could do this now with the tools we have available. In fact, the budget conference is still not concluded. The question of across-the-board budget freeze is still available and could be adopted.

And as a show of good faith and one which would stand both the Republican and the Democratic Party in good stead, perhaps we should start out with an across-the-board freeze on expenditures coupled with the pay-as-you-go approach which the American people could understand.

All of us who have been home have talked about this with our constituents.

Based on my discussions with my constituents who I think are a cross section of American opinion, I believe they would support it, they would support their own programs being frozen, provided they knew everyone else's programs are frozen.

I think it would stand all of us in good stead, it would stand this institution in good stead if we paid more attention to what we could do now between now and the end of this session in a serious effort to begin reducing the deficit on the spending side than getting ourselves embroiled in debates about going outside the system and

asking the people to demonstrate a degree of courage which the institution apparently is not willing to demonstrate.

Mr. ANDREWS of Texas. I think the gentleman has made two excellent points. The first of which, as I talked to people in my district in Texas, from the small businessman to the blue collar worker to the medical technician, they are concerned about interest rates in August 1984 and what interest rates are going to be in January 1985.

Even if a balanced budget amendment was added to the Constitution, we would not have it until the middle of the 1980's. That is not soon enough for the small businessman who is about to go under because of these enormous and growing deficits.

I think a second point the gentleman made is a good one. That is the fairness concept of the freeze, because it does treat everyone just alike, from the farmer who wants his subsidies to the medical researcher who wants their money for cancer research to the space program, which is a very important part of my district.

It tells everyone the same thing; we are all going to tighten our belt buckles, we are all going to sacrifice for a period of time, to get these interest rates down, to bring these deficits down and get to a genuine balanced budget which is exactly where we need to be.

Mr. MACKAY. I would submit that the American people probably are much further along in their thinking about this problem and their willingness to deal with it in the Congress than either party is willing to admit. In fact, the American people know that you could put a freeze on defense spending at levels which are modestly above the rate of inflation and we could continue to be strong without prejudicing our defense capability.

There is in fact a great deal of expenditure cuts which could be made. They also know that other programs could likewise be cut.

Mr. ANDREWS of Texas. If you yield again, defense is a perfect example. Some 29 to 30 percent of our expenditures are defense. It is the fastest growing area of the budget. There is no way we can balance the budget of this country without looking at the defense side of our expenditures.

We have got to find a way to slow the growth of defense. What I think we have had in this country is literally feast or famine when it comes to defense spending. The Soviets for the last 20 years have spent 4 to 5 percent in steady real-growth dollars every year on their defense budget; while we have gone up and down.

The space program is much the same way. In many programs that are very long range that need to be very visionary in their fruition, I think it is extremely important that we be consistent, that we be gradual, but that we find an increase, moderate enough so we can get this economy under control.

Mr. LEVIN of Michigan. Let me just, if I might add, the discussion here about a freeze, I think, illustrates that the elected Representatives of the people are not without tools and should not pass the buck back to the people.

The three of us have voted at times for different approaches to the deficit, often the same way, sometimes differently.

Each of us has voted for an approach considerably beyond that in terms of deficit reduction proposed by this administration. And it would be dishonest, our having voted for action, to get up here and say the answer is a discharge petition. The answer is not there with the discharge petition; it is not in the stars; the problem lies mainly within policies crafted by people elected by the people of this country.

If they made mistakes, they are answerable to the people of this country. We have an election coming in a few months. It is there where there is the arena to discuss the past, to discuss the present and most importantly to discuss what the future should hold and with whom should be lodged the trust of acting on these serious problems.

Now, I want to underline a point. I come from Michigan, I am proud to have been born there, raised there, practiced law there, seen Michigan through its up and through its downs. I know there is some sort of a recovery in Michigan.

But we in Michigan have the greatest stake in a sound, solid recovery, because when the recovery falls through we are the ones who are most victimized traditionally. And I think because of the domestic deficit, I think because of the trade deficit mentioned by the gentleman from Florida and, I think, the gentleman from Texas, the trade deficit of over $100 billion, because of the international debt situation we have already seen how shaky one large bank can turn out to be and how it can shake or threaten to shake the financial structure of this country.

□ 2140

I think because of the domestic deficit, our trade deficit, and the whole international debt scene that the present recovery is not even built on sand, as weak as that kind of a foundation is. And it is not even built on quicksand, as perilous a base as that is for any structure. But it is really built on dynamite. It is built on dynamite that is likely to explode, that has a time bomb. It is getting worse and worse and worse.

I am proud to have been associated in this House with the two gentlemen here, who have helped to lead the battle, and who are not pointing fingers back home and who are not pointing fingers up in the sky, but who are saying, "Look, we have a serious, serious problem and it is up to the elected people in this House and in the Senate and in the White House to do what is right and to take this problem by the back of the neck and not pass the buck."

That has been the purpose of this special order. I have been happy to have participated in it.

Mr. ANDREWS of Texas. If the gentleman will yield further, I think our freshman class has made a lot of progress. There have been some frustrations. I know that when I first got here I was chagrined by the seniority system, only to be told by an older Member to just stick around and the longer I was here the better I would like it. It has been frustrating.

But I think also it has been very rewarding, because I think our class has made progress. I think we are trying to deal responsibly with this deficit. None of us knows all the answers to the solution of this growing monster that is the Federal deficit. But surely all of us are trying to deal with it in a responsible way, to get ourselves ready for the next Congress to deal in a manner that can reduce these huge red lines and get us back in the direction I think our country needs to go.

Mr. MACKAY. If the gentleman will yield, I believe the gentleman has just put his finger on what is probably the correct way for the American people to really look at what is happening up here. In fact, there is now a conference committee on the budget. The conference committee theoretically is trying to reconcile differences between a House deficit reduction proposal and a Senate deficit reduction proposal and everything is reconciled except the question of the defense budget. That, it turns out, is nonnegotiable.

So, at the same time we are saying we would like to balance the budget, we are also saying but we are going to balance it only if it can be done without any reduction at all in one side's view of what should be done in defense spending.

I think the American people need to understand that and if they do they will understand that there is a great deal of talk, that some people are not really seriously thinking about what could be done between now and November.

Mr. LEVIN of Michigan. Let me just add, if I might, that the belligerence of the administration in terms of defense expenditures, we want a strong defense but not a wasteful one, is really especially ironic when you look at the domestic spending side.

Domestic spending—this is other than Social Security—has been the subject of major cuts of about $50 billion a year in programs like education and food stamps and women, infants, and children nutrition programs. I think it is to the credit of a good number of Members within this House who said that they are willing to take a look at everything, remembering issues of fairness and equity, but to look at everything. Nothing is absolutely sacred.

We took a look at Social Security. We voted for increased burdens and for some reduced benefits, putting them together in order to save the integrity of that system.

For now when we need a budget resolution, when it has passed through the House, when it went through the Senate and it is in conference committee, for there to be stonewalling because of obstinacy on the point of defense spending, I think, does a terrible disservice to fiscal responsibility and soundness in this country.

Mr. ANDREWS of Texas. If the gentleman will yield further, I think, in conclusion, this debate tonight and discussion has been a healthly one.

The purpose of these special orders is to engage our freshman class in talking about the issues that face the Nation. I think we have made the first step tonight. I look forward to, in the coming evenings, to hear other Members of our class coming forward to talk about issues that are important to them.

The truth is the American will see through the rhetoric and the shrill voices in this House. The answers to this country, especially on the economic front, are difficult and they are tough and they are complicated and there is no quick easy panacea solution that is going to solve our problems before November's election, not to reduce these deficits, not to lick this monster.

I think tonight we have made one small step toward discussing some solutions and looking at the problem, hopefully in a responsible way toward moving toward the ultimate solution.

Mr. WALKER. Mr. Speaker, will the gentleman yield.

Mr. LEVIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I thank him for yielding because I do not think you can have a healthy discussion if it is just one sided. I would say to the gentleman who mentioned earlier that they sat while we had a discussion. On virtually every discussion we have had out here, when someone has come to the floor and asked to be yielded to, we have done it. We have wanted a healthy two-way discussion.

I would suggest for the future discussions you are going to have out there I guarantee you some of us will be here. I would hope that we would have a pattern where you would yield to us so that we can in fact have a real debate about some of these issues and so that some of the one-sided nature of them does not mislead the American people.

Mr. LEVIN of Michigan. Mr. Speaker, I will take back my time, if I might, because I want to comment on that.

We have taken this time today because we think it is useful to lay out the facts to the American people. This is not a forum where we are essentially trying or should use this as an arena for the 1984 campaign.

We can all go back and should go back to our districts and do that.

We are here today primarily to present to the people the facts. We sat through about 45 minutes of discussion that the two of you participated in——

Mr. WALKER. And the gentleman did not ask us to yield?

Mr. LEVIN of Michigan. Because we think that you should be able to make your case and now we are making ours. The public can compare our two cases.

We have talked about the balanced budget amendment in essence and we have stated why we think the time if not now is next year, not 4 or 5 years from now. It is all printed in the RECORD. The people of this country can obtain the RECORD and if they do not have easy access they can write us and obtain a copy of it. So they can see the case that has been made out on the gentleman's side as of an hour ago and the case that the three of us have made out trying to, as much as we can, adhere to what the facts and policies have been.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

I realize he is a very accomplished lawyer and is mentally very acute and I appreciate his taking this time for his special order.

Mr. LEVIN of Michigan. I am a legislator, not a lawyer. I am a legislator.

Mr. ROTH. I realize that, but you are a lawyer as you had mentioned before in Michigan.

The point is I would like to ask this question. Of the 435 Congressmen, how many are Democrats and how many are Republicans?

Mr. LEVIN of Michigan. Well, we have already discussed that.

Mr. ROTH. Please answer that simple question.

Mr. LEVIN of Michigan. I am. I have answered it and you have answered it. What I have said to the gentleman is look at the facts, look at the policies, look at the debt, look at the chart. Mr. ANDREWS has presented a chart. I am not sure it comes through in color to you or to whoever out there is looking at it.

Mr. ROTH. I am color blind. But how many are Democrats of the 435?

Mr. LEVIN of Michigan. We have already discussed that.

Let me just finish.

Look at the chart and look what has happened to the national debt beginning 1981 and 1982 and I have said to the gentleman look at the policies and programs and look to see who was basically responsible, who proposed those policies, who proposed those programs.

Mr. ROTH. My friend, you are blowing smoke.

Mr. LEVIN of Michigan. And the answer is that while the debt is not entirely the blame of any single administration, far more than 50 percent of the present national debt is a result of the policies of the Reagan administration, is the result of programs that were proposed by a Republican President and that were passed with the majority of Republicans, with most of the votes coming from the Republican side.

□ 2150

So those are the facts. There is no use in taking 271 here versus so many here. You have to look at who voted for which policies. Who voted for which policies and what have been the results of those policies. I think the answer is very clear: The policies were enacted through the initiation of this administration, with the majority of the votes coming from your side; you have to bear the responsibility for your proposals and for your votes.

I yield to the gentleman from Wisconin.

Mr. ROTH. How many Democrats do we have in this House out of 435?

Mr. LEVIN of Michigan. You have already answered it.

Mr. ROTH. How many do we have; would you answer it for me?

Mr. LEVIN of Michigan. You have already answered it, sir.

Mr. ROTH. If you will be kind enough to yield me 15 seconds, 269 Democrats; 166 Republicans, and the President of the United States cannot spend 1 cent or buy one wooden pencil without the approval of this Congress.

If you want a balanced budget, why do you not vote for it right now; you have got the votes.

Mr. LEVIN of Michigan. I will tell you, the answer is that we in this House, through a majority vote of Democrats, presented a budget that was below the President's request in terms of the deficit.

I was part of an administration, and I want to close with this——

Mr. WALKER. Will the gentleman yield?

Mr. LEVIN of Michigan. No, I want to talk about 269. I was part of an ad-

ministration, I was part of the Carter administration form 1977 to 1981. One of the most misunderstood points about the legislative process is that the key player in the legislative process is the Executive. I know this from the State legislative days of mine, when I was there and I ran for Governor. I saw the power of the Executive. The Executive proposes; the Executive is an intimate part of the legislative process after he or she proposes, and the Executive is an intimate part of the legislative process through the power of the vote.

I think it is a total misshaping of the American constitutional system to try to draw a wall between the Executive and the Congress and to say it is the Congress who spends the money. Oh, no. The administration proposes, whether it is Democratic or Republican. The administration participates in the committee processes and in active lobbying within these Houses, and then the Executive has the greatest power that any single person really has in terms of the legislative process, and that is the veto.

The American people are going to hold each and everyone of us responsible for our actions beginning in 1981 in terms of this administration. They are not going to allow either of you or the President of the United States to say, ahh, 269 Democrats, do not blame me, I am not part of it.

The President, those are his proposals those are his results. We are going to talk about them, not only in terms of the past and the present, but Mr. Speaker, in terms of the future, because the real question is, who can best be trusted, in terms of past record, to handle this immense problem that is not around the corner, but is really with us today.

I think the record is clear as to who should be entrusted with that responsibility, but that is for another time. We, today, wanted to underline the depth of this problem, the urgency of the problem, the causes of these problems, and indicate that we three and many others, our colleagues, have been ready to face up to this issue, both new Members and oldtimers, and we continue ready to, and if it is not this year, Mr. Speaker, it is going to be the next year.

I yield back the balance of my time.

POLAND'S HELSINKI LEGACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SMITH] is recognized for 15 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, today I join my fellow Helsinki Commissioners in marking the Helsinki accords' ninth anniversary.

This document was signed by the 35 participating nations on August 1, 1975, thereby binding these nations together in a joint effort to resolve the humanitarian, economic, political, and military issues that divide Europe. I would like to focus the attention of my colleagues this evening, Mr. Speaker, on the special meaning this document has held for the people of Poland.

For Edward Gierek, the party's first secretary who signed the Final Act for Poland 9 years ago, the accords were an expression of and justification for his détente policy—a means by which to stimulate Poland's economy through infusions of Western loans, credits, and technology. Gierek's failure to institute long-needed systemic reforms instead resulted in an insupportable foreign debt, domestic austerity, and deepening popular discontent.

But, the plethora of democratic opposition groups throughout Poland found inspiration and hope in the Helsinki accords' promise of a freer flow of ideas, information, and people across Poland's borders. And, the Final Act's declaration that "civil, political, economic, social, cultural, and other rights and freedoms derive from the inherent dignity of the human person and are essential for his full and free development" struck a highly responsive chord in the heightened Polish social conscience.

Mr. Speaker, in late 1979, Poland's first open opposition group, the Workers' Defense Committee, KOR, organized a Helsinki monitoring committee, which soon established contacts with Charter '77 in Czechoslovakia and the Helsinki monitoring groups in the Soviet Union. The Polish committee also undertook the preparation of a detailed report on human and civil rights violations in Poland for submission to the upcoming Madrid meeting of the Helsinki signatory states.

The societal problems prophetically described in the Helsinki report were the underlying causes of the strikes that spread throughout the country in the summer of 1980, culminating in the birth of Solidarity and the historic Gdansk, Szczecin, and Jastrzebie-Zdroj agreements. KOR monitors served as advisers to the strike committees. Not coincidentally, one of the workers' strike demands was that the Helsinki agreement be republished and made readily available to the Polish people. During the ensuing period of renewal under Solidarity, the Helsinki committee continued to function under the aegis of the free union's Information and Consultation Center on Matters of Repression.

Mr. Speaker, the imposition of martial law in December 1981 struck the most devastating blow to the people of a Helsinki signatory country since the Final Act's signing. The crackdown in Poland had come 1 year into the Madrid meeting. Western delegations to the conference recognized that the integrity of the entire Helsinki process was at stake. After all, Solidarity Poland had been, in the words of U.S. Ambassador Kampleman, "a living demonstration of the vitality of the process launched at Helsinki." For the next 2 years in Madrid, a united West condemned continuing violations of the Helsinki accords in Poland, successfully introducing new commitments concerning trade union freedoms and other rights into the meeting's concluding document.

Meanwhile, as four of the original KOR Helsinki monitors—Jacek Kuron, Adam Michnik, Henryk Wujek, and Zbigniew Romaszewski—languished in prison awaiting trail for subversion, a new Helsinki committee announced its formation in Poland and began regularly to publish articles in the underground press. In March 1983, the new Helsinki committee produced an extensive report for presentation to the Madrid meeting. This remarkable 600-page document meticulously describes human and civil rights violations commited during the first year of martial law. The committee has since issued three more major reports documenting continuing rights violations by the Jaruzelski regime.

In the last few weeks, Mr. Speaker, Poland's original Helsinki monitors were put on trial only to have the proceedings suspended in light of the sweeping, but highly conditional, amnesty declared on July 21. Had the trial gone forward, the four KOR defendants were prepared to use the dock as a platform from which to indict the Jaruzelski regime for its violation of the fundamental rights and freedoms of the Polish people. In responding cautiously to the amnesty, the U.S. Government has been wise to recognize that the prisoners who are to be released will return to a society that itself remains unfree.

Mr. Speaker, as we have seen, throughout the social upheaval and grim repression of recent years, Polish human rights activists have struggled to preserve their Helsinki legacy and defend the human and civil rights of their people. They press on. We can do no less.

IN TRIBUTE TO FRED WARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MCDADE] is recognized for 5 minutes.

● Mr. MCDADE. Mr. Speaker, earlier this week our Nation lost one of its greatest natural resources.

I speak of Fred Waring, a great musical talent who, with his Pennsylvanians, kept America singing and humming for nearly seven decades.

I particularly feel the loss because Fred Waring lived in my district of Pennsylvania, at Shawnee-On-Delaware.

He died on Sunday at Geisinger Medical Center in Danville, PA, just 48 hours after leading 200 teenagers in a concert at Penn State University, his alma mater. The concert at Penn State capped a 2-week series of musical workshops and, in the finale, his Pennsylvanians joined the teenagers in singing "My America," a song he wrote in 1976.

Fred Waring's achievements are legion and his contributions to our Nation are great. He had a passion for folk music and during World War II, he wrote songs that made all of us proud to be Americans. It is altogether fitting that he was awarded the Congressional Gold Medal by President Reagan, our highest civilian honor. I am proud to say that I was the chief cosponsor of the bill that made the award possible.

Fred was generous with his time and we, the members of the Pennsylvania delegation, were honored to have him with us here in Washington when we marked Pennsylvania Day.

During the course of his 84 years, Fred had many "firsts" in the musical field, ranging from appearances in Hollywood's first talking pictures to the recording of the first electronic album.

Fred's music crossed the lines of generations and Americans never lost their fondness for it despite the many trends in the field that came over the decades.

Critic John Crosby probably said it best when he wrote that Fred "always had a passion for folk music, not only our own, but that of every other nation; his special gift has been the ability to make folk music more comprehensible and, more importantly, palatable."

My deepest sympathy goes out to his wife, Virginia, and his four children.●

WILLINGNESS TO DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I really had not decided to take the time this evening until we went through a charade here where we had an explanation that could not stand debate, and so therefore, I think maybe some rebuttal time might be in order. I only wish that we could keep the chart here on the floor that we have been referring to, and that the gentlemen, instead of leaving the Chamber now, maybe the wide-angle lens would catch them, would stay here and debate some of these points. I am perfectly willing to debate.

I think it is important that we understand that the healthy part of the process is the debate that takes place here so that the people can really understand the issue. I think it is a shame to have it suggested that we should not debate here in the House of Representatives, but rather, should wait and debate back in our districts. Well, we all know of course that when we go back to our districts we control the debate in our districts. As incumbent Members of Congress, that is the easy way to debate, that is to go back to where you really do not have to face the people who really know the subject.

What we heard here tonight is people who are not confident enough of their own position that they are really willing to engage in debate over that position. They have left the Chamber; the wide-angle lens will show that they have left the Chamber instead of participating in a debate on the things that they had to say.

They have learned their lesson well, I must say. They have only been here a few months, and they have learned their lesson well, because this is precisely the way this House is operated by the Democratic majority. Keep us from debating the issues of substance to the American people. Make certain that we bury them, make certain that we hide. When we do engage in debate, only do so on our own terms, and then run away.

I would submit that what you heard from the gentlemen who claimed to have all of the answers to the national deficits problems and so on, was some of the biggest bunch of hokum I have ever heard in my life. If that is what they are going to try to sell out on the campaign trail this year, I look forward to it. I think we will eat them alive out there this year. I think the challengers that the Republican Party will have on the campaign trail will glory in answering some of the things that we heard on the floor this evening. I think maybe we ought to deal with them.

Let us deal, first of all, with those nice deficits you saw on the chart. You know, they love to come out here on the floor, and we have seen those charts before with all the deficit figures, and it runs from about the Truman administration right up through Reagan. I think the American people need to ask one simple question: How do deficits happen? Deficits happen because of spending. You cannot accumulate deficits unless you spend the money. Every American family knows that. The way the American families run up debt is by spending money. That is the way government ends up running up debt, by spending money.

When you look at their chart, look at all those years on their chart where deficits were accumulated, and it was not just in the Reagan administration they were accumulated; you noticed that chart showed a whole bunch of years where those deficits were building and building and adding more and more and more. Where were they coming from? The were coming from a Democratic House of Representatives.

On all of those years, there were only 4 years out of the entire spectrum they showed there of 40 years where there were Republicans in charge of this House of Representatives. Why is that important? Because as the gentleman from Wisconsin pointed out a couple of minutes ago, you cannot spend one dime in the executive branch unless the spending starts here. This is where the spending starts.

When people elect Representatives to the House of Representatives, they elect them with one principal constitutional duty, and that is to appropriate the money that runs the Government.

□ 2200

It has to go through the other body. It has to go to the Executive. There are a lot of steps, but this is where it starts. This is where spending starts. When you set policy on spending, and I would agree with the gentlemen on the other side that policy is the important thing, policy is set on spending in this body; no other place.

We have the choice of rejecting out of hand any proposal that the administration sends up here for spending, and we do it regularly. The only problem is, usually what we do is like we did today on the supplemental appropriation when we rejected out of hand spending that the administration wants. We simply substitute a bunch of spending that we want, and that adds up to deficits.

We heard a lot of talk from them about the fact that they are representing views that they think have stature in the American public, and I think there is some feeling on their part that that is, in fact, the case, but then they reject out of hand the balanced budget. Eighty-three percent of the American people want the balanced budget amendment. How in the world can they say that they are in tune with the American people when they understand that 83 percent of the American people want the balanced budget amendment and they reject that as one of the directions to go.

They say—what was the term that they used? They said elected Representatives are not without tools to do something about balanced budgets without going to the constitutional amendment. That was one of the statements made. That is true. That is absolutely right. The trouble is that elected Representatives, as reflected in this House over 40 years of Democratic control, are without the courage to use those tools. The tools are there, but there is no discipline whatsoever to use the tools.

That is what the constitutional amendment is all about. It is a fiscal

device to enhance discipline. It has little or nothing to do with making the decisions about policy except that it says that those policy decisions have to be made within the framework of spending the same amount that you take in and not doing it by raising taxes.

So what they had to say on the balanced budget amendment to the Constitution is hokum. It disturbs me that they were not willing to stand by and explain what it was they meant, or were not willing to yield during the time that they were saying it so that we could get some explanation of what it was that they meant.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Mr. Speaker, I think what the gentleman is saying is right on target, but I think our friends on the other side of the aisle realize the problem. In fact, their standard bearer, Walter Mondale, in his acceptance address at the Democratic Convention said what in his opening remarks? He asked a question. "We lost 4 years ago. Why? Because we did not listen to the American people."

Then he said, "Here are the things we are going to do," and it pretty well parrots what the man who won the election 4 years was saying. So I think they know their problem.

But there is a deeper problem here. In our constitutional system, we have always had the checks and balances, but we have not really had a check and balance in this House. I think, and my friend from Pennsylvania will agree, that for 30 years now we had one-party rule in this House. Basically, we have not changed our Government in 30 years. When you have a government that is in power, and certain principles in power, for 30 years things become stagnant and things do not work. I think you have to have new infusion, new blood into the system.

The American people have elected various Presidents, but we have never changed the makeup of this House. We have always had the same Speaker, the same-party Speaker in this House for 30 years. Every chairman, every subcommittee chairman, has been a Democrat for 30 years.

I think if you are going to change this Government, forgive me, but you are going to have to change the makeup of the leadership of this House.

Mr. WALKER. I do not know about the gentleman, but I was in sixth grade when the Democrats took over the House of Representatives, and they have been in control ever since. I was in sixth grade when control switched over to the Democratic Party, and they have been in control ever since. Ever since that time, we have had economic problem after economic problem. We have had bust and boom throughout, and yet they all want to say, "Do not blame us." Well, who else do the American people blame?

We have a consistent record of who had the votes to change the policy and who is responsible for the policy. So I think the gentleman makes an excellent point.

Mr. ROTH. If the gentleman will yield further, I think we understand the problem here, but the thing I am wrestling with is this: I am a father of 3 young children. I am concerned about where this country is going. We have a national debt now of $1 trillion 480 billion. The interest on our national debt pretty soon is going to be the highest item in our budget. It is the third highest item in the budget now.

We have got to make some changes.

Mr. WALKER. I agree.

Mr. ROTH. Blowing smoke and rhetoric is not going to do the job. I think what we are going to have to do is to have these people who are running for the various congressional seats around the country come to Washington and take a course in what is going on here and then send them back into the precincts. If we do that, then we can change the makeup of this House, and before we change the makeup of this House, I say to the gentleman from Pennsylvania, I must say we are not going to have the changes that we need. It is really that simple. I am concerned about where this country is going.

Mr. WALKER. The gentleman is right.

Mr. ROTH. I am concerned about our future generation.

Mr. WALKER. I think there are a lot of people who share the gentleman's point of view, and I would point out to the people on the other side who suggested earlier that we were pointing fingers at the American people and blaming them for the problem we are in, once again, that just is not true. We are pointing the finger right here. We are saying, "Right here is the problem." It is an institutional problem, and it is just an absolutely philosophical problem.

These are people who like to spend and tax, and until you rid this place of a majority of Representatives who like to spend and tax, you are going to continue to have massive deficit problems regardless of who you put in the White House.

Mr. ROTH. If the gentleman will yield further, Benjamin Franklin was supposed to have said at one time that if you hear a debate, then you get some idea of where the truth lies.

Why do we not do this? When our friends on the other side of the aisle come and explain their budget proposals and why we have the deficit, why do we not come and have good give-and-take debate at the time. Let the American people decide where the facts lie.

After all, this Government does not belong to the President. This Government does not belong to us in this Chamber. This Government does not belong to the bureaucracy. This Government belongs to the people of this country, and I think if we had a good, spirited debate, a good give-and-take, I think the American people could draw their own conclusions. That is what we should do.

Mr. WALKER. I agree with the gentleman. I think that is what we need out here, and not a debate that is controlled by the Speaker in such a way as to make certain that he gets the last word all the time whenever we have these budget debates, and that we always end up with something less than a satisfactory vote on a lot of items that many of us would like to see voted on in those budget bills.

Let us come out here on the floor and let us debate these issues. Let us not just shut off the debate and walk out of the Chamber. That to me says something in and of itself. I would say to the rest of my colleagues, I would say to the gentlemen who were here earlier, I would say to the country at large, I am perfectly willing to submit my views to the crucible of public debate, to have them challenged, and to challenge others on their views. I am perfectly willing to come to this floor and do that anytime.

Now, where is the other side? Are they willing to do the same? We do not see them out here. When that camera pans this Chamber right now, there are no Democratic Members of the House here, save the one who occupies the chair. That is a problem. That is a problem, because what we heard in this one-sided debate earlier, as I say, was a voice of complete unreality.

For example, they criticized the policies enacted in 1981. Let us understand what took place when we changed the economic policy of this country in 1981. If they were not for doing that in 1981, let us understand and what they were for. One of the gentleman identified himself as having been an official in the administration that preceded this new administration, the Reagan administration. Let us understand what that administration had given us by 1981: 21½ percent interest rates; 13 percent inflation; 7½ percent unemployment. This economy was in disastrous shape.

This administration came along and said what we need to do in order to get investment going again in the country, get the economy moving again, is to cut the tax rates on individual Americans so that they will have more money to invest. Sure enough, what

we have produced is an investment-led recovery that was said by the gloom-and-doom Democrats that we heard earlier this evening to be a recovery without substance. Well, it is only the strongest recovery since World War II. It only is producing growth rates that are unparalleled in the history since World War II, that are astounding the economists, that are showing precisely what we said would happen is happening, that in fact you have an economic boom precipitated by people who are able to save a little bit more and, therefore, invest a little bit more toward their own futures.

□ 2210

That is what is happening, and one of the gentlemen even made the statement that this recovery has had no marked impact on the deficit. Where in the world does that come from?

If we look back at the debate that took place last year about what the deficits were likely to be this year, we heard a lot of talk at that point about the fact that we were going to have $200 billion deficits. The present revenue projections would seem to show that the deficit this year is not going to be $200 billion. It is going to be $160 billion, which is still way too high. It is totally unacceptable, but the difference is not in anything we have done around here. We have spent ourselves blind around here. The difference in those deficit figures comes from growth. It is the growth of the economy. It is the increased revenues coming into the economy as the result of growth that is having that kind of impact.

I would submit that there is nothing we have done around here that has produced a $40 billion impact in 1 year. Growth has. Recovery has.

I would suggest that if you continue to permit the economy to recover at the rate it has been recovering that you will produce such growth that you will have a marked effect on bringing down deficits.

In fact, statistics would show that if you have a 6-percent growth rate, which is below what the present growth rate is, if you have a 6-percent growth rate over a period of years, you can allow the Federal budget to grow at 3 percent and still within a period of 7 years collapse the deficit to a balanced budget.

Now, understand what I said there. If you permit growth in the economy that permits 6-percent growth, you can still have 3-percent growth in the total Federal budget yearly and get to a balanced budget without cutting any programs.

Now, contrast that with what we heard from the Democrats a little while ago. They propose a freeze budget. I am not suggesting a freeze budget. I am suggesting you can have 3 percent growth in the budget.

Which is better, to freeze social security recipients, as they would propose to do, or to allow them a 3-percent growth in their meager incomes?

What is better, to freeze defense and not have any defense strength, to undermine defense strength, or to allow 3-percent growth so that you can increase a little bit?

What is better, to freeze the education expenditures of this country or to allow a 3-percent growth?

I would submit that some nominal growth is better, rather than the freeze concept that they came up with.

Understand, they are talking about freezing social security, defense, education, all these good things that we so often hear about out on the floor, they are talking about freezing those, period.

I am talking about a process that allows them to grow nominally, but yet does so in a way that you get to a balanced budget.

But my premise is that you have to allow economic growth to continue. You cannot have economic growth if you do what Walter Mondale wants to do and what they evidently want to do, and that is tax the recovery away, because mind you, that is what they talk about. When they criticize the policies of 1981, they are really criticizing the tax cuts. Without the tax cuts and without relief for the American people, you cannot have growth. We will go right back to negative growth, just where we were in the Carter administration when we tried to tax our way to economic betterment. That is what they are proposing.

They are proposing going back to the economic policies of the Carter administration, which we all know and loved.

Now, I think you ought to contrast those things. I think that you ought to understand that this is the new wave of Democrats that were out on the floor here tonight. This is the new group that came here fresh, that had all kinds of good ideas to contribute to the system to make the country better, to end those deficits that they talk so much about, all that red ink, and that is their solution. Their solution is to go back to the Carter administration policies, which were an unmitigated disaster.

There are better ways of approaching this and there are better ways that involve the growth of the economy that this administration has moved forward and some of us on the minority side have tried to move forward.

We also heard the rather absurd contention here this evening that a balanced budget amendment to the Constitution would have no impact on interest rates. Interest rates are based upon long-term expectations. One of the main things that goes into figuring what they are going to charge for interest today is what they expect the future to produce. If investors across the country were certain that the Federal Government was going to get its fiscal house in order and do something toward balancing the budget, that would make it a lot easier for them to decide that in fact inflation was going to stay down, that investment was going to stay up, and so therefore interest rates could be brought down. It would have an impact on interest rates in this country, so it is important from that aspect; but it is also rather ridiculous to talk about interest rates and not also mention the fact that what this country really needs is honest money. We have dishonest money in the country at the present time, largely because of the actions of this body, largely because of the deficits this body has piled up, and largely because we have an unfettered Federal Reserve that is not basing its money on any kind of real standard.

What happened to the stock market the other day when it went up right after Paul Volcker made the statement that he was not going to tighten up the economy and therefore raise interest rates. That has nothing to do with the deficit. That was Paul Volcker making an arbitrary decision and the stock market shot up.

What we have got in this country is a Volcker standard at the present time, and yet we hear nothing, no talk on the other side about reforming monetary policy as a way to assure a better future for America. We hear nothing from them about honest money.

Why? Because basically the Democratic Party is committed to inflation. The way in which they are going to finance a lot of these things that they do not finance through taxes is they are going to finance them through inflation. They are an inflationary party. They want to go back to the double digit inflation of the Carter administration because at that point Government revenues were growing falsely with dishonest money; but nevertheless, they had revenues growing that then could be used to finance all kinds of new social programs. That was the built-in mechanism that Lyndon Johnson left us with.

I would submit that the day for that should be long passed, that what the American people want is a stable economy. They want interest rates brought down with honest money, with proper fiscal policy and that is what we can move toward if in fact we would change some of the personalities around here who make the decisions.

Finally, we heard the statement made, "Let's wait until the next Congress. We don't want this balanced budget now. That would be too far off.

What we need is action right away. We need action in the next Congress."

Why the next Congress? Why not take action right now? Why are we not voting to cut the budget on the floor right now? We have got appropriation bills coming through here all the time. A number of us have been offering to cut those appropriation bills. We have been making the tough decisions, the tough decisions they claim the administration is unwilling to make to get us toward a balance budget.

I do not suggest that anything we have offered on the floor would get us a balanced budget, but it sure would have got us closer, and virtually every one of those votes where it has been defeated, and there have been a couple minor exceptions, that virtually every one that has been defeated, the overwhelming number of votes against them has come from the Democratic party. It is they that are voting to spend, rather than to save, and then having the nerve to turn around to Ronald Reagan after thay have voted that way and say, "Aha, our spending doesn't matter. It is our deficit."

Anybody who runs their own family budget knows that that is ridiculous. I think the American people are going to make the determination this year that that is ridiculous.

It is also important to understand what happened earlier in this Congress and it would be interesting to know where the votes lay from the gentleman who talked so glowingly here this evening on the issue of whether or not we were going to waive the whole Budget Act.

Remember there was a lot of discussion among them about the Budget Act and how that was a control mechanism, it has gotten over to the Senate, it has gotten hung up on defense spending and all of that? Well, I would say to them, who cares? We voted here in this House a few weeks ago to waive the Budget Act anyhow. We said when it came to spending the money in the appropriation bill, the Budget Act had no meaning to us whatsoever, we are waiving it.

We voted that way right out here on the House floor. I wonder how they voted. Did they vote to waive the Budget Act or did they vote to keep it in effect? I do not know. I have not had a chance to check the record, but I would think their constituents might want to check the record on that and find out whether or not they voted to waive the Budget Act at that point when it came to actually spending the money, as compared to telling the American people what our intent was.

□ 2220

The fact is we have violated the intent of the budget on occasion after occasion after occasion.

The gentleman from Minnesota, BILL FRENZEL, came to the floor today with a cut amendment to the Labor-HHS appropriation that was aimed at bringing that budget or bringing that appropriation in line with the budget. It got defeated overwhelmingly, primarily with Democratic votes.

I think that we have not heard the full story here tonight. I am sorry we have not. I would much prefer to carry on this discussion not with myself and not with the gentleman from Wisconsin, much as I like him. I think it would have been very, very useful to have this discussion carried on and let the Democratic freshmen who were here on the floor challenge what I just said. Let them come to the floor and challenge what I just said. That is fine with me. It would be very useful for them to do that. I would love it. I would love to debate the facts and figures with them.

I would love to ask them where they are going to get enough taxes to balance the budget because we all know that in order to tax enough to balance the budget you have literally got to confiscate every penny of income in this country over $26,000 a year.

I would like them to explain how that is going to protect the average middle income person in this country. I would like to hear it.

I would like to have that kind of debate. But let us make it a real debate. Let us not make it a one-sided debate where I get up and present my case; they get up and present their case. Let us yield to each other.

I would say for the future I am perfectly willing to yield. I am perfectly willing to carry on the debate because I think it is healthy for the country.

I would hope the Democrats would do the same.

I yield back the balance of my time.

VICTIMS OF CRIME ASSISTANCE ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, we are today introducing legislation to provide Federal grants to States for crime victim compensation and assistance.

Earlier in the Congress, I introduced H.R. 2978 and later H.R. 5124. The first represented an early effort by Senator HEINZ, and I testified on the bill before the House Subcommittee on Criminal Justice. The latter bill was introduced on behalf of the administration and represented its proposed victim assistance program.

The bill Congressman GEKAS and I are introducing today is that core portion of S. 2423—as reported by the Senate Judiciary Committee—which deals with Federal assistance to States for victim programs. This bill does not include titles III, IV, and V of the bill because they are outside of the scope of legislation now being considered by the House Criminal Justice Subcommittee and could conceivably inject new issues at a time when that subcommittee is nearing markup.

This proposed legislation represents a bipartisan effort of the Senate in considering the administration's crime victim legislation. The bill differs in some respects with the administration's original bill. For example, it offers State victim compensation programs a larger matching Federal grant—25 percent as opposed to 10 percent; creates a so-called spillover mechanism so that unspent money earmarked either for compensation or assistance can be used for the other purpose in the event of an excess, and finally, the bill provides a slightly different allocation between victim compensation and assistance.

Although the bill represents a more costly program than H.R. 5124, it provides additional funding through the creation of a special penalty assessment against those convicted of Federal crimes. Moreover, it sets a $100 million cap on the crime victims' assistance fund.

I think this bipartisan bill moves toward a final resolution of the many policy questions which the Congress has considered for many years. It represents a step in the direction recommended by the President's Task Force on Victims of Crime. This bill, I feel, can and will serve as an excellent vehicle for carrying the concept of victim aid into reality.●

FORTIETH ANNIVERSARY OF THE POLISH WARSAW UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise today to commemorate the 40th anniversary of the Polish Home Army's courageous uprising against the Nazi forces in Warsaw at the end of World War II. It was on this date, August 1, 1944, that Lt. Gen. Tadeusz Bor-Komorowski, Commander-in-Chief of the Polish Home Army, gave the orders to begin the revolt against Nazi forces occupying the Polish capital.

General Bor-Komorowski timed the uprising to occur just as the Russians were approaching the gates of Warsaw, anticipating that the Red Army would join with the Polish Home Army in their efforts to defeat the Nazis. However, in one of the most ruthless betrayals in history, the Russians under the orders of Joseph Stalin refused to assist the brave Polish insurgents.

Nevertheless, unaided and undaunted, the Polish forces gained control over a large part of the city within the first 3 days of the uprising, forcing the

Nazis to send in special SS detachments with heavy equipment. The brave soldiers of the Polish Home Army, numbering around 50,000, along with the spontaneous aid of the people of Warsaw, valiantly fought for 63 days despite lack of food, supplies, and ammunition.

Sadly, without the help of the Russians, General Bor-Komorowski was forced to surrender in October, and the Nazis deported most of the Poles who survived this bloody battle. Fortunately, General Bor-Komorowski was one of the Polish insurgents freed when American troops occupied Germany in May 1945, and he was able to recall the heroic deeds of his countrymen in their efforts to secure a free and independent Poland.

Mr. Speaker, I was glad to add my name as a cosponsor to House Joint Resolution 560, a bill to commemorate the Warsaw uprising, a historic day in the struggle of the Polish people to achieve self-determination, and a copy of that resolution follows:

H.J. RES. 560

Joint resolution to commemorate the fortieth anniversary of the Warsaw uprising on August 1, 1944

Whereas August 1, 1984, marks the fortieth anniversary of the Warsaw uprising, an event of major significance in the history of World War II;

Whereas, on August 1, 1944, the Polish Home Army under the command of General Tadeusz Bor-Komorowski rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of that city for sixty-three days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which over two hundred and fifty thousand Poles were killed, wounded, or missing;

Whereas September 1, 1984, marks the forty-fifth anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just sixteen days later by the Soviet invasion from the East and the subsequent occupation of a zone populated by thirteen million Poles, these events having led to the development of a strong underground movement directed by the Polish Government-in-exile;

Whereas the three wartime leaders of the Polish Home Army, Lieutenant General Stefan Rowecki, murdered by the Gestapo in 1944, Lieutenant General Bor-Komorowski, imprisoned by the Nazis and died in London in 1966, and Major General Leopold Okulicki, imprisoned by the Soviets and perished in a Soviet jail in 1945, symbolize the supreme personal sacrifice and commitment to the cause of freedom and self-determination;

Whereas the spirit of Polish resistance to foreign oppression and domination is symbolized by these historic events and remains a vital element in the Polish national character as manifested by the emergence of the Solidarity Trade Union movement in 1980; and

Whereas, in prior years, the President has granted special recognition to these important days in Polish history, with particular regard to the crucial role of the Polish Home Army in the Allied war effort, and to the leaders of the Polish Home Army: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States joins in recognizing the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the World War II invasion of Poland and the leaders of that resistance, which symbolizes the currently continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in fulfillment of their national aspirations.

Throughout World War II, the Polish Home Army, Armia Krajowa, which had its origins in the Polish underground, made significant and valuable contributions to the war efforts of the Allies. Under its first Commander-in-Chief, Lt. Gen. Stefan Rowecki, the valiant Polish resistance forces engaged in sabotage, disruption of German transports and delivery of supplies, and psyschological and propaganda warfare designed to undermine Nazi morale. Unfortunately, General Rowecki was arrested by the Gestapo on June 30, 1943, and was executed by personal orders of Hitler during the first days of August 1944, in reprisal for the outbreak of the Warsaw uprising.

After the capture of General Bor-Komorowski, Maj. Gen. Leopold Okulicki assumed command as the third Commander-in-Chief of the Polish Home Army, and bravely led it through one of the most difficult periods of the war, from October 1944, until the occupation of Poland by the Red Army in January 1945. Russia, in its desire to annex Poland as a part of the Soviet Union, arrested General Okulicki on March 28, 1945. He was tried by the Soviets, sentenced to 10-years imprisonment, and died 6 months later in prison under mysterious circumstances.

This year I joined several of my colleagues in the House of Representatives in signing a letter to President Reagan urging him to confer the American Legion of Merit, on a posthumous basis, to General Rowecki, Bor-Komowski, and Okulicki. The leadership and fortitude that these three men exhibited as commanders of the Polish Home Army not only were vital to the Allies in their fight against the Nazis, but also serve today as an inspiration to the brave people of Poland who continue in this quest for freedom.

The text of the letter follows:

MAY 3, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: August 1, 1984 marks the fortieth anniversary of the Warsaw Uprising. In recognition of this major event and its impact on current developments in Poland, a Joint Resolution has been introduced. We hope to have it ready for your signature before the summer.

This resolution also recognizes the vital contribution to the cause of freedom made by three leaders of the Polish Underground Movement, called the Home Army. The main purpose of this letter is to recommend for your serious consideration the conferral of the Legion of Merit, on a posthumous basis, upon these three gallant military officers, namely: (1) Lieutenant General Stefan Rowecki (1895-1944), (2) Lieutenant General Tadeusz Bor-Komorowski (1895-1966), and (3) Major General Leopold Okulicki (1896-1945).

We believe such action on your part would have great symbolic value and impact during this anniversary year and would be regarded as a dramatic gesture of support for the national aspirations of the Polish people.

The Polish Home Army made a considerable contribution to the Allied victory over Nazi Germany, at the expense of very heavy losses. It was the largest and best organized resistance organization in occupied Europe. Its intelligence network, sabotage of Nazi war efforts and large scale guerilla activities rendered notable services to the United States and Great Britain. Toward the end of the war, members of the Home Army were recognized as combatants and accorded prisoner of war treatment by the Nazis in accordance with the Geneva Convention.

The first commander of the Polish Home Army, Lt. General Stefan Rowecki, was arrested and executed by the Gestapo in 1944. His successor, Lt. General Bor-Komorowski, was taken prisoner after the Warsaw Uprising and died in London in 1966. The last leader of the Home Army, Major General Leopold Okulicki, was imprisoned by the Soviets after the Red Army occupied Poland and perished in a Soviet jail in 1945, following a show trial in Moscow.

While all other Polish generals who fought on the allied side in Italy and France were decorated with the American Legion of Merit, leaders of the Polish Home Army received no such recognition. This omission was made out of deference to the Soviet Union, which considered non-communist Polish Armed Forces as an impediment to its plans to subjugate the Polish people. For this reason, Stalin ordered a halt to the Red Army offensive at the gates of Warsaw when the Home Army rose in arms against the Germans. The insurgents fought for 63 days, until they had to surrender in the fall of 1944. The Red Army waited until the Home Army was defeated and Warsaw destroyed before resuming its offensive the following spring. This delay enabled Eisenhower's armies to occupy most of Germany and directly affected the final outcome of the war.

There is, in fact, an established precedent for the granting of this posthumous award: In 1947, President Truman, acting on the recommendation of General Eisenhower, conferred the Legion of Merit upon the late General Draza Mihajlovic, the leader of Serbian "Cetnik" forces in Yugoslavia during World War II. No similar action was taken, however, with respect to the Polish Home Army Generals cited above.

We appeal to you, Mr. President, to repair an injustice committed forty years ago by refusal to recognize the merits and heroism of three outstanding military leaders of World War II.

This recommendation has the strong support of the entire Polish-American community—in particular, the Polish-American

Congress which represents over eight million Americans of Polish extraction—who look to you for leadership on this important issue.

Mr. Speaker, I join with all Polish-Americans in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Polish descent throughout this Nation, in commemorating the 40th anniversary of the Warsaw uprising. Let us pay tribute to the brave soldiers of the Polish Home Army who died for the cause of freedom for their homeland, and let their example forever serve as an inspiriation for the Polish people and all freedom-loving people throughout the world who continue to strive toward the realization of the Polish Home Army's objective of establishing a free and just Poland.●

HUMAN CONTACTS AND THE HELSINKI FINAL ACT—9 YEARS LATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, today marks the ninth anniversary of the signing of the Helsinki Final Act, one of the landmark events in post-war East-West relations. The Helsinki accords, as they were subsequently referred to, represented an attempt by the governments of the United States, Canada, and all the nations of Europe, with the sole exception of Albania, to lay the foundations for improved bilateral and multilateral relations among one another. Based on unanimous consent among all signatories, the accords contained provisions for improving relations in a number of areas: military security, economic and scientific cooperation and human rights. In addition, the signatory states pledged to conduct their affairs with one another in accordance with the Charter of the United Nations and the established principles of international law.

Today, while bilateral relations between the United States and the Soviet Union deteriorates, the Helsinki process continues, kept alive by the realization that it is far too valuable a forum to be abandoned through the vagaries of superpower discord. Indeed, as my colleagues are probably aware, the Stockholm Conference on Disarmament in Europe, which opened in January of this year, is an outgrowth of the Helsinki process.

Nevertheless, while negotiations conducted by government representatives and professional diplomats play a vital role in the search for cooperation and security in Europe, the framers of the original Helsinki accords were cognizant of the importance of human contacts between the "average" citizens of East and West as a means of improving international relations. With this in mind, they pledged to:

Facilitate freer movement and contacts, individually and collectively, whether private or official, among persons, institutions and organizations of the participating states, and to contribute to the solution of the humanitarian problems that arise in that connection.

The facilitation of freer movement and increased personal contacts as a means of reducing international tension and the threat of nuclear war prompted the Moscow independent peace group to address the following comments, among others, to the Second Conference for Nuclear Disarmament at West Berlin in May 1983:

In order that weapons lose their applicability and the disagreements between West and East be resolved . . . discussion and dialogue must be conducted not only on the back stairs of the diplomatic milieu, but also in the streets and the homes of average citizens, in the press and on television.

It is time for the West and East to learn to exchange opinions not only at the diplomatic round table and behind closed doors . . . The West and the East must learn to speak with one another.

Unfortunately, Soviet implementation of the human contacts provisions of the Helsinki accords leave a great deal to be desired. In fact, in recent years, the Soviet Government has begun a systematic campaign designed to isolate its citizens from the West. Many members of the above-mentioned Moscow independent peace group have been harassed, jailed and exiled for their attempts to establish contact between themselves and other peace activists in the West. Felix Kochubievsky, who attempted to reestablish a "U.S.S.R.-Israel Friendship Society," was sentenced in 1982 to 2½ years in a labor camp for alleged "slander." Police have been stationed at the home of dissident historian Roy Medvedev to intimidate prospective visitors from the West. Direct dial telephone service between the Soviet Union and the West was effectively discontinued in the summer of 1982. Congressional hearings have revealed that mail delivery from the West to Soviet citizens is subject to interruptions and seizure by Soviet authorities. Packages sent from the West via government mails are in many cases returned for no justifiable reason, or simply "disappear." And I note with regret the announcement by the Soviet Government that prepaid packages from private parcel firms in the West will no longer be accepted after August 1 of this year, an ironic and disappointing coincidence with the original Helsinki signing date.

In addition, an entire series of new laws and degrees restricting contacts between Soviet citizens and foreign visitors have been promulgated during the last 2 years. Such an attitude by the Soviet Government does little to engender public confidence in Soviet pledges either at Helsinki or in other international fora.

Mr. Speaker, I must be candid and point out that our own Government could be more assiduous in implementing the human contacts provisions of the Helsinki accords. On a number of occasions, potential foreign visitors to the United States have been denied entrance visas on grounds of political affiliation, that is, Communist Party members. While there are undoubtedly individuals, such as known terrorists, whose presence on our shores would be detrimental to our security, I feel confident that our citizens' faith in democracy and our own national traditions are strong enough to weather the blandishments of those who might seek to persuade them otherwise.

In this connection, the Commission on Security and Cooperation in Europe, the U.S. Government body charged by law with monitoring compliance with the Helsinki accords, stated in its 1979 report on domestic compliance that "few single issues concerning U.S. compliance with the Helsinki accords have received more criticism from a broader range of sources than the one concerning U.S. visa policies, particularly as they apply to citizens from Eastern CSCE states." As a member of the Commission, I am proud that we do not attempt to cover up our own shortcomings, and I am confident that they will be remedied in the near future. At the same time, I would call upon the Government of the Soviet Union to live up to its Helsinki pledges, to seek the widening of human contacts rather than their curtailment, and to work through the Helsinki process to remove the obstacles to security and cooperation not onl in Europe, but throughout the world.●

REPORT FROM AFGHANISTAN

(Mr. WILSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WILSON. Mr. Speaker, as my colleagues are fully aware, I have been a staunch advocate for assistance to the Mujahadeen in Afghanistan since the Soviet invasion in December 1979. I have visited the International Red Cross Hospitals in Pakistan, where the Afghan wounded are treated, as well as many of the refugee camps on the Northwest frontier.

In every visit I have heard reports of the noble and heroic work done by the "Medecins sans Frontieres," doctors without borders. This organization is primarily made up of French volunteer medical personnel who tend to the wounded inside Afghanistan at great personal risk.

The report speaks for itself regarding both humanitarian needs within Afghanistan and the usual Russian savagery and brutality.

The report follows:

REPORT FROM AFGHANISTAN

(By Claude Malhuret)

For three years now, Medecins sans Frontieres[1]—Doctors Without Borders—has been in Afghanistan. The first medical teams it sent arrived in May 1980, five months after the Soviet invasion. Since then, we have sent 162 physicians and nurses who replace each other in relays for periods of four to eight months, providing an uninterrupted MSF presence. We have equipped and operated a total of 12 hospitals in the provinces of Nuristan, Paktia, Badakhshan (close to the Soviet border), Wardak (some 40 km from Kabul), Bamiyan, Uruzgan, and Zabul. Four of these hospitals were deliberately bombed and destroyed by Soviet planes in the fall of 1981. We evacuated two other hospitals in areas where we felt the need for medical services was limited and where local medics whom we have trained have been able to take over. At the present time, the MSF has 22 persons working in six hospitals. From our uninterrupted presence in Afghanistan, we have been able to evaluate the situation in the country since the beginning of the war, specifically in the areas where we are working. The current situation in Afghanistan is one of protracted war. The duration and character of the war derive directly from the Soviet style of anti-guerrilla warfare.

Guerrilla warfare has already demonstrated its effectiveness elsewhere, and until recently no one has known how to counter it. The scattering of populations, the creation of village strongholds, and control and card-indexing of inhabitants have proved to be very useful means of restricting guerrilla advances, but the resistance fighters have always won out in the end.

It is true that there are examples to the contrary, such as the victory of the British army in Malaysia, and that of the French expeditionary corps in Algeria. But in the latter case, de Gaulle realized that France's long-term position was untenable and so he complied with the demands of the National Liberation Front, even though the Front was in a very poor military position when negotiations began.

Totalitarian regimes have analyzed these repeated failures and found a new answer to the guerrilla "problem," one that is simple, logical and effective. Since the basis of the strength of a resistance movement lies in the practice that Mao Zedong called "the fish taking to the water," the easiest way to separate the guerrillas from the population is to empty the fish bowl and capture its contents. In other words, an effective counter-strategy in the face of guerrilla action involves massive reprisals against the population, sometimes including the extermination of a large part of that population.

Some might think that such prospects would be repulsive to even the most determined invader. But this has not been the case; this philosophy has become a reality before our very eyes over the past several years. In the province of Ogaden, which revolted against the regime in power in Ethiopia, towns and villages were leveled one after the other. Nearly one million refugees—almost all the inhabitants—are now in refugee camps in nearby Somalia. And air units from Addis Ababa have no scruples about making raids on the camps.

In Kampuchea, the Vietnamese victory over the Khmer Rouge four years ago would never have been possible if the people had not been starved into submission by the Vietnamese, who feared that part of the relief support might fall to the enemy forces of Pol Pot. While tens of thousands of Kampucheans died of hunger and hundreds of thousands fled into Thailand, thousands of tons of food provided by international relief organizations spoiled on the docks of Kompong Som. The only portions of these supplies that were used went to feed the occupying Vietnamese forces and the Kampucheans under control in the pacified areas.

This type of warfare is currently being used in Afghanistan, the only difference being that the Afghan resistance groups have thus far made it fail. It may therefore be more difficult to recognize the pattern in all of these anti-guerrilla campaigns, but their common characteristics can be divided into three main categories: how the Soviet version of anti-guerrilla warfare compares with traditional Western anti-guerrilla warfare; what specific means it uses; and what the final outcome is.

II

One difference between the type of warfare used by the Russians in Afghanistan and that used by Western armies, such as the French in Algeria or the Americans, in Vietnam, is that Western armies try to control the population and make every effort to prevent infiltration by guerrillas. From the bases they set up in towns, they try to establish a sphere of influence, to find support in the villages and hamlets, and to create militias to defend areas that might be attacked by guerrilla fighters before reinforcements from the regular army arrive. To ensure that resistance groups cannot get supplies from the people, the Western armies set up protected villages where the people are brought together and where food, supplies, and livestock are stored.

Manhunts are continuously organized, from the bases that are considered safe, to capture or kill guerrillas or to seize their caches of arms and ammunition. In all, despite the irresponsible acts committed by the French army in Algeria and the U.S. Army in Vietnam, their anti-guerrilla warfare was based on one principle: to obtain the support of the population by any means, such as by giving privileges to newfound allies and by waging a hard war against the enemy. I have already noted the poor results of this type of warfare.

The Soviets operate differently. In Afghanistan, the towns held by the occupying Soviet forces are not used as bases to secure a hold over the neighboring areas. The towns are used as garrisons and as logistical stepping-stones. They provide storage facilities, aviation bases, barracks, and strongholds. The rest of the country is not under Soviet control. Protected villages do not exist. No effort is made to offer privileges to try to win over the population. The few military operations that involve ground forces are merely for strategic purposes. Some examples are the engagements that have taken place on the road from Kabul to the Soviet border, in the Panjshir Valley and the Wakhan corridor; operations there are not designed to capture resistance fighters.

The reason for this difference in anti-guerrilla tactics is very simple: the Soviets are not as naive as the Westerners. They understood long ago—perhaps back at the time of the 1933 Ukrainian genocide when this tactic was used quite successfully—that a war involving guerrillas and anti-guerrilla fighters would never be won by either side if the emphasis was placed on being in the good graces of the population. On the contrary, the war would be won by the side that succeeded in making terror reign.

III

This brings me to the second aspect: specific means used to counter resistance movements. This does not involve a warm bath/cold shower tactic, but the exclusive use of boiling water—again and again and again, until both the guerrilla fighters and the population ask for mercy.

During the first phase, until late 1980, air and ground equipment and infantry units were brought together to establish the reign of terror in this fashion. To mention just one example, in the province of Hazarajat in central Afghanistan, several hundred armored vehicles would leave either Kabul or Jaghori and occupy a valley that could easily be entered. The population, which had warning either by rumor or because they had seen the helicopter movement, fled into the mountains. The Soviet troops therefore entered empty villages where they remained for a few days, harassed by the Muslim resistance groups—the Mujahedeen—who also barred their access to the upper valleys. During those few days, the soldiers pillaged and burned homes, set fire to crops and dragged off with them the few inhabitants left behind—mostly old people, whom they interrogated or summarily executed.

In 1980, three of these raids by Soviet troops took place along the Shibar Pass road; the soldiers thereby managed to occupy Bamiyan, Yakaolang, and Panjau for about ten days in June with 300 armored vehicles, in August (again with 300 armored vehicles), and in September (with 120 armored vehicles). In their last attack, the Russians destroyed everything in sight, set fire to crops, and burned bazaars to the ground in Panjau, Yakaolang, and several villages on the road to Shibar. They left the former American hospital in Yakaolang in ruins.

During a similar expedition in the fall of 1980, many homes were burned down in the region of Turkmen, west of Kaubl, and the small hospital in Lolenj was also completely destroyed. The same kinds of destruction took place in mid-December in the northern part of Ghazni province. When one of our medical teams arrived two days after the end of the fighting, fires were still smoldering in a number of villages, and people were being wounded by booby traps left behind by the Soviet troops. Once again, the effect sought was terror, not strictly military victory.

Since late 1980, warfare using such operations has dropped off, probably because the Red Army has lost too many of its troops. But the Russians have now found other ways to impose a reign of terror, particularly by the use of air raids against which the poorly equipped resistance fighters are completely defenseless. In the Hazarajat region, for example, the villages

[1] Medecins sans Frontieres (Doctors Without Borders) was created in 1971 by a group of physicians who had worked in Biafra during the Nigerian civil war of 1960s. This rapid-deployment medical organization has sent teams to conflict-torn areas in Southeast Asia, Lebanon, Chad, East Africa, Angola, Central America, and Iranian Kurdistan, often despite the opposition of host governments.

bombed in the last two years are much too numerous to be listed here in full. Just a few of the targets were Jaghori, Panjau, Behsud, Jalrez and Waras. In Jalrez, a home where a wedding was taking place was bombed and the tragedy left several dozen victims. In Waras, where the independent provisional government of Hazarajat has its headquarters, the helicopters bypassed this organization, which should have been a tempting target, and attacked the village bazaar.

Military intervention carried out mainly by helicopter also includes dropping mines and booby-trapped toys. I shall not go into detail, but only stress two points. First, camouflaged anti-personnel mines are not designed to kill, but to injure. The Russians know quite well that in this type of war, an injured person is much more trouble than a dead person. The injured person demobilizes fighters who have to transport him, and, of course, he can no longer fight. In many cases, he will die several days or weeks later from gangrene or from staphylococcus or gram-negative septicemia, with atrocious suffering, which further depresses those who must watch him die. The MSF has also seen the damage caused by the explosion of booby-trapped toys, in most cases plastic pens of small red trucks, which are choice terror weapons. Their main targets are children whose hands and arms are blown off. It is impossible to imagine any objective that is more removed from conventional military strategy, which forswears civilian targets.

The second aim of dropping of anti-personnel mines is to affect the economy. First, troops try to set up a blockade using mines that are scattered by the thousands along the passes leading to Pakistan (but with almost no success), and second, they try to scatter the people's livestock. When I arrived in Afghanistan for the first time in 1980, I was immediately struck by the number of goats and cows that had legs in splints made of bamboo sticks and tied with wire. The herdsmen explained to me what had happended: these animals had stepped on mines and been injured as a result of the explosion. But the greatest loss, the herdsmen told me, is not so much the ones with splints, but rather all those animals that were killed from secondary infections. And although the Afghans clear the mines from the roads to prevent more human deaths, the animals in the fields continue to get killed. Livestock in several regions of the country has been slaughtered in this way. The effect of this slaughtering on the food supply in Afghanistan is clear.

Another point to be considered is the question of refugees—those still in Afghanistan as well as those who have fled. These refugees should not be considered in the traditional way, as an unfortunate but unintended consequence of the war, but rather as part of Soviet warfare strategy, the same that was used in Kampuchea, the Ogaden and Eritrea. The objective is, as mentioned earlier, to evacuate the country in order to isolate the guerrilla fighters.

The methodical pursuit of this objective is the only possible explanation for the incredible number of Afghan refugees. Some flee the country to Iran and Pakistan, where they are once again "used" by the Russians, whose agents infiltrate the refugees' ranks to further aggravate the conflicts that exist in Pakistan between different ethnic groups, as many believe is happening in Baluchistan. The figures for Afghan refugees in Pakistan and Iran as reported to international bodies run in excess of four million.[2] Out of an Afghan population of 15 to 17 million, this figure is already enormous.

But to this figure must be added the hundreds of thousands of "internal" refugees who remain within Afghanistan. They have fled to the main towns, where they come under the control of the state army. Thus, this enlarged refugee count should be compared not to the total population of Afghansitan, but to the population in the rural areas that are held by the resistance fighters. When one adds to that the number of persons killed either in the fighting or by diseases that frequently find their cause in malnutrition—especially among children—one can better understand why that Soviet strategy is highly effective and that it has no doubt been responsible for chasing nearly half of the population away from guerrilla strongholds.

Also, several thousands children are sent to the Soviet Union to study to be officers one day in the Socialist Republic of Afghanistan; this offers a very close comparison with the Russians' "liberation" of the southern republics of the U.S.S.R. in the 1920s and 1930s, which led to a total victory over what has been called the Basmachi ("bandit") revolt.

IV

Before coming to the last issue, which concerns the final outcome of the tactics just discussed, a word must be said about one of the conditions needed for this strategy to be a success: secrecy.

International public opinion would never accept such enormities if it were informed daily on the developments in Afghanistan. The need for secrecy explains why borders are systematically closed and why journalists are not allowed to enter the country. Of course, some journalists disregard this, but they are so few in number that their reports draw little attention. Compare, for instance, the amount of coverage on Afghanistan with that given for several years on the war in Vietnam.

The French physicians who have been on permanent duty in Afghanistan for the last four years have become key eyewitnesses, and in spite of their lack of experience in journalism, they have been able to make up somewhat for the negligence of news reporting. I use the word "negligence" because, if a small organization like ours can succeed in maintaining more than 20 physicians on permanent duty in four provinces in Afghanistan, despite government acts of violence against them, the news media could do likewise. The Russians cannot tolerate the fact that we are there to witness what is happening, and we have therefore become their target. In 1980 and 1981, four MSF hospitals were deliberately destroyed by MI-24 helicopters. Two other hospitals in the region of Panjshir, which are operated by another Frence organization, Aide Medicale Internationale, were destroyed in the same way. May I add that one of the hospitals had a big red cross clearly visible on its roof.

Also, on several occasions, the physicians themselves have been pursued by Soviet soldiers who had in their possession photos of the doctors that they showed to the people they questioned. All the doctors have managed to get away except one, Dr. Philippe Augoyard, who was captured in January 1983. But we do not think that the Russians will try that type of operation again, as it proved disastrous for their image in Europe—especially of course in France. Rather than discouraging new recruits, which was probably the goal, the Augoyard case let physicians in other countries know about our work. Such incidents result in a bad press that affects the Soviets in other spheres. At the present time, only 50 percent of our medical teams are French; the remainder are Dutch, English, Belgian, Swiss, Scandinavian, and other nationalities. If, for example, a Dutch doctor were arrested in Afghanistan, the anti-Soviet publicity would certainly influence the ongoing debate over the installation of American missiles in Europe.

V

Now we come to the question of the final outcome of the Soviet strategy. The examples given above concerned Kampuchea and Ethiopia. The reason for this is that Afghanistan is not a very good example to illustrate Soviet anti-guerrilla warfare, precisely because the results have so far been unsuccessful. The towns of Afghanistan, the main bases for Soviet intervention, are poorly controlled. Not a week goes by without word of an attack against the government or against communist-bloc embassies in Kabul. In response, the heavily commercial districts in big cities such as Herat and Kandahar were reportedly severely bombed and nearly destroyed by planes because they had gone over to the resistance—just another example of the Soviet terror strategy and massive destruction, which can be contrasted with the house-by-house taking of the Algiers Casbah by the French army in 1970, with little loss to property or human life. The Soviet strongholds of Bamiyan, Ghazni, Gardez, and Khost are completely encircled by the Mujahedeen. In Bamiyan, for example, a garrison composed of 200 Russians and 200 Afghans has its post high up on a peak; supplies reach the garrison by helicopter. Helicopters are therefore gaining in importance for the Soviets as a means of transport between towns because communication links are not at all under control, although efforts have recently been made to improve them.

The puppet government of President Babrak Karmal has also attempted psychological warfare, by trying to play on local antagonisms among the Pushtun tribes. But the government has not been very successful at this, particularly since the death in 1981 of Faiz Mohammed, Minister for Tribal Affairs, who was killed by a group he was trying to bribe.

The cease-fire agreements that have been made have worked as much in favor of the resistance fighters as they have in favor of the government leaders, and they are based more on a balance of power than on a successful psychological warfare strategy. This is currently the case in Panjshir.[3]

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[2] The Iranian government informed the United Nations High Commissioner for Refugees in 1983 that there are 1.5 million Afghan refugees in Iran; Pakistan reports 2.8 million Afghan refugees inside its borders.

[3] During the summer of 1983, Ahmad Shah Massoud, resistance commander in the Panjshir Valley, negotiated a truce with the Soviets, refusing to deal with the Kabul regime (thus forcing the Soviets to implicitly recognize him). Under the truce, he resupplied the valley, opened supply lines and formed alliances with leaders in the north and as far west as the town of Herat. The truce has now ended, and Massoud has refused to extend it.

The number of armored vehicles that have been destroyed by resistance forces is incredibly large, considering their outdated weaponry and suicidal tactics (such as leaping onto tanks with homemade gasoline bombs). We counted more than 600 vehicles destroyed in the areas where we work, which, when extrapolated, comes to a total figure of some three to four thousand for the entire country. This figure is generally found to be so unbelievable that, whenever I mention it, I never fail to have with me a set of slides to document what I am saying.

The economic blockade has also not succeeded. The border areas are as easily accessible as they were before it was imposed; our medical teams need only three days to reach the central province of Hazarajat. Our movement is not restricted, as people generally think; we travel by car or truck, and only during the day.

Setting fire to crops and storage shelters is another anti-guerrilla tactic, but its effect is limited because less than half the amount of food that was needed before the war is needed now due to the diminished population. In addition, caravans going to and from Pakistan continue to bring fresh produce. Another striking—and ironic—example of the ambiguous effect on the economy, also from Hazarajat, is the need in Kabul for firewood, which has forced the government to deal with the resistance. The resistance fighters bring wood to government outposts and exchange it for salt or sugar from Kaubl.

Despite the attempts to restrict the food supply, trends in local market prices indicate that the blockade is not working. Some prices have actually dropped since the Soviet invasion. At Jaghori, for instance, a gallon of gasoline that cost 200 to 300 Afghanis (AFS) in 1979 costs 160 AFS today. A pack of cigarettes that cost 60 AFS in 1979 now costs 28 AFS. These figures suggest that supplies are adequate to keep prices from rising. Other prices have risen but less rapidly than those in many Third World countries, even countries that are not at war: a ser (15 pounds) of flour costs 70 AFS in 1978; it rose to 160 AFS in 1979; today it costs 180 AFS. The price of a ser of tea doubled between 1978 and 1979, from 960 to 1,920 AFS; since then it has only risen to a current price of 2,500 (less than one-third of the 1978–79 rate of increase), and even this price rise may be largely attributable to inflation.

The examples illustrating the poor short-term effect of Soviet strategy suggest a rather optimistic trend with regard to the Afghan resistance movement, but my conclusion is much less so. Everything I have said about the current situation shows that the war in Afghanistan is one in which the balance of power has not changed in four years, in spite of the fact that the two adversaries are unequally matched—on one side the world's biggest army, on the other a handful of people standing tall against the invader. There is no sign of any change soon in this state of affairs, and I do not believe that the Afghans can be beaten in the short or medium term. But Soviet strategy involves two aspects that may make the outcome in Afghanistan differ from the Western experience; one, already mentioned, is the use of mass terror, completely unlike any of the more moderate types of intervention. The second is that the Soviets can afford a protracted war in the short term for the sake of a long-term victory.

The Russians do not need smashing victories to announce to their citizenry, as Soviet public opinion does not influence Soviet policy. Catastrophes, such as that in the Salang tunnel where several hundred Soviet and communist-regime troops (and civilians) were killed, do not incite an outcry in Moscow for Soviet "boys" to come home. The Soviet army can wait it out as long as it did for the Basmachi revolt to end—and it waited for that for 20 years. It can wait even longer if necessary. The Afghan resistance will hold out for a long time, but in the end it will probably be beaten. It might not be beaten, however, if in the coming years there is a profound change in the international balance of power and in the reactions of Westerners to Soviet totalitarianism. It is not impossible that this change could take place, but only a very wise person would dare to predict the future of Afghanistan.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PACKARD) to revise and extend their remarks and include extraneous material:)

Mr. TAUKE, for 10 minutes, on August 2.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. CRAIG, for 60 minutes, today.

Mr. SMITH of New Jersey, for 15 minutes, today.

Mr. MCDADE, for 5 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. FISH, for 5 minutes, today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. RICHARDSON, for 60 minutes, on August 2.

Mr. WISE, for 60 minutes, on August 2.

Mr. MOODY, for 60 minutes, on August 2.

Mr. BEDELL, for 60 minutes, on August 7.

Mr. BEDELL, for 60 minutes, on August 9.

Mrs. BOXER, for 60 minutes, on August 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DAUB, immediately prior to the vote on the Conte amendment to H.R. 6040 in the Committee of the Whole today.

Mr. WILSON, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,213.

Mr. EMERSON, at the end of his remarks on H.R. 5151, to insert table of error rates and sanctions and an article from the Washington Post referred to in his remarks.

Mr. WEISS to insert statement and letter in Labor-HHS appropriations bill prior to vote on the bill.

(The following Members (at the request of Mr. PACKARD) and to include extraneous matter:)

Mr. CLINGER.
Mr. CAMPBELL.
Mr. LENT.
Ms. SNOWE.
Mr. BURTON of Indiana.
Mr. KEMP.
Mr. WORTLEY.
Mr. CONTE.
Mr. MCKINNEY.
Mr. RITTER.
Mr. FISH.
Mr. PORTER.
Mr. GILMAN.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. LEHMAN of Florida.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. MARKEY.
Mr. PATTERSON.
Mr. MRAZEK.
Mr. DYSON.
Mr. FEIGHAN in two instances.
Mr. GARCIA.
Mr. YATES.
Mr. EVANS of Illinois
Mr. HEFTEL of Hawaii.
Mr. ERDREICH.
Mr. HALL of Ohio.
Mr. OTTINGER.
Mr. FAUNTROY.
Mr. HOYER.
Mr. LIPINSKI.
Mr. SIMON in three instances.
Mr. STARK in three instances.
Mr. SHELBY.
Mr. FAZIO.
Mr. HOWARD.
Mr. MOODY.
Mr. OBERSTAR.
Mr. CARR.
Mr. HARRISON.
Mr. ACKERMAN.
Mr. FLORIO in two instances.
Mr. BOLAND.
Mr. LANTOS.
Mrs. BOXER.
Mr. LELAND.
Mr. LEVINE of California.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 577. Joint resolution designating August 1984 as "Polish American Heritage Month."

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, Thursday, August 2, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3826. A letter from the Executive Associate Director for Budget, Office of Management and Budget, transmitting his determination that it is necessary to reapportion the compensation and pensions appropriation on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

3827. A letter from the benefits manager, Farm Credit Banks of Texas, transmitting a report on the Farm Credit Banks of Texas Pension Plan for the year ended December 31, 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3828. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on the suspension of deportation of certain aliens of good character and with required residency when deportation causes hardship under section 244(a), Immigration and Nationality Act, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 3605. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an abbreviated new drug application under section 505 of that Act for generic new drugs equivalent to approved new drugs; with amendments (Rept. No. 98-857, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5851. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the National Wild and Scenic River System; with an amendment (Rept. No. 98-924). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee of conference. Conference report on H.R. 4325 (Rept. No. 98-925). Ordered to be printed.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5568. A bill to provide that the Secretary of Transportation may exempt segments of the Interstate System from the requirement that double trailer trucks be allowed to operate on all Interstate highways and from certain truck length and width limitations, and for other purposes (Rept. No. 98-926). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5945. A bill to name the Federal Buidling in McAlester, Oklahoma, the "Carl Albert Federal Building" (Rept. No. 98-927). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5997. A bill to designate the U.S. Post Office and Courthouse in Pendleton, OR, as the "John Kilkenny United States Post Office and Courthouse" (Rept. No. 98-928). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 6000. A bill to designate the Table Rock Lake Visitors Center building in the vicinity of Branson, MO, as the "Dewey J. Short Table Rock Lake Visitors Center" (Rept. No. 98-929). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5747. A bill to designate the Federal building in Oak Ridge, TN, as the "Joe L. Evins Federal Building" (Rept. No. 98-930). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5323. A bill to designate the U.S. Courthouse Building in Hato Rey, Puerto Rico, as the "Clemente Ruiz Nazario Courthouse"; with amendments (Rept. No. 98-931). Referred to the House Calandar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4717. A bill to designate the U.S. Federal Building in Las Vegas, NV, as the "Foley Federal Building"; with amendments (Rept. No. 98-932). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4354. A bill to designate the Federal Building in Ocala, FL, as the "Golden-Collum Memorial Federal Building; with amendments (Rept. No. 98-933). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4103. A bill to amend the Communications Act of 1934 to provide a national policy regarding cable television; with amendment (Rept. No. 98-934). Referred to the Committee of the Whole House on the State of the Union.

[Omitted from the Record of July 31, 1984]

SUBSEQUENT ACTION ON A BILL INITIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following action was taken by the Speaker:

Committee on Public Works and Transportation discharged from further consideration of H.R. 5640.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 6057. A bill to amend the Refugee Education Assistance Act of 1980 with respect to determinations of the number of eligible participants under such act; to the Committee on Education and Labor.

By Mr. DE LA GARZA (for himself, and Mr. ORTIZ):

H.R. 6058. A bill to provide for the establishment of a veterans' hospital in south Texas; to the Committee on Veterans' Affairs.

By Mr. FISH (for himself, and Mr. GEKAS):

H.R. 6059. A bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime; to the Committee on the Judiciary.

By Mr. HEFTEL of Hawaii:

H.R. 6060. A bill to provide for regional petroleum reserves, as part of the Strategic Petroleum Reserve, in certain regions of the United States; to the Committee on Energy and Commerce.

By Mr. MICA:

H.R. 6061. A bill to amend title 31, United States Code, to permit reciprocal insurance exchanges to act as sureties for persons required or permitted to provide surety bonds under Federal law; to the Committee on Government Operations.

By Mr. MOODY (for himself and Mr. KOSTMAYER):

H.R. 6062. A bill to designate certain lands in the State of Idaho as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TORRICELLI:

H.R. 6063. A bill to limit the Secret Service protection furnished to major Presidential candidates and certain other individuals to such candidates and individuals while they are in the United States; to the Committee on the Judiciary.

By Mr. HYDE:

H.J. Res. 633. Joint resolution to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. FOWLER:

H. Res. 565. Resolution to proclaim August 6, 1984, as "Phil Niekro Day;" to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1624: Mr. CAMPBELL.

H.R. 1676: Mr. KOGOVSEK, Mr. SKELTON, and Mr. WILSON.

H.R. 1920: Mr. GINGRICH.

H.R. 2090: Mr. MCCLOSKEY and Mr. MCHUGH.

H.R. 2099: Mr. MCNULTY.

H.R. 2715: Mr. TOWNS.

H.R. 4125: Mr. ANDERSON.

H.R. 4459: Mr. MCDADE.

H.R. 4475: Mr. SMITH of Florida.

H.R. 4832: Mr. VENTO.

H.R. 4965: Mr. FEIGHAN, Mr. SCHEUER, and Mr. TOWNS.

H.R. 4966: Mr. STAGGERS, and Mr. HATCHER.

H.R. 5013: Mr. ERDREICH.

H.R. 5098: Mr. SWIFT, Mr. PRICE, Mr. MATSUI, Mr. WEISS, Mr. YOUNG of Missouri, Ms. FERRARO, Mr. BURTON of Indiana, and Mr. ROSE.

H.R. 5143: Mr. FAUNTROY, Mr. LENT, and Mr. RATCHFORD.

H.R. 5196: Mr. CROCKETT, Mr. BEVILL, Mr. HUGHES, and Mr. SHELBY.

H.R. 5232: Mrs. BYRON.

H.R. 5305: Mr. AUCOIN and Mr. CLAY.

H.R. 5377: Mr. O'BRIEN, Mr. FORD of Tennessee, Mr. LONG of Louisiana, Mr. MCCAIN,

Mr. ROE, Mr. SIKORSKI, Mr. MCKINNEY, Mr. PEPPER, and Mr. WEISS.

H.R. 5569: Mr. BERMAN, Mr. EVANS of Iowa, Mrs. HOLT, Mr. MAVROULES, Mr. MCKERNAN, Mr. PANETTA, Mr. PURSELL, Mr. STANGELAND, Mr. WYLIE, and Mr. YOUNG of Florida.

H.R. 5640: Mr. BARNES and Mr. BIAGGI.

H.R. 5664: Mr. ORTIZ.

H.R. 5835: Mr. BARNARD.

H.R. 5884: Mr. LAGOMARSINO.

H.R. 5937: Mr. CROCKETT, Mr. BROWN of California, Mr. CARPER, and Mr. ROE.

H.R. 5952: Mr. ROGERS, Mr. RICHARDSON, Mr. VANDER JAGT, Mr. WILLIAMS of Ohio, Mr. CONYERS, and Mr. STARK.

H.R. 5999: Mr. EDGAR.

H.R. 6014: Mr. HEFTEL of Hawaii, Mr. FORD of Michigan, Mr. MILLER of California, Mr. SOLARZ, Mr. MITCHELL, Mr. BARNES, Mrs. BURTON of California, Mr. WYDEN, Mr. RAHALL, Mr. TORRICELLI, Mr. OWENS, and Ms. KAPTUR.

H.R. 6027: Mr. FEIGHAN.

H.R. 6053: Mr. FIELDS and Mr. CLINGER.

H.J. Res. 145: Mr. WEISS, Mr. LIPINSKI, Mr. CARR, Mr. LEVIN of Michigan, Mr. GORE, and Mr. LEWIS of Florida.

H.J. Res. 450: Mr. HAMILTON and Mr. NEAL.

H.J. Res. 482: Mr. LONG of Louisiana, Mr. PARRIS, Mr. HOPKINS, Mr. LONG of Maryland, Mr. FOGLIETTA, Mr. MCNULTY, Mrs. HOLT, Mr. BARNARD, Mr. WATKINS, Mr. HUCKABY, Mr. SOLOMON, Mr. QUILLEN, Mr. COLEMAN of Missouri, Mr. BURTON of Indiana, Mr. STAGGERS, Ms. OAKAR, and Mr. MAZZOLI.

H.J. Res. 491: Mr. WRIGHT.

H.J. Res. 508: Mr. CONTE, Mr. KEMP, Mr. LOWERY of California, Mr. LUNDINE, Mr. MOAKLEY, and Mr. VANDERGRIFF.

H.J. Res. 512: Mr. CAMPBELL, Mr. HILER, and Mr. SABO.

H.J. Res. 514: Mr. ADDABBO, Mr. MINISH, and Mr. STUDDS.

H.J. Res. 522: Mr. PAUL, Mr. ROWLAND, Mr. SILJANDER, Mr. SKELTON, Mr. DENNY SMITH, Mr. STANGELAND, Mr. TAUZIN, Mr. VANDERGRIFF, Mr. WON PAT, and Mr. YOUNG of Florida.

H.J. Res. 528: Mr. QUILLEN.

H.J. Res. 547: Mr. MCNULTY, Mr. FOLEY, Mr. DE LUGO, Mr. MONTGOMERY, Mr. LAGOMARSINO, Mr. DOWDY of Mississippi, Mr. HARTNETT, Mr. MOAKLEY, Mr. DE LA GARZA, Mr. MADIGAN, Mr. ANDERSON, Mr. WIRTH, Mr. ERDREICH, Mr. FRANK, Mr. DERRICK, Mr. PASHAYAN, Mr. O'BRIEN, Mr. AKAKA, Mr. BOSCO, Mr. YOUNG of Alaska, Mr. HOYER, Mr. FOWLER, Mr. JENKINS, Mr. CAMPBELL, Mr. FAZIO, Mrs. BOXER, Mr. BADHAM, Mr. PANETTA, Mr. NEAL, Mr. MINETA, Ms. KAPTUR, Mr. ROSE, Mr. BARNARD, Mr. MATSUI, Mr. ROWLAND, Mr. KOLTER, Mr. AUCOIN, Mr. LEWIS of California, Mr. STENHOLM, Mr. DUNCAN, Mr. JEFFORDS, Mr. LOWRY of Washington, Mr. STANGELAND, Mr. SAWYER, Mr. SMITH of Florida, and Mr. HUCKABY.

H.J. Res. 560: Mr. GUARINI.

H.J. Res. 584: Mr. HORTON, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. COURTER, Mr. MARTINEZ, Mr. AKAKA, Mr. FISH, Mr. BONER of Tennessee, Mr. WOLF, Mr. KOLTER, Ms. MIKULSKI, Mr. GEKAS, Mr. REID, and Mr. BATEMAN.

H.J. Res. 587: Mr. QUILLEN, Mr. REGULA, Mr. GONZALEZ, Mr. TORRICELLI, Mr. CAMPBELL, Mr. WORTLEY, Mr. LEHMAN of Florida, Mr. CONYERS, Mr. ANNUNZIO, Mrs. HALL of Indiana, Mr. TRAXLER, Mr. YOUNG of Missouri, Mr. RITTER, Mr. BURTON of Indiana, Mr. KASICH, Mr. TAUZIN, Mr. HIGHTOWER, Mr. THOMAS of California, Mr. HYDE, Mr. UDALL, Mr. SABO, Mr. LUJAN, Mr. MURPHY, Mr. COLEMAN of Texas, Mr. PETRI, Mr. TOWNS, Mr. SNYDER, Mr. SKEEN, Mr. RODINO, Mr. PATTERSON, Mr. WEAVER, Mr. WILLIAMS of Ohio, Mr. COLEMAN of Missouri, Mr. BONIOR of Michigan, and Mr. ROEMER.

H.J. Res. 588: Mr. AKAKA, Mr. BADHAM, Mr. BATEMAN, Mr. BORSKI, Mr. BRYANT, Mr. CHAPPIE, Mr. CLINGER, Mr. COUGHLIN, Mr. DAUB, Mr. DOWDY of Mississippi, Mr. EDGAR, Mr. FASCELL, Mr. FAUNTROY, Mr. FRENZEL, Mr. FUQUA, Mr. GREEN, Mr. GUARINI, Mr. HEFTEL of Hawaii, Mr. HUNTER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEWIS of Florida, Mr. MCGRATH, Mr. MCHUGH, Mr. MARTINEZ, Mr. MATSUI, Mr. NEAL, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PRITCHARD, Mr. RATCHFORD, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROGERS, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. STRATTON, Mr. TOWNS, Mr. WAXMAN, and Mr. WORTLEY.

H.J. Res. 589: Mr. GONZALEZ, Mr. EDGAR, Mr. JEFFORDS, Mr. DREIER of California, Mr. EDWARDS of Oklahoma, Mr. HARRISON, Mr. GRADISON, and Mr. RIDGE.

H.J. Res. 593: Mr. LAGOMARSINO.

H.J. Res. 595: Mr. BIAGGI, Mr. CHAPPELL, Mr. CROCKETT, Mr. DASCHLE, Mr. FROST, Mrs. HOLT, Mr. HUTTO, Mr. MCGRATH, Mr. MILLER of California, Mr. NEAL, Mr. REID, Mr. RODINO, Mr. ROEMER, Mr. RUSSO, Mr. SCHEUER, Mr. SKELTON, Mr. STOKES, Mr. VANDER JAGT, Mr. WIRTH, Mr. WORTLEY, and Mr. YOUNG of Missouri.

H.J. Res. 606: Mr. AKAKA, Mr. BETHUNE, Mr. BURTON of Indiana, Mr. CHAPPELL, Mr. DARDEN, Mr. DAVIS, Mr. DWYER of New Jersey, Mr. EDWARDS of Alabama, Mr. HAMILTON, Mr. HAWKINS, Mr. HAYES, Mr. HIGHTOWER, Mr. JONES of Tennessee, Mr. LEHMAN of Florida, Mr. MCCLOSKEY, Mr. MARTIN of New York, Mr. MRAZEK, Mr. NEAL, Mr. ROSE, Mr. SILJANDER, Mr. SKEEN, Mr. STUMP, Mr. SUNIA, Mr. THOMAS of Georgia, Mr. VALENTINE, and Mr. YOUNG of Missouri.

H.J. Res. 608: Mr. AKAKA, Mr. BLILEY, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BURTON of Indiana, Mr. CONABLE, Mr. CONTE, Mr. CORRADA, Mr. DYMALLY, Mr. ECKART, Mr. EDWARDS of Oklahoma, Mr. EVANS of Iowa, Mr. FRANK, Mr. HARRISON, Mr. HILER, Mrs. HOLT, Mr. HORTON, Ms. KAPTUR, Mr. KLECZKA, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAFALCE, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NATCHER, Mr. OBERSTAR, Mr. O'BRIEN, Mr. PACKARD, Mr. SISISKY, Mr. THOMAS of Georgia, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WILLIAMS of Ohio, Mr. WOLF, and Mr. WORTLEY.

H.J. Res. 610: Mr. RAY, Mr. DURBIN, Mr. O'BRIEN, Mr. CORRADA, Mr. FRENZEL, Mr. PURSELL, Mr. QUILLEN, Mr. DEWINE, Mr. BERMAN, Mr. LAGOMARSINO, Mr. MARTINEZ, Mr. BEILENSON, Mr. HORTON, Mr. CROCKETT, Mr. MACKAY, Mr. LANTOS, and Mr. BROWN of California.

H.J. Res. 619: Mr. KOLTER.

H.J. Res. 624: Mr. ANTHONY, Mr. DAUB, Mr. DORGAN, Mr. DYMALLY, Mr. KEMP, Mr. KOGOVSEK, Mr. KOLTER, Mr. KOSTMAYER, Mr. LENT, Mr. MATSUI, Mr. MCDADE, Mr. MCHUGH, Mr. MURPHY, Mr. OBEY, Mr. OWENS, Mr. PATTERSON, Mr. RODINO, and Mr. WYDEN.

H.J. Res. 630: Mr. YOUNG of Missouri, Mr. AKAKA, Mr. O'BRIEN, Mr. MCGRATH, Mr. CONYERS, Mr. OWENS, Mr. BATEMAN, Mr. BEVILL, Mr. ACKERMAN, Mr. WEISS, Mr. FLORIO, Ms. OAKAR, and Mr. HUGHES.

H. Con. Res. 260: Mr. STRATTON, Mr. MCEWEN, Mr. GARCIA, and Mr. MOAKLEY.

H. Con. Res. 271: Mr. CRAIG and Mr. DANNEMEYER.

H. Con. Res. 308: Mr. DE LA GARZA, Mr. EDWARDS of California, Mr. KOLTER, Mr. MINETA, Mr. RICHARDSON, Mr. FAZIO, Mr. BILIRAKIS, Mr. ECKART, Mr. GEKAS, Mr. WHITLEY, Mr. FOGLIETTA, Mr. RATCHFORD, Mr. SPRATT, Mr. SIMON, Mr. MILLER of Ohio, Mr. HOWARD, Mr. RANGEL, Mr. DYSON, and Mr. ANNUNZIO.

H. Con. Res. 312: Mr. BOEHLERT and Mr. EVANS of Iowa.

H. Con. Res. 324: Mr. GARCIA.

H. Con. Res. 339: Mr. LEWIS of Florida, Mr. KINDNESS, Mr. WINN, Mr. SAWYER, Mr. BENNETT, Mr. DUNCAN, Mr. MACKAY, Mr. NICHOLS, Mr. HYDE, Mr. MADIGAN, Mr. HUGHES, Mr. DAUB, Mr. WHITEHURST, and Mr. WORTLEY.

H. Res. 260: Mr. PAUL and Mr. DANNEMEYER.

H. Res. 430: Mr. JEFFORDS and Mr. HUGHES.

H. Res. 496: Mr. VOLKMER and Mr. JONES of Oklahoma.

H. Res. 518: Mr. ROBERT F. SMITH, Mr. VANDERGRIFF, Mr. PRITCHARD, Mr. MARTIN of North Carolina, Mr. SILJANDER, Mr. NIELSON of Utah, and Mr. WYLIE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5585

By Mr. WATKINS:

—At the end of the bill, add the following new section:

RETROREFLECTORS

SEC. 11. Section 25 of part I of the Interstate Commerce Act (49 U.S.C. 26) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) No carrier may, after 30 days after the regulations required by paragraph (2) are issued, operate a railroad car which is not equipped with retroreflectors in accordance with such regulations.

"(2) Within one year after the date of enactment of this subsection, the Secretary of Transportation shall issue regulations prescribing the size, type, amount, location, manner and time of application, and maintenance of retroreflectors required under paragraph (1).".

H.R. 5921

By Mr. FRENZEL:

—After line 21, page 39, insert the following new section:

"SEC. . Notwithstanding any other provision of this Act, funds appropriated by this Act under:

"(1) Title I, Department of Transportation, Office of the Secretary, for Salaries and Expenses, and for Transportation Planning, Research, and Development;

"(2) Title I, Department of Transportation, Coast Guard, for Operating Expenses except that portion appropriated for debt reduction; Acquisition, Construction, and Improvements; Alteration of Bridges; Reserve Training, Research, Development, Test, and Evaluation;

"(3) Title I, Department of Transportation, for the Federal Aviation Administration, except Grants-in Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund);

"(4) Title I, Department of Transportation, Federal Highway Administration, for Highway Safety Research and Development; Railroad-Highway Crossings Demonstration Projects; Highway Safety Separations Demonstration Project; Motor Carrier Safety; Motor Carrier Safety Grants;

"(5) Title I, Department of Transportation, National Highway Traffic Safety Administration, for Operations and Research;

"(6) Title I, Department of Transportation, for the Federal Railroad Administration, except for $15,000,000 derived by transfer from the unobligated balances of "Redeemable preference shares" for Rail Service Assistance; Conrail Labor Protection; $4,000,000 derived by transfer from the appropriation "Coast Guard, retired pay" for Grants to the National Railroad Passenger Corporation; and Railroad Rehabilitation and Improvement Financing Funds;

"(7) Title I, Department of Transportation, Urban Mass Transportation Administration, for Discretionary Grants (Limitation on Obligations);

"(8) Title I, Department of Transportation, Saint Lawrence Seaway Development Corporation, Limitation on Administrative Expenses;

"(9) Title II, Related Agencies, Architectural and Transportation Barriers Compliance Board; National Transportation Safety Board; Civil Aeronautics Board, except Payments to Air Carriers (including Transfer of Unexpended Balances); Interstate Commerce Commission, except Payments for Directed Rail Service; Panama Canal Commission; United States Railway Association; Washington Metropolitan Area Transit Authority; are hereby reduced by 4.3 percent.".

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1984:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

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Organization or Individual Filing	Employer/Client
ADAMS QUACKENBUSH HERRING & STUART, P.O. BOX 394 COLUMBIA SC 29202	U.S. CAPITAL CORP
AGENDAS INTERNATIONAL, 820 SECOND AVENUE, #1302 NEW YORK NY 10017	MINISTERIO DEL EXTERIOR, REPUBLIC OF NICARAGUA
DAVID J. AHO, 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN HOSPITAL SUPPLY CORP
AKIN GUMP STRAUSS HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	LARRY A. MIZEL
Do	MORGAN STANLEY & CO, INC
JAMES J. ALBERTINE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	MCI COMMUNICATIONS CORP
Do	SCOTT PAPER CO
NANCY L. ALEXANDER, 245 SECOND STREET, NE WASHINGTON DC 20002	FRIENDS COMM ON NATIONAL LEGISLATION
JOHN D. ALLAN, ROYAL TRUST TOWER TORONTO DOMINION CENTER TORONTO, ONTARIO CANADA M5K 1J4	STELCO, INC
ROBERT F. ALLNUT, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP
AMERICAN AMBULANCE ASSN, 1225 EIGHTH STREET, #590 SACRAMENTO CA 95814	
AMERICAN HERITAGE CENTER, 13924 BRADDOCK ROAD P.O. BOX 881 CENTREVILLE VA 22020	
AMERICAN RETREADERS' ASSN, P.O. BOX 17203 LOUISVILLE KY 40217	
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	CORPORACION NACIONAL DEL COBRE (CHILE) (CODELCO)
JOHN A. ARMSTRONG, 1330 BURLINGTON STREET EAST HAMILTON, ONTARIO CANADA L8N 3J5	DAFASCO, INC
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN TRADING & PRODUCTION CORP
Do	HOFFMANN-LA ROCHE, INC
Do	SACRAMENTO MUNICIPAL UTILITY DISTRICT
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	LUCASFILM, LTD
Do	MERRILL LYNCH & CO, INC
Do	NATIONAL ASSN OF STATE SAVINGS & LOAN SUPERVISORS
Do	J.C. PENNEY CO, INC
Do	SECURITIES INDUSTRY ASSN
L. A. BAFALIS, CORPORATE CONSULTING SERVICES, INC P.O. BOX 2768 KEY LARGO FL 33037	UNITED AIRLINES
Do	AMERICAN GENERAL
BAKER & MCKENZIE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CAMBRIDGE RESEARCH & DEVELOPMENT GROUP
Do	DART & KRAFT
S. EASON BALCH JR., P.O. BOX 306 BIRMINGHAM AL 35201	BALCH BINGHAM BAKER WARD SMITH BOWMAN & THAGARD (FOR: SOUTHERN COMPANY SERVICES, INC)
S. EASON BALCH, P.O. BOX 306 BIRMINGHAM AL 35201	BALCH BINGHAM BAKER WARD SMITH BOWMAN & THAGARD (FOR: SOUTHERN COMPANY SERVICES, INC)
BALLARD SPAHR ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	DELAWARE ECONOMIC DEVELOPMENT AUTHORITY
Do	TEMPLE UNIVERSITY
BANCTEXAS GROUP, INC, P.O. BOX 2249 DALLAS TX 75221	
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	PFIZER, INC
Do	TARTARIC CHEMICALS CORPORATION
R. WILLIAM BARTON, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE
BAYH TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	AMERICAN CAN CO
Do	SIMON & ASSOCIATES, INC
Do	VIRATEK
WILLIAM S. BERGMAN, 1001 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	NATIONAL ASSN OF STATE SAVINGS & LOAN SUPERVISORS
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	J. C. BRADFORD
LEONARD BICKWIT JR., MILLER & CHEVALIER, CHTD. 655 15TH STREET, NW WASHINGTON DC 20005	NUCLEAR FUEL SERVICES, INC
SARAH MASSENGALE BILLOCK, 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN HOSPITAL SUPPLY CORP
BINGHAM DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	UNICOVER CORP
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERADA HESS
CHARLES O. BISHOP, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN.
BISHOP LIBERMAN COOK PURCELL & REYNOLDS, 1200 17TH STREET, NW, 7TH FL. WASHINGTON DC 20036	ENSERCH CORP
Do	MANUFACTURERS HANOVER BANK
Do	MISSISSIPPI POWER & LIGHT
Do	PIPE LINE EQUITY ACT COALITION
Do	PUBLIC SECURITIES ASSN
Do	RIO GRANDE INDUSTRIES
Do	SALOMON BROTHERS, INC
Do	VALLEY VIEW HOLDINGS, INC
BLACK MANAFORT & STONE, INC, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	SUBURBAN PROPANE GAS CORP
ROBERT J. BLACKWELL, ONE THOMAS CIRCLE, NW, #500 WASHINGTON DC 20005	COVE MARITIME COMPANIES
Do	EQUITY CARRIERS I, INC
Do	EQUITY CARRIERS III, INC
Do	FALCON TANKERS, INC
Do	PHOENIX BULKSHIP I, INC
Do	PHOENIX BULKSHIP II, INC
MICHAEL D. BLANCHARD, 501 WEST 6TH STREET FORT WORTH TX 76102	TEXAS-NEW MEXICO POWER CO
MICHAEL K. BLEVINS, 2001 EYE STREET, NW WASHINGTON DC 20006	ELECTRONIC INDUSTRIES ASSN
BLUM NASH & RAILSBACK, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	WALT DISNEY PRODUCTIONS
W. DAN BOONE, 345 PARK AVE. NEW YORK NY 10154	UNION PACIFIC CORP.
JOHN K. BOOTH, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC
ALBERT D. BOURLAND, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
J. PATRICK BOYLE, 1910 K STREET, NW, #700 WASHINGTON DC 20005	NATIONAL GROCERS ASSN
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	AMERICAN ASSN OF DENTAL SCHOOLS
Do	U.S. TUNA FOUNDATION
BRAND LOWELL & DOLE, 923 15TH STREET, NW, FIFTH FL. WASHINGTON DC 20005	METROPOLITAN TRANSPORTATION AUTHORITY
Do	ZENITH RADIO CORP
DONALD H. BRAZIER, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL.
THOMAS M. BRESNAHAN III, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON U.S.A., INC
BROADHURST BROOK MANGHAM HARDY & REED, 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	
PAMELA BRODIE, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION
JESSE B. BROWN, 605 10TH STREET, NE WASHINGTON DC 20002	
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NORWEST MORTGAGE, INC
Do	ROOSEVELT RACEWAY ASSOCIATES LIMITED PARTNERSHIP
RICHARD R. BUTA, 6535 OLD CHESTERBROOK ROAD MCLEAN VA 22101	BECHTEL NATIONAL, INC
EDWARD S. CABOT, 1285 AVENUE OF THE AMERICAS NEW YORK NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
CADES SCHUTTE FLEMING & WRIGHT, 740 WASHINGTON PARK BUILDING 1001 22ND STREET, NW WASHINGTON DC 20037	U.S. WINDPOWER, INC
CAROL V. CALHOUN, MORGAN LEWIS & BOCKIUS 1800 M STREET, NW WASHINGTON DC 20036	ALIGNPAC
Do	FAMILY LIFE INSURANCE CO
CAMP CARMOUCHE BARSH HUNTER GRAY HOFFMAN & GILL, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	CHEMCRETE INTERNATIONAL CORP
Do	SEARS ROEBUCK & CO
Do	SOUTH CENTRAL BELL
CARBONTECK TRADING COMPANY, LTD., SUITE 1409 SO. 1201 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	
ROBERT B. CARLESON, 1050 17TH STREET, NW WASHINGTON DC 20036	MAIN HURDMAN, CPA'S
LISA CARLSON, 3735 KANAWHA STREET, NW WASHINGTON DC 20015	PROFESSIONAL MANAGERS' ASSN
TERRIE M. CARTER, 910 17TH STREET, NW, #808 WASHINGTON DC 20006	DEERE & CO
WILLIAM E. CASSELMAN II , SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY (FOR: APCOA, INC)
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	NATIONAL AUDUBON SOCIETY
WILLIAM CHASEY ORGANIZATION, 1800 K STREET, NW, #600 WASHINGTON DC 20006	LIFE INSURANCE COALITION OF AMERICA
CHILD DEFENSE LEAGUE, 12686 WESTPORT CIRCLE WELLINGTON, WPB FL 33414	
CITY OF ROCHESTER, MINNESOTA, CITY HALL ROCHESTER MN 55901	
NANCY CLACK, GNAU CARTER JACOBSEN & ASSOCIATES, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	EMS DEVELOPMENT CORP
Do	WEDTECH CORP
STEVEN MICHAEL CLEMENT, 533 FOURTH STREET, SE WASHINGTON DC 20003	
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN HOME PRODUCTS CORP
STANLEY A. CMICH, 1700 GATEWAY BOULEVARD CANTON OH 44707	FISCAL ASSOCIATES, INC
Do	GIBBONS & GRABLE CO
Do	TIMKEN CO
Do	WHITE ENGINES, INC
COHEN & URETZ, 1775 K STREET, NW, #400 WASHINGTON DC 20006	EXECUTIVE LIFE INSURANCE CO
Do	AD HOC COMMITTEE—TAX TREATMENT OF PROPERTY USED IN TRADE OR ...
RANDALL I. COLE, 1050 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	EL PASO NATURAL GAS CO
CAROL A. COLZA, ROGER B. SCHAGRIN, P.C. 923 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE ON PIPE & TUBE IMPORTS
CONCERNED WOMEN FOR AMERICA, 499 S. CAPITOL STREET, #114 WASHINGTON DC 20003	
RICHARD J. CONNOR JR., 1201 PENNSYLVANIA AVENUE, NW, #220 WASHINGTON DC 20004	JOSEPH E. SEAGRAM & SONS, INC
CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.), 1050 THOMAS JEFFERSON STREET, NW, 7TH FL WASHINGTON DC 20007	

Organization or Individual Filing	Employer/Client
PAUL E. COONEY, 1775 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL.
LAW OFFICES, JAMES C CORMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS
Do	CARGILL LEASING CORP
Do	EDS FINANCIAL CORPORATION
Do	NATIONAL RAILWAY LABOR CONFERENCE
Do	SUPERIOR ENGINEERING & ELECTRONICS
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN CAN CO
Do	AMERICAN SECURITY CORP
Do	EATON VANCE CORP
Do	HEYL & PATTERSON, INC
Do	MANUEL GARCIA, JR, ET AL.
Do	MERCHANTS TERMINAL CORP
Do	MIDWEST TELEVISION, INC
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	BERING SEA FISHERMEN'S ASSN
CPT CORPORATION, 8100 MITCHELL ROAD P.O. BOX 293 MINNEAPOLIS MN 55440	
CRAMER HABER & LUKIS, P.C., 818 CONNECTICUT AVE., NW WASHINGTON DC 20036	AGRICULTURISTS FOR RESPONSIBLE LEGISLATION
Do	BROWARD COUNTY
Do	PENNSYLVANIA ENGINEERING CORP
WILLIAM C. CRAMER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER HABER & LUKIS, P.C. (FOR: AGRICULTURISTS FOR RESPONSIBLE LEGISLATION)
Do	CRAMER HABER & LUKIS, P.C. (FOR: BROWARD COUNTY)
Do	CRAMER HABER & LUKIS, P.C. (FOR: PENNSYLVANIA ENGINEERING CORP)
JOHN P. CREGAN, 1000 CONNECTICUT AVENUE, NW, #1200 WASHINGTON DC 20036	U.S. BUSINESS & INDUSTRIAL COUNCIL
MICHAEL F. CRIM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES
SAM S. CRUTCHFIELD, 3528 GALLOWS ROAD ANNANDALE VA 22003	HALE FOUNDATION
JONNA LYNNE CULLEN, J. L. ASSOCIATES ONE THOMAS CIRCLE, #900 WASHINGTON DC 20005	LAWRENCE KUDLOW ASSOCIATES, ET AL.
Do	ROBERT LAMBERT, CRUISE AMERICA
Do	U.S. TUNA FOUNDATION
MARY BETH CURRY, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING
D L ASSOCIATES, 1730 RHODE ISLAND AVENUE, NW, #210 WASHINGTON DC 20036	BRIGGS & STRATTON
Do	BRISTOL-MYERS CO.
Do	TERWILLIGER WAKEEN PIEHLER CONWAY & KLINGBERG, S.C.
D'AMICO LUEDTKE DEMAREST & GOLDEN, 1920 N STREET, NW, #400 WASHINGTON DC 20036	SOUTHLAND CORPORATION
DAN DARLING, SUITE 310 NATIONAL PRESS BUILDING WASHINGTON DC 20045	SOCIAL SECURITY LOBBY
DAVIS GRAHAM & STUBBS, SUITE 500 1001 22ND ST., NW WASHINGTON DC 20037	SNYDER OIL COMPANY
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	U.S. SUGAR
Do	UNITED AIRLINES
CURTIS DEANE, 1424 16TH STREET, NW, #700 WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM (FAIR)
GENE A. DEL POLITO, 1133 15TH STREET, NW, #1037 WASHINGTON DC 20005	THIRD CLASS MAIL ASSN
LAW OFFICES OF PAUL 1120 20TH STREET, NW WASHINGTON DC 20036	BERMANS, THE LEATHER EXPERTS
GEORGE H. DENISON, SUITE 400 4801 MASSACHUSETTS AVE., NW WASHINGTON DC 20016	CRUISE AMERICA LINE, INC
GREGORY L. DEPRIEST, 1735 DESALES STREET, NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMAX, INC
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	THOMSON-CSF, DIV. SYSTEMS ELECTRONIQUE (DSE)
DICKEY KNORR & MOORE, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, CA
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	HUGHES AIRCRAFT CO
Do	LTV AEROSPACE & DEFENSE CO
Do	MCDONNELL DOUGLAS CORP
Do	PAULUCCI ENTERPRISES
Do	UNITED BRANDS CO
JOHN T. DOLAN, 1001 PRINCE STREET ALEXANDRIA VA 22314	CONSERVATIVE ALLIANCE (CALL)
GREGORY S. DOLE, BRAND LOWELL & DOLE 923 15TH STREET, NW WASHINGTON DC 20005	NATIONAL HEAD INJURY FOUNDATION, INC
ANDREW J. DONELSON, 1101 15TH STREET, NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO (3M)
THOMAS E. DONLEY, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
MARY K. DONNY, 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE U.S.A.
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	LAUREL STEEL PRODUCTS, LTD
ERNEST DUBESTER, 815 16TH STREET, NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS
JOHN A. DUDLEY, SULLIVAN & WORCESTER 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BURGESS & LEITH, INC
Do	ENDOWMENT MANAGEMENT & RESEARCH CORP
H. STEWART DUNN JR., SUITE 600 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SIR JAMES GOLDSMITH
Do	XEROX CORP
MARGARET A. DURBIN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN
DUTKO & ASSOCIATES, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATES OF NORTH AMERICA
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	BURING ESTATE
Do	DONREY, INC
Do	RUBIN & ASSOCIATES
ENVIRONMENTAL FUND, 1302 18TH STREET, NW, #403 WASHINGTON DC 20036	
J. BALLARD EVERETT, 1125 15TH STREET, NW, #700 WASHINGTON DC 20001	MORTGAGE BANKERS ASSN OF AMERICA
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ARCHIE BENNETT)
PETER M. FANNON, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS
MICHAEL P. FARRIS, 499 S. CAPITOL STREET, #114 WASHINGTON DC 20003	CONCERNED WOMEN FOR AMERICA
RICHARD H. FAY, 1150 CONNECTICUT AVENUE, NW, #900 WASHINGTON DC 20036	REED SMITH SHAW & MCCLAY (FOR: REPUBLIC INDUSTRIES, INC)
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	J.L. INTERNATIONAL, LTD
Do	ARBUTUS CORPORATION
Do	CANNON FINANCIAL GROUP
Do	GOLDEN NUGGET, INC.
Do	GROUP HOSPITALIZATION, INC
Do	MUTUAL PROTECTION TRUST COOPERATIVE OF AMERICAN PHSYICANS
Do	NATIONAL CORP FOR HOUSING PARTNERSHIPS
JANET S. FISHER, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO
CHARLES L. FISHMAN, P.C., 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO
Do	DUKE POWER CO
Do	NEW ENGLAND ELECTRIC SYSTEM
Do	VIRGINIA ELECTRIC & POWER CO
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	FLORIDA STATE UNIVERSITY
Do	JACKSONVILLE TRANSPORTATION AUTHORITY
FOLEY & LARDNER, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL.
R. D. FOLSOM, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: WINE & SPIRITS WHOLESALERS OF AMERICA)
JOHN H. FOREHAND III, 95 EAST WAYNE AVENUE, #309 SILVER SPRING MD 20901	COMPUTERVISION
Do	OMNI-TECH OF AMERICA, INC
FORESIGHT SCIENCE & TECHNOLOGY, INC, SUITE 305 2000 P ST., NW WASHINGTON DC 20036	RADAR DEVICES, INC
CHUCK FOX, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE
FRANCES E. FRANCIS, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL.
JOEL FREEDMAN, 1600 M ST., NW, 5TH FLOOR WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO.
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS)
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	NEW ENGLAND MUTUAL LIFE INSURANCE CO
ROBERT F. FROEHLKE, 1285 AVENUE OF THE AMERICAS NEW YORK NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
FRANK W. GAINES JR., OLWINE CONNELLY CHASE O'DONNELL & WEYHER 1850 K STREET, NW, #890 WASHINGTON DC 20006	PROGRESS TRADING CO
SHELLEY ANN GARDNER, 20 BLACK OAK MEWS NEWTOWN PA 18940	SUSAN HOWLAND-KELLY & ASSOCIATES
GERARD BYLER & ASSOCIATES, INC, 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	LEECH LAKE RESERVATION BUSINESS COMMITTEE
Do	WHITE EARTH RESERVATION BUSINESS COMMITTEE
GIBSON DUNN & CRUTCHER, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BATEMAN EICHLER, HILL RICHARDS, INC
Do	HUNTINGTON MEMORIAL HOSPITAL
MATTHEW J. GICHTIN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN
DONALD R. GLENN, 1627 K STREET, NW, #200 WASHINGTON DC 20006	ENERGY RESEARCH CORP
GNAU CARTER JACOBSEN & ASSOC, INC, 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	EMS DEVELOPMENT CORP
Do	WEDTECH CORP
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP)
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL ASSN OF IMMIGRATION JUDGES)
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALEN DRY CARGO, INC)
LEE M. GOODWIN, WICKWIRE GAVIN & GIBBS, P.C. 1819 L STREET, NW, #700 WASHINGTON DC 20036	NATIONAL HYDROPOWER ASSN, ET AL.
GORDON FEINBLATT ROTHMAN HOFFBERGER & HOLLANDER, 233 EAST REDWOOD STREET BALTIMORE MD 21202	MERCHANTS TERMINAL CORP
GOVERNMENT RELATIONS ASSOCIATES, INC., SUITE 300 655 15TH ST., NW WASHINGTON DC 20005	GILMORE STEEL CORP

Organization or Individual Filing	Employer/Client
THOMAS P. GRAVES, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP)
ELLEN F. GREENBERG, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20006	ALUMINUM CO OF AMERICA
GLENN M. HACKBARTH, 444 N. CAPITOL STREET, #204 WASHINGTON DC 20001	BONNEVILLE ASSOCIATES, INC (FOR: INTERMOUNTAIN HEALTH CARE, INC)
HAGEDORN-CANDO, INC, 1704 23RD STREET SOUTH ARLINGTON VA 22202	DAVY MCKEE CORP
ANN HAGEMANN, 1735 DESALES STREET, NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC
RICHARD C. HAHN, BOX 1002 STERLING VA 22170	YOUNG AMERICANS FOR FREEDOM
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	INDEPENDENT TANKER OWNERS COMMITTEE
HANSON BRIDGETT MARCUS VLAHOS & STROMBERG, 333 MARKET STREET, #2300 SAN FRANCISCO CA 94105	ITEL RAILROAD CORP
ROBERT N. HARBOR, 1050 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	EL PASO NATURAL GAS CO
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115	
ROBERT MICHAEL HARTMAN, 1025 CONNECTICUT AVENUE, NW, #1014 WASHINGTON DC 20036	EBASCO SERVICES, INC
HARTZ/MEEK INTERNATIONAL, 806 15TH STREET, NW, #210 WASHINGTON DC 20005	MAYOR'S COMMITTEE (BALTIMORE) TO RESTORE NFL FOOTBALL
LINDA CAROL HASLETT, 10 N. CENTER ROAD P.O. BOX 97 PERRY OH 44081	CLEVELAND ELECTRIC ILLUMINATING CO
HOWARD M. HAUG, 100 EAST 42ND ST. NEW YORK NY 10017	NATIONAL FOREIGN TRADE COUNCIL, INC
MARILYN BETH HAUGEN, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC
TERESA D. HAY, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	FARM CREDIT COUNCIL
BILL HECHT AND ASSOCIATES, INC, 499 SOUTH CAPITOL STREET, SE, #501 WASHINGTON DC 20003	CIC ENTERPRISES
Do	METROPOLITAN ANALYSIS AND RETRIEVAL SYSTEMS, INC.
ROSS J. HEIDE, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)
DONALD E. HENDERSON, 130 E. WASHINGTON STREET P.O. BOX 1290 INDIANAPOLIS IN 46204	INDIANA FARM BUREAU, INC
HERON BURCHETTE RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	BAY AREA RAPID TRANSIT DISTRICT
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RESERV
Do	NATIONAL ASSN OF GROWERS & PRODUCERS FOR FREE TRADE
HERRICK & SMITH, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	TURLOCK IRRIGATION DISTRICT; MODESTO IRRIGATION DISTRICT
BARRY ALEXANDER HERRING, 66 VALECREST AVENUE HAMILTON, ONTARIO CANADA L7L 5N5	LAUREL STEEL PRODUCTS LIMITED
HIGH FRONTIER GROUP, P.O. BOX 5768 CHARLOTTESVILLE VA 22905	
JOHN M. HIMMELBERG, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, #400 WASHINGTON DC 20037	FLORIDA FRUIT & VEGETABLE ASSN
Do	FLORIDA TOMATO EXCHANGE
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	BRISTOL BAY AREA HEALTH CORP
Do	STATE OF UTAH
Do	TANANA CHIEFS CONFERENCE, INC
Do	UTE MOUNTAIN UTE TRIBE
ROBERT C. HOFFMAN, 2600 N. POWHATAN STREET ARLINGTON VA 22207	FORESIGHT CONSULTING GROUP, INC
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP)
HOLLAND & KNIGHT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	EMHART CORPORATION
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	NATURAL GAS SUPPLY
EDWIN M. HOOD, 1725 K STREET, NW, #1102 WASHINGTON DC 20006	NATIONAL STEEL & SHIPBUILDING CO
VIRGINIA E. HOPKINS, 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: KINGS ENTERTAINMENT CO)
ELLA MAE HORSE, 1234 MASSACHUSETTS AVENUE, NW, #821 WASHINGTON DC 20005	ALL INDIAN PUEBLO COUNCIL
Do	CALIFORNIA URBAN INDIAN HEALTH COUNCIL
Do	LAC COURTE OREILLES OJIBWA TRIBE
HOVING GROUP, 2550 M STREET, NW, #695 WASHINGTON DC 20037	WESTERN SOUTHERN
ANNE L. HOWARD, ANNE L. HOWARD AND ASSOCIATES 888 17TH STREET, NW, #600 WASHINGTON DC 20006	COUNCIL OF CALIFORNIA TRIBAL GOVERNMENTS (CCTG)
Do	MIAMI TRIBE OF OKLAHOMA
MICHAEL R. HOWLAND, 1111 14TH STREET, NW, 3RD FL. WASHINGTON DC 20005	AMERICAN BAKERS ASSN
SUSAN HOWLAND-KELLY, 20 BLACK OAK MEWS NEWTOWN PA 18940	SUSAN HOWLAND-KELLY & ASSOCIATES
TERRY D. HUDGINS, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	47TH STREET PHOTO
VANCE HUGHES, 8216 MAPLE RIDGE ROAD BETHESDA MD 20014	CLEAN WATER ACTION PROJECT
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	BANCTEXAS GROUP, INC
Do	LOMAS & NETTLETON FINANCIAL CORP
HELENA C. HUTTON, 1101 15TH STREET, NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO (3M)
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP)
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL ASSN OF IMMIGRATION JUDGES)
LEON E. IRISH, 1101 17TH STREET, NW, #1100 WASHINGTON DC 20036	CAPLIN & DRYSDALE (FOR: O.C. TANNER COMPANY)
ROY T. JACOBSEN, GNAU CARTER JACOBSEN & ASSOC, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	EMS DEVELOPMENT CORP
Do	WEDTECH CORP
EDWARD L. JAFFE, 1730 RHODE ISLAND AVENUE, NW, #713 WASHINGTON DC 20036	PPG INDUSTRIES, INC
JOBS WITH PEACE, INC, 129 E STREET, NW WASHINGTON DC 20001	
MARK R. JOHNSON, 1667 K STREET, NW, #350 WASHINGTON DC 20036	MOLLER STEAMSHIP CO, INC
ERNEST JOHNSTON, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM CO
JONES & WINBURN, SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	AMERICAN AUTOMOTIVE LEASING ASSN
Do	MCDONNELL DOUGLAS CORP
BEVERLY E. JONES, WICKWIRE GAVIN & GIBBS, P.C. 1819 L STREET, NW, #700 WASHINGTON DC 20036	CONSOLIDATED NATURAL GAS CO
Do	NATIONAL HYDROPOWER ASSN, ET AL
MARY K. KILLORIN, 1101 15TH STREET, NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO (3M)
LISA KIMBRO, 1101 16TH STREET, NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSN OF AMERICA
KING & SPALDING, 1730 PENNSYLVANIA AVE., NW, #1200 WASHINGTON DC 20006	FRAZIER LANIER CO (ALABAMA STATE DOCKS DEPT)
JANIE A. KINNEY, BLUM & NASH 1015 18TH ST., NW WASHINGTON DC 20036	WALT DISNEY PRODUCTIONS
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	AMERICAN COUNCIL OF LIFE INSURANCE
Do	INVESTORS FIDUCIARY TRUST CO
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: THOMSON-CSF, DIV. SYSTEMS ELECTRONIQUE)
ROBERT A. KLAYMAN, 1101 17TH STREET, NW WASHINGTON DC 20036	CAPLIN & DRYSDALE, CHTD. (FOR: B.D.I. INVESTMENT CORP)
KOMINERS FORT SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	CROWLEY MARITIME CORP AND SUBSIDIARIES
PAUL R. KRUSE, 1155 15TH ST., NW WASHINGTON DC 20005	PENNZOIL CO
ROSE KUIUMGIAN, 1910 K STREET, NW, #700 WASHINGTON DC 20006	NATIONAL GROCERS ASSN
VIRGINIA A. LAMPLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: THOMSON-CSF, DIV. SYSTEMS ELECTRONIQUES)
LINDA L. LANAM, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD ASSN
BROCK R. LANDRY, 1333 NEW HAMPSHIRE AVENUE, NW, #1220 WASHINGTON DC 20036	SCHWINN BICYCLE CO
LATHAM WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AD HOC COALITION FOR LOW & MODERATE INCOME HOUSING
Do	SEARS, ROEBUCK & CO
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON
LEFEVERE LEFLER KENNEDY O'BRIEN & DRAWZ, 2000 FIRST BANK PLACE WEST 120 SOUTH 6TH STREET MINNEAPOLIS MN 55402	CITY OF NEW BRIGHTON
LILLICK MCHOSE & CHARLES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NEPTUNE ORIENT LINES, LTD
LINDA A. LIPSEN, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC
ROY LITTLEFIELD, 15900 PINECROFT LANE BOWIE MD 20716	AMERICAN RETREADERS ASSN
Do	NATIONAL COALITION OF INDEPENDENT COLLEGE & UNIV. STUDENTS
E. GEOFFREY LITTLEHALE, 1101 14TH STREET, NW WASHINGTON DC 20005	AMERICAN FINANCIAL SERVICES ASSN
ROBERT W. LIVELY, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN
LOMAS & NETTLETON FINANCIAL CORP, 2001 BRYAN TOWER, P.O. BOX 225644 DALLAS TX 75265	
SYLVESTER LUKIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER HABER & LUKIS, P.C. (FOR: AGRICULTURISTS FOR RESPONSIBLE LEGISLATION)
Do	CRAMER HABER & LUKIS, P.C. (FOR: BROWARD COUNTY)
Do	CRAMER HABER & LUKIS, P.C. (FOR: PENNSYLVANIA ENGINEERING CORP)
MICHAL W. MAINWARING, 1730 RHODE ISLAND AVENUE, NW, #713 WASHINGTON DC 20036	PPG INDUSTRIES, INC
MANATT PHELPS ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COMWORLD PRODUCTIONS
Do	NEIL YOUNG
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CO)
DWAYNE E. MANN, 901 N. WASHINGTON STREET, #205 ALEXANDRIA VA 22314	SOCIETY OF AMERICAN FLORISTS
THOMAS A. MARTENS, P.O. BOX 10110 SO. LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE
LARRY K. MARTIN, 1611 NORTH KENT STREET, #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC
COLIN D. MATHEWS, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ARCHIE BENNETT)
Do	VINSON & ELKINS (FOR: GUARDIAN SAVINGS & LOAN)
MARSHALL L. MATZ, SCOTT HARRISON & MCLEOD 2501 M STREET, NW, 4TH FL. WASHINGTON DC 20037	AMERICAN SCHOOL FOOD SERVICE ASSN
ROBERT MCCLORY, BAKER & MCKENZIE 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GROCERY MANUFACTURERS OF AMERICA, INC
THOMAS W.J.C. MCCRYSTAL, P.O. BOX 5768 CHARLOTTESVILLE VA 22905	HIGH FRONTIER GROUP
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	ORANGE COUNTY WATER DISTRICT
CHRISTINE W. MCENTEE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS
JEANNE H. MCGOWAN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN
MCGUIRE WOODS & BATTLE, 1400 ROSS BUILDING RICHMOND VA 23219	UNITED COAL CO
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIR LINE PILOTS ASSN

Organization or Individual Filing	Employer/Client
Do	ALASKA AIRLINES, INC
Do	HOUSHOLD INTERNATIONAL
Do	MILLIKEN MILLS
Do	NATIONAL CABLE TELEVISION ASSN
Do	WASTE MANAGEMENT, INC
MICHELLE MEIER, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC
JAMES T. MELVILLE, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	GOVERNMENT OF PUERTO RICO
NANCY JO MERRILL, SUITE 600 1707 H ST., NW WASHINGTON DC 20006	MARCH OF DIMES BIRTH DEFECTS FOUNDATION
DENNY MILLER ASSOCIATES, 203 MARYLAND AVE, NE WASHINGTON DC 20002	TACOMA CITY LIGHT
MILLER CANFIELD PADDOCK & STONE, SUITE 300 2555 M ST., NW WASHINGTON DC 20037	COMPREHENSIVE HEALTH CARE SERVICES OF DETROIT, INC
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C., 1825 I STREET, NW, #1025 WASHINGTON DC 20006	CABLEVISION SYSTEMS DEVELOPMENT CO
MJC ASSOCIATES, INC, 52 HILMA STREET N. QUINCY MA 02171	THORNTON & EARLY
MMB ASSOCIATES, INC, 122 C STREET, NW, #240 WASHINGTON DC 20001	EAST LAKE COMMUNICATIONS
Do	JOB TRAINING ASSN
Do	MAGNA MEDIA CORP
TERRENCE W. MODGLIN & ASSOCIATES, 2001 S STREET, NW, #500 WASHINGTON DC 20009	MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT
DUDLEY DIGGES MORGAN III, P.O. BOX 52468 NEW ORLEANS LA 70152	SOUTHERN FOREST PRODUCTS ASSN
LYLE J. MORRIS, 2000 P ST., NW, #305 WASHINGTON DC 20036	FORESIGHT SCIENCE & TECHNOLOGY, INC (FOR: RADAR DEVICES, INC)
JAMES MORRISON, 21 DUPONT CIRCLE, NW, #401 WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY
PHILIP D. MORRISON, 1700 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20006	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC
Do	BERKELEY BIO-MEDICAL, INC
Do	CONSOLIDATED NATURAL GAS CO
Do	DIGITAL EQUIPMENT CORP
Do	EASTMAN KODAK CO
Do	EMPLOYEE RELOCATION COUNCIL
Do	GENERAL SHALE PRODUCTS CORP
Do	MERCANTILE STORES, INC
Do	RHINECHEM CORP
Do	SIR JAMES GOLDSMITH
Do	TASTY BAKING CO
Do	XEROX CORP
MICHAEL L. MORTON, 918 16TH STREET, NW, #501 WASHINGTON DC 20006	GODFREY ASSOCIATES, INC
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BIG RIVERS ELECTRIC CORP, ET AL.
MURPHY & DAVENPORT, 711 CAPITOL WAY OLYMPIA WA 98501	DEXTER DEVELOPMENT CO
Do	STATE OF NEVADA, NUCLEAR WASTE PROJECT OFFICE
JOHN P. MURPHY, 1828 L STREET, NW, #710 WASHINGTON DC 20036	STAUFFER CHEMICAL CO
PAUL T. MURPHY, SUITE 514 900 17TH ST., NW WASHINGTON DC 20006	NATIONAL FOREIGN TRADE COUNCIL, INC
JOHN L. NAPIER, P.O. DRAWER 655 BENNETTSVILLE SC 29512	BEVERIDGE & DIAMOND, P.C.
NATIONAL COALITION OF INDEPENDENT COLLEGE & UNIV. STUDENTS, ONE DUPONT CIRCLE, NW, #500 WASHINGTON DC 20036	
NATIONAL COMM TO PRESERVE SOCIAL SECURITY & MEDICARE, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	
NAT. JNAL FOREIGN TRADE COUNCIL, INC, 100 EAST 42ND ST. NEW YORK NY 10017	
NEECE CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS
NEILL MULLENHOLZ SHAW & SEEGER, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COUNCIL SOCIAL SECURITY MANAGEMENT ASSNS, INC
NELSON & YUDIN, SUITE 500 1707 H ST., NW WASHINGTON DC 20006	BUS TRANSIT CAUCUS
Do	DIMENSION FINANCIAL CORP.
PETER NIXON, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD
A. ALLAN NOE, 1828 L STREET, NW, #710 WASHINGTON DC 20036	STAUFFER CHEMICAL CO
CLIFFORD R. NORTHUP, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	BALFOUR BEATTY LIMITED (BIIC)
Do	CHRONAR CORPORATION
Do	MERRILL LYNCH & CO, INC
Do	WESTINGHOUSE ELECTRIC CORP
R. TEEL OLIVER, 1050 17TH STREET, NW, #650 WASHINGTON DC 20036	MERCK & CO, INC
JACK JOHN OLIVERO, 255 EAST SHORE TRAIL LAKE MOHAWK NJ 07871	
ROBERT W. OWEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC (FOR: REPUBLIC OF KOREA)
PARRY AND ROMANI ASSOCIATES, INC, 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	GENERIC PHARMACEUTICAL INDUSTRY ASSN, INC
Do	K-MART
Do	WINN ENTERPRISES
CHARLES C. PARTRIDGE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES
GEORGE L. PATTEN, FLORIDA BUSINESS ASSOCIATES, INC 2000 L STREET, NW, #200 WASHINGTON DC 20036	ETA SYSTEMS, INC
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AMERICAN HOME PRODUCTS CO
Do	BRISTOL-MYERS, INC
Do	CALIFORNIA STATE UNIVERSITY
Do	COALITION FOR LOW INCOME & MODERATE INCOME HOUSING
Do	COLUMBIA, INC
Do	FLUE CURED TOBACCO COOPERATIVE
Do	GTE SPRINT
Do	HOFFMAN & LAROCHE
Do	JOHNSON & JOHNSON
Do	MASCO, INC
Do	MCINTOSH FOUNDATION
Do	MERCK & CO
Do	ONKYO U.S.A. CORP
Do	PROCTER & GAMBLE
Do	SCHERING-PLOUGH CO
Do	SQUIBB CORP
Do	STUART PHARMACEUTICALS
Do	SYSCON CORPORATION
F. COLIN PEASE, IRON HORSE PARK NORTH BILLERICA MA 01862	MAINE CENTRAL RR, BOSTON & MAINE CORP, ET AL.
PERITO DUERK & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	SAMCOR, INC
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL AUDUBON SOCIETY
MARY JO PETERSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
CAROLINE PETTI, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE
WAYNE PIERCE, 101 CONSTITUTION AVENUE, NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	EL POMAR
Do	UNITED SATELLITE COMMUNICATIONS, INC
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	INVESTMENT CO INSTITUTE
PILLSBURY MADISON & SUTRO, SUITE 900 1050 17TH ST., NW WASHINGTON DC 20006	AMERICAN PETROLEUM INST
Do	FEDERAL JUDGES ASSN
Do	MORGAN GUARANTY TRUST CO
Do	TUBBS CORDAGE CO
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BALTIMORE FOOTBALL ASSOCIATES, INC
Do	BUSINESS ORGANIZATIONS INTERESTED IN FED TAX TREATMENT ET AL
Do	TICOR
PM CONSULTING CORPORATION, 333 PERRY BROOKS BUILDING AUSTIN TX 78701	FAIRCHILD INDUSTRIES
Do	TALLEY CORPORATION
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	THOMSON-CSF, DIV. SYSTEMS ELECTRONIQUE
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	ALLEGHANY CORPORATION
ROBERT DALE PRICE, ROUTE 1, BOX 61A PAMPA TX 79065	AGRICULTURISTS FOR RESPONSIBLE LEGISLATION
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING FOUNDATION
MICHAEL F. PRIESNITZ, 1310 HIGHWAY 96, #110 ST. PAUL MN 55108	FORESIGHT CONSULTING, INC
SYDNEY PROBST, 1250 EYE STREET, NW, #900 WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S.
PROFESSIONAL MANAGERS' ASSN, P.O. BOX 7762, BEN FRANKLIN STATION WASHINGTON DC 20044	
JOHN D. RAFFAELLI, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: A. F. CAMPBELL & CO, INC)
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: MORGAN GUARANTY TRUST CO)
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WINE & SPIRITS WHOLESALERS OF AMERICA, INC)
TOM RAILSBACK, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20005	INSURANCE ASSN OF CONNECTICUT
Do	NATIONAL AGRICULTURAL CHEMICAL ASSN
Do	NATIONAL ASSN OF BROADCASTERS
Do	PHARMACEUTICAL MANUFACTURERS OF AMERICA

Organization or Individual Filing	Employer/Client
Do	WALT DISNEY PRODUCTIONS
RICHARD RAMIREZ, GNAU CARTER JACOBSEN & ASSOCIATES, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	EMS DEVELOPMENT CORP
Do	WEDTECH CORP
DAVID M. REICHER, 777 EAST WISCONSIN AVE. MILWAUKEE WI 53202	FOLEY & LARDNER (FOR: SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL.)
REICHLER & APPELBAUM, 1776 K STREET, NW, #900 WASHINGTON DC 20006	REPUBLIC OF NICARAGUA
DONNA RICHARDSON, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN
JOHN C. RICHARDSON, 520 MADISON AVENUE NEW YORK NY 10022	LEBOEUF LAMB LEIBY & MACRAE (FOR: BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON)
TERI RICHMAN, 5201 LEESBURG PIKE, #809 FALLS CHURCH VA 22041	NATIONAL ASSN OF CONVENIENCE STORES
RIDDELL FOX HOLROYD & JACKSON, P.C., 723 WASHINGTON BLDG. WASHINGTON DC 20005	CENTURIAN LIFE INSURANCE CO
RISELLI & PRESSLER, 2033 M STREET, NW, #504 WASHINGTON DC 20036	PROFESSIONAL MANAGERS' ASSN
JEANNE M. RITCHIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC
RICHARD W. ROBERTS, 100 EAST 42ND ST. NEW YORK NY 10017	NATIONAL FOREIGN TRADE COUNCIL, INC
MARK ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CO)
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	MERRILL LYNCH HUBBARD
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	DENVER & RIO GRANDE WESTERN RAILROAD CO
BARBARA A. RUDOLPH, 1901 N. FORT MYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES
J. T. RUTHERFORD & ASSOCIATES, INC., 1301 N. COURTHOUSE RD., #1802 ARLINGTON VA 22201	GTE/SPRINT COMMUNICATIONS
SATELLITE SYNDICATED SYSTEMS, INC, P.O. BOX 702160 TULSA OK 74170	
THOMAS J. SCANLON, 3248 PROSPECT STREET, NW WASHINGTON DC 20007	CHICAGO ASSN OF COMMERCE & INDUSTRY
ROGER B. SCHAGRIN, ROGER B. SCHAGRIN, P.C. 923 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE ON PIPE & TUBE IMPORTS
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC, 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	OCEANIC INSTITUTE
SCHWABE WILLIAMSON WYATT MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	CHRONAR CORP
Do	FLOW WIND CORP
MARLISSA SENCHAK, 777 14TH STREET, NW, 5TH FL. WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	ROOSEVELT RACEWAY ASSOCIATES, L.P.
PETER M. SHANNON JR., SUITE 1220 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	SCHWINN BICYCLE CO
GARY J. SHAPIRO, 2001 EYE STREET, NW WASHINGTON DC 20006	ELECTRONIC INDUSTRIES ASSN
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	SPECTRA-PHYSICS, INC
SHEA & GOULD, 330 MADISON AVE. NEW YORK NY 10017	NABISCO, INC.
R. PHILIP SHIMER, SUITE 405 444 N. CAPITAL ST., NW WASHINGTON DC 20001	WESTERN GOVERNORS ASSOCIATION
PHILIP SIMON, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
STANLEY C. SIMON, 17130 DALLAS NORTH PARKWAY, #160 DALLAS TX 75248	SIMON, TWOMBLY, & TERRY (FOR: SOUTHLAND CORP)
MARCUS W. SISK JR., SUITE 380 2501 M ST., NW WASHINGTON DC 20037	TOSCO CORPORATION
SKADDEN ARPS SLATE MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	FREDERICK COMPANY
Do	R.H. MACY & CO, INC
ROBERT G. SLAUGHTER, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	PACIFIC RESOURCES, INC
JOSEPH M. SMITH, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE
SUSAN SNYDER SMITH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA
PHILIP SPESER, 2000 P ST., NW WASHINGTON DC 20036	FORESIGHT SCIENCE & TECHNOLOGY, INC (FOR: RADAR DEVICES, INC)
SPRIGGS BODE & HOLLINGSWORTH, 1015 15TH ST., NW WASHINGTON DC 20005	UNR INDUSTRIES, INC
ELVIS J. STAHR, 645 PENNSYLVANIA AVE., SW WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	BENEFICIAL LIFE INSURANCE CO
BETTE ANNE STARKEY, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSN
STAUFFER CHEMICAL CO, NYALA FARM ROAD WESTPORT CT 06881	
STEELE SIMMONS & FORNACIARI, 2020 K STREET, NW, #850 WASHINGTON DC 20006	K MART CORP
WILLIAM T. STEPHENS, STEPHENS & KREBS 1800 OLD MEADOW ROAD, P.O. BOX 1096 MCLEAN VA 22101	
STEPTOE & JOHNSON, CHTD, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	MASSACHUSETTS MUTUAL LIFE INSURANCE CO
RICHARD H. STERN, 2101 L STREET, NW, #800 WASHINGTON DC 20037	SEMICONDUCTOR INDUSTRY ASSN
MARTIN F. STONE, 1411 K STREET, NW, #850 WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	WICKES COMPANIES, INC
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BP NORTH AMERICA, INC
Do	GRAND MET USA, INC
FRANK SULLIVAN, 2000 L STREET, NW WASHINGTON DC 20036	
JUDY M. SULLIVAN, 1120 20TH STREET, NW, #700 WASHINGTON DC 20036	WILLIAMS COMPANIES
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	CAPITAL HOLDING CORP
Do	COMMITTEE OF ANNUITY INSURERS
Do	CECIL B. DAY COMPANIES
Do	FIDELITY BANKERS LIFE INSURANCE CO
Do	LINCOLN NATIONAL LIFE INSURANCE COMPANY
Do	OMAHA NATIONAL BANK, TRUST. OF KIEWIT ROYALTY TRUST
Do	SANLANDO UTILITIES CORP
Do	SECURITY-CONNECTICUT LIFE INSURANCE CO
Do	SENTRY LIFE INSURANCE CO
SWIDLER BERLIN & STRELOW, CHTD, 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AMERICAN ELECTRONICS ASSN
Do	FINNIGAN CORP
Do	LUCASFILM, LTD
Do	NORTHEASTERN UNIVERSITY
RANDALL SWISHER, 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN
ROBERT TAFT JR., 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: KINGS ENTERTAINMENT CO)
TAGGART & ASSOCIATES, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	ANIMAL HEALTH INSTITUTE
DOYLE TALKINGTON, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	NATIONAL PORK PRODUCERS COUNCIL
WILLIAM S. TAYLOR, 239 W. NEW YORK AVENUE LAS VEGAS NV 89107	
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: AMERICAN LICENSED PRACTICAL NURSES ASSN)
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN SAVINGS BANK, FSB
Do	TOLLAND BANK
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	NATIONAL FED OF LICENSED PRACTICAL NURSES
BARBARA THOMPSON, 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE U.S.
CHARLES THONE, 400 CORN HUSKER PLAZA LINCOLN NB 68508	ERICKSON & SEDERSTROM, P.C. (FOR: SAND LIVESTOCK SYSTEMS, INC)
WILLIAM C. TINKLEPAUGH, 888 16TH STREET, NW WASHINGTON DC 20006	MILK INDUSTRY FOUNDATION/INT'L ASSN OF ICE CREAM MFRS
GILBERT D. TOUGH, BOX 33 LEHMAN PA 18627	HOSPITAL SERVICE ASSN OF N.E. PENNSYLVANIA
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS)
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP)
MOTOYUKI TSUTSUI, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES U.S.A, INC
TUCKER & VAUGHT, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	AMERICAN IRON & STEEL INSTITUTE
U.S.O.C.A. WASHINGTON D.C. LOBBY COMMITTEE, P.O. BOX 42404 WASHINGTON DC 20015	
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	COOPERATIVE OF AMERICAN PHYSICIANS, INC
Do	STEPTOE & JOHNSON
ROBERT D. HUMPHREY JR., 1150 17TH STREET, NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC
VAN COTT BAGLEY CORNWALL & MCCARTHY, 50 SOUTH MAIN STREET, #1600 SALT LAKE CITY UT 84110	AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS
VAN NESS FELDMAN SUTCLIFFE CURTIS & LEVENBERG, P.C., 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.)
STEPHEN J. VERDIER, 1625 MASSACHUSETTS AVENUE, NW, #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSN OF AMERICA
VERNER LIIPFERT BERNHARD & MCPHERSON, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	INTERNATIONAL ANTICOUNTERFEITING COALITION
Do	JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	LEBOEUF LAMB LEIBY & MACRAE (FOR: BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON)
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	BANKRUPTCY COURTS BILL COALITION
WALTER D. VINYARD JR., ZUCKERT, SCOUTT, RASENBERGER & JOHNSON 888 17TH ST., NW, 7TH FL. WASHINGTON DC 20006	ITT CORP
VORYS SATER SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	INTERNATIONAL AGRICULTURAL DEVELOPMENT SERVICE
Do	NATIONAL ASSN OF STATE SAVINGS INSURERS
Do	PITTSBURGH & LAKE ERIE RAILROAD CO
JOHN A. WAITS, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	FARM CREDIT COUNCIL
WALD HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	EMPACADORA DEL NORTE, S.A.
CHARLS E. WALKER ASSOCIATES, INC, 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BHC, INC
Do	CHRIS-CRAFT INDUSTRIES, INC
Do	DREFUS CORPORATION
Do	U.S. FIDELITY & GUARANTY CO
R. DUFFY WALL & ASSOCIATES, INC, 1317 F STREET, NW, #400 WASHINGTON DC 20004	A. F. CAMPBELL & CO, INC
Do	MORGAN GUARANTY TRUST CO
Do	WINE & SPIRITS WHOLESALERS OF AMERICA, INC
THEODORE WALLER, 2501 M STREET, NW WASHINGTON DC 20037	SCHULMAN MANAGEMENT CO
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	THOMSON-CSF, DIV. SYSTEMS ELECTRONIQUE

Organization or Individual Filing	Employer/Client
ROBBI-LYNN WATNIK, 1001 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	NATIONAL ASSN OF STATE SAVINGS & LOAN SUPERVISORS
FREDERICK L. WEBBER, 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN
WEIL GOTSHAL & MANGES, 1101 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF CHAIN DRUG STORES
WELLFORD WEGMAN KRULWICH GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN IRON & STEEL INSTITUTE
WILLIAM WEWER, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	NATIONAL COMM TO PRESERVE SOCIAL SECURITY
WEXLER REYNOLDS HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	GENERAL MOTORS CORP
DIANE WHITE, 499 S. CAPITOL STREET, #114 WASHINGTON DC 20003	CONCERNED WOMEN FOR AMERICA
CHARLES E. WIGGINS, 1050 17TH STREET, NW WASHINGTON DC 20036	CHEVRON U.S.A.
Do	FEDERAL JUDGES ASSN
T. J. WILDER, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COS OF AMERICA
WILKINSON BARKER KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES.
Do	NANA REGIONAL CORP, INC
Do	J.C. PENNEY CO, INC
Do	SHEE ATIKA, INC.
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN HOME PRODUCTS
Do	BRISTOL-MYERS
Do	COM DISCO, INC
Do	CUSATI/HEISE PARTNERSHIP
Do	HOFFMAN-LA ROCHE
Do	JOHNSON & JOHNSON
Do	MERCK & CO
Do	PROCTER & GAMBLE
Do	SCHERING-PLOUGH CO
Do	SQUIBB CORPORATION
Do	WILKIE FARR & GALLAGHER
THOMAS F. WILLIAMS, 6812 OLD KENT ROAD AMARILLO TX 79109	SOUTHWESTERN PUBLIC SERVICE CO
WILMER CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	BOEING CO
DAVID W. WILMOT, 1029 VERMONT AVNEUE, NW WASHINGTON DC 20005	ANHEUSER-BUSCH COS
DON T. WILSON, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC
ROBERT GARY WILSON, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	PPG INDUSTRIES, INC
RONALD J. WILSON, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES
JAMES W. WISE, DAVID VIENNA & ASSOCIATES 510 C STREET, NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN FLAGSHIPS)
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE)
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP)
S.R. WOJDAK AND ASSOCIATES, INC, 8 PENN CENTER PLAZA, #1000 PHILADELPHIA PA 19103	ALTMAN REALTY CO, INC
BARNABY W. ZALL, 1424 16TH STREET, NW, #707 WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM
DONALD ZARIN, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20036	FLOATING POINT SYSTEMS, INC
MICHAEL J. ZIMMER, WICKWIRE, GAVIN & GIBBS 1819 L STREET, NW, #700 WASHINGTON DC 20036	CONSOLIDATED NATURAL GAS CO
JOHN L. ZORACK, 1140 19TH STREET, NW, #600 WASHINGTON DC 20036	SMC INTERNATIONAL
ZUCKERT SCOUTT RASENBERGER & JOHNSON, 888 17TH ST., NW WASHINGTON DC 20006	INCENTIVE FEDERATION, INC
Do	RECON/OPTICAL, INC

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1984:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....''Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A & S TRANSPORTATION COMPANY, 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032			22.47
A-K ASSOCIATES, INC., 1225 8TH STREET, #590 SACRAMENTO CA 95814	DIRECTOR OF TIMBER COUNTIES COALITION	11,250.00	9,673.57
Do	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT	6,000.00	9,565.32
Do	NATIONAL AIR TANKERS ASSN	5,000.00	9,628.29
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	15,116.99
ROBERT J. AAGRE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,600.00	280.00
PAUL C. ABENANTE, SUITE 850 2020 K ST., NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	687.50	3.50
THOMAS G. ABERNETHY SR., 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSN		
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		33,972.85	286.54
ACTION, INC., 2025 EYE STREET, NW, #1022 WASHINGTON DC 20006	AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM	11,350.00	5,826.85
Do	NATIONAL CONGRESS OF AMERICAN INDIAN, INC		
CHARLES F. ADAMS, SUITE 700 1899 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF ADVERTISING AGENCIES	2,500.00	750.00
JOHN J. ADAMS, 2000 PENNSYLVANIA AVE., NW, #900 WASHINGTON DC 20006	VEPCO		
KENNETH R. ADAMS, 1850 K STREET, NW, #210 WASHINGTON DC 20006	CABOT CORPORATION	150.00	25.00
ADAMS QUACKENBUSH HERRING & STUART, P.O. BOX 394 COLUMBIA SC 29202	U.S. CAPITAL CORP		3.97
HOBSON H. ADCOCK, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC		
V. J. ADDUCI, 1620 EYE ST., NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	47.00	
ROBERT O. ADERS, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
TERRANCE M. ADLHOCK, 1111 19TH ST., NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	2,000.00	1,650.00
JOHN MICHAEL ADRAGNA, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	CITY OF STARKE, FLORIDA		
AEROSPACE INDUSTRIES ASSN OF AMERICA, INC, 1725 DESALES ST., NW WASHINGTON DC 20036		16,212.66	16,212.66
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
AGENDAS INTERNATIONAL, 820 SECOND AVENUE, #1302 NEW YORK NY 10017	MINISTERIO DEL EXTERIOR, REPUBLIC OF NICARAGUA		
ELIZABETH AGLE, 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC	7,922.74	370.34
ROBERT S. AGMAN, 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR MANAGEMENT MARITIME COMMITTEE, INC	1,368.00	114.71
HERBERT ALLEN AILSWORTH, SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC		58.50
AIR CONDITIONING & REFRIGERATION INSTITUTE, 1501 WILSON BLVD. ARLINGTON VA 22209		21,000.00	13,000.00
AIR PRODUCTS & CHEMICALS, INC, 1800 K STREET, NW, #1016 WASHINGTON DC 20006			75.66
RANDOLF H. AIRES, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	4,500.00	104.25
MICHAEL A. AISENBERG, SUITE 614 777 14TH ST., NW WASHINGTON DC 20005	DIGITAL EQUIPMENT CORPORATION	12,300.00	
AKIN GUMP STRAUSS HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AIR FREIGHT ASSOCIATION	1,000.00	19.00
Do	AMERADA HESS CORPORATION		
Do	AMERICAN EXPRESS CO	4,500.00	86.00
Do	AMERICAN INTERNATIONAL GROUP, INC		
Do	AMERICAN TELEPHONE & TELEGRAPH CO	125.00	19.00
Do	ARCHER DANIELS MIDLAND COMPANY	250.00	19.00
Do	ATCOR, INC		
Do	BENEFICIAL CORPORATION	17,000.00	323.00
Do	CELANESE CORPORATION	7,900.00	150.00
Do	COALITION OF SERVICE INDUSTRIES, INC	6,800.00	129.00
Do	COMMITTEE FOR PRUDENT DEREGULATION	750.00	19.00
Do	CONSOLIDATED FOODS CORP	350.00	19.00
Do	CONTINENTAL AIRLINES	150.00	19.00
Do	DOMESTIC NITROGEN PRODUCERS AD HOC COMMITTEE		
Do	DOW CHEMICAL COMPANY		
Do	E & J GALLO WINERY	100.00	19.00
Do	FARM LABOR ALLIANCE	39,000.00	741.00
Do	GOLDMAN SACHS & CO	2,725.00	52.00
Do	LEVI STRAUSS & CO	8,250.00	157.00
Do	LONE STAR INDUSTRIES, INC		
Do	LONE STAR STEEL CO	2,900.00	55.00
Do	MARRIOTT CORP	4,300.00	81.00
Do	MESA PETROLEUM CO	4,000.00	76.00
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	4,600.00	88.00
Do	MILITARY ACCESSORIES SERVICE ASSN, INC		
Do	LARRY A. MIZEL		
Do	MORGAN STANLEY & CO, INC	11,750.00	223.00
Do	MOTION PICTURE ASSN OF AMERICA, INC	20,550.00	390.00
Do	NATIONAL CABLE TELEVISION ASSN	6,075.00	116.00
Do	NATIONAL FOOTBALL LEAGUE	3,500.00	65.00
Do	NEW YORK AIR		
Do	PIPELINE INDUSTRY ADVANCEMENT FUND		
Do	PUROLATOR, INC	10,075.00	192.00
Do	RAUSCHER PIERCE REFSNES, INC	100.00	19.00
Do	RINGLING BROS. BARNUM AND BAILEY		
Do	SANCHEZ-O'BRIEN OIL & GAS CORP		
Do	SOUTHERN CALIFORNIA EDISON CO	6,575.00	125.00
Do	TEXACO, INC	8,000.00	152.00
Do	TEXAS AIR CORPORATION	150.00	19.00
Do	TIPPERARY CORP		
Do	WARNER COMMUNICATIONS, INC		
Do	WERTHEIM & CO	1,000.00	19.00
Do	WESTERN GOVERNORS POLICY OFFICE	1,200.00	23.00
Do	ZALE CORPORATION	2,500.00	48.00
ALASKA LUMBER & PULP CO, INC, P.O. BOX 1050 SITKA AK 99835			2,000.00
JAMES J. ALBERTINE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES	300.00	
Do	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA		
JOHN M. ALBERTINE, SUITE 209 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	1,875.00	227.55
H. MEADE ALCORN JR., ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
FREDERICK K. ALDERSON, 1730 M STREET, NW, #607 WASHINGTON DC 20036	ARIZONA PUBLIC SERVICE COMPANY	996.00	1,044.98
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	ALIGNPAC	253.00	
Do	ALLEGHENY INTERNATIONAL	77.00	
Do	BALDWIN-UNITED CORPORATION		
Do	BECHTEL POWER CORPORATION		
Do	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	55.00	
Do	DISABLED AMERICAN VETERANS	99.00	
Do	EASTERN AIR LINES, INC		
Do	FAMILY LIFE INSURANCE COMPANY	132.00	
Do	LUCASFILM LTD	11.00	
Do	MCI COMMUNICATIONS CORP	154.00	
Do	SCOTT PAPER CO	22.00	
Do	SECURITY PACIFIC INT'L. LEASING (EUROPE), INC		
Do	TEXAS INDUSTRIES, INC	55.00	
KAREN D. ALEXANDER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
NANCY L. ALEXANDER, 245 SECOND STREET, NE WASHINGTON DC 20002	FRIENDS COMM ON NATIONAL LEGISLATION	2,707.61	
WILLIS W. ALEXANDER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,500.00	63.38
RICHARD F. ALI, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
MAXTON ALLCOX, 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	14,373.81	
ROBERT G. ALLEN, 511 C STREET, NE WASHINGTON DC 20002	C.A.R.E.		
ALLIANCE AGAINST HANDGUNS, P.O. BOX 75700 WASHINGTON DC 20013			
ALLIANCE OF AMERICAN INSURERS, 1501 WOODFIELD ROAD, #400 WEST SCHAUMBURG IL 60195			4,681.80
ALLIANCE TO SAVE ENERGY, 1925 K STREET, NW, #507 WASHINGTON DC 20006			384.35
ROBERT F. ALLNUT, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP	2,400.00	80.50
ALLTEL CORPORATION, 100 EXECUTIVE PARKWAY HUDSON OH 44236			2,829.00
JOSEPH C. ALLWARDEN, 220 DANIEL WEBSTER HWY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT CO		500.00
HARVEY ALTER, 1615 H STREET, NW WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
THOMAS H. ALTMEYER, 1575 I STREET, NW, #525 WASHINGTON DC 20005	MINING & RECLAMATION COUNCIL OF AMERICA	3,000.00	95.00
RICARDO R. ALVARADO, 2550 M STREET, NW, #600 WASHINGTON DC 20037	SIGNAL COMPANIES, INC	6,251.00	
SUSAN E. ALVARADO, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	859.20
AMALGAMATED TRANSIT UNION, AFL-CIO, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016			8,000.00
AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689, 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001			
JEROME A. AMBRO ASSOCIATES, SUITE 719 2301 S. JEFFERSON DAVIS DR. ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES	6,400.00	4,763.43
Do	COUNTY OF SUFFOLK, NEW YORK	19,050.00	14,181.37

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERT P. AMBROSE, 14615 LONE OAK ROAD EDEN PRAIRIE MN 55344	COOPERATIVE POWER ASSOCIATION	2,400.00	1,031.85
AMERICAN ACADEMY OF FAMILY PHYSICIANS, 1740 WEST 92ND ST. KANSAS CITY MO 64114		10,211.87	10,211.87
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVE., N.W. WASHINGTON DC 20005			
AMERICAN ADVERTISING FEDERATION, SUITE 1000 1400 K ST., NW WASHINGTON DC 20005			213.04
AMERICAN ARTS ALLIANCE, 424 C ST., NE WASHINGTON DC 20002		44,409.57	83,164.06
AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304		26,110.18	20,786.30
AMERICAN ASSN OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF MEAT PROCESSORS, P.O. BOX 269 ELIZABETHTOWN PA 17022		141.41	1,486.41
AMERICAN ASSN OF PORT AUTHORITIES, INC, 1612 K ST., NW WASHINGTON DC 20006		10,500.00	22,274.53
AMERICAN AUTOMOBILE ASSN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSN, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		48,517.74	48,517.74
AMERICAN BUSINESS CONFERENCE, INC, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036		1,200.00	1,898.19
AMERICAN COUNCIL FOR CAPITAL FORMATION, SUITE 520 1850 K ST., NW WASHINGTON DC 20006		2,684.00	5,652.00
AMERICAN COUNCIL OF LIFE INSURANCE, INC, 1850 K ST., NW WASHINGTON DC 20006			20,638.34
AMERICAN DRUZE PUBLIC AFFAIRS COMMITTEE, P.O. BOX 7739 WASHINGTON DC 20044		4,155.00	3,541.42
AMERICAN FARM BUREAU FED, 225 TOUHY AVE PARK RIDGE IL 60068		103,742.00	103,742.00
AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS, 815 16TH ST., NW WASHINGTON DC 20006			131,061.95
AMERICAN FEED MANUFACTURERS ASSN, 1701 N. FT. MYER DR. ARLINGTON VA 22209		3,240.00	3,240.00
AMERICAN FROZEN FOOD INST, 1700 OLD MEADOW RD., #100 MCLEAN VA 22102			6,000.00
AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE, 1730 K ST., NW WASHINGTON DC 20006			
AMERICAN HERITAGE CENTER, 13924 BRADDOCK ROAD P.O. BOX 881 CENTREVILLE VA 22020		16,500.00	7,500.00
AMERICAN HONEY PRODUCERS ASSN, P.O. BOX 368 MINCO OK 73059		7,908.89	5,333.01
AMERICAN HOSPITAL ASSN, 840 N. LAKE SHORE DR. CHICAGO IL 60611		39,014.97	39,014.97
AMERICAN HOTEL & MOTEL ASSN, 888 SEVENTH AVE. NEW YORK NY 10019		19,685.23	10,720.93
AMERICAN INST OF MERCHANT SHIPPING, SUITE 1000 1625 K ST., NW WASHINGTON DC 20006			525.00
AMERICAN INSURANCE ASSN, 85 JOHN ST. NEW YORK NY 10038		2,253.00	2,253.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM, #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		109,684.00	99,545.84
AMERICAN LAND TITLE ASSN, 1828 L ST., NW WASHINGTON DC 20036			5,317.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		18,000.00	18,819.54
AMERICAN LIBRARY ASSN, 50 E. HURON ST. CHICAGO IL 60611		3,448.16	6,786.50
AMERICAN MALTING BARLEY ASSN, INC, 735 NORTH WATER STREET, #908 MILWAUKEE WI 53202			
AMERICAN MEAT INSTITUTE, PO BOX 3556 WASHINGTON DC 20007			6,500.00
AMERICAN MEDICAL ASSN, 535 NORTH DEARBORN ST. CHICAGO IL 60610		1,407.50	52,044.87
AMERICAN MEDICAL CARE & REVIEW ASSN, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			
AMERICAN METAL DETECTOR MANUFACTURERS' ASSN, 2814 NATIONAL DR. GARLAND TX 75401			
AMERICAN MOVERS CONFERENCE, 400 ARMY-NAVY DR. ARLINGTON VA 22202			290.00
AMERICAN NEWSPAPER PUBLISHERS ASSN, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		1,425.00	1,425.00
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		187,082.03	47,467.35
AMERICAN NURSES' ASSN, 2420 PERSHING RD KANSAS CITY MO 64108		22,638.17	22,638.17
AMERICAN OPTOMETRIC ASSN, C/O DR. JOHN D. TUMBLIN SUITE 400E 600 MARYLAND AVE., SW WASHINGTON DC 20024			
AMERICAN PAPER INST, INC, 260 MADISON AVE. NEW YORK NY 10016			10,189.00
AMERICAN PARATRANSIT INSTITUTE, P.O. BOX 340276 CORAL GABLES FL 33134			7,200.00
AMERICAN PETROCHEMICAL CONSUMERS, 1815 H STREET, NW, #1000 WASHINGTON DC 20006			8,975.33
AMERICAN PETROLEUM INST, 1220 L ST., NW WASHINGTON DC 20037		28,254.44	235,263.13
AMERICAN PODIATRY ASSN, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			21,180.00
AMERICAN POSTAL WORKERS UNION, AFL-CIO, 817 14TH ST., NW WASHINGTON DC 20005		36,181.38	83,783.52
AMERICAN PSYCHOLOGICAL ASSN, 1200 17TH STREET, NW WASHINGTON DC 20036		73,028.64	73,028.64
AMERICAN PUBLIC TRANSIT ASSN, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036		21,090.00	21,090.00
AMERICAN PULPWOOD ASSN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN REFUGEES IN AMERICA, 397 WALNUT HILL RD. ORANGE MA 01364			
AMERICAN RETREADERS' ASSN, P.O. BOX 17203 LOUISVILLE KY 40217		2,000.00	2,000.00
AMERICAN SEED TRADE ASSN, SUITE 964 1030 15TH ST., NW WASHINGTON DC 20005			11,350.00
AMERICAN SHORT LINE RAILROAD ASSN, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION, 600 MARYLAND AVENUE, SW, #510 WASHINGTON DC 20024			
AMERICAN SUBCONTRACTORS ASSN, SUITE 540 8401 CORPORATE DR. LANDOVER MD 20785			
AMERICAN VETERANS OF WORLD WAR II, KOREA & VIETNAM (AMVETS) , 4647 FORBES BOULEVARD LANHAM MD 20706		6,950.47	6,950.47
AMERICAN VETERINARY MEDICAL ASSN, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			45.00
AMERICAN WATERWAYS OPERATORS, INC, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		1,845.08	4,579.75
AMERICAN WATERWAYS SHIPYARD CONFERENCE, 1600 WILSON BOULEVARD, #500 ARLINGTON VA 22209			
AMERICAN WOOD PRESERVERS INSTITUTE, 1945 GALLOWS ROAD, #405 VIENNA VA 22180			
NANCY AMIDEI, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
MORRIS J. AMITAY, P.C., SUITE 712 444 N. CAPITOL ST., NW WASHINGTON DC 20001	AMCOR GROUP, LTD	3,000.00	
Do	CHEVRON, U.S.A.	10,000.00	
Do	ELBE PRODUCTS, INC.		
Do	NATIONAL SATELLITE CABLE ASSN	2,500.00	
Do	NORTHROP CORP.	3,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	4,500.00	
Do	THOMPSON MEDICAL	6,000.00	
JAN S. AMUNDSON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
EDWARD ANDERSEN, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
BETTE B. ANDERSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: MUTUAL OF OMAHA).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: PORTALS, INC)		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: SALOMN BROTHERS, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: U.S. BANKNOTE)		
H. KIM ANDERSON, VIRGINIA PETROLEUM COUNCIL 1809 STAPLES MILL ROAD RICHMOND VA 23230	AMERICAN PETROLEUM INST	400.00	56.29
J. LEM ANDERSON, 4111 FRANCONIA RD. ALEXANDRIA VA 22310	TIME INC	1,000.00	
JAMES A. ANDERSON JR., 1725 K STREET, NW, #710 WASHINGTON DC 20006	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS		
ROBERT L. ANDERSON, JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY	120.00	22.88
ROMILDA R. ANDERSON, 10 WESTPORT ROAD WILTON CT 06897	RICHARDSON-VICKS	10,500.00	1,027.97
STEVEN C. ANDERSON, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	5,000.00	
WAYNE C. ANDERSON, SUITE 300 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NABISCO BRANDS, INC.	5,000.00	1,348.63
WILLIAM C. ANDERSON, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		105.00
ANDREWS & KURTH, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
ROBERT B. ANDREWS, 1100 CONNECTICUT AVENUE, NW, #620 WASHINGTON DC 20036	MOBIL OIL CORP.	500.00	
ROBERT ANGEL, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA		
JACK R. ANGELL, 1101 17TH STREET, NW, #704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	333.00	9.75
JAY ANGOFF, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	5,250.00	
J. DONALD ANNETT, 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC.	500.00	
TOBIAS ANTHONY, 1819 H STREET, NW, #510 WASHINGTON DC 20006	NATIONAL ASH ASSN, INC		
THOMAS ANTONE, CASSON CALLIGARO & MUTRYN 2600 VIRGINIA AVENUE, NW, #900 WASHINGTON DC 20037	SAMARITAN HEALTH SERVICE	997.50	
PATRICK S. ANTRIM, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	243.89	76.41
APARTMENT & OFFICE BUILDING ASSN OF METROPOLITAN WASH, DC, SUITE 600 1413 K ST., NW WASHINGTON DC 20005			
JOHN D. AQUILINO JR., 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
JOHN CHRISTIAN ARCHER, 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC.		
JOHN ARCHER, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ARENT FOX KINTNER PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	98,110.11	2,600.76
Do	GUARDIAN LIFE INSURANCE CO. OF AMERICA	17,478.40	434.11
Do	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION		
Do	PUEBLO INTERNATIONAL	3,568.51	16.30
Do	SITMAR CRUISES, INC.	23,300.00	1,103.59
Do	TOYOTA MOTOR CORPORATION		89.59
R. G. ARMISTEAD, 8613 JANET LANE VIENNA VA 22180			
ARMSTRONG TEASDALE KRAMER & VAUGHAN, 611 OLIVE STREET, #1900 ST. LOUIS MO 63101	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN		
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN TRADING & PRODUCTION CORP		
Do	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO	925.00	6.85
Do	FLUOR CORPORATION	200.00	
Do	HOFFMANN-LA ROCHE, INC		
Do	SACRAMENTO PUBLIC UTILITY DISTRICT, ET AL	7,523.40	102.09
Do	WERNER FLEISCHMANN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CARL F. ARNOLD, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN FAMILY CORP	600.00	
Do	AMERICAN IRON & STEEL INSTITUTE	810.00	
Do	CORPORATE PROPERTY INVESTORS	625.00	
Do	MEAD CORPORATION	900.00	
Do	NATIONAL REALTY COMMITTEE	750.00	
Do	QUINTANA PETROLEUM CORP	1,125.00	
Do	SECURITIES INDUSTRY ASSN	438.00	
JULIE L. ARNOLD, 1050 17TH STREET, NW, #1126 WASHINGTON DC 20036	TRAVENOL LABORATORIES, INC		
SANDY ARNOLD, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
ARNOLD STANDARD REVIEW CORP, 189 SUNRISE HIGHWAY ROCKVILLE CENTRE NY 11571			
NAN ARON, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	ALLIANCE FOR JUSTICE		
ASBILL & JUNKIN, SUITE 603 1302 18TH ST., NW WASHINGTON DC 20036	COALITION ON SMOKING OR HEALTH	21,577.50	15,011.79
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC	2,000.00	
Do	FEDERAL HOME LOAN MORTGAGE CORP	15,799.00	41.40
Do	IRVING TRUST CO	3,000.00	
Do	ISFA CORPORATION	200.00	
Do	LUCASFILM, LTD	2,100.00	
Do	MANVILLE CORPORATION	21,352.50	
Do	J.C. PENNEY CO, INC		
Do	SAVINGS BANK OF PUGET SOUND		
Do	SECURITIES INDUSTRY ASSN	17,940.00	33.25
Do	WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, P.C		
JOSEPH ASHOOH, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ASIAN PACIFIC ECONOMIC EDUCATIONAL CULTURAL ORGANIZATION, P.O. BOX 891 MANILA, PHILIPPINE			
ASPHALT ROOFING MANUFACTURERS ASSOCIATION, 6288 MONTROSE ROAD ROCKVILLE MD 20852			
ASSOCIATED BUILDERS & CONTRACTORS, INC, 729 15TH ST., NW WASHINGTON DC 20005		7,500.00	
ASSOCIATED CREDIT BUREAUS, INC, P.O. BOX 218300 16211 PARK 10 PLACE HOUSTON TX 77084			
ASSOCIATED EMPLOYERS, INC, SUITE 315 A 1222 N. MAIN SAN ANTONIO TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400-2 TOTTEN POND ROAD, #200 WALTHAM MA 02154		65,050.00	9,979.41
ASSOCIATION FOR BROADCAST ENGINEERING STANDARDS, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, 10 BROADWAY ST. LOUIS MO 63102			442.00
ASSOCIATION OF AMERICAN LAW SCHOOLS, ONE DUPONT CIRCLE, NW, #370 WASHINGTON DC 20036			
ASSOCIATION OF AMERICAN PUBLISHERS, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		8,373.45	8,373.45
ASSOCIATION OF AMERICAN RAILROADS, AMERICAN RAILROADS BLDG., SUITE 720 1920 L ST., NW WASHINGTON DC 20036.		59,963.80	59,963.80
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			60.00
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, 1300 NORTH 17TH STREET, #300 ARLINGTON VA 22209			
ASSOCIATION OF GOVERNMENT ACCOUNTANTS, SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			628.00
ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 1050 31ST ST., NW WASHINGTON DC 20007		13,112.50	13,112.50
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
ATLANTIC RICHFIELD CO, 515 SOUTH FLOWER STREET LOS ANGELES CA 90071			1,731.90
FRITZ E. ATTAWAY, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	30.00	
JOHN J. AUCIELLO, P.O. BOX 269 ELIZABETHTOWN PA 17022	AMERICAN ASSN OF MEAT PROCESSORS		
AUDIO RECORDING RIGHTS COALITION, P.O. BOX 33705 WASHINGTON DC 20033		20,000.00	17,508.00
CLAUDIA MANSFIELD AUSTIN, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
AUTOMOTIVE PARTS REBUILDERS ASSN, 6849 OLD DOMINION DRIVE MCLEAN VA 22101			
JOHN S. AUTRY, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	1,600.00	1,450.00
AVENEL ASSOCIATES, INC, P.O. BOX 53131 WASHINGTON DC 20009	FLORIDA DEFENDERS OF THE ENVIRONMENT	4,000.00	390.96
AVIATION CONSUMER ACTION PROJECT, BOX 19029 WASHINGTON DC 20036			10.00
AVON PRODUCTS, INC, 9 WEST 57TH ST. NEW YORK NY 10019		760.70	60.00
GEORGE C. AXTELL, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	40.35
WILLIAM H AXTMAN, RM. 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC	100.00	163.00
CRAIG H. BAAB, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	38.15
JED L. BABBIN, 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	16,000.00	
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	3,500.00	139.65
PATTI JO BABER, SUITE 400 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	
DALE R. BABIONE, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	3,380.00	
L. A. BAFALIS, CORPORATE CONSULTING SERVICES, INC P.O. BOX 2768 KEY LARGO FL 33037	DAVIS & MCLEOD (FOR: FLORIDA SUGAR CANE LEAGUE)		
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO	1,500.00	1,889.60
Do	UNITED AIRLINES	1,000.00	
Do	AMERICAN GENERAL		880.96
JOAN N. BAGGETT, 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN	7,000.00	213.60
GEORGE F. BAILEY JR., P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
WILLIAM W. BAILEY, 1050 17TH ST., NW SUITE 650 WASHINGTON DC 20036	MERCK & CO, INC	1,000.00	646.50
JUDITH L. BAIRD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	500.00	
JOHN BAIZE, CAPITOL GALLERY BLDG., #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION		
EDWARD R. BAJER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
BAKER & BOTTS, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CONSOLIDATED BANK		422.05
Do	HOUSTON LIGHTING & POWER COMPANY	880.00	
Do	INTERCONTINENTAL BANK	1,445.76	85.37
Do	PENNZOIL CO		
Do	PETRO-LEWIS CORPORATION	1,230.00	
Do	REPUBLICBANK HOUSTON	7,000.54	427.58
BAKER & HOSTETLER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
Do	FEDERAL CARTRIDGE CORP	1,000.00	25.00
Do	KNIGHT FOUNDATION	1,000.00	25.00
Do	TIMKEN FOUNDATION	1,000.00	25.00
BAKER & MCKENZIE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CAMBRIDGE RESEARCH & DEVELOPMENT GROUP		
Do	DART & KRAFT		
Do	FAMARCO LTD, INC		
B. KIMBALL BAKER, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS		
DAVID BAKER, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S	2,852.28	109.45
EMIL F. BAKER, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
GERALD E. BAKER, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AIR LINE PILOTS ASSN	5,250.00	401.40
JAMES JAY BAKER, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	918.75	143.40
KEITH L. BAKER, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
WALDON L. BAKER, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
S. EASON BALCH JR., P.O. BOX 306 BIRMINGHAM AL 35201	BALCH BINGHAM BAKER WARD SMITH BOWMAN & THAGARD (FOR: SOUTHERN COMPANY SERVICES, INC).		
S. EASON BALCH, P.O. BOX 306 BIRMINGHAM AL 35201	BALCH BINGHAM BAKER WARD SMITH BOWMAN & THAGARD (FOR: SOUTHERN COMPANY SERVICES, INC).	405.00	88.72
H. R. BALIKOV, 333 THORNALL ST. EDISON NJ 08818	J. M. HUBER CORP		
JACQUELINE BALK-TUSA, 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORP	14,900.00	
BALLARD SPAHR ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	ATLANTIC ALLIANCE FOR MARITIME HERITAGE CONSERVATION		
Do	DELAWARE RIVER PORT AUTHORITY		
Do	ENERGY TERMINALS, INC		
Do	PHILADELPHIA PORT CORPORATION		
Do	PORT OF WILMINGTON, DELAWARE		
Do	SOUTH JERSEY PORT CORPORATION		
Do	TEMPLE UNIVERSITY		28.80
Do	TITAN OCEAN SYSTEMS, INC		
Do	TREASURE SALVORS, INC		
Do	U.S. COMMITTEE FOR UNICEF		
BANCTEXAS GROUP, INC, P.O. BOX 2249 DALLAS TX 75221			2,167.75
CHARLES E. BANGERT, P.C., 1825 EYE STREET, NW, #300 WASHINGTON DC 20006	BUSINESS ROUNDTABLE	2,000.00	
BANK OF BOSTON CORPORATION, 100 FEDERAL ST. BOSTON MA 02110			
DELMAR K. BANNER, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL	1,325.00	
ROBERT D. BANNISTER, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S	20,769.21	270.75
BARAFF KOERNER OLENDER & HOCHBERG, P.C., SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	COLLEGE FOOTBALL ASSOCIATION		
Do	NATIONAL BASKETBALL ASSN	14,220.00	
Do	NORTH AMERICAN SOCCER LEAGUE	1,470.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JUDY BARDACKE, 555 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	AMERICAN FED OF TEACHERS		
ROBERT O. BARKER, 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSN OF MANUFACTURERS	1,500.00	34.50
THOMAS H. BARKSDALE JR., 1220 L ST.,NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST	5,500.00	379.40
THOMAS J. BARLOW III, 4717 DRUMMOND AVENUE CHEVY CHASE MD 20815	GEORGE PALMITER RIVER MANAGEMENT CONSULTANT CO		
Do	KANALKU TIMBER MANAGEMENT CO		
DONNA R. BARNAKO, SUITE 1100 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	1,100.00	225.28
JOHN H. BARNARD JR., 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CORP		
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	EHA VENTILFABRIK WILHELM FRITZ KG		36.57
Do	FLORIDA CITRUS MUTUAL		1,825.92
Do	PFIZER, INC		39.87
Do	TARTARIC CHEMICALS CORPORATION		39.87
Do	UNIROYAL, INC		8.75
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	AMERICAN SCHOOL FOOD SERVICE ASSN		
Do	CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL		
Do	FARM CREDIT BANKS		
PAMELA H. BARNETT, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC	5,749.98	
BARNETT YINGLING & SHAY, SUITE 810 1090 VERMONT AVE., NW WASHINGTON DC 20005	CITIBANK, N.A	1,630.00	88.70
NEIL D. BARON, BOOTH & BARON 122 EAST 42ND ST. NEW YORK NY 10168	STANDARD & POOR'S CORPORATION		
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2555 M STREET, NW, #100 WASHINGTON DC 20037	ALLIED TUBE & CONDUIT CORP	9,723.75	1,487.11
Do	ENERGY CONSUMERS & PRODUCERS ASSN	4,500.00	646.09
Do	NATIONAL MEDICAL ENTERPRISES, INC	6,000.00	1,613.34
ROBERT W. BARRIE, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	3,000.00	
HARVEY BARRISON, 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	6,000.00	155.19
WILLIAM N. BARTOLONE, 1612 K STREET, NW, #110 WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN		
R. WILLIAM BARTON, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
WALTER F. BATCHELOR, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,000.00	114.28
DIANE BATEMAN, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	10,000.00	3,625.59
ROBERT E. BATES JR., 1100 CONNECTICUT AVE, NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
LAURIE C. BATTLE, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	4,665.00	
LYNNE D. BATTLE, 1101 CONNECTICUT AVE., NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INST		
JOHN L. BAUER JR., 1747 PENNSYLVANIA AVENUE, NW, #702 WASHINGTON DC 20006	ARMCO	300.00	253.00
ROBERT J. BAUGHMAN, 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSN		
BARBARA BAUMAN, 1990 M STREET, NW, #480 WASHINGTON DC 20036	DETROIT EDISON COMPANY	450.00	30.00
JAMES R. BAXTER, 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
BAYH TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	AMERICAN CANCER SOCIETY	16,000.00	8,000.00
Do	CUMMINS ENGINE CO, INC		
Do	LEXITEL CORPORATION	1,300.00	335.00
Do	NATIONAL BASKETBALL ASSN		
Do	NEW ENERGY CORPORATION	1,500.00	115.00
Do	PHARMACEUTICAL MANUFACTURERS ASSN	500.00	250.00
Do	SUGAR USERS GROUP	1,500.00	400.00
Do	VIRATEK		
Do	WARNER COMMUNICATIONS, INC		
Do	FRANK W. WINNE & SON, INC	3,700.00	240.00
TINA MARTS BEACH, 131 PENNSYLVANIA AVENUE, NW, #700 1331 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004.	GENERAL ELECTRIC CO	372.00	
BRUCE A. BEAM, SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	AMERICAN ELECTRIC POWER SERVICE CORP	219.42	85.50
JEFFREY L. BEARD, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MICHAEL K. BEARD, 100 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL COALITION TO BAN HANDGUNS		
DONALD S. BEATTIE, 400 FIRST ST., NW WASHINGTON DC 20001	AMERICAN PETROCHEMICAL CONSUMERS		100.00
Do	RAILWAY LABOR EXECUTIVES' ASSN	2,961.04	
CHRISTINE T. BEATTY, 1627 K ST., NW, #200 WASHINGTON DC 20006	ST. JOE MINERALS CORP	7,500.00	78.33
HUBERT BEATTY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY, 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	648.90	18.40
ORREN BEATY JR., 700 JEFFERSON BUILDING 1225 19TH STREET, NW WASHINGTON DC 20036	WESTERN FUELS ASSOCIATION, INC	2,800.00	112.37
JEAN A. BECHERER, 1800 K STREET, NW, #530 WASHINGTON DC 20006	TESORO PETROLEUM CORP	1,500.00	
EDWARD A. BECK III, 15TH & M STS., NW WASHINGTON, DC 20005	NATIONAL ASSN. OF HOME BUILDERS OF THE U.S		
ROBERT J. BECKER, SUITE 204 3077 W. JEFFERSON JOLIET IL 60435	JOINT COUNCIL OF ALLERGY & IMMUNOLOGY		
WILLIAM W. BEDDOW, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	1,600.00	
JON CHARLES BEDNERIK, 11 EMBARCADERO WEST, #202 OAKLAND CA 94607	WESTERN INDEPENDENT BANKERS		
LYDIA I. BEEBE, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON USA, INC	150.00	
RONALD L. BEEBER, 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,613.85
CHRISTOPHER M. BEERMANN, 240-40 43RD AVE. DOUGLASTON NY 11363	MORALITY IN MEDIA, INC	241.50	
ROBERT M. BEERS, 2101 E STREET, NW WASHINGTON DC 20037	AMERICAN FOREIGN SERVICE ASSN	4,110.00	48.00
EDWIN L. BEHRENS, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	7.50	
MAX J. BEILKE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	740.82	
JAMES BEIZER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MARK BELANGER, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
DONALD K. BELCH, ROYAL TRUST TOWER TORONTO DOMINION CENTER TORONTO ONTARIO CANADA M5K 1J4	STELCO, INC	1,500.00	1,835.00
ALEXANDER B. BELL, 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	3,750.00	261.44
BELL BOYD & LLOYD, THREE FIRST NATIONAL PLAZA 70 WEST MADISON STREET CHICAGO IL 60602	BOISE CASCADE CORP		
HOWARD H. BELL, 1400 K ST., NW, #1000 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL, P.O. BOX 26543 LAS VEGAS NV 89126			
MARY K. BELLAMY, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT CO INSTITUTE		
BENCHMARK TECHNOLOGIES CORP, 1995 TREMAINSVILLE RD. TOLEDO OH 43613			
C. THOMAS BENDORF, 3615 OVERCREEK DR. COLUMBIA SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	5,000.00	950.00
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KENNETH U. BENJAMIN JR., 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,887.00	193.27
DANIEL BENNET, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
BEVERLY L. BENNETT, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
CATHERINE BENNETT, SUITE 730 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	650.00	261.36
WILLIAM C. BENNETT JR., 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	430.00	
JOHN C. BENNISON, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOC OF TRAVEL AGENTS	8,000.00	
FREDERICK S. BENSON III, 1625 EYE STREET, NW, #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY		
NANCY C. BENSON, 1575 EYE ST., NW, #220 WASHINGTON DC 20005	AMERICAN CYANAMID CO	286.00	51.20
TOM BENSON, 501 UNION STREET, #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSN		
JAMES E. BENTON, N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	350.00	358.78
GEORGE L. BERG JR., 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,775.01	48.75
REBECCA J. BERG, 1140 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SEA-LAND INDUSTRIES, INC	400.00	85.47
O. M. BERGE, 12050 WOODWARD AVE. DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES		
BOB BERGLAND, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	425.00	
EDWIN M. BERGSMARK, THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY		
PAUL C. BERGSON, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	940.00	300.00
FRANK BRETT BERLIN, SUITE 210 655 15TH ST., NW WASHINGTON DC 20005	CRAY RESEARCH, INC		
ELLEN BERMAN, SUITE 320 2000 L ST., NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
JASON S. BERMAN, SUITE 250 2020 K ST., NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC	15,000.00	17,144.40
WILLIAM R. BERMAN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
MARY E. BERNHARD, 1090 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
CHARLES BERNHARDT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
GEORGE K. BERNSTEIN, 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSN	3,150.00	
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	3,000.00	168.65
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	AMERICAN IMPORTERS MEAT PRODUCTS GROUP		
Do	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		
FRANK S. BESSON III, 1725 JEFFERSON DAVIS HWY, #900 ARLINGTON VA 22202	AM GENERAL CORPORATION	1,800.00	
ROBERT L. BEVAN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	900.00	25.00
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	LA QUINTA MOTOR INNS, INC		
Do	TEXAS OIL & GAS CORP		11,731.56
BEVERLY ENTERPRISES, INC, 1901 N. FORT MYER DRIVE, #302 ROSSLYN VA 22209			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LEONARD BICKWIT JR., MILLER & CHEVALIER, CHTD. 655 15TH STREET, NW WASHINGTON DC 20005	CONSOLIDATED EDISON CO OF NEW YORK		
Do	GENERAL PUBLIC UTILITIES CORP		
JOAN T. BIER, 1726 M STREET, NW, #701 WASHINGTON DC 20036	INTERNATIONAL MINERALS & CHEMICAL CORP		
JAMES N. BIERMAN, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
MOE BILLER, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	8,328.89	
BILLIG SHER & JONES, 2033 K ST., NW, #300 WASHINGTON DC 20006	'PORT USERS'	2,500.00	185.00
Do	AMERICAN BAKERS ASSN		
Do	HAPAG-LLOYD, A.G.		
Do	PRIVATE TRUCK COUNCIL OF AMER, INC		
Do	SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS		
Do	STEAMSHIP CONFERENCES	6,650.00	
LEON G. BILLINGS, INC, SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	22,500.00	
ROBERT HENRI BINDER, 1150 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	INTERNATIONAL AIRFORWARDER & AGENTS ASSOCIATION	1,000.00	163.20
BINGHAM DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSN		
Do	UNICOVER CORP	875.00	
Do	VISA U.S.A., INC	1,490.00	21.00
BIPARTISAN BUDGET APPEAL, P.O. BOX 9 BOWLING GREEN STATION NEW YORK NY 10004			240,644.37
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASCOM, INC		
Do	ALASKA BANKERS ASSN		
Do	ALASKA PACIFIC BANCORPORATION		
Do	ALASKA POWER AUTHORITY		
Do	ALASKA RAILROAD LEASEHOLDERS ASSN		
Do	ALASKA TEAMSTERS-EMPLOYER PENSION TRUST		
Do	AMERICAN BUS ASSN		
Do	CALISTA CORP		
Do	CITY OF ST. GEORGE		
Do	CITY OF WHITTIER		
Do	COASTAL CORP		
Do	COOK INLET REGION, INC		
Do	FIRST FEDERAL BANK OF ALASKA, S.B.		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO		
Do	PRUDENTIAL LINES, INC		
Do	SEALASKA CORP		
Do	SMITHKLINE BECKMAN CORP		
Do	ST. GEORGE TANAQ CORP		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORP		
Do	WIEN AIR ALASKA		
Do	YUKON PACIFIC CORP		
WILLIAM J. BIRKHOFER, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
CHARLES O. BISHOP, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	3,000.00	23.00
BISHOP LIBERMAN COOK PURCELL & REYNOLDS, 1200 17TH STREET, NW, 7TH FL. WASHINGTON DC 20036	ALEUT CORPORATION	500.00	
Do	ALEUTIAN/PRIBILOF ISLANDS ASSN, INC	1,500.00	
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	AMERICAN RICE, INC	28,812.50	
Do	AUDIO RECORDING RIGHTS COALITION	5,500.00	286.62
Do	BOARD OF TRADE OF KANSAS CITY, MO., INC	21,380.54	
Do	CNA INSURANCE CO OF CHICAGO, ILLINOIS	1,250.00	
Do	COALITION FOR COMPETITION		36.35
Do	CONSOLIDATED NATURAL GAS CO		
Do	EMPLOYEE ORGAN. FED. EMPLOYEES HEALTH BENEFITS PROGRAM ASSN		
Do	ETHYL CORPORATION	485.00	
Do	HOME RECORDING RIGHTS COALITION		
Do	IOWA BEEF PROCESSORS, INC	3,871.79	
Do	MANUFACTURERS HANOVER BANK	500.00	
Do	PIONEER CORP	3,795.65	
Do	PIPE LINE EQUITY ACT COALITION	2,690.00	
Do	PLANTERS PEANUTS	3,933.68	
Do	PUBLIC SECURITIES ASSN	9,144.51	
Do	RIO GRANDE INDUSTRIES		
Do	ROADWAY SERVICES, INC	500.00	
Do	SALOMON BROTHERS, INC		
Do	TANADGUSIX CORPORATION	2,000.00	
Do	TEXACO, INC	21,200.00	
Do	TEXAS GAS TRANSMISSION CORP		
Do	TOBACCO INSTITUTE	22,500.00	
Do	VALLEY VIEW HOLDINGS, INC	21,413.69	
Do	WESTERN PEANUT GROWERS' ASSN	14,867.01	
PHIL M. BITTER, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON USA, INC	75.00	
DENNIS A. BITZ, 999 MEREDITH COURT SONOMA CA 95476	BECHTEL POWER CORP		
GERRIE BJORNSON, 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH CO	100.00	
NEAL R. BJORNSON, 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,950.00	62.95
BLACK MANAFORT & STONE, INC, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	AMERICAN PETROFINA, INC	15,000.00	524.74
Do	KAMAN AEROSPACE	60,000.00	877.18
Do	NATURAL GAS SUPPLY ASSN	37,500.00	272.00
Do	SALOMON BROTHERS, INC	55,000.00	1,320.43
Do	DON SHELDON & CO		390.85
Do	SOLAR ENERGY INDUSTRY ASSN	24,000.00	83.31
Do	SUBURBAN PROPANE GAS CORP	5,000.00	
Do	TOSCO CORPORATION	24,000.00	1,042.29
SPENCER BLACK, 214 N. HENRY STREET, #203 MADISON WI 53703	SIERRA CLUB	1,695.30	
TOM G. BLACK, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,109.20	
ROBERT J. BLACKWELL, ONE THOMAS CIRCLE, NW, #500 WASHINGTON DC 20005	COVE MARITIME COMPANIES		
Do	EQUITY CARRIERS I, INC		
Do	EQUITY CARRIERS III, INC		
Do	FALCON TANKERS, INC		
Do	PHOENIX BULKSHIP I, INC		
Do	PHOENIX BULKSHIP II, INC		
BEV D. BLACKWOOD, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		
BARBARA S. BLAINE, P.C., 910 16TH STREET, NW, #410 WASHINGTON DC 20006	AMERICAN TRUCKING ASSNS, INC		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		17.50
BLAIR & BLAIR, LTD, 1120 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	4,500.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	
Do	PRINTING INDUSTRIES OF AMERICA, INC	3,000.00	
BOWEN BLAIR JR., 519 S.W. THIRD AVE., #810 PORTLAND OR 97204	FRIENDS OF THE COLUMBIA GORGE	37.35	
DAVID A. BLAIR, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORTAION	124.00	
NEAL B. BLAIR, P.O. BOX 881 13924 BRADDOCK RD. CENTERVILLE VA 22020	FREE THE EAGLE & AMERICAN HERITAGE CENTER	14,500.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES		
STEVEN R. BLAIR, 1120 19TH STREET, NW WASHINGTON DC 20036	BLAIR & BLAIR, LTD (FOR: EDISON ELECTRIC INSTITUTE)	4,500.00	
ROSLYNNE BLAKE, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	572.50	43.71
GERRY BLANCHARD, GNAU CARTER JACOBSEN & ASSOC, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	BAUMANN, INC		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	DETROIT DOCTOR'S HOSPITAL		
Do	EDSI		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
Do	PRECISION MAGNETICS & CERAMICS		
Do	PRIMARK CORPORATION		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SAFLOK/COMPUTERIZED SECURITY SYSTEMS, INC		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
HELEN BLANK, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	2,944.40	262.08
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 2000 PENNSYLVANIA AVE., NW, #6100 WASHINGTON DC 20006.	A & S TRANSPORTATION COMPANY	1,053.56	22.47
VIRGINIA B. BLISS, 1725 K STREET, NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
GLENN E. BLITGEN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JERALD BLIZIN, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC		
L. THOMAS BLOCK, ONE WALL STREET NEW YORK NY 10015	IRVING TRUST CO	2,000.00	1,000.00
PETER L. BLOCKLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,800.00	
HOLTON E. BLOMGREN, 1015 15TH STREET, NW, #1220 WASHINGTON DC 20005	NATIONAL MANUFACTURED HOUSING FEDERATION	20,000.01	
DOUGLAS M. BLOOMFIELD, 444 N. CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	16,999.98	405.20
MARK BLOOMFIELD, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	438.00	
JACK A. BLUM, 1015 18TH ST., NW WASHINGTON DC 20036	INDEPENDENT GASOLINE MARKETERS COUNCIL	50,000.00	1,050.00
JARED O. BLUM, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	250.34
JOANNE BLUM, 2010 MASSACHUSETTS AVENUE, NW, #500 WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	630.63	64.35
BLUM NASH & RAILSBACK, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,500.00	
Do	FLOATING POINT SYSTEM		
Do	SOLAR ENERGY INDUSTRIES ASSN		
Do	TWIN COAST NEWSPAPERS, INC		
ROBERT A. BLUM, THREE EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO CA 94111	MCCUTCHEN, DOYLE, BROWN & ENERSEN (FOR: PERMANENTE MEDICAL GROUP, INC.).	340.00	1,659.92
MILLY S. BLUMEL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		596.90
CHARLES R. BLUMENFELD, BOGLE & GATES 2100 THE BANK OF CALIFORNIA CENTER SEATTLE WA 98164	PACIFIC SEAFOOD PROCESSORS ASSN		
SAMUEL D. BLUNT, 444 N. CAPITOL STREET, #828 WASHINGTON DC 20001	RADIO OFFICERS UNION	1,624.88	
WAYNE F. BOAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,300.00	
WILLIAM J. BOARMAN, 4626 WISCONSIN AVENUE, NW WASHINGTON DC 20016	COLUMBIA TYPOGRAPHICAL UNION #101, AFL-CIO	11,844.00	199.13
BOAT OWNERS ASSOCIATION OF THE U.S., 880 S. PICKETT ST. ALEXANDRIA VA 22304		47,000.00	32,625.00
HAROLD BOEL, 444 N. CAPITOL STREET, NW, #718 WASHINGTON DC 20001	PACIFIC TELESIS GROUP	12,000.00	
DONALD P. BOGARD, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	50.78	
TIMOTHY A. BOGGS, 2020 K STREET, NW, #250 WASHINGTON DC 20006	WARNER COMMUNICATIONS, INC	13,200.00	8,202.97
ROBERT Z. BOHAN, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	64.90	994.20
PATRICIA BOINSKI, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	78.75	
RICHARD O. BOLGER, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	30.00	
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
BERNADETTE BOLTON, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
IRVIN E. BOMBERGER, 550 WASHINGTON BUILDING 15TH & NEW YORK AVENUE, NW WASHINGTON DC 20005	NAT'L INTERRELIGIOUS SERV. BOARD FOR CONSCIENTIOUS OBJECTORS	2,448.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
JOHN E. BONITT, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	1,900.00	104.00
SHARON LEE BONITT, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84111	WESTERN REGIONAL COUNCIL	139.50	803.56
BONSIB, INC, P.O. BOX 1807 WASHINGTON DC 20013			
GAYLON B. BOOKER, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
MICHAEL BOOS, BOX 1002 WOODLAND RD. STERLING VA 22170	YOUNG AMERICANS FOR FREEDOM, INC		
JOHN K. BOOTH, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	300.00	
EDWARD T. BORDA, 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
BRIAN T. BORDERS, ROYER & SHACKNAI 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BABCOCK & BROWN	5,294.70	641.79
LAURENCE D. BORY, SUITE 802 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
G. STEWART BOSWELL, 1611 NORTH KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	4,583.00	288.73
CHARLES G. BOTSFORD, SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,500.00	160.00
JOHN E. BOUCHARD, 1667 K STREET, NW, #350 WASHINGTON DC 20036	MOLLER STEAMSHIP COMPANY, INC		
MARY M. BOURDETTE, 4TH FLOOR 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND OF THE WASHINGTON RESEARCH PROJECT	1,870.00	107.00
ALBERT D. BOURLAND, 1615 H STREET, NW WASHINGTON DC 20062	COMMITTEE FOR EQUITABLE COMPENSATION		
WAYNE A. BOUTWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,687.50	
FRANK J. BOWDEN JR., ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST	1,925.00	1,164.52
JAMES J. BOWE, 4 WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC	275.00	37.73
RODNEY A. BOWER, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DAVID W. BOWERS, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. TELEPHONE ASSOCIATION	1,000.00	
ROBERT R. BOWERS, WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BLDG. CHARLESTON WV 25301	AMERICAN PETROLEUM INST	460.00	355.00
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			
RICHARD P. BOWLING, 1020 PRINCESS STREET ALEXANDRIA VA 22314	TRUCK TRAILER MANUFACTURERS ASSN	1,000.00	49.50
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	AMERICAN PETROFINA, INC	6,340.00	2,445.00
BOWMER COURTNEY BURLESON PEMBERTON & NORMAND, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		522.15
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JOAN COSTAIN BOWYER, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	150.00	
JOHN G. BOYD, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	1,799.50	106.93
ROBERT K. BOYD, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	3,500.00	1,297.64
THURMAN L. BOYKIN, SUITE 702 1911 N. FT. MYER DR. ARLINGTON VA 22209	AGRISTORE SYSTEMS COMPANY		
Do	ARKANSAS 2000, INC		
STEPHEN S. BOYNTON, 1015 MOOREFIELD HILL GROVE VIENNA VA 22180	AMERICAN FUR RESOURCES INSTITUTE		
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	AMERICAN ASSN OF DENTAL SCHOOLS	2,325.00	927.67
Do	AMERICAN COUNCIL ON EDUCATION	775.00	309.22
Do	AUSTRIAN LANCE & STEWART, P.C.	3,100.00	1,236.90
Do	DRESSER INDUSTRIES, INC		
Do	HOUSTON NATURAL GAS CORP	620.00	247.38
Do	LOUISIANA LAND & EXPLORATION CO	2,325.00	927.67
Do	PENNSYLVANIA NATURAL GAS ASSOCIATES	3,100.00	1,236.90
Do	RALSTON PURINA CO	310.00	123.69
Do	SOUTHDOWN/PELTO OIL COMPANY	620.00	247.38
Do	U.S. TUNA FOUNDATION	775.00	309.22
Do	VALERO ENERGY CORPORATION	2,015.00	803.98
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	AIR LINE PILOTS ASSN		
Do	AMERICAN SOUTHWEST FINANCIAL CO	3,500.00	200.00
Do	CALIFORNIA NICKEL CORP	15,000.00	185.00
Do	CITY OF TUCSON	7,000.00	170.00
Do	CSX CORPORATION	200.00	80.00
Do	ENERGY ABSORPTION SYSTEMS, INC	8,000.00	100.00
Do	ESTES COMPANY	3,000.00	100.00
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	110.00
Do	SOUTHERN ARIZONA WATER RESOURCES ASSOCIATION	3,000.00	250.00
JOAN BRADEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GOVERNMENT OF CANADA).		
FRANK W. BRADLEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	3,900.00	
WAYNE W. BRADLEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	500.00	
DENNIS M. BRADSHAW, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
HUGH S. BRADY, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	600.00	
CARREN BRAGG, 1901 L STREET, NW, #303 WASHINGTON DC 20036	COLT INDUSTRIES, INC		
CHARLES G. BRAGG, P.O. BOX 12285 MEMPHIS TN 38182	NATIONAL COTTON COUNCIL OF AMER	708.75	42.87
RAYMOND F. BRAGG JR., 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN INDEPENDENT REFINERS ASSN	300.00	
STUART J. BRAHS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,032.21	2,684.00
BRAND LOWELL & DOLE, 923 15TH STREET, NW, FIFTH FL. WASHINGTON DC 20005	METROPOLITAN TRANSPORTATION AUTHORITY	4,046.00	584.11
Do	ZENITH RADIO CORP	2,261.00	
ROBERT M. BRANDON, 1300 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	2,000.00	79.00
RICHARD D. BRANNICK, R.D. #2, BOX 108 DEXTER NY 13636	NATIONAL BORDER PATROL COUNCIL	1,199.52	2,435.48
GERARD M. BRANNON, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
ROY BRAUNSTEIN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	9,408.44	
PETER ELLIOT BRAVEMAN, SUITE 2200 101000 SANTA MONICA BLVD. LOS ANGELES CA 90067	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)		
DONALD H. BRAZIER, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL	10,675.00	2,636.48
NOEL BRAZIL, 600 MARYLAND AVENUE, SW, #400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
ROY S. BREDDER, 1111 14TH ST. # 1200 WASHINGTON DC 20005	AMERICAN DENTAL ASSN	1,000.00	
BREGMAN ABELL & KAY, SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AMERICAN CAR RENTAL ASSN	1,250.00	
Do	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS		
Do	AVIS, INC		
Do	BUDGET RENT A CAR CORP		
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORP		
Do	HILTON INTERNATIONAL, INC		
Do	NATIONAL CAR RENTAL SYSTEM, INC	1,000.00	
Do	NORTON SIMON, INC		
Do	ROADWAY EXPRESS, INC		
Do	RYDER SYSTEMS, INC	3,000.00	
Do	TRANS WORLD AIRLINES, INC	1,500.00	
Do	TRANS WORLD CORPORATION	1,000.00	
Do	TRUCK RENTING & LEASING ASSN	1,250.00	
BRENDA I. BREGMAN, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC	4,673.85	
MICHAEL J. BRENNAN, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	361.48
PETER E. BRERETON, 900 EUCLID AVENUE CLEVELAND OH 44101	AMERITRUST CO, NAT'L ASSN	1,107.00	1,445.07
MILES H. BRESEE JR , 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
THOMAS M. BRESNAHAN III, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON U.S.A., INC	400.00	
CHARLES BRIMER, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
DAVID R. BRINK, 1800 M STREET, NW, #675 N. WASHINGTON DC 20036	DORSEY & WHITNEY		135.00
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	22.20
BELVA B. BRISSETT, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	125.73
ELIZABETH Y. BRITTON, 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	186.99	200.47
MARTHA M. BROAD, 1725 I STREET, NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	4,500.00	60.80
MARINA L. BROCKMANN, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: COUNCIL OF MICHIGAN FOUNDATIONS).	2,656.25	660.00
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: MICHIGAN CONSOLIDATED GAS CO).	11,350.00	2,112.32
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: CITY OF DETROIT, MICHIGAN).	7,500.00	3,632.00
PAMELA BRODIE, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION	2,429.68	47.13
DAVID A. BRODY, 1640 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	3,200.00	
PHILLIP J. BROMAN, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
MICHAEL D. BROMBERG, 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MARY E. BROOKS, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,080.48	110.55
DAVID W. BROOME, 1726 M STREET, NW, #401 WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
DANIEL T. BROSS, P.O. BOX 1478 HOUSTON TX 77001	UNITED GAS PIPE LINE CO		
MARIO BROSSI, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION		
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		17,500.00	30,800.00
DONALD G. BROTZMAN, 1400 K ST., NW WASHINGTON DC 20005	RUBBER MFGRS ASSN	10,000.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	11,344.40	
CHARLES T. BROWN, P.O. BOX 100 MIAMI AZ 85539	PINTO VALLEY COPPER CORP		
DAVID S. J. BROWN, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	600.00	260.20
DIANE R. BROWN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	390.78
ELLEN B. BROWN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,400.00	341.55
JAMES P. BROWN, BROWN & ASSOCIATES 301 SOVEREIGN COURT, #102 ST. LOUIS MO 63011	CITY OF ST. LOUIS - CITY HALL		
JESSE B. BROWN, 605 10TH STREET, NE WASHINGTON DC 20002	POTOMAC ELECTRIC POWER CO		
JESSE P. BROWN JR., 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
JOHN J. BROWN, 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	425.00
RALPH BROWN, SUITE 107 701 S. 22ND STREET OMAHA NB 68102	M.O.A.A.I.O.A. & SUBS, INC	10.00	10.00
BROWN ROADY BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION		
Do	METROPOLITAN TRANSIT AUTHORITY	5,625.00	750.90
Do	NORTHEASTERN INTERNATIONAL AIRWAYS, INC		779.39
Do	SMITH DAWSON ASSOCS (FOR SAN FRAN. PUBLIC UTIL. COMMISSION)	3,000.00	329.94
Do	WESTERN RIVER GUIDES ASSN		
BROWN TODD & HEYBURN, 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORP		
VINCENT D. BROWN, NEBRASKA PETROLEUM COUNCIL P.O. BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST	2,000.00	3,102.13
WILLIAM E. BROWN, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	255.42	321.59
WILLIAM R. BROWN, SUITE 200 122 C ST., NW WASHINGTON DC 20001	COUNCIL OF STATE CHAMBERS OF COMMERCE	250.00	
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STANLEY R. BROWNE, SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
THOMAS N. BROWNELL, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY		
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANADIAN FINANCIAL CORPORATION		
Do	MERRILL LYNCH HUBBARD, INC		
Do	MORTGAGE GUARANTY INSURANCE CORP		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK CITY HOUSING DEVELOPMENT CORP	2,301.85	
Do	NEW YORK STATE MORTGAGE LOAN ENFORCEMENT & ADMIN. CORP	32,331.00	
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
Do	NORWEST MORTGAGE, INC	5,673.00	
Do	SCHOCHET ASSOCIATES		
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION		
JAMES W. BRUNER JR., 520 CAPITOL MALL SACRAMENTO CA 95814	LEAGUE TO SAVE LAKE TAHOE	1,666.67	
Do	ORRICK HERRINGTON & SUTCLIFFE		
KATHRYNE M. BRUNER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GA TECHNOLOGIES, INC	910.00	196.06
WILLIAM K. BRUNETTE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	440.15	44.50
ROBERT O. BRUNNER, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	484.61	8.75
J. CHARLES BRUSE, SUITE 802 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLSTATE INSURANCE GROUP	500.00	211.00
BRYAN CAVE MCPHEETERS & MCROBERTS, 1015 15TH STREET, NW, #1000 WASHINGTON DC 20005	MICROELECTRONICS & COMPUTER TECHNOLOGY CORP		
DAWN M. BRYDON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
LANA BUCK, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	55.00	
ROBERT D. BUEHLER, 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH CO	400.00	
BUILDING OWNERS & MANAGERS ASSN INTL, SUITE 200 1250 EYE ST., NW WASHINGTON DC 20005			
DOUGLAS W. BULCAO, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	2,500.00	34.50
DARREL D. BUNGE, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INST	215.00	1,223.00
DAVID A. BUNN, SUITE 406 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSN, INC	4,000.00	
Do	PARCEL SHIPPERS ASSN	1,000.00	
LAWRENCE E. BURCH, 1711 KING ST. ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH, SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMER PATHOLOGISTS	5,220.00	109.50
DAVID S. BURCKMAN, P.O. BOX 7610 BEN FRANKLIN STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN	1,040.00	766.00
DAVID G. BURDEN, 200 E. RANDOLPH DR. CHICAGO IL 60601	STANDARD OIL (INDIANA)	354.00	990.15
PAUL F. BURDETT, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	MERRELL DOW PHARMACEUTICALS, INC		80.00
CLAIR W. BURGENER, P.O. BOX 8186 RANCH SANTA FE CA 92067	G A TECHNOLOGIES, INC	4,000.00	1,237.94
GERARD P. BURKE, SUITE 400 1707 H STREET, NW WASHINGTON DC 20006	INTERNATIONAL AIR LEASES, INC		
J. J. BURKE JR., 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER CO		150.86
KEVIN BURKE, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	23.74
PAUL T. BURKE, 1050 17TH STREET, NW, #500 WASHINGTON DC 20036	TEXACO, INC	1,226.70	
BURLEY & DARK LEAF TOBACCO EXPORT ASSN, 1100 17TH ST., NW WASHINGTON DC 20036		37,115.12	1,414.29
BILL D. BURLISON, 499 SOUTH CAPITOL STREET, SE, #103 WASHINGTON DC 20003	EMERSON ELECTRIC CO	3,750.00	690.02
Do	MCDONNELL DOUGLAS CORPORATION	4,400.00	1,198.92
Do	PLANNING RESEARCH CORPORATION	250.00	85.15
DENNIS J. BURNETT, 6014 WATERBURY COURT SPRINGFIELD VA 22152	SPARX CORPORATION	3,000.00	
CHARLES S. BURNS, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	1,200.00	
TIMOTHY F. BURNS, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	EKLUTNA, INC		
FRANK BURTNETT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT	1,041.87	
BUSBY REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	AUTOMOBILE IMPORTERS OF AMERICA, INC	5,700.00	78.00
Do	UNIVERSAL LEAF TOBACCO CO., INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
FREDERICK M. BUSH & ASSOCIATES, 2000 L STREET, NW, #702 WASHINGTON DC 20036			
BARBARA L. BUSH, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
BUSINESS PRODUCTS COUNCIL ASSN, P.O. BOX 8855, FH STATION DURHAM NC 27707			1,353.02
RICHARD R. BUTA, 6535 OLD CHESTERBROOK ROAD MCLEAN VA 22101	BECHTEL NATIONAL, INC		
JAMES J. BUTERA, 4TH FLOOR 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	10,000.00	108.00
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SEATTLE & NORTH COAST RAILROAD CO		
M. CALDWELL BUTLER, P.O. BOX 720 ROANOKE VA 24004	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	6,225.00	1,398.12
MICHAEL F. BUTLER, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ANDREWS & KURTH (FOR: TRANSCO EXPLORATION PARTNERS, LTD & TRANSCO ENERGY CO).		
WILLIAM A. BUTLER, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	5,000.00	2,550.00
C.A.R.E., 511 C STREET, NE WASHINGTON DC 20002			
EDWARD S. CABOT, 1285 AVENUE OF THE AMERICAS NEW YORK, NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY	270.00	280.00
CADES SCHUTTE FLEMING & WRIGHT, 740 WASHINGTON PARK BUILDING 1001 22ND STREET, NW WASHINGTON DC 20037	HAWAIIAN ELECTRIC CO, INC	7,050.00	19.23
CADWALADER WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AD HOC COMM OF FLOOR BROKERS		
Do	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	GENERAL DYNAMICS CORPORATION		
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS		
Do	KWAJALEIN ATOLL CORP		
Do	SHELL OIL CO		
ANDREW A. CAFFEY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
JOHN D. CAHILL, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	MASSACHUSETTS PORT AUTHORITY	8,625.00	
ROY C. CAHOON, 6100 KNOLLWOOD DR. FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSN		
MORRISON G. CAIN, 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL, SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	23.00
CAROL V. CALHOUN, MORGAN LEWIS & BOCKIUS 1800 M STREET, NW WASHINGTON DC 20036	ALIGNPAC	22.00	
Do	FAMILY LIFE INSURANCE CO	22.00	
FRANK W. CALHOUN, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814		15,500.00	12,605.48
PETER E. CALLANAN, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	HONEYWELL, INC	200.00	445.00
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORP	3,150.00	2,204.96
CALORIE CONTROL COUNCIL, #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			
GORDON L. CALVERT, BOX 34-531 BETHESDA MD 20817	COMMERICIAL LAW LEAGUE OF AMER, COMM COLL. AGENCY SECTION	3,000.00	
DONALD L. CALVIN, 11 WALL ST. NEW YORK NY 10005	NEW YORK STOCK EXCHANGE, INC		
ARTHUR E. CAMERON, SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GREYHOUND TRACK OPERATORS ASSN	2,250.00	
Do	REDLAND PRISMO CORP., ETAL	5,250.00	
Do	SAFETRAN SYSTEMS CORPORATION	5,500.00	
Do	SIGNAL COMMUNICATIONS		
NANCY CAMM, 1800 K STREET, NW, #900 WASHINGTON DC 20006	BANKAMERICA CORP	58.63	153.62
CAMP CARMOUCHE BARSH HUNTER GRAY HOFFMAN & GILL, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	GEORGE K. BAUM & COMPANY		
Do	BLYTH EASTMAN PAINE WEBBER, INC		
Do	CHAMPLIN PETROLEUM COMPANY		
Do	CHAPMAN & CUTLER		
Do	CHEMCRETE INTERNATIONAL CORP	150.00	
Do	CHEMICAL MANUFACTURERS ASSOCIATION, INC	18,750.00	
Do	CUMBERLAND SECURITIES		
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	ESSEX		
Do	FRAZIER LANIER COMPANY		
Do	GOLDMAN SACHS & CO		
Do	HOLLYWOOD MARINE SERVICES, INC		
Do	INTERMEDICS		
Do	KIDDER, PEABODY & CO, INC		
Do	KING & SPALDING		
Do	LEHMAN BROTHERS		
Do	MCDONALD & COMPANY		
Do	MOBIL OIL CORP	2,125.00	
Do	NATURAL GAS SUPPLY ASSN	1,900.00	
Do	NORTH HASKELL SLAUGHTER YOUNG & LEWIS		
Do	OCCIDENTAL PETROLEUM CORP		
Do	PAKHOED	100.00	
Do	PENNZOIL CO	250.00	
Do	PPG INDUSTRIES, INC	225.00	
Do	RAUSCHER PIERCE REFSNES		
Do	ROCKY MOUNTAIN ENERGY CO		
Do	SEARS ROEBUCK & CO	3,450.00	
Do	SIGNAL COMPANIES, INC	150.00	
Do	SOUTH CENTRAL BELL	450.00	
Do	STERN, AGEE & LEACH		
Do	TEXACO, INC		
Do	THORNTON, FARISH & GAUNTT	8,000.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
Do	WHEAT FIRST SECURITIES		
CAMPAIGN FOR U.N. REFORM - POLITICAL EDUCATION COMMITTEE, 600 VALLEY ROAD WAYNE NJ 07470		2,456.53	4,888.36
C. R. CAMPBELL JR , SUITE 900 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	GTE CORP	3,000.00	
CARL C. CAMPBELL, 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	100.00	
CHARLES ARGYLL CAMPBELL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		32.70
CHARLES O. CAMPBELL, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND COUNCIL, INC		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 37402	TENNESSEE VALLEY PUBLIC POWER ASSN		
KEVIN B. CAMPBELL, 101 CONSTITUTION AVENUE, N.W. WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	9,100.00	3,418.12
THOMAS D. CAMPBELL, SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	549.87
CHARLES J. CAMPISI, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	90.00	
CANADIAN COALITION ON ACID RAIN, 112 ST. CLAIR AVENUE, #504 TORONTO, ONTARIO M4V 2Y3		2,000.00	5,357.22
PAUL W. CANE, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
W. DEAN CANNON JR , 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS	3,000.00	2,404.91
DAVID L. CANTOR, 1133 15TH STREET, NW, #1200 WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: COALITION FOR ENVIRONMENTAL ENERGY BALANCE (CEEB)).	255.83	
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INST		
CAPLIN AND DRYSDALE, CHARTERED, 1101 17TH ST., NW WASHINGTON DC 20036	COUNCIL ON FOUNDATIONS, INC	10,720.50	443.35
CONSTANTINE G. CARAS, 2828 PENNSYLVANIA AVENUE, NW, #205 WASHINGTON DC 20007	OGDEN CORPORATION		
DENISE A. CARDMAN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
NORVAL E. CAREY, 1025 CONNECTICUT AVE., NW #704 WASHINGTON DC 20036	GULF OIL CORP (FOR GA TECHNOLOGIES, INC)	2,727.00	901.26
ROBERT B. CARLESON, 1050 17TH STREET, NW WASHINGTON DC 20036	MAIN HURDMAN, CPA'S	75.00	
CAROLE R. CARLIN, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN. OF HOME BUILDERS OF THE U.S		
CHARLES R. CARLISLE, 1150 17TH STREET, NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	500.00	250.00
EDWARD J. CARLOUGH, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	23,625.00	
J. PHILIP CARLSON, SUITE 935, WASHINGTON BUILDING 1435 G STREET, NW WASHINGTON DC 20005	EUGENE L. STEWART AND ROSES, INC	6,000.00	91.12
ROBERT E. CARLSTROM JR., 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION	6,000.00	86.52
CHAPIN CARPENTER JR., 1211 CONNECTICUT AVENUE, NW, #406 WASHINGTON DC 20036	MAGAZINE PUBLISHERS ASSN, INC	1,500.00	
CY CARPENTER, P.O. BOX 2251 DENVER CO 80251	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,375.00	513.35
GEORGE D. CARPENTER, 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE MANUFACTURING CO	86.16	
LAWRENCE W. CARROLL, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
JOHN R. CARSON, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSN	16,000.00	
WESLEY E. CARSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
HANS L CARSTENSEN, 1625 EYE STREET N.W. #902 WASHINGTON DC 20006	WEYERHAEUSER CO	300.00	37.25
DAVID C. CARTER, 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
HARLON B. CARTER, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	2,187.50	
JOSEPH L. CARTER JR , 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	866.80	274.49
JAMES P. CARTY, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
SUSAN B. CARVER, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	500.00	1,212.87
JIM CASEY, 3470 MILDRED DR. FALLS CHURCH VA 22042	LEAFFER COMPANY, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ALLEN R. CASKIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	4,650.00	21.87
EUGENE I. CASRAISS JR , 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,884.82	113.40
WILLIAM E. CASSELMAN II , SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY (FOR: APCOA, INC)		171.95
Do	DORSEY & WHITNEY (FOR: NORTHROP UNIVERSITY)		
J. WARREN CASSIDY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,937.50	
LAWRENCE J. CASSIDY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	12,663.00	
JOHN J. CASTELLANI, 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	2,200.00	
RITA L. CASTLE, 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR CO	2,500.00	1,190.60
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE CATOR & ASSOCIATES, INC (FOR: LATIN AMERICAN MANUFACTURERS ASSN (LAMA)).		
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS).	200.00	
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSN).	1,800.00	1,800.00
JOSEPH E. CAVANAGH, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	9,800.00	1,605.25
RED CAVANEY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	420.00	
NICHOLAS G. CAVAROCCHI, 6TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
DOROTHY D. CECELSKI, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,902.51	
CEDERBERG & ASSOCIATES, 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORP	200.00	
DAVID CERTNER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	417.31	60.00
CF INDUSTRIES, INC., SALEM LAKE DR. LONG GROVE IL 60047			500.00
PHILIP CHABOT, 1317 F STREET, NW WASHINGTON DC 20004	EAST BAY REGIONAL PARK DISTRICT		
CHADBOURNE PARKE WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	ACUREX SOLAR CORP		
Do	ARCO SOLAR, INC		
Do	BERENERGY CORPORATION		
Do			22.50
Do	CRINCO INVESTMENTS, INC		
Do	MANUFACTURERS LIFE INSURANCE CO AND MAINE FIDELITY LIC	66,206.54	1,391.95
Do	MONEGON, LTD		
Do	NEWMONT MINING CORP		
Do	SOLAREX CORPORATION		
Do	STANDARD OIL CO OF INDIANA		
Do	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMMITTEE	1,500.00	20.69
Do	WASHINGTON PSYCHIATRIC SOCIETY	14,000.00	114.84
CHARLES M. CHAFER, 600 WATER ST. WASHINGTON DC 20024	SPACE SERVICES INC OF AMERICA		
DEBORAH M. CHALFIE, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION	750.00	11.40
DURWOOD CHALKER, P.O. BOX 220164 2121 SAN JACINTO ST., #2500 DALLAS TX 75222	CENTRAL AND SOUTH WEST CORP		
CHARLES E. CHAMBERLAIN, 1747 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC	750.00	
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	AMERICAN HOSPITAL ASSN		
Do	AMERICAN POSTAL WORKERS UNION, AFL-CIO	1,125.00	
Do	APACHE CORPORATION		
Do	COALITION OF PUBLICLY TRADED LIMITED PARTNERSHIPS	4,725.00	
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE		
Do	FACET, CORP		
Do	MANVILLE CORPORATION	1,750.00	
Do	NATIONAL AUDUBON SOCIETY	1,000.00	
Do	U S WEST		
ED CHANDLER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	8,580.00	500.00
J. W. CHANDLER, 1575 I ST., NW WASHINGTON DC 20005	YORK DIV., BORG-WARNER CORP		18.00
JOHN M. CHAPMAN, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
WILLIAM C. CHAPMAN, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	7,847.38
CHAPMAN, DUFF AND PAUL, 1825 EYE ST., NW WASHINGTON DC 20006	ANNUAL CHARGES POLICY GROUP	2,936.25	15.00
CHARLES KARALEKAS MCCAHILL & WILSON, 1250 CONNECTICUT AVENUE, NW, #318 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA	2,000.00	510.86
RICHARD M. CHARLTON, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	352.00	357.00
PEGGY CHARREN, 33 HANCOCK AVENUE NEWTON CENTRE MA 02159	ACTION FOR CHILDREN'S TELEVISION	250.00	
WILLIAM CHASEY ORGANIZATION, 1800 K STREET, NW, #600 WASHINGTON DC 20006	ALLAN RONSON CO	9,000.00	3,000.00
Do	CAMPUS CRUSADE FOR CHRIST, INC	9,000.00	3,000.00
Do	LIFE INSURANCE COALITION OF AMERICA	15,000.00	3,000.00
Do	NATIONAL UNIVERSITY	6,000.00	3,000.00
Do	REAL PROPERTY SERVICES CORP	15,000.00	3,000.00
LESLIE CHEEK III, SUITE 414 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CRUM & FOSTER CORP	16,250.00	800.50
JANE CHEEVER, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
CHEMICAL MANUFACTURERS ASSOCIATION, INC., 2501 M ST.,NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MFGRS ASSN, SUITE 1120 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036			439.13
WILLIAM B. CHERKASKY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
B. H. CHERRY, 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION		
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
BLAIR G. CHILDS, P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN	1,040.00	530.00
LAURA CHIN, 2025 EYE STREET, NW, #926 WASHINGTON DC 20006	ORGANIZATION OF CHINESE AMERICANS		
MICHAEL W. CHINWORTH, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA		
HAL M. CHRISTENSEN, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
WILLIAM T. CHRISTIAN, 1333 NEW HAMPSHIRE AVENUE,N.W. WASHINGTON, DC 20036	ATLANTIC RICHFIELD CO	250.00	
JACK E. CHRISTY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	488.66	164.15
CHUGACH ELECTRIC ASSN, INC, POUCH 6300 ANCHORAGE AK 99502			7,142.04
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC		
CHWAT/WEIGEND ASSOCIATES, 400 FIRST STREET, NW, #816 WASHINGTON DC 20001	AMERICAN HOME SEWING ASSN, INC	500.00	500.00
Do	ASSOCIATED LOCKSMITHS OF AMERICA	975.00	975.00
Do	NATIONAL ASSN OF COMPANION SITTER AGENCIES & REFERRAL SERV	375.00	375.00
Do	NATIONAL ASSN. OF TOBACCO DISTRIBUTORS	2,000.00	2,000.00
CIGAR ASSN OF AMERICA, INC, SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			496.88
CITIZEN/LABOR ENERGY COALITION, RM. 401 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036		7,500.00	7,588.20
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS, LIBERTY PARK, 12500 NE TENTH PLACE 1601 114TH SE BELLEVUE WA 98005.		429,937.53	139,781.04
CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR), P.O. BOX 33729 WASHINGTON DC 20033		36,080.00	58,918.00
CITIZENS POLITICAL ACTION COMMITTEE, P.O. BOX 645 228 SOUTH A STREET, #2 OXNARD CA 93032			
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SMITH, BARNEY, HARRIS, UPHAM & CO	10,000.00	
JOHN W. CLAGGETT, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
PATRICIA T. CLAREY, 1025 CONNECTICUT AVENUE, NW #507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
BOB CLARK, SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC		
JAMES F. CLARK, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 210 FERRRY WAY JUNEAU AK 99801	ALASKA LUMBER & PULP CO, INC	1,500.00	
JAMES W. CLARK JR , 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JOSEPH J. F. CLARK, 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
PHILLIP A. CLARK, SUITE 700 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	3,750.00	
ROBERT A. CLARK, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
RUDY I. CLARK, 5342 WOODBURY WOODS LANE FAIRFAX VA 22032	AIR FORCE SERGEANTS ASSN, INC		
VERNON A. CLARK, 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	2,237.00	3,053.00
WADE P. CLARKE JR , JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY		
SCOTT CHARLES CLARKSON, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	2,000.00	403.33
CECIL D. CLAY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INT'L ASSN	21,735.00	
JOAN CLAYBROOK, SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	255.00	
CLAYMARK CORPORATION, INC, C/O MILBANK TWEED HADLEY & MCCLOY 30 ROCKEFELLER PLAZA, RM. 5600 NEW YORK NY 10112.			
CLEAR CHANNEL BROADCASTING SERVICE (CCBS), 1776 K STREET, NW, #1100 WASHINGTON DC 20006			
CLEARY GOTTLIEB STEEN & HAMILTON, 1752 N STREET, NW WASHINGTON DC 20036	PPG INDUSTRIES, INC		
Do	PUBLIC SECURITIES ASSN		16.00
Do	SALOMON BROTHERS		538.47
Do	SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSN, INC	350.00	3.00
JACQUELINE W. CLEMENTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	6,200.00	530.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CLEVELAND ELECTRIC ILLUMINATING CO., 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44113			454.91
W. M. CLICK, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AUSTRALIAN MEAT & LIVE-STOCK CORP		
Do	JOINT CORPORATE COMM ON CUBAN CLAIMS	600.00	180.00
Do	NATIONAL TOUR ASSOCIATION, INC.		
DEXANNE CLOHAN, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,769.00	
CHRISTOPHER E. CLOUSER, 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC		
STANLEY A. CMICH, 1700 GATEWAY BOULEVARD CANTON OH 44707	FISCAL ASSOCIATES, INC		
Do	GIBBONS & GRABLE CO		
Do	TIMKEN CO		
Do	WHITE ENGINES, INC		
COALITION FOR UNIFORM PRODUCT LIABILITY LAW, SUITE 303 1901 L STREET, NW WASHINGTON DC 20036		381.17	381.17
COAN COUTURE LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION	200.00	
Do	VIETNAM VETERANS OF AMERICA	202.50	
Do	WESTINGHOUSE ELECTRIC CORPORATION		
RICHARD B. COBB, PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, #1500 ATLANTA GA 30303	AMERICAN PETROLEUM INST	560.00	1,004.00
COFFEE SUGAR & COCOA EXCHANGE, INC, 4 WORLD TRADE CENTER, 8TH FL. NEW YORK NY 10048			165.00
JOHN J. COFFEY, SUITE 1204 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	4,750.00	118.92
DANIEL L. COHEN, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	2,000.00	100.00
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC.	575.00	
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
COLE & CORETTE, P.C., 1100 VERMONT AVENUE, NW, #900 WASHINGTON DC 20005	CHASE MANHATTAN BANK, N.A.		
Do	DOW CHEMICAL CO		
Do	MEDTRONIC, INC.		
Do	MILLIPORE CORPORATION		
ANN COLE, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
E. WILLIAM COLE, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	700.00	75.25
KEN W. COLE, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
RANDALL I. COLE, 1050 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	EL PASO NATURAL GAS CO	1,000.00	20.00
STACEY W. COLE, NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INST	690.00	327.59
JOHN M. COLLIER, 4436 PERRIER ST. NEW ORLEANS LA 70115	SOUTHERN FOREST PRODUCTS ASSN	11,174.01	
SAMUEL E. COLLIER, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION	2,500.00	222.94
COLLIER SHANNON RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN FROZEN FOOD INST		
Do	AMERICAN MEAT INSTITUTE		
Do	AMERICAN TEXTILE MACHINERY ASSN		
Do	CROP INSURANCE RESEARCH BUREAU		
Do	CSX CORPORATION		
Do	CYLINDER MANUFACTURERS ASSOCIATION	500.00	500.00
Do	FOOD MARKETING INSTITUTE		
Do	HUFFY CORPORATION	120.00	120.00
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSN		
Do	NATIONAL ASSN OF CONVENIENCE STORES		
Do	NATIONAL BROILER COUNCIL		
Do	NATIONAL HAIRDRESSERS & COSMETOLOGISTS ASSN		
Do	NORRIS INDUSTRIES	800.00	800.00
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
Do	PITTSBURGH CORNING CORPORATION		
Do	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA	6,750.00	6,750.00
Do	SPECIALTY STEEL INDUSTRY OF THE UNITED STATES		
Do	WEST TEXAS LAND & ROYALTY OWNERS ASSN		
GEORGE COLLINS, 1126 16TH ST., NW WASHINGTON DC 20036	IUE-AFL-CIO	600.00	300.00
MARY M. COLLINS, 1120 20TH STREET, NW, #600 SOUTH WASHINGTON DC 20036	UNION PACIFIC CORP	1,500.00	
STEPHEN J. COLLINS, SUITE 1000 1620 EYE ST., NW WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.	750.00	
COLORADO RAILROAD ASSN, 1365 LOGAN, #204 DENVER CO 80203			
COLORADO SKI COUNTRY USA, INC., SUITE A-201 1410 GRANT STREET DENVER CO 80203			
COLUMBIA GORGE UNITED, BOX 328 STEVENSON WA 98648			
CAROL A. COLZA, ROGER B. SCHAGRIN, P.C. 923 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE ON PIPE & TUBE IMPORTS		
COMMERCIAL UNION INSURANCE COMPANIES, ONE BEACON STREET BOSTON MA 02108			
COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT, C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.		110.00	110.00
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036			
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING, SUITE 401 1725 K ST., NW WASHINGTON DC 20005			
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY, SUITE 303 1901 L ST., NW WASHINGTON DC 20036		300.00	300.00
COMMITTEE FOR EFFECTIVE TAX INCENTIVES, ONE FARRAGUT SQUARE 8TH FLOOR WASHINGTON DC 20006			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS, 2762 N. CLAYBOURN AVENUE CHICAGO IL 60614			
COMMITTEE FOR HUMANE LEGISLATION, INC, 11 WEST 60TH ST. NEW YORK NY 10023		46,616.42	62,191.61
COMMITTEE FOR PRIVATE EDUCATION, 1025 MICHIGAN AVENUE, NE WASHINGTON DC 20036			
COMMITTEE FOR PROPOSITION THIRTY, P.O. BOX 915 HARTSELLE AL 35640			13.00
COMMITTEE FOR 806.30 AND 807, INC, SUITE 800 1611 NORTH KENT ST. ARLINGTON VA 22209		17,784.77	18,460.01
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN, 3213 O ST., NW WASHINGTON DC 20007		14,500.00	
COMMON CAUSE, 2030 M ST., NW WASHINGTON DC 20036		2,013,120.00	392,642.12
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	AMERICAN TELEPHONE & TELEGRAPH (AT&T)		
Do	CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR)	58,918.00	58,918.00
Do	NATURAL GAS SUPPLY ASSN	184,789.00	184,789.00
COMMUNITY NUTRITION INSTITUTE, SUITE 530 2001 S ST., NW WASHINGTON DC 20009			
LANCE COMPA, 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMER	5,833.62	
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, 1500 WILSON BLVD SUITE 512 ARLINGTON VA 22209		13,163.00	13,035.00
STEPHEN R. CONAFAY, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC.	3,000.00	1,621.38
BERT M. CONCKLIN, 1500 PLANNING RESEARCH DRIVE MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		1,014.94
EDWARD C. CONE P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
CAROLE K. CONES, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMM FOR AMERICAN SILVER)	6,450.00	37.57
CONGRESS WATCH, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		69,920.29	69,061.29
RAYMOND F. CONKLING, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC.	400.00	17.25
CHARLES E. CONLON, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	
JOHN B. CONNALLY, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		
STEPHEN N. CONNER, ROUTE 1, BOX 506 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA		3,146.76
T. GARY CONNETT, P.O. BOX 14042 ST. PETERSBURG FL 33733	FLORIDA POWER CORP	1,572.00	688.80
JOHN J. CONNOLLY, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT AND ASSOCIATES, INC	3,000.00	
Do	BILL HECHT AND ASSOCIATES, INC (FOR: GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA).		
RICHARD J. CONNOR JR., 1201 PENNSYLVANIA AVENUE, NW, #220 WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC		
JERRY C. CONNORS, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	1,000.00	100.00
MARK R. CONRAD, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION	10,800.00	4,533.00
CONSORTIUM OF SOCIAL SCIENCE ASSNS., SUITE 520 1200 17TH ST., NW WASHINGTON DC 20036		58,300.00	1,838.66
CONSUMERS UNION OF U.S., INC., 256 WASHINGTON ST. MOUNT VERNON NY 10550			8,775.00
CONTACT SYSTEMS CORP, 200 MADISON AVENUE, #1207 NEW YORK NY 10016			
JOHN J. CONTNEY, 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO		
ALEXANDRA W. COOK, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	160.00	88.00
FREDERCK N. COOK, VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INST	600.00	
HARRY N. COOK, 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATERWAYS CONFERENCE, INC.		
K. RICHARD COOK, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	375.00	
THOMAS M. COOK, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
EILEEN D. COOKE, 110 MARYLAND AVE., NE, SUITE 101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	1,332.00	
BERNARD J. COONEY, SUITE 720 1030 15TH ST., NW WASHINGTON DC 20005	CATERPILLAR TRACTOR CO		
PAUL E. COONEY, 1775 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL		4.00
BENJAMIN Y. COOPER JR , 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	7,500.00	
JESSE D. COOPER, SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSN	2,600.00	1,154.55
JOSHUA W. COOPER, 400 MADISON STREET, APT. 808 ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	2,400.00	513.75
KATHY J. COOPER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	100.00	
MITCHELL J. COOPER, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	3,000.00	6.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	FOOTWEAR DIV., RUBBER MFGRS ASSN	13,200.00	60.65
COOPERATIVE LEAGUE OF THE USA, SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		6,444.97	3,249.95
DARRELL COOVER, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	2,000.00	811.00
CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C., SUITE 510 1575 EYE STREET, NW WASHINGTON DC 20005	STANDARD OIL CO OF CALIFORNIA	39,971.00	434.03
Do	TEXAS EASTERN TRANSMISSION CORP		
PATRICK H. CORCORAN, SUITE 1205 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPELINES		
ALFRED C. CORDON, GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING CO., INC		
LAW OFFICES, JAMES C CORMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	1,100.00	
Do	BANK AMERILEASE GROUP	722.00	
Do	CALIFORNIA VISION SERVICE PLAN		
Do	CARGILL LEASING CORP	722.00	
Do	CONNELL FINANCE CO, INC	722.00	
Do	COOPERATIVE OF AMERICAN PHYSICIANS, INC		
Do	FIRST CHICAGO LEASING CORP	722.00	
Do	FIRST NATIONAL BANK OF MINNEAPOLIS	722.00	
Do	GATX LEASING CORP	722.00	
Do	GENERAL AMERICAN LIFE INSURANCE CO	2,620.00	
Do	GENERAL ELECTRIC CREDIT CORP	722.00	
Do	HOME LIFE INSURANCE CO	2,620.00	
Do	INTERNATIONAL TAXICAB ASSN	3,750.00	
Do	MANUFACTURERS HANOVER LEASING CORP	722.00	
Do	MUSIC CORP OF AMERICA, INC	6,500.00	
Do	NATIONAL COMM TO PRESERVE SOCIAL SECURITY AND MEDICARE	13,300.00	
Do	NATIONAL RAILWAY LABOR CONFERENCE	1,100.00	
Do	PACIFIC MUTUAL LIFE INSURANCE CO	2,620.00	
Do	PROVIDENT MUTUAL LIFE INSURANCE COMPANY OF PHILADELPHIA	2,620.00	
Do	SHAH & ASSOCIATES		
Do	STATE MUTUAL LIFE ASSURANCE CO OF AMERICA	2,620.00	
Do	STATE OF MICHIGAN	7,400.00	
Do	SYSTEMS AND APPLIED SCIENCES	250.00	
Do	TEXAS AIR CORP	10,300.00	
Do	UCI, INC		
Do	UNITED ENERGY CORP	16,400.00	
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
CORN REFINERS ASSOCIATION, INC., 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,764.00	2,482.00
CORPORATION FOR GOVERNMENT ACTION, INC, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		33,382.24	33,913.81
ERNEST J. CORRADO, SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING	525.00	
MARY MARCOTTE CORRIGAN, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
RICHARD L. CORRIGAN, 1201 PENNSYLVANIA AVENUE, NW, #250 WASHINGTON DC 20004	CH2M HILL, INC	1,875.00	
MARTY CORRY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	499.08	196.98
ALLAN D. CORS, 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	500.00	
R. H. CORY, 1005 CONGRESS AVENUE, #795 AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	228.00	287.64
COSMETIC TOILETRY & FRAGRANCE ASSN, INC, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
REGINA A. COSTA, 600 MARYLAND AVENUE, SW, #510 WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION		
JAMES R. COSTELLO JR., 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	500.00	50.15
MICHAEL E. COSTELLO, SUITE 600 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		319.66
DIANE COSTENOBLE, 815 16TH ST., NW WASHINGTON DC 20006	FOOD & ALLIED SERVICE TRADES DEPARTMENT, AFL-CIO	518.30	
PETER J. COTCH, WALTER H. WHEELER JR. DRIVE STAMFORD CT 06926	PITNEY BOWES, INC		
MEREDITH COTE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	417.31	190.05
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	475.00	
J. BARRY COUGHLIN, 815 CONNECTICUT AVE.,N.W. WASHINGTON DC 20006	FORD MOTOR CO	845.00	935.90
COUNCIL FOR A LIVABLE WORLD, 11 BEACON ST. BOSTON MA 02108			14,249.80
COUNCIL FOR LANGUAGES AND OTHER INT'L. STUDIES, 3520 PROSPECT ST., NW WASHINGTON DC 20007		10,825.00	12,196.78
COUNCIL FOR RURAL HOUSING AND DEVELOPMENT, 2300 M ST., NW WASHINGTON DC 20036		4,000.00	4,000.00
COUNCIL OF STATE CHAMBERS OF COMMERCE, SUITE 200 122 C ST., NW WASHINGTON DC 20001		1,329.24	608.15
COUNCIL ON MULTIEMPLOYER PENSION SECURITY, INC, 1000 POTOMAC STREET, NW, #103 WASHINGTON DC 20007		46,500.00	46,033.10
COURSEN & COMPANY, 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH	20,850.00	646.00
WILLIAM R. COURTNEY, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	10,000.00	81.28
JOHN F. COVE, SUITE 702 918 16TH ST., NW WASHINGTON DC 20006	COVE ASSOCIATES INC. (FOR: ASSOCIATION OF U.S. NIGHT VISION MANUFACTURERS).		
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSN OF ORAL & MAXILLOFACIAL SURGEONS		
Do	AMERICAN CAN CO	1,600.00	30.00
Do	AMERICAN SECURITY CORP		19.00
Do	AMERICAN WATCH ASSN	5,000.00	74.00
Do	ANCHOR NATL LIFE INSURANCE CO		
Do	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
Do	COALITION TO PRESERVE THE INTEGRITY OF AMERICAN TRADEMARKS		
Do	EATON VANCE CORP		34.50
Do	GEORGE ROWE, JR. (FOR: ESTATE OF EDMUND G. MONELL)		131.35
Do	HEYL & PATTERSON, INC	2,000.00	17.00
Do	HOUDAILLE INDUSTRIES, INC		
Do	INVESTMENT COMPANY INSTITUTE	31,000.00	68.73
Do	MANUEL GARCIA, JR, ET AL	5,500.00	98.00
Do	MERCHANTS TERMINAL CORP	600.00	15.00
Do	MIDWEST TELEVISION, INC	20.00	
Do	MORGAN STANLEY & CO		1,323.64
Do	NATIONAL FOOTBALL LEAGUE		16.70
Do	PACIFIC STOCK EXCHANGE, INC	22,500.00	94.25
Do	POST-NEWSWEEK STATIONS, INC	600.00	4.75
Do	SUN LIFE ASSURANCE CO OF CANADA (U.S.)	11,419.00	22.00
EUGENE S. COWEN, 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING CO, INC	360.75	
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	ALASKA LUMBER & PULP CO AND KETCHIKAN PULP CO		
Do	MUNICIPALITY OF ANCHORAGE	8,332.00	1,094.11
Do	UNITED FISHERMEN OF ALASKA	3,100.00	633.10
ARCHIBALD COX, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	5,095.02	1,826.01
C. BRYAN COX, PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE CO	127.35	1,186.34
JEFFREY T. COX, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
CPT CORPORATION, 8100 MITCHELL ROAD P.O. BOX 293 MINNEAPOLIS MN 55440			1,050.00
DONALD FORSYTH CRAIB III, SUITE 600 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SEARS, ROEBUCK & CO	375.00	
CRAMER HABER & LUKIS, P.C., 818 CONNECTICUT AVE., NW WASHINGTON DC 20036	AGRICULTURISTS FOR RESPONSIBLE LEGISLATION	2,700.00	900.00
Do	BROWARD COUNTY		
Do	CANAVERAL PORT AUTHORITY	13,500.00	70.93
Do	CITY OF MIAMI	11,000.00	850.87
Do	DADE COUNTY	9,000.00	
Do	PENNSYLVANIA ENGINEERING CORP		
Do	REPUBLIC OF GABON		
WILLIAM C. CRAMER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER HABER & LUKIS, P.C. (FOR: AGRICULTURISTS FOR RESPONSIBLE LEGISLATION)		
Do	CRAMER HABER & LUKIS, P.C. (FOR: BROWARD COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER HABER & LUKIS, P.C. (FOR: PENNSYLVANIA ENGINEERING CORP)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
JOHN R. CRANE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS		
ROSEMARIE J. CRAVEN, 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	NATIONAL INHOLDERS ASSN	800.00	
JOHN P. CREGAN, 1000 CONNECTICUT AVENUE, NW, #1200 WASHINGTON DC 20036	U.S. BUSINESS & INDUSTRIAL COUNCIL		6,600.00
RICHARD C. CREIGHTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	2,700.00	526.90
DOUGLAS P. CREW, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
JOSEPH M. CRIBBEN, 6900 VALLEY BROOK DR. FALLS CHURCH VA 22042	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	1,750.00	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD E. CRISTOL, 5775 PEACHTREE-DUNWOODY RD., #500D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
PHILIP R. CROESSMANN, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,300.00	
P. H. CROFT, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSN		
ROBERT W. CROMARTIE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	250.00	
CHARLES H. CROMWELL, INC., 6709 GEORGIA ST. CHEVY CHASE MD 20815	GENERAL ELECTRIC CO		
Do	HUGHES HELICOPTERS		
Do	NORTHROP CORP		
LAUREN JEANNE CRONIN, 300 LAKESIDE DRIVE OAKLAND CA 94612	KAISER CEMENT CORPORATION	7,820.00	9,925.22
RAE E. CRONMILLER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	180.00	
THOMAS R. CROSBY JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
DONALD A. CROSIER, NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST		
COLLEEN CROSSLAND, 444 N. CAPITOL STREET, NW, #718 WASHINGTON DC 20001	PACIFIC TELESIS GROUP	15,450.00	
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASARCO INC	1,540.00	10.00
Do	ASSOCIATED GAS DISTRIBUTORS		
Do	AVON PRODUCTS, INC	437.50	20.00
Do	BROOKLYN UNION GAS CO		10.00
Do	BURLINGTON NORTHERN		
Do	COMMUNICATIONS SATELLITE CORP		30.00
Do	CONTROL DATA CORPORATION		
Do	COOK INLET REGION, INC		
Do	ELI LILLY AND COMPANY	1,350.00	10.00
Do	NATIONAL ASSN OF MANUFACTURERS	2,562.50	28.00
Do	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS	11,840.00	10.00
Do	PAN AMERICAN WORLD AIRWAYS, INC	2,275.00	128.95
Do	REGIONAL AIRLINE ASSOCIATION		
Do	TRUST FOR PUBLIC LANDS		3,640.00
SAM S. CRUTCHFIELD, 3528 GALLOWS ROAD ANNANDALE VA 22003	HALE FOUNDATION		
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			
CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL, 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	LAWRENCE KUDLOW ASSOCIATES, ET AL	2,400.00	
JONNA LYNNE CULLEN, J. L. ASSOCIATES ONE THOMAS CIRCLE, #900 WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
WILLIAM E. CUMBERLAND, 1125 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
SCOTT S. CUNNINGHAM, 1100 15TH STREET, NW WASHINGTON DC 20005	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	14,182.50	349.25
JOHN T. CURRAN, 815 16TH ST., NW WASHINGTON DC 20006	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS		
Do	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	2,334.00	610.00
KATHLEEN L. CURRY, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	FIRE ISLAND ASSOCIATES, INC	2,750.00	520.50
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	LAKE ONTARIO CEMENT LIMITED		
EDWARD P. CURTIS JR., GENESEE PUBLIC AFFAIRS, INC 36 W. MAIN STREET ROCHESTER NY 14614	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	3,200.00	300.00
Do	U.S. TRUST COMPANY	5,000.00	
CURTIS MALLET-PREVOST COLT & MOSLE, 101 PARK AVENUE NEW YORK NY 10178	SATELLITE BUSINESS SYSTEMS	500.00	
MICHAEL C. CUSHING, 8283 GREENSBORO DRIVE MCLEAN VA 22102	ENVIRONMENTAL FUND	102.00	
M. RUPERT CUTLER, 1302 18TH STREET, NW, #403 WASHINGTON DC 20036	OREGON RAILROAD ASSN		
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	METROPOLITAN LIFE INSURANCE CO		
D L ASSOCIATES, 1730 RHODE ISLAND AVENUE, NW, #210 WASHINGTON DC 20036	SCIENCE APPLICATIONS, INC	250.00	
Do	CENERGY EXPLORATION CO	2,675.36	
D'AMICO LUEDTKE DEMAREST & GOLDEN, 1920 N STREET, NW, #400 WASHINGTON DC 20036	ENHANCED ENERGY RESOURCES, INC		
Do	MITCHELL ENERGY & DEVELOPMENT CORP	2,675.36	
Do	PITTS ENERGY GROUP	2,675.36	
Do	SOUTHLAND CORPORATION		
Do	TEXAS OIL & GAS CORP	2,675.36	
Do	U.S. TELEPHONE, INC		
Do	WESSELY ENERGY CORP	2,675.36	
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC		
WILLIAM K. DABAGHI, REYNOLDS ALLEN & COOK 1667 K STREET, NW, #300 WASHINGTON DC 20006	COALITION FOR REGIONAL BANKING & ECONOMIC DEVELOPMENT	2,674.87	959.57
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106			
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	800.00	64.50
DAKOTA LAY'D EGG CO, P.O. BOX 606 CANDO ND 58324			5,500.00
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	75.56	
DONALD W. DALRYMPLE, 1575 I ST., NW WASHINGTON DC 20005	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	3,167.50	838.20
JAMES G. DALTON, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
JOHN M. DAMGARD, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
TRACY DANESE, P.O. BOX 14000 JUNO BEACH FL 33408	FLORIDA POWER & LIGHT CO	938.00	4,680.00
JOHN E. DANIEL, 1133 15TH STREET, NW, #1200 WASHINGTON DC 20005	OHIO EDISON CO		
DANIELS HOULIHAN & PALMETER, P.C., 1331 PENNSYLVANIA AVE. NW, #515 WASHINGTON DC 20004	AMERICAN ASSN OF EXPORTERS & IMPORTERS		
Do	AMERICAN ASSN OF EXPORTERS-IMPORTERS - TEXT & APPAR GROUP		
DAVID S. DANIELSON, SUITE 400 E 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
WILLIAM H. DARDEN, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	612.00	
ONEIDA L. DARLEY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	780.00	
COLLEEN A. DARLING, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	4,800.00	245.42
DAN DARLING, SUITE 310 NATIONAL PRESS BUILDING WASHINGTON DC 20045	SOCIAL SECURITY LOBBY	1.00	
DIANE DAVENNY DARNEILLE, 1100 17TH ST., NW, #1206 WASHINGTON DC 20036	SCHERING-PLOUGH CORP	9,340.00	1,269.49
THOMAS ROGER DART, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	720.00	
JOHN C. DATT, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,031.26	
M. DENNIS DAUGHERTY, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	118.12	8.50
JOHN B. DAVENPORT JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	135.00	
LARRY C. DAVENPORT, 5775 PEACHTREE-DUNWOODY RD. SUITE 500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
THEODORE S. J. DAVI, P.O. BOX 131 #6 MAGNOLIA AVENUE MONTVALE NJ 07645			
EARL F. DAVID, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	1,000.00	
DANIEL I. DAVIDSON, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)		
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	COMMITTEE FOR CELLULAR FAIRNESS		
DAVID R. DAVIS, INDIANA PETROLEUM COUNCIL 714 HARRISON BLDG. INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INST	1,814.04	1,548.98
DREW M DAVIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	118.97	82.00
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	5,091.29	919.14
FRED G. DAVIS, 1111 19TH STREET, N.W. WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,515.00	277.25
DAVIS GRAHAM & STUBBS, SUITE 500 1001 22ND ST., NW WASHINGTON DC 20037	MUNICIPAL SUBDISTRICT, NO. COLORADO WATER CONSERVANCY DIST	5,955.30	5,955.30
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT	12,235.50	12,235.50
Do	SNYDER OIL COMPANY	1,138.50	1,138.50
DAVIS HOCKENBERG WINE BROWN & KOEHN, 2300 FINANCIAL CENTER DES MOINES IA 50309	NORTHWESTERN BELL (IOWA DIV.)		59.48
KENNETH E. DAVIS, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM & HAAS CO	500.00	21.44
OVID R. DAVIS, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	MORGAN GUARANTY TRUST CO OF NEW YORK	500.00	
Do	NORWEST CORP		
ROBERT DAVIS, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	800.00	351.00
DAVIS SIMPICH & SIENA, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CALIFORNIA HOUSING COUNCIL	12,255.00	251.67
W. KENNETH DAVIS, 209 FAIRHILLS DRIVE SAN RAFAEL CA 94901	BECHTEL GROUP, INC		
WILLIAM LEE DAVIS, 299 PARK AVE. NEW YORK NY 10171	WESTVACO CORP		
DAVIS WRIGHT TODD RIESE & JONES, SUITE 800 1752 N ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS	1,150.00	12.00
HARRY F. DAY, 1800 K STREET, NW, #1100 WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
J. EDWARD DAY, 5TH FL. 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSN		
Do	THIRD CLASS MAIL ASSOCIATION		
DCM GROUP, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMM FOR AMERICAN SILVER	8,381.25	9,271.73
GASTON DE BEARN, SUITE 401 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
RALPH DE LA CRUZ, 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	4,062.00	65.00
O. MARK DE MICHELE, 411 NORTH CENTRAL AVENUE P.O. BOX 21666 PHOENIX AZ 85014	ARIZONA PUBLIC SERVICE COMPANY		
DEALER BANK ASSN, SUITE 1014 1800 K ST., NW WASHINGTON DC 20006			
JOHN RUSSELL DEANE III, 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MANUFACTURERS, INC		
Do	AUTO INTERNACIONAL ASSN	135.00	71.75
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN	900.00	413.91
DEBEVOISE & PLIMPTON, 1777 F STREET, NW, #700 WASHINGTON DC 20006	SONY CORP OF AMERICA	27,415.40	34.92
ROBERT L. DEBO, MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INST		
JEFF DEBOER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,750.00	502.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
EDWARD S. DEBOLT, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMM FOR AMERICAN SILVER)	2,718.75	
MARK O. DECKER, SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	688.00	
WINSTON M. DECKER, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	15.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
BRIAN DEERY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	211.52	530.89
GEORGE K. DEGNON ASSOCIATES, INC., SUITE 3A 1311-A DOLLEY MADISON BLDG. MCLEAN VA 22101	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		1,000.00
GENE A. DEL POLITO, 1133 15TH STREET, NW, #1037 WASHINGTON DC 20005	THIRD CLASS MAIL ASSN	600.00	
STEPHEN T. DELAMATER, 2600 SOUTHLAND CENTER 400 N. OLIVE ST. DALLAS TX 75201	HALLIBURTON CO		
JOHN W. DELANEY, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
THOMAS J. DELANEY, 1111 NORTH 19TH STREET, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,500.00	90.05
LAW OFFICES OF PAUL DELANEY, JR., 1120 20TH STREET, NW WASHINGTON DC 20036	BERMANS, THE LEATHER EXPERTS		
Do	CONTINENTAL GRAIN CO	9,232.03	
Do	BOWATER NORTH AMERICA CORP	12,301.77	
JOHN L. DELANO, 7 EDWARDS - BOX 1172 HELENA MT 59624	MONTANA RAILROAD ASSN		
ROBERT B. DELANO, 225 TOUHY AVE. PARK RIDGE IL 60068	AMERICAN FARM BUREAU FED	2,925.00	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		
GEORGIA L. DELYANNIS, 1730 K STREET, NW, #903 WASHINGTON DC 20006	AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE		
SUSAN C. DEMARR, 1615 H ST., N.W. WASHINGTON DC 20061	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
TANIA DEMCHUK, 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	100.00	
BRADFORD T. DEMPSEY, 512 W. MAPLE AVE. SUITE 210 VIENNA VA 22180			
GEORGE H. DENISON, SUITE 400 4801 MASSACHUSETTS AVE., NW WASHINGTON DC 20016	CRUISE AMERICA LINE, INC	1,200.00	
Do	NATIONAL OFFICE PRODUCTS ASSN	600.00	
Do	WESTINGHOUSE ELECTRIC CORP	675.00	
RAY DENISON, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,769.00	748.63
JOHN H. DENMAN, MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INST	664.00	913.45
DAVID W. DENSFORD, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	1,000.00	100.00
WELLS DENYES, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	750.00	102.05
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		10,158.05	10,158.05
GREGORY L. DEPRIEST, 1735 DESALES STREET, NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
ALPHONSE DEROSSO, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		131.29
LLOYD J. DERRICKSON, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC	6,500.00	
JAMES T. DEVINE, LAW OFFICES OF DERRIS LEONARD, P.C. 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSN OF AMER		
R. DANIEL DEVLIN, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC	400.00	
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMAX, INC		
Do	AMERICAN CAN CO	1,540.00	
Do	AMERICAN STOCK EXCHANGE, INC		
Do	BENEFICIAL CORPORATION		
Do	BROWNING-FERRIS INDUSTRIES, INC		
Do	CHASE MANHATTAN BANK, N.A		
Do	DAMSON OIL CORP		
Do	FEDERAL NATIONAL MORTGAGE ASSN	127.50	
Do	GENERAL ELECTRIC PENSION TRUST	390.00	
Do	INTERSTATE NATURAL GAS ASSN OF AMERICA		
Do	NATIONAL ASSN OF PUBLIC HOSPITALS	1,440.00	
Do	PANHANDLE EASTERN PIPE LINE CO		
Do	PHIBRO-SALOMON, INC		
Do	SHEARSON/AMERICAN EXPRESS, INC		
Do	TEACHERS INSURANCE AND ANNUITY ASSN OF AMERICA		
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	919.16	657.36
DORIS J. DEWTON, 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC		
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS	400.00	75.20
Do	SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION	6,437.00	1,556.64
Do	SOFREAVIA	2,590.00	526.40
DIAMOND SHAMROCK CORPORATION, 717 N. HARWOOD STREET DALLAS TX 75201			986.95
CHARLES J. DIBONA, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	1,875.00	
JOHN M. DICKERMAN, SUITE 700 1015 15TH ST., NW WASHINGTON DC 20005	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN		
CHESTER T. DICKERSON JR., 1101 17TH STREET , N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO CO		289.58
DICKEY KNORR & MOORE, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	CTI-CONTAINER TRANSPORT INT'L, INC, ET AL	577.50	
Do	DEERE & COMPANY		
Do	REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, CA	825.00	
WILLIAM E. DICKINSON, SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	250.00	250.00
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	BEAR, STEARNS & CO	4,000.00	
Do	BOUNDARY GAS, INC	600.00	
Do	CUSTOM AUTOMOTIVE SOUND ASSN, INC	500.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS	13,100.00	
Do	GILBANE BUILDING CO		
Do	GUAM ECONOMIC DEVELOPMENT AUTHORITY		
Do	HUGHES AIRCRAFT CO	480.00	
Do	LTV AEROSPACE & DEFENSE CO		
Do	MARINE ENGINEERS' BENEFICIAL ASSN		
Do	MARINETTE MARINE CORP	2,250.00	
Do	MCDONNELL DOUGLAS CORP	320.00	
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS		
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	600.00	
Do	NATURAL GAS SUPPLY ASSN	9,000.00	
Do	OPTIONS POLICY ASSN	7,500.00	
Do	PAULUCCI ENTERPRISES	4,000.00	
Do	STATE OF DELAWARE, STATE OF IOWA, STATE OF LOUISIANA, ET AL		
RICK DIEGEL, 1125 15TH STREET, NW WASHINGTON DC 20005	UNITED BRANDS CO	80.00	
GEORGE DILLARD, 5128 SAUER, SUITE A HOUSTON TX 77004	INTERNATIONAL BROTHERHOD OF ELECTRICAL WORKERS, ALF-CIO-CLC	2,281.25	213.55
TIMOTHY V. A. DILLON, 1331 PENNSYLVANIA AVE., NW, #905 WASHINGTON DC 20004	KALEIDOSCOPE RESEARCH & MARKETING GROUP		
Do	SACRAMENTO MUNICIPAL UTILITY DISTRICT	3,600.00	69.59
THOMAS A. DINE, 444 NORTH CAPITOL ST, NW, #412 WASHINGTON DC 20001	WESTLANDS WATER DISTRICT	3,000.00	36.96
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	12,999.99	3,080.89
Do	FEDERAL KEMPER LIFE ASSURANCE COMPANY	327.73	71.19
Do	KEMPER INVESTORS LIFE INSURANCE CO	499.02	54.34
CHARLES VERN DINGES IV , 1302 18TH STREET, NW, #403 WASHINGTON DC 20036	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	40.68
DIRECT SELLING ASSOCIATION, 1730 M ST., NW WASHINGTON DC 20036	ENVIRONMENTAL FUND	452.50	27.50
HARLEY M. DIRKS, 400 FIRST STREET, NW, #712 WASHINGTON DC 20002			858.59
Do	HEALTH & MEDICINE COUNSEL OF WASHINGTON		
DISABLED AMERICAN VETERANS, 3725 ALEXANDRIA PIKE COLD SPRING KY 41076	PROFESSIONAL SERVICES COUNCIL	126,265.89	126,265.89
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
JAMES F. DOHERTY, 624 9TH ST., NW 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
JOHN D. DOHERTY JR., 900 17TH STREET, NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A	172.00	34.22
GREGORY S. DOLE, BRAND LOWELL & DOLE 923 15TH STREET, NW WASHINGTON DC 20005	EDISON ELECTRIC INSTITUTE	6,656.25	67.80
Do	NATIONAL HEAD INJURY FOUNDATION, INC	540.00	
ROBIN C. DOLE, SUITE 350 1825 EYE ST., NW WASHINGTON DC 20006	CENTURY 21 REAL ESTATE CORP	675.00	
JULIE DOMENICK, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	385.48	204.08
DOMESTIC WILDCATTERS ASSN, P.O. BOX 4394 HOUSTON TX 77210		92,000.00	94,577.99
BRIAN J. DONADIO, SUITE 875 122 C ST., NW WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	2,625.00	
JOHN F. DONELAN, DONELAN CLEARY WOOD & MASER, P.C. 914 WASHINGTON BUILDING WASHINGTON DC 20005	PROCOMPETITIVE RAIL STEERING COMMITTEE		
SALLY S. DONNER, 4TH FL. 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	GENERAL FOODS CORPORATION	1,332.00	62.59
JAMES F. DONOVAN, 1835 K STREET, NW, #600 WASHINGTON DC 20006			
THOMAS F. DONOVAN, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
WILLIAM DONOVAN, 1111 N. 19TH ST, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	2,500.00	389.94
FRANCIS X. DOOLEY, 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	7,500.00	360.00
IRA DORFMAN, 3RD FLOOR 1111 14TH ST., NW WASHINGTON DC 20005	AMERICAN BAKERS ASSN	444.99	2.00
JAMES A. DORSCH, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
KENNETH W. DORSCH, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
DEAN R. DORT II , SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	600.00	
JOSEPH K. DOSS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	2,530.00	
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALGOMA STEEL CORP, LTD, ET AL	15,239.80	2,660.67
Do	LAKE ONTARIO CEMENT LIMITED		
Do	LAUREL STEEL PRODUCTS, LTD	1,415.70	476.50
Do	LESNINA, ET AL		
Do	TOBACCO MARKETING BOARD OF ZIMBABWE	517.50	
CHARLES P. DOWNER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,000.00	250.00
JANE LIND DOWNEY, P.O. OC 2303 400 ARMY-NAVY DR. ARLINGTON VA 22002	AMERICAN MOVERS CONFERENCE	45.00	
CONNIE M. DOWNS, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORP		
JOHN H. DOWNS JR., 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		415.39
JOHN P. DOYLE, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	3,839.43	2,058.57
ROBERT H. DOYLE, 1130 17TH STREET, NW, #200 WASHINGTON DC 20036	WATER QUALITY ASSN		
WILLIAM A. DOYLE, 2346 S. ROLFE STREET ARLINGTON VA 22202	HARRIS CORP	2,700.00	1,838.59
NANCY DRABBLE, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	7,500.00	
RONALD W. DRACH, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	14,799.20	55.94
JAMES E. DRAKE, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	5,272.00	
JOAN ALBERT DREUX, 600 PENNSYLVANIA AVENUE, SE, #211 WASHINGTON DC 20003	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	2,400.00	1,038.77
JEROME L. DREYER, 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
STEPHEN D. DRIESLER, SUITE 306 1150 17TH ST., NW WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	8,500.00	933.37
JOHN P. DRING, 1875 I STREET, NW, #525 WASHINGTON DC 20006	TEXAS GAS TRANSMISSION CORP	1,500.00	167.52
KEVIN J. DRISCOLL, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
DOROTHY J. DRUMMER, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	105.00	25.00
W.H. DRUSHEL JR , 3500 FIRST CITY TOWERS HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA PETROLEUM CORP)		
Do	VINSON & ELKINS (FOR: QUINTANA REFINERY COMPANY)		
EDWIN JASON DRYER, 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
FRAN DU MELLE, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	2,890.00	963.00
ERNEST DUBESTER, 815 16TH STREET, NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	12,640.80	96.00
EVELYN DUBROW, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	10,965.50	4,265.14
MORGAN D. DUBROW, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	140.00	
JANE MCPIKE DUDLEY, 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	1,050.00	
JOHN A. DUDLEY, SULLIVAN & WORCESTER 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BURGESS & LEITH, INC	500.00	
Do	ENDOWMENT MANAGEMENT & RESEARCH CORP	500.00	
ANN ANDERSON DUFF, 222 S. PROSPECT AVE. PARK RIDGE IL 60068	NATIONAL ASSOCIATION OF MANUFACTURERS	1,200.00	
MICHAEL J. DUFF, 1101 16TH STREET, NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,100.00	41.49
SARAH WELLS DUFFY, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	4,987.50	229.43
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	3,800.00
FRANCIS J. DUGGAN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	417.13	363.07
EVELYN DUKOVIC, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC		
MERVIN E. DULLUM, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	200.00	81.65
DON R. DUNCAN, 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	4,500.00	1,000.00
DUNCAN WEINBERG & MILLER, P.C., SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MID WEST ELECTRIC CONSUMERS' ASSN, INC		
Do	STATE OF NEVADA	250.00	
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC		
JAMES W. DUNLOP, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
H. STEWART DUNN JR., SUITE 600 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ESTATE OF VIRGINIA S. DU PONT		
Do	SIR JAMES GOLDSMITH		
Do	ROCHESTER TAX COUNCIL		
MARI LEE DUNN, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
JOHN H. DUNNE, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DUNNELLS DUVALL BENNETT & PORTER, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	MULTIFAMILY HOUSING ASSOCIATION		2,796.12
JAMES A. DUPREE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	4,100.00	1,404.00
JOSEPH L. DURAN, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JUDY C. DURAND, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	666.00	2,038.63
MICHAEL V. DURANDO, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,875.00	36.47
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY	162.00	631.86
DUTKO & ASSOCIATES, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	A.R.M., INC	2,000.00	
Do	ASSOCIATES OF NORTH AMERICA		
Do	CENERGY EXPLORATION CO	5,705.25	
Do	MITCHELL ENERGY & DEVELOPMENT CORP	1,705.25	
Do	PITTS ENERGY GROUP	1,705.25	
Do	SCHLENSKER DRILLING CO	8,000.00	
Do	TEXAS OIL & GAS CORP (TXO)	1,705.25	
Do	TRADE MAX, INC	13,701.25	
Do	U.S. TELEPHONE, INC	9,000.00	
Do	WESSELY ENERGY CORP	1,705.25	
L. L. DUXBURY, 210 7TH STREET, SE, #517 WASHINGTON DC 20003	RAILROAD RETIREMENT ASSN		637.50
HENRY I. DWORSHAK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DENIS J. DWYER, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	437.50	
RODERICK T. DWYER, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MICHAEL J. DYER, 1331 PENNSYLVANIA AVENUE, NW, #905 WASHINGTON DC 20004	NATIONAL COALITION FOR EMERGENCY MEDICAL SERVICES		
DYKEMA GOSSETT SPENCER GOODNOW & TRIGG, 1752 N ST., NW, 6TH FL. WASHINGTON DC 20036	DAEDALUS ENTERPRISES, INC		
Do	TOTAL PETROLEUM, INC		
TALIS DZENITIS, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS ROEBUCK & CO	500.00	32.00
DENNIS J. EARHART, 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	496.00	
JACK D. EARLY, 1155 15TH ST., NW, #514 WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	275.00	6.50
CATHERINE EAST, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	1,875.00	
GEORGE H. EATMAN, 1800 CONNECTICUT AVE., NW WASHINGTON DC 20009	SLURRY TRANSPORT ASSN		
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. EBEL, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	861.00
N. BOYD ECKER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	58.25
ROBERT C. ECKHARDT, SUITE 1105 1750 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CERTAIN TEXAS CLAIMANTS LAWYERS	5,000.00	
Do	CONSOLIDATED NATURAL GAS CO	5,000.01	
Do	INVESTMENT COMPANY INSTITUTE	5,000.01	
Do	STATE BAR OF TEXAS	10,000.00	
Do	WALTON & SON, STEVEDORING COMPANY		
Do	WESTERN FUELS ASSOCIATION, INC	9,999.99	
PATRICIA K. ECONOMOS, 15TH & M STS., NW, WASHINGTON DC 20005	NATIONAL ASSN. OF HOME BUILDERS OF THE U.S		
MITCHELL H. EDELSTEIN, 1411 K ST., NW, #850 WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION	3,531.84	145.95
WILLIAM R. EDGAR, SUITE 501 1620 EYE ST., NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		
HELEN H. EDGE, 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	430.37	
ARTHUR B. EDGEWORTH JR , 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	1,484.00	
EDISON ELECTRIC INSTITUTE, 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		31,786.85	112,231.60
V. ANNE EDLUND, 1620 EYE ST., NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
STEPHEN L. EDMISTON, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	13,228.80	1,266.90
EDS CORPORATION, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003			2,622.00
JOHN M. EDSALL, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	218.00	662.92
EDWARDS ASSOCIATES, 507 SECOND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
CHRISTINE A. EDWARDS, SUITE 600 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	892.52	64.00
J. RODNEY EDWARDS, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
MACON T. EDWARDS, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	1,250.00	67.32
MAX N. EDWARDS, 1511 K STREET, NW, #1100 WASHINGTON DC 20005	FRANK G. KINGSLEY	6,000.00	55.00
WILLIAM A. EDWARDS, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,875.00	357.56
PAUL S. EGAN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	8,397.00	258.34
EGGERS & GREENE, 1407 MAIN ST. SUITE 335 DALLAS TX 75202	LTV CORPORATION	3,000.00	241.59
SARA EHRMAN, 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM		993.60
EUGENE EIDENBERG, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	5,000.00	
YVONNE B. EIDER, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	FRIENDS OF ANIMALS, INC	4,600.00	828.22
JILL W. EILAND, 507 SECOND STREET, NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ALBERT C. EISENBERG, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	9,000.00	65.68
H. J. ELAM III, 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JANE ELDER, SUITE 203 214 N. HENRY ST. MADISON WI 53703	SIERRA CLUB	2,025.00	1,747.41
GEORGE K. ELIADES, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	400.00	425.00
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
J. BURTON ELLER JR., 425 13TH ST., NW, #1032 WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES W. ELLIOTT, WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INST	646.80	820.65
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784			
DOROTHY A. ELLSWORTH, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	13,495.86	68.00
ELY RITTS BRICKFIELD & BETTS, SUITE 915 WATERGATE 600 BLDG. WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN		
CARL F. EMDE, 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC		
EMERGENCY COMMITTEE FOR AMERICAN TRADE, 1211 CONNECTICUT AVE. WASHINGTON DC 20036		78,937.73	65,673.98
EMERSON ELECTRIC CO, 8000 FLORISSANT ST. LOUIS MO 63136			831.92
CAROL R. EMERY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,625.00	
EMPLOYEE RELOCATION COUNCIL, SUITE 600 1627 K ST., NW WASHINGTON DC 20006			3,085.33
EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		35,334.11	35,334.11
IRENE R. EMSELLEM, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
LOWELL J. ENDAHL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	95.00	
ENERGY CONSUMERS & PRODUCERS ASSN, BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		32,115.00	5,344.24
RALPH ENGEL, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	121.66	13.00
LEWIS A. ENGMAN, 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,500.00	
CHRISTOPHER ENGQUIST, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMOS S. ENO, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
M. DALE ENSIGN, 2600 VIRGINIA AVENUE, NW, #901 WASHINGTON DC 20037	SINCLAIR OIL CORPORATION	500.00	61.53
ENVIRONMENTAL FUND, 1302 18TH STREET, NW, #403 WASHINGTON DC 20036			796.10
JOHN M. ERSKINE JR., 1122 COLORADO, SUITE 208 AUSTIN TX 78701	STANDARD OIL CO (INDIANA)		
MARTHA M. ESCUTIA, 20 F STREET, NW, #200 WASHINGTON DC 20001	NATIONAL COUNCIL OF LA RAZA	1,600.00	750.00
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	4,638.90	66.14
JOHN T. ESTES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,500.00	
STEPHEN E. EURE, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
EUROPEAN TRAVEL COMMISSION, 630 FIFTH AVENUE NEW YORK NY 10111			
DAVE EVANS ASSOCIATES, 160 N. CAROLINA AVENUE, SE WASHINGTON DC 20003	AMERICAN EXPRESS CO		
Do	U.S. LEAGUE OF SAVING INSTITUTIONS		
DONALD C. EVANS, P.O. BOX 1496 SARASOTA FL 33577	EVANS INVESTIGATIVE & SECURITY SERVICE		
JOHN R. EVANS, 9208 SEVEN LOCKS ROAD BETHESDA MD 20817	MESA PETROLEUM CO	8,850.00	
Do	NATIONAL CORP FOR HOUSING PARTNERSHIPS	1,200.00	
JOSEPH O. EVANS, APARTMENT 21 4401 LEE HWY. ARLINGTON VA 22207			
RAE FORKER EVANS, SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ROBERT D. EVANS, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
WILLIAM J. EVANS JR., SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD SERVICES, INC	360.00	304.76
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	422.31
ELLEN E. EVES, NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		70.50
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ARCHIE BENNETT)		191.58
Do	VINSON & ELKINS (FOR: ALFRED C. GLASSELL JR.)	9,748.70	394.03
Do	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		20.31
Do	VINSON & ELKINS (FOR: PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TX)	39,062.66	15.73
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO)		1,257.00
WAYNE S. EWING, ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSN, INC	2,500.00	
Do	WESTERN UNION TELEGRAPH COMPANY	2,000.00	
ROBERT R. FAHS, SUITE 205 1101 15TH ST., NW WASHINGTON DC 20005	CARGILL INC	2,500.00	
DALE W. FALLAT, P.O. BOX 119 MAUMEE OH 43537	ANDERSONS		
F. S. FALLON JR., P.O. BOX 888-F-9 ASHLAND KY 41101			
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
PETER M. FANNON, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	200.00	50.00
THOMAS B. FARLEY II, 1220 L ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	7,975.00	118.35
WILLIAM T. FARLEY, 1126 16TH STREET, NW WASHINGTON DC 20036	IUE-AFL-CIO	600.00	300.00
FARM CREDIT COUNCIL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		2,347.91	2,664.32
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA, P.O. BOX 2251 DENVER CO 80251		201,181.35	48,967.79
JOHN W. FARQUHAR, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
ROBERT M. FARQUHAR, P.O. BOX 130 LEVIS, QUEBEC, CANADA G6V 6N7	DAVIE SHIPBUILDING LIMITED		
DAGMAR T. FARR, 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
CHRISTOPHER G. FARRAND, 1120 20TH STREET, NW, #720 WASHINGTON DC 20036	PEABODY HOLDING COMPANY, INC		593.26
MICHAEL FARRAR, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	200.00	
JOSEPH A. FARRELL, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
STEPHANIE T. FARRIOR, 201 MASSACHUSETTS AVENUE, NE, #310 WASHINGTON DC 20002	NATIONAL COMM AGAINST REPRESSIVE LEGISLATION	3,750.00	
PENELOPE S. FARTHING, SUITE 415 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
MARCUS G. FAUST, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	KENNECOTT CORPORATION	10,300.00	641.77
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	CDASTAL CORPORATION		
JANE FAWCETT-HOOVER, 801 18TH ST., NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	102.09	
RICHARD H. FAY, 1150 CONNECTICUT AVENUE, NW, #900 WASHINGTON DC 20036	REED SMITH SHAW & MCCLAY (FOR: REPUBLIC INDUSTRIES, INC)		9,924.40
FEDERAL JUDGES ASSOCIATION, 1355 MARKET STREET, #155 SAN FRANCISCO CA 94103		10,450.00	19,398.47
FEDERATION EMPLOYMENT & GUIDANCE SERVICE, 114 FIFTH AVENUE NEW YORK NY 10011			
FEDERATION OF AMERICAN CONTROLLED SHIPPING, 50 BROADWAY NEW YORK NY 10004		2,890.67	2,890.67
FEDERATION OF AMERICAN HOSPITALS, SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		11,500.00	11,500.00
FEDERATION OF AMERICAN SCIENTISTS, 307 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			2,230.98
DONALD M. FEHR, 805 THIRD AVE. NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
JOEL F. FELDMAN, LAW OFFICES OF SHELDON I. LONDON 1725 DESALES STREET, NW, #401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,000.00	
JUDITH W. FENSTERER, 242 E. 80TH STREET NEW YORK NY 10021	GENERIC PHARMACEUTICAL INDUSTRY ASSN	185.00	
FENSTERWALD & FENSTERWALD, P.C., 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	5,000.01	249.99
EDWARD T. FERGUS, 100 GOLD ST. NEW YORK NY 10292	PRUDENTIAL-BACHE SECURITIES INC	750.00	
BETSY FERGUSON, 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN T. FERGUSON II, 1875 EYE STREET, NW, SUITE 400 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP	250.00	4.00
JOHN L. FESTA, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
FIDELITY UNION LIFE INSURANCE CO, P.O. BOX 500 DALLAS TX 75221			
FRED C. FIELDING, 1725 JEFFERSON DAVIS HWY, #900 ARLINGTON VA 22202	AM GENERAL CORPORATION	2,750.00	155.00
C. H. FIELDS, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,999.99	47.62
GARY W. FIELDS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,500.00	343.56
STEVEN I. FIER, 777 14TH STREET, NW, 5TH FL. WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,750.00	220.22
HERBERT A. FIERST, 610 RING BLDG. 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	49,374.00	1,555.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	J.L. INTERNATIONAL, LTD	600.00	
MATTHEW P. FINK, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	80.77	8.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	ARBUTUS CORPORATION	9,972.00	
Do	CANNON FINANCIAL GROUP		
Do	DIRECT BROADCAST SATELLITE CORP		
Do	GENERAL DYNAMICS CORP		
Do	GOLDEN NUGGET, INC	7,110.00	
Do	GOVERNMENT OF ANTIGUA & BARBUDA		
Do	GROUP HOSPITALIZATION, INC	300.00	
Do	NATIONAL CORP FOR HOUSING PARTNERSHIPS	4,532.00	
Do	POPULATION CRISIS COMMITTEE	2,975.00	
Do	RCA	2,844.50	
Do	STROMBERG-CARLSON CORPORATION		
Do	TELOCATOR NETWORK OF AMERICA		
Do	TRT TELECOMMUNICATIONS CORP	725.00	
Do	TURNER BROADCASTING SYSTEM, INC	370.00	
Do	UNITED SATELLITE ACTION	12,746.00	10,112.07
STEPHEN A. FINN, P.O. BOX 520783 - GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSN		
THOMAS D. FINNIGAN, OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP		
M. J. FIOCCO, 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	4,625.00	23.00
LAURIE A. FIORI, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	584.42	171.00
RICHARD J. FIORINI, P.O. BOX 15278 DENVER CO 80215	NORANDA MINING INC		
FIRST NATIONAL BANK OF BOSTON, 100 FEDERAL ST. BOSTON MA 02110			20,248.86
RICHARD L. FISCHER, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,050.00	
DONALD W. FISHER, 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSN, INC	292.00	
JOHN FISHER, 1140 OKLAHOMA ROAD COOK WA 98605	COLUMBIA GORGE UNITED		
WILLIAM L. FISHER, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
WILLIAM P. FISHER, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
CHARLES L. FISHMAN, P.C., 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO	1,000.00	
Do	CONSOLIDATED EDISON CO OF NEW YORK	1,000.00	
Do	DUKE POWER CO	1,000.00	
Do	NEW ENGLAND ELECTRIC SYSTEM	1,000.00	
Do	STONE & WEBSTER ENGINEERING CORP	11,250.00	
Do	VIRGINIA ELECTRIC & POWER CO	1,000.00	
Do	WESTINGHOUSE ELECTRIC CORP	23,000.00	1,411.29
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: GOVERNMENT OF CANADA).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: REPUBLIC OF HAITI).		
MARK FITZGERALD, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN. OF HOME BUILDERS OF THE U.S		
MARY CLARE FITZGERALD, SUITE 900-N 1800 M STREET, NW WASHINGTON DC 20036	GOLEMBE ASSOCIATES, INC		
REV. MSGR. JAMES H. 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	365.00	
THOMAS H. FITZPATRICK, 410 ASYLUM STREET HARTFORD CT 06103	AMERICAN PETROLEUM INST		
ALAN M. FITZWATER, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD	20,000.00	1,200.00
HILLIARD J. FJORD, 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER CO	3,000.00	972.12
DANIEL V. FLANAGAN JR., 1730 RHODE ISLAND AVENUE, NW, #206 WASHINGTON DC 20036	VEPCO	7,000.00	2,439.38
JAMES J. FLANAGAN, 25 RESEARCH DR. WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE CO	1,303.20	130.50
MICHAEL FLEMING, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS		
FELIPE M. FLORESCA, 67 WALL STREET, #1802 NEW YORK NY 10005			
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	JACKSONVILLE TRANSPORTATION AUTHORITY	4,826.00	
Do	WESTINGHOUSE ELECTRIC CORP	12,615.00	
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,715.14	
VERONICA M. FLOYD, 2001 S. JEFF DAVIS HIGHWAY, #1107 ARLINGTON VA 22202	BRUNSWICK CORP		
RICHARD A. FLYE, MCKENNA CONNER & CUNEO 1575 EYE STREET, NW WASHINGTON DC 20005	FERTILIZER INSTITUTE	17,488.00	
JOHN J. FLYNN, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	360.00
WILLIAM J. FOGARTY, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
FOLEY & LARDNER, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	INVESTORS MORTGAGE INSURANCE CO	400.00	3.02
Do	LAWYERS TITLE INSURANCE CORP		2.23
Do	SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL	21,865.00	3,987.31
Do	VGS CORPORATION		8.02
R. D. FOLSOM, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT MCMORAN, INC)	250.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL)	250.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	250.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WINE & SPIRITS WHOLESALERS OF AMERICA).	250.00	
FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		16,938.13	16,938.13
FOOD MARKETING INSTITUTE, 1750 K ST., NW WASHINGTON DC 20006			5,100.00
FOODSERVICE & LODGING INST, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			
GORDON FORBES, 303 HANOVER BLDG., 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS	530.00	1,269.03
LAURENCE S. FORDHAM, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC		
JOHN H. FOREHAND III, 95 EAST WAYNE AVENUE, #309 SILVER SPRING MD 20901	COMPUTERVISION		
Do	OMNI-TECH OF AMERICA, INC		
DONALD D. FOREMAN, 13716 E. WELLINGTON COURT BURNSVILLE MN 55337	STANDARD OIL CO (INDIANA)		
FORESIGHT SCIENCE & TECHNOLOGY, INC, SUITE 305 2000 P ST., NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS		
Do	RADAR DEVICES, INC	1,500.00	995.03
Do	SOCIETY FOR AMERICAN ARCHAEOLOGY	5,160.00	1,215.75
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			345.50
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036.		2,943.46	2,943.46
MARK A. FORMAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	625.00	
MARTI FORMAN, 3471 N. FEDERAL HIGHWAY, #511 FT. LAUDERDALE FL 33306	AMERISERV, INC		
SALLIE H. FORMAN, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	912.00	175.26
LUISE FORSETH, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440	MEDTRONIC, INC	761.00	632.67
RICHARD C. FORTUNA, 2916 STEPHENSON PL., NW WASHINGTON DC 20015	HAZARDOUS WASTE TREATMENT COUNCIL	4,700.00	4,700.00
NANCY E. FOSTER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	462.50	
EBERT E. FOURNACE, 3706 EATON RD., NW CANTON OH 44708	AMERICAN ELECTRIC POWER SERVICE CORP		
ALBERT A. FOX JR , 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	195.00	28.00
ALLAN FOX, KAYE SCHOLER FIERMAN HAYS & HANDLER 1575 I STREET, NW, #1150 WASHINGTON DC 20005	AMERICAN MEAT INSTITUTE		
ERIC R. FOX, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		
DAVID E. FRANASIAK, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	3,293.70	374.21
FRANCES E. FRANCIS, SPIEGEL & MCDIARMID 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL	1,426.75	
DOUGLAS L. FRANCISCO, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		78.50
PETER M. FRANK, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORP	2,500.00	1,281.50
DAVID C. FRANKIL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
WALTER L. FRANKLAND JR , 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSN, INC	1,558.60	81.19
CHARLES W. FRANZ, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	10,375.00	449.22
MARIAN C. FRANZ, 2121 DECATUR PLACE, NW WASHINGTON DC 20008	NATIONAL COUNCIL FOR A WORLD PEACE TAX FUND	450.00	138.00
CHARLES L. FRAZIER, 475 L'ENFANT PLAZA, SW, #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	5,000.00	2,936.64
ROBERT M. FREDERICK, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,887.50	
ANN TODD FREE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	400.00	
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, P.O. BOX 881 CENTERVILLE VA 22020		273,427.30	515,033.23
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	7,258.99	
JAMES O. FREEMAN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	5,262.00	11.00
LEWIS R. FREEMAN JR., 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
LINDA J. FREEMAN, SUITE 1006 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	TURNER BROADCASTING SYSTEM, INC	4,615.00	1,420.25
MARY ANN FREEMAN, 1331 PENNSYLVANIA AVE, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	26.00	
PAULA A. FREER, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: ASARCO INC)		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: BUDD COMPANY).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY AND CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).	250.00	
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING COMPANY).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SANTA FE CORP)		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: SHAKLEE CORPORATION).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: STROH BREWERY CO).	62.50	
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: TOBACCO INSTITUTE).		
Do	GRAY & CO. PUBLIC COMMUNICATION INTERNATIONAL, INC. (FOR: WARNER COMMUNICATIONS).		
VERRICK O. FRENCH, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	650.00	40.00
SARA HAMRIC FREUND, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
GEORGE L. FRICK, P.O. BOX 1429 20 E.DIVISION ST. DOVER DE 19903	AMERICAN PETROLEUM INST		
SUSAN FRIDY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,490.00	
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	ASSINIBOINE TRIBE		
Do	CHEYENNE RIVER SIOUX TRIBE		25.30
Do	DOYON, LIMITED		
Do	GENERAL ELECTRIC CO	4,100.00	18.00
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		
Do	NEZ PERCE TRIBE		31.00
Do	PUEBLO OF LAGUNA	1,404.00	30.00
Do	SCHENLEY INDUSTRIES, INC		125.72
Do	SENECA NATION OF INDIANS		35.63
RONALD A. FRIED, 2000 L STREET, NW, #200 WASHINGTON DC 20036	ORION SATELLITE CORPORATION	5,600.00	485.56
MAX L. FRIEDERSDORF, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		
PHILIP P. FRIEDLANDER JR., 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	400.00	
FRIEDMAN & MANN, P.C., 3315 QUESADA STREET, NW WASHINGTON DC 20015	COUSHATTA TRIBE OF LOUISIANA		
JAMES M. FRIEDMAN, 1100 CITIZENS BLDG. CLEVELAND OH 44114	CLEVELAND ELECTRIC ILLUMINATING CO	9,820.00	261.66
Do	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	15,035.00	1,945.47
GAY H. FRIEDMANN, 1150 CONNECTICUT AVE., NW, #717 WASHINGTON DC 20036	SOUTHERN CALIFORNIA GAS CO	8,140.00	198.21
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			24,245.04
FRIENDS OF ANIMALS, INC, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001		9,000.00	7,805.41
FRIENDS OF THE COLUMBIA GORGE, 519 SW THIRD, #810 PORTLAND OR 97204		68.29	303.09
OWEN V. FRISBY, 900 17TH ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	187.50	27.93
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	320.00	241.72
ALLYN M. FRITTS, 1298 WOODSIDE DRIVE MCLEAN VA 22102	NEW BEDFORD SEAFOOD COUNCIL, INC	5,001.00	590.98
CHARLES H. FRITZEL, 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	300.00	250.00
JEFFREY FRITZLEN, 1120 20TH STREET, NW, #600-S WASHINGTON DC 20036	UNION PACIFIC CORP	2,000.00	
ALBERT E. FRY, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	800.00	
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	RIGGS NATIONAL CORP	500.00	
CLAUDIA R. FUQUAY, 1401 NEW YORK AVE., NW, #400 WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	88.10
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP		
FUTURES INDUSTRY ASSN, INC, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006			
DAVID H. FYOCK, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	6,900.00	1,535.69
MARC P. GABOR, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	3,000.00	378.89
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY CO		
JAMES E. GAFFIGAN, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	1,750.00	
FRANK W. GAINES JR., OLWINE CONNELLY CHASE O'DONNELL & WEYHER 1850 K STREET, NW, #890 WASHINGTON DC 20006.	PROGRESS TRADING CO		
NORMAN S. GAINES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,200.00	1,351.21
JOE H. GALIS, P.O. BOX 221 RAIFORD FL 32083			
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	3,000.00	622.00
LARRY GALLO, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN		
HARRY GANDERSON, P.O. BOX 871 CHARLOTTSVILLE VA 22902	INTERNATIONAL TRADE SERVICES CORP		
WILLIAM R. GANSER JR , 4804 FOLSE DR. METAIRIE LA 70002	SOUTHERN FOREST PRODUCTS ASSN	2,500.00	
NICOLE GARA, 1117 NORTH 19TH STREET, NW, #300 ARLINGTON VA 22209	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS	7,285.39	820.00
MICHAEL N. GARABEDIAN, 14TH FLOOR 228 E. 45TH STREET NEW YORK NY 10017	SIERRA CLUB	542.39	1,317.92
HARRY D. GARBER, 1285 AVENUE OF THE AMERICAS NEW YORK NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	250.00	275.00
DAVID MCLANE GARDINER, 330 PENNSYLVANIA AVE.,SE WASHINGTON DC 20003	SIERRA CLUB	7,742.28	
GARDNER CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	EDWARD HINES LUMBER CO		
Do	MIDCON CORP		
SHERWIN GARDNER, 1010 WISCONSIN AVE., NW SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	100.00	
EDWARD A. GARMATZ, 2210 LAKE AVE. BALTIMORE MD 21213	BALTIMORE GAS & ELECTRIC CO		
JOHN C. GARTLAND, 7575 EAST FULTON ROAD ADA MI 49355	AMWAY CORP	8,250.00	
GARVEY SCHUBERT ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	COMINCO AMERICAN, INC	4,095.00	
Do	GTE SERVICE CORP	250.00	
Do	JAPAN FISHERIES ASSOCIATION	2,310.00	
Do	NORANDA MINING INC	1,610.00	
Do	NORTHWEST MARINE IRON WORKS	11,342.50	
Do	PACCAR, INC	87.50	
Do	PACIFIC RIM TRADE ASSN		
Do	SONATRACH	9,517.50	
Do	TOTEM OCEAN TRAILER EXPRESS, INC	6,510.00	
Do	WASHINGTON CITIZENS FOR WORLD TRADE	1,710.00	
E. JUNE GARVIN, OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INST	3,000.00	1,058.84
W. BRADFORD GARY, 1050 17TH STREET, NW, #1126 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC		
MARY A. GARZA, P.O. BOX 152777, 5B-7 IRVING TX 75015	ZALE CORP	1,120.00	4,185.57
LILLIAN B. GASKIN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
PHILIP GASTEYER, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,214.00	
WAYNE GATHERS, 1925 K STREET, NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
JOHN GAUTHIER, 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	16.00
GEARY, STAHL & SPENCER, 2800 ONE MAIN PLACE DALLAS TX 75250	CITIES FOR RESPONSIBLE CABLE POLICY		45.21
MARGARET L. GEHRES, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	1,100.00	46.00
RUTHANN GEIB, 1156 15TH STREET, NW, #1020 WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
RONALD L. GEIGLE, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSOCIATION		
ROBERT C. GELARDI, 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
MORTON A. GELLER, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
GENERAL AVIATION MANUFACTURERS ASSOCIATION, 1400 K STREET, NW, #801 WASHINGTON DC 20005			7,360.57
GENERAL INSTRUMENT CORPORATION, 767 5TH AVE. NEW YORK NY 10153		600.00	85.80
GENERIC PHARMACEUTICAL INDUSTRY ASSN., SUITE 2404 200 MADISON AVENUE NEW YORK NY 10016		13,077.00	13,077.00
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
JOHN GENTILLE, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	CELERON		
Do	TRANSCO, INC		
GEORGE W. GEPHART, P.O. BOX 1475 BALTIMORE MD 21203	BALTIMORE GAS & ELECTRIC CO	143.78	73.35
JOSEPH G. GERARD, 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	AMERICAN FURNITURE MANUFACTURERS ASSN	1,500.00	945.82
LOUIS GERBER, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,467.38	202.05
DANIEL R. GERKIN, 1575 I STREET, NW, #525 WASHINGTON DC 20005	MINING & RECLAMATION COUNCIL OF AMERICA	500.00	
LLEWELLYN H. GERSON, 1250 I ST., NW, #900 WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	300.00
PHYLLIS H. GERSTELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
CHRIS GERSTEN, 444 NORTH CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,263.00	
DAVID TROY SAXTON GETTY, P.O. BOX 7000-A TEXARKANA TX 75501			
DOROTHY F. GEVINSON, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	1.66	
ROBERT N. GIAIMO, 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	AETNA LIFE & CASUALTY	9,375.00	
Do	INSURANCE ASSOCIATION OF CONNECTICUT	3,750.00	
WAYNE GIBBENS, 1919 PENNSYLVANIA AVE., NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	8,362.00	92.50
ANNE MARIE GIBBONS, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
GIBSON DUNN & CRUTCHER, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATED SPECIALTY CONTRACTORS, INC		
Do	BATEMAN EICHLER, HILL RICHARDS, INC		938.93
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	HUNTINGTON MEMORIAL HOSPITAL		1,804.08
Do	INSURANCE ASSN OF CONNECTICUT		
Do	MECHANICAL CONTRACTORS ASSN OF AMERICA, INC		
THERESA GIBSON, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	211.85
WILLIAM G. GIERY, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOODSERVICE & LODGING INST		
WILLIAM L. GIFFORD, 600 MARYLAND AVENUE, SW, #520 WASHINGTON DC 20024	GPU NUCLEAR CORP		
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	1,222.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL GILDEA, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	14,151.80	
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
NEAL P. GILLEN, 1725 K STREET, NW, #1210 WASHINGTON DC 20006	AMERICAN COTTON SHIPPERS ASSN	24,999.99	1,134.71
WILLIAM GILMARTIN, SUITE 500 2010 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	760.76	40.00
GINN & EDINGTON, INC, 121 SOUTH COLUMBUS STREET ALEXANDRIA VA 22314	GULFSTREAM AEROSPACE CORP	1,500.00	48.72
Do	HERCULES INC		
Do	LOCKHEED-GEORGIA COMPANY	7,000.00	235.46
Do	MECHANICAL TECHNOLOGY, INC	1,558.33	42.25
Do	PROFESSIONAL INSURANCE AGENTS	6,000.00	169.00
Do	TEXAS INSTRUMENTS, INC	6,000.00	169.00
Do	TURNER BROADCASTING SYSTEM, INC	2,500.00	70.41
Do	U.S. CANE SUGAR REFINERS' ASSN		
STUART M. GINSBERG, 1101 17TH STREET, NW, #1002 WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
BRENDA M. GIRTON, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS, ROEBUCK AND CO		
JONAH GITLITZ, 1730 K STREET, NW #905 WASHINGTON DC 20006	DIRECT MARKETING ASSOCIATION		
MICHAEL J. GIUFFRIDA, 204 E STREET, NE WASHINGTON DC 20002	NATIONAL FROZEN FOOD ASSOCIATION	1,500.00	
SOL GLASNER, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	4,975.01	100.18
JOHN P. GLEASON, 11490 COMMERCE PARK DR. RESTON VA 22041	BRICK INSTITUTE OF AMERICA		
LAW OFFICES OF THOS 90 BROAD STREET, #600 NEW YORK NY 10004	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO		
ROBERT GLEASON, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	7,697.45	20.00
GLOBAL USA, INC, GLOBAL HOUSE 1823 JEFFERSON PLACE, NW WASHINGTON DC 20036	FANUC, LTD		
Do	KOMATSU LTD		
Do	KYOCERA CORPORATION	1,251.00	
Do	MAZAK CORPORATION		
GNAU CARTER JACOBSEN & ASSOC, INC, 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	BAUMANN, INC		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	DETROIT DOCTOR'S HOSPITAL		
Do	EDSI		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
Do	JOHN COOLEY CONSTRUCTION CO		
Do	PRECISION MAGNETICS & CERAMICS		
Do	PRIMARK CORPORATION		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
RICHARD P. GODWIN, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CIVIL & MINERALS, INC		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	H&R BLOCK, INC		
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BUDD COMPANY)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	2,255.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.).	410.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL ASSN OF IMMIGRATION JUDGES).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL MULTI HOUSING COUNCIL).	615.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: QUIXOTE CORP)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	14,965.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALEN DRY CARGO, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SANTA FE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: STROH BREWERY CO)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TOBACCO INSTITUTE)	615.00	
GOLDBERG & SPECTOR, 1920 N STREET, NW, #650 WASHINGTON DC 20036	EQUATORIAL COMMUNICATIONS SERVICES		
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)		
Do	DGA INTL, INC. (FOR: SOFREAVIA)		
SHARON GOLDENER, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	24.00
RONALD L. GOLDFARB, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20003	WASHINGTON INDEPENDENT WRITERS, INC		1.80
PATRICIA R. GOLDMAN, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,106.06	276.46
JACK GOLODNER, 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,004.75	
RUTH M. GOLTZER, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	5,247.78	24.75
JOHN GONELLA, SUITE 200 412 FIRST STREET, SE WWASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	1,430.95	116.05
RUTH GONZE, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CHARLES E. GOODELL, KING & SPALDING 1730 PENNSYLVANIA AVENUE, NW, #1200 WASHINGTON DC 20006	DGA INTL INC (FOR SOFREAVIA)		
Do	DGA INTL, INC (FOR SNECMA)		
GOODWIN PROCTER & HOAR, 28 STATE STREET BOSTON MA 02109	POLAROID CORPORATION		
ROBERT F. GOODWIN, 1850 K ST., NW, SUITE 275 WASHINGTON DC 20006	MEREDITH CORP	40.00	32.00
DOUGLAS GORDON, SUITE 400 1401 NEW YORK AVE., NW WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	375.00	32.87
GORDON FEINBLATT ROTHMAN HOFFBERGER & HOLLANDER, 233 EAST REDWOOD STREET BALTIMORE MD 21202	MERCHANTS TERMINAL CORP	422.50	21.90
IRMGARD GORDOS, GREENWOOD 10 GREENVILLE NY 12083	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
MILLICENT GORHAM, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
DAVID W. GORMAN, 807 MAINE AVENUE, SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	11,965.20	258.82
JAMES D. GORMLEY, 1400 K STREET, NW, #801 WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	3,331.73	325.00
ANN M. GOSIER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
PETER GOSSENS, 1717 MASSACHUSETTS AVE., NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	3,865.00	306.00
JOHN T. GOULD JR., SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER CO	400.00	900.00
HUGH J. GOWNLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SNECMA)	82.72	300.00
EDMUND GRABER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
JOHN R. GRAFF, SUITE 330 1025 VERMONT AVE., NW WASHINGTON DC 20005	INTERNATIONAL ASSN OF AMUSEMENT PARKS AND ATTRACTIONS	96.50	16.95
DONALD E. GRAHAM, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	NATIONAL COUNCIL OF FARMER COOPERATIVES		
LAWRENCE T. GRAHAM, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,333.38	
WILLIAM W. GRANT, SUITE 710 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	UTAH INTL, INC		516.75
GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC, 1900 L STREET, NW WASHINGTON DC 20036		25,571.00	29,165.00
KARLA L. GRAUE, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	784.62	
JAMES A. GRAY, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	805.00	25.00
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN IRON & STEEL INSTITUTE).	175.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN TRUCKING ASSNS, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ASARCO INC)		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BUDD COMPANY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: CANADIAN ASBESTOS INFORMATION CENTRE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: COLLEGE OF AMER PATHOLOGISTS).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: COMMON-WEALTH OF PUERTO RICO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: RAMZI A. DALLOUL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: EL PASO NATURAL GAS CO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: GRAY AND COMPANY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: GRUMMAN CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HTB CORPORA-TION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	175.00	
Do	MARTIN BAKER AIRCRAFT COMPANY LTD.		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MERRILL LYNCH CAPITAL INVESTMENTS).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MOTOROLA, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: QUIXOTE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALEN DRY CARGO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NICHOLAS SALGO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SHAKLEE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: STROH BREWERY CO).	175.00	
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: U.S. BANK-NOTE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: WARNER COMMUNICATIONS).		
JOHN F. GRAYBEAL, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
MARK E. GRAYSON, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON, P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
MARY R. GREALY, 1111 19TH STREET, NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	1,500.00	
GREAT AMERICAN RESERVE INSURANCE CO, 2020 LIVE OAK P.O. BOX 388 DALLAS TX 75221			6,275.00
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
JAMES R. GRECO, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC	2,500.00	316.76
DONALD R. GREELEY, 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORP	1,500.00	268.83
EDWARD M. GREEN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
GEORGE R. GREEN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JOHN K. GREEN, 800 AMERICAN CHARTER CENTER 1623 FARNAM ST. OMAHA NB 68102	PAPILLION-LAVISTA NEBRASK SCHOOL DISTRICT	2,142.00	870.23
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORPORATION	250.00	139.90
LAURA MARIE GREEN, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	800.00	530.00
ROY G. GREEN, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	1,127.00	
JANE E. GREENBAUM, SUITE 210 1201 PENNSYLVANIA AVE. NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ALLEN GREENBERG, SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP	2.83	
ELLEN F. GREENBERG, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	2,494.00	142.00
LOUISE S. GREENFIELD, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,750.00	
DALE W. GREENWOOD, 612 HOGE BLDG. SEATTLE WA 98104	WASHINGTON RAILROAD ASSN		
JOHN M. GREER, 1900 L STREET, NW WASHINGTON DC 20036	GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC	25,571.00	29,165.00
SAUNDERS GREGG, PO BOX 2628 HOUSTON TX 77001	ENTEX, INC	470.25	1,338.50
CHELLIS O. GREGORY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC (FOR: T. RAMIREZ AND COMPANY, INC)	4,650.00	82.75
JOHN D. GREGORY, AUSTIN & LEWIS 1529 LAUREL STREET, P.O. BOX 11208 COLUMBIA SC 29211	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN		605.35
RANDALL GRIFFIN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	390.08
TOM W. GRIFFITH, SUITE 100 1448 DUKE ST. ALEXANDRIA VA 22314	NATIONAL RURAL LETTER CARRIERS' ASSN		
MARK N. GRIFFITHS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
JACK GRIMES, 8100 OAK STREET DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
NORMAN E. GRIMM JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
MARYBETH GRISWOLD, 1828 L STREET, NW, #500 WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	3,100.00	502.74
OLGA GRKAVAC, 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
GROCERY MANUFACTURERS OF AMERICA, INC., SUITE 800 1010 WISCONSIN AVE., NW WASHINGTON DC 20007			1,358.89
GROH EGGERS & PRICE, 550 WEST 7TH AVENUE, #1250 ANCHORAGE AK 99501	AMERICAN PETROFINA, INC	300.00	
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE CO. TAXATION OF PENSION FUNDS		
Do	AETNA LIFE & CASUALTY		
Do	ALUMINUM CO OF AMERICA	300.00	8.00
Do	BANKERS LIFE COMPANY	200.00	8.00
Do	BAXTER TRAVENOL LABORATORIES, INC		
Do	COLORADO-UTE	200.00	6.00
Do	CONNECTICUT GENERAL INSURANCE CO.		
Do	ELI LILLY AND COMPANY	200.00	6.00
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	200.00	8.00
Do	GLOBAL MARINE, INC	200.00	8.00
Do	GOLDMAN SACHS & CO		
Do	GUARDIAN LIFE INSURANCE CO OF AMERICA	200.00	8.00
Do	GULF OIL CORP	200.00	6.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO	200.00	8.00
Do	MINNESOTA MUTUAL LIFE INSURANCE COMPANY	200.00	8.00
Do	NEW YORK CITY TEACHERS RETIREMENT SYSTEM		
Do	NEW YORK LIFE INSURANCE COMPANY	200.00	8.00
Do	OCEAN DRILLING & EXPLORATION CO		
Do	PHILLIPS PETROLEUM COMPANY	100.00	6.00
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PROVIDENT MUTUAL LIFE INSURANCE CO OF PHILADELPHIA	200.00	8.00
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	200.00	8.00
Do	READING & BATES CORPORATION	200.00	6.00
Do	SOUTHERN CALIFORNIA EDISON COMPANY	200.00	6.00
Do	TRAVELERS		
Do	UNION TEXAS PETROLEUM		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND		
Do	WESTINGHOUSE ELECTRIC CORP	200.00	6.00
DAVID B. GROSS, 1000 PEOPLE BANK BLDG. JACKSON MS 39205			
NINA G. GROSS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	191.02
RICHARD A. GROSS, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS		
JEROME GROSSMAN, 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	3,699.72	93.20
JOHN R. GROUNDWATER JR., 1840 WILSON BOULEVARD, #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	2,090.00	
WALTER B. GRUBBS, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO	486.10	1,195.79
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF DERMATOLOGY	1,600.00	222.58
Do	AMERICAN GASTROENTEROLOGICAL ASSN	2,820.00	443.10
Do	AMERICAN SOC FOR GASTROINTESTINAL ENDOSCOPY	2,820.00	443.10
Do	ASSOCIATION OF AMERICAN CANCER INSTITUTES	780.00	209.65
Do	COOLEY'S ANEMIA FOUNDATION		
LARRY GRUPP, P.O. BOX 27 BOISE ID 83707	J. R. SIMPLOT CO		
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC	6,082.53	1,900.03
JAMES E. GUIRARD JR., 1730 RHODE ISLAND AVENUE, NW, #419 WASHINGTON DC 20036	BASF WYANDOTTE CORP		340.00
Do	BELL AEROSPACE TEXTRON		350.00
Do	KMS FUSION, INC	2,000.00	670.00
Do	TANO CORPORATION		
JEROME R. GULAN, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC., 5881 LEESBURG PIKE, #204 FALLS CHURCH VA 22041		256,186.17	224,891.81
JOHN E. GUNTHER, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COS OF AMERICA		
DAVID GUSKY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	10,395.18	
SUSAN L. GUSTAFSON, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FED OF MUSICIANS	1,975.00	2,333.77
ROBERT F. GUTHRIE, #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,901.00	
RICHARD E. GUTTING JR., SUITE 580 2000 M ST., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	6,000.00	449.43
DANA W. HAAS, SUITE 720 1920 N ST., NW WASHINGTON DC 20036	KANSAS CITY POWER & LIGHT CO, ET AL	2,375.00	3,240.12
GLENN M. HACKBARTH, 444 N. CAPITOL STREET, #204 WASHINGTON DC 20001	BONNEVILLE ASSOCIATES, INC (FOR: INTERMOUNTAIN HEALTH CARE, INC)	12,500.00	1,423.05
JAMES M. HACKING, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	760.58	229.25
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	1,500.00	
Do	CADILLAC FAIRVIEW U.S., INC		
Do	INTERNATIONAL CHIROPRACTIC ASSN		
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	114.50
CHARLES W. HACKNEY JR , 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM F. HADDAD, 924 WEST END AVE., #91 NEW YORK NY 10025	GENERIC PHARMACEUTICAL INDUSTRY ASSN	5,253.00	191.00
THOMAS M. HAGAN, 1005 CONGRESS AVE., SUITE 795 AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	374.56	845.51
THOMAS M. HAGEDORN, 1201 S. JEFF-DAVIS HIGHWAY, #301 ARLINGTON VA 22202	HASEN ENGINE CO	6,000.00	
Do	DAKOTA LAY'D EGG CO	5,500.00	
HAGEDORN-CANDO, INC, 1704 23RD STREET SOUTH ARLINGTON VA 22202	DAVY MCKEE CORP		
ANN HAGEMANN, 1735 DESALES STREET, NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
BRUCE N. HAHN, 9300 LIVINGSTON RD. WASHINGTON DC 20022	NATIONAL TOOLING & MACHINING ASSN	12,756.17	725.70
THOMAS F. HAIRSTON, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	6,000.00	974.08
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	COMPO INDUSTRIES, INC	1,078.00	346.86
Do	DYCO PETROLEUM CO	10,354.32	6,153.26
Do	INDIAN LAND CLAIM COMMITTEE		
Do	INEXCO OIL CO	10,354.32	6,153.26
Do	TOWN OF MASHPEE		
Do	17TH GUAM LEGISLATURE		7,036.75
HALE FOUNDATION, 422 FIRST STREET, SE, #208 WASHINGTON DC 20003		12,255.00	7,162.00
RANDOLPH M. HALE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
CHERYL A. HALEY, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,116.77	344.50
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	M&M/MARS		
REBECCA L. HALKIAS, 1850 K STREET, NW, #1100 WASHINGTON DC 20006	BALLARD, SPAHR, ANDREWS & INGERSOLL		
DEBI HALL, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
HALL ESTILL HARDWICK GABLE COLLINGSWORTH & NELSON, SUIT 700-S 1120 20TH ST., NW WASHINGTON DC 20036	WILLIAMS COMPANIES		
JOHN F. HALL, 1619 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	500.00	
RICHARD F. HALL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	2,000.00	912.94
WILLIAM F. HALL, P.O. BOX 5880 CHICAGO IL 60680			
MARIAN HALL-CRAWFORD, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	1,125.00	2,614.19
KIMBERLEY C. HALLAMORE, 1725 K STREET, NW WASHINGTON DC 20006	REPUBLIC OF SOUTH AFRICA, EMBASSY		
PAUL HALLISAY, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AIR LINE PILOTS ASSN, INT'L	3,551.60	267.72
JOSEPH HALOW, SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSN., INC		
MAURICE E. HALSEY, 1001 CONNECTICUT AVENUE, NW, #501 WASHINGTON DC 20036	NORTHERN ILLINOIS GAS COMPANY	5,000.00	
J. PHILLIP HALSTEAD, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY		
PAUL T. HALUZA, SUITE 333 1120 19TH STREET, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	876.86
RHONDA LEE HALVERSON, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	55.00	25.00
JERALD V. HALVORSEN, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	8,300.00	3,362.29
HAMEL & PARK, 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	COMMONWEALTH OF PUERTO RICO	145.00	
Do	ESTATE OF HELEN WODELL HALBACH		
Do	GRAEPER-VAN NOY-WAGNER, INC		
Do	SKYLINK CORPORATION, INC		
Do	TANDY CORPORATION	208.00	
JAMES L. HAMILTON III, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	600.00	244.90
J. LEE HAMILTON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	190.00	
PHILIP W. HAMILTON, 2029 K STREET, NW, #603 WASHINGTON DC 20006	AMERICAN SOC OF MECHANICAL ENGINEERS		
STANLEY HAMILTON, 1616 P ST., NW, #204 WASHINGTON DC 20036	INTERSTATE CARRIERS CONFERENCE	500.00	50.00
WILLIAM W. HAMILTON JR., SUITE 500 2010 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	342.00	42.00
SUSAN WOODWARD HAMLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMY R. HAMMER, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		764.93
ROBERT E. HAMPTON, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION	1,500.00	
NOLAN W. HANCOCK, 1126 16TH ST., NW WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	5,387.00	
TED HANDEL, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	3,000.00	
DONALD K. HANES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
GEORGE J. HANKS JR , 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JAMES M. HANLEY, JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD-CLASS NON-PROFIT MAILERS	12,501.00	
ELIZABETH HANLIN, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD CO., INC., SUITE 200 655 15TH ST., NW WASHINGTON DC 20005	BHC, INC		
Do	CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL		
Do	COMMITTEE FOR FAIR INSURANCE RATES		
Do	FIREMAN'S FUND INSURANCE COS		
Do	ROCKWELL INTERNATIONAL CORP		
Do	TRANS WORLD AIRLINES, INC		
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	AMERICAN SECURITY INSURANCE COMPANY		19.98
Do	AMEV HOLDINGS, INC		
Do	INGRAM TANKSHIPS, INC		
Do	RISK & INSURANCE MANAGEMENT SOCIETY, INC	522.00	31.96
Do	ROCKWELL INTERNATIONAL CORP		
ERLING HANSEN, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
J. E. HANSEN, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
HANSON BRIDGETT MARCUS VLAHOS & STROMBERG, 333 MARKET STREET, #2300 SAN FRANCISCO CA 94105	ITEL RAILROAD CORP		1,309.24
H. P. (TREY) HARBERT III, 2121 SAN JACINTO STREET, #2500 P.O. BOX 660164 DALLAS TX 75266	CENTRAL & SOUTH WEST CORP		
ROBERT N. HARBOR, 1050 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	EL PASO NATURAL GAS CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RALPH HARDING, SUITE 717 WATERGATE 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	AMPCO FOODS, INC		
Do	PHILIPPINE SUGAR COMMISSION	60,000.00	31,096.00
WILLIAM E. HARDMAN, 9300 LIVINGSTON ROAD FT. WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	23,706.13	
EUGENE J. HARDY, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY	500.00	14.00
STEPHEN J. HARDY JR., 4409 DUKE STREET, #101 ALEXANDRIA VA 22304			
J. RICHARD HARGIS, 2550 M STREET, NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	157.33	70.88
JON HARKAVY, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
CHARLES N. HARKEY, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEON HARPER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	250.00	
WILEY C. HARRELL JR , 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
MICHAEL T. HARRIGAN, 421 KING STREET, #214 ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE	200.00	
MARCIA L. HARRINGTON, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,825.00	
TONI HARRINGTON, 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	42,798.98
HARRIS BERG & CRESKOFF, 1100 15TH STREET, NW, #1100 WASHINGTON DC 20005	ASSOCIATION OF FOOD INDUSTRIES, INC	1,828.22	221.72
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MFRS	4,002.50	402.25
Do	P. L. THOMAS & COMPANY, INC, ET AL	452.75	6.40
GARY K. HARRIS, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)	56.00	
MARILYN A. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	800.00	115.56
ROBERT L. HARRIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		50.00
J. WILLIAM W. HARSCH, 1825 K STREET, NW, #503 WASHINGTON DC 20006	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC	4,486.60	555.74
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSNS, INC)	7,500.00	
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: CECOS INTERNATIONAL)	6,000.00	
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		328.63
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115			23,600.00
ARTHUR W. HARTMANN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN		
HARTZ/MEEK INTERNATIONAL, 806 15TH STREET, NW, #210 WASHINGTON DC 20005	CHOUTEAU TELEPHONE CO & TOTAH TELEPHONE CO		
Do	MAYOR'S COMMITTEE (BALTIMORE) TO RESTORE NFL FOOTBALL		
EDWIN HAROLD HARVEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
JAY HARVEY, 815 16TH STREET, NW, #408 WASHINGTON DC 20006	FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO	1,442.31	72.39
CLIFFORD J. HARVISON, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
LINDA CAROL HASLETT, 10 N. CENTER ROAD P.O. BOX 97 PERRY OH 44081	CLEVELAND ELECTRIC ILLUMINATING CO		
HOLLY HASSETT, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HERSHEY FOODS CORP		
WALTER A. HASTY JR , 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	210.00	
JANET HATHAWAY, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,208.33	
GARY R. HATTAL, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
HOWARD M. HAUG, 100 EAST 42ND ST. NEW YORK NY 10017	NATIONAL FOREIGN TRADE COUNCIL, INC	500.00	1,420.00
BARBARA S. HAUGEN, 311 FIRST STREET, NW, #700 WASHINGTON DC 20003	NATIONAL ASSN OF INSURANCE BROKERS	195.00	
MARILYN BETH HAUGEN, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
BARBARA J. HAUGH, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		1,622.10
RODNEY E. HAUGH, 1711 KING STREET, #903 ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION	450.00	
MARY W. HAUGHT, 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN CO, INC	700.00	100.80
CHARLES W. HAVENS III, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
KATHRYN JOANN HAWES, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
SIDNEY G. HAWKES, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	500.00	55.00
CHARLES E. HAWKINS III, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
DAVID G. HAWKINS, 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	6,890.52	9.00
JOHN H. HAWKINS JR., 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER CO	13,515.00	
BRUCE R. HAWLEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	11,360.02	18.25
WESLEY F. HAYDEN, 5224 CHEROKEE AVE. ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	8,205.00	
ROBERT A. HAYNOS, 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION	12,250.00	743.73
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC., 1750 K ST., NW WASHINGTON DC 20006		410.70	410.70
HEALTH RESEARCH GROUP, SUITE 708 2000 P ST., NW WASHINGTON DC 20036		14.25	14.25
PATRICK B. HEALY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	543.73	
ROBERT L. HEALY, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	300.00	
CHARLES L. HEBNER, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
BILL HECHT AND ASSOCIATES, INC, 499 SOUTH CAPITOL STREET, SE, #501 WASHINGTON DC 20003	GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	3,000.00	
Do	CIC ENTERPRISES	500.00	
Do	METROPOLITAN ANALYSIS AND RETRIEVAL SYSTEMS, INC	500.00	
BILL HECHT, 499 SOUTH CAPITOL STREET, SE, #501 WASHINGTON DC 20003	BKK CORP	2,000.00	
Do	BROWN & WILLIAMSON TOBACCO CORP	3,000.00	
Do	CONGER LIFE INSURANCE CO	500.00	
Do	BILL HECHT AND ASSOCIATES, INC (FOR: GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA),		
Do	LOS ANGELES RAIDERS		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	3,000.00	
Do	U.S. TOBACCO CO	2,000.00	
JAY HEDLUND, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,448.80	1,383.54
JOAN A. HEFFERNAN, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,140.00	22.78
JOHN HEFFNER, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
JOHN F. HEILMAN, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	16,348.80	408.73
ROBERT M. HEINE, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONOCO, INC	1,000.00	
HELICOPTER ASSOCIATION INTERNATIONAL, 1110 VERMONT AVE., NW SUITE 430 WASHINGTON DC 20005			
RICHARD L. HELLWEGE, 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC		
THOMAS M. HELSCHER, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO	450.00	693.40
NOEL HEMMENDINGER, 1300 19TH STREET, NW WASHINGTON DC 20036	WALD, HARKRADER & ROSS (FOR: JAPAN IRON & STEEL EXPORTERS' ASSN)		
ALBERTA L. HENDERSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,000.00	
CAROL C. HENDERSON, 110 MARYLAND AVE., NE, #101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	837.00	
DONALD E. HENDERSON, 130 E. WASHINGTON STREET P.O. BOX 1290 INDIANAPOLIS IN 46204	INDIANA FARM BUREAU, INC	9,650.00	1,449.00
KATHLEEN M. HENDERSON, 1025 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	MILES LABORATORIES, INC		
RICHARD DEAN HENDERSON, 2022 P STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMER, INC		40.00
CAROL DIANE HENDRICKS, 2601 PARK CENTER DRIVE, #C804 ALEXANDRIA VA 22302	AMERICAN MARITIME OFFICERS SERVICE	9,000.00	1,000.00
DENNIS A. HENIGAN, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
C. DAYLE HENINGTON, 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP		
GEORGE F. HENNRIKUS JR , 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	6,319.00	
LEANN HENSCHE, 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	184.43
DAVID A. HENSON, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	375.00	565.46
BRUCE HEPPEN, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
STEPHEN HERM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
HERON BURCHETTE RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	AGRI-ENERGY, INC	1,523.75	711.90
Do	ASSOCIATION OF FLORAL IMPORTERS OF FLORIDA		
Do	BAY AREA RAPID TRANSIT DISTRICT	5,000.00	7,834.94
Do	CALIFORNIA ALMOND GROWERS EXCHANGE	8,073.75	2,090.45
Do	CHICAGO MERCANTILE EXCHANGE	12,712.50	4,690.50
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RESERV		
Do	FARM LABOR ALLIANCE	57,282.50	10,291.62
Do	IMPERIAL VALLEY ASPARAGUS GROWERS ASSN		
Do	INDEPENDENT CEMENT CORP		
Do	NATIONAL ASSN OF GROWERS & PRODUCERS FOR FREE TRADE	8,250.00	6,314.66
Do	NATIONAL ASSN OF INSURANCE COMMISSIONERS	867.25	41.60
Do	NATIONAL CABLE TELEVISION ASSN	12,487.50	4,117.12
Do	NATIONAL POTATO COUNCIL	327.50	
Do	SOLID-TEK SYSTEMS, INC		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT		
Do	SUN-DIAMOND GROWERS OF CALIFORNIA	4,783.25	626.68
Do	SUNKIST GROWERS, INC	4,214.50	697.06
Do	WESTERN COTTON GROWERS ASSN	7,500.00	562.08
CATHERINE L. HERON, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
HERRICK & SMITH, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	TURLOCK IRRIGATION DISTRICT; MODESTO IRRIGATION DISTRICT	6,058.75	6,207.70
BARRY ALEXANDER HERRING, 66 VALECREST AVENUE HAMILTON, ONTARIO CANADA L7L 5N5	LAUREL STEEL PRODUCTS LIMITED	240.00	130.00
CAROL M. HERRINGTON, 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC CO		173.80
FRED HERVEY, P.O. BOX 29021 2645 E. WASHINGTON PHOENIX AZ 85038	CIRCLE K CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	REDUCE OUR DEBT FOUNDATION		55.00
BARBARA V. HESS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
HEUBLEIN, INC., MUNSON ROAD FARMINGTON CT 06032			20,794.59
TED ALLEN HEYDINGER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
G. BROCKWEL HEYLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
PAUL T. HICKS, RHODE ISLAND PETROLEUM ASSN 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INST		
J. THOMAS HIGGINBOTHAM, ONE MELLON BANK CENTER, #2002 PITTSBURGH PA 15258	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	1,128.02
LAWRENCE P. HIGGINS, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
HIGH FRONTIER GROUP, P.O. BOX 5768 CHARLOTTESVILLE VA 22905			
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
CLIFTON T. HILDERLEY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
HILL BETTS & NASH, 1220 19TH STREET, NW, #302 WASHINGTON DC 20036	LYKES BROS. STEAMSHIP CO, INC		
GERALD 'JERRY' HILL, 6 EXECUTIVE PARK DRIVE ATLANTA GA 30329	STANDARD OIL CO (INDIANA)		
J. ELDRED HILL JR , SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	2,000.00	
PATRICIA HILL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	5,250.00	283.00
ROBERT B. HILL, 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	527.73
CORNISH F. HITCHCOCK, SUITE 700 2000 P ST., NW WASHINGTON DC 20036	AVIATION CONSUMER ACTION PROJECT		10.00
STEPHEN HITCHNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	12,760.02	26.25
SHEILA K. HIXSON, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
CLAUDE E. HOBBS, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	1,250.00	45.00
SCOTT HODES, 180 NORTH LA SALLE STREET CHICAGO IL 60610	INVESTMENT COMPANY INSTITUTE	3,000.00	
HOWARD E. HOELTER, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST	333.00	667.30
GLEN D. HOFER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
IRVIN A. HOFF, 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSN		
ELMO R. HOFFMAN, PARKER, JOHNSON, OWEN & MCGUIRE 108 EAST HILLCREST STREET P.O. BOX 2867 ORLANDO FL 32801.	GLOBAL EXPLORATION & DEVELOPMENT CORP		
THOMAS F. HOFFMAN, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONSOLIDATION COAL CO	118.50	32.00
WILLIAM L. HOFFMAN, 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	11,445.00	748.03
F. NORDY HOFFMANN AND ASSOC., INC, SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY		
Do	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,000.00	
Do	MARINE ENGINEERS BENEFICIAL ASSN	1,000.00	
Do	O'CONNOR & HANNAN		
Do	PAGE AIRWAYS		
Do	WESTINGHOUSE ELECTRIC		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CHRIS-CRAFT INDUSTRIES, INC		
Do	CLEVELAND CLINIC FOUNDATION		
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		
Do	HOME HEALTH SERVICES & STAFFING ASSN		30.00
Do	MEDTRONIC, INC		
Do	MEHARRY MEDICAL COLLEGE		166.78
Do	MERCEDES-BENZ OF NORTH AMERICA, INC	3,043.00	26.75
Do	METHODIST HOSPITAL		
Do	MUTUAL LIFE INSURANCE CO OF NEW YORK	3,029.40	33.00
Do	NATIONAL HOSPICE EDUCATION PROJECT		
Do	NATIONAL HOSPICE ORGANIZATION		
Do	NATIONAL SOFT DRINK ASSN	5,690.00	13.00
Do	PILLSBURY COMPANY	1,793.75	
Do	TOYOTA MOTOR SALES, U.S.A., INC	3,585.00	28.00
JAMES F. HOGG, P.O. BOX 0 810 34TH AVE. SOUTH MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	7,834.00	67.50
WALTER HOLAN, 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMER		
WILLIAM J. HOLAYTER, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	7,297.68	
BRUCE E. HOLBEIN, 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	12,500.00	
MICHELE O'DONNELL HOLBROOK, 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	1,203.50	3,560.98
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	6,600.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL MULTI-HOUSING COUNCIL).	1,100.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).	330.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: ANEUTRONIX, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).	220.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: QUIXOTE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SHAKLEE CORPORATION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TOBACCO INSTITUTE)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: U.S. BANKNOTE)		
HOLIDAY INNS, INC, 3742 LAMAR AVE. MEMPHIS TN 38195			3,050.00
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	AMERICAN PETROCHEMICAL CONSUMERS		2,077.05
Do	LIBERTY CORPORATION	26,250.00	3,201.22
WENDELL M. HOLLOWAY, 815 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20006	FORD MOTOR CO	2,490.00	1,670.50
KAREN S. HOLLWEG, 444 BARKER ROAD MICHIGAN CITY IN 46360	NATIONAL AUDUBON SOCIETY	1,100.00	244.00
PETER E. HOLMES, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	750.00	
E.Y. HOLT JR , 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR , 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	200.00	
PAUL R. HOLTZ, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
HOLTZMAN & ASSOCIATES, 214 MASSACHUSETTS AVENUE, NE, #340 WASHINGTON DC 20002	HOLLAND ASSOCIATES		89.00
MARC L. HOLTZMAN, 214 MASSACHUSETTS AVENUE, NE, #340 WASHINGTON DC 20002	NATIONAL COALITION FOR LOWER PRICES	6,000.00	8.01
LOIS HOLWERDA - HOYT, SUITE 875 122 C ST., NW WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	1,500.00	
HOME RECORDING RIGHTS COALITION, P.O. BOX 33576 1015 15TH STREET, NW WASHINGTON DC 20033		305,416.68	218,554.28
GARY C. HONG, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS		
KAREN C. HONTZ, SUITE 940 1875 EYE STREET, NW WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT COMPANY	2,950.00	95.00
HOOG & ASSOCIATES, 1877 BROADWAY, #405 BOULDER CO 80302	DENELCOR, INC		
CANDICE SHY HOOPER, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	4,813.00	1,165.29
ANNA MARY HOOVLER, 9300 LIVINGSTON ROAD FORT WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	2,057.05	11.00
VIRGINIA E. HOPKINS, 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: KINGS ENTERTAINMENT CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	730.00	35.00
HARRY J. HORROCKS II , 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	8,334.00	
ELLA MAE HORSE, 1234 MASSACHUSETTS AVENUE, NW, #821 WASHINGTON DC 20005	ALL INDIAN PUEBLO COUNCIL		
Do	CALIFORNIA URBAN INDIAN HEALTH COUNCIL		
Do	LAC COURTE OREILLES OJIBWA TRIBE		
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION, INC	6,000.00	181.25
Do	FRIENDS OF ANIMALS, INC		
HOSPITAL ASSOCIATION OF NEW YORK STATE, 15 COMPUTER DRIVE WEST ALBANY NY 12205		476.00	476.00
HOSPITAL CORP OF AMERICA, 2000 L STREET, NW, #200 WASHINGTON DC 20035			6,963.00
WILLIAM J. HOTES, 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	557.21
HOUDAILLE INDUSTRIES, INC, ONE FINANCIAL PLAZA FORT LAUDERDALE FL 33394			
MARGARET A. HOULIHAN, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
THOMAS B. HOUSE, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	1,000.00	
HOUSLEY GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ANNE L. HOWARD, ANNE L. HOWARD AND ASSOCIATES 888 17TH STREET, NW, #600 WASHINGTON DC 20006	COUNCIL OF CALIFORNIA TRIBAL GOVERNMENTS (CCTG)	2,300.00	151.65
Do	LITTLE SIX BINGO	9,000.00	2,525.77
Do	MIAMI TRIBE OF OKLAHOMA	4,925.00	390.00
Do	PAN AMERICAN MANAGEMENT CO		
Do	PASCUA PUEBLO BINGO	3,837.50	1,656.93
Do	PASCUA-YAQUI TRIBE		
Do	PUEBLO OF SANDIA TRIBE		
Do	SHAKOPEE MDEUAKAUTON SIOUX COMMUNITY		
Do	STEVEN H. WHILDEN, P.A.	3,837.50	1,656.93
GERALD M. HOWARD, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,750.00	59.25
ROBERT M. HOWARD, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR CO	1,444.00	1,044.61
HOWELL CORP, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
GARY HOWELL, 1745 JEFFERSON DAVIS HIGHWAY, #1006 ARLINGTON VA 22202	TEXAS INSTRUMENTS, INC	400.00	
J. WILLIAM HOWELL, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	375.15	
JAMES P. HOWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	550.00	
MARY J. LYNCH HOWELL, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,500.00	280.00
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
JOHN A. HOWES, 1050 17TH ST., NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
CLIFFORD T. HOWLETT JR , SUITE 400 1875 EYE ST., NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP	500.00	
HOWREY & SIMON, 1730 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	K MART CORP	13,746.25	513.43
Do	MEAD CORPORATION		
PAUL R. HUARD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	4,000.00	
TERRY D. HUDGINS, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	978.00	1,367.70
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	826.85
HUDSON LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
MARGARET RENKEN HUDSON, 600 MARYLAND AVENUE, SW, #695 WASHINGTON DC 20024	NATIONAL FED OF INDEPENDENT BUSINESS	2,250.00	200.00
STEVEN D. HUFF, 111 EAST WISCONSIN AVENUE, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST	2,000.00	
HARRY HUGE, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)		
DAVID EMERY HUGHES, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO		
DEBORAH HUGHES, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,750.02	657.84
GARY E. HUGHES, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	BUSINESS ROUNDTABLE		
Do	CONTINENTAL AIR LINES, INC		
Do	GROCERY MANUFACTURERS OF AMERICA, INC	1,925.00	8.00
Do	TEXAS AIR CORP		
Do	47TH STREET PHOTO	825.00	4.30
PETER W. HUGHES, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	1,213.69	
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	BANCTEXAS GROUP, INC	500.00	1,667.75
Do	FIDELITY UNION LIFE INSURANCE CO		
Do	LOMAS & NETTLETON FINANCIAL CORP	500.00	2,845.02
Do	SAMMONS ENTERPRISES, INC		
WILLIAM HUGHES, 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	17.90	
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS	4,951.20	661.70
CORDELL W. HULL, 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)	3,740.00	
JEAN E. HUNGIVILLE, 1612 K STREET, NW, #1100 WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN		
K. ADRIAN HUNNINGS, 1030 15TH STREET, NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMERICA	180.00	5.25
FRANCIS M. HUNT, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	249.00
JAMES W. HUNT, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO		14,333.21
PETER C. HUNT, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
RICHARD M. HUNT, 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
JAMES C. HUNTER, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	407.00	131.90
MICHAEL M. HUNTER, 1600 M ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	2,400.00	110.00
MILTON F. HUNTINGTON, MAINE PETROLEUM ASSN 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INST		
HUNTON & WILLIAMS, P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	1,632.50	10.65
J. JAMES HUR, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
ADELE M. HURLEY, 112 ST. CLAIR AVE., WEST SUITE 504 TORONTO,ONTARIO, CANADA M4V 2Y	CANADIAN COALITION ON ACID RAIN	581.26	117.61
GERARD F. HURLEY, 1625 I ST., NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
ROBERT R. HURT, SUITE 650 1050 17TH STREET, NW WASHINGTON DC 20036	MERCK & CO., INC		
CATHY HURWIT, 1300 CONNECTICUT AVENUE, NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	4,500.00	78.00
BENJAMIN MELVIN HURWITZ, SUITE 200 1925 K ST., NW WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORP		150.00
GEOFFREY B. HURWITZ, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	
RAYMOND W. HUSSEY, 29400 LAKELAND BLVD. WICKLIFFE OH 44092	LUBRIZOL CORPORATION	700.00	1,171.88
DEWEY M. HUTCHINS, 1919 PENNSYLVANIA AVE., NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK CO	500.00	159.00
PHILIP A. HUTCHINSON, 475 L'ENFANT PLAZA, #3210 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON, P.O. BOX 20230 4500 SOUTH 40TH STREET PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		55.00
JAMES L. HUTCHISON, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
RANDY HUWA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,853.80	1,549.11
B. F. HYDE, TENNESSEE PETROLEUM COUNCIL 211 7TH AVENUE, NORTH, 4TH FL. NASHVILLE TN 37219	AMERICAN PETROLEUM INST	45.00	4.75
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN IRON & STEEL INSTITUTE).	157.50	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN MARITIME ASSN).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ASARCO INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BUDD COMPANY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: CANADIAN ASBESTOS INFORMATION CENTRE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HTB CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: JOINT MARITIME CONGRESS).	810.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	135.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MERRILL LYNCH CAPITAL INVESTMENTS).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MOTOROLA, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL ASSN OF IMMIGRATION JUDGES).	90.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL MULTI HOUSING COUNCIL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: QUIXOTE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).	742.50	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALEN DRY CARGO, INC).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SANTA FE INTERNATIONAL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SHAKLEE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: TOBACCO INSTITUTE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: U.S. BANKNOTE).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: WARNER COMMUNICATIONS, INC).		
ROBERT D. HYNES JR , SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	
ICE MILLER DONADIO & RYAN, BOX 82001 ONE AMERICAN SQUARE INDIANAPOLIS IN 46282	MARION GENERAL HOSPITAL, ET AL	4,354.13	
RICHARD H. ICHORD, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	AAI CORPORATION	843.50	341.19
Do	EMERSON ELECTRIC CO	600.00	849.91
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
RONALD K. IKEJIRI, 1730 RHODE ISLAND AVE., NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	19,525.00	9,864.66
ANNELISE ILSCHENKO, 101 S. REYNOLDS STREET, #H-116 ALEXANDRIA VA 22304			
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION, C/O SQUIRE SANDERS & DEMPSEY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.		570.00	570.00
INDEPENDENT LUBRICANT MANUFACTURERS ASSN, 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202			
INDIANA RAILROAD ASSN, 143 W. MARKET STREET, #201 INDIANAPOLIS IN 46204		1,900.00	892.00
INDUSTRIAL UNION DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		21,354.09	21,354.09
NANCY J. INGALSBEE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U.S. RECREATIONAL SKI ASSOCIATION		
JOHN H. INGRAM, NICKERSON-INGRAM & ASSOCIATES, INC 923 15TH ST., NW WASHINGTON DC 20005	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
ANDREA L. INNES, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	5,125.00	193.05
INSTITUTE OF MAKERS OF EXPLOSIVES, 1575 EYE STREET, NW, #550 WASHINGTON DC 20005			
INSURANCE ECONOMICS SOCIETY OF AMERICA, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006		9,310.00	7,545.00
INT'L UNION, UNITED AUTO AEROSPACE & AGRIC IMPLEMENT WORKERS, WORKERS OF AMERICA (UAW) 8000 E. JEFFERSON DETROIT MI 48214.		128,709.16	128,709.16
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS, 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036			27,332.07
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, 25 LOUISIANA AVE., NW WASHINGTON DC 20001			64,327.99
INTERNATIONAL GOLD CORPORATION LIMITED, 900 THIRD AVENUE NEW YORK NY 10022			
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			49,303.10
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN, 815 15TH ST., NW WASHINGTON DC 20005			7,213.60
INTERNATIONAL UNION OF OPERATING ENGINEERS, 1125 17TH ST., NW WASHINGTON DC 20036		23,500.00	1,220.00
INVESTMENT COMPANY INSTITUTE, 1775 K ST., NW WASHINGTON DC 20006			44,186.53
INVESTMENT COUNSEL ASSN OF AMERICA, INC., 50 BROAD ST. NEW YORK NY 10004			
CHARLES C. IRIONS, 400 ARMY-NAVY DR. ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	220.00	
THOMAS L. IRMEN, P.O. BOX 119 MAUMEE OH 43537	ANDERSONS		
IRON ORE LESSORS ASSN, INC, 1500 FIRST NATL BANK BLDG. SAINT PAUL MN 55101		13,051.09	15,257.03
JOHN ISAACS, 100 MARYLAND AVE., NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	7,201.86	
IVINS PHILLPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	15,171.25	130.00
ROBERT A. JABLON, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL	466.00	
CARLTON JACKSON, FLORIDA PETROLEUM COUNCIL 325 JOHN KNOX RD., #F-210 TALLAHASSEE FL 32303	AMERICAN PETROLEUM INST	1,820.00	1,954.11
CHARLES L. JACKSON, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
GLENN JACKSON, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSN OF AMERICA	300.00	
MERCER L. JACKSON, 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	2,400.00	
ROBERT S. JACKSON, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	12,375.00	50,634.98
WILLIAM P. JACKSON JR., JACKSON & JESSUP, P.C. 3426 N. WASHINGTON BOULEVARD ARLINGTON VA 22201	OSBORNE TRUCK LINE, INC, ET AL	6,011.39	7,660.53
STEPHEN JACOBS, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	209.23
ROY T. JACOBSEN, GNAU CARTER JACOBSEN & ASSOC, INC 1250 EYE STREET, NW, #600 WASHINGTON DC 20005	BAUMANN, INC		
Do	BEZTAK COMPANY		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	DETROIT DOCTOR'S HOSPITAL		
Do	EDSI		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	PRECISION MAGNETICS & CERAMICS		
Do	PRIMARK CORPORATION		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC		
Do	SAFLOK/COMPUTORIZED SECURITY SYSTEMS, INC		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
WALTER K. JAENICKE, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
E. A. JAENKE & ASSOCIATES, INC, 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
DANIEL L. JAFFE, SUITE 1000 1400 K ST., NW WASHINGTON DC 20005	AMERICAN ADVERTISING FEDERATION		
EDWARD L. JAFFE, 1730 RHODE ISLAND AVENUE, NW, #713 WASHINGTON DC 20036	PPG INDUSTRIES, INC	429.75	
JAPAN ECONOMIC INSTITUTE OF AMERICA, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		3,056.66	3,056.66
JOSEPH J. JAQUAY, 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
EVELYN JARVIS-FERRIS, 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION		
JERRY J. JASINOWSKI, 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
PATRICIA A. JEFFERS, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	82.50	25.00
PHILIP F. JEHLE, 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP	1,000.00	
JOSEPH S. JENCKES, SUITE 300 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	43.40
LINDA JENCKES, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC	75.00	16.50
DAVID M. JENKINS II , 1025 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	MILES LABORATORIES, INC		
KEMPTON B. JENKINS, SUITE 702 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	1,200.00	234.00
JENNER & BLOCK, ONE IBM PLAZA CHICAGO IL 60611	AMUSEMENT & MUSIC OPERATORS ASSN	8,800.00	502.25
JAMES C. JENNINGS, 3255 GRACE ST., NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: GRAY AND COMPANY).		
CHRIS L. JENSEN, FLORIDA PETROLEUM COUNCIL 325 JOHN KNOX RD, #F-210 TALLAHASSEE FL 32303	AMERICAN PETROLEUM INST		
NANCY H. JESSICK, 425 13TH STREET, NW WASHINGTON DC 20004	HIRAM WALKER & SONS, INC		
GUY E. JESTER, 2150 KIENLEN AVE. ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
THOMAS C. JETTON, 2223 DODGE STREET OMAHA NB 68102	NORTHERN NATURAL GAS CO	700.00	
JOBS WITH PEACE, INC, 129 E STREET, NW WASHINGTON DC 20001			
CHARLES E. JOECKEL JR , 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	17,591.60	9,973.75
DOUGLAS F. JOHN, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	MEDINA ELECTRIC COOPERATIVE, INC		
Dr	SOUTH TEXAS ELECTRIC COOPERATIVE, INC		
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	175.00	265.72
B. GERALD JOHNSON, 500 MAYNARD BUILDING SEATTLE WA 98104	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY		
Do	STATE OF ALASKA		
CARL T. JOHNSON, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	400.00	
CLIFFORD T. JOHNSON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY		
DAVID E. JOHNSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	121.50
DAVID H. JOHNSON, MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BLDG., P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST	350.00	882.61
EDWARD JOHNSON, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
H. BRADLEY JOHNSON, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JESS JOHNSON JR , SUITE 200 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
JOEL L. JOHNSON, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	354.09
JOHN B. JOHNSON, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	1,983.66	983.16
JUSTIN W. JOHNSON, P.O. BOX 970 FT. WORTH TX 76101	TEXAS ELECTRIC SERVICE CO	160.90	132.91
KENNETH A. JOHNSON, PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY	320.00	2,340.44
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
MARK R. JOHNSON, 1667 K STREET, NW, #350 WASHINGTON DC 20036	MOLLER STEAMSHIP CO, INC		
NANCIE S. JOHNSON, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NICHOLAS JOHNSON, BOX 1876 IOWA CITY IA 52244			
RADY A. JOHNSON, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	145.00
RICHARD W. JOHNSON JR., 219 N. WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	5,417.04	58.33
SPENCER A. JOHNSON, SUITE 411 1101 VERMONT AVE., NW WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC.	100.00	
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
THOMAS G. JOHNSON, ONE SHELL PLAZA, #4868 P.O. BOX 2463 HOUSTON TX 77001	SHELL OIL COMPANY	500.00	
WILLIAM L. JOHNSON, SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	PRIMARK CORPORATION	1,000.00	
BARBARA W. JOHNSTON, 1150 CONNECTICUT AVE. NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC.		
DAVID JOHNSTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JAMES D. JOHNSTON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	4,635.61
JOINT CORPORATE COMM ON CUBAN CLAIMS, C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830			180.00
JOINT TASK FORCE ON FED FINANCIAL ASSIST. FOR LAW STUDENTS, C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.			
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER.	828.00	159.21
HERBERT A. JOLOVITZ, 900 17TH STREET, NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION	1,250.00	
JONES & WINBURN, SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	AMERICAN ASSN OF EQUIPMENT LESSORS		
Do	CITY OF BATON ROUGE	9,000.00	8,354.43
CHERYL L. JONES, 1875 I STREET, NW, #525 WASHINGTON DC 20006	TEXAS GAS TRANSMISSION CORP	375.00	25.41
ELAINE J. JONES, 1201 PENNSYLVANIA AVENUE, NW, #250 WASHINGTON DC 20004	CH2M HILL	500.00	
ERNEST W. JONES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES, SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR , 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	225.00	115.00
JAMES E. JONES, 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
NORVILL JONES, 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS CO	250.00	
ROY C. JONES, SUITE 300 717 2ND ST., NW WASHINGTON DC 20002	MORAL MAJORITY, INC.	8,246.00	
WILEY N. JONES, SUITE 525 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SOUTHERN PACIFIC CO. & AFFILIATES	1,000.00	500.00
DE SOTO JORDAN, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	220.00	187.00
JAMES V. JORDAN III, PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
JEFFREY H. JOSEPH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	10.00
MARY LOU JOSEPH, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	12,644.75	222.59
DAVID W. JOYNER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	
ARDON B. JUDD JR , 1100 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	DRESSER INDUSTRIES, INC.		
ROBERT E. JULIANO, 1875 I ST., NW, #450 WASHINGTON DC 20006	HOTEL & RESTAURANT EMPLOYEES & BARTENDERS INTL UNION	16,238.64	1,436.90
BYRON E. KABOT, LEGAL DEPARTMENT - 43-33 77 WEST 45TH ST. NEW YORK NY 10036	INTERNATIONAL PAPER CO.	818.00	405.63
GEZA KADAR, 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	55.60	26.50
ALINE KALBIAN, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SUZANNE KALFUS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES	13.95	
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INVESTORS MORTGAGE INSURANCE CO).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
JAMES L. KANE JR., 1315 VINCENT PLACE MCLEAN VA 22101			
DONALD J. KANIEWSKI, 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	6,647.49	167.25
HOWARD C. KATZ, 4 WORLD TRADE CENTER NEW YORK NY 10004	J. ARON & CO. (FOR: COFFEE, SUGAR & COCOA EXCHANGE, INC.)		
EVERETT E. KAVANAUGH, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC.		
KAYE SCHOLER FIERMAN HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	AMERICAN MEAT INSTITUTE		
Do	AMERICAN PSYCHOANALYTIC ASSOCIATION		
Do	AMERICAN SOCIAL HEALTH ASSN		
Do	CHRIS CRAFT INDUSTRIES, INC.		
Do	DRUMMOND COMPANY		52.50
Do	ELSEVIER SCIENTIFIC PUBLISHERS		
Do	RAYMARK CORPORATION		210.00
Do	UNITED TELEVISION, INC.		
RICHARD F. KEATING, SUITE 502 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
JOSEPH D. KEEFER, SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
DAVID A. KEENE, 919 PRINCE ST. ALEXANDRIA VA 22314	NATIONAL TAX LIMITATION COMMITTEE	200.00	10.00
KEITH KEENEY, SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
ROBERT C. KEENEY, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN.	1,875.00	435.11
ROBIN E. KEENEY, 1156 15TH STREET, NW, #1101 WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS.	2,000.00	
ROBERT H. KELLEN, 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 20342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
KELLER & HECKMAN, 1150 17TH STREET, NW, #1000 WASHINGTON DC 20036	AMERICAN INST OF MERCHANT SHIPPING		
Do	LAND MOBILE COMMUNICATIONS COUNCIL		
Do	SPECIALTY ADVERTISING ASSN. INT'L.	7,550.00	228.00
Do	UTILITIES TELECOMMUNICATIONS COUNCIL		
DONALD W. KELLER, P.O. BOX 3331 HOUSTON TX 77253	QUINTANA PETROLEUM CORP		
Do	QUINTANA REFINERY COMPANY		
JAY KELLER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,167.50	887.54
DONALD KELLERMANN, SUITE 1110 1875 EYE ST., NW WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN B. KELLEY, 1400 K STREET, NW, #1100 WASHINGTON DC 20005	AVCO CORP	2,500.00	
PAUL J. KELLEY, 2727 NORTH CENTRAL AVE. PHOENIX AZ 85004	U-HAUL INTL, INC	5,000.00	
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
STEPHEN G. KELLISON, 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
STEPHEN S. KELLNER, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN		
EARL KELLY, 801 18TH STREET, NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	16,976.03	
ERNEST B. KELLY III, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION	1,250.00	
HAROLD V. KELLY, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP.		
JOHN F. KELLY, 1828 L STREET, NW # 906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC.	2,000.00	
MARK L. KEMMER, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,272.31
KENDALL & ASSOCIATES, 50 E ST., SE WASHINGTON DC 20003	ANDERSON HIBEY NAUHEIM & BLAIR (FOR MARRIOTT CORP)		
Do	CLADOUHOS & BRASHARES (FOR SMITH BARNEY HARRIS UPHAM & CO)	200.00	
Do	CARL M. FREEMAN ASSOCIATES, INC.		
Do	HELLER, EHRMAN, WHITE & MCAULIFFE	250.00	
Do	MANVILLE CORPORATION	750.00	
Do	TOYOTA MOTOR SALES, U.S.A.	500.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY		
Do	WORLDWIDE INFORMATION RESOURCES, INC		
JOSEPH W. KENNEBECK, 490 L'ENFANT PLAZA, SW, #3210 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
MICHAEL E. KENNEDY, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
EDWARD E. KENNEY & ASSOCIATES, INC., SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA CORPORATION		
JEREMIAH J. KENNEY JR , 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP.		264.40
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVENUE, NW SUITE 300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN.	3,195.00	1,367.91
Do	AMERICAN SUPPLY ASSOCIATION	5,250.00	2,296.15
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	CFS CONTINENTAL		
Do	GOULD, INC.	1,500.00	610.68
Do	MOTOR CARRIER LAWYERS ASSN.		
Do	NATIONAL CUSTOMS BROKERS & FORWARDERS ASSN OF AMERICA	449.50	1,978.59
VYTAUTAS KERBELIS, 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
MICHAEL L. KERLEY, 1922 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF LIFE UNDERWRITERS	4,760.00	96.00
ROBERT M. KETCHEL, SUITE 895 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO.		
GILBERT W. KEYES, PO BOX 3999 SEATTLE WA 98124	BOEING COMPANY		2,206.33
EARLINE A. KEYSER, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
KIAWAH ISLAND COMPANY, P.O. BOX 12910 CHARLESTON SC 29142			
RICHARD F. KIBBEN, 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
BRIAN D. KIDNEY, 444 N. CAPITOL STREET, NW, #718 WASHINGTON DC 20001	PACIFIC TELESIS GROUP	15,450.00	
ROBERT W. KIERNAN, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
WILLIAM S. KIES, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
INGOLF N. KILAND JR., 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	6,022.01
MARYANN KILDUFF, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	108.66
DANIEL L. KILEY, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERTA D. KIMBALL, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	200.00	
RICHARD H. KIMBERLY, 1201 PENNSYLVANIA AVENUE, NW, #730 WASHINGTON DC 20004	KIMBERLY-CLARK CORP	6,508.80	157.30
KIMBERLY-CLARK CORP, 401 NORTH LAKE STREET NEENAH WI 54956			12,111.15
JAMES L. KIMBLE, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	300.00	14.00
LISA KIMBRO, 1101 16TH STREET, NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSN OF AMERICA		57.80
GENE KIMMELMAN, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	3,312.49	
KING & SPALDING, 1730 PENNSYLVANIA AVE., NW, #1200 WASHINGTON DC 20006	BELLSOUTH CORP		
Do	BETHLEHEM STEEL CORP		9.00
Do	DAMSON OIL CORP		353.27
Do	FRAZIER LANIER CO (ALABAMA STATE DOCKS DEPT)		
Do			648.83
Do	LIFE OF GEORGIA	11,500.00	91.10
Do	LINCOLN PROPERTY CO	37,225.00	197.79
Do	MILLER BREWING CO	3,850.00	17.57
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS		39.95
CHARLES L. KING, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	950.00	
EDWARD H. KING, 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN CO		
G. JACK KING, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	1,000.00	
W. RUSSELL KING, SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT MCMORAN, INC	300.00	69.00
DANIEL T. KINGSLEY, 1655 N. FT. MYER DR., #700 ARLINGTON VA 22209	NATIONAL VENTURE CAPITAL ASSOCIATION	18,000.00	2,248.97
JANIE A. KINNEY, BLUM & NASH 1015 18TH ST., NW WASHINGTON DC 20036	FLOATING POINT SYSTEMS, INC		
Do	TWIN COAST NEWSPAPERS, INC		
Do	WALT DISNEY PRODUCTIONS		
MARCIA Y. KINTER, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CECILIA ANNE KIRBY, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,066.71	
KIRBY GILLICK SCHWARTZ & TUOHEY, P.C., SUITE 303 EAST 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	LAKE ONTARIO CEMENT LIMITED	3,728.00	133.93
ALAN G. KIRK II , 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	79.86	
JOHN R. KIRK, BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PAUL G. KIRK JR., SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE		
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	CALVERT GROUP, LTD		
Do	COUNCIL OF STATE HOUSING AGENCIES		
Do	INTERNATIONAL GOLD CORPORATION LIMITED	1,920.00	
Do	PAINE WEBBER JACKSON & CURTIS, INC		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	SEARCH GROUP, INC		
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS		
SALLY ANN KIRKPATRICK, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	25.00
KIRLIN CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		705.87
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	100.00	
SAUL B. KLAMAN, 1101 15TH STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	10,000.00	
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).	92.12	46.00
RICHARD P. KLEEMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
KLINE KNOPF & WOJDAK, INC, 355 N. 21ST STREET, #105 CAMP HILL PA 17011	GENERAL PUBLIC UTILITIES CORPORATION		
RICHARD A. KLINE, 650 INDEPENDENCE AVE., SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
WILLIAM J. KLINEFELTER, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	8,856.39	
KARL R. KLINGELHOFER, 5417 THETFORD PLACE ALEXANDRIA VA 22310	COLORADO RIVER BASIN SALINITY CONTROL FORUM		
MICHAEL R. KLIPPER, 1600 I ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA	396.60	25.00
DAVID M. KLUCSIK, 1415 WYCKOFF ROAD, P.O. BOX 1464 WALL NJ 07719	NEW JERSEY NATURAL GAS CO		64.81
GLENN KNAPP, 773 DARTMOUTH AVE. SAN CARLOS CA 94070			
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
PETER E. KNIGHT, 1101 15TH STREET, NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	8,000.00	25.08
ROBERT L. KNOUS JR., SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
RUTH E. KOBELL, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	2,928.14	100.49
BRADLEY R. KOCH, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	135.75	
GEORGE W. KOCH, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	39.25	
PATRICK C. KOCH, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	766.15	
MICHAEL S. KOLEDA, SUITE 1050 1825 EYE ST., NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
NICHOLAS KOMINUS, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSN		
EARL KOOPERKAMP, 99 CLAREMONT AVENUE NEW YORK NY 10027	SEAMEN'S CHURCH INSTITUTE		
STEPHEN KOPLAN, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,019.03	881.48
EUGENE P. KOPP, SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	1,250.00	
STEVEN KOPPERUD, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS ASSN	3,240.00	
HORACE R. KORNEGAY, 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	800.00	30.00
KENNETH S. KOVACK, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMERICA ICA	8,856.39	
JOAN M. KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: PARSONS CORPORATION)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
JEANNE P. KOWALSKI, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	7,000.00	150.43
CHRIS KOYANAGI, 1702 WOODMAN DRIVE MCLEAN VA 22101	WASHINGTON ALTERNATIVES, INC	3,000.00	30.00
PATRICIA S. KOZIOL, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	600.00	495.19
MYLIO S. KRAJA, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	3,088.02	640.30
THOMAS G. KRAJEWSKI, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEGAUE OF THE USA	220.00	
AMOS KRAMER, KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BLDG. 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INST		37.40
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HTB CORPORATION).		
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
RAYMOND ROGER KRAUSE, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JEFFREY KRAUSS, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850	M/A-COM, INC	2,500.00	264.70
ALAN G. KRAUT, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	2,142.67	114.28
DAWN C. KRISTOF, P.O. BOX 17402 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	WATER & WASTEWATER EQUIPMENT MANUFACTURERS ASSN, INC		
KROGER COMPANY, 1014 VINE ST. CINCINNATI OH 45201			
JAMES C. KRONE, 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC	500.00	110.32
KATHLEEN BONNER KRONMILLER, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	SPACE AMERICA, INC		
THEODORE G. KRONMILLER, ELY RITTS BRICKFIELD & BETTS WATERGATE 600 BUILDING, #915 WASHINGTON DC 20037	PEREGRINE CORP		18.90
Do	JAMES RUSSELL		520.80
Do	SPACE AMERICA, INC		
Do	WILLIAM K. ZIMMERMAN		520.80
K. H. KRUKE, 1776 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY	477.27	18.00
PAUL R. KRUSE, 1155 15TH ST., NW WASHINGTON DC 20005	PENNZOIL CO	30.00	
JAMES S. KRZYMINSKI, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	590.63	
THOMAS A. KUBE, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
LLOYD R. KUHN, 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC	14,652.00	
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	4,500.00	364.91
JUDITH KUNOFSKY, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	2,250.00	65.32
ESTER KURZ, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	12,499.98	
JEFFREY KURZWEIL, HILL BETTS & NASH 1220 19TH ST., NW, SUITE 302 WASHINGTON DC 20036	MARRIOTT CORPORATION	19,165.00	512.42
DANIEL M. KUSH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,000.00	105.40
GARY JAY KUSHNER, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
JAMES M. KUSZAJ, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CHEMICAL U.S.A		
KUTAK ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES	6,000.00	342.31
Do	FIRST NATIONAL BANK OF OMAHA		
Do	HAYES, INC		112.28
Do	METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY	2,546.00	189.91
Do	RONALD E. ROBINSON		
KWAJALEIN ATOLL CORP, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			
LABOR BUREAU, INC., SUITE 501 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
LABOR MANAGEMENT MARITIME COMMITTEE, INC, 100 INDIANA AVENUE, NW WASHINGTON DC 20001		6,970.00	7,639.00
LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO, 905 16TH ST., NW WASHINGTON DC 20006			21,360.74
JOSEPH L. LACH, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	MANVILLE CORPORATION		
JOHN D. LACOPO, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	EDS CORPORATION	192.00	110.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BRUCE C. LADD JR., 1776 K STREET, NW WASHINGTON DC 20006	MOTOROLA, INC	16,500.00	38.00
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	3,450.00	1,326.89
SANDRA L. LAFEVRE, 2500 RIVA ROAD, SE ANNAPOLIS MD 21401	NATIONWIDE INSURANCE CO & AFFILIATES		
JACK L. LAHR, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
ROBERT LAMB, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	5,000.00	116.86
DAVID F. LAMBERT III, 311 FIRST STREET, NW, #700 WASHINGTON DC 20001	NATIONAL ASSN OF INSURANCE BROKERS		
DAVID M. F. LAMBERT, 1000 POTOMAC STREET, NW, #302 SUITE 900 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
DAVID P. LAMBERT, 1800 K ST., NW WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
DAVID R. LAMBERT, 1030 15TH ST., NW SUITE 964 WASHINGTON DC 20005	AMERICAN SEED TRADE ASSN	5,000.00	
MARCY LAMBOURNE, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	
LAMON ELROD & HARKLEROAD, P.C., 2500 PEACHTREE CENTER - CAIN TOWER 229 PEACHTREE STREET, NE ATLANTA GA 30043.	NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC		443.60
VIRGINIA A. LAMPLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)	75.20	35.69
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION).	1,034.00	760.27
Do	DGA INTERNATIONAL, INC (FOR: SOFREAVIA)		
RAY H. LANCASTER, 1875 I STREET, NW, #525 WASHINGTON DC 20006	TEXAS GAS TRANSMISSION CORP	3,000.00	110.71
L. CHARLES LANDGRAF, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
LANDIS COHEN SINGMAN & RAUH, 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS	4,000.00	
Do	COUNCIL OF CREATIVE ARTISTS, LIBRARIES & MUSEUMS		
Do	NFL PLAYERS ASSOCIATION	2,000.00	
DAVID W. LANDSIDLE, 1700 PENNSYLVANIA AVENUE, NW, #730 WASHINGTON DC 20006	PFIZER, INC	650.00	323.51
BRUCE ALAN LANDY, 2700 VIRGINIA AVE., NW WASHINGTON DC 20037	B.A.L CO		
Do	CRYOGENIC VACUUM TECHNOLOGY CO		
Do			
LANE & EDSON, P.C., 2300 M STREET, NW WASHINGTON DC 20036	CITY OF BALTIMORE	600.00	
Do	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT	4,000.00	
Do	NATIONAL LEASED HOUSING ASSN	600.00	
ALBERT E. LANE, SUITE 537 1377 K STREET, NW WASHINGTON DC 20005	MEDCOM-MIC		
Do	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		
RICHARD F. LANE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBIN W. LANIER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	160.00	20.00
WAYNE R. LAPIERRE JR , 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,170.00	450.00
CLIFFORD LAPLANTE, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	1,165.00	
REED E. LARSON, 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
JAMES LASALA, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,190.00	
LATHAM WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AD HOC COALITION FOR LOW & MODERATE INCOME HOUSING	6,570.00	153.00
Do	CONTINENTAL WINGATE COMPANY		
Do	THOMAS SAFRAN & ASSOCIATES		
Do	SEARS, ROEBUCK & CO	4,140.00	27.30
Do	WILSHIRE TERRACE COOPERATIVE HOUSING CORP	1,110.00	50.11
LOUIS F. LAUN, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
LISA LAUSIER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	84.39
ROBERT LAUTERBERG, 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	5,000.00	84.53
DENNIS LAVALLEE, 1016 20TH ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS	500.00	138.90
CHARLES B. LAVIN JR., 1016 20TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS		
JOAN H. LAVOR, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GEORGE H. LAWRENCE, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	800.00	
ELIZABETH LAWSON, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,890.35	48.55
JANIE L. LAWSON, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
LAXALT CORPORATION, 813 MARYLAND AVENUE, NE WASHINGTON DC 20002	BARNESS ORGANIZATION	6,000.00	
Do	CITIZENS FOR AMERICA	9,000.00	
Do	MORGAN STANLEY & COMPANY		
Do	MOTION PICTURE ASSN OF AMERICA, INC	2,000.00	
ERNEST M. LE SUEUR, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAD-ZINC PRODUCERS COMMITTEE, 180 MADISON AVE. NEW YORK NY 10038		28,036.38	7,931.73
LEAGUE OF AMERICAN INVESTORS, 32123 LINDERO CANYON ROAD WESTLAKE VILLAGE CA 91361			
LEAGUE OF CALIFORNIA MILK PRODUCERS, 1225 8TH STREET, #385 SACRAMENTO CA 95814			822.26
LEAGUE OF WOMEN VOTERS OF THE U.S., 1730 M ST., NW WASHINGTON DC 20036		75,962.10	36,461.33
LEAGUE TO SAVE LAKE TAHOE, 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731			3,400.18
THOMAS B. LEARY, HOGAN & HARTSON 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	12,901.03	
RICHARD J. LEASE, 2145 BOISE DRIVE LAS CRUCES NM 88001			
A. MICHAEL LEBECK, P.O. BOX 925 ALBUQUERQUE NM 87103			
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	SHIPPING CORP. OF INDIA, LTD		
Do	UNDERWRITERS AT LLOYD'S LONDON		
THOMAS J. LEE JR., P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
LEIGHTON LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	AMERICAN DENTAL ASSISTANTS ASSN		
Do	CITY & REGIONAL MAGAZINE ASSN		
Do	CLOROX COMPANY		
Do	EXPRESS FOODS CO., INC		
Do	FAMILY-BACKED MORTGAGE ASSN, INC	5,000.00	100.00
Do	FEDERATION OF APPAREL MANUFACTURERS	6,496.25	547.45
Do	GA TECHNOLOGIES, INC	10,840.50	626.69
Do	GENERAL INSTRUMENT CORPORATION		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	INTRAOCULAR LENS MFRS ASSN		
Do	MUTUAL SAVINGS CENTRAL FUND, INC	5,000.00	400.00
Do	NATIONAL GLASS DEALERS ASSN		
Do	SALOMON BROTHERS	25,000.00	400.00
Do	SAVINGS BANKS ASSN. OF MASSACHUSETTS	7,500.00	400.00
Do	WHEY PRODUCTS INST		
TERRY L. LEITZELL, ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	AMERICAN SHRIMPBOAT ASSOCIATION	1,500.00	
Do	MARINE CONSTRUCTION & DESIGN CO	750.00	
Do	BOGLE & GATES (FOR: PACIFIC SEAFOOD PROCESSORS ASSN)	3,000.00	
Do	PORT OF SEATTLE	2,000.00	
JOSEPH L. LEITZINGER, 900 4TH AVE. SEATTLE WA 98164	SIMPSON TIMBER CO	880.00	782.00
ELIZABETH LEMOND, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	190.06	660.24
THOMAS J. LENGYEL, 1625 K STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING		
PAUL A. LENZINI, CHAPMAN, DUFF AND PAUL 1825 I STREET, NW, #300 WASHINGTON DC 20006	CHR. BJELLAND & CO., INC		
BETTY JANE LEONARD, P.O. BOX 19109 GREENSBORO NC 27419	UNIFI, INC		
EARL T. LEONARD JR , P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	1,556.00	2,046.40
LAW OFFICE OF JERRIS LEONARD, 900 17TH STREET, NW, #1020 WASHINGTON DC 20006	KANSAS CORPORATION COMMMISSION		
LLOYD LEONARD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	4,153.86	56.00
RODNEY E. LEONARD, 2001 S STREET, NW, #530 WASHINGTON DC 20009	COMMUNITY NUTRITION INSTITUTE		
CHARLES LEPPERT JR., 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
DONALD G. LERCH & CO., 1030 15TH STREET, NW, #840 WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN	1,100.00	401.26
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
MARTHA LESTER, 1925 K STREET, NW, #206 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	42.41	
LEVA HAWES SYMINGTON & MARTIN, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	DON LANGENEGGER, ET AL		
Do	FINNIGAN CORPORATION	1,590.00	279.07
Do	SCIENTIFIC APPARATUS MAKERS ASSN		28.77
ROBERT JOHN LEVERING, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION		8.25
S.R. LEVERING, 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	U.S. COMMITTEE FOR THE OCEANS		
CARL LEVIN, 1800 M ST., NW WASHINGTON DC 20036	BURSON-MARSTELLER (FOR: NEWPORT NEWS SHIPBUILDING & DRYDOCK CO)		
MORRIS J. LEVIN, 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
Do	SHINY ROCK MINING CORP	2,000.00	
BARBARA W. LEVINE, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	634.50	
HARRY LEVINE JR , 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	225.00	
LESLIE LEVY, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	7,439.22	417.73
E. DAVID LEWIS, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	300.00	540.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL R. LEWIS, 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION		
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
JOHN F. LEYDEN, 815 16TH STREET, NW, #308 WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,478.76	
WILLIAM J. LHOTA, 215 N. FRONT STREET COLUMBUS OH 43215	COLUMBUS AND SOUTHERN OHIO ELECTRIC CO	1,108.00	1,559.70
HOWARD S. LIEBENGOOD, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	30,000.00	3,529.78
HERBERT LIEBENSON, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	5,625.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL		
WILLIAM C. LIENESCH, 238 10TH ST., SE WASHINGTON DC 20003	NATIONAL PARKS & CONSERVATION ASSOCIATION	561.00	40.50
DUKE R. LIGON, 1575 EYE STREET, NW, #510 WASHINGTON DC 20005	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C. (FOR: NOVA SCOTIA RESOURCES, LTD).		
Do	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON (FOR: PROVINCE OF NOVA SCOTIA).		
ROSS W. LILLARD, 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
RICHARD A. LILLQUIST, SUITE 500 1090 VERMONT AVE., NW WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
DIANE PALMER LILLY, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION		
EDWARD J. LINCOLN, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA		
STEPHEN R. LINDAUER, 1957 E STREET, NW WASHINGTON DC 20515	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ELENA LINTHICUM, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
LINTON MIELDS REISLER & COTTONE, LTD, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO		
Do	IOWA DEPARTMENT OF TRANSPORTATION	6,232.00	
Do	LAKE SUPERIOR DISTRICT POWER CO	568.00	
Do	MADISON GAS & ELECTRIC CO	1,293.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	6,056.00	
Do	NORTHERN STATES POWER CO	1,478.00	
Do	OREGON DEPT OF TRANSPORTATION	3,000.00	
Do	STATE OF IL, DEPT OF TRANS, DIV OF WATER RES	4,689.00	24.00
Do	STATE OF IL, DEPT OF TRANSPORTATION	8,386.00	
Do	SUPERIOR WATER, LIGHT & POWER CO	419.00	
Do	WISCONSIN ELECTRIC POWER CO	3,938.00	97.00
Do	WISCONSIN FUEL AND LIGHT CO	283.00	
Do	WISCONSIN GAS CO	1,755.00	54.00
Do	WISCONSIN NATURAL GAS CO	859.00	
Do	WISCONSIN POWER & LIGHT CO	2,257.00	
Do	WISCONSIN PUBLIC SERVICE CORP	2,236.00	
Do	CENTRAL TRANSPORT	5,000.00	
RON M. LINTON, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	DENVER TECHNOLOGICAL CENTER	947.00	
HERSHEL LIPOW, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	3,625.00	138.30
FRANCES S. LIPSCOMB, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	150.00	
LINDA A. LIPSEN, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	4,500.00	
CRAIG LISKE, P.O. BOX 2120 HOUSTON TX 77252	UNION TEXAS PETROLEUM CORP		
JOHN M. LISON, 16100 SOUTH LATHROP AVENUE HARVEY IL 60426	ATCOR, INC	6,000.00	380.23
SARA E. LISTER, PATTERSON, BELKNAP, WEBB & TYLER 1730 PENNSYLVANIA AVENUE, NW, #1060 WASHINGTON DC 20006.	F M S CORPORATION		
CHARLES B. LITTLE, SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	487.00	351.05
ROY LITTLEFIELD, 15900 PINECROFT LANE BOWIE MD 20716	AMERICAN RETREADERS ASSN	2,000.00	
Do	NATIONAL TIRE DEALERS & RETREADERS ASSN		
THEODORE M. LITTMAN, 260 CHINOOK DR. PLACENTIA CA 92670	ROCKWELL INTL		
E.F. LIVAUDAIS JR., 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
LIVESTOCK MARKETING ASSOCIATION, 301 E. ARMOUR BLVD. KANSAS CIT Y MO 64111			3,850.00
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: RAMZI A. DALLOUL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: GOVERNMENT OF HAITI).	205.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF KOREA).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).	350.00	
LOBEL NOVINS & LAMONT, 1523 L STREET, NW, #200 WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSN	3,368.68	663.74
PAUL LOCIGNO, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	15,448.11	
ROBERT F. LOCKHART JR., 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
KAREN LOCKWOOD, 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	4,364.96	450.29
NILS LOFGREN, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LOMAS & NETTLETON FINANCIAL CORP, 2001 BRYAN TOWER, P.O. BOX 225644 DALLAS TX 75265			3,345.02
LAW OFCS OF SHELDON SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,500.00	
ROBERT S. LONG, 919 18TH STREET, NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORP	3,000.00	182.37
ROBERT W. LONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
THOMAS R. LONG, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION		
WILLIAM E. LONG, ONE NATIONWIDE PLAZA COLUMBUS OH 43216	NATIONWIDE INSURANCE COMPANY	4,680.00	
LONGNECKER & ASSOC, P.O. BOX 24209 WASHINGTON DC 20024			
JOHN H. LONNQUIST, 1025 CONNECTICUT AVE., NW SUITE 214 WASHINGTON DC 20036	MANVILLE CORPORATION	1,500.00	
LAURA LOOMIS, 419 N. NELSON STREET ARLINGTON VA 22203	NATIONAL PARKS & CONSERVATION ASSOCIATION	439.50	10.50
LOOMIS OWEN FELLMAN & HOWE, 2020 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF BITUMINOUS CONTRACTORS		
Do	CLASSROOM PUBLISHERS ASSN		
Do	INDUSTRIAL DIAMOND ASSN		
Do	OPTICAL MFGRS ASSN		
Do	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
SUSAN J. LOOMIS, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
LORD DAY & LORD, 1120 20TH ST., NW WASHINGTON DC 20036	BOWATER NORTH AMERICA CORPORATION		
PHILIP J. LOREE, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	500.00	399.31
ROBERT E. LOSCH, P.C., 1716 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN DREDGING CO, ET AL	17,500.00	3,245.24
CLAUDIA J. LOUIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JAMES F. LOVETT, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	500.00	200.00
RODNEY W. LOWMAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	55.00
GERALD M. LOWRIE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	8,000.00	
MRS. FREDDIE H. LUCAS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	648.56
PETER J. LUCIANO, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	5,000.00	12.00
WILLIAM F. LUDLAM SR , P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		509.82
SYLVESTER LUKIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER HABER & LUKIS, P.C. (FOR: AGRICULTURISTS FOR RESPONSIBLE LEGISLATION).		
Do	CRAMER HABER & LUKIS, P.C. (FOR: BROWARD COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER HABER & LUKIS, P.C. (FOR: PENNSYLVANIA ENGINEERING CORP)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
LUMAN & SCHOOR, 1030 15TH ST., NW, #720 WASHINGTON DC 20005	BURNS & ROE, INC		
Do	NATIONAL ASSN OF PERSONNEL CONSULTANTS		2,914.28
LUMBERMENS MUTUAL CASUALTY COMPANY, LONG GROVE IL 60049			
MILTON F. LUNCH, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
LUND & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	600.00	18.50
Do	PENNSYLVANIA POWER & LIGHT CO	1,696.20	106.48
CHRISTIAN J. LUND, 1825 I STREET, NW, #700 WASHINGTON DC 20006	UNITED TECHNOLOGIES CORPORATION	15,750.00	
FRANCIS M. LUNNIE JR., 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		275.00
W. FLETCHER LUTZ, SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
TIMOTHY P. LYNCH, 1501 WILSON BOULEVARD, #910 ARLINGTON VA 22209	ROADWAY EXPRESS, INC	425.00	200.00
WILLIAM T. LYONS, SUITE 700 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CIBA-GEIGY CORP		
M.O.A./AIOA & SUBS, INC, SUITE 107 701 S. 22ND OMAHA NB 68102		10.00	10.00
M/A-COM, INC, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850			17,046.00
TIMOTHY MACCARTHY, 1620 I STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	2,632.00	
ANTHONY R. MACCHIA, 127 JOHN STREET NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RUSSELL MACCLEERY, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	4,500.00	150.00
JACK A. MACDONALD, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES, INC	6,250.00	75.00
MIRIAM A. MACDONALD, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
JAMES E. MACK, 9005 CONGRESSIONAL COURT POTOMAC MD 20854	NATIONAL ASSN OF MIRROR MFGRS		
Do	PEANUT BUTTER & NUT PROCESSORS ASSN		
JAMES H. MACK, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	14,025.00	500.00
THOMAS L. MACK, P.O. BOX 49 PALO VERDE AZ 85343	BECHTEL POWER CORPORATION		
J. LYNN MADDOX, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	365.00	
CLIFF MADISON, P.O. BOX 3482 GRANADA HILLS CA 91344	CLIFF MADISON GOVERNMENT RELATIONS, INC (FOR: MARK AIR, INC)	1,200.00	
Do	CLIFF MADISON GOVERNMENT RELATIONS, INC (FOR: SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT).	1,200.00	
Do	CLIFF MADISON GOVERNMENT RELATIONS, INC (FOR: WESTERN AIRLINES)	900.00	
CLIFF MADISON GOVERNMENT RELATIONS, INC, P.O. BOX 3482 GRANADA HILLS CA 91344	MARK AIR, INC	1,200.00	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	1,200.00	
Do	WESTERN AIRLINES	900.00	
MARCIA G. MADSEN, MORGAN LEWIS & BOCKIUS 1800 M STREET, NW WASHINGTON DC 20036	TEXAS INDUSTRIES, INC		
SUSAN MAGAW, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
CHARLES MAGUIRE, 3315 P STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC	1,200.00	
W. TERRY MAGUIRE, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,125.00	
DAVID L. MAHAN, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
THOMAS D. MAHER, 1775 K STREET,N.W. WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
JOHN F. MAHONEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	5,378.00	136.07
TERENCE P. MAHONY, 1825 K STREET, NW, #807 WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	224.59
ROBERT L. MAIER, SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	175.00	16.00
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON DC 20044			
MICHAL W. MAINWARING, 1730 RHODE ISLAND AVENUE, NW, #713 WASHINGTON DC 20036	PPG INDUSTRIES, INC		
MAJOR LEAGUE BASEBALL PLAYERS ASSN, 805 THIRD AVENUE NEW YORK NY 10022			
DAVID MALLINO, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPT, AFL-CIO	6,838.00	311.17
J. WILSON MALLOY JR , 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICALS DIVISION	850.00	80.00
KURT L. MALMGREN, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	1,448.00	
MALMGREN, INC, 1120 20TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BEVERAGE IMPORTERS, INC	7,425.00	7,425.00
MARY JO MALONE, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,900.00	3,925.40
ROBERT H. MALONEY, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
WILLIAM R. MALONI, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	19,250.00	2,890.71
MAN-MADE FIBER PRODUCERS ASSN, INC, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			850.00
CARTER MANASCO, 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSN	7,812.51	104.73
MANATOS & MANATOS, INC, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	JAPANESE EMBASSY		
Do	WASHINGTON COORDINATING COUNICL ON PRODUCTIVITY		
MANATT PHELPS ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLIED TUBE & CONDUIT CORP		
Do	BANKERS TRUST CO	1,600.00	
Do	BKK CORPORATION	600.00	
Do	BOEING CO	1,600.00	
Do	COMWORLD PRODUCTIONS		
Do	KAUFMAN & BROAD, INC	400.00	
Do	MANUFACTURERS HANOVER LEASING CORPORATION	1,600.00	
Do	NATIONAL INVESTMENT DEVELOPMENT CORPORATION		
Do	NORTHROP CORP	1,600.00	
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	1,400.00	
Do	NEIL YOUNG		
MANCHESTER ASSOCIATES, LTD., SUITE 811 1155 15TH ST., NW WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD		
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CO)	410.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN IRON & STEEL INSTITUTE).	410.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MUTUAL INSURANCE COALITION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).		
DWAYNE E. MANN, 901 N. WASHINGTON STREET, #205 ALEXANDRIA VA 22314	SOCIETY OF AMERICAN FLORISTS		
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
CYNTHIA MANSFIELD, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	4,384.44	872.47
ARMAND G MANSON, 1090 VERMONT AVE. N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON	2,760.00	
MANUFACTURED HOUSING INST, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202			4,900.00
MILTON C. MAPES, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	8,674.98	
LOUIS T. MARCH ASSOCIATES, INC, 1400 EYE STREET, NW, #300 WASHINGTON DC 20005		7,000.00	1,300.00
MARCH FOR LIFE, INC, PO BOX 2950 WASHINGTON DC 20013		6,023.05	5,352.51
CHARLES T. MARCK, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO		
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,500.00	2,800.00
THOMAS P. MARINIS JR., 3418 FIRST CITY TOWER HOUSTON TX 77002	VINSON & ELKINS (FOR: ARCHIE BENNETT JR.)		171.15
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT, SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			13,948.00
RICHARD P. MARKEY, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
LAWRENCE D. MARKLEY, PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSN, INC	4,275.00	2,867.04
NATHAN FRED MARKS, 685 N.W. 8TH STREET GRESHAM OR 97030			
RONALD ANTHONY MARKS, 1121 N. ARLINGTON BLVD., #710 ARLINGTON VA 22209			
LUTHER A. MARKWART, SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
Do	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	600.00	150.00
DEBORAH J. MARQUIS, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	4,200.00	137.55
JOHN MARSH, 100 OAKVIEW DRIVE TRUMBULL CT 06611	RAYMARK CORPORATION		
C. TRAVIS MARSHALL, 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	85.08
THOMAS A. MARTENS, P.O. BOX 10110 SO. LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	1,705.13	
DANEA KEHOE MARTIN, 1922 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF LIFE UNDERWRITERS	2,223.00	106.00
DAVID F. MARTIN, 2020 14TH STREET, NORTH ARLINGTON VA 22201	TRANE COMPANY	1,350.00	
DAVID O. MARTIN, NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORP		
FRED J. MARTIN JR., 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	718.74	1,314.62
JOHN M. MARTIN JR., 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	100.00	
Do	JEWELRY INDUSTRY COORDINATING COMMITTEE	100.00	
KATHERINE E. MARTIN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	452.75	125.30
LARRY K. MARTIN, 1611 NORTH KENT STREET, #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	3,750.00	145.00
STEPHEN I. MARTIN, HARTFORD PLAZA HARTFORD CT 06115	HARTFORD FIRE INSURANCE CO	6,500.00	
JAMES C. MARTINELLI, 1025 CONNECTICUT AVENUE, NW, #300 WASHINGTON DC 20036	ENVIRONMENTAL MANAGEMENT CONSULTANTS, INC		
VILMA S. MARTINEZ, 612 S. FLOWER STREET, 5TH FLOOR LOS ANGELES CA 90017	MUNGER, TOLLES & RICKERSHAUSER (FOR: SPANISH INTERNATIONAL COMMUNICATION CORP).	4,050.00	154.37
ERNEST MARTY, 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY, 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK, 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
MARYLAND SAVINGS-SHARE INSURANCE CORP., 901 NORTH HOWARD STREET BALTIMORE MD 21201			
W. A. MASON, P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER CO	167.50	184.17
JAMES D. MASSIE, 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	6,328.35
RICHARD D. MATHIAS, SUITE 901 1660 L STREET, NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	2,719.20	344.67
ROBERT A. MATTHEWS, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	984.38	
JOANNE E. MATTIACE, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	90.00	115.53
WILLIAM C. MATTOX, 1775 PENNSYLVANIA AVENUE, NW, #701 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S	550.00	605.00
C.V. & R.V. MAUDLIN, 1511 K STREET, NW, #535 WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE	200.00	650.00
MAUN GREEN HAYES SIMON JOHANNESON & BREHL, 332 HAMM BUILDING ST. PAUL MN 55102	MURPHY MOTOR FREIGHT LINES, INC		97.55
ANTHONY F. MAURIELLO, NEW YORK STATE PETROLEUM COUNCIL 150 STATE STREET ALBANY NY 12207	AMERICAN PETROLEUM INST	908.75	647.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
THOMAS H. MAXEDON, KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST	239.58	681.80
WALTER R. MAY, 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	11,250.00	2,392.00
MAYER BROWN & PLATT, 2000 PENNSYLVANIA AVENUE, NW, #6500 WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC		
Do	COMDISCO, INC		
Do	ERISA INDUSTRY COMMITTEE		
Do	GATX CORP		
Do	JMB REALTY CORP		
Do	SEARS ROEBUCK & CO		
Do	TRANSCANADA PIPELINES LTD		
JEFFREY G. MAYS, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
WILLIAM J. MCAULIFFE JR , 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN		
ANN MCBRIDE, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	12,760.02	106.50
MARTHA MCCABE, 1828 L ST., N.W. SUITE 1100 WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	2,000.00	6.00
JOHN A. MCCAHILL, 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE	200.00	
JULIE P. MCCAHILL, SUITE 715 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	275.00	
A. R. MCCAMMON, 501 UNION ST., #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSOCIATION		
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	2,566.00	
CAROLYN KIM MCCARTHY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,250.00	500.00
JAMES R. MCCARTHY, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
JAMES W MCCARTHY, 1515 WILSON BLVD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	2,165.37
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	855.00	61.01
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
ROBERT MCCLORY, BAKER & MCKENZIE 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	FRANCISCA WEI		
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	COCA-COLA COMPANY		72.44
Do	ESTATE OF CHARLES G. BLUHDORN		2.71
Do	GULF & WESTERN INDUSTRIES, INC		128.73
Do	MOBIL OIL CORP	424.38	86.00
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS		1.44
Do	PROVIDENCE CAPITOL CORP		16.31
ROBERT S. MCCONNAUGHEY, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JOHN L. MCCONNELL, SUITE 1100 1800 K ST., NW WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
SALLY MCCONNELL, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,010.02	
ALVIN MCCOY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
DENNIS R. MCCOY, 1101 17TH STREET, NW WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	382.50	12.00
THOMAS W.J.C. MCCRYSTAL, P.O. BOX 5768 CHARLOTTESVILLE VA 22905	HIGH FRONTIER GROUP		
E. L. MCCULLOCH, 819 RAILWAY LABOR BLDG., 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	284.60	1,052.39
ALBERT L. MCDERMOTT, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	2,008.63	
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM		
MCDERMOTT WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	AM INTERNATIONAL	935.50	5.00
Do	CATERPILLAR TRACTOR CO	5,227.50	37.00
Do	FEDERAL KEMPER LIFE ASSURANCE COMPANY	3,413.81	34.43
Do	FEDERATION OF JAPAN SALMON FISHERIES COOPERATIVE ASSN		
Do	GUARDIAN AD LITEM, AIR CRASH DISASTER NEAR SAIGON		
Do	KEMPER INVESTORS LIFE INSURANCE CO	1,643.69	16.57
Do	LUMBERMAN MUTUAL CASUALTY CO		
Do	SPRINGFIELD MARINE BANK (FOR: ESTATE OF GEORGE W. BUNN)	1,997.50	6.00
Do	TIMBER REALIZATION		
Do	TUNA RESEARCH FOUNDATION, INC		
JACK MCDONALD ASSOCIATES, SUITE 610 1120 20TH ST., NW WASHINGTON DC 20036	MUTUAL BENEFIT LIFE INSURANCE CO		
E. T. MCDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,000.00	2,600.00
JACK MCDONALD, 1120 20TH STREET, NW, #610 WASHINGTON DC 20036	JACK MCDONALD ASSOCIATES, INC (FOR: MUTUAL BENEFIT LIFE INSURANCE CO)		
MICHAEL D. MCDONALD, MARYLAND PETROLEUM ASSN 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	800.00	378.63
PIERCE MCDONNELL, P.O. BOX 9513 ARLINGTON VA 22209	COMMITTEE AGAINST DISCRIMINATION IN GOVERNMENT		
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP		
Do	COUNTY OF ORANGE	15,000.00	
Do	STEPHEN D. COX		
Do	FRANKLIN REINFORCING STEEL CO, INC		
Do	IRVINE CITY SAVINGS & LOAN ASSN		
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	9,000.00	
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	900.00	
PATRICK J. MCDONOUGH, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT	870.75	
DINAH D. MCELFRESH, SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSN OF CHILD CARE MANAGEMENT)		
CHRISTINE W. MCENTEE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	382.77	24.15
ROBERT H. MCFADDEN, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
JOSEPH M. MCGARRY, MUNSON ROAD FARMINGTON CT 06032	HEUBLEIN, INC	16,120.00	4,674.59
PAUL J. MCGEADY, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC	1,740.50	
DONNA LEE MCGEE, 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC	2,500.00	25.05
W. CURT MCGEE, 1620 I ST., NW, SUITE 703 WASHINGTON DC 20006	BECHTEL NATIONAL, INC		
P. ANNE MCGHEE, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
ROBERT M. MCGLOTTEN, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,269.02	1,517.35
PHYLLIS M. MCGOVERN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE		
CHRISTOPHER C. MCGRATH, NEW YORK STATE PETROLEUM COUNCIL 156 WILLIAM ST. NEW YORK NY 10038	AMERICAN PETROLEUM INST		
JEROME J. MCGRATH, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
JOSEPH M. MCGUIRE, 1501 WILSON BLVD. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	7,000.00	
PETER E. MCGUIRE, 1875 I STREET, NW, #450 WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED & VETERAN RAILWAY EMPLOYEES	4,999.98	
MCGUIRE WOODS & BATTLE, 1400 ROSS BUILDING RICHMOND VA 23219	UNITED COAL CO		
MCHALE COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD		
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	FOOTHILLS PIPE LINES (YUKON) LTD	937.50	23.00
Do	HUSKY,OIL LTD	13,561.50	
Do	PAN-ALBERTA GAS LTD	937.50	24.00
CLARENCE M. MCINTOSH JR , 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	1,307.57	
DENNIS MCINTOSH, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	47.00
ROBERT MCINTYRE, ROOM 200 2020 K ST., NW WASHINGTON DC 20006	CITIZENS FOR TAX JUSTICE	6,600.24	
PHIL A. MCKEANEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	12,911.52	160.00
MCKENNA CONNER & CUNEO, 3435 WILSHIRE BLVD., 28TH FL LOS ANGELES CA 90010	CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS		
WILLIAM F. MCKENNA, SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN, P.C		
JAN E. MCKENZIE, 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,233.00	1,044.63
ROBERT T. MCKERNAN, 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	AMERICAN PAPER INST, INC	500.00	
WILLIAM COLM MCKEVENY, 30 ROCKEFELLER PLAZA NEW YORK NY 10012	AMERICAN PULPWOOD ASSN		
JAMES D. MCKEVITT, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
C. A. 'MACK' MCKINNEY, 219 NORTH WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	7,123.14	13,362.51
THOMAS I. MCKNEW JR., 1100 CONNECTICUT AVENUE, NW, #840 WASHINGTON DC 20036	SANTA FE SOUTHERN PACIFIC CORP	1,500.00	
JAMES D. MCLAUGHLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	875.00	
WILLIAM F. MCMANUS, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	580.00	
JAMES D. MCMILLAN, 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION		417.37
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIR LINE PILOTS ASSN		
Do	AIR TRANSPORT ASSN OF AMERICA	1,830.00	
Do	AIRCO, INC		
Do	ALASKA AIRLINES, INC		
Do	AMERICAN PETROLEUM INST		
Do	BANKERS TRUST OF SOUTH CAROLINA		
Do	BRISTOL-MYERS CO		
Do	BUSINESS ROUNDTABLE	1,319.70	379.76
Do	CBS, INC		
Do	CHARLESTON CENTER #3, LTD		
Do	COLT INDUSTRIES, INC	324.00	173.48
Do	DAVIS POLK & WARDWELL	2,398.00	273.91
Do	FOOD MARKETING INSTITUTE	2,018.50	130.13
Do	GENERAL MILLS	2,440.80	95.82
Do	GENERAL TELEPHONE & ELECTRONICS	2,995.50	404.57
Do	GEORGIA PACIFIC CORP	3,028.50	419.88

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GTE SPRINT COMMUNICATIONS	13,528.00	76.07
Do	HARRIS CORPORATION	11,387.00	1,105.58
Do	HOUSHOLD INTERNATIONAL		
Do	MESA PETROLEUM CO	19,023.00	949.56
Do	METROPOLITAN INSURANCE	7,273.50	105.52
Do	NATIONAL ASSN OF REALTORS		
Do	NATIONAL CABLE TELEVISION ASSN		
Do	NATIONAL FOOTBALL LEAGUE		
Do	NORFOLK SOUTHERN CORP	1,192.00	130.07
Do	PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	3,132.00	
Do	RKO	1,780.00	
Do	SONY CORP OF AMERICA	17,212.44	234.01
Do	WASTE MANAGEMENT, INC		
Do	WESTINGHOUSE ELECTRIC CORP	5,604.00	274.58
KATHRYN M. MCNAMARA, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	SEARS ROEBUCK & CO	51.24	8.00
LARAMIE FAITH MCNAMARA, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
PATRICK H. MCNAMARA, 1800 M STREET, NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL, U.S.A.	25.00	
PETER F. MCNEISH, 1156 15TH STREET, NW, #1101 WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,000.90	
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORP		
ROBERT MCVICKER, 2421 CAVENDISH DR. ALEXANDRIA VA 22309	KOLLSMAN INSTRUMENT CO		
RONALD E. MCWILLIAMS, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING MARINE SYSTEMS		
GEORGE G. MEAD, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC		
JOSEPH F. MEADOW, 7100 BALTIMORE AVENUE COLLEGE PARK MD 20740	UNITED ACTION FOR ANIMALS, INC	1,700.00	
JOHN K. MEAGHER, 1155 15TH ST.,N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	670.00
JOSEPH J. MEDER, SUITE 1100 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	751.22
MEDTRONIC, INC, 3055 OLD HIGHWAY 8 P.O. BOX 1453 MINNEAPOLIS MN 55440			2,942.67
WILLIAM H. MEGONNELL, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,660.65	349.97
RICHARD A. MEHLER, 1742 N ST., NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSN		
MICHELLE MEIER, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC		
STEPHEN J. MELMAN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES T. MELVILLE, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD	166.70	253.40
HOWARD H. MENAKER, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
MENDELSOHN ASSOCIATES, INC., 1826 JEFFERSON PLACE, NW, #101 WASHINGTON DC 20036	AMERICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS		
EDWARD L. MENNING, 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	32.16	
ELLIS E. MEREDITH, 1611 NORTH KENT ST. ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
CHARLES L. MERIN, 1875 I STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	2,000.00	1,950.70
EDWARD A. MERLIS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN	2,307.69	
ORREN MERREN, 701 WASHINGTON BUILDING 15TH STREET AND NEW YORK AVENUE, NW WASHINGTON DC 20005	PORTFOLIO OF AGRICULTURE AND CAYMAN TURTLE FARM LTD		
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	CENTRAL GULF LINES, INC		
Do	GOVERNMENT OF PUERTO RICO		113.02
Do	NATIONAL ASSN OF RECYCLING INDUSTRIES, INC	5,000.00	205.17
MERRILL LYNCH & CO., INC., SUITE 906 1828 L STREET, NW WASHINGTON DC 20036			8,500.00
NANCY JO MERRILL, SUITE 600 1707 H ST., NW WASHINGTON DC 20006	MARCH OF DIMES BIRTH DEFECTS FOUNDATION	2,750.00	54.35
THOMAS L. MESKAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	429.09
JEAN L. MESTRES, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	1,739.00	98.50
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	185.00	
CHRISTOPHER L. MEYER, P.O. BOX 888 ASHLAND KY 41101			
M. BARRY MEYER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		38.00
LARRY D. MEYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	25,000.00	2,004.27
ANN A. MICHEL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
THOMAS A. MICHELETTI, 1111 19TH STREET, NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	3,750.00	1,500.00
RONALD A. MICHIELI, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
MID CONTINENT WILDCATTERS ASSN., 200 DOUGLAS BLDG. WICHITA KS 67202		127,578.81	7,729.00
MID-CONTINENT OIL & GAS ASSN, 711 ADAMS OFFICE BLDG. TULSA OK 74103		24,112.88	15,266.77
PAUL J. MIGNINI SR., 815 16TH STREET, NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	2,895.00	13.50
MILBANK TWEED HADLEY & MCCLOY, 1825 EYE STREET, NW, #900 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.		
Do	CLAYMARK CORPORATION		
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO		
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
Do	MUTUAL LIFE INSURANCE COMPANY OF NEW YORK		
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	PRUDENTIAL LIFE INSURANCE COMPANY OF AMERICA		
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLACK AND DECKER MANUFACTURING COMPANY		195.00
Do	PEPSICO, INC		
Do	PIZZA HUT, INC		250.00
ROY H. MILLENSON, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	750.00	85.74
MILLER & CHEVALIER, CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	HALLMARK CARDS, INC	20,500.00	170.78
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	NATIONAL ASSN OF TEMPORARY SERVICES, INC	4,491.87	
Do	WEBSTER, JEPPSON, JONES & AGRAN	231.42	24.10
MILLER ASSOCIATES, INC., 2500 QUE ST.,NW WASHINGTON DC 20007	TOSCO CORPORATION	1,500.00	43.25
MILLER CASSIDY LARROCA & LEWIN, SUITE 500 2555 M ST., NW WASHINGTON DC 20037	47TH STREET PHOTO		1,225.00
DALE MILLER, 4000 RENO ROAD, NW WASHINGTON DC 20008	GULF INTRACOASTAL CANAL ASSN		
Do	TEXASGULF, INC		
DAVID H. MILLER, 900 17TH STREET, NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	125.00	20.72
DEBORAH IMLE MILLER, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN. OF HOME BUILDERS OF THE U.S.		
GRANT MILLER, 1725 JEFFERSON DAVIS HIGHWAY, #900 ARLINGTON VA 22202	LTV AEROSPACE & DEFENSE CO	2,500.00	125.00
HARRIS C. MILLER, 1747 PENNSYLVANIA AVENUE, #300 WASHINGTON DC 20006	OCCIDENTAL CHEMICAL CORP	753.00	104.00
JAMES C. MILLER, 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,462.50	
JOSEPH E. MILLER JR., 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	6,507.00	29.45
PAUL J. MILLER, 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
RICHARD G. MILLER, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	3,836.64	638.81
ROBERT H. MILLER, 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	312.00	39.15
STEVEN T. MILLER, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MANUFACTURERS, INC		
Do	AUTO INTERNACIONAL ASSN	135.00	71.75
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN	900.00	413.91
W. KIRK MILLER, 735 NORTH WATER STREET, #908 MILWAUKEE WI 53202	AMERICAN MALTING BARLEY ASSN, INC		
C.G. PETE MILLIGAN, 4360 N.E. JOE'S POINT STUART FL 33494	AMERICAN TELEPHONE & TELEGRAPH CO	4,430.78	314.77
CHRISTINE TOPPING MILLIKEN, 1717 MASSACHUSETTS AVE., #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	3,714.00	168.00
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN	119.00	
JOHN F. MILLS, 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE		
ROBERT G. MILLS, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	600.00	
RICHARD V. MINCK, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,500.00	
MINERAL EXPLORATION COALITION, INC, P.O. BOX 15638 LAKEWOOD CO 80215		554.82	1,346.02
MINING & RECLAMATION COUNCIL OF AMERICA, 1575 I STREET, NW, #525 WASHINGTON DC 20005			
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C., 1825 I STREET, NW, #1025 WASHINGTON DC 20006	GENERAL TELEPHONE & ELECTRONICS		
Do	HOME RECORDING RIGHTS COALITION	7,425.00	
Do	HOUGHTON MIFFLIN COMPANY	3,140.00	
Do	TURNER BROADCASTING SYSTEM, INC		
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	1,975.00	83.25
EDWARD F. MITCHELL, 1900 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	222.26	
JOANNE MITCHELL, 2020 K STREET, NW, #435 WASHINGTON DC 20006	COMMODITY EXCHANGE, INC	500.00	630.00
THOMAS F. MITCHELL, 1875 EYE ST., NW, #400 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		
MJC ASSOCIATES, INC, 52 HILMA STREET N. QUINCY MA 02171	THORNTON & EARLY	12,000.00	497.74
STACEY J. MOBLEY, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		70.00
TERRENCE W. MODGLIN & ASSOCIATES, 2001 S STREET, NW, #500 WASHINGTON DC 20009	MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT	4,050.00	3,623.64
TERRENCE W. MODGLIN, 2001 S ST., NW, #500 WASHINGTON DC 20009	AMERICAN INST OF MERCHANT SHIPPING		
Do	TERRENCE W. MODGLIN & ASSOCIATES (FOR: MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT).	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAVID T. MODI, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	40.00	
ROBERT M. MOLITER, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	315.00	
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20005	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)		
ROBERT A. MOLOFSKY, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	5,000.00	183.87
MICHAEL J. MOLONY, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
C. MANLY MOLPUS, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN M. MONLEY, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		
MARY MONROE, 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	INTERNATIONAL AIRLINE PASSENGERS ASSN, INC	1,200.00	280.00
MICHAEL MONRONEY, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
STEVEN M. MOODIE, 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
JAMES P. MOONEY, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	3,666.67	
ALAN J. MOORE, SUITE 840, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
FRANCIS B. MOORE, 3003 BUTTERFIELD ROAD OAK BROOK IL 60521	WASTE MANAGEMENT, INC	5,000.00	1,099.00
JANIS E. MOORE, 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
POWELL A. MOORE, 8637 WINTHROP DRIVE ALEXANDRIA VA 22307	LOCKHEED CORP	2,500.00	588.87
WILLIAM D. MOORE, 10 DORRANCE STREET PROVIDENCE RI 02903	GREATER PROVIDENCE CHAMBER OF COMMERCE		
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115		3,600.00	3,600.00
DUDLEY DIGGES MORGAN III, P.O. BOX 52468 NEW ORLEANS LA 70152	SOUTHERN FOREST PRODUCTS ASSN	10,000.02	
MORGAN LEWIS & BOCKIUS, SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	110.00	55.00
Do	CONSOLIDATED NATURAL GAS CO		
Do	KNOLL FINE CHEMICALS, INC	22.00	
JEANNE MORIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	3,750.00	407.82
ROBERT E. MORIN, 600 NEW HAMPSHIRE AVENUE, NW, #354 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL, SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	1,836.06
GERALD D. MORRIS, 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	11,349.06	260.00
LYLE J. MORRIS, 2000 P ST., NW, #305 WASHINGTON DC 20036	FORESIGHT SCIENCE & TECHNOLOGY, INC (FOR: RADAR DEVICES, INC)		
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)		
MARTIN S. MORRIS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
TESSA MORRIS, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK		
W. PATRICK MORRIS, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA		
MORRISON & FOERSTER, 1920 N STREET, NW, #800 WASHINGTON DC 20036	CONSOLIDATED FREIGHTWAYS	20,855.00	5,310.20
Do	CROCKER NATIONAL BANK	8,333.32	726.43
Do	EASTDIL EQUITY		7.11
Do	LOCKHEED AIR TERMINALS, INC		
Do	MASTERCARD INTERNATIONAL, INC	5,992.50	2,066.78
Do	ROSENBERG REAL ESTATE EQUITY FUND, INC	4,805.00	774.00
JULIAN K. MORRISON III, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
VALERIE T. MORSE, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC	43.50	15.00
GEORGE R. MOSES, 1341 G STREET, NW, #202 WASHINGTON DC 20005	M/A-COM, INC	1,800.00	
RUSSELL N. MOSHER, SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC	80.00	169.00
MOSS ASSOCIATES, INC, 2440 VIRGINIA AVENUE, NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS	900.00	
LYNN E. MOTE, 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSN OF AMERICA, INC, 1600 EYE STREET, NW WASHINGTON DC 20006		28,160.64	28,164.64
JOHN J. MOTLEY, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036			3,878.30
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC., 300 NEW CENTER BLDG. DETROIT MI 48202		5,197.00	5,197.00
MOUNTAIN WEST ASSOCIATES, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	PUBLIC SERVICE COMPANY OF NEW MEXICO	11,025.00	761.40
Do	UTAH POWER & LIGHT CO	24,398.00	5,097.35
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BASIN ELECTRIC POWER COOPERATIVE		
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ALBERT E. MULLIN JR., 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	6,000.00	
TRACY MULLIN, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	160.00	20.00
ROBERT J. MULLINS, SUITE 202-W 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	7,680.00	15.53
MULTIFAMILY HOUSING ASSOCIATION, C/O LIZ ARCURI 1220 19TH ST., NW, #400 WASHINGTON DC 20036			3,401.47
MURPHY & DAVENPORT, 711 CAPITOL WAY OLYMPIA WA 98501	DEXTER DEVELOPMENT CO	750.00	46.37
Do	STATE OF NEVADA, NUCLEAR WASTE PROJECT OFFICE		
C. LEON MURPHY, P.O. BOX 12910 CHARLESTON SC 29412	KIAWAH ISLAND CO, LTD	300.00	482.45
JOHN P. MURPHY, 1828 L STREET, NW, #710 WASHINGTON DC 20036	STAUFFER CHEMICAL CO		3,011.83
MURPHY MOTOR FREIGHT LINES, INC, P.O. BOX 43640 ST. PAUL MN 55164			
PAUL T. MURPHY, SUITE 514 900 17TH ST., NW WASHINGTON DC 20006	NATIONAL FOREIGN TRADE COUNCIL, INC	5,000.00	600.00
RICHARD E. MURPHY, 2020 K ST., NW, #200 WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO	1,000.00	120.00
RICHARD W. MURPHY, 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	500.00	121.93
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROADS	400.00	
Do	CLEVELAND CLIFFS IRON CO	250.00	
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO	500.00	
Do	IRON ORE LESSORS ASSN, INC	250.00	
Do	LTV CORPORATION	450.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	500.00	
Do	MUTUAL BENEFIT LIFE	500.00	
Do	NATIONAL BUSINESS AIRCRAFT ASSN	500.00	
Do	NATIONAL COUNCIL OF COAL LESSORS	300.00	
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO	500.00	
Do	PENN MUTUAL LIFE INSURANCE CO	500.00	
Do	SWAZILAND SUGAR ASSN	500.00	
DANIEL H. MURRAY, 1828 L STREET, NW WASHINGTON DC 20036	GTE SPRINT	16,250.00	
GORDON L. MURRAY, SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIV	400.39	400.39
WILLIAM E. MURRAY, 1800 MASS. AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	179.50	
ROBERT J. MUTH, 180 MAIDEN LANE NEW YORK NY 10038	ASARCO INC	600.00	
LAWRENCE P. MUTTER, 6849 OLD DOMINION DR. MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSN		
FRED J. MUTZ, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,000.00	18.25
CLIFFORD M. NAEVE, SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	5,511.00	48.50
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
LINDA K. NAIDA, 1616 H STREET, NW WASHINGTON DC 20006	NATIONAL GRANGE	937.50	
ANNETTE NAJJAR, 2033 M ST., NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
PETER A. NALEWAIK, 4 WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ELIZABETH C. NANNI, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL GROCERS ASSN		
JOHN L. NAPIER, P.O. DRAWER 655 BENNETTSVILLE SC 29512	BEVERIDGE & DIAMOND, P.C	9,300.00	1,465.85
Do	DARE COUNTY OREGON INLET COMMISSION	18,000.00	562.88
Do	FLUE CURED TOBACCO STABILIZATION CORPORATION		
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC	15,000.00	1,076.94
FRANCES E NATHAN, 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY	5,021.00	
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
NATIONAL AGRICULTURAL CHEMICALS ASSN, 1155 15TH ST., NW WASHINGTON DC 20005		9,127.34	9,127.34
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC, P.O. BOX 14887 COLUMBUS OH 43214		2,112.67	1,538.28
NATIONAL ASSN FOR UNIFORMED SERVICES, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		2,303.73	1,789.91
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902			5,612.90
NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 23871 MADISON TORRANCE CA 90505		9,220.00	10,405.21
NATIONAL ASSN OF CHAIN DRUG STORES, INC, P.O. BOX 1417-D49 ALEXANDRIA VA 22313			9,750.00
NATIONAL ASSN OF FEDERAL VETERINARIANS, SUITE 836 1522 K ST., NW WASHINGTON DC 20005			50.06
NATIONAL ASSN OF HOMES FOR CHILDREN, 104 EAST 35TH ST. NEW YORK NY 10016			2,500.00
NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		25.00	58,200.00
NATIONAL ASSN OF MANUFACTURERS, 1776 F ST., NW WASHINGTON DC 20006		80,608.49	80,608.49
NATIONAL ASSN OF MUTUAL INSURANCE COS., 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268			526.92
NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC, SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30305		5,222.80	5,222.80
NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS, 1016 20TH ST., NW WASHINGTON DC 20036		1,000.00	6,900.00
NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC., 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036		56,187.50	13,695.00
NATIONAL ASSN OF STEVEDORES, 2011 I STREET, NW, #601 WASHINGTON DC 20006			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL ASSN OF TEMPORARY SERVICES, INC, 119 SOUTH SAINT ASAPH STREET ALEXANDRIA VA 22314		126,225.00	4,491.87
NATIONAL ASSN OF TRUCK STOP OPERATORS, INC, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314			
NATIONAL ASSN OF WHEAT GROWERS, SUITE 300 415 2ND ST., NE WASHINGTON DC 20002		125.00	5,898.42
NATIONAL AUDIO-VISUAL ASSN, INC, 3150 SPRING ST. FAIRFAX VA 22031		28,148.85	4,408.97
NATIONAL BROILER COUNCIL, 1155 15TH ST., NW WASHINGTON DC 20005		1,750.00	1,750.00
NATIONAL BUSINESS AIRCRAFT ASSN, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSN, INC, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		25,758.77	25,758.77
NATIONAL CATTLEMEN'S ASSN, 5420 S. QUEBEC ST. P.O. BOX 3469 ENGLEWOOD CO 80155			3,000.00
NATIONAL CITIZENS COMMUNICATIONS LOBBY, P.O. BOX 1876 IOWA CITY IA 52244			
NATIONAL CLEAN AIR COALITION, INC, 530 7TH ST., SE WASHINGTON DC 20003		74,186.14	51,322.57
NATIONAL CLUB ASSOCIATION, 1625 EYE ST., NW, #609 WASHINGTON DC 20006			
NATIONAL COAL ASSN, COAL BLDG. WASHINGTON DC 20036		1,440,491.00	15,552.00
NATIONAL COALITION FOR MARINE CONSERVATION, INC., P.O. BOX 23298 SAVANNAH GA 31403		14,690.00	19,793.46
NATIONAL COALITION TO BAN HANDGUNS, 100 MARYLAND AVE., NE WASHINGTON DC 20002			
NATIONAL COMM AGAINST REPRESSIVE LEGISLATION, 201 MASSACHUSETTS AVE., NE WASHINGTON DC 20002		5,391.48	10,197.55
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS, BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		7,878.00	7,878.00
NATIONAL COMM TO PRESERVE SOCIAL SECURITY & MEDICARE, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036		133,800.00	133,800.00
NATIONAL COMMERCIAL FINANCE ASSOCIATION, ONE PENN PLAZA NEW YORK NY 10001		2,186.25	4,409.97
NATIONAL COTTON COUNCIL OF AMER, P.O. BOX 12285 MEMPHIS TN 38182		5,671.00	5,671.00
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, 499 S. CAPITOL ST, SW #411 WASHINGTON DC 20003		30,810.00	5,800.00
NATIONAL COUNCIL OF FARMER COOPERATIVES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		17,229.89	7,835.38
NATIONAL COUNCIL OF HEALTH CENTERS, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037		3,435.57	4,408.67
NATIONAL COUNCIL OF SAVINGS INSTITUTIONS, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		51,197.00	
NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES, SUITE 1190 1850 K STREET, NW WASHINGTON DC 20006		353.50	353.50
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION, 1825 EYE STREET, NW, #1050 WASHINGTON DC 20006			
NATIONAL ELECTRICAL MFGRS ASSN, 2101 L ST., NW WASHINGTON DC 20037		72.63	72.63
NATIONAL EMPLOYEE BENEFITS INST, SUITE 303 2550 M ST., NW WASHINGTON DC 20037		729.30	2,130.07
NATIONAL FEDERATION OF BUSINESS & PROFESSIONAL WOMEN'S CLUBS, 2012 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		20,797.00	18,462.25
NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS, 577 SIXTH STREET BROOKLYN NY 11215			
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH ST., NW WASHINGTON DC 20036		21,510.94	21,510.94
NATIONAL FEDERATION OF INDEPENDENT BUSINESS, 150 W. 20TH AVE. SAN MATEO CA 94403		16,050.00	16,050.00
NATIONAL FERTILIZER SOLUTIONS ASSN, 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		5,683.79	5,683.79
NATIONAL FOOD PROCESSORS ASSN., 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005		1,617.90	1,617.90
NATIONAL FOREIGN TRADE COUNCIL, INC, 100 EAST 42ND ST. NEW YORK NY 10017		17,036.00	17,036.00
NATIONAL GRAIN & FEED ASSN, 725 15TH ST., NW WASHINGTON DC 20005			27.00
NATIONAL GRANGE, 1616 H ST., NW WASHINGTON DC 20006		12,500.00	10,022.50
NATIONAL GUARD ASSN OF THE U.S., ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		2,474.50	3,217.16
NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		12,000.00	11,533.19
NATIONAL LEAGUE OF POSTMASTERS OF THE U.S., 1023 NORTH ROYAL STREET ALEXANDRIA VA 22314			24,485.00
NATIONAL LEASED HOUSING ASSN, SUITE 260 2300 M ST., NW WASHINGTON DC 20037		600.00	600.00
NATIONAL LIMESTONE INSTITUTE, INC, 1840 WILSON BLVD., #203 ARLINGTON VA 22201		22,745.43	22,745.43
NATIONAL MILK PRODUCERS FED, 1840 WILSON BLVD. ARLINGTON VA 22201		8,681.82	8,681.82
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006		40.71	
NATIONAL MULTI HOUSING COUNCIL, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036			25,614.37
NATIONAL NEWSPAPER ASSN, SUITE 400 1627 K ST., NW WASHINGTON DC 20006		125,414.94	7,822.20
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION, 810 LIVELY BLVD., P.O. BOX 707 WOOD DALE IL 60191	NATIONAL OFFICE MACHINE DEALERS ASSN	50.00	.75
NATIONAL OIL JOBBERS COUNCIL, INC., 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		189,451.05	13,171.53
NATIONAL PEACE ACADEMY CAMPAIGN, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		88,246.71	37,334.65
NATIONAL PEST CONTROL ASSN, 8100 OAK ST. DUNN LORING VA 22027			
NATIONAL PRINTING EQUIPMENT & SUPPLIES ASSN, INC, 6849 OLD DOMINION DRIVE, #200 MCLEAN VA 22101			
NATIONAL PUBLIC AFFAIRS CORP., 900 17TH STREET, NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	300.00	
NATIONAL REHABILITATION ASSN, 633 S. WASHINGTON ST. ALEXANDRIA VA 22314			5,000.00
NATIONAL RETAIL MERCHANTS ASSN, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			2,300.00
NATIONAL RIGHT TO WORK COMM, SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		9,014.00	9,014.00
NATIONAL RURAL ELECTRIC COOPERATIVE ASSN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			3,888.70
NATIONAL RURAL LETTER CARRIERS' ASSN, SUITE 100 1448 DUKE STREET ALEXANDRIA VA 22314		15,543.00	16,695.00
NATIONAL SECURITY TRADERS ASSN, INC, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			4,651.00
NATIONAL SMALL BUSINESS ASSN, 1604 K ST., NW WASHINGTON DC 20006		5,000.00	2,310.69
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, 2029 K ST., NW WASHINGTON DC 20006		12,500.00	10,100.00
NATIONAL SOFT DRINK ASSN, 1101 16TH ST., NW WASHINGTON DC 20036			36,454.55
NATIONAL SOLID WASTES MANAGEMENT ASSN, 10TH FLOOR 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036			
NATIONAL TAX LIMITATION COMMITTEE, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		6,600.00	6,595.00
NATIONAL TIRE DEALERS & RETREADERS ASSN, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005		10,275.00	10,275.00
NATIONAL VENTURE CAPITAL ASSOCIATION, SUITE 700 1655 N.LYNN ST. ARLINGTON VA 22209			5,398.00
NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046		9,000.00	9,000.00
KAREN J. NEALE, 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
JEFFREY NEDELMAN, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
ALLEN NEECE JR., 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).		
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSOCIATION).	1,500.00	1,500.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,700.00	1,700.00
NEECE CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS	1,600.00	1,600.00
Do	LATIN AMERICAN MANUFACTURERS ASSN (LAMA)		
Do	NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS	200.00	
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	1,500.00	1,500.00
Do	SMALL BUSINESS UNITED	1,700.00	1,700.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSN (SLMA)	1,800.00	1,800.00
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS	2,000.00	142.58
STANLEY NEHMER, 1320 19TH STREET, NW, #600 WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEIGHBORHOOD HOUSING SERVICES OF AMERICA, 1951 WEBSTER STREET OAKLAND CA 94612			301.00
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT	180,000.00	1,300.00
Do	GOVERNMENT OF EL SALVADOR		
Do	HASHEMITE KINGDOM OF JORDAN	55,000.00	350.00
Do	KINGDOM OF MOROCCO	300,000.00	3,400.00
NEILL MULLENHOLZ SHAW & SEEGER, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR	55,600.00	1,450.00
Do	HASHEMITE KINGDOM OF JORDAN		
Do	KINGDOM OF MOROCCO		
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSN	1,500.00	
Do	SENIOR EXECUTIVES ASSN	7,500.00	150.00
NELSON & YUDIN, SUITE 500 1707 H ST., NW WASHINGTON DC 20006	BUS TRANSIT CAUCUS	1,440.00	40.87
Do	DIMENSION FINANCIAL CORP	450.00	
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
E. COLETTE NELSON, SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSN		
MARK D. NELSON, SUITE 900 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20036	E. I. DU PONT DE NEMOURS & CO		28.00
GIL NETTLETON, 4101 CATHEDRAL AVENUE, NW WASHINGTON DC 20016	CHARLES E. GOODELL (FOR THOMSON-CSF, INC)		
Do	DGA INTERNATIONAL, INC (FOR SNECMA)		
NETWORK, 806 RHODE ISLAND AVE., NE WASHINGTON DC 20018		40,002.57	33,300.49
E. JOHN NEUMANN, SUITE 820 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	1,606.98	695.55
NEW YORK COMM OF INTL COMM OF PASSENGER LINES, 74 TRINITY PLACE NEW YORK NY 10006			
MARY BENNETT NEWBOULD, 122 C STREET, NW, #875 WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	1,000.00	
LESLIE F. NEWCOMER, 226 W. RITTENHOUSE SQUARE PHILADELPHIA PA 19103	PHILADELPHIA NATIONAL BANK	480.00	872.45
NEWMAN & HOLTZINGER, P.C., 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UTILITY NUCLEAR WASTE MANAGEMENT GROUP		
KATHRYN L. NEWMAN, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
THOMAS E. NEWMAN, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	250.00	
NICHOLAS JOHN NICHOLS, 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	3,000.00	5,993.00
THOMAS NICKELS, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	5,143.96	525.65
NICKERSON INGRAM & ASSOCIATES, INC, 923 15TH ST., NW WASHINGTON DC 20005	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
Do	ORANGE COUNTY TRANSIT DISTRICT		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT		
WILLIAM W. NICKERSON, BRAND LOWELL NICKERSON & DOLE 923 15TH STREET, NW WASHINGTON DC 20005	MASSACHUSETTS BAY TRANSIT AUTHORITY		
PATRICK J. NILAN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	10,799.78	2,093.79
NISSAN MOTOR CORPORATION IN U.S.A., 1919 PENNSYLVANIA AVENUE, NW, #707 WASHINGTON DC 20006			53,504.13
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			11,256.47
BARBARA D. NOCERA, 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	158.68
A. ALLAN NOE, 1828 L STREET, NW, #710 WASHINGTON DC 20036	STAUFFER CHEMICAL CO	1,500.00	217.39
ROBERT W. NOLAN, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN	100.00	
WALKER F. NOLAN, 1111-19TH STREET,N.W. 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,493.00	505.72
H. CHRISTOPHER NOLDE, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
NICHOLAS T. NONNENMACHER, 491 BROADWATER ARNOLD MD 21012	TERRENCE W. MODGLIN & ASSOCIATES (FOR: MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT)	500.00	
CHARLES M. NOONE, 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	5,400.00	183.69
M. KATHRYN NORDSTROM, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	PACIFIC SEAFOOD PROCESSORS ASSN	3,750.00	50.25
JULIA J. NORRELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	5,325.00	80.26
NORTH AMERICAN EXPORT GRAIN ASSN., INC., 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION, 511 2ND ST.,NE WASHINGTON DC 20002		26,700.00	26,700.00
NORTHEAST UTILITIES SERVICE CO, SELDEN ST. BERLIN CT 06037			3,040.56
MARY JANE NORVILLE, 600 MARYLAND AVENUE, SW, #695 WASHINGTON DC 20024	NATIONAL FED OF INDEPENDENT BUSINESS	2,250.00	200.00
P. MICHAEL NUGENT, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	256.00	264.00
RALPH D. NURNBERGER, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	11,045.46	948.04
MARK J. NUZZACO, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	5,825.00	500.00
C.D. NYBERG, P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO		
KENNETH E. NYQUIST, 8600 BRYN MAWR AVENUE CHICAGO IL 60631	NATIONAL ROOFING CONTRACTORS ASSN	2,500.00	
GEORGE O'BEA JR , 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INT'L UNION		
COLEMAN C. O'BRIEN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	7,745.00	19.45
JOHN F. O'BRIEN, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
MARY EILEEN O'BRIEN, 1800 M ST., NW, SUITE 710 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
RAYMOND V. O'BRIEN, 1600 M ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	850.00	90.00
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	91.65
THOMAS H. O'BRIEN, 2600 VIRGINIA AVENUE, NW, #800 WASHINGTON DC 20037	HARRIS CORPORATION	2,500.00	
DAVID S. O'BRYON, 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSN	900.00	218.45
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	1,040.00	101.78
RICHARD T. O'CONNELL, RICHARD T. O'CONNELL & ASSOCIATES, INC 3208 TRAVELER STREET FAIRFAX VA 22030	CHOCOLATE MANUFACTURERS ASSN OF THE USA		9.00
Do	NATIONAL CONFECTIONERS ASSN OF THE U.S.		9.00
WILLIAM B. O'CONNELL, 111 EAST WACKER DR. CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS INSTITUTIONS	17,500.00	2,835.46
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	ALLIS-CHALMERS CORP	920.00	
Do	AMERICAN CLINICAL LABORATORY ASSN	4,500.00	
Do	AMERICAN FAMILY LIFE ASSURANCE CO	750.00	
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	2,640.00	
Do	ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC		
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSN		
Do	BALFOUR BEATTY LIMITED (BIIC)		
Do	BORDEN, INC	2,920.69	
Do	CAMBRIDGE REDEVELOPMENT AUTHORITY	7,500.00	
Do	CENTURY MEDIA CORP		
Do	CHRONAR CORPORATION		
Do	CITY OF MINNEAPOLIS	1,500.00	
Do	CKLW RADIO BROADCASTING, LTD	1,229.39	
Do	CNA INSURANCE	7,164.50	
Do	COMMITTEE FOR PRUDENT DEREGULATION	336.00	
Do	COMMUNICATIONS COUNSEL		
Do	DESTILERIA SERRALLES, INC		
Do	ELECTRONIC DATA SYSTEMS CORPORATION		
Do	FAIRCHILD INDUSTRIES, INC		
Do	FIRST NATIONAL MONETARY CORPORATION		
Do	FIRST PENNSYLVANIA BANK	2,000.00	
Do	GLASS PACKAGING INSTITUTE	280.00	
Do	GOVERNMENT OF CYPRUS	45,000.00	
Do	GOVERNMENT OF JAMAICA		
Do	GOVERNMENT OF SUDAN	10,000.00	
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP	2,679.00	
Do	HENNEPIN COUNTY	1,200.00	
Do	HULES MEXICANOS, S.A		
Do	INDUSTRIAS NEGROMEX, S.A. DE C.V		
Do	INSURANCE ASSN OF CONNECTICUT	29,966.00	
Do	INVESTMENT COMPANY INSTITUTE	5,000.00	755.00
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	ITEL CORPORATION	14,000.00	
Do	J. C. PENNEY CO, INC	150.00	
Do	JAMAICAN BROADCASTING CORP		
Do	JOSEPH E. SEAGRAM & SONS, INC	966.09	
Do	KIMBERLY-CLARK CORP	150.00	
Do	LORD, BISSELL & BROOK		
Do	MERCEDES-BENZ OF NORTH AMERICA, INC	5,800.00	
Do	MEXICAN CEMENT CHAMBER	15,000.00	
Do	MILLER & SCHROEDER MUNICIPALS, INC	3,000.00	
Do	NATIONAL COAL CONSUMERS ALLIANCE	5,000.00	
Do	NATIONAL COMM FOR QUALITY HEALTH CARE	897.00	
Do	NEBRASKA HIGHER EDUCATION LOAN PROGRAM, INC	1,500.00	
Do	NEIGHBORHOOD TV COMPANY, INC		
Do	PACIFIC TELESIS GROUP	5,928.50	
Do	PADDOCK PUBLICATIONS, INC		
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	9,500.00	
Do	RLC CORPORATION		
Do	ROLLINS ENVIRONMENTAL SERVICES		
Do	SECURITIES INDUSTRY ASSN	12,384.00	
Do	SPARX CORPORATION	9,900.00	
Do	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY		
Do	U.S. TELECOMMUNICATIONS SUPPLIERS ASSN		
Do	WESTINGHOUSE ELECTRIC CORP		
GEORGE E. O'CONNOR, 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	WINE AND SPIRITS WHOLESALERS OF AMERICA, INC		
LEONARD F. O'CONNOR, 100 FEDERAL ST. BOSTON MA 02110	NEW YORK LIFE INSURANCE COMPANY	5,000.00	860.00
PATRICK C. O'CONNOR, KENT & O'CONNOR, INC 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	FIRST NATIONAL BANK OF BOSTON		
Do	AMERICAN DENTAL HYGIENISTS ASSN		
Do	AMERICAN SUPPLY ASSOCIATION	5,250.00	2,324.19
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	2,897.50	1,211.54
Do	ASSOCIATION OF FOOD INDUSTRIES, INC		
Do	STEEL TANK INSTITUTE	8,549.91	3,609.89
Do	TRANSPORTATION LAWYERS ASSOCIATION	2,282.50	939.57
JOHN B. O'DAY, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AERICA	2,000.00	
THOMAS A. O'DAY, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	1,799.00	221.80
ASHTON J. O'DONNELL, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL NATIONAL, INC		
JANE O'GRADY, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,019.03	
TERRI O'GRADY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	662.50	143.84
BARBARA E. O'HARA, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOC OF TRAVEL AGENTS	125.00	
O'KEEFE ASHENDEN LYONS & WARD, ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
KATHLEEN O'LEARY, 1625 EYE ST., N. W. ROOM 301 WASHINGTON DC 20006	COLUMBIA GAS DISTRIBUTION COMPANIES	3,500.00	97.87
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA		
Do	AMAX, INC	34,300.00	907.83
Do	SANTA FE INTERNATIONAL CORP		
Do	WARNER COMMUNICATIONS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOHN F. O'NEAL, P.C., 600 NEW HAMPSHIRE AVENUE, NW, #952 WASHINGTON DC 20037	NATIONAL REA TELEPHONE ASSN	3,155.00	
JEAN F. O'NEIL, 884 COLLEGE PARKWAY ROCKVILLE MD 20850	TERRENCE W. MODGLIN & ASSOCS (MARITIME INST FOR RESEARCH...)	850.00	
SARAH E. O'NEIL, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	AMERICAN IRON & STEEL INSTITUTE	5,200.00	
Do	ASSOCIATION OF PROGRESIVE RENTAL ORGANIZATIONS		
Do	AYDIN CORP		
Do	BEER INDUSTRY ALLIANCE	400.00	
Do	BHC, INC	7,250.00	
Do	COMMERICAL UNION INSURANCE COMPANIES		
Do	CRUISE AMERICA LINE, INC	30,000.00	
Do	GLASS PACKAGING INSTITUTE		
Do	HARVARD MEDICAL CENTER		
Do	MARRIOTT CORPORATION	2,800.00	
Do	MASSACHUSETTS GENERAL HOSPITAL	250.00	
Do	MILK INDUSTRY FOUNDATION		
Do	NORTHWESTERN MUTUAL LIFE		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PUGET SOUND POWER & LIGHT CO		
Do	TEXAS UTILITIES SERVICES, INC		
Do	U.S. FOOTBALL LEAGUE		
Do	WESTINGHOUSE ELECTRIC CORP		
DONALD K. O'NEILL, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KATHLEEN CASEY O'SULLIVAN, 8229 BOONE BLVD. VIENNA VA 22180	GTE TELENET INC		
J. DENIS O'TOOLE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	4,500.00	
PATRICIA M. O'TOOLE, 461 S. BOYLSTON ST. LOS ANGELES CA 90017	UNION OIL COMPANY OF CALIFORNIA		
STEPHEN E. O'TOOLE, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	2,356.79
HARRY R. OBLEY, MELLON SQUARE PITTSBURGH PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	2,149.69
G. H. OCHENRIDER, 1000 WILSON BLVD. ARLINGTON VA 22209	GRUMMAN AEROSPACE CORPORATION	2,500.00	1,127.82
T. J. ODEN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN		
BRADFORD C. OELMAN, 900 17TH STREET, NW, #508 WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION		
NEIL H. OFFEN, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION		
OIL INVESTMENT INST, PO BOX 8293 WASHINGTON DC 20024			
R.Q. OLD AND ASSOCIATES, INC., 205 THE STRAND ALEXANDRIA VA 22314	GRUMMAN AEROSPACE CORPORATION	200.00	
Do	SPERRY ELECTRONIC SYSTEMS	100.00	
MICHAEL D. OLDAK, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
ROBERT A. OLEXY, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC		
ALVIN E. OLIVER, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
JANET L. OLIVER, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL GROCERS ASSN		
AUSTIN P. OLNEY, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORP OF INDIA, INC)		
DENNIS M. OLSEN, 485 E STREET IDAHO FALLS ID 83402	AETNA INSURANCE CO	18.81	1.01
Do	AMERICAN BANKERS INSURANCE OF FLORIDA	119.47	6.42
Do	CENTENNIAL INSURANCE COMPANY	8.97	.48
Do	CHARTER OAK INSURANCE	9.09	.48
Do	FLORISTS' MUTUAL INSURANCE CO	44.72	2.41
Do	FOREMOST INSURANCE CO	238.31	12.84
Do	GREAT AMERICAN INSURANCE COMPANY	25.54	1.37
Do	MINNEHOMA INSURANCE COMPANY	8.22	.46
Do	MONSANTO CO	525.00	72.11
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE CO	42.11	2.28
Do	STATE FARM FIRE AND CASUALTY CO	20.68	1.11
Do	STATE FARM INSURANCE COMPANY	171.66	9.26
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE CO	279.42	15.06
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND	11.09	.59
Do	TRAVELERS	247.66	13.33
VAN R. OLSEN, 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSN		
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
ROY E. OLSON, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ALAN M. OLSZEWSKI, 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	2,121.00	
CLARK ONSTAD, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	TEXAS AIR CORP. AND CONTINENTAL AIR LINES		33,965.00
PHILIP C. ONSTAD, 500 WEST PUTNAM AVE. GREENWICH CT 06830	CONTROL DATA CORPORATION	100.00	165.10
MICHEL ORBAN, 125 BROAD STREET, 39TH FL. NEW YORK NY 10004	AMERICAN EXPRESS CO		
ORGAN. FOR PROTECTION & ADVANCEMENT OF SMALL TELEPHONE COS, 2301 M STREET, NW, #530 WASHINGTON DC 20037		200.00	500.00
ABRAHAM ORLOFSKY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,170.56	
ELVIRA J. OPLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	3,420.00	951.76
LAW OFFICES OF JOSE SUITE 610 1101 14TH ST., NW WASHINGTON DC 20005	PUERTO RICO MAYORS ASSN		
DAVID S. OSTERHOUT, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	100.00
KEVIN D. OTT, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
ROLAND A. OUELLETTE, 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	2,445.69
CLIFF OUSE, 1800 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
GENE E. OVERBECK, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN AIRLINES, INC	2,125.00	
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		114.72
ROBERT W. OWEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC (FOR: REPUBLIC OF KOREA).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).		
THOMAS J. OWENS, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL	11,937.50	3,112.63
WILLIAM H. OWENS JR., SUITE 1002 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	786.22
WILLIAM J. OWENS, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
R. RAY PAABO, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
PACIFIC MANAGEMENT DYNAMICS CORP, SUITE 107 910 FLOEIN RD. SACRAMENTO CA 95831			
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
HENRY H. PAIGE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
GERI PALAST, SUITE 200 2020 K STREET, NW WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO, CLC	5,000.00	311.81
JOHN M. PALATIELLO, 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONG. ON SURVEY. & MAPP./AMER SOC OF PHOTOGRAMMETRY	9,661.33	2,593.91
HENRY S. PALAU, 201 N WASHINGTON ST. ALEXANDRIA VA 223L4	RETIRED OFFICERS ASSN	1,152.00	
MICHAEL S. PALLAK, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,000.00	5.00
BRADLEY D. PALMER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	2,400.00	
PALUMBO & CERRELL, INC, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	AMERICAN SOC OF COMPOSERS, AUTHORS & PUBLISHERS	20,000.00	
Do	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	12,250.00	
Do	NATIONAL SCHOOL TRANSPORTATION ASSN	4,500.00	
Do	R.J. REYNOLDS TOBACCO CO	17,287.50	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	9,000.00	
BENJAMIN L. PALUMBO, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP		
PETER J. PANTUSO, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	NATIONAL CONFECTIONERS ASSN OF THE U.S.	450.00	564.52
JAMES E. PANYARD, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
PAPERBOARD PACKAGING COUNCIL, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS, N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
STEPHEN J. PARADISE, 1800 K STREET, NW, #1100 WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
HERSCHELL E. PARENT, 460 TWIN CITY BANK ONE RIVERFRONT PLACE NORTH LITTLE ROCK AR 72114	AMERICAN PETROLEUM INST	534.75	839.10
JOHN N. PARKER, 1100 CONNECTICUT AVE., NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORP	375.00	
CARL M. PARKS, 633 PENNSYLVANIA AVENUE, NW, #600 WASHINGTON DC 20004	ALLSTATE INSURANCE GROUP	500.00	184.00
KEN PARMELEE, 1448 DUKE STREET ALEXANDRIA VA 22314	NATIONAL RURAL LETTER CARRIERS' ASSN	9,404.00	1,243.00
TOM E. PARO, 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	588.00	
PARRY AND ROMANI ASSOCIATES, INC, 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AMERICAN FAMILY LIFE ASSURANCE CO	1,000.00	
Do	CARE ENTERPRISES	750.00	116.50
Do	GENERIC PHARMACEUTICAL INDUSTRY ASSN, INC	1,000.00	180.20
Do	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	1,500.00	165.84
Do	K-MART	500.00	66.09
Do	LOYAL AMERICAN LIFE INSURANCE CO	450.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MOTION PICTURE ASSN OF AMERICA, INC	1,650.00	217.62
Do	NATIONAL BEER WHOLESALERS ASSN	1,500.00	350.40
Do	SONY CORPORATION	2,000.00	147.33
Do	STANDARD OIL OF SOUTHERN CALIFORNIA	5,000.00	
Do	WINN ENTERPRISES	1,000.00	
CHARLES C. PARTRIDGE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	905.43	
JACK PARTRIDGE, 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY		
PASKUS GORDON & HYMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS ASSN, INC		
DAVID J. PASSAMANECK, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
RICHARD M. PATTERSON, 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	239.50
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	274.00	
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSN, INC	3,521.25	
DAVID J. PATTISON, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC	55.50	29.25
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AIR PRODUCTS & CHEMICALS, INC		
Do	AIWA AMERICA, INC	17.22	3.03
Do	AKAI AMERICA, LTD	37.31	6.58
Do	ALUMINUM COMPANY OF AMERICA		
Do	AMERICAN BROADCASTING CO, INC		
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS		
Do	AMERICAN CONGRESS ON SURVEYING & MAPPING		
Do	AMERICAN EXPRESS CO		
Do	AMERICAN HOME PRODUCTS CO	633.34	35.79
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSN	500.00	34.68
Do	AMERICAN MARITIME ASSN	10,106.25	60.11
Do	AMERICAN MOVERS CONFERENCE		
Do	AMERICAN SOC OF ASSN EXECUTIVES		
Do	ARMCO, INC		
Do	ARTPAC		
Do	ASOCIACION DE AZUCARREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	4,125.00	76.68
Do	BABCOCK & BROWN		
Do	BASIC INDUSTRIES COALITION, INC		
Do	C. F. BEAN		
Do	BIOGEN		
Do	BRISTOL-MYERS, INC	633.34	35.79
Do	BURLINGTON INDUSTRIES, INC		
Do	CALIFORNIA STATE UNIVERSITY	900.00	
Do	CASTLE & COOKE, INC		
Do	CHICAGO BOARD OPTIONS EXCHANGE		
Do	CHRYSLER CORPORATION		
Do	COALITION FOR LOW INCOME & MODERATE INCOME HOUSING		
Do	COLUMBIA, INC	2.87	.49
Do	COMPUTER DEALERS & LESSORS ASSOCIATION, INC		
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE		
Do	DUTY FREE SHOPPERS, LTD	500.00	40.32
Do	ENERGY RESEARCH CORPORATION		
Do	FLUE CURED TOBACCO COOPERATIVE	250.00	
Do	FUJI PHOTO FILM U.S.A., INC	63.14	11.13
Do	GEORGIA PACIFIC CORP		
Do	GREAT LAKES DREDGE & DOCK		
Do	GTE SPRINT	2,585.00	
Do	HAYT HAYT & LANDAU	909.75	
Do	HITACHI SALES CORP OF AMERICA	249.69	44.05
Do	HOFFMAN & LAROCHE	633.34	35.79
Do	E.F. HUTTON LIFE INSURANCE COMPANY	5,750.00	61.88
Do	INSTITUTE OF SCRAP IRON & STEEL, INC	1,535.00	
Do	INTERMEDICS, INC		
Do	JOHNSON & JOHNSON	633.34	35.79
Do	KAISER ALUMINUM & CHEMICAL CORP		
Do	KENWOOD U.S.A. CORPORATION	17.22	3.03
Do	LASCO SHIPPING CO		
Do	LAUNDRY CLEANING COUNCIL	2,175.00	
Do	LOOP, INC	2,350.00	
Do	LOSS RESERVE DEDUCTION COMMITTEE		
Do	MARS, INC	750.00	35.00
Do	MASCO, INC	3,500.00	
Do	MATSUSHITA ELECTRIC CORP OF AMERICA	855.26	150.93
Do	MAXELL CORP OF AMERICA	103.32	18.23
Do	MCI TELECOMMUNICATIONS, INC	4,549.25	33.60
Do	MCINTOSH FOUNDATION		
Do	MEAD CORPORATION		
Do	MERCK & CO	633.34	35.79
Do	MICHIGAN INSURANCE ASSN	606.25	
Do	MITSUBISHI ELECTRIC SALES OF AMERICA, INC	94.71	16.71
Do	MOCATTA METALS CORP	250.00	
Do	NAKAMICHI U.S.A. CORP	17.22	3.03
Do	NATIONAL ASSN OF CHAIN DRUG STORES		
Do	NATIONAL ASSN OF RETAIL DRUGGISTS	596.25	
Do	NATIONAL CABLE TELEVISION ASSN, INC	10,523.25	
Do	NATIONAL MARINE MFRS ASSN	3,100.00	2.72
Do	NATIONAL MULTI-FAMILY HOUSING FINANCE ASSN		
Do	NATIONAL SOFT DRINK ASSN		
Do	NEC ELECTRONICS (USA) INC	74.62	13.16
Do	NEW PROCESS CO		
Do	NORTH AMERICAN VAN LINES	125.00	
Do	OCEAN MINERALS CO		
Do	ONKYO U.S.A. CORP	8.61	1.51
Do	OSG BULK SHIPS, INC		
Do	OVERSEAS MILITARY SALES GROUP	1,982.00	
Do	PENNZOIL CO	2,750.00	19.85
Do	PIONEER ELECTRONICS (U.S.A.) INC	34.44	6.07
Do	PPG INDUSTRIES, INC		
Do	PROCTER & GAMBLE	633.34	35.79
Do	PROFESSIONAL SERVICES COUNCIL		
Do	READER'S DIGEST ASSN, INC		
Do	REDWOOD INDUSTRY PARK COMM		
Do	REPUBLIQUE D'HAITI	1,100.00	
Do	RETAIL TAX COMMITTEE	4,470.00	75.41
Do	RICE MILLERS' ASSN	528.25	
Do	ROCKWELL INTERNATIONAL CORP		
Do	SANSUI ELECTRONICS CORP	14.35	2.52
Do	SANYO ELECTRIC, INC	258.30	45.58
Do	SCHERING-PLOUGH CO	633.34	35.79
Do	SHARP ELECTRONICS CORP	114.80	20.26
Do	SLURRY TRANSPORT ASSN		
Do	SONY CORPORATION OF AMERICA	456.33	80.53
Do	SQUIBB CORP	633.34	35.79
Do	ST. JOE MINERALS CORP		
Do	STATE OF LA, DEPT OF CONSERVATION		
Do	STEPHENS, INC		
Do	STUART PHARMACEUTICALS	633.34	35.79
Do	SULTANTATE OF OMAN		
Do	SYSCON CORPORATION	1,007.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TDK U.S.A. CORP	117.67	20.75
Do	TEKNIKA ELECTRONICS CORP	2.00	.35
Do	TOSHIBA AMERICAN, INC	114.80	20.26
Do	U.S. LIFESAVING MANUFACTURERS ASSN		
Do	UNITED BRANDS CO		
Do	UNITED PLANT GUARD WORKERS ASSN		
Do	US JVC CORPORATION	215.25	37.98
Do	ZEISS AVIONICS SYSTEMS, INC	3,760.00	
ANDREW R. PAUL, 1875 EYE STREET, NW, #940 WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT CO	3,500.00	118.97
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO		
Do	CALIFORNIA PORTLAND CEMENT CO	8,901.00	106.60
Do	GAF CORPORATION		
Do	M LIFE INSURANCE COMPANY	16,533.00	287.90
Do	OGLETHORPE POWER CORP		
Do	SECURITY LIFE OF DENVER	17,661.50	278.44
Do	WESTERN FARMERS ELECTRIC COOPERATIVE		
PAUL WEISS RIFKIND WHARTON & GARRISON, 345 PARK AVE. NEW YORK NY 10154	NEC ELECTRONICS U.S.A., INC	1,464.80	827.20
Do	ORBITAL SCIENCES CORP	3,229.00	67.75
LARRY E. PAULICK, 2111 EISENHOWER AVENUE ALEXANDRIA VA 22314	NATIONAL SPA & POOL INSTITUTE		
RICHARD A. PAYSOR, SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC.		
PEACE POLITICAL ACTION COMMITTEE, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002			3,491.97
JAMES M. PEIRCE JR , 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,712.42	
PELTON RESEARCH CENTER, 1400 S. JOYCE STREET ARLINGTON VA 22202	HELP, INC		
ELIN PELTZ, 1511 K STREET, NW WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	300.00	85.00
CRIS PENN, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
PENNSYLVANIA POWER & LIGHT CO, 2 N. 9TH ST. ALLENTOWN PA 18101			1,802.98
DOMINIC V. PENSABENE, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,100.00	
GREGORY M. PENSABENE, 1100 CONNECTICUT AVE., NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	2,056.00	
PENSION RIGHTS CENTER, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036			18.36
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SATELLITE SYNDICATED SYSTEMS, INC	262.50	
Do	SOUTHERN SATELITE SYSTEMS INC		
Do	TEST MARKETING GROUP, INC		
PEPSICO, INC., 700 ANDERSON HILL RD. PURCHASE NY 10577			
VICTOR J. PERINI JR , 1776 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERITO DUERK & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AMERICAN COLLEGE OF NEUROPSYCHOPHARMACOLOGY	1,000.00	64.00
Do	AMERICAN PROTESTANT HOSPITAL ASSN	1,500.00	2,751.97
Do	AMERICAN SOC FOR PHARMACOLOGY & EXPERIMENTAL THERAPEUTICS	1,000.00	64.00
Do	COMBINED HEALTH RESOURCES, INC		
Do	JOHNSON & JOHNSON	250.00	10.00
Do	NATIONAL ASSN OF ALCOHOLISM TREATMENT PROGRAMS, INC	1,500.00	100.00
Do	SAMARITAN HEALTH SERVICE	875.00	50.00
Do	SAMCOR, INC	875.00	50.00
Do	SOCIETY OF REAL ESTATE APPRAISERS	2,562.50	150.00
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BURLINGTON NORTHERN, INC		
Do	DEPARTMENT OF NATURAL RESOURCES		
Do	NATIONAL AUDUBON SOCIETY	1,000.00	
ROBERT A. PERKINS, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHRYSLER CORP	15,000.00	2,450.00
GARY J. PERKINSON, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY, 112 ST CLAIR AVENUE, WEST, #504 TORONTO, ONTARIO M4V 2Y3	CANADIAN COALITION ON ACID RAIN		
JEFFRY L. PERLMAN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,420.00	362.46
LEONARD PERLMAN, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT	4,350.00	282.04
MARK PERMAR, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY, LTD	200.00	442.00
KATE M. PERRY, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	1,044.63	
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN	2,687.50	75.00
JOHN J. PESCH, 3422 STONEYBRAE DRIVE FALLS CHURCH VA 22044	NORTHROP CORP		
PHILLIPS S. PETER, 1331 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	200.00	
MARY PETERS, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	60.00	
A. HAROLD PETERSON, 715 CARGILL BLDG. MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSN		618.86
PETERSON ENGBERG & PETERSON, SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORP	18,000.00	1,447.40
GEOFFREY G. PETERSON, SUITE 900 1250 EYE ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	400.00
LARS E. PETERSON, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,450.19
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	587.50
SUSAN F. PETNIUNAS, SUITE 214 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MANVILLE CORP	500.00	
MICHAEL J. PETRINA JR., 1110 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
CLAIRE PETTENGILL, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
BRIAN T. PETTY, SUITE 702 1901 L ST., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF DRILLING CONTRACTORS		
JAMES R. PHALEN, 1100 CONNECTICUT AVENUE, NW, #535 WASHINGTON DC 20036	MAPCO INC	3,250.00	58.65
PHARMACEUTICAL MANUFACTURERS ASSN., 1100 15TH STREET, NW WASHINGTON DC 20005		20,430.90	20,430.90
GWEN PHARO, 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LINES, INC		
MARSHALL A. PHARR, 6103 ADIRONDACK AMARILLO TX 79106	SOUTHWESTERN PUBLIC SERVICE CO	3,091.20	115.59
DEBORAH M. PHILLIPS, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
DEIRDRE B. PHILLIPS, 100 FEDERAL STREET BOSTON MA 02110	BANK OF BOSTON CORP		
Do	FIRST NATIONAL BANK OF BOSTON	1,992.00	3,303.12
JOHN D. PHILLIPS, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	7,700.00	435.00
MARK W. A. PHILLIPS, 507 2ND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AIR QUALITY RESEARCH, INC	1,500.00	146.09
Do	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	4,500.00	417.30
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	3,600.00	386.26
Do	HARVARD SCHOOL OF PUBLIC HEALTH		
Do	METAL TRADES DEPARTMENT, AFL-CIO	6,325.00	244.23
SAM PICKARD, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO		
W.D. PICKETT, 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PAULETTE C. PIDCOCK, 1100 CONNECTICUT AVENUE, NW, #530 WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	330.39	94.00
ROBERT R. PIERCE, 5719 BEECH AVENUE BETHESDA MD 20817	NATIONAL PARKS & CONSERVATION ASSN	34.35	3.00
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSN		
Do	OKLAHOMA NATURAL GAS COMPANY		
STUART F. PIERSON, VERNER, LIIPFERT, BERNHARD, & MCPHERSON 1660 L ST., NW, #1100 WASHINGTON DC 20036	PAN AM, ET AL		
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMM FOR RESPONSIBLE TAX POLICY	5,300.00	170.00
Do	AD HOC COMM OF MUTUAL FUND MANAGERS	1,280.51	
Do	INVESTMENT CO INSTITUTE	2,800.95	
Do	NL INDUSTRIES	1,200.00	
Do	PRUDENTIAL LINES, INC	750.00	
PILLSBURY MADISON & SUTRO, SUITE 900 1050 17TH ST., NW WASHINGTON DC 20006	AMERICAN PETROLEUM INST	3,456.00	50.00
Do	CHEVRON USA, INC		
Do	FEDERAL JUDGES ASSN	3,375.00	2,572.00
Do	MORGAN GUARANTY TRUST CO	781.25	
Do	TUBBS CORDAGE CO	4,956.25	
PINEAPPLE GROWERS ASSN OF HAWAII, P.O. BOX 3829 HONOLULU HI 96813			
VALERIE F. PINSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	933.08	
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BALTIMORE FOOTBALL ASSOCIATES, INC		
LILLIAN M.S. PITCAITHLY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	137.50	25.00
CHARLES C. PIXLEY, 15809 ANAMOSA DRIVE DERWOOD MD 20855			
PLAINS COTTON GROWERS, INC, PO BOX 3640 LUBBOCK TX 79452		1,405.60	1,405.60
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., 2010 MASSACHUSETTS AVENUE, NW, 5TH FL. WASHINGTON DC 20036.		3,835.00	3,835.00
RONALD L. PLATT, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT & ASSOCIATES, INC	3,500.00	
PHYLLIS R. PLEASANTS, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COS OF AMERICA	2,000.00	63.19
WYLL W. PLEGER, 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC		
RONALD L. PLESSER, BLUM & NASH 1015 18TH ST., NW, #408 WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,500.00	
Do	TWIN COASTS NEWSPAPER, INC		
PM CONSULTING CORPORATION, 333 PERRY BROOKS BUILDING AUSTIN TX 78701	TALLEY CORPORATION	3,000.00	
MICHAEL PODHORZER, SUITE 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SHERMAN S. POLAND, ROSS, MARSH & FOSTER 888 16TH STREET, NW WASHINGTON DC 20006	DORCHESTER GAS PRODUCING CO		
NANCY POLIKOFF, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
MICHAEL A. POLING, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
IRVING M. POLLACK, 13010 CARNEY STREET WHEATON MD 20906	INVESTMENT COMPANY INSTITUTE	1,900.00	22.30
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,158.06	276.46
FRANCES A. POLLAK, SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION	250.00	19.00
ALFRED M. POLLARD, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK	2,187.50	610.00
RAYMOND K. POPE, 2000 L STREET, NW, #200 WASHINGTON DC 20036	AMFAC, INC	3,437.49	626.63
PAULA D. PORPILIA, 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,050.00	35.90
PORT OF SEATTLE, P.O. BOX 1209 SEATTLE WA 98111			2,506.22
PHILLIP PORTE & ASSOCS., INC., SUITE 208 1301 ARLINGTON RIDGE RD. ARLINGTON VA 22202	AMERICAN ASSN FOR RESPIRATORY THERAPY	7,000.00	
Do	AMERICAN MEDICAL RECORDS ASSN	1,500.00	
Do	NATIONAL ASSN OF MEDICAL DIRECTORS OF RESPIRATORY CARE	3,500.00	
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
PORTER WRIGHT MORRIS & ARTHUR, 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	17,887.50	4,444.94
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE ASSN	3,300.00	283.26
WILLIAM J. POTTS JR., HALEY, BADER & POTTS 2000 M STREET, NW, #600 WASHINGTON DC 20036	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
JOHN MICHAEL POWDERLY, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	8,856.39	
CATHERINE POWELL, 880 S. PICKETT STREET ALEXANDRIA VA 22304	BOAT OWNERS ASSN OF THE U.S. (BOAT/U.S.)	4,000.00	
ROBERT D. POWELL, SUITE 400 1300 19TH ST., NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSN		
JANET POWER, 1620 I ST., NW WASHINGTON DC 20006	VISA USA, INC		
JOHN J. POWER, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	14,590.03	723.01
GRAYDON R. POWERS JR , 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
KATHY S. PRAGER, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
ROBERT L. PRATT, 9 BROOKTRAIL ROAD WAYLAND MA 01778	THERMO ELECTRON CORPORATION	1,050.00	80.00
WILLIAM B. PRENDERGAST, 6215 KELLOGG DRIVE MCLEAN VA 22101	TOBACCO INSTITUTE	6,000.00	1,075.73
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	AETNA LIFE & CASUALTY	200.00	
Do	ALASKA LUMBER & PULP CO, INC/LOUISIANA PACIFIC OF KETCHIKAN	120.00	17.74
Do	ALLEGHANY CORPORATION		
Do	AMERICAN INSURANCE ASSN		
Do	AMERICAN PRESIDENT LINES		
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		
Do	BELLINGHAM COLD STORAGE		
Do	CALISTA CORP		
Do	CHUGACH NATIVES, INC		
Do	CITIES & COUNTIES FOR CABLE	3,118.50	
Do	CITY OF CINCINNATI		
Do	CITY OF LAKEWOOD		
Do	CITY OF SCOTTSDALE		
Do	CITY OF ST. LOUIS		
Do	COASTAL TRADING CO	500.00	
Do	CORPORATION FOR PUBLIC BROADCASTING	4,345.00	
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	700.00	
Do	EMPLOYERS REINSURANCE CORP		
Do	HUDSON WATERWAYS	21,569.50	
Do	INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY		
Do	LUMMI INDIAN BUSINESS COUNCIL		
Do	MOORE MCCORMACK RESOURCES, INC	570.00	
Do	NATIONAL ASSN OF STATE DIRECTORS OF COMMUN & JUNIOR COLLEGES	450.00	
Do	NORTH WEST TIMBER ASSN	1,662.50	
Do	PORT OF SEATTLE	1,825.00	
Do	STATE OF ALASKA	300.00	46.00
Do	SUNMAR SHIPPING, INC	1,200.00	
Do	TENNESSEE GAS PIPELINE CO	60.00	
Do	TRANSPORTATION INSTITUTE		
Do	WESTERN FOREST INDUSTRIES ASSN	1,662.50	
Do	WOMETCO ENTERPRISES, INC		
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
BARBARA J. PRICE, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	950.00	295.24
JAMES M. PRICE, P.O. BOX 11248 KNOXVILLE TN 37919	SIERRA CLUB	6,801.00	2,579.37
LEE PRICE, 1757 N STREET, NW WASHINGTON DC 20036	INT'L UNION, UNITED AUTO AEROSPACE & AGRIC IMPLEMENT WORKERS	7,130.90	29.00
ROBERT DALE PRICE, ROUTE 1, BOX 61A PAMPA TX 79065	AGRICULTURISTS FOR RESPONSIBLE LEGISLATION	4,500.00	
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD	202.34	89.00
DAVID C. PRIEBE, 8100 MITCHELL ROAD MINNEAPOLIS MN 55440	CPT CORPORATION	500.00	550.00
BEVERLY HINES PRINCE, 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
GWENYTH PRITCHARD, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
JERRY C. PRITCHETT, SUITE 750 5530 WISCONSIN AVE., NW CHEVY CHASE MD 20815	MECHANICAL CONTRACTORS ASSN OF AMER, INC		
PRO-LIFE CDAC 12, P.O. BOX 7145 MENLO PARK CA 94025		280.00	1,727.35
PRO-LIFE CONGRESSIONAL DIST ACTION COMM, IN/2, 208 TINKLER LAFAYETTE IN 47901			
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		122.02	1,862.18
STUART PROCTOR, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,499.99	66.85
PROFIT SHARING COUNCIL OF AMER, 20 N. WACKER DRIVE CHICAGO IL 60606			
PROJECT ADVISORY GROUP, 1029 VERMONT AVE., NW SUITE 860 WASHINGTON DC 20005			1,275.29
PROPRIETARY ASSN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			3,243.75
DAVID P. PROSPERI, 1725 K STREET, NW, #909 WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY		
PRUDENTIAL-BACHE SECURITIES, INC, 100 GOLD ST. NEW YORK NY 10272			750.00
JAMES C. PRUITT, SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	TEXACO, INC	92.00	
PSC ASSOCIATES, 1609 BARNSTEAD DRIVE RESTON VA 22094			
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		28,084.61	9,127.54
DAVID E. PULLEN, 1025 CONNECTICUT AVE., NW, #214 WASHINGTON DC 20036	MANVILLE CORP	1,000.00	
WILLIAM E. PURSLEY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III, 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	ELKEM METALS COMPANY	3,100.00	300.00
Do	INDEPENDENT BAKERS ASSN	3,000.00	
JOHN R. QUARLES JR , MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSN CLEAN AIR ACT PROJ	1,000.00	25.00
JAMES M. QUIGLEY, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
WILLIAM A. QUINLAN, 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSN, INC		
Do	RETAIL BAKERS OF AMERICA		
PATRICK H. QUINN, SUITE 411 499 S. CAPITOL ST., SW WASHINGTON DC 20003	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	4,000.00	100.00
QUINN RACUSIN YOUNG & DELANEY, CHTD, 1730 K STREET, NW, #700 WASHINGTON DC 20006	GOVERNMENT EMPLOYEES INSURANCE COMPANY	42,575.00	2,305.94
Do	MARYLAND-SAVINGS SHARE INSURANCE CORP	8,867.50	98.40
QUINTANA REFINERY COMPANY, P.O. BOX 3331 HOUSTON TX 77001			
CLIFFORD RABER, ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S CORP	112.50	18.94
ALEX RADIN, 2301 M ST., NW WASHINGTON DC 20036	AMERICAN PUBLIC POWER ASSN	765.44	
TESS A. RAE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JOHN D. RAFFAELLI, 1317 F STREET, NW, #400 WASHINGTON DC 20004	R. DUFFY WALL & ASSOCIATES, INC (FOR: BALCOR/AMERICAN EXPRESS, INC)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: A. F. CAMPBELL & CO, INC)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: DEAN WITTER REALTY, INC)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT-MCMORAN, INC)	300.00	
Do	GULF COAST WASTE DISPOSAL AUTHORITY	500.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: JMB REALTY CORP)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: JAMES D. LAROSA)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL.)	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: MONARCH RESOURCES, INC)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: MORGAN GUARANTY TRUST CO)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)		
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: TAYLOR & MIZELL)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: UNITED SERVICES LIFE COS)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	300.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WINE & SPIRITS WHOLESALERS OF AMERICA, INC).	300.00	
ROBERT A. RAGLAND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	75.00	75.00
RICHARD W. RAHN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,645.00	13.00
RAILROAD RETIREMENT ASSN, SUITE 517 210 7TH ST., SE WASHINGTON DC 20003		5,570.47	5,570.47
TOM RAILSBACK, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20005	MOTION PICTURE ASSN OF AMERICA, INC		
RAILWAY LABOR EXECUTIVES' ASSN, 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		5,760.00	80,828.90
RAILWAY PROGRESS INST, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
DONALD A. RANDALL, P.C., 321 D STREET, NE WASHINGTON DC 20002	AUTOMOTIVE SERVICE COUNCILS, INC	2,437.50	
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN	1,400.00	
R. RAY RANDLETT, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	1,340.00	
JAMES D. RANGE, 600 MARYLAND AVENUE, SW, #607 WASHINGTON DC 20024	WASTE MANAGEMENT, INC	5,000.00	2,428.32
ROBERT A. RAPOZA, SUITE 8G 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL RURAL HOUSING COALITION	8,750.00	
D. MICHAEL RAPPOPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	4,051.89
RARE, INC., 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009			
CARL L. RASAK, 8301 FORT HUNT ROAD ALEXANDRIA VA 22308			
CAROL L. RAULSTON, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	3,100.00	76.00
G. DAVID RAVENCRAFT, SUITE 507 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
W. RANDALL RAWSON, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	7,700.00	
RAYMARK CORPORATION, 100 OAKVIEW DRIVE TRUMBULL CT 06611			
RBC ASSOCIATES, 324 FOURTH STREET, NE WASHINGTON DC 20003	BANGOR & AROOSTOOK RAILROAD	3,750.00	2,203.78
Do	BOSTON & MAINE RAILROAD	8,400.00	2,121.46
Do	CHICAGO & NORTH WESTERN TRANSPORTATION CORP	38,000.00	2,428.15
Do	DELAWARE OTSEGO SYSTEM	8,000.00	2,388.38
Do	GENESEE & WYOMING CORP	750.00	2,121.46
Do	PANDROL	1,500.00	2,121.46
Do	PITTSBURG & SHAWMUT RAILROAD	2,100.00	2,130.91
Do	SPENO RAIL SERVICES	4,500.00	2,153.81
SYDNEY C. REAGAN, NO. 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSN		
JOHN DANIEL REAVES, 910 16TH STREET, NW WASHINGTON DC 20006	AMERICAN TRUCKING ASSNS, INC		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		7.90
ROBERT E REDDING, 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004	SHIPPERS NATIONAL FREIGHT CLAIM	150.00	
ROBERT O. REDDING, 3519 S.W. 147TH LANE ROAD OCALA FL 32673			
DWIGHT C. REED, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JO REED, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	436.15	
CHARLES C. REELY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	3,240.00	
MARTHA L. REES, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
J. RONALD REEVES, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	2,000.00	206.25
JOHN T. REGGITTS JR , 95 BOOTON AVE. P.O. BOX 470 BOONTON NJ 07005			
DAVID M. REICHER, 777 EAST WISCONSIN AVE. MILWAUKEE WI 53202	FOLEY & LARDNER (FOR: SOUTH DAKOTA STUDENT LOAN ASSISTANCE CORP, ET AL).		1,703.92
REICHLER & APPELBAUM, 1776 K STREET, NW, #900 WASHINGTON DC 20006	REPUBLIC OF NICARAGUA		
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20036	BEAR STEARN & CO	45,500.00	
Do	EDISON ELECTRIC INSTITUTE	1,577.00	7.00
Do	GENERAL SERVICE CUSTOMER GROUP		
Do	HILATURAS LERMA, S.A., DE C.V. AND AMYTEX CORP		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	12,885.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	12,885.00	
Do	PURPLE CROSS INSURANCE CO	2,537.00	
Do	TUCSON ELECTRIC POWER CO		
Do	UTILITY GROUP	165.00	11,206.00
REID & RIEGE, P.C., ONE STATE STREET HARTFORD CT 06103	WESLEYAN UNIVERSITY	3,384.00	
MICHAEL W. REID, 1925 K STREET, NW, #206 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	146.53	
JERRY E. REIDER, 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC CO		
MARY LYNN REILLY, 3805 ALTON PLACE, NW WASHINGTON DC 20016	NEIGHBORHOOD HOUSING SERVICES OF AMERICA	289.00	12.00
MARYALYCE REILLY, 1010 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS	7,249.98	911.48
RONALD H. REIMANN, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD	17,000.00	1,460.00
NOOLEY REINHEARDT, NOOLEY REINHEARDT & ASSOC. P.O. BOX 23190 WASHINGTON DC 20024	RURAL BUILDERS COUNCIL OF CALIFORNIA		
HARRY O. REINSCH, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
MURRAY P. REISER, 4 LONGFELLOW PLACE BOSTON MA 02114	EDWARD BLANKSTEIN, INC		
JACK REITER, 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	FLYING TIGER LINE	2,100.00	444.64
RELIGIOUS COALITION FOR ABORTION RIGHTS, INC., 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002		202,769.15	15,720.42
GEORGE E. RENAULT, 2108 YALE DR. ALEXANDRIA VA 22307	AMERICAN ENERGY PRODUCTS, INC		
RENDON COMPANY, 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005			
JOHN W. RENDON JR., 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005	RENDON COMPANY		
SARAH M. RENFROE, 1995 TREMAINSVILLE ROAD TOLEDO OH 43613	BENCHMARK TECHNOLOGIES CORP		
W. W. RENFROE, 69 FOUNTAIN PL. - P.O. BOX 417 FRANKFORT KY 40602	KENTUCKY RAILROAD ASSN		
DIANE RENNERT, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	4,300.00	342.78
RESOURCES FUND, INC, 810 18TH ST., NW, #804 WASHINGTON DC 20006			30,000.00
RETIRED OFFICERS ASSN, 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		9,688.00	
JOHN H. REURS, 74 TRINITY PLACE NEW YORK NY 10006	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
VINCENT P. REUSING, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	12,423.26	198.90
ALLAN R. REXINGER, 1700 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSN	3,093.75	150.00
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	800.00	
RENEE REYMOND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	100.00	100.00
MARY ANNE REYNOLDS, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
JOHN J. RHODES, CUMMINGS & LOCKWOOD 1090 VERMONT AVENUE, NW, #650 WASHINGTON DC 20005	ALLIANCE FOR CLEAN ENERGY; UNION PACIFIC RAILROAD	500.00	
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	ESTATE OF HELEN W. HALBACH	1,000.00	24.35
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	4,817.08	
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			140.67
GRACE ELLEN RICE, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,137.50	210.85
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	265.50	
M. LEE RICE, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	2,950.00	
THERON J. RICE, SUITE 900 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CONOCO, INC		
JAMES E. RICH JR., SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	SIKORSKY AIRCRAFT	2,500.00	14.90
STACY RICHARDS, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
ALAN H. RICHARDSON, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	3,000.00	
DONNA RICHARDSON, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	4,932.01	142.33
DOUGLAS B. RICHARDSON, 2001 WISCONSIN AVENUE, NW, #100 WASHINGTON DC 20007	GEORESEARCH, INC		
DOUGLAS C. RICHARDSON, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN C. RICHARDSON, 520 MADISON AVENUE NEW YORK NY 10022	LEBOEUF LAMB LEIBY & MACRAE (FOR: BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON).		
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER CO	17,994.00	13,149.61
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	6,000.00	2,500.00
LOIS RICHERSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	823.85	
LARRY D. RICKARDS, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	13,168.59	114.28
JUDY NOEL RIDDLE, P.O. BOX 27567 RICHMOND VA 23261	LAWYERS TITLE INSURANCE CORP		
LOWELL J. RIDGEWAY, NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	598.00	1,298.72
E. GEORGE RIEDEL, 1600 M STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,800.00	150.00
MARK J. RIEDY, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
E. PHILIP RIGGIN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	10,560.00	552.15
PAT RILEY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
MARK ALAN RILLING, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,750.02	
DALE P. RIORDAN, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	23,750.00	679.95
JOHN S. RIPPEY, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,000.00	55.00
RISELLI & PRESSLER, 2033 M STREET, NW, #504 WASHINGTON DC 20036	PROFESSIONAL MANAGERS' ASSN		
CAROL A. RISHER, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,000.00	
ROBIN RISSO, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSN OF NEVADA, INC	3,200.00	3,762.54
Do	GOLDEN NUGGET, INC	5,776.16	4,994.06
Do	LIBERTY FINANCIAL	1,726.44	2,838.16
Do	NATIONAL ASSN OF OFF-TRACK BETTING	2,000.00	5,274.63
Do	NATIONAL ASSN OF OPTOMETRISTS & OPTICIANS, INC		5,144.45
Do	NEVADA RESORT ASSN	4,800.00	5,643.84
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106			11,433.20
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	J. W. BATESON & CO.,INC	3,000.00	
Do	TEXAS UTILITIES SERVICES, INC	3,000.00	2,138.92
PATRICIA L. ROBERTS, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	1,250.00	308.00
PERRY A. ROBERTS, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC CO		385.22
RICHARD R. ROBERTS, SUITE 403 1899 L ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	450.00	1,198.00
RICHARD W. ROBERTS, 100 EAST 42ND ST. NEW YORK NY 10017	NATIONAL FOREIGN TRADE COUNCIL, INC	650.00	175.00
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD P.O. BOX 1402 MONTGOMERY AL 36102	ALABAMA POWER CO	6,825.00	
MARK ROBERTSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN EXPRESS CO)	180.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO).		
BETTY S. ROBINSON, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,884.82	142.00
CHARLES A. ROBINSON JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	222.22	
KENNETH L. ROBINSON, 1111 N. 19TH STREET, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,400.00	
ROBINSON SILVERMAN PEARCE ARONSOHN & BERMAN, 230 PARK AVE. NEW YORK NY 10169	NATIONAL REALTY COMMITTEE		
THOMAS E. ROBINSON, SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	3,500.00	
BOB JOHN ROBISON, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC	3,250.00	140.21
ANTOINETTE K. ROCHE, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GA TECHNOLOGIES, INC	1,500.00	250.00
JAMES ANTHONY ROCK, 1730 M STREET, NW, #607 WASHINGTON DC 20036	MONTANA POWER CO AND WASHINGTON WATER POWER CO	450.00	250.00
DAVID W. RODERER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN		
RODEY DICKASON SLOAN AKIN & ROBB, P.O. BOX 1888 ALBURQERQUE NM 87103	NAVAJO TRIBE		568.00
QUINCY RODGERS, 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	600.00	85.80
WILLI ROELLI, VOLKART BROTHERS, INC. 120 WALL ST. NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		
LELAND MICHAEL ROGAN, 9 INWOOD ROAD STATEN ISLAND NY 10301			
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	DESERT PALACE, INC		
Do	WILLIAM ANTHONY HOGAN		
Do	MERRILL LYNCH & CO., INC		
Do	MERRILL LYNCH COMMODITIES, INC		
Do	MERRILL LYNCH HUBBARD	2,400.00	
Do	MERRILL LYNCH LEASING, INC		
Do	MORRIS & GWENDOLYN CAFRITZ FOUNDATION		
Do	NATIONAL ASSN OF BEDDING MANUFACTURERS		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	PARIBAS CORPORATION	750.00	
Do	SQUIBB CORP		
Do	TEACHERS INSURANCE & ANNUITY ASSN/COLLEGE RET. EQUITIES FUND		
BRUCE N. ROGERS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,779.11
DONALD L. ROGERS, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	2,083.40	
JAMES T. ROGERS, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
KEITH ROGERS, 47 LAFAYETTE PLACE, APT. 6D GREENWICH CT 06830	U.S. TOBACCO COMPANY	2,475.00	2,319.00
MARGARET ROGERS, 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	1,000.00	
NANCY ROGERS, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, ALF-CIO	5,531.50	78.65
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
Do	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT).		
ROGOVIN HUGE & LENZNER, P.C., 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	CKLW RADIO BROADCASTING, LTD	5,377.50	700.65
RICHARD A. ROHRBACH, 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORP	22,250.00	147.00
JOHN F. ROLPH III, SUITE 350 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITIBANK, N.A	1,000.00	
KENNETH S. ROLSTON JR , 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
EMIL A. ROMAGNOLI, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	300.00	
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP	500.00	
Do	NORTHWEST ALASKAN PIPELINE CO & COLORADO INTERSTATE GAS CO		
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN IRON & STEEL INSTITUTE	200.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	350.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	100.00	
Do	CONRAIL		
Do	CRAWFORD FITTING CO	100.00	
Do	LONE STAR INDUSTRIES, INC	200.00	
Do	M LIFE INSURANCE CO	350.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	350.00	
JOHN C. ROOTS, SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	173.15	
ROPES & GRAY, SUITE 700 1001 22ND ST., NW WASHINGTON DC 20037	AMHERST COLLEGE; WELLESLEY COLLEGE		
Do	GENERAL MILLS, INC		
ROSE SCHMIDT DIXON & HASLEY, 1575 EYE STREET, NW, #500 WASHINGTON DC 20005	CIGAR ASSN OF AMERICA		
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
BURT ROSEN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	1,000.00	1,119.35
LESTER L. ROSEN, 1025 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	MILES LABORATORIES, INC	2,500.00	
ALBERT B. ROSENBAUM III, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
SARA ROSENBAUM, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	4,500.00	10.00
MIRIAM A. ROSENBERG, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPEMENT	4,906.00	331.78
FRANCIS C. ROSENBERGER, 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
ROSES, INC., 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		3,179.87	2,424.39
JOE ROSS, P.O. BOX 1582 LITTLE ROCK AR 72201			
WILLIAM F. ROSS, SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BLDG. COLUMBIA SC 29201	AMERICAN PETROLEUM INST	214.00	214.34
LESLEY A. ROSSE, 1220 L ST., NW, 5TH FL. WASHINGTON DC 20005	AMERICAN LAND DEVELOPMENT ASSN		
ALAN J. ROTH, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL	210.50	
BARRY N. ROTH, 1120 20TH STREET, NW, #700 WASHINGTON DC 20036	WILLIAMS COMPANIES	100.00	
SAMUEL A. ROTH, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,000.00	311.43
EDWIN ROTHSCHILD, 2000 P ST., NW, #310 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	4,000.00	46.00
DONALD D. ROUNDS, SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST	604.00	1,259.53
MICHAEL O. ROUSH, CAPITAL GALLERY EAST, #695 600 MARYLAND AVE. WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MARK ROVNER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	1,860.00	
EUGENE F. ROWAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC		
JOHN W. ROWLAND, 5025 WISCONSIN AVE.,NW WASHINGTON DC 20006	AMALGAMATED TRANSIT UNION, AFL-CIO		
ROXTON, INC, 2000 S. EADS STREET, #1003 ARLINGTON VA 22202	GLOBAL IDENTIFICATION CORP		
ROBERT STEWART ROYER, 1747 PENNSYLVANIA AVENUE, NW, #950 WASHINGTON DC 20006	AMERICAN MILITARY SALES		
Do	CHRYSLER MILITARY SALES CORP		
Do	CITY OF AKRON, OHIO		
Do	FORD, RIFF & BURGESS		
Do	HARLEY-DAVIDSON MILITARY SALES		
Do	INTERNATIONAL FUTURES EXCHANGE		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	MICHIGAN TRADE EXCHANGE		
Do	MORGAN STANLEY & CO., INC		
Do	OVERSEAS MILITARY SALES GROUP		
Do	SECURITIES INDUSTRY ASSOCIATION		
TOBI Z. ROZEN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
ERIC M. RUBIN, RUBIN WINSTON & DIERCKS 1730 M ST., NW, #708 WASHINGTON DC 20036	COMMISSONER OF PUBLIC LANDS FOR STATE OF NEW MEXICO		
Do	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	4,000.00	
JAMES S. RUBIN, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	1,009.16	
PAUL M. RUDEN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN SOC OF TRAVEL AGENTS		
BARBARA A. RUDOLPH, 1901 N. FORT MYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES	3,375.00	407.81
CAMILLE KEARNS RUDY, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
HENRY C. RUEMPLER, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	CITIBANK, N.A	500.00	
TIMOTHY R. RUGH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA		
JOHN RUNYAN, 1730 NORTH LYNN STREET SUITE 409 ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	300.00	
MORGAN S. RUPH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LEONARD H. RUPPERT, NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
ROBERT C. RUPPERT, 1660 L STREET, NW, #901 WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
DOMENIC R. RUSCIO, 6TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
CHARLOTTE RUSH, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	950.00	
BARRY RUSSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		30.00
DOROTHEA L. RUSSELL, 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE		
RANDALL M. RUSSELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	131.25	
ROBERT M. RUSSELL, 2170 PIEDMONT RD., NE ATLANTA GA 30324	ORKIN EXTERMINATING CO		
WALLY RUSTAD, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
HERMAN MAX RUTH, 150 PAR ROW, P.O. BOX 1000 NEW YORK CITY NY 10007			
J. T. RUTHERFORD & ASSOCIATES, INC., 1301 N. COURTHOUSE RD., #1802 ARLINGTON VA 22201	AMERICAN ASSN OF BIOANALYSTS/INTL SOC OF CLINICAL LAB TECHS		111.50
Do	AMERICAN COLLEGE OF RADIOLOGY		130.60
Do	AMERICAN OPTOMETRIC ASSN		225.90
ELLA MARICE RYAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	100.00	
FRANK T. RYAN, 1400 K STREET, NW WASHINGTON DC 20005	RUBBER MFGRS ASSN	2,500.00	
GEORGE J. RYAN, 915 ROCKEFELLER BUILDING CLEVELAND OH 44113	LAKE CARRIERS' ASSN		
JOHN F. RYAN, 1600 M STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
JOHN G. RYAN, 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP		
JOSEPH RYAN, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
VINCENT J. RYAN, 300 INDEPENDENCE AVENUE, SE WASHINGTON DC 20003	LIBERTY LOBBY, INC		
PAUL R. SACIA, SUITE 202, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	3,876.91	
ARTHUR B. SACKLER, 1627 K ST., NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN		
THOMAS L. SAGER, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	70.00	
GREGORY A. SAHD, 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SAMMONS ENTERPRISES, INC., 403 SOUTH AKARD DALLAS TX 75202			
JAMES H. SAMMONS, 535 NORTH DEARBORN STREET CHICAGO IL 60610	AMERICAN MEDICAL ASSN	900.00	
COLIN D. SANDISON, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		639.79
CHARLES E. SANDLER, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	6,000.00	
PETER G. SANDLUND, 1725 EYE ST., NW, #315 WASHINGTON DC 20006	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	300.00	
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI	1,500.00	434.10
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A	500.00	240.00
Do	PACIFIC AGRICULTURAL SERVICES, INC		
Do	SAFARI CLUB INTERNATIONAL	1,000.00	318.90
Do	STURM, RUGER COMPANY, INC	500.00	175.00
CHARLES SAPP, 3500 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		
RONALD A. SARASIN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		4,800.00
SATELLITE SYNDICATED SYSTEMS, INC, P.O. BOX 702160 TULSA OK 74170			883.50
KLARA B. SAUER, 9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC		
ALBERT C. SAUNDERS, 1100 15TH ST., NW #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	25.40
THOMAS C. SAWYER, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO	500.00	
ROBERT WAYNE SAYER, 4545 42ND STREET, NW WASHINGTON DC 20016	GCA CORP	1,800.00	179.30
THOMAS J. SCANLON, 3248 PROSPECT STREET, NW WASHINGTON DC 20007	CHICAGO ASSN OF COMMERCE & INDUSTRY	4,500.00	176.98
VICTORIA V. SCHAFF, SUITE 1014 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ENSERCH CORPORATION	1,526.00	757.48
ROGER B. SCHAGRIN, ROGER B. SCHAGRIN, P.C. 923 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE ON PIPE & TUBE IMPORTS		
JEROME D. SCHALLER, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	10,000.00	25.00
WILLIAM T. SCHAPAUGH, 1030 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SEED TRADE ASSN	4,000.00	
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77253	AMERICAN GENERAL CORPORATION	13,000.00	1,815.47
RONALD A. SCHECHTER, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20006	WASHINGTON INDEPENDENT WRITERS, INC		
JAY T. SCHECK JR., RT. 202-206 NORTH SOMERVILLE NJ 08876	AMERICAN HOECHST CORPORATION		
JOHN M. SCHEER, P.O. BOX 17402 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	WATER & WASTEWATER EQUIPMENT MANUFACTURERS ASSN, INC		
DALE E. SCHELL, 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	GATX CORP		
JANE N. SCHERER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	100.00	
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO BOARD OPTIONS EXCHANGE		
JONATHAN D. SCHILLER, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)	450.00	32.00
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BLDG. THE HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		
JAMES P. SCHLICHT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
KENNETH D. SCHLOMAN, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	915.00	49.42
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC, 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	ANATOLIA COLLEGE BOARD OF TRUSTEES		14.00
Do	ATLANTA UNIVERSITY	550.00	83.00
Do	BARRY UNIVERSITY		
Do	BOSTON COLLEGE	100.00	13.50
Do	BOSTON UNIVERSITY	1,400.00	152.00
Do	CATHOLIC UNIVERSITY OF AMERICA	250.00	61.00
Do	COLUMBIA UNIVERSITY	550.00	39.00
Do	COMMUNITY CARE SYSTEMS, INC	250.00	9.00
Do	ELECTRONICS CORPORATION OF AMERICA		
Do	INDEPENDENT RADIO COMMON CARRIERS ASSN		
Do	INDIANA UNIVERSITY	1,350.00	169.00
Do	LESLEY COLLEGE	50.00	
Do	NORTHWESTERN UNIVERSITY		
Do	OCEAN SPRAY CRANBERRIES, INC	400.00	123.00
Do	OCEANIC INSTITUTE		11.00
Do	PIRELLI CABLE CORPORATION	350.00	51.00
Do	TUFTS UNIVERSITY	450.00	83.00
FOREST S. SCHMELING, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	1,100.00	865.70
RICHARD M. SCHMIDT JR., SUITE 600 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	500.00	
ROBERT RICHARD SCHMITT, 11304-047 UNIT C P.O. BOX 888 ASHLAND KY 41101		35.00	
SCHNADER HARRISON SEGAL & LEWIS, 900 17TH STREET, NW, #1100 WASHINGTON DC 20006	SAVIN CORPORATION	337.50	39.00
Do	TOYOTA MOTOR CORPORATION	1,188.00	86.00
THERESA A. SCHNEIDER, 1575 EYE STREET, NW, #550 WASHINGTON DC 20005	INSTITUTE OF MAKERS OF EXPLOSIVES		
FRANK SCHNELLER, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JACK J. SCHRAMM, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC		
ROBERT I. SCHRAMM, 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL CO & SUPERIOR FARMING CO		
N. DONALD SCHROEDER, MARYLAND PETROLEUM COUNCIL 60 WEST ST., #403 ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	600.00	413.63
MARK SCHULTZ, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	5,000.00	182.60
ROBERT L. SCHULZ, C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BLDG. DES MOINES IA 50309	AMERICAN PETROLEUM INST	638.75	974.65
WALTER A. SCHUMANN III, 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
JAMES H. SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN. OF HOME BUILDERS OF THE U.S		
DONALD H. SCHWAB, 200 MARYLAND AVE., NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S	9,050.00	1,104.10
LYNDLEY M. SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	1,980.75	50.20
SCHWABE WILLIAMSON WYATT MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	CHRONAR CORP	1,845.00	439.48
Do	FLOW WIND CORP	1,139.20	271.65
Do	LITCHSTREET COMPANY		.34
Do	MOUNTAIN STATES ENERGY, INC	4,815.22	1,079.28
Do	NATIONAL FOREST PRODUCTS ASSN		
Do	NORTHWEST INLAND WATERWAYS COMMITTEE		
Do	OTIS ELEVATOR CO	6,965.32	1,659.28
Do	STATE OF OREGON, CITY OF PORTLAND, OREGON METRO	10,321.70	2,459.06
ELINOR SCHWARTZ, 318 S. ABINGDON STREET ARLINGTON VA 22204	CALIFORNIA STATE LANDS COMMISSION	7,800.00	169.25
RICHARD SCHWARTZ, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S	4,000.00	
STEVE AARON SCHWARTZ, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
RICHARD S. SCHWEIKER, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	2,525.00	
RICHARD P. SCHWEITZER, 2022 P STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC		225.00
CARL F. SCHWENSEN, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	2,052.04	
SCIENTIFIC APPARATUS MAKERS ASSN, 1101 16TH ST., NW WASHINGTON DC 20036		6,989.57	10,053.62
MICHAEL SCIULLA, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S	6,000.00	
HAROLD B. SCOGGINS, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		31.75
JOHN N. SCOTT, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	222.00	377.45
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	CONTINENTAL AMERICAN LIFE INSURANCE CO		
Do	JEFFERSON-PILOT CORP. AND SUBSIDIARIES		
Do	OCCIDENTAL LIFE INSURANCE CO OF CALIFORNIA		6.00
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO		12,066.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
TIMOTHY SCULLY, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	8,749.98	
SEAMEN'S CHURCH INSTITUTE, 15 STATE STREET NEW YORK NY 10004			
EARL W. SEARS, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	141.53	2.91
SANDY SEDACCA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	3,210.00	
PAMELA SEDERHOLM, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
H. RICHARD SEIBERT JR , 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	775.00	
PAUL J. SEIDMAN, FEDERAL BAR BUILDING, #1000 1815 H STREET, NW WASHINGTON DC 20006	NATIONAL TOOLING & MACHINING ASSN		
PEGGY SEIPEL, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS		
GEORGE M. SEITTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	2,000.00	
ARMISTEAD I. SELDEN, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	48.20
M. FRANK SELLERS, 1615 H STREET, NW WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE (FOR: BUSINESS ALLIANCE ON GOVERNMENT COMPETITION).	5,000.00	169.91
STANTON P. SENDER, 633 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	SEARS, ROEBUCK AND CO	650.00	15.00
STUART D. SERKIN, 1800 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	SLURRY TRANSPORT ASSN		
SERVICE MASTER INDUSTRIES, INC, 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			900.00
SEVEN MONTHS SESSION FOR CONGRESS, 3306 YELLOWPINE TERRACE AUSTIN TX 78757			600.00
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	A. I. LEASING CORP		10.00
Do	MERRILL LYNCH MONEY MARKETS, INC		33.00
Do			
J. RICHARD SEWELL, 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT CO	4,200.00	401.84
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	3,794.55	
VICTORIA MCKENZIE SHAIN, 1710 RHODE ISLAND AVENUE, NW, #300 WASHINGTON DC 20036	ABBOTT LABORATORIES	1,000.00	
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	2,500.00	50.00
JAMES M. SHAMBERGER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
DEBBIE SHANNON, 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	273.03
DAVID L. SHAPIRO, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
HARRY D. SHAPIRO, 1800 MERCANTILE BANK & TRUST BLDG. TWO HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		
NORMAN F. SHARP, 1100 17TH STREET, NW, #1201 WASHINGTON DC 20036	CIGAR ASSN OF AMERICA, INC		59.78
KAREN DOLMATCH SHAW, SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	1,370.77	716.50
LUTHER W. SHAW, SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	5,625.00	11.00
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	442.00	
Do	ATLAS MINERALS DIVISION	1,479.75	
Do	COMMITTEE FOR PRIVATE EDUCATION		
Do	EMERSON ELECTRIC CO	105.00	
Do	FARMERS FOR FAIRNESS		
Do	INSTITUTE OF FOREIGN BANKERS	3,500.00	
Do	INVESTMENT COMPANY INSTITUTE	900.00	
Do	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	7,878.00	57.50
Do	UTILITY NUCLEAR WASTE MANAGEMENT GROUP	1,825.33	18.70
SHEA & GOULD, 330 MADISON AVE. NEW YORK NY 10017	ELEANOR A. CLARK	28,975.00	92.48
Do	HOSPITAL CORP OF AMERICA		188.00
Do	NABISCO, INC	30,000.00	
JOHN J. SHEEHAN, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	11,854.65	
KATHLEEN SHEEKEY, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	9,868.80	1,003.27
JOHN P. SHEFFEY, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	765.40	
LOIS BURKE SHEPARD, 310 FIRST ST., SE WASHINGTON DC 20003	REPUBLICANS ABROAD		
SEYMOUR SHERIFF, 1126 WOODWARD BLDG. WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSN, INC		
R. PHILIP SHIMER, SUITE 405 444 N. CAPITAL ST., NW WASHINGTON DC 20001	WESTERN GOVERNORS ASSOCIATION	64.83	2.25
RUSSELL L. SHIPLEY JR , 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
HARVEY A. SHIPMAN, 1701 PENNSYLVANIA AVENUE, NW, #830 WASHINGTON DC 20006	PENN CENTRAL CORPORATION		
FRED B. SHIPPEE, 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC, 120 MAIN STREET HUNTINGTON NY 11743			150.00
MARY FRANCES SHLAGEL, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
W. RAY SHOCKLEY, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	2,550.00	19.00
THOMAS K. SHOEMAKER, 1899 L STREET, NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSN OF AMERICA		
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	ROGERS U.S. CABLESYSTEMS, INC		
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
SCOTT SHOTWELL, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	2,475.00	
A. Z. SHOWS, RM 203 1801 COLUMBIA RD., NW WASHINGTON DC 20009			
JOHN SHUEY, P.O. BOX 3151 HOUSTON TX 77253	BROWNING-FERRIS INDUSTRIES, INC		
NORMAN D. SHUTLER, 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20006	CLAYTON MFRG CO		
MARK SILBERGELD, 2001 S STREET, SW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC		
RONALD G. SILLS, C/O 38832-066, A-1 F.C.I. BOX 7000 TEXARKANA TX 75501		258.00	258.00
DAVID SILVER, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	749.13	
HOWARD J. SILVER, 1200 17TH ST., NW, #520 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	435.00	63.75
STEVEN W. SILVER, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 210 FERRY WAY JUNEAU AK 99801	ALASKA LUMBER & PULP CO, INC	500.00	
Do	U.S. CRUISES, INC	2,140.00	
SILVER USERS ASSN, INC, 1717 K ST., NW WASHINGTON DC 20006		406.83	3,774.01
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	5,000.00	
Do	BRISTOL-MYERS CO		
Do	F.W. WOOLWORTH CO		
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	GATX CORP		
Do	MUSIC CORPORATION OF AMERICA, INC		
Do	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
Do	NATIONAL COUNCIL OF SAVINGS INSTITUTIONS		
JEFFREY A. SIMERING, 5320 FIVE FINGERS WAY COLUMBIA MD 21045	CHICAGO BOARD OF EDUCATION	1,325.00	
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP		
SIMON DEITCH SIEFMAN TUCKER & FRIEDMAN, P.C., 26911 NORTHWESTERN HWY., #400 P.O. BOX 5073 SOUTHFIELD MI 48086.	FIRST NATIONAL MONETARY CORPORATION		
PHILIP SIMON, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	2,266.68	
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR MANAGEMENT MARITIME COMMITTEE, INC	1,368.00	215.60
WILLIAM G. SIMPSON, SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	J.R. SCRIBNER EQUIPMENT	2,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	STATE OF MISSISSIPPI	4,000.00	
MARGARET SIMS, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO		
ROBERT C. SINGER, 475 PARK AVE., SO. AT 32ND ST. NEW YORK NY 10016	SOAP & DETERGENT ASSN		
JAMES C. SIVON, 730 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,125.00	41.00
SKADDEN ARPS SLATE MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	4,500.00	
Do	FREDERICK COMPANY	1,000.00	
Do	R.H. MACY & CO, INC	2,500.00	
Do	TEXACO, INC	6,250.00	
Do	TRANSCO ENERGY COMPANY	4,000.00	
Do	TRICENTROL U.S., INC		
CYNTHIA ELLIOT SKIFF, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
WILLIAM J. SKINNER, 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC	1,226.28	27.50
BARNEY J. SKLADANY JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
WILLIAM E. SKLAR, SKLAR, IDELSON 800 18TH STREET, NW, #403 WASHINGTON DC 20006	CITIZENS AGAINST PACS		
RUTH L. SKY, 221 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO	45.00	532.86
F. SLATINSHEK & ASSOCIATES, INC., 1102 BELLE VISTA DR. ALEXANDRIA VA 20007	GRUMMAN AERO CORP; D.L. LYNCH & ASSOCS	200.00	
ROBERT G. SLAUGHTER, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN		
Do	PACIFIC RESOURCES, INC	500.00	
MATTHEW B. SLEPIN, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	56.00	
SCOTT L. SLESINGER, SUITE 804 1101 14TH ST., NW WASHINGTON DC 20005	NATIONAL APARTMENT ASSN		
BARRY S. SLEVIN, 1000 POTOMAC STREET, NW WASHINGTON DC 20007	SEIFMAN, SEMO, SLEVIN & MARCUS, P.C. (FOR: UNITED FOOD & COMMERCIAL WORKERS INT'L UNION).		
RONALD J. SLINN, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CATHERINE REISS SLOAN, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: ROGERS U.S. CABLESYSTEMS, INC)		
JOHN E. SLOAN JR., CAPITAL GALLERY EAST, #695 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL FED OF INDEPENDENT BUSINESS	1,150.00	200.00
SLURRY TRANSPORT ASSN, 1800 CONNECTICUT AVE., NW WASHINGTON DC 20009			
SMALL BUSINESS COUNCIL OF AMERICA, INC, P.O. BOX 4299 COLUMBUS GA 31904		23,975.00	79,719.44

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SMALL BUSINESS LEGISLATIVE COUNCIL, 1604 K ST., NW WASHINGTON DC 20006		3,000.00	1,595.00
PETER SMALL, 295 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES, INC. (FOR: WILLIAM M. MERCER-MEIDINGER, INC)		
SMATHERS SYMINGTON & HERLONG, SUITE 400 1700 K ST., NW WASHINGTON DC 20006	AMERICAN HORSE COUNCIL		
Do	COALITION OF COMMUNITY BANKS OF FLORIDA		
Do	FLORIDA EAST COAST RAILWAY CO	750.00	
Do	NATIONAL HOCKEY LEAGUE	1,500.00	
Do	PENNZOIL CO	6,000.00	
Do	REPUBLIC OF SOUTH AFRICA	7,500.00	
ELEANOR SMEAL & ASSOCIATES, 2401 VIRGINIA AVE., NW, #306 WASHINGTON DC 20037	NATIONAL ORGANIZATION FOR WOMEN	1,800.00	
DONALD E. SMILEY, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		14.96
JAMES R. SMIRCINA, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO	543.00	214.70
CATHERINE S. SMITH, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	134.88	25.00
DAVID S. SMITH, 1701 PENNSYLVANIA AVE., NW, #1102 WASHINGTON DC 20006	MARTIN, BECK & SMITH		
SMITH DAWSON ASSOCIATES, INC, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	N.Y. METROPOLITAN TRANSPORTATION AUTHORITY	5,625.00	5,984.44
Do	SAN FRANCISCO P.V.C.	9,000.00	9,000.00
DOUGLAS S. SMITH, 3219 MAGNOLIA AVENUE FALLS CHURCH VA 22041	NATIONAL INHOLDERS ASSN		
ELIZABETH M. SMITH, 815 16TH ST., NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	4,939.48	267.53
FREDERICK P. SMITH JR., 1575 EYE STREET, NW, #550 WASHINGTON DC 20005	INSTITUTE OF MAKERS OF EXPLOSIVES		
GORDON L. SMITH, 1201 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSN)	2,062.50	
JAMES P. SMITH, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HOSPITAL CORP OF AMERICA		
JEFFREY A. SMITH, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
JEFFREY A. SMITH, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	120.00	71.02
JENNIFER L. SMITH, 900 17TH STREET, NW, #520 WASHINGTON DC 20006	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	300.00	
JULIAN H. SMITH JR., 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER CO	11,712.00	16,302.42
LESLIE HUGHES SMITH, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
MICHAEL E. SMITH, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		240.21
MICHAEL P. SMITH, 485 LEXINGTON AVE. NEW YORK NY 10017	NEW YORK STATE BANKERS ASSN	2,560.00	2,065.00
ROBERT BLAND SMITH JR , 1100 15TH STREET, WN, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	72.00
RONALD E. SMITH, 2501 M STREET, NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSN	300.00	
SHALAH SMITH, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	2,250.00	685.44
SUSAN SNYDER SMITH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA	500.00	574.52
WILLIAM C. SMITH, 1850 K STREET, NW, #1100 WASHINGTON DC 20006	BALLARD, SPAHR, ANDREWS & INGERSOLL		
WAYNE H. SMITHEY, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	4,800.00	617.85
PETER LEIGH SNELL, 510 C STREET, NE WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT		
FRANK B. SNODGRASS, 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSN	1,103.02	311.27
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	ENVIRITE CORPORATION	4,820.00	38.82
Do	LIBERTY MUTUAL INSURANCE CO	1,835.00	56.95
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MAINE EDUCATIONAL LOAN MARKETING CORP).		
Do	MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY	5,313.00	68.00
Do	NEW ENGLAND EDUCATION LOAN MARKETING CORP	4,550.00	
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	8,505.00	126.45
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSN)		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	4,522.74	
J. R. SNYDER, 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		1,300.00
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	6,000.00	
WILLIAM L. SOLLEE, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PUBLIC SERVICE ELECTRIC & GAS CO		
FREDERICK P. SOMERS, 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AIR LINE PILOTS ASSN	3,500.00	401.40
SL SOMMER & ASSOCIATES, INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORP	1,200.00	975.98
EDMUND T. SOMMER JR , 1627 K STREET, NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	500.00	7.50
KURT A. SOMMER, P.O. BOX 925 ALBUQUERQUE NM 87103			
CHARLES R. SONNIER, SONNIER & HEBERT P.O. DRAWER 1040 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
E. RICHARD SOPER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
SOUTHERN FOREST PRODUCTS ASSN, P.O. BOX 52468 NEW ORLEANS LA 70152		34,687.38	34,687.38
SOUTHERN SATELLITE SYSTEMS, INC., P.O. BOX 702160 TULSA OK 74170			
SOUTHWESTERN PEANUT SHELLERS ASSN, 10 DUNCANNON CT. DALLAS TX 75225			
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	549.12
SPACE AMERICA, INC, 600 WATER STREET, SW, #207 WASHINGTON DC 20024			
IAN D. SPATZ, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	1,190.64	30.55
JOHN B. SPEARS, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
SPECIALIZED CARRIERS & RIGGING ASSOCIATION, 733 15TH STREET, NW WASHINGTON DC 20005			
JOHN F. SPEER JR , 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
WILLIAM C. SPENCE, P.O. BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
PHILIP SPESER, 2000 P ST., NW WASHINGTON DC 20036	FORESIGHT SCIENCE & TECHNOLOGY, INC (FOR: RADAR DEVICES, INC)	700.00	
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	1,200.00	
JOANN SPEVACEK, 1500 PLANNING RESEARCH DRIVE MCLEAN VA 22102	PLANNING RESEARCH CORP		178.91
SPIEGEL & MCDIARMID, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL		
NICHOLAS J. SPIEZIO, 1709 NEW YORK AVNEUE, NW, #801 WASHINGTON DC 20006	FEDERAL NATIONAL MORTGAGE ASSN		
Do	U.S. LEAGUE OF SAVINGS INSTITUTIONS	4,500.00	
LARRY N. SPILLER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
JOSEPH L. SPILMAN JR , 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	200.00	
PETER A. SPINA, 150 EAST 42ND STREET NEW YORK NY 10017	MOBIL OIL CORP	900.00	
SPRIGGS BODE & HOLLINGSWORTH, 1015 15TH ST., NW WASHINGTON DC 20005	ENERGY CYCLE, INC	4,646.25	
Do	UNR INDUSTRIES, INC	5,408.50	
EARL C. SPURRIER, THE MADISON BUILDING, #514 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	30.00	
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 888 11TH ST., NW WASHINGTON DC 20006	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
SQUIRE SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALAMO CEMENT COMPANY, ET AL	28,645.00	10.90
Do	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN GERMANY		
Do	AMERICAN SOC OF ANESTHESIOLOGISTS	5,530.00	2,686.44
Do	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
Do	CAN-AM CORPORATION		
Do	INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION	550.00	
Do	MICROBAND CORP OF AMERICA		
Do	NATIONAL COLLEGIATE ATHLETIC ASSN	157.50	3.75
Do	PUBLIC SECURITIES ASSN		
Do	TYMNET, INC		
JOHN W. SROKA, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CARL F. ST. CIN, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO		
ROBERT P. ST. LOUIS, 2550 M ST., NW, #225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	1,000.00	670.75
COURTNEY A. STADD, 199 S. CAPITOL STREET, SW, #102 WASHINGTON DC 20003	STARSTRUCK, INC	200.00	
CONNELL STAFFORD, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	302.00	1,493.34
DAVID E. STAHL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	3,500.00	
ELVIS J. STAHR, 645 PENNSYLVANIA AVE., SW WSAHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	100.00	5.75
TYRONE STALLWORTH, 220 NORTH DEVILLERS STREET PENSACOLA FL 32501			
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	BENEFICIAL LIFE INSURANCE CO	60.00	
Do	COMMITTEE FOR AD VALOREM EQUITY	56.56	
Do	EMPLOYEE STOCK OWNERSHIP ASSN	137.62	
Do	NATIONAL ASSN OF ROYALTY OWNERS, INC		
Do	OCEAN MINERALS CO	48.00	
Do	OFFSHORE INDUSTRY COMMITTEE	240.00	
Do	OFFSHORE MARINE SERVICE ASSN	124.10	
Do	STANDARD OIL OF INDIANA	60.00	
Do	SUN COMPANY, INC	36.08	
MICHAEL J. STANTON, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	1,680.00	
MELVIN L. STARK, SUITE 321 1707 L ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	6,000.00	
WALTER M. STARKE, P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
LOIS STARKEY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	700.00	100.00
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
FRANK M. STASZESKY JR., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CHARLES D. STATTON, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
STAUFFER CHEMICAL CO, NYALA FARM ROAD WESTPORT CT 06881			7,850.00
SAMUEL E. STAVISKY & ASSOCIATES, INC, 1725 DESALES STREET, NW, #804 WASHINGTON DC 20036	BROADCAST MUSIC, INC	100.00	40.00
SAMUEL E. STAVISKY, 1725 DESALES STREET, NW, #804 WASHINGTON DC 20036	SAMUEL E. STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		25.00
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	2,600.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)	912.50	
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)	1,300.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
JOHN HOWARD STECKER, 2020 LIVE OAK DALLAS TX 75221	GREAT AMERICAN RESERVE INSURANCE CO	3,675.00	
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	113.15
Do	MCDONNELL DOUGLAS CORP	600.00	206.26
Do	NORTHROP CORP	400.00	188.89
HENRY J. STEENSTRA JR., 1000 WILSON BOULEVARD, #2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
WILLIAM STEINBERG, 217 MGC - AMERICAN UNIVERSITY S.C. NEBRASKA & MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016.	AMERICAN UNIVERSITY STUDENT CONFEDERATION		
JACK L. STEMPLER, 1725 JEFFERSON DAVIS HIGHWAY, #900 ARLINGTON VA 22202	LTV AEROSPACE DEFENSE CO	2,500.00	75.00
MARCY STEPHENS, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	1,718.18	19.00
STEPHENS OVERSEAS SERVICES, INC., 2121 K STREET, NW, #830 WASHINGTON DC 20037	NATIONAL OFFICE MACHINE DEALERS ASSN	122.73	.63
Do		164.06	182.85
WILLIAM T. STEPHENS, STEPHENS & KREBS 1800 OLD MEADOW ROAD, P.O. BOX 1096 MCLEAN VA 22101			
MICHAEL K. STEPHENSON, SUITE 703 1620 EYE ST., NW WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
STEPTOE & JOHNSON, CHTD, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		381.17
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		300.00
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		2,943.46
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO., ET AL.	2,500.00	50.00
Do	RULE OF LAW COMMITTE		
RICHARD W. STERNBERG, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	95.00	
MICHAEL E. STEWARD, 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT CO	5,024.00	616.75
EUGENE L. STEWART, 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC	600.00	6,187.14
ROBERT I. STEWART, 2001 THIRD AVENUE, SOUTH BIRMINGHAM AL 35233	TORCHMARK CORPORATION	5,000.00	3,000.00
WALTER J. STEWART, SUITE 700 1100 15TH ST., NW WASHINGTON DC 20005	SONAT, INC		
WARREN E. STICKLE, SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	282.47	22.00
LAVERNE STILL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	405.00	38.18
STEPHEN W. STILL, 1100 15TH STREET, NW, #700 WASHINGTON DC 20005	SONAT, INC		
DON STILLMAN, 1757 N STREET, NW WASHINGTON DC 20036	INT'L UNION, UNITED AUTO AEROSPACE & AGRIC IMPLEMENT WORKERS	1,441.94	39.50
EDWARD W. STIMPSON, SUITE 801 1400 K ST., NW WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	3,703.84	
BARBARA STINSON, 1901 N. FORT MEYER DRIVE, #302 ROSSLYN VA 22209	BEVERLY ENTERPRISES		
JOHN J. STOCKER, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	16,000.00	
STOCKHOLDERS OF AMERICA, INC., 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006		11,890.00	862.26
STEVEN F. STOCKMEYER, 1120 20TH STREET, NW SUITE 610, ONE LAFAYETTE CENTRE SOUTH WASHINGTON DC 20036	MANVILLE CORP	2,375.00	47.70
JACK MARK STOLIER, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
DENNIS C. STOLTE, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,562.49	19.25
JAY STONE, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,625.00	
Do	MELAMINE CHEMICALS, INC	2,000.00	1,600.00
MARTIN F. STONE, 1411 K STREET, NW, #850 WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION	2,750.02	116.95
STEPHEN STORCH, 1800 K STREET, NW, #1100 WASHINGTON DC 20006	NEW YORK STOCK EXCHANGE, INC		
RICHARD BOYLE STOREY, 455-B CARLISLE DR. HERNDON VA 22070	INTERNATIONAL MILITARY CLUB EXECUTIVES' ASSN		
STOVALL SPRADLIN ARMSTRONG & ISRAEL, 1819 H STREET, NW, #700 WASHINGTON DC 20006	COMMISSION ON FUTURE POLITICAL STATUS & TRANSITION	2,500.00	55.00
ALAN STOVER, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
WILLIAM M. STOVER, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	1,000.00	
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD		253.44
RAYMOND L. STRASSBURGER, 1875 EYE STREET, NW, #1110 WASHINGTON DC 20006	TIMES MIRROR CO		
TERRENCE D. STRAUB, 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	250.00	314.71
W. MELVIN STREET, SUITE 400 1627 K STREET, NW WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN		
JAMES R. STREETER, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	89.30	29.00
ROGER J. STROH, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
GEORGE W. STRONG, 2242 BARTLETT HOUSTON TX 77098	HOUSTON NATURAL GAS CORP		
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN RED CROSS RETIREMENT SYSTEM	250.00	
Do	AMERICAN TRUCKING ASSNS, INC	3,075.60	100.00
Do	CITY OF TUCSON	396.00	6.00
Do	DREYFUS CORPORATION	3,000.00	200.00
Do	DREYFUS DOLLAR FUND	7,500.00	500.00
Do	FIFTH AVENUE & 59TH CORP	1,346.40	132.40
Do	INGERSOLL & BLOCH		
Do	J. ARON & CO, INC	300.00	15.00
Do	PLAZA 400 OWNERS CORP	1,346.40	132.40
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION		
Do	WICKES COMPANIES, INC	7,400.00	250.00
GEORGE STRUMPF, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
WALTER B. STULTS, 1156 15TH STREET, NW, #1101 WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	4,000.00	
EUGENE F. STURGEON, 182 CRATER LANE KENSINGTON CT 06037	NORTHEAST UTILITIES SERVICE CO	1,996.02	1,044.54
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	BP NORTH AMERICA, INC		17.00
Do	GOLDMAN SACHS & CO		
Do	GRAND MET USA, INC		
Do	SECURITIES INDUSTRY ASSN		
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	MARION LABORATORIES, INC	37,837.50	32.75
AUSTIN P. SULLIVAN JR , P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
BONNIE A. SULLIVAN, 725 15TH STREET, NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN	27.00	
GAEL M. SULLIVAN, SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	640.00
HAROLD R. SULLIVAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JOHN H. SULLIVAN, 2924 COLUMBIA PIKE ARLINGTON VA 22204	DEVELOPMENT ASSOCIATES, INC (FOR: GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA).	90.75	14.60
JUDY M. SULLIVAN, 1120 20TH STREET, NW, #700 WASHINGTON DC 20036	NORTHWEST ENERGY		
MARGARET COX SULLIVAN, 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC		
MARY BETH SULLIVAN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	450.53
PATRICK J. SULLIVAN, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	8,670.05	1,367.11
RICHARD C. SULLIVAN JR., SUITE 409 110 MARYLAND AVE., N.E. WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	6,925.00	102.40
J. MITCHELL SUMMERS, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	1,287.00	350.65
JOHN B. SUMMERS, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	355.30
IRIS SUNSHINE, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES GARMENT WORKERS UNION	4,730.72	155.25
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	CAVALIER CLOTHING		
Do	DALE FASHIONS		
Do	DEROSSI & SON CO		
Do	EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA		4.50
Do	MAJOR CLOTHING CO		
Do	PATHFINDER FUND	342.00	23.75
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PIETRO BERETTA, S.P.A.		
Do	SOUTH JERSEY CLOTHING		
Do	UNITED NATIONS STAFF UNION		
Do	WESTINGHOUSE ELECTRIC CORP		
THOMAS M. SUSMAN, ROPES & GRAY 1001 22ND STREET, NW WASHINGTON DC 20037	ECONOMIC DEVELOPMENT & INDUSTRIAL CORP OF BOSTON		
Do	INTEL CORP AND DIGITAL EQUIPMENT CORP		
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN		335.73
Do	ANGLO-AMERICAN CLAYS CORP		335.73
Do	CAPITAL HOLDING CORP		89.00
Do	CONSUMER CREDIT INSURANCE ASSOCIATION	1,422.00	371.38
Do	CREDIT UNION NATL ASSN, INC	7,470.00	
Do	DIRECT MARKETING INSURANCE GROUP	138.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	ENGELHARD MINERALS & CHEMICALS CORP		335.73
Do	EQUIFAX, INC	5,229.37	228.35
Do	FIDELITY BANKERS LIFE INSURANCE CO		19.40
Do	FREEPORT KAOLIN		335.73
Do	J. M. HUBER CORP		335.73
Do	LINCOLN NATIONAL LIFE INSURANCE COMPANY		401.19
Do	LOYAL TRUST	3,000.00	20.00
Do	MULLITE CO OF AMER		335.73
Do	MUTUAL OF OMAHA INSURANCE CO		
Do	NATIONAL ASSN OF LIFE COS	1,500.00	
Do	NATIONAL HOME LIFE ASSURANCE COMPANY	1,886.00	78.35
Do	NORD RESOURCES CORP		335.73
Do	PROCESS GAS CONSUMERS GROUP	675.00	
Do	SANLANDO UTILITIES CORP		
Do	SECURITY-CONNECTICUT LIFE INSURANCE CO		19.40
Do	SENTRY LIFE INSURANCE CO		19.40
Do	STOCK INFORMATION GROUP	48,745.65	2,887.49
Do	THIELE KAOLIN CO		335.73
Do	WOODSTREAM CORPORATION	987.00	41.70
WILLIAM F. SUTHERLAND, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
W. THOMAS SUTTLE, SUITE 4 1755 WILLARD STREET, NW WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,376.00	650.00
WILLIAM W. SUTTLE, 1025 CONNECTICUT AVE., NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	477.00	9.70
IRVING W. SWANSON, 11212 FARMLAND DRIVE ROCKVILLE MD 20852	HARRIS CORPORATION	17,000.00	1,592.30
DAVID A. SWEENEY, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	17,278.29	
ROSEMARIE SWEENEY, SUITE 770 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN ACADEMY OF FAMILY PHYSICIANS	2,218.74	773.56
SWIDLER BERLIN & STRELOW, CHTD, 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	NATIONAL COUNCIL OF COMMUNITY HOSPITALS	2,640.00	
Do	NORTHEASTERN UNIVERSITY	600.00	62.00
TRICIA L. SWIFT, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	1,200.00	
RICHARD P. SWIGART, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL GROCERS ASSN		
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
DAVID A. SYKUTA, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST	333.00	1,068.11
CHRISTOPHER U. SYLVESTER, 1831 BRIAR RIDGE COURT MCLEAN VA 22101	GARRISON DIVERSION CONSERVANCY DISTRICT	6,000.00	433.17
MERRIBEL SYMINGTON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
SYRDAL DANELO KLEIN & MYRE, P.C., 24TH FLOOR FOURTH & BLANCHARD BLDG. SEATTLE WA 98121	WASHINGTON STATE CHARTERBOAT ASSN		
ROBERT TAFT JR., 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: GROCERY MANUFACTURERS OF AMERICA, INC.).		
Do	TAFT STETTINIUS & HOLLISTER (FOR: KINGS ENTERTAINMENT CO)	350.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PARSONS CORPORATION)	2,306.25	34.75
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PIPER, JAFFRAY & HOPWOOD)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: RCA GLOBAL COMMUNICATIONS, INC)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)	4,090.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).	7,000.00	60.99
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	400.00	8.14
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)	1,520.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)	287.50	
TAGGART & ASSOCIATES, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	MARION LABORATORIES, INC		
Do	TELEPHONE & DATA SYSTEMS, INC		
RUBY TAKANISHI, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN		
WALTER G. TALAREK, SUITE 405 1945 GALLOWS RD. VIENNA VA 22180	AMERICAN WOOD PRESERVERS INSTITUTE		
TALCOTT MCCABE & ASSOCIATES, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	3,050.00	
Do	NATIONAL ASSN OF HOMES FOR CHILDREN	2,500.00	
Do	SERVICEMASTER INDUSTRIES, INC	900.00	
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BRIDGESTONE TIRE CO., LTD		
Do	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
JULIE TANG, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	PEACE POLITICAL ACTION COMM	2,089.60	
SUSAN TANNENBAUM, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	5,028.78	319.10
TARGET, INC., 13924 BRADDOCK RD. P.O. BOX 881 CENTREVILLE VA 22020			
KEITH TARR-WHELAN, 3626 N. KENSINGTON ST. ARLINGTON VA 22207	SAVE OUR SECURITY	5,250.00	
JOHN F. TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
M. LOUISE TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	900.00	
GRACA DA SILVA TAVARES, 17 PERKINS STREET WEST NEWTON MA 02165			
CHARLES A. TAYLOR III, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	1,000.00	
DENNIS J. TAYLOR, SUITE 650 1090 VERMONT AVE., NW WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	U.S. SURGICAL CORPORATION	1,530.00	201.25
FRANK A. TAYLOR, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
MARGIE A. TAYLOR, P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PEGGY TAYLOR, 815 16TH ST., NW WASHINGTON DC 20006	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	15,019.03	524.00
R. WILLIAM TAYLOR, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOC OF ASSN EXECUTIVES	300.00	
WILLIAM S. TAYLOR, 239 W. NEW YORK AVENUE LAS VEGAS NV 89107			
ELAYNE L. TEMPEL, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	7.34	
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: BASCOM, INC.)		
Do	PAUL TENDLER ASSOCITES, INC (FOR: NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES)	1,500.00	150.00
Do	PAUL TENDLER ASSOCIATES, INC (FOR: NATIONAL INSTITUTE OF TENANTS)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SOUTHEASTERN EXPORTERS)		
TENNESSEE HOME MEDICAL PROVIDERS ASSOCIATION,INC., P.O. BOX 23130 KNOXVILLE TN 37933			
BETTY-GRACE TERPSTRA, 918 16TH ST., NW, #402 WASHINGTON DC 20006	AMERICAN FURNITURE MANUFACTURERS ASSN	750.00	480.63
JOSEPH L. S. TERRELL, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL	427.50	
TEST MARKETING GROUP, INC, 140 S. DEARBORN STREET, #910 CHICAGO IL 60603			
TEXTRON, INC., 40 WESTMINSTER ST. PROVIDENCE RI 02903			11,338.00
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN SAVINGS BANK, FSB		
Do	SALOMON BROTHERS, INC		185.00
Do	TOLLAND BANK		
MARY KAY THATCHER, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	3,750.00	101.90
KAREN E. THEIBERT, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON CALLIGARO & MUTRYN (FOR HUMANA, INC)	2,600.00	
Do	OKLAHOMA STATE NURSING HOME ASSN	4,060.00	
ALAN J. THIEMANN, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		400.00
THIRD CLASS MAIL ASSOCIATION, 1133 15TH ST., NW, #1037 WASHINGTON DC 20005		600.00	600.00
EDLU J. THOM, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY, INC		
DIANE KAY THOMAS, 6962 HANOVER PARKWAY, #301 GREENBELT MD 20770	AMERICAN ASSN OF MINORITY ENTERPRISE SMALL BUS. INVEST COS	5,780.00	
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON, DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES H. THOMAS, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	435.00
JAMES M. THOMAS JR., 100 INDIANA AVENUE, NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATL CAP LOCAL 689		
JOHN W. THOMAS, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	30.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES	60.00	
MESHALL THOMAS, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
PATRICIA THOMAS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	7,045.39	
RANDI PARKS THOMAS, 1101 17TH STREET, NW, #603 WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION, INC	779.12	
ROBERT L. THOMAS, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	45.00	
THOMAS E. THOMASON, 1620 EYE STREET, NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORP		
THOMPSON & MITCHELL, ONE MERCANTILE CENTER, #3400 ST. LOUIS MO 63101	AMERICAN INLAND WATERWAYS COMMITTEE	508.00	
Do	CONTACT LENS MANUFACTURERS ASSN		
Do	CROWN LIFE INSURANCE CO	9,000.00	1,916.21
Do	MIDLAND ENTERPRISES, INC		
Do	VALLEY LINE COMPANY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BOYD THOMPSON, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL CARE & REVIEW ASSN		
THOMPSON HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	ALLTEL CORPORATION	2,829.00	
JAMES P. THOMPSON JR., 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
LAW OFFICES OF FRED 1919 PENNSYLVANIA AVENUE, NW, #850 WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	3,934.00	
Do	WESTINGHOUSE ELECTRIC CORP	6,265.50	
NANCY THOMPSON, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
RICHARD L THOMPSON, 1700 K STREET, NW, #601 WASHINGTON DC 20006	SQUIBB CORPORATION	1,500.00	575.00
ROGER G. THOMPSON, 117 BELLEFONTE DRIVE ASHLAND KY 41101	KENTUCKY POWER CO	7,500.00	3,270.78
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC		
W. REID THOMPSON, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	19.71	
CHARLES THONE, 400 CORN HUSKER PLAZA LINCOLN NB 68508	ERICKSON & SEDERSTROM, P.C. (FOR: SAND LIVESTOCK SYSTEMS, INC)		1,292.25
JOHN A. THORNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN		
WILLIAM R. THORNHILL, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO	18.46	79.76
MARGO THORNING, 1850 K ST., NW, #520 WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	91.00	
WALTER L. THREADGILL, 1220 19TH STREET, NW WASHINGTON DC 20036	STORER COMMUNICATIONS, INC	250.00	
SAMUEL THURM, 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		
CYRUS C. TICHENOR III, 1101 VERMONT AVENUE, NW, #405 WASHINGTON DC 20005	A. H. ROBINS CO, INC	785.00	72.00
WALLACE TILLMAN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
MARTIN R. TILSON JR , PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO	336.48	988.89
PATTI A. TILSON, SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE, 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY	975.00	32.00
TIMMONS & CO, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING CO, INC	1,710.00	
Do	AMERICAN INLAND WATERWAYS COMMITTEE	902.50	
Do	AMERICAN PETROLEUM INST	190.00	
Do	ANHEUSER-BUSCH COMPANIES, INC	675.00	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	487.50	
Do	BOEING COMPANY	1,187.50	
Do	BROWN GROUP, INC	617.50	
Do	CHRYSLER CORPORATION	1,485.00	
Do	EASTERN AIR LINES, INC	1,090.13	
Do	G. D. SEARLE & CO	1,092.50	
Do	H. J. HEINZ CO	1,377.50	
Do	MAJOR LEAGUE BASEBALL	1,575.00	
Do	MIDDLE SOUTH SERVICES, INC	1,092.50	
Do	NATIONAL RIFLE ASSN OF AMER	712.50	
Do	NORTHROP CORP	3,040.00	
Do	STANDARD OIL CO (INDIANA)	997.50	
CONSTANCE D. TIPTON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
E. LINWOOD TIPTON, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		962.31
EBEN S. TISDALE, 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,650.00	252.20
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401			
TOBACCO ASSOCIATES, INC, SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036			3,761.46
JAMES R. TOBIN, MACK CENTRE DR. PARAMUS NJ 07652	BECTON, DICKINSON & CO	2,000.00	
WILLIAM J. TOBIN, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	50.00
DAVID G. TODD, P.O. BOX 6300 HUNTINGTON WV 25771	ASHLAND COAL, INC	2,000.00	
DAVID R. TOLL, SUITE 1100 1111 19TH STREET, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP		
WILLIAM R. TOLLEY JR., PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		351.85
SALLY AUSTEN TOM, SUITE 1120 1522 K STREET, NW WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES		
EDWARD TONAT, 6723 BRIGADOON DRIVE BETHESDA MD 20817	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	115.00
WILLIAM D. TOOHEY, 1899 L ST., NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSOCIATION OF AMERICA		
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202			
JOHN G. TOTH, 2408 WANDA WAY RESTON VA 22091	RESTON ADVISER COMMITTEE		
WANDA TOWNSEND, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	886.46	
JOHN P. TRACEY, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. TELEPHONE ASSN	1,000.00	
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	500.00
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BROWNING-FERRIS INDUSTRIES, INC.).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: BUDD COMPANY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).	1,280.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	640.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MOTOROLA, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MULTI HOUSING COUNCIL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MUTUAL INSURANCE COALITION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: MUTUAL OF OMAHA).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SANTA FE CORP).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SHAKLEE CORPORATION).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: WARNER COMMUNICATIONS, INC).		
TRANSPORTATION INSTITUTE, 923 15TH ST., NW WASHINGTON DC 20005			22,143.53
HUBERT TRAVAILLE, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	3,000.00	236.99
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		1,750.00	1,760.00
TRAVEL INDUSTRY ASSOCIATION OF AMERICA, 1899 L ST., NW WASHINGTON DC 20036			
ERNEST B. TREMMEL, INC., 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS & ROE, INC		
R. S. TRIBBE, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD CORP	175.00	
LAURENCE H. TRIBE, P.C., 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 02138	MOTION PICTURE ASSN OF AMERICA, INC		
SALLY A. TRIPLETT, 1725 DESALES STREET, NW, #804 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC INC. (BMI))		15.00
EUGENE M. TRISKO, 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC	6,075.00	457.00
MICHAEL G. TROOP, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS	1,105.00	15.50
ROBERT C. TROUP, BOX 893 NEW CANAAN CT 06840			
GEORGE G. TROUTMAN, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER, INC	150.00	
ALEXANDER B. TROWBRIDGE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,250.00	
THOMAS L. TRUEBLOOD, 401 NORTH MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO	1,000.00	679.10
MOTOYUKI TSUTSUI, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES U.S.A, INC		
ANH TU, SUITE 860 1029 VERMONT AVE., NW WASHINGTON DC 20005	PROJECT ADVISORY GROUP	317.30	
TUCKER & VAUGHT, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	FIRST NATIONAL BANK IN HARVEY		
Do	PETRO-LEWIS CORPORATION	1,000.00	
Do	REGIONAL TRANSPORTATION AUTHORITY		
Do	THE MANVILLE CORPORATION	2,100.00	
TUNA RESEARCH FOUNDATION, INC, 1101 17TH ST., NW WASHINGTON DC 20036		1,806.16	2,484.68
B. ELIZABETH TUNNEY, 124 SALEM CHURCH ROAD MECHANICSBURG PA 17055	RETAIL, WHOLESALE & DEPT STORE UNION (INT'L), ET AL	7,995.00	489.02

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NORMAN B. TURE, 1835 K STREET, NW, #405 WASHINGTON DC 20006			
FRANCES M. TURK, 1090 VERMONT AVENUE, NW, #600 WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		70.40
BRIAN TURNER, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	7,218.25	131.75
JANE L. TURNER, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
RICHARD F. TURNEY, 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
W. GLENN TUSSEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	7,224.99	62.60
ST. CLAIR J. TWEEDIE, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	20,000.00	279.94
PATRICK J. TYRRELL, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
U.S. CANE SUGAR REFINERS' ASSN, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036			
U.S. COMMITTEE FOR THE OCEANS, 100 MARYLAND AVE., NE WASHINGTON DC 20002			
U.S. DEFENSE COMMITTEE, 3238 WYNFORD DRIVE FAIRFAX VA 22031		10,195.34	10,195.34
U.S. LEAGUE OF SAVINGS INSTITUTIONS, 111 E. WACKER DR. CHICAGO IL 60601			179,139.31
U.S. RECREATIONAL SKI ASSOCIATION, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			
U.S.O.C.A. WASHINGTON D.C. LOBBY COMMITTEE, P.O. BOX 42404 WASHINGTON DC 20015		630.10	630.10
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	300.00	170.00
PHILIP J. UFHOLZ, 1025 CONNECTICUT AVENUE, NW, #1010 WASHINGTON DC 20036	METROPOLITAN INSURANCE COS	1,000.00	
LEWIS K. UHLER, SUITE 600 1523 L ST., NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	35.00
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION	1,575.00	
Do	INTERNATIONAL TITANIUM, INC	1,000.00	
Do	MERCK & CO., INC	7,500.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,500.00	
Do	WESTERN FOREST INDUSTRIES ASSOCIATION		
Do	COOPERATIVE OF AMERICAN PHYSICIANS, INC	10,000.00	
Do	PACIFIC LUMBER SALES CO	5,000.00	
Do	STEPTOE & JOHNSON	5,000.00	
ROBERT D. UMPHREY JR., 1150 17TH STREET, NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	100.00	
MANYA S. UNGAR, 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS	1,644.00	1,284.21
CHARLES K. UNGER, 1600 PRINCE STREET, #212 ALEXANDRIA VA 22314	NATIONAL ASSN OF STEVEDORES	3,000.00	90.00
UNIFI, INC., P.O. BOX 19109 GREENSBORO NC 27419			
UNION MUTUAL LIFE INSURANCE CO, 2211 CONGRESS ST. PORTLAND ME 04122			577.86
THOMAS C. UNIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
THOMAS C. UNIS, P.C., 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001			12,518.12
UNITED FRESH FRUIT & VEGETABLE ASSN, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314		3,025.00	1,238.39
UNITED GAS PIPE LINE CO, PO BOX 1478 HOUSTON TX 77001			1,160.61
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS, BOX 219 3400 W. 111TH STREET CHICAGO IL 60655			
UNITED SERVICES AUTOMOBILE ASSOCIATION, 9800 FREDERICKSBURG ROAD SAN ANTONIO TX 78288			
LLOYD N. UNSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		40.00
A. RUSSELL UPSHAW JR., 1030 15TH STREET, NW WASHINGTON DC 20005	EASTERN AIRLINES		225.00
MARIAN S. URNIKIS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,050.00	69.81
YOSHINORI USUI, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
UTILITY NUCLEAR WASTE MANAGEMENT GROUP, C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.		1,844.03	1,844.03
RONALD D. UTT, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	986.00	59.19
MARY UYEDA, 1200 17TH STREET, NW WASHINGTON DC 20036	AMERICAN PSYCHOLOGICAL ASSN	1,596.00	250.28
ANTHONY VALANZANO, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,120.00	250.00
JACK J. VALENTI, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	750.00	
R. THOMAS VAN ARSDALL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	543.38	
VAN COTT BAGLEY CORNWALL & MCCARTHY, 50 SOUTH MAIN STREET, #1600 SALT LAKE CITY UT 84110	AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS	500.00	
RICHARD VAN DEUREN, 111 E. WISCONSIN AVENUE, NW, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST	2,000.00	
JULIANE H. VAN EGMOND, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	121.52	179.50
LAURA VAN ETTEN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
VAN FLEET ASSOCIATES, INC, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	CADILLAC GAGE	11,250.00	
Do	FORD AEROSPACE & COMMUNICATIONS CORP	3,000.00	
Do	MARCONI ELECTRONICS	3,500.00	
H. B. VAN GIESON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
NICK L. VAN NELSON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
VAN NESS FELDMAN SUTCLIFFE CURTIS & LEVENBERG, P.C., 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	AD HOC COMM ON ALTERNATIVE ENERGY TAX CREDITS	3,600.00	
Do	ALLIED-GENERAL NUCLEAR SERVICES		
Do	AMERICAN ELECTRIC POWER CO, INC, ET AL	450.00	
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	825.00	
Do	AMERICAN PRESIDENT LINES		
Do	ARCTIC SLOPE REGIONAL CORP	1,137.50	
Do	BRAE CORPORATION	3,625.00	49.00
Do	CHELAN #1, DOUGLAS #1 & GRANT #2	75.00	
Do	COLUMBIA GAS SYSTEM SERVICE CORP	3,060.00	29.00
Do	FLORIDA AGRICULTURE COALITION, INC		
Do	HAWAIIAN ELECTRIC COMPANY, INC	525.00	
Do	JACOBS ENGINEERING GROUP, INC		
Do	MCDONNELL DOUGLAS ASTRONAUTICS CORP		
Do	NATOMAS CO	195.00	
Do	PEABODY HOLDING CO, INC	690.00	
Do	REPUBLIC GEOTHERMAL, INC	495.00	
Do	REPUBLIC OF KENYA		
Do	REPUBLIC OF PALAU		
Do	JOSEPH SEAGRAM & SONS, INC		
Do	STANDARD OIL CO OF CALIFORNIA		
Do	STATE OF ALASKA	195.00	
Do	TEXAS AIR CORP	405.00	
Do	UNION CARBIDE CORP		
Do	CONSUMERS UNITED FOR RAIL EQUITY (C.U.R.E.)		
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	1,400.00	314.00
ROBERT CLARKE VARAH, 1330 BURLINGTON STREET EAST/BOX 460 HAMILTON ONTARIO L8N 3J5 CANADA	DOFASCO, INC	160.00	564.00
JAY N. VARON, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
JENNIFER VASILOFF, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,300.04	390.41
DONALD R. VAUGHAN, P.O. BOX 1288 ASHEBORO NC 27204	STEDMAN CORP		
ROBYN E. VAUGHAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	250.04	21.55
LISA A. VEHMAS, 1920 N STREET, NW, #300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JERRY T. VERKLER, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	6,250.00	302.07
VERNER LIIPFERT BERNHARD & MCPHERSON, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	BROWN & ROOT, INC	5,125.00	
Do	INTERNATIONAL ANTICOUNTERFEITING COALITION	3,950.00	
Do	JOHN D. & CATHERINE T. MACARTHUR FOUNDATION	18,650.00	
Do	JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	9,691.25	
Do	LABOR-INDUSTRY COALITION FOR INTL TRADE	645.00	
Do	ORION SATELLITE CORP	1,450.00	
FRANK VERRASTRO, 1155 15TH STREET, NW, #600 WASHINGTON DC 20005	PENNZOIL COMPANY	937.50	
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	COMMUNICATING FOR AGRICULTURE, INC	4,999.99	260.32
Do	NATIONAL ASSN OF CROP INUSRANCE AGENTS	16,441.66	
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	LEBOEUF LAMB LEIBY & MACRAE (FOR: BRITISH INSURANCE ASSN AND LLOYD'S OF LONDON).		18.00
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	BANKRUPTCY COURTS BILL COALITION		
Do	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN		
Do	NATIONAL ASSN OF CREDIT MANAGEMENT		
R. ERIC VIGE, SUITE 300 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	1,015.00	368.11
MICHAEL F. VIGIL JR., 900 THIRD AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
HOWARD A. VINE, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	600.00	
RALPH VINOVICH, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	23,000.00	406.00
WALTER D. VINYARD JR., ZUCKERT, SCOUTT, RASENBERGER & JOHNSON 888 17TH ST., NW, 7TH FL. WASHINGTON DC 20006.	CONTINENTAL INSURANCE COMPANIES	10,000.00	
Do	HARTFORD INSURANCE GROUP	10,000.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS, P.O.BOX 867 RICHMOND VA 23207		38.73	38.73
ANDREW VITALI JR , 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	6,000.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GEORGE A. VIVERETTE JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NICK J. VOLCHEFF, 2509 E. SAN MIGUEL PHOENIX AZ 85016	AT&T		
VOLKSWAGEN OF AMERICA, INC, 490 L'ENFANT PLAZA, SW, #3210 WASHINGTON DC 20024			630.00
DOUGLAS K. VOLLMER, 801 18TH ST., NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	9,644.76	
VOLPE BOSKEY & LYONS, SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS		
INGRID A. VOORHEES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
VORYS SATER SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	MOWSAFE PRODUCTS, INC		
Do	OHIO OIL & GAS ASSN	8,755.00	1,090.80
Do	SOUTHERN HOTEL DEVELOPMENT CO	8,625.73	
Do	YANKEE RESOURCES, INC	669.85	21.60
W.A.W. WAR AGAINST WOMEN, 1224 FREMONT ROSEBURG, OR 97470			
FRANCES PATRICIA WADE, 2000 L STREET, NW, #702 WASHINGTON DC 20036	FREDERICK M. BUSH & ASSOCIATES		
CATHERINE WAELDER, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ROBERT J. WAGER, 3RD FLOOR 1111 14TH ST., NW WASHINGTON DC 20005	AMERICAN BAKERS ASSN	1,337.49	6.00
KERRI WAGNER, 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	750.00	
HOWARD W. WAHL, P.O. BOX 1000 ANN ARBOR MI 48106	BECHTEL POWER CORPORATION		
CHRISTINE M. WAISANEN, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
HERBERT R. WAITE, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	7,250.00	7,703.74
JOHN A. WAITS, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	FARM CREDIT COUNCIL	568.18	
WALD HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
Do	EMPACADORA DEL NORTE, S.A		70.00
Do	HARTFORD STEAM BOILER INSPECTION & INSURANCE CO		
Do	JAPAN IRON & STEEL EXPORTERS' ASSN		
Do	MATSUSHITA ELECTRIC INDUSTRIAL CO, LTD		
ANGELA S. WALDORF, N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST		
ROBERT E. WALDRON, ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATL TOWER, PO BOX 10070 LANSING MI 48901.	AMERICAN PETROLEUM INST	805.00	771.60
CHARLS E. WALKER ASSOCIATES, INC, 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AGRICO CHEMICAL COMPANY, ET AL	15,000.00	
Do	ALUMINUM COMPANY OF AMERICA	1,250.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO	1,250.00	
Do	ANHEUSER-BUSCH COMPANIES, INC	6,000.00	
Do	BECHTEL CIVIL & MINERALS, INC	937.50	
Do	BETHLEHEM STEEL CORP	750.00	
Do	BHC, INC	6,000.00	
Do	CBS, INC	6,250.00	
Do	CHEVRON U.S.A., INC	12,500.00	
Do	CHRIS-CRAFT INDUSTRIES, INC		
Do	COPIAT	1,500.00	
Do	DEALER BANK ASSN	2,083.00	
Do	DIMENSION FINANCIAL CORPORATION, INC	600.00	
Do	DREFUS CORPORATION		
Do	DRESSER INDUSTRIES, INC	937.50	
Do	FEDERAL NATIONAL MORTGAGE ASSN	625.00	
Do	FORD MOTOR CO		
Do	GOODYEAR TIRE & RUBBER CO	625.00	
Do	GTE CORPORATION	1,875.00	
Do	IBM	937.50	
Do	LONE STAR STEEL CO	1,875.00	
Do	NATIONAL PAYMENT SYSTEMS COALITION	6,102.00	
Do	NETHERLANDS ANTILLES	10,000.00	
Do	NORTHVILLE INDUSTRIES CORP	6,000.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	6,250.00	
Do	OWENS-ILLINOIS	1,250.00	
Do	PROCTER & GAMBLE MANUFACTURING CO	937.50	
Do	SCOTT PAPER CO	1,500.00	
Do	SONGWRITERS GUILD	6,000.00	
Do	U.S. FIDELITY & GUARANTY CO	5,000.00	
Do	UNION CARBIDE CORP	937.50	
Do	WEYERHAEUSER CO	1,250.00	
R. DUFFY WALL & ASSOCIATES, INC, 1317 F STREET, NW, #400 WASHINGTON DC 20004	BALCOR/AMERICAN EXPRESS, INC	1,000.00	300.00
Do	A. F. CAMPBELL & CO, INC	450.00	200.00
Do	DEAN WITTER REALTY, INC		
Do	FREEPORT MCMORAN, INC	1,000.00	550.00
Do	JMB REALTY CORP	1,000.00	300.00
Do	JAMES D. LAROSA	450.00	200.00
Do	LIFE OF VIRGINIA, ET AL	1,500.00	550.00
Do	MONARCH RESOURCES, INC	500.00	200.00
Do	MORGAN GUARANTY TRUST CO	500.00	200.00
Do	SCHULMAN MANAGEMENT COMPANY		
Do	TAYLOR & MIZELL	450.00	200.00
Do	UNITED SERVICES LIFE COS		
Do	VOLUME FOOTWEAR RETAILERS OF AMERICA	1,000.00	550.00
Do	WINE & SPIRITS WHOLESALERS OF AMERICA, INC	1,000.00	550.00
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSN	1,075.00	475.00
DON WALLACE ASSOCIATES, INC., 232 E. CAPITOL ST. WASHINGTON DC 20003	ALABAMA FARM BUREAU FEDERATION	6,000.00	2,305.45
Do	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC	6,000.00	2,397.85
Do	ARROW TRANSPORTATION CO		
Do	COTTON WAREHOUSE ASSOCIATION OF AMERICA	11,000.00	2,339.50
Do	SERVICE CORPORATION INTERNATIONAL	6,000.00	191.05
DONALD L. WALLACE JR., 232 E. CAPITOL ST. WASHINGTON DC 20003	MERCHANTS GRAIN & TRANSPORTATION, INC		
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC		
Do	OREGON INLET COMMISSION		
RAYMOND C. WALLACE, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
THEODORE WALLER, 2501 M STREET, NW WASHINGTON DC 20037	SCHULMAN MANAGEMENT CO	1,000.00	
R. DOUGLAS WALLIN JR., 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC CO		167.90
JAMES P. WALSH, DAVIS WRIGHT TODD RIESE & JONES 1752 N ST., NW, #800 WASHINGTON DC 20036	AMERICAN TUNABOAT ASSN	5,000.00	
MAVIS A. WALTERS, 900 17TH STREET, NW, #1010 WASHINGTON DC 20006	INSURANCE SERVICES OFFICE		
HENRY L. WALTHER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	3,000.00	
WILLIAM C. WAMPLER, 412 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN MEAT INSTITUTE		
Do	AMERICAN PEANUT PRODUCT MANUFACTURERS, INC	9,000.00	
HERBERT C. WAMSLEY, 1800 M STREET, NW, #1030N WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC	16,250.00	
BONNIE B. WAN, 1201 PENNSYLVANIA AVENUE, #730 WASHINGTON DC 20004	KIMBERLY-CLARK CORP		
JOHN F. WANAMAKER, 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	2,217.00	
ALAN S. WARD, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSN)		
RICHARD D. WARDEN, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	17,891.24	589.63
JACK WARE, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST	7,995.00	316.00
MICHAEL O. WARE, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,200.00	
WILLIAM L. WARFIELD, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN		
PETER F. WARKER, SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,250.00	
WARNER AMEX CABLE COMMUNICATIONS, 75 ROCKEFELLER PLAZA NEW YORK NY 10019			5,568.19
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC. (FOR: SNECMA)	347.80	333.24
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)	526.40	360.84
WILLIAM H. WARNER, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORP	50.00	24.14
CHRISTINE M. WARNKE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC	400.00	269.55
B. JACK WARREN, P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSN	221.00	133.50
BARBARA J. WASHBURN, 1201 PENNSYLVANIA AVENUE, NW, #370 WASHINGTON DC 20004	CONTROL DATA CORPORATION	1,047.75	175.95
WASHINGTON INDUSTRIAL TEAM, INC., 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	BOEING COMPANY	900.00	747.18
Do	HUGHES AIRCRAFT COMPANY	1,500.00	1,245.28

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	ROCKWELL INTL		
Do	UNITED TECHNOLOGIES CORPORATION		
CLARKE R. WATSON, 769 DETROIT DENVER CO 80206	WESTLAND COMPANIES, INC.		
KENNETH W. WATSON, 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
STEPHEN L. WATSON, 1343 SOUTHVIEW DRIVE INDIANAPOLIS IN 46227	INDIANA RAILROAD ASSN	375.00	517.00
CAROLYN HERR WATTS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
DOUGLAS R. WATTS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,200.00	
GEORGE B. WATTS, 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	1,000.00	
BRUCE H. WATZMAN, 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL COAL ASSN	5,440.00	716.76
WILLIAM J. WAY, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,520.18
RAYMOND J. WEATHERLY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
WILLIAM H. WEATHERSPOON, NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST	1,500.00	1,747.07
A. VERNON WEAVER, 2121 K STREET, NW, #830 WASHINGTON DC 20037	STEPHENS OVERSEAS SERVICES, INC	164.06	
HORACE S. WEBB, P.O. BOX 351 CEDAR RAPIDS IA 52406	IOWA ELECTRIC LIGHT AND POWER COMPANY		
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN		
FREDERICK L. WEBBER, 1101 16TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	5,500.00	70.32
WEBSTER & SHEFFIELD, 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	ADAMS COUNTY, COLORADO		
WEBSTER CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	AMERICAN PARATRANSIT INSTITUTE	7,200.00	
Do	BEER INDUSTRY ALLIANCE		
Do	MILLER BREWING COMPANY	1,300.00	86.00
Do	NATIONAL GUARD ASSN OF THE U.S.		
LEE J. WEDDIG, SUITE 580 2000 M ST., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	4,000.00	30.00
CHARLES W. WEGNER JR., 600 PENNSYLVANIA AVENUE, SE, #203 WASHINGTON DC 20003	PROFESSIONAL INSURANCE AGENTS	500.00	15,100.00
JACK R. WEHRLY, SUITE 790 SOUTH 1800 M ST., NW WASHINGTON DC 20036	DOW CORNING CORPORATION		978.13
STEVEN A. WEIN, 1090 VERMONT AVENUE, NW, #1100 WASHINGTON DC 20005	TEXTRON, INC	600.00	150.00
NANCY WEINBERG, 1434 NEW YORK AVENUE, NW, #743 WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	81.22
DONALD G. WEINERT, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
ARTHUR E. WEISBERG, 2200 FIRST BANK PLACE EAST MINNEAPOLIS MN 55402	DORSEY & WHITNEY		
JOEL A. WEISS, 1655 N. FT. MYER DRIVE, #700 ROSSLYN VA 22209	ACUREX CORPORATION	3,975.00	532.00
MICHAEL A. WEISS, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		75.00
MORTON N. WEISS, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	NATIONAL SECURITY TRADERS ASSN, INC	4,375.00	276.00
DON WELCH, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO		
WELLFORD WEGMAN KRULWICH GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN IRON & STEEL INSTITUTE	7,500.00	
Do	CANADIAN EMBASSY	600.00	
Do	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA	8,640.00	
Do	GRANTS & CONTRACTS PROJECTS, UNITED WAY OF AMERICA		
Do	JOHNS-MANVILLE	8,700.00	
Do	MITEX	750.00	
Do	PETRO-LEWIS CORPORATION		
L. H. WELLS, SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
FRED WERTHEIMER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	15,285.00	160.00
WEST TEXAS LAND & ROYALTY OWNERS ASSN., 4302 AIRPORT BLVD. AUSTIN TX 78722			
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	DELTA AIR LINES, INC	273.00	199.45
HARRY H. WESTBAY III, SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006	ST. REGIS CORP	1,600.00	1,000.00
WESTERN FUELS ASSOCIATION, INC, 700 JEFFERSON BUILDING 1225 19TH ST., NW WASHINGTON DC 20036			14,467.37
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC	9,000.00	4,373.41
JOHN F. WETZEL JR., 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	296.90	121.60
WILLIAM WEWER, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	NATIONAL COMM TO PRESERVE SOCIAL SECURITY	2,850.00	
WEXLER REYNOLDS HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	AETNA LIFE & CASUALTY		
Do	ALLIED CORPORATION		
Do	AMERICAN IRON & STEEL INSTITUTE	5,800.00	1,461.29
Do	AMERICAN LOW POWER TELEVISION ASSN		
Do	ATLANTIC RICHFIELD CO		
Do	COMMITTEE FOR PRUDENT DEREGULATION		20.00
Do	CONSORTIUM OF PUBLIC TV STATIONS	8,333.00	141.00
Do	DYCO PETROLEUM CO	6,312.50	86.30
Do	FOOTHILLS PIPE LINES (YUKON) LTD	3,837.50	205.50
Do	HOECHST-ROUSSEL PHARMACEUTICALS, INC	12,125.00	138.20
Do	HUSKY OIL	5,667.50	525.34
Do	INEXCO OIL CO	6,312.50	86.30
Do	MANVILLE CORPORATION	2,750.00	13.25
Do	MOTION PICTURE ASSN OF AMERICA, INC	1,375.00	144.04
Do	NATIONAL CABLE TELEVISION ASSN, INC	480.00	56.21
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION	1,660.00	165.00
Do	NEW ENGLAND ELECTRIC SYSTEM	1,470.00	41.90
Do	NEW YORK POWER AUTHORITY	2,910.00	954.95
Do	SECURITY INVESTMENT CO	630.00	114.45
Do	WARNER COMMUNICATIONS, INC		168.00
ROBERT G. WEYMUELLER, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	3,350.00	3,843.00
BRIAN B. WHALEN JR , 401 N. MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO	1,250.00	944.06
CURTIS E. WHALEN, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY COMPANY	4,500.00	2,829.84
LEONARD P. WHEAT, 1101 17TH STREET, NW, #1002 WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
CHARLES W. WHEELER, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,500.00	165.61
EDWIN M. WHEELER, 1815 H STREET, NW, #100 WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS		1,744.53
THOMAS E. WHEELER, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,375.00	
JUNE M. WHELAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	1,250.00	
DIANE WHITE, 499 S. CAPITOL STREET, #114 WASHINGTON DC 20003	CONCERNED WOMEN FOR AMERICA	3,600.00	
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	150.00
WHITE & CASE 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ALLEGHANY CORPORATION	2,500.00	
WHITE FINE & VERVILLE, SUITE 1100 1156 15TH ST., NW WASHINGTON DC 20005	AMERICAN EDUCATORS OF ARKANSAS, INC, ET AL	25,000.00	
Do	CENTRAL HUDSON GAS & ELECTRIC CORP	1,410.00	71.89
Do	CLAVEY-WARD'S FERRY PROJECT	5,542.50	
GEORGE E. WHITE JR., P.O. BOX 61000 NEW ORLEANS LA 70161	MIDDLE SOUTH SERVICES, INC	971.21	860.55
JOHN S. WHITE, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
JOHN THOMAS WHITE II , SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
SAM WHITE, 412 FIRST STREET, SE WASHINGTON DC 20003	INDEPENDENT CATTLEMEN'S ASSN	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	6,000.00	
Do	SAM KANE PACKING		
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
RICHARD M. WHITING, 730 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	875.00	
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		28.33
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WILLIAM F. WHITSITT, 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN CO, INC	2,800.00	795.74
DENNIS J. WHITTLESEY, WHITTLESEY & O'BRIEN, P.C. 21 DUPONT CIRCLE, #801 WASHINGTON DC 20036	AMERICAN GLOBAL LINES, INC		
Do	COW CREEK OF UMPQUA TRIBE OF INDIANS		
Do	COWLITZ INDIAN TRIBE		
WILLIAM E. WICKERT JR., 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION		
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
ANN R. WIESENECK, 900 17TH STREET, NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	57.00	
W. SCOTT WILBER, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,975.00	121.37
THOMAS D. WILCOX, P.C., 2011 EYE STREET, NW, #705 WASHINGTON DC 20006	NATIONAL ASSN OF STEVEDORES	6,600.00	685.00
HARRY G. WILES II , 499 S. CAPITOL STREET, SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS		150.00
WILEY JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC		
Do	CLEAR CHANNEL BROADCASTING SERVICE		
GUENTHER O. WILHELM, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
CARL B. WILKERSON, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JERRY C. WILKERSON, 1025 CONNECTICUT AVE., NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN	434.00	132.00
WILKINSON BARKER KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	BONNEVILLE INTERNATIONAL CORP		205.35
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES		
Do	MANVILLE CORPORATION	85,574.25	3,083.06
Do	MOUNTAIN STATES TELEPHONE CO	11,591.31	136.24
Do	NANA REGIONAL CORP, INC		
Do	NORTHWESTERN BELL TELEPHONE CO	11,591.31	136.24

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PACIFIC NORTHWEST BELL TELEPHONE CO	11,591.31	136.24
Do	J.C. PENNEY CO, INC		
Do	SHEE ATIKA, INC		
Do	U.S. WEST, INC	18,378.63	259.03
PAUL R. WILLGING, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	1,125.00	58.59
RALPH E. WILLHAM, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	10,773.00	
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	GADSDEN TIMES, INC	2,000.00	46.83
Do	PUBLIC WELFARE FOUNDATION, INC	8,000.00	187.33
Do	SPARTANBURG HERALD & JOURNAL, INC	4,000.00	93.67
Do	TUSCALOOSA NEWS, INC	2,000.00	46.84
F. LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
JAMES H. WILLIAMS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	4,254.00	
KAREN WILLIAMS, 1750 K STREET, NW WASHINGTON DC 20006	HEALTH INSURANCE ASSN OF AMERICA		
LAWRENCE F. WILLIAMS, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	9,016.00	35.18
LEONARD B. WILLIAMS, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	100.00	
LUCINDA L. WILLIAMS, 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	5,500.00	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
W.G. WILLIAMS, 1100 17TH STREET, NW, #1000 WASHINGTON DC 20036		35.00	35.00
DAVID K. WILLIS, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
CHARLOTTE M. WILMER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	125.00	
WILMER CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	AMERICAN SOC OF COMPOSERS AUTHORS & PUBLISHERS	1,054.34	55.58
Do	APACHE CORPORATION	602.50	
Do	BOEING CO	5,308.75	22.50
Do	BUSINESS ROUNDTABLE		
Do	CBS, INC	2,685.25	13.19
Do	DEALER BANK ASSN		
Do	FORD MOTOR CO		
Do	G-4 CHILDREN'S COALITION	1,267.13	74.25
Do	HANDGUN CONTROL, INC		74.18
Do	MORGAN GUARANTY TRUST CO		
Do	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	OWENS-ILLINOIS		
Do	PEOPLE OF ENEWETAK	975.12	
Do	UNITED AIRLINES		20.50
CHARLES D. WILSON, 1850 K ST., NW, #390 WASHINGTON DC 20006	UNION CAMP CORP	643.84	104.75
DENA L. WILSON, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	4,400.00	179.75
DON T. WILSON, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC	200.00	25.00
DONNIE E. WILSON, 7374 ELDORADO STREET MCLEAN VA 22102	HUSKY OIL COMPANY		
DOROTHY WILSON, 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
ROBERT C. WILSON, RM 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	RMI, INC	380.00	
Do	SOUTHWEST MARINE, INC	120.00	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ROBERT GARY WILSON, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	PPG INDUSTRIES, INC	30.45	8.58
RONALD J. WILSON, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	250.00	
ROSEMARY L. WILSON, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BLDG. ST. PAUL MN 55102	AMERICAN PETROLEUM INST		
WILLIAM A. WILSON III, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	750.00	
JUDY WINCHESTER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	4,000.00	286.71
WINDELS MARX DAVIES & IVES, 1701 PENNSYLVANIA AVENUE, NW, #940 WASHINGTON DC 20006	SOLITRON DEVICES, INC		
JOSEPH B. WINKELMANN, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	452.12
KATHLEEN J. WINN, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20006	PENNZOIL CO	475.00	30.00
MARIE WINSLOW, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN OF MUSEUMS		
Do	BEATRICE FOODS CO		
Do	BUILDING OWNERS & MANAGERS ASSN INTL	195.00	14.95
Do	CUMMINS ENGINE CO, INC		
Do	FFV		
Do	GIC FINANCIAL SERVICES CORP		
Do	GOULD, INC		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	1,170.00	8.40
Do	LEASE MANAGEMENT CORP		
Do	NATIONAL AUDUBON SOCIETY		
Do	TERSON COMPANY, INC		
DAVID A. WINSTON, 1922 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF LIFE UNDERWRITERS	437.50	67.50
JAMES L. WINSTON, 1730 M STREET, NW, #708 WASHINGTON DC 20036	NATIONAL ASSN OF BLACK OWNED BROADCASTERS		
MARK E. WINTER, 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	3,223.00	
JAMES W. WISE, DAVID VIENNA & ASSOCIATES 510 C STREET, NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN		
RONALD S. WISHART JR., 1100 15TH STREET, NW, #1200 WASHINGTON DC 20005	UNION CARBIDE CORP		
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ALLIANCE FOR TELEPHONE PROGRESS).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: AMERICAN EXPRESS CORP).	2,400.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN FLAGSHIPS)	200.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).	550.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ANEUTRONIX, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: CANADIAN ASBESTOS INFORMATION CENTRE).	500.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: JOINT MARITIME CONGRESS).	1,400.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).	850.00	
Do	GRAY AND COMPANY (FOR: MUTUAL OF OMAHA)		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL BROADCASTING CO, INC).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NATIONAL MULTI HOUSING COUNCIL).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: NIU, INC)		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALEN DRY CARGO, INC).	1,050.00	
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: SALOMON BROTHERS, INC).		
RICHARD F. WITHERALL, 1365 LOGAN, SUITE 204 DENVER CO 80203	COLORADO RAILROAD ASSN		
CLAUDIA A. WITHERS, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
WITKOWSKI WEINER MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	7,274.10	117.45
Do	FOREMOST INSURANCE CO	3,969.00	10.29
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSN	1,995.00	300.90
GLENN P. WITTE, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
ERNEST WITTENBERG ASSOCIATES, INC, 1616 H ST., NW WASHINGTON DC 20006	ALTMAN FOUNDATION		
HERMAN C. WITTHAUS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	2,735.04
S.R. WOJDAK AND ASSOCIATES, INC, 8 PENN CENTER PLAZA, #1000 PHILADELPHIA PA 19103	BASIX CONTROLS SYSTEMS CORP		
Do	MEDICAL COLLEGE OF PENNSYLVANIA	1,600.00	1,590.94
Do	READING COMPANY	4,200.00	1,189.43
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	6,000.00	1,715.93
CLINTON WOLCOTT, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
JAMES E. WOLF, 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	2,500.00	
JAMES WOLF, 1925 K ST., NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
SIDNEY M. WOLFE, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP	5.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
THOMAS F. WOLFE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	35.00	
DON WOMACK, SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC.	2,575.00	106.43
CHARLES A. WOOD, 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	432.00	692.33
HUGH A. WOOD, 515 S. FLOWER STREET LOS ANGELES CA 92678	ETSI PIPELINE PROJECT		
JOHN L. WOOD, 2121 SAN JACINTO ST. P.O. BOX 660164 DALLAS TX 75266	CENTRAL AND SOUTH WEST CORP		
W. ALAN WOODFORD, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
RICHARD P. WOODS, 2501 M ST., N.W. SUITE 540 WASHINGTON DC 20037	PACIFIC RESOURCES, INC.		
PERRY W. WOOFTER, SUITE 530 1800 K ST. NW WASHINGTON DC 20006	TESORO PETROLEUM CORP	2,500.00	
HOWARD E. WOOLLEY, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	204.38
LINDA ANZALONE WOOLLEY, 1600 M ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	2,296.00	112.50
NOEL C. WOOSLEY, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
GEORGE M. WORDEN, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
DEE WORKMAN, 405 LEXINGTON AVE. NEW YORK NY 10017	MOBIL OIL CORP	18,750.00	1,600.00
ROSS WORKMAN, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY COMPANY	8,333.00	1,502.53
WORLDWIDE INFORMATION RESOURCES, LTD, 1717 K STREET, NW, #706 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	STATE OF MONTANA		
Do	TOYOTA MOTOR SALES U.S.A., INC.		
W. ROBERT WORLEY, 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC.	132.00	921.90
STEVEN M. WORTH, 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
Do	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF KOREA).		
JOSEPH T. WRABEK, BOX 548 CASCADE LOCKS OR 97014	COLUMBIA GORGE UNITED		
SAMUEL H. WRIGHT, 11333 MCCORMICK ROAD HUNT VALLEY MD 21031	PHH GROUP, INC	2,000.00	837.01
RICHARD E. WYCKOFF, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS		
THOMAS L. WYLIE, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC.	9,000.00	183.30
WYMAN BAUTZER ROTHMAN KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AMERICAN BOILER MANUFACTURERS ASSN, INC.		
Do	BRISTOL BAY NATIVE CORP.		
Do	EKLUTNA, INC.		
Do	FILMWAYS, INC.		
MARC D. YACKER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	360.00	
DAVID V. YADEN, 1730 M STREET, NW, #904 WASHINGTON DC 20036	NERCO, INC.	500.00	39.12
MILAN P. YAGER, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN.	1,150.00	803.28
T. ALBERT YAMADA, SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC.	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
NANCY FOSTER YANISH, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
ANDREA J. YANK, 1785 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL TRUST FOR HISTORIC PRESERVATION	1,173.20	41.00
EDWARD R. YAWN, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	731.81	415.61
KIM YELTON, 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	6,410.46	203.84
JACK YELVERTON, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
D. SCOTT YOHE, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	390.00	152.30
ANDREW YOOD, 1220 L STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INST.	200.00	
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	
HUGH F. YOUNG JR , 1500 RHODE ISLAND AVE., NW WASHINGTON DC 20005	NATIONAL PAINT & COATINGS ASSN, INC.		
THANE YOUNG, 777 14TH STREET, N.W. WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	61.93
BETSY YOUNKINS, 1220 L STREET, NW, #1200 WASHINGTON DC 20005	AMERICAN PETROLEUM INST	6,000.00	300.95
EUGENE A. YOURCH, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	300.00	390.00
RALPH ZAAYENGA, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC.	1,419.60	92.70
LYNN ZAKUPOWSKY, 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	1,100.00	
STEVEN S. ZALEZNICK, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	598.08	
JOHN S. ZAPP, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,900.00	40.21
ELAINE ZARAFONETIS, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
DONALD ZARIN, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20036	FLOATING POINT SYSTEMS, INC.		
JANICE ZARRO, SUITE 715-16 1660 L ST., NW WASHINGTON DC 20036	AVON PRODUCTS, INC.	323.20	40.00
L. ANDREW ZAUSNER, 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL CO.	1,000.00	1.75
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY BROOKLYN NY 11209	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO		
Do	NEW YORK TELEPHONE		
Do	TRANSPORTATION INSTITUTE		
DENIS R. ZEGAR, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
DON J. ZELLER, SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,850.00	324.86
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		3,083.00	3,285.00
RONALD L. ZIEGLER, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS, INC		
MICHAEL J. ZIMMER, WICKWIRE, GAVIN & GIBBS 1819 L STREET, NW, #700 WASHINGTON DC 20036	CONSOLIDATED NATURAL GAS CO	110.00	
ZUCKERT SCOUTT RASENBERGER & JOHNSON, 888 17TH ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	8,000.00	1,896.00
Do	DREYFUS CORPORATION	17,276.92	2,199.03
Do	HARCOURT BRACE JOVANOVICH		
Do	RECON/OPTICAL, INC	8,372.50	481.65
CHARLES O. ZUVER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	5,000.00	
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857			
31ST PRO LIFE CONGRESSIONAL DISTRICT ACTION COMM, 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			
32ND CONGRESSIONAL DISTRICT ACTION COMMITTEE/NY, 129 BELMONT AVE. BUFFALO NY 14223			.95
34TH CONGRESSIONAL DISTRICT ACTION COMM (NY), RD 2 ALLEGANY NY 14706			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1984 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $....."Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A & S TRANSPORTATION COMPANY, 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032			4,847.44
LEANNE J. ABDNOR, SUITE 1250 1899 L STREET, NW WASHINGTON DC 20036	VENNERS AND CO., LTD. (FOR: KOCH INDUSTRIES)		
GEORGIA ABRAHAM, 2033 M STREET, NW, #905 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	350.00
KENNETH R. ADAMS, 1850 K STREET, NW, #210 WASHINGTON DC 20006	CABOT CORPORATION	150.00	25.00
HOBSON H. ADCOCK, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC		
ADDISON, KETCHEY & HORAN P.A., FOUNDERS LIFE BUILDING 100 TWIGGS STREET, #300 TAMPA FL 33602	PHH GROUP, INC		22.09
ADVOCATES TO SAVE LEGAL SERVICES, INC., 1625 K STREET, N.W. 8TH FLOOR WASHINGTON DC 20006			
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
AIR CONDITIONING & REFRIGERATION INSTITUTE, 1501 WILSON BLVD. ARLINGTON VA 22209		21,000.00	13,000.00
AIR TRANSPORT ASSN OF AMERICA, 1709 NEW YORK AVE., NW WASHINGTON DC 20006		36,952.00	36,952.00
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	EASTERN AIR LINES, INC		
Do	TEXAS INDUSTRIES, INC		
ALLIANCE FOR CANNABIS THERAPEUTICS, P.O. BOX 23691 L'ENFANT PLAZA STATION WASHINGTON DC 20024			
ROBERT ALVAREZ, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	291.41	
AMERICAN ADVERTISING FEDERATION, SUITE 1000 1400 K ST., NW WASHINGTON DC 20005			
AMERICAN ASSN FOR RESPIRATORY THERAPY, 1720 REGAL ROW DALLAS TX 75235		1,531.22	19,468.01
AMERICAN ASSN OF BLOOD BANKS, SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF UNIVERSITY WOMEN, 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			25.11
AMERICAN CANCER SOCIETY, 777 THIRD AVE. NEW YORK NY 10017			24,200.00
AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS, 415 SECOND ST., NE WASHINGTON DC 20002		13,703.85	13,703.85
AMERICAN DENTAL ASSN, 211 E. CHICAGO AVE. CHICAGO IL 60611		15,469.86	15,469.86
AMERICAN DRUZE PUBLIC AFFAIRS COMMITTEE, P.O. BOX 7739 WASHINGTON DC 20044		2,875.00	6,009.56
AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20036			81,193.91
AMERICAN FINANCIAL SERVICES ASSN, 1101 14TH ST., NW WASHINGTON DC 20005			7,000.00
AMERICAN GAS ASSN, 1515 WILSON BOULEVARD ARLINGTON VA 22209		45,011.00	44,011.00
AMERICAN HEALTH PLANNING ASSN, 1110 VERMONT AVENUE, NW, #950 WASHINGTON DC 20005		270,507.00	6,507.60
AMERICAN HERITAGE CENTER, 13924 BRADDOCK ROAD P.O. BOX 881 CENTREVILLE VA 22020		4,500.00	4,500.00
AMERICAN MEDICAL PEER REVIEW ASSN, SUITE 510 440 FIRST ST., NW WASHINGTON DC 20001			
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		4,279.78	30,450.14
AMERICAN REFUGEES IN AMERICA, 397 WALNUT HILL RD. ORANGE MA 01364			
AMERICAN RIVERS CONSERVATION COUNCIL, 323 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		35,119.00	1,075.00
AMERICAN SOCIETY FOR MEDICAL TECHNOLOGY, 1725 DESALES ST., NW, #403 WASHINGTON DC 20036		4,228.00	4,411.61
AMERICAN SPACE FOUNDATION, SUITE 420 214 MASSACHUSETTS AVE., NE WASHINGTON DC 20002		116,012.87	114,632.17
AMERICAN TEXTILE MACHINERY ASSN, 7297 N. LEE HWY. FALLS CHURCH VA 22042			
AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC, SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		43,775.67	43,775.67
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
NANCY AMIDEI, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
MORRIS J. AMITAY, P.C., SUITE 712 444 N. CAPITOL ST., NW WASHINGTON DC 20001	ELBE PRODUCTS, INC		
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSN	300.00	330.67
GWEN A. ANDERSON, SUITE 704 1200 18TH STREET, NW WASHINGTON DC 20036	SMALL BUSINESS ON-PREMISE SIGN FOUNDATION		
L. J. ANDOLSEK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	698.00	17.00
FLORIAN J. ANFANG, 815 16TH ST., NW WASHINGTON DC 20036	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
AMY APPERSON, 810 18TH STREET, NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	3,647.00	
ARENT FOX KINTNER PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION		
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO	460.00	
Do	CITY OF MIAMI	708.75	6.00
Do	CITY OF NEW YORK	324.00	
Do	LONE STAR INDUSTRIES, INC		
Do	SECURITIES INDUSTRY ASSN	2,649.00	718.56
ASIAN PACIFIC ECONOMIC EDUCATIONAL CULTURAL ORGANIZATION, P.O. BOX 891 MANILA, PHILIPPINE			
ASSOCIATED EMPLOYERS, INC, SUITE 315 A 1222 N. MAIN SAN ANTONIO TX 78212			
ASSOCIATION OF GOVERNMENT ACCOUNTANTS, SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			
CLAUDIA MANSFIELD AUSTIN, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		36.14
AVON PRODUCTS, INC, 9 WEST 57TH ST. NEW YORK NY 10019			
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	1,875.00	268.97
WILLIAM DOUGLAS BADGER, 12695 CASTILE CT. WOODBRIDGE VA 22192	CHRISTIAN ACTION COUNCIL, INC	7,029.48	19,180.42
BAENEN TIMME DE REITZES & MIDDLETON, 1049 30TH STREET, NW WASHINGTON DC 20007	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES		
Do	NANA REGIONAL CORP, INC		
Do	SHEE ATIKA, INC		
BEVERLY J. BAILEY, 1101 17TH STREET, NW, #1002 WASHINGTON DC 20036	AMERICAN DENTAL ASSN		
PAUL C. BAILEY JR., 1545 18TH STREET, NW WASHINGTON DC 20036	SOUTHERN COMPANY SERVICES, INC	247.50	551.87
H. R. BALIKOV, 333 THORNALL ST. EDISON NJ 08818	J. M. HUBER CORP		
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	5,000.00	1,104.38
MICHAEL P. BALZANO JR., 444 NORTH CAPITOL ST., NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	2,422.80	
PATTY BANKSON, SUITE 408 1725 K STREET, NW WASHINGTON DC 20006	NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSNS	1,218.48	
DELMAR K. BANNER, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL	530.00	
ROBERT D. BANNISTER, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	19,182.71	71.38
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
BARAFF KOERNER OLENDER & HOCHBERG, P.C., SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	COLLEGE FOOTBALL ASSOCIATION	30.00	
Do	NATIONAL BASKETBALL ASSN	2,170.00	
Do	NORTH AMERICAN SOCCER LEAGUE	30.00	
BARBARA BARCHARD, 810 18TH STREET, NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	4,160.00	
JAMES C. BARR, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC		
RICHARD L. BARR, P.O. BOX 834 DES MOINES IA 50304	IOWA RAILWAY ASSN		
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2555 M STREET, NW, #100 WASHINGTON DC 20037	ALLIED TUBE & CONDUIT CORP	6,789.67	1,606.35
Do	ENERGY CONSUMERS & PRODUCERS ASSN	3,000.00	605.33
Do	NATIONAL MEDICAL ENTERPRISES, INC	6,000.00	1,339.28
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, 1201 PENNSYLVANIA AVENUE, NW, #821 WASHINGTON DC 20004	COFFEE, SUGAR & COCOA EXCHANGE, INC	2,500.00	2,034.79
Do	SINGAPORE AIRLINES, LTD		
T. MICHAEL BARRY, 2626 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	3,500.00	618.18
ROGER V. BARTH, 2555 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN FOR CLINICAL CHEMISTRY		
RICHARD A. BARTON, 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MARKETING ASSN	1,400.00	
JOHN L. BAUER JR., 1747 PENNSYLVANIA AVENUE, NW, #702 WASHINGTON DC 20006	ARMCO	300.00	220.00
BARRY H. BAUMAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	59.84
MICHAEL K. BEARD, 100 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL COALITION TO BAN HANDGUNS		
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH STREET, NW WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
CAROL M. BEIM, LUMBER EXCHANGE BUILDING 10 S. 5TH ST., #920 MINNEAPOLIS MN 55401	NATIONAL AUDUBON SOCIETY		
JAMES BEIZER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DONALD K. BELCH, ROYAL TRUST TOWER TORONTO DOMINION CENTER TORONTO ONTARIO CANADA M5K 1J4	STELCO, INC	806.40	976.62
HOWARD H. BELL, 1400 K ST., NW, #1000 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
BENCHMARK TECHNOLOGIES CORP, 1995 TREMAINSVILLE RD. TOLEDO OH 43613			
CATHERINE BENNETT, SUITE 730 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	650.00	868.94
JANE W. BERGWIN, 1050 17TH STREET, NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	200.00	
DAVID BERICK, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,129.00	
ELLEN BERMAN, SUITE 320 2000 L ST., NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
MARY E. BERNHARD, 1090 VERMONT AVENUE, NW, #500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
ROBERT BETZ, 1101 14TH STREET, NW, #1100 WASHINGTON DC 20005	ROBERT BETZ ASSOCIATES, INC (FOR: ALABAMA HOSPITAL ASSOCIATION)	5,250.00	90.55
JOAN T. BIER, 1726 M STREET, NW, #701 WASHINGTON DC 20036	INTERNATIONAL MINERALS & CHEMICAL CORP		
VITINA BIONDO, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING	215.77	
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	TEAMSTERS LOCAL 959		
BISHOP LIBERMAN COOK PURCELL & REYNOLDS, 1200 17TH STREET, NW, 7TH FL. WASHINGTON DC 20036	AMERICAN RICE, INC	17,513.33	
Do	BOARD OF TRADE OF KANSAS CITY, MO., INC	8,154.16	
Do	IOWA BEEF PROCESSORS, INC	5,000.00	
Do	PESTICIDE PRODUCERS ASSN	4,675.00	
Do	PIONEER CORP	4,762.50	
Do	PLANTERS PEANUTS	4,285.00	
Do	WESTERN PEANUT GROWERS' ASSN	14,569.05	
BLACK MANAFORT & STONE, INC, 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	MOSBACHER PRODUCTION CO		
BRENT BLACKWELDER, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,023.31	
NEAL B. BLAIR, P.O. BOX 881 13924 BRADDOCK RD. CENTERVILLE VA 22020	FREE THE EAGLE & AMERICAN HERITAGE CENTER	20,000.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES		
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 2000 PENNSYLVANIA AVE., NW, #6100 WASHINGTON DC 20006.	A & S TRANSPORTATION COMPANY	4,537.50	26.34

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GULF OIL CORP	840.00	73.35
Do	ST. JOE MINERALS CORPORATION	1,115.00	111.69
Do	STANDARD OIL CO OF CALIFORNIA		40.16
ROBERT A. BLUM, THREE EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO CA 94111	MCCUTCHEN, DOYLE, BROWN & ENERSEN (FOR: PERMANENTE MEDICAL GROUP, INC.).		489.16
WAYNE F. BOAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,300.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84111	WESTERN REGIONAL COUNCIL	651.00	1,019.22
BRIAN T. BORDERS, ROYER & SHACKNAI 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BABCOCK & BROWN	6,420.00	636.77
JOHN E. BOUCHARD, 1667 K STREET, NW, #350 WASHINGTON DC 20036	MOLLER STEAMSHIP COMPANY, INC		
WAYNE A. BOUTWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	326.67	
JAMES J. BOWE, 4 WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC	1,100.00	1,804.59
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	D. MOODY & CO, INC	25.00	
Do	NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC	7,550.00	294.60
THURMAN L. BOYKIN, SUITE 702 1911 N. FT. MYER DR. ARLINGTON VA 22209	AGRISTORE SYSTEMS COMPANY		
Do	ARKANSAS 2000, INC		
THERESA M. BRADY, 444 N. CAPITOL STREET, NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	1,538.40	
NOEL BRAZIL, 600 MARYLAND AVENUE, SW, #400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
EDWARD T. BREATHITT, 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NORFOLK SOUTHERN CORPORATION	1,000.00	
DAVID R. BRINK, 1800 M STREET, NW, #675 N. WASHINGTON DC 20036	DORSEY & WHITNEY		110.00
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	133.00
ELLEN BROADMAN, SUITE 520 2001 S ST., NW WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC		
DANIEL T. BROSS, P.O. BOX 1478 HOUSTON TX 77001	UNITED GAS PIPE LINE CO		
CHARLES T. BROWN, P.O. BOX 100 MIAMI AZ 85539	PINTO VALLEY COPPER CORP		
DONALD K. BROWN, 1121 L ST., #810 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION		
JAMES F. BROWN, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	195.00	
JOHN J. BROWN, 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	636.00
MARGUERITE BRACY BROWN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,983.56	33.25
SHIRLE L. BROWN, P.O. BOX 663, GPO NEW YORK NY 10016	SLB ENTERPRISES		
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION		
WALTER W. BRUDNO, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	12,499.98	
Do	TEXASGULF, INC	12,499.98	
MARGARET H. BRYANT, 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	752.00	62.00
DAVID A. BUNN, SUITE 406 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSN, INC	4,000.00	
Do	PARCEL SHIPPERS ASSN	3,000.00	
CHRISTINE CAPITO BURCH, 1625 L STREET, N.W. WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	9,443.70	414.27
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
BURCH WILHELM & MCDONALD, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP	954.50	
DAVID G. BURDEN, 200 E. RANDOLPH DR. CHICAGO IL 60601	STANDARD OIL (INDIANA)		
SALLY J. BURKE, BARNETT & ALAGIA 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN ASSN OF CROP INSURERS		
Do	LEAF TOBACCO EXPORTERS ASSN		
FRANCIS X. BURKHARDT, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
DAVID G. BURNEY, 2040 HARBOR ISLAND DR., #208 SAN DIEGO CA 92101	U.S. TUNA FOUNDATION	6,000.00	3,000.00
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	EKLUTNA, INC		
BUSBY REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	AUTOMOBILE IMPORTERS OF AMERICA, INC	3,200.00	45.00
Do	UNIVERSAL LEAF TOBACCO CO., INC		
FREDERICK M. BUSH & ASSOCIATES, 2000 L STREET, NW, #702 WASHINGTON DC 20036			
NICHOLAS J. BUSH, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	4,687.50	4,661.31
BUSINESS PRODUCTS COUNCIL ASSN, P.O. BOX 8855, FH STATION DURHAM NC 27707			
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CITY OF HOUSTON/DEPT. OF AVIATION		
Do	NEW MEXICO PUBLIC SERVICE COMMISSION/ENERGY & MINERALS DEPT	170.00	
Do	PENINSULA AIRWAYS, INC		
Do	PEOPLE EXPRESS AIRLINES, INC		
Do	SEATTLE & NORTH COAST RAILROAD CO		
EDWARD S. CABOT, 1285 AVENUE OF THE AMERICAS NEW YORK NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S	270.00	280.00
CADWALADER WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS		
Do	KWAJALEIN ATOLL CORP		
Do	MOCATTA METALS CORP		
Do	PHILADELPHIA STOCK EXCHANGE		
DONALD L. CALVIN, 11 WALL ST. NEW YORK NY 10005	NEW YORK STOCK EXCHANGE, INC		
CAMPAIGN FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT, SUITE 901 2025 EYE STREET, NW WASHINGTON DC 20006		2,500.00	2,200.00
WILLIAM F. CANIS, 1850 K STREET, NW, #925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	1,000.00	568.78
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INST		
CAPITAL ADVOCATES, 1127 11TH STREET, #950 SACRAMENTO CA 95814	CROWLEY MARITIME CORP	12,600.00	4,868.76
Do	DISTILLED SPIRITS COUNCIL OF THE US, INC		
PETER CARLSON, 317 PENNSYLVANIA AVE. SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	652.40	404.00
CHAPIN CARPENTER JR., 1211 CONNECTICUT AVENUE, NW, #406 WASHINGTON DC 20036	MAGAZINE PUBLISHERS ASSN, INC	1,500.00	
LAWRENCE W. CARROLL, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
JOHN R. CARTER, 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
GORDON CAVANAUGH, 509 C ST., NE WASHINGTON DC 20002	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	12,666.66	288.74
RED CAVANEY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
NICHOLAS G. CAVAROCCHI, 6TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
WILLIAM J. CHANDLER, SUITE 1100 1511 K ST., NW WASHINGTON DC 20005	CHELONIA INSTITUTE		
Do	LAURANCE S. ROCKEFELLER		
Do	WEST INDIES INVESTMENT COMPANY		
JOHN M. CHAPMAN, 1000 WILSON BOULEVARD ARLINGTON VA 22209	BENDIX AEROSPACE SECTOR		
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC		
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	ASHLAND OIL, INC		
Do	CROWN CENTRAL PETROLEUM CORP		
Do	INTERNATIONAL PROCESSORS		
Do	SEAVIEW PETROLEUM CO		
Do	SECURITIES GROUP		
GILBERT CLARK, SUITE 600 1117 N. 19TH ST. ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES W. CLARK JR , 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
ROBERT A. CLARK, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	NATIONAL TOUR ASSOCIATION, INC		
COALITION FOR FULL NUCLEAR ACCOUNTABILITY, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
COFFEE SUGAR & COCOA EXCHANGE, INC, 4 WORLD TRADE CENTER, 8TH FL. NEW YORK NY 10048			5,847.10
COHEN & URETZ, 1775 K STREET, NW, #400 WASHINGTON DC 20006	DONREY, INC	1,140.00	279.30
Do	ESTATE OF SYLVIA S. BURING		37.14
Do	WHEELS, INC	5,750.00	14.50
KEN W. COLE, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION		
COLLIER SHANNON RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	CROP INSURANCE RESEARCH BUREAU		
Do	NATIONAL BROILER COUNCIL		
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
STEPHEN J. COLLINS, SUITE 1000 1620 EYE ST., NW WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING, SUITE 401 1725 K ST., NW WASHINGTON DC 20005			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS, 2762 N. CLAYBOURN AVENUE CHICAGO IL 60614			
COMMITTEE FOR PRIVATE EDUCATION, 1025 MICHIGAN AVENUE, NE WASHINGTON DC 20036			
COMMUNITY NUTRITION INSTITUTE, SUITE 530 2001 S ST., NW WASHINGTON DC 20009			
COMPETITIVE ENTERPRISE INSTITUTE, 2039 NEW HAMPSHIRE AVENUE, NW, #206 WASHINGTON DC 20009			
BERT M. CONCKLIN, 1500 PLANNING RESEARCH DRIVE MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		696.47
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,590.40
CONGRESSIONAL DIST ACTION COMM, DIST 7, C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607			
CHARLES E. CONLON, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	67.73
ROBERT J. CONNER JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	991.34
JOHN J. CONNOLLY, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT AND ASSOCIATES, INC	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BILL HECHT AND ASSOCIATES, INC (FOR: GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA).		
CONSERVATIVES AGAINST LIBERAL LEGISLATION, 108-A ALEXANDRIA VA 22314			
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			13,425.00
CONSORTIUM OF SOCIAL SCIENCE ASSNS., SUITE 520 1200 17TH ST., NW WASHINGTON DC 20036		74,100.00	1,570.46
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO		
EDWARD COONEY, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		1,417.00
C. WILLIAM COOPER, 603 BROAD ST. SEWICKLEY PA 15143	UNITED DISTRIBUTION COMPANIES	2,250.00	350.00
MARK N. COOPER, 802 LANARK WAY SILVER SPRING MD 20901	CONSUMER ENERGY COUNCIL OF AMERICA	2,091.00	
Do	CONSUMER FEDERATION OF AMERICA	100.00	
CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C., SUITE 510 1575 EYE STREET, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP	31,460.00	153.04
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
LAW OFFICES, JAMES C CORMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	FIRST NATIONAL BANK OF BOSTON	722.00	
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC	550.00	1,372.32
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTL LTD		
COSMETIC TOILETRY & FRAGRANCE ASSN, INC, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	238.00	30.46
COUNCIL OF ENERGY RESOURCE TRIBES, 5660 S. SYRACUSE CIRCLE PLAZA NORTH, #206 ENGLEWOOD CO 80111			
ERIC COX, 1015 18TH ST., NW WASHINGTON DC 20036	CAMPAIGN FOR U.N. REFORM-POLITICAL EDUCATION COMMITTEE	394.23	
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	STANDARD OIL CO OF CALIFORNIA		40.16
CRAIGHILL & FENTRESS, 7TH FLOOR 1575 I ST., NW WASHINGTON DC 20005	CONSEJO ESTATAL DE DESAROLLO		
Do	GOVERNOR ROBERTO DE LA MADRID		
CREDIT UNION NATL ASSN, INC, SUITE 810 1730 RHODE ISLAND AVE. WASHINGTON DC 20036		300.00	1,830.69
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			
MARTIN J. CURRY, 52 HILMA STREET N. QUINCY MA 02171	THORNTON AND EARLY	12,000.00	
MARY BETH CURRY, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING	258.46	20.80
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	FIRE ISLAND ASSOCIATES, INC	3,660.00	290.50
CURTIS THAXTER LIPEZ STEVENS BRODER & MICOLEAU, 1 CANAL PLAZA P.O. BOX 7326 PORTLAND ME 04112	AMERICAN EXPRESS CO		
JAY B. CUTLER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	5,412.00	779.00
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	OREGON RAILROAD ASSN		
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106			
DALEY AND GEORGE, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	EXECUTIVE AFFILIATES		
DANIELS HOULIHAN & PALMETER, P.C., 1331 PENNSYLVANIA AVE. NW, #515 WASHINGTON DC 20004	AMERICAN ASSN OF EXPORTERS & IMPORTERS		
Do	KOREAN TRADERS ASSOCIATION		
Do	TRADE, INDUSTRY & CUSTOMS DEPT., GOV'T. OF HONG KONG		
DAN DANNER, 1747 PENNYSLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	400.00	270.00
COLLEEN A. DARLING, 1730 RHODE ISLAND AVENUE, NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	4,800.00	97.25
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	ALLNET COMMUNICATION SERVICES, INC	12,892.50	1,240.26
Do	COMMITTEE FOR CELLULAR FAIRNESS	23,253.75	2,237.02
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,813.00	248.57
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GENERAL LIFE INSURANCE CO	2,537.00	82.47
Do	AMERICAN HORSE COUNCIL	437.50	81.55
Do	APACHE CORPORATION		
Do	CHICAGO BOARD OF TRADE	3,906.00	1,307.10
Do	FLORIDA POWER & LIGHT CO	1,680.00	
Do	FLORIDA SUGAR CANE LEAGUE, INC		
Do	NATIONAL CATTLEMEN'S ASSN	2,240.00	
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS	175.00	
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO	350.00	
CURTIS DEANE, 1424 16TH STREET, NW, #700 WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM (FAIR)	315.00	110.68
JOHN J. DEGNAN, SHANLEY & FISHER, P.C. 550 BROAD STREET NEWARK NJ 07102	SHARP ELECTRONICS CORP		247.58
MARY ELISE DEGONIA, 600 MARYLAND AVENUE, SW WEST WING, SUITE 300 WASHINGTON DC 20024	70001 LTD	500.00	20.00
GENE A. DEL POLITO, 1133 15TH STREET, NW, #1037 WASHINGTON DC 20005	THIRD CLASS MAIL ASSN	200.00	
LAW OFFICES OF PAUL DELANEY, JR., 1120 20TH STREET, NW WASHINGTON DC 20036	CONTINENTAL GRAIN CO	1,392.24	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC		
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,087.00	
ELIZABETH C. DEMATO, 5210 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	143.15
DEMINEX U.S. OIL COMPANY, SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201			247.58
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BENEFICIAL CORPORATION		
Do	GENERAL ELECTRIC PENSION TRUST		
Do	PHIBRO-SALOMON, INC		
Do	TEACHERS INSURANCE AND ANNUITY ASSN OF AMERICA		
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	669.20	609.17
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC		
GEORGE DILLARD, 5128 SAUER, SUITE A HOUSTON TX 77004	KALEIDOSCOPE RESEARCH & MARKETING GROUP		
TIMOTHY V. A. DILLON, 1331 PENNSYLVANIA AVE., NW, #905 WASHINGTON DC 20004	SACRAMENTO MUNICIPAL UTILITY DISTRICT	3,600.00	159.95
Do	WESTLANDS WATER DISTRICT	3,000.00	56.68
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
ROBIN C. DOLE, SUITE 350 1825 EYE ST., NW WASHINGTON DC 20006	CENTURY 21 REAL ESTATE CORP		
ROLAND DOLLY, 1899 L STREET, NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	287.00	28.00
DOMESTIC PETROLEUM COUNCIL TRADE ASSOCIATION, 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036			
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALGOMA STEEL CORP, LTD, ET AL	5,369.00	444.41
Do	LAKE ONTARIO CEMENT LIMITED		
Do	TOBACCO MARKETING BOARD OF ZIMBABWE		
JOHN C. DOYLE JR , 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
ANTHONY V. DRESDEN, 444 N. CAPITOL STREET, NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	878.80	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	271.97
LOUISE C. DUNLAP, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	31.45	
HENRY I. DWORSHAK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DENNIS J. EARHART, 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	643.25	
A. BLAKEMAN EARLY, 330 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	SIERRA CLUB	6,519.25	
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
LUCINDA E. EBERSOLE, 1347 MARYLAND AVENUE, NE WASHINGTON DC 20002	CITIZENS FOR A NUCLEAR FREEZE		
WILLIAM ECHOLS, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC		
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	1,984.72
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,450.00	53.40
ELY RITTS BRICKFIELD & BETTS, SUITE 915 WATERGATE 600 BLDG. WASHINGTON DC 20037	OCEAN MINING ASSOCS		
STEPHEN ENDEAN, 750 7TH ST., SE WASHINGTON DC 20003	GAY RIGHTS NATIONAL LOBBY, INC	1,377.28	
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY		
J. BARRY EPPERSON, P.O. BOX 42464 HOUSTON TX 77242	ASSOCIATED WIRE ROPE FABRICATORS	500.00	3,000.00
EPSTEIN BECKER BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		
PAUL A. EQUALE, 600 PENNSYLVANIA AVE., SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	10,903.90	
JOHN M. ERSKINE JR , 1122 COLORADO, SUITE 208 AUSTIN TX 78701	STANDARD OIL CO (INDIANA)		
ESTATE OF MABEL R. LADD, R.R. 1 BUNKER HILL IN 46914			
O. KEISTER EVANS, P.O. BOX 1308 ALEXANDRIA VA 22313	INTERNATIONAL HARDWOOD PRODUCTS ASSN		
MICHAEL FADEN, SUITE 1101 1346 CONNECTICUT AVE., NW WASHINGTON DC 20006	UNION OF CONCERNED SCIENTISTS	7,350.00	
FARM CREDIT COUNCIL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		6,764.54	1,228.72
FREDERICK FEDELI, 1400 K ST., NW WASHINGTON DC 20006	AMERICAN PSYCHIATRIC ASSN	1,800.00	1,096.02
FEDERAL EXPRESS CORP, BOX 727 MEMPHIS TN 38194			46,490.97
FEDERAL JUDGES ASSOCIATION, 1355 MARKET STREET, #155 SAN FRANCISCO CA 94103		15,075.00	15,091.57
JANICE A. FENBERG, SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL CO	90.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DENISE G. FERGUSON, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
WILLIAM FERGUSON, 2555 M STREET, NW, #100 WASHINGTON DC 20037	IRVINE COMPANY	458.33	164.12
JOHN L. FESTA, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
MANUEL D. FIERRO, 1555 WILSON BOULEVARD, #600 ROSSLYN VA 22209	FOND DU LAC RESERVATION	1,200.00	555.00
Do	GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION	900.00	190.00
THEODORA FINE, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	2,502.00	1,132.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	AMERICAN PRESIDENT LINES		
Do	DIRECT BROADCAST SATELLITE CORP		
Do	GENSTAR CONTAINER CORP		
Do	TDI WINSTON NETWORK, INC		
Do	TRANSIT ADVERTISING ASSN, INC		
JILL FINSEN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	215.79
JOHN FISHER, 1140 OKLAHOMA ROAD COOK WA 98605	COLUMBIA GORGE UNITED		
CHARLES L. FISHMAN, P.C., 1717 K STREET, NW, #502 WASHINGTON DC 20036	CAROLINA POWER & LIGHT CO	1,000.00	
Do	CONSOLIDATED EDISON CO OF NEW YORK	1,000.00	
Do	DUKE POWER CO	1,000.00	
Do	NEW ENGLAND ELECTRIC SYSTEM	1,000.00	
Do	STONE & WEBSTER ENGINEERING CORP	7,500.00	
Do	VIRGINIA ELECTRIC & POWER CO	1,000.00	
Do	WESTINGHOUSE ELECTRIC CORP	19,100.00	1,254.15
DAVID M. FITZGERALD, 900 17TH STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER/GOODYEAR AEROSPACE	1,100.00	
Do	LITTON DATA SYSTEMS	1,200.00	25.00
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
REV. MSGR. JAMES H. 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	438.00	316.00
ALAN M. FITZWATER, 176 E. FIFTH STREET ST. PAUL MN 55101	BURLINGTON NORTHERN RAILROAD	20,000.00	1,500.00
DANIEL V. FLANAGAN JR., 1730 RHODE ISLAND AVENUE, NW, #206 WASHINGTON DC 20036	VEPCO		
FELIPE M. FLORESCA, 67 WALL STREET, #1802 NEW YORK NY 10005			
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,715.14	
JOHN J. FLYNN, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	157.00
FOOD & ALLIED SERVICE TRADES DEPT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		14,865.66	14,865.66
FOOD RESEARCH & ACTION CENTER, 1319 F STREET, NW WASHINGTON DC 20004		10,000.00	13,429.00
FORESIGHT SCIENCE & TECHNOLOGY, INC, SUITE 305 2000 P ST., NW WASHINGTON DC 20036	SOCIETY FOR AMERICAN ARCHAEOLOGY	5,160.00	1,558.49
NANCY E. FOSTER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	900.00	
DONALD FRAHER, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	7,173.00	200.00
GEORGE FRANKLIN, 235 PORTER ST. BATTLE CREEK MI 49016	KELLOGG COMPANY	3,000.00	325.00
GREGORY W. FRAZIER, P.O. BOX 427 ENGLEWOOD CO 80151	INTERNATIONAL ENERGY BROKERS, INC.		
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, P.O. BOX 881 CENTERVILLE VA 22020		673,729.60	420,328.50
LINDA J. FREEMAN, SUITE 1006 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	TURNER BROADCASTING SYSTEM, INC	4,600.00	1,805.63
ROBERT F. FROEHLKE, 1285 AVENUE OF THE AMERICAS NEW YORK NY 10019	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	600.00	615.00
ALBERT E. FRY, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE		
FUTURES INDUSTRY ASSN, INC, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006			
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		772.80	757.53
KIMBERLY A. GAMBLE, 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	U.S. COMMITTEE FOR UNICEF	5,829.60	
MICHAEL N. GARABEDIAN, 14TH FLOOR 228 E. 45TH STREET NEW YORK NY 10017	SIERRA CLUB	1,050.00	2,848.60
NICHOLAS P. GARNETT, SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
GARVEY SCHUBERT ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	COMINCO AMERICAN, INC	5,422.50	
Do	ENERGY RESOURCES OF AUSTRALIA AND COUNSELORS FOR MANAGEMENT		
Do	GTE SERVICE CORP	2,000.00	
Do	JAPAN FISHERIES ASSOCIATION	3,365.00	
Do	NORANDA MINING INC	865.00	
Do	NORTHWEST MARINE IRON WORKS		
Do	PACCAR, INC	3,797.50	
Do	PACIFIC RIM TRADE ASSN		
Do	TOTEM OCEAN TRAILER EXPRESS, INC	4,427.50	
Do	WASHINGTON CITIZENS FOR WORLD TRADE	810.00	
GARY-WILLIAMS OIL PRODUCERS, FOUR INVERNESS COURT EAST ENGLEWOOD CO 80112			
JOHN GAUTHIER, 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	88.18
GAY RIGHTS NATIONAL LOBBY, INC, 750 7TH ST., SE WASHINGTON DC 20003		56,783.69	60,463.34
RUTHANN GEIB, 1156 15TH STREET, NW, #1020 WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
GENERAL INSTRUMENT CORPORATION, 767 5TH AVE. NEW YORK NY 10153		600.00	279.20
GEORGIA ASSN OF PETROLEUM RETAILERS, INC, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083			
GERARD BYLER & ASSOCIATES, INC, 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY	622.00	
Do	COLVILLE BUSINESS COUNCIL	1,022.00	
Do	COMMISSIONED OFFICERS ASSN OF THE U.S. PUBLIC HEALTH SERVICE	250.00	
Do	MINNESOTA CHIPPEWA TRIBE	1,246.00	
Do	PAPAGO TRIBE OF ARIZONA		
Do	SANTA CLARA PUEBLO		
Do	TULALIP TRIBES	751.00	
ALVIN J. GESKE, SUITE 1109 1801 K ST., NW WASHINGTON DC 20006	NATIONAL CATTLEMEN'S ASSN	450.00	
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
DAVID TROY SAXTON GETTY, P.O. BOX 7000-A TEXARKANA TX 75501			
WILLIAM C. GIBB, 1750 K STREET, NW, #1200 WASHINGTON DC 20006			
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
JONAH GITLITZ, SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MARKETING ASSOCIATION		
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	3,619.00	147.28
JOHN P. GLEASON, 11490 COMMERCE PARK DR. RESTON VA 22041	BRICK INSTITUTE OF AMERICA		
ELMER G. GLESKE, 300 METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	FLIGHT SAFETY INTL INC		
JERE W. GLOVER, 1725 K STREET, NW, #308 WASHINGTON DC 20006	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
GODFREY ASSOC, INC, SUITE S-501 918 16TH ST., NW WASHINGTON DC 20006			
HORACE D. GODFREY, 918 16TH ST., NW, SUITE S-501 WASHINGTON DC 20006	GODFREY ASSOC, INC		
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN FISHING TACKLE MFRS ASSN).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN IRON & STEEL INSTITUTE).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: AMERICAN MARITIME ASSN).	615.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: BROWNING-FERRIS INDUSTRIES).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: COMMONWEALTH OF PUERTO RICO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: HEALTH INSURANCE ASSN OF AMERICA).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: JOINT MARITIME CONGRESS).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: LIFE CARE SERVICES CORP).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: MUTUAL INSURANCE COALITION).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL BROADCASTING CO).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: NATIONAL MULTI HOUSING COUNCIL).	615.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: QUIXOTE CORP)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: REPUBLIC OF TURKEY)	9,225.00	
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALEN DRY CARGO, INC)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SALOMON BROTHERS, INC).		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: SANTA FE CORPORATION)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: STROH BREWERY CO)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TELECOMMUNICATIONS USERS COALITION)		
Do	GRAY & CO PUBLIC COMMUNICATIONS INT'L, INC (FOR: TOBACCO INSTITUTE)	615.00	
ALFONSO J. GONZALEZ, 6105 32ND ST., NW WASHINGTON DC 20015	NATIONAL ASSN OF SOCIAL WORKERS		
PETER GOSSENS, 1717 MASSACHUSETTS AVE., NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	7,728.00	328.00
GEORGE B. GOULD III, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	11,069.61	6,423.88
JOHN K. GRAM, 319 SW WASHINGTON STREET, #714 PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	377.00
MARY GRANGER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
EDWARD M. GREEN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JOHN K. GREEN, 800 AMERICAN CHARTER CENTER 1623 FARNAM ST. OMAHA NB 68102	PAPILLION-LAVISTA NEBRASK SCHOOL DISTRICT	728.00	4.00
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORPORATION	250.00	252.81
WAYNE GREEN, 80 PINE ST. PETERBOROUGH NH 03458	73 INC		
PHYLLIS GREENBERGER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,800.00	1,669.00
EDWARD F. GREISSING JR , 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
MARYBETH GRISWOLD, 1828 L STREET, NW, #500 WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	3,100.00	744.63
KENNETH A. GUENTHER, 1625 MASSACHUSETTS AVE., #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC		
RAYMOND J. GUSTINI, LEFF & MASON 1700 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	GREAT WESTERN FINANCIAL CORP	2,288.00	127.53
Do	HERON CORP, LTD	3,664.00	182.99
Do	U.S. LEAGUE OF SAVINGS INSTITUTIONS	9,664.00	65.02
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FED OF MUSICIANS	1,645.00	2,399.31
RICHARD E. GUTTING JR., SUITE 580 2000 M ST., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	6,000.00	268.41
ELLEN HAAS, 1001 CONNECTICUT AVE., NW, #519 WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY		
RICHARD C. HAHN, BOX 1002 STERLING VA 22170	YOUNG AMERICAN'S FOR FREEDOM		
SEYMOUR HALPERN, 540 MADISON AVENUE, 23RD FL. NEW YORK NY 10022	BARON/CANNING & CO., INC. (FOR: AMERICAN CAN CO)		
Do	BARON/CANNING & CO., INC. (FOR: COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS)		
Do	BARON/CANNING & CO., INC. (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)		
Do	BARON/CANNING AND COMPANY, INC (FOR: REPUBLIC OF KOREA)		
Do	SEYMOUR HALPERN, INC (FOR: UNIDYNAMICS/ST. LOUIS, INC)	3,000.00	380.00
PHILIP W. HAMILTON, 2029 K STREET, NW, #603 WASHINGTON DC 20006	AMERICAN SOC OF MECHANICAL ENGINEERS		
CHRISTINA HAMMOND, 2033 M ST. NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	350.00
HANDGUN CONTROL, INC, 810 18TH ST., NW WASHINGTON DC 20006		620,947.00	107,022.00
DONALD K. HANES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	173.08	
GILBERT HARDY, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS		
JON HARKAVY, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
LEWIS B. HASTINGS, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	
BILL HECHT AND ASSOCIATES, INC, 499 SOUTH CAPITOL STREET, SE, #501 WASHINGTON DC 20003	GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA	3,000.00	
BILL HECHT, 499 SOUTH CAPITOL STREET, SE, #501 WASHINGTON DC 20003	BKK CORP	2,000.00	
Do	BROWN & WILLIAMSON TOBACCO CORP	3,000.00	
Do	CONGER LIFE INSURANCE CO	500.00	
Do	BILL HECHT AND ASSOCIATES, INC (FOR: GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA)		
Do	LOS ANGELES RAIDERS	10,000.00	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	2,000.00	
Do	U.S. TOBACCO CO	2,000.00	
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
HELICOPTER ASSOCIATION INTERNATIONAL, 1110 VERMONT AVE., NW SUITE 430 WASHINGTON DC 20005			7,483.11
THOMAS R. HENDERSHOT, SUITE200 8181 PROFESSIONAL PL. LANDOVER MD 20785	PHILADELPHIA GAS WORKS	23,820.00	846.38
C. DAYLE HENINGTON, 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP		
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	11,021.01	
HERRICK & SMITH, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	SMITH COLLEGE		
Do	TURLOCK IRRIGATION DISTRICT; MODESTO IRRIGATION DISTRICT	5,710.00	5,993.97
PAT I. HETH, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION		
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	MENOMINEE INDIAN TRIBE	90.00	
Do	METLAKATLA INDIAN COMMUNITY	30.00	
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		
Do	OGLALA SIOUX TRIBE		
Do	PUEBLO DE COCHITI	1,642.50	29.25
Do	THREE AFFILIATES TRIBES OF THE FORT BERTHOLD RESERVATION		6.00
GLEN D. HOFER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	688.28	
LAWRENCE S. HOFFHEIMER, SUITE 100 2555 M ST. NW WASHINGTON DC 20037	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	6,000.00	
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN	3,645.88	235.19
Do	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN		235.19
Do	SCIENTIFIC APPARATUS MAKERS ASSN	3,645.88	235.19
Do	SEMICONDUCTOR INDUSTRY ASSOCIATION	3,645.88	235.19
JAMES F. HOGG, P.O. BOX 0 810 34TH AVE. SOUTH MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
HOLLAND & KNIGHT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WACKENHUT CORPORATION		
STEPHEN B. HOLLAND, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	250.00	220.00
KAREN S. HOLLWEG, 444 BARKER ROAD MICHIGAN CITY IN 46360	NATIONAL AUDUBON SOCIETY	2,476.00	701.00
HOLME ROBERTS & OWEN, 1700 BROADWAY, #1800 DENVER CO 80290	SAMUEL GARY OIL PRODUCER, INC; JERRY CHAMBERS OIL PRODUCER		
LILLIE E. HOOVER, P.O. BOX 1085 MARTINSBURG WV 25401	NATIONAL PEACH COUNCIL	785.00	71.85
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	FRIENDS OF ANIMALS, INC		
HOSPITAL ASSOCIATION OF NEW YORK STATE, 15 COMPUTER DRIVE WEST ALBANY NY 12205		4,044.00	4,044.00
HOUSLEY GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			
JACK W. HOUSTON, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC		
ANNE L. HOWARD, ANNE L. HOWARD AND ASSOCIATES 888 17TH STREET, NW, #600 WASHINGTON DC 20006	LITTLE SIX BINGO	9,000.00	1,931.57
Do	PAN AMERICAN MANAGEMENT CO		
Do	PASCUA PUEBLO BINGO	2,337.50	286.25
Do	PASCUA-YAQUI TRIBE		
Do	PUEBLO OF SANDIA TRIBE		
Do	SHAKOPEE MDEUAKAUTON SIOUX COMMUNITY		
Do	STEVEN H. WHILDEN, P.A		
HOWELL CORP, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
JAMES P. HOWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,076.63	
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
JOHN A. HOWES, 1050 17TH ST., NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
HOWREY & SIMON, 1730 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	K MART CORP	6,587.00	357.45
Do	MEAD CORPORATION		
KARL T. HOYLE, SUITE 810 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	810.36
TONY R. HUERTA, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	5,221.77	
GREGORY A. HUMPHREY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	13,523.34	100.00
JEAN E. HUNGIVILLE, 1612 K STREET, NW, #1100 WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN		
RICHARD M. HUNT, 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
HARRIET HUNT-BURGESS, 82 2ND ST. SAN FRANCISCO CA 94105	TRUST FOR PUBLIC LAND	2,280.00	2,908.00
ROBERT BRUCE HUNTER, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		4,800.00
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		17,226.68	19,496.68
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202			
JOHN H. INGRAM, NICKERSON-INGRAM & ASSOCIATES, INC 923 15TH ST., NW WASHINGTON DC 20005	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017			
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS, BEDFORD CONSULTANTS BUILDING BOX 605 BEDFORD NY 10506		16,847.49	16,847.49
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521			15,536.51
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006			
INTERNATIONAL UNION OF OPERATING ENGINEERS, 1125 17TH ST., NW WASHINGTON DC 20036		23,500.00	1,013.00
HERBERT N. JASPER, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	8,238.44	
PHILIP F. JEHLE, 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP	1,000.00	
JOSEPH S. JENCKES, SUITE 300 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	
JERRY CHAMBERS EXPLORATION CO, 3401 W. PERSHING ROAD CHICAGO IL 60632			
B. GERALD JOHNSON, 500 MAYNARD BUILDING SEATTLE WA 98104	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	STATE OF ALASKA		
H. BRADLEY JOHNSON, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
L. WAYNE JOHNSON, P.O. BOX 7000-C TEXARKANA TX 75501			
LINDA MEYER JOHNSON, 7700 LITTLE RIVER TURNPIKE ANNANDALE VA 22003	ROLM CORPORATION		
THOMAS G. JOHNSON, ONE SHELL PLAZA, #4868 P.O. BOX 2463 HOUSTON TX 77001	SHELL OIL COMPANY	500.00	
JOINT MARITIME CONGRESS, 444 N. CAPITOL ST. WASHINGTON DC 20001		32,314.09	32,314.09
JONES & WINBURN, SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	CITY OF BATON ROUGE	12,000.00	4,008.63
Do	NATIONAL FISHERIES INSTITUTE		4,008.63
CHARLIE W. JONES, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC		
JONES DAY REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	ELROY J. KULAS TRUST NO. 1	700.00	
RANDALL T. JONES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,808.33	
ROY C. JONES, SUITE 300 717 2ND ST., NW WASHINGTON DC 20002	MORAL MAJORITY, INC	8,246.00	
DONALD L. JORDAN, 311 FIRST STREET, NW, #700 WASHINGTON DC 20001	NATIONAL ASSN OF INSURANCE BROKERS		
DAVID W. JOYNER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
NIZAR JWAIDEH, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
HANS KAEHLER, P.O. BOX 118 COLD SPRING HARBOR NY 11724			
ALINE KALBIAN, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
PATRICIA L. KATSON, 11215 OAK LEAF DR. SILVER SPRING MD 20901	LIBERTY LOBBY	4,500.00	
KEIKI KEHOE, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	340.91	
JOHN J. KELLER, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
PAUL J. KELLEY, 2727 NORTH CENTRAL AVE. PHOENIX AZ 85004	U-HAUL INTL, INC	5,000.00	
KEMPER INVESTORS LIFE INSURANCE CO, 120 SOUTH LASALLE STREET CHICAGO IL 60603			2,042.72
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC		
VYTAUTAS KERBELIS, 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
T. MICHAEL KERR, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	5,308.47	
RICHARD F. KIBBEN, 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
MARYANN KILDUFF, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	59.63
KILGORE & KILGORE, INC, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	240.00	21,674.24
Do	TEXASGULF, INC		21,666.66
JAMES L. KIMBLE, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	285.00	8.00
KIRKPATRICK LOCKHART HILL CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	COLUMBIA PICTURES INDUSTRIES, INC	976.00	
Do	COUNCIL OF STATE HOUSING AGENCIES		
Do	COUNTY OF SUFFOLK, NEW YORK		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	H. K. PORTER COMPANY, INC		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
RALPH W. KITTLE, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	1,550.00	331.72
KLINE KNOPF & WOJDAK, INC, 355 N. 21ST STREET, #105 CAMP HILL PA 17011	GENERAL PUBLIC UTILITIES CORPORATION		
WILLIAM KLINEFELTER, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
PAUL E. KOHL, J.C. PENNY CO., INC. 1301 AVENUE OF THE AMERICAS NEW YORK NY 10019	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		
EARL KOOPERKAMP, 99 CLAREMONT AVENUE NEW YORK NY 10027	SEAMEN'S CHURCH INSTITUTE		
JEANNE P. KOWALSKI, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	7,000.00	365.77
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
ANNE M. KRONENBERG, 1004 SOUTH CAROLINA AVENUE, SE WASHINGTON DC 20003	CITIZENS FOR A NUCLEAR FREEZE		
THEODORE G. KRONMILLER, ELY RITTS BRICKFIELD & BETTS WATERGATE 600 BUILDING, #915 WASHINGTON DC 20037	JAMES RUSSELL	1,462.50	133.00
Do	SPACE AMERICA, INC		
Do	WILLIAM K. ZIMMERMAN	1,462.50	133.00
JAMES S. KRZYMINSKI, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	968.75	
THOMAS A. KUBE, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
PHILIP KUGLER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	2,250.00	313.85
KWAJALEIN ATOLL CORP, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			2,720.00
BRUCE C. LADD JR., 1776 K STREET, NW WASHINGTON DC 20006	MOTOROLA, INC	16,500.00	30.00
ERIC T. LAITY, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	9,166.68	
Do	TEXASGULF, INC	9,166.68	
THOMAS M. LANDIN, ONE FRANKLIN PLAZA PHILADELPHIA PA 19101	SMITH KLINE BECKMAN CORP		
LANE & EDSON, P.C., 2300 M STREET, NW WASHINGTON DC 20036	GENERAL ELECTRIC CREDIT CORP		
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,000.00	
JOHN LASTER, 1900 M STREET, NW, #601 WASHINGTON DC 20036	SAVE OUR CHILDREN'S SECURITY		
LISA LAUSIER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	41.18
LEAGUE OF AMERICAN INVESTORS, 32123 LINDERO CANYON ROAD WESTLAKE VILLAGE CA 91361			
KERLEY LEBOEUF, SUITE 809 THREE SKYLINE PLACE 5201 LEESSBURG PIKE FALLS CHURCH VA 22041	NATIONAL ASSN OF CONVENIENCE STORES		
LECHNER & BUTSAVAGE, P.C., 3101 SOUTH ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF POLICE ORGANIZATIONS	11,250.00	9,347.26
LEFEVERE LEFLER KENNEDY O'BRIEN & DRAWZ, 2000 FIRST BANK PLACE WEST 120 SOUTH 6TH STREET MINNEAPOLIS MN 55402.	CITY OF ROCHESTER, MINNESOTA	2,640.00	205.00
DAVID A. LEFF, 444 NORTH CAPITOL WASHINGTON DC 20001	JOINT MARITIME CONGRESS	4,326.60	
LYNETTE B. LENARD, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO		
DONNA LENHOFF, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	616.96	156.47
PAUL A. LENZINI, CHAPMAN, DUFF AND PAUL 1825 I STREET, NW, #300 WASHINGTON DC 20006	CHR. BJELLAND & CO., INC		
RODNEY E. LEONARD, 2001 S STREET, NW, #530 WASHINGTON DC 20009	COMMUNITY NUTRITION INSTITUTE		
DONALD G. LERCH & CO., 1030 15TH STREET, NW, #840 WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN		
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
LEVA HAWES SYMINGTON & MARTIN, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	SCIENTIFIC APPARATUS MAKERS ASSN		2.50
HARRY LEVINE JR., 1331 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	GENERAL ELECTRIC CO	150.00	
JAMES F. LEVY, 5301 TRENHOLM ROAD COLUMBIA SC 29260	DENTAL MANAGEMENT SERVICES, INC		
ROGER N. LEVY, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	17,500.00	
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
TOM LEWIS, 218 D STREET, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
JUDITH LICHTMAN, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	138.00	15.00
JOHN M. LISON, 16100 SOUTH LATHROP AVENUE HARVEY IL 60426	ATCOR, INC	4,000.00	1,530.22
THEODORE M. LITTMAN, 260 CHINOOK DR. PLACENTIA CA 92670	ROCKWELL INTL		
CHARLES M. LOVELESS, 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	9,205.38	396.29
PETER J. LUCIANO, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	5,000.00	8.00
WILLIAM F. LUDLAM SR., P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		482.50
LUMAN & SCHOOR, 1030 15TH ST., NW, #720 WASHINGTON DC 20005	BURNS & ROE, INC		
Do	NATIONAL ASSN OF PERSONNEL CONSULTANTS		
W. FLETCHER LUTZ, SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
JAMES LYON, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
M.O.A./AIOA & SUBS, INC, SUITE 107 701 S. 22ND OMAHA NB 68102		10.00	
MICHAEL MAHDESIAN, 1514 17TH STREET, NW, #306 WASHINGTON DC 20009	ARMENIAN NATIONAL COMMITTEE	4,160.00	579.46
JAMES TIMOTHY MAHONEY, 330 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	SIERRA CLUB	8,547.75	
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON DC 20044			
MANCHESTER ASSOCIATES, LTD., SUITE 811 1155 15TH ST., NW WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD	1,971.56	1,971.56
PETER T. MANGIONE, 1319 F STREET, NW, #700 WASHINGTON DC 20004	VOLUME FOOTWEAR RETAILERS OF AMERICA	12.50	
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
MILTON C. MAPES, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	8,674.98	272.60
THOMAS P. MARINIS JR., 3418 FIRST CITY TOWER HOUSTON TX 77002	VINSON & ELKINS (FOR: ARCHIE BENNETT JR.)		36.43
PATRICIA MARKEY, SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES	2,145.00	99.50
DONALD R. MARKLEY, 10880 WILSHIRE BOULEVARD LOS ANGELES CA 90024	WHITTAKER CORPORATION		
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
PEGGY L. MARTIN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	5,000.00	104.85
JIM MATHESON, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	35.66	
HERBERT S. MATTHEWS, RTE. 3, BOX 437 MECHANICSVILLE MD 20659	MARTIN-MARIETTA AEROSPACE	5,850.00	129.50
SAMUEL L. MAURY, SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	200.00	
JOHN A. MCCAHILL, 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE		
CATHY MCCHAREN, 1000 THOMAS JEFFERSON STREET, NW, #600 WASHINGTON DC 20007	UNITED EGG PRODUCERS		
JOHN A. MCCOMB, 330 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	SIERRA CLUB	9,180.00	
JOHN L. MCCORMICK, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	616.62	
NORRIS MCDONALD, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	467.85	
JOSEPH M. MCGUIRE, 1501 WILSON BLVD. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	7,000.00	
PHIL A. MCKEANEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	9,683.64	160.00
MICHAEL R. MCLEOD, BARNETT & ALAGIA 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN ASSN OF CROP INSURERS	125.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CHICAGO BOARD OF TRADE	1,550.00	
Do	DAIRYMEN, INC	525.00	
Do	LEAF TOBACCO EXPORTERS ASSN		
Do	UNITED EGG PRODUCERS		
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO		
Do	PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY	2,280.00	
ROBERT MCVICKER, 2421 CAVENDISH DR. ALEXANDRIA VA 22309	KOLLSMAN INSTRUMENT CO		
RONALD E. MCWILLIAMS, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING MARINE SYSTEMS		
JOSEPH F. MEADOW, 7100 BALTIMORE AVENUE COLLEGE PARK MD 20740	UNITED ACTION FOR ANIMALS, INC	1,550.00	
STEPHEN J. MELMAN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES T. MELVILLE, 503 QUEEN STREET EAST SAULT STE. MARIE ONTARIO CANADA P6A 5P2	ALGOMA STEEL CORP, LTD	166.70	253.40
HOWARD H. MENAKER, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
HOWARD A. MENELL, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	GOVERNMENT OF PUERTO RICO		113.02
METZGER SHADYAC & SHCWARZ, 1275 K ST., NW WASHINGTON DC 20005	MELEX USA, INC		
CHARLES J. MICOLEAU, ONE CANAL PLAZA PORTLAND ME 04112	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC		
MIGRANT LEGAL ACTION PROGRAM, INC., SUITE 310 2001 S ST., NW WASHINGTON DC 20009			
FRED MILLAR, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	176.54	
HARRIS C. MILLER, 1747 PENNSYLVANIA AVENUE, #300 WASHINGTON DC 20006	OCCIDENTAL CHEMICAL CORP	1,050.00	664.84
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	315.00	42.58
JOHN H. MINER, ROOM 1414-SOUTH BUILDING, USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	580.75	
MINING & RECLAMATION COUNCIL OF AMERICA, 1575 I STREET, NW, #525 WASHINGTON DC 20005			
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	925.00	
STAFFORD MICHAEL MISHOE, P.O. BOX 10383 DES MOINES IA 50306	NATIONAL PORK PRODUCERS COUNCIL		
THOMAS F. MITCHELL, 1875 EYE ST., NW, #400 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		
MMB ASSOCIATES, INC, 122 C STREET, NW, #240 WASHINGTON DC 20001	NATIONAL BANKERS ASSOCIATION	3,565.67	
Do	NATIONAL RURAL DEVELOPMENT & FINANCE CORP	450.00	
Do	NCAF	30,000.00	
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20005	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)	937.50	40.00
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
D. MOODY & CO, INC, P.O. BOX 55389 TULSA OK 74155			
POWELL A. MOORE, 8637 WINTHROP DRIVE ALEXANDRIA VA 22307	LOCKHEED CORP	3,300.00	411.00
GERALD D. MORRIS, 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	11,349.06	200.00
LYLE J. MORRIS, 2000 P ST., NW, #305 WASHINGTON DC 20036	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	100.00	
GEORGE R. MOSES, 1341 G STREET, NW, #202 WASHINGTON DC 20005	M/A-COM, INC	1,800.00	
ROBERT E. MOSS, SUITE 500 1899 L STREET, NW WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	6,838.00	73.50
MOTORCYCLE INDUSTRY COUNCIL, INC, 1235 JEFF DAVIS HWY. ARLINGTON VA 22202			
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BASIN ELECTRIC POWER COOPERATIVE		
WILLIAM G. MULLEN, SUITE 1037 1133 15TH ST., NW WASHINGTON DC 20006	THIRD CLASS MAIL ASSOCIATION		
RICHARD J. MULLER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
DANIEL J. MUNDY, 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUSTION TRADES DEPT., AFL-CIO	23,333.33	4,508.12
PATRICIA MUNOZ, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL		
EDWARD L. MURPHY, 2139 WISCONSIN AVENUE, NW WASHINGTON DC 20007	NATIONAL ASSN OF GOVERNMENT EMPLOYEES	2,500.00	36.00
JEANNE MARIE MURPHY, 1730 RHODE ISLAND AVENUE, NW, #810 WASHINGTON DC 20036	CREDIT UNION NATIONAL ASSN, INC	300.00	22.80
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
RICHARD E. MURPHY, 2020 K ST., NW, #200 WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO	1,000.00	237.65
LAWRENCE P. MUTTER, 6849 OLD DOMINION DR. MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSN		
NATIONAL ABORTION RIGHTS ACTION LEAGUE, 1424 K ST., NW WASHINGTON DC 20005		7,545.85	
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN OF ENERGY SERVICE COMPANIES, 2330 M ST., NW WASHINGTON DC 20037			
NATIONAL ASSN OF HOME BUILDERS OF THE U.S., 15TH & M STS., NW WASHINGTON DC 20005		35,031.38	76,916.30
NATIONAL ASSN OF LETTER CARRIERS, 100 INDIANA AVE., NW WASHINGTON DC 20001		3,596,841.49	233,755.27
NATIONAL ASSN OF MARGARINE MFGRS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSN OF PERSONNEL CONSULTANTS, 1432 DUKE ST. ALEXANDRIA VA 22314			
NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036		3,341.00	3,305.00
NATIONAL COALITION TO BAN HANDGUNS, 100 MARYLAND AVE., NE WASHINGTON DC 20002			
NATIONAL COMMUNITY ACTION FOUNDATION, INC., 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		73,439.00	39,403.00
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, 499 S. CAPITOL ST. SW #411 WASHINGTON DC 20003		81,180.00	3,300.00
NATIONAL COUNCIL OF FARMER COOPERATIVES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		26,229.89	8,403.71
NATIONAL EDUCATION ASSN, 1201 16TH ST., NW WASHINGTON DC 20036		18,318.63	18,318.63
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC, 1110 VERMONT AVENUE, NW, #1210 WASHINGTON DC 20005.		64,806.00	986.00
NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES, P.O. BOX 11038 DURHAM NC 27703		1,650.00	1,650.00
NATIONAL LEASED HOUSING ASSN, SUITE 260 2300 M ST., NW WASHINGTON DC 20037		600.00	600.00
NATIONAL NEWSPAPER ASSN, SUITE 400 1627 K ST., NW WASHINGTON DC 20006		42,105.00	5,933.00
NATIONAL PEACE ACADEMY CAMPAIGN, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		101,220.97	38,948.25
NATIONAL PEACH COUNCIL, P.O. BOX 1085 MARTINSBURG WV 25401		1,389.42	1,286.82
NATIONAL PRINTING EQUIPMENT & SUPPLIES ASSN, INC, 6849 OLD DOMINION DRIVE, #200 MCLEAN VA 22101			
NATIONAL RESOURCE CENTER FOR CONSUMERS OF LEGAL SERVICES, 3254 JONES COURT, NW WASHINGTON DC 20007		258.00	1,825.00
NATIONAL RIFLE ASSOCIATION OF AMERICA, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036		111,149.91	121,769.25
NATIONAL RURAL HOUSING COALITION, 1016 16TH STREET, NW, #8G WASHINGTON DC 20036		13,549.91	12,926.56
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL TAX EQUALITY ASSN, 1000 CONNECTICUT AVNEUE, NW, #615 WASHINGTON DC 20036		5,094.00	6,580.68
NATIONAL TOUR ASSOCIATION, INC., 120 KENTUCKY AVE. LEXINGTON KY 40502		46,977.00	46,977.00
NATURAL GAS SUPPLY ASSN, 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036		5,055,985.00	835,086.42
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
GAYLORD NELSON, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	484.14	10.00
MARK D. NELSON, SUITE 900 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20036	E. I. DU PONT DE NEMOURS & CO		
A. S. NEMIR ASSOCIATES, SUITE 1230 PENNSYLVANIA BUILDING WASHINGTON DC 20004	BRAZILIAN SUGAR & ALCOHOL INSTITUTE		896.29
FREDERICK H. NESBITT, 100 INDIANA AVENUE, NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	7,633.59	
WILLIAM B. NEWMAN JR., P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	4,150.00	
W. F. NICHOLAS, 69 CANNON STREET LONDON E C4 ENGLAND	LONDON CHAMBER OF COMMERCE AND INDUSTRY		
ROBERT W. NICHOLS, 2001 S STREET, NW, #520 WASHINGTON DC 20009	CONSUMERS UNION OF U.S., INC	2,000.00	10.00
NICKERSON INGRAM & ASSOCIATES, INC, 923 15TH ST., NW WASHINGTON DC 20005	ORANGE COUNTY TRANSIT DISTRICT		
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			12,941.96
NONPROFIT MAILERS FEDERATION, 2555 M STREET, NW, #405 WASHINGTON DC 20037			5,947.39
CLIFFORD R. NORTHUP, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	725.56
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY		1,300.00
Do	AMERICAN INDEPENDENT REFINERS ASSN	425.00	425.00
Do	CALIFORNIA STUDENT LOAN FINANCE CORP	1,000.00	1,275.00
Do	DIVIDEND SUPPORT GROUP		200.00
Do	GENERAL ELECTRIC CO		300.00
Do	HANDGUN CONTROL, INC	170.00	170.00
Do	HELIONETICS, INC		200.00
Do	INSURANCE ASSOCIATION OF CONNECTICUT		600.00
Do	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA		
Do	NATIONAL SHORTHAND REPORTERS ASSN	500.00	680.00
Do	NEW YORK LIFE INSURANCE COMPANY		200.00
MICHAEL NOVELLI, 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES		
HUBERT K. O'BANNON, P.O. BOX 23451 WASHINGTON DC 20026	CONSOLIDATED RAIL CORPORATION	2,130.00	
LAWRENCE J. O'BRIEN JR., SUITE 801 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	AT-SEA INCINERATION, INC		
Do	NEW YORK CITY PARTNERSHIP		
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	ELECTRONIC DATA SYSTEMS CORPORATION		
Do	FIRST PENNSYLVANIA BANK		
Do	GOVERNMENT OF CYPRUS	10,000.00	
Do	GOVERNMENT OF JAMAICA	4,000.00	
Do	GOVERNMENT OF SUDAN	7,000.00	
Do	ITEL CORPORATION	7,000.00	
Do	JAMAICAN BROADCASTING CORP		
Do	RLC CORPORATION	4,000.00	
Do	ROLLINS ENVIRONMENTAL SERVICES		
Do	WINE AND SPIRITS WHOLESALERS OF AMERICA, INC		
JAMES W. O'DONNELL, 1110 VERMONT AVENUE, NW, #950 WASHINGTON DC 20005	AMERICAN HEALTH PLANNING ASSN	2,000.00	95.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
O'KEEFE ASHENDEN LYONS & WARD, ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
JOHN F. O'NEAL, P.C., 600 NEW HAMPSHIRE AVENUE, NW, #952 WASHINGTON DC 20037	NATIONAL REA TELEPHONE ASSN	330.00	
PATRICIA M. O'TOOLE, 461 S. BOYLSTON ST. LOS ANGELES CA 90017	UNION OIL COMPANY OF CALIFORNIA		
OIL INVESTMENT INST, PO BOX 8293 WASHINGTON DC 20024			
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
FRANZ M. OPPENHEIMER, KOMINERS FORT SCHLEFER & BOYER 1776 F ST., NW WASHINGTON DC 20006	COMMERZBANK AG	400.00	
CHARLES J. ORASIN, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	2,233.00	
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA, RM. 1414 S. BUILDING U.S. DEPT OF AGRICULTURE WASHINGTON DC 20250.		2,582.86	1,231.60
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	4,250.00	897.49
LAW OFFICES OF JOSE ORTIZ-DALIOT SUITE 610 1101 14TH ST., NW WASHINGTON DC 20005	PUERTO RICO MAYORS ASSN		
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
ROBERT W. OWEN, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY & CO. PUBLIC COMMUNICATIONS INTERNATIONAL, INC. (FOR: REPUBLIC OF TURKEY).		
PACIFIC MANAGEMENT DYNAMICS CORP, SUITE 107 910 FLOEIN RD. SACRAMENTO CA 95831			
RONALD C. PADDOCK & COMPANY, 4655 N. ORACLE ROAD, #106 TUCSON AZ 85105	I.T.T. MEDITRONICS		
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
PAKHOED USA, 2000 WEST LOOP SOUTH, #1800 HOUSTON TX 77027			
ANDREW PALMER, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	95.67	
GERARD PAUL PANARO, WEBSTER CHAMBERLAIN & BEEN 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RETAIL BAKERS ASSN		
JAMES E. PANYARD, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
HARRIET PARCELLS, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	371.89	
JUDY E. PARK, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	11,433.00	
SARA LYNN PARKER, 1319 F. ST.,NW SUITE 500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	274.00	
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	COMPUTER DEALERS & LESSORS ASSOCIATION, INC		
Do	READER'S DIGEST ASSN, INC		
PEABODY LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MICHIGAN KNIFE CO		
Do	NATIONAL MASS RETAILING INSTITUTE	1,200.00	9.00
ELIN PELTZ, 1511 K STREET, NW WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	300.00	110.00
HUMBERTO R. PENA, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	500.00	
CRIS PENN, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
PENSION RIGHTS CENTER, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036			78.80
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	DEPARTMENT OF NATURAL RESOURCES		
ROBERT A. PERKINS, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHRYSLER CORP	15,000.00	2,450.00
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN	2,687.50	75.00
A. HAROLD PETERSON, 715 CARGILL BLDG. MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSN	1,500.00	1,798.04
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	
GWEN PHARO, 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LINES, INC		
DEBORAH M. PHILLIPS, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
JOAN PICCOLO, 1776 K STREET, NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	ASPEN SYSTEMS CORPORATION	3,009.50	
Do	DAY TRUST	1,671.10	
Do	FEDERAL JUDGES ASSOCIATION	12,171.30	
Do	SECURITIES INDUSTRY ASSN	2,750.00	
SUMNER PINGREE, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY		
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	MARINE CARGO CONTAINER & RELATED EQUIPMENT LEASING COS		1,575.87
Do	U.S. MOTOR VEHICLE LESSORS, ET AL	625.00	
Do	XTRA CORP & AFFILIATES		
PLANNED PARENTHOOD OF NEW YORK CITY, INC, 380 SECOND AVENUE, THIRD FL. NEW YORK NY 10010			
RONALD L. PLATT, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT & ASSOCIATES, INC	3,500.00	
MICHAEL PODHORZER, SUITE 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION		
NANCY POLIKOFF, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	27.24	6.91
MICHAEL A. POLING, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSN FOR FOREIGN TRADE	500.00	
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
BEVERLY HINES PRINCE, 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
SYDNEY PROBST, 1250 EYE STREET, NW, #900 WASHINGTON DC 20004	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158			286.08
PUBLIC SECURITIES ASSN, ONE WORLD TRADE CENTER NEW YORK NY 10048			
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		30,500.00	3,568.75
PATRICK H. QUINN, SUITE 411 499 S. CAPITOL ST., SW WASHINGTON DC 20003	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	2,000.00	250.00
QUINN RACUSIN YOUNG & DELANEY, CHTD, 1730 K STREET, NW, #700 WASHINGTON DC 20006	RECON/OPTICAL, INC	6,256.25	62.60
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN SHIP BUILDING CO	1,000.00	
Do	BECHTEL CORP	15,000.00	
Do	CURTISS-WRIGHT CORP	22,134.38	
Do	GOVERNMENT OF BERMUDA	3,000.00	
Do	GULF OIL CORP	4,000.00	
Do	NATIONAL BULK CARRIERS, INC	4,500.00	
Do	R.J. REYNOLDS TOBACCO COMPANY		
Do	RJ REYNOLDS INDUSTRIES, INC		
Do	SEA-LAND INDUSTRIES, INC	20,000.00	
Do	SECURITY PACIFIC LEASING CORPORATION		
Do	SECURITY PACIFIC NATL BANK		
Do	STIMSON LUMBER CO & MILLER REDWOOD CO	3,000.00	
TOM RAILSBACK, BLUM NASH & RAILSBACK 1015 18TH STREET, NW WASHINGTON DC 20005	INSURANCE ASSN OF CONNECTICUT	6,080.00	40.00
Do	NATIONAL AGRICULTURAL CHEMICAL ASSN	4,921.00	48.00
Do	NATIONAL ASSN OF BROADCASTERS	1,007.00	16.00
Do	PHARMACEUTICAL MANUFACTURERS OF AMERICA	76.00	4.00
Do	WALT DISNEY PRODUCTIONS	2,450.00	28.00
ROBERT RANDALL, P.O. BOX 23691 WASHINGTON DC 20024	ALLIANCE FOR CANNABIS THERAPEUTICS		
ROBERT A. RAPOZA, SUITE 8G 1016 16TH STREET, NW WASHINGTON DC 20036	CAMPAIGN FOR COMMUNITY ECONOMIC DEVELOPMENT	1,400.00	
Do	NATIONAL RURAL HOUSING COALITION	7,403.84	
MAGDA RATAJSKI, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
JULIAN O. READ, 807 BRAZOS, #901 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVE.,SW RM 500 WASHINGTON DC 20560			
LINDA S. REARICK, 5205 LEESBURG PIKE, #505 FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS ASSN	2,000.00	
RECORDING INDUSTRY ASSN OF AMER, INC, 888 SEVENTH AVENUE, 9TH FL. NEW YORK NY 10106		3,061.63	3,061.63
ROBERT O. REDDING, 3519 S.W. 147TH LANE ROAD OCALA FL 32673			
REED ROBERTS TAX CREDIT ASSISTANCE CORP., #CS-101 55 CHARLES LINDBERGH BLVD. UNIONDALE NY 11553			
JOHN T. REGGITTS JR , 95 BOOTON AVE. P.O. BOX 470 BOONTON NJ 07005			
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20036	GENERAL SERVICE CUSTOMER GROUP		
MARYALYCE REILLY, 1010 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS	7,303.33	699.00
RENDON COMPANY, 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005			
JOHN W. RENDON JR., 1439 RHODE ISLAND AVE., NW WASHINGTON DC 20005	RENDON COMPANY		
SARAH M. RENFROE, 1995 TREMAINSVILLE ROAD TOLEDO OH 43613	BENCHMARK TECHNOLOGIES CORP		
RESERVE OFFICERS ASSN OF THE US, 1 CONSTITUTION AVE., NE WASHINGTON DC 20002		2,663.92	32,490.09
JOHN H. REURS, 74 TRINITY PLACE NEW YORK NY 10006	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	STANDARD OIL CO OF CALIFORNIA		40.16
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER CO	17,994.00	8,780.35
RIDDELL FOX HOLROYD & JACKSON, P.C., 723 WASHINGTON BLDG. WASHINGTON DC 20005	ASSOCIATES CORPORATION OF NORTH AMERICA		
Do	BENEFICIAL CORPORATION	5,000.00	
Do	C.I.T. FINANCIAL CORP		
Do	W. K. KELLOGG FOUNDATION		
Do	KIDDER, PEABODY & CO, INC	10,000.00	
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MARGARINE MFGRS		
ROBERT ROACH, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	165.61	24.90
QUINCY RODGERS, 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	600.00	279.20
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	MORRIS & GWENDOLYN CAFRITZ FOUNDATION		
JAMES T. ROGERS, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
Do	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP	500.00	
ROPES & GRAY, SUITE 700 1001 22ND ST., NW WASHINGTON DC 20037	AMHERST COLLEGE; WELLESLEY COLLEGE		
Do	GENERAL MILLS, INC	135.00	
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
JOE ROSS, P.O. BOX 1582 LITTLE ROCK AR 72201			
LESLEY A. ROSSE, 1220 L ST., NW, 5TH FL. WASHINGTON DC 20005	AMERICAN LAND DEVELOPMENT ASSN		
MARCUS ROTH, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	5,602.48	
PETER M. ROUSE, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO, INC	4,500.00	
ROBERT STEWART ROYER, 1747 PENNSYLVANIA AVENUE, NW, #950 WASHINGTON DC 20006	AMERICAN MILITARY SALES		
Do	CHRYSLER MILITARY SALES CORP		
Do	CITY OF AKRON, OHIO		
Do	FORD, RIFF & BURGESS		
Do	HARLEY-DAVIDSON MILITARY SALES		
Do	INTERNATIONAL FUTURES EXCHANGE		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	MICHIGAN TRADE EXCHANGE		
Do	MORGAN STANLEY & CO., INC		
Do	OVERSEAS MILITARY SALES GROUP		
Do	SECURITIES INDUSTRY ASSOCIATION		
GLORIA CATANEO RUDMAN, SUITE 801 444 N. CAPITOL ST., NW WASHINGTON DC 20001	JOINT MARITIME CONGRESS	7,476.48	
DEBORAH K. RUDOLPH, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	2,000.00	
CAMILLE KEARNS RUDY, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE		
DOMENIC R. RUSCIO, 6TH FLOOR 2010 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036			
DOROTHEA L. RUSSELL, 1120 VERMONT AVENUE, NW, #1120 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
RANDALL M. RUSSELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	387.50	
HERMAN MAX RUTH, 150 PAR ROW, P.O. BOX 1000 NEW YORK CITY NY 10007			
JOSEPH RYAN, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
VINCENT J. RYAN, 300 INDEPENDENCE AVENUE, SE WASHINGTON DC 20003	LIBERTY LOBBY, INC		
NAJWA SA'D, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
GREGORY A. SAHD, 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
WILLIAM SAMUEL, 1730 K ST., NW SUITE 1101 WASHINGTON DC 20006	NATIONAL TREASURY EMPLOYEES UNION	9,339.00	
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A	500.00	215.00
Do	PACIFIC AGRICULTURAL SERVICES, INC	300.00	55.00
Do	SAFARI CLUB INTERNATIONAL	1,000.00	251.36
Do	STURM, RUGER COMPANY, INC	500.00	195.00
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005.	GREENS CREEK JOINT VENTURE	6,000.00	2.50
Do	LORIMAR PRODUCTIONS	9,000.00	546.21
Do	NATIONAL TOUR ASSOCIATION, INC	11,250.00	1,702.02
Do	NORANDA EXPLORATION, INC	3,750.00	205.20
Do	NORANDA MINING INC	3,750.00	
Do	REDFIELD LAND COMPANY	2,205.00	18.48
CHARLES SAPP, 3500 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		
KAREN SASAHARA, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
KLARA B. SAUER, 9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC		
MARK L. SCHAFFER, ASHCRAFT & GEREL 2000 L STREET, NW, #700 WASHINGTON DC 20036	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS		
HAROLD A. SCHAITBERGER, 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	12,301.00	
MARSHA SCHRAMM, 1101 CONNECTICUT AVE., NW, #406 WASHINGTON DC 20036	DOMESTIC PETROLEUM COUNCIL, INC		
H. B. W. SCHROEDER, 1050 17TH STREET, NW, #490 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
NEIL D. SCHUSTER, 1909 K STREET, NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
LYNDLEY M. SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL		
SCHWABE WILLIAMSON WYATT MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	NORTHWEST INLAND WATERWAYS COMMITTEE		
ELIZABETH NASH SCHWARTZ, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,500.00	1,397.95
THOMAS W. SCOVILLE, 444 N. CAPITOL STREET, NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	432.60	
SEAMEN'S CHURCH INSTITUTE, 15 STATE STREET NEW YORK NY 10004			
LAW OFFICES OF JOHN 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMBASSY OF THE REPUBLIC OF SOUTH AFRICA		
DEBBIE SEASE, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	4,060.00	
PAMELA SEDERHOLM, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
VICTORIA MCKENZIE SHAIN, 1710 RHODE ISLAND AVENUE, NW, #300 WASHINGTON DC 20036	ABBOTT LABORATORIES	1,000.00	
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	35.00
SHAMROCK FOODS CO., 2228 N. BLACK CANYON PHOENIX AZ 85009			
DAVID L. SHAPIRO, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
RICHARD N. SHAROOD, 8TH FL. 1752 N ST., NW WASHINGTON DC 20036	CHEMICAL WASTE MANAGEMENT, INC	34,725.00	
SHEARMAN & STERLING, 153 EAST 53RD ST. NEW YORK NY 10005	BUSINESS ROUNDTABLE	600.00	19.36
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC	512.50	
LOIS BURKE SHEPARD, 310 FIRST ST., SE WASHINGTON DC 20003	REPUBLICANS ABROAD		
DALE SHERWIN, 1735 I ST., NW, #717 WASHINGTON DC 20006	A. E. STALEY MANUFACTURING CO	9,000.00	660.00
NELSON T. SHIELDS, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	2,813.00	
SIERRA CLUB, 50 BUSH ST. SAN FRANCISCO CA 94108		224,711.69	224,711.69
STEPHEN SILBIGER, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	13,321.20	437.63
HOWARD J. SILVER, 1200 17TH ST., NW, #520 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	280.00	48.35
BRUCE A. SILVERGLADE, 1501 16TH STREET, NW WASHINGTON DC 20036	CENTER FOR SCIENCE IN THE PUBLIC INTEREST	1,000.00	100.00
JEFFREY A. SIMERING, 5320 FIVE FINGERS WAY COLUMBIA MD 21045	CHICAGO BOARD OF EDUCATION	1,325.00	
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP		
MARSHA SIMON, 1319 F STREET, NW, #500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		1,884.00
RICHARD L. SINNOTT & CO, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	OAKLAND COLISEUM	10,500.00	
Do	PORT OF OAKLAND	1,250.00	
GREGG P. SKALL, BLUM & NASH 1015 18TH STREET, NW WASHINGTON DC 20036	DAYTIME BROADCASTERS ASSN		25.00
Do	GENERAL ELECTRIC CO		
Do	TIME, INC		
Do	UNIDEN CORP OF AMERICA		10.00
CYNTHIA ELLIOT SKIFF, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ROBERT G. SLAUGHTER, SUITE 200 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	13,125.00	2,048.22
BARRY S. SLEVIN, 1000 POTOMAC STREET, NW WASHINGTON DC 20007	SEIFMAN, SEMO, SLEVIN & MARCUS, P.C. (FOR: UNITED FOOD & COMMERCIAL WORKERS INT'L UNION).		
SMALL BUSINESS COUNCIL OF AMERICA, INC, P.O. BOX 4299 COLUMBUS GA 31904		105,425.00	50,061.66
DON S. SMITH, BROADHURST BROOK MANGHAM HARDY & REED 1730 PENNSYLVANIA AVE., NW, #425 WASHINGTON DC 20006.			
JEFFREY A. SMITH, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
THOMAS BLAISDELL SMITH, SUITE 519 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	PUBLIC VOICE FOR FOOD & HEALTH POLICY		
PETER LEIGH SNELL, 510 C STREET, NE WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT		
SOCIETY FOR NUTRITION EDUCATION, 1736 FRANKLIN STREET OAKLAND CA 94612		11.52	172.06
VINCENT R. SOMBROTTO, 100 INDIANA AVE., NW WASHINGTON DC 20001	NATIONAL ASSN OF LETTER CARRIERS	3,478.67	
CHARLES R. SONNIER, SONNIER & HEBERT P.O. DRAWER 1040 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
SOUTHERN SATELLITE SYSTEMS, INC., P.O. BOX 702160 TULSA OK 74170			
PHILIP SPESER, 2000 P ST., NW WASHINGTON DC 20036	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	600.00	
SPRIGGS BODE & HOLLINGSWORTH, 1015 15TH ST., NW WASHINGTON DC 20005	ENERGY CYCLE, INC	652.50	
MARK SQUILLACE, 218 D ST., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
SQUIRE SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	PUBLIC SECURITIES ASSN		
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STEPTOE & JOHNSON, CHTD, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		2,300.57
Do	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	2,492.50	148.52
RICHARD H. STERN, 2101 L STREET, NW, #800 WASHINGTON DC 20037	INTEL CORPORATION		
Do	SEMICONDUCTOR INDUSTRY ASSN		
RICHARD BOYLE STOREY, 455-B CARLISLE DR. HERNDON VA 22070	INTERNATIONAL MILITARY CLUB EXECUTIVES' ASSN		
RONALD J. STRECK, P.O. BOX 238 ALEXANDRIA VA 22313	NATIONAL WHOLESALE DRUGGISTS' ASSN		
W. MELVIN STREET, SUITE 400 1627 K STREET, NW WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN		
ROGER J. STROH, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
GEORGE W. STRONG, 2242 BARTLETT HOUSTON TX 77098	HOUSTON NATURAL GAS CORP		
GEORGE STRUMPF, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
SUBSCRIPTION TELEVISION ASSN, 1300 19TH ST., NW, #310 WASHINGTON DC 20036			
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	SECURITIES INDUSTRY ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARY BETH SULLIVAN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	521.59
THOMAS M. SUSMAN, ROPES & GRAY 1001 22ND STREET, NW WASHINGTON DC 20037	ECONOMIC DEVELOPMENT & INDUSTRIAL CORP OF BOSTON		
Do	INTEL CORP AND DIGITAL EQUIPMENT CORP		
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN	157.25	146.05
Do	ANGLO-AMERICAN CLAYS CORP	157.25	146.05
Do	ATLANTA LIFE INSURANCE COMPANY	1,229.52	
Do	ENGELHARD MINERALS & CHEMICALS CORP	157.25	146.05
Do	EQUIFAX, INC.		407.99
Do	FREEPORT KAOLIN	157.25	146.05
Do	J. M. HUBER CORP	157.25	146.05
Do	MULLITE CO OF AMER	157.25	146.05
Do	NORD RESOURCES CORP	157.25	146.05
Do	PROCESS GAS CONSUMERS GROUP	225.00	
Do	STOCK INFORMATION GROUP	12,350.50	2,985.53
Do	THIELE KAOLIN CO	157.25	146.05
DONNAE SUTHERLIN, 3845 FM 1960 WEST, SUITE 401 HOUSTON TX 77068	NATIONAL ASSN OF MANUFACTURERS	400.00	
W. THOMAS SUTTLE, SUITE 4 1755 WILLARD STREET, NW WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,376.00	650.00
DAVID L. SWANSON, BLISS CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	STANDARD OIL CO OF CALIFORNIA		40.16
Do	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMMITTEE		2.97
SWIDLER BERLIN & STRELOW, CHTD, 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AIRCO, INC.		
Do	MD PEOPLE'S COUNSEL (NATL ASSN OF STATE UTIL. CONSUMER ADVO)	5,362.50	36.70
Do	NATIONAL COUNCIL OF COMMUNITY HOSPITALS	4,248.75	
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
SCOTT R. SWIRLING, SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC	754.00	20.00
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BRIDGESTONE TIRE CO., LTD.		
Do	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
TARGET, INC., 13924 BRADDOCK RD. P.O. BOX 881 CENTREVILLE VA 22020			
JOSEPH L. S. TERRELL, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL	427.50	
TEXASGULF, INC., HIGH RIDGE PARK STAMFORD CT 06904			
THIRD CLASS MAIL ASSOCIATION, 1133 15TH ST., NW, #1037 WASHINGTON DC 20005		200.00	200.00
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES H. THOMAS, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	220.00
MESHALL THOMAS, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
THOMPSON HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	COMMITTEE ON PIPE & TUBE IMPORTS		35.00
Do	GREAT WESTERN SUGAR CO.		
ROBERT J. THOMPSON, UTICA TOWER, SUITE 912 1924 SOUTH UTICA TULSA OK 74104	THOMPSON & CO	76,279.71	30,513.77
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN.		523.19
GIL THURM, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401			
JOHN G. TOTH, 2408 WANDA WAY RESTON VA 22091	RESTON ADVISER COMMITTEE		
THOMAS J. TRABUCCO, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	9,712.00	7.00
RICHARD L. TRACHTMAN, SUITE 500 1101 VERMONT AVE. NW WASHINGTON DC 20005	AMERICAN SOC OF INTERNAL MEDICINE	2,187.30	433.18
TRANSPORTATION INSTITUTE, 923 15TH ST., NW WASHINGTON DC 20005			22,225.54
EUGENE M. TRISKO, 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC.	6,930.00	677.00
ROBERT C. TROUP, BOX 893 NEW CANAAN CT 06840			
TUCKER & VAUGHT, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	AMERICAN IRON & STEEL INSTITUTE	300.00	
Do	PETRO-LEWIS CORPORATION	562.50	
Do	REGIONAL TRANSPORTATION AUTHORITY		
Do	THE MANVILLE CORPORATION	1,687.50	
JON R. TUMLER, 1110 VERMONT AVENUE, NW, #1075 WASHINGTON DC 20005	PUBLIC SECURITIES ASSN	6,875.00	7,279.00
JANE L. TURNER, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
PATRICK J. TYRRELL, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
GILMAN UDELL, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	3,000.00	
R. THOMAS VAN ARSDALL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	356.50	
LIONEL VAN DEERLIN, 2945 FRUITLAND DRIVE VISTA CA 92083	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC.		
H. B. VAN GIESON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
C. D. VAN HOUWELING, P.O. BOX 69 CENTREVILLE VA 22020	NATIONAL PORK PRODUCERS COUNCIL	145.00	
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	1,997.25	771.32
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	2,444.00	1,351.41
ROBERT CLARKE VARAH, 1330 BURLINGTON STREET EAST/BOX 460 HAMILTON ONTARIO L8N 3J5 CANADA	DOFASCO, INC.	80.00	187.00
A. RANDALL VEHAR, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
LISA A. VEHMAS, 1920 N STREET, NW, #300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JOHN P. VENNERS, 1899 L ST., NW, #1250 WASHINGTON DC 20036	VENNERS & CO (FOR: KOCH INDUSTRIES)		
STEPHEN J. VERDIER, 1625 MASSACHUSETTS AVENUE, NW, #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSN OF AMERICA	13,250.00	629.98
VERNER LIIPFERT BERNHARD & MCPHERSON, 1660 L STREET, NW, #1000 WASHINGTON DC 20036	BROWN & ROOT, INC.	12,500.00	
Do	JOHN D. & CATHERINE T. MACARTHUR FOUNDATION	11,250.00	
Do	ORION SATELLITE CORP	1,200.00	
Do	SEMICONDUCTOR INDUSTRY ASSOCIATION		7,968.20
Do	TRAVELERS CORP	1,851.25	
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	BANKRUPTCY COURTS BILL COALITION		
Do	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN	100.00	
Do	NATIONAL ASSN OF CREDIT MANAGEMENT	400.00	
VOLUME FOOTWEAR RETAILERS OF AMERICA, 1319 F ST., NW, #700 WASHINGTON DC 20004			462.50
MARCOS VON GOIHMAN, 1835 K ST., NW, #600 WASHINGTON DC 20006	GUYANA AIRWAYS CORP		
ABE J. VORON, 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	825.00	2,018.00
FRANCES PATRICIA WADE, 2000 L STREET, NW, #702 WASHINGTON DC 20036	FREDERICK M. BUSH & ASSOCIATES		
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSN.	1,075.00	500.00
DONALD L. WALLACE JR., 232 E. CAPITOL ST. WASHINGTON DC 20003	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC.		
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC.		200.00
ALAN S. WARD, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSN)		
BARBARA F. WARDEN, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE		
WARNER AMEX CABLE COMMUNICATIONS, 75 ROCKEFELLER PLAZA NEW YORK NY 10019			9,972.09
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS).		
Do	DGA INTERNATIONAL, INC. (FOR: SNECMA)	150.40	95.64
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)	300.80	111.69
WASHINGTON OFFICE ON AFRICA, 110 MARYLAND AVE., NE WASHINGTON DC 20002		25,131.10	36,260.58
ROBERT E. WATKINS, 1620 EYE STREET, NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
GREGORY JAMES WEAVER, SUITE 850 1411 K STREET, NW WASHINGTON DC 20005	AMERICANS FOR DEMOCRATIC ACTION		
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN		
BENJAMIN L. WEBSTER, 444 N. CAPITOL STREET, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	307.60	
LEE J. WEDDIG, SUITE 580 2000 M ST., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	4,000.00	25.00
THEODORE F. WEIHE, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	U.S. OVERSEAS COOPERATIVE DEVELOPMENT COMMITTEE	2,812.00	
JON F. WEINSTEIN, 9 WILDWOOD GARDENS, #A2 P. WASHINGTON NY 11050			
ARTHUR E. WEISBERG, 2200 FIRST BANK PLACE EAST MINNEAPOLIS MN 55402	DORSEY & WHITNEY		
WILLIAM B. WELSH, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	17,238.90	87.85
WEST TEXAS LAND & ROYALTY OWNERS ASSN., 4302 AIRPORT BLVD. AUSTIN TX 78722			
SHIRLEY H. WESTER, 1110 VERMONT AVENUE, NW, #950 WASHINGTON DC 20005	AMERICAN HEALTH PLANNING ASSN.	1,500.00	56.00
WILLIAM WEWER, 1300 19TH STREET, NW, #310 WASHINGTON DC 20036	SUBSCRIPTION TELEVISION ASSN		
WHITE FINE & VERVILLE, SUITE 1100 1156 15TH ST., NW WASHINGTON DC 20005	CENTRAL HUDSON GAS & ELECTRIC CORP	540.00	31.00
Do	CLAVEY-WARD'S FERRY PROJECT	4,387.50	
GEORGE E. WHITE JR., P.O. BOX 61000 NEW ORLEANS LA 70161	MIDDLE SOUTH SERVICES, INC	987.95	2,483.81
FRED WHITING, 214 MASSACHUSETTS AVENUE, NE, #420 WASHINGTON DC 20002	AMERICAN SPACE FOUNDATION	5,257.74	303.81
WHITTLESEY & O'BRIEN, P.C., SUITE 801 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	U.S. CRUISES, INC.		
DENNIS J. WHITTLESEY, WHITTLESEY & O'BRIEN, P.C. 21 DUPONT CIRCLE, #801 WASHINGTON DC 20036	COWLITZ INDIAN TRIBE		
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
JULIAN A. WILHELM, 1320 19TH STREET, NW WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALAMO CEMENT COMPANY		9.32
Do	ALASKA LUMBER & PULP, INC.		
Do	AMERICAN PHYSICAL THERAPY ASSN		
Do	BRAUM ICE CREAM STORES, INC.		
Do	CENTURY 21 REAL ESTATE CORP		
Do	CIGNA	3,547.50	133.04

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES	62.50	6.65
Do	COMMITTEE FOR PRUDENT DEREGULATION	302.50	
Do	CONSOLIDATED FOODS CORP		2.66
Do	DESIGN PROFESSIONALS COALITION	1,172.50	66.52
Do	ESTEE LAUDER, INC		
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM		133.04
Do	FIRST BOSTON CORP	1,825.00	79.83
Do	FREIGHT FORWARDERS INSTITUTE		
Do	GENERAL ELECTRIC CO	3,575.00	239.48
Do	GENERAL PORTLAND, INC		9.32
Do	GIFFORD-HILL & COMPANY, INC		9.32
Do	HIGHER EDUATION ASSISTANCE FOUNDATION	200.00	26.61
Do	HOUSTON ENDOWMENT, INC	2,037.50	26.61
Do	IU INTERNATIONAL MANAGEMENT CORP	815.00	79.83
Do	KAISER CEMENT CORPORATION	162.50	8.97
Do	KELLOGG COMPANY		
Do	KELLY, APPLEMAN, HART & HALLMAN	2,392.50	66.52
Do	KRAUSE MILLING CO	87.50	10.64
Do	MONOLITH PORTLAND CEMENT COMPANY		9.32
Do	MUSTANG FUEL CORPORATION		
Do	NATIONAL ASSN OF WATER COS	575.00	53.22
Do	NATIONAL CABLE TELEVISION ASSN, INC	1,250.00	93.12
Do	NATIONAL OFFICE MACHINE DEALERS ASSN	4,905.00	292.68
Do	NATIONAL SOFT DRINK ASSN		
Do	NATIONWIDE INSURANCE COMPANIES		3.99
Do	OLYMPIA & YORK DEVELOPMENTS LTD		
Do	OLYMPIA & YORK EQUITY CORP		
Do	PARALYZED VETERANS OF AMERICA	100.00	13.30
Do	PFIZER, INC		
Do	PROTECTIVE CORPORATION		
Do	RECORDING INDUSTRY OF AMERICA, INC	4,300.00	199.56
Do	SOUTHLAND ROYALTY CO		
Do	SOUTHWESTERN PORTLAND CEMENT COMPANY	162.50	7.98
Do	STUDENT LOAN MARKETING ASSN	550.00	53.22
Do	TEXACO, INC	3,075.00	159.65
Do	TEXAS AIR CORP	3,960.00	239.48
Do	U.S. TELEPHONE COMMUNICATIONS, INC	175.00	
Do	UNIVERSAL FOODS , INC		
Do	UNIVERSITY OF MICHIGAN HOSPITALS	47.50	6.65
PHILIP WILLIFORD, #12140 057 U.J. P.O. BOX 888 ASHLAND KY 41101			
WILMER CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	PEOPLE OF ENEWETAK		29.77
DOROTHY WILSON, 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
JAMES W. WISE, DAVID VIENNA & ASSOCIATES 510 C STREET, NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN	375.00	
CLAUDIA A. WITHERS, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	59.15	15.00
ERNEST WITTENBERG ASSOCIATES, INC, 1616 H ST., NW WASHINGTON DC 20006	ALTMAN FOUNDATION		
RONALD WOLSEY, P.O. BOX 507 BALTIMORE MD 21203	AMOCO OIL COMPANY		
HUGH A. WOOD, 515 S. FLOWER STREET LOS ANGELES CA 92678	ATLANTIC RICHFIELD CO		
GEORGE M. WORDEN, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC. (FOR: DISTILLED SPIRITS COUNCIL OF THE US, INC)		
WYMAN BAUTZER ROTHMAN KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AMERICAN BOILER MANUFACTURERS ASSN, INC		
BROOKS B. YEAGER, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	2,640.00	38.04
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
BARNABY W. ZALL, 1424 16TH STREET, NW, #707 WASHINGTON DC 20036	FAIR CONGRESSIONAL TASK FORCE, INC		
RONALD L. ZIEGLER, 1199 N. FAIRFAX STREET, #801 ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS, INC		
ZIONTZ PIRTLE MORRISSET ERNSTOFF & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	MAKAH INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY		
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
Do	UKPEAGVIK INUPIAT CORPORATION		
JOHN L. ZORACK, 1140 19TH STREET, NW, #600 WASHINGTON DC 20036	FEDERAL EXPRESS CORP	10,000.00	
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857			
9TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMMITTEE, 1120 MICHIGAN BOULEVARD DUNEDIN FL 33528		1,275.00	1.60

EXTENSIONS OF REMARKS

THE CIVIL RIGHTS ACT OF 1984

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. SIMON. Mr. Speaker, just prior to the July 4 recess an overwhelming majority of the Members of the House joined in passing H.R. 5490, the Civil Rights Act of 1984. I am sure that all of my colleagues are aware of the essential need to abolish discrimination on the basis of race, national origin, sex, age, and handicap in all activities that receive Federal financial assistance. Prior to the recent recess, Carl T. Rowan, the distinguished columnist, wrote an excellent article which was published in the June 11, 1984, Chicago Sun-Times regarding the Civil Rights Act of 1984. During the recess, the Washington Post editorialized on this important legislation in "Progress on Grove City." I was especially pleased to note the Post's position on the legislation because a prior editorial had been somewhat negative. The New York Times has also published an excellent editorial.

The Post editorial was especially complimentary of the House's deliberations of H.R. 5490 and the committee report which was prepared jointly by the Committee on Education and Labor and the Committee on the Judiciary. I urge my colleagues to read both of these informative articles.

The editorials and the Carl Rowan article refute the administration's attempt to use scare tactics to delay Senate consideration of H.R. 5490. I look forward to early Senate consideration on this legislation because it is very much needed and because the Civil Rights Act of 1984 will ensure that the Nation's commitment to civil rights remains intact.

The articles follow:

[From the Chicago Sun-Times, June 11, 1984]

NEW CIVIL-RIGHTS LAW NEEDED—NOW

(By Carl T. Rowan)

When 63 of the 100 members of the Senate, including Majority Leader Howard H. Baker Jr. (R-Tenn.) and Finance Committee Chairman Robert J. Dole (R-Kan.), are co-sponsoring a civil-rights bill, you might assume such a law is reasonably good for the nation.

You might, but not the Reagan administration, which again is engaging in tactics of obfuscation and obstruction so as to offer aid and comfort to those who practice sexual and racial discrimination in the nation's colleges.

The most important civil-rights issue before Congress is a measure to restore and make clear the power of the Federal government to enforce civil-rights laws at schools and colleges that receive federal assistance. New legislation was made necessary by an incredible decision last February in which the Supreme Court interpreted Congress as intending that where a college discriminated against women in one program, federal funds should be withdrawn only from that program, not the entire college.

Outraged members of Congress said they intended no such limitation, but they have watched colleges leap to discriminate on the basis of race, national origin, age and handicap on the assumption that they can only lose a piddling amount of federal money for any program in which they practice discrimination, while they'll continue to enjoy federal largesse in other programs.

Some colleges have argued that federal Basic Educational Opportunity Grants and other financial aid to students do not, under the law, make the college a "recipient of federal assistance." The Supreme Court ruled unanimously that such grants and other financial aid did make Grove City College in Pennsylvania a recipient of federal assistance—but the court said Congress intended only that funds be cut off from any program in which Grove discriminates, leaving the college to benefit from federal funds in other programs.

This Supreme Court interpretation is so egregiously absurd in wiping out a comprehensive ban on unfair discriminations that even Education Secretary T. H. Bell and William Bradford Reynolds, head of the Justice Department's Civil Rights Division, have conceded that Congress ought to pass a law to reverse that court decision.

But the Reagan administration is playing foot-dragging games, just as it did on extension of the Voting Rights Act—until the House approved extension, 389-24, and the Senate approved, 85-8, forcing the president to sign it. Just as the Reagan administration offered shallow, delaying excuses for trying to give tax-exempt status to Bob Jones University and the Goldsboro Christian Schools, which practiced racial discrimination, so now Reynolds and Bell are going up on the Hill to offer flimsy rhetoric as to why the Congress ought not pass a law that wipes out any doubt and confusion about what a college will lose in federal aid if it discriminates against women—or other groups protected by various laws.

Reynolds and Bell went before the Senate last week to complain about "ambiguities" in the law that they said might give Federal judges more powers than Congress intended. Reynolds saw the Senate bill as creating "unnecessary tension" between the principles of equal opportunity and non-discrimination and "limited federal involvement in state and local affairs."

Sen. Edward M. Kennedy (D-Mass.) told Reynolds that Reagan wanted to "have it both ways" and charged that the assistant attorney general had "misrepresented and distorted" the pending legislation.

Dole expressed a willingness to accept "minor amendments" to make unlikely the "worst-case scenarios" presented by Reynolds, and to preclude the "grief and considerable chaos" that Bell said he feared. Several senators lambasted the administration for presenting vague objections and scare stories.

This administration just can't seem to deal straightforwardly with women and minorities and their aspirations to full citizenship.

[From the Washington Post, July 2, 1984]

PROGRESS ON GROVE CITY

With overwhelming support from both parties, the House has voted to reverse the Supreme Court decision in the Grove City case, which severely restricted the reach of federal anti-discrimination laws. Sponsors of the bill earned that strong bipartisan support in the House—and deserve similar support in the Senate—though the inherent merit of their cause, and through the care with which they addressed and answered various charges that had been raised against the measure.

By limiting application of laws prohibiting discrimination to the specific program or activity receiving federal money—rather than the larger institution of which it is a part—the Supreme Court overturned longstanding practice and effectively gutted federal anti-discrimination efforts. The administration contends that it does not oppose the objective of returning anti-discrimination laws to their pre-Grove City status. But it claims that the House language would create new protections and lead to further federal entanglement in the affairs of states, localities and private institutions.

Upon closer inspection, however, the "horror story" examples raised by administration officials turn out to have nothing but scare value. Numerous officials who enforced anti-discrimination laws during previous Republican and Democratic administrations have testified that the House bill is carefully written to do no more than put into law administrative rules that have long governed enforcement of laws prohibiting discrimination on the basis of race, age, sex or handicap. The committee report specifically addresses each of the hypothetical cases raised by the administration and demonstrates that the claimed results are either incorrect or represent no change from existing law.

Farmers will not be subject to new controls because they take farm subsidies, nor will banks be because they cash Social Security checks. Hordes of federal enforcers will not descend upon unoffending state agencies—all of which are, in any case, barred from acts of discrimination by numerous constitutional and statutory prohibitions. Limits on remedies and enforcement remain intact.

In fact it is noteworthy that the Justice Department has failed, upon invitation from Sens. Bob Dole and Ted Kennedy, to come forward with any official suggestions as to how the language of the bill could be improved. That's not surprising when you realize that the regulations upon which it is based were originally drawn up with the

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

close attention of top Cabinet officials—including Caspar Weinberger, then Secretary of health, education and welfare—and have survived many years of enforcement. There will always be gray areas in interpreting and applying anti-discrimination laws. But the House-passed measure does not add to that difficulty.

[From The New York Times, June, 1984]

PASS THE CIVIL RIGHTS ACT OF 1984

Most of Congress clearly wants to do something, fast, to make sure the Federal Government doesn't subsidize discrimination against minorities, women, older Americans and the handicapped. The House has voted 375 to 32 to overturn a Supreme Court decision that allows schools and other institutions to accept Federal money through one office while discriminating in another.

Attention therefore turns to the Senate, where the bill has 62 sponsors but some resourceful opponents. Time will be short after tonight's convention recess to overcome obstructionism in the Judiciary Committee, the threat of a filibuster and the Reagan Administration's harassment. The Civil Rights Act of 1984 needs urgent help.

Civil rights organizations and other groups have joined with a broad, bipartisan coalition in Congress for a clear, limited purpose: to restore to the Federal Government the full range of enforcement power, including the rarely used but effective power to cut off funds, that existed before the Supreme Court spoke. Except for a curious floor amendment purporting to extend the anti-bias laws to Congress and the judiciary, the House has hewed to that line, warding off attempts to build a top-heavy civil rights Christmas tree.

The temptation to apply the bias laws directly to Congress and the courts is understandable. Those branches have long been busy issuing rules for only others to obey. But that gap in the law cannot be filled merely by defining the Legislature and judiciary as "recipients" of Federal funds. The problem should be addressed seriously, but separately.

Meanwhile, the Reagan Administration has been anything but helpful. William Bradford Reynolds, the Assistant Attorney General for Civil Rights, argues that the bill could be construed to find mom-and-pop food stores "recipients" of Federal money and thus required to install ramps for wheelchairs—because they deal with food stamps. He suggests that individuals receiving Social Security checks might be similarly covered.

As 13 former civil rights enforcers for the Johnson, Nixon, Ford and Carter Administrations have testified, Mr. Reynolds is imagining things. His hobgoblins, and others, were raised and dispatched in two days of House debate. It's certainly unlikely that Mr. Reynolds himself would so wildly misconstrue this law and there's no basis for fearing that others would.

Senators Orrin Hatch and Jeremiah Denton now say they share some of Mr. Reynolds' fears, so the going will be hard in the Judiciary Committee. Like all the great rights laws of the last two decades, this one has found its obstructionists who play for time. Once again it will take all the strength that moderate and bipartisan leaders can muster to overcome them. But they will be overcome.●

A HASTY DÉTENTE WITH PEKING

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. CLINGER. Mr. Speaker, I would like to present to my colleagues what I consider a timely article written by a constituent from my district. Parris Chang is a professor of Political Science and the chairman of Asian-area studies at Pennsylvania State University. He has completed extensive research in the area of American relations with China and subsequently has written several articles on the subject. I am offering Dr. Chang's recent article, published in the July 16 issue of Newsweek, which addresses concerns that despite recent negotiations and tentative agreements, Washington and Peking may still be facing some difficult misunderstandings.

[From Newsweek, July 16, 1984]

A HASTY DÉTENTE WITH PEKING

(By Parris Chang)

In the first three years of his administration, Ronald Reagan was so preoccupied with the question of Taiwan's future that he allowed American relations with China to stagnate dangerously. Now Washington suddenly seems almost *too* eager to patch up its relations with Peking. After several recent rounds of exchanges among high-level officials, the two nations hurriedly signed some dramatic preliminary agreements on a variety of matters, ranging from nuclear-energy cooperation to weapons sales. But neither side really took the time to consider the political realities confronting its negotiating partner. As a result, the United States and China may now face some sticky new misunderstandings in the year ahead.

The accord on nuclear energy, initialed in Peking last April by President Reagan and China's Prime Minister Zhao Ziyang, is one case in point. At the time, it was hailed as the centerpiece of an improved U.S.-China relationship. But when Reagan returned home, he ran head-on into bipartisan congressional opposition to the agreement. Liberals and conservatives alike were concerned about the possibility that China might divert American nuclear technology to military uses, either for itself or for third countries. At the White House last January, Zhao did make a general pledge that China would not "engage in nuclear proliferation . . . [or] help other nations to develop nuclear weapons." But the Reagan administration has had little luck in its attempt to persuade the Chinese to agree to some specific safeguards against proliferation. Congress is particularly concerned about the persistent reports that China has helped Pakistan to develop its nuclear-weapons program; now, according to Sen. Alan Cranston, Pakistan may be nearing the nuclear-weapons testing stage.

"Duplicity": The nuclear issue threatens to become a major irritant in U.S.-China relations. Already some Chinese are accusing Washington of "duplicity and double-dealing" by backing away from the nuclear agreement. In fact, the United States was more careless than duplicitous. In the administration's haste to make political hay out of Reagan's Peking trip, the U.S. government did not take the time to hammer out a politically durable nuclear accord.

Washington has also rushed toward agreements on military cooperation with China without realizing that Peking is no longer quite as interested as it once was in forming a strategic partnership with the United States. Defense Secretary Caspar Weinberger visited Peking last fall and Defense Minister Zhang Aiping traveled to Washington last month. After those visits, the two officials did "agree in principle" to the potential sale of U.S. antiaircraft missiles and antitank weapons to China. But Peking has put off signing a formal accord, at least until some of the publicity dies down. For the moment, Peking has diplomatic reasons for playing down its relations with Washington. Ironically, China's dealings with the Americans have greatly strengthened its hand for negotiating a rapprochement with the Russians. China's objective now is to develop a posture that would give it more leverage and flexibility in its relations with both superpowers. Peking is also trying to reassert its identification with the Third World—which may also account for its attempt to distance itself a bit from Washington.

China also has domestic needs that are more urgent than military expansion—primarily modernization of its creaking economy. The Chinese are far more interested in importing Western advice on how to build their own arms industry than they are in purchasing specific weapons. But even if China does suddenly change its mind and push for more military cooperation with the United States, Washington should consider its own strategic and diplomatic interests very carefully. The key question is whether a strategic accord with China is an asset or a liability. Even though the Chinese People's Liberation Army has more than 4 million men under arms (more than any other nation), its weapons and equipment are hopelessly obsolete and it has a very limited capacity to fight a modern high-tech war. During the Sino-Vietnamese conflict in 1979, for example, the PLA performed very poorly against Hanoi's better-trained and better-equipped forces. It remains highly questionable whether China could ever be a credible military counterweight to the Soviet Union's military might in Asia.

Technology: It would take a massive transfusion of arms and equipment from the United States to China, at a cost of $50 billion or $60 billion, to make even a slight difference in the prevailing Sino-Soviet military balance. Leaving aside the issue of whether Peking would accept such military largesse from the American "hegemonists," the Chinese would have significant problems absorbing high-level military technology. China lacks the necessary support structure—highly educated personnel, research and development facilities, defense related industries with ample productive capacity—to do the job. In addition, most PLA soldiers lack the educational background for advanced military training. And large numbers of them, indoctrinated in Mao's doctrine of the People's War, seem unwilling or unable to adapt to modern methods of warfare.

A large transfer of arms from Washington to Peking would also destabilize the equilibrium of Asia and generate more problems than it would solve for the United States. A new supply of advanced aircraft and communications and electronic equipment to China would greatly enhance Peking's abili-

ty to threaten its neighbors such as India, the members of ASEAN and, of course, Taiwan. Then, too, the Soviet Union might feel threatened by a closer Washington-Peking axis and could decide to take countermeasures. The Russians could, for example, attempt to prod North Korea into military action against South Korea.

This is not to say that America should disregard China's strategic importance and turn a blind eye to any opportunities for military cooperation with Peking. But to be realistic, Washington must understand that Peking is in no sense an ally, nor is it likely to become one in the foreseeable future.●

CONTROLLING FEDERAL SPENDING IS KEY TO DEFICIT REDUCTION

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FEIGHAN. Mr. Speaker, our quest to reduce the deficit has been plagued by too much rhetoric and not enough substantive action. Instead of considering and enacting significant deficit-reduction measures, it has become fashionable for the President and Members of Congress to brutally attack certain groups as the root of all deficit evil.

We have listened to tales about those welfare queens who use food stamps to buy Cadillacs and condos in Florida. We are told time and time again about Americans who are unemployed or homeless by choice. And we are asked to believe that all Federal workers are fat-cat bureaucrats who prop their feet on their desks, lean back in their soft chairs and smoke cigars all day.

Mr. Speaker, the key to deficit reduction is controlling Federal spending. And the key to controlling Federal spending is critically reviewing this Nation's spending priorities.

We need to look at where our Federal dollars are going and for what purposes they are being spent. And we cannot afford to take a myopic approach as we look for waste in the Federal budget.

While the Pentagon is allowed to spend $500 for 5-cent transistors and $1,000 for 10-cent screws, the President and some Members of Congress have done their best to salvage the rights and retirement benefits of Federal workers. The case of the Federal worker exemplifies how many innocent Americans are being made to bear the brunt of uneven and unfair deficit-reduction efforts.

I agree that Federal workers should be expected to bite the bullet, as we all must. But I am firmly convinced that the treatment Federal workers are receiving from the current administration is grossly insensitive and undeniably unjust.

Federal workers and retirees are not as well off as many people believe. Federal salaries have been capped for 8 of the last 12 years and now Federal pay is 20 percent below comparable private-sector jobs. In addition, well-deserved cost-of-living increases have been delayed for unnecessarily long periods of time.

Health care costs paid by Federal workers have increased 55 percent in the last 2 years. The Federal employees health benefits program has been the target of an unending stream of cuts. And the Office of Personnel Management has issued unworkable and uncalled for performance standards for civil service pay raises, promotions and layoffs. All in all, benefits for Federal workers and retirees have been reduced by $4 billion since 1982.

In short, I call your attention to Federal workers today because tomorrow the finger-pointing will resume and more Americans will be called upon to make unreasonable sacrifices for the huge budget deficit that we refuse to deal with responsibly.

When the President and some Members of Congress say they want to weed out Government waste, they go after Federal workers with an ax. Unfortunately, life is not so simple and Government waste is too big a problem for such a simplistic response. The biggest amount of waste in the Federal budget has nothing to do with the benefits Federal workers receive.

Federal workers must not be used as scapegoats in the budget process. After all, we don't need scapegoats to solve our problems. We need action.●

ARE GHOST TOWNS REPLACING OUR FARMS?

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. EVANS of Illinois. Mr. Speaker, America's farmlands are one of this country's greatest resources. A nation that can feed itself need never fear foreign agricultural embargoes. However, the threat of dependence will increase if we lose our self-reliance through the erosion of our agricultural heritage.

That heritage, forged by the sweat of common Americans, still flourishes in our single family farms. However, these farms, which once were the backbone of our Nation's economy, are no longer able to sustain themselves in the face of America's increasing economic concentration. Instead, they are being swallowed up by corporate agribusinesses. This growing economic imbalance presages the death of the family farm.

According to Dr. Larry Swanson, an expert on the country's rural economy at the University of Nebraska's Center for Great Plains Studies, our farm communities are a diminishing element within society. The incorporation of American agriculture, Dr. Swanson warns, will eventually lead to the demise of many rural towns.

We cannot deny our agrarian past, for the common American's resourcefulness in developing the fertile land built our Nation. We must rejuvenate and revitalize the small farming industry. Through a conscious preservation, we can ensure that our farms and farm communities will not meet the fate of those towns which sprung up around other industries, but deteriorated into ghost towns that remain only in memory.

I wish to share with my colleagues an article which appeared in the Macomb Daily Journal, expressing concern over Dr. Swanson's findings. We should heed his warning before it is too late.

MIDWESTERN GHOST TOWNS

(By Robert Walters)

CERESCO, NE—Say goodbye to Ceresco. It may soon cease to be a functioning community.

While you're at it, bid farewell to Lime Springs, Iowa; Kranzburg, S.D.; Montezuma, Kan.; Great Bend, N.D.; and thousands of other rural towns throughout the Midwest.

Farm communities with a population of less than 900 face the very real threat of extinction, warns Dr. Larry D. Swanson, an expert on the country's rural economy at the University of Nebraska's Center for Great Plains Studies.

In recent decades, there has been considerable hand-wringing about "the disappearance of the family farms and the concomitant ascendance of massive, corporate-owned farms controlled by agribusiness interests.

Swanson has not just studied that phenomenon, however, but has analyzed its potentially devasting impact on the economic, cultural and social institutions which serve millions of the nation's rural residents.

Although Swanson has focused his research on 27 of Nebraska's most rural countries, it clearly is applicable to agricultural communities throughout the farm belt.

After reaching a peak in the 1930s, the number of farms here in the Cornhusker State has steadily declined—and with the exception of the 1970s, the rate of decline has accelerated during each of the past four decades.

In 1940, Nebraska had about 120,000 farms; today that figure has been cut almost in half, to slightly more than 80,000 farms. This year alone, an estimated 7 percent of the state's farmers—twice the normal rate of 3.5 percent—will go out of business.

"While there are encouraging signs of recovery for the economy as a whole, America's farmers still face the most serious and prolonged period of financial stress in more than 40 years," warns a report on the plight of the farm community commissioned by Nebraska Gov. Robert Kerrey.

"If there is an economic recovery, we're certainly not realizing it in this part of the country," says Erwin Matulka, a farmer in nearby Valparaiso, Neb., another town that is a candidate for extinction. "People used

to be enthusiastic to get into the field. Now it seems it's a burden. It's no fun anymore."

The amount of land under cultivation in the state has declined only slightly during the past four decades, however, from 47 million acres to 46 million acres.

What has occurred is that economic power has become increasingly concentrated. Approximately 5 percent of Nebraska's farms now account for almost half the state's total agricultural production.

The average number of people living on Nebraska's farms has declined steadily, as has the state's total rural population. During the 1970s alone, Nebraska lost approximately one-fourth of all its farm residents.

The most logical source of revival for the rural economy would be an infusion of young farmers, but the economics of modern agriculture—notably the massive capital investment required and the oppressive cost of borrowing money—have discouraged potential new entrants.

The changes of past decades already have had a profound impact on rural communities. Swanson found that during the 1960s and 1970s, the number of retail stores in small towns declined by about one-third, school enrollment was reduced by about 30 percent and the male civilian labor force was cut by 18 percent as young men sought work elsewhere.

Suggesting that farmers throughout the Midwest may be trapped in a "self-perpetuating, self-reinforced and . . . somewhat self-defeating" cycle, Swanson believes there is little immediate hope for stabilizing the situation.

Instead, he foresees further disintegration and deterioration of rural communities in the coming decades. He expects that retail stores and service establishments will close and community organizations, from churches to civic groups, will be devastated by dwindling membership bases.

In less than a decade, towns throughout the region will be struggling for survival—and some almost certainly will disappear. "I think we're going to be at the back end of a major transformation of society by 1990," says Swanson, "not only in Nebraska but in the whole nation."●

EMPLOYMENT EFFECTS OF ENERGY POLICIES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. OTTINGER. Mr. Speaker, the varying employment effects of alternative energy policies have long been a special concern of local and State policymakers. A few of us at the Federal level have also followed this issue carefully, and are aware that as long as this Nation continues to use energy inefficiently, a strategy based on providing energy through efficiency investments will create more jobs than building new electric powerplants.

The latest confirmation of this reality comes in the form of a report prepared for the Office of Conservation Programs of the Bonneville Power Administration. The report supplies preliminary estimates of the employment effects of coal and nuclear powerplant construction compared to residential energy conservation programs.

As the following table shows, the energy conservation approach is estimated to provide the BPA region with roughly 60 percent more jobs per dollar of investment than the powerplant construction approach. Moreover, when one takes into account the negative impacts of any utility investment program on ratepayers and other sectors of the local economy as measured in jobs per million kilowatthours, the report concludes that energy conservation investment will provide a net increase of two jobs—one person working full time for 1 year per million kilowatthour, whereas powerplant construction will provide a net loss of 31 jobs per million kilowatthour.

EMPLOYMENT EFFECTS OF CONSERVATION AND CONVENTIONAL ELECTRICITY SUPPLY ALTERNATIVES

Impact measure	Conservation effect/nuclear power effect				
	PNW[1]	Idaho	Oregon	Montana	Washington
A. Impact per $1,000,000 investment:					
Conservation [2] (jobs/$1,000,000)	53.0	52.0	56.0	51.0	51.0
Conventional [3] (jobs/$1,000,000)	33.0	28.0	33.0	28.0	34.0
Conservation/conventional (ratio)	1.6	1.8	1.7	1.8	1.5
B. Impact per 1,000,000 kWh supplied (investment and operating costs for 30 yrs):					
Conservation [2] (jobs/1,000,000, kWh)	25.0	25.0	25.0	25.0	25.0
Conventional [4] (jobs/1,000,000 kWh)	29.0	27.0	30.0	24.0	30.0
Conservation/conventional (ratio)	.9	.9	.8	1.0	.8
C. Impact of rate paying:					
Conservation [2] (jobs/1,000,000 kWh)	−23.0	−24.0	−25.0	−15.0	−23.0
Conventional [3] (jobs/1,000,000 kWh)	−60.0	−63.0	−66.0	−40.0	−60.0
Conservation/conventional (ratio)	.4	.4	.4	.4	.4
D. Net Impact (power production-rate paying):					
Conservation [2] (jobs/1,000,000 kWh)	2.0	1.0	0	10.0	2.0
Conventional [4] (jobs/1,000,000 kWh)	−31.0	−36.0	−36.0	−16.0	−30.0

[1] This column is a weighted average based on household numbers in the constituent states.

[2] Based on BPA's residential weatherization conservation program.

[3] Based on a nuclear power plant construction program.

[4] Based on nuclear power plant construction plus summation of 30 yrs. of operations.

Source: Estimated by the Office of Applied Energy Studies, Washington State University.

I urge my colleagues to read this report. Employment will never be the only reason to support energy conservation, but energy policymakers need to be aware of options which offer a chance to keep jobs in the community while meeting all our energy needs.

I ask unanimous consent that an article from the July 6, 1984, Seattle Times appear in the RECORD at this point:

CONSERVATION FAVORED OVER NUCLEAR PLANTS AS JOB BOOSTER

(By Bob Lane)

A Boston consulting firm has confirmed what many Northwesterners have believed for a long time: that more jobs can be created through conservation than through building power plants.

In a study for the Bonneville Power Administration, Charles River Associates of Boston said that saving 1 million kilowatt hours of electricity through conservation programs—insulation, weatherstripping and the use of insulated windows—would create two new jobs lasting a year.

Providing the same amount of energy—enough to serve 70 homes for a year—from a nuclear plant would reduce total employment by 30 jobs, the firm reported.

It calculated that conservation work would actually create 25 jobs in the insulating industry. Offsetting that gain, however, would be a loss of 23 jobs in other areas of the economy, for a net gain of two jobs.

The loss would occur because if utility customers spend money for conservation they will have less cash for other goods and services, and employment in those other areas would decline.

Turning to nuclear energy for 1 million kilowatt hours of electricity would create 30 construction jobs—more than conservation. But because nuclear-power plants cost so much, utility customers would have even less to spend in other areas, and other employment would decline by 60, for a net loss of 30, according to the consulting firm.

The Northwest Conservation Act Coalition, a group of environmental, labor and citizens' organizations, long has argued that an aggressive conservation program would do more for jobs than building a power plant.

"Some of the numbers are striking," Marc Sullivan, coalition executive director, said of the BPA report. "No investment in utilities is particularly good at creating jobs. Conservation is near zero, but thermal (nuclear and coal plants) is literally a job destroyer."

Charles River Associates said government agencies and other consultants have published similar findings.

But the firm said, "The simple numerical results of this report cannot be used to endorse one strategy over another . . ." And it noted that a decision to build a power plant doesn't depend just on the number of jobs it would create.

"The actual investment decisions will be based on a variety of economic, engineering, environmental and political considerations," the firm said.

Charles River Associates said planners also must consider the skills required by workers in evaluating the benefits of various energy programs.

Insulation workers generally are unskilled, earning about $8 an hour. But most of them are hired from the local workforce.

Nuclear-plant employees, however, are highly skilled in welding, electrical work and pipefitting and earn several times as much money. Many are construction-project followers from out of state, and hiring them would not ease local unemployment.

BPA is financing a regional conservation program through local utilities. The Northwest Power Planning Council's 20-year energy plan assumes that the region's first source of new electricity would be from conservation programs.

Charles River Associates said six Northwest utilities, some working independently of BPA, helped customers insulate and weatherize 100,000 homes through June 1983. The cost averaged between $1,400 and $2,100 per home.

Dick Perlas of BPA's conservation office said the report will not provide the basis for major changes in Bonneville programs.

"It provides useful information as to the value of conservation programs to the Northwest, in energy savings as well as in the use of local labor resources," Perlas said.

"When we are criticized for eliminating generating resources, some say it seems like we are eliminating jobs. This study shows we are creating more jobs. . . ."●

INTERNATIONAL EDUCATION AND NATIONAL SECURITY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. SIMON. Mr. Speaker, for many years I have stressed the importance of the relationship between international education, and long-term national security and economic stability. I commend to the attention of my colleagues the following excerpts from a paper concerning the role of the American university in international development, which highlights an important aspect of this relationship.

As this paper points out, many American universities are involved in technical assistance to developing countries, though their role in these activities is not clearly enough defined. It is important to carefully consider the role of American educational institutions in assisting the development of Third World countries, in particular, their role in the education and training of students from developing countries.

Programs and policies relating to the education of foreign students in the United States merit careful attention for two general reasons. First, world political, economic and social issues increasingly necessitate global cooperation, and thus require improved cross-cultural communication and understanding. Student exchanges are an effective way of working toward that end. Specifically, bringing more foreign students to the United States will help these individuals, who are often the future leaders of their home countries, to develop an appreciation of American culture and values. Second, training and educating foreign students, particularly from Third World countries, is one useful approach to dealing with foreign affairs. Other countries, notably the Soviet Union, generously support foreign student study in their universities. It is important for the United States to match such efforts if the future leaders of Third World countries are to have an understanding of, and respect for, the United States.

American educational institutions should focus their technical assistance efforts on educating and training personnel from developing countries. Further, this body should facilitate such efforts by supporting educational exchanges, and giving greater consideration to programs and policies concerning the education of foreign students within the United States:

EXCERPTS FROM AMERICAN PUBLIC UNIVERSITIES: THE ROLE OF TECHNICAL ASSISTANCE PROJECTS IN DEVELOPING COUNTRIES

(By Harry G. Miller and E. Hollis Merritt)

UNIVERSITY CONSIDERATIONS FOR INVOLVEMENT IN TECHNICAL ASSISTANCE

A considerable number of state supported American universities are embarking upon technical assistance activities which involve technical training and institutional building in developing countries. In the past, funding agencies and host governments have expressed concern over the ability of American universities to provide faculty who are adequately trained to work in other countries and adequate institutional resources for program delivery. For effective technical assistance programs, academic institutions must be committed and willing to adapt to program and staff needs. As a framework within which state universities may address issues related to their involvement in technical assistance programs, academic institutions must be committed and willing to adapt to program and staff needs. As a framework within which state universities may address issues related to their involvement in technical assistance projects, the following emphases and guidelines are proposed for state supported universities in their pursuit of technical assistance projects in developing countries.

1. Public universities should have a written statement within their overall mission which is agreed upon and accepted by lay governing bodies concerning their commitment to the role of international education and delivery of technical assistance activities by the institution . . .

5. Public universities should focus their programs on specific geographic areas of special international interest and should support such area studies with faculty, library holdings, support resources and degree offerings . . .

7. Public universities should be able to document their commitment to international education by the number of foreign students enrolled on campus, the number of foreign students clubs, the number of foreign student alumni, the number of faculty participating in overseas projects, the number of international education-oriented courses offered, and the number of memberships in international professional organizations . . .

TECHNICAL ASSISTANCE TRAINING

. . . American public universities are a logical constituency for participants training [of developing country personnel] since they have the capability of providing the great variety of training resources needed for economic development. This is particularly true of those institutions of higher education with professional degree programs which have cultivated field relationships with industrial and other private sector organizations . . .

It is important to note that participant training can also be substituted for the other two components of development [capital development and technical aid]. The return per development dollar spent on participant training can be substantially higher than that of expenditures on capital development and technical aid. If performed well, the lasting effect through improved leadership on the part of participants in their home country is valuable. Frequently such participants are better at adapting the new technology and training to the local culture for its continued effectiveness than are external technical advisers. This means that substantially more could be spent on participant training before experience decreasing returns for additional dollar expenditures. Participant training and employment is important since most developing countries have a large and rapidly growing population that typically exists beyond the absorption rate of the labor force . . .

CONCLUSION

American public universities continue to seek to determine their proper role in the promotion of technical assistance programs in developing countries. For success, American higher education in overseas contract programs must have the respect and trust of sponsoring agencies and the developing country. Past involvements in technical assistance projects have demonstrated the need for flexibility, specialized education, unique deployment of resources and faculty, administrative commitment, a vibrant on-campus international education program, and a strong funding agency relationship.

Technical assistance projects are only one of the components for a state university's involvement in international education. Another component is the foreign student body on the campus. Other components are area studies programs, poly-cultural studies, programs of study abroad, faculty and student exchange programs, sister relationships in other countries, teaching internships in other countries, seminars and conferences on international topics and issues, training for overseas service, and tailored programs for international students and trainees. The issue of technical assistance is one of interfacing the needs and potential to the benefit of both the university and host country [emphasis added].●

CHIEF TAPSCOTT TO BE HONORED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FAUNTROY. Mr. Speaker, I wish to inform my colleagues that D.C. Assistant Chief of Police Marty Tapscott will be honored by the Shaw Community Center Food Committee at its annual prayer breakfast on Saturday, August 4, 1984, at Bibleway Church located at New Jersey and New York Avenues NW. The annual prayer breakfast raises funds toward purchasing Thanksgiving baskets for needy families in the Washington area. The Shaw Center has been distributing food baskets at Thanksgiving for over 15 years. Thus far, more than 9,000 families have benefited from the project.

Chief Tapscott is one of the city's most influential and respected law enforcement officials. He has been a member of the Metropolitan Police Department since 1959. His assignments have included numerous Presidential details and demonstrations.

Chief Tapscott organized and supervised recruitment of perspective police and cadet personnel throughout the Nation, handled budgeting for the programs, the selection process, and served on the medical board. From March 1974 to November 1974, Chief Tapscott was detailed to the U.S. Virgin Islands as Deputy Chief in charge of St. Thomas and St. John District. Currently, he is Assistant Chief of Police, Field Operations Bureau. He is responsible for the seven police districts, Special Operations Division; Youth Division; and Criminal Investigations Division.

Chief Tapscott received his B.S. degree (cum laude) in administration of justice from American University. He has received a number of awards, including the Pi Alpha Alpha Honor Society, Distinguished Alumni Award from the School of Justice, the University Alumnus Award from the College of Public Affairs, and the Undergraduate Academic Achievement Award.

Mr. Speaker, Chief Tapscott, an Air Force veteran, is a member of numerous organizations, including the Shaw Food Committee, Pigskin Club of Washington, DC, Inc., Black Police Officials Association, National Organization of Black Law Enforcement Executives (NOBLE), and Board of Directors of the Metropolitan Police Boys' and Girls' Club. In addition, he serves as a member of the Advisory Board, School on International and Public Affairs, American University, and chairman of the Mayor's task force on emergency disaster plan.

Mr. Speaker, Chief Tapscott is an exceptional civil servant who has served his community and this Nation well.●

JUSTICE FOR CYPRUS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Ms. SNOWE. Mr. Speaker, I would like to call to the attention of my colleagues a recent statement issued by the Republic of Cyprus. Their words are clear and impassioned, and provide a succinct appraisal of the illegal occupation of Cyprus.

As the statement by the Republic of Cyprus makes clear, there has been little progress during the 10-year occupation of northern Cyprus by Turkish forces. Turkey and Turkish-Cypriot leaders have been unresponsive to the U.N. Secretary-General's efforts to resolve this issue, and during the last year Turkey has supported and encouraged developments in northern Cyprus that will lead to permanent partition of this independent nation. If the current situation on Cyprus is allowed to continue, it will have serious consequences for U.S. security interests in the eastern Mediterranean. On this, the 10th anniversary of the invasion of the island republic, it seems quite appropriate to present this statement to you:

JUSTICE FOR CYPRUS—TEN YEARS OF TURKISH OCCUPATION MUST END

Ten years ago on July 20, 1974 Turkish armed forces invaded the Republic of Cyprus, an independent state, member of the United Nations, the Council of Europe, the Commonwealth and the non-aligned movement, and seized over a third of its territory.

These forces are still there today, manning at gun point an ugly long scar across the island—an arbitrary geographical division imposed on a sovereign state whose territorial integrity was formally guaranteed in a treaty of establishment at the end of colonial rule in 1960. Ten years following the invasion, 37 percent of the Republic of Cyprus is still in the grip of 30,000 Turkish soldiers bent on imposing partition. 200,000 displaced Cypriots are still unable to return to their homes. The fate of 1,619 people missing since the invasion is still unknown.

Recent action by Turkey and the Turkish Cypriot leadership have now placed the very independence of Cyprus under serious threat.

The threat has come in the form of a secessionist move last November purporting to set up a so-called state in the areas occupied ten years ago by Turkish force of arms. The United States, noting its "deep distress", joined the rest of the world in refusing to recognize this illegal secessionist move and urging all other countries not to do so. One country alone accorded recognition: Turkey.

Over the past ten years of the Turkish military occupation of Cyprus, the government of the Republic has taken its complaint to the U.N. many times. The U.N. has repeatedly denounced Turkish plans to impose partitionist faits accomplish. The World Forum, both in the General Assembly and Security Council, has adopted unambiguous resolutions, calling for the withdrawal of troops, which continue to be ignored by Turkey.

After last November's unilateral Declaration of Independence in the areas under occupation, Cyprus took recourse again to the Security Council. The Council denounced the pseudo-state as illegal and called for reversal of the Turkish move and for the U.N. members to deny recognition to the so-called State.

In total disregard of the resolution, Turkey and the Turkish Cypriot leadership in the occupied areas showed their scorn for the world organization by ceremonially exchanging ambassadors last April, on the very day the Secretary-General's special representative arrived in Cyprus on a peace initiative. To compound matters the Turkish side also announced plans for a referendum on a new constitution for the "State", to be followed by general elections.

In May, yet another urgent meeting of the Security Council was called by Cyprus against these Turkish moves. During the debate the Turkish Cypriot leadership, along with Turkey's delegate, spoke at length, seeking to justify their deeds. The Security Council was not convinced, and another even tougher resolution condemning the exchange of "ambassadors", as well as all secessionist actions, declaring them illegal and invalid and calling for their withdrawal, was overwhelmingly adopted. Turkey ignored this resolution also.

While the U.N. Secretary-General contemplates his next move to implementing the most recent U.N. Resolution, Cyprus is marking the 10th anniversary of the Turkish invasion with an appeal to American and international public opinion.

The continuing tragedy of Cyprus affects all peace-loving peoples. We are confident that our appeal will strike a responsive chord among those who care for the fundamental principles of justice, the rule of international law and respect for human rights.●

SOCIAL SECURITY "NOTCH" PROBLEM

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FEIGHAN. Mr. Speaker, for those of us who are concerned about the Social Security "notch" problem, the past few months have been particularly frustrating. Legislation has been introduced in Congress to rectify this unfair situation, yet the issue has not yet come before the full House for a vote.

I am distressed by this inaction, and I urge my colleagues on the House Subcommittee on Social Security to take action and hold hearings on the notch problem. In particular, H.R. 4093 deserves immediate consideration because this bill effectively eliminates the notch by extending the transition period and making benefit calculations more generous for those citizens born after 1916. This legislation has been carefully constructed to return a sense of fairness to our Social Security system.

There is no good reason why H.R. 4093 should remain stalled for so long in the Subcommittee on Social Security. Nearly 60 of my colleagues have joined me in cosponsoring this important legislative initiative, and it enjoys widespread support throughout Congress.

I have heard from thousands of constituents on this issue and they, too, demand action. It is not enough for Congress to merely identify a problem—we must solve this serious problem by passing legislation that will give millions of Americans the Social Security benefits they earned and deserve.●

HEALTH CARE CONSUMER INFORMATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. GEJDENSON. Mr. Speaker, I would like to submit for the record an

article that appeared in the New York Times on July 17, 1984, entitled "Doctors' Lobby Facing Unsolicited Second Opinion."

Mr. Speaker, this article points out very succinctly and clearly what's at issue with title V of H.R. 5602, the Health Professions and Services Amendments of 1984. What's at issue, quite simply, is the fact that consumers need to get a handle on their health care costs. But they can't without the sufficient information.

With the Nation spending $360 billion this year on health care costs, we need to bring the consumers into the health care cost containment effort in a meaningful way.

The health care consumer information title of H.R. 5602, title V, will enable health care purchasers to do just this.

Mr. Speaker, I commend to my colleagues this informative article.

The article follows:

[From the New York Times, July 17, 1984]

DOCTORS' LOBBY FACING UNSOLICITED 2D OPINIONS

(By Joel Brinkley)

WASHINGTON, July 16.—The American Medical Association, long one of Washington's most powerful political lobbies, is accustomed to getting its way when medical issues come before Congress. But the days of such dominance may be ending.

More and more often, the nation's doctors are finding themselves confronted by a broad and powerful coalition of business and industry groups arguing the other side of a given issue. These are the people who pay most of the nation's medical bills, and they say they are finally getting "the courage" to oppose "an organization as powerful as the A.M.A.," as one coalition member said recently.

The latest confrontation is over a rather innocuous amendment to an obscure bill before Congress. If passed as written, the amendment would create no new jobs. It would add not a dime to the Federal budget. And, its author, Representative Ron Wyden, Democrat of Oregon, says it would cause the Government "to collect not one snippet of paper."

Nonetheless, Mr. Wyden's little amendment is causing a storm.

THE COST OF HEALTH CARE

The central issue is the ever-surging cost of health care, which is certainly a controversial topic. But Mr Wyden's seven-paragraph amendment addresses it only indirectly.

The proposal would require the Department of Health and Human Services to study the best way to compare the cost and quality of health care and to make that research available to the public.

"It would require them to provide some technical assistance to purchasers of health care so they can go out and make comparisons and smart purchases on their own," Mr. Wyden said.

The theory is that this is the only way health-care costs can be brought down, if consumers shop around for prices and services and force doctors to compete for patients.

Under the amendment, the department would not actually compare the cost or quality of health care. It would merely develop guidelines that business and consumer groups could use to make comparisons themselves.

"Really, the Wyden amendment is very limited, very small," said Sharon Canner, an associate director with the National Association of Manufacturers, which supports the amendment.

However, she added, "It's representative of a larger issue." That issue, proponents say, is the medical community's longstanding reluctance to release certain comparative information about the cost and quality of health care.

But to the American Medical Association, Mr. Wyden's proposal "is just an inappropriate bill all around," said William E. Small of the Washignton office. "We oppose it," he said.

The A.M.A. says statistical information comparing doctors and hospitals can be misleading. "And there's just a general problem with what they are going to do with the aggregate information under this amendment, how they are going to interpret it," Mr. Small said.

Representative Wyden acknowledges that A.M.A. opposition can be formidable. The association's political action committee is the nation's third oldest, and most years it spends more money than all but one or two others. It usually gets its way.

But the business coalition is changing the equation. Businesses and industries, after all, are the largest purchasers of health care; it is estimated that they spend $100 billion a year on health benefits for their employees. And "for years, employers just paid whatever bills they were given;" Mrs. Canner said.

As they tired of paying higher and higher health-care bills they could not control, businesses began forming consortiums about 10 years ago, thinking they ought to have some say in the nation's health policies.

One of the first, the Washington Business Group on Health, now represents about 250 of the nation's largest corporations, and when it advocates an issue, Congress has little choice but to listen.

As Willis Goodbeck, the group's president, likes to point out, "Our members annually purchase the medical benefits for nearly 50 million employees, retirees and their dependents." That is more than 20 percent of the population of the United States.

Several times in the past couple of years, the Washington Business Group on Health and the A.M.A. have found themselves lobbying opposite sides of an issue, and "We've never lost," Mr. Goldbeck boasted.

Mr. Small of the A.M.A. says his association has noticed that it has a new and powerful adversary. But, he says, sometimes the two sides agree.

Mrs. Canner, of the manufacturers' association, which represents 13,500 businesses and corporations, agreed. But she also said: "Business is becoming convinced of its power. Businesses are the ones that pay the health bills, and they are beginning to have the courage to get involved in coalitions to oppose an organization as powerful as the A.M.A."

Mrs. Canner's organization has joined forces with Mr. Goldbeck's and a variety of other business, labor and consumer groups to advocate passage of Mr. Wyden's amendment.

In May the House Energy and Commerce Committee, voting 23 to 1, adopted the Health Manpower Reauthorization Act, which includes the Wyden proposal. The bill now awaits consideration by the full House. The Health and Human Services Department has not taken a public position on the amendment.

Mr. Small said he did not believe the A.M.A. would mount a major lobbying campaign against the amendment, though it has made its position clearly known on Capitol Hill, Members of Mr. Wyden's staff said they did not think the A.M.A. could defeat the proposal on the House floor, though they said they were afraid of what might happen in a conference committee with the Senate.

"Whatever happens," Mrs. Canner said, "what you see with this coalition is only the beginning."

"I think you are going to see more and more of this," she said. "The Wyden amendment is just one of the first examples."●

SOCIAL SECURITY THE NEW REALISM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. PICKLE. Mr. Speaker, last week the President announced that he favored a cost-of-living increase for Social Security beneficiaries this year. This is the same news conference where the President declared he wanted to reduce spending instead of raising taxes. Within moments, the President contradicted himself by recommending this cost-of-living increase which both increases spending and taxes. As I've noted, this will cost the Treasury about $5 billion and will also result in an increase in the Social Security taxes for many American workers and employers.

Apparently, the White House was hoping this would go unnoticed or that it didn't really matter. But it does matter, and the public is starting to catch on because the press is beginning to catch on. This "new realism" is evidenced by the following articles which I would like to insert in the RECORD for the benefit of my colleagues.

[From the USA Today, Aug. 1, 1984]

POLITICIANS HAND OUT ELECTION-YEAR CANDY

It happens every election year. The mere thought of facing the voters can turn a politician into a Sugar Daddy.

Take Social Security. It's a big hunk of sugar.

Last week, President Reagan announced that he might ask Congress to spread some of that sugar around by passing a quickie law that would give 36.5 million Social Security recipients a cost-of-living increase.

Now that's a sweet thought. The U.S. Senate jumped at the idea. Within two days, the senators voted 87 to 3 to strip $5 billion from the Social Security trust fund next year and give each individual on Social Security $12 a month.

That's pretty shoddy sugar they're handing out.

And it's irresponsible. The national budget deficit is approaching $200 billion. And the annual price tag of Social Security

represents 20 percent of all federal spending.

This cost-of-living increase will trigger another immediate rise in the Social Security tax. It could set a precedent threatening the future of the Social Security system.

Only last year, Congress acted responsibly by providing stability for the system's trust fund. But that was not an election year.

Sure, many of the nation's elderly are hurting. Many live on fixed incomes. One out of every seven lives in poverty. But the law states specifically when they are to receive Social Security cost-of-living increases. It is supposed to happen when the inflation rate goes over three percent.

That isn't going to happen this year. But with the election so near, the Senate wants to give the increase anyway. And the House of Representatives is expected to follow the Senate and take on the Sugar Daddy role next week.

Senators rationalized their action this way: The inflation rate is nearing three percent. It probably will go over that amount next year. So why wait to hand out election-year fudge?

The reason to wait is because Congress worked so hard last year to make the trust fund safe. It is senseless to risk that security—just because politicians are worried about their security.

It is true that the nation's elderly vote in huge numbers—almost 70 percent of those between the ages of 64 and 70 went to the polls in November, 1980. And if there is no cost-of-living adjustment next year, the announcement will come in late October—a few days before the election. So the politicians are looking for candy to pass around to the nation's old people.

It is insulting to them. And it is shameful to suggest that they are willing to risk the future of Social Security for a political payoff of $12 a month.

Social Security is not political candy. And the sight of politicians playing Sugar Daddy and spoon feeding the nation's elderly is enough to make the voters sick.

[From the Dallas Morning News, July 28, 1984]

SOCIAL SECURITY VOTE: IT'S CORRUPTION

The Republican administration and Senate Democrats are elbowing each other for credit for the Social Security vote Thursday. The vote would guarantee that Social Security recipients will get more money on New Year's Day, whether or not the inflation rate is high enough to justify a boost in the cost-of-living allowance.

The politicians are seeking credit for offering to elderly voters what amounts to a bribe.

President Reagan had announced that he would ask for the increase at his TV press conference Tuesday. Democratic Sen. Daniel Patrick Moynihan stole a march on the White House by quickly introducing a bill to hand out the extra money. Of the 90 senators voting, only three brave souls voted nay.

If anyone, old or young, retired or working, Republican or Democrat, wants a demonstration of the reason why the Social Security program is in trouble, here it is. What we have just seen is a replay of the sort of election year bidding war for the Social Security vote that has virtually bankrupted the system.

That system was originally sold to American workers as a form of old-age and retirement insurance that would furnish the elderly a minimum income, firmly based on the amounts they had previously paid into it.

Instead, electioneering politicians of both parties have regularly used the system as a gigantic slush fund with which to buy votes during their campaigns. That is precisely what has happened here.

The express purpose of indexing benefits to the inflation rate in 1972 was to prevent this from happening every other year. Henceforth, we were told, linkage of benefits to the cost of living would hold safe the retired, sparing them the ravages of inflation, and avoiding the political temptations for vote-buying.

Yet such temptations are apparently irresistible on both sides of the aisle, in the White House as in Congress. Short-circuiting the system lets politicians of every stripe say to those getting Social Security, "Thanks to me, you'll be getting about $20 more per month next year."

The unsaid quid pro quo, of course, is " . . . so now be sure and vote for me."

This is happened so often and with such disastrous effect on the Social Security system that millions of younger Americans have lost confidence that it will be there when they reach retirement age.

The political logic underlying this bipartisan vote for ante-raising is quite understandable: When such a campaign scheme is proposed, any incumbent politician who does not instantly vote to hand out the money is condemned for "hating old people," for "trying to balance the budget on the backs of the elderly."

Yet the upshot of this long series of vote buys with other people's money is a system so shaky that one rescue attempt after another must be launched to save it. And "rescue" generally means taking more and more Social Security tax out of the earned income of younger generations that are less and less hopeful that the system will be around when they need it.

Social Security was supposed to be a return to retired Americans of income based on what they had paid into the system while working—an insurance plan, not a welfare handout. That it is today viewed less and less as the former, more and more as the latter, is the direct result of such episodes as we have seen in Washington this week.

We are being asked by both parties to view this as an act of conscience. In truth, it is merely another step in the corruption of what was once a sound and respectable program.

[From the Dallas Times Herald July 27, 1984]

GOOD POLITICS, BAD POLICY

President Reagan seems to be counting votes more than dollars these days. How else does one explain the President's vow to seek an increase in Social Security benefits in the face of a $180 billion-a-year budget deficit?

Mr. Reagan wants Congress to give Social Security recipients a cost-of-living adjustment next January even if the past year's inflation turns out to be less than 3 percent. Under current law, recipients are entitled to an increase in benefits only if inflation exceeds 3 percent.

Such a proposal makes good political sense, to be sure. The Democrats have cast the President as the No. 1 enemy of the Social Security system. What better way for him to deflect the criticism than to advocate this out-of-the-ordinary increase in Social Security spending?

But while good politics, Mr. Reagan's proposal would be bad policy. A cost-of-living adjustment would cost taxpayers about $1.8 billion for every percentage point. Thus, if the inflation rate were 2.8 percent, the cost-of-living increase would total $5 billion.

That is no trifling sum. If the President wants Congress to cut spending to reduce the deficit, he should not be calling for this major new drain on the Treasury. As much as he may like to give one of his constituencies this election-year plum, Mr. Reagan cannot be allowed to have it both ways.

Abiding by the present Social Security law is not asking too much of the nation's elderly. Economists widely acknowledge that for years retirees were overcompensated for inflation by the cost-of-living adjustment formula. No matter what happens next January, Social Security beneficiaries will remain well ahead of the inflation of the past decade.

The President's proposal probably will be applauded by some, but in fact it is terribly shortsighted. Doesn't Mr. Reagan care that his administration's awesome budget deficit threatens to send both the elderly and their offspring into the economic doldrums again?

[From the Washington Post, Aug. 1, 1984]

PANDERING TO THE ELDERLY

(By Terry Hartle)

Those who believe it takes the federal government too long to accomplish anything should take heart. Less than a week after President Reagan suggested increasing Social Security pension benefits, the Senate voted to approve the idea, and the House is poised to go along. It appears that the pensioners will get the money without any delay at all.

That's the good news. The bad news is that this election year gambit will cost about $5 billion and will undermine the Social Security rescue package that was so carefully put together just a year ago. In the process, politicians of both parties have resorted to the time-honored practice of buying votes with public policy.

A bit of history is necessary. Between 1952 and 1971, Congress increased Social Security benefits seven times—frequently in election years, as Congress sought to curry favors with the voters. The highlight (or low light) of this approach occurred in 1972 when Rep. Wilbur Mills pushed through a 20 percent increase in benefits. Congress also adopted a provision that tied benefits to the change in the consumer price index. Mills, who was considered an expert on Social Security financing, promised that the changes were "actuarily sound."

But by the mid 1970s, Social Security began to falter. More money was paid out than was taken in, and the fiscal surplus in the trust fund evaporated. In 1977, Congress passed a "rescue" to guarantee that the system would be financially sound until 2030. By 1983, however, it was painfully apparent that the rescue operation had failed, and another rescue was mounted, this one led by a bipartisan commission.

Everything worked well for about a year. But a few months ago Treasury Secretary Donald Regan suggested that it might be necessary to revise the benefit structure sometime in the future. More recently, President Reagan said that some changes might have to be made eventually to ensure the solvency of the system.

Neither suggested when the reappraisal would be necessary or what he had in mind.

But the Democrats used this to accuse the Republicans of wanting to take a hatchet to Social Security.

Such criticism was a real problem. Social Security is the nation's biggest and most important domestic program; over 36 million Americans benefit from it. Moreover, the elderly are much more likely to vote than the general population. No politician in his right mind wants to be on the wrong side of this issue.

To counter the Democrats' charges, Reagan suggested adjusting Social Security benefits upward to match the modest change in the consumer price index, an increase now estimated at 2.9 percent. The proposal was necessary because a little-noticed clause enacted in 1972 provided that no cost of living increase would be paid in any year when the inflation rate fell below 3 percent. (The provision was little noticed because an inflation of 3 percent has seemed unthinkable in the last decade.)

But in 1984 it appears that the change in the consumer price index will fall below this trigger. Politicians hate a benefit vacuum, and President Reagan rushed to fill this one. The Republican-controlled Senate, perhaps fearful of being tarred with the same brush the Democrats used on Reagan, voted 86 to 3 to endorse the proposal.

Political analysts praised Reagan's initiative as a master stroke: in a single move he undercut the Democratic criticism that he was after Social Security.

But the political analysts have not been so quick to point out the costs of this effort. The first, of course, is money. It will take about $5 billion to finance this increase, a substantial amount even by federal standards when the deficit is estimated at $170 billion.

Proponents of the increase claim that this amount is not as large as it seems because the inflation factor is cumulative. That is, if next year's increase were 4 percent, it would be added to this year's 2.9 percent for a total payment increase of 6.9 percent. In other words, this year's increase would be paid sooner or later.

Such ingenious reasoning simply ignores the long-term cost of spending $5 billion this year. Moreover, the provision limiting benefit increases when inflation falls below 3 percent does reduce budget outlays in a program whose financial stability has been a source of grave concern. To forget those very recent problems just as the election approaches is fiscally irresponsible.

An equally important issue is whether this will lead to competition to provide more generous benefits. House Democrats are not likely to let Reagan take credit for increasing benefits; they may well demand a bigger increase. Since Reagan is unlikely to veto a benefit change so close to the election, his modest proposal may provoke a bidding war, with both parties scrambling to provide the most generous benefits.

But the bigger question is whether these efforts will lead us back to the old days when election year benefit increases were commonplace. Such a system would help the elderly in the short run—but probably benefit no one in the long run since it would undermine the financial health of the system.

Of course, the politicians derive some gain from this. They can accommodate an important special interest that relies heavily on the federal government. And, since few members of Congress pay Social Security taxes, they can provide the benefits without having to foot the bill themselves.●

POSTAL SERVICE CONTRACT NEGOTIATIONS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. LELAND. Mr. Speaker, I rise today to decry the recent actions of the Reagan appointee dominated board of the U.S. Postal Service in making a unilateral decision on pay for future hires of the Postal Service. The Postal Service has decided that it is going to implement its most recent contract offer which would create a divisive two-tiered system of compensation distinguishing between current employees and new hires. Two-tiered employment systems are divisive, unfair, and extremely detrimental to employee morale. Rarely are contract negotiations pleasant affairs. But the Postal Service's actions go beyond the usual posturing of collective bargaining. With this act, the Postal Service is not conducting itself in a manner that conforms to the statutory standard of good faith, the standard in all collective bargaining sessions.

In 1982, as chair of the Subcommittee on Postal Personnel and Modernization, I conducted extensive joint hearings on the effectiveness of the Postal Reorganization Act of 1970. Mr. Speaker, at no time during that lengthy review of the act did we encounter, consider, or anticipate a situation such as this. The Postal Reorganization Act clearly states that collective bargaining is up to the Postal Service and the employee representatives. The act also clearly intends that these parties are to be equal partners in this process.

Postal employees were given the right to bargain collectively for labor contracts, but were not given the right to strike. The clear intention of the act was that the status quo—that is, the contract provisions that the employees are presently working under—should remain in effect until the parties have come to agreement on the terms of a new contract. The drafters of the Postal Reorganization Act did not envision a Postal Board of Governors with such audacious contempt for its employees that it would act in such a callous manner. If so, then certainly the act would have stated expressly, rather than by implication, that unilateral moves are against the policy of the act. The Postal Service alleges that its action does not violate the letter of the Postal Reorganization Act. But with 6 years as a member of the Committee on Post Office and Civil Service and 5 years as Chair of one of its subcommittees, it is my contention that the Postal Service's action is certainly violative of the spirit and policy of the act.

The Postal Service has decided to make this move at a time when the Postal Service is experiencing a robust financial health. The Postal Service is doing so well financially they have postponed an expected first-class rate increase. The Postal Service is so pleased with itself that it is giving out bonuses to management to the tune of $10,000 to $20,000. The Postmaster General himself will get a bonus of $62,000. The Postal Service has recently bought a jet for the use of the Postmaster General and other top officials. The reason why postal management is lavishing such generous rewards on itself is that the Postal Service is in the best financial health in its history with volume and revenues at all time highs.

That is why it is absolutely incomprehensible why the Postal Service is trying to freeze worker salaries and reduce pay for new hires. It is these very people, and not those who sit behind desks at postal headquarters, who are primarily responsible for the United States having the lowest postal rates in the free world.

What the Reagan dominated Postal Board of Governors is saying is clear, and that is that only those at the top of the Postal Service's massive bureaucracy should benefit from the dedicated efforts of its rank and file employees. These employees, the most productive postal employees in the world, are being told that they do not deserve to share in the fruits of their labor.

I urge my colleagues to join me in opposing this action by the Postal Service and speaking out to ensure that the intent of the Congress, in passing the Postal Reorganization Act of 1970, is not violated.●

DISASTROUS IMPACT OF THE ADMINISTRATION'S TAX POLICIES ON BUSINESS AND THE CONSUMER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FLORIO. Mr. Speaker, yesterday I received a letter from Dr. Walter S. Mason, president of Best Western International, the Nation's largest association of independently owned and operated hotels, motels and resorts. The firm has 82,000 employees nationwide and is headquartered in Phoenix, AR.

Mr. Speaker, as the chairman of the Subcommittee on Commerce, Transportation and Tourism I have a direct concern for the lodging industry. I cite Dr. Mason's letter as irrefutable evidence of the artificially stimulated building boom which has swept this country since the passage of TEFRA

and the proliferation of the industrial development bond beginning in 1981. When the president of one of America's largest small business industries—lodging—and who is located in the allegedly booming Sun Belt, writes to Congress to warn of impending catastrophe in the building trade it is time for the administration to wake up and take notice.

For several months now trade journals have been filled with stories of acres of prime office space lying fallow in cities throughout this country. For several years now we have witnessed an unprecedented building surge financed by investors suddenly drawn to tax shelters and partnership schemes resulting in the overbuilding of hotels, offices, and development parks throughout this country. This overbuilding is obviously demonstrated by the lack of customers and tenants in many hundreds of these structures. You have to read Dr. Mason's letter for a vivid report of the desperate state of one such over-built industry.

The overbuilding is a result of a false growth due to tax necessity inspired by the new need to seek and use tax shelters and loopholes for corporate and individual profit. The truest form of American capitalism, namely the pure and simple response by a seller to a consumer's needs, has been perverted by current tax policies into a simple course of investment designed to take advantage of tax breaks, tax loopholes and tax shelters. And of course, Mr. Speaker, as we have seen with greater frequency of late, the true cost of these charades will be borne by none other than the recipient of the magnanimous policies—the ever present average American consumer.

The average American loses on the tax breaks as the financial rewards for those investors are drawn directly from his pocket in new taxes and fees. He will lose again on the vacancy rate of the buildings which he has unknowingly financed by paying increased local and municipal taxes to compensate for the inevitable property tax waivers received by the owners of those structures. And lastly, but perhaps most poignantly of all, Mr. Speaker, the average American won't even have a room in which to stay in the event that he should ever want to inspect his vast inventory of vacant, gleaming new buildings which dot the national landscape and which have been paid for by his tax dollars.

Mr. Speaker, this situation is intolerable and it is one which must be rectified.

Mr. Speaker, Dr. Mason's letter follows:

BEST WESTERN INTERNATIONAL

JULY 27, 1984.

Hon. JAMES J. FLORIO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. FLORIO: Your help is needed! Lodging, one of America's largest and finest small business industries, is in severe jeopardy. Many formerly successful hotellers are now struggling to avoid bankruptcy because of the abuse of local and national economic aid programs.

As president of America's (and the world's) largest association of independently owned and operated hotels, motor inns and resorts, I urgently appeal to you for immediate action to prevent the over-building of unneeded and unwanted lodging facilities throughout the country. Mercenary investors are sheltering vast sums by building facilities which are not warranted by market conditions or even the most optimistic feasibility studies.

This excess inventory of rooms is creating disaster for all.

As small business people, we firmly support the American system of free enterprise. We do not seek—as many do—legislation to restrict competition; we feel the office of government is not to give people happiness, but, rather, to enable them to work it out for themselves. However, this is not a matter of healthy, competitive marketing, but a serious over-building that will bankrupt all lodging.

Attached are a few fast facts and hard case histories that already have resulted from heedless over-expansion. In simple terms, Mr. Florio, the problem is that developers, often funded by investor groups seeking tax shelters, are entering unknown markets armed with shallow feasibility studies containing insufficient or inaccurate data about that area's growth trends and occupancy rates. Also, many cities, eager for downtown development and convention business, are encouraging new construction by extending industrial revenue bonds, low-interest tax-exempt loans to help finance hotels. Other money is available through Urban Development Action Grants, federally-funded grants for cities needing assistance with urban renewal.

Your thorough examination of this issue on all levels—national, regional and local—as well as a review of our country's tax benefits system is much needed. You will want to guarantee that tax benefits are used as intended and not abused for tax shelter purposes. For a healthy lodging industry in America, it is essential that decisions about expansion and growth are based upon good, credible information and that the investment in lodging is made to serve real demand and not on whims or to shelter gains from other sources.

On behalf of 1,887 Best Western small business people and their 82,000 employees, I thank you for your intercession and await your response and action.

Sincerely,

DR. WALTER S. MASON, Jr.,
President.

TOO MUCH ROOM AT THE INN

PHOENIX, ARIZONA (June 20, 1984).—The Grand Junction, Colorado, City Council has agreed to issue $10 million in low-interest industrial revenue bonds for a new downtown hotel—despite the fact that during the past year three Grand Junction hotels have declared bankruptcy, five have closed their doors and more than 200 hotel employees have lost their jobs.

Three years ago, the average hotel occupancy rate in Grand Junction was 85 percent for 1,410 rooms. Since 1981, 874 more rooms have been built while occupancy rates have plummeted to 26 percent. Local motel association officials fear the new downtown hotel's additional 180 rooms, plus a proposed 240-room property near Grand Junction's airport, will be devastating to their business.

Best Western members cite the saturation of hotel rooms throughout the country:

Elk City, Oklahoma: "During an oil boom in 1981-82, rooms in Elk City tripled when about twelve new properties were built, largely by out-of-town developers," says Marvin Swinehart, owner of the Best Western Elk City Inn. "Then the boom went bust. Today we have an 85-unit Ramada Inn closed up and in bankruptcy, a 175-unit Hospitality Inn that's boarded up, a 20-room property closed and, in a nearby town, a 100-room hotel has shut its doors.

"The local Holiday Inn has reported 30-40 percent occupancy and our business has fallen 75 percent," says Swinehart. "The going rate of a one/bedroom unit in Elk City is between $9.95 and $16.95."

Belton, Texas: Tom Elliott, owner of the Best Western River Forest Motel, reports, "If I had debt service on my motel, I'd be looking to get out. We have four new properties coming in now and I have less than 50 percent occupancy. Out-of-town developers are building for tax shelters where there isn't a need.

Liberal, Kansas: "Most of the town is running under 50 percent occupancy and they're building another 80-100 room property here. That'll hurt somebody," says Lloyd Lundy, owner of Liberal's Best Western LaFonda.

Goodland, Kansas: "In peak travel season, the Best Western Buffalo has only 41 out of 95 rooms rented. Three other properties are nowhere near 50 percent occupied," reports Lundy.

Hays, Kansas: "There's talk of four new properties coming in to Hays where we already have four hotels," says Lundy. "And two new projects are being built just 23 miles east of here."

South Burlington, Vermont: "We've had only a three precent increase in occupancy during the past year," says Best Western Redwood's Greg Premo, "and there are three new projects on the boards. One is seeking federal funds for development and it looks as though the city will comply."

Ft. Collins, Colorado: "We have a classic example in Ft. Collins," says Bob Peterson of the Best Western Exit 254 Inn in nearby Loveland. "There are five hotels all on one intersection at the interstate (highway), and three more are planned for downtown. I think this has to be a tax write-off situation—there's not that much market for conventions here.●

FEDERAL DEFICIT REDUCTIONS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FEIGHAN. Mr. Speaker, my No. 1 economic concern is the huge Federal deficit. When the House considered

a budget for fiscal year 1985, I supported an innovative deficit-reduction plan that would cut the deficit by $250 billion over the next 3 years. The concept behind this plan is a freeze on Federal spending combined with rigorous enforcement of the pay-as-you-go principle.

I know that many of my colleagues share my views on this crucial issue and agree that Congress must promote fiscal responsibility in the budget process and bring about a more balanced approach to Federal spending.

Today, the House is considering the Labor-HHS-Education appropriations bill. Mr. Speaker, I am pleased to support this bill because it provides valuable, cost-efficient funding for proven Federal programs at fiscally responsible levels. In fact, this bill will result in a $1.7 billion savings from last year's appropriations. This is a prefect example of the genuine deficit reduction this country needs.

Although this legislation affects several important domestic programs, I am particularly pleased by what it accomplishes in two vital areas: Encouraging education excellence and enhancing our efforts to combat drug abuse.

The quality of American education must be improved. The average achievement by high school students on standardized tests is significantly lower today than it was 20 years ago. We have 23 million adults in this country who are functionally illiterate, and 13 percent of all 17-year-olds may be functionally illiterate. It is estimated that 40 percent of all 17-year-olds cannot draw inferences from written material, and only 20 percent can write a persuasive essay. In addition, American students finished last 7 times—and never first or second—on 19 different tests comparing student achievement among students in different countries. In the face of these failures, the Reagan administration has spent the last 3 years cutting Federal spending for education by 25 percent and slashing aid for college students by 21 percent.

The bill before us today helps undo some of the damage that has been done. Necessary funding is restored for elementary and secondary education, vocational, handicapped, and adult education, and student financial assistance. Although education is primarily a local and State issue, we have a duty to do what we can to enhance the quality of education our children receive.

Finally, I am gratified that this bill will significantly upgrade the research being done on alcoholism and drug abuse. As Chairman of the Task Force on International Narcotics Control and as a member of the House Judiciary Subcommittee on Crime, I know first-hand how drug trafficking and drug abuse are rampant in the United States.

Drug abuse costs this country $100 billion each year and $80 billion of this comes from drug-related crime. In the last 15 years, there has been a tragic increase in drug use by those between the ages of 16 and 24. Now, we find that this age group is the only group in America where the mortality rate is increasing rather than decreasing. We cannot afford to let these trends continue.

We must bolster our efforts to confront and combat the drug problem in all its dimensions. We must win the war against drugs in the streets, in the schools, and in the workplace. This bill represents a significant step in this direction.

Mr. Speaker, I urge the adoption of this legislation. It is a fiscally responsible response to the needs and concerns of this Nation.●

PERSONAL EXPLANATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. LEVINE of California. Mr. Speaker, while the House of Representatives was completing consideration of H.R. 11, the Education Act amendments, an amendment was adopted to allow moments of individual silent prayer in public schools. I regret that I was unable to be present to vote against this amendment.

This is not what our Founding Fathers intended when drafting the Constitution. Religious freedom is one of the essential ingredients making our country great and keeping it free. It allows Americans the opportunity to freely exercise their religious beliefs without fear of Government intrusion. Free speech is guaranteed to all Americans under our Constitution. This also means that religious freedom is protected. There is no law in this country that prohibits any student from saying a silent prayer at any time of the day if they so desire. However, our Constitution does not state that public schools are supposed to allow or teach the practice of religion.

Historically, our Nation's public schools have been a unifying force among children by emphasizing the characteristics they have in common rather than those by which they are separated and they should remain this way.●

DRUGS ARE THE SCOURGE OF AMERICA: MAYOR KOCH'S ADDRESS TO THE DEMOCRATIC NATIONAL CONVENTION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. ACKERMAN. Mr. Speaker, the Democratic National Convention was filled with enthusiasm and rejoicing. We Democrats have good cause for celebration, with Walter Mondale and my neighbor from Queens, Geraldine Ferraro, heading up the ticket.

Underlying all the revelry, though, was a discussion of many serious issues, an awareness of how tough life under Reaganomics has been for millions for Americans. Edward Koch, mayor of the city of New York, and a former Member of Congress, knows all too well how many residents of our great cities, and especially our young people, have had to struggle. In his speech to the convention, the mayor clearly and vigorously called our Nation to action against the epidemic of narcotics. "Drugs are the scourge of America," he warned. The alarming increase in narcotics use is undoubtedly related to the despair and frustration that have gripped this country.

I urge my colleagues to heed Mayor Koch's words, and consider his proposals for striking at the heart of drug smuggling operations. I am pleased to make his remarks a part of the CONGRESSIONAL RECORD:

REMARKS BY EDWARD I. KOCH, DEMOCRATIC NATIONAL CONVENTION, SAN FRANCISCO, CA, MONDAY, JULY 16, 1984

The sting of Vietnam still affects our foreign policy decisions. Our failures in Lebanon will dominate the coming Presidential debates.

If America is willing to risk so much in defense of other nations, why does she refuse to defend herself?

One of the most massive military build-ups in the history of mankind has taken place under the current administration.

Why then do these resources remain idle while America is under attack?

The Commander In Chief's first priority is to defend the Union—yet the casualities mount, the destruction continues and the threat grows—as we surrender our civilization to the overwhelming flow of deadly drugs into this country.

If you think I have overstated the issue, you are gravely mistaken. Physically, emotionally or economically drugs have either directly or indirectly affected the lives of most Americans.

I have never pleaded a public cause with more conviction and urgency than I now bring to the utterly desperate problem of the narcotics traffic in American cities. I am here to enlist our party's moral indignation and support for a strategic program to deal with it honestly and effectively. I propose that we draw on our enormous military resources in this time of peace to secure our own borders and curtail the flow of dangerous drugs into this country. The proposition

is straightforward. The army should dust-off some of the sophisticated technology we have purchased through huge Defense Budgets to do all that is constitutionally permissible to stop drug shipments from crossing our borders. The Air Force, I'm sure, is a match for even the most advanced air smugglers. If the Navy and the Coast Guard can't adequately control the sea-bound drug traffickers, how secure can we possibly be from terrorists and foreign invaders.

Last week when it was announced that I would address this convention on the desperate need for greater drug enforcement, President Reagan's Chief Drug Advisor, Dr. Carlton Turner, challenged my criticism of the administration's efforts by saying New York doesn't have a "monopoly" on drug problems. I wish for the rest of the country's sake the crisis had been so confined, but the dimensions of the problem are staggering.

There are 500,000 heroin addicts in this country, and 190,000 of them live in New York City. Now that may not be a monopoly but neither is it a restraint of trade. Twenty-five million Americans have used cocaine at least once, and 25% of these are regular abusers. During the last five years in New York, the number of cocaine users has tripled. Every day, 5,000 more Americans become cocaine users.

Drugs are the scourge of America. They are a menace which cuts across every social class and economic subgroup. From the prep schools of Connecticut, the board rooms of some of our largest corporations, and the glittering world of professional athletes and celebrities to the dead end precincts of the poor and dispossessed, narcotics indiscriminately destroy lives and families.

But the greatest impact is always felt by the poor. The very people who most need a stable environment in which to build their lives instead find themselves besieged by an army of addicts who steal and destroy what little they own.

If the Russians were doing this to us, we would be in a state of war. As it is, something even worse is happening, by our government's own indifference it has raised the flag of surrender.

Heroin and cocaine are not acts of nature, like hurricanes or tornadoes. They are not unavoidable plagues. We know where they come from. We can watch them being sold openly on our streets. The misery and the death they cause are reported every day in our press. And yet it goes on, and on, and on!

Heroin and other dangerous drugs represent a foreign invasion of America. Repelling foreign invasions is the primary responsibility of the federal government. But we lack the kind of national leadership that is needed to stop the drug epidemic. True leadership takes commitment, requires initiative and above all means action as well as words. The President once tried to shackle this party with what he cleverly called a "misery index". His inaction and ineffectiveness in dealing with the drug epidemic in America should be measured in terms of "tragedy" rather than "misery".

A "tragedy index" would measure infiltration rather than inflation and the calculation would be shocking. An avalanche of four metric tons of heroin, 48 metric tons of cocaine and 12,000 metric tons of marijuana is smuggled, largely with impunity, into this country each year. These figures translate into 987 million doses of heroin, 745 million tins of cocaine, and 37 billion marijuana cigarettes. The aggregate estimated street value of all three categories of this contraband is $80 billion.

A "tragedy index" would look to a deficit even more appalling than the one this country now faces each year. It would have to account for the hundreds of billions of dollars worth of property crimes—burglaries, robberies, muggings—that directly finance the estimated 80-90 billion dollars worth of drugs sold each year on our streets.

What has been the Reagan answer to perhaps the number one domestic challenge to America: loud talk—no muscle.

The President has proposed to reduce the Custom Inspectors at Ports of Entry by 600 out of a total force of only 4,500.

Such a cut is extraordinary in view of his own narcotics enforcement Chief's public admission that he has but 2,000 agents worldwide and by his own estimate, needs a minimum force of 100,000 agents to have a significant impact on the drug trade.

The President claimed he would use the military to help detect drug traffickers where necessary. Yet, there is no effective radar surveillance system being used to detect drug flights over our southern coasts.

Defense and Treasury continue to fight as to who has jurisdiction (neither wants it) so our borders remain wide open to drug merchants.

The Coast Guard has only 7-10 boats patrolling the Southeastern Coast and the Gulf of Mexico—a principal drug trafficking corridor.

Incredibly, we are the most technologically sophisticated military power in the world, and yet our meager border police have no lookdown, low altitude radar, no interceptor jets or high speed turboprops with tracking radar, and no large and fast helicopters to transport teams of enforcement agents to landing sites once suspicious aircraft, mostly small, private executive jets, are forced to land.

This is strange and discouraging behavior from an administration which claims to be cracking down on drugs. It reflects a dramatic lack of national leadership in this area.

Declaring a war against drugs is meaningless without a commitment to do battle. To wage war against drugs we need an army to win. The United States has the resources to turn the tide. I suggest that the Air Force, Navy, Army and Marines join the Coast Guard in a combined effort to make our borders secure.

As Democrats, and as Americans we must not shrink from our responsibilities. Amending provisions of law allowing the military to be used is meaningless without employing those resources. Our fellow citizens are demanding a bold initiative to deal with this crisis. The weapons are at hand, the cause is valiant and come November 6 the day will be ours.

Thank you.●

STOP TESTING AND START TALKING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. STARK. Mr. Speaker, there is mounting evidence that our Senate colleagues are playing politics with our national security in the conference committee on the fiscal year 1985 defense authorization bill. Among the issues being dealt with in a less than straightforward manner is the question of how this country will deal with the threat of an unlimited arms race in space, and the opportunity to enhance our security by limiting Soviet military space programs.

This issue centers on the positions of the House and Senate on further testing of our ASAT system, and the potential for space arms control. I would like to enter into the RECORD of our proceedings an article by Peter F. Didisheim, a research associate for the Union of Concerned Scientists. His well-informed and reasoned analysis of this issue should be read by every Member of this body, and dare I say by the Senate defense conferees as well.

The article follows:

[From the Chicago Tribune, July 29, 1984]

STOP TESTING AND START TALKING

(By Peter F. Didisheim)

An F-15 jet fighter will speed down a California runway. It will lift off and ascend rapidly. An 18-foot missile will be launched from beneath the airplane, and will accelerate upward into outer space.

A sphere six feet in diameter, launched days earlier from an island off Virginia, will serve as the orbiting target. An anti-satellite weapon—a small cylinder housed with a computer, rocket thrusters and heat-seeking telescopes—will separate from the missile and home in on the target. If the test proceeds as planned, the weapon will demolish the target by ramming through it.

If this space weapon test occurs this fall, as the Air Force hopes, the United States will jeopardize an opportunity to reach a valuable arms control agreement with the Soviet Union. A House-Senate conference committee is to decide whether these anti-statellite [ASAT] tests should proceed. The decision should be "no."

The United States' ASAT program was initiated in 1978 to help stimulate an ASAT ban with the Soviets. It was, White House officials claimed, "an important goal" to reach an ASAT accord with Moscow before space became "an arena for all-out military competition." The ASAT research and development effort was meant to "induce Moscow to agree to ban such weapons."

The Soviet Union had been testing an ASAT since 1968, and though it had not proven to be an especially threatening system because of its limited range and questionable reliability, it was still a concern to U.S. military planners. To get the Soviet Union to abandon the weapon, it was reasoned, the United States would need as ASAT program of its own to bargain away.

In 1978 and 1979, three rounds of ASAT talks were held between the U.S. and the Soviet Union. No agreement was reached, however, and with the Soviet invasion of Afghanistan further negotiations were put on hold.

It has now been more than four years since the two nations discussed the implications of an unconstrained ASAT competition, and the technology is rapidly reaching the point where both sides' vital military satellites—including those used to deter nuclear war—could become threatened. It ap-

pears, however, that ASAT talks between the superpowers may resume soon.

On June 29, the Soviet Union invited the U.S. to meet this fall in Vienna to negotiate a "complete mutual renunciation of antisatellite systems." Similar offers have been advanced by the Soviet over the last year, although this invitation was the first to specify a time and place for such talks. Most notable, however, was that the Reagan administration accepted the invitation. All previous offers had been flatly rejected.

The Soviets, obviously worried by American technical prowess, are offering to dismantle their existing ASAT, provide on-site inspection for that dismantlement and possibly allow for other cooperative means of verification. The Soviets also have refrained from testing their ASAT for more than two years, and have declared that until an agreement is reached that "liquidates" such systems, they will not test the weapon any further.

So the role originally envisioned for the U.S. ASAT has been fulfilled. The Soviets have watched our ASAT program and have decided it's better to stop the ASAT race right now. This is not to say that ASAT negotiations between the two nations will be easy, for there are many critical issues that will be difficult to resolve. A solid agreement is nonetheless within reach.

But there's a hitch. As has happened time and again when the U.S. has taken the "bargaining chip" approach to arms control, the military has fallen in love with the chip and is refusing to cash it in. We have witnessed this with the MX, cruise missiles, and now ASATS. In familiar fashion, the military rejects the notion that the weapon was intended to be bargained away, asserting instead that it now serves a vital military function. Consider, for example, testimony to Congress by one of the Pentagon's chief weapons managers, Dr. Robert S. Cooper: "Our ASAT development program, contrary to another misconception, has never been a 'bargaining chip' for arms control.

To preserve the opportunity at hand, Congress must intervene and halt the further testing of our ASAT until the Soviet proposals have been fully explored.

The House-Senate conference can do so by adopting the House amendment passed May 23, which bans tests of the U.S. ASAT in space for one year as long as the Soviets show identical restraint. It is this position, and not the Senate measure, which allows ASAT testing to proceed within the context of "good faith" efforts to negotiate, that will help move us toward a successful ASAT treaty with the Soviets.

Further tests of the U.S. weapon will not give us more leverage, but less: The F-15 ASAT is superior to the Soviet system, and its deployment will create profound verification problems. If testing of the weapon proceeds, the Soviets' likely response will be to push ahead with a new, more sophisticated system of their own. The arms control opportunity that currently exists might thereby be lost.

The cycle of weapons development must be stopped at some point, and the place to stop with ASATs is at the testing stage. A mutual moratorium on testing ASATs in space would be fully verifiable. It is consistent with the original rationale for the U.S. ASAT. It will enhance the prospects of reaching an ASAT treaty. Moreover, it represents the critical test of "good faith" as we declare to the world that we sincerely favor arms control to a mindless, never-ending arms race.●

SENATE SHOULD CONSIDER JUSTICE ASSISTANCE ACT

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. HOWARD. Mr. Speaker, with all of the campaign rhetoric regarding anticrime legislation coming from the White House these days, I wonder why President Reagan has not called upon the Senate to consider legislation aimed at assisting local authorities in the battle against street crime.

At his news conference last week, President Reagan once again criticized the House of Representatives for not moving quickly enough on anticrime legislation and its appears that the President will be running on a tough anticrime agenda during this election year. However, it seems to me that if the President was really serious about enacting crime legislation, he would simply pick up the phone and call his friends in the Senate leadership and urge them to consider the Justice Assistance Act of 1983.

It is a well-known fact that the violent crimes that affect our citizens are under the jurisdiction of State and local law enforcement agencies. The only bill before the Congress that can assist the local authorities in this battle is the Justice Assistance Act. This legislation clearly says that the Federal Government should share a responsibility in protecting our citizens and establishes a modest program to assist local authorities in promoting effective anticrime programs addressing such matters as career criminals, arson, sting operations, and prison overcrowding.

Mr. Speaker, the Justice Assistance Act passed the House of Representatives over 1 year ago by an overwhelming vote of 399 to 16. There is absolutely no reason for the Senate not to act on this legislation. Enough time remains for the Senate to approve this bill and send it to conference.

Again, Mr. Speaker, I request that the President urge his allies in the Republican Senate leadership to begin consideration of this important legislation which will be a valuable tool to local authorities in the war on crime. Perhaps then he can add some substance to what up to now appears to be campaign posturing. The House of Representatives has done its job on the Justice Assistance Act of 1983. It is time that the President and the Senate do theirs.●

A TRIBUTE TO JACK J. MONTE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. SHELBY. Mr. Speaker, I would like to take this opportunity to pay special tribute to an outstanding citizen and veteran, Mr. Jack J. Monte. It is especially fitting to honor Mr. Monte given the recent celebrations commemorating the 40th anniversary of the Normandy Invasion.

Mr. Monte, who presently resides in Homewood, AL, is one of the few surviving members of the First Special Service Force. Conceived in a moment of conversation between General Marshall and Churchill at Chequers, the First Special Service was activated at Helena, MT, on July 20, 1942. The "force," as it was called by its members, was under the command of Maj. Gen. Robert Frederick of San Francisco. It was comprised of volunteers from the Canadian and American Armies and had the distinct honor of being the only unit of its kind in existence.

The First Special Service Force played a pivotal role in the allied victory. After months of training, which mostly consisted of winter and mountain warfare, the "force" received its first overseas assignment at Kiska, AK, in July of 1943 before entering the Italian campaign where they quickly earned their reputation. Though it never exceeded 1,800 men, the "force" was remembered as one of the toughest fighting outfits on Earth. It was the Germans who gave the special force the name that they are most known by today; the "Devil's Brigade." It was this name that later became the title of the motion picture which starred William Holden as General Frederick. The movie, "the Devil's Brigade," was a special tribute to the men of this courageous force and their fearless leader.

Perhaps, the best accounts of the true heroism of the "Men in Baggy Pants," as the Nazis called them because of their mountain climbing gear, are given by those who were the targets of their attack:

"By God," said a German Colonel they captured in Italy, "if they gave me a handful of soldiers like them, I'd lick the Russian Army."

The "force" had an uncanny way of mysteriously appearing where the enemies least expected, as described in a diary found on the body of a dead German lieutenant:

The black devils are all around us every time we come into the line and we never hear them.

As a member of this dauntless fighting force, Mr. Monte epitomizes the courage with which the brigade

fought. He serves as a constant reminder of the freedom we hold so dear, yet which too often is taken for granted. Fortunately, there are still those such as Mr. Monte who recognize the price that must be paid for preserving our rich heritage of freedom and liberty, for in the words of President Eisenhower, "in the final choice, a soldier's pack is not so heavy a burden as a prisoner's chains."●

EQUAL ACCESS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. LIPINSKI. Mr. Speaker, today I would like to congratulate the House and the Senate for finally approving legislation prohibiting a public secondary school, which receives Federal financial assistance and which allows the use of their facilities by other student-initiated extracurricular groups, from denying equal access to any students who wish to conduct a meeting on the basis of the religious, political, philosophical, or other content of the speech at such meetings. I am confident that the President will sign this legislation in the near future.

This legislation, which is known as the Equal Access Act, specifies that the meetings be voluntary and student-initiated, prohibits teachers and school administrators from participating in the meetings, and severely restricts the opportunity for nonschool persons from participating in the meetings. Also, to decrease the chances of any interruption of the instructional periods, this measure only allows the meetings to take place before or after the regular school day.

It is unfortunate that this legislation could not have been enacted sooner. For too long many of our children have unjustifiably been denied access to their school's facilities because they wished to meet and to discuss religious issues with some of their classmates. This denial has been a severe infringement upon each student's right to freedom of speech guaranteed under the 1st and 14th amendments.

Therefore, Mr. Speaker, I am extremely pleased that Congress has finally recognized that religious speech is one that is deserving of the full protection of the Constitution.●

SYNFUEL FUNDING

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FAZIO. Mr. Speaker, I call the attention of my colleagues to the following exchange of letters between myself and Majority Leader JIM WRIGHT. They lay out the basis for a compromise on the proposed recission of synfuel funding from the Interior appropriations bill, H.R. 5973, which is due to come to the floor Thursday, August 2. I believe it safe to say that this compromise can be called a victory for all those who are concerned with the Nation's energy future and who feel the Government needs to take positive steps to improve that future.

Mr. WRIGHT has argued eloquently in favor of a continued synfuels program as being essential to the future well-being of the Nation. As he notes, however, the conduct of the synfuels program has been less than satisfactory and in need of improvement. He also notes that there is great need to continue alternate energy development programs, which are severely endangered in the current fiscal climate. He is in agreement with a proposal by Representative FUQUA, chairman of the House Science and Technology Committee, that $2 billion of the existing appropriations for the Synthetic Fuels Corporation be set aside for renewable energy development.

It seems to me that the House faces a great opportunity for preserving a comprehensive and balanced energy program. We should seize that opportunity before it is too late and the necessary funds are lost. Mr. RATCHFORD and Mr. MCDADE will propose a $5 billion recission from $13 billion already appropriated for the Synthetic Fuels Corporation when the Interior appropriations bill comes to the floor. We should accept that recission. Then we should set aside another $2 billion for the purposes set forth in the Fuqua amendment to the DOE authorization bill when it comes to the floor as soon as next week. As Mr. WRIGHT notes:

It is my earnest belief that we would commit a grave folly, one which all of us would live to regret, if in our displeasure over the management of this agency, we were to destroy the remaining mechanism by which our goals can be achieved with an intelligent redirection of effort.

The letters follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1984.

Hon. JIM WRIGHT,
Majority Leader, The Capitol, Washington, DC.

DEAR JIM: I appreciated the opportunity to speak with you about the need to continue funding for the Synthetic Fuels Corporation and I reiterate my support for your efforts to maintain sufficient funding for the SFC.

The vote of our colleagues on the rule to the Interior Appropriations bill clearly indicates, however, that the judgment of a majority in the House may well be to rescind a portion of the funds currently available to the SFC. During last Wednesday's debate on the rule, Congressman Fuqua, Chairman of the Science and Technology Committee, indicated his desire to offer an amendment to appropriate legislation which would create and "Energy Research and Development Facilities Reserve" in the Department of the Treasury to be funded with $2 billion of appropriations now available to the SFC. Chairman Fuqua indicated that hearings before his committee have led him to the conclusion that government support is needed to advance certain energy technologies from the proof of concept stage to the marketplace.

The concept forwarded by Mr. Fuqua and others makes sense. I think that a number of our colleagues are now persuaded that there is a need to fund, with private industry participation, a number of near-commercial-scale energy projects. This support can and should be applied to all types of energy resources, both fossil based and renewables. It is clear to the members of the Energy and Water Appropriations Subcommittee that there is a powerful need to crystalize the results of hundreds of millions of tax dollars invested in solar and renewable energy resources thus far. Between 1975 and 1984, for instance, we have spent $737 million on photovoltaics, $742 million on solar thermal, $350 million on wind energy and $261 million on biomass. For all renewable technologies we have spent $3.1 billion from 1975 through this fiscal 1984. Similar sums have been devoted to our nation's conservation effort. Similar great benefits are in store for us if we stay that particular course.

Mr. Fuqua's proposal is to maintain a national energy policy, one that is coherent and diversified. It is aimed at developing those alternatives which are best for our environment, our economy, and our energy independence. You have spoken of the need for such a policy many times, and you are speaking in those terms as you support the continued efforts of the SFC.

Therefore, as you lead the debate to preserve funding for the Synthetic Fuels Corporation, I would be happy to work with you and others in attempting to form a coalition, dedicated to structuring an acceptable program to use a portion of the available SFC funds for creation of a reserve for nonnuclear energy technology development at near-commercial-scale, as has been suggested by Chairman Fuqua. I think that this approach is far preferable to rescinding funds outright. An outright rescission of $10 billion is not in the best interest, either short-term or long-term, of this country. You may be assured of my continuing support for your efforts in this important matter.

Sincerely,

VIC FAZIO,
Member of Congress.

CONGRESS OF THE UNITED STATES,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, August 1, 1984.

Hon. VIC FAZIO,
Committee on Appropriations, House of Representatives, Washington, DC.

DEAR VIC: Thank you very much for your letter of yesterday. You are absolutely right. The Synthetic Fuels Corporation was mandated by Congress to develop a broad range of alternate energy sources. Its range of activities should not be confined to fossil fuels by any manner of means. Most certainly we need to develop every source of potential energy in the broadest possible assault upon our continued vulnerability to foreign oil. In addition to fossil fuels, there is great potential in solar energy, photovoltaics, thermal energy and the use of waste products from our farms, fields and forests to

make methanol and ethanol as at least partial replacements for gasoline.

Additional research and application into new and innovative conservation methods and techniques also must be emphasized if we are to achieve our goal of energy independence. The program of assistance for homeowners and owners of small businesses to weatherize and insulate buildings throughout America has done enormous good already. Industrial cogeneration holds out a distinct promise for additional means of energy conservation.

All of these efforts must go forward. Tragically, we have lost momentum in the severe budget cuts which most of these programs have suffered during the past three years. We have not been filling the domestic petroleum reserves as readily as Congress mandated.

Another problem looms on the horizon. The soaring deficits have cast a shadow over the continuation of energy tax credits, the existence of which you and I both actively support.

Under these circumstances, it is absolutely imperative that we keep alive whatever mechanisms that exist for the development and conservation of energy in every form that is possible. The Synthetic Fuels Corporation, misused though it undoubtedly has been, remains a viable potential tool to achieve alternate energy sources not confined to fossil fuels. It is my earnest belief that we would commit a grave folly, one which all of us would live to regret, if in our displeasure over the mismanagement of this agency, we were to destroy the remaining mechanism by which our goals can be achieved with an intelligent redirection of effort.

Just such an opportunity to broaden the scope of the Synthetic Fuels Corporation will occur within the next few days when we consider the Department of Energy Civilian Research and Development Authorization Act (H.R. 5244) which has been reported by the Committee on Science and Technology. It would be a pity if we had destroyed the vehicle on the very eve of our opportunity to reform it.

For all of these reasons, I feel that the goal of national energy self-sufficiency requires us to keep this program alive long enough to redirect its thrust.

Very sincerely yours,

JIM WRIGHT.●

NATIONAL DRUG ENFORCEMENT OFFICERS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. GILMAN. Mr. Speaker, on June 7, 1984, the distinguished chairman of our Select Committee on Narcotics Abuse and Control, The gentleman from New York, Mr. RANGEL and I, as ranking minority member of the Select Committee, introduced House Joint Resolution 588, designating the week of October 7-13, 1984, as "National Drug Enforcement Officers Week." Such an observance would serve as a fitting tribute to the outstanding work and dedicated efforts of the International Drug Enforcement Officers Association [INEOA] and all narcotic enforcement officers who daily confront the ever growing human tragedy of narcotics trafficking. It is a war of huge political, economic, social ramifications, and it is the commitment of our enforcement officers that helps us to turn the tide on this deadly menace.

The International Narcotic Enforcement Officers Association, which consists of 7,500 law enforcement officers from all levels of government throughout the Nation and throughout the world, was founded 25 years ago in Albany, NY. The INEOA is returning to that city during the week of October 7, 1984, to celebrate its 25th Annual International Conference. For a group that does so much for society, they certainly deserve the recognition that this resolution would provide. The silver anniversary of this outstanding organization affords an opportune moment for the people of the United States to recognize and to pay tribute to the determination and the commitment of these courageous officers.

Mr. Speaker, at this time, I invite and urge all of my colleagues to join us in cosponsoring this resolution. With our collective voices we can help demonstrate the Nation's appreciation for the efforts of the INEOA and its deep commitment to combating narcotics trafficking and drug abuse.

Mr. Speaker at this point in the RECORD, I request that there be inserted a complete list of our colleagues who to date have joined us in this effort:

LIST OF COSPONSORS

Mr. Akaka, Mr. Badham, Mr. Bateman, Mr. Borski, Mr. Bryant, Mr. Chappie, Mr. Clinger, Mr. Coughlin, Mr. Daub, Mr. Dowdy, Mr. Edgar, Mr. Fascell, Mr. Fauntroy, Mr. Frenzel, Mr. Fuqua, Mr. Green, Mr. Guarini, Mr. Heftel, Mr. Hunter, and Mr. Lagomarsino.

Mr. Lantos, Mr. Lewis (FL), Mr. McGrath, Mr. McHugh, Mr. Martinez, Mr. Matsui, Mr. Neal, Mr. Ortiz, Mr. Owens, Mr. Oxley, Mr. Pritchard, Mr. Ratchford, Mr. Richardson, Mr. Rodino, Mr. Roe, Mr. Rogers, Mr. Smith (FL), Mr. Stark, Mr. Stokes, Mr. Stratton, Mr. Towns, Mr. Waxman, and Mr. Wortley.●

DEFICITS AND INTEREST RATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 1, 1984, into the CONGRESSIONAL RECORD:

DEFICITS AND INTEREST RATES

Just before the July recess, Congress completed action on the deficit reduction package. While further modest cuts may be made in defense spending, little more progress on deficit reduction can be expected this year. So it is time to look ahead to 1985, to ask how far we have come, and how far we have yet to go.

The quick answer is that steps taken to date are not nearly enough to get the deficits under control, and the tough decisions lie ahead. The package only inches us toward our goal of balancing revenue and expenditures. The big tax increase and spending cut that President Reagan signed into law in July will reduce the average annual deficit from now through 1987 by less than one tenth. In the next two years it will not mean lower deficits because its savings will be eaten up by rising interest costs. The deficit "down payment" will boost taxes an estimated $10.6 billion the next year, while cutting spending about $4 billion each year. But with interest rates climbing, as most experts predict, the government's $110 billion net interest bill could easily increase by $25 or $35 billion. That means the deficit reduction package will not offset the higher interest bills for the next 2 years. Without the package, of course, the deficit would be even higher. So the prospect is that, even with the deficit reduction package, deficits will still equal nearly five percent of our gross national product, and will still be the largest peacetime deficits we have ever experienced.

One frustrating aspect of the effort to reduce the deficit is that the surge in the interest the government pays on the national debt is now outstripping the growth rate for defense spending, and offsetting spending cuts and tax increases. Sustained high interest rates have become a principal cause of the huge budget deficits. Like any over-extended borrower, the U.S. government is scrambling just to keep up with rising finance charges.

A simplified example illustrates the problem: if the government borrows to cover the $200 billion deficit, then, with interest rates at 10%, the government has to pay $20 billion annually to service the additional debt. After 2 years $400 billion has been added to the debt, requiring $40 billion in annual additional interest payments. In 3 years, it's $600 billion and $60 billion—even without the compounding.

The annual debt service bill is now growing at a rate of $1 to $2 billion per month. The nonpartisan Congressional Budget Office projects that under current law, debt service costs will double by 1989 to $219 billion. As the current $1.3 trillion federal debt rockets upward, the growth in the interest bill becomes explosive. If current trends continue, the U.S. will have to increase taxes or cut spending every year, not to pay for more defense or new programs, but just to pay interest on the debt. These interest rates are an important reason why the budget deficit should be reduced quickly.

The soaring interest charges are also frustrating because they make the budget even more intractable than it already is, and because they put a large and rising portion of federal spending beyond control, and prevent any new initiatives in the 1980s. The danger is that this debt service burden is so crushing that it will force the government toward the inflationary solution of printing money. If these trends continue, the economy will not generate the real income to make payments on the debt, and living standards will decline. Another danger is that growth in debt service costs could overwhelm the government's political will to cut spending or raise taxes.

Moreover, because foreigners attracted by high U.S. interest rates have invested heavily in U.S. securities, a large portion of the

interest payments will flow into foreign bank accounts rather than into American investments.

Interest payments are an unseen but vital ingredient in the effort to reduce the deficit. If we succeed in getting the deficit down, then monetary policy can ease, and the combination of a smaller national debt and lower interest rates will bring net interest spending down. If we fail, then higher rates on a larger debt will keep this component of our deficit spiralling upward.

Strangely enough, the deficits so far have not done too much damage. Thus far in 1984 the nation's economy has grown faster and with less inflation than it has for two decades. The reasons for this are only partly understood. The federal deficits have stimulated the economy more than expected. The recession was unusually harsh, and the consumer is engaging in a post recession spending boom. Demographics are helping the boom, too. Children born after World War II are now in the expensive stage of buying homes, appliances, and cars. To a remarkable degree consumers have adapted to high interest rates. As to inflation, an open U.S. economy has encouraged foreign imports which have helped keep prices down. Wage increases have moderated, and the strong dollar has made imports cheaper and discouraged American competitors from raising prices. The deficits have not yet done much damage because they represent a use by the government of resources—capital, labor, materials—which were not being taken up in the private economy. But, with the recession ended that is changing. What economists call a "cyclical deficit"—the natural consequence of an underemployed economy—is giving way to a dangerous "structural deficit" of unprecedented proportions.

It is my judgement that the highest order of business for the newly elected President and Congress in 1985 will be to push hard for a meaningful deficit reduction package. The stakes are high for all of us. Timely deficit reduction can bring us sustained growth, higher rates of saving and investment, a more competitive economy, and full employment with a low risk of renewed inflation. Failure to reduce the deficits is likely to send the economy into another inflationary orbit, followed by another recession, higher unemployment, and further wrenching strains on the factories, farms, and people of our nation.●

DELLA ZAHER: OUTSTANDING ELEMENTARY SCHOOL PRINCIPAL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, only through a well-educated public will we be able to achieve a more productive society. As a former teacher and chairman of the Dade County School Board, I understand the importance of strong leadership in our schools.

It is for this reason that I would like to acknowledge the outstanding performance of Della Zaher, principal of Miami Shores Elementary School. Our three children attended Miami Shores Elementary—a family tradition—and I have visited there many times.

My own philosophy and experience is that the ability and example of the school principal makes the difference in the quality and excellence of a school. Under strong leadership our public schools are, and will be, alive and well.

An article recently published in the Miami Herald underscores the value of strong principal leadership. Della Zaher is named as one of the outstanding grade school principals in the country by the National Association of Elementary School Principals. I wanted to share this article with my colleagues.

PRINCIPAL MAKES THE GRADE NATIONALLY

(By John Arnold)

When she stepped down from her pickup truck in the parking lot of Miami Shores Elementary, her first thoughts were about what a pretty old school it was.

She stood in the middle of the old patio and looked at the trees and flowers and shrubs that surrounded the gray stone with color and cool shade.

And she thought, "What a big job I've got."

When Della Zaher took over as principal of the school last year, the 55-year-old landmark elementary was embroiled in turmoil despite its serene setting.

The old school was overcrowded and drew a high proportion of minority students in an area that included the predominantly white city of Miami Shores.

Parents were pulling their children out, and neighbors were complaining that unruly youngsters trampled their yards and littered sidewalks after class with their school papers.

Della Zaher, a veteran Dade principal, thought she had to turn her Miami Shores around. She set out to talk parents of private school students into bringing their children back to the venerable grade school. She praised the virtues of public education to any civic group or church that would listen. She worked six days a week, 12 hours a day.

It's been a year now, and neighbors no longer complain about young pupils littering lawns. The school has regained 172 students from private schools, the best record in the county.

Her best students get to study everything from the stock market to Shakespeare. And the lucky few with grades good enough for the principal's honor roll get a ride to lunch in her pickup truck, a shiny brown Chevy with a chrome roll bar and chome cutout exhausts.

A lot of people think Miami Shores is a different school now, and Della Zaher has been named one of the outstanding grade school principals in the country by the National Association of Elementary School Principals. She will be Florida's lone representative honored along with winners from each of the other states and several foreign nations at a White House reception in October.

Says Cindy Lauri, past president of the Miami Shores PTA, "I think there's been a definite change. People who had kind of given up on the public school system are thrilled about what's happened over there. It's great to hear people talking so positively about the school.

"She has set a tone over there of very high standards and of refusing to settle for mediocre work from the kids," said Lauri, mother of two boys, one a fifth grader at the school.

"We've come a long way," Zaher said. "The children are really looking at the school as something they can be proud of."

Here philosophy of education is simple. "I think you get what you expect," she said.

She has set the standards high, and the youngsters who perform well are rewarded.

If you expect excellence, you get it, she says.

"And I think every child should enjoy their years in school as much as I did."

She grew up in a neighborhood not too far from Miami Shores and went to Little River Elementary School.

She got her first teaching job in Dade County at age 23 at the same school, Little River Elementary. And many of her teaching colleagues there had taught her how to read and write when she was a little girl.

She had been voted most likely to succeed in her senior class at Edison High School.

At age 52, she has been a teacher, an administrator and an elementary school principal in Dade County schools for 28 years.

"I guess success is what you think it is," she says. "I guess I've never really left home."

"There are a lot of outstanding principals out there, and I'm very honored by this award."●

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1984

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 3987, the National Archives and Records Administration Act of 1984, which would create a new National Archives and Records Administration as an independent agency. The bill would restore the U.S. Archives to the status it held from its founding in 1934 until it was incorporated into the General Services Administration in 1949.

My district is the site of the Dayton Federal Records Center, a division of the National Archives and Records Service, which is one of 15 regional depositories of noncurrent Federal records. This facility, located in Moraine, OH, stores 750,000 cubic feet of records, and processes over 1.5 million reference requests every year.

The Dayton Center is responsible for maintaining documents from Federal agencies located in Ohio, Indiania, and Michigan. These are primarily tax returns filed with the Internal Revenue Service and records from the Army, Navy, Veteran's Administration, and Social Security Administration.

The establishment of an independent National Archives and Records Administration will improve efficiency within the Archives and give the de-

positories of Federal documents greater authority to deal with their unique problems.

The Dayton Federal Records Center and other branches of the Archives provide the American people with a valuable service by storing, preserving, and making available important documents produced by the various agencies within the Federal Government. The National Archives and Records Administration Act of 1984 is a simple way to enhance that service with no additional expense.●

WELCOME TO OUR BELGIAN STUDENTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. HOYER. Mr. Speaker, Members of the House, I would like to take this opportunity to welcome the students from L'Institut Provincal de L'Enseignement Secondaire de Waremme, Belgium to my Fifth District in Maryland.

The students and their teacher, Mr. Albert Uurlings, are visiting our country as part of an annual interscholastic foreign exchange program with the students from Northwestern High School in Hyattsville, MD.

These two groups have been fostering international understanding and cultural awareness between Waremme, Belgium, and Hayattsville, MD, for the past 5 years. Just last year students from Northwestern were guest of the country of Belgium.

This exchange program provides these high school students with the opportunity to enjoy the experiences of each other's countries; but perhaps more importantly, it enables long-lasting friendships to develop and enhances our future relationships with foreign countries.

With their visit here to Washington, they have opportunity to witness firsthand the working of our great democracy. Their visits to the House of Representatives, the White House and the Supreme Court allow them to understand how our three branches of Government operate and complement each other. Mr. Speaker, I welcome this goodwill effort and the efforts of the American teachers from Northwestern, Ms. Barbara Fretz and Mr. John D'Estachio, and hope my colleagues will join in welcoming these fine young Belgian students to our Nation's Capitol.●

ROBERT W. DUFF: CONTRIBUTING TO THE HOMEBUILDING INDUSTRY FOR OVER A QUARTER OF A CENTURY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. PATTERSON. Mr. Speaker, I rise in recognition of the outstanding contributions of Robert W. Duff to the homebuilding industry.

Robert Duff, vice president in charge of National Subdivision and Land Development for First American Title Insurance Co., Santa Ana, CA, is frequently called upon to discuss the intricacies of land development.

He is well versed in the complexities of condominiums, including the FHA/VA and HUD programs, planned unit developments, zero side yard concepts, community projects, common interest subdivisions, time-sharing, interval land ownership, leaseholds and other phases of the constantly changing construction industry.

Mr. Duff has lectured on the compliicated area of community concepts at UCLA and University of California, Irvine under the Professional Practices in Home Building course.

A 29-year veteran of the title insurance business and related fields, Bob supervises all phases of map recording, land development, and common interest subdivision title insurance coverage throughout First American's 50-State system.

During his years of service with First American, he has conducted tax and bond surveys and directed the building of tax and bond plants for offices of the company in several California counties. He was associated with the Tax Service of Orange County, Inc., before joining the First American staff on a full-time basis in 1956.

Mr. Duff is a past director and first vice president of the Home Builders Council of California. At present, he serves on the Board of Directors of the Orange County Chapter of the Building Industry Association of Southern California, is a director from industry on the Board of Directors of the State Building Industry Association of Southern California, and is on the executive committee of the Political Action Committee for the Building Industry Association of Southern California. Also, Mr. Duff is the liaison officer for the Building Industry Association—Political Action Committee between the Orange County Chapter and the Building Industry Association—Political Action Committee at the State level. He serves the National Association of Home Builders, Washington, DC, through a Presidential appointment as associates director, representing all associate members at national level for the State of California.

Among the many awards he holds is a lifetime membership in the exclusive Spike-Karet Club which is sanctioned by the National Association of Home Builders, Washington, DC, the 1982 Building Industry Association Southern California Past Presidents Award, and the Building Industry Associate of the Year award.

Bob Duff is the author of several pamphlets covering the complicated areas of condominiums, apartment conversions, time sharing, and other related fields.●

PEACE ACTIVISTS AND HELSINKI: A RECIPROCAL RELATIONSHIP

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. MARKEY. Mr. Speaker, today, as we mark the ninth anniversary of the signing of the Helsinki accords, it is important for us to take a few moments to step back and reflect upon Helsinki and the role of the individual in its implementation.

One of the most significant commitments contained in the Helsinki accords is to uphold and protect human rights. The 35 Helskinki signatory nations recognized that respect for human rights is an essential ingredient in the establishment of genuine peace and security among nations. A group of private citizens in the Soviet Union, seeking the implementation of promises that the Soviet Union acceded to freely and the establishment of lasting peace between the two great superpowers, was formed 2 years ago. Yet, for some reason, this small group of concerned citizens, in search of international peace, has encountered the scorn of their Government. The group to establish trust between the U.S. and U.S.S.R. came into being when 15 Soviets decided in June 1982 to launch a campaign promoting a four-sided dialog between the governments and peoples of the U.S. and U.S.S.R. The Soviet Union's wrongful treatment of its citizenry is epitomized by the harassment of these independent peace activists in that country.

Spurred to action by the looming consequences of the spiraling arms race and compelled by the horrors of nuclear war, the group for trust is guided by the realization that genuine peace can only come through discussion and negotiation. Subsequently, they believe that the success of any effort to normalize the international situation is dependent upon the determination of each side to demonstrate their confidence through negotiation. Thus, the group for trust insists that

the best way to overcome the existing obstacles barring discussion is for each side to display their good faith through the realization of promises already made, such as those agreed to in Helsinki.

While endorsing an end to the arms race and the use of force in international relations, much of the group's activity has centered on nonmilitary initiatives. Seeking to lessen international tensions through familiarity, the group for trust calls for increased personal contacts across borders and the development of friendship and mutual understanding between average citizens of the U.S. and U.S.S.R. They maintain that such understanding would facilitate détente and the attainment of a more cooperative and productive relationship between East and West.

Despite the confluence of language and purpose between the Helsinki accords and the peace activists' statements, the Soviet Union has defied its Helsinki pledges and has engaged in systematic intimidation of those who wish to see these rights upheld.

Members of the group for trust have come under attack from the Soviet Government. Some have received threats, others have been subjected to searches of their homes. In an attempt to create a vacuum around the peace activists, the Soviet Government harasses even those who associate with group members. In just the past 2 years, group members Vladimir Kornev, Vera Kornev, Vladimir Mischenko, and Aleksandr Shatravka were arrested on flimsy charges and sentenced to labor camps for no less than 1 year. A fellow member, Oleg Radzinsky, was arrested on similar charges and subjected to psychiatric examinations. Mr. Radzinsky was sentenced to 1 year in camp plus 5 years of internal exile.

This defamation of the values central to the Helsinki accords is certainly not heartening. Such actions hardly encourage the international community to look upon the Soviets as credible negotiators or as genuine peace seekers. However, the ideals of Helsinki live on the U.S.S.R., whether or not the Government chooses to make good on its promises, because of activities such as those of the group for trust.●

NINTH ANNIVERSARY OF HELSINKI ACCORDS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. RITTER. Mr. Speaker, today marks the ninth anniversary of the signing of the Helsinki Final Act by the heads of state of 33 European nations, the United States, and Canada. The Final Act, with its promise to respect human rights and fundamental freedoms, ignited a spark of hope among those whose rights had been trampled upon for so long.

Today, Mr. Speaker, should be a day of celebration. We should, after 9 years, be seeing the fruits of the labor of those who toiled to produce this blueprint for the achievement of real security and cooperation in Europe. Sadly, this is not the case. A look at the compliance record of certain signatories, particularly in the last few years, does not strengthen the cause of hope. The total contempt with which the Soviet Government has regarded the provisions of the Final Act produce a sense of deep frustration among those who believe that stated commitments should be taken seriously. The Soviet Union's violations of this agreement have become so extensive and so pervasive that to document them all here would take far too long. Indeed, the Helsinki Commission, on which I serve, has throughout the last 7 years issued numerous reports which illustrate both the depth and breadth of the Soviet Government's arrogant disregard for both the letter and spirit of the Helsinki Final Act.

Tragically, in the last year, as if to further mock the Final Act, the Soviet Government has violated its provisions with even greater impunity. The Soviets have continued to arrest and persecute religious and national rights activists. Last March, they sentenced Valeriy Marchenko, a Ukrainian human rights activist and former political prisoner to the draconian term of 10 years labor camp and 5 years internal exile. Given the precarious state of his health, it is not an exaggeration to say that Marchenko's life is threatened by the brutal conditions of the labor camp. In early May, Oleksiy Tykhy, cofounder of the Ukrainian Helsinki Monitoring Group, died in a Perm labor camp following an operation. The 57-year-old Tykhy was suffering from severe malnutrition as a result of long untreated stomach ulcers. Mr. Tykhy, a teacher by profession, had signed Ukrainian Helsinki Group documents detailing the poor human rights situation in Ukraine and calling upon the Soviet Government to take seriously its commitments under the Helsinki Final Act. His noble efforts resulted in a lengthy prison sentence which surely hastened his death.

In the Baltic States, the persecution of activists continues as well. Last December, as part of a massive crackdown on Latvian dissidents, two young Baptists, Janis Rozkalns and Janis Veveris, and two veteran advocates of human and national rights, Guners Astra and Gunars Freimanis, were tried and convicted of anti-Soviet agitation and propaganda. In Lithuania, two Catholic priests, Father Alfonsas Svarinskas and Father Sigitas Tamkevicius, were given harsh sentences for their efforts in defense of the rights of Lithuanian Catholics. In Eastonia, prominent human and national rights campaigners Laglo Parek, Heiki Ahonen, and Arvo Pesti were sentenced within the last year for signing various protest documents. These, Mr. Speaker, represent only part of the Soviet violations of the Final Act which include, inter alia, the continuing brutal occupation of Afghanistan, the virtual cessation of emigration, the unrelenting assault on Soviet Jews, and the arrogant mistreatment of the Sakharovs.

Mr. Speaker, despite the Soviet Government's flagrant abuses, we cannot give up on the Helsinki process. Those who languish in prisons, labor camps and psychiatric hopsitals for their courageous adherence to the noble ideals represented in the Final Act serve as an inspiration to all of us. We must remain steadfast in our belief in the efficacy of the Final Act, and persistently condemn the Soviets for their abuses of it. We must take advantage of every opportunity afforded to us in the Helsinki process to take the Soviets to task for their failure to abide by their commitments. To not do so would be to betray the trust of millions in the Soviet Union who hope for a more humane and just society.●

PLUTONIUM SHIPMENT TO JAPAN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. BARNES. Mr. Speaker, the administration has approved the transfer of 253 kilograms of separated plutonium from France to Japan. This would be the first shipment of separated, weapons-usable plutonium approved by the United States for transfer outside of Europe since enactment of the Nuclear Non-Proliferation Act of 1978. Several days ago, the Washington Post carried an editorial on the shipment, which I highly recommend to my colleagues:

[From the Washington Post, July 30, 1984]

HAZARDOUS CARGO

Moving a quarter of a ton of plutonium from Europe to Japan is not a simple matter. Nor is it reassuring to see this material in wider world commerce. The cost of carelessness in handling it would be spectacularly high.

This plutonium has been derived from uranium fuel rods originally supplied by the United States to Japan for use in Japanese power reactors generating electricity. The Japanese sent the spent fuel off to France for reprocessing there, and, because it originated in this country, the U.S. government must approve its return to Japan. Reprocessing recovers the plutonium—to be used, as the Japanese intend, to run a breeder re-

actor. Or it could also be used to make nuclear weapons.

There are a lot of people who would like to get their hands on this shipment for reasons that do not promise long life and good health to their neighbors. The question is how to deliver it safely. The most secure way would be a nonstop air flight. But the Japanese refuse to permit a landing unless the plutonium is in a crashproof container, and crashproof containers for shipments of this magnitude do not exist. The Japanese suggested, instead, a sea voyage through the Suez Canal to the Pacific. That would have taken the ship through seas bordered by Libya, Iran and Pakistan, to mention several countries that come to mind in connection with attempts to obtain nuclear weapons.

The United States thought poorly of that idea, and negotiations followed. An agreement has been worked out under which the ship will be continually monitored and, in certain areas, escorted by naval forces to minimize, as the administration delicately puts it, response times in an emergency. The administration is entitled to credit for taking the physical hazards of this journey as seriously as they deserve.

Japan, like France, is working on breeder reactors because both countries have few indigenous sources of energy and have learned to fear total dependence on imported fuel. But both the breeder and reprocessing are proving to be difficult technologies and, in economic terms, extremely expensive.

There's a better alternative—safer in every respect. It's an American guarantee to supply its friends, unconditionally, with low-enriched uranium. It's fine for running power reactors, and it's not explosive. The United States has the capacity to provide that guarantee. The other route, using plutonium, ominously links the civilian economy with the manufacture of nuclear weapons.●

STEVE SOLARZ ON AMERICAN FOREIGN POLICY: THE WAY IT OUGHT TO BE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mrs. BOXER. Mr. Speaker, on July 17, during the proceedings of the Democratic National Convention, our colleague, Representative STEVE SOLARZ, was asked to make an address detailing the view of the Democratic Party on the many challenges facing our country in the area of foreign policy.

STEVE was scheduled to speak at 10:15 p.m., eastern daylight time. Due to the inevitable delays in the schedule, he was not actually able to begin speaking until well after 1 a.m. In the same dogged and committed manner with which STEVE approaches his duties here in Washington, Congressman SOLARZ rose to the occasion and delivered an effective analysis of the pressing foreign policy issues confronting our land, and he proposed realistic and effective solutions for dealing with them. The lateness of the hour during which he spoke in no way diminished the power and sensibility of his message.

I am confident that if STEVE's recommendations were adopted—dealing with the Middle East, the conflict in Central America, apartheid in South Africa, the developing world, and the peril we are facing from the nuclear threat—respect for our Nation internationally would grow, the world would be a safer place, and our national security would be enhanced.

The text of Congressman STEVE SOLARZ's address is printed below. I urge my colleagues to read a statement on American foreign policy—the way it ought to be.

The statement follows:

STATEMENT OF CONGRESSMAN STEPHEN J. SOLARZ BEFORE THE DEMOCRATIC NATIONAL CONVENTION

At this late stage of the proceedings, 1:15 in the morning eastern daylight time, as I look out at the vast and virtually empty Chamber before me, I'm reminded of the story which is told about the candidate for Congress, who showed up at a candidates' forum in his district, and was told that he was scheduled to be the 29th of 30 speakers on that evening.

As the evening wore on, and speaker after speaker droned on, more and more people got up and left the auditorium. Finally, by the time the candidate for Congress was called upon to speak, there was only one person left in the entire hall, who was sitting in the first row.

The candidate began his remarks by addressing the question to the one person who remained: "Just out of curiosity," he said, "I'm wondering if you could tell me why, after everybody else has already left, you've decided to remain."

"Hell," replied the person in the first row, "I'm the next speaker."

I suppose I can be described as the next speaker. But since the show must go on, let me begin by saying that:

In his 1980 debate with President Carter, Ronald Reagan asked the American people an important question: "Are you better off than you were four years ago?"

In 1984, the American people are asking a similar question: Is the world safer, and our country more secure, than it was four years ago?

The answer is an emphatic no.

In almost every corner of the globe, four years of Republican foreign policy have made the world a more dangerous place in which to live.

In Central America, where the administration has sought military solutions to what are essentially political problems, its policies are leading us inevitably toward the introduction of American combat forces.

In the Middle East, the collapse of our policy in Lebanon and the failure of the administration to keep the peace process going, has led to a situation where the clock has begun ticking on another Arab-Israeli war, which could all too easily escalate into a superpower confrontation.

In Africa, by pandering to the racist regime in Pretoria, the administration has turned a deaf ear to the cries of 20 million black South Africans, who are denied their most basic human rights, and has thus alienated virtually all of black Africa.

In Asia, we have compromised our interest in a cooperative relationship with the peoples of the region, by appearing to embrace repressive regimes in the Philippines, South Korea, and Pakistan.

In Europe, the very foundations of the NATO alliance have been shaken by the administration's inflammatory, anti-Soviet rhetoric, and by its apparently greater interest in acquiring a nuclear war fighting capability than in negotiating mutually beneficial arms control agreements.

Most disturbing of all, our relationship with the Soviet Union, upon which the future of our country and the world ultimately depends, has dangerously deteriorated.

The foreign policy of a Democratic administration will be based on an understanding of the real world, not on the fantasies of the Reagan administration.

It will resist the Soviet challenge, but it will not wrongly assume, as the Reagan administration does, that every problem—from South Africa to El Salvador—is made in Moscow.

A Democratic foreign policy will promote the cause of human rights.

But unlike the Reagan administration, which regularly denounces the suppression of human rights by Communist countries, but remains silent in the face of human rights' violations by anti-Communist countries, a Democratic administration will oppose tyranny wherever it is found.

We will speak up on behalf of Andrei Sakharov in the Soviet Union, but we will also call for the release of Nelson Mandela in South Africa.

We will oppose martial law in Poland, but we will also condemn repression in the Philippines.

We will denounce terrorism by Communist countries like Bulgaria, that apparently tried to kill the Pope, but we will also condemn terrorism by facist countries like Chile, that committed murder in the streets of our Nations Capitol.

A Democratic administration will do everything it can to preserve the peace and resolve problems through negotiations. But if force must be used, it will only be used as a last resort, rather than a first option, as it has by the Reagan administration.

In Central America, a Democratic administration will work with our Democratic friends to resolve the conflicts in the region by peaceful rather than by military means.

It will support the Contadora process, which is the last best hope for peace in the region, by deeds and not just by words.

To demonstrate that commitment, and to reduce tensions in the area, a Democratic administration will end our covert effort to overthrow the government of Nicaragua.

But a Democratic administration will not ignore the betrayal by the Sandinistas of the Democratic promises of the Nicaraguan revolution.

It will encourage the Nicaraguan government, as we do others, to permit genuine democracy by talking to their opposition, not fighting them, and by permitting all Nicaraguans to participate in genuinely free elections.

In El Salvador, a Democratic administration will attempt to strengthen the hand of President Jose Napolean Duarte, by strictly conditioning any additional military aid on the elimination of the death squads that have been responsible for the murder of tens of thousands of innocent civilians, and on a willingness by the government of El Salvador to enter into a dialogue with the opposition in an effort to end the war through a political settlement of the conflict. We know the American people don't

want any more Cubas. But we also know they don't want any more Vietnams. And we intend to make sure they don't get them.

In the Middle East, a Democratic administration will make it clear, beyond a shadow of a doubt, that we consider Israel our closest friend in the region, sharing as no other country in the area does, our own deeply rooted commitment to democracy.

We will also make the reinvigoration of the Camp David process, the one real breakthrough for peace in 35 years of unrelenting conflict and confrontation, our major diplomatic priority.

In Asia, where the Reagan Administration has embraced dictators from Seoul to Manila, a Democratic administration will call for the restoration of democracy in the Philippines, the elimination of martial law on Taiwan, and a return to freedom of speech and the press in South Korea.

It will also reaffirm our sympathy and support for the heroic efforts of the Afghan freedom fighters to secure the withdrawal of Soviet forces from their country.

In Africa, a Democratic administration will reject President Reagan's rapproachment with racism by making it unmistakably clear that we are opposed to the apartheid system in South Africa and everything it stands for.

The choice that confronts us in South Africa is not, as the administration has said, between black and white.

It is a choice between justice and injustice, between right and wrong, between decency and indecency—and we will repudiate racism in South Africa through the establishment of effective sanctions until such time as apartheid is abolished.

More importantly, a Democratic administration will give the highest priority to repairing our relationship with the Soviet Union. But at the same time that we attempt to reduce tensions with the Soviet Union, we will also use our influence to promote the cause of human rights in the Soviet Union and particularly the right of Soviet Jews, and other oppressed minorities, to emigrate.

Fellow Democrats, this is a foreign policy for the future of America.

It is a foreign policy that will protect our interests and promote our values.

It is a foreign policy of which all Americans will be proud.●

PRIDE IN THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. GARCIA. Mr. Speaker, in recent years the Bronx has been working diligently to rebuild itself. Now there are positive results seen throughout the Bronx. Much of the credit for its revitalization should be given to its residents, for they make up its heart and soul. I received a letter from Mrs. Ruth Honerkamp, a longtime resident of the Bronx. Mrs. Honerkamp's letter confirms that there has been a positive change in the Bronx, and I would like to thank her for her commitment to the community. I would also like to share her letter with my colleagues.

Hon. ROBERT GARCIA.

DEAR SIR: This is in reference to your letter to the editor of the New York Times concerning the South Bronx.

My husband's company, F.W. Honerkamp, Inc. has been in the Bronx since 1946. His company is 112 years old and moved to 940 Bryant Avenue in 1946 after leaving Manhattan at 200 Lewis Street to make way for low cost housing. Last year he sold the building to a customer and is now leasing a building from the city at 500 Oak Point Avenue. This business was started by his grandfather, then continued by his father, now my husband, two sons, and my 5 grandsons who may someday follow along.

I just thought you should know the South Bronx is alive and well despite no handouts from (presidential) campaign promises.

Sincerely,

RUTH HONERKAMP (MRS. FRANK W.).

P.S. If you ever need plywood you know where to go now!

RUTH H.●

PRESIDENT'S APPOINTMENT OF ANNE M. BURFORD

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. AKAKA. Mr. Speaker, yesterday, by a vote of 363 to 51, this body passed a resolution asking President Reagan to withdraw the appointment of former EPA Administrator Anne M. Burford from the National Advisory Committee on Oceans and Atmosphere [NACOA]. As you know, the other body has passed a similar resolution. President Reagan, showing his usual concern for the environment, has announced that he will ignore both of these resolutions—an action that was to be expected.

It further appears that the President has gone on record and stated that he would like to abolish this advisory committee altogether. Mr. Speaker, that would be an act which I would find simply unacceptable. NACOA was created by Public Law 92-125 on August 16, 1971. This advisory committee is mandated by law to advise the President and the Congress on matters relating to oceans and the atmosphere. This 18-member committee has a very important job to do; the fact that the Reagan administration has made a political joke of NACOA is utterly inappropriate—and verges on the intolerable.

I would like to remind my colleagues that our planet, the Earth, hangs suspended in the dark void of space. As far as we know, Earth is the only planet in our solar system capable of sustaining advanced life forms. We survive on Earth because of the envelope in which our planet hangs suspended, and this envelope is called the atmosphere. Our lives all depend on what we do to the atmosphere . . . and you can be sure that, should we destroy the atmosphere with chemicals—and should we make the oceans uninhabitable—surely, life on our planet will perish.

For Ms. Burford to call NACOA a "nothingburger" is dull-witted and mildly offensive. For President Reagan to threaten to abolish NACOA altogether is simply unacceptable.

Mr. Speaker, I urge my colleagues to make it quite clear to this administration that we will not tolerate continued neglect of issues and policies relating to the oceans and to the atmosphere.●

HELSINKI HUMAN RIGHTS DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. PORTER. Mr. Speaker, on August 1, 1975, representatives from 35 countries joined together in signing the Final Act of the Conference on Security and Cooperation in Europe. This agreement, often referred to as the Helsinki accords, covers every aspect of East-West relations, including military security, scientific and cultural exchanges, trade and economic cooperation and human rights. Unfortunately, today, 9 years later, the adherence to these standards has not met our expectations. The Soviet Union and its satellites continue to disregard their commitments by largely ignoring the human rights provisions of this document. For example, the Soviet Union often jams Western radio broadcasts, restricts religious freedom, denies its citizens the right to emigrate and jails human rights activists.

Despite the failure of several signatory nations to adhere to these human rights standards, the principles of the Helsinki accords need to receive our full support. Let us call upon the President to reassert the United States' commitment to the Helsinki accords and to continue the effort to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance with authorities of the Soviet Union and Eastern European countries at every opportunity.

As the cochairman of the human rights caucus and one of the founding members of the International Parliamentary Group for Human Rights in the Soviet Union, I urge my colleagues to recognize August 1, 1984, the anniversary of the Helsinki accords, as Helsinki Human Rights Day to act as a reminder of our Nation's commitment to world freedom, and to further the world's crusade for peace and justice. We must continue to require the Soviet Union and nations in noncom-

pliance to adhere to the human rights standards they agreed to.●

FUNDING CUTS BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. MARKEY. Mr. Speaker, I have stood up here many times to recount the harmful effects of Ronald Reagan's budget cuts. We have heard how the budget cuts have hurt the poor, the elderly, students, and the children of this Nation.

But today we learn that the Department of Health and Human Services, under the direction of Secretary Margaret Heckler, has cut the budget so that the mentally retarded are subjected to care that robs them of their human dignity and threatens their very lives.

The conditions outlined at these federally supported facilities is appalling. Mentally retarded adults are cared for by tranquilizers, not human attention. These mentally retarded patients, who have committed no crime but suffer from mental illness, are subject to physical and sexual abuse that would shock a prison warden.

The mark of a compassionate society is that it looks after the disabled. A compassionate government speaks for those who cannot speak for themselves. By that standard, the administration of Ronald Reagan is void of compassion. Secretary Heckler responded to the challenge that she was not doing enough for Federal retarded patients by saying more must be done by the States. She was willing to pass the buck, but she cannot pass the responsibility. The blame for these conditions lies with this administration. The blame lies with an administration that ignores those who cannot help themselves.●

HELSINKI AND THE CHARTER '77

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. YATES. Mr. Speaker, today marks the ninth anniversary of the signing of the Helsinki Final Act on August 1, 1975, an event which triggered the hopes and sharpened the desire of millions of people living in the countries of Eastern Europe to live in a more just, less repressive environment. Nowhere were these hopes and desires felt more strongly than in Czechoslovakia where in 1968, armies of the Soviet Union and its Warsaw Pact allies had crushed the brief experiment in communism "with a human face."

In January 1977, as a direct result of the Helsinki Final Act, 1,000 Czechoslovak citizens from all walks of life—intellectuals, workers, students, ex-communists, clergy—banded together to form Charter '77, a group dedicated to upholding civil, political, and religious rights in Czechoslovakia. The aim of this diverse assemblage of men and women was to encourage their government to bring its laws and practices into line with both the spirit and the letter of the international obligations it had freely undertaken, most notably the Helsinki Final Act. The Charter '77 movement made it clear that it intended to go about this task in a peaceful, law-abiding fashion and had no intention of trying to establish itself as a political alternative to the ruling Communist party.

Over the years, the Charter has issued a steady stream of valuable reports and analyses shedding light on the dismal state of civil and political liberties in contemporary Czechoslovakia and has sent eloquent letters to the highest authorities in the country, urging greater respect for these rights. For their efforts, these courageous citizens have been imprisoned, harassed and intimidated by the crudest of methods. Spokesmen of the Charter, such as noted playwright Vaclav Benda, Peter Uhl, and Jaroslav Sabata have endured imprisonment of long periods before their release, and others such as Ladislav Lis, recently again imprisoned under flimsy pretexts, have also had members of their families threatened and blackmailed. Charter '77 spokesman Rudolf Battek still languishes in prison serving out his lengthy sentence under harsh conditions amidst convicted thieves and murderers.

At present there are still 10 Charter '77 signatories in Czechoslovak prisons together with another 50 civil, political, and religious activists. Yet despite official repression and harassment, the Charter '77 has survived and, in fact, expanded. Numbering today over 1,200 signatories, the Charter continues its work. For every Charter spokesman imprisoned or otherwise harassed, another has emerged to take his or her place. Today, as a result of the heroic efforts of the chartists, the whole world is aware of the extent of the violations of the human spirit perpetrated by the Czechoslovak authorities in Prague, who in a few short years have managed to turn Czechoslovakia, once the proud standard of liberalism and efficiency in central Europe, into a demoralized, mismanaged, and repressive backwater.

The process initiated by the Helsinki Final Act in 1975, while unable to halt these disturbing developments, has provided the beacon which has enabled groups in Eastern Europe, such as Charter '77, to enlighten the world as to the true state of affairs in their country. For this alone, the 9 years of Helsinki have not been in vain.●

THE 1984 CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. BOLAND. Mr. Speaker, today I am pleased to join my colleagues in the House as a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews.

I wish to express my support of the hundreds of thousands of Soviet Jews seeking their right to emigrate, to practice their religion freely, and to study their history and culture. As we all know, the plight of Soviet Jews has worsened dramatically over the past decade. The figures tell the story; in 1983 1,314 Jews were allowed to emigrate compared to the 51,320 allowed to leave in 1979. Last year represented the lowest annual emigration total in 20 years, and the total number of Soviet Jews allowed to emigrate to the West has dropped 98 percent since 1979. Yet the number of visa applications have greatly increased as has the alarming rate of visa denials. For those who remain, religious persecution has become a fact of life. Those Soviet Jews with the courage to speak out on behalf of their people are silenced.

Soviets are successfully closing off the gates of freedom, and they are attempting to abolish Jewish culture and identity inside the Soviet Union. The Soviet Government refuses to allow Jews to live in their homeland with the freedom to be Jews. Yet it denies them the right to leave to fulfill these rights. The Government has intensified forced cultural assimilation, expanded its anti-Zionist propaganda campaign, and attempted to sever the Soviet Jewish community from any contact from abroad.

People all over the world must be reminded of the Soviet Jews' plight. The conditions under which they must live are totally unacceptable. The efforts of those of us in this Chamber, and the efforts of all concerned Americans, to call attention to those conditions are essential means of assisting the courageous Jewish men, women, and children of the Soviet Union. It is our vocal concern that provides them with the encouragement, and the confirmation of the justness of their cause, which allows them to go on. I am pleased to renew that call today and in so doing to serve notice that our voices will not be stilled until our protests succeed.●

A SAD ANNIVERSARY IN WORLD HISTORY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. LENT. Mr. Speaker, 9 years ago today, in Helsinki, Finland, the leaders of 35 nations, including the United States and the Soviet Union joined in signing a great humanitarian document.

Popularly known as the Helsinki Accords, the agreement established a clearly defined and far-reaching code of conduct for the signatory nations. Particularly important in this lengthy document was its emphasis on the recognition of human rights and fundamental freedoms, including, in the words of the agreement: "* * * the freedom of thought, conscience, religion or belief."

The Helsinki Accords required each participating nation to respect those human rights and freedoms, and to "deal in a positive and humanitarian spirit" with persons who have applied to leave their native land to be reunited with members of their families in other countries.

This human rights provision held a tremendous promise of a freer and brighter future for millions of persons living under Communist regimes, and particularly for the thousands of Soviet citizens of Jewish faith who have been harassed, persecuted and oppressed in the Soviet Union for attempting to practice their religion or for applying to emigrate to Israel.

For a brief time after the signing ceremony in Helsinki, the Soviet regime appeared to be making an effort to comply with its pledged word. Especially was this true in the realization of controls on emigration to Israel. In 1979, for example, some 51,000 Soviet Jews were permitted to leave the Soviet Union. But, sadly, that was the high mark. Since 1979 the situation has changed drastically.

The Soviet Union has clamped down the most severe restrictions on emigration of Soviet Jews. In the first 6 months of 1984 only 484 Soviet Jews received emigration visas—half the number permitted to emigrate in 1 week in 1979.

Even worse, the Kremlin has allowed and encouraged increasingly harsh persecution and harassment of its citizens who profess and attempt to practice their Jewish religion. Typical of these thousands of presecuted Soviet citizens is a most courageous woman, Ida Nudel, who I have adopted as my fourth congressional district's prisoner of conscience. She has been fighting Soviet officialdom for more than a decade, seeking permission to join her sister in Israel. Yet, in direct violation of the Helsinki accords, the Soviets not only refuse to permit her to leave, but are now subjecting her to the most vicious forms of harassment. They have forbidden her permission to live in Moscow, and sent her to a village in Moldavia. They continue to persecute her, even threatening her with prison for trying to observe the Jewish holy days. These cruel tactics are being used against an ever-increasing number of Soviet Jews.

Mr. Speaker, we cannot permit these anti-Semitic assaults on human rights to continue unchallenged in the Soviet Union. We must do more to bring to the attention of the world the Kremlin's callous flaunting of its most solemn treaty obligations. We must bring all possible pressure to bear upon the Soviet leadership to live up to its pledge made 9 years ago to respect individual human rights and fundamental freedoms.

This ninth anniversary of the signing of the Helsinki accords is a most appropriate time for the U.S. Congress to demand that the Soviet Union cease its flagrant violations of this international agreement. I urge my colleagues to join me in sending the strongest protests to Soviet President Chernenko and his anti-Semitic regime. The more pressure we can bring to bear on the Kremlin persecutors the greater the likelihood that the changes we are demanding will come about.

Mr. Speaker, thousands of Soviet Jews are crying out for our help. We in the U.S. Congress must heed that call for assistance. We must do everything we can in their behalf.●

AMERICA'S HISTORY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. BURTON of Indiana. Mr. Speaker, can you place a dollar value on the original Declaration of Independence or the U.S. Constitution?

Since the worth of these and other documents of American history are invaluable, Congress in its wisdom 50 years ago set up the National Archives and Records Service [NARS] to be responsible for saving them for posterity. Then in an effort to make a more efficient Government 35 years ago, put them under the control of the General Services Administration [GSA].

The GSA can quantify their holdings—furniture, buildings, copier paper—so there has been a problem in them understanding the funding and management of the NARS. This has proven detrimental to the NARS and the American people.

We can change this today by passage of H.R. 3987. This bill allows the NARS to become an independent agency like the Library of Congress or the Smithsonian Institution. For no additional cost to the taxpayer, we can be sure that America preserves her history correctly for posterity.●

ADMINISTRATION'S POLICY ON COMMERCIAL USE OF SPACE

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. AKAKA. Mr. Speaker, a recent White House study on the commercial use of space is more noteworthy for what it doesn't say than for what it does say. The administration's national policy on the commercial use of space should be ashamed of itself for omitting the critical tough issues confronting our Nation's space effort in the years ahead.

This study is truly remarkable for what is doesn't say and the tough issues it skirts altogether. The few minor recommendations it makes represent an obvious first step in the direction of creating a climate conducive to private sector involvement in space; as such, its recommendations are positive, but trivial in nature.

The real issue is precisely what role the Federal Government wants to play in space. Until the private sector knows to what extent it is going to be forced to compete with the Federal Government, there will never be any noteworthy business activity in space . . . for a profit. There are some very tough questions which must be answered in the future. We must resolve the question of the space shuttle and shuttle-pricing policy, for the nascient commercial space transportation industry certainly cannot compete with a heavily-subsidized space shuttle system. Furthermore, we must also address the question of a mixed fleet, and the development of an American expendable launch vehicle capability. It is perfectly clear that the space shuttle, the wondrous flying machine that it is, is simply not able to meet all our launch needs now. This year has seen only two shuttle launches, a very long way from the projected 24-a-year flight NASA likes to discuss. We must take care not to indulge in "sacred-cowitis" with regard to our space shuttle system.

While the recommendations made by the administration's national policy on the commercial use of space are necessary ones dealing with regulatory and tax reform, the administration, unfortunately, ducked all the tough issues. I am disappointed that this long-awaited and greatly heralded effort produced so very little of substance. With the huge perturbations which accompanied this effort, one would have expected mountains to be

moved—instead, they produced a mouse. It appears to be up to Congress to tackle these tough issues, and I look forward to doing so in the near future.●

TRIBUTE TO JOHN H. RACE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. HARRISON. Mr. Speaker, on August 10, 1984, employees of the United States Department of Labor Occupational Safety and Health Administration, Wilkes-Barre, PA, will pay tribute to John H. Race on the occasion of his retirement as a compliance officer with OSHA. Mr. Race has served as a safety and occupational health specialist for 12 years and has proven to be especially valuable to OSHA for inspections in the construction industry.

In addition to his regular duties, Mr. Race participated in one of the largest inspections in the history of OSHA at the Berwick Forge and Fabricating facility in 1978 and 1979. His expertise has been exhibited in a variety of inspections, but the two most notable are Bridon American and New Jersey Zinc. Mr. Race's versatile background has been an asset to the operation of the area office at Wilkes-Barre, PA. Mr. Race retires from OSHA on August 3, 1984.

Mr. Speaker, it is a genuine pleasure for me to join with the U.S. Department of Labor and all employees of OSHA in paying tribute to John H. Race.●

MILTON CAMPBELL: NEW JERSEY'S OLYMPIC HERO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FLORIO. Mr. Speaker, today, while Americans throughout the Nation who watch the events of the XXIII Olympiad in Los Angeles take tremendous pride in our great athletes of present, and remember fondly those past, I wish to call my colleagues' attention to one former Olympian, Milton Campbell.

Though Campbell, a long-time resident of Plainfield, NJ, became the first black man, as well as the youngest man, to win the Olympic decathlon with his gold medal in Melbourne, Australia in 1956, the history books hardly acknowledge his name—let alone his superior achievement.

At the age of 17, still a student at Plainfield High School, Milt Campbell emerged on the international sports scene in 1952, competing in the XV Olympic Games in Helsinki, Finland. At those games, he earned a silver medal, finishing second to Bob Mathias, who set an Olympic decathlon record by scoring 7,887 points in the test of 10 events.

Four years later when he returned to the Olympics, Campbell surpassed Mathias' record, scoring 7,937 points on his was to defeating Rafer Johnson, a favorite to win the decathlon in 1956, and capturing the gold medal.

After the 1956 Olympics, Campbell went on to Indiana University and then served in the U.S. Navy. An all-around athlete, Milt later played professional football in both the Canadian Football League and the National Football League.

I am proud to say that Milt Campbell's accomplishments and contributions are not limited to athletics. Active with the youth of Newark and Plainfield, NJ, he is one of the founders of the Chad School, an alternative school, and the Milt Campbell Youth Center, both in Newark.

Voted New Jersey's greatest track and field star ever by a poll of two dozen track and field authorities, to me Milton Campbell's achievements both on and off the track are inspiring. While he remains an unsung hero some 28 years from when he won his gold medal at the XVI Olympiad, I am hopeful that Milt Campbell, New Jersey's only living Olympic decathlon champion, will soon begin to receive the recognition which he deserves, so that his story may serve as an inspiration to others.●

HELSINKI ACCORD ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. FISH. Mr. Speaker, today marks the ninth anniversary of the signing of the Helsinki Final Act, an agreement signed by the United States, Canada, the Soviet Union and over 32 other nations. The Helsinki accords cover nearly every aspect of East-West relations, particularly concern for human rights.

However, the grim situation faced by Jews in the Soviet Union clearly demonstrates total Soviet disregard for basic international standards of human rights, agreed to in the accords. Officially sanctioned anti-Semitism, persecution of refuseniks, and the continued downward trend in Jewish emigration from the Soviet Union are well-known examples of flagrant breeches of the agreement by the Soviets.

Of specific concern to us, not only as Americans but as fellow human beings, are the individuals who are suffering at the hands of their Soviet persecutors:

Yosef Begun, sentenced to a prison labor camp on charges of "anti-Soviet agitation," has now been hospitalized due to the hunger strike he began in early July. He has endangered his life to make a statement on the atrocious State of human rights in that country.

Once again, Ida Nudel has been refused emigration from the U.S.S.R., and must endure a 6-month delay before again petitioning. Ida Nudel's request has been denied successively since 1971.

In late June, Zakahar Zunshain participated in a demonstration at the Bolshoi Ballet, and circulated protest letters to the authorities. He was arrested and charged with "defamating of the Soviet state." Zunshain has begun a hunger strike pending his trial this week.

Aleksandr Yakir has been denied emigration from the Soviet Union on charges of refusing military service. He refused because, on the basis of preserving "national security," the Soviet Union denies exit visas to veterans. His trial begins tomorrow. If convicted he faces up to 3 years in prison for the crime of trying to emigrate—a crime these Soviet Jews all face, and one specifically outlawed by the Helsinki accords.

As Americans, and as fellow human beings, we must speak out for those who cannot. Religious freedom and human dignity must be fought for throughout the world. Their fight is our fight as well.

We must increase our efforts to obtain the release of these brave men and women, symbols of the will to live free of oppression and tyranny. Those whom I've mentioned are only a few among the many who yearn to leave. Please join me in calling upon the Soviet Union to set free these brave men and women.●

VOCATIONAL EDUCATION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. DICKS. Mr. Speaker, during the past few years, our Nation's need for vocational education has increased. Through vocational education, labor, business, and Government have been able to work closely together to meet the needs of thousands of communities across the country. Progress has been made, but the need for vocational education is growing. Unemployment rates remain high in many parts of our country, and workers who are able to meet the demands of changing technology will have a greater chance for employment.

Despite these facts, Federal funding for vocational education has deteriorated. Current funding is below the 1980 level. It is time that we increase the funding levels for this program so that they may adequately meet the growing needs of the Nation.

The House has already approved reauthorization for vocational education, but the other body has not taken further action on the bill. I urge my colleagues in the other body to approve the reauthorization as soon as possible so that we can consider increased appropriations for vocational education.●

REGIONAL PETROLEUM STORAGE

HON. CECIL "CEC" HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. HEFTEL of Hawaii. Mr. Speaker, as you know, the Persian Gulf war has heightened the attention of the Nation and the Congress on our continuing energy vulnerability. The House and Senate Energy Committees have been conducting hearings on our Nation's energy emergency preparedness, particularly on the capacity of the strategic petroleum reserve to meet our energy needs in an emergency. I have long felt that total energy preparedness requires regional petroleum storage, particularly for those areas of the country that would be hardest hit by an energy emergency, such as New England and my own State of Hawaii. In order to contribute to this debate, I have today introduced legislation to authorize regional petroleum storage in Hawaii and New England.

Mr. Speaker, my bill calls upon the President to amend the strategic petroleum reserve plan established under the 1975 Energy Policy and Conservation Act to provide, within 2 years, for the establishment and maintenance of regional petroleum reserves that would serve region 1, New England; and region 9, Hawaii, California, and the Pacific Territories.

Each of the two reserves would be authorized to hold no less than 2 million barrels of crude oil refined petroleum product such as jet fuel. My bill, which also calls for a Department of Energy hearing on regional petroleum storage in regions 1 and 9 within 90 days of its enactment, has been introduced to coincide with other energy emergency preparedness legislation being considered by the House and Senate Energy Committees at this time.

I feel that it is crucial that we proceed with regional petroleum storage at this time. The ongoing Persian Gulf war has heightened the Nation's awareness of the need to proceed with adequate energy preparedness measures. It has been some time since the Department of Energy has evaluated the distribution systems for the SPR in terms of oil tanker speed and cost to move crude oil to Hawaii. I am afraid that the time required to activate an SPR withdrawal combined with the transportation time from the gulf coast to Hawaii, for example, would overburden the capacity of the State's limited petroleum inventory and supply system. Studies have shown that tankers carrying SPR crude from the gulf coast could require at least 25 days to make the 6,000-mile trip to Honolulu. In an energy emergency, such a delay could devastate Hawaii's economy.

Mr. Speaker, we must not sit idly by and wait for an energy supply disruption. While we still have time, we must continue to evaluate our strategic petroleum program and improve its distribution capacity. I hope that my bill will prompt renewed debate in the Congress on the question of regional storage at a time when we are considering other facets of the SPR program.●

SENIOR CITIZENS APPRECIATION DAY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. CARR. Mr. Speaker, I rise today in support and admiration of some very special people: the senior citizens of Pontiac, MI.

I'm proud to join with many of my fellow citizens who will gather to honor Pontiac's seniors on Saturday, August 4, when Tuscon Lodge No. 27 of the International Masons holds a banquet in their honor. This is the Seventh Annual Senior Citizen Banquet in Pontiac, and I hope there will be many more.

Senior citizens have made America what it is today. They've shaped our country's traditions of hard work and determination. They've supported their families, setting a good example for children and grandchildren to follow. They've shaped our homes and our work places, giving their guidance and wisdom to our country's future.

Today, our seniors deserve many rewards for their years of hard work. They most of all deserve recognition and respect in our community. Our senior citizens have a tremendous amount of talent and experience to offer us today, and their capabilities should not be forgotten.

Our seniors also deserve the assurance of a secure income, good health care, and housing. No senior citizen should be forced to choose between food on the table, heat for the home, or a visit to the doctor. As we gather to honor these important citizens, we should remind them of our commitment to strong, dependable Social Security and medicare. These are long-time commitments our Nation has made to all seniors, and those commitments cannot be compromised.

For the past 7 years, the members of Tuscon Lodge No. 27 have held this banquet in honor of Pontiac's seniors. They have provided the meals, refreshments, and transportation for our seniors and are to be commended for their hard work, dedication and generosity. I want to wish all of the participants in this banquet continued health and happiness. Congratulations, Pontiac seniors.●

YAMHILL COUNTY HISTORICAL MUSEUM

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. AuCOIN. Mr. Speaker, I would like to take this opportunity to invite my colleagues to visit a part of Oregon's First Congressional District which is fast gaining a reputation for its scenic parks and vistas, historical landmarks, fresh produce, gourmet restaurants, quaint hotels, fine amateur theater, and award-winning wines.

Named after the Yamhelas Indian Tribe, Yamhill County, "the mother of Oregon" became the first home for Oregon Trail settlers in the early 1840's. This history is retold in the Yamhill County Historical Museum while the county's scenery is preserved and found in the many parks that dot the landscape.

As agriculture has traditionally played a major role in the county's economy, the high quality fresh produce is another major attraction for the many metropolitan residents who visit. Driving through the area, you will be overwhelmed by the number of produce markets.

In addition, the county has recently entered the ranks of the major wine producing regions of the country. With fertile and moist soils, similar to the Burgundy regions of France, Yamhill County's pinot noir and chardonnay wines now rival and in most instances surpass the quality of wines produced by Oregon's southern neighbor. I am particularly proud of the recent awards the Sokol-Blosser, Knudsen Erath, Adelsheim, and Amity vineyards have received, bringing international attention to the area. Using these fine wine and farm products, Yamhill County is now home to a number of fine restaurants.

Finally, with the increase in tourist traffic through the county has come new in cultural institutions and a revival of old ones. The Gallery Players of Oregon have staged many fine theatrical productions and the Lawrence Gallery has become a showplace for Oregon's many talented artists and craftsmen.

I am very proud of the growth Yamhill County has achieved and I would like to extend an invitation to Members of the House of Representatives to visit.●

ASK CONGRESS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. MRAZEK. Mr. Speaker, the free flow of information between the citizens of this great country and their elected representatives in Washington has been a hallmark of our participatory democracy for more than 200 years. That noble tradition continues to be served by "Ask Congress," a public affairs cable TV program sponsored by Blue Cross and Blue Shield of Greater New York with the active support and encouragement of its chairman, Edwin R. Werner.

"Ask Congress" is a nonpartisan production designed to keep the public up to date on key developments in Congress and in the health field, while providing Members of Congress with an opportunity to communicate with their constituencies. The program airs in the New York metropolitan area and is produced as a public service by Blue Cross and Blue Shield of Greater New York.

Each week, two members of the House from the New York area appear on the program to discuss issues of local and national significance. The show is moderated by Lester L. Wolff, the former eight-term representative from Long Island and one of my predecessors in serving the people of my district. The show, I believe, is successful in fostering an increased understanding of the workings of this body among its viewers.

Mr. Speaker, I am sure that I speak for other members of this body who have appeared on the show in praising the valuable contribution "Ask Congress" has made to the effective flow of communication between those of us here on Capitol Hill and the viewing audience. I would like to thank especially Blue Cross and Blue Shield of Greater New York and its board chairman and chief executive officer, Edwin R. Werner, for the job being done by this valuable public affairs programming. "Ask Congress" indeed serves the public interest, and I wish the show continued success.●

ALABAMA VOLUNTEERS FIGHT CRIME

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. ERDREICH. Mr. Speaker, I rise to commend citizen involvement in the fight against crime. Only with strong citizen support can we effectively fight crime. This citizen involvement will be demonstrated on the evening of August 7, 1984, in communities all across America, and in Jefferson County, AL, where citizen volunteers will participate in "National Night Out," a volunteer effort to make their neighborhoods and their property safer from those who would steal or vandalize.

Mrs. Jessie Beavert is coordinating 500 neighborhood watch captains in the city of Birmingham who will participate in "National Night Out." These captains are setting up neighborhood watch vigils between 9 and 10 p.m. They hope that neighborhood action will prevent many crimes, and stop others. The police departments in Birmingham and Jefferson County are encouraging this evening of cooperation between neighbors and police, because neighborhood watch programs have been effective all over the country in deterring crime. Mrs. Beavert and her block captains are spreading the word that simple vigilance can help save lives and property.

I applaud the work of Mrs. Beavert and all of the volunteers in my district and across the country who are helping protect their own and their neighbor's property. The Birmingham and Jefferson County public safety officers are also to be commended for cooperating to educate citizens about ways they can make their neighborhoods safer. I hope all of my colleagues will join me in support of "National Night Out," which is sponsored by the National Town Watch Organization.●

IDAHO WILDERNESS ACT OF 1984

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. MOODY. Mr. Speaker, today, I am joined by my colleague, Representative KOSTMAYER, in introducing the Idaho Wilderness Act of 1984 which would protect some of this Nation's most outstanding wilderness areas remaining in Idaho.

In the past several months, both of our offices have been contacted by many of our constituents who believe that it is of the highest national importance to protect some of the most important remaining wild lands in the northern Rockies. Because of this interest and our own concerns, we had the privilege of accompanying Public Lands Subcommittee Chairman JOHN SEIBERLING and our colleague Representative LARRY CRAIG on portions of the subcommittee's recent inspection trip to Idaho.

These public lands are truly magnificent. The people of Idaho and all Americans are indeed fortunate that we still have an opportunity to ensure that some of these areas will be available for the enjoyment of our children in the future as they are presently enjoyed today.

Most importantly, we must keep in mind that these are America's public lands. Just as the money to manage the national forests and develop our national natural resources comes from all our citizens, so, too, should all Americans share in decisions over preservation of the best of America's wilderness. This can be accomplished without damaging the important economic interests that depend on forest lands and with the highest consideration for those individuals who live closest to the land.

The Committee on Interior and Insular Affairs will soon have to determine the best balance between wilderness and development for Idaho's remaining 8 million acres of wild land. There is substantial disagreement as to where that balance lies. Proposals have ranged from 0.5 million acres to 4.5 million acres of wilderness. While we appreciate and respect the reasoning which have led to each of the proposals, we believe that our proposal for 3.4 million acres of wilderness is a fair, balanced, and defensible position. We will work to see that the committee considers this proposal as a vehicle to foster movement in the Idaho wilderness debate.

We wish to continue to study these areas and discuss important issues or conflicts and we look forward to working with the committee to resolve this problem fairly.

In summary, the Idaho wilderness debate is not a numbers game. It is a decision on specific wilderness tracts and should be deliberately and fully debated. Certainly a compromise is attainable—evidence the passage of the Wisconsin wilderness bill that received the unanimous support of its bipartisan delegation. We hope that our Idaho proposal, which we believe is in the interests of a great many Americans, will prove useful to the committee and the House in the days ahead.●

SERIOUS UNEMPLOYMENT IS CAMOUFLAGED BY DEVIOUS STATISTICS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. OWENS. Mr. Speaker, there has been a great deal said about the unemployment rate, and particularly about the recent decline to pre-Reagan rates. In my district, which is in the heart of Brooklyn, the reality that I see is in no way consistent with the rosy rhetoric that I hear. The frustrations of my unemployed constituents have led me to probe this situation in greater depth. What I found should be of interest to all those who seek an accurate reading of the unemployment tragedy in our society.

The unemployment rate in June was 7 percent for the country and 15 percent for blacks in this country. The black rate was down from 20.3 percent last June. This seemed like good news until I found that the percentage of adults working, called the labor force participation rate, has remained constant at 62 percent for blacks. If the same percentage of blacks are working, how can the unemployment rate drop by 25 percent? The answer is relatively simple. The Department of Labor simply doesn't count everyone. This is a simple way to reduce unemployment—don't count all of those who are unemployed.

Looking at New York State and New York City, the picture is similar. In the State as a whole, the labor force participation rate remained constant at 60 percent while unemployment dropped from 9.1 to 7.2 percent. The State's black participation rate remained constant at 54.5 percent while unemployment dropped from 15.3 to 11.5 percent. In New York City the black participation rate remained at 53 percent while unemployment officially dropped from 14.7 to 10.7 percent. In each set of figures, significant drops in the unemployment rate were officially noted when there was no change in the percentage of people in the workforce. In short, undercounting the unemployed is a consistent practice which provides the basis for rosy rhetoric while unemployment and poverty continue unabated.●

U.S. POSTAL SERVICE URGED TO RESUME GOOD FAITH NEGOTIATIONS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. OBERSTAR. Mr. Speaker, I was astonished and greatly distressed to learn that the management of the U.S. Postal Service, unilaterally and arbitrarily, in the course of contract negotiations had set up a two tier pay system. While the Postal Service contends that this action is based on law, I can't think of a worse tactic for an employer, particularly a public employer, to take than this one which has brought labor-management relations in the Postal Service to an all-time low.

This action can only have a negative impact on the current employees and on the bargaining team, serving not only to impair morale, but also to impede negotiations. It has created an atmosphere of distrust on the part of employees by giving the appearance that management is not negotiating in good faith.

I might remind my colleagues that postal workers are not in the same position as other employees, as the Postal Reorganization Act of 1970 denies postal workers the fundamental right of other working people, the right to strike, substituting for that right, binding arbitration. Certainly it was the intention of Congress in establishing this unique arrangement that matters under negotiation would be held in status quo until an arbitration panel, if ordered into the process, had concluded its work.

The Postal Service obviously believes otherwise and, in ordering a lower pay scale for new hires, is damaging labor relations and undermining the labor-management negotiation process in the U.S. Postal Service.

I urge the Board of Governors of the U.S. Postal Service to rescind their action as a step toward reestablishing a climate of good will and to enter upon good faith collective bargaining in order to resolve the present impasse.●

THE HELSINKI FINAL ACT: A PROMISE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. LANTOS. Mr. Speaker, "the participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion."

These powerful words are found in the Final Act agreed to at Helsinki 9 years ago today. These words represent that which is good and wholesome in the human spirit, the quality which places man above the animals, the potential which points mankind to a future of cooperation and mutual respect.

These words are also a promise, made by all signatories of the treaty, to fulfill the goal of human rights. Let us not deceive ourselves: Human rights do not arise inherently out of the good will of a community, but from the compliance by governments. Human rights are not protected by the shield of righteousness, but are nurtured and defended by governments which respect them. The promise inherent in the Helsinki Final Act, therefore, is one that has to be assiduously monitored.

To monitor the lofty ideals expressed in the Helsinki Final Act, groups were established throughout the signatory States, including important groups in Eastern Europe. Czechoslovakia saw the rise of the Charter 77 group, which has been continuously harassed by state officials. Anatoly Shcharansky and Andrei Sakharov became active and forceful activists in the Soviet Helsinki monitor group. Their fates at the hands of a merciless Soviet police are well known.

How has the promise of the Helsinki Final Act been upheld? "(The States) will recognize and respect the freedom of the individual to profess and practice * * * religion." That is impressive rhetoric. The reality is frighteningly different. Crosses are torn off school walls in Poland, causing students to boycott their classes. Local toughs are recruited into breaking up church-related peace demonstrations in East Germany. And anti-Semitic articles are officially sanctioned in the Soviet press.

"(The State) will respect the right of persons belonging to national minorities to equality before the law." That is inspiring rhetoric. The reality is to be found in Czechoslovakia, where Miklos Duray faces trial for defending the rights of the Hungarian minority living in predominantly Hungarian-speaking areas to receive instruction in Hungarian. Or Erno Borbely, a high school history teacher in Romania, who was sentenced to 6 years in jail when he protested against state-sponsored pamphlets bearing the words "The Hungarians are traitors. Stop them! Beat them! Tear them asunder!"

"The participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family." That is beautiful rhetoric. The reality is more grim. Thousands wish to leave Romania to rejoin families in West Germany and Israel. In spite of some improvements in recent years, the waiting list is still long. Tens of thousands of Soviet Jews—the refuseniks—wish to leave Mother Russia to enjoy religious and personal freedom in Israel and the United States. Yet, currently only about 70 persons are allowed to emigrate each month. This is intolerable and unbearable.

"The participating states will respect—the freedom of thought." That is civilized rhetoric. But the reality can be found in Poland, where for over 2 years 700 political prisoners languished in jail due to their thoughts and ideals. Adam Michnik, one of the four imprisoned KOR—Worker's Defence Committee—leaders, wrote to General Jaruzelski last year from prison: "On that December night (when I was arrested) it was not I who was proscribed, it was freedom. It is not I who is imprisoned today, it is Poland." In spite of the fact that amnesty for political prisoners was recently declared in Poland many of the leaders of Solidarity have declared that the terms of amnesty are too harsh, and that it still does not grant them freedom to profess their beliefs.

If nations could be held at their words, if they can be trusted to uphold the spirit as well as the letter of a treaty, if they could be left unmonitored from outsiders to fulfill their promises, then we would be living in an ideal world. But time and again, we are reminded that our world falls below these ideals, and that the wonderful promise symbolized by the Helsinki Final Act is nothing but that: a promise, waiting to be realized by action.

Today, on the anniversary of the covenant arrived at in Helsinki among nations regarding human rights, I salute those people who, despite great personal sacrifice and suffering, continue to believe that their country should be held accountable to the promises it makes.●

FREE THE ARCHIVES

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. WORTLEY. Mr. Speaker, I was pleasantly surprised when I read an editorial in the Washington Post titled "Free the Archives."

The Post editorial makes an excellent case for the enactment of H.R. 3987, a bill to improve the preservation and management of Federal records. The Government Operations Committee deserves accolades for reporting legislation that separates the National Archives from the General Services Administration.

As countries go, the United States is not very old. Yet, our history is rich and diverse. To let some of it fall through the cracks because of neglect or bureaucratic snafus is unthinkable.

The National Archives deserves its independence. What better present can we give to the American people than an honest and complete accounting of where our Nation has been. The Archives is truly a national treasure to be shared by all of us who care about our heritage.

When the vote is taken, I am confident that Members will see the wisdom in passing H.R. 3987 as reported without amendments.●

SELLER FINANCING: FURTHER MODIFICATION IS REQUIRED

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. CAMPBELL. Mr. Speaker, I am pleased to join my distinguished colleague on the Ways and Means Committee, Mr. ARCHER, in his effort to amend the seller financing provision enacted as part of the Deficit Reduction Act. The new imputed interest rate provision will definitely put a damper on certain sections of the real estate market during a time when this financing mechanism was being increasingly used.

First of all, I want to state that I was pleased with the exemption that was added for principal residences and small farms. The seller financing rate for these transactions, set by the Secretary of Treasury, is currently 9 percent, which is still an attractive interest rate. However, I believe that small businesses, resort property, investment property, and other forms of real estate will be adversely affected by this provision. The new law stipulates that if the 110 percent test is not met, the seller is deemed by the IRS to have received an imputed interest rate of 120 percent. This provision as the effect of placing the test rate at or above the market rate. Obviously, if someone is going to be taxed on money he doesn't receive, a different financing mechanism will be used. Unfortunately, seller financing is many times the only viable way to finance a transaction. I have talked to many of the small businessmen in South Carolina, and they are concerned about the ramifications of this bill.

As a cosponsor of H.R. 6021, I believe that further changes in the seller financing provision are required, so that thousands of small businessmen—both sellers and buyers—will not be penalized by rules intended to curb limited abuses.

Mr. Speaker, I commend my colleagues on the Senate Finance Committee for scheduling hearings on the issue of imputed interest. I also want to urge my colleagues to carefully consider this issue and legislation.●

BUDDY KING RECEIVES SUPERIOR SERVICE AWARD

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. DYSON. Mr. Speaker, I would like to bring to your attention an outstanding citizen of Maryland's First District, William "Buddy" King. Buddy recently received a service award for his superior leadership in promoting low-cost soil and water conservation practices and for his outstanding salesmanship and training abilities.

Buddy was born and lives in Calvert County, MD, where he graduated from high school and married Iris Mae Jackson. Because he lost his father and began raising their first child while in the Army, he was financially unable to return to full-time farming—his first love. Instead, he found a job just as close to the land: soil and water conservation. Buddy is employed by the USDA's Soil Conservation Service.

Mr. Speaker, Buddy has worked with the Soil Conservation Service since 1957. Although he has been based for years in Upper Marlboro, MD, where he worked directly with farmers from Prince George's County, he is presently assigned to Anne Arundel, Prince George's, Howard, and Montgomery Counties. Farmers in these counties have been hard pressed by high costs and low crop prices. As an engineering technician, Buddy helped the farmers of these four counties get back to basics in soil conservation.

The Honorable Barbara Stinnett, secretary for the Calvert County State Central Committee and lifelong friend to Buddy, remembers, from the days that Buddy was in high school, his thoughts were on farming. It seems only natural that he would enter into a field that would provide him with the satisfaction of serving his family and his neighbors. His friendly manner and Christian beliefs have earned the respect of his friends and family, and he certainly deserves the honor he has received.

Buddy King received his award at the ceremonies held in Washington, DC on June 10, 11, and 12. He was one of 45 individuals who were honored along with 14 groups at the Agricultural Department's 38th Annual Awards Program. We are proud of him in the First District and greatly appreciate his dedication and service.●

BERKSHIRE WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 1984

● Mr. CONTE. Mr. Speaker, I am pleased to inform you that this year, the week of August 6-10 has been proclaimed "Berkshire Week" by the Commonwealth of Massachusetts. This weeks is always special to me because it recognizes and honors the areas where I have lived all my life.

Berkshire County, for those of you who are not familiar with this part of country, is a region that combines natural beauty with a long and rich history. From atop Mount Greylock, the highest point in Massachusetts (3,491 feet above sea level), one can fully appreciate the splendor of the Berkshires. A rolling, green landscape carpets the region while mountain trails and waterways twist and wind through the numerous valleys situated between the Berkshire hills.

Sportsmen flock to the Berkshires. Some seek the challenge of the many ski areas scattered across the county, others come to enjoy the excellent hunting, fishing and boating facilities that this area has to offer. Whatever the recreational activity, the Berkshires can accomodate it.

The Berkshires are noted for many historic landmarks. The Hoosac Tunnel, one of the first railroad tunnels in the Nation, is located in North Adams along with the famous hairpin turn. In Stockbridge, the Mission House on Main Street reminds visitors of the extensive Indian reservations that existed in the Berkshires prior to the settlement of English and Dutch pioneers. The Hancock Shaker Village, meanwhile, serves as a living example of a lifestyle and religious order based on simplicity, practicality, and excellence in workmanship.

Many famous American writers and artisans have found the Berkshires to be a creative workplace. At the Mount in Lenox, Edith Wharton wrote such classic tales as Ethan Fromme and House of Mirth. It was in Pittsfield where Herman Melville wrote Moby Dick while living at Arrowhead. Sculptor Henry Hutson Ditson did his work at the Gingerbread House in Tyringham. In Stockbridge, the Corner House displays the many masterpieces that Norman Rockwell painted while living in that town. Glendale resident sculptor Daniel Chester French built Chesterwood and created the seated Lincoln for the Lincoln Memorial in Washington, DC. Also, William Cullen Bryant, a poet of the early 20th century, wrote many of his works at his home in Cummington, while Susan B. Anthony, a pioneer suffragette, was born and raised in Adams.

Whether living in or visitng the Berkshires, the area has many activities to offer. First-rate theater events are performed at the Williamstown Summer Theater, Shakespeare and Company at the Mount Lenox, and the Berkshire Theater Festival in Stockbridge. A petting zoo is available for kids of all ages at Springside Park. Museums such as the Blacksmith Museum, the Berkshire Museum, and the Hoosac Tunnel Museum are located on main routes along with various country stores and boutiques selling Berkshire products. In Dalton, the Crane Paper Museum provides a visitor with a history of the company that produces the paper used in making money by the Treasury Department. There is also a fine selection of restaurants from one end of the county to the other. The Red Lion Inn in Stockbridge, in existence since 1775, is one of the oldest and most respected country inns in New England. Regardless of one's taste, the fine Berkshire cuisine is diverse enough to satisfy anyone's appetite.

Berkshire County is my home and I am proud of it. The people are of a strong will and a kind heart, and they make my job of representing them all that more enjoyable. I wish them a most pleasant and fun-filled "Berkshire Week." They can be assured that they will be in my thoughts. After living in the Berkshires all my life, I can truly say, "There is no place like home . . ."—Berkshire County.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, August 2, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 3

9:30 a.m.

Governmental Affairs

To hold hearings on Senate Joint Resolution 319, to establish a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

SD-342

Joint Economic

To hold hearings on the employment/unemployment situation for July.

SD-106

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Katherine M. Bulow, of Maryland, to be an Assistant Secretary of Commerce.

SR-253

Finance

Taxation and Debt Management Subcommittee

To hold hearings on certain provisions of the Tax Reform Act (Public Law 98-369) affecting the treatment of interest on deferred payment sales of property.

SD-215

2:00 p.m.

*Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on H.R. 89, to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign flag vessels when U.S. flag service for such transportation is not available.

SD-138

AUGUST 6

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Andrew J. Strenio, Jr., of Maryland, J.J. Simmons, III, of Oklahoma, and Paul H. Lamboley, of Nevada, each to be a member of the Interstate Commerce Commission.

SR-253

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold oversight hearings on contracting out certain functions of the National Oceanic and Atmospheric Administration, Department of Commerce.

SD-124

Environment and Public Works

Business meeting, to resume markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).

SD-406

Select on Indian Affairs

To hold hearings on S. 2823, to provide for the use and distribution of judgment funds awarded the Saginaw Chippewa Tribe of Michigan, S. 2824, to provide for the use and distribution of judgment funds awarded the Wyandotte Tribe of Oklahoma, and S. 2862, to declare that the United States holds certain lands in trust for the Cocopah Indian Tribe of Arizona.

SR-428A

2:30 p.m.
Foreign Relations
To hold hearings on the nominations of Brandon H. Grove, Jr., of the District of Columbia, to be Ambassador to the Republic of Zaire, and Larry C. Williamson, of California, to be Ambassador to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe.
SD-419

4:00 p.m.
Foreign Relations
To hold hearings on the nominations of Leon J. Weil, of New York, to be Ambassador to the Kingdom of Nepal, and Anthony C.E. Quainton, of Washington, to be Ambassador to the State of Kuwait.
SD-419

AUGUST 7

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

Finance
To hold hearings on flat-rate and other major tax reform proposals.
SD-215

Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2771, to protect the internal security of the United States against international terrorism by making it a Federal felony for a foreign diplomat in the United States to use a firearm to commit a felony.
SD-226

3:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

AUGUST 8

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider the nominations of Andrew J. Strenio, Jr., of Maryland, J.J. Simmons III, of Oklahoma, and Paul H. Lamboley, of Nevada, each to be a member of the Interstate Commerce Commission.
SR-253

Judiciary
Juvenile Justice Subcommittee
To hold hearings on sexually explicit publications.
SD-226

Joint Economic
To resume a mid-year review of the national economy.
SD-G50

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

Finance
Health Subcommittee
To hold hearings on proposed adjustments to the diagnosis-related group (DRG) relative weights used to compute Federal payment rates under medicare's prospective payment system.
SD-215

Labor and Human Resources
Business meeting, to mark up S. 2748, to revise the procedures for new drug applications by abbreviating certain generic drugs approved after 1962, and to provide for the extension of patents for certain regulated products, proposed legislation to permit the export of drugs not approved in the United States, S. 2568, Civil Rights Act of 1984, and the nomination of Rosemary M. Collyer, of California, to be General Counsel of the National Labor Relations Board.
SD-430

11:00 a.m.
Commerce, Science, and Transportation
*Merchant Marine Subcommittee
To hold hearings on a proposed amendment (Merchant Marine Promotion Act of 1984) to S. 1234, to grant a charter to the vessel *Norden* to be documented as a vessel of the United States entitled to engage in coastwise trade (pending on Senate calendar).
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public land measures, including S. 2657, S. 2658, S. 2659, S. 2660, S. 2661, and S. 2662.
SD-366

Finance
International Trade Subcommittee
To hold hearings on the President's authority to waive the freedom of emigration provisions of the Trade Act of 1974 (Public Law 93-618).
SD-215

Conferees
On S. 2463, authorizing funds for fiscal year 1985 for certain fisheries programs of the National Marine Fisheries Service, and authorizing funds for fiscal years 1985, 1986, and 1987 for the Deep Seabed Hard Minerals Resources Act.
S-205, Capitol

AUGUST 9

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2850, to designate certain National Forest system lands in the State of Montana for inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

Finance
To resume hearings on flat-rate and other major tax reform proposals.
SD-215

AUGUST 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2879, to implement Indian regulation of surface coal mining operations and activities on Indian lands.
SD-562

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

SEPTEMBER 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

31-059 O-87-17 (Pt. 16)

SENATE—*Thursday, August 2, 1984*

(Legislative day of Monday, July 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Almighty God, we respond to Thee in many different ways. Some deny Thee altogether—others acknowledge Thee but ignore Thee. Some take Thee seriously—others tip the hat to Thee occasionally. Some worship and adore Thee—others could not care less. Some love Thee—others fear Thee. Some know Thee—others feel Thou art beyond knowing. Some see Thee as a living reality—others as an impersonal force.

But whatever our attitude, Father in Heaven, rarely do we think of Thee as practical or relevant to our personal or corporate problems. Help us to understand that Thou art a God who cares—who seeks us—who longs for us. Help us to see that Thou art the source of all wisdom and power—that Thou art an infinite resource available to meet our needs. Forgive our indifference and grant us grace to call upon Thee however great or small our problems. Help us to see in the cross the measure of Your love, Your nearness, Your availability. In the name of Him whose mission was that of a sacrificial servant. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized, there will be a special order for the Senator from Wisconsin [Mr. PROXMIRE], followed by a period for the transaction of routine morning business.

At 12 o'clock noon, we will be back on the pending business, which is the motion to waive section 303 of the Budget Act in order to reach the agriculture appropriations bill. I anticipate that there will be further debate on that.

In any event, at 3 o'clock this afternoon, without a preliminary live quorum as required by rule XXII, the Senate will vote on cloture in respect to further debate on the nomination of James Harvie Wilkinson to the U.S. Circuit Court of Appeals for the Fourth Circuit. If cloture is invoked, of course, the Senate will remain on that measure until it is disposed of. If cloture is not invoked, the Sente will return to the matter before it just prior to the hour of 3 p.m., which I assume will be either the Budget Act waiver or the agriculture appropriations bill.

Mr. President, I anticipate we will be in tomorrow. I will try to be more up to date on that later today after we see how the situation develops. I had announced earlier that we would go to the foreign assistance bill today or tomorrow. That seems unlikely now.

Next week is the last week before the August recess for the Republican National Convention, until after Labor Day. The item most urgently requiring our attention between now and then, other than the matters now before us, is the general supplemental appropriations bill, which has not yet reached us from the House of Representatives.

Mr. President, I continue to want to do all or as many of the appropriations bills as we can, but that one in particular.

Mr. President, I will try to have a further announcement later in the day on the situation in respect to today, tomorrow, and next week.

Mr. BYRD. Mr. President, I do have some questions I would like to ask in respect to the schedule.

In the event cloture is not invoked today on the Wilkinson nomination, is it the intention of the majority leader to press for a subsequent cloture vote on that nomination?

Mr. BAKER. Mr. President, probably, but I am not ready yet to make a final decision on that. I continue to hope that we will get cloture today. In any event, if it is necessary to file another cloture petition, I would like to examine the timing before I make a further announcement. I am dedicated also to trying to do the agriculture appropriations bill.

Mr. BYRD. I thank the distinguished majority leader.

I have not discussed this next matter with the majority leader and he may or may not want to comment upon it today but may want to think about it. Moreover, he may not have the information. He may want to seek it.

Does the majority leader have any impression as to whether or not the administration is likely to make any recess appointments when we go out in August for the Republican Convention?

Mr. BAKER. Mr. President, I have no information one way or the other on that. I will be glad to try to find out, but no one has contacted me on that subject. They always do, but so far I have had no information.

Mr. BYRD. I thank the distinguished majority leader.

If there is such an intention on the part of the administration, I would like to express the hope that it would inform the majority leader. If there is such an appointment that would require action before the recess or during the recess, I think we ought to know about it.

Mr. BAKER. Mr. President, I have no disagreement with that. As I say, so far, and as far as my memory serves, I believe I have been notified in advance when there would be recess appointments. In this case, I will make inquiry and see what I can find out.

Mr. BYRD. There certainly is no implied criticism in my statement with respect to the majority leader, but there is implied criticism with respect to the administration. If there is to be an appointment, it should be offered for confirmation prior to the recess. And if an emergency exists or is likely to exist that would make necessary any appointment during the recess, I think we should know about it now.

What the majority leader has said is satisfactory as far as I am concerned at this time.

My last question as of now is this: the distinguished majority leader has indicated that there will not likely be an effort to call up the foreign assistance bill today or tomorrow. Does he see the possibility of such action next week?

Mr. BAKER. Mr. President, I do not know yet. I have to find some way to make sure that certain provisions are made for some elements within that bill, or perhaps in an appropriations bill. I make no bones about it. I feel it is urgently necessary that we find a way to provide funding for the programs in Central America.

Maybe we can do that in one measure or the other. That would have a bearing on whether the leadership on this side intends to take up the foreign assistance authorization bill next week.

I will say to the minority leader that time is passing by. I had slotted time for the foreign assistance authoriza-

tion bill and I believe we are almost certainly not going to be able to put that bill in its original slot. So that would diminish the likelihood that we would have time to take it up before September. It does not, of course, eliminate that possibility altogether. What we can do with certain "must" aspects of that measure in some other manner will have a bearing on when we schedule it or if we schedule it.

Mr. BYRD. Mr. President, I thank the distinguished majority leader, who characteristically speaks with candor insofar as he is informed.

Mr. BAKER. Mr. President, I thank the minority leader.

POLISH REFUGEE SITUATION

Mr. BAKER. Mr. President, I had the opportunity the other day to meet Zbigniew Brzezinski, the distinguished National Security Adviser to President Carter. We spoke of many things, but one element of that conversation seemed particularly worth sharing with my colleagues.

Mr. President, one of the most discouraging events since the beginning of the Cold War occurred on December 13, 1981, with the imposition of martial law in Poland. The extremely encouraging dialog between Polish workers, the Catholic Church, and the government was severed abruptly, Solidarity's leadership thrown into prison, and the Polish citizenry was served unambiguous notice that even constructive dissent would not be tolerated. Since then, Poland's martial law regime has been guilty of countless human rights violations, and the "most Western" state of Eastern Europe has been reined firmly back into the Soviet camp.

The lifting of martial law in 1983 and the announcement earlier this week of a limited amnesty is no panacea. The Polish regime has not fundamentally changed its aims or policies, and its apparent reforms are probably more tactical than substantive—an attempt to trade off political prisoners for major Western economic assistance. Nevertheless, I understand that the President has decided to respond appropriately to this measure and I commend the decision.

Serious problems remain, however, for which the United States and the West must continue to seek redress. One of the most pressing of these is our treatment of Poland's freedom fighters, to whom President Reagan has repeatedly offered assistance. The President has consistently maintained a courageous and forthright stand regarding the Soviet-sponsored martial law regime in Poland. He has provided an important example to other states in both adopting firm sanctions and denouncing the Soviets for the sponsorship of the dictatorship. Despite the President's sharp criticism of the regime's repressive policies and significant human rights violations, our bureaucracy has not kept pace in its treatment of Polish refugees seeking asylum in the United States.

I am told, for instance, that between 1982 and 1984, the INS routinely denied between 71 and 91 percent of Polish asylum requests nationwide. Moreover, it has been inconsistent in its standards for asylum approval and excessive processing delays and difficulties in the reunification of families have occurred. In short, through these and other practices, the bureauracy has lagged well behind the intent of the President in dealing with the many Poles who have sought refuge here from a brutal dictatorship.

Mr. President, I am, of course, aware that President Reagan established in May a special task force to deal with this problem. I understand that the deliberations of the task force are drawing to a close and that its recommendations will be soon forthcoming. In light of the importance of this matter, particularly in light of the President's strong and consistent stance on Poland, I look forward to these recommendations and trust that their implementation will greatly improve the plight of the Poles in this country.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MATTINGLY). The minority leader is recognized.

AFGHANISTAN AND SOVIET DEFECTIONS

Mr. BYRD. Mr. President, in this morning's Washington Post there appeared a remarkable account as to why four Soviet soldiers defected from their army units in Afghanistan. Interviews with these four soldiers have shed additional light on the brutality of the Soviet occupation of Afghanistan.

The soldiers gave as their reasons for defecting, the wanton killing and plundering of civilians, widespread sickness, drug use, savage discipline, and confusion about why they were fighting in Afghanistan. All of these elements have combined to sap the morale of Soviet combat troops. So say the defectors.

As the Washington Post pointed out:

> A steady stream of reports from Afghan freedom fighters and Western correspondents accuse the Soviets of systematically slaughtering civilians during pacification programs.

However, now we have firsthand accounts from Soviet soldiers themselves who could no longer stomach the atrocities and brutality of the senior officers in the Russian Army.

The four soldiers also cited cases of grenades being thrown at—

> hated senior enlisted men by young conscripts, brutal punishments of troopers in the field by senior noncommissioned officers, and suicides and murders in the ranks that are covered up by commanders * * *.

The Soviet defectors also stated that drug use was so widespread among the Russian troops that it was unusually tolerated by commanders and fellow soldiers.

Yet, despite this reality in Afghanistan, the Soviet propaganda machinery portrays Russian troops spending their time building schools, clinics, and sanitary facilities to the delight of the Afghans.

Mr. President, the picture these defectors paint of Soviet occupation of Afghanistan is one of repeated atrocities against the civilian population of that country; strong doubts among Soviet draftees as to why they are fighting in Afghanistan; strict censorship by Soviet authorities as to what the Russian people know about the war in Afghanistan; and a decadent, demoralized Soviet Army whose ranks are rife with drug use, insubordination, and disease.

This story should send a strong signal to the world community and to the people of the Soviet Union—especially, should I say, to the Islamic people, not only in the Soviet Union but elsewhere—that the Soviet leadership is one which demonstrates a callous and brutal disregard not only for the innocent people of Afghanistan, but also for the unfortunate Soviet conscripts who are being forced to fight a war they do not accept.

Mr. President, the Post article is one which all of my colleagues, I hope, will read. It should indicate the inconsistency between what the administration downtown says and what it does. In view of the fact that the Soviets took a very firm and obstinate position in refusing to allow U.S. ships and ships of other countries to enter certain waters in the search for the downed Korean airliner some months ago, does the United States not show a side of weakness when our Government allows the Soviets to send fishing ships into U.S. territorial waters?

It just does not make sense in view of how callous the Soviets were in refusing to permit U.S. ships into the area where the Korean airliner was understood to have gone down, in search of bodies, in search of the little black box from the cockpit which would have told much of the true story. In light of the Soviet callousness in that instance, is it not a sign of weakness and would not the Soviets see it as a sign of weakness on our part, a lack of determination and will, when we turn around and hand to the Soviets on a platter—without any request for a quid pro quo and certainly

not getting any quid pro quo—fishing rights in territorial waters of the United States?

It does not seem to me that we are standing very tall, Mr. President, to use the President's words of some time back. We are not standing tall when we hand to the Soviets something they very much want—fishing rights off U.S. territorial waters. It is not standing very tall when we do that in the light of the callous disregard for human lives that the Soviets have shown in the downing of the Korean plane and in their ruthless slaughter of Afghan men, women, and children—who, in many or most instances, are defenseless against Soviet might.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 2, 1984]

DEFECTORS SAY MORALE IS LOW IN AFGHAN WAR

(By Kevin Klose)

NEW YORK, Aug. 1—Four young Soviet soldiers who defected from their army in Afghanistan said here Tuesday that wanton killing and plundering of civilians, widespread sickness, drug use, savage discipline and confusion about why they were there sapped morale of combat troops in the 4½-year-old war.

The four said they deserted separately from separate units last year and were taken in by enemy Afghan resistance groups. They arrived in the United States last week and are being resettled under auspices of the International Rescue Committee (IRC).

Their accounts provide a dramatic, gritty look at life in the base camps and outposts of an army in its first shooting war since 1945. They are consistent with reports that the Soviets were bogged down in Afghanistan before going on the offensive this year.

About 100,000 Soviet troops have been fighting in Afghanistan since the December, 1979, invasion to preserve a shaky Marxist regime in Kabul. They are opposed by fierce Moslem tribesmen with a historic hatred of foreigners. The conflict has been savage from the start.

A steady stream of reports from Afghan "freedom fighters" and Western correspondents accuse the Soviets of systematically slaughtering civilians during pacification campaigns. More than 1 million Afghans have fled to neighboring Pakistan, where the resistance movement, fractured by internal rivalries, organizes support and supplies of arms.

The four men interviewed here were draftees: Sgt. Alexei Peresleni, 20, a Muscovite who was a crew chief in a 122mm howitzer battery; Sgt. Nikolai Movchan, 20, a Ukrainian, who led a grenade-launching unit; Pvt. Sergei Zhigalin, 20, a Russian from the Volgograd region who drove an armored personnel carrier, and Pvt. Yuri Shapovalenko, 19, from Sumi, who operated a rocket launcher.

They cited cases of "fragging" attacks on hated senior enlisted men by young conscripts, brutal punishments of troopers in the field by senior non-commissioned officers, and suicides and murders in the ranks that are covered up by commanders using the official formulation: "Died while performing patriotic military duties."

They said most of their compatriots, draftees paid about three rubles ($4) a month, simply want to survive their two years of active duty and go home.

Western military and intelligence experts believe about 5,000 Soviet soldiers have been killed and an unknown larger number wounded. The four, who possessed only the limited information that an army customarily gives enlisted soldiers, generally estimated the tolls to be higher.

One said an officer told him 100,000 coffins had been shipped to Afghanistan and that they would be filled. One, treated for appendicitis at a military hospital in the Soviet Union, said his ward was filled with wounded troopers.

The Afghans receive limited amounts of arms from Saudi Arabia, China and other nations, including covert aid from the United States. The men said they were told they would be fighting "Americans, Chinese and Pakistanis."

The soldiers said illegal hashish, cocaine and opium are widely used among enlisted men. They said soldiers buy drugs from Afghans with money plundered from the homes of impoverished civilians during armed patrols, or by bartering spent shells, live ammunition and even automatic rifles.

Hashish smoking is most common, they said. But stronger narcotics are available. Drug use is so widespread that it is usually tolerated by commanders and fellow soldiers, they said. Punishment includes confinement in military brigs or harsh military labor camps inside the Soviet Union.

One man said he knew of a case in which a Soviet Uzbek soldier, high on drugs, shot dead a Russian soldier who had slurred his race.

They said drug use is low among officers, who generally drink vodka smuggled by truckers resupplying from Soviet Uzbekistan to the north. When the officers cannot obtain vodka, which costs up to 50 rubles (about $75) a bottle, they make moonshine, the men said.

They expressed contempt for official renditions of their mission fed to Soviets at home by the state-controlled media, which seldom mention combat and picture the troops as spending their time building schools, clinics and sanitary facilities to the delight of the Afghans.

They said mail home is censored to hide where troops are serving and that officers advise troops "not to complain about things because it will only make your parents worry." Officers also tell soldiers to put aside worries about whether they should be fighting Afghans and to concentrate on survival, they said.

The men said hepatitis was a scourge, followed by typhoid fever. Peresleni said the troops, mostly Russians and Ukrainians, drank far more water than recommended because of Afghan heat. Normally, he said half the six-man gun crews in his battery were incapacitated.

Zhigalin, stationed in Kabul, said troops preferred daylight patrols against small hamlets because residents usually fled, making looting easy. Night raids scared the soldiers "because it seemed there was an enemy behind every corner," they said.

One recalled an attempted "fragging" in which hand grenades were rolled into a tent of senior sergeants, wounding one. No one was caught. Another time, senior noncoms reportedly assaulted and killed a young trooper while on patrol.

Movchan said officers told men that parents are writing the government demanding to know "why our children are fighting." Political lectures offered explanations troops don't accept, he said. He quoted comrades saying: "It's a stupid war, not useful to anyone."

Once he said he overheard junior officers blaming the late Soviet leader Leonid I. Brezhnev for "sending us here where we're getting shot."

Soldiers with doubts dared not seek answers from political units "because it's dangerous to say, 'Well, I don't believe it,'" he said. "They are all faithful communists."

Peresleni and Shapovalenko said they were fed up with vicious army life and afraid they would die before their tours ended; they walked away from their units. Guerrillas beat Peresleni because he had no weapon. Zhigalin said he was sent into a hamlet to seize food. He was surrounded and surrendered.

Movchan said that from childhood he had dreamed of living in a free country. The moment he learned he was going to Afghanistan he was determined to defect. He walked away in June, 1983.

IRC officials declined to describe how they and Freedom House, a New York-based human rights group, got the four here. The former soldiers have received refugee parole status.

Mr. BYRD. Mr. President, I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, does the Senator from Wisconsin wish any additional time?

Mr. PROXMIRE. No, Mr. President. I thank the distinguished minority leader, and I thank the Chair.

FORMER SECRETARY OF STATE DEAN RUSK ON HOW TO AVOID NUCLEAR WAR WITH THE SOVIET UNION

Mr. PROXMIRE. Mr. President, I recently wrote former Secretary of State Dean Rusk to ask his views on the relations of this country with the Soviet Union, particularly with respect to arms control. Secretary Rusk responded with a thoughtful and detailed analysis of his experience in dealing with the Soviet Union and his judgment on the way we should proceed in the future. Secretary Rusk served both President Kennedy and President Johnson as Secretary of State during a remarkable period of both dangerous confrontation and constructive cooperation with the Soviet Union. How does this wise elder statesman, who has served in the top command of American foreign policy during 8 critical years, view our present relations with the Soviet

Union? What does he propose we do to protect our interests and to achieve peace?

First, Secretary Rusk agrees that the prevention of nuclear war must be, as he puts it: "The No. 1 priority for the entire human race." Can we succeed? Can we prevent World War III? Rusk is an optimist. Why? Because, he believes, both superpowers recognize that a nuclear war would destroy both nations. But he is a careful optimist. He warns against the kind of crises he had to endure as Secretary of State in both the Kennedy and the Johnson administrations. Secretary Rusk learned a lasting lesson in the Cuban missile crisis which he recalls as "too utterly dangerous." He warns that unfortunately "such reflections are not passed along from one generation of leaders to another." In other words, some historians and commentators may learn from such an experience. Succeeding Presidents and Secretaries of State—unfortunately, some Members of the Senate—may not

In Rusk's judgment we should avoid being tempted into "playing a game of chicken" with the Soviets. To him that means cooling the level of rhetoric on both sides. Any exchange of insults between our President and his administration officials on the one hand and the leaders of any other country on the other does not help build peace in the world, as Mr. Rusk points out. Such an exchange between the United States and the Soviet Union can push the whole world down the long, slippery slope to a military explosion that could destroy all mankind.

Mr. President, Secretary Rusk reminds us that difficult as it always is to deal with the Russians, and he has had at least as much experience in negotiating with them as any American alive or dead, it is possible to achieve constructive, enduring peace treaties with the Soviet Union that work. He writes:

> Despite the crisis of the Kennedy years, we set in chain discussions which produced the Nuclear Test Ban Treaty of 1963, a consular agreement, a civil air agreement, two important space treaties, a Treaty on the Non-Proliferation of Nuclear Weapons and a number of other matters. This effort was continued into the Nixon years with a new Four-Power Agreement on Berlin, the conclusion of the ABM Treaty and certain other points.

Unfortunately, Mr. President, these successes have faded too quickly from our memory. Why were they achieved? For two reasons: First, this country showed strength and determination during the Kennedy-Johnson-Rusk period. Second, the country also showed a willingness to cooperate and to work in the common interest on both countries.

Strength alone is not enough. A cooperative spirit is not enough. We need both. Is it possible to revive that relatively cooperative and successful era? Yes, but we need both the obvious determination to protect our interests and those of our NATO allies as well as the will to work out mutual and verifiable arms control agreements with the Soviet Union. Rusk tells us from his experience that bringing such combined strength and cooperation into play will always be difficult under any circumstances. He tells us:

> The Soviets remain very difficult people with whom to negotiate and there are many reasons, some of which are rooted in the very nature of their own system and their relations with each other, why that should be so.

But we have no choice. We must deal with them. Rusk puts it this way:

> The simple fact remains, however, that whatever we think of the Russians and they think of us, we and they must still find some way to inhabit this speck of dust in the universe at the same time. They and we must never lose sight of that overriding necessity.

With all his experience, Secretary Rusk is perplexed by the same dilemma that confronts millions of Americans. He writes that in his own mind he does not know whether the administration really wants arms control or an arms race. To this Senator that is exactly one half of the biggest question that faces this country and, indeed, the world. The other half of the question also bothers Secretary Rusk. It is whether the Russians want an arms race or arms control.

Finally, Secretary Rusk calls for our administration officials talking regularly with the Soviet Union at all levels. As Rusk sees it, even "pointless" conversations can be useful in understanding each other's "motivations, concerns and interests." Rusk asks that we find ways to "build upon the one thing we share with the Soviet Union; namely, common membership in the human race."

Mr. President, the wise and seasoned suggestions of Secretary Rusk—seasoned by experience, painful, troublesome but successful experience—can and should help guide this body and the American people as well as this administration and any successor.

I ask unanimous consent that the letter from Dean Rusk to me dated July 18, 1984, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF GEORGIA,
SCHOOL OF LAW,
Athens, Ga., July 18, 1984.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, DC.

DEAR SENATOR PROXMIRE: I was glad to have your good letter of July 6 and to know of your great personal interest in the important questions which you posed in that letter. I agree with you that the prevention of a full nuclear war must remain the Number One priority for the entire human race. Throughout human history it has been possible for mankind to pick itself up out of the death and destruction of war and start over again. We shall not have that chance after World War III—there simply won't be much of anything left.

Let me say that I am not among those who assault our young people's morale by all this Doomsday talk going around these days. The simple fact is that next month we shall have put behind us 39 years since a nuclear weapon has been fired in anger, despite the many serious crises which we have had since 1945. I myself believe, without a doubt, that Soviet leaders have no more interest in the destruction of Mother Russia than our leaders have in the destruction of our beloved America.

But we have to be careful. I think that both we and the Russians came out of the Cuban missile crisis perhaps more sober on both sides than we had been before and with a recognition that we must try to avoid such crises because they are too utterly dangerous. But such reflections are not passed along from one generation of leaders to another. It is important that the two sides not be tempted into playing a game of "chicken" with each other to see how far one can go without crossing that lethal line. We have to be careful about the level of rhetoric between our two capitals because there is always the possibility that one side or the other will begin to believe its own rhetoric and do something foolish or dangerous.

During the first two years of the Reagan Administration the level of hostile rhetoric between Washington and Moscow rose very high. It has receded somewhat during the past year possibly because the President had had some second thoughts and perhaps has learned that anger and rhetoric standing alone have no future. It is interesting for me to recall that President Lyndon Johnson did not let the rest of us in his Administration criticize any foreign leader by name whether it was Khrushchev, Castro, DeGaulle or anyone else. If another government started criticizing him personally and by name, he would have me speak to the ambassador of that government and point out that that is not the way to settle problems or build some peace in the world.

We must begin with the recognition that the United States and the Soviet Union are the only two nations who, if locked in deadly combat, could raise a serious question as to whether this planet could any longer sustain the human race. That imposes upon both of us a very heavy responsibility both to our own peoples and to all mankind. We and they share a massive common interest in the avoidance of all out nuclear war. In their better moments, the Soviet leaders themselves understand this. If we can broaden that basis of common interest by finding points of agreement on large and small matters and reduce the range of issues on which violence might occur, the effort should be made.

That continuing search for agreement began immediately after World War II. One can recall the Baruch Plan to eliminate national nuclear weapons, and the invitation by President Truman and Secretary George Marshall to the Soviets to participate in the Marshall Plan. During the Eisenhower Administration we were able to achieve the Austrian State Treaty after hundreds of negotiating sessions and a brilliant piece of "preventive diplomacy" in the Antarctic Treaty. During the Kennedy Administration, despite the dangerous Berlin crisis of 1961-62 and the utterly dangerous Cuban

missile crisis, President Kennedy, Vice President Lyndon Johnson and their senior colleagues believed that it was just too late in history for the two nuclear superpowers to puruse a policy of total hostility across the board. Despite the crises of the Kennedy years, we set in chain discussions which produced the Nuclear Test Ban Treaty of 1963, a consular agreement, a civil air agreement, two important space treaties, a treaty on the nonproliferation of nuclear weapons and a number of other matters. This effort was continued into the Nixon years with a new Four-Power Agreement on Berlin, the conclusion on the ABM Treaty and certain other points.

Alongside of these efforts of agreement (which is all that the word "detente" means to me) there have been periodic confrontations between Washington and Moscow. By the summer of 1946, we did not have a single division in our Army nor a single air group in our Air Force which could be considered ready for combat. The ships of our Navy were being put into mothballs as fast as we could find berths for them and our defense budget for three fiscal years came down to a little over $11 billion, groping for a target of $10 billion. During this period of western demobilization, Joseph Stalin tried to keep the northwest province of Iran (the first case before the United Nations Security Council), demanded two eastern provinces of Turkey, supported the guerrillas going after Greece using bases and sanctuaries in places like Albania, Yugoslavia and Bulgaria, had a hand in the coup d'etat in Czechoslovakia in 1948, blockaded Berlin and gave the green light to the North Koreans to go after South Korea. These acts were the beginning of the Cold War. We were disarmed and it was not until the 1950's that we began to build up our defense establishment again. Since then we have had periodic confrontations on Korea, Southeast Asia, Cuba and their exercise of their "Brezhnev Doctrine" in Hungary, Czechoslovakia, Poland, Afghanistan, etc.

There are times when Soviet conduct gets in the way of the search for agreement. For example, on a certain Wednesday morning in 1968 we and the Soviets were on standby to make an identical, simultaneous announcement in Washington and Moscow that President Lyndon Johnson would soon go to Leningrad to open what later came to be known as the SALT Talks. The trouble was that on the very night before making this announcement, Soviet forces marched into Czechoslovakia, and it was necessary for me to telephone the Russian ambassador and insist that he telephone Moscow telling them not to make that announcement the next morning. It is ironic to recall that a few years later any chance of getting Senate approval for the SALT II Treaty was destroyed when Soviet forces marched into Afghanistan. We have had to wait a long time for the Soviet Union to join the human race and work with the rest of the world to try to make some sense out of the human condition. They remain very difficult people with whom to negotiate and there are many reasons, some of which are rooted in the very nature of their own system and their relations with each other, why that should be so. The simple fact remains, however, that whatever we think of the Russians and they think of us, we and they must still find some way to inhabit this speck of dust in the universe at the same time. They and we must never lose sight of that overriding necessity.

I myself am appalled by what is getting to be an insane race in nuclear arms. Although these are weapons which must never be used, the resources which are going into this race boggle the imagination. I am particularly concerned about the prospect that the arms race will be moved into outer space and will be testifying before a committee of the Congress later this month on that subject. I should be glad to send you a copy of the remarks I propose to make to a subcommittee of the House Foreign Affairs Committee.

I regret to have to say to you that I do not consider that I know in my own mind whether our own Administration wants arms control or an arms race. I have the same problem with respect to the Soviet side under present conditions. Given the magnitude of nuclear weapons already in existence, quibbling about the details of numbers on both sides is almost irrelevant. If the Soviet Union were to lay down upon Western Europe and North America all the missiles which they can direct at those areas, the Soviet Union itself could almost certainly not survive the result of its own nuclear weapons—quite apart from the thousands of megatons which they would receive in exchange. Somehow we and they must break through all this and find some basis on which we can put a halt to this insanity.

Incidentally, I myself do not lose sleep over the possibility of a nuclear war produced by an accident or by some irresponsible action taken by a Kadafy or a Khomeini. We have discussed with the Soviets from time to time the problem of "accident" and the irresponsible action of third parties, and I am convinced that neither one of these would cause the Soviets Union and the United States to embark upon a mutual nuclear exchange which would destroy the civilized community of nations.

Finally, it seems to me that we should be talking regularly with the Soviet Union at all levels of our respective governments. Sometimes there is point in what might be called "pointless" conversations—that is, exchanges of views which are not looking toward the solution of specific problems. They and we should understand all that we can about each other's motivations, concerns, and interests even though we may find fundamental differences between the approaches taken by our two sides. We should try to find ways to build upon one thing we share with the Soviet Union, namely, common membership in the human race. During the coming decades the entire human race will face a large number of issues which are different in scale and kind than any the human race has faced before. I have in mind the unfinished business of preventing World War III, the energy problem, the prospect that man himself can inflict irreparable damage upon this thin biosphere in which the human race must live, the awesome consequences of the continuing population explosion, and a number of other such issues. These problems are of such gravity that they might serve the role of a "common enemy" with respect to which we and the Soviets must reduce our common hostility and find ways in which we can deal more effectively with common problems.

With personal best wishes, Senator,

Cordially,

DEAN RUSK.

LOS ANGELES COUNTY BAR ASSOCIATION: RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on June 27, 1984, the Board of Trustees of the Los Angeles County Bar Association resolved:

That the Board of Trustees of the Los Angeles County Bar Association hereby urges the United States Senate to give its advice and consent to the ratification of the Genocide Convention; and that a copy of this Resolution be transmitted to the President of the United States, to the Senate of the United States and its Foreign Relations Committee, the Assistant Secretary of State for Human Rights and Humanitarian Affairs, the Senators from California, and the American Bar Association.

With this action, the Los Angeles County Bar Association joins a long list of labor, civic, religious, and nationality groups representing tens of millions of Americans that have endorsed the Genocide Convention.

I think we should take a minute to dwell on the term "genocide," because this is an absolutely appalling crime. It is the planned, premeditated, calculated destruction of an entire ethnic, racial, national, or religious group. It is almost always carried out by the government, as it was in Hitler's Germany. It is different from murder and is very hard to prevent. Only with the force of national and world opinion and a formal treaty can we make any real progress against genocide.

The Genocide Convention has two major facets: first, it is a human rights treaty, and, second, it is an international criminal treaty, which is designed to ensure that all nations, consistent with their own constitutions, will do everything possible to punish criminals who attempt to commit the most heinous crime know to man.

This is not a partisan issue, Mr. President. It is not ideological. The Genocide Treaty was supported by Republican Presidents Eisenhower, Nixon, and Ford, as well as Democratic Presidents.

The ranks of the Genocide Convention supporters cross party lines and ideological lines. Conservatives as well as liberals support it.

Why does the treaty have so much support?

Because in their consciences, people know it it right. They know the terrible price we pay when we are silent.

But they also support it because it will serve America's best interests, the interests of our citizens, our voters, and our taxpayers.

The benefits of this treaty are real and concrete.

First, ratification of the Genocide Convention will strengthen our hand in attacking the gross violations of human rights by the Soviet Union and its allies.

Second, ratification of the Genocide Convention reasserts our intention to

deal firmly with criminals who have violated the most sacred right known to man.

Third, the ratification of this convention will place the United States in a better position to bring our moral influence to bear in specific cases where genocide is alleged.

And Fourth, there is a moral imperative to ratify this treaty. Domestic statutes regarding murder are insufficient, for genocide is indeed murder but it is more than murder.

It is not murdering one person. It is not the usual crime of murder. It is planning and carrying out the plot to execute everybody who belongs to a particular race or religion.

As I pointed out, Mr. President, most recently the Los Angeles County Bar Association has joined a coalition of 52 other organizations, including the American Bar Association, in support of the Genocide Convention. But there is one organization, Mr. President, that has not acted, and it is the only organization that really counts on this matter. Only the U.S. Senate, only this body, can ratify the Genocide Convention. Presidents have pleaded with us to act on it. There is no role here for the House of Representatives. It is entirely up to this body, the U.S. Senate—not the Los Angeles Bar Association or the American Bar Association or the House of Representatives or the President of the United States. It is up to us.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 52 groups and organizations.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

MILLIONS OF AMERICANS SUPPORT THE GENOCIDE CONVENTION

The following is a list of 52 labor, civic, religious and nationality groups which represent millions of Americans that have endorsed the Genocide Convention.

Amalgamated Clothing and Textile Workers Union, AFL-CIO; American Baptist Convention; American Civil Liberties Union; American Ethical Union; American Federation of State, County and Municipal Employees, AFL-CIO; American Federation of Teachers, AFL-CIO; American Friends Service Committee; American Humanist Association; American Jewish Committee; American Jewish Congress; American Roumanian National Committee; American Veterans Committee; Americans for Democratic Action; Anti-Defamation League of B'nai B'rith; Baha'i National Spiritual Assembly of the U.S.A.

B'nai B'rith; B'nai B'rith Women; Emma Lazarus Federation of Jewish Women's Clubs; Episcopal Church; Friends Committee on National Legislation; Hadassah, The Women's Zionist Organization of America; Industrial Union Department, AFL-CIO; International Ladies Garment Workers Union, AFL-CIO; International Rescue Committee; International Union of Electrical Workers, AFL-CIO; Jewish Labor Committee; Jewish War Veterans; Labor Zionist Alliance; League for Industrial Democracy; Methodist Church, General Board of Christian Social Concerns; National Association of Negro Business and Professional Women's Clubs; National Association for the Advancement of Colored People; National Board, YWCA; National Catholic Conference for Interracial Justice; National Conference of Christians and Jews; National Council of Jewish Women; National Jewish Community Relations Advisory Council; National Panel of American Women; Retail, Wholesale and Department Store Union, AFL-CIO; Ukranian Congress Committee of America.

Ukrainian National Association; Union of American Hebrew Congregation; Union of Orthodox Jewish Congregations of America; Unitarian Universalist Association; United Automobile Workers of America; United Church of Christ; United Synogogue of America; Women United for the United Nations; Women's International League for Peace and Freedom; Workers Defense League; Workmen's Circle; World Federalists, U.S.A.; and World Jewish Congress, American Section.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

BARNEY W. GREENE—FRIEND TO THE TENNESSEE VETERAN

Mr. SASSER. Mr. President, at the end of this week, Mr. Barney Greene, State adjutant and finance officer of the Tennessee American Legion, will retire after 23 years of service. It is with regret that we bid him farewell, for it will be hard to envision the Tennessee American Legion without the able leadership of Barney Greene.

During his 23 years of service, Barney provided active, enthusiastic and compassionate leadership to the over 36,000 veterans who are members of the Tennessee American Legion. As State adjutant, Barney was the chief administrative officer for the Legion responsible for the administration of its programs, collecting annual dues, and serving its members.

At all times, Barney served the veterans of Tennessee with utmost dedication. His active working relationship with the Veterans' Administration helped to ensure that it was responsive to the special needs of veterans. His vigilance meant that Tennessee veterans received their benefits on time and obtained the highest possible quality of medical care from Veterans' Administration hospitals.

Since 1961, Barney has worked closely with the Tennessee General Assembly and the Tennessee congressional delegation to promote the legislative agenda of Tennessee veterans. During my years in the Senate, I have enjoyed our many times together and appreciated the service that he has provided my office in efforts to help veterans. All members of the Tennessee congressional delegation have a greater understanding of the service and legislative needs of veterans, thanks to the efforts of Barney Greene.

Thousands of veterans, disabled veterans, widows and children of veterans all enjoy a better life today due to the untiring efforts of Barney Greene.

All of us wish the best to Barney and hope that his days and years of retirement will be filled with the blessings of good health, close friends, and the care of a loving family.

TRIBUTE TO SHERIFF LOUIS GIANOLI OF MARATHON COUNTY

Mr. KASTEN. Mr. President, I rise today to speak in honor of a special individual from my home State of Wisconsin—Sheriff Louis Gianoli of Marathon County.

Sheriff Gianoli has been a dedicated public servant in Wisconsin for more than 20 years. In that capacity, he has not only worked tirelessly for the safety and security of the people of Marathon County, but also has been involved in numerous community activities.

A veteran of World War II and of the National Guard, Sheriff Gianoli has recently taken office as president of the National Sheriff's Association, the largest law enforcement group in the world. Election to this post caps a long and distinguished record with the Sheriff's Association for Sheriff Gianoli. He first served on the board of directors, then on the executive board, and finally was elected seventh vice president. Last year, he was made first vice president.

He is the first Wisconsinite—and, as he says, the first Italian—ever elected to the post of president of the Association, and I'm confident he will excel in this position just as he has always excelled in his law enforcement career.

Sheriff Gianoli has been very active in the communities of Marathon County, especially in trying to curb drug use by our youth. Because of this and other concerns, he is often asked to attend social events of all kinds to entertain both young and old with his unique sense of musical humor as he sings and plays his guitar to the strains of such classics as "Pistol Packin' Mama."

Although he is a Republican, he is so popular among all of Marathon County that Democrats openly support him and, as a result, he rarely gets formidable opposition.

Sheriff Gianoli is married, with two children, and is a good family man. People in the county who have problems often come to him because they know he is a thoughtful, caring, and sensitive person.

Mr. President, I would like to take this opportunity today to lend my thanks and the thanks of the people of Marathon County and Wisconsin to Sheriff Gianoli for his years of service for the betterment of our State.

I ask unanimous consent that the full text of a June 20, 1984, Daily Herald Wausau-Merrill article, which describes in detail the accomplishments and philosophy of Louis Gianoli, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIANOLI HEADS 50,000-MEMBER ASSOCIATION: SHERIFF TAKES GIANT STEP FOR ITALIANS

(By Jim Elliott)

Louis Gianoli made it to the top today.

This noon, the sheriff of Marathon County was expected to be elected president of the 50,000-member National Sheriffs Association at its convention in Hartford, Conn.

"I'm the first Italian ever elected president," he said in Wausau before leaving. "The Italian Men's Club of Chicago is pretty excited about it. There aren't too many Italian sheriffs."

According to Gianoli, the sheriffs association is the largest law enforcement group in the world and has a staff of 35 full-time people.

Gianoli succeeds the sheriff of Cook County, Ill., in which Chicago is located. That man is also a lawyer.

"We're an equal opportunity organization," quipped Gianoli, never at a loss for a joke. "Now the groups that can't understand lawyers will have me."

They'll also have, instead of a big city sheriff, one who represents a county in which there are more cows than people. And Gianoli is the first president from Wisconsin.

He became interested in the association from the moment he first took office in 1961 and started going to conventions.

"I consider myself a career officer," he said. "When people call me a politician I resent it. I consider myself a statesman."

That's why, whenever he's gone to a meeting, he's taken along plenty of Wisconsin cheese. When other states or counties had fancy hospitality rooms, which he couldn't afford, Louie passed out genuine cheese to people who were used to the mediocre processed variety.

It made an impression, as did the Wausau depot emblem belt buckles and other paraphernalia he managed to distribute. People remembered Louie Gianoli.

The sheriff will be talking about drug dealers, TV shows, and his view of law enforcement during the coming year.

"One of the greatest burdens in my life is knowing that it (drug abuse) is happening to our young people. I've seen the drug burnouts, families torn apart and a life of crime to support the habit," he said.

He will push to change the federal government's role in drug enforcement. Rather than concentrating on border-patrol programs, he'd prefer to see more grants available to local communities to fight drug pushers.

"We need to have teams out catching people where it's being disbursed," he said.

He also plans to carry on the association's campaign to get TV shows such as the "Dukes of Hazzard" off the air because of the poor image of law enforcement they portray. The association was instrumental in getting Sheriff Joe Higgins ("Bo, you in a heap o' trouble, boy") taken off commercials for Dodge cars.

In speeches, he'll stress the advances that have been made in law enforcement, mainly in training officers.

And he'll probably mention his philosophy of personalized service. That has enabled him to be re-elected Marathon County sheriff 11 times.

"I feel what I do is what's expected of me, not poitical hogwash," he said. "You have to put yourself in the other person's place. Our patrols can do things for people.

"I've been criticized . . . for blood runs (relaying blood through the county). Not all areas do it, and some have said that's not a police function, but I maintain it is."

Gianoli has climbed the association's chain of command. He began on the board of directors, served on the executive board, and finally was on the path to the presidency eight years ago when he was elected seventh vice president. This past year he was first vice president, which is also president-elect.

The association's mission is to support the office of sheriff, and fair and efficient administration of criminal justice. It works through training programs, information exchanges, insurance programs, technical assistance (such as studies of jails or manpower), programs such as Neighborhood Watch, research and lobbying.

DON'T MAKE CRIME A POLITICAL ISSUE

Mr. BIDEN. Mr. President, as the ranking member of the Judiciary Committee and a coauthor of the bipartisan crime bills that passed the Senate in both the 97th and 98th Congress, I find it preposterous that apparently the Reagan campaign intends to accuse Democrats of being "soft on crime." The President apparently forgets that in 1983 he vetoed the only major piece of crime legislation to come to his desk during the first 2 years of his administration.

The result of the President's veto of H.R. 3963 has been that State and local law enforcement have gone 1½ more years without vitally needed assistance funds to carry out crime fighting programs. The veto also has delayed the effective use of forfeiture statutes which need to be revised. Forfeiture is the best tool prosecutors have to confiscate the assets of drug traffickers and truly put them out of business.

Additionally, the President's veto has left the Federal Drug Enforcement and Interdiction Program in the position where bureaucratic turf battles and red tape continue to hinder effective drug suppression. The latest statistics on drug availability are staggering. Cocaine use has increased by 12 percent in 1983 with an estimated 54 to 71 metric tons—a 19-percent increase from 1982—entering the United States. During 1983, which was when the President was announcing the success of his South Florida Drug Task Force, the Federal Reserve Bank branches in Miami and Jacksonville, FL, reported the largest yearly surpluses of U.S. currency in the Nation $4.4 billion and $1.3 billion, respectively. These surpluses are 550 percent and 91 percent higher, respectively, than the next highest reported surplus. Clearly, these cash surpluses are the result of something other than tourism.

The President's veto not only set us back 1½ years on those important crime fighting initiatives but it has further delayed our whole agenda for bipartisan House and Senate action on crime. It has taken months for Senate and House judiciary leaders to regroup and start over again working on a wider range of crime issues.

Now President Reagan is claiming that Democrats, particularly House Democrats, are not facing up to the crime issue because they haven't passed the "President's crime bill." For the record, let me document the true authors of many of the key provisions in the so-called, "President's Crime Package."

To begin with at least 10 items included in the package come from Criminal Code reform bills that we have been working on for the last 10 years. Three of the most crucial provisions concerning sentencing, bail, and forfeiture statute revisions are the result of Democratic initiatives. The justice assistance provision in the crime package was actually opposed by the Reagan administration in 1981 and 1982. Other issues like assault on Federal officials, destruction of energy facilities and labor racketeering amendments are Democratic bills.

It is misleading and inaccurate for the President to claim that nothing is being done on the crime issue because the House Democrats have not passed S. 1762. I think it is only fair to set the record straight as to what the House has passed in the area of crime legislation.

The first five items I will list have already been signed into law by the President.

PUBLIC LAWS

Public Law 98-292—The Child Protection Act of 1984: To strengthen Federal laws against child pornography (H.R. 2635).

Public Law 98-305—Controlled Substances Registrants Protection Act of 1984: To protect from robbery and burglary of controlled substances those persons who manufacture, distribute, or dispense controlled substances and who are registered with the drug enforcement administration ("pharmacy robbery") (S. 422).

Public Law 98-368—Authorizing the President's Commission on Organized Crime to compel the attendance of witnesses and the production of information (H.J. Res. 548).

Public Law 98-127—Federal Anti-tampering Act: To amend title 18 of the United States Code to prohibit certain tampering with consumer products ("Tylenol bill") (H.R. 2174).

Public Law 98-236—Drug Dependent Federal Offenders Act: To authorize additional funds for a program to monitor released Federal drug offenders (H.R. 2173).

These next items have been passed by the House and are pending in the Senate.

H.R. 2165—Justice Assistance Act: To provide matching funds to State and local governments to carry out specific anticrime programs; authorizes a rapid Federal response to local crime epidemics.

H.R. 4971—Missing Children's Act: To reauthorize the Juvenile Justice Program, Runaway Youth Program, and establish a Missing Children's Program.

H.R. 5616—Counterfeit access device and computer fraud and abuse of 1984: To provide criminal penalties for counterfeiting access devices and for computer fraud and abuse.

H.R. 5846—Criminal Fine Enforcement Act of 1984: To amend title 18 United States Code to improve collection and administration of criminal fines.

H.R. 5477—To provide criminal penalties for possession of contraband in Federal prison and revise prison riot and mutiny offenses of current law.

H.R. 5526—To amend title 18 United States Code with respect to escape from custody resulting from civil commitment.

H.R. 5406—Foreign Evidence Rules Amendment Act of 1984: To amend title 18 United States Code with respect to escape from custody resulting from civil commitment.

H.R. 5872—Financial Bribery and Fraud Amendments Act of 1984: To amend title 18 United States Code to tighten Federal laws punishing bribery and fraud in banking and financial industry.

Mr. President, I could go on with this but I will not, because the point I wish to make is; now is not the time to turn the crime issue into a partisan political issue. Chairman STROM THURMOND, Senator LAXALT, Senator KENNEDY, and myself in the Senate, and Congressmen like BILL HUGHES and HAL SAWYER in the House have worked very hard in a bipartisan manner to raise the issue of crime to a higher priority during the last two Congresses. For the President to try and take the general issue of crime and drugs and make political hay by pointing fingers will only set us back again, just like his veto of the bipartisan crime package did in January 1983.

There is much that needs to be done if we are ever to make a dent in the crime and drug availability statistics. The tragedy and grief that those statistics reflect, certainly outweighs the political advantage the President may seek to gain through rhetoric or political slogans.

I ask my colleagues on both sides of the aisle and in both Houses of Congress to work to get truly needed crime legislation passed this year. With both Houses working together we should be able to get the major elements of the Senate-passed package, like bail, sentencing, forfeiture, drug enforcement penalties, justice assistance and a number of the violent crime and procedural amendments enacted this year. For I and my Democratic colleagues in the Senate will not be satisfied until all, and I emphasize all, of these items have been addressed.

If that is done there will surely be plenty of credit to go round for all parties and in both the legislative and executive branches of government.

U.S. ENERGY POLICY: STATEMENT OF SECRETARY HODEL'S SPEECH TO THE WASHINGTON PRESS CLUB

Mr. SYMMS. Mr. President, recently Energy Secretary Don Hodel addressed the Washington Press Club on our country's energy situation. In his speech the Secretary explained that our energy situation is greatly improved today under the Reagan administration's current National Energy Plan as opposed to 4 years ago. Although I don't fully agree with all aspects of the energy plan, I do believe that we are much better off today since distancing ourselves from the overwhelming regulatory policies of the former administration.

Based on my interpretation of Secretary Hodel's comments, our energy situation is greatly improved because we are moving this country toward energy nondependence. A key factor in this movement has been reducing our dependence on foreign imports of oil.

Our country seeks a balanced and mixed energy resource base ranging from essential conventional sources to renewables. Petroleum, however, is undeniably our fuel of choice. In an effort to become less dependent on petroleum we have tried to cut back on its use. As a result of conservation, improved energy efficiency, and increased domestic production, we have succeeded at becoming less dependent on foreign sources today. Consequently our oil imports in 1983 were down 33 percent compared to 1980 levels.

Along with cutting down on imports of foreign oil, we have diversified our suppliers of oil. It is comforting to know that only 2 to 3 percent of our oil now comes from the Persian Gulf.

Another important factor improving our energy situation is a new reliance on market forces. That is, relying on millions of American consumers to make individual choices in their best interest. The Reagan administration is dedicated to this reliance for it believes individuals are the most effecient allocators of energy supplies and can best decide how to cope with their own energy needs.

While we have improved a great deal in our energy nondependence and security, we must not be satisfied and complacent. During this time of plentiful energy supplies we must continue to diversify our energy sources. Resources such as natural gas, nuclear power, and coal are contributing to our balanced and mixed energy resource system, but not to their potential.

Natural gas pricing must be deregulated so that low-cost natural gas not being produced under current regulations, can find its way to the market. The need for deregulation is clear. At present, regulations are forcing consumers to pay for high-cost, imported natural gas.

Nuclear power is an important energy alternative. However, the nuclear industry has been severely damaged in recent years. This damage primarily stems from the licensing process. Improvements streamlining the extremely burdensome process must occur while still maintaining safe nuclear facilities.

"We are the Saudia Arabia of coal" according to Secretary of Energy Hodel, yet coal contributes only around 20 percent of our energy today. We must expand our use of coal while simultaneously improving the way it is burned, both economically and environmentally.

Although, not yet to their full potential, all these resources have contributed to our improved energy situation. It is clear we are moving in the right direction. Our task now is to continue moving toward a diversified and balanced energy system.

I commend the Secretary's remarks and urge Senators to read them. I think you will agree with the Secretary that we are better off now, with a more sound and consistent energy policy, than we had 4 years ago. I ask unanimous consent that the Secretary's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

"KICKING THE HABIT: LESSENING U.S. DEPENDENCE ON OIL"

(By U.S. Secretary of Energy Donald Paul Hodel)

During my 19 months as Secretary of Energy, I have spoken to hundreds of thousands of Americans, emphasizing one important theme: we must move this country toward energy nondependence. A key to achieving this objective is: Kicking the Habit—Lessening our Dependence on Oil.

In recent weeks, much of my attention—and much of yours—has been focused on events in the Middle East. I believe that we,

as a Nation, have no choice but to care about the continuing hostilities in that oil-producing region and the effects—both real and perceived—of those hostilities on the United States and the free world.

The United States is the major player in the world energy arena. As such, we have two essential areas of responsibility: (1) our national energy policy; and, (2) our role in the international energy market.

NATIONAL ENERGY POLICY

In October 1983, President Reagan submitted to the Congress our National Energy Policy. The policy consists of a goal, and strategies and programs to achieve that goal.

Our goal is an adequate supply of energy at a reasonable price. Although we do not define "adequate" in terms of a specific quantity, it must mean a supply sufficient to meet short- and long-term needs and sufficient to move this Nation ever closer to energy nondependence.

To realize this goal, our strategies are: (1) to minimize federal control and involvement in the energy market while maintaining public health and safety and environmental quality; and (2) to promote a balanced and mixed energy resource system.

We seek a balanced and mixed energy resource base ranging from essential conventional sources such as oil, gas, coal and nuclear, to renewables such as hydro-electricity, solar, wind, geothermal and biofuels, and new emphasis on conservation as a resource.

Achieving a balanced and mixed resource base is critical to achieving energy nondependence.

If available, petroleum is the fuel of choice. But the burning questions are: how much is available; how much can be produced; and, at what price?

Our estimates are that only 3 percent of our known recoverable fossil fuel reserves are in the form of natural petroleum.

Yet, in 1983, oil represented 43 percent of our Nation's energy consumption, and when the closely related natural gas is thrown in, these two resources supplied 67 percent of America's energy. Our forecast suggests these resources will continue to supply more than 60 percent of our energy for at least the next 10 years. Obviously, much of that oil is imported. We are still net importers of almost 30 percent of our oil needs, and our imports are rising. This year, we remain, along with Japan, the largest importer of oil—not in terms of percentage, but in terms of volume.

So, what are we doing to reduce our reliance on costly imported oil and achieve a more balanced and mixed energy resource base?

We have made substantial progress.

As a result of conservation, improved energy efficiency, and increased domestic production, we are less dependent on foreign sources today. U.S. consumption of oil in 1983 was down 11 percent compared to 1980 levels. Consequently, our oil imports were down 33 percent. We have also diversified our suppliers. In 1983, none of the top four countries from which we imported oil shipped through the Strait of Hormuz.

In 1983, OPEC provided 43 percent of U.S. net oil imports, down from over 70 percent in 1977. In 1983, we imported only 1.8 MMB/D from all of OPEC, compared with 1.4 MMB/D from Saudi Arabia alone in 1977.

The United States can take comfort in the fact that only 2-3 percent of our oil requirements come from the Persian Gulf, but 20 percent of the free world's total oil supply (8-10 MMB/D) moves through the Strait of Hormuz. So even if we took no oil from that area, we must be concerned about the reliance of our allies on Persian Gulf oil.

If we as a Nation can expand and diversify our resource base, we will improve our energy security, while making more oil available in the world market to our allies and to the less developed countries which need oil to survive and for economic growth.

The Reagan Administration views energy conservation as an essential component of our mixed and balanced resource system. Every expenditure for conservation which saves energy displaces the need for other resources—conventional or renewable.

I believe that Americans do have a conservation ethic. As a Nation, we have already made significant progress in conserving energy:

Residential and commercial buildings in the U.S. today consume 20 percent less energy per square foot than they did 10 years ago;

Energy consumption per capita has declined by 14 percent from 1973 to 1983;

Energy input per unit of industrial output has declined by 23 percent since 1973; and,

Energy consumption per dollar of gross national product has declined by 11 percent from 1980 to 1983.

These are important steps in the right direction. However, when energy supplies are perceived to be sufficient, we have difficulty keeping our conservation momentum going. The time for additional conservation is now. Let's not wait for some sort of emergency before we get serious in our efforts to save energy.

In addition, we must continue to develop renewables, which will play an increasingly important role in complementing our conservation efforts.

In 1983, renewable energy sources provided about 8 percent of the primary energy needs of this country, and projections indicate renewables will contribute over 9 percent to our energy mix by 1992 and over 10 percent by the year 2000. A one percent increase may not at first sound like much, but when you consider what a large and growing energy system we have in the U.S., you begin to realize that a very high rate of growth is occurring in the renewables area.

Some key developments in renewable energy technologies include:

The cost of photovoltaic generated electricity decreased by 57 percent from 1980 to 1983. Worldwide photovoltaic sales have increased 400 percent and are expected to more than double by 1985;

In wind energy, the number of small companies producing wind machines more than doubled between 1980 and 1983;

The number of active solar building installations in operation in this country has more than doubled since 1980; and

The number of new homes incorporating passive heating and/or cooling technologies has increased by nearly 100 percent since 1980.

In addition to renewing our conservation commitment and expanding our renewable resource base, there are several actions we as a Nation must take to change the way we have traditionally dealt with our conventional energy resources.

We must deregulate natural gas pricing—one of the ways we are seeking to minimize federal control of energy markets. We emphatically believe that decontrolling the price will bring consumer costs down. Right now we estimate that there is between one and three years' supply of low-cost gas that will not find its way to market because federal price constraints are below the cost of development and production. Natural gas regulation is forcing consumers to pay for high-cost and imported gas.

We have a case study to look at as an example. President Reagan decontrolled the price of oil in early 1981, and the results were increased drilling, discovery and supplies, and a 20-25 percent decrease in the real price. We believe that the economic realities of the marketplace will do more to bring down the price of gas than years of frenetic government regulating could ever do.

The danger of "quick fix" legislation has never been greater than now, however. In mid-April, the House Energy Committee reported a "quick fix" bill which could have a devastating impact on consumers and producers alike. We believe that if this legislation—known as the Sharp bill—is passed, wellhead prices will be higher, as will consumer energy prices; domestic gas production will decrease significantly; gas import prices will rise, and oil imports will rise.

This Administration is working hard to pass responsible, sound legislation which will, in the long run, benefit America's consumers.

Nuclear power is an important alternative to our continued reliance on oil. But the nuclear industry has been severely damaged in recent years. No new plants have been ordered since 1978. Many currently under construction are in financial distress. I believe that a primary reason for this distress is the licensing process.

You can visit other countries that are building essentially identical plants to those in the United States. They are using American equipment. They are using American design; in some cases, even American architect/engineers. The only differences are their labor and their licensing process. Other nations can build nuclear plants in 5 or 6 years; it takes 12 to 14 years to build the same plant in the U.S. And believe me, their labor productivity is not that much greater than ours. The difference rests with the licensing process.

We must address this critical problem if America is to have a nuclear component in our energy future—and this Administration believes we must. Last year we introduced legislation which would, we believe, dramatically improve the nuclear licensing process. If that bill passes, we think it will increase public participation and result in at least the same level of safety, if not greater. And it would mean that nuclear plants could be built in 6 or 7 years instead of 12 to 14.

In addition, I announced earlier this month that the Department of Energy will take a series of specific actions to help ensure quality construction of safe nuclear plants. Our goal is to try to build consistent federal policies for programs affecting the nuclear industry. DOE will be ready to participate in providing federal and State utility regulators with better information on which to base licensing and rate decisions. We are undertaking these initiatives at this time to provide encouragement to those who are involved in planning for our energy future.

Coal is another essential component of our energy mix. It is one of the resources that makes us an energy rich Nation today and can make us more energy secure in the future. It can fairly be said that we are the Saudi Arabia of coal. It accounts for over 85 percent of our estimated recoverable fossil

fuel reserves—yet contributes only 20 percent or so of our energy today.

The Reagan Administration is dedicated to expanding our use of coal, and stimulating increased exports of all types of U.S. coals. We do recognize, however, that if we don't improve the way coal is burned, both economically and environmentally, intensified pressures to control emissions may create obstacles to the use of this vital resource. As a result, our 1985 budget request for coal research is substantially higher than our request last year. Our increases are directed principally at technologies that permit coal to be burned with minimal environmental impact—environmental research in flue gas cleanup, coal preparation, and other coal cleaning technologies.

We are making real progress in researching ways to burn coal cleanly. Tremendous opportunities exist for coal to play an increasing role in our energy mix without compromising our environmental objectives.

All of the resources I have outlined contribute to our balanced and mixed energy resource system, and thus to our energy security and nondependence. We can feel confident about our energy future, but we must not be complacent. We are vulnerable to oil supply interruptions because of their tremendous potential impact on the world energy market and because of our international responsibilities.

As I mentioned earlier, the conflict between Iran and Iraq continues to escalate, And despite the fact that a minimal amount of our oil requirements come from the Persian Gulf, some of our Western European allies range from 20 to 40 percent dependent and Japan is about 60 percent dependent on oil moving through the Strait of Hormuz. As a result, the President has said that the free world must keep the Strait open.

The Gulf States themselves would probably be the most seriously impacted by closure of the Strait of Hormuz. Virtually their entire income would be affected by their inability to reach the market. The "threat" of such a closure is among those energy emergencies for which we must be, and are, prepared. Contingency planning remains fundamental to our goal of ensuring an adequate supply of energy.

In the event of a supply disruption, the Reagan Administration is committed to continued reliance on the marketplace for price and allocation determination. Federal intervention in the past not only did not work, it actually worsened the situation.

Government controls have historically fouled-up the market. The gasoline lines in the summer of 1979 are examples of shortages created by federal price and allocation controls. Shortages occurred in metropolitan areas, but not in resort areas, because the supply shortfall changed consumption habits and reduced out-of-town travel; under government controls, gas was allocated to resort areas in accordance with predisruption consumption patterns.

Our contingency plan realizes the important fact that market forces—millions of American consumers making individual choices—are the most efficient allocators of energy supplies. Individuals and firms can make their own decisions on how best to cope with an energy shortage—whether it be through conservation, use of alternative fuels, or by other means.

We have, therefore, focused our efforts on:

Filing and maintaining the Strategic Petroleum Reserve;

Removing or reforming economic and technical barriers;

Fostering a closer government-industry partnership;

Promoting public understanding of the need to prepare for energy emergencies; and,

Gathering and disseminating accurate and timely information.

I am pleased to announce that just last weekend, the Strategic Petroleum Reserve (SPR) reached the 400-million-barrel mark—nearly 4 times the level when President Reagan took office.

At its present level, SPR could provide more than 80 days supply if all imports to the U.S. were cut off (in 1980, it was less than 17 days); more than 800 days if Persian Gulf only were cut; and, more than 200 days if OPEC supplies were halted.

That 400 million barrels of oil, of which 290 million has been added since President Reagan took office, provides a cushion I hope we will never need to use. That is, I hope we never have a serious oil supply disruption that would necessitate its use. But we will use it if necessary.

And we will use it early in the event of a significant supply disruption.

When I say early, I mean that when there is a disruption, and we feel it may last for awhile and result in a significant shortfall of supply, we will recommend to the President that we sell from SPR. It will take about 3 weeks to complete the sale process and start oil flowing out of the reserve. Obviously, if the disruption turns out to be minor, we can stop the process. But if it is more serious, then we are on the way, and the world knows we are going to provide a substantial quantity of oil—in excess of 2 million barrels a day—to the market. We can continue that flow of oil for several months, if needed, and at a lesser rate for much longer. I think that would provide a solid stabilizing force while efforts are undertaken to resolve whatever is causing the shortfall.

Let me emphasize that the decision to activate the SPR is the President's. We at the Department of Energy in making a recommendation are not working in isolation. We have a continuing interagency effort involving State, Treasury, Commerce, and others to monitor and analyze an interruption of supply.

The important point is that this Administration's policy is to use SPR early in a disruption and at the most effective rate, which is up to full capacity—currently in excess of 2 million barrels a day.

The United States will not work alone in this venture. We will coordinate with our allies through the International Energy Agency, which is studying how best to use strategic reserves and how much these reserves should contain.

As I have indicated, we believe wholeheartedly in the marketplace. If we are to be energy non-dependent, we must not resort to techniques of the past such as price and allocation controls or more regulation.

But, we cannot afford to rest in our contingency planning efforts. In those efforts, you and I share a common goal: gathering and disseminating accurate and timely information.

Many of the problems which we fear may result from a disruption may be caused by a panic reaction following the first news about it. We believe that panic can be avoided in large part if the public has the facts of the situation. The psychological factor in an emergency situation is the most difficult to address. Our plan to combat those "perceived" problems associated with a shortage is through implementation of a public awareness campaign—starting now, not when it's too late.

We are committed to providing timely and accurate information to the public prior to and during any disruption that may occur. By so doing, we will enable industry, business and American consumers to exercise the judgment and common sense that will prevent "panic" reactions that otherwise could unnecesssarily drive the price of oil to levels beyond what is necessary to balance supply and demand.

I believe you and I must together begin elevating public awareness of the United States' energy situation, and that is why I am here today. We have no choice but to care and be involved. We have no choice but to move America toward energy nondependence. Our lifestyles, our economy, our national security depend upon it.

OPPOSITION TO H.R. 4277—A NATURAL GAS QUICK FIX

Mr. SYMMS. Mr. President, the Reagan administration's current energy policy focuses on two major strategies: Promotion of a balanced and mixed energy resource system, and minimizing Federal interference in energy markets. Over the past several years this sound and consistent approach to energy policy has restored our energy supplies, and improved our overall energy independence.

Despite this substantial redirection in energy policy, there are still areas where great improvements can be made. One of these areas is natural gas policy. The current price control system for natural gas is in the words of Secretary of Energy Don Hodel, clearly "anticonsumer." Simply stated, producers of natural gas are discouraged from producing the least costly natural gas available. Instead of producing this least costly gas by improving and modifying existing wells, producers are encouraged to seek and develop more expensive types of natural gas. Pipeline companies also have little incentive to buy the cheapest gas from producers since, by law, they can merely pass on added costs to their customers. The only true answer to this problem is complete decontrol of natural gas.

H.R. 4277, if passed, would only exacerbate this already anticompetitive situation. It is a quick fix bill that limits short-term prices by increasing Federal controls and postponing the scheduled phase out of regulations on about one half the natural gas in America.

This bill will also continue to discourage efficient production on our Nation's least costly natural gas reserves by maintaining Federal controls on that gas.

In summary, passage of this bill will result in: Higher costs, decreased production, increased reliance on foreign oil, and a potential gas shortage.

The primary argument for the continued control and regulation of the natural gas industry is that prices would increase sharply or "fly-up" when the NGPA ceilings expire on January 1, 1985. It is the same song and dance we heard before oil deregulation. If the market is allowed to function, supplies of natural gas will increase and prices, after an initial period of adjustment, should go down, as evidenced by oil decontrol. There are three economic factors that support my contention that supplies will increase and prices decrease. Possibly the most compelling reason is the current surplus of natural gas supplies. Under decontrol, this surplus not only will continue but should increase for some time. As a consequence of this surplus, the simple rules of supply and demand would prevent producers from raising prices under decontrol at all, let alone to the levels asserted by advocates of continued price controls.

A second reason for no price "fly-up" is the continued moderation of oil prices. With fuel oil prices at the present level natural gas prices would have to remain competitive with the price of oil, its most readily available alternative.

Finally, there is a major effort by large gas customers to find and evaluate the savings potential of energy alternatives. If the price of gas were to rise steeply these customers would find some other fuel to use. This gives producers and pipeline companies a considerable incentive to be efficient and to maintain reasonable prices.

Although full decontrol may not be a political reality, when dealing with the issue of natural gas we must look to our past success with the decontrol of oil prices. To date the record of energy markets and the economy demonstrates clearly that economic efficiency does not result from Federal intervention and control. The results of deregulating oil prices have proved this. We must realize that when the free market is allowed to function with a minimum of interference it will ensure the right mixture of energy sources. It will also enable us to have a responsive, flexible system that adjusts efficiently to changing circumstances. This bill is not a step in the right direction.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER [Mr. KASTEN]. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I believe the time for the transaction of routine morning business has expired, has it not?

The PRESIDING OFFICER. It has. Morning business is closed.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

(Pending: Motion to waive section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 5743, Department of Agriculture Appropriations, 1985)

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the majority leader.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STALLED BUDGET

Mr. BYRD. Mr. President, for the sixth time this year, we are being asked to waive section 303(a) of the Budget Act in order to consider an appropriations bill. These waivers have been necessary because the conferees on the first budget resolution still have not reached agreement.

Even though the Budget Act requires the conferees to report back within 7 days, it has been over 2 months since the Senate passed its budget resolution and sent it to conference, and still no resolution is in sight. In fact, there has not even been a meeting of the budget conferees since June 27.

Never in the history of the budget process has a first budget resolution been held hostage for so long. The Budget Act timetable calls for adoption of the conference report on the budget by May 15. It is now August, the time when we should be beginning deliberations on the second, and binding, budget resolution. As things stand now, however, we will be lucky to have even a first budget resolution by the start of the fiscal year.

It seems clear, Mr. President, that further progress on the budget resolution is being blocked by the administration's unwillingness to compromise over the level of Pentagon spending next year. Large differences between the budgets passed by both Houses are nothing new. But conference committees have always been able to effect a compromise in the past. This year, however, those who support the administration's Pentagon spending plan appear to be prepared to jettison the entire budget rather than compromise their point of view. The orderly procedures of the Congress—procedures established to organize and expedite the business of the country—are ignored and bypassed in order to promote zealously held views with respect to Pentagon funding.

Nor is the budget conference the only conference being held hostage to the administration's rigid insistence on its defense budget. The conference on the defense authorization bill is also deadlocked, because the administration would apparently rather destroy the product of weeks of debate on both the House and Senate floors than compromise or accept political embarrassment, if that is a fear on the part of some.

Mr. President, the processes by which we have long governed ourselves are being stood on their heads. The long-term interests of this institution are being sacrificed in order to defend the administration's programs and its short-term political interests.

I hope that the administration will allow the Senate and House Republican conferees in connection with both of the foregoing measures to work their will and not stand in the way of a compromise on the budget resolution and defense authorization. Let the conferences get back to work.

What is at stake, Mr. President, is more than just the Pentagon's budget for next year. What is at stake is the integrity of our institution and its long tradition of debate and bipartisan compromise. What is at stake is the Budget Act itself, and the ability of Congress to exercise its constitutional power of the purse in a responsible and orderly fashion.

During its 10-year history, the budget process has often been controversial. But few would dispute the urgent and continuing need for the discipline it seeks to impose. The central purpose of the Budget Act is to provide the Congress with a framework for evaluating the impact of its individual spending and taxing decisions on the economy as a whole—and for making choices among competing demands for scarce resources. It has never been more important that we make those choices wisely and deliberately than it is today.

If the budget process is allowed to be destroyed in order to prevent those choices from being made in a bipartisan spirit and in a spirit of compromise, we will do ourselves—and, ultimately, the Nation—a grave disservice. The Founding Fathers gave Congress the power of the purse. With that power comes the responsibility to exercise it wisely. That is a responsibility which we will abdicate if we continue on our present course.

I commend the distinguished Senator from Florida, the ranking member

of the Senate Committee on the Budget. His is a principled stand. I hope that Senators on both sides of the aisle will support him in that effort. The budget process and the committee process are being emasculated because of the obstinance of the administration in its refusal to compromise on the Pentagon budget.

There is room for compromise. I think that the national security is the first priority always, but if the support of the American people for defense funding is not to erode, it is important that the waste and mismanagement, which have been recently brought to light, be brought under control. When that is done, a reduction in the rate of increase in Pentagon funding will provide a stronger defense than we presently have. But if the administration insists on throwing money at the problem, which means that some of the moneys go down a rat hole, then the support of the American people for a strong defense will ultimately erode. And while that is happening, of course, the budget process by which Congress can discipline itself in the matters of spending will have also been cast aside and will be a victim of the administration's shortsighted obstinacy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PRESIDING OFFICER. Without objection, it is so ordered.

CONFERENCE COMMITTEE DELAYS

Mr. GOLDWATER. Mr. President, I was sitting at my desk, and I heard the distinguished minority leader, for whom I have the greatest respect, talking about the need for hurrying up conferences with the House, particularly, as I understood it—and I may have misunderstood it because of the difficulty sometimes in hearing over the loudspeaker—the conference between the House and the Senate on armed services, and he asked that the administration—President Reagan—make concessions.

Mr. President, it is not Mr. Reagan who is holding up the conference between the House and Senate on armed services. I cannot prove this, but I have every reason to believe that the Speaker of the House does not want a conference report until after the election. I hope I am wrong.

Our two committees have conferred together. I know, for over 20 years, that many Members of the House feel almost exactly as we do about the necessity for having in this country a strong military. We usually disagree on very small things. In fact, I report to the Senate—if my chairman, Senator TOWER, has not done so already—that in the nuts and bolts area of these two bills, we are in great agreement. Adjustments have been made on both sides.

Mr. President, we have spent nearly 1 month in conference between these two committees, and in 1 month we have never talked about ammunition, about ships, about aircraft, about guns, about the pay for the troops. We have talked about nothing but things affecting foreign policy.

I have been around this business long enough to know that the Armed Services Committee is not supposed to be engaged necessarily in foreign policy. That is the prerogative of the President of the United States and committees on foreign policy in both Houses. But I do not want to hear the President or the administration blamed for holding up this conference, when the holdup comes from the obstinacy of the House—and I do not say the House committee. I think it comes from above, from Mr. O'NEILL.

We are held up, frankly, on one point, and that point has to do with the MX. While I am not a particularly great believer in the MX, nevertheless, the Senate has passed by one vote and the House by three votes the approval for the MX missile. So it is the position of the Senate that we are trying to defend.

The language of the House called for the right of the House only—one House—to negatively vote a veto on the MX. What we were trying to argue was that we would be willing to recede to the House and agree to a double veto, a positive-type veto in both Houses, but they would not give up on this.

On the four major points having not much to do with armed services, we have yielded and they have yielded. We have almost written off the words on the surface launch cruise missile because it is not applicable. We have made what I consider to be—and I think most of the members of that committee feel to be—an acceptable position on the ASAP, which is the offense to develop weapons that we can use to interfere with the operation of Russian satellites, should they ever be used for war purposes.

I will be honest, Mr. President: I cannot understand how any person serving in the Congress of the United States can vote against research and development on weapons to defend our own freedom and to defend our own people. A rather disturbing and dangerous situation has come about in this whole Congress, and I do not know why it has come about.

Mr. President, I am sorry that the minority leader left the Chamber, but he will see my remarks in the RECORD; and if he wants to discuss this matter, I will be glad to discuss it further with him.

I am just as sorry as anybody else about the—I will call it mayhem which our inability to reach an agreement is going to cause, when we have to have continuing resolutions, one after another, to run the defenses of this country. That does not make a bit of sense.

If the Budget Committee and the Appropriations Committee have to prepare a bill on armed services for us to debate, we are going to have a lame-duck session, and we are going to stand here day after day after day and night after night, hanging ornaments on that Christmas tree. Every State in the Union will have something special, with a special tinsel. This is an election year, and they will hang it on that bill, and we will wind up with a piece of legislation that will not be a lot of help in defending the freedom of our country.

Mr. President, I do not envy the Budget Committee being in the straits in which they are. I have never honestly believed that the Budget Committee and the authorization process can live together. I may be wrong. At first, I thought the budget process was one of the finest ideas that had ever been introduced in this body and the other body. But when the authorization committees have to wait until February, until now, to make decisions, I do not think that is in the best interests of the country.

For example, my Tactical Warfare Subcommittee could have had a complete report out by the end of February, but I was not allowed to. I kept being told, "You cannot do it; you cannot hand figures out until you know what we are for."

Mr. CHILES. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I am happy to yield.

Mr. CHILES. I wonder if the Senator understands that under the Budget Act there is nothing that requires the authorizing committee to wait unless it is authorizing entitlements. And I do not think the Armed Services Committee is authorizing entitlements, so there is nothing in the Budget Committee Act that requires the Senator's committee to have to wait.

Mr. GOLDWATER. I could not agree with the Senator more, unless we want to act on our own and submit figures that might be approved or might be disapproved.

Mr. CHILES. The Senator has been here so much longer than I have. But during the time that I have been here it seems to me that the authorizing committees have more often than not authorized more than ultimately was appropriated. So I always felt that au-

thorization was one function, that we will authorize what you may spend up to a certain number of dollars; you may buy up a certain number of planes, but the appropriating committee is not bound to spend all of that.

So, for the life of me, I cannot understand why this authorizing committee is complaining or saying they have to wait.

Mr. GOLDWATER. The Senator is absolutely right. I am not blaming the authorizing or the Budget Committee. I think the authorization process is slowly going by the boards.

I think every Senator in here who serves as chairman of a committee or chairman of a subcommittee will agree to that.

I would still like to see the budget process work. I wish to do everything in my power to make it work.

But the problem we are facing in this hassle with the House of Representatives is not a budget committee. I merely got the Budget Committee in it because I know if we do not come to an agreement that the Appropriations Committee aided by the Budget Committee will come up with a military bill on which we will hassle and hassle all after the election.

Mr. CHILES. I will say again to the distinguished Senator from Arizona the problem is the Budget Committee has been unable to come to a decision with a conference committee report. We are supposed to do that before we pass any appropriations bill. We have never gone beyond June before without a conference agreement. As I see the problem the reason the Budget Committee has not been able to reach agreement is that a decision has been made by the White House, in conjunction with the leadership of the Republican majority, that they want to make sure that the authorizing committee and the Appropriations Committee determine a defense number beforehand.

Now, that is contrary to the act, but it seems to me that is the problem.

The Senator said that he would wish to see the Budget Committee act. Did he know that in our conference we have only met four times over a period of months, and none of those meetings have lasted much over 1 hour.

Mr. GOLDWATER. I realize that, but I might point out to my friend from Florida that we are still waiting for what we call the numbers.

Mr. CHILES. Yes.

Mr. GOLDWATER. It is not going to make all that difference if we get some agreement between the House of Representatives and the Senate. The numbers will pretty much fall in line. That does not bother me so much.

I just wanted to come to the floor to make the statement that in all of our deliberations between the two bodies, we have never felt the hand of the administration. I wish we could have felt the hand, frankly.

The Senate did yield on our own $2 billion to the House of Representatives. They wanted $296.4 billion; we wanted $299 billion. So we came down to $297 billion, and I think we could have reached an agreement on that figure. I do not think that would have been a big problem.

The problem as I outline here is one point, their adamant position taken overwhelmingly, I might say, by the House of Representatives, and they have to represent the House of Representatives just as we have to represent the Senate, that there can only be one vote on a veto and that would be a negative vote by the House of Representatives and I think on something as important as our defense both bodies should have a hand in the veto. That is my point.

I did not come on the floor to argue whether the Appropriations Committee is right or the Budget Committee is right, or whether the authorization is right or wrong.

I merely touched on those in passing because I watched over the years that I have been here the development of the Budget Committee, my enthusiasm for it, and the later discovery that there are difficulties that I think that they will iron themselves out.

Mr. CHILES. The Senator said something about the Budget Committee that piqued my attention. I listened to his other points, but I noticed he also talked about a lameduck session. Let me say I want to join with him in saying I hope we do not have one. I do not look forward to coming back. I have not felt over the years those have been healthy sessions. But I notice he said that if we do that there will be all those baubles for the Christmas tree and I think he is right. He has noted there were so many years when that happened.

Again I point out to him if we had a budget resolution that set the total level of spending that would keep those baubles off the Christmas tree.

Mr. GOLDWATER. I would be so much in favor of that that I cannot tell the Senator. As I say, we are waiting for the numbers, not that it is going to do this or do that, but we wish to know, Can we buy F-15's or can we buy so many ships, can we spend so much money on tanks? That is the problem, and the problem really does not amount to a whole lot when we get to arguing between the subcommittees of the House of Representatives and the Senate. We know that if we bring a bill back here, and I hope that we do bring a bill back here, that the numbers are not going to be a problem.

Mr. CHILES. I agree with that. I was interested when the Senator said that the conference committee had been meeting over the last month and he said they settled most of the other differences. Have there been quite a few meetings of the conferees? Have they spent quite a few hours on this?

Mr. GOLDWATER. I say we have settled between the subcommittees that met on an informal basis, the staffs, the elected Members, as I say, on nuts and bolts issues. In my Subcommittee on Tactical Warfare, we are not in great disagreement with the House of Representatives, but we have never been able to get the House of Representatives or the Senate in a position to say, "Let us vote on the number of F-16's or the number of F-15's." We have to first eliminate those four major blocks at the top, the chief of which is the MX.

Mr. CHILES. But the conferees have been working over a period of time to try to work out all of these differences.

Mr. GOLDWATER. The conferees have worked at the clerical level and along with Senators on the problems of research and development, on the problems of strategic, tactical, naval, personnel; in other words, if we could get rid of this one stumbling block I think we could finish the conference in a matter of 2 or 3 days at the most, but I do not see any possibility of that happening when I have a strong feeling that the leadership of the House of Representatives does not want any decision made until after the election. I can understand that. If we had not had the White House for a number of years, and we had a candidate we felt had a chance, I think the reaction would be pretty much as we are running into over here. We are not going to get judges appointed. We are not going to get members of important agencies appointed. That is politics as I understand it, and I do not raise a particular fuss about it except in this instance the security of our country I think is far, far more important than who is elected President or who controls the House of Representatives or who controls the Senate. I do not think that the continuing resolution is a wise way to go.

Mr. CHILES. I join with the Senator from Arizona because I also do not think the continuing resolution is a wise way to deal with that.

It seems to me we should go back and say the first thing in the puzzle is supposed to be the Budget Act then go ahead and approve a budget resolution. Then the authorizing committee would be free to go forward. I think it is noble restraint that the Armed Services Committee has decided we would like to have that total number, we would like to work with it. I think that is a good restraint.

The law does not impose that restraint, the Budget Act does not, but I think it is good. I think it makes it all the more important, especially for the Appropriations Committee, that we get a budget out of here and we know

what the numbers are. I think it might help solve some of these problems.

As the Senator from Louisiana was saying yesterday, every time he saw a conference committee that ultimately could not resolve its problems, he finally had to say, "We do not agree with you, and you do not agree with us, but we have to split the difference and go somewhere in between."

Well, if you had a defense number today of $294 billion, as Senator DOMENICI proposed 5 months ago, I suspect it would be a lot easier to solve the problem you are talking about.

Mr. GOLDWATER. Mr. President, my purpose in coming to the floor was not to debate the subject of the appropriations or budget. I merely wanted to point out, as I think I have done, that the administration has not had a hand in this. I sometimes, as I say, wish they could have taken a position that would have made it completely easy for us to say to the House we need it. But we are hopeful that we can come back.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

Mr. President, as a member of the Budget Committee and as a member of the Armed Services Committee, I have been listening with great interest to the discussion between my good friend from Florida and my good friend from Arizona. I just want to say that I believe my colleague, my experienced colleague, from Arizona, who I think has been on the Armed Services Committee ever since he has been in the U.S. Senate, and that is a very distinguished career, has basically laid out what the problem is.

I am a member of the conference committee between the House and the Senate on the Department of Defense authorization bill. He has quite clearly spelled it out.

The whole hangup, the only real important hangup on the major matters of confrontation between the House and the Senate on the Department of Defense authorization bill has to do with the MX. We spend entirely too much time in this body attempting to affix responsibility for the lack of moving ahead in a whole series of areas.

My reason for rising, then, Mr. President, is not to attempt to affix responsibility but to add one caveat, if I might, to the explanation given by my friend from Arizona.

Yes, the MX is the major hangup. And before I say what I am about to say, I think the record should clearly show that this Senator from Nebraska, a member of the Armed Services Committee and the ranking member on the Strategic and Theater Nuclear Forces Subcommittee of the Armed Services Committee that has first jurisdiction over our nuclear deterrent, originally supported the MX missile when it was proposed for multiple protective shelters; or, to put that another way, I supported the MX as a reasonable deterrent under our triad theory of defense and deterrence, so long as that MX missile was not a sitting duck target—I say again, a sitting duck target—by the Soviet Union.

I switched from my support of the MX on that day, either October 1 or October 2, when the present administration upset, turned upside down, the plan for the MX missile as proposed and developed by two or three previous administrations, their military chiefs and all of the planning processes in the Pentagon, because on that day it was decided by the administration to put the MX in vulnerable Minuteman holes.

Basically, as I understand the development of the MX—and it started long before I came to this body—it was the fact that they thought that we needed a deterrent because our Minuteman II and Minuteman III silos had been targeted by the Soviet Union to accept two warheads from the Soviet Union in the event of a surprise attack. I think our planners at that time wisely decided that that had such an adverse effect on our deterrent that we could not accept that; hence, the MX missile. It was decided that we should build MX. It was decided that we should make it movable so that it was not vulnerable, and that made a great deal of sense.

But with that decision on October 1 or October 2, 1981, the decision was made to put that 10-warhead missile, that new $20 billion baby, back in the same vulnerable hole that essentially was the reason that we decided that we needed a mobile missile in the first instance.

With that, that was my conclusion. And well-intentioned people, sincerely concerned about the improvement of the defense of the United States of America, as this Senator, do not agree with me. I could be wrong, but at least that is my conclusion.

Now, suffice it to say, Mr. President, the hangup in the Department of Defense authorization bill is somewhat similar to the hangup that has occurred in the budget process, and may about to be occurring in the appropriation process in both bodies, both the House and the Senate. And, when I addressed the Senate yesterday, I said that I felt that the whole process here was beginning to deteriorate.

Now, it seems to me that we should also understand another facet of the hangup in the Department of Defense negotiations now going on between the House and the Senate. As I said, this authorization process could move ahead—and I agree completely with the Senator from Arizona—if we could resolve the MX difficulty.

We have been successful, Mr. President, with the cooperation of the Members on the House side, in basically eliminating the "fencing" language that I thought was terribly inappropriate in at least one version of the Department of Defense authorization bill that came out of the House. That essentially was a proposition that we would leave up to the Soviet Union and their actions, in a sense, a veto over whether or not we went ahead and built and deployed the MX missile. Now I have said before that I am against the MX missile as presently programmed. Nevertheless, if it is the will of the majority of this body and the other body that that missile be deployed, then I think we should go ahead and deploy it and certainly not leave the decision to be based primarily on what actions the Soviet Union do or do not take with regard to arms control negotiations.

It seems to me that whether I agree with the MX missile or not is one thing. But I have confidence in the President of the United States that he would not act irresponsibly in that area. Now, many of my colleagues here and many of my colleagues on both sides in the House of Representatives do not necessarily agree with that.

One of the sad things about the conference so far, it seems to me, is the fact that—and I do not know who is responsible, but it has to come, I think from either the White House or the Department of Defense—they object to some kind of a caveat in the authorization bill that would say that both the U.S. Senate and the House of Representatives would have an opportunity to vote sometime next year—and the date of April 15 is customarily mentioned—as to whether or not we want to proceed with the MX deployment.

Now it has been the position of some, a position that I do not agree with, but it has been basically the position of the majority on the Senate side in this conference that we do not want to give in to that; that we only want to go ahead and authorize this and leave it in place, leave the authorization for the MX to proceed on schedule only if one House has the right to overturn that.

The House of Representatives objects to that. What we are really talking about, Mr. President, is whether after the first of the year, April 15, before or after, there should be or should not be a subsequent vote in both in the House and the Senate in an approval mode as to whether or not the MX should move forward.

The parliamentary trickery, or misunderstanding, or options, depending on your point of view, are simply this: That if, for example, we require a vote by one or both Houses, then that veto could be vetoed by the President of

the United States, if he so desired. Then it would come back to the two bodies or one body, and one-third of the U.S. Senate, or one-third of the House of Representatives, a minority, indeed would have final say as to whether or not we proceed. That is the hangup.

Let me say in conclusion, in my attempt to try to clarify the difficulty that we are having in this conference, that I think it is generally agreed by a vast majority of both the House and the Senate Members on the Armed Services Committees of both the Senate and the House that the MX missile, because of its many shortcomings, is losing favor very rapidly in both bodies by both Democrats and Republicans alike. I do not think this is necessarily a partisan issue. I suspect that even the, sometimes called, more hawkish members of both the Armed Services Committees in the House and Senate probably recognize that for all intents and purposes the plan to deploy 100 MX missiles is as dead as the proverbial doornail. It comes down to a question now as to how many and how fast we are going to deploy the MX, and in what numbers.

Therefore, I think it would be far better, if indeed we kept the production line "hot" as was suggested, I believe, in the amendment, which lost after a tie vote, offered by the Senator from Florida; if we had some kind of a proposal like that, and give the House and the Senate both a chance to work their affirmative will on this matter after the first of the year. I do not think that will be done, at least with the loggerhead situation that we presently find ourselves faced with in the conference. Nevertheless, it is not one-sided. There are some legitimate concerns in so many areas.

I am disappointed that we are not meeting right now because as long as we are meeting with the House of Representatives there is a chance of a breakthrough. There is a chance that we could get the key players together, recognize that there are some legitimate concerns, and that it is not necessarily appropriate that we go down that line to ensure 15 to 20 more MX missiles and the full-scale push forward for the MX missile in the terms of 100 of such that has been proposed by the administration.

I simply say again that I suspect that reality when it sets in will make us all realize that that is not going to happen. Nevertheless, Mr. President, I appreciate the remarks by the Senator from Arizona. I appreciate what the Senator from Florida is trying to do in focusing attention on something that has escaped the attention of most of the Members of both bodies; that is, the budget process, which is supposedly designed to set some limits, and at least begin to get our fiscal house back in order so that we could begin to reduce the interest rates that are causing serious disruption in many segments of our economy today, until we get with it, until we have the courage to bite the bullet and address that, I think that we are going to keep wandering in no-man's-land, so to speak, with regard to the functions that we have and the responsibility that we assumed when we came here to the U.S. Senate to represent our State and our Nation as a whole.

Mr. President, I yield the floor.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I have listened with great interest to the remarks of the Senator from Nebraska. I know that he has worked long and hard on both of the committees, the Budget Committee and the Committee on Armed Services. I know he has always been a champion for defense, and the concern that he has in regard to the efficacy now of the MX missile is one I happen to share. I supported it through all of the research, development, and early testing. I felt—and feel today—that we needed a follow-on to make sure that we keep a strong triad. I support the concept of triad. I think it is a very reasonable one. I want to see this country safe.

We have miscalculated in many instances about how long it would take the Russians to catch up and were aware that we thought we had an advantage. We miscalculated it in MIRV and MIRV'ing. We miscalculated it in their aiming accuracy in the strategic missiles, and now we think we have some advantage in submarines, and the missiles that we have on our triad and Polaris submarines. I hear a lot of people say, "Why do we not just depend on that?" We do not know how long we will have that advantage. I think we cannot rely on just one leg. We do not know how long we can rely on the bomber leg. So having a land-based missile system is one that has been crucial to the United States. And since the Russians achieved the greater accuracy with their huge throw-weight, we had to do something to make sure that we would have some kind of a survivable missile. That, of course, was to be the MX in some kind of a deployment mode that would make it survivable.

But from the day the decision was made to put that missile into the old Minuteman hole is the day that this Senator from Florida began to wonder what in the world have we done? What in the world are we doing spending for this kind of missile? It is a very destabilizing missile. Its only real use now in a vulnerable hole is almost to be a first strike weapon. It means that the Russians would have to view it that way.

So many of us wanted to see us either come up with a more reliable form of basing mode, recognizing there are all kinds of political problems in doing that, or getting on with another missile like Midgetman, and try to determine if that is the direction in which to go. So I think there is a very legitimate argument as to what we do with MX.

The Senator from Florida had an amendment that I attempted to put on the armed services bill, when it was on the floor. That amendment failed on a tie vote. What the Senator from Florida was trying to do was to go along with what the Senator from Arizona has said. How can we not do the research and development that we need to do to protect the country? So I continued all of that, and even continued the ability to have the production line ready and going. But I did not add additional missiles this year on the basis that we need to really determine whether Midgetman is viable; can we speed it up, can we bring it online. How many MX's in these vulnerable holes do we believe we have to build?

I come at that from a budgetary concept as well, and, hopefully, a strategic concept, because if we put all our eggs in that basket, I cannot say to myself that we are improving the triad by putting MX back into the Minuteman silos.

I do not think we are. I think, if anything, we are creating a more destabilizing situation. If we have a President that has the gumption to say we may have to make a State unhappy by putting it there, then that is one thing. It may be easier for me because they are not looking at my State right now. I know that is a great problem if you come from the States in which they were talking about putting those missiles.

But those are the tough decisions. But I think sooner or later we have to recognize that either we are going to put MX in a more viable mode or it is going to be killed. If it is not this year, it will be next year.

I come to that conclusion, and if I come to that, then I would like to save a few billion dollars while we are doing it until we make that decision. Go ahead and do the research, do the flight testing, do the development, do everything that is necessary other than to say, "We are just going to throw another bundle out the window until we do decide."

Mr. GOLDWATER. Will the Senator yield?

Mr. CHILES. I yield.

Mr. GOLDWATER. I apologize to my friend from Nebraska who also was on his feet.

I think what the Senator has said should serve as a very accurate warning, particularly when we realize it took the Vice President to break a tie

vote in this body relative to the missile, and the House only passed it by three votes. I would say out of 435 people to come up with a three-vote lead is not conducive to thinking it will go on forever.

I would say, and I am inclined to think the Senator would agree, that sometime between now and the first of the year, if a lameduck session is held, or even if it is not held, the subject of the MX missile will be coming up again.

I have been listening to this for so many years I cannot remember. In fact, a young general officer came over to my office the other day and he said, "Do you remember, when I first came to you I was a major and I was trying to sell you on the MX and you were not quite buying it?"

I said, "I still have that opinion, but now that you are a general officer, I may have to give you a little more respect."

But there are questions, for example, about the small missile that theoretically can be moved around on trucks or on a railroad. That is going to be a very difficult thing to sell to the people of this country. Do you want a convoy going through Miami ready to shoot? No, you do not want that.

I think the original idea was a very good one. They came out to my desserts, where nobody lives, and they were all ready to build the silos and plant the missiles when they decided they needed water for 30,000 people. We do not have water out there for one dog.

That sent them to Nevada. Nevada did not like it either.

Wherever you want to place missiles, I do not care whether they are MX's or anything else, there will be problems.

Mr. CHILES. It is like a nuclear waste dump being placed somewhere.

Mr. GOLDWATER. That is correct. We have a problem here that has to be solved. Frankly, I lean more strongly to conventional weapons to enable us to be ready to fight and win a war than I do to us having a great collection of nuclear weapons. On the number of warheads, for example, we say we have 8,000. Well, you do not reload a Minuteman or an MX like you reload a 30-caliber rifle. It takes about 12 to 24 hours to put the new head on, get it set, tell the head where to go and hope it gets there. By that time you are lucky if you have a silo left.

I just wanted to point out to the Senator that I agree with a lot of what he said and a lot of what my friend from Nebraska said.

The future of the MX is a very cloudy one. If I were an MX, I would start venting my oxygen.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Once again, Mr. President, it has been my privilege to listen to the wisdom and experience of the senior Senator from Arizona. He has been a fabulous member of the Armed Services Committee and always tells it like it is. That is why I admire him and respect him so much, although we do not agree on everything.

Let me respond to something said by the Senator from Florida with regard to where the MX missile goes.

I think it is no secret in the Senate that at least some of the 100 processed MX missiles will go in Minuteman II and III silos in my State of Nebraska, the Warren Air Force Base out of Cheyenne, Minuteman II and III coming across the line from Wyoming into Nebraska.

There are some people who are opposed to the MX missile being placed in Nebraska, I know. That is not this Senator's position.

I would be opposed to the MX missile plan as outlined by the administration on October 2, 1981, whether the missiles were being placed in Wyoming, Nebraska, Miami, Chicago, or Washington, DC., or Timbuktu. It does not make so much difference where they are placed. My position is that it makes no sense to build that weapon and put it into any vulnerable silo, wherever it is.

To put it in another fashion, it is a $20 billion boondoggle forced on us by the Department of Defense.

Second, I would like to say that there has been a great deal of discussion, much of it classified, in the Armed Services Committee and the subcommittees with regard to the so-called Midgetman. Certainly, I want to emphasize what the Senator from Florida brought out. This Senator, and I believe every member of the Armed Services Committees in both the House and the Senate agrees, feels that we must keep the strength of our triad.

That is why this Senator, unlike some of my colleagues, supports the B-1 bomber. I think 100 B-1 bombers, no more, as the Defense Department is now talking about going beyond that, adds to our penetrating ability for the next several years, as far as the territory of the Soviet Union is concerned. But even when it can no longer be a penetrator because of recent technical advancement, it could play and will play a very vital role in our overall defense needs.

So the triad has to be protected. The question is, How do we make the triad the strongest it can possibly be with the amount of money that we have to spend?

The Senator from Arizona has wisely brought up the fact that if and when we can bring out a Midgetman, and that is still a question, how do we deploy it?

The conventional mode of deploying that originally was to have it based on rails or trucks on military bases or Government-owned land.

One of the reasons that we hear so much today about the Midgetman may never work because the people in Miami, FL, do not want that driving up and down the beach into Key Biscayne is a valid one. But I believe that is another false argument being used time and time again to slow down, if you will, the possible deployment of Midgetman so that they can ram through the MX missile above all cost, with or without reason.

I feel that we might be able to move the Midgetman up and help to fill the gap, if there is a gap. I am strongly supportive of that. I made a suggestion recently that I think we will be going ahead on. That suggestion is that as of now we do not have any studies to know what presently owned military bases and Government-owned land that Midgetman, when and if developed, could remain on and still be invulnerable to a Soviet first strike.

It seems to me, with the vast amount of land that we have, not only in prime military bases but also Government-owned land in the United States of America, there certainly must be ample places that we could deploy a Midgetman in some movable mode without the possibility of running it up and down the interstate highways of America and not locate anywhere near Miami, FL. I say these things just to add, maybe, some clarity to a confusion that I think plays all too much of a part in our overall planning and defense strategy today. Planning is important, I am a part of that; I am proud to be a part of it. I think we make strides, but that does not mean I think we should write a blank check to the Pentagon on everything, certainly not the $20 billion MX missile fiasco that I am convinced will do very little to add to our nuclear deterrent.

We do not hear the Soviet Union complaining today, do we, about the missile? That is the least of their worries. It should be a worry to the American taxpayer that is going to be soaked to the tune of $50 billion if we move ahead with it.

Mr. President, I yield the floor.

Mr. CHILES. Mr. President, I wish to take just a few moments to review what our situation is on the floor today. Yesterday, the distinguished majority leader sought recognition. He made a motion. He had the distinguished chairman of the Budget Committee on the floor. He sought to waive the budget resolution to allow it to be in order for the agriculture appropriations bill to come to the floor of the Senate for consideration. That is the way. We routinely handle appro-

priations bills but some years back—in 1973 or 1974—we decided that we had to change the way we were doing business, because we were passing a number of separate appropriations bills without any idea of how much they would add up to.

No one was ever adding up the amount of money we were spending on those bills. No one was ever deciding in any year how much we had to spend, or how much our revenue was going to be. So we found ourselves, every year, running a deficit, every year getting further and further into the hole.

Worse than that, Mr. President, we found ourselves starting new programs. It was rather easy to start a program. If a problem were recognized in this country—and there was no shortage of problems—someone could design legislation, come to this floor or the House, and say, "I am starting a program to cure this particular problem. It is only going to cost $5 million this year."

No one looked at the fact that we were building a formula into that program that would guarantee irresistible growth. All of the problems that we have now, or the vast majority of those problems—programs that we cannot pare back—if you look back into legislative history, you will find that we thought it was only going to cost a small sum of money.

We had a discussion yesterday on kidney dialysis and its cost. When we first started talking about that program, we said it would be $230 million. It has now exceeded $2 billion.

How can we talk to people and say, if you need a kidney transplant, the Government will not help you pay for that, but if you happen to have a kidney problem, the Government will take care of that. If you have emphysema, we have not taken care of that, but kidneys we will treat you. If you are going to have a problem, you will be better off if you select kidneys rather than something else. That is just one example.

We decided some years back that we had to have a budget act. We decided we needed a Budget Committee, and a Congressional Budget Office to analyze the numbers. We were going to start at the beginning of the year before we did anything else and decide how much money would be coming in, and how much we expected to spend to run this Government. If there was not sufficient money coming in to do that, we would either have to ask the Finance Committee to devise new taxes, or add to the deficit.

For the first time, Mr. President, we had a national debate through the people's elected Representatives on the nature of our priorities and how we should spend our money. We were to pass a budget resolution. That budget resolution was to set the blueprint for the spending committees, especially the appropriating committees, establishing how much money they should spend.

Well, we have seen that program work every year since. More years than not, we had a budget in June.

We had our spending blueprint. We had the guide for the Appropriations Committees on how much they would be able to spend. So we were not going to do business in the old way any more without regard to our financial capacity. Finally, we were saying, wait a minute, there are only so many dollars that we have to run this Government, so we have to ration those dollars, we have to set some priorities. That is what the Budget Act was about.

This year, it seems to be different. The distinguished chairman of the Budget Committee, the Senator from New Mexico [Mr. DOMENICI], whom I so greatly respect and who has been such a strong force in this Budget Act, said yesterday this is a "very different year." I certainly agree with him. I think one of the major reasons is that this is one of those years that is divisible by four. It is a Presidential election year. It is a year in which all of the Congress and a third of the Senate also run. It is having a substantial effect.

Mr. President, this year we do not have a budget resolution. The House has passed one, the Senate has passed one. We went to conference some months ago. But that conference has never produced a product. That conference is supposed to work out differences between the House and the Senate, and come up with something that is a final figure. It has failed to do that.

Why has that happened, Mr. President? Well, I do not think it has happened because our differences cannot be settled. No; I think we do not even have the will to try to settle those differences. We have one major sticking point. That sticking point is the total number we are going to spend on the military.

The Senate has passed a number of $299 billion that we shall spend for defense. The House has passed a number of $287 billion. So we have a $12 billion difference that we took to conference.

This is not the first time that has happened, Mr. President. We went to a conference with a difference of over $12.5 billion one year; we resolved that. We have seen House and Senate conferences go with different numbers on taxes, different numbers on what we should spend on highways, on education, and every other program. If the bill was there, Mr. President, we have always been able to reconcile our differences. Sometimes we had to ultimately throw up our hands and say if there is no other way to decide it, we shall split the difference, halfway in between. Sometimes, one side has been able to persuade the other that the numbers should go a little further to one end than it should to the other end. This time, Mr. President, that has not happened.

I think it has not happened because there simply has not been the will. We have only met four times. Over those last months that the conference has been in session, only four meetings have been held. Two or three of those meetings lasted less than an hour. Only one went any period of time over an hour. All of the other differences basically have been worked out at the staff level; we have not even had to go in and argue them. We have had some terrible arguments over little programs before and all of those have been worked out. We are hung up only in the number for military spending.

What has the House done? I am a creature of the Senate. I usually think that we do things right; I always blame the House when things have gone wrong. The House, we have to say this time, Mr. President, has offered to split the difference. They did that early on; they said, we will split the difference between what we have and what the Senate has. They set the split at $292 billion.

They have also agreed to split the assumptions about inflation in defense. They will split those assumptions between the Department of Defense number and the level expected by the Congressional Office of the Budget.

What has been the offer of the Senate? The Senate has said, "Mr. President, we will not compromise on our defense number. We will not move one inch."

Mr. President, that is done, of course, by the majority of the Senate which is under the control of the Republicans. When we debated that same budget resolution, we had an amendment that would have provided for defense at $291 billion, a 4-percent growth rate. I might point out, Mr. President, that is 4 percent growth over and above inflation. So if inflation is going to be 5 percent this year, that means it would be 9 percent growth, but at 4 percent real growth. We had a good debate on that in the Senate, but it is interesting to see where the overwhelming vote is on this defense number we are now hung up on in the conference. This Senate tied on that 4 percent number. The vote was a tie. Exactly half of the Senators voted for 4 percent, exactly half of the Senators voted against it. Because it was a tie number, the amendment failed.

But that is how close we were in the Senate. At $291 billion we had a tie in the Senate, and the House has already offered us more than that. Yet we are hung up with no budget resolution because the majority now says that

figure has to be $299 billion, the figure that comes from the Rose Garden. That is the figure that comes from the White House. That is the figure that we have to march to now because there is not going to be any change in that number.

The Senator from Florida considers himself a strong supporter of defense. Over the 14 years I have been in the Senate, I have voted for every defense authorization act, I have voted for every defense appropriation bill. I do not want to see this country weak under any circumstances, but part of this country being strong is to be strong economically, Mr. President. If we are not strong economically, all of the hardware we buy will not do us any good because we will simply crumble. If we continue these deficits of $180 billion plus, we will not be strong economically. The interest on the national debt is over $110 billion this year, the fastest growing program in all of Government, bigger now than all of our health costs, half of what we are paying for defense. All you have to do is look at the projections and you see that in the next 5 years interest will cost us more than we are now paying for defense.

That is the kind of thing we have to worry about, Mr. President. That is why we need a budget resolution. That is why there has to be some restraint on spending, and yet we see the intransigence that keeps us from even meeting in the conference committee because the Senate will not move off of the $299 billion figure.

Mr. President, the law says there will be a budget resolution. The law says we will not pass appropriation bills without a budget resolution. I say we should follow the law. If we are not going to follow the law, why in the world should we be worrying, as the President is now demanding, about a constitutional amendment to have a balanced budget? He says that is what we need to get us out of this quagmire. Mr. President, I voted for that constitutional amendment. I supported that constitutional amendment. But this country will be broke, bankrupt, before there is any opportunity for us to pass, the States to ratify a constitutional amendment. Once passed, it will take some time to become operational. And even then we will still have to do what should be done now.

This President, who says, "I am demanding that the Congress pass this constitutional amendment so that we can have a balanced budget, so that we can get some restraint on spending," is saying to the House and the Senate Republicans, "Do not follow the Budget Act. Do not follow the law you now have on the books to help you hold down spending. Do not comply with that act but give me another act. Give me another act."

Well, Mr. President, I think some of us are beginning to realize we are becoming part of the coconspiracy to destroy this Budget Act, if we sit by and watch appropriation bill after appropriation bill pass without any budget act. This time, Mr. President, it happens to be a hangup on a defense number. Under a new administration, under a new President, the same dispute might be over one of the domestic programs, the dispute may be over some spending program for some special interest group out there. Should the President be able to call that tune? Should he be able to tell his party to disregard the law? I say no.

We have established a process after much, much debate, after recognizing the way we were going was not working.

Now, for goodness sake, let us not disregard the very law that we set to provide a control on spending. How do we do that? Mr. President, I think we have to start by reeducating the Senate. Sixty-four Senators were not here when we passed the Budget Act. It seems that some of us who were here have forgotten the lessons learned. So I say that we should not be waiving the Budget Act. I say that we should not be passing appropriation bills while we do not have a Budget Act. Why in the world won't the leadership tell the members of the conference, "Go back, get a resolution."

Yesterday, the distinguished Senator from Louisiana talked about what the Finance Committee had done. He talked about the Finance Committee's, handling of the Deficit Reduction Act, which was a part of the effort to reduce our spending, to provide some new revenue. He said they met all night long, not one night but several nights. Day after day they stayed in meetings hammering it out. He said that in many instances people said, "I will never move on this particular area," but after you keep people up 24, 48 hours, that "I will never" starts changing to "I don't want to" or "I wish I didn't have to."

Mr. President, that has not happened to the Budget Committee—four meetings over a period of months, most of those meetings lasting just a few minutes. We have not been under any constraint or any pressure to do anything. No one has asked us to do anything because we have somebody down the street saying, "Don't change, don't come to a solution on this, don't move off of that number of $299 billion."

For that reason, there is no will to do anything.

Obviously, there has to be some counterforce. As long as you can pass all the appropriation bills, as long as you can disregard the Budget Act, I guess it will happen. Mr. President, I hope that some of us will now say, "We have a law. We are going to honor that law. We are going to try to see that there is a spending blueprint and that spending blueprint should be the budget resolution."

Mr. METZENBAUM. Mr. President, will the Senator from Florida yield?

Mr. CHILES. I will be delighted to yield the floor to the Senator, but I will yield for a question.

Mr. METZENBAUM. Mr. President, I am prepared to accept the floor and to speak, but I want to ask my colleague from Florida, who is the ranking minority member of the Budget Committee, whether it is not the fact that the House and the Senate are violating the provisions of the law which provide that if the House and the Senate conferees are unable to agree on a budget resolution after 7 days, they must report to their Houses, recommending all matters in agreement and reporting all matters in disagreement. Is it not the fact that we are not acting in conformity with the law?

Mr. CHILES. I must say that the Senator is correct.

Mr. METZENBAUM. Is it not the fact that the ranking minority member of the Budget Committee, as well as all those who work with him on this side of the aisle, have indicated constantly that we believe that we should conform with the budget resolution and that his actions on the floor today, as well as my own, are trying to say to the majority leadership, "You have an obligation to be lawful and legal and for your acts to conform with the laws as we have enacted them in the past"?

Mr. CHILES. I think my distinguished colleague is absolutely correct in that.

Mr. METZENBAUM. I know that the Senator has been here a good many years. I have before me a chart indicating that the Senate passed conference reports on the concurrent budget resolutions in 1977 on May 13, in 1978 on May 15, in 1979 on May 23, in 1980 on June 12, in 1981 on May 21. Here we are in August, and we still have not brought this matter to a resolution.

Mr. CHILES. In every other year since we have had the Budget Act, we have had a first concurrent resolution in place before the end of June, and in most instances earlier than that.

Mr. METZENBAUM. Is it not a fact that there actually are members of the majority party who will privately indicate that they would like to conform with the law as enacted, but that their hands are tied, and that they are in an embarrassing position because that great advocate of balancing the budget who sits in the White House has indicated that he would not be happy if they would proceed differently from the manner in which they are proceeding at the present time?

Mr. CHILES. I think that is also correct.

We do know that the distinguished chairman of the Budget Committee recommended a number of $294 billion for defense early on. Yet, we now see the majority on the other side of the aisle locked in at this number of $299 billion and unable to move, even though the House has offered to come to $292 billion. So, literally, the players are in the same ball park with the chairman of the Budget Committee. I think a majority of the Members on that side of the aisle were satisfied with that number. But the tune is being called at a different place.

Mr. METZENBAUM. What we are really finding in this body and in Washington and throughout the country is a President who uses the White House press conference and television to indicate that by enacting a balanced budget resolution, somehow he will wave that magic wand that will balance the budget. The distinguished ranking minority member of the Budget Committee and I know that it will not do that.

I want to address my colleagues on the issue of a balanced budget resolution and the situation in which we find ourselves at the present time.

I think it is the height of absurdity that the President of the United States and a number of Members of this body on the majority side are pushing and are prepared to use parliamentary devices to cut off debate on a so-called balanced budget resolution which was up in the Judiciary Committee for consideration today. However, they are not willing to come to the floor, and the President is not willing to act from the White House, to do that which has to be done if we are going to balance the budget.

You do not balance the budget by enacting a balanced budget constitutional amendment which would then have to be submitted to the States for ratification. That might take 1 year, 2 years, 5 years, or 10 years. But in the interim, this country would continue to operate with $200 billion a year deficits.

The real problem is that President Reagan and my colleagues on the majority side are not willing to do that which has to be done to balance the budget.

As a matter of fact, we recently passed, with great trumpets blaring and with lots of excitement and enthusiasm, the so-called downpayment on the deficit. It came out of the Finance Committee with $50 billion over a period of 3 years. The trumpets blared and the thunder roared, and the lightning could be seen from on high. What a wonderful thing it was that we had passed this downpayment of $62 billion, to be picked up over a period of 3 years, when we will amass something like $600 billion in deficits.

The fact is that the flutes, piccolos, and the violins were also playing—for the special interests. They were playing sweet music for that crowd that picked up $29 billion in tax giveaways that were included in the same bill.

For no logical reason under the sun, that bill made it possible for some of the biggest corporations in this country to have canceled—and I literally mean canceled—their obligations to the U.S. Treasury in the sum of $13.2 billion. They owed that money. They carried it on their annual statements as being owed. It was called deferred taxes—deferred so that they might use the money to improve their exporting position; deferred because those were profits they had made while they were exporting goods overseas.

As a consequence of those exports and in an effort to stimulate those exports, they passed the bill known as the DISC legislation, which provided that that portion of the profits from their exports could be kept intact in the United States, with no taxes paid on it. It was a deferral, and it would become payable only when they terminated the corporation.

Well, they terminated the corporations, or are about to terminate the corporations, and are required to terminate the corporations under this Nation's obligations under GATT, the General Agreement on Trade and Tariffs with some of our economic partners throughout the world.

So, knowing that they were going to terminate, we saw the Finance Committee bring to this floor a bill that included $13 billion in cancellations of the taxes owed by those DISC's.

There was another provision in that bill which nobody talked much about, and that was the provision to cancel or terminate the pending tax cases having to do with commodity dealers who had joined the political process and became involved in playing the game of politics just a few years ago, when they realized that some of their deals really were not looked upon with approval by the Members of Congress, some of the objective groups that were reviewing our activities.

So there were about 4,000 cases pending and another 11,000 that were in that line to be brought by the Internal Revenue Service against the very small group of commodity dealers. What we were talking about is something in the area of $300 to $500 million. Because of politics, pressure, that bill canceled or terminated the right of the IRS to proceed in connection with those cases.

I have previously been on the floor of the Senate and talked about the fact that the insurance industry told this Congress what it had an obligation to do with respect to balancing the budget and did so with paid advertisements, told us that we had to bite the bullet and we had to meet our responsibilities, but failed to include in their ad that the very legislation they were advocating that we pass provided $1.4 billion in relief for the life insurance industry.

We live in a country where some people who have special lobbyists are able to get by without paying their fair share of taxes and as a consequence we have difficulty in balancing the budget. We have major banks that pay 2-percent taxes while the working blokes pay 20-, 25-, and 30-percent taxes.

When you try to do something about that, those who would advocate passing a balanced budget constitutional amendment are the last to be willing to stand up and be counted.

The President, who saw fit recently to make much of the fact that his opponent in November had the courage and the good judgment to speak out on the need to have more revenue if we are going to balance the budget, failed to acknowledge at the same time that he, that is, President Reagan, had during his term of office increased taxes $31 billion on people who are less able to pay them, telephone taxes, gas taxes, and medical deductions, casualty deductions, cigarette taxes, liquor taxes; but all of that the President very conveniently forgets when he talks about his opponent talking about taxes. As a matter of fact, it goes much beyond the $31 billion.

Do I have to refresh the recollection of my colleagues that it was President Reagan who advocated a 5-percent surtax on income taxes which would be unfair and regressive and also advocated a $5 a barrel tax on oil which would have brought into the Treasury $150 billion between the 5-percent surtax and the oil tax.

Incidentally, the President backed off of both of those items when Congress indicated that they were not willing to just put more taxes on average working people.

He had another tax that he talked about, a minimum tax on corporations. That made some good sense because we now have something like 19,000 corporations in this country making a profit, in some instances a very good profit, and paying no taxes at all. In fact, we know the case of General Electric that made something like $1.6 billion and received a $100 million tax refund.

Realistically speaking, the President some time ago advocated a minimum tax on corporations and then, when some of his friends in the business world indicated they were opposed to that, he backed off.

As a matter of fact, there were 18 Senators, all of whom might be considered part of the right wing in the Senate, who wrote a letter to the President and said:

Dear Mr. President: * * * we are gravely concerned that by 1985 as many as half of all corporations may be paying no corporation income taxes at all. It would be a mistake to allow such a situation at a time at which all citizens should be asked to assume a fair share of the burden.

Those 18 Senators had an opportunity to vote for just such a minimum tax and, of course, they did not do so. But I think that the Members of the body ought to be reminded, and maybe some of them who signed that letter forgot about it, and so at this point, Mr. President, I ask unanimous consent that a copy of the letter dated December 9, 1981, addressed to President Reagan, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 9, 1981.

Hon. RONALD REAGAN,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are aware, as you are, that the combined projected deficits for fiscal years 1982, 1983, and 1984 now total almost $425 billion, and that this defict explosion is primarily due to the current recession. We believe that this situation requires an imaginative extension of your Program for Economic Recovery. We freshmen Republican Senators are anxious to work with you for constructive change in your January budget proposals.

We urge you to consider a fiscal policy which has as its goal a quick end of the current recession and the reduction of the projected deficits to ensure that subsequent recovery will be vigorous and permanent. Such a policy should include:

(1) Genuine reform in entitlement spending, the largest single share of federal expenditures, to stem the extraordinary growth in outlays in these programs;

(2) A cap on discretionary spending—those programs which have already been severely cut back, at roughly the 1982 levels;

(3) The utmost effort to eliminate waste and encourage efficiency, while supporting a growth in defense spending only at a rate that can be justified by meeting the most stringent test of serving undeniable national security needs; and

(4) No delay or diminution in scheduled personal income tax reductions, but provisions for tax revenues at approximately the level of your original recommendation by closing tax loopholes such as the so-called "tax leasing" provisions and providing for tax equity.

For example, we are gravely concerned that by 1985 as many as half of all corporations may be paying no corporation income taxes at all. It would be a mistake to allow such a situation at a time at which all citizens should be asked to assume a fair share of the burden.

We stand firm in our conviction that decisive action must be taken, under your leadership, to meet a very real challenge. We have made significant progress, but it is only beginning.

Sincerely,

Senators James Abdnor, Mark Andrews, Jeremiah Denton, Slade Gorton, Paula Hawkins, Bob Kasten, Frank Murkowski, Dan Quayle, Arlen Specter, Alfonse M. D'Amato, John P. East, Charles E. Grassley, Mack Mattingly, Don Nickles, Warren Rudman, and Steven D. Symms.

(Mr. GOLDWATER assumed the Chair.)

Mr. METZENBAUM. Mr. President, now we find ourselves today talking about a balanced budget resolution. We cannot balance the budget if we are going to give away the hydropower of the country as we agreed to do just a few days ago. We cannot do it if we are going to pay for all of the new dams in this country and all of the irrigation projects of this country and not expect the people who are going to get the benefit to share part or all of that burden. We cannot do so if we are just going to give away money to every special interest group. Somewhere along the line we have to call a halt. It is one thing to go out and make speeches; it is another thing to come here to the floor of the Senate and vote the courage of your conviction.

We are not going to solve the problem with a constitutional amendment.

Now we do have a law by which we try to police ourselves. We indicated that we wanted to look the whole process over and take a look at the total picture and then we would pass a budget resolution. And that we did by law, and we bound ourselves to conform with the law.

I hear the President talking about passing some criminal law package that went through the Senate and why does the House not do it? It is just as criminal for Members of the Senate to refuse to abide by the law as it is for common criminals to fail to abide by the law.

We are not abiding by the law. And that is all this issue is about.

The CBO has projected crippling deficits of $1 trillion over the next 5 years, and interest rates are reaching upward in an ominous fashion. Millions of American jobs are being sacrificed to a trade deficit which is likely to hit $100 billion this year. Every national economist worth his salt is telling us that deficits will throttle the recovery. The American people themselves are crying out for action on the deficit, and we stand here once again watching the congressional budget process come to a screeching halt in the Senate.

Just like last year, the President has stepped into the budget process with disastrous results. He can buy all the television he wants and talk about balancing the budget, but his actions speak louder than all the television ads that he can buy. Instead of taking a responsible position, instead of saying to Congress, "Get to work in that conference and come up with a balanced budget package," he does not say that.

Instead, he chooses to derail the whole budget process because he will not budge on his defense number.

Now let us be realistic, and let us be honest with ourselves. We are holding the line, contrary to what the President would have the American people believe. We are holding the line with respect to human service programs. We are holding the line with respect to feeding people who do not have funds to feeds themselves. We are holding the line with respect to programs to take care of dependent children. We are holding the line and cutting back on States so much that almost all of them have had to increase their taxes. We are holding the line across the board with respect to all issues, except two. One is defense spending, and one is the increased deficits are running up the interest bills of this Nation to a point beyond belief.

The President has chosen to derail the whole budget process because we will not budge. He is intransigent. To this President a trillion dollars of debt is obviously the lesser of two evils. What does he care what the deficit will be in the future that our children and our grandchildren and our great-grandchildren will inherit? He does not seem to be the least bit disturbed about the fact that interest rates continue to rise, and every day when they rise, it costs the Federal Government that much more.

But the scapegoating Congress has been this President's most frequent refrain. What about those $200 billion deficits? Congress' fault, the President says. And the tax cuts? Oh, he takes credit for that. And the trillion dollars of debt these tax cuts will cost? Congress' fault, the President says.

And what about defense? He made the Nation stronger, notwithstanding the reports that we are now receiving that the Nation indeed is not stronger. And the $400 billion that the military buildup will add to the deficit? Congress' fault, the President says. What about the balanced budget? Oh, we will solve that all right. We will pass a constitutional amendment.

We do not need to pass a constitutional amendment to balance the budget. The President has been in office since the beginning of 1981. Why has he not ever submitted a balanced budget? He promised he would. He committed himself publicly to the fact that he would, but he has not. And now he says, "Oh, that is Congress' fault." But Congress proceeds on the basis of the budget that the President submits, and we work from there.

What about the recovery? Oh, he is responsible for that; yes, sir. And the bitter recession that preceded it? That is not his fault; that is Congress' fault, the President says.

I do not know about anybody else in this body, but I for one have had it

with the President's refusal to accept responsibility.

Mr. President, the buck has to stop somewhere. It stops with you. You had a strong concept of Presidential responsibility as a candidate in 1980. As a matter of fact, at the end of your campaign in 1980, you made a television address, and you said, "Mr. Carter is acting as if he had not been in charge for the past 3½ years, as if someone else was responsible for the largest deficit in American history and as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more."

I just want to change a few words. Mr. Reagan is acting as if he had not been in charge for the past 3½ years, as if someone else was responsible for the largest deficit in American history, and as if someone else was predicting a budget deficit for this fiscal year of $170 billion or more.

Is this the same man who, as President, has presided over deficits totaling $692 billion for his first term, $9,000 for every household in America? Is this the same man who, if reelected, will end up accumulating more national debt by 1987 than all previous Presidents from George Washington to Jimmy Carter? Is this the same man who has brought this country to the brink of debtor nation status? Believe it or not, it is.

But let us all remember the Presidential refrain, "It is all Congress' fault." Congress should—must—comply with the laws as relates to the whole matter of balancing the budget, as relates to the matter of conforming with the law that we have enacted pertaining to the budget resolution.

We are not conforming. That is what this debate is all about. And all the talk and all the speeches are not going to change the fact that Congress ought to conform and obey the laws which it has heretofore seen fit to pass.

I see my distinguished colleague from New York on the floor. I think he is ready to address this issue and I have no problem in yielding the floor in order that he may have it, although I may wish to return to the floor at a later point to expand more fully on the subject.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I wish to thank my distinguished colleague for giving me this time to speak when he has not yet expressed the full range of his own thoughts and concerns on this matter. I listened to him with great attention and with complete accord.

The issue before us, Mr. President, as the distinguished Senator from Ohio has stated it, is nothing less than whether a Congress that makes the laws is going to obey them?

In the Budget Act of 1974, the Budget and Impoundment Act of 1974, we passed a law which binds our behavior; and this year we chose to break it. And the persons who have chosen to break it will not even respond to the fact that they have done it. Witness the fact there is not a single Member of the majority on the floor, and there is none present, save the distinguished and venerable presiding officer, the Senator from Arizona.

It is as elemental as this: a Congress that makes the laws is surely bound to abide by the laws it makes. And we are not doing that.

The first budget resolution was required to be on this floor and adopted by the 15th of May. It was not, in consequence of which appropriations bills are not in order, and the only way to do so is to waive the rules, which is to say to ignore them.

A measure to waive a rule in an exceptional circumstance is surely in order. A measure to waive the rules with no intention of abiding by the rules seems to me out of order, seems to me at the very least inappropriate.

Mr. President, we are faced with a crisis of this institution. The crisis was brought about by an agreement by the majority in the early weeks of this administration, to dismantle substantially the Federal fisc, to so reduce revenues that the hated social and international programs of the previous generation would become impossible in the future. That, to some considerable degree has happened, but the groups got carried away and they so reduced revenues as to make it impossible to run a solvent Federal Government.

If we were a corporation, we would be in chapter 11 bankruptcy. If we were a lesser nation, we would be in the hands of the International Monetary Fund. It is a fact, as the Senator from Ohio stated, we have become a debtor nation, refusing to make the necessary judgments about the present; and we are postponing them to the future. We are borrowing moneys which future generations of Americans will have to repay.

It is a problem, and we are the first, I hope, to recognize it. My beloved friend, as I say, the venerable Senator from Arizona who is presiding at this point, cannot easily respond for himself, and I hope he will not mind if I put a rhetorical question to him even so. Would he imagine the day when the Democratic Members would be asking for actions to reduce a Federal deficit that had reached levels unknown in history? The highest deficit in this history of the United States was under President Ford in 1975. This deficit was brought about by the built-in countercyclical measures of the structure of the American Government, the payments for unemployment insurance and such like which were a successful discovery, if you will, of economists in the 1930's and came to be accepted by all parties.

The deficit we face this year is not a deficit of a sharp recession and countercyclical measures. We are in a state of very rapid economic growth, albeit growth from a very low base. The first effect of this administration policy was to put us into the sharpest recessions of the 1930's. In December 1982, steel was being produced at 29 percent of capacity in this country. You have to go back to 1932 to find such a level. We have a deficit which is an intended and deliberate deficit, a deficit proposed to us in a period of expansion. Remember, the President has never proposed a balanced budget to this Congress. He has never asked us to spend a nickel less than he has proposed, nor would he allow us to raise taxes. He has consistently said that any such measure would be vetoed, and he has consistently proposed ever larger deficits.

In his first thousand days in office, the national debt increased by half. Before this decade is out, almost half the personal income tax will be required to pay the service interest on the debt. The personal income tax, Mr. President, is overwhelmingly a tax on labor—85 percent of it is withheld from wages. Interest on the national debt is overwhelmingly a reward, and a return to capital.

If you want to see the politics of this country divided along the class lines of the late 19th century, which the mining towns and the bankrupt farms of the West knew so well, and the labor of sweltering factory towns and the great foundry towns, in the Northeast knew so well, just take half of the tax collected on labor and hand it to capital. Then say after all, the alternative was taxing ourselves to pay for our Government, the Government we wanted and perhaps needed at the time.

We do not have to borrow. We choose to borrow. Borrowing is a choice made in an economy perfectly capable of paying for its Government, and with no ground at any time for stimulating that economy. We learned yesterday that some of the leading indicators had fallen off and an economist said "Thank goodness." We are over heating. Interest rates on the public debt are at three times their historic level, and will continue to be until inflation begins starting up again. There is not a responsible economist in this Government or in this country who would think that we need to stimulate an economy by borrowing $200 billion a year, and yet we do it as a matter of policy, by a party incapable of meeting its responsibilities.

Mr. President, the first test of a Government is its capacity to say no. The first test of a majority is the test of its capacity to govern it, and its ability to say no. "No" to whom? No to those who would have to give more or

get less from the Government in order to pay its way. The majority led by a President who has been unwilling to do that. They have not had the elemental sense of their responsibility to govern which is to pay in our time for what we consume in our time.

They have chosen instead to borrow, borrow, and borrow; not as an economic device to stimulate the economy, nor an economic device to stimulate production and employment, but as a political device to avoid the realities of the present and let another generation face them after those who are responsible are long gone.

In the history of this country, we have not seen such an avoidance of elemental responsibility, and from the very same ones who preached it for so long in the face of a wholly different form of cyclical financing. It is not cyclical financing. This is generational financing. The next generation will pay for the consumption of this generation, and it is an altogether different matter. It is the policy of the weak, and the irresponsible.

Once you have committed yourself to such a policy and its implications begin to be understood, something else occurs, Mr. President. Something else occurs. You begin to deny reality once reality sinks in; if not to yourself, at least to others. We have seen such an event here in the Nation's Capital following from the Employment Act of 1946. In that act, the Congress provided that there be a Council of Economic Advisers to the President of the United States, that they adivse him on what was seen as the new economics and the new capacities to manage the business cycle, which had been the great scourge of industrial nations, just as famine, drought, flood and such had been the scourge of the agricultural nations.

The chairman of that council was to be put there as a representative of the economics profession to report to the Congress each year, to the President on the state of the economy and the prospects for the achievement of full employment and production, or whatever variation of that definition.

This report was sent to us by the President once each year, and starting in 1947 we had a series of ever more valuable, accurate statements which came to be models around the world of what a Government could learn about its economy, and teach itself and its people about dealing with it.

President Truman faithfully adhered to that with the appointment of Leon Keyserling; and ever more capable men appeared under President Eisenhower, Arthur Burns, our distinguished Ambassador to the Federal Republic of Germany; under President Kennedy, immensely talented men as Walter Heller, still active; under President Johnson such distinguished leaders as the subsequent director of the Brookings Institution, Mr. Okum; under President Nixon, that absolutely incomparable, gentle and wise economist, Paul McCracken; late under President Nixon and President Ford, Herbert Stein, one of the most knowledgeable monetarists and all around economists in our country.

Under President Carter, Charles Shultze, of the Brookings Institution, as fine an economist as the Nation knows, a political economist in the highest sense of that word. Indeed, the tradition was continued in the first appointment of President Reagan, and in the second appointment by President Reagan, the second appointment being, of course, Martin Feldstein.

But then that economist began doing his professional duty. He began saying what he thought was the case, faithful to the canons of a profession, not a science—no one claims that—a profession, a body of information. Some compositions can be tested. Certain forecasts can be made and reviewed. Some data are better than others. Some measurements are being learned as we go along. We have always been very good at measuring things in this country.

Martin Feldstein was known to say:

> Mr. President, you cannot have these deficits without putting the next generation into a condition of indenture and jeopardizing voluntary price stability, interest rates and production in this generation.

In this year's economic report, the dollar is 32 percent overvalued against the basket of OECD currencies; which is as if—all other factors being equal—that everything exported from the United States has a 32 percent export tax on it and everything imported—all other factors being equal—has a 25 percent price discount. Why? Because of the policies made on the floor of this Senate. Not the floor of our automobile plants; not in the fields or our vineyards. We make this decision and we make it in response to a President's policies.

When that economist began to say things that he thought were not welcome, it began to be known that he was not being listened to.

We learned this morning in the Washington Post by Hobart Rowen, a fine columnist, that in his whole tenure as Chairman of the Council of Economic Advisers, Dr. Feldstein never once met alone with the President. They did not allow him to be alone with the President.

I have sat in the administrations of two Republican Presidents and Cabinets. The idea that Arthur Burns would not be left alone with the President of the United States is one that makes one fear for the institution.

Martin Feldstein is gone now. Who is the new Chairman of the Council of Economic Advisers? If there was a member of the majority on the floor right now, I would like to ask, but I see the empty seats continue. They might know who is. But, of course, they would know that none is. They might have some inkling who it might be, but, of course, they know that none will be until the November election.

Do you know why? Because the administration will not allow within its ranks an economist capable of telling the truth as economists see it. They have banished from their ranks any truth tellers.

So, Mr. President, I am going to do something here that a noneconomist ought not to do, or would be wise not to do. It is a free country. You may make as many mistakes as you wish, I suppose.

I am going to forecast for you what will be the forecast of the administration in the next 5 fiscal years, which will be forthcoming on Tuesday.

On Tuesday, Mr. President, we will get the midsession budget review. We should have had it long ago. We did not. For the same reason we should have had the budget resolution long ago but we did not. We were not going to get such a midsession review as long as Martin Feldstein was in this city. They had to wait for him to leave. They are typing it up right now somewhere in the Office of Management and Budget. I assume they are. It is Thursday. They will want to get it printed over the weekend and release it Monday morning, Tuesday. Or perhaps tomorrow, even. It will be well covered.

It is meant to revise and update the forecasts of the original budget.

Mr. President, as I recall the original budget sent us this year, I do not recall it very well, but it had a half-life of about 4 days before the Budget Committee had it. Some do not know it, but the Budget Committee has met this year. As a member of the committee, I can attest to having been to at least three meetings—brief meetings, but they did occur.

The idea of taking up the President's budget was a point of departure, which was abandoned immediately. Just as the Secretary of the Treasury arrived after the economic report of the President was out, he advised us to tear off the first four or five pages of the President's message and throw away everything that Martin Feldstein and his two professional associates had written. They said, "Do not pay any attention to economists. Do not pay attention to numbers." Make believe and borrow. Make believe and borrow. That is quite enough.

Now they are going to have us make believe and borrow even more, believing, particularly, that there will be less borrowing.

How do I mean, Mr. President? As I said, I will make the forecast.

In February, the President's budget estimated that the deficit for the fiscal year 1985 would be $180 billion. I speak from memory, but I am fairly confident.

The 1983 deficit had in fact been $195 billion and so we saw it going down.

One of the reasons the President's budget had a half-life of 4 days was that the Congressional Budget Office promptly said this was absurd, the estimates of interest rates, of productivity, of inflation rates, and such. It simply could not be squared with anything known to an economic model in use at this time. They came out with a much higher projection. As I say, on at least the three occasions I believe the Budget Committee met this year and the one thing we did agree on was to pay no attention to the President's forecasts.

On Tuesday, there will be new forecasts. At the risk of intruding on other professions and other fields, I hereby forecast that the 5-year projections that will be made public Tuesday will show the Federal budget deficit declining to $105 billion by fiscal year 1989. If I were more radical or risk taking in this position, I would predict $95 billion. I do not exclude $95 billion, but I predict that it will be $105 billion.

That will show a long, steady decline, prices stable, interest rates dropping, productivity growing, trade expanding—all those things that are not going to happen. They are not going to happen, Mr. President, because of the deficits we are encumbering this generation with and the one to follow. But they will show it anyway.

Why will they show it, Mr. President? Because there is no one who can give the President advice. There is no one who can walk out of his office and meet members of the press who will say, "Do you agree with that forecast and do what he says?"

Now, there it is, Mr. President, after all. That is why there is no Chairman of the Council of Economic Advisors. There is not going to be. Why have somebody down there telling us things that we do not want anybody to know about?

I predict a running down, I would say they will probably start at around 155 for this year and run on a straight line down to 95 to 105.

May I adjust my current forecast, Mr. President? I forecast a deficit on Tuesday for 1989 as being between 95 and 105.

Mr. President, I am going to make not one but two forecasts today with the indulgence which is always shown me by my chairman of the Intelligence Committee, my friend of so many years, the presiding officer [Mr. GOLDWATER]. I hope he will allow me two forecasts today, for a day when he is not officially silent.

I am also going to forecast what will be the projections of the Congressional Budget Office. You can say what you will for the absent majority—not simply silent but vanished—in this body. When Dr. Alice Rivlin, a distinguished economist of the Democratic disposition had finished her second term, and the time in the normal course of things had come to give other persons a chance to be Director of the Congressional Budget Office, Dr. Rivlin returned to the Brookings Institution, and was replaced by an equally eminent, equally qualified economist, Dr. Rudolph Penner, then of the American Enterprise Institute—a body associated with a Republican political disposition in these matters, professional in them as is Brookings professional, but given, even so, a general political disposition.

Rudolph Penner succeeded Alice Rivlin, and a finer choice could not have been made. If these words should reach him through the CONGRESSIONAL RECORD, I should like him to know that this Democrat thinks so. I am now going to forecast what he will forecast to us, because it happens, Mr. President, that, on the same day, the midsession review of the budget will be coming forward, and the Congressional Budget Office will also make its forecast of rates of interest, employment, exchange, productivity, and budget outlays and revenue that are associated with it.

I shall make the forecast that the CBO will estimate a budget deficit by fiscal year 1989 of $250 billion or more—$250 billion or more on a rising curve, Mr. President. It could be curvilinear; I shall not suggest I know that much about what will be in their calculations. I know nothing of their actual calculations.

In any event, it will be a steady rise from the $160 billion that they will project from this year. They project a worsening situation.

Then, Mr. President, in this particular forecast of the forecast itself, the Nation is going to have to choose between two forecasts. And this body conceivably might even consider choosing the professional judgment of its own Congressional Budget Office, headed by a respected conservative economist—not conservative in economics, but of his particular political disposition—he is openly and honestly of that nature. And the silent and missing majority here will have to ask, will they take the word of the Congressional Budget Office that things are going to get worse and grievously so? Or will they take the word of an administration that has decided not to listen to economists but make up its own fairy tale for the next 5 years—a fairy tale that would not have been allowed were Martin Feldstein still in office? That is going to be a test of our seriousness as a Senate.

It is often asked, where is this place that is a deliberative body? Where is the missing and silent majority this afternoon? Well, they are not listening to me, and I can understand they would not wish to do so. Will they listen to Rudolph Penner and the Congressional Budget Office, I ask? I shall be here perhaps at this hour on Tuesday afternoon to see if anybody wishes to rise and respond.

Mr. President, we are doing more than an injustice to our own law and a violence to our own economic principles. We are mortgaging a generation of Americans. We are putting our industry into a set of disadvantages it is likely not to recover from for another generation. At this very moment, what is it that is exported first from a country? The things that it discovers first. What it discovers others can produce or reproduce.

What are the markets that we would be gaining this very year, this very decade, that will continue for generations, but we will lose because of the price of the dollar? Who will gain markets in this country that will go on for generations that are lost because of the price of the dollar? And where does that price come from? It comes from the deficits we incur on this floor.

That absent and silent majority does not want to hear that. But a generation will grow up in this country which will remember, which will know it and remember and, perhaps, Mr. President, not forget.

This is the majority that talked about the size of government and the need for growth. Let us have a little comparative data of 3 decades, Mr. President. In the 1960's, real growth in this country averaged 4.2 percent per year and the Federal budget averaged 18.7 percent of gross national product: 4.2, 18.7. In the 1970's, real growth averaged 3.2 percent per year and the budget averaged at 20.2 percent of GNP. In the 1980's, so far, and we are into the 1980's, real growth has averaged 1.8 percent and the budget has grown to 23 percent of the gross national product.

How is it done? Through taxes? No; through borrowing. Borrowing from Americans, yes, to some extent; more and more borrowing from persons abroad. More and more of those interest payments which will take up half of the personal income tax by the end of this decade will be going to Europe, to Asia, to the Middle East. Because we have not been willing to do our duty. We have not even been willing to face the fact of what that will be. We have not even wanted to know what would be our duty supposing we had any intention of fulfilling it.

The simple fact, Mr. President, is that we have not passed a budget resolution. Our law and our rules require

us to do so. We are capable of doing so. The majority has the votes to do so. They asked for the power to govern. Will they not govern? Will they not even come to this floor to hear that they are unwilling to govern?

This is a large matter. This is not a factional thing, it is not a regional thing, not a passing thing. We are putting this country into bondage for generations and the persons doing it will not even hear the facts. They will not allow themselves to confront the facts of what they are doing.

That is weakness, Mr. President. I would not want to call any individual in this body weak, but it is possible to speak of the weakness of this body.

What does it say of a people who will not let the facts be presented to them; an administration that will not have a Chairman of a Council of Economic Advisers lest he tell them something they do not want to hear, a majority absent and silent that will not hear us. Mr. President, I have been standing on the floor for some time now. I would have been happy to yield to any member of the majority who wished to come here and ask me about what I have said, argue otherwise, present different views. Neither I nor any of my colleagues previously have been wishing to avoid debate. We have been standing here asking for debate. I hope we have not been too strong in any words we have used. But, yes, I am prepared to incite to debate but I do not find anybody in sight.

That is a terrible pun, Mr. President, but the alternative is to grow rancorous and I do not want that. But we would like to debate the matter. We would like to hear the view of that silent and absent majority. If they wanted to run this Senate, why are they not here where these most important issues are being debated? Why will they not come to the floor and answer our questions? The very same reason the administration will not have the Chairman of the Council of Economic Advisers to give answers. They do not have answers or the answers they have they do not want to give. They will feel reassured on Tuesday when, if my forecast is right, the Office of Management and Budget will get together enough happy times forecasts to see that there is a straight line declining deficit such that by 1989 it will be down to a large deficit, largest in history still, the largest previous to this administration, but one that could be said to preclude any need to do anything more than tinker on the margin of revenues and expenditures, outlays and revenues. That will be contradicted by the Congressional Budget Office, if I am not wrong, but they will choose the happy scenario. It is a formula for ruin. I do not have to speak in the presence of a man who has served his country in wartime so well to say there is one certain formula for defeat in combat, and that is to avoid unwelcome information. There is one mark of a true commander who says "bring me the bad news first." But there is no one on that side of the aisle who appears to want to hear any bad news. I wonder if they are prepared even to hear good news should it come along. There is a kind of cognative dissonance that has extended upon the majority. They cannot believe they have done what they have done, and therefore choose to think they may have done something else altogether, or perhaps, if they just went away it would go away. It will not, Mr. President. They have gone away from this Chamber. The facts remain. And those facts are an indictment of our stewardship and our leadership. We do not become Members of this body, the U.S. Senate, to act as if nothing can be done if a President will not do it. If the President will not do it, we can do it. We should in any event do it first.

We are talking about laws, and this is the body in which they are made. But a silent and no longer wholly absent majority declines to do so.

Mr. President, the generational price that will be exacted for the irresponsibility of this group, all of us, will be paid over such a long and painful time, paid very possibly at the price of the preeminence of the United States of America among the free nations of the world. Let us not have any question in our minds, that if we tell ourselves, and we should, that that preeminence has arisen from the validity of our ideas and ideals, it is even so the case that it could not have come about in the absence of an economic preeminence which made possible a preeminence of ideals and of arms. And to lose that economic preeminence we will surely lose the others. When we have done it, a generation will look back to what was happening on the floor of the U.S. Senate in these days, just as in Europe scholars look back wondering what did they do wrong? They know that at times of crisis they avoided facts. At times when there were present among them men and women who would tell the truth, who had a gift of prophecy or a special extra element of courage to face those facts, that they chose not, they chose to leave the Chamber, they chose to go to sleep with happy dreams. They believed in the forecast of fortune tellers. I will say to you, Mr. President, that what we will hear from the administration on Tuesday will not be the work of professional economists forecasting the future. It will be the work of fortune tellers telling us that the future will be fine. If you prefer that kind of fantasy, if you fear facts, you may expect a grievous and long and painful aftermath.

Mr. President, I have kept the Senate for some time on this matter. I hope that I have not been abrasive. I have tried to be open. It seems to me anything less would be a dereliction of my responsibility.

Mr. President, I see that the hour of 3 o'clock is approaching, at which time it is my understanding that a vote on a cloture motion is to take place. Thanking the Chair for his characteristic indulgence, Mr. President, I yield the floor.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. MATHIAS. I make a point of order, Mr. President.

The PRESIDING OFFICER. We will have to think that out with the Parliamentarian. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. HECHT assumed the chair.)

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GOLDWATER. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—WILKINSON NOMINATION

Mr. BAKER. Mr. President, I have a unanimous-consent request to propound that I hope will not be objected to which I believe accomplishes a good purpose and will permit the Senate to move on. I have discussed this with the minority leader and a number of Senators on both sides of the aisle. I believe the arrangement I am about to describe in this unanimous-consent agreement is eminently fair and practical.

First, Mr. President, I ask unanimous consent that the cloture vote to occur at 3 o'clock today be postponed to occur on Thursday, August 9.

Next, Mr. President, I ask unanimous consent that it be in order for the Judiciary Committee to hold a further hearing on the Wilkinson nomination beginning at 10 o'clock on Tuesday, August 7, with the specified witness list as follows:

Justice Powell; Edward Schmults; Jonathan Rose; Frederick Buesser, Jr.; James Howard; John Lane, Gene Lafitte; Stewart Dunnings; James Hewitt; Timothy Cook; and the nomi-

nee, James Harvie Wilkinson; that the hearing will not consume more than 1 day.

And that on Thursday, August 9, at 2 o'clock, the Senate go into executive session for the purpose of resuming debate on the cloture motion, with the time between 2 o'clock and 3 o'clock to be divided equally between and under the control of the distinguished Senator from South Carolina, the chairman of the Judiciary Committee, and the distinguished Senator from Masschusetts, Senator KENNEDY.

I further ask unanimous consent, Mr. President, that at 3 p.m. on August 9, no other rule of the Senate to the contrary notwithstanding, the Senate proceed to vote on the cloture motion.

Mr. President, I ask unanimous consent that, at that time, if cloture is invoked, at the conclusion of that vote the Senate proceed immediately to vote on the Wilkinson nomination.

Mr. President, that is the request.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, the distinguished majority leader has stated the request in a way that comports, I think precisely, with the outcome of negotiations that have been going on in this matter.

In those negotiations, several Senators on my side participated. Among them were Messrs. KENNEDY, LONG, BOREN, EXON, CHILES, DECONCINI, and I think there were others. But out of those negotiations came the agreement which we indicated to the distinguished majority leader that we could enter into and he has stated the agreement as we had intended to develop it. There is no objection on this side that I know of.

I congratulate the majority leader, and I congratulate all Senators, and there were various Senators on the other side of the aisle who participated in these talks. I think the talks have ended on a way that provides the Senate an opportunity to conduct additional hearings, to have a cloture vote and, if cloture is invoked, to vote up or down on the nominee without further debate.

Mr. BAKER. I thank the Senator.

Mr. LONG. Mr. President, reserving the right to object, I think there was an oversight by the Senator. He said at the conclusion of the cloture vote that we proceed to vote on the nominee. I am sure that he meant in the event cloture is invoked.

Mr. BAKER. Mr. President, I think I said that. If I did not say that, I modify it so that that condition is included.

Mr. LONG. Mr. President, I wish to congratulate the distinguished majority leader and the chairman of the Judiciary Committee for their judgment and their statesmanship in arriving at this conclusion. The Senator from Louisiana voted for cloture. There are others of us who voted for cloture who, nonetheless, felt that, in view of the fact that the chairman of the committee and the majority leader were willing to have an additional hearing and had proposed an additional hearing, it would be only fair to those of us who were supporting their position that we be privileged to see what the hearing might develop before being asked to vote on cloture again. That, I think, sets the stage for all to have a chance to explore their points of view, for those of us who are not on the committee, and give us an opportunity to be better informed when the final vote comes on this matter.

I really think it is a happy solution. I hope that the results of this hearing will help to bring out the facts to support someone's point of view to the extent that there will no longer be any quarrel about whether we should invoke cloture or not and that the whole matter would be moot. I thank the Senator.

Mr. BAKER. I thank the Senator.

Mr. President, I would make one inquiry about my own request. The request provided that the Judiciary Committee would be authorized to hold a hearing beginning at 10 o'clock on Tuesday. I am assuming that would authorize the committee to do so, notwithstanding that the Senate may be in session at that time.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank all Senators.

Mr. President, I would like to especially thank the minority leader, the Senator from Louisiana, the Senator from Nebraska, the Senator from Massachusetts, the two Senator from Virginia, the Senator from Maryland, and most especially the distinguished chairman of the committee, Senator THURMOND, and also Senator SPECTER from Pennsylvania. I have seldom been involved in negotiations on a difficult and sensitive matter in which more goodwill and reasonableness were shown in arriving at this arrangement. I think it is a good arrangement. I congratulate all Members for their participation.

Mr. President, under the order previously entered, the vote which was to occur today by unanimous consent also provided that the mandatory quorum be waived. I am assuming that that provision would also apply as of August 9, since we are postponing the vote that would have occurred today. Could I inquire of the Chair if that is correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. I thank the Chair.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I just want to express my appreciation to the majority leader and to the minority leader and to our other colleagues for what I think is now an entirely satisfactory solution and resolution of this issue. I express appreciation to both of them for their help and assistance. I think it is in the interest of the Senate and of the nominee.

Mr. BAKER. Mr. President, I thank the Senator from Massachusetts.

Mr. BYRD. Mr. President, I, too, thank the distinguished Senator from Massachusetts.

Mr. MATHIAS. Mr. President, I just wanted to express my thanks to the majority leader and minority leader and the chairman of the Judiciary Committee. It seems to me this agreement will enhance the reputation of the U.S. Senate as a place where fair treatment can be expected and accorded. I think the procedure that has been outlined is fair. It is fair to the nominee, it is fair to the Senate, and it will be fair to all parties. I congratulate the majority leader and the minority leader.

Mr. BAKER. Mr. President, I am most grateful.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, could I inquire of the Chair now as to the pending business?

The PRESIDING OFFICER. The pending question before the Senate is the majority leader's motion to waive section 303 of the Budget Act for the consideration of H.R. 5743.

Mr. BAKER. Mr. President, I am reluctant to do so because I am afraid that the suggestion may be realized by making it, but in the off chance that somebody else has something to say about my poor motion, in order to give them a chance to arrive on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, regarding the motion to waive, I am getting calls from my farmers. They do not understand all of this talk about the budget resolution. They would like to get the agriculture appropriations bill passed.

Farmers all over this country need this measure. They do not understand why we are on the floor spending a

couple of days just marking time, with a lot of debate, with a lot of rhetoric, and not many farmers in my State want to debate the budget process. They would like to debate the appropriations bill. There is a lot of money in that bill for farmers all over this country. I want to express my support for the farmers of Kansas, Florida, New Mexico, Nebraska, and all those other States that are being deprived of getting action on this bill because some feel it is necessary to hold it up with a debate that does not mean much in any event.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I wanted to bring to the attention of the Senators that the Committee on Appropriations is meeting now to discuss the supplemental appropriations bill. One of the items just agreed upon was a committee amendment which will be offered to this appropriations bill that is going to be the next item on the agenda if the motion to waive the Budget Act is agreed to.

Since it is a matter that was discussed by many members of the Committee on Appropriations as a matter of some urgency, I thought I would bring that to the attention of the Members.

The subject of the discussion was the fact that there are a lot of farmers around the country who feel the need for a guaranteed loan program that would permit refinancing of existing loans to help overcome problems associated with bank examiners' identifying loans that once were considered sound and are now considered problem loans.

We have in this bill that the committee is bringing to the Senate $650 million in a guaranteed operating loan program designed to relieve that problem. The Senator from Kentucky [Mr. HUDDLESTON] offered in committee an amendment to add $150 million that would be made available in this fiscal year to help refinance problem loans. The committee has just instructed that an amendment be offered as a committee amendment to this bill making available the $650 million immediately upon enactment of this legislation.

I point that out, Mr. President, just to indicate that this and other provisions of the agriculture appropriations bill are important because they fund programs that are designed to help meet the food and fiber needs of the Nation and to support our agriculture sector, which is one of the most important industries in America today.

I know that the concerns being discussed under this motion to waive the Budget Act are very legitimate and very real. I do not intend by my remarks to criticize in any way the discussion which has been held, nor do I criticize the fact that there may be more discussion of the budget process and the problems caused by the failure of the Congress to agree to a budget resolution. But I do want to point out, Mr. President, that an interminable delay in the consideration of this agriculture appropriations bill could result in some serious problems around the country. Therefore, I would urge that we try to bring this discussion to a close and bring the bill up for consideration. If there are changes that need to be made in the bill, let us discuss them.

I would hope that we could approve this agriculture appropriations bill, go to conference with the House, and submit it to the administration in the hope that it could be signed by the President. The fact of the matter is that the administration supports the passage of this bill. It is within the subcommittee's 302(b) allocation under the budget resolution that has been passed by the Senate. If the supplemental appropriations bill now before the Appropriations Committee is passed, this fiscal year 1985 bill will be $292 million below the funding level of the agriculture appropriations bill in fiscal year 1984. It represents restraint, but it also represents sensitivity to the needs of agriculture and to the activities that support agriculture.

Mr. President, I might also point out that there are a lot of funds in this bill relating to nutrition programs, such as the Women, Infants, and Children Feeding Program and the School Lunch Program.

The beginning of the fiscal year is October 1. It corresponds fairly closely with the beginning of the school year.

It would certainly be of benefit to school districts and to State and local governments as they are planning their budgets for this next school year if they could have some idea—some degree of certainty—as to the funding levels for these programs for next year.

I am just pointing out a few of the things that occur to this Senator, Mr. President, which could create problems if we drag out this bill for very long.

As I said before, I am not criticizing in any way whatsoever the discussion that has taken place, and the fact that there are some very real concerns being raised and addressed under this motion to waive the Budget Act. I do feel, however, that it is important to point out the fact that if we do continue to withhold consideration of the bill on its merits and do not act on it, we may be causing some problems around the country.

The programs funded in this bill will have a significant impact on individual States. For instance, there is approximately $900 million for the State of Florida in this bill, I have been told; some $755 million for the State of Tennessee; $345 million for the State of West Virginia. I could provide figures for each State if time permitted. All of the programs in this bill are programs which are operated for the benefit of citizens of each State.

I am hoping, Mr. President, that we can move on to the consideration of the bill. I wonder if there is any way the Senator from Florida could let the Senate know when we might take this bill up or get to the bill on its merits. I have been asked by several Senators today, "When are we going to get to the bill?" I do not know. I don't know that anybody knows. Maybe the Senator from Florida knows. It may not be important for anybody to know. I do know that there are persons who are trying to decide whether to make plans for the weekend, or next week, or even tonight. If we can get to the bill, Mr. President, I think we could conclude consideration of the bill within a few hours.

I know there are several amendments that we will have to consider when this bill comes up. There are some amendments that the Senate can go along with with little or no discussion. Others we shall have to resist because we do not want to pass a bill that is going to provoke a veto. We are confident that if this bill can be passed without any substantial additions to the funding levels, the bill will be signed by the President, and we can see these programs funded.

I see the Senator from Florida on the floor, Mr. President. I do not mean to try to get any kind of commitment, but I wondering what his thinking is now about how much more we need to discuss the motion. There have been a lot of points made. A lot of Senators have come to the floor and talked about their ideas and their problems with the budget process. We all agree there are some problems. How long does the Senator think we have to talk about it in order for us to understand the problem?

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. I thank my distinguished friend from Mississippi, Mr. President. I want to reiterate, as I said yesterday and earlier today, I think this is a good appropriations bill. I think it helps the country, it helps my State, it helps a lot of programs. I think it has been constructed with a lot of thoughtful consideration.

I think the distinguished Senator from Mississippi is a hardworking

champion of agriculture. He certainly works hard trying to determine where these dollars should be spent. I think he has a hard-working ranking member in Senator EAGLETON. I have the pleasure of serving as a member of his committee. Under his stewardship, I have enjoyed that service. He certainly has been kind to me as a Senator from Florida and also considerate of my views on the operation of the Nation's agricultural programs.

He can ask me questions about, and I shall be happy to answer them. I was in the Appropriations Committee this afternoon during the discussion on the problem with regard to loan funds. I understand there are $650 million in this bill right now. My understanding is that the money cannot be released until October 1. The committee today determined to vote a committee amendment providing that up to $150 million of those funds could be expended now or just said the fund could be expended now.

I also know the Senator from Kentucky wanted to amend the supplemental bill and say that $150 million could be spent. The Senator from Kentucky said that was because the supplemental bill would be available sooner. There was some discussion in the committee about the supplemental and which bill would pass first.

Some people ask me what I am trying to do. I do not have any grief with the supplemental bill. It is a 1984 bill. We have a 1984 budget resolution. Because there is a resolution for 1984, the argument I am making in regard to there being no resolution this year is not valid, so I would not try to make that argument on the 1984 supplemental bill.

If the Agriculture Committee or the Appropriations chairman or the leadership decided they wanted to pull this bill down and move that supplemental bill today, they would not have any problem from me, since it is a 1984 bill. It was also noted that if the supplemental went first, this same amendment to provide $150 million could be put on that bill. So I do not think there is any way we are holding up this particular matter.

I do not have any problem with that. The concern I have, after making clear I do not have any concern with the merits of this particular bill, is that the law of the land today is the Budget Act, and it gives us a certain timetable that we are supposed to abide by. It tells us that November 10, the President submits his current services budget. The 15th day after Congress meets, the President submits his budget. On March 15, the committees and joint committees submit reports to the Budget Committee. On April 1, the CBO submits a report to the Budget Committees. On April 15, the Budget Committees report the first concurrent resolution on their budget to the House. On May 15, the committees report bills and resolutions authorizing the new budget authority. On May 15, Congress completes action on the first concurrent resolution of the budget.

That is the schedule set forth in the law. In past years, we have not always met all the dates on schedule. I point out to my friend from Mississippi there is a problem since the law provides no remedy if one of those dates is not met.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. CHILES. Yes, I yield.

Mr. COCHRAN. According to the chairman of the Appropriations Committee, the supplemental which is now being considered by the committee, is over the budget request. It also exceeds the amount provided by the House in the supplemental. I wonder, and I think other people are going to wonder, what difference it makes that that is an 1984 bill and that that relates to fiscal year 1984, and that we already have a budget resolution. If it is over the budget, why is there such a concern about there not being agreement on the budget resolution for this year?

Is it not true that that Budget Act has been disregarded in so many different ways that it has really become a kind of joke?

Mr. CHILES. Of course, I say to my good friend, the Members know it is over the budget, the President is going to know it is over the budget. There is a number there that sets the level and the President could say, "I am vetoing this," if it is over the level. Members can make up their minds when that bill comes to the floor whether they are going to vote for it because they know there is a number there.

But we have no number and no guide for this year. So when the Senator from Mississippi says we are within the allocations I must remind him, those are allocations that have not been passed by both Houses. They have not been reported back to the Senate as the Budget Act requires after the budget resolution is passed. They are something that the chairman of the Appropriations Committees of one party have decided they are going to abide.

The President has decided. It is an ad hoc arrangement, but it is not following any structure that we have set up under the law. It seems to me that if we are going to set a standard to measure ourselves against, we need to follow it.

I know there is a concern out there on the part of farmers who need to get these loans. Why do they really need to get them? They need to get these loans because the interest rate is so high. And the interest rate is so high because we are running such a high deficit in this country. Unless we find a way to deal with the deficit, we will be putting supplementals on forever trying to help our farmers because that interest rate will eat them alive, and it will continue to eat them alive. Sooner or later you have to say either I believe in this and will try to do something about the deficit or, regardless of the fact that we have a process, we do not have to follow it.

It is important that we get all the appropriation bills out, but it seems to me it is equally important that we get a budget resolution. I had a great discussion yesterday with the ranking member of the Finance Committee, the former chairman, the distinguished Senator from Louisiana [Mr. LONG]. He pointed out how long and how hard the Finance Committee has worked to do their part on the deficit reduction package. They met overnight on more than one occasion; they met hour after hour. He said they went in there with certain people saying, "I will never do this; I will never change on this particular item." He said that after you get people in a room and keep them there 24 or 48 hours, "I will never" changes a little bit and they weaken a little bit; they start coming together.

I say to my friend from Mississippi we have had four brief meetings on our conference. No one is now urging that conference to go back and meet. I do not see that on any "must" list before we get out for the Republican National Convention or before we get out in adjournment. I do not hear from Pennsylvania Avenue that there is a need. I hear from Pennsylvania Avenue that there is a need that we have a balanced budget constitutional amendment, but I do not hear there is a need that we follow the law we now have, which says we are going to set limits on spending by our Appropriations Committees and no bills will be in order until those limits have been set.

What has happened to our discipline? How do we get anybody's attention on that? I say to the Senator from Mississippi—and he probably knows this already—I have a lot of people on this side saying, "What in the world are you doing? Don't do it on this bill." And maybe this is the wrong way to do it. I do not know, but I do not know how else to do it. I do not know how else you are going to get somebody in leadership to say, "Wait a minute. We have to resolve this thing; get in that room and do it." There seems to be some magic in one figure for defense of $299 billion. It is sacred and is rolled into stone. Between me and the Senator from Mississippi, I do not see how in the world that figure can be held anyway. The House ultimately has to initiate the defense appropriation bill or a continuing resolution. It seems to me ultimately you

have to deal with a Democratically controlled House that is not going to go at a figure of $299 billion. But for the White House, there is some magic in that figure, and I do not know what it is. Maybe the Senator from Mississippi knows. He asks why is there any holdup or when could it be changed.

What is so magic in this figure that the Budget Committee cannot complete its work until the Defense Appropriations Committee marks up at that high figure, until the defense authorizing committee marks up at that high figure? I do not understand that. I do not understand what the reason for it is.

When you ask—and I think this is the bottom line—when could we get to a vote, I wish we could get to a vote this afternoon. The Senator from Florida has never been in this position before. I have been in the Senate 14 years. I have never stepped on this floor and tried to hold up anything. I have had a lot of things that were important to me personally or I had some grievance over what somebody was trying to do, but I never felt any of those things were so important to me personally or my State that they warranted the device of unlimited debate. But I have to tell the Senator I am totally frustrated because we are not following the law we have on the books.

I happen to have had something to do with the authoring of the Budget Act. I remember those bleak days before we had it when we started all of these new programs and got ourselves into a lot of trouble. I know that there was a valid purpose for this act. I have grave fears that the whole act will be scrapped if we allow this to continue the way it is, because you have some people down the street who decide they do not want to compromise or they have already compromised with some Republicans and they do not have to deal with anybody else.

That frustrates me. It frustrates me because I think the Budget Act is worth something. If it is worth saving, then maybe it it worth somebody trying to stop the parade for a while. Now, as for how long to hold it up, if the majority leader came on this floor today and said, "I am instructing the Budget Committee to get with the House and they are to stay in constant meetings with the House until they report back a budget to us," I am gone. I am off this floor. I do not have anything more to say.

When can it be done? It can be done in the next 10 minutes, in the next 30 minutes as far as I am concerned. But, on the other hand, if we are going to have a situation in which nobody cares about the Budget Act, or it is one of those things we get around to at the end of the year after we finish defense appropriations, I will say, under that circumstance, I think we are going to be here somewhat longer.

There are other processes to get the Senator from Florida off his feet, and I do not have any illusions about how long I can continue this. But I do have a feeling, and my conscience tells me I have to try. I have to try for a while if it seems we are going to abandon the Budget Act, if it is going to be cavalierly treated, if we do not have anybody even willing to say that a conference committee is supposed to resolve differences.

There happens to be a difference on defense. What will it be next time? If we set some kind of a precedent and say we are going to take the range, the high and the low of the House and the Senate, where in the world is that going to lead us in domestic spending. We are trying to get some kind of handle on spending.

I say also to my good friend from Mississippi I do not have any magic number for defense spending. I have no number. I am not locked into any number. Whatever the House and Senate conferees can come up with in the range of $299 billion to $287 billion, that is all right with me. That is all right with me, whatever they come up with within that range, if we can report back a budget resolution, if we can say to the Appropriations Committees, "Here now under the law is the budget resolution. Set your allocations. Set them the way the law says. Report those back to the Senate as the law says."

Let us not have an ad hoc situation around here in which the President and the majority party over there decide what allocations are going to be, what bills will be signed, and which will not be. I think we operate under the law. The majority still has a lot of room under the law. At any time they can produce 51 votes; they can pass anything around here; but at least they will do it under the rule of law and not under the guise of a rump agreement that has been entered into down the street and says: "That is all we have to do, and we are doing right, so don't worry."

It worries me what kind of precedent we are setting for any future President who may have a different agenda, who may be concerned with different spending priorities and is going to set those particular priorities, rather than this President, who I am sure, in his own mind, is going to hold the line on spending on most items. Defense does not happen to be the one, but on everything else he is ready to hold the line. It seems to me that we have to be ready to do it on all. That is what the law is about. We are going to set a pattern, and we are going to follow it.

(Mr. GORTON assumed the chair.)

Mr. COCHRAN. Mr. President, I appreciate the Senator giving me a full answer to my question. I am not sure I know what the answer is, except that we continue to point out problems in connection with trying to abide by the terms of the Budget Act.

We know that those problems exist, and I know that every Senator is concerned about trying to find some way to impose a greater degree of restraint or discipline in the budget process.

I know of no Senator who is for abandoning the effort to find a better way to deal with the ever-increasing growth in spending and trying to set out a plan during the course of the year that projects what the revenues and the spending needs of the country should be. I think we all share that.

I sympathize with the feelings of the Senator from Florida that a better job should be done. I remember the passage of the Budget Act, too. I was in the other body, so I was not here to have the benefit of the debate in the Senate. In the other body, the chief concern seemed to be the impoundment authority that the Chief Executive was using in the withholding of the spending of money.

The fact was that the President back then, whether you agreed with what he was doing or not, was causing a great deal of discipline to be followed in the expenditure of funds.

Mr. CHILES. I say to the Senator——

Mr. COCHRAN. I still have the floor, Mr. President.

I recall that in those days, when the Democratic Party controlled both the Senate and the House, it was standard procedure for there to be an appropriation of funds over and above what anybody would say would be needed for a lot of programs, just to see what the President would do: Would he veto the bill or sign the bill and then withhold the expenditures? But Congress knew that one or the other would occur. It was intentional in those days for there to be rampant appropriations, with no regard whatsoever for any kind of discipline.

So one reason why the Budget Act was passed—not the only reason, but one reason that got a lot of attention then—was that this would end the President's power to impound funds. He would have to spend what Congress said he had to spend to fund these programs. If he did not want to do that, there were certain procedures he had to follow. He could propose that appropriated funds be rescinded, or he could propose that a spending program be deferred for a period of time. Congress then had opportunities to react to those proposals.

That may have been an improvement. But, taken in its entirety, the Budget Act does not cause a greater degree of spending restraint in the Federal Government. Since 1974, which was when the act was passed, there probably has been an accumula-

tion of more deficit than there has in the entire history of the Federal Government.

When the Budget Act was passed, it was lauded and praised by persons in both bodies as a way to impose a greater degree of restraint. We were not going to have these runaway deficits of $5 billion and $10 billion, or whatever they were in those days. We were going to get a handle on spending, be able to look at the entire Government in one document, and set out categories of spending.

Since then, much to my dismay and to the dismay of the Senator from Florida and others, we have seen the tendency of Members of Congress to use the budget resolution to trigger votes on controversial issues, one after the other, trying to cause line item changes when we were really talking about categories of spending.

It has been a shame that the process has not worked. I do not know that it is the fault of any one person. I know that many Members in both Houses have worked hard to make the budget process work, and make it an implement of restraint, so that we could look at the entire financial obligation of the Government in one document, and consider how the resources of the Government ought to be allocated in a more sensible way, rather than the piecemeal bill-by-bill appropriation approach.

So, while I share those concerns and those fears, I hate to have this bill singled out. The agriculture appropriations bill is tied up on the floor, holding up funding for the Women, Infants and Children Feeding Program, the Food Stamp Program, and the School Lunch Program, to name a few. Those who are planning the budgets for the next fiscal year, trying to decide how much money should be appropriated by State legislatures or allocated by school boards for the various functions at the local level, are not going to know how much money is going to be available from the Federal Government for these programs. That could put a strain on them. That is one problem I foresee, and there are others, which I mentioned a moment ago.

While I applaud what the Senator is doing in terms of focusing attention on the problems of the budget process—the fact that we need to do a better job; we all agree with that—I hope that, having made that point and having discussed it as fully as it can be discussed, we can now vote for or reject the motion to waive the Budget Act on this bill and proceed to the appropriations bill. I hope we can do that, Mr. President.

I yield the floor.

Mr. CHILES. I thank the distinguished chairman. I just want to make a couple of comments, and then I would love to yield the floor to the Senator from South Carolina. He has been on the Budget Committee since its inception, helped write the act and certainly knows what we were concerned about. He has had an overriding concern that we try to reduce spending here and try to live within our means.

The Senator from Mississippi talked about his experience in the House when the Budget Act was passed and that the major driving force there was to get the impoundment legislation. I agree with that. I think that was the carrot a lot of people went for, and we had the stick in there to try to enforce some kind of spending restraints. The carrot was this: Look, we are going to do something about impoundment.

I think the Senator from Mississippi remembers that the impoundment lawsuits generated during the Nixon Presidency were ultimately won by Congress. The President did not have the impoundment authority.

So I think we were trying to regularize the process of whether a President had the right to impound, to rescind, or whether he was just "holding up."

The Senator from Mississippi made another point. I know how many important things are in this bill. But I also know that when you start talking about infant care and about the WIC Program, they are victims more than anyone else, with the interest rates we have. The children are always caught more than anyone else. If we say that we are going to abandon any discipline on spending restraints and are going to pass a bill and give them some money, we are giving them a little handout from the Federal Government. It is very little help. They see the light bill go up; they see the garbage collection bill go up; they see the cost of clothes go up. They buy everything. Everything they buy is paid for by the week, on a loan.

They got a loan with the consumer finance, and they got a loan here, and they are paying extra money at the grocery store for their credit and interest. And interest is eating those people alive.

If we do not face the need to hold deficits and interest rates, I can tell the Senator that we are not doing any great favor for those people by saying that we are rushing through a program.

The Senator also asked why do we not get on with this? I wish I could say to the Senator from Mississippi that I thought I had made a point, but I have not seen any point being made yet, to tell the Senator the truth. I have not had anyone tell me, "We want you to get back into the conference on the budget; we want you to resolve this difference with the House." I have not had anyone say we are going to go forward with this.

What I am hearing now is: "We have to get this bill out and then I hope you are not going to raise any objection on the next one, military construction. We have to get the next one out and have to get the next one out, and we will worry about that budget thing down the road. We will take care of that. Do not worry, Lawton. We are going to take care of that. Before we leave here this year sometime, we are going to take care of that."

But that is not the law. That is not what the law says. That is not spending restraint. That has no purpose. We might as well pack up the Budget Committee and do away with it under those circumstances.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I join the distinguished Senator from Florida, the ranking minority member of our Budget Committee, on this occasion to support him because I am confident that he is here as a matter of conscience.

As the former chairman of that Budget Committee and one who helped enact the legislation and fashion the discipline and, with a continuing overriding interest in the continuance of the process, I can see very readily why Senator Chiles has taken the floor.

We are not in opposition or confrontation to anything in the agriculture bill. Certainly, there is no greater supporter of this legislation. Having been in on the creation actually of women, infants and children feeding, food stamps, and the other valuable programs contained in the bill. I have no opposition to its passage. It's critical and important to our agricultural community.

But somewhere, sometime, as the Senator charged with the keeper of the purse and keeper of the conscience and talking intelligently and trying to talk persuasively on the fiscal affairs of our Nation, with the runaway deficits that we have, the distinguished Senator from Florida is fulfilling a very important duty and performing a magnificent service for us here in the Senate.

We only hear the little tidbits and the asides in the national news media, and they never have made an attempt to cover our fiscal affairs in any intelligent way. I say that advisedly.

There has to be a discipline. Ordinarily, it should come from the Executive himself.

I have been the executive of a State. I had served 10 years in the legislature, so I knew good and well that you could not wait for a consensus, and in our house there were 124 members and 46 members in the State senate, to bring out a fiscal plan. Certainly, at the time when we needed revenues, if I as Governor, as the Chief Executive,

did not lead the way and set the discipline, it would never develop.

I could have ducked that responsibility.

I did it, however, with great hostility amongst friends in the legislature and advisers who said it was politically stupid, but the opposite has been proved. We succeeded in raising revenues by only one vote.

We got a triple-A credit rating and South Carolina by being fiscally responsible has attracted more industry on that one point, more jobs, more opportunities for minorities, for the disadvantaged, for the locked out.

I would say if there is one single act that I could go back and point to that has done more to help us economically develop the pie—that was my expression that I was not going to cut the pie in different sections or pieces, but I was going to add more pie—it was the fiscal discipline and we did that at that particular time. Responsibility we used to discharge our duty.

Here I have seen that occur in Congress. I have seen it occur before with respect to the Executive himself, Lyndon Johnson, in 1968.

We were met in the appropriations markup conference with George Mahon over on the House side. It was December 1968 and President Johnson was very much concerned that he would turn over a budget that was not balanced to his successor, President Nixon. You remember the fiscal years used to begin in July.

We got together and we were on the phone with Marvin Watson, getting permission to cut this one and that one, and we cut some five billion odd dollars. And we gave what—a balanced Federal budget in 1969. That is the last time in our history that it has been balanced.

To get a quick understanding why it has gotten unbalanced, it is the old political game.

Our distinguished colleague, the former chairman of the Ways and Means Committee, in 1971 was running for President up in New Hampshire, and he gave them a 15-percent increase in social security benefits, and since he knew more than all of us about the financing of the Federal Government and particularly the Social Security fund itself we followed along with Mr. Mills at that particular time.

So then came candidate President Nixon running for reelection and the same old one-upmanship game that we played here the other night on the floor of the Senate—that is no new game—I saw that again in the election year 1972. President Nixon said: "He will give you 15 percent; I will give you 20 percent."

So we had a 20 percent increase in Social Security benefits. He outbid Mr. Mills. The Executive led in the other direction, away from fiscal responsibility.

Let us swing quickly, because I do not want to take too much of the Senate's time to when we as Democrats were able to persuade the President, which I hope the Senator could persuade the Republican majority to do, because I do not think we can change this President. I think you folks can lead the way. I think that is our only hope on the Republican side of the aisle because I know the Senator from Mississippi is fiscally responsible. I know our distinguished majority leader, HOWARD BAKER, is fiscally responsible. I know Mr. DOLE, the chairman of the Finance Committee, is fiscally responsible. And they are ready to work, and we could go down the list.

When we had the responsibility, I say to Senator COCHRAN, in 1980 President Carter running for reelection put a budget out on the floor that just could not carry. It was too much spending. It caused too big a deficit. We had gotten down in the $40 billion range, and deficits were going to exceed the $66 billion range that President Carter inherited, going up to $75 billion or $80 billion. The bond market went into the depths and everything else of that kind.

So, there we were around the clock, with the leadership from the House of Representatives and the Speaker, the chairman of the Ways and Means Committee over there, and the Budget Committee; on the Senate side with Senator Byrd, our leader, and we got around on Sunday night until 11 o'clock at night, and does the Senator know what we came up with? Memory is very short.

We said, "Mr. President, resubmit your budget."

And the President on March 30 of that year, 1980, had to resubmit a budget so we could all maintain our credibility and generally hold on as now history has proved. We held that deficit for that particular year, 1981, down as President Carter left office there in 1980-81 to $57.8 billion, right at $58 billion, which was less than the $77 billion he sent to the Congress in his original budget submission.

So we did not run away with the deficit and the discipline started over here.

But, now, there was a play on Broadway—I think it was Pajama Game—where they sang the song, "Anything You Can Do I Can Do Better,"—or maybe that was the late Ethel Merman. Excuse me.

I think it was she. There was another play there, as well.

But we are playing the same style of one-upsmanship here. We have run away with the process.

I saw it break when, as the ranking member, having started out with President Reagan in good faith, it was I who went to Senator DOMENICI, who was taking over, and I said, "PETE, you don't even have the staff and you and I have been trying to cut the spending. We used to have the Hollings-Domenici amendment to cut. Let's just draw this up into a reconciliation package for your President to approve, and I will have my staff, which is a Democratic staff, draw up the $35.4 billion spending cut."

Then we turned it around, of course, to the Domenici-Hollings resolution to start off President Reagan and this administration with the spending cut. They then came down with the so-called Reaganomics program and that really put the skids to us all. I do not say that in a pejorative sense. I have learned otherwise; we have learned otherwise.

Henry Bellmon, who was then the ranking member when I took over the Budget Committee in that late spring of 1980—you remember that Senator Muskie went up as the Secretary of State—we were meeting in a room over there in the building with the entire congressional CBO, Dr. Alice Rivlin and her team. But, more than anything else, they asked in the financial minds of the country. Otto Eckstein was alive at that time; Larry Klein, of the Wharton School of Finance; Herbert Stein, of the University of Virginia; Walter Heller; Allan Greenspan—five former chairmen of the Council of Economic Advisers for Republicans and Democrats; Barry Bosworth. You have them all, 27 around the room.

They were trying to project for the year 1981. In their projection, it began to look darker and darker—higher unemployment, high inflation, and other gloomy projections.

I said to them, I broke in and I said, "I have been listening here all morning long. I am now the chairman of the Budget Committee but, more importantly, I am a candidate for reelection. If I go back home and tell my folks back home how important I am"—I studied my humility under Mendel Rivers who used to run the Armed Services Committee. Mendel would come back and say, "My Army and my Navy."

So if I came back home and said, "My budget," they would say, "Well, get rid of that man. He don't know what is going on up there in Washington. He's got the whole thing broke and in the red."

So I said, "I'm not a financier or an economist, but I am willing to listen. What would you do to get this whole thing back on track?"

And around that room of the 27 men and women, they agreed, No. 1, they said, "Stop all the tax cuts because right now they will be inflationary."

You had a plethora of tax cut proposals out on the floor in the summertime there. You had our good friend Senator LONG who reported out a $55

billion tax cut by a vote of 18 to 1. You had the candidate Reagan tax cut, you had the candidate Carter tax cut, and you had KEMP-ROTH. Every politican, Republican and Democrat loves tax cuts.

These respected economic leaders, however, said, "Senator, let's hold up on those tax cuts. Get us by the election and whoever is the President in January we can have a tax cut on the supply side, for business only, as we did it in the sixties."

Supply side is no George Gilder or KEMP-ROTH or President Reagan initiative. We primed the pump under Franklin Roosevelt. We had it again in earlier years. Jack Kennedy came in, in 1962 with the investment tax credit depreciation allowance for business only. He waited 2 years, until 1964, to trigger in the across-the-board individual income tax cuts. You cannot put the demand and the supply together. They said that if you tried that, you are going to cancel yourself out and you are going to have more inflation and it is not going to take effect. We listened.

If you only look at the second concurrent budget resolution for 1981—a little green book—I was asked how much of a tax cut were they talking about—$15 billion. Bob Giaimo and I finally got the number down to $16.1 billion, what we projected.

I had to get out on the floor, as a candidate, and stonewall tax cuts. It was not popular, but we stonewalled. We beat them all. I got reelected and President Reagan was there.

Instead of holding it down to $15 billion a year over 5 years, or $75 billion, the rest is history—Reaganomics. We went up to $750 billion in tax cuts and then heaped upon it $1.6 billion in increases in defense.

Now, that is where we are all of a sudden getting these $200 billion deficits. The chickens have come home to roost, Mr. President, which brings us here to the process itself. The process itself really got off track after we, as a "Gang of 17," had met together in that summer of 1981-82, looking at that particular budget. We were trying to find a package to project out for the years of some $429 billion. We were all there and we had been meeting and everything else. At one point, we finally got the Speaker, Speaker O'NEILL, to agree to go along. Our friend Dick Bolling was there representing the Speaker in a $400 billion package. I said, like George Aiken had said about Vietnam: "Let's declare victory. This is as close as we are going to get" and that is when it turned. And your administration and mine—we only have one President—they did not want an agreement. They cut it off and then everything became impossible.

I said, "This crowd here just doesn't want to agree at all." Who can estimate over that period of time whether we were accurate on 400 or 429? Then they went into their posturing about social security and had the high-level meeting out here in the President's Room with the President, the Speaker, and all their groups. And they agreed to disagree. Then they came back.

David Stockman went right down the hall here with the distinguished majority leader and sat in there and they called in our Republican colleagues off the Budget Committee one by one: "What do you want? Now, no amendments." And they marched them through in a drilled fashion, gave them what they wanted. And the camaraderie, the understanding, the give and take, the discipline of doing a good job went out of the window.

When we went back into the Budget Committee—and we stayed there late at night. We went in there for 3 days and 3 nights and had zero amendments. The majority would not accept any. They had all agreed to stonewall all amendments and pass the blooming thing out.

When we came to the floor, it was only the Senator from Tennessee, and you will remember his amendment on the railway employees. There was only one exception and they just stonewalled all the other amendments.

So this Executive—and I am not saying that if I were the Executive I would not have tried the same thing—learned how to take over the budget process, so that as of this year we now have the distortion whereby, instead of passing the budget resolution out here and conforming both the revenues and the spending cuts to the particular resolution, we first got the revenue measure with the Finance Committee. And now this afternoon the administration, the White House, is calling on your Republican majority and saying, "Stonewall and don't do anything. Don't even discuss defense because what we want to do is get that defense figure through by both authorization and appropriation. Then, when we get that, we will conform the budget resolution to the actual facts."

Now, that is the exercise we are going through, and it is blasphemy. You know it and I know it. I know the distinguished Senator from Mississippi and the others around here do not want to talk publicly about it. But that is exactly what we are doing.

So the Senator from Florida is saying that if this is the way we are going to do it, we just might as well forget about the budget process because we are just going to ramrod and hold everybody. As long as we have a locked majority without a conscience on budget matters, the President himself can go out around the country and say, "Oh, all we need is an amendment to the Constitution so that we can get a balanced budget."

But back here in Washington he is saying of the one instrument, namely the budget resolution, to hold the lid on spending: "Kill it; bottle it up; don't agree; don't meet; walk in and walk out." And that is exactly what has happened.

They ought to be ashamed of themselves. That is what is going on. So it is not whether we consider women, infants, and children getting in the agriculture bill or whether we are worried about feeding people here in July. They are going to get their money. You and I know that. They are not worried. We will all be looking after that.

But if we do not raise this point, if the distinguished Senator from Florida does not raise the point here on the budget now, when is he going to do it? After Labor Day when we come back? It will all be gone. It will all be done with. He is trying to save the process that has worked. No; we have not limited spending because of this situation we have gotten ourselves into.

We have done away with the budget process, and we are playing one-upmanship. We did a lot of cutting of spending, but the increases which have come along both in defense and interest payments are killing us. Interest on the debt is the fastest growing section in the budget—and tax cuts, those loopholes. I will never forget in handling this particular budget where in 1968 we had loopholes or what we call tax expenditures totaling $38 billion and the expenditure for defense was $68 billion. That was in 1968; easy to remember. This present year defense has grown from $68 to $265 billion. I heard a figure used this morning by Senator DOLE on his little radio program of $280 billion something. I do not think it is that high. I think $265 billion is the accurate figure. But tax loopholes, or tax expenditures, during the same period have grown to $328.7 billion.

We have ripped more hemorrhages into the economic and revenue fabric of this body politic than you can possibly imagine. We have been falling over each other; like last week and the other night—just walk in here and spend. You and I on the Appropriations Committee are trying to find loan guarantees for farmers who are good farmers. It is no fault of their own. They are playing the game by the rules and everything else. They need those loan guarantees of somewhere around $600 million that we cannot put in that supplemental bill. But just last week we can spend $5 billion already for next year. Why? Just to get the vote. That is all it was. It was a bride. They are saying we want that. The President comes along, and what does the President say? The President says that at the rate we are going we do not know that the young

people of America will be able to get their benefits from Social Security. President Reagan says that Mr. Mondale then says you cannot be "savaging" Social Security; "savaging." They know how to use those emotion provoking words. They are all good actors. So he says that for the press. Reagan switches around entirely. During his press conference he says what I meant to say is I am going to give you an increase next year whether you deserve it or not.

So the Democrats, with our distinguished friend from New York, come on the floor. He said he is going to give it to you next year. We are going to give it to you tonight. "I move $5 billion." We spent 5, 5, and 5; $15 billion, in fact, on the increase of inflation and otherwise. It is going to be nearer 17 billion bucks. We spent 3 months around here to find $50 billion in revenues. But in 5 minutes $17 billion of it has gone out of the window, and we wonder why the market is like it is and why the people have no confidence in us. Right now the Social Security fund is taking $17 billion from general revenues.

I quote Senator LONG's staff who runs this Social Security Program on the Finance Committee. Last year we took $22 billion. It is costing us $17 billion to cover the shortage. We do not have a fiscally sound fund but nobody wants to put that in the RECORD and tell the recipients the truth in America. Our distinguished friend from Mississippi makes the fight on fiscal matters because he is fiscally responsible. Perhaps the Senator from Florida would want to get a live quorum, let us talk it out, and see if we cannot have the majority finally get some kind of discipline and some kind of understanding to stop this one-upmanship.

We are spending like madmen here. If you cannot beat them, join them. The whole idea is not how to cut the deficit. The name of the game here is how to spend the deficit. That is what everybody is going to play. I am going to get in the game, too. There is no reason to sit on the sidelines. Everybody is spending the deficit for what they want. It is the setting of high priorities. We do not have to worry about money. We have all the money we can possibly use. Just add to the deficit.

So I would hope what the Senator from Florida is saying would be taken to heart. All we want is the majority leadership on the Budget Committee to get off that high horse of stonewalling on defense and talk as reasonable, sane, prudent men, as mature Senators for the United States, and walk in, sit down, and once and for all say, "Let's reconcile this amount," or whatever it is, so we can get out a budget resolution. I happen to think the budget resolution has some very, very liberal projections with respect to inflation, interest costs, and so forth. I did not vote for it because that has been bothering me—the way we have been projecting just to get by. But at least let us hold the process together until another day when we finally get a day of reckoning.

I do not know anything that is going to bring us to our senses better than an election for the people of America to understand that it is all going to be taken care of next year. Our ticket is saying it is going to take more revenues. It is going to take some spending cuts. It is going to take some revenues. It is going to take holding the line on entitlements.

That is why neither side has credibility and particularly in the light of our activity last week when we came with no authorization, repudiating what we at least had gotten a little bit of credit for. We had a Social Security settlement that showed some forbearance. We promptly threw it out of the window in light of the November election trying to bribe the senior citizen vote, one side saying the other is callous, hard on the senior citizens, "savaging" and all of those kind of things when we all know it is just a one-upmanship game like Roman bread and circuses. We are spending the fruits of the next generation in order to get ourselves reelected. I hope the people of America will listen to Senator CHILES and what he is saying. I hope some of these good, conscientious Republican friends who are with the Budget Committee will get away from those directions politically given from the White House. They are put in an embarrassing spot. They do not even discuss it. They walk in the budget conference and say, unless you are going to agree totally to our defense figure, then we are not going to discuss anything.

They are pleased with that stance. That is what is particularly annoying. They are satisfied with that particular stance because they are saying we are fooling them. What we really want to do is get the President's defense authorization through, and his defense appropriations. Then we do not mind about continuing resolutions, after-the-fact kind-of-budget resolutions, everything else, and then whatever is spent nobody will know the difference by November. It cannot take that quick an effect. We will just go ahead with deficits, and look out for the next year.

How do they do that? There is only one reason. That media up there lets them get by with it. If that media came to me, shoved that microphone under my nose and said "Governor"—I am walking down the capitol steps now in my own State capitol. I am trying to compare what goes on in Jackson, MS and what goes on in Washington, DC, I say to the distinguished Senator from Mississippi. And if you walk down the capitol steps or if I did in Columbia, SC, Jackson, MS, and they put that microphone under your nose, and said, "What do you intend to do about the $200 million deficit," say in Mississippi or South Carolina, which would compare to the $200 billion deficit we have at the Federal level and you reared back and said, "Well, wait a minute here. This is an election year, you know. We have a lot of political costs to get anything done in an election year. But after my reelection we are going to get together a bipartisan group, and we are all going to get together and start working on this." And one of those reporters at the State level would immediately say, "Governor, there is not going to be any reelection for you unless you do something between now and November." That would be the worst of politics. The local press would blast you. The local media would blast you. They would run you off the capitol steps with that kind of politics. That would be the worst politics in the world. But it sells in Washington. It is a sad thing to say. It sells up here. That is all you need to know. That crowd up there covering the stories thinks that is grand. "He gave them a smart answer. Let us go to the next thing." Nobody is saying or doing anything about it. No one writes the story.

Let me ask, since no one else is around, and I am beginning to enjoy this. I have Hubert Humphrey's disease. I will never forget his wife saying, "In order for a speech to be immortal, it cannot be eternal." So I am not going to make an eternal appearance.

But it seems to me that we could be doing better. Maybe I ought not to get into that particular field of the budget now because I have said enough here this afternoon. We ought to really try our dead-level best. A lot of people have become interested. Let me tell you the good. If you look at the amounts, and I remember on the Appropriations Committee we had no idea what we were spending. How have we done good? We do now have a backdrop. I just come out of a State-Justice-Commerce Subcommittee. We spent afternoons and evenings, and afternoons and mornings. And we finally got $26,000 below the figure given by the President trying to hold that line.

There it has worked. We have been given a budget amount, and if we had all been given an amount that we agreed on, it would work there. It has been working. There is a conscience around here, if we can only correlate it and bring it to bear on the floor of the Senate as the Senator from Florida is trying to do.

I know as a legislator that we have cut up the Presidential aims. They used to always cut out impacted aid for education, knowing we would put it

in. They would always cut out the amount for the veterans, knowing we would put the amount in for the veterans. They would always hide things within the Defense Department, a 2-percent insurance cut. That is, they increase the defense budget 2 percent knowing it would be cut so they would get the amount they wanted. We found that actually documented.

We have done away with all executive gimmicks.

The sad part is that we know the President has not submitted a budget that anyone in conscience in this Senate could present for a vote. That is a sad thing to say.

This year the President's budget was presented on the House side. The vote was held and it was defeated by something like 427 to 1. JACK KEMP was the only one they could find in the 435 membership over there who could offer it.

No one in the Senate has had the audacity to present that budget. It is out of the whole cloth. It gave no guidance.

Similarly, last year and the year before, I moved the President's budget. All 12 members of the Budget Committee on the President's side voted no against the President's budget.

The distinguished President has yet to introduce a budget that we can offer in the U.S. Senate.

So these are the things that we ought to be talking about, and not a balanced budget amendment. What has been the practice here in the National Congress? What have we done to fashion this? Do we not get any satisfaction from doing a good job? Are we all going down the pike on this same old idea of just get a poll, identify with it, and say: "I am concerned," and to heck with doing the job?

That is what the Senator from Florida as our ranking member on the Budget Committee is trying to do this afternoon, to call on the conscience of the membership to somehow, some where, some way bring to bear their sincerity and genuine feel about their particular job and not just march in and say: "You either take our figure or forget it," knowing they do not want a budget or a budget process. They want to get by with their particular bills. Thereafter, if a resolution can be conformed to the fact, then go ahead and conform the resolution. But do not put the facts on now. Do not say: "Let us have any spending limits, because we do not want the limits; we want to get our amounts, particularly on defense."

It is a sad thing.

I commend the Senator from Mississippi for doing his job with agriculture. He is trying to get his bill passed. I know he feels this point was raised on his particular bill. But it is the end of July and the first of August and we are about to leave.

Some where, some time, there has to be a conscience and there has to be a responsibility or there is no reason to be a U.S. Senator. That is the way the Senator from Florida feels. In a timely fashion, with too much time already having passed, certainly not after Labor Day when we come back, he is raising that point now for our colleagues to hear and see if we can do something on this budget to maintain an orderly process.

Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is, I think, ironic that the point we are making today about the lack of restraint and controlling spending is being made on a motion to waive the Budget Act to get a bill that will be $292 million below the spending level of 1984 if it and the 1984 supplemental bill are approved by the Senate.

I know that point has been made earlier, that this is not the reason why this bill has been singled out. This bill is within the budget allocation of the resolution which had been agreed to. There is no complaint being made of that by the Senator from Florida nor the Senator from South Carolina, who just discussed the process and some of the difficulties we have all witnessed in observing the budget process—the gamesmanship which has occurred, not just downtown with the administration but also on the Hill.

I can recall during the time when President Nixon was serving in the White House—and President Ford, too—that it was something of a game for the Congress to see how much they could put into a bill—how much was needed to trigger a veto. That was the question. The issue was not how much was needed to fund a program at an appropriate level of activity.

I can remember sitting over in the other body and observing Members engaging in a conversation designed to provoke the administration into vetoing a bill. I can remember that the Older Americans Act was one that was always picked out to fund at such excessive levels that if the administration tried to spend all the money that was allocated for those programs in that year, they could not physically do it unless they took buckets of money and just sort of poured the money out into the pipeline somehow. There was no way in the structure of many of those programs to deal with the funds that were being appropriated.

So there would be vetoes. Then the dialog and the rhetoric that followed would be of one accusing the other of being fiscally irresponsible, and the other would supposedly be insensitive to the needs of the elderly and the poor.

It got completely out of hand. We all know that. That is not a secret. It is ironic, though, that it is at this point during the legislative year or the appropriations process when we stop to make the point that there has been a lack of restraint, that the budget process has bogged down, for whatever reasons. I do not disagree with the fact that there is a problem. It is a very, very serious problem. This Congress and this Federal Government has to do a better job of meeting the challenge to restrain spending, to appropriate only those amounts of money that are really necessary, to try to stop the ineffective and inefficient use of Government money, and to get Government under control.

I certainly applaud the efforts being made to reach that goal, and I will support whatever effort is being developed, whatever new reforms can be brought to the Senate for that purpose.

Having made those points and having identified that as a serious problem, I think we ought to move on to the consideration of a bill that provides funding within the allocation that has been prescribed by the committee and within the levels that everybody, I think, would consider to be reasonable. The funding in this bill for the next fiscal year will be below the funding of those activities this fiscal year. This bill is an example of responsibility, in my judgment. Each member of the committee ought to be congratulated for the effort that has been made to work to see that the funding levels in this bill are reasonable, that they do reflect restraint, and, at the same time, demonstrate our sensitivity to the needs that we are trying to meet with the funding levels.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER [Mr. DANFORTH]. The Senator from Florida.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

Mr. CHILES. Mr. President, maybe we ought to open that message right away, because that may be the answer to our dilemma. If that message were to say: "I really think the committee ought to go forward with the budget resolution and I instruct you all to get off this dime and follow the law that

the Congress has set to restrain spending," by golly, that would just be wonderful news and we could let the distinguished Senator from Mississippi pass this good bill and go about our business.

Mr. COCHRAN. Mr. President, if the Senator will yield, the message is not that. It is simply a nomination sent to the Senate.

Mr. CHILES. I am disappointed, because I had hoped for the Senator from Mississippi that we would be able to resolve this thing and go forward.

Was that a nomination for a new chairman of the Council of Economic Advisers?

Mr. COCHRAN. No, Mr. President, the Commodity Futures Trade Commission.

Mr. CHILES. Mr. President, I had hope springing forth. I think every time I see the door open that there will still be hope that we can get on with this process.

I certainly agree with the Senator from Mississippi that we ought to be passing these appropriations bills. A lot of people have worked very hard in the committee to try to get these bills ready. I certainly want to see them passed. But when we talk about this particular bill, I congratulate the Senator from Mississippi that it is under the targets. I think that is very good. But I think what we finally decided back in 1974 was that we could not just decide that everybody would do right and that all of us would try to restrain spending. We realized that we had to try to invoke discipline.

We needed to invoke that discipline because we were starting programs that had formulas that ran on and ran into billions of dollars. We were not responsible in the way we conducted ourselves and that is why we came forth with the Budget Act. That act was to enforce that discipline upon us.

Now, if we say on any one appropriation bill, well, we have done right on this so we do not need the discipline at the end of the year, of course, we are going to see the entire year go by. It is already August. We have no budget resolution; we have no blueprint for how much we should spend for the entire year. Congress has not put its final stamp of approval on what the level of spending should be. So what happens to our discipline? Is it gone. It is out the window.

I think if it were not the agriculture bill, if it were the Labor, Health and Human Services bill, I know how many good projects would be in that. We would be dealing with education, we would be dealing with handicapped children, we would be dealing with job training, we would be dealing with research, with cancer—my goodness, everything in the world. And I am sure again we would say the subcommittee is within its formula, that the President has agreed to it, that the majority party has agreed to it and, therefore, we should pass this bill.

The same thing would happen when we got to the military construction bill, something that is very necessary for the country. If it were so necessary, we might have an authorization bill, and we do not even have an authorization bill. But we shall still have that appropriation bill. There would be a lot of people who would say, "Wait a minute, we have to have that. That is important. Do not let this little fight over the Budget Committee hold that up."

When I think back to the time that we first passed the act, I can imagine what Muskie and Bellmon would be doing on the floor of the Senate had we gone to August without a budget resolution. It makes me cringe. It makes me cringe at the fact that the Senator from Florida waited this long. It makes me ashamed of myself that I waited this long, because those fellows would not have waited.

They would have been on this floor raising 14 kinds of sand and something would probably have been done long before now. But the Senator from Florida just sort of lay back and said, "People are going to do right around here. I have confidence in the people that they are going to do right."

I had confidence as we went through June. I had confidence as we went through July. It is August; my confidence is gone. It is all gone now. I do not have any confidence.

I realize now that the Senator from Florida has sat on his duty, has not carried out the role that Henry Bellmon would have carried out as the ranking member on the Budget Committee over the years he was here, and certainly has not carried out the role that Senator Muskie would have carried out while he chaired the committee.

We have had discipline and we have enforced it up until this year. That discipline has broken down this year. I do not know why. As the Senator from New Mexico says, it is a very different year. I guess we have had a year under the Budget Committee which was divisible by four before, as this one is. I cannot remember exactly what happened in that year. That would have been 1980, I guess. But we did not have this kind of problem. Again, we had one in 1976. But somehow, we got through those years.

I am confident we can get through this year because the only thing we have to do is, really, just go sit down and resolve one little number. When that number is resolved, then we have a plan, then we have a blueprint. Then we shall be able to determine where we are going.

Until that is done, Mr. President, while I have been derelict, and I have, and while I have not carried out the duty that I should have done, and I have not, I am going to be the spirit for a while here of Henry Bellmon and Ed Muskie and try to do what they would have done long before now to try to see that we get that act and that we set it down.

I think maybe part of the problem is that 64 of the Senators were not here when we passed the act. Maybe that means that they do not know what the Senator from Mississippi knows and what the Senator from Florida knows, why we had to have this discipline, why we needed to try to control ourselves.

The Senator from Mississippi raised an argument that many people have raised before in my State. I am ranking member on this Budget Committee and if it is such a great committee, how come it has a $180 billion deficit now? The deficit was peanuts beforehand. I scratch my head a lot about that and think a lot. The answer I can come up with is that most of the problems today are from the programs we created prior to the time we had a Budget Act, prior to the time that we had a blueprint to look at what some of the programs are going to cost us. I also take solace from the fact that I do not see us starting any new grand and glorious programs such as we started in those past years. So I think, overall, there certainly has been a purpose to the act. I think that is the reason that we should continue the act.

Having said that, Mr. President, knowing those 64 Senators were not here in 1974, it may be that we have to take them to school. I would hope that the 36 who were here would help that, and I am delighted that they have been helping since we started this yesterday. But I guess we cannot expect miracles.

We cannot expect overnight that 64 people will understand, because it took us some years to pass the Budget Act, in order to realize how important and how necessary it was. Even from the time that we started drawing the act itself, I expect it was about 2 years from the genesis of the idea in 1972 until we got it passed. So I am an optimist. I know that Rome was not built in a day, so maybe it is going to take a little while before that 64 will understand the importance of the act.

We know when we start the year we need to follow these processes; there is a reason for following them, and unless we follow them, we are going to get ourselves in trouble. Then hopefully when the Senator from Mississippi comes in with a bill as good as this one, it will go through this Senate just as quick as a whistle because of the prior work that has been done in regard to the bill. I know that he has a bill which is well under the allocation and certainly would be very beneficial to agriculture. I look forward to him being able to move that bill.

Hope was springing in my heart again as the majority leader walked in; I thought maybe we had a message from on high that we were going to resolve this crisis, but I guess we may need to wait just a little longer before we have that.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes, as reported.

Senators Howard Baker, Ted Stevens, John Heinz, Chic Hecht, Strom Thurmond, Charles Mac Mathias, Mark Hatfield, Mack Mattingly, Bob Kasten, James Abdnor, Alfonse D'Amato, Pete Domenici, Jesse Helms, Paul Laxalt, Bob Dole, Thad Cochran and Arlen Specter.

Mr. BAKER. Mr. President, this cloture motion, of course, will ripen into a vote Monday next, assuming we will be in tomorrow. And we will be in tomorrow. We will be on this debate on the motion, if that is useful. But if there are other matters that we can do—and there are a few other things that might be worked in—then the leadership on this side is willing to consider that. But we will now have a vote on cloture on Monday. I will attempt to negotiate with the distinguished minority leader a mutually convenient time for this vote. Otherwise, as Members know, the vote will occur on Monday 1 hour after the Senate convenes after the establishment of a quorum pursuant to the provision of the rule.

Mr. President, I am ready to go into a time for the transaction of routine morning business——

Mr. CHILES. Mr. President, before the Senator does that, might I say to the distinguished majority leader that the Senator from Florida would not have any problem with taking up other matters tomorrow, if that appeared to be convenient, other than appropriation matters.

Mr. BAKER. I appreciate that. I have no desire to cut off anybody from speaking, but otherwise what I plan to do is put in a quorum and as soon as the minority leader reaches the floor we will probably go into morning business.

Mr. CHILES. Did the Senator assign a time for this cloture vote on Monday?

Mr. BAKER. No. Mr. President, that would require unanimous consent. I will consult with the minority leader on that. But otherwise, it will occur 1 hour after we convene on Monday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I wish to announce there will be no RECORD votes in the Senate today.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business until not later than 5:30 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, I have a few items that I have cleared for action by unanimous consent. The first is S. 1177 and the budget waiver to accompany it. If that matter is cleared for action by the minority leader, I will be able to go forward with it.

Mr. BYRD. Will the Chair indulge me for a moment?

Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1072, which is a Budget Act waiver.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 418) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1177.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 418

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1177, entitled "A bill to amend title 4 of the United States Code to complete the official seal of the United States." Such waiver is necessary to allow the authorization of a sum not to exceed $15,000 to enable the Secretary of State to cut a die and make appliances for making an impression of the reverse of the seal to complete the official seal of the United States.

GREAT SEAL ACT OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1032, S. 1177, which was referred to in the Budget Act waiver just adopted.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1177) to amend title IV of the United States Code to complete the official seal of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Seal Act of 1983".

SEC. 2. The Congress finds that—

(1) the Continental Congress, on June 20, 1782, adopted the design of the Great Seal of the United States consisting of an obverse and reverse side, however, only a die for the obverse side was cut and has been in use since September 16, 1782;

(2) the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes", approved July 7, 1884 (23 Stat. 194, chapter 332) appropriated funds to cut dies and make appliances to make impressions for both the obverse and reverse sides of the seal, however, only a die for the obverse side was cut; and

(3) the will of the Continental Congress and the United States Congress to cut dies for the complete seal has never been fulfilled. There exists a die and appliances only for the obverse side of the seal.

SEC. 3. The Secretary of State shall cut a die and make appliances for making an impression of the reverse of the seal to complete the official Seal of the United States.

SEC. 4. Section 41 of title 4, United States Code, is amended to read as follows:

"§ 41. Seal of the United States

"The obverse of the seal heretofore used by the United States in Congress assembled, together with the reverse of such seal as adopted in 1782 by the Continental Congress, is declared to be the seal of the United States."

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION HONORING U.S. OLYMPIC ATHLETES

Mr. BAKER. Mr. President, I have a resolution in respect to the Olympic athletes which I send to the desk on behalf of the distinguished Senator from Alaska [Mr. STEVENS] and the distinguished Senator from South Carolina [Mr. HOLLINGS], and I ask that the resolution be placed directly on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is with great pride that I introduce a Senate joint resolution today honoring our Olympic athletes. As always, our Olympians are representing our country with excellence and determination. The Congress, through this resolution, shows them how proud we are of their performance in the 23d Olympiad.

From Athens, Greece, in 776 B.C. to the modern era, the Olympic tradition has been one of competition and human excellence. Although the spirit of the games has not changed drastically, the size and scope of the games have. In 1896, when the modern Olympic games were founded, only 10 nations and 285 athletes competed in the games. Today more than 100 nations send over 6,000 athletes to compete.

The Olympic creed accents the spirit that accompanies the games:

> The most important thing in the Olympic Games is not to win but to take part, just as the most important thing is not the triumph, but the struggle. The essential thing is not to have conquered, but to have fought well.

Athletes from every country have accomplished a dream even to participate in the games, and for that they should be proud.

Since the first modern Olympic games held in 1896, the United States has continued to perform exceptionally. In fact, the Olympic motto, "Citius, Altius, Fortius," which means, "swifter, higher, stronger," fits the U.S. team like no other. Up to the games in Los Angeles, we have accumulated more medals than any other country in the world, with a total of 1,625. Also, the United States holds the record for the most gold medals. This is an incredible feat and Americans everywhere should be proud.

Especially significant to this summer's Olympic games is their location. America's team is being given the opportunity to perform at home, it should prove to be a very memorable experience for both the athletes and for all Americans. We also must not forget America's performance in Sarajevo, Yugoslavia. Our athletes reached new levels of success in Sarajevo, winning more medals than at any other winter Olympic games.

Our athletes' spirit and excellence is a reflection of both their excellence and America's excellence. For this we should all be very proud and salute them.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I say to the minority leader that there are nominations on today's Executive Calendar that have been cleared for action on this side of the aisle. I inquire of the minority leader if they are matters that he is prepared to clear as well. If he will advise me of the ones he has cleared, we will see if we can propose a group of nominations that might be done by unanimous consent.

Mr. BYRD. Mr. President, on this side, the following nominations have been cleared for action: Calendar No. 913, on page 4 of the Executive Calendar; the nominations beginning with Calendar No. 915 on page 5, going throughout the remainder of that page; through all of page 6; through all of page 7; through all of page 8; through all of page 9, and through all of page 10.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations just identified by the minority leader.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The first nomination will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Diana Lady Dougan, of Utah, to be Coordinator for International Communications and Information Policy, with the rank of Ambassador.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF DEFENSE

The legislative clerk read the nominations of Ann S. Peterson, of Illinois, and M. Robert Hill, Jr., of California, to be members of the Board of Regents of the Uniformed Services University of the Health Sciences.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

ARMY

The legislative clerk read the nominations of the following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of Title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert D. Hammond, [redacted], United States Army.
Brig. Gen. Robert D. Wiegand, [redacted], United States Army.
Brig. Gen. Joseph J. Skaff, [redacted], United States Army.
Brig. Gen. Gerald G. Watson, [redacted], United States Army.
Brig. Gen. Roger J. Price, [redacted], United States Army.
Brig. Gen. Jimmy D. Ross, [redacted], United States Army.
Brig. Gen. Carl W. Stiner, [redacted], United States Army.
Brig. Gen. Mark J. Sisinyak, [redacted], United States Army.
Brig. Gen. George K. Withers, Jr., [redacted], United States Army.
Brig. Gen. Charles E. Teeter, [redacted], United States Army.
Brig. Gen. Claude T. Ivey, [redacted], United States Army.
Brig. Gen. Lincoln Jones, III, [redacted], United States Army.
Brig. Gen. Eugene Fox, [redacted], United States Army.
Brig. Gen. Thomas P. McHugh, [redacted], United States Army.
Brig. Gen. Todd P. Graham, [redacted], United States Army.
Brig. Gen. Albin G. Wheeler, [redacted], United States Army.
Brig. Gen. Bruce R. Harris, [redacted], United States Army.
Brig. Gen. Gerald H. Bethke, [redacted], United States Army.
Brig. Gen. James W. van Loben Sels, [redacted], United States Army.
Brig. Gen. Isaac D. Smith, [redacted], United States Army.
Brig. Gen. James R. Taylor, [redacted], United States Army.
Brig. Gen. Harry D. Penzler, [redacted], United States Army.
Brig. Gen. Edwin M. Aguanno, [redacted], United States Army.
Brig. Gen. William S. Carpenter, Jr., [redacted], United States Army.
Brig. Gen. Harry E. Soyster, [redacted], United States Army.
Brig. Gen. Robert G. Lynn, [redacted], United States Army.
Brig. Gen. Robert D. Morgan, [redacted], United States Army.
Brig. Gen. William F. Burns, [redacted], United States Army.
Brig. Gen. Ellis D. Parker, [redacted], United States Army.
Brig. Gen. Thomas F. Cole, [redacted], United States Army.
Brig. Gen. J. Hollis V. McCrea, Jr., [redacted], United States Army.
Brig. Gen. James D. Smith, [redacted], United States Army.
Brig. Gen. Charles D. Bussey, [redacted], United States Army.
Brig. Gen. William H. Harrison, [redacted], United States Army.
Brig. Gen. Thomas N. Griffin, Jr., [redacted], United States Army.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of Title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Colin C. Campbell, [redacted]

Brig. Gen. James T. Dennis, [redacted].
Brig. Gen. Keith M. Eggen, [redacted].
Brig. Gen. Raymond R. Galloway, [redacted].
Brig. Gen. William A. Hornsby, [redacted].
Brig. Gen. James B. McGoodwin, [redacted].
Brig. Gen. Alan C. Roland, [redacted].

To be brigadier general

Brig. Gen. Julius J. Chosy, [redacted].
Col. Gerald E. Amundson, [redacted].
Col. Leroy C. Bell, [redacted].
Col. Furman P. Bodenheimer, Jr., [redacted].
Col. Fred M. Carter, [redacted].
Col. Paul G. Collins, [redacted].
Col. Boyd M. Cook, [redacted].
Col. Don O. Daniel, [redacted].
Col. Alonzo D. Dougherty, Jr., [redacted].
Col. Thomas D. Farmer, [redacted].
Col. Clyde E. Gutzwiller, [redacted].
Col. Donald W. Holliday, [redacted].
Col. Waylen E. Jobe, [redacted].
Col. Ralph C. Marinaro, [redacted].
Col. John W. Matthews, [redacted].
Col. Harold A. Miller, [redacted].
Col. Alfredo J. Mora, [redacted].
Col. Tolly P. Pickett, [redacted].
Col. James K. Prough, [redacted].
Col. Thomas W. Reynolds, [redacted].
Col. Charles F. Scharine, [redacted].
Col. Wendell L. Seldon, [redacted].
Col. Haroids D. Sommers, [redacted].
Col. Thomas G. Stone, [redacted].
Col. James J. Wasson, [redacted].
Col. Barry W. Young, [redacted].

AIR FORCE

The legislative clerk read the nominations of the following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James R. Brickel, [redacted], United States Air Force.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Harry A. Goodall, [redacted], United States Air Force.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

NAVY

The legislative clerk read the nomination of the following-named officer to be placed on the retired list in the grade indicated under the provisons of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Robert L. Walters, [redacted], U.S. Navy.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF DEFENSE

The legislative clerk read the nominations of Robert S. Cooper, of Virginia, and James Paul Wade, Jr., of Virginia, to be Assistant Secretaries of Defense.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

The legislative clerk read the nominations of Everett Pyatt, of Virginia, and Charles G. Untermeyer, of Texas, to be Assistant Secretaries of the Navy.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

The legislative clerk read the nominations of Donald C. Latham, of Virginia, and Robert W. Helm, of Virginia, to be Assistant Secretaries of Defense.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force, in the Army, and in the Navy placed on the Secretary's desk.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a sundry nomination which were referred to the Committee on Agriculture, Nutrition, and Forestry.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5798), making appropriations for the Treasury Department, the U.S. Postal Service, the executive office of the President, and certain independent agencies, for the fiscal year ending September 30, 1985, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROYBAL, Mr. ADDABBO, Mr. AKAKA, Mr. HOYER, Mr. BOLAND, Mr. LONG of Maryland, Mr. WHITTEN, Mr. MILLER of Ohio, Mr. RUDD, Mr. ROGERS, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes.

H.R. 6040. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the House has passed the following joint resolution, without amendment.

Senate Joint Resolution 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 6028. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

H.R. 6040. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

documents, which were referred as indicated:

EC-3609. A communication from the Deputy Assistant Secretary of Agriculture (Governmental and Public Affairs), transmitting, pursuant to law, the Report of the Secretary of Agriculture for 1983; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3610. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, selected acquisition reports and selected acquisition report summary tables for the quarter ended June 30, 1984; to the Committee on Armed Services.

EC-3611. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of supplemental contract award dates for the period July 1 to August 31, 1984; to the Committee on Armed Services.

EC-3612. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the Department of the Air Force's proposed letter of offer to Japan for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-3613. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 1007 of title 37, United States Code, to provide authority to collect from the pay of officers and enlisted members of the uniformed services, active and retired, amounts owed the United States or any of its instrumentalities, included nonappropriated fund activities, as a result of the issuance of checks that are dishonored; to the Committee on Armed Services.

EC-3614. A communication from the director of the Defense Security Assistance Agency, transmitting, pursuant to law, the Department of the Air Force's proposed letter of offer to Japan for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-3615. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on HUD-owned Multifamily Project Negotiated Sales; to the Committee on Banking, Housing, and Urban Affairs.

EC-3616. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the most recent report of the Commission in a series of reports on cigarette advertising; to the Committee on Commerce, Science, and Transportation.

EC-3617. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Private Mineral Rights Complicate The Management of Eastern Wilderness Areas"; to the Committee on Energy and Natural Resources.

EC-3618. A communication from the Federal Inspector of the Alaska Natural Gas Transportation System, transmitting, pursuant to law, quarterly reports on the status of the System for the period April through June 1984; to the Committee on Energy and Natural Resources.

EC-3619. A communication from the Secretary of State, transmitting, pursuant to law, the semi-annual reports for the period October 1983 through March 1984 listing voluntary contributions made by the United States Government to international organizations; to the committee on Foreign Relations.

EC-3620. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3621. A communication from the Assistant Secretary-Treasurer of the Retirement Plan for the Employees of the Seventh Farm Credit District, transmitting, pursuant to law, a report on the financial condition of the retirement plan; to the Committee on Governmental Affairs.

EC-3622. A communication from the United States Postal Service Records Officer transmitting, pursuant to law, a report on a modification to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3623. A communication from the U.S. Postal System Records Officer transmitting, pursuant to law, a report on a modification of a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3624. A communication from the Assistant Vice President of the Farm Credit Banks of Baltimore transmitting, pursuant to law, the annual actuarial and financial report for the Farm District of Baltimore Retirement Plan; to the Committee on Governmental Affairs.

EC-3625. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, proposed regulations governing access to Public Disclosure Division documents; to the Committee on Rules and Administration.

EC-3626. A communication from the Executive Associate Director for Budget, Office of Management and Budget, transmitting, pursuant to law, a report on the necessity to reapportion the Compensation and Pensions appropriation for the Veterans Administration on a basis indicating a need for a supplemental appropriation; to the Committee on Appropriations.

EC-3627. A communication from the Acting Assistant Secretary of the Army for Installations and Logistics transmitting, pursuant to law, a report on a decision to convert the heating plants and systems, Fort Detrick, Md. to performance under contract; to the Committee on Armed Services.

EC-3628. A communication from the Director of Civil Works, Army Corps of Engineers, transmitting, pursuant to law, the 1983 annual report on Civil Works Activities; to the Committee on Environment and Public Works.

EC-3629. A communication from the Benefits Manager, Farm Credit Banks of Texas, transmitting, pursuant to law, the 1983 report on the Farm Credit Banks of Texas Pension Plan; to the Committee on Governmental Affairs.

EC-3630. A communication from the Chief Immigration Judge, Department of Justice, transmitting, pursuant to law, a report on suspension of certain deportation orders under section 244(a)(1) and (2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. 1249. A bill to add a representative of Indian tribal governments to the membership of the Advisory Commission of Intergovernmental Relations (Rept. No. 98-569).

By Mr. HATFIELD, from the Committee on Appropritions, with amendments:

H.R. 6040. An act making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-570).

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4280. A bill to amend the Employee Retirement Income Securtiry Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes.

Mr. DOLE. Mr. President, I ask unanimous consent that a technical explanation of H.R. 4280 as reported by the Committee on Finance be printed in the RECORD.

SENATOR DOLE

TECHNICAL EXPLANATION OF H.R. 4280, THE RETIREMENT EQUITY ACT OF 1984, AS AMENDED BY THE COMMITTEE ON FINANCE

I. SUMMARY

1. Periods of employee service taken into account under pension, profit-sharing, and stock bonus plans

Maximum age conditions.—The bill reduces from 25 to 21 the maximum age a pension, profit-sharing, or stock bonus plan (pension plan) generally can require an employee to attain as a condition of becoming a participant in the plan. Additionally, a plan is not permitted to ignore service after age 18 for purposes of determing the vested portion of a participant's benefit. The bill also makes changes to the maximum age conditions for employees of certain educational institutions.

Break in service rules.—The bill provides that, in the case of a nonvested participant, years of service with the employer or employers maintaining a pension plan before any period of consecutive 1-year breaks in service are required to be taken into account for participation and vesting purposes after a break in service unless the number of consecutive 1-year breaks in service equals or exceeds the greater of (1) 5 years or (2) the aggregate number of years of service before the consecutive breaks in service.

In addition, the bill provides that, in the case of a participant in certain plans, years of service after a break in service must be counted for purposes of determining the vested percentage of the participant's accrued benefit derived from employer contributions before the break in service unless the participant incurs at least 5 consecutive 1-year breaks in service.

Maternity and paternity leave.—The bill provides rules relating to crediting of service for cases in which an employee is absent from work because of maternity or paternity leave. Under the bill, certain hours of absence (up to 501 hours) on account of pregnancy, birth, adoption, or certain child care are taken into account in determining whether a break in service has occurred under the participation and vesting rules.

2. Survivor benefit requirements

Under the bill, a defined benefit or money purchase pension plan is required to provide automatic survivor benefits (1) in the case of a participant who retires under the plan, in the form of a qualified joint and survivor annuity, and (2) in the case of a vested participant who dies before the annuity starting date and who has a surviving spouse, in the form of a qualified preretirement survivor annuity. An exception is provided under the bill for a money purchase pension plan that is adopted as part of an employee stock ownership plan (ESOP). The automatic survivor benefit also applies to any participant under a profit-sharing or stock bonus plan unless (1) the participant does not elect benefits in the form on a life annuity, (2) the plan pays the full vested account balance to the participant's surviving spouse if the participant dies, and (3) the plan is not a direct or indirect transferee of a plan required to provide automatic survivor benefits.

Under the bill, a participant is to be given the opportunity to waive the qualified joint and survivor annuity and the qualified preretirement survivor annuity unless the plan fully subsidizes the cost of those benefits. In addition, an election to waive a qualified joint and survivor annuity or a qualified preretirement survivor annuity is not to be effective unless it is in writing and is signed by the participant and the participant's spouse.

The bill generally defines the period during which a participant may waive a survivor benefit (or revoke such a waiver) to mean (1) in the case of a qualified joint and survivor annuity, a period of time not to exceed 90 days before the annuity starting date; or (2) in the case of a qualified preretirement survivor annuity, a period beginning on the first day of the plan year in which the participant attains age 35 and ending on the date of the participant's death.

3. Assignment or alienation of benefits in divorce, etc., proceedings

In the case of a judgment, decree, or order relating to child support, alimony payments, or marital property rights pursuant to a State domestic relations law that meets certain requirements (a qualified domestic relations order), the bill clarifies that such order does not result in a prohibited assignment or alienation of benefits under the spendthrift provisions of the Code or ERISA. In addition, the bill provides that the general ERISA preemption rule does not apply to these qualified domestic relations orders.

The bill requires that a qualified domestic relations order identify the parties involved and provide specific instructions for determining the portion of plan benefits payable to an alternate payee (a spouse, former spouse, child, or other dependent) under the order. The bill requires that benefits under the order be in a form otherwise provided by the plan. The bill provides procedures to be followed by the plan administrator when the benefits payable under an order are in dispute.

4. Cash out of certain accrued benefits

Under the bill, a plan is treated as providing nonforfeitable benefits even if the plan provides for a cash out of a separated participant's benefit without the participant's consent if the present value of the benefit does not exceed $3,500. The limit under present law is $1,750. For purposes of determining the present value of the participant's benefit, the bill provides that a plan may not use an interest rate that is greater than the rate used by the Pension Benefit Guaranty Corporation (PBGC) for valuing a lump sum distribution upon plan termination.

5. Notice of forfeitability of benefits

Present law requires that a plan furnish a participant with a statement of benefits under certain circumstances. The bill requires that the statement include a notice that certain benefits may be forfeitable in the event the participant dies before a particular date.

6. Notice of rollover treatment

Under present law, a plan administrator is not required to notify a plan participant receiving a qualifying rollover distribution that the distribution may be rolled over, tax-free, within 60 days after the date of the distribution. The bill requires the plan administrator to provide notice to participants and beneficiaries that distributions may be eligible for (1) rollover to an IRA or another qualified plan or (2) 10-year income averaging. The Secretary of the Treasury is to develop officially approved notices that may be used to satisfy this requirement.

7. Reduction of accrued benefits

Under present law, a pension plan must provide definitely determinable benefits. A pension plan may not be amended to reduce previously accrued benefits. The bill includes provisions relating to the permitted effect of plan amendments with respect to previously accrued benefits.

8. Study by the General Accounting Office

The bill directs the General Accounting Office (GAO) to conduct a detailed study of the effect on women of the rules relating to pension, profit-sharing, and stock bonus plans. The results of this study are to be reported to various committees of the Congress no later than January 1, 1990.

9. Effective dates

The provisions of the bill generally are effective for plan years beginning after December 31, 1984. In the case of a plan maintained pursuant to one or more collective bargaining agreements ratified by the date of enactment between employee representatives and one or more employers, the provisions are generally not effective for plan years beginning before the earlier of (1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension agreed to after the date of enactment) or (2) January 1, 1987. Special effective dates apply with respect to the qualified survivor benefit provisions and with respect to reductions of accrued benefits.

II. EXPLANATION OF THE BILL

A. Periods of Employee Service Taken Into Account Under Pension, Profit-Sharing, and Stock Bonus Plans (Secs. 102 and 202 of the bill, secs. 202 and 203 of ERISA, and secs. 410 and 411 of the Code)

Present Law

Minimum participation, vesting, and benefit accrual requirements

In general

If a pension, profit-sharing or stock bonus plan qualifies under the tax law ("qualified plan"),[1] then (1) a trust under the plan generally is exempt from income tax, (2) employers generally are allowed deductions (within limits) for plan contributions for the year for which the contributions are made even though participants are not taxed on plan benefits until the benefits are distributed, (3) benefits distributed as a lump sum distribution are accorded special long-term capital gain or 10-year averaging treatment, or may be rolled over, tax-free, to an individual retirement account (IRA) or to another qualified plan, and (4) limited estate and gift tax exclusions may be available.

Under a pension, profit-sharing, or stock bonus plan ("pension plan") benefits are provided to participants under plan formulas that determine the amount of the benefit a participant may earn, the portion of that benefit that has been earned, and the portion of the earned benefit that is vested or nonforfeitable. Accordingly, plans provide rules for determining whether an employee is a plan participant (the employee participation rules), for measuring benefits (the benefit formula), for determining the portion of the benefit that has been earned (the benefit accrual rules), and for determining the vested percentage of a participant's accrued benefit (the vesting schedule). If a joint and survivor benefit is not provided and the participant dies before payment of benefits commences, the participant's surviving spouse may not be eligible to receive benefits under the plan.

Under present law, a pension plan must satisfy certain minimum standards relating to the conditions under which employees may be excluded from plan participation, to the method under which plan benefits are accrued, and to the vesting schedule. The participation standards limit the permissible exclusions based on the age and period of service completed by an employees.[2] The benefit accrual standards are based upon the number of years of plan participation. The vesting schedule standards are generally based upon the number of years of service with the employer that the employee has completed.

Participation

Under present law,[3] a pension plan generally may not require an employee to complete more than one year of service or attain an age greater than 25 as a condition of plan participation.[4] Employees of certain educational institutions may be excluded from plan participation up to age 30 under present law.

For purposes of the participation requirements, the term "year of service" generally means a consecutive 12-month period during which an employee has worked at least 1,000 hours.[5] The first 12-month period is

[1] Sec. 401(a) or 403(a) of the Code.

[2] In addition, the Code provides minimum coverage rules for qualified pension plans. These rules are designed to require that qualified pension plans provide participation to a minimum percentage of employees or to a broad cross-section of employees.

[3] Sec. 410(a) of the Code.

[4] Accordingly, an employee generally may not be excluded from plan participation on the basis of length of service if the employee has completed one year of service and generally may not be excluded on the basis of age if the employee has attained age 25. An employee who has completed one year of service and who has attained age 25 may, however, be excluded from plan participation on other grounds (for example, a plan may be limited to employees within a particular job classification).

[5] Sec. 410(a)(3) of the Code.

measured from the date the employee begins service with the employer (or, under certain circumstances, a predecessor employer). Accordingly, an employee has fulfilled the year of service requirement if at least 1,000 hours of service are completed by the first anniversary date of employment. Later 12-month periods may be based on the plan year.

Vesting

The rules for pension plans generally require that a plan meet one of three alternative minimum vesting schedules.[6] Under these schedules, an employee's right to accrued benefits derived from employer contributions become nonforfeitable (vest) to varying degrees upon completion of specified periods of service with an employer (or, under certain circumstances, a predecessor employer). An employee's right to benefits derived from employee contributions is immediately nonforfeitable.

Under one of the minimum schedules, full vesting is required upon completion of 10 years of service (no vesting is required before the end of the 10th year.[7] Under a second schedule, vesting begins at 25 percent after completion of 5 years of service and increases gradually to 100 percent after completion of 15 years of service.[8] Under these two vesting schedules, all years of service with the employer maintaining the plan after attainment of age 22 generally must be taken into account for purposes of determining an employee's vested percentage. The third schedule takes both age and service into account, but in any event requires 50 percent vesting after 10 years of service and an additional 10 percent vesting for each year thereafter until 100 percent vesting is attained after 15 years of service.[9] Under this schedule, all years of service with the employer (including years of service prior to age 22) must be taken into account for purposes of determining an employee's vested percentage if, during those years, the employee participated in the plan. A faster vesting schedule is required if the employer maintains a qualified plan that is a top-heavy plan.[10]

Under present law, certain forfeitures of vested benefits are permitted. Thus, a right to an accrued benefit derived from employer contributions is not treated as forfeitable merely because the plan does not pay benefits after the participant dies (other than the payment of a survivor benefit required under the qualified joint and survivor annuity rules).

Break in service rules

In general, all years of service with the employer maintaining a pension plan are taken into account for purposes of the minimum participation requirements. No credit need be provided, however, for periods during which an employee is considered to have a break in service. In some cases, an employee who returns to work for an employer after a break in service may lose credit for pre-break service.

A plan may provide that a 1-year break in service occurs in a 12-month measuring period in which the employee does not complete more than 500 hours of service.[11] If an employee has incurred a 1-year break in service, the plan may require a 1-year waiting period before reentry. Upon reentry, the employee's pre-break and post-break service generally are required to be aggregated, and the employee is required to receive full credit for the reentry waiting period service if any part of the employee's benefit derived from employer contributions was vested or if the number of 1-year breaks in service is less than the number of years of service completed before the break (the "rule of parity").[12] A plan may provide that an employee who completes more than 500 hours of service but fewer than 1,000 hours of service has neither a 1-year break in service nor a year of service for participation purposes.

Break in service rules also apply under the vesting rules. The break in service rules applicable in determining the number of years of service taken into account for vesting purposes under a defined benefit plan[13] are similar to the break in service rules that apply for plan participation purposes. A special break in service rule applies for purposes of the vesting rules in the case of a defined contribution plan.[14] Post-break service need not be taken into account under such a plan in determining the nonforfeitable percentage for employer contributions made before the break in service.[15]

Benefit accruals

Present law[16] requires that a participant in a defined benefit pension plan accrue (earn) the normal retirement benefit provided by the plan at certain minimum rates. The acrual rules are designed to limit backloading of benefit accruals as a technique to avoid the minimum vesting standards. Under a backloaded accrual schedule, a larger portion of the benefit is earned each year in later years of service. Accordingly, under a plan with backloaded accruals, an employee who separates from service before reaching retirement age earns a disproportionately lower share of the benefit.

Maternity or paternity leave

For purposes of the minimum participation, vesting, and benefit accrual requirements, a pension plan is not required to give an employee credit for periods of time during which the employee is not compensated for maternity or paternity leave. A pension plan generally is required to credit sufficient hours, up to 501 hours of service for participation and vesting purposes for paid maternity or paternity leave in order to prevent a break in service.

Reasons for change

The committee recognizes that the rules of present law relating to the maximum age conditions and years of service counted for vesting service tend to disadvantage women workers. In addition, the present law break in service rules often make it difficult for an individual to take an adequate leave of absence from work on account of the birth or adoption of a child without loss of credit for participation and vesting purposes under the employer's qualified plan.

Explanation of provisions

Maximum age conditions

The bill provides that a pension plan may not require, as a condition of participation, completion of more than one year of service or attainment of an age greater than 21 (whichever occurs later).[17] The reduction in the maximum participation age further limits the extent of backloading of benefit accruals.

Under the bill, a plan is not permitted to ignore, for purposes of the minimum vesting requirements, an employee's years of service completed after the employee has attained age 18.

Break in service rules

The bill provides that, in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service are required to be taken into account after a break in service unless the number of consecutive 1-year breaks in service equals or exceeds the greater of (1) 5 years or (2) the aggregate number of years of service before the consecutive 1-year breaks in service. As under present law, if any years of service are not required to be taken into account by reason of a period of breaks in service under this rule, then those years of service are not required to be taken into account under the bill if there is a subsequent break in service. This "rule of parity" is applicable for participation and vesting purposes.

For example, if a nonvested participant with 3 years of service under a plan terminates employment and incurs a consecutive 1-year breaks in service, the plan generally is not permitted to disregard the participant's 3 years of service for either participation or vesting purposes upon the participant's resumption of employment with the employer. On the other hand, if the participant incurs 5 consecutive 1-year breaks in service under this example, the plan could disregard the years of service prior to the break in service.

In addition, the bill provides that, in the case of a participant in a defined contribution plan or in a defined benefit pension plan funded solely by insurance contracts, years of service after a break in service are counted for purposes of determining the vested percentage of the participant's accrued benefit derived from employer contributions before the break in service unless the participant incurs at least 5 consecutive 1-year breaks in service. Under the bill, a conforming change is made to the rules relating to the cash out of accrued benefits.

Maternity or paternity leave

Under the bill, for purposes of determining whether a break in service has occurred for participation and vesting purposes, an individual is deemed to have completed hours of service during certain periods of absence from work. This rule applies to an individual who is absent from work (1) by reason of the pregnancy of the individual, (2) by reason of the birth of a child of the individual, (3) by reason of the placement of a child in connection with the adoption of the child by the individual, or (4) for purposes of caring for the child during the

[6] Sec. 411(a) of the Code.
[7] Sec. 411(a)(2)(A) of the Code.
[8] Sec. 411(a)(2)(B) of the Code.
[9] Sec. 411(a)(2)(C) of the Code.
[10] Also, faster vesting may be required to prevent discrimination in favor of employees who are officers, owners, or highly compensated.
[11] Sec. 410(a)(5) of the Code.
[12] Sec. 410(a)(5) of the Code.
[13] Other than certain defined benefit plans funded solely with insurance contracts.
[14] This special rule also applies to certain defined benefit plans funded solely with insurance contracts.
[15] Sec. 411(a)(6)(C) of the Code.
[16] Sec. 411(b) of the Code.
[17] In addition, the bill changes the maximum age requirement under a plan maintained exclusively for the benefit of employees of certain tax-exempt educational organizations (sec. 410(a)(1)(B)(ii) of the Code) from 30 to 26.

period immediately following the birth or placement for adoption.

The committee intends that an individual will qualify for this maternity or paternity leave credit if a child is placed with the individual for a trial period prior to adoption. No credit need be given, however, merely by reason of the placement of a child in a foster home.

During the period of absence, the individual is treated as having completed (1) the number of hours that normally would have been credited out for the absence, or (2) if the normal work hours are unknown, eight hours of service for each normal workday during the leave (whether or not approved). The total number of hours of service required to be treated as completed under the bill is 501 hours.

The hours of service required to be credited under the bill must be credited only (1) in the year in which the absence begins for one of the permitted reasons if the crediting is necessary to prevent a break in service in that year, or (2) in the following year. For example, an individual who completes at least 501 hours during a year before leaving employment by reason of pregnancy or who is otherwise entitled to credit for up to 501 hours during the year is entitled to credit of up to 501 hours in the next year, because such credit is not needed in the year in which the absence begins.

Under the bill, an individual is not entitled to credit for maternity or paternity leave unless the absence from work is for one of the permitted reasons. For example, suppose that an individual was absent from work on account of a layoff, gave birth to a child two years after the layoff began, and was not recalled to work. Under these circumstances, the individual is not entitled to credit for maternity or paternity leave because the absence from work was not for one of the permitted reasons. On the other hand, if the employer had recalled the individual immediately prior to the birth of the child, the individual would be entitled to credit for maternity or paternity leave.

An employer may require, as a condition of providing credit for the hours required under this rule, that the individual certify to the employer that the leave was taken for the permitted reasons. This certification could be required to include, for example, a statement from a doctor that the leave was taken by reason of the birth of a child of the individual. In addition, the employer may require that the individual supply information relating to the number of normal work-days for which there was an absence. The committee intends that credit will not be denied for failure to supply any required information if the plan administrator has access to the relevant information without regard to whether the participant submits it.

Under the bill, hours credited under these rules for maternity or paternity leave are not required to be taken into account for purposes of determining a participant's year of participation under the benefit accrual rules.

Effective dates

The service-counting provisions generally are effective for plan years beginning after December 31, 1984. In the case of a plan maintained pursuant to one or more collective bargaining agreements ratified before the date of enactment between employee representatives and one or more employers, the provisions are not effective for plan years beginning before the earlier of (1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension agreed to after the date of enactment) or (2) January 1, 1987.

The provisions of the bill relating to the maximum age conditions do not apply retroactively. Thus, for example, if an employee with 3 years of service is age 24 on the effective date, the employee is to immediately become a participant in the pension plan, but need not be given credit, for benefit accrual purposes, for the prior years of service. The provisions of the bill relating to the age at which years of service must be counted for vesting purposes is effective for participants who have at least an hour of service on or after the effective date. Thus, in the above example, the employee would be credited with three years of service for vesting purposes (from age 21) on becoming a participant.

With respect to the maternity or paternity leave provision, if a plan credits hours of service in accordance with the requirements of the provision for plan years beginning after the effective date, of the provision for the plan (without regard to whether the plan has been amended), the plan (1) need not be amended to meet the requirements of the provision until the plan is first otherwise amended after the effective date and (2) does not fail to provide definitely determinable benefits (within the meaning of the tax qualification rules for pension plans under the Internal Revenue Code) merely because the plan provides the required credit for maternity or paternity leave not specified in the plan.

B. Survivor Benefit Requirements (Secs. 103 and 203 of the bill, secs. 205 and 206 of ERISA, and secs. 401 and 417 of the Code)

Present law

Under present law,[18] if the normal form of benefits under a pension plan is a life annuity or if a participant elects benefits in the form of a life annuity under a plan and the participant is married for the 1-year period ending on the date the annuity payments begin, the benefit is to be paid in the form of a qualified joint and survivor annuity unless the participant elects an annuity in another form.[19] A joint and survivor annuity provides benefits for the joint lives of the participant and another individual and, after the death of either, provides a benefit for the life of the survivor. Under a qualified joint and survivor annuity, benefits are payable for the joint lives of the participant and the participant's spouse and, if the spouse survives the participant, the survivor benefit to the spouse may not be less than one-half of the benefits payable during the joint lives of the couple.

In the case of a participant who is eligible to retire before the normal retirement age under the plan, and who has not retired, the participant is eligible to elect an early survivor annuity benefit. This benefit is not required to be provided, however, unless the participant affirmatively elects benefits in this form. Thus, under present law, if the plan provides that no benefits will be paid with respect to a participant who dies while still employed but after attaining the plan's early retirement age, the plan need not provide a survivor annuity to the participant's spouse unless the participant, prior to death, made an affirmative election with respect to the survivor annuity. Moreover, the plan need not make this survivor annuity option available until the later of the time the employee attains the earliest retirement age under the plan or is within 10 years of normal retirement age (whichever is late).

The employee is to be afforded a reasonable opportunity to elect not to receive a qualified joint and survivor benefit before benefit payments begin. This election is effective without regard to whether the participant's spouse consents to the election. A plan may provide that any election, or revocation of an election, with respect to joint and survivor benefits is not effective if the participant dies within a period of time (not in excess of two years) after making the election or revocation (except in the case of accidental death if the accident that causes death occurs after the election).

The Internal Revenue Service has issued regulations interpreting the joint and survivor annuity rules to provide that a plan need not provide a survivor annuity to a surviving spouse if the spouse was not married to the participant for at least the one-year period before the date of death.[20]

Reasons for change

The committee believes that present law results in inequitable treatment of participants in pension plans who die before reaching the normal retirement age under the employer's plan. Under the rules of present law, the participant's spouse may be entitled to no survivor benefits under the plan even though the participant had accrued significant vested benefits before death. Therefore, the committee believes that it is appropriate to provide automatic survivor benefits to the spouses of vested participants.

In addition, because the committee believes that a spouse should be involved in making choices with respect to retirement income on which the spouse may also rely, the bill requires spousal consent when a participant elects not to take a survivor benefit.

Explanation of provision

In general

Under the bill, a pension plan is to provide automatic survivor benefits (1) in the case of a participant who retires under the plan, in the form of a qualified joint and survivor annuity and (2) in the case of a vested participant who dies before the annuity starting date (the first period for which an amount is received as an annuity (whether by reason of death or disability) under the plan) and who has a surviving spouse, in the form of a qualified preretirement survivor annuity. A vested participant is any participant (whether or not still employed by the employer) who has a nonforfeitable right to any portion of the accrued benefit derived from employer contributions.

The provisions of the bill requiring automatic survivor benefits apply to any pension plan. An exception is provided, however, for a participant under a profit-sharing or stock bonus plan if (1) the plan provides that the nonforfeitable accrued benefits will be paid to the surviving spouse of the participant (or to another beneficiary if the surviving spouse consents or if there is no surviving spouse) if the participant dies, (2) under a plan that offer a life annuity, the participant does not elect payment of benefits in the form of a life annuity, and (3) with respect to the participant, the plan is not a

[18] Sec. 401(a)(11) of the Code.

[19] For example, a participant may elect a benefit in the form of a single life annuity. If a single life annuity is elected, benefit payments generally end with the death of the participant.

[20] Treas. Reg. sec. 1.401(a)-11(d)(3).

direct or indirect transferee of a plan required to provide automatic survivor benefits. A plan is a transferee of a plan required to provide automatic survivor benefits if the plan (1) receives a direct transfer of assets in connection with a merger, spinoff or conversion of a plan or (2) receives a direct transfer of assets solely with respect to the participant. Also, a plan is a transferee if it receives amounts from a plan that is a transferee. As under present law, the cost of survivor benefit coverage may be imposed on the participant or beneficiary.

Under the bill, an exception to the application of the rules relating to joint and survivor benefits is provided in the case of certain employee stock ownership plans (ESOPs) for the portion of an employee's accrued benefit that is subject to the requirements of section 409(h) of the Code. This exception applies only if the requirements applicable to profit-sharing and stock bonus plans are also met.

Qualified joint and survivor annuity and qualified preretirement survivor annuity

Under the bill, a qualified joint and survivor annuity is an annuity for the life of the participant with a survivor annuity for the life of the spouse that is not less than 50 percent (and not greater than 100 percent) of the amount that is (1) payable during the joint lives of the participant and the spouse, and (2) the actuarial equivalent of a single life annuity for the life of the participant. A qualified joint and survivor annuity also includes an annuity having the effect of a qualified joint and survivor annuity, which is defined as a benefit at least the actuarial equivalent of the normal form of life annuity or, if greater, any optional form of life annuity. Equivalence may be determined on the basis of consistency applied reasonable actuarial factors if such determination does not result in discrimination in favor of employees who are officers, shareholders, or highly compensated.

The bill defines a qualified preretirement survivor annuity as an annuity for the life of the surviving spouse of the participant. The amount of the payments under a qualified preretirement survivor annuity is not to be less than the payments that would have been made under the qualified joint and survivor annuity if (1) in the case of a participant who dies after attaining the earliest retirement age under the plan, the participant had retired with an immediate qualified, joint and survivor annuity on the day before the participant's death, and (2) in the case of a participant who dies on or before the earliest retirement age under the plan, the participant had separated from service on the date of death, survived until the earliest retirement age, and retired at that time with a qualified joint and survivor annuity. In the case of a defined contribution plan, the payments under a qualified preretirement survivor annuity are not to be less than the payments under a single life annunity, the present value of which is at least equal to 50 percent of the participant's account balance on the date of death. Under the bill, the plan is not to prohibit the commencement of the qualified preretirement survivor annuity to the surviving spouse later than the month in which the participant would have reached the earliest retirement age under the plan. If the surviving spouse wishes to delay commencement of benefit payments until a later date and the present value of the benefit is more than $3,500 at the earliest retirement date, then the plan cannot require that benefit payments commence at the participant's earliest retirement age. Of course, the incidental benefit rule of present law is required to be satisfied with respect to the preretirement survivor benefit.

Election and notice procedures

Under the bill, a participant is to be given the opportunity to waive the qualified joint and survivor annuity and qualified preretirement survivor annuity during the applicable election period. In addition, the participant is permitted to revoke any waiver during the applicable election period. The bill does not limit the number of times a participant may waive a survivor benefit or revoke a waiver.

The bill provides that the consent of a participant's spouse is required for an election to decline the qualified joint and survivor annuity and the qualified preretirement survivor annuity. This consent is to be given in writing at the time of the participant's election, and the consent is to acknowledge the effect of the election. A consent is not valid unless it is witnessed by a plan representative or a notary public. Any consent obtained is effective only with respect to the spouse who signs it.

The requirement that the consent of the spouse be obtained may be waived if it is established to the satisfaction of a plan representative that the consent required cannot be obtained because there is no spouse, because the spouse cannot be located, or because of other circumstances that the Secretary of the Treasury prescribes by regulation.

If the plan administrator acts in accordance with the fiduciary standards of ERISA in securing spousal consent or in accepting the representations of the participant that the spouse's consent cannot be obtained, then the plan will not be liable for payments to the surviving spouse. For example, if the plan administrator receives a notarized spousal consent, valid on its face, which the administrator has no reason to believe is invalid, the plan would certainly be allowed to rely on the consent even if it is, in fact, invalid. In addition, if a third-party payor relies on a consent obtained or determination made by the plan administrator who acts in accordance with the fiduciary standards, or if a third party payor acting in accordance with such standards (whether or not the payor is a plan fiduciary under ERISA) establishes that consent cannot be obtained, then the payor will be relieved of any liability for payments to the surviving spouse.

As under present law, the plan is required to provide to the participant, within a reasonable period of time before the annuity starting date, a written explanation of (1) the terms and conditions of the qualified joint and survivor annuity, (2) the participant's right to make, and the effect of, an election to waive the qualified joint and survivor annuity, (3) the rights of the participant's spouse, and (4) the right to revoke an election and the effect of such a revocation. In addition, the committee intends that plans will provide to participants notification of their rights to decline a qualified preretirement survivor annuity before the applicable election period. This notice is to be provided within the period beginning on the first day of the plan year in which the participant attains age 32 and ending with the close of the plan year in which the participant attains age 35. This notice is to be comparable to the notice required with respect to the qualified joint and survivor annuity. Of course, the preretirement survivor benefit coverage may become automatic prior to the time that the participant is entitled to decline such coverage.

Under the bill, a plan is not required to provide notice of the right to waive the qualified joint and survivor annuity or the qualified preretirement survivor annuity if the plan fully subsidizes the cost of the benefit. A plan fully subsidizes the costs of a benefit only if the failure to waive the benefit by a plan participant does not result in either (1) a decrease in any plan benefits with respect to the participant, or (2) in increased plan contributions by the participant. A plan that provides for no employee contributions and does not require employee contributions if the participant does not waive any survivor benefits is treated as not requiring increased plan contributions by the participant. A plan may fully subsidize the cost of the qualified joint and survivor annuity, the qualified preretirement survivor annuity, or both.

The bill defines the applicable election period to mean (1) in the case of a qualified joint and survivor annuity, a period of time not exceeding 90 days before the annuity starting date or (2) in the case of a qualified preretirement survivor annuity, a period beginning on the first day of the plan year in which the participant attains age 35 and ending on the date of the participant's death. If a participant separates from service, the applicable election period begins on that date with respect to benefits accrued before the separation from service. For example, if a participant who is age 30 separates from service with vested, accrued benefits of $4,000, the participant is permitted to waive the qualified preretirement survivor annuity with respect to the benefits of $4,000 at the time of separation from service. If the participant returns to service at age 32, the applicable election period with respect to benefits accrued after the participant returns does not begin until the first day of the plan year in which the participant attains age 35. Thus, the participant will have automatic survivor coverage during the period from age 32 to 35 with respect to the vested benefits accrued during that period, without regard to whether the participant wavied the coverage with respect to the pre-separation accrued benefits. At age 35, the participant may waive any preretirement survivor annunity coverage. Of course, a waiver made by a participant or by a participant and spouse is not valid with respect to a future spouse.

Special rules

The bill provides that a qualified joint and survivor annuity is not required to be provided by a plan unless the participant and spouse have been married throughout the one-year period ending on the earlier of (1) the participant's annuity starting date (the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability)), or (2) the date of the participant's death. If a participant dies after the annuity starting date, the spouse to whom the participant was married during the one-year period ending on the annuity starting date is entitled to the survivor annuity under the plan whether or not the participant and spouse are married on the date of the participant's death. This rule does not apply, however, if a qualified domestic relations order (see C. below) otherwise provides for the division or payment of the participant's retirement benefits. For example, a qualified domestic relations order could provide that the

former spouse is not entitled to any survivor benefits under the plan.

Under the bill, an exception to the one-year marriage requirement is provided if a participant marries within one year before the annuity starting date and the participant has been married to that spouse for at least one year ending on the date of the participant's death. The committee recognizes that this exception may create administrative burdens for a plan in cases in which the participant has not been married for one year before the payment of benefits commence. The committee intends that the plan may require a participant to notify the plan when the participant has been married for one year so that the plan administrator may alter the form of benefit payments to reflect the qualified joint and survivor annuity if the participant and spouse do not waive it.

If a former spouse of a participant is entitled to receive a portion of the participant's benefit under a qualified domestic relations order, the qualified joint and survivor annuity and qualified preretirement survivor annuity requirements do not apply unless they are consistent with the order. A plan is not required to provide a qualified joint and survivor annuity or a qualified preretirement survivor annuity to the spouse of a participant's former spouse.

The bill provides that a plan may immediately distribute the present value of the benefit under either the qualified joint and survivor annuity or the qualified preretirement survivor annuity if the present value of the benefit does not exceed $3,500. No distribution may be made after the annuity starting date unless the participant and the participant's spouse (or the surviving spouse of the participant) consent in writing to the distribution.

In addition under the bill, if the present value of the benefit under the qualified joint and survivor annuity or the qualified preretirement survivior annuity exceeds $3,500, the participant and spouse (or the surviving spouse if the participant has died) must consent in writing before the plan can immediately distribute the present value. For purposes of calculating the present value of a benefit as of the date of the distribution, the plan is required to use an interest rate no greater than the rate used by the Pension Benefit Guaranty Corportion (PBGC) in valuing a lump sum distribution plan termination. The committee intends that the PBGC rate in effect at the beginning of a plan year may be used throughout the plan year if the plan so provides.

The bill repeals the two-year nonaccidental death rule of present law. Thus, a plan may not provide that any election or revocation of an election does not take effect if (1) the participant dies within a period not in excess of two years beginning on the date of the election or revocation, and (2) the death of the participant is not due to an accident that occurred after the election or revocation.

Consultation with the Secretary of Labor

Under the bill, the Secretary of the Treasury is required to consult with the Secretary of Labor in prescribing regulations under these provisions.

Effective dates

The qualified joint and survivor annuity and qualified preretirement survivor annuity provisions are effective for plan years beginning after December 31, 1984. In the case of a plan maintained pursuant to one or more collective bargaining agreements ratified by the date of enactment between employee representatives and one or more employers, the provisions are not effective for plan years beginning before the earlier of (1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension agreed to after the date of enactment) or (2) January 1, 1987. The spousal consent provision is effective for elections (or revocations of elections) made on or after January 1, 1985.

The qualified joint and survivor and preretirement survivor annuity provisions apply to any participant who performs at least one hour of service under the plan on or after the date of enactment. In addition, a qualified preretirement survivor annuity must be provided (unless another form of benefit is elected) in the case of any participant who (1) performs at least one hour of service under the plan after the date of enactment, (2) dies before the annuity starting date, and (3) dies between the date of enactment and the effective date.

The bill provides a special transition rule for participants who separated from service before the date of enactment and whose benefits are not in pay status as of the date of enactment. This special transition rule only applies in the case of a plan (or successor plan) that is in existence at any time on or after the date of enactment. Under the bill, if (1) such participant completed at least 1 hour of service under the plan after September 1, 1974, (2) separated from service before the first day of the first plan year beginning on or after January 1, 1976, and (3) the plan is required to provide a qualified joint and survivor annuity, then the participant is to be provided the right to elect to receive benefits in the form of a qualified joint and survivor annuity (as defined by ERISA and the Code before the date of enactment of the bill). For example, an election or revocation can be made by the participant without the consent of the participant's spouse because the Code did not require the consent of the participant's spouse.

The bill also provides a special transition rule for participants who separated from service before the date of enactment but after December 31, 1975, and whose benefits are not in pay status as of the date of enactment. This special transition rule only applies in the case of a plan (or a successor plan) that is in existence at any time on or after the date of enactment. Under the bill, if such participant (1) completes at least 1 hour of service in the first plan year beginning after December 31, 1975, (2) has completed at least 10 years of service under the plan, (3) has a nonforfeitable right to all or any portion of the accrued benefit under the plan derived from employer contributions, and (4) did not complete at least 1 hour of service after the date of enactment of the bill, then the participant may elect a qualified preretirement survivor annuity as provided by the bill. The bill provides that the election may be made by a participant after the date of enactment of the bill and before the earlier of the participant's annuity starting date and the date of the participant's death.

Under the special transition rules of the bill for qualified joint and survivor annuities and qualified preretirement survivor annuities, a plan is not to be required to provide a qualified joint and survivor annuity or a qualified preretirement survivor annuity with respect to a participant unless the plan has received the participant's election of such a benefit. The bill provides that a notice of the right to make such an election is to be provided by the plan in such manner and at such time (or times) as the Secretary of the Treasury may prescribe. The committee intends that a plan will not be treated as having failed to give adequate notice if notice is mailed to the last known address of a participant with the first summary annual report sent after the effective date. In addition, the committee intends that plans are to provide notice after the effective date of the right to elect a qualified joint and survivor annuity at the time a participant applies for benefit payments. The bill provides a penalty for failure to provide the notice. In addition, the bill directs the Secretary of Labor to provide public service announcements informing participants of these transition features.

Under the bill, of course, the benefits provided with respect to a participant who has elected a qualified joint and survivor benefit or a qualified preretirement survivor annuity under either of the transition rules may be actuarially reduced to reflect the cost of the survivor protection.

C. Assignment or Alienation of Benefits in Divorce, Etc., Distributions (Secs. 104 and 204 of the bill, sec. 206 of ERISA, and secs. 401 and 414 of the Code)

Present law

Generally, under present law, benefits under a pension, profit-sharing, or stock bonus plan (pension plan) are subject to prohibitions against assignment or alienation (spendthrift provisions.) Under present law,[21] certain provisions of ERISA supersede (preempt) State laws relating to pension, etc., plans. A plan that does not include these required spendthrift provisions is not a qualified plan under the Code, and State law permitting such an assignment or alienation is generally preempted by ERISA.

Several cases have arisen in which courts have been required to determine whether the ERISA preemption and spendthrift provisions apply to family support obligations (*e.g.*, alimony, separate maintenance, and child support obligations). In some of these cases, the courts have held that ERISA was not intended to preempt State domestic relations law permitting the attachment of vested benefits for the purpose of meeting these obligations.[22] Some courts have held that the ERISA preemption provision does not prevent application of State law permitting attachment of nonvested benefits for the purpose of meeting family support obligations.[23] There is a divergence of opinion among the courts as to whether ERISA preempts State community property laws insofar as they relate to the rights of a married couple to benefits under a pension, etc., plan.[24]

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[21] Sec. 514 of ERISA.

[22] *See, e.g., American Telephone and Telegraph Co. v. Merry*, 592 F.2d 118 (2d Cir. 1979); *Cody v. Riecker*, 594 F.2d 314 (2d Cir. 1979).

[23] *See, e.g., Weir v. Weir*, 415 A.2d 638 (1980); *Kikkert v. Kikkert*, 427 A.2d 76 (1981).

[24] In *Stone v. Stone*, 633 F.2d 740 (9th Cir. 1980), the court held that ERISA was not intended to preempt community property laws and that a court order requiring a division of retirement benefits did not violate the anti-assignment provisions. In *Francis v. United Technology Corp.* 458 F.Supp. 84 (N.D. Cal. 1978), however, the court held that ERISA's preemption provision prevents the application of State community property law permitting attachments of plan benefits for family support purposes.

The IRS has ruled that the spendthrift provisions are not violated when a plan trustee complies with a court order requiring the distribution of benefits of a participant in pay status to the participant's spouse or children in order to meet the participant's alimony or child support obligations.[25] The IRS has not taken any position with respect to this issue in cases in which the participant's benefits are not in pay status.

Reasons for change

The committee believes that the spendthrift rules and should be clarified by creating a limited exception that permits benefits under a pension, etc., plan to be divided under certain circumstances. In order to provide rational rules for plan administrators, the committee believes it is necessary to establish guidelines for determining whether the exception to the spendthrift rules applies. In addition, the committee believes that conforming changes to the ERISA preemption provision are necessary to ensure that only those orders that are excepted from the spendthrift provisions are not preempted by ERISA.

Explanation of provision

In general

The bill clarifies the spendthrift provisions by providing new rules for the treatment of certain domestic relations orders. In addition, the bill creates an exception to the ERISA preemption provision with respect to these orders. The bill also provides procedures to be followed by a plan administrator (including the Pension Benefit Guaranty Corporation (PBGC)) and an alternate payee (a child, spouse, former spouse, or other dependent of a participant) with respect to domestic relations orders.

Under the bill, if a domestic relations order requires the distribution of all or a part of a participant's benefits under a qualified plan to an alternate payee, then the creation, recognition, or assignment of the alternate payee's right to the benefits is not considered an assignment or alienation of benefits under the plan if and only if the order is a qualified domestic relations order. Because rights created, recognized, or assigned by a qualified domestic relations order, and benefit payments pursuant to such an order, are specifically permitted under the bill, State law providing for these rights and payments under a qualified domestic relations order will continue to be exempt from Federal preemption under ERISA.

Qualified domestic relations order

Under the bill, the term "qualified domestic relations order" means a domestic relations order that (1) creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under a pension plan, and (2) meets certain other requirements. A domestic relations order is any judgment, decree, or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of the participant, and is made pursuant to a State domestic relations law (including community property law). Under the bill, an alternate payee includes any spouse, former spouse, child, or other dependent of a participant who is recognized by a qualified domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to the participant.

To be a qualified order, a domestic relations order must clearly specify (1) the name and last known mailing address (if available) of the participant and the name and mailing address of each alternate payee to which the order relates, (2) the amount or percentage of the participant's benefits to be paid to an alternate payee or the manner in which the amount is to be determined, and (3) the number of payments or period for which payments are required. The committee intends that an order will not be treated as failing to be a qualified order merely because the order does not specify the current mailing address of the participant and alternate payee if the plan administrator has reason to know that address independently of the order. For example, if the plan administrator is aware that the alternate payee is also a participant under the plan and the plan records include a current address for each participant, the plan administrator may not treat the order as failing to qualify.

The committee intends that an order that is qualified is to remain qualified with respect to a successor plan of the same employer or a plan of a successor employer (within the meaning of sec. 414(a)).

A domestic relations order is not a qualified order if it (1) requires a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan, (2) requires the plan to provide increased benefits, or (3) requires payment of benefits to an alternate payee that are required to be paid to another alternate payee under a previously existing qualified domestic relations order. An order does not require a plan to provide increased benefits if the order does not provide for the payment of benefits in excess of the benefits to which the participant would be entitled in the absence of the order.

The bill provides that a domestic relations order is not treated as failing the requirements for a qualified domestic relations order merely because the order provides that payments must begin to the alternate payee on or after the date on which the participant attains the earliest retirement age under the plan whether or not the participant actually retires on the date. If the participant dies before that date, the alternate payee is entitled to benefits only if the qualified domestic relations order requires survivor benefits to be paid. In the case of an order providing for the payment of benefits after the earliest retirement age, the payments to the alternate payee at that time are computed as if the participant had retired on the date on which benefit payments commence under the order.

When payments are made to an alternate payeee before the participant retires, the payments are computed by taking into account only benefits actually accrued and not taking into account any employer subsidy for early retirement. The amount of be paid to the alternate payee is to be calculated by using the participant's normal retirement benefit accrued as of the date payout begins and by actuarially reducing such benefit based on the interest rate specified in the plan or 5 percent, if the plan does not specify an interest rate. A plan providing only normal and subsidized early retirement benefits would not specify a rate for determining actuarially equivalent, unsubsidized benefits.

If an alternative payee begins to receive benefits under the order and the participant subsequently retires with subsidized early retirement benefits, the order may specify that the amount payable to the alternate payee is to be recalculated so that the alternate payee also receives a share of the subsidized benefit to which the participant is entitled. The payment of early retirement benefits with respect to a participant who has not yet retired or the increase in benefits payable to the alternate payee after the recalculation is not to be considered to violate the prohibition against a qualified domestic relations orders providing for increased benefits.

The payments to the alternate payee after the earliest retirement date may be paid in any form permitted under the plan (other than a joint and survivor annuity with respect to the alternate payee and the alternate payee's spouse). In the case of a defined contribution plan, the earliest retirement date is the date on which the participant attains an age that is 10 years before the normal retirement age.

Under the bill, a plan is not treated as failing to satisfy the requirements of section 401(a), 409(d), or 401(k) of the Internal Revenue Code that prohibit payment of benefits prior to termination of employment solely because the plan makes payments to the alternate payee in accordance with a qualified domestic relations order.

Under the bill, an alternate payee is treated as a beneficiary for all purposes under the plan. In no event, however, will more than one PBGC premium be collected with respect to the participant's benefits (determined as if a qualified domestic relations order had not been issued) even though such benefits, subject to the usual limits, may be guaranteed by the PBGC.

Determination by plan administrator

Under the bill, the administrator of a plan that receives a domestic relations order is required to notify promptly the participant and any other alternate payee of receipt of the order and the plan's procedures for determining whether the order is qualified. In addition, within a reasonable period after receipt of the order, the plan administrator is to determine whether the order is qualified and notify the participant and alternate payee of the determination. The notices required under these rules are to be sent to the addresses specified in the order or, if the order fails to specify an address, to the last address of the participant or alternate payee known to the plan administrator.

The bill authorizes the Secretary of Labor to prescribe regulations defining the reasonable period during which the plan administrator is to determine whether an order is qualified. In addition, the bill provides that plans are to establish reasonable procedures to determine whether domestic relations orders are qualified and to administer distributions under qualified orders. Ordinarily, a plan need not be amended to implement the domestic relations provisions of the bill.

Deferral of benefit payments

During any period in which the issue of whether a domestic relations order is a qualified order is being determined (by the plan administrator, by a court of competent jurisdiction, or otherwise), the plan administrator is to defer the payment of any benefits in dispute. These deferred benefits are segregated either in a separate account in the plan or in an escrow account. In the case of a defined benefit plan, the amounts

[25] Rev. Rul. 80-27, 1980-1 C.B. 8.

are to be placed in an escrow account. Of course, segregation is not required for amounts that would not otherwise be paid during the period of the dispute.

If the order is determined to be a qualified domestic relations order within 18 months after the deferral of benefits, the plan administrator is to pay the segregated amounts (plus interest) to the persons entitled to receive them. If the plan administrator determines that the order is not a qualified order or, after the 18-month period has expired, has not resolved the issue of whether the order is qualified, the segregated amounts are paid to the person or persons who would have received the amounts if the order had not been issued.

Any determination that an order is qualified after expiration of the 18-month period is to be applied prospectively. Thus, if the plan administrator determines that the order is qualified after the 18-month period, the plan is not liable for payments to the alternate payee for the period before the order is determined to be qualified.

Of course, the provisions of the bill do not affect any cause of action that an alternate payee may have against the participant. For example, if an order is determined to be qualified after the 18-month period, the alternate payee may have a cause of action under State law against the participant for amounts paid to the participant that should have been paid to the alternate payee.

During any period in which the alternate payee cannot be located, the plan is not permitted to provide for the forfeiture of the amounts that would have been paid unless the plan provides for full reinstatement when the alternate payee is located.

Consultation with the Secretary of the Treasury

Under the bill, the Secretary of Labor is required to consult with the Secretary of the Treasury in prescribing regulations under these provisions.

Tax treatment of divorce distributions

The bill provides rules for determining the tax treatment of benefits subject to a qualified domestic relations order. Under the bill, for purposes of determining the taxability of benefits, the alternate payee is treated as a distributee with respect to payments received from or under a plan.

Under the bill, net employee contributions (together with other amounts treated as the participant's investment in the contract) are apportioned between the participant and the alternate payee under regulations prescribed by the Secretary of the Treasury. The apportionment is to be made pro rata, on the basis of the present value of all benefits of the participant under the plan and the present value of all benefits of the alternate payee under the plan (as alternate payee with respect to the participant under a qualified domestic relations order).

Payments to an alternate payee before the participant attains age 59½ are not subject to the 10-percent additional income tax that would otherwise apply under certain circumstances if the participant received the amounts.

The bill provides that the interest of the alternate payee is not taken into account in determining whether a distribution to the participant is a lump sum distribution. Under the bill, benefits distributed to an alternate payee under a qualified domestic relations order can be rolled over, tax-free, to an individual retirement account or to an individual retirement annuity. The usual income tax rules apply to benefits not rolled over. The special rules for lump sum distributions from qualified plans will not apply to benefits distributed to an alternate payee.

Effective dates

The provisions of the bill relating to assignments in divorce, etc., proceedings generally apply on January 1, 1985. If a domestic relations order was received by a plan before the date of enactment, however, the plan the administrator is to treat the order as a qualified domestic relations order to the extent payments are being made pursuant to the order. In addition, the plan administrator may treat any other order entered before the effective date as a qualified order. The committee encourages the plan administrator to treat an existing order as qualified to the extent it is consistent with the provisions of the bill. Of course, if the plan administrator does not treat an order as qualified, the alternate payee may amend the order to satisfy the requirements for a qualified order.

D. Cash Out of Certain Accrued Benefits (Secs. 105 and 205 of the bill, sec. 203 of ERISA, and sec. 411 of the Code)

Present law

Under present law,[26] in the case of an employee whose plan participation terminates, a pension, profit-sharing, or stock bonus plan (pension plan) may involuntarily "cash out" the benefit (*i.e.*, pay out the balance to the credit of a plan participant without the participant's consent) if the present value of the benefit does not exceed $1,750. If a benefit is cashed-out under this rule and the participant subsequently returns to employment covered by the plan, then service taken into account in computing benefits payable under the plan after the return need not include service with respect to which benefits were cashed out unless the employee "buys back" the benefit.

Generally, a cash-out distribution from a qualified plan can be rolled over, tax-free, to an IRA or to another qualified plan.

Under present law, the prohibition on involuntary cash-outs of amounts in excess of $1,750 does not apply to the benefits that may be payable to a surviving or former spouse of the participant.

Reasons for change

The committee believes that the limit on involuntary cash-outs should be raised to $3,500 in recognition of the effects of inflation on the value of small benefits payable under a pension plan.

Explanation of provisions

The bill provides that, if the present value of an accrued benefit exceeds $3,500, then the benefit is not to be considered nonforfeitable if the plan provides that the present value of the benefit can be immediately distributed without the consent of the participant (and, if applicable, the participant's spouse). Under the bill, the interest rate to be used in determining whether the present value of a benefit exceeds $3,500 is not to be greater than the interest rate that would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation (PBGC) for purposes of determining the present value of a lump sum distribution upon termination of the plan. The committee intends that the PBGC rate in effect at the beginning of a plan year may be used throughout the plan year if the plan so provides.

[26] Sec. 411(a)(7)(B) of the Code.

Effective date

The cash-out provision generally is effective for plan years beginning after December 31, 1984. In the case of a plan maintained pursuant to one or more collective bargaining agreements ratified by the date of enactment between employee representatives and one or more employers, the provision is not effective for plan years beginning before the earlier of (1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension agreed to after the date of enactment) or (2) January 1, 1987.

E. Notice of Forfeitability of Benefits (Secs. 106 and 206 of the bill, Sec. 105 of ERISA, and sec. 6057 of the Code)

Present law

Under present law, the administrator of a pension, profit-sharing, or stock bonus plan (pension plan) is required to furnish to a plan participant a statement indicating the participant's total accured benefits and nonforfeitable accured benefits if the participant requests such a statement. A participant is not entitled to more than one statement during any 12-month period. In addition, present law requires a plan administrator to furnish a statement to each plan participant who (1) separates from service during a plan year, (2) is entitled to a vested deferred benefit under the plan, and (3) did not receive retirement benefits under the plan during the year. This statement must contain specified information relating to the benefit.

Reasons for change

The committee believes that a participant who receives a statement of accured benefits as required under present law should be informed of any benefits that may be forfeited if the participant dies prior to a particular date so that participants may make financial arrangements for the retirement security of their spouses.

Explanation of provision

Under the bill, any statement provided to a plan participant of total accured benefits and nonforfeitable accured benefits, or any statement provided to a separated plan participant who has a vested deferred benefit, must include a notice to the participant that certain benefits may be forfeited if the participant dies before a particular date. The notice that certain benefits may be forfeited if a participant dies before a particular date need not include the amount of the benefits that are forfeitable.

Effective date

The provision of the bill requiring notice of forfeitability of benefits is effective for plan years beginning after December 31, 1984. In the case of a plan maintained pursuant to one or more collective bargaining agreements ratified by the date of enactment between employee representatives and one or more employers, the provision is not effective for plan years beginning before the earlier of (1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension agreed to after the date of enactment) or (2) January 1, 1987.

F. Notice of Rollover Treatment (Sec. 207 of the bill and secs. 402 and 6652 of the Code)

Present law

Under present law, an employee's benefits from or under a qualified plan generally are

includible in income when the benefits are distributed. If the balance to the credit of an employee is paid to the employee or to the surviving spouse of the employee as a qualifying rollover distribution, all or any portion of the distribution may be rolled over, within 60 days of the date of the distribution, to another qualified plan or an IRA. If a rollover is made, tax is deferred on the portion of the distribution rolled over. Similar rules apply to qualifying rollover distributions from or under a tax-sheltered annuity contract. If a rollover is not made, the participant or beneficiary may be eligible for 10-year income averaging (or long-term capital gains treatment) with respect to the distribution.

Present law does not require a plan administrator to notify a recipient of a qualifying rollover distribution of the time for making a rollover to another qualified pension plan or an IRA or the consequences of rolling over the distribution. Also, no notice is required to be provided relating to eligibility for 10-year income averaging.

Reasons for change

The committee is concerned that participants in qualified plans and the surviving or former spouses of participants often fail to make rollovers of qualifying rollover distributions because they do not understand the consequences of making such a rollover. In addition, the committee is aware that many individuals have failed to make permissible rollovers because they do not make the rollover within the required time period. The committee believes that the plan administrator can, without significant administrative burden, provide this information and information relating to 10-year income averaging to the person receiving the distribution.

Explanation of provision

Under the bill, when the administrator of a qualified plan makes a qualifying rollover distribution, the administrator is to provide notice to the recipient that (1) the distribution will not be taxed currently to the extent transferred to another qualified pension plan or an IRA, and (2) the transfer must be made within 60 days of receipt in order to qualify for this tax-free rollover treatment. In the case of a series of distributions that may constitute a lump sum distribution, the committee intends that this notice will explain that the 60-day period does not begin to run until the last distribution is made. In addition, this notice is to provide a written explanation of the 10-year income averaging and capital gains provisions if applicable.

The committee intends that the Secretary of the Treasury will provide an officially approved notice that plan administrators may use to satisfy this notice requirement.

The committee recognizes that, under certain circumstances, it may be difficult for a plan administrator to determine whether a particular distribution is a qualifying rollover distribution. Thus, your committee intends that a plan administrator satisfies the notice requirement if notice is provided with every payment from or under the plan so long as the notice, in addition to satisfying the other requirements, includes a statement describing how a recipient may determine whether the particular distribution is a qualifying rollover distribution.

Failure of the plan administrator to give the required notice of rollover treatment results in imposition of a $10 penalty for each failure up to $5,000 for each calendar year. This penalty does not apply if the failure is shown to be due to reasonable cause and not to willful neglect.

Effective date

The notice provision generally is effective for plan years beginning after December 31, 1984. In the case of a plan maintained pursuant to one or more collective bargaining agreements ratified before the date of enactment between employee representatives and one or more employers, the provision is not effective for plan years beginning before the earlier of (1) the date on which the last of the collective bargaining agreements relating to the plan terminates (without regard to any extension agreed to after the date of enactment) or (2) January 1, 1987.

G. Reduction of Accrued Benefits (Sec. 301 of the bill)

Present law

Under present law, a pension plan is not a qualified plan unless all benefits provided by the plan are definitely determinable. The Internal Revenue Service takes the position that a defined benefit pension plan is not a qualified plan unless, whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, such assumptions are specified in the plan in a manner that precludes employer discretion.[27]

In addition, present law provides that a qualified plan generally may not be amended in a manner that decreases, the benefits of any participant accured prior to the amendment.[28] An exception to this rule is provided for certain retroactive plan amendments. Under an IRS ruling, for purposes of determining whether a participant's accured benefit is decreased, all of the provisions of the plan affecting directly or indirectly the accured benefit are taken into account.[29] Also, the reduction of a benefit or elimination of an option is prohibited under a qualified plan if it results in discrimination in favor of employees who are officers, shareholders, or highly compensated.

Reasons for change

The committee believes that the protection of accrued benefits, which are essentially retirement benefits, against reduction by plan amendments is an essential safeguard for plan participants and their beneficiaries. The committee also believes that valuable rights of participants should not be lost through the elimination of benefit options because options of equal actuarial value may not be of equal value to people whose particular circumstances are not taken into account in determining actuarial equivalence.

Explanation of provisions

In general

Under the bill, as under present law, the accrued benefit of a participant is not to be decreased by an amendment of a plan.[30] The bill clarifies the scope of the prohibition against such decreases. The committee intends that no inference is to be made on the basis of this clarification as to the scope of the prohibition before the effective date of the provision.

The bill provides that an amendment of a qualified plan is to be treated as reducing accrued benefits if, with respect to benefits accrued before the amendment is adopted, the amendment has the effect of either (1) eliminating or reducing an early retirement benefit or a retirement-type subsidy, or (2) except as provided by Treasury regulations, eliminating on optional form of benefit. The bill does not, however, prevent changes with respect to future benefit accruals.

The bill generally protects the accrual of benefits with respect to participants who have met the requirements for a benefit as of the time a plan is amended and participants who subsequently meet the preamendment requirements. The bill does not, however, prevent the reduction of a subsidy in the case of a participant who, at the time of separation from service (whether before or after the plan amendment), has not met the preamendment requirements. The provision does not change any rules under which accrued benefits become vested.

Accordingly, the bill makes it clear that the prohibition against reduction of a benefit subsidy (the excess of the value of a benefit over the actuarial equivalent of the normal retirement benefit) applies to a participant only if the participant meets the conditions imposed by the plan on the availability of the subsidy. If the protection is afforded, an employee's accrued benefit is not to be less than the protected level or the accrued benefit determined under the plan without regard to the protection, whichever is greater. For example, if a plan is amended to eliminate a subsidized early retirement benefit for employees who have completed 30 years of service, then the plan would not be required to provide the subsidy to an employee who never completes 30 years of service and it would not be required to provide benefits to such an employee before the normal retirement age. On the other hand, if the employee completes 30 years of service, then the employee's accrued benefit is not to be less than the protected level or the accrued benefit determined without regard to the protection, whichever is greater. Accordingly, if a benefit subsidy is provided, for example, only for employees who retire during a "window period", the provision would not require that benefits of an employee who does not retire during the window period include the window benefit. Also, the provision would not affect the application of any other provisions of the Code, such as section 401(a)(4) or 411(b)(1)(G).

For example, consider a plan that provides an annual benefit of 1 percent of average pay per year of service at normal retirement age under the plan (age 65). The plan provides an early retirement benefit to a participant who has attained age 55. This early retirement benefit is actuarially reduced to 50 percent of the benefit payable to the participant at age 65. In the case of a participant who attains age 55 and who has completed 30 years of service, the amount of the annual benefit payable beginning at 55 is not actuarially reduced under the plan.

Under the bill, if the plan is amended on January 1, 1985 (effective on that date), to require a full actuarial reduction of early retirement benefits in all cases, then the full actuarial reduction could be made for any participant who severs employment before attaining age 55 and completing 30 years of service. Under the bill, however, if a participant met the age and service requirements for the unreduced early retirement benefit on January 1, 1985, then the plan amendment could not reduce that benefit below the level to which the participant would have been entitled if retirement had occurred immediately before the plan amendment was effective.

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[27] Rev. Rul. 79-90, 1979-1 C.B. 155.

[28] Sec. 411(d)(6).

[29] Rev. Rul. 81-12, 1981-1 C.B. 228.

[30] Other than an amendment described in section 412(c)(8) of the Code or section 4281 of ERISA.

Under this plan, if a participant did not meet the plan's requirements for unreduced early retirement benefits on January 1, 1985, but the participant later satisfies those requirements, then the participant's accrued benefit under the plan would be the greater of (1) the accrued benefit as of the date of the plan amendment, without taking the actuarial reduction into account, or (2) the accrued benefit provided by the plan when the benefit becomes payable, after the full actuarial reduction. Accordingly, the participant's accrued benefit will not be reduced by the plan amendment, but it will not be increased by subsequent service or pay raises until the subsequent increase brings the participant's accrued benefit to a level in excess of the accrued benefit as of January 1, 1985.

The following examples illustrate the application of this provision. Employee A was covered by the plan described above and, on January 1, 1985, was one day short of attaining age 55 and had completed 30 years of service. If A's average pay immediately before the amendment was $10,000, then A's accrued benefit at that time was an annual benefit of $3,000 ($10,000 × 1 percent × 30 years). A 50-percent actuarial reduction would reduce A's benefit payable beginning on January 1, 1985, to $1,500. Under the bill, the plan amendment could not reduce A's accrued benefit below $3,000 if A later attains age 55.

If as of January 1, 1985, employee B was age 50, had completed 25 years of service, and had average pay of $10,000, then the plan amendment could not reduce B's benefit below $2,500 ($10,000 × 1 percent × 25 years). If B's average pay increased at 6 percent annually until age 55, then B's accrued benefit at age 55 under the plan (as amended) would be $4,016 ($13,382 × 1 percent × 30 years). But for the bill and prior law, the actuarial reduction would reduce B's annual benefit to $2,008. Under the bill, the amendment could not reduce B's benefit payable at age 55 below $2,500.

If as of January 1, 1985, employee C was age 45, had completed 20 years of service, and had average pay of $10,000, and C's pay increased at 6 percent annually until age 55, then C's benefit would not be increased under the bill. C's accrued benefit as of January 1, 1985, was $2,000 ($10,000 × 1 percent × 20), and at age 55 (assuming average pay raises at 6 percent annually to $17,906) C's accrued benefit will be $5,371 ($17,906 × 1 percent × 30 years). The 50-percent actuarial reduction would reduce C's benefit to $2,685. The bill does not affect the result in C's case because the actuarial reduction does not reduce C's benefit below the protected level of $2,000.

Of course, a plan provision that takes effect as a result of a change in the status of the plan from top heavy to non-top heavy would be treated as a plan amendment at the time the specified event occurs. Accordingly, such a provision is not to have the effect of reducing previously accrued benefits.

The bill does not change the rules under which accrued benefits may be reduced with the consent of the Secretary of Labor, in the event of a substantial business hardship (sec. 412(c)(8) of the Code) or the rules permitting a reduction of benefits in the case of certain multiemployer plans (sec. 4281 of ERISA). Also, the committee expects that Treasury regulations will permit participants to elect to reduce accrued benefits in a defined benefit pension plan where those benefits would otherwise exceed the overall limits on contributions and benefits (sec. 415 of the Code) or cause prohibited discrimination under the plan.

Retirement-type subsidy

The bill provides that the term "retirement-type subsidy" is to be defined by Treasury regulations. The committee intends that under these regulations, a subsidy that continues after retirement is generally to be considered a retirement-type subsidy. The committee expects, however, that a qualified disability benefit, a medical benefit, a social security supplement, a death benefit (including life insurance), or a plant shutdown benefit (that does not continue after retirement age) will not be considered a retirement-type subsidy. The committee expects that Treasury regulations will prevent the recharacterization of retirement-type benefits as benefits that are not protected by the provision.

Elimination of optional benefit forms

Under the bill, to the extent provided by Treasury regulations, a benefit option may be eliminated with respect to benefits accrued before the date the amendment is adopted. The committee expects that, for example, the elimination of an option with respect to previously accrued benefits is not to be prohibited by a plan amendment to the extent the elimination of the option is required as a condition of meeting the standards for qualified status of the plan.

The regulations also could permit the elimination of an option if (1) the elimination of the option does not eliminate a valuable right of a participant or beneficiary, and (2) the option is not subsidized or a similar benefit with a comparable subsidy is provided. For example, if a plan provides a joint and full, a joint and ⅔, and a joint and ½ survivor benefit, the elimination of the joint and ⅔ survivor benefit would not eliminate a valuable participant right. The elimination of all joint and survivor options would not be permissible. The committee expects that the regulations will not permit the elimination of a "lump-sum distribution" option because, for a participant or beneficiary with substandard mortality, the elimination of that option could eliminate a valuable right even if a benefit of equal actuarial value (based on standard mortality) is available under the plan. Of course, the right to select an investment option under a defined contribution plan is not an optional benefit form.

Terminated plans

The bill does not provide an exception to the prohibition against reduction of benefits or elimination of benefit options in the case of a terminated plan. Accordingly, a plan is not to be considered to have satisfied all of its liabilities to participants and beneficiaries until it has provided for the payment of contingent liabilities with respect to a participant who, after the date of the termination of a plan, meets the requirements for a subsidized benefit. The committee does not, however, intend that the absence of such an exception is to affect the liability of the Pension Benefit Guaranty Corporation (PBGC) with respect to benefits under terminated plans. The committee intends that the provison is not be be construed as changing the liability of the PBGC for quaranteed benefits. The committee recognizes that there is a potential for abuses with respect to plan terminations under the provision. If abuses of this type develop, further legislation may be necessary in order to resolve these problems, if administrative solutions are inadequate.

Effective date

Generally, the provision applies to plan amendments made after July 30, 1984. A special effective date is provided with respect to a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers. Under the bill, if such agreements are successor agreements to one or more collective bargaining agreements that terminate after July 30, 1984, and before January 1, 1985, then the provision does not apply to plan amendments adopted after July 30, 1984, and before April 1, 1985, pursuant to such agreements. Under the provision, of course, if negotiations are completed by January 1, 1985, with respect to a collective bargaining agreement, then a plan amendment made pursuant to a later reopening of the negotiations would be prohibited if it reduces or eliminates protected benefits.

For example, the provision would prohibit an amendment to a plan (whether or not the plan is maintained pursuant to a collective bargaining agreement) made on April 1, 1985, that has the effect of reducing a protected benefit which was provided by a plan amendment made during 1980. Such an amendment would be prohibited whether or not it was made pursuant to a provision of a collective bargaining agreement relating to the reopening of negotiations.

H. Study by the General Accounting Office (Sec. 304 of the bill)

The bill provides that the General Accounting Office (GAO) is to conduct a detailed study (based on a reliable scientific sample of typical pension, profit-sharing, and stock bonus plans of various designs and sizes) of the effect on women of participation, vesting, benefit accrual, funding, integration, survivorship features, and other relevant plan and Federal pension rules. In connection with this study, the bill provides that GAO is to have access to the records of employers maintaining pension plans and to the records of the plans.

GAO is directed under the bill to consult with the Internal Revenue Service, the Department of Labor, and other interested Federal agencies to prevent the duplication of data compilation or analyses.

The report is required to be transmitted, no later than January 1, 1990, to the House Committee on Ways and Means, the House Committee on Education and Labor, the Senate Committee on Finance, the Senate Committee on Labor and Human Resources, and the Joint Committee on Taxation.

III. BUDGET EFFECTS AND VOTE OF THE COMMITTEE

Budget effects

In compliance with paragraph 11(a) of Rule XXVI of the Standing Rules of the Senate, the following statement is made relative to the budget effects of H.R. 4280, as reported.

The revenue provisions of the bill involving statutory changes are estimated to reduce fiscal year budget receipts by $42 million in 1985, $67 million in 1986, $83 million in 1987, $90 million in 1988, and $93 million in 1989. The total revenue lost during the first three fiscal years, 1985 through 1987, equals $192 million.

The Treasury Department agrees with this statement.

The table following provides detailed estimates for the tax provisions of the bill for fiscal years 1985–89.

Vote of the committee

In compliance with paragraph 7(c) of Rule XXVI of the Standing Rules of the Senate, the following statement is made about the vote of the committee on the motion to report the bill, as amended. The bill, H.R. 4280, as amended, was ordered favorably reported unanimously without objection.

ESTIMATED REVENUE EFFECTS OF TAX PROVISIONS OF H.R. 4280, AS REPORTED BY THE COMMITTEE ON FINANCE, FISCAL YEARS, 1985–89

[In millions of dollars]

Provision	1985	1986	1987	1988	1989
A. Crediting periods of service:					
1. Lower maximum participation age in pension plans to 21 years	34	59	75	82	85
2. Years of service after age 18 counted for vesting under pension plans	[1]	[1]	[1]	[1]	[1]
3. Rule of parity applied only if break in service exceeds 5 years	[2]	[2]	[2]	[2]	[2]
4. Maternity or paternity leave not treated as break in service	[3]	[3]	[3]	[3]	[3]
B. Joint and survivor annuity and preretirement survivor benefits	[4]	[4]	[4]	[4]	[4]
C. Distributions of benefits upon divorce	[5]	[5]	[5]	[5]	[5]
D. Involuntary cash-outs	[5]	[5]	[5]	[5]	[5]
E. Cutback in accrued benefits					
Total, tax provisions [6]	−42	−67	−83	−90	−93

[1] Loss of less than $10,000,000.
[2] Negligible loss.
[3] Loss of less than $5,000,000.
[4] Gain of less than $5,000,000.
[5] Negligible gain.
[6] For the purpose of arriving at totals, estimates appearing as footnotes are assigned the following values: negligible equals zero; loss of less than $5,000,000 equals −$3,000,000; loss of less than $10,000,000 equals −$5,000,000; gain of less than $5,000,000 equals $3,000,000.

IV. REGULATORY IMPACT OF THE BILL AND OTHER MATTERS TO BE DISCUSSED UNDER SENATE RULES

Regulatory impact

Pursuant to paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the committee makes the following statement concerning the regulatory impact that might be incurred in carrying out the provisions of H.R. 4280, as reported.

Number of individuals and businesses who would be regulated

The bill does not involve new or expanded regulation of individuals or businesses.

Economic impact of regulation on individuals, consumers, and business

The bill provides modifications to the treatment of pension plan rules as they affect spouses, and generally lowers the maximum plan participation age to 21 and the maximum vesting age to 18.

Impact on personal privacy

The bill generally does not relate to the personal privacy of individuals. The bill does create an exception to the ERISA prohibition against the alienation or assignment of benefits for certain court orders relating to child support, alimony or other material property rights.

Determination of the amount of paperwork

The bill will involve some additional paperwork for taxpayers, but the bill generally involves modifications of existing required recordkeeping relating to pension plans.

Other matters

Consultation with Congressional Budget Office on budget estimates

In accordance with section 403 of the Budget Act, the committee advises that the Director of the Congressional Budget Office has examined the committee's budget estimates of the tax provisions of the bill (as shown in Part III of this report) and agrees with the methodology used and the committee's budget estimates. The Director submitted the following statement:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, August 1, 1984.

Hon. ROBERT J. DOLE,
Chairman, Committee on Finance
Washington, DC.

DEAR MR. CHAIRMAN: In accordance with Section 403 of the Congressional Budget Act, the Congressional Budget Office has examined H.R. 4280, the Retirement Equity Act of 1984, as ordered reported by the Committee. H.R. 4280 is intended to improve benefit protection and provide for greater equity in private pension plans for workers and their spouses and dependents. The provisions of the bill, as amended by the Committee, address issues related to the crediting of periods of service under qualified pension plans, providing of survivor benefits to the spouses of participants under pension plans, and modifying and clarifying federal tax and labor law rules with respect to certain distributions from qualified pension plans pursuant to state domestic relations orders. In addition, the bill would require the General Accounting Office to prepare a detailed study of the effects on women of the rules relating to pension, profit sharing, and stock bonus plans.

CBO has reviewed and concurs with estimates of the revenue effect of H.R. 4280 prepared by the staff of the Joint Committee on Taxation. The bill would increase tax expenditures and reduce fiscal year revenues by $42 million in 1985, $67 million in 1986, $83 million in 1987, $90 million in 1988, and $93 million in 1989.

Should the committee so desire, we would be pleased to provide further details on this estimate.

With best wishes.

Sincerely,

RUDOLPH G. PENNER,
Director.

New budget authority

In compliance with section 308(a)(1) of the Budget Act, and after consultation with the Director of the Congressional Budget Office, the committee states that the changes made to existing law by the bill involve new budget authority.

Tax expenditures

In compliance with section 308(a)(2) of the Budget Act with respect to tax expenditures, and after consultation with the Director of the Congressional Budget Office, the committee states that the changes made to existing law by the bill as amended will involve increased tax expenditures of the amounts of revenue losses for fiscal years 1985–89 shown in the table above (in Part III) of this report.

V. CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

In the opinion of the committee, it is necessary, in order to expedite the business of the Senate, to dispense with the requirements of paragraph 12 of Rule XXVI of the Standing Rules of the Senate (relating to the showing of changes in existing law made by the provisions of H.R. 4280, as reported by the committee).

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 2713: An original bill to authorize appropriations for the fiscal year 1985 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. 2820: A bill to name the Federal Building in McAlester, OK, the "Carl Albert Federal Building".

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 324: Joint resolution designating November, 1984, as "National Christmas Seal Month."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Harold J. Lezar, Jr., of Texas, to be an Assistant Attorney General; and

Marianne Mele Hall, of New Jersey, to be a Commissioner of the Copyright Royalty Tribunal for the unexpired term of 7 years from September 27, 1982.

By Mr. STAFFORD, from the Committee on Environment and Public Works:

John B. Waters, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER:

S. 2901. A bill to provide relief for Deola Shryock of Polson, MT; to the Committee on Armed Services.

By Mrs. HAWKINS:

S. 2902. A bill to protect the public interest in lands improved during construction of the Cross Florida Barge Canal, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 2903. A bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by State and local governments; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. ABDNOR, and Mr. EAST):

S. 2904. A bill directing the President to conduct a comprehensive review of U.S. policy toward Bulgaria; to the Committee on Foreign Relations.

By Mr. WILSON (for himself, Mr. BINGAMAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. CHILES, Mr. CRANSTON, Mr. DODD, Mr. DURENBERGER, Mr. EAGLETON, Mr. HATCH, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JOHNSTON, Mr. KASTEN, Mr. LEVIN, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MOYNIHAN, Mr. PERCY, Mr. STENNIS, Mr. THURMOND, Mr. TRIBLE, Mr. TSONGAS, and Mr. WARNER):

S.J. Res. 337. A joint resolution designating October, 1984, as "Computer Learning Month"; to the Committee on the Judiciary.

By Mr. BAKER (for Mr. STEVENS (for himself, Mr. HOLLINGS and Mr. BYRD)):

S.J. Res. 338. A joint resolution to congratulate the athletes of the United States Olympic Team for their performance and achievements in the 1984 Winter Olympic Games in Sarajevo, Yugoslavia, and the 1984 Summer Olympic Games in Los Angeles, California; placed on the Calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. ABDNOR, Mr. BOSCHWITZ, and Mr. EAST):

S. Con. Res. 131. A concurrent resolution concerning Bulgaria's abuses of the Customs Convention on the International Transport of Goods under cover of TIR Carnets in facilitating the transportation of illicit narcotics, smuggled arms and terrorists; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER:

S. 2901. A bill to provide relief for Deola Shryock of Polson, MT; to the Committee on Armed Services.

RELIEF OF DEOLA SHRYOCK OF POLSON, MT

● Mr. MELCHER. Mr. President, a remarkable act of courage and heroism ended in tragedy last winter in Polson, MT, for the former Air Force pilot Lt. Col. Harry Lee Shryock, Jr. On January 11, following a pharmacy holdup in Missoula, a lone gunman fled the scene and an hour later, with police hot on his trail, took 13-year-old Bill Crose, Jr., hostage. At Polson, the gunman demanded an airplane and a pilot to fly him and the boy out of the area. Lee Shryock, 64, volunteered to pilot the Beechcraft Bonanza and to take the boy's place as hostage. The child, thankfully, was released unharmed. However, in a very confused sequence of events, a police sharpshooter shot and wounded the robber-kidnaper, who then turned his gun on Lee Shryock, killing him instantly.

The Federal Aviation Administration has announced they will present a certificate of commendation to Lieutenant Colonel Shryock's family in memory of his courageous actions on that tragic winter afternoon in Polson. But courage and duty, as well as flying, were always part of Lee's life. He served in the military for 31 years, flying missions in World War II, Korea, and Vietnam. Following his retirement in 1971, Lee flew chartered flights and was active in community activities. He was a member of the Polson Rotary Club and the Experimental Aircraft Association. He was married to Deola Ellis Shryock for 40 years and the couple had five children.

Lee had taken out and made monthly payments to an Air Force survivors annuity fund for his wife. In April 1982, he increased the annuity plan and made regular monthly payments until his untimely death in January. Under the law, the increased benefits will not accrue to her because of a 2-year in anticipation of death limitation on the increased benefits. Mr. Shryock's widow has agreed to payment of the 3 additional months of premiums to allow her to receive the increased benefits of $134.75 per month to which she would have been entitled had her husband not been killed.

The bill I am offering today will provide that Dee Shryock be paid the increased survivor benefits, effective January 12, 1984, the day after Lee's death. Payment of the benefit will be conditioned only on her payment of the 3 months of increased premiums to meet the 2-year requirement of the plan that Lieutenant Colonel Shryock had elected.

I urge the Senate Armed Service Committee to consider this bill promptly. Both as a tribute to the heroism of Lieutenant Colonel Shryock and as a matter of fairness to his widow, Dee Shryock, I believe the bill should be approved.●

By Mr. D'AMATO:

S. 2903. A bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by State and local governments; to the Committee on Finance.

PRISON CONSTRUCTION PRIVATIZATION ACT OF 1984

Mr. D'AMATO. Mr. President, today I am introducing legislation that would finance sorely needed prison, jail, and detention center rehabilitation and construction through sale/leaseback transactions between State and local governments and the private sector. My proposal would help alleviate the overcrowding of prisons by providing private-sector incentives to finance the construction or rehabilitation of correctional facilities. The Congressional Budget Office [CBO] estimates the cost of my bill to be only $16 million in 1985 and $65.5 million on average per year through 1989. CBO also estimates that my bill would result in $1.5 billion of new prison construction annually. This proposal would sunset in 1989.

Several pieces of legislation have been proposed in the 98th Congress to relieve the overcrowding of our Nation's prisons. Most of these bills entail direct Federal appropriations to States for prison construction. To date, these efforts have failed because of Federal budgetary constraints, despite the fact that the Attorney General's task force on violent crime has recommended a 4-year, $2 billion Federal assistance program to finance the construction of State prisons.

My bill, however, would open up a new avenue of funding for correctional facilities by providing Federal tax incentives to private firms. Not only is the sale/leaseback approach less costly than direct Federal appropriations, but it also adds private cost controls to prison and jail rehabilitation and construction.

Today, prison overcrowding is one of the most serious problems America faces. The situation has reached epidemic proportions. Presently, 30 States have their entire prison systems or individual jails within their systems under court order to alleviate overcrowding. Judges have ruled that conditions in these jails and prisons represent cruel and unusual punishment and, thus, violate the inmates' constitutional rights. The following States are under court order to relieve prison overcrowding:

Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Hampshire, New Mexico, Nevada, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, and West Virginia.

Additional States, while not yet under court order, have dangerously high populations.

Occupancy in our Nation's prisons is not expected to decline in coming years. Rather, expected increases will make today's problem look small by comparison. According to a study by the General Accounting Office [GAO], prison population will increase from 391,597 in 1983 to 528,193 by 1990. Available prison space, however, will only increase from 332,444 in 1983 to 419,869 in 1990. This will result in a 25.8 percent or 108,324 shortfall.

The crisis is upon us. Judges in many jurisidictions have already begun ordering prisoners released because of overcrowding. The New York City detention center at Riker's Island was ordered to release 613 of its inmates in November 1983 because of overcrowding. In June 1983, New Orleans was forced to erect outdoor tents to house prisoners. In 1983 alone, 21,420 inmates were released prematurely nationwide due to overcrowding. The problem has grown worse in 1984. And worse yet, even after such releases take place, no new criminal can be sentenced without releasing still another prisoner.

According to "The Privatization of Corrections," a draft report prepared by Abt Associates for the National Institute of Justice, as of March 1, 1984, 105,684 new prison beds are planned or proposed for construction over the next 10 years by States to deal with overcrowding. State corrections departments estimate that total costs for

these desperately needed prison spaces will top $5 billion in government outlays through 1994.

Prison construction is not the only enormous expense facing State and local governments. Out Nation's infrastructure is rapidly declining and is badly in need of repair and replacement. In New York State alone, the Joint Economic Committee of Congress estimates that $108.8 billion may be needed by the year 2000 to repair and restore decaying infrastructure. This figure includes funding for mass transit, wastewater, bridges, highways, rail, and airports.

Where is the money going to come from? With our Federal budget deficit of such concern, new spending programs must be limited. Will taxpayers agree to foot the bill?

Today, State and local prisons and jails are often financed through general obligation bonds. Voter approval must be obtained before the bonds can be issued. Prison construction bond issues are not popular among voters and often are rejected in favor of financing more visible projects.

With the problem so enormous and financing so hard to come by, we must find new, imaginative ways to build or rehabilitate prisons, jails, and detention centers.

The private sector can offer assistance and expertise in correctional services in several ways. Many private firms have recently become involved in the financing, construction, and management of prisons, as well as participating in work-release programs and prison industries. Several successful detention centers built by private firms for use by local government are presently in operation.

Lease financing of detention facilities has occurred in several parts of the country as a result of the shortage of traditional financing alternatives. E.F. Hutton has arranged a $30.2 million issue for a jail and sheriff's facility in Jefferson County, CO, as well as a $50 million jail project for Philadelphia. In addition, the Corrections Corp. of America, the National Corrections Corp., and Behavioral Systems Southwest have financed jails and illegal-alien detention centers in Houston, Pasadena, and San Diego. Experience has shown that private firms can construct facilities cheaper that a government entity.

Sale/leasebacks by a government entity will further encourage this privatization process. Under these agreements, a private firm agrees to own, finance, and construct a prison or jail. The facility is then leased to a government entity for a specific number of years. At the end of the lease period, the government entity has an option to buy the facility. During the ownership period, the private firm or group of investors receive tax benefits such as investment tax credits, rehabilitation tax credits, and accelerated depreciation.

Sale/leasebacks by government entities, however, were severely curtailed in the recently enacted Deficit Reduction Act of 1984 (H.R. 4170). This bill denies the rehabilitation tax credit and repeals the accelerated cost recovery system [ACRS] for sale/leaseback transactions by government entities.

These new restrictions were enacted because Congress felt, rightly, that certain entities have used sale/leasebacks for no economically useful purpose, but merely were raiding the Federal Treasury as a substitute for raising their own local taxes. Prior to passage of H.R. 4170, a government entity would sell and lease back an existing structure to a group of investors. The investors would obtain generous tax benefits and the government entity would make lease payments. However, no new project was undertaken and no economically useful activity was furthered. H.R. 4170 has eliminated this abuse.

My bill will allow sale/leaseback transactions between government entities and private investors to resume solely for the purpose of State and local prison, jail, and detention center rehabilitation and construction. However, my bill contains safeguards to avoid past abuses associated with sale/leasebacks, while still encouraging the privatization of correctional facilities. The legislation generally exempts new State and local prison and jail rehabilitation and construction from the sale/leaseback provisions of H.R 4170. However, to receive the rehabilitation tax credit and accelerated depreciation, the structure must be placed in original service no later than 90 days after the signing of a binding contract for use of the structure as a prison facility. In addition, the facility must be used 100 percent for housing prisoners and necessary related facilities. This will effectively avoid the most common abuses associated with sale/leasebacks.

It is important to stress that our prison problem is immediate. The use of sale/leasebacks will allow government entities to quickly finance prison construction through the private sector. Through Federal tax incentives, the private sector can become involved in this pressing public problem.

State and local government do not have the necessary funds to build new prisons or jails on their own. Private firms, however, have the resources available. The private sector is the means to finance and construct these badly needed facilities. My bill will unleash $1.5 billion of these funds for badly needed prisons without forcing local governments to go to the polls.

CBO estimates that my bill will only cost $16 million in 1985 and an average of $65.5 million per year through 1989. I feel that this is a small price to pay considering the magnitude of the problem. It is an even smaller price to pay when compared to the threat of releasing ever increasing numbers of criminals into our midst, not because they have served their time, not because they have been rehabilitated, but merely because of overcrowding.

Sale/leasebacks for prison construction need to be exempted from the restrictions imposed by H.R. 4170. With prisons and jails increasingly being forced to release violent criminals due to overcrowding, time is running out. Sale/leasebacks by government entities offer an inexpensive solution to this problem.

Mr. President, I urge my colleagues on both sides of the aisle to support this legislation. Mr. President, I ask unanimous consent that my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (3) of section 168(j) of the Internal Revenue Code of 1954 (defining tax-exempt use property) is amended by adding at the end thereof the following new subparagraph:

"(E) EXCEPTION FOR QUALIFIED CORRECTIONAL FACILITIES.—

"(i) IN GENERAL.—The term 'tax-exempt use property' shall not include a qualified correctional facility which is leased by any State or political subdivision thereof or any agency or instrumentality of the foregoing.

"(ii) AGREEMENT TREATED AS LEASE.—For purposes of this title, if any agreement with respect to a qualified correctional facility is characterized by all parties to the agreement as a lease and a tax-exempt entity described in clause (i) is the lessee under such agreement, then—

"(I) such agreement shall be treated as a lease, and

"(II) the lessor shall be treated as the owner of the property and the lessee shall be treated as the lessee of the property.

"(iii) QUALIFIED CORRECTIONAL FACILITY.—For purposes of this subparagraph, the term 'qualified correctional facility' means any property which is devoted exclusively for use as a prison, jail, or other detention facility (including any related facility) and which—

"(I) is leased by a tax-exempt entity within 90 days after the property is originally placed in service by the lessor or lessee, or

"(II) is leased by a tax-exempt entity within 90 days of the completion of a substantial rehabilitation (within the meaning of section 48(g)(3)) of the property by the lessor or lessee.".

(b) The amendments made by this section shall apply to property placed in service after December 31, 1984, in taxable years ending after such date.

By Mr. D'AMATO (for himself, Mr. ABDNOR, and Mr. EAST):

S. 2904. A bill directing the President to conduct a comprehensive review of United States policy toward

Bulgaria; to the Committee on Foreign Relations.

UNITED STATES POLICY TOWARD BULGARIA

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to turn the spotlight of world and national opinion on the terrorist activities of the Bulgarian Government. Through its front corporation, KINTEX, Bulgaria has immersed itself deeply in the operation of an international network involving the attempted assassination of Pope John Paul II, and international drug trafficking, gunrunning, and terrorist training.

On May 13, 1981, Mehmet Ali Agca, acting at the behest of the Bulgarian secret service, shot and nearly killed Pope John Paul II. The details of this heinous plot are contained in the report of Italian State Prosecutor Antonio Albano, filed on May 8, 1984. The prosecutor's report states that the Bulgarian secret service recruited Agca to kill the Pope in order to destroy the Solidarity Union movement in Poland and to crush any hope of freedom's emergence in that proud and great nation. This report also documents the active involvement of the Bulgarian Embassy.

Mr. President, I ask unanimous consent that the article by Claire Sterling detailing the report of Antonio Albano in the June 10, 1984, issue of the New York Times be printed in its entirety at the conclusion of my remarks.

In October 1981, I visited Italy and met with high-level Vatican officials who told me of their conclusions that there had been a plot to assassinate Pope John Paul II and that Mehmet Ali Agca had not acted alone. Upon my return, I reported these facts to the CIA. In September 1982, I spoke before the Helsinki Commission on Bulgarian and Soviet complicity in the plot to murder the Pope. And in February 1983, I returned to Italy to look into the U.S. role in the investigation of the papal assassination plot. To all of those who then accused me of seeing a Communist conspiracy where none existed, I can now say that recent discoveries are proving me right.

The truth is emerging fragment by fragment. While we may never know the complete story of this heinous plot, we have now pieced together enough evidence to lead us to the origin of the murder attempt. The pieces of this complex puzzle are coming together thanks to a superb investigative job by the Italians.

There is no doubt in my mind that the Soviet Union was the moving force behind the attempted assassination of the Pope. It is naive to believe that a plot of this magnitude could be carried out by a Soviet satellite without the full knowledge and support of the Kremlin. No Warsaw Pact nation is more closely allied to the Soviets. The management of the Bulgarian agency that moved Agca through Europe, KINTEX, is top heavy with officers of the Bulgarian secret police, which answers directly to, and takes orders from, the Soviet KGB.

It is time to demand a thorough examination of Bulgaria and the threat this captive nation poses to world peace. It is time for us to tell our cautious bureaucrats in the executive branch that this issue is alive and that it will have to be faced. Let us pass the legislation I am introducing today and send a clear message to Bulgaria and its masters in Moscow: We know who did the deed, we know who was behind it, and we will not forget.

The same underground network operated by KINTEX to move Agca through Europe is also being used as a front for Bulgaria's illicit narcotics and weapons trafficking. According to the Drug Enforcement Administration, between 10 and 25 percent of the Heroin now entering the United States moves through Bulgaria.

In January of this year, a report filed by a Turkish state prosecutor provided evidence linking Agca with a Bulgarian-based narcotics smuggling ring. This report has recently been translated by the Wall Street Journal. I refer my colleagues to the CONGRESSIONAL RECORD of July 24, which contains an article by David Ignatius summarizing this report at page 20615.

The need to reveal the extent of Bulgarian duplicity is greater than ever. The recent signing of a trade agreement between Bulgaria and Guyana raises the specter of intensified Communist terrorist and drug smuggling activity in our hemisphere.

The Drug Enforcement Administration cites four motives for Bulgarian support of international drug trafficking:

First, to use drugs as a weapon to destabilize Western societies. Unfortunately, they are achieving this goal today. Sixty percent of the violent crime that plagues our communities is caused by drug abuse. Drug abuse is spreading throughout Western Europe. It handicaps our military readiness and imposes enormous costs on our economy, damaging our national health and productivity;

Second, to obtain hard, that is, Western currency, always in short supply in the Communist bloc;

Third, to support and supply Middle Eastern revolutionary and terrorist groups, who pay for their arms with drugs; and

Fourth, to gather intelligence via a network of agents and drug smugglers operating under the cover of an official export-import agency.

On June 28, 1984, the Senate overwhelmingly approved an amendment to the Commerce, Justice, State, and Judiciary appropriations bill to prohibit the use of State and Commerce Department funds to promote trade with Bulgaria. This amendment also expressed the sense of the Congress that Bulgaria should be declared to be engaged in state-sponsored terrorism.

The legislation I introduced today—one bill and one concurrent resolution—follows directly from this action by the Senate. The bill directs the President to conduct a comprehensive review of U.S. policies with respect to the Government of Bulgaria in light of that Government's participation in, and support for, international narcotics trafficking, arms smuggling, and terrorism, including its role in the attempted assassination of Pope John Paul II. Among the options to be considered are the following:

First, suspending diplomatic relations with the Government of Bulgaria;

Second, terminating bilateral agreements with the Government of Bulgaria;

Third, imposing stricter controls on exports to Bulgaria;

Fourth, encouraging other countries to review their policies regarding Bulgaria;

Fifth, requesting the United Nations Security Council to review Bulgaria's involvement in arms trafficking, drug smuggling; and terrorism; and

Sixth, requesting the Secretary General of the United Nations to convene a review conference, in accordance with international conventions, to pressure Bulgaria to end its abuses of international transportation agreements.

The companion concurrent resolution I am introducing covers this sixth point in hopes that it can be passed immediately, in order to bring the issue of Bulgarian state terrorism before the world community at the earliest possible time. Through KINTEX, Bulgaria has exploited the T.I.R. International Customs Convention, which allows sealed vehicles to cross borders without customs inspection. Under cover of this international agreement, Bulgaria has smuggled heroin, arms, and terrorists throughout Europe using sealed trucks carrying T.I.R. certification.

We cannot condone Bulgaria's violation of the T.I.R. Convention, or allow it to continue its criminal practices. This resolution calls upon the Secretary General of the United Nations to convene a review conference to study and, if necessary, to end Bulgaria's abuse of the T.I.R. Convention. The Customs Service strongly supports this concurrent resolution which is the first step in mobilizing the international community of nations against Bulgaria.

Representative EDWARD FEIGHAN of Ohio has introduced similar legislation in the House of Representatives. The House Committee on Foreign Affairs has already begun to hold hearings on

this issue. I was happy to testify before that committee on July 24.

I urge the Senate Committee on Foreign Affairs to give the legislation I introduce today the same priority attention. In thanking Representative FEIGHAN and his committee for the opportunity to testify before them, I quoted Henry David Thoreau's remark that "it takes two to speak the truth—one to speak and one to hear." I urge my colleagues to give this legislation their full support. The time to speak the truth about Bulgarian criminality is now.

Mr. President, I ask unanimous consent that both the bill and the resolution be printed in the RECORD.

(The text of the concurrent resolution appears following the listing of additional cosponsors.)

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) United States Government officials have testified before the Congress that the Government of Bulgaria has established a policy of encouraging and facilitating trafficking in illicit narcotics through its official import-export agency, KINTEX;

(2) those officials also testified that KINTEX has assisted the illicit flow of arms and ammunition to insurgent groups; and

(3) an Italian Government state prosecutor has concluded that the Government of Bulgaria was involved in the attempted assassination of Pope John Paul II.

(b) Therefore, the President shall conduct a comprehensive review of United States policies with respect to the Government of Bulgaria in light of that Government's participation in support for narcotics trafficking, arms smuggling, and terrorism, including its role in the attempted assassination of Pope John Paul II. This review, to be conducted utilizing the staff of the National Security Council, shall include, but not be limited to, an assessment of the feasibility and advisability of the following options:

(1) Suspending United States diplomatic relations with the Government of Bulgaria.

(2) Terminating United States bilateral agreements with the Government of Bulgaria, including the maritime transport agreement.

(3) Imposing stricter controls on United States exports to Bulgaria.

(4) Encouraging other countries to review their policies with respect to Bulgaria in light of the Bulgarian Government's involvement in narcotics trafficking, arms smuggling, and terrorism.

(5) Requesting that the United Nations Security Council place on its agenda the question of Bulgaria's involvement in arms trafficking, drug smuggling, and terrorist acts.

(6) Submitting a request to the Secretary General of the United Nations that a review conference be convened, in accordance with the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets, in order to determine what steps should be taken to end Bulgaria's abuses of that Convention in facilitating the transportation of illicit narcotics, arms, and terrorists.

(c) Not later than 3 months after the enactment of this Act, the President shall report to the Congress on the results of the review conducted pursuant to this Act. Such report shall discuss the options that were considered, the reasons why each option was approved or disapproved, and the actions the United States Government is going to take as a result of the review.

By Mr. WILSON (for himself, Mr. BINGAMAN, Mr. BOREN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. CHILES, Mr. CRANSTON, Mr. DODD, Mr. DURENBERGER, Mr. EAGLETON, Mr. HATCH, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JOHNSTON, Mr. KASTEN, Mr. LEVIN, Mr. LUGAR, Mr. MATSUNAGA, Mr. MCCLURE, Mr. MOYNIHAN, Mr. PERCY, Mr. STENNIS, Mr. THURMOND, Mr. TRIBLE, Mr. TSONGAS, and Mr. WARNER):

S.J. Res. 337. Joint resolution designating October 1984 as "Computer Learning Month"; to the Committee on the Judiciary.

COMPUTER LEARNING MONTH

● Mr. WILSON. Mr. President, it is my pleasure today to introduce a Senate joint resolution focusing attention on the importance of computer learning to America's future. Twenty-five of my colleagues are joining me as original cosponsors in this effort to designate October 1984 as "Computer Learning Month."

The computer is no longer a tool reserved for the most intellectually gifted members of our society. It is today a basic component of our lives. Reflecting this fact, many of this Nation's industrial competitors have launched comprehensive computer-training programs aimed at developing computer skills among students and business people. It is imperative that leaders throughout our schools, businesses, and government devote adequate emphasis to similar programs. At stake is the continued scientific and technological leadership which this Nation has long enjoyed.

This resolution does not suggest direct Federal expenditures or involvement in providing computer training. Rather, it encourages both private sector and education authorities to promote public awareness of computer applications and technologies.

As designated in October—the beginning of the school year—"Computer Learning Month" should serve to focus public attention on the importance of increasing the number of Americans who can utilize computer based technologies. This effort is aimed particularly at the better than 200 million Americans who have not had significant exposure to computers and their capabilities.

Mr. President, I hope that the Senate will act quickly on this resolution. I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 337

Whereas computer based technologies are playing an ever larger role in the social and economic development of our nation;

Whereas expanding the use and application of computers is one key to maintaining U.S. leadership in the high technology field;

Whereas it is incumbent upon present and future generations of Americans to learn to use and adapt this technology for the betterment of their lives and society;

Whereas millions of Americans have yet to learn of the capabilities and applications which computers have in the home and work environment; and

Whereas we must take every opportunity to encourage an understanding of computer based technology through the promotion of innovative learning environments in order to integrate computer technology into our diverse society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1984 shall be designated "Computer Learning Month," in order that national attention be focused on the growing importance of computer-based technology in our lives and that more Americans be afforded the opportunity to learn to use computers.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the President.●

ADDITIONAL COSPONSORS

S. 2080

At the request of Mr. PACKWOOD, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2080, a bill to make permanent a tax provision to encourage employers to provide legal services for their employees.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois [Mr. PERCY], and the Senator from Kentucky [Mr. HUDDLESTON] were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2514

At the request of Mr. SIMPSON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2514, a bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Ad-

ministrator to establish the position of Associate Director for Post-Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes.

S. 2768

At the request of Mr. MATHIAS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. TSONGAS], the Senator from Michigan [Mr. RIEGLE], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 2768, a bill to provide for the education in the United States of certain students of limited financial means from developing countries.

S. 2771

At the request of Mr. SPECTER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2771, a bill to protect the internal security of the United States against international terrorism by making the use of a firearm to commit a felony by foreign diplomats in the United States a Federal felony.

S. 2875

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2875, a bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere to authorize appropriations for fiscal year 1985, and for other purposes.

SENATE JOINT RESOLUTION 293

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 293, a joint resolution to designate July 17, 1984, as "Spanish-American War Veteran Day."

SENATE JOINT RESOLUTION 321

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 321, a joint resolution to designate the week of October 14, 1984, through October 21, 1984, as "National Housing Week."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the names of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Resolution 412, a resolution to congratulate and commend the U.S.A. Philharmonic Society.

SENATE RESOLUTION 415

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Resolution 415, a resolution commemorating the 20 years of Federal support of mass transportation.

SENATE CONCURRENT RESOLUTION 131—RELATING TO BULGARIA'S ABUSE OF THE CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORTATION OF GOODS UNDER COVER OF TIR CARNETS

Mr. D'AMATO (for himself, Mr. ABDNOR, Mr. BOSCHWITZ, and Mr. EAST) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 131

Whereas the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets is designed to facilitate the international transport of goods by exempting sealed vehicles from customs inspections;

Whereas United States Government officials have testified before Congress that the Government of Bulgaria has established a policy of encouraging and facilitating trafficking in illicit narcotics through its official import-export agency, KINTEX, and the Government of Bulgaria has used the TIR Convention in carrying out this policy;

Whereas those officials also testified that KINTEX has assisted the illicit flow of arms and ammunition to insurgent groups;

Whereas an Italian Government state prosecutor has concluded that the Government of Bulgaria used a truck, which was carrying goods under cover of a TIR Carnet, to assist the escape of an accomplice in the attempted assassination of Pope John Paul II;

Whereas it is clear that the Government of Bulgaria has repeatedly abused the TIR Convention in order to facilitate the transportation of illicit narcotics, arms, and terrorists;

Whereas the TIR Convention provides that any contracting party may, by notification to the Secretary General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention, and further provides that a review conference shall be convened by the Secretary General if not less than one-fourth of the contracting parties notify him of their concurrence with the request;

Whereas the TIR Convention also allows countries to take certain steps in order to prevent abuses, including examination of vehicles by customs officials when irregularity is suspected and in other exceptional cases; and

Whereas the United States, and other contracting parties to the TIR Convention, should not allow the Convention to be used to facilitate the transportation of illicit narcotics, arms, and terrorists: Now, therefore, be it *Resolved by the Senate of the United States (the House of Representatives concurring)*, That it is ths sense of the Congress that—

(1) the United States should request, in accordance with the Customs Convention on the International Transport of Goods under Cover of TIR Carnets, that the Secretary General of the United Nations convene a review conference to determine what steps should be taken to end Bulgaria's abuses of that Convention in facilitating the transportation of illicit narcotices, arms, and terrorists; and

(2) the President should encourage other contracting parties to the TIR Convention to concur in this request and to otherwise use the procedures provided in the Convention to end Bulgaria's abuses of the Convention.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1985

DOMENICI AMENDMENT NO. 3590

Mr. DOMENICI submitted the following amendment intended to be proposed to the bill (S. 2836) an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1985, and for other purposes, as follows:

On page 39, after line 5, insert the following:

SCIENCE AND MATH EDUCATION

For carrying out the provisions of Title II of the Education for Economic Security Act, $200,000,000 to remain available until expended.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing to examine the reasons for the increase in imports of Canadian pork and to consider an appropriate response by the United States to the increase.

The hearings will be held on Thursday, August 9, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY REGULATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Regulation, of the

Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, August 2, at 9 a.m., to hold a hearing to consider S. 1069, to amend the Federal Power Act to limit the recovery by public utilities through rate increases; S. 817, to amend section 205 of the Federal Power Act (16 U.S.C. 824D) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; and H.R. 555, to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NINTH ANNIVERSARY OF HELSINKI ACCORDS

● Mr. HEINZ. Mr. President, yesterday marked the ninth anniversary of the signing of the Helsinki Final Act. On August 1, 1975, in Helsinki, Finland, the heads of 33 European countries, Canada and the United States signed an agreement which committed their states toward greater international security and cooperation.

The Helsinki Final Act established specific provisions of international cooperation in the military and economic spheres as well as in the area of scientific, educational, and cultural exchanges. Most importantly, the Final Act also set forth an explicit code of conduct which acknowledged the importance of respect for fundamental rights and freedoms of every citizen in each of the 35 signatory nations. This historic event marked the first time that human rights were elevated to the status of an essential ingredient in international relations.

Unfortunately, Mr. President, the ninth anniversary of the Helsinki Final Act is not a happy occasion. Since the signing of the Final Act, the Soviet Government has looked upon the human rights provisions of the Helsinki Accords as merely words grafted onto an agreement which legitimized their post-World War II borders. In fact, at the Second Helsinki Review Conference in Madrid which ended last September, the East's dismal record was exposed and over 100 cases of numerous human rights activists were raised by the United States and other delegations.

The tragic fact, Mr. President, is that the Soviet Union, along with other East European signatories, have, since 1975, unremittingly continued to violate the human rights and humanitarian provisions of the Helsinki Final Act. More importantly, some signatory nations, specifically the Soviet Union and Czechoslovakia, have taken specific harsh steps to silence those noble individuals who urged their government to comply with these accords.

On this occasion, Mr. President, I would like to draw attention to the relentless assault by the Soviet Government against the Ukrainian Helsinki monitors and, indeed, against the Ukrainian people. Since the signing of the Helsinki Final Act, numerous Ukrainian human rights advocates have been interned in Soviet labor camps and confined in KGB-run special psychiatric hospitals. They include such heroic individuals as Valery Marchenko, Oksana Meskho, and Uri Shukhevich. Last May, Oleksy Tykhy, cofounder of the Ukrainian Helsinki Monitoring Group, who was serving a 12-year sentence, died after an operation in Perm Prison camp.

The Helsinki Final Act had sparked a ray of hope which inspired these courageous men and women "to know and act upon their rights and duties." Their noble efforts have been met with continuous harassment and persecution.

Mr. President, although the promise of the Helsinki Final Act has not yet been realized, at the very core of the Helsinki process is the recognition that peace and security can only exist in an atmosphere where human rights flourish. Thus, if we are to perpetuate human rights and promote true peace and genuine security, we must continuously support those who have pursued the lofty ideals of the Helsinki Final Act in the Ukraine and throughout the U.S.S.R. On the occasion of the ninth anniversary of the Helsinki agreement, I reaffirm my commitment to that goal.●

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that after the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I further ask unanimous consent that after the recognition of the two leaders under the standing order, there be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE] of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business until not later than 11 a.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, there will be a special order in favor of one Senator, to be followed by a period for the transaction of routine morning business until 11 a.m. in which Senators may speak for not more than 3 minutes each.

At the conclusion of the time for the transaction of routine morning business, the Senate will resume consideration of the pending motion to waive section 303 of the Budget Act in respect to the agriculture appropriations bill.

If other matters can be cleared during the day tomorrow, Mr. President, the leadership will attempt to do so. It is not anticipated that the Senate will be in beyond the normal business hours tomorrow, nor will there be a Saturday session.

Mr. BYRD. I hope the distinguished majority leader will excuse me for interrupting, but on the subject of the business to be transacted tomorrow, is the distinguished majority leader in a position to indicate whether or not there will be any rollcall votes?

Mr. BAKER. Mr. President, I am not in a position to say so. I would hazard a guess, based on the last couple of days, that we are not going to get any appropriation bills up right away.

If that is the case, we have a few other things we may be able to do. And there might be a RECORD vote tomorrow. I simply am not in a position to say. But Senators should not assume that there will not be RECORD votes tomorrow. I do hope, however, that we can complete the necessary actions of the Senate by midafternoon tomorrow so that Senators can get away for the weekend.

Mr. BYRD. Perhaps it would help if I could ask the majority leader this question because I think we could then perhaps infer from what his response would be as to whether or not there really will be any rollcall votes other than perhaps a rollcall vote to have the Sergeant at Arms help us get a quorum.

Is it the plan of the distinguished majority leader to stay on this agriculture appropriations bill throughout tomorrow?

Mr. BAKER. Mr. President, I hope not. Since cloture was filed today, and we cannot vote on it until Monday, I hope that we might reach some other measures and dispose of them. The three that come to mind are the military construction bill—I would like to do that, but it may not be possible to do it—women's pension equity, and one nomination on tomorrow's executive calendar that I believe will be noncontroversial. I do not know how to evaluate that, Mr. President, except to say that I do not plan to ask for a RECORD vote on any of these issues,

but I cannot assure Senators there will not be a RECORD vote.

Mr. BYRD. I agree with the distinguished majority leader. Neither of us can guarantee that there will not be rollcall votes. But if it appears at this point that the Senate is going to stay on the agriculture appropriations bill—and I anticipate that in that event there will be continuing speeches—does that not pretty well rule out the likelihood of rollcall votes on anything other than perhaps a motion to instruct the Sergeant at Arms?

Mr. BAKER. Almost surely. If, indeed, there is an objection to proceeding to some other matter, then the only recourse the leadership on this side would have would be to move, and I say to the minority leader that I do not plan to do that. But I would still hope that we might get to some of these other matters tomorrow. I doubt that on Friday I would be so cantankerous as to try to contrive a procedural vote on a motion to instruct the Sergeant at Arms, and the like. I believe that is as far as I will let the minority leader pull me on a commitment as to whether there will be rollcall votes tomorrow.

Mr. BYRD. I thank the majority leader.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of no other business to transact. I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. on tomorrow.

The motion was agreed to; and at 5:26 p.m., the Senate recessed until tomorrow, Friday, August 3, 1984, at 10 a.m.

NOMINATION

Executive nomination received by the Senate August 2, 1984:

COMMODITY FUTURES TRADING COMMISSION

Robert R. Davis, of Illionis, to be a commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1989, vice Philip M. Johnson, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 2, 1984:

DEPARTMENT OF STATE

Diana Lady Dougan, of Utah, to the Coordinator for International Communications and Information Policy, with the rank of Ambassador.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF DEFENSE

Ann S. Peterson, of Illinois, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1989.

M. Robert Hill, Jr., of California, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 1989.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert D. Hammond, [redacted], U.S. Army.
Brig. Gen. Robert D. Wiegand, [redacted], U.S. Army.
Brig. Gen. Joseph J. Skaff, [redacted], U.S. Army.
Brig. Gen. Gerald G. Watson, [redacted], U.S. Army.
Brig. Gen. Roger J. Price, [redacted], U.S. Army.
Brig. Gen. Jimmy D. Ross, [redacted], U.S. Army.
Brig. Gen. Carl W. Stiner, [redacted], U.S. Army.
Brig. Gen. Mark J. Sisinyak, [redacted], U.S. Army.
Brig. Gen. George K. Withers, Jr., [redacted], U.S. Army.
Brig. Gen. Charles E. Teeter, [redacted], U.S. Army.
Brig. Gen. Claude T. Ivey, [redacted], U.S. Army.
Brig. Gen. Lincoln Jones III, [redacted], U.S. Army.
Brig. Gen. Eugene Fox, [redacted], U.S. Army.
Brig. Gen. Thomas P. McHugh, [redacted], U.S. Army.
Brig. Gen. Todd P. Graham, [redacted], U.S. Army.
Brig. Gen. Albin G. Wheeler, [redacted], U.S. Army.
Brig. Gen. Bruce R. Harris, [redacted], U.S. Army.
Brig. Gen. Gerald H. Bethke, [redacted], U.S. Army.
Brig. Gen. James W. van Loben Sels, [redacted], U.S. Army.
Brig. Gen. Isaac D. Smith, [redacted], U.S. Army.
Brig. Gen. James R. Taylor, [redacted], U.S. Army.
Brig. Gen. Harry D. Penzler, [redacted], U.S. Army.
Brig. Gen. Edwin M. Aguanno, [redacted], U.S. Army.
Brig. Gen. William S. Carpenter, Jr., [redacted], U.S. Army.
Brig. Gen. Harry E. Soyster, [redacted], U.S. Army.
Brig. Gen. Robert G. Lynn, [redacted], U.S. Army.
Brig. Gen. Robert D. Morgan, [redacted], U.S. Army.
Brig. Gen. William F. Burns, [redacted], U.S. Army.
Brig. Gen. Ellis D. Parker, [redacted], U.S. Army.
Brig. Gen. Thomas F. Cole, [redacted], U.S. Army.
Brig. Gen. J. Hollis V. McCrea, Jr., [redacted], U.S. Army.
Brig. Gen. James D. Smith, [redacted], U.S. Army.
Brig. Gen. Charles D. Bussey, [redacted], U.S. Army.
Brig. Gen. William H. Harrison, [redacted], U.S. Army.
Brig. Gen. Thomas N. Griffin, Jr., [redacted], U.S. Army.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen. Colin C. Campbell, [redacted]
Brig. Gen. James T. Dennis, [redacted].
Brig. Gen. Keith M. Eggen, [redacted].
Brig. Gen. Raymond R. Galloway, [redacted]
Brig. Gen. William A. Hornsby, [redacted]
Brig. Gen. James B. McGoodwin, [redacted]
Brig. Gen. Alan C. Roland, [redacted].

To be brigadier General

Brig. Gen. Julius J. Chosy, [redacted].
Col. Gerald E. Amundson, [redacted].
Col. Leroy C. Bell, [redacted].
Col. Furman P. Bodenheimer, Jr., [redacted]
Col. Fred M. Carter, [redacted].
Col. Paul G. Collins, [redacted].
Col. Boyd M. Cook, [redacted].
Col. Don O. Daniel, [redacted].
Col. Alonzo D. Dougherty, Jr., [redacted]
Col. Thomas D. Farmer, [redacted].
Col. Clyde E. Gutzwiller, [redacted].
Col. Donald W. Holliday, [redacted].
Col. Waylen E. Jobe, [redacted].
Col. Ralph C. Marinaro, [redacted].
Col. John W. Matthews, [redacted].
Col. Harold A. Miller, [redacted].
Col. Alfredo J. Mora, [redacted].
Col. Tolly P. Pickett, [redacted].
Col. James K. Prough, [redacted].
Col. Thomas W. Reynolds, [redacted].
Col. Charles F. Scharine, [redacted].
Col. Wendell L. Seldon, [redacted].
Col. Harolds D. Sommers, [redacted].
Col. Thomas G. Stone, [redacted].
Col. James J. Wasson, [redacted].
Col. Barry W. Young, [redacted].

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. James R. Brickel, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Harry A. Goodall, [redacted], U.S. Air Force.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Robert L. Walters, [redacted], U.S. Navy.

DEPARTMENT OF DEFENSE

Robert S. Cooper, of Virginia, to be an Assistant Secretary of Defense.

James Paul Wade, Jr., of Virginia, to be an Assistant Secretary of Defense.

Everett Pyatt, of Virginia, to be an Assistant Secretary of the Navy.

Charles G. Untermeyer, of Texas, to be an Assistant Secretary of the Navy.

Donald C. Latham, of Virginia, to be an Assistant Secretary of Defense.

Robert W. Helm, of Virginia, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

Air Force nominations beginning Gary L. Henriksen, and ending Bradner J. Lawrence, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Air Force nominations beginning Maj. Jerald K. Aoki, and ending Maj. Judith L. Cummings, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Air Force nominations beginning Alan M. Akers, and ending Cristina C. Yaldua, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Air Force nominations beginning Joe W. Abdelnour, and ending Edward A. Weiss, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Air Force nominations beginning Timothy M. Carlos, and ending Karl A. Sweetman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Air Force nominations beginning Paul N. Anderson, and ending Paul T. Zubach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

IN THE ARMY

Army nominations beginning Chester P. Beach, Jr., and ending Gaylen G. Whatcott, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Army nominations beginning Harold L. Abner, and ending Darren B. Zimmer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Army nominations beginning Christopher C. Pixton, and ending Linda C. Yedo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

IN THE NAVY

Navy nominations beginning David Earl Adams, Jr., and ending James Fielding Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

Navy nominations beginning Jesse Ramirez Ada, and ending Paul Donado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 23, 1984.

HOUSE OF REPRESENTATIVES—*Thursday, August 2, 1984*

The House met at 10 a.m.

The Rev. Samuel R. Holder, Dunton Presbyterian Church, South Ozone Park, NY, offered the following prayer:

Our Father, we give thanks that Thou hast called our honorable Representatives to lead our country. Bless them, their families, and this session of Congress, we pray.

We are eternally grateful for our Nation, our democracy, and the freedoms we all have. Give us all strength to continue to love and serve each other regardless of our heritage.

We thank Thee for the spirit of America that opens its heart to all. Thou has brought us together regardless of religion, social or secular persuasion.

In the words of an old children's hymn, "Red and yellow, black and white, all are precious in His sight," God loves His children everywhere.

We pray these through the love we share for Thee and for each other. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4952. An act to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4325) "An act to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 1428. An act for the relief of the estate of Nell J. Redfield;

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.; and

H.J. Res. 279. Joint resolution expressing the sense of the Congress regarding the reduction of emigration from the Soviet Union.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1841. An act to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws; and

S. 2201. An act to convey certain lands to the Zuni Indian Tribe for religious purposes.

REV. SAMUEL R. HOLDER

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, and to include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I am honored to call the attention of my colleagues to my good friend, Rev. Samuel Holder who just blessed us with his opening prayer.

Reverend Holder has been the pastor at the Dunton Presbyterian Church, in South Ozone Park, Queens, for over 22 years. A 1959 graduate of Princeton University's Theology School, he is widely regarded in our community of South Ozone Park and throughout the borough of Queens and city of New York, as a scholar and a spokesman of God and of peace.

As president of the Queens Interfaith Clergy for 8 years, and now as honorary president, Reverend Holder has brought understanding between all faiths. And by doing so he has strengthened our community and brought brother closer to brother. His message has always been the same as he so eloquently stated this morning, "red and yellow, black and white, all are precious in his sight." It is essential that we adopt this understanding. We will have to practice Dr. Holder's message if we are to bring about world peace.

Reverend Holder is a widely traveled man. He was part of the first black delegation to be invited to the Soviet Union in 1970 by the Russian Orthodox Church. The following year he went to Israel and met with religious leaders and Jews and Arabs alike.

In his years of devotion to our community and our country, I have noticed a commitment to people that can only be from the heart. He is an integrationist, a mediator, a spokesman, an educator, and a friend to all. God bless him, his wife, the former Erma Lorraine Cowan, and three children, and his wonderful congregation.

REV. SAMUEL R. HOLDER

EXPERIENCE

1962-Present: Pastor, Dunton Presbyterian Church, 109-29 135 St., South Ozone Park, N.Y. 11420.

1961-1962: Assistant Pastor, St. Augustine Presbyterian Church, Bronx, New York.

1958-1961: Pastor, Brook Presbyterian Church, Hillburn, N.Y.

1958: Assistant Pastor, Presbyterian Church of the Covenant, Detroit, Michigan.

QUALIFICATIONS

Education: Th.M.—1959 from Princeton Theological Seminary, Princeton, N.J. M.Div.—1957 from School of Religion, Butler University, Indianapolis, Ind. B.A.—1954 from Frankfort Pilgrim College, Frankfort, Ind.

Ecclesiastical Status: Ordained June 30, 1958 by the Presbytery of Detroit. Member of the Presbytery of New York City.

PERSONAL

Born: 6/26/33 in Georgetown, Guyana, S.A.

Married: To the former Erma Lorraine Cowan; 3 children, ages: 14, 12, and 11.

PROFESSIONAL ASSOCIATION AND RELATED ACTIVITIES

Commissioner—Member of the nine member New York City Board of Corrections. Appointed by the Mayor of New York City.

Honorary President (Past President)—Queens Interfaith Clergy Council, Inc.

Executive Board Member—Board of Directors, National Committee of Black Churchmen, U.S.A.

Executive Board Member—Human Resources Council, Jamaica Chamber of Commerce.

Member of Advisory Board—Queens Urban League.

Member of Board of Directors—City-Wide Interfaith Committee Against Poverty.

Member of Advisory Board—August Martin Aviation High School.

President—Queens Clinical Society Advisory Council.

Chairman—South East Queens Committee Against Crime.

Former affiliations:

Chairman—Commission on Religion and Race, Presbyterian Church.

Chairman—Black Caucus, National Council of Churches General Assembly, December, 1968, Detroit, Michigan.

Co-Chairman—Queens Association for Quality Integrated Education.

Executive Member—Race & Religion Secretariat, Council of Churches.

Member—General Council of the Presbyterian Church of N.Y.C.

Member—Board of Directors, Jamaica NAACP.

Member—Queens County Community Board Number 13.

Member—Executive Board, National Black Coalition.

Member—Board of Directors, So. Ozone Park Chamber of Commerce.

Member—Queens County Borough President's Advisory Council on Narcotic Addiction.

Member—Mary Immaculate Hospital's Advisory Board.

Board Member—New York Urban League.

Board Member—New York "Operation Open City."

Member—Advisory Council, Jamaica Adult Training Center, MDTA Program, New York City Board of Education.

Member—Commission on Black Jewish Concerns, Synagogue.

ADDITIONAL PROFESSIONAL ACTIVITIES

Interviewed by the British Broadcasting Overseas Corporation (BBC) in 1972, London, England.

Selected as part of an American delegation by the American Israel Cultural Foundation to visit Israel and Greece in July, 1971 to study and meet with religious, political and secular leaders of those countries for one month. While in Israel, met with former Premier David Ben-Gurion and discussed Black-Jewish relations. Also, met with various mayors of Israeli cities including Jerusalem, Tel-Aviv, Beersheba, and Nazareth.

Was one of five Black clergymen to visit the Soviet Union in 1970 at the invitation of the Russian Orthodox Church and its Patriarch. While there, he strongly insisted to hosts that delegation of clergymen be permitted to visit the Synagogue of Moscow. Request was granted near end of visit.

Chaired meetings of local School Districts 28 and 29 in Queens County in 1969-70 and 72-73 designed to develop coalition slates in both districts which would represent the philosophy of Blacks and whites working together for quality racially integrated education.

Organized NYC clergy of all faiths and arranged meeting with New York Board of Rabbis which gained their support in fight for greater representation of minorities in the City government including the City Council.

Organized Black and Jewish clergy of Queens in 1968 in effort to ease tensions during the NYC school strike.

Was instrumental in expanding the work and program of the Queens Interfaith Clergy Council to include the political, social, and economic problems of the County.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1985

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 520 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections except for section 107, and each title shall be considered as having been read. Section 107 of the bill shall not be considered for amendment until the remainder of the bill has been considered for amendment in its entirety, and until section 107 is considered for amendment, no amendment to the bill, including an amendment in the nature of a substitute, shall be in order which affects the subject matter of section 107, funding for military and paramilitary operations in Nicaragua. At the expiration of two hours of consideration of section 107 of the bill under the five-minute rule, no further amendments to the bill or to said section shall be in order and the question shall occur on any pending amendment or amendments to section 107. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The Gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 520 provides for the consideration of H.R. 5399, the Intelligence Authorization Act for Fiscal Year 1985. It provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The resolution is an open rule. Under its terms, the amendment process will be divided into two parts. First, with the exception of section 107 which prohibits the use of any authorized funds to support military or paramilitary operations in Nicaragua, the bill shall be considered for amendment under the 5-minute rule by title instead of by section, and each title shall be considered as having been read. Section 107 shall not be considered for amendment until the remainder of the bill has been considered for amendment in its entirety. Until section 107 is considered for amendment, no amendment to the bill, including an amendment in the nature of a substitute, shall be in order if it affects funding for military or paramilitary operations in Nicaragua—the subject matter of section 107.

The rule does not limit the amendments that may be offered. It does, however, impose a time limit of 2 hours on the consideration of amendments to section 107. Under this procedure, the House will be able to fully debate the issue of U.S. support for military or paramilitary activity in Nicaragua, and bring that issue to an orderly resolution.

Finally, the resolution provides one motion to recommit.

Mr. Speaker, H.R. 5399 authorizes funding for all of the intelligence-related functions of the Federal Government for fiscal year 1985. Much of the contents of the recommendations of the Permanent Select Committee on Intelligence are classified, and for this reason I will leave a detailed discussion of the bill to Chairman BOLAND. As a member of the committee, however, I want to express to my colleagues my very strong support for this legislation.

Mr. Speaker, the rule before members provides a fair and orderly method for considering all aspects of the bill. I therefore request that my colleagues adopt House Resolution 520.

□ 1010

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the Rules Committee met to consider this rule both the chairman and the ranking Republican member of the Permanent Select Committee on Intelligence agreed on the rule request. The Rules Committee gave them exactly what they sought. So while there may be partisan differences on the provisions of the bill, there is bipartisan agreement on the provisions of the rule.

The only unusual feature in this rule is the procedure for consideration of the issue of paramilitary operations in Nicaragua. This subject is contained in section 107 of the bill. Under this rule, section 107 will not be considered for amendment until after action has been completed on the remainder of the bill. A maximum of 2 hours is provided for consideration of amendments to section 107. The remainder of the bill, other than section 107, will be considered under an open rule procedure.

Mr. Speaker, while the issue of paramilitary operations in Nicaragua has been considered several times by this House in the last year, circumstances there are constantly changing, and the

majority of the House may wish to alter the language in the bill to reflect current circumstances.

At the time of the Rules Committee meeting, the administration provided a policy statement opposing this bill unless it is amended to delete section 107 which prohibits the use of any fiscal year 1985 funds for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.

Mr. Speaker, the President needs to have room to maneuver in this kind of a situation and especially during the present negotiations. We should not take away all of his bargaining chips even before the negotiations are concluded. Not long ago our Secretary of State was in Nicaragua. And in this morning's Washington Post additional negotiations with Nicaragua are reported. The newspaper report is as follows:

MEXICO CITY, August 1.—Nicaraguan and U.S. officials concluded two days of negotiations in a Mexican seaside resort today and diplomats said they expect further such "substantive" discussions to be held.

Conducted under tight security in Manzanillo, the talks have moved beyond the procedural issues that dominated previous meetings here and in Georgia, U.S. diplomats said.

"We see this as a step forward, but not a definitive solution," said a senior Mexican official, adding that host Mexico expects the contacts will lead eventually to "some arrangement" between the two countries. While acknowledging an atmosphere of mutual distrust, Mexican diplomats hailed the new round of talks as a positive development.

The Foreign Ministry, urging both parties to seek "concrete agreements," said it hopes the talks will result in "a bilateral understanding that resolves disagreements and contributes in an effective way to peace in the region." Nicaragua's chief representative in the talks is Deputy Foreign Minister Victor Hugo Tinoco, while the U.S. delegation is headed by Special Ambassador Harry Shlaudeman.

Mr. Speaker, we should negotiate and it is much better for our Government to negotiate without severe limitations, than from a position where the other party knows we are powerless to act.

Mr. Speaker, hopefully today when this matter is concluded, we will not tie the hands of our Government in this very critical situation that is now underway in Nicaragua.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from Virginia.

Mr. ROBINSON. I thank the gentleman for yielding.

Mr. Speaker, I would like to verify that the rule is certainly in order with regard to the wishes of the minority, and that its granting was just what we wished. The Committee on Rules has treated us, I think, with ultimate fairness with respect to the matter.

It is unusual, however, and I would like to advise my colleagues, that although there are 2 hours set aside for discussion of section 107, under the 5-minute rule there is no prohibition, of course, to the discussion of section 107 during general debate and, of course, it will be mentioned in the process of general debate.

Mr. LATTA. I thank the gentleman for his comments.

Mr. Speaker, I support the rule so that the House may proceed to consider, and I hope to improve on, H.R. 5399, the Intelligence Authorization Act of fiscal year 1985.

Mr. BEILENSON. Mr. Speaker, I thank my colleagues on the other side of the aisle for their comments in support of the rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. I thank the gentleman for yielding this time to me.

Mr. Speaker, first let me rise in support of the rule. As a member of the House Intelligence Committee, I think that the rule is ultimately a very fair one and I think it will give us a chance to debate the issue.

Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I would like to take this moment to explain that I was unavoidably absent last evening from the House when it considered H.R. 5151, the Hunger Relief Act.

Were I here, Mr. Speaker, on rollcall 341, I would have voted "aye," and were I here on rollcall 342, I would have voted "aye."

Let me explain briefly the reason I was not here. I do not know whether this reason amounts to official business, but it was certainly very important business. My wife and I were celebrating our silver wedding anniversary, 25 years of marriage and, of course, after 25 years of such a milestone event, I think it would have been wrong if I had not fully celebrated that event with her, and we did. I do not think anything should interfere, even a very important bill like H.R. 5151.

So let me take this opportunity also, which the Speaker has kindly afforded me, to thank Helen for having been such a wonderful wife, a wonderful mother, and a wonderful companion over these past 25 years.

Mr. BEILENSON. Mr. Speaker, we extend our congratulations to the Mazzolis.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolutin 520 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5399.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. MURTHA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts [Mr. BOLAND] will be recognized for 30 minutes and the gentleman from Virginia [Mr. ROBINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5399, the Intelligence Authorization Act for fiscal year 1985, is the seventh recommendation by the Permanent Select Committee on Intelligence, in its 7-year lifetime, to authorize funds for the entire U.S. intelligence effort. Like its predecessor bills, it provides no detail of either the sums or the personnel it would authorize for the great majority of intelligence programs. Those figures are to be found in the classified schedule of authorizations, which is incorporated by reference into the bill itself, and in the classified annex to the committee's report accompanying the bill. Both have been available to Members of the House for their examination in the Intelligence Committee's offices since June 6.

Mr. Chairman, the committee's review of the fiscal year 1985 budget request posed many difficult but necessary choices. Decisions were reached in a bipartisan and thoroughly cooperative effort. The worldwide, geometric growth in the complexity of the intelligence collection environment made the committee's task particularly serious. There is a need for intelligence capabilities to keep pace with such expansions. This must be reconciled with the stringencies imposed by the budget resolution. In the end, the committee has recommended a reduction from the President's budget request, a reduction which is similar in percentage to that taken by the Committee on Armed Services from the overall Defense budget.

It is our judgment that the recommendations of H.R. 5399 represent a reasonable balance between needed capabilities, and prudent cost. The recommendation of the committee permits real growth and improvements in intelligence collection. Nonetheless, the action of the committee sends a strong message to the administration that this budget request, as well as future budget requests, must stand the test of fiscal responsibility, when seen in light of the threatening size of the Federal deficit.

Throughout the committee's review of the budget, one controversy has arisen. It is familiar to all Members of the House. It concerns the issue of continued funding for the insurgents in Nicaragua. Members of the committee continue to differ on this issue. The majority of the committee, as it has before, recommended complete termination of this activity. Despite that disagreement, the committee's bipartisan character remains strong. We have not been torn asunder, press accounts to the contrary notwithstanding. Our security record remains excellent.

Once again, let me emphasize that the disagreement which the committee has reached with the administration of this issue does not threaten the consensus within the committee on the character or the other activities of the intelligence agencies themselves. This is a policy dispute. There is no accusation that the intelligence agencies of this Government are out of control or unresponsive to the laws and Government of this country. Rather, they are the agent of the President in this particular and unfortunate aspect of his Central American policy. Nor does the disagreement which the committee has with the President go to the legitimacy of covert action or whole fabric of U.S. policy in Central America. It confines itself to a disagreement on the effectiveness and appropriate aims of a particular covert action to overthrow the government of another nation.

Mr. Chairman, in addition to authorizing appropriations for all U.S. intelligence activities, and prohibiting the obligation or expenditure of any funds for military or paramilitary operations in Nicaragua, H.R. 5399 provides other authorities to the U.S. intelligence community. It authorizes $20.3 million and 232 personnel for the intelligence community staff, authorizes $114.5 million for the completion of a second headquarters building at the CIA complex in Langley, VA, and $14.5 million for the counterterrorism program of the FBI. The bill authorizes $99.3 million for the Central Intelligence retirement and disability system, that retirement system available to intelligence officers or employers who serve overseas for long periods of time.

Finally, the bill provides authority to the Director of Central Intelligence to employ agency personnel as special policemen to act only within agency installations to protect agency personnel and property. This authority arises as a result of the inability of the General Services Administration to provide adequate numbers of security guards at the CIA headquarters complex in Langley. Legal authority is necessary because the National Security Act of 1947 provides that the CIA may not exercise "police, subpoena, law enforcement powers, or internal security functions."

Because of this restriction, which has applied since the establishment of the CIA, the committee made clear in the bill that CIA special policemen must be "clearly identifiable" as security personnel and that their authority can go no further than the premises controlled by the Agency.

The committee has also urged the CIA to provide opportunities to those GSA guards presently serving at CIA installations to become employees of the CIA and continue as security guards at its facilities.

Mr. Chairman, I want to emphasize to the House today, as I have in the past, that the bipartisan consensus that produced H.R. 5399 is a tribute to the cooperation, integrity, and the very hard work of the ranking minority member of the committee, KEN ROBINSON of Virginia. KEN is retiring at the end of the 98th Congress. I know the last 7 of his 14 years—those which he has served on the Intelligence Committee—have been hard ones for him. He has done an enormous amount of work, both as ranking minority member of the committee, and ranking minority member of the Subcommittee on Program and Budget Authorization. The House and this Nation owe him sincere thanks for his dedicated, professional and very patriotic work on the Permanent Select Committee on Intelligence.

Mr. Chairman, I would also like to pay tribute to the hard work and contributions the other members of the Program and Budget Authorization Subcommittee—NORM MINETA of California, DAVE MCCURDY of Oklahoma, LEE HAMILTON of Indiana, BILL YOUNG of Florida, and BOB STUMP of Arizona. All of them worked hard and long to make H.R. 5399 the bill that it is today.

Mr. Chairman, the subcommittee was ably assisted in its work on the fiscal year 1985 budget by its budget staff, Jim Bush, Marty Faga, Duane Andrews, Annette Smiley, and Carol Thompson. Mr. Bush and Ms. Smiley have since left the committee for other positions. The committee will miss them and thanks them and all the staff for their dedicated and thoroughly professional work. The staff of the subcommittee is truly nonpartisan. They are as qualified a group of program and budget analysts as can be found in the entire U.S. intelligence community.

□ 1020

I also add my thanks to the other members of the committee: the gentleman from Kentucky [Mr. MAZZOLI]; the gentleman from Georgia [Mr. FOWLER]; the gentleman from Tennessee [Mr. GORE]; the gentleman from Ohio [Mr. STOKES]; the gentleman from Oklahoma [Mr. MCCURDY]; the newest member of the committee, the gentleman from California [Mr. BEILENSON]; the gentleman from Virginia [Mr. WHITEHURST]; and the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Chairman, I reserve the balance of my time.

Mr. ROBINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, H.R. 5399, authorizes appropriations for fiscal year 1985 for the conduct of intelligence activities by the departments and agencies within the U.S. intelligence community. The activities for which this bill authorizes funding ensure that the President, the Congress and other senior policymakers will have the timely and accurate information they need on the capabilities, activities, and intentions of foreign powers. The defense of this Nation and of its interests in matters of international concern depends to a great extent upon the availability of good intelligence to our elected and appointed leaders. I believe it is fair to say that the members of the Intelligence Committee are unanimous in the opinion that effective intelligence capabilities are essential to the safety and well-being of the Nation.

Guided by this basic consensus, the Intelligence Committee thoroughly scrutinized the programs of our intelligence agencies, and reached carefully considered decisions concerning recommendations to the House of appropriate levels of funding and personnel for those programs. The committee made the vast majority of these important decisions with very little partisan controversy. The one area about which such total controversy exists is section 107 of the bill, which prohibits certain assistance to the Nicaraguan resistance. The rule governing consideration of H.R. 5399 specifically provides time for debate on the subject of section 107 later during the 5-minute rule.

Because the effectiveness of intelligence programs depends in part upon their secrecy, the details of the programs and the associated levels of funding and manpower must, of course, remain concealed. I fully support our committee's recommendation not to disclose publicly the amounts of

funds requested by the President or the amounts which H.R. 5399 would make available. Therefore, I will not discuss specific committee recommendations. Details of these recommendations are contained in the classified annex to our committee report on H.R. 5399 which, along with the classified schedule of authorizations referred to in the bill, has been available for review by all Members of the House since June 6.

For fiscal year 1985 the administration requested an increase in intelligence funding from 1984 levels. But in reviewing the request we were not persuaded that all of the specific programs were fully warranted. Although the committee is recommending significant reductions in the requested amounts consistent with the reductions imposed upon other national security activities, I am pleased to say that the bill will allow for some real growth in intelligence programs. The committee's recommendations would delete or defer certain programs and in other cases would increase program funding. The committee did not arrive at these decisions easily. Considerable thought, review and discussion preceded the committee decision to recommend a budget reduction. We were careful to ensure that essential intelligence capabilities will be maintained and that meritorious new programs will be funded. In particular, the committee examined the need for effective tactical intelligence capabilities to support our Armed Forces. The committee's review of the Grenada operation resulted in a number of specific steps to reduce some shortfalls in tactical intelligence support capabilities, especially in the area of communications.

The intelligence authorization bill contains one new administrative provision, which the chairman also mentioned. The provision grants to the Director of Central Intelligence the authority to designate CIA security officers to replace the General Services Administration guards now protecting CIA installations and personnel. The CIA security personnel will exercise the same powers and duties as the GSA officers currently exercise, but only within CIA installations. This authority is necessary to provide more adequate security at CIA facilities. In addition to improving CIA security, this transfer of responsibility for CIA facilities from GSA to CIA will result in some cost savings.

I believe that H.R. 5399, on the whole, represents a balanced and effective allocation of scarce resources to U.S. intelligence programs. I strongly oppose section 107 of the bill, which prohibits certain assistance to the Nicaraguan resistance. But I fully support the remainder of the bill, which provides the resources needed in 1985 for the effective U.S. intelligence programs essential to the security of the Nation.

Mr. Chairman, I want to bring to the attention of the House that this is not a Nicaraguan or a Central American aid authorization. It is an intelligence authorization, and in my view, not a proper vehicle for such an explosive political issue resolution, because it covers so much more.

One final matter that I wish to bring to the attention of the House is the departure of many of the members of the Intelligence Committee at the end of the current Congress. Under House rule 48, Members of the House may serve continuously on the Intelligence Committee only for 6 years. Eight of the fourteen members currently serving on the committee will not be eligible for reappointment by the Speaker in the next Congress. I would recommend to the House that some formula be found by which smoother transitions of membership would occur on the Intelligence Committee, so that a mass departure of members will not occur again. We need to ensure better continuity on the committee of knowledge and experience in intelligence matters.

As the chairman has said, this is my last Congress, and the bill we are now considering is the last intelligence authorization bill that it will be my privilege to have labored over. Arriving, as we have for the past 6 years, at bipartisan consensus on the vast majority of the intelligence programs vital to our national security has not been a simple task. In large measure, one man has been responsible for the great success of those efforts—our chairman, the gentleman from Massachusetts, EDWARD P. BOLAND. The committee has the enormous advantage of the statesmanlike leadership of this true gentleman, our disagreement regarding section 107 notwithstanding. This House and the people of this Nation owe him a great debt of gratitude.

The chairman has also referred in his remarks to the dedication of the other members of this subcommittee on program and budget, NORM MINETA, DAVE MCCURDY, LEE HAMILTON, BILL YOUNG, and BOB STUMP, and I concur enthusiastically with his remarks regarding their contribution.

I would also like to say a special word of thanks to the staff of the Subcommittee on Program and Budget Authorization, whose diligent efforts in the years since our committee's creation have been crucial to the effective fulfillment of our intelligence authorization role. Jim Bush, Marty Faga, Duane Andrews, Annette Smiley, and Carol Thompson of the budget staff provided invaluable support to the subcommittee. Jim and Annette have moved on to new positions, and we wish them every success.

It has been a high privilege to serve with my colleagues on the Intelligence Committee in terms of attempting to rebuild U.S. intelligence capabilities, which had suffered so much during the 1960's and early 1970's. When someone in some distant year writes the history of the Congress of the past decade, it will perhaps be recorded that the intelligence authorization process, created by the Congress in 1978 and followed in subsequent years, proved to be the engine of progress in revitalizing the U.S. intelligence community to make the American people safer in an increasingly hostile world.

Mr. Chairman, I reserve the balance of my time.

□ 1030

Mr. BOLAND. Mr. Chairman, I want to thank the distinguished gentleman from Virginia for his kind remarks and his personal reference to me. Coming as it does from him, with the magnificent character and personality that he has, I want to say that it is all the more deeply appreciated.

Mr. Chairman, I yield such time as he might desire to my distinguished colleague, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I thank the gentleman for this time. I requested it for the purpose of entering into a colloquy with the distinguished chairman of the committee, my colleague, the gentleman from Massachusetts.

Mr. Chairman, in its report on House Resolution 467, a resolution of inquiry concerning the Central Intelligence Agency and death squads in El Salvador, the Intelligence Committee states that it "has urged, and the Director of Central Intelligence has undertaken to conduct, a review of all Agency relationships with the aim of providing a reliable and comprehensive report on the subject of death squad activity, intelligence collection activity thereon, and any possible improper CIA involvement therein."

My questions to the gentleman are: Has the effort to prepare such a report been undertaken?

If so, what is the status of that effort?

If the report has been completed, what may be said with respect to its findings?

Mr. BOLAND. Mr. Chairman, will the distinguished gentleman yield?

Mr. STUDDS. Certainly.

Mr. BOLAND. The report to which the gentleman refers has been completed. Its scope is limited to reviewing CIA operational relationships in El Salvador to determine if any improper relationship does indeed or has existed. By improper, I mean any relationship which supported or encouraged death squad activity.

The CIA report concludes that the Agency has not engaged in activities supporting or encouraging death

squad activity. The committee is examining the report carefully but it will not necessarily be bound by the scope of the CIA report. Rather, the committee will, during the course of its own inquiries, explore all CIA-death squad allegations such as those raised by the Progressive magazine, the Christian Science Monitor and other publications. Those inquiries, which are now beginning, aim toward a committee statement on this subject by the end of this Congress.

Mr. STUDDS. Mr. Chairman, in a report issued on September 22, 1982, regarding "U.S. Intelligence Performance on Central America," the Committee noted that, to that point, "the United States has lacked an understanding of rightist violence comparable to the intelligence which has been provided about the organization and activities of the insurgents." That report cited specifically the failure of the intelligence community to analyze in a systematic or serious fashion a collection of documents that had been in the possession of former Major Roberto D'Aubuisson when he was arrested in May 1980. These documents included a log of meetings, expenditures, arms lists with references to silencers and other special equipment, names, addresses, and phone numbers of rightist Salvadoran businessmen, and various propaganda fliers discrediting U.S. policy in El Salvador and urging support for a coup. It is argued by some that these documents provide important clues with respect to the involvement of Major D'Aubuisson in the assassination of Archbishop Romero in March 1980.

I have two questions:

How would the gentleman characterize the quality of intelligence information with respect to the problem of rightwing violence in El Salvador at the present time?

Second, has the intelligence community conducted a serious analysis of the D'Aubuisson documents since the Intelligence Committee issued its report almost 2 years ago?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. Certainly.

Mr. BOLAND. The problem with intelligence collection on right wing violence in El Salvador is that we do not collect enough intelligence. It can sometimes be very difficult to collect, but U.S. intelligence does not know as much as we would like to know.

The quality of the intelligence U.S. intelligence does collect varies. Some is excellent, some good, some not too useful. Quality could be improved, but both more and better intelligence are needed to address this important topic.

I am unaware of any serious analysis of the so-called D'Aubuisson documents by the intelligence community to this date.

Mr. STUDDS. Mr. Chairman, I thank the gentleman.

Finally, on January 30, 1984, columnist Jack Anderson reported that the CIA had for 30 years been funding—and was continuing to fund—conservative Guatemalan businessman Mario Sandoval Alarcon.

Is the Intelligence Committee confident that it knows whether or not the allegations contained in the Anderson column are accurate?

Can the gentleman provide assurances of any nature to the House with respect to the possibility that the CIA did—or is still—providing assistance of any kind to Sandoval?

Mr. BOLAND. Will the gentleman yield?

Mr. STUDDS. Certainly.

Mr. BOLAND. I will not comment on the specific allegations of the Jack Anderson column.

U.S. intelligence is proscribed from encouraging or supporting death squad activity anywhere.

The committee examined the allegations of the Jack Anderson column, has reviewed relevant intelligence and has determined what it believes to be the truth as to each allegation. Clearly death squads exist in Guatemala, and just as clearly certain notorious figures directed their activity.

On the basis of its review of the allegations in question, the committee has no reason to believe that the agency has violated proscriptions against encouraging or supporting death squads in Guatemala.

I thank the gentleman for bringing this matter to the attention of the committee.

Mr. STUDDS. Mr. Chairman, I thank the distinguished chairman for his time and his response to my questions, and also, if I may take this occasion to thank him for the extraordinary courage and leadership he has shown on the question of U.S. policy in Central America in general.

Mr. BOLAND. I thank the gentleman, my colleague from Massachusetts.

Mr. ROBINSON. Mr. Chairman, I now yield 7 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, we are now witnessing the slow strangulation by the majority party of America's fundamental commitment to democracy in Central America. Section 107 of the legislation before us today includes language which goes way beyond the Boland-Zablocki language of 2 years ago that governed covert activities in Nicaragua. Under Boland-Zablocki no funds could be used to overthrow the Government of Nicaragua. Under this bill the CIA could not even help fund the interdiction of arms flowing from Nicaragua into El Salvador.

This bill is aimed at denying U.S. aid to the Contras fighting against the unelected Sandinista junta in Nicaragua. But the language of this bill goes much further. It denies aid to any group which might attempt to oppose any government of Nicaragua.

Suppose the Sandinista junta continues to tighten its control over the people of Nicaragua, completely closes down La Prensa, the only so-called free press, or outlaws the Catholic church because it is opposed to the junta—as it is. Then suppose they decide to outlaw all political parties because the upcoming "election" will, as they say, "establish beyond a shadow of doubt that the Nicaraguan people do not want any other parties in their country." And then, suppose that the Nicaraguan people, chafing under the growing totalitarianism, urged on by men and women committed to democracy, decided to fight.

Would we be able to help them in their struggle? Under this bill the answer is no.

Suppose then that like Angola, Ethiopia, or Afghanistan, the Sandinistas call upon their Communist brethren to come to their aid, to send Cuban combat troops, perhaps even the Soviet combat brigade stationed in Cuba. Would we then be able to aid people fighting against this tyranny? Under this bill the answer is, once again, unequivocally no. The bill would leave the United States with only one option—commitment of military troops—which no one, I repeat, no one on this side of the aisle wants to see happen.

In other words the majority party is saying today, that there is absolutely nothing, under any circumstances, they are willing to do to aid Nicaraguans who are forced to fight for their freedom.

This bill, in the final analysis, states that the only "acceptable" thing for the United States to do, is to do nothing.

In desperation to adhere to this "do nothing" policy, my colleagues on the other side of the aisle are now deliberately ignoring basic realities in Nicaragua. The Sandinista junta is becoming more oppressive—civil, politician, and human rights are fewer then when they took power. Other groups which took part in the revolution have in standard Communist fashion been dispensed with one by one, until only the Sandinistas remain.

Which country is providing safe haven, weapons, military training, and official support of leftist guerrillas fighting against the democratically elected Government of El Salvador? It is the Sandinistas of Nicaragua. Under this bill we can do nothing about that.

I would like to ask the chairman of the committee, the gentleman from Massachusetts [Mr. BOLAND], to enter into a colloquy, and I would ask if the

gentleman might answer some questions.

In May of 1983 in your report, in the intelligence authorization bill, the committee said on page 6 that it believes that the intelligence available to it continues to support the following judgments with certainty:

One, a major portion of the arms and other materials sent by Cuba and other Communist countries to the Salvadoran insurgents, transits Nicaragua with the permission and assistance of the Sandinistas.

Is that true today, Mr. Chairman?

Mr. BOLAND. Will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman.

Mr. BOLAND. As the gentleman knows, that particular reference in the report has been used many times in the debate on the military power and military operations in Nicaragua, and that precisely was the judgment of the committee. That generally is the judgment of the committee today.

Mr. COLEMAN of Missouri. Did you answer yes or no to that question?

Mr. BOLAND. You have reference to the report that was made by this committee in 1983?

Mr. COLEMAN of Missouri. Right.

Mr. BOLAND. Pointing to and indicating that there is clear and convincing evidence that military equipment is going to El Salvador and transiting through Nicaragua; is that the question?

Mr. COLEMAN of Missouri. Right. Is that true today? Because I see there is nothing in the report.

Mr. BOLAND. That is true today, as it was at the time of that report. The evidence is less concrete, more circumstantial, but it still supports that conclusion. We have never backed away from that statement.

Mr. COLEMAN of Missouri. That is fine. Let me ask another question, and I appreciate it. I only have a certain amount of time.

Another statement which was made with great certainty by the committee in May 1983 was that the Salvadoran insurgents rely on the use of its sites in Nicaragua, some of which are located in Managua itself, for communications, command and control, and for the logistics to conduct their financial, material, and propaganda activities.

Is that true today?

Mr. BOLAND. That was true in 1983 and it is true today. My answer would be yes.

Mr. COLEMAN of Missouri. Along the same lines, Mr. Chairman, with certainty the committee stated that the Sandinista leadership sanctions and directly facilitates all of these functions. And, further, Nicaragua provides a range of other support activities, including secure transit of insurgents to and from Cuba, and assistance to the insurgents in planning their activities in El Salvador.

Is that true today also?

Mr. BOLAND. It was true then. It is true today. And the committee has never backed away from that statement.

Mr. COLEMAN of Missouri. As I recall also in the report the committee suggested we set up radar or sensing barriers in between Nicaragua and El Salvador. I was wondering if the chairman could give me an update on the radar that they suggested and the sensing that they suggested as an alternative to the interdiction of arms through covert activities.

Would the chairman give an update on the radar and the fencing that you suggested in May 1983?

Mr. BOLAND. As the gentleman knows, the whole basis of the war in Nicaragua and the flow of arms into El Salvador from Nicaragua, was originally arms interdiction. That has been the nub of the whole question since this war started. But let me respond to the gentleman and let me indicate to him that there has been little or no interdiction of arms by anyone into El Salvador.

Mr. COLEMAN of Missouri. Has there been any radar?

Mr. BOLAND. Let me also say to the gentleman that the administration opposed any arms interdiction program in H.R. 2760, but this is also an area that we can take care of in the 2-hour debate on section 107. And I will not respond to any more questions of the gentleman. He can wait until we get into section 107.

Mr. COLEMAN of Missouri. It is my time. I do not understand. It is my time that we are eating up and using up and the chairman will not respond to my questions. I do not recall in my 8 years that the chairman has refused to answer questions when it is on our time on such an important issue.

My question is has anybody requested the radar; has anybody requested funding for fencing? Where are the fences? Where is the radar?

That is all I want to know, because there is nothing in the report today or in this thin public document that says anything about section 107 except no funds shall be used period. I just want to know what happened.

Mr. BOLAND. If the gentleman will yield I will be happy to answer.

It is the judgment of the majority of the members of this committee that this has been a senseless war in Nicaragua, and they have witnessed little or no emphasis by the administration to the interdiction of arms into El Salvador. Their attention has been paid instead to an insurgency committed to the overthrow of the Sandinista government. That is my response.

Mr. ROBINSON. Will the gentleman yield to me?

Mr. COLEMAN of Missouri. Sure.

Mr. ROBINSON. The gentleman is getting into a highly sensitive area and there are questions he is asking that simply cannot be answered fully and specifically on the floor of the House.

Mr. COLEMAN of Missouri. Is the gentleman suggesting we go into secret session?

Mr. ROBINSON. No.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COLEMAN] has expired.

□ 1050

Mr. BOLAND. Mr. Chairman, I have no further requests for time.

Mr. ROBINSON. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding.

Mr. Chairman, I would like to take this opportunity to commend our chairman of the Intelligence Committee for an outstanding job.

I would especially like to commend my ranking member, the gentleman from Virgina [Mr. ROBINSON]. I think there are few people that have been more dedicated in any effort in this Congress than Mr. ROBINSON has been in his defense of the intelligence community and I think he commands the respect of all of us for such an outstanding job as ranking member on this committee, and I personally thank you.

Mr. ROBINSON. I thank the gentleman from Arizona for his very flattering comments. He has been a valuable member of this committee. I will certainly miss the association with him when I leave the Congress.

Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I hope my remarks are not deemed intemperate because they are said with some feeling. I know we all think we can identify our national interests in Central America and protect them but I just think section 107 is a disaster.

It forbids any assistance to the freedom fighters in Nicaragua who are trying to recapture the revolution that they believed in when it was fought against Somoza. I tried to think of a word to describe section 107. There just is not any. Silly, foolish, dangerous, tragic, naive, sad; it is all of those things and even more.

But if you ever doubted that history repeats itself you have validation of that aphorism today. Back in 1956 in Hungary when the freedom fighters rose to resist the Soviet Union, the Soviet tanks rolled in and we were spectators except for the Voice of America urging them to fight on.

In 1961, the Bay of Pigs, train 'em, arm 'em, encourage 'em and then walk

away, pull the rug, pull the plug, abandon them.

Saigon, 1975, I can still see our helicopters lifting off the Embassy roof with the tears and the arms outstretched of the people who believed in us, who trusted in us, recessed into the distance as we abandoned them.

And now, train the Contras, urge them to get in those mountains and fight for freedom and then abandon them as we are doing today and as we have done before.

Arm them and abandon them on a party line vote. No food, no medicine, no ammunition, not even moral support. We barely leave them a prayer.

Now we will hear about the legal case, we will hear that we abandon, we yield the moral high ground when we support a secret covert war in Nicaragua.

These are the same people who condemn us for our resistance toward submitting this controversy to the World Court. I am waiting to see Iraq and Iran and Lebanon and Israel and Syria bring their causes to this World Court, this arm of the United Nations, where a Soviet judge and a Polish judge and a Syrian judge sit.

I measure the sincerity of people by their complaints that we did not submit our foreign policy to the judgment of the World Court.

But the legal case, Prof. John Norton Moore of the University of Virginia has made the legal case, and has pointed out that from the time of the Code of Hammurabi in 1750 B.C. to the U.N. Declaration, the U.N. Charter, to the Rio Treaty the law has been that a nation may not use force and aggression against another nation; but, if they do, the right of self-defense, both individual and collective, is a part of the law.

And when Nicaragua continues to assault and invade and aggress El Salvador, they have a right and we, as their ally and as a defender of democracy and freedom, have a duty to assist the Salvadorians to resist that exporting of subversion, the exporting of the "revolution without boundaries."

And so, this right of self-defense is a part of the law. International law is not a one-way street where the Nicaraguans, the Sandinista junta can claim the protection of international law while they violate that self same law every minute, every second of every day.

If you do not think the Nicaraguans are trying to overthrow the democratically elected Government of El Salvador, I have got some retirement property in Florida that I would like to sell you, and I really do.

Now those who argue that aiding a covert force in Nicaragua is yielding the moral high ground, I suggest are the descendants of General Burgoyne and Lord Cornwallis, who wanted their troops, in their red jackets, to line up on one knee and do battle to defend the great British Empire in the colonies.

And you know what is fascinating and would take an abnormal pyschologist to explain, the Democratic Party, the liberal regnant elite that dominates the party, have a schizophrenic view on aiding Contras.

I have here Newsweek, July 2, "Congressional liberals call for Afghan arms," and I am quoting; "in a striking role reversal, congressional Democrats are pushing," hang on to your seats, folks:

> For greater covert United States military aid to Afghan freedom fighters. Afghan rebel lobbyists in Washington who claim the CIA's 4-year, $325 million aid package has been woefully inadequate to support their war against Soviet invaders, have won sympathizers among liberals in the House and in the Senate. This week, Illinois Democrat, Representative PAUL SIMON will hold a press conference to criticize the Reagan administration for insufficient military aid to the Afghan insurgents and will introduce a resolution praising the heroism of the rebels.

Well, I suggest in Afghanistan, the killing is going on inside Afghanistan. They are not exporting their revolution to Pakistan or to Iran; the Government of Afghanistan under Mr. Karmal is as legitimate as the Sandinistas who got into power by lying to the OAS and to us in 1979.

Why is it good and noble and moral high ground maintenance to support the rebels in Afghanistan but wrong and immoral and ignoble to support the Contras, the rebels fighting for freedom, and democracy and self-determination in Nicaragua?

As I say, maybe it is because Afghanistan is 9,000 miles away and El Salvador is only 900 miles away. Maybe that makes the big difference. And what is your solution to the dirty Leninist, Gestapo of the left war that is going on in Central America? Your answer is negotiate, negotiate; paper and words.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON. Mr. Chairman, I yield to the gentleman from Illinois 2 additional minutes.

The CHAIRMAN. The gentleman is recognized for an additional 2 minutes.

Mr. BOLAND. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for an additional 4 minutes.

Mr. HYDE. I thank the gentlemen.

It is elementary that negotiations are a reflection of the power relationships between the negotiating parties and if you have no power relationship you are not going to get very far in negotiating. History and commonsense tell us this much.

Now President Carter thought as soon as he got into office and his party controlled the House and the Senate that he was going to tame Fidel Castro and just negotiate our problems away.

> People of good will sitting around the table can resolve their difficulties, never mind that he is a Communist idealogue who wants this revolution without borders to succeed, never mind that. We are so persuasive if we just talk, why he will come over.

So what did Mr. Carter get and Mr. Wayne Smith? Well, they got more Cuban troops in Angola, they got the Mariel Boat Lift and they got Marxist-Leninist Nicaragua, that is what they have got for their trust in negotiating without any reference to power relationships.

So put your trust in words and paper treaties and bring us all through the looking glass to peace and justice in Central America.

Why do we do this? Why do we engage in this self-flagellation that insists America is always wrong? Because the litmus test for being a good McGovern liberal, the ticket of admission to the ruling elite of the majority party is suspicion of and hostilities toward any nonleftist government in the world.

□ 1100

The preferred tyranny is always to the left.

I cite Zimbabwe as an example. Do not hold your breath waiting to hear about human rights violations in Zimbabwe. But oh, you will hear him "in extenso" from the gentleman of the left about El Salvador. We demand a standard of perfection from our non-Marxist allies that is unattainable.

Well, you know what this bill does, I say to my dear friends who are sincere, but sadly mistaken, it makes a gift, two gifts. You give to the Sandinistas as a reward for exporting revolution, security, safety, and sanctuary.

And you give to the Mesquita Indians and the Nicaraguan freedom fighters, you give them despair. You thrust on them despair and abandonment; and sanctuary to the exporters of revolution.

I do not choose to have my name on such a document. They say prayer can move mountains. That is all we are leaving the freedom fighters in Nicaragua—prayer and the mountains.

Mr. Chairman, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, the legislation before us today is important to our country. It is important to our security and that of the free world. As free men, we have the right to support democratic institutions in this hemisphere. We have an obligation to help the struggling governments which represent progress and support freedom. A moral commitment is at stake here. Yet, regrettably, the bill before us contains language that curtails our ability to do the job.

Our country shares a common history, common interests, and a belief in

democratic self-determination with many of the countries in Central America. The concepts of freedom of speech, personal liberty, free elections, freedom of worship, and human rights are traditions which we share with our neighbors to the south. Our friends in this hemisphere are proud of their national independence and self-determination. We must always work to foster the growth of these values which we hold so near and dear.

We must never forget that democracy is vitally important in this hemisphere. Human rights and personal freedoms do matter in this part of the globe. We must always be careful not to stunt their growth. What is happening today in El Salvador to human rights and personal freedoms? What is happening to the hopes and desires of the millions of peasants in El Salvador who seek a better life for themselves?

There is a wholesale violation of their rights by the Nicaraguan-backed Salvadoran rebels. They claim they are "freedom fighters" liberating the peasants. In fact, they are hurting the masses by destroying the Salvadoran economic infrastructure. Bridges, powerlines, dams, and factories are being destroyed along with school busses and innocent people. Young boys are being forced to join the rebel ranks. What will become of free elections and the free press if Marxism-Leninism triumphs in that country? What will happen to freedom of religion and the Catholic church in El Salvador? Will there be freedom of speech and opposition parties if communism is allowed to reign supreme?

The Nicaraguan backers of this so-called revolution believe that they have the right to bring down the freely elected Duarte government. Major changes have occurred in El Salvador during the past few years. It has moved along the road to democracy. Yet, the Nicaraguans believe they have the right to export their own failed revolution and their repressive system to that struggling democracy. We all know that the two countries are very different from a political perspective.

What has the Nicaraguan Government given to its people? What about the broken promises? Have they held free elections? The sham elections which the Sandinistas are planning to hold this November have been rejected outright by the major opposition parties. The Sandinistas do not want an election challenge. They merely want to ratify their dictatorship. They don't want to end their state of emergency, nor give access to the state-controlled media.

How free are the opposition political parties? Let's look at what Commandante Ortega has done to the church in his country. He set up a counter church to ensure the demise of the Catholic church and insulted His Holiness the Pope during the papal visit. Priests have been harassed and deported. What is the human rights record of Nicaragua? What about the young Nicaraguan students who demonstrated against the Sandinistas and were later killed? What about the cases of torture, disappearances, and the flight of the Miskito Indians? Why the massive military buildup that started long before anyone heard of the Contras?

The Sandinistas have built the largest and best equipped military force in the region. They have developed an extremely potent offensive capability with firepower and mobility. It is unprecedented in Central America. Is there any wonder that Nicaragua's neighbors see that country as a serious threat to their security? Nicaragua is the primary source of instability and the major obstacle to peace in the region. It is out of place in this hemisphere.

What do the Nicaraguan people think about the police state they live in? Since 1979, over 200,000 out of a total population of about 2.5 million have fled. The Sandinistas have threatened to export their revolution all the way to the Rio Grande. Failure to stand fast now will trigger a floodtide of additional refugees into our country from Central America that will make the current influx seem like a ripple.

Just who are the Contras? Are they merely soldiers of fortune? Not quite. Many of them who now oppose the Sandinistas were active in the struggle against Somoza. They did not oppose the Sandinistas until the military buildup was well underway. These former supporters of the revolution did not openly oppose Ortega until they realized the Sandinistas had no intention of allowing democracy to develop. The rebellion of the Nicaraguan people is being generated and led by the Nicaraguan people themselves, who seek to gain the freedoms and rights they were promised 5 years ago.

Both Commandante Ortega and Castro have one thing in common: Both of them betrayed their revolutions. Both claimed not to be Communists and both promised that they would build free and open democratic societies. They deceived their own freedom-loving people as well as their neighbors in the region. Is there any wonder that the genuine Nicaraguan Nationalists who originally supported the revolution now feel betrayed?

In the past year, the Sandinistas have come under pressure that has given them second thoughts. They are concerned about our country's determination to resist aggression and support our friends. Commandante Ortega has made a few gestures, but no real changes have been made. He is playing a clever time-buying game. They believe their tactics will work. If our country takes the pressure off the Nicaraguan Government now, they will be free to consolidate their control over the Nicaraguan people and then focus all of their energies on subverting their neighbors in the entire region.

This is a serious issue. As a democratic Nation in a basically democratic hemisphere, we have an obligation to foster democracies in this region. We have a moral commitment to help struggling democracies such as El Salvador move along the road toward full democracy. We cannot abandon countries like El Salvador, Costa Rica, and Honduras to Communist insurgencies which promise much but deliver very little.

We must not stand idly by and watch the Sandinistas export Marxism in this hemisphere, destroying the democratic traditions which we are trying to nurture. My colleagues, the choice is before us today. Do we want a democratic Central America or a Marxist-Leninist one? It is my hope that before this bill becomes law, the importance of aid to the democratic forces in Nicaragua will have been recognized and aid for them will be included in the legislation.

● Mr. PRICE. Mr. Chairman, this is the seventh year that the Permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the Members will recall, the Armed Services Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard principally to intelligence-related activities for the Department of Defense, and I am most pleased to report on the continued excellent working relationship with, and cooperation of, the select committee members and staff in arriving at complete agreement on all items of joint responsibility.

As part 2 of the report states, the results of our recommendations are classified and are included in the classified annex to the report on H.R. 5399 prepared by the select committee.

Again, Mr. Chairman, I commend the distinguished gentleman from Massachusetts for his cooperation this year as in the past with regard to our joint responsibilities in support of intelligence programs.●

● Mr. SHELBY. Mr. Chairman, today we are faced with a choice. Either we can pursue a policy that reaffirms our moral commitment to demonstrate government and respect for human rights while helping to protect a struggling democracy from leftist aggression or we can turn our backs on those who only desire to attain the freedom

and liberty we so often take for granted.

As elsewhere in the world, we support democratic reform, human rights, and economic development in Central America. In fact, for every $1 provided in security assistance, over $3 are provided for economic improvement in the region. But for such development to occur, the threat of violence must be stopped. It is because of this that we must support President Reagan in his efforts to stem the growing violence being exported by the Marxist government of Nicaragua.

To be sure, there are problems with some of the regimes currently governing in the region. Human rights abuses are, of course, anathema to the basic values embodied in our way of life. But unlike here at home, democracy is a new phenomenon in Central America. Decades of social and economic injustices have left a heavy legacy of antidemocratic traditions. It is unfair to compare the shaky political climate in those troubled lands to the stable situation that we here in America enjoy. Unfortunately, democracy will not be achieved overnight, and it will not be achieved without U.S. support.

Unfortunately, Mr. Chairman, the Nicaraguan junta has clearly shown the world its definition of human rights and freedom. Ask the Miskito Indians, whose very way of life is under attack by "reformers" in Managua, just what the Nicaraguan junta means to them.

Ask the Catholic church—the same church that was in the forefront of trying to topple Somoza—what the Nicaraguan junta means to them.

Ask the Nicaraguan press—or what's left of it—just what the Nicaraguan junta means to them.

And Mr. Chairman, if we are to turn our backs on our friends who occupy our own backyard, what are our allies halfway around the globe to think of America's willingness to stand fast with them?

Opponents of the President constantly resurrect the ghost of Vietnam when criticizing the administration's Central American policies. Central America, however, is not Vietnam. Vietnam did not sit astride our Panama Canal lifeline. Vietnam did not directly threaten our southern flank. And Vietnam did not provide a heaven for revolutionaries to gleefully perch on our doorstep. Raising the specter of "another Vietnam" provides convenient cover for dereliction of duty. Unfortunately, the proximity of Central America leaves us no room to simply run, hide, and pretend the threat will go away.

At a time when the Soviet Union is giving five times more military assistance to Cuba and Nicaragua than the United States is giving to all of Latin America, we must not lose sight of reality—the reality of millions of "foot people" fleeing possible Communist governments in El Salvador, Honduras, and even Mexico; the reality of our borders being overrun by millions of hungry refugees who only desire to live in peace; and the reality of hostile Soviet satellite governments sitting astride the Rio Grande. Closing our eyes and wishing the threat away may temporarily work elsewhere, but to abrogate our duty here in our own back yard does not bode well for the future of a Nation such as ours.●

● Mr. WEISS. Mr. Chairman, at a recent Washington conference on international terrorism, Secretary of State Shultz drew the distinction between terrorists and freedom fighters. Freedom fighters, according to the Secretary, "don't set out to capture and slaughter schoolchildren; terrorist murderers do. * * * The Contras in Nicaragua do not blow up schoolbuses or hold mass executions of civilians."

The facts paint a different picture of the so-called anti-Sandinist "freedom fighters." In 1983 alone, more than 300 civilian noncombatants died in Contra raids. One hundred—literacy teachers, health-care workers, farm administrators, and church officials—were specifically targeted by the Contras.

This year, the covert war against the government—and the people—of Nicaragua has escalated. An April 3 attack on the village of Waslala in central Nicaragua left 37 campesinos dead and 210 missing.

On June 1, the U.S.-backed Democratic National Force [FDN] raided the northern city of Ocotal. Seven civilians were killed, and Ocotal's primary sources of employment, food, and power—its lumber mill, grain storage silos, and utility station—were destroyed. For the people of Ocotal, according to an American Maryknoll sister living in the border town, the "terror, the trauma, and general suffering" were beyond description.

Americas Watch, in a recent report, concluded that "the FDN has engaged in kidnapings, torture, and murder of unarmed civilians, most in village and farm cooperatives.

Mr. Secretary, are these the acts of freedom fighters?

I was struck by an account of an American who visited a Nicaraguan farm cooperative less than 10 miles from the Honduran border. He saw on the wall of a campesino's hut a banner proclaiming in bold letters, "After 126 Years the Enemy Is the Same."

To the campesino the enemy, Mr. Chairman, was the United States, not the Sandinistas. The enemy was the same country that for more than 100 years has intervened in the internal affairs of Nicaragua, beginning with the ill-fated takeover of that country by the American William Walker in 1856, to the 1930's when U.S. marines helped preserve in power Gen. Augusto Somoza, to today as U.S. funds and CIA advisers support the terrorist campaign of more than 10,000 Contras.

If this administration were sincerely interested in halting totalitarianism in Nicaragua, it should not just offer Nicaraguans the return of terror and mass killings reminiscent of the hated Somoza regime.

San Antonio Mayor Henry Cisneros warned that America, by pursuing its present course in Central America, was in danger of "continuing a history by which we lose the people." The history to which Mayor Cisneros referred is a legacy of U.S.-sponsored military adventures on behalf of ruthless and unpopular dictators.

Approving the covert war against Nicaragua would codify that history. Halting that war would mark an important step toward reversing America's troubled legacy in Central America.

Whatever concerns I might have about this Nation's intelligence program, and the funds provided for it in H.R. 5399, the Intelligence authorization bill, it is important that we adopt this measure because it prohibits the use of any funds to support, either directly or indirectly, the covert war against Nicaragua.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 5399, the Intelligence Authorization Act of 1985.

Specifically, I am supportive of section 107, which would deny authorization for the funding directly or indirectly of military or paramilitary operations in Nicaragua.

This illegal and ill conceived operation of the Reagan administration is an example of our Government at its worst. The American people do not support this activity, they know it is immoral and unwise and they want it stopped. Instead, we should utilize assertive and creative diplomacy and work with the Contadora group to bring about a nonviolent resolution of the Central American conflict. Support for those who carry the legacy of the Somozas is not in our interest. Section 107 should and must be maintained.

I am also supportive of section 103 of this bill which provides that no funds may be appropriated or otherwise made available through transfer, reprogramming, and so forth, unless specifically authorized or unless by notification. This is necessary to ensure that the intelligence services are accountable to the Congress. There are disturbing reports concerning the lack of complete control by responsible officials of some intelligence operations and network in the Central American region. Section 103 seeks to bring greater control over our intelligence operations.

I urge my colleagues to support H.R. 5399 without weakening any amendments.●

Mr. ROBINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to House Resolution 520, the bill is considered by titles for amendment under the 5-minute rule except for section 107. Each title shall be considered as having been read.

Section 107 of the bill shall not be considered for amendment until the remainder of the bill has been considered for amendment in its entirety, and until section 107 is considered for amendment, no amendments are in order which affect the subject matter of section 107, funding for military and paramilitary operations in Nicaragua.

At the expiration of 2 hours of consideration of section 107 of the bill under the 5-minute rule, no further amendments to the bill or to said section are in order, and the question shall occur on any pending amendments or amendments to section 107.

The text of the bill, except for section 107, is as follows:

H.R. 5399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1985".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE FOR AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1985, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 5399 of the Ninety-eighth Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1985, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated for fiscal year 1985 the sum of $114,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 105. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1985 the sum of $14,500,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILING ADJUSTMENTS

SEC. 106. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1985 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1985 the sum of $20,300,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and thirty-two full-time personnel as of September 30, 1985. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1985, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1985, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1985, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1985 the sum of $99,300,000.

TITLE IV—ADMINISTRATIVE PROVISION RELATING TO THE CENTRAL INTELLIGENCE AGENCY

PHYSICAL SECURITY OF CENTRAL INTELLIGENCE AGENCY FACILITIES

SEC. 401. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"SECURITY PERSONNEL AT AGENCY INSTALLATIONS

"SEC. 15. (a) The Director may authorize Agency personnel within the United States to perform the same functions as special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318), with the powers set forth in that section, except that such personnel shall perform such functions and exercise such powers only within Agency installations and the rules and regulations enforced by such personnel shall be rules and regulations promulgated by the Director.

"(b) Agency personnel designated by the Director under subsection (a) of this section shall be clearly identifiable as United States Government security personnel while engaged in the performance of the functions to which subsection (a) of this section refers.".

TITLE V—GENERAL PROVISIONS

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 501. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise au-

thorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 502. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that all titles be considered as read and open to amendment at any point, except as to section 107.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any amendments?

If not, the Clerk will designate section 107.

The text of section 107 is as follows:

PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

SEC. 107. During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

The CHAIRMAN. Are there amendments to section 107?

Mr. ROBINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the administration and the minority in this House have attempted for well over a year to find a compromise—a bipartisan approach, if you will—to the policy disagreement on how best to help the peoples in Central America. The majority has resisted every effort we have made in recent months to find a reasonable compromise formula which would provide an effective counterweight to the Sandinista revolutionary expansionism and honor the commitments of the United States to the free Nicaraguans.

The administration's position has been clear. The concept is simple: As long as the Sandinista Communists continue to support the violent overthrow of the freely elected government of El Salvador, and refuse to honor their commitments to the Organization of American States, the United States will continue to support free Nicaraguans who share the hope of a democracy for their country.

There is no ambiguity in that position. It is clear. The President and I believe that the first Communist foothold on the mainland of the Americas is a threat to our security. The National Bipartisan Commission stated in its report that we must "ban the Soviet Union from consolidating either directly or through Cuba a hostile foothold on the American continents in order to advance its strategic purposes."

The President has set forth very clearly his policy goals in Central America. We will support democracy, reform, and human freedoms. We will support economic development. We will support the security of the region's threatened nations and we will support dialog and negotiations. These policy goals have not changed.

The Sandinistas have within their possession the key that opens the door to cooperation with their neighbors and the United States, an improved economy, a higher standard of living for their people. The Sandinistas need only to cease their support of guerrillas attempting to overthrow the Government of El Salvador and keep their promises to the OAS and allow truly democratic elections which are certainly not now indicated.

I do not think that the Congress should reward the Sandinista regime for subversion of freely elected governments in Central America. Yet, withdrawing support for the free Nicaraguans will do exactly that, just as the gentleman from Illinois [Mr. HYDE] has very eloquently stated. The practical consequences of the majority's position is to provide a legislatively engineered victory to the Sandinista regime.

We in the minority on three occasions have attempted to fashion a workable compromise which could accomplish the policy of the administration to thwart Communist expansion in Central America, while satisfying the majority's reservations regarding the implementation of that policy.

I have no reason to believe that we would be any more successful this time than we have been in the past in securing Democratic support in the House for a reasonable approach to this impasse. Therefore, I am not offering an amendment to section 107 this day. I just do not believe this bill is the proper vehicle to resolve this explosive and political issue.

Myopia is an eye condition which results in defective vision of distant objects. Hemispheric myopia is a condition which appears to afflict many Members of the majority of this House, I fear. Apparently, they do not wish to see the threat to freedom in Central America which the Soviet-Cuban-Nicaraguan axis represents, because—as they see the world—the threat is still too distant.

With myopia, as an object moves closer to the eye, the eye can properly focus on it. I suppose the same is true with the affliction of hemispheric myopia. One would have hoped that the majority could see the Marxist threat as it builds and spreads from Nicaragua to El Salvador and Nicaragua's other neighbors. However, it is not yet close enough for those with defective vision to see it. I worry that it will not be seen as a threat until it approaches the banks of the Rio Grande.

Section 107 is a serious abscess in H.R. 5399. The Soviet-Cuban-Nicaraguan threat to stability, democracy, and freedom in Central America is real. We no longer have only Cuba as a Communist sanctuary in our hemisphere from which revolution is exported. We now have a Communist base in Nicaragua, on the mainland of the Americas. The Sandinistas subjugate their own people in Nicaragua and export their revolution to El Salvador and other neighboring countries, while they build the mightiest army in Central America as the vanguard of Marxist totalitarian revolution.

The majority does not appear to be willing to resist Communist military advances in the world unless the tanks have a big red star on them, and the CCCP—the Cyrillic acronym for the Soviet Union—painted on the side.

Well, the Soviets are not stupid; they have figured that out. So they do through the proxy forces of the Marxist-Leninist nations they dominate, what they could not get away with if they did it directly with the Red Army.

I assume, of course, that we would all agree to resist an invasion of Central America by the armed forces of the Soviet Union.

□ 1110

We cannot keep backing up forever in Central America; we are getting mighty close to the wall.

I hope no one in this body will misinterpret our position. Our decision not to offer an amendment does not reflect any lack of resolve to pursue this issue at a later date. I just do not wish to further politicize the intelligence authorization bill. There is a lot more in it than just this issue. Besides, as I said earlier, I can count votes as well as anyone else, and I see no benefit in further polarizing the House on legislation so fundamental to our security interests.

In closing, I would like to share with my colleagues a quotation from a letter—the entire text of which I will provide for the RECORD—that I received just yesterday from the director of the National Legislative Commission of the American Legion, an organization whose members do not suffer from the same myopic affliction to which I referred to earlier. This letter is addressed to me. I quote as follows:

As the House of Representatives prepares to vote on the FY 85 Intelligence Authorization, H.R. 5399, The American Legion would like to express its views relative to Section 107 of the bill. As you know, Section 107 would prohibit the use of any funds, authorized under the Act, to support the Nicaraguan Contras in their fight to establish a democratic government in their country.

In the view of The American Legion there are compelling legal arguments why Section 107 should be deleted from the bill. And, as the enclosed documents demonstrate, U.S. efforts to assist the Contras are clearly legal. The simple and undeniable fact is that the dire predictions of the consequences of a Sandinista takeover in Nicaragua have come to pass. In fact, in many instances the excesses of the Sandinistas have surpassed those of the intolerable Somoza dictatorship.

The letter expresses the American Legion's further strong opposition to section 107 and raises serious concerns regarding the socioeconomic impact of scores of Central Americans seeking refuge in the United States.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. ROBINSON] has expired.

(By unanimous consent, Mr. ROBINSON was allowed to proceed for 1 additional minute.)

Mr. ROBINSON. I hope that my colleagues will take the opportunity to reflect on the statements of groups like the American Legion and reevaluate the House's position in the coming weeks on the decisions that lie ahead.

The text of the letter from the director of the National Legislative Commission of the American Legion is as follows:

AUGUST 1, 1984.

Hon. J. KENNETH ROBINSON,
House of Representatives, Permanent Select Committee on Intelligence, The Capitol, Washington, DC.

DEAR CONGRESSMAN ROBINSON: As the House of Representatives prepares to vote on the FY 85 Intelligence Authorization, H.R. 5399, The American Legion would like to express its views relative to Section 107 of the bill. As you know, Section 107 would prohibit the use of any funds, authorized under the Act, to support the Nicaraguan Contras in their fight to establish a democratic government in their country.

In the view of The American Legion there are compelling legal arguments why Section 107 should be deleted from the bill. And, as the enclosed documents demonstrate, U.S. efforts to assist the Contras are clearly legal. The simple and undeniable fact is that the dire predictions of the consequences of a Sandinista takeover in Nicaragua have come to pass. In fact, in many instances the excesses of the Sandinistas have surpassed those of the intolerable Samoza dictatorship.

While the legal and moral considerations, in our view, uphold continued support for the Contras there is an extremely important issue that has yet to be addressed by the Congress in its deliberations. This issue is the social and economic impact on the United States resulting from further communist takeovers in Central America. The historical evidence indicates that when communists take over a country at least 10 percent of its population flees. Further, communist takeovers in Central America will send an unimaginable surge of immigrants into the United States easily exceeding two million people, exacerbating an already burdensome immigration problem. This influx of immigrants will also place a severe strain on available social services and increase competition for American jobs in the south and southwest portions of the United States.

While some may choose to ignore this aspect of communist aggression in Central America they will be hard pressed to deny that the United States has an economic attraction and record of compassion toward refugees unmatched by any other country in this hemisphere. In addition, our proximity to Central America and the ease with which entry can be gained, will make the United States the destination of choice for the majority of those fleeing communist takeover.

Congressman, for these reasons The American Legion seeks your leadership in deleting Section 107 from the FY 85 Intelligence Authorization. As always, your consideration of the views of The American Legion is appreciated.

Sincerely,

E. PHILIP RIGGIN,
Director, National Legislative Commission.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to piggyback on the remarks of the gentleman from Virginia. Before doing so, I would certainly like to join in the accolade and tribute that has already been paid to the gentleman from Virginia and that will, I am sure, follow during the course of this day.

There are some in this House that make their name through flamboyance and one thing and another. There are others who move in much more quiet, rather mysterious but very assured ways. The gentleman from Virginia [Mr. ROBINSON] is one of those latter individuals who served this body and his country with tremendous distinction. I am certainly going to regret the loss of the counsel and advice of the gentleman from Virginia as our ranking member on this important Intelligence Committee, and then serving as he does on the Defense Appropriations Subcommittee. Those dual responsibilities that he performs, not only for our side but for the entire House, are of extreme importance to each and every one of us, and I know all of us are going to miss that good counsel and advice that we have been given over a long period of time by the gentleman from Virginia.

Mr. Chairman, during his acceptance speech at the recent Democratic Convention, Walter Mondale said some things about Central America that are relevant to our debate today.

He said:

I'll press for human rights in Central America, and for the removal of all foreign forces from the region. And in my first hundred days, I will stop the illegal war in Nicaragua.

What did Mr. Mondale mean by those stirring phrases?

Perhaps by "human rights" he referred to the documented atrocities committed by Sandinistas against dissident religious figures in Nicaragua such as Prudencio de Jesus Baltodano.

He is a Pentecostal preacher and farmer who was beaten and had his ears cut off by the Sandinistas. His crime? Preaching the gospel.

When he spoke of the "Removal of foreign forces" was Mr. Mondale speaking of the 3,000 Cuban military/security advisers now in Nicaragua?

Did Mr. Mondale mean to say he has a secret plan to do something to remove the Cuban, Soviet, Bulgarian, Czechoslovakian, Polish, Hungarian, Libyan, East German, and PLO advisers who are guiding the Sandinista government in the true, shining path of Marxism-Leninism?

If so, he should reveal that plan to us—or his supporters in the House should.

Finally, we do not know to what "illegal war" the former Vice President was referring.

Obviously he could not have been referring to funding of the Contra forces by the United States because it is not illegal.

Perhaps Mr. Mondale meant the illegal war being waged against the democratic government of El Salvador for 5 years by the Sandinistas in Nicaragua.

The illegality—not to mention immorality—of that war was documented by our House Intelligence Committee in its report of May 1983. This is what the report said about the El Salvador guerrilla war:

It is not popular support that sustains the insurgents . . . this insurgency depends for its life blood—arms, ammunition, financing, logistics and command-and-control facilities—upon outside assistance from Nicaragua and Cuba.

Perhaps Mr. Mondale was also speaking of the increasingly savage and immoral war being waged against the defenseless Roman Catholic Church by the Sandinistas.

Maybe Mr. Mondale was talking about these things. And then again, maybe he wasn't.

But he has raised an important point.

How should the United States deal with the situation in Nicaragua?

Let's look at the facts.

The Sandinistas are guilty of openly carrying out a war against a democratic government through subversion. The evidence is abundant and unquestionable.

By what process of moral reasoning can anyone say we are wrong in helping those who try to stop such immoral and illegal activity?

We are told by some that it is the means we have chosen that is offensive. The critics of the President say that they cannot tolerate a "secret" war.

"Ah" they cry, "if only we were doing these things openly."

And because we're not, these critics wash their hands of the situation.

By denying the Contras funding we are left, realistically speaking, with the alternatives of either an American

invasion of a country or American Evasion of responsibility.

The United States, according to this view, must either be an interventionist bully or an isolationist wimp—there can be no middle ground.

Well, there is a middle ground—and the President has it. He is helping anti-Somoza and anti-Sandinista freedom fighters to stop the Sandinistas from exporting Communist revolution.

The leaders or the Contras were in fact anti-Somoza for the same reason they are now anti-Sandinista—they don't want to see their country dishonored.

The question before us is—no we want to see our own country dishonored?

Mr. BOLAND. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. BOLAND was allowed to proceed for 2 additional minutes.)

The CHAIRMAN. The gentleman from Massachusetts [Mr. BOLAND] is recognized for 7 minutes.

Mr. BOLAND. Mr. Chairman, this will be the fourth time the House will address the issue of funding the secret war against Nicaragua. I hope it will be the last.

The administration has been making a concerted push to convince this House—and Americans everywhere—that this war must go on. They think we haven't paid enough attention to the failings of the Sandinistas. They think the Sandinistas have fooled us. So, the President makes speeches. The State Department issues another white paper. And the Defense Department offers briefings to all.

There are many of us in this body—and many of the American people—who think the administration protesteth too much. But more than exaggeration, they don't listen every well.

So, although the President and his spokesmen take every opportunity to cite the Intelligence Committee's 1983 report confirming the arms flow from Nicaragua to El Salvador, they tell the world that opponents of the secret war won't accept the truth. In trying to convince the doubters, they go too far. Your Intelligence Committee stands by its earlier judgment. There is a continued arms flow from Nicaragua to El Salvador. Yes, the evidence is circumstantial. There is no smoking gun. But, the evidence is convincing.

The administration also puts it out that opponents of the secret war embrace the Sandinistas. Again, they ignore the record. The same 1983 Intelligence Committee report made clear that the Sandinistas were on the path to greater repression the secret war gives them that excuse. The Sandinistas continue to cite the secret war when they deny opposition political parties a fair election.

The administration also seeks to paint opponents of the secret war as blind to Sandinista repression of the Catholic Church. Repeatedly, they seek to show the bishops' efforts at reconciliation within Nicaragua, as some sort of endorsement of the secret war. Again they ignore the warnings of the Intelligence Committee a year ago. As they try to politicize the church, they make it easier for the Sandinistas to treat the church as a political opponent rather than a moral force.

So I say to the administration—and to all their efforts to paint over the failures of the secret war—this House knows the facts. We aren't the ones wearing ideological blinders. The House position—repeated three times in the last 12 months—is based on the unvarnished appraisal of its Intelligence Committee.

No, the Sandinistas aren't Democrats. But our policy doesn't strengthen democracy in Nicaragua.

Yes, the arms flow continues, but the secret war hasn't slowed it one bit.

Yes, Nicaraguans die daily in the secret war, but many are innocent victims who have taken no side.

Yes, we all want peace. But the secret war is a strange way to buy peace.

Why doesn't the secret war work? To begin with, the administration hasn't yet figured out what the goals of the war are. They don't want to overthrow the Sandinistas, they say. Yet, they fund the Contras—whose only aim is to overthrow the Sandinistas.

They want to support Contadora, but the two representatives of the Contadora countries—President de la Madrid of Mexico and President-elect Borletta of Panama—to visit Washington this year have firmly, but politely, refused to endorse the Contras. President Duarte of El Salvador says he would support the secret war if it brought an end to the arms flow. That is how the administration first explained our involvement, but arms interdiction is the biggest failure of the war. The Contras aren't interested, and the administration doesn't want to divert them from the war.

If the Contadora nations or El Salvador won't back the secret war, what about world opinion? You need only recall the mining of Nicaraguan ports and the unanimous decision of the world court to answer that question.

The secret war hasn't brought Central America closer to peace or Nicaragua closer to democracy. What it does do is provide the Sandinistas with the perfect excuse to foist, unfair elections, a huge army, censorship, and the draft on the Nicaraguan people.

This secret war should end—today. And as it does, we should dwell less on the failings of the Sandinistas and begin a genuine program of arms interdiction assistance to El Salvador. At the same time, we should challenge the Sandinistas, to fulfill in concrete ways, their promises to the OAS and their pledges to the Contadora group.

As long as this futile war goes on, the Sandinistas will use it to turn those challenges against us. As long as we pay to destroy their farms, sabotage their electrical system, and burn their clinics, neither they, nor the rest of Nicaragua, need listen to us.

Mr. Chairman, another year of bloodshed, of diplomatic stalemate, of failed policy, will only serve to excuse Sandinista denials of freedom. Let us end—once and for all—this disastrous effort at military pressure. We won't be letting the Sandinistas off the hook. The war does that for them now. If this Nation—the strongest and most Democratic in the world—can't find an effective alternative to war as we strive to achieve peace, then we dishonor our history and the hope that the United States has always represented to those who—in Nicaragua or elsewhere—"yearn to breath free."

□ 1120

Mr. RUDD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in opposition to section 107 in H.R. 5399 which prohibits the use of any funds authorized in this bill to be used directly or indirectly for support of any military or paramilitary operations in Nicaragua.

Once again we will grant the Sandanista government another victory in their quest to undermine their neighbors and institute subversion in Central America if we allow this bill to pass in its present form.

I am amazed at the continued efforts of many in this body to restrict our duty, as a free nation and as the hope of the teeming millions to our south, in the light of continued mounting evidence, to stop the infiltration of the Communist.

We cannot turn away time and time again and expect the Soviets to not interpret this as indecision and weakness on our part. They will seize every opportunity to continue in their drive to establish communism throughout this hemisphere.

Someday, whether it be tomorrow or several years from now, we are going to have to face the grim reality that the intentions of the Soviet-backed Nicaraguan Government are to tear down democracy and freedom throughout the region and establish a region of tyranny and terror. The only thing is—tomorrow is too late.

We can provide assistance today at relatively moderate levels or we can wait and be forced to provide large amounts tomorrow when the Communists are driving toward our own borders.

It is time to open our eyes and face the reality. We have an obligation to help our friends in Central America. Let's remember, to ensure democracy

and freedom for these people, will ultimately ensure our own democracy and freedom as a nation.

Mr. McCAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to section 107 of this bill which was the effect of prohibiting any U.S. financial support for the so-called Contras in Nicaragua. I will confine my remarks to the purely military aspect of this action.

Military experience teaches us that the support of an insurgency is nearly impossible to interdict if the insurgents have the advantage of a nearby sanctuary. History gives us little cause for optimism regarding the ultimate outcome of a conflict in which guerrilla forces are trained, supplied, equipped, and directed from a neighboring area which serves as a sanctuary from which they operate. Witness the success of the British operation against the Malaysian Communist contrasted with the American failure in Indochina. Further, examine the problems Vietnam is now having subduing its Cambodian neighbors and the difficulties the Soviets are experiencing in Afghanistan.

Of course, the Government of El Salvador is imperfect. In the end, even a near-perfect government conducting its affairs to a standard exceeding our own, will be worn down by an attritive terrorism that kills leaders, intimidates voters, and destroys the infrastructure of a fragile, developing economy.

Surely, it is those at the bottom who suffer most from blown electric pylons and burned buses. That any government could better itself under these circumstances should be considered remarkable, if not miraculous.

If we oppose aid to those dedicated to a freely elected government and a pluralistic society in Nicaragua on moral grounds, how does that differ from our support for those seeking pluralism and freedom in Afghanistan? I believe a commitment to end our aid to the freedom fighters in Nicaragua must be matched by a commitment on the part of the Sandanistas to end their exportation of violence and revolution and move toward a pluralistic society within their own borders.

I fully appreciate that a majority of the American people do not support the Contras nor our efforts in Nicaragua. However, as Edmund Burke so eloquently stated:

> Your Representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you if he sacrifices it to your opinion.

I believe this is a time for us to use our best judgment and exercise the responsibility of leadership.

In May 1983, the Intelligence Committee acknowledged, as our distinguished Chairman just said, the major role played by Nicaragua in training, equipping, supplying, and providing sites for command and control of the Salvadoran insurgency movement. It has not repudiated this finding. At the same time, the committee acknowledged Nicaragua's active promotion of a "revolution without frontiers" throughout Central America. I am not aware that the committee has repudiated this finding either.

Despite the recognition of a Nicaragua committed to continue its support for the insurgency in El Salvador and elsewhere, the committee and this House by enacting section 107, will grant sanctuary to those forces dedicated to the overthrow of a democratically elected government. A government, I might add, that this House has chosen to support, a government which offers its citizens true hope of a better life, if it is given the chance.

I believe I have a responsibility to give this House the benefit of my military training and experience. I greatly fear for the prospects of any long-term success against an insurgency which is armed, supplied, trained, and directed from a neighboring sanctuary. Let me point out that this insurgency is far from a classical one. As Mao Tse-tung stated, "A guerrilla moves among the people like a fish through the sea." Where is the popular support for the Salvadoran insurgency? Witness the turnout in the recent elections, witness the failure of the insurgents call for a "final revolution" a couple of years ago. This insurgency cannot succeed without the external support because it does not have the approval of the Salvadoran people.

If we wish to minimize our involvement in Central America, the time to act is now. The fall of El Salvador to a Marxist insurgency will surely increase the possibility of direct American troop involvement in the region. Such an event can only be made more likely by the granting of sanctuary to the leftists which is the effect of this legislation.

From a military viewpoint, this course of action is unwise and dangerous to the future prospects of stability in Central America. I sincerely hope that the future will prove me wrong and that this House will not regret the action it takes today. Unfortunately, I do not believe this will be the case.

□ 1130

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the last word.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield briefly to me?

Mr. COLEMAN of Missouri. I yield to the gentleman from Virginia.

Mr. ROBINSON. I thank the gentleman for yielding.

Mr. Chairman, I would like to thank the gentleman from Illinois [Mr. MICHEL] for the very flattering comments that he made during his presentation and during the 5-minute rule. There is no individual in this House whose approval I would rather have.

Beyond that, I want to tell my colleagues, particularly my Republican colleagues, that I do not want my remarks interpreted as being in such total support of the bill that I am asking them to vote for it as well, because I can guarantee you that you are going to have an opportunity to vote on final passage on the bill, and those of you who feel as strongly as I know many of you do certainly should vote against it.

I, as one of the architects of the bill, am going to vote for it because of the fact that there is so much in it other than the Nicaraguan concern.

Mr. COLEMAN of Missouri. I thank the gentleman, and I, too, would like to join those colleagues who have preceded me in stating to the gentleman from Virginia, thank you from the whole country, and especially for those of us in the Congress, for his expertise and his leadership on these crucial issues.

As someone who is not on the Intelligence Committee, he has worked very closely with me and given me all the benefits of his wisdom. I thank him for that and wish him well in his retirement.

Mr. Chairman, much of what we talk about is classified, and much of what we discuss, by necessity, is classified, but I would like to read to you from a public document, so public that it was published in Newsweek magazine this last week, Newsweek of August 6.

Newsweek's San Salvador Bureau Chief, Robert Rivard, was allowed to view three secret infrared and low-light films made by United States spy planes that flew over El Salvador in late June and July. I would like to read from part of Mr. Rivard's report, which is in the public domain and which has been distributed to millions of people in this country.

> It was exactly 35 minutes past midnight on June 24 when the U.S. Air Force C-130 spy plane over the southeastern coast of El Salvador found its target. Crewmen monitoring sophisticated sensors had spotted a suspicious trawler heading toward Playa Icacal, a remote, guerrilla-controlled beach in La Union district, with two small fishing vessels in tow. The boats appeared as fuzzy white objects in the glow of the infrared sensors. In a sequence shot two hours later, the cameras swept inland to pick up a cluster of small white outlines. Intelligence analysts identified the white blots as 20 to 25 guerrillas with pack animals in the swampy brush beyond the beach. "What you are viewing is an over-the-shore logistics shipment to El Salvador from Nicaragua. . ." a narrator asserted in an introduction to the film. "The beach area from La Union to the Rio Lempa is extensively used by the Salvadoran guerrillas to receive supplies from Nicaragua."
>
> A second film, shot shortly after midnight on July 9, revealed a 75-foot trawler a few

miles off Playa Espino, a once popular beach resort that is now well known as a guerrilla stronghold. Two smaller craft stood nearby. "They look like rowboats," observed the recorded voice of a C-130 crewman. But suddenly the two small "rowboats" roared away toward shore, their wide wakes looking like streaking comets on the low-level-light film. A final shot showed what may be the same two boats anchored in an isolated inlet, with small white forms moving around them. And a third short film focused on a 24-foot dugout nearing the shore with a group of 40 people descending to the beach at the same time.

Mr. Rivard goes on and says:

In fact, there is no evidence at all that the trawlers originated in Nicaragua or that they carried arms or ammunition. Still——

He says, and this is an objective reporter—

Nicaragua is nearby and has the only government in Central America that favors the Salvadoran guerrillas. Ordinary smuggling remains a possibility, of course, but the clandestine rendezvous along guerrilla-controlled beaches strongly suggest that weapons are involved. In addition, the guerrillas' claim that they have completely armed their troops with weapons captured from the Salvadoran government—

And this is a direct quote—

seems frankly ludicrous.

How many times have we heard our colleagues suggest that that is the case.

Skeptics may argue that even if the guerrillas are importing weapons, there is still no proof that they are being supplied by Nicaragua and Cuba. Nevertheless—

And this is the bottomline comment from Mr. Rivard, the Bureau Chief in El Salvador of Newsweek—

Nevertheless, a thin but reasonable chain of circumstantial evidence does indicate that the guerrillas acquire material from the East-bloc countries.

Well, it may be a thin line for Mr. Rivard, but I am glad that our chairman, the gentleman from Massachusetts, indicates that it is not too thin; that he reaffirmed today in answers to my questions and his own comments, that a major portion of arms and materiel are coming from Cuba and other countries to El Salvador through Nicaragua.

I want to point out to my colleagues a backgrounder paper released from the Department of State and Department of Defense in which the thin line that Mr. Rivard talks about is not so thin after all. Here are pictures of ammunition captured by the Salvadoran army in El Salvador in May of 1984 that were manufactured in Bulgaria. I guess they swam across the ocean into the hands of the guerrillas and not through Nicaragua.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COLEMAN] has expired.

(By unanimous consent, Mr. COLEMAN of Missouri was allowed to proceed for 2 additional minutes.)

Mr. COLEMAN of Missouri. Criticism has been made of the Contras that they are not effective. I suggest that they are effective in interdicting arms, or at least keeping the arms flow down. If you have the Sandinistas busy worrying about the Contras, they are not going to be able to ship in as many arms as they would if there was nobody there between them and El Salvador. So I think they are effective. They have done a job.

The press has also reported that there may very well, indeed, be an August offensive by the rebels in El Salvador. This was in the Washington Post a week or so ago. I suggest to anybody today that if there is an August offensive, that that offensive in El Salvador will undoubtedly be supported and done by arms coming through Nicaragua, assisted by Nicaragua, as confirmed by the chairman's statements today and the committee reports of the past that those bullets, those guns, that ammunition, and indeed the individuals involved in any August or fall offensive in El Salvador will be a direct result of the inability of the United States to be able to control the situation, to be any force whatsoever, and that is why the Contras are important, that is why covert aid is important, and that is why, if we have an August offensive, it will not be on my shoulders, it will be on those people who support section 107 as it is, who supported the position of Boland-Zablocki in the past, who simply do not fear what we fear and what we have tried to articulate here this morning in this House.

□ 1140

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I want to commend the gentleman from Missouri [Mr. COLEMAN] for his statement and say that I agree with it, especially with the part about the August offensive. I think that this Congress has dropped the ball, and we may well face some terrible consequences for that.

Mr. Chairman, I ask my colleagues to consider what is at stake today. Can the United States afford another Cuba in this hemisphere? Can the free world afford it?

The Soviets have benefited for 25 years with their proxy in Cuba. Are we to sit back and allow them another in Nicaragua? Some say there is still hope to redeem the Sandinista regime. To believe that is to believe there is still hope to redeem Castro. Make no mistake, the Marxist-Leninist junta running Nicaragua is just as committed to totalitarian rule as is Castro.

Some say it is morally wrong to try to use covert aid against an established government. What is wrong, however, is to protect a government from its own people who seek democratic government and respect for human rights. You do not protect another government's existence and freedom so that it can destroy the freedom of others. The moral hypocrites who condemn covert aid to the Contras fighting the Sandinistas do not make the same arguments about covert aid to the Afghans fighting the Soviets. In both cases the Soviets are seeking another strategic staging area. It is right to resist them 9,000 miles from the United States in Afghanistan. It is right to resist them 900 miles from the United States in Nicaragua.

To deny Soviet influence and control in Nicaragua is to ignore what the Soviets themselves say. In March 1983, Soviet Army Chief of Staff Nikolai Ogarkov told the then-Grenadian Army Chief of Staff, "the Marshal said that over two decades ago, there was only Cuba in Latin America; today there are Nicaragua, Grenada and a serious battle is going on in El Salvador." Some people say they need a "smoking gun" to believe the Sandinistas are subverting their neighbors. However, the evidence compiled against the Sandinistas is considerably greater than what was known about the Grenadian regime before the U.S. rescue mission in October. That mission uncovered warehouses of arms and ammunition, documents and communications confirming a serious Soviet-Cuban effort to establish another military stronghold in the Caribbean. There was no "smoking gun" in Grenada but the threat was clear, even it was realized only after the fact. There's at least a "warm pistol" in Nicaragua and the threat is even more evident, without the need for an invasion of Nicaragua.

Nicaragua's neighbors in El Salvador, Costa Rica and Honduras have all felt the effects of guerrilla groups operating in their countries with the support and control of the Sandinista regime in Nicaragua. Two months after the Sandinistas came to power in July 1979, their first major planning document discussed the strengthening of the revolution in Central America and Latin America, and the national directorate of the Sandinistas acknowledged that the only way to prevent the defeat of the Nicaraguan revolution was to create a "ripple effect" of the Nicaraguan revolution for the entire region. While some may discount the domino theory, it is obvious the Sandinistas do not.

The Contras fighting the Sandinistas in Nicaragua seek from that regime the fulfillment of their promises to the OAS in July 1979 for free elections and respect for human rights. Before the pressure applied by the Contras, there was no movement whatsoever by the Sandinistas to consider their original pledge, nor was their any letup in their support for

the guerrillas in El Salvador. Now that the Sandinistas are finally discussing the issues which concern its neighbors and the United States, it would be foolish to eliminate that pressure.

I urge my colleagues to support the continuations of covert aid for the Contras in Nicaragua just as they have supported covert aid for the rebels in Afghanistan. Do not leave the initiative to the Soviet Union for what happens in Central America. Let us take the initiative and protect what is in our national interest: The security of the United States and our allies in this hemisphere.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman from California [Mr. LAGOMARSINO], and I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again we have under discussion in this House the long continuum of events that have taken place since the President of the United States made a finding back in November 1981 to engage in small-unit disruptions and interdiction of arms inside the borders of the country of Nicaragua, and our Intelligence Committee, after being briefed about the purpose of that mission, about the arms flow that was discovered in 1980 and 1981, decided to go ahead and allow that to happen and proceeded to monitor the activities. And from a finding that was basically to determine that we could use small units of 15 and 20 people and personnel to interdict arms, we have now watched this program grow like topsy, no longer engaged in the interdiction of an arms flow but a hired band of mercenaries that have been collected from around the world to be paid for and supported by the Government of the United States for the purposes of disrupting and overthrowing the Government of the people of Nicaragua.

Now, no one needs to defend the Sandinistas on this floor. My record of differences from my conversations with them is long. But the question is this: Should this Government be engaged in and supporting the efforts to overthrow the sovereign Government of Nicaragua?

Some do not like the way the Government of Nicaragua came to power; some do not like it that certain people will not participate in the elections; some do not like the censorship of the press. The question really is, Does that justify the overthrow of this Government? And the answer, I believe, is that it does not.

But that is what we have done and what we have seen taking place, because, mind you, the Government of Nicaragua has been under siege by the Government of the United States of America for almost 3 years, and what was predicted in the very early days by our Embassy personnel and by our military attachés is simply what we are now seeing played out, that this war, this war supported by the CIA that once was a covert war, is now the basis which allows the Sandinistas to engage in far greater oppression of religious rights, of press rights, and of the freedoms that we would expect, because they make it very clear to their citizens that they are under external attack by the mightiest military power in the world, the United States of America. That was not my prediction; that was the prediction of the officials in the American Embassy when we met with them shortly after this was undertaken, and that is in fact what has come to pass.

But now we no longer see any pretext of arms interdiction because even in the most recent white paper that was put forth by this administration we find out that the evidence that is cited is almost 2½ or 3 years old. We still go back to the famous Volkswagen that was discovered transversing the country several years ago. We still talk about airports that would be of a certain type, that if you were to land these weapons, this is the type of airport used. This reminds me of the briefing of the Cuban-designed soccer fields, the Cuban-designed recreation fields, and the Cuban-designed track fields that Bobby Inman gave to the world just before he resigned from the CIA.

But let us look at what this is. When this report was drafted a few weeks ago, the report suggested that there was a sporadic flow of arms from Nicaragua to the insurgents in El Salvador. Between the time the draft report came out and the time it was sent to the Members of Congress and the press, that sporadic flow became a steady flow. When quizzed as to what the change in circumstances was, why a sporadic flow now became a steady flow, for press publication, the State Department said there was nothing, there was no new evidence. But obviously a sporadic flow does not justify the expenditure of $40 million, and not showing up with, as our Ambassador said, one pistole, because there has been no interdiction of arms.

What we have seen is a war that has grown from the mining of the harbor that incensed the American people and incensed the world community. We saw overwhelming opposition to those actions by the American Government, from the mining of the harbor to the publication of comic books, comic books not to tell people how to interdict arms, not to tell people how to spot somebody who is moving arms to El Salvador, but to tell people to damage books, to threaten the boss by telephone, to make false airplane and hotel reservations, to spread rumors, to plant flowers on state farms instead of vegetables, and to leave the lights on so they use the electricity and the oil. This is a war against the people of Nicaragua.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, this is a war against the people of Nicaragua. This is a war against the Government of Nicaragua; this is not a war about stopping the arms flow.

We just heard the gentleman come in the well and describe the beaches where the landings take place. I ask you, where are the Salvadoran troops? Where are the Salvadoran troops when our planes constantly identify the landing points? Where are the people in the Gulf of Fonseca?

It is not about the interdiction of arms, because what do we know about the flow of arms? First and foremost, we know that the largest flow of arms to the insurgents in El Salvador is from the Army and Government personnel inside El Salvador, either through capture or the killing of Government soldiers or the sale by unethical Government soldiers.

We also know that flows have come in—and the most recent documents show this—flows have come in and have been cited by this administration from Costa Rica and from Mexico. We also were told at the time of the original finding that the weapons were coming in from Panama. In fact, at that time perhaps Panama was the biggest supplier of arms to the insurgents.

Are we declaring war against Panama? Are we declaring war against Costa Rica? Are we declaring war against Mexico? No.

And I say to my dear friends that we also know that one of the very largest supplier of arms is from our friends in the city of Miami who engage in the illegal shipment of arms.

But we are not doing that. No; what we are doing is we are declaring war on the people of Nicaragua because we do not like their form of government. What we ought to do is openly have on this floor a declaration of war and settle the issue once and for all, because we are supplying them, we are training them, we are supporting them, and we are there for the purposes of overthrowing this government.

That is a hostile act. I suggest that that is an illegal act. I would also suggest that the funding is illegal, because never have I seen such magnificant bookkeeping that can allow this $21 million to go the number of months that it has. They are always going to run out just before we take

up the bill, but when the bill does not come out the way the intelligence community likes, then they are able to fund it for several months because somehow the economies are worked out. This is the most efficiently run war in history if they can make $21 million go this far. But we know that is not what is going on. There is diversion of other military sources, and there is the raising of money in the private sector to support these mercenaries.

Finally, we see that what this war has done is something even more dangerous. It has led to the militarization of Honduras. We have lunged into the country of Costa Rica and tried to support our efforts there. We have seen acts of violence in both those countries. We have now seen large-scale political demonstrations by Honduran citizens against the role of Honduras in the effort against Nicaragua.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, what we are trying to do is to take the issue of arms and escalate it into the basis in which we somehow have a right to invade this country. But what we do not have is the courage of our convictions to invade it with American soldiers.

So what have we done? We went out and we hired Argentinian terrorists to help train these people in the early days because there were only going to be a few of them. The Argentinians got upset over the Falklands and left for a while, so that set them back a few months. So finally we got them trained in their activities, and now we are engaged with some 15,000 people in the overthrow of this Government. That is the purpose, and that is what this Congress three successive times has rejected. And it is overwhelmingly rejected by the American people, and no number of fraudulent white papers from this administration will cure the defects in that policy.

□ 1150

One of the things I learned early on when I first went to discover the finding was, I said, how does a finding like this happen? How do you have a finding that allows the President to conduct these kinds of activity, basically Latin America wide?

I was told then that this is what happens in the absence of a policy——

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. AUCOIN, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman yielding. I appreciate the leadership the gentleman has shown on the whole issue of Central America.

I understood the gentleman to say that the "comic book" instruction manual that has been distributed in Nicaragua to show how the economy can be crippled was devised or written by our CIA. Is that what the gentleman was saying?

Mr. MILLER of California. It is my understanding that it has been written with and for the purpose of distribution by the Contras.

Mr. AUCOIN. I have a copy of that document in front of me and it may be a comic book format, but it is not funny in terms of what it suggests.

It explains how to construct Molotov cocktails. It suggests that the targets for those Molotov cocktails could be things like police stations.

It describes how to devise clever fire-starting devices that will set economic targets aflame.

It describes how telephone lines can be brought down.

It describes how to throw tools that are in short supply that are needed for the repair of equipment into sewers so equipment cannot be restored.

Mr. Chairman, none of this has anything to do with the interdiction of arms. It has everything to do with overthrowing a government.

What offends me about this is that when I visited the region and talked to CIA representatives there, I questioned them repeatedly about whether or not economic targets were being targeted in the Contra effort.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. AUCOIN, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. Without exception, I was told that economic targets were not part of the effort. Instead, it was arms interdiction.

Now, I find in talking to those from within the agency who have now left, that there is no quantifiable amount of arms that have been recovered. They have testified that the administration started with the assumption that there was a massive arms flow and then they set out to try to prove that assumption. But the evidence is not really there.

Then I see this instruction manual, which is designed not to interdict arms, but to do that which a number of us have suspected from the beginning—to try to bring down a Government that a lot of us do not find terribly popular but we raise the question whether it is a legitimate role on the part of the U.S. Government to move in, pretending to do one thing to the American people, but actually doing something entirely different.

I find that revelation a sad commentary on the candor of the administration and the intelligence community.

I must say one other thing. When we have a President of the United States who returns from The People's Republic of China and then in talking to the press entourage flying with him that China is a so-called Communist regime, something is very haywire. Everyone knows that few countries on the face of the Earth are more Marxist than the People's Republic of China.

Then the administration describes Nicaragua as being some kind of Marxist juggernaut which has a population of about 3 million people, about 50 percent or some such in an age group that is not viable from a military standpoint.

But I wonder how many people realize 60 percent of the Nicaraguan economy is still in private ownership, not state ownership?

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. AUCOIN, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Mr. Chairman, I find that 75 percent of the businesses in Nicaragua are in private hands, and 80 percent of the farmland is still in private hands.

Given this, I just have got to say that there are a lot of people I work for from my congressional district who think this is quite a curiosity, the President calling the People's Republic of China a so-called Communist regime, and the Nicaragua regime some kind of a pure Communist juggernaut.

I do not defend the excesses of the Sandinista government, but I resent overblowing the situation in Nicaragua and the White House failure to understand that the United States did more to create the Sandinista revolution by our unblinking support of Somoza, who plundered the treasury and brutalized his people, without any serious opposition on the part of the U.S. Government.

I commend the gentleman for the points he has brought out in the debate here.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, boy, you know, I get a big kick out of this guilt complex that many Members of this House have toward our involvement in Central America. I think the No. 1 question is are we going to keep Central

America free and are we going to protect the southern soft underbelly of the United States of America? That is my No. 1 concern, whether or not we are going to have our young people involved in a military conflict down there at some point in the future because we did not do the right thing today.

They talked about Nicaragua being a government under seige. What about El Salvador?

You say, well, the gentleman from California indicated that they are getting most of their weapons from within the country, from our supplies that have been sent down there being sold on the black market to them, but the Intelligence Committee said, and I will quote this, in a report in May, 1983, the House Intelligence Committee after reviewing the Intgelligence-based evidence and finding it convincing reported:

> It is not popular support that sustains the insurgents. As will be discussed later, this insurgency depends for its life blood—arms, ammunition, financing, logistics and command-and-control facilities—upon outside assistance from Nicaragua and Cuba. This Nicaraguan-Cuban contribution to the Salvadoran insurgency is longstanding. It began shortly after the overthrow of Somoza in July 1979. It has provided—by land, sea and air—the great bulk of military equipment and support received by the insurgents.

So I think the argument that the gentleman from California made that they are not getting any supplies through Nicaragua and Cuba and other areas is just erroneous.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I will not yield right now.

Mr. MILLER of California. Mr. Chairman, the gentleman used my name. I would appreciate if he would yield just to clarify my point.

Mr. BURTON of Indiana. I will not yield right now. I will in a moment.

In 1983, the Soviet bloc delivered over $100 million in military hardware to the Sandinistas. They have established a powerful force of artillery, multiple rocket launchers and tanks and an arsenal that exceeds that of the other countries of the region. They are expanding four airfields so that they can accommodate Mig-23 fighter bombers that can reach the southern part of the United States, the west coast, as well as the Panama Canal.

They have just received a whole shipload of Bulgarian amphibious tanks, and you know of all the other multitude of military supplies they have received from the Communist bloc countries, as well as having 10,000 Cubans down there and PLO terrorists and North Koreans and Bulgarians and all those fellow travelers.

So the fact of the matter is that they are a danger.

Humberto Ortega and Daniel Ortega said in no uncertain terms that they want a revolution without borders in Central America and they are going to head for that and if we do not help the Contras and those who are fighting for their own freedom down there as well as trying to interdict those supplies from getting into and out of Nicaragua, then we are going to reap the whirlwind and be directly involved in a military conflict with our kids.

Now, they talked about that we are to blame for the repression in Central America. I had a meeting, as did members of the Republican Study Committee not long ago, with a man named Theofilo Archibold and a gentleman whose name eludes me right now, who is a Miskito Indian, and they did not think we were to blame for the repression, and they live down there.

The Miskito Indians who testified stated that they buried alive, the Sandinistas buried alive 35 of the people in his village.

Theofilo Archibold, the black man with whom we talked, showed us his fingers where they had pulled his fingernails out one at a time. He told where they took 13 people who were mentally ill, put them in a building, poured gasoline over them and burned them to death.

He told of two little children outside a Sandinista military encampment that took two crusts of bread from a garbage can and they shot them in the head and buried them in a mass grave.

Now, I would say that is repression and I cannot believe the United States is responsible for that. Now, if you can draw that kind of conclusion, you are way beyond me.

□ 1200

There is no doubt in my mind or in the mind of anybody who follows the newspapers that the repression is expanding. They talked about free elections. Now, because the free elections are not going to be free, the opposition is not even going to run because it is going to be a sham, and they told the American people that and the whole world.

The Catholic Church has been very concerned about the repression of their church down there, and it is expanding. As a matter of fact, the election, as I understand it, is going to be run pretty much against the Catholic Church and religious involvement in the affairs of state.

So the repression is expanding at a very rapid rate down there. And, of course, censorship. I think the gentleman from California alluded to us being responsible for the censorship down there.

Talk to the people at La Prensa and ask them what they think about that, the paper that for the last 20 or 30 years has been the voice of opposition to the government when Somoza was in power, and now they say the present oppression is much greater than when the Communist Sandinista government took over.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent Mr. BURTON of Indiana was allowed to proceed for one additional minute.)

Mr. BURTON of Indiana. The gentleman alluded to Costa Rica and indicated that we were causing them problems by our involvement in Central America.

Commenting in January 1984 on the threat from Nicaragua, Costa Rican President Luis Alberto Monge said "I never thought I would say, as I do now, that we would have it worse in four years of Sandinista rule than in 40 years of Somoza."

When you start saying we are responsible for all of these problems in Central America, I really believe you ought to get your facts straight and not go off half cocked, telling the people of this country something that is not accurate.

Mr. MILLER of California. Will the gentleman yield?

Mr. BURTON of Indiana. Yes, I yield to the gentleman from California.

Mr. MILLER of California. First of all, I did not say arms were not coming from Nicaragua. I talked about other sources, that arms are flowing into the insurgents in El Salvador to begin with, and I did not say that we were responsible for all of the repression and the terrorism or whatever activities are carried out by the Sandinistas.

What I suggested was that we were told very early on when this was a very small operation by this administration's Embassy people that we could expect to see the repression even heightened.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Because it would be used by the Sandinistas as a pretext for greater repression or restrictions on the press or what have you. That is what I have said, and I think if the gentleman will let me finish, since most of his talk is about what I said or I did not say, the fact of the matter is that that has come to pass. But the fact that the Sandinistas use it does not make it terribly accurate.

Mr. BURTON of Indiana. If I may reclaim my time, I would just like to say we have all been listening on this side of the aisle and if my interpretation of what you said is different than my colleagues', maybe they will stand up and refute what I have just said.

Mr. MILLER of California. If the gentleman will yield for a minute, your interpretation is not terribly important. What I said and the facts of it are important.

Mr. BURTON of Indiana. I do not yield. I just would like to conclude by saying that I think the majority of the Republican side of the House feels that we must pay attention to the soft underbelly of the United States of America, not only from a military standpoint but from an economic standpoint as well, because the very real risk exists that we will get between 10 and 20 million refugees fleeing Central America and Southern Mexico and coming to our country, which will cause economic chaos.

But there is a military threat as well and if the revolution without borders that Roberto Ortega and Daniel Ortega talk about comes to pass because we do not do what is necessary today, then we are going to have to defend with our life's blood the southern border of this country, and those countries that want to remain free in Central America.

I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I move to strike the last word, and I rise in support of the language.

Mr. Chairman, I rise in strong support of the proposed prohibition on covert aid to guerrillas fighting the present Government of Nicaragua and wish to commend House Intelligence Committee Chairman EDWARD BOLAND for his continued leadership on this issue.

The question before us today is not whether the Sandinista government has lived up to the promises it made in 1979 to the Organization of American States or, more importantly, to the people of Nicaragua. Nor is it whether that government is aligned with the Soviet Union and its schemes for taking advantage of unrest in Central America. The deficiencies of the ruling junta are evident; to belabor that point only further detracts from what we ought to be discussing today.

At issue is whether the U.S. role in arming and training thousands of Contra guerrillas whose attacks in Nicaragua have claimed untold hundreds of lives and risk sparking a regional conflict is responsible to our position as a world leader. And whether, in the final analysis, this policy has furthered essential U.S. interests in the region.

If the apparent confusion in the White House about U.S. goals in supporting the Contras is any indication, it is little wonder that they have fared so poorly as a military force. President Reagan has, as my colleagues are aware, variously asserted that U.S. policy is designed to stem the flow of arms to El Salvador, to prod the Sandinistas to show greater conciliation toward their people and the nations of the region, and to deny the Soviets greater influence in Central America.

While the administration's intentions may be open to debate in the minds of some, the harsh consequences of our involvement are inescapable. Thousands of Nicaraguans are reported to have died or been wounded in U.S.-sponsored attacks. Our complicity in these acts of violence strains the integrity of this Nation and its devotion to law at home and self-determination abroad. How can we stand righteous among the nations of the world in condemning terrorism while providing the very material and expertise for such attacks in Nicaragua?

Another consequence of this policy has been our growing isolation in world affairs. Revelations last spring about the U.S. role in mining Nicaraguan waters prompted a sharp outcry from even our closest alliies—France and Britain. Mexican officials have been particularly outspoken in their criticism of the current U.S. military buildup in Central America, fearing its effect on regional peace efforts. The U.S. withdrawal from World Court jurisdiction has, as my colleagues well know, been widely interpreted as a sign of our contempt for international law and world opinion.

Within Nicaragua itself, it is increasingly evident that the ever-present threat of full-scale war has been used as a pretense for further radicalization and militarization—at the very expense of those democratic elements we seek to encourage. Experience has shown that a nation under attack is less likely to question restrictions on civil liberties or with whom it is allied.

The President has spoken at length about a flood of Soviet arms passing through Nicaragua to the guerrillas in El Salvador, while declining to make public evidence to support his claims. Meanwhile, top Pentagon officials have testified before Congress that they believe Salvadoran guerrillas obtain most of their weapons from captured Government soldiers and corrupt officials. It should not come as any surprise, therefore, that Salvadoran President Jose Napoleon Duarte has offered only his most reluctant support for the Contra effort.

Finally, the war being waged in Nicaragua has heightened regional tensions and threatens, as recent clashes along the Costa Rican border demonstrate, to touch off a broader, regional conflict. Invariably this situation increases the likelihood of a direct U.S. combat role in Central America, and offers greater opportunity for Soviet meddling.

Mr. Chairman, the President would have us believe that the United States is safer when it goes its own way in world affairs, when it employs methods of force that it denounces in others, and when it makes diplomacy a secondary priority to military confrontation. I believe there is another, infinitely better way.

On January 8 representatives of the five key Central American states met under the sponsorship of the Contadora nations to develop a framework for implementing the 21-point plan for peace and regional cooperation adopted last fall. Three commissions were established at that time to draft a regional peace plan to include: reductions in the levels of military force in the region, the withdrawal of all foreign military personnel and equipment, the elimination of illegal arms traffic and support for insurgents, the protection of human rights and free elections, and the promotion of regional cooperation on economic and political issues.

That those negotiations continue despite the accelerating military buildup in the region stands witness to the participants' determination to find solutions on the basis on diplomacy, rather than confrontation. The Contadora process offers the endangered forces of moderation a vital opportunity to exert their influence.

Mr. Chairman, no single actor in the Central American drama has a greater capacity to shape the future direction of events than the United States. The Contadora process presents an opportunity to lead us away from the morass of deepening military conflict in Central America. We must act now, before the escalating chaos precludes the option of diplomacy and makes direct U.S. military intervention all but inevitable.

I appeal, at this late hour, to my colleagues to join in repudiating the administration's haphazard and unworthy policy in Nicaragua as a vital first step toward a peaceful settlement. I strongly urge support for the prohibition on all military or paramilitary activities in Nicaragua.

Mr. STUMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when the going gets tough, the United States quits. That's the message the United States broadcasts to the Soviets, Cubans, Nicaraguans, and the rest of the world if it cuts off the Nicaraguan resistance at the knees by withdrawing aid.

We will be taking away the last, best hope for a free Nicaragua.

We will be taking away the only capability we have to keep the Sandinista forces tied down inside Nicaragua, instead of turning outward to spread Marxist totalitarianism to neighboring countries.

We will be taking away the only pressure on the Sandinistas to stay at the negotiating table.

And, most dangerous of all, we will be telling our allies in Central America and the rest of the world that, once again, the United States lacks the for-

titude to protect its friends and its security interests in the world. If we do not stand up to Soviet adventurism in Central America, we are going to find ourselves facing Soviet adventurism a lot closer to home, a lot sooner than we think.

Only at a great cost of blood and treasure could the United States, by direct action, contain the efforts of the Sandinista regime to export its totalitarian revolution to El Salvador, Costa Rica, Honduras, and Guatemala. It makes more sense for us to support the Nicaraguan resistance to help contain those efforts now, than it does to ignore the problem and hope that we will not be called upon to protect our allies.

The activities of the Nicaraguan resistance disrupt the efforts of the Sandinistas to support guerrilla subversion of neighboring states and tie up Sandinista military resources in Nicaragua. To accomplish these objectives by overt use of the U.S. Armed Forces would cost far more than the few million dollars we should provide in aid to the Nicaraguan resistance.

For a small financial commitment, the United States would reap the strategic benefit of an organized resistance to the forces to totalitarianism in Central America.

The majority members in the House of Representatives would make a grave mistake today in adopting section 107 of this bill to prohibit certain assistance to the Nicaraguan resistance. We should continue that assistance. Such assistance is in the interest of the United States and of the free peoples of Central America, whose number is diminishing as the Soviet-Cuban-Nicaraguan forces advance from their sanctuaries.

Mr. COLEMAN of Missouri. Will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Just for the record, statements have been made that the United States has somehow pushed the Sandinistas into the Communist camp. At the same time the Soviets were supplying military aid to the Sandinistas we were voting here on the floor of the House economic aid to them. In fact, it was the largest package ever sent to any country in Central America. And by January 1981, we had authorized over $117 million in economic assistance and supported over $200 million in economic loans. We even proposed that we would have Peace Corps volunteers in Nicaragua.

We did not push those people to where they are today. We tried, and I remember the majority leader's pleading statements down here in the well when he asked us to appropriate that money, and the majority of the Members did.

What happened? They ended up turning it around on us to do the very things the gentleman from Indiana indicated. So I think we have to have a balance in our view of what really happened, what the true facts are down there.

I thank the gentleman for yielding.

Mr. STUMP. I thank the gentleman, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of section 107, the provision prohibiting funds for the war in Nicaragua. This is the fourth time in the last 2 years the House has voted on the issue: There are compelling reasons for voting again to terminate U.S. assistance to the so-called Contras, the rebel groups fighting the leftist Government of Nicaragua.

Funding these covert operations is clearly harmful to U.S. interests, risks widening the conflict, and diminishes the chances for successful negotiations between the United States and Nicaragua.

We must now devote our energies to political negotiations and turn decisively toward peace. The most important move in this direction is to stop our support of the Contras. Many of the policies of the ruling Sandinista regime are objectionable to us. Those policies have created visible discontent in Nicaragua. But it is not up to us to fund guerrillas whose aim is to overthrow a government we do not like.

The covert action program in Nicaragua clearly has not worked. It has brought peace. It has not stopped the flow of arms and other support to rebels in El Salvador. It has not stopped one shipment of arms passing into El Salvador. It has not forced changes in Nicaragua's domestic policies. It has brought neither peace nor democracy to Nicaragua. Rather, it has strengthened the Sandinistas' resolve and provided justification for its increasingly repressive policies. The war allows Nicaragua to wave the banner of nationalism, rather than to defend its repressive regime. It has brought an increased militarization of life and greated Soviet and Cuban involvement in Nicaragua. It has increased the risk of full-scale regional war that could engulf fragile Honduras and Costa Rica.

Mr. Chairman, we need a new approach to relations with Nicaragua. Secretary Shultz' trip to Nicaragua on Junè 1, 1984, represented the start of a worthy initiative to begin the process of dispelling mutual distrust. I hope results ensue. However, any U.S. dialog with the Sandinistas is likely to take place in a poisoned atmosphere while the covert action continues. Only when the covert war ends will the Sandinistas have reason to believe us when we tell them we are prepared to respond positively if they hold free elections, eliminate press censorship, allow open opposition parties, and—most importantly—halt aid to the Salvadoran insurgents. We cannot talk productively to Nicaragua until our support for the covert war ends.

Secretary Shultz' diplomatic talks with Nicaragua must be supported and strengthened. We would not negotiate with a gun at our heads. We cannot expect others to enter productive talks in those circumstances, either.

I urge defeat of the amendment.

I just want to say a word of appreciation to the chairman and to the ranking member of the Intelligence Committee. I think all of us who have served on that committee know that Chairman BOLAND and the ranking member, the gentleman from Virginia, Mr. ROBINSON, are very special Members of this House of Representatives. In every respect they have been conscientious, skillful fair-minded, and energetic. Without any question they are both patriots and statesmen of a very high order. We will miss both of these gentlemen very greatly in the work of the Intelligence Committee in the years ahead.

All of us who have served with them know that they are legislators' legislators and Congressmen's Congressmen; and they have served in this House with great distinction and reflected great credit upon the institution. We are grateful to them for their leadership on one of the most difficult committees of the House to lead.

I want also to express a word of appreciation to those members of the committee who will be leaving the committee because of the Rules of the House.

In addition to Chairman BOLAND and the gentleman from Virginia [Mr. ROBINSON] we will be losing the gentleman from Kentucky [Mr. MAZZOLI], the gentleman for California [Mr. MINETA], the gentleman from Georgia [Mr. FOWLER], the gentleman from Tennessee [Mr. GORE] on the majority side; and on the minority side the gentleman from Virginia [Mr. WHITEHURST], and the gentleman from Florida [Mr. YOUNG].

All of these Members have served with extreme dedication, and I think this House is grateful for their service on this very difficult committee.

Mr. ROBINSON. Will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Virginia.

Mr. ROBINSON. I would like to thank the gentleman very much for his fine comments with regard to my service on the committee. He is a valuable member on the committee and had contributed a tremendous amount of time in terms of this service on the Program and Budget Subcommittee, and to the process by which it goes

about its business, and that makes his comments even more valuable to me and I thank him.

I would now like to suggest, however, that the matter that we have been discussing, the Nicaraguan Contras matter, has now had another thorough airing in the House. I think everyone that wanted to say something on the subject has had a chance to do so. I would now suggest it is the appropriate time for us to proceed to final passage of the bill.

Mr. BOLAND. Will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. BOLAND. One could not sit here and listen to the remarks of the distinguished gentleman from Indiana without responding, as the gentleman from Virginia [Mr. ROBINSON] did, and as I intend to do.

As he has indicated, this is not the easiest committee to run, either on the majority or the minority side. I think one of the things we have done in the years that we have presided over that committee is that we have structured it so that it has become as nonpartisan as a committee could possibly become.

One of the things in which I and the gentleman from Virginia, Mr. ROBINSON, as well as his predecessor on the minority side, BOB WILSON of California, who was the first ranking minority member have taken the greatest pride over the years has been the structuring of a staff which was nonpartisan, that had the ability to understand what the problems were within the intelligence community, and to be very sure that all intelligence activities responded to the laws. I think we have done that, and all of us take justifiable pride in the record we have built as a committee aided by the finest staffs in the House.

□ 1210

I think those who serve on the Program and Budget Authorization Subcommittee staff probably are as knowledgeable in matters of intelligence as any of the witnesses that come from the intelligence community.

In another area, I think that, just as we have helped establish effective oversight of intelligence, we have built up the ability of our Government to collect intelligence and to analyze it in a way that gives essential facts and analysis to our government and provides for the security of our Government.

I have said often, and Mr. ROBINSON has agreed with me, that those suggestions that say that the CIA is a rogue elephant and runs rampant no longer have value.

I think the CIA has the responsibility of doing the intelligence jobs levied upon it by any administration, be it this administration or a past administration.

I think both Mr. ROBINSON and I can leave this committee with a sense of pride in that in our 7 years we have worked with two administrations, one Democratic, one Republican, to build the intelligence community to make it much more capable to respond to the policy of any administration, to supply critical intelligence to the ultimate user, the Commander in Chief, to the President, and to those who require it in the departments and agencies of Government. We have striven to ensure that such intelligence is useful, that it is of high quality and it contributes to the security of the United States of America.

□ 1220

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. MURTHA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5399) to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes; pursuant to House Resolution 520, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RUDD

Mr. RUDD. Mr. Speaker, I offer a motion to recommit H.R. 5399 to the Permanent Select Committee on Intelligence.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RUDD. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RUDD moves to recommit H.R. 5399 to the Permanent Select Committee on Intelligence.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROBINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 118, answered "present" 1, not voting 20, as follows:

[Roll No. 343]

YEAS—294

Ackerman	Eckart	Madigan
Addabbo	Edgar	Markey
Akaka	Edwards (AL)	Martin (IL)
Albosta	Edwards (CA)	Martin (NY)
Alexander	Erlenborn	Martinez
Anderson	Evans (IL)	Matsui
Andrews (NC)	Fascell	Mavroules
Andrews (TX)	Fazio	Mazzoli
Annunzio	Feighan	McCloskey
Applegate	Fish	McCurdy
Aspin	Florio	McDade
AuCoin	Foglietta	McHugh
Barnard	Foley	McKernan
Barnes	Ford (MI)	McKinney
Bateman	Fowler	McNulty
Bates	Frank	Mica
Bedell	Frenzel	Mikulski
Beilenson	Fuqua	Miller (CA)
Bennett	Garcia	Mineta
Bereuter	Gaydos	Minish
Berman	Gejdenson	Mitchell
Bevill	Gephardt	Moakley
Biaggi	Gibbons	Mollohan
Boehlert	Glickman	Moody
Boggs	Gonzalez	Moore
Boland	Goodling	Morrison (CT)
Boner	Gore	Morrison (WA)
Bonior	Gradison	Mrazek
Bonker	Gray	Murphy
Borski	Green	Murtha
Bosco	Gunderson	Myers
Boucher	Hall (IN)	Natcher
Boxer	Hall (OH)	Neal
Breaux	Hamilton	Nelson
Britt	Harkin	Nowak
Brooks	Harrison	O'Brien
Brown (CA)	Hatcher	Oakar
Broyhill	Hawkins	Oberstar
Bryant	Hayes	Obey
Burton (CA)	Hefner	Olin
Byron	Heftel	Ortiz
Carper	Hertel	Panetta
Carr	Hightower	Parris
Chandler	Hillis	Pashayan
Chappell	Horton	Patterson
Chappie	Hoyer	Pease
Clarke	Huckaby	Penny
Clay	Hughes	Pepper
Clinger	Hutto	Perkins
Coelho	Ireland	Pickle
Coleman (TX)	Jeffords	Porter
Collins	Jenkins	Price
Conable	Johnson	Pursell
Conte	Jones (NC)	Quillen
Conyers	Jones (OK)	Rahall
Cooper	Jones (TN)	Rangel
Coughlin	Kaptur	Ratchford
Coyne	Kastenmeier	Regula
Crockett	Kennelly	Reid
D'Amours	Kildee	Richardson
Daniel	Kleczka	Ridge
Darden	Kogovsek	Rinaldo
Daschle	Kolter	Robinson
Daub	Kostmayer	Roe
de la Garza	LaFalce	Rogers
Dellums	Lantos	Rose
Derrick	Leach	Rostenkowski
Dicks	Leath	Roth
Dingell	Lehman (CA)	Roukema
Dixon	Lehman (FL)	Rowland
Donnelly	Levin	Roybal
Dorgan	Levine	Russo
Dowdy	Lipinski	Sabo
Downey	Long (LA)	Savage
Duncan	Long (MD)	Scheuer
Durbin	Lowry (WA)	Schneider
Dwyer	Luken	Schroeder
Dyson	Lundine	Schulze
Early	MacKay	Schumer

Seiberling	Studds	Whitehurst
Shannon	Stump	Whitley
Sikorski	Swift	Whitten
Sisisky	Synar	Williams (MT)
Skelton	Tallon	Williams (OH)
Slattery	Tauke	Wilson
Smith (FL)	Thomas (GA)	Wirth
Smith (IA)	Torres	Wolf
Smith (NE)	Torricelli	Wolpe
Smith, Robert	Towns	Wortley
Snowe	Udall	Wright
Snyder	Vento	Wyden
Solarz	Volkmer	Wylie
Spratt	Walgren	Yates
St Germain	Watkins	Yatron
Staggers	Waxman	Young (AK)
Stangeland	Weaver	Young (FL)
Stark	Weiss	Young (MO)
Stokes	Wheat	Zschau

NAYS—118

Archer	Hartnett	Nielson
Badham	Hiler	Ottinger
Bartlett	Holt	Oxley
Bethune	Hopkins	Packard
Bilirakis	Hubbard	Patman
Bliley	Hunter	Paul
Broomfield	Hyde	Petri
Brown (CO)	Jacobs	Ray
Burton (IN)	Kasich	Ritter
Campbell	Kazen	Roberts
Carney	Kemp	Roemer
Cheney	Kindness	Rudd
Coats	Kramer	Sawyer
Coleman (MO)	Lagomarsino	Schaefer
Corcoran	Latta	Sensenbrenner
Courter	Lent	Shaw
Craig	Levitas	Shelby
Crane, Daniel	Lewis (CA)	Shumway
Crane, Philip	Lewis (FL)	Shuster
Dannemeyer	Livingston	Siljander
DeWine	Lloyd	Skeen
Dreier	Loeffler	Smith (NJ)
Edwards (OK)	Lott	Smith, Denny
Emerson	Lowery (CA)	Solomon
English	Lujan	Spence
Erdreich	Lungren	Stenholm
Evans (IA)	Mack	Stratton
Fiedler	Marlenee	Sundquist
Fields	Martin (NC)	Tauzin
Flippo	McCain	Taylor
Franklin	McCandless	Thomas (CA)
Gekas	McCollum	Vander Jagt
Gilman	McEwen	Vandergriff
Gingrich	McGrath	Vucanovich
Gregg	Michel	Walker
Hall, Ralph	Miller (OH)	Weber
Hall, Sam	Molinari	Whittaker
Hammerschmidt	Montgomery	Winn
Hance	Moorhead	
Hansen (UT)	Nichols	

ANSWERED "PRESENT"—1

Dymally

NOT VOTING—20

Anthony	Guarini	Rodino
Davis	Hansen (ID)	Sharp
Dickinson	Howard	Simon
Ferraro	Leland	Traxler
Ford (TN)	Marriott	Valentine
Frost	Owens	Wise
Gramm	Pritchard	

□ 1230

Messrs. JACOBS, STRATTON, GILMAN, HAMMERSCHMIDT, ERDREICH, FLIPPO and MICHEL, Mrs. LLOYD, and Messrs. TAYLOR, LEVITAS, and KAZEN changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. [Mr. BONIOR of Michigan]. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5973.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

□ 1235

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, with Mr. GEPHARDT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 31, 1984, title II was open for amendment at any point, and pending was an amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE] in support of his amendment.

(By unanimous consent, Mr. CONTE was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes in support of his amendment.

Mr. CONTE. Mr. Chairman, I offer this amendment on behalf of Mr. WOLPE, Mr. SYNAR, Mr. BROYHILL, and myself. It is a bipartisan amendment, intended to bring under control a Synthetic Fuels Corporation and program that have clearly run amuck.

The question here is not one of Democrats versus Republicans or Congress versus the administration. The only question before us today is whether we will vote in favor of the taxpaying workers of this country, or whether we will vote to bailout the pet projects of the fat cat oil barons. Will we prevent the waste of $10 billion on environmentally unsound projects, or will we continue to add to the deficit with little to show except lavish offices and charges of scandal?

Mr. Chairman, the $10 billion rescission proposed in this amendment is real money. Last week, there was some loose talk on the floor about how this wasn't real spending, this was just like Federal Housing Administration loan guarantees. Well, that's baloney.

As SFC Chairman Edward Noble testified in June, the SFC plans to spend $2.5 billion over the next 5 years—not just guarantee, but spend. The subsidies for price guarantees will have to be paid as soon as the plants begin producing—every single day, the difference between the market price and the guarantee price will have to be paid. At current rates, that would be about $63 per barrel or $1 million per day for the Union Two project. That would be $30 per barrel for the Cathedral Bluffs project. Of course if the projects don't work, we won't have to pick up the price subsidies—we'll just pay the billions of dollars of loan guarantees. I don't know about you, but I consider that real money.

There was a lot of talk last week about the gasoline lines of the 1970's, and about how we shouldn't be pulling out of synthetic fuels at a time of instability in the Persian Gulf.

I remember the gasoline lines and the gasoline prices in 1979. But the price of oil at that time—during the Arab embargo—was still less than half of some of the prices of synthetic fuels that we are being asked to pay by the Synfuels Corporation.

Not only has the price of imported oil dropped significantly since 1980, but so has the amount of oil imported. Oil imports are down 33 percent compared to 1980. And despite the economy's recovery—and the misinformation in this morning's Washington Post editorial—oil imports for the month of July were actually 14 percent below July a year ago.

The other thing to remember about energy security is that we no longer obtain the vast majority of our imported oil from the Middle East. Mexico provides an increasing portion of our imported oil—making us much less dependent upon political and military events in the Persian Gulf.

We also now have a strategic petroleum reserve with 410 million barrels of oil—a reserve of more than 80 days' protection against a total disruption of oil imports, and over 200 days' protection against an OPEC embargo. The way to spend $10 billion on energy security is by filling the strategic petroleum reserve, not by subsidizing the pet projects of the big oil companies.

Mr. Chairman, I know that a lot of my colleagues are concerned about projects or potential projects in their districts. I know that my friends from Pennsylvania are concerned about the Keystone project; many Members are concerned about the Great Plains project in North Dakota; other Mem-

bers are concerned about projects in Maine and Illinois.

But they may not realize that my amendment will permit all of those projects to be funded. This $10 billion rescission will leave $3 billion for the funding of additional projects—enough to fund all outstanding letters of intent if the two massive Union shale technology projects are dropped, and still leave about $1.9 billion left for new projects. Certainly that will be adequate to fund the kind of small-scale projects that are necessary to demonstrate a diversity of technologies. That's where the future of this program lies—not by letting a few large oil companies suck up billions at a time from the public trough. That's where we'll get our energy security—not by paying $1 million a day at a time when production is increasing and prices are falling.

Have any of my colleagues been reading the Wall Street Journal this week? In Tuesday's Journal we saw that refiners were cutting the prices they paid for crude oil by $1 a barrel, and the Soviet Union was dropping its price to Western Europe to $27.50. Yesterday's Journal featured Quaker State's reduction of the posted price of Pennsylvania Crude to $26 and $25 a barrel in some areas.

Let me ask my friends from the great oil and gas producing States of the Nation how their independent producers are going to like getting $25 or $26 a barrel, while you vote billions in subsidies for Occidental and Tenneco and Exxon to charge $92 a barrel.

Clearly, now is the time—as the demise of OPEC is predicted—to take advantage of the distress sales and fill the strategic petroleum reserve—which represents immediate energy security—rather than bet $10 billion on technology that well not make sense for at least another 10 years, if it ever works at all.

Mr. Chairman, as I said at the beginning, the choice here is very clear—corporate welfare or responsible energy security. Waste and abuse, or taxpayer relief.

I urge the adoption of the $10 billion rescission amendment—reject all substitutes.

□ 1240

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding to me.

Mr. Chairman, I rise to strongly urge my colleagues to support the bipartisan compromise amendment that I and my colleagues, Mr. CONTE, Mr. SYNAR, and Mr. BROYHILL, have offered to rescind $10 billion from the Synfuels Corporation. And I would further urge my colleagues to oppose all efforts to weaken our amendment.

The Synfuels Corporation was created in the wake of the energy panic of 1979. There is no doubting the good intentions of the Corporation's architects. Our distinguished majority leader in particular, has performed a great public service by highlighting the importance of U.S. energy security—a goal that we all share.

Unfortunately, the technical and economic claims made on behalf of the Synfuels Corporation in 1980 have not been borne out—and it is time to change course. This change is not a retreat from energy security—it is simply recognition of the fact that allowing the Synfuels Corporation to waste billions of dollars will actually prevent us from attaining this important goal.

Despite the good intentions of its original supporters, the Synfuels Corporation has become the single largest example of nonmilitary waste in the entire Federal budget. Unless we take action, the Corporation could waste $10 to $15 billion in a futile attempt to commericalize technologies that are technically immature and economically unviable.

A $10 billion rescission is completely justified—both in terms of fiscal policy and in terms of energy policy. Such a cut would still leave the Synfuels Corporation with over $3 billion—more than enough to support a large and diverse group of intermediate-sized projects.

I would also emphasize that our amendment does not affect the $3 billion in awards that have already been made. If our amendment is successful, we would still have in place a $6 billion synfuels program. It is hard to argue that we have gutted a program by reducing it to $6 billion!

I must add that there is considerable sentiment in the House for abolishing the Synfuels Corporation altogether. Mr. BROYHILL has introduced such legislation. I personally share Mr. BROYHILL's view. However, there are many in the House who acknowledge the waste, incompetence, and scandal at the Synfuels Corporation—but are not yet ready to give up on the concept of the Corporation. And so, we have offered the $10 billion rescission is a reasonable compromise position between those who seek to abolish the Synfuels Corporation, and those who seek to allow it to continue in its wasteful ways.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

(On request of Mr. WOLPE, and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I continue to yield to the gentleman from Michigan.

Mr. WOLPE. Mr. Chairman, I would like to make two additional points: First, it must be emphasized that the problems at the Synfuels Corporation go far beyond the well-known and well-founded charges of cronyism, incompetence, and unethical conduct. The commercialization of synfuels technologies currently faces insurmountable technical and economic problems. Replacing the Board is not enough. Even the most competent and ethical Board of Directors will not be able to make $92 per barrel oil shale competitive in the marketplace.

Second, it must be understood that this is not a vote against synthetic fuels. This is a vote against waste. It is as simple as that.

I agree with Corporation supporters that we, as a nation, cannot afford to turn our back on the development of synthetic fuels. However, I submit that we will actually strengthen our Synfuels Program if we shift the focus from corporate subsidies for unproductive, wasteful, and premature commercialization, and toward a less costly—but far more valuable—research and development effort.

A stepped-up Synfuels Research and Development Program could solve many of the problems that hamper the commercial viability of synfuels technologies at this time.

Mr. Chairman, we have before us a golden opportunity to both reduce out year deficits by $10 billion while strengthening our Synfuels Development Program.

The passage of our amendment is imperative if we are to move toward a synfuels policy that will both contribute to energy security and avoid wasting billions of taxpayer dollars.

I strongly urge my colleagues to support our bipartisan amendment to cut $10 billion in waste, and to soundly reject all efforts to reduce our rescission.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I rise in strong support of this amendment and want to commend my colleagues Messrs. CONTE and WOLPE on their leadership and courage in offering this amendment today.

The time has indeed come to question our continued commitment to the Synthetic Fuels Corporation. We have all heard the horror stories of bad management, spiraling costs of projects, construction delays, and price guarantees reaching $92 a barrel. What price do we pay for energy independence? Does insulating ourselves from another oil crisis require subsidizing large oil corporation ventures that are dubious at best?

We can all agree that at this time this Nation is not energy independent

and that this should continue to be one of our No. 1 priorities. But, I submit that we can achieve this goal without continuing our commitment to the revenue-draining Synthetic Fuels Corporation. I am not saying that we should abandon the technologies of synthetic fuels but lets get out of the business.

If we are truly committed to energy independence through the efficient use of our energy resources and the development of alternative fuels, then lets get on with it. We can't be assisting large corporations in exploratory projects on the one hand while on the other we retreat from initiatives supporting energy conservation and the development of renewable energy resources, such as solar, wind, and biomass fuels.

I rise, today, Mr. Chairman to not only support the recession of funds from the SFC but to also offer an alternative. Mr. Chairman, I urge my colleagues to study my bill H.R. 5930, the Replacement Motor Fuels Act of 1984, which I introduced along with six of my colleagues on June 26.

This bill offers indeed a viable alternative to the SFC approach. Quite simply, the legislation requires that by 1992, refiners substitute 10 percent of their total gasoline production with alternative fuels. They could mix the fuels themselves, or contract with others to do it. They would have flexibility to alter their percentages at different times of the year and among the geographic regions they serve. If they failed to meet the goal at the end of the year, they would be fined a dollar for each gallon of fuel sold in violation of the law.

This proposal creates an assured market for substitute fuels. Any number of alternatives are available or can be produced to meet this mandate, including alcohol from grains, wood or garbage, synthetic fuel from coal, or oil from shale. The fuels would be determined by marketplace competition. There would be no cost to the Federal Government, except for enforcement.

Our efforts in the past to develop a domestic alternative fuels industry have centered on stimulating production through tax incentives and Government subsidies. Our experiences with the Synthetic Fuels Corporation and the disappointing performance of other alternative fuels in the market has proven that this supply side approach has not worked and has been a revenue drain. This legislation is a demand-side approach. Create a market through a mandate and then allow normal market forces to take over. In fact, Mr. Chairman, this approach does not at all abandon the projects supported by the SFC but rather represents an opportunity for them to be profitable within the market system. Which is more than I can say for them now.

The oil companies today have the technology available to utilize alternative fuels in their production of gasoline. In fact, there is evedence to indicate that this can be done without drastic increases to the price of a gallon of gasoline while improving the octane rating of the resultant fuel.

Mr. Chairman, I urge all my colleagues to give serious consideration to H.R. 5930, the Replacement Motor Fuels Act of 1984, as a viable strategy to attain energy independence. I direct my colleagues to my remarks on this bill, which includes a summary of its major provisions, in the June 29, 1984, Part II CONGRESSIONAL RECORD.

AMENDMENT OFFERED BY MR. YATES TO THE AMENDMENT OFFERED BY MR. CONTE

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES to the amendment offered by Mr. CONTE: after "rescinded" insert the following: ": *Provided*, That none of the funds from the Energy Security Reserve shall be available for the Union II or Cathedral Bluffs oil shale projects."

Mr. YATES. Mr. Chairman, the purpose of my amendment is to make sure that none of the funds that would remain with the Synthetic Fuels Corporation in the event that the Conte amendment is accepted or the Ratchford amendment is accepted, or any of the others are accepted, woud be available for the two most expensive synthetic fuels projects that have received letters of intent.

My good friend from Massachusetts, SILVIO CONTE, in an impassioned address on Tuesday talked about Cadillacs and talked about the possible consequences of contracts under the letters of intent that were being issued by the Synthetic Fuels Corporation.

□ 1250

The two worst offenders in this respect are Union II and the Cathedral Bluffs Corp. These projects, although they do offer additional capacity, do little to enhance the diversity goal that is put forward by the Energy Security Act. They are related to the Union I project. They will offer no new kinds of technical knowledge that will advance the state of the art on synthetic fuels.

Section 126 of the Energy Security Act says this:

The corporation, in discharging its responsibilities, shall employ financial assistance to projects in such manner as will, in the judgment of the Board of Directors, imcorporate a technological diversity of processes, methods and techniques for each domestic resource that offers significant potential for use as a synthetic fuel feedstock.

Currently, Union Oil has a $400 million price guarantee for its Union I project. These additional oil shale projects, Union II and Cathedral Bluffs, essentially duplicate what Union Oil is struggling now to get started.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Illinois. We are on the same wave length.

Let me ask the gentleman this question: The gentleman did support me in the full committee on the $9 billion rescission amendment I offered. If the gentleman's amendment is adopted, would he support my $10 billion rescission?

Mr. YATES. I would put it this way, I would say to my good friend: If my amendment is adopted, I will support the Ratchford amendment, because the waste that was implicit in underlying the gentleman's amendment will have been removed. The $92 per barrel oil contract is the Union II contract, and if the House accepts my amendment, no funds will be allowable in the future for Union II or Cathedral Bluffs, we have diversity of techniques, we have the opportunity for going forward with synfuels technology.

The thing that remains then is for the administration to correct the disgraceful—the disgraceful—plight of the Synthetic Fuels Corporation, and I say that the action of the administration has been disgraceful in not providing a Synthetic Fuels Corporation that did adequate service in reviewing the synthetic fuels industry.

Mr. CONTE. If the gentleman will yield further, does the gentleman agree with me that if our $10 billion rescission is passed, it will take care of this Union II situation?

Mr. YATES. It will take care of part of the situation. I am informed by gentlemen who are associated with the gentleman in his amendment that it is possible for some of the funds that remain to be used on either Union II or Cathedral Bluffs; not on both of them, but it is possible to be used on one of them.

So the gentleman's amendment will not take care of it. However, in the event that the amendment of Mr. RATCHFORD passes without my amendment, the Synthetic Fuels Corporation will then be in a position to provide the additional funds for either Union II or for Cathedral Bluffs, both of which I think are what the House was trying to reach when it voted down the rule last Tuesday.

Mr. DICKS. Mr. Chairman, will the gentleman yield briefly?

Mr. YATES. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I would like to make sure I understand this amendment. Basically, what the gentleman's amendment would do is to provide no funding for the two projects that he has mentioned.

Mr. YATES. That is correct.

Mr. DICKS. But it would provide funding for the first Union project. That would still be in place.

Mr. YATES. That is correct.

Mr. DICKS. Are there any commitments that the Government has at this point to the second and third projects?

Mr. YATES. To the best of my knowledge, no. There are letters of intent that have been issued, but there has been no quorum of the Synthetic Fuels Corporation which would enable a contract to be consummated.

Mr. DICKS. Would there be any liability to the Government on those two projects if we rescind the money?

Mr. YATES. I asked that question specifically of staff, and I asked that question specifically of those who are allied with the gentleman from Massachusetts [Mr. CONTE] and the answer I have received is that there are no commitments by the Government to any project other than the four projects, which include Union Oil No. 1.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(On request of Mr. DICKS and by unanimous consent, Mr. YATES was allowed to proceed for 3 additional minutes.)

Mr. YATES. According to the GAO, after adjusting for the inflation index, the GAO concludes that what now may be $67 per barrel could be $92 per barrel in December 1989 when increment I is scheduled to begin production. That is with respect to the Union Oil II tentative agreement.

According to the GAO, Union's phase II project will yield an average annual after-tax rate of return of 20.6 percent. In addition, Union will reap attractive tax benefits from the project. The project will be eligible for $724 million in tax credits, and $3.4 billion in depletion allowance over its life.

The Cathedral Bluffs project is the most expensive of all of them in terms of cost per barrel of capacity. The projected daily capacity of the project is 14,100 barrels of oil per day. The price guarantee agreement is $2,190,000,000, and in the case of Cathedral Bluffs, the cost per barrel of capacity comes out to $155,319.

In summary, both the Union Oil and Cathedral Bluffs projects, which now have letters of intent from the corporation, add little in the way of additional technological diversity since they are derived from the same technology being tried with Union I. They are expensive. Union II may come in at $92 per barrel. Cathedral Bluffs is costly in terms of cost-per-barrel of capacity.

If these projects are excluded, the Corporation will have more room to provide greater technological diversity at what I hope will be a lower cost.

Mr. McDADE. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, let me say that I find the gentleman's amendment very troubling because I was not aware of it before this moment, and I do not think the other Members of the House had any prior knowledge that it could be offered here today.

What this amendment does is deal with the problem of oil shale in this country. What it does is preclude any option to proceed beyond the Union project with respect to oil shale. What you need to know is that oil shale is our largest single potential reserve. There was great joy in this country over the Prudhoe Bay oil find, and indeed there should have been. It helped to make us a little bit more independent of events in the Middle East, events that trigger our consciousness every day. Prudhoe Bay is about one-tenth the size of the potential reserves that can come to this country through oil shale, should that technology be perfected. No one would agree quicker than I that this technology is difficult—but it is technology that we ought to pursue—not proclude from future consideration. This is an amendment which the Members of this House have not had proper time to consider.

I think that is bad management.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, the point that I sought to make is that I have no opposition to the oil shale technique. It is going forward with Union I.

Mr. McDADE. If the gentleman will allow me to reclaim my time, I think he would agree with me that the Union project is proving to be very difficult. Would the gentleman not agree with that?

Mr. YATES. I agree that the Union project is difficult, but I say further it will not be enhanced by Union II.

Mr. McDADE. Let me say to my friend that I do not think he knows that, and I do not know that. If we are going to have a synthetic fuel corporation, we ought to encourage it to explore all potential technological developments. I do not think we ought to foreclose, by an amendment on the floor of the House at 1 o'clock on a given afternoon, the opportunity to achieve a diversified program.

It seems to me, may I say to my friend from Illinois, that if we are going to look at oil shale, and my gracious, we should, we ought not to be in a position in this country to say, "We are going to try other technologies. We are going to try gasification and liquefaction," and my friend favors that, "but not oil shale." We ought not to say we are going to rely on the Union project to unlock the key.

May I say to my friend that there are no contracts signed, as he has correctly stated. There are letters of intent to go ahead on two additional projects on oil shale. I simply say to the House and to my friend from Illinois, whom I admire very greatly, I do not believe that we ought to close the door on that possibility. If we adopt this amendment here today, we close the door on additional technological development with respect to oil shale.

That would be an enormous mistake. I hope this will be voted down.

I want my colleagues to recognize what we are talking about in terms of this country vis-a-vis the Middle East, and its use as some kind of buffer against events that take place there.

I have a list that I got from the Library of Congress on what has been going on in the gulf since November of 1983, right after the French sold the first Exocet missile. In 1983, November 3 through December 22, four ships either sunk or disabled in the Middle East.

The list is here if anyone wants to come and look at it. It is not my list. It belongs to the Library of Congress.

□ 1300

In 1984 there have been 12 attacks in the Persian Gulf on tankers trying to bring oil to the free world. When we talk about oil shale, we cannot separate it from those attacks in the Middle East. We recognize the fact that the oil shale technology might—and we ought to get down on our knees every night and pray that it will do so—might offer some kind of independence from what is going on in the Middle East and around the world.

Mr. Chairman, I hope that this amendment offered by my dear friend, the gentleman from Massachusetts—and I respect him greatly—will be voted down. I do not think it ought to have been offered in this context, and I hope it will be voted down by the House.

PARLIAMENTARY INQUIRY

Mr. RATCHFORD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RATCHFORD. Mr. Chairman, the inquiry is this: Is it too late to raise a point of order against this amendment?

The CHAIRMAN. The gentleman is correct.

Mr. RATCHFORD. I have some questions, then, Mr. Chairman, that I wish to direct to the gentleman from

Illinois [Mr. YATES], who is the author of the amendment.

The CHAIRMAN. Does the gentleman request time?

Mr. RATCHFORD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Connecticut [Mr. RATCHFORD] is recognized for 5 minutes.

Mr. RATCHFORD. Mr. Chairman, does the chairman of the subcommittee feel that there has been an adequate evaluation of these two particular projects so that he is prepared at this point to say that no further funding from this bill shall be provided to these two projects?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I am happy to yield to the subcommittee chairman.

Mr. YATES. Mr. Chairman, the gentleman from Illinois believes that the letters of intent conjure up contracts that are so horrendously expensive that even were the oil shale technology to work out in Union II and Cathedral Bluffs, the cost to the Government would outweigh any possible benefits.

Mr. RATCHFORD. Mr. Chairman, will the gentleman respond further to a question?

Mr. YATES. Yes, I will be glad to answer a question.

Mr. RATCHFORD. Mr. Chairman, the question is: Are there studies that the gentleman could share with us that would reflect the facts that he described earlier this afternoon?

Mr. YATES. Certainly. I would be glad to provide the gentleman with the GAO study in that respect.

Mr. RATCHFORD. What is the date of that GAO study?

Mr. YATES. I do not have that date at the moment. I would be glad to provide that to the gentleman later.

Mr. RATCHFORD. Does the gentleman have specific recommendations from that GAO study that he could share with us?

Mr. YATES. Yes. The recommendations from the GAO study were those I stated on the floor. The GAO study pointed out the enormity of the expense facing the taxpayers.

May I say to the gentleman that if my amendment is accepted, as I said, I propose to support the gentleman's amendment, which in turn will leave sufficient funds to take care of the project that the gentleman from Illinois [Mr. DURBIN] is interested in and the project that others in the State of Illinois are interested in. It does not do away with the funding that the Conte amendment would.

Mr. RATCHFORD. Mr. Chairman, the gentleman certainly is enticed, but I certainly am also aware that there are Members on the floor who do have concerns with the two projects that in effect would be cut off with the impact of this amendment if it were successful.

Mr. YATES. Yes, I know that. I am sure there are Members who would be concerned with the impact of either the amendment offered by the gentleman from Massachusetts [Mr. CONTE] or the amendment offered by the gentleman from Connecticut [Mr. RATCHFORD]. I am sure there are those who would just as soon not have the gentleman's amendment offered either.

Mr. RATCHFORD. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES], and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES] to the amendment offered by the gentleman from Massachusetts [Mr. CONTE].

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. RATCHFORD TO THE AMENDMENT OFFERED BY MR. CONTE, AS AMENDED

Mr. RATCHFORD. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment by Mr. RATCHFORD to the amendment offered by Mr. CONTE, as amended: Strike $10,000,000,000 and insert in lieu thereof $5,000,000,000.

Mr. RATCHFORD. Mr. Chairman, I offer this amendment as a middle ground to those who are concerned with what we are taking up, what we are discussing, and what we are debating this afternoon.

I agree with much of what has been said by the gentleman from Massachusetts and the gentleman from Michigan. I agree also that the management of this Corporation has been horrendous. These comments come from a Member who sat through hearings as a member of the Subcommittee on the Interior of the Committee on Appropriations when we had a series of witnesses in from the Synthetic Fuel Corporation describing their activities. The only word that I can use for their management of this Corporation is the word that I have used, and that word is "horrendous."

But I think, Mr. Chairman, that the amendment offered by the gentleman from Massachusetts and the gentleman from Michigan is a classic case of going too far. It is a case of throwing the baby out with the bathwater.

I remember as a new Member of Congress the activity that served as the catalyst for creation of the Synthetic Fuels Corporation. I remember the gas lines of 1979. I was in my first year as a Member of this body, and I can recall going back to Connecticut, I can recall the agony, I can recall the pain, and I can recall the anxiety and the inconvenience to the motoring public of America as a result of the OPEC countries shutting off the flow of oil to this country. I can also recall the debate in this body in 1980 when Member after Member after Member rushed to the well of the House to suggest that synthetic fuels were the answer to our future and were the key to our energy independence, and they could not wait to bless this proposal as the way to go as far for our future in energy.

But the response in 1984 is typical. We started with great fanfare, we started with great enthusiasm, we started with great momentum, and then in typical fashion we lose interest, we lose initiative, and now we are prepared to pull the plug.

Make no mistake about it, if we approve the Conte-Wolpe amendment, that is exactly what we are doing, pulling the plug. And if we pull the plug on August 2, 1984, I predict that some future Congress will be back reinventing some form of the Synthetic Fuel Corporation, reinventing and providing momentum for a synthetic fuel program, and reinventing it at a more expensive cost than we currently face.

What my amendment does is to rescind the amount of $5 billion. It is a middle position, it is a moderate position, and I think we do need to look at some of the facts. In the flurry of paper that we have seen back and forth in the "Dear Colleagues" on this issue, it is suggested that if the Conte-Wolpe amendment is approved, we would reduce the Federal deficit by $10 billion. Some suggest that if the McDade-Ratchford amendment is approved, we would reduce that Federal deficit by $5 billion. Let me say to the Members that we are not talking about a deficit situation. We are talking about rescinding budget authority, not outlays, and that needs to be on the record.

Second, as far as what would be left, it needs to be stated that the Deficit Reduction Act that this body and the other body passed and was then signed into law by the President calls for a $2 billion rescission in this program. So what we are talking about, if we approve the Conte-Wolpe amendment, is leaving $3.2 billion.

We are talking about the need in this country to develop synthetic fuels for commercial use. I would suggest that this program already has made a modest start in that direction. One facility, the Great Plains gasifier, has already produced high Btu natural gas from coal. In addition to that, there are a number of other projects that will be examined in the future if we allow the authority to go forward.

□ 1310

Now, Mr. Chairman, what we are talking about is whether or not we do pull the plug on energy independence. We hear that we are awash in oil, that we do not have problems currently. As current as today, there was the sugges-

tion on the news networks that OPEC was talking about getting ready to reduce production again so they could put a squeeze on this country.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. RATCHFORD was allowed to proceed for 2 additional minutes.)

Mr. RATCHFORD. Mr. Chairman, I suggest to the Members that the amendment offered by the gentleman from Pennsylvania [Mr. MCDADE] and myself is a middle ground, is a moderate proposal, but what it does not do is to put a roadblock up to the move toward energy independence in this country.

If the amendment is adopted, there is no question that we need further oversight, and that is our responsibility. There is no question but that we need better management and that is our responsibility to administer, to come up with replacements to this Board who are competent in this area; but what we do if we approve of this amendment is to say we are prepared to correct, we are prepared to modify, we are prepared to make adjustments, but we do not want as a country to stop our movement toward energy independence.

I do not for a minute suggest this is an easy vote, but I do suggest it is a necessary vote if we are going to move toward energy security and if we are going to keep this country strong. If we are going to recall all that momentum in 1980, I do suggest that the only way we can move forward is by the approval of this McDade-Ratchford amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I will be happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I thank the gentleman for yielding.

I rise to associate myself with the gentleman's remarks and to support him.

I have a situation in my district where a constituent has already spent over $4 million of his own money, a small businessman, a small venture, waiting on a quorum of directors of this Synfuels Corporation to act on his application. I hope that all of his work and investment is not thrown out the window at this particular time by any reduction that might deny his group the opportunity to prove what they can do and help prevent an energy shortage in the future.

I would hope, as the gentleman has said, that the administration will see to it that this Corporation is straightened out and begins to function properly in the interest of our country.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut [Mr. RATCHFORD].

I think that we have been debating here on a lot of philosophy. I think in order to be realistic we ought to take a look at the projects that have been given letters of intent by the Synthetic Fuels Corporation and see what the real situation is, why some of us who are sponsoring and supporting the amendment offered by the gentleman from Massachusetts [Mr. CONTE] feel so strongly that we need to cut back far more from this program than has been suggested by the gentleman from Connecticut [Mr. RATCHFORD].

This chart lists the eight projects that have been given letters of intent by the Synthetic Fuels Corporation. The Union shale project is technology that has not worked. That has already been taken care of by the amendment that was offered by the gentleman from Illinois [Mr. YATES].

Also No. 2 here was taken care of by the amendment that was offered by the gentleman from Illinois [Mr. YATES]; but look at these other six projects, if you would. The Great Plains coal gasification plant has already received over $2 billion of Government guarantees from the Department of Energy and they are back asking for almost a billion dollars more. I think it is a textbook example of how you begin funding these huge, enormous, uneconomic projects and you have to keep pouring in even more subsidies.

Now, look at the No. 4, northern peat energy project. Well, that project is to turn peat moss into brickets. And what is that going to replace? That is going to replace wood or coal and it is going to do it at some three times the cost of wood or coal on the open market. Now, does that make sense to you?

Wood and coal are our most abundant resources and the purpose of the Synthetic Fuels Corporation was supposed to be developing a liquid fuel, those kinds of liquid fuels that could be used for transportation.

Now, let us look at No. 5, Kentucky Tar Sands.

Mr. Chairman, the sponsor, the Kentucky Tar Sands, has backed out of the project. Even $55 per barrel was not enough to keep them in.

Let us look at No. 6, the final three projects, 6, 7, and 8. They are small, heavy oil and shale research projects and they are very similar to projects that are being undertaken by other companies who have asked for no Federal assistance whatsoever.

Now, what I am asking the Members to do is to take a close look at this chart. These are some of the boondoggles that are going to be funded if the Ratchford amendment passes. We are not going to achieve energy security.

Now, Mr. Chairman, energy security is really the issue here. All of us support cost effective synthetic fuel programs, but these are not. The issue is whether or not you can develop alternative energy supply sources that are cost effective and that do contribute to energy security. In order to do that, they must be reliable. They must be cost effective. They must be environmentally sound and if you develop this kind of industry, it must be able to sustain itself and to grow within the economy itself. None of the projects that are listed here come anywhere close to meeting that kind of criteria. In fact, we find throughout this, we have dropouts, companies like Exxon and Ashland, Sohio, Mobil, and Westinghouse, that are dropping out from the sponsorship of any of these projects.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Chairman, I thank the gentleman from North Carolina for yielding. I just want to associate myself with the gentleman's remarks in support of the Conte amendment and emphasize the point the gentleman in the well is just making now.

It is not just that the amount of the subsidy is so great that I would call to the attention of the Members, but if you look down the chart the gentleman has presented to us here, every one of those projects includes not only just a loan guarantee, but a price guarantee.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(At the request of Mr. WEBER, and by unanimous consent, Mr. BROYHILL was allowed to proceed for an additional 2 minutes.)

Mr. BROYHILL. Mr. Chairman, I yield to the gentleman.

Mr. WEBER. Mr. Chairman, I thank the gentleman for yielding.

From my standpoint, the loan guarantee is not so objectionable, but the price guarantee tells us something else. It tells us that the product being produced by the process is not competitive in the marketplace and may not be competitive in the marketplace in the foreseeable future.

It strikes me as important that all of the projects the gentleman has listed on the chart include price guarantees, which tells us not just that the initial capital costs are burdensome, which many of us maybe would find palatable, but that in no case do we have a project that has a product that is marketable in today's economy.

Mr. BROYHILL. Well, what we are finding is that the sponsors are asking for huge subsidies and continuing subsidies, which means and indicates to us that these projects are not economically viable at some point in the

future. In other words, they cannot be sustained without continued massive subsidies. They cannot survive without these huge subsidies. It seems to me that it does not meet the criteria that I listed a few minutes ago, reliability, cost effectiveness, environmental soundness and being able to sustain itself somewhere along the road. That is what my argument is, that we need to cut back, to pare back this program. The remaining amounts of money can be put into those kinds of projects and then we can learn from that.

Mr. WEBER. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL. Yes.

Mr. WEBER. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman a question. In the case of those projects, all of which require price guarantees, can the gentleman tell us what happens if we run out of subsidies under the program and the market price of the product produced still is not sufficient to sustain the capital investment in the project?

Mr. BROYHILL. Well, that is my argument, that if they cannot sustain themselves in the economy, they will just have to close down, so we will have dropped a lot of money down a rathole and have done nothing to help the consumer.

Mr. WEBER. Mr. Chairman, will the gentleman yield further?

Mr. BROYHILL. Yes.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

(At the request of Mr. WEBER, and by unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

Mr. BROYHILL. Mr. Chairman, I yield to the gentleman.

Mr. WEBER. There is, of course, Mr. Chairman, a second option. They could come to this body at this point and say, "Well, listen, Congress has put all this money into this plant. It would be terrible to waste all that money now just because the market isn't quite ready. Shouldn't we have an additional subsidy on top of all the money that we have already put into the project?"

□ 1320

Which means that the amount of money we may be saving today by voting for the Conte amendment is far more than the money just embodied, envisioned in this amendment, but over the long term may be billions and billions of dollars.

Mr. BROYHILL. As I pointed out, some of the projects on this list that have received letters of intent are already in that category. They have received massive subsidies already and they are back asking for more before they are even operating.

I thank the gentleman.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today this House will vote on the future of the Synthetic Fuels Corporation, and whatever the outcome, Synfuels will be chastened by this congressional review, as well it should be.

A clear and convincing case of mismanagement has been made. The administration which now seeks to wash its hands of synthetic fuels must be held accountable for one of the worst records of Federal appointment in modern memory. Credit must be given to my colleagues, the gentleman from Massachusetts, Congressman CONTE, the gentleman from Michigan, HOWARD WOLPE, and the gentleman from Oklahoma, MIKE SYNAR, for their diligent review of Synfuels which has guaranteed to this Nation a full accounting of the stewardship of this agency.

I listened very closely to the arguments just made by the gentleman from North Carolina and the colloquy on the floor about the market competitiveness of the various projects that are being considered by Synthetic Fuels.

I was not a Member of the Congress when the Synthetic Fuels Corporation was created, but it appears to me that if this agency was created and given the tools of loan guarantees and price supports, then it was certainly created with the notion that the products that were to be produced from this process would not be market competitive immediately. The idea behind this agency was to provide some Government assistance to this production capability so that in the long term and medium term those products which we will need in this country would be available.

I would urge my colleagues as they vent their frustrations over the lackluster record of this agency that their zeal be tempered. A $10 billion cut does more than punish this agency for past mistakes. A $10 billion cut closes the door on the future of our national commitment to energy independence.

Attempting to kill any specific projects by enacting a $10 billion rescission will also mean killing, among other things, a Midwestern coal project which would bring thousands of jobs to a depressed area and new hope to a struggling coal industry.

Coal brought immigrants into my part of the world, and settled many fine communities in my district. But today, most of the mines are closed. The coal is there still in incredible abundance. In fact, one-third of the national reserve of coal is located in the State of Illinois. But the threats of acid rain and the world energy demands have resulted in many of these coal communities becoming ghost towns.

With the $10 billion cut that is being suggested today by the Conte-Wolpe amendment, the hope of this new Midwestern coal gasification facility will die aborning.

Turning the lights out at Synfuels today may cripple our national synfuel industry for years to come. Companies which have spent years preparing applications and millions of dollars will see that there is no evidence that this agency is viable or reliable in the future.

Can we expect any private group if we cut $10 billion today to make a dollar commitment to a project down the line? I think not.

Let us not leave this Chamber beaming with the political victory of cutting $10 billion and expose tomorrow's Americans to the threat of an OPEC blackmail. Let us not leave this Chamber today flush with the feeling of retribution and destroy promising energy resources which our children may need to survive in this troubled world.

I urge my colleagues to vote yes for the Ratchford-McDade amendment and no on the Conte-Wolpe amendment.

Mr. WRIGHT. Will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. I just want to congratulate the gentleman from Illinois for a remarkably perceptive statement. The gentleman is absolutely right. He understands precisely what it was that we were undertaking to achieve in 1980 when we created the Synthetic Fuels Corporation.

The purpose was not to encourage people to do those things that would otherwise be economically successful. People will do those things in any event. The purpose was to encourage private individuals and corporations and businesses to take a risk, a big risk, to invest money in something that was in the national interest, the result of which would be to help us achieve energy independence for the future of the United States.

A great many companies did respond.

While the administration of the Synthetic Fuels Corporation certainly has been far from admirable, in my personal judgment, nevertheless, the results are quite good. They have been exactly what we hoped, not fully what we hoped but they have been in a direction that we had hoped for.

We have expended to date through the Synthetic Fuels Corporation some $53 million of public moneys and have leveraged a total of more than $200 billion of private expenditures. People have spent their own money trying to develop these processes, more than $2 billion worth of private money. That is what we were trying to do. We have saved the Government that much. It

would have cost the Government that money, I suppose, if we had undertaken to do it as we did with the Synthetic Rubber Program, as a Government program.

So the gentleman is exactly right. The purpose was to encourage private individuals.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

(On request of Mr. TAUKE and by unanimous consent Mr. DURBIN was allowed to proceed for 5 additional minutes.)

Mr. WRIGHT. The purpose was indeed to encourage private individuals and private firms to make those long-term investments in processes that were not economically competitive on the current market and they have been doing so.

So the gentleman is absolutely right. Yes, it will cost the Government some money in loan guarantees, not the whole amounts that are committed, because nobody can judge what the price of oil will be next year. I do not know. Whatever I suggest would be a guess.

But the gentleman is exactly right. It is aimed and was intended for expressly that purpose, to create the production for the energy independence of the United States of processes which would not otherwise be undertaken on a private market.

Mr. TAUKE. Will the gentleman yield?

Mr. DURBIN. I will be happy to yield.

Mr. TAUKE. I thank the gentleman for yielding. I know that he has a special interest in the project in Illinois. And when he talked about the project in our last debate on this issue, I, too, took an interest in it because I know that it is something that has impact on the Midwest.

As I understand the project which the gentleman has supported, and which he does not want to have stricken as a result of the adoption of an amendment such as the Conte amendment, it is a project called CODA I, which uses a Texaco gasifier to produce anhydrous ammonia. Is that correct?

Mr. DURBIN. That is correct.

Mr. TAUKE. First of all, I guess I have to ask the gentleman why should we produce anhydrous ammonia for the Midwest when we already have such a surplus of the product?

Mr. DURBIN. As the gentleman is well aware, the price of anhydrous ammonia fertilizer to the farmers in the Midwest has been going up in a skyrocketing fashion, and presently costs more than $200 a ton. It is a commodity which our farming communities are using more of each year and finding the cost going up.

At the present time, as a nation, we import anhydrous ammonia fertilizer from Mexico and the Soviet Union. What we are attempting to do is to find a domestic source with a feed stock that we can count on, like our coal, and to bring down the price, or at least stabilize it so that our farmers who are facing terrible overhead costs will not be ravaged by this expense.

Mr. TAUKE. Will the gentleman yield?

Mr. DURBIN. I will be happy to yield.

Mr. TAUKE. What is the price of the product that is going to be produced from that production?

Mr. DURBIN. The gentlemen from the Coal Gasification Corp. have indicated that the price will at least be at current market levels or perhaps lower. What it will do is stabilize the price of the commodity which has been rising dramatically over the last several years with the increased costs of natural gas in our region, which I am sure the gentleman is well aware of.

Mr. TAUKE. I guess it is interesting to me to observe that my information tells me, first of all, that today our current domestic industry is hurting badly because it is operating only at 70 percent of capacity. In order to employ people in your district, you are going to put people in other districts out of business.

Two, the price of domestic ammonia, in my judgment, is not $200, but substantially lower than that, in some cases as low as $150, because of the foreign competition and the price of the product coming out of your project, as I understand it, is projected to be $275.

Three, the reason that we have the imports is not because we do not have sufficient domestic capacity or sufficient domestic resources. It is because of the fact that the Mexicans and others are subsidizing their natural gas to their ammonia producers and as a result are able to produce it much cheaper.

For us to put money into a project which expands our domestic capacity when we cannot use what we have now, which undermines those domestic industries as a result and which produces a project which cannot possibly meet the domestic competition, much less the foreign competition, does not make a lot of sense to me.

Mr. DURBIN. If I can reclaim my time, I think the figure used by the gentleman of $275 a ton is far beyond any figure I have heard for the production of this facility.

□ 1330

Local domestic producers are closing down because the natural gas prices are going so high that they cannot compete with imports. The gentleman is correct. The difficulty is we have to decide as a nation whether this key ingredient in American farming is going to become an imported product and we will be blackmailed in our farming communities by the Mexican producers and perhaps those in the Soviet Union. Does it not make more sense for us to develop a process that commercially produces anhydrous ammonia fertilizer at a stable price from a domestic source, creates jobs in our region and gives to our farm community some stability in pricing in anhydrous ammonia fertilizer?

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I would be happy to yield to the gentleman.

Mr. WOLPE. I thank the gentleman for yielding.

The point has been made that the purpose of the corporation, in theory, is to commercialize those technologies that the private sector will not undertake. Is it not true that the Texaco gasifier technology that the gentleman seeks to subsidize for this particular project in Illinois is precisely the same technology that was developed by the Kodak Co., without a dime of Federal assistance?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request for the gentleman from Illinois?

Mr. McKINNEY. Reserving the right to object.

The CHAIRMAN. The gentleman from Connecticut reserves the right to object.

Mr. McKINNEY. Mr. Chairman, I think we have had show and tell, pictures and graphs, conversation and I would hope that the gentleman would allow some debate on this issue without an intermediary. So I trust we would not keep continually asking to extend the time.

I will not object.

Mr. DURBIN. Mr. Chairman, I will not ask for any further extensions.

Mr. McKINNEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. DURBIN]?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 3 additional minutes.

Mr. WOLPE. Mr. Chairman, will the gentleman yield further?

Mr. DURBIN. I would be happy to yield to the gentleman.

Mr. WOLPE. I stated that Kodak had developed the technology and it was actually developed by Texaco, but Kodak incorporated it into their own process in Tennessee without a dime of Federal assistance.

Mr. DURBIN. Let me suggest to the gentleman that he gets to the root of one of the real items that should be brought up in debate. I have heard it said by the gentleman and many others that what we really want to do is to see synfuels develop R&D in this country. That is not the mandate of the Synthetic Fuels Corporation. The mandate of the Synthetic Fuels Corporation is commercialization, to take proven technology and develop it in a commercial fashion so that we can have some energy independence.

The process that I have suggested does not subsidize the Texaco gasification process. It subsidizes the gasification of Illinois coal into anhydrous ammonia fertilizer.

I might also add to the gentleman that even as we stand here and debate as a nation whether we ought to do this, Japan is developing a plant at the present time that will bring coal across the Pacific Ocean from British Columbia, turn it into anhydrous ammonia fertilizer, come back to Iowa and Illinois and sell it at a profit. And when they do, we will still be debating in Congress whether it is a good idea.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield to me.

Mr. DURBIN. I will be happy to yield to the gentleman from Connecticut.

Mr. RATCHFORD. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is absolutely correct. What we are talking about is a commercialization; the issue of research and development is contained in other parts of the bill.

We make a strong commitment to research and development for gasification, for liquefaction, for coming up with a clean means of burning coal. But what we are talking about in the Synthetic Fuels Corporation is taking that R&D one step farther so that we can commercialize it and make it available for public use.

Mr. McDADE. Mr. Chairman, will the gentleman yield to me?

Mr. DURBIN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, I want to emphasize what my friend from Illinois has said and what my friend from Connecticut has said, and it is a very basic point in terms of what this debate is all about. This is not an R&D package. We need to understand that.

This is an effort to try to commercialize technology that does not now exist. If you want to find the basis for the R&D effort in this whole field, you go back to Adolf Hitler who ran his entire war machine on this process that was developed back in the 1930's. Cost was not relevant. They simply used technology.

We have been going up that pyramid to try to find a way in this Nation to bring to fruition commercial scale plants that can help back us off our dependence on foreign imports, our dependence on events in the Middle East, our dependence on an inflationary and highly explosive economy that could have millions of people unemployed tomorrow if we do not build that insulation in.

The point the gentleman made, and the point my friend from Connecticut made is fundamental, my colleagues, we are not talking about a pilot-scale R&D project. They are in this bill and in other bills.

What we are talking about, as my friend from Texas said, is developing a workable diversified synthetic fuels program for our Nation's future energy independence.

We should be focusing on the future, not the current energy situation.

The gentleman [Mr. DURBIN] makes an excellent point.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Ratchford amendment.

I remember many years ago standing in front of this group and looking over at my good friend, the majority leader from Texas, and holding up one finger, speech number one.

"The time is late." And how well that Texas oratory could roll forth with that expression. But how right he was. And, boy, how quickly we forget. This is not an R&D program. Mr. McDADE from Pennsylvania, Mr. RATCHFORD from Connecticut covered it.

This was a program set up to commercialize something so that we will not become the patsies of the world. To make possible tomorrow, if need be, every independence.

My friends, you want to talk about spending money? Take a little look at Chicago and a bank called Continental Illinois; you have spent more Federal money paid by your bank customers to bail out a bank because it was so big that nobody else would touch it. Except, guess who did have the money to buy it? Guess who did have the money to buy it? Foreign sources. Guess where they got the money. They got it because of our gluttony, stupidity and pigheadedness in sending 60, 70, 80, 90—who cares, it is too much—billions of dollars overseas to purchase foreign oil.

Are we not satisfied to spend a little bit to try to become independent? Are we going to sit around and have our foreign policy run by the Arabs, our economics run by the Arabs, Israel's future hanging on the Arabs? Is that the way we want this country run? Are we satisfied to sit here and have the eighth largest financial institution in this country be bailed out by the Federal Government and the people that pay taxes and bank fees into the FDIC because we have to really sort of stay away from having the eighth largest financial institution in the United States of America bought by foreign entities? Do we forget what it really is like?

You know, I have heard the Wall Street Journal quoted to day, wonderful newspaper. "Heard on the Street," we have heard about that column, have we not? It seems to me some of our friends downtown are busy about that column.

These guys, this predictor is the same wonderful people that told us about our booming oil business; now all our drilling bit companies are going bankrupt. They told us things would be wonderful so that the Committee on Banking and Currency had to look at the Penn Square failure, one of the worst oil disasters in banking.

But we sit back and say we do not need energy independence.

I wonder; why is the rest of the world smarter? Why are the Japanese doing what they are doing with ammonia? I sat in this very building 6 years ago and spoke to some gentlemen from South Africa. I said, "Gentlemen I do not understand it. You have the gold, you have the diamonds, you have minerals you have not found yet, you are prosperous in natural wealth beyond belief. Why are you building SASOL 1 and SASOL 2?"

Do you know why? They said, "We do not choose to sell our diamonds, we do not choose to sell our gold at the price the Arabs establish."

I then spoke to the Brazilians, who had transferred half of their mobility fuel use to mandatory alcohol use. I said why. We do not even know what is in Brazil, we do not even know what is in Brazil as far as minerals. The Brazilians said the same thing, "We want to control the price of our natural resources."

This issue is simply this: To build a commercialization of synthetic fuels for the United States of America so that when and if—and we hope it does not happen—the Middle East blows up we can protect the integrity of Israel, we can protect the integrity of our economy, we can stop spending billions and billions of dollars overseas. Those dollars come back to haunt us; we can stop looking at banks like Continental Illinois which have 30-day deposits forced on them by the Arabs, and we in fact can be in charge of the greatest nation in the world.

□ 1340

If you do not have energy independence you do not have control of your economy, your manufacturing, your jobs or you foreign policy. You in fact are no longer a world leader. Think about it.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to these arguments and the arguments made before about this program with great care. It is just a myth that is being perpetrated here that the synthetic fuels program has any relevance to energy security. I just cannot understand how this House could possibly buy it.

To commercialize exotic technology now when you have available already the technology to make methanol out of coal at today's prices or below today's prices, makes no sense at all. To go and invest in these exotic technologies at incredible prices is just a way to avoid really doing something, if you want to do something to make ourselves energy independent, to use our coal in an economic way.

We had testimony before our committee by responsible engineering companies that you could make methanol from coal today as low as 40 cents a gallon. Of course, the big oil companies that own most of our coal do not want to do that. Methanol at 40 cents a gallon is the equivalent of—since it has half of the energy value as gasoline—80 cents a gallon, which is still well below today's price.

All of our testimony on methanol was that methanol from coal can be produced at lower than 60 cents a gallon, which is what today's prices of gasoline are in the equivalent.

So, why should we engage in these exotic projects, even assuming you had a competent board in the Synthetic Fuel Corporation, when in fact you could make methanol from coal today at economic prices.

Look at the prices the Synfuels Corporation is contemplating. The price supports offered by the Synthetic Fuel Corporation are just astronomically above today's prices: $60 to $67 per barrel for oil shale, perhaps as the GAO says, up to $92 per barrel from the Union Oil project.

The gentleman from Illinois [Mr. YATES] says, and we have adopted his amendment, that we have done away with the Union Oil and the Cathedral oil shale projects. But do no believe it for a minute. The Senate is not going to go along with that. I would be very much surprised if we did not see those projects reappear again from conference.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I will not take much of the gentleman's time. But in addition to the excellent point that the gentleman from New York is making, I want to correct the RECORD on a point made by our previous colleague in the well, the gentleman from Connecticut.

The argument about Japan and South Africa just does not wash. The Japanese situation is totally different than ours. We have a nation there that has basically no energy resources whatsoever of their own, certainly no natural gas resources domestically. The South Africans, of course, are a politically isolated country in the world who have political reasons for desiring to develop energy independence.

I thank the gentleman for yielding. I am sorry that our colleague from Connecticut chose not to yield, but I thought the RECORD should be clarified, at least on those two points.

Mr. OTTINGER. Well, the gentleman is absolutely right.

But let me go down the prices of other projects that the Synthetic Fuel Corporation has guaranteed: $12.50 per million Btu for medium Btu gas from coal. That is four times the current price of gas and you could produce methanol from coal today, if oil companies that own all the coal were willing to do it, at less than today's price for gasoline and you can use it in vehicles.

The Corporation has offered to guarantee $90 per barrel for methanol, $210 per ton for solid peat derived fuel designed to displace wood and coal. What we are doing is just fantasy world.

Now, I am not opposed to developing these exotic technologies. I have always supported my chairman in the Science Committee, the gentleman from Florida [Mr. FUQUA], in pushing ahead on synthetic fuels research. I think we should have that technology in the future. But to jump to commercializing that technology when the technologies aren't ready, the prices are outrageous and there is commercial technology presently available to make methanol from coal economically just makes no sense to me whatsoever.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Just to reenforce the point the gentleman from New York is making, the words of the manager of Chevron Shell Oil Co., I think, say it all.

The industry doesn't do it today—

Referring to these kinds of technologies—

because we don't have the technology, nor see the market. You can see by the projects that folded they didn't have the technology right. Demonstration-sized research and development projects are a must before you move into full-scale operations.

The issue is energy security. The fact of the matter is to divert billions and billions of dollars and corporate subsidies to companies that are simply trying to transfer their risk to the taxpayer is moving us toward greater energy insecurity, not toward greater energy security. We need to see that those dollars are invested in the kind of research that will allow a sound development of the synfuels industry.

The CHAIRMAN. The time of the gentleman from New York [Mr. OTTINGER] has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MURTHA. Mr. Chairman, I object.

Mr. Chairman, I am going to object to any extensions.

The CHAIRMAN. Objection is heard.

Mr. OTTINGER. Mr. Chairman, I have yielded time and everybody else has. Does the gentleman really mean to object?

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. I thank the gentleman for yielding.

I think this is an important subject and to try and cut off debate is a mistake. I think it is a mistake from the gentleman's standpoint.

Mr. Chairman, I will offer an amendment in due course to do away with all the funds for this Corporation. With the amendment of the gentleman from Illinois you are wasting $8.25 billion. You are leaving $8.25 billion for this Corporation to waste.

The Wolpe-Conte amendment, which I support, is better than the best other alternative. You still have $3 billion to be wasted, $3 billion is a lot of money. We are facing a $200 billion deficit. That money can far better be put to use in the cause of producing energy security, into energy conservation. It would be far better put into the development of methanol as a fuel, but not in these exotic projects that make no economic sense.

Your major actors in industry have all rejected this project. Exxon has withdrawn, Westinghouse, Ashland Oil, SoOhio, Mobile Oil, Panhandle Eastern, EG&G, Texas Eastern, and Grace, they have all halted their projects because they say it does not make any sense.

I tell the Members not to throw $8 billion, $5 billion, $3 billion down a rathole; it just does not make any sense at all.

I urge support of the Wolpe-Conte amendment or my amendment when I have an opportunity to offer it.

Mr. TAUKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am stunned as I listen today to the discussion of U.S. energy policy. It seems as if some of

those who want to circle the wagons and protect the synfuels industry fail to recognize what kind of energy policy they are pursuing.

On the one hand, they cry out against high OPEC prices. But, on the other hand, what they are saying is that they want to condemn the U.S. consumer to higher energy prices in the future. OPEC has stopped raising its prices. So what they want to do is put the U.S. Government into the business of developing fuels that will be so costly that the consumer would never be able to purchase them on the open market. So what we will do is force the consumer to buy them through taxpayer sudsidy.

It does not make sense to commercialize products that cannot be sold in the open market. It does make sense to do research and development. But the important point here is that we are not talking about research and development. We are talking about commercialization.

What we are being asked to do is spend billions of dollars to establish commercial projects that will produce vast amounts of products.

□ 1350

That product will be subsidized to a guaranteed price level. But when you are talking about $92 a barrel product, when is it ever going to be viable in the market? It is only going to be viable as long as the U.S. Government keeps subsidizing it.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Is the gentleman aware of this study that was done by the Library of Congress and by the International Energy Agency which showed that if there were a partial interruption—and I emphasize the word "partial," not as we had in 1973, a complete Arab boycott—that the price of oil in the United States tomorrow would be $98 a barrel? Is the gentleman aware of that?

Mr. TAUKE. I thank the gentleman for making that point. I am aware of that study. What is interesting to note is that we have a shooting war in the Persian Gulf right now, and because we have excess production capacity to the tune of 10 million barrels a day in the world, the price of oil is dropping, not going up.

But I just want to say this to the Members: We have to make judgments as to when and if a product that costs $60, $70, $80, $90 a barrel is going to be marketable.

I suggest to you that, given the excess capacity in the world for oil production today, given the trends, it is not reasonable to expect that in the foreseeable future this product will be marketable.

That is why we should continue with the research and development, which we are not talking about here, but why we should stop pouring billions of dollars into the commercilaization of technologies which cannot produce competitive products in the near future.

The Illinois project, which we talked about earlier, is an interesting case history. As I mentioned, we have excess capacity in the ammonia fertilizer industry now. As that project comes on line, we are going to be putting other ammonia producers out of business. It does not have any new technology in it. It is using the coal gasifier that is already being used in other projects supported by the Synfuels Corporation, so there is no new technology being developed.

Interestingly, there is virtually no private investment in that project. The private investors have been smart enough to walk away from commercialization. We, in the Government, however, do not seem to catch on very fast.

And interestingly, not only is there no private investment, but the private participants are making money because they are pyramiding on the project. Five major investors in the project are, of course, making more money as suppliers and subcontractors to the venture than they are contributing to it. That is the kind of abuse that you get when you get into a situation where the Federal Government is trying to market something that is not marketable. That is the kind of problem you get when the private sector walks away from commercial projects and the Federal Government tries to pick them up. It is the kind of problem you get when you take what is rightfully a private risk and make it a public risk.

Mr. Chairman, the questions here are quite simple. Do you believe we should commercialize products that cannot be sold in the marketplace? Do you believe that the taxpayer should take the risk rather than the private sector? If you answer no to those questions, you should vote against Ratchford and for Conte.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Ratchford amendment.

Mr. Chairman, I would like to take a slightly different perspective on this issue. I sit on the Appropriation Subcommittee that deals with the Department of Energy's civilian research and development activities and a whole range of alternative energy areas in addition to synthetic fuels that we have been talking about here today. I have been frustrated, as I know many others on both sides of this debate have been, about the continuing efforts to cut back on programs in this part of the DOE budget. Solar energy has been cut back from $557 million in 1981 to some $179 million now. And that is only because members of Mr. BEVILL's committee and others across the spectrum have fought to see that we have some semblance of an energy alternative program left in the Federal Government. It could easily have been much worse.

We have placed $3.1 billion in research and development funds into alternative energy projects over the last decade from 1974 to the present time, and yet as it came time to try to commercialize and try to demonstrate these technologies we have fallen back. We have no aggressive energy policy left in the Federal Government. Indeed, the Europeans and the Japanese are taking on potential markets in photovoltaics for example, because they've benefited from our research and development. And if you look to tax credits as a future solution to further investment in solar thermal, photovoltaics, and conservation, in ethanol, methanol, and biomass, you see, given our deficits, decisions by the Ways and Means Committee and the Finance Committee in the other body as recently as the most recent tax increase, to terminate them, to let them fall by the wayside. It is very likely that at the end of next year there will be no continuing tax credits available.

We have, frankly, very little room to make any progress in the development of these forms of energy. I am hopeful, and I hope to engage in some dialog on this issue with the chairman of the Science and Technology Committee, the gentleman from Florida [Mr. FUQUA], that we can find the opportunity to redirect the activities of this much maligned Synthetic Fuels Corporation into an area that it was originally allowed under charter to deal in but which it has avoided dealing in, and that is these other forms of energy, renewable energy forms that I think many of us see as at least as capable and perhaps more so of dealing with the question of our dependence on imported oil.

Now, we have reduced that dependence markedly. Today there is some $30 billion a year less than when I came to Congress a few years ago spent on imported oil from OPEC and the Mideast. But it seems to me that we still have a long way to go before we've permanently licked our problem. We may soon find ourselves back in the trap of having fallen asleep, allowing the continued acrimony among Mideastern nations to once again escalate into an energy threat to our independence in this country. And we must deal with it, even though we are currently lulled to sleep by the cheapest gasoline prices at the pump we have seen in the past 5 years; lulled to sleep by the $27 a barrel price of imported oil on the spot market right now. But

we cannot allow ourselves much more of this. It seems to me that we have an opportunity by voting for the Ratchford amendment to eliminate a $5 billion additional cut that the Wolpe-Synar-Broyhill-Conte amendment would bring about. And in doing so, to capture some of that difference and redirect it into a series of renewable energy initiatives that have really gone unaided in recent years under this administration.

So I am hopeful that we can make some progress today by sending a message, a needed message, to the Synthetic Fuels Corporation and at the same time by beginning the process of broadening the base of the corporations by including all of the initiatives that can be taken to promote more energy independence. I am hopeful that a number of people who may be very supportive of our friends who are trying to make this $10 billion cut would consider the possibility of holding back on that additional $5 billion and redirecting some of their energy into other areas through an amendment to be offered on Mr. FUQUA's legislation, the DOE Energy Civilian R&D Act.

I can tell you that the Renewable Fuels Association, the Renewable Energy Institute, the American Wind Energy Association, and the Solar Energy Industries Association would support my suggestion, the effort that I am engaged in here. They are, I think, understandably desperate to find some future for their forms of technology that have been I think too quickly written off by this administration and possibly, given those huge looming deficits, by the tax-writing committees. I am hopeful that I can have the support of a number of people who are with the authors of the Conte-Wolpe amendment in spirit but who have other values in mind as well. I hope you'll listen to my friend Mr. FUQUA and consider an "aye" vote on Ratchford-McDade and, next week, on his proposal.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I congratulate the gentleman from California in bringing——

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

Mr. FAZIO. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MURTHA. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. FUQUA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the committee spoke last week that the majority of the Members feel that some message should be sent to the Synthetic Fuels Corporation expressing their displeasure at some of the things that are not happening or have not happened, or for other reasons. I accept that, and I rise in support of the Ratchford-McDade amendment.

I would like to explain briefly what I hope we will do and the reason I think this amendment is so important. Either later this week or next week I hope that the authorization bill for research and development for the Department of Energy for civilian programs, over which the Committee of Science and Technology has jurisdiction, will be on the floor for consideration. And at that time it is my intention to offer an amendment to authorize the transfer of some $2 billion from the Synthetic Fuels Corporation to the Department of Energy to remain available until spent, to demonstrate some pilot or semiworks projects that I think are very important. It does not limit it to synthetic fuels. It includes solar, geothermal, conservation, and all types of renewable energies. It requires, Mr. Chairman, that these be on a 50-50 basis, at least 50-percent industry and no more than 50-percent Government. Therefore, it will be those projects that we think have, or the experts think, have a potential.

□ 1400

One of the problems I have observed over the last few years has been that we have not followed through with the development or the demonstration capacity of some of these new technologies before we go to large, commercial scale. When you work in a laboratory, you work in ounces and pounds, and then at some point when you go commercial you have to go to megatons that you will be using. What we are proposing is maybe a few tons per day of coal. It could also be in solar or geothermal or whatever, but not large-scale projects, so that we can demonstrate this technology.

Now, if the Conte-Wolpe amendment is adopted, there will not be enough money left for this. So that is the reason that I urge that this amendment, offered by my friend from Connecticut and my friend from Pennsylvania, be adopted so that we can consider my amendment at the appropriate time when the DOE civilian authorization bill comes to the floor.

I would like to plead with our Members that we are putting a cap of $300 million as a maximum the project can cost; 50-50 cost-sharing. In days and days of hearings that we have had before the Science and Technology Committee over the last several years, not starting this year, but over the last several years, industry after industry has come in and said that we cannot afford or take the risk to support projects of this type that cost in this magnitude when the ultimate results are not known.

We need some type of Federal assistance to help us demonstrate technology that is worthy, and we mandate in the amendment that I intend to offer to the bill coming from the Science and Technology Committee, again I repeat, will require a 50-50 matching basis.

I would hope that my colleagues who are sympathetic to the Wolpe position, and I respect Mr. WOLPE and his thoughts on this and the others, would look beyond just where we are today in trying to meat ax the Synthetic Fuels Corporation and try to look at a more long-range program that will offer a long-range good.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the time on the debate of the Conte amendment and the Ratchford amendment be concluded in 40 minutes; 20 minutes to be controlled by the gentleman from Massachusetts [Mr. CONTE] and 20 minutes to be controlled by the gentleman from Connecticut [Mr. RATCHFORD].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. OTTINGER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CONTE. Mr. Chairman, I rise in opposition to the Ratchford amendment. The rescission it calls for will have no effect.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I renew my unanimous-consent request that the time allotted for conclusion of debate on the Conte amendment and all amendments thereto shall be for 40 minutes; 20 minutes of which shall be controlled by the gentleman from Connecticut [Mr. RATCHFORD] and 20 minutes by the gentleman from Massachusetts [Mr. CONTE].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. McDADE. Mr. Chairman, reserving the right to object, I do not intend to object, but I would like to get some sense of how many Members are going to speak on both sides of the issue. We could have a show of hands; we could get an idea of how many Members are going to speak for and against the amendment. Then we might have some idea.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I have been informed that eight Members wanted to speak. In view of the numbers that have now appeared to speak on the amendment, I withdraw my request.

Mr. McDADE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The unanimous-consent request is withdrawn.

The Chair recognizes the gentleman rom Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I oppose the Ratchford amendment. The rescission that it calls for will have no effect on the spendthrift ways of the Synthetic Fuels Corporation. It will have no effect on the waste of billions of dollars or the provision of welfare for corporations that are more than able to fend for themselves.

If Members think that they can get off the hook by voting for this amendment, and pretending to be helping the taxpayers, they are going to have a rude awakening. The transparency of this purely symbolic amendment is evident, I think, to everyone.

Mr. Chairman, the proponents of this amendment have circulated a "Dear Colleague" letter that is just sufficiently misleading that it deserves a response. They claim that the war in the Persian Gulf requires us to provide an alternative to the Middle Eastern oil. Yet, since the attacks on the tankers in the Persian Gulf, the price of oil from that region has actually fallen down.

Tuesday's Wall Street Journal reported that OPEC production is a million barrels a day above the agreed cartel ceiling. Some Arabian crude is selling as low as $27 a barrel. Of course we need energy security; we all agree to that, but not by subsidizing the rich oil companies to produce oil at $92 a barrel when we can buy it and store it in the strategic petroleum reserve for $27 per barrel. Assistance for a number of smaller, less expensive technologies will do much more for our energy security than the massive Union Oil and Cathedral Bluffs projects.

My good friend, the gentleman from Pennsylvania [Mr. McDADE], mentioned the International Energy Agency simulation in which oil prices were projected to increase to $98 a barrel in case of an Arab oil embargo. But he did not mention that the simulation assumed no early drawdown on our strategic petroleum reserve.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. McDADE. How long will the supply in the strategic petroleum reserve last?

Mr. CONTE. I mentioned it in my debate; we have 200 days.

Mr. McDADE. Yes, it is a couple of months. It is a couple of months, assuming that we do not have to supply anything overseas. The gentleman is aware, I think, serving as he does so ably and for so long in the House, that we have treaty commitments to sustain the supply of oil around the world. Signed two administrations ago, I believe.

We have a direct commitment, by treaty, to ensure the oil supply if Israel comes under attack we have treaty commitments derived from our Internation Energy Agency commitments. That is going to draw down that pool of oil very quickly. May I say to my friend that is my opinion. I respect your position and your opinion. I believe for us to cast our security on the energy reserve, which we fund in my subcommittee, is a woeful mistake.

Mr. CONTE. Well, let me answer that, because I think we have good, solid answers. When the simulation was run it was based on a strategic petroleum reserve of only 120 million barrels of oil. Do you know what we have got in there today? We have 410 million barrels of oil; 200 hundred days protection against an Arab embargo; not 20 days. Instead of wasting this money and subsidizing Union Oil for $92 a barrel, let us invest that money in the strategic reserve. We can buy four barrels of oil for every barrel produced by Union Oil, and put it in the reserve.

Think about that, my colleagues in their offices watching television; think about that for a moment. The Dear Colleague letter points out the need for new supplies, but it fails to point out that millions of barrels of oil have been discovered in the last several months, with more discoveries every day. Drill rigs are in operation at record levels; new discoveries at Prudhoe Bay; at the San Maria Basin; and off the coast of China, give every indication of vastly expanding proven reserves.

□ 1410

My dear friends, the Dear Colleague letter claims that my amendment would eliminate funding for additional projects, while a $5 billion rescission will permit every type of project under the sun from eastern coal, tar sands, to coal water and peat gasification. That is completely untrue. My amendment would permit the funding of all letter of intent projects, plus leave $1.9 billion in additional projects. On the other hand, under the Ratchford amendment, the Union II and Cathedral Bluffs projects could be funded. Even after passage of the Yates amendment.

Nothing would prevent the Synthetic Fuels Corporation from approving a similar project, or even another slightly different Union Oil application.

Mr. Chairman, the Union Oil technology does not even work. The first phase of the project has been delayed about 8 months beyond its scheduled startup, and apparently there are serious problems with the cooling system, such that the spent shale exiting the facility is so hot that it burns through conveyer belts. Complete redesign of the system could cost millions more, and take additional months.

Mr. Chairman, enough is enough. This kind of corporate welfare is disgusting. I urge the defeat of the Ratchford amendment and the adoption of my $10 billion rescission.

Mr. YATES. Mr. Chairman, I rise to propound a unanimous-consent request again.

I ask unanimous consent that all time on the Conte amendment and all amendments thereto end at 3:15.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. SYNAR. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I ask that it be at 3:30.

The CHAIRMAN. The gentleman must state his request. Will the gentleman state his request?

Mr. YATES. If there is going to be an objection, Mr. Chairman I will not state it.

Mr. SYNAR. Mr. Chairman, I am opposed to it, and I will object.

Mr. YATES. All right. I withdraw my request, Mr. Chairman.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respect the sincerity, the dedication and the commitment of the authors of the amendment which would strike $10 million from the Synfuels Corporation. However, I rise today to support the Ratchford amendment. I have a vivid memory of the gas lines of 1974 and again of 1979. In fact, I had to install an extra 20-gallon capacity fuel tank in the trunk of my automobile because I could not afford the time required to refuel my car once a week.

We learned from the EPA, just this week, that the content of lead in the atmosphere is so dangerous that an order has been promulgated to reduce the amount of lead in gasoline for the reason that more than 100,000 children a year are requiring medical attention because of the lead, emitted from automobile exhausts, in the air they breathe. Scientists estimate that

more than 50,000 Americans a year die as a result of excessive chemicals in the air caused by automobiles.

Just a minute ago, our friend, the gentleman from Pennsylvania [Mr. McDade], reminded us of the enormous military costs involved in our commitment to protect the oil supply in the Middle East. There are contingency plans, which are just contingency plans, that would commit almost 500,000 American fighting men and women to that region in the event of a conflict in order to assure that petroleum supply.

Let us not throw out the baby with the bath water. I do not agree with the management of the Synfuel Corporation. Many of its policies can be improved. The gentleman from Florida [Mr. Fuqua] has said that his Committee on Science and Technology will offer a bill next week which will not only send the Synfuels Corporation a message; he will provide it with legislative authority to change its direction and the management to achieve not only the goal of energy independence but will show the way to achieve diversification of energy supply through the development of other forms of energy.

Certainly cutting off funds available for achieving those goals will not serve our best interests. It will not serve the interests of the American people. It will be an abdication of this body and of our Government of our responsibility to deal with this enormous problem of overdependence on fossil fuels in our society.

I say to the Congress, to my colleagues in this body, that we should face the responsibility of retaining the synfuel funds the Ratchford amendment allows. We must not abandon the goals we have established through years of arduous debate and compromise by taking all of these funds from the Synfuels Corp.

I say let us vote for the Ratchford amendment to retain part of those funds in order that we can begin to achieve the goals that we set out to achieve years ago.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to this debate with great interest, and I think it is a significant debate. It goes way beyond consideration of budget deficits and the concern about the mounting deficit. I really think that we are giving a very close consideration to the direction of U.S. energy policy for the next decade, and indeed beyond. I have only a couple of points that I would add to this debate that I think need to be considered.

We have forgotten, I think, and it has been emphasized here, the purpose for the creation of the Synthetic Fuels Corporation. It was created in the shadow of two enormously disruptive oil shortages, and it was designed to help alleviate our really unconscionable or unacceptable dependence on foreign oil. It was a responsible policy action then, and I submit that it is as valid today as it was when we created it in the shadow of those two disruptive oil shocks.

I think no one here is going to argue or try to defend some of the managerial problems that have been apparent in the SFC, but I suggest that gutting the entire program, as I believe the Conte approach would do, as a punishment is really not the responsible path that we should be taking.

I would point out, I think, a significant fact. Although I think there is clear evidence of price-induced conservation by American fossil fuel consumers over the last decade and since the oil shortages and oil deregulation, the fact remains today that American oil reserves are declining and there is no way we can get away from that. We have a depletable resource and it is, indeed, declining. From 1977 to 1982, U.S. oil reserves declined 12 percent, or about 3½ billion barrels. The Department of Energy figures indicate that that decline is continuing.

I think that is a fact that we have to face. That is a fact that makes the Synthetic Fuels Corporation continuation a necessity.

Domestic oil reserves are now less than 9½ times the annual level of production. We need synthetic fuels to help ensure and to further our energy independence. To further illustrate the fact, I think it is startling to note that after a decline during the recent recession, oil imports have risen with the economic recovery by 1 million barrels per day in the last year. The levels of imported oil are now comparable to those at the time of the 1973 Arab oil embargo.

So, Mr. Chairman, I believe that the McDade-Ratchford amendment recognizes that there have been problems with the management of the Synthetic Fuels Corporation. It also recognizes that we have to rethink the high levels of budget authority for the Synthetic Fuels Corporation in times of soaring deficits, but it does not emasculate the program, as the other amendment would do, which is so vital to our energy independence.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I would be happy to yield to the gentleman from Indiana.

Mr. SHARP. I thank the gentleman for yielding, because he is starting to talk about the changing energy picture in this country, which we have got to get a grip on again. We have seen some improvement in recent years. That has been alluded to by many folks who want to go whole hog and cut the whole program.

□ 1420

But the fact is, as the gentleman has pointed out, our picture in oil is again deteriorating. The gentleman cited the most recent example. DOE projects on the basis of statistics the gentleman has already cited that by 1995 our oil production will be in a 4 percent decline position. That is under fairly optimistic assumptions, that by 1995 we will have increased our consumption again by 10 percent, that by 1995 our imports will be back up to 40 percent of our use in this country.

The fact is that the world oil picture is also deterioriating. While there are new funds that have been alluded to, they are nothing like the old super giant fields. We have not seen one of those discoveries in the last 20 years, not since 1964 when Prudhoe Bay was discovered.

The fact is that world oil supplies are also in a situation where we are using up more around the world than we are finding each year, so we can expect the markets to tighten even if there is never a crisis in the Middle East. We can expect oil prices to rise. The only question is how fast and how much.

We can also expect that dependency on the Middle East, which has diminished for us personally, but not for our allies, is actually going to increase again for many people around the world and by 1995 more than half the oil will be produced in the Middle East with no expectation that that is going to be any more stability in that part of the world than there is today.

So I think the gentleman is making a very important point. Let us not be lulled into a view that we have somehow cured our energy problems for the future. While there is not a crisis now, let us not fritter away the time we have.

Mr. CLINGER. Mr. Chairman, I thank the gentleman very much for a very valuable contribution.

The inexorability of the decline, of oil reserves I think, is what we are talking about, it is very important that we maintain this program.

Mr. RUDD. Mr. chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the entire time. I simply want to add a couple of points that have not been brought out so far in the debate.

We have been reminded repeatedly that our memories have been dulled and that we encountered at least two very great crises established by the manipulation of oil in the Middle East during the last decade.

We were importing one-third of our oil imports in 1973 in that first crisis. We are still importing a third of our oil today. The reserves that are available to us, the oil resources, are going down. We are finding a few, but overall they are going down and within the

next decade we can be expected to import as much as 40 or 45 percent of the energy that we need.

Now, of the 11 or so projects that were to be funded by the Synthetic Fuels Corporation, including the two that my good friend, the gentleman from Illinois, struck, the total cost would have been an average of about $1.30 a barrel for the product over the lives of the various projects, because of the profit-sharing clauses and the assistance to contracts and the initial assistance cost, which would have amounted to about $7.9 billion would have been reduced to $1.3 billion as the Government recaptures revenues through profit sharing over the next 25 or 30 years.

So we are addressing ourselves to the needs of the Nation, and we want to make sure that we are not being held captive again to Middle East oil manipulation. We are on the verge of another crisis in that area today. Investment in the Synthetic Fuels Corporation was wise at the time it was adopted, wise at the time it was conceived. It is wise today, and it will help ensure that we are not left helpless as we have been in the past.

If there is a problem in the administration of the Corporation itself, and there is, then we should correct that problem and go ahead with the Synthetic Fuels Corporation. The idea is good and if we encounter another crisis, it will not be a question of how much oil costs, it will be a question of whether we have energy available, so we should go ahead with that, and I oppose the Conte amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. RUDD. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we have debated this for 2 hours at the present time.

Mr. Chairman, I ask unanimous consent that all time on the Conte amendment and all amendments thereto, with the exception of the Ottinger amendment——

Mr. RUDD. Mr. Chairman, I still have the time. If the gentleman wants to use my time to do that, that is fine, too, but I would like to yield first to this gentleman here who has a question.

I yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there have been some horror stories today about the so-called failures of the Synthetic Fuels Corporation, the Union Oil project, and also the proposed anhydrous ammonia projects in Illinois.

As a representative of eastern Utah, I would like to mention one of the successful projects. Geokinetics has a small project, a $45 million operation known as Seep Ridge Oil Shale, which is actually producing oil at the present time. It is a very environmentally sound project with no problem of disposing of the spent shale. It is one of the very good projects of the Synthetic Fuels Corporation.

The project, like all others which have been authorized or have received letters of intent, is in jeopardy because the SFC is paralyzed and will remain so as long as there are threats like the Conte amendment or the Corcoran bill.

The Republican Task Force on Energy and Natural Resources, which I chair, has issued a research report on the SFC which I urge you to study.

Mr. Chairman, I support the Ratchford-McDade amendment.

PREFERENTIAL MOTION

Mr. STRATTON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. STRATTON moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Chairman, there is an old saying that goes something like this:

God and the soldier all men adore in times of trouble, but not before. The danger passed and the troubles righted, God is forgotten and the soldier slighted.

A number of Members have already brought out the fact that this Synthetic Fuels Corporation was born out of one of the most serious problems that we faced back in 1979 when there were long lines at the gas stations, and you had to get up at 5 o'clock in the morning to fill your tank. And we had no idea when the OPEC embargo would be lifted. Have we really forgotten those days so soon?

At that time our distinguished majority leader, the current majority leader, the gentleman from Texas [Mr. WRIGHT] came up with the idea, that there was an alternative. He reminded us that it had already been demonstrated that America was actually the Saudi Arabia of coal. Our vast reserves of coal could be turned into oil to be used in the event that the oil resources of the Middle East were totally shut down.

I was one of the original cosponsors of that legislation, an amendment to the Defense Production Act. The gentleman from Pennsylvania [Mr. MOORHEAD], was another cosponsor, as was the gentleman from Pennsylvania [Mr. MURTHA]. I remember we met in the majority leader's dining room and we came up with the idea of a Synthetic Fuels Corporation. In fact, a group of us went to Germany to see the original plant that was still standing, where Hitler's Luftwaffe had turned brown coal in Germany into aviation fuel to continue the air flights of Luftwaffe aircraft.

Now we are being told by the gentleman from Massachusetts [Mr. CONTE] that we have nothing to fear because in the Persian Gulf today whenever a few tankers have been sunk or damaged, the price of fuel has gone down; but I would challenge the gentleman from Massachusetts to predict exactly what is going to happen in this rather insane war that is going on between Iraq and Iran in the Persian Gulf in the next few years.

It is perfectly conceivable that we might end up with a Persian Gulf in which there could be no navigation at all and in which there could be no ships to transport oil and we might be right back again where we were in 1959. Have we forgotten that so quickly?

We ought to learn what history has already taught us. What the Wright legislation, to create a synthetic fuel industry, has done has been to begin to develop a production capacity so that in the event of any new stoppage there will be another source of available fuel.

The Germans developed that capability. We also visited England. The coal board in England, we learned, had a fantastic capacity for turning coal into oil. And with a few additions, the British could even give you various special types of fuel: oil, gasoline, aviation fuel, et cetera, the proper high test, leaded or unleaded, or whatever you wanted.

Reference has already been made in this debate to that same capability in South Africa.

□ 1430

It would be foolish indeed if we were to wipe out that capability and also wipe out that wise decision on the part of the House that has already been developed under the Wright bill, that would provide help were another equally tense situation to develop in the Persian Gulf, and when, as the gentleman from Pennsylvania [Mr. MCDADE] has already indicated to us, we have commitments to provide oil to our allies in the Middle East; we have commitments to supply and to protect the fuel lines for our Japanese allies, and also for our allies in NATO.

Surely we must not wipe out this great industry simply because today's prices may look a little high. They were high—they were high back in 1979. But it is one thing to have no capacity at all; it is another thing to have high prices.

I urge defeat of the Conte-Wolpe amendment. How much will the desert traveler pay for one cup of cold water?

Mr. YATES. Mr. Chairman, I rise in opposition to the motion.

Mr. ALBOSTA. Will the gentleman yield?

Mr. YATES. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I have listened quite extensively to the debate today. I believe that it is wrong to destroy a corporation that was set up to relieve the country of a possibility of an oil shortage—not only an oil shortage, but a depleting of the source of our energy in this country.

It reminds me of last year when we had a PIK Program for agriculture where we put up about $16 billion if you took the storage and all of the costs of that PIK Program and gave it to the farmers in the sense that we gave them bushels of corn not to grow corn. We only did that because we have not established in this country any synthetic fuel production from excess corn, wheat, or cherries, or from excess oranges or apples or whatever you want. All of those things are renewable sources of energy and we ought to be striking toward trying to fulfill not only the need of synthetic fuels from coal and from other products, but we have a need to try to lower the cost of running agricultural programs in this country.

Why not a two-priced system for agricultural products: one for our export and domestic use, and another one where we do not have to pay farmers not to plant but we let the Secretary of Agriculture set a price level for fuel alcohol covering maybe 10 percent of our production one year, a higher or lower percentage the next year, and adjust it, my friends, so that farmers are utilizing all of the agricultural production, the renewable sources of energy in this country that we have the capability to produce with.

Farmers will produce, make no mistake about it. Even with a two-priced system, if you give them the opportunity to grow 90 percent of their crops with a support price that will guarantee them the cost of production, they will grow the other percentages for whatever price they can get.

We must change our energy policy to burn cleaner fuel. For example, southeast Michigan may lose highway transportation funds because of the pollution rate in that part of the State. I just happened a year ago to be in Rio de Janeiro, Brazil, and you know they are burning 80 percent petroleum products and 20 percent fuel alcohol in their cars, and they are also using 100 percent vehicles burning ethanol. Is it not time that this country tried to catch up with the rest of the world in its production of synthetic fuels? I believe that it is.

So I am supporting the Ratchford-McDade amendment to the Conte-Wolpe amendment so that we can continue to have some type of a Synthetic Fuels Corporation in this country so that we can perhaps switch that Corporation to the emphasis of alcohol fuel, and to switch the agricultural policies in this country toward a two-priced system.

Mr. TAUKE. Will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding. Just two quick points.

First, I would say to the gentleman in my district we have five alcohol plants that are financed by the private sector and they are producing large quantities of alcohol from corn.

The second thing is that the Synthetic Fuels Corporation does not do one whit for alcohol because that is from energy and agricultural appropriations.

Mr. ALBOSTA. I have an alcohol fuel plant in my district that is not completed, and we have excess corn, and we had a PIK Program a year ago that we took $16 billion to support of taxpayers' money.

I do not think that that was a mistake at that time. I think the planning was a mistake in the first place.

Mr. TAUKE. If the gentleman will yield further, the problem is that it does not come from synfuels, it comes from DOE and A.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York [Mr. STRATTON].

The preferential motion was rejected.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Conte amendment.

Mr. Chairman, we have had a good debate in the Chamber today on a tremendously important issue. My position is fairly well known. I hope the House will not destroy the Synthetic Fuels Corporation. I believe it is in the national interest not to do so.

I would like to take us back a little bit to think about what led to the creation of the Synthetic Fuels Corporation, how we got where we are today. I think we all know the phrase that history tends to repeat itself. Part of the problem is that very few of us remember the corollary, and the corollary is those who do not know the past are condemned to relive it. And we do not want to relive the past and the energy crisis that we faced in this world.

Let me have you focus, if I can, on just one figure. From 1973 until 1984, today, we exported $625 billion of wealth to the Arab nations of the world, $625 billion. After we started doing that in 1973, you bet it got the attention of the world and this country.

So what did we try to do in this Nation? We tried to establish in our own national and economic interests the Synthetic Fuels Corporation, hopefully to put a stop to that incredible transfer of wealth, the most extraordinary transfer of wealth in the history of this Nation from your constituents to that tiny little group we call OPEC. That is where it went, and that is where it is going today.

My colleagues that have spoken on the issue have told you we are reliving the past. Imports are up. The oil bill is up. We are not able by any projection, by any survey, or by any forecast to disagree on the point that we are running out of fossil energy. We are not going to halt the downtrend of finite fossel fuels. Those are not just my opinions. They are the views of the U.S. Geological Survey, the CIA, and the others who deal with such issues for the public.

I have heard so many times today the phrase that this is corporate welfarism. I am awful tired of hearing that. I guess if we need some kind of a phrase to get attention around here, if that is what we need, some catchy phrase and a gimmick to get the attention of everybody around here, let me suggest to you, to destroy the Synthetic Fuels Corporation is to engage in Arab palimony. That is what we are talking about, Arab palimony, OPEC nations destroying the wealth of this country, destroying the wealth of the free world. And we had better realize that that is what we are talking about.

Let me give you some scenarios. We have seen charts, we have seen all kinds of figures quoted, and I do not want to get into that. I just gave you the figure of $625 billion in transfer of wealth. Now contrast that with what we did when we set up the Synthetic Fuels Corporation. We put out there $14 billion for a period of perhaps 20 years. We hoped to try to develop commercial processes.

Let's take the worst case scenario. Assume we lose every penny of the $14 billion and none of these processes work. You know what that amounts to? Eighty-four days of imported oil. That is what the cost of 84 days of imported oil comes to.

How much money is actually committed by the Synthetic Fuels Corporation? Go check the record: $740 million.

□ 1440

Take a worst case scenario again, we lose it all. Do you know what that costs in imported oil? Do you know what that costs? Four and a half days of our imported oil costs four and one-half days.

If we were to take the projects that we looked at, the DOE projects, and we said they are going to fail, you are talking about 14 days of the cost of imported oil.

That is what is at risk.

I do not believe that is going to happen. But I think we have to keep in perspective the tremendous international and national issue that we are focusing upon and it is to try to stop

the draining of wealth out of this Nation. You know, we need to look at what is going on. We just heard conversations about the money we are going to spend for bases in Egypt, for the rapid deployment force, we are spending billions to keep a carrier force operating in the Persian Gulf, billions today. We are the only nation there. We should be there; it is in the interest of the free world to be there.

But think of what the stakes are when you lose $60 billion a year. I have heard a million to this corporation, a million to that corporation. I hope what we will do is to remember that we need to stop Arab palimony and restore our Nation to its wealth and to its rightful place in the world.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the McDade-Ratchford amendment.

Mr. Chairman, I sat through all the debate on the rule last week and I have been here all afternoon listening to this debate. It has been a good one in many ways, one that has been as impressive as I have heard in many a day.

I looked at the charts on the letter of credit and they look awfully good and awfully impressive if you do not give them some thought.

I asked the chairman of the committee, of the Subcommittee on Interior Appropriations, my long time and dear friend, Mr. YATES, "What is the significance of a letter of credit?" He said, "Well, it is an offer for an offer." There is no way in the world in which these would finalize.

First of all there is not a quorum on the SFC. So I dismissed that argument.

Then I heard someone say that you are going to save some $9 or $10 billion on the Federal deficit. Actually, you do not save one thin dime, nothing at all on it.

Then someone dismisses rather rapidly the problem of whether or not we are going to face a shortage in the years to come and I think that is the nub of the question. Of all the remarks that have been made on this problem in this bill, last week and this week, I think the best arguments, and the most persuasive ones, have been made by the gentleman from Pennsylvania, Mr. MCDADE, and the majority leader, Mr. WRIGHT.

I voted for the huge rescission of $9 billion in the markup of this subcommittee. I voted for the rule last week. I voted for the creation of the Synthetic Fuels Corporation, I think it was 4 years ago, and at that time all of us who voted for it knew it was going to be an expensive proposition.

There are indications that the per barrel price of synthetic fuel will rise to probably $95 a barrel. But that was expected. This is a new thrust in the effort to make our Nation energy independent, and if we do not do it we will be right back in the same problems we had, in the 1970's, make no mistake about it.

Mr. RATCHFORD pointed that out; others have pointed it out. You cannot miss it.

The question of sending some 60 billions of dollars overseas to pay for imported oil is one which we ought to look at very carefully. We will continue to do it if we do not achieve energy self-sufficiency.

What of the SFC? I can recall the expectation with which it was created, and the sense of urgency with which it was tasked with developing actual production of 500,000 barrels a day by 1985 and 2 million barrels a day by 1990. We understood then that the strategic petroleum reserve could provide a response to a short-term oil emergency, but that it could not provide a long-term alternative to imported petroleum. That was to be the role of synthetic fuels. What has happened since 1980? Imported crude oil prices have fallen and our memories of gas lines, factory closings, and early school dismissals have faded. We are confronted with relatively high market prices for synthetic fuels and a management record at the SFC that made Continental Illinois Bank look like an enterprise run by business school textbook standards in comparison. In response, some suggest that we pull the plug on the SFC. I cannot agree.

Synthetic fuels represent, in my judgment, our only path to energy independence. We knew when we created the SFC that the road to commercial development was uncertain and likely to be expensive. We also knew, however, that when they were needed, synthetic fuels would look like a bargain at any cost. Now is the time to get rid of those SFC officials who have proven that they have no idea of what the Corporation is supposed to accomplish, and to appoint people who do. Now is manifestly not the time to either abolish the SFC, or to leave it hobbled as to resign it to a future of presiding over demonstration projects so small as to be meaningless. I am therefore going to support the Ratchford-McDade amendment which will provide a rescission large enough to get the attention of officials at the SFC and in the administration without doing permanent damage to our effort to develop synthetic fuels. In so doing, I want to make clear my exasperation with the manner in which the SFC has operated, or has failed to operate, and my expectation that steps will be taken to improve that performance. I also want to make clear, however, my belief that we must proceed to full scale synthetic fuels production. We were warned in 1952 by the Paley Commission that the United States would run out of oil and gas. That prognosis remains accurate, and it remains incumbent upon us to encourage the development of those alternative fuels on which our future will depend. Synthetic fuels are those alternatives, and we must not allow poor management and a complacence brought on by a temporary oil glut to make us lose sight of our need for their expeditious development.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I would be delighted to yield.

Mr. WOLPE. I thank the gentleman for yielding. I just wanted to address just one small point of the gentleman's remarks at the early stage, which was the reference to the fact that no money would be saved.

I think it needs to be pointed out that even the advocates of the Synthetic Fuel Corporation have acknowledged and even the industries themselves that they will have every need to use every bit of the price guarantees that are the form in which the subsidies are being presented.

Those price guarantees are tax dollars. They will not be reflected in this year's deficit but they will definitely be savings, if we can reduce those subsidies, savings to the taxpayers over many years in the outyears.

Mr. BOLAND. I appreciate the gentleman's remarks, but a lot of the argument here has been to the tune that this would affect the Federal deficit now and of course it does not.

As I have indicated, I feel the same way about the Synthetic Fuels Corporation as all of you do. It has endured incredibly poor management. But this is not the way to improve management. You cannot pull the plug on a corporation that is going to give us the ability to be free of the dangers associated with our dependence on imported oil.

And I think that is important. Although I was not here in 1952, I recall the Speaker of the House often saying that we had an obligation to get a look at the Paley Commission report which was submitted in that year.

And that report clearly indicated that something ought to be done with reference to our shortage of oil reserves. We are going to run out of oil, no question about it, everyone says this, even the distinguished chairman of the Interior Committee, Mr. UDALL will agree, I am sure. Our resources are finite, we are going to run out of them and we had better be prepared.

So we ought to pay some attention to the Paley Commission report. That report clearly outlined our problem. We ought to face it. If we do not face it now we will never face it.

● Mr. KOLTER. Mr. Chairman, I rise today in strong support of the amendment offered by my colleagues who seek rescission of the $5 billion in U.S. Synthetic Fuels Corporation spending

authority. The amendment sends a strong message to the SFC, but it does not gut the program.

Today this Nation enjoys a plentiful supply of gasoline and other petroleum based fuels. Prices for some grades of gasoline have actually slipped to under $1 per gallon. We have not had it better since the days before the Arab oil embargo.

But, I challenge my colleagues to recall what it was like before the 1974 embargo. It was much like it is today. Large cars were big sellers and few people concerned themselves with energy conservation. After the oil cutoff there was a tremendous scramble in Congress to devise a cushion against a future economic blow to our economy. One component part of that cushion was the U.S. Synthetic Fuels Corporation. While I was not a member at the time, I know that the framers of the SFC enacting law had the best of intentions.

As we all know, the best of intentions can go astray. It is difficult to translate broad legislative proposals into reality. That coupled with questionable business practices and mismanagement have plagued the SFC since its inception. That is why it comes as no surprise to me that some of my colleagues want to essentially do away with the corporation.

I wholeheartedly agree that Congress must send the SFC a strong message. That message should be: Get your house in order immediately. But, we should not pull the rug out from under this Nation's commitment to a synthetic fuels program. We cannot ignore the future. That would send the wrong message to the oil exporting nations. Just several days ago the news media ran reports that OPEC is having an increasingly difficult time in maintaining unity. Gutting the SFC would give OPEC a ray of hope, because this body would be on record as opposing a meaningful synthetic fuels development effort. OPEC members, while they might not be able to immediately exploit our folly, could rest assured that when oil once again becomes short, they would have our Nation in the palm of their hands, just like they did in the 1970's.

While the Iran-Iraq war is at a stalemate, the conflict could flare up at any time. Both our oil lanes and our oil producing allies could easily fall into great peril. At any moment our oil supply could be reduced to a trickle or totally shut off. While it is true that we are not as reliant on Middle Eastern oil as 10 years ago, our allies still rely heavily on this oil. We would surely be asked to assist them in many oil crisis.

In addition to the potential supply problem from the Middle East, reports have been surfacing in the news media that this Nation's largest oil reserve in Alaska is nearing peak production. No replacement fields are on the horizon of a similar magnitude. The present oversupply of oil makes it even less likely that a new reserve will be discovered because fewer companies are exploring.

This Nation has the human and natural resources to produce a substantial portion of our energy needs for many years. We are the Middle East of coal. We have about one-third of the world's known coal reserves, yet many thousands of coal miners are out of work. We need the technology to efficiently convert coal, oil shale, tar sands, and other oil bearing resources into usable fuels on a commercial sale. We need to continue our commitment to the Synthetic Fuels Corporation.

If we are to be swayed by myopic vision and dismantle the SFC, we will be the ones who will have to respond to our constituents during the next oil crisis. We will have to explain why we agreed to destroy the program today. Our constituents will justifiably hold us accountable in the future.

On a final note, if we delete funding for SFC today and effectively destroy the program, what will the solution to a future energy crisis look like? Will it be thrown together faster and function less successfully than the present SFC? Let's work with the one we have instead of reinventing the wheel a few years from now.●

● Mrs. LLOYD. Mr. Chairman, regardless of the outcome of this vote, I believe that this is a sad day for the House of Representatives. The serious consideration of a rescission amendment that would virtually emasculate the Synthetic Fuels Program is a tacit admission that the corporate memory for a national synthetic fuels policy has been lost in the House. Those who support a $10 billion rescission of budget authority with no direct outlays would have us wipe the slate clean. The same curious alliance which defeated the first synthetic fuels bill out of the Science and Technology Committee in 1976, H.R. 12112, has once again banded together to defeat progress.

With the exception of two or three meaningful projects, the alliance of free marketers and disbursed technology advocates would have us believe there is no need for a Government role in synthetic fuels development. The curious rationale here is that without attractive economics, the need for such development is less urgent. Paradoxically, with soft oil prices, the need for a Government role is much more critical. Thus, they are telling us to walk away from another Government commitment in energy development, which added to the uncertainties of a Federal nuclear policy, and abandonment of almost every significant demonstration project which the United States has undertaken since the creation of the Energy Research and Development Administration in 1974.

I am afraid that we are setting ourselves up for a charge of gross negligence by the American people. Today we can play the role of "responsible budgeteers," but today's short-sighted, illusary budget cutting will be viewed as irresponsible and cavalier by tomorrow's standards. It is a simple fact that unless we build these plants at significant scale, we cannot be assured that they will work reliably and we cannot even begin to improve the economics of operation. It is difficult to protect this program because of the tragic way in which the Corporation's board has functioned. I would hope my colleagues will not use this reckless performance as an excuse for gutting this program that is directed at national security.

If there is one person who must be laughing up his sleeve today, it is David Stockman, who has worked hard to kill synfuels within the administration since he took office.

Thank you, Mr. Chairman.●

● Mr. SWIFT. Mr. Chairman, I have heard arguments about the need to preserve the ability to develop synthetic fuels for the future. I agree that it is appropriate national policy. I have also heard the argument that we should continue to fund Synfuels Corporation and will reform it later. The fact remains that almost no one defends the record of the Corporation to date, which is abysmal.

It seems to me imprudent to continue major funding of the Corporation prior to making the reforms that most reasonable people recognize must be made. I supported the concept of the Corporation, and will in the future continue to support that concept. I think, however, it is prudent now to restrict their funding significantly until we can effect the changes needed to ensure that it can fulfill, efficiently and effectively, the responsibilities and goals the original legislation envisioned.●

Mr. YATES. Mr. Chairman, I rise to propound a unanimous-consent request. I ask unanimous consent that all time on the Conte amendment and all amendments thereto excepting the Ottinger amendment end at 3:30.

Mr. OTTINGER. Reserving the right to object——

Mr. YATES. Mr. Chairman, I move that all time on the Conte amendment and all amendments thereto end at 3:30.

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will yield.

Mr. SYNAR. I thank the gentleman. The problem that this gentleman has is the fact that we do not mind setting a time limit, but we would like it equally divided between the two sides.

If the gentleman would extend his unanimous consent to divide that time equally I think both sides could agree.

Mr. DICKS. Reserving the right to object, how can we have a time agreement to vote at a certain time?

Mr. YATES. Mr. Chairman, I move to strike out the last word in order to propound my request.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. YATES. I yield to the gentleman.

Mr. DICKS. I thank the gentleman. I do not understand how you are going to have a time certain if we are going to have an unlimited amount of debate on the Ottinger; would not you have to say we are going to have 30 minutes without a limit on the Ottinger amendment?

Mr. YATES. I do not believe the Ottinger will take that long.

At any rate, I have a present problem that I am trying to address.

Mr. Chairman, I ask unanimous consent that all time——

Mr. FRENZEL. Mr. Chairman, I object.

Mr. YATES. Mr. Chairman, I move that all time on the Conte amendment and all amendments thereto with the exception of the Ottinger amendment end at 3:30, the time to be equally divided between the gentleman from Massachusetts [Mr. CONTE] and the gentleman from Connecticut [Mr. RATCHFORD].

The CHAIRMAN. The Chair will remind the gentleman that time cannot be allocated between sides or between Members except by unanimous consent.

Mr. YATES. I see.

The CHAIRMAN. But the motion only to limit debate is in order.

Mr. FRENZEL. Will the gentleman yield to me?

Mr. YATES. Yes, I yield to the gentleman.

Mr. FRENZEL. If the gentleman's motion passes I will not object to the unanimous-consent request at that time to divide the time.

Mr. YATES. This gentleman was going to ask the gentleman from Minnesota [Mr. FRENZEL] whether if this gentleman propounded a unanimous-consent request with time to be allocated equally to both sides, which is the only way I can obtain the equal allocation, the gentleman would object?

Mr. FRENZEL. If the gentleman would yield further, I would respond to the gentleman that I do not wish to limit debate and I shall object to the unanimous-consent request.

However, if the gentleman has a motion that carries, I will not object to unanimous consent to allocate the time.

Mr. YATES. I reclaim my time and I renew my motion.

The CHAIRMAN. The gentleman's motion has been stated.

The question then occurs on the motion of the gentleman from Illinois.

The motion offered by the gentleman from Illinois [Mr. YATES] is to end all debate on the Conte amendment and all amendments thereto except the Ottinger amendment at 3:30.

Mr. YATES. That is correct, Mr. Chairman.

□ 1450

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the chairman announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Does the gentleman from Minnesota insist on his point of no quorum?

Mr. FRENZEL. I do, Mr. Chairman.

PARLIAMENTARY INQUIRY

Mr. McDADE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McDADE. Mr. Chairman, my parliamentary inquiry is whether or not the vote that the gentleman from Minnesota has requested will come out of the 30 minutes allocated for debate or the 3:30 time limit.

The CHAIRMAN. The gentleman is correct.

Evidently a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question, following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 344]

ANSWERED "PRESENT"—401

Ackerman	Berman	Burton (IN)
Addabbo	Bethune	Byron
Akaka	Bevill	Campbell
Albosta	Biaggi	Carney
Alexander	Bilirakis	Carper
Anderson	Bliley	Carr
Andrews (NC)	Boehlert	Chandler
Andrews (TX)	Boland	Chappell
Annunzio	Boner	Chappie
Applegate	Bonker	Cheney
Archer	Borski	Clarke
Aspin	Bosco	Clay
AuCoin	Boucher	Clinger
Badham	Boxer	Coats
Barnard	Breaux	Coelho
Barnes	Britt	Coleman (MO)
Bartlett	Brooks	Coleman (TX)
Bateman	Broomfield	Collins
Bates	Brown (CA)	Conable
Bedell	Brown (CO)	Conte
Beilenson	Broyhill	Conyers
Bennett	Bryant	Corcoran
Bereuter	Burton (CA)	Coughlin
Courter	Hughes	Nielson
Coyne	Hunter	Nowak
Craig	Hutto	O'Brien
Crane, Daniel	Hyde	Oakar
Crane, Philip	Ireland	Oberstar
Crockett	Jacobs	Obey
Daniel	Jeffords	Olin
Dannemeyer	Jenkins	Ortiz
Darden	Johnson	Ottinger
Daschle	Jones (NC)	Owens
Daub	Jones (OK)	Oxley
Davis	Jones (TN)	Packard
Dellums	Kaptur	Panetta
Derrick	Kasich	Parris
DeWine	Kastenmeier	Pashayan
Dicks	Kazen	Patman
Dingell	Kemp	Patterson
Dixon	Kennelly	Paul
Donnelly	Kildee	Pease
Dorgan	Kindness	Penny
Dowdy	Kleczka	Pepper
Downey	Kogovsek	Perkins
Dreier	Kolter	Petri
Duncan	Kostmayer	Pickle
Durbin	Kramer	Porter
Dwyer	LaFalce	Price
Early	Lagomarsino	Pursell
Eckart	Lantos	Quillen
Edgar	Latta	Rahall
Edwards (AL)	Leach	Rangel
Edwards (CA)	Leath	Ratchford
Edwards (OK)	Lehman (CA)	Ray
Emerson	Lehman (FL)	Regula
English	Lent	Reid
Erdreich	Levin	Richardson
Erlenborn	Levine	Ridge
Evans (IA)	Levitas	Rinaldo
Evans (IL)	Lewis (FL)	Ritter
Fascell	Lipinski	Roberts
Fazio	Livingston	Robinson
Feighan	Loeffler	Roe
Fiedler	Long (LA)	Roemer
Fields	Long (MD)	Rogers
Fish	Lott	Rose
Flippo	Lowery (CA)	Rostenkowski
Florio	Lowry (WA)	Roth
Foglietta	Lujan	Roukema
Ford (MI)	Luken	Rowland
Fowler	Lundine	Roybal
Frank	Lungren	Rudd
Franklin	Mack	Russo
Frenzel	MacKay	Sabo
Fuqua	Madigan	Savage
Garcia	Markey	Sawyer
Gaydos	Marlenee	Schaefer
Gejdenson	Martin (IL)	Scheuer
Gekas	Martinez	Schneider
Gephardt	Matsui	Schroeder
Gibbons	Mavroules	Schulze
Gilman	Mazzoli	Schumer
Gingrich	McCain	Seiberling
Glickman	McCandless	Sensenbrenner
Gonzalez	McCloskey	Shannon
Goodling	McCollum	Sharp
Gore	McDade	Shaw
Gradison	McEwen	Shelby
Gray	McGrath	Shumway
Green	McHugh	Shuster
Gregg	McKernan	Sikorski
Guarini	McKinney	Siljander
Gunderson	McNulty	Sisisky
Hall (IN)	Mica	Skeen
Hall (OH)	Michel	Skelton
Hall, Ralph	Mikulski	Slattery
Hall, Sam	Miller (CA)	Smith (FL)
Hamilton	Miller (OH)	Smith (IA)
Hammerschmidt	Mineta	Smith (NE)
Hance	Minish	Smith (NJ)
Hansen (UT)	Mitchell	Smith, Denny
Harkin	Moakley	Smith, Robert
Harrison	Molinari	Snowe
Hartnett	Mollohan	Snyder
Hawkins	Montgomery	Solarz
Hayes	Moody	Solomon
Hefner	Moore	Spence
Heftel	Moorhead	Spratt
Hertel	Morrison (CT)	St Germain
Hightower	Morrison (WA)	Staggers
Hiler	Mrazek	Stangeland
Hillis	Murphy	Stenholm
Holt	Murtha	Stokes
Hopkins	Myers	Stratton
Horton	Natcher	Studds
Hoyer	Neal	Stump
Hubbard	Nelson	Swift
Huckaby	Nichols	Synar

Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1500

The CHAIRMAN. Four hundred one Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota [Mr. FRENZEL] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Members will be reminded that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 285, noes 116, answered "present" 1, not voting 31, as follows:

[Roll No. 345]

AYES—285

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bliley
Boehlert
Boland
Boner
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conable
Conte
Coyne
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Davis
de la Garza
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (AL)
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Fields
Florio
Foglietta
Foley
Ford (MI)
Fowler
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hawkins
Hayes
Hefner
Heftel
Hightower
Hillis
Holt
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Lipinski
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Luken
Lundine
Lungren
Madigan
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McGrath
McHugh
McNulty
Mica
Michel
Mikulski
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Roe
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Schneider
Schumer
Seiberling
Shannon
Sharp
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spratt
St Germain
Stangeland
Stenholm
Stokes
Stratton
Studds
Swift
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zschau

NOES—116

Archer
Badham
Bartlett
Bateman
Bethune
Bilirakis
Brown (CO)
Burton (IN)
Campbell
Carney
Cheney
Coats
Coleman (MO)
Conyers
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daschle
Daub
Dellums
DeWine
Dorgan
Dreier
Edgar
Edwards (CA)
Edwards (OK)
Emerson
Feighan
Fiedler
Fish
Frank
Franklin
Frenzel
Gekas
Gilman
Gingrich
Gregg
Hammerschmidt
Hertel
Hiler
Hopkins
Hyde
Jacobs
Jeffords
Jenkins
Jones (OK)
Kasich
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Leach
Levitas
Lewis (FL)
Livingston
Lott
Lowry (WA)
Lujan
Mack
MacKay
Marlenee
Martin (IL)
McCain
McCollum
McEwen
McKernan
McKinney
Miller (CA)
Miller (OH)
Molinari
Moody
Moore
Moorhead
Morrison (WA)
Oxley
Paul
Petri
Porter
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Roukema
Schroeder
Schulze
Sensenbrenner
Shaw
Shumway
Smith (NJ)
Solomon
Spence
Staggers
Stark
Stump
Synar
Tauzin
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walgren
Walker
Williams (MT)
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Savage

NOT VOTING—31

Anthony
Boggs
Bonior
Cooper
Dickinson
Dymally
Dyson
Ferraro
Flippo
Ford (TN)
Frost
Gramm
Hansen (ID)
Hatcher
Howard
Leland
Lewis (CA)
Lloyd
Marriott
Martin (NC)
Martin (NY)
McCurdy
Pritchard
Rodino
Scheuer
Simon
Smith (IA)
Sundquist
Waxman
Weber
Wise

□ 1510

So the motion was agreed to.

The result of the vote was announced as above recorded.

Mr. YATES. Mr. Chairman, the time has been limited to 3:30. I ask unanimous consent that the time be expanded to permit 10 minutes on each side, with those favoring the Conte amendment to be controlled by the gentleman from Massachusetts [Mr. CONTE] and those favoring the Ratchford amendment to be controlled by the gentleman from Connecticut [Mr. RATCHFORD].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois.

Mr. RUSSO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair now intends to allocate 6 minutes to the gentleman from Massachusetts [Mr. CONTE] and 6 minutes to the gentleman from Connecticut [Mr. RATCHFORD].

The Chair intends that the debate will end with Mr. RATCHFORD.

The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Chairman, I rise in opposition to the Ratchford amendment and in support of the Conte amendment. I believe that the rescission of these funds will send a strong signal to the American people that we are serious about fighting the deficit. The large budget deficit is a subject that is of great concern to the American people. The $175 billion deficit this year brings with it higher interest rates which pose a serious threat to our economic recovery.

Citizens throughout this country have asked their elected representatives to take action to reduce this deficit. Waste in military and domestic spending does indeed exist, and it is important that each item of the budget be scrutinized in order to assure that the taxpayers money is not squandered.

One example of unnecessary wasted Government spending is the Synthetic Fuels Corporation. Plagued by poor management, the SFC has done nothing other than subsidize ventures which threaten to consume billions of dollars of subsidies while providing little, if any energy security. Therefore, it is important that that immediate action be taken to prevent this corporation from spending additional funds on nonproductive ventures. The commitment of $13.3 billion to rapid commercialization is neither sound fiscal policy or effective energy policy.

While we must never abandon our goal of achieving energy independence and security, we should take every pos-

sible step to ensure that it is done in the most cost effective way so as not to burden our taxpayers with additional debt. Private industry has responded to the decontrol of oil by drilling for additional supplies, and they, and not the taxpayer should take the risk in investing in this program. Alternative energy sources such as solar, geothermal, wind, and hydroelectric promise to produce energy at a much lower cost, and Government policy over the long run must be directed toward fostering their development. In the short term we must continue to fill the strategic petroleum reserve with all deliberate speed to minimize the risks that are associated with an oil embargo.

□ 1520

Mr. CONTE. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Massachusetts [Mr. BARNEY FRANK].

Mr. FRANK. I thank the gentleman for yielding this time to me.

Mr. Chairman, I very much regret that we are not being given more time to talk about a major public policy issue. I hope that the Ratchford amendment is defeated. Its sponsors have come forward and told us that, yes, they agree there are terrible problems with synfuels and, yes, there ought to be some kind of rescission, and that is presumably why they made no effort in those directions until the amendment offered by the gentleman from Massachusetts and the gentleman from Michigan came forward.

We are also told by the gentleman from Pennsylvania [Mr. MCDADE] that we owe this to our allies in part because we have commitments to them. Then why do we not do it? Our allies are in the wonderful position of sitting back and having us spend $10 billion of American taxpayers' dollars. They are in the wonderful position of having us spend all of our money.

If the Japanese are so much in need of this, let them do it. We can sell them the coal and help reduce our imbalance of payments.

There is no way that people can be serious about talking about reducing, over the long term, American spending commitments and keep in place the $10 billion full synfuels or even $5 billion Ratchford amendment.

Mr. RATCHFORD. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the amendment of the gentleman from Connecticut.

Let me say my colleagues that today, as I speak, there is a plant on the prairies of North Dakota that is producing synthetic gas. It was built on time, under budget, and it is now involved in the commerical production of synthetic gas. It works.

Two hundred miles away there is a $1½ billion shell that is vacant that was the ABM system. That was a failure.

I know the difference, I think, as I fly over that State, between failure and success. We have success in synthetic fuels. The SFC is important. We ought not to be lulled to sleep. We can do the right things for this country's future. I think the right thing is to stick with the gentleman from Connecticut and support his amendment.

We should produce a number of technologies for this country's energy future. I think the success in my district and other districts around this country, of what we have done in synthetic gas, and what we are doing in other technologies is critical to this country's energy future. That is why I rise in strong support of what the gentleman from Connecticut is trying to do here today.

Mr. RATCHFORD. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. I thank the gentleman for yielding this time to me.

Mr. Chairman, there is good reason to cut this program down by at least $5 billion today, adding to the $2 billion we have already cut it, but I suggest to my colleagues there are important reasons to continue this program that we have with the Synthetic Fuels Corporation, with new management.

We talked about the energy picture, which is our first and foremost concern, but second, what we have got to get straight in this debate is what the purpose of this program is. It is the purpose of just producing so many barrels of oil into our society. That is not it at all.

The purpose is to get some pioneer plants out there in the real world so we will learn from those plants, learn what the technical problems are and the improvements to be made, learn what the environmental problems and the improvements that can be made, learn what the managerial problems are and the improvements that can be made.

Second generation plants almost always cost less if they are worth doing again. That is what we have to find out. SASOL III in South Africa cost $1 billion less than SASOL II and took considerably less time to produce the energy.

That is what we are trying to find out, the capacity to produce fuel for America's future.

Mr. CONTE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] has 5 minutes remaining.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. I thank the gentleman for yielding this time.

Mr. Chairman, I was an original sponsor of the Synthetic Fuels Corporation back in the late 1970's, convinced and persuaded by my good friend the majority leader that we could do what we did when the Japanese cut off our rubber in World War II, and we were able to defeat the Germans and their allies with vehicles running on synthetic rubber.

So I believe in this concept. The question is: How do we salvage it? We have all reacted unfavorably to the conduct of these corporate officers, and I think it is a shame and a disgrace, but how do we salvage what was and is a good idea? How do we send the strong message that should be sent in this situation?

It is a judgment call, but I come down on the side of Wolpe-Conte and the others who have supported this amendment.

There are just two or three factors that I would want to leave with my colleagues that were important to me.

There is an assumption around here that if we pass Wolpe-Conte there is no money left. The fact is that there will be $2 billion left to obligate. They can still look around and find smaller projects. We are not destroying the program. We have $3 billion committed already in ongoing projects. If Wolpe-Conte passes, we will have $2 billion in lending authority, in price-support authority, left.

Another important factor that impresses me is that we had a proposed amendment here when this thing was first debated which would bar the eight major oil companies from participating in this program. It was right that this money go to smaller, technically qualified companies. I think we are going to move toward more projects, smaller projects, and better projects in the long run if we go with the $10 billion rather than with the $5 billion cut.

So it is a judgment call, but I come down on thinking that the wise decision for the country is the Conte-Wolpe amendment.

Mr. RATCHFORD. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Ratchford amendment. The news about the Synthetic Fuels Corporation in the last few years has all been remarkably bad. Incredibly overpaid bureaucrats, using outrageous amounts of money for personal perks, have rightly drawn the heated criticism of Members of Congress and the people at large. There has not been one new ounce of energy added to the Nation's capacity because of the efforts of the

SFC. The situation became so bad that last week the House defeated the rule for the Interior appropriations bill because that rule would not have allowed amendments to do some constructive paring of what everyone realizes is a wasteful operation.

We have the opportunity today to take some of those needed corrective actions. I rise today to express my concern that in doing so, we do not overreact to the serious problems that exist in the SFC, and put ourselves in a situation where we allow our legitimate outrage over slipshod operational procedures to blind us to the very real need that the SFC was created to address. That need is still very much with us today. It is the need to assure our energy independence, to make sure that never again will our economy, and, by extension, our national security, be held hostage to the arbitrary and unjustified machinations of cartelized foreign energy sources. That was the primary reason that the SFC came into being, and I would simply ask all of my colleagues today to remember that.

I reluctantly supported the formation of the SFC when it first came into being, and many of the reservations which I held about it at that time have unfortunately been realized. Still, at the time of its authorization, and at the present time, the overriding concern about our vulnerability to foreign control of vital energy sources, the stark realization that naturally found petroleum is a finite resource, and the equal realization that we have, within our own borders, the natural resources which, with the right technology, could free us from any future dependence.

I am not a particularly enthusiastic supporter of many of the project technologies which the SFC is underwriting, or considering underwriting. In fact, it has long been my contention that we are not adequately addressing one of the more exciting and efficient fuel resources currently available to us. That resource is grain derived alcohol fuels. Nevertheless, I would not let my admitted enthusiasm for this other alternate energy source blind me to the fact that there may well be other alternate sources which can and should be explored. The mission of the Synthetic Fuels Corporation remains an important one, one whose vital necessity for our security must not be overshadowed by the mistakes, arrogance, and inefficiencies of its present Board of Directors.

It is because of those mistakes, inefficiencies, and arrogant actions that I will, today, support a $5 billion reduction in the loan guarantee authority of the SFSC. I will not, however, support any measure which will completely destroy the mission with which this organization was first charged. That is the production of alternate synthetic fuels which will assure our energy independence.

I will also support many of the provisions contained in H.R. 5893, the Synthetic Fuels Reform and Budget Reduction Act. I believe, as do the authors of this bill, that the proper role of government involvement in synfuels is to encourage research and development of technology, rather than commercialization. I further believe, as do the authors, that congressional oversight on the Corporation needs to be significantly strengthened, and that, further, the Corporation's activities should be open to public view, through removing the Corporation's exemption from the Freedom of Information Act, conflict of interest requirements, Government in Sunshine, and the Administrative Procedures Act. As a matter of fact, it is precisely because of these lack of public safeguards, guaranteed through tough congressional oversight and open public access, that the Corporation has probably become enmeshed in its current mess.

Therefore I will, today, support the effort to reduce the funding authority for the Corporation and I will support the Fuqua amendment next week to shift $2 billion in Synthetic Fuel funds to renewable energy. These funds will be invaluable to us in developing an industry that has done well without the advantages given other fuels by the Government.

We need those funds. We need to continue to confront our dependency. We need to develop alternative fuels.

By supporting the Ratchford amendment today and the Fuqua amendment next week, we will be doing just that.

Mr. RATCHFORD. Mr. Chairman, I reserve the balance of my time.

Mr. CONTE. Mr. Chairman, may I ask, does the gentleman from Connecticut intend to have any more speakers, so we can balance this out?

Mr. RATCHFORD. Mr. Chairman, I would indicate to my good friend, the gentleman from Massachusetts that I intend, at an appropriate time, to yield the balance of my time to the majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. CONTE. How much time is there remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Connecticut [Mr. RATCHFORD] has 3 minutes remaining, and the Chair stated earlier that the gentleman from Connecticut would conclude the debate.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. I thank the gentleman for yielding this time to me.

Mr. Chairman, in the 3 minutes that I have, I would like to try to summarize and focus today's debate by asking three simple questions.

First of all, what is at issue here? Is it energy security? I think when you ask that question, you have to pose: Is it in our energy security to announce to OPEC that we are prepared to pay from $60 to $92 a barrel for oil? Is it energy security to announce to the world that we are prepared to pay any price for energy? And is it energy security to commercialize uneconomic, unreliable technology? I think the answer is no.

The second question I think we need to ask ourselves as we try to focus and summarize this debate is: What is the difference between the McDade-Ratchford proposal and the Wolpe-Conte proposal?

Very simply, it comes down to this one issue: It is an issue of whether or not the Synthetic Fuels Corporation is going to be forced to make tough economic decisions.

My colleagues, if you support the McDade-Ratchford approach, basically what you are saying is that you are prepared to throw another $8.5 billion at the Synthetic Fuels Corporation and not only fund all the letters of intent, but potentially projects like the Union and Cathedral Bluffs.

□ 1530

If, however, you support the Wolpe-Conte proposal, you will have to force the Synthetic Fuels Corporation to do something it has not had to do up to this point, which is to make these tough economic decisions with respect to our synthetic fuels future.

What this vote means, finally, I say to my fellow colleagues, is that it is time to put our money where our mouth is. The final question we must ask ourselves today is, what does this vote mean? It means, very simply, that we now have the opportunity to put our money where our mouth is.

All of us go home each weekend and talk to our Rotary Clubs, our Optimist Clubs, our Democratic Clubs, and our Republican Clubs, and we talk about balancing the budget. We can continue to nickel-and-dime our way to balancing the budget, but today we have a unique opportunity to stop $10 billion of future Government deficits. It is very plain and simple.

As we conclude this debate, I ask my colleagues to ask themselves to look at three things: First, to look at the facts and separate those from the emotion and rhetoric we have heard today; second, to use their common sense and logic, and decide whether or not we want to continue to throw billions of dollars at ill-advised projects; and finally and most importantly, I want to remind you of why you ran for Congress and whom you are here to represent, whether it is people or corporations.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Chairman, I yield the remainder of my time to the majority leader, the gentleman from Texas [Mr. WRIGHT].

The CHAIRMAN. The gentleman from Texas [Mr. WRIGHT] is recognized for 4 minutes.

Mr. WRIGHT. Mr. Chairman, I yield first to my friend, the distinguished gentleman from Colorado [Mr. KOGOVSEK].

Mr. KOGOVSEK. Mr. Chairman, I thank the majority leader for yielding.

Mr. Chairman, I rise in strong support of the Ratchford/McDade substitute. I do so because it is the responsible vote—and the responsible action this body must take. I say it is responsible for many reasons. We had an oil crisis a few years ago—that is a fact.

This country has a limited amount of crude oil, and we must import about $60 billion worth a year—that is a fact.

We have just gone through years of recession that has caused a temporary decrease in our oil consumption—but we are still not energy independent—and that is a fact.

But in addition from these sound arguments about our energy needs that have been told, I would like you to also view this debate through my eyes.

Many of my friends will support guarantee loans for veterans—or for housing—or for education—or even direct tax credits for business investment or solar energy.

So, what is the difference here?

All of these guarantees and credits are to benefit our country. So is this.

One difference is that we—the Federal Government—asked for this program—it was you and I—asking the country—go out; find a way to make us independent and when you find that way, we will help you. Just like telling a student—go out; get accepted to college; and we will guarantee your loan. Except this loan guarantee is for your children, for my children, and for all the children of this country.

Many Members of my side of the aisle have joined with me in criticizing some of the inconsistent policy changes in the past few years. We say, and rightly so, that with these constant changes, the country cannot maintain consistent policies—be it education policies or trade policies—and I say, you, too need to be consistent—if constant policy changes can hurt our environment, or our schools, a vote for a policy change now, makes this just as wrong.

We in Congress have often been accused of being shortsighted, having poor memories and being able to act only in a crisis. Please, let us not make that mistake again. The gas lines of the seventies can very easily, and may well happen again. If they do, the world's mightiest industrial giant can only sit helplessly by and watch it happen. We have, time and again, placed the very foundation of our entire economic structure at the whim and fancy of some of the most unstable countries in the world.

We have here the means to take the first steps toward removing ourselves from this dependency. At the present time, there is more oil trapped in the Colorado mountains than in all of the OPEC nations combined. Estimates range up to 3 trillion barrels. Ladies and gentlemen, that is enough to keep this Nation independent for over 200 years at our present rate of consumption. Sooner or later, we are going to tap that. Does it make good sense to wait for an emergency? I think not. These plants have a 4- to 5-year lead-time before they can start producing. We are late already. Let's not make matters even worse.

I would ask my colleagues to consider the worst possible scenerio. What would you be willing to do? What sacrifices would you be willing to make, if the OPEC nations suddenly stopped our supply of oil? Would you be willing to send in the Marines and invade those countries in order to keep our country moving? Would you be willing to sit and do nothing and let our entire industrial complex grind to a halt? What would be the consequences of doing nothing? What would be the consequences of sending in our Armed Forces? Facing just such a choice is not beyond the realm of possibility. Just removing that uncertainty is worth many times this investment. And it is, in fact an investment in our future for many generations to come.

To quote this morning's Washington Post—who has never been known as a good friend of the Synthetic Fuels Corporation—

> Synthetic fuels development is insurance against the slow, gradual tightening of supplies that may emerge over the coming decades. If domestic oil production fails—and that seems likely—synthetics offer substitutes from domestic sources; to abandon synthetic fuels development would now be wanton.

I could not agree more. I thank my colleagues for offering this substitute and urge you to please support the Ratchford/McDade substitute.

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the McDade-Ratchford amendment for the simple reason that we have to make tough economic decisions, but we also need an orderly procedure to develop alternative energy technologies.

It is not a matter of marketing the product; it is a matter of having the technology onstream. If we fail to do that, we will once again have government by crisis. The next time there is a shortage at the gasoline pumps, we will rush in here and throw money at the project and waste it, whereas we have an opportunity today to develop an orderly program.

Mr. Chairman, we should not be trying the poor management; we should be supporting the principle of developing the technology.

Mr. WRIGHT. Mr. Chairman, to those who are honestly in doubt and want only to do what is best for the United States, let me pose three questions for their very serious consideration.

The first question is this: How shall we expect the United States ever really to be taken seriously in the world if, only 5 years after the second Arab embargo brought our Nation to its economic knees for the second time in a decade, we abandon the goal of energy independence by doing away with the one long-term program that is set in motion to achieve that goal? What message does that send to the Khomeinis and Qadhafis of this world? Does it not invite yet another Arab embargo? And if such an embargo should come, what would you say to those you represent if you voted to do away with the one program that we have in motion?

The second question is this: How shall we ever expect the Government of the United States to have any credibility or believability among the American people if, after having induced private individuals to spend more than $2 billion of their own money on projects that we asked them to undertake in the public interest, we pull the rug out from under them, abandon them, and leave them and walk away from what was supposed to be a joint commitment? Who would believe us in the future?

The third question, one which is maybe more important than any of them, is this: How shall we expect to do anything about these glaring balance-of-trade deficits which this year have made us for the first time in our history a debtor nation if we are willing continuously to shell out $60 billion every year to feed our addiction to foreign oil, but are unwilling to invest $5 billion in a long-term program to free us of that shameful dependency?

Let me state for the record that I believe those who have been appointed to the Synthetic Fuels Corporation have not handled it well. Some of them have mismanaged it very badly. But we have had cases of mismanagement in the Pentagon. We do not do away with the military establishment; we try to get rid of the bad people and put good people in to straighten it out.

We have the resources in this country of ours to be energy independent, if we have the will. We have untapped energy sources in the byproducts of

the farms, the fields and forests of this country. We have the waste products. And, yes, we have the coal that lies under our ground.

We have one-third of the world's coal reserves. We can be the Middle East of the world in coal, and there exists the methodology to turn that into a high-grade, low-sulfur-content motor fuel. It has been done in other countries at other times. Do we lack the will to do it for ourselves?

We have on the western slope of the Colorado Rockies more of this pure golden distillate oil locked up in the shale rock of those mountains than exists in all of the Persian Gulf. And we have a way to extract it.

May the vast future not lament that we lacked the vision or the will to do what was necessary to make this Nation of ours energy independent while still there was time.

The CHAIRMAN. The time of the gentleman from Texas [Mr. WRIGHT] has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. RATCHFORD] to the amendment offerd by the gentleman from Massachusetts [Mr. CONTE], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 236, noes 177, not voting 20, as follows:

[Roll No. 346]

AYES—236

Ackerman	Collins	Goodling
Albosta	Coyne	Gore
Alexander	Crane, Daniel	Hall (IN)
Anderson	Daniel	Hall (OH)
Andrews (NC)	Dannemeyer	Hall, Ralph
Andrews (TX)	Darden	Hall, Sam
Annunzio	Daschle	Hamilton
Applegate	de la Garza	Hammerschmidt
Archer	Dickinson	Hance
Aspin	Dicks	Hansen (UT)
AuCoin	Dingell	Hatcher
Badham	Donnelly	Hawkins
Barnard	Dorgan	Hayes
Bateman	Dowdy	Hefner
Bates	Durbin	Heftel
Bennett	Dwyer	Hightower
Bevill	Dyson	Hillis
Boggs	Edwards (OK)	Holt
Boland	Emerson	Hopkins
Boner	English	Hoyer
Bonior	Erdreich	Hubbard
Borski	Fascell	Huckaby
Bosco	Fazio	Hughes
Boucher	Fields	Hunter
Breaux	Fish	Hutto
Brooks	Flippo	Ireland
Bryant	Foglietta	Jenkins
Burton (CA)	Foley	Jones (NC)
Burton (IN)	Ford (MI)	Jones (OK)
Byron	Fowler	Jones (TN)
Chappell	Fuqua	Kaptur
Chappie	Gaydos	Kazen
Clay	Gejdenson	Kildee
Clinger	Gekas	Kogovsek
Coelho	Gibbons	Kolter
Coleman (MO)	Glickman	Kramer
Coleman (TX)	Gonzalez	LaFalce
Lantos	Oberstar	Smith (FL)
Leath	Olin	Smith (IA)
Lehman (CA)	Ortiz	Smith (NE)
Lehman (FL)	Owens	Smith, Denny
Lent	Packard	Snowe
Levine	Panetta	Snyder
Levitas	Parris	Staggers
Lewis (FL)	Pashayan	Stangeland
Lipinski	Patman	Stenholm
Loeffler	Patterson	Stratton
Long (LA)	Pepper	Stump
Long (MD)	Perkins	Tallon
Lowery (CA)	Pickle	Tauzin
Lujan	Price	Taylor
Lundine	Quillen	Thomas (CA)
Martinez	Rahall	Thomas (GA)
Matsui	Ratchford	Torres
Mavroules	Ray	Towns
Mazzoli	Regula	Traxler
McCain	Richardson	Valentine
McCloskey	Ritter	Vander Jagt
McDade	Roe	Vandergriff
McKinney	Rogers	Volkmer
Mica	Rose	Vucanovich
Mineta	Rostenkowski	Walgren
Moakley	Roth	Watkins
Mollohan	Rowland	Whitehurst
Montgomery	Rudd	Whitley
Moody	Russo	Whitten
Moorhead	Sabo	Williams (OH)
Morrison (WA)	Savage	Wilson
Mrazek	Sawyer	Winn
Murphy	Schaefer	Wirth
Murtha	Scheuer	Wolf
Myers	Schulze	Wright
Natcher	Sharp	Wyden
Neal	Shelby	Wylie
Nelson	Shuster	Yates
Nichols	Sisisky	Yatron
Nielson	Skeen	Young (AK)
Nowak	Skelton	Young (MO)
O'Brien	Slattery	

NOES—177

Addabbo	Edwards (CA)	Martin (IL)
Akaka	Erlenborn	Martin (NC)
Barnes	Evans (IA)	Martin (NY)
Bartlett	Evans (IL)	McCandless
Bedell	Feighan	McCollum
Beilenson	Fiedler	McEwen
Bereuter	Florio	McGrath
Berman	Frank	McHugh
Bethune	Franklin	McKernan
Biaggi	Frenzel	McNulty
Bilirakis	Garcia	Michel
Bliley	Gephardt	Mikulski
Boehlert	Gilman	Miller (CA)
Bonker	Gingrich	Miller (OH)
Boxer	Gradison	Minish
Britt	Gray	Mitchell
Broomfield	Green	Molinari
Brown (CA)	Gregg	Moore
Brown (CO)	Guarini	Morrison (CT)
Broyhill	Gunderson	Oakar
Campbell	Harkin	Obey
Carney	Harrison	Ottinger
Carper	Hartnett	Oxley
Carr	Hertel	Paul
Chandler	Hiler	Pease
Cheney	Horton	Penny
Clarke	Hyde	Petri
Coats	Jacobs	Porter
Conable	Jeffords	Pursell
Conte	Johnson	Rangel
Conyers	Kasich	Ridge
Corcoran	Kastenmeier	Rinaldo
Coughlin	Kemp	Roberts
Courter	Kennelly	Robinson
Craig	Kindness	Roemer
Crane, Philip	Kleczka	Roukema
Crockett	Kostmayer	Roybal
D'Amours	Lagomarsino	Schneider
Daub	Latta	Schroeder
Davis	Leach	Schumer
Dellums	Levin	Seiberling
Derrick	Livingston	Sensenbrenner
DeWine	Lott	Shannon
Dixon	Lowry (WA)	Shaw
Downey	Luken	Shumway
Dreier	Lungren	Sikorski
Duncan	Mack	Siljander
Early	MacKay	Smith (NJ)
Eckart	Madigan	Smith, Robert
Edgar	Markey	Solarz
Edwards (AL)	Marlenee	Solomon
Spence	Tauke	Weiss
Spratt	Torricelli	Wheat
St Germain	Udall	Whittaker
Stark	Vento	Williams (MT)
Stokes	Walker	Wolpe
Studds	Waxman	Wortley
Swift	Weaver	Young (FL)
Synar	Weber	Zschau

NOT VOTING—20

Anthony	Hansen (ID)	Pritchard
Cooper	Howard	Reid
Dymally	Leland	Rodino
Ferraro	Lewis (CA)	Simon
Ford (TN)	Lloyd	Sundquist
Frost	Marriott	Wise
Gramm	McCurdy	

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Rodino against.

Mr. Reid for, with Mr. Howard against.

Messrs. ANDREWS of North Carolina, MADIGAN, and GINGRICH changed their votes from "aye" to "no."

Messrs. TORRES, ANDREWS of North Carolina, and HUBBARD changed their votes from "no" to "aye."

So the amendment to the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 410, noes 2, not voting 21, as follows:

[Roll No. 347]

AYES—410

Ackerman	Bonior	Conte
Addabbo	Bonker	Conyers
Akaka	Borski	Corcoran
Albosta	Bosco	Coughlin
Alexander	Boucher	Courter
Anderson	Boxer	Coyne
Andrews (NC)	Breaux	Craig
Andrews (TX)	Britt	Crane, Daniel
Annunzio	Brooks	Crane, Philip
Applegate	Broomfield	Crockett
Archer	Brown (CA)	D'Amours
Aspin	Broyhill	Daniel
AuCoin	Bryant	Dannemeyer
Badham	Burton (CA)	Darden
Barnard	Burton (IN)	Daschle
Barnes	Byron	Daub
Bartlett	Campbell	Davis
Bateman	Carney	de la Garza
Bates	Carper	Dellums
Bedell	Carr	Derrick
Beilenson	Chandler	DeWine
Bennett	Chappell	Dickinson
Bereuter	Chappie	Dicks
Berman	Cheney	Dingell
Bethune	Clarke	Dixon
Bevill	Clay	Donnelly
Biaggi	Clinger	Dorgan
Bilirakis	Coats	Dowdy
Bliley	Coelho	Downey
Boehlert	Coleman (MO)	Dreier
Boggs	Coleman (TX)	Duncan
Boland	Collins	Durbin
Boner	Conable	Dwyer

Dyson	Kramer	Pickle
Eckart	LaFalce	Porter
Edgar	Lagomarsino	Price
Edwards (AL)	Lantos	Pursell
Edwards (CA)	Latta	Quillen
Edwards (OK)	Leach	Rahall
Emerson	Leath	Rangel
English	Lehman (CA)	Ratchford
Erdreich	Lehman (FL)	Ray
Erlenborn	Lent	Regula
Evans (IA)	Levin	Reid
Evans (IL)	Levine	Richardson
Fascell	Levitas	Ridge
Fazio	Lewis (FL)	Rinaldo
Feighan	Lipinski	Ritter
Fiedler	Livingston	Roberts
Fields	Loeffler	Robinson
Fish	Long (LA)	Roe
Flippo	Long (MD)	Roemer
Florio	Lott	Rogers
Foglietta	Lowery (CA)	Rose
Foley	Lowry (WA)	Rostenkowski
Ford (MI)	Lujan	Roth
Fowler	Luken	Roukema
Frank	Lundine	Rowland
Franklin	Lungren	Roybal
Frenzel	Mack	Rudd
Fuqua	MacKay	Russo
Garcia	Madigan	Sabo
Gaydos	Markey	Savage
Gejdenson	Marlenee	Sawyer
Gekas	Martin (IL)	Schaefer
Gephardt	Martin (NC)	Scheuer
Gibbons	Martin (NY)	Schneider
Gilman	Martinez	Schroeder
Gingrich	Matsui	Schulze
Glickman	Mavroules	Schumer
Gonzalez	Mazzoli	Seiberling
Goodling	McCain	Sensenbrenner
Gore	McCandless	Shannon
Gradison	McCloskey	Sharp
Gray	McCollum	Shaw
Green	McDade	Shelby
Gregg	McEwen	Shumway
Guarini	McGrath	Shuster
Gunderson	McHugh	Sikorski
Hall (IN)	McKernan	Siljander
Hall (OH)	McKinney	Sisisky
Hall, Ralph	McNulty	Skeen
Hall, Sam	Mica	Skelton
Hamilton	Michel	Slattery
Hammerschmidt	Mikulski	Smith (FL)
Hance	Miller (CA)	Smith (IA)
Hansen (ID)	Miller (OH)	Smith (NE)
Hansen (UT)	Mineta	Smith (NJ)
Harkin	Minish	Smith, Denny
Harrison	Mitchell	Smith, Robert
Hartnett	Moakley	Snowe
Hatcher	Molinari	Snyder
Hawkins	Mollohan	Solarz
Hayes	Montgomery	Solomon
Hefner	Moody	Spence
Heftel	Moore	Spratt
Hertel	Moorhead	St Germain
Hightower	Morrison (CT)	Staggers
Hiler	Morrison (WA)	Stangeland
Hillis	Mrazek	Stark
Holt	Murphy	Stenholm
Hopkins	Murtha	Stokes
Horton	Myers	Stratton
Hoyer	Natcher	Studds
Huckaby	Neal	Stump
Hughes	Nelson	Swift
Hunter	Nichols	Synar
Hutto	Nielson	Tallon
Hyde	Nowak	Tauke
Ireland	O'Brien	Tauzin
Jacobs	Oakar	Taylor
Jeffords	Oberstar	Thomas (CA)
Jenkins	Obey	Thomas (GA)
Johnson	Olin	Torres
Jones (NC)	Ottinger	Torricelli
Jones (OK)	Owens	Towns
Jones (TN)	Oxley	Traxler
Kaptur	Packard	Udall
Kasich	Panetta	Valentine
Kastenmeier	Parris	Vander Jagt
Kazen	Pashayan	Vandergriff
Kemp	Patman	Volkmer
Kennelly	Patterson	Vucanovich
Kildee	Paul	Walgren
Kindness	Pease	Walker
Kleczka	Penny	Watkins
Kogovsek	Pepper	Waxman
Kolter	Perkins	Weaver
Kostmayer	Petri	Weber
Weiss	Wilson	Wylie
Wheat	Winn	Yates
Whitehurst	Wirth	Yatron
Whitley	Wolf	Young (AK)
Whittaker	Wolpe	Young (FL)
Whitten	Wortley	Young (MO)
Williams (MT)	Wright	Zschau
Williams (OH)	Wyden	

NOES—2

Brown (CO)	Hubbard

NOT VOTING—21

Anthony	Gramm	Ortiz
Cooper	Howard	Pritchard
Dymally	Leland	Rodino
Early	Lewis (CA)	Simon
Ferraro	Lloyd	Sundquist
Ford (TN)	Marriott	Vento
Frost	McCurdy	Wise

□ 1610

The Clerk announced the following pair:

On this vote:

Mr. Sundquist for, with Mr. Marriott against.

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. PERKINS. Mr. Chairman, I rise in support of the McDade substitute.

Mr. Chairman, in this debate I fear that many of my colleagues are losing sight of the long range needs of this Nation. The capability of the United States to satisfy its domestic and defense energy requirements still remains beyond our grasp if we are to use domestic energy sources.

In today's seemingly plentiful sources of oil and gas—

We have forgotten the painful lessons of 1973 and 1979.

We have forgotten the energy shortages which created long gasoline lines in every community throughout the Nation.

We have forgotten the giant increases in energy costs which sent shock waves through our economy.

We have forgotten the sense of helplessness and the dread occasioned by the realization that we were dependent upon foreign and unstable sources of energy to run our factories, produce our electrical power and to fuel our automobiles.

We have forgotten our national resolve to become energy self-sufficent—to develop our own vast reserves of energy.

As soon as the big oil sheiks—both foreign and domestic—filled up their tank farms again and temporarily stabilized fuel prices, we seemingly forgot about our grim determination just a few years ago never to be caught in such a trap again.

I think it is time for this Congress and this administration to wake up. We are all snoozing our way toward disaster.

Our resolve for energy self-sufficiency should be as important today as it was in 1973, and as important as it was in 1979 when we took the wise step of passing the Synthetic Fuels Act. Not just because it is essential for national security, but because it is essential if we are to have any control whatsoever over our own economic well-being.

To a large extent I share my colleagues' dissatisfaction with the way the Synthetic Fuels Corporation has been mismanaged and bungled. To the detriment of the national economy and in reckless disregard of the long-range energy needs of this country, the Corporation has virtually abandoned its coal gasification and liquefaction programs.

It has wasted money and it has permitted so many greedy hands to reach into its cash drawer that it almost amounts to legal free-booting.

The Corporation seems to think "coal" is a four-letter word that shouldn't be mentioned in polite company.

No one can claim a monoply on wisdom, Mr. Chairman, but I am as certain today as I was 30 years ago that the answer to our short-term and long-range energy needs lies in the rich seams of coal that underlie our land.

We have ignored the technology that already exists for creating clean forms of coal-based energy—technology that is in existence since World War II and before.

There are companies in this country today that are building and operating synthetic fuel plants in other parts of this planet to the great profit and advantage of the people there. But in the United States, it appears to me that the barons of big oil and their allies have decreed that there shall be no synthetic fuel production from coal until the last drop of petroleum is extracted from this land.

These are very shortsighted people, and it is a dangerous game they play with our national future.

More than 30 years ago, I stood on this floor and begged the administration of President Eisenhower and the Congress of that day to cut off a little $2 million program to keep in operation the pilot plants that were producing synthetic fuel from coal. But a big oil man from West Virginia was in charge of the energy policy advisory body and the administration would not relent. And the pilot plants were shut down.

Time has proven me right about that. And I am equally certain that time will prove me right again. We must not let this last, best hope for energy self-sufficiency slip away.

Here in the East, the utilization of our vast coal production capacity is far below what it should be. Coal production facilities and expertise and our highly refined coal production technology are underutilized and in danger of being lost to the Nation.

We are not only being shortsighted in not using our coal capabilities, but we are turning our backs on the men and women to whom this Nation has turned in hours of great need and emergency in the past to produce American's energy.

In the two great wars and in the Korean crisis, five generations of miners rose to the occasion and supplied our war production needs. They will do it again, but will we be technologically able to match their production efforts? Will we have on line the synthetic fuel plants necessary to convert coal to gasoline?

Oh yes. The technology exists. It has been done. It has been demonstrated. What we lack is the determination to pursue a program of building the plants that can utilize our enormous reserves of coal to produce our domestic energy.

While I deplore the operations of the Synthetic Fuels Corporation in its shortsightedness, in its inability to pursue vigorously development of coal conversion plants, I do not want to see it cast aside.

It is to this agency that the Nation should look for the appropriate development of its energy resources, just as the Nation in the past has looked to the Federal Government for the development, first of its waterways for navigation and to its railroads for commerce and defense.

The prudent course for us today is to mandate the Corporation's reform—not its dissolution.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: Page 42, line 11: Strike out "$234,048,000", and insert in lieu thereof "$231,048,000".

Page 40, line 23: Strike out "$120,710,000", and in lieu thereof "$123,710,000".

Mr. WEAVER. Mr. Chairman, forests are one of our Nation's most precious natural resources. I am sorry to report that our timber industry is in terrible shape, prices deeply depressed, unemployment and bankruptcy high.

But we hope to recover. So long as our forests are healthy, we will survive.

But in recent months a series of scientific studies have revealed that U.S. forests are suffering from the same afflictions that have devastated many of Europe's most productive forests. From New England to the Southwest and from the Pacific Northwest to the South, forest researchers are discovering an alarming decline in the productivity of American forests. Athough the problem has been identified, its causes have not. There is increasing evidence, however, that air pollutants are primarily responsible for the observed decline in productivity.

In June I chaired a hearing of my Subcommittee on Forest Management to examine the effects of air pollution on forests. Scientists and professional foresters from the United States and Europe testified about their increasing concern that air pollutants are damaging our forests around the world.

Three years ago, leading European foresters and scientists were witnessing the same symptoms that we are seeing in American forests today. They were convinced, however, that no serious problem existed.

Within 18 months those same foresters and scientists were shocked to find the trees dying at an alarming rate and they did not know what to do about it.

Let me tell my colleagues what my hearing revealed. It is shocking. You are talking about forests in this country worth $100 billion.

In Germany they now know that the trees were dying for 15 to 20 years, but they did not know it at the time. The damage did not show up in the foliage of the trees.

Suddenly in 1981 7 percent of the German forests were dead, 7 percent, including the Black Forest. Then, with shattering suddenness, in 1 year, one-third of the German forests died. From 1982 to 1983, one-third of the entire forests died. Can my colleagues imagine what would happen if one-third of all the forests from New England down through the Appalachians into Alabama died? Well, they are dying now. The red spruce in the higher elevations in our Appalachian forests are now dead. Other trees in the higher elevations are starting to die. It is a most serious thing. We are not finding out enough about the problem, particularly in the West. We have added some money for research in the East.

So I have asked this body to increase the appropriation for forestry research as to air pollutants by $3 million in this amendment, just $3 million, but it does not increase the bill because we take it away from another factor in the appropriations bill, roads. And we are not harvesting as many trees in our Western forests because of the depression and therefore, we do not need as much road money at this time.

The following has been submitted by the Chief of the Forest Service as the things that could be done in research on air pollution affects on forests. It is this which I intend to implement with my amendment.

An additional $3 million

Forest Inventory & Analysis	$1,300,000
Fire & Atmospheric Sciences	300,000
Wildlife Management & Rehabilitation	650,000
Timber Management Research	750,000

The following research would be added to the above level:

Forest surveys and assessments expanded to include the extent of tree growth decline and possible causes in the Eastern United States.

Effects of acid deposition on sensitive, high elevation ecosystems in the West.

Effects of acid deposition on forest soil productivity, including impacts and fate of toxic heavy metals.

Effects of acid deposition on tree growth, reproduction, and physiology.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield to my distinguished and dear chairman of the Interior Appropriations Committee.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's arguments are very persuasive. He has indicated a very serious problem which our forests are facing.

I agree with the thrust of his amendment. I am willing to accept his amendment on our side.

Mr. WEAVER. I thank the chairman very much and I appreciate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a brief colloquy with you regarding land acquisition by the U.S. Fish and Wildlife Service.

I thank you and the committee for allocating $400,000 for the acquisition of land for the development of administrative offices and a visitors' center for the Parker River National Wildlife Refuge on Plum Island in Massachusetts.

In a letter I wrote to your committee I pointed out that the wildlife refuge itself is an extremely fragile habitat, and is incapable of sustaining extensive development.

Now, therefore, is it correct that these funds are intended to be used solely to acquire property off the island to develop the headquarters facility for Plum Island?

Mr. YATES. The answer to the gentleman's question is "Yes."

Mr. MAVROULES. I thank the gentleman very much for his response.

Mr. YATES. Mr. Chairman, I yield to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. I thank the gentleman for yielding. I want to commend the chairman for the excellent work he has done in providing for the many, pressing needs of the national parks in this appropriations bill.

Mr. Chairman, I note that the budget justifications of the administration provide for specific full time

employment levels for the various parks in the system.

Is that correct?

Mr. YATES. The answer to the gentleman's question is "Yes."

Mr. SEIBERLING. Mr. Chairman, am I correct in understanding that the funding levels in the appropriations bill provide sufficient flexibility to permit, during fiscal year 1985, transfer of full-time equivalents within the Service to those areas which might have unusual demand or areas which cannot carry out the mandates of this bill without additional employees?

Mr. YATES. The answer to the gentleman's question is "Yes."

Mr. SEIBERLING. I thank the chairman very much.

Mr. YATES. Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I thank the gentleman for yielding for the purposes of a brief colloquy.

Mr. Chairman, is it your understanding that the funding we have provided in this bill for the National Endowment for the Humanities is sufficient to keep all State programs at least funded at last year's funding levels?

Mr. YATES. The answer to the gentleman's question is "Yes." My understanding is that the funding level we provided is sufficient and that no State programs will have their funding reduced because of a shortage of funds.

Mr. DICKS. I thank the chairman.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

□ 1620

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, $61,485,000, to remain available for obligation until expended, to carry out activities authorized in Public Law 95-313: *Provided,* That a grant of $3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: *Provided further,* That not less than $35,000 in pest suppression funds shall be provided for suppression of oak wilt in the State of Texas.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 41, line 5, strike "$61,465,000" and insert in lieu thereof "$61,810,000".

Page 41, line 11, strike the period and insert in lieu thereof ": *Provided further,* That $325,000 shall be made available to the Disabled Veterans Recreation, Inc. for construction of and other improvements to the Disabled Veterans Wilderness Retreat in Ely, Minnesota, for purposes authorized by section 18(d) of Public Law 95-495.".

Mr. OBERSTAR. Mr. Chairman, the purpose of this amendment is to carry out and honor a commitment Congress made in the Boundary Waters Canoe Area Wilderness Act of 1978.

The funds to be appropriated by this amendment will make it possible for a veterans organization in Ely, MN, to complete the remodeling of an activities center for disabled veterans on the edge of the Boundary Waters Wilderness.

The 1978 law, Public Law 95-495, section 19(d) includes this clear statement of policy for the Secretary of Agriculture, acting through the U.S. Forest Service:

The Secretary, in cooperation with the State of Minnesota and other appropriate groups, consistent with the purposes of this Act, is authorized and directed to develop a program providing opportunities for a wide range of outdoor experiences for disabled persons.

Congress terminated all motorized activity within the BWCAW in that law; but, in compensation for loss of motor boating and snowmobiling inside BWCAW, directed a "program of dispersed outdoor recreation development on the Superior National Forest outside the BWCAW, as designated by this act."

Among the activities intended were "outdoor experiences for disabled persons."

My amendment to H.R. 5973, the Interior appropriations bill would add $325,000 for construction of and improvements to the Disabled Veterans Wilderness Retreat in Ely, MN, initiated last year as an outdoor recreational experience for disabled vets in a wilderness setting.

Mr. Chairman, I have just come back from visiting the site, and want to tell you how impressed I am with what has already been accomplished but, more important, with how desperate the need is for these moneys to carry out further improvements and complete the project.

Although this particular retreat was not envisioned at the time the Boundary Waters Canoe Area Wilderness Act—Public Law 95-495—was enacted, the legislation clearly foresaw the need for such a facility, both from the standpoint of the disabled servicemen it would serve, and as a replacement for the economic and tourist activities which had been the backbone of the local economy of the area, and which were sharply curtailed by the new "wilderness" designation.

Under that act, the Forest Service has bought out 18 resorts and expects to buy about 22 more. The area has already lost 15,000 tourists each year and will lose more as the acquisition program is completed. Clearly, the act has taken a heavy economic toll in the area.

As compensation to the area, the Boundary Waters Wilderness Act, in section 18, authorizes and directs the Secretary of the Interior to "expedite and intensify the program of dispersed outdoor recreation development on the Superior National Forest outside the wilderness. The Secretary is further authorized and directed, in subsection (d) of that section, to develop a program for disabled persons, in precise legislative language I have already cited.

Today we have the beginnings of such a program, in the Disabled Veterans Wilderness Retreat. The Disabled Veterans Retreat, Inc., a nonprofit local organization, has established the center and acquired the facilities—but much more work must be done on the center facilities to fulfill their potential.

Twenty-seven cabins need to be remodeled to accommodate the veterans, and furnished. At the moment, the cabins are totally bare. A new water system is also needed. The present water supply is brought in by aboveground pipelines from another resort, because the existing system, of galvanized pipe, has totally fallen apart. The cabins must be winterized for year-round service to the veterans. Perhaps worst of all, there is no heating for the baths and kitchens. Further, the cabins, boat access area and the grounds must be adapted to accommodate wheelchairs and to meet the other needs of handicapped people.

I want to emphasize the fact that this is an appropriate expenditure of public funds. The land is owned by the U.S. Forest Service. The buildings are now in the hands of a nonprofit organization, the Disabled Veterans Retreat, Inc., which will make no profit on the funds provided by my amendment. The activity is authorized and directed by Federal law. Under existing conditions, the retreat could accommodate 5,000 veterans each year. With the improvements, the retreat will be able to provide a wilderness experience for 6,300. This year, nearly 500 persons, disabled vets and their families, from 27 States and the Province of Ontario have used the retreat.

The retreat now provides employment for 27 people in the summer, although some must be laid off in the winter months. With the improvements, it will provide 40 year-round jobs; ultimately, that figure could double.

The retreat will thus be an important boost to the local area's economy. Forty jobs is a lot in the community of Ely, where about two-thirds of the work force is currently unemployed. The Government promised, in the act from which I quoted earlier, to provide alternatives to the active tourist industry which has been seriously diminished by wilderness designation and the depression in iron ore mining. So far, the Congress, and the Forest Service, have failed to make good on that

promise. These funds and this facility will represent a good faith down payment toward fulfilling our commitment to the people of the area, and at the same time provide an outstanding source of enjoyment and new adventure for at least some of the men and women who served our country in time of war, and have paid for that service with permanent and severe disabilities.

I urge my colleagues to support this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we have had an opportunity on this side to examine the gentleman's amendment. We consider it to be a good amendment and we are willing to accept it on our side.

Mr. OBERSTAR. I thank the chairman for his comments.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, the gentleman has kindly discussed this amendment with us. We think it is a good amendment, and we will accept it.

Mr. OBERSTAR. I thank the gentleman for his remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

The Clerk will read.

The Clerk proceeded to read title III.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Are there any points of order to title III?

Are there any amendments to title III?

Mr. McDADE. Mr. Chairman, during the consideration of the fiscal year 1985 Interior appropriations bill, there has been considerable discussion concerning the Upper Delaware Wild and Scenic River corridor, a portion of which flows through my district.

I take a great deal of pride in this piece of legislation. It is a unique departure from past practices used in the creation of components of the Wild and Scenic River System. Congressman McHUGH and I, with the support and assistance of many of our colleagues, fashioned a program that fits the needs of the upper Delaware region.

It is designed to avoid condemnation and it permits local citizens and local governments to shop all major decisions. In fiscal year 1985, no funds are provided for land acquisition.

Even more important than the limitation on the Federal Government is the mandate we designed for land management. The development and oversight of the management plan for the upper Delaware River corridor relies on heavy local involvement—the local communities, governments, and citizens.

In my estimation this component is critical. It gives the local community the opportunity to play the key role in developing the land use plan and management that will govern the river. This is almost without precedent in previous wild and senic river corridor development.

Protecting the natural beauty of the upper Delaware and respecting the rights of the local citizens is ideal in the development of any riverway. I am proud of the program that has been developed for the upper Delaware.

AMENDMENT OFFERED BY MR. SMITH OF FLORIDA

Mr. SMITH of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Florida: Page 72, after line 2, add the following new section:

SEC. 314. None of the funds provided by this Act to the Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

Mr. SMITH of Florida. Mr. Chairman, today, I am offering an amendment to the Interior appropriation bill (H.R. 5973) to prohibit the U.S. Fish and Wildlife Service from conducting a deer hunt in the Loxahatchee National Wildlife Refuge.

The issue is not deer hunting per se. It is deer hunting in the Loxahatchee Refuge.

Last year's hunt was not biologically justified in the refuge because the deer are few in number and not anywhere near a stage of overpopulation. Also, the hunt posed a risk of harm to other endangered species of animals, mainly waterfowl, that could be frightened away from nesting grounds by hunters.

It was not financially or recreationally justified because it cost $92,000 to supply 31 hunters with the opportunity to bag two deer—both does, and because other deer-hunting areas are available in south Florida.

There is no indication this year that the herd needs thinning, but there is every indication that the hunt will again drain both Fish and Wildlife Service funds and personnel.

Because it does not make sense to pursue a policy of opening the Loxahatchee to deer hunting, I urge you to vote for this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we have examined the gentleman's amendment on this side. We think it is very constructive, and we are willing to accept it on our side.

Mr. SMITH of Florida. I thank the gentleman.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I rise in support of the amendment of our colleague from Florida to prohibit the Fish and Wildlife Service from conducting a deer hunt in the Loxahatchee National Wildlife Refuge.

I have already gone on record against the plans for the deer hunt by joining others in our delegation in urging the Department of the Interior not to conduct the hunt.

However, the reply from the Department was not reassuring. It is proposing regulations which would provide for a deer hunt in November, 1984, with certain restrictions. More permanent action is called for and this amendment provides it.

Prior to the current administration, Department of the Interior officials had concluded that deer hunting in the refuge was unwarranted and it had been banned for 31 years. It was opened for the first time last year to permit recreational hunting. The cost of this hunt, however, far outweighed the benefits to the 31 hunters who participated. The 1983 2-day hunt preparations, which included environmental reviews, public hearings, law enforcement, and biological surveys, cost the taxpayers $92,000 and netted the hunters a total of two does. Costs must also be calculated for the lawsuits the 1983 hunt generated and are likely to generate again this year if the hunt is permitted to take place.

There is no environmental or biological reason, such as overpopulation or damage being caused by deer, to warrent a hunt this year. Despite the Department's contention that costs would be less this year, it seems to me that any cost associated with this questionable activity is too much. Therefore, I urge our colleagues to support this amendment.

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. RATCHFORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I use this procedure to take this time to thank the Com-

mittee for a commitment that is made to the people of the State of Connecticut in allowing us, if the Senate goes along, to set aside four important areas for a wildlife refuge in the State of Connecticut. We are talking areas along our southern coast, a coast that is highly developed, highly urbanized, and densely populated. But this is an area, Mr. Chairman, that if we lost it today we do not lose it just for today and tomorrow and next week, we lose it forever. What we propose to do here, with the backing of the Committee, is to set this land aside for a nature refuge and a wildlife refuge.

This is one of the areas that is more rich in bird life than any in the United States, and what we are trying to do for not only our children and their children but future generations is to keep a commitment to quality of life, to keep this land from being consumed by the developers, converted to condominiums and, like the raven, never more.

I thank the Chairman and the Committee for their support.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding, and I would like to commend the gentleman for his advocacy on the subcommittee and on the committee for this important step forward.

In my district there are two of these locations that are contained in this bill, Falkner Island and Milford Point, and these are areas of great ecological importance, and they are one of the few remaining wildlife areas on the coast of Long Island Sound. Through this acquisition as a wildlife refuge by the Federal Government we will ensure that this land is kept in an undeveloped form and that the wildlife in particular, birds that are in danger of becoming extinct, will have their continued habitat maintained.

There is no question with respect to Milford Point that if we do not act quickly we are going to be faced with a situation in which development is going to occur. It is a very prime piece of land, but it is a piece of land that the people of Milford and the city government of Milford want very much to preserve in its natural state. Yet they are facing a landowner who is looking to realize the value of his land and is willing to sell the land to the Federal Government in order to preserve it but if he has no other alternative he will move forward with development plans that will be bad for the environment of the area and also bad for the surrounding area in terms of development that cannot really be borne by the city services that exist.

So I think this is an extremely important step. I very much appreciate the leadership of the gentleman from Connecticut in bringing about the funding which we hope will be available in the final bill.

Mr. RATCHFORD. I would applaud the gentleman for his involvement. I know what it means in his district and to the shore area of Connecticut.

I would also applaud the gentleman from Connecticut [Mr. MCKINNEY] and the gentleman from Connecticut [Mr. GEJDENSON] who were directly involved in this effort.

Again we are talking about a very urbanized State, and we are talking about a State that cares about quality of life, and a commitment to quality of life is contained in this decision to set aside the land, so that we will not just have on the coastline of Connecticut condominiums, skyscrapers, corporate headquarters, as important as they are, but we will set aside some land in its natural form for our children, their children and future generations.

Mr. MORRISON of Connecticut. If the gentleman will yield further, I would just like to emphasize that one of the additional good things about this expenditure is that it comes from funds that are already set aside for this purpose and in no sense is this a budget problem. In other words, this is not going to increase budget deficits, it is not going to require new tax revenue. There are offshore leasing fees that are available to pay for just this kind of acquisition to preserve the environment. So from the budgetary standpoint, it makes sense, as well as from an environmental standpoint.

Mr. RATCHFORD. The gentleman is correct.

Again, we thank the committee for its indulgence.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. MC DADE

Mr. McDADE. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. MCDADE: On page 72, after line 2, add a new section as follows:

SEC. 315. Each amount of budget authority provided in this Act, for payments not required by law, is hereby reduced by 3 per centum.

Mr. McDADE. Mr. Chairman, I will explain the amendment. It is a 3-percent cut across the board on the appropriation bill.

May I say to my dear friend from Illinois, the chairman of the committee, that I know his sensitivities on the issue and his interest in the bill, and may I say that I share them. We have a difference of opinion about how we get this bill signed into law. The only way to get this bill signed into law as it leaves the House is to get the bill to an acceptable level where the White House will concur. It is my judgment that because the House unanimously rescinded a little over $200 million in unused forest roads and trails money that if we take a 3-percent cut across the board it will add about $200 million, roughly, and we will come in at a figure that then is acceptable to the administration and we can get this bill signed into law.

It is an important bill, it is a bill that I have worked on for most of my congressional career. I do not believe a 3-percent cut will harm irreparably any of the programs that are in here. I do not believe that a 3-percent cut will cause grave difficulties. I am asking my colleagues to vote for this amendment so that we can have a bill signed by the President. I am asking my colleagues to vote for the bill so that we can go to conference with the other body on a bill that will be in a position to conference and come back to you for final judgment as a conference report. Let us try to get this bill signed into law. I hope you will vote for what I think is a modest cut of 3 percent across the board and get the bill into a signable position.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Washington.

Mr. DICKS. I was just curious about the gentleman's amendment. As I understand the gentleman's amendment, it is line item by line item, so that the administration cannot make a single large reduction out of one area to satisfy the 3-percent cut.

Mr. McDADE. Let me say to my colleague that we need the legislative history because it is in the form of a 3-percent cut, but may I say to my colleague that what I am attempting to do is not provide discretion to the administration to take it anyplace they want to. I want it account by account. That is the intent of the amendment, may I say to my friend.

□ 1630

Mr. DICKS. You mean account by account, that means line item by line item?

Mr. McDADE. That is right.

Mr. DICKS. I simply wanted an understanding of the gentleman's amendment.

Mr. McDADE. It is an effort to take it item by item across the board on all the accounts, in order that they might all bear some burden for the problem and get it over to the Senate and I hope get it signed into law.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. LOEFFLER].

Mr. LOEFFLER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for offering this fiscal amendment so that we can get the Interior appropriation bill in line with what the administration and I believe to be a sound and solid number.

I further join my colleague from Pennsylvania in pointing out that in no way will this 3-percent across-the-board reduction in the entire line-item amounts within this bill unravel or upset the priorities that the subcommittee, the full committee, and now, this body, have deemed appropriate as far as the entire aggregate amount of spending in this bill.

I urge my colleagues to do the responsible thing: to adopt the McDade amendment, that will, in essence, save some $250 million. That, coupled with the rescission earlier offered by the gentleman and chairman of our committee, Mr. YATES, puts this bill into a position where we can go into conference with a bill that can be signed into law.

I commend my colleague from Pennsylvania for offering this amendment, and also for his 20 years of service on our Interior Committee.

Mr. McDADE. I thank my colleague from Texas very much and I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have seen the evolution of this cut from 6 percent in the full committee, to now 3 percent on a basis that I do not quite understand. Is this intended as an across-the-board cut? Line item by line item, may I ask the gentleman from Pennsylvania?

I yield to the gentleman for his response.

Mr. McDADE. As I said to our colleague, a member of the subcommittee, the gentleman from Washington, it is intended to be 3 percent on all the accounts across the board. The amendment at 3 percent needs that kind of clarification, and I am glad the gentleman asks the question. It is all the accounts in the bill; 3 percent. No discretion to the administration; 3 percent on the line items.

Mr. YATES. No discretion to the administration.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. DICKS. As I understand it, when you say account, there are a number of line items within an overall account. So we are not saying line item by line item. This amendment allows the administration, in a broad account, to zoom in and take out important congressional initiatives.

Mr. YATES. I yield to the gentleman from Pennsylvania [Mr. McDADE] for his response.

Mr. McDADE. I thank the gentleman for yielding.

May I assure my friend that it is the intention of the author of the amendment to do it account by account. I do not want to see that kind of discretion given any administration. It is the intention of my amendment to do it line by line, item by item.

Mr. YATES. I just want to reiterate what the gentleman from Washington is saying. There is a difference between an account-by-account reduction and a line-by-line reduction.

Mr. McDADE. Line by line, may I say to my friend.

Mr. YATES. That is not what the gentleman's amendment says.

Mr. McDADE. We are stating legislative history to make sure it does say that.

Mr. DICKS. Would the gentleman amend his amendment?

Mr. YATES. Yes; but legislative history does not control the language of an amendment. What I would suggest to the gentleman, of course, is that he withdraw his amendment, which I think would be the best solution. Failing that, I think he ought to look at the language.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will yield in just a moment. Well, I will defer talking about one of the darkest chapters in the history of baseball until I am through yielding to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding because to further make the point that the gentleman is making, I have the language that Mr. McDADE has offered, and it does refer to amounts of budget authority. That is quite different than a reference to specific line items.

To give the Members an understanding of what we are talking about here, the amount of budget authority for the National Forest System is $1,041,459,000. That is the amount of budget authority for the National Forest System. That would be reduced under the McDADE amendment by 3 percent. But, if you look at all the categories on page 69 of the committee report, the line items in the budget for the Forest Service, within that budget authority we find minerals, we find real estate management, we find maintenance of facilities, fire protection, fighting forest fires, trail maintenance, timber sales, reforestation, research and development, habitat, and all the rest. What this amendment would mean is that finding the amount of money that would be a 3-percent reduction for that particular amount of budget authority, we leave it to the administration whether the cut is in minerals or reforestation.

Mr. YATES. Could the administration cut minerals under Forest Service by the full 3 percent?

Mr. AuCOIN. It could go beyond 3 percent for any one of those specific subitems that I have just listed, and leave some of them absolutely untouched, and that is a very different thing than saying each one of those specific items is going to be reduced by 3 percent. That would be a line item-by-line-item approach. That is not what the amendment says. The amendment refers to amounts of budget authority, and what we are really dealing here in this one particular instance that I offer to my colleagues as an illustration, we are simply saying take the National Forest System appropriation account and find wherever you want to, the places, the particular line items to find the 3-percent reduction.

Mr. YATES. I ask my friend from Oregon, could the administration, under this amendment, take the full 3 percent from the timber cut, for example?

Mr. AuCOIN. It could take it completely from the timber-sales program.

Mr. YATES. Completely from the timber-sales program and let other items in that particular account go without a cut?

Mr. AuCOIN. Go untouched. Or in the alternative, they could take it completely from road maintenance and leave parks or park-like facilities and other areas untouched.

Let me just read some of the subcategories that are available for the administration to pick and choose among in deciding where to find the aggregate amounts that would reach the 3-percent total reduction for the National Forest Service. Minerals, real estate management, land line location, maintenance of facilities, fire protection, fighting forest fires, cooperative law enforcement, road maintenance.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(On request of Mr. AuCOIN and by unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. AuCOIN. Mr. Chairman, will the gentleman continue to yield?

Mr. YATES. I will in just a moment, but I want to ask the gentleman a question.

For example, under title II, the Department of Agriculture, Forest Service, could the administration take the full 3 percent from the account which seeks to obligate construction of forest roads by timber purchases?

I yield to the gentleman for his response.

Mr. AuCOIN. The gentleman is correct, and the point is, there must be, I have not counted the standing here, the exact number of subcategories which do represent the line items, but there appear to be some 25 of them, and I have listed a number. They are

very critical. Each one represents a particular value or a priority. I think it ought to be the business of this Congress to set those priorities to decide where the increases ought to be; where the decreases ought to be. That is what budgeting is all about; that is what appropriations is all about. That is what the power of the purse strings is all about.

The gentleman from Pennsylvania's amendment says take the National Forest System Administration, and find a 3-percent reduction. Now, we have got about 25 categories where they can find that 3 percent reduction in, and how they arrive at it might be all together different than the committee would have or the Congress would have arrived at it. I am offended by that, because I do not like a number of the ways, the priorities of the administration had been presented to us. On a bipartisan basis, the committee agreed.

We have had hearings in which we have spent 43 days. We have listened to more than 800 witnesses. We have carefully arrived at a system of priorities, and the gentleman's amendment is not line by line, I say to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. McDADE. Let me say to my friend that it is, and I have repeated this about four times, the intention of the author of the amendment to make clear that it is a 3-percent across-the-board resolution. If there is a problem further, and if the gentleman wants to support a 3-percent amendment, I will introduce into the RECORD the committee report that we have, line-by-line, item-by-item, 3-percent cut on each of the individual items in the report.

That is what I am trying to do; if my friend would feel better about the amendment, and vote for it, or if he does not, I will offer it. But, of course, I do not think the gentleman would vote for it no matter what I did, to be honest with the gentleman. But I will put in the report.

Mr. YATES. May I ask the gentleman a question? Is the gentleman intending to have an across-the-board cut by 3 percent?

□ 1640

Mr. McDADE. It is the gentleman's intention to take the bill, which is over the budget by about a half billion, apply a 3-percent cut to the gross budget items, and then apply them within the accounts, every single account in the bill, by 3 percent, every line item.

May I say to my friend that I believe the amendment is technically correct. I am advised that it is parliamentarily correct. I will put into the RECORD to make certain that no one is misled and there is no misinterpretation. I will put in the committee report, on each line, a 3-percent cut, to assure my colleague that I do not want to see discretion.

Mr. YATES. May I say to the gentleman that it is a sad day when my good friend from Pennsylvania offers this kind of amendment.

You know, Mr. Chairman, I do not think my friend from Pennsylvania is old enough to remember one of the blackest chapters in the history of baseball, the White Sox scandal of 1918.

Mr. AuCOIN. 1919.

Mr. YATES. At that time, one of the stars on the White Sox team who was involved was Shoeless Joe Jackson, who was one of the great stars in baseball, and he was caught in a bribery charge. One of his young admirers came up to Joe Jackson with tears in his eyes, and he said, "Say it ain't so, Joe." But Joe said it was so.

That is what is happening today. I am moved to ask my friend, "Say it ain't so, Joe." I have asked him that before, and he said, "It is so."

Mr. McDADE. It is so, Sid.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, I can only say in response that there are countless taxpayers around this country who are expressing their admiration for the amendment offered by the distinguished gentleman from Pennsylvania, and I think that some of them will be saying they only wish the 3 percent were 15 or 20 so we could balance the budget.

Mr. YATES. I am sure that the gentleman speaks for them with great authority and with great eloquence.

But Joe says it is so, and Joe, I am moved to say, come back to the way you used to be; come back to yesteryear when you fought those who were offering amendments of this type. But something has changed.

It is kind of interesting, because in subcommittee you really offered no 3-percent cut. It was only when we got to the full committee that you offered a 6-percent cut. Now that 6-percent cut has become 3 percent, and I am glad it is cut in half. But what happened between the time we met for our subcommittee markup and the full committee markup?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. YATES. Mr. Chairman, I just want to say that at that time, in that interim, our good friend from Massachusetts, SILVIO CONTE, said that our friend from Pennsylvania met "The Young Slasher." "The Young Slasher," the head of the Office of Management and Budget, said, "You have got to cut this by 6 percent," and my friend, who will remain my friend no matter how this comes out, just fell into line and he said, "OK, we have got to have a bill."

He said it is a good bill, in his remarks in the report. Read the report. You will find that my friend from Pennsylvania says it is a good bill, it is a very good bill. My friend from Ohio [Mr. REGULA] says it is a very good bill. My friend from Massachusetts [Mr. CONTE] says it is an excellent bill. And the gentleman from Texas, [Mr. LOEFFLER] said that he cannot support the bill because it is too much of a good thing. Those are the words that he used: "too much of a good thing." It is a good thing. It is a good bill. It is an excellent bill.

Mr. LOEFFLER. Will my distinguished chairman yield?

Mr. YATES. Always, to my distinguished friend from Texas.

Mr. LOEFFLER. Precisely. That is just what I said. It is $500 million too much of a good thing. With the reduction we are working on now, coupled with your rescission of 2 days ago, this comes into the real thing.

Mr. YATES. Let us look at the real thing, may I say to the gentleman. Look at this bill we have before us today. We bring $12 billion in to the Treasury through this bill. This is a bill in balance. This is a bill that provides $4 billion in surplus to the Treasury over what is being spent. Today we cut another $5 billion in budget authority in the synfuels amendment. On Tuesday, we cut $226 million in budget authority from the Forest Service road account.

Is that not enough of a cut, may I say to the gentleman? Why do we have to compound what we did there with this kind of 3-percent cut?

What if my friend from Pennsylvania had met "The Young Slasher" and "The Young Slasher" had said, "We have to cut this by 10 percent?" Would the gentleman then have said that as long as this is the way to get the bill, which is the premise that he used in his remarks in the report, would then have favored a 10-percent cut?

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I always yield to my friend from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, let me say to the gentleman, and I think he knows before he even asked the question, that if I considered the figure to be arbitrary or capricious, I would not support it; that if I thought the recommendations of the Office of Management

and Budget were totally without merit, I would not support them.

As my colleague knows, in this instance I believe that we have gone beyond the bounds that can see this bill written into law and I am, therefore, constrained to offer the amendment, and that is why I did it.

Mr. YATES. All right, but what is the effect of a 3-percent cut? The gentleman from Minneapolis, my good friend [Mr. FRENZEL], has a number of Indian tribes up there. They are going to be hurt by this amendment. They are going to have their hospital funds cut by 3 percent.

The Rosebud Sioux, after 10 years of waiting for a hospital, found that we went over the budget to approve money for a new hospital for the Rosebud Sioux. With a 3-percent cut, which my friend says is applicable to them, they will have to go back to the drawing board to draft a plan for a hospital that will provide for 3-percent less in cost than the other.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman from Ohio, who I am sure is glad to support this bill for the full amount.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned the two cuts, in the Forest Service roads account and in the Synthetic Fuels Corporation.

Mr. YATES. Yes.

Mr. REGULA. Would it not be good management to make cuts in some of the other programs? I should not use the word "cut." What the gentleman from Pennsylvania is doing is restraining the growth. This bill is $486 million over last year's appropriation level. The proposed amendment would still allow an increase of a couple hundred million over last year. So "cuts" is not the right word.

Mr. YATES. Mr. Chairman, let me reclaim my time and tell the gentleman why it is over.

Did I understand the gentleman to say $480 million over last year?

Mr. REGULA. $486 million over last year.

Mr. YATES. The reason for that, if I may tell the gentleman, is because of the request for increases that the administration wanted. It is because of the programs that were approved by the Congress and signed into law by the President last year that were in last year's bill. It is because of a pay increase that we have approved for the Department of the Interior, as well. So the sum total of these, all good accounts, totals that amount of money.

I tell the gentleman that every account in this bill is a good account.

Three percent is a substantial cut. For many of the programs a 3-percent reduction bites through whatever fat there might be and takes muscle and bone with it.

Dave Stockman wasn't at our committee hearings; he didn't hear the testimony; he doesn't know the needs of the agencies. He only knows that he wants the bill cut by 3 percent and my friend from Pennsylvania has decided to go along with him.

"We must reduce the total funding in this bill to assure its acceptance by the White House," says my good friend from Pennsylvania. I am moved to ask, suppose David Stockman had demanded a 10-percent cut? Or a 20-percent cut? Would my friend from Pennsylvania have marched to that command because that level was required to assure its acceptance by the White House?

Since when is acceptance by the White House to be the sole test for this House?

Is Congress to have no role to play in the determination of the level of appropriations to be approved to meet the country's needs?

Must we in the House march to David Stockman's command?

David Stockman speaks for the President—is he also to be the spokesman for the Congress to tell us what we must do?

We, too, have our obligation to write a bill--and in performance of that obligation, our committee acted seriously and responsibly.

Look at our hearings—12 volumes. Were our hearings conducted over several months a mere charade?

Was the parade of over 800 witnesses to our committee table a travesty?

Were the 250 Members of Congress who appeared before our subcommittee to urge appropriations for their districts aware that they were testifying to no purpose?

The gentleman from Oregon [Mr. AUCOIN] asked so appropriately in our full committee markup:

> Why spend months in hearings when we can find out what we are supposed to do in a half-hour meeting with David Stockman?

Three percent will be approximately $240 million across the board. Some agencies will be hurt more than others. It will fall hardest on the Indian people.

Let me give you one example. For 10 years the Rosebud Sioux have waited for a new hospital to take care of the needs of its people. year after year they waited until this year in this bill we provided the funds to build that hospital. If this cut goes through, they will have to wait again, years perhaps, because the hospital will have to be redesigned.

The gentleman from Pennsylvania says "we know any of the agencies can take a 3-percent cut." He may know that. I don't know that—and I was the one who sat through all the hearings.

The gentleman from Pennsylvania is wrong when he says an across-the-board cut is the fairest cut of all. That is just not true—the across-the-board cut is the cruelest cut of all. Maybe some agencies can take a 6-percent cut. Some, like the Rosebud Hospital case, can't even take a 2-percent cut. It will send them back to the drawing board.

And what in the world is the purpose of the Appropriations Committee if at the end of its long, long hearings, which are the basis for a discriminating, thoughtful allocation of funds by the subcommittee their efforts discarded by this across-the-board cut?

What this 4-percent-across-the-board cut says to our Appropriations Committee is that you haven't done a good job. That's the incongruous part of the approach taken by the gentleman from Pennsylvania. He agrees our committee has done a good job—but then he sides with the White House which listened to none of the hearings.

I believe this House of Representatives has a responsibility of its own—and a right to its own decisions without threats from the White House. Suggestions yes; but no threats. Don't tell us we must do this—or else.

The President can veto this bill if he chooses—that is his prerogative—but let's not anticipate what he will do. Let's do what we have to do as the House of Representatives.

Please don't take the 3-percent solution. Please don't take this across-the-board cut. Let us go to the Senate with our bill so that we are in a position to negotiate without the crippling effect of the 3-percent cut.

This is the wrong time to listen to any threats from the White House. We are in the beginning of the budgeting process. There will be many reductions by the Senate—there will be reductions in the conference when we come back with our conference report—that is the time if you believe our bill is too high—you can send us back to cut the bill. But not now—this action is so premature—please do not reject us now.

I ask you to reject the 3-percent solution.

AMENDMENT OFFERED BY MR. DICKS TO THE AMENDMENT OFFERED BY MR. MC DADE

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. DICKS to the amendment offered by Mr. MCDADE: Substitute the words "line items" for the word "amount".

Mr. DICKS. Mr. Chairman, this is a very simple amendment. It just clarifies the amendment offered by Mr. MCDADE.

I want to make one thing very clear. I am in support of the chairman's position against the McDade amendment, but I think the gentleman from Pennsylvania wanted to make it clear that his amendment was to apply to line

items. I think my amendment makes it as clear as we can make it, when added to our legislative history.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's amendment may not carry out the gentleman's purpose, because the use of the term "line items" does not carry with it budget authority, which I think is what the gentleman intended.

I think perhaps the gentleman may want to withdraw his amendment at this time and redraft it, if he intends to reach budget authority.

Mr. DICKS. Would the words "budget authority" be more appropriate than "line items"?

Mr. YATES. If the gentleman would yield further, would the gentleman withdraw his amendment at this time so we can redraft it properly?

Mr. DICKS. It would seem to me that the words "line items" are much clearer than the word "amount." I was not informed there might be a problem with the use of the term "line items" when I drafted the amendment.

□ 1650

If the subcommittee chairman would like to substitute words, I have no objection, but I am not going to withdraw my amendment.

Mr. YATES. Mr. Chairman, if the gentleman will yield, then I think the gentleman's amendment does not provide the kind of relief that the gentleman wants, and with due deference to my friend—and he is my friend—I believe his amendment will be as inadequate as is the amendment offered by the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I do not know what we are arguing about. I think we are trying to do the House a service by showing legislative intent, by pinning down what has already been pinned down. I would be happy to take the gentleman's amendment and use it as a method of saying that we are doing exactly what we intend to do. I think it is a good amendment, and I am happy to accept it.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time, and I ask for a vote on my amendment.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. McDADE. Mr. Chairman, if the gentleman will yield, have we disposed of the amendment offered by the gentleman from Washington?

The CHAIRMAN. The amendment offered by the gentleman from Washington [Mr. DICKS] remains pending.

The gentleman from Oregon [Mr. AuCOIN] is recognized.

Mr. AuCOIN. Mr. Chairman, I am not going to speak to the amendment that is pending to the McDade amendment because it is unclear at the moment as to what its effect is. I do know what the effect of the amendment offered by the gentleman from Pennsylvania is, and that effect would be to leave some 25 specific line item accounts up for grabs.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I will yield in a moment.

Mr. Chairman, I use the example of the National Forest System as one of the many illustrations. When you use the term, as the gentleman does, "amounts of budget authority," and you say that that will hereby be reduced by 3 percent, you are saying, for example, that the National Forest System will be reduced by 3 percent.

I count 25 line item accounts in that area, "amounts of budget authority," and you are really allowing the Administrator or Stockman or someone to pick and choose among them as to where you find the dollars to reach the need for that amount of budget authority.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I will yield now to my friend, the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, the gentleman has stated his opinion of what the amendment does. I have made it crystal clear as the author of the amendment, No. 1, that I do not believe that is what the amendment does. May I say to my friend that I have been advised by the Parliamentarian, who looked at the amendment, that it does do what you and I wish it to do.

My friend, the gentleman from Washington, has an amendment pending. Is the gentleman for that amendment? We can save a lot of time here.

Mr. AuCOIN. Mr. Chairman, reclaiming my time, I am not sure that the gentleman from Washington perfects the situation. The gentleman from Pennsylvania may believe that. I differ with the gentleman.

Mr. McDADE. Well, we have a difference of opinion.

Will the gentleman yield?

Mr. AuCOIN. Mr. Chairman, I will keep my time if the gentleman will allow me.

Sometimes the gentleman from Pennsylvania and I have differences of opinion. We did not with the last amendment; we do with this amendment. I do not happen to believe the amendment offered by the gentleman from Washington perfects the situation at all. I do not believe the amendment offered by the gentleman from Pennsylvania, applying a 3-percent across-the-board cut, is sound, even if it went to a line-by-line or a line-item-by-line-item situation.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I do not believe his amendment does that, but if it were to do that, it would be only modestly better, and let me tell the gentleman why.

Mr. DICKS. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. AuCOIN. I will yield to my friend in just a moment.

Mr. Chairman, I want to explain to my friend, the gentleman from Pennsylvania, why I think it is shortsighted for us to be dealing with an across-the-board cut of any percentage, much less 3 percent.

The chairman of the subcommittee, who has presided over the hearings, during which we have listened to over 800 witnesses and taken 43 days to develop a hearing record on a basis on which we can legislate, stated the case very well a moment ago. He pointed out to the membership and to the gentleman from Pennsylvania, who has been on the committee himself for 20 years and knows this, that many of the accounts we are funding here are moneymakers for the Treasury.

I keep coming back to the National Forest System as an immediate example. It is important to my region of the country. There are many other accounts similar to this, but I want to use this illustration. In the timber sales program, if the gentleman's amendment were to be applied to this line item, the timber sales program would be subjected to a $5.7 million cut. That would reduce the timber sales program by 450 million board feet of timber. That means lost revenue to the U.S. Treasury because for that timber and for that harvesting the Treasury gets receipts. The amount of lost revenue to the Treasury would be $59 million.

So for the savings that the gentleman seeks, an outlay of $5.7 million in budget savings, we would lose and forgo $59 million in revenue receipts to the Treasury.

The gentleman is cutting into moneymaking parts of the budget that benefit the entire Treasury, and it is woefully shortsighted for that reason. In terms of jobs forgone as a result of that lost revenue and that lost economic activity, we are talking in terms of the timber sales of the Forest Service, which is only one small part of the program, about 7,000 jobs lost.

Mr. Chairman, I think we ought to defeat both pending amendments.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AUCOIN] has expired.

Mr. AUCOIN. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. FRENZEL. Mr. Chairman, a moment ago we moved to limit debate. I am going to withdraw my reservation, but I do so with the expectation that we will not have motions to restrict debate if we are going to let Members proceed beyond the 5 minutes.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. DANNEMEYER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like a direct a question to the distinguished chairman of the subcommittee, and the question is this: Is it the gentleman's understanding that the amendment offered by the gentleman from Pennsylvania [Mr. MCDADE] would also reduce the land and water conservation fund accounts as well as those which are funded by general revenues?

Mr. YATES. Mr. Chairman, that is the expectation of the gentleman from Pennsylvania. If our staff's interpretation is correct, the money could be used to reduce it significantly; yes.

Mr. LEVITAS. Mr. Chairman, I thank the subcommittee chairman for his answer.

Mr. YATES. If the gentleman will permit me to complete that, let me say this.

Mr. LEVITAS. I yield further to the gentleman from Illinois.

Mr. YATES. The amount in this bill for the States under the land and water conservation fund is $75 million, and that is above the budget because the administration made no recommendation.

Mr. LEVITAS. And it is my understanding that there is approximately $300 million in funding from the land and water conservation fund sources, as opposed to general revenue sources, that would be reduced by the amendment offered by the gentleman from Pennsylvania?

Mr. YATES. The gentleman is correct.

Mr. LEVITAS. Mr. Chairman, I thank the subcommittee chairman for his answer to that because it seems to me there is clearly a difference between those projects and those programs which are funded out of general revenues and those which are funded from the land and water conservation fund, where there are earmarked and dedicated purposes for the revenues from the offshore leasing and from the exploitation of the public lands for those purposes for which money is to be replowed into the national patrimony.

Therefore, Mr. Chairman, I would hope that, even if this amendment is adopted, projects which are funded out of the trust fund will be treated differently, since the use of those funds are from an earmarked source and cannot be used to reduce the deficit on general revenue programs.

Mr. Chairman, I appreciate the gentleman's answer to my question. The reason I make this point is because this bill contains vital funding, from the land and water trust fund, for the Chattahoochee River National Recreation Area. This park has unanimous bipartisan support in the Georgia congressional delegation and we are grateful to this subcommittee for their action in funding this national park.

Mr. Chairman, I am extremely pleased that the House is considering the Interior appropriations bill for fiscal year 1985, H.R. 5973. This bill contains $2 million for land acquisition for the Chattahoochee River National Recreation Area. This is the first time in several years that this funding has been in the committee bill, and that is significant. This appropriation is a matter of importance not only for Georgians but for the entire Nation because of the national significance and use of this park.

I would like to make several points in support of this funding today. First, the area we are speaking of is a unique one, and needs the Federal protection that was given to it as a national recreation area. In addition to its recreational values, which are so special because of its proximity to our urban area, this is a region in which nationally significant historic and archeological resources exist.

The Chattahoochee, first named by the Creek Indians "River of Flowered Stones," has outstanding geological formations and an ecological community which protects endangered species and some very rare areas of flora and fauna. There are sites and relics of historic interest dating back to prehistoric times and covering major periods until the present including some significant Indian and Civil War sites.

Its water not only supplies the entire water supply to metropolitan Atlanta, and one-fourth of Georgia's needs, but also supports a wide variety of fish, abundant fowl, and unique plant life. While major portions of the river are still a largely undeveloped and unspoiled natural resource, it is located between two principal interstate highways so that people from across the Nation have easy access to its many marvels.

Second, it is important to fund some of the most development-threatened tracts this year, for if we don't, it is likely that we will lose portions of the park, particularly because it is near a large urban area that is experiencing continued rapid growth. Local landowners and developers have patiently waited for us to purchase this land, but time is running out.

In 1978, by overwhelming margins, Congress authorized the Chattahoochee River National Recreation Area and authorized $72.9 million for acquisition of the property. Of that, this committee and Congress has wisely and quickly appropriated $67.92 million and acquired approximately 3,600 acres in the Chattahoochee corridor.

I feel that it is important for the Federal Government to continue its commitment to this area, showing our strong support and backing of the State and local effort in support of the park. Ever since the creation of the park, many concerned individuals, citizens groups, and public officials have worked together for the preservation of this area.

The superintendent of the park organized and has met repeatedly with a public advisory group which is composed of homeowners, developers, public officials, environmentalists, and Park Service representatives. In addition, the Park Service has held several hearings to which the public was invited, and held workshops in conjunction with the Atlanta Regional Commission. A coalition of concerned groups was formed, the Chattahoochee River Coalition, specifically to study the area and make suggestions to further define the park.

The State has already donated over 685 acreas to the National Park Service. When I served in the Georgia House of Representatives, I was the principal sponsor of the Metropolitan River Protection Act [MRPA] which set standards for controlling development along the river. That legislation was the first multijurisdictional land use law in our State. Last year, the State strengthened MRPA and also entered into a "concurrent jurisdiction agreement" with the National Park Service to enforce the laws along the river.

The local governments have, to the limit of their ability under law, tried to protect this corridor. The Atlanta Regional Commission [ARC], the planning body for the local governments, was instrumental in drafting and working for passage of MRPA and the ensuing amendments. With this input into MRPA, the localities have increased their ability to control development along this area. In addition, the ARC has completed a metropolitan Atlanta water resource study and a study of the recreational needs of

the area, to better determine the needs of this urban region.

These State and local actions and agreements show the interest of the State of Georgia to preserve the resources along the corridor, and work with both Federal and local citizens to achieve the best national park that is possible.

I would like to thank the chairman for his successful effort to allocate $2 million this year for the Chattahoochee. The House of Representatives has recently reaffirmed its commitment to this area by unanimously passing H.R. 2645, a bill which defines the final boundaries of the park and increases the authorization ceiling for the Chattahoochee Park from $72.9 million to $84.6 million. This legislation is currently awaiting action in the Senate, where it is sponsored by both Senators from Georgia.

The land in the boundaries of the Chattahoochee Park that has not yet been acquired is in great danger of being developed. The Chattahoochee Park is a unique area consisting of 14 parcels of land, strung together by the river like pearls on a necklace. We are indeed fortunate to have such a precious resource so close to Atlanta and the surrounding metropolitan area. We must act now in order to preserve this area for future generations.

Several areas have already been lost to development, even in the last year, such as part of the Jones Bridge tract, the Neeley Farm area, and the Island Ford tract. Many more of the areas currently authorized for the park are under threat of development, or actually being developed into apartments, townhouses, and single-family residential houses, such as the Holcomb Bridge tract, the Island Ford tract, and the Suwanee Creek tract.

Further, some of the new areas authorized in our bill, H.R. 2645, are also threatened by the same type of development. Further development for the land would not only hurt the area's recreational values, but more importantly it would cause inceasingly damaging pollution and destruction of the natural beauty and wilderness. It is crucial that we move to buy this land now before these resources are lost to us.

This park is a shining example to the rest of the country. Last year alone, over 2 million people from all over America used the park for fishing, hiking, rafting, canoeing, camping, cycling, and a number of other outdoor activities, even though the park is far from full completion. While the park fulfills many recreational needs, it is essential to protect our natural resources from destruction. In these days where pollutants clog our air and toxic wastes contaminate our water and land, it is of utmost importance that we take the necessary steps to save our precious and limited resources.

As we see the exploitation of some of our resources, let us act to protect those that we still have. Let us show a shining example to the rest of the country and acquire this land now before it is too late. Once these resources are lost, they are gone forever. Let us look to the future and make wise choices now. There will be no second chance.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that my original amendment to the McDade amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. DICKS TO THE AMENDMENT OFFERED BY MR. MCDADE

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS to the amendment offered by Mr. MCDADE: ": *Provided*, That no project or activity funded by that budget authority may be reduced by more than 3 percent.

Mr. DICKS. Mr. Chairman, I think my amendment achieves what everyone here wants to achieve. It clarifies the McDade amendment so there is no question that the 3 percent only applies line-item by line-item.

□ 1700

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. Yes; I yield.

Mr. YATES. It is still a bad amendment, is it not?

Mr. DICKS. Yes. I am opposed to the McDade amendment, but this is a slight improvement so that the administration does not have the ability to dismantle imporant congressional initiatives.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. Yes, I yield.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

I heard it stated earlier that this bill was above the budget. Now, I would like some clarification on that. Is it above the budget requested by the President or is it above the budget approved by the House?

Mr. DICKS. I think it is very important, and I will yield to the chairman to clarify this point, that this bill is not above the section 302 allocation within the Appropriations Committee. The Appropriations Committee is allocated a block of money. We then reallocate it subcommittee by subcommittee. This bill is within our section 302 allocation. The overall allocation is within the budget authority.

What we have done, according to congressional priorities, is put a little more money into this bill because we know that we are going to take money out of other bills, like Defense, for example, that will be substantially below the President's budget.

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield further, this is then not over the House budget that was adopted by this House?

Mr. DICKS. That is right.

Mr. LEVITAS. Even if it might exceed the request of the President, whose budget I think had one vote, that of the gentleman from New York [Mr. KEMP] and nobody else, so that we are within the budget which a majority of the Members adopted.

Mr. DICKS. That is why I strongly oppose the McDade amendment, but support the Dicks clarifying amendment to the McDade amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS] to the amendment offered by the gentleman from Pennsylvania [Mr. MCDADE].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division has been requested.

Mr. FRENZEL. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman withdraws his request for a division.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. FRENZEL. Mr. Chairman, the amendment of the gentleman from Pennsylvania [Mr. MCDADE] is a simple one. It is similar to my own so I shall not be obliged to offer mine. Had I moved my own I would have supported it as follows:

Our budget resolution indicates that nondefense discretionary spending ought to increase no more than 3.5 percent over last year's levels. I have tried to make sure we do not exceed that number. Unfortunately, this House has not made my task an easy one.

According to my analysis, based on CBO estimates for this bill and the conference report for last year's Interior appropriations bill, last year's spending for this category was $7,953,783,000. Of that, $73,100,000 was for mandatory programs, in which the Appropriations Committee simply provided the funds as required under previous legislation. The remaining portion, discretionary spending, amounted to $7,880,683,000. That is the portion of spending which our budget indicates ought not to exceed 3.5 percent.

This year's bill calls for a total of $8,509,496,000. Of that, $71,430,000 is for mandatories; $8,438,066,000 is dis-

cretionary spending. It is a simple calculation to determine that this is an increase of $555,713,000, or 7 percent over last year's appropriation bill.

My amendment reduces aggregate growth of discretionary spending in the bill to 3.5 percent. I reach that figure by making a 3.3-percent reduction in each discretionary category. My intention was to match the proportions of spending reported by the committee.

I want my amendment to be solely a fiscal decision, not one of priorities between programs and agencies. My amendment would hold total spending in the bill to $8,231,039,900. The affected portion of the bill, discretionary spending, would be $8,159,609,900. That is an increase of just a bit over 3.5 percent. Mandatory spending would be unchanged from the committee-reported bill. My amendment will reduce spending by $278 million.

It is important, as well, to point out why I have used the original appropriations bill number, rather than the bill after supplementals, as reported by the committee. At some point in our process, we have to compare apples with apples and oranges with oranges. If supplementals were a rarity, used only to meet some unforseen emergency, then I would agree with the analysis of the committee. However, supplementals are the rule, not the exception. We are told that this bill is an increase of only about 6 percent, if one takes into account supplementals. We were given the same sort of analysis last year. But we have also added, already, another $69,378,000 to last year's appropriation. How much will our supplemental be this year?

I believe that it is instructive to look at prior years' supplementals. In fiscal 1978, we added about $1.3 billion. In fiscal 1979, we added $746.5 million. Fiscal 1980, with a huge increase in funds because of the synthetic fuels program, actually saw a decrease of $3 billion. In fiscal 1981, we returned to form, and added $953 million. In 1982, we cut $178 million, and in 1983 we added $1.1 billion. Our average supplemental in the past 6 fiscal years has been about $141 million. We have, on average, increased spending about 5 percent over the committee-reported bill.

My judgment is that we ought to compare our spending bills to the unsupplemented originals. Otherwise we fall into the trap of arbitraging percentage increases over prior years, without any recognition of the contribution of supplementals to the growth in spending.

My amendment is a modest one. I have tried to construct it as carefully as possible, so as to do no damage to mandatory programs in the bill. Because a 7-percent increase in spending is unacceptable, and because the McDade amendment is so similar to my own I urge an affirmative vote on it.

Mr. Chairman, I have a very similar amendment to that of the gentleman from Pennsylvania and it is similar also to amendments that I have been offering to many of the appropriation bills as they have passed through this Committee. Because my amendment is quite similar to the amendment of the gentleman from Pennsylvania [Mr. McDADE], I will not be offering it. Therefore, I speak in support of the amendment of the gentleman from Pennsylvania [Mr. McDADE].

The first item that I think is important to discuss with respect to the McDade amendment is whether it is above or below the budget approved by the House. Yesterday I read into the RECORD a statement of the gentleman from Oklahoma, the chairman of the Budget Committee, at the time the budget was passed. He said that this budget contemplated restraining discretionary expenditures to a nominal 3.5-percent growth rate.

In this bill there are about 99 percent discretionary domestic expenditures, which under the chairman's description of the budget resolution we passed exceed our budget resolution by about twice. You have about a 7-percent increase in this resolution.

Now, we have played the arbitrage game with the Appropriations Committee and they have shuffled their numbers around and they have funded discretionaries and held back on mandatories and they have switched their money to certain favored subcommittees from others which are not so favored; but if you want to support our budget you literally have to support the amendment of the gentleman from Pennsylvania.

Now, yesterday when I attempted to reduce another spending bill down to the level which a majority of our colleagues bravely voted for when they adopted the House budget resolution, my amendment was described by its fun-loving opponents as a "meat ax," a "chain saw," and as some sort of weed infestation in a rose garden. Now, I do not know how they overlooked steam shovels, piledrivers, backhoes, and steamrollers, but somehow those were not included in the description.

After my work had been blessed with these kinds of colorful epithets, the ranking member and the subcommittee chairman went on to warn the Committee of all the wonderful programs my amendment would gut. Somehow education was going to be decimated; cancer research was going to be stopped cold, perhaps the Republic was not going to fall immediately, but my amendment would in general have a cataclysmic effect.

Now, today we have got a different subcommittee chairman, but we are hearing the same thing. The first thing that is mentioned is Indian health and how we are going to rob some group of a hospital they waited for for a long time. Well, Indian health in this bill is raised 11 percent, giving effect to the amendment of the gentleman from Pennsylvania, all that raises is 10.6 percent.

Now, my judgment is that somebody is going to find that hospital in the 10-percent increase, which is three times the CPI increase this year and there is plenty of new money in there. You are not going to shipwreck anybody.

Well, if you want to be accused of wielding a chain saw and a meat ax or maybe if you are faint of heart and do not like those weapons and are allergic to poison ivy, we had better retire to the Speaker's lobby during this debate.

On the other hand, if you believe in living up to the budget resolution that you voted for, you might want to listen to the gentleman from Pennsylvania.

If you have any respect for more than 100 million American taxpayers, you might even want to consider his amendment and if you have concern for Americans who will suffer from inflation or small businesses which have been crowded out of the credit market or even would-be homeowners who cannot afford a house at today's interest rates, you may even want to vote for the McDade amendment.

What the gentleman is trying to do is not that tough. He is trying to hold discretionary domestic spending to an increase something over 3½ percent.

He is not trying to force cuts on any homeless people. There are no needs tested programs in here. His amendment, just like many of the unsuccessful predecessors that this House has rejected, as it has covered its tracks in voting for the budget resolution over the years, is not a harmful one. It merely increases those things, those increases to 3½ percent.

It is a sad fact that statutes are never raised to or schools name for the people who labor in this House in the name of fiscal sobriety.

If you vote for Joe's amendment, you will be called a meat axer or a chain sawer.

On the other hand, some day somebody will call you a hero.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS] to the amendment offered by the gentleman from Pennsylvania [Mr. McDADE].

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 12, noes 20.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McDADE].

RECORDED VOTE

Mr. McDADE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 181, not voting 40, as follows:

[Roll No. 348]

AYES—212

Albosta	Hall (OH)	Parris
Anderson	Hall, Ralph	Pashayan
Andrews (NC)	Hall, Sam	Patman
Andrews (TX)	Hamilton	Paul
Archer	Hammerschmidt	Pease
Aspin	Hance	Penny
Badham	Harkin	Petri
Barnard	Hartnett	Porter
Bartlett	Hiler	Pursell
Bateman	Hillis	Quillen
Bedell	Holt	Ray
Bennett	Hopkins	Regula
Bereuter	Horton	Ridge
Bethune	Hubbard	Rinaldo
Bilirakis	Huckaby	Ritter
Boehlert	Hughes	Roberts
Britt	Hunter	Robinson
Broomfield	Hyde	Roemer
Brown (CO)	Ireland	Rogers
Broyhill	Jenkins	Roth
Burton (IN)	Johnson	Roukema
Campbell	Jones (OK)	Rudd
Carney	Kaptur	Russo
Carper	Kasich	Sawyer
Chandler	Kemp	Schaefer
Chappie	Kindness	Schneider
Cheney	Kramer	Schroeder
Clinger	Lagomarsino	Schulze
Coats	Latta	Sensenbrenner
Coleman (MO)	Leach	Sharp
Conable	Leath	Shaw
Corcoran	Lent	Shumway
Coughlin	Levitas	Shuster
Courter	Lewis (FL)	Sikorski
Craig	Livingston	Siljander
Crane, Daniel	Loeffler	Sisisky
Crane, Philip	Lott	Skeen
D'Amours	Lowery (CA)	Slattery
Daniel	Lujan	Smith (NE)
Dannemeyer	Luken	Smith (NJ)
Darden	Lundine	Snowe
Daub	Mack	Snyder
Derrick	MacKay	Solomon
DeWine	Madigan	Spence
Dickinson	Marlenee	Spratt
Dorgan	Martin (IL)	Stangeland
Dreier	Martin (NY)	Stenholm
Duncan	Mazzoli	Stump
Eckart	McCain	Tallon
Edwards (OK)	McCandless	Tauke
Emerson	McCollum	Tauzin
English	McDade	Taylor
Erdreich	McEwen	Valentine
Erlenborn	McKernan	Vander Jagt
Evans (IA)	McNulty	Vandergriff
Feighan	Michel	Walgren
Fiedler	Miller (OH)	Walker
Fields	Minish	Weaver
Fish	Molinari	Weber
Flippo	Montgomery	Whitehurst
Franklin	Moore	Whitley
Frenzel	Moorhead	Whittaker
Gekas	Morrison (WA)	Winn
Gilman	Myers	Wirth
Gingrich	Neal	Wolf
Glickman	Nelson	Wortley
Goodling	Nichols	Wylie
Gore	Nielson	Young (AK)
Gradison	Olin	Young (FL)
Gregg	Oxley	Zschau
Gunderson	Packard	

NOES—181

Ackerman	Applegate	Bevill
Addabbo	AuCoin	Biaggi
Akaka	Barnes	Boggs
Alexander	Bates	Boland
Annunzio	Berman	Boner
Bonior	Harrison	Panetta
Bonker	Hatcher	Patterson
Borski	Hawkins	Pepper
Boucher	Hayes	Perkins
Breaux	Hefner	Pickle
Brooks	Heftel	Price
Brown (CA)	Hertel	Rahall
Bryant	Hightower	Rangel
Burton (CA)	Hoyer	Ratchford
Byron	Hutto	Reid
Carr	Jeffords	Richardson
Chappell	Jones (NC)	Roe
Clarke	Jones (TN)	Rose
Clay	Kastenmeier	Rowland
Coelho	Kazen	Roybal
Coleman (TX)	Kennelly	Sabo
Collins	Kildee	Savage
Conyers	Kleczka	Scheuer
Coyne	Kogovsek	Schumer
Crockett	Kolter	Seiberling
Daschle	Kostmayer	Shelby
Davis	LaFalce	Skelton
de la Garza	Lantos	Smith (FL)
Dellums	Levin	Smith (IA)
Dicks	Levine	Smith, Robert
Dingell	Lipinski	Solarz
Dixon	Long (LA)	St Germain
Donnelly	Long (MD)	Staggers
Downey	Lowry (WA)	Stark
Durbin	Markey	Stokes
Dwyer	Martinez	Stratton
Dyson	Matsui	Studds
Early	Mavroules	Synar
Edgar	McCloskey	Thomas (GA)
Edwards (AL)	McHugh	Torres
Edwards (CA)	McKinney	Torricelli
Evans (IL)	Mica	Towns
Fascell	Mikulski	Traxler
Fazio	Miller (CA)	Udall
Florio	Mineta	Volkmer
Foglietta	Mitchell	Vucanovich
Foley	Moakley	Watkins
Ford (MI)	Mollohan	Waxman
Fowler	Moody	Weiss
Frank	Morrison (CT)	Wheat
Fuqua	Mrazek	Whitten
Garcia	Murphy	Williams (MT)
Gaydos	Murtha	Wilson
Gejdenson	Natcher	Wolpe
Gephardt	Nowak	Wright
Gibbons	O'Brien	Wyden
Gonzalez	Oakar	Yates
Gray	Oberstar	Yatron
Green	Obey	Young (MO)
Guarini	Ottinger	
Hall (IN)	Owens	

NOT VOTING—40

Anthony	Hansen (UT)	Pritchard
Beilenson	Howard	Rodino
Bliley	Jacobs	Rostenkowski
Bosco	Lehman (CA)	Shannon
Boxer	Lehman (FL)	Simon
Conte	Leland	Smith, Denny
Cooper	Lewis (CA)	Sundquist
Dowdy	Lloyd	Swift
Dymally	Lungren	Thomas (CA)
Ferraro	Marriott	Vento
Ford (TN)	Martin (NC)	Williams (OH)
Frost	McCurdy	Wise
Gramm	McGrath	
Hansen (ID)	Ortiz	

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Lungren for, with Mr. Rodino against.

Mr. Lewis of California for, with Mr. Cooper against.

Mr. Bliley for, with Mr. Swift against.

Mr. Thomas of California for, with Mr. Ortiz against.

Mr. Sundquist for, with Mrs. Boxer against.

Mr. McGrath for, with Mr. Leland against.

Mr. Denny Smith for, with Mr. Anthony against.

Messrs. KILDEE, MATSUI, SMITH of Florida, and DAVIS changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS: Insert the following new section at the end of the bill:

SEC. 315. No project or activity funded by that budget authority may be reduced by more than 3 percent because of section 314.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the distinguished chairman of the subcommittee.

Mr. YATES. Mr. Chairman, I think it is a good amendment. We will accept it on this side.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. McDADE. Mr. Chairman, we are delighted to accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment was agreed to.

Mr. WEISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the fiscal year 1985 appropriations for the arts and humanities contained in the Interior appropriations bill (H.R. 5973). I commend the Interior Appropriations Subcommittee and Chairman SIDNEY YATES for their work in response to the demonstrated need to increase these levels.

H.R. 5973 calls for $175 million for the National Endowment for the Arts, an 8-percent increase; $145 million for the National Endowment for the Humanities, a 3-percent increase; and $27 million for the Institute of Museum Services, a 35-percent increase.

It is important to point out that the NEA level contained in H.R. 5973 is only $17 million above the fiscal year 1981 level and the NEH level is still $6 million below the level of fiscal year 1981, which was the last year before the Reagan administration's major slashes in these programs.

This is the fourth consecutive year that it has been necessary to fend off these attacks on Federal arts funding. The NEA and NEH Chairmen recommended budget cuts that would seriously impair the programs of their agencies. The requests were accompanied by a reiteration of the administration's stubborn and misguided belief that private sector funding can offset the reductions in Federal funding.

The futility of turning to the private sector to compensate for Federal cutbacks has been well documented over the past several years. Federal arts

funding clearly acts as a catalyst, stimulating State, city, private, and other sources of funding. But this effect acts in reverse also, with Federal cutbacks spurring reductions in other funding sources. Moreover, private corporations and foundations are currently overwhelmed with requests from worthy organizations. Many corporations and foundations are now focusing on programs to help the hungry, the homeless, or the unemployed, rather than on donations to the arts.

Reports of substantial increases in private giving to the arts should be viewed with skepticism. First, the reports do not agree on what the increases in private giving have been. The figures range from a 32-percent increase in 1982, reported by the Business Committee for the Arts, Inc., to a mere 6-percent increase in 1982, reported by the American Association of Fundraising Council, which compiles private and Government surveys. A variety of factors, such as individual gifts of private works of art, tend to distort the overall picture of private giving.

Whatever the real increase may be, it has not resolved all of the problems created by the cutbacks in Federal funds. Moreover, private donors usually avoid supporting unusual or controversial efforts. Corporations risk the least and gain the most by contributing to established cultural institutions such as the symphony orchestra, or to projects that are likely to have widespread popular support. We risk choking off the spontaneity and innovation that are the lifeblood of artistic creativity when we depend too heavily on private funding.

I am especially concerned about the overwhelming financial problems facing this Nation's nonprofit professional theatres, many of which are located in my congressional district. Their support from the Federal Government grew by only 1 percent last year, according to the Theatre Communications Group, a national organization that surveys nonprofit professional theatres each year. Its 1983 report indicates that rising operating costs continue to outstrip increased revenues from private sources and box office receipts.

The growing dependency on these two sources does not bode well for the theatre community. Productions are increasingly selected on the basis of popularity and marketability. Rather than developing new plays theatres are running each play for a longer period of time. The number of touring theatre productions has fallen sharply over the past three seasons. Directors are being forced to devote more and more time to fundraising and less to artistic endeavors. Despite these frantic efforts to survive, a growing number of nonprofit theaters have closed down permanently, reversing the growth and expansion that occurred during the 1970's.

Similar problems are afflicting other areas of the arts, including opera companies. Opera is a young field in this country, with many of the existing companies having been founded during the 1970's. As they entered the 1980's, these new companies found their opportunities for stability and growth considerably diminished by the retrenchment in arts funding fostered by the NEA cutbacks, according to Opera America, a national organization that assists opera companies. More than two dozen out of nearly 70 companies had deficits in 1982. Meanwhile, the average total attendance for opera companies dropped by 3.8 percent in the 1981–82 season, possibly as a direct result of increased ticket prices.

Museums, too, are in financial trouble. Although approximately half of them report that they are breaking even, that accomplishment often means fewer resources spent on care of collections or services to the public, according to a recent IMS survey. For museums, a growing dependence on corporate support means that new exhibits and services are planned so as to please future or existing donors.

I am convinced that if we are to keep our cultural life vital and thriving, we must turn to the public sector for an increasing proportion of our support to the arts and humanities. For this reason, I am urging my colleagues to support these increases. I believe that they constitute a wise economic decision, since we have repeatedly seen powerful evidence that the arts create jobs and invigorate business communities. Surveys show that the American public is supportive of increased funding for the arts. Long-term economic stability for arts institutions creates a climate in which creativity can flourish and public participation in the arts can thrive. I believe that this is one of the best investments that we can make in this Nation's future.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the fiscal year 1985 Interior appropriations bill which contains funding for our national cultural programs. I applaud the subcommittee chairman, SIDNEY YATES, for his continued strong support of America's arts and humanities against the administration's proposals to weaken our vital Federal cultural agencies. On behalf of the nearly 200 members of the Congressional Arts Caucus, I would like to express our great appreciation for his efforts.

Mr. Chairman, over the past two decades, support for America's cultural organizations has evolved into a complex partnership of all levels of government, corporation, foundations, and individuals. Each partner's involvement adds a unique and necessary aspect to the overall fiscal foundation of our Nation's museums, libraries, and performing arts institutions. In 1983, private contributions to culture totaled more than $4 billion; State government support was an estimated $300 million; and the Federal Government's share through the National Endowments for the Arts and Humanities [NEA and NEH] and the Institute of Museum Services [IMS] was just over $322 million.

Although averaging only $0.73 per person, this Federal portion is a vital part of the entire system. In fact, many of the private contributions were raised through Federal matching programs. Since 1977, for example, when the NEA Challenge Grant Program was launched, $110 million in Federal challenge funds has been matched by more than $800 million in private donations.

Federal funds for the arts and humanities are essential, and the efforts of my colleague from Illinois and his subcommittee have been principally responsible for holding that support at a consistent level in spite of continued attempts by the current administration to reduce it.

The funding specified in H.R. 5973 for our cultural programs—$175 million for NEA, $145 million for NEH, and $27 million for IMS—must be approved to meet some very specific concerns of the arts community. Long-term financial stability continues to elude many of our cultural institutions. According to a national survey published by the Theater Communications Group, theaters must continue to devote substantial amounts of money to fundraising and marketing. According to Opera America, more than 80 percent of America's professional opera companies were forced to raise ticket prices in 1982–83 to meet increased expenses. As budgets became tighter, the total number of orchestra performances declined in 1983, and for the first time in a decade, there was no growth in the total professional orchestral audiences they serve. In addition, after 15 years of dynamic growth, the dance field has entered a no growth period, at a time when national studies indicate a potential audience four times greater than those currently attending.

Efforts to achieve long-term financial stability have caused artistic deficits nationwide—few new works are being performed, while time and money for experimentation has decreased. The funds provided by H.R. 5973 are essential to help cultural organizations nurture American creativity.

These funds will also help support individual artists—another area of concern to the arts community. Dancers—the lowest paid of the performing

artists—average $8,000 annually and are often hired for only a portion of a year. Additional Federal support, including the $5 million specified in the bill, will offer many more opportunities for all artists to work and study in their chosen fields.

Finally, as cultural institutions attempt to balance all these concerns, they are often forced to eliminate many specific programs. Those least able to afford access to the arts—the disabled, the elderly, other minorities—are finding that the outreach programs are being eliminated. Museums have had difficulty maintaining educational programs, as well as projects dealing with conservation. Funds in the bill, for example, will allow at least 173 institutions to provide for conservation programs.

Mr. Chairman, the funds provided by H.R. 5973 for America's cultural activities will help our Nation's artists and arts institutions in their quest for long-term financial stability, a climate which nourishes creativity and originality, and broadens the accessibility of the arts to the American people.

I urge my colleagues to approve the bill.

Mr. DANNEMEYER. Mr. Chairman, as a Representative from the State of California and as a member of the Committee on Energy and Commerce, I must object to the inclusion of yet another blanket and temporary moratorium on certain offshore lease sales in this bill.

Another moratorium, the fourth in 4 consecutive years, is unwise and unnecessary.

The moratoria contained in the pending bill are unwise because they deprive our country of timely development of much needed domestic energy so that we can continue to reduce our dependence on foreign sources of oil. This development of oil and natural gas on the Outer Continental Shelf can take place without undue risk to the environment. In fact, the OCS Lands Act and other statutes require the Secretary of the Interior to implement an OCS leasing program which balances our goals of energy independence and sound environmental protection.

We cannot afford to become complacent about our energy situation and its relationship to our economy. Last year we had a record merchandise trade deficit of $69.4 billion, of which $53 billion (or 75 percent) represented purchases of foreign oil. While our trade deficit is expected to top $100 billion in 1984, our oil purchases are continuing at the pace of $50 billion annually. For the 4 week period which ended on July 6, 1984, we demanded petroleum and petroleum products at the rate of 15.7 million barrels per day. During the same period, we imported crude oil and petroleum products at the rate of 4.8 million barrels per day, or fully one-third of our total requirements. At an average acquisition price of $29.11 per barrel, the annual cost is slightly more than $50 billion. This is a drain on our economy which we have the means to arrest if only we will permit the offshore leasing and development process to move forward.

The trend lines are indeed disturbing to observe. On the one hand, domestic production will decline in the next several years unless we develop new sources of oil and natural gas. Domestic production has been basically flat for the last decade because of the supplies coming from the North Slope through the trans-Alaska Pipeline. However, this production is expected to peak in the next 5 years and then decline. The offshore leasing process can take up to 10 years, from initial studies through the start of actual production. Therefore, if we are to tap the offshore resource base in the near future to offset declining production elsewhere, we must allow the lease sales to continue as scheduled.

The trend in Congress, however, has been at odds with the trend lines in domestic production. In fiscal year 1982, the Congress placed a 1-year moratorium on four basins in the central and northern California planning area covering 736,000 acres. In the fiscal year 1983 bill, the moratorium was extended to include over 35 million acres of the planning area. The fiscal year 1983 Interior appropriations bill also prohibited leasing in portions of the Midatlantic amounting to 318,000 acres. Finally, the fiscal year 1984 Interior appropriations bill extended the fiscal year 1983 moratoria for central and northern California, added a moratorium for portions of the southern California planning area, included portions of the North Atlantic, and also selected areas in the Eastern Gulf of Mexico. As a result, we went from 736,000 acres under moratorium status in fiscal year 1982 to over 52 million acres off limits in fiscal year 1984. The pending legislation, while it does not continue the Eastern Gulf of Mexico moratorium, largely keeps the same overall acreage under limitation.

The moratorium, which its sponsors annually describe as temporary, seems to have a life of its own without regard for our energy needs or for the current administration of the OCS program. As the Secretary of the Interior, Judge Clark has shown great sensitivity to State concerns and to the interests of other Federal agencies such as the Department of Defense. In addition, California Gov. George Deukmejian has communicated his opposition to a blanket moratorium to the Congress, as have others in and out of government. A tract-by-tract review of leasing areas, with removal of those that are particularly sensitive, is a more rational approach to offshore leasing policy.

Despite the unfounded fears of a few, the alternative to this moratorium is not an indiscriminate and unyielding lease sale schedule. The Interior Department has already stated that no lease sales will occur in the areas covered by the bill in fiscal year 1985. So this moratorium is not only unwise, but unnecessary. However, a continuation of the moratorium for another year gives it a permanent status which robs the country of a steady and long-term leasing program and denies the authorizing committees of the House their role in setting energy policy.

It is my hope and expectation that the conference committee which will eventually meet on this issue will terminate the moratorium and give it the proper burial it so richly deserves. The one-vote margin by which the Appropriations Committee defeated an attempt to delete the moratorium language is an indication that time is running short, and properly so, on this temporary provision of law.

On another matter, Mr. Chairman, I want to thank the members of the Appropriations Subcommittee on Interior for including in this legislation a directive and the resources to implement a methanol vehicle fleet demonstration program. Under the terms of the committee report, this project would be administered in accord with section 105 of H.R. 5048, the Energy Department authorization bill. This section was added to the bill in the Committee on Energy and Commerce through an amendment I offered for myself and other members of the committee.

The Federal Government, through the General Services Administration, already purchases 12,000 to 15,000 vehicles each year. The 1,000 vehicle methanol demonstration fleet would replace vehicles which would otherwise be purchased.

Methanol has the potential for offering our country a means to reduce air pollution and back out large volumes of imported oil. The South Coast Air Quality Management District, the air quality agency in southern California, testified before our committee that the complete substitution of methanol for gasoline and diesel powered cars would bring the Los Angeles basin within the ambient air quality standards of the Clean Air Act.

We need a demonstration fleet to develop more data on tailpipe emissions, fuel efficiency, operating characteristics and other pertinent information.

I am pleased to report that Energy Secretary Donald Paul Hodel has recommended to the President that the executive branch undertake a 5,000 vehicle fleet. While this option is under review, the fleet embodied in the

pending appropriations bill is a significant step forward.

Bills to establish a more comprehensive methanol policy are pending before the Committee on Energy and Commerce. In addition, agencies such as the EPA are looking at regulatory action on methanol and the Department of Transportation is considering grant applications for methanol buses.

If we are serious about improving air quality and reducing our dependence on foreign oil, almost half of which is used in transportation, we must carefully examine the methanol option. The vehicle demonstration fleet will give us more of the real world experience we need to make methanol a feasible alternative.

● Mr. BOLAND. Mr. Chairman, I want to indicate my very strong support for H.R. 5973, the fiscal year 1985 appropriations bill for the Department of the Interior and related agencies.

At the outset, I want to compliment the distinguished subcommittee chairman, Mr. YATES, and the distinguished ranking member, Mr. MCDADE, for the work they have done, and the outstanding leadership they have exhibited, on this bill. In addition, I want to thank the subcommittee's staff who has done an excellent job of providing information, advice, and assistance to the members of the subcommittee and other Members of the House.

I am a relatively new member of the Interior Appropriations Subcommittee. I asked for a seat on the subcommittee bacause I had an interest in some of the programs that I knew were within its jurisdiction, especially those dealing with the use of our publicly held natural resources. I did not fully appreciate, and I continue to be amazed by, the diversity of this subcommittee's responsibilities. From timber sales to energy research, from fish hatcheries to the Smithsonian Institution, from hospitals on Indian reservations to the resettlement of Bikini Atoll in the Pacific, the Interior Appropriations Subcommittee recommends funding for programs as disparate as any which come before this body. I guess that is part of the reason why the subcommittee this year heard testimony from 800 witnesses, and produced a hearings record of some 13,000 pages.

Out of the hearings process and subcommittee's deliberations has come a bill which I believe deserves the support of this House. It is a bill which takes seriously our national responsibility to protect our natural resources by providing funds for the Forest Service, the Fish and Wildlife Service, and the National Park Service. By funding the Smithsonian Institution, the National Endowments for the Arts and Humanities and the Institute of Museum Services, the bill insures that the work of the scholars, artists, and craftsmen of past generations will continue to stimulate those of the next generation. In making funds available to insure that our strategic petroleum reserve is filled at a rate of 186,000 barrels a day, that the homes of our poor are weatherized, and that needed research is done on the development of alternative fuels, the bill moves us along the path toward energy independence.

All of these things are not only desirable, they are important to our future as a nation. They are also expensive. I believe, however, that the bill strikes a reasonable balance between what we need and what we can afford. I urge my colleagues to support the subcommittee and to reject any attempts to apply an across-the-board cut to the bill.●

● Mr. REID. Mr. Chairman, earlier today, I cast my vote in favor of the Ratchford amendment to the Conte amendment to H.R. 5973, the Interior Department and related agencies appropriations bill for fiscal year 1985. For some unknown technical reason, the electronic recording device failed to register my vote on roll No. 346. Thank you.●

● Mr. RICHARDSON. Mr. Chairman, I rise in support of H.R. 5973 with some mixed emotions.

First, however, I want to again commend the Interior Appropriations Committee Chairman SIDNEY YATES for his outstanding overall work on this legislation. His understanding and appreciation for the needs of Native Americans is evident in the funding that has been set aside in this bill for Indian programs.

Mr. Chairman, this legislation makes certain that most Indian programs are funded at adequate levels. A number of important programs in my home State of New Mexico were treated generously by the committee. The Southwest Indian Polytechnic Institute is provided $2.9 million for fiscal year 1985 which is $400,000 more than that requested by the administration. Last year, we were successful in thwarting the attempts of the administration to close the only postsecondary institution in the United States specifically designed for native Americans. Their exemplary performance over the last year has convinced the committee to provide additional funding in order to upgrade and expand existing programs.

I strongly commend the committee's decision to provide $9.1 million for the continued construction of the Navajo Indian irrigation project [NIIP]. Although the administration requested no funds for NIIP in fiscal year 1985, without an adequate appropriation, construction of this irrigation project would have come to a complete halt. NIIP is of great importance to the Navajo nation and to the northwestern portion of New Mexico. Upon completion, NIIP will furnish water for the irrigation of 110,638 acres and is vital for the success of the Navajo agricultural product industry. NIIP is half complete, and it would make little sense to give up on such a worthy project at this time.

I also want to express my strong support for the committee's endorsement of forward funding for Indian education programs. As the committee accurately states, this is the only major federally-funded education program that is not forward funded. Forward funding will permit better planning and effective use of every dollar. As it stands now, many schools don't receive their advice of allotment until well into the school year, thereby precluding any rational attempt to plan ahead.

I am, however, disappointed regarding one aspect of the fiscal year 1985 Interior appropriations bill with respect to Public Law 93-638 Indian self-determination grants. Last year, Congress reduced 93-638 grants by roughly 3 percent. However, the BIA office in Albuquerque informed Pueblos in my district that rely heavily on these grants to expect a 25-percent cut. It appears that the funds set aside for self-determination grants in fiscal year 1984 were used to offset ADP expenditures which were exceeding congressional limits. Regrettably, the fiscal year 1985 bill does not allow for an increase to compensate for this huge cut in funding. The Pueblos in my district desperately need 93-638 grants in order to build the internal administrative structure that will enable them to function as independent local governments and effectively compete for 93-638 contracts. I plan to continue working closely with Chairman YATES to assure that these grants are brought back up to acceptable levels. At stake is the future economic development of the small Pueblos in my district.

I am also somewhat disappointed by the committee's decision not to fund Indian preschool programs at this time. I hope the Bureau will follow the report language and assist tribes in locating alternatives sources of funding for pre-K programs.

Nevertheless, Mr. Chairman, H.R. 5973 provides $242 million more than what the Reagan administration requested for Indian programs in fiscal year 1985. Although the President continues to profess his strong support for self-determination among Indian tribes, his words do not match his deed. A number of Indian tribes possess valuable natural resources which, if properly developed, could provide tribes with the funding they need to achieve economic independence. However, the administration has not worked closely enough with the tribes to assure they receive the best return on their mineral resources. In fact, the Bureau of Indian Affairs does not even

have adequate staff in this area as the committee report accurately points out.

Furthermore, the administration has recommended a $2 million cut for Indian education programs and funding reductions for a number of important Indian services. While I also support the self-determination efforts of Indian tribes, I have quite a different view than the administration on how we should reach that goal. The Federal Government must assist Indian tribes in their efforts to achieve economic independence. Perhaps more importantly, we cannot neglect our legal and moral responsibility to provide for the health, education and welfare of our native American citizens.

I commend the Appropriations Committee and Chairman YATES for rejecting the administration's proposed cuts and protect the programs that will assist Indian tribes in my district and across that Nation gain economic self-sufficiency. I urge my colleagues to support this bill.●

● Mr. LANTOS. Mr. Chairman, as we progress in the debate associated with the important issues contained within the Interior Appropriations Act, I believe it is very important for this Congress to pay close attention to the concerns being voiced by constituents and public servants in local government. The decisions we make today will effect the direction of natural resource development and environmental preservation for years to come. As such, every American has a stake in the decisions and a role in the decisionmaking process.

The San Mateo County Board of Supervisors represents the legislative arm of government in the county forming better than 90 percent of California's 11th Congressional District. As a concerned and committed group of citizens, they have demonstrated an admirable determination to address significant issues affecting the quality of life and future conditions for our communities by the San Francisco Bay and Pacific Ocean.

Because of their unique awareness of the issues which can impact San Mateo County, I am delighted to have received a series of resolutions unanimously adopted by the board of supervisors expressing the strongest support for environmentally sound actions involving proposed oil and gas leasing on the Outer Continental Shelf [OCS] along the California coast.

The four resolutions passed by the San Mateo County Board of Supervisors state emphatically the body's strong support for a moratorium on OCS oil and gas leasing in the northern, central, and southern California OCS planning areas, and the board's endorsement of attempts to protect the role of affected States with respect to review of Federal activities under the Coastal Zone Management Act of 1972. Specifically:

Resolution 45475 endorses provisions in the fiscal year 1985 Interior Appropriations Act which would preclude funding for the conduct of certain OCS leasing activities along the California coast.

Resolution 44725 endorses H.R. 2059, which would place a moratorium on OCS drilling activities in several areas, including portions of the California coast.

Resolution 43755 endorses H.R. 6365 which would place a moratorium on OCS drilling activities in certain areas along the Pacific coastline of the United States.

Resolution 45881 endorses H.R. 4589 and S. 2324, which would clarify congressional intent with respect to the role of affected States in decisions about Federal activities under the "consistency" provision of the Coastal Zone Management Act.

I believe it is vitally important for Congress to hear the words of local government officials who represent areas which stand to be dramatically impacted by decisions on OCS oil and gas leasing. Clearly, the members of the San Mateo County Board of Supervisors have given serious thought to the widespread and irreversible damage that could be brought to the gorgeous coastline of our county should efforts be made to proceed with oil and gas drilling on the Outer Continental Shelf. The men and women of the board of supervisors have thrown their support behind a long-term moratorium for leasing, and have asked Congress to remember the substantial role that affected States are entitled to play in development strategies. I commend them for their thoughtful and well-reasoned approach, and thank them for working closely with my office to ensure that the voice of the people of San Mateo County will be heard on these issues.

Mr. Chairman, I join the San Mateo County Board of Supervisors in urging my colleagues to fully support a long-term moratorium on oil and gas drilling along the Outer Continental Shelf of California as embodied in the fiscal year 1985 Interior Appropriations Act. In addition, I believe it very important for Congress to guarantee the role of affected States in the decisionmaking process to ensure full representation of public opinion on development plans involving our natural resources.●

● Mr. McNULTY. Mr. Chairman, I strongly endorse this bill before us. It represents good policy and sound fiscal restraint. While there are budget increases contained in this bill, they represent necessary efforts to restore funding to programs gutted over the last 4 years. We must make certain budget increases to ensure proper management of our Nation's natural resources.

While I support this measure and urge its passage, I must register my disappointment that this bill ignores a previous congressional action of historic significance. In March of this year, the Congress successfully overrode the President's veto in passing the Water Resources Research Act, representing only the 90th time in history that such efforts have been successful. Furthermore, it was the first time in history that a freshman Congressman was the author of a bill that became law in this fashion.

But more important than the historic value of this action is the fact that the Water Resource Institutes established under this act are a necessary endeavor that must be continued. The State Mining and Mineral Resources Institutes is also a target for zero funding under this bill. These two programs represent our best assurance for the proper use, management and development of our precious natural resources. These two programs were restructured to ensure greater accountability and increased local cost-sharing.

I do not need to go into a long soliloquy detailing the benefits and necessity of these two programs; the Members of this body are acutely aware of the importance of these programs—in voting to override the President's veto in passing the Water Institutes bill and in suspending the rules to pass the Mining Institutes bill that awareness was demonstrated.

I had considered offering amendments today to restore funding to these two vital programs. However, I have received assurances that funding will be provided for these programs in the Senate. I simply regret that this body fails to recognize its past accomplishments and a good program.

Again, thank you Mr. Chairman. Despite my misgivings in the failure of this body to maintain a consistent policy regarding these two programs, I recognize the good work of my colleague, the chairman of the subcommittee, and I urge passage of this bill.●

● Mr. RICHARDSON. Mr. Chairman, I would like to take this opportunity to share with my colleagues my concern over language contained in the Interior Department appropriations bill for fiscal year 1985 that would result in a reduction of timber sales in our national forests. Language from the Appropriation Committee report, now included in the bill, notes that the Forest Service has incurred losses on its timber sales; for example, revenue from the sales did not cover the Forest Service's cost of preparing for the sale. In some cases, the Forest Service sold timber below fair market value when there was only one bidder for the

timber. The Interior appropriations bill prohibits increases in timber sales above previous-year levels in certain national forest areas. Areas would be prohibited from increasing sales if the money collected from those sales is less than the costs incurred for developing timber sales in previous years.

The lack of a sound accounting system will place restrictions on timber sales nationwide. I am concerned that restriction will have an adverse impact on New Mexico's vital timber industry and on timber companies across the Nation. Approximately 3,500 New Mexicans earn their livelihoods from jobs in the timber industry—should they face an uncertain future because the Interior and Agriculture Departments lack a sound system to ensure that timber sales on our public lands are not a losing proposition—I think not.

The Forest Service has suggested in its report to the General Accounting Office that better financial data could improve timber sale planning and decisionmaking as well as help the agency keep Congress better informed. The Interior Appropriations bill sets aside $400,000 for the Forest Service to develop a cost accounting system. My opinion is, if there is a problem let's fix it and dissolve the restrictive timber harvesting language.

Mr. Chairman, I urge my colleagues to join with me in urging both Interior Secretary James Clark and Agriculture Secretary John R. Block to ensure that a sound Federal cost accounting system is implemented to govern timber harvesting on public lands—before the November election—so we can proceed with timber harvesting on a rational economic basis.●

The CHAIRMAN. Are there any further amendments?

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

□ 1729

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. GEPHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

□ 1730

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit the bill H.R. 5973 to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 57, not voting 40, as follows:

[Roll No. 349]

AYES—336

Ackerman	Boggs	Conyers
Addabbo	Boland	Corcoran
Akaka	Bonior	Coughlin
Albosta	Bonker	Coyne
Alexander	Boucher	Craig
Anderson	Breaux	Crockett
Andrews (NC)	Britt	D'Amours
Andrews (TX)	Brooks	Darden
Annunzio	Brown (CA)	Daschle
Applegate	Bryant	Daub
Aspin	Burton (CA)	Davis
AuCoin	Byron	de la Garza
Badham	Campbell	Dellums
Barnard	Carney	Derrick
Barnes	Carper	DeWine
Bartlett	Carr	Dickinson
Bateman	Chandler	Dicks
Bates	Chappell	Dingell
Bedell	Chappie	Dixon
Bennett	Clarke	Donnelly
Bereuter	Clay	Dorgan
Berman	Clinger	Downey
Bethune	Coelho	Duncan
Bevill	Coleman (MO)	Durbin
Biaggi	Coleman (TX)	Dwyer
Bilirakis	Collins	Dyson
Boehlert	Conte	Early
Eckart	Levine	Ray
Edgar	Levitas	Regula
Edwards (AL)	Lewis (FL)	Reid
Edwards (CA)	Lipinski	Richardson
Edwards (OK)	Livingston	Ridge
Emerson	Loeffler	Rinaldo
English	Long (LA)	Roe
Erdreich	Long (MD)	Rogers
Erlenborn	Lott	Rose
Evans (IL)	Lowery (CA)	Roth
Fascell	Lowry (WA)	Roukema
Fazio	Lujan	Rowland
Feighan	Luken	Roybal
Fiedler	Lundine	Rudd
Fish	Mack	Russo
Flippo	MacKay	Sabo
Florio	Madigan	Savage
Foglietta	Markey	Sawyer
Foley	Marlenee	Scheuer
Ford (MI)	Martin (IL)	Schneider
Fowler	Martin (NY)	Schulze
Frank	Martinez	Schumer
Franklin	Matsui	Seiberling
Fuqua	Mavroules	Sharp
Garcia	Mazzoli	Shaw
Gaydos	McCain	Shelby
Gejdenson	McCandless	Sikorski
Gephardt	McCloskey	Sisisky
Gibbons	McCollum	Skeen
Gilman	McDade	Skelton
Gingrich	McEwen	Slattery
Glickman	McHugh	Smith (FL)
Gonzalez	McKernan	Smith (IA)
Goodling	McKinney	Smith (NE)
Gore	McNulty	Smith (NJ)
Gradison	Mica	Smith, Robert
Gray	Mikulski	Snowe
Green	Miller (CA)	Snyder
Gregg	Mineta	Solarz
Guarini	Minish	Spence
Gunderson	Mitchell	Spratt
Hall (IN)	Moakley	St Germain
Hall (OH)	Mollohan	Staggers
Hamilton	Montgomery	Stangeland
Hammerschmidt	Moody	Stark
Hansen (ID)	Moore	Stokes
Harkin	Morrison (CT)	Stratton
Harrison	Morrison (WA)	Studds
Hatcher	Mrazek	Synar
Hawkins	Murphy	Tallon
Hayes	Murtha	Tauzin
Hefner	Myers	Taylor
Heftel	Natcher	Thomas (GA)
Hertel	Neal	Torres
Hightower	Nelson	Torricelli
Hillis	Nichols	Towns
Horton	Nielson	Traxler
Hoyer	Nowak	Udall
Huckaby	O'Brien	Valentine
Hughes	Oakar	Vander Jagt
Hunter	Oberstar	Volkmer
Hutto	Obey	Vucanovich
Ireland	Olin	Walgren
Jeffords	Ottinger	Watkins
Jenkins	Owens	Waxman
Johnson	Oxley	Weiss
Jones (NC)	Packard	Wheat
Jones (OK)	Panetta	Whitehurst
Jones (TN)	Parris	Whitley
Kaptur	Pashayan	Whitten
Kasich	Patman	Williams (MT)
Kastenmeier	Patterson	Wilson
Kazen	Pease	Winn
Kennelly	Penny	Wirth
Kildee	Pepper	Wolf
Kleczka	Perkins	Wolpe
Kogovsek	Petri	Wright
Kolter	Pickle	Wyden
Kostmayer	Porter	Wylie
LaFalce	Price	Yates
Lagomarsino	Pursell	Yatron
Lantos	Quillen	Young (AK)
Latta	Rahall	Young (FL)
Lent	Rangel	Young (MO)
Levin	Ratchford	Zschau

NOES—57

Archer	Courter	Frenzel
Broomfield	Crane, Daniel	Gekas
Brown (CO)	Crane, Philip	Hall, Ralph
Broyhill	Daniel	Hall, Sam
Burton (IN)	Dannemeyer	Hance
Cheney	Dreier	Hartnett
Coats	Evans (IA)	Hiler
Conable	Fields	Holt

Hopkins	Moorhead	Siljander
Hubbard	Paul	Solomon
Hyde	Ritter	Stenholm
Kemp	Roberts	Stump
Kindness	Robinson	Tauke
Kramer	Roemer	Vandergriff
Leach	Schaefer	Walker
Leath	Schroeder	Weaver
Michel	Sensenbrenner	Weber
Miller (OH)	Shumway	Whittaker
Molinari	Shuster	Wortley

NOT VOTING—40

Anthony	Hansen (UT)	Pritchard
Beilenson	Howard	Rodino
Bliley	Jacobs	Rostenkowski
Boner	Lehman (CA)	Shannon
Borski	Lehman (FL)	Simon
Bosco	Leland	Smith, Denny
Boxer	Lewis (CA)	Sundquist
Cooper	Lloyd	Swift
Dowdy	Lungren	Thomas (CA)
Dymally	Marriott	Vento
Ferraro	Martin (NC)	Williams (OH)
Ford (TN)	McCurdy	Wise
Frost	McGrath	
Gramm	Ortiz	

□ 1740

Mr. RITTER changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1904, CHILD ABUSE AMENDMENTS OF 1984

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, that the House agree to the request of the Senate for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, GAYDOS, BIAGGI, SIMON, MILLER of California, MURPHY, CORRADA, WILLIAMS of Montana, ECKART, ERLENBORN, GOODLING, COLEMAN of Missouri, BARTLETT, and MCCAIN.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT AND MAKING IN ORDER ON TUESDAY, AUGUST 7, 1984, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 5712, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION, 1985

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, August 3, 1984, to file a conference report on the bill (H.R. 5712) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, and that it shall be in order on Tuesday, August 7, 1984, or any day thereafter, to consider the conference report and amendments in disagreement and motions to dispose of said amendments on H.R. 5712, the provisions of section 303(a) of Public Law 93-344 and clause 2 of rule XXVIII to the contrary notwithstanding.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT, MONDAY, AUGUST 6, 1984, TO FILE REPORT ON H.R. 5640, SUPERFUND LEGISLATION

Mr. DORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight Monday, August 6, to file its report to accompany the bill, H.R. 5640—the Superfund legislation.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

Mr. LOTT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

TRIBUTE TO ARNOLD LIGON

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and in memory of a longtime friend of mine, Arnold Ligon, who died on July 30, at the age of 66 at the Regional Medical Center in Madisonville, KY.

Arnold Ligon will be remembered in western Kentucky for his business successes in the trucking industry and his devotion to religious causes, particularly church-related television. He was described by Madisonville journalist Susan Simmons in an obituary appearing in the Madisonville Messenger on July 31 as "a go-getter in the business world who achieved prosperity and success in the material world as well as a close communion with his spiritual world." One of Arnold Ligon's outstanding achievements was the construction of a Christian television station in western Kentucky, a project on which he spent hundreds of thousands of dollars and countless hours of his time.

I am proud to have represented this outstanding businessman and philanthropist as his Congressman in the U.S. House of Representatives, and I am proud to have called Arnold Ligon my friend.

Survivors include his lovely wife, Mrs. Carol Ligon, of Madisonville; three sons, Herb Ligon, Jr., Tommy G. Ligon, and James H. Ligon; one daughter, Deborah Ligon; and a sister, Mrs. Bonnie Workman, all of Madisonville; and six grandchildren.

Funeral services for Arnold Ligon are being held today at Life Center, his home church in Madisonville, KY.

I extend my sympathy to the survivors and friends of this outstanding Kentuckian who was an inspiration to those of us who knew and loved him.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1984

The SPEAKER. Pursuant to House Resolution 534 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3987.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, with Mr. GONZALES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 30, 1984, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Archives and Records Administration Act of 1984".

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, an editorial in Tuesday's Washington Post, which I sent to every Member, tell why it is so important for us to establish the National Archives as an independent agency, accountable and responsible for its own operations. That editorial described the magnificent exhibit at the main Archives building to commemorate the Archives' 50th anniversary and went on to say:

As rich as the exhibit is, it contains only the tiniest portion of the Archives' wealth—a wealth that has threatened to overwhelm the Archives since it was created. From the start, the Archives lacked the resources needed to catch up with more than 100 years of neglected records. After it was

buried within GSA, the Government's housekeeping agency, it found it even harder to make its case for the specialized staff and resources that record preservation requires. Without more control over its own affairs, the Archives will be unable to keep up with the burgeoning records of modern Government, much less to stop the deterioration of old treasures.

Mr. Chairman, to establish the Archives as an independent agency, armed with sufficient authority and resources to do its job effectively, will demonstrate to our constituents and their children how much we value the documentary history of our Nation and how important it is that that history be preserved for generations to come. H.R. 3987 will accomplish that purpose, and I hope that it will achieve favorable consideration today.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding to me.

Mr. Chairman, I would just like to echo the gentleman's remarks about the necessity for this very important bill which would restore independence to the Archives on its 50th anniversary, which I think is a very appropriate time to do that.

Mr. Chairman, H.R. 3987 comes before us at the right time and with some remarkable history. The Senate, with administration support, passed companion legislation by unanimous consent. Both the chairman of the Government Operations Committee and the ranking Republican member favor it. In hearings before our committee this spring, all witnesses from private sector testified in favor of the bill. The present and both former Archivists of the United States have urged its passage. The Congressional Budget Office finds that the passage of the bill would involve a net offset and would not create additional administrative costs. The archival, historical, library, and genealogical communites strongly support H.R. 3987.

The purpose of the bill is to restore the independence of the National Archives and Records Service separating it from the General Services Administration. As my colleagues know, it was exactly 50 years ago that the Congress created the National Archives and created it as an independent agency. It is appropriate that in this year in which the Archives celebrates its golden anniversary we return it to that independent status.

Let met quickly review the background to the independence question. After the Second World War President Truman appointed former President Hoover to head a commission to consider ways to streamline Federal functions. That commission on organization of the executive branch of the Government amalgamated the record-keeping functions of the then-independent National Archives with the newly created housekeeping agency, the General Services Administration. Then, as now, this was a misunderstanding of the mission of the National Archives.

Since that time, the National Archives continues to be misallied with the General Services Administration. As we learned during our committee's hearings, the basic missions of the two are incompatible, and the Archives' role as a cultural organization has been diminished during its years in GSA. For more than three decades historians and Archivists have criticized the placement of the Archives, and it is now abundantly clear to every observer that the Archives must be separated from GSA.

Let me summarize the reasons for separation:

The National Archives is a cultural and educational organization serving the Government, scholars, and the public at large. The General Services Administration is an administrative conglomerate providing housekeeping services to other Government agencies.

The records of the Nation must be managed by the best professional Archivists in the land, and managed in accordance with established archival principles.

The administrators of GSA—and there have been eight in the last 12 years—have had neither the time, inclination, nor background to make sound archival policy. Frankly, separation would benefit GSA as well as the Archives by focusing its mission more precisely.

The funding for the National Archives should be judged by the standards of a cultural and research organization. In the past, GSA has judged Archives funding only on the principles of profit and loss. This is appropriate to other parts of GSA, but totally unrealistic when applied to the preservation of our documentary heritage.

Some critics of this legislation have questioned whether this is the right time for passage. They argue that we have not considered all sides of the issue. Let me point out that this is the second consecutive Congress in which this legislation has been introduced: That oversight hearings for many years have raised the issue of the appropriateness of NARS placed within GSA; that we have 34 years of the record to look at. If anything, we have moved too slowly, not too quickly.

These critics also suggest that the problems of the Archives could be solved by leaving it within GSA but giving it greater autonomy. In fact, they propose a collegial body for a management structure. Now I ask the Members of the House, how many of you feel a committee could effectively direct any agency, much less one charged with protecting America's heritage of documents? What the Archives needs is clear authority over its professional program, not an authority divided among GSA, an executive director, and a management committee.

This is not the time to try out yet one further experiment of management upon the National Archives. This is the time to complete the passage of the legislation to restore the independent status of the Archives. This bill neither strips the Archives of essential functions nor does it add unrelated authorities to the Archives. It maintains the archival programs as a coherent whole. It gives the Archives control of its essential support services. That's all it does, but that is enough.

Mr. Chairman, my colleagues, let us rectify the mistake we make in 1949. Let us remove this agency that guards our fundamental historic documents from an umbrella agency largely concerned with materialistic ends. Let us restore the independent status of the National Archives as a hallmark of the dignity we ascribe to the protection and the preservation of our Nation's documentary heritage.

Mr. BROOKS. Mr. Chairman, I thank Mr. CLINGER for his dedication to the preservation of our national records. He has long been a historian, and we appreciate his contribution.

The CHAIRMAN. The Clerk will designate title I.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of H.R. 3987, following section 1, is as follows:

TITLE I—ESTABLISHMENT OF AN INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.".

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

(2) by inserting after section 2102 the following new sections:

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate.

The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Administration. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate functions to designated officers and employees of the Administration, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

"(c) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(f) Each Federal agency is required to furnish to the Archivist, upon request, any information or other data which the Archivist finds necessary to carry out the duties of the Archivist.

"(g) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) The Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Administration.".

(b) Section 2101 of title 44, United States Code, is amended—

(1) by designating the two indented paragraphs as paragraphs (1) and (2), respectively;

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Administration' means the National Archives and Records Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(13), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).".

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.
"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal, fees for copies and reproductions.
"2117. Limitation on liability.
"2118. Records of Congress.".

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration ..... 2101".

TRANSFERS

SEC. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(3) All functions which were assigned to the Administrator of General Services by the sections 5.1(b) and 5.2(a) of Executive Order No. 12356 of April 2, 1982 (relating to national security information and the Information Security Oversight Office), shall be exercised by the Archivist of the United States.

(c) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act or the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. A percentage of the funds and associated positions in the General Management and Administration appropriation for the General Services Administration, proportionate to the percentage of National Archives and Records Service employees in the General Services Administration, is transferred to the Archivist for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

SEC. 105. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

SEC. 106. With respect to any functions transferred by this Act or by an amendment made by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.

CONFORMING AMENDMENTS

SEC. 107. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" in paragraph (4) and inserting in lieu thereof "section 2111".

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Administration";

(B) by striking out "and in consultation with the Archivist of the United States" in such subsection;

(C) by striking out "the Archivist and" in the fifth sentence of such subsection;

(D) by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist"; and

(E) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by inserting "and Records" immediately following "National Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.".

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(b)(1) Sections 710, 711, and 729 of title 44, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 1506 of such title is amended is amended by striking out the third sentence.

(5) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(6) Sections 2204(c)(1) and 2205 of such title are amended by striking out "National Archives and Records Service of the General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(7) Section 2301 of such title is amended by striking out the second sentence thereof.

(8) Section 2501 of such title is amended by striking out the last sentence thereof.

(9) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(C) by striking out "transmit to the Administrator" in the last sentence of such subsection and inserting in lieu thereof "make available to the public"; and

(D) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Administration".

(10) Section 2506 of such title is amended—

(A) by striking out "Administrator of General Services" in subsection (a) and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Archivist".

(11) Section 2507 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(12) Section 2901 of such title is amended—

(A) by striking out "27," in the matter preceding paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

(C) by striking out "Administrator" each place it appears in paragraphs (6), (9), and (11) and inserting in lieu thereof "Archivist"; and

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) the term 'Archivist' means the Archivist of the United States;".

(13) Section 2902(7) is amended by inserting "or the Archivist" after "Administrator".

(14)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

(15) Section 2904 is amended to read as follows:

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

"(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

"(2) to conduct research with respect to the improvement of records management practices and programs;

"(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

"(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

"(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

"(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.".

(16) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

"(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.".

(17)(A) The heading of chapter 29 of title 44, United States Code, is amended to read as follows:

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services ..... 2901".

(18) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101–2113" and inserting in lieu thereof "sections 2101–2117"; and

(C) by striking out "2701,".

(19) Section 3103 of such title is amended—

(A) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" the second place it appears and inserting in lieu thereof "Archivist".

(20) Sections 3104 and 3106 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(21) Section 3105 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(22) Sections 3302, 3303, 3308, and 3311 of such title are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(23) Sections 3303a and 3310 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(24)(A) The heading of section 3303 of such title is amended to read as follows:

"§ 3303. Lists and schedules of records to be submitted to the Archivist of the United States by head of each Government agency".

(B) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

"§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist of the United States".

(D) The table of sections for chapter 33 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 3303, 3303a, and 3311 and inserting in lieu thereof "Archivist of the United States".

(25) Section 3504(e) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(26) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

(c)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended—

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration", respectively.

(2)(A) The heading of section 6 of such title is amended to read as follows:

"§ 6. Credentials of electors; transmission to archivist of the United States and to Congress; public inspection".

(B) The heading of section 12 of such title is amended to read as follows:

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Administration", respectively.

(g) Subsections (b)(6) and (l)(1) of section 552a of title 5, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States."

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States.".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 108. For purposes of sections 103 through 106—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

EFFECTIVE DATE

SEC. 109. The provisions of this title shall be effective 120 days after the date of enactment of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

NATIONAL ARCHIVES TRUST FUND BOARD

SEC. 202. (a) Chapter 23 of title 44, United States Code, is amended by striking out sections 2302 through 2305 and inserting in lieu thereof the following:

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

"§ 2303. Powers and obligations of the Board; liability of members

"Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

(b) Section 2307 of title 44, United States Code, is amended to read as follows:

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by

this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.".

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;".

AUTHORITY TO LITIGATE

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

INSPECTION OF RECORDS

SEC. 204. Section 3301 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government.".

PUBLIC NOTICE

SEC. 205. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TECHNICAL AMENDMENTS OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I have a number of technical amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

These was no objection.

The Clerk read as follows:

Technical amendments offered by Mr. BROOKS: Page 6, line 5, strike out "The Archivist" and insert in lieu thereof "Notwithstanding section 1342 of title 31, United States Code, the Archivist".

Page 7, line 5, strike out "2901(13)" and insert in lieu thereof "2901(14)".

Page 18, after line 14, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(B) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

Page 18, line 20, strike out "'make available to the public'" and insert in lieu thereof "'transmit to the President and the Congress'".

Page 29, strike out lines 8 throught 11 and insert in lieu thereof the following:

(g) Section 552a of title 5, United States Code, is amended—

(1) by striking out subsection (b)(6) and inserting in lieu therof the following:

"(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;"; and

(2) by striking out "Administrator of General Services" each place it appears in subsection (1)(1) and inserting in lieu thereof "Archivist of the United States".

Page 30, strike out lines 8 through 10.

Page 33, line 1, insert after "duties" the following: "and the compensation of persons employed by the Board".

Page 36, line 9, strike out the close quotation marks and following period and insert in lieu thereof the following: "Access to such material, and examination thereof, by the Archivist shall be in compliance with all other Federal laws and be subject to the sanctions provided therein.".

At the end of the bill add the following new title:

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATE

SEC. 301. The provisions of this Act (including the amendments made by this Act) shall be effective on April 1, 1985.

SPENDING AUTHORITY

SEC. 302. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, The technical amendments which I am offering make the following changes to H.R. 3987, as reported:

First, add a reference to section 1342 of title 31 in the portion of the bill dealing with use of volunteers by the archivist;

Second, correct a reference to section 2901(14);

Third, update a reference to the National Historical Publications and Record Commission;

Fourth, provide that the annual report of the National Historical Publications and Records Commission shall be transmitted to the President and the Congress rather than simply being made available to the public as was provided for in the bill as reported;

Fifth, make a conforming change to the Privacy Act;

Sixth, strike out the current effective date provision in title I, to be replaced by an effective date for the entire bill of April 1, 1985, in title III.

The technical amendments in title II will grant the National Archives Trust Fund Board the authority to compensate trust fund employees from the trust fund, and will make clear that the Archivist's access and examination of agency files in making records determinations shall be in compliance with all other Federal laws and will be subject to the sanctions that are provided in those laws.

A new title III also is added to the bill to provide an effective date for the act of April 1, 1985, and to specify that any new spending authority within the meaning of section 401 of the Congressional Budget Act of 1974 provided under this act shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriations acts. The latter provision will cure a technical conflict with the Budget Act.

Mr. Chairman, again, these are technical amendments, and I think that there is no objection to them by the minority.

I yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, I certainly agree with committee chairman, these are technical amendments, and they should be adopted.

Mr. BROOKS. Mr. Chairman, I ask for adoption of the amendments.

The CHAIRMAN. The question is on the technical amendments offered by the gentleman from Texas [Mr. BROOKS].

The amendments were agreed to.

The CHAIRMAN. Are there any further amendments to this title or section?

If not, are there amendments to any other part of the bill?

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 9, strike out lines 1 through 6.

Mr. BROOKS. Mr. Chairman, as reported out of the Committee on Government Operations, section 104 of H.R. 3987 would transfer the Information Security Oversight Office from GSA to the Independent Archives.

ISOO is responsible for overseeing the information security activities of Federal agencies. Both ISOO and GSA contend that the effectiveness of ISOO in administering this program is enhanced by its being housed in an impartial agency such as GSA. Both the Office and GSA have urged that ISOO be retained within GSA, and this amendment would accomplish that purpose.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, this is a good amendment. It does delete the transfer. I urge support for the amendment.

This amendment would keep the Information Security Oversight Office, or ISOO, within the General Services Administration.

ISOO oversees the activities of all agencies dealing with classified information, to ensure compliance with the Executive order on the subject. It has been successful in part because it is housed in an agency which is perceived by all agencies to be impartial between the competing demands of protection and disclosure of Government data.

The bill as reported would move ISOO to the new National Archives and Records Administration. Because the Archives is generally a prodisclosure agency, some concern has been raised that the transfer would lessen ISOO's effectiveness in dealing with other agencies.

The amendment deletes the transfer, and is therefore responsive to that concern. I am pleased to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 27, after line 23, insert the following new paragraph:

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of the Congress are not in session.".

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, this amendment would make several conforming changes and one slightly more substantive change to the Presidential Recordings and Materials Preservation Act. That act, which provided for the safekeeping of the Nixon tapes, contained a provision requiring the Administrator of GSA to submit to the Congress proposed regulations regarding public access to the recordings. This provision contained a legislative veto requirement. In order to avoid any possible conflict between this requirement and the Supreme Court's Chadha legislative veto decision, this amendment would change the procedure to provide that the regulations would not take effect until the expiration of 60 legislative days after they were submitted. Changing the requirement to a "report and wait" provision will ensure effective congressional oversight while avoiding a possible constitutional problem.

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Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment.

The law governing the Presidential papers of President Nixon requires the issuance of regulations to provide public access to the materials. The law permits either House of Congress to veto the regulations.

Because the Supreme Court, in its decision entitled *Immigration and Naturalization Service* v. *Chadha* [103 S.Ct. 2764 (1983)], has declared the legislative veto to be unconstitutional, the veto provision in this statute is now invalid.

The amendment preserves the right of Congress to review the regulations, even in the absence of a veto, by stipulating that the regulations could not take effect for 60 legislative days after they are submitted to the Congress.

I believe that this is a reasonable protection of congressional rights within the constitutional provisions as declared by the Supreme Court and I support the amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

Are there any further amendments?

Mr. DORGAN. Mr. Chairman, I move to strike the last word, and I rise for the purpose of having a colloquy with the chairman.

Mr. Chairman, since the enactment of 26 U.S.C. 6103 in the Tax Reform Act of 1976, the Congress has consistently reflected the public's concern that tax returns and tax return information are confidential. Disclosure of this information is expressly prohibited except in specific situations delineated in section 6103.

The Committee on Ways and Means, on which I serve, is concerned that certain provisions of H.R. 3987 might be misconstrued as indicating changed congressional intent regarding the confidentiality of tax records. We understand that basically H.R. 3987 is a reorganization bill which is not intended to increase or diminish the current authorities of the Archivist now vested in the Administrator of the General Services Administration [GSA]. However, so that there is no misunderstanding, we believe that congressional intent with respect to tax records should be clearly reaffirmed and that tax returns and return information may not be disclosed except as authorized by section 6103.

The Archivist has a mandate to collect and preserve valuable documentary history of our country, an important and often difficult job. In certain cases this may include tax records. On the other hand, Congress, through section 6103, has balanced this archival need with the high expectations of privacy Americans have for their tax records.

In the mid-1970's, Congress took a number of actions with regard to the privacy of U.S. citizens which culminated in the Privacy Act of 1974. Subsequent review concerning the disclosure of tax information by the Privacy Protection Study Commission concluded that there was a need for a Federal statute more stringent than either the then existing tax disclosure law or the Privacy Act. Accordingly, section 6103 was enacted in the 1976 Tax Act.

Thus, so that the legislative history is clear, I would ask the distinguished chairman of the Committee on Government Operations whether our understanding that H.R. 3987 is not intended to change existing requirements with respect to tax records covered by section 6103 of the Internal Revenue Code is correct?

Mr. BROOKS. If the gentleman will yield, I would say to my distinguished friend that as I stated Monday during general debate on H.R. 3987, the bill as reported by the committee makes no amendment to current law regarding the treatment of tax returns and tax return information for archival purposes. It is not the intent of the committee to change the status quo of the law regarding tax records in any manner.

I also want to point out that we just adopted an amendment which makes clear that the Archivist's access and examination of agency files in order to make determination of what consti-

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tutes a record "shall be in compliance with all other Federal laws and be subject to the sanctions provided therein." This amendment, I believe, ensures the conformity of the Archivist's actions in this regard to other statutes already on the books.

Mr. DORGAN. Mr. Chairman, I thank the Committee chairman for his response.

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KINDNESS: Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—ESTABLISHMENT OF THE NATIONAL ARCHIVES AND RECORDS SERVICE

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an agency within the General Services Administration to be known as the National Archives and Records Service. The Service shall be administered under the supervision and direction of the Archivist.".

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

(2) by inserting after section 2102 the following new sections:

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Service a Deputy Archivist of the United States, who shall appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Service. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate functions to designated officers and employees of the Service, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for administration of such functions.

"(c) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Service.

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Service. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(f) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"(g) In each annual appropriation request, the Administrator shall identify the portion thereof intended for the support of the Service and include a statement by the Archivist (1) showing the amount requested by the Service in its budgetary presentation to the Administrator and (2) an assessment of the budgetary needs of the Service.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Service.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Service, is authorized to utilize in the Service the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Service.".

(b) Section 2101 of title 44, United States Code, is amended—

(1) by designating the two indented paragraphs as paragraphs (1) and (2), respectively;

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Service' means the National Archives and Records Service of the General Services Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(14), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).".

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS SERVICE

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.
"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal, fees for copies and reproductions
"2117. Limitation on liability.
"2118. Records of Congress.".

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Service..... 2101".

TRANSFERS

SEC. 103. (a)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(b) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

SAVINGS PROVISIONS

SEC. 104. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Service.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act any function in connection with such action is transferred to the Archivist or any other official of the Service, then such action shall be continued with the Archivist or other appropriate official of the Service substituted or added as a party.

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

CONFORMING AMENDMENTS

SEC. 105. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" in paragraph (4) and inserting in lieu thereof "section 2111".

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Service";

(B) by striking out "and in consultation with the Archivist of the United States" in such subsection;

(C) by striking out "the Archivist and" in the fifth sentence of such subsection;

(D) by striking out "Administrator of General Services" each place it appears and inserting in lieu therof "Archivist"; and

(E) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by inserting "and Records" immediately following "Natural Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.".

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service".

(b)(1) Sections 710, 711, and 729 of title 44, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

(A) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service";

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 1506 of such title is amended—

(A) by inserting "The Administrator of General Services, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget," after "Attorney General," in the first sentence; and

(B) by striking out the third sentence.

(5) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service".

(6) Section 2301 of such title is amended by striking out the second sentence thereof.

(7) Section 2501 of such title is amended by striking out the last sentence thereof.

(8) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(C) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(D) by striking out "the Administrator" in the last sentence of such subsection and inserting in lieu thereof "the President and the Congress; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Service".

(9) Section 2506 of such title is amended—

(A) by striking out "Administrator of General Services" in subsection (a) and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Archivist".

(10) Section 2507 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(11) Section 2901 of such title is amended—

(A) by striking out "27," in the matter preceding paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

(C) by striking out "Administrator" each place it appears in paragraphs (6), (9), and (11) and inserting in lieu thereof "Archivist"; and

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) the term "Archivist" means the Archivist of the United States;".

(12) Section 2902(7) is amended by inserting "or the Archivist" after "Administrator".

(13)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

(14) Section 2904 is amended to read as follows:

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

"(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

"(2) to conduct research with respect to the improvement of records management practices and programs;

"(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

"(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

"(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Managment and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

"(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.".

"(15) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

"(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.".

(16)(A) The heading of chapter 29 of title 44, United States Code, is amended to read as follows:

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services ..... 2901".

(17) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701,".

(18) Section 3103 of such title is amended—

(A) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" the second place it appears and inserting in lieu thereof "Archivist".

(19) Sections 3104 and 3106 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(20) Section 3105 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(21) Sections 3302, 3303, 3308, and 3311 of such title are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(22) Sections 3303a and 3310 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(23)(A) The heading of section 3303 of such title is amended to read as follows:

"§ 3303. Lists and schedules of records to be submitted to the Archivist of the United States by head of each Government agency".

(C) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

"§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist of the United States".

(D) The table of sections for chapter 33 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 3303, 3303a, and 3311 and inserting in lieu thereof "Archivist of the United States".

(24) Section 3504(3) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(25) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

(c)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended—

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of the Congress are not in session.".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Service", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Service", respectively.

(2)(A) The heading of secton 6 of such title is amended to read as follows:

"§ 6. Credentials of electors; transmission to archivist of the United States and to Congress; public inspection".

(B) The heading of section 12 of such title is amended to read as follows:

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Service", respectively.

(g) Subsections (b)(6) and (l)(1) of section 552a of title 5, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States."

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following: "Archivist of the United States".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 106. For purposes of sections 103 and 104—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Service" means the National Archives and Records Service of the General Services Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

NATIONAL ARCHIVES TRUST FUND BOARD

SEC. 202. (a) Chapter 23 of title 44, United States Code, is amended by striking out sections 2302 through 2305 and inserting in lieu thereof the following:

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Service necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Service for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

"§ 2303. Powers and obligations of the Board; liability of members

"Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Service to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Service. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

(b) Section 2307 of title 44, United States Code, is amended to read as follows:

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his

designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Service, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.".

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;"

AUTHORITY TO LITIGATE

SEC. 203. (a) Section (a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

INSPECTION OF RECORDS

SEC. 204. Section 3301 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government.".

PUBLIC NOTICE

SEC. 205. Section 3303(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—EFFECTIVE DATE; CONSTRUCTION

EFFECTIVE DATE

SEC. 301. The provisions of this Act shall be effective October 1, 1985.

RETURN INFORMATION

SEC. 302. Nothing contained in this Act shall be construed to authorized the disclosure of any return or return information (as defined in section 6103 of the Internal Revenue Code of 1954 (26 U.S.C. 6103)) except as authorized by such Code.

Mr. KINDNESS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KINDNESS. Mr. Chairman, as we know, in many parts and aspects of our lives, scheduling is sometimes almost everything. Here we are on Thursday afternoon, about to leave town, with no votes scheduled for tomorrow or Monday, and perhaps not Tuesday for all I know, and this measure has had so little attention by this House. The general debate was had during a period of time when no one was paying any attention, and here is the task of anyone who feels concerned about the content of the bill of trying to get some attention somehow on the part of the Members of this House to what is going on here. It is not a very good time to get that to occur. So we will try to make a record, at any rate.

I do not like to be in the position 3, 4, or 5 years down the road of being able to say, "I told you so." That is not my intent or purpose. My intent and purpose at this point would be to try to get a rational vote on this substitute, which does much of what is done by the bill before us, but it does not actually separate the National Archives and Records Service out from the General Services Administration. It does most of the rest functionally that I think does need to be accomplished that would be accomplished by the bill.

For those of you who are happy about the vote that you may have cast to create the Department of Education, you will love this one. If those of you who voted to create the Department of Energy are satisfied with that vote, you may be satisfied with this one, too. But for those of you who are concerned about not creating any more independent agencies than necessary, then I think you ought to listen, you ought to give some consideration and support to the substitute that is under consideration of the Committee of the Whole at this time.

Mr. Chairman, during general debate on this bill, I said that full independence for the National Archives was not necessary in order to solve problems which have been alleged to arise out of its structural placement within GSA. A transfer of the statutory authority contained in title 44 of the United States Code from the Administrator to the Archivist of the United States would deprive the Administrator of the statutory basis on which to meddle in the substantive archival responsibilities contained in title 44. And, that can be done without setting up the Archives as an independent agency.

Incidentally, has anyone thought about how ridiculous it is that the Federal Register should be controlled and printed by an independent agency? Think that about that one. The National Archives and Records Service has that function. Furthermore, it is not unprecedented for Congress to grant a larger measure of autonomy to some components of an agency as opposed to others, and that is what is proposed to be done in this substitute. The Office of Federal Procurement Policy within OMB is one example and the Federal Energy Regulatory Commission within the Department of Energy is another. With respect to the latter, Congress provided that the budget submission of the Energy Secretary contain the original request of the Federal Energy Regulatory Commission so that, in effect, FERC has a direct line to Congress as to its budget needs. Providing similar authority to the Archives would give it the best of both worlds—support from the larger agency, GSA, when GSA agrees, for its budget request, and a direct, official line to the Congress, even bypassing OMB, when it doesn't have the support of GSA.

This bill will politicize the National Archives of course; and that may be appropriate. The Archivist will be appointed by the President. The administration naturally supports the bill, presumably for that reason.

The Nation's archivists and historians are likely to be disappointed if not horrified by the results if this bill is enacted into law.

This Nation's documentary heritage is too important to be dealt with so lightly. Having served on the subcommittee exercising oversight over the NARS through three Congresses. I have looked at the National Archives rather closely. I am convinced that it is not presently ready to deal effectively with its mission. There are many deep problems in its functioning that are not solved.

I believe that this bill could also make the fulfillment of NARS' missions more difficult. There is no guarantee that an idependent National Archives will have more resources with which to work. I think it is important to point out that I have not opposed more resources for the Archives; I have despaired at times at how those

resources have been used, but I do not deny the need for more resources to fulfill its missions.

An independent National Archives will have to provide administrative support services now provided by GSA. Those services include: Congressional Affairs, Office of Ethics, Public Affairs, General Counsel, Inspector General, Personnel, Budget and Finance, Office of Oversight, and Procurement. While the bill before us contains a provision for transfer of appropriations from GSA to NARS for these services, it is not clear that it will be enough to provide high enough grade level for the heads of these new offices within a newly dependent NARS or the physical accommodations in which to situate them. I think we should expect NARS to come to us next year seeking more than will be transferred in this act in order to provide an adequate level of administrative support services for itself. My amendment in the nature of a substitute, which I am now offering, would provide just those things. It is very, very similar to the committee-reported bill. It would transfer all statutory authority from the Administrator to the Archivist as does the committee bill. It provides for Presidential appointment of the Archivist. If contains the provisions of title II of the committee bill clarifying the Archivist's authority to make final determinations as to what is an agency record. And, like the Department of Energy Act, it provides that the National Archives' original budget request must be included in GSA's budget submission to the Congress. The one thing my substitute would not do that the committee bill does is to sever the National Archives from GSA and make it an independent agency.

In sum, I believe that independence is a drastic step which is neither wise, nor necessary. Granting a large degree of program autonomy would free the Archives from the meddling of administrators in the past while sparing it the trauma and drain on resources that will necessarily come from the efforts to establish itself as an independent agency.

So, I hope that the House will adopt my alternative which would alleviate most of the problem inherent in the relationship between NARS and GSA while not throwing the Archives out into the world, unprepared to be out on its own.

□ 1810

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, I have read the substitute proposal which the gentleman from Ohio has made, and frankly, I am a bit mystified by it. The substitute would apparently give the Archivist of the United States complete authority for the functions of the National Archives, but it would leave the Archives within the General Services Administration.

This amendment is inconsistent with the Administration's preference that the Archives be made an independent Federal agency. I am at a loss to understand the virtue of this arrangement for the Archives, the GSA, or the people of this country.

Under this arrangement, the Archivist would remain dependent on GSA for personnel, budget, legal, and other support services. One of the main problems that the Government Operations Committee found with the present placement of the Archives within GSA is that support services are not tailored to meet the needs of the Archives, and therefore often do not aid in the performance of the agency's functions. The substitute would continue that situation.

The GSA Administrator, on the other hand, would remain the superior of the Archivist, in title, but he would have no real authority over his subordinate. Can you imagine an organization, Mr. Chairman, in which the boss has no control over his assistants? How could an organization function effectively like that?

From the standpoint of the people, we would have the same old confusing situation of divided leadership which has plagued the Archives for 35 years. As long as the Archives remains part of GSA, there will always be a temptation for the GSA hierarchy to meddle in Archives affairs and frustrate the efforts of the Archivist to run his agency in a professional way.

The occasions on which we have created a structure like the one contemplated in the substitute by the gentleman from Ohio are few and far between. The only one I can think of at the moment is the placement of the Federal Energy Regulatory Commission within the Department of Energy. That situation is substantially different from the one before us today, however. Before FERC was placed in DOE, it was an independent regulatory commission with legislative and judicial, as well as executive, powers. We did not want to make an agency with these authorities subject to the control of an executive officer. The Archives, however, performs only executive functions. It should be managed like other executive branch agencies, with direct lines of authority leading from the President to its head.

The gentleman from Ohio has also stated the organization under his amendment is similar to the placement of the Office of Federal Procurement Policy within the Office of Management and Budget. The OFPP example is considerably different from the situation he would prefer. OFPP is a very tiny office—only 14 people at the moment—which would be hard-pressed to perform its own support services. It also is vested only with policy, not administrative, responsibilities. The National Archives, however, is an organization of more than 2,000 employees which has substantial administrative functions. The analogy just doesn't fit.

Mr. Chairman, this amendment does not solve, anywhere near as well as the bill, the problems which the Government Operations Committee has found in the organizational placement of the National Archives. I urge the rejection of the amendment.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, the gentleman from Ohio argues that independence for the Archives is neither wise, nor necessary. He says that independence could well be exacerbate, rather than solve, the problems he has seen during his 6 years as a member of the oversight subcommittee I chair.

While stipulating—in his earlier comments—that the Archives, charged with preserving our Nation's documentary history, was already over 150 years behind the power curve when established 50 years ago, he expresses disappointment over the lack of progress by Archives managers in making up lost ground.

I, too, am disappointed with the amount of progress during the past 6 years. However, unlike the gentleman from Ohio, I do see the lack of management improvement as being a direct casualty of the Archives-GSA relationship. Given the time and energy Archives management has been forced to expend fending off meddlesome and oftentimes vindictive GSA officials, I'm surprised that they were able to make any headway in addressing their many problems.

The gentleman agrees we need a change. The difference between his bill and the committee proposal is one of degree only. We should make the right change—the one called for in the committee bill—you should reject the amendment.

In any event, as the gentlemen knows, the management skills of a particular individual or group of individuals is not the issue here. The gentleman from Ohio knows that there are major and very basic problems with the Archives-GSA marriage. That is why he proposes that, in lieu of independence, we simply transfer statutory authority for substantive archival responsibilities from the GSA Administrator to the Archivist. This, he notes, would deprive Administrators of General Services from entering ill-conceived agreements calling for the destruction of Presidential records, or from ordering the dispersal of valuable records to regional centers. The

Archives, he explains, would, then, still have all the benefits of GSA's administrative support.

Well, I am very pleased to see that he recognizes the need to deprive meddlesome Administrators of their authority to influence substative archival matters. I'm equally perplexed, however, that he views the kind of administrative support GSA has provided the Archives as beneficial.

Let me give you just one example of how the Archives has benefitted from being a part of GSA. As the gentleman noted, fire safety at the Archives is not a problem of recent vintage. So, after years of neglect by GSA's Public Building Service—the Government's landlord—we were pleased in March of 1982 of get the Administrator's personal assurance, during a public hearing, that PBS would be responsible for correcting longstanding fire safety and environmental problems at the Archives. Then, when faced with a devastating fire safety report last October, the Administrator and other GSA officials concocted an illegal, retroactive delegation of authority, shifting the burden for fire safety from PBS to the Archives effective October 1, 1981. So much for the Administrator's personal, public assurance of March 1982. And, since this is but one of many sad tales, so much for the benefits of GSA administrative support.

Mr. Chairman, this is not the time to try out yet another experiment in Government management—as proposed by the gentleman from Ohio—on the Archives. this is the time to correct an old mistake, not make a new one. This is the time to reestablish the Archives as an independent agency subject to neither the substantive nor administrative whims of GSA.

I urge my colleagues to reject the gentleman's amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield for just a moment?

Mr. ENGLISH. I am happy to yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I certainly have had lots of interesting times serving with the gentleman on the subcommittee with the oversight jurisdiction concerning the National Archives and Records Service.

I would just like to ask if the gentleman from Oklahoma would care to state his intentions with regard to the oversight that would be exercised over this new independent agency in the months and years ahead. If this bill is enacted into law, I think it is going to require a great deal of attention, and I would expect to devote that time and attention to the matter myself. I see where the die is cast and what is going to happen here today, but I certainly feel that we are going to have to work harder on oversight as a result of the passage of this law than really is necessary. I would just like to urge upon the gentleman from Oklahoma that this ought to be a very interesting high-priority item for the exercise of oversight by the subcommittee, because it is going to take a lot of it.

Mr. ENGLISH. Mr. Chairman, I would agree with the gentleman. And as the gentleman well knows—and he certainly has served very ably on the subcommittee as the distinguished ranking minority member—we have spent a great deal of time on the archives. We have looked at it up and down and all around, and I think we are very familiar with the problems. I think that is the reason we all agree that changes need to be made.

I am sure that the gentleman knows the Archives was independent up to 1948, and if I remember correctly, many historians, prominent historians, told us then that we should not be putting it in with GSA, and it turns out that they were right.

□ 1820

But I would certainly wholeheartedly agree with the gentleman that we want to make certain that the new independent Archives gets off to a good start, that it performs as the legislation calls for, and that it lives up to the enthusiastic beginning that we all expect from it.

Mr. KINDNESS. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment—most reluctantly, because I have the highest regard for my friend, Mr. KINDNESS, who has been one of the long time supporters of a strong Archives with the ability to preserve the historical records of this country. He has a keen sense of history and has always been a constructive force in our overall evaluation of the problems of the Archives.

The amendment of my friend, the gentleman from Ohio, serves the worthwhile purpose of vesting statutory authority for archival functions directly in the Archivist. But, in retaining the Archives within the bureaucratic structure of the GSA, the gentleman's amendment only addresses half of the problem. The record of the past 35 years shows numerous examples of the problems that have arisen due to the Archives' being subordinate to GSA. These problems have arisen in some cases from a lack of understanding and appreciation for the Archives' functions and, in other cases, through blatant attempts to meddle in the Archives for political purposes.

Granting direct statutory authority to the Archivist for these functions would not solve the problem wholly. The Archives still would be dependent on GSA to a large degree for the vital support functions that make the difference in any Government agency. Nor would this amendment address the problem that there are fundamental differences in the overall missions of the Archives and GSA. The former Archivist of the United States, Dr. James B. Rhoads, testified before our subcommittee that the defect in the structural relationship between these two agencies is one of simple and stark incompatibility.

It was the committee's opinion, and it is my opinion, that the only resolution of this problem is to remove the Archives completely from GSA. Doing so will benefit both agencies greatly. I would ask for a no vote on this amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. KINDNESS].

The amendment in the nature of a substitute was rejected.

● Mr. FISH. Mr. Chairman, as a cosponsor of H.R. 3987, I would like to affirm my support for this legislation to reestablish the National Archives as an independent agency. The task of collecting the vital records of our documentary heritage and creating a system for the orderly accumulation of these records over time, is vital to the preservation of the history of our Nation. This summer we are celebrating the 50th anniversary of the founding of the National Archives as an independent establishment. When the National Archives and Records Service [NARS] was created by Franklin D. Roosevelt in June of 1934, it was a free-standing agency, reporting directly to the President. I believe that this is the proper way to run this agency. Today, as part of the General Services Administration [GSA], NARS lacks the proper authority over budget, program priorities, and personnel management needed to effectively carry out its important purpose.

Why is an institution dedicated to the preservation of our historic past buried within an agency which has a very different set of priorities? Most of the Archives' activities do not lend themselves to the measurable goals of the GSA. Principles of profit and loss are difficult to apply to the work of archivists and records managers who deal with people and materials of intangible values. As a results, NARS' budget has suffered and the GSA's demands of the agency have increased substantially over the years.

As long as NARS is a part of General Services Administration, the Office of Management and Budget [OMB] is, and should be, preoccupied and oriented toward big dollar issues involving Federal procurement, building construction and management. As a part of the GSA, the Archives is unable to make its case to the Office of Management and Budget and Congress for the

skilled personnel and resources it needs. NARS' budget has suffered over the years while those of the Library of Congress and the Smithsonian have prospered in comparison. As independent institutions, their staffs have a clear understanding of definable goals. Their budgets and money disbursement can be managed within this framework of established priorities.

We need to have an archival program that will be able to operate professionally in the national interest. The NARS needs to be once again in charge of its own affairs where it can independently sustain continuity of its goals and a singularity of purpose.●

● Mr. BATES. Mr. Chairman, I rise in support of H.R. 3987, the National Archives and Records Administration Act of 1984 that would reestablish the independence of the National Archives by separating it from the General Services Administration.

As we have heard from the many voices raised on this floor in support of this bill, the National Archives was established 50 years ago as an agency dedicated to the preservation of the Nation's official memory. It holds in trust the records of the Federal Government, beginning with the earliest jottings of the first secretary of the Continental Congress in 1774. Born out of the needs of the Government to provide evidence of its own actions, the National Archives has grown to serve the needs of a vast public whose lives, or the lives of their predecessors, have been touched in one way or another by that same Government. We are a nation of immigrants, from the Pilgrims to the latest refugees from today's strife-torn countries. The records of the National Archives are outspoken testimony to the diversity that makes up this land. Through immigration and naturalization records and those of the decennial census, our heritage is recorded by agencies of the National Government, and ultimately these records are deposited in the National Archives.

In the Archives are recorded the momentous events—the Declaration of Independence, the Constitution, the Emancipation Proclamation, the Supreme Court case of Brown against Board of Education—as well as the less obvious happenings that make up the structure and meaning of American life. In the archives are the logs and diaries of Polar explorers, the contracts and designs of the first airplanes sold to the Government by the Wright brothers, the land records that vividly document the rush to settle the West, the treaties that were negotiated to protect trade, copyrights, or the rights of American citizens abroad. The records that document military valor, from the struggle against colonialism in the 18th century to the southeast Asia conflicts of recent decades, are kept by the Archives so that future generations may know not only who were the individuals that laid down their lives, but why they did so. And, in the Archives are records of debates such as this, Mr. Speaker, because the Archives houses the records of Congress and the courts, making it an institution that serves all branches of the Government.

I have no argument with the General Services Administration, Mr. Speaker. As an agency dedicated to performing the business and maintenance functions of the Federal Government it does a commendable job under often adverse conditions. And I have no argument with the recommendations of the First and Second Hoover Commissions for improving the efficiency of Government by consolidating offices and functions where it is appropriate to do so. I do believe, however, that the experience of the 35 years since the establishment of GSA and the assignment of the National Archives to that agency, has proven it to be an error. In my days at San Diego State University it would have been ludicrous to think of placing the library under the administration of the buildings and grounds department. In the State of California the placement of the State archives is much more logical than it is here in Washington, since it reports to the office of the secretary of state, which has legal authority over many of the basic documents preserved in the archives. It is appropriate that we recognize that an error was made, and it is appropriate that we rectify that now. Indeed, it is fitting that such a reversion to the original plan for an independent National Archives take place during its golden anniversary.

Much of what we do in these halls from day to day may seem to be of less than global importance, and we sometimes move from bill to bill seeing them only as threads in a pattern that we cannot easily discern. It is in the Archives where that pattern will ultimately be revealed, when researchers study all of the threads and see how they interweave to form a tapestry of American civilization. The Archives, therefore, must be independent of the pressures normally confronting line agencies, and the archivists must be judicious and nonpartisan in their judgments about retention and disposal. I would urge, therefore, that if this legislation passes, the selection of Archivist of the qualifications and experience of the candidates, and after a broad search for candidates with talent and the proper credentials.

Abraham Lincoln said at Gettysburg that the world would little note what was said and done there that day, and he was wrong. I might repeat his phrase in relation to this bill, and be right. But whether our actions are noted or not, they will have an impact on the record that we in the Federal Government create to explain to future generations what we did, and why. It is on these grounds that I support the passage of H.R. 3987, and urge my colleagues on both sides of the aisle to contribute their support also.

Thank you.●

The CHAIRMAN. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1823

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BENNETT] having assumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee on the Whole.

Mr. SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, pursuant to House Resolution 534, I call up from the Speaker's table the Senate bill (S. 905) to establish the National Archives and Records Administration as an independent agency, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of the Senate bill, S. 905, and to insert in lieu thereof the provisions contained in H.R. 3987, as passed by the House, as follows:

That this Act may be cited as the "National Archives and Records Administration Act of 1984".

TITLE I—ESTABLISHMENT OF AN INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist.".

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

(2) by inserting after section 2102 the following new sections:

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Administration. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate functions to designated officers and employees of the Administration, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

"(c) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(f) Each Federal agency is required to furnish to the Archivist, upon request, any information or other data which the Archivist finds necessary to carry out the duties of the Archivist.

"(g) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

"(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) Notwithstanding section 1342 of title 31, United States Code the Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Administration.".

(b) Section 2101 of title 44, United States Code, is amended—

(1) by designating the two indented paragraphs as paragraphs (1) and (2), respectively;

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Administration' means the National Archives and Records Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(14), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives).".

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.
"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal, fees for copies and reproductions.
"2117. Limitation on liability.
"2118. Records of Congress.".

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration ..... 2101".

TRANSFERS

SEC. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(c) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act or the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropri-

ate allocation. A percentage of the funds and associated positions in the General Management and Administration appropriation for the General Services Administration, proportionate to the percentage of National Archives and Records Service employees in the General Services Administration, is transferred to the Archivist for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

SEC. 105. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

SEC. 106. With respect to any functions transferred by this Act or by an amendment made by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.

CONFORMING AMENDMENTS

SEC. 107. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" in paragraph (4) and inserting in lieu thereof "section 2111".

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Administration";

(B) by striking out "and in consultation with the Archivist of the United States" in such subsection;

(C) by striking out "the Archivist and" in the fifth sentence of such subsection;

(D) by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist"; and

(E) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by inserting "and Records" immediately following "National Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist";

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress.".

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist"; and

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(b)(1) Sections 710, 711, and 729 of title 44, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 1506 of such title is amended is amended by striking out the third sentence.

(5) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(6) Sections 2204(c)(1) and 2205 of such title are amended by striking out "National Archives and Records Service of the General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

(7) Section 2301 of such title is amended by striking out the second sentence thereof.

(8) Section 2501 of such title is amended by striking out the last sentence thereof.

(9) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(C) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(D) by striking out "transmit to the Administrator" in the last sentence of such subsection and inserting in lieu thereof "transmit to the President and the Congress"; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Administration".

(10) Section 2506 of such title is amended—

(A) by striking out "Administrator of General Services" in subsection (a) and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Archivist".

(11) Section 2507 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(12) Section 2901 of such title is amended—

(A) by striking out "27," in the matter preceding paragraph (1);

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

(C) by striking out "Administrator" each place it appears in paragraphs (6), (9), and (11) and inserting in lieu thereof "Archivist"; and

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) the term 'Archivist' means the Archivist of the United States;".

(13) Section 2902(7) is amended by inserting "or the Archivist" after "Administrator".

(14)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

(15) Section 2904 is amended to read as follows:

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

"(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

"(2) to conduct research with respect to the improvement of records management practices and programs;

"(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

"(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

"(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

"(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.".

(16) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

"(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.".

(17)(A) The heading of chapter 29 of title 44, United States Code, is amended to read as follows:

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services ..... 2901".

(18) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701,".

(19) Section 3103 of such title is amended—

(A) by striking out "Administrator" the first place it appears and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" the second place it appears and inserting in lieu thereof "Archivist".

(20) Sections 3104 and 3106 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(21) Section 3105 of such title is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(22) Sections 3302, 3303, 3308, and 3311 of such title are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States".

(23) Sections 3303a and 3310 of such title are amended—

(A) by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist of the United States"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(24)(A) The heading of section 3303 of such title is amended to read as follows:

"§ 3303. Lists and schedules of records to be submitted to the Archivist of the United States by head of each Government agency".

(B) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

"§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist of the United States".

(D) The table of sections for chapter 33 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 3303, 3303a, and 3311 and inserting in lieu thereof "Archivist of the United States".

(25) Section 3504(e) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(26) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

(c)(1) Section 101 of the Presidential Recordings and Materials Preservation Act is amended—

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of Congress are not in session.".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration", respectively.

(2)(A) The heading of section 6 of such title is amended to read as follows:

"§ 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection".

(B) The heading of section 12 of such title is amended to read as follows:

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Administration", respectively.

(g) Section 552a of title 5, United States Code, is amended—

(1) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;"; and

(2) by striking out "Administrator of General Services" each place it appears in subsection (l)(1) and inserting in lieu thereof "Archivist of the United States".

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States.".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 108. For purposes of sections 103 through 106—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

NATIONAL ARCHIVES TRUST FUND BOARD

SEC. 202. (a) Chapter 23 of title 44, United States Code, is amended by striking out sections 2302 through 2305 and inserting in lieu thereof the following:

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

"§ 2303. Powers and obligations of the Board; liability of members

"Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on

an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

(b) Section 2307 of title 44, United States Code, is amended to read as follows:

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.".

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;".

AUTHORITY TO LITIGATE

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress.".

INSPECTION OF RECORDS

SEC. 204. Section 3301 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government. Access to such material, and the examination thereof, by the Archivist shall be in compliance with all other Federal laws and be subject to the sanctions provided therein.".

PUBLIC NOTICE

SEC. 205. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATE

SEC. 301. The provisions of this Act (including the amendments made by this Act) shall be effective on April 1, 1985.

SPENDING AUTHORITY

SEC. 302. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to improve the preservation and management of Federal records, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3987) was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING EXCHANGE OF CERTAIN LANDS FOR SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3331) to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) is amended by

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike all after the enacting clause and insert:

That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501) is amended by—

(1) inserting "(A) after "(2)";

(2) striking out "Any" in the third sentence thereof and substituting "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) shall negotiate, and carry out, and exchange with the city of Los Angeles (acting through its department of water and power) of certain federally owned lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands owned by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the National Park Service for inclusion within the recreation area. The Secretary shall include in such exchange a provision for an easement to be granted to the city of Los Angeles for the existing water pipeline associated with the Upper Franklin Reservoir and for the city of Los Angeles to provide for replacement water to maintain the water elevations of the Franklin Reservoir to the current levels. The values of lands exchanged under this provision shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.".

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. SEIBERLING. Mr. Speaker, H.R. 3331, introduced by our colleague Howard Berman, would provide for an equal value land exchange between

the Department of the Interior and the city of Los Angeles.

The Santa Monica Mountains National Recreation Area [SMMNRA], established in 1978 (Public Law 95-625) has within its boundary lands owned by the city of Los Angeles. The act provides for donation of such lands to the National Park Service, at the discretion of the city, but does not permit exchange for other Federal land. The city land contains a small reservoir—Upper Franklin Reservoir—which is no longer used as a part of the water supply system and the potable water is now diverted into a pipeline that passes under the reservoir. Upper Franklin Reservoir is now partially filled with nonpotable water and is the focal point of an area of geological diversity including over 100 plant species, which is heavily used as a nature center by the William O. Douglas outdoor classroom.

The city of Los Angeles constructed the Haiwee Reservoir—located in Inyo County, CA—as part of the city water system in the early 1900's. A portion of the reservoir is on Federal lands administered by the Bureau of Land Management. The land area around the Haiwee Reservoir is an alkaline desert typical of this region of California. While plant and animal life is limited there are several bald eagles that winter in the reservoir area.

The city of Los Angeles desires to obtain ownership of the lands around Haiwee Reservoir and favors an equal value exchange for those lands within the boundary of the SMMNRA owned by the city, including the Upper Franklin Reservoir.

I know of no controversy regarding this bill and since it requires a land exchange of equal value there will be no cost to the Federal Government.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WILD AND SCENIC RIVERS ACT AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consideration for immediate consideration of the bill (H.R. 5851) to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the National Wild and Scenic River System.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding the following new paragraph at the end thereof:

"(89) CACHE LA POUDRE, COLORADO—The segment from the northwestern boundary of the city of Fort Collins to the eastern boundary of the city of Fort Collins.".

SEC. 2. Section 5(b)(3) of such Act is amended by adding the following at the end thereof: "The study of the river named in paragraph (89) of subsection (a) shall be completed not later than three years after the date of the enactment of this sentence.".

SEC. 3. The first paragraph (4) in section 5(b) of such Act is amended by adding the following at the end thereof: "There are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (89) such sums as may be necessary.".

SEC. 4. The study required under section 4 of the Wild and Scenic Rivers Act of the segment of the Cache la Poudre River designated by section 5(a)(89) of the Act for potential addition to the national wild and scenic rivers system shall be carried out by the Secretary of Agriculture. The study and report prepared with respect to that segment under such section 4 shall include an identification of the one-hundred-year flood plain for the segment, an analysis of the existing and potential uses of land within that flood plain which may be inconsistent with the addition of such segment to the national wild and scenic rivers system, and an identification of all water rights and water management practices.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 17, strike out the word "indentification" and insert "identification".

Page 2 line 21, strike out "indentification" and insert "identification".

Mr. SEIBERLING. The committee offered these two committee amendments to make technical corrections and I ask for their approval.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. SEIBERLING. Mr. Speaker, H.R. 5851 is a very simple bill to authorize a study of a short segment of the Cache la Poudre River in the State of Colorado, to determine if it is eligible for inclusion within the Wild and Scenic Rivers System.

In 1975 Public Law 93-621 was enacted, which required a study of the upper reaches of the Cache la Poudre River in the State of Colorado for possible inclusion in the National Wild and Scenic Rivers System, but did not include the lower river in the vicinity of the city of Fort Collins. This portion of the Cache la Poudre is in the high plains area east of the Rocky Mountains and is of an entirely different ecological community than those portions of the river in the Rocky Mountains proper. A large floodplain exists along this reach of river and, although within an urban area, a wide variety of riparian vegetation and associated animal life exists.

The city of Fort Collins and Larimer County have been moving to protect the Cache la Poudre River floodplain through elimination of nonconforming floodplain development. Even though the Cache la Poudre River has regularly flooded, there continues to be increased pressure for development within the floodplain with the resultant destruction of the eastern slope riparian habitat.

The proposed legislation would require a study of the suitability of this segment of the Cache la Poudre River for inclusion in the Wild and Scenic Rivers System including identification and evaluation of the 100-year floodplain.

Mr. Speaker, I urge adoption of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the National Wild and Scenic Rivers System."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. PACKARD asked and was given permission to address the House for 1 minute.)

Mr. PACKARD. Mr. Speaker, I take this time for the purpose of yielding to the majority whip, if I may, for purposes of getting the agenda for next week.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, this concludes the business for this week. Next week the House will meet on Monday at noon

and consider the Consent Calendar and 18 bills under suspension of the rules:

H.R. 5818, Children's Products Safety Act;

H.R. 1880, Cigarette Safety Act;

H.R. 4557, Secondary Mortgage Market Enhancement Act;

H.R. 3832, Women's Business Ownership Act;

H.R. 5568, Truck Safety Act;

S. 2556, American Folklife Center;

H.R. 4785, Older Americans;

H.R. 5398, Veterans Education Amendments, an unnumbered resolution to permit House to go to conference on H.R. 2878—library services;

H.R. 3331, land exchange in Santa Monica Mountains, CA;

S. 864, Volunteers in the parks amendments;

H.R. 4356, Olmsted Historic Landscapes Act; and

H.R. 5531, Baltimore-Washington Parkway bill.

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H.R. 5631, to provide acquisition of visitor contact and administrative site for Big Thicket National Preserve in Texas; H.R. 5540, Coos Bay Indian bill; H.R. 3775, the Jewish war veterans recognition; H.R. 1199, the Catholic war veterans recognition; and H.R. 6027, the Federal antitrust laws amendments, regarding applications to local governments.

Also, on Monday, the House will consider H.R. 5244, the energy civilian research authorizations for fiscal 1985, 1986, and 1987, open rule, 1 hour of debate. The rule has already been adopted. General debate only on this bill.

On Tuesday, the House will meet at noon to consider the Private Calendar and possible suspensions under the rules. Also the conference report on H.R. 4325, the child support enforcement amendments; H.R. 5244, energy civilian research authorizations for fiscal 1985, 1986, and 1987, to complete consideration; H.R. 5602, the health professions and services amendments; and H.R. 5585, the Railroad Safety Act.

On Wednesday and the balance of the week, the House will meet at 10 a.m. Votes ordered on Monday under suspension of the rules will be taken on Wednesday. The reason for this, Mr. Speaker, is that on Tuesday we have three of our States holding primary elections. So we are going to consider any votes ordered on Monday on Wednesday next.

Also H.R. 5640, Superfund extension, subject to a rule being granted; H.R. 3605, the Drug Price Competition Act, subject to a rule being granted; and H.R. 5921, the Transportation appropriations for fiscal 1985.

At the close of the week's business, the House will adjourn for the Republican National Convention and the Labor Day-district work period and will reconvene at noon on Wednesday, September 5.

Conference reports, of course, may be brought up at any time. A further program may be announced later.

Mr. PACKARD. Would the distinguished whip be able to tell us when we will be out next week?

Mr. FOLEY. When the program is completed. I would assume that with a rather heavy schedule next week that that might mean a Friday session.

Mr. PACKARD. We will have a Friday session?

Mr. FOLEY. It is impossible to assure the gentleman that we will not have a Friday session. The schedule would call for us to begin the recess at the close of business, which I have described, and that might entail a Friday session if the business is not completed earlier.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, might I inquire of the debt limit extension bill. It is my understanding it will not absolutely be imperative to move on that, although I see that on the sheet I have that Members should expect action on that next week. Is that just a possibility?

Mr. FOLEY. It is a possibility. I have no information beyond that except that we are not sure exactly at what time it might be necessary to consider that and next week is a possibility.

Mr. MICHEL. I thank the gentleman.

I have no further questions.

Mr. PACKARD. Mr. Speaker, I have no further questions and I thank the gentleman from Washington, the distinguished whip.

ADJOURNMENT TO MONDAY, AUGUST 6, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS OF WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON COMMERCE, CONSUMER, AND MONETARY AFFAIRS OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations:

COMMERCE, CONSUMER, AND MONETARY AFFAIRS SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, August 1, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On July 25, 1984, I informed you, pursuant to Rule L(50) of the Rules of the House, that Dean Scott, an employee of the General Accounting Office detailed to this subcommittee, had been served with a subpoena for deposition issued by the Superior Court of the District of Columbia.

I have consulted with the General Counsel to the Clerk of the House and have concluded that compliance with the subpoena, as modified, is consistent with the privileges and precedents of the House.

Sincerely,

DOUG BARNARD, Jr.,
Chairman.

FAIR TRADE IN IRON ORE

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBERSTAR. Mr. Speaker, it is well-known that the domestic steel industry has been battered by imports priced below U.S. market rates and often below market prices in the country of origin; financed by foreign governments or by low-interest loans from international lending institutions.

Not so well-known is the depression in ore mining and processing in northeastern Minnesota, resulting from the recession in steel.

The House Ways and Means Committee is holding hearings on legislation designed to provide relief for America's steel and iron ore industries, and restore American jobs lost to imports. I submit for the RECORD the statement I will deliver tomorrow to the committee in support of the Fair Trade in Steel Act, a bill which will also restore jobs in iron ore mining and processing in both Minnesota and Michigan—which is why I call this bill 'the Fair Trade in Iron Ore Act of 1984.' This legislation is vital to the economic revitalization of northeastern Minnesota and I urge the Ways and Means Committee to report H.R. 5081 promptly to the House, where I am confident it will pass handily.

The statement referred to follows:

STATEMENT OF THE HONORABLE JAMES L. OBERSTAR OF MINNESOTA, FOR THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE FAIR TRADE IN STEEL AND IRON ORE ACT OF 1984

Mr. OBERSTAR. Mr. Chairman, during this Subcommittee's extensive hearings on H.R. 5081, you have heard much testimony on the Fair Trade Steel Act of 1984; I participated actively in the drafting of this legislation and support it in its present version. I concur with the statements made earlier before this Subcommittee by my colleagues on the Congressional Steel Caucus and will confine my remarks today to those provisions I call the Fair Trade in *Iron Ore* Act.

This past Saturday, July 28, the people of northeastern Minnesota celebrated the 100th anniversary of the first shipment of iron ore from what later became the deepest iron mine on the North American continent at Tower, Minnesota. Over the course of this century, the three iron ranges of northeastern Minnesota, the Cuyuna, Mesabi, and Vermilion, have produced 3.2 billion tons of iron ore. This ore has sustained our country through two World Wars and the Korean and Vietnam Wars and has allowed for the vigorous building of America into the leading industrial nation in the world.

We in Minnesota have not been content simply to wrench ore from the ground, ignoring the limits of natural resources or the advance of technology. Even as the high grade ores were being depleted, scientists and engineers at the University of Minnesota and from the iron ore industry were developing new processing techniques to extract a higher grade product from low-grade ores called taconite. Some $3 billion in private industry investment in taconite processing has kept northeastern Minnesota on the leading edge of technology in the iron ore industry. In many respect, iron ore processing is the most modern sector of the steel industry. Workers in the iron ore industry have vastly improved their productivity; shipping of the taconite pellets is carried out by the most modern vessels in the American merchant fleet: 1,000 foot self-unloading lakers that can unload a 60,000 ton cargo of pellets in an eight hour shift.

Yet, the taconite industry is under assault today by underpriced imports from sources subsidized or owned by foreign governments or sustained by below market rate lending from international financial institutions.

Mr. Chairman, what I am saying is that the iron ore and taconite industry heard and responded to the call for modernization without U.S. government support. Today that industry is on its knees because of iron ore imports unfairly priced and competing with unfair advantage.

To help some of my colleagues on the Congressional Steel Caucus understand how imports of iron ore have weakened our domestic industry, last March, the first Caucus hearing on H.R. 5081 was held in my district, in Hibbing, MN, the heart of the great Mesabi Iron Range. At that hearings, Representative Joe Gaydos and Representative John Murtha and I heard from an impressive array of Minnesota witnesses who discussed the advanced state of technology in the iron ore industry and the severe economic distress the area has suffered because of pressure from imports. We also heard from a spokesman for the Reagan administration who assured unemployed Minnesota steelworkers that economic recovery would cure all the ills of the steel and iron ore industries. The administration wants industry to lower its costs and make greater efficiencies.

I am here to testify that economic recovery has not arrived in northeastern Minnesota. In 1983, 73,000 new jobs were created in Minnesota—but northeastern Minnesota experienced no job gain. About half of those steelworkers employed in 1980 today still have jobs in the taconite industry. Some of them were lucky enough to keep their jobs through a long and hard recession; some are happy to be returning to their original jobs. Far too many others have not been so fortunate, and are still unemployed.

The Reagan administration wants the industry to produce efficiencies. What the administration calls "efficiencies" are not going to help this industry combat dumped imports. Minnesota's iron ore plants are highly modern—the National Steel Pellet Plant in Keewatin was redesigned in the late 70's and further updated last fall to produce the most modern pelletizing plant on the market. This plant is operating today at half throttle.

Minnesota's iron ore workers cannot make more wage concessions. They have conceded their wages, many have conceded their jobs and their homes. Some have all but conceded their hopes.

We cannot produce efficiencies to combat dumping margins of 51 to 100 percent. We cannot lower wages enough to make up for a $300 million World Bank loan to Brazil at below market interest rates to develop ore capacity which further expands the current world oversupply of iron ore, a World bank loan which helps Brazil deliver iron ore to Great Lakes steel mills for $12 less a ton than U.S. ores.

The American iron ore industry has suffered long and hard during the past recession. It has more than shared the unemployment and shutdowns that have plagued the steel industry. In 1983, iron ore imports took a 29.1 percent share of the domestic market, a far higher market share than steel imports. Today, we hear outrage from the steel industry because imports have reached 26 percent. The American iron ore industry has been burdened with more sustained and higher levels of imports: since 1976, iron ore imports have averaged between 29 and 36 percent.

Sustained levels of ore imports have had the same effects on the American ore industry as high steel imports have had on the steel industry: unemployment and reduced capacity. It is difficult to convey the economic depression on the Iron Range of northeastern Minnesota, where about 55 percent of the gross regional product is directly related to the taconite industry. The industry will employ 8,000 this year, up from the record lows of 5,000, in late 1982 but far from the 15,000 jobs in iron ore mining in 1979.

Because northeastern Minnesota's economy is so heavily reliant upon iron ore production, the depression has shut down not only the mines but has also virtually shut down entire towns. In 1981, the eight iron ore plants had a payroll of $400 million and purchased $900 million in goods and services from 2,000 Minnesota firms. Last year, the payroll was reduced to $208 million and the industry purchased $450 million in goods and services, half the level of two years prior. This decline can also be expressed in very human terms—families have lost their homes, businesses have closed, skilled professionals, such as doctors, have moved out of the area.

Many of our unemployed steelworkers will never return to their former jobs in the taconite plants. As the mines have reduced their operations during the recession, steelmakers are contemplating permanent shutdown of a portion of our domestic iron ore capacity. Today, world excess capacity in both iron ore and steel may mean an increasing reliance by domestic steelmakers on cheap iron ore from foreign sources, often receiving heavy subsidies from their governments and international lending organizations.

Existing trade laws are not enough to stop the flood of iron ore imports. H.R. 5081 recognizes that the iron industry must share in the economic benefits of quota legislation on the steel industry. We cannot allow domestic steelmakers, protected from steel imports by a 15 percent quota, to turn around and buy subsidized iron ore dumped on the domestic market. The iron ore mines on the Mesabi Iron Range will surely benefit indirectly from a steel quota—increased demand for American steel could add 1,500 jobs in iron ore.

But this legislation also recognizes the essential value of a strong iron ore industry to our national security and to our economic base. By placing a 25 percent quota on iron ore, we assure that the iron ore industry will share in the general recovery in the steel industry. The 25-percent iron ore quota would put another 1,000 iron ore miners back to work.

When we drafted the iron ore quota in H.R. 5081, we included two provisions which recognize that certain steel companies or individual plants may require imported ore. We have allowed two ways for these companies to petition the Secretary of Commerce to raise the quota to the present level of ore imports 29 percent. First, those companies which entered into long-term contractual agreements on or before January 1, 1984, would be allowed to petition for an excedence of the 25-percent quota. Second, individual steel mills which rely on certain types of foreign ore, such as Sparrows Point in Baltimore, Maryland, would be allowed to request the Secretary to raise the quota if the mill cannot fill its needs within the 25-percent quota. It is important to note that the Secretary of Commerce first allocate the 25-percent quota to plants traditionally dependent on ocean-sourced ores before allowing for companies to exceed the quota.

The 25-percent quota on iron also recognizes the traditional global trading patterns of iron ore—the United States imports each year about 2 tons of Canadian ore for every 1 ton of non-Canadian foreign ore. We have also specified under this legislation that the Secretary must preserve this traditional ratio of Canadian and non-Canadian ore under the 25-percent quota. This provision assures that American manufacturers will not be able to import only cheap Brazilian or Venezuelan ore under the quota, shutting out one of our most important trading partners, Canada.

I would have liked a stricter quota on iron ore, but during the many hours of discussions with industry and labor, we molded this compromise to unite both groups behind this provision and the entire bill. The bill provides steelmakers with a certain flexibility for meeting their needs, while protecting American iron ore workers.

During the Steel Caucus hearing in Hibbing, one of the local steelworker union presidents challenged the administration representatives to tour the area and meet some unemployed workers. Afterwards, this steelworker and the administration spokesman toured a local public works project,

where steelworkers now make minimum wage, barely enough to support a family, and a food shelf, where the unemployed can receive about 1 month's worth of groceries a year.

That administration official saw the economic devastation on the Mesabi Iron Range. He also saw the modern ore processing facilities, which are now idle, and met some of the highly skilled workers, who no longer have jobs. Here, we do not have a case of obsolete plants asking for protection, we have a streamlined industry seeking a chance to compete fairly in the domestic and world market. H.R 5081 would provide the steel and iron ore industries that opportunity.

I am pleased that the subcommittee has shown a willingness to finish its hearings on H.R. 5081. I would strongly urge you to move toward a markup as soon as possible to get this bill onto the House floor so that we can help our steel and iron ore industries to trade fairly.

As one president of a local steelworker union stated at the Steel Caucus hearing in Hibbing, "For northeastern Minnesota, fair trade must be reciprocal and not unilateral."

TWO VISIONS OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman form Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I was drawn to this special order by the daring gamble of Vice President Mondale in saying in his acceptance speech that he will raise taxes and then challenging President Reagan to say he would raise taxes.

I watched eagerly the other night as President Reagan in his press conference tried to explain why he would not raise taxes.

I then listened with increasing dismay as both the national media establishment, the intellectual establishment, and even some of my colleagues, good Republicans, began to say, oh, obviously you have to raise taxes. Obviously after the election we have to raise taxes. There is no alternative to raise taxes.

I listened to people dismiss out of hand alternatives, to assume there was no other choice.

I was very struck with the fact that economists and politicians who have been clearly and systematically wrong, who have year after year after year been wrong, leap back up almost like doctors guilty of daily malpractice and offered advice and counsel and demands, talked about common sense. I was particularly struck and went back in my files to my library to a classic work by Douglas MacGregor, "The Human Side of Enterprise," written in 1960. For Douglas MacGregor was in some ways the first management specialist to challenge the liberal welfare state in its style of managing the government, companies, and the economy.

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And he suggests something in his great book, one of the trailblazing books of thinking about management, that I thought fits so perfectly with the problem we face, those of us who believe in a conservative opportunity society and a growing America in the future opportunity for all human beings, and the kind of automatic, almost contemptuous intellectual response that we get from economists, some politicians, some newsmen and women who say, "Well, obviously you are going to raise taxes." And we say, "Why obviously?" They say, "Because." We say, "Why because?" They say, "Because all of the theories prove it, because it is common sense, because it is practical." They talk about being pragmatists while we are ideological. They grip the word "pragmatism" as though by holding on to it it proves they are.

And I went back, and on page 7 of "The Human Side of Enterprise," Douglas MacGregor says:

> It is possible to have more or less adequate theoretical assumptions. It is not possible to reach a managerial decision or take a managerial action uninfluenced by assumptions, whether adequate or not. The insistence on being practical really means "let's accept my theoretical assumptions without argument or test." The common practice of proceeding without explicit examination of theoretical assumptions leads at times to remarkable inconsistencies in managerial behavior.

Let me suggest that, in a way, Douglas MacGregor, talking about management in 1960, described Paul Volcker and the Federal Reserve Board from 1979 to 1984. He described the entire collapse of the liberal welfare state economic order, whether the right-wing liberal welfare state or the left-wing liberal welfare state.

And to prove that case, let me cite just a few quotes that were gathered by Congressman JACK KEMP and by John Mueller of his staff, for they went back and they asked the question, "What have economists told us? What have they said?"

First of all, they started with the Carter-Mondale policies. Now, as all of us remember very painfully, the Carter-Mondale policies were a disaster. They involved highly centralized Government, more money in Washington, tax increases, lots of inflation, they ultimately led to the decay of American industry, the collapse of the auto industry, the destruction of the heavy industry in the Midwest from Pittsburgh through Illinois. They also led to the worst misery index we have ever had. They finally ended up in a situation in which, under Carter-Mondale policies, we had 13-percent inflation and 21.5-percent interest rates.

In that setting, what did economists tell us? Walter Heller, Wall Street Journal, November 8, 1978:

> Can the Carter anti-inflation program overcome the deluge of doubt, denigration and defiance that has greeted it? I believe it can.

That was totally wrong. As a medical doctor Dr. Heller would have been sued for malpractice. That very anti-inflationary policy collapsed and we had the worst peacetime inflation we have ever had.

Arthur Okun, Wall Street Journal, January 12, 1979:

> I think we are on the road to getting inflation down to 6 percent by the end of 1980.

Well, he was only off by 120 percent. Now, I used to teach college. If a student was off by 120 percent, you did not give them passing grades. He, of course, continued to be quoted.

What happened when President Reagan came in, largely elected by American workers who were tired of having their taxes go up, of having inflation go up, of seeing their jobs killed by Carter-Mondale liberal welfare state policies?

President Reagan proposed a policy of growth, a policy of new opportunities for free enterprise, a policy of creating jobs.

What did famous economists say?

Gardner Ackley, University of Michigan economist, "Dun's Business Month," talking about the Kemp-Roth concept, as early as August, 1978:

> If Keynesians are correct that tax cuts increase demand by much more than they raise supply, a mammoth $120 billion tax cut, even if spread over 3 years, could produce an inflationary outburst that would dwarf anything we have seen up to now.

Now, notice that he said if we cut taxes we would have inflation. However, we were having inflation with tax increases, that is, Carter-Mondale were giving us exactly what Mondale promised in San Francisco, higher taxes. And they threw in higher inflation, which he did not mention. So they were already raising taxes and, despite Keynesian economics, they were raising inflation.

Now, down came the taxes under President Reagan, and we did not get—they were just totally wrong—we did not get, and quoting from Gardner Ackley, "an inflationary outburst that would dwarf anything we have seen up to now." We got just the opposite. We have the most stable prices with growth we have had in over 20 years.

Another quote from Business Week, saying that Kemp-Roth "would touch off an inflationary explosion that would wreck the country and impoverish everyone on a fixed income."

Business Week was just plain wrong. That was in August, 1978. And the fact was, despite the national liberal welfare state establishment, we have not touched off an inflationary binge. We have ended the inflation, begun to create prosperity and have stable prices.

John Kenneth Galbraith, famous economist, maybe the quintessential liberal welfare state spokesman, New York Times, October 30, 1979:

A tax cut now would be an act of extreme unwisdom," said Mr. Galbraith, noting that, by spurring consumption, it would put new and unwelcome pressure on prices.

Now, every single economist I have just quoted, four nationally famous liberal welfare state economists and Business Week, were about as wrong as a doctor who tried to do an appendix operation on your left ear. They were just plain wrong. They were totally out of the ball park.

But it did not stop. It was not over.

Walter Heller again, famous economist, still to be read in the Wall Street Journal, July 12, 1978:

A $114 billion tax cut in 3 years would simply overwhelm our existing productive capacity with a tidal wave of demand and sweep away all hope of curbing deficits and containing inflation, indeed it would soon generate roaring deficits and roaring inflation.

Walter Heller was wrong. There is no roaring inflation. Furthermore, the growth in productivity, the growth in jobs in the last year and a half are bringing down the deficit. Every single week that goes by we are seeing more people go to work and more people pay taxes and fewer people are on unemployment.

In May of this year alone, under this program, we created more jobs in America than the European Common Market has created in 12 years. Let me repeat that because it is so incredible it is hard for people to believe. In May of 1984 the United States of America created more jobs than the European Common Market created in the last 12 years.

Precisely the opposite of what Walter Heller and liberal welfare state economists suspected. And why were they wrong? They are fairly upfront about it. They were wrong in terms of their analysis as they explained it at the time because their analysis was in fact fundamentally built on the wrong model. Their analysis said, " If we give you bigger incentive to work, because you are basically lazy you will just spend the money," when we kept saying, "Oh, no, if you give people an incentive, they will go out and do things. If you give people a chance, they will go out and do it." And the liberal welfare state economists said it is not possible.

Again, Ernest Koning, Los Angeles Times, July 1978:

Taxes cannot be reduced that sharply without inducing higher unemployment.

Now, he could not hardly be more wrong than this. I mean this is so totally wrong it is like describing a 4-year old as though they were 90. I will repeat it, because it is so incredibly wrong in terms of reality: "Taxes cannot be reduced that sharply without inducing higher unemployment."

In fact, now that the tax cuts have finally occurred, we are seeing just the opposite. Far from inducing unemployment, we have added, I believe, over 7½ million jobs, we are on a tremendous explosion of employment, we are leading the planet. For the first time in years we are growing faster than Japan.

But let me go on. According to the National Bureau of Economic Research, the recession began in July of 1981. That is a very important thing to realize. The National Bureau of Economic Research is basically the agency that defines recessions in America. It is a nonpartisan, highly scholarly group, and they sat down and they said, "When did the recession begin?" Well, it began in July of 1981.

And I have to say, for just a moment, that there were one or two incredibly dumb things that the Republican Party did in the last few years, and one of them was not hammering home the message that the recession that began in July, 1981, by definition was not a Reagan recession, it was a Carter-Mondale recession. We had only been in office 6 months, and in fact the tax cuts were not enacted until August.

□ 1850

Virtually every unemployed person in 1981 and 1982 and early 1983 could thank Carter and Mondale for the economic conditions that led to the decay of America because the first tax cut was only 1.25 percent in its impact on 1981. It did not take effect until October, so the Carter-Mondale recession was already underway July, August and September for 3 months before the tiny opening tax cut, and according to the U.S. Treasury, automatic and scheduled tax increases outstripped tax cuts throughout 1982.

In that setting, what happened? The Carter-Mondale recession set in, the tax program began, and economists looked at the world and what did they say? Benjamin Friedman, quoted in Business Week, a Harvard University economist, on November 8, 1982:

I do not see a revival in capital spending for several years. That would be like going to a doctor with a seven-year-old and being told, "I do not think he will grow for at least 20 years." It is just totally wrong; you would never go back to the doctor.

Again, John Kenneth Galbraith:

We have had a period of unprecedented experiments in economic policy; it has failed.

He said that 1 month into the process of recovery. I might say that Congressman KEMP, in this paper which I am borrowing from, makes the very clear point that in fact, and I quote him:

This statement by Friedman, who did not see a revival in capital spending for several years, this statement may rank with economist Irving Fisher's prediction in 1929 that stock prices had reached a permanently high plateau. Capital spending rose dramatically in the first 18 months of the recovery, the sharpest rise since the Second World War.

But there were others, it was not just John Kenneth Galbraith and Benjamin Friedman, listen to some of the liberal welfare state advisors.

Felix Rohatyn, New York Times Magazine, December 5, 1982, major advisor to pain and anguish liberal Democrats:

The present best case scenario for 1983 calls for a slow recovery for the economy.

Now remember he talks about a slow recovery—1983 was the fastest recovery since World War II. It set new records for recovery. It is like saying, I think that your calf will only grow to weigh 109 pounds, and it grows to weigh 1,000 pounds. You would not call that veterinarian back in, you would figure he was not sure what he was doing.

Lester Thurow, famous writer, MIT economist, a man who many liberals listen to carefully, New York Times Magazine, October 17, 1982:

The engines of economic growth have shut down here and across the globe, and they are likely to stay that way for years to come.

He could not have been more wrong. He said that when we had begun to move into the recovery. He said that when the early indicators were that the engines of growth were starting up. Now, since he uses engines, could you imagine going to an airplane and looking at the pilot, and the pilot says, "I think I will start the engines soon," and the engines are already running? You would get off the airplane.

If you went to an airplane and the pilot said, "We cannot leave, I cannot get the engine started," and the engines were already running, you would figure he is hard of hearing. I want to repeat it because it is so central to the case I am about to make.

MIT economist, Lester C. Thurow, October 17, 1982, in the New York Times Magazine:

The engines of economic growth have shut down here and across the globe and they are likely to stay that way for years to come.

Let me go on. It is not just people who are published in Newsweek; it is not just advisors who are popular left-wing figures. Nobel Prize winner, Lawrence Kline, University of Pennsylvania, U.S. News & World Report, January 1, 1983:

It is out of the question to make for quick progress on the unemployment problem. We can stabilize it or lower it a bit in 1983, but it will take until 1985 to make substantial reductions.

Now, he was entering a year in which there would be remarkable progress in unemployment. In which

we create millions of jobs. He is a Nobel Prize winner; he was wrong. His whole model was wrong. Let me say, I think what really bothers me is not just that leftwing and liberal politicians and liberal economists stick with the liberal welfare state model, it is deeper than that.

There are conservative economists who are conservative within a liberal welfare state framework. They are conservative within the industrial model of the 1950's and early 1960's. They are equally wrong. They are a little more honest and straightforward intellectually in that they admit they do not know what they are doing, but they are not sure how to leave the world they once lived in and so they cling to ideas they know do not work but they are not sure what ideas to go to.

I want to quote two quotes from Herb Stein, who is a very bright, very competent man, whose book on fiscal policy in America is a standard and who many people respect, but who I think in many ways is still trapped, intellectually, inside the framework of the liberal welfare state.

Quoting from the Washington Post:

We must confess that we do not know what is the optimum path of the economy for price stability and real growth. We do not know how to achieve that path even if we could identify it. We do not know what caused the slowdown in economic growth or how to correct it.

Now that is an honest man. That is a man who is saying all of the models he has devoted his entire professional life to failed. They are inadequate, they do not work, they do not explain the future. However, he also said about a year earlier, in September 1982, something which bothers me very deeply and which I think is at the center of our problem:

Supply-side believers have had access to the data and research capabilities of the U.S. Government to buttress their case. But the argument still relies on isolated anecdotes, post hoc ergo propter hoc history, and quotations from 14th century Muslim philosophers. The failure to find other evidence tends to support, if not conclusively prove, the more traditional view.

Now what bothers me about that, and what explains the current problem facing the Reagan administration and the Republican Party is that the old guard, traditional economists, and the people they advise, cling to a set of ideas that are clearly dying. Cling to a rightwing version of the liberal welfare state, and cling to a traditional economics based on industrial policy. That is precisely what is going wrong.

By the end of the 1970's the American dream had begun to fall apart. A combination of things had caused us enormous problems, and people were despairing. We forget how bad it was. I was reading this afternoon, President Jimmy Carter's famous speech that was characterized by some as the malaise speech. July 15, 1979. This is what he said, and I am quoting bits and pieces, not out of context, but let me give you several quotes:

It is clear that the true problems of our Nation are much deeper, deeper than gasoline lines or energy shortages deeper even than inflation or recession.

To skip on, he said:

This kind of summarized a lot of other statements, Mr. President, we are confronted with a moral and a spritual crisis.

He says:

After listening to the American people I have been reminded again that all the legislation in the world cannot fix what is wrong with America. So I want to speak to you first tonight about a subject even more serious than energy or inflation, I want to talk to you right now about a fundamental threat to American domocracy.

President Carter consulting with Vice President Mondale, with the establishment of the Democratic Party, trying to come to grips with the great crisis of the late seventies with an economy in decline, then said this:

The threat is nearly invisible in ordinary ways. It is a crisis of confidence, it is a crisis that strikes at the very heart and soul and spirit of our national will. We can see this crisis in the growing doubt about the meaning of our own lives and in the loss of a unity of purpose for our Nation. The erosion of our confidence in the future is threatening to destroy the social and the political fabric of America. The confidence that we have always had as a people is not simply some romantic dream or a proverb in a dusty book that we read just on the 4th of July, it is the idea which founded our Nation, and has guided our development as a people, confidence in the future has supported everything else. Public institutions and private enterprise, our own families and the very Constitution of the United States. Confidence has defined our course, and has served as a link between generations. We have always believed in something called progress. We have always had a faith that the days of our children would be better than our own.

□ 1900

President Carter went on to say:

Our people are losing that faith, not only in government itself, but in the ability as citizens to serve as the ultimate rulers and shapers of our democracy. As a people, we know our past and we are proud of it. Our progress has been part of the living history of America, even the world. We always believed that we were part of a great movement of humanity, itself called democracy, involved in the search for freedom, and that belief has always strengthened us in our purpose. But just as we are losing our confidence in the future, we are also beginning to lose the door on our past.

President Carter went on to say:

The symptoms of this crisis of the American spirit are all around us. For the first time in the history of our country a majority of our people believe that the next 5 years will be worse than the past 5 years. Two-thirds of our people do not even vote. The productivity of American workers is actually dropping, and the willingness of Americans to save for the future has fallen below that of all other people in the Western World.

President Carter went on to say:

These changes did not happen overnight. They have come upon us gradually over the last generation, years that were filled with shocks and tragedies.

President Carter, looking at the inflation rate, said:

We remember when the phrase "sound as a dollar" was an expression of absolute dependability until 10 years of inflation began to shrink our dollar and our savings. We believed that our Nation's resources were limitless until 1973, when we had to face a growing dependency on foreign oil.

He then focused:

Washington, DC, has become an island. The gap between our citizens and our government has never been so wide. The people are looking for honest answers, not easy answers; clear leadership, not false claims and evasiveness and politics as usual.

Finally, President Carter concluded in this part of his speech:

Often you see paralysis and stagnation and drift. You do not like it and neither do we. What can we do? First of all, we must face the truth and then we can change our course.

Let me say that as someone who watched that speech, who was in the Congress, who tried at the time as a fellow Georgian to argue with President Carter's staff that they were going down the wrong path, his speech is right. We were in a crisis of confidence. Inflation was eroding everything. Our productivity was declining. Our taxes were going up. Our take-home pay was shrinking. We all had a sense of despair. Our neighborhoods were collapsing.

In that setting, having correctly told all of us he felt terrible because we felt terrrible, President Carter was then trapped, and this is my point coming back to Vice President Mondale's dramatic challenge to raise taxes.

President Carter saw a problem, the problem of economic collapse in America, and saw it clearly. Vice President Mondale has seen a problem, the problem of deficits, and he has seen it clearly. President Carter promptly jumped to a solution so wrong that it destroyed his Presidency. In my judgment, Vice President Mondale is now jumping to a solution so wrong that it will destroy his candidacy.

Vice President Mondale wanted to raise taxes, to have bigger government in Washington. Let me point out to you what President Carter said were his solutions, very quickly.

Talking about energy, it is hard to realize now, but in 1979 under Carter-Mondale, everybody assumed that gasoline would go up to $2 or $3 or $4 or $5 a gallon, and that in fact we would not have enough of it. Instead of being a glut on the world market as it is today, everyone was confident that there was going to be so little gasoline

that we were going to have to ration. I remember the big fights right here in this House when we fought about rationing because rationing was inevitable, which it might have been, frankly, had we reelected Carter-Mondale.

But in the middle of this fight, President Carter, having said Washington is too big, it is too far away, it is too distant, what are his proposals under the influence of liberals like Walter Mondale? His proposals are more government. Let me just cite them.

I will use my Presidential authority to set import quotas.

Power in the White House.

I will forbid the entry into this country of one drop of foreign oil more than these quotas.

Is that real power, one drop? If you have enough bureaucrats to stop one drop, do you know how many bureaucrats you have to hire? Do you realize what he was saying about the power of Government in Washington?

I am asking for the most massive peacetime commitment of funds and resources in our Nation's history.

More power in Washington. More money in Washington. Higher taxes. More bureaucracy.

I propose the creation of an Energy Security Corporation.

It used to be called socialism. It is now just sort of liberal Democratic platform pledges. An Energy Security Corporation, so we would have the Government involved directly in energy. We fought over that today. We still have the relics, even while we are involved in a process of having gasoline far less expensive and far more available than either Carter or Mondale.

I will soon submit legislation to Congress calling for the creation of this Nation's first solar bank.

Not just a general energy program; we are going to have Government-operated solar banks, for Pete's sake.

Then he says, and this is where Walter Mondale clearly is the direct heir of Jimmy Carter:

These efforts will cost money, a lot of money, and that is why Congress must enact the windfall profits tax without delay. It will be money well spent.

In other words, Jimmy Carter had a clear answer to the pain in your pocketbook. It was to take more money away from you to hire more bureaucrats, who would then stop the pain by spending the money well.

That is the first big challenge about Walter Mondale's pledge. Every American who thinks Washington spends their money well should vote for Walter Mondale and higher taxes. Jimmy Carter, Walter Mondale's President, said: "It will be money well spent."

Every American who thinks that promise has been kept and that money has been well spent has a candidate for the Presidency—Walter Mondale—and they should vote for him because he will spend more of their money well. However, let me go on. Carter went on to say:

I am asking Congress to mandate to require, to mandate as a matter of law, that our Nation's utility companies cut their massive use of oil by 50 percent.

He did not then say, "By the way, if they do that, that is going to mean higher utility rates and all you people who I am going to tell to be mad at the utility company really ought to be mad at the liberal Democrats." Oh, no. He first was going to pass a law that was going to make your electricity more expensive, and then tell you to attack the utility company for making your electricity more expensive when he passed the law.

Does that sound a little bit like Walter Mondale? He goes on. He is not finished yet.

I will urge Congress to create an Energy Mobilization Board which, like the War Production Board in World War II—and so forth.

Let me tell you, one of the reasons I finally figured out what was fundamentally wrong is that I began to look at the origins of command bureaucracy and big central Government in Washington, and I began to understand that people like John Kenneth Galbraith had their training ground in Washington in the middle of World War II. If we have a sneak attack on America and we mobilize the entire Nation for survival, I think we can have central government for 3 or 4 years. I think we can do pretty well. But in peacetime, in a country this free, with citizens this willing to go their own way? That would be a nightmare.

He then asked Congress to give him authority for mandatory conservation and for standby gasoline rationing. He also wanted another $10 billion for mass transit, and then he said, and I want you to compare this with whatever you did this week, and then you can decide whether you like Carter-Mondale or you like Ronald Reagan. This is what Jimmy Carter's future promise was:

I am asking you for your good and your Nation's security to take no unnecessary trips, to use carpools or public transportation whenever you can, to park your car one extra day per week, to obey the speed limit, and to set your thermostats to save fuel.

Here is a President faced with an absolute, total crisis in which the liberal welfare state, after 6 years of trying, had totally failed, and his answer was more liberal welfare state, more bureaucracy in Washington, higher taxes, more inflation, less energy, and slightly more than a year after this speech the Carter-Mondale ticket was defeated, and it was defeated because the American people thought they would like leadership that allowed them to take trips. They thought they would like leadership that thought they could drive their own cars. They thought they ought to have leadership to let them drive 7 days a week.

□ 1910

They somehow felt that asking them to park their cars 1 day a week was not solving the problem, particularly since no one suggested parking any Government limousines 1 day a week.

In that setting, let me come back to the problem we face with Walter Mondale's challenge on taxes. I say to all of my Republican friends, if you believe in a liberal welfare state, if you want a large central bureaucracy in Washington making most of the decisions, if you want the world of Carter and Mondale, then we Republicans should be willing to raise taxes, but I do not believe that.

Furthermore, I would argue that that world is over, that is not where the American people want to be and that furthermore it reflects a world that has changed dramatically and let me explain what I mean.

At the very time that Jimmy Carter was preparing his malaise speech, as it has come to be called, two men were writing books, Theodore White who wrote his memoir "In Search of History," and Alvin Toffler, who wrote a book called "The Third Wave" which came out in 1980. They really captured what I think is the essence of this particular special order and why I think it is terribly important that the Republican Party not allow the national liberal welfare state establishment to rush it into a foolish commitment on taxes or a foolish decision.

Ideas matter. Ideas change the world.

Notice that in the Herb Stein quotation, he was looking for a model. He was looking for a kind of proof which I would suggest to you simply does not exist. He was saying, and let me quote him precisely because I think the word is important:

Supply side believers have had access to the data and research capabilities of the U.S. government to buttress their case.

But he missed the point of the whole vision of a conservative opportunity society. There is no mathematical statistical computer that explains what we are all about, and if you will remember President Carter's malaise speech, he did not talk about statistics. He did not talk about econometric models. What he talked about, and these are code words, he talked about a moral and spiritual crisis. He talked about a crisis of confidence, a crisis that strikes at the very heart and soul of our national will. Everything President Carter referred to in the best part of his speech, the analytical part

of his speech, was a moral, a mental, a spiritual crisis.

I would challenge every practicing economist in America with this assertion. What we are about, what George Gilder is about I believe, what "In Search of Excellence" by Peters and Waterman is all about, the most popular management book ever written; what John Naisbitt's "Megatrends" is about is human economics, not mathematical economics.

We are about the business of how do you motivate people? How do you move people?

It was fascinating in preparing this evening, in looking at ideas, to go back to Theodore White's "In Search of History," for he said this. What led him to go back and write his memoir was coming back home and suddenly realizing in 1976 that he no longer understood America, that the world was changing, and he has far more honesty than any traditional economist I have yet met, because he stopped and he rethought his world. He says this in his introduction on page 3, talking about himself in the third person:

> This time his observations were outrunning his understanding. The America he was now reporting was swelling with strange, vague forms which his thinking could no longer shape into clean stories. No piling up of more reportorial facts, no teasing anecdote, no embracing concept could hide from him what was wrong. His old ideas no longer stretched over the real world as he saw and sensed it to be.

In other words Theodore White, who had studied American politics for two generations, realized all of a sudden that the old America was going away, that a different world was emerging. He saw it.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to my good friend, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think what the gentleman is pointing out is absolutely essential to understand, that what we are really talking about is a changing climate, a changing world, in which we have to have new ideas, new concepts to guide us, because if we do not understand that the change that we are undergoing is massive, then there is no understanding of many of the economic changes that have to be put in place, many of the political changes that have to be put in place in order for this Nation to survive, remain free and offer the people hope and opportunity for the future.

I think the gentleman has made the case. We were sitting here discussing when the gentleman was going through some of this, you know, how much that energy policy that the Carter administration outlined, how much it identifies precisely what is going on with the liberal welfare state. Their entire energy policy was a fiasco, that was a major burden to the American people, and yet what we found out in the end was that if we simply changed, took a new idea, basically opened a free-market economy, not only did we get surpluses of gasoline, as the gentleman has mentioned, not only did we get surpluses of heating oil but the price dropped dramatically. I heard on the news last night that the price of gasoline in Washington, DC, and in some locations is down under $1 a gallon again. That would have been unheard of under the Carter administration. They were convinced, as the gentleman has pointed out, that gasoline was going to go to $2, $2.50, $3 a gallon and were preparing for it.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to my good friend, the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman from Pennsylvania raises an interesting point, especially in view of the legislation that we voted on today.

The point the gentleman from Georgia has been making, I think, has been of the dying response of the liberal welfare state, the problems it no longer is capable of solving. The classic example of that in my view was the response of the Carter administration and this Congress to the energy crisis a few years ago. The immediate response was, of course, this must be the failure of the marketplace which can only be solved by a big infusion of Government; so Congress voted under President Carter's direction to form the Synthetic Fuels Corporation, which channeled billions and tens of billions of taxpayer dollars into the development of technologies to supposedly secure our energy independence.

Well, now here we stand several years later in a totally different environment in which OPEC is virtually on the verge of collapse. There are some analysts that have suggested that 1 year or 2 years from now there will be no OPEC, in which oil prices are dropping, not rising, and we find surpluses of most energy commodities and deflation in the energy sector, and yet today again the Congress of the United States refused to save that $10 billion that we could have saved by deciding that the Congress no longer needed, the Government no longer needed, to establish a massive bureaucracy to develop technologies which do not fit into this marketplace any more.

In my judgment, if ever there was an example of this institution being unable to adapt to changing conditions, and exhibiting its worst tendencies, which is to defend the institutions of Government that exist, whether they make any sense or not, it was that vote today which preserved the Synthetic Fuels Corporation.

I might add, speaking as a Republican, I was proud to look at the partisan breakdown of that vote, because a clear majority of Republicans voted to save the money and take it away from the Synfuels Corporation and a clear majority of Democrats voted to keep the Synfuels Corporation going.

I thank the gentleman for yielding.

Mr. GINGRICH. Mr. Speaker, let me pursue for just a minute the point the gentleman is making, because I think it is central, that is, if you take $10 billion away from the American people and you throw it into an industry that is going to die, I mean if we had Walter Mondale and the liberal welfare state in 1890, we would have been propping up horse raising all over the Eastern United States because the bicycle was emerging, and in 1905 we would have been propping up bicycle manufacturing all over the United States because the automobile was emerging, and that is not an exaggeration. The bicycle was the most popular urban transportation breakthrough in 1890. It appears in the old census records and we would have a U.S. Bicycle Corporation owned by the Government with a large bureaucracy in Washington with paperwork trying to help prop up bicycles.

Walter Mondale and the liberal welfare state, they do three things that really hurt us. First, they take money out of working Americans' pocketbooks, so that the working American cannot decide on the future by buying the products they want. Second, they divert resources into a bureaucratic decision instead of a market decision. Therefore, they go the way the bureaucracy went, which is the way the politicians went and because of the lag time, it takes about 5 years for business people to talk to politicians, 5 years for politicians to create the bureaucracy and 5 years for the bureaucrats to get the paper forms filled out, so the bureaucracy is about 15 years behind the decision we should have made.

□ 1920

Not only have we now taken money out of working Americans' take-home pay and given it to the bureaucrats to invest the wrong way, we also hire bureaucrats who ought to be out funding companies, that ought to make money so we divert people's livings and have hundreds of thousands of bureaucrats shuffling papers around and doing very little who ought to be out creating their own companies, creating their own jobs and generating their own wealth and making this a far richer society.

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. The gentleman makes an extraordinary important point. As I listened to the debate today on the Synthetic Fuels Corporation, one of the comments made in defense of it by one of the liberal Democrats really struck me, and I did not have an opportunity to respond to that point. But they said if we do not have the Synfuels Corporation, America will have no energy policy.

That says a lot about the mindset of the defenders of the liberal welfare state. They presume that if there is not Government, preferably a Government program directed by the Congress, then there is no program whatsoever.

The fact is that the energy economy is doing quite well, thank you, and is doing quite well without the help of the Government. We are seeing conservation technology flourish and we are seeing solar technology grow. We are seeing the use of alcohol fuels expand, largely, not entirely, but largely without the assistance of Government.

I would argue along the same lines as the gentleman from Georgia was just arguing, that the existence of an entity called the Synfuels Corporation in this case actually serves to inhibit the development of those other technologies, because if you are a private investor and you knew that the Government was going to pour $10 billion into the development of a particular form of technology, how likely are you going to be to invest in a different form of technology which well may be better and which may well deliver energy to the consumer cheaper, but now has to compete not in the marketplace, but with the Federal Government.

Mr. GINGRICH. I think the gentleman is right.

Let me come back and say I think the underlying problem of the Mondale tax challenge, and the underlying problem both of conservative and liberal welfare state intellectuals goes to the very root of their model. I want to quote from McGregor again on what is wrong at a fundamental level with the model the liberal welfare state has used, and Walter Mondale still uses, and all too many Republicans I think are browbeaten by it because they grew up in the liberal welfare state:

An equally important reason for management's failure to make effective use of current social science knowledge has to do with a misconception concerning the nature of control in the field of human behavior. In engineering, control consists in adjustment to natural law. It does not mean making nature do our bidding. We do not, for example, dig channels with the expectation that the water will flow uphill; we do not use kerosene to put out a fire. In designing an internal combustion engine we recognize and adjust to the fact that gasses expand when heated; we do not attempt to make them behave otherwise.

With respect to physical phenomena, control involves the selection of means which are appropriate to the nature of the phenomena with which we are concerned. In the human field the situation is the same but we often dig channels to make water flow uphill. Many of our attempts to control behavior, far from representing selective adaptations, are in direct violation of human nature. They consist in trying to make people behave as we wish without concern for natural law. Yet we can no more expect to achieve desired results through inappropriate action in this field than in engineering.

Let me translate. Jimmy Carter said, "Gosh, the American people don't feel good. They are worried. They lack confidence. How can I help them?

"I know, I will raise their taxes."

I do not know of any politician in America who can walk up to a working American, I do not know of any working American who if you walk up to them and say "Will it make you have more confidence in the future if we raise your taxes" who would say "Gosh, yeah. I have been waiting for this all week. I was hoping you would come and do that. I was worried that you wouldn't raise my taxes."

I do not know of any American that has too much money in his wallet and wishes that we would take some away, or whose take-home pay is burning a hole in his pocket. I cannot think of anybody who does not have something that they want to buy, or who does not want to save more money, or who wishes that Walter Mondale would get in there and raise their taxes because they are overpaid for what they are doing.

What he is doing, and I think it is a tragedy, and I know this sounds very, very partisan, but I really mean this in terms of the future of the Democratic Party and the future of America, for Walter Mondale to propose a massive tax increase, and then go to the black community and make a speech promising jobs, is just doomed to failure. It is not that he is a bad man or that he is hypocritical or he is deceptive. But it is like a doctor who says to you, "I can cure your alcoholism. Here is a year's supply of bourbon." It will not work.

We just went through 4 years of that experiment. It was called the Carter-Mondale administration. It was an absolute, total disaster.

Now here we stand, and because frankly my party and our party is not very articulate, and we are not very aggressive, we are not successful very well in campaigning in the black community and saying the truth, which is that we have just created 7.5 million jobs, we have just had a dramatic drop in black unemployment, we have just had a dramatic increase in black business owners, we have just had a tremendous increase in your take-home pay, and you are working in the black community and you have more take-home pay, and it buys more real goods than you ever had under Jimmy Carter.

And we do not say it because we do not know how to say it, because we are at the end of an age. We are at the end of the industrial age.

Let me explain that because I think if you look at the central point I am trying to make, which is that all of the economists and all of the reporters and all of the politicians who are beating at President Reagan and saying, "So please admit you will raise taxes," are operating off of a basic model of the economy which is wrong. It is wrong first in its understanding of human nature. It is wrong second in its understanding of the historical moment we live in.

Let me talk first about human nature. The liberal welfare State economic model has three basic things wrong with it. First, it is wrong because it favors a centralized command bureaucracy over the free market. As Paul Johnson points out in his book on modern times, and as noted in his grand strategy of the Soviet Union, in World War I and World War II we learned that in a great crisis when your nation's survival is at stake you will build a bureaucracy. Good, decent, well-meaning liberals, including Walter Mondale, thought that meant you could have the same kind of bureaucracy in peacetime. It does not work. It leads to disaster. And Adam Smith in the whole basic lesson of the free market says that in peacetime people should be allowed to pursue their own future because that is the way the world really works.

So the first thing wrong with the liberal welfare state economics is that it favors a command bureaucracy over the free market and that is like favoring bourbon as a solution to alcoholism.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I yield to my friend from Pennsylvania.

Mr. WALKER. I appreciate the gentleman yielding just for a point.

I think we need to make the point that Republicans as well as Democrats make that mistake, that the Wage and Price Control Administration that was put in place under the Nixon administration was an absolute disaster, too.

In attempting to micro-manage the entire economy through a wage and price control mechanism, they actually brought the economy almost to a standstill. They managed to build in an inflation factor that caused a terrible mismanagement so that once the Wage and Price Control Administration had been lifted it then sets off a spurt of inflation and it was just a total disaster in attempting to micro-

manage everything out of Washington.

Mr. GINGRICH. Let me pursue that because I think my colleagues may want to respond to this for a second. But I think it is a very good point because it is part of what is confusing to all of our friends in the news media and to all of our friends who are coming to Dallas for the national convention.

We have many dear friends whom we respect, who are sincere Republicans, who in the 1970's became liberal welfare state Republicans. They represented the right wing of the liberal welfare state. They accepted, and frankly, Paul Volcker was there, he was part of the group that went off gold, he is part of the group that created the great crisis. In fact, Burns, Dr. Arthur Burns is the only member of the Republican establishment in the executive branch at that time who fought even to the end against leaving the gold standard.

So there are many Republicans who accepted the liberal welfare state model and ironically it is precisely the people who were most supportive of going off the gold standard, and who were most supportive of wage and price controls, and who were most supportive of the liberal welfare state economics who today are asking President Reagan to raise taxes. And part of our intellectual argument is inside our own party and that is part of what confuses people because we have good friends who are simply still wrong about the intellectual framework of economics.

But let me continue. If the first thing wrong with the liberal welfare state's economics is it favors command bureaucracy over the free market, the second thing wrong with it is that the liberal welfare state economics favors mathematical economics over human economics. It favors numbers over vision. It favors bureaucracy over enterprise and it favors bureaucrats over entrepreneurs.

Let me walk through that again because it is very tough. It is very straightforward and I would be willing to debate any major liberal welfare state economist or politicians anywhere in this country on this.

□ 1930

It is the central curse of modern liberalism. It favors mathematical economics over human economics. It favors numbers over vision. It favors bureaucracy over enterprise and it favors bureaucrats over entrepreneurs.

What that means is that every time there is a crisis in the liberal welfare state, the liberal welfare state economists and the liberal welfare state politicians will tend to do the wrong thing. They will tend, as President Carter did, to explain a spiritual, a moral crisis, and then promptly to propose nine new government programs. They cannot stop it. That is why there was so much intellectual confusion in San Francisco because literally the liberal welfare state analysts of the left, the people who advised Walter Mondale and who earlier advised Jimmy Carter cannot find a solution which works, which fits their values.

So rather than have a solution that works, they stay with the solution they believe in, even though it is a disaster.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I just wanted to make a point. It is almost a point aside. If there were some way to come to the floor and challenge the gentleman on that viewpoint, the gentleman would be very glad to yield to them so that we could have a debate over the kinds of points that the gentleman is raising; is that not correct? Is that not the pattern that he has been following out here and that we have been following out here?

Mr. GINGRICH. The gentleman is absolutely correct. In fact, I would say that the two or three great questions that face America in the next 5 or 6 months, the two or three great questions that will dominate the election in November, are so fundamental to the health and the future and the survival of America that instead of having partisan mud-slinging and name calling, we owe this country a serious intellectual debate.

And what I guess I objected to in what Walter Mondale said in San Francisco was that he was going to raise taxes, he was going to be honest, and if Ronald Reagan said he was not going to raise taxes, that was dishonest. That is not fair. That is not accurate.

There is as we will display in the next few weeks an alternative to liberal welfare state high tax-high inflation policies. There is a way to keep moving toward more and more jobs. I think as the gentleman said, the thorough intellectual discussion of public policy issues is so important that we frankly ought to challenge our good friends on the left to host a series of debates jointly in the evening, to take special orders and make them serious intellectual dialogs, to share this. We have talked about this with several of them and it has not quite worked out.

But my position is and will be for the rest of this session through September that if a Democrat wishes to come down and to raise questions, that we will have a serious dialog and we will be glad to yield them time and I hope they will be glad to yield us time.

But let me go on for just a moment. I have already outlined two of the three major failures of liberal welfare state economics. First, that it favors command bureaucracy over the free market; and second, that it favors mathematical economics over human economics.

The third failure is that it is remarkably culture bound and nonhistorical and I really want to make this point hard. Most modern economists and most modern politicians and most modern reporters in the news media do not think about history, do not study history, do not look at the history of the world. The result is they say things that are nonsense.

I will give you an example. The most rapidly an economy can grow is 3 percent. If it grows over 3 percent it will have rampant inflation.

Well, Japan has averaged growing three times as far as it is allowed to since it does not hire liberal welfare state economists who did not know any better. It just got to be the fastest growing economy and the second largest economy in the world.

Singapore has been growing some years four times as fast as Paul Volcker would have allowed it to. One way we could in fact gain with the Japanese is to loan them Paul Volcker for 5 years, because if Paul Volcker would keep the Japanese down to the growth rate they would accept, then we would be able to catch up with them.

The fact is that I can show you five different cases where economies have grown by more than 4 percent a year, more than 5 percent a year for year after year. From 1962 to 1967 the United States grew at 5½ percent a year. And only when we both fought the Vietnam war and built the Great Society bureaucracy, without paying for either one, did that finally stop. But for 5 years America grew at 5½ percent a year, real growth.

Japan, 10 percent a year. Singapore, 12 percent a year. Taiwan, 12 percent a year. Hong Kong, 13 percent a year. South Korea, 12 percent a year.

Mr. WEBER. If the gentleman will yield, I just want to make one point because those figures also debunk a popular myth which is that growth is dependent upon natural resources because all of the nations that the gentleman just mentioned, of course, are resource-poor countries. Under the conventional thinking, Singapore, Hong Kong, Japan, these are not places that have huge supplies of wealth or natural resources whatsoever.

Mr. GINGRICH. We are going to run out of time tonight but I want to come back next week and systematically take up this issue, because I think that the tax increase challenge is the phoniest challenge of 1984 and is a sign that neither the press nor liberal welfare state economists and poli-

ticians, nor Walter Mondale, understand the Reagan revolution and what we are trying to do.

Well, let me say in closing as the gentleman from Minnesota just pointed out, traditional economists would have stopped Germany's rennaissance after World War II. They would have stopped Japan from growing dramatically. They would have stopped Hong Kong and Singapore. They would have told you never to invest there, they have nothing there except people.

And that is what we are all about. We are about people economics. We are about the American dream. There is no way that raising taxes massively on the American people helps buy the American dream, because it is only Americans who can each go out themselves and pursue their own dreams. There is no bureaucracy of dreaming in America.

The central thrust of the Walter Mondale challenge on tax increases and the central thrust of the news media coverage so far is fundamentally wrong and misunderstands the intellectual and historical revolution that is underway.

In the next 3 weeks, between now and the time we adopt the platform in Dallas, we hope to communicate what this revolution is all about.

TRIBUTE TO REMBERT HOUSER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, the House of Representatives has been busy during these 20 months of the 98th Congress.

Almost 10,000 legislative bills and amendments have been introduced and because the checks and balances system does work, only 325 have thus far been signed into law.

For some of us, this is too much legislation.

Among our many worries, is the treacherous deficit, which threatens our economic recovery.

This is a problem which reminds us all that we must work to overcome the philosophy that our Government believes it's all right for America to live beyond its means as a country—a practice which we, as individuals, families, and businesses, can't engage in and survive.

Mr. Speaker, because our total time is consumed with the legislative business of the Congress, as well as the concerns of our constituents, I mention this only because we oftentimes fail to recognize those individuals in local government who are so often the unsung heroes, working their hearts out for our people at the grassroots level of government.

So I'm proud to recognize during these few minutes an outstanding gentleman who was such a dedicated public servant to the people whom he served and loved, and to the city of Columbus, GA. Rembert Houser who recently departed this life for a much better one, after serving most of his adult life as the Muscogee County Tax Commissioner. He worked at the grassroots level, as diligently and as hard as we do—here in our hectic pace.

Commissioner Houser began his elected service in Muscogee County in 1968 and over the years his reputation for hard work and his popularity with the city employees grew. He became their watchdog and champion. City employees today still acknowledge their debt to him for his successful efforts to bring handicapped facilities up to current standards at the government center.

Over the years, Commissioner Houser became a symbol of fairness and integrity in Columbus, GA. He was previously a teacher and later an administrator for the University of Georgia Center in Columbus. He was also a successful certified public accountant until his election as tax commissioner.

A dedicated family man with a loving wife and family, a civic leader and a businessman, Rembert was indeed an integral part of the community.

As a highly qualified tax commissioner, he served the people well in this role. Knowledgeable in business and in law and in the workings of government, coupled with a sincere concern for the people, he was indeed a capable public servant.

Above all else, Rembert Houser was dedicated to his work as tax commissioner. Day in and day out, he was there and his office moved smoothly and effectively. It was a model of efficiency.

In recent years he began to lose his health. He quietly eliminated many other commitments and opportunities from his life, so that he would have the energy to do what he most wanted—to continue to work, and to serve his fellow citizens. With serious medical difficulties, Rembert quietly continued working with the same enthusiasm and effectiveness as always. Few people knew the seriousness of his illness.

Rembert Houser died last April, at work, late one night. I believe the most fitting tribute to his dedication was his wife, Ruth's calm statement, that "Rembert died in the place he most wanted to be," in the peoples place.

In the months since his death, Columbus has paid many honors to Rembert Houser and the citizens and his many friends sorely miss him.

Mr. Speaker, I want to add my tribute to Rembert Houser. Being known as a dedicated public servant is a quality possessed by few, and Rembert's sincere commitment to the people he served should not and will not go unrecognized.

I was proud to call Rembert Houser my friend, and to be known as his friend. I am grateful for the example he set for all of us in public office.

Our society lavishes enormous praise on those who, for a moment, are the best, the most efficient, and the strongest.

Mr. Speaker, it has been an honor and a privilege for me to take a few minutes at the end of this busy day to pay tribute to one who possessed these attributes and whose purpose in life was to serve others.

A true servant of the people—Rembert C. Houser.

□ 1940

THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. TAUKE] is recognized for 10 minutes.

● Mr. TAUKE. Mr. Speaker, while reports of the national economic recovery are encouraging, I fear that a "black cloud" weighs heavily over this recovery. This cloud is the grim economic status of our agricultural community. Debtor distress and creditor remedies currently grip one of our Nation's most capital intensive industries.

In my home State of Iowa, where 8 out of 10 jobs depend on agriculture, problems relating to farm credit and farm debt have reached crisis proportions. Farm debt in Iowa has increased 71.5 percent since 1981 as the number of delinquent loans reached 20 percent of all Farmers Home Administration [FmHA] agricultural loans, 11 percent of Production Credit Association [PCA] loans, and 6 percent of all farm loans from commercial banks. The Iowa Crop and Livestock Reporting Service reports that 30 percent of Iowa farmers with assets under $800,000 are delinquent on real estate loans and 37 percent are delinquent on operating loans. Whereas 5 percent of Iowa farmers with assets over $1.2 million are delinquent on real estate loans, 21 percent are delinquent on operating loans. The 1984 farm credit survey conducted by the Iowa secretary of agriculture projects that 5,000 to 11,000 Iowa farmers will be forced out of business during the next 2 years. While fingers of blame are pointing in every direction, I believe it is more useful to review how this crisis developed and what might be done to address it.

In years past the economic status of most farmers was influenced primarily by the weather. When weather conditions were favorable, most farmers did well. And when weather conditions were unfavorable, most farmers did poorly. While weather is still a major factor in the success of farm oper-

ations, farmers now are dependent also upon Government policies and the international economic climate. Consequently, the homogeneity which once characterized farming has given way to a heterogeneous economic structure in which about 30 percent of the farmers are free of debt and prospering; another 30 percent are making do; 30 percent are having considerable economic difficulty; and 10 percent are facing critical problems.

The problems facing these latter groups of farmers are caused by a number of factors: First, interest rates; second, a declining export market; third, overexpansion in the 1970's under an assumption of continued inflation; fourth, decreasing land values; and fifth, adverse weather conditions.

The most critical problem facing farmers today is the high rate of interest they must pay on borrowed money. Uncontrolled spending by the Federal Government has created huge deficits which have caused interest rates to increase. These high rates have undermined the ability of our farmers to maintain positive "cash flow" positions. Cash flow is the backbone of successful modern day farming. The inflation-induced erosion of our farm economy is reflected by the increase in interest expense as a percentage of total farm expense; in 1960 it was 1.1 percent, in 1983 it was 13.1 percent.

High interest rates are also the primary reason why the dollar has remained strong relative to other currencies. The strong dollar means American-produced goods and services are more expensive in foreign markets. In a Nation where 40 percent of our crops are grown for overseas markets, the strength of the dollar has placed undue burdens on our agricultural sector. Many American farm exports are now too expensive to compete in world markets. In 1982 U.S. agricultural exports fell for the first time in 13 years. This trend bodes ill for the future of American agriculture.

In the mid- to late 1970's, high inflation rates and Government policies encouraged rapid expansion in farm operations. Land values appeared destined to rise forever. However, the dramatic drop in the rate of inflation has left many farmers severely exposed. The transition from an era of high inflation to one of low inflation has also caused land values to decrease, cutting into farmers' equity.

The one immutable factor in farming today remains the weather. Severe weather has wreaked havoc during the past few years. Persistent drought conditions in the Midwest have caused billions of dollars in crop losses. Last year's drought was especially damaging to crops in many parts of Iowa. Weather-related losses are particularly critical to beginning farmers because they have not developed the economic base which comes from longevity.

Two of the factors casting negative influences on agriculture are now beyond the control of Federal policymakers. We can lament about the overexpansion in the 1970's, but that is now history. And we can fret about the weather, but that, too, is beyond our control. However, those factors relating to our Federal debt are clearly within the purview of Federal control, and are begging for responsible legislative action.

Any proposals to aid farmers in meeting their current challenges can only be considered stop-gap assistance. The long-term viability of American agriculture continues to rest on our ability to regain control over Federal spending and to reduce Federal budget deficits. Congress must show the courage to grapple with these difficult issues.

Fiscal responsibility is obviously a long-term project. In the meantime we cannot ignore the current problems faced by our farming community. The economic problems facing farmers and agri-businessmen alike not only threaten the economic vitality of our rural communities, but a way of life as well.

In responding to the pronounced problems facing our farmers, we must carefully focus on policies which are: First, attainable in the short term; and second, which will not add greatly to our Federal deficit problem. Some of the legislative cures proposed for the agricultural crisis are well founded, but have little chance of being adopted during the remainder of this legislative session. Others propose massive infusions of Federal dollars, which ultimately will add to the long-term problems facing our farmers.

The key to aiding farmers is to enable them to manage their debt structures to ensure that the crucial cash-flow balance can be regained. To this end I propose some Federal initiatives and encourage others already started.

First, I applaud and encourage the efforts of the FmHA and the Federal Reserve Board to allow all the forebearance and flexibility available under current law to assist farmers in structuring their debts. It appears to me that sufficient legislative authority is available to provide meaningful assistance to farmers facing financial problems. I also note with approval, FmHA initiatives to limit the sale of property in areas where the sale will adversely impact local property values.

Second, I propose that the FmHA loan guarantee authority for the farm operating loan program be expanded by at least $1 billion. The cost to the Federal Government of this action will only be a fraction of this amount, and I believe that the additional loan guarantee authority will provide valuable assistance to financially strapped farmers. The guaranteed loan program provides the opportunity for borrowers and lenders to work together on restructuring farm debts. Congress can and should provide this additional authority before the end of this legislative session.

Third, a recurring complaint about the FmHA is that there is often a lengthy delay in the processing of applications. I recognize that FmHA county supervisors are stretched thin and therefore recommend that the Secretary of Agriculture authorize the hiring of additional field personnel to facilitate prompt loan processing. While I am cognizant of the Department's budgetary constraints, I believe that the Secretary has the authority to carry this proposal out.

Fourth, in an effort to aid farmers and lenders in rescheduling debt obligations, I recommend that the Secretary of Agriculture authorize the formation of "work out" teams. These teams would function as a third-party liaison between lenders and troubled farmers. The teams would be made up of professional farm managers, retired farmers and lenders. The FmHA would be the lead agency in developing these teams which would operate out of FmHA district offices.

The work out teams would receive cases by referral from FmHA county offices, conventional lenders, and requests of individual farmers. The teams would review the financial situations of borrowers and assign cases to members of the teams. The team members would then have the authority to pursue cases with the goal of finding viable financial packages with reasonable chances of success. These packages would be submitted to the entire work out teams for review and approval. If a package cannot be put together, it will be assumed that the operation has no reasonable chance of success and an orderly liquidation plan will be drawn up. I believe that the flexibility available to lenders and the availability of additional loan guarantee authorities, enable this proposal to offer the best opportunity to struggling farmers.

These are not drastic proposals. Rather, they are general initiatives which may be facilitated quickly by Congress or through already existing legislative authorities. I believe that these recommendations will provide valuable assistance to farmers currently facing difficult financial problems.

Clearly, the long-term economic health of American agriculture depends on our ability to control Federal spending and to ensure the availability of foreign markets. However, we must be prepared to address short-term transitional problems facing our farmers. With thoughtful and compassionate programs, we can help preserve the structure and good health of the American farm economy.●

REALITY AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 60 minutes.

Mr. RICHARDSON. Mr. Speaker, for the many months that my colleagues on the other side of the aisle have been discoursing about liberal Democrats, about the liberal welfare state, about the rhetoric of the Republican Party being always right, I thought that there should be some of us who could talk about what the reality in this country is. Now, we will not have rhetoric; but we will have facts, we will have figures, we will have sources such as the Congressional Budget Office, we will have sources such as the Office of Management and Budget; we will have sources such as the House Budget Committee that approves reports by both Republicans and Democrats; and we will have some bills in Congress and statistics that reflect the reality of what our colleagues are talking about.

I speak today as BILL RICHARDSON, a Democrat from the State of New Mexico, a first-term Member, who above all considers himself not a Democrat, not a Republican, not a liberal, not a conservative, not a liberal welfare-stater, but as an American who is concerned about what is happening in this country. And joining me today will be two other freshmen who were elected on banners of fiscal conservatism and reality and humanity in foreign policy. One of them is a former economist, a college professor, JIM MOODY of Wisconsin; the other is an individual who is called perhaps one of the leaders of the populism movement in the House, although he is only a freshman, BOB WISE of West Virginia. We are going to talk about reality and the economy. We hope that the American people will make up their minds whether they are going to choose rhetoric and vitriolic attacks, the Democrats are all wrong, or whether they are going to choose what really is happening in this country.

We Democrats have made mistakes. We concede that. But I think the mistakes we have made in this country are for all to blame. They have been made by Republicans, they have been made by Democrats. And solutions are going to come not by partisan attacks, as have been done every night over the last few months, but by working in a bipartisan fashion.

I just a few minutes ago discussed what I was going to say tonight with the chairman of the House Budget Committee, a conservative, JAMES JONES of Oklahoma, a conversative. The House Budget Committee and the House of Representatives has approved a deficit reduction bill of $182 billion spread out over 3 years with pay-as-you-go concepts, which means if we are going to have any more spending we have got to pay for it with new taxes, with freezes on domestic and military spending, with a variety of a number of budget-cutting initiatives.

He told me that the real problem right now is that the Republican-controlled Senate, the conferees of the Republican Budget Committee, just will not meet with him to discuss the deficit. Right now there are differences between the two Houses. We Democrats have our plan of $182 billion. The Republican Senate has their plan of $140 billion. We have got to meet together and reconcile our differences. The Republicans will not meet because the President and the Republican Senate refuse to discuss further reductions in military spending.

Now, we do not want to decimate the military budget. We want to just say that that budget should grow according to growth and that we should cut waste. But, no, they want more weapons systems, more waste. They will not meet to discuss the deficit. They refuse to meet, and time is running out.

The President's budget-reduction message, I do not recall what he called it, but I think his downpayment was $100 billion, the least strong of these three provisions.

Defeated in the debate over the budget and the deficit were other Democratic plans, one that called for $243 billion. It was called the MacKay amendment. Over 3 years, freezes on domestic and military spending, basically saying that if we are going to cut, let us cut across the board, domestic spending, military spending, they should stay the same.

No, very few Republicans voted for that. That was the toughest one. And the three of us who are going to be speaking to you are Democrats and we are supported by working people, and I think in the definition of our colleagues we are liberal Democrats, but we voted for it. I do not think either of the three who spoke earlier voted for that provision. So I think we have——

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. No; I will not yield.

Mr. WEBER. The gentleman has made an inaccurate statement about my record.

Mr. RICHARDSON. We have an opportunity today to set the record straight. And we have an opportunity today to discuss what we as new Democrats propose for this country.

I would like to yield to one of my colleagues who is going to be following me and discussing some of these issues, my good friend from the State of West Virginia [Mr. BOB WISE], who is very conscious and knowledgeable about the issues we are debating today.

Mr. WISE. I thank my colleague for yielding at this stage. I think he has touched on a few good themes that we ought to look at. The first is reality. You know, you can do all of the smoke and mirrors about who did what, who shot John, the fact of the matter is that this deficit has been building over a number of years, the fact of the matter is that it has developed under Republican Presidents and Democratic Presidents, under Republican Congresses, under Democratic Congresses.

I am kind of amused when I hear about how it is the Democrats who are not permitting a balanced budget, who are somehow fighting against it. In the last 3 years, the way I read the history books, the recent history books, it has been a President who has held the White House, it has been the other party, the Republican Party, that has controlled the Senate. Indeed, it is the Senate, or the other body, right now that is frustrating the negotiations with the House Budget Committee.

□ 1950

The point is that I think the gentleman makes very well, and indeed, I heard a slight stirring in that of the remarks of a previous speaker. That it is a problem that all of us have to work at, and that the rhetoric of finger pointing really does not serve anyone very well. What are we talking about in the differences between the Senate and the House, for instance, in the budget resolution compromise talks.

We are talking about roughly $12 billion in a defense budget that would be $285 billion or $297 billion. That is what we are talking about; that is what is frustrating. But yet they will not even talk about some kind of compromise there. I think that that is important.

I think it is important to note, let us look at where some of the record lies. Let us look at the fact that we heard a lot of quotes from the previous speaker about what writers had said and economists had said in 1981 and earlier years. I remember a very, very graphic statement made by a well-known political person, a well-known office holder, indeed, the President of the United States, Ronald Reagan: "I will balance the budget by 1984," was that political statement.

Now, has he been somehow frustrated by a Democratic Congress? After all, the Democrats do not control the Congress, do they? I would like to point out to you the fact that he has never submitted a balanced budget to this Congress.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WISE. No, I would like to continue.

Mr. WALKER. The gentleman is making a misstatement of fact, and I wish they would yield when they are making misstatements.

Mr. WISE. Thank you very much. You have had months to talk and now we would like to advance our case.

Mr. WALKER. You are not going to yield?

Mr. WISE. No, I am not going to yield.

Mr. RICHARDSON. We will not yield, and the reason we will not yield is because for many, many months our colleagues have held forth, uninterrupted, and, the way, I hear about a new policy that they have advanced of having started to yield. I have not heard of that policy; I do not recall it. I do not think the gentleman has extended the same courtesy to us.

Mr. WALKER. That is not true.

Mr. WEBER. That is just not true.

Mr. RICHARDSON. We will not yield because——

Mr. WISE. Your message has been heard.

Mr. RICHARDSON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentleman has indicated that he does not wish to yield, so the gentleman is not in order.

Mr. WALKER. We understand.

Mr. WISE. So as I say, if you wish to talk about a balanced budget, then submit one. Let us look at the budget that was presented in 1984 for fiscal year 1985. $180 billion out of whack. The President knew while he stood behind you, while he stood behind the gentleman from New Mexico, that that was a hopeless budget; he presented it anyway. $180 billion deficit.

I think the gentleman has raised a good point. Finger pointing is not going to do any good. Simple partisan rhetoric. Democrats have been as guilty as Republicans, but the gentleman raises a good point, and I hope he will continue. One further point on that. You started to point this out. Can the gentleman in the well tell the name of the person who sponsored and offered on this floor the President's fiscal year 1984 budget? There is silence because no one did.

Mr. RICHARDSON. I believe that no one wanted to do it, and finally there was some individual that offered it and it was defeated, I think it picked up one vote.

Mr. WISE. That is correct.

Mr. RICHARDSON. No one wanted to offer——

Mr. WALKER. Now are you willing to yield?

Mr. RICHARDSON. The largest budget-busting bill in the history of the Republic. I the gentleman said $180 billion.

Mr. WALKER. Since you are asking questions of us will you now yield?

Mr. RICHARDSON. I will not yield.

Let me just give the gentleman a very startling statistic that I think must be pointed out. If the President is reelected, and we have 4 more years of this record-breaking deficit, the President's deficits, added together, let me say this once again, the President's deficits, added together, will exceed all deficits in the history of this Republic. From President George Washington to President Jimmy Carter, who has been pilloried here, Jimmy Carter has not been around the last 4 years. I am not here to defend him, but it seems all the ills of the world are his fault if we listen to our colleagues. I just wanted to raise that, because I think it is a startling, dramatic statistic that here, a man, the President of the United States, who wants a balanced budget amendment, has got such staggering statistics, that he is by far the biggest spender of all time.

He makes George McGovern, and Walter Mondale, who has been referred to as being the tightest fisted conservative in the history of our Republic, if you compare them.

I just wanted to throw that in and I yield to my colleague.

Mr. WISE. The gentleman makes an excellent point. Indeed, if I recall the legislative history for the 2 years that I have been here, and the first year that I got here, no Member of the other side would offer the President's budget. It simply was not voted on because no one would offer it in either body. In either body would they offer the President's budget.

Now, we come to fiscal year 1985, this year. Yes, the President's budget was put up on the floor and voted down overwhelmingly. Indeed, it was the House Democratic resolution, with $182 billion worth of cuts over a 3-year period, $182 billion of deficit reduction that won by a strong vote. The President's version, $100 billion, was voted down.

What they call the Rose Garden strategy, it did not go far enough. It was roughly $148 billion was also voted down. The gentleman is quite right when he says that there were many of us who supported the MacKay substitute, because that would have truly put us on pay as you go, and the amount of tax increase would have gone to reduce the deficit and not to pay for increased spending, basically in the military sector.

I think that is an important area too. The pay-as-you-go concept; so simple. If you are going to increase a program, you have to do one of two things: You either have to match up with a spending increase or a spending cut somewhere. Pay as you go. You cannot get a majority of Republicans to support it, why? You want to balance the budget, fine. Let us do it over the next couple of years, let us not hold out for some ephemeral balanced budget amendment that will take effect 7 or 8 years from now, which if the President of the United States had in effect in 1978, he would have fallen short of that mark today. I think that is a really telling statement. So the gentleman does a good job in bringing out those points.

Mr. RICHARDSON. I know the gentleman has been very active on the issues of taxes and tax cuts and I think most economists in this country feel that the reason, that the reason that we have this terrific deficit, the reason we have a deficit that is going to triple from $750 billion in 1980 to $2.6 trillion in 1989, and by the way, it was the President of the United States that I recall before we adjourned, asked us to increase the debt limit on the national debt by $53 billion so that the Government could operate until August. Was it not the President that asked us to extend the debt? I voted no and I believe you did too.

Mr. WISE. I did also because I did not think that was responsible at this time.

Mr. RICHARDSON. But at the same time, I think a week later the President was proposing a constitutional amendment on balancing the budget. This seems to me a bit incongruous. I know that he signed the debt limit bill appropriately the day that we Democrats were having our convention in San Francisco so that no news would be reported that he had signed that debt limit bill.

Mr. WISE. Do you remember the other bill that he signed the same day with absolutely no news coverage so that there would be no attention given to it? The tax increase. The tax increase that this President was quietly pushing and advocating, and which was part of the Republican Rose Garden strategy and was part of the downpayment on the deficit was the tax increase. It was passed by a bipartisan majority of both House.

This is the President, that only a week or two ago in a press conference laughs at Walter Mondale for suggesting that there might have to be a tax increase. It kind of struck me as I was listening to the railing on this subject, the constant pilloring of Walter Mondale for even suggesting that there might have to be a tax increase, it is a bit interesting coming from this President. Because as I read the U.S. Constitution, the way you pass a tax increase, there is only one way. Congress votes by a majority of both bodies, it goes to the White House. The President can veto it. He can say no, we are not going to have a tax increase.

In 1981 the President gets his major tax cuts, roughly it breaks out to $750 billion worth of revenue lost while he is increasing spending $1.5 trillion all over the same period of 5 years. But he gets that.

Now we come to 1982. Deficits are beginning to build, and so what do we have in 1982 but the Tax Equity and Reform Act, it is a tax increase. He begins to get back some of those revenues. Does the President veto that? No, he signs it.

Now, we come to 1984, the Rose Garden strategy. This is the same President that says he is sure there will not be a tax increase, he is not considering it. What do we have in 1984? The Tax Reform Act; $50 billion of tax increases in certain areas; $13 billion in spending cuts. Part of the House budget resolution; part of the Senate resolution I might add.

□ 2000

Does this President veto it? No; he signs it very quietly without any attention, and then a week later he is out attacking people for talking about tax increases. That is the kind of rhetoric we have come to expect.

Mr. RICHARDSON. Mr. Speaker, I think one of the most startling statistics is that the reason we have this deficit is threefold. It is very simple. First, the tax cuts, in which I think the Treasury lost close to $800 billion in revenues; increases in defense spending, once again exceeding close to $300 billion; and we are still paying for those $400 hammers. The Pentagon, I think, is still doing that.

And if I recall correctly, it is Democrats who are offering amendments to improve the procurement practices of the Defense Department that have a number of provisions that relate to cost overruns, and they want to stop those.

Mr. WISE. Mr. Speaker, will the gentleman yield on that point?

Mr. RICHARDSON. Mr. Speaker, I think what we do need is some clarification on those tax cuts.

Once again I turn to my colleague. Is it not correct that if an American made over $50,000 in this Kemp-Roth tax cut, his taxes were reduced significantly? Is that not correct?

Mr. WISE. If you are talking about a figure of $80,000 or more, his tax savings are somewhere around $3,200 or $3,500.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. And if you are under $50,000, I believe there is hardly any tax cut at all. There is no tax cut at all, is there?

Mr. WISE. In terms of benefits lost, you actually end up losing.

Mr. RICHARDSON. And I believe if you are in the bracket of $15,000 and below, you kind of get hit very hard.

So it seems to me that is what happens with the Kemp-Roth tax cut. I have not found too many in my town meetings in my district who disagree, and I have had about 300 since my election.

I have asked the question, "How many here in this room or in this town have benefited from these tax cuts?" And perhaps I have had maybe 2 people out of 300 town meetings that have basically seen how good these tax cuts have been.

They have benefited the rich, and they benefit corporations.

I think Vice President Mondale, who spoke at the Democratic Convention, spoke the truth. He said that we are going to need a revision of our taxes, we are going to need tax reform; perhaps it is going to be a tax increase.

Well, we Democrats have proposed a Bradley-Gephardt reform tax which calls for an equality of our tax system, which calls for progressive rate tax increases, so that all taxpayers pay equally. This is what we Democrats have supported. We have supported provisions that eliminate many of these tax loopholes for many of the big corporations and those in the upper income brackets that make lawyers and accountants rich.

I think that is the reality. The Democratic Party platform talks about tax equity, the Bradley-Gephardt plan of tax equality, and I think we should very clearly stand up for that. We are proud of that. I think Vice President Mondale talked about reality. We have got to do something about taxes.

The President refuses to do anything about taxes. All he wants to do is—you remember that quote that says we should eliminate all taxes on corporations? I believe he said that about a year ago. That is his idea of tax reform. He thinks that will create jobs.

Mr. Speaker, I know our colleague, the gentleman from Wisconsin [Mr. MOODY] is here. He is an economist and has been one of the leaders in our fight to reduce the deficit as a freshman group of Congressmen. There are about 50 of us who meet once a week to try to find ways that we can cut this deficit. Our colleague, the gentleman from Wisconsin, has been one of our leaders, and he is an expert.

Mr. Speaker, I yield to the gentleman for some of his observations.

Mr. MOODY. Mr. Speaker, the gentleman is correct. The present administration's rhetoric has been almost perpendicular to its actions. We have had a President who continues to call for a balanced budget while asking us, the Congress, to endorse and fund the most out-of-balance budget in the history of this Republic.

As the gentleman in the well pointed out, the debt runup under the current policies will just about double the national debt in 5 years. The ratio of debt to income is now exceeding 1.0, which is a very dangerous level.

The fact is that when this administration came into power, it had a policy and promised the Nation that it would both cut taxes and reduce spending and also would reduce regulation, and that it would work with monetary authorities to provide a coherent policy. Unfortunately, each one of these facts except possibly the reduction of regulation has directly countervened the promise.

Have we reduced spending? No, this administration has proposed constantly increased spending. In fact, we have been witnessing one of the most rapid increases in spending this Nation has ever seen.

I would like to point out to the gentleman in the well and to my colleagues across the aisle that when this administration came into power, spending was approximately 20 percent of GNP while revenues were approximately 18 percent of GNP. I am sorry. I beg your pardon. I mean to say that revenues were 20 percent of GNP and spending was about 22 percent of GNP, for about a 2-percent deficit of GNP.

Historically, this Nation has run about 1 percent at worst, except in a few moments of economic downturn when, with the countercyclical forces of Government, the unemployment compensation and other spending that is necessary to cushion a downturn, the fact that taxes were lost produced larger budgets. But generally it was about a 1-percent at maximum deficit. The Carter administration was beginning to experience a downturn, and that was about 2 percent.

Now, the current policy has us at spending 24 percent of GNP, but revenues have dropped to 18 percent of GNP. Spending has not been reduced by this administration as a percent of GNP. Everything is going up all the time, so it is very easy to look at this in ratio terms. But revenues have fallen. We have had basically Government by subtraction.

The theory is that if we take away enough money from the Government, we will stop its appetite for spending. But that has not happened. The President has constantly proposed increased spending in a number of areas, and his 1985 budget proposed almost no cuts at all. There have been a number of domestic spending cuts in the 1981 and 1982 period, and some of those were probably necessary. Tightening up was necessary. But the President and the other side of the aisle in this House have basiscally given up on further domestic cuts. But they are living with and we are all living with a grossly distorted fiscal policy which has cut revenues at the same time that spending has gone up. In fact, we are in a period of the most rapid military spending increase this Nation has ever seen.

The gentleman from Georgia [Mr. GINGRICH] spoke earlier and excoriated President Johnson for not putting

on a tax to pay for the spending surge in Vietnam, and I think the gentleman has a point. But he should look at his own administration when we have not put on a tax to cover the spending on the military surge we are now experiencing. We are spending more today in real terms on military than we did at the height of the Vietnam war. That is in real terms. Take out price effects, use inflation as a deflator, and we are spending more today on military than we did in 1968, 1969, and 1970 at the height of the Vietnam war, which killed 28,000 Americans and 2 million Asians. We are spending more on military then we did at that time, but we have systematically cut revenues to pay for it instead of adding revenues.

Mr. HUNTER. Mr. Speaker, will the gentleman yield at that point?

Mr. MOODY. The gentleman will have plenty of time at the end.

Mr. HUNTER. Does the gentleman refuse to yield?

Mr. RICHARDSON. Mr. Speaker, I have the time, and I do refuse to yield, very simply because the gentlemen have had their say. They have had their hour. Now we will have our hour, and I think what my colleague is saying is very important.

I know that my colleague has a great deal of expertise also in the international area, and I would hope that in our discussion he would touch on the trade deficit and another very glaring example of misplaced priorities that I just wanted to toss out to the gentleman that I hope he will discuss: foreign aid. We have a foreign aid budget of about $14 billion this year, and yet on our Federal aid to education we spend $13 billion. I think that is a misplaced priority.

We have the International Monetary Fund where the President and the Republicans want to bail out these huge banks to give Latin American countries and African countries and all these countries around the world loans to pay us back money that we have loaned them.

□ 2010

They want to continue to bail out these big banks. They are the ones that are going to be hurt if they are not paid back, but it is the American taxpayer that we hear from. I have received more mail on this subject and it is on Republican initiatives, the President's initiatives, I do not know what it is, but it seems that he has a great deal of respect for these fiscal policies for these International Monetary Fund operations that are part of this effort that are bankrupting this country.

I would like to just very briefly yield to my friend, the gentleman from Montana, who is an expert on the issue of education. I recall in the last few days there have been Republican amendments to cut education, cut it by 5 percent, 3 percent, cut vocational education, college age students, student aid, funds for Indian education, for bilingual education, for college education, they are ready to make those cuts for future investment. When it comes to military spending and reducing waste, they are not ready to do that, but I know my colleague speaks with authority because he is on the Committee on Education and Labor.

I would like to yield to my colleague, the Honorable PAT WILLIAMS.

Mr. WILLIAMS of Montana. Mr. Speaker, I thank my friend for calling on me.

You know, there are expenditures that this Congress and this President make or support which are questionable. I do not think there is any question about that. Our colleagues on the other side of the aisle would agree and I think the three or four of us here today would agree with that, but it seems to me that throughout American history that particularly the American people have understood that there is one expenditure of funds which would more appropriately be referred to as an investment. I guess the slogan has always been an investment in America's future, but it probably is that, and those dollars, be they Federal, State, or local, which are spent on the education of our people, many times spent on our young Americans, but quite often in the past we have begun to also focus on the education of adult Americans who we find have reached adulthood without having benefited from appropriate experience during their school years. These people are willing to come back and try to become better informed citizenry.

If there is one great tragedy I think with this administration, it has been in its lack of appropriate attention to education.

Now, there is no question but that the President has focused on the schools. He did it in his campaign for the Presidency, his successful campaign, and he has done it since. But is it not interesting that the President's focus on the schools has been this. It has been that schools are in error. Teachers cannot teach. Students cannot learn.

The real fact is that American youngsters are better educated than any other youngsters on Earth. They are better educated to take their place in this society than any people in any nation in the long pull of civilization, and yet this President has consistently and without exception pointed out only education's deficiencies.

Now, let me say to my friend that Americans have also without exception always demanded that their schools which they support and for which they have always been willing to pay be the best schools anywhere on Earth and when Americans believe that their schools have slipped below the level of excellence, they have rightly demanded improvement, but that is not what this President has focused upon. He has focused only upon education's failures and not talked about the great American success story which is education.

Then he has tragically backed up his philosophy with efforts to cut education's budget and, believe me, as a member of the Committee on Education as well as the Committee on the Budget, I can tell you very truthfully that education's budget has been cut and cut dramatically by this President. It is one of the great tragedies of his Presidency, and I believe it is a mistake for which the American people will not forgive Ronald Reagan, and that is his efforts, unintentional, but his efforts which have nonetheless resulted in steps backward for America's schools and America's education system.

Again I want to thank my friend for calling upon me and want to commend him and my other colleagues who are here speaking about these important issues and commend them particularly for their focus upon the deficit.

Let us face facts. Our party, this great Democratic Party of ours, has too often in the past misused the deficit. I think it is time to face facts and say that our party has not been as critical of deficit spending as we should have been often during these past 20 years; however, never, never in the history of this Nation in the 200-plus years has any President so led this Nation into deficit spending, red ink, and brought it as close to the verge, to the threshold of fiscal bankruptcy, as has this President, this Republican President.

Did he intend to do so? Of course not. It is just as poll after poll after poll of the American people demonstrate. Republicans simply do not know how to manage this Nation's economy. This President came up with economic adventurism, half-baked supply side trickle-down schemes, not intentionally, but which have resulted in the greatest deficits in history.

Facts are facts. Republicans simply do not know how to manage this economy and keep inflation and unemployment at some basic parity. That was true tragically under Eisenhower. It was true under Nixon. It is true as never before in history under Reagan. It was true under Herbert Hoover. It was true under Calvin Coolidge and one can go back at least as far as current eyes can see and the same is true.

Again, I thank my friend and colleague.

Mr. RICHARDSON. Mr Speaker, I thank my colleague.

I just would like to point out once again what we are saying here today is

that there is plenty of blame to share and we have got to have bipartisan solutions.

I am not going to yield, besides the fact that my colleagues have had months and months of their vitriolic rhetoric, is that when my colleague was making important points, they were cackling, they were laughing. They were being disrespectful and I think in this House, which we all elected to represent the people in this country, I do not think any Member should be accorded any kind of disrespect.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. For that reason, I am not going to yield.

I would like to visit a little bit about the issue about the consequences of this deficit. I think my colleague, the gentleman from Montana, started talking about that. What are the consequences in human pain of this deficit? I have some statistics here and my colleagues will amplify it. By October of 1982, 890 school districts in this country had been forced to cut back on special education activities.

Further, 150,000 working families had lost their eligibility for Government-supported day care which enabled them to hold jobs, and over 660,000 children in this country had lost medicaid coverage and 3.5 million children—3.5 million children in this country, about half from low-income families had been eliminated from the School Lunch Program, 3.5 million. Yet supposedly if you make these cuts in domestic spending, in education, in health care, in Social Security, where Republicans have proposed Social Security cuts, they say that we are going to eliminate the deficit by hurting the poor and the middle class.

Those are some statistics I have about the consequences of this deficit.

I would like to yield to my colleague, the gentleman from Wisconsin. I know he has others.

Mr. MOODY. Mr. Speaker, I thank the gentleman very much.

You know, in ancient Rome it was said that a man could sell himself into slavery and have a pretty good week—a man could sell himself into slavery and have a pretty good week, and that is about the situation we find ourselves in.

We are now in a position where 40 percent of our borrowing to pay for the current deficit that this administration has asked us to endure is capital borrowed from overseas.

□ 2020

That will have to be paid back and be paid back with a great deal of interest. And that will be a net subtraction from the real incomes of our children and our grandchildren. It means that we are increasingly dependent on foreigners for capital. It means that the productive earning of this Nation as it grows and hopefully will continue the growth path, although the current boom cannot continue, but as it keeps on growing that an increasing percentage of that growth in the future will be siphoned to foreigners, overseas to foreigners. It means we will be more and more dependent on the vagaries of international currency markets for our prosperity.

We are becoming a debtor nation, much like the Latin American countries have become. And if the current trends continue, by about 1987 we will be borrowing, we will owe more to foreigners than we are owed by foreigners. We will be in a net negative position for the first time in the history of this Nation, gentlemen, since our colonial period.

The implications of that policy are frightening in terms of the ability to control our own economy, our own monetary policy, because we truly will have lost the control of our currency and our own fiscal policy, because the rate of deficit under those conditions will be determined tremendously by the interest charges determined in a foreign financial market.

So those are the international consequences which our colleagues seem to be so blithly ignorant of. They would rather talk about the ideological history of the last several decades. And I think it is very tempting to do that, to have a history lesson here night after night.

I would prefer that we look forward down the path that we are heading. The Democrats did a lot of things inappropriately just as the Republicans did in the past. But the real question is where are we going in the future.

Are we going to mortgage this country's financial and fiscal system to foreigners, which is exactly what we are doing under these policies, with no discussion by this administration of that very dangerous consequence, a consequence if our President had done it I hope you would be on your feet in a very angry way. But we see no criticisms.

Mr. WALKER. I have a parliamentary inquiry, Mr. Speaker.

Mr. MOODY. After a series of diatribes about the particular downside in our society.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry. Is it not within the traditions of the House that when gentlemen on the floor are engaging in debate, and engaging in debate in a way in which they make constant references to particular individuals that they would then yield to those individuals in order to be able to reply to the charges and statements that are being made?

The SPEAKER pro tempore [Mr. SPRATT]. There is no rule requiring that a Member yield to another Member when that Member has the floor.

Mr. WALKER. Further parliamentary inquiry, Mr. Speaker.

Mr. RICHARDSON. Reclaiming my time, Mr. Speaker.

The SPEAKER pro tempore. The parliamentary inquiry has been responded to.

Mr. WALKER. Further parliamentary inquiry.

Mr. RICHARDSON. I believe we should follow the rules of the House. I believe I had explained my position for not yielding, and it is based on similar treatment that I have received on the floor of this House when in this kind of special order with I believe one of the three gentlemen present I asked to be recognized and I do not recall that I was recognized. In fact, I was not recognized.

Mr. MOODY. Will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

Mr. MOODY. It is not true that one of the favored debating techniques is that when your opponent is making a particulary telling point that you jump up to your feet and press a parliamentary point and thus losing the flow of the argument of your opponent.

Mr. WEBER. Will the gentleman yield?

Mr. MOODY. I am asking the gentleman in the well.

Mr. RICHARDSON. I will not yield. I have made my position clear, and I think once again the other side is engaging in disruption and disrespect. We are making our point. They had an hour before. For the last 9 months they have had hours and hours of taxpayers' time, extolling their virtues. This is the second day that responsible, moderate members of the Democratic Party had asked to speak and we are here to address the House and the Chamber, and we want to be heard, and out of this respect I would ask our colleagues on the other side to let us continue.

I yield to my colleague.

Mr. MOODY. I thank the gentleman. It would be I think instructive if we were accorded the same privilege that we accorded them.

I hope we could have debates. But I think there is also a time to allow a gentleman from the other side to continue his statement without continual interruptions. And I think the gentleman and everyone who is watching knows exactly what I am referring to.

I would address the gentleman in the well, my friend and colleague from New Mexico, Mr. RICHARDSON, on this matter. The second most dangerous part of the deficit path we are on is not only the foreign implications, which are truly frightening, but the fact that we are siphoning off a great-

er and greater portion of our national revenues, tax revenues, hard-earned tax revenues simply to pay the interest charges on the debt.

Since we have embarked on the current fiscal policy of the Gramm-Latta budget policies, the cuts, the drastic cuts and devastation of the revenue base, and which has led to this yawning gap between expenditures and revenues with no serious attempt by this administration to curtail spending, but only to curtail revenues, we have seen higher and higher percentages of the spending side go simply to pay for the interest charges.

At the current rate, by 1988, 42 cents on every dollar collected in the personal and corporate income tax will go simply to pay interest charges, simply to pay interest charges, 42 cents on every dollar that your constituents and my constituents pay will go simply to pay interest charges.

Mr. RICHARDSON. If the gentleman will yield, isn't the statistic also correct that every year just in the interest payments they exceed over $100 billion per year, just in interest, money down the tube we will never see? Is that statistic correct?

Mr. MOODY. That is correct. In fact, let me give the gentleman the precise number. In 1984 as a result of these policies this country will siphon off $108 billion of our hard-earned tax moneys just to pay interest charges on these mounting deficits.

Let me point out to the gentleman in the well for comparison purposes, $108 billion for interest charges exceeds the total amount of discretionary domestic spending. Let me put that in context.

Of the total Federal budget, approximately 82 percent is nondiscretionary. That is, it is locked in from previous commitments, either pensions, entitlements in the health field, military retirement, Social Security, plus multiyear contracts in civilian and military activities.

The building of a battleship requires a number of years you must lock yourself in on a multiyear contract. If you take all of those entitlements, formula driven spending, and lock in spending programs which are down to a mere 18 percent of the budget, of that 18 percent of the budget $104 billion represents total domestic spending. That is for the Coast Guard, the Federal Courts, the FBI, the National Parks, drug enforcement, pollution control, the EPA, aid to education, the Pell grants, and everything we want government to do in the law enforcement, managerial, housekeeping functions of government, whether it is our national resources or whatever.

I say to the gentleman in the well this is only $104 billion. I say only because it is not even as large as the interest payment we will now be spending on this debt, which is $108 billion.

Curiously enough, if we were to eliminate government as we know it except for military spending, eliminate government as we know it except for military spending and entitlements, pensions, et cetera, those locked in costs, it we were to eliminate the Coast Guard, abolish the Federal Courts, close the FBI, and end all drug enforcement, end all pollution control, we will only have cut the current deficit in half because these discretionary spending, domestic, not social, domestic add up to less than half the budget deficit.

Mr. RICHARDSON. If my colleague will yield, so what he is saying is this money we are paying for interest is taking up money that could be paid for other programs?

Mr. MOODY. Or could be used to reduce taxes.

Mr. WISE. Will the gentleman yield just for a moment on that point?

Mr. RICHARDSON. I yield to the gentleman from West Virginia.

Mr. WISE. Just following up on the gentleman from Wisconsin's point, the tragic thing is that all of the money that was saved from the Gramm-Latta cuts in 1981, all of the domestic savings cuts, all of the domestic spending cuts that were made, gutted programs in education and things like that, all of that money that was saved from those cuts is now more than made up in and eaten up by increasing interest on the national debt.

□ 2020

Somewhere around $40 billion a year now simply goes to pay interest on the national debt, and more than that. So that is the tragedy of the deficit.

Mr. RICHARDSON. What is going to happen, what is the President going to do after August when money runs out and the $50 billion that we approved before we recessed basically runs out, will the President, do you assume he will ask us for another increase in the debt limit?

Mr. WISE. Presumably the President has no choice. He will be back as he has been back several times, asking for an increase in the national debt limit.

Mr. RICHARDSON. And you do recall that the President has been I think even last week in his speech, seven priorities; one of them was a balanced budget amendment. I wonder if he is going to do those at the same time that he is going to discuss to increase the national debt and how he can justify it, too.

I think this is the smokes and mirrors that the American public has to see, that we have a President that is very good with the media, he is able to get up and explain his case on prime time, anytime he wants, but the reality is different. I think this is the cradle of our party.

If you look at the Democratic platform, there are no big promises, no big programs, it is a moderate platform, some have even called it a conservative platform that deals with reality. It is one of these liberal welfare state platforms.

I would like to read what the Republican platform says. I think all they are going to do is attack us as our colleagues the last 8 months have been doing. I think the three of us have gotten up here and said we have made mistakes, the deficit is the cause of many administrations, Democratic Congresses and Republican Senates, but we are ready on a bipartisan basis to try to deal with the deficit.

If there is going to be blame, that it should be spread around equally. But I think if you listen to our colleagues and the President who dominate the media, who control the Senate, who refuse to meet with the House Budget Committee on deficit reduction plans; they do not want to meet; so if they continue to stonewall the Senate Republicans, we will have no deficit reduction plan passed this year and the President will get what he wants on increases in military spending and domestic spending reductions and another $200 billion deficit.

We will not have addressed this problem because under instructions from the President, the Senate Republicans have refused to meet.

Am I stating something rhetoric, or is it facts?

Mr. MOODY. I think the gentleman is correctly excited. The problem is not that any one party is to blame. The problem is that the party that is claiming fiscal responsibility is the one that at the moment is blocking progress. That is the tragedy of the country.

It sounds very partisan to stand up here and say that, but that is the bold, blunt truth.

Mr. RICHARDSON. Is it not correct that my colleague from Wisconsin and my colleague from West Virginia, did we not vote for the MacKay amendment which was the toughest of all the budget-cutting deficit reduction plans? And I think we had 102 votes. I did not see too many of our Republican colleagues voting for it.

I do not think, maybe there were 10, 20, we should check that; but I know we did not get over 102 votes. This was a plan that basically said, let's freeze domestic and military spending, with military spending growing at 3 to 4 percent. I believe that is the accurate statistic.

And I think the savings over 3 years were over $200 billion. That was the toughest one on record. And I think if we just look at how people voted and who voted for it, and if the American public does that, they will see who is the most responsible in this year, in

this election year, for reducing the biggest problem we have and that is the deficit.

We have touched on the consequences of the deficit and I hope that in the minutes ahead we can deal more with that, the impact on Social Security, on women, on senior citizens, on middle class families.

We want to stress the values of the middle class, of patriotism, of the family. I think it is a case that we made very starkly at our convention. And we said, "Yes, we have warts, but we are ready to take the issues at hand and debate them openly and be realistic" and if we are going to call for a revision of the Tax Code or tax reform, so be it, because if we are going to reduce the deficit, if we are going to get out of this economic mess, first of all we have got to put brakes to our military and domestic spending and I think the three of us here are ready to go for a 1-year freeze immediately, we have got to control medical costs, we have got to do something long range about the growth of entitlement programs so that they do not hurt people but we put a brake to some areas that perhaps in the months ahead we need to address.

And lastly, what we need to do is reach a bipartisan consensus and you reach bipartisan consensuses by meeting, by Republicans and Democrats getting together, not engaging in yelling and vitriolic attacks, but by the conference committees of both houses, of the House and Senate; the budget committees meeting and talking; the Republican Budget Committee does not want to meet.

And we will adjourn in another week and then we go into the Republican Convention. Time is of the essence. But they do not even want to meet.

Mr. MOODY. Will the gentleman yield on that?

You know, I think the President makes a good point when he says we do not want to have tax increases unless we are committed to spending cuts. Let me point out to the gentlemen and ask if you would agree, the tax increases passed in this House and in both Houses on a bipartisan basis and quietly, and quietly indeed signed by the President; that was the first shoe.

The second shoe to drop would be the spending cuts. But where are the spending cuts stuck? Where are the spending cuts stuck? The spending cuts that the President is asking for are stuck in the Senate.

We have asked for $182 billion deficit reduction; about 120 of it in spending cuts. But where is it stuck? It is stuck because the Senate will not sit down with the House to compromise on the military component and therefore any other component, because it is all a package of the spending cuts.

So how can the President or anybody call for taxes only with spending cuts and then at the same time instruct the other House to not meet to discuss spending cuts? I ask for a little honesty in Government coming from the White House.

Mr. RICHARDSON. And I think we are talking about defense and our colleagues from the other side like to paint us as if we are antidefense, antimilitary. We are not. We want a strong defense.

I think many of us have supported military pay increases and upgrading of our conventional forces and to do something about our combat readiness. If you look at the recent House Appropriations Committee report, they concluded that we are not combat-ready.

Let us put funds in that area, let us put funds to insure that our draft is working, that our young men and women are protected with the best weapons, conventional; that we want to have a strong defense. Nobody is saying that. But we are ready once again to say that let us have increases in defense according to plan, cost-efficiently, in a way that eliminates all of these hammers that cost over $400 and this massive waste of spare parts and these cost overruns, that the American people are sick of reading about.

Mr. MOODY. Will the gentleman yield on that? It is very important that we cut the waste in military spending. I think our friends on the Republican side would agree with that. That is not really in dispute although unfortunately the White House has not pushed that as nearly as hard as it should, unfortunately it fell to this House through the Berkley Bedell amendment to get some real teeth.

Mr. RICHARDSON. I believe he is a member of our party. So once again we are not deficient in that area as they like to point out.

Mr. MOODY. Yes; unfortunately it had to fall to this branch to do what the White House should have done at least this House is on record now with bipartisan support, although it was democratically initiated to put teeth in the spare parts procurement cost containment program.

The problem is and many analysts would agree, of either party, that we have gone on a military spending surge which is not stressing readiness, it is not stressing operational efficiency and preparedness to fight anywhere at any time, depending on brush wars or local conflict.

We have gone on a spending binge which is emphasizing doomsday hardware. The MX missile is one dramatic example. But it is only one of many examples.

These are things which, if we ever use them, would be basically the end of our civilization. We have overlayered, overlayered and overlayered again on this high-tech highly explosive hardware. I would point out to the gentleman that we now have the explosive power, nuclear war explosive power over a thousandfold all of the explosives that were detonated in World War II, including Hiroshima, Nagasaki atomic bombs. Multiply that by a thousand and that is the weaponry waiting to be detonated.

A nuclear winter and other conditions would probably obliterate civilization. My point is that is where we are pouring the money; additionally higher and higher.

Mr. RICHARDSON. Once again we are talking about dialog and discussion. It is not our President, the first President in history that in his first 3½ years as leader has not met with a Soviet leader to discuss arms control?

□ 2040

Now, I do not trust the Russians. I do not think any of us do. But at least we can talk and start making plans to end some of this nuclear madness, as my colleague stated.

But we do not even talk. We are not ready to submit some serious arms control proposals.

Mr. MOODY. And my point is that asking for military restraint, asking for reasonable spending limits on military, is not asking for weakness, because operational preparedness is not what is being cut, suggested to be cut.

Mr. RICHARDSON. So I guess the tactic of our colleagues in the other party is that the President will not meet with the Soviets, the Senate Republicans will not meet with the House bipartisan Budget Committee. Republicans and Democrats, to discuss ways to reduce the deficit. And who suffers? It is the American people.

Those are the facts. The facts that meetings do not take place are facts. They are not rhetoric. They are facts.

Once again, all we are trying to do is point this out and say that over the years we Democrats have been to blame for a lot of deficit problems, but Republicans have, too. But if you look at the last 4 years, all of our great liberal spenders that our colleagues talk about, George McGovern, Walter Mondale, I know I have been pilloried here, we do not come close to the biggest budget buster of all time. And with all due respect, that is our President.

Mr. MOODY. Will the gentleman yield on the point he made a second ago?

Mr. RICHARDSON. I yield to the gentleman.

Mr. MOODY. Parliamentary government is easy, in many ways, because you fuse the executive branch and the legislative branch of Government. You are both of the same party. That is

the British system, and that is the system in many countries.

The tragedy here is that we do not carry out what is mandated, implicitly mandated, by our Founding Fathers. We have a divided Government, the executive and legislative branches. We have Government by non-meetings, Government by stalemate, Government by refusal at the present time.

We are stuck on a spot in our spending reduction program which I do not know how we are going to get off of until the President rejoins his responsibility under this kind of government, unlike a parliamentary government, and meets with the other body.

The President is refusing to allow spending cuts negotiations to proceed. There is nobody willing to refute that of any serious merit. Nobody of any serious analysis, of any serious standing in this country, will refute that statement. The President is refusing to move forward on the spending cuts because he is afraid he will have to negotiate down on the military spending component of the total spending package.

There is no other way of discussing it, there is no other way of describing it. And it is a tragedy that this form of government, which requires at a moment like this that the executive branch and the legislative branch work together, it is a tragedy under our system of government that this is not taking place.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I control the time, and I will yield to my colleague, the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding, and I want to join again in this——

Mr. RICHARDSON. Mr. Speaker, the phrase "Big Spender," captured the essence of Ronald Reagan's attack of the Democrats during his campaign for President 4 years ago. When Reagan was elected President, the Republicans promised a balanced budget by 1984. Instead, the budget deficit exploded from $59.6 billion in 1980 to $189 billion in 1984. And, now they are saying they will need another 4 years to hold true on their promise. Under current policies, the deficits are projected to rise to over $300 billion by 1989. The national debt will more than triple, from $715 billion in 1980 to $2,638 billion in 1989.

For the first time in our modern history, we face a fundamental imbalance between spending and taxing policies. The first three Reagan budgets are powerful testimony to this disruption and distortion. By October 1982, 890 school districts had been forced to cut back on special education activities, 150,000 working families had lost their eligibility for Government-supported daycare, which enabled them to hold jobs, over 660,000 children had lost medicaid coverage, and 3.5 million children, about half from low-income families, had been eliminated from the school lunch program. Yet the heavy cuts in human potential and economic justice did not reduce the towering deficits. The money saved was merely shifted to the military programs in the budget, to the administration's 5-year, $1.6 trillion armament spree.

By running up record debt and long-term growth, Reaganomics leaves only a destructive legacy for the future. And now, almost 4 years later, it is evident the real "Big Spender" sits in the White House as we speak.

If President Reagan is reelected, the debt his administration will create in 8 years will surpass the debt accumulated during the entire history of the United States prior to his administration.

The Reagan administration has promoted three distinct policies that have crippled our economy and hopes for the future. Under his administration we have been witness to uncontrolled massive Federal budget deficits, a shortfall of public and private investment to spur growth and expand opportunity, and the deadly buildup of nuclear weapons.

Uncontrolled massive Federal budget deficits best describes the policies President Reagan has implemented since his inauguration.

Reagan promised a tax program that would be across the board and fair. Instead, only corporations and the wealthy received significant tax cuts. Taxpayers with incomes above $50,000 had their Federal tax burdens cut significantly. But, after account is taken of inflation and higher payroll taxes, the tax burdens taxpayers in the middle income range of $15,000 to $50,000 stayed about the same; poorer taxpayers saw their tax burdens actually increase.

Reagan and the Republicans promised sustained economic growth. By 1984, Republicans promised a GNP 15½-percent higher than in 1980. Instead, real GNP fell nearly 2 percent in 1982—a postwar record—and in 1984 is up only 9.9 percent. The shortfall in output—about $500 billion—amounts to some $2,000 for every man, woman, and child in America.

In 1980, the average unemployment rate was 7 percent. By 1984, Reagan promised, unemployment would be down to 6.4 percent. During the Reagan recession, however, unemployment reached a postwar record of 10.7 percent—fully 11.9 million people were looking for work. Unemployment in 1984 is still expected to be above the 1980 level, at 7.6 percent.

The budget deficits and the high interest rates they produce have increased the cost of dollars compared to foreign currencies by more than 38 percent since January 1981. This has hobbled American exports and helped foreign imports, crippling industries such as autos and steel at the cost of 2 million jobs. The merchandise trade deficit, which was $36 billion in 1980, rose to $69 billion in 1983 and is expected to reach $130 billion or more this year.

Between 1982 and 1985 the United States will borrow $250 billion abroad, turning us from the world's strongest creditor to a net debtor nation.

A shortfall of public and private investment to spur growth and expand opportunity is identified in Reagan's policies toward Social Security, health, education, and equal opportunity for women.

In less than 50 years, the Social Security System has dramatically improved the lot of older people, the totally disabled, widows and motherless and fatherless children. But, in the 1981 Omnibus Budget Reconciliation Act, the Reagan administration succeeded in making permanent cuts in the Social Security Program. The cuts the President and his supporters made in the budget reconciliation process totaled $20 billion over 5 years.

On May 7, 1982, Reagan endorsed a Senate Republican proposal that would have cut Social Security by $6 billion in fiscal 1983 and $17 billion in each of the next 2 years, a total of $40 billion. Again, opposition overcame the Reagan Republican instincts to target Social Security beneficiaries for sacrifice after sacrifice. The proposed $40 billion "savings" disappeared from the Senate's first budget resolution before the resolution was approved.

Reagan health policy is characterized by proposals to increase the cost of health services to the elderly under medicare, reduce the Federal matching rate for medicaid services, and mandate that the poor share in the cost for even basic health services research, and place unwarranted reliance upon competition in the marketplace to curb rising health care costs. The President's response to the crisis in health care costs is to put the burden on the patients.

Four and one-half percent of a $12.7 billion GNP went for health care in 1950, whereas 10.5 percent of a $322 billion GNP goes for that purpose today.

Health care costs—now $1,325 per person per year—jumped 50 percent between 1979 and 1982, and the figure is expected to reach $2,395 by 1990.

About 12 percent of all Americans, or one in eight, have serious problems in access to adequate health care. One million families have had at least one member refused care for financial reasons; this includes 208,000 families that are uninsured.

During his first term, President Reagan has: cut real Federal spending for education by $6 billion, or 25 percent, slashed the value of student aid

for college students by 21 percent, reduced the Federal Government's share of public elementary and secondary school financing to 6.4 percent—the lowest level since the 1960's—and proposed eliminating the Department of Education.

The effect of the Reagan adminstration budget cuts on social programs has worsened the lot of women and children. Senator JOSEPH BIDEN tells us that "the very day the Census Bureau was announcing that the poverty level had reached the highest point in 15 years, Ronald Reagan—the very man who savaged the food stamp program, the man who mutilated the school lunch program and cut nutrition programs for infants and the elderly—was announcing the formation of a task force to determine why there is hunger in America."

In 1981, 62 percent of all women 18 to 64 were working. More than one-half of all children, including 1.5 million children under 6, have working mothers. Yet, working women make less than men in every job at every education level and for women who head families—one-half of all families in poverty—the budget cuts will mean a faster decline into deeper poverty, less child care, less nutritional assistance, fewer health services. For those who are seperated, divorced, widowed or abandoned by their husbands, it means less job training, less support for their children's education, and more difficulty getting legal services.

The third Reagan policy and perhaps the one he has most strongly advocated is the deadly buildup of nuclear weapons. President Reagan's 5-year $1.6 trillion armament spree which I stated earlier is an example of how our defense focus is an investment in quantity and not necessarily quality; we are not simply buying wisely, we are buying more. The rapid increase in the military budget—with most nondefense domestic programs growing only slightly or being cut—means that defense spending will continue to absorb a larger share of both the GNP and total Federal spending. In fiscal year 1980, defense outlays represented about 5.2 percent of the GNP and 23.2 percent of total Federal outlays. By fiscal year 1985, defense spending would increase under the administration's budget to 6.7 percent of the GNP and 29.4 percent of total Federal expenditures. The President's budget projects that by fiscal year 1989, defense spending will represent 7.6 percent of the GNP and 34.5 percent of the Federal budget, both about 50 percent higher than in fiscal year 1980.

The Republican priorities for America's defense budget include:

"Star Wars" defenses—billions wasted in pursuit of fantasy: President Reagan announced his intention in March 1983 to shift American strategy from reliance on traditional deterrence to a reliance on exotic new defenses. Ignoring strategic logic and the advice of many of his advisers, the President launched a $5 billion research and development program for a defense system which could cost over $20 billion by the year 1990. If pursued, such a program would provoke serious instability in the U.S.-Soviet nuclear balance, violate the antiballistic missile defense treaty, and cost the taxpayers possibly a trillion dollars even as it proved to be thoroughly ineffectual in protecting the American people.

The MX missile—a study in confusion: The Reagan administration threw out the Carter administration basing system and cut the MX program in half. More than 2 years after taking office, the Reagan administration finally approved a plan devised by a bipartisan commission to place 100 MX missiles in existing, targetable Minuteman silos. After years of proclaiming that the deployment of fixed, land-based missiles in the United States constituted a dangerous "window of vulnerability," the administration firmly repudiated its own rhetoric and declared the window closed.

Revival of chemical weapons: The United States has not produced chemical weapons since 1969, in recognition of the limited military utility and high risk for the civilian casualties associated with these weapons. The Reagan administration, however, has proposed to modernize U.S. chemical warfare capabilities by spending $17 million for production of chemical nerve gas weapons.

GARY HART sums up the Reagan administration well in saying, "the Reagan administration all along cloaked its dark agenda—the shift of resources from people to guns—in the rhetoric of 'balanced budgets.' "

The first consequence of Reaganomics was to plunge the economy into its deepest recession since the Great Depression. The second consequence has been record budget deficits.

The Democratic goals are to attack the monstrous Federal deficit with a concerted effort to eliminate the structural imbalance between the Government's spending obligations and its revenues, replace the present unfair, complex loophole-ridden Tax Code with a new and easily understood fair tax, and to control the explosion in health-care costs which, left unchecked, will bankrupt the medicare program and put decent health care beyond the means of ordinary Americans.

We must tighten the belt on spending for the defense budget. Our first step is to review the national security and defense needs. It has been estimated that at least $20 billion in military authorizations could have been eliminated from the 1983 Reagan budget without any loss in military effectiveness, there may be more than that can be eliminated today. There are many alternatives to the current situation.

Improve our conventional forces so that nuclear weapons remain our ultimate deterrent, not our first line of defense.

Conduct serious, sustained negotiations to limit nuclear arms.

Achieve more rational sharing of the defense burden with our allies.

The necessary modernization of our military forces can be achieved by buying at more economical rates. This will require difficult choices among the large number of systems currently in production or ready to be procured. We can make these choices prudently by making clear and realistic estimates of the military threats we face and by concentrating our resources on weapons that will counter these threats. Reagan administration defense planning turns common sense upside down by first choosing weapons and only then developing rationale for their use.

We must work toward a "health for our future" plan—premised upon full health and nutrition programs for every American child and controlling medical costs for every American. These are but a few alternatives to the current health care crisis:

Expanding the medicare prospective payment system to cover all hospital patients.

Enacting the health insurance for the unemployed bill passed by the House in 1983. This bill would require employees to continue providing at least minimal health insurance coverage to laid-off workers for 90 days after layoff. It would also authorize up to $4 billion over 3 years for a temporary program of grants to the States for providing medical care to the millions of unemployed who have lost private health insurance coverage along with their jobs.

Increasing access to comprehensive prenatal and infant health care and nutrition, which are cost effective as well as humane.

Our children are the hope for the future. Education programs must not be cut off but rather given the chance to thrive. Here are a few alternatives to insure survival:

A renewed commitment to title I of the Elementary and Secondary Education Act.

New efforts to improve vocational education.

A renewed commitment to financial assistance for college students.

New efforts in the hard sciences to regain our competitive edge we must launch new efforts in science and math.

Women are an intricate part in the democratic process:

Democratic leaders are committed to the passage and ratification of the equal rights amendment—recently opposed once more by a large majority of House Republicans—to the concept of equal pay, to passage of the Women's Economic Equity Act to eliminate discriminatory practices in pensions, Social Security and improve options in child care, to changes in the Federal tax structure to improve the child care tax credit and lessen the marriage tax penalty.

A central difference between the two major political parties has been, and continues to be, the extent to which women are involved in decisionmaking and policy setting.

Democratic women play key roles in developing the party platform and participating in the party convention and carry out high-level responsibilities for national administrations. That degree of involvement resulted from the Democratic Party's commitment to equality. By contrast, there is no such degree of involvement by women in the Republican Party, where decisions and policy continue to be made by the white male power structure.

Simply put, the Reagan dream has become an American nightmare. What was once the land of opportunity has become the land of the poor, the tired, and the hungry.

POLICIES CONTRIBUTING TO POVERTY AMONG FAMILIES AND CHILDREN

(A Report Prepared by Hon. Harold Ford, Chairman, Way and Means Subcommittee on Public Assistance and Unemployment Compensation; Hon. George Miller, Chairman, Select Committee on Children, Youth, and Families; Hon. Leon Panetta, Chairman, Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition; Hon. Charles Rangel, Chairman, Ways and Means Subcommittee on Oversight; Hon. Henry Waxman, Chairman, Energy and Commerce Subcommittee on Health and Environment, August 3, 1984)

The budget, tax and economic policies of the past four years have taken a tremendous toll on millions of the most vulnerable American families—families with small children, families headed by women and families with elderly members struggling on fixed incomes.

One independent study after another provides overwhelming evidence that unfair budget cuts and a deliberate policy of fighting inflation with recession have hurt millions and forced many into poverty. The evidence is equally clear that the tax cuts have offered little to middle-income and to poor families. In fact, the tax burden of the poor has risen steadily over the past four years and new Census data shows that tax increases have forced millions of poor working families into poverty since 1980.

In a joint effort, several Committees of the House have reviewed studies on the status of safety net and the condition of people who are supposed to be protected by the safety net. The result is a tragic record of needless suffering.

POLICIES FORCING FAMILIES INTO POVERTY

In April 1984 the General Accounting Office analyzed the impact of the Reagan cuts in Aid to Families with Dependent Children and found that 493,000 low income families—including over a million children—lost income.

In July 1984 the Congressional Research Service released a study which concluded that in 1982, when overall poverty rose a full point from 14 to 15 percent, the AFDC cuts forced 560,000 people below the poverty line—approximately 300,000 of them children. The deep recession used to fight inflation caused an additional increase in poverty. The CRS study concluded that another 1,600,000 people were pushed into poverty by the 1982 recession.

The CRS study showed that the 1981 budget cuts increased poverty among female headed households by 3 percent. When the impact of the recession is included, poverty in female headed household increased by 5 percent.

While spending cuts reduced their disposable resources, the working poor also suffered a steadily rising tax burden. Data released by the Census Bureau in July 1984 shows the number of people in poverty after paying taxes increased by more than six million—a 19 percent increase between 1980 and 1982. This increase represents a million more people in poverty than accounted for in the official poverty rate, which only looks at pre-tax income.

Although the rising tax burden was entirely predictable in 1981, the 1981 tax bill did not address the problems of the working poor. In 1980 a family of four at the poverty line paid $460 in federal income and payroll taxes; in 1984 that same family paid $1,076. The tax burden of this family is expected to reach $1,160 next year.

July 1984 Census data on family income after taxes offers a dismal view of the economic status of female headed households and hispanic households. Female headed households with children lost $2.7 billion in income between 1981 and 1982, a loss of $429 for each household. Hispanic households lost approximately $1.87 billion, or $459 per family.

POLICIES INCREASE RISK OF MALNUTRITION AND HUNGER

An August 1983 Congressional Budget Office study of the impacts of the 1981 and 1982 budget cuts showed that spending on foodstamps was reduced 13 percent and that child nutrition services were cut 28 percent.

Foodstamp cuts reduced spending by $7 billion over four years according to CBO.

According to the Congressional Budget Office 900,000 people with net incomes below poverty but gross incomes above 130 percent of poverty lost their foodstamp benefits entirely. Nearly all of the 21.2 million foodstamp beneficiaries experienced a benefit reduction because of across-the-board benefit cuts. These cuts affected most of the seven million households that receive foodstamps. Seventy percent of foodstamp households are headed by women; 58 percent of all foodstamp households include children.

An analysis of the effects of changes in taxes and foodstamp benefits on a family of four at the poverty line shows federal tax burden rising 75 percent from 1980 to 1982 while spending cuts reduced real foodstamp benefits 17 percent during the same period.

On average foodstamp recipients have been getting poorer. According to official Department of Agriculture data 98 percent of all benefits go to households below poverty; 59 percent of all benefits go to families with incomes less than one-half the official poverty rate. The average gross income of households receiving foodstamps is $365 a month—$4,272 a year.

The 1981 budget cuts reduced child nutiriton programs by $1.5 billion a year. According to a GAO report and Department of Agriculture data, half a million fewer poor children are provided with lunches during the summer because the 1981 budget cuts eliminated funding for all summer lunch programs run by charitable organizations such as the YMCA, settlement houses, churches and other non-profit organizations. During the school year 3 million fewer children receive school lunches and half a million fewer children receive school breakfasts.

POLICIES INCREASE RISK OF ILLNESS IN FAMILIES

In an August 1983 study of the impact of the 1981 budget cuts, the Congressional Budget Office concluded that Medicaid, the health insurance program for the poor, had been cut 3 percent and that all other health programs had been cut 5 percent.

Medicaid is the major source of health care benefits for poor families. This year, Medicaid will cover roughtly 21 million people—nearly half are under 21 and nearly one-fourth are mothers. Budget cuts forced states to reduce the number of people served by Medicaid and to limit the types of health services covered. Thirty states actually eliminated one or more category of coverage that offered health services to children.

As the number of families in poverty increased during 1981 and 1982, the number of people eligible for Medicaid decreased. According to data from the Department of Health and Human Services, the number of people eligible for Medicaid coverage dropped from 22.1 million in fiscal year 1981 to 21.7 million in fiscal year 1982 and to 21.5 million in fiscal year 1983. A 1984 Urban Institute study found that the number of poor children eligible for Medicaid dropped by almost 4 percent between 1981 and 1982.

A May 1983 Congressional Budget Office estimate found that in February 1983 about 10.2 million people—5 million unemployed workers and 5.2 million dependents—had lost health insurance coverage because of job loss. Rather than expand Medicaid eligibility rules to assist these families, the budget cuts forced the states to restrict coverage.

The General Accounting Office found that when 493,000 families—including one million children—lost their AFDC benefits because of Reagan cuts, as many as 60 percent of the children were left with no health insurance. The incidence of untreated medical and dental problems rose substantially.

Even though the families who lost AFDC benefits and Medicaid coverage had family members who worked, many had no health insurance benefits through their jobs.

In 1984 a Princeton University study looked at the Medicaid programs in a number of states after the Reagan AFDC changes and found that between 1981 and 1982, 27,000 Massachusetts mothers and children lost Medicaid benefits; 30,000 lost coverage in Mississippi; 34,000 lost coverage in New Jersey; and 35,000 lost benefits in Texas.

Those women and children who managed to remain eligible for Medicaid often found vital benefits cut. For example, according to

the national Governors Association State Medicaid Information Center, Alabama limited inpatient hospital coverage for children to 30 days per year in 1982. In 1982 Alabama reduced the number of inpatient hospital visits covered by Medicaid to 12 a year. South Carolina reduced coverage from 18 to 12 days per year.

A 1984 General Accounting Office study of the Maternal and Child Health Program shows a similar story of reduced access to health care. The Maternal and Child Health Block Grant was created in 1981 to replace several programs that had been separately funded. MCH is among the health programs that overall were reduced by 5 percent according to CBO. The GAO report found that lower funding has forced the states to ration limited services:

New York City maternal and infant care programs have a waiting list of 1,200 mothers at any given time. The Child Health Resource Center testified that, in 1982, one project was forced to turn away 1,000 pregnant women because of a lack of funding; in 1983 the number of women turned away increased to 1,534.

Twelve of thirteen states surveyed by GAO either eliminated or reduced special maternal and infant care projects which had proven successful at reversing low birth weight, premature births and infant mortality.

GAO found that states have been forced to lower the priority of lead poisoning prevention and sudden infant death syndrome prevention.

Several independent research projects on maternal and child health care and community health centers support the GAO findings:

The Arkansas Department of Public Health programs report that lead poisoning screening in the state was reduced by 50 percent. The number of children screened last year was down two-thirds since the MCH block grant replaced categorical programs.

The Harvard School of Public Health released findings in the spring of 1984 that even in Boston, where the economy remained relatively strong during the recession, infant mortality skyrocketed between 1981 and 1982; the number of pediatric visits to neighborhood health centers that depend on federal funding dropped 13 percent. Maternal and child health block grant funding at the Boston centers fell 54 percent between 1980 and 1983.

Preliminary findings by the Harvard School of Public Health in Detroit and New York appear to be consistent with their Boston findings.

The number of people served by Community Health Centers, which treat Medicaid patients and uninsured patients with incomes below 150 percent of poverty, dropped by approximately one half million between 1981 and 1983. A quarter of the CHC patients are under eighteen and about a quarter are women of child-bearing age.

POLICIES INCREASED RISK OF ECONOMIC INSECURITY

The level of protection offered by unemployment and disability insurance has eroded over the past four years. If you are unemployed, you are less likely to qualify for unemployment compensation; if you are disabled, you are less likely to qualify for disability insurance.

According to official Social Security Administration data, the number of people terminated from the disability program after an investigation of their continued eligibility increased over 400 percent from 44,273 in 1980 to 182,074 in 1983. The number of initial applicants awarded benefits dropped from 396,559 in 1980 to 311,491 in 1983, a decline of 21.5 percent.

Department of Labor statistics show a similar trend in unemployment insurance. Eighteen months after the peak of unemployment during the 1975 recession, unemployment was 7.7 percent and 59.2 percent of the unemployed were receiving unemployment compensation. Eighteen months after the peak of unemployment during the 1982 recession unemployment is still over 7 percent but only 29.8 percent of the unemployed are collecting unemployment benefits.

POLICIES INCREASED THE RISKS TO THE ELDERLY

Many of the spending cuts described above had a direct impact on the well-being of older Americans. Even with Social Security, the official poverty rate among the elderly was 14.6 percent; 2,355,000 of the elderly live on the edge of poverty.

According to a study by the Johns Hopkins University, Medicare only covers 45 percent of the health costs of the elderly. Between co-payments deductibles, and uncovered expenses, the average elderly person pays $1,700 a year out-of-pocket.

This year, Medicaid wil provide hospital, nursing home, physician, prescription drug, and other vital health benefits to about 3.3 milion senior citizens. Reduced federal spending on Medicaid resulted in a tighening of state Medicaid programs—particularly in services to people who qualify because high medical expenses push them into indigency. Tighter standards for this category of beneficiaries—called the medically needy—resulted in a 4 percent decline in the number of aged people qualifying for Medicaid from 1981 to 1982, according to a 1984 Urban Institute Study. At the same time coverage for the blind and disabled dropped 9 percent.

Twenty percent of all foodstamp beneficiaries are elderly. Across the board foodstamps cuts reduced benefits of nearly 1.5 million households which included at least one senior citizen.

POLICIES OVERALL REDISTRIBUTED INCOME UNFAIRLY

In an April 1984 study CBO documented the dramatic shift of income that has taken place under the Reagan Administration. Even when the small tax cut for families between $10,000 and $20,000 is accounted for, families under $20,000 lose $20 billion while families over $80,000 a year gain $35 billion between 1983 and 1985.

CBO analysis of the distribution of the spending cuts shows that 40 percent of the spending cuts hit families earning less than $10,000 a year, while less than one percent hit families earning over $80,000.

THE FEDERAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. I thank the Speaker, and to my colleagues who are here, I have noticed that night by night the attendance seems to be growing, so I think that is a positive thing. We may see that this debate indeed does grow.

Mr. WEBER. Debate?

Mr. HUNTER. Debate?

Mr. WISE. I am sorry. I heard something. I have the time at this time.

I would like to follow up on a point, for a few minutes, and I guess what is very important to me, and indeed I think it is important to all of us. Let us say that clearly. It is that we need a true, serious approach to the question of the deficit. Yes, the deficit is serious. We can just parade the horribles out, and we have heard a lot of it from both sides of the aisle in the past few months. I know one area that was not talked about I just want to touch on for a second is the whole area of imports. Many of us come from very import- or export-sensitive States. Because of the high deficit, because of the fact that interest rates are kept high, that attracts foreign capital, it keeps the dollar stronger than it naturally should be overseas, and the result is that on a ton of coal that leaves West Virginia or another manufactured product from any chemical plants, there is an effective 25-percent to 35-percent surcharge on every dollar of that product, so that that product costs 25 percent to 35 percent more overseas.

Conversely, that means that an import is reduced that much. Now, we can argue, and it is a subject of later special orders, about domestic content legislation, steel import quotas, that type of approach. But there is no contesting the impact that deficits have on our exports and our imports.

We talked about the deficit in terms of the budget deficit. One area we have not touched tonight—the gentleman from Wisconsin mentioned it—is the trade deficit. The trade deficit last year was the highest it has ever been, $60 billion. An incredible figure, is it not? $60 billion. That trade deficit this year is estimated to be at this point $110 billion, and it may go as high as $140 billion, $140 billion more going out than coming in.

It is kind of interesting, going back in time, poor Jimmy Carter, we have heard him blamed so much, he had a $59 billion deficit. The President's deficit this year is going to be—the deficit that was projected in the budget—something around $180 billion. Hopefully, it will be less.

But, that is part of the problem also.

Mr. HUNTER. Mr. Speaker, will the gentleman yield on Jimmy Carter?

Mr. WISE. I will tell you what, I will yield following my remarks and some remarks we have here, and then perhaps we might structure some back-and-forth discussion. I am happy to do that on my time. One of the gentlemen here has yielded to me in the past.

Mr. HUNTER. I have always yielded to the gentleman.

Mr. WISE. Yes, sir.

Mr. HUNTER. Will the gentleman yield on Jimmy Carter?

Mr. WISE. Poor Jimmy, so many have yielded on him already. What I would like to do is complete my remarks, and then us go back and forth, and I promise when you are talking I will take some notes and come back.

Mr. RICHARDSON. Mr. Speaker, will my colleague yield just for one 20-second point?

Mr. WISE. I yield to the gentleman.

Mr. RICHARDSON. That point is the persistent bringing in of poor Jimmy Carter. I would just like to point out for the record that Jimmy Carter left office—I believe it was early January 1981. He was defeated as President of the United States. And since Jimmy Carter, we have had a President named Ronald Reagan. I just wanted to point that out for the record because of the persistent discussion about poor Jimmy Carter is, I think, a bit unfair. Let us talk about the present.

Mr. WISE. The last three unbalanced budgets——

Mr. HUNTER. Will the gentleman yield on Walter Mondale?

Mr. WISE. The gentleman will not yield right now.

I think it should be pointed out that the last three unbalanced budgets have not had Jimmy Carter's name on them.

Now, continuing along the line that I would like to go to, which is neither Jimmy Carter nor Ronald Reagan, quite frankly—it is the American people—it is neither Republican nor Democrat. I would like to take a look at the budget. I would like to take a matter-of-fact look. It is going to take a few minutes, for those who are here, to show exactly what the extent of the problem is and whosever rhetoric it is, it simply is not going to address the problem; it is only going to be when we roll up our sleeves and when we get down to some hard work—more work and less rhetoric, I might add.

Let us take a look at the fiscal year 1984 budget, some rough figures. Roughly, this Government is going to have $850 billion to $852 billion in outlays. That is going to be your entire budget. Of that, roughly $242 billion will be in the military; $213 billion of that will be Social Security and medicare part A.

So now we have $242 billion and $213 billion. I do not have my calculator with me, but as I recall, that is something like 52 percent, 54 percent of the budget is consumed by two main areas, military, Social Security, and medicare.

Now, let us toss in that area that the gentleman from Wisconsin and the gentleman from New Mexico were talking about as they closed, and that is the interest on the national debt. That is, simply, what you are paying for the privilege of running a deficit; $108 billion this year.

So now we have got something like 63 percent or 65 percent of that budget, that $852 billion, eaten up by three areas.

Now, what is left? Roughly, $300 billion. What is that $300 billion? It is every other function of Government, as the gentleman from Wisconsin was saying, it is the Environmental Protection Agency, it is the Department of Transportation, it is the interstate highways, it is the FAA, the Federal Aviation Administration, the FDA, it is education, it is all the public assistance programs.

□ 2050

It is every other function of Government. Now if you are running a budget deficit of roughly $180 billion, what do you do? Shall we cut every other function of Government in half? You still have not really solved the problem. So I think we come to the crux.

If you refuse to cut the military budget, as proposed by the President, if you refuse to cut Social Security and medicare, and I think this Congress has rightly said that they have taken their look at that and they are not going any further, you cannot cut the interest on the national debt, that is a legal obligation, what are you left with? You are not left with much.

I can get down in this well quite easily and say, "By golly, you are not going to cut my program. You are not going to cut whatever it is that I like." I happen to be very fond of the Appalachian Regional Commission. It has done a heck of a job for West Virginia.

Someone else says, "But, Wise, you are not coming over to my area and cut the military budget," say someone who has a military base, or a Trident base, or some research and development lab, whatever.

So now we get to the crux of the problem. We are in a democracy and there are competing interests. That is not bad. That is what a democracy is about. We are all trying to make ourselves heard and to be represented. I think that is maybe where this Congress falls down, and this is a statement to both parties. We fall down because we do not look at some kind of overall picture.

Once again, it is easy to come running out and say, "Let us cut the domestic programs." They got savaged in 1981. OK. Come at them again. But even if you cut—it is interesting. I totaled up every possible low-income or public-assistance program. I am talking about housing. I am talking about AFDC. I am talking about food stamps. I am talking about hot lunch programs, programs like that. Cut every one of them. Cut them. Eliminate them. You have now gotten something like $50 billion out. That is it; $50 billion, a third of what you have to do.

So there is no easy solution. So then what do we do? Well, one thing we can do is get down in the well and roll around and rail at each other for 2 years at a time. That has not done a whole lot either. But then I think we have to come to working together.

During the 2 years I have been here, I have heard from this side and this side. I have heard each blame the other. I have been blamed. I have blamed them. The President blames the Congress; the Congress blames the President. The truth is, it is a two-way street.

Let us look at the budget process. A budget and spending does not come out of a vacuum. It just does not appear, and it is not just the President. It is not just the Congress. The budget is something that is a joint product. The President presents a budget. That is the first chance to balance it right there. But the President then presents it and the Congress responds to it in both its budget resolution and its appropriations bills. It can completely disregard the President if it chooses.

Now, then, let us assume that the Congress has adopted or has passed these appropriations bills. Does it stop there and the President is bypassed? Absolutely not. The President then has a choice of vetoing those appropriations bills. It is not the President's responsibility totally; it is not the Congress' responsibility. But yet each has a valuable part.

So, therefore, for the President to hold a news conference and blast the Congress simply is not fair, and vice versa. I can point back and we can look at the history of the deficit and I can make an argument that Gerald Ford ran the highest deficit before Jimmy Carter. In fact, as I recall, Ford's last—and I stand corrected if I am wrong but I do not believe I am—that the last budget year under President Ford was higher than anything that Carter had proposed in terms of deficit. I can stand here and say that President Reagan has the highest deficit, 3 times higher actually, than any other President, which is true.

I guess I can make the argument conclusively that it was Republican Presidents who produced the highest deficits. Quite frankly, I do not think there is a lot of merit to be gained by that. I happen to think it is true, but I do not think there is merit. I have great problems with some of the individual policy decisions of President Reagan. I think that his policies have contributed greatly, but, quite frankly, my railing at the President and his railing at me is not going to get this problem solved.

The problem is going to be solved when we take time to look at an overall approach such as what was proposed in the McKay substitute, I

think; such as what has been proposed in the pay-as-you-go proposals. The Democratic side has introduced the Bradley-Gephardt proposal. The other party has presented the Kemp-Kasten proposal. But we owe those all serious consideration.

I guess what concerns me is that we are hearing a lot of rhetoric, a lot of vitriol on the budget deficit, and who caused it. The fact is, everybody caused it. The gentleman from Montana, I think, said eloquently that, yes, he thinks that the Democratic Party bears responsibility. It does. So does the Republican Party. And so do the policies that have brought us, many of the policies, that have brought us to this situation, that brought us to this day.

So I hope that in the next month that this body will have, and I anticipate that we will be getting together here on the floor much more, I hope that that may be some of the spirit that pervades our discussion in genuinely trying to work out what those differences are and where we can go from there.

I think it is important to point out the differences between us. I have great differences with the Reagan policies. They have been disastrous for my State. But at the same time, I think that we have an obligation to consider them and to object to them on their merits or to approach them on their merits.

But I think we have to agree on one thing: The deficit has to be dealt with, and it has to be dealt with this year. It does no good to rail at each other without at least coming forward with a first step. I think the House budget resolution was a first step. It was $180 billion. And to those who say, "Well, so far you have $50 billion worth of tax increases and $13 billion of spending cuts," that is right. But that is the first step. That was, incidentally, part of what the President suggested in his Rose Garden strategy. So this is the President's tax increase as much as it was the tax increase of any Member of this body or the other body, and I think that should be pointed out.

No good is going to come from the President simply saying, "Taxes, not me." The President is responsible for these tax increases as much as anyone else. I hope it is because he recognizes the need to be fiscally responsible but I just want to make that final point, too, that in the House budget resolution, assuming that it is carried through to its final conclusion, that for every dollar of tax increase there is at least $2 of spending cuts, and that is the agreement. That is the contract with the American people.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Wisconsin.

Mr. MOODY. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman makes a good point, that it is very tempting to stand here and excoriate our colleagues in this body or anywhere else, who are also men and women of good will who want to do the right thing. I think we all know that.

The real issue is, where do we go from here? This upcoming election, I would submit to my friends on the other side, is about the future. I think you owe it to us and we owe it to you to talk about the future. What are the policy choices that are now before us that we have to come to grips with, and where will they lead us?

I think any discussion that wants to talk about either this administration's recent history or the Democratic administration's less recent, more distant history is fairly barren. We have plenty of criticism to go all around.

But where are we going to go in the future? That is why I would like to, if I could, steer the discussion back to the consequences of the deficit.

We know why they are caused. They were caused for the reasons we have been talking about, but where will they lead us, and way is it so important that both sides of the aisle to cut them, to improve the economy. We have discussed the fact that we are becoming a debtor Nation through the deficits, that by 1988 we will owe more to foreigners than they owe to us, and that we will begin to lose control of our own fiscal policy and our own monetary policy. The fact is that foreigners will be sharing in whatever growth we can eke out. It will be siphoned off to other nations, the fact that we will lose control of our own destiny.

The fact is that 42 cents on every dollar of income tax will be going to pay debt service, and the fact is that this will be the most massive transfer of wealth from wage earners to capital holders. Eighty-five percent of wages—and the gentleman in the well, I think, would agree that most of the people we represent are wage earners; people in my district tend to earn wages. They work hard and they earn wages. Eighty-five percent of wage income was subject to withholding.

□ 2100

Forty-two cents of those wage withholdings are going to go to pay owners of capital, people who own or who are buying or will buy Government bonds.

Who buys Government bonds in our society? Who buys debt? Who owns debt? They are not the people at the middle and lower end of the spectrum, by and large; they are the upper-income folks in our society. They have a right to own debt, and that is fine. We are glad they do. I am glad somebody is buying it or everything would come grinding to a halt.

But the long-term consequences to our society of massive income transfers from wage earners to bondholders is another frightening byproduct of the runaway deficit. That is why we have to get control on it.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, I want to commend my colleague, the gentleman from Wisconsin [Mr. MOODY]. He is, I think, more of a diplomat and statesman than I am, and I think he has stated what I tried to state, although maybe it did not come across very clearly, that we have got to have bipartisan solutions and we have to have a consensus. But I think the issues are not going to be what went wrong in 1980.

The issues are not Jimmy Carter or Gerald Ford or what Harry Truman did or what John F. Kennedy did—the President who perhaps is one of our most admired Presidents by both Democrats and Republicans—but what will the future hold in the years ahead. What will be our policies in resolving the problems of our country?

I think the debate in 1984 should be a debate on what policies we are going to have to take us into the 1990's and the year 2000. I think, instead of bringing up once again Jimmy Carter, I would like to see us talk about the future leaders and the future policies and programs of this country.

I think if we look at what our broad goals should be, we should look at what Republicans and Democrats can do together to pursue overall economic policies that sharply reduce deficits, that bring down interest rates, that generate free savings for private investment, that prevent another explosion of inflation, and that put the dollar on a competitive footing. Let us have policies that are Democratic and Republican, that will establish a framework that will support growth, productivity, and opportunity.

What is wrong with dealing with those concepts and having policies together that can deal with these issues?

Instead of conflict, let us have dialog and let us have cooperation, but let those cooperative measures be backed by trade, tax, and financial regulations that will serve the long-term growth of the American economy and the broad national interest.

Instead of ignoring America's future, as some of the policies in this administration have done, with some blame on the part of some Democrats, let us make a series of long-term investments in research, solar energy, nuclear research, all kinds of research that will not only expand the mind of the American people but will let us know

about what necessarily is going to be needed in the years ahead. Let us have space research. Why not have these investments in training and retraining so that it can help those who lose their jobs?

I come from an area of New Mexico where mining has been the main industry for many years, but our mining industry has been devastated. I represent the coal industry. I have a lot of coal plants, I have uranium mines, I have oil and gas, and I have potash. This vital energy industry has been devastated.

But perhaps if we invested in research to technologically try to do better in this area, to have more jobs in production, to stop the State Department from favoring purchasing foreign imports, it would help. I mean our State Department prefers to buy uranium from Australia and South Africa. It prefers to purchase all kinds of potash from other nations to line the pockets of many dictators around the world. We could purchase our own uranium and help our own energy industry. Our copper industry in New Mexico and the Southwest is devastated by foreign imports.

If we are going to stand up for the industries and rebuild our infrastructure, we have got to give our industries and our businesses and our natural resources an even break.

Now, the President talked tough about saying no to these dictators and protecting our imports and protecting our energy industry. My State has been devastated. I think my colleague, the gentleman from West Virginia, has seen that, too.

I think we need investments in long-term education and retraining and infrastucture and energy research. Perhaps we will make some mistakes in the future in investing and trying to find out what is best for this country. But let us not go back and tear these programs down and stop this research at universities and foundations and among our people.

Our people out there, not our bureaucrats or our bureaucracy, are finding out what is best for this country. Let us give them that ability and provide those funds for investment. If we are going to invest in education, in the future minds of children, in biomedical science and technology and retraining, that money will serve a purpose in the future because those children will become taxpayers and citizens of this country that will produce. What is wrong with spending funds on that? That is in the area of domestic spending.

I hope that my colleague touches a bit on Social Security and what we tell our senior citizens in this country. What are we going to tell them about their programs in the future?

I know that my colleague has many issues he wishes to discuss. We need to talk some of the consequences of this deficit and what we, together as Democrats and Republicans, can achieve as a consensus that will bring not just peace in our country but also economic prosperity.

I am ready to stop calling anybody names if they are ready to do the same, but you can bet that tomorrow they will be back and they will be saying "the liberal welfare state," and that the gentleman from New Mexico is wrong in this statistic, and they will give us all these facts and figures. But I am ready here to say, let us enter into a dialog and at least let our leadership of our Budget Committees, JIM JONES and the leader of the Senate Budget Committee, get together and reach a deficit reduction plan. Perhaps our colleagues can ask the President to let them proceed and at least meet. Otherwise the people of this country will have no budget reduction plan.

Mr. Speaker, I thank my colleague for yielding.

Mr. WISE. Mr. Speaker, the gentleman made a point that I would like to talk to briefly, and that is on Social Security.

I am glad the Congress finally took a step that in my feeling was long overdue. A year ago we mandated that in the future Social Security will not be considered as part of the unified budget. It has always been, until the late sixties, considered as part of the budget. In other words, Social Security, which is a separate fund paid for by payroll taxes, has been used to offset in the bottom line the deficits that have been incurred in the general fund. That has been good when Social Security was flush, but it did not work too well in the last few years. But when Social Security kicks back up and the revenues become better with more people returning to work, and also with the changes that this Congress mandated, we will see Social Security once more become solvent. In some ways, on Social Security, we ought not to make that the whipping boy for the deficit. We ought to take that on the outside and look at the Social Security fund on its own, which it is. It is a separate fund.

But now let us look at the general fund problems. When people talk about cutting Social Security, if they cut Social Security, they have not done anything. If you cut Social Security, you have not done anything to cure the overall problem within the general fund. So I wish that Social Security could be considered for what it is, and hopefully the action that this Congress took will remove it from that consideration.

The fact of the matter is that the Social Security fund at this time is solvent, and it is becoming more solvent. There is a crisis coming in the medicare fund, and this Congress will have to deal with that. But I get concerned when I hear people say, "Well, we can solve the deficit problem by maybe freezing the COLA's for Social Security recipients."

□ 2110

The money for Social Security does not come from the general fund. It is a payroll tax. It is generated strictly for that purpose. The same thing with Social Security disability, and therefore to talk about cutting back Social Security as somehow solving the deficit problems, as has been suggested in past years, is faulty.

Mr. RICHARDSON. Mr. Speaker, will my colleague yield?

Mr. WISE. Yes, certainly.

Mr. RICHARDSON. Mr. Speaker, I wish to commend the gentleman for the approach he has taken.

I think if we look at 1983, after we were elected, I think one of the shining lights of this Congress was the passage of a bill that basically saved the Social Security System until about the 1990's, but there some painful cuts were made. Cost-of-living increases were postponed, new Federal employees went into the system, higher income Social Security recipients were taxed, but that was done on a bipartisan basis. Is that not correct?

Mr. WISE. The gentleman is absolutely correct, but it was done on another basis, too, that I think is important and should pervade this discussion of the deficit. It was done on an across-the-board basis.

I held town meetings before that vote was taken on the Social Security package. I talked probably to 1,000 senior citizens across the 14 counties in my district. I explained to them the elements of the package. Employers give up something. Self-employed give up something. New Federal employees come under Social Security and you will be asked to defer your cost-of-living adjustment for 6 months. Then I would take a vote at the end on how they felt. Only 2 out of approximately the 1,000 people said that they were not willing to accept that COLA deferral, even though everyone else was giving up.

The message was clear. As long as it is across the board, as long as it is fair, as long as everyone is giving, then we are willing to give.

I think that could also be the message here in dealing with the budget deficit problem, not pointing fingers, not saying it is domestic spending, it is military spending, it is your program; no, it is your program. We have got to look everywhere and we have got to make sure it is fair.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. WISE. Certainly.

Mr. RICHARDSON. I think the gentleman has hit the issue very succinctly, very clearly. I think while national-

ly a perception might be that there are some Democrats that are big spenders, I have learned in my town meetings and many constituents at least give many of us credit for protecting Social Security.

I think if you look at the 1981 Budget Reconciliation Act that the President supported, that produced $21 billion in cuts for Social Security, and if you look once again in May 1982, the President endorsed that Republican proposal in the Senate that would have cut Social Security by $6 billion in fiscal year 1983 and $17 billion in each of the next 2 years, a total of $40 billion.

The people of this country, mostly senior citizens, mostly those on fixed incomes, had nothing of that, so there was a very quick retraction.

Our point, I think as the gentleman has said, is the issue of medicare and medicaid, that is something we have to deal with. It is in crisis.

If the gentleman will yield further, I have some health care statistics that I would like to discuss that I think are very relevant to the debate that we are having today.

Mr. WISE. Sure.

Mr. RICHARDSON. And regrettably, I think the policy of this administration has been characterized by proposals that would increase the cost of health services to the elderly under medicare, reduce the Federal matching rate for medicaid services and mandate that the poor share in the cost for even basic health care research, placing unwarranted reliance upon competition in the marketplace to curb rising health care costs.

Now, I think the administration's attitude is that you solve the health care problem by putting the burden on the patients.

Now, any person in this country will tell you, what is the biggest problem we have? And maybe those of us here will say the deficit. I personally think that is the biggest problem we have, but time and time again, young, middle class, old, wealthy, will talk about the crisis in health care, that we cannot continue to put the burden of health care on patients.

Now, 4.5 percent of a $12.7 billion GNP in the United States went for health care in 1950, whereas 10.5 percent of a $322 billion GNP goes for that purpose today. This is where the priority of health care is today. Health care costs now are $1,325 per year per person. This jumped 50 percent—50 percent between 1979 and 1982 and the figure is expected to reach $2,395 by the year 1990 if we continue these policies.

About 12 percent of all Americans, or 1 in 8 have serious problems in access to adequate health care and I can speak for that in my district where I have rural health care clinics and Indian reservations. They simply cannot get to a health care facility.

One million families have had at least one member refused care for financial reasons. This includes 208,000 families that are uninsured.

Now, let me just talk about some of these statistics. I think this points to glaring inequities in where our human priorities should be. There are people still in this country that cannot defend themselves. They do not have big lobbies like the AMA. They cannot come up here and lobby to keep rural health care clinics open.

I want the gentleman to know that the first bill I passed in this House was a rural health care clinic that changed the payback formula for clinics around the country, because this administration while wanting to spend billions and billions for the MX and billions for the International Monetary Fund and foreign aid could not pay $60,000 in many cases for one doctor, one federally funded doctor to go to a rural health care clinic in areas that are very remote. Those were slashed. That was cut.

I had to fight here simply to change the payback formula which would not have increased the cost for this program. There was opposition to this by the administration, not by my Republican colleagues on the committee, they supported this, but by the administration that said becasue of OMB directives, the Office of Management and Budget, that we had to cut rural health care for defenseless people. I represent many of those people.

I just think it is important that if we are going to look at reducing the deficit, we have got to control health care costs and we can do that by more efficient reimbursable policies.

Mr. WISE. Mr. Speaker, if the gentleman would yield back for a minute, I think the gentleman is absolutely right, particularly medicare. Let us look at the problem of medicare. Medicare is a fund also generated by payroll taxes, at least medicare part A.

The problem is that you have got money coming in through the payroll taxes, but as health care costs rise so sharply, three or four times the rate of inflation, and so the money coming in while it may be going up according to the CPI, the money going in may be increasing, but the cost, the outgo, is increasing at a far greater rate.

You can, as unfortunately has been proposed and done, you can cut benefits. You can raise the medicare tax, but you are just putting Band-aids on a very serious problem. It is not until you deal with the root elements, it is not until you deal with rising hospital and health care costs, and the gentleman has cited well the expansion of those dollars, it is not until you deal with the real cause of the problem that you are going to get it down.

There is a figure, for instance, some people say, "Well, I am not sick. How does health care affect me?"

Go out and buy a car today. Every car has built into it, an American produced car, has built into it around $600 which is health care cost premiums, insurance policies for the employees, basic medical care coverage. Those premiums keep going up. Why do those premiums go up? Because the costs are going up.

Yes, this Congress took a beginning step with the DRG, diagnostic related groups prospective payment, but that only deals with medicare. That does not deal with the private insurer. That does not deal with the insurance policy that I have to pay for and anybody has to pay for. Those premiums keep going up as the costs go up.

So health care costs affect us in several ways. First is the patient. Second, as the taxpayer paying for many of the health care programs, and third, finally as an overall consumer, because health care as the gentleman points out, is now 10 percent of the gross national product, 10 percent.

It is one of the fastest growing industries, if not the fastest growing industry in the Nation, so whatever we buy has those health care costs factored into it; so the gentleman makes an excellent point.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. WISE. Certainly.

Mr. RICHARDSON. Mr. Speaker, I want to talk about another issue. We are talking about the consequences of the deficit and misplaced priorities. That is the issue of hunger and what budget cuts have done on social programs for women and children.

Now, I recall very succinctly a statement made by a Member of the body, Senator JOSEPH BIDEN of Delaware, who told us that the very day the Census Bureau was announcing that the poverty level in this country had reached the highest point in 15 years, the same day the President, who went ahead and savaged the food stamp proposal, the President literally eliminated the School Lunch Program and cut nutrition programs for infants and the elderly, was announcing the formation of a task force to determine why there was hunger in America. Was it not I think Mr. Meese who at that time was a member of the White House staff, I think he still is, who said that to his best available evidence, there was very little hunger in this country.

I have seen hunger people. I have seen those meal sites for senior citizens. I have seen the lines for cheese in many parts of my district. There are people that are hungry in this country.

What about women and what about children? What about their situation?

In 1981, 62 percent of all women 18 through 64 were working. More than half of all children, including 1.5 million children under 6, have working mothers.

□ 2120

Yet working women make less than men in every job at every education level. And for women who had families, half of all of those that are in poverty, the budget cuts will mean a faster decline into deeper poverty, less child care, less nutritional assistance, fewer health services. For those that are separated, divorced, widowed, or abandoned by their husbands, it means less job training, less support for the children's education and more difficulty getting legal services.

So I think if we are fashioning a consensus, as my colleagues said, that as Republicans and Democrats we cannot forget those that are at the deepest scale of the economic ladder. But somehow we have also fashioned policies I think in some cases and in some programs that only benefit the very, very, very poor and the very, very, very rich. So there is that great middle that many times do not have access to assistance programs in education and health care.

I have found so many of them that basically, for instance, want some funding and assistance in getting a farmer's home loan, or the soil conservation to come in and help their farms and ranches, or some kind of a student loan. They fall just below that scale.

So what we need to do is I think try to fashion an economic policy in this country that helps us all. I mean this is I think an election year and to say that we are going to stand for only the rich or the middle class or the poor is wrong, just as our colleagues I think should recognize that we are in fact in this together, that we should show each other some respect, that we should have some dialog, that we need to achieve some of these goals in a bipartisan fashion.

I yield back.

Mr. WISE. I applaud the gentleman's statements. You bring to mind a incident that happened to me.

I was going door to door in my district one time. I think we just need to look at the impact of what this body does, particularly when you talk about budgets cuts. I totally support the concept. In fact, in the State legislature I led a committee, bipartisan committee, I might add, called the "Trim Committee" which went line item by line item through the State budget and came up with roughly $100 million worth of suggested cuts. You can find money there. But you have to look at the impact.

I was going door to door and I knocked on the doors of two separate people in the same block, of ladies that seemed to be somewhere between 55 and 65 years old, low-income area. Both of them were very, very frightened. The reason is that that was when certain budget cuts had come down in the medicaid program and all of a sudden medicaid would not reimburse for certain types of outpatient medicines and in my State hypertension meds were on that list.

The result was that to save dollars, several dollars per week in hypertension meds for these people, now no longer could these women get that medicine, that medicaid assistance. Therefore, at least one was doing without. In order to save the money for those hypertension meds, and you would save several dollars a week, these women would then develop high blood pressure such that they had to be either hospitalized or put into a nursing home. What does that cost to the medicaid system? It is $900 to $1,200 a month. Pennywise and pound-foolish type of approach, as well as being I think inhumane.

So I think you have to look at the budget cuts.

It is another thing when you talk about cutting the budget. It is real easy to say we are going to cut this year, we are going to cut this capital cost, we are going to cut the building cost, we are not going to buy new equipment, we are going to do this. That is fine. But what happens in the out years?

At some point that equipment begins to wear out, or human beings being to wear out, and you have to take into consideration what happens in the years to come. I think in some areas what you are going to be seeing is that because of neglect—and we are seeing this, incidentally, in the armed services in a few areas already because of neglect of certain areas—to save a few dollars now you are going to pay a lot more dollars later.

Mr. RICHARDSON. Will the gentleman yield?

Mr. WISE. I will be glad to.

At some time if anybody else in the Chamber wanted to respond, I wanted to give them that time.

Mr. RICHARDSON. Mr. Speaker, I would just like to ask unanimous consent to revise and extend my remarks. I have a number of statements that I would like to insert in the RECORD.

Mr. WEBER. Reserving the right to object——

The SPEAKER pro tempore [Mr. WILLIAMS of Montana]. The gentleman from Minnesota reserves the right to object.

Mr. WEBER. I reserve the right to object to make clear, the gentleman from New Mexico is going to revise and extend his remarks on just this special order for the gentleman from West Virginia, and not the previous special order?

Mr. RICHARDSON. I had asked to revise and extend my remarks previously and in my hour, and I wish to do that in his hour.

The SPEAKER pro tempore. The gentleman from New Mexico, as the Chairman understands it, is asking permission to revise and extend his remarks on the current order.

Mr. WEBER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. WISE. I thank the gentleman for his remarks. I had promised that if anyone wanted to respond, and I think the gentleman from California had wanted to.

Mr. HUNTER. I would ask the gentleman to yield.

Mr. WISE. Certainly.

Mr. HUNTER. I appreciate the gentleman yielding.

Let me say simply that when I walked in on the floor and asked the gentleman from New Mexico to yield he stated that he was not going to yield, essentially because somewhere in the past one of the three of us who are presently on the floor from this side had not yielded.

Let me simply say for myself that with regard to myself that is not true. I have never refused to yield to the gentleman from New Mexico.

The CONGRESSIONAL RECORD is available to him and if he was referring to me he was not telling the truth. And I think that for the gentleman, for any of the three gentlemen to stand up and talk about a dialog and a debate and not debate, and not allow the other Members of the debate, those Members representing the other side to have their say is incredible.

Now, I walked out on the floor and I heard the gentleman say that I refused or one of the three of us refused to yield to him, and I would ask him to show me right now anyplace in the CONGRESSIONAL RECORD which records such words where I had refused to yield to him. If that is not true, if he cannot show that, I would like him to admit it because if he was referring to myself he was not telling the truth.

Mr. MOODY. Would the gentleman yield before the question is answered?

Mr. HUNTER. I would ask the gentleman who has yielded me this time to yield to the gentleman from New Mexico to show me where I have refused to yield to him.

Mr. WISE. Reclaiming my time, I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I think once again what regrettably the gentleman is showing is disrespect. I said one of the three. It is correct, it was one of the three. It was the gentleman from Pennsylvania.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. Will the gentleman yield to me?

Mr. RICHARDSON. Let me finish my statement.

Mr. WISE. I reclaim my time and I continue to yield to the gentleman form New Mexico.

Mr. RICHARDSON. My point was what we are trying to do is establish the dialog and the gentlemen well know that they have had for nearly 9 months, they have had an open season. And I have been here and the gentleman, my friend from Pennsylvania, may not recall. And I cannot cite the instance in the RECORD at the moment. But I did ask him to recognize me and he very patently refused to do that.

Mr. WALKER. Will the gentleman yield on that point?

Mr. RICHARDSON. Will the gentleman yield to me?

Mr. WISE. Let the gentleman finish his statement and then I will be happy to yield to the gentleman from Pennsylvania.

Mr. RICHARDSON. I think the American public right now, I understand that the gentlemen here want to debate and want to talk issues. Now do you want to suspend all actions so we go into the CONGRESSIONAL RECORD to find the exact time when you did what I consider to be a rude discourtesy to me at that time?

I wish to engage in a dialog. I want to have the opportunity when you have your special orders just as my colleague from West Virginia has done. He has recognized you and we are ready to debate some issues with you if you are.

Now, if you want to go back and try to find the time where we can be petty and picayune, as so many times you have done in the past, fine. I mean I am here to debate the issues before the American people. I am here to talk about health care and deficits and education. I am here to work with the gentlemen and I am here in an effort of good will. I respect my colleagues.

Mr. WALKER. Will the gentleman yield to me now?

Mr. WISE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Since we are speaking primarily to a C-SPAN audience, I would say that the gentleman is causing himself I think some real problems because I think that most people understand that this gentleman in the time that he has been on the floor, and I spend a lot of time on the floor, constantly yields to others who ask me to yield. And the gentleman says it would be picayune to suggest that I would want a citation of where the gentleman does this.

The gentleman is accusing me of being a liar. I do not appreciate that. The gentleman seems to think that it is disrespectful for me to suggest that if he is going to charge me with something that he ought to be able to cite exactly where it was that this gentleman refused to yield to him because I think the long history and the long record of my performance on the floor would indicate that I have consistently yielded, as we all have, during our period of time when people come to the floor and ask us to yield to them.

□ 2130

That is the reason why we find this shocking and disappointing to have a situation tonight where the gentleman from New Mexico would claim to want to engage in debate and then specifically, time after time after time, refuse to yield on points where we felt that he was making just absolute errors in fact.

I do not want to think that——

Mr. RICHARDSON. Will my colleague yield?

Is he stating that the——

Mr. WEBER. Will the gentleman yield?

Mr. WISE. I yield to my colleague from New Mexico, and then you can yield back to him. This is exactly the problem, reclaiming my time, gentlemen.

This is exactly the problem, I might suggest. And what I think we would be better served doing is talking about some of the issues, the areas that separate us, and let us walk down that path as opposed to going back and forth.

Mr. WEBER. Will the gentleman yield?

Mr. WISE. It is also my observation, in addition to the many months that the gentleman has been on the floor in presenting his case, the gentleman also has another hour following this gentleman's hour to make that case. So I would prefer to get into some of the issues if we might.

Mr. WALKER. Will the gentleman yield?

Mr. WISE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. And I will assure the gentleman that during the time that I have that I will yield because that is the way I think we conduct ourselves. I congratulate the gentleman for being willing to yield of his time. I am only disappointed that the gentleman who preceded him last night and the gentleman who preceded him here tonight did not have the same courtesy or the same ability to defend their point of view.

Mr. RICHARDSON. Will my colleague yield? From Pennsylvania.

Mr. WISE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. To my colleague from Pennsylvania.

Mr. WISE. I control the time.

Mr. RICHARDSON. Well, I was addressing my colleague who is not facing me, who is looking the other way. Will my colleague yield?

Mr. WISE. He does not have the time.

Mr. WALKER. I do not have the time. Learn the rules.

Mr. RICHARDSON. Will my colleague treat other colleagues with respect?

Mr. WALKER. The gentleman from West Virginia controls the time.

Mr. RICHARDSON. I would like to ask my colleague something. All the things, all I want to do is in the months ahead, if the gentleman chooses to take special orders to discuss the issues that he is concerned with, that he give us on the other side of the aisle the courtesy of engaging in the debate that you have selected.

Now for 9 months, almost every day—can I finish, can I finish? Will—I am asking my good friend, my colleague who has the time if I can finish before my colleague interrupts me.

Mr. WISE. I yield to the gentleman from New Mexico and then I will yield to the gentleman from Pennsylvania.

What I would like to do is yield to the gentleman from New Mexico for a minute and a half and then I will yield to the gentleman from Pennsylvania on this subject for a minute and a half, and then we might be able to move on to something else.

Mr. RICHARDSON. So I think it is very clear that in future special orders that either of us take whether it is the gentleman from Pennsylvania, Minnesota, California, myself, that we engage in this courtesy of recognizing each other.

I simply was following a policy and practice that many times I observed on the floor of this House where there was discourtesy and failure to yield. That is all I am saying.

Mr. WALKER. Will the gentleman yield?

Mr. RICHARDSON. May I finish? I still have one and a half minutes.

I am willing right here to put that away completely. I am willing to start tomorrow. I am willing to start next week when more special orders will continue. I think the gentlemen are disruptive because for the first time, they have had a clear sailing for 9 months and now there are three freshman Democrats here that wish to say their spiel and our statement, and they are upset, and there is no reason to be upset.

I want my colleagues to be forthcoming, to smile, to feel good. Let us have a good debate in the days ahead. And I mean no disrespect. I mean no bad feelings toward them. I know they are good and decent men. All I am saying is, between now and when we finish these special orders before the election, let us have a dialog where there is respect on the floor of the House for everybody and let us allow

each other to recognize and debate the issues because between now and the election, most of the people decisions will be made.

That is all I am saying. And I mean no disrespect for my three colleagues, and I hope they smile and not get upset. I have nothing against them.

This is the first time I have participated in this dialog here on the floor. I do not take special orders. I just want to give my point of view, that is all.

Mr. WISE. I thank the gentleman, and for equal time, we will turn to the gentleman from Pennsylvania.

Mr. WALKER. Well, I will say to the gentleman, I thank him for the equal time, I guess. And I would only say that during the time that I have been on this floor and I think the record will attest to it, we have never refused to yield. The first time we saw that pattern develop is when the freshman Democrats came to the floor and started that pattern. And I am only disappointed that it takes almost a sledgehammer over their head to get them to understand that that is the proper way that we proceed around here and that that is the way we engage in real debate; that it is not real debate to simply carry on a dialog without somebody else participating.

I thank the gentleman.

Mr. WEBER. Will the gentleman yield?

Mr. WISE. To the gentleman from Wisconsin.

Mr. MOODY. I appreciate this lecture on floor etiquette from the gentleman from Pennsylvania because I think we can all use it from time to time. I am pleased to hear him say how exemplary his behavior always is. There is no one in this House that speaks as frequently as the gentleman from Pennsylvania.

In fact, I think the gentleman from Pennsylvania has probably spent more hours on the floor than all the freshman Democrats put together. I think that would be an easy, an easy calculation to prove.

But I do object, the gentleman from Pennsylvania, when you started off the early part of our session with constant points of order, "Will the gentleman yield?" "Will the gentleman yield?" I think you owe it to these two gentlemen and any other gentlemen who appear for the first time to let them basically develop their theme.

Mr. WEBER. Will the gentleman yield?

Mr. MOODY. Without taking such umbrage, such huge, enormous umbrage over a few refusals to yield is not worthy of any gentleman in this House.

Mr. WEBER. Will the gentleman yield?

Mr. MOODY. Because on the floor debates, day after day, many people refuse to yield while they are finishing their point and I think that is entirely reasonable. To constantly interrupt with the mike and say "Will the gentleman yield, will the gentleman yield?" is not constructive debate.

You have plenty of time. We have only begun this evening for the first time we have ever been here to do this. The gentleman may laugh if he wishes, but I am trying to make a sincere point. To be lectured by the gentleman on the courtesy of the floor ill-behooves the gentleman's high standing in this body.

Mr. HUNTER. Will the gentleman yield?

Mr. WISE. I yield to the gentleman from Minnesota.

Mr. WEBER. It is really stretching the point to suggest the gentlemen earlier this evening were just finishing their point when they were finishing their points for 1 hour and 42 minutes before any of the gentlemen here speaking would yield to any of us on this side of the aisle.

That is especially irritating to us on this side of the aisle because the gentleman from New Mexico among other things flatly misrepresented my voting record. He pointed to Members on this side of the aisle. I was sitting there. He referred to the MacKay budget and said, none of these Members voted for that.

I simply stood up to try to correct the record because I indeed did vote for the MacKay budget. I could not even get recognized to clarify the purposeful distortion of my record by the gentleman from New Mexico.

Furthermore, when the gentleman from New Mexico stood up to point out, not just that the gentleman from Pennsylvania had failed to yield to him but that we had not yielded time and time again during special orders, I again stood up just to correct the record because we have yielded to anybody that has come to the floor and I am willing to give names.

I would suggest that if the gentleman on the other side of the aisle talked to the gentleman from Oregon [Mr. WEAVER], the gentleman from California [Mr. BROWN], the gentleman from Washington [Mr. LOWRY], the gentleman from Texas [Mr. LELAND], the gentleman from Kentucky [Mr. HUBBARD], the gentleman from Kansas [Mr. GLICKMAN] or the gentleman in the chair right now, Mr. WILLIAMS of Montana, they should ask them if they have had any trouble coming to the floor, getting us to yield to them because they have not.

But the gentleman would not yield to us even to correct this obvious distortion of the fact.

I thank the gentleman for yielding.

Mr. WISE. Reclaiming my time, we started this, I noticed because I clocked myself, at about 13 minutes ago. Now that we have resolved the question of etiquette on the floor, I would hope in closing that we can begin a serious approach to solving that deficit problem, indeed other problems arising from it, because I think that is going to be what chokes off any economic recovery that is occurring, which is occurring in varying degrees in different parts of the country, in some far better than others.

I know what bothers me, coming from the State of West Virginia, basic mining, heavy manufacturing, chemical manufacturing, primarily manufacturing, what concerns us greatly is that we see, by classical economic terms, we are halfway through the recovery, recovery being defined as 35, 36 months, this recovery technically started, by the economists in November of 1982; we are halfway through this recovery and we are still running at the interest rates we have, at the deficit, the staggering deficit proportions that we have.

So that has ominous implications for us all.

The American people I do not think want rhetoric. The American people I think want results. Now it was interesting, as I held a town meeting before the Christmas season, people said, "Well, will Congress do anything before the election?" And I said, "Well, I hope so, but it is only going to be if the American people make themselves heard."

□ 2140

I noticed there was a lot of speech making about the deficit then, but now what I have seen happen coming back after the Christmas break it was as though someone had flipped a switch and I think the message from the American people was getting through.

We are willing to take some hard talk. We are willing to take some hard solutions. We are willing to listen to reality, we are willing to listen to what is really going to have to be done. Do not sugarcoat it.

So I think that this Congress, this House, and its passage of the first House budget resolution—not a pleasant thing to have to vote for—I think this House began to grapple with that. So I think that we are going to have to continue to grapple and to wrestle with it in the months to come.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Ultimately this desire to cut the deficit has to be manifested in votes. I happen to have the gentleman's record in front of me. On 19 major votes that would have cut, in fact, the deficit by a very large amount of money the gentleman voted on Rollcall No. 19——

Mr. WISE. I am going to have to reclaim my time in 30 seconds because my time is about to expire.

Mr. HUNTER. Is the gentleman reclaiming my time because I am citing his voting record?

Mr. WISE. No; I am going to reclaim it because my time is running out. I am reclaiming my time. I would like to point out the gentleman has said he has 19 rollcall votes where I voted not to cut the deficit in his terms. That is absolutely right.

Now did the gentleman vote for the pay-as-you-go budget of last year? Did the gentleman vote for the House budget resolution? Did the gentleman vote, for instance, perhaps he did, I did also, to cut the legislative budget 2 percent.

No, I did not vote yesterday, for instance, to cut $1½ billion out of basic education and health programs since they have been so successfully savaged 3 years before.

I did not vote to cut cancer research 5 percent across the board. I did not vote to cut heart and cardiac research 5 percent across the board. I could not do that, maybe you all can, I cannot do that.

So, to the gentleman, no, I did not vote for that. And, yes, he does have that. But does he also have, for instance, my votes on other matters, such as the pay-as-you-go budget, such as on some of the measures that the gentleman from Pennsylvania has advanced?

Mr. HUNTER. Will the gentleman yield, so that I can give him some of his other votes?

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] has 2 minutes remaining.

Mr. WISE. I will yield for 1 minute.

Mr. HUNTER. I thank the gentleman.

The gentleman also voted against a savings of $127 million on the Wilshire corridor subway in Los Angeles, that would have saved $127 million.

The gentleman voted against the Coughlin across-the-board reduction on rollcall No. 208 that would have saved $551 million.

Against rollcall No. 217, which was the tax rate equity act, the Frenzel motion. That would have saved $12 billion.

The gentleman voted against the McDade amendment that would have been a 4-percent cut across the board, Interior appropriations, a savings of $250 million.

As you go on, out of 19 major votes, the gentleman voted against budget savings that would have totaled $20.4 billion.

The point that I am making——

Mr. WISE. I am reclaiming my time because my time is about to expire.

Once again, as I say, you can pick selected votes as I can probably find them with the gentleman.

My point is I voted for the House budget resolution. You know one area where I am in trouble, I voted for the President's defense appropriation. That probably makes me a budget buster. So I suspect that the gentleman voted for that also, in which case we both join that category.

The point is that you have to look at the overall picture and you have to look at overall deficit reduction. If the gentleman is going to keep pointing out votes like that, then the gentleman is not interested in seriously working together.

As I say, it is going to have to be a serious effort, not a partisan one. I look forward to joining with all my colleagues in that.

THE FUTURE AND WHERE WE GO FROM HERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. MOODY] is recognized for 60 minutes.

Mr. MOODY. Mr. Speaker, now that several of us have had a chance to develop several themes, I would welcome the chance to use a good portion of my time in constructive debate with my colleagues. I do not want them to think they are not welcome to join in, because I want to them to, on both sides of the aisle, as long as we agree on one thing: We will concentrate on the future and where we go from here. I would only ask my colleagues, in courtesy, to emphasize that. Where do we go from here. What are your proposals, what great choices lie ahead, where do we come to grips with where we are.

I have a few opening points that I would like to make.

Does the gentleman wish to make an introductory comment? I would welcome it.

Mr. WEBER. I thank the gentleman.

Mr. Speaker, I just wanted to say that I think the framework the gentleman has set forward for us is perfectly reasonable. Speaking from this side of the aisle, we do not suggest for a minute that gentleman on either side of the aisle should not be permitted to come to the floor and talk about the subject matter that they want to talk about. I think the framework that the gentleman has presented to us is perfectly reasonable.

Mr. MOODY. I thank the gentleman.

Mr. Speaker, I think that we now find ourselves, as we move into the second half of 1984, in a very precarious situation. We are in the midst of a rosy recovery, a boom recovery, which has been wonderful in some areas of the country and not so wonderful in others, but in aggregate mass terms, certainly, we are in the up-cycle, in the upswing of the business cycle.

The question I think we have to focus on is what price are we paying to obtain this boomlet and where will it lead us and how long it is expected to last and what are some of the potential consequences of where we are and where we are going.

One of the things I think we have to acknowledge is that despite the talk of supply-side economics, we are in the most expansionary Keynesian fiscal policy period that this country has ever seen. Keynesian economics is obviously inappropriate for all situations at all times. It may be appropriate if one is in a deep recession. Keynesian economics of pump priming, stimulation, deficit finance, may offer some relief to jar an economy off of low-level excess capacity equilibrium. And an economy can stay at equilibrium with tremendous excess capacity in unemployment. It needs to be jolted off that.

But the shot of adrenaline that is now being injected into our society is extremely dangerous because the current growth rates, real growth rates, of 7-plus percent simply are not sustainable.

An earlier speaker this evening, our friend from Georgia [Mr. GINGRICH] said that "liberal economists." And I am not sure who they are. I do not consider myself one of those, but whoever they are, claim that only 3 percent growth is sustainable. I do not know of any reputable economist who says that. But certainly I do not know of any reputable economist who says that 10 percent growth, real growth, is sustainable either unless one is coming from a very low base with a tremendous excess capacity.

I think if you envisage the economy you can look at it as a kind of slanted ceiling of potential maximum output if everybody is employed or some frictional marginal amount, a number of people, are not employed, but almost all other resources are. That slanted ceiling probably grows at a rate something in the 5- to 6-percent range, depending on the capital stock available, the education of the labor force, and the amount of plowing into the future that one is willing to put. If you plow more into the future that projectory can be increased so that you can grow faster.

Unfortunately, we are not doing that. We are soaking up that capital for current consumption.

So we are in the middle of a consumer-led demand boom. As we approach that ceiling we are going to see some serious consequences. It is not like physical science. Economists are not like doctors where you can issue a certificate of malpractice because there are many unknowns in economics, but I think it is pretty safe to say that by sometime mid-1985 we will be reaching those ceilings of capacity and

bottlenecks will develop and prices will begin to creep up.

The fact that we are in a rapid recovery phase now without inflation does not mean that Reaganomics has worked or has not worked. We are really in a period of classical recovery. It has all the earmarks of classic economic recovery which we have seen many times in our history.

The present set of policy combinations, of monetary and fiscal policy, simply prove the age-old adage, if you stimulate economy enough you can recover it.

I think this administration has reaffirmed two things which most classical economists have maintained for a long time, namely, if you are willing to hit economy with a sledgehammer, you can bring down inflation. If you are willing to undergo 10, 11 percent unemployment, you can bring down inflation.

□ 2150

This President has shown that that is true. Has reshown that is true, because that basically has been the classical tenet. It has been proved again that if you are willing to undergo those kind of unemployment figures, you can bring down inflation, and we have done so.

I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

Now, that we have added under the Reagan administration 7 million new jobs to this economy from approximately 98 million jobs to 105 million jobs, why has not inflation under the theory that you just espoused, why has not inflation started to skyrocket ahead? In fact, why has it not done it many months ago as many economists predicted in 1983?

Mr. MOODY. To answer your question is because we are in a dynamic framework; we are not in a static labor market situation. There are more people in the labor force today than there were when this administration took office.

I yield to the gentleman.

Mr. RICHARDSON. I would like to point out to my colleague that you are talking about unemployment figures and GNP figures. Let me just deal very clearly with one of the campaign promises of 1980 that your party and the President promised sustained economic growth.

By 1984 you promised a GNP 15.5 percent higher than in 1980. Indeed, instead real GNP fell nearly 2 percent in 1982 which is a post war record, and in 1984 is up only 9.9 percent. The shortfall in output, which is about $500 billion, amounts to some $2,000 for every man, woman, and child in America.

Now, unemployment in 1980, when the President came in and you controlled the Senate, the average unemployment would be down to 6.4 percent. This is statistically proven. During the recession, during the Reagan recession or Republican recession or national recession, if we are going to be bipartisan, unemployment reached a postwar record of 10.7 percent, fully 11.9 million people looking for work. Yes; unemployment in 1984 is now 7.6 percent, so we are back where we started.

For you to claim great gains in unemployment I think just distorts the record.

Mr. HUNTER. Will the gentleman yield so I can reply?

Mr. MOODY. Let me reclaim my time. I will give you plenty of time to reply.

Mr. HUNTER. Can I correct a few figures?

Mr. MOODY. Yes; you will be given ample opportunity.

To round out what I was trying to convey to the gentleman in response to this question, yes, there are more jobs existing today than when this administration took over, but there are also more people in our country and more people looking for work in our country. I think the key number you want to look at is not the number of new jobs created, because we have to have always new jobs created, additional jobs created or we will really be in trouble. That has got to be constant. But what is the rate of unemployment. As I say, this administration's regime of Reaganomics that this Congress did two things: It showed that if you hit an economy with a sledge hammer you can wring inflation out of it, and it showed if you stimulate an economy with enough deficit spending adrenalin you can bring it back up, which is what we have done.

There is no magic in this; there is no new economic dicoveries in this process. We are in a classical boom-bust or bust-boom phase and let us not call it by anything else.

I yield to the gentleman.

Mr. HUNTER. We are not, as I understand, the unemployment rate is not 7.6, it is 7.1. It was not 7 percent in 1980, it was 7.4 percent. In fact, the gentleman's thesis of priming the pump, developing inflation, developing jobs does not run true and that we have now not only 105 million jobs which is 7 million new jobs, and we not only have a rate which has gone down to 7.1 percent. Many economists claim we would not break 8 percent until 1987, but we have done it without a high rate of inflation. We have a rate of inflation that is roughly 4 percent. The misery index, that was spoken of by Mr. Mondale and Mr. Carter, we are not speaking of the past, we are speaking of the gentleman who is running for President, was about 34.5 percent; 21 percent interest rates, 13.5 percent inflation rates in 1980. That is roughly halved by this President, and that includes a 4-percent inflation rate and a 13-percent interest rate.

Mr MOODY. I have every respect for the gentleman and I want you to develop your points, but let us try to stick to one point at a time. The misery index is another topic, let us stick with the issue we are dealing with, unemployment.

Let me be the first to concede that unemployment today is heading in the right direction at a very rapid pace, and I think we should all be very happy for it. There is credit and blame on both sides because this Congress voted for the whole program, and this Congress cannot shuck the whole thing off on anybody else. Nor can the administration claim all the credit because if it wishes to claim—

Mr. HUNTER. If the gentleman will yield, is the gentleman saying it is not Reaganomics then that is responsible for the 105 million jobs we have today?

Mr. MOODY. Let me finish my point. I cannot handle that many interruptions all at once. Let me give you one at a time, OK? Let me say this: That you cannot simultaneously claim credit for the reduction in inflation unless you also claim credit for the job loss that we went through to get it. You cannot claim credit; you have to accept blame for both if you want to accept credit for one.

Mr. McEWEN. If the gentleman would yield to me, that is simply not the case. If the gentleman would permit me, as was pointed out by the earlier gentleman from Georgia today as to when the recession began the facts of the matter are that in the latter part of 1980 through October 1981, Americans were losing jobs at the rate of 10,000 a day or 60,000 a week. Now, when the economy is in a nosedive, as an economist, you can appreciate the fact, contracting at a negative 2.5 percent that people are losing jobs.

Now in order to turn that around, this Congress, the 97th Congress, made changes in August 1981 that would take effect beginning in October 1981 which actually impacted in 1982 at the earliest. So as the economy is contracting in 1980, contracting in 1981, people are losing jobs at the rate of 60,000 a week thoughout 1981. The President's policies begin to take effect in 1982, it is simply unfair to intimate that the recession was brought on by his policies.

Now, the reason that some of us are so concerned at this point is that we sat here hour after hour, day after day, listening to speaker after speaker on that side of the aisle point out to us that none of this would ever work. I remember Mayor Koch from New York stand up and say that this is a

disastrous policy, and that we are going to have rampant inflation. In fact, as was pointed out earlier tonight, that all of their predictions were for that to happen. And many of you in your freshman class ran in 1982 on precisely those assurances that in 1983 and 1984 this country would be in the doldrums. What happened?

In 1983 we had a growth that grew from zero to 6 percent. From 1982 growth of stagnant economy to 6 percent growth by the end of 1983. Now what does that mean in real terms to you and me? The size of our economy to the United States of America, as an economist you can appreciate, that 3.5 percent growth means that enough new jobs are created to absorb the new people entering the job market. If the economy does not grow that fast, then more people enter the job market than new jobs are created and unemployment rises. When productivity rises more rapidly than 3.5 percent, then people are pulled off the unemployment lines and into the job market.

Now, in 1977 we had 5.5 percent real growth. That was enough new jobs being created.

Mr. MOODY. Will the gentleman suspend?

Mr. McEWEN. We went down to a negative growth in 1980, and now we are back up to 7.5 percent growth. Now to insert the President into that and to say that that dip from 5.5 growth in 1977 to negative 2.5 by 1980, and back up to 7.5 percent now, to say that that is Reagan's fault that we went through that slump is simply standing logic on its head and worse than that, it is standing theory on its head.

I have imposed upon the gentleman's time, but I have much to add on this point and I thank him for yielding.

Mr. MOODY. I think you can now see why some of my earlier colleagues were hesitant to yield. We do not get a question or a short comment, we get a long speech. Let us try to keep the focus.

Mr. McEWEN. Does the gentleman disagree with anything that I said?

Mr. MOODY. Yes, I do.

Mr. McEWEN. Was it incorrect at any point?

Mr. MOODY. Yes, it was.

Mr. McEWEN. Would he point that out?

□ 2200

Mr. MOODY. The gentleman has said so much in what I thought would be a brief yielding that one hardly knows where to begin. I was not taking copious notes, but I stand by the following propositions:

A number of the policies which this period, 1981 through 1982, saw carried out, fiscal and monetary policies, had the effect of bringing down the inflation.

Mr. WEBER. Mr. Speaker, will the gentleman yield for a question?

Mr. MOODY. I will in a minute. When I am debating 4 people at once, it is difficult to finish a single sentence without being interrupted to ask another question. I am attempting to answer this man, and in the middle of that I am asked to yield again before even finishing the answer to him.

You can see why the first set of people were hesitant to yield under this barrage of questions. I will try to get back to this gentleman.

I will simply stand the assertion that in 1981 and 1982, a number of policies were put in place which had the effect of bringing down inflation. They also had the effect of exacerbating sharply what was the beginning of a decline. I am not saying the decline began with Mr. Reagan's tenure; it did not. The unemployment increases were beginning under Mr. Carter's adminstration, and that is absolutely correct.

That does not mean to say that none of the policies that ensued from 1981 on had any effect. If they had effect on inflation, and I think they did, a positive one, they also had an effect on unemployment, a serious effect. That is all I would say.

Mr. McEWEN. The reason that I responded in the manner that I did was because that was not what you said just a moment ago.

Mr. MOODY. I was attempting to develop my thesis and I was stopped in the middle.

Mr. McEWEN. Moments ago you said it was the Reagan administration and Reaganomics that brought down unemployment, and I thought it was appropriate to point that out.

Mr. MOODY. Mr. Speaker, regular order.

The SPEAKER pro tempore [Mr. WILLIAMS of Montana]. The gentleman in the well has the time.

Mr. MOODY. I would only ask that we extend each other the courtesy, which I know you want to, to let each gentleman finish his point without numerous interruptions.

I cannot verbatim reproduce what I was saying in the well, but I was attempting to make the point I just made: that it is a mixed picture; that the downturn was partly in progress when the administration changed, but it was made more steeply downward by a series of policies not all of which were this administration's doing, but some were. Monetary policy played a very important part of this time. We can discuss monetary policy and the interaction and the relationship of this administration to the Fed.

I would really prefer to move forward and talk about the consequences of where we are. I think that is much more productive because I do not think the blame anywhere all on one side or all on the other, and I think that is my essential point I am attempting to engage in the dialog with my colleagues on this side of the aisle.

The question is: Where do we go from here? The serious consequences of deficits of this magnitude cannot be doubted. It will entail the most massive transfer from wages to capital that the Nation has ever seen. As I mentioned earlier, 85 percent of the income tax is derived from withholding. By the year 1988, almost half of that withholding will go simply to pay interest on the debt. This is going to be a tremendous burden on our children, our grandchildren. As I have mentioned, it will represent a real transfer of wealth from one set of economic actors in our society, wage earners, to another set of actors in our society, holders of capital.

It will have a very serious consequences in terms of shifting real resources overseas, as overseas owners of our Government bonds, and that is a very sharply increasing number, will be earning these yields that we are now going to be obligated to pay.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Speaker, I would like to engage my colleagues in a brief colloquy if I could, and that is, once again, the issue of discussion and dialog.

I wondered if the gentleman could explain to us why it is that the President refuses to allow the Senate conferees to meet without conferees. Could the gentleman answer that, and I ask this in good faith. I will yield to——

Mr. WALKER. The gentleman does not control the time.

Mr. MOODY. I control the time.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I will, indeed, yield to my friend from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I thought we were going to discuss the future.

Mr. MOODY. That is what I wanted to do.

Mr. WALKER. I would prefer to discuss the future.

Mr. MOODY. I was attempting to develop some themes about the future.

Mr. WALKER. And I appreciate that. I think that is where the healthy discussion lies, because I think the gentleman would agree from what I understand him to say, that what we need is investment in that future; that we indeed have to have growth in the economy in order to do a number of these things for the future; that without growth we do not have very much chance of having proper employment,

of having all of the things that families want.

The whole scheme of our economy is based upon the fact that we have growth in the economy. Would the gentleman agree?

Mr. MOODY. Absolutely. But let us try to keep it short, because I want to say some corollary things to what I was saying.

Mr. WALKER. OK. Would the gentleman just give me two answers to questions?

Is the deficit at the present time going up or down?

Mr. MOODY. Compared to 1983, the deficit appears to be coming in under it.

Mr. WALKER. And that is primarily because of growth; is that not correct?

Mr. MOODY. That is correct. That is primarily because revenues are up, tax revenues, because of the acceleration in the recovery, and correspondingly there is less safety net spending because of the acceleration of the recovery.

Mr. WALKER. I would agree absolutely with the gentleman. Let me ask just one other question and I will let the gentleman continue.

Is this an investment-led recovery or a consumer-led recovery, in the gentleman's opinion?

Mr. MOODY. In my opinion, and the opinion of a number of other observers, it has been a consumer-led recovery. It may lead to an investment phase. We hope so.

Mr. WALKER. If the gentleman would yield further, I think that is where we may have a difference. I would contend that what we have is an investment-led recovery, and as you look toward the future, and so on, that has some different consequences than the gentleman's contention that it is a consumer-led recovery. I think that is where some of the dichotomy may be. I will await the gentleman making his points.

Mr. MOODY. All right. The consequences of the deficit are important to understand, because only if we do will we galvanize the political will to make the necessary sacrifices that have to be made on all sides in order to attack the deficit. There is no way, and I hope my colleagues on both sides of the aisle will agree, there is no way to seriously attack the deficit without broad-scale sacrifice affecting wage earners, affecting pensioners, affecting farmers, affecting bond holders, affecting equity holders, at least in the short run.

In the long run if we do it right, everybody will be better off. I am not saying everybody is going to be worse off in the long run, because that is the worst of all scenarios, but we, I think, would have to agree there is going to have to be some shortrun pain in 1985, and hopefully we will begin that equitable sacrifice in 1984, in order to get where we all want to go.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding. I guess we would disagree with the point, not necessarily that there is no sacrifice unless we call for it, but the core of our economic beliefs says that this Government and this Congress should be pursuing policies which will maximize economic growth which, as the gentleman just agreed with our colleague from Pennsylvania, is really the only thing that thus far has contributed substantially to the reduction of the deficit from last year's levels.

I will not go so far as some of our colleagues and say that the entire deficit can be wiped out through growth. I would like to see that. I think it is possible, if you compare our growth rates to growth rates in Far Eastern countries, Singapore, Hong Kong, Taiwan, and Japan, if we achieve the growth rates of any of those economies have achieved over a period of time, then I would argue certainly we can eliminate the deficit through growth alone. But surely we believe that if we maintain a relatively strong pace of economic growth and couple that with modest spending cuts, that we can deal with the deficit problem in that manner.

Mr. MOODY. I agree, and I would not disagree seriously with what the gentleman has just said. I would qualify my agreement by saying this: The rates of growth experienced in Singapore and some of the other rapidly growing Asian economies are probably not possible in a mature economy, be it this one or any other. They are at a different stage in their economic path, and most thoughtful observers and economic historians feel that in those stages you can achieve much higher rates of growth than you might later. So the 12 or 14 percent growth rates are probably not possible in this society.

Mr. WEBER. Mr. Speaker, will the gentleman yield on that point?

Mr. MOODY. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding, because the gentleman is touching on one of the really critical points, and really the entire point that our colleague from Georgia [Mr. GINGRICH], was making earlier tonight, which is that we believe there is mounting evidence that although the statement the gentleman from Wisconsin would have been true probably for the last 50 years, we believe it may not be so true any more because our economy is in such a state of transition that it may not necessarily be accurate to refer to it as a mature economy, to use the gentleman's term.

□ 2210

We are creating new industries. The economy is changing rapidly and it may be that rather than being at the peak or the plateau of an aging industrial economy, we are in the beginning stages of a post industrial economy.

Would it not be tragic if we looked at that initial stage of a new economy where we could indeed achieve tremendous growth through high technology information systems, new global markets, if we looked at that and said it is not possible to achieve those rates of growth and we must pursue policies that will reduce that rate of growth? That was precisely the point that our colleague, the gentleman from Georgia [Mr. GINGRICH] was making.

Mr. MOODY. Indeed, it would be tragic if we took the wrong gamble, but it would also be tragic if we took a gamble the other way. I mean, we are playing for very high stakes. One could, if one bet the bank, bet the economy on undertaking tremendous debt, just a tremendous massing of data, in order to bet on those kind of growth rates, one would be taking a very big gamble. I am not saying it necessarily would not work, but it is not a gamble that I would want to take myself. I think we ought to be a little more cautious in the kind of growth rates we are banking on.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I was in the middle of something else, but I will yield.

Mr. WALKER. I thank the gentleman.

Let me say to the gentleman that that is the reason why I think it is important that we distinguish between the gentleman's concept that we have a consumer-led recovery and my concept that we have an investment-led recovery. If in fact we are experiencing an investment-led recovery, and there is a lot of evidence to show that, then we are in fact seeing the kinds of growth that do appear to be sustainable over a long period of time, because what we have is the creation of new businesses. We are not approaching the peak of our productive capacity. We are in fact creating new productive capacities that would allow this economy to grow sometime in the future. That then is not being financed by debt. It is being financed by investment. It is being financed by investment that is in the hands of the American people right now and we think should remain there.

Given that, and if that kind of growth can be achieved, we think that then you can have a rapid deceleration of your debt obligation at the Federal level of your deficits simply because the growth will in fact bring down overall deficts.

Mr. MOODY. I understand the gentleman's point. Let me reclaim my time.

I do not think the case that we are making about the seriousness of the deficits rests over the debate whether or not it is consumer led or investment led. I think that is important, but it is not conclusive, for reasons that I can elaborate.

I would argue that it has been a consumer-led recovery. Why? Because until relatively recently, the investment picture has not been picking up. Now it is beginning to pick up. In terms of a time sequence, it has certainly been consumer led. Consumer purchases surged ahead as a result of the fiscal stimulus, the adrenalin that has been pumped into the economy.

I talked to some firms in my district. I have an industrial district. It is exactly the kind of district that should be benefiting if it is an investment-led recovery. It is not in my district at all and I do not think that is too typical.

Let me tell you what I asked these people who produce the kinds of things, investment goods, we produce investment goods in southeast Wisconsin, a lot of machine tools are produced there, mining equipment and a whole range of capital goods are produced there.

I asked my businessmen, with whom I am on good terms indeed, how does the 1981 tax cut work out, improved depreciation schedules and all the other benefits of ERDA? Are you going to be able to invest this new cash-flow that has been excused from taxation?

The answer was no, we cannot really do it now. We cannot do it in any immediate future because we have tremendous excess capacity now.

Tax stimulants to capital investments are not very useful when you have a large excess capacity sitting on your hands. If you have laid off 50 percent of your labor force, which is what happened in many of the machine tool companies in my district and you have 70 percent idle capacity, a tax investment is not a very important stimulus. It is later and it is beginning to be now, and that is all I would point out. That I think is a lot of strong evidence that it has been a consumer-led recovery.

That is not bad. I am not criticizing a consumer-led recovery. That is not bad. I am not criticizing it. Consumer-led recoveries sure beat the alternative of no recovery. Many times a consumer-led recovery will blend into an investment picture and that is what we are hoping to see. We all want to see that; but I think to expect the fact that we are creating new industries, which indeed we are, as our economy transforms, as we move away from industrial to service and as we do many of the things we are doing, as we become more interexport oriented, for example, which is very important; all those things will change our economy; but they do not get around the basic set of constraints inherent in any economy, that there is only a certain amount of capital and a certain amount of labor at a given skill level and it takes time to retrain people. It takes time to adjust those skill levels and achieve a new mix and it also takes time to rechange that capital, because capital does not blow away and disappear. It is set in concrete form literally and to turn it from producing mining equipment to producing computers takes time. That capital has to expire and be replaced by new.

The key to the whole process, and I think you gentlemen have said in effect that you agree, is the investment of new capital in the future, both embodied capital in terms of plant equipment and also human capital in terms of skills. Those can only be transformed at a certain rate in societies that have achieved the levels that we have, and we have one of the world's highest examples, have never yet been shown to suddenly take off and accelerate at rocket rates of 14 and 15 percent, except in coming out of a slump, but once you begin to hit bottlenecks, once you begin to lose unemployment, once you begin to achieve those full capacities or nearly full capacities, you begin to slow down. I think we have to take that into account.

We have to plan for this not necessarily being a continuously rising rocket. That is why the deficits are so serious and have to be dealt with, because when we hit those capacity restraints, we begin to hit those bottlenecks, we begin to hit that slanted ceiling I spoke of, whether it is slanting at 6 percent or 6½ percent or 7 percent, we are through a series of very simple calculations, which I think you would not dispute, going to continue to have some very serious deficits.

Now, if we get to the 14 percent growth rate, we can see the deficits maybe melt away; but short of those kind of growth rates, I would submit we are now in a situation of permanent structural deficits and why this leads to the horror scenario is that those deficits themselves are soaking up the capital which we desperately need to achieve growth. As we soak up capital for the deficit and just use it to run the Government on a daily basis, we are pulling out of the investment sector and as we do that we are not stimulating growth, we are destimulating growth.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MOODY. I will yield, but the gentleman from West Virginia has not yet spoken and everybody will be given a chance.

I yield to the gentleman from West Virginia.

Mr. WISE. Good evening, world.

This is I think a worthwhile debate. I would just like to recount an incident that happened to me about a week ago, speaking about whether it is investment led or consumer led. Talking to a representative of a large industrial firm in my area and when asked a year ago, "Well, have these tax cuts made a big difference and are you now prepared to go forward and invest and stimulate the growth that we all want to see happen?"

He kind of laughed and he said, "It is pretty hard to do that when I am operating at 50 percent of capacity," and now he is up to 80 percent of capacity and hopefully he is getting to a point where that will make a difference.

I guess I would hope there is another point that is addressed and I look forward to the gentleman in the well or perhaps others addressing it, and that is in looking at statistics I see that investment, nonresidential domestic investment represented something like 11.7 percent of GNP in 1981. It is now something a little less than that. That would not seem to be the case were this a true investment led recovery. I would expect to see that amount increasing. Now, perhaps it is because the capacity has now become utilized and we are going to see some increase there.

I guess the other thing though as I see the consumer tax cuts and which was a classic remedy, Kenney used it in 1960, as I see the consumer tax cuts, I see them far larger than the corporate cuts, $22 billion perhaps, $87 billion consumer.

Once again it seems that suggests a consumer-led recovery.

I look forward to hearing a response, but I think the gentleman from Pennsylvania is correct when he says that that has to be the crux of this.

I just would like to ask a couple of other questions. Not only is it consumer led, but it seems to me after all the dust is settled a typical Keynesian recovery in that you have come out of this recovery and we are still waiting in some areas, incidentally, for it, but we have come out of this recovery with a massive deficit, consumer led, and so it seems to me to be not much different than that which we have seen before.

□ 2220

As I say, I wanted to make those points and I look forward to a response.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. I will do plenty of yielding but I am trying to move along before we quit, and I have several

other points to cover. I hope everyone has a chance to speak.

As we begin to hit the point where these investments, tax credits and this investment stimulus begins to be important, when we move beyond 50 percent capacity and start getting it to 70, 80, 90, and the very ERDA tax cuts which were voted in this House at the request of the President in 1981 then will begin to take hold in real force.

Now, the danger is when this happens that you will have another surge in spending on the investment side without a medium—in fact, it is bound to be delayed, the surge in capacity because there is always a delay between spending and capacity when you enlarge a plant and equipment, and you begin to engage in a lot of spending and later you get more capacity, so you relieve some of those bottlenecks.

We are in danger of seeing start a double whammy take place in 1985. When you have a pretty rapid growth in consumer spending, which there is, and then add to it a surge in investment spending, and that could be, that could raise some very serious inflation. I am not positive what the numbers are going to be. But I think that is a real danger.

Now, why do I say that is so dangerous? The reason it is so dangerous is because so many of the entitlements are keyed to inflation. So much of our spending in government is keyed to inflation. In fact, this is frequently criticized as one of the ingredients of our problem. We are locked into COLA's in all kinds of ways, explicitly with the pension programs and implicitly in many other programs. As we give a supercharge to inflation, if that is what happens, then you are going to see a surge in government spending, pari passu, I mean necessarily, and then we are going to see some deficit jumps, again I am frightened to say, which has the effect, will have the effect, I think you mostly agree, of putting more pressure on financial markets in terms of interest rates.

So the horror scenario could well be in addition to the foreign debt problem that I mentioned, and we becoming a debtor nation by 1988, in addition to the massive transfers of wealth from wage earners to capital holders, we are skating on thinner and thinner ice and it is wonderful right now for some parts of the country, not so wonderful for others. But in general we have to agree that the country is moving upward and we are in danger of reaching a period where we have a relatively rapid overheating, a possible sudden enlargement of the deficit and another upward surge in interest rates.

That will have the effect of not remedying the problem but making it worse. Many economic programs, energy supplies, for example, have a self-correcting device within them. As oil becomes more scarce, the price goes up, and we ration it implicitly in that way and that is the value of prices, as a ration. They ration, and many economic programs have their own internal corrective devices. But here is one that does not because as the inflation gets bigger and some jolts can take place, can make it bigger, inflation can make it bigger, the COLA's can make it bigger, interest charges themselves are the most rapidly growing component of the deficit. If those things happen we find ourself in the situation where it is getting worse faster and instead of putting capital stock, instead of putting capital into investments, we are going to be pulling it out, to run government and meet our obligations, and lock in obligations which are 82 percent of the budget.

Mr. HUNTER. Will the gentleman yield?

Mr. MOODY. I yield to the gentleman.

Mr. HUNTER. I appreciate the gentleman yielding.

I reflected on the gentleman from West Virginia mentioning that he talked to one of his constituents who had a business. The gentleman said that his businessman said, you know, those tax cuts did not really help me when I am at 50 percent capacity. Now you say he is up to 80 percent, as many businesses are across the Nation, and he says now that we think perhaps some of these tax cuts will help, will help American business.

I think now you can understand why many of us do not think now is the time to raise taxes.

A second point I would make is that the gentleman has made a good case for reelecting the President. If you look at the future and look at what has happened this year, he has kept inflation down to around 4 percent. As the gentleman says, it would be disastrous if we had a 10-, 12-, 13-percent inflation rate.

I have heard of very few economists who predicted that things would be as good as they are right now. I do not think the gentleman predicted last year, in 1983, that unemployment would be 7.1 percent today, that we would have 7 million new jobs, and that we would have done that at a 4-percent inflation rate.

Could the gentleman, since I understand the gentleman is an economist, apparently, and I am sure you have made political statements, and academic statements last year, in 1983, can you tell me did you predict that inflation would be 4 percent and that unemployment would be down to 7.1 percent?

Mr. MOODY. No, I did not. But I did not predict anything else, because I know how hazardous predictions are. You can only I think reasonably predict trouble or the avoidance of trouble that you are headed for by what you do.

I do not think precise numbers are very frequently met with in reality. Most economists are disappointed, and that would be conservatives and liberals, because it is so hard to project to those numbers because there is such a vast interaction of numbers, inflation, unemployment, investment, and these things work as a large machine. It is very hard to know where any one gear on the machine is going to be.

Mr. HUNTER. Just one last point that I would like to ask the gentleman.

We do have a 4-percent inflation rate. I think the gentleman from West Virginia made an accurate statement. Many businesses across the country are now reaching the capacity where the tax cuts will be beneficial, will produce an expansion, will produce jobs. Both gentlemen have referred to that. They said we think now the tax cuts are going to do some good.

Does it make sense now to raise taxes, now that they are going to start working, in your estimation?

Mr. MOODY. I think we have to do some revenue restoration. Whether or not we raise those taxes I think is a very important, a very important national debate. And I hope the two Presidential candidates will debate which taxes have to be raised.

I would argue we have to restore some revenue. Some people argue for a consumption tax. Some people argue for different things. I do not think too many people are reasonably saying we should roll back all these investment tax credits, with the one caveat that we do not want to plunge too rapidly into what I just described as the scenario which might be where we are piling on a surge of investment spending on top of heavy consumer spending and then pump into capacity constraints again, and start seeing inflation.

I agree, inflation at 4 percent is important and we ought to try to keep it there.

So the tax cuts of 1981, which really have not been effective by our then agreement when we are at 50 percent capacity, suddenly become effective at the very moment that we have a very hot consumer stream of spending, which might lead us into some difficulty. So I do not think the 4 percent is a number that we can sit back and be self-satisfied with the 4-percent inflation. We can easily find ourselves moving higher from that number rapidly.

Mr. HUNTER. If the gentleman would just yield briefly, the latest figures that I was looking at in Newsweek just a minute ago indicated investment spending, not consumer spending, but investment spending in this recovery has risen at approximately twice the rate of any postwar recovery, and that

would seem to say that the gentleman is not entirely accurate when he is saying that he thinks this is a consumer-led recovery.

This recovery has strong elements of investment spending.

Mr. MOODY. May I just reclaim a moment here. When you start from the very disastrous base point that we were in the depths of this recession which virtually was a depression, the worst recession since the Great Depression of the 1930's, then I would say yes, the postwar recovery in everything looks pretty good from a very low point. So I do not think that is conclusive evidence when you have had a recession of the severity we had in 1982 and for part of 1983, and then to climb out, which can be very steep without saying that this is great, because you might be starting from a very low point.

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. Yes.

Mr. WALKER. I thank the gentleman for yielding. I just want to come back to the point I was discussing here earlier. We have kind of gotten around the horn there since. But I mean if we come back to the idea of what the future really means to the economy, when I talk about an investment-led recovery it goes beyond the statistics cited in Newsweek. It goes beyond some of the statistics that are out there. It is basically taking a look at the economy and what is reality right now.

And it seems to me that we lose track of some of this if we refer to this business or that business in my district, this industry or that industry in my district, that did not see the advantages of tax cuts right away, or its productivity is approaching the topmost point.

□ 2230

The point is this, that we are seeing a brandnew economy develop. The brandnew economy is a lot of small businesses are being created. We have had a historic expansion of small business in this country in the last couple of years. We have never seen small businesses created at the rate they have been in the last couple of years. Most of those are sole proprietor businesses because people are taking the tax cuts that they got and they are putting it into their own investment. That does not necessarily show up in Wall Street ledgers.

Mr. MOODY. May I interrupt the gentleman?

Mr. WALKER. But it is happening in reality in the economy.

Mr. MOODY. May I interrupt the gentleman to make a point?

Mr. WALKER. Sure.

Mr. MOODY. There was a record number of bankruptcies during the 1982-83 period. Now if there is a record of new small businesses created, we may not be that much better off. I think the gentleman——

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. Sure, I just wanted you to acknowledge that point.

Mr. WALKER. Sure; I acknowledge that point.

You always have when you are forming small businesses, you always have almost half of them fail. That has been historic.

Mr. MOODY. Not the rate of failure was record, one of the highest rates of failure of small business took place during 1982-83.

Mr. WALKER. I know; but the more people you have taking risks——

Mr. MOODY. No; the rate, the percentage.

Mr. WALKER. I understand. But the more people you have taking risks, the more people you have going into brandnew economic life, we are creating businesses that never existed before. We have an economy out there that is being created that never existed before. That is going to produce higher bankruptcies, but the fact is there are also more survivors than ever before in history. It is those survivors, it is that investment which is raising the productive capacity beyond anything we have experienced before, and which is the reason why ceilings on productive capacity really have no meaning in a debate about our economic future.

We do not even known what those ceilings are right now because we are in a period of expansion of what will ultimately be the major productive capacity of the country.

Mr. MOODY. Well, it is nice, it is wonderful to be optimistic. I am optimistic, and it is not a flat ceiling, it is a slanted ceiling. The debate is over what is the slant, the percentage of slant.

We may have a whole new economy where we can actually bet the bank, bet the economy, and bet the country on these fabulous rates of growth and the emergence of a totally new economy never seen before; but I would be cautious. I would be cautious because I think a more likely scenario is that we are going to see continually a changing economy as we have, but it will be a gradual change. It will be faster in some periods than others but we are not suddenly entering anew, I would suggest to the gentleman, we are not suddenly entering a new era qualitatively and quantitatively different economic relationships in a country this size with the capital stock this big and this important; nothing changes that fast.

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. Not on this moment.

So I think prudence is the better part of valor and I think the gentleman who purports, who proclaims himself to be a conservative would want to be conservative in the kind of chances he is willing to take with the economy. That is why I say the deficits must be brought down through positive action, not just waiting for growth to solve it.

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. Not yet.

To structure in deficits that rise to the $300 billion level by 1989 under CBO's projections is very dangerous, very dangerous.

Now the gentleman from Pennsylvania, I would only say to you this: You and I cannot stand here and predict the future. I do not know what it is and you do not know what it is. But I do not think that our Nation should chart a course which is on a knife edge, and I described the horror scenario of the down side, on the assumption and on the philosophic belief that we are entering a whole new kind of economy and a whole new set of relationships and a whole new series of percentage growth rates are possible.

I think it important to focus on what could happen, as a conservative I would urge you to focus on what could happen if the President is wrong. What could happen, what could happen?

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. Not yet.

What could happen if we are instead in basically the same kind of world which we have been in for a long time when capital stock changes rather slowly, where technology changes rather slowly, rapidly relatively to our grandfather's time, but slowly relative to the pattern now available worldwide.

If that is true, I tremble for my country's future because this administration is playing with stakes. And any future policy, if we endorse it as well, will be playing for enormous stakes on a very risky playing field.

Mr. HUNTER. Will the gentleman yield?

Mr. MOODY. It does not mean it could not work out. It means we are on thinner and thinner ice, because the foreign debt bomb, the foreign debt fiscal time bomb which we are buying into with these deficits, because as I said before, 40 percent of our money is now being owed overseas, never before in the history of our Nation; 42 percent of income tax, corporate and personal, will go just to debt payment. The first $3,000 of the average family's tax liability will go just for debt payment. I ask you, how sensible and rationable can Government policies be in the future under that scenario?

Fiscal policy is going to be extremely hard to manage with that overhang of debt.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. Because every point of the interest rate increase, it is not hard to imagine with debt that big you have great increases, but every point of interest rate increase, itself, will increase the deficit by $20 billion.

Mr. WALKER. Will the gentleman yield?

Mr. MOODY. I will now yield.

Mr. WALKER. I thank the gentleman.

You know, I find it hard to discuss the future if when I am discussing the future then you say we cannot predict the future, so there is no sense discussing it.

Mr. MOODY. Can I respond to that?

Mr. WALKER. And I would say to the gentleman——

Mr. MOODY. Can I respond to that, and then I will let you get your time back? I am urging caution because we cannot predict the future. What I am saying is if we are entering into an era where we are making these tremendous gambles and cannot predict the future it is still valid to talk about the risks entailed in the policy we now find ourselves.

Mr. WALKER. If the gentleman will allow me to make my point.

Mr. MOODY. Surely.

Mr. WALKER. I would appreciate it.

Here is my point, and I thank the gentleman. I am not talking about taking a chance. I am talking about what is real, what is happening right now. You have tremendous growth in the economy right now with relatively low inflation.

Mr. MOODY. But it is not sustainable, it is not sustainable.

Mr. WALKER. The gentleman is making the case that it is not sustainable because we are about to reach the ceiling of productive capacity in this country.

Mr. MOODY. No; not just the capacity.

Mr. WALKER. The gentleman is making the point——

Mr. MOODY. We will soon.

Mr. WALKER. We are entering into a new phase in the economy where those productive ceilings that we have traditionally thought about are totally unrealistic, that in fact we do have the ability to grow.

Mr. MOODY. Let me ask you.

Mr. WALKER. That is not taking a chance. The real taking of a chance with the economy would be to choke off this recovery.

Mr. MOODY. We should not do that, either. And I am not proposing it. I am saying this——

Mr. WALKER. Taxes choke off economic recovery.

Mr. MOODY. They have two effects. They subtract resources from the economy.

Mr. WALKER. Just like interest rates.

Mr. MOODY. Yes; they have two effects: They subtract resources from the private economy, taxes, they subtract about 90 cents on the dollar from consumption and about 10 percent on the dollar from savings, that is what taxes would do because we save in about those ratios.

Mr. WEBER. All taxes?

Mr. WALKER. All taxes.

Mr. MOODY. No; income taxes, from personal income, tends to be in about that ratio. No; not every kind of a tax. An import tax does not; no.

Mr. WALKER. Would the gentleman yield?

Mr. MOODY. No; not quite yet because I am in the middle of a point. But taxes do, yes, subtract resources from the economy, absolutely. But borrowing subtracts it almost 100 cents on the dollar from your savings which should be going to investment.

That is why the two are not equal in their kind of subtractions. It is much more serious to subtract by way of borrowing out of a capital flow than it is to subtract by way of income taxes from the consumption which is also the borrowing flow.

Mr. WALKER. Will the gentleman yield? Will the gentleman yield?

My contention is with taxes, you are taking the money directly out of the capital flow because what we are seeing expand is small businesses where people are utilizing the tax cuts that they got, utilizing some of the money that they have been able to save themselves to invest in their own businesses.

So that indeed comes out of the capital flow and as soon as you raise their taxes you reduce that capital flow to that small entrepreneur who may be on the verge of employing another person. And that is precisely the problem that we face if we start talking about massive new income tax increases.

Mr. MOODY. I think we are talking at cross-purposes here. An income tax does not come all out of small business, and I do not think anyone pretends that it does.

An income tax, my colleague, comes out of a wide variety of income.

Mr. WALKER. I do not disagree with that.

Mr. MOODY. OK; now we know statistically if you tax income you tax consumption a lot more than you tax capital because most people's income goes for consumption.

We are a fairly low-saving economy.

□ 2240

I need not remind the gentleman that we have one of the lowest savings rate of any industrialized country. One of the tragedies of that—it is great for consumption—is that we do not set aside nearly as much as a percentage as some other countries do, such as Japan, or even Canada for future investment.

So if you tax income, you are taxing 90, 88, 92 percent consumption and you are taxing 10 or 12 or 8 percent savings, so that it is not the same.

I would maintain that it is more important to not tax capital so heavily as in effect you do with the deficit. You borrow right out of the capital. You reach right into that capital savings pool and you lift it out and you spend it on government.

If you tax income, you lift it out of two pools, consumption savings and spend on government.

This is not to say we should not cut government, we should. We could spend another hour or two on that issue, but we are just trying to talk structural terms here. That is the point I am trying to make.

You may hurt yourself more by not taxing income than you do by taxing it. Nobody likes to pay taxes. You may not like to pay your bills, but if you do not pay your bills you have some very serious consequences.

Mr. WISE. If the gentleman would yield for 1 minute, that is a point that I think ought to be addressed because as the President noted in his State of the Union Message, he made the point that is being made that taxes directly taken out of the economy he is certainly right. But what takes it out equally and with interest often is the high deficit.

Sometimes, yes, you are paying a few dollars more, but when you put it to somebody on the basis of do you want to pay a few dollars directly now and to keep the deficit down, or do you want to in effect borrow those dollars that you are going to be paying back that interest over many years. That is something else altogether.

So I think the gentleman makes a good point. There has to be a balance. We are not talking just taxes. You are not talking just spending cuts. Spending cuts cannot do it by themselves either.

What you have to do is seek and find that balance. I think in the name of intellectual honesty that is what we ought to be realistically talking about, but recognizing, as the gentleman has pointed out, that taxes take out of the pool but so does that $108 billion of interest that we are paying this year that is going to go up to around $116 billion next year that is estimated to double by the end of the decade as the national debt doubles by the end of the decade. That is something that is coming right out of your pocket. And what is worse, you are paying interest on it.

Mr. HUNTER. Will the gentleman yield on that point?

Mr. MOODY. Not quite, I want to round it out.

There is no point standing in the well or any place else in this room and complaining that taxes are all bad because they are going to zap small business.

Taxes are bad and good. They are bad because they withdraw resources from the private economy, but they are good because they can ease the pressure on financial markets if Government has gone overboard borrowing, which we have.

You have got to balance the two. And to take an ideological position on it is not very helpful or practical.

You have got to look at where the taxes are going to come. Some taxes come more out of business. Some taxes come more out of consumption. The tax cuts that were passed in 1981 benefited mostly business. I think most people would recognize that and acknowledge that.

My colleague, Mr. WISE, has pointed out that as deficits increase, the interest burden increases more than proportionally.

Here is the frightening thing. In today's economy the deficit is going to be $170, $180 billion. The interest charge on this debt, national debt accumulated so far, is going to be about $108 billion out of $170, $180 billion deficit. Well over half of it is going to be for interest charges alone.

By 1989, if we do not do something to seriously reduce the deficit, interest charges are going to be not one-half of the current annual deficit, they are going to be over two-thirds. In other words, we are going to sink faster and faster into a deeper and deeper hole.

We are now in the position in our society of borrowing money to pay interest charges. I do not need to tell you gentlemen on both sides of the aisle where that will lead. That is why it is wrong to take a flatout position that taxes cannot be raised. If they are raised to stave off disaster, they should be. They should be raised intelligently, not just willy-nilly. You have to pick carefully the kind of taxes we want.

But to refuse to talk about tax increases in order to stave off falling off the precipice is not sensible. I do not think ideological positions are helpful to this point of view. I think the President is making a very serious mistake for the future by not letting us get on with the spending cut side of the equation.

In truth, the gentleman from West Virginia points out, we have to have a balance. In truth, this House passed a resolution which went far more on the cutting side than on the taxing side.

THE BALANCED BUDGET

The SPEAKER pro tempore [Mr. SPRATT]. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I would first of all like to thank the gentlemen who did yield during their time this evening. I think it is healthy to have that kind of dialog. I think that that is what we should be all about out here on the House floor. I think that it is important that if we are going to raise issues that they be raised in the spirit of real debate in a way that assures that we do have an exchange of viewpoints here on the House floor.

We have been disappointed in times during the regular debate of the House that we feel that at many times debate gets shut off. Very, very often the other side will decide to impose gag rules in the midst of debates of important consequence.

I think that at least in the special order time we ought not to start imposing gag rules on the debate time. It is healthy and worthwhile.

Let me go for a moment to a couple of the points that the gentleman from Wisconsin was raising because I think it is important to understand specifically what we are talking about when we start talking about this business of taxes.

The gentleman admitted to me in the course of our discussion that in fact growth is bringing down deficits. If you are really concerned about doing something about deficits you have to have economic growth. There is no way you can tax yourself to balance budgets. There is no way you can reduce spending to get to balanced budgets. Taxing yourself to balance budgets would just have all kinds of anomolies in it. You would literally have to confiscate all income over $26,000 in this country in order to tax your way to a balanced budget.

I do not think that we can possibly conceive of moving in that direction.

You cannot get enough spending cuts out of military, out of domestic, out of anywhere to get yourself to a purely balanced budget. We have got to have economic growth.

As soon as you impose taxes on the economy you are in fact retarding economic growth. That is our point and the gentleman from Wisconsin told me, and he is absolutely right, that you have a retarding of growth of the deficit by the fact that you have more growth in the economy at the present time. As a matter of fact, it has come down by some $40 billion. I think it is important to understand that that is more than we have brought down the deficit in any other way within the economy.

Mr. WEBER. If the gentleman will yield.

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

In addition, one of the things that is interesting about this is, one of the points that has been made by the gentleman from Wisconsin and other speakers on the other side repeatedly in that the economic recovery has not spread equally to all sectors of the economy and all regions of the country.

Let me tell you in my region of the country I know that that is true. Agriculture is still in a state of recession, if not outright depression.

The point is I do not conclude from that that the right prescription for our economy is to try to slow down the recovery for the rest of our economy. It seems to me that what we ought to be interested in is finding policies that will expand the recovery that has so benefited certain sectors of our economy in certain sections of our country to those sections of our economy, such as my congressional district, perhaps the gentleman from West Virginia, and others, that are not presently benefiting.

It seems to me ludicrous to suggest, particularly from those of us who come from districts in the country that are still hurting economically, that we ought to pursue policies aimed at reducing the rate of growth in this economy because we do not consider it sustainable. I am not suggesting that the gentleman from Wisconsin outright suggested that we ought to reduce the growth rate in the economy, although I think, as does the gentleman from Pennsylvania, that that would be the result of his policies. But certainly the Chairman of the Federal Reserve Board makes no bones about it. He wants to very directly slow down the growth rate of the economy.

□ 2250

He talks about reducing growth in GNP, and when those of us on this side of the aisle get a little exercised about people who are talking about tax increases, I suppose that is one of the things we are concerned about—the steady flow of voices that say the economy is growing too fast, it is recovering too quickly. I am afraid my section of the country, if the Democrats have their way and if Mr. Volcker has his way, recovery will never reach my section of the country.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman very much.

Mr. RICHARDSON. Will the gentleman yield?

Mr. WALKER. Yes, I will be glad to extend to the gentleman the courtesy he did not extend to me, and I will yield to the gentleman.

Mr. RICHARDSON. The gentleman is yielding to me?

Mr. WALKER. That is what I said.

Mr. RICHARDSON. I did not hear him.

I would just like to make two points. The first one is the gentleman talking about tax increases and stating that

tax increases were harmful. I would like to just have the gentleman expand a little bit on that. Is the gentleman presently satisfied with our tax system as it is today?

Mr. WALKER. Of course not.

Mr. RICHARDSON. You are not satisfied?

Mr. WALKER. Of course not. It stinks. It is a lousy contraption that has been built by a whole series of Democratic Congresses. Remember, every tax bill has to begin in the House of Representatives. It is a lousy, special-interest ridden tax system that ought to be totally reformed and abolished in its present form.

Mr. RICHARDSON. So I think the gentleman is also saying that the Kemp tax bill, which he obviously supports, was a Democratic initiative. My point, if I can ask——

Mr. WEBER. No. Will the gentleman yield?

Mr. RICHARDSON. Is the gentleman yielding to me?

Mr. WALKER. Reclaiming my time, obviously there are people who have put forward plans. The Kemp tax bill that you referred to had two parts to it. It cut the tax rates across the board 25 percent and it changed the investment climate to create jobs.

Most of the other special-interest garbage, including the lowering of tax rates for the superrich in the country, the lowering of 70 percent down to 50 percent, that in fact was gerry-rigged on there by the Democrats.

I will be glad to yield further to the gentleman.

Mr. RICHARDSON. Oh, I see. The Democrats.

As I recall, one of the proudest accomplishments of the supply siders and the President, although he seems to be backtracking, and I recall Mr. Stockman was sent to the woodshed for suggesting that the tax cut was not working, and I recall Dr. Feldstein, the former head of the Council of Economic Advisers, for talking about some realities and saying that the tax cuts had not been positive.

Mr. WALKER. Yes, but they were wrong.

Mr. RICHARDSON. And that the main problem we had was the deficit.

Mr. WALKER. They were wrong.

Mr. RICHARDSON. My point is, I believe if we are going to have some sustained economic recovery and if we are going to have fairness in this country that we need to change the present Tax Code.

The gentleman is saying that ultimately any talk of a tax increase necessarily means that he—I got it direct that by his saying, not talking and tampering with the Tax Code, that he is opposing his flat tax or he opposes the flat rate income tax or Kemp-Kasten or the Bradley-Gephardt.

Mr. WALKER. I do not know where the gentleman got that. All I am saying is that we ought to reform the tax structure. But you can do that without imposing an additional tax burden on the American people.

I do not think you ought to charge the working families of this country one additional dime in taxes. You can reform the tax structure, but let us do it without raising taxes on the American people. They are paying too much already. They are paying far too much in taxes already. Let us reform the Tax Code.

Mr. RICHARDSON. Does the gentleman think that the Kemp-Roth tax bill, as initiated by your colleagues and supply siders, has contributed to the deficit or not? Will the gentleman answer that question?

Mr. WALKER. I think it has contributed to the deficit in bringing it down.

Mr. RICHARDSON. In bringing the deficit down?

Mr. WALKER. As a result of the growth that that has built into the economy, we now see the deficits coming down. This year the deficit will be reduced $40 billion as a result of growth. The growth in the economy is directly attributable to the tax cut that was enacted in 1981. So, yes, it has had an effect on deficits. It has helped lower deficits substantially. And I think that that is a positive benefit to the economy, and I am shocked when people come to this floor and suggest that there was something horrid that happended back in 1981, and that somehow we hurt the economy. The economy at the point the tax increase was passed was at 21½ percent interest, 13 percent inflation, 7½ percent unemployment and negative growth. We have reversed all of those things at the present time.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Montana.

Mr. WILLIAMS of Montana, I thank the gentleman for yielding. I think, as the gentleman knows, there is a basic disagreement between him and Members on his side of the aisle and this side of the aisle on what has caused the current recovery. Most of us, and I include myself in this, disagree that the trickle-down tax cut of 3 years ago is responsible for today's economic recovery. I think most economists agree with us, and that is that the economic recovery today is consumer-led, No. 1; and, No. 2, it is occasioned by too much Government spending. That is what is leading the economy. In other words, we are borrowing money at such a rate that it is expansionary in the short term. That is what is leading us out of trouble in the short term. Not the trickle-down tax cut.

Mr. WALKER. The gentleman is obviously not in agreement with us. He has a right to his opinion. But I would say to the gentleman flatly that the facts show that this is an investment-led economy, that we do, in fact, have much investment in the economy. I have pointed out the fact that much of that investment is coming in small businesses, we have had a record number of formations of small businesses, we have had a record number of those small businesses survive. They are now in the process of expanding so that you have employment rising as many of those small businesses are created. We have created more jobs in the economy in 1 month this year in May than the entire European Common Market created in 12 years. There are real things happening out there. And to say that it has nothing to do with the tax cut I think is to ignore reality. The fact is that the deficits the gentleman is talking about are coming down. That is not to say we are not spending too much in Government. We are. We are spending far too much in Government. That is the reason why this gentleman has consistently brought amendments to the floor trying to cut back on that spending, and I must say I have not had very much success with that.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I disagree with the gentleman when he says that the majority of American economists would agree with him that the tax cuts are not the reason why unemployment has dropped to a point in which we have now a 7.1-percent rate. We have created 7 million new jobs. Inflation is still at 4 percent.

Let me just read from the business section of Newsweek, and at least one noted economist. This is the most recent issue.

> The recovery strength has turned much of conventional wisdom on its head. Yet its roots are no mystery. They lie in the tax cuts of 1981, which will provide reductions of $300 billion in personal taxes and $50 billion in business taxes over 1983 and 1985.

According to Allen Sinai, chief economist at Shearson Lehman American Express.

I would simply say to the gentleman from Montana that I have heard him make that statement a number of times, that he does not agree with that proposition. I would like to have him cite at some time the economist that he claims he has backing him up on that proposition. I have not seen them, and I have not seen their statements.

Mr. WEBER. Will the gentleman yield?

Mr. RICHARDSON. Will the gentleman yield?

Mr. WALKER. Let me yield to the gentleman from Minnesota, and then I

will yield to the gentleman from New Mexico.

Mr. WEBER. I thank the gentleman from Pennsylvania for yielding.

Let me say that I agree with the gentleman from Pennsylvania in his analysis.

But furthermore, even if the gentleman from Montana, our friend Mr. WILLIAMS, is correct in that this is a consumer-led recovery, that does not necessarily lead one to the conclusion that the tax cuts that we voted have had no impact on that recovery. Presumably an expansion of consumer spending has some relationship to the individual's disposable income, and we can prove fairly definitively that disposable income in this country has improved over the last 3 years in large measure because of the reduction in inflation and the fact that we have reduced the tax burden on the average working American. That has resulted in an increase in disposable income without which even a consumer-led recovery would not be possible.

I thank the gentleman from Pennsylvania for yielding.

Mr. WALKER. I thank the gentleman for his remarks.

I will be glad to yield to the gentleman from New Mexico.

Mr. RICHARDSON. The gentleman from California asked the name of an economist, asked the gentleman from Montana to cite, that stated that the tax cuts were not responsible for the recovery and were not working. I would like to cite Mr. David Stockman, who is presently head of the Office of Management and Budget.

Mr. WALKER. David Stockman is not an economist.

Mr. RICHARDSON. I believe he is head of the President's Office of Management and Budget.

Mr. WALKER. He is an administrator and a former Member of Congress, but he is not any economist.

Mr. RICHARDSON. You disagree with him? You asked for the name of an economist.

Mr. WALKER. You have not cited the name of any economist. I happen to disagree with some of the gloom and doom that David Stockman has put forth. I think David Stockman's analysis of the economy has in many instances been wrong. We can show time after time where Marty Feldstein and David Stockman have just been absolutely wrong in their projections, that they have been almost as bad, not quite, but almost as bad, as the Congressional Budget Office.

Mr. RICHARDSON. The gentleman does not consider them economists, is that correct? Mr. Feldstein and Mr. Stockman.

Mr. WALKER. Mr. Feldstein is an economist. You did not cite Mr. Feldstein. You cited Mr. Stockman.

Mr. RICHARDSON. I cited Mr. Stockman. I cited Mr. Feldstein earlier when I talked about——

Mr. WALKER. You just answered the gentleman from California, you cited Mr. Stockman, and the point we were making to you is that Mr. Stockman, who happens to be a friend of mine, is not an economist.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

The question that I asked was, the question that I put to the gentleman from Montana was, to name some of the major economists that he claims a majority—at least my understanding of his statement was that a majority of the American economists do not lay the present recovery at the feet of the 1981 tax cuts. Most of the economists that I have read, and practically all of them lately, say it is no secret. Again, "the recovery strength has turned much of the conventional wisdom on its head," I am quoting, "yet its roots are no mystery."

Now, we sat here in 1981 and 1982, when the country was having some difficult times, and people laid the difficult times at the feet of the tax cuts and the President.

Reaganomics was a term we heard every day from gentlemen on that side of the aisle as well as many of today's media commentators. Today you do not hear the term very often, but I think the statement Mr. MOODY made, Mr. WISE made also, should be well taken. They talked about the fact that there is hope that this economy will take on strength from the tax cuts that are now available to America's business people as the capacity of our businesses edges up to 80 percent. They think that tax cuts will help the economy, and my question to them, if they would like to answer the question, then would be, do they think then that Mr. Reagan, that this Congress should give up those tax cuts at this time just when, in the words of your small businessman in your district in West virginia, just when they are starting to do some good.

Mr. WALKER. Let me yield to the gentleman from West Virginia who just had a direct question asked of him.

Mr. WISE. I will be glad to respond to that and I appreciate the gentleman yielding. Should they be given up? Some of them, no; some of them, yes. I think some of them should have clear strings put on them. For instance, I do not think that United States Steel should be given free reign to go out and take their tax cuts and invest in Marathon Oil. I think that this Congress I hope was intending that those tax cuts would be, that in the truest spirit of an investment-led economy, would be put into reinvestment in the steel industry, and not——

Mr. HUNTER. Let me make my question more specific, will the gentleman yield?

Mr. WALKER. I yield.

Mr. HUNTER. I am talking about the specific tax cuts that you said that your West Virginia small businessman was hopeful would help his business, and you said you thought it perhaps would as his capacity gets up to 80 percent. Now would you in the interest of cutting this deficit that you have talked about, would you take away those tax cuts from that business and businesses like it? Those are the tax cuts I am talking about.

Mr. WALKER. Let me yield to the gentleman from West Virginia.

Mr. WISE. I thank the gentleman from Pennsylvania. First of all, the gentleman from, the business person from West Virginia I was speaking of was not a small business person, a large manufacturing concern. Second is he as concerned about the deficit as he is about the tax breaks because when he goes in to borrow money, he is going to pay a high interest rate if something is not done about it.

Mr. HUNTER. So what is your judgment? Should you take those tax cuts away from him that you say will probably help him.

Mr. WISE. You look at the tax package as a whole and you take that which is not accomplishing that which you want to.

As an example, the United States Steel example where you have——

Mr. HUNTER. I am not talking about United States Steel you know, we can——

Mr. WISE. Yes, sir, you are.

Mr. HUNTER. No, I am not talking about United States Steel, I am talking about the specific——

Mr. WALKER. Wait a minute, DUNCAN, I have yielded to the gentleman from West Virginia, I will continue to yield to him and I will get back to you.

Mr. WISE. Yes, in a way you are, sir, because you are asking how would we restructure the tax cuts. I would say do not give the tax cuts that do not accomplish what I think both you and I would seek which is investment in domestic industry.

Mr. WALKER. I thank the gentleman, and I would simply say to the gentleman that I would love to think that this Congress is able to micromanage the economy in that fashion. That we can say that we are going to give you this investment tax credit except in these instances. And so we say to a company we are going to give you a tax credit, but we do not want you to invest in anything out here that might be profitable that would help you then put new productive capacity on line for your basic business.

I do not think we can make those kinds of judgments. There are some

gentlemen in the House who are economists; I am not one of them. There are some people who are much more versed in the ways of business than I am, but I do not trust our collective judgment to know all and be all to the economy. It seems to me that what you have got to do with taxes is assure yourself that you have created a fair tax structure and one which encourages a growth in the economy. Those are the criteria that we ought to look at. That we ought not try to micromanage everything through the tax system. That is the problem we now have. We have got a real problem in our taxes because we try to micromanage everything. We have tried to tell people when to put storm windows on their house, we have got everything in there. We have got virtually every special interest in the country covered in some way in the Tax Code. It is time to reform it.

I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding. I think the gentleman has made the point very clearly, but I would just, if the gentleman would allow me to direct a question to our colleagues on the other side of the aisle, I think the nub of this debate really is what taxes are you going to increase? We have laid out fairly clearly our view that tax increases are detrimental to growth in the economy.

But as I look at what we are hearing from the Democrats in their platform, tonight on the floor, from candidate Mondale, what do we hear? First of all, we hear that they are committed to real dollar increases in defense spending. Now, I am not criticizing that; I think that is the proper approach. I contrast that though with what is probably the popularly held view, at least in my district, that the Democrats will solve this deficit problem by cutting defense spending. The fact is, they are committed to real after inflation increases in defense spending. It is just the matter of degree that is different.

Second of all, throughout the Democratic platform and on this floor tonight we have heard a litany of areas in the domestic budget that the Democrats feel have been neglected over the last 4 years where presumably they will propose increases not decreases in spending.

Hence, when I hear the Democrats talk about tax increases, I do not hear little tax increases, I hear great big tax increases. I would say to our colleagues tonight, what we would like to know is where would you increase taxes?

Mr. WALKER. I yield to the gentleman from West Virginia.

Mr. WISE. I think it is a good and fair question. I am going to answer that question but I am going to come back at you with something also, because I think that is what at the spirit of this, is where do you also cut and where do you raise taxes, where do you cut, and where does growth, the increase in the economy, where does that also play a factor because I think everyone here is agreed that you are not going to solve the whole deficit problem simply by expansion and growth.

First of all, where do you look at taxes, well I think you take a start where this Congress took its start, part of the President's policy, I might add in the recent Tax Reform Act that was passed here, which Congress looked at. Certain loophole closing, certain luxury taxes, things along those lines.

Now in terms of real dollar increases in defense, you are right, the Democratic Party supports an increase in defense, and you are also right when you say but not to the degree that you or apparently the President supports.

Mr. WALKER. If the gentleman would let me reclaim my time just to ask him a question. It is not good enough to tell us that you are going to close loopholes. In all honesty, they go through that exercise around here, and it does a few billion dollars and so, that is not going to get you to a balanced budget, it is not going to eliminate deficits. Where are the major tax increases that are going to take place that are going to achieve something real about deficit reduction.

Mr. WISE. Would the gentleman yield? Because it is not good enough to close loopholes and it is not good enough to say you are going to balance that budget by ending waste, fraud, and abuse. That is exactly what we have heard for the last 4 years.

Mr. WALKER. The gentleman has not listened very well to what I have been saying tonight. I have been saying that we need to reduce Federal spending, and I have come out here and offered an awful lot of amendments on the floor that are aimed at reducing Federal spending, and so my record is pretty clear on that. I can show you appropriations bill after appropriations bill where I have tried to save a few billion bucks, and those savings would add up to far more than the loophole closings that we hear so much about. But I would also say to the gentleman what we have suggested is that growth in the economy is the main way of reducing the deficit. That we are very, very firm on that; that that is the way we are going to get there. What we are concerned about is the proposals that we hear coming from you all are proposals that are aimed at retarding growth in the economy. That taxes, big taxes, lead to retarded growth in the economy. That is going to have a devastating impact on deficits; it is going to expand deficits, and when you expand deficits, you get to all the horror shows that the gentlemen have so vividly outlined to us tonight when you have high deficits.

I yield to the gentleman from West Virginia.

Mr. WISE. I think we are getting right back into a nonproductive area where you are saying high taxes, big taxes. We are not saying that; what we are saying is that you are going to have to take a balanced look. In terms of taxes, you are going to have to look at that area, like you are going to have to look at growth and like you are going to look at spending cuts.

Now, I ask the question would you support a budget freeze such as has been propounded by Members of both sides, I think, a freeze to freeze at last year's level that would give defense, for instance, a 3.5-percent real growth. Such as a freeze put forward by Senator HOLLINGS in the Senate.

Mr. WALKER. Well, I would say to the gentleman that is not a freeze.

Mr. WISE. What?

Mr. WALKER. That is not a freeze the gentleman is talking about. If we start talking about how much you are going to give over and above inflation.

Mr. WISE. Exactly. But you are also——

□ 2310

Mr. WALKER. I said here on the floor last evening that I think that if you put real growth into the economy, if you sustain 6 to 7 percent real growth over a period of 5 years——

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. Let me just make my point. That you can allow the Federal budget to grow at a 3-percent rate, and within a 5- to 7-year period you can balance the budget with growth alone. So I would say to the gentleman that I am willing to see us begin to cap the rate of growth of the Federal Government; yes.

Mr. WISE. At all levels?

Mr. WALKER. At all levels. At all levels of the Federal Government, defense, all of it. I am willing to see us put some caps on the rate of growth of the Federal Government, but let us live with them. I mean, this business, this phony business of creating caps, and pay as you go, and everything in a budget and then waiving the Budget Act when you come to the floor with appropriation bills, and exceeding those growth figures in the appropriation bills is the phoniest thing coming down the pike.

Mr. HUNTER. Will the gentleman yield on that point?

Mr. WALKER. That is what I think we have to get away from.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. Let me yield to the gentleman from Minnesota.

Mr. WEBER. I just want to say, with all due respect, that the argument that we have not been at all specific about spending just does not hold water. We all voted for budget resolutions this year. The gentleman in the well and myself, and I believe the other gentleman here, voted, for instance, for the Dannemeyer budget resolution.

If you want to find specific cuts that reduce the deficit substantially without tax increases, go back and look at the Dannemeyer budget resolution. We all voted for that. In addition to that, I voted for the MacKay budget resolution, contrary to the assertion of the gentleman from New Mexico a little earlier tonight.

Furthermore, the gentleman from Pennsylvania has probably offered more specific reductions in the budget than any other single Member of Congress, probably more specific reductions in the budget than any other 20 Members of Congress put together. What we are asking you tonight is, what taxes are you going to increase, and all we have heard is "certain loophole closings."

I will tell you, if you are going to increase defense spending, increase domestic spending and reduce the deficit, balance the budget, which is what your party is promising, you are going to have to increase taxes $50 billion to $100 billion. That is a lot of loopholes to close. Where are you going to start.

Mr. WALKER. You have one item in your platform, one item in the platform that I had costed out the other day that is $153 billion of add-on spending. Just one sentence in your platform totals out to $153 billion of add-on spending. That is an awful lot of taxes you are going to have to raise to accomplish that particular item.

Mr. RICHARDSON. Could you tell us what that is?

Mr. WALKER. Yes. It is an item in there that says you are going to clean up all environmental sites that might be a threat to the public health. That involves 17,000 sites at $9 million a site. That is $153 billion of add-on spending.

What you are saying there may be very meritorious, but you are going to have to find the money, folks.

Mr. RICHARDSON. Will the gentleman yield?

Mr. WALKER. You cannot talk about these things without finding the money.

Mr. RICHARDSON. Will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Just for the gentleman's clarification, that is known as the Superfund law which we will be debating, and understanding the gentleman's position that he does not obviously want to clean up some of those sites——

Mr. WEBER. That is not what you said. That is not even close to that.

Mr. WALKER. The gentleman has been engaging in a whole group of——

Mr. RICHARDSON. Will the gentleman yield? May I finish?

Mr. WALKER. Let me take back my time for a moment and then I will yield to the gentleman, but the gentleman has consistently this evening engaged in a series of distortions that are, I think, very, very disconcerting and I would hope are not reflective of the kind of message that the gentleman carries beyond this floor.

This gentleman did not say anything about the Superfund. I simply said that that one item in your budget says that. I said that it may be meritorious, but I am saying that in order to do what your platform says you are going to do, you are going to have to find a lot of new taxes. That did not say that this gentleman is not in favor of Superfund. I voted for Superfund when it came through here.

So I think when the gentleman engages in distortions of the kind that he has time in and time out tonight, that he ill serves the kind of debate that we ought to have.

Mr. RICHARDSON. Will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank the gentleman. All I did was ask the gentleman.

Mr. McEWEN. No, you did not.

Mr. RICHARDSON. You said that we were increasing $153 billion and he did not explain what. I asked him and he said it was to clean up some sites, and that is the Superfund.

Mr. WALKER. And then you accused me of being against Superfund. You see, that is precisely the kind of distortion——

Mr. RICHARDSON. Well, the gentleman does not explain what he is criticizing, and I think it is only fair that I ask him what he is talking about.

Mr. WALKER. I did. I explained——

Mr. RICHARDSON. When I asked the gentleman earlier on to——

Mr. WALKER. If the gentleman will let me take back my time, I explained to you exactly what I was talking about in your budget. I explained it was a $153 billion item, and then the gentleman engaged in the distortion that——

Mr. RICHARDSON. Are these the gentleman's figures? Will the gentleman yield? Did the gentleman make these figures?

Mr. WALKER. No. I had the Energy and Commerce Committee develop the figures.

Mr. RICHARDSON. The Energy and Commerce Committee.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. HUNTER. I think we should get back to the heart of the debate.

First, the gentleman from West Virginia has tapdanced all around the question that was put to him about 10 minutes ago, and that is, what taxes would you increase? And I would ask the gentleman from Pennsylvania to yield to the gentleman so he can answer that question.

Mr. WALKER. I yield to the gentleman from West Virginia.

Mr. WISE. I am not tapdancing around the question, but you want to have it—it is a very nice debating style. You keep talking about higher taxes. I keep trying to tell you, and I am not tapdancing. I keep trying to tell you that it is a balanced approach and it has to to be spending cuts, it has to be growth, as you say, in taxes, and you are going have to also acknowledge the fact that there may be some taxes coming down the road. Even our President acknowledges that.

Yes, you can get some—I think I heard the term "revenue restoration." The President the other night talked about loophole closing. I am not the first one to talk about it. That is where he seems to think it is going to come from. You are probably going to have to look at some kind of tax on people, as I have voted for, and I make no bones about, a tax, a surcharge on income over a certain amount, $50,000, $60,000. You may have to look at a consumption tax.

I do not stand here and tell you that I have all the answers. But I went through, if you remember, during my special order, I went through the complexities of the problem, and it is not ill-served to talk about taxes.

Mr. HUNTER. Will the gentleman from Pennsylvania yield?

Mr. WALKER. Let me just take one point here. We keep talking a lot about it and we hear from the Democrats all the time that they are going to get all this money out of the high-income people. We keep hearing about these $60,000 a year people that it is going to tax, and so on, and that is going to get them all kinds of revenue.

The statistics, of course, belie that. The statistics show that you could tax away virtually every penny of income over $50,000, and I know the gentleman is not talking about confiscatory taxation. I know that they really do not mean to do that. But you can tax away every dime of income in this country over $50,000 and get enough money to run the Federal Government for a total of 21 days.

We have a massive deficit that goes to 100 days or more, so that simply does not get you there, and I do not think anybody wants to do that be-

cause that really does impact on small business.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. This idea that income taxes somehow do impact on small businesses, that we talked about earlier this evening, one of the main payers of income tax are small businesses. Sole proprietorships pay income taxes; they do not pay corporate taxes. And in large part they pay those income taxes on their full income in that business. In large part, when you start talking about taxing these so-called high-income people, what you are really doing is talking about taxing the small businesses that are struggling to get started, and I think we have got to be very careful of that when it is small businesses that are creating most of the jobs in this country.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Furthermore, and I am glad we finally got it specific because we are trying to make a point here, the gentleman has suggested now a specific increase, a surcharge on incomes over $50,000. The fact is that the effect of the tax reductions that were voted by the last Congress has been to increase revenues from the over-$50,000 income bracket by 17 percent. It is those taxpayers earning less than $50,000 who have had their contributions to general revenues increased.

Why is that so? Because by reducing those top rates, we reduce the incentive for wealthy taxpayers to shelter their income; hence, to argue that we will increase revenues from wealthy taxpayers by imposing a surtax on them is fallacious. It is disproven by the exact experience that we have had over the last 4 years.

So the point I am making: We just do not buy it when we hear it from the other side, "We are going to raise taxes tens of billions of dollars, but it is all going to come from rich people. It is all going to come from big corporations. You average working Americans, you small businessmen and farmers, do not worry. It is going to be somebody else who pays that." It will be the working man and woman in this country, just like it has always been.

Mr. RICHARDSON. Will the gentleman yield?

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. Let me yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman from Minnesota for narrowing the field, and now I think the question should be put to the gentleman from West Virginia.

What specifically are you talking about. I think it has been proven by the gentleman we are raising more money now since we cut the tax rate for those making $50,000 and above than we were when we had a much higher tax rate, because people will come out of the shelters that they have been in.

So if you are really going to raise that money, what specific tax measures are you going to raise? Where are you going to raise taxes? Are you, and I think the question should be put to the gentleman, are you for eliminating the indexing?

Could the gentleman yield for an answer.

Mr. WALKER. I would be glad to yield to the gentleman from West Virginia.

Mr. WISE. I appreciate the gentleman yielding.

I am glad to see the gentleman from California wants to play "Twenty Questions," are you for this, are you for that. I personally am opposed to the repeal of indexing because I feel that is something that benefits the middle income and lower income more than anyone else.

□ 2320

What I tried to say, and the gentleman does not want to listen to it, I realize that, that we are not going to gain anything unless we sit down across the board and be specific in all areas. The gentleman is going to have to give some and I am going to have to give some.

But that is not what I am hearing. The gentleman just wants to get me on the record saying, "You are for taxes."

Fine, have a lot of fun, come in the well and talk about the Democratic Party. It does not serve this debate well. It does not serve the American people well.

Mr. WALKER. Well, if the gentleman would allow me, you know, that is one of the problems, if we are going to have a debate it seems to me that you have got to be willing to deal in specifics, that you have got to be willing to come to the floor and say specifically what it is we are for and what it is we are not. It does not do much good to talk about these issues if we are not really willing to get down to the fundamental subjects, because we ultimately have to deal in specifics. I am perfectly willing to do that.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield.

Mr. RICHARDSON. Would the gentleman kindly yield 4 minutes to me? The reason I ask for 4 minutes is my colleagues railed against the Democratic tax plan and I think in all candor and in all fairness it would take me about 3½ minutes to read the tax platform of the Democratic Party.

Mr. WALKER. Well, I am going to reclaim my time here a moment.

Mr. RICHARDSON. Would the gentleman allow me——

Mr. WALKER. The gentleman will remember that he did not yield to me at all. I am going to continue to control my time. I am going to yield to the gentleman. I am going to extend him that courtesy, which as I pointed out he did not extend to me, but I am going to continue to control the time.

I would say to the gentleman that knowing the three gentleman that are on the floor with myself, I know I have read the Democratic tax platform plank. I find it absolutely appalling. I think it will be very destructive of the entire economic base of the country. I have a feeling that my three colleagues have all read it, too.

We found the Democratic platform to be a most fascinating document, I would say to the gentleman, and I will be glad to yield to him.

Mr. RICHARDSON. Will the gentleman allow me to basically read what we are saying? We are not talking about tax increases. We are talking about tax equity. Let me just proceed. Is the gentleman going to allow me to proceed?

Mr. WALKER. What we are trying to have here is a debate. It does not seem to me that it contributes very much to the debate to have the gentleman read the Democratic platform which we have already read.

Mr. RICHARDSON. Those people in the Chamber and listening are just listening to distortions that you gentlemen are making. Can I please read the Democratic platform?

Mr. WALKER. I would say to the gentleman——

Mr. RICHARDSON. Is the gentleman afraid for me to read the platform?

Mr. WALKER. The gentleman is one that I would not want to have to use the word distortion very often, but let me yield to the gentleman from Ohio.

Mr. McEWEN. Mr. Speaker, I appreciate the gentleman yielding.

I just made a couple observations here in the course of this debate over the last couple or 3 hours and that is when we are talking about economics, that is, if we look at where we were and where we are and where we are headed, we should break the economy down into about six areas. Let us start with unemployment. As we mentioned during the time that we tried to turn this economy around, people were losing their jobs at the rate of 10,000 a day, 60,000 a week. Unemployment was climbing.

Where are we now? We have created 7½ million jobs in the last 28 months. People are finding new jobs at the rate

of hundreds of thousands every month. That is called Reaganomics.

In the area of savings, 38 months ago savings was at an all time record low. Out of the 25 industrialized nations of the world, the United States was last.

What has happened because of the President's tax plan, because of the increase in individual retirement accounts and other factors? We find out that savings is up nearly 300 percent as a percentage of disposable income going to savings. That meant that the savings and loans institutions that were falling lke dominoes during the 1981 timeframe are beginning to stand on their feet soundly once again.

Let us talk about productivity. As we mentioned earlier, productivity, creating new jobs, was growing at the rate of 5½ percent in 1977, but because we followed the policies of the previous administration, by 1980 we were in a 2½-percent decline. Hence, the increasing unemployment, hence the high interest rates and high inflation.

We have been able to turn that around to 9½ percent growth in the first quarter of this year, 7½ percent growth in the second quarter of this year, as we mentioned, with all the new jobs.

What about interest rates? Interest rates that were 6¼ in 1976 climbed all the way to 22½ percent by the time Reaganomics began to take effect.

What has happened to interest rates? They are half of that now.

As for inflation, inflation was at 18 percent for the first quarter this year when Reaganomics went into effect to try to put a stop to the disruption in the economy, to savings, to the elderly, those on fixed incomes.

What is inflation today? Inflation today is at 3.3 percent. It is the lowest it has been in 17 years.

Now, what does that leave you to talk about? You are left with trying to divide between rich and poor, black and white, young and old and find out of this whole maze here someplace, let us talk about the one thing that TIP O'NEILL has his finger on the most and that is the deficit; so therefore we are going to parade it out here and talk about only that. We are not going to talk about unemployment that went for day after day, month after month, all during 1982 when we were trying to turn this economy around. We do not hear the first word about unemployment.

Mr. WALKER. Well, on that parade of 1 minute that were talking gloom and doom about the economy, now they are trying to figure out a new way to talk gloom and doom about the economy.

Mr. MCEWEN. We do not hear the first word about productivity. What we were told when this went into effect by the gentlemen on the other side of the aisle, if we continued to pursue their policies, that somehow or another it would correct itself, that what we were trying to do was absolutely wrong. Then when it became apparent they were wrong, they said, "Well, there might be a recovery, but it will be just a weak little blip and it won't be significant and it can't be sustained."

What has happened? We are in the largest, greatest, strongest expansion since World War II.

Now where are they? Well, they say next year is going to be bad, so what we need to do is put our policies back in because you have had your 3 years of growth, you have had your 3 years of new jobs, you have had your 3 years of low inflation, it is time for us to get in here and start lighting some fires once again.

The reason that I came over here and sat for 3½ hours, I will say to the gentleman, is because I was signing letters in my office and I listened to the series of distortions that went on. One of the most horrendous distortions was the intimation that this President is not involved in arms control negotiations, and therefore, it is our President's fault that he is not over in Geneva or someplace talking with the Soviet Union.

It failed to point out the condition of the first year and a half that he was in office in which we have learned that the head of the Soviet Union could not make any public appearances. Eventually he died and then he was replaced by another leader of the Soviet Union that we find out during his brief tenure he was unable to conduct negotiations.

Now we find out that it is very difficult, if the gentleman will spend just half a moment with the State Department or anyone concerned in this area to discover that it is very difficult to get any kind of prompt cohesive response from the Soviet Union on any of these matters.

So this constant distortion that somehow or another because of the cleaning up, the mopping up process that has taken place over the last 36 months, is damaging to the President's efforts, and therefore, he should be turned out of office, the idea that he is deliberately thwarting arms control negotiations when the fact of the matter is that he has pursued every avenue, it is that type of thing that has been a source of great concern to me. I think it does not serve this House well and I rise in strong opposition to this kind of thing.

Mr. WALKER. I thank the gentleman.

I just want to make the point that I did not want to talk about the whole series of distortions I thought maybe we would talk a little bit about the future of the economy and some of these things, but it was mentioned earlier also in the same series of distortions that the President has never sent a balanced budget to Capitol Hill and so therefore he should not talk about it.

Well, this document right here is the budget of the U.S. Government for the fiscal year 1982 where indeed the President did submit a budget which called for a balanced budget in 1984. I had a $32 billion surplus in 1984.

It was immediately rejected out of hand by the pundits around this place, the CBO and all the people around here, and the President had to go back to negotiating a budget on their terms; so the fact is the President did send a balanced budget up here. The figures are right in this book and they are available for anybody to see, rather than distorting the record.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Cailifornia.

Mr. HUNTER. I thank the gentleman for yielding.

Let us get back to the heart of the matter, what the gentleman called phony baloney a few minutes ago, because it is phony baloney.

Even if you talk about the deficits, ultimately you have to manifest your concern in votes. Now, the gentleman on the other side of the aisle has talked long and hard about the McKay budget. Ultimately you have to vote against spending bills if you are going to cut the deficit. Of these 19 key votes that were made, again the gentleman from Wisconsin [Mr. MOODY] voted consistently every single time against the deficit cutting vote, for a total of $20.4 billion.

The gentleman from New Mexico [Mr. RICHARDSON] voted every single time—excuse me, except for two, for a deficit of $20.4 billion.

And the gentleman from West Virginia [Mr. WISE] who is very concerned about the deficit, voted every single time, except once, against the deficit cutting measures, for $20.4 billion.

The only thing I would say to my friends is that you cannot just get up here and posture about the deficit, as you have been doing tonight. Ultimately you have to take out that card. You have got to show some courage. You have to put it in the machine and you have to vote no.

The gentleman from Pennsylvania has voted "no" many times. He has put many amendments up here in front of you in which you could have cut the deficit. If the deficit really is mortgaging the future of our grandchildren, why do you not act on it? Why do you not move? You cannot just do it by cutting defense. If you cut the M-1 tank, the B-1 bomber, the F-18 and one of two other large weapons systems out of the economy, you would get maybe a $13 billion cut this

year. You have to go for more cuts than that and you gentlemen have consistently been budget busters; so for you to stand up here and talk about the one vote, this McKay budget which did not pass, which had no effect, but simply gave you a posture or a platform on which you could say you were moderate to conservative, is ridiculous.

□ 2330

Mr. WALKER. I yield to the gentlemen from New Mexico. The gentleman deserves to have a response, although he did not allow other people to respond to charges when he was in the well.

Mr. RICHARDSON. I might add that I have asked you to yield and somehow I have not proceeded for more than 20 seconds without being interrupted.

All I have asked is simply the gentleman seemed kind of reluctant for me to spend minutes reading the Democratic tax plan of the platform. There is a large group of people that probably would want to hear it and would want to make up their own mind on their own.

Mr. WALKER. Let me say to the gentleman if it was that important the gentleman had an hour of time here and why didn't he read it, the Democratic platform? I am sure that that would have been enlightening.

What we are saying to the gentleman is I took the time here to engage in debate. For the gentleman to suggest that I have not yielded to him, I mean, I find it incredible. You really do have a good deal of gall, I will say that. I mean, after standing here for an hour and not yielding to anybody and then suggesting when we yield to you that we don't give you enough time, I mean that is really—that takes a lot of gall, I will say to you; that takes a lot of nerve.

You know, I admire you.

OK. Let me yield to you a little bit more.

Mr. RICHARDSON. I just want to make two points. One, with all of the gentlemen on the other side of the aisle saying that because the deficit is declining and the expanding of the economy that explains to me why you did not answer my first question. My first question to you that you ignored, because you said you wanted to debate the future, was why don't you get your President to have the Senate Republican conferees meet with our conferees so that we can have a budget deficit reconciliation.

POINT OF ORDER

Mr. WEBER. Point of order, Mr. Speaker. Point of order.

The SPEAKER pro tempore [Mr. SPRATT]. The gentleman will state his point of order.

Mr. WEBER. The point of order, Mr. Speaker, is that the rules of the House prohibit Members from mentioning the other body or Members of the other body.

The SPEAKER pro tempore. The point of order is sustained.

Mr. RICHARDSON. Will the gentleman allow me to speak?

Mr. WALKER. The gentleman has a right to a point of order. I have yielded to the gentleman and I am allowing him to speak. The gentleman, however, has heard the ruling.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. Wait a minute now. The gentleman has just heard that a point of order was sustained against his language so that we hope that he will not further engage in language which is beyond the scope of the rules of the House.

I will be very glad to yield to the gentleman.

Mr. RICHARDSON. What was the ruling?

The SPEAKER pro tempore. The point of order was with regard to mentioning of the name of a Member of the other body.

Mr. WEBER. Or the other body.

Mr. RICHARDSON. I did not name a Member of the other body.

Mr. WALKER. The gentleman used the term "Senate" and that is not permissible.

Let me continue.

Mr. McEWEN. Mr. Speaker, the gentleman from New Mexico is taking far too much time to explain.

Mr. WALKER. I want to reclaim by time.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] has the floor and has a right to the time.

Mr. RICHARDSON. I thought the gentleman yielded to me. Is that correct or not?

Mr. WALKER. If the gentleman would wait just a moment, I am trying to reclaim my time so that I can yield further to the gentleman.

Now if the gentleman would allow the proper procedures to go forward here, that is what I am attempting to do. The time is mine. Is that correct, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Speaker and I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I will now read the tax portion of the Democratic platform.

Mr. WALKER. No; I would say to the gentleman, you know, it seems to me, it seems to me that that is absurd. You know the gentleman is attempting here to impose upon us something which we have all said we have already read. Now I do not know what the gentleman is attempting to do except probably take time away from this debate.

Mr. RICHARDSON. There are many who have not read it, that have not spent the time, and I am caring about other people that might benefit from this.

Mr. WALKER. I understand and I know, but the gentleman, the gentleman understands that under the rules of the House——

Mr. RICHARDSON. The gentleman has not yielded to me; is that correct? Is that correct?

Mr. WALKER. I have yielded to the gentleman consistently. I am reclaiming my time at the moment. The gentleman understands——

Mr. RICHARDSON. Is the gentleman yielding to me or not?

Mr. WALKER. The gentleman understands that when he reads he addresses the Chair, and that all addressing has to be to the Chair. If what the gentleman is saying is that he wants to spend the next several minutes reading to the Chair the Democratic platform, I think the gentleman in the chair is a Democrat, is a good Democrat. I assume that he understands what is in his platform. And so that probably is not any more needed, and I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I do not particularly care if the gentleman from New Mexico reads the Democratic platform plank in, but that is quite beside the point.

What we are talking about here tonight is the statements that you gentlemen have made here on the floor about tax increases.

Furthermore, the gentleman from New Mexico mentioned earlier the Democratic platform talks about tax equity, not tax increases. What happened to the great, courageous displays that we were all subjected to with Vice President Mondale going before the country and saying "I will raise taxes?"

I thought the Democrats were proud of the fact that they are going to raise taxes next year and now we see you three Democrats running away from that term.

Mr. WALKER. It is interesting. It is interesting I would say to the gentleman that now we are hearing that the tax platform does not mention increased taxes. I thought that is what Mondale told us it was when he made his speech. He told us that was in the platform. He said I am going to raise your taxes. You know, that makes it pretty clear. I do not think there is any doubt about where he stands.

Mr. WISE. Will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from West Virginia.

Mr. WISE. I appreciate it because I did want to respond to the gentleman from California as well as to the gentleman from Minnesota.

The President was simply stating a fact. The Vice President was simply stating a fact.

Mr. WALKER. We believe that.

Mr. WISE. I believe he is trying to be realistic.

To the gentleman from California, I appreciate, of course, hearing my record restated. It is encouraging. My record, as I said, you can go and you can pick out individual votes and that is fine. But that completely underscores the problem which is you have to come in in a broad approach, you have to agree to budget resolutions and now you are right, I could not agree to cut, as was the vote yesterday, $96 million from cancer research. I am sorry, I could not. Perhaps you can. And those are many of the other votes.

I think it is interesting to note many of the votes are still within the context of the House-passed budget resolution. Some even are under what the administration was requesting.

Now you mentioned $13 billion of military cuts and you are right. You cannot solve the deficit simply by cutting the military. But then I must infer from that that you did not vote for my military cuts, so therefore you kept the balance, the deficit up on your end of it, too, did you not.

I thank the gentleman.

Mr. WALKER. I thank the gentleman.

The reason why we raised some of these points, I admit to the gentleman, it is selected votes. You know, we get the selected votes of the AFL-CIO coming into our districts and telling us that we are against working people, too, and all of that kind of garbage. And we see and so the gentleman ought to be used to it around here by now, that he is going to have selected votes used to label him a big spender.

I would say to the gentleman in response to——

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. I will in a moment.

But I do want to point out to the gentleman the reason why we regard it as a problem when we see all of the spending votes on the House floor, because we look at the cumulative record of the Congress and we keep hearing all of that talk about Reagan deficits, all of the problem is with Reagan. I have a 5-year cumulative congressional increase or decrease beyond the President's budget request, and guess what it shows. Over the last 5 years Congress has spent $174.3 billion more than the President requested, so that all of those spending votes have ultimately added up to increasing deficits.

The cumulative 5-year congressional increase-decrease over the first budget resolution, we hear all of that talk about budget resolutions here and we do not obey those budgets. They are just plain silly in terms of what we obey. We have had $153.9 billion in increase over what we passed in the first budget resolution and so we have got a very, very bad spending habit around here.

When we talk about taxes, we hear a lot of talk about the fact we are going to solve these deficits through taxes. Well, when it comes to meeting the revenue requests of the President, not this President, but this goes back to the Carter years as well, where he was requesting additional taxes, we find that Congress is a minus $100 billion in revenue increases, and compared to the first budget resolution we come up $125.4 billion short on those.

So in effect what Congress has done over the last 5 years is we have added over that 5-year period $274 billion to the budget deficits over the President's request, and we have added $279.3 billion to the deficits over and above what we said we were going to do in the first budget resolution. That is the reason why we are concerned about spending. Spending has an impact.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. He has made most of the points that I wanted to make and that is that sure, these are selective votes, although they were not selected particularly for us. These were selected because these were 19 of the most important votes that would have taken the biggest pieces of the deficit, and you voted regularly against them. And the point that is being made is that over the last 5 years we voted for $274.5 billion more than the President requested.

You have joined him, I am sure, many times in that, in going over the President's budget.

The gentlemen who are here tonight are not moderate spenders. They are certainly not conservative spenders. And I heard the word conservative used at least one time.

I think for the purpose of keeping our viewing audience totally informed we should not misrepresent ourselves.

POINT OF ORDER

Mr. WISE. Point of order, Mr. Speaker. Point of order.

The SPEAKER pro tempore. The point of order is sustained.

Please do not refer to the viewing audience or television or any other reference of that kind.

Mr. HUNTER. I am sorry, Mr. Speaker. But the point that I am making is that you are not a conservative. You are not even really a moderate when it comes to spending. You have been a big spender in this Congress and that is a fact. And for you to come down here and to rail for an hour and one-half about deficits and how terrible they can be for the economy is ridiculous.

Mr. WISE. Will the gentleman yield to me?

Mr. WALKER. Let me yield to the gentleman from Montana [Mr. WILLIAMS], who has not been a part of this debate for a little while.

□ 2340

Mr. WISE. He is calling names and throwing accusations around.

Mr. HUNTER. I am not throwing names.

Mr. WISE. "You are having a good time, you are a big spender, a deficit spender; all that has done nothing for the country."

Mr. HUNTER. Let me just say that the gentleman is not only conservative——

Mr. WALKER. Mr. Speaker, do I control the time or not?

The SPEAKER pro tempore. Mr. Walker of Pennsylvania has the time on the floor. But the gentleman has yielded the time to several people and I cannot tell the gentleman to whom he has yielded the time.

Mr. WALKER. Well, I do control the time, Mr. Speaker, and I had yielded to the gentleman from Montana.

The SPEAKER pro tempore. The gentleman from Montana.

Mr. WALKER. I think that is correct, is not it? I yielded to the gentleman from Montana, was it not you whom I yielded to? I lost track here, for a moment.

So I will be glad to yield to the gentleman.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding, and I hope he will permit me to just for 30 seconds change the subject.

I have, as the gentleman knows, been involved in some of these special orders and I have stayed around for 3 hours tonight to watch this one in its entirety. I have come back to the Chambers on numerous occasions and sat in the back of the Chamber, on numerous occasions, and watched some on TV when late hours would not permit my attendance here or in my office. I do that because debate and dialog is very important to this body and to the American people and also becuase I am on a committee, an ad hoc committee here in the House, on our side, which will be making our recommendations to the Speaker with regard to these special orders.

Let me say that tonight I have come to a conclusion, and that is that these special orders are a terrible and absolute waste of time.

We have heard charges of absurdity tonight, we have had more debate about who is going to yield than we have had about the issues themselves. That is something that goes on night after night from what I have been able to see.

We have had lessons on the House rules. The level of debate in these special orders, let's face it, fellows, is exceedingly low. And I tell you what I think, what I am going to recommend to this committee, and that is that we do away with these special orders.

And I thank the gentleman for yielding.

Mr. WALKER. OK, I thank the gentleman. I hope that we will have an understanding across America of exactly what the gentleman is talking about, more gag rules in the House of Representatives.

Mr. WILLIAMS of Montana. Will the gentleman further yield?

Mr. WALKER. The majority party has consistently throughout this session of Congress talked about gagging the Congress. The gentleman has just admitted to me that that is what he intends to recommend to the committee.

And I will be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I am glad the gentleman from Pennsylvania made that point, because what the gentleman from Montana is suggesting tonight is that we should eliminate the one vehicle through which we have been able to discuss the balanced budget constitutional amendment, the line item veto, the voluntary school prayer amendment, and a whole host of issues that the American people are concerned about, but which the Democratic leadership of this House, which controls the calendar, refuses to schedule during regular business.

So we have one opportunity to discuss all those and numerous other issues, and that is here during special orders. And the gentleman from Montana is suggesting we should cut that off, no debate on any of those issues ever.

Mr. WILLIAMS of Montana. Will the gentleman yield further?

Mr. WALKER. I will be glad to yield.

Mr. WILLIAMS of Montana. That is almost exactly what I am suggesting, and I do so for many reasons, including the cost of these special orders and the terrible unfairness to this staff, in the Chamber, outside of the Chamber, and outside of this building, that are required to be here to protect the Members of the House.

Mr. WALKER. Well, I thank the gentleman for his observation.

I would say to the gentleman I just recently completed a survey. I find out that it is the Democratic Party that has used far more time than the Republican Party, that there are Members of this House that have used already far more time in special orders than this gentleman has used, that there was more time in debating the freeze, if we are worried about operating the House, debating the freeze took 42 hours. That is far more time than all the time that we have spent in the whole COS operation debating here on the House floor.

The gentleman is selective in his criticism, he is selective in where he wants to apply his gag rules. He only wants to gag the minority. The majority, it is perfectly all right for them to talk on and on and on about their subjects.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I am disappointed in the gentleman. I thought that he was someone who believed in open debate in the House of Representatives, someone who really did want to see a clash of ideas in the country. It is obvious now that the gentleman simply wishes to see the House become one more—take one more step toward tyranny and dictatorship controlled wholly by his own leadership.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. I would be glad to yield.

Mr. HUNTER. On that point I think in listening particularly to the debate and discourse that we had with the gentleman from Wisconsin, [Mr. MOODY], that we have done something, we have thoroughly discussed some economic issues that have not been discussed on the floor in a long time, and I think it was very worthwhile.

I thank the gentleman for his leadership and also the gentleman from the other side for their participation in this special order.

The SPEAKER pro tempore. The time of the gentleman [Mr. WALKER] has expired.

INFORMATION REQUESTED OF CHAIRMAN PAUL VOLCKER TO ASSIST BANKING COMMITTEE IN INVESTIGATION OF CONTINENTAL ILLINOIS BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, in my floor statement of July 26, 1984, I indicated that the Federal banking supervisors among others would be asked to testify before the Committee on Banking, Finance and Urban Affairs in hearings which begin on Tuesday, September 18, 1984, to explain the Continental Illinois bailout.

Today I sent a letter to Chairman Paul Volcker of the Federal Reserve Board requesting specific information which will assist the committee in its inquiry of CINB. I ask that a copy of the letter be inserted in the RECORD at this point. An identical letter was sent to C. Todd Conover, Comptroller of the Currency and William Isaac, Chairman of the Federal Deposit Insurance Corporation.

The letter follows:

(Identical letter sent to the Comptroller of the Currency and Chairman of the FDIC)

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, August 2, 1984.

Hon. PAUL VOLCKER,
Chairman, Federal Reserve Board,
Washington, DC.

DEAR MR. CHAIRMAN: Actions taken by federal bank regulatory agencies to prevent the explicit failure of Continental Illinois National Bank (CINB) are requiring expenditures and credit extensions of many billions of dollars by the United States government. Large portions of these financings are likely to contribute directly to increases in the federal deficit, the level of federal credit guarantees, and in the volume of outstanding federal debt in the hands of the public.

The credit extensions and expenditures of concern to this Committee include, but are not limited to, discount window advances and the interest rate subsidies implicit in cedit extended by the Federal Reserve, funds expended for various purposes by the FDIC, and employee compensation costs over and above normal agency work levels incurred by the Office of the Comptroller, FDIC, and Federal Reserve. The issue of concern to the Banking Committee in this regard is whether the present level of CINB-related expenditures would be less or could have been avoided altogether had the federal agencies performed their statutory responsibilities with sufficient rigor and thoroughness in the late 1970s and early 1980s.

In addition to these concerns, it is apparent to us that the actions taken by federal regulatory agencies to assure the continued operation of CINB will profoundly affect the long-term relationship of the U.S. government to the banking industry, and the competitive relationship between small and large banks and between businesses affiliated and not affiliated with bank holding companies. Moreover, because a significant body of evidence indicates that banks respond to increased government protection by taking on greater risk, the CINB rescue could greatly affect bank safety and soundness in the longer term.

The House Banking Committee will commence its hearings on CINB and its holding company, and their financial and supervisory history, on September 18, 1984. At the appropriate time, correspondence will be forwarded to you regarding your appearance before the Committee and the specific issues you will be asked to address.

In the meantime, you are requested to assist this Committee in its inquiry of CINB by providing the Committee on or before August 10, 1984, with the information enumerated below:

1. Supervisory History of Continental Illinois National Bank (CINB) and Continental Illinois Corporation (CIC). Since January 1, 1971:

(a) All examination reports of CINB and CIC;

(b) All National Bank Surveillance Reports, Uniform Bank Performance Reports, and Early Warning System results;

(c) All reports, analyses, opinions, tabulations, internal memoranda, correspondence with all parties and agencies, minutes of meetings, memoranda of conversations, and other documentation of any type in the possession of your agency relating to:

(1) Examiner findings and recommendations;

(2) Actions taken in response to examiner findings and recommendations, including correspondence or meetings with CINB and CIC boards of directors, memoranda of understanding, supervisory agreements, cease and desist orders, or other supervisory actions;

(3) Internal CINB and/or CIC audits or reports;

(4) Management fees, dividends, or other transfers of funds among the corporate elements of CIC;

(5) CINB loan loss reserves, liquidity and capital adequacy, and deposit outflows; and

(6) Communications with the Securities and Exchange Commission regarding CINB or CIC.

2. Continental Bank Assistance Program. Since January 1, 1984, all agreements, public statements, reports, analyses, opinions, tabulations, memoranda, correspondence, minutes of meetings, memoranda of conversations, and all other documentation by, between, or among the Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Federal Reserve System, Treasury Department, CINB, CIC, and the Securities and Exchange Commission and other public or private entities, relating to the origins, need for, planning, and implementation of the CINB assistance program or any other potential alternative plans that were previously considered for the merger or acquisition of or for assistance to CINB.

To coordinate and facilitate the provision of all documentation enumerated above, please have an appropriate member of your staff contact Dr. Paul Nelson, Committee Staff Director.

The enormous size of the CINB rescue program and the serious and in-depth nature of the Committee's inquiry of it make the cooperation of each of the federal bank regulatory agencies imperative. During inquiries of this sort in the past, agency responses to the information requests of this Committee have at times been dilatory, bordering on obstructive. Your full and complete cooperation is expected in providing the information requested in this letter and such other information as the Committee's inquiry may require.

Sincerely,

FERNAND J. ST GERMAIN,
Chairman.●

JAY SOLOMON, A TRUE PUBLIC SERVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, in 1977, Jay Solomon agreed to join the Carter administration and to assume one of the most thankless jobs in the Federal Government: Administrator of General Services. Jay led GSA with determination and distinction. He will be remembered with admiration and respect for the forthright way that he confronted corruption in GSA and worked to root it out and to change the systems that encouraged such corruption. In addition, Jay brought to GSA an appreciation for the Federal Government's responsibility to improve the appearance of Government buildings and to encourage the restoration of historic structures.

Mr. Speaker, Jay Solomon was a true public servant. He was motivated not by the prestige that his position offered, or by the salary, or the power, but simply because he wanted to do a good job for his country. I join my colleagues in expressing to his wife and family our condolences and our appreciation for his service to the Nation.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PACKARD) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. PAUL, for 60 minutes, September 19.

Mr. PAUL, for 60 minutes, September 20.

Mr. PAUL, for 60 minutes, September 21.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. HEFTEL of Hawaii, for 60 minutes, September 18.

Mr. HEFTEL of Hawaii, for 60 minutes, September 19.

Mr. HEFTEL of Hawaii, for 60 minutes, September 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROOMFIELD, immediately following the remarks of Mr. HYDE, on H.R. 5399, in the Committee of the Whole, today.

Mr. DANNEMEYER, prior to the vote on H.R. 5973 today.

Mr. WEAVER, to include extraneous matter with his remarks on H.R. 5973 made in the Committee of the Whole today.

Mr. MCDADE, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,091.25.

(The following Members (at the request of Mr. PACKARD) and to include extraneous matter:)

Mr. TAUKE.

Mr. MCKINNEY.

Mr. PORTER.

Mr. COURTER.

Mr. WOLF in two instances.

Mr. HYDE in two instances.

Mr. PHILIP M. CRANE.

Mr. GOODLING.

Mr. SHUMWAY.

Mr. MICHEL.

Mr. CONABLE.

Mr. IRELAND.

Mr. PURSELL.

Mrs. JOHNSON.

Mr. GILMAN.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. OTTINGER.

Mr. BEILENSON.

Mr. LOWRY of Washington.

Mr. LANTOS.

Mr. KOSTMAYER.

Mr. SKELTON.

Mr. FLORIO in three instances.

Mr. GARCIA.

Mr. STARK.

Mr. SAM B. HALL, JR.

Mr. GAYDOS.

Mr. HALL of Ohio.

Mr. FEIGHAN.

Mr. ROSTENKOWSKI.

Mr. COLEMAN of Texas.

Mr. WISE.

Mr. SOLARZ.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and Joint Resolution of the Senate of the following title;

S. 268. An act to authorize the Secretary of the Interior to an enrolled bill construct, operate, and maintain certain facilities at Hoover Dam, and for other purposes, and

S.J. Res. 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

ADJOURNMENT

Mr. WISE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.) under its previous order, the House adjourned until Monday, August 6, 1984, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1983 and the second quarter of calendar year 1984 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David H. Brockway	12/1	12/4	Dominican Republic	129	129.00						129.00
	12/4	12/5	Costa Rica	3,236.25	75.00		17.66		31.62		124.28
	12/5	12/7	Jamaica		218.00						218.00
	12/7	12/10	Barbados	803	400.00				308.72		1,511.72
	12/10	12/10	Grenada								
	12/10	12/11	Barbados								
Transportation by Department of Defense							2,008.54				2,008.54
Peter R. Merrill			Paris, France	3,206	384.00						384.00
Committee totals					1,206.00		2,026.20		340.34		4,375.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Staff visit to Europe—March 24 to Apr. 10, 1984:											
Fleshman, Mr. William T	3/24	3/29	West Germany	2,372.58	[3] 900.00					2,372.58	[3] 900.00
	3/30	4/5	Italy								
	4/5	4/10	United Kingdom	360.52	515.00					360.52	515.00
Local transportation—United Kingdom							32.75				32.75
Transportation—Department of State							1,957.00				1,957.00
Transportation—Department of the Air Force.							1,812.75				1,812.75
Delegation to the United Kingdom and Italy—Apr. 12–14, 1984:											
Dickinson, Cong. W.L	4/12	4/13	United Kingdom	144	206.00					144	206.00
	4/13	4/14	Italy		75.00						75.00
Transportation—Department of the Air Force.							5,602.36				5,602.36
Battista, Mr. Anthony R	4/12	4/13	United Kingdom	144	206.00					144	206.00
	4/13	4/14	Italy		75.00						75.00
Transportation—Department of the Air Force.							5,602.36				5,602.00
Chase, Mr. Alan C	4/12	4/13	United Kingdom	144	206.00					144	206.00
	4/13	4/14	Italy		75.00						75.00
Transportation—Department of the Air Force.							5,602.36				5,602.36
Moore, Ms. Alma B	4/12	4/13	United Kingdom	144	206.00					144	206.00
	4/13	4/14	Italy		75.00						75.00
Transportation—Department of the Air Force.							5,602.36				5,602.36
Elrod, Ms. Marilyn A	4/12	4/13	United Kingdom	144	206.00					144	206.00
	4/13	4/14	Italy		75.00						75.00
Transportation—Department of the Air Force.							5,602.36				5,602.36
Delegation expenses—United Kingdom						184.10	263.35			184	263.35
Delegation to the Caribbean and Central America—Apr. 13–17, 1984:											
Daniel, Cong. Dan	4/13	4/13	Grand Turk Is.								
	4/14	4/15	Panama		75.00						75.00
	4/15	4/17	Honduras	576	288.00					576	288.00
	4/17	4/17	El Salvador								
Transportation—Department of the Air Force.							6,137.72				6,137.72
Leath, Cong. Marvin	4/13	4/13	Grand Turk Island								
Transportation—Department of the Air Force.							1,820.09				1,820.09
Lunger, Mr. Richard T	4/13	4/13	Grand Turk Island								
	4/14	4/15	Panama		75.00						75.00
	4/15	4/17	Honduras	576	288.00					576	288.00
	4/17	4/17	El Salvador								
Transportation—Department of the Air Force.							6,573.59				6,573.59
Steffes, Mr. Peter M	4/14	4/15	Panama		75.00						75.00
	4/15	4/17	Honduras	576	288.00					576	288.00
	4/17	4/17	El Salvador								
Transportation—Department of the Air Force.							5,157.50				5,157.50
Delegation to the Soviet Union—Apr. 15–21, 1984:											
Schroeder, Cong. Patricia	4/15	4/16	West Germany	206.19	79.00					206.19	79.00
	4/16	4/20	Soviet Union		150.00						150.00
	4/20	4/21	West Germany	208.56	79.00					208.56	79.00
Expenses in U.S.S.R.				180.61	[4] 231.40					180.61	231.40
Transportation—Department of State, commercial airfare.							1,661.00				1,661.00
Delegation to Central America—Apr. 23–27, 1984:											
Skelton, Cong Ike	4/23	4/25	Panama		150.00						150.00
	4/25	4/26	Honduras	192	96.00					192	96.00
	4/26	4/27	El Salvador	288.75	75.00					288.75	75.00
Transportation—Department of the Air Force.							9,775.87				9,775.87
Fleshman, Mr. William T	4/23	4/25	Panama		150.00						150.00
	4/25	4/26	Honduras	192	96.00					192	96.00
	4/26	4/27	El Salvador	288.75	75.00					288.75	75.00
Transportation—Department of the Air Force.							9,775.87				9,775.87

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Staff visit to Europe—May 24 to June 5, 1984:											
White, Mr. Justus P.	5/24	5/26	Luxembourg	9,520	170.00					9,250	170.00
	5/26	5/29	Italy	496,446	291.00					496,446	291.00
	5/29	5/31	West Germany	524.16	192.00					524.16	192.00
	5/31	6/2	Beligum	8,745	157.00					8,745	157.00
	6/2	6/5	United Kingdom	212.52	297.00					212.52	297.00
Transportation—Department of the Air Force.							1,612.33				1,612.33
Transportation—Department of State, commercial airfare.							1,110.00				1,110.00
Visit to Korea—May 27–31, 1984:											
Leath, Cong. Marvin	5/27	5/31	Korea	309,080	388.00					309,080	388.00
Transportation—Department of State, commercial airfare.							3,843.00				3,843.00
Delegation to Normandy—June 2–6, 1984:											
Stratton, Cong. Samuel S	6/2	6/6	France	4,182	492.00					4,182	492.00
Transportation—Department of the Air Force.							3,339.80				3,339.80
Nichols, Cong. Bill	6/2	6/6	France	4,182	492.00					4,182	492.00
Transportation—Department of the Air Force.							3,339.80				3,339.80
Holt, Cong. Marjorie S	6/2	6/6	France	4,182	492.00					4,182	492.00
Transportation—Department of the Air Force.							3,339.80				3,339.80
Badham, Cong. Robert E	6/2	6/6	France	4,182	492.00					4,182	492.00
Transportation—Department of the Air Force.							3,339.80				3,339.80
Byron, Cong. Beverly B	6/2	6/6	France	3,814.12	448.72					3,814.12	448.72
Transportation—Department of the Air Force.							3,339.80				3,339.80
Delegation to Greenland—June 22–25, 1984:											
Stump, Cong. Bob	6/22	6/25	Greenland		73.00						73.00
Transportation—Department of the Air Force.							5,362.12				5,362.12
Hopkins, Cong. Larry L	6/22	6/25	Greenland		73.00						73.00
Transportation—Department of the Air Force.							5,362.12				5,362.12
Steffes, Mr. Peter M	6/22	6/25	Greenland		73.00						73.00
Transportation—Department of the Air Force.							5,362.12				5,362.12
Committee total					9,221.12		112,329.98				121,551.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem for Italy paid in West German marks; i.e., $450 for Germany, $450 for Italy.
[4] Lodging expenses paid by U.S. Embassy Moscow.

MELVIN PRICE, Chairman, July 12, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry M. Patterson	4/23	4/27	Netherlands		460.00		[3] 3,404.76				3,864.76
Hon. John LaFalce	4/23	4/26	Netherlands		345.00		[3] 1,702.38				2,047.38
							[4] 532.00				532.00
Donald Terry	4/23	4/27	Netherlands		460.00		[3] 3,404.76				3,864.76
Howard Lee	4/23	4/27	Netherlands		460.00		[3] 3,404.76				3,864.76
Jan Shinpoch	4/23	4/27	Netherlands		460.00		[3] 3,404.76				3,864.76
Mark Constantine	4/23	4/27	Netherlands		460.00		[3] 3,404.76				3,864.76
Frank Record	4/23	4/27	Netherlands		460.00		[3] 3,404.76				3,864.76
Committee total					3,105.00		22,662.94				25,767.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.
[4] Commercial.

FERNAND J. ST GERMAIN, Chairman, July 25, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abdul-Rahim, S	4/13	4/14	France		95.00						95.00
	4/14	4/17	Senegal		300.00						300.00
	4/17	4/19	Ivory Coast		164.00						164.00
	4/19	4/21	Nigeria		155.00						155.00
	4/22	4/26	The Sudan		600.00						600.00
	4/26	4/27	Kenya		75.00						75.00
	4/27	4/30	Zimbabwe		240.00						240.00
	4/30	5/02	Botswana		150.00		205.22				355.22
	5/02	5/03	Zimbabwe		80.00						80.00
	5/04	5/06	Switzerland		164.00		184.37				348.37
Commercial transportation							6,189.00				6,189.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ackerman, G.L	4/24	4/27	Netherlands		460.00						460.00
Military transportation							3,404.76				3,404.76
Total					2,483.00		9,983.35				12,466.35
Berdes, G	5/20	5/22	Kuwait		332.50						332.50
	5/22	5/25	Syria		402.00						402.00
	5/25	5/27	Jordan		246.00						246.00
	5/27	5/29	Israel		266.00						266.00
	5/29	5/31	Egypt		174.00						174.00
	5/31	6/2	France		246.00						246.00
Commercial transportation							4,525.00				4,525.00
Bruce, T.W	5/20	5/22	Kuwait		332.50						332.50
	5/22	5/25	Syria		402.00						402.00
	5/25	5/27	Jordan		246.00						246.00
	5/27	5/29	Israel		266.00						266.00
	5/29	5/31	Egypt		174.00						174.00
	5/31	6/2	France		246.00						246.00
Commercial transportation									4,616.00		4,616.00
Total					3,333.00		9,141.00				12,474.00
Galey, M.E	5/15	5/22	France		760.00						760.00
Commercial transportation							2,287.00				2,287.00
Hamilton, L.H	5/26	5/27	Austria								
Military transportation							1,637.50				1,637.50
Holloway, A.F	4/13	4/14	France		95.00						95.00
	4/14	4/17	Senegal		300.00						300.00
	4/17	4/19	Ivory Coast		164.00						164.00
	4/19	4/21	Nigeria		155.00						155.00
	4/22	4/26	The Sudan		600.00						600.00
	4/26	4/27	Kenya		75.00						75.00
	4/27	4/30	Zimbabwe		240.00						240.00
	4/30	5/02	Botswana		150.00		205.22				355.22
	5/02	5/03	Zimbabwe		80.00						80.00
	5/04	5/06	Switzerland		164.00		184.37				348.37
Commercial transportation							6,189.00				6,189.00
Total					2,783.00		10,503.09				13,286.09
Jenkins, R.M	5/20	5/22	United Kingdom		99.00						99.00
	5/22	5/25	Syria		402.00						402.00
	5/25	5/27	Jordan		246.00						246.00
	5/27	5/29	Israel		266.00						266.00
	5/29	5/31	Egypt		174.00						174.00
	5/31	6/2	France		246.00						246.00
	5/20	5/22	Kuwait		332.50						332.50
Commercial transportation							4,525.00				4,525.00
Lantos, T	6/2	6/6	France		492.00						492.00
Military transportation							2,849.93				2,849.93
Roth, T	6/2	6/6	France		492.00						492.00
Military transportation							2,849.93				2,849.93
Total					2,749.50		10,224.86				12,974.36
Verstandig, T	4/12	4/15	United Kingdom		206.00						206.00
	4/15	4/17	Belgium		162.00						162.00
	4/17	4/21	Turkey		300.00						300.00
Commercial transportation							4,379.00				4,379.00
Total					668.00		4,379.00				5,047.00
Grand total for 2d quarter											56,247.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman, July 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Garner J. Cline, staff	4/13	4/21	France				[3] 3,031.50				3,031.50
Arthur P. Endres, Jr., staff	4/13	4/21	France				[3] 3,058.02				3,058.02
Committee totals							6,089.52				6,089.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation was the only expense.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mary Rose Oakar	4/15	4/16	Germany	20619	79.00					206.19	79.00
	4/16	4/22	U.S.S.R.		620.25						620.25
	4/22	4/23	Germany	208.56	79.00					208.56	79.00
Commercial transportation							2,471.00				2,471.00
Mildred Vinicor	4/15	4/16	Germany	206.19	79.00					206.19	79.00
	4/16	4/22	U.S.S.R.		620.25						620.25
	4/22	4/23	Germany	208.56	79.00					208.56	79.00
Commercial transportation							2,471.00				2,471.00
Committee total					1,556.50		4,942.00				6,498.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 9, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wolf, Cong. Frank R	5/27	5/28	El Salvador	296.20	75.00	31.50	13.07			327.79	88.07
	5/28	5/29	Nicaragua		75.00						75.00
Military air transportation							7,554.00				7554.00
Young, Cong. Robert A	6/2	6/6	France	4,182	492.00					4,182	492.00
Military air transportation							2,849.97				2,849.97
Committee total					642.00		10,417.04				11,059.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, July 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Tony Hall	4/2	4/8	Switzerland								
Commercial transportation							1,659.00				1,659.00
David Pomerantz	5/13	5/18	Canada		410.00		367.70				777.70
Tony Hall	5/27	5/28	El Salvador		75.00				13.07		88.07
	5/28	5/29	Nicaragua		75.00						75.00
Military transporation							7,554.00				7,554.00
Martin Rendon	5/27	5/28	El Salvador		75.00				13.07		88.07
	5/28	5/29	Nicaragua		75.00						75.00
Military transportation							7,554.00				7,554.00
Delbert Latta	6/2	6/6	France		492.00						492.00
Military transportation							2,849.93				2,849.93
Committee totals					1,202.00		19,984.63		26.14		21,212.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER, Chairman, July 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G. Kopp		5/6	United States				4,156.00				4,156.00
	5/6	5/9	Paris	2,371.20	285.00					2,371.20	285.00
	5/9	5/10	England	71.35	99.00	45	62.44			116.35	161.44
	5/10	5/14	Paris	2,371.20	285.00					2,371.20	285.00
	5/14		United States								
R. Palmer		5/6	United States				4,156.00				4,156.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/6	5/9	Paris	2,371.20	285.00					2,371.20	285.00
	5/9	5/10	England	71.35	99.00	45	62.44			116.35	161.44
	5/10	5/14	Paris	2,371.20	285.00					2,371.20	285.00
	5/14		United States								
M. Dymally		6/15	United States				3,371.00				3,371.00
	6/15	6/20	Argentina	25,387.50	375.00	3,385	50.00			28,772.50	425.00
	6/20		United States								
A. Clark		6/17	United States				3,039.00				3,039.00
	6/18	6/22	Switzerland	747.00	328.00					747	328.00
	6/22		United States								
L. Trippett		6/17	United States				3,039.00				3,039.00
	6/18	6/22	Switzerland	747.00	328.00					747.00	328.00
	6/22		United States								
Committee totals					2,369.00		17,935.88				20,304.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, July 23, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob McEwen	5/27	5/28	El Salvador		75.00						
State Department charges									13.07		
	5/28	5/29	Nicaragua		75.00						
Navy transportation							7,554.00				7,717.07
Hon. Chris Smith	5/27	5/28	El Salvador		75.00						
State Department charges									13.07		
	5/28	5/29	Nicaragua		75.00						
Navy transportation							7,554.00				7,717.07
Hon. G.V. MONTGOMERY	6/2	6/6	France	4,182	[3] 492.00						
Army transportation							2,849.93				3,341.93
Hon. Sam B. Hall, Jr	6/2	6/6	France	4,182	[3] 492.00						
Army transportation							2,849.93				3,341.93
Hon. John Paul Hammerschmidt	6/2	6/6	France	4,182	[3] 492.00						
Army transportation							2,849.93				3,341.93
Hon. Chalmers Wylie	6/2	6/6	France	4,182	[3] 492.00						
Army transportation							2,849.93				3,341.93
Mr. Francis Stover	6/2	6/6	France	4,182	[3] 492.00						
Army transportation							2,849.93				3,341.93
Mr. Andre Clemandot	6/2	6/6	France	4,182	[3] 492.00						
Army transportation							2,849.93				3,341.93
Committee total					3,252.00		32,207.58		26.14		35,485.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] $90 per day plus additional $33 high cost area payment.
Note.—State Department charges in France not yet available—an addendum report will be filed.

G.V. Montgomery, Chairman, July 26, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Beryl Anthony, Jr	5/26	5/31	Korea	386,351	485.00		3,591.00				4,076.00
Hon. Sam M. Gibbons	5/25	6/6	France	10,480.50	1,233.00				23.52		1,256.52
Transportation by Department of Defense.											
Committee total					1,718.00		3,591.00		23.52		5,332.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, July 25, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wise, Samuel	3/19	4/16	Greece		2,100.00		658.00				2,758.00
Edwards, Barbara	3/20	4/07	Greece		1,350.00		658.00				2,008.00
Burns, Deborah	4/06	5/01	Greece		1,875.00		708.00				2,583.00
Donovan, Margaret	4/12	5/01	Greece		1,425.00		2,261.00				3,686.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Oliver, R. Spencer	3/20	3/29	Greece		675.00		2,039.00				2,714.00
	4/12	4/26	Greece		1,050.00		2,411.00				3,461.00
Hand, Robert	4/01	4/15	Switzerland		1,230.00		1,921.00				3,151.00
	4/15	4/17	France		95.00						95.00
Sletzinger, Martin	5/05	6/04	Sweden		3,948.00		2,017.00				5,965.00
Wise, Samuel	5/30	6/20	Sweden		2,961.00		1,641.00				4,602.00
Cosman, Catherine	5/25	5/28	France		285.00		2,335.00				2,620.00
	5/28	5/30	England		297.00						297.00
Finerty, John	5/25	5/29	France		380.00		2,287.00				2,667.00
Committee total					17,671.00		18,936.00				36,607.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman, July 2, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3829. A letter from the Deputy Assistant Secretary of Agriculture for Governmental and Public Affairs, transmitting the report of the Secretary of Agriculture for 1983; to the Committee on Agriculture.

3830. A letter from the Acting Secretary of State, transmitting a report on the manner in which the national interest has been served by payments under loan guarantees or credit assurance agreements, with respect to loans made or credits extended to Poland, in the absence of a declaration of default against Poland, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

3831. A letter from the Secretary of Housing and Urban Development, transmitting the quarterly report on HUD-owned multifamily project negotiated sales, as required by the Senate committee report on the HUD-Independent Agencies Appropriations Act for 1983; to the Committee on Appropriations.

3832. A letter from the Acting Deputy Assistant Secretary (Logistics and Communications), Department of the Air Force, transmitting notice of the decision to convert the base information transfer center function at Los Angeles Air Force Station, CA, from performance by DOD civilian personnel to private contractors, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3833. A letter from the Acting Deputy Assistant Secretary (Logistics and Communications), Department of the Air Force, transmitting notice of the decision to convert the source data entry services function at Tinker Air Force Base, OK, from performance by DOD civilian personnel to private contractors, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3834. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 1007 of title 37, United States Code, to provide authority to collect from the pay of officers and enlisted members of the uniformed services, active and retired, amounts owed the United States or any of its instrumentalities, including nonappropriated fund activities, as a result of the issuance of checks that are dishonored; to the Committee on Armed Services.

3835. A letter from the Chairman, Federal Trade Commission, transmitting a report on the effectiveness of cigarette labeling and current practices and methods of cigarette advertising and promotion for the year 1981, pursuant to Public Law 89-92, section 8(b) (84 Stat. 89); to the Committee on Energy and Commerce.

3836. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Regional Rail Reorganization Act of 1973 to clarify the provisions for transfer of ownership of the Consolidated Rail Corporation [Conrail] to the private sector, and for other purposes; to the Committee on Energy and Commerce.

3837. A letter from the Director, Defense Security Assistance Agency, Department of Defense, transmitting notice of the Army's intent to offer to sell certain defense articles and services to Turkey (Transmittal No. 84-61), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3838. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of the proposed waiver of the limitation on foreign travel by a citizen who is financed by grants from the Private Sector Program, pursuant to 22 U.S.C. 2460 nt (Public Law 98-164, section 207(a) (fiscal year 1984-85)); to the Committee on Foreign Affairs.

3839. A letter from the Director, Office of Information Resources Management, Department of the Interior, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3840. A letter from the Records Officer, U.S. Postal Service, transmitting notification of a proposed modification to an existing system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3841. A letter from the Records Officer, U.S. Postal Service, transmitting notification of a proposed modification to an existing system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3842. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the quarterly report on the status of the Alaska Natural Gas Transportation System, pursuant to Public Law 94-586, section 7(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on failure to standardize avionics equipment has cost millions (Rept. No. 98-935). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on essential civilian support of DOD frontline weapon systems is not assured (Rept. No. 98-936). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on first-year Implementation of the Federal Managers Financial Integrity Act (Rept. No. 98-937). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 5607. A bill to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal civilian or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes (Rept. No. 98-938). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. Report on International Narcotics Control Study Missions to Latin America and Jamaica (August 6-21, 1983) SCNAC-98-1-11; Hawaii, Hong Kong, Thailand, Burma, Pakistan, Turkey, and Italy (January 4-22, 1984) SCNAC-98-1-12 (Rept. No. 98-951). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the

Clerk for printing and reference to the proper calendar, as follows:

Mr. LUNGREN: Committee on the Judiciary. H.R. 718. A bill for the relief of Samuel C. Willett; with an amendment (Rept. No. 98-939). Referred to the Committee on the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1236. A bill for the relief of Andrew and Julia Lui (Rept. No. 98-940). Referred to the Committee on the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 2418. A bill for the relief of Anis-Ur-Rahman; with amendments (Rept. No. 98-941). Referred to the Committee on the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 4401. A bill for the relief of Shu-Ah-tsai Wei, her husband, Yen Wei, and their sons, Teh-fu Wei and Teh-huei Wei (Rept. No. 98-942). Referred to the Committee on the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 5343. A bill for the relief of Narciso Archila Navarrete and Juan Archila Navarrete; with amendments (Rept. No. 98-943). Referred to the Committee on the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 5691. A bill for the relief of Sutu Bungani William Beck (Rept. No. 98-944). Referred to the Committee on the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. S. 301. A bill for the relief of Hae Ok Chun (Rept. No. 98-945). Referred to the Committee on the Whole House.

Mr. SMITH of Florida: Committee on the Judiciary. S. 514. A bill for the relief of Seela Jeremiah Piula (Rept. No. 98-946). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. S. 692. A bill for the relief of Charles Gaudencio Beeman, Paul Amado Beeman, Elizabeth Beeman, and Joshua Valente Beeman. (Rept. No. 98-947). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. S. 798. A bill for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer. (Rept. No. 98-948). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. S. 1060. A bill for the relief of Samuel Joseph Edgar. (Rept. No. 98-949). Referred to the Committee of the Whole House.

Mr. SMITH of Florida: Committee on the Judiciary. S. 1140. A bill for the relief of Patrick P. W. Tso, Ph.D. (Rept. No. 98-950). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (for himself, Mr. FRENZEL, and Mr. VANDER JAGT):

H.R. 6064. A bill to change the tariff treatment with respect to certain articles, and for other purposes; to the Committee on Ways and Means.

By Mr. APPLEGATE:

H.R. 6065. A bill to suspend for 1 year the authority of the Secretary of Transportation to sell Conrail; to the Committee on Energy and Commerce.

By Mr. JONES of Oklahoma (for himself, Mr. FOLEY, Mr. GEPHARDT, Mr. COELHO, Mr. ALEXANDER, Mr. AUCOIN, Mr. DERRICK, Mr. DOWNEY of New York, Mr. HEFNER, Mr. PANETTA, Mr. GRAY, Mr. NELSON of Florida, Mr. DASCHLE, Mr. COLEMAN of Texas, Mr. BEILENSON, Mr. MACKAY, Mr. BOUCHER, Mrs. SCHROEDER, Mr. RAHALL, Mr. FUQUA, Mr. MCNULTY, Mr. ROSE, Mr. BROWN of California, Mr. TALLON, Mr. GORE, Mr. DORGAN, Mr. MURPHY, Mr. BOSCO, Mr. PENNY, Mr. SPRATT, Mr. OLIN, Mr. DURBIN, Mr. MATSUI, Mr. BEDELL, Mr. WATKINS, Mr. WHITLEY, Mr. LUNDINE, Mr. SYNAR, Mr. SLATTERY, Mr. ALBOSTA, Mr. SHARP, Mr. MORRISON of Connecticut, Mr. PICKLE, Mr. MCCLOSKEY, Mr. LEVITAS, Mr. SIKORSKI, Mr. BARNES, Mr. LEVIN of Michigan, and Mr. CARPER):

H.R. 6066. A bill to require that the President transmit to the Congress, and that the Congressional Budget Committees report, a balanced budget for each fiscal year; jointly, to the Committees on Government Operations and Rules.

By Mr. BIAGGI (for himself, Mr. HUGHES, Mr. SAWYER, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SHAW, and Mr. SCHUMER):

H.R. 6067. A bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE (by request):

H.R. 6068. A bill to amend the Internal Revenue Code of 1954 to provide for the coverage of railroad workers under the Federal-State unemployment compensation system, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PHILIP M. CRANE:

H.R. 6069. A bill to provide for mandatory reciprocity in the granting of privileges and immunities to the diplomatic missions of Communist regimes; to the Committee on Foreign Affairs.

By Mr. ERLENBORN:

H.R. 6070. A bill to extend programs under the Indian Education Act through fiscal year 1985; to the Committee on Education and Labor.

By Mr. HUGHES (for himself, Mr. SAWYER, Mr. SCHUMER, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. SHAW, Mr. SENSENBRENNER, and Mrs. JOHNSON:

H.R. 6071. A bill to amend title 18 of the United States Code to strengthen the laws against counterfeiting trademarks, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 6072. A bill to amend the Immigration and Nationality Act to permit the entry as immediate relatives of spouses, children, and parents of persons who died a service-connected death while on active duty in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 6073. A bill to amend the Internal Revenue Code of 1954 to provide that consolidated returns may not be filed by certain corporations which are dominant in any market with respect to any product; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 6074. A bill to direct the President to liquidate assets of Vietnam or a national thereof in order to pay certain awards made by the Foreign Claims Settlement Commission; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H.R. 6075. A bill to amend part A of title XVIII of the Social Security Act to eliminate the increase in the medicare part A deductible and coinsurance effected by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. RINALDO; Mr. SCHEUER, Mrs. COLLINS, Mr. MARKEY, Mr. BATES, Mr. LELAND, Mr. BEILENSON, Mr. HEFTEL of Hawaii, Mr. WAXMAN, and Mr. BRYANT):

H.R. 6076. A bill to amend the Motor Vehicle Information and Cost Savings Act and the National Traffic and Motor Vehicle Safety Act of 1966 with respect to certain passenger motor vehicle safety and disclosure requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McEWEN:

H.J. Res. 634. Joint resolution to designate August 8 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. LEVIN of Michigan, Mr. ACKERMAN, Mr. GILMAN, Ms. SNOWE, Mr. WOLPE, Mr. LEACH of Iowa, Mr. SCHEUER, Mr. WEISS, Mr. GEJDENSEN, Mr. KOSTMAYER, and Mr. BERMAN):

H. Con. Res. 345. Concurrent resolution reaffirming the U.S. commitment to international population and family planning assistance, as authorized by section 104 of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

459. By the SPEAKER: Memorial of the General Assembly of the State of Illinois, relative to providing line item veto power to the President; to the Committee on the Judiciary.

460. Also, memorial of the General Assembly of the State of Delaware, relative to ratification of the proposed amendment to the Constitution giving Washington, DC, representation in Congress; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WHITLEY introduced a bill (H.R. 6077) for the relief of Neslund E. Dension, U.S. Navy; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1517: Mr. LEWIS of California and Mr. LAGOMARSINO.

H.R. 1797: Mr. LIPINSKI.

H.R. 1942: Mr. RUSSO.

H.R. 3255: Mr. PATMAN.

H.R. 4602: Mr. SILJANDER and Mr. HYDE.

H.R. 4639: Mrs. BOXER, Mr. WON PAT, Mr. KOLTER, Mrs. KENNELLY, and Mr. LIPINSKI.

H.R. 4684: Mr. BRITT, Mr. MATSUI, Mr. WIRTH, Mr. OWENS, Mr. FUQUA, Mr. MINETA, Mr. DYMALLY, and Mrs. SCHROEDER.

H.R. 4731: Mr. LEVIN of Michigan, Mr. BIAGGI, Mr. DOWNEY of New York, Ms. OAKAR, Mr. YOUNG of Missouri, Mr. PANETTA, Mr. LANTOS, Mr. MINETA, Mr. MAVROULES, and Mr. OTTINGER.

H.R. 4800: Mr. CARPER and SOLARZ.

H.R. 4865: Mrs. BOXER.

H.R. 4901: Mr. FASCELL.

H.R. 4966: Mr. JEFFORDS.

H.R. 5081: Mr. GORE, Mr. LUNDINE, Mr. TAUZIN, Mr. ORTIZ, Mr. DYMALLY, Mr. ACKERMAN, Mr. WATKINS, Mr. LEHMAN of California, Mr. BONER of Tennessee, Mr. KAZEN, Mr. MONTGOMERY, Mr. SUNDQUIST, Mr. BATEMAN, Mr. OBEY, Mr. COOPER, and Mr. ASPIN.

H.R. 5732: Mr. HOWARD and Mr. NOWAK.

H.R. 5791: Mr. HARRISON, Mr. ADDABBO, Mr. DUNCAN, Mr. STUDDS, Mr. RAHALL, Mr. HEFNER, Mr. ANTHONY, Mr. PEPPER, Mr. RATCHFORD, Mr. YOUNG of Missouri, Ms. MIKULSKI, Mr. OWENS, Mr. FRENZEL, Mr. MCEWEN, and Mr. GORE.

H.R. 5908: Mr. MARTINEZ.

H.R. 5913: Mr. LAFALCE.

H.R. 5930: Mr. HILLIS.

H.R. 5937: Mr. WEISS.

H.R. 6021: Mr. GRAMM, Mr. HUGHES, Mr. WHITEHURST, Mr. SENSENBRENNER, Mr. HARTNETT, Mr. SHUMWAY, Mr. ZSCHAU, Mr. MRAZEK, Mr. HALL of Ohio, Mr. BETHUNE, Mr. HUTTO, Mr. CHANDLER, and Mr. PAUL.

H.R. 6031: Mr. SENSENBRENNER.

H.J. Res. 489: Mr. DE LUGO, Mr. FORD of Tennessee, Mr. PANETTA, Mr. MOAKLEY, Mr. DICKINSON, Mr. CHAPPIE, Mr. ANDERSON, Mr. COUGHLIN, Ms. FIEDLER, Mr. PENNY, Mr. RODINO, Mr. ROSTENKOWSKI, Mr. ROWLAND, Mr. SAWYER, Mr. SKEEN, Mr. STANGELAND, Mr. UDALL, Mr. HOYER, Mr. HEFNER, Mr. FOWLER, Mr. HARRISON, and Mr. DYMALLY.

H.J. Res. 491: Mr. TAUZIN.

H.J. Res. 505: Mr. MORRISON of Washington.

H.J. Res. 535: Mr. GREEN, Mr. EVANS of Illinois, and Mr. SMITH of Florida.

H.J. Res. 554: Mr. HAWKINS, Mr. MARRIOTT, Mr. D'AMOURS, Mr. DELLUMS, Mr. GREEN, Mr. AUCOIN, Mr. CRAIG, Mr. HAYES, Mr. MILLER of California, Mr. RITTER, Mr. VANDERGRIFF, and Mrs. COLLINS.

H.J. Res. 573: Mr. WILSON and Mr. FAZIO.

H.J. Res. 580: Mr. SMITH of Iowa.

H.J. Res. 585: Mr. ANNUNZIO.

H.J. Res. 587: Mr. PASHAYAN, Mr. D'AMOURS, Mr. OWENS, Mr. SMITH of New Jersey, Mr. HOWARD, Mr. RUDD, Mr. OXLEY, Mr. VALENTINE, Mr. PACKARD, Mr. PANETTA, and Mr. YOUNG of Florida.

H.J. Res. 591: Mr. MOORE, Mr. SNYDER, Mr. SYNAR, Mr. MCCAIN, Mr. JEFFORDS, Mr. WON PAT, Mr. PRITCHARD, Mr. LEVITAS, Mr. SMITH of Iowa, Mr. YOUNG of Missouri, Mr. BLILEY, Mr. CARR, Mr. JONES of North Carolina, Mr. LANTOS, Mr. RATCHFORD, Mr. SUNIA, Mr. DARDEN, Mr. ROGERS, Mr. LEVINE of California, Mr. FRENZEL, Mr. DASCHLE, Mr. BROWN of California, Mr. AKAKA, Mr. BRYANT, Mr. DEWINE, and Mr. PHILIP M. CRANE.

H.J. Res. 595: Mr. ANTHONY, Mr. BEVILL, Mr. BROWN of California, Mr. BRYANT, Mr. CONTE, Mr. D'AMOURS, Mr. DANIEL, Mr. EDGAR, Mr. FASCELL, Mr. FRANKLIN, Mr. GONZALEZ, Mr. HAMMERSCHMIDT, Mr. HAWKINS, Mr. KEMP, Mr. KOLTER, Mr. MCEWEN, Mr. MCHUGH, Ms. MIKULSKI, Mr. MOLLOHAN, Mr. OTTINGER, Mr. PACKARD, Mr. PRITCHARD, Mr. ROBINSON, Mr. ROWLAND, Mr. SAWYER, Mr. SHUMWAY, Mr. SMITH of Iowa, Mr. YATES, and Mr. YOUNG of Florida.

H.J. Res. 600: Mr. EMERSON, Mr. TALLON, Mr. THOMAS of Georgia, and Mr. HUCKABY.

H.J. Res. 605: Mr. HALL of Ohio, Mr. BONIOR of Michigan, Mr. LEVINE of California, Mr. ANNUNZIO, Mr. YATES, Mr. CLARKE, Ms. SNOWE, Mrs. MARTIN of Illinois, Mr. GREEN, Mr. MCKERNAN, Mr. ROBERTS, Mr. NEAL, Mr. MOODY, Mr. FRANK, Mr. ROE, Mr. FUQUA, Mr. FRENZEL, Mr. FOWLER, Mr. COELHO, Mr. OTTINGER, Mr. HORTON, Mr. JEFFORDS, Mr. STARK, Mr. CARNEY, Mr. BROWN of California, Mr. RATCHFORD, and Mr. LOWRY of Washington.

H.J. Res. 606: Mr. CLAY, Mr. CONYERS, Mr. CROCKETT, Mr. DARDEN, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DUNCAN, Mrs. HOLT, Mr. HOWARD, Mr. IRELAND, Mr. KRAMER, Mr. MINETA, Mr. MONTGOMERY, Mr. NICHOLS, Mr. SMITH of Iowa, Mr. WEISS, Mr. WOLF, and Mr. YOUNG of Florida.

H.J. Res. 619: Mr. JACOBS.

H.J. Res. 622: Mr. MCCAIN, Mr. DARDEN, Mr. TRAXLER, Mr. BATES, Mr. VANDERGRIFF, Mr. BONER of Tennessee, Mr. MILLER of California, Mr. DYSON, Mr. TALLON, Mr. THOMAS of California, Mr. DEWINE, Mr. EVANS of Illinois, Mr. COELHO, Mr. LEATH of Texas, Mr. WRIGHT, Mr. SAM B. HALL, JR., Mr. PATMAN, Mr. RALPH M. HALL, MR. PICKLE, Mr. ANDREWS of Texas, Mr. STENHOLM, Mr. HIGHTOWER, Mr. BRYANT, Mr. COLEMAN of Texas, Mr. BROOKS, Mr. ENGLISH, Mr. HALL of Ohio, Mr. FAZIO, Mrs. BURTON of California, Mr. WHITLEY, Mr. NEAL, Mr. JONES of North Carolina, Mr. VALENTINE, Mr. WATKINS, Mrs. LLOYD, Mr. WOLF, Mr. PARRIS, Mr. SILJANDER, Mr. MOORE, Mr. KAZEN, Mr. NICHOLS, Mr. KASICH, Mr. DE LA GARZA, Mr. LEHMAN of California, Mr. BARNARD, Mr. SKELTON, Mr. RICHARDSON, Mr. DERRICK, Mr. MORRISON of Connecticut, Mr. MCHUGH, Mr. DOWDY of Mississippi, Mr. HUTTO, Mr. TAUZIN, Mr. SHELBY, Mr. ROSE, Mr. HUCKABY, Mr. ROEMER, Mr. CHAPPELL, Mr. LEACH of Iowa, Mr. OTTINGER, Mr. WYDEN, Mr. RUSSO, Mr. HOYER, Mr. FRANK, Mr. ASPIN, Mr. KOGOVSEK, Mr. WILSON, and Mr. DOWNEY of New York.

H.J. Res. 624: Mr. BONER of Tennessee, Mr. FRENZEL, Mrs. HALL of Indiana, Mr. HARRISON, Mr. HUGHES, Mr. MOAKLEY, Mr. OBERSTAR, Mr. SAVAGE, and Mr. DE LA GARZA.

H.J. Res. 631: Mr. DASCHLE, Mr. ROYBAL, Mr. LANTOS, Mr. YOUNG of Florida, Mr. WALGREN, Mr. FLORIO, Mr. MADIGAN, and Mr. WEISS.

H. Con. Res. 311: Mrs. VUCANOVICH, Mr. CRAIG, Mr. QUILLEN, Mr. ROGERS, Mr. SHUMWAY, Mr. MONTGOMERY, Mr. DUNCAN, Mr. BEVILL, Mr. STUMP, Mr. KOLTER, and Mr. MILLER of Ohio.

H. Con. Res. 320: Mr. CROCKETT, Mr. MRAZEK, Mr. MARKEY, Mr. WILLIAMS of Montana; Mr. RICHARDSON, and Mr. CRAIG.

H. Res. 518: Mr. PASHAYAN, Mr. KINDNESS, Mr. MCEWEN, Mr. LENT, Mr. HILLIS, and Mr. VANDER JAGT.

EXTENSIONS OF REMARKS

AN APPEAL FOR TV IN THE SENATE

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, August 2, 1984

● Mr. MATHIAS. Mr. President, in the July 21 issue of TV Guide, a publication reaching many millions of Americans every week, our distinguished majority leader again reminded us of the irretrievable loss to the American public, and to American history, of our continuing failure to televise the floor proceedings of the U.S. Senate and to broadcast those proceedings throughout this great land.

The appearance of this article is especially timely, with the Democratic Party's National Convention having just occurred, and the Republican Party's National Convention beginning on August 13—both of these historic political events being broadcast live on national television to the Nation, and all over the world. We now have the President, the House of Representatives, two national political parties—all sending their respective messages to the citizens of this country. Only the Senate remains dark—as though nothing of importance were happening in the world's greatest deliberative body.

Mr. President, this Congress, the majority leader and I, joined by 21 of our distinguished colleagues, have sponsored Senate Resolution 66, a measure to establish regulations to implement television and radio proceedings of the Senate. The Committee on Rules and Administration, reported Senate Resolution 66 on June 28, 1983, whereupon it was placed on the Senate Legislative Calendar, and where regrettably it languishes still. It is my fervent hope that Senate Resolution 66 can be agreed to before the sine die adjournment of the 98th Congress—as final tribute to our able majority leader, as evidence of our own collective wisdom, and as a vital service to the American people.

Mr. President, I ask unanimous consent that Senator BAKER's article entitled, "We're Losing Political and Historical Treasures," be printed in the RECORD.

The article follows:

WE'RE LOSING POLITICAL AND HISTORICAL TREASURES

(By Howard H. Baker, Jr.)

Otto von Bismarck, the "Iron Chancellor" of Germany, is supposed to have said, "If you like laws and sausages, you should never watch either one being made." I say, "Baloney."

The fact that we are still not televising the proceedings of the United States Senate, four decades into the television age, is nothing short of tragic. We are short-changing history, the American people and the Senate itself.

In 1850, what has been called "the greatest debate in congressional history" raged for eight months in the Senate. The issue was the extension of slavery into the American West, and the debaters were such political and oratorical giants as Henry Clay, John C. Calhoun and Daniel Webster. At the end of the debate, a compromise was reached that averted civil war for a decade.

Here was the Senate at its best—an assembly of strong, talented, often brilliant politicians who gloried in the battle of ideas, who debated public policy in what was truly the world's greatest deliberative body, and whose collective importance in public affairs overshadowed that of the President.

The words of that great debate were dutifully recorded in The Congressional Globe, a forerunner of today's Congressional Record, and serve as eloquent reminders of that earlier time. But what would we give today to see what a privileged few witnesses saw then from the public galleries above the Senate chamber—the passion, the verbal thunder, the intellectual lightning, the stresses and strains and majesty of men caught up in the most important issue of the century.

All of this is lost to us. So are the great debates over America's foreign policy leading to our entry into World War I and World War II. So are the debates over civil rights. And more such historical treasures are being lost every day.

The late senator Hubert Humphrey said that a 20th-century Congress cannot be content with employing 18th- or 19th-century technology. I wonder if public reaction would have been different if the debate on the Panama Canal treaties had been viewed, as well as heard, by the country? I wonder if the sight of 100 senators dissecting the treaties, working out amendments to safeguard our interests, might have changed opinions about the legislation? Or would there be a better understanding of the need for a change in direction of our economic ship if the public had been able to see the lengthy debate on the Reagan budget?

Looking to the future, it may be that nothing would serve this country so well as a televised Senate debate on the reform of entitlement programs—Social Security, Medicare and the rest—so that Americans can understand not only what will happen if we change them, but what will happen if we don't.

If we are ever to reach a national consensus on these and other contentious issues, it can only come from a better understanding of these issues among the American people—an understanding born of education in which television could play an immensely useful role.

Some will say the Senate isn't quite so interesting or important as it was in the last century, that Clays and Calhouns and Websters are in short supply in Washington today. I would suggest that a Senate debate involving Pat Moynihan (D-N.Y.), Jesse Helms (R-N.C.), Ted Kennedy (D-Mass.), Bob Dole (R-Kan.), Fritz Hollings (D-S.C.) and Lowell Weicker (R-Conn.), for example, would rival the duels of earlier days and make most Presidential debates of recent memory seem comatose by comparison.

But in a way, the critics are right. The Senate is not what it used to be or ought to be. Since the 1920s, when senators were first popularly elected rather than chosen by state legislatures, the Senate has become more and more like the House of Representatives. The only difference that most people can see is that senators represent states rather than districts and serve six-year rather than two-year terms.

And that has become almost the only difference. The Senate must give its advice and consent to the ratification of treaties and the appointment of major Federal officials, but aside from that, the work of the Senate and the House is practically identical.

But it's not supposed to be. The founders of our Government intended that the House of Representatives should be the people's house, where the majority always rules and the weight of current public opinion always prevails. The Senate was supposed to be different. Its rules, first written by Thomas Jefferson, encouraged extensive debate and gave the rights of the minority the greatest protection and the fullest and fairest hearing in the history of governments.

These are the beliefs that made the Senate the world's greatest deliberative body to begin with the insistence that ideas matter; that one person who is right should prevail over a majority that is wrong; that vigorous debate is viatal to our system of government.

Too often today, that debate is stilted, truncated, ritualized, canned and read into the Record with all the conviction of a talking computer. The actual creation of public policy has passed from the Senate chamber to the committee rooms and leadership offices, and we file into the chamber only to ratify in public what we have decided in private.

Television could help change that. Any honest senator will concede that when the television lights are on in our committee hearing rooms, attendance is high and political competition is keen. Televising the proceedings on the Senate floor would have a similar energizing effect—and it is an effect the American people seem to appreciate.

The public's highest opinion of Congress in recent years was registered in 1974, during the House Judiciary Committee's televised impeachment proceeding against President Nixon. Day after day, the television camera was relentlessly trained on that committee as it faced one of the most difficult issues of our time. The public—and even the committee members' congressional colleagues—saw earnest, able, meticulous, eloquent men and women who had a terrible job to do and did it well.

Anyone caught "showboating" in such circumstances would surely have seemed out of place and unworthy of the company of

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

these remarkable representatives. Television didn't make them remarkable, but it didn't make them foolish, either.

Five years later, the House decided to allow television coverage of its floor proceedings as well as its committee hearings, and the evening news regularly features film of the people's house doing the people's business with dignity and zeal. And extensive live coverage, by the C-SPAN cable service, has brought House deliberations into millions of American homes.

Presidents, of course, have long since recognized the value of television as an instrument of education and persuasion, and their domination of the airwaves is crucial to public-policy debate.

Even the courts have opened their doors to television cameras. Decorum has not been lost, and a better public understanding of our system of justice has been gained.

The Senate, by contrast, remains cloaked in mystery. Our images are reduced to the artist's caricature, our words to the reporter's paraphrase. We stand in danger of surrendering our special place in American Government by technological default at the very time when the American people's interest in public affairs is at its peak.●

NATION'S HAZARDOUS WASTE PROBLEM DEMANDS REFORM OF SUPERFUND PROGRAM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. FLORIO. Mr. Speaker, I would like to draw my colleagues' attention to a recent article which provides an excellent summary of the problems which have beset the Superfund Program since its inception in 1980. The program was designed to facilitate cleanup of abandoned hazardous waste sites through a fund financed by a tax on the chemical industry. In addition, to encourage parties handling hazardous wastes to initiate cleanup on their own, strong enforcement authority was vested in EPA.

The stories of mismanagement and delay in the implementation of the program are by now familiar. Perhaps the most significant result of this history is that after 4 years, cleanup has been completed at only 6 of 546 sites on the "National Priorities List." It is imperative that we remedy this situation promptly. The Superfund Expansion and Protection Act of 1984 which I have introduced will provide adequate funding as well as a mandatory schedule which together will ensure that the cleanup job is done properly.

An article detailing the history of the Superfund Program follows:

[From Outdoor America, Summer 1984]

FULFILLING THE PROMISE OF SUPERFUND

The Superfund legislation originally held the promise of beginning to put an end to these chemical horror stories. Enacted in 1980, the legislation established a $1.6 billion fund to pay for the cleanup of abandoned hazardous waste dumps around the country. But now, four years later, the promise of Superfund has been sadly unfulfilled. Bureaucratic delays, cutbacks in enforcement and charges of political favoritism have seriously undermined the Superfund program.

The original idea behind Superfund was simple. Create a special federal trust fund from a tax on the chemical industry to pay for cleanup of abandoned hazardous waste sites. Then link this fund with strong legal authority that would not only enable EPA to recover damages from those parties responsible for the dumping but would also encourage present hazardous waste handlers to clean up their act to avoid damaging lawsuits. The result was supposed to be a short-lived program to enable EPA to act quickly to protect human health and the environment from chemical abuse.

But the program ran into problems right from the start. The National Contingency Plan, a set of key regulations intended to guide the program, was delayed. Only after the Environmental Defense Fund sued EPA was the agency forced to finally release the needed regulations—more than 18 months after the date originally mandated by the legislation. In February 1981, the Reagan administration proposed a $50 million cut in the Superfund program. Later that same year, EPA Administrator Anne Gorsuch disbanded the agency's Office of Enforcement and ordered the regional offices to cease issuing orders for the cleanup of hazardous waste sites unless they received approval from Washington. Finally, allegations of political tampering with the program led to the resignations of Superfund head Rita Lavelle and then Gorsuch herself and further set the Superfund program off course.

One result of this confusion is that during the four years since enactment of Superfund, EPA has completed cleanup of only six hazardous waste dumpsites. During this same period, in an effort to downplay the extent of the problem, EPA was slow to investigate the existence of new dumps. Now it appears that the number of dangerous dumps is even greater than EPA originally thought.

In March 1979, EPA estimated that there could be 1,200 to 2,000 dumps leaking chemicals into our soil and water, However, five years later, EPA Administrator William Ruckelshaus admitted to Congress that there could be between 17,000 and 22,000 dumps around the country that could pose problems for human health and the environment—over 10 times the original estimates.

The full magnitude of the problem is still unclear. So far, EPA has evaluated only 7,100 of these sites to determine which chemicals are present and what sort of threat they pose to the surrounding environment. The condition of the rest remains unknown.

But what is clear is that the present Superfund is completely inadequate to deal with the new dimensions of the problem. Of the 7,100 sites that have been evaluated, 2,200 were found to be in need of urgent attention. Yet, under the present legislation, only 546 sites are eligible to receive Superfund dollars. And, to date, cleanup has begun on only 315 of them. As a result, it could take decades to decontaminate our nation's abandoned dumpsites.

As if the problem weren't bad enough, critics charge that EPA's weak regulations may be actually multiplying the number of leaking dumpsites around the country—sites that an already overloaded Superfund eventually will be forced to deal with.

Superfund was originally intended to be only one part of the nation's hazardous waste management policy to clean up old abandoned dumps. To control and reform present waste management practices, Congress enacted the Resource Conservation and Recovery Act (RCRA) in 1976 which, for the first time established what was supposed to be a "cradle-to-grave" system to track and monitor hazardous waste during each step of its journey. Each landfill and treatment facility was to receive a federal permit after passing rigorous standards that would prevent the dangerous leaking dumps of the past. In addition, those who generate and haul hazardous waste were required to report what chemicals they handled and where they disposed of them.

Here again, delays in producing regulations, efforts to weaken existing regulations and poor enforcement combined to cripple the program. For example, consistently low funding levels and mismanagement resulted in delays in releasing the crucial regulations governing the operations of landfills. To deal with the huge backlog of permit applications from landfill operators, EPA developed weak "interim" permits that had numerous loopholes. In addition, EPA loosened the regulations requiring landfill operators to monitor their sites to warn of any leakage from the facility. This meant that if a leak occurred, no one would know until after the contamination had already become apparent. Adding another regulatory insult to environmental injury, the agency, in February 1982, under pressure from industry, lifted the regulatory ban on liquids in landfills. In the three weeks before the ban was reinstated due to public pressure, an estimated 220,000 gallons of poisonous liquids were poured into landfills, many of which were already known to leak.

In February 1984, the Congressional Office of Technology Assessment was asked by Congress to analyze the effectiveness of EPA's regulatory program. Their report confirmed conservationists' fears when they said: "RCRA groundwater protection standards are not likely to prevent land disposal sites from becoming uncontrolled sites that will require cleanup under Superfund."

To further compound EPA's difficulty in managing hazardous waste, the nation's output of toxic waste appears to be growing rapidly. According to one estimate, after World War II, the United States produced about 1 billion pounds of hazardous waste each year. By 1980, EPA estimated that the amount of toxic waste generated each year had jumped to 80 billion pounds. By 1983, EPA acknowledged that even this figure was too low; according to the agency's best estimate, the nation's annual hazaradous generation was 320 billion pounds—four times the earlier number.

Legislation introduced in this Congress should go a long way toward correcting some of the abuses of the past. A growing coalition in the House, led by past Superfund champion Rep. James Florio (D-N.J.), has introduced a new version of Superfund—H.R. 5640—which would boost the money in the fund from the present $1.6 billion to $9.0 billion over a five-year period. In addition, the legislation would strengthen the liability sections of the act, regulate leaking underground storage tanks and place EPA on a strict clean-up schedule.

The bill was approved unanimously in Rep. Florio's Commerce, Transportation and Tourism Subcommittee on May 26. In an unusual move, Speaker Thomas P. "Tip" O'Neill forged an effective compromise be-

tween the other congressional committees that have an interest in Superfund. This will enable legislation to be considered on the House floor in early August—just weeks before the Republican convention. Supporters hope that this tactic will keep the issue in the public eye and encourage House Republicans to take a strong stand on the issue. On the Senate side, the chairman of the Senate Committee on Environment and Public Works and "father" of the original Superfund, Sen. Robert Stafford (R-Vt.), has vowed to have a Superfund measure through his committee and approved by the Senate this year. The result could be that Superfund could arrive on President Reagan's desk before the election.

On the regulatory side of things, an improved Resource Conservation and Recovery Act was approved by an overwhelming majority in the House earlier this year. A similarly strengthened measure was approved by the Senate Environment Committee and was awaiting action on the floor of the Senate at press time. These bills would toughen groundwater protection requirements and tighten standards on burning hazardous waste. Most observers believe that bill could come before the President by the end of the summer.

But even this new legislation will not really attack the central problem: the need to phase out landfills entirely. Because land disposal has been cheap in the past, American industries have been slow to realize the benefits of reducing and recycling the waste they produce. Now, with the real price of land disposal becoming apparent, there are signs that basic attitudes are beginning to change. The 3M Corp., for example, has been operating its "3P" Program (Profit from Pollution Prevention) since 1975. Through product reformulation, equipment redesigns and chemical recovery, the company has eliminated 75,000 tons of air pollutants, 500 million gallons of polluted waste water and 2,900 tons of sludge per year. The company estimates that it has saved more than $20 million during the first three years of operation. Similarly, other companies are exploring waste treatment processes that detoxify wastes and solidify them so they're less likely to migrate into water supplies.

In the end, it is clear that the real solutions will come not from Washington but from these fundamental changes in the way we dispose of our hazardous waste. Until we discover how to encourage these changes, we may be trapped into a costly and perpetual clean-up campaign.●

LEGISLATION INTRODUCED TO RESTORE AUTO BUMPER PROTECTION

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. BEILENSON. Mr. Speaker, today I am introducing a bill to restore automobile bumper protection standards to the 5-miles-per-hour requirement which was in force when the current administration took office.

As part of President Reagan's plan to ease the regulatory burden on the automobile industry, the National Highway Traffic Safety Administration rolled back the 5-mi/h standard, which had been in effect since the mid-1970's, to a much weaker 2.5-mi/h standard.

The bumper standard is the speed at which a car should sustain no damage when it crashes directly into a flat barrier, but bumpers meeting the 5-mi/h standard also sustain less damage in angular crashes and crashes into poles.

Mr. Speaker, the argument for relaxing the standard to 2.5 mi/h was that weaker bumpers would be cheaper to install, and their lighter weight would improve fuel economy, saving consumers money on the purchase price and operating cost of their cars. And the Government promised to provide bumper data to consumers so that the market would reflect the choices of informed consumers about the amount they wish to spend for extra bumper protection.

Sad to say, Mr. Speaker, these economic benefits have not materialized. Not only is the Government ignoring the consumers' need for adequate, accessible crash safety and damage information, but the carmakers themselves are not reducing prices on the cars that they have equipped with the weaker bumpers. And in at least some cases the stronger bumpers weigh less than the weaker ones, so there has been no saving on fuel economy either.

By some estimates, consumers have spent hundreds of millions of dollars in extra repair costs because of the additional damage incurred in slow speed accidents. In tests done by the Insurance Institute for Highway Safety, cars with weaker bumpers sustain damage in 5-mi/h crash tests of up to $2,000 in repair costs. Surprisingly, on some models the stronger bumper actually costs less to replace than a weaker bumper on another model from the same manufacturer.

Mr. Speaker, the administration made a serious, costly mistake when it rolled back the bumper standards. It has cost consumers millions of dollars, with no offsetting economic benefit at all. Some manufacturers have continued to supply the tougher bumpers voluntarily, but consumers are not being informed about which cars offer the better protection.

It is time for Congress to reverse this foolish and costly error by establishing in law the same standard that existed by regulation prior to 1982. We can save consumers millions of dollars by a proven regulation that worked well in actual practice only a few years ago. This administration has shown that it will allow rhetoric about the burden of Government regulation and the advantages of free market economics to blind itself to the reality of the economic and human costs of automobile accidents. It is up to us to restore rationality to automobile bumper protection standards.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this simple, straightforward bill.

The bill follows:

H.R. —

A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the motor vehicle bumper standard established by the Secretary of Transportation shall be restored to that in effect January 1, 1982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1912) is amended by adding at the end thereof the following new subsection:

"(f)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary shall amend the bumper standard contained in sections 581.1 through 581.7 of title 49, Code of Federal Regulations, to ensure that, except as provided in paragraphs (2) and (3), such standard is identical to the bumper standard under such sections which was in effect on January 1, 1982. The amended standard shall apply to all passenger automobiles beginning with the model year after the date of amendment of the standard.

"(2) Nothing in this subsection shall be construed to prohibit the Secretary from requiring impact speeds under such sections higher than the impact speeds contained in such amended standard.

"(3) The Secretary may not amend or modify the application of such amended standard in any respect which results in less impact protection than that afforded under such standard as in effect on January 1, 1982."●

TAX DOLLARS OF ILLINOIS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. PORTER. Mr. Speaker, I would like to bring an editorial, which appeared in the Chicago Tribune on April 17, 1984, to the attention of my colleagues. The editorial discusses the inequitable distribution of Federal tax dollars to Illinois, and projects the thesis that since Illinois residents earn a high income and exceed the national tax average, we are understandably paying more into the Federal Treasury than others. On the other hand, because Illinois has no shipyards or aircraft facilities it cannot compete for many Defense contracts that would return more to the Illinois economy.

But, Mr. Speaker, even if this argument is correct, the Illinois delegation must continue to work to assure that Illinois receives a fair return to our State for the heavy burden of taxes we pay. It is not acceptable to be near the bottom of the list for whatever reasons. I commend the article to my colleagues, particularly those from Illinois.

The article follows:

[From the Chicago Tribune, Apr. 17, 1981]

ILLINOIS ISN'T BEING CHEATED

(By James W. Fossett and J. Fred Giertz)

(James W. Fossett is an instructor at the University of Illinois' Institute of Government and Public Affairs and Fred Giertz is a professor of economics there. Giertz formerly was research director of the Illinois Tax Reform Commission and Fossett spent three years at the Brookings Institution in Washington.)

It has become an article of faith among Illinois business and political leaders that the state has been persistently shortchanged in its dealings with the United States government. A recent report by the state comptroller, for example, argued that Illinois received only 66 cents in federal spending for every dollar its citizens paid in federal taxes in 1982, the largest such deficit in the country, and received far less per resident in federal procurement than most other states.

Such figures are frequently cited as evidence that the state is not receiving its "fair share" of federal support and that the state's congressional delegation should try to increase the flow of federal funds into the state.

We take issue with both parts of this argument. It is far from clear that Illinois is being systematically exploited by Washington or that political efforts to improve the state's "balance of payments" are called for.

First, much of the reason why Illinois shows a relatively low ratio of taxes paid to payments received is a result of the state's wealth and the resulting high level of federal taxes paid, rather than decisions by federal bureaucrats to award contracts or grants to other states. Illinois citizens earn high incomes relative to those of other states, and the progressive nature of the federal income tax system causes their tax burden to exceed the national average by an even larger extent. Even if federal funds were handed out on an equal per-resident basis to all states, Illinois would still show an appreciable "deficit" in its transactions with the federal government.

This point is reinforced by the observation that Illinois does, in fact, receive payments near the national average from most classes of federal expenditures. State and local governments in Illinois receive payments per resident from a variety of federal grant programs that are only slightly below the national average. And from programs that make payments directly to individuals—such as Medicare and Social Security—the state receives payments that are only marginally less than the national average.

If one excludes the District of Columbia, Maryland and Virginia, which are the headquarters for most federal agencies, Illinois received federal nondefense wages and salaries that were not appreciably below the national average. In all these cases, spending in Illinois was above the average for other Midwestern states.

The only area of the budget, in fact, where Illinois received payments substantially below the national average is defense salaries and contracts. It is far from clear, however, that this disparity reflects any fundamental unfairness in the allocation, of defense dollars. The distribution of defense contracts is heavily influenced by a small number of extremely large awards that fund ship and aircraft developments and construction and that are received over a period of several years. Since Illinois has no shipyards or aircraft facilities, it is not in a position to compete for these awards and hence will inevitably appear to be receiving a relatively small share of defense contracts even if it succeeds in attracting contracts in those areas where its industrial base is strong.

The Illinois industries that are in a position to compete directly for Pentagon dollars, such as construction and electrical equipment and food production, are competing for contracts that are smaller than those to develop and construct aircraft carriers or major weapons systems. Even if they are spectacularly successful in securing these awards, the state will still receive a substantially smaller share of defense spending than such states as California and Massachusetts, which contain major shipbuilding or aircraft production facilities.

Perhaps more important, the state benefits from defense spending in ways that do not appear in these data. A variety of studies have shown that much of the increase in employment supported by enhanced defense spending comes from increased orders for materials used in the construction of ships, planes, tanks and other military equipment. Large percentages of these orders are for goods such as steel, metal castings, machine tools and electrical equipment produced by industries that are major employers in Illinois.

The current increase in defense spending may result in increases in production and employment in the state which are not reflected in the original distribution of contracts. While the impact of defense spending on Illinois' economy may well be smaller than in other states, it is almost certainly larger than the figures in the comptroller's reports suggest.

Even apart from these programs, it is far from clear that Illinois has any valid general claim to a larger share of federal funds. A large fraction of the federal budget supports payments to individuals such as Social Security recipients or retired federal or military employees. Still other programs are directed at such groups as Indians, farmers and the elderly. These programs provide widely varying amounts of support per resident to different states, but this difference is largely the result of differences in the location of the groups these programs assist and cannot be called unfair or discriminatory.

Figures such as those contained in the comptroller's report provide political ammunition for challengers to berate congressional incumbents for their poor performance in attracting federal dollars or for those same incumbents to press claims that the state "deserves" a larger share of a particular federal program. By themselves, however, they neither reflect the true impact of federal spending on the state's economy nor provide convincing evidence that Illinois is being "shortchanged" in any way in its dealings with Washington.●

FEDERAL WORKERS: REWARDS DUE FOR A JOB WELL DONE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. BROWN of California. Mr. Speaker, I have been increasingly disturbed by the maligning of the Federal service, the Postal Service, military and veterans' programs. The negativism, misrepresentations, and alarmist and unfounded claims about their salary schedule and the funding of their retirement systems have become increasingly strident. I believe that this has gone far enough and that I must speak out.

We must bear in mind that career Government personnel are highly experienced. They have devoted many years to providing loyal service and expertise during periods of great stress and strain. Most Federal employees are intent on helping to improve Government administration and service. It is time that these positive attitudes and accomplishments are acknowledged, not only to disprove the misconceptions being publicized about career Government employees, but to recognize and to honor them for their labors on behalf of our Government and our citizens. I'd like to start by summarizing a few of the key issues affecting Federal employees and retirees and veterans.

I. CIVIL SERVICE RETIREMENT SYSTEM [CSRS]

The Federal civil service system was created by Congress in 1883 to put an end to the "spoils system" and thereby establish a high-quality service organization with a sense of continuity and dedication. It was only in 1920 that Congress passed the Civil Service Retirement Act. The intent of Congress was to improve Government efficiency by providing a humane method of retiring Federal service employees whose age and disability prevented performance of their duties.

Social Security was created in 1935 to specifically cover employees in commerce and industry. Since CSRS was already in place and functioning, it was not considered necessary or desirable to cover Federal workers under Social Security. This separation was maintained until quite recently, when efforts have been made to eventually merge the two systems. I opposed action taken by Congress when it legislated that after January 1984, newly hired Federal employees would be enrolled in Social Security. Congress must act carefully because of the potential for unfairness to those employees and retirees who fall on either side of the new cutoff date. Precautions must be taken to ensure these civil servants receive a fair share of the benefits in proportion to what they paid into the system.

It is apparent that the CSRS is a viable program. Before congressional action last year, some experts judged it as having resources to meet its obligations for the next 75 years. It has performed a valuable service by filling the ranks of the Federal work force with highly qualified and motivated personnel. Any attempt to disrupt CSRS will contribute to a further deterioration of morale, will increase the feeling of insecurity among employees, and cause many in the Government service to seek employment elsewhere.

II. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Established in 1960, the Federal Employees Health Benefits Program [FEHBP] rapidly became the largest group health insurance program in the Nation. The FEHBP is presently composed of more than 140 different health plans, providing health insurance coverage to some 10 million Federal workers, retirees, and dependents.

The entire FEHBP has been weakened in the past 3 years; each "open season" has seen unprecedented numbers of enrollees shifting from one plan to another in search of affordable premium levels. In response to this chaos and increased costs of the FEHBP, a number of legislative measures designed to bring stability and affordability to the program were introduced in the first session of the 98th Congress. Of these legislative measures, I support H.R. 656, the Federal Employees Health Benefit Reform Act, and H.R. 4261, the Federal Employees Health Benefit Information Act. I strongly oppose the so-called voucher health system.

III. FEDERAL EMPLOYEES COMPENSATION ACT

This special act was put in place by the Congress in 1916 and amended to provide just compensation to the injured civilian employee. However, I have found numerous problems when interceding for my constituents who seek help from Office of Workers' Compensation Programs. An audit of the Office of Workers' Compensation Programs by the General Accounting Office may be in order.

IV. COMPARABILITY OF PAY OF FEDERAL WHITE-COLLAR EMPLOYEES

The Federal Pay Comparability Act of 1970 is a major factor in setting Federal salaries; it established the procedure for annual, more or less automatic, implementation of comparability. In effect, it ruled that Federal white-collar pay should roughly equal private sector pay for similar jobs.

Many Federal employees are concerned that the basic soundness of the Comparability Act might be undermined by increased criticism of the Federal pay scales and by recommendations for alternative proposals that are impractical, untested, or expensive. The current administration's attitude toward Federal pay is demoralizing and is raising a sense of insecurity and unrest among Federal employees.

VI. COST-OF-LIVING ADJUSTMENTS

Since 1967, the majority of employees and retirees in both the public and private sector have had their wages and annuities aligned with the Consumer Price Index [CPI]. For the retired, whose primary source of income is an annuity or pension, cost-of-living adjustments [COLA's] are essential in order to remain solvent. I support regular and equitable COLA's for Federal retirees.

VII. CONTRACTING OUT FEDERAL WORK AND POSITIONS

Over the past several years there has been an increased emphasis on moving workload and positions from the Federal Government to the private sector. This thrust has come from the executive branch of the Government, primarily the Office of Management and Budget [OMB]. The pressure to contract out appears to be politically motivated and intended solely for the purpose of reducing the size of Government and expanding the private sector.

Federal employees are not opposed to contracting out certain jobs or functions if it makes sense from a practical and economic point of view. I suggest requiring each agency to provide a rationale for contracting or not contracting out specific functions.

The Federal Government relies on certain principles in order to function in an open, democratic manner. Among these principles is the theory of service and dedication to a common cause. Our public officials and civil servants fulfill this noble cause when they choose to give up the larger benefits available in the private sector. Without them, our Government would cease to function. It is only fair and wise that we bestow upon them the benefits that they have rightfully earned. Let us not forget this when we meet again to decide the future of the Civil Service Retirement System. Thank you.●

SOVIET JEWRY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. TAUKE. Mr. Speaker, as I and my colleagues have done previously as participants in the Congressional Vigil for Soviet Jewry, I would like to speak again on behalf of the many Jewish citizens suffering persecution in the Soviet Union. While the Soviet Government continues to disregard the human rights and religious freedom of their Jewish countrymen, I will continue to bring their sad story before my colleagues and all Americans who, thankfully, know no such persecutions in this country.

It is clear that the mistreatment of Soviet Jews is a very real part of Soviet society. One does not have to look very far or very hard to uncover new incidents where the Soviet Government has succeeded in ruining the lives of Jewish citizens through harassment.

There are many convenient ways that the Soviet Government has mastered to deny this select group the human rights all people should enjoy. We hear stories of Soviet Jews being exiled to labor camps. We hear stories of Soviet Jews being denied admission to universities. And we hear stories of Soviet Jews being forced to stay in a land where anti-Semitism is promoted by the media and in literature.

Consider, for example, the plight of Abe Stolar and his family, who have suffered greatly at the hands of the Soviet Government. Abe and his sister Eva were born in Chicago, where their parents had settled after fleeing tsarist Russia. In 1936, after returning to Moscow, Abe's father was arrested during one of Stalin's purges and has never been heard from since. Abe's grandmother and aunt were also arrested and sent to Siberia, where they both died in concentration camps.

Abe himself was expelled from the Moscow School of Arts and made to work as a hard laborer. In 1941, he joined the Russian army, serving on the front line until the end of the war. Abe survived the war, and Eva survived the Holocaust; she managed to emigrate to Israel some years later.

In 1974, Abe, his wife Gitta, and their son Mikhail were granted visas to join Eva in Israel. In order to leave, they were required to sell their apartment, relinquish Soviet citizenship and pack all of their belongings off to Israel. One year later, with only a few small suitcases, they were prevented from boarding a plane. On June 19, 1975, they were told that Gitta's visa was not in order; the family was prohibited from leaving because of a fabricated claim that she had had access to secret information at the time of her retirement 2 years before. Twelve days later, they were informed that they could not leave the Soviet Union for 2 years on grounds of "security." Even though their pensions were reinstated by the Soviet Government, Abe and Gitta refused to take up their Soviet citizenship again.

Without a place to live, Abe and his family were put into an apartment belonging to someone else. They have been living in that empty apartment on the meager allowance the government pays them to remain in the Soviet Union.

Mikhail, Abe's son, was unable to get into an institute of higher education because of the circumstances in which they are living. Threats have been made that Mikhail will be called for 2 years of military service. If he is called to serve, the family's visas would be delayed again at least another 6 or 7 years, or refused entirely on the same convenient grounds of "security." Mikhail applied to emigrate to Israel alone and wait for his parents, but he was told that he could not leave the U.S.S.R. because of his mother's supposed knowledge of secret information.

In 1978, Abe wrote three letters to Mr. Brezhnev, asking that his war

service be counted favorably toward the family's emigration application. These letters were never even acknowledged. The Stolar family is subject to constant petty harassment from Soviet authorities. They are now being sued for the price of their cooperative apartment. This is the apartment the authorities put them in when the family was first kept from leaving the Soviet Union. The rightful owners want to get Abe's family evicted, which would leave them on the streets.

Meanwhile, Eva had been soliciting the help of friends in California in the hope that her brother's family would someday be able to join her there. She campaigned vigorously in Israel and America, and as she was about to leave for a meeting on her brother's behalf, she collapsed and within a few minutes, died.

I would like to believe that the fight against the mistreatment of Soviet Jews will not die with Eva. In February 1981, Abe and Gitta celebrated their silver wedding anniversary, and in December Abe reached his 73d birthday. He remains cheerful, resolute and undaunted, still hoping to escape the grip of the Soviet Government that continues to deny his family their visas.

The case of the Abe Stolar family is but one of many cases. I urge the Soviet Union to stop persecuting the Stolar's and other Soviet Jews. We in the United States must continue to call attention to these blatant denials of human rights. I urge my colleagues and the American people to join me in protesting the abuses of the Soviet Government.●

OUR INTELLIGENCE MESS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. HYDE. Mr. Speaker, I introduced legislation yesterday, House Joint Resolution 633, to eliminate the House and Senate Intelligence Committee and create a streamlined Joint Committee on Intelligence. I want to share with my colleagues my reasons for this legislation.

I originally proposed this idea in my weekly district column on May 18, 1984 following the furor over the mining of the Nicaragua harbors (see CONGRESSIONAL RECORD June 6, 1984, 15207. This debacle prompted me to ask, "Is Congress capable of practicing responsible congressional oversight of intelligence activities, once those activities are viewed as an integral part of a foreign policy that has become controversial and the subject of partisan debate?"

I have shared my reasons in a statement today to the Senate Temporary Select Committee to study the Senate Committee System, and I quote from that statement:

> We cannot afford to allow what presently masquerades as Congressional intelligence oversight to continue any longer. With politics intruding so heavily on the process, it is time to give serious thought to merging the existing intelligence committees into a joint committee composed equally of Republicans and Democrats who, in addition to the requisite trustworthiness, competence and responsibility, also possess the rare restraint to subordinate political considerations to the national interest.

A serious question with dangerous implications presents itself: Is our democratic form of government unable to keep any secrets, no matter how sensitive to our national interests? As we all know, the calculated, politically motivated leaking of highly sensitive information has become a Washington art form, and one that is not confined to Congress alone.

It appears the only way to mount a successful covert operation these days is for such an activity to have the nearly unanimous support of both Intelligence Committees and the involved agencies of the intelligence community. Anything short of that is doomed to failure, as opponents will selectively leak material to their acquaintances in the media with the expressed purpose of torpedoing the operation. Moreover, as recent press disclosures clearly demonstrate, you can count on a flurry of these leaks just before anticipated congressional action on the disputed issue.

What is especially disturbing is that those who are doing the leaking probably have never stopped to think what the short- and long-term implications of their revelations will be with respect to U.S. intelligence efforts, as well as to U.S. foreign policy. They are so preoccupied with scoring political points that they do not even begin to realize how their action may be impacting on the lives of U.S. intelligence and foreign service personnel overseas or the thousands of people in the Nicaraguan resistance movement to which the United States has made a commitment.

Creating a new joint oversight panel along these lines would diminish the possibilities for partisan posturing and significantly reduce the number of individuals having access to sensitive information, thus minimizing the risk of damaging, unauthorized disclosures. At the same time, it would retain in a more effective and concentrated manner the essential of congressional oversight over the activities of our intelligence agencies and preclude the possibility of executive branch intelligence components playing one committee off against the other.

Practical considerations played into my decision also. The two committees reflect different perspectives, and they frequently do not focus on the same matters and there is hardly any interaction or coordination. Another thing to bear in mind in this connection is that Congress has increasingly insisted upon being consulted and briefed by the executive branch concerning national security and foreign policy questions. A consolidated oversight panel would provide one point of contact for consultation and briefings in those instances where time is of the essence in a fast breaking crisis situation.●

A NEW BOOST FOR ALCOHOL FUEL PRODUCTION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. DASCHLE. Mr. Speaker, "Out of Gas" and "No Gas Today" signs sprung up overnight across the Nation in 1978 in response to a second oil embargo, gasohol became widely known to the motoring public. Gasohol, a blend of 10 percent ethanol and 90 percent gasoline, helped satisfy our Nation's need for transportation fuel by extending limited supplies of gasoline. At that time, alcohol fuel was chiefly regarded by the general public as an important gasoline extender.

In time, as the supply of gasoline increased, the service stations signs which advertised gasohol disappeared. With this disappearance, many people incorrectly believed alcohol fuel had also vanished from the marketplace.

Alcohol fuel didn't disappear from the marketplace and in fact the demand and use for alcohol fuel increased. In addition to reducing oil imports and providing expanded and stable markets for our agricultural products, ethanol also proved to be an excellent octane enhancer.

From virtual nonexistence only 5 years ago, our domestic alcohol fuel industry will produce a projected 400 millions of ethanol this year, a 40-fold increase since 1978. Increased need for higher octane motor fuels, as a result of newer high compression engines and lead-in-gasoline standard changes, has accounted for this increased demand and use of domestically produced renewable ethanol fuel.

The recently announced proposal by the Environmental Protection Agency to reduce lead in gasoline from 1.1 grams to 0.1 grams per gallon, which recognizes the harmful environmental effects of lead in the atmosphere, provides another significant boost for alcohol fuel production because lead is primarily used in gasoline as an octane enhancer. Ethanol, of course, is not the only additive available to replace lead and increase the octane rating of motor fuels. MTBE, Oxinol, BTX and other so-called oxygenates, like ethanol, can also be used to increase fuel

octane rating, but in comparison to these other additives, ethanol offers many advantages. Ethanol is environmentally benign and medically safe and can be produced from our abundant agricultural production. Getting the lead out, as the Environmental Protection Agency has proposed, provides an important new boost for fuel alcohol production and use.●

HONK IF YOU LOVE ED DONOHOE

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. LOWRY of Washington. Mr. Speaker, I could not let the retirement of the most colorful pen in the Northwest's labor circles go by without extending my own words of congratulations. Ed Donohoe, the editor of the Washington Teamster, has kept the State of Washington's establishment on its toes. His weekly column has been chuckled over—usually by those not subjected to its coverage, vilified—often by those who are covered, but always read and enjoyed. I might add he has taken the hide off me a few times when I deserved it also.

I have had several opportunities to work with Ed and have the highest admiration for his work. While he will be missed as editor of the Teamster, I'm certain that Ed will continue to play an active role in the Northwest. To use Emmett Watson's words, another great Seattle area scribe, "We need guys like Ed. The city is too monochromatic." Mr. Speaker, I would like to insert into the RECORD the following article on Ed Donohoe's retirement from the Washington Teamster:

HONK IF YOU LOVE ED DONOHOE

(By Joe Mooney)

By a special proclamation of the Honorable John Spellman, governor of Washington state, Sunday, April 1, 1984, has been set aside officially as "Honk If You Love Ed Donohoe Day."

It promises to be an occasion filled with meaning, particularly, as the governor noted, for "people who love peace and quiet."

Not only will the automobile horns of this region be stilled for 24 hours, but (talk about peace and quiet), effective that date, Donohoe has promised to drain the battery acid from his pen and retire as editor of The Washington Teamster, in its heyday a weekly publication whose principal civic virtue may have been that it kept its editor out of print for six days each week.

The state's chief executive, who came to be known as "Governor Spellbound" to the legions of Donohoe's readers, was one of a dozen or more forgiving dignitaries who gathered over plates of chicken, pasta and mounds of cooked carrots at the Catholic Seamen's Club last week to celebrate this region's coming editorial deliverance. The governor, for one, couldn't help noticing how appropriate it was for Donohoe to bow out on April Fools' Day.

HERE COME THE JUDGES

In all, more than 300 people showed up at the luncheon, and I suspect what they represented was a partial list of people who had resisted the urge to file libel suits against Donohoe, whose prose over the decades has mainly inspired two things: mirth and litigation.

Statistics show there was actually a great deal more of the former than the latter. As Ed explained, summarizing a career in which the English language came to be used as an ill-concealed weapon: "Not bad. Only sued twice, and thankfully both have been dismissed." (I'm sure they had nothing to do with the dismissals, but there were no fewer than three judges at the head table when Ed presented the figures.)

Donohoe inspired these responses in many irascible ways, but he may be best known for his unkind characterizations of public figures. With a stroke of the Donohoe pen, former Washington Secretary of State A. Ludlow Cramer became "Lud the Dud"; U.S. Sen. Slade Gorton became "Slippery Slade"; former Seattle Mayor Wes Uhlman became "Graytop" ("He's not only prematurely gray," wrote Donohoe, "he's prematurely dumb"); and former King County Prosecuting Attorney Charles O. Carroll, who was a standout football player in his college days at Washington, became "Faircatch."

Donohoe once dismissed the League of Women Voters as a group of females "who left the bed for the good of the commonweal." He took exception when Seattle Mayor Charles Royer made a deliberately atrocious pun on the name of former Washington Bullets coach Dick Motta, whose team was contesting the Sonics for the world championship at the time. In a tongue-in-cheek proclamation, Royer referred to the coach as "Persona non Motta," which inspired Donohoe to refer to the mayor as "an airhead." "In fact," Royer told the luncheon, "he referred to me as 'Airhead Squared,' because my brother (former Deputy Mayor Bob Royer—helped me write it."

As if to demonstrate that neither age nor the prospect of retirement had softened his heart, Ed stayed in character to the end. When Seattle surgeon, former school board president and honorary Irish tenor Dr. Ed Palmason got up to sing, a grateful Donohoe described him as "the man who made 'Preparation H' a household letter in Seattle."

Few people of consequence escaped the Donohoe treatment over the years, but one who did was Arnie Weinmeister, who, as president of the Joint Council of Teamsters hereabouts, is Donohoe's boss, and who, as a recent inductee into pro football's Hall of Fame, is bigger than most of the trucks Teamsters drive. Ed gave the following reasonable explanation to this editorial oversight:

"Every Monday, Arnie comes into my office, leaves a broken arm on my desk and says, 'Whatcha writing about this week, Ed?'"

Naturally, the affection Donohoe lavished on state and local public figures couldn't go entirely unrequited. Governor Spellman saw to that with his "Honk If" proclamation, and so did Mayor Royer, with the offer of a post-retirement city job for Ed. After carefully weighing Donohoe's skills, qualifications and, of course, his disposition, the mayor was prepared to offer Ed a position as a "biter at the Spay and Neuter Clinic."

Weinmeister, who does not really put mangled limbs on Donohoe's desk, did put a merciful end to the proceedings by introducing Ed's wife, Mildred, and other family members, who were promptly given a standing ovation.

A TRIP TO EUROPE

As quickly as it came, the chicken was gone, the pasta was gone, the carrots were gone . . . and with the promise that soon Ed, too, would be gone, it was suddenly time to present that timely symbol of retirement, the gold watch.

Instead of a gold watch, however, Weinmeister announced that the hat had been passed around the Teamster offices and it came back with enough money to send Ed and Mildred on a trip to Europe. The trip would begin, Arnie said, with an appropriate stop in Dublin. Then, after leisurely intervals in several fashionable spots on the continent, the Donohoe party would finally arrive in Rome. Unfortunately, "We run into a problem there," according to Weinmeister. (Long pause). "We've got enough money to get Mildred back . . ."

Personally (and for Rome's sake as well), I hope that Ed will find his way back, too. The Eternal City has withstood attacks by the Carthaginians, the Visigoths, the Huns and an assortment of modern armies in two world wars. As much as I hate to resort to a phrase from the Nixon years, I think that Rome (like at least one Teamster-endorsed former president) has suffered enough.●

ACID RAIN; DRIVING IN THE DARK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. BROWN of California. Mr. Speaker, when we drive cars at night we observe a simple rule: don't outdrive your headlights. At the heart of this maxim is so much common sense that it is less than profound; when a hazard appears at the far reaches of your car headlights, you should be capable of stopping to avoid collision or disaster.

This rule of the road deserves to be applied to other issues that our Nation faces. One such issue is acid rain. We are polluting our air at such a rate that we may very well permanently damage our natural resources before we develop the ability to stop in time.

As we all know, water ecosystems are sensitive to high concentrations of acid rain. Drastic changes in pH resulting from acid rain in these lakes, rivers, and streams alter the biota of living organisms and can kill all life. Hundreds of lakes in the Northeast United States have become sterile; many more are deteriorating. Thousands of Canadian lakes suffer severe damage from acid rain, portions of which originated in the United States. Canadian officials estimate between 2,000 and 4,000 lakes in Ontario alone are dead—devoid of fish.

Yet we know now we should be concerned with more than our lakes and streams. It is evident that our foliage, our crops and forests, are also affected by air pollutants and the acid rain they cause. These effects are difficult to gauge as air pollutants rarely kill trees outright, but rather reduce their vigor, rendering them overly susceptible to ordinary stress factors such as drought, blight, or disease. We see this phenomenon in man, who may suffer cancer and finally die of heart failure or pneumonia. Because it is nearly impossible to duplicate within laboratories the complex factors which affect forests, we must rely on real world laboratories to collect the data necessary to document and assess the impact of acid rain on our forest resources.

A hearing on air pollution's effects on forests was recently held by the Interior Committee's Subcommittee on Mining, Forest Management, and Bonneville Power Administration. I found the testimony of Baron Reider von Paar, president of the West German Forestry Association, particularly pertinent to these problems. West Germany has a great number of trees that are dying or already dead. By the best estimate, over one-third—34 percent—of all trees are damaged. All types have been affected; of fir species, a staggering 75 percent has suffered damage. The West Germans have a word for this dieback of the trees: "Waldsterben." I was able to observe some of those dying forests personally when I was in Germany last month.

These trees have been dying slowly. An examination of annual growth rings of the trees in West Germany showed a gradual decline in growth rate over the past 15 to 20 years. Later, foliage damage symptoms became visible. When unexplainable symptoms began appearing in 1978, politicians and the public scoffed at theories that attributed these symptoms to air pollution. Now that trees of all main species have become diseased, the Baron can conclude, "Without air pollution, there would be no forest dieback." Van Paar discussed the present attitude of West Germans regarding this phenomenon:

> Those scientists who can be taken seriously, although representing various schools of thought, are all more or less agreed that the death of our forests is mainly due to air pollution caused by human beings. The lively discussion among scientists now taking place in West Germany is merely concerned with the questions as to what types of pollution, to what extent and by what mechanisms work to trigger the damage, and to what extent natural stress factors contribute to the process.

In the context of our own situation the results of the West German real world laboratory are extremely frightening. The levels of emissions deemed harmful—sulfur and nitrogen oxides, dust and hydrocarbons—are higher in some States than they are in West Germany. The West German dieback continues despite the fact that levels of most airborne emissions are declining, and have been since 1970. The type of explainable symptoms observed in West Germany before the more accelerated tree decline have been seen in our country as well.

There is a growing body of evidence to support the claim that our forests, the natural filtration system for our air, and other forms of vegetation are in danger. An ongoing study at the University of Vermont reported that all species in the study area, save yellow birch, were declining in number and in biomass over the study period, started in 1965. One species, red spruce, had declined by 50 percent. This study could not identify a disease, insect pest, or climatic or forest successional event which would account for the decline. The Presidential Task Force on Acid Rain estimated the decline of red spruce in New Hampshire at 60 percent. Another study, in the southern Appalachians, by North Carolina State found that the trees grew as much from 1958 to 1962 as they have in the 21 years from 1962 to 1983.

The most recent information we have—from the June 1984 4-year study by the Office of Technology Assessment [OTA] entitled "Acid Rain and Transported Air Pollutants—Implications for Public Policy"—warns us that any action we take now to reduce the amount of these emissions will take 7 to 10 years to implement. The West German forests show what may lie ahead for us in the very near future if no action is taken.

For many years, we have stalled on taking legislative actions to reduce the concentration of acid rain, arguing that there was not sufficient understanding of acid rain to support Federal policy. Our Acid Precipitation Act of 1980 established a task force to develop and implement a comprehensive national program, and called for a 10-year study on the causes and effects of acid rain. While this study is ongoing, others have been completed.

The Interagency Task Force on Acid Rain stated in its second annual report to the President that there has been a systematic and sustained growth decline of our forests in the Eastern United States over the past 20 or 30 years which might be caused by various pollutants, and possibly acid rain. The previous annual report declared that airborne pollutants cause acid rain.

The recently released OTA report underscores the necessity for our timely consideration of this issue. The study concluded that: "Acid deposition and other transported air pollutants * * * pose substantial risks to American resources." The report also pointed out that:

> Despite relatively strict pollution controls mandated for new sources by the Clean Air Act, *emissions of both sulfur and nitrogen oxides are likely to remain high for at least the next half century.* (Italic for emphasis their own.)

Many independent surveys on acid rain have also been undertaken. These include studies by the National Academy of Sciences, the Society of American Foresters, and the Electric Power Research Institute.

How many more studies must be completed before Congress acts to resolve this country's acid rain problem? At present, there are several proposals addressing the problems of acid rain in the United States: H.R. 5314, the acid rain control amendment to the Clean Air Act; H.R. 4404, the New England Caucus bill; and H.R. 3400, the Sikorski-Waxman bill. All of these bills propose a required reduction in SO_2 emissions, yet none are expected to be reported out of the House Energy Subcommittee, delaying the issue again. The momentum behind S. 768, passed by the full Senate Committee on Environment and Public Works, has slowed, partly as a result of our hesitancy to produce an accompanying measure.

Damage to crops, forests, and water bodies from air pollution, particularly acid rain, is occurring in this Nation. The effects of pollutants can be subtle as seen with their impact on plants and forests, as well as acute as seen with the effects of acid rain upon sensitive lakes. Our environment gives us warning signals that the West Germans saw several years ago. The potential damage to water bodies has been documented; the damage to forests is just being revealed. We now have a glimpse of the hazards which are looming in the path of our headlights.

Will the United States continue down its path of indecision, taking little action to slow the impending damage to our natural resources from acid rain? Or will we learn from the real-world laboratories which are telling us that our headlights are not as far reaching as we had assumed? Mr. Speaker, any legislative proposal we pass will take years to implement. If we are to avoid continued damage to our country's vulnerable lakes and forests, we must apply the brakes to our air pollution rate now.●

THE ACADEMY OF MODEL AERONAUTICS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. WOLF. Mr. Speaker, on Thursday, July 12, I had the opportunity to visit the Academy of Model Aeronau-

tics which is located in Reston, VA, in my congressional district. I personally enjoyed my chance to observe some of the many exciting activities taking place at the academy, and I wanted to share with my colleagues some information about this valuable resource located so close to our Nation's Capital.

The Academy of Model Aeronautics was founded in 1936 to represent and coordinate the interests of all model aviators in the United States. As a division of the National Aeronautic Association, the academy has grown to truly national group with more than 90,000 members in 1984. The academy hosts international contests in the United States and sends qualified teams to foreign countries to represent the United States abroad in the challenging field of miniature aircraft competition. Distinguished Americans such as Frank Borman, Neil Armstrong, and Dr. Paul MacCready are or have been members of the academy and credit youthful interest in model aviation as the factor that led them to careers in aerospace.

Thousands of Americans of all ages and backgrounds spend their leisure time with this instructive, constructive, challenging, and educational form of recreation. The educational aspects of model aviation have been well recognized by hundreds of schools across the country and the academy actively encourages its members to assist local schools to use the sport as a helpful tool to encourage young people to grasp the basics of science and mathematics.

The academy provides several scholarships each year from its own funds to assist deserving college age students in their pursuit of higher education. Many recipients of AMA scholarship have gone on to careers in the field of aerospace. Many academy members have contributed greatly to the advancement of aviation and aerospace interests in this country due to their research and ingenuity developed through years of exposure to miniature aircraft.

As a nonprofit association, the academy is completely self-supporting and does not receive a single penny from any government source. In spite of this the academy recently opened its own headquarters in Reston, VA, with all initial funding provided from its members and supporters. This beautiful building, named the National Center for Aeromodeling, houses a research library, a museum with thousands of model aviation exhibits, and a visitors center. Thousands of visitors have passed through the doors in the last 18 months—people from all over the United States and hundreds of overseas guests. The center has become a resource facility for many schools and youth groups in the metropolitan Washington region, allowing teachers and other youth leaders to introduce young people to the wonders of model aviation.

In 1984 the academy will again host its annual national championships, this time in Reno, NV, providing the opportunity for all members to compete in more than 70 different events that represent all phases of the world of miniature aircraft. Membership in the academy is open to all people regardless of their background or economic status, thereby providing a completely unrestricted opportunity for all persons having an interest in model aircraft to meet, exchange ideas, to compete against their fellow members, and to gain knowledge and fellowship. The 58th annual championships is expected to draw thousands of flyers and guests from dozens of States.

As the academy approaches its 50th anniversary, I would like to take this opportunity to congratulate all those associated with the organization for their constructive and very valuable contribution to the important task of interesting Americans in aviation, and for their work in opening the eyes of young Americans to the pleasures, skills, and learning opportunities that are available to them through model aviation.●

UNITED STATES-SOVIET DIPLOMATS SHOULD BE EQUAL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, today I am introducing legislation that would correct a serious disparity that has existed for many years in our relations with the Soviet Union. While we are allowed to send no more than 300 diplomats to the Soviet Union, they have approximately 1,000 diplomats here in this country. To some people this may not seem unusual, but given the fact that many of the Soviet diplomats are in actuality KGB agents or operatives, this situation becomes extremely grave. The repercussions of having 700 more Soviets in the United States than we have in Moscow begins to seem even more serious when one examines what their goals are: to obtain classified U.S. military and technological information; to plant and disseminate disinformation in the media that is favorable to the Soviets or unfavorable to the United States; to recruit agents of influence from among the ranks of journalists, politicians, and the military.

Because of this disparity, I am introducing a bill that would limit the number of Soviet diplomats in this country to the same number of diplomats that the United States is permitted to send to the Soviet Union. This idea of reciprocity would extend to any other Communist country as well, thereby keeping the number of Communist diplomats at a more reasonable level. This bill would also apply to diplomatic immunities—any immunity that is not granted to our diplomats will not be granted to their diplomats here.

I believe that passage of this legislation is be in the best interest of our national security and our diplomatic representatives stationed in Communist countries, and I therefore hope that my colleagues will join me in cosponsoring it.●

TRIBUTE TO COLUMBIAN-PROGRESS NEWSPAPER

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. DOWDY of Mississippi. Mr. Speaker, I believe that a free press is one of America's most important and basic rights. Today, I join with many citizens in my district in contratulating the Columbian-Progress—a newspaper that symbolizes this freedom—as it celebrates more than a century of service to Columbia, MS, and surrounding areas.

This week the Columbian-Progress is celebrating its 102d birthday. Although the present-day newspaper has been known at times during its history by other names—the Pearl River News, the Marion County Progress, and the Columbian—it has been consistent in its leadership and service to Columbia and the Marion County area.

The Columbian-Progress has been recognized annually for the past several years by the Mississippi Press Association as a top newspaper in its circulation category. It has recently increased its publication days from a weekly to biweekly basis. Additionally, in the beginning years of its second century of publication, the Columbian-Progress has expanded its offices, added staff members, and can boast of a circulation that is growing daily.

The Columbian-Progresss has made many important contributions to its community and to the field of journalism. I join many other Mississippians today in wishing the newspaper's editor and staff success in continuing to grow during its second century of publication.●

ABANDONMENT OF THE ANTI-MERGER ENFORCEMENT ENDANGERS PUBLIC

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. FLORIO. Mr. Speaker, the recent Government green light for mega-mergers in the oil industry illustrates the lengths to which this administration will go in its bigger-is-better philosophy.

In its consideration of the giant Texaco-Getty merger, the Federal Trade Commission acknowledged the deal's serious anticompetitive implications. However, rather than enforcing the law by stopping the merger, the FTC's majority strained to approve it. Having admitted the existence of competitive problems, they have attempted to finesse them by imposing a complex regulatory structure in one region of the country.

Elsewhere, the anticompetitive implications of the merger are supposedly going to be addressed by divestitures ordered by the FTC. The only trouble is that the merger has been allowed to proceed before anyone knows whether the assets to be divested will be purchased and run as viable competitive businesses. When my subcommittee held hearings on legislation to correct this roulette wheel approach to merger enforcement, the Justice Department stated that legislation was unnecessary since the enforcement agencies could correct the situation themselves. This the FTC has failed to do in its clearance of the Texaco-Getty deal.

These points are spelled out in detail in the dissenting opinion of FTC Commissioner Pertschuk which I am here inserting in the RECORD.

I would only add this question. What does the administration think it gains by a policy that threatens competition and consumers, puts further pressure on interest rates, and jeopardizes our future energy independence? Everything is sacrificed on the altar of favoritism for the few and in the name of a philosophy committed to ever greater concentrations of private power.

DISSENTING STATEMENT OF COMMISSIONER PERTSCHUK CONCERNING TEXACO-GETTY FILE No. 841 0077

Contrary to what appears to be prevailing Commission policy, Congress did not direct the antitrust agencies to strain the seams of the consent agreement-partial divestiture process to preserve massive mergers. We could have sued to enjoin this acquisition and we should have.

The final order as adopted by the majority has two major flaws. It fails to remedy a major competitive problem concerning independent refiners in California and instead creates a highly regulatory, incredibly complex and temporary crude supply program. Second, it fails to incorporate safeguards recently included in the Socal/Gulf agreement and, therefore, risks the ultimate unsuccessful divestiture and closing of assets which must be spun off under the order.

The staff's theory concerning the west coast crude oil market is that Getty has been the largest supplier of heavy crude oil to non-integrated refiners in California. Texaco does not have the same incentives as Getty to supply independent refiners, in large part because of the Windfall Profits Tax, and, therefore, is more likely to divert crude to its own refinery system. Such a diversion would endanger the long run viability of refiners there and provide a means and added incentive for Texaco to attempt to acquire them at distress prices.

The Commission accepts this theory but opts for the inadequate remedy of requiring Texaco to supply crude oil for five years to independent refiners. This crude allocation scheme has become more complex between the initial and final versions of the order because of new questions about how to calculate price, volume, and related terms such as transportation and credit. The staff has done a good job under the circumstances in constructing a complex system which attempts to be fair, but the resulting scheme is incredibly complex and uncertain, as indicated by the fact that its features were still being revised and new problems discovered even within the last few days. According to staff, Texaco itself argued in negotiations that it foresaw the possibility of large numbers of disputes and that the resolution of them "might take 100 years." As the Deputy Director of the Bureau of Economics argues, for the FTC to recreate the Petroleum Entitlements Program when the agency has consistently challenged the regulatory actions of other agencies is inappropriate.[1] Moreover, the majority's confident reliance on only a five year requirement is speculative and may well prove inadequate.[2]

The second problem is that the order does not include the safeguards that were built into the provisionally accepted *Socal/Gulf* order, in particular, holding the two companies separate until the proposed divestitures are approved and providing for additional assets, including crude oil, to be divested in order to insure spun off assets remain viable. The staff makes an argument that the concerns that necessitated the safeguards in Socal/Gulf are not applicable here. I disagree. The general proposition that was recognized in Socal/Gulf was that divestiture of oil company assets, particularly refineries, may not result in viable entities. One way to insure these divestitures are successful is to include additional assets, such as a crude oil supply, in the divestiture package, and to hold the merging companies separate—and in effect retain the option to challenge the underlying transaction—if the divestitures prove to be unworkable.

The Commission justifiably claimed that the Socal/Gulf agreement was a major improvement over prior partial divestiture orders. But now, without any real ground for treating this agreement differently, it refuses to adopt the Socal/Gulf approach. The risk of unsuccessful divestitures arose most clearly in the case of the two refineries—Eagle Point and El Dorado. In the case of the El Dorado refinery, the Commission purports to have solved the problem of preserving it by allowing Texaco to retain it, along with pipeline and other assets, and instead divest its interest in the Wyco pipeline. Originally, staff says, the inclusion of the El Dorado refinery in the divestiture package with the Chase pipeline was justified on the grounds that this pipeline divestiture would not be viable without a refinery. It is not entirely clear why now the Wyco pipeline interest can be divested alone, but no additional assets are needed to insure viability. As for Eagle Point, the Commission hopes for the best.

Given that the Commission has not included any special safeguards in this order, it is enlightening to review the administration's response to Congressional consideration of H.R. 5452, introduced by Congressman Florio, which would insure that an oil company merger did not become final until the divestitures were approved.[3] The Justice Department opposed this bill, arguing: "its basic goals . . . are fully protected by existing procedures. . . . If a hold separate order is required pending any given divestiture, it can be obtained through consent or litigation."[4] Thus, we have the spectacle of the FTC failing to include safeguards in one merger order that it said were necessary in a similar case weeks ago, while the Justice Department opposes additional legislation on the grounds that the antitrust agencies can obtain these safeguards through existing procedures.

CONCLUSION

The error of the majority in this case has been to accept too readily the presumption that, whatever we do, the basic transaction must be preserved. As a result, we have accepted an extremely complex and uncertain partial divestiture plan along with a temporary and highly regulatory crude oil entitlements program. I continue to believe the Commission would have been more faithful to the Congressional intent behind Section 7 of the Clayton Act by seeking to enjoin this merger.●

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[1] It is frequent Commission practice for an individual Commissioner to state publicly the theories and findings of staff in explaining his or her decision on a Commission decision if no confidential commercial information is disclosed. Nevertheless, the General Counsel recently prepared a memorandum interpreting our confidentiality rules as forbidding any individual Commissioner from stating publicly any staff arguments or conclusions prepared to aid Commission deliberations unless a majority of the Commission agrees. Needless to say, this sweeping interpretation would mean that the majority could pick and choose which staff findings an individual Commissioner could disclose. Thus, it provides ample opportunity for suppression of dissenting views as well as making the process of Commissioners communicating with the public about what the agency is doing and thinking extremely cumbersome. The General Counsel's opinion has fortunately never been adopted by the Commission. It is impractical, contrary to past practice and highly inadvisable. I decline to follow it.

[2] See, e.g., the Comments of California Attorney General John K. Van de Kamp (Comment No. 283) and independent refiner comments (No. 228, 236, 237, 240, 263).

[3] Similar legislation was introduced in the Senate by Senator Kassebaum.

[4] Letter from Robert A. McConnell, Assistant Attorney General for Legislative Affairs, to Congressman James J. Florio, June 13, 1984, p. 6.

SIXTY YEARS OF LOVE AND DEVOTION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. GOODLING. Mr. Speaker, the celebration that marks 60 years of marriage is indeed a very special occasion. But the distinction that we observe this day is not so much the many years that have passed as it is a recognition of the very special people who have shared their love and devotion throughout these 60 years, Chalmers and Lottie Sechrist.

The Sechrist's residing in Shrewsbury, PA, were married on August 7, 1924. Together, since that day, they have witnessed the worst of times and the best of times. Together, they have survived a Great Depression and have known a world war. Together, they have offered much to others and to their community while they have asked for little in return.

Throughout these years, Chalmers and Lottie Sechrist have been active participants in their community, ranging from their numerous business interests throughout southern York County, including automobile dealerships and repair shops in Shrewsbury and Glen Rock, a restaurant in Shrewsbury, and a number of movie theaters in the towns of Shrewsbury, Glen Rock, New Freedom, and Stewartstown.

Their strength in sustaining these numerous enterprises for many of these 60 years was surpassed only by the strength of their marital union, a shared strength that was conveyed to their three children, daughter Lorie, and sons Chalmers, Jr., and Frank. This model of strength has always served as a lesson for all who have known them and for those who have come to respect and admire them.

Chalmers Sechrist received little in the way of a formal education, but his knowledge of mechanical things and living plants would rival any engineer or professional gardener. His dedication to hard work comes out of desire, rather than sheer necessity. His wisdom of knowing what is right and proper has always been paramount. Above all else, his love of family and his unceasing devotion to his wife have always been first and foremost.

Lottie Sechrist never had the benefit of the level of schooling that she certainly deserved, but her knowledge of the world and her grasp of history would certainly place her in the ranks of commentators and historians. Her talents of cooking and skills of housekeeping are remarkable and unsurpassed. Her insight into the feelings and concerns of others is constant and unyielding. Most of all, her strong support of her husband has always been known while the wisdom of her guiding hand has gently but steadfastly directed the development of their children.

For Chalmers and Lottie Sechrist, the distinction of these 60 years is not so much what they have achieved or how well they are known, rather, the honor lies in the love they have constantly given to one another and the sharing of this love with their children, grandchildren, and their great-granddaughter.

Mr. Speaker, I feel that we, the Members of the U.S. House of Representatives, should take the time to recognize this special occasion for Chalmers and Lottie Sechrist. It is from their example that we can learn and appreciate their 60 years of love and devotion. May they have many, many more years to share and enjoy.●

FLAG RAISING CEREMONY IN LATHAM PARK

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. McKINNEY. Mr. Speaker, occassionally, those little moments come along to remind one of this very special Nation we call home. I'd like to tell you the story of one of those times I shared recently with two special people who live in my congressional district.

Sabina Borkoski spends many hours sitting on her apartment terrace watching activities in Latham Park, a small patch of green in the growing metropolis of Stamford, CT. The park was named for local World War I hero John C. Latham, and the American flag has flown there daily in his honor. However, just a year ago Mrs. Borkoski found her view changed. The flag was gone, apparently stolen. A deeply patriotic person, she said holidays did not seem right without the flag flying across from her home. Calls to city agencies brought no new flag, only explanations that the city didn't replace missing park flags because they merely get stolen again. Mrs. Borkoski finally called her Congressman's office.

So, on July 3, 1984, we had a small flag raising ceremony in Latham Park. A friend had posted notices in nearby apartment buildings and many neighbors surrounded us as Sabina Borkoski and I, together, hoisted a new flag over Latham Park. The neighbors cheered and saluted. Mrs. Borkoski said simply: "She's beautiful, thank you." But the tears running down her face told me much more. I could only think: "Thank you, too, for reminding me why I love serving in Congress."

I mentioned that there are two women in this story. The other is Dorothy Scofield, owner of the florist shop next to Latham Park. Hearing of Mrs. Borkoski's efforts, the florist volunteered to serve as keeper of the flag. Every morning, Mrs. Scofield starts the day by raising the flag over Latham Park. In the evening, she puts it safely away in the florist shop before going home.

Thus, on the Fourth of July, Sabina Borkoski's day started on her apartment terrace, as she proudly looked at our flag waving in the breeze. And our national symbol of freedom will greet her every morning hereafter, as it will the children who play in the park and those who drive past or stop for a few minutes of quiet. Both Mrs. Borkoski and Mrs. Scofield are to be commended for their unselfish efforts, for appreciating what these United States should mean to all of us.●

CUBA: WE SHOULD NEGOTIATE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to include in today's RECORD an intriguing article from the New York Times magazine of July 29 by former Ambassador Wayne Smith.

Mr. Smith, whose experience with United States-Cuban relations spans more than two decades, argues correctly that the time has come for opening diplomatic channels again with Cuba. Fidel Castro has moderated his stand over the years, forced to deal with the complicated reality of international relations and not just the single-minded drive for social revolution. We have nothing to lose and everything to gain by exploring the bounds of Mr. Castro's new moderation. Last July, Castro suggested that he would be willing to withdraw all Cuban military personnel from Nicaragua and cut off arms supplies if the United States were willing to consider a reciprocal arrangement. The withdrawal of foreign troops has been a longstanding request of the United States in the region; why have we not taken this opportunity to explore it?

This article indicates a hopefulness that an effort toward Cuba at this point could create a new and productive relationship between our two countries. I commend the article to the attention of my colleagues:

[From the New York Times Magazine, July 29, 1984]

CUBA: TIME FOR A THAW?

(By Wayne S. Smith)

To return to Havana was to evoke memories of other arrivals, other times.

I went back last May to complete research for a book on United States-Cuban relations. There were places I wanted to see again, old friends I wanted to look up. From

Cuban officials in Washington I had a half-promise of an interview with Fidel Castro. I wondered if it would be different talking to him as a private citizen than it had been as a diplomat.

As the plane dipped low over the city, I remembered my first arrival, in the summer of 1958, when I was a brand-new Foreign Service officer with a wife of only two weeks on my arm. We sailed in at dusk to a honeymoon in the midst of a revolution. We stayed on for two-and-a-half years of upheaval, as Castro overthrew the Batista regime and began to lead Cuba into the Soviet camp.

The whole American Embassy staff sailed out of Havana harbor on Jan. 4, 1961, following the severance of diplomatic relations. I remember standing at the rail with my wife, watching the city slip behind us. As we went past Morro Castle and cleared the harbor mouth, we could see the lights of the embassy building, which stands on a headland, blinking rapidly on and off. It was a final farewell from the Cuban employees we had left behind, and it continued until we were out of sight, as though to maintain some bond until the last possible moment.

My second arrival was 16 years later. During most of that interval, the only relationship between the two countries was almost literally through the barrel of a gun. The United States tried invasion at the Bay of Pigs and assassination plots against Castro, then turned to efforts to isolate Cuba. Castro advocated armed uprising throughout Latin America and insisted that the only way to deal with "imperialism" was over its corpse. It was not until Castro began to soften his approach in the early 1970's that some possibility of accommodation began to emerge.

In April 1977, after participating in exploratory discussions between American and Cuban officials in New York, I found myself on the way back to Cuba as one of a group of American diplomats charged with pursuing matters of mutual interest in a second round of talks. I recall my excitement as our plane came within view of the Havana skyline and my surprise at the city's unchanged face.

But that was only from a distance. Once on the ground, I could see that the city was shabby and rundown. Even along the main streets, most buildings had not been painted in years. With the exception of the unbiquitous Soviet jeeps and a few Ford Falcons of Argentine manufacture, virtually the only cars on the street were dilapidated old American models left over from the 1950's. The people, for the most part, were poorly dressed and looked tired and demoralized.

During our discussions with the Cubans, the idea was raised of opening "interests sections" in each other's capitals. This would be a device for resuming direct diplomatic communications without re-establishing formal relations. We went to look at our embassy building. For me, it was like walking into a haunted house. President Eisenhower's portrait was still hanging in the main entrance. In the offices, pictures of coworkers I had not seen in years hung on the walls.

Lined up at the door to receive us were several of the Cuban employees who had worked for the embassy before the break in relations—perhaps the same ones who had blinked the lights that evening in 1961. Yes, they said, they were well. There had been some difficult years, but things were improving. It would lift the spirits of the Cuban people, they said, to have some contact with the United States again.

Our visit lasted only four days. But the interests sections were opened in September 1977, and in 1979, accompanied by my wife and children, I came back to take over from Lyle Franklin Lane, the first chief of our section in Havana. Theoretically, it was part of the Swiss Embassy, just as the Cuban section in Washington was part of the Czechoslovak Embassy. To all intents and purposes, however, we had a diplomatic mission in Havana—in our own embassy building—and I was the new de facto ambassador.

By this time, the Cuban Government's early policy of diverting resources from Havana to the countryside had been abandoned, and the city was undergoing a face lift. Potholes has been filled, many buildings given a coat of paint. Havana was becoming Havana again. But the people still had a drab, worn look about them. The Cuban revolution had succeeded in fulfilling basic needs for all—education, medical care, sufficient food, just enough clothing, barely enough housing—but there were certainly no frills.

During the three years of our new life in Havana, we noticed some improvements in the supply of food and clothing, and even a few more consumer goods began to appear. But no one could claim any improvement in United States-Cuban relations. The initiative of 1977 had run afoul of conflicting objectives in Africa and Central America and of unrealistic expectations, misunderstandings and mistakes on both sides. The mistakes culminated in the Mariel sea lift in the summer of 1980, during which some 125,000 Cubans, including some criminals and mentally ill, arrived in the United States in small boats, without visas.

I hoped at the time that out of the extreme tensions of this episode some good might come; that both sides might finally realize that, despite their very real political differences, a greater commitment to problem-solving through diplomacy was in their mutual interest. That, however, was not to be. The Reagan Administration from its first months in office swung back to the pre-1977 policy, refusing to discuss anything with the Cubans. In the summer in 1982, concluding that I could accomplish nothing, and feeling that I had been through this before, I left both Havana and the Foreign Service.

On the seaside drive from the center of Havana stands a reminder of the love-hate relationship between Cuba and the United States. It is the monument to the battleship Maine—only a stone column now, with twisted bolts that used to hold a large cast-iron American eagle with outspread wings. On the evening of May 1, 1961, after the failure of the American-sponsored Bay of Pigs invasion, a rally was held at the monument, and a wrecking ball sent the eagle crashing to the ground below. The body, with its crumpled wings, is on display at the city museum, among other "relics of the imperialist past."

On the night of the rally, however, four Cubans, at great risk to themselves, appeared at the door of the American Embassy building with the eagle's head. They had rescued it, they told the Swiss officials who were there representing the United States in the absence of direct diplomatic relations with Washington. Here it is, they said; take care of it.

The eagle's head was in the basement when I assumed charge of the interests section in 1979. I had it brought up and mounted on the wall of our reception room. I also had several talks with the director of the city museum, Dr. Eusebio Leal Spengler, who agreed that the eagle's head and body should be rejoined. We both knew this could not be done without some modus vivendi between our two countries.

The eagle's head, I noted upon my latest return to Havana, was still on the wall of our interests section. But the accord that could put the eagle back together again seemed farther away than ever.

The hallways were full of memories—of sleeping there, back in 1960, to defend the building from mobs that never materialized; of the bloody day in May 1980, when there was a pitched battle in front of the building between Government supporters and some 800 former political prisoners and their families, 400 of whom took refuge inside the building and lived with us for almost five months, eventually leaving for the United States.

After paying my respects to the new chief of our interests section, John Ferch, I drove around Havana. The city looked even better than two years before. More buildings had been repaired and given a fresh coat of paint. There was a new vitality in the streets. The old cars had all but disappeared, replaced by new Soviet and Eastern European models. The people were better dressed, and seemed to have regained some of their old bounce and vibrancy.

They also looked better fed. The "free markets," established in 1980 to enable farmers to sell their surplus products directly to the consumer for whatever price they could get, were crowded and doing a thriving trade. Chicken, meat, fruit and vegetables were all readily available, though at relatively high prices. Even the state outlets, where foodstuffs were rationed at low, subsidized prices, were stocked less meagerly than in 1982.

"Yes," said an old acquaintance from the diplomatic corps at dinner that night, "things have improved. Not only are there more goods but the atmosphere is more relaxed."

That surprised me. Given heightened tensions between Havana and Washington, I had come expecting something of a siege mentality.

"No," the diplomat said, "it is quite the opposite. There are doubtless some concerns about a U.S. attack, but by now the Cuban people take that in stride, and, like most people, their main concern is with their daily lives, which are improving."

Some of the diplomats' wives attributed the greater availability of goods not only to increased production but to the expansion of the Government's parallel market system. This consists of special state stores that offer a wide variety of products at higher prices than at the ordinary state stores, where goods are rationed. Even stylish dresses are now available at these "parallel" stores, the women told me, and, in keeping with this new mood, the Government organized an international fashion show with the participation of fashion houses and magazines in France, Italy, the United States and other countries. There has been nothing like that since 1959.

Why is the Government paying more attention to consumer desires? One Western diplomat thought the authorities were startled by the number of Cubans who wanted to take advantage of the Mariel sea lift and by the depth of their disgruntlement. Another diplomat said that Cuba's leaders were determined to avert the kind of trouble that took place in Poland—an outcome, in their view, of the Polish Government's

loss of contact with the people and lack of concern for their welfare.

Whatever the reason, Havana does show signs of a comeback. It is not the throbbing city of lights it once was. But it may be better off without some of the former "lights"—the rampant corruption, gambling and prostitution of the old days—and the degree to which it has recovered part of its style and beauty is encouraging. When I first returned in 1977, I thought the old incomparable Cuban spirit was dead, replaced by regimentation and/or sheer dedication to a cause. On this trip, I detected a strong pulse.

My lunch companion at the Bodeguita del Medio was Eugenio Balari, president of the Institute of Internal Demand. The small, bohemian bar-restaurant just off Cathedral Square was one of Ernest Hemingway's favorite haunts. My wife and I used to go there often. Errol Flynn, who had a corner table almost every evening in late 1958, bought a drink for us one night—and for everyone else in the place.

The Bodeguita is enduring, almost immutable. From the ceiling still hangs a chair that has been kept there for a favorite client killed long ago, according to legend, in a plane crash—just in case he ever comes back for a drink. I saw one change, however, as Balari and I were seated. The guitarists were now turned out in beautiful new white linen outfits.

I asked Balari if the costumes were part of a new program to be nice to the consumer and the tourist. He laughed and said they probably were. Cuba needs tourist dollars, he said, and has to provide color and good accommodations to attract them. The Government wants to make life as comfortable as it can for its citizens, he went on, so it guarantees basic necessities to all at very low prices through the ration book, but then provides amenties at more realistic prices through the parallel stores.

Yet, I observed, a supermarket in, say Mexico City or Lima offered its customers more than either the free markets or the parallel stores in Cuba. Balari acknowledged this, but pointed out that those cities were surrounded by slums populated by hundreds of thousands of people who could not afford anything offered in those supermarkets. The pie may be smaller in Cuba, he argued, but it is equitably distributed. The trick now is to make the pie bigger.

In that regard, the Government's hopes assume continued modest growth of the Cuban economy—at a time, it was pointed out to me, when many other third-world economies are in desperate straits. This expectation, however, is linked at least in part to the continuation of almost $4 billion in subsidies that Cuba receives each year from the Soviet Union.

After lunch, I walked around the old section of Havana and visited some of the big hotels. The place was aswarm with tourist, more Canadians and Western Europeans than I remember seeing before—though, of course, no Americans, because of the Reagan Administration's 1982 ban on any expenditures of funds for tourist travel to Cuba, a ban recently upheld by the Supreme Court. When I had a chance to chat that evening with the president of the Cuban Tourism Institute, José Luis Padrón, he confirmed that tourism was booming. Within a year or two, he said, it may surpass sugar as a hard-currency earner.

I made a point of having coffee one morning with an old Cuban friend, a writer with whom I had discussed Cuba's international positions many times in the past. (He wishes to remain anonymous.) Over thick black espresso, he pointed to significant shifts in Cuba's foreign policy that he believed had been missed or ignored by the United States.

Compare, he said, the Second Declaration of Havana, a fiery statement by Castro on Feb. 4, 1962, with the Government's present attitude. "Then, Castro called for revolution throughout the hemisphere. It was a virtual declaration of war on the other governments, and he meant every word of it. Our approach then was to support guerrillas anywhere and everywhere."

Today, my friend continued, Cuba has normal diplomatic relations with eight governments of the Organization of American States, most of which it had once sworn to overthrow, and is seeking to establish relations with a number of others. "Our theoreticians, moreover, now speak of only two countries where conditions exist for revolution. Those countries are El Salvador and Guatemala."

"Our approach today, when compared with that of the 1960's, is obviously far more selective," the writer said. "We are willing to coexist with those governments willing to coexist with us—through there are certain tyrannical governments, such as Pinochet's in Chile, with which we wish to have nothing to do. Sooner or later, the popular forces in those countries will win out, but that does not depend on us."

He also pointed to the change in Castro's speeches. In a speech on March 13, 1965, Castro said peaceful coexistence between East and West was impossible. At the 1973 meeting of nonaligned nations in Algiers, he pushed the idea of a natural alliance between Moscow and the third world. But by the time of the 1983 nonaligned summit in New Delhi, it was a different story. He urged the need for détente, did not push the idea of a natural alliance with Moscow and did not even mention the Soviet Union.

"No," concluded my Cuban interlocutor, "this is not the same Cuba, or the same Castro you had to deal with 20 years ago. Both have matured and become more pragmatic. We hold to our revolutionary principles, but interpret and implement them in a different way. We will not sever our ties with the Soviet Union. At the same time, however, we certainly understand that our interests and Moscow's don't always coincide—perhaps not even usually."

It was my last evening in Havana, and I was prepared to leave without seeing Castro, when I received a phone call informing me that he would receive me late that night. Late-night calls are the norm with Castro, whose schedule seems to run around the clock; I remember calling on him once at 2 A.M.

This time Castro greeted me at the door of his spacious office in the Central Committee building. There were a few more gray hairs in his beard, but he had the look of a man in robust health who had every intention of being around another few decades.

Settling myself on the sofa with notebook in hand, I opened the conversation by reminding him that he once rejected the concept of peaceful coexistence. Now, however, he often seemed to be one of the foremost advocates of détente. Was this now a key tenet of Cuba's foreign policy?

Castro replied that circumstances change, and political leaders, one hopes, grow wiser. Without arguing what Cuba's attitude may have been in the past, he said, its conviction today, without question, is that détente is crucial.

"It is not simply that the two superpowers have the capability of destroying each other many times over and that the higher the tensions, the greater the chance of a tragic accident or miscalculation," he said. "Even if the two never come to the nuclear exchange that would mean the end of the world, East-West tensions divert attention from other pressing problems, and the arms race leads the world toward economic disaster.

"Rather than joining forces to tackle the real challenges faced by mankind—food supply, disease, energy and protection of the environment—East and West are locked in sterile political conflict. While the poor nations become poorer and the imbalance between North and South grows ever more dangerous, the superpowers continue to squander resources on the construction of still more nuclear weapons, as if there weren't already enough of them."

I commented that there were those who would say that Cuba's involvement in Central America hardly contributes to an atmosphere of peaceful coexistence.

"That is a totally one-sided view," Castro replied. "Cuba is not responsible for the upheaval in Central America. It was not Cuba that saddled Nicaragua with the tyrannical Somoza dictatorship. It was not Cuba that imposed bloody repressive military dictatorships and grinding social injustice on the Salvadoran people. The peoples of those countries have reacted against these injustices.

"Nicaragua is now a free and sovereign country. Cuba has every right to assist her. It also sympathizes with the struggle of the Salvadoran people. But it is not Cuba that is fueling tensions in Central America. Quite the contrary—it has tried to reduce them. It has made it clear that it would favor political solutions in the area.

"It is natural," Castro continued, "that Cuba and the United States have different views as to how the problem of social injustice in these countries ought to be addressed. But that is not important, for it should be the Central American people themselves who decide what remedies are best suited to their needs. With that in mind, Cuba has on several occasions indicated its support for arrangements aimed at the removal from the area of all foreign military presence. The United States has shown no real interest in those overtures."

Castro recalled that last July he publicly expressed his willingness to consider, in consultation with the Nicaraguan Government, the removal of all Cuban military personnel from Nicaragua and an arms embargo applied to the entire region—provided the United States would also withdraw its military personnel from the area and respect such an embargo. That proposal still stands, he said; some such reciprocal arrangement could be worked out if the United States were willing to begin serious negotiations.

"The grounds for an accommodation acceptable to all are there," he said. "Negotiations, however, can only succeed if the will exists on both sides to make them work. And, frankly, our experience with the present United States Administration has been such as to make us very skeptical. Its few gestures in the direction of negotiations have always seemed to be aimed more at assuaging public concerns in the United States, or at some other domestic political calculation, than at initiating a serious diplomatic process. Still, if there is ever any seriousness of purpose on the other side, Cuba

is prepared to cooperate in the search for peaceful solutions in Central America.

"Cuba also hopes that at some point there can be a more sensible relationship with the United States. But we have no illusions that the present Administration is really interested in that. We can wait. Someday our two countries will live peace."

We had been together for almost two hours. As he showed me to the door, Castro spoke with enthusiasm of some of the projects to return Havana to its former glory. El Pacifico, the famous old Chinese restaurant, is being reopened, as are many of the other pre-1959 restaurants. Whole blocks of the old colonial city are being restored. "Havana," Castro said, "is going to be better than ever."

I hope Castro is right, for Havana is not just his city. Some small part of it, surely, belongs to the memory of Hemingway and to the thousands of other Americans who lived there over the years and came to love it. However, even if the material improvements that are so obvious today continue at the same promising rate, this is not a society of which I, as a Jeffersonian democrat, would wish to be a citizen. There is no free press and very little freedom of expression. The Rev. Jesse Jackson succeeded in freeing 26 political prisoners, but various human-rights organizations estimate that there may be upward of 1,000 still in prison.

Yet in this area, too, Cuba gives evidence of evolving. While one political prisoner is one too many, the number of such prisoners today is far smaller than the 60,000 to 80,000 estimated at one point in the 1960's. The atmosphere is unquestionably more relaxed. There has been some liberalization in the literary arts. Writers who earlier suffered expulsion from the Writers Union—and a consequent ban on their works—have been readmitted, and most of them are publishing again.

In terms of United States-Cuban relations, I doubt very much that it would have been possible to reach any accommodation with the Castro of 1960, even with a more intelligent American policy at the time. That Castro, in the way of inexperienced and headstrong young men, was simply too determined to breathe fire in all directions. The Castro of 1984 remains a formidable adversary. His views and objectives will often conflict sharply with ours, as they do in Central America and as they did in Grenada. Cuba continues to station troops in Angola and Ethiopia at the request of the Marxist regimes of those countries. Clearly, we are not destined to be friends.

But Castro is now a leader who has dealt with the world as it is—and with the Russians as they are—for a quarter of a century. Nothing could be more calculated to produce a sense of realism. Not surprisingly, then, Castro gives evidence of a patience and a disposition toward accommodation that were uncharacteristic of him during his early years in power.

The Castro of 1984, unlike the Castro of 1960, is a man with whom we might deal. We would not trust him, nor he us. Nevertheless, many of the problems between us could be resolved through dialogue, compromise and negotiated agreements subject to verification. Such an approach could hardly be less productive than the one we are pursuing today.●

PRINCESS MELE SIUILIKUTAPU KALANIUVALU FOTOFILI OF THE KINGDOM OF TONGA

HON. FOFO I.F. SUNIA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. SUNIA. Mr. Speaker, I hope you will join me in welcoming to our Capital City a revered lady who has traveled even farther than I to experience our home away from home here in Washington. On Tuesday, August 7, I will have the honor of meeting Royal Highness, Princess Mele Siuilikutapu Kalaniuvalu Fotofili of the Kingdom of Tonga.

Princess Mele will come to us from a place that is located in the Central South Pacific about 400 miles east of Fiji and 400 miles south of my home, American Samoa. The Kingdom of Tonga is blessed with 171 beautiful islands, but only 36 of those islands are permanently inhabited. The Tongans, Samoans, and Hawaiians are brother Polynesians.

The Princess will bring with her an outstanding family history and personal record of achievement. She is the eldest daughter of the Prime Minister of Tonga, Prince Fatafehi Tu'Ipelehake, and she is the granddaughter of the late Queen of Tonga, who held the throne from 1918 until she passed away in 1965. Princess Mele is the niece of the present King of Tonga, His Majesty, Tafa'Ahau Tupou IV.

Tongas has a legislative assembly which was able to boast the membership of the Princess as a representative of the commoners. She has the distinction of being the first member of the royal family of Tonga whom the commoners had ever elected to represent them in the legislative assembly.

A significant percentage of American Samoa's population today are Tongans. They are engaged in a variety of occupations which are in need of their skills. Some have started businesses of their own.

Many Tongans are residents of our country, primarily on the west coast and in the State of Hawaii. There is a large active and growing community in the area of San Bruno, CA. Congressman TOM LANTOS and I were honored at ceremonies there a year ago. Many have become U.S. citizens.

Our Chamber is honored today by her presence, and we hope that upon her return to the alluring Kingdom of Tonga that she will speak well of her sister in the South Pacific, American Samoa, U.S.A. We welcome you to the United States, Princess Mele.●

MARC ALAN BRONSTEIN AWARDED NATIONAL MEDAL OF MERIT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise to take this opportunity to acknowledge the outstanding efforts and dedication of a distinguished gentleman whose years of participation with the Boy Scouts of America serve as an inspiration to the many youths with whom he has been so actively involved. Marc Alan Bronstein whose exceptional courage and character, resulted in his being awarded the National Medal of Merit for saving the life of an injured Scout is an example that Scouting brings out the best in all who aspire to achieve.

Marc has continously demonstrated his unflagging commitment toward improving the quality of life for all of our citizens, particularly children and teenagers who otherwise would not have been able to participate in the Boy Scouts. During his many years as scoutmaster of Troop 113 he has never missed a meeting or a troop campout. He has enthusiastically led his troops on various expeditions through the Grand Canyon, to Philmont Scout Ranch in New Mexico, and to the World Jamboree in Calgary, Canada. Marc has given most selflessly of his time, energy and expense to insure that his Scouts experienced the very best that Scouting has to offer.

The Scouts of America have benefited tremendously from the talents and devotion of Marc Alan Bronstein. In addition to his Scouting responsibilities Marc also managed to work his way through college, earning degrees in both law and accounting. He is also a certified public accountant.

On behalf of the Boy Scouts of America and the community which he has served so diligently, I salute Marc for his outstanding contributions to the youths of Los Angeles. While the Scouts may be losing a great friend, I am sure that they all join with me today in wishing him and his fiancee happiness and fulfillment in all their future endeavors.●

ADMINISTRATION'S ASSAULT ON ORGANIZED AMERICAN LABOR CONTINUES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. FLORIO. Mr. Speaker, I place today two articles in the CONGRESSIONAL RECORD. One article is from the

Washington Post of August 1, 1984, and describes the unprecedented role which the President has assumed in the upcoming talks between the United Auto Workers Union and the automobile industry. The other article, taken from the Star Ledger, of New Jersey, July 30, 1984, refers to charges of the New Jersey State Industrial Union Council that the recent unilateral imposition of the "two-tiered" pay plan upon the employees of the U.S. Postal Service is part of the administration's effort to "lower wages and cause dissension" in the private sector.

Mr. Speaker, these articles reflect an attitude which has been slowly emerging from organized labor which spells great frustration and anger on the part of union leadership. A sense of betrayal has crept into the speeches of our Nation's union leaders and the focus of it has been centered upon the self-proclaimed only President who has ever held a union card. The union leaders and members who have both visited and contacted me all ask the same question, "Is it true that the President is trying to get us to make more sacrifices and abandon our concept of collective bargaining?"

Mr. Speaker, I would submit that the Postal Workers, as reflected in the Star Ledger article, have already answered that question to themselves. The negotiations between the postal unions and the Government have been a case of the union's good faith bargaining being rewarded by the unilateral imposition of onerous measures upon the postal employees. It seems that the administration is now urging private industry, specifically the auto industry, to follow the bargaining tactics of the Government.

If that is in fact the case, Mr. Speaker, then I suspect that the United Auto Workers will soon be able to answer the question of the depth of the President's commitment to the collective-bargaining process. I hope, for the sake of the entire Nation, that both responses will change.

Mr. Speaker, the articles follow:

[From the Washington Post, Aug. 1, 1984]

REAGAN URGES CONTRACT RESTRAINT BY AUTO UNION

(By Kathy Sawyer)

President Reagan, in a Detroit television interview broadcast yesterday, said that if the United Auto Workers union fails to exercise "some restraint" in its contract demands on the auto industry, it could "turn off the recovery, the expansion that we're having."

The president's words, in an interview with station WDIV, brought instant criticism from organized labor.

"For the president to enter into a collective-bargaining dialogue at this point is an interference clearly on the side of management," said Murray Seeger, spokesman for the AFL-CIO.

"He has never spoken out for workers when they were being asked to take lower pay and benefits. It is unseemly for him to put his nose into the tent when the two sides are only beginning to negotiate."

Labor costs have moderated markedly in the last two years. The administration would like to keep them moderate, since they are perhaps the main ingredient in the economy's inflation rate. However, the administration has previously stood aloof from private-sector negotiations in its public pronouncements.

"I do think that we have to keep in mind—yes, the workers did make some concession" in 1982, the president said in the broadcast. "On the other hand, while the automobile companies now are back in a profit position, there were several years there in which they were running tremendous losses.

"And I hope that there will be not only fairness, as there should be, but some restraint, also, in the negotiations, that we don't do anything right now at this point to turn off the recovery, the expansion that we're having," Reagan said in the interview taped last Friday.

The UAW last week opened negotiations covering 465,000 workers at General Motors Corp. and Ford Motor Co. Contracts at both companies will expire Sept. 14.

Meanwhile, in negotiations between the U.S. Postal Service and its major unions, whose contract expired July 20, the unions, which represent 600,000 workers, yesterday filed suit to prohibit the postal service from imposing a 23 percent pay cut and reduction in benefits for all new workers.

The two-tier wage scale, in which new employes will be paid an average of $5,300 a year less than veteran workers, was a major stumbling block in the deadlock negotiations, which now face binding arbitration.

In another major negotiation, talks between the United Mine Workers and the bituminous coal operators, covering 160,000 workers, are at an early stage, with the contact to expire Sept. 30.

The auto workers union has said it is ready to strike to win certain goals, but so far it has described the talks as harmonious.

The union's members gave up billions of dollars in wages and benefits in 1982, during the worst industry slide since the Depression.

But the big auto makers are headed back toward record profits this year.

The auto workers have joined the AFL-CIO in its endorsement of Walter F. Mondale, the Democratic nominee for president, and its denunciation of "Reaganomics" as devastating for many of the nation's workers.

Last week, UAW vice president Donald Ephlin described as a "lesson in Reaganomics" a $422 million tax break given GM as a "lesson in Reaganomics."

UAW spokesman David Mitchell, in New York last night with union president Owen Bieber for a meeting, said of the president's remarks: "I think it has to do with politics, not collective bargaining."

He added that "both sides in the talks are very experienced and do not take advice from third parties."

[From the New Jersey Star Ledger, July 30, 1984]

JERSEY UNIONS CHARGE "CONSPIRACY" IN POSTAL SERVICE TWO-TIER PAY PLAN

(By Donald Warshaw)

The State Industrial Union Council (IUC) charged that imposition of a "two-tier" wage system on U.S. postal workers was part of a Reagan Administration "conspiracy with corporate America" to lower wages and cause dissension in the private sector.

The imposition of a two-tier system by the U.S. Postal Service, calling for a $3,000 average cut in wages for newly hired workers, "follows a pattern set by the Administration in the aerospace industry," a joint statement by IUC president Maurice Veneri, first vice president Archer Cole and secretary-treasurer Lorenzo Oakley said.

"There, at the insistence of the Defense Department, a lower scale for newly hired workers was enforced," they said.

"The Reagan Administration also has continued its persistent effort to impose a two-tier minimum wage on the youth of this country," the IUC leaders added.

IUC affiliates represent more than 200,000 blue-collar, white-collar and government employes in New Jersey.

The statement by the council's leadership charged the actions of the Reagan Administration follow the "same scenario" taking place in private sector negotiations, "where word has come down that this is the time to lower wage costs at the expense of both experienced and inexperienced workers, alike."

Experienced workers forced off the job through a rash of plant closings and cutbacks are being made to take lower wages as new hirees under the two-tier system, they said.

In the case of the postal workers, "it's especially outrageous that the Postal Service also sought to impose a three year freeze on wages, making it impossible for an agreement to be reached when the contract terminated," the statement added.

"Having created a situation where no contract exists, the Postal Service felt free to cut the wage scale through imposing a two-tier system without awaiting for the results of fact finding and arbitration procedures called for under the contract with more than 500,000 union postal workers," the IUC leadership said.

Cole, who also serves as president of District Three of the International Union of Electical and Electronics Workers (IUE) in New Jersey and New York, said pressure by corporations for a two-tier system in the electrical industry "is virtually universal."

Cole further predicted the two-tier system would create just as many problems for management as it has for labor.

The demand for two-tier "has been responsible for a number of long strikes in the electrical industry, as well as in others, and is at the heart of a 12-week lockout of Merck & Co. workers at plants in Rahway and Hawthorne," Cole said.

"It is high time that organized labor makes a unified response to the two-tier system which is a scheme, not only for wage cutting, but for setting newly hired workers against senior workers, causing untold potential grievances, lawsuits and dissension in the ranks.

"It also has proved and will continue to prove a headache for employers, since it destroys employe morale, lowers productivity and creates tension in the workplace," Cole said.●

ALBERT SHANKER OPPOSES DOOM-AND-GLOOM EDUCATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. KEMP. Mr. Speaker, the president of the American Federation of Teachers, Al Shanker, recently published one of the most hopeful columns on education I've seen. Dr. Shanker is concerned about the one-sided ideological attitudes being fostered among young students by educational books and materials intended to show that the world is on the verge of catastrophe.

Dr. Shanker correctly says that we have neglected to protect our environment and concern ourselves about chemical toxins, pollution, and wastes. But the irony of the limits to growth school is that it makes policy changes and reform futile. Doom-and-gloom thinking is not a prescription for action—it's a formula for paralysis.

I want to second Dr. Shanker's praise of a recent book by Herbert London called "Why Are They Lying to Our Children?" I too, have read Dean London's superb book which asks why our Nation's educators are frightening young students at the very time when freedom and progress are winning the world's historical struggle. I don't believe most people will allow themselves to be paralyzed by the negative age of austerity arguments of the intellectual elite; but I do think works like Dean London's make it easier for average Americans to plan and save for their family's future with a good conscience.

Dr. Shanker and Dean London speak to our hopes, not our fears. They give us reason to believe that we can make an intelligent and objective case for the moral decency of people's hopes for growth and for the material and nonmaterial prosperity of their families and their country. Ultimately, the greatest purpose served by books like Dean London's and publications like Dr. Shanker's column is to recapture the moral high ground in the global debate between freedom and despotism, between democracy and totalitarianism.

Dr. Shanker's article follows:

TOO MUCH GLOOM AND DOOM ON FUTURE

What people think makes a difference in how they act. The philosopher William James used the example of someone hanging onto the edge of a cliff. If the person is an optimist or has at least some faith, he may well hang on long enough for rescuers to come. If, on the other hand, he feels all is hopeless, that he is doomed no matter what, he may well let go too soon—just before someone comes to save him.

Our schools play a role in creating optimism or pessimism. In addition to teaching math, English and other basics, schools—in social studies, science and other classes—give children a vision of the future. If that vision is unrealistic in either direction—overly optimistic or overly pessimistic—students may well grow into adults who sit on their hands and do nothing. If it's overly optimistic, they may think there's nothing they have to do; if it's too pessimistic, they may think there's nothing they can do—and, like the hopeless cliffhanger, they may just give up. What have our schools been teaching children about the future?

Well, mostly they've been reflecting the larger society. During the last few decades the American public has been given a very pessimistic view of what the future holds. There have been best sellers devoted to the rapid destruction of our environment. There have been books, magazine articles and television shows devoted to the depletion of vital energy and mineral resources and predictions of massive starvation resulting from world population growth. For the most part, only one side of the argument has been made, that side. Sure, there's usually someone who disagrees, but that someone is portrayed as representing a special interest whose goal is to exploit nature to make a fast buck now. All of this has had an enormous impact on the curricula of the schools. Nothing is more "relevant," interesting or exciting than for teachers to gather these exposés and make this generally accepted wisdom the basis for teaching the daily lesson in science or social studies.

Of course, there's no doubt that we did neglect to take care of our environment, and much of the emphasis on the effects of pollution, of chemicals in food, of problems with waste disposal has resulted in necessary corrective steps. But, one of the results of this recent teaching has been to create a pessimistic bias in many textbooks and courses. The late Herman Kahn, founder of the Hudson Institute, one of America's most important think tanks, was shocked by what he called the "cloud of pessimism" hanging over our high school students and the nation.

The institute examined 63 basic high school textbooks published since 1962 to see how they dealt with questions of population growth, environment, natural resources and economic development. (The study formed the basis of "Why Are They Lying to Our Children?" by Herbert I. London, director of the Hudson Institute's Visions of the Future program, which seeks to present students and teachers with a more balanced view of the world's problems and America's role. It's just been published by Stein & Day, Briarcliff Manor, N.Y.) The study found "an astonishing amount of misinformation and sloppy writing," contradictions, a "lack of objectivity" in textbooks—and that they were clearly aimed at changing student attitudes and behavior in one direction. One text, published in 1981, presented this apocalyptic vision: "You may have heard about the 'four giant horsemen' galloping across the face of the earth. One stands for Famine, the second for Disease, the third for War, and the fourth for Death. Today, these four giant horsemen are galloping more swiftly than ever before. But many, many others still do not see the danger."

According to Jane Newitt, director of demographic studies at the Hudson Institute, writing in the January 1984 issue of Social Education, "A reasonable desire—to impress students with the magnitude of the world's problems—has been pushed to the point of substituting indoctrination for substantive instruction." Newitt says the doom and gloom books are so intent upon making their points that they fail to mention the vast increases in per capita income since 1960 in the countries with 94 percent of the world's population, or the huge increases in life expectancy. The population is said to be growing faster and faster, but few books mention the fact that the population growth rate peaked nearly 20 years ago and has been declining ever since. The books predict massive famines—but fail to report that world food production has outpaced population growth for three decades. Of course, there are people starving, but not because there's not enough food. The reason is the political problem of how to get the food to those who need it. If we don't tell that to students, their efforts are going to be focused in the wrong direction.

Newitt demonstrates that there's a clear political and moral message in these books. "We" are responsible because we are eating, wasting and consuming too much. That's why "they," the have-nots, are deprived. "Thirty-one textbooks allude to looming ecological catastrophes of global proportions. Invariably, it is 'especially affluent human beings like the Americans' whose profligate and irresponsible consumption threatens 'to make the earth unlivable' and accounts for the plight of the Third World's starving masses. What is relatively new," she writes, "is the intrusion of this moral mission into the traditionally dry matter of textbooks." It is "ideology," she says, "and rigid. By placing students on the morally reprehensible side of the 'gap,' it denies legitimacy to their competitive spirit and their desire for the life-enriching experiences money can buy."

More important, the global pessimism of these textbooks sends students the wrong message about their own country. Newitt says there is no reason to believe American students would become complacent about the world's problems "if they were encouraged to view themselves as part of the spectrum of nations—and as a part that makes many contributions to the betterment of the whole."●

JAMES BOURIE, VETERANS' ADVOCATE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mrs. JOHNSON. Mr. Speaker, I am proud to share the story of a fine young man from Woodbury, CT, Mr. James Bourie, who is the director of the National Economic Commission for the American Legion here in Washington, DC, and who has done so much to help veterans find employment and training, small business opportunities, and other financial assistance.

BIOGRAPHY OF JAMES G. BOURIE

Before James G. Bourie assumed the duties as Director of Economics for the American Legion in 1980, he was a lawyer with the Solicitors' Office, U.S. Department of Labor in Washington.

As Director of Economics, Mr. Bourie is responsible for American Legion activity in the areas of employment and training, veterans preference, special veterans federal hiring programs, small business, housing,

handicapped and older workers. He regularly represents the Legion's concerns in these areas before various Congressional committees and subcommittees.

Mr. Bourie also serves on the Secretary of Labor's Committee on Veterans Employment, Veterans Task Force for the Small Business Administration and the Office of Personnel Management and the VA's Advisory Committee on Readjustment Problems. He also is a member of the Executive Committee, President's Committee on Employment of the Handicapped and has served as Vice Chairman and Chairman of its Committee on Disabled Veterans. Mr. Bourie is also Chairman, National Voluntary Organizations for the U.S. Savings Bond program.

He was named an Outstanding Young Man of America in 1981, and was chosen as a co-winner of the Small Business Administration's "Small Business Veteran Advocate of the Year" for 1984, and has received other commendations for his work.

Mr. Bourie is a decorated four year veteran of the U.S. Army serving two combat tours in Vietnam as a staff sergeant with the 101st Airborne Division and completed his military service with the 82nd Airborne Division.

VETERAN ADVOCATE OF THE YEAR

In 1983, a "banner year" for Federal assistance to veterans in small business. SBA loans to veterans totaled $641 million, nearly double the amount of three years earlier. About half of the loans went to Vietnam-era veterans. In the same year, 61,000 veterans received technical business training at SBA-sponsored workshops, and 15,000 were counseled by representatives of the Service Corps of Retired Executives and the Active Corps of Executives. Thirty major conferences for veterans in business were scheduled for November 1983 through May 1984. Attendance was expected to reach 10,000. Some $1 million has been awarded for research contracts to collect information that will help the Small Business Administration expand its programs to aid veterans.

That success story is one in which James Bourie, Director of Economics of the American Legion, takes special pride.

A four-year veteran of the war in Vietnam, Bourie came to the American Legion in 1980 after serving as staff lawyer in the Office of the Solicitor, U.S. Department of Labor. As Director for Economics, he became particularly involved in the economic welfare concerns of veterans—their employment and training, assistance to those entering small business, and Federal legislation relating to other economic concerns.

Testifying in 1981 before the Subcommittee on Investigations and Oversight of the House Committee on Veterans Affairs, he recommended that "a small 90-day committee" be established by the SBA to find ways to improve its record in carrying out the 1974 Small Business Act mandate to give "special consideration" to veterans.

Bourie served on the National Task Force on Special Consideration for Veterans. The task force report called for priority processing and funding for veterans, establishment of Veterans in Business offices, regional and district Veterans Affairs Officers, emphasis on veterans in policy directives, veteran research grants, special veterans workshops, and plans to target veterans for SBA programs.

On May 14, 1982, SBA Administrator James C. Sanders signed into effect the task force's 29 recommendations. James Bourie continues to serve as an active advisor on small business assistance to veterans.●

FAMILY RESPITE CENTER TO OPEN IN FAIRFAX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my colleagues the establishment of a new organization in northern Virginia whose work with Alzheimer's disease victims and their families closely follows the intent of both H.R. 4272 and H.R. 5887, bills currently pending in Congress which would provide benefits to the victims of Alzheimer's disease and their families.

As you know, H.R. 5887 would establish a national network of support groups for the victims of Alzheimer's disease and their families. These support groups, which would be located in appropriate health care facilities, would provide educational, emotional, and practical support to the victims of Alzheimer's disease and their families. The other bill, H.R. 4272 would provide for a tax deduction for expenses other than medical, related to the home care of an Alzheimer's disease victim, including home health services, custodial, and respite care.

As a cosponsor of these, and several other bills concerning Alzheimer's disease, I am well aware of the need for the services which will be provided by the Family Respite Center, Inc.

With Alzheimer's disease as the fourth leading cause of death in older adults and with estimates that 1.5 million adults in the United States including 8,000 in northern Virginia are victims of Alzheimer's type diseases, I believe the services of the new Family Respite Center can be an important program for residents of the 10th district, as well as an example to the rest of the Nation's health care providers. The center has two specific purposes: to give family caregivers a break or respite in their care giving role, and to provide a therapeutic group environment for people in advanced stages of Alzheimer's type illnesses.

The Family Respite Center began as a dream of care giving families of the northern Virginia chapter of the Alzheimer's Disease and Related Disorders Association. Through the efforts of this concerned group of volunteers and the donations of local community organizations and individuals, the dream has become a reality. This is the first center of its type in Virginia and one of the very few in the United States. Especially worthy of commendation is the fact that this group receives no Federal, State or local funding to provide their valuable services.

This unique day care facility is a fine example of the type of voluntarism and initiative which have made America strong today. I want to extend my thanks and compliments to the volunteers and donors who have made this dream a reality.

For further information about the Family Respite Center, Inc., in northern Virginia, those interested may contact the director, Lin Noyers, at 703-560-7908.●

RECENT SURVEY OF STATES SUGGESTS THE NEED FOR CHANGES IN SUPERFUND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. FLORIO. Mr. Speaker, I would like to draw my colleagues attention to a recent survey of State Superfund programs by the Northeast-Midwest Congressional Coalition. The 17 States participating in that survey recommended expeditious reauthorization of Superfund at funding levels four to six times the current $1.6 billion level, correction of administrative delays by EPA which hinder State cleanup efforts, and addition of a waste-end tax to supplement the current feedstock tax. The survey also endorsed the following provisions for inclusion in the Superfund reauthorization legislation: victim compensation, 90 percent Federal/10 percent State matching share requirement, and clarification of the how clean is clean standard.

I urge all Members who are concerned with the efficient operation of the Superfund program to join me in voting for H.R. 5640, the comprehensive bill I have introduced to extend and expand that program. H.R. 5640 addresses all the State concerns outlined above and is therefore a responsive and responsible piece of legislation.

A summary of the findings of the Northeast-Midwest Superfund Survey follows:

NORTHEAST-MIDWEST SUPERFUND SURVEY
EXECUTIVE SUMMARY

Seventeen states in the Northeast-Midwest region (Connecticut, Delaware, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, and Wisconsin) responded to a survey of the federal Environmental Protection Agency's Superfund program conducted by the Northeast-Midwest Institute in the spring of 1984. The survey questionnaire, sent to state environmental/natural resource/hazardous waste directors, examined state Superfund programs, non-federal hazardous waste programs, relations with EPA, and Superfund reauthorization. Conclusions fell into four categories, discussed below.

REAUTHORIZE LARGER SUPERFUND

States surveyed in the Northeast and Midwest unanimously suport an increase in the size of the Superfund.

More than half of the responding states project the need for a four- to six-fold increase in the fund; responses ranged from a two- to twenty-five-fold increase. Indiana reported, "Based on our projection of a $15 million 'serious' cleanup, we estimate that Superfund should increase six (6) times."

Eleven of 15 responding states endorse the concept of a federal waste-end tax to supplement the feedstock tax. Three of these states condition their support on the removal of the federal preemption of state hazardous waste taxing authority.

Illinois echoes other states in writing that the waste-end tax "would help discourage landfiling and would promote recycling, treatment and perhaps new technology research and development." Maryland adds that it is "acceptable only in addition to evaluated feedstock tax without state program preemption."

Two-thirds of responding states support the inclusion of victim's compensation as a component of Superfund.

However, only 4 of the 11 states would support victims' compensation if it meant delaying reauthorization of CERCLA until 1985. Ohio and three other states suggest that, alternatively, victims' compensation "should be handled separately with separate legislation and a separate funding source." Indiana adds that "a provision of 'no-fault' compensation, an insurance policy, if you will, funded by feedstock or waste-end taxes, would go a long way toward easing community fears."

States overwhelmingly support changes in several CERCLA provisions that affect state governments:

Deleting the preemption of state tax authority.

Permitting states a credit for expenditures on sites made prior to the EPA expenditures.

Shifting operations and maintenance to a 90-10 percent federal-state match.

Allowing a state's 10 percent share to be fulfilled in part by administrative costs.

Applying the 50-50 matching share requirement only to sites both owned *and* operated by the state.

MAGNITUDE OF THE REGIONAL PROBLEM

There are at least 6,831 hazardous-waste sites in the Northeast and Midwest. At least 1,617 of these sites will require some type of cleanup effort, according to respondents.

Seven states in the region report at least 500 sites each—Connecticut, Illinois, Michigan, Missouri, New Jersey, New York and Ohio.

The contamination of groundwater by hazardous wastes represents a significant concern of uncertain magnitude.

About 45 percent of the region's population relies on groundwater.

In the seven states reporting data, 18 percent of the population relies on contaminated or threatened groundwater.

Only three states have explicitly analyzed the impact of toxic waste on groundwater quality.

Contaminants posing the greatest threat to groundwater include trichloroethylene (TCE), volatile organic compounds, metals, and petroleum.

Only 2 of the 17 respondents believe that the Superfund program is structured to permit adequate federal financing for groundwater cleanup.

Maryland plaintively asserts that the "entire state has potential for groundwater contamination." In reference to groundwater cleanup, Indiana concludes that, "In essence, the structure may be adequate, but the amount of financing available has not been commensurate with the needs."

STATE COMMITMENTS TO CLEANUP ACTIVITIES

State governments have made varying, but significant, commitments to hazardous-waste cleanup.

Sixteen states have enacted hazardous-waste legislation.

Eight have developed their own rankings of sites in their states.

Six have in place or are currently developing a statewide, comprehensive plan for hazardous-waste site cleanup. More are planning or considering development of comprehensive plans.

States indicate varying degrees of financial resources available for hazardous-waste cleanup.

Fifteen states have a fund earmarked for cleanup activities, including seven that rely on waste-end taxes for some or all of their funds.

Nine of 16 states report adequate financial resources for the state share of Superfund matching requirements, but only 2 of the 16 indicate adequate financial resources for their own, non-Superfund, non-EPA supported, cleanup activities.

Delaware warns that "the full impact of financial liability for state cost share has not been realized yet." Michigan adds that while there is adequate current funding for the state share of Superfund, but "as cleanup proceeds it may be dependent on substantial Legislative appropriations.

Additional federal funds would be used by the states according to the following priorities.

1. Site identification and investigation,
2. Site cleanup,
3. Administrative and technical staffing,
4. Enforcement, and
5. Cost recovery.

Only one state maintains a state disposal facility or wastes removed from abandoned sites. The other 16 states utilize a combination of:

Shipment and disposal out of state (13),
Disposal in legal sites (10),
Storage in holding facilities (6), and
Recycling (5).

STRAINED STATE-EPA RELATIONS

States generally are frustrated with the structure of the Superfund program and its administration by EPA headquarters.

States cite numerous sources of delay and bureaucratic snags in the EPA, particularly with regard to: feasibility study completion, approval of state-EPA cooperative agreements, and contracting out cleanup and other work.

New York's experience indicates that "the federal bureaucratic process produces most delays, especially the length of time it takes to make decisions, and mid-stride changes in policy. . . . Quit changing the rules." "None," was Ohio's response to the question of which stage is handled most expeditiously: "Hopefully, Mr. Ruckelshaus will make a difference." Wisconsin reports that "EPA has made dramatic strides in improving the effectiveness of Superfund during the last 14 months."

States infrequently cite expeditious work by EPA, with the notable exception of emergency/remedial responses that several states believe are handled efficiently.

A Wisconsin official finds "the absence of support for state programs is baffling. . . . I am convinced that the states can do a better job, more efficiently, if EPA drops its insistence that state program support cannot be provided."

State governments unanimously agree that the efficiency of the EPA Superfund program would be improved if more authority were delegated by the federal government to the EPA regional offices.

Additionally, states strongly believe that the cleanup process would improve if the regional offices or the states had more power to provide financing and initiate cleanups.

Michigan's response is a common one: ". . . headquarters is trying to administer CERCLA in the same way throughout the country. . . [A]ll decisions [are] made at too high a level in the agency." Minnesota suggest "Mandat[ing] more decision making in EPA regional offices."

State suggestions for federal actions to speed up the cleanup process include:

Mandatory timelines for EPA actions.

Clarifying regulations, including "how clean is clean."

Providing Superfund grants to the states for administrative purposes.

Delegating more authority to regional offices and/or state governments.

Increasing the level of funding of the Superfund.

Two-thirds of respondents believe that cleanup techniques and plans chosen are appropriate for specific sites. However, over two-thirds indicated that EPA would make cleanup decisions differently if funding for operations and maintenance were shifted from a 100 percent state responsibility to a 90-10 percent federal-state division of responsibility.

Missouri and other states believe that "long-term maintenance costs should be more important in determining the most cost-effective solutions." Maryland suggests that "EPA would become more cognizant of the burden of operations and maintenance if required to fund it."

For further information please contact:

David Nemtzow, Eric Schaeffer, or Wesley Warren, Northeast-Midwest Institute, (202) 544-5200.

This survey was funded by the Robert Sterling Clark Foundation.●

NATIONAL HISPANIC HERITAGE WEEK IN DAYTON, OH, SEPTEMBER 10-17, 1984

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. HALL of Ohio. Mr. Speaker, I rise to bring to the attention of my colleagues National Hispanic Heritage Week in Dayton, OH, to be observed on September 10-17, 1984.

This is part of a national observance, established by Congress in 1968, to recognize the many significant contributions Hispanic Americans have made to our Nation and our local communities. National Hispanic Heritage Week provides an opportunity for all Americans to reflect on the important contributions of Hispanic-Americans in the development of our country over the years. It also helps motivate

our Hispanic-American youth to strive for higher education and professional careers in our communities.

An awards banquet, several educational activities, and the publication of the second edition of Dayton Hispanic Heritage magazine will highlight Dayton's observance of National Hispanic Heritage Week. Important to the success of this observance was the recent merger of five Hispanic organizations representing Mexico, Puerto Rico, Cuba, Peru, and Panama under the Dayton Hispanic Organization, Inc.

I share in the pride that Dayton has for its Hispanic community. We are grateful for their many contributions in the fields of government service, medicine, engineering, education, and private business. The many accomplishments of Dayton's Hispanic community serve as a great inspiration for Hispanic-American youth.●

IDAHO WILDERNESS BILL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. KOSTMAYER. Mr. Speaker, yesterday my colleague JIM MOODY and I introduced legislation to protect some of this Nation's most outstanding wilderness areas in Idaho.

In the past several months, Representative MOODY and I have been contacted by many of our constituents who believe it highly important to protect remaining wild lands in the northern Rockies. Recently, we accompanied Public Lands Subcommittee Chairman JOHN SEIBERLING and our colleague Representative LARRY CRAIG on portions of the subcommittee's recent inspection trip to Idaho.

These public lands are truly magnificent. The people of Idaho are fortunate to still have the opportunity to see that some of these areas can be available as they are today to future generations.

These are our Nation's public lands. Just as the money to manage the national forests and to develop our natural resources comes from all Americans, so too should all Americans share in decisions over preservation of the best of America's wilderness. We believe this can be done without damaging the important economic interests that depend on forest lands and with the highest consideration for those individuals who live closest to the land.

The House Interior Committee will soon have to determine the best balance between wilderness and development for Idaho's remaining 8 million acres of wild land. There is substantial disagreement as to where that balance lies. The Idaho congressional delegation introduced a proposal which would protect 0.5 million acres. Governor Evans suggests 1.2 million acres. Conservation groups have suggested 3 to 4.5 million acres. While I appreciate and respect the reasoning which has led to each of the proposals, I believe that our proposal for 3.4 million acres of wilderness is a fair, balanced, and defensible position. We wish to continue to study these areas and discuss important issues or conflicts. We wish to work with the committee to resolve this problem fairly.

My bill to establish a Pennsylvania wilderness, which passed the House in May, demonstrates that careful, bipartisan negotiations between Republicans and Democrats, and between conservationists and development groups, can produce effective compromise legislation. I hope my experience in the negotiations over the Pennsylvania wilderness, which lasted several years, will play a useful role in working out an agreement on the Idaho wilderness issue.

The Idaho wilderness debate is not a numbers game. It is a decision on specific wilderness tracts and should be deliberately and fully debated. We hope that our proposal, which we believe is in the interests of a great many Americans, can be useful to the committee and the House in the days ahead.●

RULE ON SUPERFUND BILL

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means today ordered favorably reported an amendment in the nature of a substitute to title V of H.R. 5640, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of the provisions of this bill within the jurisdiction of the Committee on Ways and Means by the House of Representatives.●

GEORGE WILL'S TRIBUTE TO ANDY IRELAND

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. MICHEL. Mr. Speaker, George Will is recognized as one of the best columnists writing today. Witty, incisive and learned, Will's comments are read by all those interested in the political and social life of our time.

He recently applied his formidable intelligence to a task that deserves it. He wrote of the decision by our colleague, ANDY IRELAND, to become a member of the Republican Party. Will sees this move not only in human terms, but as symbolic of a problem within the Democratic Party. The fact is that the Democratic leadership is in the process of not only writing off the South, but of reading out of the party anyone who shares the moderate-conservative views that used to be such a strong part of the Democratic coalition.

As a Republican, I am naturally glad that more Democrats are turning to our party. But as a student of politics, I have to admit there is something fascinating about the gradual but irrevocable disintegration of the once great Democratic coalition. It is as if we are witnesses to the decline and fall of something which only a few short years ago seemed incapable of falling.

At this point, I wish to insert in the Record, "A Democrat Quietly Departs The Party," by George Will, in the Washington Post, Thursday, August 2, 1984.

A DEMOCRAT QUIETLY DEPARTS THE PARTY

(By George F. Will)

Democrats specialize in stormy emotions, so it is fitting that Andy Ireland, who seems about as emotional as an electric typewriter—smooth, quiet, precise—departed the Democratic Party with no act of passion. He went so quietly, in fact, that few noticed, which was fine with him.

With a name like that he should be a Democratic congressman from the Bronx. By a whim of the universe he was, until a month ago, a Democratic congressman from central Florida. He is as southern as . . . well, in his reception room thare is a citrus-juice machine, and his administrative assistant, Kathy Calhoun, is a descendant of the great senator, vice president, philosopher and troublemaker from South Carolina. Now Ireland is a Republican congressman.

Although 30 years of southern living have given Ireland, 53, a pronounced southern accent, he was raised in Cincinnati and educated at Andover, Yale and Columbia business school before becoming a Florida banker. In the 1950s, if a young businessman wanted to become politically involved—say, participating in a campaign for mayor or county commissioner—he registered Democratic, as Ireland did. Ireland ran successfully for Congress in 1976, when a 13-term Democratic incumbent retired.

In 1978 he was unopposed for re-election. In 1980 he had only token opposition, as his district gave him—and Ronald Reagan—69 percent of the vote. His area has not voted for a Democratic presidential candidate since the 1940s, and until now has never had a Republican congressman.

In the "Reagan summer" of 1981, when the tax and spending cuts were passed, Ireland was one of the nine "boll weevil Democrats" with a record of complete support for Reagan's program. His constituents were content: in 1982 he again was unopposed. On July 5 of this year he made official what

he had announced, almost inaudibly, in March: he reregistered as a Republican.

"The South," he says startlingly, "has the same problem Jesse Jackson has." Say what?

He means that southern Democrats are used, as blacks are, to maintain the Democratic Party's national leadership, but have little leverage over the direction of the party. His decision is one kind of resolution of a long-standing tension. It is tension between the way many southerners register to vote in local primaries and the way they vote in presidential contests. His task, he says, is to convince constituents "that, for reasons of local-election participation, they have been voting for a party that simply does not represent their interests, nor their views on national policy."

A party cannot be built by defections of officeholders from the other party. But the political incongruities that led to Ireland's decision are among the factors that have made some Republicans hopeful about overtaking the Democrats in the House of Representatives—if not this year, at least soon.

In 1982, at the depth of the worst recession since the Depression, Republicans lost only 26 seats—"only," because about half were lost to the cunning of Democratic state legislatures, which aggressively gerrymandered after the 1980 census. Furthermore, in 1982, 41 Democrats and 41 Republicans won with 55 percent or less of the vote. Those Republicans who survived the economic slump must be considered relatively secure; some of those Democrats who did not do better than that during the slump must be considered relatively vulnerable.

Horace Busby is a Texan and a keen student of "Tory Democrats" down south. He notes that since 1860, when American politics became defined by the rivalry of the Republican and Democratic parties, Republicans have won 20 of 31 presidential elections, and by the end of this year will have held the White House 61 percent of the time. But Democrats have controlled the House of Representatives 61 percent of the time. So we have, Busby says, two "60-40" political systems: one in Congress, one involving the presidency.

For many years, he says, the nation's 40 most populous counties have had at least 100 members of the House—slightly more today—and Republicans have not had more than five of the 100. Busby believes the Democrats' domination of the House is based less on liberalism than ethnicity. There are, he says, just too few Republican ethnic candidates.

Sun Belt counties should be more hospitable to "Republican ethnics," a phrase that is not quite a contradiction in terms. It denotes, among others, people such as Ireland, refugees from their political "old country," the Democratic Party. Okay, the path of the normal "ethnic" does not usually run through Andover, Yale and Columbia. But if America is still the land of opportunity, it must be a place where any boy or girl can grow up to be an ethnic.●

OLYMPIC GOLD FOR ANN ARBOR, MI, WRESTLER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. PURSELL. Mr. Speaker, I am proud to announce on the House floor today, that Steve Fraser, from Michigan's Second District, is the first American ever to win an Olympic Gold Medal in Greco-Roman wrestling. Steve walked off with the top honor yesterday in the Olympic 90-kilo—199 pound—event. Steve, defeated five other wrestlers, including Frank Andersson of Sweden, a three-time world champion and George Pozidis of Greece, rated No. 4 in the world in this weight class, before being awarded the gold. Prior to Steve's victory, America had only been placed fourth in Greco-Roman wrestling in Olympic competition.

I know I speak for Steve Fraser's friends and family in Ann Arbor, MI, as well as for all his countrymen in saluting him. After years of sacrifice, practice, and determination, he has reached the pinnacle of success in this event. And it is even more thrilling knowing that he was the first American to ever achieve this honor. I congratulate him on his victory and thank him for instilling in us a deep sense of national pride.●

THE ADMINISTRATION PROPOSAL REGARDING THE RAILROAD UNEMPLOYMENT INSURANCE SYSTEM

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. CONABLE. Mr. Speaker, today I have introduced by request the administration's legislative proposal to cover railroad workers under the Federal-State unemployment insurance system.

Since 1938 railroad workers have been excluded from coverage under the Federal Unemployment Tax Act (FUTA). Railroad workers have been covered by a separate railroad unemployment insurance program. Historically, the separate program for railroad workers was based in part on the unique situation of railroad workers' often having no fixed work-location and crossing many State lines in the course of their work. Today, this situation is a much less compelling reason for maintaining a separate system than it was in 1938.

The administration's bill effectively would merge railroad workers into the regular Federal-State unemployment insurance system. Thus, unemployed workers would be eligible for the full array of unemployment benefits available under the Federal-State system. These benefits typically would be 26 weeks of regular unemployment benefits and possibly 13 additional weeks under the extended benefits program. Railroad employers would make FUTA contributions with respect to their workers.

In order to smooth the transition of this merger, the bill provides for the reimbursement to the States of benefits which they are required to pay which are based on service and wages attributable to the period before the merger. The bill also assists with the administrative costs to the States resulting from the merger.

Mr. Speaker, there are different opinions on the future direction of the railroad unemployment insurance system. The administration has proposed merging the systems. My understanding is that railroad employers generally favor some type of merger arrangement but not necessarily the current proposal by the administration. Railroad labor spokesmen generally prefer to maintain a separate railroad unemployment program. I hope this proposal will help in stimulating further examination and successful resolution of such an important issue.●

TRIBUTE TO ALLISON KAY MYERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. SKELTON. Mr. Speaker, as we are all aware, our Nation's future rests in the hands of the young. When the youth of this country display their intelligence and ability, we all share the pride of excellence. Today, I would like to bring to your attention a young lady who has achieved such a level of excellence. A fellow Missourian, Allison Kay Myers, a seventh-grader at Nevada Middle School, won third place in the junior division of the 1984 National History Day Competition. Miss Myers' paper entitled, "Microscope on the Past," won in the historical paper category. Her winning essay followed this year's history day theme, "Family and Community in History." It is my pleasure to take this time to applaud Allison's efforts. May all the youth of our Nation strive to achieve the excellence Allison has displayed.●

INCREASING AMERICA'S FOREIGN TRADE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. FEIGHAN. Mr. Speaker, as a member of the Foreign Affairs Subcommittee on International Economic Policy and Trade, I have conducted a series of international trade workshops throughout Ohio's 19th Congressional District during the last several months. In cooperation with the

Department of Commerce and the Small Business Administration, the workshops were designed to give small- and medium-sized businesses in the Greater Cleveland area the tools to engage in international trade. Our objective was to provide those businesses with the practical information needed to begin or expand existing plans to enter foreign markets.

The response to our workshops from area business men and women was immediate and enthusiastic. Because of the importance of our trading condition, I would recommend that other Members consider taking advantage of our experience and offering a similar program to interested businesses in your own areas.

International trade is of vital importance to thousands of firms in the Greater Cleveland area and throughout the State of Ohio. Currently, Ohio ranks third among the 50 States in the value of its exports—and we rank second in export-related jobs. In fact, it has been estimated that close to 200,000 jobs in Ohio are a product of foreign trade. One in every six jobs in Ohio depends on exports.

Foreign trade is also important to the country at large; 70 percent of all the goods produced in the United States are in competition with products from other countries—both in our own markets, and in markets overseas. Yet, the United States has no effective national strategy for increasing our share in the overseas markets. As a result, we have a growing imbalance between exports and imports. The situation is so serious that we have had deficits in our merchandising trade in all but 3 of the last 13 years. Those deficits have grown from $46.4 billion in 1980, to $42.7 billion in 1982, to $69.5 billion in 1983.

Clearly, if the trend continues, it will threaten our ability to prosper in a fast-changing world economy.

This does not have to be the case.

Our country has had a proud record in international trade. We have shown the world we can effectively compete. In 1960, the United States exported 8.8 percent of our manufacturing goods. By 1980, that figure rose to over 24 percent. Even during the recession year of 1982, exports accounted for over 5 million American jobs, 1 of every 8 manufacturing jobs in the country.

The problem is not that we haven't been working hard. We have been. The problem is that our competitors have been working harder—and smarter—and with greater assistance from their governments.

As a result, our share of the world machine tool market has decreased from 23 percent in the sixties, to less than 7 percent in the eighties. Auto imports from Japan and Western Europe have jumped from 6 percent to over 27 percent; and as we all know, Japan has made enormous inroads into electronics and high technology.

But it is not simply a case of our competitors doing more. A more serious problem is what we are doing to hurt ourselves in international markets. Massive budget deficits raise interest rates to outrageous levels, reducing the ability of firms to borrow and grossly overvaluing the dollar in overseas markets. It is conservatively estimated that the dollar is currently 20 percent above its proper value.

To stabilize international currency values, the United States should take a leading role in convening serious discussions with other economic powers on ways to reduce the rigidity of fixed exchange rates—without causing dangerous volatility in world money markets. Just as importantly, we must make greater efforts to reduce the Federal deficit. Frankly, the most urgent business before Congress is the Federal budget deficit. Unless we make needed reductions in the deficit, our businesses will not be able to effectively compete for overseas markets.

In addition, however, we need to ensure that our businesses know of the opportunities that are available to them in international trade. That is where workshops such as those conducted in the 19th district can make a contribution. The more we share needed information on market opportunities, the more we can take advantage of growing possibilities in international trade.●

A TRIBUTE THE THE 509TH PARACHUTE INFANTRY BATTALION

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. COURTER. Mr. Speaker, I would like to bring recognition to the 509th Parachute Infantry Battalion, the first American parachute outfit overseas in combat in World War II. This remarkable group of men fought courageously, risking their lives for freedom. Their many airborne invasions were often under enemy fire, yet in campaign after campaign the parachute company met with success leading the troops to victory.

As a vital new component of the U.S. military, the 509th Parachute Battalion made many firsts which I feel should not go unrecognized nor be forgotten. In their 2½-year history overseas, the company earned battle honors for their contribution in Algeria, French Morocco, Tunisia, Naples-Foggio, Rome-Arno, southern France, Rhineland, and Ardennes. The battalion also was the first to join forces and fight alongside the French in Tunisia and were awarded the Regimental Insignia of the Third French Regiment for their outstanding efforts.

The men of the 509th Parachute Infantry Battalion exhibited extraordinary heroism, many giving their lives for their country. They set the standard of excellence for every airborne parachute company to follow, and I commend them for their outstanding service to our Nation.●

PRESIDENT REAGAN'S CRITICISMS ARE HOLLOW

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. FLORIO. Mr. Speaker, the approach of the Presidential election has brought upon this Congress an onslaught of criticism from the President of the United States. President Reagan has repeatedly accused this Congress of blocking important measures to "reduce deficits, reward work and increase personal liberties throughout our land." And, naturally, Mr. Reagan has directed the bulk of his complaints toward the Democrats in Congress.

However, it is that House of the 98th Congress controlled by the President's own party which defeated such administration efforts as a bill allowing tuition tax credits for parents who send their children to parochial schools; a constitutional amendment to prohibit a woman from having an abortion; and a constitutional amendment to allow vocal prayer in public schools.

While the President blames Congress time and time again for not passing a constitutional amendment to require a balanced Federal budget, it is the Reagan administration which has incurred a deficit which approaches $200 billion, by far the largest in the history of this Nation.

Mr. Speaker, in order that we may show as hollow Mr. Reagan's criticisms of this most successful Congress, I commend my colleagues' attention to the following news analysis from the Newark Star Ledger:

[From the Star-Ledger, Aug. 1, 1984]

REAGAN'S CRITICISMS OF CONGRESS RING HOLLOW

(By Miles Benson)

WASHINGTON.—Like other presidents, Ronald Reagan is using Congress as a whipping boy in his campaign for re-election.

The last president to campaign against Congress with any measurable degree of success was a Democrat—Harry S. Truman.

In 1948 Truman prowled the hustings lambasting the "do nothing" 80th Congress in which Republicans controlled both the Senate and the House of Representatives. Truman not only won the election, the voters also swept out the Republican majorities on Capitol Hill and handed control of the Senate and the House to the Democrats.

Reagan is attempting to match Truman's performance but the strategy has at least two flaws.

The first is that one house of Congress—the Senate—is controlled by Reagan's own party.

The second flaw is that Congress has given Reagan almost everything he has asked for, particularly during his first year in the White House. And Congress is still falling over itself to respond to some presidential wishes.

Last week, for example, Reagan said he wanted to give retirees living on Social Security a cost-of-living increase even if inflation failed to trigger one automatically.

Legislation to accomplish that whisked through the Senate 48 hours later, under the sponsorship of a Democrat, Sen. Daniel P. Moynihan of New York. The House is expected to rubber-stamp the proposal.

In fact, Robert Thomson, who is Walter F. Mondale's legislative liaison man, says the idea for the Social Security boost was being discussed among House Democrats before Reagan beat them to the punch.

Nevertheless, in a televised news conference and in paid political advertising, Reagan has sought to turn the spotlight on the alleged failing of Congress particularly the Democrat-controlled House.

Reagan accused the Democratic leadership of bottling up six key measures to "reduce deficits, reward work and increase personal liberties throughout our land."

But Reagan failed to mention the fact that it was the Republican-controlled Senate that killed one of those measures, a bill allowing tuition tax credits for low- and middle-income parents who pay to send their children to parochial schools. The bill lost, 58 to 39, in a Senate vote Nov. 16.

In attacking the House Democrats for keeping his six items bottled up "for months, even years," Reagan included a vote in the House late in 1982 that failed to win the two-thirds majority needed for approval.

Another item on Reagan's list was legislation permitting students to hold religious meetings in public high schools during non-school hours.

The House passed that bill last week.

Another of the pet bills Reagan mentioned is a comprehensive anticrime package including tougher sentencing and stricter enforcement of drug-trafficking laws.

The House was scheduled to take up elements of that package this week, and Democratic leaders pointed out that substantial portions were contained in a 1982 bill that Reagan himself pocket-vetoed.

Moreover, House Speaker Thomas P. O'Neill (D-Mass.), who has been a tempting target for Reagan and congressional Republicans, has begun to shoot back. O'Neill called Reagan's political ad "a cynical attempt at a snow job on the American people."

Twirling his eyeglasses in his freckled right hand, O'Neill yesterday brushed aside Reagan's demand for another House vote on a constitutional amendment to require a balanced budget and issued a challenge of his own:

"Any day the President wants to send up a balanced budget, I'll get it on the floor in 48 hours," O'Neill said.

"I would like the President to know that the country, Middle America, has its own agenda—and this Administration is trying to sabotage that agenda," O'Neill said.

That agenda, as described by O'Neill, includes ending the nuclear arms race, preventing war in Central America, and reducing federal deficits and high interest rates.●

POSTAL NEGOTIATIONS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. GARCIA. Mr. Speaker, I rise in support of the collective bargaining provisions of the Postal Reorganization Act which is the only vehicle for the orderly process of peaceful negotiations between the postal unions and the U.S. Postal Service. In its wisdom, Congress recognized the need to keep a vital and essential public service functioning and, in the act, substituted factfinding and arbitration as the only viable alternatives to strikes, lockouts, and unilateral action by management.

On July 20, the existing contracts between the postal unions and the U.S. Postal Service expired without the reaching of a new agreement. Immediately thereafter, U.S. Postal Service management announced the unilateral implementation of the "two-tier" pay structure which reduces the pay scale and benefits of new hirees by 23 percent.

I am dismayed at the U.S. Postal Service's ill-timed actions. The issue of pay comparability, as with all issues relating to postal employees, is best determined at the bargaining table. Collective bargaining is a dynamic process. Bargaining is the place for the parties to work out an agreement as to the terms and conditions of employment including the issue of what level of pay is comparable. The wage comparability issue cannot be determined unilaterally. It is the collective bargaining process that has been developed to allow for negotiations on such issues.

I question the purpose to be served by the unilateral actions of the U.S. Postal Service. It appears to me that their tactics only demonstrate their cavalier attitude toward the collective bargaining process. I urge U.S. Postal Service management to reverse its decision and to honor the collective bargaining procedures set forth in the Postal Reorganization Act.●

THIRD WORLD'S PROBLEM IS NOT PEOPLE, IT'S AUSTERITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. KEMP. Mr. Speaker, for too long developing countries have been told that a principal cause of their poverty is rapid population growth. International and U.S. agencies have used this view to push sterilization and population control programs, undermining the strength and stability of the family in these countries.

Population control proponents ignore the fact that people are a country's greatest natural resource. People are not only consumers, they are also producers. They provide jobs, create wealth, and spur economic development. The principal cause of poverty is not too many people, but governmental planning policies that destroy individual initiatives and distort the allocation of productive resources.

Wage and price controls devaluation of currencies, punishingly high tax rates, and trade barriers have all worked to crush local incentives to work, save, produce, and invest. A farmer will not grow more crops when paid less than the market price; an entrepreneur will not establish a business when the tax system threatens to confiscate any profit. The result is an impoverished people and an impoverished nation.

The best development policy is one that unleashes peoples' productive abilities and ends the vicious cycle of poverty. We must reject the philosophy that people are an impediment to economic growth, rather than a vital resource.

I would like to commend to my colleagues an incisive article by Dr. Paul Craig Roberts, professor of political economics at Georgetown University's Center for Strategic and International Studies, and a noted political economist, in which he refutes the argument that population control is the key to economic growth.

OVERPOPULATION IS NOT THE THIRD WORLD'S WORST THREAT

(By Paul Craig Roberts)

The World Bank's 1984 World Development Report has generated a spate of gloomy media stories that emphasize rapid population growth as the principal cause of poverty in poor countries. The World Bank itself speculates on whether it is not already too late to prevent fragile social and political institutions from being overwhelmed by uncontrolled human reproduction.

This grim picture portrays human beings as engines of poverty and obstacles to material progress and leads to the deceptive conclusion that population control is the key to economic growth. Such a negative view does little to enhance the reputation of development economists, and it does much to present the Chinese practice of female infanticide as a respectable antipoverty program.

Moreover, this vew of life has little evidence to support it. Based on ample historical experience and empirical analysis, the alternative case can be made that human beings are creators of wealth and that rapid population growth stimulates economic development. Whether population growth results in poverty or progress depends on other factors. In some sections of its 1984 report, the World Bank misidentifies the factors, but in other sections it puts its finger on them.

The determining factors are not investable funds and physical resources per capita. They are incentives and property rights. If red tape preempts initiative, if private property is subject to confiscation by price controls, taxation, or government decree, if capital markets are replaced by government investment decisions, then people are denied their role as producers and confined to their role as consumers. Whenever government crowds out individual initiative, an increase in population can make a country poorer instead of richer.

BUILT-IN 'RIGIDITIES'

The Third World's problem is not the birthrate but the development planning that has produced growth-destroying price distortions and investment misallocations, as well as actual theft by policymakers. These distortions and misallocations take their toll in economic inefficiency. Empirical studies indicate that price distortions from trade curbs alone are costing some countries from 4% to 10% of their gross national product. When enormous income gains could be achieved just by changing government economic policy, the heavy stress on reducing the average population growth of developing countries by a few tenths of one percentage point seems to ignore the real problem.

The World Bank knows this, as a careful reader of its report can discern. The roots of the crisis, the report admits, go "back farther, to the rigidities that were steadily being built into economies from the mid-1960s onward. The rising trends in unemployment and inflation were the manifestation of increasingly inflexible arrangements for setting wages and prices and for managing public finances." These "inflexible arrangements" were justified formerly as proper government interventions to plan and to manage the economy, but no longer. Good sense has been creeping into the World Bank for the past four years, and it has just about taken over.

The rigidities, in fact, go back further than the mid-1960s. In the 1950s, the dominant theory of economic development ignored the importance of market pricing and allocation. Markets, private investment, and profit were synonymous with exploitation, and Western development economists were determined to protect the emerging Third World countries from being spoiled by greed. Consequently, government intervention crowded out markets, and individual initiative went to the back of the bus.

ACADEMIC FANTASIES.

This attitude, masquerading as theory, prevailed for several decades. I was taught it in the 1960s, and I fought it in the 1970s. It was eventually called into question by the work of Peter Bauer, a professor at the London School of Economics, the very institution responsible for unleashing the pestilence of development planning in the first place.

Today the World Bank is playing a role in restoring hope to the Third World, which has paid in poverty for the fantasies of Western professors. In this regard, the 1983 *World Development Report* was a watershed. The World Bank collected the facts on price distortions for 31 developing nations and in a striking statistical analysis showed that price distortions account for the difference between countries that average 3% annual real economic growth and those that average 7%. The astonishing difference in economic growth rates makes it clear that market pricing is a far more important factor in per capita income growth than population-control programs can be.

Recently the Reagan White House attempted to adjust U.S. development policy to the facts so clearly presented by the World Bank, but the White House is opposed by bureaucrats at the Agency for International Development and the State Dept. who would rather control births than free up markets. Antimarket ideology remains a powerful force and, unless combated successfully, may yet impoverish the world.●

TRIBUTE TO A GREAT AMERICAN

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. IRELAND. Mr. Speaker, I would like to take a few moments of our time to honor the late Joe K. Blanton, president of Publix Markets. Joe died May 30, 1984, at the age of 71 after many years of service to his community.

Joe was a driving force behind Publix's climb to the second largest grocery chain in Florida. His leadership was universally admired by bagboys and managers alike. They were his family, his life.

As Publix's flags were lowered to half staff on July 30, people everywhere remembered Joe Blanton and the countless contributions he made to their lives during his struggle to build a dream.

A native of Georgia, Joe moved to Polk County, FL, in 1939 and began his career as a meat salesman for Georgia Packing Co. Several years later, he joined All American Food Stores as a meatcutter and was working there when the 19-store chain was purchased by Publix founder, George Jenkins. Joe was named vice president and was elected to the board of directors of Publix in 1953 and rose to the presidency in 1974.

Although he was president of the 11th largest grocery chain in the Nation, Joe Blanton never forgot that he started with the Publix organization as a meatcutter three decades earlier.

Joe Blanton served his church, his company, and his community with enthusiasm and distinction. He was an American success story—from meatcutter to company President. His absence will be felt, both inside and outside the Publix family.●

FOREST SERVICE LONG-RANGE RESOURCE PLANNING

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. McNULTY. Mr. Speaker, I would like to bring to the attention of my colleagues the concern expressed by the western Governors about the Forest Service's long-range resource planning.

There is no doubt that this Nation must assess its demand for natural resources and plan for future consumption. Under the Forest and Rangeland Renewable Resources Planning Act of 1974, the Forest Service is directed to prepare programmatic projections. Currently, the Forest Service is preparing a document that will provide direction for Forest Service activities for at least the next four decades. With this in mind, it is imperative that this document reflect the needs and goals of our Nation.

A great deal of the public lands are concentrated in the West. Therefore, it is important that we pay particular attention to the views of those that represent that region. The following article from the Arizona Daily Star suggests that the current planning agenda of the Forest Service has not been well received. The Western States agree that in the Forest Service recommendations too great a priority is placed on timber production to the detriment of other market and nonmarket values.

While the alternatives were supposed to reflect all policy options, the document clearly does not emphasize true multiple-use management. According to the States and even the Forest Service's own calculations, all nine alternatives presented in the document would have a destructive impact on fish and wildlife. Furthermore, the alternative that is supposed to emphasize wildlife and recreation calls for a 20-percent increase in logging. I fail to see how this could be considered a balanced and equitable alternative.

I commend this article to the attention of my colleagues and suggest that they consider it fully when passing final judgment on this proposal.

[From the Arizona Daily Star (Tucson), May 27, 1984]

FOREST-USE PLAN SPARKS FIRE FROM WESTERN CRITICS

U.S. FOREST SERVICE WOULD PLACE TIMBER ABOVE PUBLIC USAGE, STATE AGENCIES SAY

(By R.H. Ring)

Western states are stiffening their opposition to U.S. Forest Service plans to boost timber-cutting in the their national forests.

Agencies responsible for natural resources, fish and game, agricultural and forestry, and a couple of governors from Western states raked the Forest Service—and in-

directly, the Reagan administration—in written comments last month.

The comments were made independently, based on research and observations from Arizona to Washington state, but they contain one unifying criticism: that the Forest Service's emerging national plan is blatantly biased against wildlife and recreation.

The states charge that complex, computerized calculations—which outline use and development of the national forests for the next 45 years—reflect these basic biases:

The importance of recreation, wildlife, scenery and clean water to the American public is greatly undervalued by the federal agency.

The value of timber products is inflated to justify logging.

Logging increases are being dictated "from above"—by Forest Service bureaucrats and the Reagan administration—without consideration for the capacity of forests.

The Forest Service is masking severe impacts on wildlife and recreation that will result from increased logging and forest development.

Close Western scrutiny is not surprising. Nearly 90 percent of national forest lands are in or west of the Rocky Mountains, and the Forest Service administers one-seventh of the region's total area.

As reported in an Arizona Daily Star series in February, the Western states have grown critical of how the Forest Service is carrying out laws passed in the mid-1970s, which require long-range forest planning.

"We have not yet reviewed a (Forest Service) plan that satisfactorily treated protection of fish and wildlife habitat or populations," said the California Department of Fish and Game last month.

The federal planning effort, the most intensive ever by a natural-resource agency, harnesses some of the most complex computer formulas ever devised.

The complexity allows ample opportunity for manipulation, say critics and Forest Service observers.

John Crowell, the Reagan appointee who is directing the Forest Service, has admitted he emphasizes development of forest "commodities"—timber and minerals—over forest "amenities"—wildlife, recreation and scenery.

In memos to the chief of the Forest Service, Crowell repeatedly had ordered changes in how the agency conducts its computer analyses and evaluates its resources.

Western states, relying on their own computer and planning experts, find many signs of Crowell's priorities in the draft national plan—the 1985 Resources Planning Act Program, a 400-page distillation of computer runs made over the past several years, released in January.

The draft presented nine "alternatives"—possible management directions and their effects. A final plan will be released by the end of the year, based on the alternatives and public comment.

Most Western states felt the range of alternatives was too concentrated on timber production.

All nine alternatives would have a destructive impact on fish and wildlife, according to the states and the Forest Service's own calculations.

"All favor timber or range to some degree. None of the alternatives clearly favors fish and wildlife—a resource desired by a significant number of the public at large and most forest visitors," commented the California Department of Fish and Game.

"The range of alternatives is insufficient. . . . At least one alternative should meet the established state goals for management of fish and wildlife," said the Washington Department of Game.

The alternatives were supposed to reflect a full range of priorities, from emphasizing wildlife and recreation to emphasizing timber.

Seven of the nine alternatives call for increases in logging of up to 100 percent.

"It appears throughout the document that the primary emphasis of management is timber production. We believe management should emphasize multiple use," said the New Mexico Department of Agriculture.

Of the remaining two alternatives, one would maintain current programs, and the other would reduce support for all forest resources—timber, wildlife and recreation.

The alternative that is suppposed to emphasize wildlife and recreation—titled the "non-market" alternative—called for a 20 percent hike in logging overall.

Most states doubted the validity of this alternative, which would double timbercutting in northern Idaho, with "a very negative impact on water quality for fish and security for elk," according to the Idaho Department of Fish and Game.

It "could be very detrimental in northern Idaho forests in the long run," the Idaho department said.

The Forest Service's own calculations show that the "non-market" alternative would cause a decline in habitat for elk, deer and fish in the Pacific Northwest because of logging in remaining wild woods.

Across the West, the "non-market" alternative would hurt birds dependent on wild woods, according to the Forest Service. Habitat for the rare spotted owl, already declining, would be reduced by nearly half.

The "non-market" alternative also protects far less wilderness than some states' own congressional delegations are proposing.

No alternative comes near matching wilderness totals proposed by conservation groups. The Washington Department of Ecology felt that at least one alternative should. Only then, the department felt, would the public be able to comment on a full range of choices.

The New Mexico Department of Game and Fish was "less than satisfied" with the entire plan. The Oregon Department of Fish and Wildlife rejected all the alternatives.

The Arizona Department of Game and Fish said it "cannot support any alternative or program which purports to produce adverse impacts on Arizona's fish and wildlife . . . regardless of the social, economic and political demands for commodities."

The three alternatives with the highest timber-cutting levels were formulated on the order of Assistant Secretary of Agriculture Crowell, a former attorney for the lumber company that is the largest buyer of national-forest timber.

Natural-resource agencies indicated that the public-comment period, which ended April 9, was a sham because of the lack of real choices.

The Oregon Division of Environmental Quality felt the alternatives were so alike that "a reviewer cannot clearly assess each as a distinct choice."

Tom Hamilton, director of national planning for the Forest Service, told the Star that the alternatives provided a full "range of possibility" for what the public wants from its national forests.

Crowell said the plan will "create some change in the wildlife community" by helping some species and hurting others.

He cited the "likely call by society" for timber from the national forests "in order to prevent wood prices from going skyhigh."

"All this concern" for wildlife, Crowell said, "boils down to an unstated effort to just leave the national forests alone."

Most Western states also felt the foundation of the planning process was slanted to support logging.

In its computer runs, the Forest Service figured on a steadily increasing value for timber taken from the national forests.

Yet the agency did not figure for any increase in the value of recreation, hunting or fishing, or enjoyment of wildlife, scenery or clean water.

No forest resource other than timber will inflate in worth over the next 45 years, according to the Forest Service computer runs.

This assumption contradicts numerous Forest-Service statements, made in local or national plans.

In the draft plan itself, the agency predicts "continued increases in demand for outdoor recreational opportunities on forest and range lands"—particularly in the West, where populations are booming.

The agency also has repeatedly cited the increasing need to provide wildlife habitat to offset degradations on all types of land.

Nevertheless, the computer runs, which shaped the alternatives, projected a flat demand and value for recreation, habitat and non-timber resources.

The Forest Service's own planners in some regions objected to inflating only the value of timber. They were overruled in a January memo from the agency's chief, R. Max Peterson.

The agency's position is that research has focused on timber products, while the value and demand for other resources has not been adequately quantified.

"We've been in the business of analyzing the timber resource for quite some time. For the other resources, we don't have" comparable information, explained Hamilton, head national-forest planner.

Crowell acknowledged that public demand for recreation and wildlife will be rising, as will the value of these resources.

But, he said, inflating only timber in the plan "is exactly right from an economic standpoint" because there is "better data for timber."

Crowell said it was "not a very significant issue."

Western states disagree. Officials feel the growing importance of recreation and wildlife is ignored.

"A greater emphasis should be placed" on recreation—"the nation's second-most important industry," said the Arizona Parks and Recreation Department. "This is particularly true in view of the drastic reduction in the land and water conservation program administered by the Department of Interior."

"Certainly the supply of recreational opportunities is not easily expanded, but the demand is growing inexorably," said the Colorado Department of Natural Resources.

The Oregon Office of State Forester said the federal projections "are subject to professional question."

The Washington Department of Game said they were "unrealistic" and would lead to "a bias toward timber, especially over time."

Additional bias was found in how the Forest Service set current values of non-timber resources.

Forest Service researchers had put together a 140-page report on the values of various recreation and wildlife use—a day of hunting, a hike in the woods, and so on.

These values—the building blocks of the planning process, representing the importance of each forest use—were in a preliminary draft plan presented to Crowell.

Last September, Crowell ordered that the recreation and wildlife values be reduced. They were cut by more than one-third, and the computer runs redone.

Western states felt the reduction was "arbitrary" and "inaccurate" and intended to downplay forest recreation and wildlife.

The new values "are not acceptable. These values are much lower than recent study information seems to indicate," said the Arizona Department of Game and Fish.

Montana Gov. Ted Schwinden said the reduction of the values "appears arbitrary" and may justify logging that will "conflict with quality recreation opportunities."

Wyoming Gov. Ed Herschler asked the Forest Service to take "a more accurate and realistic viewpoint" on the value of recreation and wildlife in his state's economy.

Idaho's Department of Game said the reduction was a "major concern"—"totally unacceptable" because it "distorts the relative values of the various resources."

Idaho asked that the Forest Service adopt values coming out of a joint study involving researchers from Idaho, the Forest Service, the U.S. Fish and Wildlife Service, Bureau of Land Management and Corps of Engineers.

The values from that study are much higher than the ones used in the Forest Service national plan.

Forest Service planner Hamilton said the agency believes its "rationale is sound." He acknowledged "we really need to do some work" on "improved" information.

Crowell told the Star that even the reduced values "are questionably high" and they may be further reduced for final computer runs.

Many states said wildlife habitat and forest quality are already declining, and that no amount of increased funding would help as long as timber production kept rising.

"It is the professional judgment of the department's staff that suitable fish and wildlife habitat is declining under the current level of harvest and has been declining" for years, said the Oregon Department of Fish and Wildlife.

The states criticized cutbacks in funding for wildlife and recreation during the Reagan years.

The Forest Service "does not currently have a fish and wildlife program" in Montana and Idaho, Schwinden said.

The new plan's assurances that wildlife, watersheds and other resources would be protected—and even helped—by timber production were "misleading," "vague" and false, said many of the states.

For instance, the Forest Service assumed that logging will benefit the West by increasing water yields—the runoff from forest lands that are cleared.

The states replied that, actually, increased logging will bring a decline in overall water quality, faster runoff in flood periods, and reduced flows in dry spells.

"Why not acknowledge impacts and display the decrease in water quality that results from additional logging and roading?" Schwinden asked.

Many national forests originally were formed to protect the West's watersheds, and several states mentioned this irony of history.

Forest Service planner Hamilton said that when the computers evaluated water resources, "quality was a major consideration in the East; quantity was a major consideration in the West."

Several Western states said increased logging would violate their water-quality standards.

The draft plan was put together with inadequate local input, and the emerging national goals will be imposed without consideration of the impact, the states felt.

"What we don't need is more centralized planning or Washington, D.C.-based target assignments. The forest planning process must work from the bottom up and not from the top down if it is to be effective and accepted," said Wyoming's Herschler.

"The fickleness of political winds may seriously undermine the whole thrust" of forest planning, the Colorado State Forest Service said.

Local priorities were to take a front seat in the national plan, until Crowell ordered against it. The U.S. Forest Service had decided to have the national plan merely sum up the local forest plans being formulated across the country.

The Arizona Department of Game and Fish, and other agencies around the West, also supported summing up the local plans.

But Crowell opposed the proposal, and it was only presented as one of the nine alternatives.

National goals must rule over local goals, Crowell told the Star, while admitting that the dominance flawed the process "to a degree."

The Forest Service, Crowell said, "has always been extremely conservative" in cutting timber, and it's time for change.●

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY SUPPORT FOR THE ELBERT FAMILY

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. LOWRY of Washington. Mr. Speaker, as a member of the Congressional Call to Conscience Vigil for Soviet Jewry, I would like to take this opportunity to present an update on the status of my adopted refusenik family, the Elberts of Kiev. I would also like to express my thanks to the gentleman from Pennsylvania [Mr. COUGHLIN] for his work as chairman of this year's vigil, and to the National Conference on Soviet Jewry and the Union of Councils for Soviet Jews for their continuing devotion to this most important cause.

Earlier this year, Lev Elbert was released from prison and reunited with his family. He had refused to report for reserve military service because this service could have been used as an excuse for refusing to allow him to emigrate in the future. His wife Inna had gone on a hunger strike to protest drug charges against Lev, which were eventually dropped. Their son Carmi was injured in anti-Semitic attacks at his school.

A report from July 31 indicates that the Elberts are now in Moscow, although it appears they will soon return to Kiev. All are in improved health, but Inna is still suffering from aftereffects of her hunger strike. Lev visited the Defense Ministry and requested that no further efforts be made to call him up for reserve duty. He was treated courteously and promised a quick response in writing. Lev is also looking for work.

I hope that the promise of a speedy response from the Defense Ministry will be fulfilled, and that conditions will continue to improve for the Elberts. I know, however, that we will all gladly join in helping them whenever it may be necessary in the future.●

ASSOCIATION OF TRIAL LAWYERS OF AMERICA HONORS SCOTTY BALDWIN

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, the prestigious Association of Trial Lawyers of America recently installed my good friend and fellow lawyer, Scotty Baldwin, as its president for the 1984-85 term. The ATLA could not have made a better selection, because Scotty Baldwin is recognized throughout the United States as one of the preeminent trial lawyers. He is richly deserving of this honor and I am extremely proud of him.

Scotty Baldwin is a lifelong resident of Marshall, TX, and for a number of years we both practiced law in Marshall. Scotty has astounded the legal world by consistently winning major civil lawsuits that were truly national in scope, not as a big city lawyer, but with an office in a city of 25,000 people.

He takes on the giants in personal injury cases and his clients are often those who have no means to hire a lawyer. I can attest from personal knowledge that Scotty Baldwin is truly a great lawyer—one who nearly always walks away a winner. In short, he just has an incredibly keen legal mind.

Scotty Baldwin has achieved every honor that can be bestowed upon a person in the legal profession, and as a part of my remarks I am including two very interesting stories which appeared in the Marshall News Messenger about his successful life and career. I commend these articles to the attention of my colleagues and the Nation as follows:

The articles follow:

BALDWIN INSTALLED AS ATLA CHIEF

(By Frank Pieper)

Marshall attorney Scott Baldwin added still another credit to his illustrious career as one of the country's foremost trial lawyers this past week when he was installed as president of the largest trial bar in the world, the Association of Trial Lawyers of America.

Baldwin was installed as 1984-85 president Thursday at ATLA's 1984 annual convention in Seattle, Wash.

Headquartered in Washington, D.C., ATLA is the world's largest trial bar organization with more than 57,000 members throughout the United States, Canada, Puerto Rico and other countries.

Baldwin said ATLA differs from the American Bar Association in that ABA is made up of all types of lawyers, but is traditionally dominated by defense lawyers, while ATLA is an organization of trial lawyers whose major emphasis is on the continuing education of its members, rather than on political lobbying. "At least it will be under my administration," he noted.

Baldwin said ATLA is "keenly interested in preserving the right of trial by jury" and toward that end, sponsors an extensive, ongoing program of training seminars and trial demonstrations.

Having taught one such seminar himself while at Harvard last summer, Baldwin said ATLA's program "has been a great boon for building the qualifications of trial lawyers around the country."

Having served as ATLA president-elect during the past year and vice president the year before, Baldwin succeeds David S. Shrager of Philadelphia as ATLA president and will serve in that capacity through the 1985 ATLA convention in Chicago next July.

Baldwin has also served on ATLA's Board of Governors representing Texas trial attorneys from 1973 to 1976 and on several ATLA committees over the years.

As ATLA president for one year, Baldwin will be the chief executive officer of the association and will preside over all meetings of its board of governors. He will act as ATLA's official spokesman, direct ATLA affairs with the advice and consent of the board of directors and appoint all ATLA committees.

Baldwin is a frequent lecturer and speaker and claims to have toured as a guest speaker in more than 30 states. Although a severe heart attack last year has forced him at least to try to slow down, Baldwin said he still averages at least a couple of lectures a month, generally at my own expense . . . I look at it as I'm giving something back to my profession."

He has also authored or coauthored three law books: Art of Advocacy—Direct Exmination, The Preparation of a Product Liability Case, and Anatomy of the Personal Injury Lawsuit.

MILLION-DOLLAR LAWYER: BALDWIN DID IT AT HOME

(By Frank Pieper)

For an area dominated more by pine forests and swamp bottoms than humans, Marshall and Harrison Counties have produced more than their share of famous sons and daughters.

Familiar names abound: Football Hall-of-Famer Y.A. Tittle, TV journalist Bill Moyers, former First Lady and widow of the 36th President Lady Bird Johnson, blues singer/folk hero Huddie Ledbetter, actress Susan Howard, author Joseph Goulden, civil rights activist James Farmer and former heavyweight boxing champion George Foreman. They all originated hereabouts and went on to become nationally, even internationally recognized.

But in each case, the road to fame and fortune meant putting Harrison County in the rear-view mirrors and none achieved their success until they had . . . but for one notable exception.

Although his name may not be as recognized outside of legal circles as those of Tittle or Foreman, Marshall lawyer Scotty Baldwin ranks with the likes of Ralph Nader in promoting occupational and consumer safety.

Balwin's law office, which he shares with his partners Franklin Jones Jr., Doyle Curry and Carl Roth, deals exclusively in major civil lawsuits—specifically, personal injury cases.

In many cases, that has meant taking on the "big gun lawyers" from cities many times larger than Marshall, representing disabled, unemployed individuals with no means of hiring an attorney against major industrial corporations. More than a few times, he has tackled the government, itself.

Nevertheless, this "small town" lawyer and his partners have established not only a string of six- and seven-figure settlements for their clients, but also a winning record and almost legendary reputation for taking their cases to trial where many attorneys prefer to settle out of court.

"We probably try a greater percentage of our cases than most firms," he said.

That likelihood that Baldwin will take a suit to trial if he is not satisfied with the other side's offer, coupled with the fact that he wins far more of those cases than he loses, has a great deal to do with his success rate both inside the courtroom and out.

For example:

As lead counsel for 445 plaintiffs in the recent asbestos cases (of which about 250 were actually his clients,) Baldwin negotiated a phenomenal $20 million package-deal settlement. In addition to setting his own personal settlement record with that case, Baldwin said the settlement broke ground for more than 1,000 subsequent other cases involving injuries attributed to asbestos poisoning.

Baldwin said he may break his own package-settlement record soon, depending on the outcome of current litigation against the U.S. government in connection with the Army's postwar nuclear test program in the Marshall Islands.

Baldwin and his associates represent nearly 6,000 natives of the Marshall Islands where the American government detonated some 40 atomic bombs between 1948 and the 1963 signing of the Nuclear Test Ban Treaty.

According to Baldwin's partner Doyle Curry, a wind shift during the 1954 Bravo test near Bikini Atoll caused the islands downwind of the test to be "saturated" with radiation fallout. Unwarned and unsuspecting natives were contaminated, as were the land, crops and livestock. The cancer rate shot up to 10 times the normal rate.

Although the government has refused to acknowledge responsibility for what was officially classified as "a nuclear accident," Baldwin said it has already offered the plaintiffs $150 million to settle out of court. The case is pending in California.

Baldwin and his associates won what he called "supposedly the largest verdict in the state of Mississippi" with another asbestos-related case about four years ago. Representing a Gulf Port, Miss., shipyard worker whose health and livelihood had been damaged by his exposure to asbestos cargoes, Baldwin reaped a $1.1 million jury award—an amount previously unparalleled in the history of Mississippi jury decisions.

Much of Baldwin's reputation for winning big has been the result of his performance in handling personal injury cases.

That reputation is what has won Baldwin recognition in such publications as *Who's Who in Texas* and *The Best Lawyers in America*, and earned him an entire chapter in Joseph Goulden's book, *The Million Dollar Lawyers*.

It has also distinguished him among the elite in his field. He is a former governor and vice president of the American Trial Lawyers Association and past president and vice president of the Texas Trial Lawyers Association and the Harrison County Bar Association. He has been honored with fellowships in the International Society of Barristers, the Inner Circle of Trial Advocates, and the prestigious American College of Trial Lawyers. Most telling, though, is his membership in the International Academy of Trial Lawyers, whose standards are strict that Baldwin said, "If you don't rate in the top 1 percent (of all the trial lawyers in the world,) you don't qualify."

The most recent feather in his cap was his installation Thursday as president of the world's largest trial bar organization, the American Trial Lawyers Association (see sidebar story.)

Yet, perhaps the truest sign of his success can not be measured in dollar signs, elected offices or honorary memberships, but by the fact that he makes his living doing what he enjoys most.

"I've finally gotten by hard work to the station in life where I can spend my time working on cases I enjoy . . . that is, personnal injury cases," he said. "My practice has become highly specialized."

However, personal injury cases are more than Baldwin's specialty; they're his first love.

That is significant to a lawyer of Baldwin's standing because attorneys who represent disabled, unemployed individuals in personal injury cases only get paid if they win.

Baldwin says he prefers that contingency arrangement (the standard attorney's fee is 25 percent or more of the award), because it provides him "an incentive to do well."

"It's good because the people that I usually see have been beset by tragedy," he said. "This way it lets the man of little means have the best attorney possible. I like to work under that arrangement."

Besides casting him in the role of defending the underdog, personal injury cases also enable Baldwin to do some good on a more far reaching, public level as a consumer advocate. Lawsuits filed by Baldwin and his associates, even some they have lost have often forced national or international manufacturers to upgrade equipment, methods or standards in order to avoid further litigation.

"The work I do is gratifying because I feel I'm doing something positive," he said. "I feel like I'm providing a service for society because you see products improve and safety measures taken as a direct result of the work I've done."

That attitude illustrates just how far Francis Scott Baldwin Sr. has come since the ex-Marshall Marverick quarterback and son of a pioneer Harrison County family

defied his father's wishes that he be a doctor and stuck it out in law school—just to prove to his college buddies and himself that he could do it.

After playing alongside Y.A. Tittle for the district champion Mavericks in 1943, 1944 and 1945, 17-year old Scotty graduated from Marshall High School in 1946 and enrolled in the pre-med program at North Texas State University in Denton . . . mostly because that's the way his father, the late Dr. J.B. Baldwin wanted it.

"I was going to be a doctor. My father was a doctor and that's what he wanted for me," he said.

After graduating with "fairly good grades" and a bachelor of science degree in 1949, Baldwin began a year of graduate study at the University of Texas in Austin while looking around for a medical school that would take him.

"At that time, they had three (medical schools) in Texas, taking a total of 80 new students out of 10,000 applicants each year," he said. "I had fairly good grades, but I didn't have a straight-A average."

It was then that Baldwin's college roommate, Bob Monagham (now a West Texas corporation lawyer), took the direction of Baldwin's life and his education in to his own hands.

"While I was gone one weekend, my roommate enrolled me in law school," Baldwin said. "He told me I had too good a mind not to be a lawyer.

"Anyway, when I got back in September, I found out my classes had been going on for a year. I decided to try to meet the challenge and stick it out the first year . . . They were betting around the fraternity house that I wouldn't make it."

He said his determination to prove his friends wrong may have given him the drive he needed to do the job. Nevertheless, he recalls, "I was in law school a year before I told my daddy. I was afraid to tell him."

Baldwin married in December 1952 and graduated from law school in 1953. He passed his bar exam and was admitted to the Texas Bar in the same year. He opened a law office in Marshall and has practiced here ever since.

He and his wife, Coralee Fain Baldwin, have three children: a daughter, Lee, who teaches high school home economics in Fort Worth; and two lawyer sons, Scott Jr. and Jack.

Now approaching his 56th birthday, Baldwin has been forced to ease back "at least a little" from his full schedule of legal work and speaking engagements following a major heart attack in February of last year. However, he said he is not considering retirement and plans to keep trying personal injury cases "as long as it's fun. When it stops being fun, I'll start looking around for something else to do." ●

SOMETHING IS ROTTEN AT FEMA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. STARK. Mr. Speaker, I would like to congratulate our colleague from Tennessee [Mr. GORE] for his work in exposing the fraud and waste among several high-ranking Federal Emergency Management Agency personnel.

I would just like to add that FEMA's waste extends beyond engrandizement of its personnel and staff.

In California, there is a lake called Tulare. Most years it is dry. But when there is a lot of snow in the mountains, it floods. This happens every few years and is a normal, expected occurrence.

Some very large, very wealthy, very good friends of the administration own the lakebed and plant millions of dollars worth of crops there.

In 1983, these agribusinesses were paid millions of dollars not to grow crops in the lakebed.

But the lakebed was under 9 feet of water.

To rub salt into this taxpayer's wound, FEMA decided to give them $5.5 million in aid to drain the lakebed that they were being paid millions not to plant.

Dumb? Yes.

Corrupt? Perhaps.

A lot of things are fishy at FEMA.●

FEDERAL FUNDING FOR THE LEGAL SERVICES CORPORATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. SHUMWAY. Mr. Speaker, the Reagan administration has consistently sought to eliminate Federal funding for the Legal Services Corporation [LSC]. I have supported the administration's efforts in this area due to my deep concern that as the size and expense of the LSC grew prior to President Reagan assuming office—LSC funding having increased by 350 percent between 1975 and 1981—so too did the abuses and excesses justified in the name of helping the poor.

Simply stated, I continue to be concerned that the LSC, its staff, and its grantees have, under the guise of providing needed legal assistance, consistently made use of Federal funds to pursue broad social and political objectives, often in direct violation of law and congressional intent.

Mr. Speaker, I would like to emphasize that my opposition to the Legal Services Corporation in no way implies that I do not believe that all Americans—irrespective of their economic status—must enjoy equal access to justice. I question, however, the use of taxpayer's money for lobbying efforts initiated, in many instances, not in behalf of the poor, but for the larger purpose of social reform.

I, therefore, have consistently advocated that alternatives for the provision of legal services to the poor which exist be vigorously pursued. Private attorneys, for example, represent an underutilized resource for civil legal assistance; interest on lawyer trust accounts [IOLTA] programs, whereby revenues from pooled small escrow accounts placed in interest-bearing accounts are used to help the poor, represent another example of private sector initiatives which must be encouraged. Moreover, to supplement these private efforts, I support efforts by the administration to make funding available to States through the social services block grant to support legal aid programs for the poor.

In my view, these approaches warrant serious attention as a means of meeting the legal needs of the poor. However, as long as the Congress continues to appropriate Federal funding for the Legal Services Corporation, there will be little incentive to utilize the resources that are available in the private sector.

Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the July 29, 1984, edition of the Los Angeles Times which highlights the type of private efforts which are effectively being utilized, without benefit of Federal funding, to provide needed legal services for the poor.

The article follows:

PRIVATE BAR OFFERING LEGAL AID TO POOR, FILLING GAP LEFT BY U.S. CUTBACKS

(By Philip Hager)

WASHINGTON.—An overflow crowd of 270 lawyers turned up at a forum here to offer to do free legal work for the poor. Another 50 were turned away for lack of room.

In Florida, more than $2 million was raised in a novel program—now being copied by California and 25 other states—in which legal aid groups were given funds from interest earned on pooled trust accounts held temporarily by attorneys for their clients.

And in Minnesota, 17 lawyers for the 3M Co., joined by their assistants and secretaries, volunteered to help a local legal services organization represent low-income persons in Social Security, consumer fraud, divorce and other cases.

OVER 350 PROGRAMS

In the wake of sharp cutbacks in federal legal services programs, more and more private attorneys are finding a wide variety of ways to help provide legal assistance to the poor. But critics contend that the response has fallen short of filling the void left by the federal government's retreat.

According to the American Bar Assn., lawyers are participating in more than 350 programs in the country that help indigents for free, compared to just 50 two years ago. The ABA says that more than 11 percent of the nation's 622,000 lawyers donate some time to work *pro bono*—short for the Latin term *pro bono publico*, which means for the good of the public.

The new trend is seen as "very positive" by Donald P. Bogard, president and chief executive officer of the Legal Services Corp., the federal agency that oversees the distribution of government funds to the more than 300 local legal services groups nationwide that offer free legal aid to the poor.

"There had been some degree of private involvement prior to the time (1965) when the federal government got into legal services," Bogard said. "But, once the federal government started pouring money into it, private bar initiative declined somewhat. . . . Now, since Congress cut the budget 25 percent, there's been a rebirth of desire by the private bar and a recognition of the necessity for its participation."

But Bogard, bar leaders and other lawyers involved in the programs are quick to emphasize that the renewed private effort can only help the federal government in meeting the legal needs of the poor, not replace the federal effort.

"We're just barely beginning to represent those people who haven't had a fair shake in life," said Gerald A. Regnier, a senior attorney for 3M, whose corporate legal department is one of a growing number participating in a *pro bono* program. "It would be horrible if anything happened to government legal services."

The Reagan Administration took office with the aim of abolishing the Legal Services Corp. Its position, as stated most recently by President Reagan in his fiscal 1985 budget message, is that the private bar, supported by federal aid delivered through the state-administered social services block-grant program, can meet the legal needs of the poor.

Congress has refused to abolish the program, but it trimmed the corporation's annual budget by one-fourth in 1981, from $321 million to $241 million. It has held the budget to that level ever since, forcing sharp cutbacks in staffs, facilities and caseloads.

Paul M. Igasaki, staff director of and ABA legal services project, says he doubts that the private bar, even with its new effort, is filling the gap left by federal aid cuts.

"Before the cutbacks, nobody was suggesting we met a majority of the needs," he said. "With a reduction, we dropped further behind. Now the question is whether we can make up for the cutbacks, much less meet increasing needs."

Last year, in a sample survey of 61 legal services programs, the Washington Council of Lawyers, a 13-year-old "public interest" bar association, concluded that the private bar's response to the federal aid cuts was inadequate to the need.

ONLY 44 PERCENT GET HELP

By the estimate of the local program directors, only 44 percent of the clients they referred to private attorneys actually got help. Private lawyers too often were unwilling or unable to take on sometimes complex and time-consuming cases involving food stamps, Medicare and other problems of the poor, the directors in the survey said.

However, council officials say that there have been recent signs of growing interest in *pro bono* work. The 270 lawyers who last month attended a council forum in Washington, where they were matched with available public service cases and projects, were more than double the number who attended a similar gathering in 1982.

"*Pro bono* work was out of vogue for awhile—not the thing to do," the council's Marsha T. Tucker said. "That trend seems to have been reversed."

Expanded efforts are reported elsewhere as well. In New York, for example, 30 major law firms and 20 of the city's largest corporate legal departments—employing more than 5,000 attorneys in all—announced last spring that each lawyer would provide 30 hours a year for public-service legal assistance. Similarly, in Los Angeles, 50 law firms are participating in a volunteer legal services project sponsored by the Los Angeles and Beverly Hills bar associations.

On another front, some legal services groups are beginning to benefit financially from a new fund-raising concept employed by a growing number of state bar groups. Twenty-seven states have adopted a program called Interest on Lawyer Trust Accounts—or IOLTA—and another 19 states are preparing to implement programs or studying them. The programs are modeled after similar plans that have been long employed in Canada and other countries.

Under this approach, lawyers take otherwise idle funds collected from their clients and pool them into interest-bearing accounts whose earnings support legal aid programs and, in some states, law school student loans and other programs as well.

Lawyers commonly hold such funds temporarily for eventual use to pay court filing fees, real estate closing costs and similar expenses. Individually, these funds are in nominal amounts and do not generate any interest, but, collectively, they can produce millions of dollars in income—and a new source of funds for legal programs.

Florida, the first state to adopt an IOLTA program, raised $2.7 million last year—an average of $603 for each participating lawyer. In California, an IOLTA program adopted last year is expected to produce up to $5 million annually, but implementation has been held up by a challenge, now before California's 4th District Court of Appeal in San Diego, to the mandatory nature of the plan.

"This program comes at a good time, with the federal commitment to legal services being substantially cut back," said Randall Berg, a director of the Florida Justice Institute, which monitors IOLTA programs nationwide. "These funds can allow a lot of programs to maintain current staffs or to keep open offices that otherwise would be closed. . . . It's also good public relations for lawyers; they get credit for doing something good."

A growing number of large corporations—3M, Boise Cascade Corp. and Aetna Life & Casualty, among others—are establishing their own *pro bono* programs in cooperation with the American Corporate Counsel Assn. The corporate effort recently drew a congratulatory letter from Reagan, who called such programs an example of the way the private sector can make a "significant contribution to making our world a better place."

Under the programs, volunteer lawyers from the Mutual Life Insurance Co. of New York (MONY) are providing legal services to the Fort Apache Youth Center in the South Bronx; Aetna's lawyers are advising the elderly in Hartford, Conn., and Boise Cascade attorneys are helping establish *pro bono* services in Idaho.

Under the 3M program, which was inaugurated shortly after federal legal service cutbacks were enacted, 17 lawyers are working with Southern Minnesota Regional Legal Services, whose $4-million annual budget was reduced to $3 million because of the federal budget cuts.

The corporate lawyers, each spending up to 20 hours in a six-month period, work on a wide range of cases—involving unemployment claims, landlord-tenant disputes or Social Security payments—and consult with attorneys in the regional legal services office who specialize in particular areas.

Attorney Regnier says the personal satisfaction gained in providing service, rather than "just writing a check," has been important to 3M employees participating in the program.

"Twenty-five percent of our legal staff signed up for it right away," he said. "Then our legal assistants joined in and our secretaries joined in, taking legal education courses so they could handle the new forms and other processing they would have to do. . . . The whole thing's voluntary—no quotas or anything like that. It's a way of making a contribution."

Thus far, the private bar has shown every indication its new efforts will remain largely voluntary. Lawyers have resisted proposals for mandatory *pro bono* programs in several states, including California, on the grounds no one should be forced to work without compensation.

A rare mandatory *pro bono* program is operating in El Paso, where lawyers are under a court order, obtained at the request of local bar members, to do free legal work in domestic relations cases.

MANDATORY IN FOUR STATES

Of the new programs in which interest earnings support legal aid services, only four states have made them mandatory. In one of those states, California, an Escondido lawyer and his client won a ruling from a trial court that the program must be voluntary—and that ruling is at issue in the case before the state 4th District Court of Appeal. The lawyer contended that the mandatory collection of interest from client trust fund accounts represented an unlawful taking of client property without due process.

"We've seen a higher level of interest in voluntary (*pro bono*) programs," said Lynn R. Sterman, assistant director of the ABA's Legal Services Division. "Most people seem more confortable with the voluntary concept."

The Legal Services Corp.'s Bogard notes that, although many private lawyers might have difficulty representing indigents in cases involving complex federal benefit programs, they could still take on divorce, custody, eviction, bankruptcy and other comparatively routine matters that make up nearly one-third of the 1.4 million cases handled by legal services offices annually.

"Philosophically, I think it's better if lawyers accept the responsibility on their own without making it mandatory," he said. "But if the need goes unabated—and Congress remains unwilling to quadruple our budget to meet the need—perhaps eventually we'll have to take a look at mandatory programs."●

THE MAKING OF A SELL-OUT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. OTTINGER. Mr. Speaker, I wish to bring to the attention of my colleagues an excellent article which appeared in the Wall Street Journal on June 29 entitled "Industry's Efforts, Accord with Dole Led Rostenkowski to Relent on Capital Gains." The article focuses upon Chairman DAN ROSTENKOWSKI's historic opposition to an issue, the decrease of the capital gains holding period from 1

year to 6 months, which he suddenly allowed to be included in the Deficit Reduction Act recently signed by the President.

Representative ROSTENKOWSKI vehemently opposed the capital gains clause for many years. His ultimate consent was only after much research by the securities industry in order to prove the need for such legislation. One only wonders how the securities industry could become so convincing as to change the chairman's mind so completely. The securities industry's influence is just another example of the inclusion of special interest language in this bill. Indeed, this industry has contributed substantially to many political campaigns.

This bill is specifically tailored to benefit stockbrokers and the wealthy who heavily invest in the stockmarket. In fact, it has been estimated that 43 percent of the net tax cut would go to the taxpayer whose income exceeds $100,000. Those adversely effected are those whose income is under $50,000. According to a report by the Joint Committee on Taxation, if the shortening of the holding period is made effective for assets purchased after November 1, 1983, the revenue loss from the 6 month holding period is estimated at $140 million in 1985 and $251 million in 1986. Thus, it would contribute to the deficit rather than reduce it.

I urge my fellow colleagues to read the following insert. New support for the legislation has allowed it to become law, thereby furthering the maldistribution of the Tax Code.

INDUSTRY'S EFFORTS, ACCORD WITH DOLE LED ROSTENKOWSKI TO RELENT ON CAPITAL GAINS

(By Jeffrey H. Birnbaum)

WASHINGTON.—Rep. Beryl Anthony Jr. uncorked the champagne last weekend to celebrate an event most experts doubted would happen: the inclusion in Congress's tax bill of a measure that cuts the capital-gains holding period to six months from a year.

The Arkansas Democrat, who is a member of the Ways and Means Committee, had pushed hard for the proposal. But during the last three years, such efforts have routinely failed.

This year, like clockwork, the Republican-controlled Senate passed the measure. And, the expectation was that, as usual, Chairman Dan Rostenkowski (D., Ill.) of the Ways and Means panel would refuse to accept it. But this year something different happened. In the wee hours of Saturday morning, as congressional negotiators made their final compromises on the bill's contents, Rep. Rostenkowski relented.

Why did Rep. Rostenkowski change his mind? The reason involves the persistent attentiveness of the securities industry, the laying aside of old grudges and a secret plege between the chairmen of the two tax-writing committees, Mr. Rostenkowski and Sen. Robert Dole (R., Kan.).

Rep. Rostenkowski had his first opportunity to smash the capital-gains proposal in 1981, and he took it with a vengeance. In that year, the proposal to reduce the holding period, which refers to the length of time an asset must be held before the gain from its sale is taxed at a special lower rate, was contained in a tax bill passed by the House in place of Mr. Rostenkowski's own bill. The measure was inspired by a Republican-backed tax-cut plan, but was supported by many Democrats, notably Rep. Kent Hance of Texas, a junior member of the Ways and Means committee.

"That irritated me a little bit," the chairman recalls about Mr. Hance's effort. And from his vantage point as head of the House negotiators reconciling the bill with the Senate version, Mr. Rostenkowski helped engineer the provision's defeat.

In 1982, the memory of the year-earlier defeat lingered. But an insult was added to the old injury, according to securities industry officials. During the conference that year, rumors reached the chairman that Treasury Secretary Donald Regan, a former chairman of the brokerage firm of Merrill Lynch & Co., had boasted that he was about to defeat Rep. Rostenkowski on the holding-period issue. The willful Mr. Rostenkowski isn't the kind of fellow who takes being beaten lightly. He adamantly refused to accept the provision and again it failed. A spokesman for Mr. Regan said the secretary "remembers no such thing."

INDUSTRY PERSISTENCE

For the past two years, the securities industry has worked overtime trying to make the chairman happy. Egged on by a skeptical Ways and Means staff, Rep. Rostenkowski wanted proof that reducing the period wasn't just a boon for brokers and a drain on U.S. tax coffers. He also wanted assurances that the liberals in his own party would support the change.

The Securities Industry Association, a trade group, showered the chairman with study after study purporting to show that cutting the holding period would stimulate investment and that the extra trading that would be caused by the provision would increase tax revenue. According to Rep. Anthony, in exchange for the promise that he wouldn't try to attach the measure to a House tax bill last year, Rep. Rostenkowski agreed to hold hearings to get more information on capital gains.

Rep. Anthony spearheaded the drive to prove to the chairman that support for the measure extended beyond the Republican party. Before introducing a bill to reduce the holding period, he was careful to have 75 Democratic co-sponsors. The number of House members who added their names to the bill eventually rose to more than 200.

The industry also contributed to Rep. Rostenkowski's campaign. Securities political action committees and individuals associated with the industry contributed at least $16,500 to Rep. Rostenkowski's campaign committees in 1983 and the first quarter of 1984. Edward O'Brien, president of the Securities Industry Association, said such contributions are "normal and proper" in Washington politics.

PRIVATE MEETING

The effort paid off. At a private meeting during tax negotiations last year, Rep. Rostenkowski gave Chairman Dole of the Senate Finance Committee a commitment that he would try to work something out on capital gains the next time around. Sen. Dole has been pushing for the provisions since 1982.

But Mr. Rostenkowski didn't leave the table this year without getting something in return. He insisted that the provision expire after three years just in case the predictions about revenue gains were wrong. He also made sure that the bill contained a number of measures that tighten up on securities taxation.

On top of that, he traded the investment period change for a tax break for people who don't have money to invest. The chairman made sure that the earned income credit, a refundable $500 credit for low-income families, would be raised to $550 a year.

"All parties walked away," Rep. Rostenkowski said, "with something they wanted.●

DEFERRED PAYMENT FOR PURCHASES BY EL SALVADOR

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. OWENS. Mr. Speaker, the Presidential determination of June 18, 1984, on the deferred payment for purchases by El Salvador under section 21(d) of the Arms Export Control Act is worthy of note by this House. The June 18 determination was not published until July 17, 1984, a time when many Members were away and the House was out of session.

The deferred payment mechanism permits the release of military services and materiel worth up to $32 million before Congress has authorized and appropriated the funds for the military assistance program for the Government of El Salvador. Presumptively, the President expects an ex post facto authorization and appropriation from Congress.

The situation in El Salvador is difficult. There are good reasons for questioning whether or not additional military services and materiel wil improve the situation there. However, even as we will consider this issue, I ask my colleagues to remember that the civilian death toll continues to mount in El Salvador and Mr. Duarte, who now heads the Government, had a similar role in 1980 through 1982 when 25,000 civilians were killed by the military and the death squads combined. This reality should give us all pause when we consider sending military materiel to the Government of Mr. Duarte.

The implications of the administration circumventing Congress when it comes to military aid and intervention should also give us pause. Any aid to El Salvador should be fully explored and considered by this House. That is our responsibility to our country.●

REMEMBERING THE LODZ GHETTO

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. LANTOS. Mr. Speaker, even in the darkness of the Holocaust the nightmare of the Lodz Ghetto stand out as an incomprehensible outrage against humanity.

At a time when strident voices of anti-Semitism are being more frequently heard on the American political landscape, it is critical that my colleagues in the Congress and the American people everywhere be reminded where unopposed anti-Semitism leads.

In 1939 more than 200,000 Polish Jews lived in the area that became the Lodz Ghetto, but at the end of World War II only some 10,000 had survived. On August 12, survivors of the Lodz Ghetto will gather in New York to remember. Many will see each other for the first time since they were resettled from the ghetto to other Nazi death camps.

Remembering will be made easier for the survivors of Lodz because of a remarkable collection of documents known as the Chronicle of the Lodz Ghetto, a daily record of life kept between 1941 and 1944 by the Jewish administration of the Ghetto. The Chronical is one of the most significant records of the Holocaust. The records were not a clandestine activity, as were the diaries that have survived the Warsaw Ghetto, but part of the official records. Since they were subject to German examination at any time, the references to the Germans are extremely guarded. Nevertheless, the wealth of detail and the accuracy of its reports is unparalleled.

The manuscripts were buried and recoverd after the war. Dr. Lucjan Dobroszycki prepared them for publication in Polish, and two of a projected five volumes appeared. After the 1967 Arab-Israeli war, Polish authorities discontinued further publication. An abridged version in English "The Chronicle of the Lodz Ghetto, 1941-1944," will be published by Yale University Press this fall. It is edited by Dr. Dobroszycki, who is now a historian at the YIVO Institute for Jewish Research in New York. Excerpts of the book were published in the New York Times Magazine on July 29.

Mr. Speaker, I place in the RECORD excerpts of the chronicle. May it ever serve as a reminder to us of the consequences of unopposed anti-Semitism.

The excerpts follow:

[From the New York Times Magazine, July 29, 1984]

EXCERPTS FROM THE CHRONICLE OF THE LODZ GHETTO

March 1, 1941: A review of the most important events in the ghetto in February. The number of people in the ghetto on the first day of February, 1941, totaled 153,995, and the number of rooms fit for human habitation was 49,964, that is, on the average, a room for every three people. The number of deaths in the month of February came to 1,069. Births totaled 52. The increase in criminal offenses has been so great that, in the month of February, 243 persons were arrested for theft, 13 for resisting orders, and 486 for various other offenses.

The most lurid incident in the area of criminology, one bespeaking a complete return to savagery, was the case disclosed on Feb. 23 by Precinct I of the Order Service. The remains of a child in a state of total decay were uncovered in the building at 42 Franciszkanska Street. The remains had been covered with rags. The doctor summoned to the scene could not determine the date of death precisely, but he did state that it had occurred at least two weeks ago. The child's father, Hersz Aragier, a batkhn [wedding entertainer] by profession, did not initially wish to disclose his reason for not burying his only son, a 7-year-old boy, but later confessed that he had done so in order to use his only son's bread and food coupons. The father was arrested. He is now in prison awaiting the sentence of the court.

By the second half of January, there was a noticeable improvement in the ghetto's coal supply, which, in the earlier parts of the winter, had constituted a calamity of the first order. The number of marriages performed by the rabbis since December has been decreasing—301 in December, 223 in January.

Monday, April 21, 1941: At 2 o'clock in the afternoon, Cwajga Blum, 41, a resident of 21 Limanowski Street, was shot to death next to the barbed wire at the end of Brzezinska Street. The victim was suffering from mental illness and had recently been released from the mental institution on Wesola Street. According to witnesses, the unfortunate woman had walked up to the barbed wire several times and requested that the sentries shoot her. The Order Service had already pulled her safely away from the barbed wire a couple of times. On the fateful day, the sentry had asked the mentally ill woman to dance in front of the barbed wire. After she had performed a little dance, the sentry shot her dead at nearly point-blank range.

Sunday, April 27, 1941: In view of the growing need for, and increasing shortage of lumber and fuel, all wooden market stalls and booths on squares and markets have been ordered demolished. Beginning today, street peddlers will place their goods directly on the ground or on chairs or tables brought from their homes. Only the stalls belonging to invalids escaped demolition.

Monday, August 4, 1941: "Men's collars taken in at the barber shop at 13 Lutomierska Street." A timely advertisement since it is now a common occurrence for collars to have become one or two sizes too large. Women with pleasant spherical shapes beyond the help of any [spa such as] Marienbad or Morszyn now have slender, girlish figures. Weight losses of 44 to 66 pounds, and sometimes even more, are now frequent.

Monday, December 1, 1941: Ghetto Population 163,623 on Dec. 1. This is the highest the ghetto's population has ever been.

January 1-5, 1942: In connection with the significant increase in the mortality rate, macabre lines of corpses awaiting burial have accumulated in the mortuary at the cemetery, as was the case at the beginning of last year. The number of the unburied now exceeds 100. With a view to eliminating this macabre backlog, the Burial Department has ordered the gravediggers to bury at least 80 corpses on the sixth of this month, keeping only the bodies brought in on that day in the mortuary. On that day, the gravediggers' sole concern will be burying bodies, and they will cease digging fresh graves. At present there are 80 gravediggers employed at the cemetery, a number that will be increased to 200. The workers' poor physical condition caused by the conditions of life in the ghetto, constitutes the most substantial impediment to intensive work in their sad trade.

The month of February, 1942: The resettlement action, begun last month and renewed in the last 10 days of February, is one of the most important events recorded in the Chronicle in February. In that period, the authorities demanded 10,000 people for resettlement from the ghetto. The deportation took place from the 22d to the 28th of February. Ten thousand people were deported from the ghetto in seven transports. A special commission was in charge of evaluating candidates for deportation. The list of deportees included prisoners serving sentences who were still in the ghetto. In February, people on relief also began to be deported.

Many widely varied stories appeared in the ghetto concerning the fate of the deportees. It was said, for example, that the deportees were set free in Koluszki; those who spread this unverified information claimed that this news had come from many deportees in Warsaw. Another rumor had it that the deportees were in Kola county and also in the vicinity of Brzesc Kujawski. We mention these stories only for the sake of accuracy in chronicling events, for in reality the ghetto has not received any precise information on which to base an idea as to the fate or even the whereabouts of the deportees. This mystery is depriving all the ghetto dwellers of sleep. The resettlement in February was significantly more severe than the one in January; most of the guards ordered the deportees to throw away their knapsacks and often even the bundles they were carrying by hand, including the food supplies they had taken with them for their journey into the unknown. [All of the deportees were taken to the camp of Chelmno (Kulmhof), where they were put to death.]

Friday, July 31, 1942: Elimination of the last vestiges of teaching. The day before yesterday, the Chairman ordered the suspension (until further notice) of all the lectures, talks, and readings still being given at the reading room for young people in Marysin [a section of the ghetto]. Thus was all continuing education in the ghetto eliminated. This order was initiated from without. B[ernard] O[strowski]

September 14, 1942: The period of Sept. 5-12, 1942 will leave indelible memories among that portion of the ghetto's population on whom fate smiles and who survive the war.

One week, eight days that seem an eternity!

Even now it is difficult to grasp what has occurred. An elemental force has passed through the ghetto and swept away some 15,000 (no one knows the exact number yet) and life appears to have resumed to its former course.

In his speech of Sept. 4, 1942 (at 4 P.M.), the Chairman announced that, by order of the authorities, about 25,000 Jews under the age of 10 and over 65 must be resettled out of the ghetto.

In accordance with the Chairman's proclamation on the fourth of this month, pedestrian traffic after 5 P.M. has been suspended until further notice since the fifth of this month, and it was then that the Jewish police's action to round up all persons subject to resettlement began. It was said that had this action encountered any difficulties or resistance, the German authorities would have stepped in.

In point of fact, the operation proceeded as follows: Block after block was surrounded by the Jewish police and then each building surrounded by a host of police and Jewish firemen and entered by a representative of the authorities (the Gestapo). A shot was fired as a signal to assemble, and then all the residents of a given building were assembled in the courtyard, arranged in two rows, and subjected to inspection by representatives of the authorities. In the meantime, the Jewish police were searching the apartments and bringing out anyone who had been hiding or people who were ill. In the smaller buildings, this operation often took only a few minutes. The deportees and those who were to remain were separated into two groups. Those selected for resettlement were sent by wagon to the assembly points.

To encourage the Jewish police and the firemen to conduct the operation conscientiously, promises that their closest relations would be spared had been made. Thus, their children were placed in a hospital and isolated from the rest of the population, and an isolation ward was set up in Marysin for those relations who were elderly or under special protection.

Escape attempts came to a bloody end. Anyone who attempted to save himself by fleeing and was spotted by the authorities had to pay for that attempt with his life. Because the operation proceeded so rapidly, the authorities gave no thought to the motives or causes for any particular act. At 38 Zgierska Street, an elderly woman from Sieradz did not understand if she had been ordered to go to the left or right and, instead of going to a wagon, she walked over to a group of "remainers." This the authorities interpreted as an escape attempt. This woman was shot to death on the spot.

Incidentally, the populace's strange reaction to the recent events is noteworthy. There is not the slightest doubt that this was a profound and terrible shock, and yet one must wonder at the indifference shown by those—apart from the ones who were not directly affected and who returned to normal life at once—from whom loved ones had been taken. It would seem that the events of recent days would have immersed the entire population of the ghetto in mourning for a long time to come, and yet, right after the incidents, and even during the resettlement action, the populace was obsessed with everyday concerns—getting bread, rations and so forth—and often went from immediate personal tragedy right back into daily life. Is this some sort of numbing of the nerves, an indifference, or a symptom of an illness that manifests itself in atrophied emotional reactions? After losing those nearest to them, people talk constantly about rations, potatoes, soup, etc.! It is beyond comprehension! Why this lack of warmth toward those they loved? Naturally, here and there, there are some mothers weeping in a corner for a child or children shipped from the ghetto, but, as a whole, the mood of the ghetto does not reflect last week's terrible ordeal.

Sad but true! [Jozef Zelkowicz]

Friday, July 2, 1943: Just beyond the outer limit of the ghetto, on Urzednicza Street at the barbed-wire fence, an amusement park has been set up, as it was last year. The main attraction, the only one visible, is a suspension-type merry-go-round. Every day the children of the ghetto make a pilgrimage to this corner and gaze longingly at the activities on the other side of the fence. It is mostly children too on the other side, who are romping about and climbing into the small hanging boats of the merry-go-round.

A radio amplifier broadcasts phonograph music. The ghetto children have never seen a carrousel and have seldom heard music. They listen and peer at a curious, alien world, where children live in a sort of never-never land. A merry-go-round, almost within reach; only the barbed wire keeps them away. Children are children on either side of the barbed wire—and yet they are not the same.

Monday, October 11, 1943: The Yom Kippur Sabbath was marked by dignity and solemnity. People walked silently through the streets in their Sunday best. Anyone able to do so at all wore his better clothing. This was particularly obvious with the children. No treppkis [clogs] were to be seen on the street, and no barefoot youths. The boys wore ironed shirts, the girls wore ironed dresses. And the adults too made a point of presenting a well-groomed appearance.

Once again, families could get together, as they had not been able to do in a long time. Parents took their children by the hand and went strolling; on this day, the work in the various workshops did not keep husband, wife and child apart. Now and then, one could even see a Jew openly carrying a seyfer toyre [Scroll of the Torah], without the slightest inhibition, through the streets of the ghetto to some house where divine service was being held.

Summing up the mood in homes and on the streets, one can say: On Yom Kippur in the year 1943, the ghetto has literally become a shtetl [village].

Tuesday, February 1, 1944: The pail of soup is carried up the two flights to the Loan Fund Office at 17 Zgierska Street. The women carrying it jostle against the edge of a step, and a bit of soup with diced potato is spilled on the staircase. The carriers ignore this minor accident and continue on their way. Behind them, a man is dragging himself up the stairs. He is here to pick up a loan at the office. His tired bones can scarcely support him, he trudges from one step to the next. And then he notices the spilled soup. His eyes fill with tears: soup on the stairs!

The man doesn't even stop to think. He pulls out his spoon—the essential tool that every ghetto dweller always has with him—he sits down on a step and spoons the soup off the filthy stone staircase. The serendipitous "additional soup" is more important to him at this moment than the measly few ghetto marks he is calling for at the office. The few drops of soup won't satisfy his hunger, but he can't help himself. Nor does he care to think that the stairs are filthy and that he might become ill. It's not a problem; he's already immune to typhoid fever.

Wednesday, June 7, 1944: The ghetto suffered a severe shock toward 6 o'clock this evening. The news spread like wildfire that a number of people had been arrested for possessing radios and for distributing transcripts of radio reports.

No one had known whether there were actual radio sets in the ghetto or whether information came in through the barbed-wire fence; but one thing is certain: The ghetto has always been filled with all sorts of rumors. Now it turns out that a few persons were daring enough to listen to the news right in the ghetto and to pass on what they had heard. [June 6 was D-day.]

Sunday, July 30, 1944: [The Daily Chronicle Bulletin, which is given in its entirety here, is the last entry to have been preserved and was most likely, in fact, the final entry. The next day, Monday, preparations were begun for deporting the inhabitants to Auschwitz-Birkenau, with the exception of about 700 people whom the Gettoverwaltung (the German Ghetto Administration) selected to clean the ghetto after the deportations and some 200 who successfully avoided the deportation action by hiding, as well as about 500 men and women sent to Sachsenhausen-Oranienburg and Ravensbriick. The Jewish community of Lodz was brought to an end.]

Weather: Temperature range: 72-100 degrees Fahrenheit; sunny, hot.

Deaths: One.

Births: None.

Arrests: Miscellaneous, two.

Brought to the Ghetto: One (man from outside the ghetto).

Total population: 68,561.

NEWS OF THE DAY

Lagiewnicka Street now has a different look. Traffic [outside the ghetto] is extraordinarily lively. One can see the war gradually approaching Litzmannstadt. The ghetto dweller peers curiously at the motor vehicles of various service branches as they speed through; for him, though, the crucial question remains: "What is there to eat?"

FOOD SUPPLY

If no flour arrives tomorrow, Monday, then the situation will be extremely critical. It is claimed that flour supplies in the ghetto will suffice for barely two or three more days.

PUBLIC HEALTH

The cause of today's death: Suicide, one.●

THE WORLD-FAMOUS PECOS CANTALOUPE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, different regions of the country have become renowned for their agricultural products: Florida oranges, California avocados, and Maine lobsters are but a few examples. And in west Texas, Mr. Speaker, you cannot go anywhere without hearing about the world-famous Pecos cantaloupe.

Melon cultivation began in Pecos, TX, in the 1880's, and it was Mr. Madison L. Todd and his wife Julia who first realized the potential of the Pecos cantaloupe. Noting that the combination of sun and soil imparted a distinctive flavor and texture, they soon began commercial production. In 1917, Mr. Todd and partner D.L. McKee grew 8 acres of melons, and

sold the crop to the railroad dining cars of Texas and Pacific Railway. As a result, people from all over the country clamored for this magnificent melon, which enjoyed immense popularity and wide demand.

Pecos cantaloupes have been featured in the White House by Presidents Eisenhower and Johnson, and exclusive clubs in New York, Chicago, and Europe are regular clients of Pecos growers. Pecos cantaloupes begin to ripen in July and continue on the market until late October, and over 1,500 acres are now planted annually.

Mr. Speaker, it is with great pride that I take this opportunity to honor the Pecos cantaloupe and to announce to my colleagues that I will send each and every congressional office a box of this world-famous melon from the 16th Congressional District of Texas so that the Congress can enjoy them and share in our pride.

Thank you very much.●

STUDENT ASSISTANCE PROGRAMS: A COMMITMENT TO THE FUTURE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. GAYDOS. Mr. Speaker, for years we have seen Congress and the various administrations pour billions upon billions of dollars into public education, often without any thought as to the benefits to be gained from this tremendous infusion of public funds.

Today, we have an administration that clearly is aiming to hold the line on this constant flow of Federal dollars into the public school systems of this country.

This appropriations bill for the Departments of Labor, HHS, and Education for the 1985 fiscal year, reflects not only this Congress' concerns about excessive spending, but also helps to focus our attention on an area of education that has been virtually ignored in this Nation's rush to educational excellence, the post-secondary segment of the educational system.

During the past 2 years, particularly, we have seen great movement in America's quest for educational excellence. Since the publication of the report, "Nation at Risk," by the National Commission on Excellence in Education, State after State has either initiated or is planning major reforms to upgrade the quality of its learning programs, its teacher preparation system, and its standards of acceptance for both students and teachers.

The result has been a major infusion of State and local dollars—not an outpouring of Federal funds—and a revitalization of America's public schools.

Just the other day, in fact, USA Today printed a State-by-State list of educational reforms in our kindergarten through 12th grade public school system.

I think it is worth noting some of these reforms. For example, in the past 14 months to 3 years, 43 States have initiated professional development programs for administrators and five State plans are pending.

Thrity-seven States have begun reforms of curricular and instructional materials or have action pending; 38 States have or will soon set higher standards for students as a requirement for graduation and for receiving diplomas; and 44 States have developed or have pending, wide-ranging plans for overall improvement of education in grades K through 12.

But, when it comes to improvements in the sphere of higher education, and that includes colleges and universities, as well as junior and community colleges, there has been less visible activity.

This appropriations bill reflects the Congress' concern for higher education. The major increases over both the 1984 fiscal year and the administration's budget request are in the area of postsecondary education.

I am especially pleased that this appropriations bill focuses on increasing funds for student financial aid programs and guaranteed student loans because the programs within these categories have enabled many thousands of young people to extend their educations and to make important contributions to this country.

Alfred North Whitehead, in his address to the American Association of Collegiate Schools of Business in 1927, said that the task of the university was to join together the imagination of youth with the experience of the teaching staff.

> The way in which a university should function in the preparation for an intellectual career, such as modern business or one of the older professions, is by promoting the imaginative considerations of the various general principles underlying that career. . .
>
> Thus the proper function of a university is the imaginative acquisition of knowledge, apart from this importance of imagination, there is no reason why businessmen and other professional men, should not pick up their facts bit by bit as they want them for particular occasions.

And, if we accept Whitehead's premise, there is one thing our colleges and universities must have: students.

We all know how rapidly tuition at so many of this country's institutions of higher education is rising. We also know that while some students are eligible for grants-in-aid and scholarships from individual universities, there are many who fail to qualify for such aid—too many who never get the opportunity to extend their education or who have to drop out because, quite simply, they cannot afford the expense.

Just look at the numbers of young people who have been helped by the various assistance programs we are addressing in this appropriations measure: 810,000 students aided through the college work study program during the 1983–84 academic year; an estimated 880,000 loans through the direct loan program; average grants of $550 to 650,000 students during the just completed academic year in supplemental educational opportunity grants.

And, we should note, these figures do not include users of Pell grants and State student incentive grants—a matching fund program.

Then, of course, there is the guaranteed Student Loan Program. It started in 1966, when $73 million was borrowed through 89,000 loans. For fiscal year 1983, $6.7 billion was made available through 2.9 million loans.

The numbers themselves speak to the tremendous impact these programs have had on this country and its college-bound youth . . . and we cannot stop now.

We are all concerned about the future of our basic industries, our smokestack industries, if you will. In recent years, the companies in these industries have found it increasingly more difficult to attract and hold the best and the brightest of our graduates in science and mathematics. Just at the time when these industries, such as the steel industry, need the skilled and imaginative people to restructure their plants and modernize their operations so they can compete faborably in today's marketplace, those companies don't have enough of the talent.

At a time when employment in those basic industries is dwindling—such as the nearly 50-percent drop in steel industry employment over the past 10 years, we must provide assistance to those former workers so they can go to school to get the training and skills necessary for future employment.

The investment we, as a country, will make today for those who seek retraining, as well as for those just coming out of our high schools, will be repaid in the form of less unemployment benefits and more taxes when those men and women are back in America's work force.

If we say nothing else about this appropriations bill for the Departments of Labor, HHS and Education for fiscal year 1985, the students assistance programs for higher education stress the importance of the measure and its value to this country and to its youth.

A poem by R.L. Sharpe, a "Bag of Tools" shows us the way:

Isn't it strange
That princes and kings,
And clowns that caper
In sawdust rings,
And common people
Like you and me
Are builders for eternity?

Each is given a bag of tools,
A shapeless mass,
A book of rules;
And each must make—
Ere life is flown—
A stumbling block
Or a stepping stone.

This appropriations measure gives us a chance to help a lot of Americans achieve the education that will make them stepping stones instead of stumbling blocks.

Remember, the students we help today will be the ones who lead this country tomorrow.●

POSTAL SERVICE CONTRACT NEGOTIATIONS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. UDALL. Mr. Speaker, I rise today to express my serious concern with the actions of the U.S. Postal Service regarding its present negotiations with the postal unions. Prior to the conclusion of the current negotiations, the Postal Service has unilaterally implemented a reduction in pay and benefits for new hires.

It was the intent of the 1970 Postal Reorganization Act to require that no changes in wages and working conditions should be established before the Postal Service and the unions either reach agreement on a new contract or the impasse procedure has been fully exhausted. Unlike the private sector, their counterpart, the postal workers do not have the right to strike. Since postal employees have been forbidden from striking by the Postal Reorganization Act, I believe the same law precludes the postal management from unilaterally changing any working conditions until these negotiations have been completed.

It is my hope that the bargaining sessions will be carried out in good faith and all parties will follow the intent of the 1970 Postal Reorganization Act.●

TAX INCOME ESTIMATES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. OWENS. Mr. Speaker, the Bureau of the Census released its report, "After Tax Money Income Estimates of Households: 1982," on July 12, 1984. The good news is that after-tax income rose by 1.7 percent in 1982. The rest of the report may be viewed as the bad news, or the bad news for the poor, minorities, senior citizens, and female headed families.

Elderly households lost 5.2 percent of their income.

The income of families headed by women declined by 3.8 percent. No wonder more children live in poverty.

Although the average income increase for white families was 1.7 percent, there was no significant increase for black or Hispanic families.

Families earning under $10,000 paid more in taxes after the Reagan tax cuts than before. This is not the case with people in higher brackets.

Mr. Speaker, I believe the facts speak for themselves. Those who had more, got more. Those who had less, are worse off.●

A SALUTE TO THE CHINESE OLYMPIC DELEGATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. ROYBAL. Mr. Speaker, it is with great pleasure that I extend to the Chinese Olympic Delegation a most hearty welcome to the 1984 Olympic Games in Los Angeles.

This is truly an historic event, as this is the first time in 32 years that the Chinese Olympic Delegation is participating competitively in the Olympics. I would like to take this opportunity to congratulate the 225 Chinese athletes competing in the games and submit to the CONGRESSIONAL RECORD the following resolution:

Whereas the Chinese Olympic Delegation to the XXIIIrd Olympiad in Los Angeles represents the first time in 32 years that they are participating in the Olympics competitively; and

Whereas the Chinese Olympic Delegation to the Los Angeles Olympic games totals 353 in number, including 225 athletes competing in 13 sports events; and

Whereas the 225 athletes in the Chinese Olympic Delegation are comprised of 138 males and 87 females who come from numerous provinces and cities thoughout the Peoples Republic of China; and

Whereas the Chinese Olympic Delegation was organized under the leadership of Li Meng Hua, Minister of State Commission of Physical Culture & Sports; Rong Gao Tang, Adviser of State Commission of Physical Culture & Sports; Lu Jin Dong, Vice Minister of State Commission of Physical Culture & Sports and Vice President of Chinese Olympic Committee; Chen Xian, Vice Minister of State Commission of Physical Culture & Sports, Vice President of Olympic Council of Asia, and Vice President of Chinese Olympic Committee; Huang Zhong, Adviser of State Commission of Physical Culture & Sports; Zhong Shi Tong, President of Chinese Olympic Committee; Li Fu Rong, Vice President of State Youth Federation; He Zhen Liang, International Olympic Committee Member; and

Whereas the 1984 Olympics' first gold medal winner—and his country's first-ever medal winner at the Summer Games—Xu Hai Feng, is a member of the Chinese Olympic Delegation; and

Whereas in recognition of their historical participation and the distinguished membership of the Chinese Olympic Delegation, a celebration banquet in their honor will be held in Los Angeles, California, on Wednesday, August 8, 1984, hosted by Mr. and Mrs. Winston Ko: Now, therefore, be it

Resolved, That this Nation's citizens extends its warmest congratulations to the Chinese Olympic Delegation.●

TRIBUTE TO TED PIEKARZ, SR.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois' Fifth Congressional District, which I am privileged to represent, and he is Ted Piekarz, Sr. Ted has consistently shown a deep concern for the betterment of life in the Southwest Side of Chicago, whether it be through his business or community participation.

Ted Piekarz is a longtime resident of the Southwest Side and his efforts to provide a helping hand to various organizations are to be complimented. Numerous civic, volunteer and charitable organizations have benefited from his participation.

I join with the residents of the Fifth Congressional District in paying tribute to Ted Piekarz, Sr. for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Ted Piekarz, Sr. upon his receipt of the Ray McDonald Community Achievement Award.

PIEKARZ RECEIVES MCDONALD AWARD

(By Raymond G. Drish)

The Midway Sentinel proudly salutes Ted Piekarz, Sr., President of Steven's Finer Foods, as our monthly recipient of the Ray McDonald Community Achievement Award. This recognition is given to Ted for his dedication and service as a businessman to the community.

Piekarz was born on the North Side of Chicago, began his career in the supermarket business in 1931 working with his father Stanley who founded the pioneer business at 5738 S. Archer Ave. To keep up with a growing community, the store moved to 5734, then to 5750 and finally 5775 S. Archer Ave., the site of the current store, Steven's Finer Foods.

On a community level, Ted Piekarz has been actively involved in organizations and is dedicated to the betterment of the Southwest Side, notably, the Garfield Ridge Chamber of Commerce, Rhine Post V.F.W. #2729, American Legion, and the American Cancer Society. Over the years he has provided a helping hand to the various organizations in the 23rd Ward. Boy and girl scout troops, churches, schools, Little Leagues and Civic Associations have all benefited from his generosity.

Recently, Piekarz was named as a District Delegate to the Small Business Conference by State Representative Robert M. Terzich. The conference will allow small businessmen to directly present recommendations for strengthening the Illinois Economic Base to Governor Thompson and the General Assembly. Representative Terzich, in a recent article, praised Piekarz, stating, "I've known Ted since the late 1960's and have always found him to be an informed businessman, and concerned member of the community. He brings almost 50 years of small business experience to the conference and as I've learned in our discussions over the years, he has a keen insight into small business needs."

As a businessman, he has directed his attention to providing products and service of the highest quality, so that a feeling of pride is included in every transaction. The stability and future of the 23rd Ward is a prime consideration in determining the policy of his food store.

Residents of Burbank, Ted Piekarz and his wife Patricia, have five children and are members of St. Albert the Great Parish.

The staff of the Midway Sentinel wishes to thank Ted for his support throughout the years and honors him for his dedication and unselfishness towards the community of the 24rd Ward and the Southwest Side.●

TRIBUTE TO RICHARD GINSBURG

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. AuCOIN. Mr. Speaker, I am pleased to inform my colleagues that Richard Ginsburg, a lawyer and resident of Hillsboro, OR, has been awarded a very high honor in my State, the Oregon Human Development Corporation's Golden Aztec Award.

Anyone familiar with the work of American author John Steinbeck is aware of the migrant worker's plight in America. Though the Depression and the Dust Bowl are gone, numerous problems remain. Many of these laborers are Hispanics and are, hence, at a linguistic, cultural, and economic disadvantage. With the help of leaders like Richard Ginsburg, they are overcoming those obstacles.

His long commitment to the rights of migrant farm workers, both in Oregon and Colorado, exemplifies the kind of dedicated service to a minority group that the Golden Aztec Award recognizes each year in an individual.

Among his many achievements as chairman of the board of directors of the Housing Development Corp. of Washington County is Mr. Ginsburg's work on a 50-unit apartment building for migrant workers. I recall the long process he went through, amid red tape, to not only procure funds for the housing projects from the Farmer's Home Administration, but also the struggle to build support in the community for this critical housing development.

A former Peace Corps member, Mr. Ginsberg served in Paraguay from 1968 to 1972, an experience which had a tremendous influence on his life. After returning to the United States, he obtained a law degree from George Washington University National Law Center and joined the Colorado Rural Legal Services' farm worker program in La Junta, CO. He came to Oregon in 1978 to direct Oregon Legal Services' farm worker program. Last year, he opened a private legal practice focusing on immigration law.

Mr. Ginsburg's commitment to farm workers' needs, and his successes on their behalf, is a lesson to all of us, demonstrating what we can accomplish in our jobs and lives. I am delighted to salute the remarkable achievements of my friend, Richard Ginsburg, to congratulate him on winning the Golden Aztec Award, and to extend to him my best wishes for continued success.

Mr. Speaker, I want to share with my colleagues some vignettes from my home State, where despite economic hardship, the entrepreneurial spirit and volunteer action are alive and well.

During the Independence Day work period, I visited a number of communities in my congressional district along the Oregon coast. For these communities, tourism, timber, and fishing are the economic mainstays. Only one of the three—tourism—can be said to be in healthy condition. Rising interest rates have taken a sharp toll on timber production and mill employment is a time when the Nation is supposed to be enjoying a robust recovery. And Oregon's commercial fishing industry is reeling from the effects of a natural disaster known as El Nino. But adversity has not sapped the energy or the spirit of the communities I visited.

In hard-hit Tillamook, where unemployment is measured in double digits, people are excited over an invention called the CycloCrane. It is an experimental helium-filled airship with a rigid frame designed for applications in aerial logging and transportation. Last year, severe winds destroyed the first prototype of the CycloCrane at its moorings, before flight testing could begin. Since then, inventors Art Crimmins and Don Doolittle have built another airship from scratch. Their determination has been an inspiration to the community. It was a delight for me to share in the enthusiasm of the inventors and more than 200 townspeople as the second prototype of the CycloCrane was ceremoniously rolled out from its hangar for public viewing.

In Nahalem and Wheeler, two communities a few miles north of Tillamook on the Nehalem River estuary, I joined local officials in dedicating a new four-lane bridge over Nehalem Bay. The new bridge replaces a narrow two-lane span constructed in 1922 and eliminates one of the most dangerous highway bottlenecks on the Oregon coast. Its opening is a lasting testament to the determination of community leaders in Nehalem, Wheeler, and Manzanita, who were on hand to celebrate the product of 6 years of planning and 2 years of construction work.

In Depoe Bay, one of the most picturesque of Oregon's coastal fishing towns, volunteers led by restaurant owner Vaughn Taunton have restored a natural salmon run with assistance from the Oregon Department of Fish and Wildlife. In helping to rebuild Oregon's declining salmon stocks, Vaughn Taunton and his friends—city council member Ray Osuna, Fire Chief Jay Williams, the employees of the Depoe Bay water treatment plant, and others—deserve much praise, and I was pleased to commend them, on behalf of all of the Oregonians I represent, for their grassroots project. Their greatest reward, however, is yet to come. That's when they'll see the smolts they released from their homemade hatchery return to Depoe Bay as fully grown salmon and go up the fish ladder to spawn.

In Lincoln City, voluntarism is being practiced with intelligence, human understanding, and efficiency by Jimmie Noxon and Phyllis Sumner, who operate a tiny emergency food operation. Their food bank helped over 1,000 people last year, and so far this year they've distributed food to 880 people. Lincoln City merchants contribute to the food bank. I can testify that their donations are being put to optimum use. Thanks Jimmie and Phyllis, in feeding the bodies and spirits of those in real need.

Along the Yaquina Bay waterfront in Newport, where dwindling catches of salmon, shrimp, and practically everything else have made it a buyer's market for commercial fishing boats, I met Derek Lamson, an ex-fisherman. Though he couldn't survive in the fishing business, neither could he stand to leave the coast. So he's gone into the coffee business—by the cup and by the pound—on the city's bay front. I was much impressed by his enterprising spirit and his wit. He shared with me a poem he'd written, published in the June edition of the North Coast Times Eagle, and I ask that it be reprinted here.

A Goof

(By Derek Lamson)

For Tom McCall

I have heard tell of melons
In foreign parts dragged to ruin, hot-house
Vines gone crazy with ambition,
Fertilizer, sun-stroke; the dust and smoke
Of their passage, the numbed
Villagers in their ruined homes
The inevitable, sickening, fruity
Explosions
Far out on the desert.

But Oregon is mild:
Here many plants live
Entirely outdoors, un-clothed, without shoes
Even in winter. We trust them
With the kids (even around water);
And they traipse the hills companionably
With our great statesmen,
Visionaries, and poets.●

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. WISE. Mr. Speaker, this morning, Assistant Secretary of Commerce for Economic Development, Ms. Bonnie Newman, visited my congressional district. In specific, she visited Jackson County, WV, with a look at adjoining Mason County as well. I have been working with her and the Department of Commerce to improve the business climate in these two counties in West Virginia's Third Congressional District, and considered her gracious offer to visit us as an opportunity to improve the economic conditions in my district and State. For this reason, I felt it my responsibility to accompany her.

Due to this fact, I missed the first six rollcall votes today. I was not present during rollcalls No. 343, final passage of H.R. 5399/intelligence authorization; No. 344, a motion to limit debate on amendments to H.R. 5973/Department of the Interior appropriations; No. 345, an amendment by Mr. RATCHFORD to the amendment by Mr. CONTE to H.R. 5973; No. 346, an amendment by Mr. CONTE to H.R. 5973; No. 347, an amendment by Mr. MCDADE to H.R. 5973; and No. 348, final passage of H.R. 5973/Department of the Interior appropriations.

Had I been present and voting, I would have voted "aye" on rollcall 343, "aye" on rollcall 344, "aye" on rollcall 345, "yes" on rollcall 346, "aye" on rollcall 347, and "aye" on rollcall 348.●

TAX INEQUITIES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. OWENS. Mr. Speaker, today we see a pattern of taxation in our country which benefits those who have, while penalizing those who have not. People in my district are angry about this inequity.

Today, I am introducing legislation which addresses the fact that 90,000 of our corporations paid no taxes at all. The way in which this happened was by the use of consolidated returns. A company that had a tax liability would merge with, or buy, a company with credits and deductions to offset the liability. My bill would end this practice for the largest companies, for example, those with over $250 million in gross annual receipts which also control a large (10 percent or more) share of any product market.

It is my hope that my colleagues who believe in tax equity will support this measure to eliminate inappropriate tax breaks to large oligopolistic corporations.●

SOVIETS SLANDER REPRESENTATIVE GILMAN

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. HYDE. Mr. Speaker, I would like to bring to my colleagues' attention another example of the Soviet Union's disinformation in their blatant disregard for human rights.

Last week, at the Universal Postal Union [UPI] Congress in Hamburg, Germany, the Soviet Union's delegation denied the fact that has been so well documented by the House Post Office and Civil Service Committee that they have been interfering with mail coming into their country.

In their denial, the Soviets twisted the facts, contending that it was the United States that has been interfering with the mail between our two countries.

I would have ignored these ridiculous assertions if it had not been that they also attacked my good friend and colleague, the gentleman from New York [Mr. GILMAN] who has been conducting an extensive investigation of the interruption of Soviet mail in which I have participated.

The Soviet statement is a rash attempt to deflect the real issue; the House Post Office Committee having accumulated over 2,500 exhibits showing a regular pattern of interception of the international mails. This mail interruption has not just affected dissidents, but also nonpolitical communications between family members and friends. It was recently disclosed by a U.S. witness that she had not known for 7 years that her father had died in Russia * * * her mail having been intercepted by the KGB.

This is indeed a broader and much more extensive problem than just a United States-Soviet issue. Those 2,500 exhibts came not just from the United States, but from 17 other free world countries as well. It is indeed a worldwide issue.

The Soviets are not just violating the UPU regulations but are violating their own constitution and several other international treaties, including:

1. The International Declaration of Human Rights;

2. The Final Act of the Conference on Security and Cooperation in Europe (Helsinki accords); and

3. The articles of the construction of the Universal Postal Union.

I consider it an outrage that the Soviet delegation in defense of these violations would attack someone as fine and highly regarded as our distinguished representative from New York, and I am pleased that our U.S. delegation to the UPU responded to these charges in a firm and prompt manner, stating:

Such false and slanderous statements must be viewed as an attempt to avoid providing specific answers to the problems cited by several delegations in their mail relations with the Soviet Union.

Mr. Speaker, in order to provide my colleagues with a better perspective of this entire issue, I request that the following papers be inserted at this point in the RECORD: The Postmaster General's "Statement to the UPU," dated July 2, 1984; Representative GILMAN'S "Statement to the UPU," dated July 2, 1984; the "Soviet's Reply," dated July 18, 1984; the "Response by the U.S. Delegation," dated July 26, 1984; and the "UPU Resolutions" adopted at the Universal Postal Union Congress designed to make it more difficult for the Soviet Union to interfere with the international mails:

REMARKS BY POSTMASTER GENERAL WILLIAM F. BOLGER TO THE XIX CONGRESS OF THE UNIVERSAL POSTAL UNION HAMBURG, PRG, JULY 2, 1984

Thank you, Mr. Chairman, for allowing me this opportunity to address this distinguished assembly.

First, I would like to express my deep appreciation to the Deutsche Bundespost for the dedication and skill that has gone into organizing this Congress. The delegates in this hall represent a multitude of different cultures. But in the warm and friendly welcome we have received in Hamburg, we have all been made to feel very much at home. Further, in its attention to detail, the Bundespost has created an atmosphere highly conducive to the efficient conduct of our business, making the difficult work of the Congress that much easier.

As the delegates have been informed, the United States has offered to host the 20th UPU Congress, in 1989. I hope the delegates to this Congress will see fit to bestow that honor upon us, and if they do, it is my hope that my administration will be able to meet its responsibilities as well as our German hosts have at this Congress.

I also wish, Mr. Ascandoni, to applaud you for your fair, efficient and informed chairmanship of Committee 3. The work of the General Committee is extremely important, and under your leadership, I am certain it will produce good results.

As has been noted already, this is the first time a UPU Congress has taken place in the native land of the brilliant German postal reformer, Heinrich von Stephan, whose accomplishments survive in all the work we perform today.

The principle to which Von Stephan dedicated this life a century ago remains firmly established in the Preamble of the Constitution of the UPU, which speaks of "develop-

ing communications between peoples." The phrase is simple, but its meaning is profound. To our users everywhere, the mails represent access to freely available, unrestricted, and affordable communication with family, friends, and correspondents of one's choosing across national boundaries. Maintaining and expanding this freedom of postal communication is thus our major responsibility, and to the extent that our work contributes to understanding between peoples, it also adds to peaceful relations between nations and global progress. We members of UPU thus have a heavy and important responsibility.

On the whole, we have met our responsibility well, and in general, the level of confidence that international mail users have in our service is high.

As was noted at the 2-day colloquium last week, however, our ability to retain this confidence requires that we continue to provide reliable, reasonably priced service that gets international mail to its destinations in reasonable time.

I applaud the holding of that colloquium and the spirit of the discussions that took place. I understand great unity of purpose and great desire to make service improvements were expressed.

Indeed, we can take pride in the progress we have made since the Rio de Janiero Congress. Since 1979, a number of postal services, including my own have initiated or assimilated some startling new technological advances into their operating systems—advances such as optical-character readers and sorters and automated retail systems.

In addition, we have witnessed good growth in the number of administrations involved in INTELPOST, the international facsimile mail service, and a positive boom in international high-speed mail, which we in the United states call Express Mail International.

I think we can also be gratified in the growth and effectiveness of postal technical assistance, both that conducted through UPU and through bilateral or other multilateral mechanisms. I believe we have all come to appreciate fully how important it is, therefore, for the larger administrations to share their expertise with those that have less experience. In this, too, I was pleased with the attention this subject received at last week's colloquium.

On several fronts—with the aid of new technology . . . practical technical cooperation programs . . . and new and innovative services—we have continued our advance toward our common goal—a truly universal, single postal territory, the dream of Heinrich von Stephan and the other founders of UPU.

But our progress is far from complete, and I regret to say some highly negative developments urgently call out for our mutual attention. These developments go to the very essence of the UPU.

As I mentioned earlier, the strength of the worldwide postal system derives from the confidence people have in their ability to communicate across national boundaries without interference. This confidence has not been easily or rapidly built. It has developed slowly over the decades, overcoming the resistance caused by international tensions and conflicts. When this precious resource of confidence is undermined by actions of any member, we all suffer. As a case in point, postal practices of the Soviet Union in recent years have raised questions in the minds of mailers from the United States and other western countries about the integrity of our universal system.

This is a matter that my colleagues and I have pursued bilaterally with the Soviet Union for at least a decade now—but without significant improvements. It is, therefore, a matter that deserves the attention of the world's postal experts.

The basis of the problem is a systematic failure of the Soviet authorities to deliver mail addressed to certain citizens within their country. The pattern that has developed over the years is so persistent that it cannot be explained away as resulting from ordinary mistakes innocently made by postal workers in the course of their work—the kind of mistakes that occasionally occur in every administration. In our administration, we have received thousands of complaints regarding letters and parcels not being delivered to their addresses in the Soviet Union. Likewise, other administrations inform us that this pattern is common, too, with mail sent from their citizens.

Often, this mail is returned as undeliverable when, in fact, it is deliverable. Often, mail is reported on advice-of-delivery forms or through other inquiries as having been delivered when independent information has established that it has not been. And there have been innumerable seizures of letters and parcels that appear not to violate any internal, published prohibitions.

We have suffered these violations of the spirit of UPU in silence in this body for years in hopes that improvements would occur. We see no evidence, however, that they have.

I, therefore, urge the members of this body to investigate for yourselves the problems your citizens may have had with mail to the Soviet Union.

Further, we would support any impartial effort by the Universal Postal Union to look into this question. Such an effort would be justified by the extraordinary and serious nature of this matter.

For years, this form of interference and disruption of the mails has been occurring. We cannot ignore it any longer, for if continued it could undo the good reputation this organiztion has developed over the last 110 years.

For its part, the U.S. Postal Service remains willing to try to get at solutions to this problem by working bilaterally. But since this is a problem that does not affect only my administration, I would hope that all who are concerned with the future of UPU will also address this problem at its origin.

Thank you, Mr. Chairman.

STATEMENT BY HON. BENJAMIN A. GILMAN, MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES (22D DISTRICT, NEW YORK) AT THE UNIVERSAL POSTAL UNION CONGRESS, HAMBURG, GERMANY, JULY 2, 1984

Distinguished delegates to the XIXth Congress of the Universal Postal Union:

I welcome and appreciate the opportunity for distributing my remarks to the delegates of the member nations gathered here at the 19th Congress of the Universal Postal Union.

I thank you for your warm and generous reception. As a senior member of the House Foreign Affairs Committee and the Post Office Committee of the U.S. Congress, I want to assure you that we will do all that we can to cooperate with the U.P.U. member nations in maintaining a high level of efficiency in the swift and unhampered conveyance of the international mails.

As part of my congressional duties on the Post Office Subcommittee on Investigations, over the past year, I have been looking into complaints from more than 100 ethnic, religious, professional and cultural groups in the United States, many of whom are former residents of the Soviet Union and Eastern Bloc countries, who have filed complaints with our committee with regard to the interference of their mail by the Soviet Government. They complained of mail being missing, looted, returned without just cause and a myriad of other recorded complaints.

Our Postal Subcommittee has gathered over 2,400 exhibits from hundreds of sources throughout the United States and from citizens of 23 other countries who have complained about the interference by the Soviets with their international mail.

Our Congressional Subcommittee on Post Operations conducted formal hearings during the past year in three major metropolitan areas—in Chicago, New York and Washington—taking testimony from dozens of witnesses and representatives of many groups.

This past month, the House of Representatives (by a substantial vote of 403 to 0) and the U.S. Senate, adopted our committee's resolution, calling upon the UPU to conduct a full investigation of mail interference by the Soviet Union and to consider, if warranted, appropriate sanctions.

Our committee has encountered hundreds of distressed mailers who have complained of the violation of their mail by the Soviet's mail authorities. On a number of occasions, U.S. Postmaster General William Bolger, and our U.S. diplomatic officials have brought these problems to the attention of the postal representatives of the Soviet Union, without any responsive corrective action by them. We have also pursued this problem through diplomatic channels.

It is the sense of the U.S. Congress, that it is now incumbent upon the Universal Postal Union to fulfill its responsibilities in assuring the free flow of international mail by fully investigating and promptly, resolving these mail interference problems. Our postal congressional committee stands ready to assist you in any way we can. The hopes and aspirations of thousands of our citizens, separated and cut off from their loved ones—from their families and friends—by these cruel mail restrictions, are with you.

We cannot overemphasize the frustration and anxiety that our countrymen experience as a result of the deprivation of their right to communicate.

If you believe, as we believe, that the UPU should assume responsible world leadership in improving the "development of communications between peoples," as set forth in the Preamble of the Universal Postal Union Constitution, then we urge you act expeditiously and effectively on this issue.

Thank you.

STATEMENT BY THE DELEGATIONS OF THE USSR, THE UKRAINE AND BYELORUSSIA

The delegation of the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic request the distribution of the following statement as a Congress document:

The delegations of the USSR, the Ukrainian SSR and the Byelorussian SSR to the 19th UPU Congress strongly protest against the distribution of the slanderous and anti-Soviet statement released by the U.S. delegation, which is neither a credit to that del-

egation nor to the country which it represents.

It is no secret that there has been an increasing tendency on the part of the present U.S. administration to spread false accusations against the USSR and its postal services. And this can only be described as interference in the internal affairs of the Soviet Union, an unworthy attempt to bring confrontation and political antagonism into UPU activities and an attempt to disrupt the normal deliberations of this Congress.

We condemn the hostile provocatory activities of Mr. B. GILMAN, Member of the United States House of Representatives, which for many years have been aimed at disrupting normal mail traffic between the United States and the USSR. Our delegations decisively reject the insinuations contained in his statement and in the United States Congress decision. Besides, the very appearance of this so-called representative, who is even not a member of the United States delegation, at meetings of the Universal Postal Congress is in itself completely irregular.

Member countries of the UPU are aware of many facts which bear evidence of obstruction by the United States Administration of normal postal exchanges with the Socialist countries, of systematic delaying of mails and Soviet printed matter and of refusal to handle, deliver, or allow free transit to such mails.

These actions of the United States representatives, including those at this UPU Congress, are not accidental.

The Declaration of the Summit Meeting of the CMEA member countries, signed in Moscow on June 14, 1984, states that international tension has grown considerably as the result of the aggressive course maintained by imperialism, above all by U.S. imperialism, aimed at confrontation, and of that country's attempts to interfere in the internal affairs of others and to suppress the national sovereignty of States. The U.S. ruling circles break agreements and resort to different types of pressure, embargos and "sanctions" with regard to those countries which refuse their demands and dictates.

Not only many countries, but also a certain number of international organizations of the UN system have themselves experienced such demands and dictates.

These days, the United States of America loudly proclaims its commitment to human rights, when it concerns other countries and the Soviet Union, in particular.

The general secretary of the central committee of the Communist Party and the chairman of the Presidium of the Supreme Soviet of the USSR, K Chernenko, recently stated with regard to this question: "Those who try to give us advice on human rights only make us smile ironically; we have won our right to solve our own problems in the greatest of all revolutions, fought invaders and aggressors hard to defend it and we will allow no one to interfere in our affairs."

In the United States of America itself, human rights are constantly grossly trampled upon, racial discrimination penetrates the whole of American society, and millions of Americans are deprived of the very means of existence. Everyone is aware of the widespread practice of suppressing dissidents by a comprehensive computerized supervision of the American population, by putting on file millions of citizens from the day of their birth to their death, by using false witnesses in fabricated court proceedings, etc.

The aggressive military policy of the United States of America is a serious threat to peace and a flagrant violation of the fundamental rights of peoples, including the right of each nation to determine its own destiny. An evident proof of this imperialistic policy is the U.S. policy in Central America, the Middle East, and Southern Africa, and its political and material support of reactionary regimes. Contrary to the wishes of many peoples, the United States of America is deploying in Europe Pershing-2 and cruise missiles providing rocket and nuclear support for an adventurous ideological concept—a crusade against the USSR.

The U.S. administration is attempting to carry its policy, which is a danger to the cause of peace and international cooperation, into the activities of the Universal Postal Union and this must be condemned by all those present here.

As regards the USSR, its postal administration fully supports the activities of the union and takes an active and constructive part in the work of the union and its bodies. As is well known, the USSR, greatly contributes to the improvement of international postal traffic and to implementation of the UPU Acts, thus contributing to the strengthening of international cooperation and peace.

U.S. RESPONSE

United States submitted following statement July 26 refuting Soviet allegations contained reftel. U.S. statement will be issued as a Congress document. Statement coordinated between USDEL and USIA BPAO in Hamburg.

Begin text:

STATEMENT OF U.S. DELEGATION

The U.S. delegation rejects the erroneous and rhetorical statement attacking the U.S. Government and a Member of the U.S. Congress by name in the statement issued by the delegations of the Union of Soviet Socialist Republics, the Ukraine, and Byelorussia in Congress document No. 99. Such false and slanderous statement must be viewed as an attempt to avoid providing specific answers to the problems cited by several delegations in their mail relations with the Soviet Union during the course of this Congress. The Soviet violations with the mails adversely affects the lives of many individuals in the Soviet Union, as well as those trying to communicate with them.

The statement contained in Document 99 injects irrelevant, political issues into the technical forum of the Universal Postal Union. We deeply regret the attempt by these delegations to use this forum to spread false accusations and propaganda against the United States and other countries.

The foreign policy of the United States is based on two basic goals: a safer world and a world in which individual rights can be respected and precious values may flourish. The American concept of peace is more than an absence of war. We favor economic growth and individual liberty in a world of peace.

Access to a free flow of communications is a basic right embodied in a number of internationally-accepted agreements. The systematic exclusion of specific persons from international mail service violates the constitution, general regulations, and protocols of the Universal Postal Union. Nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles violates the Universal Declaration of Human Rights, the International Convenant on Civil and Political Rights, and the Helsinki Final Acts of the conference on security and cooperation in Europe. This congress has taken positive steps in requiring Members to clarify the nature of their internal prohibitions on mail delivery and designating the person authorized to sign the advice of delivery forms.

Our desire is that the Soviet Union honor its international obligations through deeds not words. Full compliance by the Soviet Union with the principles of the UPU acts and the Hamburg Declaration adopted by this congress will help strengthen confidence in the free flow of communication and build mutual understanding.

UPU ACTION ON U.S. RESOLUTIONS

1. Calls for all countries to publish lists of prohibited items in clear and concise language. 76-12-13 (abstentions), U.S. Resolution

2. Calls upon all countries to list reasons for seizure of any packages and to describe all offending items. 62-32-12 (abstentions), U.S. Resolution

3. Provides that priority be given to obtaining the actual signature of the addressee on the "Advice of Delivery Form" on all registered mail. 39-17, U.S. Resolution

4. Provides that the addressees signature be obtained by postal authorities in instances when an inquiry is filed regarding failure of delivery. 77-1, U.S. Resolution

5. Provides that when delivery of mail is specified to an individual, that individual's signature must be obtained 64-0, Sweden Resolution●

REAFFIRMING THE U.S. COMMITMENT TO INTERNATIONAL POPULATION AND FAMILY PLANNING ASSISTANCE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. SOLARZ. Mr. Speaker, today I am introducing, with 11 other Members of the House, a concurrent resolution to reaffirm the U.S. commitment to international population and family planning assistance.

In a few days the United Nation's Conference on Population will be held in Mexico City. Many of us in the Congress are deeply disturbed by the population statement which has been prepared for this Conference by the administration, without consulting with the Congress, that markedly rewrites U.S. population policy. For the past two decades the Congress has shown strong bipartisan leadership in supporting a balanced international voluntary population and family planning program. Previous Republican and Democratic administrations have strongly supported this commitment to family planning and have exercised important leadership in promoting this important issue in international forums.

The Congress has been generous in its provision of resources for multilateral and bilateral population programs, because it has long recognized

that continued high rates of population growth significantly place burdens on economies unable to provide sufficient goods and services for the growing population. Recently the National Academy of Sciences released another study which showed that family planning programs have a significant independent effect over and above socio-economic factors on fertility decline in developing nations.

Existing U.S. law clearly prohibits the use of U.S. international population assistance directly supporting abortions or abortion-related activities. But the latest administration policy paper would now add a new restriction eliminating funds for family planning to nongovernmental organizations that provide abortion or abortion-related activities or promote abortion with their own funds.

The Agency for International Development has repeatedly reported to the Congress that current prohibitions on using U.S. funds to pay for abortions, biomedical research on abortion, or lobbying for abortion as a method of family planning have been carefully adhered to by those receiving U.S. population assistance. Thus no violations of U.S. law have provoked this new restriction on population assistance.

This threat, coupled with the paper's shift in philosophy that the relationship between population growth and economic development is not a negative one, has confused many of our allies and friends. Some fear that the United States, under this administration, will step away from its support for voluntary family planning and population research and may eventually deny assistance to developing countries who seek safe and effective methods of family planning for their citizens. The House Foreign Affairs Committee today held a hearing on this issue, but regrettably Ambassador Buckley, who is to head the delegation to Mexico, refused to participate or respond to questions from the committee.

That is why we are introducing this bipartisan resolution today to demonstrate that at least in the Congress there has been no change in our strong support for voluntary family planning programs—as can be seen by the passage just a few weeks ago of the 1984 International Security and Development Cooperation Act with its strong emphasis on population assistance through multilateral, bilateral, and private voluntary organizations.

The July 13, 1984, policy statement released by AID is a major departure from congressional intent, authorization, and current practice, and we regret its release and the confusion it has caused about existing U.S. law and policy.●

IT IS UP TO CONGRESS TO STOP THE ARMS RACE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. MARKEY. Mr. Speaker, 12 years ago today, the Senate agreed to ratification of the ABM Treaty.

This agreement, negotiated by President Nixon in the SALT I talks, was a giant leap forward in the effort for arms control.

It halted an arms race in antiballistic missiles before it started, and it saved America from a new danger and a tremendous expense.

In the best tradition of American foreign policy, the ABM Treaty received bipartisan support from a broad range of American statesmen.

But Ronald Reagan opposed the SALT I accords. Indeed, Ronald Reagan has opposed every arms control treaty since President Kennedy's administration.

Ronald Reagan has done more than any American to destroy the bipartisan consensus for arms control.

And since he became President, Ronald Reagan has not reached a single agreement with the Soviets on nuclear arms control.

Rather, President Reagan is moving backward on arms control. His Star Wars program is threatening to destroy the ABM Treaty.

And right now, we and the Soviets are bungling a perfect opportunity to stop an antisatellite arms race in outer space before it starts.

Mr. Speaker, President Reagan is allergic to arms control. It is up to Congress to stop the arms race before it is too late.●

SENATE—*Friday, August 3, 1984*

(Legislative day of Monday, July 30, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Sovereign God, Lord of history, we thank Thee for our Republic. It did not become great and strong in spite of its political system but because of it. More than 200 years of operation has proved there is no better way to run a country. Thank Thee for our democracy.

Forgive the criticism in the private sector which seems not to understand how democracy works, expecting it to be efficient like a dictatorship. We are amazed dear God, considering the thousands of agendas—international, national, regional, State, local, and personal which converge upon this body—that it works at all. Forgive the cynicism generated by failure to appreciate the genius of a system which attempts to respond to massive demands, many of which are conflicting.

As the usual pressure and tension build in the days approaching a long recess, help the Senators to be patient with each other and grant special grace and wisdom for productive final days. In the name of Him who never hurried despite relentless opposition and resistance. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, once again my congratulations to the Chaplain on his timely prayer. Not infrequently, I wonder, at the end of the prayer, what the Chaplain has read and what article may have assigned to the private sector a misunderstanding of the democratic process. But I want to read that.

I have come to think of the Chaplain's prayers on occasion, which are all good, as God's op-ed page, and an opportunity to comment, in an appropriate, graceful, and attractive way, on matters of current interest to the Senate and to the country. I do not think I have ever heard a clergyman do that before and I am delighted. I thank the Chaplain for his timely words.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today will probably not be a long day. After the special order and the time for morning business, we will be back on the motion to waive section 303 of the Budget Act. I do not know whether we can get some other things in or not, since we have a cloture motion set for Monday on that motion. If we can find some other matter that we can do, it might be a useful engagement of our time. One that comes to mind, offhand, is the women's pension equity bill. I will discuss that with the minority leader. I mentioned it on last evening. If we can clear that, I would like to take it up for a few moments and try to pass it.

There are one or two items on the Executive Calendar that I would particularly like to address today that I believe and I hope are noncontroversial. If we can do that, I would like to do that.

I would not anticipate that the Senate will be in session past midafternoon, unless there are reasons for us to do otherwise.

Mr. President, there is one other matter that I would call the attention of Senators to, and that is that unless we work out a different time, which I am willing to do, the cloture vote will occur 1 hour after we convene and after the establishment of a quorum on Monday. Since Mondays are sometimes difficult days for Senators to return from their States and other locations, I will discuss with the minority leader a convening time on Monday or perhaps also a mutually convenient time for the cloture vote.

Mr. President, that is all I have this morning. I see no other Senator seeking time. I yield the balance of my time to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MURKOWSKI). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I do not have any need for time at this point, either.

Mr. BAKER. Mr. President, I yield back my time.

Mr. BYRD. I yield back my time.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum without it charging against the time allocated to the Senator from Wisconsin [Mr. PROXMIRE], on a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I make that suggestion, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the minority leader has indicated to me that he feels it is possible to go to a nomination on the Executive Calendar today that is particularly important to me since I come from the Tennessee Valley area; that is, the nomination of John B. Waters, to be a Director of the TVA, Calendar Order No. 930.

Can I confirm that the minority leader is prepared for me to go into executive session for the purpose of considering that nomination?

Mr. BYRD. Mr. President, the answer is yes.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I am most grateful to the minority leader, and I now ask unanimous consent that the Senate go into executive session for the purpose of considering that nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

TENNESSEE VALLEY AUTHORITY

The bill clerk read the nomination of John B. Waters, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority.

Mr. BAKER. Mr. President, it is a pleasant duty to which I now turn, the consideration of the President's nominee for the vacancy on the Tennessee Valley Authority Board of Directors,

Mr. John B. Waters of Sevierville, TN. I say that not only out of interest and concern for the future of TVA, but also due to the fact that Mr. Waters is a close friend of long standing.

Johnny Waters is no stranger to this body, having been before it 15 years ago for consideration as a nominee to the Appalachian Regional Commission, a post at which he served for 2 years with, by all account, a high degree of distinction.

However, his experience ranges far beyond the area of government service, into the fields of law, business, and civic affairs. More importantly, I think, is the perspective he will bring to his new duties as a son of the Tennessee Valley. He knows the pride with which residents of the valley look on the accomplishments of TVA, and he knows the high value they place on the natural beauty that surrounds them. Such understanding will compel him, I believe, to ensure the optimum balance among the various charges to TVA: to assure an adequate supply of reasonably priced electricity, to provide economic development to that region of the country, and to lead by example in environmental protection and education.

As his record before the Committee on Environment and Public Works proves, Johnny Waters is a highly qualified and capable nominee, and I urge his unanimous confirmation by my colleagues.

Mr. SASSER. Mr. President, I rise in support of the nomination of John B. Waters to be a member of the Board of Directors of the Tennessee Valley Authority. I am pleased to join my senior colleague, Mr. BAKER, in support of the confirmation of Mr. Waters.

Just over 50 years ago, President Franklin Delano Roosevelt signed into law the Tennessee Valley Authority Act of 1933. As my good friend, the distinguished senior Senator from West Virginia noted at Mr. Waters' confirmation hearing this past Tuesday, TVA, back in 1933, was a bold national experiment.

The success of the Tennessee Valley Authority has been well proven over the last 50 years, as a national model of economic and social progress. Mr. President, the success of TVA has depended in large part on the quality of leadership of its Board. I believe that the addition of Mr. Waters to the TVA Board will enhance this tradition.

John B. Waters, as a lifelong resident of Tennessee, knows the people of this region. More importantly, as a former Federal cochairman of the Appalachian Regional Commission, John B. Waters brings to the TVA post a heightened sense of responsibility toward meeting the economic, social, and environmental challenges of the Tennessee Valley region.

I am confident that Mr. Waters will build upon the 50 years of trust and partnership with the people of the Tennessee Valley. I look forward to working with Mr. Waters toward the continued success and well-being of the Tennessee Valley Authority.

Mr. President, I join with Mr. BAKER in supporting the confirmation of John B. Waters to the Board of the Tennessee Valley Authority.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, under the same terms and conditions, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

WHY DOES THIS NATION FAIL TO KEEP ITS PROMISE TO NEGOTIATE A COMPREHENSIVE NUCLEAR TEST BAN TREATY?

Mr. PROXMIRE. Mr. President, on May 24 of this year, I wrote President Reagan calling his attention to the fact that both our country and the Soviet Union had repeatedly pledged in formal treaties to negotiate toward the discontinuance of all test explosions of nuclear weapons. I pointed out that the treaties require—with no ifs, ands, or buts—ongoing negotiations. Since there are no arms control negotiations in progress dealing with a comprehensive nuclear test ban treaty, both the United States and the Soviet Union are clearly and unambiguously in violation of these treaties.

On July 13, Acting Assistant Secretary of State Robert Turner responded on behalf of the President. What was the administration's answer? Why do they not comply with the treaty and negotiate a comprehensive ban on nuclear testing? Answer: The preamble to the treaties to which I referred—according to the administration—placed the elimination of weapons testing "in the larger context of the goal of ending the arms race." The administration claims to be working in other areas to achieve nuclear peace. What is the administration's reasoning? It goes something like this: A test ban treaty—all by itself—would not end the arms race, so the administration does not feel bound by the language of the treaty. Now, Mr. President, I submit that this constitutes about as feeble an alibi for a failure to try to comply with a treaty to which we have pledged our solemn word as I can imagine.

I am not talking about a single commitment of this country to negotiate a comprehensive test ban treaty. We pledged our word again and again—not once but twice. Consider:

In August 1963, the United States and the Soviet Union signed the treaty banning nuclear weapons testing in the atmosphere, in outer space, or under water. In that treaty, both parties committed themselves in the preamble, under article 1(b), to negotiate toward the discontinuance of all test explosions of nuclear weapons for all time. The U.S. Senate—this body—then ratified that treaty.

Again in 1974, the United States and the Soviet Union signed a treaty—still unratified, but honored by express agreement by both sides—designed to limit underground nuclear weapons tests to 150 kilotons. Article 1, paragraph 3, of that treaty specifies: "The Parties shall continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapons tests."

This second treaty was signed by President Nixon. But neither the Carter nor the Reagan administrations have seen fit to honor the requirement for ongoing negotiations. Speaking for the Reagan administration as Director of the Arms Control and Disarmament Agency in February 1982, Eugene Rostow said this in speaking to the United Nations Committee on Disarmament:

> While a comprehensive ban on nuclear testing remains an element in the full range of long-term United States control objectives, we do not believe that, under the circumstances, a comprehensive test ban could help reduce the threat of nuclear weapons or to maintain the stability of the nuclear balance.

Mr. President, Gene Rostow and the Reagan administration are seriously, dangerously wrong on this issue. Nuclear weapons testing lie at the heart of the tragedy of this arms control impasse. Nuclear weapons testing is the very essence of the arms race. After all, what gave us our present awesome and terrible nuclear weapons? Testing.

Was testing essential to the development of every nuclear weapon in our arsenal? Absolutely. The arms race is not simply a matter of piling up a larger and larger arsenal of 1945 Hiroshima-type bombs. The arms race is the constant acceleration of nuclear devices that become increasingly more lethal. Both the United States and the Soviet Union have ample nuclear weapons, produced, deployed and ready to deter any kind of attack from the other side. The balance of the nuclear deterrent has helped keep the peace between the two superpowers for more than 30 years What threatens that balance? A technological breakthrough that only nuclear testing could bring on.

To stop nuclear testing constitutes an absolutely essential step for nuclear peace. Oh, sure, stopping nuclear testing is not a sufficient step by itself to achieve peace, but it is essential. Unless we stop testing, the technological arms race will continue. It will sweep both countries along with it. Why, then, do we not comply and keep our solemn word as embodied in two treaties signed by the President? Would the Soviets refuse to come to the table to discuss such a treaty? No way. They have repeatedly made their position clear on this issue. They are willing to sit down at any time to negotiate a comprehensive ban on nuclear testing. So why do we not do it? The administration offers one other justification for not negotiating the test ban treaty which, by signing two treaties, we have previously promised to negotiate. The administration's reason is that we could not verify such a treaty.

Now, Mr. President, verification capability may or may not be an adequate reason to refuse to agree to arms control limits on the production or deployment of nuclear weapons. But how about testing? Our scientific experts—the Nation's seismologists—with rare unanimity agree that we could detect underground nuclear weapons explosions in the Soviet Union at a level high enough to have any military significance. We could detect such an explosion right now without any additional advances in a technology that is constantly advancing. Certainly we would have enough information to alert us in plenty of time to protest, investigate and, if necessary, renounce the treaty if the Soviet testing might have any military advantage for them.

Now, how about it, Mr. President? Here we have two treaties to which this country has given its word that we would negotiate "the cessation of all underground nuclear weapons tests." That language does not commit us to sign such an agreement, unless we are satisfied that the verification provided in the treaty will permit us to prevent militarily significant Soviet cheating. But it does require that we negotiate to try to achieve that end.

What is wrong with that? Why do we not keep our word? No agreement could do more to stop the nuclear arms race than an agreement to cease nuclear weapons testing. Can it be that this administration is afraid to stop the arms race?

Mr. President, I ask unanimous consent that the exchange of letters between this Senator and the administration on our violation of these treaties be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, July 13, 1984.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: The President has asked that I reply to your letter of May 24 concerning nuclear testing arms control limitations. As you correctly indicated, verification is a central concern for any successful nuclear testing arms control agreement with the Soviets. The United States has drawn attention to the fact that the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosion Treaty (PNET) are not effectively verifiable. Accordingly, on three separate occasions last year we proposed discussions of verification improvements to the Soviet Union on those two treaties. The Soviets rejected these proposals arguing that we should first ratify the agreements, and claimed that our verfication concerns would be allayed by Implementation of their verification and consultation provisions. However, there can be no assurance of improvements solely through implementation of those provisions since, among other reasons, there are no means of independently and accurately validating the data which is to be exchanged.

A Comprehensive Test Ban (CTB) remains a long-term goal of the Administration, in the context of broad, deep and verifiable nuclear arms reductions, expanded confidence-building measures and improved verification capabilities. In addition to serious verification problems, however, there continue to be significant concerns about other national security implications of a CTB. Given our dependence on nuclear weapons, any consideration of a total test ban must be related to the West's ability to maintain a credible nuclear deterrent.

We have agreed to a Western Group proposal for a mandate at the Conference on Disarmament which, if accepted by the Conference, would reestablish the Nuclear Test Ban Ad Hoc Committee and direct it to examine the issues of scope, verification and compliance, continuing the useful work it has done in this field in recent years.

Finally, we believe that current U.S. policy on nuclear testing limitations is fully consistent with the Limited Test Ban Treaty (LTBT) and the Non-Proliferation Treaty (NPT); in addition, the U.S. has taken no actions to defeat the object and purpose of the unratified TTBT. In the preambles of those treaties, the Parties cited their determination to continue negotiations toward the elimination of nuclear weapons testing, but did so within the larger context of the goal of ending the "arms race." The signatories recognized that a test ban by itself cannot eliminate the threat posed by nuclear weapons, and that limitations on testing must necessarily be considered within a broad range of arms reductions, both conventional and nuclear. To that end, the US has become a party to a number of major arms control agreements in recent years, and is ready to proceed immediately with further negotiations on strategic and INF systems.

We remain committed to seeking deep, effective and verifiable arms reductions that reduce the risk of war.

Sincerely,

ROBERT F. TURNER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 24, 1984.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: When the United States and the USSR signed the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water in August, 1963, both parties committed themselves in the preamble and under Article 1(b) to negotiate toward the discontinuance of all test explosions of nuclear weapons for all time.

This treaty commitment was further reinforced in Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons which states that the US and USSR each undertake "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

In addition, Article I of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests of 1974 specified in paragraph three that "The Parties shall continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests."

These three treaties, the first two signed and ratified, the third signed by President Nixon but unratified by the United States, are explicit and unqualified about the role of negotiating a comprehensive test ban. The terms of these treaties require ongoing negotiations.

At the present the United States of America and the Union of Socialist Republics clearly and unambiguously are *in violation* of these three treaties. There are no arms control negotiations in progress dealing with a comprehensive nuclear test ban treaty.

Considering that perhaps these facts had not been brought to your attention, may I suggest that you attempt to bring the United States into compliance with these treaties by challenging the USSR to sit down to the bargaining table and conclude a comprehensive nuclear test ban treaty.

I recognize that some of your experts feel a Comprehensive Test Ban cannot be adequately verified. Why not let this be subject to negotiations? The 1974 Threshold Test Ban contains restrictions on nuclear testing sites and calls for the exchange of technical data essential for verification purposes. We are in a much stronger position for verification with this data than without. The Treaty improves our verification potential—but only if submitted for ratification. With-

out a Treaty, verification is much more difficult.

Perhaps the USSR will even agree to on-site inspection, as they have indicated at certain times during past negotiations. If the technical details can be negotiated, this may solve the verification problem.

In any event, we cannot resolve our verification problems, and we cannot adhere to these three treaties, and we cannot make progress toward a comprehensive nuclear test ban without negotiations.

I ask you to publicly seek negotiations with the Soviet Union based on the strongest principles of verification and mutuality.

Sincerely,

WILLIAM PROXMIRE.

THE LODZ GHETTO

Mr. PROXMIRE. Mr. President, August 12 marks the reunion of about 4,000 Jews who once inhabited the wartime ghetto in the city of Lodz, Poland. They will gather in New York's Catskill Mountains to recall the attrocities that befell them during the Holocaust 40 years ago. For many of them this will be the first meeting since they were "resettled" from Lodz to the concentration camps.

Prior to World War II, more than 200,000 Jews lived in the area that later became the Lodz ghetto. After the war, there were only 10,000 survivors.

Mr. President, the July 30, 1984, issue of the New York Times Magazine ran a review of a soon to be published book about the Lodz ghetto. During the war, a team of authors kept a diary of life in the ghetto. This book, "The Chronicle of the Lodz Ghetto, 1941-1944" is one of the most significant documents yet to be published about the Holocaust.

These accounts are different from other documents because they were maintained by the official Jewish administration of the ghetto. Therefore, this was not a clandestine effort, but one that was subject to the scrutiny of the German officials at any time.

Mr. President, it is very difficult for us in this day and age to realize the pain and agony that these people endured. Living in hunger, cold, fear, and uncertainty, those gathering at the reunion—the survivors—have much to be thankful for. They also share some bitter memories.

Mr. President, I would like to share one of the accounts documented in the chronicles:

Escape attempts came to a bloody end. Anyone who attempted to save himself by fleeing and was spotted by the authorities had to pay for that attempt with his life. Because the operation proceeded so rapidly, the authorities gave no thought to the motives or causes for any particular act. At 38 Zgierska Street, an elderly woman from Sieradz did not understand if she had been ordered to go to the left or the right and, instead of going to a wagon, she walked over to a group of "remainers." This the authorities interpreted as an escape attempt. The woman was shot to death on the spot.

These chronicles were buried and recovered after the war ended. As you can see, the accuracy and detail in these journals is unsurpassed. It is important for all of us to not only understand what has happened, but also to keep the memories of Lodz alive. We must not forget what happened at Lodz or Warsaw or any other area. We must keep these memories alive so that history will never repeat itself.

This is one step. But there is more that we can do. We can do something that should have been done long ago.

We can and must ratify the Genocide Convention. The Genocide Treaty expressly condemns any attempt to eliminate, in whole or in part, any national, racial, ethnic, or religious group.

The Genocide Convention was adopted unanimously by the United Nations primarily as a response to the Holocaust. Still 40 years later, we the U.S. Senate have not fulfilled our obligation to the survivors, not the respect we owe to those who were not as fortunate.

Mr. President, I urge the Senate to take immediate action and ratify the Genocide Convention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMAN'S PENSION EQUITY ACT

Mr. DOLE. Mr. President, it is our hope that before we adjourn today we can bring up the women's pension equity bill H.R. 4280. It is matter that we have been working on for months. As far as we know, there was no problem at all. It has been cleared with everyone we can find. We have worked with Republican and Democratic staff of the Finance Committee, the Labor Committee and the appropriate House Committees and, we thought with every Member. I understand there is a problem on the other side of the aisle.

There is a great deal of interest in this legislation on the House side. In fact, I understand Mrs. FERRARO, the running mate of the candidate for President, has a deep interest in this legislation along with a great number of other Members of both parties.

I hope my colleagues on the other side will find some way to clear the bill. The problem is, if we are going to go out next week—and nobody knows precisely when—and we are out for several weeks, it is going to be sometime in September before we can come back to this legislation.

But again, as I say, this bill is not controversial. It is not partisan legislation. It has strong support from the women's groups all across this country. It is a pension equity proposal. We have been discussing it day after day after day after day with Democrats and Republicans, Members, committees, and staff. We have had several meetings with the staff of both sides and worked out the problems in the bill the Finance Committee reported. We have also cleared the bill on the House side. What we did in the Senate Finance Committee was to amend the House-passed bill to take care of many of the problems that some groups had raised. H.R. 4280, as amended by the Finance Committee is the bill currently pending before the Senate. We understand the House is willing to accept the bill, as amended by the Finance Committee. I hope it does not get lost because someone feels the need to reexamine it.

We are trying to locate Senator KENNEDY, who has indicated some unwillingness to proceed today. If I can locate Senator KENNEDY, hopefully we can still bring it up before the Senate adjourns today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I ask unanimous consent that, notwithstanding the change in the schedule of the Senate today in respect to the special order and otherwise, there be a period for the transaction of routine morning business from this moment until not later than the hour of 12:40 p.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOVIET JEWS INTIMIDATED

Mr. JEPSEN. Madam President, I have just learned of a slanderous and vicious attack on a Member of the House of Representatives by the Soviet Union in conjunction with the Universal Postal Union Congress, at which 167 nations were participating, in Hamburg, Germany.

You will recall, Madam President, that I addressed the Senate 5 weeks ago as we considered, and acted favorably upon, House Concurrent Resolution 294, which called the Soviets into

account for their deliberate interception and sabotage of the international mails.

This subject has been under investigation by the Subcommittee on Investigations of the House for some 18 months now at the specific request of Representative BENJAMIN A. GILMAN of New York, who is a senior member of the House Post Office and Civil Service Committee and a distinguished colleague long involved in the plight of Soviet Jews.

The Senate voted unanimously in favor of this resolution, which pointed out that there was a cold, calculated, systematic campaign by the Soviets to interfere with international mail.

Congressman GILMAN personally attended the UPU Congress in Germany, as did our Postmaster General, William F. Bolger. Both cited the Soviets for wholesale violations of four international treaties.

The Soviet reaction has been a personal and vicious attack on Mr. GILMAN and a frontal attack on the administration.

More than that, it is an attack on the Soviet Jews and no less than 105 other ethnic organizations, comprised of but not limited to the following groups who have complained to the Congress that their mail has been intercepted: Lithuanians, Latvians, Byelorussians, Estonians, Hungarians, Poles, East Germans, Russians, Ukrainians, the Slavs, Romanians, Czechoslovakians, and a host of others from Eastern European bloc countries and Russia who are now living here in the United States.

The distinguished gentleman from New York is certainly capable of defending himself and I will, at the close of my remarks, ask that his statement be made part of the record.

But I want to point out in the meantime that this personal attack should be viewed as a personal attack against the unanimous votes of both the House and the Senate.

More importantly, I cannot help but think this is an attempt to intimidate Jewish people and those people of the other ethnic groups I have mentioned. Many of our synagogues have "twinning" projects in which Jewish youngsters write to youngsters in other lands.

Just about all of their mail, the investigation shows, gets intercepted.

One witness in Davenport, IA, told congressional investigators that only 1 letter of 5,000 mailed by his human rights group to the Soviet Union got a response. One letter.

The UPU has enacted some tough, new regulations governing mail interception. And those regulations passed with very large margins among the 167 nations attending the conference.

I hope these new regulations have a strong effect on the Soviets.

I should like to make three points with regard to the Soviets' attack on Representative GILMAN, with whom I have been closely working on the issue of Soviet mail sabotage:

First, the Soviet statement is a bold attempt to deflect the real issue: The Congress has accumulated over 2,500 exhibits showing a regular pattern of interception of the international mails. I point out that this mail is not just involving dissidents, but nonpolitical communications between family members and friends. We recently found one witness here in the United States who did not know for 7 years the fact that her father had died in Russia, because her mail was intercepted by the KGB.

Second, our 2,500 exhibits come not just from the United States, but from 17 other free world countries as well. This is indeed broad and much larger than just a United States-Soviet issue. It is indeed a worldwide issue.

Third, the Soviets are not just violating the UPU Convention standards, but three other international treaties and their own Constitution as well.

The Communist outburst was prompted by Representative GILMAN's appearance at the Universal Postal Union Congress in Hamburg, Germany last month, to present House Congressional Resolution 294, memorializing the UPU to take up the matter of the interruption of international mail behind the Iron Curtain. Gilman's resolution, which passed both Houses of Congress unanimously, was the basis for five resolutions on the topic passed by the UPU Congress.

The Soviet statement issued at the Congress said:

> We condemn the hostile provacatory activities of Mr. B. Gilman, Member of the United States House of Representatives, which for many years have been aimed at disrupting normal mail traffic between the United States and the USSR. Our delegations decisively reject the insinuations contained in his statement and in the United States Congress decision.

In Representative GILMAN's defense, the U.S. delegation issued a statement saying:

> The United States delegation rejects the erroneous and rhetorical statement attacking the United States Government and a Member of the United States Congress by name . . .

The American reply continued:

> Such false and slanderous statements must be viewed as an attempt to avoid providing specific answers to the problems cited by several delegations in their mail relations with the Soviet Union during the course of this Congress.

Representative GILMAN stated that:

> The statement issued by the Soviets is indicative that the evidence presented disclosing the Soviet's interruption of international mail service has hit home.

Representative GILMAN, a member of the House Post Office Committee, introduced House Concurrent Resolution 294, calling for UPU action, after conducting a series of hearings at which over 2,500 exhibits were presented indicating the systematic interference with international mail behind the Iron Curtain. The resolution passed the House of Representatives by a vote of 403 to 0, and subsequently passed the U.S. Senate by a voice vote.

After Mr. GILMAN's appearance at the UPU Congress in Hamburg, the UPU approved five resolutions relating to Representative GILMAN's remarks:

A resolution calling for all countries to publish lists of prohibited items in clear and concise language;

A resolution calling upon all countries to list reasons for the seizure of any packages, and calls upon these nations to describe offending items;

A resolution providing that priority be given to obtaining the actual signature of the addresse on the "Advice of Delivery Form";

A resolution providing that the addresses signature be obtained in instances when an inquiry is filed regarding failure of delivery; and

A resolution that when delivery of mail is specified to an individual, that individuals signature must be obtained.

THE REGULATION OF LEAD IN GASOLINE

Mr. MITCHELL. Madam President, the Environmental Protection Agency has moved strongly ahead this week in an important area of environmental protection in proposing to require removal in 2 years of about 90 percent of the lead in gasoline.

I have frequently criticized the environmental policies of the Reagan administration. Conversely, when the administration takes positive action, it deserves support and credit. This is such an instance. I commend the Reagan administration, especially EPA Administrator Ruckelshaus and his staff, for this necessary and encouraging decision. It is good news to everyone who supports the cause of clean air in this country.

It is particularly welcome news because the mental and physical health of children is concerned. Children are most vulnerable to lead, especially in big cities where auto exhaust products are concentrated. Leaded gasoline is the source of 80 percent of all lead emitted into the air. Inhaled regularly and in sufficient quantities by humans, lead can damage the ability to reason and excessive exposure can cause death. The connection between lead in gasoline and in children's blood has been repeatedly and convincingly demonstrated.

Lead has long been recognized as a hazardous substance. The toxic effects of lead at high levels are firmly estab-

lished, and growing evidence suggests that lower levels, previously thought safe, also may pose serious risk to human health, particularly for small children. Lead in gasoline is a major source of lead in children's blood.

Children 6 years old or younger are generally considered to be most vulnerable to the adverse health effects of lead. This is due to:

First, some types of physical and behavioral effects which have been observed at lower blood levels in children than adults.

Second, a greater opportunity for children to be exposed to certain lead sources including house dust and lead paint through normal play activities and by putting foreign substances into their mouths.

Third, a higher incidence of nutritional problems among children such as iron or calcium deficiencies, which, in turn, enhance lead absorption.

Fourth, the apparent increased susceptability of the developing brain.

But the benefits of significant lead reduction are not limited to children. It will reduce the frequency, and thus the cost, of certain car engine maintenance and improve car fuel economy. It will also greatly lessen the problem of tampering with pollution controls on cars of illegally using leaded fuel in cars made to use unleaded fuel.

I hope that the EPA will move forward as expeditiously as possible to finalize its proposed regulation of lead in gasoline.

TRIBUTE TO MR. J.C. LONG OF CHARLESTON, SC

Mr. THURMOND. Madam President, I rise to pay tribute to one of the Palmetto State's finest developers and businessmen, my good friend, Mr. J.C. Long of Charleston, SC, who passed away on July 9, 1984. To his devoted wife, Alberta, two daughters, Joyce and Mary Ellen, 10 grandchildren, and two great-grandchildren, I express my deepest sympathy.

In no uncertain terms, J.C. Long was a self-made man. His strong work ethic was cultivated early in life—working odd-jobs just to make ends meet. It was his intense spirit of determination that lifted J.C. Long to the pinnacle of success in every facet of his life.

One need only examine his impressive career to see numerous examples of his success. While a student at the University of South Carolina, J.C. Long excelled on the football team. After graduating there, he went on to receive a law degree from the same institution, beginning what would later become a prestigious law practice in Charleston.

J.C. Long's competitiveness was not confined exclusively to the playing field and classroom, however, because this businessman pioneered several land development projects throughout the low country of our State. His keen instinct for successful business ventures earned him respect and notoriety in the Charleston area. The Isle of Palms, a beautiful family resort on the Atlantic coast, stands as one of the many examples of this entrepreneur's accomplishments.

In addition to his significant achievements as a developer, J.C. Long was also a fine public servant. I had the pleasure of serving with him in the South Carolina State Senate during the 1930's, and I knew him to be an individual committed to the well-being of Charlestonians and all South Carolinians.

Madam President, J.C. Long was loved and admired by many, and will be greatly missed by a large circle of friends and associates. However, he leaves behind several reminders of the tremendous impact he made on the low-country of South Carolina. In order to share more about this outstanding individual, I ask unanimous consent that the following articles from his hometown newspapers be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Charleston News & Courier, July 10, 1984]

NOTED SOUTH CAROLINA DEVELOPER, LANDOWNER J.C. LONG DIES

J.C. Long, one of South Carolina's largest landowners and most illustrious developers, died Monday at his East Cooper residence. He was 80.

Funeral services, directed by McAlister's, will be at Sacred Heart Church at 3:30 p.m. Wednesday. Entombment will be at St. Lawrence Cemetery.

Mr. Long, who took on his first construction job at 16, became one of the area's largest landowners with property including apartment buildings, duplexes, subdivisions and other types of real estate.

He was a native of Pensacola, Fla., and moved to Charleston with his family in 1918. He starred in football and earned money by operating peanut concessions at ball games.

After graduating from the High School of Charleston, he attended the University of South Carolina, where he received a bachelor's degree and a law degree. He was captain of the Gamecock football squad in 1925 and was named to the All-State team and gained honorable mention on the All Southern team as a lineman.

He began law practice in Charleston with the firm of Logan and Grace but soon set up his own law office. He entered politics in 1929 and was elected state senator from Charleston County a year later at 27, one of the youngest ever to serve in that legislative body at that time.

He was a stormy petrel in politics, clashing often with other legislators, elected officials and with the Democratic Party to which, however, he remained loyal throughout his life.

He was defeated for re-election in 1934 and that year broadened the real estate development activities that he initiated in 1931 when he developed Ashley Forest.

When the Federal Housing Authority was set up shortly after President Franklin D. Roosevelt took office, Mr. Long and his brother, the late Leonard D. Long, immediately began to use that federally insured program to build in South Carolina. They jointly became one of the largest FHA building families in the nation.

One of his major land purchases, and one of his favorite developments, was the Isle of Palms. Purchasing all of the undeveloped area, Mr. Long set out to make an ocean resort that would be a family vacation spot without commercial facilities other than those required for providing needed supplies. When he sold the undeveloped areas of the island in 1973, he could point out that there were no high rises and only one motel type facility, an apartment style unit owned by the Long interests.

He was loyal to his alma mater and served as a USC trustee and on many committees working for the university.

He was a lifelong Democrat and a heavy contributor to the party. In 1944, he was one of the 1,000 given invitations by Roosevelt to his inauguration.

He had served on the S.C. State Highway Commission in the 1930s and was an advocate of major road building programs. He returned to politics in 1947 when elected a city alderman in Charleston on the slate of the late William McG. Morrison, with whom Mr. Long had feuded in the early 1930s.

He soon broke with Morrison, however, and from that time on did not actively take part in politics. In 1951, he resigned the aldermanic post to become a member of Gov. James F. Byrne's S.C. Educational Finance Commission that established the sales tax.

Mr. Long was a modern populist in political theory. He had admired the "Share the Wealth" theories of Huey Long of Lousiana and invited Long (no relation) and the Rev. Gerald L.K. Smith, another advocate, to speak in Charleston under his auspices in 1935.

He was a staunch family man and, during the heat of political campaigning, twice engaged in fisticuffs with persons who derogated his relatives. One of them was a fellow senator, C.E. "Mountain Lion" Sloan of Greenville, who opposed the late Sen. Olin D. Johnston, a good friend of Mr. Long's.

He was elected president of the Charleston County Bar Association in 1945 and was a member of a number of civic and fraternal organizations and a past master of Pythagorean Lodge 21, AFM, and past exalted ruler of the Charleston Elks.

He had served several times as a specially appointed judge in the Common Pleas Court. He withdrew from the law firm of Long, McRae and Rittenberg in 1955 but continued his law practice, saying, "I'm a lawyer first, last and always."

However, his fortune was made largely in real estate, and he was one of the largest property owners and taxpayers in the state, particularly in Charleston County.

Following construction of the Sergeant Jasper Apartments in downtown Charleston in 1949–50, Mr. Long built similar high-rise units and other apartment units in Savannah, Ga.; Anderson; Greenwood; Aiken; Rock Hill; Orangeburg and Sumter.

One of his favorite places was the home he built at Seaside Plantation in Christ Church Parish. There he raised cattle and experimented with the growing of shrimp in salt water ponds. He also maintained a nine hole golf course that he made available to many friends.

Just recently, the East Cooper School named its track and athletic field the J.C. Long Athletic Field.

Mr. Long was a man of strong opinions and beliefs. He had a dislike for the color blue, refusing to sign papers with blue ink and to wear blue clothing.

He was a hard worker, beginning his day as early as 5:30 a.m. and often continuing late into the night. He had specially built a mobile office, one of the first in the nation, and used it to commute between his many building projects.

Mr. Long was born Sept. 19, 1903, a son of John Edward Long of Florida and Mrs. Amelia A. Darlington Long of England. He was a Unitarian.

Surviving are his wife, Mrs. Alberta Sottile Long of Seaside Farms, Mt. Pleasant; two daughters, Mrs. Charles P. Darby, Jr. of Seaside Farms, Mt. Pleasant, and Mrs. Charles S. Way, Jr. of Seaside Farms, Mt. Pleasant, and 10 grandchildren and three great-grandchildren.

[From the Charleston News & Courier, July 11, 1984]

JOHN CHARLES LONG

J.C. Long—he never used his full name—arrived with his family as a teenager in the Lowcountry from Pensacola, Fla., in 1918 and proceeded to carve a career in real estate, politics and law that will long be remembered. Aggressive playing on the line of the University of South Carolina's football team earned him the respect of his teammates, who elected him squad captain, as well as a place on the All-State team and honorable mention on the All-Southern team. But more, it set the stage for a long and highly successful career.

Nothing in life was handed to J.C. Long. As a teenager, he earned money with a peanut concession at ball games and as a construction worker. Graduating with a law degree from USC, he hung out his shingle in Charleston and embarked on a political career which has been described as stormy—an understatement. He was one of the youngest to serve as state senator—elected at the age of 27. But even while serving Charleston County in the Legislature, he entered the realty and construction business, creating a group of companies that are today the legacy that people will remember him most for.

Starting with one of the earliest developments west of the Ashley River, Ashley Forest, Mr. Long, personally or with his late brother, L.D. Long, built over 9,000 housing units in the county. One of his major land purchases and favorite property developments was the Isle of Palms, a planned, family, ocean-resort area with tight controls over commercial enterprises other than those needed for supplies. The island is currently home to more than 3,500 year-round residents. Another measure of his success is that corporations he and his family control annually pay about $270,000 in state taxes.

Mr. Long's death Monday at the age of 80 closes the book on over a half century of entrepreneurship that made him a legend in his time and changed the face of this part of the Lowcountry.

[From the Charleston Evening Post, July 10, 1984]

J.C. LONG

(By Thomas R. Waring)

During the 1920s, J.C. Long was a star football player for the famous High School of Charleston Bantams and for the University of South Carolina. The aggressive lessons he learned on the playing fields helped him to succeed first as a lawyer, and then as a large-scale builder of houses. In an interview published in the Post-Courier in 1980, he estimated that he and his brother, the late L.D. Long, built 6,000 dwelling units in Charleston County. In addition, he built 3,000 more by himself in the county.

Mr. Long and approximately 30 corporations his family controls have handled land acquisition, construction and insurance on properties that pay about $270,000 in annual taxes in Alabama, Georgia and the Carolinas.

For almost 10 years, illness had confined J.C. Long—he never used the full name, John Charles—to a wheelchair. The infirmity did not quell the drive that had shaped his career, and the years brought a measure of serenity to a sometimes stormy life. Mr. Long served in the state Senate and on the City Council of Charleston and maintained a lively interest in politics. He had many other interests and a wide acquaintance.

Six years out of law school, Mr. Long in 1931 launched his career as a builder during the Depression. His first project was Ashley Forest, one of the earliest developments west of the Ashley River.

"I was the first to build 'across the railroad tracks' in the north area on Dorchester Road," he said in the 1980 interview—one of the few he ever granted. "My parents mortgaged their home and I mortgaged a house I owned to raise money for a down payment. We handled the first Federal Housing Administration loan in South Carolina."

The enterprise that gave him the greatest satisfaction was the purchase of the Isle of Palms, a beach resort, which grew to be a community of 3,500 year-around residents. Mr. Long was the instigator of the Charleston Development Board to attract industry. His death at age 80 has concluded a busy and successful life.

COAL BELATEDLY RECEIVES ATTENTION BY THE ADMINISTRATION

Mr. RANDOLPH. Madam President, last week the administration of President Reagan discovered coal, our most abundant source of energy, after 3½ years in office. It was a timely discovery.

The administration officials were pleased by their newly found knowledge and they called in coal industry officials from across the country for a "White House briefing" which, incidentally, did not take place in the White House and was not attended by the President.

Now that senior administration officials have made this discovery, I assume that they are genuine in their desire to follow up. Thus, it is my purpose today to make available some facts about coal for all those who read the RECORD.

Since arriving in Washington, this administration has proposed abolition of the Department of Energy, and elimination or drastic cuts in coal research and development 3 out of 4 years.

They talk of increasing coal exports, but have been ineffective when negotiating with out major coal trading partners, and have resisted financing inland waterway and port improvements.

They have permitted the Interstate Commerce Commission to virtually deregulate railroad coal haul rates.

After a 10-year moratorium on coal leasing expired, this administration had the opportunity to distribute coal reserves for orderly development. Instead, the administration program was managed so poorly another moratorium could ensue next year. This administration now demands deep recissions in synthetic fuels programs which not only threatens our future energy security but the largest potential new market for our coal resources.

They have delayed nominating a new director for the Office of Surface Mining, seemingly for no particular reason. OSM—managerless with its top two jobs vacant—suffers from a total lack of direction. Meanwhile, our State programs suffer; the industry suffers; and our miners suffer, and our Nation is the loser.

RETIREMENT EQUITY STATEMENT

Mrs. HAWKINS. Madam President, I am pleased at this opportunity to express my support for the conference report on the Retirement Equity Act.

The 1974 Employee Retirement Income Security Act [ERISA] mandates minimum standards for private pension plans. For example, ERISA sets the maximum length of time employees can work before they are vested and, similarly, grants the permanent right to employer-financed benefits even in the event of job changes.

Under current standards, most employees have to work 10 years under a pension plan to become vested, and interruptions in a career can result in the loss of pension benefits. Existing laws also allow employers to exclude workers from participating in a pension plan until they reach the age of 25.

However, it has become increasingly clear in recent years that ERISA standards are inadequate to deal with the changing composition of the American work force. Many observers now agree that the regulations are disadvantageous to women—persons who enter the work force early, and then drop out to raise a family do not collect their full benefits. Since this description accurately mirrors the course of many American women, it is safe to conclude that female workers are being deprived of retirement credits.

This unfortunate situation has left many women in desperate straits, unjustly and unwisely deprived of their rightful benefits. The plight of the American working woman is one with

which we should all be concerned. And in light of the magnitude of the problem, it is important that we all work to rectify this situation.

Fortunately, Madam President, measured by the actions and responses of my colleagues, it is quite clear that the Congress is deeply concerned over the lot of working women. The almost unanimous acceptance of this bill equally evidences a determination to improve pension benefits for women and also shows the merits of this measure.

Consequently, I am very pleased that the conference committee has reached agreement on this important legislation. It is my firm belief that this is a significant step in the fight to bring equity and prosperity to the millions of American working women. I urge all my colleagues to join me in support of this measure and other progressive legislation in this area.

EULOGY TO ELIZABETH P. FARRINGTON, A BENEFACTOR TO THE PEOPLE OF HAWAII

Mr. MATSUNAGA. Madam President, it is with a heavy heart that I rise to note the passing of a very great lady in the recent history of my State, a person whose distinguished career of public service to Hawaii and to the Nation was conducted here in Washington where she was both a lawmaker on Capitol Hill and later a ranking official of the executive branch at the Interior Department.

I refer to Elizabeth P. Farrington, a journalist who took our islands to her heart when she married the late Joseph Farrington, former Delegate to Congress from the Territory of Hawaii.

As a young law student at Harvard, I was called to Washington by Joseph Farrington to testify on behalf of statehood before the House Interior Committee's Subcommittee on Territories. He felt that my experiences in World War II, along with thousands of Americans of Japanese ancestry from Hawaii, would have a key bearing on our "readiness" for statehood. It was at that time that I met Mrs. Farrington, his lovely, gracious spouse and a full partner with her husband in his political and journalistic career. When her husband died, Mrs. Farrington succeeded him as Delegate to Congress and publisher of the Honolulu Star Bulletin, Hawaii's largest newspaper. She continued her husband's lifelong fight for statehood which came a few years after her term of office ended. She was a key player right to the point when our statehood legislation achieved passage, however, in her role as the Star Bulletin's publisher. Later, she became Director of the Office of Territories in the administration of President Nixon, where she served with distinction.

Throughout her lifetime, she compiled an extraordinary record of accomplishments, a record that reflects her selfless commitment to serving others. She will long be remembered and admired for her determined efforts to see Hawaii achieve statehood, a goal she set for herself following her graduation from college and her marriage. Her notable contributions to the Nation here in Congress and with the Interior Department earned for her the highest respect of all who were fortunate enough to know her. I myself have lost a dear personal friend with whom I conferred on many occasions on the strategy to win statehood. In an age when women are assuming new roles in American life, it is well to remember that Elizabeth Farrington's achievements were the equal of her outstanding husband's. She was in all regards a remarkable achiever.

Hawaii and the Nation is a better place in which to live because "Betty" Farrington lived among us.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Madam President, I ask the Chair to inquire if there is further morning business.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to waive section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 5743, Department of Agriculture Appropriations, 1985.

The Senate resumed consideration of the motion.

Mr. CHILES. Madam President, we are having a little discussion on the motion to waive the Budget Act to declare that the agriculture bill would be in order, notwithstanding the fact that we do not have a budget resolution. The Senator from Florida has been concerned about that waiver process.

I am concerned because we find ourselves now in August—August 3, I think it is today—and we do not have a budget resolution. We have never gone this long since we passed the Budget Act in 1974 without a budget resolution. In every other year, we have had a resolution by June, and in most instances in May.

As the distinguished Madam President knows, the purpose of the Budget Act is to set the framework for spending, to place a limitation on spending to determine what the priorities of Government should be, and to determine what our revenues should be. I feel there is much or more reason for the act today than there was at the time we passed it in 1974.

I was here at the time, operated as a Member of the Senate for 2 or 3 years without the act, helped to write the act, and have been on the committee since we passed it. I remember the dilemmas we were in constantly where we were adopting new programs, and where we did not look to see where those programs would take us.

I say we are still harvesting many of those programs that we adopted at that time. We did not look 5 years out. We did not have a Congressional Budget Office to make estimates. We did not have to be concerned with what outyear spending would be. We got ourselves into this quagmire which we still are trying to work ourselves out of. Why in the world we are abandoning the budget process now is more than I can understand.

I came back from the last recess. There was no call for a meeting of the conference of the Budget Committee. No one was talking about the Budget Act. The press does not write about the Budget Act. It is as if it has just simply disappeared. It is gone.

In a colloquy I had with the Senator from New Mexico, the distinguished chairman of the Budget Committee, who has worked so long and hard for it, he said this is a very different year. I agree with him on that. It is a very different year. But the different years mean that you should abandon a process you have because it becomes some kind of a handicap for a majority party, or a President in power? That different year is going to happen 4 years from now and 4 years from then. And if we can simply waive this process, or just feel that it does not exist, that will come back to haunt us, too, I think.

The budget conference has had four meetings. Three of those meetings lasted way under an hour. One of them might have lasted a little bit over an hour. We have not really sat down, and tried to work out these differences. We have basically a difference only in one area, in one number, and that happens to be the number of defense. The Senate-passed number is $299 billion. The House-passed number is $287 billion. So we are talking about $13 billion difference.

The House conferees have offered the Senate a split at $299 billion, and to split also the inflater numbers between what the Department of Defense said would be the inflation number and what the Congressional Budget Office said would be the inflation number. So they have offered that split.

The distinguished chairman of the Budget Committee, the Senator from New Mexico, started off when he went to the White House with a number that he said should be $294 billion. So our debate is somewhere between what the House has offered, $292 billion, and what the Senate number is. And the Senate has not come off of their number of $299 billion.

We know what the number of the Senator from New Mexico thought would be fair for defense—$294 billion. And over that we have no budget resolution. So we are passing these appropriation bills. And each time they come up, we just make a motion to waive the Budget Act, and go ahead and pass this bill. We are going to do that throughout this year until we get to the defense. That is going to be the last thing we get to. Everybody sort of knows that.

What does that spell out for us next year? What does that spell out for us in the future? I do not think it bodes very good for us, for the only law that we now have to basically restrain spending we are honoring in its breach. That is exactly what we are doing.

The President says I want the Congress to pass a constitutional amendment to require a balanced budget. That is what we need. Madam President, you know how long that is going to take if we pass it.

The Senate has passed that. The Senator from Florida voted for that. But if it passes the Congress this year, we are looking at years before it is ratified by the requisite number of States to make that a constitutional amendment.

So while we are telling the public that is what is necessary, the same President is telling the majority party do not adopt a budget resolution. Do not come to a decision on that budget resolution, if you have to move off of that figure of $299 billion. We need one law. But we ought to breach another law. That just does not strike me as being sound.

The reason it does not, more than anything to do with the parties or anything, is where is it going to leave us in the future in regard to the Budget Act? The distinguished President has spent a lot of time on the Budget Committee, and has high rank on the majority side on the Budget Committee. And as the Senator from Florida has spent a lot of time on that committee, I think it is worthwhile. I think it is worth spending that time because I think that act forces the Congress to make some hard decisions that we do not want to make, and that as a body we did not make before we had the act. We would take up appropriation bill by appropriation bill and we passed those bills one at a time, and we would add up at the end of the year.

I have never voted for a bad appropriation. It has always helped somebody, and I always hear from the group that it is going to help. And John Q. Public does not sort of know what is happening in all of those appropriation bills. So he cannot say, "Do not vote for this program." But he wants us to live within our means. For the first time the Budget Act sort of helped us do that. We had to determine at the beginning of the year how much money are we going to take in? How much money do we need to spend? If it is more than we take in, where is it going to come from? Are we going to tell the Finance Committee as we have in the Budget Committee we expect you to raise some new revenue? Are we going to tell the authorizing committees, as we have, that we expect you to do something to cut some money in some of the discretionary programs or some of the entitlement programs? The body has to debate. Then we set this spending limit. I think the process has worked better.

I do not see any great, grand, new, and glorious programs that have been started since we have had this Budget Act with these great formulas that tie us into tremendous spending down the road.

Yet, this year, because it is a very different year it looks like we are not going to have this act.

I wonder. There are 64 Members of the Senate who were not here when the act was passed. Maybe those Senators do not understand what the process was before. Maybe they do not understand some of the problems that we had before. For that reason, maybe we need to try to explain them.

I looked back in the RECORD to find some of the statements that were made by Senators who were here, and as a means of trying to get to others to understand I find that Senator DOMENICI said:

> The Congress and the people of the United States have become painfully aware of our present budgetary process. It is archaic and incapable of providing the type of fiscal responsibility required for economic stability and growth.
>
> That point has been made time and again by many Members, myself included. I have on several occasions attempted to outline some of the deficiencies of the present system as I see them, and have been an active supporter of initiatives which would correct these shortcomings. I feel that S. 1541, the Congressional Budget Act of 1974, is such an initiative, a major effort that deserves our full support.

That statement goes on and says that Congress has no overview of the appropriations process. That statement, Madam President, is there by a number of Senators. Senator TOWER, chairman of the Defense Authorization Committee, said:

> I want to express my support for the conference report on the budget reform bill. This legislation establishes some rational mechanisms for the consideration of reforming our constitutional duty with respect to the appropriations process. By enacting a definite time frame to consider overall spending limitations, the Congress will be achieving the first step of the road back to respectability.

A definite timeframe. The Senator from Texas is the distinguished chairman of the Defense Authorization Committee.

The Senator from Florida is saying that was true then and it is true now. Where is our definite timeframe? Why have we not forced these decisions?

The Senator from Louisiana, who is ranking member on the Finance Committee, pointed out that the Finance Committee in conference with the House met night after night all night in a number of sessions, and day after day, hammering out a compromise on the provisions of the Deficit Reduction Act that achieved new revenue, which meant they had to vote some taxes on somebody, cut some of the existing health programs—again not an easy thing to do, but they did it. He said people went into those conferences with the announced statement, "I will never cut this program." He said 24 or 48 hours after they had been there, "I would never" changed to "I might have to do something like this." But they were forced to do it because that is what the leadership said they wanted, that they were brought there for that purpose. Yet, there have been four little meetings of the budget conference committee, and at none of those meetings has anybody gone in with the idea that we have to arrive at a decision.

Madam President, I am reminded of the story that runs through the New Testament of a centurion. The centurion had a servant that was sick and nigh onto death. He heard about this fellow who was a healer, Christ. He went to see him, and he said that he had heard about him, that he tried to pray. He asked Jesus if he would heal his servant. Jesus felt for a Roman soldier this man is devout, and he said, "I will go with you." Then centurion said, "No, you do not need to go. I am a man who acts under authority. I am used to telling someone to go and they go and to come and they come. If you will just speak the word, my servant will be healed."

I remember Jesus said he had not seen such a faith as that in any of his travels. He said, "You can go." The

centurion found out from that hour his servant was healed.

Madam President, I am a man who acts under authority. The distinguished chairman of the Budget Committee is a man who acts under authority. If the majority leader was to say to us, "Go and solve this," we would go and we would solve it. Maybe the order needs to come from Pennsylvania Avenue, I do not know. I do not know where the order comes from to start with. I am waiting for the order to tell me to go, to tell the distinguished Senator from New Mexico to go, and not to come back until we solve it.

I will tell you, Madam President, the Senator from Florida does not have a magic number that has to be the defense number. Anywhere within the range that we can get a majority of the conferees on both sides to agree so we can have a budget resolution, I will support it. It is more important that we have a conference report. It is more important that we set a spending ceiling. It is more important that we honor the law that we passed after working on it several years, after going through the process.

I just cited a couple of statements from Senators of the terrible way in which we were enacting business in the past. It is a hard time, but if that hard time now would allow us to just disregard this, to not honor it, to say we will do it our way, where are we going to end up in the future with this kind of restraint that we have?

This is a new endeavor for me. I have been here 14 years, and I have never felt before that I had to sort of stand on the floor and try to educate anybody or stop any process. I felt that there were times that we needed the right of unlimited debate but never felt called upon to use it. But, Madam President, I can tell you that I think this is tremendously important. I guess the other thing is that if we do not honor this, if it is going down the tube, I certainly do not want it on my conscience that I sat by and acquiesced and allowed even a majority to determine that they would continue to waive this act and that it would not be necessary. I am convinced that the people want us to restrain spending. They want us to live within our means. They cannot understand why we cannot do it. I think this is the process that gives us the best hope that I see now to try to do this.

So, again today, I urge the Senate, I urge the leadership, I urge the administration to allow us to go to conference, to instruct us to go to conference, to demand that we go to conference, and that we stay there until we work out this number so that we can then have a defense appropriations bill—because it is holding that up—a defense appropriations bill, so that we can be complying with our process of putting overall a restraint on spending and so that we will not be endangering the one process that we have so that it will just be an empty shell and not honored at all in future years.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 1:30 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Treaty Doc. 98-13. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Exec. Rept. No. 98-40).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 2905. A bill to amend the Internal Revenue Code of 1954 to provide that distilled spirits originally distilled from cane in Puerto Rico or the Virgin Islands shall be exempt from restrictions imposed with respect to the cover over the excise tax revenues and to allow the full excise tax on distilled spirits to be covered over to the possessions; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. THURMOND, and Mr. INOUYE):

S.J. Res. 339. Joint resolution designating March 1985 as "National Mental Retardation Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 2905. A bill to amend the Internal Revenue Code of 1954 to provide that distilled spirits originally distilled from cane in Puerto Rico or the Virgin Islands shall be exempt from restrictions imposed with respect to the cover over of excise tax revenues and to allow the full excise tax on distilled spirits to be covered over to the possessions; to the Committee on Finance.

SPIRITS ORIGINALLY DISTILLED FROM CANE EXEMPT FROM RESTRICTIONS ON COVER OVER OF EXCISE TAXES AND TO ALLOW THE FULL EXCISE TAX ON DISTILLED SPIRITS TO BE COVERED OVER

Mr. MOYNIHAN. Mr. President, the 1984 Deficit Reduction Act, signed into law by the President on July 18, dealt a severe blow to the Commonwealth of Puerto Rico. This was not done inadvertently. It was, done rather, openly and with full knowledge that Puerto Rico was being singled out for such treatment.

From 1917 until enactment of this bill, Puerto Rico has always received from the U.S. Treasury a full rebate of the Federal excise tax collected on rum and cane neutral spirits distilled in Puerto Rico and then sold elsewhere in the United States. Yet in the course of congressional consideration of the Deficit Reduction Act, this source of revenue for the Government of the least prosperous entity of the United State was visbily reduced.

Three related provisions of the act will, together, directly reduce the revenue available to the Commonwealth in the fiscal year that began in Puerto Rico on July 1, 1984, by some $200 million. Estimates of the amount are necessarily inexact, based as they must be on forecasts of future economic activity; but Commonwealth officials in San Juan, according to the New York Times of July 24, estimate that the cost may be as high as $240 million in the coming year. Thus, the cost could be as much as $750 million over the 3-year life of the Deficit Reduction Act.

Mr. President, for the fiscal year just began on July 1, the operating budget of the Commonwealth is approximately $2.2 billion. Thus, in the recently enacted tax bill, the revenue available to the government of the Commonwealth of Puerto Rico was summarily reduced by one-tenth—18 days into a fiscal year already begun.

It need hardly be said that this would never have happened to a State represented in Congress by two Senators, and as many as six Representatives, which is the case with Colorado, Connecticut, Iowa, Oklahoma, and South Carolina and which would be the case were Puerto Rico's 3,196,000 citizens equally represented in the House. It would not have happened to a State represented in the Congress by two Senators and one Representative which is the case with Alaska, Delaware, North Dakota, South Dakota, Vermont, and Wyoming.

Hence, it need hardly be said further that Congress, by its action this year, has visibly strengthened the case of those Puerto Ricans who advocate statehood for the Commonwealth.

At this point, it is customary to avow that the speaker takes no position

with respect to the options open to the people of Puerto Rico. Successive Congresses, administrations from the time of President Eisenhower have declared that the people of the island are free to choose to continue their present status as a Commonwealth—note that the Spanish for the present arrangement is Estado Libre Asociado, which we would translate "Free Associated State"—or statehood, or independence. We have repeatedly declared to the international community that these options are open indefinitely, and that should the island ever change from its present disposition to retain commonwealth status, the United States will honor whichever of the remaining options is chosen. I think it fair to state further that absent such a declaration, the United States would face a troubling charge of maintaining a portion of its citizenry in a colonial status.

Accordingly, Mr. President, I declare my willingness to abide by, and to support, whatever choice my fellow citizens in Puerto Rico make asserting only that the choice of statehood or independence in a sense ends the matter, there being no going back from either.

Having made that ritual obeisance, may I be allowed even so to state my own judgment that sooner or later the island will opt for statehood. Having known Luis Munoz-Marin and being a friend and admirer of so many Puerto Rican leaders who carry on in his tradition, I must say that I have always assumed that this tradition views Commonwealth status as interim, as transitional. Temporary economic advantages can help prepare a society for statehood but can never indefinitely outweigh the civic advantage of full citizenship, which only statehood can confirm.

And so I take it as given that sooner or later—and in my view sooner—the Congress will be presented with an application by the Commonwealth of Puerto Rico for statehood.

I want that to be a good experience for us; not a bad one, by which I mean I look to a Puerto Rico that comes to us in the fullness of time; asserting a mature choice; a choice any of us would make, any of us would endorse.

I look to a Puerto Rico that appears at our portals asserting that the obligations of citizenship can never be fully met by a citizenship that is incomplete. In a word, I look to the day when a Puerto Rican sense of equality will animate a sense of the shared responsibility of equals.

What I dread is a Puerto Rico coming to us in frustration and resentment at what it considers unequal treatment; looking to statehood as a remedy for grievances rather than a call to duty. Do these terms seem archaic, idealized? Perhaps. Yet I believe they would be recognized by the founders of this Republic, who have nothing to apologize for as regards the realism of their ideals.

In sum, Mr. President, as a matter of equity and of prudence, I believe the Congress should repair the disservice done the people of Puerto Rico on July 18, 1984, when the Deficit Reduction Act was signed. The Resident Commissioner, my distinguished friend, the Honorable BALTASAR CORRADA last week introduced a bill in the House (H.R. 6006) to restore the revenues of which the Commonwealth was so abruptly and, in my view, unwisely deprived. I am today introducing for the consideration of the Senate an identical measure. It would do two things. First, it would permit the Commonwealth to receive the full amount of the excise tax collected on rum that is produced in Puerto Rico and shipped to the United States.

That arrangement, if I may, Mr. President, is quasi-constitutional in the relationship between the United States and the Commonwealth. It dates back to 1917, and since 1950, it has been included in the Puerto Rican Federal Relations Act (48 U.S.C., section 734). To alter it abruptly and casually is to signify not just an insensitivity but an unawareness of that relationship.

Second, the legislation would include in this rebate the excise tax collected on the sale of cane neutral spirits, which is a byproduct of the same distillation process that yields rum.

Do much matters seem prosaic? Well, they are that. But they are the stuff of government even so. The first bill ever to pass the U.S. Congress established the oath of allegiance that would be taken by servants of the new nation. The second bill passed by the U.S. Congress included a 10-cent-a-gallon tariff on rum—a matter of great and pressing concern to the farmers of the western frontier who shipped their grain to eastern markets in the form of whiskey.

I urge the Senate to give consideration to this measure, and especially hope that it will come to the attention of our distinguished majority and minority leaders, who will one day, they or there successors, stand on the floor of this Senate and deal with the application by the Commonwealth of Puerto Rico for entry into the American Union, asking that a pledge repeatedly made to the people of Puerto Rico be honored.

Mr. President, I send the bill to the desk and ask that it be appropriately referred. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTILLED SPIRITS ORIGINALLY DISTILLED FROM CANE EXEMPT FROM RESTRICTIONS ON COVER OVER OF EXCISE TAXES

(a) IN GENERAL.—Subsection (c) of section 7652 of the Internal Revenue Code of 1954 (relating to articles containing distilled spirits) is amended by striking out "is attributable to rum." and inserting in lieu thereof "is attributable to—

"(A) rum, or

"(B) distilled spirits originally distilled from cane in Puerto Rico or the Virgin Islands (as the case may be)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States on or after March 1, 1984.

SEC. 2. COVER OVER OF FULL EXCISE TAX ON DISTILLED SPIRITS

(a) IN GENERAL.—Subsection (f) of section 7652 of the Internal Revenue Code of 1954 (relating to limitation on cover over of tax on distilled spirits) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to articles brought into the United States after September 30, 1984.

By Mr. HOLLINGS (for himself, Mr. THURMOND, and Mr. INOUYE):

S.J. Res. 339. Joint resolution designating March 1985 as "National Mental Retardation Awareness Month"; to the Committee on the Judiciary.

NATIONAL MENTAL RETARDATION AWARENESS MONTH

● Mr. HOLLINGS. Mr. President, I rise today to introduce a joint resolution proclaiming March 1985 as "Mental Retardation Awareness Month." Mental retardation affects more than 6 million people and constitutes one of the largest single handicapped groups in America. Mental retardation is four times more common than rheumatic heart disease and nine times more prevalent than cerebral palsy. This serious problem affects 15 times as many people as total blindness and 10 times as many children and adults as polio did before research provided the Salk vaccine.

Mental retardation strikes individuals of every race, religion, and nationality, every educational, social, and economic background. It can be caused by genetic irregularities, problems during pregnancy, problems at birth, problems after birth, and environmental factors. But, Mr. President, many instances of mental retardation can be prevented. In fact, recent scientific developments have led some authorities to conclude that 50 percent of the cases of mental retardation could be prevented if current knowledge were fully implemented. Unfortunately, many of the known preventive approaches are not yet in wide use. It is apparent to this Senator that there is an urgent need not only to implement what is already known, but to increase our research efforts and discover means of preventing those many

causes of mental retardation for which effective prevention is still unknown.

Mr. President, the joint resolution I am introducing today with my distinguished colleagues, Senator THURMOND and Senator INOUYE, is intended to increase public awareness of this serious problem. For many years now, the month of March has been used by organizations throughout the country to carry on educational and fundraising campaigns to assist the campaign against mental retardation. Our resolution continues this important tradition. I urge my colleagues to join in this effort by supporting the joint resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 339

Whereas mental retardation affects six million individuals and their families throughout the United States;

Whereas the most effective weapons for prevention and alleviation of this serious problem are public knowledge and understanding;

Whereas the potential for citizens with mental retardation to function independently and productively must be fostered;

Whereas mental retardation offers a challenge and an opportunity to all segments of society to develop constructive solutions, to support research efforts, and to act responsively to ensure that all mentally retarded citizens are afforded the civil rights needed for normal living; and

Whereas in March of each year organizations throughout the country carry on educational and fundraising campaigns to assist the campaign against mental retardation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating March 1985 as "National Mental Retardation Awareness Month" and calling upon the people of the United States to observe that month with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 1623

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 2313

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 2313, a bill to permit credit for civil service retirement purposes and in computing length of service for purposes of determining leave, compensation, health insurance, severance pay, tenure, and status in the case of certain individuals who performed National Guard technician services before January 1, 1969.

S. 2740

At the request of Mr. THURMOND, the names of the Senator from North Carolina [Mr. HELMS], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2740, a bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not so registered.

S. 2824

At the request of Mr. NICKLES, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2824, a bill to provide for the use and distribution of certain funds awarded the Wyandotte Tribe.

SENATE JOINT RESOLUTION 309

At the request of Mr. BENTSEN, the names of the Senator from Alabama [Mr. DENTON], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 309, a joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month."

SENATE JOINT RESOLUTION 319

At the request of Mr. DOLE, the names of the Senator from Georgia [Mr. MATTINGLY] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 319, a joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as a "Time of Remembrance" for all victims of terrorism throughout the world.

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the names of the Senator from Nebraska [Mr. EXON], the Senator from Texas [Mr. TOWER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Resolution 412, a resolution to congratulate and commend the U.S.A. Philharmonic Society.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on Friday, August 10, 1984, beginning at 9:30 a.m., in Senate Dirksen 562 on S. 2879, a bill to provide for the cooperation between the Secretary of the Interior and Indian tribes with respect to the regulation of coal mining operations on Indian reservation lands and the acquisition and reclamation of abandoned mines on such lands, and for other purposes.

Those wishing additional information should contact Max Richtman of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, August 3, 1984, at 9:30 a.m. to hold a hearing on Senate Joint Resolution 319, to establish a National Commission on Agricultural Trade and Export Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Friday, August 3, 1984, to hold hearings on H.R. 89, a bill relating to passenger ships serving Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FOOD FOR PEACE: A HISTORIC COMMEMORATION

● Mr. DOLE. Mr. President, on July 10, the United States and the world celebrated an historic commemoration—the 30th anniversary of the Food for Peace Program, or Public Law 480. Official recognition of this remarkable and enduring achievement on that date reflected its continuing popularity and support. It included the signing of a proclamation by President Reagan during a ceremony in the Rose Garden to designate July 10 as "Food for Peace Day." This event was passed with the cosponsorship of over two-thirds of the Members of both Houses of Congress in June. Mr. President, I ask that the full text of that resolution, and of President Reagan's remarks at the ceremony commemo-

rating "Food for Peace Day," be printed in the RECORD.

The material follows:

S.J. RES. 306

Whereas the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) was signed into law by President Eisenhower on July 10, 1954;

Whereas the Public Law 480 program (also known as the food for peace program) has received strong and bipartisan support from every President and Congress during the past thirty years as a versatile tool to use the abundant agricultural productivity of the United States to combat hunger and malnutrition abroad, expand export markets for United States agricultural commodities, encourage economic development in developing countries, and promote in other ways the foreign policy of the United States;

Whereas over three hundred million tons of agricultural commodities and products thereof valued at about $34,000,000,000 have been distributed to more than one hundred and fifty countries under the Public Law 480 program since its inception, substantially reducing world hunger and improving nutritional standards;

Whereas the Public Law 480 program has served as an example to other nations and encouraged them also to help meet food needs abroad by making available agricultural surpluses or cash donations for such purposes; and

Whereas the people of the United States remain dedicated to the high goals and purposes of the Public Law 480 program and committed to continuation of its impo) ant work: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1984, the thirtieth anniversary of Public Law 480, is hereby proclaimed as "Food for Peace Day", and the President is requested to issue a proclamation calling upon the people of the United States and Federal and State governmental agencies to commemorate Food for Peace Day with appropriate ceremonies and activities.

TEXT OF THE REMARKS BY THE PRESIDENT AT COMMEMORATION CEREMONIES OF THE 30TH ANNIVERSARY OF FOOD FOR PEACE PROGRAM, THE ROSE GARDEN, JULY 10, 1984

Thirty years ago today, President Dwight D. Eisenhower signed into law Public Law 480—the Food for Peace program. Ten years before the signing ceremony, which took place here at the White House, President Eisenhower launched the Normandy Invasion. Only the year before the signing ceremony he was first sworn in as President. It is possible that on July 10, 1954, Ike thought most of his great moments were behind him. But that was not so, as this program proves. For in time, it grew to become one of the greatest humanitarian acts ever performed by one nation for the needy of other nations.

Food for Peace is still the largest food aid program in the world. Over the past 30 years, it has delivered almost 653 billion pounds of food to people in over 100 countries. It has helped bring hope—and new economic opportunity—to more than 1.8 billion people.

Food for Peace has delivered 27 thousand tons of food a day to recipient countries for three decades now. And the value of those U.S. farm products exceeds $33 billion—more than $3 million a day over the history of the program. All of those numbers give us a sense of the scope and magnitude of this program. But its great contribution is that it is an instrument of American compassion. And it also reflects American practicality. We recognized 30 years ago that people who are hungry are weak allies for freedom. And we recognized, too, that except in emergencies, handouts don't help. From the beginning, recipient countries paid for a significant part of the food they received.

The businesslike approach is one of the strengths of the program. We have never attempted to make countries who receive our food become dependent on our aid. In fact, we have used our aid to foster economic development around the world. That is an important reason why, over the years, many of the nations that have received our aid have eventually become major commercial customers.

In the early days of Food for Peace, the major recipient nations were the war-devastated economies of Europe: Italy and Spain, West Germany—and Japan. With time—and with the help of Food for Peace—those economies regained their strength. They began to pay cash for American farm commodities. Many of these countries have become our top commercial customers. Eight of our top ten agricultural markets are former recipients of Food for Peace aid. And Japan is now our number one agricultural market on a cash basis. This has not only been good for the American farmer and the American economy, it's been good for our international relations.

Food for Peace has been very important in spreading good will and generosity throughout the world. When droughts and flooding from the El Nino weather disturbances destroyed food crops in Peru, Bolivia and other Latin American countries last year, Food for Peace took the lead in providing emergency relief. During the 1966 famine in India, roughly 60 million people are estimated to have been sustained for 2 years by Food for Peace shipments.

Today, we face a severe and widespread famine in Africa which is threatening the lives of millions. And once again, Food for Peace is saving lives. We have already agreed to provide over $400 million for emergency food assistance to Africa in this year alone.

I want to announce today a major initiative to help the starving people of Africa and the world. It is a new program to help us deliver food more quickly and smoothly to those who suffer most from the ravages of famine. I will shortly propose legislation to create a $50 million presidential fund, allowing us to set aside existing foreign aid resources to meet emergency food aid needs. By prepositioning food stocks overseas where the requirements are the greatest, we can respond to emergency situations more rapidly and effectively. I will also propose authority to allow the Food for Peace Program to reduce the burden of transportation costs on the most needy countries. All this is aimed at reducing the loss of life to acute hunger in the Third World.

Food for Peace has come to embody the spirit of American voluntarism. The Federal Government has developed a strong partnership with the private sector to help feed malnourished infants and children—to help mothers, and the aged, and the disabled. This cooperative effort with private and voluntary organizations includes such agencies as CARE, and Catholic Relief Services, and many other groups help, too.

In short, the Food for Peace Program has become a wonderful means by which a nation of abundance has helped those in need. It has helped us expand agricultural markets, get needy allies back on their feet, and help potential allies become strong allies for freedom. Food for Peace has helped to coordinate the charitable impulses of the private sector; it has helped feed the weakest people in the world.

This record of progress is the result of what happened 30 years ago today, when Dwight Eisenhower picked up a pen and signed a piece of paper that quietly, and with no great attention from the wise, changed the world.

I think Dwight D. Eisenhower would be very proud of what the Food for Peace Program has accomplished. I certainly am. And I am proud to be able to mark with you its anniversary today.

May Food for Peace continue its great work; may it continue to be administered wisely; and may we continue to combat hunger and malnutrition throughout the world.

Mr. President, also on July 10, a ceremony was held at the Port of Norfolk, VA, to honor our continuing and future commitment to the Food for Peace Program. On that occasion, Agriculture Secretary Block was joined by past pioneers and leaders of Food for Peace, and by the Ambassadors and representatives of foreign countries which are receiving U.S. food assistance today. I ask, Mr. President, that the text of Secretary Block's remarks be printed in the RECORD.

The remarks follow:

This setting and the people gathered here are excellent examples of the wide participation that has been necessary for the success of Public Law 480.

Public Law 480 was passed by Congress and signed by President Eisenhower 30 years ago as the Trade Development and Assistance Act of 1954. It has become popularly known as Food for Peace.

To look around at the groups and organizations represented at this ceremony is to be reminded that there are an awful lot of "people for peace" who work together to make Food for Peace go.

There is government, of course. And our farmers, who produce the food. But there are also truckers, railroaders, dock workers and seafarers. Almost the whole shipping complex joins in moving Public Law 480 commodities to recipient countries. And we are fortunate to have U.S. private voluntary organizations and the World Food Program ready to help get the food to the people who need it in most countries where food is donated.

From the beginning, Public Law 480 has enjoyed the support of the Congress. I am pleased that some of the members most closely associated with this program are with us today.

Public Law 480 operations represent a vast effort by a lot of people, but it all starts with the American farmer.

His productive capacity made the Public Law 480 concept of food assistance feasible. He has helped make it possible to ship overseas some 300 million tons of agricultural products valued at $33 billion since the program began. This help has gone to more than 100 countries with a combined population of over 1.8 billion people.

So it is appropriate that the largest group with us today represents agriculture—major farm organizations, commodity groups, processors and others in the agricultural community. To them, a special welcome for their very special contribution.

I'm sure all of you, whether from farm or city, share the feeling of pride that comes from actually seeing these sacks of food and reading the inscription: "Donated by the People of the United States of America."

We can all be justifiably proud of our Food for Peace. This is a program that was conceived out of the need to alleviate a critical farm surplus. But, it has continued on to become the largest program of food assistance the world has ever seen.

Public Law 480 has supported economic development in poor countries. It has expanded U.S. foreign trade and strengthened U.S. foreign policy. But, we are here today to focus on its humanitarian aspects. Food donations made under Public Law 480 provide food aid for the poor and emergency relief for victims of famines and other disasters around the world.

Public Law 480 has proved flexible enough to meet ongoing needs of mother, child and other feeding programs. At the same time, it is able to respond to emergencies.

Perhaps the greatest food emergency and certainly the largest response occurred during the drought-induced famine of the mid-1960s in India when one-fifth of the U.S. wheat crop was shipped to that country under Public Law 480.

Drought has struck again, this time in Africa, and once again our response has been to increase funding for Public Law 480 to meet the urgent need for food in the drought-stricken areas.

The fortified corn meal and nonfat dry milk being loaded aboard this ship are destined for Benin and Senegal in West Africa. This is only one of 120 vessels scheduled to load Public Law 480 food donations at more than 20 U.S. ports during June and July. They'll be shipped to 50 different countries, half of them in Africa.

For the year, some 700 ships will carry food from this and other ports as a gift of the American people to those who need it throughout the world. And that has been the key to the success of Public Law 480: It meets the need and it is backed up by the generosity of the American spirit.

As I suggested earlier, we in the U.S. Department of Agriculture don't operate Public Law 480 alone. The program is administered jointly with the Agency for International Development. It is my pleasure now to introduce Peter McPherson, administrator of AID.

None of what we are seeing and talking about here today would be possible without the support of the Congress, and one of the leaders in that support is with us: Congressman Kika de la Garza, chairman of the Agriculture Committee of the House of Representatives.

I am especially pleased that the people of Senegal and of Benin are represented here today.

First, I am pleased to present First Consul Henri Turpin of the Republic of Senegal.

And now it is my pleasure to introduce Ambassador Guy Landry Hazoume of the People's Republic of Benin.

Public Law 480 is operated in a context of world food needs that are being met by contributions from many nations. The global effort is coordinated by the World Food Program of the United Nations. Jim Ingram, executive director of that program, is with us and I will call on him now.

Many private voluntary organizations, some as small as local church groups, others with membership in the millions, are essential to the delivery of Public Law 480 needs. Representing the voluntary organizations, who do a tremendous job, is Ambassador Lawrence Pezullo, executive director of Catholic Relief Services. Ambassador Pezullo.

Those people whom I have introduced represent just some of the people and organizations who have worked together in Public Law 480—Food for Peace—to help feed the hungry and strengthen the malnourished for 30 years.

It is a record that we can all be proud of and one on which we can keep working and building until the day when there is no more hunger and no more need.

Finally, Mr. President, the highlight of the 30th anniversary commemoration of Public Law 480 was a dinner organized by private sector organizations and individuals, and attended by over 1,000 guests. Among those attending were past administration officials and Members of Congress whose names are inseparably connected with Food for Peace—names like Gwynn Garnett, Ray Ioanes, George McGovern, Herb Waters, Earl Butz, and Martin Sorkin. Also present were the current officials and civil servants who continue to carry out the multiple objectives of Public Law 480's original mandate—from Agriculture Secretary Block and Agency for International Development Administrator Peter McPherson on down. The occasion was enhanced by the presence of the ambassadors and official representatives of over 100 countries which have been recipients of Public Law 480 over the years. Finally, the event was hosted by a broad spectrum of private sector groups, exporters, shipping companies, agriculture groups, and private, charitable organizations who are actively involved in carrying out the work of this important program.

OTHER ANNIVERSARY REMARKS

Mr. President, I would like to include in the RECORD the remarks made by the Director-General of the Food and Agriculture Organization of the United Nations, Mr. Edouard Saouma, by the chairman of the House Agriculture Committee, Congressman E DE LA GARZA, and by myself, at the 30th anniversary dinner for the Food for Peace Program. Unfortunately, copies are not available of the excellent remarks made by other distinguished speakers, including Congressman TOM FOLEY, nor of the thoughtful innovation delivered by the Most Reverend Daniel P. Reilly, chairman of the board of directors of Catholic Relief Services. These were important statements, and will be remembered by all those in attendance.

Mr. President, I ask that the text of the above remarks be printed in the RECORD.

The remarks follows:

STATEMENT BY MR. E. SAOUMA, DIRECTOR-GENERAL, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, WASHINGTON, JULY 10, 1984

There is a proverb, long pre-dating FAO, that "all roads lead to Rome". However, in matters relating to food aid I think it would be more accurate to locate the destination in Washington. I am delighted that my road has brought me here, to participate in the thirtieth anniversary of PL 480. the occasion testifies to the exuberant productivity of American farming, the profound humanitarian impulses of the American people, and the sagacity of American leadership.

Food aid has the remarkable merit of tackling two entirely different sets of problems at the same time. It helps in coping with food surpluses. And it strives to overcome food shortages and development problems in the Third World.

At different times, the accent may be on either one or the other of these two aspects of food aid. If we look back to the first years of PL 480, we find that surplus disposal was seen as the principal role of food aid. In the early sixties, food aid provided more than half of all the cereal imports of all developing countries together. Its attractions for poorer nations were all too powerful.

I am reminded that a cynical eighteenth-century philosopher defined the role of religion as putting velvet cushions under the knees of sinners. Food aid provided just such a cushion for some Third World planners, who found it easier and more agreeable to rely on concessional grain that to develop domestic food production.

One of the merits of PL 480 is the way in which it has evolved over the last three decades precisely in order to avoid such dangers. The regular revisions of this great law have enabled it to incorporate the latest perceptions of the role of food aid. The idea of surplus disposal has given way to that of surplus utilization. Assistance is conceived as transitional in nature: helping countries while they acquire the ability to help themselves. And growing easily out of this last notion is the objective of using food aid to promote food production in the recipient country. In the last resort, the ambition of every food aid programme should be to work itself out of a job.

I would like to add a compliment to the way in which PL 480 has mobilized the energies of such a large segment of the American community. As we can see this evening, this includes farmers, agri-business, transportation, non-governmental organizations and of course both the legislative and executive branches of government. Among the results is a food aid delivery system of unsurpassed efficiency.

Probably most people here think of PL 480 mainly in terms of bilateral activities. For some of us, however, its most visible aspect is the contribution it provides to the World Food Programme. Jointly sponsored by the United Nations and FAO, the World Food Programme was established through a series of decisions taken in 1961. Its creation was due in large part to the generous and far-sighted support of the United States for the efforts being made by the Director-General of FAO, Dr. B. R. Sen.

The Programme now plays a major role in both emergency relief and development, and I am glad to say that this country is still its largest contributor.

At an anniversary such as this, we should not only take stock of the past, but also look towards the future. Where has food aid got

to? And where is it heading? I shall suggest one or two answers, not specifically relating to PL 480, but in terms of food aid in general.

In the first place, I would like to affirm that food aid has been a major success story. The transition towards a reasonably satisfactory level of self-sufficiency in food production has been achieved by a number of developing countries such as India and Pakistan, which previously relied heavily on food aid. Food aid has itself contributed directly towards this result.

In other cases, the development process has brought countries to the point where they can afford to buy their own food supplies. Nations such as Korea and Spain have turned from beneficiaries into clients of the United States farmer. Over the long term, food aid may be the opposite of a zero-sum game: benefits are available for all participants.

If food aid is now relatively less important for some nations, there are others for whom it is increasingly a matter of life or death. These are mainly the least developed countries, and especially those in Africa. South of the Sahara, nature has not been generous to the farmer. In most areas, he must till a fragile soil during a capricious season of rain. Complex farming systems, developed over many generations, aid at stability in difficult conditions. They are not oriented towards that mounting curve of productivity, which is so familiar to the farm community in North America.

Not only is farming especially difficult in tropical Africa, but the population is growing faster than anywhere else on earth, and the rate of increase is still accelerating. Furthermore, the continuing spread of cities is creating ever more difficult problems of urban food supply. The present food crisis in Africa has been triggered off by widespread drought, but this comes on top of an underlying situation of extreme difficulty.

In the face of Africa's current food shortages, the response of the international community—and particularly of the United States—has been generous. I would, however, like to emphasize that this crisis will almost certainly not be an isolated phenomenon. Africa's trouble is not a basic inability to feed a larger population, but the fact that the rate of growth in food requirements is so extraordinarily high that it must defeat even the most valiant efforts to increase domestic production. Furthermore, both food aid and commercial imports are fostering a preference for wheat and other products which cannot be grown in most tropical environments. Ultimately, a new equilibrium will be found between population and food production, but until that is achieved we are likely to see many problems.

In a wider context, FAO and WFP projections—which I must admit remain controversial—foresee a continuing increase in food aid needs, possibly up to a level of about 20 million tons of cereals per annum in the next few years. Requirements seem likely to grow for all the principal uses of food aid: for emergency relief, for development projects, for improving nutrition, and for balance-of-payments support.

Of particular importance, in my view, is the continuing development of the fire-brigade function of food aid. World food security can only be achieved when we can guarantee continuity of supply in all parts of the planet, even when there is a really major setback in production. The Food Aid Convention has very effectively placed a floor under the level of food aid, thus ensuring that the flow will not dry up in future crises as it did in the mid-seventies. However, the arrangements for a corresponding increase at times of greatly enhanced need are relatively weak. We cannot, for instance, rule out the possibility of a disaster in Asia, which could affect vast numbers of people. It is never too early to make contingency arrangements for coping with a situation of this nature.

In this context, special value attaches to the back-up legislation enacted by the United States to ensure that four million tons of cereals will be available for use as food aid even if market conditions place PL 480 in serious difficulty. I have been urging other industrialized countries to make similar provisions.

The future thus contains both perils and promise. At thirty years of age, PL 480 is in the prime of life. I have no doubt that it will cope effectively with the perils, and deliver on the promise. I wish PL 480—and all of you—a vigorous and successful future.

REMARKS BY HON. E (KIKA) DE LA GARZA, TEXAS, CHAIRMAN, HOUSE COMMITTEE ON AGRICULTURE, AT THE FOOD FOR PEACE 30TH ANNIVERSARY DINNER, WASHINGTON, DC, JULY 10, 1984

LADIES AND GENTLEMEN: We have gathered this evening to commemorate the 30th anniversay of one of the great success stories of our time, Public Law 480, the Food for Peace Program.

The program has not been such a success because it is new.

On the contrary, it has succeeded because it is based on some very old principles.

Every one of the world's great religions has taught for thousands of years that no man or woman and no country is alone in this world. We share this planet with hundreds of nations and billions of people, and we all share responsibility for what happens to the world and its people.

That is why this country has been willing to share its abundance with the older nations of the world when they were in need, and also with the newer, developing nations.

The enactment of Public Law 480, 30 years ago today, was not the first time our country had taken part in a program of sharing. It was, however, the birth of a formal policy that has remained part of our political heritage to this day—and which I believe will continue to be part of our national policy in the years ahead.

The program was born partly to help our own farmers and to give them a chance to develop markets around the world. And we make no apology for that. But it was also born to give assistance to people and countries who needed it—and we make no apology for that, either.

There are many ways to measure the achievements of the Food for Peace Program—and they will be pointed out tonight. But the bottom line is that the program has helped people who needed help—and this could not have been done without the work of many groups and individuals. Many of these are here or are represented here this evening.

Time does not allow us to name all of those who should get credit for the birth and achievements of the program. But let's take just a moment to congratulate the people who deserve it.

First, the American farmer, whose productivity made the program possible. Also, there are all the Members of Congress who took part in passing the original bill and refining it through the years.

Among those who were there at the beginning, I know you recall that Senator George Aiken of Vermont was chairman of the Senate Agriculture Committee, and the freshman Democratic member of that committee was a man whose name is also familiar to everyone concerned with the history of American efforts to help those who need help, the late Senator Hubert Humphrey of Minnesota. In the House, Clifford Hope of Kansas was there at the birth of the program, serving as chairman of the House Agriculture Committee, and Harold Cooley of North Carolina was the ranking Democrat on the committee.

Also, there are the leaders in the executive branch who have operated the program from the administration of President Eisenhower down to the present, including the Secretaries of Agriculture, from Ezra Benson through Orville Freeman, Clifford Hardin, Earl Butz and Bob Bergland, and our present Secretary, my good friend Jack Block.

And there are the people and organizations which have processed and packaged our farm products, the people who transported them to countries around the world, the voluntary agencies who operate assistance programs in many countries, and the leaders in nations around the world which have cooperated with the program.

There is one other important fact we must not forget tonight as we celebrate the accomplishments of the past 30 years. That is the fact that in 1985, the Congress must again review and extend the basic authority for continuing the Food for Peace Program.

We will approach this job in the bipartisan spirit which has marked the handling of the program throughout its history.

We will take nothing for granted.

We will try to find out what works and what may need to be done to gear the program to the needs of the future. And we will give this assignment a high priority.

We will remember that although man does not live by bread alone, man does not live at all unless he has bread.

Outside this hotel tonight, some of our friends from the organization called Bread for the World are now conducting a candlelight vigil. They are not opposed to what we are doing here. They are expressing their deep sympathy for the objective we are meeting to celebrate, the goal of doing all that human beings can to relieve hunger where it exists, and to do that as rapidly as possible. This is a giant task, but the goal is before us—as He divided the loaves and the fishes, so must we.

Our master of ceremonies this evening is a man who is widely known for his interest and leadership in efforts to make our world a better place to live in.

Millions of people know Eddie Albert as one of the great entertainers of our time. He has been a stage and movie star for decades, a singer, and the star of several TV series. But we know him also as a crusader for the protection of our soils and the environment, and a man with a deep interest in the needs of people around the world.

Before coming here tonight I looked up a list of the places Eddie Albert has visited in recent years to talk to groups concerned about ecology and food—and I looked at the films and TV productions he has made to educate people about our natural resources. The list is very long. It includes service as an American delegate to the landmark 1974 World Food Conference in Rome, and it in-

cludes, also, a visit several years ago to Albert Schweitzer in Africa to produce a documentary film on combatting malnutrition.

I am honored and pleased to present a man who has visited me many times to discuss some of the issues that concern us all, and who has become a personal friend. Here is our master of ceremonies, Eddie Albert.

REMARKS OF SENATOR BOB DOLE, PUBLIC LAW 480—30TH ANNIVERSARY DINNER, WASHINGTON, DC, JULY 10, 1984

This evening is an anniversary party of sorts, and a commendation of bipartisanship in the midst of a very partisan season.

As I look around the audience tonight, I see some outstanding supporters and sponsors of this legislation. There are many unsung heroes in this continuing struggle, such as the USDA officials who helped draft the legislation and who, with care and a strong humanitarian sense, have been administering it.

HUNGER—THE SILENT VISITOR

In memory's eye, I see an old man, himself the product of America's breadbasket, later the savior of starving Belgium and a former President who left office in the midst of depression at home. I see another President, of another party, whose centennial we observe this year, and who rose above partisan loyalty to ask the old man to return to the public arena—to do what he did best, feed people.

And so the old man took off on a round the world journey, begging, borrowing, cajoling for food wherever he could find it. He groused when state dinners were held in his honor. He rejected the advice of those who urged him not to meet with Argentina's Juan Peron. He'd eat Argentine dirt, he replied, in order to get several hundred thousand bushels of Argentine wheat. And when he returned, he went to the White House, where Harry Truman was on hand to greet him, and pronounce his mission of mercy an outstanding success. Then Herbert Hoover spoke these words to the American people, they remain as true today as in 1946, and they form a humanitarian charter from which food for peace is a natural offshoot.

"Hunger," he said, "is a silent visitor who comes like a shadow. He sits beside every anxious mother three times a day. He brings not alone suffering and sorrow, but fear and terror. He carries disorder and the paralysis of government . . . he is more destructive than armies, not only in human life but in morals. All of the values of right living melt before his invasions, and every gain of civilization crumbles."

Two years later, George Marshall traveled to the Harvard yard to announce a vast plan of European reconstruction. American dollars would be meshed with Europe's own initiative. The resulting success was not only economic, but political as well. The continent climbed back on its feet—and the cause of freedom was made secure from Gibralter to Hamburg, and from the Arctic Ocean to the Mediterranean Sea. Mark Twain once remarked, only half in jest, that few of us can stand prosperity—another man's, that is. The Marshall Plan, in conjunction with such private efforts as CARE, UNICEF, and a host of religious and charitable organizations, suggested that Americans were unique in their ability not only to withstand the prosperity of others—but in their willingness to do whatever it took to bring it about.

THE GENESIS OF 480

Unfortunately there were sections of our own land where prosperity was but a memory, a vicious cycle of boom and bust, dependent on an unpredictable climate and a bureaucratic government. That government had instituted a series of agricultural policies in the 1930's, the net effect of which were to discourage surpluses, restrict supplies, and undermine global trade. The same depression that began in Hoover's term and continued in one form or another until Pearl Harbor compelled the Agriculture Department to embark on a campaign of forced scarcity.

Then came the war, followed by the Marshall Plan, and more domestic surpluses. Fortunately, however, there were some visionaries around—men who wanted to avoid past mistakes while they helped create a new world economically. A food expert named Gwynn Garnett, then serving with the U.S. High Commissioner in Germany, went to see a group of farm leaders, including the head of the American Farm Bureau Federation, Allan B. Kline. His proposal was simple: U.S. surpluses should be used as seed capital with which to develop shattered economies around the world.

Working with the Farm Bureau and others, they convinced such great Senators as Andrew Schoeppel of Kansas, and Senator Hubert Humphrey of Minnesota, along with other representatives from the Farm Belt, that the time had come to legislate a striking departure from the status quo.

In the spring of 1954, the Commodity Credit Corporation sold $20 million of wheat to Spain, to be paid for in Spanish currency. The Spanish pesetas would, in turn, be used within the country by the U.S. Defense Department and other agencies operating there. Here, in a nutshell, was the operating theme of P.L. 480. It was a self-help program for all concerned—providing food for the hungry, reducing domestic surpluses, and cementing national loyalties at the same time.

A LEGACY OF INTERDEPENDENCE

But all that, important as it was, was just the beginning. For the years would demonstrate that the real legacy of P.L. 480 came to be the economic interdependence it generated. The Agriculture Department organized the first service specifically designed to promote program exports. Agriculture attaches were reassigned from the State Department, where they had traditionally roosted. On top of all that, Gwynn Garnett and others at USDA went to work on a domestic farm community that had previously paid little attention to exports. Indeed, in the year the act was passed, the United States had an agricultural trade deficit of almost a billion dollars. The real factor in market development for agriculture lies in expanding total dollar markets all over the world, not simply in dividing existing markets. One way to do this is through development of market capabilities given to us through P.L. 480. During the first year, shipments under P.L. 480 were valued at close to $400 million. Within two years' time, they were reaching $1.5 billion. But the numbers were only one way of gauging changes taking place in attitudes among U.S. farmers.

For instance, Japan was a heavy user of soybeans. But the Japanese didn't care for the green variety then produced in the U.S. so American growers responded to the Japanese market—and between 1955 and 1959, soybean exports more than doubled. By the early 60's, the soybean surplus was gone, and the food for peace campaign began to show results in trade expansion.

As one reflects on the movement of food from United States shores, one must think in such terms as 300 million tons—27,000 tons of food every day—since 1954. One must also think in terms such as new hope for over 1.5 billion people in 100 nations.

This has resulted in opening new commercial markets—8 of the 10 top agricultural markets in 1983 were graduates of P.L. 480 aid. We have seen a dramatic transition from aid to trade.

DEVELOPING FOREIGN MARKETS

No longer was the program dependent on one year authorizations. No longer were long-term credit sales to friendly nations restricted. And after 1959, Congress explicitly stated that one of the major goals of food for peace was agricultural market development. Starting in 1960, vast shipments of wheat and rice flowed into India. By 1980, India was the only developing country on Earth to have its own grain reserve.

Under then Secretary Orville Freeman, Food for Peace branched out into economic as well as market development. Korea provides a good example of this. At least one House Committee chairman was uncomfortable with the idea of American support for Korean agriculture. Why help develop the competition, he wanted to know?

Freeman said it wasn't quite that simple. By aiding Korea in its own economic development, we would be helping to raise the standard of living there. This, in turn, would create a new appetite for agricultural products and processed foods previously unknown or out of reach of the average Korean consumer. Nutrition would improve, and with it, the demand for animal proteins, soybeans, meat, and corn. The Korean people would enjoy a broader, better diet. And both nations would draw closer together, spinning a web of mutually reinforcing ties.

THE EFFECTS AT HOME

The effects at home were hardly less dramatic. American farmers were encouraged to boost their productivity. Rigid price supports gave way to levels more reflective of the world marketplace. Efficiency became a hallmark of U.S. agriculture, married to science and dependent on trade. Our campaigns to promote homegrown foodstuffs expanded, along with the size of each year's crops. And as we stepped up sales abroad, the old agricultural trade deficit was replaced with a surplus of staggering dimension. These days, it is the farmer whose product keeps us competitive in the world—without him, the current trade deficit would be far worse, and the economic recovery itself might capsize in an ocean of red ink. Without him, millions of jobs would vanish, and the national livelihood would be drastically curtailed. We should all remember that the benefits of expanded exports are shared by both farm and non-farm people, including labor, which benefits from handling, transportation, packaging and other related activities.

Through the years, however, one thing had not changed: The belief, so thoroughly embedded in American values, that hunger and politics do not mix, that empty bellies take precedence over ideologies, and that national boundaries should not serve as natural barriers to either goodwill or our expertise.

In addition to the food for peace sales, we are helping through the title II program to meet the needs of the hungry and malnour-

ished. All over the world are those who serve the great voluntary agencies for overseas relief and rehabilitation. The world is greatly indebted to these voluntary organizations which pour their hearts and privately-raised funds into the feeding programs. Let us give full credit to the People of Care, Church World Service, Catholic Relief Service, the American Jewish Joint Distribution Committee and many other similar humanitarian organizations giving meaning to the word "food" in the food for peace program.

OUR BOUNTIES AND OUR BLESSING

Thirty years have passed since Dwight Eisenhower affixed his signature to P.L. 480. Most of its original sponsors are gone now. But the example they set remains. Today, this generation is asking itself if it can regain the competitive edge for so long associated with American enterprise. And it is wondering if partisan politics can ever adjourn long enough to permit bipartisan cooperation and humanitarian impulses to flourish. Food for Peace provides some heartening answers. History teaches us lessons, or else its study is a waste of time. And the history of the last thirty years proves beyond doubt that men and women of imagination, foresight, and determination can plant the seeds of progress in even the stoniest of ground. Even today, P.L. 480 is imperfect, as are all creations of this highly fallible race we call mankind. But today as in 1954, it represents the aspiration to do better, to aim higher, to strive harder, to share our bounties and reap the blessings of a generous God.

"My earnest hope," said President Eisenhower, in approving the original act, "is that our people will put their hearts as well as their minds into this effort." This evening is a reminder of that hope, a measure of how much has been accomplished, and a challenge to accomplish still more. I am honored to take part in such a ceremony, and to be with others who share my faith in a nation whose greatness derives from her goodness. If we remember that, then we ourselves will deserve to be remembered. And the stockpiles of human greed and self-centeredness will be whittled away—just as we disinvite that silent guest hunger from tables everywhere.

Thank you very much.●

SUPERFUND FOR LAWYERS

● Mr. SIMPSON. Mr. President, it has been almost 4 years since the Superfund Act was passed, but we are currently in the midst of a cloudy debate over what that act is really all about and what are the proper uses of the fund itself.

I think that it is fair to say that most Members of this body think of Superfund—and rightly so—as a program to actually clean up and restore sites where hazardous waste has been previously improperly disposed of. However, the legislation that is now pending before both the Senate and the House goes far, far beyond that goal, and confronts us with some deeply serious questions.

Should the Superfund Program really provide health insurance to a large portion of America's population? Should it be required to guarantee pure water supplies to everyone in the United States at Federal Government expense? Should it finance or actually bankroll private litigation? Should it insure every person against any diminution in value of their homes if that value loss is associated with proximity to a waste disposal site? Should it be a vehicle for setting up a Federal toxic tort law in all cases where hazardous substances are involved? Tough questions.

This latter question is most perceptively and very thoughtfully addressed in an editorial that appeared this morning in the Washington Post, and which I commend to the attention of my colleagues and ask that it be printed in the RECORD.

The editorial follows:

SUPERFUND FOR LAWYERS

Congress doesn't have to act on Superfund until the fall of next year. But it would like to assure voters before this fall's elections that hazardous-dump cleanups will not only continue, but expand in the future. That's understandable. But Congress, eager to appear attentive to people who claim their plight results from exposure to chemical wastes, is also considering adding victim compensation provisions to the law. That raises difficult questions of legal policy and social equity.

People who believe they have suffered from toxic wastes can, of course, sue for damages in state courts. But because toxic exposure may be only one of many factors contributing to an illness, claimants have found it difficult to win these cases and are pressing for a more responsive federal compensation system. Earlier this year a House subcommittee rejected a proposal setting up an administrative compensation system so generous that it might have ended up compensation almost everyone in the United States who contracts cancer.

Now—despite unanimous disapproval of a committee of well-known lawyers appointed to review compensation approaches—a House committee has approved, and a Senate committee is considering, letting people sue for exposure damages in federal court. The terms are not only more lenient than those prevailing in state courts, but also depart from carefully developed rules governing other federal court actions.

A person claiming damages could, for example, choose to sue any company that had ever generated or transported waste dumped in a site, operated a site or owned land on which waste was dumped. Full damages—covering pain and suffering, legal fees and reduced property value because of a site's location—could be collected from any one defendant, even if that company had added only a small amount of waste to the site, had done so at the direction of local authorities or was in no way negligent. The losing company could then try to sue all other contributors to the dump if it could find them—and if it could afford it.

Provisions such as these fly in the face of what most people think is fair. They wouldn't even work well for victims. As in asbestos exposure cases, some victims would get bigger settlements than others with far more severe injuries. More than half of the benefits would go for legal costs. Promoting more lawsuits could also paralyze cleanup efforts, since companies would be even less willing to admit involvement and dumps might have to be left unchanged for evidence.

Superfund was designed to make all generators of hazardous wastes contribute to cleanup efforts. Civil and criminal actions are also being pursued against especially egregious violators. And state courts are, with proper caution, developing principles to deal with toxic exposure cases. Superfund's purpose is to clean up dumps that are, even now, leaking toxic wastes into water supplies. Progress on that front has been far from spectacular. The Superfund legislation ought not to be diverted into the very separate question of dealing with environmental health damages, a subject that leads very quickly into the broader issue of how far this country wants to go in guaranteeing full health coverage and disability benefits to everyone.●

40TH ANNIVERSARY OF WARSAW UPRISING

● Mr. RIEGLE. Mr. President, recently the Senate adopted a resolution paying tribute to the thousands of Polish citizens who lost their lives at the hands of the Nazi army in an attack which reduced the city of Warsaw to rubble. Families were destroyed, homes demolished; in essence the livelihood of the people of Warsaw was shattered by the terror of the Third Reich.

August 1, 1944, was the start of a 60-day siege of the city, in which the German Armies began an assault on Warsaw after being pushed out of Russia by the Soviet Armies. At first the Poles defended large parts of Warsaw, but because the Soviet Armies did not come to their aid they eventually began to weaken. On October 3, the city of Warsaw fell to the Germans. The entire population of Warsaw was soon evacuated and what remained of the city was destroyed by the Germans. After these 2 months of battle against a far better equipped and trained German Army, 250,000 Poles were left dead, wounded, or missing.

Mr. President, commemoration of this 40th anniversary provides an opportunity not only to honor the memory of those who suffered so greatly at the hands of the Nazis, but also to pay tribute to the strength and resiliency of the Polish people. Many times the world has seen Poles proudly displaying the banner of Solidarnosc. This pennant is a symbol not only of their present struggle, but also of the countless struggles they have endured in the past. In the 8-week battle in 1944, the poorly armed resistance held fast against the Germans. A profound show of strength, unity and courage was displayed by the Poles; a Solidarnosc of the past.

This insufficiently acknowledged battle of World War II was a major turning point in the history of Poland. The only powerful anti-Communist group in Eastern Europe was destroyed by the Nazis, thus leaving the

door open for the Soviets to take over Poland on January 17, 1945.

The Polish people have faced grave diversity in the past and will undoubtedly face it in the future. Their continuing battle in the quest for freedom must never be ignored and must always be aided. Today we in the United States must recommit ourselves to providing that assistance and continued support in every possible way until the dream of the Polish people is realized.●

COPPER IMPORT RESTRICTIONS

● Mr. CHAFEE. Mr. President, President Reagan must soon decide whether or not to grant import relief to U.S. copper miners under section 201 of the Trade Act. Under the law, he must take into account a broader range of factors than did the U.S. International Trade Commission in considering its recommendation of relief. It is undeniable that the copper industry is experiencing difficulty. But it is equally undeniable that broader factors make a compelling case against imposing import restrictions.

The most important such factor is that import restrictions would raise the price of copper in the United States relative to the rest of the world. The consequences of that would be disastrous for copper fabricators in this country who outnumber miners by a ratio of more than 5 to 1. Many of those fabricators are in Rhode Island. Fabricators use copper intensively in the production of wire and cable, brass, pipes, tubes, electrical components, and in many other products. High copper prices here will mean that the price of fabricated copper products made in the United States will become uncompetitive, and imports of fabricated products will increase. Relief for copper miners will trigger an import crisis for our copper fabricators.

There are fewer than 20,000 Americans employed in mining copper in Arizona, Utah, New Mexico, and Montana. There are by conservative estimate more than 100,000 Americans employed in the copper fabricating industry in more than two dozen other States. More than 11,000 of those fabricators are in Rhode Island. It would be wrong in principle for the Government to shift the burden of import competition from one industry to another. To do so would place more than five jobs in jeopardy for every one we try to save.

In making his decision, the law requires that the President also consider the probable effectiveness of relief in helping the industry adjust. U.S. copper producers will be no better off at the end of any period of relief than today. In fact, they will probably be worse off for having more quickly depleted their declining resource base as a consequence of higher domestic prices.

The reasons for this are straightforward. The United States is a high-cost producer of copper because of our low ore grades compared to the world's most efficient producers and because of our high labor costs. Testimony before the International Trade Commission revealed that the world copper price is now about $0.60 per pound. U.S. producer costs are about $0.85 per pound while the world's largest producer, Chile, has costs of about $0.46 per pound. Temporary relief from imports won't change these harsh facts. There is nothing U.S. producers can do to overcome this fundamental disadvantage.

It is particularly difficult to explain to Rhode Island citizens that in order to protect workers in the Southwest in copper mining who earn more than $36,000 annually, according to industry spokesmen, they, who earn far less, will find themselves unemployed.

A third factor the law asks President Reagan to evaluate is the effect of relief on the international economic interests of the United States. There are important stakes here as well. This administration has recognized the very strong interest of the United States in the economic stability and growth of the developing countries. Developing countries—Chile, Zambia, and Zaire, Peru, and Mexico—are the primary producers and exporters of copper. Their ability to repay their debts to us and to become good markets for U.S. exports depends upon their continued access to our market. Many Rhode Island jobs are tied to exports as well.

We in Government are often forced to choose between undesirable courses of action. This is such a case. If the President denies relief, the copper mining industry will continue to have to adjust to the realities of competition. But if he grants relief, he will be choosing to bring Government to the aid of one group of firms and workers at the expense of a greater number of others. Consumers will suffer as well. According to the Federal Trade Commission, import protection for the copper industry will cost consumers $602 million. The only fair decision is clear.

There are other steps which the Congress and the administration can take to cushion the burden of adjustment of our copper mining industry. We can provide adjustment assistance. We can take action to fill the critically low strategic stockpile for copper. We can consider reintroducing copper usage in coinage. All of those steps will help and while no action we can take is without cost, the costs of these steps would be much less than the cost of granting import relief.

Mr. President, several recent articles in the New York Times and the American Metal Market address the potential cost of copper quotas to consumers and copper fabricators. I ask that these articles be printed in the RECORD.

The articles follow:

[From the New York Times, June 2, 1984]

FACE THE INEVITABLE IN COPPER

American copper producers, mauled by low world prices, say they need protection from imports to become profitable again. The industry is asking the U.S. International Trade Commission, an independent Federal agency, to recommend quotas to the White House that would cut imports by half.

The 11 petitioning companies—or rather, the copper mining divisions of those companies—are indeed in trouble. But there is no reason to believe that the temporary protection envisioned in the law would solve their long-term problems. And any short-term benefits would, in any case, come at the expense of other industries that need cheap copper to remain competitive in world markets.

The domestic copper industry doesn't claim that foreign competitors are acting unfairly. It's appealing for help under the so-called escape clause of the Trade Act of 1974, which gives the President broad discretion to protect industries seriously injured by imports.

Domestic copper's problems are serious. The current world price is about 70 cents a pound, roughly 20 cents less than the break-even point for most American mines. And in light of the chronic pressure on copper-exporting countries like Mexico and Chile to earn foreign exchange, there's little hope that prices will rise soon. But the seriousness of the domestic industry's predicament only undermines its own case for protection.

Temporary quotas would raise copper prices here and lower them elsewhere as foreign producers competed for a share of the remaining world market. But no quota could make it cheaper to mine copper from the low-grade ores available in the American West. Indeed, it might raise prices by reducing the pressure to reduce the industry's very high labor costs. Once the quotas were removed the problem would, inevitably, return.

Equally important, any temporary benefit to producers of copper metal would be matched by losses to domestic manufacturers of copper products like wire and brass. Higher prices at home and lower prices abroad would make it harder to compete for finished products in world markets already hard for American companies to penetrate because of unfavorable exchange rates.

The Trade Commission has only an advisory role in "escape clause" cases. Thus a ruling in the copper mining industry's favor wouldn't obligate President Reagan to grant relief. But it would put White House free-traders on the defensive. And even if the President resisted election-year pressure to save jobs and profits, it might give the industry leverage with which to browbeat "voluntary" production limits out of Chile, the largest and lowest cost exporter. The best answer, then, would be for the commission to say no before the industry initiative gathers momentum.

[From the American Metal Market, May 15, 1984]

FTC SAYS COPPER QUOTAS COSTLY TO CONSUMERS

(By Hal Taylor)

WASHINGTON.—The Federal Trade Commission last week told the International Trade Commission that import protection for the copper industry will cost consumers $602 million.

Most major domestic producers of copper have petitioned the International Trade Commission for a five-year import quota on copper, claiming that they were seriously injured by substantially increased imports of copper from 1979 to 1983. The international panel is conducting an investigation to determine whether to grant copper import quotas or other relief. Hearings before the panel start today.

The FTC did not take a position on whether imports have substantially injured the domestic industry but submitted its brief to provide a framework for analyzing the merits of import relief for the copper industry.

However the FTC said that relief under Section 201 of the Trade Act of 1974, the so-called escape clause that allows particular trade restrictions such as quotas, would not be appropriate if the increased imports resulted from a decline in demand for domestic copper or increased domestic production costs.

The FTC added that import relief would be justified if the increase resulted mainly from depressed foreign copper demand and foreign currency devaluations.

If the International Trade Commission determines the petitioners have been seriously injured by increased copper imports, the FTC suggested, adjustment assistance or tariffs should be provided as relief since these methods are most cost-effective than quotas. Under adjustment assistance, federal payments to firms and workers partially compensate them for their losses from import competition.

The FTC said it "provided this information partly to assist the International Trade Commission in responding to a request by U.S. Trade Representative William Brock for estimates of the costs of import relief."

The FTC did not say how the agency developed its estimate of more than $600-million in damages to consumers.

Meanwhile it was learned that the Exxon Minerals Co., a unit of Exxon Corp. has submitted a paper in opposition to the petition to the International Trade Commission and that the National Electrical Manufacturers Association will oppose the petition.

[From the American Metal Market, June 18, 1984]

TRADE RULING MAY RAISE METAL PRICES

(By Martyn Chase)

WASHINGTON.—Fabricators and users of steel and copper expect to feel the pinch from price increases as a direct result of the International Trade Commission's votes last week finding that domestic producers in both industries have been severely injured by rising imports.

Domestic steelmakers and the nation's copper miners and refiners, seeking worldwide quotas, received significant encouragement when the trade commission found injury in both of the cases filed under Section 201, the "escape clause" provision under the Trade Act.

Depending upon what remedies the commission and ultimately President Reagan select to cope with the import problem—and tariffs, rather than quotas, are definitely a strong possibility—the impact is likely to be extensive in many of the metalworking industries, especially downstream manufacturers in both sectors and those who buy large amounts of copper and steel.

Donald H. Trautlein, chairman of Bethlehem Steel Corp., estimated that steel prices would initially rise by about $50 per ton, or about 10 percent, if across-the-board quotas are placed on imported steel as sought by Bethlehem and the United Steelworkers of America (USW) in their joint 201 filing.

After that initial price surge, however, Trautlein said he would see additional increases of only 1 to 1.5 percent annually resulting from the quotas.

The Bethlehem chairman estimated that the difference between imports at 25 percent—their current level—and imports limited to 15 percent of the domestic market by quotas represents about 10-million tons in production for the domestic industry, or about $2-billion in increased cash flow. He also noted that the higher cash flow the steel industry needs to modernize would continue to "come mainly from lower costs, not higher prices."

Similarly, copper prices will also rise—possibly by as much as 10 cents per pound—if the Reagan administration places quotas on blister and refined copper and if foreign producing nations, such as Chile, Zambia and Zaire, take that as a signal to cut excess production, copper industry executives predicted following the trade panel's 5-0 vote Thursday on the 201 case filed by 11 domestic copper producers.

The commission is scheduled to vote on the remedy for copper June 27.

Executives in the fabricating end of both the steel and copper industries see potentially adverse impacts in the downstream sector resulting from last week's decisions, especially if quotas are chosen as the remedy to the industries severe trade problems.

Ben Bowdon, vice-president, metals management, at Essex Group, a subsidiary of United Technologies Corp., predicted that imports would surge on products made of copper, citing the electrical industry, wire and cable, motors, generators and transformers as prime example. "Instead of shipping in the raw copper, they'll just ship in manufactured products."

Bowdon also noted that repeated attempts to insulate the U.S. market from the world market in copper have always ended in failure. "It simply is not practical to insulate the U.S. market," he said.

Robert J. Wardell, president of the Copper & Brass Fabricators Council, expressed deep concern about the possibility of a "two-tier pricing system that would put us at a severe disadvantage with our foreign competitors." He acknowledged that the nation's copper producers face a number of problems but said, "I don't think they solved them by creating serious problems for their customers."

Wardell indicated that tariffs might be a far preferable remedy than the quotas sought by the industry. "You could have a price-break tariff or a quantity tariff or possibly other forms," he said.

The tariff would not necessarily have to be a flat, across-the-board action but rather could be "adjustable," activated either by particular levels of imports or by price. "It would serve the purpose of moderating the inflow without barring it," he said.

Alan Wolff, a former deputy United States Trade Representative, also outlined severe consequences for copper using sectors. "If the President imposes quotas, then the industries dependent on copper will have to come in and ask for relief," said Wolff, who represents the National Electrical Manufacturers Association in the copper case.

Other sources noted that the Federal Trade Commission has estimated that quotas on copper would increase costs for consuming industries by more than $400 million annually.

In the steel case, the commission voted by a 3-2 margin that there was injury on five key products (sheet and strip, plate, wire and wire products, structural shapes and units and semi-finished). It also determined that four other products (pipe and tubes, wire rods, railway products and bars) were not injured by imports.

Hearings on possible remedies for the five affected products, which cover about 70 percent of basic steel imports, will be held Thursday at the trade commission with a vote on the steel 201 case scheduled for the week of July 9. The trade panel must make its recommendations to President Reagan by July 24. The President then has 60 days to decide the issue, putting it squarely into the middle of his re-election campaign.

West Coast producers, including Pacific Steel Corp. (prospective owner of Kaiser's Fontana, Calif. plant) and Gilmore Steel Corp., are expected to argue strongly against quotas being imposed on semi-finished steel. "Imposing import restrictions on slabs makes no sense, since the only consumers of slabs and other semi-finished steel mill products are domestic steel mills," said Howard Wilkinson, vice-president of Pacific Steel.

"If steel imports are restricted, but imports of products made from steel are not, downstream industries will be driven out of business," he asserted.

Major steel-consuming companies, such as Caterpillar Tractor Co., also strongly oppose the domestic industry's bid for steel quotas, as reported.●

PENNSYLVANIANS OF CHARLEROI

● Mr. HEINZ. Mr. President, I rise on behalf of the class of 1939, a group of Pennsylvanians, all from the Charleroi High School, who will realize the fruits of years of planning on August 3, 1984, by departing for a 2-week stay in Charleroi, Belgium.

Charleroi, Belgium, was founded in 1666. Immigrants from the mother country settled in 1890 in Charleroi, PA. As the years passed and the direct familial ties to Belgium weakened and Charleroi, PA, became home to other groups of immigrants, the connection between the two towns fell into disrepair. This condition apparently prevailed until 1978, when the mayor and a local delegation from Charleroi, Belgium, visited the United States and dropped in on their sister city in Pennsylvania.

Since 1978, the intercourse between the two communities has taken on a more regular pattern, with plans for reciprocal visits every other year on both sides of the Atlantic. The warmth and comradeship that the two

Charlerois have come to share is truly remarkable.

Just as the Belgians look forward to the warm reception that they receive in Pennsylvania, so do my constituents departing today expect to receive the full embrace of their hosts' hospitality.

Mr. President, I commend and congratulate the people of both Charlerois for their commitment to an active involvement in furthering friendship and understanding between nations and for cementing the ties that bind each of us Americans, however closely or distantly, to a heritage in another land.●

FINANCIAL SERVICES COMPETITIVE EQUITY ACT

● Mr. GARN. Mr. President, on July 17, 1984, the Banking Committee's report (No. 98-560) on S. 2851, the Financial Services Competitive Equity Act, was filed. The report noted that the committee had requested a cost estimate of the legislation from the Congressional Budget Office under section 403 of the Congressional Budget Act and that the estimate would be published in the RECORD before consideration of the legislation by the Senate. The Congressional Budget Office was working on the cost estimate and their work was completed on July 17, but the estimate was not received before the report was filed that day.

Mr. President, I submit for the record the CBO cost estimate of S. 2851.

The cost estimate follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, July 17, 1984.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the Financial Services Competitive Equity Act, as reported by the Senate Committee on Banking, Housing and Urban Affairs, July 17, 1984. We estimate that enactment of this bill would result in a revenue loss to the federal government of approximately $300 million in 1985, increasing to approximately $1.2 billion by 1989. This would be partially offset by outlay savings to the federal insurance institutions of at least $200 million in each of the years 1986, 1987, and 1988.

The bill would amend the term "bank" as defined by the Bank Holding Company Act. It would allow banks to underwrite and to deal in revenue bonds, commercial paper, and mortgage-backed securities, and to provide discount brokerage services. Any company that acquired a limited purpose bank before July 1, 1983, would not be required to divest the nonbank bank, although it could not offer any additional financial activities after June 27, 1984. The capital assistance programs established by the Garn-St Germain Depository Institutions Act of 1982 (Public Law 97-320) and implemented by the Federal Deposit Insurance Corporation (FDIC) and the Federal Home Loan Bank Board (FHLBB) would be extended from 1985 through 1988. The bill would also limit the amount of short-term brokered deposits held by banks and thrifts, and extend certain provisions of the Glass-Steagall Act to include thrifts insured by the Federal Savings and Loan Insurance Corporation (FSLIC).

Title IV would require the Board of Governors of the Federal Reserve System to pay interest on reserves held against money market deposit accounts established by the Garn-St Germain Act. In addition, the bill would establish standards covering the check holding policies of depository institutions, preempt state agricultural and business usury ceilings (with a state override option), establish liability standards and penalties for credit card fraud, require additional disclosure for consumer leases and lease-purchase agreements, prohibit a company from buying large blocks of its securities from prospective acquirors and prohibit a company from providing large compensation packages to officers or directors who might be adversely affected by a tender offer. Finally, the bill would establish a Payments System Advisory Council, and require a number of reports to be prepared and submitted to the Congress.

A significant budgetary effect would result from the requirement that the Federal Reserve pay interest on required reserve balances held against money market deposit accounts (MMDAs) and Super NOW accounts established under the Garn-St Germain Act. These payments would reduce the earnings of the Federal Reserve System and would directly reduce Federal Reserve payments to the Treasury, which are classified as miscellaneous receipts in the unified budget. We expect that the interest paid to banks would be passed on to depositors in the form of higher interest rates on MMDAs and Super NOW accounts, so some of the direct revenue loss would be offset by increased corporate and individual income taxes. CBO's revenue estimate also assumes that these higher interest rates on MMDAs and Super NOW accounts would, over time, result in some shifting of deposits from other accounts into MMDAs and Super NOWs. We estimate that the net revenue loss to the Treasury would be approximately $300 million in 1985, increasing gradually to $1.2 billion by 1989.

The other major budgetary impact of the bill would result from the continuation of the capital assistance programs established by the Garn-St Germain Act. That act would otherwise expire at the end of fiscal year 1985. If it were to expire, the FDIC and the FSLIC would probably have to increase outlays by at least $200 million in each of the fiscal years 1986, 1987, and 1988 in order to maintain the viability of various financial institutions that would otherwise receive net worth certificates. By extending the act through 1988, this bill would avoid such an outlay increase.

It is not certain at this time whether other provisions of the bill would have a significant impact on the insurance activities of the FSLIC or the FDIC. The bill would make a number of changes affecting the types of services offered by banks and thrifts, and would limit the authority of the FDIC and FSLIC to regulate brokered deposits. To the extent that these provisions would increase or decrease risks to insured institutions, budget outlays for insurance purposes would also be affected. It is not possible to project these effects precisely, however.

In addition, the federal financial regulatory institutions, including the FHLBB, the FDIC, the Board of Governors of the Federal Reserve System, as well as the Securities and Exchange Commission, would incur added administrative costs totaling several million dollars annually. The majority of these costs would be recovered by assessments or fees, however, resulting in no significant cost to the federal government.

Enactment of this bill would not significantly affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

RUDOLPH G. PENNER,
Director.●

SAN FRANCISCO: ONE OF THE WORLD'S GREAT HOSTS

● Mr. WILSON. Mr. President, as a Californian who believes passionately in the political process, I take my hat off to the city of San Francisco for its exemplary reception of the recent Democratic Convention delegates. Listening to much of what took place inside the Moscone Center would sorely test anyone's hospitality—yet San Franciscans showed once again why they are among the world's most tolerant people.

Meanwhile, viewers from around the world had a chance to see for themselves the combination of physical beauty and intellectual exuberance that makes the city beside the bay unique. In her diversity is much of her color, and still more of her strength. It may make San Francisco difficult to govern, and impossible to pigeonhole—but it also makes her among the most liveable places on Earth. And one, I might add, inhabited by people who cherish their neighborhoods and the civilty that compliments a certain creative tension.

This is what the American people saw for themselves. For now, I can only congratulate the people of San Francisco for their superb performance. Unlike other performances staged during convention week, it had the added dimension of authenticity. So let me join all those waving flags—and raise a salute to one of the world's great cities. Whatever you think of the convention's results, San Francisco is unopposed when it comes to a warm welcome and a cosmopolitan atmosphere. Even in an election year, that's one thing beyond debate.●

ALLIANCE FOR EXCELLENCE—LIBRARIANS RESPOND TO A NATION AT RISK

● Mr. PELL. Mr. President, as we prepare for conference with the House on H.R. 2878, Library Services and Construction Act Amendment of 1984, I am pleased to call to the attention of my colleagues a most impressive publication on the challenging educational

role of libraries, issued last week by the U.S. Department of Education—"Alliance for Excellence: Librarians Respond to A Nation at Risk."

In an introductory message, Education Secretary Terrel H. Bell points out that to assure survival in this difficult information age there is need to elevate the United States to the standard of a lifelong learning society:

The challenge before us is of such magnitude, though, that school and family will be a match for it only when they forge a grand alliance with a third institution—the library. The justification for that comes out of century-old tradition: in 100,000 settings, rural and urban, majestic and modest, a librarian not only holds the keys to the knowledge that is the prelude to tomorrow but also is equipped to show every citizen how to access the future and live with confidence in the learning society.

One could not help but be impressed by the response of the Nation's library and information science community to the challenge of a nation at risk. Their recommendations for the alliance of home, school, and library are essential to our attainment of excellence in education and a learning society.

The report recommends that the librarians of America undertake a series of important missions. "They need to take the lead in calling for an assessment of the Nation's libraries. They should markedly expand the sharing of resources among their institutions."

I am delighted to note that the Library Services and Construction Act Amendments of 1984 [LSCA] will increase our libraries ability to undertake a more active role in carrying out the series of missions set forth in Alliance for Excellence.

Urging vigorous library leadership, the report points out that their work is cut out for them:

Librarians ought to plan with community leaders for more effective support of education and lifelong learning. They need to transform libraries into user-oriented learning centers where adult literacy education will become or continue to be an important program option, where the very youngest children can be introduced to reading and learning, and where young adults can be guided into the world of great literature and into the habit of learning for a lifetime. . . .

They need to make the needs of library users known to the outside world—to government leaders in cities, to faculty in colleges and universities, to administrators in schools, to corporate leaders in industry, and to students now using their facilities—so that they will be involved in finding solutions. Librarians cannot do it alone.

Indeed, librarians cannot do it alone, the imminent new law extending and amending the Library Services and Construction Act will give them a great boost in moving ahead with their many missions.

One issue we are considering in the pending LSCA amendment is a special program to help eradicate illiteracy. Alliance for Excellence points out that the storehouse of information open to us is incredible, made available through myriad computers and assorted high-speed telecommunications devices throughout the world.

However, all this information is lost if we cannot put it to use. Again, the report reminds us:

A nation with about 23 million citizens who cannot read well enough to decipher a job application form must be convinced that a Learning Society is a practical, attainable goal. Every individual should have the knowledge to understand complexities that were never imagined in the past.

This is where the library, allied with family and education can come into its own. It has a golden chance to make a real difference. No other institution in the community is able to serve the Learning Society in quite the same way. No other has such cultural riches side by side with access to the myriad facts, figures, ideas, and impressions of the day. No other has a schedule quite so attractive, or an atmosphere quite so nonthreatening, for adults who want to pursue an issue to its source—and thus make a further investment in their own base of knowledge. No other can provide a learning uplift for all Americans: the 17 million under 5, the 45 million in kindergarten through 12th grade, the 12 million in higher education and the 158 million others beyond the usual years of formal schooling.

Who would think that libraries and librarians could be partners in this cause? In a present and future where information stress is assured, who would think that libraries and librarians, remembering their heritage and endowed with a keen sense of responsibility, could be otherwise?

Looking beyond the near future, I would point out to my colleagues that nearly 5 years have passed since the first White House Conference on Library and Information Services. Recalling that I introduced legislation calling for that conference in January 1973 and that President Ford, a sponsor of the House companion bill while he was House minority leader, finally signed it into law in December 1974, it is none too soon for us to consider the next conference.

As you read the numerous charges laid out for libraries to expand linkages in support of lifelong learning in Alliance for Excellence, the text of which I request be inserted at the conclusion of my remarks, I am sure you will agree with me. We need to start thinking about these issues and their implementation in connection with the next conference.

Accordingly, I am taking this opportunity to alert my colleagues that I plan to introduce early in the 99th Congress legislation calling for the Second White House Conference on Library and Information Services in 1989. I would eagerly invite those of you who share my interest and concern, that all our citizens have access to quality library and information services in promoting a learning society, to join me in cosponsoring this legislation. Remember, a most important part of the White House Conference process is the preceding series of local townhall meetings, speakouts, and Governors conferences held in each of the States to help them assess and better utilize their own library and information resources.

I commend the full text of the report Alliance for Excellence to my colleagues which follows:

LIBRARIES AND THE LEARNING SOCIETY

The Information Age has swept around the world like a poorly forecast winter storm; its swirling blizzard of facts, figures, and data has been as bewildering as it has been challenging. This is the nature of the Information Age, but unlike the snows of February, it is here to stay. The necessity is for all of us to become acclimatized to it.

Much has happened since World War II to create this new era. The transistor has flipped electronics upside down, scientists have deftly rearranged genes, and human hearts have been transplanted. Americans bounded across the moon, and a laser beam from earth, 238,000 miles away, hit a target they left behind. As for the computer, fifth-generation models with artificial intelligence will soon be a reality.

Innovations such as these and so many more have churned up a tidal wave of new findings for us to absorb and master. Trying to stay afloat, the publishing industry has turned out more and more books—from 15,000 titles published in 1959, the mass grew to about 50,000 titles in 1983.

But this is only a part of what it is like to live in the Information Age. Satellites and TV have collapsed our horizons. In an instant we are spectators of World Cup Soccer, or Winter and Summer Olympics; the next moment, we watch soldiers thousands of miles away probing broken buildings for bodies crushed in a terrorist attack. We live, in fact, in a global village, neighbors to all humanity.

As never before, issues pile up, spawned by awesome technology or by political and social ferment in every corner of the earth. These are issues without easy answers, and some of them may affect human survival. So, they have to be understood; decisions must be made about them. To be responsible, rational citizens in this new time, we must chart a stable persistent course through the waves of clues, tidbits, hard facts, and rumors.

This can be done, as *A Nation at Risk* eloquently urged, if we move aggressively to create a Learning Society. To do so calls for forming an alliance among teachers, education administrators, parents and other citizens, and the nation's librarians. Through their united efforts, these men and women will be able to provide interrelated, lifelong educational experiences for people of all ages and in all walks of life. Only through this joint activity can a workable Learning Society be realized.

This is where the library comes in whatever its type (school, public, special, or academic): it can and should play a full role in this process. It is an institution with extraordinary capacities. In it you will discover new ways of learning, find out how to plan an adventure into education, and then ascend to new levels of knowledge and understanding. The finest of libraries, you will discover, often are one-stop learning centers, the best buy you may ever have for your tax dollar.

Books and periodicals will continue to be vital resources in your learning activities at the library. But increasingly you will find the most modern informational and educa-

tional tools there. The computer, microfilm, and even the videocassette recorder and videodisc are being harnessed by librarians. Individuals can and do learn directly through these devices, which also handle administrative tasks, operate efficient links with other libraries both near and far, and store information.

So, the library is a place where you will be able to learn by yourself at your own time and pace. Others benefit there from one-on-one instruction in reading, computation, basic study skills, or research.

The reality is that learning services are already available to people of any age at libraries from Alaska, to Maine, to Texas, north and south, east and west, and to the outlying U.S. territories. The preschooler can be readied for school at the public library; boys and girls pursue classroom assignments in their school library media center; the college student rounds out an independent paper at the college/university library on campus; professionals verify facts and challenge assumptions in medical, law, business, or other special libraries; the adult voter, consumer, parent-to-be, taxpayer, or curious citizen can learn at the public library.

Meanwhile, the senior citizen can find many resources at the library to enrich the more quiet years. Typically, a library in New York State, responding to requests, organized workshops on sign language and geneology. In Pierce County, near Tacoma, Washington, librarians sponsored writing-discussion groups for people between their mid-50s and 90s; 20 groups learned creative writing, then applied it in completing 120 different autobiographies.

One individual who has found library service of great value through seven decades has been Nobel Prize-winner Dr. Glenn Seaborg, a member of the National Commission on Excellence in Education. He fondly recalls growing up with libraries in Ishpeming, Michigan: "I remember going to the public library walking between snowdrifts over my head to get my favorite books before others found them." As a scientist of 72, he remains "absolutely dependent" on the library to "provide me with access to the wide range of scientific journals which I must read to keep informed of advances in my field."

Libraries have been advancing in their range of services. No longer are you limited to the information resources in your town. Entire networks have been created so that one institution can call in materials from others in distant places. It has become routine for the library to belong to state, regional, and national systems; as a result, sharing is second nature for most librarians. A detailed book on the Colorado River Indian tribes might not exist in your community, but it will be on a shelf somewhere else. Through inter-library loan, systems can make your library as big as the entire country. Wherever you are, the information of the nation can be brought to you.

Clearly, then, your library can be of real service in education at many levels. Clearly, too, it must have a full partnership in the Learning Society that will have to be brought to life if we are to be competent, knowledgeable citizens in the Information Age. Sustained by alliances among educators, parents, other citizens, and librarians, such a Learning Society can be developed and nurtured. Well-designed and well-maintained, this alliance will assure us that the whole will indeed be greater than the sum of its parts. A Learning Society offers unprecedented benefits to every individual.

To achieve their potential, libraries will have to be perceived in a new way. They must be accepted as an integral part of the overall education system in your community; the librarian must be considered an educator as well as a librarian. And your interest in libraries should be just as strong as your commitment to your local schools.

But to justify your commitment and support, library service in your community will have to be raised to the highest level of quality that community resources and energies can generate. To this end, and in response to A Nation at Risk, librarians, teachers, and others from across the nation have been deliberating. This report reflects their thinking and their priorities for achieving improved service in the American library.

On the pages that follow, you will find road signs for realizing what Dr. Elizabeth Stone, former president of the American Library Association, has called a "sound and persuasive vision of what the library of the near future can and should be." It is the report's view that an assessment of the nation's libraries should be conducted to determine their readiness to fulfill the vision of an "Alliance for Excellence."

These pages assert that in the Learning Society ahead, the library must play a central role as a learning center staffed with user-oriented professionals. Libraries everywhere—all types—should share their resources. Further, as the next chapter develops, each school must have quality service of a high standard in its school library media center.

This report states with conviction that the library can be pivotal in the education renewal, recommended so effectively by A Nation at Risk, a process intended to create an enduring Learning Society. Libraries cannot be tied to the past. Rather, libraries, newly energized, freshly chartered, can become centers of the Learning Society. This report details fresh directions for the library community which can benefit every citizen.

LIBRARIES IN SUPPORT OF EDUCATION

The case for education renewal was stated in sobering, straightforward terms in April 1983 by the National Commission on Excellence in Education. Its report, A Nation at Risk, took a message of concern into every state of the union. The recommendations in this message challenged educators, families, and students to undertake stringent measures for change. America's well-being, the report warned, is at stake.

The libraries of the nation can and should be part of the remedy. To ensure that the changes proposed will be effective, these institutions must join with educators, parents, and other citizens in a grand alliance; each should share the burdens of a task larger than any one of them can bear alone.

In briefest terms, the time is now for libraries to achieve larger prominence as integral forces in the education of the nation's residents. Participants in the Department of Education's intensive review of the role of libraries in a Learning Society determined that libraries can relate most directly to four aspects of the National Commission's charter for education renewal. These four have to do with:

Content

The National Commission urged that high school graduation requirements be strengthened. At a minimum students should have to take four years of English, three of mathematics, three of science, three of social sciences, and one-half year of computer science. A two-year exposure to a foreign language was proposed for students planning to go to college.

Standards

A Nation at Risk recommended that "more vigorous and measurable standards" be instituted by schools, colleges, and universities. Four-year colleges and universities should raise admission requirements to "help students do their best educationally with challenging materials . . ."

Time

The Commission favored assigning "significantly more time" to learning what it called the "New Basics." This would necessitate better use of the school day, a longer school day, or "a lengthened school year."

Teaching

It was the National Commission's intent to improve preparation of teachers and make teaching "a more rewarding and respected profession." Remedial measures should include higher salaries for teachers, putting them on 11-month contracts, and providing incentives to attract top students to the profession.

It was clear to the participants in the review of the role of libraries in a Learning Society that of all libraries, the ones which could most readily support these recommendations, would be the 88,000 public and private school library media centers. To a lesser extent, other libraries could contribute too—the 15,000 central and branch public libraries, the 3,300 academic and research institutions associated with colleges and universities, and the 10,000 special information resource centers active in such fields as law, medicine, religion, and business.

To strengthen content

About 40 years ago, the school library was simply the room with the books. It was run much like a public library which happened to be in a school. Student use of the library most often tended to be voluntary, their book quests largely recreational. On the whole, this room was a neutral, under-utilized area.

Today, that has mostly changed. The room is now called the *school library media center;* staff members prefer that designation to school library and favor calling themselves library media specialists. These new titles reflect the increasing weight of technology in learning and the expansion of the library's function beyond its traditional role.

Today, too, the library media specialist has stepped closer to the school's mission of teaching than was the case 25 years ago. In most states, this individual is certified as a teacher and is seen as akin to special teachers of art, music, or physical education.

In labelling this special room a "center," administrators seem to acknowledge tacitly the place of the library as a component part of learning at the school. Because of the phenomenal explosion of knowledge, because of the value given increasingly to resources other than books, because of the stern necessity for students to learn how to find and apply information, the library media center *should* become a magnet for teacher and student alike. The professional in charge may well join teachers in designing curriculum and selecting materials, or enter the classroom to work on students' listening, viewing, and analytical skills.

This is the ideal. In reality, the past few years have not been encouraging for the li-

brary media center; budget cuts and other claims on resources have hit *all* areas, but school library media programs have been deeply hurt. As it stands, 15 percent of our public schools have *no* library media center; almost three million public school students attend schools with no library media center. Not far from the District of Columbia, 55 elementary school library media specialists in one county were released in 1982 due to budget shrinkage. In a major New England city, no elementary school library media center has a professional in charge; aides, technicians, or volunteers handle the work.

Along with an erosion in qualified personnel, there is confusion among some teachers and administrators on what the library media center is able to do, or should be able to do, to bolster educational activity. "Just check out the book" is no longer an adequate charge to a student. The library media center is designed to do much more. School library media centers frequently give elementary school children their first experiences with information resources and shape the student's lifetime use of libraries and information. Hence, school library media programs of the best quality directly help students to take their place in the Learning Society.

However, the school library center can be fully effective only if students know how to find, evaluate, and use the information stored there. This is a basic skill which all must acquire to function responsibly in a democratic society where more and more information is being harvested each year.

There is a preemptory need in schools, then, for special, ongoing instruction in information finding and utilization skills. Some school systems take this seriously. A number have written detailed instructional objectives for teaching these skills. By third grade, a student is to have mastered the different functions of a book's index and table of contents; by fifth grade, students are to understand how to read maps and use atlases; by sixth grade, they are to know how to verify a statement as a fact using more than one source, and so on. Students in all grades face information functions which they must learn at one point or another.

Practices such as these are the exception. In too many schools, the teaching of these skills is uneven, inadequate, and sporadic. Very often no effort is made to integrate the instruction with the curriculum, and especially with teaching of the New Basics stressed by A Nation at Risk. Along with this deficit, the textbook dominates instruction in any number of schools. Children, many educators seem to feel, will learn from a textbook just as their parents did. They assume that whatever the text says is accurate, and that there is no reason to motivate inquiry and promote the use of many other sources of information.

Yet, as the National Commission on Excellence in Education so strongly warned, America's future is being eroded by the educational system of the present. In the process of national renewal already underway, the school library media center can be a versatile, relevant, hardworking partner. Dr. James Thompson, the American Association of School Librarian's Administrator of the Year for 1983, has testified to this with conviction:

"There is a force at hand and available in our schools which can and must form the backbone for reform and improvement. The school's library media center can be the place where learning for the twenty-first century occurs. (We) know of the tremendous power of the integration of the library media program with the school's instructional efforts."

Our children must learn how to draw confidently on the school library media center's resources and transfer these skills to other sources of information. By knowing how to find, analyze, and use information today, they certify their readiness to become reasoning, thoughtful adults tomorrow as citizens of the Information Age.

Recommendation A

We recommend that the elementary and secondary school curriculum be strengthened by teaching the effective use of information resources, including libraries. Further:

(1) Students should spend time in the school library media center to learn and practice information skills coordinated with class work;

(2) Students should be tested for competency in information skills in English, mathematics, science, social studies, and computer science;

(3) Students in grades one through twelve should have guided reading, listening, and viewing experiences, for pleasure and fulfillment as well as for information and knowledge, to acquire skill and abiding interest in learning.

Certain changes must occur if this recommendation is to become a reality. Of primary importance, instruction in the New Basics, as well as all other subjects covered in elementary and secondary school, should include teaching the effective use of information resources keyed directly to those specific subjects. Information-finding skills should be applied, with the aim of individual mastery, through a series of class assignments. Ideally, teachers and school library media center specialists should join in planning the curriculum, taking into account the actual information resources available throughout the community.

In every school, curriculum planning should have each class spend time in the school library media center. There, students would be expected to practice their skills in relation to curriculum content and reinforce information concepts learned in class.

Just as schools will assess competencies in the New Basics and other subjects, so should they make it routine to measure achievements of students in information skills. Library and education organizations should work with national testing organizations to create means of testing information-finding and utilization skills. As field use might dictate, these methods of assessment should be revised, updated, and improved.

In their computer science instruction, all students should learn how to use data bases to extend dramatically their search for information. Library and education organizations should work with vendors to help develop data bases appropriate for children.

Textbooks in the New Basics and other subjects should echo the broadening of information-seeking instruction. The texts should include concepts and possible assignments that have to do with the integration of information.

The recent reports on education have focused on reading skills, sometimes at the risk of discouraging reading for pleasure. Schools use books in the instructional process, but may neglect to encourage students to read widely for pleasure. A Nation at Risk reminds us that students look to parents and teachers as models of intellectual and moral integrity. Reading programs in schools, as well as teachers, should stress and show by example that reading for pleasure as well as for study is a top priority. Parents should emphasize it at home. The more students see parents and teachers committed to reading, the more students will read. And the more they do, the better they will read. The alliance of home, school, and library can help move students toward the final reward: developing the lifetime reading habit.

Finally, for the newly altered curriculum to be supported in a meaningful way, schools must have school library media centers of the highest possible quality consistent with recommended national and state professional standards.

Recommendation B

"We recommend that every elementary and secondary school have quality library services and resources."

Achieving quality in the school library media center will involve agencies and organizations at local, state, and national levels. But the call for excellent school library media programs could be expected to come most appropriately from the local community itself.

In that community, it is the responsibility of the school board to provide excellence in every school library media program in its jurisdiction. At the state level, depending on the exact circumstances, the state education agency, state library agency, or state legislature should mandate excellence in each school library media center, and the particular state body in charge should decide how to define quality in the light of conditions in that state. It should be that agency's task, as well, to plan strategies and incentives to make certain that the highest quality will be achieved.

Nationally, education and library associations should join with Federal agencies in endorsing this recommendation as their policy, then work cooperatively to fix strategies to assure that the goal will be realized. The American Association of School Librarians, the Council of Chief State School Officers, and the National Parent-Teachers Association typify the organizations that should be engaged in this effort.

To raise standards and expectations

The matter of educational standards evoked concern in *A Nation at Risk.* The facts led it to one conclusion: standards have not kept pace with the demands of the day, and students are not being adequately challenged. This has turned into an all-too-corrosive deficiency.

This same deficiency applies to the current condition of the school library media center. One would expect the central resource facility of the school to provide a wide variety of up-to-date, relevant learning materials fully complementary to and supportive of the current emphasis on the New Basics. Yet, the sad fact is that far too many elementary and secondary schools are lacking in this regard.

Why is this? In good measure it is because of twin adverse forces: budget cuts and inflation.

From the 1970's on, school administrators have had to pare their budgets with regularity. In-class instruction has been largely sacrosanct; therefore, reductions have been ordered in special programs, personnel other than classroom teachers, and the purchase of materials. Charting one facet of these cuts, the Education Products Information Exchange has found that between 1974 and 1982-83, expenditures for library books

went up by just 36 cents per student. Persistent inflation turned that minimal rise into a *de facto* reduction in purchases.

As a rule school library media centers do not have large holdings. The National Center for Education Statistics determined, through research done in 1978, that almost one-half of all elementary and secondary school library media centers have 5,000 to 9,999 volumes apiece; the average holding per student was just over 13 volumes. Because books used frequently by students wear out with regularity, the collections of the school library media center are in increasing jeopardy; inventories have been shrinking, and what remains may be bordering on the obsolete. Many schools have cut back on top quality magazines for their library media centers—magazines with solid intellectual content which numbers of students would not see at home. Further, schools must come to terms with electronic storage and delivery of information and with new and sophisticated forms of software. This withdrawal from a position of quality comes in an era when American publishing is doubling its titles every 22 years, a phenomenon that has long outdistanced the schools and their libraries.

At the same time, there have also been alarming declines in the ranks of qualified personnel staffing library media centers. Again, budget cutting has been to blame. Assessing this situation, the American Association of School Librarians has estimated that there has been an erosion of 10 percent in media center professionals since their somewhat better times in the 1960's.

Over the years, organizations have seen the wisdom of stipulating standards for school library media programs. Laying out policies for school library services in 1961, the Council of Chief State School Officers wrote 19 pages of guidelines in its landmark document, Responsibilities of State Departments of Education for School Library Service. This pamphlet concluded that "The achievement of excellence in school library services should constitute one of the major objectives of state school systems." In recent times, however, the Council has focused on other priorities.

Two other national organizations, the American Association of School Librarians and the Association for Educational Communications and Technology, jointly published updated standards for library media programs in 1975. Specialists have since decided that standards for this school service should be performance-based and founded on clear, solid research; refined in this way, guidelines could help reverse the downturn in effectiveness of too many library media centers. The American Association of School Libraries and the Association for Educational Communications and Technology already have plans to rewrite the 1975 standards. Organizations and agencies concerned with public and academic libraries should review their standards for effective statements regarding the services these libraries might give to elementary and secondary school students.

Recommendation C

"We recommend that libraries, associations, state educational and library agencies, and accrediting organizations adopt more rigorous and measurable standards for school library media services."

Before completing new standard, agencies and organizations should seek the advice of all those who may be directly or indirectly involved in the activities of the school library media center: state education and library agency staff; school administrators; teachers; specialists in library media services, curriculum, subject matter, and evalution; and citizens. School library media researcher David Loertscher has noted: "Standards for a profession such as ours should be the best statement of our collective judgment—a clear and unequivocal vision of what a library media program should be."

Constructed from substantial current research, these standards should be performance-based and measurable. They should apply to library media programs in both elementary and secondary schools.

To improve the uses of time

More time at the task of learning: A Nation at Risk was unequivocal in calling for this change as a foundation stone of our educational renewal. More time may mean a longer school day or longer school year, as well as more effective use of the time spent in school. One way or another, the school must compensate for the greater output demanded of the student, with today's heavier accent on the New Basics.

To the extent that it is a genuine learning space, the school library media center should be treated equally with other areas in the instructional program. If the school is to remain open longer, school officials should arrange for the library media center to be open longer.

As it is, library media services often are only available during the school day and a few minutes before and after classes. A student who needs materials from the center has to get them during school hours, or not at all, because that room is frequently closed before and after school, and almost always is closed in the evenings and on weekends.

Nor does the center operate during vacation periods when school is not in session. This is doubly regrettable because summer reading can be effective. In her Summer Learning and the Effects of Schooling, Barbara Heyns wrote of large-scale research showing that "The single summer activity that is most strongly and consistently related to summer learning is reading . . . [It] systematically increases the vocabulary test scores of children." This, of course, urges the summer availability of libraries.

Even if the library media center were open after school, students who depend on bus transportation could scarcely benefit. As most schedules dictate, they must be ready to board their buses within moments after school's closing, or lose their ride. Arrangements are often made for students to stay for athletics or band practice; why can't these same provisions be made for information-seekers?

What can be done to give learners more options? Improving access to libraries calls for community-wide planning to respond to needs of students and others. Schedules and policies at school, public, and academic libraries could be altered to allow greater use of those facilities by students and the community at large.

Further, collaboration between all these institutions—school, public, and academic libraries—may be essential to counter higher costs. Only by agreeing to share resources and coordinate schedules can the various libraries of a community encourage and support the intellectual growth of all residents.

Recommendation D

"We recommend that school library media centers and public and academic libraries be open, to the fullest extent possible, to elementary and secondary school students and area residents. This policy would have the joint aims of expanding the time available for learning, while making more effective use of a community's library and information resources."

Local conditions must control when the school library media center will be open. In any instance, the goal should be to allow the most extensive use of the library media center's collections and services. And in cases where a community has no other library, that is all the more reason for seeing to it that the school library media center stays open in the evenings, on weekends, and in the summer.

Communities with limited public library resources and in which the school's library media center closes in summer should consider this option: learning resources used at the local school could be sent to the public library for temporary lending during summer vacation.

Such arrangements and the scheduling of hours should be planned by a community council representing all the libraries in the local area. The prime objective of its members should be to make tools of learning available to everyone in the community—children, students, and residents—under the most favorable circumstances attainable.

To improve teaching and learning through improved school library media programs

In all quality library programs, a commitment to service is a tenet held high in the librarian's creed. In no setting is it more strongly avowed than in the school library media center.

In this special room, the professional on duty must be prepared to listen, advise, guide, and inform. Who discovered America other than Columbus and the Vikings? Can you help us design a computer data base of Spanish vocabulary that we can call back by English or Spanish? Library media staff must respond calmly to a multitude of questions, must be equipped to shepherd inquiring minds toward data on anything from the workings of robotics in space to how Shakespeare transformed the wooden O of the Globe into the swelling scene at Agincourt.

At the same time, the library media specialist in today's school must also be ready to work with teachers on curriculum designed by providing the best in current materials, and team-teaching information skills. It is a tall order, one made taller by the impact on curriculum of the information flood. In a way, this professional must be a 20th-century Renaissance person.

More than anything else, the times have caused a reformation in the prototype of what used to be the quiet school library. But for every school library media center which has caught up with the 1980's, a good 100 have stayed behind. They have suffered chiefly from being misunderstood and undervalued by the community's decision makers. School board members, administrators, teachers, and school-watchers among the citizenry have often had little if any experience with a dynamic library center as youngsters, so they underrate it. Hence, it fails to get the dollars essential for an operation which should figure much more prominently in the whole education process.

Preparation of teachers and administrators could reverse this lack of understanding, but this seldom happens; any course work about the contemporary school library media center is perfunctory, at best. Add to that the fact that administrators and teachers already at work often have had minimal

or poor experiences with library media centers. Or their schools have only had meager library media resources. Or they never received much help from the professionals in the media center. It has not eased matters that library media center staff have sometimes been, by personal style and under the weight of tradition, somewhat withdrawn and inclined to wait for requests to come in, rather than acting aggressively to scout for potential users.

The sum of these factors often reveals a library media center hardly more potent than the old school library. If a passive posture ever was appropriate, it certainly is not in a time of urgent education renewal, when all available hands must resolutely pull together. The full school organization and the community must be brought to a better understanding of the teaching and learning functions of the school library media center; this should be amplified by far larger exposure to the concept of this center in schools or education. Meanwhile, efforts must be made to enhance the job of the school library media specialist, so that a new breed of thoroughly qualified, forward looking, outgoing candidates can be attracted to the profession.

Recommendation E

"We recommend that school library media centers and public and academic libraries develop the collections needed to inform educators and librarians about developments in education and the library and information science field, and about new or expanded professional concepts and practices in those fields."

Educators and librarians cannot ignore the changes that are taking place in society, education, and library and information science. There is no return to a time when a few professional books and journals could answer the questions that arise daily. Educators and librarians must have ready access to the latest research, innovations, and developments in their fields. While some school districts and public libraries have good professional collections, the array of books, journals, reports, and data bases needed are beyond the fiscal reach of individual schools and school systems.

Major research and academic libraries can share productively in improving access to the needed resources. Those libraries with large, high-quality collections in education and library and information science should form a consortium. Its aim: to make sure that teachers and library and information specialists have easy access to all resources that can inform them about the latest products, information, and research in their two fields.

Other steps must be taken if school library media programs are to win their proper place in the mainstream of education attuned for tomorrow. The process of transformation should begin with changes in the academic program of school library media specialist students.

Recommendation F

"We recommend that candidates for the position of school library media specialist receive a broad general education that is geared to meet the challenge of the Information Age."

These future school library media specialists should develop competence in the New Basics, while being prepared both in education and in library and information science. Any latent aptitudes they may have for working with teachers and all types of students should be strengthened. And, further, they must come to know learning theory and the subtleties of human development, as well as information handling.

Recommendation G

"We recommend that school library media specialists be offered professionally competitive salaries and working conditions that are rewarding and satisfying."

Full attention must be given to making the career of a school library media specialist more attractive. Up to this time, the salaries for this field have not been competitive. Not yet regarded as a dynamic partner in the newly esteemed information-flow process, new librarians—with a Master of Library Science degree—commanded in 1983 a starting salary in the range of slightly over $17,000 a year. In contrast, engineers with simply an undergraduate degree average $25,000 and can start as high as $40,000.

Recommendation H

"We recommend that candidates for teacher or school administrator receive meaningful instruction in the role and activity of a school library media center."

While it is of great importance for school library media specialists to be educated for a new era, it is just as critical for teachers and school administrators to learn what can happen in a fine school library media center, where excellence is the rule, rather than the exception.

To accomplish this change, the curricula of schools of education will have to be broadened. National and state library organizations, along with state education and library agencies, should combine forces to accomplish this aim, working with the accrediting agencies and those institutions which have teacher education programs.

In due course, schools of education offering this new emphasis on information uses should be formally assessed on several grounds. How well does the school administrator trained in this environment interpret the school library media program to teachers, parents, and other local citizens? How much does the administrator encourage use of the library media center and information materials by students and teachers? How well do teachers carry out their instructional programs by incorporating these nontextbook resources and by helping students learn how to find and use information directly linked to class assignments? Questions such as these should be raised in the school of education review.

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A Nation at Risk delivered a sharply pointed challenge to Americans to revive the nation's approach to education. It will take brave and bold steps on many fronts to accomplish this objective.

One critical move proposed here would give the school library media center a full leadership presence in the redirected elementary and secondary school sectors. Today's school library media center has been set apart for too long from the main work of education by the traditions and outmoded priorities of our school systems. John Dewey first proposed that the school library be placed in the center of the school, not just for convenience, but also to dramatize the role of books and all learning materials in the teaching and learning process.

If it is to suit the era, the education of young children for a full and effective life must draw regularly on the learning resources of the library media center. From the earliest grades, students must be comfortable about capitalizing on its facilities. In the late 1980's and beyond, *every* adult will have to know how to manage more and more threads of information. The tools to begin perfecting that skill are to be found essentially in the school library media center.

On a broader plane, the school library media center and *all* libraries face a significant challenge now: providing the impetus, in their alliance with school and family, to create an enduring Learning Society in America. If this is to be realized, then all libraries must be updated and strengthened. The pages of the following chapter present recommendations to ensure that these changes come about.

LIBRARY LEADERSHIP IN THE LEARNING SOCIETY

To help lift formal schooling from mediocrity, to join in thrusting the Learning Society into secure orbit, to guide citizens through the morass of the Information Age, to earn their spurs as allies of teacher, family, and school, to make a national difference after being politely overlooked for so long—these are the tasks directly ahead for American libraries. Their work is cut out for them.

Would our country's education dilemma have been so intense if libraries had been more visible and competitive? The question is out of date. More to the point, dramatic steps are now called for, something not too characteristic of library performance over many decades.

Without question, librarians—those in public libraries, large and small, those at colleges and universities, those in schools, those in fast-growing facilities in business, industry, and the professions—must now take the initiative. They must reach more vigorously for their share of public attention and support; they must shake off invisibility and neutrality; they must be far more dynamic than is their custom. They must become stronger leaders.

This report recommends that the librarians of America undertake a series of important missions. They need to take the lead in calling for an assessment of the nation's libraries. They should markedly expand the sharing of resources among their institutions. They need to improve the preparation of candidates for positions in the library and information science field.

At the same time, librarians ought to plan with community leaders for more effective support of education and lifelong learning. They need to transform libraries into user-oriented learning centers where adult literacy education will become or continue to be an important program option, where the very youngest children can be introduced to reading and learning, and where young adults can be guided into the world of great literature and into the habit of learning for a lifetime.

They must leave behind their relative isolation and develop more effective interactions with the communities of which they are a part. They need to give more time and effort to those skills, talents, and attitudes essential for such interactions.

They need to make the needs of library users known to the outside world—to government leaders in cities, to faculty in colleges and universities, to administrators in schools, to corporate leaders in industry, and to students now using their facilities—so that they will be involved in finding solutions. Librarians cannot do it alone.

To improve service to people

This report urges a dynamic, stronger role for all libraries. Keyed to this, they need to offer strong advisory services that are user

oriented. This may mean creating such a service, or, if one already exists, it may have to be broadened and strengthened. How effective lifelong learning is in a library setting will depend on how knowledgeable, supportive, current, imaginative, and committed the librarians working directly with patrons are.

Libraries have evolved through more than a century of change in education. In 1870, 16,000 students graduated from high school. In the new century's first year, 95,000 students graduated. In late spring of 1984, 2.7 million received their high school diplomas.

Higher education is also changing. There was a time when the university educated mainly the elite. But in 1982, out of 136 million Americans 25 and older, 24 million had finished four or more years of college. Even so, education must keep changing, and at a rapid pace. Not only do we have a larger population to educate, but also our education needs are changing. We should have a greater amount of knowledge about more and more specialized areas. The storehouse of information open to us is incredible, made available through myriad computers and assorted high-speed telecommunications devices throughout the world.

All this information is lost if we cannot put it to use. A nation with about 23 million citizens who cannot read well enough to decipher a job application form must be convinced that a Learning Society is a practical, attainable goal. Every individual should have the knowledge to understand complexities that were never imagined in the past.

This is where the library, allied with family and education, can come into its own. It has a golden chance to make a real difference. No other institution in the community is able to serve the Learning Society in quite the same way. No other has such cultural riches side by side with access to the myriad facts, figures, ideas, and impressions of the day. No other has a schedule quite so attractive, or an atmosphere quite so nonthreatening, for adults who want to pursue an issue to its source—and thus make a further investment in their own base of knowledge. No other can provide a learning uplift for all Americans: the 17 million under 5, the 45 million in kindergarten through 12th grade, the 12 million in higher education, and the 158 million others beyond the usual years of formal schooling.

Who would think that libraries and librarians could be partners in this cause? In a present and future where information stress is assured, who would think that libraries and librarians, remembering their heritage and endowed with a keen sense of responsibility, could be otherwise?

Recommendation I

"We recommend that libraries accept their central role in the Learning Society as valid learning centers. Further, we recommend that these centers be staffed with user-oriented professionals who not only understand community needs but also know learning resources. These 'learners' advisers would help patrons to gain the information and skills to function successfully in the Learning Society."

With information resources and technology at the flood stage, the case for a strong advisory service in all libraries is one-sided in its favor. When an accomplished adviser can capitalize on links with libraries close by and throughout a region, all citizens, regardless of age, stand to benefit. And while technological devices cannot substitute adequately for human, "user friendly" services, they still lengthen the adviser's and the library's reach.

Against this background, in any library, regardless of type, there should be a versatile, resourceful advisory service:

Public Libraries should have this service available for all ages. An adviser should promote love of reading as well as learning readiness among preschool children. Services to parents of preschoolers are also important in view of the recent Book Industry Study Group findings, which confirm the conventional wisdom that parental attitudes are the major factor in determining a child's attitude toward books and reading. For children and young adults, there might be help to increase independent learning and to supplement the strengths of elementary and secondary school library media centers. Then, the adviser can be resourceful and supportive for adults, enabling some to enhance the quality of their life through learning pursuits, and assisting others who must be given special help because they have weak academic backgrounds or related problems.

School library media centers should have strong advisory services at both elementary and secondary school levels. In the early grades, the adviser can work with teachers to introduce children to basic learning skills, build their enthusiasm for learning by themselves, guide them in homework, motivate their uses of libraries for studying and for extracurricular activities, and encourage the lifetime habit of reading for pleasure and information. At the secondary school level, similar advice should continue—developing learning skills, helping with assignments, promoting the desire for independent learning, encouraging the ongoing use of libraries. The advisers should reach for ways to help teachers and administrators enrich instruction and to ease their access to professional resources.

College and university libraries should be staffed with strong advisers to lead students toward advanced learning skills. They should provide subject-oriented bibliographic instruction so that students will master information skills for use both in formal academic pursuits and thereafter in the Learning Society. At the same time, advisers should be able to offer remedial help in basic information skills.

Encouraging individuals to enter the realm of the Learning Society is a task for more than one type of library alone. With their captive audiences, school library media centers have the best, most consistent opportunity to turn the introduction to independent learning into a lasting acquaintance. Elementary and secondary school library media centers should work hand in hand not only on teaching the use of information resources but also on stimulating an interest in reading and on providing learning incentives; as these programs progress, chances increase for cooperation with the public library. Actually, the secondary school library media program should actively promote the public library as a diversified, absorbing resource for teenagers, the most frequent dropouts from public library use.

Discovering the joys of the Learning Society can occur for preschoolers in the public library. Advisers can invigorate the process by meeting with parents on a one-to-one basis; the library should schedule programs for preschoolers and their parents—stories, films, and games—to develop learning readiness and skills. With more and more women in the workforce greater attention should be given to having programs for day care personnel. These programs could stress storytelling, reading aloud effectively, as well as other appropriate activities for that age group.

Older children's programming could include stories, films, reading guidance, and discussion groups. For young adults, the public library should build on its children's services, encouraging teenagers to try adult-level books. In this way, the institution would complement the secondary school by persuading younger people to become part of the Learning Society.

* * * * *

The person applying for a job with an arm in a sling may have been hurt in an accident. But it is also possible that, like about 23 million other Americans, this person cannot read and write well enough to fill out the application and is one of our functionally illiterate citizens.

Inwardly embarrassed, unable to cope on their own, frustrated and discouraged, these individuals represent something else: an unparalleled opportunity for the libraries of the nation to show their worth and their leadership as learning institutions. In fact, moving aggressively into the national vacuum in adult literacy education may be the single biggest opportunity for libraries today. If they can build well on the good works of pioneer libraries in literacy education, they will have truly made a difference.

Recommendation J

"We recommend that libraries become active in adult literacy education programs at local, state, and national levels."

At the local level, if a coalition against illiteracy already exists, public and community college libraries in particular should become more actively involved. However, if no coalition has been set up, libraries should move into the lead on forming one. As members of a partnership, librarians need to decide what library resources are necessary to support the literacy program and then work out ways to make those resources available.

On the broader state level, the state library agency and any statewide library associations and organizations need actively to promote, support, and take part in the state coalition, fighting illiteracy. As partners in that coalition, librarians should lead the effort to assess how libraries can support literacy education. They should also plan for integrating libraries in the statewide campaign.

Meanwhile, on the national level, a concentrated effort should engage national library organizations and associations, along with appropriate Federal agencies. Together, they should join and vigorously support projects aimed at eliminating illiteracy. In particular, they should seek assignments in the two most prominent national undertakings, the Coalition for Literacy and the National Adult Literacy Project. Librarians working at the national level should recommend what libraries can do to carry out literacy programs and then draft a country-wide plan of action.

To strengthen leadership through research and assessment

With all reasonable speed, librarians must retool their public presence, learn ways of active partnership, and ready themselves to lead their cohorts. On national, state, and local platforms, they must now stand up and be counted. New areas of cooperation and coordination must be found, developed,

and secured; well-promoted planning should be started; comprehensive systems should be fashioned.

The goal is to create an enduring Learning Society. Only by coalescing as they never have before will librarians carry out their share of the responsibility for this. And only by initially seeking answers to big questions can they generate the guidelines for their ascent to a new plane of leadership in American.

Recommendation K

We recommend that the nation's school library media centers and public libraries be assessed for their ability to respond to the urgent proposals for excellence in education and lifelong learning. Further, we recommended that studies be conducted in such vital areas as:

Defining information-seeking skills and behaviors;

Fostering adult literacy;

Promoting adult learning;

Defining training and retraining;

Developing a marketing strategy.

A Nation at Risk issued a clarion call for excellence in education. Are the libraries of America able to do their part in the country's overall response? This issue is of such importance that, as the first step, an assessment of the nation's libraries should be commissioned. Past efforts are sorely outdated. New appraisals of performance and effectiveness should be made, and current resources—print, nonprint, human, and equipment—ought to be reevaluated. To get the attention of as many people as possible, prominent citizens and community leaders ought to be part of this review. Then, once each decade, the libraries should be revisited to see how well they have supported the Learning Society in the intervening time.

Because learning needs in communities are bound to change and increase, society should know more about the information-seeking skills and behaviors of children and adults. Information-users will certainly continue to want library services; perhaps these services ought to be revised to reflect how individuals go about their search for information. Actual use of the card or computer catalog is less of an issue than what strategies work best in the search. Meanwhile, another facet of this inquiry would look into why young adults stop using libraries. This line of questioning would follow up on the 1983 Consumer Research Study on Reading and Book Purchasing, conducted by the Book Industry Study Group, Inc. Its conclusion: there has been a most unfortunate decline in book reading in the 16–21 age group, from 75 percent in 1978 to 63 percent in 1983.

Another area of needed study involves what libraries can do to foster adult literacy. This is a serious challenge because every citizen must be raised to a level of literacy if he or she is to succeed in the Information Age. While some states and municipalities have performed valiantly in this cause, no one community agency has taken over responsibility for it; secondary and postsecondary institutions sometimes hold that these adults are no longer their clientele.

All educational agencies in a community should join together to remedy the costly social and intellectual waste of illiteracy; the public and community college libraries need to be among them, cooperating to teach adults how to compute, cope, and survive by using newly acquired skills. But even as this activity goes on, there must be research on the best teaching strategies for literacy training, and successful techniques should be assessed with a special look at ones in which technology has been an effective aid.

The public library can also be of ongoing value as a place where all adults can learn. Regrettably, far too many citizens are unaware of this aspect of library service. Perhaps their ignorance stems from the voluntary nature of public library support; perhaps it occurs because so many adults never enter the library's door. Whatever the reason for this lack of awareness may be, the library is likely to be an even more plausible site for adult learning in years to come in light of the forecast that by the year 2000, two-thirds of our workforce will be in information-related jobs. With that prospect in the offing, research on patterns of adult study and learning should be increased.

To prepare library and information services for the new demands ahead, the library and information science community must define the educational needs of librarians and information professionals. All should know about the new technologies; some will specialize in helping people of different ages learn, while others will concentrate on helping adult patrons. As it now stands, too few libraries have personnel adequately schooled for these assignments. Two-thirds of public libraries in towns of 10,000 or under average less than two full-time staff apiece; only 19 percent of them have the basic graduate degree in library science. The implication is clear: staff members of most small public libraries do not have enough training to aid the learning recommended in this report. How should librarians be educated in subject and service specializations to expedite our creation of the Learning Society? Researchers should help search for answers to this question.

However, this endeavor will be of marginal value at best if adults in the community continue to be blissfully unaware of what their tax-supported public library can do for them. All too many studies say that very few American adults name the Library as the place they would go for information. Do they have questions about education or social issues or housing or job choices? In each instance, most of them do not know that the library would have solid answers, or leads, or both. Ultimately, active participants in the Learning Society will know what to expect from the public library, but that day has not yet arrived. it is a false hope for librarians to rely on the comforting assumption that the public knows that information needed is in the public library.

To reverse this situation, marketing strategies for all types of libraries have to be developed. This may rub practitioners the wrong way, but with the great need for information among all citizens and with a formidable mission to accomplish, there is no alternative. Librarians must harness modern means to raise taxpayers' awareness of what school and public libraries can do for them and their families as unique community resources. For the facts are very clear: the public library is not being used fully to achieve the goals of a Learning Society.

All of these steps represent an earnest start at fighting illiteracy, promoting adult learning, and developing marketing strategies. The research pursuits recommended here, led by the assessment of the nation's school and public libraries, will make the library community more cognizant of current realities. Armed with the results and benefiting from prototype programs in the field, librarians can move with such more assurance into the increasingly strenuous tug-of-war among many agencies for the support of the American people.

To expand linkages in support of lifelong learning

To the librarian, encouraging linkages and expanding networks are items of old business. Yet, they are as much a part of the library's future as the next generation of computers. Improving linkages, forming new ones, and settling all the inherent problems represent as big a challenge as library leadership now faces. How it responds will display how well the people of the library world take to being leaders at the forefront of the Information Age.

Existing, even decades-old, practices show the way: institutions joining with others to avoid wasteful duplications, reaching farther for interlibrary loans, and using technology more persistently to tap into the most likely to some 2,000 data bases publicly accessible in the country.

The long-range goal of such linkages should be to enhance learning at the library, thus brightening the prospects of achieving a Learning Society with the nation's libraries as the cornerstone of the network. Linkages should always reflect the needs of people and should be sensitive to decisions on the best ways to respond to those needs. This calls for planning on how to combine library and community resources to benefit all citizens.

Planners need to understand the different functions of libraries in their area. School library media centers, academic libraries, and special libraries have distinct clienteles. In contract, the public library works for *all* members of the community. Where it can, this library should support programs in the school library media centers and in the libraries of higher education institutions. At the same time, it needs to focus on the independent learner—most of the time an adult; it needs also to be ready to guide preschoolers into learning, while introducing young adults leaving school to the lifelong services available to them through the public library.

Committed to the broad goals of a nationwide Learning Society, libraries of all types still must concentrate on the needs of actual or potential clients. To program for them effectively, libraries must cooperate with other institutions in transcending boundaries and resource limitations.

Does a certain library seem to be self-sufficient? If so, chances are it disappoints its users more than the one which calls on other libraries for assistance. The latter will be the stronger in moving us closer to the Learning Society. The more effective library will be the one actively reaching outward, formulating linkages to help clients broaden and refine their base of knowledge with resources from many places, and assuming fully the responsibility for having the trained staff and learning resources appropriate to its mission; for, a chain of linkages is only as strong as the sum of the strengths of each link. The sharing of scarcity is not service-effective.

Recommendation L

"We recommend that librarians at local, state, and national levels develop and implement plans to share the resources and services of their institution in support of education and lifelong learning. We also recommend that at the national level, leadership should be exerted to endorse, assist, and

support the states and local communities in their efforts to share resources."

To carry out this recommendation, steps should be taken on three planes. *At the local level,* library community planning councils need to be formed; they should be made up of representatives of each type of local library, as well as representatives of local government, educational institutions, business, industry, and the public. Designing library linkages should be the council's main charge. It might consider listing the holdings of each library in the area, then making these lists available to the public. A further option: creating delivery systems which give residents access to all collections through direct, electronic interlibrary loan, or other means. The planning phase should draw to best advantage on the community's library and information resources. The deliberations need to recognize the formal and informal learning needs of children, young adults, and adults in that particular setting.

At the state level, support should be strengthened and sustained for state advisory councils to promote resource-sharing. Council members need to update and expand their plans and incentives for developing networks. This might call for permissive legislation, budgeting enough financial support, and training professionals and others in all facets of networking. These councils ought to involve people from state government, state education and library agencies, and different levels of education, business, and industry. They should step up efforts to give every state resident access to full library and information service. Taking a leadership position, these councils should strive to make the public aware of the vital place of libraries in filling their information needs and, more broadly, how libraries serve as community-wide educational assets. Along with their public awareness activities, the councils should conduct an ongoing advocacy campaign with the governor, legislature, state education agency, state library agency, and leaders of business, industry, and public and private higher education institutions.

At the national level, there should be cooperation in framing broad policies and plans to improve library and information services for all citizens. This step should engage the experience and judgment of men and women from Federal agencies, primary library and education associations, national libraries, relevant public utilities, and private-sector firms with an interest in sustaining sophisticated, service-oriented systems of libraries throughout America. Where effective coalitions already exist, they should be given ongoing encouragement and support. A strong call should come from the Federal government to states and localities, encouraging them to reevaluate their educational priorites and to consider new and better strategies for giving libraries a proper role in support of education and lifelong learning. Joining in this call might be the Congress, the governors, and national and professional organizations. At the national level, the library community should be an active participant in coalitions for lifelong learning.

Throughout these planning endeavors, there should be clear public recognition that libraries *already* serve as one distinctive source of individual lifelong learning for all Americans. Their goal: to help everyone develop their talents to the fullest. To reach this goal for all its clients, libraries should be prepared to change their programs as the needs in the community change.

As part of the planning process, certain lines of development should be considered, such as:

"Giving greater visibility and importance to children's and young adult services in the *public library,* and heightening young adult and adult improvement of learning through collection development, staff training, and cooperative progamming with community organizations;

"Starting reading-stimulation and learning incentive programs in the schools as a cooperative activity between *school library media center* staff and teachers should be given a high priority. Arrangements should be made to carry them out within the school and with the public library;

"Making collections and staff resources of academic and special libraries available to all parts of the community to undergird formal and informal learning."

To refine education for library and information science

In the modern library, linkages and networks are becoming more and more important; of them all, none is more vital than the link between librarian and client, because service is the heartbeat of library work.

But while service is an inflexible given of their trade, librarians must be flexible and bend with the times. Nothing suggests that more than an evolution in titles. In 1970 only five library schools incorporated the words "Information Science" in their title; by 1984, of the 59 ALA-accredited American library schools, 38 had introduced the term "information management" in their titles, while 21 retained their previous names. The change has broadened the horizon for both school and student; options have increased on both sides as courses have been generated on automated systems, information technology, data base uses, networking, and media. Pressures on the schools in these times of technology and inundations of information have been powerful. To a great extent educators have adapted.

However, another reality has gripped them: in a few short years, the market for librarians has gone stale. Highly vulnerable to budget-cutters, the library has lost some of its children's specialists and story tellers; throughout the nation, elementary school library media professionals have been furloughed.

Reading the handwriting on the wall, undergraduates have veered off in other directions. From 8,000 in 1970, the number of graduates from all library schools fell to 5,000 in 1982. That spectacle has not gone unnoticed by higher education: two accredited graduate programs for educating librarians folded in 1983, and three others determined this year not to take any more new students.

The irony is that this reduction comes at a time when the information management field is burgeoning as never before. The special libraries in business, industry, and the professions continue to prosper. Librarians with particular academic specialties—most notably in the sciences and mathematics—are in extremely short supply. California cannot get enough minority candidates for cities like Los Angeles where more than half the population is minority. Meanwhile, librarians need updating, much like the electrical and computer engineers who have to refurbish their know-how within five years after graduation. The more dependent they become on technology, the more librarians also need professional reeducating.

Hence, schools of library and information science continue to have a strong reason for being, as long as they have antennae well-tuned to pick up signals of change. Of the 57 courses offered in a long-established library education program in the Northeast, 15 deal with technology and information management, areas that only a few years ago would have been quite alien to a graduate school's catalog.

A nation gearing up for a Learning Society must have mechanisms for training women and men in the new as well as the old art and science of information handling and use. The graduate programs stand as a national resource in this time of urgency. The library community has the obligation not only to campaign for keeping those institutions alive, but also to apply its full strength to recruiting the best and brightest neophytes into this career avenue.

Recommendation M

"We recommend that library and information science educators reform and refine the recruitment, preparation, and continuing education of librarians and information scientists. Further, we recommend that the entire library community hold higher education responsible for providing high-quality education to equip professionals with special competencies to work effectively in libraries and information centers in the Learning Society."

If these recommendations are to be converted into realities, library educators will have to undertake well-defined tasks. They must enliven their recruiting, reshape curriculum, and raise to a new level of professionalism and continuing education of their peers in the field. In each of these phases, they will be displaying the more vigorous leadership that is vital for librarians of the 1980's.

An active step-up of recruitment should be preceded by some questioning. Do we need to define more clearly just what professional librarians do? What are the hallmarks of the successful practitioner? What facets of the profession appeal the most to those individuals? Library and information science educators could also benefit from throwing out lines to all types of libraries. Perhaps nonprofessionals or even users in those institutions would make strong candidates. Perhaps recruiters could focus as well on individuals with special academic backgrounds such as science, mathematics, and foreign languages.

To heighten the appeal for candidates, the schools need to revamp times and sites of programs to make them more convenient. At the same time, recruitment might be buttressed by aggressive marketing to present the image of the profession in a new light.

Along with more lively recruiting, library educators need to concentrate on curriculum improvement. To aid in this process, they should draw on the expertise of faculty leaders in allied disciplines, as well as on the experience of library practitioners; these individuals might then be invited to teach new courses on their respective specialties.

Leadership in library and information science education has pinpointed areas on which larger emphasis might be placed. For candidates who want to work in school library media centers, learning theory and child development should be offered. Or the school of library and information science should arrange to have students take these courses in another school on the campus.

Political awareness and organizational structures need to be taught. Experience

underscores that librarians ought to know more about how political systems work. At the same time, the improved curriculum should include modern marketing principles and how to use them for the library's good. Far more than just a gimmick, imaginative marketing and good public relations may well be the library's best lifeline to a stable future.

Along with these course changes, the candidate needs to have ways to learn on the job and access to field internships. There should also be opportunities to specialize in such library career areas as work with children and young people, literacy, business, and communications.

Once the student has become a practitioner at work, the need for education may change character, but it does not end. Continuing professional development is more of an obligation in librarianship than ever before. Everyone in the library community—librarians, their employers, their graduate schools, funding agencies, membership organizations—should accept the precept that professional development is a continuing responsibility shared by them all. Every library and library system should budget annually to cover continuing education costs for professionals and other staff.

On a parallel track, library and information science faculty members need to be enhancing their growth. At intervals they should sharpen their skills by working in libraries. Then, to keep abreast of issues and trends affecting the profession, these men and women should gain experience in related job fields, perhaps through stepped-up programs of research, consulting, or exchange.

AN AFTERWORD FOR ALL CITIZENS

(Libraries remain the meccas of self-help, the most open of open universities . . . where there are no entrance examinations and no diplomas, and where one can enter at any age.—Daniel J. Boorstin, Librarian of Congress.)

The recommendations of this report aim to foster the view that American libraries are congenial homes of ideas, homes to be enjoyed, valued, and used regularly by all Americans as they participate in the Learning Society. They may have to be redesigned to suit a new era, but the warmth, the concern, the help, the wealth of information remembered from previous visits still remain.

As citizens of the world's longest-lasting democracy, we must have easy access to libraries more than ever before. How well we govern, how intelligently we think through one difficult issue after another, how rationally we perform at center stage on the planet, will depend on our taking advantage of that resource.

Throughout our lives, the richest gold mines, the ones offering us the best chance to pan for the facts that yield knowledge, are libraries. Knowledge gained there can convert bias into understanding, and understanding into wisdom.

For decades, libraries have graced different sites in our town. But many of us have never bothered to pay attention to them. The public library, the school library media center, the academic and special libraries—all too ofen they are unknown quantities to us.

The time has come to change all that. Too much critical information is reverberating through our lives for us to continue ignoring those institutions. If they had to be shut for lack of support, we could wind up paying a fee to access a commercial data base through our home computer or searching for alternative sources of information, which would most likely be much more costly or inconvenient. Many of us probably could not afford that. As a result, the ideal of a democracy of ideas would evaporate, and information illiteracy would soar.

Fortunately, we do not have to design and build a new home for ideas from the ground up. It's already there. Libraries may need better furnishings, or more highly trained staff, or enhanced resources, or stronger links with neighbors, but the house stands.

That is where the child goes to learn how to make a Chinese kite. A student goes there to appeal for help on understanding Kafka's Metamorphosis, to know about the modulus of elasticity and the minimum tensile strength of 1040 steel. An adult asks for a clearer insight on the Child Care Foods Program; another inquires about the total amount spent by NASA since its inception.

For the curious, for those with active and inquiring minds, libraries are a most welcome home. We have no institutions that are more likely components of a Learning Society spanning all our years; without them, a full Learning Society simply could not be realized. If communities were without libraries, the alternatives would be illogical, inadequate, and downright alarming.

Our nation should use the institutions it has. It should insist that our libraries—academic and public, school library media centers and special—become full partners in a dynamic Learning Society. Given that happy change, the excellence of education in America can become a sound promise, rather than a forlorn dream.

The recommendations and strategies set forth in this report are intended to bring the American library into that vital partnership. It stands as a framework on which the community itself must now build. In the long run, it will be up to dedicated artisans in national, state, and local positions to turn this framework into a new structure. Their ideas, their approaches, their strategies, blended in common effort, will construct a home to endure in the Information Age.●

THE CALENDAR

Mr. BAKER. Mr. President, I have two items that appear to be cleared on this side for action by unanimous consent on today's calendar. I refer to Calendar Orders 1086 and 1089.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, they are both Senate joint resolutions.

NATIONAL CHRISTMAS SEAL MONTH

The joint resolution (S.J. Res. 324) designating the month of November 1984 as "National Christmas Seal Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 324

Whereas among the fastest rising causes of death in our country are chronic obstructive pulmonary diseases. More than seven million Americans, among them over two million children, suffer from asthma. More than two million of our people have emphysema. Almost eight million Americans suffer from chronic bronchitis. Before the end of this decade it is projected that deaths from lung cancer will surpass breast cancer as the leading cause of cancer deaths among American women;

Whereas one out of twelve, or more than seventeen million Americans are afflicted with chronic diseases of the lung. The consequence is more than two hundred and twenty-five thousand deaths annually, with a cost to the Nation of more than $29,400,000 in medical expenses, lost wages, and untold dollars in lost productivity;

Whereas the American Lung Association—the Christmas Seal people—is a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations. It is this Nation's first national voluntary health organization. Founded in 1904 to combat tuberculosis, today the association, its medical section, the American Thoracic Society, and its one hundred and forty-four federated associations throughout the country, are dedicated to the control and prevention of all lung diseases and some of their related causes. These include smoking, air pollution, and occupational lung hazards;

Whereas, since 1907, Christmas Seals have been used by the association to raise funds through private contributions, to pioneer and develop health education programs in our schools. The tradition remains strong. This year, sixty million homes will receive Christmas Seals;

Whereas this year the association is conducting a new public education program, "Marijuana: A Second Look"—which is targeted to nine, ten, and eleven-year-old children. It is not waiting until marijuana smokers begin suffering from profound lung diseases before it acts. The program is teaching America's youth about the hazards of marijuana smoke to lungs. Once again, the association is taking a leadership role in protecting this country's lung health; and

Whereas, through its community lung associations, the American Lung Association helps educate the public, patients, and their families about all forms of lung diseases and their causes, and sponsors community action programs. In the past decade, it has provided more than $10,800,000 for research programs specifically designed to investigate prevention and control of lung diseases. It has pioneered in the development of self-management programs as an adjunct to medical care of asthma both for children and adults. And it conducts vigorous campaigns against cigarette smoking and air pollution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1984 is designated "National Christmas Seal Month". The President is requested to issue a proclamation calling upon all Government agencies, educational, philanthropic, scientific, medical, health care organizations and professionals, and the people of the United States to observe that month with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. OLYMPIC TEAM

The joint resolution (S.J. Res. 338) to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia, and the 1984 summer Olympic games in Los Angeles, CA, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 338

Whereas the attention of millions of people around the world has focused on the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympics in Los Angeles, California;

Whereas the contingent of athletes from the United States include some of the finest athletes and competitors ever produced by the Nation;

Whereas the athletes representing the United States have achieved great success personally and for the Nation; and

Whereas the United States Olympic athletes have represented themselves and the Nation with extraordinary grace and courage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the athletes of the United States Olympic team are congratulated for their performance and achievements in the 1984 winter and summer Olympics and the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by such athletes.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, could I inquire of the minority leader if there are items on today's Executive Calendar that he is prepared to clear for action by unanimous consent at this time.

Mr. BYRD. Mr. President, there is one item that has been cleared on this side. That is Calendar No. 914.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering nomination No. 914.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The legislative clerk read the nomination of Dodie Truman Livingston, of California, to be Chief of the Children's Bureau, Department of Health and Human Services.

Mr. DOLE. Mr. President, on July 31, the Committee on Finance held a hearing on the nomination of Dodie Truman Livingston as Chief of the Children's Bureau and Commissioner of the Administration for Children, Youth, and Families, Department of Health and Human Services. As chairman of the committee, it is a privilege and a pleasure to report the committee's unanimous decision to report favorably the nomination of Mrs. Livingston.

For the record, the financial disclosure forms of this nominee have been reviewed, as well as other materials filed with the Office of Government Ethics. The Finance Committee is satisfied that there are no problems in this area.

The Commissioner of the Administration for Children, Youth, and Families advises the Secretary of Health and Human Services, the Assistant Secretary for Human Development Services, and other Federal and departmental agencies. The Commissioner is the principal advocate at the Federal level for the needs, concerns, and interests of children, youth, and families. The Commissioner plans, develops, and implements a broad range of activities designed to support and encourage the sound development of children and their families, as well as serving as the focal point in the Department of Health and Human Services for initiatives affecting children and families.

Through its headquarters and 10 regional offices, the administration for children, youth, and families manages programs such as Head Start, Runaway Youth, Adoption Opportunities, Child Abuse Prevention and Treatment, and the National Clearinghouse on Child Abuse and Neglect. The Commissioner is also responsible for certain programs under title IV of the Social Security Act—child welfare services and training, foster care and adoption assistance. These programs are especially important to the Finance Committee whose members were closely involved in the development of the programs.

As Commissioner, Mrs. Livingston will be called upon to provide executive direction, leadership, management strategy, and legislative liaison with the Congress, the Assistant Secretary for Human Development Services, and the Assistant Secretary for Legislation. It is in this role that the Congress will have the greatest contact with Mrs. Livingston and her staff.

Mrs. Livingston has had several years of experience on the Federal level and has organized and supervised a staff of some 200 people. She has also had the valuable experience of working in State government. This combination has given her an understanding of the need for a close relationship and improved coordination between the State and Federal Governments. Mrs. Livingston appreciates the need for this coordination aimed at improving the quality of services which her administration and the Department of Health and Human Services provide.

Mrs. Livingston is a graduate of San Jose State University and served as a writer and investigative reporter for the Oakland Tribune for a number of years. She is active here in Washington, DC, with a number of programs involving children and youth.

Finally, Mrs. Livingston brings a personal dimension to the position—she is a single mother who has been through the adoption process and knows first hand the problems associated with day care and the so-called latch-key issue. This experience will enhance her administrative skills in an important way.

Mrs. Livingston is a fine nominee for the position of Commissioner of the Administration for Children, Youth, and Familes. I urge the Senate to approve the nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING COLUMBUS AND ANOTHER GREAT MAN

HAPPY BIRTHDAY SENATOR STENNIS

Mr. BYRD. Mr. President, for Americans today, August 3, is the anniversary of two important events. First, on this day in 1492, Christopher Columbus set sail from Spain on his initial

great exploratory expedition. Among the results of that effort were the discovery by Europeans of the New World and the eventual founding of the United States.

The second anniversary we celebrate today may be less well known to most people, but it is an anniversary that carries particular importance for the U.S. Senate and the Members of the Senate on both sides of the aisle and, therefore, for Americans in general. On this day in 1901, way down in Kemper County, MS, Cornellia Adams Stennis, the devoted wife of Hampton Howell Stennis, gave birth to a baby boy. That boy grew up to attend Mississippi State University and the University of Virginia Law School; to be elected to Phi Beta Kappa; to become a lawyer, a member of the Mississippi House of Representatives, a prosecuting attorney, and a circuit court judge; and finally, in 1947—the year in which I first served the people of West Virginia in public office—Senator STENNIS was elected to the U.S. Senate—a feat that the people of Mississippi have repeated in every election in which he has run since then.

This is a remarkable story of a man of integrity and character and manner and bearing and knowledge who has risen from humble beginnings to accomplish a public service record that is not to be equaled often.

That boy, as I say, grew up to be our esteemed colleague, JOHN C. STENNIS from Mississippi.

I know that all of the other Senators join me today in wishing Senator STENNIS a very happy birthday. JOHN STENNIS is not only the most senior Member of this distinguished body, he is and has been one of its most respected and most admired Members, as well.

I have said many times that Senator STENNIS looks like a Senator, talks like a Senator, conducts himself like a Senator. I am going to paraphrase a certain cigarette advertisement—he looks like a Senator should, he talks like a Senator should, he acts like a Senator should, and he is a model Senator. I kind of think of him myself as a Senator's Senator.

His brilliant, rational mind; his commonsense approach to things; his warm, courtly and affable demeanor; his manner, his steady vision and fair-minded wisdom have served our country and his own State and the United States going on 37 years.

During these many years, Senator STENNIS has graciously placed many of us in his debt. He is a cherished friend of scores of Senators, and he has captured a special niche in the hearts and in the esteem of each Member of this historic assembly—not only each Member of this body now, but also each Member throughout the years. Once again, I wish Senator STENNIS a happy and joyous 83d birthday. I know that all Senators join me in this wish, and in the hope that for him, there will be many more birthdays and years of fellowship and service in the Senate in the future.

ORDER WITH REFERENCE TO FILING OF REPORTS

Mr. BAKER. Mr. President, I have one request in respect to the filing of reports that I believe has been submitted to the minority leader. Let me state it now for his consideration.

I ask unanimous consent that committees have until the hour of 3:30 p.m. on today for the purpose of filing reports.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 3:30 P.M. TODAY

Mr. BAKER. Mr. President, I also ask unanimous consent that the RECORD remain open not only for filing reports but also for the making of statements until 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON MONDAY, AUGUST 6, 1984

Mr. BAKER. Mr. President, I will propose a unanimous-consent request, a copy of which I have supplied the minority leader, incorporating the so-called boilerplate language for adjournment.

If the Senate adjourns on today until Monday next, I ask unanimous consent that when it convenes, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; and that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business, to extend no later than 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each; provided, further, that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, AUGUST 6, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT: BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, there will be a cloture vote on Monday pursuant to the motion filed yesterday to limit debate on the motion to waive section 303 of the Budget Act with respect to the agriculture appropriations bill.

I have consulted with the minority leader on this subject, and I now have a unanimous-consent request, a copy of which has been supplied to the minority leader, to establish the time and circumstances for the disposition of the matter.

I ask unanimous consent that the cloture vote on the Baker motion to waive the Budget Act with respect to the consideration of the agriculture appropriations bill occur at 5 p.m. on Monday, August 6, and that the mandatory quorum under rule XXII be waived.

I further ask unanimous consent that at 4 p.m. on Monday, August 6, there be 1 hour of debate on the motion, to be equally divided between the chairman of the Budget Committee and the ranking minority thereof or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I reserve the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, I have no objection. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The text of the agreement follows:

Ordered, that at 4 p.m. on Monday, August 6, 1984, there be 1 hour of debate on the motion of the Senator from Tennessee (Mr. BAKER) to waive section 303 of the Budget Act of 1974, to be equally divided and controlled by the chairman and ranking member of the Budget Committee (or their designees).

Ordered further, that at 5 p.m. on that date a cloture vote occur on that motion, and that the mandatory quorum call pursuant to rule XXII be waived.

PROGRAM

Mr. BAKER. Mr. President, on Monday, the Senate will convene at the hour of 12 noon.

After the recognition of the two leaders under the standing order, there will be a special order in favor of one Senator, to be followed by a period for the transaction of routine

morning business until the hour of 1 p.m. in which Senators may speak for not more than 5 minutes each.

Mr. President, even though we will be on the motion to waive the Budget Act in respect to the agriculture appropriations bill, there are other matters that I hope the Senate might agree to turn to on Monday. Among those are the veterans health bill, S. 2514; small business spare parts, S. 2489, on which I expect there will be a rollcall vote; the vocational education bill, S. 2341; the women's pension equity bill, H.R. 4280; and I am being urged to include in that list and I do now include in that list for possible consideration the banking bill.

But I hope the Senate might agree to consider some or all of those measures in addition to its deliberations on the motion under the Budget Act and, hopefully, the disposition of the agriculture appropriations bill.

ROLLCALL VOTES ON MONDAY

Mr. BYRD. Mr. President, if the distinguished majority leader will indulge me at this late moment in the program today, inasmuch as the cloture vote is set for Monday, I believe at 5 p.m., does this automatically mean or should this be taken to mean on the part of the Senators that there will be no rollcall votes before 5 p.m.?

Mr. BAKER. Mr. President, I thank the minority leader for his request.

I am grateful that he brought this matter to the attention of the Senate. I believe I should have anticipated that because it is an important question.

If I were listening in my office, as some Senators are, to the arrangements that have been made for Monday, I would assume, I guess, that there would be no votes before 5 o'clock. That is not the case.

There is a distinct possibility that there will be other rollcall votes on other matters before 5 p.m., the assigned time by unanimous consent for the cloture vote. I am not certain of it. But the one measure that comes to mind offhand is the small business spare parts bill. If we get that up, our calendar notation now carries a request for a rollcall vote. So Senators should be aware of the possibility of rollcall votes on Monday prior to the hour of 5 p.m. I thank the minority leader for bringing this matter to my attention.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

ADJOURNMENT UNTIL MONDAY, AUGUST 6, 1984

Mr. BAKER. Mr. President, I see no other Senator seeking recognition.

I now move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and, at 1:32 p.m., the Senate adjourned, until Monday, August 6, 1984, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 3, 1984:

TENNESSEE VALLEY AUTHORITY

John B. Waters, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 1983.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Dodie Truman Livingston, of California, to be Chief of the Children's Bureau, Department of Health and Human Services.

HOUSE OF REPRESENTATIVES—*Friday, August 3, 1984*

CONFERENCE REPORT ON H.R. 5712

Pursuant to the order of the House on Thursday, August 2, 1984, Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 5712) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes":

CONFERENCE REPORT (H. REPT. No. 98-952)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5712) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 21, 22, 49, 58, 61, 70, 80, 81, 90, 96, 97, 121, 150, and 151.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 15, 26, 33, 38, 41, 43, 46, 48, 50, 52, 56, 57, 60, 84, 88, 92, 93, 94, 95, 98, 102, 106, 107, 110, 111, 112, 114, 116, 118, 123, 124, 126, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, and 144, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$31,085,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$192,418,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *, of which not to exceed $1,700,000 is for Executive direction, Administration*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *During fiscal year 1985 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $6,500,000. During fiscal year 1985, total commitments to guarantee loans shall not exceed $15,000,000 of contingent liability for loan principal.*

And the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561), there are appropriated to the Fisheries Loan Fund, $2,500,000 from receipts collected pursuant to that Act: Provided, That during fiscal year 1985 not to exceed $300,000 of the Fisheries Loan Fund shall be avaiable for administrative expenses.

And the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$13,694,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert *$77,467,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $24,830,000.

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$71,150,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows: In lieu of the sum named in said amendment, insert *$3,000,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,913,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$431,114,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *and in addition, $10,000,000*; and the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

ORGANIZED CRIME DRUG ENFORCEMENT

For expenses necessary for the Presidential Commission on Organized Crime, $1,500,000.

And the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,147,123,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$329,988,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$576,417,000*; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,000,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$86,056,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$5,500,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $12,747,000, of which: $2,299,000 is for reports, studies, and program monitoring as authorized by section 5(a)(1) and section 5(a)(5) of Public Law 98-183; $1,642,000 is for hearings, legal analysis and legal services as authorized by section 6(f) and section 5(a)(1), section 5(a)(2) and section 5(a)(5) of Public Law 98-183; $4,999,000 is for field operations as authorized by section 5(a)(1) and section 5(a)(5) of Public Law 98-183; $831,000 is for publications preparation and dissemination as authorized by section 5(a)(4) of Public Law 98-183; $1,217,000 is for Federal evaluation as authorized by section 5(a)(3) and section 5(a)(5) of Public Law 98-183; $1,231,000 is for liaison and information dissemination as authorized by section 5(a)(4) of Public Law 98-183; and $528,000 is for a clearinghouse library as authorized by section 5(a)(4) of Public Law 98-183.

And the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $19,500,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, and sections 6 and 14 of the Age Discrimination in Employment Act; not to exceed $400,000 for the Office of the Chairman; not to exceed $904,000 for the Offices of the Commissioners; not to exceed $269,000 for the Office of Congressional Affairs; not to exceed $839,000 for the Office of Public Affairs; and not to exceed $563,000 for the Office of Special Projects; $160,755,000.

And the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$2,500,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,400,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,685,000*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert *$4,800,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert *$8,500,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *and Related Agencies*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert the following:

SEC. 511. The amount appropriated in this Act for each appropriation account listed in this section is reduced as follows: "Salaries and Expenses, Antitrust Division", $1,000,000; "International Conferences and Contingencies", $400,000; and "International Boundary and Water Commission, United States and Mexico, Salaries and Expenses", $400,000.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 6, 11, 13, 14, 17, 18, 19, 20, 23, 24, 27, 29, 30, 31, 32, 34, 36, 37, 39, 42, 44, 45, 47, 55, 63, 64, 65, 68, 72, 73, 74, 77, 79, 82, 83, 87, 89, 101, 103, 105, 108, 109, 113, 115, 119, 122, 125, 127, 143, 145, 147, 148, and 149.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
BERNARD J. DWYER,
ROBERT J. MRAZEK,
BOB CARR,
JAMIE L. WHITTEN,
GEORGE M. O'BRIEN,
CLARENCE E. MILLER,
JOHN EDWARD PORTER,
SILVIO O. CONTE,
Managers on the Part of the House.

PAUL LAXALT,
TED STEVENS,
LOWELL P. WEICKER, JR.,
WARREN B. RUDMAN,
MARK O. HATFIELD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DENNIS DECONCINI,
DALE BUMPERS,
TOM F. EAGLETON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5712) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1985, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 1: Appropriates $35,990,000 as proposed by the Senate instead of $36,590,000 as proposed by the House.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

Amendment No. 2: Appropriates $85,500,000 as proposed by the Senate instead of $85,406,000 as proposed by the House.

The conference ageement provides for an increase above the budget request of $400,000 for fifteen positions to develop improved data for the Quarterly Financial Report. The conference agreement does not provide for the requested increase for International Data Base Activities and provides $250,000 of the requested increase for Foreign Trade Statistics.

PERIODIC CENSUSES AND PROGRAMS

Amendment No. 3: Appropriates $81,000,000 as proposed by the Senate instead of $84,214,000 as proposed by the House.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Amendment No. 4: Appropriates $31,085,000 instead of $30,787,000 as proposed by the House and $31,450,000 as proposed by the Senate.

The conference agreement restores $317,000 for the Office of Strategic Resources that had been proposed but disapproved for transfer to the International Trade Administration. The conference agreement does not provide for the requested increase of $365,000 for the patent licensing program.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $200,000,000: Provided, That during fiscal year 1985 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the appropriation shall be distributed as follows:

Public works grants	$130,000,000
Planning assistance	27,000,000
Districts	(16,000,000)
Indians	(3,000,000)
States	(3,000,000)
Urban	(5,000,000)
Technical assistance	8,000,000
University centers	(4,000,000)
Research and Evaluation	2,000,000
Economic adjustment grants	33,000,000
Total	200,000,000

The conferees agree that of the $33,000,000 appropriated for Economic Adjustment Grants, Title IX programs, not less than $16,500,000 shall be for Revolving Loan Fund projects.

The conferees are aware of a Department of Commerce grants management procedures manual which would drastically change EDA's project selection procedures and its evaluation, review and approval process. The new manual would make changes in EDA's operational concepts, such as severely reducing the role of economic development representatives and evaluating project applications, as well as diluting the responsibility of the Assistant Secretary for Economic Development. Information available to the conferees indicates that the new manual would require procedures which would conflict with the economic development process mandated in EDA's enabling legislation. The conferees can not support such changes and, therefore, expect the Assistant Secretary to operate the agency in accordance with established policies and practices which were in effect on July 1, 1984, and which are consistent with EDA's legislative mandate.

SALARIES AND EXPENSES

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1985.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have retained language proposed by the Senate pertaining to Economic Development Representatives, but have modified the language to require forty-nine EDR's and to allow EDA to reallocate unfilled positions within the current organizational structure to maximize efficiency and national coverage, provided no State is denied effective representation. The conferees are agreed that two EDR's should be assigned by EDA to New York State on a full-time, permanent basis. One EDR must be placed in New York City and exclusively assigned to provide planning and program assistance to eligible communities and areas within the city of New York, Nassau, Suffolk, and Westchester Counties. One EDR must be located in an upstate New York community and exclusively assigned to provide planning and program assistance to eligible communities and areas in the upstate region.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Amendment No. 7: Deletes language contained in the House bill authorizing the purchase of motor vehicles for law enforcement use.

The conferees are aware that the legislation concerning the administration of export enforcement activities has not been enacted. Until such legislation is enacted and such determination made, the conferees are agreed that it would be inappropriate to predetermine the matter through funds provided in this Act.

Amendment No. 8: Appropriates $192,418,000 instead of $198,898,000 as proposed by the House and $186,037,000 as proposed by the Senate for the International Trade Administration.

The conferees agree that $25,000,000 shall be provided to carry out a Trade Adjustment Assistance Program in fiscal year 1985, comprised of the following program elements:

Technical assistance grants	$16,500,000
($1,000,000 to Tailored Clothing Technology Corporation)	(1,000,000)
($1,000,000 transfer to Office of Textiles and Apparels)	(1,000,000)
Direct loans	6,500,000
Administration	2,000,000
Loan guarantee authority	(15,000,000)
Total, Trade Adjustment Assistance	25,000,000

In addition, the conferees have provided for the following increases above the budget request: $400,000 for 10 additional positions for antidumping and countervailing duty activities, and $2,500,000, to be combined with the $1,000,000 technical assistance grant from the Trade Adjustment Assistance program for a total of $3,500,000, for the Tailored Clothing Technology Corporation (TC)[2].

The conferees have not provided for the requested increase of $3,587,000 for export enforcement. In addition, the conferees have provided only $1,000,000 of the requested increase of $3,257,000 for sectoral analysis. The conference agreement assumes the use of $2,000,000 in carryover balances, $7,000 in unidentified absorptions, a reduction of $317,000 related to the disapproval of the proposed transfer of the Office of Strategic Resources and an administrative reduction of $262,000 for Executive direction, Administration.

Amendment No. 9: Restores the portion of the matter stricken by the Senate amendment that provides a limitation of $1,700,000 for Executive direction, Administration, but deletes the other two earmarkings in the House bill.

Amendment No. 10: Restores the matter stricken by the Senate amendment with an amendment that provides a limitation of $6,500,000 for direct loans and $15,000,000 in loan guarantee authority for the Trade Adjustment Assistance program.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language that requires the Minority Business Development Agency to maintain a permanent position and full-time office in the City of Pittsburgh, Pennsylvania.

Amendment No. 12: Restores the matter stricken by the Senate amendment relating to the notification requirement for working capital activities, and strikes the language proposed by said amendment.

The Senate amendment provided for the Department's Inspector General to certify as proper payment all billings for reimbursement to the Working Capital Fund. This reflected a concern that the charges for services to the various departmental agencies were exceeding what the services cost the agencies before they were consolidated. The Inspector General (IG) has indicated that implementation of the Senate amendment would require a major increase in his staff. In deleting the Senate amendment, the conferees are agreed that: (1) the IG will complete his report of the Working Capital Fund by January 1, 1985 so that it can be reviewed during the fiscal 1986 hearings held early next year; and (2) the IG's report will include an analysis of the reasonableness of the fees charged for the services rendered.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 13: Reported in technical disagreement. The managers on that part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes language in the House bill and inserts language authorizing travel and tourism promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that authorizes the purchase or construction of temporary demountable exhibition structures for use abroad.

Amendment No. 15: Provides $8,000 for representation expenses as proposed by the Senate instead of $5,000 as proposed by the House.

Amendment No. 16: Appropriates $12,000,000 instead of $8,583,000 as proposed by the House and $13,000,000 as proposed by the Senate.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that requires the United States Travel and Tourism Administration to establish offices in Italy, the Netherlands and Australia no later than January 1, 1985, and that such offices be in addition to rather than in lieu of any offices of the United States Travel and Tourism Administration that existed in foreign nations on April 1, 1984. The conferees expect that positions for these new offices will not be filled by reducing personnel in other overseas offices.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that authorizes the maintenance of 399 commissioned officers on the active list.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$1,113,066,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for the following programs and activities not included in the level of the budget request:

Sea Grant	$39,000,000
Coastal Zone Management, for Sec. 306 and Sec. 306(a) grants	34,000,000
Interstate Grants:	
Chesapeake Bay	300,000
Great Lakes, Delaware Bay, Pacific Northwest	700,000
Estuarine Sanctuaries	2,250,000
National Marine Sanctuaries Program	700,000
Program Management (CZM)	650,000
Emergency New Jersey Beach Rehabilitation	2,000,000
National Undersea Research Program	6,485,000
Great Lakes Environmental Research Laboratory	3,844,000
Ocean Thermal Energy Conversion	480,000
Polymetallic Sulfides	2,000,000
Salmon Vessel Buyback	2,500,000
Geodetic Reference System	1,250,000
NACOA	630,000
Restore reductions proposed for marine services	10,926,000
South Carolina Geodetic Survey	400,000
Micronesia Weather Service	912,000
Ocean and Great Lakes Assessment and Services	8,000,000
Geopositioning System for NOAA Ships	200,000
Resource Surveys	1,078,000
Protected Species Biology	500,000
Habitat Research	4,543,000
Salmon Research, Dam Research, and International Convention on Atlantic Salmon	365,000
Aquaculture	5,600,000
(Stuttgart, Arkansas Laboratory)	(375,000)
(Newport, Oregon Laboratory)	(350,000)
Marine Recreational Fisheries	918,000
Fishery Oceanography and Technology Program	922,000
Pacific Salmon Treaty Research	1,450,000
SEAMAP	1,000,000
U.S./Mexico Survey on Shrimp and Anchovy Resources	[1] (250,000)
PCB Contamination Research (In-house)	900,000
Standarized Methodology for Evaluating Habitat Resources	1,000,000
Chesapeake Bay Resource Assessments, Oxygen Depletion Study and Fisheries Statistics	1,500,000
Fishery Industry Information	3,600,000
Information Analysis and Dissemination	974,000
Regional Fishery Management Councils	4,000,000
Commercial Fisheries Research and Development	4,500,000
Anadromous Fish Grants	3,500,000
(Striped Bass Study)	(500,000)
Monk Seal Research	175,000
Bowhead Whale Research	600,000
Habitat Conservation	2,269,000
Pacific Habitat Research	500,000
Fishery Development	10,300,000
(Gloucester, Massachusetts Laboratory)	(1,455,000)
(Menhaden Research and Development)	(1,000,000)
(Gulf Species Research and Development)	(1,000 000)
Fish Inspection Program	(500,000)
Atlantic Salmon Tagging	100,000
Gilmour Creek, Satellite Equipment	600,000
Advanced Microwave Sounding Unit	5,000,000
Maintain Two Polar Orbiting Satellite System	33,800,000
Paducah, Kentucky Weather Station Operations	[2] (400,000)
Maintain Status of Eight Weather Service Forecast Offices Proposed for Downgrading	836,000
Maintain Southern Regional Headquarters in Dallas, Texas	1,200,000
Maintain Separate Alaska and Pacific Region Headquarters	407,000
Restore NOAA Weather Wire Service	525,000
Maintain NOAA Weather Radio	232,000
Emergency Power for NOAA Weather Radio	400,000
Restore Agricultural Weather Services Program	1,000,000
Restore Fruit Frost Advisory Program	418,000
Restore Fire Weather Services Program	800,000
Colorado River Flood Warning System	1,700,000
Prototype Regional Observing and Forecasting Service Program	2,000,000
Acid Rain Research	2,000,000
Profiler	3,000,000
Mesoscale Convection Systems Research	2,500,000
Space Environment Laboratory	3,100,000
Radiatively Important Trace Substances (RITS)	1,300,000
GARP/El Nino Research	3,200,000
Precipitation Augmentation Crop Experiment	[3] 2,650,000
National Data Buoy Center	574,000
Maintenance for 1982 Data Buoys Around Hawaii	300,000
Restore Reductions Proposed for NWS Night Staffing	1,173,000
Restore Reductions Proposed for Regional Hydrologists	580,000
Restore NWS Hydrological Research and Development	340,000
Provide for Enhancements at Beaufort, N.C. Laboratory	90,000
Executive Administration	8,000,000
Unverified A-76 Savings	3,000,000
Regional Ocean Service Centers	5,650,000
Maintain Sand Point Facility and Operations.	
(Great Lakes Location)	
Anchorage, Alaska.	
Honolulu, Hawaii.	
Port Newark, New Jersey.	
New Orleans, Louisiana.	
Charleston, South Carolina.	
Maintain Asheville, North Carolina Printing and Other Operations	850,000
Alaska/Hawaii Joint Research Project on Subarctic Bottom Fishes	600,000
Aircraft Services	1,300,000
Remote Weather Service Facility in Chattanooga to Serve the Southeast	524,000
NOAA Building Consolidation Study	250,000
Fisheries Loan Fund Administration	−300,000
Fishery/Marine Mammal Food Chain Studies	500,000
Protected Species Management	1,000,000
Columbia River Hatcheries	9,954,000
Net Addition, Program Funds	268,574,000
Legislative Assumptions Not Enacted:	
Chart User Fees	−14,758,000
Fisheries Loan Fund	+44,941,000
Effect of Transfer from Saltonstall/Kennedy Fund	+12,700,000
CEIP Receipts	−1,300,000

1985 Budget Request	802,909,000
New budget authority ..	1,113,066,000

[1] NOAA is to conduct this activity out of Saltonstall/Kennedy Grants.

[2] The conferees were assured by the Department of Commerce that sufficient funds will remain available from the fiscal 1984 appropriation for the radar at Paducah, Kentucky, to operate the facility in fiscal 1985. Accordingly, the conference agreement does not include the $400,000 provided by the Senate since the necessary funding is otherwise available.

[3] Equipment purchased for this program shall be the property of the States and not revert to NOAA.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that earmarks $2,000,000 of this appropriation for emergency beach rehabilitation in the State of New Jersey.

The conferees are agreed that Rosemont, Illinois; Cleveland, Ohio; and Ann Arbor, Michigan will be among the areas considered for the location of an ocean service center for the Great Lakes. The final location will be determined by a study being conducted by NOAA.

Of the $400,000 appropriated for emergency power for NOAA weather radio, the conferees expect $50,000 to be used for an emergency power generator for the Aberdeen, South Dakota, weather service forecast office.

The program for protected species biology is expected to be conducted at the 1984 appropriations level in 1985.

Amendment No. 21: Deletes language proposed by the Senate that would have earmarked $600,000 for the Fisheries Oceanography Coordinated Investigations program for a joint research project sponsored by the University of Alaska and the Hawaiian Oceanic Institute on factors influencing the year class strength of subarctic bottom fishes. Funding for this initiative has been provided for in amendment No. 19.

Amendment No. 22: Deletes language proposed by the Senate of a technical nature.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *; and in addition, $25,900,000 shall be derived by transfer from the Fund entitled "Promote and develop fishery products and research pertaining to American Fisheries"; and in addition, $9,300,000 shall be derived by transfer from the Fund entitled "Coastal Energy Impact Fund"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the remaining $9,100,000 in the Promote and develop fund shall be used for fishery development grants to industry.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: *: Provided, that unobligated balances in the account "Coastal Zone Management" are merged with this account on October 1, 1984: Provided further, That grants to States pursuant to section 306 and section 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: Provided further, That upon reimbursement by the Secretary of the Navy for the cost of the NOAA-D spacecraft, and upon a determination by the Secretary of Commerce that the NOAA-D spacecraft is not needed to replace a NOAA polar orbiting satellite, the Secretary of Commerce shall make the spacecraft available for the Navy Remote Ocean Sensing System, and the Secretary of the Navy shall provide the Secretary of Commerce with access to the civil data produced by the system: Provided further, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to merge the Coastal Zone Management account with the Operations, research, and facilities account. The conferees direct the Secretary to utilize the unobligated balances of the Coastal Zone Management account for the purposes for which they were originally appropriated.

FISHERIES LOAN FUND

Amendment No. 25: Restores the matter stricken by the Senate amendment, with an amendment providing $2,500,000 for the Fisheries Loan Fund instead of $3,000,000 as proposed by the House.

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Amendment No. 26: Appropriates $123,985,000 as proposed by the Senate instead of $125,545,000 as proposed by the House for the National Bureau of Standards.

The conference agreement provides the following program changes from the level of the budget request: +$5,000,000 for the Institute for Computer Sciences and Technology; +$3,100,000 for the Center for Building Technology; +$5,141,000 for the Center for Fire Research; +$500,000 for the establishment of a regional radiation calibration center at the University of Arkansas; and −$3,000,000 for industrial applications of biotechnology.

The conferees have not provided for either the replacement of the telephone system or the Class VI computer. The conference agreement provides only $556,000 of the requested increase of $2,500,000 for process quality control measurements.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language that makes available $500,000 to establish a regional radiation calibration center at the University of Arkansas.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 28: Appropriates $13,694,000 instead of $14,094,000 as proposed by the Senate and $13,537,000 as proposed by the House.

The conferees are agreed that the program changes from the budget request are as follows: −$450,000 for spectrum management, analysis and operations; and +$200,000 for a study of the regulation affect on the AM radio spectrum.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$24,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that makes available not to exceed $1,200,000 for program management as authorized by the Communications Act of 1934.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a new general provision restricting the sale, except with the consent of the borrower, of any loans made under the Public Works and Economic Development Act of 1965, or any loans made under section 254 of the Trade Act of 1974.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 104. No funds in this Act, or any other Act, may be used within two years after the date of enactment of this Act, to transfer title to the parcel of real property located on McKown Point, West Boothbay Harbor, Maine (General Services Administration control number 1314-30174-23), unless such transfer is to the State of Maine, and contains conditions and use restrictions similar to those in the transfer of the adjacent parcel of real property on September 26, 1978 (General Services Administration control number 1314-30174-23-015-0800): Provided, That the title of the property will revert back to the Federal Government if the property ceases to be used for public purposes.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

RELATED AGENCIES

Amendment No. 33: Inserts a heading indicating the placement of certain related agencies in Title I as proposed by the Senate instead of Title V as proposed by the House.

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $377,750,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for research and development activities, as authorized by law, $2,900,000, to remain available until expended, and in addition, $7,000,000, to remain available until expended, which shall be derived by transfer from the unobligated balances of the Ship Construction account.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OPERATIONS AND TRAINING

Amendment No. 35: Appropriates $77,467,000 instead of $72,467,000 as proposed by the Senate and $80,807,000 as proposed by the House.

The conferees have disapproved the requested increase for modernization at King's Point (-$2,340,000). The conference agreement restores the proposed reduction for Student Incentive Payments (+$77,000), provides an increase of $2,000,000 for fuel oil assistance to the state marine schools, and provides an increase of $5,000,000 above the budget request for the overhauling and conversion of the Massachusetts Maritime Academy Schoolship, the *Santa Mercedes.* The conferees are advised that additional funds above the cost of the basic conversion may be required for items necessary in refitting the ship for educational purposes, and direct the Maritime Administration to submit an appropriate and timely budget request or reprogramming to meet these needs when the estimates for such work are finalized.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Amendment No. 36: Reported in disagreement.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $200,000 for land and structures; not to exceed $200,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed twelve) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $93,611,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1986, for research and policy studies.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for the following program increases above the level of the budget request:

Activities related to Radio Marti	$418,000
Travel funding for Federal-State Joint Board	48,000
Increased workload for the common carrier activity	199,000
Full participation of the U.S. in the 1985 World Administrative Radio Conference dealing with geostationary satellite frequency and spacing allocations	200,000
Low-latitude wave propagation study	35,000
Four permanent positions for the accounting and audits program	100,000
Net increase	+1,000,000

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

Amendment No. 38: Appropriates $12,292,000 for the Federal Maritime Commission.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $64,311,000 for the Federal Trade Commission and extends the restrictions and limitations currently in force of the Federal Trade Commission Improvements Act of 1980.

The conferees note that the Commission was presented evidence as early as April 1982 concerning a possible serious violation of the antitrust laws by a major newspaper chain and one of its subsidiaries. In particular, the Commission was presented evidence that a newspaper company owned by the chain was engaging in a course of predatory conduct with the purpose and effect of destroying its major competitor and monopolizing the market. While the conferees take no position as to whether the law has been violated, the apparent delay in the Commission's taking action to investigate seriously this situation is cause for concern. Therefore, the conferees expect the Commission to submit a report to the Committees on Appropriations by no later than October 2, 1984, detailing in full its actions in investigating this matter, including an explanation of the delay between the initial submission of evidence and authorization of this investigation by the Commission, whether use of compulsory process has been authorized, what parties have been required to submit testimony or documents, and any tentative findings and staff recommendations. The report should reference all staff and Commission memoranda concerning this matter and be made available to the Committees on Appropriations for review.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

Amendment No. 40: Appropriates $24,830,000 instead of $24,030,000 as proposed by the Senate and $26,088,000 as proposed by the House.

The conference agreement provides for the budget request of an additional 44 positions, but provides no funds for the ITC's relocation.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 41: Appropriates $929,000 for the Marine Mammal Commission.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $13,582,000: Provided, That not to exceed $68,000 shall be available for official reception and representation expenses.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

Amendment No. 43: Appropriates $105,337,000. The conference agreement includes the following program increases above the budget request: +$1,100,000 for the electronic filing system and +$150,000 to reestablish an internal audit unit reporting directly to the Chairman of the SEC. The conference agreement disallows the requested increases of $250,000 related to awards under the Equal Access to Justice Act and $96,000 associated with GSA rental charges on Federally owned property in excess of seven percent.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $2,500 for official reception and representation expenses, $205,340,000: Provided, That none of these funds shall be available after January 1, 1985 for establishing a comprehensive statistical data base on the small business sector in the United States economy and for other research on small business issues unless a computerized listing of small businesses in

the United States is made available upon request to the Small Business Development Centers established under the authority of the Small Business Act, as amended; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, $28,500,000. In addition, $70,000,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following: $300,000 for 15 procurement specialists for a breakout procurement representative at each major Department of Defense procurement center; $3,000,000 for Small Business Institutes separate from the $28,500,000 provided for the Small Business Development Centers; $2,000,000 above the amount requested in the budget for transfer from the Disaster Loan Fund for loan servicing activities; and $2,500 for official representation expenses. In addition the conferees are agreed that the reduction from the FY 1984 authorized program level for the innovation program shall be $150,000 and for the veterans outreach program shall be $350,000.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

in lieu of the matter proposed by said amendment insert the following:

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

For necessary expenses of the White House Conference on Small Business as authorized by Public Law 98-276, $2,000,000, to remain available until expended: Provided, That none of these funds shall be available for obligation until December 1, 1984.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees recognize that additional funds will be required to carry out the National Conference by September 30, 1986, as required by law.

REVOLVING FUNDS

Amendment No. 46: Inserts language proposed by the Senate concerning the authority of the Small Business Administration to make expenditures from its revolving funds.

BUSINESS LOAN AND INVESTMENT FUND

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", $269,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", $215,000,000, to remain available without fiscal year limitation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are committed to a program level of $247,000,000 for direct loans for fiscal year 1985 and have included $215,000,000 in the conference agreement for this purpose and are agreed that the remainder of this requirement will be provided from anticipated carryover balances from fiscal year 1984. To the extent that these carryover balances do not materialize, the conferees are agreed that the House and Senate Appropriations Committees should provide the funds required in supplemental appropriation acts for fiscal year 1985 to the extent needed to maintain the approved program level.

The following table shows the budget request, the amounts proposed by the House and Senate and the conference agreement, including 1984 carryover funds for the various loan programs:

Program	Budget request	House	Senate	Conference agreement
General business loans:				
Direct		108		103
From carryover				(5)
Guaranteed	2,600	2,600	2,700	2,650
Handicapped loans:				
Direct		20	20	20
Guaranteed	5	5	5	5
Economic opportunity loans:				
Direct		45		20
From carryover				(25)
Guaranteed	60	60	60	60
Energy loans:				
Direct		3		1
From carryover				(2)
Guaranteed	15	15	15	15
Development company loans:				
Direct (State development cost.)			5	5
Guaranteed	350	350	500	450
Investment company loans:				
Direct	41	41	41	41
Guaranteed	160	250	250	250
Veterans loans:				
Direct		25	25	25
Guaranteed				
Total business loans:				
Direct	41	242	91	215
From carryover				(32)
Guaranteed	3,280	3,280	3,530	3,430

SURETY BOND GUARANTEES REVOLVING FUND

Amendment No. 48: Appropriates $8,910,000 for additional capital for the Surety Bond Guarantees Revolving Fund.

ADMINISTRATIVE PROVISIONS

Amendment No. 49: Deletes language proposed by the Senate which would have amended the Small Business Act to permit small businesses involved in the fishing industry which were damaged by the El Nino-related ocean conditions to be eligible for SBA disaster loans.

Amendment No. 50: Inserts Senate language making a technical change to the citation for Title I of the bill.

TITLE II—DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

Amendment No. 51: Appropriates $71,150,000 instead of $70,950,000 as proposed by the Senate and $81,147,000 as proposed by the House.

Amendment No. 52: Deletes earmarking of $18,000 for the Federal justice research program proposed by the House and stricken by the Senate.

WORKING CAPITAL FUND

Amendment No. 53: Appropriates $3,000,000 for the working capital fund instead of $6,000,000 proposed by the House and stricken by the Senate.

UNITED STATES PAROLE COMMISSION

Amendment No. 54: Appropriates $8,913,000 for salaries and expenses for the United States Parole Commission rather than $8,446,000 as proposed by the Senate and $8,986,000 as proposed by the House.

The conference agreement provides funding for 169 permanent positions which is twelve more than the number included in the budget request for the Commission.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $194,163,000 for Salaries and Expenses, General Legal Activities instead of $190,258,000 as proposed by the Senate and $176,153,000 as proposed by the House.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for all of the additional positions requested for the Tax Division in the FY 1985 budget.

Amendment No. 56: Deletes an appropriation of $22,698,000 proposed by the House for the Civil Rights Division.

SALARIES AND EXPENSES, ANTITRUST DIVISION

Amendment No. 57: Deletes languages proposed by the House for the Antitrust Division for enforcement of consumer protection law. Responsibility for consumer protection matters was transferred to the Civil Division in FY 1984.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

Amendment No. 58: Restores language proposed by the House regarding marshals, and bankruptcy trustees.

Amendment No. 59: Appropriates $431,114,000 instead of $400,258,000 as proposed by the Senate and $433,533,000 as proposed by the House for the salaries and expenses of United States Attorneys and Marshals.

The amount provided in the conference agreement includes the following: $9,353,000 for the United States Trustees program; $2,000,000 above the budget request for FIST operations; $1,000,000 above the budget request for the U.S. Marshals Service for 30 Deputy Marshal positions; and all of the funds requested in the budget to expand tax prosecution units of the United States Attorneys and half of the funds requested for establishing a Victim Witness/Law Enforcement Coordinating Committee program coordinator in each judicial district. In addition the conferees are agreed that the U.S. Marshals Service may continue to carry out a threat analysis function for the witness security program.

Amendment No. 60: Deletes language proposed by the House and stricken by the Senate amending the Bankruptcy Reform Act as amended.

SUPPORT OF UNITED STATES PRISONERS

Amendment No. 61: Appropriates $53,240,000 as proposed by the House instead of $58,240,000 as proposed by the Senate for the support of United States prisoners.

Amendment No. 62: Appropriates an additional $10,000,000 for the Cooperative Agreement Program in support of United States prisoners instead of an additional $15,000,000 proposed by the House or a $5,000,000 earmarking proposed by the Senate.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $33,000,000 instead of $33,934,000 as proposed by the House and $33,500,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment earmarking $26,550,000 for the Cuban and Haitian entrants program instead of $27,561,000 for this purpose as proposed by the House and $27,050,000 for this purpose as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which makes a technical correction to the reference to section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

Amendment No. 66: Appropriates $1,500,000 for the Presidential Commission on Organized Crime instead of $2,500,000 as proposed by the House and $95,846,000 for Organized Crime Drug Enforcement of which $1,500,000 was for the Presidential Commission on Organized Crime as proposed by the Senate.

The conferees have included funding for Organized Crime Drug Enforcement in the following appropriations accounts in the Department of Justice as requested in the budget:

General administration	$200,000
Salaries and expenses, general legal activities	1,196,000
Salaries and expenses, U.S. attorneys and marshals	20,793,000
Federal Bureau of Investigation	34,733,000
Drug Enforcement Administration	37,424,000
Total	94,346,000

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Amendment No. 67: Appropriates $1,147,123,000 instead of $1,147,358,000 as proposed by the House and $1,112,490,000 as proposed by the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts a limitation of $45,000 for official reception and representation expenses for the FBI.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 69: Appropriates $329,988,000 instead of $333,258,000 as proposed by the House and $292,564,000 as proposed by the Senate.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

Amendment No. 70: Deletes language proposed by the Senate relating to the payment of allowances to aliens for work performed while held in custody under the immigration law.

Amendment No. 71: Appropriates $576,417,000 instead of $591,043,000 as proposed by the House and $570,417,000 as proposed by the Senate.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

Amendment No. 72: Inserts center heading as proposed by the Senate.

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $503,450,000 instead of $494,831,000 as proposed by the House and $497,700,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amount provided in the conference agreement includes the following: $4,000,000 for 200 additional correctional officers for existing institutions; $2,500,000 above the budget request for contract community treatment facilities; $12,000,000 for 348 positions and expenses of operating the Rochester, Minnesota Federal Correctional Medical Center; and $2,975,000 for 188 positions and expenses of operating the Loretto, Pennsylvania Federal Correctional Institution.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an additional $4,450,000 to be derived by transfer from the unobligated balances of the Buildings and Facilities account.

NATIONAL INSTITUTE OF CORRECTIONS

Amendment No. 75: Appropriates $14,000,000 for the National Institute of Corrections instead of $12,500,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Of the total amount provided in the conference agreement, $1,500,000 is to continue the program to expand and improve vocational and basic education among prison inmates.

BUILDINGS AND FACILITIES

Amendment No. 76: Appropriates $86,056,000 instead of $82,556,000 as proposed by the House and $97,806,000 as proposed by the Senate.

Of the total amount provided by the conference agreement for the Buildings and Facilities account, $3,500,000 is for the design and site preparation of another new 500 bed Federal correctional institution in the Northeastern United States.

The conferees agree that before any of the funds in this appropriation account are obligated for site acquisition, planning and design, or construction of any new Federal prison facility, the Bureau of Prisons shall submit a reprogramming proposal for the use of such funds for these purposes in accordance with the reprogramming procedures of the House and Senate Appropriations Committees.

OFFICE OF JUSTICE ASSISTANCE

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $70,311,000 instead of $88,738,000 as proposed by the House and $142,041,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 78: Earmarks $5,500,000 for a criminal justice program to be available only upon enactment of authorizing legislation instead of $23,618,000 for such purpose as proposed by the House and stricken by the Senate.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

Provided further, That $4,000,000 of this amount shall be available to carry out a missing children's assistance program to be available only upon enactment into law of authorizing legislation;

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 80: Restores the word "and" as proposed by the House and deletes language proposed by the Senate earmarking $70,000,000 for the Juvenile Justice and Delinquency Prevention Program.

Amendment No. 81: Restores matter proposed by the House and stricken by the Senate appropriating $70,240,000, to remain available until expended, for the Juvenile Justice and Delinquency Prevention Program.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $5,000,000 for grants to states for their expenses related to incarceration of Mariel-Cubans in State facilities.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds a new subsection to Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968. This provision provides for a $50,000 death benefit to the survivors of Federal firefighters and law enforcement officers killed in the line of duty.

RELATED AGENCIES

Amendment No. 84: Inserts a heading indicating the placement of certain related agencies in Title II as proposed by the Senate instead of Title V as proposed by the House.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Amendment No. 85: Appropriates $12,747,000 with provisions earmarking amounts for specific purposes as proposed in Title V of the House bill, instead of $12,747,000 with no earmarking provisions as proposed in Title II of the Senate bill.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Amendment No. 86: Appropriates $160,755,000 instead of $161,155,000 as proposed by the Senate and $160,255,000 as proposed by the House; and earmarks $19,500,000 for payments to State and local enforcement agencies as proposed by the Senate instead of $19,000,000 as proposed by the House.

The conferees are agreed that $10,500,000 shall be utilized for systemic programs.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $305,000,000: Provided, That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading "Legal Services Corporation, Payment to the Legal Services Corporation" contained in Public Law 98-166 except that "fiscal year 1984", wherever it appears in such provisions, shall be construed as "fiscal year 1985"; "fiscal year 1983", wherever it appears in such provisions, shall be construed as "fiscal year 1984"; "January 1, 1984" shall be construed as "January 1, 1985"; "$6.50" shall be construed as "$7.61"; and "$13" shall be construed as "$13.57"; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activites which have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding: Provided further, That notwithstanding the previous provisions of this paragraph, $2,000,000 shall be available to increase quality legal services to the elderly by: (1) developing classroom and bar association source materials on law affecting the elderly for use by law schools, the private bar, legal services grantees, and in continuing education seminars; (2) developing plans to encourage the private bar to do more to provide better pro-bono services for elderly and higher quality paid services; (3) developing a clinical program to supplement local Legal Services Corporation grantees; and (4) disseminating the results to other law schools, legal aid societies and other interested parties; such pilot programs shall be distributed, if applicants are available, to varying size and geographically located schools; at least 50 per centum of the funds required shall come from non-federal sources and federally funded assets and projects will not be included in in-kind services; no grant shall exceed $200,000; the application and award procedure shall not require a detailed plan or extensive paperwork so long as the recipient signs a guarantee that more than 50 per centum of the funds required shall come from non-federal sources and that federally funded assets and projects will not be included in in-kind services; the awards shall be made by July 1, 1985 and the projects shall each be completed by July 1, 1987; grantees shall not copyright the material developed and shall not charge other than private groups or individuals for such material and such charge shall be not more than approximately their net cost of production: Provided further, That notwithstanding the preceding provisos, no more than $1,158,000 shall be expended for the budget category entitled "Program Improvement and Training", no more than $1,829,000 shall be expended for the budget category entitled "Delivery Research and Experimentation", and no more than $11,283,000 shall be expended for the budget category entitled "Support for the Provision of Legal Assistance": Provided further, That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984 unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 509 of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Of the $305,000,000 provide for the Legal Services Corporation, $2,000,000 shall be reserved for a pilot program to improve legal services to the elderly. The remainder shall be distributed proportionally in the manner provided for by the formula in the bill and as described by the Senate Report on H.R. 5712 (Senate Report 98-514).

The conferees are agreed that the purpose of the pilot senior citizens legal services program is to increase quality legal services to the elderly. The program will include the following:

(1) development of classroom and bar association source materials on law affecting the elderly for use by law schools, the private bar, legal services grantees, and in continuing education seminars;

(2) development of plans to encourage the private bar to do more to provide better *pro-bono* services for elderly and higher quality paid services;

(3) development of clinical programs to supplement local Legal Services Corporation grantees; and

(4) dissemination of the results to other law schools, legal aid societies and other interested parties.

The pilot program shall be distributed, if applicants are available, to varying size and geographically located schools. At least 50 percent of the funds required shall come from non-federal sources and federally funded assets and projects will not be included in in-kind services. No grant shall exceed $200,000. The application and award procedure shall not require a detailed plan or extensive paperwork so long as the recipient signs a guarantee that more than 50 percent of the funds required shall come from non-federal sources and federally funded assets and projects will not be included in in-kind services.

The awards shall be made by July 1, 1985 and the projects shall be completed by July 1, 1987. The grantees shall not copyright the material developed and shall not charge other than private groups or individuals for such material and such charge shall not be more than approximately their net cost of production.

Amendment No. 88: Inserts Senate language making a technical change to the citation for Title II of the bill.

TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *the provisions of 22 U.S.C. 2696(b)(3) are hereby waived for $5,000,000 in gains realized in this appropriation account because of fluctuation in foreign currency exchange rates or changes in overseas wages and prices; $1,264,901,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amount provided by the conference agreement includes funds for 95 positions to strengthen reporting and analysis functions above the level funded for this purpose in Public Law 98-166.

The conferees are agreed that the Department of State can continue to develop plans for additional financial management centers in fiscal year 1985 and expects the Department to submit a report to the House and Senate Appropriations Committees on this matter by February 1, 1985.

REOPENING CONSULATES

Amendment No. 90: Restores an appropriation of $1,929,000 proposed by the House for reopening and operating certain United States consulates.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

Amendment No. 91: Appropriates $2,500,000 for reimbursements to States and local governments for protection of foreign missions and officials instead of $6,000,000 for this purpose as proposed by the House and stricken by the Senate.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

Amendment No. 92: Appropriates $211,000,000 as proposed by the Senate instead of $234,007,000 as proposed by the House.

The conference agreement includes the entire amount requested for operations and a total of $45,000,000 for high priority capital projects, subject to the approval of the Committees on Apropriations of the House and Senate under said Committees' policies concerning the reprogramming of funds.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

(SPECIAL FOREIGN CURRENCY PROGRAM)

Amendment No. 93: Appropriates $19,353,000 as proposed by the Senate instead of $23,353,000 as proposed by the House.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Amendment No. 94: Appropriates $4,000,000 as proposed by the Senate instead of $4,400,000 as proposed by the House.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Amendment No. 95: Appropriates $501,667,200 as proposed by the Senate instead of $522,570,000 as proposed by the House.

Amendment No. 96: Deletes language proposed by the Senate which would have prohibited any of the funds in this or any other Act for International Operations and Programs for the United States proportionate share for any program for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, Cuba, Iran, or Libya.

Amendment No. 97: Deletes language proposed by the Senate which would have mandated the submission of a report to Congress by March 31, 1985, concerning the details of funding provided to the United Nations and its specialized agencies by the United States during 1984.

The conferees are agreed that a report should be submitted to the House and Senate by the Administration by March 31,

1985, which details the amount and source of appropriated funds provided directly or indirectly to the U.N. and its specialized agencies by the United States during calendar year 1984.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Amendment No. 98: Appropriates $47,400,000 as proposed by the Senate instead of $55,400,000 as proposed by the House.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

Amendment No. 99: Appropriates $2,400,000 instead of $2,100,000 as proposed by the House and $2,600,000 as proposed by the Senate.

The amount provided in the conference agreement includes funds to begin the project to remove sewage and toxic wastes from the New River which flows north from Mexico into California.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

Amendment No. 100: Appropriates $3,685,000 instead of $3,800,000 as proposed by the House and $3,620,000 as proposed by the Senate.

The amount provided by the conference agreement includes the full amount requested for travel and per diem costs of State officials for attending Commission meetings concerning implementation of the Great Lakes Water Quality Agreement.

INTERNATIONAL FISHERIES COMMISSIONS

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $9,100,000 instead of $9,482,000 as proposed by the House and $9,400,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

Amendment No. 102: Deletes the appropriation of $2,000,000 proposed by the House and stricken by the Senate.

PAYMENT TO THE ASIA FOUNDATION

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $9,600,000 instead of $10,000,000 as proposed by the House and $9,900,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

Amendment No. 104: Appropriates $4,800,000 instead of $5,000,000 as proposed by the House and stricken by the Senate.

CONTRIBUTION TO THE UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL AND SCIENTIFIC COOPERATION

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes a technical language change permitting $110,000,000 of Indian rupees owned by or credited to the United States Government to be invested to generate earnings for the United States-India Fund. The House had proposed that such rupees be deposited in the Fund.

RELATED AGENCIES

Amendment No. 106: Inserts a heading indicating the placement of certain Related Agencies in Title III as proposed by the Senate instead of Title V as proposed by the House.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

Amendment No. 107: Appropriates $19,468,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $97,498,000 of which not to exceed $52,000 may be made available for official reception and representation expenses

The managers on the part of the Senate move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that the Board for International Broadcasting operate at the full program level of the budget request in fiscal year 1985. Recent currency gains, and the sustained and projected high value of the dollar indicate that BIB's overseas operations can operate on lower dollar levels than originally projected in the budget request. The conferees encourage the Board to make future currency buys during periods most advantageous to the dollar's spending power overseas.

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts restrictions on the payment of engineering consultant fees.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

Amendment No. 110: Appropriates $550,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

Amendment No. 111: Appropriates $1,600,000.

UNITED STATES INFORMATION AGENCY

Amendment No. 112: Inserts centerheading as proposed by the Senate.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of which $250,000 is to facilitate U.S. participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $545,856,000: Provided, That not to exceed $7,303,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: Provided further, That not to exceed $18,500,000 of the foregoing appropriation shall be available for grants to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act: Provided further, That not to exceed $674,000 of the foregoing appropriation may be used for representation abroad: Provided further, that receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides funding to operate WORLDNET at a level of 6 hours per week in the first quarter and 9 hours per week thereafter during fiscal year 1985.

The conferees are agreed that USIA may provide for the agency's security requirements out of the resources provided in this appropriation account.

The conference agreement includes not to exceed $18,500,000 earmarked in this appropriation for grants to the National Endowment for Democracy. This is $2,800,000 less than the amount proposed by the Senate for this purpose in Amendment No. 119. The House provided no funding for this program.

The conferees believe that it is appropriate to include funding for the Endowment in the USIA, Salaries and Expenses appropriation because the Endowment's program for encouraging free and democratic institutions throughout the world through grants to private sector organizations for educational exchange and training programs, is similar to the purposes of the other educational and cultural exchange programs already funded in this appropriation. The funding for these programs which is included in the conference agreement totals $22.4 million. A list of these programs follows:

USIA grant programs in salaries and expenses appropriation

[Approximate amounts in millions]

Overseas missions:	
Binational Centers (Pubic Law 80-402)	$3.3
English-teaching and cultural programs (Public Law 87-256)	2.5

RIAS (Public Law 80-402)	1.3
Subtotal	7.1
Educational and cultural affairs (Public Law 87-256):	
Youth exchange	4.6
Student counseling	2.9
Overseas schools	2.6
American studies and English teaching and other	.9
Subtotal	11.0
Other major programs:	
American Participants Program (Public Law 80-402)	2.1
Performing arts (Public Law 87-256)	1.6
Current issues (Public Law 80-402)	.3
TV Co-ops and other	.3
Subtotal	4.3
Grand total	22.4

An additional and very important reason why it is appropriate to provide funding for the National Endowment for Democracy in the USIA, Salaries and Expenses appropriation is that the authorization for the Endowment, the National Endowment for Democracy Act contained in Public Law 98-164, contemplates that funding for the Endowment will be provided in the Salaries and Expenses account. Sec. 503(a) of Public Law 98-164 provides the following:

"The Director of the United States Information Agency shall make an annual grant to the Endowment to enable the Endowment to carry out its purposes as specified in section 502(b). Such grants shall be made with funds specifically appropriated for grants to the Endowment or with funds appropriated to the Agency for the 'Salaries and Expenses' account . . ."

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

Amendment No. 114: Appropriates $8,000,000 for Salaries and Expenses (Special Foreign Currency Program).

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganiation Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $121,352,000. For the Private Sector Exchange Programs, $8,648,000, of which $1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program.

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

Out of available funds and subject to the reprogramming requirements of the House and Senate Appropriations Committees as set forth in section 509 of the bill and the House Report 98-802 concerning the Educational and Cultural Exchange Programs, the Committee expects USIA to increase Central American academic and international visitor exchanges, including undergraduate and graduate scholarships for Central American students studying in accredited United States universities in the United States or abroad, in response to concerns raised by the National Bi-Partisan Commission on Central America.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

Amendment No. 116: Appropriates $85,000,000 as proposed by the Senate instead of $100,966,000 as proposed by the House.

RADIO BROADCASTING TO CUBA

Amendment No. 117: Appropriates $8,500,000 as proposed by the House instead of $12,000,000 as proposed by the Senate and includes extended availability of funds as proposed by the Senate.

The conferees are agreed that funds will be provided when necessary to pay claims for compensation to radio stations in the United States adversely affected by Cuban jamming of broadcasts of the Voice of America Radio Marti program. Such payments are authorized by Sec. 7 of the Radio Broadcasting to Cuba Act.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Amendment No. 118: Appropriates $19,000,000 for the Center for Cultural and Technical Interchange Between East and West.

ADMINISTRATIVE PROVISION

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

ADMINISTRATIVE PROVISION

None of the funds provided in this Act for the United States Information Agency shall be awarded to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other organization connected in any manner with any political party operating in the United States.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides not to exceed $18,500,000 for grants to the National Endowment for Democracy in Amendment No. 113 under the USIA, Salaries and Expenses appropriation account, as authorized by the National Endowment for Democracy Act. This amount is a reduction of $2,800,000 from the amount proposed by the Senate for the Endowment. The House did not provide any funds for the Endowment.

Amendment No. 120: Inserts Senate language making a technical change to reflect the inclusion of Related Agencies in Title III, and deletes Senate language concerning amendments to the Clayton Act and section 610 of the House bill.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Amendment No. 121: Deletes language proposed by the Senate which would have required that $834,000 of the $14,143,000 appropriated for this account be derived by transfer from "Bicentennial Expenses, the Judiciary".

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF SUPPORTING PERSONNEL

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $370,228,000 instead of $370,255,000 as proposed by the House and $374,400,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that base funding for the Pretrial Services program will be restored when the issue concerning the authorization for this program is resolved by the House and Senate Judiciary Committees.

DEFENDER SERVICES

Amendment No. 123: Appropriates $42,000,000 as proposed by the Senate instead of $42,760,000 as proposed by the House.

FEES OF JURORS AND COMMISSIONERS

Amendment No. 124: Appropriates $42,000,000 as proposed by the Senate instead of $43,500,000 as proposed by the House.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $101,500,000 instead of $102,581,000 as proposed by the House and $102,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

BANKRUPTCY COURTS, SALARIES AND EXPENSES

Amendment No. 126: Appropriates $116,950,000 as proposed by the Senate instead of $117,500,000 as proposed by the House.

SPACE AND FACILITIES

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $140,000,000 instead of $143,026,000 as proposed by the House and $142,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

Amendment No. 128: Appropriates $28,250,000 as proposed by the Senate instead of $28,500,000 as proposed by the House.

Amendment No. 129: Deletes Title V of the bill which included the related agencies as proposed by the House and stricken by the Senate. Provision for the related agencies is made in titles I, II, and III of the bill as appropriate.

TITLE V—GENERAL PROVISIONS

Amendment No. 130: Changes the title number.

Amendment Nos. 131 and 132: Change section numbers.

Amendment No. 133: Inserts language proposed by the Senate exempting the United States-India Fund for Cultural, Educational, and Scientific Cooperation from the general provision which prohibits any appropriation in the bill from being used to administer any program which is funded from foreign currencies or credits for which a specific dollar appropriation has not been made.

Amendment Nos. 134 through 139: Change section numbers.

Amendment Nos. 140 and 141: Make a technical change proposed by the Senate making the 7% limitation on increases for Standard Level User Charges in Government-owned buildings apply to the rate rather than the amounts paid for such charges in FY 1984.

Amendment No. 142: Deletes a general provision proposed by the House which would have prohibited funds appropriated by this Act for the Justice Department and the FTC from being used to alter the per se rule on resale price maintenance. The conferees deleted this provision as a result of assurances by the Assistant Attorney General for Antitrust that the Justice Department will respect the position of the conferees on this issue. The conferees remain adamantly opposed to any Justice Department or FTC actions that would alter or overturn the prohibition on resale price maintenance and expect that the current law on this matter will be properly enforced.

The conferees expect the Antitrust Division of the Justice Department and the FTC to report to the House and Senate Appropriations Committees by February 1, 1985, and by July 1, 1985, on the number and type of resale price maintenance cases which each agency has actively considered for prosecution, and on cases in which each organization has engaged in prosecution. These reports should summarize and outline the degree of enforcement of the prohibition on resale price maintenance by each agency.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires that the Committees on Appropriations be notified in writing 15 days in advance of any action to reprogram or transfer funds under any of the conditions set forth in subsection (a) of the amendment. The requirement for notification also applies whenever a proposed reprogramming exceeds $250,000 or 10 percent of the funds appropriated for activities, programs, or projects which would result in any of the three actions mentioned in subsection (b) of the amendment. For reprogrammings which may be less than this amount, the procedures set forth in this section require notice whenever the reprogramming would increase funds or personnel for any project or activity for which funds have been denied or restricted or if new programs would be created. Sec. 509 also requires notice whenever the proposed reprogramming would result in the relocation of offices or employees; or reorganization of offices, programs, or activities. In addition, Sec. 509 requires notice to the Appropriations Committees whenever a proposed reprogramming would eliminate a program, project, or activity, or produce savings in the aggregate for which funds have been provided, or reduce funds or personnel by 10 percent in an existing program. Finally, Sec. 509 requires notification to the Committees if activities presently being performed by Federal employees are to be contracted to the private sector.

The conferees expect that all Departments and agencies funded in this bill will adhere strictly to this reprogramming policy.

Amendment No. 144: Changes section number.

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *to the Federal Trade Commission, unless specifically authorized by law hereafter,*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 146: Inserts a general provision which reduces the appropriations in the bill for the Antitrust Division by $1,000,000, International Conferences and Contingencies by $400,000, and the International Boundary and Water Commission United States and Mexico, Salaries and Expenses by $400,000, instead of a general provision proposed by the House and stricken by the Senate which reduced each dollar amount in the bill, with certain exceptions, by 4 percent.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate concerning a technical amendment to the Radio Broadcasting to Cuba Act with an amendment redesignating section number "511" as "512".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment is a technical amendment clarifying Congressional intent that compensation provided to U.S. broadcasters because of Cuban interference should be limited to the cost of the newly acquired equipment (less the amount of depreciation taken for income tax purposes on the equipment being replaced), and associated technical and engineering costs. This is the standard for compensable costs that was initially proposed by the Federal Communications Commission in its notice of proposed rulemaking of January, 1984. It is the Congress' intention that allowable expenses be fully compensable, and that a ceiling not be set up to the authorized level.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment redesignating section number "512" as "513".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment expresses the sense of Congress that in cooperation with the Government of Mexico, the authority under section 416 of the Agricultural Act dealing with United States surplus wheat and dairy products shall be used on an expedited basis to help feed Guatemalan refugees in Mexico.

Amendment No. 149: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which changes the section number.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment prohibits the use of funds appropriated by this Act from being used to enforce or give effect to any restriction on the export of unprocessed western red cedar harvested from state lands pursuant to a harvesting contract entered into prior to October 1, 1979.

Amendment No. 150: Deletes a general provision proposed by the Senate which would have prohibited the expenditure of funds by the Departments of Commerce and State for the purpose of promoting trade with Bulgaria and would have expressed the sense of Congress that Bulgaria should be declared to be engaged in state sponsored terrorism within the meaning of section 6(i) of the Export Administration Act of 1979.

Amendment No. 151: Deletes a general provision proposed by the Senate which would have expressed the sense of the Senate concerning certain reported statements of Mr. Louis Farrakhan.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1985 recommended by the Committee of Conference, with comparisons to the fiscal year 1984 amount, the 1985 budget estimates, and the House and Senate bills for 1985 follow:

New budget (obligational) authority, fiscal year 1984	$10,500,615,000
Budget estimates of new (obligational) authority, fiscal year 1985	11,130,943,000
House bill, fiscal year 1985	10,749,564,400
Senate bill, fiscal year 1985	11,441,835,200
Conference agreement, fiscal year 1985	[1] 11,520,976,200
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1984	+1,020,361,200
Budget estimates of new (obligational) authority, fiscal year 1985	+390,033,200
House bill, fiscal year 1985	[1] +771,411,800
Senate bill, fiscal year 1985	+79,141,000

[1] Includes $597,811,000 for items stricken on a point of order by the House.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
BERNARD J. DWYER,
ROBERT J. MRAZEK,
BOB CARR,
JAMIE L. WHITTEN,
GEORGE M. O'BRIEN,
CLARENCE E. MILLER,
JOHN EDWARD PORTER,
SILVIO O. CONTE,
Managers on the Part of the House.

PAUL LAXALT,
TED STEVENS,
LOWELL P. WEICKER, JR.,
WARREN B. RUDMAN,
MARK O. HATFIELD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DENNIS DECONCINI,
DALE BUMPERS,
THOMAS F. EAGLETON,
Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

HEALTH CARE: THE LATEST PUBLIC UTILITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. GINGRICH. Mr. Speaker, in Congress, zeal to help constituents, we have legislated to a point where the constituent has not been helped, but actually hurt.

In the quest for good health care we have produced so many regulations that the cost of good health care has been pushed out of reach for middle to lower income families.

I would like to share with you a letter I received from Mr. Robbie Smith, administrator of Higgins General Hospital in Bremen, GA. Mr. Smith's letter is a vivid account of how a government can hurt its people when it tries to control too much. His letter reads as follows:

This letter is one of desperation and concern for the country, our government and the health care of our people. In this hospital field today we are bombarded daily with regulatory matters from all sides. This regulatory mess has been abruptly brought to bear on this small hospital in Haralson County.

Within the last thirty days from the date of this letter we have been visited by the State Licensure and Standards Office, the State Fire Marshalls Office, put on 100% Medical Review by the P.S.R.O., [because of a problem over which we had no control to start with], the State Office of Laboratory Licensure, and today we had a call from the office of Hill Burton Compliance to see if we had given enough free care this year.

To comply with the findings of the agencies will cost me no less than $207,500 this fiscal year. This money will mot be found on trees as many must think, but it will be passed on to paying patients.

My concens reach much further than these monies however. We will comply and raise the money to cover these costs. My real concern is with the fifty four patients we have today, and it is very difficult to relate the need these new added costs and the care of my patients. We realize the need for assurances that a level and quality of care is provided, however, we have physicians, board members, and customers who demand good quality care.

In a recent statement to the press Margaret Heckler said that healthcare would never be a public utility and regulated as such. It is regret that I must inform her that it already is.

In addition to these present problems, we must deal with the fact that as we pass on the $207,000 of unnecessary costs, we will be lambasted for increasing medical cost and ultimately be regulated more to control the upward spiral of cost which originated with some regulator in the State Capital or Washington.

Isn't there some way to let the left hand regulator know what the right hand regulator is doing?

Sincerely,

ROBBIE SMITH,
Administrator.●

OVERCHARGING BY HOSPITALS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. GINGRICH. Mr. Speaker, ever since the federal government moved into the health care business with Medicare and Medicaid, there have been questions as to how efficient these programs are.

As a result of these questions Congress has introduced legislation to have many medical visits handled in doctor's offices rather than in the hospital. This would save thousands of taxpayer dollars.

But more needs to be done. I would like to share with you a letter that I received from a fellow Georgian, Mr. L.E. Workman of Douglasville, Georgia. His letter clearly shows how our hospitals overcharge for their services and how this makes programs like Medicare and Medicaid less effective in helping those who can't afford medical services. His letter read as follows:

I'm writing this letter in protest to the ridiculously outrageous prices charged by our hospitals today.

In February I spent four days in Piedmont Hospital where eye surgery was performed. The total bill was $2180.53.

One part of this bill was for an Accu-Chek blood sugar monitor. The hospital charged $185 whereas I now find the retail price for the same machine at my local drug store is $150.

The hospital charged $50 for a tube of 50 Chemstrips. My local drug store charges me $23.99 for the same item.

The doctor attending my diabetes while I was in the hospital said the Acc-Chek machine would be demonstrated for me. The woman demonstrated it and charged $40 for Diabetes Education. After questioning the charge she agreed to delete it from my bill.

It is understandable why we are unable to recover some of these ridiculous charges from Medicare and from my other Health Insurance Policy.

Yours Truly,

L.E. WORKMAN.●

THE TARGETED JOBS TAX CREDIT PROGRAM

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 1984

● Mr. GINGRICH. Mr. Speaker, our Nation prides itself on being able to get back on its feet quickly after a fall. Right now we're on our way up from one of those falls—the recent recession.

Unemployment is declining at a steady pace: America is going back to work. But there are citizens in America having a harder time finding work than others—people such as disadvantaged youths, ex-offenders and welfare recipients. To help these people, Congress enacted the Targeted Jobs Tax Credit Program. This program was designed to extend tax credits to those companies which hire disadvantaged workers.

But it appears this program is not coming through with all it promised. I received a letter from Edward Redwine, the executive vice president of the Greater Atlanta Shippers Association. I'd like to share his thoughts with you. Mr. Redwine's letter illustrates some of the difficulties with the Targeted Jobs Tax Credit Program which I feel deserve attention. The following is an excerpt from that letter:

We seem to have two problems in connection with the Targeted Jobs Tax Credit program.

We are a new employer not familiar with the above program. Because of the proposed tax credit possibilities we called the number here in Atlanta . . . and we interviewed an applicant that they sent over. We hired him. He was not given form ESA 8468 [R-8/83]. Now we discover that we were supposed to have been given this form upon interview. You will notice by copy of form attached that we were supposed to have completed it the same day the applicant was put on the payroll.

Because of someone's failure to send the form along with the applicant we cannot take the tax credit because we did not send in form ESA 8468 the day we hired the applicant.

We understand from Mr. John Vitkow of Atlanta Job Service Center . . . that there is no appeal procedure for someone in the bureaucracy failure to do their jobs.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

HOUSE OF REPRESENTATIVES—*Monday, August 6, 1984*

The House met at 12 o'clock noon.

Rev. William Siefkes, Lutheran Church of our Savior, Fullerton, CA, offered the following prayer:

Almighty God, in deepest gratitude we thank You for the privilege of living in this land which You have so richly blessed, and for the freedoms which, forgive us, we so often take for granted. We thank You for the men and women whom You have endowed with wisdom and courage, who under Your guidance shoulder the burden of leadership in these United States.

Today we especially remember with gratitude the life and work of CARL PERKINS who has served this assembly with devotion for so many years. We pray that his dedication to duty and his commitment to the needy will inspire all people to use their talents and abilities in service to others. May Your blessing be with his family and all those who mourn and may Your grace be with each of us all our days.

Finally, we pray, Heavenly Father, that Your presence and Your power may be very real and truly recognized by all who must make decisions affecting the lives of millions. May the words, "In God We Trust," which grace these Chambers, never become an empty motto but ever remain a proclamation of faith and a confession of need for Your continued grace and guidance. In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1177. An act to amend title 4 of the United States Code to complete the official seal of the United States;

S.J. Res. 324. Joint resolution designating the month of November 1984 as "National Christmas Seal Month"; and

S.J. Res. 338. Joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympic games in Los Angeles, CA.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR THE DISPOSITION OF CERTAIN UNDISTRIBUTED JUDGMENT FUNDS AWARDED THE CREEK NATION

The Clerk called the Senate bill (S. 1224) to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation.

There being no objection, the Clerk read the Senate bill, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding Public Law 90-506 and any other provision of law, any funds appropriated by Public Law 89-697 in satisfaction of a judgment awarded the Muscogee (Creek) Nation of Oklahoma in docket numbered 276 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be distributed by the Secretary of the Interior to the Muscogee (Creek) Nation of Oklahoma as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

SEC. 2. (a) Notwithstanding Public Law 90-504 and any other provision of law, any funds appropriated by Public Law 89-16 in satisfaction of a judgment awarded the Creek Nation of Indians in docket numbered 21 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act (including all interest and investment income accrued thereon) shall be used and distributed in accordance with the provisions of this section.

(b)(1) The Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall allocate—

(A) 81.6196 per centum of the funds described in subsection (a) to the Muscogee (Creek) Nation of Oklahoma, and

(B) 18.3804 per centum of the funds described in subsection (a) to the Eastern Creeks.

(2) The funds allocated to the Muscogee (Creek) Nation of Oklahoma under paragraph (1) shall be distributed to such Nation by the Secretary as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

(3)(A) The funds allocated to the Eastern Creeks under paragraph (1) shall be held in trust and invested by the Secretary for the benefit of the Eastern Creeks.

SEC. 3. (a) If one or more of the Eastern Creek entities that have filed a petition for Federal acknowledgement are acknowledged to be an Indian tribe on or before December 30, 1984, such tribe or tribes shall be deemed to be a successor entity to the original Eastern Creek group for purposes of distribution of the residual funds in docket numbered 21, and the funds held in trust for the benefit of the Eastern Creeks under section 2 of this Act (including all interest and income accrued thereon) shall be distributed to such tribe or tribes by the Secretary as needed to make any expenditures for any plan or program authorized by ordinance or resolution of such tribe or tribes.

(b) If more than one tribal entity is recognized by the Secretary, such funds shall be prorated between the tribes on the basis of their respective base membership rolls on the date of acknowledgement.

(c) If none of the Eastern Creeks which have filed a petition for acknowledgement are recognized as an Indian tribe by the Secretary prior to December 30, 1984, the funds held in trust for the Eastern Creeks under this Act (including all interest and income accrued thereon) shall be distributed by the Secretary in the form of per capita payments in addition to any amount appropriated in satisfaction of a judgment awarded the Eastern Creeks in dockets numbered 275 of the Indian Claims Commission.

SEC. 4. If Federal recognition as an Indian tribe is extended to any Eastern Creek entity prior to distribution of the funds awarded in docket numbered 272 and 275, such tribe or tribes shall be entitled to amend the existing distribution plans for these awards by filing with the Secretary an alternative distribution plan for its proportionate share of funds in these dockets.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TECHNICAL AMENDMENTS TO THE FEDERAL COURTS IMPROVEMENT ACT OF 1982

The Clerk called the bill (H.R. 4222) to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 4222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Technical Amendments to the Federal Court Improvements Act".

SEC. 2. Section 1292(b) of title 28, United States Code, is amended by inserting "which would have jurisdiction of an appeal of such action" after "The Court of Appeals".

SEC. 3. Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)) is amended in the fourth sentence by inserting ", within 60 days after the determination becomes final," after "appeal such determination".

SEC. 4. (a) Sections 142, 143, and 144 of title 35, United States Code, are amended to read as follows:

"§ 142. Notice of appeal

"When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"§ 143. Proceedings on appeal

"With respect to an appeal described in section 142 of this title, the Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"§ 144. Decision on appeal

"The United States Court of Appeals for the Federal Circuit shall review the decision from which an appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue to the Commissioner its mandate and opinion, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(b) Paragraphs (2), (3), and (4) of subsection (a) of section 21 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1071(a) (2), (3), and (4)), are amended to read as follows:

"(2) When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal direct to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"(3) The Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to that court a brief explaining the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"(4) The United States Court of Appeals for the Federal Circuit shall review the decision from which the appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue its mandate and opinion to the Commissioner, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(c) The amendments made by this section shall apply to proceedings pending in the Patent and Trademark Office on the date of the enactment of this Act and to appeals pending in the United States Court of Appeals for the Federal Circuit on such date.

SEC. 5. Any individual who, on the date of the enactment of the Federal Courts Improvement Act of 1982, was serving as marshal for the Court of Appeals for the District of Columbia under section 713(c) of title 28, United States Code, may, after the date of the enactment of this Act, so serve under that section as in effect on the date of the enactment of the Federal Courts Improvement Act of 1982. While such individual so serves, the provisions of section 714(a) of title 28, United States Code, shall not apply to the Court of Appeals for the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Technical Amendments to the Federal Courts Improvement Act of 1982".

SEC. 2. (a) Section 1292(b) of title 28, United States Code, is amended by inserting "which would have jurisdiction of an appeal of such action" after "The Court of Appeals".

(b) Section 1292(c)(1) of title 28, United States Code, is amended by inserting "or (b)" after "(a)".

SEC. 3. Section 337(c) of the Tariff Act of 1930 (19 U.S.C. 1337(c)) is amended in the fourth sentence by inserting ", within 60 days after the determination becomes final," after "appeal such determination".

SEC. 4. (a) Sections 142, 143, and 144 of title 35, United States Code, are amended to read as follows:

"§ 142. Notice of appeal

"When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"§ 143. Proceedings on appeal

"With respect to an appeal described in section 142 of this title, the Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"§ 144. Decision on appeal

"The United States Court of Appeals for the Federal Circuit shall review the decision from which an appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue to the Commissioner its mandate and opinion, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(b) Paragraphs (2), (3), and (4) of subsection (a) of section 21 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1071(a) (2), (3), and (4)), are amended to read as follows:

"(2) When an appeal is taken to the United States Court of Appeals for the Federal Circuit, the appellant shall file in the Patent and Trademark Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision from which the appeal is taken as the Commissioner prescribes, but in no case less than 60 days after that date.

"(3) The Commissioner shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the Patent and Trademark Office. The court may request that the Commissioner forward the original or certified copies of such documents during pendency of the appeal. In an ex parte case, the Commissioner shall submit to that court a brief explaining the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.

"(4) The United States Court of Appeals for the Federal Circuit shall review the decision from which the appeal is taken on the record before the Patent and Trademark Office. Upon its determination the court shall issue its mandate and opinion to the Commissioner, which shall be entered of record in the Patent and Trademark Office and shall govern the further proceedings in the case.".

(c) The amendments made by this section shall apply to proceedings pending in the Patent and Trademark Office on the date of the enactment of this Act and to appeals pending in the United States Court of Appeals for the Federal Circuit on such date.

SEC. 5. Any individual who, on the date of the enactment of the Federal Courts Improvement Act of 1982, was serving as marshal for the Court of Appeals for the District of Columbia under section 713(c) of title 28, United States Code, may, after the date of the enactment of this Act, so serve under that section as in effect on the date of the enactment of the Federal Courts Improvement Act of 1982. While such individual so serves, the provisions of section 714(a) of title 28, United States Code, shall not apply to the Court of Appeals for the District of Columbia.

● Mr. KASTENMEIER. Mr. Speaker, I bring before the full House the bill H.R. 4222. The general purpose of the legislation is to correct several drafting flaws in the Federal Courts Improvement Act (Public Law 97-164), signed into law by President Reagan on April 2, 1982, and effective on October 1, 1982.

As you may recall, the Federal Courts Improvement Act created the U.S. Court of Appeals for the Federal Circuit [CAFC] by merging the preexisting U.S. Court of Claims with the former U.S. Court of Customs and Patent Appeals. The act further cre-

ated the U.S. Claims Court, pursuant to article I of the Constitution, from the former trial division of the Court of Claims. Finally, the act contained several significant improvements to Federal judicial machinery.

Before discussing H.R. 4222, I would be remiss if I did not notify my colleagues that the changes made to the Federal judicial branch by Public Law 97-164 are all working quite well. This observation is not only my own, but has also been made by representatives of the executive and judicial branches of Government. My subcommittee is monitoring quite closely whether the CAFC, a somewhat specialized court, is tilting one way or the other in the patent law area.

Let me now turn to an explanation of the legislation before us. For Members who want a more indepth explanation, I cite the House report (No. 98-619) that has been filed on this bill. In brief, H.R. 4222 cures four drafting defects.

First, the bill clarifies that a circuit court—including the Court of Appeals for the Federal Circuit—which has jurisdiction of an appeal has jurisdiction of the certification of a controlling question of law.

Second, the bill amends the Tariff Act to provide that an appeal from a final determination of the International Trade Commission must be taken within 60 days. The genesis of this section was H.R. 1291, introduced by the gentleman from Massachusetts [Mr. FRANK].

Third, the bill simplifies the procedures on appeals from the Patent and Trademark Office, U.S. Department of Commerce, to the CAFC mainly by eliminating the outmoded requirements of titles 15 and 35, United States Code, that the appellant set forth "reasons of appeal" when the appeal is filed. Chief Judge Howard Markey and Judge Giles Rich, two highly respected circuit judges on the CAFC, both with extensive experience in patent law, deserve commendation for bringing these administrative improvements to our attention.

Fourth, and finally, the bill provides that the individual who was serving as the marshal of the Court of Appeals for the District of Columbia—under 28 U.S.C. 713(c)—after October 1, 1982—the date of enactment of the Federal Courts Improvement Act—may continue to so serve.

H.R. 4222 is supported by the Judicial Conference of the United States, the U.S. Department of Commerce, and the U.S. Department of Justice. There is no opposition.

Before concluding, I should mention that the proposal will save the Federal Government approximately $100,000 annually.

I urge unanimous support and I yield back the balance of my time.●

● Mr. MOORHEAD. Mr. Speaker, I am not aware of any opposition to this legislation—hearings have been held, it was marked up at subcommittee and full committee and no opposition was expressed at any level.

H.R. 4222 does three things which are primarily technical in nature:

First, the 1982 act which established the new Court of Appeals for the Federal Circuit created an unintended situation of having interlocutory appeals in patent cases go to the geographic circuits and final appeals directed to the Court of Appeals for the Federal Circuit. H.R. 4222 would have both types of appeals go to the Court of Appeals for the Federal Circuit;

Second, the time limit for an appeal from the International Trade Commission [ITC] used to be 60 days, this was inadvertently removed and H.R. 4222 puts back into the law the 60-day time limit within which appeals for the ITC must be taken; and

Third, it simplifies procedures for appeals from the Patent and Trademark Office and also provides that the Commissioner of Patents does not have to transmit certified copies of documents to the courts but that a certified list of these documents will suffice unless the court specifically requests certified copies. This new procedure will save time and money.

I urge support for this legislation.●

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COOS, LOWER UMPQUA, AND SIUSLAW RESTORATION ACT

The Clerk called the bill (H.R. 5540) to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such tribes those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

REV. WILLIAM F. SIEFKES

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, it is my privilege and honor this morning to introduce to the House the Reverend William F. Siefkes, our chaplain for the day.

Reverend Siefkes graduated from Concordia Seminary in St. Louis, MO, in 1946. He has had an illustrious career as a parish pastor and serves as the pastor of my congregation in Fullerton, CA, the Lutheran Church of Our Saviour.

Prior to that he has served Lutheran congregations in Grand Forks, ND; Lamoure, ND; Minneapolis, MN; Ames, IA; Fontana, CA; and in Fullerton, CA.

He and his wife, Darlene, are the parents of three children, Cynthia Smith, Rob Siefkes, both of whom are in the Chamber today, and Jane Milender of Colton, CA.

We are delighted to have him with us and we appreciate the remarks he made at the beginning of our session in the prayer that he made for the country and the Members, and particularly for our deceased Member, CARL PERKINS.

GENERAL LEAVE

Mr. RATCHFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bills just passed on the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut.

There was no objection.

THE LATE HONORABLE CARL D. PERKINS

Mr. NATCHER. Mr. Speaker, I offer a privileged resolution (H. Res. 566) relating to the death of the Honorable CARL D. PERKINS and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That the House has heard with profound sorrow of the death of the Honorable CARL D. PERKINS, a Representative from the State of Kentucky.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The gentleman from Kentucky [Mr. NATCHER] is recognized for 1 hour.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in offering this resolution, it is my sad duty to officially advise the House of the untimely death of our esteemed colleague, the Honorable CARL D. PERKINS of Kentucky. Having suffered a severe heart attack aboard a flight from Washington to Lexington, KY, he died on August 3, 1984, in Lexington. The funeral will be held at 11 a.m. on Tuesday, August 7, 1984, in the Knott County Central High School Gymnasium, with burial in the cemetery located outside of Hindman, KY, in Knott County.

He was a giant at the center of national power, but at all times he remained a modest man. He was a good man who served his country well. He remained always a man's man and he kept the common touch. A man who could be compared to the giant sturdy oak that grows on the rolling hillsides of Kentucky.

He was a fighter for social justice. He was a legislator for the common people he knew so well. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interest of our people.

In every position he held, either private or public, he achieved distinction. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

CARL PERKINS was good for the State of Kentucky and for the United States.

Mr. Speaker, it is my intention to reserve time, following legislative business on September 11, 1984, after we return from our August recess, for those Members who care to do so, to speak out about CARL D. PERKINS and his great contributions to this country and to his fellow citizens.

Mr. ERLENBORN. Mr. Speaker, will the gentleman's yield?

Mr. NATCHER. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I rise with sadness in my heart to say a few words about CARL PERKINS, the late esteemed chairman of the Committee on Education and Labor, who for 36 years served in this House as the Representative of his beloved Seventh District of Kentucky.

CARL'S passing is a great loss to the people of Kentucky, the Congress, and the Nation, and I feel a personal loss. The gentleman from Kentucky worked tirelessly and most successfully for the legislative goals in which he believed. His death is a special loss to the education community in this country because of his devoted, pioneering, and persevering leadership role in Federal education legislation.

I extend my condolences to CARL'S wife and son, to his office and committee staff, to the people he so well represented, and to this body. Congress will not be the same without the venerable chairman of the Education and Labor Committee.

Mr. MAZZOLI. Mr. Speaker, will my friend, the gentleman from Kentucky, yield?

Mr. NATCHER. I yield, Mr. Speaker, to the gentleman from Louisville, KY, Mr. MAZZOLI.

Mr. MAZZOLI. Mr. Speaker, I thank my friend for yielding, and I thank my friend for having taken this moment to officially advise the House and the Nation of the passing of our dear friend and former colleague, CARL PERKINS, of eastern Kentucky.

When the gentleman from Kentucky who is now in the well came to the House 14 years ago, he came under the tutelage and under the wing of the gentleman from the Seventh District, CARL PERKINS. The gentleman from Kentucky [Mr. PERKINS] interceded with the then Ways and Means Committee which made the assignments, and the gentleman in the well was assigned to the Education Committee. So I served my first 4 years in Congress with my friend, the gentleman from Kentucky [Mr. PERKINS].

We will all have many hours on September 11 to recount the many stories we have of CARL PERKINS, and there are many that are humorous and some that are perhaps in their own way sad. But the gentleman from Kentucky who is now in the well will just simply say that the gentleman from Kentucky [Mr. PERKINS] was a strong influence on his legislative life and his personal life.

The loss of the gentleman from Kentucky is not just a loss to this body and to this Congress but it is a loss to the entire country and to the world because he was a leader in the education field and in the field of trying to help the little people, the small people, the people who just do not have people interceding for them.

Mr. Speaker, I certainly would extend to Mr. PERKINS' widow, to his son, State Representative Perkins, and to the entire family my profound sorrow at his passing and my condolences and my deep sympathies at this very grievous loss.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, CARL PERKINS was a model of the legislator's art. He could be as flinty as the Kentucky hills from which he came, as down to earth as the stones that underlie those hills. Yet his mind was lofty, his dream was big.

He served his people with untiring devotion. He was indefatigable in his pursuit of educational excellence for all the children of this land, and generations yet unborn will be his beneficiaries.

So, Mr. Speaker, I join with my colleague, as I know all of us do in spirit, in lamenting his passing and in renewing our own dedication to those deep principles for which he stood so that the shadow he cast may continue to linger upon this land.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1429, SMALL BUSINESS DEVELOPMENT CENTER IMPROVEMENT ACT OF 1984

Mr. SMITH of Iowa submitted the following conference report and statement on the Senate bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes:

CONFERENCE REPORT (H. Rept. No. 98-955)

The committee of conference on the disagreement votes of the two Houses on the amendment of the House to the bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. This Act may be cited as the "Small Business Development Center Improvement Act of 1984".

SEC. 2. Section 21 of the Small Business Act is amended as follows:

(1) by adding at the end of paragraph (1) of subsection (a) the following: "The term of such grants shall be made on a calendar year basis or to coincide with the Federal fiscal year.";

(2) by striking paragraph (2) of subsection (a) and inserting the following:

"(2) The Small Business Development Center program shall be under the general management and oversight of the Administration, but with recognition that a partnership exists under this section between the Administration and the applicant for the delivery of assistance to the small business community. Services shall be provided pursuant to a negotiated cooperative agreement with full participation of both parties.

"(3) Except as provided in paragraph (4), the Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under

this section that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: Provided, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall such indirect costs or in-kind contributions exceed 50 percent of the non-Federal additional amount: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000, whichever is greater.

"(4) In lieu of the matching funds required in paragraph (3), the Administration shall require as a condition of any grant (or amendment or modification thereof) made to an applicant under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government, to be comprised of not less than 50 per centum cash and not more than 50 per centum of indirect costs and in-kind contributions as follows:

"(A) for grants for performance commencing on or after October 1, 1987 if the applicant is located in a state which received its grant for performance under this section on or before August 1, 1984;

"(B) for grants for performance commencing on or after October 1, 1988 if the applicant is located in a state which receives its initial grant for performance under this section commencing after August 1, 1984 and prior to October 1, 1986; and

"(C) for grants for performance commencing on or after October 1, 1986 if the applicant is located in a state which receives its initial grant for performance under this section commencing after October 1, 1986.

Provided, That this matching amount shall not include any indirect costs or in-kind contributions derived from any Federal program: Provided further, That no recipient of funds under this section shall receive a grant which would exceed its pro rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000 whichever is greater.";

(3) by striking from paragraph (1) of subsection (b) "During fiscal years 1981, 1982, and 1983, financial" and by inserting in lieu thereof "Financial";

(4) by inserting after the period at the end of the first sentence of paragraph (2) of subsection (c) the following: "The facilities and staff of each small business development center shall be located in such places as to provide maximum accessibility and benefits to the small businesses which the center is intended to serve.";

(5) by amending subparagraph (2)(A) of subsection (c) to read as follows:

"(A) a full-time staff, including a full-time director who shall have the authority to make expenditures under the center's budget and who shall manage the program activities;".

(6) by striking subsection (e) and inserting in lieu thereof the following:

"(e) The National Science Foundation is authorized and directed to cooperate with the Administration and with the small business development centers in developing and establishing programs to support the centers.";

(7) by striking from the second sentence of paragraph (2) of subsection (h) the word "quarterly" and inserting in lieu thereof "semiannually";

(8) by striking from paragraph (1) of subsection (i) the word "may" and inserting in lieu thereof "shall"; and

(9) by striking subsection (j) and inserting in lieu thereof the following:

"(j) Within six months of the date of enactment of the Small Business Development Center Improvement Act of 1984, the Administration shall develop and implement a program proposal for onsite evaluation of each small business development center. Such evaluation shall be conducted at least once every two years and shall provide for the participation of a representative of at least one other small business development center on a cost-reimbursement basis.".

SEC. 3. Section 20 of the Small Business Act is amended as follows:

"(1) by inserting the following after the second sentence in subsection (a): "For fiscal year 1986 and every year thereafter, there are hereby authorized to be appropriated such sums as may be necessary and appropriate to be available solely (1) to carry out the provisions and purposes of the small business development center program in section 21, but not to exceed the level as specified in subsection (a) of such section, (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in section 21(h), and (3) to reimburse centers for participation in evaluations as provided in section 21(j).''; and

"(2) by adding the following new subsection:

"(t) There are hereby authorized to be appropriated for fiscal year 1985, $30,000,000 to be available solely (1) to carry out the provisions and purposes of the small business development center program in section 21, (2) to pay the expenses of the National Small Business Development Center Advisory Board as provided in subsection 21(h), and (3) to reimburse centers for participation in evaluations as provided in subsection 21(j)."

SEC. 4. Section 204 of the Small Business Development Center Act of 1980 (Public Law 96-302), as amended, is further amended by striking "January 1, 1985" and by inserting in lieu thereof "October 1, 1990.".

SEC. 5. Section 7(d)(1) of the Small Business Act is amended to read as follows:

"(d)(1) The Administration shall not fund any small business development center or any variation thereof, except as authorized in section 21 of this Act.".

Amend the title so as to read "An Act to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes.".

And the House agree to the same.

PARREN J. MITCHELL,
NEAL SMITH,
J.P. ADDABBO,
JOSEPH M. MCDADE,
SILVIO O. CONTE,
Managers on the Part of the House.

L.P. WEICKER, Jr.,
ORRIN HATCH,
RUDY BOSCHWITZ,
DALE BUMPERS,
SAM NUNN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The principal differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferrees, and minor drafting and clarifying changes.

1. SBA GRANT MAKING AUTHORITY

Under existing law, SBA is authorized to make grants "to assist in establishing" small business development centers.

The Senate bill changes the purpose so that the grant would be made "to establish" small business development centers.

The House amendment does not change the stated purpose of the grant, but it does require that the term of the grant be made on a calendar year basis or to coincide with the Federal fiscal year.

The conference substitute retains the existing law and authorizes the grants to be made to assist in establishing small business development centers. It also requires that the term of the grant be made on a calendar year basis or to coincide with the Federal fiscal year.

2. NON-FEDERAL MATCHING REQUIREMENT

Under existing law, an applicant for an SBDC grant is required to match the amount of the grant. The match may be comprised of up to 50 percent in indirect costs or in in-kind contributions.

The Senate bill requires an applicant for a grant to operate a small business development center to match the amount of the grant in an equal amount with not less than 50 percent cash and not more than 50 percent in indirect costs and in-kind contributions.

The House amendment does not change the matching funds provision of existing law. It does limit the amount of part-time SBDC employees' salaries eligible for cash match purposes to no more than the amount paid to full-time employees.

The conference substitute requires an applicant for a grant to operate a small business development center to match the amount of the grant in an equal amount with not less than 50 percent cash and not more than 50 percent in indirect costs and in-kind contributions.

The conferees note that current law requires the applicant to provide matching funds derived exclusively from non-Federal sources in an amount equal to the amount to be awarded by the Administration. The conference agreement has amended the matching requirement to make it absolutely clear that, after the transition period, at least fifty percent of the applicant's match is to be in up-front cash to help ensure a more meaningful commitment to the program by the applicants.

In the thirty-two states and the District of Columbia in which the SBDCs exist today, the cash requirement is effective for grants for performance commencing on or after October 1, 1987.

In the other eighteen states, the new cash match requirement would be phased-in as follows:

—for grants for performance commencing on or after October 1, 1988 if the applicant is located in a state which receives its initial grant for performance under this section commencing after August 1, 1984 and prior to October 1, 1986; and

—for grants for performance commencing on or after October 1, 1986 if the applicant is located in a state which receives its initial grant for performance under this section commencing after October 1, 1986.

The House proposed restriction on part-time SBDC employees was deleted without prejudice. The conferees recognize the value which full-time employees provide to the counseling and continuity of the SBCC program. However, since precise information is not available on the extent to which SBDCs now utilize part-time workers, the conferees agree to obtain this information and will re-examine this important question.

3. SUNSET PROVISION ON PLAN REQUIREMENT

Under existing law, during fiscal years 1981 through 1983, a grant cannot be made to an SBDC if SBA's approval of such grant would be inconsistent with the plan for the area involved which has been adopted by the appropriate state agency and approved by SBA.

The Senate bill eliminates the fiscal year references and provides that the plan to be adopted by the appropriate state agency and approved by SBA before any grant is made to an SBDC must be a plan for the entire state. The Senate provision is designed to ensure that there is a single, pre-existing plan demonstrating a comprehensive strategy for utilizing the SBDC program for providing management assistance to small business in that state.

The House amendment only eliminates the fiscal year references in existing law.

The conference substitute only eliminates the fiscal year references. The conferees are concerned about the potential proliferation of SBDCs within a state, or the commencement of services through an SBDC to one portion of a state, without an overall structural framework for providing and coordinating the delivery of management services within that state. SBA's implementation of the existing statutory provision should seek to require that overall strategy. The conferees believe that greater attention must be paid by state, agency and SBDC applicants to this important planning and coordinating function. The conferees intend to carefully study the agency's practice and monitor its future performance.

4. SBA PROGRAM REVIEW AUTHORITY

The Senate bill requires a grant applicant to provide information showing that the grant will not be used solely to duplicate or replace existing services.

The House amendment emphasizes that the SBDC program is a partnership between the Small Business Administration and the applicant, but under the general management and oversight of SBA.

The conference substitute emphasizes that the SBDC program is a partnership between the Small Business Administration and the applicant, but under the general management and oversight of the SBA. In addition, the conferees do not expect any state which receives a grant for an SBDC program to reduce funding for any other state program which helps small business simply because there is Federal grant money being made available to an SBDC.

5. SBDC LOCATION ACCESSIBILITY AND FULL-TIME STAFF AUTHORITY

The Senate bill provides that the facilities and staff of the SBDC shall be in areas that are located to maximize accessibility and services to the small business communities being served. It also requires a center to have a full-time staff and a staff director whose sole responsibility is to manage the activities and provide services to the program.

The House amendment requires each SBDC in-take center and each in-take subcenter to be located in easily accessible facilities in such places as shall provide maximum accessibility and benefits to the small business community. It also requires an SBDC to have a full-time staff, including a full-time director who has the authority to make expenditures under the center's budget and to manage the program activities. Finally, it also requires an SBDC to have a full-time director at each subcenter unless the level of activity makes it impractical to do so.

The conference substitute requires that facilities and staff shall be in areas that are located to maximize accessibility and services to the small business community. It also requires the center to have a full-time staff, including a full-time director who has the authority to make expenditures under the center's budget and who shall manage the program activities.

6. NATIONAL SCIENCE FOUNDATION

Under existing law the National Science Foundation and innovation centers supported by it are authorized and directed to cooperate with small business development centers. The National Science Foundation is required to report annually on the innovation centers.

The Senate bill provides that the National Science Foundation is authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers. The reporting requirement is eliminated as is the reference to innovation centers, which no longer exist.

The House amendment contains no comparable provision.

The conference substitute provides that the National Science Foundation is authorized and directed to cooperate with the Administration and with small business development centers in developing and establishing programs to support the centers.

7. SBDC NATIONAL ADVISORY BOARD

Existing law establishes a National Small Business Development Center Advisory Board, consisting of nine members, which is required to meet at least quarterly and at the call of the Chairman of the Board.

The Senate bill reduces the mandatory meetings of the Board to at least semi-annually.

The House bill contains no comparable provision.

The conference substitute reduces the mandatory meetings of the National Small Business Development Center Advisory Board to at least semi-annually.

8. LOCAL ADVISORY BOARD

Existing law authorizes, but does not require, each SBDC to establish an advisory board to advise, counsel and confer with the SBDC director on all policy matters pertaining to the operation of the center.

The Senate bill changes existing law to require the establishment of such a board.

The House bill contains no comparable provision.

The conference substitute requires each small business development center to establish an advisory board.

9. SBDC PROGRAM EVALUATION AND PEER REVIEW

Existing law the Small Business Administration was required to do an evaluation of the SBDC program and to report on it to Congress in 1983.

The Senate bill strikes the required evaluation and report which has been completed and submitted to the Congress.

The House amendment also strikes the evaluation requirement. It requires, however, that SBA develop a proposal for a bi-annual on-site evaluation of each SBDC. The evaluation program shall also include provisions for the participation in the evaluation of representatives of at least one outside SBDC. The agency's proposal shall be completed and submitted to Congress by January 31, 1985.

The conference substitute eliminates the outdated evaluation and reporting requirement. It also requires SBA, within six months after enactment, to develop and implement a proposal for an on-site evaluation of each SBDC. The evaluation must be conducted at least every two years and provide for the participation in the evaluation of a representative of at least one other SBDC.

The conferees expect that the proposal will be formulated in consultation with representatives of the SBDCs and that the evaluation will be both qualitative and quantitative, will measure the effectiveness of the program and the cost of delivery, and will make an assessment of the benefits accruing to the areas served.

10. SBDC DATA SYSTEM

The House amendment requires SBA to continue at least until October 1, 1986 the current SBDC management information system. During this period, the administration may study development of an in-house computer system to replace the current management information system which is done by an outside company.

The Senate bill contains no comparable provision.

The conference substitute does not include this provision.

11. SBDC FUNDING PROVISIONS

The Senate bill updates a provision of existing law and prohibits SBA from funding any SBDC except as authorized in section 21 of the Small Business act which contains the statutory provisions for the SBDC program.

The House amendment does not contain any comparable provision.

The conference substitute updates existing law and prohibits SBA from funding any SBDC except as authorized in section 21 of the Small Business Act.

12. SBDC AUTHORIZATIONS

The Senate bill authorizes the appropriation of $30 million in fiscal year 1985, and $40 million in each of fiscal years 1986 and 1987, solely to carry out the SBDC program.

The House amendment authorizes the appropriation annually of such sums as may be necessary to (1) operate the SBDC program up to $65 milion annually, (2) pay the expenses of the National Small Business Development Center Advisory Board, (3) pay for contracting out for the SBDC manage-

ment information system, and (4) reimburse the SBDCs for participation in the evaluation of other SBDCs.

The Conference substitute authorizes the appropriation of $30 million for fiscal year 1985 to be available solely (1) to carry out the provisions and purposes of the small business development center program in seciton 21, (2) to pay the expenses of the National Small Business Development Center Advisory board as provided in subsection 21(h), and (3) to reimburse centers for participation in evaluations as provided in subsection 21(j). For fiscal year 1986 and every year thereafter, it authorizes the appropriation of such sums as may be necessary and appropriate to be available solely (1) to operate the SBDC program, (2) to pay the expenses of the National Small Business Development Center Advisory Board, and (3) to reimburse the SBDCs for participation in the evaluation of other SBDCs.

13. SUNSET OF THE SBDC PROGRAM

Under existing law, the SBDC program is repealed on January 1, 1985.

The Senate bill strikes the sunset provision, thereby making the SBDC program permanent.

The House amendment extends the sunset date to October 1, 1988.

The conference substitute extends the sunset date to October 1, 1990.

The conferees acknowledge that the pilot SBDC program enacted in 1980 has been very successful in providing management assistance to small business. In light of the substantial statutory and regulatory changes that are taking place in the SBDC program, a further sunset date was included only to ensure that the Congress, the Small Business Administration and the SBDC program managers would review the growth and development of the SBDC program.

14. EFFECTIVE DATE

The House amendment makes the Act effective October 1, 1984.

The Senate bill contains no comparable provision.

The conference substitutes does not delay the effective date of the bill.

15. TITLE OF ACT

The Senate bill provides that the title of the bill is "An Act to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes."

The House amendment provides that the title of the bill is "An Act to improve the Small Business Development Center program, and for other purposes."

The conference substitute provides that the title shall be "An Act to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes."

16. CITATION

The Senate bill does not provide a citation for the Act.

The House amendment provides that this Act may be cited as the "Small Business Development Center Improvement Act of 1984".

The conference substitute provides that this Act may be cited as the "Small Business Development Center Improvement Act of 1984".

PARREN J. MITCHELL,
NEAL SMITH,
J.P. ADDABBO,
JOSEPH M. MCDADE,
SILVIO O. CONTE,
Managers on the Part of the House.

L.P. WEICKER, Jr.,
ORRIN HATCH,
RUDY BOSCHWITZ,
DALE BUMPERS,
SAM NUNN,
Managers on the Part of the Senate.

MAKING IN ORDER ON WEDNESDAY, AUGUST 8, 1984, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON S. 1429, SMALL BUSINESS DEVELOPMENT CENTER IMPROVEMENT ACT OF 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that it shall be in order on Wednesday, August 8, 1984, or any day thereafter, to consider the conference report on the Senate bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Development Center Program, and for other purposes, the provisions of rule XXVIII to the contrary notwithstanding.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MAKING IN ORDER CONSIDERATION OF BUSINESS UNDER THE PRIVATE CALENDAR RULE ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, August 8, 1984, it shall be in order to consider business under clause 6, rule XXIV, the Private Calendar rule.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MAKING IN ORDER CONSIDERATION OF MOTIONS TO SUSPEND THE RULES ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, August 8, 1984, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO WEDNESDAY, AUGUST 8, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Wednesday, August 8, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING THE 5-MINUTE RULE ON WEDNESDAY AND THURSDAY NEXT

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday and Thursday, August 8 and 9, 1984.

The SPEAKER. Is the objection to the request of the gentleman from Wisconsin?

Mr. WORTLEY. Mr. Speaker, reserving the right to object, may I ask the gentleman, has this been cleared by the minority?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman will yield, it has been cleared by the minority, and the request is made for the purpose of allowing the Committee on the Judiciary to mark up the sentencing bill.

Mr. WORTLEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman form Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4222, which was passed on the Consent Calendar earlier today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

INTRODUCTION OF PRIVATE BILLS FOR REDRESS OF MEDICAL MALPRACTICE

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. McNULTY. Mr. Speaker, early in the first session of the 98th Congress I introduced H.R. 1942, a bill to create the right of action for victims of military medical malpractice who are serving in the Armed Forces of the United States. As many Members know this right is now denied under the prevailing interpretation of the Federal Tort Claims Act in the Feres case. That bill, which has attracted the cosponsorship of 60 Members of the House is prospective only and would be limited to situations arising in peacetime and in other ways.

Mr. Speaker, since introducing H.R. 1942 a number of people from many States have contacted me and told me of their grievous problems that have resulted in their lives on account of the Feres doctrine. In human terms

what has happened is they have lost loved ones to death or disabling injury under circumstances that strongly suggest medical neglect and a less than professional level of medical care. They have sought redress from the armed service involved and been frustrated. They then turn to private attorneys and are informed that under the Feres rule no legal action can be taken.

I have carefully investigated a number of these cases and it seems to me that the extraordinary remedy of a private bill, calling for relief of the individuals and their families is merited. So today I introduce five private bills. The families for whom this legislation represents an ultimate appeal, the only one remaining to them, come from Florida, Oklahoma, Virginia, New York, and Arizona.

Mr. Speaker, medical malpractice does not respect rank or service. One victim was a major general in the U.S. Air Force. Others were career enlisted men. One was in his first hitch with the U.S. Navy. What each has in common is that tragedy occurred when they sought medical care and that instead of help, lives were destroyed and families changed forever. What each has in common further is that the courts were closed to them. Every American ought to enjoy the full complement of civil rights, including due process of law. That right is not among those enjoyed by the men and women of our Armed Forces. To rectify these particular wrongs of the past I urge the prompt consideration of these private bills.

□ 1220

TRIBUTE TO THE LATE HONORABLE CARL PERKINS

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, CARL PERKINS was certainly a man who truly believed that government could help people obtain the American dream, and he made that dream a reality and he made government work.

From the School Lunch Program, to education for the disadvantaged the student assistance for higher education, CARL PERKINS and the work he did as a member and chairman of the House Education and Labor Committee touched literally hundreds of thousands of lives. Many of these people will never know the work that he did and in fact many will never have heard of this Kentucky lawyer-legislator, but their lives and the lives of their children are better because of his dedication to that dream.

Mr. Speaker, I am proud to say that I served under CARL PERKINS on the Education and Labor Committee for 4 years, and I can truly say that behind his gentle smile and country manner was one tough negotiator, with a good heart.

Mr. Speaker, CARL PERKINS was a man who always had a vision of America, an America that remembers all of its citizens, and his lasting contributions to these citizens will not soon be forgotten.

A TRIBUTE TO THE LATE HONORABLE CARL PERKINS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, the death of Congressman CARL PERKINS is a tremendous shock to all of us. He was a champion of all those in need and he did his work with quiet and forceful dignity; but always with the obvious dedication to the idea of helping those who could not adequately help themselves. His 1963 Vocational Education Act is an example of his great achievements and of the spirit of his life. The landmark 1965 Elementary and Secondary Education Act is another example of his legislative leadership.

As chairman of the House Committee on Education and Labor, he insisted that Congress do its duty in those fields particularly under the jurisdiction of his committee but his work extended far beyond that jurisdiction. Our country and millions of our citizens have benefited from his wisdom and his perseverance in enacting needed legislation.

Mr. Speaker, I had the honor to come to Congress in the same year that CARL came here and we both came here shortly after military service in World War II. In the years of our joint service here in Congress, I have always been particularly pleased that he was a member of that group which came in 1949, which incidentally included our fine President Gerald Ford. Yes, CARL was respected by everyone who knew him and not just because of his great legislative achievements; but, in fact, mostly because of his fine spirit and his dedication to principle.

We in Congress express to his widow and to their son our deepest sympathy. We have lost a great statesman in this death; and they have lost too, a very much loved individual. He truly earned the love of every American.

TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, if there is one "universal" we can all appreciate it is the ubiquitous requirement of paying income tax. We all recognize this "duty" because our taxes provide the financial foundation for our Government.

However, with any system that is so complex it is easy to lose sight of, or cause abuses to, the individual—in this case, the taxpayer.

It is the need to protect taxpayers against such abuses by the Internal Revenue Service that has prompted me to cosponsor H.R. 242, the taxpayers' bill of rights.

This legislation addresses such problem areas as: Questionable tax enforcement practices, the appeals process for adverse IRS decisions, the prosecution of refund claims, and the filing of taxpayer complaints. One of the most important provisions, I believe, would prohibit performance evaluations of IRS personnel, based upon the amounts collected from taxpayers through audit and investigation.

I support this bill because this measure is one way to restore taxpayer confidence in our Nation's tax system.

PRAYER IN SCHOOL—WHOSE PRAYER?

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute.)

Mr. WILLIAMS of Montana. Mr. Speaker, the Gallup Poll's annual survey of America's attitude about education was released last week. One of the important matters about which Americans were surveyed was that of prayer in the schools. Not surprisingly, 69 percent of Americans support prayer in the schools.

Not long ago in my home State of Montana we took a professional poll and we asked that same question; 55 percent of Montanans favored prayer in school.

We inquired further in that poll if Montanans favor verbal prayer in school with that prayer written by the school board. Only 16 percent favored that and 79 percent opposed it.

We went on to ask, "Do you favor prayer in school when that prayer is written by the individual teacher?"

Only 13 percent supported that, while 84 percent opposed it.

Yes, Americans and Montanans support prayer in school, but not mandatory prayer dictated by the State.

TRIBUTE TO THE LATE JOEL J. SOLOMON

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I take this moment to note the death of Joel J. Solomon of the State of Tennessee who died on July 29.

Jay Solomon was a truly dedicated public servant and an American of great compassion.

I first knew Jay well when he served as Administrator of the General Services Administration and his integrity, his forthrightness and his ability to see wrong where it existed and to correct it, to find inefficiency where it existed and to improve it, were a hallmark of this fine man; but his qualities as a businessman, as a citizen, a philanthropist, as someone who had the strength of his convictions, really are what will make Jay Solomon an unforgettable person.

He was a friend of mine, but he was also a friend to all people, a person who believed in doing right things and seeing them accomplished.

My condolences to his family. His death is a loss not only to his friends and family, but to all Americans.

PLAGUE CASES ON THE INCREASE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, although plague may still be classified as a rare disease in the United States, the disease presents a unique hazard to public health in the Southwest and in the State of New Mexico. In the last year, there has been a dramatic increase in cases of plague in this country. Just last week, a 71-year-old Santa Fe man became New Mexico's first plague fatality this year—this marked New Mexico's seventh reported case of plague this year. New Mexico's latest plague victim had "septicemic" plague, a rare and more deadly form of the disease which attacks the bloodstream and is very difficult to diagnose. Plague, I am told, if untreated, has a 60-percent fatality rate. With current antibiotic therapy, the fatality rate is reduced to approximately 10 percent.

Plague was first discovered in the United States at the turn of the century. It is believed to have been imported from the Far East. Once in California, it spread into species of rural rodents. Plague can now be found in rodents throughout the American West. In New Mexico, the first documented case of rodent plague was discovered in 1938. Rodent plague has been found in 32 of New Mexico's 33 counties.

The first reported case of human plague in New Mexico was in 1949. Since then, New Mexico has reported 144 cases of human plague and consistently reports two-thirds of all plague cases in the United States; 26 cases were reported in 1983 and seven cases have been reported this year.

Mr. Speaker, I want to draw my colleagues' attention to my concern over this disease. I am told that in my home State of New Mexico plague cases are reported in a 5-year cycle that has been increasing in an exponential fashion. The next peak is expected in 1985.

In February of this year, the New Mexico Health and Environment Department in cooperation with the National Center for Disease Control sponsored an Ad Hoc National Plague Prevention and Control Committee meeting in Santa Fe. The committee pointed to the need to standardize investigation and reporting of all U.S. human plague cases. Subcommittees were appointed to develop surveillance forms for cooperative reporting of plague cases and field investigation by State and local health departments. Data submitted on these forms will then be analyzed by CDC and used for ongoing plague research.

In its conclusion, the committee recommended selective and increased commitment of both Federal and State funds for research and development of sound cost-effective surveillance and control methods in recognized human high-risk areas as an important first step toward reducing human plague morbidity and mortality.

Mr. Speaker, I wanted my colleagues to know that I will be investigating various funding sources to develop a national approach for additional research regarding plague prevention. Funding research now can lead to effective national control strategies rather than wasting limited public funds to satisfy the public demand for action.

A TRIBUTE TO THE LATE HONORABLE CARL PERKINS

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, the Congress is poorer today for the loss of our esteemed colleague and friend CARL PERKINS of Kentucky.

CARL PERKINS brought to this body a compassion as broad as the mountains that span his district in Kentucky and as caring as a mother concerned over the health of her young child.

As the author of the Elementary and Secondary Education Act and the Vocational Education Act, CARL PERKINS' efforts have enabled millions of young Americans from disadvantaged areas to obtain useful educations. These programs have been of tremendous benefit throughout the entire Appalachian region.

His commitment to our Nation's coal miners was evidenced through his authorship of Federal black lung legislation which enables coal miners who have sacrificed their health to receive just compensation.

Mr. Speaker, all of our colleagues are aware of CARL PERKINS' contributions to this body which strengthened our Nation's commitment to the disadvantaged and disabled. But I have a great personal affection for the man who literally took me by the hand when I arrived in Washington and guided me through the catacombs of the Capitol and the intricacies of the legislative process.

Mr. Speaker, CARL PERKINS will be missed by everyone who looks toward Congress as a body of compassion and good will, by our colleagues who value leadership and understanding, and by those whose lives CARL PERKINS touched as a man, a legislator, and a friend.

□ 1230

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, August 8, 1984.

TRUCK SAFETY ACT OF 1984

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5568) to provide that the Secretary of Transportation may exempt segments of the Interstate System from the requirement that double trailer trucks be allowed to operate on all interstate highways and from certain truck length and width limitations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truck Safety Act of 1984".

SEC. 2. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways" and by striking out "Secretary," and inserting in lieu thereof "Secretary of Transportation (hereinafter in the part referred to as the 'Secretary')".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways".

(c) Section 411 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, determines that such segment is not capable of safely accommodat-

ing motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection or from both such subsections. The Governor shall transmit with such notification specific evidence of safety problems that supports such determination. The Governor also shall consult with the affected units of local government regarding any potential alternative route or routes that (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) that serve the area in which such segment of the Interstate System is located, and shall transmit the findings of such consultation to the Secretary.

"(2) If the Secretary determines, upon request under paragraph (1) or on the Secretary's own initiative, that any segment of the Interstate System is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Secretary shall exempt such segment from such subsection or from both such subsections. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than 120 days after the date on which a request is made under paragraph (1) or the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (e) shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) or (c) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining any alternative route or routes that (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) serve the area in which such segment of the Interstate System is located.".

(d) Section 412 of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than any segment thereof which is exempted under section 411(i) or 416(e))" after "Interstate and Defense Highway System".

(e) Section 416(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (e) of this section)" after "Defense Highways".

(f) Section 416(d) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (e) of this section)" after "Defense Highways".

(g) Section 416 of the Surface Transportation Assistance Act of 1982 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, determines that such segment is not capable of safely accommodating motor vehicles having the width set forth in subsection (a), the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. The Governor shall transmit with such notification specific evidence of safety problems that supports such determination. The Governor also shall consult with the affected units of local government regarding any potential alternative route or routes that (A) can safely accommodate motor vehicles having the width set forth in subsection (a), and (B) that serve the area in which such segment of the Interstate System is located, and shall transmit the findings of such consultation to the Secretary.

"(2) If the Secretary determines, upon request under paragraph (1) or upon the Secretary's own initiative, that any segment of the Interstate System is not capable of safely accommodating motor vehicles having the width set forth in subsection (a), the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than 120 days after the date on which a request is made under paragraph (1) or the Secretary initiates action under this paragraph, as the case may be, with respect to such segment.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining any alternative route or routes that (A) can safely accommodate motor vehicles having the width set forth in subsection (a), and (B) serve the area in which such segment of the Interstate System is located.".

The SPEAKER. Is a second demanded?

Mr. PETRI. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New Jersey [Mr. HOWARD] will be recognized for 20 minute and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5568, the Truck Safety Act of 1984, amends the Surface Transportation Assistance Act of 1982. Its purpose is to provide a means whereby the States, after consultation with units of local government, may request the Secretary of Transportation to exempt certain segments of the Interstate System from use by trucks having the length, width, and configuration mandated by the Surface Transportation Assistance Act of 1982.

The standard for either granting or denying the exemption is whether or not the Interstate segment of highway can safely accommodate the size of the trucks in question.

H.R. 5568 is an important piece of legislation, one that is crafted to enhance safety on the Nation's highways.

Mr. Speaker, this legislation is aimed primarily at about 67 miles of our Interstate System, those which are older highways and those which do not have the width of 12 feet or more as the rest of the System does have.

Mr. Speaker, H.R. 5568 is sponsored by the gentlewoman from New York [Ms. FERRARO] and others, and the gentlewoman from New York [Ms. FERRARO] is the author and main proponent of this legislation. She has exercised great skill and diligence in the handling of this legislation and in urging its adoption by the committee. She is here today to join with us in urging its adoption by the House.

It is my pleasure at this time to yield such time as she may consume to the gentlewoman from New York [Ms. FERRARO].

Ms. FERRARO. Mr. Speaker, I thank the distinguished gentleman from New Jersey for yielding time to me. I want to commend the gentleman, and the chairman of the Surface Transportation Subcommittee, the gentleman from California [Mr. ANDERSON], as well as the ranking minority members, Mr. SNYDER and Mr. SHUSTER, for their bipartisan support of this essential safety legislation.

Mr. Speaker, last year I introduced a bill to allow States to seek exemptions for segments of the Interstate Highway System that they believe cannot safely accommodate the longer, wider trucks now permitted to operate throughout the country.

When the bill was first introduced, there were many people who did not know that a number of interstate segments are woefully inadequate by today's design and safety standards. For example, in my own city of New York, there are interstate highways that lack acceleration or deceleration lanes, that have substandard shoulders or no shoulders at all, that have no climbing lanes on steep grades, and that have 10-foot-wide traffic lanes, instead of the 12-foot lane widths called for by current interstate standards.

These problems are not unique to New York; similar conditions exist in a number of older urban areas.

Notwithstanding this fact, under the present law States cannot prohibit the larger trucks from any interstate segment even if local, State, and Federal officials all agree that their operation constitutes a possible safety hazard. This rigid, inflexible approach is in marked contrast to the more flexible, commonsense approach used in deciding which highways on the primary system should be open to the larger trucks.

It seems to me only reasonable that the same safety considerations that were applied in deciding whether to permit larger trucks on segments of the primary system should be applied to segments on the Interstate System. That is what the bill before us today does.

Mr. Speaker, the procedure set forth in this bill is simple and straightforward. If the Governor of a State, after consultation with local government officials, believes that a particular interstate segment cannot safely accommodate the larger trucks, he or she may request that the Secretary of Transportation exempt the segment on the basis of safety considerations. These requests would have to be supported by specific evidence of safety problems. The Secretary would be required to make a determination whether to grant the exemption within 120 days of receipt of the information submitted by the Governor. The bill also requires that the Secretary consult with affected units of local government to determine alternative routes should an exemption be granted.

We've made a lot of progress over the past 15 months in making people more aware of the problem addressed in this legislation. I'm gratified that the approach embodied in this bill has been endorsed by the American Automobile Association, the U.S. Conference of Mayors, and the American Association of State Highway and Transportation Officials.

However, the biggest change has been the administration's recent decision to support this essential safety bill. In a July 25 letter to Chairman ANDERSON, the Department of Transportation states that:

> The authority to grant exemptions would provide us with greater administrative flexibility in implementing the STAA by permitting us to authorize the States to totally prohibit STAA-authorized vehicles on Interstate segments that meet the criteria of the bill. Therefore, . . . we believe that legislation such as H.R. 5568 would make our job easier.

Mr. Speaker, this legislation represents a reasonable and responsible approach. It does not challenge the new Federal truck size and weight standards. It does not return regulatory authority to the States. It does not provide for the granting of blanket exemptions. It does not impede interstate commerce.

What it does do is address the safety needs of the motorists of our country.

What it does is recognize what we all know to be true—that segments on the Interstate System vary tremendously with respect to their age, design features, and traffic volume. When local transportation officials feel that an interstate segment may be unsafe for larger trucks, I believe that we should provide a mechanism for addressing their concerns. We have done this for the Federal-aid primary system, and we should do no less for the Interstate System.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the floor manager of this bill, the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 5568 and commend it to my colleagues as a measure which demonstrates that we can pursue objectives of safety and improved transportation at the same time.

This bill simply says that the Secretary of Transportation, on his or her own initiative or on petition by a Governor backed up by specific evidence, can bar certain segments of the interstate system to certain types of vehicles on safety grounds.

This strikes me as completely reasonable. In enacting the Surface Transportation Assistance Act of 1982 and related legislation, we provided that States must allow tandem trucks, trailers, and semitrailers of certain minimum lengths, and vehicles 102 inches wide to operate on the interstate system.

We feel that the Secretary ought to have the kind of flexibility conferred by this bill, if there are instances in which it can be shown that there are safety problems in allowing certain trucks on a particular segment of interstate. We also provide that State Governors can initiate the process but assure that frivolous complaints cannot serve as grounds for making a segment off limits to larger trucks.

This bill is supported by the administration, which prefers a version reported by the Senate Commerce Committee, but nonetheless regards this as a suitable vehicle for getting into conference and moving this legislation. I also understand that the trucking industry has no objection.

□ 1240

So I urge the adoption of the bill. Again, I commend the chairman of our committee, the gentleman from New Jersey [Mr. HOWARD] for his initiative and for bringing this bill to the floor, and I thank the gentleman for yielding.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to another cosponsor of the bill, the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, I rise in support of H.R. 5568 as an original cosponsor of this bill, and wish to congratulate both the Public Works Committee and the gentlewoman from New York [Ms. FERRARO] for their good efforts on this issue.

Mr. Speaker, it is high time that Congress brought back some sanity to the policy of allowing tandem trailer trucks on interstate highways. For those of us who live in, and represent areas in the urban Northeastern United States, the provision of the Surface Transportation Assistance Act of 1982 which opened up all interstate highways to these larger trucks was a nightmare waiting to be dreamed, an accident waiting to happen.

More than 2 years ago, Congresswoman FERRARO, Congressman STEWART MCKINNEY, and Congresswoman BARBARA KENNELLY and I all introduced legislation to put a little more reason into the law. Our efforts involved giving the States more of a say on where tandems should and should not be allowed to go, both on interstates and other highways, and to give the Secretary of Transportation some discretion on this issue as well.

The Department of Transportation did back off on its proposals to allow tandems to run on primary and secondary highways, such as Route 7 in western Connecticut, but the Department could not and thus would not modify its requirement that tandems run on all interstate segments.

This bill is the result of House and Senate hearings on the issue, and I am pleased to note that the administration has finally agreed to support legislation such as this.

For those of us in the urban Northeast, with old, heavily traveled interstates like Route 95 in southern Connecticut, or the Brooklyn-Queens Expressway, or where the intersection of two interstates with local traffic like the I-84 and I-91 interchange in Hartford creates traffic flow nightmares, this legislation is absolutely essential for public safety.

Mr. Speaker, we should allow these bigger trucks to operate only where they can do so safely. We owe it to the driving public to keep safety in mind first. I urge support of this legislation.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to another strong supporter of this legislation, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the chairman for yielding.

Mr. Speaker, I want to add my praise to the chairman and to the gentlewoman from Queens for their leadership on this bill. It is important, I think, in two regards.

First it is important in itself. It removes a safety hazard from roads where people ought to be able to travel without fear that there is a threat to their safety and it does it in another way that protects the economic interests of the Nation as a whole.

So to the gentlewoman from Queens and the committee for fashioning this legislation to meet a specific problem I want to add my congratulations.

I just wanted to talk for a brief point, however, about two of the general principles that make this an im-

portant piece of legislation over and above the specific point it deals with.

Mr. Speaker, one has to do with the question of Federal-State relations because there has been a kind of simplistic notion around that the answer to everything is to return powers to the States and sometimes there has been rhetoric from this administration that has acted as if the Federal Government is our enemy and we ought to be automatically dealing with the States.

What the Reagan administration has recognized and what this bill helps them with, because they did not get it quite right, is that there are issues where there has to be a Federal role. We ought to understand that what we are talking about here when we originally passed this legislation was the recognition that we are one Nation, that we have an interdependent economy and that in fact there is an important role for the Federal Government.

On the other hand, when the bill originally went through, it overshot and we found too much centralization had happened. The response, however, and this is the genius of this bill, was not simply to fractionalize again and to tear apart the centralized authority we needed, but in fact to empower those who sit in Washington to exercise their authority flexibly.

That was the genius of the solution that the gentlewoman from Queens put forward. It was her recognition that there is an important Federal role to be dealt with with regard to the economy but that we want State input.

In other words, it allows the system to be Federal where it ought to be Federal but to take into account local authority. This is not the most routine kind of legislation. It is a new path we are taking to say to the Federal Government:

> Here you are, you have got this authority. We will empower you, not force you, but empower you, with the understanding you will be reasonable about it, to take into account local affairs.

So for blending the Federal versus local role in this way, I think the gentlewoman from Queens deserves a great deal of credit. In addition, it shows how we can deal sensibly with the question of regulation. Regulation is an essential part of a sensible economy. Yes, it is important for us for economic gain to have an access by trucks as large as possible because there is a gain to the consumer and a gain to the economy when we package things most efficiently.

But we recognize also there are safety concerns that have to be taken into account. Again, what the gentlewoman from Queens has shown is that sensible people who recognize the need for economic activity but also under the role that regulation has to play, can come up with sensible compromises that allow both issues to have their force.

It allows for the thrust which is a centralized economy being served in the most efficient way possible by the delivery by trucks of appropriate size, but it allows for safety concerns.

So it is not only an important bill in itself. But balancing a couple of conundrums that we do not always deal with well, that is an important piece of legislation. I am glad we are passing it not only to resolve this dispute but I think it is a model for us dealing with Federal-State relations and in the conflicts we are told exist between economic and safety regulations.

My congratulations to the authors.

● Mrs. KENNELLY. Mr. Speaker, I strongly support H.R. 5568, the Truck Safety Act, before the House of Representatives today. This is a straightforward, commonsense measure to remedy a serious safety problem on our interstate highways. H.R. 5568 gives the Secretary of Transportation the authority to exempt segments of the Interstate Highway System from the Federal requirements on truck size where the trucks would be dangerous because of the their length, width, or configuration. I am an original cosponsor of the Truck Safety Act and I commend the bill's author, Representative FERRARO, for her hard work to ensure its passage.

The Surface Transportation Assistance Act of 1982 required that tandem trailer trucks and trucks of increased width and length be allowed on all interstate highways and all primary routes designated by the Secretary of Transportation regardless of prior State law. The STAA did not allow for any exceptions in the case of interstate highways, and this was a mistake. While a large proportion of the Interstate Highway System can probably accommodate the bigger, heavier, longer vehicles, and double—perhaps even triple—trailer trucks, there was no flexibility in the law to keep these trucks off the interstate system where they would pose a threat to motorists.

With the enactment of the Truck Safety Act, we will have the flexibility we need to get the big trucks off the road where they are particularly dangerous. Under the terms of H.R. 5568, a Governor would petition the Secretary of Transportation to ban trucks unsuitable for segments of the State's interstate highways. The Governor would be required to consult with local officials concerning the petition and would also be required to provide documentation of safety concerns. Likewise, the Secretary of Transportation on his or here own initiative could act to ban the bigger truck traffic from the interstates.

This measure is the least we can do to bring about a more reasonable balance between the needs of public safety and the demands of an efficient interstate transportation network. I would have preferred that we completely delayed the implementation of the law overriding State prohibitions on tandem trailer trucks until after we had better answers to the many questions about these truck's safety record and their potentially destructive effect on our roads. Representative BILL RATCHFORD and I had incorporated this approach into legislation we introduced earlier in this Congress. However, in the meantime, this is a good bill which will improve the law currently on the books. Again, I congratulate its author and the leadership of the Public Works and Transportation Committee for bringing it before the House of Representatives and urge its adoption.●

● Mr. DONNELLY. Mr. Speaker, today the House is considering H.R. 5568, the Truck Safety Act of 1984. As an original cosponsor of this legislation, I am pleased that this important matter of public safety is before the full House, and I urge my colleagues to support its enactment.

H.R. 5568 places in law a mechanism for States to petition the Secretary of Transportation for the exemption of segments of the Interstate Highway System from traffic of tandem-trailer trucks and other oversize trucks when the safety of the motoring public is threatened by their presence. The Secretary must respond to a State's petition for exemption within 120 days, after considering evidence supplied by the State of specific highway safety problems related to the presence of oversize trucks.

Enactment of H.R. 5568 is a most prudent and responsible way of insuring that the public safety is protected from extraordinarily hazardous driving conditions on crowded portions of the Interstate Highway System. The bill also serves an important function by fostering a more effective working relationship between the Federal Transportation Department and State and local governments.

I commend the gentlewoman from New York [Congresswoman FERRARO] for introducing this deserving legislation, and the leadership of the House Public Works and Transportation Committee for bringing this legislation before the full House today.●

● Mr. GREEN. Mr. Speaker, as an original cosponsor of H.R. 5568, I am pleased to support this important piece of truck safety legislation as it is debated today on the House floor.

As my colleagues will remember, the 1982 Surface Transportation Assistance Act raised the amount of Federal funds for infrastructure and mass transit through a 5-cent per gallon gas tax. Included in the legislation was a provision which allowed tandem trucks and trucks as wide as 102 inches to use certain noninterstate roads

built with Federal aid. The Department of Transportation identified about 165,000 miles of roads which are now available for truck travel.

Many of these roads found in New York are simply not safe for truck use. Many are too narrow, or too heavily traveled, or are simply not in the physical condition necessary to withstand heavy truck usage. These conditions are common in the Northeast, where many of the roads that trucks are now using are woefully inadequate by current engineering standards.

For this reason, I initially cosponsored Congresswoman FERRARO's H.R. 2530 which sought to allow individual States to seek exemptions for segments of the Interstate Highway System that they believe cannot safely accommodate the longer and wider trucks now permitted to operate nationwide. H.R. 5568 is the updated legislation before the Congress today which has slightly modified the original proposal. The legislation before us today permits the Secretary of Transportation to authorize exemptions on her own initiative should the need arise, and it authorizes exemptions of interstate segments from the width requirements of the Surface Transportation Assistance Act. It is clear that many roads in and around New York City should be exempt from the legislative standards set up in 1982.

Clearly, passage of this bill is necessary to protect our Nation's highway and small road users. It is a major piece of transportation safety legislation, and it is supported by the administration. I urge my colleagues to approve this bill in order to enhance the safety of our Nation's road users.●

Mr. HOWARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. ALEXANDER]. The question is on the motion offered by the gentleman from New Jersey [Mr. HOWARD] that the House suspend the rules and pass the bill, H.R. 5568, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1250

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CIGARETTE SAFETY ACT OF 1984

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1880) to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Safety Act of 1984".

SEC. 2. (a) There is established the Interagency Committee on Cigarette and Little Cigar Fire Safety (hereinafter in this Act referred to as the "Interagency Committee") which shall consist of—

(1) the Chairman of the Consumer Product Safety Commission, who shall be the Chairman of the Interagency Committee;

(2) the Assistant Secretary of Health in the Department of Health and Human Services; and

(3) the Associate Director for Training and Fire Programs of the Federal Emergency Management Agency.

(b) The Interagency Committee shall direct, oversee, and review the work of the Technical Study Group on Cigarette and Little Cigar Fire Safety (established under section 3) conducted under section 4 and shall make such policy recommendations to the Congress as it deems appropriate. The Interagency Committee may retain and contract with such consultants as it deems necessary to assist the Study Group in carrying out its functions under section 4. The Interagency Committee may request the head of any Federal department or agency to detail any of the personnel of the department or agency to assist the Interagency Committee or the Study Group in carrying out its responsibilities. The authority of the Interagency Committee to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

(c) For the purposes of carrying out section 4, the Interagency Committee or Study Group, with the advice and consent of the Interagency Committee, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Interagency Committee or the Study Group considers appropriate. For purposes of section 3507(c) of title 44, United States Code, the Interagency Committee and the Study Group shall be treated as if each was an agency listed in section 3502(10) of such title. In order to comply with the requirements of this Act concerning submission of its reports, the Interagency Committee and the Study Group may each invoke the expedited review procedures provided by section 3507(g) of such title to obtain decisions with respect to its collection of information.

SEC. 3. (a) There is established the Technical Study Group on Cigarette and Little Cigar Fire Safety (hereinafter in this Act referred to as the "Study Group") which shall consist of—

(1) one scientific or technical representative each from the Consumer Product Safety Commission, the Center for Fire Research of the National Bureau of Standards, the National Institutes of Health, the Federal Trade Commission, and the Federal Emergency Management Agency, the appointment of whom shall be made by the heads of those agencies;

(2) four scientific or technical representatives appointed by the Chairman of the Interagency Committee from a list of individuals submitted by the Tobacco Institute;

(3) two scientific or technical representatives appointed by the Chairman of the Interagency Committee who are selected from lists of individuals submitted by the following organizations: the American Burn Association, the American Public Health Association, and the American Medical Association;

(4) two scientific or technical representatives appointed by the Chairman of the Interagency Committee who are selected from lists of individuals submitted by the following organizations: the National Fire Protection Association, the International Association of Fire Fighters, the International Society of Fire Service Instructors, and the National Volunteer Fire Council; and

(5) one scientific or technical representative appointed by the Chairman of the Interagency Committee from lists of individuals submitted by the Business and Institutional Furniture Manufacturers Association and one scientific or technical representative appointed by the Chairman from lists of individuals submitted by the American Furniture Manufacturers Association.

(b) The persons appointed to serve on the Study Group may designate, with the advice and consent of the Interagency Committee, from among their number such persons to serve as team leaders, coordinators, or chairpersons as they deem necessary or appropriate to carry out the Study Group's functions under section 4.

SEC. 4. The Study Group shall undertake, subject to oversight and review by the Interagency Committee, such studies and other activities as it considers necessary and appropriate to determine the technical and commercial feasibility, economic impact, and other consequences of developing cigarettes and little cigars that will have a minimum propensity to ignite upholstered furniture or mattresses. Such activities include identification of the different physical characteristics of little cigars and cigarettes which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering any pertinent characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits, both to the industry and the public, associated with any such product modification.

SEC. 5. The Interagency Committee shall submit one year after the date of enactment of this Act a status report to the Senate and the House of Representatives describing the activities undertaken under section 4 during the preceding year. The Interagency Committee shall submit a final technical report, prepared by the Study Group, to the Senate and the House of Representatives not later than thirty months after the date of enactment of this Act. The Interagency Committee shall provide to the Congress, within sixty days after the submission of the final technical report, any policy recommendations the Interagency Committee deems appropriate. The Interagency Committee and the Study Group shall terminate one month after submission of the policy recommendations prescribed by this section.

SEC. 6. (a) Any information provided to the Interagency Committee or to the Study

Group under section 4 which is designated as trade secret or confidential information shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed, except as provided under subsection (b). No member of the Study Group or Interagency Committee, and no person assigned to or consulting with the Study Group, shall disclose any such information to any person who is not a member of, assigned to, or consulting with, the Study Group or Interagency Committee unless the person submitting such information specifically and in writing authorizes such disclosure.

(b) Subsection (a) does not authorize the withholding of any information from any duly authorized subcommittee or committee of the Congress, except that if a subcommittee or committee of the Congress requests the Interagency Committee to provide such information, the Chairman of the Interagency Committee shall notify the person who provided the information of such a request in writing.

(c) The Interagency Committee shall, on the vote of a majority of its members, adopt reasonable procedures to protect the confidentiality of trade secret and confidential information, as defined in this section.

SEC. 7. As used in this Act, the terms "cigarettes" and "little cigars" have the meanings given such terms by section 3 of the Federal Cigarette Labeling and Advertising Act.

SEC. 8. This Act shall take effect October 1, 1984.

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Utah [Mr. NIELSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Cigarette Safety Act is intended to reduce the risk of upholstered furniture and mattress fires posed by cigarettes. Thousands of residential fires occur in this country each year due to the careless use of cigarettes. Thousands of deaths and serious injuries occur—often among nonsmokers—due to cigarettes igniting upholstered furniture or mattresses.

The legislation represents a compromise reached between representatives of the Tobacco Institute and supporters of the legislation. I want to commend the principle author of the proposal, the gentleman from Massachusetts [Mr. MOAKLEY], for his commitment to reducing the incidence of cigarette related fires and for the many hours has devoted to preparation of the bill that is now before the House.

H.R. 1880 provided for establishment of a 15-member technical study group to advise the Congress on the technical feasibility and side-effects of producing a fire-safe cigarette. The study group will be composed of five members representing the Consumer Product Safety Commission, Federal Emergency Management, Agency, National Cancer Institute, National Bureau of Standards, and Federal Trade Commission. Four members will represent the Tobacco Institute. Two members will represent the fire safety field. Two members will represent the Public Health Field. Two members will represent the furniture industry.

The activities of the technical study group will be supervised by an Interagency Committee on Cigarette and Little Cigar Fire Safety. The Interagency Committee will be chaired by the Chairman of the Consumer Product Safety Commission and include the Assistant Secretary of Health in the Department of Health and Human Services and the Associate Director for Training and Fire Programs of the Federal Emergency Management Agency.

The Interagency Committee will forward a technical report to the Congress not less than 30 months after enactment. The report will include the results of studies undertaken to determine the technical and commercial feasibility of developing cigarettes that are less likely to ignite upholstered funiture or matttress fires.

I urge Members' support for the legislation.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY], the primary author of this legislation.

Mr. MOAKLEY. Mr. Speaker, I rise in strong support of H.R. 1880, the Cigarette Safety Act, as reported from the Energy and Commerce Committee.

I wish to thank the chairman of the Subcommittee on Health and the Environment, and the chairman of the full Energy and Commerce Committee, for their support in bringing this legislation through committee, and to the floor for consideration. I can honestly attest to the fact that this legislation, which reflects a compromise between the supporters of fire-safe cigarette legislation and the interests of the tobacco industry, could not have been possible without their strong presence and leadership.

This legislation represents a historic step in the movement to eliminate fire deaths in the United States. We have made significant advances during the last 20 years in reducing the ignition propensity of carpeting, upholstered furniture, and mattresses. But our public policy should not be based solely on making our environment fireproof from the cigarette—we must ensure that flammable consumer products are manufactured so as to have a minimum propensity to ignite accidental fires. This compromise will help achieve a balanced public policy by determining whether it is technically and commercially feasible to produce fire-safe cigarettes.

It has been a long time since 1979 when I first introduced this legislation. At that time, a young family in my congressional district died in a fire that was caused by a cigarette. That family—the mother, father, and five children, the oldest of which was only 10—died a senseless death, a death which might have been prevented if cigarettes had been made fire-safe.

The debate over whether a cigarette can be made fire-safe, and whether a Government standard is necessary, is not resolved. Hopefully, with the passage of this legislation, we will take a dramatic step forward toward ending this debate, and getting on with the task of eliminating preventable fire deaths in this country.

This legislation would not have been possible had it not been for the many people representing the health community, fire service, public interest groups, media, and concerned citizens, who donated their time and effort to make this legislation possible.

I would also like to thank four individuals who made this legislation possible with their willingness to participate in the March 1983, hearing. Betty Brinkley, Maura Melody, and Jay and Carole Bondi, all suffered tragic losses as the result of cigarette fires and all showed tremendous courage in their willingness to come before the Subcommittee on Health and the Environment, to testify on their personal tragedies.

Like these individuals, there are many other people who helped make this compromise a reality and who deserve recognition—unfortunately, time does not allow us the opportunity to recognize all of them. I do, however, wish to personally thank Andrew McGuire, of the California-based Burn Council, and Art Delibert and Michael Morris, of the Washington, DC, based Citizens Committee for Fire Protection, for their long, diligent efforts to educate both Congress and the public to the seriousness of the cigarette-fire issue.

I wish to thank the American Burn Association, the National Fire Protection Association, the Phoenix Society, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the many national, State, and local volunteer and professional fire-fighting organizations, the many public health groups, and others who helped bring this issue to the public's attention.

I also wish to note the many States where fire-safe cigarette legislation has been considered over the last few years. Particularly, the States of New York, California, Connecticut, and Oregon, have been, and continue to be, leaders on this issue.

I wish to thank the Tobacco Institute, who, although we did not always agree, worked closely with me and my staff over the past year to reach this agreement. They agreed to several provisions about which they had doubts, and altered their position on several occasions to accommodate our wishes.

The agreement, as reported from the committee, calls for an intergovernmental agency review of the cigarette fire issue with the assistance of the tobacco industry, the fire service, the medical community, and the furniture industry. Under the agreement, a technical study will be submitted to Congress within 30 months of the date of enactment and will answer all the relevant questions concerning product modification and the health consequences of that modification.

The legislation we are proposing is in every way a compromise, as neither the Tobacco Institute nor the supporters of fire-safe cigarette legislation are totally pleased with the language. It is, however, language which both sides can accept and support.

Let me make clear, this legislation will not simply be another study or a further delay in eliminating smoking related fires. The research that will be undertaken, is the same research which would have been undertaken under our original bill. At the end of the research, however, it will be the Congress, rather than the Consumer Product Safety Commission, which decides whether a governmental standard is warranted and appropriate.

The Tobacco Institute has assured me that if a satisfactory solution can be found, they will produce fire-safe cigarettes without governmental regulation. I fully intend to hold them to their word.

There is no single answer to the U.S. fire problem. We must move forward on many fronts, to combat arson, improve construction techniques, install sprinkler systems and smoke detectors, to name just a few. I am convinced, however, that the fire-safe cigarette is a necessary and crucial component of the fire prevention and safety formula. The fire-safe cigarette, if it is determined to be technically and commercially feasible by the study authorized by this legislation, will dramatically reduce the number of fire deaths and burn injuries in this country.

THE CIGARETTE-FIRE PROBLEM

In 1981 it was estimated that there were 63,518 residential fires in the United States resulting from the careless use of smoking materials. While careless smoking is not the No. 1 cause of fires, it is the No. 1 cause of fire deaths in the United States.

Over one-third of the fire deaths in the United States are caused by cigarette-ignited fires; 67.4 percent of the fire deaths in hotels and motels result from cigarette ignited fires. In 1981, 2,144 people lost their lives, 3,819 more were injured, and there was an estimated $305 million in property damage as a result of cigarette-ignited fires.

Research by the University of Michigan has established that cigarette fire victims—those that are admitted to burn trauma centers involved in the research—are disproportionately children and elderly. In fact, if one follows the news reports of cigarette fires, it becomes evident that cigarette fires do discriminate, and that the innocent child asleep, or the elderly person confined in a nursing home, is often the victim of someone else's carelessness.

Testimony received during the Subcommittee on Health and the Environment Hearings suggests that these figures may actually be low. A study, undertaken by Walter G. Berl and Byron M. Halpin of Maryland fire deaths between 1972–77, showed 44.4 percent of deaths occurred as the result of cigarette-ignited fires.

This and other testimony also indicated that while smoke detectors and upholstered furniture and bedding standards would reduce the loss from cigarette-ignited fires, they will not be completely successful. Even with the upholstered furniture industry's voluntary standard, it will take between 15 and 30 years before we can expect to have a largely fire-resistant furniture population. It was also noted that the elderly and small children, and those that are impaired because of inebriation, would have difficulty escaping from these fires even with the early warning of a smoke detector.

Typically, cigarette-ignited fires start in upholstered furniture and bedding in people's homes and apartments. Cigarette ignition of upholstered furniture can occur between 1 and 45 minutes after contact. Once upholstered furniture is ignited, the ignition may smolder inside the filling for up to several hours before an actual flame develops.

Two-thirds of residential fire deaths occur between the hours of 8 p.m. and 8 a.m., when most people are sleeping. Over half of these occur during the 4-hour period between midnight and 4 a.m. Fire department estimates show 38 percent of the deaths occur in fires burning over 40 minutes prior to detection.

In the Maryland study, 35 percent of the fatal fire victims had blood alcohol levels in excess of 0.1 percent—the legal definition of drunkenness in Maryland.

Subsequently, the most common fatal fire in America, consists of a cigarette carelessly discarded, most often in upholstered furniture or bedding. The person responsible has often been consuming alcohol. It smolders unnoticed. Heat is trapped in the crevices of the furniture or folds of the bedding and a fire starts. Other family members have often gone to bed in another part of the house. The alarm is given in the middle of the night by a neighbor or passerby seeing smoke or fire. The fire department arrives promptly, but too late to save the victims.

The answer is clear, we must break this deadly scenario by either making the environment fireproof or by modifying the consumer product which starts these fires. In my opinion, we must approach this problem from both sides. Unfortunately, the chronology of governmental actions regarding smoking-related fires indicates that we have ignored the cigarette's relationship in these fires and have concentrated on the environment almost exclusively. The result of the legislation we are considering today will be to balance this policy.

FEDERAL STUDY

H.R. 1880, as amended, is designed to undertake a comprehensive Federal study of the ignition propensity of cigarettes and little cigars to ignite upholstered furniture and mattresses.

The legislation would require an Interagency Committee, through a Technical Study Group, to report to Congress within 30 months on the technical and commercial feasibility, economic impact and other consequences of developing cigarettes and little cigars which have a minimum propensity to ignite upholstered furniture or mattresses. These activities will include the identification of the different physical characteristics of cigarettes and little cigars which have an impact on the ignition of upholstered furniture and mattresses, an analysis of the feasibility of altering any pertinent characteristics to reduce ignition propensity, and an analysis of the possible costs and benefits, both to the industry and the public, associated with any such product modification.

The Interagency Committee, composed of the Chairman of the Consumer Product Safety Commission—Chairman of the Interagency Committee, the Assistant Secretary for Health of the Department of Health and Human Services, and the Associate Director for Training and Fire Programs of the Federal Emergency Management Agency, will direct, oversee and review the work performed by the Technical Study Group. The Interagency Committee will also make policy recommendations to the Congress for further Federal involvement.

The Technical Study Group, composed of five technical Government representatives—representing the Consumer Product Safety Commission, the National Institutes of Health, the Center for Fire Research, the U.S. Fire Administration, and the Federal Trade Commission, four tobacco industry, two fire service, two public health, and two furniture industry

representatives, will prepare a report to Congress on the technical and commercial feasibility of "fire-safe" cigarettes.

I believe that it is essential that the Study Group operate in an open forum and seek advice, comment, and criticism from the scientific community. The composition of the Study Group was chosen to involve a crosssection of the organizations with a legitimate interest in the issue of cigarette-ignited fires. The composition of the Study Group is not inclusive of all interested parties and therefore I believe it is necessary for the Study Group to actively seek a public dialog on this research and analysis.

The mattress manufacturing industry will have a strong interest in the work of the Study Group, particularly since mattresses, as was discussed earlier, are the only home furnishings products that must meet a Federal flammability standard using a cigarette ignition test. The National Association of Bedding Manufacturers [NABM], which represents over 280 manufacturers of bedding products, has developed considerable technical expertise concerning mattress flammability and cigarette ignition. I hope that the Study Group will consult with NABM regularly during its deliberations and keep the association apprised of its progress.

It is also important that we recognize that the California Bureau of Home Furnishings may offer substantial assistance and expertise to the study group. Presently, California is the only State to have a mandatory cigarette flammability law for upholstered furniture—since 1975. The California Bureau of Home Furnishings has done more research on the cigarette as an ignition source than any other agency in the United States. Since 1974 more than 75 technical publications have been issued by the bureau in the area of upholstered furniture fires and, since 1970, more than 10,000 cigarette tests have been performed in the bureau's laboratory annually. The California Bureau of Home Furnishings has recently signed a contract with the State of Connecticut to develop a performance standard for fire-safe cigarettes for Connecticut. Again, I hope that the study group consults with the California Bureau of Home Furnishings regularly during its deliberations and to keep the bureau apprised of its progress and to regularly consult with other organizations which also have technical expertise relevant to its work.

I would like to make note of two studies which have been done on this issue. The first was done by the National Bureau of Standards' Center for Fire Research and is entitled "Development of a Candidate Test Method for the Measurement of the Propensity of Cigarettes to Cause Smoldering Ignition of Upholstered Furniture and Mattresses."

This NBS study covered both experimental and 30 commercially available brands of cigarettes. Several characteristics were noted as having an impact on the ignition potential of cigarettes. Among these were cigarette diameter, packing density and whether or not the cigarette had a filter.

Through this research, NBS has established a candidate test method. While NBS specifies that additional research is needed and that its study did not systematically review commercially available cigarettes, the study did establish that there are distinct differences in cigarettes and their likelihood to ignite upholstered furniture.

The second study is a study by the U.S. Testing Co. showing some dramatic differences between three cigarette brands which are presently on the market.

I believe that it is extremely important that the Interagency Committee and the study group continue the work which was begun at the National Bureau of Standards to develop a candidate test method. Clearly, we must have some mechanism to gauge the ignition propensity of cigarettes. Likewise, the study group must address the question of how we define a fire-safe cigarette. Although this term has been used generally to relate the issue, no clear definition of a product with a low propensity to ignite upholstered furniture and mattress has ever been established.

I also believe that we must have a detailed analysis of the products on the market to determine what the effects to the industry will be by any large-scale product modification which the industry may undertake if it is warranted.

When I first started talking about fire-safe cigarettes I met with a great deal of skepticism from both the public and some of my colleagues. Many believed that it was ludicrous to attempt to make a cigarette fire safe. The ability of a cigarette, when dropped on a chair, to not set the chair on fire, is not only possible in theory, but may be true of some of the cigarettes already on the market.

Mr. Speaker, again, I urge the House to adopt this compromise proposal which has been endorsed by all of the interested parties. It will cost the Federal Government very little, and it may have a tremendous impact on our efforts to eliminate fire deaths in this country.

□ 1300

Once again, Mr. Speaker, let me thank very much the subcommittee chairman, the gentleman from California [Mr. WAXMAN], for all of the work that he and his staff have done on this matter.

Mr. NIELSON of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1880 is a compromise bill, worked out between Mr. MOAKLEY and the Tobacco Institute. It establishes an Interagency Committee and a Technical Study Group to determine the feasibility of producing fire-safe cigarettes and little cigars. A report to Congress is required within 30 months of enactment.

Deaths, injuries, and property damage due to furniture and mattress fires caused by careless smoking are unacceptably high. It is important that we determine the feasibility of producing cigarettes that will have a minimum capacity to ignite furniture. I am happy that the Tobacco Institute supports this study. This bill is also strongly supported by the Consumer Product Safety Commission. I feel that the compromise bill we have before us is superior to the original bill because it calls for cooperation rather than imposition at Federal standard.

I urge my colleagues to vote for H.R. 1880.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 1880

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have permission to file a supplemental report on H.R. 1880.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. NIELSON of Utah. Reserving the right to object, Mr. Speaker, this has been cleared by the minority, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 1880, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish an interagency committee and a technical study group on cigarette safety."

A motion to reconsider was laid on the table.

THE CHILDREN'S PRODUCTS SAFETY ACT OF 1984

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5818) to amend the Federal Hazardous Substances Act to apply the notice and repair, replacement, and refund provisions of that act to defective toys and other articles intended for use by children.

The Clerk read as follows:

H.R. 5818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "The Children's Products Safety Act of 1984".

SEC. 2. (a) Section 15(a) of the Federal Hazardous Substances Act (15 U.S.C. 1274(a)) is amended—

(1) by inserting "or if any toy or other article intended for use by children contains a defect which creates a substantial risk of injury to children (because of the pattern of the defect, the number of defective toys or other articles presenting the risk which were distributed in commerce, the severity of the risk, or otherwise)" after "(whether or not it was such at the time of its sale)";

(2) by striking out "such article or substance" and inserting in lieu thereof "such article", substance, or toy";

(3) by striking out "dealer of the article or substance" and inserting in lieu thereof "retailer of the article, substance, or toy";

(4) by amending paragraphs (1) through (3) to read as follows:

"(1) To give public notice that the article or substance is a banned hazardous substance or that the toy or other article intended for use by children contains a defect which creates a substantial risk to injury.

"(2) To mail such notice to each person who is a manufacturer, distributor, or retailer of such article, substance, or toy or other article that is intended for use by children.

"(3) To mail such notice to every person to whom the person giving the notice knows such article, substance, or toy or other article intended for use by children was delivered or sold."

(b) Section 15(b) of such Act is amended—

(1) by inserting "or if any toy or other article intended for use by children contains a defect which creates a substantial risk of injury to children (because of the pattern of the defect, the number of defective toys or other articles intended for use by children presenting the risk which were distributed in commerce, the severity of the risk, or otherwise)" after "(whether or not it was such at the time of its sale)";

(2) by striking out "dealer" and inserting in lieu thereof "retailer";

(3) by amending paragraphs (1) through (3) to read as follows:

"(1) If repairs to or changes in the article or substance may be made so that it will not be a banned hazardous substance or if repairs or changes in the toy or other article intended for use by children may be made so that it will not contain a defect which creates a substantial risk of injury to children, to make such repairs or changes.

"(2) To replace such article or substance with a like or equivalent article or substance which is not a banned hazardous substance or to replace such toy or other article intended for use by children with a like or equivalent toy or article which does not contain a defect which creates a substantial risk of injury to children.

"(3) To refund the purchase price of the article, substance, or toy or other article intended for use by children (less a reasonable allowance for use if the article, substance, or toy or other article intended for use by children has been in the possession of the consumer for one year or more—

"(A) at the time of public notice under subsection (a), or

"(B) at the time the consumer receives actual notice that the article or substance is a banned hazardous substance or that the toy or other article intended for use by children contains a defect which creates a substantial risk of injury to children, whichever occurs first)."; and

(4) by striking "article or substance" in the last sentence and inserting in lieu thereof "article, substance, or toy".

(c) Section 15(c)(2) of such Act is amended (1) by striking out "article or substance" each place it occurs and inserting in lieu thereof "article, substance, or toy", and (2) by striking out "dealer" each place it occurs and inserting in lieu thereof "retailer".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Utah [Mr. NIELSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5818 amends the Federal Hazardous Substances Act to enable the Consumer Product Safety Commission [CPSC] to recall quickly, dangerous toys or other articles used by children.

Currently, the CPSC can recall and order corrected a dangerously defective toaster faster than a deadly toy. This ironic result is caused by an inconsistency in the law that requires the CPSC to promulgate a special rule before it can recall dangerous toys. This additional rulemaking requirement does not apply to recalls of other dangerously defective consumer products.

This time-consuming procedure has delayed the recall of toys that are alleged to have caused deaths and serious injuries by as much as 14 months. There is no reason for the law to be more lax where toys are concerned. When a toy has been determined to be hazardous, the lives and safety of children should not be jeopardized by delaying the recall. the CPSC should be able to recall the hazardous toy as quickly as any other consumer product.

Greater toy safety has been overwhelmingly endorsed by the public. According to a recent Lou Harris poll, 88 percent of those surveyed wanted the CPSC to do more to assure that toys are safe. The Toy Safety Act responds to that demand. It authorizes the CPSC to give public notice about any toy that poses a substantial risk of injury to children. In addition, it empowers the agency to order the toy maker to repair, replace or give a refund for the dangerously defective toy.

The legislation has been endorsed by the Consumer Product Safety Commission, Consumer Federation of America, Consumers Union, American Academy of Pediatrics, and the administration. The bill is not opposed by the Toy Manufacturers of America.

I urge my colleagues to support H.R. 5818.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5818, the Children's Products Safety Act of 1984.

Toys and children's products are regulated under the Federal Hazardous Substances Act [FHSA] rather than the Consumer Product Safety Act [CPSA]. This was done originally to accord these products special status, as they were regulated before the creation of the Comsumer Product Safety Commission [CPSC]. Ironically, by being regulated under FHSA, toys are now subject to a more cumbersome, impractical recall process because that act does not have a comprehensive recall provision. Quite simply, toys which are found to be hazardous cannot be recalled as quickly as unsafe products intended for adults.

This bill would simply amend section 15 of the FHSA to allow CPSC to use the same procedures to recall a hazardous toy under that act, as are now used to recall other unsafe products under the CPSA.

The toy manufacturers of America expressed three minor problems with this bill as originally introduced. They did not like the original title of the bill, they wanted the bill to apply only to defective toys and they felt the bill should apply to retailers rather than dealers. All three of these concerns were fully addressed by the subcommittee. We now have before us a totally noncontroversial bill supported by manufacturers, consumer groups and the Reagan administration. I urge my colleagues to support this important legislation to help protect our children from dangerous, defective products.

Mr. Speaker, I yield back the balance of my time.

● Mr. WALGREN. Mr. Speaker, it is a pleasure today to support what may seem to be a minor bill, but to any parent a measure that is certainly a major bill. H.R. 5818, the Children's Product Safety Act, would enable the Consumer Product Safety Commission to recall dangerous toys and other children's products such as cribs and playpens as easily and as quickly as it does other products like toasters and lawnmowers. Under this bill, manufac-

turers would have to give public notice that a toy or children's product contains a defect that poses a substantial risk of injury and the Commission could order the manufacturer to repair, replace, or provide a refund for the dangerous toy or product.

I would like to commend Congressman WAXMAN for his leadership in spotting this loophole in the law that I hope will get dangerous children's objects off the store shelves quickly—as well as deterring their manufacture in the first place. I am pleased to have had a role on the Subcommittee on Health, in writing this bill.

Under the current law the Consumer Product Safety Commission can recall defective products as soon as it determines that the product is dangerous. Because of a quirk in the current law, for toys and children's products, the CPSC must go through a lengthy and cumbersome regulatory process—sometime 6 months to 2 years—while the manufacturer keeps selling the products. There is no justification for such delays, especially when chidren's safety and lives are at stake.

Here are some past examples: In 1981 and 1982, the Commission learned about the suffocation deaths linked to certain squeeze toys. The two manufacturers refused to voluntarily recall the toys. The CPSC then went through the procedures available to it, the first step being an action to ban the item, but this action was not published until January 1984. The manufacturers, to their credit, did take corrective action, but the the protracted redtape the CPSC had to go through meant that children's safety was at risk unnecessarily.

Similarly, in October and November 1979, several children's strangulation deaths were linked to certain stuffed toys, and it took the Commission until June 1982—almost 3 years—to go through the recall procedures and for the companies involves to agree voluntarily.

I hope the House will move quickly on this bill and the Senate and President will follow suit. Our children are precious, and our laws should reflect that. We should never tolerate letting our children's safety getting caught up in bureaucratic snares and inertia.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 5818.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5818 and H.R. 1880, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMERICAN FOLKLIFE CENTER AUTHORIZATIONS FOR FISCAL YEARS 1985 AND 1986

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5886) to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986.

The Clerk read as follows:

H.R. 5886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and" after "1983,"; and

(2) by inserting after "1984" the following: ", $838,549 for the fiscal year ending September 30, 1985, and $867,898 for the fiscal year ending September 30, 1986".

SEC. 2. Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107), as amended by the first section of this Act, is further amended—

(1) by inserting before "There" the following: "(a)"; and

(2) by adding at the end the following new subsection:

(b) No amount authorized by subsection (a) of this section for the fiscal year ending September 30, 1985, or the fiscal year ending September 30, 1986, may be used for pay, benefits, or other expenses of any personnel position established after the date of the enactment of this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. HAWKINS] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Speaker, I yield myself such time as I may consume, Mr. Speaker, the Library of Congress' request was for a 5-year reauthorization with $930,000 for fiscal year 1985. H.R. 5886 provides for a 2-year reauthorization at $839,549 for fiscal year 1985 and $867,898 for fiscal year 1986. This will provide the Congress with the opportunity to further evaluate the folklife center's operations.

These authorization levels are a 3½-percent increase over the center's 1984 appropriation, which is in line with the recommendations of the Budget Committee.

H.R. 5886 also prohibits use of any fiscal 1985 and 1986 appropriations for expenses of additional personnel. Thus, this legislation would freeze staff levels through fiscal 1986, at the center's current level.

Mr. Speaker, because of the urgent nature to move the authorization for the American folklife center the committee appreciates the deferral of the Committee on Public Works and Transportation to asserting jurisdiction over a nongermane amendment to the bill to which this language will be attached. S. 2556, deals with playgrounds for the children eligible for the Senate day care center and for child care centers which may be established for the children of Members of Congress or their employees.

The Committee on Public Works and Transportation, because of their jurisdiction over matters affecting the Capitol Grounds, has agreed to the amendment which would allow certain portions of the Capitol Grounds to be used exclusively for the purpose of providing child care for children of Members and employees of the Senate or House of Representatives. The committee recognizes that future amendments dealing with this matter would properly be referred to the Committee on Public Works and Transportation and that this action today should not be construed as precedent for changing the jurisdiction of the Committee on Public Works and Transportation over this matter.

□ 1310

Mr. FRENZEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the House Administration Committee, the gentleman from California, has described the bill accurately and the committee's reaction to it. This bill, of course, authorizes for 2 years the folklore authorization within the Library of Congress, and has a Senate rider amendment, a nongermane amendment, which grants the Capitol Police Force the authority to designate portions of the Capitol Grounds for use as a play area for children attending a day care center.

There is some thought that the Police Board or other authority might have already the authority to establish this playground, but probably the Senate has acted wisely in asking for lawful authority to make such use of the area. Our committee is, I think it is fair to say, lukewarm on the folklore authorization, but because of the very strong Senate interest in the play area for the children in the day care establishment, this committee I think bent over backward in the spirit of comity to move the bill along.

We changed the Senate authorization from 5 to 2 years, and put restrictions on spending and on personnel increases to conform to what the committee thought was the intent of the House budget.

The chairman has also indicated that we share jurisdiction with the Public Works Committee, which has been conceded for the purposes of this bill, but obviously that committee retains such jurisdiction, and we will always expect to share and not to set any precedent by the handling of this bill. Mr. Speaker, as far as I know, there was no negative vote on this bill in the committee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 5886.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' EDUCATION AND EMPLOYMENT AMENDMENTS OF 1984

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5398), to amend title 38, United States Code, to provide a 15-percent increase in the rates of educational assistance paid under the GI bill and the rates of subsistence allowances paid under the Veterans' Administration rehabilitation program for veterans with service-connected disabilities, and to revise and extend the veterans' readjustment appointments program for the appointment of veterans in the civil service, as amended.

The Clerk read as follows:

H.R. 5398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Education and Employment Amendments of 1984".

TITLE I—15 PERCENT INCREASE IN RATES

GI BILL RATE INCREASES

SEC. 101. (a) Chapter 34 of title 38, United States Code, is amended as follows:

(1) The table contained in paragraph (1) of section 1682(a) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional:				
Full-time	$393	$468	$533	$33
Three-quarter time	295	350	400	25
Half-time	196	234	266	17
Cooperative	317	371	422	24".

(2) Section 1682(b) is amended by striking out "$342" and inserting in lieu thereof "$393".

(3) The table contained in paragraph (2) of section 1682(c) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$317	$371	$422	$24
Three-quarter-time	238	278	316	18
Half-time	158	186	211	12".

(4) Section 1692(b) is amended by striking out "$76" and "$911" and inserting in lieu thereof "$87" and "$1,044", respectively.

(b) Chapter 35 of such title is amended—

(1) by striking out "$276" in section 1732(b) and inserting in lieu thereof "$317"; and

(2) by striking out "$342", "$108", "$108", and "$11.44" in section 1742 (a) and inserting in lieu thereof "$393", "$124", "$124", and "$13.15", respectively.

(c) Chapter 36 of such title is amended as follows:

(1) Subsection (b) of section 1774 is amended to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

"Total salary cost reimbursable under this section	Allowable for administrative expense
$5,000 or less	$796.
Over $5,000 but not exceeding $10,000.	$1,434.
Over $10,000 but not exceeding $35,000..	$1,434 for the first $10,000, plus $1,328 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000..	$8,680.
Over $40,000 but not exceeding $75,000..	$8,680 for the first $40,000, plus $1,148 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000..	$17,214.
Over $80,000	$17,214 for the first $80,000, plus $1,002 for each additional $5,000 or fraction thereof.".

(2) Section 1786(a)(2) is amended by striking out "$342" and inserting in lieu thereof "$393".

(3) The table contained in paragraph (1) of section 1787(b) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
First 6 months	$286	$320	$350	$14
Second 6 months	213	249	279	14
Third 6 months	142	178	207	14
Fourth and any succeeding 6-month period	71	105	136	14".

(4) Section 1798(b)(3) is amended by striking out "$342" and inserting in lieu thereof "$393".

REHABILITATION SUBSISTENCE ALLOWANCE RATE INCREASES

SEC. 102. The table contained in section 1508(b) of title 38, United States Code, is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependment	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$324	$401	$472	$34
Three-quarter-time	243	301	354	26
Half-time	162	201	236	17
Farm cooperative, apprentice, or other on-job training:				
Full-time	282	341	394	25
Extended evaluation:				
Full-time	324	401	472	34
Independent living training:				
Full-time	324	401	472	34
Three-quarter time	243	301	354	26
Half-time	162	201	236	17".

EFFECTIVE DATE

SEC. 103. The amendments made by this title shall take effect on January 1, 1985.

TITLE II—VETERAN'S EMPLOYMENT IN CIVIL SERVICE

EXTENSION AND REVISION OF VETERANS' READJUSTMENT APPOINTMENT PROGRAM

SEC. 201. (a) Subsection (a) of section 2014 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) For the purposes of this section, the term 'agency' means a department, agency, or instrumentality in the executive branch.".

(b) Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "GS-7" in clause (A) and inserting in lieu thereof "GS-11";

(B) by striking out "and" at the end of clause (B);

(C) by striking out "who is" in clause (C) and all that follows through "line of duty";

(D) by striking out the period at the end of clause (C) and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end of such paragraph the following new clause:

"(D) a veteran of the Vietnam era who is given such an appointment and whose employment under the appointment is termi-

nated within one year of the date of such appointment shall have the same right to appeal that termination to the Merit Systems Protection Board as a career or career-conditional employee has during the first year of employment."; and

(2) in paragraph (2), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1987".

(c) Subsection (c) of such section is amended—

(1) by striking out "department, agency, and instrumentality in the executive branch" and inserting in lieu thereof "agency"; and

(2) by striking out "such department, agency, or instrumentality" and inserting in lieu thereof "such agency".

(d) Subsections (d) and (e) of such section are amended to read as follows:

"(d) The Office of Personnel Management shall be responsible for the review and evaluation of the implementation of this section and the activities of each agency to carry out the purpose and provisions of this section. The Office shall periodically obtain (on at least an annual basis) information on the implementation of this section by each agency and the activities of each agency to carry out the purpose and provisions of this section. The information obtained shall include specification of the use and extent of appointments made by each agency under subsection (b) of this section and the results of the plans required under subsection (c) of this section.

"(e)(1) The Office of Personnel Management shall submit to the Congress annually a report on activities carried out under this section. Each such report shall include the following information with respect to each agency:

"(A) The number of appointments made under subsection (b) of this section since the last such report and the grade levels in which such appointments were made.

"(B) The number of individuals receiving appointments under such subsection whose appointments were converted to career or career conditional appointments, or whose employment under such an appointment has terminated, since the last such report, together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into such category.

"(C) The number of such terminations since the last such report that were initiated by the agency involved and the number of such terminations since the last such report that were initiated by the individual involved.

"(D) A description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

"(2) Information shown for an agency under clauses (A) through (D) of paragraph (1) of this subsection—

"(A) shall be shown for all veterans; and

"(B) shall be shown separately (i) for veterans of the Vietnam era who are entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty, and (ii) for other veterans.".

TITLE III—MISCELLANEOUS

EXTENSION OF EMERGENCY VETERANS' JOB TRAINING ACT

SEC. 301. (a)(1) Section 5(b)(3)(A) of the Emergency Veterans' Job Training Act of 1983 (29 U.S.C. 1721 note) is amended by striking out "60 days" and inserting in lieu thereof "90 days".

(2) The amendment made by paragraph (1) shall apply only to certificates of eligibility issued after the end of the 30-day period beginning on the date of the enactment of this Act.

(b) Section 17 of such Act is amended to read as follows:

"TERMINATION OF PROGRAM

SEC. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who applies for a program of job training under this Act after May 29, 1985; or

"(2) for any such program which begins after September 1, 1985.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, probably this will be the last bill this year brought to the floor from the Veteran's Affairs Committee, and I would like to say that we have had a good year for veterans and their dependents. I thank my colleagues in the House for the strong support you have given us on veterans legislation this year.

Mr. Speaker, we have operated within the budget. We have geared our veterans programs toward the demonstrated needs of the veteran. We have also emphasized legislation toward the Vietnam veterans. The bill we are considering today does affect the Vietnam veterans.

Mr. Speaker, when I was first elected by Members of the House to serve as chairman of the Committee on Veterans' Affairs, I made a commitment to aggressively seek solutions to some of the problems facing veterans who served during the Vietnam era. Much had been done by our committee prior to my assuming the chairmanship; however, I felt that there were additional things we in the Congress might do in order to enhance the lives of the men and women who served their Nation well during this difficult period. The Congress has initiated and the President has signed several laws during the past several years that directly benefit Vietnam veterans, and I appreciate the cooperation and assistance I have received from so many of my colleagues in the House in carrying out our responsibilities to Vietnam-era veterans.

H.R. 5398 is a bill that provides direct assistance to those who served during the Vietnam conflict. It has three major features. First, it would increase by 15 percent the rate of benefits paid to veterans and eligible dependents going to school under the Vietnam era GI bill. It would enhance and extend the veterans' readjustment appointment authority, which is now due to expire on September 30, 1984. This has been a very successful program and thousands of Vietnam veterans are now in responsible positions in the Federal Government because of this authority. Finally, the bill would extend certain provisions of Public Law 98-77, the Emergency Veterans Job Training Act.

Mr. Speaker, before yielding to the very able and capable distinguished chairman of our Subcommittee on Education, Training, and Employment, Mr. LEATH of Texas, I want to express to him my deep appreciation for the outstanding job he has done as chairman of the subcommittee. Mr. LEATH is the author of the Emergency Veterans' Job Training Act and we are beginning to see favorable results from this program now that employers have been made aware of the assistance that may be available to them for jobs that can be provided for Vietnam and Korean veterans.

I also want to thank the distinguished gentleman from New York, the ranking minority member of the subcommittee, Mr. SOLOMON, for the time and attention he has given to this legislation. Mr. SOLOMON has been very instrumental in helping Mr. LEATH draft the Emergency Veterans' Job Training Act and has fully supported the efforts of the subcommittee and the full committee in finding ways to make life better for all veterans and especially those who served during the Vietnam era.

As I have done so often in the past, Mr. Speaker, I want to also thank the very able and distinguished ranking minority member of the full committee, Mr. HAMMERSCHMIDT, for his usual leadership, cooperation, and assistance. As I have stated to my colleagues on many occasions in the past, the gentleman from Arkansas is always ready to do his job in committee and he has been deeply involved in developing this legislation.

I am grateful to all members of the subcommittee, Mr. EDGAR, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. SLATTERY, Mr. BRYANT, Mr. FLORIO, Mr. WYLIE, and Mr. DENNY SMITH.

□ 1320

We think because we have this nonpartisan, hardworking committee members that we have been able to do what is right for the veteran.

At this time, Mr. Speaker, I would like to yield such time as he may consume to the distinguished subcommittee chairman, the gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. I thank my good friend and colleague for yielding and for his kind words.

Mr. Speaker, H.R. 5398 is the end product of bills that were developed by the Subcommittee on Education, Training and Employment, which I have the privilege of chairing.

There has been no increase in GI bill educational rates and vocational rehabilitation subsistence allowances for service-connected disabled veterans since 1981. Title I provides for a 15-percent cost-of-living increase in these rates effective January 1, 1985.

Title II would revise and extend the Veterans Readjustment Appointment Authority which expires on September 30, 1984. The VRA program, as it is generally referred to, has been a very successful one. The VRA authority authorizes departments and agencies to make excepted appointments in the Federal Civil Service for certain Vietnam era and disabled veterans. Title II would extend this program for 3 additional years to expire on September 30, 1987. In addition, title II would eliminate a 14-year educational restriction to be eligible for the program, and increase the grade to which a person may be appointed under this program from a maximum of GS-7 to GS-11 or its equivalent.

Title III extends provisions of Public Law 98-77, the Emergency Veterans' Job Training Act. This job training program, for long-term unemployed Korean and Vietnam veterans, which went into effect on November 29, 1983, has had a rather slow start to this point; $150 million dollars has been appropriated for this program which will be available until December 30, 1986. Title III would extend the cutoff dates for a veteran applying and beginning training under this program for an additional 6 months. In addition, title III would extend from 60 to 90 days the life of a certificate of eligibility which is furnished to a veteran for training under this program.

Mr. Speaker, there are no costs for the extension of the Veterans Readjustment Appointment Program in title II, or for extending the use of the job training program in title III. The 15-percent cost-of-living increase in the GI bill training and subsistence allowance rates was recommended by the administration in its fiscal year 1985 budget request. The administration supports the provisions of this bill. The major veterans' organizations also support the provisions of this bill.

COST-OF-LIVING RATE INCREASES

By way of background and further explanation of the bill, the Subcommittee on Education, Training and Employment held an oversight hearing on September 29, 1983, to review and evaluate the administration and effectiveness of two programs which have contributed greatly to the successful readjustment of millions of Vietnam-era veterans. The first was the current level of educational payments under the GI bill and other education programs, and subsistence allowance payments under the Veterans' Administration's Vocational Rehabilitation Program. Of the approximately 9.1 million veterans eligible for the GI bill program, more than 6.6 million, or 72.1 percent, have received training.

In 1985, nearly 461,200 GI bill trainees are expected to participate in the program, compared with 564,300 in 1984. The number of Vietnam-era veterans is expected to decline as more veterans reach their delimiting date, which is 10 years following their last date of discharge or separation from the Armed Forces.

GI bill benefits were last increased by Public Law 96-466, which provided a two-step increase, 5 percent effective on October 1, 1980, and another 5 percent effective on January 1, 1981. Since that time, the costs of education have soared. Figures published by the National Center for Education Statistics of the Department of Education indicate there has been a sharp increase in the overall costs of education in recent years. These data show that the total cost of tuition, board and room for public schools rose by 33.3 percent from school years 1980-81 through school years 1983-84. These same costs increased 37.9 percent at all private schools during the same period. Similar statistics have been published by the American Council on Education and the college boards.

At the same time that school costs have been accelerating, Federal educational assistance has been cut back. According to the American Association of State Colleges and Universities, the reduction in Federal student aid, measured in constant dollars, means that 23 percent less aid was available in fiscal year 1984 than in fiscal year 1983. There was also a reduction of about $480 million a year in Pell grants and comparable cuts in other programs.

It should be remembered that the Nation as a whole benefits when veterans' educational levels are increased, since more veterans will achieve their educational goals. Statistics maintained by the Census Bureau indicate a high correlation between lifetime income and education level. Using 1981 census data, the Census Bureau estimates a typical high school graduate's lifetime income at $954,000, while a typical college graduate's income soars to $1,329,000. The increased taxes paid on the additional $350,000 earned by the college graduate will more than repay the cost of further education.

The GI bill rate increase legislation I originally introduced, H.R. 4648, provided for a 15-percent rate increase effective October 1, 1984. The Veterans' Administration recommended that the increase be effective January 1, 1985. Rather than exceed the budget, the committee accepted the delayed date of the increase. Considering the increase in the cost of living and education, this rate increase is not only overdue, but necessary and appropriate.

Title I also proposes to increase the rates for the Dependents Education and Training Program by 15 percent effective January 1, 1985. This program provides benefits to children and spouses of veterans who died of a service-connected disability or whose service-connected disability is rated permanent and total. Dependents of servicepersons missing in action or forceably detained or interned by a hostile foreign government for more than 90 days are also eligible under this program. In addition to college training, other types of authorized training include on-the-job apprenticeship and correspondence training. The number of trainees in the Dependents Education Program for spouses and children of a veteran with a permanent and total service-connected disability or the surviving spouses and children of veterans who died of a service-connected disability is estimated to be approximately 73,900 for fiscal year 1985, a decline of 4,300 from fiscal year 1984.

Title I also proposes a cost-of-living increase in subsistence allowances for service-connected disabled veterans training under the Vocational Rehabilitation Program. Vocational rehabilitation is provided veterans whose disabilities resulted in an employment handicap. This is the oldest education and training program administered by the Veterans' Administration. It is a continuous, open-ended program which includes the payment of a monthly subsistence allowance, plus educational expenses, to eligible veterans who need this special assistance. A monthly subsistence allowance, currently $282 a month, is paid to a single veteran in full-time institutional training in addition to an allowance for tuition, books, supplies and equipment. Also included in this program are provisions for extended evaluation of seriously disabled veterans and a program of independent living for those veterans unable to participate in a regular vocational rehabilitation program. It is estimated that 33,000 veterans will receive training under this program in fiscal year 1985, an increase of 500 over fiscal year 1984.

In addition to these programs a 15-percent increase is recommended in allowances for administrative expenses paid to State-approving agencies in

connection with inspecting, approving and supervising programs of education and training offered by educational institutions and training establishments in which veterans or dependents are enrolled or are about to enroll. These payments are based on an approved contract with individual State-approving agencies and involve all levels of education and training.

EXTENSION OF THE VRA PROGRAM

At the oversight hearing on September 29, 1983, the subcommittee also reviewed the Veterans Readjustment Appointment [VRA] Program which allows certain eligible Vietnam-era veterans to be given excepted appointments in the Federal Civil Service and is due to expire on September 30, 1984. An extension of this highly successful program was supported by all witnesses at the hearing including the Director of the Office of Personnel Management. Title II of the bill, in addition to extending the program to September 30, 1987, recognizes that many Vietnam-era veterans have successfully pursued higher education and obtained stable work experience. Under current law, a nondisabled veteran of the Vietnam era does not qualify as a VRA appointee if he or she has over 14 years of education. Additionally, the maximum grade level for VRA appointments is GS-7, or its equivalent. Title II proposes that the 14-year education restriction be eliminated and that the maximum grade level be increased to GS-11, or its equivalent.

Title II of the bill would also provide the same limited appeal protection to VRA appointees as is now given career or career-conditional employees during the first year of employment. Under current law, VRA appointees who are terminated during their first year of employment have no appeal rights to the merit system protection board for certain types of discrimination or improper procedure in termination for conditions arising before appointment. The excellent retention and conversion rate among VRA hires demonstrates that the vast majority are qualified, motivated employees whose performance warrants this modest additional protection. Title II would further require the OPM to report annually rather than semiannually on agency use of the VRA appointment program. OPM requested this change and the committee agreed that an annual reporting requirement is adequate.

I think I should remind my colleagues that the VRA Program is a voluntary one. There are no added costs associated with the program, and no new positions are created. The appointments are counted against agencies' personnel [FTEE] ceilings.

AMENDMENTS TO THE EMERGENCY VETERANS JOB TRAINING ACT

Title III relates to amendments in the Emergency Veterans' Job Training Act of 1983, Public Law 98-77. Although the job training program established by this act is a new program, the Subcommittee on Education, Training and Employment has held two oversight hearings this year to evaluate and appraise the effectiveness and administration of the program. The subcommittee held an oversight hearing on January 12, 1984, in San Diego, CA, at which time testimony was received from public and private witnesses involved in implementing the program. A second hearing was held on April 5, 1984. At both hearings, all witnesses agreed that extension of the program would be necessary to maximize the number of veterans assisted by this program.

In response to these hearings, title III of the bill would extend from 60 to 90 days the period that a certificate of eligibility furnished to a veteran under the Emergency Veterans' Job Training Act will be valid. This will relieve a substantial processing burden for the Veterans' Administration and provide more time for veterans to use the certificate. Title III would also extend from November 29, 1984, to May 29, 1985, the date by which an unemployed veteran may apply for assistance under Public Law 98-77, and from March 1 to September 1, 1985, the cutoff date for commencing training. These proposed extensions do not authorize additional costs to the program, but only extend by 6 months the periods during which the program may be utilized. The added time will also allow for increased promotion of the program and greater opportunity to encourage employer participation.

I want to commend all of the members of the Subcommittee on Education, Training and Employment who have worked so diligently in helping to develop this legislation. Their cooperation has been outstanding. I especially want to commend the ranking minority member of the subcommittee, my good friend and colleague, JERRY SOLOMON, for his invaluable help and cooperation throughout the entire process of holding hearings and developing the provisions of H.R. 5398. It has been a pleasure to work with JERRY. Lastly, I want to commend the leadership and assistance on this bill of the chairman of the full Committee on Veterans' Affairs, the distinguished gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member of the full committee, Mr. HAMMERSCHMIDT of Arkansas.

I urge my colleagues to support this meritorious bill which will help thousands of veterans in their efforts to attain their educational and employment goals.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I rise in support of H.R. 5398—legislation relevant to the existing Vietnam era GI bill and the highly successful Veterans' Readjustment Appointment Program.

Mr. Speaker, this bill contains several important provisions necessary to the continued success of these programs.

H.R. 5398 extends the Veterans' Readjustment Appointment Program for 3 additional years, through September 30, 1987.

This program, known as the VRA Program, allows eligible disabled and educationally disadvantaged Vietnam veterans to be appointed to Federal civilian jobs on a noncompetitive basis.

After 2 years of satisfactory service, the veteran is generally given a career or career-conditional position within the Federal civilian workforce.

Since the establishment of the VRA in 1970, more than 200,000 Vietnam era veterans have been placed in Federal jobs, and its 3-year extension will guarantee the program's continued ability to assist our Vietnam era veterans.

H.R. 5398 also provides for a 15-percent increase in the benefits payable under the GI bill, effective on January 1, 1985.

I would like to point out to my colleagues that the most recent GI bill benefit increase was approved in 1980, and there have been significant increases in education costs since that time.

These benefit increases are necessary and justified, and I fully support them.

It should also be stressed that the funds for these program changes have been included in the budget, and the administration fully supports them.

Finally, Mr. Speaker, the bill before us today extends by 6 months the cutoff date for application and training commencement under the newly established Veterans' Jobs Training Program.

After several hearings, the Veterans' Affairs Committee has concluded that these alterations in the Job Training Program will improve its administration, and extend the availability of training to a greater number of deserving, unemployed veterans.

In conclusion, Mr. Speaker, I would also like to call my colleagues' attention to the leadership on these important veterans issues exhibited by our distinguished committee chairman, my good friend SONNY MONTGOMERY, who has been in the forefront of all our veterans legislation.

And finally, we must note the contributions of Education and Training Subcommittee Chairman MARVIN LEATH of Texas and the ranking Republican member, my good friend JERRY SOLOMON, of New York.

They have both worked diligently in exercising oversight and improvement of these important veterans programs

and have played a crucial role in the development of this legislation.

Mr. Speaker, I urge passage of H.R. 5398.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the subcommittee.

Mr. SOLOMON. I thank the gentleman for yielding time to me.

Mr. Speaker, the bill before us today—H.R. 5398—was unanimously reported from the Education, Training, and Employment Subcommittee of the Veterans' Affairs Committee.

As has already been pointed out, H.R. 5398 has three major components.

First, the bill provides for a 15-percent increase in the education and subsistence payments made under the GI bill.

Because the last increase in GI bill benefits was approved in 1980, this provision is particularly important, as my good friend, the gentleman from Texas [Mr. LEATH], has said before.

It will guarantee that the program will continue to furnish the educational assistance we have intended for our veterans.

Second, H.R. 5398 extends the Veterans' Readjustment Appointments Program that allows noncompetitive trial job placement within the Federal Government for our Nation's Vietnam-era veterans.

Upon successful completion of this trial period, the veteran generally receives a permanent appointment within the Civil Service.

The VRA Program has met with overwhelming success.

Since its establishment in 1970, more than 200,000 veterans have been placed in Federal civilian careers.

The administration is fully supportive of this 3-year extension of the program, and I certainly urge the support of my colleagues, as well.

The third major provision of H.R. 5398 relates to the Veterans' Job Training Program, which the Congress established last year.

This provision will extend the period of time in which already appropriated funds may be expended under the Job Training Program.

Finally, H.R. 5398 extends the cutoff date by which veterans may enroll in the program.

Our subcommittee has concluded that these changes are necessary to provide our unemployed Korean- and Vietnam-era veterans the full opportunities created under this program.

Mr. Speaker, I would also like to point out the significant contributions made by my committee colleagues.

The chairman of the subcommittee, Congressman MARVIN LEATH, deserves the gratitude of this House and of every veteran in this country for his exemplary leadership in working out the specific provisions of this bill in our subcommittee.

In addition, I would like to commend the full committee Chairman SONNY MONTGOMERY and the ranking Republican member, Congressman JOHN PAUL HAMMERSCHMIDT, for their usual hard work and vigilance on behalf of our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, before yielding back the balance of my time, I would like to say again we hope we can get the full support of the House as this is legislation that is needed, and especially for the Vietnam-era veterans.

Mr. Speaker, I include a section-by-section analysis of the bill.

H.R. 5398—SECTION-BY-SECTION ANALYSIS

TITLE I—15 PERCENT INCREASE IN RATES

GI bill rate increase

Section 101 provides a 15 percent increase in educational assistance allowance rates for veterans and dependents pursuing programs of education under chapters 34, 35, and 36 of title 38, United States Code. It also provides a 15 percent increase in allowances paid to State approving agencies as reimbursement for expenses in furnishing services under chapter 34, 35, and 36. Lastly, this section authorizes a 15 percent increase in rates used in computing total amounts of education loans presently available to certain eligible veterans under chapter 36.

Section (a)(1) of section 101 amends section 1682(a)(1) of title 38 to provide a 15 percent increase in the monthly educational assistance allowances. The full-time institutional rate for a veteran with no dependents would be increased from $342 to $393 per month. The rate for a veteran with one dependent would be increased from $407 to $468 per month. The addition of a child would increase the rate from $464 to $533 per month, with an additional $33 (increased from $29) per month for each dependent in excess of two. The three-quarter and half-time rates are also increased by 15 percent.

Subsection (a)(2) of section 101 amends section 1682(b) of title 38, relating to the pursuit of a program of education by an individual while on active duty, or on less than a half-time basis, by providing a 15 percent increase in the maximum allowance, which shall be computed at the rate of the established charges for tuition, or $393 per month for a full-time course (up from the current $342 rate), whichever is lesser.

Subsection (a)(3) of section 101 amends section 1682(c) of title 38, to provide a 15 percent increase in the monthly assistance rates payable to veterans pursuing a farm cooperative training program. The full-time educational assistance rate for a veteran pursuing farm cooperative training, with no dependents, would be increased from $276 to $317 per month. The rate payable for a veteran with one dependent would be increased from $323 to $371 per month. The addition of a child would increase the rate from $367 to $422 per month, with an additional $24 per month payable for each dependent in excess of two. The three-quarter and half-time training rates are also increased by 15 percent.

Subsection (a)(4) of section 101 amends section 1692(b) of title 38, relating to the payment of additional allowances to certain eligible veterans who are being tutored, by increasing by 15 percent the maximum assistance payable from $76 to $87 per month (for a maximum of 12 months), and by increasing the maximum amount of such benefits which may be utilized from $911 to $1,047.

Subsection (b)(1) of section 101 amends section 1732(b) of title 38, to provide a 15 percent increase in the educational allowance paid on behalf of an eligible person pursuing a full-time educational program which consists of institutional courses and alternate phases of training in a business or industrial establishment. As amended, the rate is increased from $276 to $317 per month.

Subsection (b)(2) of section 101 amends section 1742(a) of title 38, to increase by 15 percent the special restorative training assistance allowance payable to the parent or guardian of an eligible person in need of such training from $342 to $393 per month. Section 1742(a) is further amended to provide that if the tuition and fees applicable for any such course are more than $124 per calendar month (increased from $108), the basic monthly allowance may be increased by the amount that such charges exceed that monthly figure if the parent or guardian elects to have the entitlement reduced by 1 day for each $13.15 (increased from $11.44) that the special training allowance exceeds the basic monthly allowance.

Subsection (c)(1) of section 101 amends section 1774(b) of title 38 to increase by 15 percent the allowance paid by the Administrator for administrative expenses incurred by State approving agencies in administering educational benefits under chapters 34, 35, and 36.

Subsection (c)(2) of section 101 amends section 1786(a)(2) of title 38 to provide that students pursuing correspondence courses will be charged entitlement at the rate of 1 month for each $393 of educational assistance allowance paid, a 15 percent increase from the current amount of $342.

Subsection (c)(3) of section 101 amends section 1787(b) of title 38 to increase by 15 percent the allowances payable to veterans or certain eligible persons pursuing full-time programs of apprenticeship or programs of on-job training. The rates of allowance payable for a veteran with no dependents are increased from $249 to $286 per month for the first 6 months, from $186 to $213 per month for the second 6 months, and from $62 to $71 per month for the fourth and succeeding 6-month periods. Rates of allowances for veterans with up to two dependents are also increased by 15 percent and the amount of additional allowance payable for each dependent in excess of two dependents is increased from $13 to $14 per month.

Subsection (c)(4) of section 101 amends section 1798(b)(3), authorizing a 15 percent increase in the rate used to calculate the aggregated of amounts a veteran or eligible person may borrow under subchapter III of chapter 36. Under present law, the total amount a veteran may borrow is calculated by multiplying $342 by the number of months such veteran is entitled to receive educational assistance under chapter 34. This subsection increases the constant to $393. However, notwithstanding this increase, the total amount a veteran may borrow remains limited to $2,500 in any regular academic year.

Section 102 amends section 1508(b) of title 38 to provide a 15 percent increase in subsistence allowance rates for veterans pursuing programs of vocational rehabilitation. The full-time allowance rate for institutional, extended evaluation, and independent

living training for a veteran with no dependents is increased from $282 to $324 per month; for a veteran with one dependent, from $349 to $401 per month; and for a veteran with two dependents, from $411 to $472 per month, with an additional $34 (increased from $30) per month for each dependent in excess of two. The three-quarter and half-time rates are also increased by 15 percent. The full-time allowance rate for farm cooperative, apprentice, or other on-job training for a veteran with no dependents is increased from $246 to $282 per month; for a veteran with one dependent, from $297 to $341 per month; and for a veteran with two dependents, from $343 to $394 per month, with an additional $25 (increased from $22) per month for each dependent in excess of two.

Section 103 provides that the amendments made in title I shall take effect on January 1, 1985.

TITLE II—VRA EXTENSION

Section 201(a) of title II of H.R. 5398 amends section 2014(a) of title 38, U.S.C., which now has one paragraph on policy. H.R. 5398 proposes to add a second paragraph showing the definition of "agency" for the purposes of this section.

Section 201(b) amends section 2014(b)(1)(A), title 38, U.S.C., which now provides that appointments may be made up to and including the level of GS-7 or its equivalent. H.R. 5398 proposes to increase the level to GS-11.

Section 201(b) amends section 2014(b)(1)(C), title 38, U.S.C., which now limits eligibility without regard to the number of years of education completed for VRA appointments, to a veteran of the Vietnam era "who is entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty." Section 201(b) of H.R. 5398 strikes the above-quoted language from subsection (b)(1)(C) of section 2014 of title 38, U.S.C., which in effect removes the 14-year education limitation of the Executive order for all Vietnam era veterans.

Section 201(b)(1) (D) and (E) amends section 2014(b)(1)(C), title 38, U.S.C., in order to add a new clause (D) which provides that a veteran of the Vietnam era appointed to a position under the provisions of the Executive order and legislation and terminated during the first year of such appointment, shall receive appeal rights related to certain types of discrimination or improper procedure in termination for conditions arising before appointment. These same limited appeal protections given to career or career-conditional employees during the first year of service are set out in section 315.806 of title 5 of the Code of Federal Regulations.

Section 201(b)(2) amends section 2014(b)(2) of title 38, U.S.C., by extending the termination date of the Vietnam era Veterans Readjustment Appointment Program from 1984 to 1987.

Section 201(c) amends section 2014(c) of title 38, U.S.C., by striking out "department, agency, or instrumentality in the executive branch", and inserting in lieu thereof "agency".

Section 201(d) amends section 2014(d), title 38, U.S.C. which requires the Office of Personnel Management to obtain and publish (on at least a semiannual basis) reports on agency implementation and activities with respect to the readjustment appointment program. The amendment changes the reporting time from a semiannual basis to at least an annual basis. The amendment also removes the reporting requirement from this section and places it in section 2014(e), title 38, U.S.C., instead.

All the reporting required with respect to each agency is the same under title II as in section 2014(d), title II as in section 2014(d), title 38, U.S.C., i.e., (A) The number of VRA's made and grade levels since the last report, (B) the number of VRA's converted to career or career-conditional appointments, or terminated, with complete listing of categories of causes of terminations and the number terminated falling into such categories, (C) the number of terminations initiated by the agency and initiated by the individual involved, and (D) a description of the education and training programs VRA's are participating in at the time of such report. Section 201(e)(2) indicates reporting information: (A) shall be shown for "all veterans" and (B) shall be shown separately (i) for Vietnam era veterans who are disabled and (ii) for "other veterans."

TITLE III—MISCELLANEOUS

Extension of Emergency Veterans' Job Training Act

Section 301 makes miscellaneous amendments to the Emergency Veterans' Job Training Act of 1983. Public Law 98-77 (hereinafter referred to as the "Act").

Subsection (a)(1) of section 301 amends section 5(b)(3)(A) of the Act by extending the period after which a certificate of eligibility furnished under the Act to an eligible veteran shall expire, from 60 days after the date furnished, to 90 days after such date.

Subsection (a)(2) of section 301 provides that the amendment made by subsection (a)(1) of section 301 shall apply only to certificates of eligibility issued after the end of the 30-day period beginning on the date of enactment of this Act.

Subsection (b) of section 301 rewrites section 17 of the Act to provide that payment of assistance under the Act may not be provided to an employer on behalf of a veteran who applies for a program of job training under the Act after May 29, 1985, or for any job training program which begins after September 1, 1985.

Present section 17(a) of the Act states that, except as provided in section 17(b), assistance may not be paid to an employer on behalf of a veteran who applies for a program of job training after September 30, 1984, or for any such program which begins after December 31, 1984. Section 17(b) of the Act provides that if funds are not both appropriated and made available to the Veterans' Administration by October 1, 1983, assistance may be paid to an employer on behalf of a veteran if the veteran applies for a program of training within 1 year after the funds are made available to the Veterans' Administration and if the veteran begins participation within 15 months after such date. Actual funding was not made available to the Veterans' Administration until November 29, 1983. The establishment of May 29, 1985, as the latest date a veteran may apply for a program of training, and September 1, 1985, as the latest date a veteran may begin participation in a training program, results in an additional 6-month extension of the time limits established under present section 17(b).

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 5398, the Veterans' Education and Employment Amendments of 1984. This measure provides a sorely needed cost-of-living increase of 15 percent in the rates of education and training benefits to Vietnam veterans under the GI bill, in the rates of education and training benefits provided to children and spouses of veterans who died of a service-connected disability or whose 100 percent service-connected disability is rated permanent and in the special rehabilitation assistance program to veterans whose service-connected disabilities resulted in an employment handicap. The legislation would also extend through September 30, 1987, the Veterans Readjustment Appointment Program which permits the noncompetitive appointment of disabled and educationally disadvantaged Vietnam-era veterans to Federal civilian jobs which lead to career tenure.

The sharp increase in the overall costs of education and the cutbacks in Federal educational assistance programs since the last rate increase over 3 years ago in veterans educational programs, demand our review of the same. Official statistics reflect a 33.3-percent increase in public schools' tuition, room and board from school years 1980-81 to 1983-84 and a 37.9 percent in private schools' costs during the same timeframe. The Federal student aid, measured in constant dollars, decreased by 23 percent in fiscal year 1984 as compared to fiscal year 1983. A yearly $480 million reduction in Pell grants was also experienced in recent years.

Education is the cornerstone of any successful effort of a veteran's readjustment to civilian life. The need for education is even more dramatic for those veterans who suffered crippling wounds during their time in service. Upon their return they have to contend not only with the time they spent away from their normal community environment but also their newly acquired handicap. Even with an abundant flow of money the readjustment to civilian life is a painful process. Certainly the lack of sufficient economic means to undertake the education and training initiatives their needs and aspirations demand would not give our veterans a fighting chance. We must continue to monitor and review our veterans benefits to ensure that inflation or other factors do not defeat the purpose for which they were created.

We must also, Mr. Speaker, continue to afford our veterans all the opportunities we can to allow them to become employed. This is a step of paramount importance to those who answer the call of duty and now struggle to be part of the mainstream of society. The VRA Program is a sound hiring opportunity for many of our disabled and educational disadvantage veterans and its extension is fitting and warranted.

I urge my colleagues to vote for the passage of this legislation which is crucial to the welfare of our veterans and their dependents.●

● Mr. DOWNEY of New York. Mr. Speaker, not too long ago we marked the 40th anniversary of the GI bill, one of the most important social programs of our time. Soon we will be voting on H.R. 5398, the Veterans' Education and Employment Amendments of 1984.

These amendments are an appropriate continuation of our commitment to those men and women who serve and protect the Nation. H.R. 5398 will provide a 15-percent increase in the rates for benefits for education, vocational training, and rehabilitation. We are all aware of the increased costs of pursuing an education and it is time to recompute the GI bill benefits to reflect the increased burden on our veterans.

H.R. 5398 also extends the veterans' readjustment appointment program and makes changes in the Emergency Veterans' Job Training Act to allow more veterans to benefit from the program. Both of these changes are important extensions of veterans' benefits.

I urge my colleagues to support this extension of the GI bill programs by voting for H.R. 5398. I would also like to commend my colleague, Representative MONTGOMERY, and the members of the Committee on Veterans' Affairs for their continuing efforts on behalf of veterans.●

● Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 5398, the Veterans Education and Employment Amendments of 1984. The principal component of this legislation is a much needed 15-percent increase for veterans and dependents attending college under the GI bill. This will to an extent offset the 33- to 37-percent increase in college costs which has occured since the last increase was awarded in 1981. Approximately 800,000 veterans and dependents nationwide and over 3,000 in my home State will benefit from this increase.

A second provision in this legislation would amend the veterans readjustment hiring authority by changing a number of restrictions currently affecting veteran eligibility for the program. Changes include elimination of the current exclusion from the program for veterans with more than 14 years of education, an increase in the maximum grade level for noncompetitive appointments from GS-7 to GS-11, and appeal rights in the first year of employment for veterans with noncompetitive appointments. This has been one of the more successful jobs programs for veterans and I am pleased that the Veterans' Committee has agreed to extend it 3 additional years.

Finally, a 6-month extension of the Emergency Veterans' Job Training Act is also included. This program has gotten off to a slow start and has suffered from a lack of employer participation. As over 111,000 veterans have applied for assistance under this program, it is clear that the demand for new training remains strong. It is my hope that the VA and Department of Labor will use this time to effectively increase employer participation so that many more veterans can be trained and hired for full-time employment.

I urge all my colleagues to vote in favor of this legislation.●

● Mr. GILMAN. Mr. Speaker, I rise in support of the legislation pending before us. H.R. 5398, Veterans Education Amendments of 1984, provides a 15-percent increase in educational assistance benefits paid under the GI bill and in vocational rehabilitation benefits for veterans with service-connected disabilities. Furthermore, the deadlines under the Emergency Veterans Job Training Act are extended as well, and the Veterans Readjustment Appointment Programs is reauthorized through fiscal year 1987.

The GI bill provides educational assistance benefits to veterans who served 181 continuous days of active-duty service, or were discharged for service-connected disabilities, between 1955 and 1977. H.R. 5398 raises the full-time allowance from $342 to $393 monthly for single veterans, and extends the 15-percent increase to active duty military personnel pursuing an education and individuals pursuing an education on a part-time basis, institutional, on-the-job apprenticeship and farm-cooperative training, correspondence courses, some tutoring, restorative training assistance for handicapped dependents of veterans, and the basis for calculating loans under the VA education loan program—although the maximum loan remains $2,500 per academic year.

The Emergency Veterans Job Training Act, which had my full support when enacted in 1983, was due to expire for enrollees in September 1984. But because funding for the program was not available until November 1983, it became important to extend its life in order to compensate for this lag. Accordingly, I was pleased to see the extension of the participation date included in this legislation from September 1984 to May 1985.

In addition, this measure extends the VRA program through 1987, and now entitles Vietnam-era veterans to benefits regardless of their educational background, whereas previously they must have had fewer than 14 years of education to be eligible. I and my colleagues hope that by the adoption of this legislation, more veterans will take advantage of the outreach this bill offers, and that it will be utilized by as many eligible veterans as possible. This Nation owes a debt of gratitude to all who served honorably in our Armed Forces, and by adoption of H.R. 5398, we can continue to, in some small measure, repay that debt.

Mr. Speaker, I reiterate my strong support of this legislation, and urge its passage by this body.●

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 5398, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1330

OLDER AMERICANS ACT AMENDMENTS OF 1984

Mr. ANDREWS of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4785) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1984".

TITLE I—AMENDMENTS REGARDING OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes".

(b) Section 101(10) of the Older Americans Act of 1965 (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and

operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

AMENDMENT TO HEADING

SEC. 201. The heading for title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended to read as follows:

"TITLE II—OFFICE ON AGING"

OFFICE ON AGING

SEC. 202. Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended to read as follows:

"ESTABLISHMENT OF OFFICE ON AGING

"SEC. 201. (a) There is established in the office of the Secretary an Office on Aging (hereinafter in this Act referred to as the 'Office') which shall be headed by the Commissioner on Aging. The Office shall be the principal agency for carrying out this Act, other than title V. In the performance of the functions of the Office, the Commissioner shall be directly responsible to the Secretary. There shall be a direct reporting relationship between the Commissioner and the Secretary. The Secretary shall not approve any delegation of the functions of the Office to any officer not directly responsible to the Commissioner.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.".

FUNCTIONS OF OFFICE ON AGING

SEC. 203. (a) The heading for section 202 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by striking out "Commissioner" and inserting in lieu thereof "Office on Aging".

(b) Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) by striking out "function of the Administration" and inserting in lieu thereof "function of the Office",

(2) in paragraph (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(3) in paragraph (16) by striking out "and",

(4) in paragraph (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new paragraph:

"(18) to consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(c) Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(d) Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Office".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) Section 204(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(b) Section 204(c) of the Older Americans Act of 1965 (42 U.S.C. 3015(c)) is amended by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(c) Section 204(e) of the Older Americans Act of 1965 (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended—

(1) by striking out "$200,000" and all that follows through "1983, and", and

(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 205. (a) Section 205(b) of the Older Americans Act of 1965 (42 U.S.C. 3016(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Office".

(b) Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than ninety days after such publication, the Secretary shall issue, in final form, regulations for the administration of this Act.".

EVALUATION

SEC. 206. (a) The first sentence of section 206(b) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

(b) Section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.".

(c) Section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended by inserting "one-fourth of" after "exceed".

REPORTS

SEC. 207. Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

REDUCTION OF PAPERWORK

SEC. 208. Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended—

(1) by striking out "Administration" and inserting in lieu thereof "Office", and

(2) by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

TECHNICAL AMENDMENTS

SEC. 301. Section 301(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3022(b)(1)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

DEFINITIONS

SEC. 302. Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

(2) by adding at the end thereof the following new paragraphs:

"(10) The term 'older individual' means any individual who is sixty years of age or older.

"(11) The term 'multipurpose senior centers' means community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities, for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$386,300,000 for the fiscal year 1985, $405,600,000 for the fiscal year 1986, and $424,900,000 for the fiscal year 1987,".

(b) Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$383,600,000 for fiscal year 1985, $402,800,000 for fiscal year 1986, and $423,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$72,300,000 for fiscal year 1985, $75,800,000 for fiscal year 1986, and $79,600,000 for fiscal year 1987,".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(2) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner".

(b) Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner".

(c) Section 304(c) of the Older Americans Act of 1965 (42 U.S.C 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)" and inserting in lieu thereof "subsection (d)(1)(C)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(1) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)",

(2) in subparagraph (D) by striking out "subclause (C)" and inserting in lieu thereof "subparagraph (C)", and

(3) in subparagraph (E)—

(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(B) by adding at the end thereof the following: "For purposes of this subparagraph the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused

by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(e) Section 305(b) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)) is amended—

(1) in paragraphs (1), (2), and (4) by striking out "clause (1)" each place it appears and inserting in lieu thereof "paragraph (1)", and

(2) in paragraph (3) by striking out "he" and inserting in lieu thereof "the Commissioner".

AREA PLANS

SEC. 305. (a) Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "each of the following categories of services" after "the delivery of", and

(B) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(2) in paragraph (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(3) in paragraph (6)—

(A) by striking out subparagraph (F),

(B) in subparagraph (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subparagraph (H) by striking out "clause (2); and" and inserting in lieu thereof "paragraph (2);",

(D) in subparagraph (I) by striking out the period at the end thereof and inserting in lieu thereof "; and",

(E) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively, and

(F) by adding at the end thereof the following:

"(I) community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered care management systems as a component of such services; and

"(J) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

For purposes of paragraph (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(b) Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended to read as follows:

"(b) Each State shall not approve an area agency plan under this section unless the requirements of paragraph (2) of subsection (a) are fully satisfied. A State shall waive the requirements described in paragraph (2) of subsection (a) for any category of services described in such paragraph only if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area. Such demonstration by the area agency shall be based on a public hearing, held within two years of the request for a waiver, where all interested parties are notified and given an opportunity to appear and present testimony. A record of the public hearing shall accompany an area agency's request for a waiver.".

STATE PLANS

SEC. 306. (a) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (10) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,",

(2) in paragraph (12)—

(A) in subparagraph (A)—

(i) by striking out "which is not" the first place it appears and inserting in lieu thereof ", other than an agency or organization which is",

(ii) by striking out "not" the second place it appears,

(iii) by striking out "will—" and inserting in lieu thereof "provides individuals who will, on a full-time basis—", and

(iv) in clause (iv) by inserting "staff and" after "training",

(B) in subparagraph (C) by striking out "and" at the end thereof,

(C) in subparagraph (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(D) by adding at the end thereof the following new subparagraph:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

(3) in paragraph (17)(B)(ii) by striking out the period and inserting in lieu thereof "; and", and

(4) in paragraph (18)—

(A) by striking out "Northern Mariana Islands" and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph".

(b) Section 307(b) of the Older Americans Act of 1965 (42 U.S.C. 3027(b)) is amended—

(1) in paragraph (1) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(2) in paragraph (2) by striking out "clause (3)(B)" each place it appears and inserting in lieu thereof "paragraph (3)(B)".

(c) Section 307(d) of the Older Americans Act of 1965 (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Older Americans Act of 1965 (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

ADMINISTRATION OF STATE PLANS

SEC. 307. Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(B) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(2) in paragraph (4) by striking out "most recent satisfactory data available to him" and inserting in lieu thereof "most recent data of the Bureau of the Census available to the Commissioner",

(3) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(4) in paragraph (6) by striking out "20 per centum" and inserting in lieu thereof "25 per centum".

TECHNICAL AMENDMENT

SEC. 308. Section 309(a) of the Older Americans Act of 1965 (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 309. (a) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as (c)(1).

(c) Section 311(c), as so redesignated, is amended—

(1) in paragraph (1)—

(A) by striking out "$93,200,000" and all that follows through "1983, and", and

(B) by inserting "$121,800,000 for fiscal year 1985, $127,900,000 for fiscal year 1986, and $134,300,000 for fiscal year 1987," after "1984,", and

(2) in paragraph (2) by striking out "appropriation" and inserting in lieu thereof "appropriations".

SUPPORTIVE SERVICES

SEC. 310. (a) Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (6) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage",

(2) in paragraph (8) by striking out "illness" and inserting in lieu thereof "illnesses",

(3) in paragraph (14) by striking out "or" at the end thereof,

(4) by redesignating paragraph (15) as paragraph (16), and

(5) by inserting after paragraph (14) the following new paragraph:

"(15) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Older Americans Act of 1965 (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out "which shall be" and all that follows through "individuals", and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

EDUCATION AND TRAINING

SEC. 401. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 402. Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031–3037a) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other organizations and agencies.

"(b) To achieve the purpose of this title, the Office on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases and providing family respite services with respect to such individuals.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 403. Section 412 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymakers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

(3) by adding at the end thereof the following new subsection:

"(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 404. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part B the following new section:

"PURPOSE

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 405. Section 421 of the Older Americans Act of 1965 (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.", and

(2) adding at the end thereof the following new subsections:

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include, when appropriate, a concise policy or practice implication statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivery services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 406. (a) Section 422(a) of the Older Americans Act of 1965 (42 U.S.C. 3035a(a)) is amended by striking out "elderly Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) in paragraph (6) by striking out "and" at the end thereof,

(2) in paragraph (7) by striking out the period and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(8) identify older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases, and provide family respite services and other community-based care services to such individuals.".

DEMONSTRATION PROJECTS ON LEGAL SERVICES

SEC. 407. Section 424 of the Older Americans Act of 1965 (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL SERVICES FOR OLDER INDIVIDUALS

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide nationwide legal services support activities to State and area agencies on aging for providing, developing, or support-

ing legal services for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal services delivery systems to local providers of legal services for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic needs.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal services organizations experienced in providing support, on a nationwide basis, to local legal services providers.".

TECHNICAL AMENDMENTS

SEC. 408. (a) Section 425 of the Older Americans Act of 1965 (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425."

"(b) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 409. (a) Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $27,900,000 for fiscal year 1985, $29,300,000 for fiscal year 1986, and $30,800,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Older Americans Act of 1965 (42 U.S.C. 3037(b)) is amended—

(1) in paragraph (1) by striking out "or" at the end thereof,

(2) in paragraph (2) by striking out the period and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment.".

TECHNICAL AMENDMENT

SEC. 410. Section 432(a) of the Older Americans Act of 1965 (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 411. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

TECHNICAL AMENDMENTS

SEC. 501. (a) Section 502(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (N) the following new subparagraph:

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed.".

(b)(1) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking out "Commissioner of the Administration on Aging" and inserting in lieu thereof "Commissioner of the Office on Aging".

(2) Section 503(b) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)) is amended by striking out "Comprehensive Employment and Training Act" each place it appears and inserting in lieu thereof "Job Training Partnership Act".

(c) Section 506(a)(3) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(d) Section 507(2) of the Older American Community Service Employment Act (42 U.S.C. 3056e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $331,900,000 for fiscal year 1985, $345,500,000 for fiscal year 1986, and $359,300,000 for fiscal year 1987", and

(2) in paragraph (2) by striking out "54,200" and inserting in lieu thereof "62,500".

ADMINISTRATION OF COMMUNITY SERVICE EMPLOYMENT PROGRAMS

SEC. 503. In carrying out the Older American Community Service Employment Act (42 U.S.C. 3056-3056f), if the Secretary of Labor requires as a condition for implementing any employment program under such Act that a recipient of program funds place some eligible individuals in unsubsidized employment, then eligible individuals placed by such recipient in any program carried out under title III, IV, or VI of the Older Americans Act of 1965 shall be considered to be placed in unsubsidized employment.

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

SEC. 504. The Secretary of Labor shall conduct a study to identify alternative mechanisms, supplementing the existing program under the Older American Community Service Employment Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. Section 604(d) of the Older Americans Act of 1965 (42 U.,S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Older Americans Act of 1965 (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Older Americans Act of 1965 (42 U.S.C. 3057g) is amended by striking out subsection (c).

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 701. The Older Americans Act of 1965 (42 U.S.C. 3001, et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seems to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility

are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 50.5 percent of Federal health care (non-military) expenditures, and as our population ages the percent of Federal health care dollars absorbed by older individuals will inevitably increase;

"(5) older individuals consume more prescription and over-the-counter drugs than any other group and are therefore more likely to be exposed to drug preparations containing two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in all the States in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Office on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, through the Office on Aging, shall enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to eventual replication in multipurpose senior centers, as well as other sites convenient to older individuals in all the States;

"(B) will provide for utilization of multipurpose senior centers established under section 321(b)(1) with regard to both the design and the provision of services;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of uniform, standardized components relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, education, and nutrition;

"(M) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

"(N) will implement education and training activity in at least 10 separate sites.

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall give priority to grants and contracts smaller than $150,000.

"(d) The Secretary shall prepare and submit to the Congress, not later than one year after the effective date of the Older Americans Personal Health Education and Training Act, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects. The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such findings and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

"SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(c) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

SEC. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 204(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(7)) is amended by striking out "Administration on Aging" and inserting in lieu thereof "Office of Aging".

(c) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

REFERENCES IN OTHER LAWS

SEC. 802. Any reference to the Administration on Aging in any law in effect on the date of the enactment of this Act, other than a reference in an Act amended by this Act, shall be deemed to be a reference to the Office on Aging.

EFFECTIVE DATES

SEC. 803. (a) Except as provided in subsection (b) and subsection (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 206(a) shall take effect sixty days after the date of the enactment of this Act.

(2) The amendment made by section 206(c) shall take effect on the first day of the first

fiscal year beginning after the date of the enactment of this Act.

(3) The amendment made by section 701 shall take effect on October 1, 1984.

(c) The amendment made by section 409(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LEATH of Texas). Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. ANDREWS] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. ANDREWS].

Mr. ANDREWS of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Education and Labor, I am pleased to present H.R. 4785, the Older Americans Act Amendments of 1984 for consideration by the House today. This bill represents a strong, bipartisan effort, with 99 cosponsors from both sides of the aisle. My colleague, Congressman TOM PETRI, the ranking Republican on the Human Resources Subcommittee, has joined me as an original cosponsor, along with Congressman MARIO BIAGGI, Congressman PAT WILLIAMS, Congressman BALTASAR CORRADA, and Congresswoman OLYMPIA SNOWE.

Most of all, I was pleased to be joined by that member who is listed second on this bill, as he was on so many of the bills I have introduced as one of his subcommittee chairmen—the Honorable CARL PERKINS of Kentucky. This piece of legislation, as well as so many others which bear the mark of his influence and concern, stands as a far more eloquent memorial to our chairman than certainly I can put into words. I am proud to have known him. I am thankful that I was able to count him as a friend.

Mr. Speaker, as recently as last Thursday we met to plan this presentation today. He was to be here with me at this moment. He shared his concerns about this program and how it was working, particularly in Kentucky. He personally went to the senior centers in his district and was working vigorously, as he always did, to improve them. That is our purpose here today.

Mr. Speaker, some have suggested that the bill should be put over to a later date because of his untimely death on Friday and because many of us will be going to his funeral tomorrow, but I think I knew Chairman PERKINS well enough to know that his concern for this great program, as well as all the others from my subcommittee which otherwise expire this year, were such that he would urge us to go forward with the bill today and to vigorously pursue it and all the others to the end that they might serve the purpose that he and all of us had for them.

Mr. Speaker, the Older Americans Act, to my mind, has proven to be one of the very best Federal programs Congress has ever developed. Few programs come close to matching the good that it does for the dollar we invest. It provides a full range of services and programs to meet the needs of older people in their own communities—in their hometowns. It provides senior centers and nutrition programs. It takes home-delivered meals and other services to the homebound. It employs low-income, unemployed older people in community service helping others.

Last year, in our Fourth Congressional District of North Carolina, for example, the 7 senior centers and some 20 supplementary sites served more than 230,000 meals to more than 13,000 senior citizens. Nationwide, the program reached more than 9 million older individuals through some 3,300 centers.

Now those are impressive numbers; by themselves they stand as ample justification. But dry statistics cannot tell the full story. There is something even more important at work here—a human side that statistics can never capture.

The Older Americans Act provides a setting for older people to come together and share together. This may be as important as the food which is served. It is a medical fact that our physical health is closely tied to our emotional well-being. In a very real sense, then, the Older Americans Act is one of the best cures yet discovered for the health-sapping loneliness, depression, and isolation which too often accompany us into our later years.

The committee set about its work of reauthorizing this act with the understanding that it was generally working well, and that our goal should be to extend it and accomplish whatever administrative fine tuning was deemed necessary. Based on public hearings and testimony received through letters and in meeting with interested groups, this understanding was verified—the program is working well and accomplishing what Congress intends. We have made one important addition. We have added a new title VII, which will provide health education and training to older Americans. Let me briefly describe the minor changes which are proposed and then I will describe the new title VII in some detail.

H.R. 4785 reauthorizes the Older Americans Act for 3 additional years. With one exception made in committee, funding levels would be increased by about 5 percent each year to roughly account for inflation. The one exception is for supportive services and senior centers. Here, the committee believed that an additional 5-percent increase was justified because of increasing demands for in-home services caused, at least in part, by the earlier release of medicare patients from hospitals. Also, the number of older elderly—those more than 75 years old—needing special help is increasing.

Among the modest changes made in the act is one to elevate the status of the Administration on Aging [AOA] to that of an Office on Aging. This eliminates one layer of bureaucracy and should ensure that the Commissioner on Aging reports directly to the Secretary of Health and Human Services, as is currently required, rather than to the Assistant Secretary of the Office of Human Development Services, as we found to be currently practiced.

The bill would require that regulations be published in a timely manner. The administration has yet to publish regulations from the previous reauthorization. An accounting would be made of the use of funds for the three national priority services.

H.R. 4785 would require that consideration be given to a nutrition provider's experience in working with older people, when contracts for providing meals are awarded. This should assure us that the quality of meals being provided is taken into consideration—along with the cost of meals—when contracts are being let. This issue was particularly important to Chairman PERKINS.

Clarifying language has been added on the role of area agencies on aging in facilitating the coordination of community-based, long-term care services. More attention is proposed to the needs of nursing home residents.

In title IV—the training and research section—and elsewhere throughout the act, the committee has indentified Alzheimer's disease as an important concern requiring more attention. Also in title IV, clarifying and perfecting amendments are proposed relating to the purposes of various sections contained in that title.

As I mentioned, H.R. 4785 provides a new title VII to the act. It is designed to encourage the development of health education and training programs aimed specifically at the needs of older individuals. For a very modest investment, we may be able to help the elderly reduce their medical bills through preventive, health maintenance training. This could also help to halt or at least slow the seemingly ever-escalating cost of Federal assistance for medical care, once the time for prevention has passed.

The new title VII would use existing resources already provided by the Older Americans Act. The network of 3,300 senior centers would serve as classrooms. The 9 million or more older individuals now using those centers each year form an existing student body, so to speak, which could

hopefully be expanded as the program is further developed. Faculty and graduate students will serve as teachers—coming from the fields of public health, the medical sciences, psychology, pharmacology, nursing, nutrition, gerontology, social work, and education and others. Title VII simply provides the focus for these existing elements to be combined toward the development of uniform and standardized health education and training programs for older Americans.

Mr. Speaker, the committee is pleased to present this bill today for consideration by the House. It continues a program that is important to older citizens throughout this country; it is a program that is working well; and it is a program that deserves the continued support of the Congress.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of North Carolina. I am pleased to yield to the distinguished gentleman from Montana, who is a member of the Subcommittee on Human Resources.

Mr. WILLIAMS of Montana. Mr. Speaker, I thank the chairman of the subcommittee for yielding.

I want to join the gentleman in his sorrow about the passing of our chairman and our friend, Congressman CARL PERKINS of Kentucky. CARL PERKINS was a good, kind, knowledgeable, and decent man whose legacy is in the quality of the Nation's schools and the safety of the factory workplaces.

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CARL PERKINS was for fairness. His life was about fairness toward his constituents in Kentucky and fairness toward those millions of Americans who depended upon his legislative legerdemain for their safety and for the improvement of their personal lives.

Mr. Speaker, I am in support of this legislation and I particularly want to commend that interpretation of the bill which assures that our senior citizens and our public libraries have access to titles III and IV of this act. I am pleased that title V will assist in providing employment in our libraries to our seniors. Librarians are eager to continue and expand their current fine services to our older Americans. The expansion of those library services will mean improved coordination with other services currently available to our senior citizens. Libraries will be able to assure the full use by seniors of the various services and the broad range of library activities.

It is particularly critical that seniors be included as workers, volunteers in our public libraries.

Mr. Speaker, I commend the chairman of the subcommittee for his thoughtful work on this legislation.

The SPEAKER pro tempore. The Chair would like to point out to the gentleman from North Carolina that since the gentleman included additional amendments which were not printed for one legislature day in the motion to suspend the rules, the Chair therefore will have to inquire whether a second is demanded.

The clerk will report the title of the bill.

The Clerk read the title of the bill.

The text of the bill, as amended, is as follows:

H.R. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Act Amendments of 1984".

TITLE I—AMENDMENTS REGARDING OBJECTIVES AND DEFINITIONS

AMENDMENT TO HEADING

SEC. 101. The heading for title I of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by striking out the colon and inserting in lieu thereof a semicolon.

COMMUNITY-BASED, LONG-TERM CARE SERVICES

SEC. 102. (a) Section 101(4) of the Older Americans Act of 1965 (42 U.S.C. 3001(4)) is amended by inserting before the period the following: ", and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes".

(b) Section 101(10) of the Older Americans Act of 1965 (42 U.S.C. 3001(10)) is amended by inserting before the period the following: "and full participation in the planning and operation of community-based services and programs provided for their benefit".

TITLE II—AMENDMENTS REGARDING THE ADMINISTRATION ON AGING

AMENDMENT TO HEADING

SEC. 201. The heading for title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended to read as follows:

"TITLE II—OFFICE ON AGING"

OFFICE ON AGING

SEC. 202. Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended to read as follows:

"ESTABLISHMENT OF OFFICE ON AGING

"SEC. 201. (a) There is established in the office of the Secretary an Office on Aging (hereinafter in this Act referred to as the 'Office') which shall be headed by the Commissioner on Aging. The Office shall be the principal agency for carrying out this Act, other than title V. In the performance of the functions of the Office, the Commissioner shall be directly responsible to the Secretary. There shall be a direct reporting relationship between the Commissioner and the Secretary. The Secretary shall not approve any delegation of the functions of the Office to any officer not directly responsible to the Commissioner.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate.".

FUNCTIONS OF OFFICE ON AGING

SEC. 203. (a) The heading for section 202 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by striking out "Commissioner" and inserting in lieu thereof "Office on Aging".

(b) Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) by striking out "function of the Administration" and inserting in lieu thereof "function of the Office",

(2) in paragraph (5) by striking out "of and carry out" and inserting in lieu thereof "and implementation of",

(3) in paragraph (16) by striking out "and",

(4) in paragraph (17) by striking out the period and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new paragraph:

"(18) to consult with national organizations representing minority individuals to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and area agencies in providing services to older individuals with the greatest economic or social needs.".

(c) Section 202(b) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(d) Section 202(c) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)) is amended by striking out "his duties and functions" and inserting in lieu thereof "the duties and functions of the Office".

FEDERAL AGENCY CONSULTATION

SEC. 204. Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the Job Training Partnership Act,",

(2) in paragraph (8)—

(A) by striking out "the community schools program under the Elementary and Secondary Education Act of 1965,", and

(B) by striking out "1965, and" and inserting in lieu thereof "1965 and", and

(3) in paragraph (9) by striking out "5,".

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) Section 204(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(2)) is amended by striking out "his" and inserting in lieu thereof "such member's".

(b) Section 204(c) of the Older Americans Act of 1965 (42 U.S.C. 3015(c)) is amended by striking out "Chairman" each place it appears and inserting in lieu thereof "Chairperson".

(c) Section 204(e) of the Older Americans Act of 1965 (42 U.S.C. 3015(e)) is amended by striking out "Chairman" and inserting in lieu thereof "Chairperson".

(d) Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended—

(1) by striking out "$200,000" and all that follows through "1983, and", and

(2) by inserting before the period at the end thereof the following: "and $200,000 for each of the fiscal years 1985, 1986, and 1987".

ISSUANCE OF REGULATIONS

SEC. 206. (a) Section 205(b) of the Older Americans Act of 1965 (42 U.S.C. 3016(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Office".

(b) Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (c) as subsection (d), and

(2) by inserting after subsection (b) the following new subsection:

"(c) Not later than 120 days after the date of the enactment of the Older Americans Act Amendments of 1984, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act. After allowing a reasonable period for public comment on such proposed rules and not later than ninety days after such publication, the Secretary shall issue,

in final form, regulations for the administration of this Act.".

EVALUATION

SEC. 207. (a) The first sentence of section 206(b) of the Older Americans Act of 1965 (42 U.S.C. 3017(b)) is amended to read as follows: "The Secretary may not make grants or contracts under title IV of this Act until the Secretary develops and publishes general standards to be used by the Secretary in evaluating the programs and projects assisted under such title.".

(b) Section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by adding at the end thereof the following: "In carrying out such evaluations, the Secretary shall consult with organizations concerned with older individuals, including those representing minority individuals.".

(c) Section 206(g) of the Older Americans Act of 1965 (42 U.S.C. 3017(g)) is amended by inserting "one-fourth of" after "exceed".

REPORTS

SEC. 208. Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking out "for transmittal" and inserting in lieu thereof "and".

REDUCTION OF PAPERWORK

SEC. 209. Section 211 of the Older Americans Act of 1965 (42 U.S.C. 3020b) is amended—

(1) by striking out "Administration" and inserting in lieu thereof "Office", and

(2) by inserting before the period at the end thereof the following: "and, in gathering such information, shall make use of uniform service definitions to the extent that such definitions are available".

TITLE III—GRANTS FOR PROGRAMS ON AGING

TECHNICAL AMENDMENTS

SEC. 301. Section 301(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)(1)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

DEFINITIONS

SEC. 302. Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) in paragraph (6) by striking out "and the Northern Mariana Islands" and inserting in lieu thereof ", and the Commonwealth of the Northern Mariana Islands", and

(2) by adding at the end thereof the following new paragraphs:

"(10) The term 'older individual' means any individual who is sixty years of age or older.

"(11) The term 'multipurpose senior centers' means community facilities for the organization and provision of a broad spectrum of services, including provision of health, social, nutritional, and educational services and provision of facilities for recreational activities, for older individuals.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. (a) Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended—

(1) by striking out "$300,000,000" and all that follows through "1983, and", and

(2) by inserting after "1984," the following: "$386,300,000 for the fiscal year 1985, $405,600,000 for the fiscal year 1986, and $424,900,000 for the fiscal year 1987,".

(b) Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "$350,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$383,600,000 for fiscal year 1985, $402,800,000 for fiscal year 1986, and $423,000,000 for fiscal year 1987,", and

(2) in paragraph (2)—

(A) by striking out "$80,000,000" and all that follows through "1983, and", and

(B) by inserting after "1984," the following: "$72,300,000 for fiscal year 1985, $75,800,000 for fiscal year 1986, and $79,600,000 for fiscal year 1987,".

TECHNICAL AMENDMENTS

SEC. 304. (a) Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(2) in paragraph (2) by striking out "him" and inserting in lieu thereof "the Commissioner".

(b) Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner".

(c) Section 304(c) of the Older Americans Act of 1965 (42 U.S.C 3024(c)) is amended—

(1) by striking out "subsection (d)(1)(B)" and inserting in lieu thereof "subsection (d)(1)(C)", and

(2) by striking out "for in-kind resources" and inserting in lieu thereof "or in-kind resources".

(d) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(1) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)",

(2) in subparagraph (D) by striking out "subclause (C)" and inserting in lieu thereof "subparagraph (C)", and

(3) in subparagraph (E)—

(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(B) by adding at the end thereof the following: "For purposes of this subparagraph the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(e) Section 305(b) of the Older Americans Act of 1965 (42 U.S.C. 3025(b)) is amended—

(1) in paragraphs (1), (2), and (4) by striking out "clause (1)" each place it appears and inserting in lieu thereof "paragraph (1)", and

(2) in paragraph (3) by striking out "he" and inserting in lieu thereof "the Commissioner".

AREA PLANS

SEC. 305. (a) Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "each of the following categories of services" after "the delivery of", and

(B) by striking out "and that some funds" and all that follows through "services", and inserting in lieu thereof "and specify annually in such plan, as submitted or as amended, in detail the amount of funds expended for each such category during the fiscal year most recently concluded",

(2) in paragraph (5)(A) by inserting ", with particular attention to low-income minority individuals," after "social needs", and

(3) in paragraph (6)—

(A) by striking out subparagraph (F),

(B) in subparagraph (G) by inserting "(including minority individuals)" after "individuals" the first place it appears,

(C) in subparagraph (H) by striking out "clause (2); and" and inserting in lieu thereof "paragraph (2);",

(D) in subparagraph (I) by striking out the period at the end thereof and inserting in lieu thereof "; and",

(E) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively, and

(F) by adding at the end thereof the following:

"(I) conduct efforts to facilitate the coordination of community-based, long-term care services designed to retain individuals in their homes, thereby deferring unnecessary, costly institutionalization, and designed to emphasize the development of client-centered care management systems as a component of such services; and

"(J) facilitate the involvement of long-term care providers in the coordination of community-based long-term care services and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities.

For purposes of paragraph (5)(A), the term 'greatest economic need' means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census and the term 'greatest social need' means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status which restricts an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.".

(b) Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended to read as follows:

"(b) Each State shall not approve an area agency plan under this section unless the requirements of paragraph (2) of subsection (a) are fully satisfied. A State shall waive the requirements described in paragraph (2) of subsection (a) for any category of services described in such paragraph only if the area agency on aging demonstrates to the State agency that services being furnished for such category in the area are sufficient to meet the need for such services in such area. Such demonstration by the area agency shall be based on a public hearing, held within two years of the request for a waiver, where all interested parties are notified and given an opportunity to appear and present testimony. A record of the public hearing shall accompany an area agency's request for a waiver.".

STATE PLANS

SEC. 306. (a) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) in paragraph (10) by striking out ", including nutrition services," and inserting in lieu thereof "or nutrition services,",

(2) in paragraph (12)—

(A) in subparagraph (A)—

(i) by striking out "which is not" the first place it appears and inserting in lieu thereof ", other than an agency or organization which is",

(ii) by striking out "not" the second place it appears,

(iii) by striking out "will—" and inserting in lieu thereof "provides individuals who will, on a full-time basis—", and

(iv) in clause (iv) by inserting "staff and" after "training",

(B) in subparagraph (C) by striking out "and" at the end thereof,

(C) in subparagraph (D)(ii) by inserting "and" after the semicolon at the end thereof, and

(D) by adding at the end thereof the following new subparagraph:

"(E) in planning and operating the ombudsman program, consider the views of area agencies on aging, older individuals, and provider agencies;",

(3) in paragraph (17)(B)(ii) by striking out the period and inserting in lieu thereof "; and", and

(4) in paragraph (18)—

(A) by striking out "Northern Mariana Islands" and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands", and

(B) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph".

(b) Section 307(b) of the Older Americans Act of 1965 (42 U.S.C. 3027(b)) is amended—

(1) in paragraph (1) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(2) in paragraph (2) by striking out "clause (3)(B)" each place it appears and inserting in lieu thereof "paragraph (3)(B)".

(c) Section 307(d) of the Older Americans Act of 1965 (42 U.S.C. 3027(d)) is amended—

(1) by striking out "his" and inserting in lieu thereof "the Commissioner's",

(2) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner", and

(3) by striking out "section 307" and inserting in lieu thereof "this section".

(d) Section 307(e) of the Older Americans Act of 1965 (42 U.S.C. 3027(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "him" and inserting in lieu thereof "the Commissioner", and

(B) by striking out "he based his action" and inserting in lieu thereof "the Commissioner's action is based", and

(2) in the first sentence of paragraph (2) by striking out "his" and inserting in lieu thereof "the Commissioner's".

ADMINISTRATION OF STATE PLANS

SEC. 307. Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "clause (A)" and inserting in lieu thereof "subparagraph (A)", and

(B) by striking out "Northern Mariana Islands" each place it appears and inserting in lieu thereof "Commonwealth of the Northern Mariana Islands",

(2) in paragraph (4) by striking out "most recent satisfactory data available to him" and inserting in lieu thereof "most recent data of the Bureau of the Census available to the Commissioner",

(3) in paragraph (5) by striking out "he" and inserting in lieu thereof "the Commissioner", and

(4) in paragraph (6) by striking out "20 per centum" and inserting in lieu thereof "25 per centum".

TECHNICAL AMENDMENT

SEC. 308. Section 309(a) of the Older Americans Act of 1965 (42 U.S.C. 3029(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

SURPLUS COMMODITIES; AUTHORIZATION OF APPROPRIATIONS

SEC. 309. (a) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(1) by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)", and

(2) by inserting "for All Urban Consumers" after "Consumer Price Index".

(b) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended by redesignating subsection (d)(1) as (c)(1).

(c) Section 311(c), as so redesignated, is amended—

(1) in paragraph (1)—

(A) by striking out "$93,200,000" and all that follows through "1983, and", and

(B) by inserting "$121,800,000 for fiscal year 1985, $127,900,000 for fiscal year 1986, and $134,300,000 for fiscal year 1987," after "1984,", and

(2) in paragraph (2) by striking out "appropriation" and inserting in lieu thereof "appropriations".

SUPPORTIVE SERVICES

SEC. 310. (a) Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (6) by striking out "and financial counseling" and inserting in lieu thereof ", financial counseling, and counseling regarding appropriate health and life insurance coverage",

(2) in paragraph (8) by striking out "illness" and inserting in lieu thereof "illnesses",

(3) in paragraph (14) by striking out "or" at the end thereof,

(4) by redesignating paragraph (15) as paragraph (16), and

(5) by inserting after paragraph (14) the following new paragraph:

"(15) services designed to enable mentally impaired older individuals to attain and maintain emotional well-being and independent living through a coordinated system of support services; or".

(b) Section 321(b) of the Older Americans Act of 1965 (42 U.S.C. 3030d(b)) is amended—

(1) in paragraph (1) by striking out "which shall be" and all that follows through "individuals", and

(2) in paragraph (2)—

(A) by striking out "used," and inserting in lieu thereof "used", and

(B) by striking out "centers, to meet" and inserting in lieu thereof "centers and meeting".

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROGRAMS RELATED TO AGING

EDUCATION AND TRAINING

SEC. 401. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part A the following new section:

"PURPOSE

"SEC. 410. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by—

"(1) identifying both short- and long-range manpower needs in the field of aging;

"(2) providing a broad range of educational and training opportunities to meet those needs;

"(3) attracting a greater number of qualified personnel into the field of aging;

"(4) helping to upgrade personnel training programs to make them more responsive to the need in the field of aging; and

"(5) establishing and supporting multidisciplinary centers of gerontology and providing special emphasis that will improve, enhance, and expand existing training programs.".

AUTHORITY FOR GRANTS AND CONTRACTS

SEC. 402. Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031–3037a) is amended to read as follows:

"GRANTS AND CONTRACTS

"SEC. 411. (a) The Commissioner shall make grants and enter into contracts to achieve the purpose of this part. The purposes for which such grants and contracts shall be made include the following:

"(1) To provide comprehensive and coordinated nondegree education, training programs, and curricula at institutions of higher education and at other research, training, or educational organizations, for practitioners in the fields of nutrition, health care, supportive services, housing, and long-term care, including the expansion and enhancement of existing inservice education and training programs.

"(2) To provide inservice training opportunities to the personnel of State offices, area agencies, senior centers, and nutrition programs to strengthen their capacity to remain responsive to the needs of older individuals.

"(3) To provide courses on aging and the dissemination of information about aging to the public through institutions of higher education and other organizations and agencies.

"(b) To achieve the purpose of this title, the Office on Aging shall conduct both—

"(1) long-term educational activities to prepare personnel for careers in the field of aging; and

"(2) short-term inservice training and continuing education activities for State and area agency personnel, and other personnel, in the field of aging or preparing to enter the field of aging.

"(c) In making grants and contracts under this part, the Commissioner shall give special consideration to the recruitment and training of personnel, volunteers, and those individuals preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases and providing family respite services with respect to such individuals.

"(d) In making grants or contracts under this part, the Commissioner shall ensure that all projects and activities related to personnel training shall include specific data on the number of individuals to be trained and the number of older individuals to be served through such training activities by public and nonprofit agencies, State and area agencies on aging, institutions of higher education, and other organizations.".

MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

SEC. 403. Section 412 of the Older Americans Act of 1965 (42 U.S.C. 3032) is amended—

(1) by inserting "(a)" after "SEC. 412.",

(2) in subsection (a), as so redesignated—

(A) by inserting "(including emphasis on nutrition, employment, health, income maintenance and supportive services)" before the period at the end thereof, and

(B) by adding at the end thereof the following:

"Such centers shall conduct research and policy analysis and function as a technical resource for the Commissioner, policymak-

ers, service providers, and the Congress. Multidisciplinary centers of gerontology shall—

"(1) recruit and train personnel;

"(2) conduct basic and applied research directed toward the development of information related to aging;

"(3) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

"(4) help to develop training programs in the field of aging at schools of public health, education, and other appropriate schools within colleges and universities;

"(5) serve as a repository of information and knowledge on aging; and

"(6) provide consultation and information to public and voluntary organizations, including State and area agencies, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act.", and

(3) by adding at the end thereof the following new subsection:

"(b) Centers supported under this section shall provide data to the Commissioner on the projects and activities for which funds are provided under this title. Such data shall include the number of personnel trained, the number of older individuals served, the number of schools assisted, and other information that will facilitate achieving the purposes of this Act.".

PURPOSE OF PART B

SEC. 404. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after the heading for part B the following new section:

"PURPOSE

"SEC. 420. The purpose of this part is to improve the quality and efficiency of programs serving older individuals through research and development projects, and demonstration projects, designed to—

"(1) develop and synthesize knowledge about aging from multidisciplinary perspectives;

"(2) establish an information base of data and practical experience;

"(3) examine effective models of planning and practice that will improve or enhance services provided under other provisions of this Act;

"(4) evaluate the efficacy, quality, efficiency, and accessibility of programs and services for older individuals; and

"(5) develop, implement, and evaluate innovative planning and practice strategies to address the needs, concerns, and capabilities of older individuals.".

RESEARCH AND DEVELOPMENT PROJECTS

SEC. 405. Section 421 of the Older Americans Act of 1965 (42 U.S.C. 3035) is amended—

(1) by inserting "(a)" after "SEC. 421.", and

(2) adding at the end thereof the following new subsections:

"(b) Each research and development activity proposal for which funds are requested under subsection (a) shall include, when appropriate, a concise policy or practice implication statement.

"(c)(1) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) research activities which will, not later than three years after the date of the enactment of the Older Americans Act Amendments of 1984, collectively—

"(A) contribute to the establishment and maintenance of a demographic data base which contains information on the population of older individuals generally and older individuals categorized by age, sex, race, geographical location, and such other factors as the Commissioner deems useful for purpose of formulating public policy;

"(B) identify the future needs of older individuals;

"(C) identify the kinds and comprehensiveness of programs required to satisfy such needs; and

"(D) identify the kinds and number of personnel required to carry out such programs.

"(2) The Commissioner shall select, to the extent practicable, for assistance under subsection (a) demonstration projects which test research results and implement innovative ways of satisfying the needs of, and delivery services to, older individuals.".

DEMONSTRATION PROJECTS

SEC. 406. (a) Section 422(a) of the Older Americans Act of 1965 (42 U.S.C. 3035a(a)) is amended by striking out "elderly Such" and inserting in lieu thereof "elderly. Such".

(b) Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) in paragraph (6) by striking out "and" at the end thereof,

(2) in paragraph (7) by striking out the period and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(8) identify older individuals who suffer from Alzheimer's disease and other neurological and organic brain diseases, and provide family respite services and other community-based care services to such individuals.".

DEMONSTRATION PROJECTS ON LEGAL SERVICES

SEC. 407. Section 424 of the Older Americans Act of 1965 (42 U.S.C. 3035c) is amended to read as follows:

"SPECIAL DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL SERVICES FOR OLDER INDIVIDUALS

"SEC. 424. (a) The Commissioner shall make grants and enter into contracts, in order to—

"(1) provide nationwide legal services support activities to State and area agencies on aging for providing, developing, or supporting legal services for older individuals, including—

"(A) case consultations;

"(B) training;

"(C) provision of substantive legal advice and assistance; and

"(D) assistance in the design, implementation, and administration of legal services delivery systems to local providers of legal services for older individuals; and

"(2) support demonstration projects to expand or improve the delivery of legal services to older individuals with social or economic needs.

"(b) Any grants or contracts made under subsection (a)(2) shall contain assurances that the requirements of section 307(a)(15) are met.

"(c) To carry out subsection (a)(1), the Commissioner shall make grants to or enter into contracts with national nonprofit legal services organizations experienced in providing support, on a nationwide basis, to local legal services providers.".

TECHNICAL AMENDMENTS

SEC. 408. (a) Section 425 of the Older Americans Act of 1965 (42 U.S.C. 3035d) is amended by inserting "(a)" after "SEC. 425."

"(b) Section 426 of the Older Americans Act of 1965 (42 U.S.C. 3035e) is amended by inserting "is" after "business concern".

AUTHORIZATION OF APPROPRIATIONS

SEC. 409. (a) Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) by striking out "$23,200,000" and all that follows through "1983, and", and

(2) inserting ", $27,900,000 for fiscal year 1985, $29,300,000 for fiscal year 1986, and $30,800,000 for fiscal year 1987" before the period at the end thereof.

(b) Section 431(b) of the Older Americans Act of 1965 (42 U.S.C. 3037(b)) is amended—

(1) in paragraph (1) by striking out "or" at the end thereof,

(2) in paragraph (2) by striking out the period and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment.".

TECHNICAL AMENDMENT

SEC. 410. Section 432(a) of the Older Americans Act of 1965 (42 U.S.C. 3037a(a)) is amended by striking out "he" and inserting in lieu thereof "the Commissioner".

RESPONSIBILITIES OF COMMISSIONER

SEC. 411. The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by inserting after section 432 the following new section:

"RESPONSIBILITIES OF COMMISSIONER

"SEC. 433. (a) The Commissioner shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

"(b) The Commissioner shall prepare and publish annually as part of the report provided for in section 207 a detailed description of all grants, contracts, and activities for which funds are paid under this title. Such report shall include the name of the recipient of each such grant or contract, the amount of funds provided for such grant or contract, and a justification of how the funded activity or project will achieve the purpose of this title.".

TITLE V—COMMUNITY SERVICE EMPLOYMENT

TECHNICAL AMENDMENTS

SEC. 501. (a) Section 502(b)(1) of the Older American Community Service Employment Act (42 U.S.C. 3056(b)(1)) is amended—

(1) in the third sentence by striking out "he" and inserting in lieu thereof "the Secretary",

(2) in subparagraph (J) by striking out "he" and inserting in lieu thereof "the participant",

(3) in subparagraph (M) by striking out "and" at the end thereof,

(4) in subparagraph (N) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (N) the following new subparagraph:

"(O) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom ques-

tions regarding the application of such chapter may be addressed.".

(b)(1) Section 503(a) of the Older American Community Service Employment Act (42 U.S.C. 3056a(a)) is amended by striking out "Commissioner of the Administration on Aging" and inserting in lieu thereof "Commissioner of the Office on Aging".

(2) Section 503(b) of the Older American Community Service Employment Act (42 U.S.C. 3056a(b)) is amended by striking out "Comprehensive Employment and Training Act" each place it appears and inserting in lieu thereof "Job Training Partnership Act".

(c) Section 506(a)(3) of the Older American Community Service Employment Act (42 U.S.C. 3056d(a)(3)) is amended by inserting "the" after "shall allot to".

(d) Section 507(2) of the Older American Community Service Employment Act (42 U.S.C. 3056e(2)) is amended by striking out "over" each place it appears and inserting in lieu thereof "older".

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Section 508(a) of the Older American Community Service Employment Act (42 U.S.C. 3056f(a)) is amended—

(1) in paragraph (1) by striking out "$277,100,000" and all that follows through "1984", and inserting in lieu thereof "$319,450,000 for fiscal year 1984, $331,900,000 for fiscal year 1985, $345,500,000 for fiscal year 1986, and $359,300,000 for fiscal year 1987", and

(2) in paragraph (2) by striking out "54,200" and inserting in lieu thereof "62,500".

ADMINISTRATION OF COMMUNITY SERVICE EMPLOYMENT PROGRAMS

SEC. 503. In carrying out the Older American Community Service Employment Act (42 U.S.C. 3056-3056f), if the Secretary of Labor requires as a condition for implementing any employment program under such Act that a recipient of program funds place some eligible individuals in unsubsidized employment, then eligible individuals placed by such recipient in any program carried out under title III, IV, or VI of the Older Americans Act of 1965 shall be considered to be placed in unsubsidized employment.

STUDY OF OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

SEC. 504. The Secretary of Labor shall conduct a study to identify alternative mechanisms, supplementing the existing program under the Older American Community Service Employment Act, to increase community service employment opportunities for eligible individuals. Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Congress a report describing the results of such study and proposing draft legislation which, if enacted by the Congress, would increase such employment opportunities.

TITLE VI—GRANTS FOR INDIAN TRIBES

ELIGIBILITY

SEC. 601. Section 602(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058(a)(1)) is amended by striking out "75" and inserting in lieu thereof "60".

TECHNICAL AMENDMENTS

SEC. 602. Section 604(d) of the Older Americans Act of 1965 (42 U.,S.C. 3057c(d)) is amended—

(1) by striking out "he" each place it appears and inserting in lieu thereof "the Commissioner",

(2) in paragraph (1) by striking out "his", and

(3) in paragraph (2) by striking out "his" and inserting in lieu thereof "such".

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. (a) Section 608(a) of the Older Americans Act of 1965 (42 U.S.C. 3057g(a)) is amended—

(1) by striking out "$6,500,000" and all that follows through "1983, and", and

(2) by inserting after "1984" the following: ", $7,900,000 for fiscal year 1985, $8,300,000 for fiscal year 1986, and $8,600,000 for fiscal year 1987".

(b) Section 608 of the Older Americans Act of 1965 (42 U.S.C. 3057g) is amended by striking out subsection (c).

TITLE III—PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS FOR OLDER INDIVIDUALS

PERSONAL HEALTH EDUCATION AND TRAINING PROGRAMS

SEC. 701. The Older Americans Act of 1965 (42 U.S.C. 3001, et seq.) is amended by adding at the end a new title as follows:

"TITLE VII—OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Older Americans Personal Health Education and Training Act'.

"FINDINGS

"SEC. 702. The Congress hereby finds that—

"(1) individuals 60 years of age or older constitute the fastest growing segment of the Nation's population;

"(2) the process of aging, as well as the changes in lifestyle which accompany it, such as retirement, the end of parenting roles, and relocation, seems to increase and exacerbate health problems faced by older individuals (such health problems include physical, mental, and emotional health problems);

"(3) many of the health problems faced by individuals 60 years of age or older, such as arteriosclerosis, arthritis, adult-onset diabetes, hypothermia, heat stress, Alzheimer's disease, circulatory problems, hypertension, diminished hearing and eyesight, reduced strength, social isolation, and bone fragility are particularly common to the older American population;

"(4) although older individuals make up only 11 percent of our population, they consume 29 percent of the total health care expenditures and 50.5 percent of Federal health care (non-military) expenditures, and as our population ages the percent of Federal health care dollars absorbed by older individuals will inevitably increase;

"(5) older individuals consume more prescription and over-the-counter drugs than any other group and are therefore more likely to be exposed to drug preparations containing two or more active drugs which negatively interact;

"(6) many of the health problems faced by older individuals and the fear of those health problems can be ameliorated and in some cases prevented if proper health education and training is available;

"(7) health education and training focused specifically on the needs of older individuals can play an important role in health promotion and illness prevention and simultaneously help reduce medical costs for both individuals and the Government;

"(8) the educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology have much to offer in the design and implementation of health education and training services for older individuals; and

"(9) the existing 3,300 multipurpose senior centers established under this Act which already serve over 9,000,000 older individuals each year, are appropriate points of contact from which health education and training can be provided, but there is currently no uniform, standardized program consistently in place across the Nation.

"PURPOSES

"SEC. 703. The purposes of this title are to provide the necessary resources, leadership, and coordination (1) to design a uniform, standardized program of health education and training for older individuals; (2) to directly involve graduate educational institutions of public health in the design of such program; (3) to directly involve the graduate educational institutions of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology in the implementation of such program; (4) to implement such program in all the States in multipurpose senior centers established under this Act; and (5) to evaluate such program.

"OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM

"SEC. 704. (a) In order to foster and promote the design and implementation of a health education and training program for individuals who are 60 years of age or older, the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') shall establish an older individuals personal health education and training program within the Office on Aging.

"(b)(1) In order to carry out the provisions of this title, the Secretary, through the Office on Aging, shall enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, or gerontology in order to achieve the purposes of this title. No payment shall be made by the Secretary toward the cost of any such project established or administered by any such institution unless the Secretary determines that such project—

"(A) will provide for the design and implementation of a local or statewide demonstration health education and training program which is amenable to eventual replication in multipurpose senior centers, as well as other sites convenient to older individuals in all the States;

"(B) will provide for utilization of multipurpose senior centers established under section 321(b)(1) with regard to both the design and the provision of services;

"(C) will be generally applicable to the health needs of all individuals 60 years of age or older;

"(D) will provide for the development of uniform, standardized components relating to specific problems encountered by older individuals, such as diet, mental health, physical fitness, hypertension, retirement, health insurance, hypothermia, and legal advice concerning rights to live and to receive medical treatment;

"(E) will provide education in the safe and effective use of prescription and nonprescription medicines;

"(F) will address the motivation of older individuals including consideration of the elements of self-responsibility, physical fitness, stress management, nutrition, and environmental awareness; and the benefits older individuals can derive from behavioral and lifestyle modifications within their individual control;

"(G) will provide for peer contact and interaction among participating older individuals;

"(H) will provide for the training and utilization of graduate students (including the consideration of the granting of course credit to such students) and faculty in the fields of public health, the medical sciences, psychology, pharmacology, nursing, social work, education, nutrition, and gerontology;

"(I) will provide for the training and utilization of older individuals participating in such projects as volunteers;

"(J) will ensure that participating older individuals are made aware of the health services available to them in their communities;

"(K) will be designed in consultation with persons specifically competent in the field of public health;

"(L) will demonstrate the ability of those who carry out such project to generate multidisciplinary working relationships with other groups in relevant fields, including the medical sciences, mental health, pharmacology, nursing, social work, education, and nutrition;

"(M) will provide for coordination with the State agency designated under section 305(a)(1) and State health officials in the State in which such project is carried out; and

"(N) will implement education and training activity in at least 10 separate sites.

"(2) The Secretary shall establish, issue, and amend such regulations as may be necessary to effectively carry out this title.

"(c)(1) The Secretary shall pay not to exceed 90 percent of the cost of any project which is the subject of a contract entered into under subsection (b).

"(2) The remaining cost of such project shall be provided from non-Federal sources, in cash or in-kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair-market value to services and facilities contributed from non-Federal sources.

"(3) In considering grant or contract applications under this title, the Secretary shall give priority to grants and contracts smaller than $150,000.

"(d) The Secretary shall prepare and submit to the Congress, not later than one year after the effective date of the Older Americans Personal Health Education and Training Act, an interim report describing the projects approved under subsection (b) and a design for the evaluation of such projects. The Secretary shall prepare and submit to the President and the Congress a final report on the projects approved under subsection (b) not later than February 1, 1987, along with such findings and recommendations as the Secretary deems appropriate.

"ADMINISTRATION

"SEC. 705. (a) In carrying out this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and to cooperate on a similar basis with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(b) Payments under this title may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"(c) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 706. (a) There are authorized to be appropriated to carry out this title $8,550,000 for fiscal year 1985 and such sums as may be necessary for fiscal years 1986 and 1987.

"(b) Amounts appropriated under this section for any fiscal year shall remain available for obligation until expended.".

TITLE VIII—AMENDMENTS TO OTHER LAWS; EFFECTIVE DATES

RELATED AND CONFORMING AMENDMENTS

SEC. 801. (a) Section 14(c) of the National School Lunch Act (42 U.S.C. 1762a(c)) is amended by striking out "section 311(c)(1) of such Act (42 U.S.C. 3030(c)(1))" and inserting in lieu thereof "section 311(b)(1) of such Act (42 U.S.C. 3030(b)(1))".

(b) Section 204(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(7)) is amended by striking out "Administration on Aging" and inserting in lieu thereof "Office of Aging".

(c) Section 501(b) of the Comprehensive Older Americans Act Amendments of 1978 (42 U.S.C. 3045 note) is amended by inserting after the first sentence the following: "Such process shall include evaluation of each bidder's experience in providing services to older individuals.".

REFERENCES IN OTHER LAWS

SEC. 802. Any reference to the Administration on Aging in any law in effect on the date of the enactment of this Act, other than a reference in an Act amended by this Act, shall be deemed to be a reference to the Office on Aging.

EFFECTIVE DATES

SEC. 803. (a) Except as provided in subsection (b) and subsection (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b)(1) The amendment made by section 206(a) shall take effect sixty days after the date of the enactment of this Act.

(2) The amendment made by section 206(c) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(3) The amendment made by section 701 shall take effect on October 1, 1984.

(c) The amendment made by section 409(b) shall not apply with respect to any grant or payment made before the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. PETRI. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. PETRI] is recognized for 20 minutes.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this was to be a happy day when all the legislators involved in formulating H.R. 4785 would join together for its passage through the House. Instead, we are saddened by the absence of our committee chairman, one of the principal architects of this measure and so much other human service legislation.

Chairman PERKINS cared deeply about older Americans, and had been a moving force behind the creation and expansion of programs reauthorized by H.R. 4785. I participated in a committee field hearing in the chairman's district where we met some of the people served by these programs. Often, field hearings move at a leisurely pace. Not those run by our chairman. We were up at dawn and moved around the district so fast that he literally wore me out. At every stop, it was apparent how concerned the chairman was to help his constituents, and how much they appreciated his efforts on their behalf. But Chairman PERKINS' concern was never limited to eastern Kentucky. He sought to help all Americans, especially those most vulnerable to neglect or exploitation in our society, such as the elderly, children, workers, and the poor. H.R. 4785 is just one example of his handwork—one strand in the safety net he helped weave to catch the needy.

First and foremost, H.R. 4785 reauthorizes Federal funding for the basic programs provided by the Older Americans Act. You are all familiar with these proven, popular programs. If you have even seen elderly citizens enjoying fellowship at a senior center—or shared a good, hot meal with them at these sites—or met a needy older American provided with a small income and a big purpose by a community service job—then you, too, know the value of this act. Our senior citizens have given us so much, this legislation continues our effort to provide a small measure in return.

This bill, however, does more than just reauthorize the Older Americans Act. It changes and expands that act. Most of these changes are for the best, and I want to thank the gentleman from North Carolina [Mr. ANDREWS], the chairman of our subcommittee, for his goodwill and cooperative spirit in the reauthorization process. I also wish to recognize the contributions made by the Select Committee on Aging, especially the gentleman from New York [Mr. BIAGGI], who serves with distinction on both the Select Committee and our Human Resources Subcommittee, and the gentleman from New Jersey [Mr. RINALDO], the ranking Republican on the Select Committee.

Let me briefly review some of the changes this bill makes in the current Older Americans Act. The bill raises the authorized funding for Older Americans Act programs by about 5 percent. Although we must carefully watch such increases in the face of the mounting budget deficit, clearly some increase is appropriate.

H.R. 4785 makes a variety of changes in the administration of Older Americans Act programs by enhancing the status of the agency handling these programs while restricting the discretion of program administrators.

Although some increase in the status of the agency is desirable, perhaps this bill goes too far. I was pleased that at least the subcommittee agreed to my amendment deleting a provision creating a new Assistant Secretary to oversee this program. Some concerns also remain with the new limits on agency discretion—especially restrictions against pooling resources with other agencies for creative multiagency efforts to help the elderly.

In a welcome change, the bill targets Alzheimer's Disease for special attention. This frightening illness carries the specter of senility for our elderly. Yet, there is now new hope that this disease can be effectively treated. H.R. 4785 seeks to help turn this hope into a reality.

Concerns about illegal political activity have haunted the otherwise praiseworthy seniors' Community Service Employment Program. I hope these concerns will be laid to rest through the operation of an amendment accepted by the Education and Labor Committee. This amendment requires that all persons associated with those programs be advised through posted and distributed notices precisely what political activities they may and may not do.

The legislation adds a new program of health-related education for the elderly at senior centers. After the unfortunate flap raised by the Governor of Colorado over providing health care to the elderly, I was pleased that the subcommittee adopted my amendment insuring that this program advise older Americans about their legal rights to live and to receive medical treatment. We must respect life to its very end, or we will not respect it at all.

These and other changes made by this legislation will be addressed by my colleagues. Suffice it to say, that the Older Americans Act has provided needed services to the elderly for 20 years. Is should be reauthorized.

Mr. Speaker, I yield such time as he may consume to the ranking Republican on the Committee on Education and Labor, my colleague, the gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. Mr. Speaker, I rise in opposition to H.R. 4785.

The Older Americans Act has enjoyed broad bipartisan support each time its reauthorization has been considered since 1965. This year should have been no exception. Had the committee produced a straightforward reauthorization bill or a bill adopting some of the administration's proposals for increasing the flexibility of State and area agency on aging administration of the program, I believe H.R. 4785 would have sailed through Congress. Unfortunately, however, H.R. 4785 is not a straight-forward reauthorization. For one thing, it increases the authorization levels by 23 percent over current appropriations levels.

Second, the bill modifies the existing reporting relationship between the Commissioner on Aging and the Secretary of Health and Human Services. Under H.R. 4785, a "direct reporting relationship" would be required between the Secretary and the Commissioner.

It should be clear to all in this body that cosmetic organizational changes often assume a perceived degree of importance that is far in excess of what positive effects would accrue if such changes were implemented. Proposed organizational changes often assume a life of their own.

In my judgment, this is the case with the organizational changes provided for in H.R. 4785. I, for one, believe that we in the Congress spend an inordinate amount of time in theoretically organizing and reorganizing the executive branch. It is more important that we keep firmly in mind that the Secretary of Health and Human Services is the Cabinet officer who has been, is, and will continue to be ultimately accountable to the committees and Members of this Congress, to Senior Citizen organizations, and to senior citizens themselves for the overall administration of programs authorized under the Older Americans Act.

Similarly, the act now specifies certain key functions which are the exclusive responsibilities of the Commissioner on Aging. Many of these are responsibilities which may not be delegated to other officials. Again, in the exercise of these functions, the Commissioner on Aging is ultimately responsible and accountable to a host of parties. Rather than reorganizing the administration of the act, we should be fulfilling our duty of oversight to see that the existing responsibilities of the Commissioner and Secretary are being fulfilled.

Third, the legislation establishes a new, duplicative program entitled the Older Americans Personal Health Education and Training Act. The Department stated categorically that it "has adequate authority under present law to carry out programs of health education for the elderly, and is making full use of that authority."

Health education is and should be an activity conducted by local senior centers, rather than through a new program. At a time when the number of elderly persons in our society is increasing rapidly, and demand for title III services is at an all-time high, we should not be initiating a new program.

In opposing the initiative of the gentleman from North Carolina, I would nonetheless like to compliment him for focusing on the health needs of senior citizens. I know that the gentleman has put in considerable personal effort in studying the health needs of the elderly and in developing his proposal. Even though I believe the new title VII should be not be enacted, I agree with the gentleman that more needs to be done in the field of personal health education and training under the Older Americans Act.

In closing, Mr. Speaker, I would again like to reiterate my opposition to H.R. 4785 while expressing support for the programs authorized under the Older Americans Act. It is unfortunate that the Committee on Education and Labor missed an opportunity to produce a bill which could enjoy the enthusiastic support of all Members. Because of the nature of the Older Americans Act program, such a bill would have been easy to develop. Instead, I believe that H.R. 4785 is a budget buster which does not merit our support.

I urge a "no" vote on the bill.

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Mr. PETRI. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas, JOHN PAUL HAMMERSCHMIDT.

Mr. HAMMERSCHMIDT. Mr. Speaker, I think that the most important thing that we have learned during the reauthorization of the Older Americans Act was how well it is working to assist older persons throughout this Nation. Testimony from Federal and State program administrators, representatives of national aging organizations, and other professionals in the field of aging converged on one theme—that the Older Americans Act is working well and achieving the goals that Congress had envisioned with its passage in 1965.

I would like to commend the chairman of the Human Resources Subcommittee, Mr. ANDREWS, and the ranking minority member, Mr. PETRI, for the direction they have provided in this 3-year extension of the act. They have analyzed the act conscientiously and have sought amendments which correct and improve current law. I know how much they will miss the leadership of their late distinguished chairman, Mr. CARL PERKINS. We in the Congress, as well as citizens of Kentucky and the entire Nation, will also miss his dedication and concern for our older Americans.

I believe that the increased authorization levels are reasonable when we consider that the elderly population is increasing by about a half million persons every year and that the latest statistics we have—1982—point out that one out of seven or 3.7 million older people live in poverty.

I think that the nutrition program provides an excellent example of how well the Older Americans Act is operating. In 1982 the nutrition program reached a milestone when it served its billionth meal. Last year 203 million

meals were served; 145 million congregate meals and 58 million home-delivered meals. What is significant beyond these numbers is that the meals are reaching those older people who need them the most. A study of the nutrition program found that the typical participant is a widow in her midseventies who lives alone and has a low income. The importance of the meals program in making ends meet was reflected in the study as 83 percent reported that the program saved them from a little to a lot of money.

I would like to take a few more minutes, Mr. Speaker, to discuss an amendment in the H.R. 4785 that I feel is of particular importance. I am sorry to say that it is not in the Senate bill. This amendment prohibits the administration on Aging from combining title IV discretionary funds with funds appropriated under other acts if the purpose is to make a single discretionary grant. I know that there has been strong dissatisfaction by some members of the Select Committee on Aging and the Senate Labor and Human Resources' Subcommittee on Aging because funding has not been provided for the specific projects outlined in section 422, Older Americans Act amendments of 1981. In fact former Commissioner, Dr. Arthur Flemming, in his testimony before the Senate Aging Committee said, referring specifically to section 422b mental health services, "Despite the intentions of Congress in enacting these provisions, the administration to date has not issued a grant announcement which incorporates the range of issues comprised in the 1981 amendments." If the Administration on Aging funds were not tied up in the Office of Human Development Services [OHDS] projects, I'm sure that the Administration on Aging would have the funds to follow Congress' recommendations. It is my sincere hope that this provision of H.R. 4785 is retained when the House and Senate work out their differences in conference.

Mr. ANDREWS of North Carolina. Mr. Speaker, I would just like to join the others who have thanked the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Illinois [Mr. ERLENBORN] and just says that ours is one subcommittee that I truly believe is as bipartisan as can possibly be accomplished. We deal with programs like Head Start for young people all the way through to other juvenile justice programs to the Older American Act, and with their cooperation and help we do so I think totally with a view in mind to assist those who are in fact to be the targets of those programs rather than with each other or either political party, for that matter.

I very much appreciate as well the very fine staff headed by our friend, Gordon Raley.

● Mr. BIAGGI. Mr. Speaker, next year, we will observe the 20th anniversary of the passage of the Older Americans Act (Public Law 89-73). Today we have before us H.R. 4785, which represents the 11th time Congress has reauthorized the programs and services provided under this act. I am proud to be an original cosponsor of this bill as I have been of the previous seven, and I offer this bill my enthusiastic support and urge its adoption.

We obviously conduct our deliberations today—especially on this legislation—in profound sadness over the sudden death this past Friday of our distinguished chairman of the House Education and Labor Committee, CARL PERKINS. CARL PERKINS had a unique and special commitment to the Older Americans Act, and he played pivotal roles in the improvements made to the act during the 17 years he served as chairman. He saw to it that a national program of nutrition services for the elderly was established as part of the act including services for the homebound elderly. He helped provide part-time employment opportunities for thousands of low-income elderly through the establishment of the title V employment program. H.R. 4785 has many contributions from CARL PERKINS as part of it. We do perform no higher tribute to this great man than to pass this bill and allow it to become law. Much will be said about CARL PERKINS, but I wish to acknowledge a great man whose greatness lay in his wisdom, his compassion and his total dedication to public service.

H.R. 4785 was developed under the premise that the Older Americans Act is a Federal program that is working and that is a visible success story throughout our Nation. As a result we approached reauthorization with the prevailing sentiment that the most we needed to do was fine tune the act. This allows for changes to be made to improve and expand the act without radically altering its structure or purpose. This we have done and did it in a constructive and bipartisan fashion.

The most important element of the reauthorization is that we have extended all programs under the act for 3 additional years as a categorical program. This is how the act was first constructed and through its developing years remained. It seemed to be unnecessary if not counterproductive to change the structure of the act and thus it remains as a categorical program for the next 3 years.

I was proud to have made a number of specific contributions to this legislation body in terms of working with the subcommittee chairman, Mr. ANDREWS, in its development and subsequently through the adoption of several amendments when the bill came before the full House Education and Labor Committee. I worked closely to develop revisions in title IV providing funds for research, training and demonstration programs. I sought to have a stronger accountability feature put in this portion of the act and we have done so largely by allowing statements of purpose to precede each section of title IV. I worked with the chairman to renew a commitment from earlier reauthorization to elevate in status the Administration on Aging—the Federal entity charged with administering this important program. H.R. 4785 would raise this office to an Office on Aging and the Commissioner on Aging would under the bill report directly to the Secretary of HHS as compared to the Office of the Secretary. This modest change is needed to bring some degree of autonomy into the administering of the Older Americans Act and to reverse years of erosion of the responsibilities of the Commissioner and the existing Administration on Aging.

I was especially proud to have successfully authored six amendments to the bill when it came before the full Education and Labor Committee. The most significant of these would increase the authorizations of funds under title III-B of the act which provides funds for supportive services and senior centers. This amendment was identical to legislation authored by my friend and colleague, OLYMPIA SNOWE, from Maine. It was a recognition of the fact that title III-B has not received an increase in appropriations since 1980. This might change if the Senate agrees to the amendment I authored last week to H.R. 6040, the second supplemental appropriations for fiscal year 1984 which added $15 million in funds for the Older Americans Act, including $10 million for title III-B.

Title III-B is the glue which holds the rest of the Older Americans Act together. It provides funds for a host of vital services as well as important funds for the entities which administer the Older Americans Act Programs at the local level—the network of area agencies on aging.

Title III-B provides funds for the following important services: Transportation, adult day care, community-based care, in-home care such as personal care—shopping, housekeeping and chore services, escort, legal, telephone reassurance, client counseling, case management, assessment and repairs and maintenance programs. Each of these services separately, or in the aggregate, helps to achieve the goal of providing a coordinate degree of services aimed at promoting independence and dignity for senior citizens.

The fiscal pressures on title III-B have grown enormously as a result of the 4-year freeze in their funding level. Consider the most important service it provides—transportation. Transportation costs alone have increased by over 15 percent in the time

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that III-B has not had an increase. These transportation services include those which take seniors to and from nutrition programs—or which help to deliver the home-delivered meal. Congress has seen fit to provide increases in funds for the nutrition program under the act in recent years but unless we begin to address ourselves to the needs of title III-B since it is so closely linked to the nutrition program, we will be creating a problem for the future.

Congress did in fact provide a mechanism under an amendment I authored to the 1981 Older Americans Act amendments, to allow for a transfer of up to 20 percent of funds between titles III B and C. However, I viewed that as a short-term solution and one that should not serve as an excuse to deny additional funding for title III-B.

As an original member of the House Select Committee on Aging I have been working closely with my colleague from Maine, Ms. SNOWE, on a new and potentially serious problem which impacts directly on title III-B. The implementation of the so-called prospective reimbursement program or DRG's has begun to result in an increase in the number of elderly patients being discharged earlier from hospitals. These elderly in a number of instances are being referred to area agencies on aging who are now being called upon to provide community-based care out of their existing—and frozen title III-B allotment. Testimony received before both the House Select and Senate Special Committees on Aging documents this point. Ms. SNOWE's interest stems from the particular problems affecting area agencies in the State of Maine. All told there has been a dramatic 38-percent increase in the number of such referrals in States including Maine, Massachusetts, Nebraska, Tennessee, Arkansas, and Michigan just in the first 3 months of full implementation of DRG's. These numbers will most certainly grow as the system does.

This latest crisis on the shoulders of title III-B helped to provide the justification for an amendment I successfully authored to H.R. 4785 while it was in the Education and Labor Committee. This amendment provides for a major increase in the authorizations under title III-B for the 3 years that H.R. 4785 reauthorizes the Older Americans Act for it was based on legislation authored by Ms. SNOWE, H.R. 5265. I was able to gain passage of this amendment on the strength of trying to remedy the demands placed on III-B since 1980 and to cope with new demands caused by the DRG phenomenon. My colleague Ms. SNOWE, who serves as the ranking minority member of my Subcommittee on Human Services, deserves great credit for bringing this important matter to the attention of the House and passage of my amendment today will demonstrate our concern and desire to cope with this issue.

I wish to address myself to some of the other amendments which I authored. One would ensure and expand language already contained in the bill providing new attention under both titles III and IV of the bill to the development of services to aid victims of Alzheimer's disease and other related neurological disorders. This, too, was the outgrowth of work done by the House Select Committee on Aging and in particular the distinguished gentlewoman from Maine, Ms. SNOWE, who has spearheaded renewed congressional interest in the tragic plight facing not only those victimized by Alzheimer's but also the families of these victims.

Another amendment I sponsored would give additional recognition to the importance of nutrition programs in this Nation. Previous law referred to nutrition programs as "nutrition sites," giving a much narrower perception of what was actually being provided in terms of services. The elevation to the term "nutrition program" should give increased visibility and appreciation for the thousands of programs across the Nation providing nutrition and related services to millions of needy senior citizens. Other language contained in the original H.R. 4785 would help to combat a problem which was developing as a result of changes made during the 1981 Older Americans Act. Under the change, the so-called "grandfather" clause relative to the awarding of nutrition contracts was replaced by a requirement that all contracts for nutrition services be awarded under a competitive process. While the 1981 revisions attempted to give a preference to existing providers—in too many areas of this Nation it did not do this in fact. Just the reverse was occurring and a number of programs—some with vast experience—were being defunded because they were "outbid" by another without regard to the quality or range of services they might provide. In an effort to combat these limited abuses, the committee bill did give an extra preference to a particular provider's previous experience in nutrition services.

In brief, two other amendments I authored would require a higher standard of public accountability before a local area agency on aging could get a waiver allowing them to forego providing any of the three priority services under title III-B, namely in-home, legal or transportation services. Under my amendment the area agency on aging was required to conduct a public hearing before being able to ask for a waiver to give all those who could be affected an opportunity to present their views.

Finally, I sponsored an amendment which would exempt from the so-called "transition requirements" under title V those senior citizens who were employed helping other senior citizens in title III-run programs. This was based on experiences across this Nation where workers employed in nutrition programs or senior centers were forced to leave their positions so their sponsor could comply with Department of Labor requirements that at least 15 percent of employees be transitioned into unsubsidized employment. These employees in my mind are performing an especially important service which should not be interrupted.

H.R. 4785 makes a host of other important changes in the current act which in the aggregate greatly enhance the programs. One notable provision would require the Administration on Aging to promulgate regulations within 120 days of enactment of the 1984 amendments. This compared to the present comical state of affairs where the regulations to implement the 1981 amendments have yet to be published in final form and will not be.

I support the language included in this bill aimed at more specifically recognizing and encouraging area agencies on aging to play a more centralized role in coordinating existing and newly established community-based long-term care services. It is spelled out rather clearly in the declaration of objectives provision of the bill as well as later in the bill in the section discussing the development of plans by the area agency on aging. Today there are more area agencies on aging than there are congressional districts. They are the centerpiece of the Older Americans Act's commitment to allowing decisionmaking to be done at the local level. The intent of H.R. 4785 is to ensure that the work of area agencies on aging be featured around coordination of an entire range of community-based services, all of which are designed to promote greater independence and dignity to senior citizens.

H.R. 4785 would also greatly improve and encourage the development of health education and training programs specifically to meet the needs of older individuals through a new title VII. It would empower the existing network or resources contained in the more than 3,300 senior centers as well as faculty and students in schools of public health as well as those in social work and gerontology to develop and implement a uniform and standardized program of health, education, and training for older individuals. This provision was the idea of our subcommittee chairman, Mr. ANDREWS, and represents an important new addition to the Older Americans Act.

As mentioned earlier, I am proud to have been so closely affiliated with the changes and improvements made to title IV of the bill.

I am particularly proud to note that title IV of the bill before the House contains the recommendations of the informal task force which my Subcommittee on Human Services convened last September 1983 to specifically examine issues related to title IV.

Funding for this title has decreased dramatically over the past 3 years, from a high of $54.3 million in fiscal year 1980 to $22.175 million for fiscal year 1983 and fiscal year 1984. The President's annual budget requests to Congress for the past 3 years have proposed a 77-percent decrease from current funding to $5 million. While we were successful in averting this cut, a renewed interest in title IV programs assessed the impact of these funding reductions upon aging services and programs.

The intent of the title IV task force was to bring in individuals and organizations from the field, both practitioners and academics, to discuss policy matters related to the reauthorization of title IV.

The goal of the revision included in H.R. 4785 was threefold: First, to make title IV more directly related to the rest of the programs under the act; second, to make title IV more visible by adding a "statement of purpose"; and third, to make title IV more accountable through the upgrading of standards for funding programs and projects and to require publication and dissemination of annual reports to Congress and the aging network, including State and area agencies on aging.

In addition to the clarifying "purpose" section, we have added language which will identify Alzheimer's disease as an important concern in research and training projects. This language was a result of recommendations made by the ranking Republican member of the Human Services Subcommittee, Ms. SNOWE, as a result of extensive oversight and legislative activities that she has initiated in this important area of concern to the elderly.

We have also expanded and clarified provisions related to legal services demonstration projects, to assure that national support will continue to be provided to local legal service providers supported through area agencies on aging. This national support network is critical if we are to assure that local providers will have access to information which will assist them in providing services to seniors.

We will continue to support the multidisciplinary centers of gerontology, as well as long-term care centers, but at the same time want to assure that their research findings will continue to be relevant to other programs and services under the Act as well as be of use to State and area agency personnel. As such, H.R. 4785 seeks to encourage consultation by these centers with aging network personnel on a regular basis.

In order to assure visibility and accountability, we have prevented the commingling to title IV funds with other programs under the Office of Human Development Services. While these "coordinated discretionary grants" projects may have been a worthwhile effort, the fact is that we cannot account for aging dollars on any effective or efficient fashion. As such, the prohibition will give us improved accountability.

I believe that title IV will continue to provide important education, training, and research opportunities for aging programs under this bill. More importantly, I believe that we have succeeded in assuring that its function and purpose will be elevated in order to highlight its importance to not only the elderly of this Nation, but also to the cadre of trained professionals who provide services to them.

It is important that we complete action on this legislation today. The Senate has already passed its version of this bill, S. 2603. While I would have preferred to see this legislation come before the House under an open rule, an amendment I was prepared to offer to increase funds for home delivered meals would have been in order. However, for the sake of ensuring we achieve reauthorization before September 30, I support the bill being brought up under suspension of the rules.

As we examine this legislation in its entirety, we see that it is the product of several years of work not only on the part of the House Education and Labor Committee but another committee I am proud to serve on—the House Select Committee on Aging. This committee and in particular the Subcommittee on Human Services which I chair has done extensive oversight work on behalf of the Older Americans Act. This included a number of hearings from which recommendations did come that became part of the bill before us. Let me again pay tribute to my ranking minority member, Ms. SNOWE, for her work but also pay tribute to my colleague, Mr. RINALDO, ranking monority member of the full committee, whose interest in the Older Americans Act is substantial. Also the contributions of my colleagues: Mr. DERRICK, Ms. BYRON, Mr. BILIRAKIS, Mr. ALBOSTA, and Mr. SHUMWAY, all of whom held hearings specifically on the Older Americans Act in their districts. Finally I wish to pay tribute to the most distinguished chairman of the full Committee on Aging, Mr. ROYBAL, who has been a true and longtime friend of the Older Americans Act and has manifested this through his important service on the Labor-HHS Subcommittee of the House Appropriations Committee.

Again I implore my colleagues to pass this important bill. It is a coordinated and comprehensive effort to ensure that the Older Americans Act remains the central Federal program serving the elderly of this Nation. It is also a most remarkable example of bipartisanship and on the note, I wish to salute the outstanding work of the ranking minority member of the Human Resources Subcommittee, Mr. PETRI, as well as the ranking minority member of the full committee, Mr. ERLENBORN of Illinois.

H.R. 4785 will ensure that the success story which has accomplanied the Older Americans Act over its almost 20 years will continue and expand over the next 3 years. This legislation was carefully developed with the full and active consultation and participation by all major national aging organizations as well as others on the State and local level. I wish to especially salute those organizations who represent the very core of the "aging network", namely the National Association of State Units on Aging, the National Association of Area Agencies on Aging, the National Association of Nutrition & Aging Service Program, and the National Association on Meals programs. They have all made important contributions not only to this bill but to the successful operation of the act.

Mr. Speaker, I urge passage of this bill for the good of the senior citizens of this Nation and as an appropriate tribute to our departed friend and colleague, CARL PERKINS.●

● Ms. SNOWE. Mr. Speaker, today we will take another important step in the adoption of legislation to reauthorize the programs under the Older Americans Act [OAA]. I urge the support of my colleagues for this measure, H.R. 4785, not only because the OAA provides the most important and visible social service programs benefiting persons over 60, but because this reauthorization bill contains two significant provisions which I introduced as separate legislation earlier this year.

The passage of the Older Americans Act in 1965 signified the emergence of aging as a major national policy area and served to stimulate increased public interest and responsiveness to the needs of older Americans. In the 18 years since its enactment, AOA programs have succeeded in creating a comprehensive system for providing needed services in the community to help older persons remain self-sufficient and independent.

The act is the only legislative attempt specifically designed to meet the social service needs of older people. It has grown from a few small service grants and research projects to a complex system of community serv-

ices administered by 57 State and territorial units on aging and over 660 locally based area agencies on aging. Appropriations have increased from $6.5 million in fiscal year 1966 to more than $1 billion in fiscal year 1984.

In addition to funding basic and nutritional programs, the act created a network to provide the Nation's senior citizens with transportation, home care, and employment services. Approximately 10 million Americans are now participants—either as recipients or as service providers.

I am sure others will describe more eloquently than I the various titles of the act, but I do want to say a few words about two important additions to the fiscal year 1984 authorization measure before us today.

Last November, I introduced a bill, H.R. 4272, which requires the Commissioners on Aging to give a priority to education grant proposals for students who indicate they will study the custodial or skilled care of victims of Alzheimer and related disorders. Under the training authority of the act (title IV), the Commissioner on Aging may award grants or enter into contracts for studies related to the recruitment of personnel and in-service training. By giving a priority to those students who will study the care of those who suffer from Alzheimer's disease, we in Congress indicate our own understanding of the pain and toll such a neurological illness takes on its victims and their families and the necessity for trained service providers.

As I mentioned in this setting before, Alzheimer's disease presently claims between 3 and 4 million older Americans, and much has been discovered about the illness since the Older Americans Act was originated. It is the fourth leading cause of death after heart attacks, cancer, and strokes, and it will claim 1 of 6 of us in our later years. Inasmuch as the illness runs a cruel course from 3 to 15 years, millions of families are caught in a terrible bind. As the disease progresses, victims often need to be committed to nursing homes, but many such facilities cannot take them in, usually citing the lack of trained personnel. Most veterans' hospitals will not accept Alzheimer patients, referring again to the lack of trained staff.

Since this provision has been included as well in the Senate version of the reauthorization bill which has already passed, there will soon be a pool of trained personnel who will be available to work in nursing homes, veterans' hospitals, adult day care centers, and home health agencies. With the passage of this provision, there is finally some hope for families caring for Alzheimer victims—both in their homes and later in institutions as the disease progresses.

Another component of the House and Senate bills is the requirement that State area agencies on aging provide education and demonstration projects to meet the supportive services needs of elderly victims of Alzheimer's disease—and other neurological diseases and organic brain disorders, and their families, including respite and other community-based care services. This provision simply reinforces the key role of State area agencies in our communities in providing many services to care-giving families.

I am also pleased the House Education and Labor Committee saw fit to include the provisions of a second bill I introduced on March 27, H.R. 5265. This legislation increased authorization levels for title III-B supportive services and senior centers.

Title III-B provides critical community-based programs which include transportation, in-home, and adult day care for senior Americans. These programs are designed to enable older citizens to remain in their homes as long as possible as an alternative to institutionalized care. Despite an increased demand for such services, there have been no funding increases authorized by Congress since 1980. As a result, more and more title III-C funds have been diverted to III-B programs, causing a serious erosion in the Congregate Meals Program.

These arguments in and of themselves would be reason enough to increase title III-B funds, but there is an additional justification for more authorizations at this time. State area agencies on aging have noted an important trend that we in Congress should seriously consider when planning funding levels for the next 3 years.

State area agency directors point to the recently implemented diagnostic related groups [DRG's] reimbursement rate system for a recent surge in service demands. Hospital referrals have increased, and in many cases we are told that those discharged are in much worse shape than in the past. Direct referrals from hospitals to area agencies on aging care management systems in my own State of Maine have increased by 38 percent over the past few months. Waiting lists have been formed when none existed before. Skilled nursing facilities are also fully utilized; home health agencies and homemaker services are in more demand. I have been informed that this same trend has been noted in Indiana, Massachusetts, Michigan, Oregon, Nebraska, Tennessee, Texas, Utah, and Arkansas. Other States are experiencing a similar trend but are unable as yet to determine the exact cause.

On May 19, the National Journal noted that medicare patients are spending less time in hospitals than they did before the DRG system. The Health Care Financing Administration [HCFA] reports that hospital stays averaged 7.2 days from October through March as compared to 9.1 days for Medicare patients served by hospitals that have not yet been brought under the system.

It appears that hospitals are attempting to keep well within the reimbursement rates, and to do so, patients are often turned out earlier than ever before. In such cases Medicare and Medicaid generally will not provide home health care and the burden has fallen on title III-B programs. Congress may have unwittingly set a new trend when changing the Medicare Program last year. Allocating a small percentage of the savings we realize from having implemented the Medicare DRG Program and strengthening our OAA title III-B programs for older persons is money well spent.

Mr. Speaker, seniors have contributed much to our society during their lifetimes. The legislation that we pass today will continue to shape valuable services designed to assist them to remain in their own homes for as long as possible; the services are geared to nurturing their sense of dignity and insuring options for independence within the community. I am pleased to have played a role in expanding these services under the act to include consideration for Alzheimer victims and their families and to increase funding for title III-B programs. For these reasons, I urge my colleagues' favorable vote today.●

● Mr. ROYBAL. Mr. Speaker, I rise in support of H.R. 4785, the Older Americans Act Amendments of 1984. Before we consider this legislation, I would like to first express my deep sorrow over the loss of Chairman PERKINS. The Education and Labor Committee, which he chaired so ably, has done an excellent job in crafting this reauthorization. We, and the seniors of this Nation, have lost a most compassionate and sensitive legislator. He was a diligent advocate on behalf of the elderly, and his absence will be felt for many years to come. We are fortunate, however, that we have before us today, a piece of legislation that he has helped to create. The positive direction that this reauthorization takes is due, in part, to his guidance and for that we should all be grateful.

As chairman of the Select Committee on Aging, I cannot stress enough just how important this legislation is to millions of older Americans. The Older Americans Act sets out a declaration of objectives aimed at improving the lives of older Americans in the areas of income, health, housing, employment and retirement. Since its inception in 1965, this legislation has been, and continues to be, the primary vehicle for social service delivery to all older Americans.

Included in this reauthorization are many important provisions. While it

retains the act as a categorical program through 1987 at funding levels which represent at least a 5- to 7-percent increase over current levels, it has some meaningful and strengthening provisions as well. I highlight the following examples.

This reauthorization will:

Establish an Office on Aging in the Office of the Secretary—whereby the Commissioner on Aging would be directly responsible to the Secretary rather than the Office of the Secretary;

Amend current law by requiring that "particular attention be given to (the needs of) low-income minority individuals." And, require area agencies to include minority older individuals on their advisory council;

Identify Alzheimer's disease as an important concern in research and training projects;

Decrease the required number of elder Indians from 75 to 60 in order for them to constitute a serviceable tribe under title VI: and

Create a new title VII, to develop health, education, and training programs for seniors.

In H.R. 5325, the administration's proposed reauthorization of the Older Americans Act, President Reagan shamefully attempted to reduce authorization for these programs by approximately 20.5 percent—a decrease in actual dollars equivalent to almost $860,849,000 (million). He attempted to decrease funding for title IV—research and training—by almost 77 percent, and proposed no extension of authorizations for title V—the only Federal senior employment program. I am very proud that this body, and very grateful that the other body, did not allow Reagan to once again place the burden of Federal budget cuts on the elderly.

I would like to take this opportunity to commend the members of the Human Resources Subcommittee, specifically my colleagues Representatives CORRADA, WILLIAMS, and OWENS, along with their chairman, the Honorable IKE ANDREWS, and distinguished full committee chairman, the late Mr. PERKINS, for their diligent efforts on behalf of the seniors of this Nation.

In conclusion, let me say that the Older Americans Act is a landmark piece of legislation. It is the lifeblood to millions of older Americans throughout this Nation. And I am certain that all my colleagues will join me in support of its immediate passage.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 4785, the Older Americans Act Amendments of 1984. This piece of legislation provides the cornerstone of Federal assistance toward the elderly in all areas, income, health, housing, employment, retirement, and community services. It has proven itself to be a comprehensive and well-run package of programs providing essential service to older Americans.

Programs which affect the senior adults of this Nation are among the most important social programs considered by Congress. I am told that each day some 5,000 Americans celebrate their 64th birthday and that literally 1 out of 9 Americans is an older American.

We know that older Americans face many problems, for many of our senior adults have worked hard and contributed during their early adulthood and are now driven to a low-income status when inflation erases fixed incomes set by retirement and Social Security. While every ninth American is over 65 years, every seventh American over 65 years is poor. This problem is particularly acute among women and minorities, as one out of every four Americans of Spanish origin is of low income, as are about one-third of all black older Americans.

In Puerto Rico, for example, the elderly community comprises more than 11 percent of our populace of 3.2 million. Of the island's 255,000 persons over age 65, fully 70.8 percent live under the poverty level. Few receive more than the minimum Social Security payments, and many are ineligible for even that. SSI is not at their disposal, and Medicaid funds have long been restricted for Puerto Rico at a level much inferior to the needs of eligible beneficiaries. Health and housing costs in Puerto Rico are just as high as the mainland, and inflation is felt just as sharply there as anywhere in the United States.

In effect, the elderly in Puerto Rico suffer not only from the most devastating of hardships, but receive support from their Government at a lower real level than other Americans. This situation is compounded by the fact that high illiteracy and poor health are rampant among our aged, making entry into the labor market near to impossible.

Puerto Rico is indeed a microcosm of the mainland, reflecting surprisingly accurately the status of older Americans around the country. Knowing that these difficulties confront persons in every State rather than being limited to elderly in my district, I join with the efforts of my good friend the gentleman from North Carolina in strongly supporting the amendments which make up H.R. 4785.

Living comfortably, even surviving, in this inflation-wracked world is extremely difficult for senior citizens, most of whom live on fixed incomes. Of course, it is even worse for those seniors whose income is below the poverty line.

As a result, the programs under the Older Americans Act are absolutely crucial to the Nation's elderly because they help save lives and money, and they enable senior citizens to continue to be active, productive members of society.

Mr. Speaker, H.R. 4785 also extends authority for title V, the Older American Community Service Employment Act. Through this valuable program, low-income senior citizens have an opportunity to make a contribution to their community and improve the conditions surrounding their peers.

Nearly 54,000 older persons are employed through the Title V Program, which is currently funded at $317.3 million. The fact is that for every dollar spent under title V, $1.15 is saved by the Government. Not only are these low-income elderly kept on the public assistance rolls, but through their employment they contribute to Federal tax revenues.

Giving these older Americans the opportunity for work not only puts their experience to good use but makes it possible for State and local governments to use their human capital to provide services at an expanded level. The average participant—a low-income female over 65 with less than a high school education—would have little chance of finding employment in the private sector. Without the Title V Program these people would be forced to subsist on welfare payments, kept against their will out of the productive sector of our economy.

Mr. Speaker, H.R. 4785 represents a fine tuning to an already effective program, and I want to commend Chairman IKE ANDREWS for his work on this legislation. I urge my colleagues to join me in support of this program.●

● Mr. RATCHFORD. Mr. Speaker, this Nation owes an immeasurable debt to older Americans. We are a great and successful people because of their hard work and countless sacrifices. Our debt to them cannot be toted up in dollars and must not be ignored or minimized. Since the time of Franklin Roosevelt, the Federal Government has increasingly recognized the full extent of our society's obligations and acted to meet them. Through Social Security and Medicare we began to ensure that Americans who helped build this Nation are not left in poverty or illness in their old age. One of the major programs for our Nation's seniors is the Older Americans Act, created in 1965. This act was a response to the social service needs of seniors and is the principal vehicle for the delivery of such services. The act's programs are designed to improve the lives of seniors in the areas of income, health, housing, employment, retirement, and community services.

The funds spent under the Older Americans Act go to support many specific projects. Perhaps the most visible are the nutrition programs such as Meals-on-Wheels. Also supported are the Federal Council on

Aging, Senior Centers, and the Community Service Employment Program, one of the most effective and efficient of all Federal programs. Under the act, grants are made, directly and indirectly, by the Administration on Aging to hundreds of State and local agencies on aging. These agencies delivered services to over 9 million Americans in fiscal year 1983 ranging from legal services to congregate meals. The Older Americans Program has developed from a small Federal activity in 1966 to one that is currently financing 203 million meals per year, provides funds to 83 Indian organizations, and supports 62,500 jobs such as conservation worker and day-care aide.

The bill we are concerned with today, H.R. 4785, would reauthorize the Older Americans Act for 3 years. It contemplates a deserved increase in funding of 5 percent over current levels. Total authorized funding for fiscal year 1985 is $1.34 billion and more in subsequent years. Under the bill an Office of Aging would be set up with a Commissioner on Aging who will report directly to the Secretary of Health and Human Services. In another important step, the legislation identifies Alzheimer's disease and related neurological disorders as key areas for research and education. The bill also creates a new title VII to develop education and training programs for older Americans and authorizes $8.5 million for it in fiscal year 1985.

Mr. Speaker, as a former Connecticut State commissioner on aging and now as a member of the Select Committee on Aging I know how important the Older Americans Act is to seniors. It provides them with critically needed social services, services which, because of the contribution they have made to this Nation, they fully deserve to receive. In my view, the adoption of this bill is one more part of what we in Congress can do to meet our obligations to older Americans. I urge the passage of this bill. Thank you.●

● Mr. STARK. Mr. Speaker, I rise in strong and enthusiastic support for H.R. 4785, the Older Americans Act Amendments of 1984. And I would like to commend the chairman for his efforts on behalf of the more than 9 million senior citizens who directly benefited from this act last year.

Since 1965, the Older Americans Act has been the major vehicle for the organization and delivery of services tailored to meet the special needs of Americans 60 years and older. Knowing of the tremendous need in my district for the many services provided under this act, I am particularly pleased to see increased funding for transportation for the elderly, outreach programs, in-home services including home-delivered meals, and legal services. Nutrition services provided under this act have played an important part in keeping our senior citizens from going hungry, with approximately 3.4 million older persons served 203 million meals last year. I am very happy to see that the act contains increased funding for this vitally important program.

So too I am glad to see that the definition of support services has been expanded to include counseling with regard to health and life insurance coverage. With Medicare now covering only about 46 percent of older Americans' health care bills, it has become critically important to supplement medicare coverage. Having heard that too many older individuals have become victimized by aggressive or false advertising or sold overlapping and duplicative health insurance policies, it is a testament to the committee to see that it has recognized a need and provided a service under the act to help alleviate the problem.

I would also like to commend the chairman for creating a new title VII designed to encourage the development of health education and training programs specifically to meet the needs of older Americans. With the older segment of the population growing both in numbers and percentages, it is important to consider the health problems common to older persons and work to avoid or ameliorate them through positive health promotion and illness prevention. Title VII grants would be provided to graduate schools of public health, medical sciences, and the like to develop model programs using the existing network of senior centers as classrooms and the older people using those centers as students.

Last, California, with the largest population of Indians in the country, will welcome the increased grants to Indian tribes and appreciate the greater flexibility in the administration of the grant program.

Mr. Chairman, the Alameda County Department on Aging has done a first-rate job in carrying out the mandated services provided for under the Older Americans Act. I am very happy to be voting for this legislation and hope that my colleagues will join me demonstrating strong support for our senior citizens. They deserve our support.●

● Mr. BIAGGI. Mr. Speaker, later today, we will vote on final passage of H.R. 4785, the Older Americans Act Amendments of 1984. As an original cosponsor of this bill I urge its passage. It is a coordinated and comprehensive effort which will ensure that the Older Americans Act remain the central Federal program providing social and human services exclusively for the elderly.

H.R. 4785 extends and expands the programs and services under the act for an additional 3 years—as a categorical program. I was proud to offer six amendments to the bill during consideration by the House Education and Labor Committee. The most important of these increased authorizations for title III-B providing supportive services such as transportation. In addition I helped to develop language which identifies Alzheimer's disease and other related neurological disorders as an important concern in research and training under title IV.

Next year we will observe the 20th anniversary of the passage of the Older Americans Act. During this time, we have seen the programs and services provided by the act become a national success story. Passage of 4785 means the story can be continued and expanded to millions more senior citizens over the next 3 years.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4785, legislation which would reauthorize the Older Americans Act, and make certain amendments to operation of the program.

Before doing so, however, I would like to take a moment to express my profound sorrow over the loss of Chairman CARL PERKINS, whose committee reported this legislation to the floor today. Carl was a distinguished voice for the elderly, and, as the distinguished majority leader said earlier today, "the shadow he cast continues to linger upon this land."

Mr. Speaker, this legislation most importantly reauthorizes funding for the basic programs under the Older Americans Act. My colleagues know that my favorite program here is title V—senior services employment. Several weeks ago, I spoke to a distinguished group of senior citizens in my district, and told them that they were not the only beneficiaries of title V. I told them that we all were—because we all benefited from their experience; that they had given us all so much, and this legislation continues our effort to provide a small measure in return.

The bill also establishes an Office on Aging in the Department of Health and Human Services, responsible directly to the Secretary of HHS. It amends current law to require that particular attention be given to the needs of low-income, minority individuals. It creates a new title VII of the Older Americans Act to require development of health, education, and training programs for senior citizens. Finally, it recognizes Alzheimer's disease as an important concern in research and training projects.

Mr. Speaker, I began my remarks in a tribute to our late colleague, the chairman of the committee who gave us this bill. We are all saddened by CARL PERKINS' death. But we can do our best to ensure that the cares for which he worked and lived become our own.

I urge my colleagues to support this legislation.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 4785, Older Americans Act Amendments of 1984. This legislation extends the older Americans programs through fiscal year 1987, creates a new Older Americans Personal Health Education and Training Program, and makes a number of technical changes in the administration of the older Americans programs. For the eight existing programs, H.R. 4785 authorizes a total of $1.33 billion in fiscal year 1985, $1.40 billion in fiscal year 1986, and $1.46 billion in fiscal year 1987. In addition, the bill authorizes $8.55 million in fiscal year 1985, and such sums as may be necessary in fiscal year 1986 and fiscal year 1987 for the new Health Education and Training Program.

The new Health Education and Training Program would provide grants to universities to develop and implement health education programs for the elderly. H.R. 4785 requires that these projects utilize existing senior citizen centers in the design and implementation of these health education projects and that Department of Health and Human Services give priority to grants of less than $150,000. The bill also provides the following:

First, establishes an office on aging, headed by a commissioner on aging, who is to report directly to the HHS Secretary;

Second, requires consultation by the Office on Aging with minority organizations;

Third, prohibits combining Older Americans Act funds with other funds in a combined discretionary grant;

Fourth, permits States to transfer up to 25 percent of their funds between support services and nutrition services; and

Fifth, identifies Alzheimer's disease as a special focus of concern in funding training and research demonstration projects.

Mr. Speaker, the average age of our Nation's population increases annually, and thus the number of senior citizens has been dramatically increasing. The Federal Government must take the responsibility for developing an atmosphere and a policy for programs in support of older Americans. Mr. Speaker, I strongly urge my colleagues to suspend the rules and pass H.R. 4785, the Older Americans Act Amendments of 1984.●

● Mr. DASCHLE. Mr. Speaker, there aren't many Federal programs which at modest cost provide such diverse and meaningful benefits to our elderly citizens as those under the Older Americans Act. Since its inception in 1965 this act has become the focal point of Federal efforts to enrich the lives of millions of older Americans. Without question, significant improvements have occurred in the areas of income, health, housing, employment, retirement and community services.

As my colleagues are aware, this legislation (H.R. 4785) reauthorizes programs under the Older Americans Act for 3 additional years. This will enable the progress made in meeting the needs of our seniors to continue. Of special importance in my home State of South Dakota are home-delivered meals for the homebound, Green Thumb employment opportunities, nutrition services, and funding for multipurpose senior centers. All of these programs and services have immensely improved the quality of life for senior citizens in South Dakota.

I am also pleased that special emphasis is given to training and research demonstration projects for the care and treatment of those afflicted with Alzheimer's disease. We know little about this insidious disease which affects thousands of elderly Americans each year. Any extra emphasis we might give toward finding a cure warrants our attention and support.

All things considered, the "Older Americans Act of 1984" is a worthy and important step in maintaining those programs and services established under the Older Americans Act for the support and care of our elderly Americans. I urge my colleagues to vote in support of this legislation.●

● Mrs. BYRON. Mr. Speaker, I rise in strong support of H.R. 4785, the Older Americans Act Amendments of 1984. As a member of the House Select Committee on Aging, I had the opportunity to chair a committee field hearing in my district on reauthorization of the Older Americans Act. I am pleased to report that many of the legislative recommendations I received from Marylanders have been included in the bill we will consider today.

Over its 19-year history, the Older Americans Act has created realistic alternatives for older persons who wish to avoid unnecessary and costly institutionalization. It has matured into a coordinated system of services that fill the needs of older people in their own communities—senior centers and nutrition programs, home-delivered meals for the homebound and an employment program that provides community services opportunities for low-income individuals. The act also finances research, training, and demonstration programs designed to promote better methods of meeting the needs of our senior citizens.

Many of these programs help to end the isolation that might otherwise be felt by our senior citizens. The congregate meal sites provide a place for people to get together for the warm fellowship which is so important to all of us. Other essential services, such as transportation, home health care, homemaker services, friendly visitation, and telephone reassurance help older adults maintain their independent lifestyles and dignity.

One of the strengths of Older American Programs has been in giving State and local decisionmakers the ability to determine how best to deliver services in their States or localities. The needs of older citizens are generally different in each community, and local people are in a better position to judge the real needs of their own areas.

The Older Americans Act is one federally supported program that works well. It must also be viewed as a cost-effective program since it helps older people remain self-sufficient and relies heavily upon volunteers. More importantly, however, its contribution to preserving the personal dignity and independence of older persons cannot be measured in dollars and cents.

As our senior population continues to grow, the Older Americans Act must also grow and change in order to continue to meet the needs of our elders. H.R. 4785 extends Older Americans Act programs for 3 years, provides for a 5-percent funding increase, improves the administration of the act, creates a new health education and training program, and focuses needed attention on Alzheimer's disease which afflicts so many older persons.

I urge my colleagues to support this measure to ensure that the needs of our elderly are being met.●

● Mr. FEIGHAN. Mr. Speaker, I rise today in support of the Older Americans Act amendments. This crucial legislation extends the Older Americans Act programs through 1987, creates a new Older Americans Personal Health Education and Training Program, and makes a number of significant improvements in the administration of the older Americans programs.

The Older Americans Act has provided invaluable assistance to this Nation's senior citizens. From its Home-Delivered Meals Program to its nutrition and support services, the Older Americans Act has vastly improved the quality of life for millions of Americans. In addition, this legislation has funded cost-efficient community service employment programs and upgraded the quality of research being done on disease and illness. For example, the bill before us today would finally identify Alzheimer's disease as a special focus of concern in funding training and research demonstration projects.

I am greatly disappointed that the Reagan administration opposes this legislation. In the past 3 years, they have tried their best to savage the Older Americans Act programs. They have tried to cut the Meals for the Elderly Program by $10 million, and they have tried to slash the research and training amounts by 80 percent.

I cannot understand why the White House insists on punishing this Nation's elderly. They have cut Social Se-

curity by $20 billion. They want to cut Medicare by $18 billion. They have shown no compassion for 30 million senior citizens who are trying to make ends meet while living on fixed incomes.

I rise today to oppose the administration's policies and to support the Older Americans Act Amendments. I urge my colleagues to do the same.●

● Mr. ROTH. Mr. Speaker, the reauthorization of the Older Americans Act is a top priority on the congressional agenda.

I have always listened to senior citizens in northeastern Wisconsin. They have expressed their firm support for the various programs made possible through the Older Americans Act. One program enjoying immense popularity is the home-delivered meals, commonly called Meals on Wheels, which, together with congregate meals, provide good nutrition to the elderly, especially those who live alone on low incomes.

I would also like to make note of another program working effectively in my district—Wisconsin Green Thumb, which comes under the Senior Community Service Employment Program. Green Thumb attempts to fulfill an order person's desire and need to work and secure some financial stability. A needy senior citizen is given the opportunity to use the important assets of time, energy, skill, and willingness in a variety of jobs, such as a day-care aide, a building and ground maintenance worker, or a teacher assistant. Through Green Thumb, the older individual continues to be of service to the community and to future generations.

These basic programs funded under the Older Americans Act have visibly worked well in keeping older people healthy, independent, and active in communities in my home State and across this Nation.

Besides extending the popular basic programs, this extension of the Older Americans Act improves the development of health-related education and training programs addressing the needs of older individuals. Existing resources will be used: senior centers will become classrooms; senior citizens will become students; and people in the fields of public health, social work, and gerontology will assist in the instruction.

I believe that the improvements and the modest increase in authorized funding levels contained in this legislation are reasonable, particularly when we take into account that senior citizens make up one of the fastest growing segments of the American population.

I am very glad to be voting for this 3-year reauthorization and hope my colleagues will join me in demonstrating strong support for this Nation's senior citizens.●

● Mrs. COLLINS. Mr. Speaker, for the past 19 years, the Older Americans Act has provided a wide range of services for the elderly in their own neighborhoods. I am convinced that these programs, such as senior center and meals for the homebound, contribute to the health and well being of seniors who are brought together in supportive groups or see a friendly face visiting with them at home.

This legislation would extend the act 3 more years and raise funding about 5 percent each year. Money for supportive services, such as home-delivered meals to the homebound, and senior centers would be increased an additional 5 percent a year as more and more older people need them.

A major focus of the proposed law is to encourage knowledge about the specific health concerns of seniors. We would use the current 3,300 senior centers as classrooms for new health education and training programs. Professors and graduate students in the fields of medicine, nursing, gerontology, and many others would be enlisted to teach and train seniors in the prevention of illness.

Another important health-related goal of the bill is to raise awareness of Alzheimer's disease, an illness that afflicts many older Americans. For years, this malady was misdiagnosed as inevitable due to senility. Recent research leads many doctors to believe that Alzheimer's is caused by physical or genetic defects and therefore can be treated. The bill would promote medical work in this area.

Finally, to ensure that these worthy changes will be enacted promptly and effectively, the current Administration on Aging would be elevated to an Office on Aging with its own commissioner reporting directly to the Secretary of Health and Human Services. This would eliminate one layer of unnecessary bureaucracy.

All in all, the Older Americans Act Amendments of 1984 would continue a fine program that has aided more than 9 million senior citizens in the past two decades. I feel confident that it will benefit all the citizens of the Seventh Congressional District of Illinois.●

● Ms. OAKAR. Mr. Speaker, last year, the Older Americans Act enabled more than 9 million older citizens to take advantage of important services and programs such as Meals-on-Wheels, Green Thumb, Community Services Employment, Transportation, Legal Aid, and Health Services. It is a program which has expanded since its inception in 1965, meeting the needs and challenges of our senior citizens. Moreover, the Older Americans Act has succeeded in fulfilling its goal by assisting and promoting States to serve the elderly. Without programs, services, and research provided through the act, many of our Nation's older citizens would be less self-sufficient; others would be secluded.

The program has enthusiastic support in my own State of Ohio. In fiscal year 1983, more than 86,000 seniors received meals from the congregate, III-C program; 17,000 older Americans in Ohio received home-delivered meals. And record numbers of senior citizens in Ohio participated in the Outreach Program provided through the act, the information and referral service, and the Transportation Program. Area Agency on Aging officials in Ohio predict that the participation rates will increase in the coming years.

Today, we consider the reauthorization of the Older Americans Act. It is clear that this program is a necessary part of older Americans' lives. H.R. 4785 would extend this program for 3 more years. H.R. 4785 provides for an important addition to the Older Americans Act, by encouraging the development of health education and training programs for older citizens. The bill also acknowledges the increased awareness of Alzheimer's disease and other neurological and organic brain diseases by promoting research and development in this area. Furthermore, H.R. 4785 fosters increased participation by minorities.

Mr. Speaker, the members of the Education and Labor Committee deserve praise for the work they put into this bill. Congressman BIAGGI of New York and Congresswoman SNOWE of Maine, who took the lead in the Select Committee on Aging, should also be complimented. I believe the bill achieves its goal, maintaining the categorical nature of the program, while expanding such needed areas as research on brain diseases. I wholeheartedly support the bill and encourage my colleagues to do the same.●

● Mr. LUNDINE. Mr. Speaker, I rise in support of the legislation before us. In considering the Older Americans Act Amendments of 1984 (H.R. 4785) today, we have an opportunity to reauthorize one of the most successful programs ever enacted by Congress. In a sense, it is appropriate that we have this opportunity to help continue the legacy of the late CARL PERKINS. The gentleman from Kentucky, a gifted legislative craftsman, was a leading figure in the enactment of many social programs such as the Older Americans Act. Although now taken for granted, Carl Perkins had the foresight to fight for many new humanitarian programs which have raised the quality of peoples' lives. Representative PERKINS' programs have given back a sense of dignity to the less fortunate of society. If a society is measured by how it treats the least fortunate, then CARL PERKINS' contributions have certainly elevated the quality of America.

The Older Americans Act provides essential supportive services, giving

many of our Nation's elderly the opportunity to stay in the mainstream of society. For instance, a home-delivered meal provides not only nutritious food but personal contact for shut-ins which prevents total isolation. Nationally, we are all familiar with the accomplishments of the Older Americans Act. In 1983, supportive services such as transportation, employment, and nutrition were provided to over 9.1 million older persons. Today, I would like to briefly share with you how the Older Americans Act addresses some of the critical needs of the elderly in the southern tier of New York State.

My district stretches close to 250 miles from the shores of Lake Erie to the Finger Lakes region, and is predominantly rural in nature. While many older Americans live in cities and experience urban problems, the vast distances involved in the southern tier present different and unique problems. The problem of isolation is exacerbated when you live miles from your nearest neighbors. Many of my older constituents may not see, much less have contact with, another person for days. Under these circumstances, home-delivered meals have become more than just food and a friendly visit. Local program administrators have used this program as not only a vehicle for delivering a nutritious meal, but as a diagnostic tool to take a comprehensive look at their clients' needs. Based on these assessments of need, the elderly clients can then be informed about and use local community services appropriate to their needs. This networking leads to more efficient and effective use of existing services, which is clearly one of the basic purposes of the Older Americans Act.

Another unique need we have in the southern tier due to its rural character is lack of employment opportunities for the elderly. We have many elderly poor in the Appalachian region, persons who still want and need to work yet cannot find a job. Rural areas simply do not have the job opportunities found in more urbanized areas. In addition, with much of my area's unemployment rates well above national figures, the southern tier has not yet felt the economic recovery experienced by much of the United States. Thus, the problem for the elderly poor is not finding the right job; rather, the problem is the lack of job opportunties period. The Senior Community Service Employment Program (title V) has provided one of the few, if not the only, employment outlets for the elderly poor of my district. This program has not only provided an opportunity for the elderly to get out and help others with their skills and talents; title V employment has dramatically increased the standards of living for many participants in the southern tier.

While I have highlighted but two programs of the Older Americans Act which are important to the southern tier of New York, I am sure that many of my colleagues can attest to the good works of the Older Americans Act in their districts. Given the overwhelming bipartisan support for these programs, I urge speedy passage of H.R. 4785.●

● Mr. DOWNEY of New York. Mr. Speaker, we will shortly be considering the reauthorization of the Older Americans Act, the program which Congress created in 1965 to meet the needs of senior citizens. After Social Security and Medicare, the Older Americans Act is the major program which provides assistance for the elderly. It deserves our strong support.

H.R. 4785, the Older Americans Act Amendments of 1984 will authorize a total of $4.19 billion over the fiscal year 1985–87 period to carry on existing programs under the act and to implement several new programs. Existing programs include support services for transportation for the elderly, provision of in-home services, legal services, community outreach, and nutrition programs. These programs play a major role in ensuring a healthier, safer, and more comfortable life for our senior citizens. For example, the nutrition program provides 302 million meals to approximately 3.4 million senior citizens and the employment program supports 62,500 job positions.

This bill also authorizes a new program to develop health education and training programs for the elderly, using existing senior citizen centers and graduate schools of public health and medicine. It also upgrades the Office of the Commissioner on Aging in an effort to improve the administrative strength of the program.

I urge my colleagues to support the reauthorization of the Older Americans Act by voting for H.R. 4785.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4785, which reauthorizes Older Americans Act programs for the next 3 fiscal years. Enacted in 1965, the original act was meant to assist older persons through the development of State and local programs in areas of need, among them community service and the very popular and highly successful Meals on Wheels Program. The authorization levels for this much-needed program have been raised to $1.3 billion for fiscal year 1985, $1.4 billion in fiscal year 1986, and $1.5 billion for fiscal year 1986. Although the appropriations in past years have not reached their authorization ceilings, it is hoped that through this legislation additional attention will be paid to those problems affecting our elderly.

I was therefore pleased to see that this legislation has included a provision stressing Alzheimer's disease as an important concern in research and training projects, and the creation of a new title VII within the Older Americans Act encouraging the development of health education and training programs. By establishing a positive approach to health promotion and illness prevention, and promoting the concept of wellness, we can gradually decrease the spiralling costs of health care in this country, which so often strikes at senior citizens: $8.6 million has been provided for fiscal year 1985, in order to establish a program within the Office on Aging that will target all aspects of health care provided to older Americans, funds which are sorely needed by a crucial segment of our society.

Among the funds authorized by this bill are amounts earmarked for specific programs: The congregate nutrition services in the amounts of $363.8 million, $402.8 million, and $423 million over 3 years, the Meals on Wheels Program at $72.3 million, $75.8 million, and $79.6 million for fiscal years 1985, 1986, and 1987, and the community service employment program, which has been allocated $331.9 million in fiscal year 1985, $345.5 million in fiscal year 1986, and $359.3 million in fiscal year 1987. There are so many other programs of merit contained within this legislation that it becomes difficult to list them all; suffice it to say that each one enjoys my strong support in its attempts to serve the older population of our Nation. Mr. Speaker, I reiterate my support of this authorization legislation, and accordingly, urge my colleagues support for its adoption.●

● Mr. KLECZKA. Mr. Speaker, today there are more than 14 percent of those Americans aged 65 and older living below the poverty level. Thousands of the elderly in Wisconsin's Fourth Congressional District live in squalor. Even when food and housing benefits are considered, more than 12 percent of our Nation's elderly still suffer their lives in poverty. And these members can only grow so long as the budget cuts continue to hit the elderly hard.

We must continue the fight to protect benefits for the elderly, especially Social Security and Medicare. We must put controls on the providers of health care so that costs for everyone will be reduced. It is essential that we target budget cuts fairly so that the elderly are protected.

When the House votes on the Older Americans Act today, we will be voting on an important piece of legislation for all of the elderly of this country. But this act is only one part of what should be a national plan to protect the elderly.

A popular adage is that growing old isn't so bad when you consider the alternative. Let us see to it that this is

as true for our children as it was for our parents and grandparents.●

● Mr. BONKER. Mr. Speaker, I rise in strong support of H.R. 4785, legislation to reauthorize and expand the Older Americans Act.

Since its inception in 1965, the Older Americans Act programs have provided essential services to millions of older persons. The act has been the pivotal force in expanding the resources from both the public and private sectors to address the needs of this Nation's elderly citizens. Over the last 10 years, the act has been amended numerous times to expand the Federal commitment to those over 65, who now represent over 11 percent of the population.

I am pleased to be a cosponsor of H.R. 4785 and would like to applaud the efforts of Congressmen ANDREWS and PETRI who have worked with the other members of the Education and Labor's Subcommittee on Human Resources to develop this 1984 reauthorization legislation. The bill increases funding by 5 percent over the next 3 years and provides new money to enable Area Agencies on Aging to better coordinate community based long-term care services.

As chairman of the House Select Committee on Aging's Subcommittee on Housing and Consumer Interests, I am well aware that the Older Americans Act has historically received widespread support in Congress because of the many valuable benefits it has provided to our Nation's elderly population. Although the Reagan administration proposed a spending freeze for all major programs under the Older Americans Act, the OAA reauthorization bill has again received solid bipartisan backing.

One of the Older Americans Act programs that has been particularly beneficial in the State of Washington is title III(c)(2) which establishes the home-delivered meals program. This program assures well balanced diets to many homebound seniors who would otherwise receive an inadequate diet. Last year the program served 1,044,800 meals to Washington State's older population as well as an additional 1,780,500 congregate meals.

This is just one example of the many nutritional, social, employment, and transportation services provided under the Older Americans Act, and just one example of why today's legislation should be overwhelmingly adopted.●

● Mr. JEFFORDS. Mr. Speaker, I rise in strong support of the legislation before us, the Older Americans Act of 1984. As a member of both the Education and Labor and Select Aging Committees, I am very familiar with the success of this legislation. I was proud to be an early cosponsor of this bill, and am pleased that it has come before the House for its approval. I urge my colleagues to give this legislation their overwhelming support.

Since 1965, the Older Americans Act has worked to serve the elderly of this country. Through the years, it has been refined and expanded to the point where it now provides supportive services to more than 9 million people and nutrition services to nearly 3½ million older Americans. Tens of thousands of jobs are provided through the act's Community Service Employment Program.

The act also supports hundreds of area agencies on aging spread across the country. In my State, the area agencies have done an admirable job in serving as an advocate and ally of the aging.

It is frequently and accurately said that this act helps to combat the isolation and loneliness that so often confronts senior citizens in our country. I can testify that this is indeed the case, and believe this is a necessary and vital function of the Federal Government. Especially in a rural State such as mine, older Americans find it difficult to get by. Transportation is often difficult, and the costs of living—for food, fuel and shelter especially—are high. These costs are increasing rapidly. The price of electricity is climbing, and telephone rates will increase dramatically in the wake of the AT&T divestiture.

With these increasing burdens on older Americans in Vermont and across the country, the Older Americans Act becomes all the more important. Again, I urge my colleagues to join me in supporting this legislation.●

● Mr. MRAZEK. Mr. Speaker, I rise today to express my strong support for the Older American Act Amendments of 1984. As you know, this act provides funding for a great many invaluable services and programs for our senior citizens.

Enacted in 1965, the Older Americans Act was specifically designed to address the needs of our older population. While there are many other programs under which older people may receive assistance, this act is the major vehicle for the organization and delivery of services solely to senior citizens, tailored to meet their special needs.

The Older Americans Act program has developed from one supporting several small grants in 1966, to a program which now supports 552 area agencies on aging and 57 State agencies on aging. In fiscal year 1983, area agencies on aging provided supportive services to approximately 9.1 million older individuals and nutrition services to about 3.4 million seniors.

In New York State, our office for the aging was able to provide 9.4 million congregate meals and 3.8 million home-delivered meals to the elderly in need of nutrition assistance in fiscal year 1984 through funds provided under title III of the Older Americans Act. This is just one small example of how this funding has been used to aid in the well-being of our country's seniors.

We, as Members of Congress, owe a great deal to the senior citizens in this country who have contributed all of their lives to the well-being of this Nation. At the very least we should reauthorize programs such as the Older Americans Act which provide such needed programs.

Thank you for the opportunity to express my enthusiastic support for the Older Americans Act Amendments of 1984.●

● Mr. SMITH of New Jersey. Mr. Speaker, I am proud to rise today to express my strong support for H.R. 4785, the Reauthorization of the Older Americans Act. Since its inception in 1965, the Older Americans Act has helped provide much needed assistance for this Nation's elderly citizens. It is an especially important piece of legislation in light of the fact that in recent years our older population has begun to grow increasingly faster than at any other time in history.

Back in the early 1900's, for instance, the number of people 65 and over was just over 3 million. In 1960 that number had grown to 12 million, and in the most recent census of 1980 there were nearly 20 million Americans 65 and over—9.8 percent of the total population. If the rate of growth continues at projected levels, the number of poeple in this age bracket will have reached 35 million—or roughly 13 percent of the population—by the year 2000.

In reauthorizing the Older Americans Act, Congress will be recognizing the current needs of our older population as well as looking ahead to the futue needs of a much larger number of senior Americans.

One problem facing many older Americans is that of low income. According to a U.S. Bureau of Census survey in 1983, fully 14 percent of the American aged population lives at or below the poverty level. While this is a decrease from previous years, there is still much work to be done. In addition, a significantly higher proportion of elderly than nonelderly are catergorized as near-poor, that is their income is just above the poverty level.

The objective of the Older Americans Act, as many already know, is not only to improve the income of the elderly, but also their health, housing, and community service opportunities. The act provides supportive services, nutrition servics, and multipurpose senior centers. These programs are intended to assist older persons attain maximum independence in a home environment, to remove any individual or social barriers to economic and personal independence, and to provide

services and care for the vulnerable elderly.

Taking a look at the success and effectiveness of this act, we see that in 1981 alone, under programs supported by title III of the Older Americans Act, the following numbers of elderly were served: Approximately 8.9 million older persons were social service participants; over 2.8 million persons were served by the congregate meals program; 600,000 persons were served by the home-delivered meals program.

Besides the service-oriented programs, the Older Americans Act also provides for support of research demonstration, and training programs for and about the elderly and aging.

I am proud today to support our senior citizens who have contributed a lifetime of work and effort to this country. It is time for this country to recognize them by insuring that they are properly cared for, compensated, and respected. I, therefore, strongly support reauthorization of the Older Americans Act, and I trust the other Members of this body will also actively support the senior citizens of America in like manner.●

● Mr. REGULA. Mr. Speaker, the age 65 and over population has grown to nearly 11.6 percent of our total U.S. population. By the year 2025, this figure will nearly double. Until the Older Americans act was conceived and promulgated in 1965, there was a paucity of services for our elderly. Today, the Older Americans Act, which serves the major vehicle for the organization and delivery of social, nutrition, employment, and other services to the elderly, is one of the most successful and most supported programs we have.

The success of this act is well documented by hearings and a survey conducted by the Subcommittee on Human Resources of the Select Committee. Hearings in 1977 showed that 15 percent of all nursing home residents were there, due to inadequate diet. This figure is appalling. Not because nursing homes are bad—statistics show that it is only about 20 percent of nursing homes which should be closed and which get the bad press the other 80 percent are adequate to excellent.

The problem with this 15 percent is that, as we all know, most individuals would prefer to remain in the home. Many times an elderly individual will give up the hope of living if placed in a nursing home because they believe they will never return to their own home. In giving up their hope, their physical health also obviously suffers.

The financial aspects of nursing homes must also be considered. In 1982, as a nation we spent $27.3 billion on nursing home care. The Medicaid Program spent $13.2 billion of the total $27.3 billion for nursing home care. These Medicaid expenditures represent approximatley 50 percent of all spending for this service and 88 percent of all public spending for this service. Virtually no private insurance covers nursing home care.

In 1984, it is estimated that as a nation we will spend $32.7 billion on nursing home care. By 1990, this figure is expected to increase to $76 billion.

The reason Medicaid expenditures are so important to the reauthorization of the Older Americans Act is that the Subcommittee on Human Resources of the Select Committee on Aging estimated, through their hearings and surveys, that approximately 30 percent of the 0.6 million title III-C-2 participants and 18 percent of the 2.8 million title III-C-1 participants receive Medicaid benefits.

These two titles, however, have proven extraordinarily effective in maintaining the good health of its participants and in assisting them in remaining in the community and in their own homes.

In a followup to the hearings the conducted in 1977, the subcommittee found this year that malnutrition is no longer a significant problem in the nursing homes. The subcommittee has attributed this, in part, to the home-delivered meals program. For this reason, I would like to take this opportunity to commend Representative BIAGGI for gaining an additional $15 million in the supplemental recently passed for these programs in fiscal year 1985.

H.R. 4785 is an excellent piece of legislation and I would like to commend all the individuals working on this reauthorization and encourage an expedient conference.●

Mr. ANDREWS of North Carolina. I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. ANDREWS] that the House suspend the rules and pass the bill, H.R. 4785, as amended.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

OLMSTED HERITAGE LANDSCAPES ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4356) to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Olmsted Heritage Landscapes Act of 1984".

CONGRESS FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Frederick Law Olmsted, Senior, was the premier American landscape architect during the nineteenth and early twentieth centuries and is considered the father of landscape architecture in the United States;

(2) Olmsted's philosophy and designs influenced the development of landscapes throughout the Nation, including national, State and local parks, forest, parkways, college campuses, cities and planned communities, and publicly and privately owned estates, institutions, cemeteries, and recreation areas;

(3) Olmsted's sons, associates, and professional descendants carried out his philosophy and designs well into the twentieth century and, coupled with the achievements of Olmsted himself, have left a tremendous legacy of historic landscapes and philosophy that continues to benefit the American people and people throughout the world;

(4) Olmsted's social responsibility, ecological sensitivity, and landscape design creativity have inspired the development of large urban parks for public benefit in urban areas throughout the United States, creating a legacy of parks which today constitute a singular feature of the urban experience and serve as an inspiration for park and recreation work;

(5) age, overuse, deteriorating infrastructure, inadequate maintenance, and inappropriate developments threaten these historic landscapes and many may be damaged or destroyed without a coordinated program to protect them;

(6) although voluntary, private efforts have been initiated to identify, commemorate, restore, and preserve the Olmstead legacy, the enormity and complexity of the task and the diverse ownership of the sites throughout the country require the assistance and cooperation of all levels of government and the leadership and support of the Federal Government; and

(7) existing Federal programs relating to parks, recreation, and historic preservation can be expanded and utilized to preserve the Olmsted legacy for the use and enjoyment of present and future generations.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Olmsted" includes Frederick Law Olmsted, Senior, his sons and associates (including such designers as Calvert Vaux and Warren Manning);

(3) "State outdoor recreation liaison officer" means the State officer designated as such under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4—4601-11);

(4) "Olmsted heritage landscape" includes any Olmsted-designed landscape, park, forest, parkway, college campus, planned community, estate, institution, cemetery, or recreation area (including, on a case by case basis, Olmsted-influenced sites identified by the Advisory Committee established under section 8);

(5) "inventory" means the inventory of Olmsted heritage landscapes prepared under section 4; and

(6) "documentation" includes blueprints, drawings, photographs, and other available records.

As used in this Act, the terms "preservation", "State historic preservation officer", "State", and "local government" have the same meaning as when used in the National Historic Preservation Act (16 U.S.C. 470-470t).

INVENTORY

SEC. 4. (a) The Secretary, acting through the Director of the National Park Service in consultation with the Advisory Council on Historic Preservation, and with participation of State historic preservation officers, State outdoor recreation liaison officers, organizations representing local elected officials and local governments, concerned private and public organizations, academic institutions, professional associations, and interested individuals, shall prepare an inventory of Olmsted heritage landscapes. The Secretary shall publish notice in the Federal Register of each item included in the inventory and shall also submit notice of such inclusion to the Congress. In the preparation of the inventory, existing data shall be used to the maximum extent possible.

(b) The inventory shall be compiled on State-by-State basis. Copies shall be deposited in the Library of Congress and access provided at the Frederick Law Olmsted National Historic Site, Massachusetts, at National Park Service regional offices, and at appropriate State offices.

(c) The inventory shall consist of the following two portions—

(1) a listing of all Olmsted heritage landscapes, to be completed within 18 months after the date of the enactment of this Act; and

(2) an evaluation of all listed Olmsted heritage landscapes, to be completed within six years after the date of the enactment of this Act (with one-third of such evaluation to be completed within two years after such date of enactment and two-thirds to be completed within four years after such date of enactment).

(d) The listing portion of the inventory prepared under subsection (c)(1) shall contain a description of what the landscape consists of, where it is located, who designated the landscape and what the present status of the landscape is (including at least a description of the present physical condition and ownership and a summary of any known problems).

(e) The Secretary, acting through the Director of the National Park Service, shall establish a process for evaluating the landscapes included on the listing portion of the inventory under subsection (c)(1). Such evaluation shall be carried out with the consultation and participation referred to in subsection (a). For each Olmsted heritage landscape the evaluation portion of the inventory shall include at least the following—

(1) a description of the landscape's location and history of ownership;

(2) documentation on the design intention of the landscape, including its purpose, philosophical base, social and physical aspects;

(3) documentation on the means by which the design intention was carrried out, including horticulture, mechanical aspects (such as topographical alternations, roads, drainage, sewage systems, and structures), and other means;

(4) documentation of the current status and condition of the landscape;

(5) documentation of changing circumstances which could affect the landscape;

((6) evaluation of the landscape's physical or philosophical influence on other sites and landscape designs;

(7) an evaluation of the landscape's national and international significance, if any; and

(8) specific criteria for preservation of the landscape to assure safeguarding of its historic integrity.

The inventory shall be periodically updated (but not less frequently than every ten years) after the consultation and participation referred to in subsection (a). Summaries of any changes in the inventory shall be published in the Federal Register.

(f)(1) All properties on the inventory prepared under this section shall be part of an Olmsted heritage landscape system.

(2) Any property on the inventory which meets the criteria for the National Register of Historic Places shall be considered eligible for the National Register. Any property identified in such inventory as nationally significant by a State historic preservation officer or state outdoor recreation liaison officer shall be studied by the Secretary for possible designation as a national landmark and, if internationally significant, for the World Heritage List.

FEDERAL ASSISTANCE

Sec. 5. (a) The Secretary of the Interior shall—

(1) in consultation with Advisory Council on Historic Preservation, promulgate, within 6 months after the enactment of this Act, general standards for preservation of historic landscapes (including but not limited to Olmsted heritage landscapes);

(2) provide technical assistance to other Federal agencies, State and local governments, private organizations and interested individuals, on the identification, commemoration, and preservation of Olmsted heritage landscapes;

(3) conduct and submit to Congress, within three years after the enactment of this Act, a thematic study of historic landscapes to identify landscapes (including Olmsted heritage landscapes) which would qualify as national historic landmarks and to make findings and recommendations regarding their status and the need for any special assistance, including funding, maintenance, or capital investment needs;

(4) encourage a compatible program for the use of the Frederick Law Olmsted National Historic Site, Massachusetts, as a center for research, fellowships, and related activities, and establishment of an appropriate advisory committee for the site; and

(5) develop appropriate international activities related to Olmsted heritage landscapes.

The above activities shall be conducted with the consultation and participation referred to in section 4(a).

(b) The Secretary shall take such steps as may be necessary to provide for, and encourage, the coordination of applications for grants from the historic preservation fund, from the land and water conservation fund, and under the urban park and recreation recovery program for the preservation of Olmsted heritage landscapes. Nothing in this subsection shall be construed to alter or affect the requirements applicable to the making of grants from the historic preservation fund, from the land and water conservation fund, or under the urban park and recreation recovery program.

(c) Each State and local government to which Federal funds are made available may use such funds for the preservation of any inventoried Olmsted heritage landscape, subject to the requirements for meeting the Secretary's standards under paragraph (1) and the specific criteria for preservation of the landscape under section 4(b)(8) and except to the extent other legislation expressly provide otherwise.

PUBLIC AND PRIVATE COOPERATION

SEC. 6. (a) The Secretary (and State and local governments receiving assistance under this Act) shall—

(1) encourage maximum public participation in all aspects of the program established under this Act, including the identification, commemoration, and preservation of any Olmsted heritage landscape:

(2) encourage local initiatives and encourage joint projects and the use of volunteers and internships at all levels of government and in the private sector;

(3) encourage projects that will leverage increased private support; and

(4) coordinate activities with other public and private agencies, institutions, and organizations.

(b) The Secretary may enter into contracts and cooperative agreements with States, local governments, corporations, associations, nonprofit organizations, and other institutions to carry out the purposes of this Act.

COMMEMORATION

SEC. 7. In order to commemorate the Olmsted achievements and influence on American life, the Secretary, in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution and the Advisory Council on Historic Preservation, and with participation of other government agencies, concerned public and private organizations, academic institutions, professional associations, and interested individuals shall coordinate appropriate activities during the decade of 1985 to 1995, including a study on the influence of Olmsted's philosophy and designs on American life and as part of such study, a symposium in 1985 and publication of the proceedings of such symposium; an exhibit and film (and related informational materials) on Olmsted's legacy, copies of which shall be made publicly available; technical and financial assistance to national nonprofit organizations and professional associations in commemorating the Olmsted legacy; and appropriate activities at the Frederick Law Olmsted National Historic Site, Massachusetts, including the opening of completed archives at the site.

ADVISORY COMMITTEE

SEC. 8. (a) There is hereby established the Advisory Committee on Olmsted Heritage Landscapes (hereinafter referred to as "the

Committee"). The Committee shall assist the Advisory Council on Historic Preservation (hereinafter referred to as "the Council") in carrying out those of its duties under the National Historic Preservation Act that relate to Olmsted heritage landscapes, including but not limited to—

(1) reviewing the priorities, process, and product of the inventory prepared under section 4 of this Act;

(2) reviewing the priorities, criteria and standards for the identification, evaluation, restoration, and preservation of Olmsted heritage landscapes;

(3) assisting in the development of appropriate public participation and information dissemination plans;

(4) assisting the Council in evaluating undertakings that may affect Olmsted heritage landscapes, during the Council's consultation processes under the National Historic Preservation Act (including section 106 and section 110 of that Act) and under section 402 of the National Historic Preservation Act Amendments of 1980 (94 Stat. 2987);

(5) providing advice on any other landscape that may qualify, because of its Olmstead influence, as an Olmsted heritage landscape under section 3; and

(6) making other recommendations concerning the implementation of this Act.

(b) The Committee shall be composed of eleven members, to be appointed by the Chairman of the Council as follows—

(1) two members to be appointed from recommendations submitted by national organizations concerned with Olmsted parks and heritage landscapes, Olmsted papers, and other Olmsted memorabilia;

(2) two members to be appointed from recommendations submitted by national organizations concerned with landscape architecture, historic architecture, architectural history and historic preservation;

(3) four members to be appointed from recommendations submitted by national park, conservation, and recreation organizations; and

(4) three members representing other related disciplines such as history, architecture, horticulture, archaeology, geography, environmental studies, urban ecology, and planning, who have demonstrated interest in Olmsted heritage landscapes.

Each member of the Committee shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed shall serve for terms of one to four years, as designated by the Chairman; of the Council at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. A member may not serve more than two terms. A member whose term has expired shall serve until that member's successor has been appointed. The Chairman of the Council shall designate one member of the Committee as Chairman, and shall fill vacancies in the same manner as original appointments were made.

(c) Members of the Committee shall serve without compensation as such, but may receive reimbursement for necessary travel and subsistence expenses reasonably incurred in carrying out their responsibilities under this Act.

(d) The Chairman of the Council (or his designee) shall from time to time, but at least semiannually, meet and consult with the Committee on matters relating to the identification, evaluation, restoration, and preservation of Olmsted heritage landscapes, and shall seek the recommendations of the Committee during any consultation process required by the National Historic Preservation Act when that process concerns an Olmsted heritage landscape. Upon the request of the Committee, the Council shall provide such staff support as necessary.

(e) The Committee shall terminate on December 31, 1995, but may be extended by the Council for not longer than five additional years unless otherwise determined by the Congress.

FUNDING

SEC. 9. (a) Effective October 1, 1985, there is authorized to be appropriated to carry out this Act such sums as may be necessary.

(b) Contract authority under this Act shall be subject to the general availability of appropriations.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 4356 is to identify, commemorate and preserve the legacy of historic landscapes designed by Frederick Law Olmsted, his sons and associates.

Frederick Law Olmsted, Sr., was this century's foremost landscape architect of the 19th and early 20th centuries. He is often referred to as the father of landscape architecture in the United States. Although perhaps best known for his work on the design of Central Park in New York, and the Capitol Grounds here in Washington, DC, Olmsted also inspired the development of public and private landscapes throughout the United States and other nations as well.

Unfortunately, a great many of these historic landscapes are threatened by inadequate maintenance, inappropriate developments, age, and deteriorating infrastructure. H.R. 4356 would build on existing State, local, and private efforts to identify, commemorate and preserve the legacy of Olmsted-inspired landscapes. Rather than create an entirely new program, the bill would use existing Federal, State and local programs for parks, recreation and historic preservation, and would direct the Secretary of the Interior to coordinate the inventory of the sites, provide technical assistance and establish standards for the preservation of the Olmsted historic landscapes.

The cost of this bill is minimal; indeed, much of the work will be actually carried out through the efforts of the private sector and State and local government agencies.

The legislation has the support of the National Association of Olmsted Parks, the American Society of Landscape Architects, the National Conference of State Historic Preservation Officers, and the National Trust for Historic Preservation, to name a few. What the list reveals is that the support for the bill is broad, and encompasses interests ranging from landscape architecture and historic preservation to park conservation and outdoor recreation.

I urge my colleagues to support H.R. 4356.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my understanding that the purpose of this legislation is to identify and commemorate landscapes and designs created by Fredrick Law Olmsted through the creation of a special Olmsted heritage program operated primarily by the National Park Service. Since many of our most valuable urban landscapes were Olmsted designs, the identification and commemoration of these designs is a worthwhile purpose. I fully support the goal of this legislation to further this purpose.

In testimony presented to the Subcommittee on Public Lands and National Parks, the National Park Service indicated that most of the functions required under the bill can be accomplished under current law. While the Historic Sites and Historic Preservation Acts do authorize those functions, they do not place a priority on certain designs or types of property as does this legislation. In creating a comprehensive conservation program for Olmsted designs, H.R. 4356 would, if enacted, effectively elevate the status of Olmsted designs as well as certain Olmsted-influenced designs and place Federal priorities on the conservation of these landscapes.

Another concern expressed during the hearings on this legislation was that of a park director of a major city who noted that conservation of Olmsted designs should not be so rigid as to not allow for changing uses such as increased recreational spots in urban parks. It is my understanding that this legislation would not establish a priority for rigid adherence to original designs which would fail to take into account valid and important changing uses in the uses of the landscapes.

Finally, it should also be noted that the bill now accommodates the concern that the bill as introduced could have placed unreasonable restrictions on the uses of the landscapes by non-Federal interests. The purpose of this

bill is to identify and commemorate the Olmsted designs, not to place restrictions on the designs which would supersede the prerogatives of State and local governments in the uses of the properties owned by them. If such restrictions are to be placed on these properties, outside of those existing in the Historic Preservation Act, the restrictions would stem from site-specific designation legislation not now before the Congress.

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4356, as amended.

The question was taken; and (two-thirds of those present having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR ACQUISITION OF CERTAIN LANDS FOR THE BIG THICKET NATIONAL PRESERVE IN TEXAS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5631) to provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas.

The Clerk read as follows:

H.R. 5631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), is amended by inserting after the first sentence the following new sentence: "The Secretary may also acquire, by any of the above methods, approximately 15 acres of land outside of the boundaries of the preserve in the vicinity of the intersection of United States Highway 69 and State Farm-Market Road 420, in Hardin County, Texas, for purposes of a visitor contact and administrative site."

(b) Section 6 of such Act is amended by inserting at the end thereof the following new sentence: "Effective October 1, 1984, there is authorized to be appropriated such sums as may be necessary for the acquisition of the visitor contact and administrative site referred to in subsection (c) of the first section of this Act.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5631 would allow the Secretary of the Interior to acquire approximately 15 acres of land outside the boundaries of the Big Thicket National Preserve in Texas, for the purpose of a visitor contact and administrative site.

In September 1980, the general management plan for the preserve addressed the issue of an interpretive facility/administrative complex and its location. Most areas were found not to be suitable for development because of the existence of a 100-year flood plain and wetlands in nearly all of the units of the preserve. Further, the authorizing legislation of Big Thicket National Preserve requires the Secretary to keep development to a minimum within the preserve. Alternative locations for a visitor center were sought, and the plan identified the site referred to in this bill.

In conclusion, I urge support of H.R. 5631.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5631. This legislation will address the need to acquire a visitor center and administrative site for the Big Thicket National Preserve. It is my understanding that the land currently under Federal ownership does not contain a site which is suitable for a center fitting the character of the preserve. Also, development of a site large enough to serve the public is limited by the wetlands nature of the land within the preserve. As the testimony presented to the Interior Committee noted, development is limited in areas fitting within the wetlands classification.

Because of the difficulties faced in locating suitable land within the preserve, alternatives were investigated and a suitable site was located. This site has been offered for sale to the Federal Government. Although the Park Service could continue to seek donated land for the needed site, I believe it would be better to enact this legislation and acquire the site. The Park Service has estimated that $60,000 will be required for this purpose.

The gentleman from Texas [Mr. WILSON] has provided a feasible means to make this needed addition to the preserve. For these reasons, I urge my colleagues to support H.R. 5631.

Mr. Speaker, I yield back the balance of my time.

□ 1400

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 5631.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VOLUNTEERS IN THE PARKS ACT OF 1969 AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 864) to amend the Volunteers in the Parks Act of 1969, and for other purposes, as amended.

The Clerk read as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Volunteers in the Parks Act of 1969 (84 Stat. 472; 16 U.S.C. 18j) is amended by striking out "$250,000" and substituting "$1,000,000". The amendment made by this subsection shall apply with respect to fiscal years beginning after September 30, 1984.

(b) Section 1 of such Act is amended by adding the following at the end thereof: "In accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes, or to displace any employee."

SEC. 2. Section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary may recruit, without regard to the civil service classification laws, rules, or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

"(e) In accepting such services of individuals as volunteers, the Secretary—

"(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

"(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter 1 of chapter 81 of title 5, United States

Code, relating to compensation for work injuries.

"(g) Effective with fiscal years beginning after September 30, 1984, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (d), but not more than $250,000 may be appropriated for any one fiscal year.".

SEC. 3. (a) The Congress finds that—

(1) the public lands administered by the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources;

(2) the Congress has specified the duties and responsibilities of the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to balance the conservation and protection of these public lands and resources with permitted uses in ways Congress has found to be appropriate for each of the various land areas;

(3) the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service are currently under Congressional mandates to maintain sufficiant visitor and recreational services in our national parks, campgrounds, and wildlife refuges;

(4) the Congress has authorized the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to contract for the provision of certain facilities, accommodations, and services by non-Federal entities, but with certain limitations that reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands; and

(5) expansion of the contracting authority of the managers of these conservation areas, parks, wildlife refuges, and lands should be considered only after careful study of the existing management mandates and contracting authorities and after congressional approval of such expansion.

(b) The Act of August 18, 1970 entitled "An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" (16 U.S.C. 1a-1 through 1a-7) is amended by adding the following new section at the end thereof:

"SEC. 13. (a) Following the date of enactment of this section, the provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the National Park Service, except as may be specifically authorized by a provision of law enacted after the date of the enactment of this section.

"(b) Nothing in this section shall prevent the National Park Service from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in subsection (a) or any similar order or directive.".

(c) Section 307 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737) is amended by adding the following new subsection at the end thereof:

"(h)(1) Following the date of enactment of this subsection, the provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the Bureau of Land Management except as may be specifically authorized by the provision of law enacted after the date of the enactment of this subsection.

"(2) Nothing in this subsection shall prevent the Bureau of Land Management from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in paragraph (1) or any similar order or directive.".

(d)(1) Following the date of enactment of this subsection, the provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the United States Fish and Wildlife Service except as may be specifically authorized by a provision of law enacted after the date of the enactment of this subsection.

(2) Nothing in this subsection shall prevent the United States Fish and Wildlife Service from entering into contracts for services and materials under provisions of law and rules, regulations, orders and policies other than the circular referred to in paragraph (1) or any similar order or directive.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 864 would raise the annual limitation on appropriations for the volunteers in the Parks Act, and would amend the Federal Land Policy and Management Act of 1976 to provide supplemental authorization to the Secretary of the Interior to allow the Bureau of Land Management to recruit volunteers, pay incidental costs, and define the status of volunteers under Federal employment.

The volunteers in the Parks Act of 1969 authorized the acceptance of volunteer services of individuals, without compensation, to aid in interpretive functions or other visitor services in areas administered by the National Park Service. Under the act, the National Park Service provides incidental transportation, uniforms, lodging, and subsistence, and the volunteer citizen is protected in the same manner as employees for the purposes of tort claims and compensation for work injuries.

As reported, the bill, rather than deleting the authorization ceiling entirely, would place a $1 million annual limit on the National Park Service and $250,000 annual limit on the Bureau of Land Management. The funding is for incidental costs, such as training and certain reimbursement costs; the volunteers do not receive any salary compensation. The bill would also prohibit the use of park volunteers in hazardous duty or law enforcement work, policymaking processes, or to displace any employee.

In addition, the bill would exempt the National Park Service, Bureau of Land Mangement, and Fish and Wildlife Service from the Office of Management and Budget's A-76 contracting directive or similar provisions in any other order, except as specifically authorized by law or by subsequent act of Congress. The section would not, however, prevent the agencies from entering into contracts for services and materials under other provisions of law, rules, or policies.

The language dealing with OMB circular A-76 specifically names the U.S. Fish and Wildlife Service of the Department of the Interior. Under the House rules, rule X, clause 1(n), sole jurisdiction over fisheries and wildlife, including the Fish and Wildlife Service, is given to the House Committee on Merchant Marine and Fisheries. I have been in touch with Chairman WALTER JONES of the Merchant Marine and Fisheries Committee who explains he has no objection to S. 864 being considered by the House without a prior referral to his committee so long as we acknowledge the jurisdiction of that committee on this subject. I intend to confirm this acknowledgment by exchange of letters between the chairmen of the two committees.

By way of background, OMB circular A-76 requires Federal agencies to rely on private enterprise to supply needed products and services for any commercial activity whenever a 10-percent savings in personnel costs can be achieved. A "commercial activity" is defined as one operated by a Federal agency that "provides a product or service which could be obtained from a commercial source." Examples range from janitorial services to mailroom operations.

Specifically exempted from A-76 is any "governmental function," defined as one "so intimately related to the public interest as to mandate performance by Government employees." A governmental function involves the discretionary exercise of governmental authority and includes "regulation of the use of space, oceans, navigable rivers, and rivers, and other natural resources."

Department heads have considerable discretion in carrying out the directive. Former Interior Secretary James Watt chose instead to pursue it with a vengeance. He moved up even the OMB's date for implementation, which is not until the end of fiscal 1987, to the end of fiscal 1984. Although Secretary Clark has eased the deadline somewhat, setting first a 1985

date and apparently now a 1986 one, the basic thrust has remained unchanged.

Earlier this summer the Subcommittee on Public Lands and National Parks held 2 days of oversight hearings on the A-76 directive and its impact on agencies in the Department of the Interior. We heard from Members of Congress, other elected officials, and the public, and from the Director of the National Park Service and the Deputy Director of the Fish and Wildlife Service. In addition, at the request of Representative PAT WILLIAMS, I personally met with employees of Glacier National Park this past month to discuss the impact of the A-76 directive on the park and its staff.

The oversight hearings held by the Subcommittee on Public Lands and National Parks brought out a number of problems with the A-76 directive as it relates to land-managing agencies such as the National Park Service. It was noted that the OMB directive itself, which has no specific statutory base, may violate the provisions of various acts which govern the National Park Service and the specific acts which established individual park areas and directed how they would be managed. Under the National Park Service Organic Act of 1916, Congress said that the Service's function is "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

At the subcommittee's hearings, it was emphasized that, using its existing authorities, the National Park Service already contracts out at least 15 percent of its operations. This does not include the substantial amount of services provided by the private sector under concessions contracts. In the past, the basic criteria was not only just whether contracting was more economical but also whether it was appropriate and desirable in meeting the needs of the visiting public and in protecting the natural and cultural resources of the individual park unit.

None of the witnesses opposed contracting per se. However, they did note many problems associated with contracting compared to using agency staff for a project or service. In rural areas, it is often difficult to obtain competing bids. Yet, if a contractor defaults or does not fully provide the level of required services, it is extremely difficult to bring the activity back in-house. By then the agency equipment has been liquidated and the employees let go.

Another problem is that it is very difficult to provide in a contract document the flexibility that is inherent in an employer-employee relationship. Park superintendents currently have the ability to move employees around in cases of emergency or to meet unforeseen circumstances, and they can reprogram their budgets to adjust accordingly. To have the same flexibility with a contractor would require either to include expensive contingency clauses in the initial contract or face the prospect of very expensive change orders once the contract is let.

Witnesses noted other hidden costs to agencies in conducting the A-76 reviews and in preparing bid documents. Substantial costs were noted in training employees—and in some cases hiring new ones—to do this work. The National Park Service alone has spent $3 to $5 million to date, and that does not include the costs of the work that was not done by employees pulled off their regular jobs. It was estimated that it would cost the National Park Service $10 to $12 million to meet a 1985 deadline for complying with A-76 on the 447 activities currently on its inventory. None of these funds has been authorized or appropriated by the Congress for this purpose; instead, the money to implement the A-76 directive is being diverted from other park programs. The ramifications of this have not been evaluated.

It was also pointed out that, once a contract is let, there may be other costs in administering the contract. These include the costs to the agency of monitoring the on-the-ground work; the costs of contracting officers and lawyers necessary to resolve contract disputes; and the costs of audits and audit resolution. There are also employee-related costs that have not been evaluated, including severance pay, and costs associated with possible appeals and litigation disputes over EEO, veterans' rights, bumping rights of senior employees, et cetera.

Department heads have considerable discretion in implementing A-76 with regard to individual agencies and programs. In particular, the management of parks, wildlife refuges, and public lands could some under the exemptions for a governmental function, which includes "regulations of the use of * * * navigable rivers and other natural resources."

The bottom line for this committee is the continued protection of our Nation's national parks, wildlife refuges, and public lands. S. 864 as amended would not prohibit contracting. However, it would assure that the essential missions of the Interior Depatment's land-managing agencies are given first consideration when contract decisions are made. Any expansion of those agencies' existing contracting authorities would be made only through an act of Congress.

Mr. Speaker, I am frankly shocked at the way this program is being implemented. This is not merely a question of contracting, since these agencies already do extensive contracting. Rather this is an OMB-imposed process of expediting it at an unprecedented rate, with no regard for the congressional mandates which these agencies must operate under or the resources they are charged with administering.

As our substitute amendment to S. 864 points out, the lands managed by the National Park Service, Bureau of Land Management, and Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources. The agencies are required to balance the conservation and protection of these lands and resources with permitted uses and must maintain sufficient visitor and recreational services.

Congress has authorized the agencies to contract for the provision of certain facilities, accommodations, and services by non-Federal entities. However, these authorities also contain limitations to reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands. We believe that any expansion of these contracting authorities should be considered only after careful study of the existing management mandates and contracting authorities and after congressional approval of such expansion.

Mr. Speaker, I want to commend several Members who have worked so hard on this issue—particularly Mr. WILLIAMS and Mrs. BYRON, and also Mr. VENTO, and Mr. KOGOVSEK. I would also like to commend Mr. SYNAR, chairman of the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations and Mr. ALBOSTA, chairman of the Subcommittee on Human Resources of the Committee on Post Office and Civil Service.

I would also like to thank several staff members, including Art Noonan of Mr. WILLIAMS' staff, Loretta Neumann and Dale Crane of my subcommittee staff, and Pope Barrow of the Office of Legislative Counsel.

I urge all Members to support this important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. PAT WILLIAMS], whose initiative in this whole A-76 initiative has been outstanding and on whose invitation I recently visited Glacier National Park and spent several days there examining this issue; and, believe me, it was a very, very informative and educational experience and very helpful to the committee.

I am glad to yield to the gentleman from Montana such time as he may consume.

Mr. WILLIAMS of Montana. Mr. Speaker, I thank the chairman of the subcommittee for both yielding and

accepting our invitation to visit the Glacier National Park.

As the chairman knows, many months ago I was approached by folks in Montana who were deeply concerned about the timetable being mandated by the Park Service for the implementation of the OMB contracting circular, A-76. Although OMB set the implementation date for several years ahead, Interior adopted an accelerated schedule more ambitious than the OMB circular. These folks described incredible pressure coming from Washington to identify jobs for possible contracts and under deadlines that offered no time to adequately study those jobs. My constituents raised a battery of questions and I promised to come back to Congress and get answers for those questions.

I believe it will be enlightening for my colleagues if I go through some of what has happened already on this issue and, hopefully, illustrate what brings us to this juncture today.

The House has already passed two amendments affecting A-76. One of those was in the fiscal year 1984 supplemental and the other was in the fiscal year 1985 appropriations bill. The fiscal year 1984 amendment was simply an attempt to slow the A-76 process until Congress had a chance to examine what was happening. Because the amendment allowed the process to go forward but asked for congressional review, the Department used that language to move the process even faster than they were currently proceeding. Thus, many members of the House Interior Committee and other concerned Members, including myself, individually went downtown to see Secretary Clark and ask that he bring reason to this process.

I should emphasize here that I support contracting out Government functions where there is increased cost efficiency. Most Members with whom I've spoken support reasonable efforts to contract out Government work. With this thought in mind, I went to see Secretary Clark and review what might be done to slow this process. To the Secretary's credit, he assured me that he was reviewing the bids and that he would not contract out any function that hurt the Park Service; 2 days after that meeting, the Secretary's own employees testified before the House Public Lands Subcommittee. They informed us that it was their belief that once bids were solicited by the Government, if the private sector provided the low bid, the Government would not be able to stop these contracts from being awarded. This meant that in spite of Secretary Clark's good intentions by the time the contracts were in his hands it may already be too late. Shortly after the subcommittee hearing, the management of Glacier National Park, which is in my district, submitted a counterproposal that was designed to protect the national parks from contracting core park functions which were statutorially mandated by Congress. This was a good proposal, and would have solved many of the inbred problems in the A-76 process. That proposal was rejected out of hand and the employees of Glacier were rewarded for their diligence with a new ultimatum to complete the bid analysis before September 1.

I raise these events for only one purpose—to illustrate how insistently this administration has turned back any attempt to bring reason to this program. There are legitimate questions that have been raised, but the only answer forthcoming from the administration was to accelerate the timetables for implementation. This prompted myself and Congressman CHENEY to introduce H.R. 6055, which served as the basis for the language contained in S. 864. This administration has left us no alternative but a complete moratorium on A-76 studies and bids in the three agencies addressed here today.

I am submitting for the record a list of questions first submitted to Interior almost 6 months ago. To my knowledge, they have never been answered. Everything points to the fact that this is a political process geared by this administration's philosophical bias against Government employees.

The Congress has already had to intervene in the assets management program which was this administration's attempt to privatize Government land. We spent millions of dollars and diverted untold man-hours and never sold one parcel of land. Now we have spent millions of dollars and countless man-hours in a study process that has not produced even $1 of savings. It seems clear that this administration does not care how much we spend, nor how much internal employee cost we incur for the furtherance of its drive to put Government jobs in the hands of private corporations. I strongly urge the Members of the House to support this bill and help bring some reason back to this Government's policies of contracting out in resource agencies.

QUESTIONS ON A-76

First, in parks and refuges with large amounts of back country, often the only contact the public has is with park trail crews who must perform a public relations function as well as clear trail. This dual assignment is not easily defined and therefore not easy to contract.

Second, many parks and refuges have in the past had an active association with YCC and YACC programs, with much of the work being performed on trails. With trail and other such work contracted out, how could these programs continue to be integrated into the parks' work program, what problems would be posed by the performance of the work by employees not supervised by the contractor, and would this lead to contract disputes over the full amount of work they should be assigned?

Third, the unrealistic deadlines placed on park and refuge managers to prepare work statements for contracting ensures serious problems in the future because the basis for which activities are contracted in one park may be used to contract that same activity throughout the entire park system, when such a blanket approach ignores the unique individual character and need of each unit in the system.

Fourth, the deadlines for the March 1984 contracting study have created misunderstandings between the NPS Washington office and each of the 10 regional offices. The result is total confusion about the preparations of work statements—integral to contracting—and about the types of activities that are being considered commercial, and thus subject to contracting. Because of the importance of these work statements, unrealistic deadlines will result in poorly written documents.

Fifth, park superintendents and refuge managers are under a great deal of pressure to contract jobs in order to meet recently established performance standards and thus receive acceptable ratings by their superiors necessary for career moves. If asked in confidence, however, many superintendents will express their professional concerns about the extent to which this program is being pushed on the NPS.

Sixth, basic mission activities that should be exempted by the A-76 guidelines because they are governmental in nature are not being exempted due to Interior's interpretation of the program. The guidelines define a Government function, which is exempted from contracting, as:

> A Government function is a function which is so intimately related to the public interest as to mandate performance by Government employees. These functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. Services or products in support of Government mental functions, such as those listed in Attachment A, are commercial activities and are normally subject to this circular. Governmental functions normally fall into two categories:
>
> (1) The act of governing, i.e., the discretionary exercise of Government authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgments, as in direction of the national defense; * * * regulation of the use of space, oceans, navigable rivers and other natural resources; * * *.

Seventh, Interior's misinterpretation of Government function compromises NPS's basic mission. Contracting for trail maintenance and preservation maintenance incorporates mission-ori-

ented work which should not be subject to contracting.

Eighth, this discretionary authority included in the guidelines was ignored by Secretary Watt. There is no indication of whether Secretary Clark is willing to reconsider Watt's decisions.

Ninth, if the A-76 program is fully implemented, there is likely to be a drastic change in the stewardship of the national parks. Over the last several years, the parks have been forced to manage on smaller budgets. The staff that remains, in most cases, exercises a certain degree of judgment regarding management of park resources, which is likely to disappear if career NPS employees are replaced by contractors.

Tenth, the integrity of our national parks and refuges is threatened by A-76, creating a mentality that profit should be the motive behind park management.

Eleventh, the question of accountability is very important. The Service was entrusted with the care of all resources and with the responsibility for ensuring a quality experience for the visiting public. How will accountability be affected if contracting represents the major portion of job responsibilities? If trail maintenance is selected for A-76 coverage, can there be any assurance of the expertise of nonpark professionals to enable them to properly perform this work without undue amounts of supervision? Sensitivity of workers in parks to the environment is extremely important. How can outside contractors, while possibly qualified to do the work for which they were hired, be proved to be qualified to operate in this sensitive environment?

Twelfth, the A-76 program promises efficiency. However, efficiency is not always the best approach, since some jobs require a laborious, time-consuming process in order to treat or repair delicate historic fabric. Will a contractor take the necessary time to do the job right? A contractor needs to make only one mistake to destroy original building fabric.

Thirteenth, most employees in work areas targeted for review are aware of the possibility that their jobs may be abolished and that this may result in their unemployment or in bumping other employees, possibly in other areas. What effect has this bleak employment outlook had on morale of affected employees?

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 864, but I would like to let my colleagues know that the administration does oppose the bill solely because of the amendment that was offered, I believe, by the gentleman from Montana.

The administration opposes the enactment of S. 864 solely because of the unrelated amendment added by the Committee on Interior and Insular Affairs to prohibit the employing of the Office of Management and Budget of A-76 guidelines for Federal contracting out.

I would suggest, Mr. Speaker, that this issue should have been studied a little closer because there are instances where I think contracting might be applicable, more likely in the more metropolitan areas than in the parks. But the gentleman from Montana is correct, the gentleman from Wyoming [Mr. CHENEY] voted with his amendment, the gentleman from Montana [Mr. MARLENEE] voted with his amendment; and other Members on my side of the aisle voted to accept the amendment to preclude the Interior Department from contracting A-76 park activities out.

The study, I think, though, would have given us some grounds really to, I think, basically prove in most cases the contracting would cost taxpayers more money than having the Park Service do this.

I say this because the gentleman from Ohio and I were speaking a moment ago that when you bid on the management of a park there is a lot of unknown factors that are in the operation of that park, such as just recently in Mount McKinley we had a tremendous mudslide and it stranded 640 people for a period of time, visitors, up in their years, the majority of them who do come to Mount McKinley. That area will now have to be cleaned up, straightened up, and the road repaired by the Park Service. A contractor cannot tell those things are going to happen.

So I would suggest the parks as we know them, Glacier Park, Yellowstone Park, all the major parks and, yes, even the large parks in Alaska that do have facilities within the park should not be contracted out.

But I think it is my duty to let my colleagues on this side of the aisle know that the administration does oppose it because of this amendment. But I would urge the House to see the wisdom to pass it in its present form.

Mr. Speaker, I yield back the balance of my time.

□ 1410

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the Senate bill, S. 864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just considered and passed.

The SPEAKER pro tempore (Mr. LEATH of Texas). Is there objection to the request of the gentleman from Ohio?

There was no objection.

COOS, LOWER UMPQUA, AND SIUSLAW RESTORATION ACT

Mr. WEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5540) to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Coos, Lower Umpqua, and Siuslaw Restoration Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "Tribe" means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

(2) "Secretary" means the Secretary of the Interior or his authorized representative;

(3) "Interim Council" means the tribal council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, which serves pursuant to section 5 of this Act; and

(4) "member" used with respect to the Tribe means a person enrolled on the membership roll of the Tribe provided for in section 4 of this Act.

EXTENSION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES

SEC. 3. (a) FEDERAL RECOGNITION.—Federal recognition is hereby extended to the Tribe, and its members shall be eligible for all Federal services and benefits furnished to federally recognized tribes. Notwithstanding any provision to the contrary in any law establishing such services and benefits, eligibility of the Tribe and its members for such Federal services and benefits shall become effective upon passage of this Act without regard to the existence of a reservation for the Tribe or the residence of the members of the Tribe on a reservation for such members who reside in the following counties of Oregon: Coos, Lane, Lincoln, Douglas, and Curry.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subscription (c) of this section, all rights and privileges of the Tribe and of members of the Tribe under any Federal treaty, Executive order, agreement or statute, or under any other authority, which were diminished or lost

under the Act of August 13, 1954 (25 U.S.C. 691, et seq.), are hereby restored and the provisions of that Act are inapplicable to the Tribe and to members of the Tribe upon passage of this Act.

(c) Hunting, fishing, or trapping rights not granted or restored. This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to any member of the Tribe, nor shall any presumption be created by this Act as to the existence or nonexistence of such rights.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

MEMBERSHIP ROLLS

SEC. 4. (a) Opening; duty of interim council and tribal officials. The membership roll is declared open. The Interim Council and tribal officials under the Tribe's constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

(b) CRITERIA FOR ENROLLMENT.—

(1) Until a tribal constitution and bylaws are adopted, a person shall be a member of the Tribe and his name shall be placed on the membership roll if the individual is living and if—

(a) that individual's name was listed on the Tribe's Census Roll of 1940;

(b) that individual was entitled to be listed on the Tribe's Census Roll of January 1, 1940 but was not so listed. Any person placed on the membership roll must be listed on the January 1, 1940 Census Roll of the Grand Ronde-Siletz Indian Agency of nonreservation Indians as Coos, Lower Umpqua, or Siuslaw, be a descendant of public domain allotee of Western Oregon who was a member of one of these three tribes.

(c) that individual is a direct lineal descendant of an individual, living or dead, identified by subparagraphs (a) or (b); and

(d) that individual or the lineal ancestor through whom he qualifies for membership under subparagraph (c) has never been an enrolled member of, or qualified for the payment of any money for the taking of land or otherwise through, any other Indian tribe, either federally recognized or acknowledged or not federally recognized or acknowledged.

(2) Until a tribal constitution and bylaws are adopted, a person shall be eligible for membership if the individual is living and meets the criteria established in subsections (b)(1)(a), (b) and (c) of this section. Such individual may submit an application for enrollment to the Interim Council for consideration and decision and the Interim Council shall place on the roll the name of all individuals who submitted an application and are meeting the criteria established under subsection (b)(1)(a), (b) and (c) of this section: Provided, That the Interim Council may reject the application of any person who is found to be a member or who is claiming membership in another Indian tribe. Nothing in this Act shall bar unsuccessful applicants for enrollment before the Interim Council from submitting an application for enrollment to the Tribe after the adoption of a tribal constitution and bylaws.

(3) After the adoption of a tribal constitution and bylaws, those documents shall govern membership in the Tribe.

(c) VERIFICATION OF ELIGIBILITY FOR ENROLLMENT; APPEAL; FINALITY OF DETERMINATION; POSSESSION OF ENROLLMENT RECORDS AND MATERIALS.—

(1) Prior to any election pursuant to section 6 of this Act, the Interim Council shall verify by tribal resolution the eligibility for enrollment and age of each member listed on the Tribe's membership roll, which resolution shall be forwarded to the Secretary.

(2) With regard to the exclusion of any name from the tribal membership roll, any member may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(d) FRANCHISEMENT.—A member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in elections of members to the interim council and to other tribal councils.

INTERIM COUNCIL

SEC. 5. Until such time as a new tribal constitution and bylaws are adopted in accordance with section 6 of this Act, the Tribe shall be governed by an Interim Council, the membership of which shall consist of the members of the current council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Incorporated or such new members as may be elected in accordance with election procedures followed by the tribal corporate body prior to the enactment of this Act.

TRIBAL CONSTITUTION AND BYLAWS

SEC. 6. (a) ELECTION; TIME AND PROCEDURE.—Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held after such written request and within sixty days after the Secretary has published in appropriate local media a certification copy of the Tribe's membership roll.

(b) PREELECTION DISTRIBUTION OF PROPOSED CONSTITUTION AND BYLAWS AND BRIEF IMPARTIAL DESCRIPTION; CONSULTATION BY INTERIM COUNCIL WITH MEMBERS OF TRIBE.—The Interim Council shall draft and distribute to each member described in section 4(d) of this Act, no later than thirty days before the election under subsection (a) of this section, a copy of the proposed constitution and bylaws of the Tribe, as proposed by the Interim Council, along with a brief, impartial description of the constitution and bylaws. The members of the Interim Council may freely consult with members of the Tribe, outside legal counsel and other consultants concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) MAJORITY VOTE NECESSARY FOR ADOPTION OF CONSTITUTION AND BYLAWS.—In any election held pursuant to subsection (a) of this section, the vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws: Provided, That the total vote cast shall not be less than thirty percent of those entitled to vote.

(d) ELECTION OF TRIBAL OFFICIALS PROVIDED FOR IN CONSTITUTION AND BYLAWS; BALLOT REQUIREMENTS.—Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

RESERVATION

SEC. 7. (a) ESTABLISHMENT.—A reservation shall be established by this Act at no cost to the Federal Government.

(b) LEGAL DESCRIPTION.—So long as the lands are offered to the Federal Government free of purchase cost, the Secretary shall accept the following lands in trust for the tribe as a reservation:

(1) In Coos County, Oregon, a parcel containing 1.02 acres and described as parcel 3200 of section 106B of township 25 south, range 12 west, Willamette meridian.

(2) In Coos County, Oregon, a parcel described as lots 10–18, block 13, Empire Commercial tracts K73 2K 81, A. N. Foley Donation Land Claim Numbered 38, section 20 of township 25 south, range 13 west, Willamette meridian. The Secretary shall not accept this parcel into trust until ninety days after enactment of this Act. If before the end of the ninety day period, a person or entity other than the tribe files a lawsuit in a court of competent jurisdiction claiming an interest in such parcel or portion thereof, the Secretary shall not accept the parcel into trust until the final adjudication of this lawsuit. Nothing in this Act shall be construed to the prejudice of any parties to such lawsuit or be construed to prevent a court of competent jurisdiction from partitioning such parcel in the adjudication of such lawsuit. Notwithstanding any other provision of law, the United States District Court for the District of Oregon shall be deemed to have jurisdiction over any lawsuit filed to determine the rights to the above described parcel of land.

(3) In Curry County, Oregon, a parcel described as the southeast quarter of the southeast quarter of the southwest quarter of section 11 of township 32 south, range 15 west, Willamette meridian.

(c) The State of Oregon shall exercise criminal and civil jurisdiction over the reservation, and over the individuals on the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, respectively.

REGULATIONS

SEC. 8. The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Oregon [Mr. WEAVER] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to bring before this House today H.R. 5540, a bill which I introduced that provides for restoration of Federal recognition to the Confederated Tribes of the

Coos, Lower Umpqua, and Siuslaw Indians.

The Confederated Tribes have a rich and well-documented history in southwestern Oregon. When the first white settlers came to Oregon, they negotiated a treaty with these and 25 other tribes in the area. Although the tribes signed the treaty in good faith in 1855, it was never ratified by the Senate.

Despite being relocated several times in the mid-19th century, the Confederated Tribes remained a cohesive social and political entity in the Coos Bay, OR, area.

In 1954, the Federal Government sought to terminate the Confederated Tribes along with 60 other tribes in western Oregon. Although some of these tribes did go on record as supporting termination, the Confederated Tribes vigorously opposed this infamous policy. In spite of their clear and expressed opposition, however, the Confederated Tribes were terminated in 1954.

H.R. 5540 would, after 30 years, correct this injustice by restoring Federal recognition to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. Although unrecognized tribes do have available to them a process through the Department of the Interior by which they can receive acknowledgment as an Indian tribe by the United States, terminated tribes, such as the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, are barred by the 1954 Termination Act from participating in this process.

Restoration of Federal recognition would make the Confederated Tribes eligible to receive the full range of Federal benefits that are available to other Indian tribes. The tribe is not asking for hunting or fishing rights. They simply seek restoration of Federal recognition and the right to participate in all Federal Indian programs.

In addition, the bill would establish a reservation of approximately 10 acres by offering three small parcels to the Federal Government free of purchase cost to be held in trust for the tribe. These parcels were trust lands prior to termination in 1954. I would emphasize that there will be no costs whatsoever to the Federal, State, or local governments associated with establishment of this reservation.

Finally, H.R. 5540 is supported by individuals and organizations throughout Oregon. Governor Atiyeh has endorsed the bill, as has the State Commission on Indian Services, and other Oregon tribes.

Mr. Speaker, the Committee on Interior and Insular Affairs held a hearing on H.R. 5540 on June 4, 1984. Witnesses from the Department of the Interior and the tribe, as well as an Indian historian testified. On June 26, several amendments were adopted by the full Interior Committee and the bill was reported without objection.

The first of these amendments simply sets forth the type of civil and criminal jurisdiction that will be applicable on the 10 acres that are to be taken into trust.

The second amendments clarifies the enrollment criteria for the period between enactment of this act and formal adoption of the new tribal constitution and bylaws. The amendment is intend to avoid any problems associated with dual enrollment.

The third amendment provides that the Secretary not take one of the parcels into trust until 90 days after enactment of the act. The amendment was made necessary because the committee was made aware that another tribe was claiming an interest in the land. The amendment protects the interests of the Government and of the parties claiming a right to a portion of this parcel.

Finally, several minor amendments were adopted at the suggestion of the Department of the Interior regarding the census roll that would be used to identify eligible members, and adoption of the tribal constitution.

Mr. Speaker, in light of the broad base of support for this legislation, it is my hope that H.R. 5540 will be speedily enacted into law by the Congress.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5540. The purpose of the bill is to restore Federal recognition and eligibility for Federal Indian services to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians of Oregon.

The three tribes' relationship with the United States was terminated by Congress in 1954 by one of several acts that terminated more than 60 Oregon tribes. Congress initiated the termination policy intending to improve the lot of Indian tribes by removing them from the supervision by the Bureau of Indian Affairs. Rather than realize the anticipated socioeconomic benefits of this policy, however, the Coos, Umpquas, and Siuslaws, like other terminated Indians, experienced steadily deteriorating conditions.

In 1970, President Nixon acknowledged the failure of the termination policy and declared a new policy of self-determination without termination. Since then, Congress has enacted a series of tribal restoration bills, including three that restored most of the terminated Indians of Oregon. Because the Confederated Tribes were terminated by act of Congress, they are not eligible for consideration for recognition by the Interior Department's Federal acknowledgment process [FAP], and require legislation for restoration.

In addition to restoring Federal recognition and eligibility for Indian programs to the approximately 600 members of the Confederated Tribes, H.R. 5540 provides for the establishment of a formal membership roll, and interim council, establishment of a tribal constitution and election of a tribal government. The bill does not restore any hunting or fishing rights, nor would it affect any property or contractual rights or obligations, including those for taxes already levied. The bill does not authorize any new appropriation. The costs of making the members of these three tribes eligible for Federal, Indian program services will be borne by existing program authority and funding.

H.R. 5540 provides for the Secretary to take into trust three tracts of land that would constitute the tribes' reservation. One parcel consists of 6.1 acres, upon which is a meeting hall where tribal business has been conducted since 1937. This land is held in private trust and is untaxed. Another parcel, which is undeveloped, consists of 1.02 acres in Coos County that is an historic fishing site. The third parcel is a 3-acre cemetery in Curry County that is also untaxed. Civil and criminal jurisdiction over these lands will remain with the State of region.

The committee held a hearing on H.R. 5540 on June 4, 1984, at which tribal witnesses and an historian expert in the history of western Oregon Indian tribes testified in strong support of the bill.

Interior Department witnesses testifying for the administration recommended deferral of action on grounds that there was conflicting information as to whether the tribes met Department criteria for Federal recognition. However, the committee is confident that the testimony and supporting documentation supplied at the hearing addresses the concerns expressed. Accordingly, we do not expect the administration to object to enactment of H.R. 5540.

Mr. Speaker, the American Indian Policy Review Commission, on which I served, documented the extensive adverse impacts of the termination policy on the tribes that were singled out to test it. Since 1970, successive administrations and Congresses have acted to mitigate the impacts of this failed policy by restoring terminated tribes their legal status as federally recognized tribes and with it a measure of pride and dignity as Indians. That is what H.R. 5540 would do, and I would urge my colleagues to support this effort.

Mr. Speaker, I yield back the balance of my time.

Mr. WEAVER. Mr. Speaker, thanking the gentleman from Alaska for his good work, let me say that I appreciate the work and cooperation of the

minority on this and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. WEAVER] that the House suspend the rules and pass the bill, H.R. 5540, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNITION OF CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1199) to recognize the organization known as the Catholic War Veterans of the United States of America, Inc., as amended.

The Clerk read as follows:

H.R. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Catholic War Veterans of the United States of America, Incorporated, organized and incorporated as a non-profit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

POWERS

SEC. 2. The Catholic War Veterans of the United States of America, Incorporated (hereinafter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) preserve, protect, and defend the Constitution of the United States and the laws of the several States;

(b) commemorate the wars, campaigns, and military actions of the United States in order to reflect profound respect, high honor, and great tribute on the glorious dead and the surviving veterans of those wars, campaigns, and actions and to give all Americans a greater understanding of and appreciation for the sacrifices of those who participated in them on behalf of all Americans;

(c) stimulate to the highest degree possible the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(d) cooperate to the fullest extent and in a harmonious manner with all veterans' organizations in common projects designed to serve the interests of all veterans of all wars in which the United States of America has participated;

(e) collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to the wars, campaigns, and military actions of the United States of America;

(f) inculcate an enduring love of country, a deep and abiding sense of patriotism, and a profound commitment to Americanism among all the people of the United States;

(g) encourage, among the youth of our Nation, respect for our national flag, anthem, and for the traditions of America;

(h) preserve the freedoms of all of the people, national peace, prosperity, tranquility, good will, the permanence of free institutions, and the defense of the United States;

(i) foster the association of veterans of the Catholic faith who have served in the Armed Forces of the United States;

(j) encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life;

(k) promote the realization that the family is the basic unit of society;

(l) increase our love, honor, service to God, and to our fellow man without regard to race, creed, color, or national origin; and

(m) function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws and constitution of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) Catholic War Veterans of the United States of America.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Catholic War Veterans of the United States of America, Inc., was founded on May 12, 1935, and was incorporated on July 19, 1935, in the State of New York as a nonprofit, nonpolitical Catholic war veterans organization of honorably discharged veterans. On July 25, 1940, the organization was recognized by the Veterans' Administration. The organization maintains its national headquarters in Washington, DC. Its purposes, as stated in its articles of incorporation, are to preserve, protect and defend the Constitution of the United States and the laws of the several States; to aid and assist veterans and their families; and to cooperate to the fullest extent and in a harmonious manner with all veterans organizations, in common projects designed to serve the interests of all veterans of all wars.

Its constitution further defines the guiding principles of the organization stating that they are to promote zeal and devotion to God: To promote a greater love, honor and service to our country—through a more vivid understanding of the Constitution of the United States—and through the active participation in the promotion of its ideals of life, liberty and the pursuit of happiness. To promote the realization that the family is the basic unit of society. To aid in the development of an enlightened, patriotic American youth. These objectives are encouraged without regard to race, creed or color.

The purpose of this legislation is merely to recognize an existing State-chartered organization. It does not expand any corporate rights or relieve any corporate responsibilities established by the State of New York charter. Moreover, this legislation specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the legislation prohibits certain corporate acts and prohibits the loan or transfer of corporate assets to officers, members, or other persons—except for expenses—or the issuance of stock or the payment of dividends. The legislation further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The legislation requires the corporation to keep certain records, to perform an annual audit, and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this legislation, or if the corporation fails to maintain tax-exempt status, the Federal charter granted by this legislation will expire automatically as a matter of law.

The Catholic War Veterans of the United States of America, Inc., is national in scope and its membership covers 21 States and the District of Columbia and totals 23,019 members. Its ladies auxiliary has a membership of 8,286 and this national membership includes 25 chapters and 325 posts, for an overall membership total of 31,305 members.

The Catholic War Veterans of the United States of America, Inc., functions solely for charitable, patriotic, and civic purposes—dedicated to providing services to the welfare of veterans, their wives, widows, and children, the youth of our Nation, senior citizens and the community. It has been a tax-exempt organization since March 5, 1945, and presently functions as a tax exempt organization under section 501(c)(4) under the IRS Code.

The testimony at the subcommittee hearing on the bill established that for almost 50 years the organization has been dedicated to working for the welfare of our hospitalized veterans, all across the country. The Catholic War Veterans of the United States of America, Inc., has rendered outstanding work in our Nation's Veterans' Administration medical centers and is presently rendering service in 65 Veterans' Administration medical centers and the 18 State veterans homes.

The committee favorably considered this bill on Wednesday, August 1, 1984, and recommends its enactment.

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Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey, the Honorable JOE MINISH, who is the author of this bill and who has done an outstanding bit of work in working with the subcommittee and with the Congress in seeing to it that this bill has reached the place where it is now.

Mr. MINISH. I want to thank the distinguished subcommittee chairman for the work he has done in subcommittee in bringing this bill to the floor for a vote, and also the minority Member of the committee, the gentleman from Ohio [Mr. KINDNESS].

Mr. Speaker, I rise in support of H.R. 1199. I am both pleased and proud that this measure is coming before the House for a vote. This bill, which I introduced in February 1983, gives recognition to the organization known as the Catholic War Veterans of the United States, by granting it a Federal charter.

Since its founding in 1935, the organization has served as a protector and promoter of human rights, freedom and patriotism. For almost 50 years, this veterans group has consistently served and shown its unselfish dedication to each and every hospitalized veteran in our Nation. It has been recognized by the Veterans' Administration for outstanding services rendered to hospitals everywhere. Under the VA's voluntary service program, the Catholic War Veterans' volunteers, in 1983, served 65 medical centers with nearly 2,000 volunteers, 60,000 hours of time and $111,000 in donations. Additionally, under the national welfare officers program, members donated to old age homes, private nursing homes and others, 26,000 hours by 20,000 volunteers to help 32,000 veterans while donating $148,000.

To the extent of this group's resources, it has participated in most of the veterans programs at the national level. It is a member of the President's Committee on Employment of the Handicapped, a matter of deep concern for this organization.

The group is national in scope. Membership covers 21 States and the District of Columbia. With its auxiliary membership the total is over 31,000 members.

In deciding the question of whether or not we should grant a Federal charter, we need to look at two things. The objectives of the organization and the record of performance.

As stated in their constitution, "the objectives and purpose of this organization is to promote zeal and devotion for God, for country and for home." Surely we can approve of these objectives.

The record of performance is outstanding. As has been noted, its service to veterans and the families of veterans has been unyielding. Surely we can approve of this record.

The dedicated service of the Catholic War Veterans should be duly recognized. Granting a Federal charter will give that recognition. I urge support for this measure.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to add my support to H.R. 1199, a bill which would grant a Federal charter to the Catholic War Veterans of the United States.

I think whenever we look at these charter bills, of course, we have to remember that we are coming to a point somewhere along the way where we are going to have to modify this practice. We are either going to have to get to a position where we can appropriately administer Federal charters or we are going to have to stop adding to the numbers of them.

In this case, though, we are talking about an organization that has been in existence for 50 years, has been serving veterans and has been serving the public interests for 50 years. I think, as has been very ably pointed out by the gentleman from Texas, the chair-

man of the subcommittee, the Catholic War Veterans organization has been of great service to our Nation's veterans.

There is one aspect of the granting of Federal charters the subcommittee has used as a guideline which has not been dealt with specifically up to this point and perhaps can be cleared up further before the measure is completely finished in the legislative process, and that is, it is ordinarily provided these days by guidelines of the subcommittee that membership in a corporation and the rights and privileges of members should be afforded on a completely nondiscriminatory basis. It is included in the purposes of this organization, however, that they would increase "our love, honor, service to God and to our fellowman without regard to race, creed, color or national origin." I think we were informed at the time of hearings that there would be no objection to whatever wording might be appropriate in the bylaws or constitution of the organization to clarify the point about membership on a nondiscriminatory basis. I think that is entirely appropriate because of the practice that has been established in Federal charters of assuring that membership would not be limited on a discriminatory basis. That, however, Mr. Speaker, should have, in my opinion, no bearing on the ability to move ahead with H.R. 1199 today, and I would strongly urge its approval.

I have no requests for time, Mr. Speaker, and I yield back the balance of my time if the gentleman from Texas has concluded his presentation.

Mr. SAM B. HALL, JR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. ADDABBO. Mr. Speaker, H.R. 1199 needs the fullest support of my friends and colleagues in this House. It is legislation designed to extend a Federal charter to the Catholic War Veterans of the United States of America.

All of us in this House know that the end of a conflict is not the end of turmoil for the soldiers and countrymen and families that are attached to these men. For them, once the battle has ended often the difficulties begin when they must face reality without their loved ones, or with the scars of battle attached.

The Catholic War Veterans is an organization that has been around since 1935 with the intent to help veterans and their families, widows and orphans resume the best possible lives they can be afforded. Because they too have sacrificed as a result of their attachment to the service of this country.

In peacetime this organization plays an important role in integrating veterans into their communities and assisting families wherever necessary. In my home State and city of New York, the Catholic War Veterans charitable role is enormous. I am not only proud to affiliate myself with their cause, I fully encourage my colleagues to vote for this legislation which recognizes the commitment this organization has made to American veterans everywhere.●

● Mr. GILMAN. Mr. Speaker, it is with a great deal of pleasure that I rise in support of H.R. 1199, legislation that recognizes the Catholic War Veterans of the United States of America, Inc., and grants this fine organization a Federal charter. Legislation such as this gives Congress the opportunity to review and acknowledge the history and fine service of organizations that benefit both society as a whole and the veterans that served this country so that peace and freedom will endure for our future generations.

The Catholic War Veterans was founded in 1935 and was recognized by the Veterans' Administration in 1940. It is a nonprofit corporation under the laws of New York State and provides various services to our veterans, their families, and many others through numerous programs that instill pride in our country and promotes wholesome American values that built, maintain, and perpetuate our country.

The organization is nondiscriminatory and adheres to the principles of a deep love of God and concern for mankind. Over the decades, the organization has grown dramatically and now maintains a membership of 50,000 strong in 21 States plus the District of Columbia. They conduct charitable programs for the welfare and rehabilitation of veterans and their families in such areas as employment services and counseling. They also serve 65 Veterans' Administration hospitals and 18 veterans homes. Additionally, the organization conducts various activities that commemorate wars, campaigns, and military actions, stimulate interest in the problems of veterans and their families and encourage respect for our national flag and anthem. Their aims include upholding the traditions of America, preserving the freedom of all people, the fostering of national peace, prosperity, tranquility, good will and the defense of the United States. Also among their goals is the promotion of the realization that the family is the basic unit of society.

The Catholic War Veterans of the United States of America performs a multitude of services for both veterans and other members of society. It is therefore appropriate that we grant a Federal charter to this organization in recognition of their outstanding performance through the years. Whether it be giving advice to a veteran in need or providing a service to a sector of society that expresses an interest, the Catholic War Veterans give of themselves so that our society and country will prosper and grow.

This legislation requires that the organization adhere to all the rules and regulations for federally chartered corporations; failure to do so will result in the expiration of the charter. The committee having reported that this organization meets Federal charter criteria, I urge my colleagues to support H.R. 1199. It is important that we acknowledge the efforts of the Catholic War Veterans and encourage their continued service to our veterans and society so that many others may benefit from their diligent work.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, Jr.] that the House suspend the rules and pass the bill, H.R. 1199, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1145) to recognize the organization known as the Catholic War Veterans of the United States of America, Inc., and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The Catholic War Veterans of the United States of America, Incorporated, organized and incorporated under the laws of the State of New York, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The Catholic War Veterans of the United States of America, Incorporated, (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State of States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(a) preserve, protect, and defend the Constitution of the United States and the laws of the several States;

(b) commemorate the wars, campaigns, and military actions of the United States in order to reflect profound respect, high honor, and great tribute on the glorious dead and the surviving veterans of those wars, campaigns, and actions and to give all

Americans a greater understanding of and appreciation for the sacrifices of those who participated in them on behalf of all Americans;

(c) stimulate to the highest degree possible the interest of the entire Nation in the problems of veterans, their widows, and orphans;

(d) cooperate to the fullest extent and in a harmonious manner with all veterans' organizations in common projects designed to serve the interests of all veterans of all wars in which the United States of America has participated;

(e) collate, preserve, and encourage the study of historical episodes, chronicles, mementos, and events pertaining to the wars, campaigns, and military actions of the United States of America;

(f) inculcate an enduring love of country, a deep and abiding sense of patriotism, and a profound commitment to Americanism among all the people of the United States;

(g) encourage, among the youth of our Nation, respect for our national flag, anthem, and for the traditions of America;

(h) preserve the freedoms of all of the people, national peace, prosperity, tranquility, good will, the permanence of free institutions, and the defense of the United States;

(i) foster the association of veterans of the Catholic faith who have served in the Armed Forces of the United States;

(j) encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life;

(k) promote the realization that the family is the basic unit of society;

(l) increase our love, honor, service to God, and to our fellow man without regard to race, creed, color, or national origin; and

(m) function as a veterans' and patriotic organization as authorized by the laws of the State or States where it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) Catholic War Veterans of the United States of America, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1199) was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECOGNITION OF THE JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA, INC.

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3775) to recognize the organization known as the Jewish War Veterans of the United States of America, Inc., as amended.

The Clerk read as follows:

H.R. 3775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Jewish War Veterans of the United States of America, Incorporated, organized and incorporated as a nonprofit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

POWERS

SEC. 2. The Jewish War Veterans of the United States of America, Incorporated (hereinafter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed on the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(1) maintain true allegiance to the United States of America;

(2) foster and perpetuate true Americanism;

(3) combat whatever tends to impair the efficiency and permanency of our free institutions;

(4) uphold the fair name of the Jew and fight his battles wherever unjustly assailed;

(5) encourage the doctrine of universal liberty, equal rights and full justice to all men;

(6) combat the powers of bigotry and darkness wherever originating and whatever the target;

(7) preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(8) cooperate with and support existing educational institutions and establish educational institutions, and foster the education of ex-servicemen and ex-servicewomen and members of the corporation in the ideals and principles of Americanism;

(9) instill love of country and flag and to promote sound minds and bodies in members of the corporation and their youth; and

(10) preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and to honor their memory and shield from neglect the graves of our heroic dead.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws and constitution of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law," approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(62) Jewish War Veterans of the United States of America.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

□ 1430

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill H.R. 3775 will grant Federal recognition to the Jewish War Veterans of the United States of America, Inc.

The organization was originally organized on March 15, 1897, when 78 Jewish Veterans of the Union Army gathered together and formed themselves into an organization they then called the Hebrew Union Veterans, the original name of the Jewish War Veterans of the USA. The Hebrew Union Veterans pledged to maintain their true allegiance to the United States of America; to combat the powers of bigotry wherever originating and whatever their target; and to assist such comrades and their families as might stand in need of help. Another parent organization was organized after the Spanish-American War. The veterans of that war formed an organization originally called the Junior Hebrew War Veterans, subsequently renamed the Hebrew Veterans of the War with Spain. As World War I approached, these two groups merged. This proud record of service continued through the Korean war, the Vietnam war, and other recent conflicts around the world. Increasing in numbers after World War I, the veterans organization changed its name to the Jewish War Veterans of the Wars of the Republic on September 23, 1924, and was incorporated as a not-for-profit corporation in the State of New York, on September 26, 1924. On December 2, 1925, the organization was officially recognized by the Veterans Administration as a veterans service organization. On April 20, 1929, the name was officially changed to the Jewish War Veterans of the United States of America. It is a section 501(c)(4) tax-exempt organization under IRS rulings.

The purpose of this legislation is merely to recognize an existing State-chartered organization. It does not expand any corporate rights or relieve any corporate responsibilities established by the State of New York charter. Moreover, this legislation specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the legislation prohibits certain corporate acts and establishes certain requirements for the corporation. The legislation prohibits the loan of transfer of corporate assets to officers, members, or other persons, except for expenses, or the issuance of stock or the payment of dividends. The legislation further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The legislation requires the corporation to keep certain records, to perform an annual audit, and to report to Congress annually. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this legislation, or if the corporation fails to maintain its tax-exempt status, the Federal charter granted by this legislation will expire automatically as a matter of law.

The Committee on the Judiciary favorably considered this bill on August 1, 1984, and recommends its enactment.

I urge my colleagues to support this bill to recognize the longstanding serv-

ice of the Jewish War Veterans of the United States of America, inc.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3775, a bill to grant a Federal Charter to the Jewish War Veterans of the United States. Again, of course, I think it is necessary for us to remember that we do not have the facilities, the administrative capability, the personnel, or the means with which to assure compliance with any of the terms of the charter provisions of these or other federally chartered organizations. The number is growing larger and larger.

The Federal charter affords to an organization a certain amount of additional credibility, recognition, what have you. I think it is undeniable that it tends to help organizations to more readily attract membership and perhaps raise funds for that matter, even though no representation is made about any particular relationship to the Federal Government or any particular references made to the granting of the Federal charter or what it means.

Despite that, Mr. Speaker, I do feel that this organization is an organization which is worthy of a Federal charter. It has served for a long time; many, many years as has been pointed out by the chairman of the subcommittee, the gentleman from Texas [Mr. HALL] in support of the purposes set forth in its charter, and it is indeed an older organization than the one with which we have just dealt, the Catholic War Veterans group.

It was incorporated in September 1924 in the State of New York, but long before that had its origins arising out of the Civil War. Here again, Mr. Speaker, regrettably, we do not have the clarification of the point about membership, which I mention in relation to the previous bill where it has been the practice of the subcommittee in recent years to require that the charter provisions contain an indication that membership would be on a nondiscriminatory basis.

This bill provides, as does the previous one, that eligibility for membership in the corporation and the rights and privileges of membership shall, except as provided in this act, be as provided in the bylaws and the constitution of the corporation. Well, of course, as we can readily see, that affords them ample opportunity for the bylaws or constitution of the organization to provide for membership on a nondiscriminatory basis.

I would hope that before the process is completed in the case of both of these bills, and both of these organizations, that that nondiscriminatory membership would be clarified in the documentation of these organizations. It does not necessarily have to be in the legislation. I would think, however, that the principle that the subcommittee has adhered to in the past should be adhered to in these two cases and in future cases if a Federal charter is to be granted.

With that, Mr. Speaker, having no requests for time, if the gentleman from Texas has completed his speakers, I would yield back the balance of my time.

Mr. SAM B. HALL, JR. Mr. Speaker, I want to take this time to thank the distinguished gentleman from Ohio [Mr. KINDNESS] for this untiring work in not only the bill that we have before us at this time, but the preceding bill also. He has worked diligently with the subcommittee, and I appreciate him very much as a member of this subcommittee and as a person in his own right. I thank him very much for his help.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. ADDABBO. Mr. Speaker, I am proud to rise in support of H.R. 3775, legislation to grant a Federal charter to the Jewish War Veterans of the United States of America.

Since 1896, the Jewish War Veterans have assumed the tremendous responsibility of assisting veterans and families, widows, and orphans to resume normal lives after America has been engaged at war. This organization plays an enormous role in my home State and city of New York.

Jewish men and women have served our country as proud Americans. Members of the Jewish War Veterans Association should be regarded with the highest degree of respect, because these veterans not only gave of themselves during conflicts, but continue to assist and help their fellow man adjust to life after the conflict has ended.

We all know that wartime casualties inflict terrible pain and hardship on the remaining survivors. For this reason, when we see an organization so devoted to good will and community needs, we must do everything within our power to help this organization. This legislation today, will officially recognize the achievements of the Jewish War Veterans and for this reason I ask my colleagues for their fullest support.●

● Mr. GILMAN. Mr. Speaker, I rise to add my support to an important piece of legislation before this House today. H.R. 3775 recognizes the Jewish War Veterans of the United States of American, Inc., and confers upon that distinguished organization a Federal charter. This action allows Congress to acknowledge and praise the efforts of the Jewish War Veterans and similar organizations, such as the one previously dealt with, and illustrates continued support and encouragement for their endeavors.

The Jewish War Veterans were founded in 1896 to refute claims that Jewish-Americans had not fought in the Civil War. Since its inception, the organization has enjoyed continued growth and activity and is proud of its 150,000 members and 500 local groups nationwide. Additionally, the Jewish War Veterans was incorporated in New York State as a nonprofit organization in 1924 and was recognized by the Veterans' Administration in 1925.

Through its many services the Jewish War Veterans maintains 11 veterans services offices across the Nation to aid all veterans and places volunteers in Veterans' Administration hospitals. It also prides itself as being the first veterans organization to provide volunteer services for the Vietnam Veterans Outreach Program.

In addition to its services, the organization seeks to promote the wholesome values that built and maintain our country so that many future generations will benefit from the principles and actions of democracy exhibited by the United States. It seeks to foster true allegiance to the United States, combat bigotry and prevent defamation of Jews, encourage the doctrine of universal liberty, equal rights and full justice for all, cooperate with and support existing educational institutions, and establish new ones and foster the education of ex-servicemen, ex-servicewomen, and members in the ideals and principles of Americanism.

Thousands of Jewish-Americans have fought for our Nation in the past and it is our hope that they will continue their fine service. It is also our hope that the Jewish War Veterans will continue their service to our many veterans and their families through their various programs and services. It is of crucial importance that these veterans are cared for and assisted after the horrors of military action because, as everyone should know, these horrors do not end with the termination of gunfire and shelling. They may and do continue for many years afterward manifested in medical or psychological problems or similar impairments.

Through the passage of this legislation which requires the Jewish War Veterans to adhere to all the rules and regulations for federally chartered corporations, Congress will acknowledge the efforts of this organization and similar ones so that their continued services will endure and future generations will reap their benefits. Accordingly, I urge my colleagues to join me in passage of this measure.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, JR.] that the House suspend the rules and pass the bill, H.R. 3775, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1806) to recognize the organization known as the Jewish War Veterans of the United States of America, Inc., and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Jewish War Veterans of the United States of America, Incorporated, organized and incorporated as a non-profit entity under the laws of the State of New York, is hereby recognized as such and is granted a Federal charter.

(b) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of New York.

POWERS

SEC. 2. The Jewish War Veterans of the United States of America, Incorporated (hereinafter referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include a continuing commitment, on a national basis, to—

(1) maintain true allegiance to the United States of America;

(2) foster and perpetuate true Americanism;

(3) combat whatever tends to impair the efficiency and permanency of our free institutions;

(4) uphold the fair name of the Jew and fight his battles wherever unjustly assailed;

(5) encourage the doctrine of universal liberty, equal rights and full justice to all men;

(6) combat the powers of bigotry and darkness wherever originating and whatever the target;

(7) preserve the spirit of comradeship by mutual helpfulness to comrades and their families;

(8) cooperate with and support existing educational institutions and establish educational institutions, and foster the education of ex-servicemen and ex-servicewomen and members of the corporation in the ideals and principles of Americanism;

(9) instill love of country and flag and to promote sound minds and bodies in members of the corporation and their youth; and

(10) preserve the memories and records of patriotic service performed by the men and women of the Jewish faith and to honor their memory and shield from neglect the graves of our heroic dead.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the bylaws and constitution of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office and record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OR FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(63) Jewish War Veterans of the United States of America.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted hereby shall expire.

MOTION OFFERED BY MR. SAM B. HALL, JR.

Mr. SAM B. HALL, JR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SAM B. HALL, JR. moves to strike out all after the enacting clause of the Senate bill, S. 1806 and to insert in lieu thereof the provisions contained in H.R. 3775, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to recognize an organization known as the Jewish War Veterans of the United States of America, Incorporated."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3775) was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1440

LOCAL GOVERNMENT ANTITRUST ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6027) to clarify the application of the Federal antitrust laws

to the official conduct of local governments, as amended.

The Clerk read as follows:

H.R. 6027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Local Government Antitrust Act of 1984".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "local government" means a city, county, parish, town, township, village, school district, sanitary district, or any other general or special purpose political subdivision of one or more States,

(2) the term "official conduct of a local government" means any action or inaction of a local government, or its officials, employees, or agents, that such local government, officials, employees, or agents could reasonably have construed to be within the legislative, regulatory, executive, administrative, or judicial authority of such local government.

(3) the term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), and

(4) the term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).

LIMITATION ON MONETARY RELIEF

SEC. 3. (a) Neither the United States nor any person or State may recover monetary relief for any claim under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, 15c) if—

(1) the claim is against a local government, or its officials, employees, or agents, and results from official conduct of a local government, or

(2) the claim is against a person and results from conduct expressly required by a local government.

(b) Subsection (a) shall not apply to and shall not be construed to affect the cost of suit, including a reasonable attorney's fee, with respect to any claim under the Clayton Act filed before July 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation addresses an immediate concern of local governments throughout this country. That is a concern that the decisions of governance, made by thousands of local officials on a daily basis, are being undercut by the of private antitrust suits.

Our first antitrust law was enacted in 1890 without any record discussion of whether it should be applied to the conduct of State or local governments. During the first 50 years of antitrust enforcement, there were few, if any, antitrust cases that involved the conduct of local governments. There was, in short, no reason for Congress to address this issue.

All of this has changed with the gradual expansion of activities by local governments, the expansion of "litigatory" fever, and in the last few years, with decisions of the Supreme Court that have declined to extend the antitrust immunity for States, known as the "State action" doctrine, to conduct of local governments. In both the City of Lafayette case in 1978 and the City of Boulder case in 1982, the Court declined to apply State action immunity to the challenged conduct.

The committee record documents a rapid increase in the number of antitrust claims brought against local governments in recent years. Most of these claims are brought by private persons, seeking treble damage recoveries under section 4 of the Clayton Act. In one case now on appeal, a county and township of Illinois are the subject of a $28.5 million verdict that threatens these governments with financial ruin, or their taxpayers, as the case may be.

The adverse effects of antitrust litigation, of course, go beyond such substantial verdicts. Most of the antitrust suits filed against cities have been, and probably would continue to be, unsuccessful on the merits. But the high cost of litigation, alone, can force a municipality into an undesired settlement. And the mere threat of an antitrust suit can divert elected officials from a course of action they believe would best serve the public interest.

The Committee on the Judiciary also heard testimony from those who cautioned against overreaction. Although few witnesses defended the principle of treble or punitive damages assessed against local governments a number of experts expressed concern that local governments not be invited to circumvent or undercut the national policy favoring competition, particularly when the government's action served no legitimate governmental function. This concern is particularly strong when actions of nongovernmental parties are in question. Many of the Supreme Court cases interpreting the "State action" doctrine involved attempts by private groups to cloak their anticompetitive conduct with State action immunity.

H.R. 6027 was crafted with any eye to balancing these occasionally conflicting concerns. It will eliminate damage suits under section 4, section 4A, and section 4C of the Clayton Act brought against local governments or their officials and claiming injury based on "official conduct" of a local government. It extends the same protection to third parties, but only if the challenged conduct is "expressly required" by a local government.

H.R. 6027 does not cut off an injured party's right to seek an injunction under section 16 of the Clayton Act, nor his right to obtain a reasonable attorney's fee should he establish an antitrust violation. The bill also does not affect federal enforcement actions taken by the Department of Justice or the Federal Trade Commission.

Finally, H.R. 6027 does not affect in any way the Supreme Court's application of State action immunity to the States or their agencies. Indeed, the substantive antitrust laws applicable to local governments will remain the same, except to the extent damage actions under the Clayton Act are eliminated.

The Senate Judiciary Committee has approved a proposal very similar to H.R. 6027, so the prospects for enactment of legislation this session are good. This legislation is needed. We must act now to free our local government officials of the burden of antitrust damage suits so that they may govern in the public interest.

The Senate Judiciary Committee has approved a proposal very similar to H.R. 6027, so the prospects for enactment of the legislation this session are good. This legislation is needed. We must act now to free our local government officials of the burden of antitrust damage suits so that they may govern in the public interest.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to direct some questions to the manager of the bill, if he would be kind enough to reply.

Mr. SEIBERLING. Certainly.

Mr. ERLENBORN. Let me verify the timetable as to how this bill was introduced and considered by the committee and how it gets to the floor today, and let me first say that I do not serve on the committee. I happen to be a Representative from the State of Illinois. I do not represent either the plaintiff in the lawsuit, the judgment the gentleman referred to, nor do I represent the community against which the verdict was rendered, but the gentleman, Mr. William Alter, happens to be an acquaintance.

As I understand, if the gentleman would be kind enough to answer, the bill as introduced, and I have learned this only this morning, or early this afternoon, would have reduced damages for suits filed prior to July 1, 1984, to single damages rather than treble damages, plus interest and rea-

sonable attorneys' fees and court costs.

Is that correct?

Mr. SEIBERLING. If the gentleman will yield, there were several bills introduced, six altogether, and that is correct. Some of the bills would have accomplished that purpose.

Mr. ERLENBORN. I am looking at H.R. 6027, the bill that was scheduled today. The copy of the bill as I find it on the floor for the consideration of the Members today is in that form, where single damages were allowed.

Mr. SEIBERLING. That is correct. That was the original bill.

Mr. ERLENBORN. As I understand it, the bill that the gentleman has moved is this bill, with an amendment that would change that retroactive features, and instead of reducing damages to single damages would remove the right of one to collect damages, even in a suit that had gone to verdict.

Mr. SEIBERLING. If the gentleman will yield further, the gentleman from Illinois [Mr. HYDE] offered a bill substantially identical to the one now before us in the subcommittee. The subcommittee rejected that approach and went ahead with the bill as described by the gentleman from Illinois [Mr. ERLENBORN]. However, the Committee on the Judiciary, when the full committee met, reversed the subcommittee and approved the amendment offered by Mr. HYDE, which is the bill now before us.

Mr. ERLENBORN. Again, I have been given to understand that the bill, H.R. 6027, has not actually been reported by the Committee on the Judiciary and we have, instead, the bill, although the committee has taken action and not reported it, the bill in its initial form, and included in the motion to suspend the rules is a request for the adoption of an amendment that would equate to the action that the committee took last week.

□ 1450

Mr. SEIBERLING. Yes. Mr. Speaker, if the gentleman will yield, the committee ordered the bill reported in the form in which it has been offered before us today.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman.

Let me just make this observation, Mr. Speaker: It has been difficult for this Member, one who took an interest in this problem, to find out the actual condition of this bill. We have before us an unreported bill and a motion to pass that bill with an amendment. That amendment makes a very substantial change in that it would make the bill retroactive in its effect of removing the right to collect damages from a city or city officials under the antitrust act.

Now, with the bill in this form coming before this House, I find it incredible to believe that any of the Members who will be asked to vote on this bill really had an opportunity to know the condition of the bill under the motion offered by the gentleman with this substantial amendment when no notice really has been given. We see H.R. 6027 listed under suspension, and then the motion is to amend it and substantially change its effect.

I do not know the equities. I can understand the problems associated with the extension of antitrust liability to cities and to city officials. I personally believe that there may be some circumstances where they might have engaged in actions intending to hurt someone and they could hide behind this immunity. I do not know if that is true.

It may also be that if we do not adopt some legislation in the future, they may not be able to hide behind immunity or to live behind immunity and they do need this sort of relief. What I do believe is that it is somewhat unfair to the party involved here, this gentleman to whom I refer, William Alter, who last week had a verdict of the court after a lot of time and expense of $28.5 million, and if the legislation is adopted in the form of the motion offered by the gentleman, with the amendment to make it retroactive, his judgment would be wiped out.

Mr. Speaker, I hope the Members would not adopt the bill under those circumstances, and I will look for a recorded vote on its passage.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, a plaintiff with a valid action could still recover his expenses and his attorney fees even though he could not recover the damages against the municipality as this bill is written. So that much of his expenses is not affected by this legislation.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for that observation.

Let me say that the bill in its initial form reduced below $10 million the amount of his recovery because it changed it from treble damages to initial damages, and that seemed to be fairly harsh in its initial form. Now the bill, with the amendment, will wipe out his right to recover except fees. His damages will be wiped out entirely.

Under this procedure, with an unreported bill and an amendment that makes a substantial change, I do not think it is fair to do that. I think we ought to slow this process down.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. If I have any time left, I will be happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the plaintiff in question was awarded the same amount of single damages under the civil rights law as he was under the antitrust laws, so he can still proceed to collect on that claim if he is upheld through the appellate procedure.

Mr. ERLENBORN. Mr. Speaker, I do not know anything about that. I just think that this bill coming up under these circumstances is moving a bit too fast for Members really to know what it is they are being asked to do.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from time to time we are told that a particular action should be taken by the Congress because it is in the best interest of good government to do so. In my opinion, this is such a bill.

H.R. 6027 lowers the window of antitrust vulnerability which has been wide open for municipalities since the Supreme Court decisions in city of Lafayette, Mid-Cal, and Boulder. Those cases ended the assumption that the State action doctrine enunciated in 1943 in Parker against Brown, a case which arose in my own State of California, extended to local government. Litigants have come pouring into the courts to take advantage of this new state of affairs. At the latest count, over 300 cases are pending against local units of government. These serve to jeopardize the traditional exercise of municipal authority in many, many areas in which public policy necessarily has an impact on private interests.

It became clear in our hearings in the Monopolies Subcommittee that in order to ensure the proper functioning of local government in the wake of the Boulder decision we must provide antitrust protection for official conduct which takes place every day at the local government level—the granting of licenses and franchises, the zoning decisions and similar activities. Official conduct is that which local officials could reasonably have construed to be within their legislative, regulatory, executive, administrative, or judicial authority. It would not include price fixing or other activity clearly inconsistent with the governmental function.

The process of hearings and markup in our committee has extended far back in this Congress, but we have ultimately developed a sound bill and one which has much in common with the approach taken in the other body. Neither the House nor the Senate bill makes any substantive change in the antitrust laws. Both of them take what has been called a remedies approach. Both provide local government with immunity from damages. And both preserve the injunctive

remedy. There are a few differences which will have to be worked out, but they are hardly insurmountable.

Mr. Speaker, we make many, many demands on our local governments. They must be able to respond to these demands fully, fairly, and without fear of totally unmerited antitrust liability. In the view of many persons, H.R. 6027 is not only a good government bill, it is a save government bill. It should be enacted into law.

Mr. Speaker, in view of the conversations that have gone on before, I want to point out that this bill is exactly the same bill that was reported out of the full Judiciary Committee. Although there has not been time for a committee report, this is the same bill we reported out of committee. The Hyde amendment that was adopted in the full committee is not a new amendment. It is also one that was considered at length in the subcommittee, and any Member who was following the legislation would be fully informed about the contents of this bill.

Mr. SEIBERLING. Mr. Speaker, I yield myself such additional time as I may consume.

The gentleman from Illinois [Mr. ERLENBORN] raised some important questions, and I think they deserve to be addressed.

The Supreme Court by a couple of strokes of the pen changed what everybody had thought for 50 years was the law with respect to the antitrust status of local governments. How on Earth are we going to get citizens to serve on local zoning boards, local planning commissions, and local city and village councils if they are going to be threatened with the possibility of treble damage actions every time they make a decision that affects someone's economic rights?

Every time a zoning case is decided and it is decided that someone can or cannot get a zoning variance, or every time a zoning plan is adopted by a community, someone's trade is affected. I submit that if this line of cases that the Supreme Court has decided—it is actually only two cases—should stand, local zoning and planning and land use planning is going to be at an end.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I am happy to yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, let me just say to the gentleman that I can see a great deal of force behind the gentleman's argument, and it is not to that basic purpose of the bill that I address my comments, as the gentleman knows, but, rather, to the retroactive feature of the bill.

Let me reiterate that from what we have heard so far, the retroactive amendment was rejected by the subcommittee, and it was, I am advised, adopted by the full committee by a fairly close vote of 17 to 14. That action was taken, I believe, last Thursday. We were not in session on Friday, and here on Monday we find the bill with a controversial amendment up under suspension.

It is that procedure, rather than the substance the gentleman is addressing, that I would like the House to consider when we vote not to suspend the rules, and then maybe we can have a little more time when the bill can be brought out under normal procedures.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SEIBERLING. Mr. Speaker, I think the gentleman is entitled to raise that question, and I do not quarrel with it.

Let me simply say that my point, however, was that the Supreme Court did not consider that when they submitted every single local official in the country retroactively to possible treble damage actions for every decision that they had made within the period of the statute of limitations, which I believe is 4 years, that affected somebody's business interests, or his right to get a sewer line extended so he could develop his property, or something like that.

□ 1500

This is an impossible situation. Sitting in their ivory tower, the Justices know very little about the practicalities of local government out in the village and county and municipal level.

Let me just read something into the record. In his distinguished work on municipal corporations, Professor McQuillan has attempted to formulate the essential difference between public and private action, and I am going to quote:

> A municipal corporation is a public institution created to promote public, as distinguished from private, objects. . . . What is a public use or purpose has given rise to much judicial consideration, and courts, as a rule, have attempted no judicial definition of a public as distinguished from a private purpose but have left each case to be determined by its own peculiar circumstances. The modern trend of the decisions is to extend the class of public uses or purposes in considering the municipal activities sought to be included therein. The fact that other purposes will also be served does not invalidate the exercise of a power conferred on a municipality even if such other purposes alone would not have justified the exercise of power.

The reason I read this quote into the record simply is to say that as our society has gotten more complicated and more urbanized. Land use planning and activities of cities have become extremely important to their future well-being.

The Supreme Court's decision retroactively threw a cloud over the whole field of municipal government and local government. It is true that they said, well, the States can apply the exemptions to local governments that the States enjoy if they see fit, but they have to monitor each case and monitor it on an annual basis and they created an administratively impossible, unworkable, and unsatisfactory situation.

So I merely submit that this is a very much needed and an obvious remedy and all it does is return the law to the status that it had before the Supreme Court decision in the Boulder case 4 years ago.

I do not feel any great injustice is being done. Injunctions are still authorized by this bill where a true case could be made that there was an antitrust violation. The Justice Department and the Federal Trade Commission still retain all their powers.

Furthermore, any client that has already incurred the expense of filing a case and moving it along can recover his expenses and his attorney fees if he has a valid case.

The question of whether the committee should be taking this up at this hour I simply say is not a question that I think needs any great concern. Everyone who is interested in this field knows what the Judiciary Committee did, knows what the issues were before the subcommittee and I do not think anybody is being taken by surprise.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PHILIP M. CRANE].

Mr. PHILIP M. CRANE. Mr. Speaker, I rise in strong support of H.R. 6027, the Local Government Antitrust Act of 1984, to clarify the application of Federal antritrust laws and the impact they have had on local governments.

Since talking to local government officials as a followup to the Boulder decision, it has struck me that all local governments, and this cuts across all party lines, have been put in a unique and peculiar kind of jeopardy that has no precedent.

A legislative remedy such as H.R. 6027 is necessary to address situations facing local governments as a result of such decisions by our Federal courts. This bill limits antitrust actions against localities to suits for injunctive relief, rather than for money damages.

I commend the work of the Judiciary Committee for adopting the Hyde amendment applying protection to all current cases that are filed and pending. Prior to this, H.R. 6027 would have protected these local governments which became defendants in antitrust actions after July 1, 1984.

Without the Hyde amendment and passage of H.R. 6027, many local governments, including the one that has come under discussion today, which is in my district, will be facing severe antitrust damages. On May 30 of this year, Mr. Fred Foreman, our distin-

guished Lake County State's attorney, testified before the House Judiciary Committee regarding this particular antitrust case in my district; namely, Unity Ventures versus the County of Lake. This case is typical of the problems faced by numerous municipalities nationwide.

In essence, the plaintiff alleged that he had been unlawfully denied access to public sewer service and had thereby been prevented from developing a 600-acre tract of farmland in central Lake County. Following a 3-week jury trial, a verdict was returned in favor of developer William Alter and Unity Ventures, a partnership controlled by Alter, in the amount of $9.5 million against Lake County and the village of Grayslake, as well as three local officials. The jury found all five defendants guilty of violating both section 1983 of the Civil Rights Act of 1871, and section 1 of the Sherman Act. After the verdict was returned, the court, acting pursuant to the Sherman Act, trebled the damages to $28.5 million.

Lake County is appealing this judgment, which has become very costly—legal fees are already approaching $1 million. If upheld, this will have a tremendous negative impact on the day-to-day management of government affairs and decisionmaking in Lake County.

Although Lake County is one of the wealthier per capita counties in the United States, if this judgment is not reversed it could very well become bankrupt. The impact on the taxpayer will be severe. The judgment entered in this case is 6,000 percent of the property tax collected last year by the village of Grayslake and 150 percent of the amount collected by all of Lake County. If Lake County were to increase its taxes to the maximum legal rate and still provide necessary services to its citizens, it would take the taxpayers 70 years to pay this judgment. Even if they used all of their cash reserves of $14.8 million, payment would still require 35 years.

As I indicated, this is just one example in which local government officials are hampered daily by the threat of antitrust liability cases. Legislation must be passed to assist local government officials when they make decisions regarding cable television, intergovernmental water agreements, waste disposal, nursing care homes for the aged, industrial revenue bonds, mental health programs, et cetera.

I urge my colleagues therefore to vote in favor of this bill and carefully consider the impact that Federal antitrust laws have on local government and local official decisionmaking.

Mr. MOORHEAD. Mr. Speaker, I just wish to point out one thing and that is when the court decided the cases of the City of Lafayette, and the City of Boulder, they retroactively changed the law that was assumed to be in effect for over 30 years. That was, that cities were exempt from antitrust actions in the same manner that States are exempt.

The language of H.R. 6027 is silent on the applicability of this bill to pending cases. But its silence is consistent with the general legal rule that pending cases are subject to the law in effect at the time they are actually decided, and for that reason this bill will have a retroactive effect, the same as the cases that made it this legislation necessary.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I rise in strong support of this legislation.

I compliment the Committee on the Judiciary for having brought the legislation before the House and by its passage will restore the original practice and intent of the antitrust laws with respect to local governments, and I hope it will have an overwhelming vote.

Mr. Speaker, I thank the gentleman.

● Mr. HYDE. Mr. Speaker, this "Local Government Antitrust Act of 1984" is intended to restore some sense of sanity and stability to decisionmaking at the local government level. The enactment of H.R. 6027 would eliminate the possibility that crippling treble-damage judgments under the Federal antitrust laws could be assessed against units of local government and special-purpose districts.

Because of two Supreme Court decisions involving the city of Lafayette, LA, and the city of Boulder, CO, local governments now find themselves as potential defendants in the antitrust dock. In those cases, the Supreme Court ruled that units of local government are not immune from the Federal antitrust laws to the same extent as the States are and that a broad grant of home-rule power was not a sufficient defense in such cases. The result of these decisions is that localities are now being sued for the possible anticompetitive side effects of what are otherwise lawful and legitimate areas for the exercise of local government jurisdiction. The National League of Cities had advised us that over 300 such lawsuits are currently pending dealing with such subjects as zoning, land use, rights of way, licensing, franchising, mass transportation, and waste collection and disposal.

The outgrowth of the Lafayette and Boulder decisions has been caution, delay, and even fear on the part of localities. Important decisions are being postponed; the tax structure and the bond credit ratings of these local governments are threatened; and astronomical expenses are being incurred to defend these complicated suits.

This caution and fear very recently was confirmed by a decision of the U.S. District Court for the Northern District of Illinois in a case involving Lake County and the village of Grayslake, IL (*Unity Ventures* v. *County of Lake and Village of Grayslake*, No. 81 C 2745, ND Ill., January 12, 1984). On January 12 of this year, a jury awarded a developer $9.5 million in damages in an antitrust action against the county, the village, and three village officials. This damage award was automatically trebled to $28.5 million by the district court judge. The defendants are currently challenging the jury's award by filing a motion for judgment notwithstanding the verdict. If this decision is allowed to stand, it would be the first antitrust damage award ever assessed against a municipality or municipal officials.

The case arose out of a suit by a developer who desired access to a county sewer system. The plaintiff made no allegation that any public official involved acted for personal financial gain or the financial gain of anyone else. It was alleged, however, that discretionary denial of a sewer hookup had anticompetitive consequences that violated the Sherman Act. This money judgment represents 6,000 percent of the property tax collected by Grayslake Village in 1983, and 150 percent of the amount collected by Lake County in 1983. The extraordinary size of this judgment graphically demonstrates the urgent need for Congress to act to protect local governments.

Even before the decision in the Grayslake case, numerous bills were introduced in Congress to respond to this serious national problem. I am proud to point out that I was the first Member of the House of Representatives, along with other Members of the Illinois delegation, to introduce antitrust immunity legislation for local governments (H.R. 2981). In addition, proposed immunity legislation was also introduced by my colleagues from New York [Mr. FISH] and California [Mr. EDWARDS]. Now, the House Judiciary Committee has moved ahead and reported legislation that contains many of the protections suggested in these bills.

As it comes to the floor, H.R. 6027 makes it clear that no money damages may be recovered against units of local government or local officials in suits brought under the Federal antitrust laws. The only remedy under the antitrust laws would be suits for injunctive relief. Suits for injunctive relief may be brought by private parties, as well as the Justice Department, the Federal Trade Commission, and State attorneys general. As it was reported by the Subcommittee on Monopolies and Commercial Law, however, this legislation would have treated existing local

government defendants in a discriminatory fashion. It would have permitted the awarding of actual damages in those cases filed and pending prior to July 1, 1984.

During our markup in the full Judiciary Committee, I offered an amendment to strike the actual damages provision and, instead, make it clear that the injunctive relief remedy and the no damages protections of this bill would be equally applicable to those cases filed and pending prior to the date of enactment. By a recorded vote of 17-14, a majority of the Judiciary Committee indicated that they shared my view that these protections against money damages should be granted to localities and local officials retroactively as well as prospectively. Because of the favorable action taken on my amendment, the language of H.R. 6027 is silent on its applicability to cases filed and pending prior to committee action. This silence is consistent with the general legal rule that pending cases are subject to the law in effect at the time they are finally decided. Thus, H.R. 6027 is applicable to cases filed and pending prior to enactment, as well as to those cases filed after enactment.

In particular, I am most gratified that the adoption of my amendment provides new hope for Lake County and the village of Grayslake (and the taxpayers that live in those jurisdictions) in their effort to reverse the stunning $28.5 million damage award. The adoption of my amendment was strongly supported by the National League of Cities, the United States Conference of Mayors, and the National Association of Counties.

This legislation is an explicit statement that the antitrust laws were not intended to oversee or interfere with the decision making process at the local government level. Antitrust law is not the proper vehicle for questioning or testing the validity of governmental policy choices. Similarly, the antitrust laws were not aimed at unethical behavior by local government officials. There are criminal and civil laws in all 50 States dealing with fraud, wrongdoing and conflict of interest by local officials. It is through these laws, and the political process itself, rather than the Federal antitrust laws, that such behavior should be checked and, if appropriate, punished.

This measure protects actions that come within the ambit of the defined term "official conduct of a local government." That term is broadly defined to include all units of local government and special-purpose districts created under State law. Special-purpose political subdivisions, which receive the protections of this legislation, include school districts, sewer and water districts, planning agencies, irrigation districts, road districts, drainage districts, and mosquito control districts. This category does not include private, professional membership organizations such as bar associations, medical associations, or real estate licensing boards. In addition, those persons who enter into legal arrangements with localities, such as licensees, franchisees, contractors, and so forth, would also be protected from damages if their conduct is required by a local government.

I cannot stress how strongly I feel about the importance of this legislation. It is remedial and justified in the truest sense of those words. I strongly urge my colleagues to support the passage of H.R. 6027.●

● Mr. RODINO. Mr. Speaker, I rise in support of this important legislation designed to adjust the application of Federal antitrust laws to our local governments.

Data from the Department of Commerce indicates that there are some 35,000 municipalities and townships in this country. If counties, school districts, and other special districts are included, the number exceeds 76,000. These entities, on a daily basis, must make important decisions that affect all of us. In short, they must govern.

The question before us today is how we want the antitrust laws, and the principles of competition that they embody, to apply to local governments. Although the first antitrust law was enacted in 1890, Congress has yet to confront this question directly. In the first 50 years of antitrust enforcement, there were few, if any, antitrust suits brought against local governments. All of this is changing now.

As the result of changing and expanding roles of local government and, more recently, of Supreme Court interpretations of the doctrine that would confer a State's antitrust immunity on local governments, there has, in the last 6 years, been a striking increase in the number of private antitrust suits brought against local governments. Although few of these suits have resulted in judgments against local governments, the costs of litigating and the widespread concern with antitrust liability, including the possibility of treble damage judgments, may have severely undercut local officials' ability to govern in the public interest.

Congress can no longer afford to ignore this issue. We must act to tell local governments and the courts how we wish the antitrust laws to apply to the daily decisions of local officials. At least where classic governmental activity to enhance or protect the public health, safety, or welfare is concerned, most everyone agrees that the antitrust laws have no place in, and can only interfere with, legitimate governing.

But there is another side to this question. With the expanding activities of local government affecting all business and commercial activity, we cannot ignore the possible unnecessarily anticompetitive impact of some local government activity. Local governments, unfortunately, are in a position to undercut the national policy favoring competition even when such action serves no legitimate government purpose. They can do this, for example, by regulatory conduct, through their activity as purchasers of goods and services, or even by directly offering goods and services in competition with private firms.

Permitting local governments a free hand to govern without fear of antitrust liability, on the one hand, and, on the other hand, protecting our free market system from unwarranted and arbitrary intrusion by overextending local governments, is a uniquely difficult task. After monitoring available information and analysis for several years and hearing oral testimony on four occasions, the Committee on the Judiciary has crafted legislation that addresses what we believe to be the heart of the immediate problem confronting local governments: the potential treble damage liability from private antitrust suits.

H.R. 6027 would preclude suits for damages by private persons, States, or the United States, under section 4, section 4A, and section 4C of the Clayton, Act when the claim is against a local government or its officials and results from official conduct of a local government. The bill would also preclude such suits against private persons that deal with local governments when the claim results from conduct expressly required by a local government.

The Committee believes that eliminating the authority for private damage claims will discourage frivolous or unnecessary litigation brought to coerce or threaten local government conduct. But persons injured by anticompetitive conduct of local government will retain their right to sue for injunctive relief under section 16 of the Clayton Act if they prove an antitrust violation has occurred. And the federal enforcement agencies may still proceed against local government violations. Finally, private persons, though deprived of a damage remedy under the Clayton Act, may still sue for damages under Federal civil rights law or under State law.

H.R. 6027 leaves unresolved the important question of how antitrust laws will apply to local governments in nondamange claims against a local government.

I want to take this opportunity to thank Mr. Edwards for his leadership on this issue. On the minority side, we would not be where we are today without the assistance of our distinguished

ranking minority Member, Mr. FISH, and of the gentleman from Illinois, Mr. HYDE, both of whom have sponsored legislation on this subject and have worked with us to develop this bill.

Our task today is to act to prevent the immediate threat of abusive damage suits that may paralyze the governing process. That is what the Committee on the Judiciary has done; I urge my colleagues to join us in passing this important legislation.●

● Mr. FISH. Mr. Speaker, this legislation—the Local Government Antitrust Act of 1984—is a legislative response to the problems presented by two recent Supreme Court decisions, *City of Lafayettee* v. *Louisiana Power and Light Company*, 435 U.S. 389 (1978), and *Community Communicatins Company, Inc*, v. *City of Boulder*, 455 U.S. 40 (1982). As a result of these two decisions, localities and special-purpose districts now find themselves subject to antitrust suits based upon their exercise of a wide range of traditional and lawful government powers. Included among the types of local government activities that have become the subject of antitrust claims are: zoning and land use, licensing, franchising, waste collection and disposal, water treatment, airport services, mass transportation, and tax abatement. In addition, local government officials potentially find themselves personally liable in these cases.

H.R. 6027 adopts a remedies approach to the problem of local government antitrust liability. This legislation does not exempt local governments from the Federal antitrust laws. Rather, under its terms, no governmental or private plaintiff would be able to recover any money damages against a local government, or its officials, employees, or agents, for actions that fall within the official conduct of a local government. Official conduct of a local government is a defined term in this legislation making it clear than when localities are exercising their lawful authority or exercising powers that could reasonably be construed by local governments and officials to be within that authority, they are protected from antitrust damage recoveries. This scope of authority is broadly defined to include legislative, regulatory, executive, administrative, or judicial actions.

In addition, H.R. 6027 protects third parties—for example, licensees, franchisees, contractors, and beneficiaries of zoning decisions—from damages when their actions are the result of expressly required conduct by the local government. So, third-party defendants would also not be subject to damage awards under the Clayton Act if their actions were required by the local government itself. In seeking to determine whether or not such third-party conduct was required, a court should look, for example, at the terms of the contract, the language of the franchise agreement, the scope of the licensing authority granted, any local ordinance or regulation relating to the arrangement between the locality and the private party, and, of course, any State law, State constitutional provisions, or grant of home-rule power from which a unit of local government or special-purpose district derives its authority.

During our committee's deliberations on this matter, an amendment, offered by the gentleman from Illinois [Mr. HYDE] was adopted. It extends the protections contained in section 3 of this legislation to those cases filed and pending prior to our action on this measure. That is, for pending cases where there has been no final judgment, only suits for injunctive relief and not suits for monetary damages can now be successful. Since many of us view the Supreme Court decisions in the Lafayette and Boulder cases as deviations from the State action doctrine, a majority of Judiciary Committee members felt that those localities who have already become defendants in these actions should not be uniquely penalized.

Mr. Speaker, the subject of local government antitrust liability is a matter on which I have spent a considerable amount of time and attention in the last 2 years. In fact, legislation which I introduced last year (H.R. 3361) proposed antitrust immunity for units of local government and special-purpose political subdivisions. I was most gratified that my bill received favorable comments nationally and, in particular, was endorsed by the U.S. Conference of Mayors, the National Association of Counties, and the National League of Cities. Unfortunately, some felt that an immunity bill was more than the situation legislatively demanded and might have prompted years of complicated, interpretive litigation. Consequently, at this time, I am disposed to accept the so-called remedies approach as a method to address this serious national problem. Should this legislation prove to be inadequate, I intend to revisit this subject in the next Congress.

Finally, I would emphasize to the Members of the House of Representatives that H.R. 6027 still leaves plaintiffs with a variety of remedies. First, this legislation does not preclude suits under the State antitrust laws. Second, it does not prevent ultra vires actions against localities in State courts. Third, should a local government or third party engage in conduct outside the scope of the activities sanctioned and protected by section 3 of this bill, the normal damage remedies under the antitrust laws would still remain available to plaintiffs.

This legislation is intended to be a comprehensive response to this problem. Congress simply cannot allow localities and local taxpayers to face massive treble-damage suits challenging actions that are otherwise within their lawful authority. The Federal antitrust laws were never intended to apply to legitimate governmental decisionmaking. H.R. 6027 is intended to protect reasonable policy choices made by local governments based upon their broad authority to protect the public health, safety, and welfare. We should not allow the Federal antitrust laws to be misused as a mechanism to second-guess what are otherwise valid local government decisions.

I congratulate Judiciary Committee Chairman PETER RODINO for the thoughtful manner in which he has moved ahead on this legislation. In addition, I want to express my personal thanks to the gentleman from Illinois [Mr. HYDE] and the gentleman from California [Mr. EDWARDS], both of whom have been particularly helpful in moving this legislation forward. I strongly urge that the House of Representatives suspend the rules and pass H.R. 6027.●

● Mr. EDWARDS of California. Mr. Speaker, I am pleased to speak for the Local Government Antitrust Act, a bill that is sorely needed to adjust the application of our antitrust laws to local governments.

The bill is a measured response to what can only be termed an "antitrust paradox"—a paradox in which, for purposes of antitrust protection, the Supreme Court has found that States and local governments are on very different footings. Our worst fears may have been realized with the rendering of a $29 million damage verdict against a single county in Illinois this year. The threat to the solvency and well-being of our cities and towns has not ended there. The mere threat of a treble-damage suit can tie up local government, diverting its actions from the course that elected officials believe to be in the public interest.

H.R. 6027 has been crafted to offer local governments needed relief and certainty without doing violence to constitutional concerns of federalism and State sovereignty, upon which the city of Boulder decision was based. Although the committee is very much aware of the difficult conceptual problems the Court is struggling with in this area, our local governments simply cannot wait for the case law to synthesize into a coherent theory. They must continue to act in this period of uncertainty, and act without fear of massive damage liability.

H.R. 6027 simply eliminates all antitrust damage actions against local governments for their official conduct. Private parties suffering economic harm as a result of the official conduct of a local government may still sue for injunctive relief. Moreover, if

local officials unreasonably act beyond their authority, the traditional treble-damage remedy remains intact.

The bill will also shield from antitrust damage suits private parties whose conduct is expressly required by a local government. This protection is important to maintain the local government's ability to deal with third parties. On the other hand, the committee has sought to avoid language that would invite attempts by private persons to cloak their anticompetitve conduct in the mantle of local government conduct.

The committee understands that H.R. 6027 does not resolve all of the issues confronting application of the antitrust laws to local government conduct. The legislation does not address, for example, the substantive law governing suits for injunctive relief or Federal enforcement actions against local government. We are aware, however, that the Supreme Court's decision in two pending cases could provide additional guidance on these issues. Depending on the outcome, the Congress may well find it appropriate to legislate further. What we are doing today is to eliminate the type of claim—the private treble-damage suit—that most threatens local government's ability to govern.

The Senate Judiciary Committee has responded to these concerns by approving a measure similarly limiting private suits to injunctive relief. The prospects of enacting legislation this year are thereby greatly strengthened. I urge my colleagues to join with the Judiciary Committee in approving this critical legislation.●

● Mr. FRENZEL. Mr. Speaker, I recently had an opportunity to meet with the mayors and elected officials in my district. They told me that one of their greatest fears was the threat of being held personally liable for antitrust suits brought against them for action they had taken for their cities. With over 200 such cases pending across the country, they should be worried.

I would prefer giving local governments the same antitrust immunity as States have. Still, H.R. 6027, which exempts cities and local officials from monetary damages, resulting from antitrust litigation, is the least we can do to protect our cities and townships.

Local elected officials are very dedicated and extremely hard-working public servants. Other than in large cities, the pay is low. In all local jurisdictions, the hours are long. Local elected officials are obviously not in it for the money. There are no full-time mayors, council members, or township officials in my district.

I am always surprised that we can recruit anyone at all to take on such responsibilities. It is almost miraculous that we are able to get such uniformly high-caliber individuals. Unfortunately, the hundreds of antitrust cases now being brought against local governments will surely discourage the best of our local leaders from public service.

I have always believed that good government depends most on wise leadership at the local level. If we don't protect local officials from antitrust suits against hard decisions made in open meetings, we won't have any competent local officials.

H.R. 6027 is at least a beginning step toward providing comprehensive protection. I urge my colleagues to support its passage.●

● Mr. SHAW. Mr. Speaker, at the end of May we had a rather warm debate here on the floor on an amendment to strike language in an appropriations bill prohibiting funding for antitrust actions against local units of government.

I joined in that debate because as a former mayor of the city of Fort Lauderdale, FL, I have a well developed awareness of the potential impact of antitrust litigation on the proper functioning of municipal government. As a result of the Boulder case, an endless list of local regulatory activities are subject to antitrust challenge—from cable TV franchises to waste collection. The result has not yet been panic in the streets, but my former colleagues in the U.S. Conference of Mayors tell me that at city hall the alarm bells have been ringing loud and clear.

Three months ago, we wisely decided that the first congressional action with regard to municipal antitrust liability should not be to unleash the Federal antitrust enforcement agencies. It was also pointed out then that the Judiciary Committee had been working for some time to prepare a comprehensive remedy. I am happy to report that that committee, on which I serve, has made good use of this period of grace. We have now brought to the floor a bill which squarely addresses the principal concern of municipalities across this land—treble damage antitrust claims which arise from actions conscientiously and quite properly taken by local officials. We propose to provide zero damages against local units of government for official conduct. Injunctive relief under section 16 of the Clayton Act remains, however, as a safeguard against abuse and as a deterrent to misconduct.

Mr. Speaker, I believe we have achieved a balanced resolution here which even Socrates might approve. I therefore urge enactment of H.R. 6027.●

● Mr. LIPINSKI. Mr. Speaker, today I rise in strong support for H.R. 6027, the Local Government Antitrust Act of 1984.

This much-needed legislation is in response to the Supreme Court's recent decision, Community Communications Co., Inc., against City of Boulder, where the Court held that municipalities, when engaging in their various governmental activities, are not necessarily exempt from Federal antitrust laws. Since the time of this unwelcomed decision, many municipalities and local officials have proceeded under a cloud of uncertainty on whether their official actions may find them liable under antitrust laws, which includes treble damages. Any antitrust liability imputed to a municipality would have severe consequences on both its financial health and its taxpayers, who would bear the ultimate financial burden. Also, local public officials could find themselves in a financial nightmare if found liable under antitrust laws just for performing their official duties.

H.R. 6027 removes the award of money damages as a potential remedy for a violation of antitrust laws against municipalities or local officials for their engagement in any governmental activity that may violate such laws. However, this legislation does offer a successful plaintiff injunctive relief to cease any conduct of a municipality or local official that may unjustifiably be anticompetitive. I believe this compromising legislation will remove the unnecessary inhibitions that municipalities and local officials presently experience as they attempt to perform their numerous and complex duties.

Finally, I would like to commend the subcommittee chairman, Mr. RODINO, and also my colleague from Illinois, Mr. HYDE, for their fine efforts in committee in ensuring that this legislation reached the floor of the House without undue delay.

Therefore, Mr. Speaker, today I strongly urge my colleagues to help our local governments by supporting H.R. 6027, the Local Government Antitrust Act of 1984.●

● Mr. MINETA. Mr. Speaker, I rise in enthusiastic support of H.R. 6027, which is a bill that will go a long way in reestablishing the ability of local governments to carry on with the business of administering their necessary municipal affairs without the threat of numerous Federal antitrust lawsuits.

H.R. 6027 is a carefully crafted measure that eliminates the recovery of damages under the Clayton Act against local governments. The bill also extends that same protection to third parties that are performing essential services expressly required by the Government such as contractors or licensees. While providing these protections to local government, H.R. 6027 does not prevent private individuals to seek injunctive relief against local governments.

Mr. Speaker, the National Association of Counties and the National League of Cities has told us that over 200 antitrust cases have been filed against local governments since the Boulder decision by the U.S. Supreme Court. These lawsuits challenge zoning decisions, franchise decisions, and other actions that local officials must make in order to carry out their public duty.

Mr. Speaker, as a former mayor of a large and thriving city—San Jose, CA, I am acutely aware how city and county officials have been threatened by the crippling possibility of treble damages in lawsuits filed as a result of decisions that they must make if they are to administrate critical Government services involving education, public transit, health, housing, and utilities. In San Jose, CA, there are currently two lawsuits filed against the city that ask for combined damages in excess of several million dollars.

City officials cannot continue to operate with the threat that they or their city's economy will be faced with possibility of these huge judgments. Both the quality of decisionmaking and local services will suffer if we do not pass this bill.

Mr. Speaker, I would also like to express my thanks to my colleague from California [Mr. EDWARDS], who has been particularly helpful in moving this legislation forward. It is a much needed and timely crafted bill and I strongly urge the House to vote for this bill.

Thank you very much.●

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 6027, as amended.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1510

PROVIDING FOR A STUDY COMMISSION FOR U.S. AGRICULTURE-RELATED TRADE AND EXPORT POLICIES

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the resolution (H.J. Res. 600) to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States; as amended.

The Clerk read as follows:

H.J. RES. 600

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title XII of the Agriculture and Food Act of 1981 is amended by inserting after subtitle B a new subtitle C as follows:

"SUBTITLE C—AGRICULTURAL TRADE AND EXPORT POLICY COMMISSION ACT

"SHORT TITLE

"SEC. 1217. This subtitle may be cited as the 'Agricultural Trade and Export Policy Commission Act'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 1218. (a) Congress finds that—

"(1) the economic well-being of the Nation's agricultural industry is directly related to its ability to compete in international markets; and

"(2) a thorough examination of agriculture-related trade and export policies, programs, and practices of the United States is needed to ensure that such policies, programs, and practices increase the competitiveness of United States agricultural commodities and products in international markets.

"(b) It is hereby declared to be the policy of Congress to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports.

"ESTABLISHMENT

"SEC. 1219. (a) There is established a National Commission on Agricultural Trade and Export Policy to conduct a study of the agriculture-related trade and export policies.

"(b) In addition to the ex officio congressional members specified in subsection (c) of this section, the Commission shall be composed of twenty-three members appointed or designated by the President and selected as follows:

"(1) The President shall select three members from among offices or employees of the Executive branch who shall serve in an ex officio capacity without voting rights; and

"(2) The President pro tempore of the Senate and the Speaker of the House of Representatives shall each select ten members from among private citizens of the United States to represent industries that are directly affected by agriculture-related trade and export policies, programs, and practice of the United States, including, but not limited to, the following:

"(A) producers of major agricultural commodities in the United States;

"(B) processors or refiners of United States agricultural commodities;

"(C) exporters, transporters, or shippers of United States agricultural commodities and products to foreign countries;

"(D) suppliers of production equipment or materials to United States farmers;

"(E) providers of financing or credit for domestic and export agricultural purposes; and

"(F) organizations representing general farm and rural interests in the United States.

"(c) The chairman and ranking minority members of the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the House Committee on Ways and Means, and the Senate Committee on Finance shall serve as ex officio members of the Commission and shall have the same voting rights as the members of the Commission selected and appointed under the provisions of subsection (b)(2) of this section. The chairmen and ranking minority members may designate other members of their respective committees to serve in their stead as members of the Commission.

"(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(e) The Commission shall elect a chairman from among the members of the Commission who are selected and appointed under the provisions of subsection (b)(2) of this section.

"(f) The Commission shall meet at the call of the chairman or a majority of the Commission.

"CONDUCT OF STUDY

"SEC. 1220. The Commission shall study the agriculture-related trade and export policies, programs, and practices of the United States and the international and domestic factors affecting such policies, programs, and practices, including the intergovernmental activities of the United States that affect the formulation of policies. In conducting the study, the Commission shall consider, among other things, the following:

"(1) the effectiveness of existing agricultural export assistance programs, and the manner in which they can be improved;

"(2) new export assistance programs that should be considered, and the conditions under which they can be implemented;

"(3) practices of foreign countries that impede the export of United States agricultural commodities and products, and appropriate responses for the United States;

"(4) the effectiveness of the trade agreements program of the United States with respect to agriculture-related trade and exports, and the manner in which it can be improved;

"(5) international economic trends that affect agricultural exports, and the manner in which the United States can best adjust its policies, programs, and practices to meet changing economic conditions;

"(6) potential areas of conflict and compatibility between international agricultural trade and foreign food assistance programs, and the manner in which any conflict can be resolved; and

"(7) the relationship between international agricultural trade and foreign economic development programs, and the manner in which they can be made more compatible.

"RECOMMENDATIONS AND REPORTS

"SEC. 1221. (a) On the basis of its study, the Commission shall make findings and develop recommendations for consideration by

the President and Congress with respect to the agriculture-related trade and export policies, programs, and practices of the United states, and the manner in which such policies, programs, and practices can be improved to better develop, maintain, and expand markets for United States agricultural exports.

"(b) The Commission shall submit to the President and Congress—

"(1) a report containing its initial findings and recommendations by March 31, 1985,

"(2) such additional interim reports on its work as may be requested by the chairman of any of the Committees set forth in section 1219(c) of this subtitle, and

"(3) a report containing the final results of its study and its recommendations therefrom by July 1, 1986.

"ADMINISTRATION

"SEC. 1222. (a) The heads of Executive agencies, the General Accounting Office, the International Trade Commission, and the Congressional Budget Office shall, to the extent permitted by law, provide the Commission such information as it may require in carrying out its duties and functions.

"(b) Members of the Commission shall serve without any additional compensation for work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service under sections 5701 through 5707 of title 5, United States Code.

"(c) To the extent there are sufficient funds available to the Commission in advance under section 1223 of this subtitle, and subject to such rules as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

"(1) appoint and fix the compensation of a director; and

"(2) appoint and fix the compensation of such additional staff personnel as the Commission determines necessary to carry out its duties and functions.

"(d) Upon request of the Commission, the Secretary of Agriculture shall furnish the Commission with such personnel and support services as are necessary to assist the Commission in carrying out its duties and functions.

"(e) Upon request of the Commission, the heads of other Executive agencies and the General Accounting Office are each authorized to furnish the Commission with such personnel and support services as the head of the agency or office and the chairman of the Commission agree are necessary to assist the Commission in carrying out its duties and functions.

"(f) The Commission shall not be required to pay or reimburse any agency or office for personnel and support services provided under this section.

"(g) In accordance with section 12 of the Federal Advisory Committee Act, the Secretary of Agriculture shall maintain such financial records as will fully disclose the disposition of any funds that may be at the disposal of the Commission and the nature and extent of its activities, and the Comptroller General of the United States, or any of the Comptroller General's authorized representatives, shall have access to such records for the purpose of audit and examination.

"(h) The Commission shall be exempt from section 7(d), section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act.

"(i) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5, United States Code.

"PUBLIC SUPPORT

"SEC. 1223. (a) Following the appointment or designation of the members of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, the Secretary of Agriculture may receive, from persons, corporations, foundations, and all other groups and entities within the United States, contributions of money and services to assist the Commission in carrying out its duties and functions. Any money contributed under this section shall be available to the Commission for the payment of salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle. In no event may the contributions from any one person, corporation, foundation, or other group or entity exceed 5 per centum of the Commission's total budget.

"(b) If the contributions provided under subsection (a) are insufficient for payment of Commission salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle, the Secretary of Agriculture is authorized to use the funds of the Commodity Credit Corporation for such purposes in an amount not to exceed a total of $1,000,000.

"(c) The Secretary of Agriculture shall keep, and shall make available for public inspection during normal business hours, records that fully disclose a complete list of every person, group, and entity making a contribution under this section, the address of the contributor, the amount and type of each such contribution, and the date the contribution was made.

"(d) Any amount of money available to the Commission under this section that remains unobligated upon termination of the Commission shall be deposited in the Treasury as miscellaneous receipts.

"TERMINATION

"SEC. 1224. The Commission shall terminate sixty days after the transmission of its final report to the President and Congress.".

The SPEAKER pro tempore. Is a second demanded?

Mr. ROBERTS. Mr. Speaker, I demanded a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington [Mr. FOLEY] will be recognized for 20 minutes and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, one hears a great deal of discussion these days about agricultural exports. The House now has a chance by the enactment of House Joint Resolution 600 to do something about the problem of exports.

This legislation could be a significant and helpful step in that direction. It has been introduced by the distinguished chairman of the House Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA], and cosponsored by the distinguished ranking minority member, the gentleman from Illinois [Mr. MADIGAN].

It establishes a commission to study export and trade problems facing agriculture and to recommend further steps which might be taken to improve export programs.

The legislation has attracted wide bipartisan cosponsorship of which I am happy to be one, and I believe it merits and will receive an overwhelming vote from the House.

Mr. Speaker, no one can guarantee in advance that the Commission we have designed will come forward with recommendations that provide improvements in existing programs. No one can guarantee in advance that if the Commission comes up with sound and helpful recommendations that we will be able to translate them into action, either through administrative action or through new legislation.

But this is an area in which the stakes are so high that it is worthwhile to make the effort, regardless of advance guarantees. All of us who are concerned with maintaining a productive and healthy agriculture, and all who are concerned with the the problems of the domestic and world economy in general, understand the tremendous importance of agricultural exports.

Without going back over the reasons for the current role of exports in our farm economy, I will say only that trade policy is now a key part of our agricultural economy. In recent years our agricultural exports and the health of our farm economy have been damaged by a variety of factors, including worldwide recession, increased foreign competition, high interest rates, currency rates including the strength of the dollar. Agricultural Department reports indicate that the value of our farm exports has dropped from a record of $43.8 billion in fiscal 1981 to a predicted $38 billion for the current fiscal year.

As we try to restore profit to agriculture we must include export policy as one of the items we include in any agricultural recovery package. I hope the Commission proposed in this legislation will help us in this work.

The Commission would be directed to study national policies which affect agricultural exports. As the legislation states, the Commission would study existing programs and potential new programs. It would look at factors including foreign protectionist policies and economic trends. It would try to suggest how the United States could

best adjust its policies to meet changing conditions.

The Commission would be directed to make an interim report by March 31, 1985, and a final report by July 1, 1986. The interim report would give us a chance to consider proposals from the study as we work on the forthcoming 1985 farm bill.

Two other points are worth laying on the record at this point.

One is the fact that Congress will have a direct role in this study. There will be 12 Members of the Congress with voting seats on the Commission, including the chairman and ranking minority members of the House Committee on Agriculture, Foreign Affairs, and Ways and Means; the Senate Committees on Agriculture, Nutrition and Forestry, Foreign Relations, and Finance.

The second point to consider is that private contributions would be authorized to pay the cost of the Commission's work, but the Agricultural Committee has taken careful action to assure that there was no link between any private contributions and the makeup or work of the Commission. We have done this by providing that the contributions can be accepted only after the appointment to the Commission are completed.

Further we have built a safeguard against any possible fear that a single contributor could unduly influence the work on the Commission by providing that individual contributions would be limited to 5 percent of the Commission's total budget.

Mr. Speaker, I have been impressed by the broad base of support for the Commission. This has been evident in the hearings on the legislation and in the conversations I and others have had with representatives of many private organizations, producer groups, business interests, and others.

I fully expect that private contributors will fully fund the work of the Commission. But if this should not come to pass, the resolution includes a backup provision authorizing the use of Commodity Credit Corporation funds so that the Commission could successfully do its job.

But I repeat, Mr. Speaker, it is my belief, and the belief of the members of the committee, that no funds of any kind from Government sources will be required to undertake and complete the work of this Commission.

Mr. Speaker, in my view export policy is not a cure-all solution for all of our agricultural problems, and a good export policy is not a substitute for a total, sound farm policy. But passage of this legislation and the creation of the Commission should not be seen by anybody as a sort of backdoor move to reduce farm price supports. It is a sincere effort to see if we can find ways to get a more effective export program as part of a sound overall program to protect farm income.

The issue of exports must be a part of whatever we do in agricultural policy, a part of the total picture we will be considering next year when we draft the 1985 Food and Agriculture Act.

House Joint Resolution 600 has already received strong support among segments of the agricultural community. An identical bill has been introduced with bipartisan support in the other body. The House is moving expeditiously on this bipartisan bill which was introduced initially on June 21.

I hope, Mr. Speaker, this bill can soon become law.

Finally, Mr. Speaker, before I yield the floor I wish to take this occasion to thank the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI] for their work and support in expeditiously considering this legislation. These two committees share jurisdiction over this legislation with the Agriculture Committee and joined with us in a hearing held on the legislation on July 26, and have been instrumental in making it possible for this bill to reach the floor today.

Mr. Speaker, I believe, as I have said earlier, that this legislation will be a valuable and helpful addition to our overall agricultural policy and I believe it deserves and will receive the support of the overwhelming membership of this House.

I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first, I would like to commend our distinguished chairman, my colleague from Texas, Mr. DE LA GARZA, as well as our ranking member, my colleague from Illinois, Mr. MADIGAN, for introducing this resolution.

It goes without saying that exports and our trade policy represent a vital segment of our national economy and a most critical part of our farm economy. There is little doubt that we will not enjoy a return to prosperity in farm country until we see improvement in farm exports.

In my own State of Kansas, for instance, we rank fourth among the 50 States as an exporter of agricultural commodities. However, the value of those exports were down 14 percent from the previous fiscal year. Kansas is the leading wheat exporting State; nearly two-thirds of the wheat produced in my district finds its way into export channels and that is true of the wheat crop nationally as well.

It is a given, Mr. Speaker, that exports represent one of the cornerstones of whatever prosperity we are able to enjoy in farm country. But, too many times in the past it has also been a given that our export and trade policies have not been consistent or predictable. In recent years, we have seen embargoes, trade sanctions, a dramatic shift in the value of the American dollar and the ugly head of protectionism within this Congress—all of which have left the farm community shell shocked to the extent some say our export policy resembles shattered glass.

The farmer cannot survive in a climate of every changing policy in regard to exports and trade. The goal of this legislation is to establish a commission to take a hard look and conduct a thorough study of the whole issue of agricultural trade. In it will be a blueprint for action. In recent years, our farm groups, organizations, agribusiness and the individual producer have often been the only voice when it comes to opposing legislation and executive policy that is counterproductive when it comes to trade policy. We have felt somewhat like Custer leading the charge against ill advised legislation that can only be described as protectionist. Too many times the so called fair trade flag has been planted squarely in the backs of our producers.

We have made some progress. The use of food as a foreign policy weapon has been ruled out by this administration—despite those who have argued otherwise. We have the strongest contract sanctity legislation ever written—that bill is in conference and the President will sign it. Recently we have seen slow but a steady increase in the purchase of wheat and feed grains by our customers. But, to reestablish, piece by piece an export policy devastated by embargoes takes time, and the fight to keep that policy sound is an ongoing responsibility.

This Commission would be a reasonable step forward in our fight for a consistent trade policy; a reasonable step in providing some consistent and predictability to agriculture program program policy over the long term. Given what we have gone over in debate on this bill in committee various concerns have been laid to rest. It is a good bill and I urge my colleagues support.

□ 1350

Mr. Speaker, I yield 2 minutes to my distinguished colleague, a champion of fair and free trade policy the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of House Joint Resolution 600, the Agricultural Trade and Export Policy Commission Act. I commend Mr. FOLEY, Mr. DE LA GARZA, Mr. ROBERTS, and Mr. MADIGAN and all of the leaders here who have worked on it.

Mr. Speaker, I rise in support of House Joint Resolution 600, the Agri-

cultural Trade and Export Policy Commission Act.

First of all, I would like to thank Chairman DE LA GARZA, Mr. FOLEY, and my good friends Mr. MADIGAN and Mr. ROBERTS for their hard work and leadership on this important issue.

As you know, Mr. Speaker, this resolution would establish the National Commission on Agricultural Trade and Export Policy, whose purpose would be to conduct a study of the agricultural-related trade and export policies, programs, and practices of the United States.

Agricultural exports have become absolutely essential to the health of the agricultural economy, and are the biggest dollar item exported by the United States. This fiscal year, farm exports are forecast to reach $38 billion, $3.5 billion above last year. Agricultural exports contribute a $21 billion trade balance for the United States at a time when the overall trade deficit is staggering.

The importance of this resolution, Mr. Speaker, is underscored by the fact that farm exports generate approximately $81.8 billion in total U.S. business activities according to the USDA. Agricultural exports are also important in producing jobs for our economy. It is estimated that in calendar year 1982, 1.1 million jobs were related to producing, processing, and transporting American agricultural exports.

To American farmers, this resolution is especially important. In 1983, 1 out of every 2 acres of wheat, 1 of every 3 acres of corn, and 1 of every 2 acres of soybeans were exported. Over one-third of all cropland acres are now farmed for the export market.

The importance of examining our export policies, then, is quite clear, Mr. Speaker. The future of a healthy and expanding farm economy, as well as the jobs of millions of Americans are at stake. We must work to remain competitive in the international marketplace and to expand our share of this all-important market for our products. I urge my colleagues to support passage of this resolution.

Mr. ROBERTS. I thank the gentlewoman for her contribution.

Mr. Speaker, I yield 1 minute to my good friend and colleague, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of this resolution. I believe that it is very timely. I do not believe we have heard discussed today the significance of agricultural exports to our overall balance of trade situation. Today we are running at a $100 billion deficit as a country. It is estimated it may approach $150 billion.

Agricultural exports now have a $22 billion trade surplus. The significance of that, I believe, points to the merits of this resolution. This bill is designed to focus the attention squarely on the importance of agricultural exports and the direction that we need to go both in the 1985 farm bill and also, more directly, the direction we need to go for agricultural policy for the rest of this century and into the next.

I thank the gentleman for yielding.

Mr. ROBERTS. I thank my colleague for his contributions.

Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding time to me, and I commend him for his leadership in agricultural matters, expecially agricultural exports.

Mr. Speaker, I rise today in support of House Journal Resolution 600, the Agricultural Trade and Export Policy Commission Act. I am proud to be an original cosponsor of this resolution.

Mr. Speaker, I first of all wish to compliment the cooperative, joint effort put forth by my colleagues on the Ways and Means Committee, the Foreign Affairs Committee, and especially the members of the Agriculture Committee for their work on House Journal Resolution 600. I am especially pleased that jurisdiction was waived by both the Ways and Means Committee and the Foreign Affairs Committee so that this important measure could move quickly to the floor of the House.

As a representative from a State which depends heavily on the income generated by agricultural exports, this resolution is without a doubt one of the major agricultural measures to come before Congress in many years.

This measure is important, Mr. Speaker, because agricultural exports are the lifeblood of my farmers in Nebraska. For Nebraska, agricultural exports totaled $1.75 billion in 1983. That amounts to almost $1,100 for every citizen in Nebraska.

Agricultural exports are also vital to own Nation because of the significant contribution they make in our balance of trade. It is important to put agricultural exports in perspective in terms of our balance of trade. Agricultural products are by far our Nation's largest export; larger than our auto, steel, and high-tech industries combined. The $34.8 billion in agricultural exports in 1983 will alone almost offset the cost of our imports of foreign crude oil—$36.8 billion.

From its high of $43.8 billion in 1980, however, the export of American agricultural products has declined in the last few years. The need therefore, of an Agricultural Trade and Export Policy Commission is to impartially address the causes of this decline and chart a positive goal for the future. We may speculate on why agricultural exports have declined—the high value of the dollar, the price of our agricultural commodities, or perhaps the trade policies and legislation of the United States in the past. At this time, no one can say with any degree of certainty what the sources of the problems are, or what the solutions should be. The purpose of this Agricultural Export Commission is to examine the past and present trade policies of the United States, determine whether these policies have either helped or hindered agricultural exports, and develop a consistent and stable long-term trade policy conducive toward developing new markets and expanding our existing foreign markets. It is the long-term goal of this Commission to help the United States remain the preeminent world leader in agriculture. By looking toward promotion, rather that protectionism, I hope this Commission will become a model for other industries to follow in coping with their declining market shares.

Frequently, we in Congress talk about a fair trade policy, or a free trade policy, but too infrequently do we talk about a consistent or a competitive trade policy. The specialty of America's farmers is competing, and when left alone to compete freely with other nations they are usually successful. The one thing, however, that farmers cannot compete with is an anticompetitive trade policy set by our own Government. If we stand back and look at some of the masochistic things we have done to ourselves, it is a wonder this Nation has been able to maintain trade with our foreign markets at all.

Mr. Speaker, I do not intend to dwell on the issue of trade protectionism, or some of the mistakes I think we have made in the past, but a little over a week ago, this body passed by an overwhelming margin a so-called trade remedies bill, this legislation by itself could potentially threaten $7 billion in agricultural sales per year to Japan alone. On two occasions, this body voted to impose domestic content legislation, and let us not forget the cargo preference legislation which we have grappled with on numerous occasions. Finally, of course, we continue to clamor for various import quotas or higher tariffs on steel, or copper, or cars, or a myriad of other foreign products.

The impact of protective trade legislation is not however, the only area we need to be concerned with in establishing trade policy.

The action by this administration last year to curb Chinese textiles is but one recent example of shortsighted and ill-conceived trade policy. Although no figures are available to show how much the textile industry benefited from this action, figures are available which show that the United States, and specifically the American farmers, lost a half-billion dollars' worth of agricultural sales to China.

A less recent, but no less memorable event in the previous administration, was the grain embargo imposed by President Carter against the Soviet Union in 1979. The Carter grain embargo was by any measure a devastating foreign policy blow, not to the Soviet Union, but to American agriculture. The American farmer lost over $11 billion in sales to the Soviet Union and the United States lost hundreds of thousands of jobs. The loss of Soviet grain sales, coupled with bumper crops in the early 1980's, caused us to accumulate record surpluses of grain which resulted in greater outlays for farm price support programs and eventually necessitated the Payment-in-kind [PIK] Program in 1983.

Perhaps worst of all, however, is that the Carter grain embargo simply did not have any impact on the Soviet Union's behavior in world affairs. When President Carter imposed the grain embargo, did the Soviets withdraw its troops from Afghanistan?—No. Did the Soviets stop eating or buying grain? Of course not. The Soviets simply purchased the grain they needed from our competitors—Brazil, Argentina, Canada, France, and other grain exporting countries. In imposing the embargo, President Carter encouraged the Soviet Union to cultivate permanent trading relationships with our competitors, and those relationships continue to exist today.

In a visit I had over Thanksgiving in 1982 with the Deputy Minister of Agriculture of the Soviet Union, he said to me in almost perfect English,

I want you to know, Congressman,

And this was of course shortly after the grain embargo that had been imposed because of the Soviet invasion of Afghanistan,

we regard you as an unreliable trading partner and a supplier of last resort. You are not going to affect our internal or external policies. We have other suppliers now for our grain, including Argentina, France, and now Canada.

Some of our past legislative and administrative actions on trade have indeed been disheartening, not just because they place an inordinate burden on the American farmers and the agricultural sector of this Nation, but because it is a de facto and implicit recognition that many of the major industries of the United States simply have not remained competitive with our foreign trading partners. We may view protectionism as positive assistance for the American industry, but we too often overlook the negative impact protectionism has on other industries—especially agiculture—which has worked hard to remain competitive.

We in the Congress need to remember that embargoes, protectionist trade legislation, and imposition of quotas are a two-way street. When we deprive other nations access to our markets, or make thin access more difficult, we also shut ourselves off from the markets we hope to cultivate overseas.

We have made our mistakes in the past. Now it is time that we learn the lesson of our mistakes. It will be our biggest mistake if we repeat them in the future. I applaud House Joint Resolution 600 as a measure which is positive not only for agriculture, but for the entire Nation. When we concentrate our efforts on learning how to promote the products we produce efficiently, all Americans benefit from increased trade and we eliminate the need for protectionism. However, when we concern ourselves only with protectionism, even the most efficient industries suffer and no amount of promotional efforts can help us to retain or develop our foreign markets.

Again, I thank my colleagues on the Agriculture, Ways and Means, and Foreign Affairs Committees for their fine work on this measure, and I urge all of my colleagues to vote in favor of House Joint Resolution 600.

Mr. ROBERTS. I thank the gentleman for his contribution.

I have no more requests for time.

I think I need not take the time of my colleagues any further except to associate myself with the remarks made by the chairman of the Subcommittee on Wheat, Soybeans, and Feed Grains, the former chairman of the Committee on Agriculture [Mr. FOLEY], the gentleman of the House who in more ways than any other Member represents E.F. Hutton; when he speaks, the entire agricultural community listens.

I do associate myself with his remarks, sir. He has gone over in detail the very fine provisions of this bill.

● Mr. DE LA GARZA. Mr. Speaker, I rise in support of House Joint Resolution 600, which would establish a broad-based national Commission to conduct a study of agriculture-related trade and export policies of the United States and the manner in which they can be improved to better develop, maintain, and expand markets for U.S. agricultural exports. This resolution is a response to the concern within the agricultural community with the serious decline in U.S. agricultural exports since 1980.

The volume of U.S. agricultural exports has declined 13 percent since 1980, from a record level of 163.9 million metric tons to a projected level of 142 million tons in 1984. At the same time, the dollar value of U.S. agricultural exports has declined from a record level of $43.8 billion in 1981 to a low of $34.8 billion in 1983.

Exports are a mainstay of profitability in the U.S. agricultural economy. Indeed, since the mid-seventies, U.S. agriculture has become increasingly export dependent. During the decade of the seventies, the volume of total U.S. agricultural exports increased on an average of 10 percent per year with the total exports more than doubling and the value of those exports increasing more than fivefold.

Two of every five acres harvested in the United States today are devoted to the production of crops that are exported. More than half of the wheat, soybeans, and sunflower seed; one-third of the rice, cotton, and tallow; and more than one-quarter of all the tobacco and feed grains produced in the United States is exported to markets throughout the world. U.S. agricultural exports go to more than 130 countries on all 5 continents, including such significant markets as Japan, the Netherlands, the U.S.S.R., Canada, Spain, China, Korea, West Germany, Mexico, Taiwan, Italy, Great Britain, Belgium, Egypt, and Venezuela. Our great agricultural abundance, therefore, provides a tremendous variety of low-cost foods and fibers not only for our own citizens but for millions of people in both developed and developing nations.

The importance of exports for farm income cannot be underestimated. During the years of declining exports since 1980, net farm income in the United States has declined from a level of $30.1 billion in 1981 to a projected level of between $15 and $17 billion in 1983.

While our Nation's producers lose income from declining exports, the Nation also suffers from a mounting trade deficit. Agricultural exports have in the past provided a bright spot in an otherwise dismal picture of our balance of trade with foreign countries. The current U.S. trade deficit, which is forecast to exceed $100 billion by the end of this year, is in part a result of the continuing downward trend in agricultural exports.

A number of significant factors have been identified as contributing to problems affecting U.S. trade in agricultural commodities and products. The value of the U.S. dollar may be as much as 20 percent higher today than it was 2 years ago in relation to the world's 15 leading currencies. A strengthened dollar increases the price of U.S. commodities in world markets, providing an incentive for expanded production in agricultural commodities and products by competitor nations.

The problem of an overvalued dollar has been exacerbated by the use of export subsidies by other nations. While the United States has responded to these competitive pressures by increasing the amount of Government direct and guaranteed export credit, it appears that this policy has not been sufficiently successful in stemming the decline of the U.S. market share in major world markets.

The years since 1980 have also witnessed a period of serious decline in the international economy. Weak economic growth in the United States until very recently has been paralleled by similar problems affecting industrialized nations. In addition, many nations of the Third World have faced economic crises during the early years of this decade.

The rapid expansion of demand for U.S. agricultural commodities and products which occurred in the seventies, in part as a result of the easy availability of commercial credit during a period of worldwide economic growth, has collapsed in recent years as credit has contracted in response to a worsened international economic situation. The total debt of the developing countries has nearly doubled since 1979, from $472.1 billion to a projected level of $820 billion in 1984.

While there may be agreement in regard to some of the significant factors which have contributed to the decline in U.S. agricultural exports in recent years, no comprehensive consensus on appropriate Government export policy has yet emerged.

The committee is of the view that a National Export Policy Commission, as would be established by House Joint Resolution 600, would be very helpful in providing guidance for a comprehensive export policy. The Commission would be widely representative of the U.S. agricultural sector and would include Members of Congress representing committees of jurisdiction.

The study Commission would be financed by contributions from private sources—individuals, corporations, foundations, and other entities. To avoid any possible appearance of a conflict of interest in the appointment of members of the Commission, House Joint Resolution 600 provides that contributions could be received only after appointments to the Commission have been completed. Also to assure that the financing would be drawn from a truly broad base of support, the resolution limits the amount that could be received from any single source to 5 percent of the Commission's budget.

Finally, as a backup in the unlikely event that private contributions are not sufficient to ensure that the Commission is adequately funded to do a thorough job in fulfilling its mandate, the resolution authorizes the Secretary of Agriculture to use the funds of the Commodity Credit Corporation up to a maximum amount of $1,000,000. Under this authority the funds of the Commodity Credit Corporation would be available to finance the initial organizational meetings of the Commission if they should occur before contributions sufficient to cover these expenses had been received. Once such contributions were received, it is expected that they would be used to reimburse the Commodity Credit Corporation for its advances.

The committee believes that there is a broad base of support for the Commission and, based on testimony received at the hearing, that there is sufficient interest in the private agricultural sector to meet the financing needs of the Commission. The provision relating to the use of Commodity Credit Corporation funds has been included only as a backup.

The final report of the Commission is required by the resolution to be submitted to the President and Congress by July 1, 1986. However, in order that the Congress may have the benefit of any recommendations of the Commission at the time of consideration of the 1985 farm bill, the resolution requires an interim report with initial findings and recommendations by March 31, 1985.

There has been concern that this resolution may be a stalking horse for a reduction in loan rates or otherwise for recommendations which would seriously affect domestic legislation that provides supports for farm income. That is not the intention of the Committee on Agriculture and the sponsors of the resolution. We simply believe that in order to enhance farm income, it is also necessary to address the issue of the decline that has taken place in U.S. agricultural exports. This is a matter on which the agricultural community is united. The legislation has a broad base of support among a large sector of the agricultural community, as was evidenced during the joint hearings held by the Committee on Agriculture, the Committee on Foreign Affairs, and the Committee on Ways and Means.

In the final analysis, the Commission would merely be providing recommendations; it is hoped that these will provide new insights as to steps that should be taken to improve exports. However, it will be up to the Congress and the committees of jurisdiction to take the actions that will be necessary to implement these recommendations.

I would like to express my appreciation for the cooperation that has been given in this endeavor by our sister committees, the Foreign Affairs Committee and the Ways and Means Committee, that share jurisdiction on the resolution. They participated in the hearings and have generously agreed to allow the resolution to come up today so that it can be enacted into law before the close of this session.

I urge my colleagues in the House to join me in support of House Joint Resolution 600.●

Mr. ROBERTS. Mr. Speaker, I yield back the balance of my time.

□ 1530

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] that the House suspend the rules and pass the joint resolution, House Joint Resolution 600, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution House Joint Resolution 600, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST FOR PERMISSION TO HAVE UNTIL MIDNIGHT, TUESDAY, AUGUST 7, 1984, TO FILE CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1985, AND MAKING IN ORDER ON OR AFTER WEDNESDAY, AUGUST 8, 1984, CONSIDERATION OF CONFERENCE REPORT ON H.R. 5604

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the managers have until midnight, Tuesday, August 7, 1984, to file a conference report on the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes, and that it be in order to consider that conference report on Wednesday, August 8, or any day thereafter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so to inquire of the gentleman from Mississippi whether or not this has been cleared by the minority.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I will have to tell the gentleman I am not sure. It was brought to me just a few minutes ago.

If the gentleman has any problem with it, I will be glad to hold up.

Mr. WALKER. If the gentleman will withhold, the minority staff tells me that they are not familiar with the request. If the gentleman could just

withhold the request until we find out the status of it, I would appreciate it.

Mr. MONTGOMERY. I understand.

Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The unanimous-consent request is withdrawn.

DEPARTMENT OF ENERGY CIVILIAN RESEARCH AND DEVELOPMENT AUTHORIZATION ACT, 1985, 1986, AND 1987

The SPEAKER pro tempore. Pursuant to House Resolution 509 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5244.

□ 1534

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5244, to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1985, 1986, and 1987, with Mr. WILLIAMS of Montana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida [Mr. FUQUA] will be recognized for 30 minutes and the gentleman from Kansas [Mr. WINN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5244, which would authorize funds for fiscal years 1985, 1986, and 1987 for the Department of Energy civilian research and development programs.

I want to congratulate the gentleman from New York [Mr. SCHEUER], chairman of the Subcommittee on Natural Resources, Agriculture Research and Environment; the gentlewoman from Tennessee [Mrs. LLOYD], chairman of the Subcommittee on Energy Research and Production; and the gentleman from Kansas [Mr. GLICKMAN], chairman of the Subcommittee on Transportation, Aviation and Materials, for their leadership in bringing this legislation to the floor. They have done an outstanding job in perfecting this legislation. I would also like to acknowledge the considerable efforts of my colleagues on the other side of the aisle, the gentleman from Kansas [Mr. WINN], the ranking minority member; the gentleman from Pennsylvania [Mr. WALKER], the gentleman from New York [Mr. CARNEY], the gentleman from Wisconsin [Mr. SENSENBRENNER], and the gentleman from New York [Mr. MCGRATH].

Mr. Chairman, H.R. 5244, the Department of Energy Civilian Research and Development Authorization Act for fiscal years 1985, 1986, and 1987, encompasses civilian energy R&D programs under the sole jurisdiction of the Committee on Science and Technology. We feel that we are recommending a strong, responsible, and balanced energy research and development program which provides the basis for our Nation's critical energy production and conservation efforts.

The bill contains authorization of new budget authority for Department of Energy research and development programs for fiscal year 1985 of nearly $3.34 billion. This amount is $166 million, or 5.2 percent, above the budget request, and $126 million, or 3.9 percent, above the fiscal year 1984 appropriation for these programs. I would like to point out that although it is above the budget request, the bill is well within resolution amounts. All the increases in the bill are in the energy technology areas, on order to continue existing programs. Increases above the budget in fossil energy, energy conservation, solar energy, geothermal energy, nuclear fission, magnetic fusion, electric energy and storage systems, and environmental R&D bring the technololgy programs to a total of $2.11 billion.

This is less than the fiscal year 1984 appropriation of $2.17 billion. In the basic research and general science programs the bill supports the budget request and the continuing policy of real growth in the scientific basis of the Nation.

Mr. Chairman, this bill is a continuation of policies adopted by the Congress in the past few years. And, unlike authorizations and appropriations of those years, its general thrust, particularly in the nonnuclear energy technologies, has also been agreed to by the administration. We are no longer engaged in fighting attempts to close out nonnuclear programs or reduce them to insignificant levels. The Congress' perseverance in providing steady funding for these programs has finally convinced the executive branch of their merit. Although we may not agree on specific funding levels, the existence of the programs is no longer in jeopardy.

I have always felt that research and development, to be successful, must be supported steadily over long periods of time. In today's climate it is difficult to sustain such support for energy R&D. Decreasing oil prices have made introduction of alternative technologies more difficult. Conservation has lessened world demand for energy.

Growth in electric demand has been erratic. Many, therefore, conclude that energy R&D can be reduced or deleted. In fact, the energy sector is in some disarray. No nuclear plants are being ordered, or any other central station powerplants for that matter. Backup synthetic fuels technology is under attack and is being reassessed. Exploration for oil and gas has decreased.

Why, then, is it necessary to do energy R&D? Absent a crisis, why worry? First, we still import large quantities of oil to support our economy. Although our oil does not now come directly from the Middle East, any disruption there will change existing supply patterns and overall availability. Such disruptions are possible at any time, as recent attacks on oil freighters show. Second, energy demand is increasing. Although we know that conservation actions have taken place, we do not know how much of the recent decrease in energy demand was due to world recession. Electric demand is increasing, and at some point electric capacity needs also to increase. Third, perceived and real problems with acid rain, current nuclear technology, substitution for scarce fuels such as oil and gas, and the need for increased energy efficiency indicate a need to continue research and development in energy. Our economic health and our national security depend on such activity.

I believe that with this bill we will maintain a balanced energy R&D program, one that will support our ultimate goal of energy independence, and one that is fiscally responsible in these times of severe budget constraints and high deficits.

Mr. Chairman, I want now to describe briefly the various component programs and funding levels contained in H.R. 5244. The legislation contains a fossil energy authorization of $324 million, which is $51.2 million above the budget request, but $5.5 million below the fiscal year 1984 appropriation. The major additions recommended are in fuel cells, MHD, gasification and liquefaction facilities, and coal-fired turbines. They represent a continuation of current commitments to fossil technologies.

Overall, the authorization for energy conservation is an increase of $28 million to the DOE request of $140.2 million, for a total of $168.2 million. The Department of Energy's fiscal year 1985 request for these programs was equivalent to the appropriation for fiscal year 1984, except for the automotive Stirling engine development program, the energy extension service, and the appropriate technology program. The authorization recommends sufficient funds for each to continue at a reasonable level in fiscal year 1985.

In solar energy the legislation provides an authorization of $190.5 million, which is $33 million above the DOE fiscal year 1985 request and $13

million above the fiscal year 1984 appropriation. In this area our major initiatives are for the Sacramento Municipal Utility District [SMUD] project for continued purchasing of photovoltaic cells and for R&D in solar thermal central receivers. Funds are also authorized for a cost-shared program for biomass gasification and a strengthening of solar resource assessment.

In geothermal energy the bill recommends adding $5.5 million to the DOE request of $27.1 million for a total of $32.6 million. An increase of $3.5 million is recommended for geopressured resources and an increase of $2.0 million for the hot dry rock program.

In nuclear fission R&D the legislation recommends an authorization of $487.7 million, which is $28.7 million above the budget request and $79.2 million below the fiscal year 1984 appropriation.

Significant changes from the budget request include the addition of $12.4 million for the high temperature gas-cooled reactor [HTGR] program with emphasis on the modular [HTGR] concept, $16 million for light water reactor [HWR] safety, advanced designs and extended burn-up fuels, $23 million for the development of breeder reactor fuel reprocessing technology, and $5 million for space reactor systems. These proposed increased are partly offset by a reduction of $35 million in the base breeder program.

Magnetic fusion is authorized at a level of $492.3 million, which is 4.6 percent above fiscal year 1984, and which includes an additional $9.2 million over the approximately $10.8 million already identified in the budget to support the next major fusion device, the Tokamak fusion core experiment [TFCX]. We are aware of the cautious response to new starts in this fiscal climate. Nevertheless, there is significant evidence that beginning this project in a modest manner in fiscal year 1985 will ensure that this country maintains international leadership in magnetic fusion energy.

A total of $40 million is authorized for electric energy and energy storage systems. This is an increase of $4.7 million above the budget for additional R&D in battery storage, thermal mechanical storage and electric systems technology.

This legislation provides $479.4 million for supporting research and technical analysis, of which $418.2 million is for the basic energy sciences program. In addition, the authorization in the general science and research area is $746.8 million, which includes $561 million for the high-energy physics program and $183.6 million for nuclear physics. These figures are in substantial agreement with the budget request and continue the policy, supported by both the administration and Congress, of real growth in basic research and science.

The legislation supports the new initiatives proposed for basic energy sciences, including the expanded supercomputing research, advanced computation efforts, advanced materials research efforts, and construction of high priority facilities.

In high-energy physics funds are authorized for preliminary studies for a superconducting supercollider, increased accelerator utilization, and continued construction of previously approved facilities. In nuclear physics the continuous beam accelerator facility [CEBAF] will be initiated.

The total amount authorized for the environmental programs is $15.6 million (7 percent) above the budget request of $228.2 million. The recommended increases are directed to maintaining research into the basic causes of cancer, cardiovascular disease, respiratory disease, and other health effects that are impacted by energy related technologies, and to nuclear medicine research, where studies are conducted in the use of radioactive drugs and nuclear technologies for the treatment of cancer and other human diseases. The potential benefits from this human health research are substantial and justify the modest funding increase.

In uranium enrichment, the authorization includes a program of $182 million, of which $33 million is to be obtained from currently available unobligated balances. It is the Department of Energy's contention that it must make a process selection choice on advanced enrichment technologies in fiscal year 1985. The Committee on Science and Technology believes that the "losing technology" from the 1985 decision must be funded at a healthy level as a meaningful backup approach and has recommended that a contingency fund of $73 million be set aside from fiscal year 1984 unobligated balances in uranium enrichment.

In fiscal year 1985 additional funding of $33 million is recommended from these balances in order to enhance DOE confidence in the fiscal year 1985 selection process.

For fiscal years 1986 and 1987, the legislation continues programs included in the fiscal year 1985 authorization amounts adjusted for inflation and the completion of several facilities now under construction. The total authorization for fiscal year 1986 is $3.534 billion and for fiscal year 1987 it is $3.654 billion.

Mr. Chairman, in conclusion, H.R. 5244 will provide the necessary balance, continuity, and stability that is required for this Nation's energy R&D program. Additionally, it authorizes funding that preserves prior Federal investments in facilities, technical expertise, and vital data, and it will help ensure that DOE-supported basic research remains preeminent and at the scientific frontier. I urge all my colleagues to join me in supporting its passage.

For the use of all members, I am including at this point in the record the summary of committee actions taken from House Report No. 98-686.

III. SUMMARY OF COMMITTEE ACTIONS—FISCAL YEAR 1985 DEPARTMENT OF ENERGY AUTHORIZATION—SUMMARY OF COMMITTEE ACTIONS: TITLE 1—FISCAL YEAR 1985 ENERGY R&D PROGRAMS

[In thousands of dollars]

	Fiscal year 1984 budget authority (estimate)	Fiscal year 1985 DOE request	Committee action	
			Changes to DOE request	Total authorization
Fossil energy:				
Operating expenses	323,040	263,370	+51,175	314,545
Capital equipment	1,500	4,500		4,500
Construction	5,040	5,000		5,000
Total, fossil energy	329,580	272,870	+51,175	324,045
Energy conservation:				
Operating expenses	132,135	106,498	+31,000	137,489
Capital equipment	1,500	13,300	−7,650	5,650
Construction	9,000	10,600	−4,000	6,600
Total, conservation	142,635	130,398	+19,350	149,748
Energy Supply R&D:				
Solar energy:				
Operating expenses	176,150	154,249	+22,836	177,085
Capital equipment	250	2,900		2,900

III. SUMMARY OF COMMITTEE ACTIONS—FISCAL YEAR 1985 DEPARTMENT OF ENERGY AUTHORIZATION—SUMMARY OF COMMITTEE ACTIONS: TITLE 1—FISCAL YEAR 1985 ENERGY R&D PROGRAMS—Continued

[In thousands of dollars]

	Fiscal year 1984 budget authority (estimate)	Fiscal year 1985 DOE request	Committee action	
			Changes to DOE request	Total authorization
Construction	1,500	0	+10,500	10,500
Total, Solar energy	177,900	157,149	+33,336	190,485
Geothermal energy:				
Operating expenses	30,459	26,687	+5,500	32,187
Capital equipment	0	400		400
Construction	0	0		0
Total, geothermal	30,459	27,087	+5,500	32,587
Nuclear fission (supply R&D):				
Operating expenses	518,682	425,681	+27,191	452,872
Capital equipment	32,200	25,575	+1,500	27,075
Construction	16,100	7,800		7,800
Total, nuclear fission supply R&D	566,982	459,056	+28,691	487,747
Magnetic fusion energy:				
Operating expenses	396,450	417,238	+9,200	426,438
Capital equipment	37,800	33,400		33,400
Construction	36,500	32,500		32,500
Total, magnetic fusion	470,750	483,138	+9,200	492,338
Electric energy systems and energy storage systems:				
Operating expenses	44,200	34,535	+4,665	39,200
Capital equipment	0	800		800
Total, EES/ESS	44,200	35,335	+4,665	40,000
Supporting research and technical analysis:				
Operating expenses	311,569	369,440	−230	369,210
Capital equipment	24,280	31,120		31,120
Construction	59,260	79,020		79,020
Total, supporting research	395,109	479,580	−230	479,350
Environmental R&D:				
Operating expenses	207,005	215,704	+15,550	231,254
Capital equipment	9,900	9,500		9,500
Construction	2,400	3,000		3,000
Total, environmental R&D	219,305	228,204	+15,550	243,754
Policy and management, energy research: Operating expenses, total	1,288	530		530
Geothermal resources development fund (GRDF); Operating expenses, total	2,100	121		121
General science and research:				
Operating expenses	478,750	528,405		528,405
Capital equipment	62,800	79,100		79,100
Construction	99,700	139,300		139,300
Total, general science	641,250	746,805		746,805
Nuclear fission (uranium enrichment R&D):				
Operating expenses	172,800	140,800	[1] +32,000	[1] 172,800
Capital equipment	12,900	8,700		8,700
Construction	3,600	500		500
Total, uranium enrichment R&D	189,300	150,000	[1] +32,000	[1] 182,000
Total, Title I	3,210,858	3,170,273	[1] +199,237	[1] 3,369,510
New budget authority			+166,237	3,336,510

[1] $32 million increase for Uranium Enrichment R&D is the net action of a reduction of $1 million in new budget authority and an increase of $33 million which is to be provided from existing unobligated balances in the Uranium Enrichment account and not from new budget authority.

TITLE II—FISCAL YEARS 1986 AND 1987 ENERGY R&D PROGRAMS

[In thousands of dollars]

	Fiscal year—			
	1985 DOE request	1985 committee action	1986 committee action	1987 committee action
Fossil energy:				
Operating and capital equipment			345,500	357,000
Construction			3,000	3,500
Total	272,870	324,045	348,500	360,500
Energy conservation:				
Operating and capital equipment			166,100	159,100
Construction			2,700	0
Total	130,398	149,748	168,800	159,100
Energy supply R&D:				
Solar energy:				
Operating and capital equipment			192,800	202,700
Construction			9,000	0
Total	157,149	190,485	201,800	202,700

TITLE II—FISCAL YEARS 1986 AND 1987 ENERGY R&D PROGRAMS—Continued

[In thousands of dollars]

	Fiscal year—			
	1985 DOE request	1985 committee action	1986 committee action	1987 committee action
Geothermal energy:				
Operating and capital equipment			34,700	32,400
Construction			0	0
Total	27,087	32,587	34,700	32,400
Nuclear fission:				
Operating and capital equipment			452,735	410,585
Construction			52,600	82,300
Total	459,056	487,747	505,335	492,885
Magnetic fusion energy:				
Operating and capital equipment			466,000	495,000
Construction			51,000	53,000
Total	483,138	492,338	517,000	548,000
Electric energy systems and energy storage systems: Operating and capital equipment, total	35,335	40,000	49,000	45,300
Supporting research and technical analysis:				
Operating and capital equipment			439,300	483,900
Construction			79,500	68,160
Total	479,580	479,350	518,900	552,060
Environmental R&D:				
Operating and capital equipment			257,460	270,342
Construction			3,150	3,300
Total	228,204	243,754	260,610	273,642
Policy and management, energy research: Operating expenses, total	530	530	557	585
Subtotal, energy supply R&D	1,870,079	1,966,791	2,087,802	2,147,572
Geothermal resources development fund (GRDF): Operating expenses, total	121	121	121	121
General science and research:				
Operating and capital equipment			701,100	782,300
Construction			57,500	34,800
Total	746,805	746,805	758,600	817,100
Uranium enrichment R&D:				
Operating and capital equipment			170,000	170,000
Construction			0	0
Total	150,000	[1]182,000	170,000	170,000
Total, title II	3,170,273	[1]3,369,510	3,533,823	3,654,393

[1] $32 million increase in fiscal year 1985 for Uranium Enrichment R&D is the net action of a reduction of $1 million in new budget authority and an increase of $33 million which is to be provided from existing unobligated balanced in the Uranium Enrichment account and not from new budget authority.

FOSSIL ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $324,045,000 for fossil energy research and development, which is an increase of $51,175,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Control technology.—Increased the Administration's request by $2,900,000 by decreasing the flue gas cleanup activity by $2,600,000, and increasing the gas stream cleanup activity by $1,500,000, coal preparation by $2,000,000, and cleanup base technology by $2,000,000.

2. Advanced research and technology development.—Increased the Administration's request by $2,000,000 to increase the direct utilization activity for fuel cells and redirected $2,500,000 from the processes, direct utilization, and technology cross-cut programs to long range materials work.

3. Coal liquefaction.—Increased the Administration's request by $9,200,000 to enhance indirect liquefaction by $3,650,000 and advanced process development by $5,550,000.

4. Combustion systems.—Decreased the Administration's request by $12,500,000 to provide an increase of $1,500,000 for use in atmospheric fluidized bed facilities and $1,000,000 for advanced combustion technology, and to reduce the request for the Tennessee Valley Authority (TVA) demonstration plant by $15,000,000. Funds for the TVA plant have already been appropriated.

5. Fuel cells.—Increased the Administration's request by $27,900,000 to continue the phosphoric acid, molten carbonate, and solid oxide programs at current levels.

6. Heat engines.—Increased the Administration's request by $5,000,000 to accelerate research on "fuel-flexible" turbines and coal-fired diesels.

7. Magnetohydrodynamics (MHD).—Increased the Administration's request by $7,000,000 to continue activity in the MHD program without large immediate cost sharing.

8. Surface coal gasification.—Increased the Administration's request by $6,500,000 to continue operating advanced gasifier facilities.

9. Advanced process technology.—Reduced the Administration's request by $700,000 to continue arctic and offshore technology at the fiscal year 1984 level.

10. Enhanced oil recovery.—Decreased the Administration's request by $2,125,000 to provide a 23 percent increase over FY 1984 in program funding.

11. Oil shale.—Increased the Administration's request by $2,000,000 for eastern shale technology.

12. Unconventional gas recovery.—Increased the Administration's request by $1,000,000 for eastern gas shales activity.

13. Fossil energy program direction.—Increased the Administration's request by $3,000,000 to allow for the return to personnel levels consistent with current programs and existing legislation.

ENERGY CONSERVATION: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $149,748,000 for energy conservation programs, which is an increase of $19,350,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Buildings and community systems.—Increased the Administration's request by $8,500,000 for activities in building systems, community systems, and building equipment.

2. Industrial energy conservation.—Increased the Administration's requested by $5,000,000 for waste energy reduction, industrial process efficiency, and industrial cogeneration.

3. Multi-sector.—Decreased the Administration's request by $4,000,000 for energy conservation technology.

4. Transportation energy conservation.—Increased the Administration's request by $21,500,000 for the gas turbine and Stirling engine programs and for battery research.

B. Plant and capital equipment

The Committee reduced the Administration's request for capital equipment by $1,100,000 in building and community systems, $4,400,000 in industrial energy also decreased the Administration's request in transportation for construction of the High Temperature Materials Lab by $4,000,000 ($1,300,000 reduction in FY 1985 and $2,700,000 deferral to FY 1986).

SOLAR ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $190,485,000 for solar energy programs, which is an increase of $33,336,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Photovoltaic energy systems.—Increased the Administration's request by a net of $5,000,000 by decreasing materials research by $1,500,000 and increasing systems research by $6,500,000.

2. Solar thermal energy systems.—Increased the Administration's request by $7,000,000 by increasing central receiver R&D, distributed receiver R&D, and planning and assessment activities by $9,000,000 and decreasing materials and components by $2,000,000.

3. Solar building energy research.—Increased the Administration's request by $6,400,000 for materials and components R&D and for systems analysis and thermal science.

4. Wind energy systems.—Reduced the Administration's request by $5,500,000 by reducing aerodynamics and structural dynamics research by $6,500,000 and initiating a $1,000,000 cost-shared R&D program for small and intermediate size machines.

5. Biofuels energy systems.—Increased the Administration's request by $5,100,000 by increasing thermochemical and biochemical conversion, conversion technology transfer, and regional biomass programs by $6,100,000 and decreasing production research by $1,000,000.

6. Ocean energy systems.—Increased the Administration's request by $2,500,000 to continue all program elements at current levels.

7. Solar resource assessment.—Increased the Administration's request for this activity by $2,200,000 and identified it as separate line item.

8. Program direction.—Increased the Administration's request by $136,000.

B. Plant and capital equipment

The Committee provided $9,500,000 for phase III construction funds for the Sacramento Municipal Utility District (SMUD) photo-voltaics project and $1,000,000 to design a Solar Energy Research Institute (SERI) laboratory facility.

GEOTHERMAL ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $32,587,000 for geothermal research and development, which is an increase of $5,550,000 over the Administration's request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Geopressured resources.— Increased the Administration's request by $3,500,000 to continue the well testing program and acquire and test a deep well.

2. Geothermal technology.—Increased the Administration's request by $2,000,000 to complete the hot dry rock research program.

NUCLEAR FISSION ENERGY (SUPPLY R&D): SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $487,747,000 for the nuclear fission energy (supply R&D) program which is an increase of $28,691,000 over the Administration request.

A. Operating expenses

In the specific subprograms, the Committee acted as follows:

1. Converter reactor systems.—Increased the Administration request by $31,691,000 for activities associated with the High Temperature Gas-Cooled Reactor (HTGR) Program, Light Water Reactor Systems, and Advanced Reactor Designs.

2. Nuclear waste technology treatment.—Agreed to the Administration request of $6,300,000.

3. Civilian radioactive waste management.—Agreed to the Administration request of $27,640,000.

4. Advanced nuclear systems.—Increased the Administration request by $5,000,000 for future development of the Space Nuclear Reactor (SP-100) program.

5. Breeder reactor systems.—Decreased the Administration request by $14,500,000. This decrease represents a reduction of $35,000,000 in the base breeder program, of which $20,000,000 will be redirected to the Fuel Cycle program in support of the Breeder Reprocessing Engineering Test (BRET) program and $500,000 will be redirected for an evaluation of a "dry" separation process for reprocessing spent nuclear fuel from light water reactors. A total of $3,000,000 will be added to continue activities in support of the thorium/uranium cycle. The Committee decreased the Water-Cooled Breeder Reactor program by $3,000,000.

University program.—The Committee authorized $5,000,000 for a new initiative for the purpose of extending and strengthening the role of universities in the Department of Energy's nuclear fission R&D programs.

B. Plant and capital equipment

The Committee increased the Administration request by $1.5 million for component testing for the High Temperature Gas-Cooled Reactor (HTGR) program.

MAGNETIC FUSION ENERGY: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $492,338,000 for the Magnetic Fusion Program which is $9,200,000 over the Administration request of $438,138,000.

A. Operating expenses

The increase was added to Confinement Systems to enhance the Tokamak Fusion Core Experiment (TFCX). A redirection of $2,500,000 was authorized for a cost-shared fabrication of high-strength, high conductivity, copper magnetic coils for use in compact toroid igntion experiments.

ELECTRIC ENERGY SYSTEMS AND ENERGY STORAGE SYSTEMS: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $40,000,000 for the programs of Electric Energy Systems and Energy Storage Systems which is $4,665,000 over the Administration request of $35,335,000.

A. Operating expenses

1. Electric energy systems.—Increased the Administration request by $268,000 to maintain base level of activity and staffing.

2. Energy storage systems.—Increased the Administration request by $4,397,000 to conduct work in nine specific activities and to provide adequate staffing.

SUPPORTING RESEARCH AND TECHNICAL ANALYSIS: SUMMARY OF COMMITTEE ACTIONS

The Committee auhtorized a total of $479,350,000 for Supporting Research and Technical Analysis programs, which is $230,000 less than the Administration's request.

A. Operating expenses

In the specific programs, the Committee acted as follows:

1. Basic energy science.—The Committee reduced photon and optical R&D funding at Lawrence Berkeley Laboratory by $1,300,000.

2. University research support.—The Committee increased the Administration's request by $1,070,000 by increasing University Reactor Fuel Assistance by $1,250,000 to study the conversion of reactors currently using highly enriched uranium to low enriched uranium, and reducing the administration's request for Energy Manpower Assessments by $180,000 to maintain the program at the fiscal year 1984 appropriation.

ENVIRONMENTAL R&D: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $243,754,000 for environmental programs, which is an increase of $15,550,000 over the Administration's request.

A. Operating expenses

In the specific subprograms the Committee acted as follows:

1. Environment, safety and health.—Decreased the Administration's request by $2,000,000 to slow the rate of growth in the nuclear safety element. The amount decreased ($2,000,000) was redirected to the biological and Environmental research program.

2. Biological/environmental research.—Increased the Administation's request by $17,550,000 to maintain long-term research in the areas of human disease, including cancer and cardiovascular studies, high altitude monitoring and risk assessement. The Committee also directed that $15,000,000 of the increase in this program be utilized to maintain the level of health effects research efforts at five dedicated laboratories.

GENERAL SCIENCE AND RESEARCH: SUMMARY OF COMMITTEE ACTIONS

The Committee authorized a total of $746,805,000 for general science and research, which is in agreement with the Administration's request.

NUCLEAR FISSION (URANIUM ENRICHMENT R&D): SUMMARY OF COMMITTEE ACTIONS

The committee authorized a total of $182,000,000 for the Nuclear Fission Uranium Enrichment R&D program which is an increase of $32,000,000 over the Administration request. The $32,000,000 increase is a net action of a reduction of $1,000,000 in new budget authority and an increase of $33,000,000 which is to be provided from existing unobligated balances in the Uranium Enrichment account and not from new budget authority.

V. RESEARCH AND DEVELOPMENT—FISCAL YEARS 1986 AND 1987: SUMMARY OF COMMITTEE ACTIONS

[In thousands of dollars]

	Fiscal year—			
	1985 DOE request	1985 committee action	1986 committee action	1987 committee action
Fossil energy:				
Operating and capital equipment			345,500	357,000
Construction			3,000	3,500
Total	272,870	324,045	348,500	360,500
Energy conservation:				
Operating and capital equipment			166,100	159,100
Construction			2,700	0
Total	130,398	149,748	168,800	159,100
Energy supply R&D:				
Solar energy:				
Operating and capital equipment			192,800	202,700
Construction			9,000	0
Total	157,149	190,485	201,800	202,700
Geothermal energy:				
Operating and capital equipment			34,700	32,400
Construction			0	0
Total	27,087	32,587	34,700	32,400
Nuclear fission:				
Operating and capital equipment			452,735	410,585
Construction			52,600	82,300
Total	459,056	487,747	505,335	492,885
Magnetic fusion energy:				
Operating and capital equipment			466,000	495,000
Construction			51,000	53,000
Total	483,138	492,338	517,000	548,000
Electric energy systems and energy storage systems: Operating and capital equipment, total	35,335	40,000	49,000	45,300
Supporting research and technical analysis:				
Operating and capital equipment			439,300	483,900
Construction			79,500	68,160
Total	479,580	479,350	518,800	552,060
Environmental R&D:				
Operating and capital equipment			257,460	270,342
Construction			3,150	3,300
Total	228,204	243,754	260,610	273,642
Policy and management, energy research: Operating expenses, total	530	530	557	585
Subtotal, energy supply R&D	1,870,079	1,966,791	2,087,802	2,147,572
Geothermal resources development fund (GRDF): Operating expenses, total	121	121	121	121
General science and research:				
Operating and capital equipment			701,100	782,300
Construction			57,500	34,800
Total	746,805	746,805	758,600	817,100
Uranium enrichment R&D:				
Operating and capital equipment			170,000	170,000
Construction			0	0
Total	150,000	[1] 182,000	170,000	170,000
Total, title II	3,170,273	[1] 3,369,510	3,533,823	3,654,393

[1] $32 million increase in fiscal year 1985 for Uranium Enrichment R&D is the net action of a reduction of $1 million in new budget authority and an increase of $33 million which is to be provided from existing unobligated balances in the Uranium Enrichment account and not from new budget authority.

□ 1540

Mr. FUQUA. Mr. Chairman, I reserve the remainder of my time.

Mr. WINN. Mr. Chairman, I yield myself such time as I may deem necessary.

Mr. Chairman, I rise in opposition to H.R. 5244, the Department of Energy Civilian Research and Development Act for fiscal years 1985, 1986, and 1987.

The reason for my opposition is the fact that the bill proposes funds in an amount which exceeds Department of Energy requests by more than $200 million. I realize that we will hear someone say, "But it's just $200 million," or "But it's just an increase of 6 percent."

Well, Mr. Chairman, that is exactly how we got to where we are. A deficit of $200 billion is an occurrence which is incomprehensible to many of us. But we get that kind of thing by these increases of 6 percent, or a million here and a million there.

When the Science and Technology Committee reviewed the Department of Energy request early this year, I heard a rumble or two of discontent. So, I offered to meet with those Members who were discontented. I suggested that we would add funds to those programs perceived to be inadequately supported. It was my firm belief that the total amount requested by DOE was satisfactory, so those added funds would come from other programs which had been too generously endowed. It was merely a matter of changing priorities based on our knowledge of all the programs.

There was no response to my suggestion. Instead, when we marked up this bill in subcommittee and full committee the malcontents simply added money to everything. This really does not solve a problem because, eventually, we face an absolute limit to available funds. We must then stop this practice and programs are denied extra support which that have come to expect. Actually, then, continued addi-

tional funding harms the recipient. Also, the committee's ability to make meaningful decisions can be justifiably questioned. And further contribution is made to the national deficit.

Through all my years on this committee I have heard many scientists strongly request multiple-year funding. I suspect we have all been advised that projects and science investigators are greatly hampered, lacking assurance that funds will be available for the length of an experiment. So, I commend our committee chairman, DON FUQUA, for the multiple-year aspects of H.R. 5244. The 3-year span proposed here would, if adopted, promise support continuity not available on a year-to-year basis. It appears, however, that the outyear increases are projected at somewhat higher rates than our present 3.5 percent inflation rate. So, some adjustment should be made.

Mr. Chairman, I reiterate my opposition to H.R. 5244. I look forward to the opportunity to support an amendment reducing this legislation to the funding level requested by the Department of Energy.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I would like to take a brief moment to reiterate a point made by the gentlewoman from Tennessee. The $5 million Nuclear Engineering University Program is imperative if the United States is to develop efficient, effective uses or nuclear power which are accepted by the general public as safe in the future. Most experts agree that it is time for us to invest in further research and innovative development of this energy source. We have learned that one-time large plants, such as the Clinch River breeder reactor, are expensive to the point of being prohibitive, and require immense resources in design and engineering. In the future, I expect we shall opt for smaller, less expensive plants where the design can be perfected and several plants can be built from the same specifications. This is just one example where further study is needed, but this transition will require trained engineers and scientists.

Our universities are having difficulty maintaining and attracting high caliber students to their programs. Several department heads at universities around the country have expressed their need and support for increased student participation in the nuclear engineering field. The costs of running such programs are high. Students are weighing the financial costs against the possibility of near-term employment when they complete the program. With the nuclear power industry seemingly adrift at this time, there is little incentive for talented young people to enter this field.

The university program which we are supporting today attempts to fill this gap in the supply of professionals which will form between now and the time when nuclear power is once again in demand. These funds would be used to enhance existing educational programs, with a portion used for financial aid to talented scholastic achievers.

Mr. Chairman, the President and the Nation have placed a renewed priority on science, research and education. Several good programs are being implemented, but the need for education support in nuclear fission engineering is not being met. While the National Science Foundation supports general education in many of the sciences, it has not to date expanded its support in nuclear engineering to any great extent.

At present, the Department of Energy's Nuclear Fission Program's proposed budget contains less than 1 percent for university support. The total appropriated nuclear budget is approximately $626 million. However, even with the $5 million within this bill directed toward university funding, the university support percentage would still be under 1 percent of the total nuclear fission budget. Other programs, such as the Magnetic Fusion Program in the Department of Energy, direct close to 10 percent of their funding toward universities. This $5 million is not a large portion.

Mr. Chairman, this university program is vital to maintain a pool of qualified nuclear engineers. Without these trained professionals, we will be unable to conduct the research and development necessary to maintain a viable nuclear program. I commend the gentlewoman from Tennessee for the foresight she has exhibited with this proposal and stand in full support of this small but vital university program. I encourage my colleagues on both sides of the aisle to support this investment in the future.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation, as has been mentioned, addresses the research and development projects programs in the energy area, such as the basic research program, uranium enrichment, the environment, and nuclear physics.

These programs provide the basic data from which have come such results as faster computers, improved materials, more accurate instrumentation, lower combustion emissions, and superconducting magnets.

The research and development authorization request received from the Department of Energy for these various programs totaled $3.170 billion. Again, as in years past, the administration strongly supported basic and applied research. Less emphasis was provided for development and other low-risk projects.

A total of 26 hearings were devoted to Government and outside witnesses and to mark up our evaluation of the DOE authorization request. The minority fully participated in those hearings. As a matter of fact, minority interest was evidenced by the fact that we attended these hearings in greater total number than did the majority. The minority put together some very firm viewpoints based upon our experience in those hearings. We became convinced in the course of the hearings that the DOE request, that $3.17 billion, was in fact adequate in terms of total funding. We continually offered to work with the majority on program priorities which held to that total funding request. We thought that there were some areas where we could beef up funding within the total funding request by subtracting funding from other areas, and we looked to do that. Although we made those kinds of offers, we received no response to those particular offers. Instead, what this bill is is a case of the majority solving all of the perceived program problems by adding money, not by reallocating funds.

The committee bill, H.R. 5244, exceeds the administration's budget request in this area by over $200 million. The bill also exceeds the fiscal year 1984 appropriation by $174 million or 5.4 percent. At our present inflation rate of just over 4 percent, H.R. 5244 transcends anticipated cost increases.

Both the Interior and Energy and Water Appropriations Committees in the House have completed their DOE research and development bills. They exceeded the DOE request by $100 million. So the Science and Technology Committee and the majority on that committee will attempt to reduce H.R. 5244 by $100 million to get in line by amendment later on in this process.

It should be reiterated that the original DOE authorization request was a reasonable request, in our view; $3.2 billion is enough to do all that must be done. Therefore, an amendment will likely be offered to the amendment offered by the chairman of the committee that will reduce the revised bill by 3.1 percent in order to get it back to that DOE authorization level.

We further understand that the chairman intends to introduce an amendment to H.R. 5244 which will authorize the move of $2 billion from the Synthetic Fuels Corporation to the Department of Energy. Those transferred funds are expected to be used for process development; in other words, they want to build pilot plants for certain select energy activities.

I question this latest episode of reprogramming the taxpayers' money, I question the ideas behind it in this

manner of moving funds. If we do not intend to use the funds for the purposes originally intended, we should be reducing the deficit with them. If we see a $2 billion technology need in the DOE, let us explore that funding deficiency in some detail, at least with more than two or three committee hearings.

□ 1550

We are talking big money here, and we should proceed prudently. Then we can effectively provide the oversight which is expected of us as the funds get spent or not spent, as the case may be. Without proper hearings, on this spending proposal, I will have no choice but to oppose the chairman's proposed amendment.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. I thank the gentleman for yielding time to me, and I would like to engage the gentleman in a colloquy at this point.

The report accompanying H.R. 5973, the Department of the Interior and related agencies appropriations bill for fiscal year 1985, contains language stating that, "Within available funds, the committee recommends up to $1,000,000 to demonstrate at laboratory scale the technical and economic feasibility of the purged-carbon process."

Is it the gentleman's understanding that this appropriations report language can be accommodated by the level of funding in H.R. 5244?

I yield to the gentleman for his response.

Mr. FUQUA. Yes; it is my understanding that there are sufficient funds authorized in H.R. 5244 to accommodate the appropriations report language on the purged carbon process.

Mr. BOUCHER. I thank the gentleman, and I rise in support of the bill.

Mr. FUQUA. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition, both for myself and on behalf of the gentleman from Michigan [Mr. DINGELL] of the proposed amendment to transfer $2 billion from the Synthetic Fuels Corporation appropriations to the Department of Energy, in its present form. That is, the form that was circulated by letter July 25 from Chairman FUQUA to the members of the Science and Technology Committee.

In subsequent discussions with the chairman, I understand that he is considering some revisions, and I will be happy to work with him. I basically would like to see additional funds devoted to research and development projects, I am not speaking for Mr. DINGELL at this point, to solar and conservation that have been severely cut by a combination of the actions of the administration and then the budget stringencies that were imposed upon us by the huge deficits that we have.

On synthetic fuels research and development, I really think that we ought to be building pilot and demonstration plants, and the industry believes so too, rather than rushing to commercialization where that technology, at the present time, is totally unfeasible. I am not unsympathetic to what the gentleman from Florida says he wants to do. But the draft that was circulated, it seems to me, is just grossly deficient. It gives this $2 billion to the Department of Energy apparently without any kind of restriction whatsoever. Without the need for further authorization or appropriation. That is a huge amount of money to be giving to the Department of Energy in the same kind of unaccountable manner as we have that money to the Synthetic Fuels Corporation.

All that is required by the draft to which I refer is that individual projects come to Congress and be submitted 30 days before they go into operation. I just do not think that the track record of the Department of Energy is sufficiently good to allow them that kind of untrammeled discretion.

As presently drafted, in the draft to which I refer, the projects would not be limited; solar conservation and fossil fuel projects. But in the language of the actual draft it says advanced energy technology. The term which can be financed by this $2 billion includes but is not limited to any technology under the Non-Nuclear Act. That means that one could see a revival of some of the Department's favorite nuclear projects that the Congress has rejected with these unrestricted funds. You could revive Barnwell; you could revive other projects, maybe even the Clinch River breeder reactor without our being able to do more than to see it for 30 days. I think that would be clearly against the wishes of this body.

I am also concerned, and I think it needs attention, to the so-called 50-50 split that is called for in the legislation. Even though the amendment would have that 50-percent limitation, it is entirely possible that the Federal Government could end up bearing the entire project cost at $600 million for each project. This is because of tax benefits available to private industry in this area, such as interest deduction and investment tax credits. These could result in revenue losses to the Government well in excess of a supposed private share of project costs.

As I said before, I have other problems with this as well. I would be perfectly willing to work with the gentleman from Florida to achieve what he said was the original objectives; but in its present form, I do not think it is in a form that we could possibly accept.

This $2 billion is proposed to be given the Secretary of Energy without further authorization or appropriations—individual projects just must be reported to Congress 30 days before proceeding.

The amendment, circulated to Science Committee members on July 25, increases the DOE R&D authorizations by 60 percent and duplicates existing programs at the Department of Energy. It will provide an opportunity to resurrect failed demonstration projects and to start new ones, bypassing authorizations and appropriations.

The procedure under which this amendment is being considered is as unwise as its substance. The appropriations for the Energy Department have already been approved, and yet we are now considering a bill to authorize those funds. It is clear that the bill is little more than a floor vehicle for an amendment—an amendment far more significant than the bill itself. There have been no hearings or markup of this suggested $2 billion program in any committee. It is just such a lack of consideration that caused many of the problems in the synthetic fuels legislation.

It is tempting to say that anything is better than letting the Synthetic Fuels Corporation spend the money, but that is not the case here. This creates a slush fund equally as unaccountable as the Synthetic Fuels Corporation itself.

Each year we are forced to confront difficult decisions in energy funding in light of fiscal restraints. The Fuqua amendment would eliminate this fiscal discipline and replace it with a $2 billion blank check to the Department of Energy.

That is too much to swallow—even for those of us who don't like the Synthetic Fuels Corporation.

Mr. FUQUA. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I would like to begin my remarks first, as a member of the Energy and Water Subcommittee of the Appropriations Committee that in part appropriates the authorizations of the Committee on Science and Technology, by thanking the gentleman and the other Members on a bipartisan basis for the cooperation the gentleman has shown us through the years. It is not unusual for us to go several years in a row without an authorization bill, and yet the cooperation between our two committees has been continuing and positive and we have been able to work out accommodations with the obvious conflicts that sometimes occur, usually put in abey-

ance for the betterment of the entire legislative process. So, I know I speak for the other members of our subcommittee on a bipartisan basis, Mr. MYERS and Mr. BEVILL particularly, for the good work the gentleman does and the leadership he shows.

I am particularly happy to stand here today in support of this legislation. The consensus for a national energy policy has recently been severely buffeted. Initially, I think by this adminsitration's rejection of renewable energy as an option, and now by its continuing rigidity on the question of the transfer of any research and development into the commerical sector except nominally nuclear.

We have seen continuous attacks by a number of people on renewable energy tax credits until recent pro forma support during the recent tax bill, and I think also real reductions in the renewable energy research and development budget from say, $557 million actual in 1981 to a proposed $72 million for 1983, a figure, I am glad to say, that we have rejected and increased.

The Congress has made substantial restoration, but the pressures are so great that we still fall far short of capitalizing on the over $3 billion we have devoted to renewable R&D since 1975. Of course, we debated at length last week what to do about the destruction of the Synfuels Corporation. In that context, I would like to indicate my support for the amendment that the gentleman intend to offer to the Synthetic Fuels Corporation when this bill comes to the floor.

The $2 billion setaside which is directed toward the uses of solar, fossil or geothermal energy or the demonstration of conservation techniques, with the matching private funds, I think is a direction that all of us can support, and hopefully, it will be supported on a bipartisan basis on this floor.

□ 1600

But it seems to me important at this point to point out that there have been some tremendous losses occurring in this country to our private sector markets, given our abandonment of some technologies that proved to be particularly useful, technically capable, and yet at the same time far more aggressively pursued in other countries.

For example, the photovoltaic world market has risen very fast from virtually nothing in the NASA days to 18 megawatts now, but our U.S. share has dropped from 90 percent of the market to something below 50 percent in a few short years, with Japan and Germany, mostly Japan, frankly, absorbing the increase in that market share, building on our own research base, a research base that was put together by the U.S. taxpayer.

Whereas, it once appeared likely that photovoltaic plate costs could be reduced to a commercially competitive $2.50 per peak watt-hour in the next few years, the uncertainty plaguing the market has now thrown that into doubt. Uncertainty is caused somewhat by the decline in oil prices from $32 to $29 a barrel, but more by the disadvantageous investment climate here and the cessation of a Federal commitment to help stabilize that climate.

At least two photovoltaic projects in California are basically on hold, pending some sort of favorable clarification of the economics of alternative energy forms in the next few years. A similar uncertainty weighs against completion of a large, commercial-scale solar thermal central powerplant, as well as decentralized solar thermal projects in two instances.

We are on the verge of success or failure economically of residential solar systems that can both heat and cool, thus greatly expanding the cost efficiencies of residential solar investments.

Foreign nations are setting up subsidiaries in the United States to position themselves for the vast U.S. market and take advantage of our declining commitment to meet those commercial opportunities ourselves. Some of these firms are beginning to land significant Government contracts.

Mr. Chairman, I mention the above not only for their own sake but as a way of indicating how important it is that this energy authorization pass. If it does, it might signify that the Nation is trying to get back on the track with a national energy policy.

Mr. WINN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], a member of the Committee on Science and Technology.

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Chairman, when this session of Congress closes, the gentleman from Kansas, who has been the leader of the minority, will be retiring from Congress, and speaking for those of us on the minority side, he is going to be a person much missed on our side.

He has been our leader through some difficult times when levels of spending have been proposed to be reduced in many of the programs that he deeply believes in, or where at least funding decreases were proposed. He has had the mission, working on our committee, of remaining loyal to the much needed goals of trying to see that spending is reduced while maintaining his long dedication to the advancement of science and technology, and that has been a tough role. No one could have carried that burden better than did LARRY WINN.

As our leader, he has been tireless and he has been effective in his work on this committee. Ours has been a membership where we have had several new members coming into the committee on the minority side each and every Congress, and that has meant that LARRY has had to be skillful in both leading the uninitiated while making certain that the minority position was always effective as a part of our policy.

He has been a leader and a teacher as well as a legislator, and we on the minority side on Science and Technology will miss him. More important, his country is going to miss his leadership and his service. Science and technology is stronger today because of the work he has done. This country's future is stronger because of the way he used his skills to address the future through the work of our committee.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, I would just like to say as a fellow prospective retiree that I, too, greatly admire the work of the gentleman from Kansas. He has always been a gentleman to work with. Even though we have not always agreed on the substance of energy policy, he always acts with knowledge and dedication in the best interests of the country.

I certainly join in wishing him well and in expressing our gratitude for his great contribution to the committees of the Congress.

Mr. WALKER. I thank the gentleman. We, indeed, have been on different sides of the issues from time to time, but I would say to the gentleman that we have always enjoyed working with him, too, because despite the fact that we have disagreed, I think that the debates that have taken place in the committee with him on several issues relating to nuclear energy and other forms of alternative energies have been useful to the country.

We are sorry to see him leaving, and we will miss his leadership in many of these areas, too.

Mr. OTTINGER. I thank the gentleman for his kind words.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, I also want to join in expressing our regrets to two of our distinguished colleagues, the gentleman from New York [Mr. OTTINGER] and the gentleman from Kansas [Mr. WINN] who will be leaving us at the end of this Congress.

Both of these gentlemen have left a very important mark on the Committee on Science and Technology. LARRY WINN has been on the committee since 1966, when he was elected to Congress, and we have served on either the same subcommittee or, while I was chairman, he was the ranking minority member for all these many years.

I just could not let this moment go by without expressing my gratitude for having known a person like LARRY WINN, whose integrity is impeccable, his character is outstanding, and not only that, he is blessed with a good wife. Like many of us, he overmarried when he got married.

We have traveled all over this country and other countries, and I know the dedication that he has put into this, and particularly into America's space program when there were some lonely days back in the 1970's when we did not have a firm commitment and missions going at that time. LARRY WINN was always a person we could count on. He was there and he had good and sound judgment.

I just want to say, LARRY, that I know Nancy and I are going to miss you, and we will miss you being here, but we hope to see you many times, whether it be in Kansas City, or back here in Washington, or wherever it is. I think the Congress and the country has been better off by people like LARRY WINN serving.

Mr. WALKER. I thank the chairman of the committee. The chairman is indeed right in mentioning the space program. I think many of us, from the perspective of this committee, know that a large part of America's future lies in space, and the fact that there were people like LARRY WINN who took the leadership role in some of the dog days of the program and made certain that the program survived and, in fact, grew, the tribute to the Nation's future will be to that kind of determination.

LARRY, we really will miss you in the Congress.

The CHAIRMAN. The Chair will advise the gentleman from Kansas [Mr. WINN] that he has 16 minutes remaining and the gentleman from Florida [Mr. FUQUA] has 12 minutes remaining.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I congratulate the gentleman from Florida [Mr. FUQUA] for his leadership in the field of energy research and development. Not so many years ago I was privileged to have been appointed a member of the National Alcohol Fuels Commission. I am often introduced as a former member of the National Alcoholic Fuels Commission. The NAFC published its findings in 1981. This was a serious effort to report to the Nation on the current state of the art of nonfossil fuel technology and its prospect of success for developing a commercially feasible liquid fuel alternative to gasoline. Our goal was, and remains energy independence. Many casual observers think alcohol fuels have passed from the scene because of economic infeasibility. But the fact is that alcohol blended gasoline sales in the United States have increased over 500 percent since 1981. Today more than 10 percent of all the gasoline sold in the United States contains either ethanol or methanol.

In my own State of Arkansas there is a cellulose to ethanol process that originated with U.S. Army research, Natick, MA, and further improved Gulf Oil Corp. The research continues at The University of Arkansas Biomass Research Center. An enzyme known as trichoderma reesei is introduced to a feestock composed of urban waste, agricultural trash, and paper pulp effluent discharged from wood pulp manufacturing of paper products. The emulsion is broken down by enzymes then distilled into ethanol, which burns free of most positions contained in gasoline exhaust to which our people are now exposed.

This process uses enzyme conversion of the cellulosic materials in biomass to form sugars such as flucose which can be easily converted to ethanol. This chemical can be used as a major fuel additive or an organic chemical building block. This process technology has been proven technically feasible and projections of economic viability are very promising. A plant has been built and operated successfully at a 1 ton of feedstock per day scale. Various key steps in the process have also been tested in large-scale vendor's equipment.

The only thing which is keeping this from happening today is a commercially sponsored research demonstration project which can build a plant to demonstrate whether or not it can compete with fossil fuels.

□ 1610

We have the technology. We just do not have the capital to demonstrate its commercial competitiveness with fossil fuels. I understand that the gentleman's amendment will permit this type of cellulose to ethanol demonstration to be possible by creating a special fund within the Department of Energy.

It is now imperative that this critical process which I have just described be tested at an intermediate, noncommercial level of 50 tons of feedstocks per day. Operation of such a plant would allow full definition of design and technical parameters which would lead to widespread, commercial utilization of these waste materials if operated successfully.

A commitment by the Government to assist in this effort by providing funds should be made immediately for the following reasons:

First, the feedstocks are renewable on an annual basis unlike fossil fuels.

Second, the feedstocks are available in large quantities with a possible 40 billion gallons of ethanol or other equivalent chemical amounts possibly produced.

Third, combining waste disposal and energy/chemical recovery process offers recycling opportunities as well as improved disposal technology, often at lower cost.

Fourth, such an industry would be independent of foreign price controls and regulations.

Fifth, only scale-up experience and not technological breakthroughs are required to develop the SSF process to commercial status.

Sixth, the ability of the United States to respond to national defense emergencies would be enhanced with a broader feedstock base for liquid fuels and chemicals.

Seventh, since there exists over 1,000 potential commerical plan sites in the United States, a significant economic impact in job opportunities would be achieved.

In the last 5 years biomass technology has been studied and fine tuned in great detail by our scientists. It is time for our leadership to seize this opportunity to lead the world in a commonsense approach to making better use of our resources by supporting construction and operation of this first-of-a-kind, 50 TPD demonstration plant!

Our scientists and engineers are poised and ready with designs in hand to enthusiastically move forward with the development of this vitally important technology.

And there is much more that can be done. The action last week to direct the further reduction in lead content in gasoline will accelerate the trend.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. ALEXANDER] has expired.

Mr. FUQUA. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. ALEXANDER. Mr. Chairman, I wish to congratulate the gentleman for his amendment which will transfer $2 billion from synfuels for that purpose.

I supported synfuels when it did not embrace this specific experimentation for ethanol research, because I think that all forms of energy research are essential in order for our Nation to seek the goal of energy self-sufficiency. Now I applaud the gentleman's amendment which will broaden the scope of the energy research and development.

To respond to the criticism of the gentleman from New York [Mr. OTTINGER], and I do not criticize him be-

cause he is a very fine, diligent, dedicated, and sincere Member of this body, but I seek to respond to the gentleman's concern about the mismanagement or the lack of management prowess on the part of the Department of Energy. All of these energy projects which are to be considered by the Department of Energy are subject to an appropriation and, therefore, subject to the appropriation review process, which is very thorough and very complete in this body. I hope that assuages some of the gentleman's concerns, because I would not want people to be confused that we are just turning $2 billion over the Energy to fritter away on some project which is not reviewed by the House of Representatives and the Appropriation Committee.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman yielding.

I also appreciate the point the gentleman is making in clarifying that we are not acting in some reckless fashion turning $2 billion over to somebody to spend in any way that they so desire. It will go through the regular appropriation process. It is over a 3-year period of time and I think it provides the necessary tools that the Congress needs to act in a prudent and fiscally sound fashion and I appreciate the gentleman making that point.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. FUQUA. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

I think it is also to put on the record at this time, and I gathered this from reading the amendment in greater detail, that Chairman FUQUA makes very clear that this is targeted for other than nuclear applications. Not to be critical of that element of the energy problem solution that we must face in this country, but it is clear from reading the amendment and the intent of the chairman I am sure is also clear that we are talking about alternative energy. We are talking about things that have not necessarily gotten a great deal of attention in the appropriation process or through the use of tax credits, not at least to the extent they have been needed.

Mr. FUQUA. Mr. Chairman, if the gentleman will yield further, the point the gentleman from California is making is absolutely correct. We tie this to the Non-Nuclear Energy, Research and Development Act of 1974, and attempt to make it very clear that it is for nonnuclear activities, and more specifically for renewable sources of energy, solar, geothermal, conservation, fossil, and those types of programs, and not including any for the nuclear program.

Mr. ALEXANDER. And of course, that would include ethanol as well and ethanol research.

Mr. WINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my colleagues for the accolades given me a few minutes ago, but I do want to point out that our space program is healthy. As we have seen all this past week from Los Angeles, we are No. 1, but we have got to keep it that way, and we have got to do it based on the priorities of the Members of Congress in conjunction with NASA and the administration, particularly in view of the international competition that we now face with the rating.

● Mr. YOUNG of Missouri. Mr. Chairman, I rise in support of H.R. 5244 and commend the chairman, DON FUQUA, and our subcommittee chairman, MARILYN LLOYD, for their work in drafting a carefully prepared authorization bill and report. Mr. Chairman, among the energy R&D programs, H.R. 5244 provides for continuation of the Magnetic Fusion Energy Program. The Fusion Program is the energy development analog of the Apollo Program which demonstrated this Nation's superiority in high technology.

But now, just 15 years after that day of glory on July 16, 1969, when Apollo 11 made the dramatic landing on the Moon and mesmerized the world, we find an administration which no longer believes in focusing this technology development program for its next crucial step.

There are those who say we will not have a commercial fusion plant for 50 years. This will serve as a self-fulfilling prophesy if we just stand by without concentrating on specific objectives such as the Tokamak fusion core experiment [TFCX].

The TFCX is the next machine which the United States should build and there is an overwhelming U.S. consensus on this project. Yet, there are those in the administration who say there is no energy shortage even though we imported 4.7 million barrels of oil per day in the first quarter of this year. That is 56 percent above the amount imported during the same period last year. Our citizens paid $134 million every day to foreign entities for this energy resource. How do the fusion budget cutters rationalize this as economically beneficial?

In the zeal to cut our Federal budget by deleting future project commitments, we stand to lose all the prior investments in fusion energy made by the citizens of this country; not only in dollars, but in the long hours of dedicated labor and finely developed expertise on the part of some of our brightest people. Can we afford to squander these vital investments in people and facilities?

Certainly, we must trim expenditures significantly, and Chairman FUQUA's amendment will reduce this program to the lowest reasonable level, but can we no longer differentiate between wheat and chaff? Must we ruin a program that is just now entering a solid engineering development stage by tying TFCX activities to the prospects for international cooperation? In other words, must our next step be taken according to the terms of either the Japanese or those of the Common Market countries?

Some say fusion is just a science program without a purpose. They say it has no commercial promise. Others say there will be no fusion reactor for the next 50 years. Well, they are both wrong. I invite your attention to the following major accomplishments which have been made in the U.S. program during the last year.

First, at MIT, using the Alcator-C, the degree of confinement necessary to make energy breakeven was demonstrated for the first time.

Second, in the mirror program at Livermore, the formation of a thermal barrier to end particle leakage and related energy loss was demonstrated.

Third, the TFTR project was completed at Princeton. The TFTR device has already demonstrated the longest sustained plasma confinement in the world, 10 times longer than previous confinement periods.

Fourth, a record high beta plasma which is indicative of the particle density level of the plasma, in the 4- to 5-percent range, was demonstrated in the doublet device in San Diego; that is the beta needed for ignition in a reactor.

Fifth, higher power densities are promised through the results of work on the reverse field pinch at Los Alamos. This can lead to simpler design concepts and less costly reactors.

Sixth, at Oak Ridge, three superconducting coils suitable for fusion reactors have been successfully tested. This has been an international program with outstanding contributions made by German, Japanese, and Swiss firms as well as General Dynamics of the United States.

Finally, what this body should understand is how fusion energy is driving major breakthroughs in industry. I would like to cite just one example from many cases. Chicago Bridge & Iron was given a contract to make a vacuum chamber for a new fusion device to be built at the Oak Ridge National Laboratory. Chicago Bridge & Iron's close teamwork with the Oak Ridge National Laboratory resulted in a degree of precision in casting and

fabrication never achieved before in a device of this kind.

During this year's hearings, we were impressed by the commitment expressed by Mr. Harold Motchan, vice president of engineering at McDonnell Douglas Astronautics Co., who said, "Industrial organizations have supported the fusion program with tens of millions of dollars over the past decade because of its great promise. We feel it is necessary to stop this 2-year cycle of definition and then rejection. The TFCX conceptual design should be started immediately by Princeton Plasma Physics Laboratory with industrial teams selected through competition." I believe we would be wise to follow the advice of Mr. Motchan.

In closing, Mr. Chairman, I urge my colleagues to visit these national laboratories and industrial facilities and learn more about this exciting program and the stakes in the near-term program decisions. I urge you; don't let us become second or third best in fusion.●

● Mrs. LLOYD. Mr. Chairman, this bill, seen from the perspective of my Energy Research and Production Subcommittee, is an attempt to reorient the nuclear fission R&D program through several key initiatives. It also constitutes a strong policy directive with respect to the next step in the magnetic fusion energy program, independent of the budget level, over the next several years. I appreciate the fact that I have had the strong support and, in fact, day-to-day cooperation of the committee chairman, Mr. FUQUA, in both these efforts. This budget cycle's authorization deliberations have presented an opportunity for the Science and Technology Committee to suggest a nuclear fission and fusion policy direction to the whole House. The administration understands that it cannot develop such a policy in a vacuum and it will require continued discussion among the Congress, the administration, the industry, and the utilities to arrive at a genuine national concensus on nuclear policy.

The centerpiece of our committee thrust in nuclear fission R&D is to insist that the DOE explore passively safe reactor systems. Such systems have also been referred to as inherently safe reactors [ISR's]. Our understanding is that at least $16 million of the $34.6 million for the HTGR Program will be devoted to an ISR concept, the modular HTGR. We have also strongly suggested to the Department that other advanced concepts, such as the modular liquid metal reactor, be pursued in the context of an advanced reactors program which includes passively safe reactors. I should emphasize here that what has been commonly referred to as the breeder base technology program is in fact a liquid metal reactor [LMR] technology program, and that the transition reactor design which will evolve from this program is, in fact, a transition LMR. Breeding considerations for such reactors will not be an important aspect of that program until well into the first quarter of the next century. Indeed, the loss of Clinch River, although a blow to this Nation's commitment to nuclear development, has stimultated more innovative thinking and program planning than we have seen in many years within both the nuclear program and the liquid metal technology program. The committee also made the strong statement that closing the fuel cycle must be an integral element of this activity. To this end, we have provided $20 million for the breeder reprocessing engineering test [BRET] at Hanford, WA, and would urge the Department to consider the possibility of reprogramming funds to enhance the $5 million now appropriated for fiscal year 1985. The LMR technology program is not defensible without this key fuel cycle element.

Another committee initiative, which is of particular concern to me as a member of both the Science and Technogy Committee and the Armed Services Committee, touches on the whole range of civilian and defense-related space missions which will call for increasing levels of power over the next several years. Whether one is completely supportive of the strategic defense initiative [SDI] or not, one must recognize that these missions will have power requirements from 100 kilowatts steady state through tens of megawatts delivered in short pulses from systems all capable of operating for 5 to 7 years. Unfortunately, the funding for the DOE program is severely limited by OMB and the overall DOE/DOD/NASA effort is being constrained so that several years from now a massive funding spike will be required to accommodate any realistic timetable for development of civilian and defense systems. We would also urge the Department to carefully consider additional fiscal year 1985 funding for the SP-100 program so that the system choice, to be made in late fiscal year 1985, is not biased toward the most heavily funded R&T activity.

Also, in nuclear fission the committee identified the fact that the health of our nuclear engineering departments in this country are in grave danger and neither NSF nor DOE is addressing this problem. We authorized $5 million to initiate a university program tailored to this end which should bring the best minds in the universities into the mainstream of nuclear engineering research and planning. I understand that the Department is sympathetic to providing some funding in this area, although it still falls far short of the committee's program. Just in the case of passively safe reactors and space nuclear power, I shall continue to urge the Department to fund this university program so that we can draw ideas from the very best people in industry, government, the utilities, and the universities. We also have a renewed interest in advanced LWR designs and hope the DOE can provide funding for participation in an innovative program with EPRI, which the committee has outlined in its report.

In the case of magnetic fusion energy, the committee carefully sifted through testimony from the DOE, its various advisory committees, the committee's own advisory panel, industry, and the universities to arrive at a program policy direction for the 1980's. We came to the inescapable conclusion that to sustain the momentum and direction of the U.S. program requires a focused activity on design, supporting R&T, and construction of the next major device in the Magnetic Fusion Energy Program. The United States and, indeed, the foreign consensus is that this device should be the Tokamak fusion core experiment [TFCX], which is essentially a long-pulse, ignition device. This simply means that enough energy would be dumped into the fusion plasma to cause ignition and that this burning plasma condition would be sustained for at least several hundred seconds. This kind of plasma engineering challenge would bring the fusion program into a meaningful regime of reactor operation; indeed, the follow-on device to be built somewhere in the world would be an engineering test reactor [ETR].

Unfortunately, the response of the administration to constraints imposed by the appropriations process has been to back off any firm commitment to building this device in the United States. Indeed, this administration has simply chosen another area in which this country will be second best in science and technology. I say this because the fusion research that will be done on the joint European torus [JET] will take the Common Market group significantly beyond the U.S. flagship device, the Tokamak fusion test reactor [TFTR] at Princeton, NJ. The administration's lamentable response to a tighter budget has been to abandon the activity for TFCX design and supporting research which would focus the fusion program beyond TFTR and the mirror facility, MFTF-B, now under construction at the Livermore Laboratory in California. Our committee has taken the approach that, even under virtually flat budgets, the advantages of achieving such a program focus would far outweigh the consequences of limiting other base program activities. Sadly, it appears that the administration has now adopted a built-in vulnerability

for the MFE Program. This can only make the program less defensible in the budget level regime of $440 to $480 million, and I intend to spell that out for the Secretary and the Science Advisor. This committee believes it is important to retain an authorization level of $470 million for fusion which will be achieved through a subsequent committee amendment to this bill. It is a difficult time for all these programs and fiscal year 1986 promises to be even tougher; but I, for one, am not willing to abandon the U.S. commitment to maintain preeminence in magnetic fusion energy. There are certain things we simply must be able to afford to do in R&D.

I trust my colleagues will support this bill and also take the opportunity to review just what this country's stakes are in international technology development. Are we to be the leaders or the followers in fission and fusion energy research? It is that simple.

Thank you, Mr. Chairman.●

● Mr. GLICKMAN. Mr. Chairman, the Subcommittee on Transportation, Aviation and Materials held extensive hearings and field inspections on the transportation portion of the fiscal year 1985 Department of Energy authorization. Testimony was taken from a variety of witnesses, both inside and outside of the DOE.

The transportation program was created by two pieces of hard-won legislation, both of which were born in the Science Committee. At that time, our objective was to begin to do something about the No. 1 consumer of petroleum—the automobile. But, to my mind, those bills achieved something even more significant. They gave the Federal Government a role in advanced automotive technology, similar to the one it has in other areas where we dominate the world market such as in agriculture and aeronautics. Although the program is a small one—only $66.9 million recommended by the committee this year—the payoff can be very large. This is true because DOE emphasizes the high-risk, long-term research and technology that our auto industry is financially unable or unwilling to undertake. Such efforts can provide the basis for some real lessening in our dependence on petroleum, and particularly foreign petroleum, as a motor vehicle fuel. I believe this is especially significant as we look at recent events in the Persian Gulf.

Of course, the Reagan administration's view of this sort of research is that it is a subsidy to industry and a waste of taxpayer dollars. They say, "If industry saw any merit in the research, industry would pay for it."

But, unfortunately, this argument fails to consider the national security implications. The administration is spending colossal sums on arms and may even be ready to commit American forces, all to protect our Middle East oil supplies. And yet they are unwilling to spend even minuscule amounts to develop alternatives to that oil. To me that is one of the tragic ironies of our time.

Transportation accounts for 61 percent of the petroleum used in this country. And highway vehicles use three-fourths of that. So it makes exceptionally good sense to develop engines that use less fuel and that use fuels other than petroleum. And that is what this modest program is doing, and doing quite effectively, I might add.

During the past year, substantial progress has been made toward realizing the goals as laid out in the organic legislation. Both the Stirling and gas turbine engines are on track toward proving the concepts embodied in these alternative propulsion systems. Industry interest has increased dramatically since the early days. In fact, at this very moment, General Motors recently completed testing a Stirling MOD I-A engine at its technical center.

For this reason Mr. Chairman, the committee felt it wise to authorize sufficient funding to allow completion of these projects. To do this we are recommending an addition of $17.5 million to the administration's request, bringing the total to $66.9 million.

If approved, this will result in a technology base that can begin to give us some new options in dealing with threats to Middle Eastern oil supplies.

Mr. Chairman, I urge adoption of the fiscal year 85 DOE authorization bill.●

● Mr. SCHEUER. Mr. Chairman, I rise in strong support of H.R. 5244, the DOE R&D Authorization Act for 1985-1987.

In particular, I would like to address the committee's actions on DOE's environmental research programs, which for many years have provided our country with its best tools for predicting the health and environmental consequences of energy development of all sorts.

DOE's environmental program encompasses a broad range of critical investigations—from studies in nuclear medicine to studies of the greenhouse effect and the clean and efficient combustion of the United States' vast coal resources.

In fiscal year 1985, the committee provided $15.5 million in increases for environmental R&D above the President's request of $228.2 million.

The increases in the bill are targeted toward maintaining long-term research activities in the areas of toxic chemicals and human disease—including cancer and cardiovascular studies.

Mr. Chairman, in developing this legislation the committee recognized the need for budgetary restraint.

At the same time, however, we felt that the administration's budget request for DOE's environmental R&D was inadequate to maintain an effective program.

We reached this conclusion for several reasons.

First, Federal research into the environmental impact of various energy technologies has decreased significantly since 1981.

The Environmental Protection Agency, which has traditionally emphasized short-term research, decreased the level of support for energy R&D from $97 million in fiscal year 1981 to only $14.5 million in fiscal year 1985.

Second, the administration request mandates cuts in precisely those areas of long-term health research in which DOE makes a unique contribution.

Finally, documentation from the Department itself showed that a budget level of $260 million is necessary in fiscal year 1985 to fund the research necessary to understand the health and environmental impacts of energy-related technologies.

Mr. Chairman, I believe that the recommendations in H.R. 5244 are responsive to the Nation's needs.

In the environmental area, the committee's recommendations will enable us to proceed toward energy independence without mortgaging either our natural resources or the health of our citizens.

H.R. 5244 is a good bill, and I urge my colleagues to support it.●

Mr. WINN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FUQUA. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FAZIO] having assumed the chair, Mr. WILLIAMS of Montana, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 5244) to authorize appropriations to the Department of Energy for civilian research and development programs for fiscal years 1985, 1986, and 1987, had come to no resolution thereon.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on the bill, H.R. 5244, that was previously being considered in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION, 1985

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Tuesday, August 7, 1984, to file a conference report on the bill, H.R. 5604, the Military Construction Authorization Act for fiscal year 1985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON WEDNESDAY, AUGUST 8, 1984, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION, 1985

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, August 8, 1984, or any day thereafter, to consider the conference report on the bill, H.R. 5604, the Military Construction Authorization Act for fiscal year 1985.

Mr. Speaker, that has been cleared with the Republican side, with the ranking minority member, the gentleman from Alabama [Mr. DICKINSON] of the Armed Services Committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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APPOINTMENT OF MEMBERS OF FUNERAL COMMITTEE FOR THE HONORABLE CARL D. PERKINS

The SPEAKER pro tempore [Mr. FAZIO]. Pursuant to House Resolution 566, the Chair, without objection, appoints as members of the Funeral Committee of the late CARL D. PERKINS the following Members on the part of the House:

Mr. NATCHER of Kentucky;
Mr. O'NEILL of Massachusetts;
Mr. WRIGHT of Texas;
Mr. SNYDER of Kentucky;
Mr. MAZZOLI of Kentucky;
Mr. HUBBARD of Kentucky;
Mr. HOPKINS of Kentucky;
Mr. ROGERS of Kentucky;
Mr. BENNETT of Florida;
Mr. RODINO of New Jersey;
Mr. CONTE of Massachusetts;
Mr. SMITH of Iowa;
Mr. STRATTON of New York;
Mr. HAWKINS of California;
Mr. PICKLE of Texas;
Mr. ERLENBORN of Illinois;
Mr. BEVILL of Alabama;
Mr. ALEXANDER of Arkansas;
Mr. BIAGGI of New York;
Mr. JONES of Tennessee;
Mr. OBEY of Wisconsin;
Mr. ANDREWS of North Carolina;
Mr. GILMAN of New York;
Mr. ROSE of North Carolina;
Mr. TAYLOR of Missouri;
Mr. SCHEUER of New York;
Mr. GOODLING of Pennsylvania;
Mr. HEFNER of North Carolina;
Mr. HIGHTOWER of Texas;
Mr. MILLER of California;
Mr. MINETA of California;
Mr. SIMON of Illinois;
Mr. LUKEN of Ohio;
Mr. AKAKA of Hawaii;
Mr. BONIOR of Michigan;
Mr. KILDEE of Michigan;
Mr. MURPHY of Pennsylvania;
Mr. PANETTA of California;
Mr. RAHALL of West Virginia;
Mr. WALGREN of Pennsylvania;
Mr. WEISS of New York;
Mr. DANNEMEYER of California;
Mr. KOGOVSEK of Colorado;
Mr. RATCHFORD of Connecticut;
Mr. PETRI of Wisconsin;
Mr. DREIER of California;
Mr. ECKART of Ohio;
Mr. GUNDERSON of Wisconsin;
Mr. MCCURDY of Oklahoma;
Mr. MARTINEZ of California;
Mr. BARTLETT of Texas;
Mr. BOUCHER of Virginia;
Mr. HARRISON of Pennsylvania;
Mr. MCCLOSKEY of Indiana;
Mr. OWENS of New York;
Mr. PACKARD of California;
Mr. PENNY of Minnesota;
Mr. WISE of West Virginia;
Mr. ACKERMAN of New York;
Mrs. BURTON of California; and
Mr. HAYES of Illinois.

There was no objection.

THE 40TH ANNIVERSARY OF SLOVAK NATIONAL UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MCDADE] is recognized for 60 minutes.

● Mr. MCDADE. Mr. Speaker, the date of August 29 marks the 40th anniversary of the Slovak national uprising. It was on August 29, 1944, when the democratic-oriented Slovak nation made the decision to start open conflict against the Nazis and the nondemocratic regime then in existence.

Following World War II, the Communist regime enslaved the Slovak and Czech nations and made Czechoslovakia subservient to Moscow. The current regime organized an elaborate, but politically one-sided celebration of this 40th anniversary. The celebration contradicts the true and democratic purpose of this uprising and represents it as a communistic action—while in fact Slovak uprisers, with arms in hand, confronted the Nazi army and proclaimed their support of the allied nations.

After the Communist takeover in August 1948, many of the participants of the uprising who fought for their freedom had to leave their country. Some of those freedom fighters now live in my district and are active in the Permanent Conference of Slovak Democratic Refugees in Exile. This conference recently issued a declaration for this jubilee. I urge my colleagues to read this statement, written by Dr. Martin Kvetko, to learn about the events of that period.

THE 40TH ANNIVERSARY OF THE SLOVAK NATIONAL UPRISING, AUGUST 29-OCTOBER 28, 1944

THE CONTRIBUTION OF THE SLOVAKS TO THE EUROPEAN RESISTANCE MOVEMENT AGAINST FASCISM AND NAZISM

(By Dr. Martin Kvetko)

After the destruction of the Czechoslovak Republic by Hitler in March, 1939, the eastern region of the Republic—Slovakia—was established as an authoritarian state, a vassal to Nazism with only such internal powers as were granted it by Berlin. But within that Slovakia, already in 1939, there arose an underground opposition movement that had not reconciled itself either to the role of vassal or to the undemocratic institutions forced upon it.

Within this underground movement, two separate camps developed right from the start: the Democratic camp, which united all the forces that remained loyal to Masaryk's humanitarian democracy, and the Leftist camp—the socialist or communist group—into which the Communists and the leftist Social Democratic were concentrated. That leftist/communist camp oriented itself to the "First Empire of Socialism" * * * to the Soviet Union. The Democratic camp's various component groups had active contacts with the Czechoslovak Revolution forces overseas, in London, and with their administrative government, headed by Dr. Eduard Beneš.

The Communist camp's separate conspiracy sought to establish contact with the Communist leadership in Moscow. But the contact was not sufficiently systematic and did not achieve the desired level of cooperation between the domestic communists and the exiles in Moscow.

Although the Democratic camp had early on agreed upon a program of reestablishing an independent democratic Czechoslovak state on the principle of equals among equals between the Czech and the Slovak people, the Communist camp was involved for a long time in political chaos, caused by the extremist groups. On the one hand, there was to be a "Soviet Slovakia" to be united to the Soviet Union. (As late as the Spring of 1943, in a memorandum prepared for the Moscow communists, Gustav Husak emphasized the more reliable support available from Stalin, stating "Why seek a way to Beneš?") On the other hand, a return to the Czechoslovak concept developed under Husak's assumption (as formulated on September 17, 1944, in Banská Bystrica) that "we hope we shall come to an agreement with the Czechs and will not be required to find another solution".

For a long time, there was no cooperation between the two camps, apart from sporadic contacts between individuals, from both camps, who knew each other personally. The initiation of systematic cooperation came about after December 1943, when rep-

resentatives of both camps agreed upon a proclamation known as the Christmas Agreement, on the basis of which there was formed a 6-member (later 8-member) underground Slovak National Council, to be the central political organ of the resistance movement.

The officers of the regular military headquarters in Banská Bystrica were also conspiring and preparing separately for an uprising; they established a so-called Military Centre under the command of Colonel Ján Golian. This central military office maintained contacts with the government in London. Soon after the 1943 Christmas Agreement, contacts were established between the underground Slovak National Council and the Military Centre.

The Slovak Resistance Movement, thus organized, carefully monitored international developments, especially at the fronts, so that their preparations for an open conflict would be ready in time to contribute to the defeat of Nazism and to the liberation of their country.

There was also a Partisan activity that developed separately, in the summer of 1944, after the Soviets began to send Partisan groups into Slovakia to organize the Slovaks into sniper groups for the purpose of attacking the Nazis from the rear. These Partisan groups were subordinate to the central Partisan Staff in Kiev and were separated from supervision by the central military leadership, who were therefore unable to coordinate the partisan activities with the military's operations; as a result, the uprising suffered greatly.

On August 29, 1944, the Slovak Resistance Movement erupted into open conflict with units of the Nazi army which came to occupy Slovakia in order to secure the area for their operations at the front.

On September 1, 1944, the underground Slovak National Council issued the challenge—its first Proclamation, given below—that it was taking over governmental powers in Slovakia, was eliminating all undemocratic and racist laws of the Slovak state, and was proclaiming reestablishment of the Czechoslovak Republic. Simultaneously, the Military Centre issued an order to fight the Nazis and called for mobilisation.

Thus occurred the military uprising in Central Europe, deep in the rear of the Nazi armies. On the basis of the extent of its operations and the timing and intensity of its battle, it holds third place among the resistance movements of European nations, after the Yugoslav national liberation struggle and the Polish uprising in Warsaw.

* * * * *

PROCLAMATION OF THE SLOVAK NATIONAL COUNCIL: 1 SEPTEMBER 1944

All the democratic and progressive components and aims of the Slovak people, who waged a ceaseless battle against the existing fascist regime in Slovakia, and against its Nazi German allies, have on this day formed the Slovak National Council in Slovakia as the summit organ of the domestic Slovak revolt.

Therefore the Slovak National Council, which alone is authorized to speak in the name of the Slovak people, asumes on this date the legal and executive powers for all of Slovakia, as also the defense of Slovakia, and it shall exercise this power until the time when the Slovak nation determines its legitimate representatives by a democratic process.

Our domestic revolt aims to carry on as until now in full agreement and cooperation with the Czechoslovak Revolutionary effort abroad, and through united cooperation to bring our struggle to victory.

We support fraternal coexistence with the Czech people in the new Czechoslovak Republic. Constitutional, social, economic and cultural questions in the Republic shall be resolved through mutual agreement by specifically organized elected representatives of the Slovak and Czech people in the spirit of democratic principles, progress, and social justice.

The Slovak people had nothing in common with the alliance with Hitler's Germany. To the contrary, the nation was on the side of the Allies in all its thinking and conviction, as confirmed by deeds at every suitable opportunity at home and at the front.

Today this Slovak people's manifesto unites them to the Allied people who by their struggle and great sacrifices are securing a free and democratic life for the people of the whole world, and thus also for our small nation. We want to contribute with all our strengths to the early conclusion of this struggle.

In these historical moments we shall contribute every moral and material support to our fighting Slovak military groups and partisans. We call the entire nation to arm and to enter the struggle against our enemies and their local servants, so that all Slovaks might organize their lives according to their own wishes in a free Czechoslovak Republic.

May our just endeavors triumph!

Glory to the Czechoslovak Republic!

Banská, Bystrica, 1 September 1944, The Slovak National Council.

* * * * *

The Slovak National Uprising promptly joined the side of the Allies; a proclamation of the Czechoslovak Government in London, on September 2, cited below, declared the unity and common purpose of all the units involved, and formalized their military status. The proclamation included the United States Government's declaration that the soldiers of the Czechoslovak Army, including those in Slovakia, constituted a combat force to be governed by the rules of war binding both sides, and were protected by the international agreements applying to all the other Allied armies as well.

DECLARATION CONCERNING CZECHOSLOVAK ARMY

(Released to the press Sept. 7)

The Czechoslovak Government in London on September 2, 1944 proclaimed all military forces fighting against the Germans in Czechoslovakia to be members of the regular Czechoslovak Army.

With reference to the operations of Czechoslovak forces in Europe, including the forces which have begun combat in Slovakia, the Government of the United States reiterates its view that all members of the armed forces of the countries at war with Germany which are engaged in active combat should be treated by the German military authorities in accordance with the laws and customs of war.

The United States Government therefore declares: (1) The soldiers of the Czechoslovak Army, including those in Slovakia and other parts of Czechoslovakia, constitute a combat force operating against the Germans.

(2) The soldiers of the Czechoslovak Army are instructed to conduct their military operations in accordance with the rules of war and in so doing they bear arms openly against the enemy and are provided with Czechoslovak uniforms or a distinctive emblem.

(3) In these circumstances reprisals by the German military authorities against the soldiers of the Czechoslovak Army violate the rules of war by which Germany is bound. The United States Government, therefore, solemnly warns all Germans who take part in or are in any way responsible for such violations that they do so at their peril and will be held answerable for their crimes.

Through their organized military actions, which lasted for two months, the participants in the Uprising tied down seven Nazi Divisions. The Allies welcomed that important contribution of the new member of the Allied family, and on October 28, 1944, President Roosevelt saluted the Czechoslovak forces in his message to President Beneš.

MESSAGE FROM PRESIDENT ROOSEVELT TO PRESIDENT BENES OF CZECHOSLOVAKIA, OCTOBER 28, 1944

(Released to the press Oct. 28)

This anniversary of the independence of Czechoslovakia is of special significance.

The people and armed forces inside Czechoslovakia have joined actively and gloriously with their countrymen aboard in the ranks of the nations united against tyranny, and can look forward confidently to the celebration of future anniversaries in the full enjoyment of unsuppressed freedom.

We Americans salute our Czechoslovak comrades-in-arms who are today so bravely contributing to the liberation of their homeland and the rest of Europe.

The close ties and deep sympathy between the democratic peoples of Czechoslovakia and the United States have never ceased to find concrete expression since the days of President Masaryk and President Wilson.

I look forward to the day when, victorious after a second great war for freedom, they can continue to work in harmony for their mutual security and welfare in a peaceful world.

FRANKLIN D. ROOSEVELT.

* * * * *

It is important to note the related circumstances that existed when the Slovak National Uprising broke out on August 29, 1944. Toward the end of August 1944, the Slovak Republic's governmental power, in Bratislava, for all practical purposes no longer extended to the whole of Slovakia. This power vacuum was instrumental in the Slovak government's acceptance of a German intervention and occupation offer. German units had been invited to come to Slovakia, under the pretext of fighting the guerrillas. In the evening of August 29, the first clashes took place between the First Czechoslovak Army in Slovakia and the advancing German forces. As a result, Central Slovakia became a vast liberated area; the Slovak National Uprising had begun.

On the following day a broadcast of the Free Slovak Radio from Banská Bystrica was heard throughout the country calling for a national uprising with a stirring "MOR HO" (Death to the enemy!). That central Slovak metropolis, Banská Bystrica, became the seat of the military and political institutions of the uprising.

The German attack was started by the 178th armored sapper division TATRA which, as early as August 29, marched from the west, to the direction of Žilina. This, too, was where first contact with the insurgents was made. Continuing their advance, the German division met with the resistance

of a stubborn but ill-organized rebel defence near the mountain pass Strečno. It was clear from the outset that the partisan units were generally the weakest point in the insurgents' defence. One notable exception proved to be the French partisan unit, composed mostly of French prisoners-of-war, which fought near Strečno with utmost resolve, even at the price of personal sacrifices. The German attack was mounted with the aid of great tank and air superiority, and penetrated as far as Vrútky. From there the TATRA division turned south into the valley of Turiec. At about the same time, the German reinforced batallion Schäffer came marching from Kežmarok in the direction of Ružomberok, this attack being launched from Polish territory. From the west, over Bratislava, the reinforced armored regiment Schill moved up the river Nitra, and a German attack group supported by two battalions of riflemen came from the southwest. From eastern Slovakia, which was in the operational zone of the North Ukraine army group, a force advanced against the insurgents composed of units of the First armored army and of the 37th infantry division, and other units which at the time were stationed in eastern Slovakia. The overall strength of the German military machine thrust into battle against the insurgents during the first weeks of fighting numbered about four divisions. The insurgent forces numbered 60,000 men, including 6,000 to 8,000 partisans. They had at their disposal 40,000 rifles, 1,500 light and 400 heavy machine guns, 120 cannons, 40 mortars, and about 15 light tanks.

The Slovak soldier succeeded surprisingly in resisting the German war machine for the whole two months. He proved his determination to hold the insurgent territory with great personal sacrifices near Strečno, Telgart, and at Ostro, as well as in other sectors of the front.

The German military command replaced the originally designated supreme commander of German forces in Slovakia, general Berger, with general of the SS Hofle. During October, general Hofle received important reinforcement which in the end helped to decide the fighting in favor of the Germans. The decisive factor of the German success was apparently the presence of the 18th SS division Horst Wessel which in fact opened the German offensive with the heavy armored attack from the territory of Hungary. In the northern sector, German forces were substantially strengthened with the arrival of the SS brigade Dirlenwanger which, after the crushing of the Warsaw uprising, became free for combat in Slovakia. These German reinforcements, together with the already earlier engaged units, represented a military machine of close to seven divisions.

The unequal struggle of the insurgents, fought in the form of a regular defensive fighting over a period of more than seventy days, came to an end in the mountainous terrain of central Slovakia. Although organized military resistence ceased, the rebels retreated in thousands into the mountains from where they waged extensive guerilla warfare, gradually engulfing the whole of Slovakia and lasting until the arrival of the eastern front.

* * * * *

That is the contribution of the Slovaks to the world's struggle with Nazism and Fascism. As yet, that contribution hasn't even been appropriately entered into the history of the European resistance movements, much less appropriately evaluated. In the West, little is known of that contribution to the struggle apart from a few publications that have appeared in the German Democratic Republic (GDR). Until now, the heroism of the small Slovak nation has not been recognized.

For the Slovak nation, the significance is two-fold. First, it contributed to the defeat of the Nazis under exceptionally difficult circumstances because it did not receive adequate support from the Allies; second, the Slovaks, by this act, returned to the family of democratic European nations and proved that they had nothing in common in the collaboration with the Nazis. With respect to the issue of Czechoslovakia, it is significant that the renewal of a federated state was proclaimed on domestic territory.

At this 40th Anniversary, we deem it especially important to emphasize the second factor. Not only because it is a historical fact, but also because among some Exile groups in Central and Eastern Europe changes have been voiced blaming the Slovaks as a nation for completely adopting Fascism during World War II. The truth is that apart from the Poles not one other Central European people was able to organize a comparable act, to rise up in arms against the occupying Nazis. This sufficiently refutes the charge of Fascism.

And now the ultimate injustice. Although Slovak soldiers were fighting in Czechoslovak units on both the eastern and western fronts during the war, and although the Slovaks staged the armed uprising against Nazism on the home front that they might thus declare themselves as a nation to democracy and true social progress, in spite of all this there is that gross injustice in the circumstances that the Communist regime in Czechoslovakia, at every opportunity, distorts the history of the uprising and presents it only as a Communist achievement.

* * * * *

AMERICANS IN THE SLOVAK NATIONAL UPRISING

Shortly after the ourbreak of the Uprising, the Czechoslovak Secret Service in London leaned through its contacts in Slovakia that a number of American and British airmen, freed from German prison camps, assembled at the Tri Duby (Three Oaks) Airfield in Bansk Bystrica. This information was promptly delivered to the American Office of Strategic Services based in Bari, Italy, where arrangements were immediately made by the American Air Force for an evacuation flight to Tri Duby. The records of the Office of Strategic Services note the following:

"On 17 September 1944, one American Naval officer, one Navy rating and four Army enlisted men of Company B, 2677th Regiment, Office of Strategic Services (Provisional), were transported by three American flying fortreses from Bari, Italy, to Tri Duby, Slovakia. They were engaged in an operation known as the 'Dawes' mission and their objectives were liaison with the Czechoslovak Forces of the Interior, the evacuation of Allied airmen and escaped Allied PWs, and the forwarding of intelligence to be gathered by the CFI. On 7 October 1944 the original 'Dawes' mission was enlarged by the addition of one American Naval officer, five Army officers, two Naval ratings, two Army enlisted and one American civilian, all of Company B 2677th Regiment, Office of Strategic Services (Provisional). As in the case of the first section of the mission, the second section took off in flying fortresses from Bari, Italy, and landed at Tri Duby, Slovakia. A list of members of the mission, including both sections, is attached hereto, marked Exhibit 'A'.

"All members of the mission went into Slovakia in American uniform and investigation indicates that they remained in uniform."

On these two sections of the "Dawes" mission, the American airmen also brought assistance for the Slovak insurrectionists: flamethrowers, 100 automatic weapons, 100,000 rounds of ammunition, 160 infantry anti-tank weapons, 3,000 rockets, 90 light artillery pieces with 75,000 rounds of ammunition, and seven cases of provisions and medical supplies.

Joseph Marton, a reporter for the New York Times, went along with the American airmen; the Nazis captured and killed him together with a number of other Americans. The American airmen remained with the insurgents, and then retreated with them into the mountains when the uprising was crushed. They crossed over to Brezno, and in January 1945, 18 of them were captured in a chalet above the village of Helpa. They were transported to the concentration camp at Mauthausen, in Austria, and murdered there on January 26.

* * * * *

At this 40th Anniversary of the significant contribution of the Slovaks to the resistence movement of the European nations against Nazism and Fascism, we recall the heroic struggles of the Slovak National Uprising, placing wreaths of gratitude on the graves of those who gave their lives in the battle for the ideals of freedom and democracy.

We do this in the faith that the sacrifices were not in vain, and that there will come a time when the Communist tyranny will also end, when the Slovaks, together with the Czechs, will be able to live freely in their own independent democratic nation.

Dr. Martin Kvetko, for the Permanent Conference of Slovak Democratic Exiles.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SLATTERY] be able to precede me and the gentleman from Minnesota [Mr. WEBER] be able to precede my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SLATTERY] is recognized for 60 minutes.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for allowing me to precede him this evening. That is very thoughtful of him and I appreciate it.

Mr. Speaker, this evening I would like to spend a few minutes talking about a subject that we have all heard a lot about, and my colleagues listening on their monitors in their room I am sure frankly are sick and tired of hearing any more discussion about the

deficit, and those viewing out across this country on C-SPAN and other news pickups of this coverage are probably tired of hearing the discussion also.

The SPEAKER pro tempore. The gentleman will withhold for a second.

It is against the Rules of the House to refer to the viewing audience.

Mr. SLATTERY. I thank the Speaker for correcting me on that.

But this evening I would like to talk about the deficit and the causes of the deficit, and I would like to spend a little bit of time talking about the problems the deficit is causing and in particular what kind of problems it is causing people in rural America, and specifically the farmers of this country.

I am one of these people that believes, and believes very strongly that the huge deficits today, nearly three times larger than any deficits in our Nation's history prior to 1980 are a principal cause of high interest rates. I think we only need to look at some very basic facts to fully understand the dimension of this.

Specifically, during the 1960's the deficit only demanded about 10 to 12 percent of net private savings in this country. During the 1970's it took about 15 to 20 percent of net private savings to finance the national deficit. Today the estimates range somewhere in the neighborhood of 75 percent of net private savings in this country are needed to finance the national deficit.

I am convinced that the national deficit causes high interest rates. High interest rates ultimately will cause high unemployment because of the problems in the auto industry and related industries, and the housing industry and related industries to the housing industry. High unemployment in turn will ultimately cause serious financial problems for the Social Security System, the medicare system, and all of the other programs that are dependent upon the Federal Treasury.

One of the hidden problems caused by the deficit, and one that is least understood perhaps, and perhaps least discussed is the problem with the valuation of the dollar. I am convinced that the deficit causes high interest rates, like I have said, and those high interest rates in turn have caused the dollar to be overvalued by as much as 40 percent.

This evening I want to take just a few minutes to review some of the problems that these phenomena, the deficit, high interest rates, and the overvalued dollar cause the American farmer.

High interest rates over the last few years have clobbered land values in this country. It is something that those people in perhaps the urban areas of the country have not taken the time to focus on and fully understand what this may mean to the price of food over the next few years. Land values have declined for 3 years in a row for the first time since 1933 in the midst of the Great Depression.

According to a financial letter by the Federal Reserve Bank of Kansas City, land values are down 22 percent from 1980 and 1981.

The other problem that the huge deficit and high interest rates causes farmers in this country is in the operating phase of their business. The financial letter that I just referred to from the Federal Reserve Bank of Kansas City indicates that interest rates on all categories of agricultural loans edged up to 14.2 percent in the first quarter of this year. And as far as I am concerned the farmers in this country and many other small businesses just cannot afford to pay 14 percent interest to fund their operating side of their business.

The other problem that is sort of the third whammy of this triple whammy I am describing for American agriculture occurs in the marketing phase. Art Morray of the USDA's Economic Research Service recently was quoted in an article in Farm Line for July 1984 as saying that since 1980 the dollar has increased some 40 percent in value in comparison to foreign currencies. Of course what this means is that our foreign buyers have to buy dollars before they can buy our wheat, and if they have to pay 40 percent more for the dollar they are buying, they end up having to pay 40 percent more for the wheat that they buy with those dollars.

Of course that puts our agriculture exporters in a terrible competitive disadvantage, along with other exporters of manufactured products in this country.

Therein lies one of the principal problems we have with our current balance of trade. And as most of us know, the balance of trade in this country is experiencing a historically large deficit also. In fact, this year the trade deficit will be somewhere in the neighborhood of $125 billion, by some conservative estimates.

I am inclined to believe in light of the fact that the dollar is overvalued by as much as 40 percent compared to where it was in 1980, I cannot help but think that a big part of this trade deficit is directly related to the overvaluation of the dollar.

In 1982 the loss of export markets for farmers alone in this country cost them somewhere in the neighborhood of $3 billion.

So as you can see, the huge deficit, causing high interest rates, hits the farmers in three ways. It has caused their land value to decline by as much as 20 to 25 percent in the Midwest over the last 3 or 4 years, and that is simply due to the fact that people cannot afford to borrow money at 13 to 15 percent and buy land and try to make a farming operation profitable. It just will not work. The margin of profit just is not there.

In the second instance, farmers have to pay, as I just indicated in citing the letter from the Federal Reserve Bank of Kansas City, nearly 14 percent, a little more than that, actually, for their operating loans. Again, that reduces their bottom line net income and then, of course, increases their operating expenses.

The last whammy of this triple whammy is in the marketing phase, as I have just indicated. Agriculture exports have declined. They are off by about 20 percent from the high in 1981.

In 1981 farmers in this country exported somewhere in the neighborhood of $43 billion of agriculture exports. Last year, 1983, that figure had declined to somewhere in the neighborhood of $34 billion for a net decline of about 20 percent.

The bottom line is that net farm income in 1981 was $30.1 billion. In 1982 it declined to $22.1 billion.

□ 1630

In 1983, the last year that we have any information for, net farm income was somewhere in the neighborhood of $15 to $17 billion, about half of what it was in 1981. Total foreign debt last year went over $200 billion. And a little simple arithmetic will indicate the dimension of this debt problem.

Because if you figure they are servicing that $200 billion at 10 percent interest rates, which is probably a very conservative estimate with respect to the interest rate, the debt service alone on the $200 billion will be somewhere in the neighborhood of $20 billion or more than net farm income for 1983, which as I just indicated was somewhere in the neighborhood of $15 to $17 billion.

Agricultural exports have declined, last year, to $34.5 billion, down more than 20 percent from 1981.

For the first time since 1933, land values have declined for 3 years in a row.

All of this in my judgment is due to the fact that interest rates are high and they are driven by the size of our enormous deficit.

Before I get into what I think needs to be done to deal with the deficit problem I want to also refer to a recent survey that was conducted at the agricultural credit summit, sponsored by the American Bankers Association and held in July of this year in Des Moines, IA.

At this summit conference on agricultural credit the meeting was called for the purpose of assessing the problems in the agricultural sector of the economy. Bankers were present from 22 States, primarily the Midwest and Southeast.

The bankers attending were asked a number of questions. I am going to share with those who may be listening this evening some of the information gleaned from this report. One of the questions asked was, "What percent of your farm customers are unable to generate sufficient cash-flow to meet debt repayment requirements and operating expenses?"

Very interesting question. And bankers in attendance representing banks from 22 different States indicated that a low of 7 percent to a high of 75 percent of their farm customers were unable to generate sufficient cash-flow to meet debt requirements.

In most States such as Kansas, they projected from 30 to 35 percent of their current farm customers who borrow are unable to generate cash-flow to service all debts that they have to service.

Most bankers believe, also, that from 20 to 25 percent of their farm customers' financial condition had declined slightly and from 20 to 25 percent had experienced a significant decline in their financial condition over the last few years.

Another question asked at this agricultural credit summit was: During the past 3 years have land values in your area improved, remained the same, or declined?

The response to this question was that over the past 3 years in the 22 States represented land values declined from between 10 to 50 percent.

It is believed that in Kansas, land values declined from 20 to 25 percent, which tends to support the information that I cited earlier from the Federal Reserve Bank of Kansas City.

Another question: Are other lenders willing to take customers whom you are no longer able to finance? The response was a simple no. The Federal Land Bank seems absent, the PCA's are of no help at all, Farmers Home Administration is helpful in some areas but not in others.

There is no consistency and little help from the farm credit system. The banks have become the lenders of last resort.

Another question: How much would farm conditions in your area improve with 2 percent decline in the prime lending rate? Everyone responded it would be a significant boost.

How much would farm credit conditions in your area improve with a significant delinquency in the value of the dollar? Again the response was an expected one; that is that conditions would improve by a significant amount.

So much for the facts documenting the case. I think it is important to realize that if we are really going to help the farmers in this country and those that live in rural America we are going to have to stop doing it to the farmers in this country, and those living in rural America. To do that we are going to have to get the deficit down because with the deficit and high interest rates, we are really doing it to rural America.

We are not going to solve those problems until we deal with the deficit?

Mr. Speaker, in just the next few minutes, I want to just touch on the fact that I believe it is absolutely critical for us to get back to some basic common sense when we talk about this Federal deficit.

There is a lot of good news that we all welcome; the economy is growing. But there is a lot of concern about how sustained this recovery is really going to be.

We look at the problems with the deficit and the prospects of interest rates rising, coupled with the very precarious condition of the debt problem in the Third World, and it raises serious questions about how long we can sustain this very precarious global economic situation.

I am inclined to believe that our first priority should be to get our deficit down. We can do that only by reducing spending and a budget freeze across the board that was discussed earlier in the other body and also here; that is something I think we ought to definitely consider for next year.

In addition to that I am also inclined to agree with my colleague from the great State of Kansas who represents us over in the other body that revenues are going to have to be a part of this long-term deficit reduction package.

When we look at spending we are going to have to be willing to look at those sacred cows; we have to be willing to deal with defense, we have to be willing to deal with all other areas of discretionary spending, but we also have to be willing to look at entitlements.

We do not need to cut Social Security and other retirement programs but what we can do is change the method of computing future increases and do it in such a way that those people who truly need cost-of-living adjustments and other increases in their benefits get those increases, while those that do not need them do not get those benefits.

I think that can be done without devastating anyone in this country.

But we have to be willing to put it all on the table and look at the spending side of the ledger across the board. On the revenue side we have to be willing to be realistic about that also.

Mr. Speaker, I think the other gentleman who yielded to me earlier is patiently waiting for the floor.

I yield back the balance of my time.

IMPACT OF MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. WEBER] is recognized for 60 minutes.

Mr. WEBER. Thank you, Mr. Speaker.

Mr. Speaker, we have been subjected to some wildly varying economic reports in the last couple of weeks. Some reports saying the economy is slowing down a little bit, some indicating that it may be going on for a long time.

The average person, I think, is having some difficulty making sense out of exactly what this all means. That probably is made more true by the fact that the two major parties now are engaged in a major debate over what can be done to continue or depending on your point of view, save the economic recovery.

That debate has focused almost exclusively on taxation, but really it is part of a larger debate that should be going forward in the country if it is not now on monetary policy.

I say that because the only reason that anybody is focusing particularly on taxation right now is because of the perceived effect of the Federal deficits on interest rates, hence monetary policy. It is believed widely around the country that the deficit is the sole source of the extraordinarily high interest rates we continue to pay and that if allowed to continue, that deficit will push interest rates still higher, choking off the recovery, preventing the recovery from expanding to parts of the country like mine that have not been recovering as rapidly as some and hence anything we do to reduce the deficit is a good thing.

That seems to be the conventional wisdom around this town, that seems to be the wisdom that was demonstrated at the Democratic National Convention recently. I would like to challenge today in this special order to a certain extent and I challenge it as one who has most of my adult life been most concerned about the Federal deficit and who has a pretty good record in terms of voting against excessive Federal spending and in favor of politically difficult spending cuts.

□ 1640

But my concern, coming from a district like the Second District of Minnesota, which is agricultural, heavily dependent on a credit economy, my concern is that we may not be focusing on the main source of our difficulty and so we may not really be dealing with the true solution to the problem.

Let me explain why. Again, when I first came to Congress I was convinced, as I think most Americans are, and certainly as most of our colleagues here in the Congress are, that there was a one-on-one relationship between Federal deficit spending, inflation, and

hence, interest rates. As we have seen this interest rate problem persist, more and more of us have focused again on the deficit and deficit reduction as the key to bringing down those interest rates.

Granted interest rates are somewhat lower than they were a few years ago, but relative to the rate of inflation they are actually higher than they were a few years ago and certainly high by any historical standard. Historically, the prime rate of interest should not be more than 2 to 3 percentage points above the inflation rate. Inflation today is running about 4 percent.

Now, that means that the rate of interest, the prime rate, should probably be 6 percent, at most 7 percent. That means that agricultural and small business borrowers in my district and across the country should today be able to borrow money at 8 percent, 9 percent, at the very most 10 percent.

Instead, in my district, we find that people are forced to borrow money still at about 15 percent. Some places, higher; some places a point or two lower. But, by and large, a good, 10 or 11 percentage points above the inflation rate.

Why is that so? In view of the rapid decline of the inflation rate one would think that interest rates would fall. So all of us have looked at the deficit and said it must be the deficit. The deficit is hanging in there. The deficit is pushing interest rates up.

Indeed, the Chairman of the Federal Reserve Board came before the Joint Economic Committee a while ago and said that he believed that a $50 billion reduction in the Federal deficit would result in a 1-point drop in the prime interest rate.

Well, what has happened since that time and what should we learn from it? I look at the figures on the deficit, the total figures on spending and I come to the conclusion not that deficits do not matter, not that everything I believed all my political life is wrong, but that we ought to take a look at least one step further. Why? Simply this reason. The deficit last year was $195 billion for the fiscal year that ended October 1. At the beginning of the current fiscal year the deficit was projected to be $185 billion or thereabouts, about $10 billion less than the Federal deficit last year.

Now we find the midyear economic reviews, both private and public, are coming through. What do they show? Revenues coming into the Treasury faster than we had anticipated, expenditures rising more slowly than we had anticipated. Mainly because of the economic recovery.

Hence, the deficit is now estimated to be somewhere between $160 and $170 billion. We will not know for sure until the end of the year.

The point I make is that the Federal deficit, on a 12-month basis, since last year, has declined by $20 to $30 billion. If the recovery remains stronger than expected for the remainder of this fiscal year it could be reduced even more from that level.

In view of that fact, one has to ask the question: Why are interest rates not coming down, as Chairman Volcker had suggested that they would, not even remaining level, but going up? Remember that Chairman Volcker told us that a $50 billion reduction in the deficit would result, in his judgment, in a 1-point drop in the prime rate. Since that time the deficit has gone down, not the $50 billion that he called for, but $20 to 30 billion and the prime rate of interest has not gone down but has gone up by 2 percentage points. That on the face of things causes me to question whether or not deficits are the sole source of the high interest rates that we are currently confronting.

A second set of figures I think deepens my concern. I would like to work through those. But the theory that says that high deficits cause high interest rates based on what we call the crowding out phenomenon. Most economists, or many economists, believe that there is a fixed pool of credit or at least a finite pool of credit when the Government is borrowing a certain amount of money out of that pool of credit, there is that much less to go around to me and my farmers and small businessmen and everybody else who has to borrow in this economy. That certainly makes sense to me.

But if you really believe that the crowding out phenomenon, Government absorption of credit, is causing interest rates to go up, you cannot just look at the Federal Government because it is not just the Federal Government that borrows money. State and local governments, as well, borrow money. A dollar borrowed by a municipality or a State government presumably is not available to a farmer or a homeowner or a small businessman any more than a dollar borrowed by the Federal Government.

So we should look not merely at Federal borrowing but at combined Federal, State, and local borrowing, total government borrowing. The fact is that the States and the localities this year will run between a $50 and a $60 billion surplus. Now that is a tremendous statistic because all those States and localities, at least a great many of them, including my own State of Minnesota, were in serious fiscal difficulty just 12 months ago.

So we find now that rather than crowding out, the States and localities will be contributing to the credit pool. As a result of that, we find that total government borrowing, as a percentage of the gross national product, will decline this year from about 5½ percent to somewhat under 4 percent, which is one of the largest declines in the percentage of the economy borrowed by Government in recent history. That fact, again, does not say to me that deficits do not matter, does not say to me that we should not be concerned about it. It does say to me that we should ask the question loudly: Why, in view of that, are interest rates not going down, are not even staying where they are, but instead are going up? I think that is the question that I am raising as I open this special order, which I hope to devote primarily to taxation and monetary policy.

I will be glad at this point to yield to my colleague from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

I guess the point that I would make is that the two variables in this whole equation that the gentleman appeared to overlook was the fact that during the last year, with the economic recovery that we are currently enjoying, we have seen also a sharp increase in the demand for money in the private sector and that cannot be overlooked.

That, of course, puts upward pressure on interest rates.

Now, in the last few days, with the action on Wall Street, the financial papers in the country have been attempting to explain what has occurred there. One of the explanations offered was that prior to the activity on Wall Street last week and the rally, there were indications that the economy was slowing down and the growth rate was not going to be perhaps as strong in the last part of this year as in the early part and the Index of Economic Indicators was off rather sharply, according to the last reports. This fueled speculation that because of the slow down in the private sector of the economy that the demand for money coming from that sector would not be near as great and therefore, interest rates would come down in the latter part of this quarter, primarily due to the activity in the private sector.

Now, I am only repeating what some of the financial experts are speculating in financial publications across the country.

But when you look at this whole question of why interest rates rose at a time when the deficit has perhaps gone down slightly this year, I think you have to look beyond that and look at what has happened in the private sector of the economy and the fact of the matter is is that in 1982 the private demand for money was very low. In 1983, it was still very low. The latter part of 1983 and the early part of 1984 we have seen a strong demand for money in the private sector. That is what is pushing up interest rates and causing the crowding out.

Now, beyond that I would point out——

Mr. WEBER. If I can reclaim my time for a minute, and then I will yield back to the gentleman, but I want to make a point.

First, because I have heard those arguments, too, and I do not question that there is some validity to them, but the point I am going to try to make here today is monetary policy is at least partially responsible for our problems.

Mr. SLATTERY. If the gentleman would yield, I will make one point and that is that in the last few years, in fact, in the last 18 months according to recent publications the monetary supply is growing faster than at any time in recent history. In fact, faster than any time since they recorded the supply figures.

Mr. WEBER. If I can reclaim my time, I do not think that is necessarily true. I think that if you trace the growth of the money supply as measured by the Federal Reserve you will find tremendously erratic changes over the last 2 or 3 years.

□ 1650

There was a tremendous tightening from time to time, and then the expansion. And then last year, toward the end of last year, we saw a great tightening again. This year they have been relatively stable in their growth rates. I would have to take issue with the gentleman. I do not think you could characterize the last 3 years as being times of tremendous expansion. There was about a 6-month period of expansion of the money supply which was followed by a 6-month period of great tightening of the money supply.

Mr. SLATTERY. I will cite my source of information. My source of information is none other than the Chairman of the Federal Reserve Board as recently quoted in Newsweek magazine. In that article they indicated that since the fall of 1982, when it was very clear that we had the economy of this country on its knees, something had to be done, and in anticipation of the election, I would argue, there was some thought given to relaxing the interest rates and relaxing the supply of money in the country. And the fact of the matter is, since that time the supply of money in America has been growing, and growing rather dramatically. I would concede there were times when it did not grow quite as fast as other times since 1982, but the fact is that since that time, over that almost 2-year period now, we have had a good, strong, steady increase in the supply of money, somewhere in the neighborhood of 10 percent, 9 to 10 percent.

Mr. WEBER. Let me just say, first of all, we should, rather than just quibbling about it, get the figures down here. I do not think that if you average out the figures on the growth rate of the money supply over the last 2 years that you are going to find that that is true. I think you are going to fine that the erratic behavior of the Fed is the primary characteristic governing that period of time.

Mr. SLATTERY. My source of information is Newsweek magazine, and oftentimes, perhaps, they may not be the best source, but they are a good source.

Mr. WEBER. What do they say was the growth rate of the money supply over the last 6 months?

Mr. SLATTERY. Pardon me?

Mr. WEBER. What do they say was the growth rate?

Mr. SLATTERY. Somewhere in the neighborhood of 9 to 10 percent.

Mr. WEBER. Pardon me?

Mr. SLATTERY. Nine to ten percent since 1982.

Mr. WEBER. Since 1982?

Mr. SLATTERY. That is right. Since the fall of 1982.

Mr. WEBER. I understand that. But my point is that there was a tremendous expansion in 1982 when we were indeed in recession, and then there has been a tremendous tightening since that period of time. But the period of lag between the time that the monitarists tell us an expansion of the money supply should begin to affect inflation has already occurred. They tell us that about 6 months after you see this expansion in the money supply it should show up in the inflationary figures. We have not seen that expansion of the money supply that took place in 1982 reflected in inflationary figures. And instead, now we find ourselves following the period of restraint that the Fed followed that up with, of a tightening of the money supply.

I have to ask, very seriously: Is there any justification for the tightening of the money supply that the Fed has pursued over the last year or so due to the fact that there is no sign that the earlier expansion of the money supply produced any kind of inflation?

Furthermore, let me make an additional point about what is going on in Wall Street right now. Wall Street is always a little confusing to me. But look what has happened in Wall Street in the last week. We have seen a bunch of bad news come out, right? Wall Street hears that bad news, and they say, "The economy is going to grow more slowly." And so we have seen a stock market boom, people are more enthusiastic, right? Why is the stock market booming? Because they think that interest rates will come down. What does that lead them to believe? Well, that is good news, because then people will be able to borrow more and will be able to grow again.

Well, if you follow me a little bit, though, we are getting into a catch-22 situation because if indeed those interest rates do come down as a result of the slowing of the economy and then we see another period of economic growth which all those folks in Wall Street want to see so badly, will not the response of the Federal Reserve Board be to tighten up again? Because they are now explicitly saying not just the money supply is going to be the measurement of the Federal Reserve activity, they are now saying that certain rates of GNP growth are unsustaintable. And indeed they are telling us that the rate of growth in the economy right now is not sustainable, quite regardless of what happens to the money supply. And that is the policy that I am trying to challenge here today, this policy that simply says we must impose an artificial limit on the growth of the economy regardless of what is happening with the money supply, regardless of what is happening with inflation around the country.

I think that that is the policy the Fed is pursuing today, a policy of directly trying to slow down the economy just because they believe that a swiftly growing economy is inflationary.

I will yield to the gentleman from Kansas.

Mr. SLATTERY. Well it is clear that the Federal Reserve System has a tightrope to walk, there is no question about that. We need adequate money supply in this country to accommodate realistic and reasonable growth. And what that is, I cannot scientifically evaluate that and tell you that this evening. I wish I could. But the fact of the matter is, I do not think anyone can. But, nonetheless, I think that nothing the gentleman said here in the last few minutes does anything to refute the argument that in fact we do have in this country and in this world a relatively finite supply of money. And the fact of the matter is that in the United States today we are sucking in capital from all over the world, the last estimate somewhere in the neighborhood of $75 billion last year alone, to meet the credit demands that this country has, both in the public and private sectors. That, of course, has serious repercussions in those countries that are in desperate need of capital around the world who are financing our deficit, in effect. And coupled with that, when you realize that we have this enormous deficit——

Mr. WEBER. If I could reclaim my time, why does the gentleman think that that capital is so willing to come here?

Mr. SLATTERY. Because when you look at the global situation today, I would not want my money invested in some of the Third World countries, the less developed countries, in light of the very precarious condition of the banks in those countries, and I do not think there is a better place in the

world, perhaps, to invest your money than in the United States.

Mr. WEBER. That is precisely the point.

Mr. SLATTERY. And the reason, of course, is because of our high interest rates in real dollar terms.

Mr. WEBER. But there are countries that have higher interest rates than we do that are not able to attract this tremendous amount of foreign capital.

Mr. SLATTERY. Perhaps not in real dollars terms, though. And that is the key thing, the real dollar return on your money. And not only that, with the dollar over the last few years rising in value, from an equity standpoint you not only get the return on your money, you get a greater return of your money. You get real growth in the value of the dollar plus the high interest rates. So it is a great investment, there is no question about it.

Mr. WEBER. It is an investment primarily because of the strength of this economy, because we have done things over the last 3 or 4 years that have reduced the rate of inflation, that have reduced the rates of taxation on capital and labor, we have deregulated large portions of our economy, which stands in direct contrast not just to the Third World, which has a whole set of problems, but countries like France. We see capital coming from Europe into this country.

Mr. SLATTERY. No question.

Mr. WEBER. Because they have maintained high effective rates of taxation in Europe, because they have not deregulated their industry in Europe, and because they have not managed to lick their inflation problem in Europe. And that is at least a good part of the reason why capital is flowing to this part of the country. It is a good part of the reason why France is following or preparing to follow basically the same set of policies that we have been following on the fiscal side in the country in the last 3 years. Mitterrand just cleaned out his whole government and put in a new group; of people who are dedicated to what? Deregulation, denationalization, and tax reductions, because that has worked here. Again, it strikes me as ironic that we are now, in view of many people, trying to move away from those policies in this country. Certainly that is the view of Mr. Mondale, that we should move away from the very policies that are now beginning to be imitated around the world. And it is the view of the people in my party, as well, I am sorry to say.

Mr. SLATTERY. Well, I am going to have to leave in just a few minutes, but the point again I want to make is I am one of those people who strongly believes in the crowding out theory, and I think that all we need to know is what percentage of net private savings, what percentage of capital in this country, available capital in this country, is being consumed by Government. And the fact of the matter is that over the last few years that percentage of net private savings, that percentage of available capital in this country that is being consumed by government at all levels is substantially higher than it was in the 1960's, and that, in my judgment, is the principal reason why we have the kinds of interest rates that we have now.

We are not going to really have a strong sustained economic recovery for a decade like we had in the 1960's until we restore some balance to this, until we get the Federal Government and other agencies of government across this country out of the business of dominating the credit markets.

I hope that in the weeks and days ahead we will have an opportunity to more fully debate this. I have enjoyed this. I thank the gentleman.

Mr. WEBER. I thank the gentleman from Kansas for his contribution.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I, too, think it was very valuable for the gentleman from Kansas to participate in the manner that he has, and I think we all look forward to having that kind of discussion in the days and weeks ahead.

I think that one of the things we have got to look at, though, in the crowding out theory that the gentleman talks about is just exactly how that crowding is or is not taking place. There is absolutely no doubt whatsoever that if you have massive deficits, they do have an impact on the credit markets. That is undeniable. That is the reason why a number of us want to move toward a balanced budget amendment to the Constitution, so that Government does not participate in that way in the normal investment channels.

On the other hand, I think you have got to take a look at the economy as it now exists. Most of these theories about crowding out are based upon an industrial economy modeled after our experience in the 1940's, 1950's, and 1960's. We are taking a look at investment needs in the economy as the economy existed at that point. We are saying that the economy only has so much capacity for production, that there is only so much available capital in the normal traditional capital markets, but we are not looking at the fact that this economy is largely expanding, and a lot of the growth that has been built in, a lot of the GNP growth that we have seen in the last few months is outside those normal traditional channels.

□ 1700

That it is not necessarily purely an industrial recovery; that the investment we are talking about is not purely investment in that industry economy. It has been a benefactor, but that an awful lot of the growth has come in the small business sector. It has been the formation of small proprietorships. It is capital not necessarily borrowed directly from normal channels, but capital that has been accumulated by families as a result of the tax cut, for example, that they have invested in their futures.

Mr. WEBER. I hope the gentleman will spend a little bit of time developing that, because in the debate we had on the floor here last week, that was an important point that was raised by some Members on the other side of the aisle when they talked to some of their large industrial employers, they were told that the tax cut legislation did not have a particularly beneficial effect, and the gentlemen made the point that he is now making at that time. But I hope that he will expand on that a little in explaining why it is that the tax cuts have been beneficial primarily in that small business and now entrepreneurial sector of our economy.

Mr. WALKER. Well, let us understand that many of us believe that we are in a transition phase in our national economic life where we are moving out of that industrial economy into a new economy that will include some of that industry but will also include a lot of new investment opportunities and a lot of new growth oppportunities, that the tax cut has played into that.

Let me try to use an example here. We are proceeding with some of the things that we do economically in this country as though we were a tourist headed for Europe. We went into the travel agency and we said we want to get the next available trip to Europe, and they said, fine, here is the cost of the ticket. You would say, now, when could I expect to arrive, and they said, well, it will take you a month and a half. You would say, a month and a half, why is that? And they say, well, that is how long it takes the clipper ships to get across the ocean. You say, but wait a minute, this is the jet age that we are in; I can get there in 6 hours. They say, well, that might be that there may be jets out there on the runway, but our scheduling is based upon clipper ship travel.

Well, right now we have got a situation where much of what we are doing in terms of protecting the economy for the future is based upon outmoded views of what goes on in the economy. We base our whole idea of what the economy can absorb on our industrial capacity in the country. That is one measurement. We have got to look at that. We want investment in our industrial base. I am not denying that whatsoever. But we have got to also look at the newly forming economy

that is taking place, the informational economy.

The whole business of small businesses that are growing up, the video tape industry being one. Here is a whole new phase of the information age that has grown up. Virtually every small community now has an outlet that is renting or selling video tapes. Most of those outlets did not exist 2 years ago, and yet that is a small business that is a growing part of our economy at the present time.

Most of those are sole proprietorships; most of them are family-owned businesses. Most of them are there because people are taking advantage, not in the industrial economy of the past, but in a future economy that is based upon information as one of its key components. That is all taking place, and yet we are ignoring some of the signs of what is going on in making our economic projections.

The Federal Reserve is doing that; the Federal Reserve in tightening up on the money supply, believing that we are going to have inflation because we are nearing the productive capacity of the country, is doing so based upon the false premise that we are nearing that ceiling. My contention would be, and I think the contention of the gentleman from Minnesota is we are not nearing any kind of a ceiling. That the ceiling is something which has over the last couple of years, as a result of some new enthusiasm, has literally been lifted. We have gone up three or four stories above where we were before.

We have no idea what the limits of that ceiling may be. We stretched out those limits in the 1960's; the 1980's is a whole new ball game.

Mr. WEBER. I think the gentleman makes an excellent point. Monetary policy is probably one of the significant ways in which we are today seeing policies imposed which have as their explicit objective, slowing down the economy, reducing the rate of growth of the economy and imposing that artificial ceiling.

There is a second policy initiative that is sweeping forward, at least in this city, which has really the same objective or will pursue the same objective, and that is a tax increase. At the same time that we are seeing the Federal Reserve saying that they are going to slow down the rate of the economy through monetary policy, we find that the Democratic Presidential candidate, Mr. Mondale, and unfortunately, many spokesmen on our side of the aisle as well, saying that they want to impose big tax increases on the economy for more or less the same reason. Both of those policies would have the effect of, you know, when we were younger we used to hear half-joking stories about a young man growing too quickly and his mother would say, I am going to put a rock on your head to slow you down. That is really what Chairman Volcker and some of the tax increases proponents are saying. We are going to put a rock on the head of this economy to try and slow it down. Nothing could be less helpful for our economy at this particular point.

Mr. WALKER. Because they believe that we have a future wave of inflation coming as a result of approaching that artificial ceiling that they set. We have no imperical data which suggest that there is going to be a wave of inflation. That in fact the 12-percent rate of investment that we have seen, the 7- to 9-percent growth figures that we have seen has not produced massive new inflation. It has produced growth at relatively low inflation rates.

Mr. WEBER. Furthermore, there are substantial signs within the economy not of inflation, but of deflation. Basic commodity prices, copper, gold and basic commodities have been declining in value, not increasing. In my district, and I am sure in the gentleman's district as well, but particularly in the agricultural Midwest, our biggest problem, I would argue, or one of our biggest problems in agriculture has been the sharp decline in land values at the same time the Federal Reserve Board is telling us that they have got to slow down the economy because they are worried about inflation taking off, farmers are going broke in my district because the value of their land has been written down by Federal examiners coming through the banks by 50 percent. Now, that is a lot of money.

Mr. WALKER. A lot of people may not understand that that is the way farmers basically leverage their income is on the value of their land. So that if you do in fact deflate the value of their land, it does not allow them to leverage money at the lending institutions any more, which means that they are in deep financial trouble based upon past debt accrued, largely based upon the value of their land.

The gentleman is absolutely correct, and that is, in fact, a deflationary kind of thing that is going out there.

I think it is also important to recognize that those who ascribe to the crowding out theory also have a problem, it seems to me, when they talk about tax increases as being a solution to the crowding out theory. Both a tax increase and Federal debt are crowding investment out. They take away from investment. If in fact Federal debt takes away from the savings pool, and it does, but if that is your basis for raising taxes to bring down Federal debt, when you take the taxes away from the people who would be the savers, you have the same direct impact. That money will not go into the investment market than in the first place. It will not be there to crowd out because it never will have gotten there because people will be paying it in taxes.

The reason why you have an expanding credit pool at the present time is because of the lower tax rates. It has allowed many people to have some money to put into savings they did not otherwise have. More importantly, it has caused some people, particularly in upper income categories, to take their money out of shelters and put it into productive investment areas. That has meant that we have had the expanding pool that has covered both the national debt plus a 12-percent increase in investment. It has been a remarkable kind of thing given the rates of Federal debt that we have had.

It seems a somewhat convoluted economic theory to suggest that you are going to solve the problem of the credit markets by taking money away from the people who invest in those credit markets. That makes no sense whatsoever. That is the reason why you come back and say if you are going to make any sense about how you lower deficits, you lower deficits by growth. If you get people investing, if you get the economy growing, you employ more people and you bring down deficits as a result of growth, then there is no clash there. But if you say that you are going to solve the crowding out situation by reducing the size of the credit pool available by taxing it away from people in the first place, you run head on into the problem that caused the massive economic woe of the 1970's.

□ 1710

That is precisely what we tried in 1970. We tried to keep down the national debt, although we were on a massive spending binge, by raising taxes to abnormally high levels. As a result, we got negative growth in the economy, which raised the deficits even more than the spending was doing, and we had nothing happening in the credit markets because nobody had any money to save.

Mr. WEBER. That is exactly right. And, of course, that is really getting very close to the nub of what we need to be talking about in terms of tax policy.

What are we seeing, for just a minute, out of Mr. Mondale in his proposals regarding taxes? He has come forward and said, in the view of many very courageously, that he is for a big tax increase, based on the crowding out theory, that he is going to reduce the deficit with a big tax increase, and that will bring interest rates down, and all that.

I would argue strongly that that is not nearly so courageous a statement as it appears to be on the face of things because, when asked which

taxes he is going to raise, he says he is going to raise taxes, of course, on the rich. That is a game that is played all the time around election time. "I am going to raise taxes, but never on the taxes of the people who vote for me. I will raise taxes, of course, only on the wealthy and the big oil companies; anybody other than the people who vote for me in my district."

It never really works that way, but that is what the politicians promise. One of Mr. Mondale's specific proposals has been to increase income taxes on those people earning more than $50,000 a year, again because that makes good political speech material. You do not have to turn off any of those voters out there. You can say, "It is only your rich neighbor that I am going to raise taxes on. You do not need to worry about it."

But even if you accept that, and I do not, I do not think it is a sensible policy to begin with, what has actually happened to revenues from that over $50,000 income bracket since President Reagan was elected? We are told, or led to believe by the Democrats, that these people have gotten some tax windfall and they are paying virtually no taxes at all. The fact is, the taxpayers over $50,000 of income are contributing 17 percent more of total Federal revenues than they were before the tax cuts were enacted, and they are doing so not for any mystical reason but for precisely the reason the gentleman from Pennsylvania alluded to a few minutes ago.

When you reduce that top rate from 70 percent to 50 percent, you reduce the incentive to shelter income from 70 cents on the dollar to 50 cents on the dollar. All of a sudden we have found a lot of people in those upper income brackets deciding to pull money out of tax shelters and to put them into productive and taxable investments.

It is very interesting if you look at the figures. On the richest people in our country, people with an annual income of over $1 million a year, the kind of incomes we cannot hardly even imagine, those people have actually seen their taxes, the percent of revenues that they contribute, increase 43 percent under the Reagan administration; again, because they have less incentive to shelter their income any more.

Taxpayers below the $50,000 level have gotten a net tax reduction from the Reagan administration. The percent of revenues that they are contributing is lower than it was before President Reagan was elected because they have benefited from the tax cut.

But the point I make, then, is: What sense does it make, as Vice President Mondale suggests, then to argue that we are going to close the Federal deficit by raising tax rates on those individuals earning more than $50,000 a year? All we will do is drive those people back into tax shelters. We will probably end up with a net decrease in revenues rather than a net increase in revenues. But Vice President Mondale, if he were to become President, would then be confronted with the question: Where are you going to raise taxes? You have promised to raise taxes. You have made all these promises to special interest groups about domestic spending. Now where are you going to raise taxes since you cannot get it from those rich people and big companies that you told the voters you were going to get it from?

Where it is going to come from is right out of the neck of the working class people, the small businessmen and the farmers. That has always been the way it has been in this country and that is exactly the way it would be under a Mondale administration.

Mr. WALKER. If the gentleman will yield, the gentleman is absolutely correct. The other place they talk about getting it, of course, is out of military spending. We ought to at least, if we are going to be courageous and blunt, we ought to at least be honest as a part of that.

If, in fact, you are going to get it away from people over $50,000, the fact is, you can tax away all of their income over $50,000 just absolutely confiscate all income over $50,000, including people who go out and win the lottery; no more lottery winnings over $50,000. Just confiscate away all income and you will get enough money to run the Government for about 21 days.

Mr. WEBER. Twenty-one days.

Mr. WALKER. Twenty-one days, if you absolutely confiscate all of that income. We have 90 days' worth of deficit. He says that he is going to reduce the deficit by two-thirds. That means that he is going to reduce the deficit by 60 or those days. Let us say he decides to go to confiscatory taxation, and I do not think even Walter Mondale is willing to do that, but let us say he does that. He has 21 days of the 60 days he needs. Where in the world is he going to get the other 40 days.

And he says he is going to get that out of the military budget. Forty days of spending out of the military budget would be a massive cut, far beyond what was rejected in the Democratic platform as a cut. It is far beyond that that was cut. And Walter Mondale does not support that amendment that was offered to the Democratic platform and rejected. He supports an annual 4½-percent increase in the defense budget over and above what we are now spending.

Mr. WEBER. I think that is really important to focus on, because we may have differences between the two parties on appropriate levels of defense spending, but my constituents, and probably the constituents of the gentleman from Pennsylvania as well, are under the impression that somehow the Democrats are going to balance the budget through substantial reductions in defense spending.

The fact is that when they get through with all their rhetoric about the outrageous Reagan increases in defense and how wasteful it is and how we do not need this system and that system and the other system, as the gentleman points out, the Democratic Presidential candidate and the Democratic platform are committed to real dollar increases in defense spending. That means more increases than the rate of inflation, 3 to 4-percent real increases in defense.

That leads us to two questions. First of all, if all of this horrible spending we have been doing over the last 3 years is really so destructive, then why is it that the Democrats do not feel that they should reduce defense spending, get rid of some of these things that they say we have not needed? We do not hear that. In fact, we hear from them additional increases are needed.

I do not necessarily take issue with that, but I think it is important that the people understand exactly what it is the Democrats are saying. They are lambasting defense spending and then calling for more of it.

Mr. WALKER. Let us put it in terms of numbers, so people understand what they have committed themselves to. If they commit themselves to 4-percent real increases in defense spending, and you take a look at present inflation, which is at about 4 percent, they are really saying that they are willing to see, given the present climate, if inflation does not go up, they have committed themselves to at least 8 percent increases a year in defense spending. That is, in terms of the present defense budget, which is around $250 billion, tht is approximately $20 billion a year more than is presently being spent that they have committed themselves to for the next 4 years.

So we are not talking about reducing the deficit there. We are talking about deficit add-on; maybe not quite as fast a deficit add-on, but nevertheless a deficit add-on.

Mr. WEBER. That is exactly right.

Mr. WALKER. So they are not going to get rid of their deficit problem. They are not going to reduce the deficit by two-thirds based upon that formula. If they are not going to do it with massive taxes beyond massive new taxes on the rich, the question then really becomes, is this not a total phony?

Mr. WEBER. There is an additional area where they could cut, of course, and we should talk about that for a minute because almost three-fourths

of the Federal budget is not defense spending, it is domestic expenditures. So we might ask the question: If they are going to increase defense, what are they going to do with domestic expenditures?

That is when it really gets scary. If you read through the Democratic platform, there are promises—maybe they do not put numbers on them—but there are promises for expansions of spending in virtually every area of the domestic budget.

Mr. WALKER. They have costed out the education one, and that is $11 billion that they have committed themselves to additionally in education. They did not put the figure in their platform, but there is one item in there on the environment where they have committed themselves to $153 billion of additional spending. I had it costed out. They have committed themselves to $153 billion more than we are presenting spending.

For just one item, for just one sentence in the Democratic platform, $153 billion more.

The gentleman is right. It gets scary when you begin to look at the cost of what they are talking about.

Mr. WEBER. They also repeat their call for some form of national health insurance, as they have for many years now. It is not particularly specific, but I have seen numbers for various national health insurance programs, and even the most minimal of those programs costs $20 billion or $30 billion in its first year.

□ 1720

Then you start looking at some smaller items like support for the arts and all the different programs.

Mr. WALKER. Do not misunderstand, that is $20 billion or $30 billion more than what we are presently spending on medicare and medicaid and a lot of these programs.

Mr. WEBER. The gentleman is absolutely correct.

Mr. WALKER. That is add-on spending that we are talking about, not total spending in the health area for national health care programs.

Mr. WEBER. I think, frankly, that that is what GARY HART was getting at when he was running for President against Walter Mondale and he talked about special interest groups. He was saying basically that his opponent, Mr. Mondale, was getting himself in an untenable situation by promising everything to every interest group in an effort to get the Democratic Presidential nomination.

Well, the fact is that he was right and now we can judge the impact of that process and the impact is that this Presidential candidate and the Democratic party is committed to a vast expansion of domestic spending, also committed to a modest expansion of defense spending, as well as committed to balancing the budget. How? Through tax increases, and when you put it in that perspective, the magnitude of the tax increase that they would have to vote through in order to accomplish all those things becomes awesome.

Mr. WALKER. The President calculated it the other day, $1,500 for every working family in the country, and Mr. Mondale came out on the wire services today protesting that figure. He said that figure was complete nonsense.

Well, in fact, if you start to put all these figures together, $1,500 begins to sound like a minimal figure of what the average working families are going to have to pay in order to do all the things that they are talking about and yet reduce the deficit by two-thirds, so that the President is right on target by suggesting that that is the real secret tax plan that exists in this country.

Mr. WEBER. Oh, absolutely. I think that if anything, the $1,500 figure that the President ascribed to Mr. Mondale's plan may be minimal and the reason I say that is that if you look at the impact of that tax increase that Mr. Mondale is proposing on the economy, you have to come to the conclusion that it is going to slow this economy down a lot.

Well, the deficit has been reduced this year by about $30 billion from last year's level, solely through economic growth and if we have a stronger economic recovery for the remainder of this year that people have been anticipating, it may be even a little more reduced, only through economic growth. That is a lot of money, $30 or $40 billion. If you talk about a big tax increase, so big that it slows the economy down and puts us back into another recession, you are going to see that in itself increase the deficit, because revenues are not coming into the Treasury, more money is being spent, and so the $1,500 figure suddenly far from seeming outrageous may well be a minimum figure. It may be more than that if we are thrown into a recession which would result in further expansion of the Federal deficit that Mr. Mondale is so concerned about.

Mr. WALKER. And American families need to ask themselves whether they believe they are so fundamentally undertaxed at the present time that they can afford another $1,500 in Federal taxes in order to meet the demands of a big new spending program, because that is what we are really talking about. Instead of trying to control spending here in this body or in the Government as a whole, we are going to try to solve the deficit problems with additional taxes from the American people and the American people then are being asked in addition to not being able to afford their homes because of high interest rates, in addition to not being able to afford new cars and a lot of other things that they might like, in addition to not being able to afford their children's education, all of the opportunities that they want for themselves and their families becoming unaffordable because of high interest rates. In addition, we are going to impose another $1,500 a year in taxes on that working family.

Working families in my district cannot afford that additional money, I know that, and I doubt that there are working families anywhere in the country that can afford those kinds of additional tax burdens, and yet that does appear what we would have to talk about in order to implement the program that has been outlined for us in some detail in the Democratic platform.

Mr. WEBER. That is exactly right, and the ways in which they may come up with those taxes would be very surprising to a lot of people. We do not know exactly where those taxes are going to come from, but if you look at some of the proposals that have surfaced in the House of Representatives, controlled by the Democrats over the last couple years, you get a good idea.

Chairman ROSTENKOWSKI of the Ways and Means Committee, as well as the Democratic study group, have been proposing, among other things, for the last year or so basically what amounts to an increase in the estate tax. Now, that may not mean much to some of these folks from the inner city, no offense intended to those folks, but in my part of the country and the part of the country of the gentleman from Pennsylvania, where we have family owned farms and small businesses, the estate tax is a terrible burden, a burden that over the last decade literally forced thousands and tens of thousands of farmers and small businessmen off their farms because the heirs could not meet the estate tax payments when the breadwinner died, if you will, and so to propose that kind of an increase would be terribly damaging to agriculture and small businessmen across the country.

Now, I am not saying that that is the way we would find the revenue. I am just saying nobody knows. When you talk about big tax increases, somebody's ox is going to get gored, and there are people that have been proposing that we raise the estate tax. That may well have to be one of the ways in which then President Mondale seeks to raise revenues.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. One of the proposals that I understand they were reviewing was that they would adopt the Brad-

ley-Gephardt tax reform proposal as one way of raising additional revenues.

Now, I think the gentleman would agree with me that we need to have some sort of substantive tax reform. We do not have any problem at all with the idea that we ought to reform the Tax Code in this country, get rid of a lot of loopholes, get rid of all the special interest garbage that is done in there and have a better Tax Code out of it. We are all for that.

Mr. WEBER. Lower rates.

Mr. WALKER. But make certain that it is a hold harmless on families in terms of additional taxes, that we reform the code while not charging them additional taxes.

Now evidently one of the things they are looking at up at the Mondale homestead is the possibility of using Bradley-Gephardt as a vehicle to get their additional tax revenues.

How would they do that? Well, it would mean that they would reform the Tax Code, but you would end up with higher tax rates. That is the problem.

Second, Bradley-Gephardt as presently constituted eliminates all indexing. Indexing is purely a middle class, middle income tool. It protects middle income people. It does nothing for the wealthy whatsoever. They are already in the top tax brackets.

Mr. WEBER. Let me expand on that for just a minute, because that is a critical point and it is important that people understand why that is the case.

Basically, the way that we raised taxes throughout the 1970's without Congress having to vote on it was inflation would put people into a higher tax bracket, even though they were not able to buy any additional goods and services with their income, so they would pay a higher percentage of their inflated wages. Indexing will prevent that from happening, but it only protects people, of course, that are in the middle and lower income brackets, because those are the people that will be moving up into higher and higher brackets. If you are already a very wealthy person, already in that top 50 percent tax bracket, you could care less if there is any indexing because you cannot be pushed into a higher bracket. So as the gentleman points out, indexing benefits solely middle and lower income people. It is of no benefit at all to wealthy people who are already in that top tax bracket, and for the Democrats to suggest getting rid of that really indicates that the ultimate victim of their tax increase is going to be the working people.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. The other evening when one of the authors of that particular tax bill was on the floor, I confirmed with him that indeed in their package they do eliminate indexing in their package.

The other thing that their package does is that it discriminates against families, because it includes a $2,000 per person adjustment for a husband and wife who are working, but if you have children, it only allows a $1,000 for each one of those children, so that in fact the bill discriminates against families, so that you have a proposal evidently under consideration in the Mondale camp as a way of raising additional tax revenue that would be discriminatory with regard to lower and middle income wage earners, and also discriminatory toward families in the country.

I would suggest that that is not exactly the populist approach to taxes and it raises questions again about just exactly what is going to be imposed on the American people in order to get the taxes that Mondale needs to do all the things that he says he is going to do.

Mr. WEBER. The gentleman makes a good point.

I have about 10 minutes left in this special order. Let me conclude by really talking about what I initially intended to talk about, which is to get to the other side of the coin. How exactly do we believe that the deficit should be approached, what do we believe is a balanced approach to the economy right now?

Mr. CRAIG. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I would be glad to yield to my friend and colleague.

Mr. CRAIG. Recognizing the gentleman's timeframe and knowing how important it is that the gentleman bring a conclusion to this, let me add, I have monitored the gentleman's discussion here, but more importantly, I read the text of candidate Mondale's radio message to the American public over the weekend. I thought it was unique, and I guess I could say I thought it was a little daring, that he would actually come up before the American people and say, "I'm going to raise taxes."

In fact, the reason I use the word "daring" is because most of us in our political lives have learned that something you never talk about in an election year is taxes and the possibility that they might have to be raised or that you might have to place an additional burden on the American taxpayer; but here we have a candidate for President who is breaking all the political rules, I guess one could say, in talking about that.

So my thought went on beyond that and I said, why would he be so daring to do so? The only conclusion that I can draw is that that is all he knows. That is all he can talk about. His mind, his ability to imagine, his ability to create new ideas and new approaches, does not exist.

Mr. WEBER. I think the gentleman makes an excellent point. We have to remember who Walter Mondale is. He is the last candidate, if you will, of the establishment that has for 50 years been building a liberal welfare state.

□ 1730

That is all they have done for 50 years and for a long time you could argue it did not have such detrimental impact on our economy. When the percentage of revenue or of the economy absorbed by the Federal Government was relatively low, when we had a serious problem in terms of the Depression in the 1930's, the idea of redistribution of income through the tax system and through a centralized government may have made more sense.

But we find the man running for President today on the Democratic ticket basically has precisely the same philosophy of government that was applied 50 years ago, and it just does not make any sense in this economic environment.

Mr. CRAIG. Will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Idaho.

Mr. CRAIG. I have to agree with you, and that is why after I heard that on Saturday the thought processes ran and I thought, my goodness, that is daring. But at the same time that it is daring it is also predictable. It is very predictable based on what you have just said about the gentleman and his experience, his political philosophy and from whence he comes. I think we could expect that.

There is a sadness in it and the sadness is that in this two-party system one of those parties is so absolutely bankrupt for new thought and new ideas today that they have to revert to something that the American public said loudly and clearly in 1980 we will have no more of, and I think we continue to say that as a public. And it is incumbent upon this Congress and gentleman like yourself and myself and the gentleman from Pennsylvania, to try to deal with new ideas that will solve these impossible problems or at least some that appear impossible at times. I think clearly you are on the right course and I thank you for taking out this special order today to discuss the problems, bring them into context or into a perspective that not only you and I can understand, but the American public can understand a great deal more clearly. I thank you for this opportunity.

Mr. WEBER. I thank the gentleman from Idaho for his contribution.

In the minutes remaining, let me just say those of us on the Republican side who are critical of the tax increase avenue are very concerned about the course of our economy. It is not that we are complacant and simply

say that we should do nothing. It is just we think that tax increases are exactly the wrong thing to do.

One of the pieces of evidence of our concern was a set of hearings held today by the Republican Study Committee chaired by our colleague BILL DANNEMEYER from California. I would like to just conclude by talking a little bit about those hearings and then inserting some materials in the RECORD.

The hearings that were held today were on monetary policy because it is our belief so strongly that the most important element of our economic policy must be to assure that economic growth can continue and indeed expand, both because that is good for the American people and because that ultimately is the best way of reducing the deficit.

It is thus far the only way we have reduced the deficit, through economic growth, so we held a series of hearings on monetary policy to take a look at the Federal Reserve Board and try to find out why it is that interest rates are high, and what we can do to bring them down without starting off inflation.

I would like to go through the list of the panelists because it was a very impressive set of hearings. It was chaired by the gentleman from California [Mr. DANNEMEYER]. Among the witnesses were Dr. Paul Craig Roberts, a William Simon professor at the Center for Strategic and International Studies of Georgetown University; Dr. W. Cleon Skousen, president of the Freeman Institute in Utah; Mr. Alan Reynolds, vice president of Polyconomics, former vice president of the First National Bank of Chicago; Mr. Robert J. Genetski, vice president and chief economist of the Harris Trust & Savings Bank, Chicago, IL; Dr. Ibriham Oweiss, professor of economics at Georgetown University and former chief of the Egyptian Economic Mission to the United States; Prof. Hans F. Sennholz, professor of economics at Grove City College; Prof. Antal E. Fekete, professor of mathematics and statistics at Memorial University of Newfoundland; Mrs. Elizabeth Currier, president of the Committee for Monetary Research and Education Incorporated; Mr. Charles W. Cadlec, executive vice president and research director of A.B. Laffer Associates; and our colleague, the Honorable JACK KEMP of New York.

These ladies and gentlemen presented their views on economic growth and monetary policy. Although they did not agree in their entirety, most of them were harshly critical of the way in which the Federal Reserve Board is currently conducting monetary policy. They argued for us to establish some kind of a standard, a standard perhaps based on gold, or based on some other commodity or basket of commodities that would in effect guarantee the value of the dollar because, after all, that is what interest rates are all about. If you can guarantee the value of the dollar to the lender, the lender has no reason to charge an exhorbitant rate of interest because, after all, what the lender wants is the rate of inflation back plus a reasonable return. If you can guarantee the value of the dollar there is no reason why interest rates should not fall as a rock, and that is indeed what many of these experts said to us in the course of their testimony today.

Three pieces of testimony I thought were particularly informative, the testimony of Dr. Paul Craig Roberts, the testimony of Dr. Robert Genetski, and the testimony of our colleague from New York, the Honorable JACK KEMP.

Mr. Speaker, at this time I include in the RECORD the text of the testimony as presented today to the Republican Study Committee:

TESTIMONY ON THE NEED FOR MONETARY REFORM; AUGUST 6, 1984, PAUL CRAIG ROBERTS

In the conduct of monetary policy, discretionary judgments have replaced principle. The view prevailed that the monetary authorities could do a better job if they were unencumbered with restraints and had the advantage of flexibility. However, in practice, discretionary behavior is not predictable and so uncertainty rose in the financial markets. Discretion also allows the monetary authority to behave in self-protective ways.

The removal of constraints on the Federal Reserve was gradual, and in today's system of fiat money and floating exchange rates, it seems to be complete. In the public mind the stability of financial markets rests on nothing more than the credibility of the Federal Reserve chairman. Monetary uncertainty is a form of bad taxation, and disillusionment with discretionary management has produced demands to make the Federal Reserve accountable by placing restraints on its behavior.

The most often mentioned constraints are: (1) to require the Federal Reserve to publicly announce all policy decisions at the time they are made, (2) to make the Secretary of the Treasury a member of the Federal Open Market Committee, and (3) to make the term of office of the Federal Reserve chairman concurrent with that of the President of the United States.

All of these changes would, I believe, increase the effectiveness of the Federal Reserve system. Today the ever-present uncertainty about the course and direction of monetary policy adds premiums to interest rates and reduces the stability of financial markets. The independence of the Federal Reserve and the secrecy with which it conducts monetary policy means that every President risks having his policies crowded out by those of unelected officials.

When there are no clear rules, the central bank can substitute its own judgment. When this judgment is influenced by hysteria and ill-informed theories as it was in 1981, and as it may still be, the whole nation suffers, and the economic policies of elected officials are preempted by Federal Reserve decisions.

I believe most adverse judgments by the Federal Reserve are due to the absence of clear rules and constraints on its behavior. Legislative steps that would reduce Federal Reserve secrecy and increase the predictability of monetary policy would enhance the prospects for successful economic performance.

The Federal Reserve is an agency of Congress, and it is a promising sign that Congressmen are considering integrating the Fed into the rest of the government and making it accountable on the basis of principle and well-defined law.

MONETARY REFORM—ISSUES AND IMPLICATIONS

(By Robert J. Genetski, Vice President and Chief Economist, Harris Trust & Savings Bank, Chicago, IL)

The persistence of high interest rates at a time of low inflation has focused attention on a possible reform of the U.S. monetary system. The potential benefits from such reform are enormous. So are the potential problems. At its best, monetary reform would assure price stability, a reduction in inflationary expectations and a substantial decline in interest rates. At its worst, such reform would reintroduce the potential for monetary disturbances—disturbances which provided the impetus for creating the Federal Reserve System.

Attempts to reform the monetary system should contain two essential features. First, the system should contain a standard or anchor that will effectively withstand pressures to depreciate the currency. Such a standard should be rigid and understandable, so that savers and borrowers are convinced that the value of their money is likely to remain stable over time. Second, the system should be sufficiently flexible to permit temporary changes in money to counter short-term disturbances.

THE ESSENCE OF A MONETARY SYSTEM

The specifics of any monetary system can be extremely complex. However, the essential issue is always the same—who or what will control the supply of money and according to what criteria? For most of the 19th century the U.S. monetary system consisted of what might be termed a traditional gold standard. Under this system, control of the U.S. money supply was dictated by the worldwide supply and demand for gold, by international monetary flows, and by the public's preference for bank deposits versus currency.

This system appears to have worked well in providing price stability over long periods of time and in keeping inflationary expectations and interest rates fairly low. It does not appear to have worked well in promoting stable business conditions. Frequent panics and monetary crises characterized the period. External shocks, such as an abrupt switch in foreign investment out of the U.S., or a loss of public confidence in banks, led to an outflow or hoarding of gold. During such times the flight from bank deposits to gold currency led to an automatic squeeze on the money supply. Since this occurred at the very time that the system was already experiencing difficulties, the monetary system served to intensify these problems. To the extent that a free market for gold existed, a liquidity crisis would be expected to lead to upward pressure on the price of gold, thereby sending an entirely inappropriate signal to the monetary authorities. For these reasons, there were on numerous occasions in the 19th century and into the early part of the 20th century when the gold standard was suspended or

the U.S. Treasury intervened to limit monetary disturbances.

Testimony before the House Republican Study Committee, Washington, D.C., August 6, 1984.

The inability of the gold system to provide a cushion for short-term shocks led to the creation of the Federal Reserve. The main objective in establishing the Fed was to provide for some short-run flexibility and help moderate the adverse effects of various shocks to the monetary system. At the time the Fed was established (and for many years thereafter), it was widely assumed that the gold standard would be retained, along with its ability to insure long-term price stability. What was not widely recognized was that the establishment of the Federal Reserve provided a fundamental change in the nature of the U.S. monetary system. Now, the supply of money was to be effectively guided by the decisions of individuals working for a government agency. As the pressures upon these individuals changed—as their ideas, bias and interpretations of economic events changed—so too would monetary policy.

In an attempt to provide short-term monetary flexibility, those who created the new system inadvertently removed the guide to long-term price stability. As a result, there has been considerable uncertainty over the future course of monetary policy and hence, the future course of inflation. This uncertainty is reflected in substantial inflationary expectations which add considerable upward pressure to interest rates.

NEW DIRECTIONS

Given the short-term problems experienced under the gold standard, and the potential for extensive inflationary problems under the present standardless standard, our objective should be to combine the best elements of each system.

There are a number of possible alternatives that fulfill these requirements. One possibility would be a system similar to that described in my congressional testimony of July, 1982. That system would give the Fed short-term flexibility over monetary policy, but would remove that flexibility as sensitive commodity prices signaled the onset of either an inflationary or deflationary cycle. Such a system might be complemented by defining the dollar in terms of gold, thereby promoting widespread assurance and confidence that a fundamental change has occurred.

While the specifics are important, they can be debated at some future point. At this point, it is more important to focus on the essence of the monetary debate. Should the U.S. economy maintain the present standardless money standard, or should there be some formal restraint on the unlimited potential to create money? Should the system rely solely upon the judgment of individuals to assess the quantity of money that should be created, or should it have constraints based on market forces which will prevent, or at least hamper, the prospects for future depreciation of the currency?

The present system, without formal constraints to the creation of money, invites uncertainty over future prospects for inflation, and therefore provides substantially higher interest rates than would otherwise exist. Under a system where gold and market forces play an effective role in restricting the creation of money, the prospects for stable prices, low inflationary expectations, and lower interest rates would improve considerably.

TESTIMONY OF CONGRESSMAN JACK KEMP BEFORE THE REPUBLICAN STUDY COMMITTEE, U.S. CONGRESS, WASHINGTON, DC, AUGUST 6, 1984

MONETARY POLICY IN THE 1984 REPUBLICAN PARTY PLATFORM

Mr. Chairman, I appreciate this chance to testify concerning the monetary policy plank of the 1984 Republican Party national platform.

Four years ago, our nation faced a problem called "stagflation." A great many people were saying that little could be done to cure simultaneous high inflation and slow growth. But in 1980 President Reagan and the Republican Party campaigned on a comprehensive strategy for curing it. We proposed tax-rate cuts to re-start economic growth and create jobs; monetary reform to bring down inflation; regulatory reform to reduce the artificial inflexibility imposed by unnecessary regulations; and spending cuts to reduce the government's claim on our resources. While our task is unfinished, we have been successful in producing a strong recovery and creating almost 7 million jobs without inflation.

In 1984, the problem facing the nation is somewhat different. What we have done up to now could be described as emergency treatment to turn around an economy that was failing under Jimmy Carter and Walter Mondale. Now we must go further to undertake fundamental reforms which can consolidate and expand our progress. Specifically, we need a comprehensive reform of the tax code, to broaden the tax base and lower tax rates on both capital and labor; innovative thinking to improve services while trimming spending, such as "privatization" programs; further removal of stifling disincentives, especially in international trade; and fundamental reform of our domestic and international monetary system. I would like to concentrate today on the monetary reform.

Let me go straight to the problem. Since about 1971, chaos in the monetary system has been a direct threat, not only to the United States, but to all the nations of the world. The post-World War II Bretton Woods international monetary system, flawed as it may have been, represented the last time that the world enjoyed the security and stability resulting from sharing a common money. That foundation for world prosperity was abandoned. The closest thing the world has today to an international money is the paper Federal Reserve note; this is what gives Federal Reserve policy such sweeping world-wide implications.

The last 15 years have been characterized by vast world-wide fluctuations in prices, interest rates, and exchange rates, which have played havoc with domestic economies, trade, international payments, and the banking system. This has contributed directly to the increasing threat of protectionism. The only way to remove these threats permanently is to restore stability to the international monetary system.

But doing so realistically requires both a long-run and a short-run strategy. Ultimately our biggest task is to give the world once more a common and dependable international money. But until this is accomplished, we must reform our domestic monetary policy to remove an immediate threat to our economic recovery and to world economic stability. Recent Federal Reserve policy seems designed to slow down the U.S. economy, threaten American jobs, and worsen the problems of the Third World—without justification.

I propose a three-point agenda of monetary reform for inclusion in the Republican platform. These three points address three aspects of policy: how policy is made, what the policy is, and the system within which policy must operate.

First, regardless of the particular policy, we need to open up the decisionmaking process of the Federal Reserve system. There is simply no reason for the Federal Open Market Committee to keep its policy decisions secret for weeks or months after they are made. It has only engendered uncertainty, speculation, and waste. Efficient markets require full and accurate information. That is why I have introduced legislation (H.R. 5459, "The Federal Reserve Reform Act of 1984") that would require the Fed to announce its decisions on the day they are made. This proposal is supported by many colleagues in Congress, by economists like Milton Friedman, and by common sense.

Second, we need a better and more predictable policy. Since 1971, the Federal Reserve has had no anchor for its monetary policy. In recent years, we have seen the Federal Reserve shift from targeting interest rates, to targeting M1, to targeting other monetary and credit aggregates—all with a great deal of hardship to Americans trying to make a living amid this convulsion. Most recently, the Fed appears to be actually trying to slow down real growth and keep unemployment from falling too fast, on the theory that the cause of inflation is too many people working and too many businesses doing business. As a direct result of this policy, we have seen high interest rates, an actual deflation of commodity prices in the past several months, and the first uptick in unemployment in 19 months.

If the goal of monetary policy is price stability, then the Federal Reserve should be looking at some index of market prices—not interest rates or various definitions of money and credit, or GNP, or unemployment. As long as we have no fixed monetary standard, the Fed should be required to adopt such a "price rule." It should decide whether to tighten or ease by observing whether sensitive commodity prices are rising or falling. H.R. 5460, "The Balanced Monetary Policy and Price Stability Act of 1984," is one simple method of enacting a "price rule."

Third, we need to reform the monetary system itself. Quite simply, we need to end the 13-year experiment with inconvertible paper money—just as we ended the experiments with the Continental dollar and the Civil War greenback. We should adopt a modernized domestic gold standard, and seek agreement from our trading partners to make the standard international, in a reformed monetary system that improves on Bretton Woods.

A modernized domestic gold standard could be restored quite simply, by doing three things; defining the dollar again as a fixed weight of gold, requiring all U.S. paper money to be convertible again into gold, and by resuming gold coinage to facilitate convertibility. H.R. 5986, "The Gold Standard Act of 1984," would do these three things.

Until we make the dollar once again "as good as gold," there will be uncertainty about monetary policy, interest rates will be too high, and the world economy will remain under the threat of protectionism retaliation to the effects of wildly fluctuating exchange rates.

Mr. Chairman, these are my suggestions for a "monetary plank" in the 1984 GOP

platform. I am convinced that the Republican Party should show the leadership and vision necessary to reform our monetary policy in this way, and bring the American people closer to our goal of full employment without inflation.

Thank you.

REPUBLICAN STUDY COMMITTEE HEARING ON MONETARY REFORM, AUGUST 6, 1984

RÉSUMÉ OF WITNESSES (IN ORDER OF APPEARANCE)

Dr. Paul Craig Roberts: Dr. Roberts is the William Simon Professor at the Center for Strategic and International Studies of Georgetown University. He was Assistant Secretary of the Treasury for Tax Policy and is the author of "The Supply Side Revolution".

Dr. W. Cleon Skousen: Dr. Skousen is a widely known expert on monetary policy and the President of the Freeman Institute, Utah.

Alan Reynolds: Mr. Reynolds is Vice President of Polyconomics, former Vice President of the First National Bank of Chicago and the economics editor for National Review.

Robert J. Genetski: Mr. Genetski is Vice President and Chief Economist of the Harris Trust and Savings Bank, Chicago, Ill.

Dr. Ibriham Oweiss: Dr. Oweiss is a Professor of Economics at Georgetown University. He was the Chief of the Egyptian Economic Mission to the United States with the rank of Ambassador. In the early 1970's, Dr. Oweiss coined the term "petrodollar".

Prof. Hans F. Sennholz: Prof. Sennholz is a Professor of Economics at Grove City College, Pa. He is a prominent economic advisor and the author of several books including: "Death and Taxes", "Gold is Money", and "The Age of Inflation".

Prof. Antal E. Fekete: Antal Fekete is a Professor of Mathematics and Statistics at Memorial University of Newfoundland. He is a native of Hungary and emigrated to Canada after the Hungarian Revolution in 1956. He has been a student of the gold markets since 1959 and is the author of "Gold and Interest". He was a Resident Fellow at the American Institute of Economic Research and the recipient of a fellowship from the Committee for Monetary Research and Education, Inc.

Elizabeth B. Currier: Elizabeth Currier is President of the Committee for Monetary Research and Education, Inc. (OMRE). OMRE is a non-profit educational organization which seeks to promote greater public understanding of the nature of monetary processes and the central role a healthy monetary system plays in the well-being of a free society.

Honorable Jack Kemp: Congressman Kemp (R-NY) is in his 7th term in the U.S. House of Representatives and is Chairman of the House Republican Conference. Congressman Kemp is the author of the book, "An American Renaissance", which calls for a move toward an improved Bretton-Woods-type system to provide more stable exchange rates.

Charles W. Cadlec: Mr. Cadlec is Executive Vice President and Research Director of A.B. Laffer Associates. He has written extensively in the area of monetary reform with his work appearing in the New York Times, and the Wall Street Journal, among others.

Again, I believe that the testimony those individuals presented, as well as the other individuals appearing before Congressman DANNEMEYER's committee, indicates that we ought to increasingly focus our attention in this political campaign on monetary policy and on the conduct of the Federal Reserve Board and on how we guarantee the value of the dollar, bring down interest rates, and expand the economic recovery which has so far succeeded in bringing down the deficit by $30 billion to $50 billion and created more new jobs in this economy in the last 18 months than the entire continent of Europe has created in the last 10 years.

I thank all my colleagues for participating in this special order and I yield back the balance of my time.

THE FAIR RIF PRACTICES ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARNES] is recognized for 10 minutes.

● Mr. BARNES. Mr. Speaker, today I am introducing legislation to reform the Federal Government's reduction-in-force [RIF] practices; 2 years ago, I introduced similar legislation when it became apparent that RIF's were compromising the quality of Federal service. At that time, a leading Federal columnist observed that RIF's and other elements of the administration's personnel program "threatened to create the kind of caricature work force that the President thought he was inheriting."

Last year, RIF surveys conducted by the Federal Government service task force, which I chair, confirmed that RIF's from fiscal year 1981 through fiscal year 1983 affected over 10 percent of the Federal nondefense work force. Our survey findings show that 29,068 individuals were directly involved in a RIF during those years. The Office of Personnel Management, however, has admitted that RIF's trigger a chain reaction that affects four times that many employees. Although the absolute number of RIF's declined significantly in fiscal year 1983 and preliminary figures for fiscal year 1984 are not yet available, the administration's accelerated drive to convert Federal positions to the private sector, coupled with its action to implement recommendations made by the President's private-sector survey on cost control [PPSSCC], threaten to quicken the pace of RIF's.

The Fair RIF Practices Act of 1984 neither prohibits reductions in force nor bars contracting out. It does require Federal agencies to recognize that employees and their representative organizations can make an important contribution to agency effectiveness—a contribution that is lost when agencies and employees become bitter adversaries.

Mr. Speaker, in both the private and public sectors, large organizations that must compete to exist are discovering the advantages of conserving and developing human resources. Human resource development liberates the untapped potential of a work force constrained by imperfect systems and personnel practices. Many experiments in worker participation, conflict resolution, and directed training have begun to reach for this potential by developing a sense of teamwork. Building common interests in this way has already achieved some remarkable results—including significant cost savings.

A number of major business concerns have rediscovered an old truth—that people working together accomplish more than people working at cross purposes. Authoritarian and paternalistic management practices stifle opportunities with which worker experience, creativity, and insight can be tapped to strengthen an organization. Businesses that do not tap human resources to their maximum potential simply operate at a disadvantage in the marketplace.

Not all personnel techniques employed by the private sector have direct application in the public sector. Nevertheless, experiments in teamwork have been tested in the Federal Government with significant success. Congress, as the board of directors of the Federal work force, would be folish to ignore the direct budget savings that can result from harnessing the potential of the Federal work force.

After 3½ years of RIF's, we have learned that RIF's are counterproductive. Major studies by the GAO and the Merit Systems Protection Board confirm that "conditions at the Federal workplace have become much worse." RIF's have fostered paternalistic management approach that provokes combat between labor and management. RIF's pit minorities against nonminorities and men against women. They have interrupted agency operations and effective program implementation. The practice has also proved to be quite costly; taxpayer dollars have been spent on severance pay, lump-sum payments, increased pension costs, and unemployment insurance. Savings projected from reducing the work force are also offset by disrupted operations, for example, which result in reduced revenue collections.

This legislation, Mr. Speaker, ensures that Federal employees have a mechanism which enables them to participate in agency efforts to mitigate the impact of RIF's. It directs each agency to explore all reasonable RIF alternatives and, in the event that the agency cannot independently avoid a RIF, to continue deliberations with full union participation. At this

stage, employee representatives are able to negotiate available RIF alternatives. Should negotiations reach an impasse, the parties may invoke nonbinding, third-party assistance. The agency head must ratify any agreement reached by the parties.

The RIF bill I introduced in 1982 included a number of controversial provisions which have been omitted from this bill. For example, it no longer requires the General Accounting Office to certify agency reports prior to a RIF. I have also eliminated the requirement that the agency submit to binding arbitration if the parties reach impasse during negotiations. I believe the bill I am introducing today provides a more measured and workable approach to achieving management objectives without a RIF.

In the past, RIF's have served both legitimate and illegitimate policy purposes. When Congress and the President agree upon legislation to change existing policy, a reorganization or reduction in force logically follows to ease the policy transition. Management oversteps its legal bounds, however, when it implements policy changes by merely eliminating staff through a RIF, instead of pursuing traditional congressional channels to reduce or eliminate mandated programs. The reporting provisions in the bill should aid congressional oversight of RIF activities and safeguard important constitutional prerogatives. No RIF can take place until OPM certifies that the agency has complied with requirements set forth in the bill. Such requirements include a description of RIF alternatives considered, cost and savings estimates, and an analysis of the RIF's impact upon employees and organizations.

I recognize that not all RIF's can be avoided. In those instances where a RIF must be conducted, however, we can learn a lesson from the Department of Defense where RIF's are conducted with minimal adverse impact on agency personnel and operations. Over 1 million civilian Federal employees work for the Department of Defense. Reorganizations and staff changes routinely occur at Defense and often require RIF's. When a Defense employee is RIF'd, his or her name is placed on an agencywide stopper list. DOD is then required to fill vacancies with employees on that stopper list. Exception is made, however, where there is no stopper-list employee who meets job description requirements.

Given the size and diversity of DOD's civilian work force, DOD is able to place the large majority of its employees affected by a RIF. Their placement policy is humane and enables the agency to retain valued employees. It is sound-management policy that places a premium upon institutional memory and dedicated service. The legislation that I am proposing today would create a Government-wide outplacement system based upon the DOD's stopper list. It would also link placement of qualified employees into agency vacancies where a minimum amount of job training would enable the employee to successfully perform in the job. Up until now, agencies have not attempted to mitigate RIF impacts by training employees to assume other positions.

Mr. Speaker, the Fair RIF Practices Act of 1984 deserves strong support from Members on both sides of the aisle who understand the key role the Federal service plays. I am pleased to report that my good friend from Michigan [Mr. ALBOSTA] has agreed to hold hearings on the bill. I look forward to working closely with his subcommittee in further refining our approach. I urge Members to join me in cosponsoring this important legislation.

I am inserting in the CONGRESSIONAL RECORD at this point a section-by-section summary:

SECTION-BY-SECTION SUMMARY OF THE FAIR REDUCTION-IN-FORCE PRACTICES ACT OF 1984

SUBCHAPTER I—ACTIVITIES DURING A REDUCTION IN FORCE

SEC. 3601. *Definitions; application.* Coverage includes executive agencies, the G.P.O, and the Library of Congress. The definition for reduction-in-force is taken from the current OPM regulation, 5 C.F.R Chap. 351. General-cost-reduction-measures, which agencies must review under Section 3602 of the bill, are cost reductions that can be achieved without changes in pay, benefits or conditions of employment. Political appointees, excepted service appointees in confidential, and policy-making positions are excluded from coverage.

SEC. 3602. *Exhaustion of Alternatives.* An agency may RIF only if, to the extent that, general-cost-reduction-measures including joint labor-management efforts, do not obviate the need to conduct a RIF.

SEC. 3603. *Collective Bargaining.* If, after exhausting the alternatives tried pursuant to Sec. 3602, the agency determines that a RIF remains unavoidable, it notifies the exclusive bargaining representative and begins negotiations designed to enable employees to raise reasonable proposals that mitigate or eliminate RIF impact. The agency is required to provide the representative with information, normally maintained in the course of business, and necessary for a full and proper discussion of the issues. Any negotiated agreement is subject to the approval of the agency head.

Impasse Procedures: If negotiations reach impasse, either party may invoke the Federal Mediation and Conciliation Service or another 3rd party mediator. An impasse exists if the parties do not reach agreement within 45 days after the start of negotiations. If mediation fails, the parties may seek assistance from the Federal Service Impasses Panel. The FSIP is empowered to hold hearings and make recommendations. Such recommendations, however, are non-binding.

SEC. 3604. *Reports; certification.* Any agency may conduct a RIF only after submitting reports to OPM, and if OPM certifies that the parties have met the requirements of the Act. Reports to OPM include a description of the proposed RIF, a description of alternatives considered under Sections 3602 and 3603, the anticipated impact of the RIF on organizational structure—including positions affected, grades changed, duties and responsibilities altered, and an analysis of the RIF's impact upon productivity. Recommendations and views of the bargaining representatives shall also be a part of the report. Also included: the agency's reasons for conducting the RIF, estimates of total costs to government, including any anticipated offsets, a comparison of the cost-effectiveness of the RIF and the alternative plans proposed. OPM may not certify a RIF (enabling the agency to proceed) until all impasse procedures have been exhausted.

SEC. 3605. *Notice to Employees.* Any agency may not give notice of a RIF to employees sooner than 10 days after OPM has certified the RIF. Each employee affected by the RIF is entitled to at least 30 days written notice stating specific actions to be taken and their effective date. In essence, a 30 day specific notice is required. Specific notice is currently defined by regulation.

SUBCHAPTER II—EMPLOYMENT RIGHTS OF INDIVIDUALS AFFECTED BY A RIF

SEC. 3621. *Definitions.* Placement registers are described in section 3624 and should not be confused with retention registers established by agencies in order to conduct a RIF. Agency and RIF are defined as in Subchapter I.

SEC. 3622. *Entitlement.* Each employee who receives a specific RIF notice is placed on a government-wide placement register established by this Subchapter.

SEC. 3623. *Government-Wide Placement Registers.* OPM determines vacancies for which an entitled employee qualifies. Placement registers are set up to reflect the same criteria for ordering placements as is used in developing the retention register during a RIF. Employees shall be considered qualified if they meet the minimum qualifications established by OPM. OPM is prohibited from changing the criteria or order in which criteria are considered, e.g. veterans preference, seniority, and performance.

SEC. 3624. *Priority Placement.* An agency may not fill a vacancy by a new appointment, transfer, reassignment or promotion unless the agency determines that there is no qualified individual on the appropriate placement register who can be certified under Section 3625. An agency cannot withdraw a vacant position or fail to offer an employee on the placement register unless it reports to OPM reasons for withdrawing the vacancy and OPM approves that decision. Employees are selected from the placement register in descending order according to their relative standing.

Waivers. An agency may hire someone who is not on the retention register or hire out of order on the retention register, if the agency head, with OPM's approval, determines that such selection would prevent substantial disruption to an essential agency function, or such selection would increase the percent of women and minorities at an agency to pre-April 1, 1981 levels. If, after reviewing a detailed submission by an agency head seeking a waiver, OPM grants the waiver, OPM notifies each person adversely affected of the reasons, and that the person has the right to appeal to MSPB.

Order of Priority. When an individual is listed on more than one retention register, the individual will be certified under Sec. 3625 for the position which OPM deter-

mines would be least disruptive to the employee taking into account such factors as grade, pay, duties, location and agency.

SEC. 3625. *Certification.* OPM shall certify each qualified individual on a placement register to the appointing authority having a vacancy. The certified employee shall be offered the position unless the agency objects and OPM sustains the objection. An objection may be sustained when an agency demonstrates that the appointment of another individual would prevent substantial agency disruption.

SEC. 3626. *Time on Placement Register.* Employees may remain on the placement register for two years, unless the RIF is cancelled or the individual is offered a position in the same commuting area and the grade and workweek is the same as in the job from which the employee is displaced.

SEC. 3627. *Transmission of Vacancies.* Each agency must transmit, at least once a month, a list of employees to be placed on the government-wide placement register. The agency also transmits a list of each vacant position which the agency will fill within the next 6 months. Employees released between 4-1-81 and the effective date of regulations (180 days after enactment), shall be placed on the placement register if they register for it within 90 days of the effective date of regulations governing the placement registers.

SEC. 3628. *Access to Registers.* OPM shall ensure that agencies notify each individual named on the government-wide placement register and referred for a position, of his or her right to inspect such register.

SEC. 3629. *Exceptions to Qualifications Requirements.* OPM shall prescribe regulations enabling employees on the placement register to be assigned to a vacant position if the employee meets all educational requirements for the position, if no fully qualified employee on the register is available, and if, in the agency's view, the employee can reasonably be expected to perform the duties of the job given training that is available.

An employee assigned to a job under the provisions of this section shall be evaluated within 180 days of the assignment. If the employee's performance is unsatisfactory he or she has 180 days to cure the deficiencies. A second unsatisfactory performance rating results in the employee's separation.

SEC. 3630. *Reports.* Each agency submits a biannual report to the President on implementation of this subchapter. The report covers the number of vacancies available, the number filled, the number of waivers granted by OPM, and a demographic and grade analysis of the positions into which employees were placed.

The bill is effective on the date of enactment.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NATCHER) to revise and extend their remarks and include extraneous material:)

Mr. NATCHER, for 60 minutes, on September 11.

Mr. SNYDER, for 60 minutes, on September 11.

Mr. MAZZOLI, for 60 minutes, on September 11.

Mr. HOPKINS, for 60 minutes, on September 11.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 60 minutes, on August 8.

Mr. MCDADE, for 60 minutes, today.

Mr. MACK, for 60 minutes, on August 6.

Mr. MACK, for 60 minutes, on August 8.

Mr. MACK, for 60 minutes, on August 9.

Mr. MACK, for 60 minutes, on August 10.

Mr. WALKER, for 60 minutes, today.

Mr. WEBER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on August 7.

Mr. WEBER, for 60 minutes, on August 8.

Mr. HUNTER, for 60 minutes, on August 8.

Mr. GINGRICH, for 60 minutes, on August 8.

Mr. LUNGREN, for 60 minutes, on August 9.

Mr. GINGRICH, for 60 minutes, on August 9.

Mr. GINGRICH, for 60 minutes, on August 10.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. SLATTERY, for 60 minutes, today.

Mr. RICHARDSON, for 60 minutes, today.

Mr. BARNES, for 10 minutes, today.

Mr. MCNULTY, for 60 minutes, today.

Mr. PEPPER, for 60 minutes, on August 7.

Mr. RICHARDSON, for 60 minutes, on August 8.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 5.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 6.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 11.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 12.

Mr. HEFTEL of Hawaii, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. LIPINSKI.

Mr. AUCOIN.

Mr. SKELTON.

Mr. DYSON.

Mr. EDWARDS of California.

Mr. MOAKLEY.

Mr. SCHUMER.

Mr. BARNARD.

Mr. RANGEL.

Mrs. KENNELLY in two instances.

Mr. HARRISON.

Mr. STARK.

Mr. MATSUI.

Mrs. BOXER.

Mr. SIMON in two instances.

Mr. ADDABBO in two instances.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. LENT in two instances.

Mr. BROYHILL in three instances.

Mr. O'BRIEN.

Mr. MCKERNAN.

Mr. FIELDS.

Mr. VANDER JAGT.

Mr. STANGELAND.

Mr. TAUKE.

Mr. RITTER.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following title were taken from the Speaker's table and, under the rule, referred as follows:

S. 1177. An act to amend title 4 of the United States Code to complete the official seal of the United States; to the Committee on the Judiciary.

S.J. Res. 324. Joint resolution designating the month of November 1984 as "National Christmas Seal Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 338. Joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympic games in Los Angeles, CA; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4952. An act to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on August 3, 1984, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.J. Res. 577. Joint resolution designating August 1984 a "Polish American Heritage Month";

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading insecurities while in possession of material nonpublic information;

H.R. 1492. An act, to establish the Christopher Columbus Quincentenary Jubilee Commission; and

H.R. 1310. An act to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs, and for other purposes.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, pursuant to House Resolution 566, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 566, the Chair declares the House adjourned until Wednesday, August 8, 1984, at 10 a.m. out of respect for the Honorable CARL D. PERKINS.

Thereupon (at 5 o'clock and 38 minutes p.m.), pursuant to House Resolution 566, and under its previous order, the House adjourned until Wednesday, August 8, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3843. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during June 1984 to Communist countries as a result of Presidential determinations, pursuant to the Act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

3844. A letter from the Comptroller General of the United States, transmitting a copy of GAO's review of the EPA indemnification study, pursuant to Public Law 94-469, section 25(a); to the Committee on Energy and Commerce.

3845. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-27-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3846. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-28-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3847. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more (Transmittal No. MC-29-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3848. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and other computers where the offense involves interstate or foreign commerce; to the Committee on the Judiciary.

3849. A letter from the Secretary of Health and Human Service, transmitting a draft of proposed legislation to extend for 1 year the conditional ceiling on Federal matching for foster care, and the temporary provision authorizing Federal matching for foster care maintenance payments for certain children voluntarily placed in foster care; to the Committee on Ways and Means.

3850. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend titles 5 and 10, United States Code, to authorize the U.S. Air Force Institute of Technology to adopt personnel classification and pay practices for civilian faculty members similar to those used at comparable Federal educational institutions; jointly, to the Committees and Armed Services and Post Office and Civil Service.

3851. A letter from the Comptroller General of the United States, transmitting a report entitled, "Further Actions Needed to Improve Emergency Preparedness Around Nuclear Powerplants" (GAO/RCED-84-43, August 1, 1984); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on August 2, 1984, the following report was filed on August 3, 1984]

Mr. SMITH of Iowa: Committee of Conference. Conference report on H.R. 5712 (Rept. No. 98-952). Ordered to be printed.

[Submitted August 6, 1984]

Mr. BROOKS: Committee on Government Operations. Report on Federal Home Loan Bank Board supervision and failure of Empire Savings and Loan Association of Mesquite, TX (Rept. No. 98-953). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on USDA long-term grain storage: mismanaged savings plan costs millions extra (Rept. No. 98-954). Referred to the Committee of the Whole House on the State of the Union.

Mr. MITCHELL: Committee of Conference. Conference report on S. 1429. (Rept. No. 98-955). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. House Joint Resolution 600. Joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States, with amendments (Rept. No. 98-956, Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5631. A bill to provide for the acquisition of a visitor contact and administrative site for the Big Thicket National Preserve in the State of Texas (Rept. No. 98-957). Referred to the Committee of the whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4356. A bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes; with an amendment (Rept. No. 98-958). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5531. A bill to eliminate the requirement that the portion of the Baltimore-Washington Parkway located in the State of Maryland be conveyed to the State of Maryland upon completion of the reconstruction of the parkway authorized by the Federal-Aid Highway Act of 1970 (Rept. No. 98-959). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 864. A bill to amend the Volunteers in the Parks Act of 1969, and for other purposes; with an amendment (Rept. No. 98-960). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mrs. SCHROEDER: Committee on Post Office and Civil Service. H.R. 4681. A bill relating to the administration of polygraph examinations and prepublication review requirements by Federal agencies; with an amendment, referred to the Committees on Armed Services and the Judiciary, and to the Permanent Select Committee on Intelligence, for a period ending not later than September 21, 1984, for consideration of such portions of the bill and amendment as fall within the jurisdiction of those committees pursuant to rule X, clauses 1(c) and 1(m), and rule XLVIII, clause 2, respectively (Rept. No. 98-961, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California (for himself, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BERMAN, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mr. CLAY, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DOWNEY of New York, Mr. ECKART, Mr. EDGAR, Mr. FAUNTROY, Mr. FAZIO, Ms. FERRARO, Mr. FORD of Michigan, Mr. FRANK, Mr. GEJDENSON, Mr. HAWKINS, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OBERSTAR, Mr. OTTINGER, Mr. OWENS, Mr. PANETTA, Mr. RANGEL, Mr. RICHARDSON, Mr. RODINO, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. TORRES, Mr. TOWNS, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, and Mr. WHEAT):

H.R. 6078. A bfll to amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. BARNARD (for himself, Mr. COLEMAN OF TEXAS, Mr. CONYERS, and Mr. SPRATT):

H.R. 6079. A bill to amend the Right to Financial Privacy Act of 1978 to exempt from the notice requirement of such act financial records which are transferred to the Department of Justice and which are relevant to allegations of criminal misconduct by officers, directors, or employees of a financial institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNES (for himself, Mr. AKAKA, Mr. BORSKI, Mrs. BOXER, Mrs. COLLINS, Mr. DELLUMS, Mr. DICKS, Mr. DWYER of New Jersey, Mr. DYSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. HOWARD, Mr. HOYER, Mr. KILDEE, Mr. LANTOS, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MATSUI, Ms. MIKULSKI, Ms. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. PARRIS, Mr. RICHARDSON, Mr. ROE, Mr. STOKES, Mr. WEISS, Mr. WHEAT, Mr. WIRTH, and Mr. WON PAT):

H.R. 6080. A bill to amend title 5, United States Code, to provide that a reduction in force may not be conducted until certain alternative measures have been exhausted; to ensure the cost effectiveness of those alternative measures and of any measures taken in conducting a reduction in force; to safeguard against unnecessary disruption, productivity loss, and harm to labor-management relations due to a reduction in force, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BEILENSON:

H.R. 6081. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the motor vehicle bumper standard established by the Secretary of Transportation shall be restored to that in effect January 1, 1982; to the Committee on Energy and Commerce.

By Mr. FLORIO (for himself, Ms. MIKULSKI, Mr. MADIGAN, Mr. EDGAR, Mr. BOEHLERT, Mr. CONTE, and Mr. RAHALL):

H.R. 6082. A bill establishing a fund through which proceeds from the sale of Conrail shall be used for rail-related infrastructure capital improvements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 6083. A bill to provide that no person may charge interest at a rate which is greater than 10 per centum per annum on loans exceeding $300, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING (by request):

H.R. 6084. A bill to reduce the rate of duty on certain polarizing material; to the Committee on Ways and Means.

By Mr. NATCHER:

H. Res. 566. Resolution relative to the death of the Honorable Carl D. Perkins, of Kentucky; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McNULTY:

H.R. 6085. A bill for the relief of Jerry G. Meagher, Dorothy O. Meagher, and Francis J. Meagher; to the Committee on the Judiciary.

H.R. 6086. A bill for the relief of Linda F. Branch, Albert Branch III, and Stephanie Branch; to the Committee on the Judiciary.

H.R. 6087. A bill for the relief of David P. Brown, Jr.; to the Committee on the Judiciary.

H.R. 6088. A bill for the relief of Robert Roughton and Kristine Roughton; to the Committee on the Judiciary.

H.R. 6089. A bill for the relief of Doreen Forsman; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 6090. A bill for the relief of Juan A. Macias, Margarita R. Macias, Juan E. Macias, Jr., and Mary E. Macias; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2462: Mr. WOLF.

H.R. 3016: Mr. ANDREWS of North Carolina, Mr. LAGOMARSINO, Mr. REID, Mr. CARR, Mr. STUDDS, Mr. DAVIS, and Mr. CLINGER.

H.R. 3430: Mr. SPRATT.

H.R. 3832: Mrs. JOHNSON and Mr. McNULTY.

H.R. 3917: Mr. AKAKA and Mr. BADHAM.

H.R. 4459: Mr. ST GERMAIN.

H.R. 4823: Mr. HERTEL of Michigan, Mr. CROCKETT, Mr. ALBOSTA, Mr. CONYERS, Mr. LEVIN of Michigan, and Mr. BONIOR of Michigan.

H.R. 4966: Mr. McKERNAN.

H.R. 5111: Mrs. BYRON.

H.R. 5196: Mr. ZSCHAU and Mr. LEVIN of Michigan.

H.R. 5341: Mr. TORRES, Mr. BORSKI, Mr. EDGAR, and Mr. D'AMOURS.

H.R. 5423: Mr. SAM B. HALL, Jr.

H.R. 5446: Mr. MOAKLEY, Mr. SHANNON, Mr. CHAPPELL, and Mr. MICA.

H.R. 5501: Mr. DANIEL B. CRANE.

H.R. 5608: Mr. PORTER.

H.R. 5826: Mr. EDGAR, Mr. IRELAND, Mr. KOLTER, Mr. GREGG, Ms. MIKULSKI, and Mr. WYDEN.

H.R. 5959: Mr. FOLEY, Ms. MIKULSKI, and Mr. RICHARDSON.

H.R. 6014: Mr. BROWN of California, Mr. AKAKA, Mr. ECKART, Mr. HUGHES, and Mr. CONYERS.

H.R. 6021: Mr. SCHAEFER, Mr. FIELDS, and Mr. LOEFFLER.

H.J. Res. 547: Mr. FRENZEL, Mr. WILLIAMS of Ohio, Mr. BATES, Mrs. BURTON of California, Mr. ANDREWS of North Carolina, Mr. McHUGH, Mr. JONES of North Carolina, Mr. SPRATT, Mr. MARKEY, Mr. HORTON, Mr. BERMAN, Mr. DYMALLY, Mr. OBERSTAR, Mr. PEPPER, Mr. QUILLEN, Mr. YOUNG of Florida, Mr. HUBBARD, Mr. ANDREWS of Texas, Mr. WRIGHT, Mr. TALLON, Mr. LELAND, Mr. SPENCE, Mr. LEVINE of California, Mr. DIXON, Mr. WYDEN, Mr. HUGHES, Mr. RICHARDSON, and Mr. WYLIE.

H.J. Res. 554: Mr. KLECZKA and Mr. CAMPBELL.

H.J. Res. 574: Mr. ADDABBO, Mr. BARLETT, Mr. BATEMAN, Mr. BEDELL, Mr. BEREUTER, Mr. BETHUNE, Mr. BIAGGI, Mr. BOEHLERT, Mr. BREAUX, Mr. CARR, Mr. CHENEY, Mr. CLINGER, Mr. COATS, Mr. CONABLE, Mr. CONTE, Mr. CORCORAN, Mr. COUGHLIN, Mr. D'AMOURS, Mr. DANIEL, Mr. DEWINE, Mr. DICKS, Mr. DONNELLY, Mr. DORGAN, Mr. EARLY, Mr. EMERSON, Mr. EVANS of Iowa, Ms. FIEDLER, Mr. FIELDS, Mr. FISH, Mr. FLIPPO, Mr. FRANKLIN, Mr. GILMAN, Mr. GONZALEZ, Mr. GREEN, Mr. GREGG, Mr. GUARINI, Mr. HANCE, Mr. HARTNETT, Mr. HEFNER, Mr. HILER, Mr. HOYER, Mr. HUBBARD, Mr. HYDE, Mrs. JOHNSON, Mr. KASICH, Mr. KILDEE, Mr. LATTA, Mr. LENT, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOTT, Mr. MACK, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MAVROULES, Mr. McCAIN, Mr. McCANDLESS, Mr. McEWEN, Mr. McGRATH, Mr. McHUGH, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURTHA, Mr. NIELSON of Utah, Mr. NELSON of Florida, Mr. PARRIS, Mr. PASHAYAN, Mr. PICKLE, Mr. RATCHFORD, Mr. ROBERTS, Mr. ROEMER, Mr. ROGERS, Mr. RUDD, Mr. SAWYER, Mr. SILJANDER, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Iowa, Ms. SNOWE, Mr. SOLARZ, Mr. STARK, Mr. STENHOLM, Mr. STRATTON, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of California, Mr. TORRICELLI, Mrs. VUCANOVICH, Mr. WEBER, Mr. WHITLEY, Mr. WINN, Mr. YOUNG of Alaska, Mr. O'BRIEN, Mr. LEHMAN of Florida, Mr. STUMP, Mr. YOUNG of Missouri, Mr. CONYERS, Mr. GRADISON, Mr. SMITH of Florida, Mr. ROBINSON, Mr. PETRI, Mr. ENGLISH, Mr. MICA, Mr. CHAPPELL, Mr. LEATH of Texas, Mr. JACOBS, Mr. WORTLEY, Mr. HOPKINS, Mr. BILIRAKIS, Mr. ROSE, Mr. HUGHES, Mrs. SCHNEIDER, Mr. McCOLLUM, Mr. MINETA, Mr. REGULA, Mr. ANNUNZIO, Mr. BROWN of Colorado, Mrs. BURTON of California, Mr. DOWDY of Mississippi, Mr. FROST, Mr. GORE, Mr. JONES of North Carolina, Mr. McNULTY, Mr. NATCHER, Mr. PEPPER, Mr. SHELBY, Mr. TALLON, and Mr. WHEAT.

H.J. Res. 597: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDREWS of Texas, Mr. ANDERSON, Mr. ARCHER, Mr. BADHAM, Mr. BARTLETT, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BILIRAKIS, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BRITT, Mr. BROOMFIELD, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BYRON, Mr. BROWN of California, Mr. BROYHILL, Mr. BETHUNE, Mr. BOEHLERT, Mr. CAMPBELL, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPIE, Mr. CLAY, Mr. COATS, Mrs. COLLINS, Mr. CONABLE, Mr.

CONTE, Mr. CORCORAN, Mr. CORRADA, Mr. COYNE, Mr. CROCKETT, Mr. PHILIP M. CRANE, Mr. CHENEY, Mr. DANIEL, Mr. DAUB, Mr. DE LA GARZA, Mr. DEWINE, Mr. DIXON, Mr. DONNELLY, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. DICKINSON, Mr. EDGAR, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. FOLEY, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. FRANKLIN, Mr. FIELDS, Mr. GILMAN, Mr. GRADISON, Mr. GRAY, Mr. GREEN, Mr. GEKAS, Mr. GRAMM, Mr. GINGRICH, Mrs. HALL of Indiana, Mr. SAM B. HALL, Jr., Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HATCHER, Mr. HERTEL of Michigan, Mr. HIGHTOWER, Mr. HILER, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HYDE, Mr. HUTTO, Mr. HUNTER, Mr. HARTNETT, Mr. HAYES, Mr. JENKINS, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. KLECZKA, Mr. KINDNESS, Mr. KOLTER, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LATTA, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LENT, Mr. LOEFFLER, Mr. LOTT, Mr. MCCAIN, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCGRATH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MAVROULES, Mr. MAZZOLI, Mr. MICHEL, Mr. MILLER of California, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MCEWEN, Mr. MCCLOSKEY, Mr. MADIGAN, Mr. MOAKLEY, Mr. MURTHA, Ms. MIKULSKI, Mrs. MARTIN of Illinois, Mr. MOLINARI, Mr. MACK, Mr. MOORE, Mr. NATCHER, Mr. NEAL, Mr. NOWAK, Mr. O'BRIEN, Mr. ORTIZ, Mr. OWENS, Ms. OAKAR, Mr. PANETTA, Mr. PASHAYAN, Mr. PATTERSON, Mr. PICKLE, Mr. PORTER, Mr. PRITCHARD, Mr. PACKARD, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RATCHFORD, Mr. REGULA, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. RITTER, Mr. ROBINSON, Mr. ROE, Mr. ROEMER, Mr. ROTH, Mr. PURSELL, Mr. PAUL, Mr. SABO, Mr. SCHEUER, Mr. SHAW, Mr. SILJANDER, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Ms. SNOWE, Mr. SPENCE, Mr. SPRATT, Mr. STANGELAND, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. SNYDER, Mr. STRATTON, Mr. SHUMWAY, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. TALLON, Mr. TORRICELLI, Mr. TRAXLER, Mr. TOWNS, Mr. TAUKE, Mr. VANDER JAGT, Mr. WAXMAN, Mr. WEISS, Mr. WHITTAKER, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. WON PAT, Mr. WORTLEY, Mr. WYLIE, Mr. WALGREN, Mr. WEBER, Mr. WHEAT, Mr. WALKER, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, and Mr. YOUNG of Alaska.

H.J. Res. 600: Mr. COLEMAN of Missouri, Mr. FOLEY, Mr. ROBERTS, Mr. CHAPPIE, Mr. HOPKINS, Mr. CAMPBELL, Mr. BEREUTER, Mr. COATS, Mr. CRAIG, Mrs. MARTIN of Illinois, Mr. ROTH, and Mr. MCNULTY.

H.J. Res. 609: Mr. EVANS of Iowa, Mr. FASCELL, Mr. FLORIO, and Mr. LAGOMARSINO.

H.J. Res. 623: Mr. ROE and Mr. SHUMWAY.

H.J. Res. 631: Mr. BARNARD, Mr. BONER of Tennessee, Mr. DUNCAN, Mr. HARKIN, Mr. MURPHY, Mr. OWENS, Mr. TORRICELLI, Mr. ADDABBO, Mr. AUCOIN, Mr. CONYERS, Mr. HERTEL of Michigan, Mr. LAGOMARSINO, Mr. MCCLOSKEY, Mr. O'BRIEN, Mr. OTTINGER, Mr. RICHARDSON, Mr. BEVILL, Mr. BOEHLERT, Mr. CORRADA, Mr. DARDEN, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. FISH, Mr. FOLEY, Mr. LELAND, Mr. SHARP, Mr. SUNIA, Mr. WIRTH and Mr. WORTLEY.

H. Con. Res. 301: Mr. IRELAND, Mr. JEFFORDS, Mr. SNYDER, Mr. GREGG, and Ms. MIKULSKI.

H. Con. Res. 324: Mr. BERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5602

By Mr. SOLOMON:

—Page 17, insert after line 25 the following:

SEC. 122. Part A of title VII is amended by adding at the end the following:

"COMPLIANCE WITH SELECTIVE SERVICE

SEC. 711. (a) Upon a determination by the Secretary that a health professions school is engaged in a pattern or practice of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) (or regulations issued under such section) or is engaged in a pattern or practice of providing loans or work assistance to persons who are required to register under section 3 of such Act (and any proclamation of the President and regulations prescribed under that section) and have not so registered, that school shall not (except as provided under subsection (b)) be eligible to participate in any new contract with, or grant from, the Secretary under this title.

"(b) Upon a determination by the Secretary that an institution that the Secretary has previously determined under subsection (a) to have engaged in a pattern or practice described in such subsection is no longer engaged in such pattern or practice, the disqualification under such subsection of that institution from eligibility to participate in contracts and grants under this title shall be terminated.

"(c) Any determination by the Secretary under subsection (a) shall be determined on the record after opportunity for an agency hearing. In any judicial review of a determination by the Secretary under such subsection, the facts as determined by the Secretary shall not be subject to trial de novo by the reviewing court.".

H.R. 5640

By Mr. LEVITAS:

—Page 9, after line 10, insert the following:

(c) Section 104 is amended by adding at the end thereof the following:

"(m)(1) The Administrator, after providing notice under paragraph (2), may enter into an agreement under this subsection with one or more responsible parties for the purpose of providing for response to a release or substantial threat of release from a facility into the environment of a hazardous substance, pollutant, or contaminant. Notwithstanding any other provision of this Act, the liability under this Act of a party to such an agreement for any costs of response resulting from such release or threat shall be limited to the share of such costs determined for such party under paragraph (4).

"(2)(A) Whenever the Administrator determines that a sufficient number of responsible parties with respect to a release or threatened release have been identified to effectuate an agreement under this subsection, the Administrator shall notify all such parties. The Administrator may only enter into an agreement under this subsection with respect to such release or threatened release within 120 days after providing such notice. If the Administrator does not enter into such agreement within such 120-day period, the Administrator shall take response actions with respect to such release or threatened release and the liability of parties shall be determined in accordance with the provisions of this Act other than this subsection.

"(B) If a responsible party with respect to a release or threatened release is identified after notification under subparagraph (A) with respect to such release or threatened release, the Administrator shall notify such party.

"(C) A party notified under subparagraph (B) before an agreement is entered into under subparagraph (A) may enter into such agreement, or, if such agreement is entered into less than 30 days after such party is so notified, may become a party to such agreement not later than 30 days after receiving such notification.

"(D) A party notified under subparagraph (B) during the period an agreement is in effect under this subsection may become a party to such agreement not later than 30 days after receiving such notification.

"(E) A party notified under subparagraph (B) after the completion of response with respect to a release or threatened release and all operation and maintenance of any onsite remedial action to the satisfaction of the Administrator may enter into an agreement with the Administrator not later than 30 days after receiving such notification to pay the Administrator the amount determined under paragraph (4)(C).

"(3) An agreement under this subsection shall require the parties to the agreement to carry out a plan, after approval by the Administrator, for removal of and remedial action for all hazardous substances, pollutants, and contaminants on the surface and in the subsurface and ground water at the facility involved, which removal and remedial action meet the requirements of subsection (c)(4) and all other provisions of this Act. The Administrator shall only approve a plan under this paragraph after a reasonable opportunity for review and comment by the public. An agreement under this subsection shall continue in effect until the completion of response and all operation and maintenance of any onsite remedial action to the satisfaction of the Administrator.

"(4)(A) An agreement under this subsection shall provide that each party to the agreement (other than the Administrator) shall be liable for a share of the costs of response for the facility which is subject to such agreement. Such share shall be—

"(i) a share determined by the Administrator on the basis of the quantity and toxicity of hazardous substances, pollutants, and contaminants for which such party is responsible at the facility involved and the expense of response actions required with respect to such substances, pollutants, and contaminants; or

"(ii) if the shares determined under clause (i) for all parties to the agreement do not in the aggregate equal or exceed 80 percent, a share bearing the same ratio to 80 percent as such party's share determined under clause (i) bears to the sum of the shares determined under clause (i) of all the parties to the agreement.

"(B) Notwithstanding subsection (c)(3)(B) of this section, an agreement under this subsection shall provide that the Administrator shall pay from the Fund the share of the costs of response for which responsible parties are not liable under subparagraph (A).

"(C) In any case in which a responsible party becomes a party to an agreement under this subsection after such agreement is entered into, or enters into an agreement

with the Administrator under paragraph (2)(E) with respect to the release or threatened release which was the subject of such agreement, the Administrator shall redetermine the shares determined under subparagraphs (A) and (B) of this paragraph as though such party and all other parties to the agreement were original parties to the agreement. Such party shall pay to the trustees of the trust account established under paragraph (5), or the Administrator in the case of an agreement under paragraph (2)(E), his share so determined of all amounts paid for response and for operation and maintenance under such agreement. The trustees shall use the amount of such payment to reimburse each of the other parties to the agreement (including the Administrator), or the Administrator shall use the amount of such payment to reimburse each such party and to reserve to the Administrator, such amounts as are necessary to reflect the shares as redetermined under this subparagraph. A responsible party who enters into an agreement under paragraph (2)(E) with respect to a release or threatened release which was the subject of an agreement under this subsection shall be considered a party to such agreement for purposes of any later redetermination of shares under this subparagraph or any reimbursement under paragraph (8).

"(D) An agreement under this subsection shall require the parties to the agreement (other than the Administrator) to pay all future operation and maintenance costs of any onsite remedial action.

"(5) An agreement under this subsection shall provide for the establishment of a trust account and the appointment of trustees to carry out such agreement. Each party to the agreement (including the Administrator) shall deposit into the trust account such party's share (as determined under paragraph (4)(A) or (B)) of the total estimated cost of carrying out response at the facility (as determined at the time the agreement is entered into). The trustees shall use amounts in the trust account to pay for the costs of response at the facility. The trustees may invest any amounts in the trust account which are not currently needed in interest-bearing obligations of the United States having maturities appropriate to the needs of the trust account. Interest on such obligations shall be credited to the trust account.

"(6)(A) If the costs of response at the facility subject to an agreement under this subsection exceed the amount in the trust account, the trustees shall make demand upon the parties to the agreement (including the Administrator) for payment of such additional amounts as may be necessary to pay for such costs. An agreement under this subsection shall require each such party to make additional payments to the trust account in proportion to the share of such party determined under paragraph (4), within 30 days of demand by the trustees. If any party (other than the Administrator) does not make an additional payment as required by the preceding sentence, such party, in addition to liability for such payment, may be liable to the United States for punitive damages of not to exceed four times the amount of such payment. The Administrator may commence a civil action against any such party to recover such punitive damages. Any amount recovered under this paragraph shall be paid to the trustees for deposit in the trust account.

"(B) If the amount in the trust account exceeds the amount needed for all of the costs of response at such facility, the amount of such excess shall be paid, upon completion of response actions to the satisfaction of the Administrator, to the parties to the agreement (including the Administrator) in proportion to the amounts paid into the trust account by each such party. Any amount paid to the Administrator under this subparagraph shall be deposited in the Fund.

"(7) Not later than 30 days after entering into an agreement under this subsection, each party to such agreement (including the Administrator) shall transmit to the trustees of the trust account, or permit the trustees to have access to, all records, reports, documents, and information in the possession of such party relating to the release or threatened release to which the agreement pertains. For purposes of subsection (e), the trustees shall be considered representatives of the President and the Administrator.

"(8) Notwithstanding any other provision of this Act, if—

"(A) a person is notified under paragraph (2)(B) with respect to a release or threat of release of a hazardous substance, pollutant, or contaminant,

"(B) an agreement is or has been entered into under this subsection with respect to such release or threat,

"(C) such person does not become a party to such agreement under paragraph (2)(C) or (D) or enter into an agreement with the Administrator under paragraph (2)(E), as the case may be, and

"(D) such person is determined to be liable with respect to such release or threat,

such person shall be jointly and severally liable for the amount contributed by the Administrator under such agreement, or the amount such person would have been required to pay under paragraph (4)(C) if such person had become a party to such agreement, whichever is greater. In addition such person may be liable to the United States for punitive damages of not to exceed four times the amount for which such person is liable under the preceding sentence. The Administrator may commence a civil action against any such person to recover such punitive damages. Any amount recovered by the Administrator under this paragraph shall be used to reimburse the parties to the agreement (including the Administrator) in proportion to their contributions to the trust account under paragraph (5). Any amounts recovered under this paragraph which exceed the total amount contributed to the trust account shall be deposited in the Fund.

"(9) If one or more parties to an agreement under this subsection fail to comply with any requirements of the agreement, the Administrator may, after providing 60 days notice, seek in the appropriate Federal district court to enforce the agreement or to recover any funds advanced or any costs incurred because of the failure to comply by such parties.

"(10) In any case in which a party to an agreement under this subsection with respect to a release or threat of release of any hazardous substance, pollutant, or contaminant makes a payment of a share determined under clause (ii) of paragraph (4)(A) of this subsection, such party may bring an action in the appropriate United States district court to require any other person who is alleged to be liable with respect to such release or threatened release to contribute to the payment of such share.".

—At the end of the bill add the following:

TITLE VI—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

RECOVERY OF MEDICAL AND RELOCATION EXPENSES

SEC. 601. (a) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new title:

"TITLE IV—MEDICAL AND RELOCATION EXPENSES

"DEFINITIONS

"SEC. 401. (a) For purposes of this title:

"(1) The term 'applicant' means any person who applies for compensation under this title.

"(2) The term 'medical costs' means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723);

"(3) The term 'physical injury or illness' includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

"(4) The term 'dependent' means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

"(5) The terms 'treatment', 'storage', and 'disposal' have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

"(b) For purposes of this title, the terms 'hazardous substance', 'pollutant or contaminant', 'transport', and 'transportation' shall have the meanings provided in title I of this Act.

"APPLICANT FOR RELIEF

"SEC. 402. Any individual who alleges that he has sustained injury for which relief is payable under this title may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule or order, provide. Such rule or order shall be issued within forty-five days after the date of the enactment of this title.

"AWARD OF RELIEF

"SEC. 403. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

"(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

"(2) during transportation to such a facility or site,

the Administrator shall pay relief under this title to such individual.

"(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this title to such dependent.

"AMOUNT OF RELIEF

"SEC. 404. (a)(1) Relief under this title to any individual who has suffered a physical injury or illness shall consist of—

"(A) a payment or reimbursement for all medical costs incurred in connection with

the physical injury, illness, or death concerned;

"(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

"(C) reimbursement for—

"(i) expenses incurred by an individual in obtaining alternative water supplies, or

"(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $1,000 per month.

"(2) Relief under this title to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this title to dependents where there are two or more dependents.

"(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this title and determine the method, terms, and time of payment.

"(c)(1) Any payment made pursuant to this title shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of this Act. Claims against such fund which are in excess of the total amount provided under paragraph (2) for purposes of this title shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of this Act.

"(2) Not more than 12 per centum of the amount credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this title.

"PROCEDURE FOR DETERMINATION

"SEC. 405. (a)(1) Except as otherwise provided in this title, for purposes of making any determination respecting payment of a claim filed under this title, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).

"(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this title. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this title.

"(b)(1) In determining any claim under this title, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

"(A) the individual suffered any physical injury, illness, or death;

"(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

"(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

"(ii) during transportation to such facility or site; and

"(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant.

such injury, illness, or death shall be presumed to have been caused by such exposure.

"(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

"(c) For purposes of making a determination respecting payment of any claim filed under this title, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

"(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

"(2) Epidemiological studies.

"(3) Animal studies.

"(4) Tissue culture studies.

"(5) Micro-organism culture studies.

"(6) Laboratory and toxicologic studies.

"(7) Immunological studies.

"(8) Toxicology profiles prepared under section 104(i)(2) of this Act.

"(9) Health effects studies prepared under section 104(1) of this Act.

"(d) In making a determination under this title, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

"(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

"(2) In any proceeding under this title, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this title is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

"(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

"SUBROGATION

"SEC. 406. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this title to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protection Act of 1980) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

"(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this title for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this title.

"(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

"(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

"JUDICIAL REVIEW

"SEC. 407. (a) Any person adversely affected or aggrieved by any final determination of the Administrator under this title may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

"(1) such person resides or conducts business; or

"(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

"(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

"ADDITIONAL RECOVERY

"SEC. 408. (a) No individual who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this title at a subsequent time if such individual establishes (in accordance with the procedures under this title) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this title.

"(b) Nothing in this title shall preclude an individual or dependent who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this title for a physical injury, illness, or death or for any damage not compensable under this title.

"COLLATERAL RECOVERY

"SEC. 409. The amount payable under this title to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 404(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including

compensation (as described in section 404) paid—

"(1) pursuant to any administrative or judicial proceeding under State law,

"(2) pursuant to any consent decree under State law or any other binding settlement,

"(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

"(4) pursuant to any other insurance policy or program.".

(b) Section 111(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and", and by inserting after paragraph (4) the following:

"(5) payment of relief described in section 404 of this Act.".

(c) Section 111(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and (4)" and inserting in lieu thereof "(4), and (5)".

(d) Section 221(c)(2)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "and (4)" and inserting in lieu thereof "(4), and (5)".

By Mr. MOODY:

—Page—, after line —, insert:

FEDERAL FACILITIES

SEC. . The following section is inserted immediately after section 115:

"FEDERAL FACILITIES

"SEC. 116. (a)(1) Not later than 6 months after the date of the enactment of this section, each department, agency, and instrumentality of the United States shall transmit to the Administrator a notice regarding each facility at which any hazardous substance has been treated, stored pending disposal, or disposed of and which, as of the date of the enactment of this section, is owned or operated by the department, agency or instrumentality.

"(2) In each year after the date of the enactment of this section, each such department, agency, or instrumentality shall submit such a notice regarding each such facility which is owned or operated by the department, agency, or instrumentality at any time after the date of the enactment of this section and which was not the subject of a notice transmitted under paragraph (1).

"(b) The notice under subsection (a) shall contain the following information, to the extent available—

"(1) The location of each facility, and where any hazardous substance has been disposed of, a description of hydrogeology of the facility and the location of withdrawal wells and surface water within one mile of the facility.

"(2) Such information relating to the amount, nature, and toxicity of the hazardous substance in each facility as may be necessary to determine the extent of any health hazard which may be associated with any facility.

"(3) Information on the known nature and extent of environmental contamination at each facility, including a description of the monitoring data obtained.

"(4) A list of facilities at which any hazardous substance has been disposed of and environmental monitoring data has not been obtained, and the reasons for the lack of monitoring data at each facility.

"(5) A description of response actions undertaken or contemplated at contaminated facilities.

"(6) An identification of the types of techniques of treatment or disposal which have been used at each facility.

"(c) The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain each notice transmitted under subsection (a) regarding any facility and notice of each subsequent action taken under this Act with respect to the facility. Such docket shall be available for public inspection at reasonable times. Three months after establishment of the Docket and every three months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the Docket during the immediately preceding 3-month period and a list of each facility included in the Docket at which subsequent action has been taken under this act during the immediately preceding 3-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the Docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the Docket under this subsection.

"(d) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall take steps to assure that a peliminary assessment is conducted for each facility for which a notice is required to be transmitted under subsection (a). Following such preliminary assessment, the Administrator shall where appropriate—

"(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases; and

"(2) include such facilities on the National Priorities List maintained under such Plan. Such evaluation and listing shall be completed not later than 14 months after the date of the enactment of this section.

"(e)(1) Within 6 months after the inclusion of any facility on the National Priorities List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator, commence a remedial investigation and feasibility study for such facility.

"(2) Within 90 days after completion of each such remedial investigation and feasibility study, the Administrator shall review the results of such investigation and study and shall enter into an interagency agreement with the head of the department, agency or instrumentality concerned for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. All such interagency agreements shall comply with the requirements of section 104(j). Such agreement shall require that substantial continuous physical on-site remedial action is commenced at each facility which is the subject of such an agreement within 6 months after the agreement is entered into.

"(B) Each interagency agreement under this paragraph shall include, but shall not be limited to: (i) a review of alternative remedial actions and selection of construction design by the Administrator; (ii) a schedule for the completion of each such remedial action; and (iii) arrangements for long-term operation and maintenance of the facility.

"(3) To the maximum extent practicable, remedial actions at facilities subject to interagency agreements under this section shall be completed within two years from the date the interagency agreement was entered into. If not completed within such period, the department, agency, or instrumentality shall transmit to the Administrator an explanation of why such action was not completed. Such explanations shall be included in the Federal Hazardous Facility Compliance Docket and in the annual report made by the department, agency, or instrumentality under paragraph (4) to the Congress.

"(4) Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual reports to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to—

"(A) a report on the progress in reaching interagency agreements under this section,

"(B) the specific cost estimates and budgetary proposals involved in each interagency agreement,

"(C) a brief summary of the public comments regarding each proposed interagency agreement, and

"(D) a description of the instances in which no agreement was reached.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached.

"(f) Except as provided in section 111(e)(3), money in the Hazardous Substances Response Trust Fund shall not be available for actions implementing any interagency agreement under this section.

"(g) The Administrator (represented by the Attorney General as provided in section 107(g)) shall bring an action under section 106 against the head of any department, agency, or instrumentality which fails or refuses to comply with any requirement of this section.

"(h) Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any other officer of employee of the United States or to any other person.

"(i) All guidelines, rules, regulations, procedures, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned and operated by a department, agency, or instrumentality of the United States in the same manner and to the same extent as such guidelines, rules, regulations, and criteria are applicable to other facilities, except for any requirements relating to bonding, insurance, or financial responsibility. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, procedures, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.

"(j) The facilities required to be listed on the National Priorities List under this section shall be in addition to the facilities required to be listed under section 111(k). The schedules and timetables provided under section 111(k) applicable to commencement of remedial investigations and feasibility studies, preliminary assessments, and remedial action shall not apply to facilities which are owned or operated by a department, agency, or instrumentality of the United States.".

By Mr. SWIFT:

—Page —, after line —, insert:

"If a State has made reasonable, documented, direct, out-of-pocket nonFederal expenditures for remedial action at any facility prior to the listing of the facility on the National Priorities List or prior to the date on which a contract or cooperative agreement is entered into under this paragraph with respect to such facility, all such prior expenditures shall be included in the amount credited to the State for purposes of subparagraph (B)(i) if the Administrator determines that such expenditures would have been credited to the State under subparagraph (B)(i) had the expenditures had been made after listing of the facility and after the date on which such contract or cooperative agreement was entered into.".

By Mr. WYDEN:

—Page —, after line —, insert:

(d) RECYCLED METALS.—Section 4662(b) of such Code is amended by inserting the following new paragraph at the end thereof:

"(5) RECYCLED METALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any item listed in the table under section 4661(b) which is a recycled metal, the tax rate under section 4661 shall be 50 percent of the rate specified in such table.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any recycled metal sold by a manufacturer, producer, or importer if an action or proceeding under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or under section 7003 of the Solid Waste Disposal Act has been brought against such manufacturer, producer, or importer and such manufacturer, producer, or importer has failed or refused to comply with an order or judgment issued in such action or proceeding.

"(C) DEFINITIONS.—For purposes of this paragraph, the term—

"(i) 'Solid waste' shall have the meaning provided by section 1004 of the Solid Waste Disposal Act.

"(ii) 'Recycled metal means aluminum, chromium, cobalt, copper, nickel, zinc and any other metal recovered or diverted from solid waste for reuse. Such term does not include any chemical or compound such as an oxide or sulfate, or any mining waste.".

SENATE—*Monday, August 6, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?—Psalm 27:1.

Gracious Father in Heaven, this is pressure week. Thank Thee for the objectivity, the fairness, and the patience of the leadership. Give them special wisdom as they guide the Senate through these days. Help the Senate not to be busy rearranging the pictures on the wall while the house is burning down. Help them not to play games with rules and procedures which frustrate and abort good legislation.

Deliver the Senators from personal motivation which would sacrifice the common good. Purge our actions from all that violates truth and righteousness and justice. Grant, O Lord, that out of these days will come decisions which are the best for Nation and world. We pray this in the name of the Righteous One who lived and died for truth and justice. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I am always fascinated, stimulated, and inspired by the Chaplain's prayer. But his litany of things that he wished the Senate to do and refrain from doing reminds me of the old nursery rhyme that, "When she was good, she was very, very good, and when she was bad, she was horrid." That is the way the Senate is. I hope it will be very, very good.

SENATE SCHEDULE

Mr. BAKER. Mr. President, we adjourned on Friday and meet today pursuant to that adjournment and a unanimous-consent agreement that provides for the formalities concurrent with the reconvening of the Senate.

Mr. President, after the two leaders are recognized under the standing order today, there will be a special order in favor of the distinguished Senator from Wisconsin [Mr. PROXMIRE], to be followed by a time for the transaction of routine morning business until 1 o'clock.

At 1 o'clock, Mr. President, we will resume consideration of the unfinished business, which is the Baker motion to waive section 303 of the Budget Act preparatory to the consideration of the agriculture appropriations bill.

Mr. President, at 4 o'clock today, by unanimous consent, there will be 1 hour for further debate on that motion, to be equally divided and controlled by the chairman and ranking member of the Budget Committee.

At 5 o'clock the vote on cloture will occur pursuant to the petition which was filed on Thursday.

Mr. President, the mandatory quorum to precede the vote on cloture was waived by unanimous consent.

Mr. President, it is hoped that cloture will be invoked on that motion and that the motion to waive the Budget Act will be agreed to, in which event the Senate will be asked to turn to the consideration of the agriculture appropriations bill.

If cloture is not invoked, then the debate will continue on the motion itself.

This is the final week before the recess for the Republican National Convention, Mr. President. As the Chaplain pointed out, I guess it is a pressure week, but let me say that it is the intention of the leadership on this side to do as much as we can this week. However, there are two matters that appear to be of major priority.

The first matter is the agriculture appropriations bill, of which I have already spoken.

The second is the supplemental appropriations bill which has now reached us from the House of Representatives and is on the calendar.

Mr. President, the 3-day rule will not expire, I believe, until Wednesday morning. However, it would be my hope that we can dispose of the agriculture appropriations bill today and perhaps the minority leader would consider waiving 1 day of the 3-day rule; perhaps not. Either way, I will understand.

If we can finish the agriculture appropriations bill, I hope we can get to the supplemental appropriations bill tomorrow. I do anticipate, Mr. President, that there will be considerable debate on the supplemental appropriations bill, maybe most of the rest of the week.

I may say parenthetically that I have asked that an adjournment resolution be prepared which will provide for the adjournment over of the Congress on Thursday, Friday, or Saturday of this week, to reconvene on Wednesday, September 5.

Mr. President, that is the outlook as I now perceive it. In the course of today and tomorrow, I will have an opportunity, I am sure, to consult with the minority leader. There will no doubt be other announcements during this day.

Mr. President, if I have any time remaining under the standing order, I offer it to the distinguished minority leader at this time.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his kind offer. I do not believe I will need it.

Mr. BAKER. In that event, Mr. President, I yield back any time remaining under the standing order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER [Mr. GORTON]. The minority leader is recognized.

WEST VIRGINIA'S OLYMPIC DREAMS COME TRUE

Mr. BYRD. Mr. President, 1 week ago I took the floor to note that two West Virginians—Mary Lou Retton of Fairmont and Edward Etzel of Morgantown—were beginning their first day of competition at the 1984 summer Olympic games.

Much to the delight of the people of West Virginia and of the United States, the Olympic dreams of those fine athletes have come true.

On Friday, August 3, Mary Lou Retton became the first American ever to win the gold medal in the Olympic all-around gymnastics competition. Strong efforts by excellent Romanian gymnasts elevated the competition to the level of perfection. Ms. Retton faced the daunting prospect of needing a perfect score on her final turn in order to win the gold medal. Millions of people worldwide watched as she overcame the intense pressure and achieved the perfect "10" on the vault—thus winning the gold.

Her fierce determination and her ability to perform flawlessly under terrific pressure mark Mary Lou Retton as an exceptional individual.

On August 5, gymnasts competed in the finals for each apparatus. Ms. Retton won a silver medal in the vault,

bronze medals in the uneven bars and in floor exercise, and placed fourth in the balance beam. Those efforts wrapped up a memorable Olympic games for the remarkable Mary Lou Retton.

West Virginia's master marksman—Edward Etzel—won a gold medal in rifle competition by shooting a near perfect 599 points out of 600. This particular event, known as English match shooting, requires each competitor to fire 60 shots at a 12-millimeter bull's eye from a distance of 55 yards. That is the equivalent of hitting a dime from half the distance of a football field. Telescopic sights are not used in English match shooting, so steadiness of hand and eye are tested to the limit.

Mr. Etzel's score tied the Olympic record in English match shooting. During the American Olympic trials earlier this year, Mr. Etzel tied the world record in this event—a perfect 600. Edward Etzel's sojourn into the realm of perfection makes him one of the legendary sharpshooters of the Mountain State. Mr. President, there have been many sharpshooters in the State of West Virginia.

The 615 athletes of the U.S. Olympic team are representing our country with dignity and courage. Mary Lou Retton and Edward Etzel have made West Virginia and the United States proud by performing with distinction in the Olympic games.

Mr. President, does the Senator from Wisconsin need any additional time? He indicates he does not. Therefore, I yield back the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

CAN WE RELY ON VERIFICATION IN NUCLEAR ARMS TREATIES?

Mr. PROXMIRE. Mr. President, on July 6 of this year, I wrote to Prof. Richard Garwin to solicit his views on the adequacy of the current verification capabilities of the United States with respect to nuclear arms control agreements. Verification lies at the heart of arms control. The administration has repeatedly refused to consider arms control agreements to stop nuclear weapons testing and to end antisatellite activity. Why? They have done so on the ground that we cannot reliably verify such agreements. So I asked the opinion of a highly respected expert, Dr. Richard Garwin.

Who is Richard Garwin? What are his qualifications to advise the Congress on arms control verification? Does Professor Garwin have the technical and practical qualifications to speak with authority on nuclear arms control verification?

Dr. Garwin is a very practical scientist. In fact, he has been director of applied research for IBM at the Watson Research Center. He has been associated with that research center for the past 19 years. Presently, he is a professor of public policy at the Kennedy School at Harvard University and an adjunct professor of physics at Columbia University. He served on the President's Science Advisory Committee in the Kennedy, Johnson, and Nixon administrations. Most pertinent of all, Dr. Garwin served as a member of the U.S. delegation to the negotiations for the prevention of surprise attack in Geneva, Switzerland, in 1958. This group laid the groundwork for further negotiations resulting in the 1963 Limited Test Ban Treaty, the 1967 Nonproliferation Treaty, the SALT I agreement, and the ABM Treaty. Dr. Garwin has frequently testified before congressional committees on national security issues and has won respect for both pragmatism and competence in that testimony.

Now, Mr. President, the administration has expressed reluctance to enter into treaties with the Soviet Union that would stop all nuclear test explosions and that would ban antisatellite research and deployment. Why? They have done so on the ground that we could not verify such treaties. What does Dr. Garwin have to say about the practicality of such verification? Dr. Garwin introduces a critical but easily overlooked principle. It is the principle of military significance. For example, we now have a 150-kiloton limit on the size of underground nuclear weapons test explosions. If we conclude that an explosion exceeding that limit by roughly 30 percent—say a 200-kiloton explosion—would not make any military difference, then we could be content with a verification system that would detect an explosion that exceeded the limit by 5 percent—say a 160-kiloton explosion. The Russians might deliberately or inadvertently test a nuclear device with an explosion of 155 kilotons without our ability to detect that it exceeded the 150-kiloton level. But so what? Since the departure from the 150-kiloton treaty limit would have no military significance, our verification capability would be adequate.

Applying this principle, we can and should confidently negotiate with the Soviet Union for a total ban on all nuclear weapons testing of any kilotonnage. Both the 1963 treaty limiting nuclear weapons testing and the 1974 agreement relating to underground nuclear explosions pledge this country.

We signed those treaties, we ratified that 1963 treaty. We promised, Mr. President, we pledged that we would enter such negotiations.

The Soviet Union has urged this country to negotiate such a limit. Why have we refused to keep our treaty commitments to negotiate for a total and comprehensive stop on all nuclear testing? Such a treaty would do more to stop the arms race than any other action we could take. As the head of the Livermore Lab told President Carter in 1979, it would "perform a frontal lobotomy on nuclear weapons research." That research has given us the power to destroy civilization. It could, if it continues, provide the capacity to destroy mankind and all life on Earth. With every research advance, we come closer to the development of cheaper and ever more powerful nuclear weapons that could be much more easily afforded by many nations and even terrorist groups. As the scientists make those breakthroughs, the prospects of keeping such weapons out of the hands of scores of nations will disappear. So why, in the name of God, do we not keep our word, negotiate a comprehensive end of nuclear weapons testing and thereby to nuclear weapons research? Why do we not slam the door shut?

What does the administration say when we ask them to do just this? They say this country could not verify such an agreement. Mr. President, over the past year or so, I have placed in the record voluminous documentation from our most emminent seismologists arguing that we can, indeed, verify such a flat prohibition on nuclear test explosions. These experts agree that this country can now detect any underground explosion conducted by the Soviet Union that would have any military significance whatsoever. So why not keep the word we pledged in two treaties and promptly negotiate an end to nuclear weapons testing, period?

In his letter to me, Dr. Garwin is especially persuasive in arguing that we can verify an antisatellite treaty with the Soviet Union. In this case, too, the administration has argued that we cannot negotiate such a treaty because it would not be verifiable. Garwin argues:

> The Administration witnesses in support of the Strategic Defense Initiative describe space-based observation and tracking sytems which will follow missiles from the moment of launch through their entire life in space, including detailed observation of the deployment of MIRVs, and the like. If such sensors are conceivable for operations with thousands of simultaneous launches and in background of nuclear explosions and intentional attempts to disable and deceive the sensors, how much sooner would we be able to have capability which the Administration would deem adequate for verifying an ASAT limitations?

Mr. President, in the judgment of this Senator, Dr. Garwin has gone a long way to put to rest the concern which Members of the Congress might understandably have that we can not proceed with arms control because we lack a verification capability. I ask unanimous consent that Dr. Garwin's letter to me of July 26, 1984 be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 26, 1984.

Senator WILLIAM PROXMIRE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR PROXMIRE: Your letter of 07/06/84 asks my views on the adequacy of the current verification capabilities of the United States, their possible improvement, and other related questions. "Adequately verifiable" is a term which has been used by most serious people concerned with national security and arms control, covering a spectrum ranging at both ends far beyond Paul Nitze and myself.

As my testimony for the Senate Armed Services Committee of 04/12/84 makes clear, the formulation of a treaty and concern for its verification are intertwined. For this reason, the treaty I introduced 05/18/83 to the Senate Foreign Relations Committee does not ban possession of ASAT means, but only test and use. Mr. Andropov's offer to destroy "existing ASAT systems on both sides" is welcome, and I would like to see the proof the Soviet Union would offer that their ground-based ASAT has been destroyed, but I would not put that into the treaty.

My letter to Senators on verification of SALT II might be of interest to you. Here I point out that the militarily significant acts are defined, but in order to give timely warning of violation of commitment, additional undertakings are involved, the violation of which would not in itself be militarily significant. Thus, if one's ability to measure something is in the 3% range, and the undertaking is not to change a parameter by more than 5%, one is left with some uncertaintly as to whether a change which has been measured as 6% is really 3% or even 9%. Therefore one cannot say absolutely that the other side is in compliance with the treaty or is not in compliance with the treaty. However, if the militarily significant change is 30%, then it is far better to set the allowable change at 5%, and have "uncertainty in verification" than to set it at 20% in order that one could be very sure that a nation remaining in compliance (changing the parameter by 20% and having observed because of inaccuracy of measurement to have changed it by 23%) should not be falsely accused of exceeding the 30% militarily significant change. Put very simply, if we worry about 30% change, we are far better off with a certainty that the Soviets haven't changed something by 9% than we would be with the certainty that they hadn't changed it by 26%.

Our capability for verification involves some of the most secret and sensitive information and systems in existence. There is a ready tool available to those who for one reason or another oppose a given arms control agreement. They can express concern about verification, in the expectation that proponents of the treaty and government agencies will not be able or willing to provide reassurance as to how the treaty might be verified. Alternatively, they can insist on such strict standards of verifiability (perhaps including on-site inspections, which might not in fact help) in the hope that the treaty will become unacceptable to the other side.

I find it curious that this Administration seems to claim success in negotiations on chemical warfare, when the on-site inspection provisions do not apply (or seem not to apply) to commercial operations within the country.

Furthermore, I have not seen any description of the verification provisions for the INF or START treaties which have been advanced by this Administration, and I wonder whether these verification provisions (if satisfactory to the Administration) might not be considered as a model for verification of the other treaties (Threshold Test Ban, Peaceful Nuclear Explosions, ASAT) which the Administration claims are unverifiable.

One final remark: the Administration (as detailed in my testimony of 04/12/84) claims that a comprehensive ASAT ban is not verifiable and that no lesser verifiable ban has been identified which would be in the national interest. I dispute this, because the Administration has never commented in detail on the draft Treaty which I presented 05/18/83, or even on the Soviet draft treaty of August 1983. But the Administration (primarily Defense Department and other witnesses in support of the Strategic Defense Initiative) describe space-based observation and tracking systems which will follow missiles from the moment of launch through their entire life in space, including detailed observation of the deployment of MIRVs, and the like. If such sensors are conceivable for operations with thousands of simultaneous launches and in a background of nuclear explosions and intentional attempts to disable and deceive the sensors, how much sooner would we be able to have capability which the Administration would deem adequate for verifying an ASAT limitations?

I hope this responds adequately to your question. Still on the ASAT verification question, I enclose an informal speech I gave at MIT last February.

Sincerely yours,

RICHARD L. GARWIN.

EXIMBANK CAPITAL RESTORATION ACT OF 1984

Mr. PROXMIRE. Mr. President, the bill I am sending to the desk requires the Eximbank to maintain a capital base of at least $2 billion.

Capital is expected to decline by $2.2 billion by the end of fiscal 1985. This bill authorizes the appropriation of capital contributions needed to maintain the $2 billion minimum. The advantage of this bill is that it will force the Appropriations Committee and the Congress to pay more attention to the real cost of the Export-Import Bank subsidized lending operation. The Bank has been able to camouflage its losses by drawing down its capital. Otherwise, the Bank will continue to run down its capital to the point where, several years from now, the Congress will be forced to appropriate for a $1 billion or $2 billion capital replenishment. In fact, my bill puts the Bank on a pay-as-you-go basis.

Mr. President, I am increasingly concerned about the recent, rapid erosion of the Export-Import Bank's capital base and believe Congress must take action to halt that deterioration if the Bank is to remain a credible instrument for combating the subsidized financing of exports by foreign governments.

As you know, the Eximbank was originally created in 1934, during the administration of President Franklin Roosevelt, in order to finance trade with the Soviet Union. That administration viewed opening trade relations with the Soviets as an important political objective, but the private market was not willing to finance such trade because the Communist regime had defaulted on the previous tsarist government's World War I debts.

After World War II the Bank was made a wholly owned U.S. Government corporation by the Export-Import Bank Act of 1945. During the early postwar years, when the level of private lending to Europe was viewed as insufficient to prevent economic and consequent political disorder, the Bank was one of the institutions used by our Government to channel money to Europe.

Presently the Bank's principle role is to provide financing support to aid U.S. export sales in most parts of the world. It does this through financing programs that include direct loans, financial guarantees to private lenders, and commercial and political risk insurance. Eximbank does not receive appropriated funds. It originally received $1 billion in capital from the Treasury and uses mainly Federal financial bank borrowings to sustain its lending operations.

During the first 32 years of its existence (1934–66) the Bank ran a rather profitable operation as it was able to charge more interest on loans than it paid for its borrowings. As a consequence it was able to pay over $1 billion in dividends to the Treasury, while also building its reserves through the retention of earnings. Since 1966, however, the Bank has generally had a negative spread between the average interest rate on its loan portfolio and the average rate on outstanding debt. Still the Bank was able to show a profit each year until 1982 because the earnings on its reserves and original capital were sufficient to offset losses due to the negative spread.

The General Accounting Office [GAO] annually examines the Eximbank's financial statements. Beginning in 1975, the GAO began expressing concerns about the adequacy of the Bank's capital reserve in light of its declining income. In its 1980 report, the GAO stated that because "the Bank's accumulated income is also its reserve against loan defaults and

claims, it cannot use accumulated income to subsidize its lending rates and to absorb such losses without jeopardizing the adequacy of its reserves." Reporting in 1981, the year the Eximbank's capital base peaked at $3.2 billion before beginning a rapid decline, the GAO stated that although that base was sufficient to cover loan losses resulting from borrowers who were facing financial difficulties, it was not adequate to cover possible losses on loans and guarantees that had not yet matured. GAO noted that the Department of the Treasury shared its concern over the adequacy of the Bank's reserve.

Since 1981 the capacity of the Eximbank's capital base to absorb potential losses has been further reduced because:

First, increased lending operations have not been accompanied by corresponding increases in income to its reserve for contingencies and defaults;

Second, risk of incurring future losses on delinquent loans and obligations has increased; and

Third, lending below the costs of funds has resulted in operating losses since 1982 and these losses are projected by the Bank to extend to at least 1990.

These developments demonstrate that the concerns GAO expressed in 1980 were well founded. Despite the increased risk of losses from Eximbank's expanding loan portfolio, the Bank's capital reserve has declined rapidly because of continued concessionary lending in the face of historically high interest rates. Earnings on the Bank's reserve and capital are no longer sufficient to offset the widening negative interest rate spreads on outstanding debt and loan investments. The annual losses are eating up the Bank's capital base.

In February 1984, the Banking Committee held hearings on the nomination of John A. Bohn, Jr., to be Vice Chairman of the Bank. At that hearing Mr. Bohn noted his own concern over annual losses of money by the Bank. He said that it was simply impossible for the Bank to be credible internationally if it continued to run red ink over a long period of time. But many in Congress want the Bank to be credible, particularly insofar as it is used as our instrument for fighting subsidized financing employed by many competing trading nations.

Another recent event that has raised my concerns about the Bank's credibility was GAO's April 1984 report that said the Bank's total equity base was $1 to $1.5 billion less than shown on the Bank's books due to the uncollectibility of loans made by the Bank. This would mean the Bank's total capital base was really only between $1.3 and $1.8 billion as of September 31, 1983, instead of the $2.8 billion shown on the Bank's books.

Even if, for the sake of argument, the Bank and not its GAO auditor is correct in assessing the Bank's equity position at $2.8 billion, and not a billion or more less, there is still cause for concern. Since its equity position peaked at $3.2 billion in 1981, the Bank has lost money rapidly. According to the President's own budget, the Bank expects to lose another $295 million in fiscal year 1984 and $318 million in fiscal year 1985. This will bring the Bank's total capital down to $2.2 billion by 1985, using the Bank's own accounting method, and probably a lot lower if we apply methods used by its GAO auditor.

During 1983, when passing the increase in our country's contribution to the IMF, Congress expressed concern over the possibilities of a banking crisis. To head off such a possibility, Congress directed Federal banking agencies to require banks to maintain adequate capital levels and to set up special reserves for certain types of international loans, among them those loans for which there were no definite prospects for the orderly restoration of debt service. Since then, the FDIC, Comptroller, and Federal Reserve have taken action to require the banks they regulate to increase the ratio of their capital and reserves in relation to bank exposures.

One must contrast Congress' action in relation to commercial banks with what is happening at the Export-Import Bank. At that institution the Bank's exposure is increasing, its annual losses are accelerating, and its equity position is deteriorating. As the Bank's Vice Chairman suggested in February, this makes the Bank a less credible institution for combating export subsidies of our trading rivals.

To ensure that the Congress has an opportunity to prevent the Bank's equity position from deteriorating below a level at which the Bank would lose its credibility as an independent institution, I am sponsoring the Eximbank Capital Restoration Act of 1984. This bill simply requires the Bank to maintain a minimum capital base of $2 billion. Should the Bank's capital threaten to dip below this minimum, the Bank is authorized to seek an appropriation in order to maintain the capital base at the required minimum.

If the Bank continues to maintain losses in the $200 to $300 million range over the next several years, it will eventually completely erode its capital base. At the same time, the Bank continues to increase its outstanding commitments. Such a situation impairs the credibility of the Bank as a viable institution and sets up a situation that could require a massive bailout by the Congress. For although the Bank is an independent corporate agency of the United States, its commitments are guaranteed by the full faith and credit of the Federal Government. Since recent and projected developments at the Bank ensure that Congress will sooner or later be forced to cover the Bank's losses, we might as well do it sooner and avoid the inevitable trauma of a last-minute rescue package. In that way, the Appropriations Committee and this Congress can maintain closer surveillance of the Bank's operations and hopefully, assist it in its efforts to regain fiscal solvency.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Eximbank Capital Restoration Act of 1984".

SEC. 2. The Export-Import Bank Act of 1945 is amended by adding at the end thereof the following new section:

"SEC. 15. The Bank shall maintain at all times a minimum level of capital stock and retained earnings in an amount not less than $2,000,000,000. There is hereby authorized to be appropriated such sums as may be necessary to enable the Bank to comply with the requirements of this section."

TORTURE AND GENOCIDE—BOTH ARE INDISPUTABLY WRONG

Mr. PROXMIRE. Mr. President, according to internationally recognized nongovernmental and intergovernmental human rights organizations, more than 60 countries use systematic torture. That's a hard statistic to understand in terms of human suffering, but it means that there is evidence of pain being inflicted upon citizens—people like you and me.

We are fortunate here in the United States. U.S. law prohibits the use of torture, and the idea of torture as an acceptable Government tactic is morally repugnant to Americans. Unfortunately, as Amnesty International reports:

> While governments universally and collectively condemn torture, more than a third of the world's governments have used or tolerated torture or ill-treatment of prisoners in the 1980's.

On June 26, Senator PERCY introduced a joint resolution to this Senate. The resolution, Senate Joint Resolution 320, clearly places the U.S. Government in opposition to the practice of torture by any foreign government, regardless of where the act of torture occurs, and exclusive of ideological considerations. I support this legislation. I support it because it solidifies the United States place in the pro-human-rights camp. It simply states that we are against torture, for any reason.

The text of the resolution points out another benefit from stating our opposition to torture. The bill reads:

The good will of the peoples of the world towards the United States can be increased when the United States Government distances itself from the practice of torture by governments friendly to the United States.

Just as we should not condone the behavior of a friend who shoplifts, or drives while drunk, we should not let those governments that practice torture go uncensured.

I must add now, that though I applaud this resolution, and I believe that it is all very well and good to come out so clearly against torture, there are other actions that can be taken by this body to help ensure that human rights don't take the back seat. One such action should be the ratification of the Genocide convention. By ratifying the convention, we will clearly be saying that the United States is against racial, religious, or ethnic genocide, wherever and whenever it occurs. Why not get this statement on the record?

Why not ratify the Genocide Convention?

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 1 p.m. with statements therein limited to 5 minutes each.

HIROSHIMA ANNIVERSARY

Mr. BYRD. Mr. President, today is the 39th anniversary of the bombing of Hiroshima. Anniversaries provide an occasion to look back and reassess. In an excellent editorial piece in today's Baltimore Sun, our colleague, Senator MATHIAS, shares his memories of visiting Hiroshima about 1 month after the blast that reduced that city to cinders. He admonishes us to learn the right lessons from that experience. Bringing his own experience and his solid understanding of foreign policy to bear on this occasion, Senator MATHIAS encourages us to learn the right lessons from Hiroshima.

In particular, he encourages the President to support ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty. These important treaties have languished in the Foreign Relations Committee while the administration has trumpeted its commitment to verifiable arms control.

I ask unanimous consent that Senator MATHIAS' article entitled "Sources of Hope" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOURCES OF HOPE

(By Charles McC. Mathias, Jr.)

Thirty-nine years ago today a B-29 Superfortress, the Enola Gay, took off from Tinian Island in the Philippine Sea enroute to the city of Hiroshima. At 8:16 a.m., August 6, 1945, the Enola Gay dropped an atomic bomb that exploded 2,000 feet above the industrial section of the city. The result was a revolution not only in warfare but for the entire world. The nuclear age had begun.

About a month later as a naval officer, I walked through the atomic ashes of Hiroshima. I can never forget that experience. The entire city was leveled. As I approached the edges of the city, the first evidence of the bombing was apparent. Window panes were out, doors blown off hinges, and as I continued toward the center of the city, the damage got progressively worse. Finally, near the epicenter, everything was destroyed. What had been a populous urban center was as flat as a Kansas wheat field.

It seems to me that the appropriate way to observe the anniversary of the Hiroshima bombing is by trying to learn the right lessons of Hiroshima. Hiroshima and Nagasaki should stand out in human history as the only cities where in all of time, in all of history, a nuclear attack took place. The best way to translate that lesson into reality is to work for nuclear arms control.

Yet today, as we observe the anniversary of Hiroshima, it is particularly disquieting that the relationship between the world's two nuclear superpowers, the United States and the Soviet Union, has deteriorated to its lowest point in recent memory. We cannot afford it. The stakes are too high.

We must display our readiness to work with the Soviet Union to reduce and ultimately eliminate the scourge of nuclear weapons from the face of the earth.

We have the means to show this readiness.

Since 1978, two treaties, each signed by the United States and the Soviet Union, have been before the Senate Foreign Relations Committee. They are the 1974 Threshold Test Ban (TTB) and 1976 Peaceful Nuclear Explosions (PNE) Treaties. Our obvious first step toward improving arms control prospects is to press for immediate ratification of these treaties.

The TTB Treaty prohibits underground nuclear tests with a yield of more than 150 kilotons. The PNE Treaty for the first time provides for on-site inspection of testing areas. This is particularly important because the Soviet Union has traditionally opposed on-site inspection. Ratification of the PNE Treaty would be the first step toward securing Soviet acceptance of the concept of on-site inspection as an aspect of any arms agreement. Both are in our national interest, yet they languish in a kind of legislative limbo.

At any time, by offering its advice and consent, the Foreign Relations Committee and full Senate could easily perform their constitutional roles in the ratification process. A Senate "dress rehearsal" has, in fact, already been held. On June 20, the Senate adopted an amendment to the Defense Authorization Bill calling for presidential consent to ratification of the two treaties. Senator Edward Kennedy and I offered that amendment which was adopted, 77-22, demonstrating that the two-thirds necessary for consent to ratification can easily be mustered.

The success of the Mathias-Kennedy amendment encourages me to hope that the administration will drop its opposition to the TTB and PNE treaties, and resume Comprehensive Test Ban (CTB) talks. If it does not, the Senate could on its own call up the TTB and PNE Treaties for immediate consent to ratification. Calling up the treaties for consideration now, however, would invite confrontation with the executive branch. And once the Senate surrenders possession of the TTB and PNE Treaties, it can never get them back. The treaty process calls for the advice and consent of the Senate before an agreement is returned to the president for ratification. Once a treaty has been returned to the White House, the Senate has no further role to play. However, the risk of losing the treaties that way seems to me less dangerous than doing nothing at all.

The people of the world—especially on an anniversary of this kind—look to the United States for leadership in the field of arms control. We must not fail them. We must demonstrate our determination to reduce the risk of nuclear war, and there is no better way to do that than by ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties.

THE CROSS-FLORIDA BARGE CANAL

Mrs. HAWKINS. Mr. President, the Cross-Florida Barge Canal has been the focus of controversy for many years. There has been legislation pending to deauthorize the project for the past 3 years, and the House of Representatives narrowly defeated a deauthorization amendment last month. I have opposed the deauthorization legislation, for reasons I will explain shortly, and I believe that my opposition is well-founded.

At the same time, I am strongly opposed to construction of the canal. It would clearly be an environmental disaster to Florida, threatening both the quality and the very availability of water in the northern portion of the State. Even if construction should be somehow determined to be economically viable, the environmental problems make the canal totally unacceptable to me and the majority of Floridians.

We are also seeing the evolution of a totally unsatisfactory situation in Florida, where the former owners of canal right-of-way lands are successfully suing in State courts for return of that land, on the grounds that Congress has effectively abandoned the canal project by not appropriating funds for construction.

The project has developed valuable public recreation areas at both the eastern end—Lake Ocklawaha—and the western end—Lake Rousseau and the canal to the Gulf of Mexico—of the right of way. These areas, and possibly the beautiful Ocklawaha River Valley as well, are threatened by these suits.

The possible loss of the public benefits from these areas makes some action by the Congress necessary.

Since there are extensive costs and risks associated with deauthorization, and since there is good reason to believe the House will not accept such a proposal in any case, it seems clear that some alternative is needed.

I have introduced legislation which I hope will represent an alternative acceptable to all sides.

By way of background, I would point out that the Florida Legislature passed legislation in 1979 to provide for the disposition of the right-of-way in the event Congress deauthorized the canal. This provided that the land around Ocala National Forest would be sold to the Forest Service, that the State would decide whether to drain or retain Lake Ocklawaha and the Lake Rousseau/canal segment, and that the central portion of the right-of-way would be sold, with the funds going to reimburse those counties which had contributed to the canal project.

Legislation was introduced in Congress to deauthorize the canal in accordance with the State law. I objected to that because I was not convinced that either the State law or the pending bills provided adequate protection for the public recreational areas, in that they would not prevent substantial portions of the Lake Ocklawaha area from reverting to private ownership. I was also opposed to draining the lake.

I have conducted extensive correspondence with State officials on this matter, and never received what I considered to be a satisfactory response to my concerns. I accordingly was never prepared to support deauthorization.

My basic concern is that a significant portion of Lake Ocklawaha and the immediately surrounding area is held only by easement, not in fee simple title. The State law proposed to sell those easements to the Forest Service, along with land owned in fee simple, for recreational and conservation purposes. I did not believe this was legally possible.

Subsequent contact with the American Law Division of the Library of Congress confirmed my belief. By the basic tenets of property law, which in turn are derived from the constitutional right of property ownership and are thus not subject to legislative alteration, an easement is valid only for the purpose for which it is obtained. Thus, upon deauthorization of the canal, nearly 40 percent of Lake Ocklawaha and the surrounding lake frontage would automatically revert to private ownership, free of any public claim on the taxpayer-financed lake.

This is totally unacceptable to me.

In June of this year, apparently in recognition of the faults of the existing State law, the Governor signed a new law which extensively revised the deauthorization procedures. It authorizes the State to attempt to condemn the easement lands at Lake Ocklawaha, and to sell or trade them, along with the land in the area owned by the canal authority, to the Forest Service, at current market value. It also provides a priority to the counties in whose boundaries the land is, and to former property owners, in the disposition of the central right-of-way lands.

This means, in essence, that the State—implicitly recognizing that it will lose control of the easement lands upon deauthorization—will attempt to condemn these lands, for which it would be required to pay current market value if successful, in order to turn around and sell them to the Federal Government, also at current market value.

This land has already been the subject of extensive litigation, and the Florida Supreme Court has already refused to grant the State fee simple title on it for canal purposes. I accordingly believe it cannot be taken for granted that courts would approve condemnation for the sole purpose of selling the land to the Federal Government, particularly inasmuch as the Federal Government has power on its own to acquire the land if it so desires.

Deauthorization thus poses a considerable, and I believe unacceptable, risk of still losing a major portion of Lake Ocklawaha to private ownership.

Equally unacceptable, in my judgment, is the fact that the taxpayers would be essentially required to pay for Lake Ocklawaha twice. The lake was created totally through Federal funds, provided by the taxpayers, and we are now being asked to turn around and buy it back again from the State of Florida and from the original property owners in the region. Given that much, if not most, of the current market value of the land derives from the presence of the lake, we would be faced with an outrageous raid on the Public Treasury if the project were deauthorized and the State law were to work as intended.

I see absolutely no reason why the taxpayers should have to purchase Lake Ocklawaha when whey paid for its creation in the first place. And I see no reason to take the risks involved with losing public control over the land there and then attempting to recover it.

In contrast to this, my proposal would have the Corps of Engineers assume management of the entire right of way. The bill provides authority for the corps to take the land if necessary, but I would strongly hope that the State of Florida, in the interests of resolving this matter and avoiding unnecessary expenditures, would voluntarily enter into some sort of cooperative agreement with the corps providing for corps management of the land while the State retains ownership of those areas which it currently owns. Easements could be transferred to the corps, since the State has no other claim on those lands.

The Corps of Engineers would in turn assume the responsibility of defending the right-of-way against all present and future suits seeking reversion of land to private ownership, or on any other matter. The bill also contains a series of congressional declarations and findings making the point that only Congress may determine whether a Federal project is deauthorized or not. I would anticipate that the courts would defer to such an express statement of congressional intent, and that this would end the threat of loss of canal lands via lawsuits.

The bill directs the Corps of Engineers to manage the two existing lakes and canals, and the Ocklawaha River valley, for recreational and fish and wildlife management purposes. The corps is authorized to lease the central right-of-way lands to the counties in whose jurisdiction the land is for recreational, conservation, or park purposes, and to original owners, for those or agricultural purposes, for $1 per year; and any lands not so leased to the general public for agricultural purposes for current value. This is as close as I can come to accommodating the expressed desire of the legislature and existing practice on these lands without deauthorizing the projects, which I am unwilling to do for the reasons noted previously.

The bill also requires that in the very unlikely event that new construction funds would ever be appropriated, there would have to be a new environmental impact statement, and a finding of "no significant adverse impact" before the money could be spent.

Given this requirement, the fact that the State could retain ownership of its right-of-way lands, and the firm opposition of both Florida Senators to any new construction, I believe that the bill offers no chance whatever of providing for construction of the canal.

What it does do is protect the public interest in Lake Ocklawaha, where there are over 400,000 visitations yearly, mostly for fishing, and in Lake Rousseau and its canal, which permits several thousand trips by boaters annually from the lake to the Gulf of Mexico. It does this without any environmental risks, and without the waste of tax moneys.

The highly complex legal situation which has evolved over the years around the canal makes it necessary for this legislation to be equally complex; one might be justified to even use the term "convoluted." Yet I believe it solves most of the major problems associated with the situation, and that it does so as fairly as is possible without a considerable expenditure of Federal tax funds.

I hope that both the proponents and opponents of deauthorization will accept this in the spirit of compromise in which it is offered, and that we could proceed to a prompt resolution of the matter.

Mr. President, I ask unanimous consent that the text of my bill, S. 2902, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) although it is not currently desirable, in light of the financial problems facing the Federal Government, to continue construction of the Cross Florida Barge Canal, authorized by the Act of July 23, 1942 (56 Stat. 703), the possibility of resumption of construction, or other disposition of the project, should not be foreclosed without a specific decision of the Congress;

(2) more than $70,000,000 in Federal funds have been expended on Construction of the Cross Florida Barge Canal project to date;

(3) completed portions of the Canal provide valuable recreational benefits to the public, and the habitat for fish and wildlife, including endangered and threatened species;

(4) property in and near the authorized right-of-way for the Canal project has substantially increased in value as a result of Federal expenditures for construction of the Canal;

(5) the continued viability of the project, and the retention of the public benefits noted in this section, is threatened by actions of the State courts in ordering reversion to the original owners of lands and interests in lands in the Canal right-of-way which are controlled by the State of Florida;

(6) existing State law does not appear adequate to protect the public benefits and interests involved in the Canal project; and

(7) accordingly, action by the Congress to protect such benefits and the public interest is necessary.

SEC. 2. (a) Except as provided in subsection (b), the authorization for the Cross Florida Barge Canal contained in the Act of July 23, 1942 (56 Stat. 703) is amended to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to acquire the right-of-way lands, or interests in such lands, which would be required for use in connection with the Cross Florida Barge Canal and shall utilize the completed portions of the Canal and the Ocklawaha River Valley for recreational purposes and fish and wildlife management and enhancement prior to the need for such lands for the navigational features of the project.

(b)(1) Notwithstanding the provisions of subsection (a), the Secretary of the Army—

(A) shall not operate Eurika Lock and Dam in such a fashion as to flood any land not flooded on January 1, 1984; and

(B) may lease any land not utilized for recreational or fish and wildlife management purposes for agricultural, recreational, or fish and wildlife management purposes until such land may be needed for the navigational features of the project, and if such lease shall be to a unit of local government in whose boundaries such land lies, or to the person from whom the property was originally acquired, such lease shall be for $1 per year.

(2) No funds appropriated for resumption of construction of the Canal may be obligated unless and until the Secretary of the Army completes an environmental impact statement after the date of such appropriation which finds no significant adverse environmental impact likely to result from construction of the Canal.

SEC. 3. Upon agreement with the State of Florida, the United States shall defend any legal proceedings brought against the lands or interests in lands held in the right of way for the Cross Florida Barge Canal.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SOLID WASTE DISPOSAL ACT AMENDMENTS OF 1984

Mr. SIMPSON. Mr. President, on July 25, the Senate considered and passed the Solid Waste Disposal Act Amendments of 1984. This legislation represents a major step for this country in our efforts to address the issue of how we are to handle and dispose of toxic chemical wastes in a safe, effective, and efficient manner, and the Senate is to be commended for the leadership that it has demonstrated. After extensive hearings and long, arduous markups, the Environment and Public Works Committee was able to reach consensus on a broad range of controversial and oftentimes emotion-laden issues—a true tribute to the bipartisan manner in which this committee has approached all environmental issues, and the steady leadership that has been demonstrated by our chairman, Senator STAFFORD, by my friend Senator JOHN CHAFEE, and our greatly respected ranking minority member, Senator RANDOLPH.

Yet it has come to my attention that shortly following passage of this important legislation a further clarification was offered on precisely what was supposed to be intended by the Senate with respect to a wide range of issues related to this legislation, and, in particular, with respect to the intent of the Committee on Environment and Public Works when it drafted and reported the legislation and the various amendments that were before the Senate last week.

Because of the unfortunate confusion generated by the statements that were made following passage of this legislation, I should like to take this opportunity, Mr. President, to comment on the issues that have been raised.

Of particular concern to me, Mr. President, in my role as chairman of the Subcommittee on Nuclear Regulation of the Environment and Public Works Committee, are the statements that have been made on page 20811 of the CONGRESSIONAL RECORD on the subject of mixed waste.

Briefly, Mr. President, questions have been raised with respect to whether the Environmental Protection Agency is authorized under the Solid Waste Disposal Act, as amended, to regulate waste streams which include both radioactive materials—which are subject to the jurisdiction of either the Nuclear Regulatory Commission or the Department of Energy pursuant to the Atomic Energy Act, and are exempt from the requirements of the Solid Waste Disposal Act—and nonradioactive materials, which, but for their presence in a radioactive waste stream, would otherwise be subject to regulation under the Solid Waste Disposal Act.

To the very best of my recollection, and that of my staff, Mr. President, the subject of mixed waste was not ever considered in the course of developing S. 757, nor was it addressed with the Senate took up this legislation on July 25. The bill reported to the full Senate by the Committee on Environment and Public Works includes no provisions whatever that I am aware of that add to or modify the provisions of the existing law with respect to the mixed waste issue.

Indeed, the existing law, together with the supporting legislative history, appears to provide a very clear and definitive directive on the question of just how mixed waste should be handled. Section 1004(27) specifically excludes all source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 from regulation under the Solid Waste Disposal Act, as amended. As I read this provision, the mere presence of other hazardous materials in a waste stream that is primarily composed of radioactive materials, measured either by volume or by risk posed, is not a sufficient basis upon which to assert regulatory authority under the Solid Waste Disposal Act, and to regulate, as a de facto matter, a radioactive waste stream that will, in many instances, include small quantities of hazardous materials. It strains credibility to interpret this phrase, as some have suggested, to mean that the mere presence of certain hazardous substances in a waste stream that is otherwise primarily made up of source, special nuclear, or byproduct materials, since this would have the effect of rendering this particular exemption in section 1004(27) a nullity, which action would effectively extend the requirements of the Solid Waste Disposal Act, as amended, to virtually all radioactive waste streams.

Indeed, in all but the most exceptional cases, the regulatory program established by the Nuclear Regulatory Commission [or DOE], is fully capable of addressing the unique factors associated with radioactive materials and for providing a level of protection of

human health and safety consistent with EPA's RCRA regulations, without the need for the unnecessarily burdensome and overlapping requirements that would result if those RCRA requirements were applied in each and every instance where radioactive materials regulated by the NRC or DOE also happen to include nonradioactive materials subject to regulation under RCRA.

The Solid Waste Disposal Act further provides for the exceptional case where the facts warrant considering the application of certain requirements of the Solid Waste Disposal Act to activities or substances that are subject to the Atomic Energy Act of 1954. Section 1006(a) provides that—

Nothing in this act shall be construed to apply to . . . any activity or substance which is subject to . . . the Atomic Energy Act of 1954, except to the extent that such application is not inconsistent with the requirements of such act.

As I read this provision, the application of Solid Waste Disposal Act requirements to activities or substances that are subject to the Atomic Energy Act was contemplated by Congress to be the exception, rather than the rule. Indeed, the opening phrase, "nothing in this act shall be construed to apply," sets a very clear tone for the approach that Congress intended under this provision. The presumption of this particular provision is in favor of regulation by the Nuclear Regulatory Commission, or the Department of Energy, of all activities and substances that are subject to the Atomic Energy Act. If, in certain isolated cases, it appears desirable for EPA to consider applying requirements of the Solid Waste Disposal Act, or NRC, or DOE regulated facilities or substances, this provision allows EPA to apply only those requirements that are consistent with the requirements of the Atomic Energy Act. And moreover, since this provision calls for a judgment on whether a particular approach is consistent with the Atomic Energy Act—the NRC's and DOE's basic organic authority—I read this provision to vest the final decisionmaking authority in the Commission or DOE, as appropriate.

I should also emphasize, Mr. President, that the very language of this provision—"that such application is not inconsistent with the requirements of such acts"—contemplates more than a demonstration of mere physical impossibility as a justification by the NRC or DOE, for not agreeing to the application of any of the provisions of the Solid Waste Disposal Act. Indeed, I can envision a wide range of situations where compliance would not be a physical impossibility, but would nevertheless be inconsistent with the requirements of the Atomic Energy Act. Regulation of NRC-licensed facilities or substances or DOE facilities or substances, by States, for example—an approach that RCRA would otherwise contemplate for hazardous substances—is an issue on which the Atomic Energy Act takes a fundamentally different—and inconsistent—approach. Indeed, as I understand the Solid Waste Disposal Act and the Atomic Energy Act, the level of protection contemplated by the two acts may be fundamentally different—and perhaps inconsistent—if the Solid Waste Disposal Act does, indeed, contemplate a standard of no migration of certain hazardous substances.

In areas such as these, section 1006 contemplates a judgment by the Commission or DOE, as to whether the imposition of any of the provisions of the Solid Waste Disposal Act would be inconsistent with the requirements of the Atomic Energy Act.

I would hunch, Mr. President, that the instances of such inconsistency may be even more frequent than has been suggested by some of my colleagues. In fact, in the one area in which NRC and NRC licensees have examined the requirements of the Solid Waste Disposal Act in some detail—low-level radioactive waste disposal—it now appears that there are, indeed, just the kind of inconsistencies that section 1006 refers to. I would ask unanimous consent, Mr. President, to insert in the RECORD at this point, responses of the Nuclear Regulatory Commission to a series of questions on this very subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S., NUCLEAR
REGULATORY COMMISSION,
Washington, DC, March 16, 1984.

Hon. MORRIS K. UDALL,
Chairman, Subcommittee on Energy and the Environment, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed are our responses to the questions contained in your letter of November 29, 1983 concerning the orderly development of low-level radioactive waste disposal sites under interstate compacts .

Sincerely,

NUNZIO J. PALLADINO.

Enclosures as stated.

RESPONSES TO QUESTIONS FROM THE SUBCOMMITTEE ON ENERGY AND ENVIRONMENT, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Question 9. What are the differences in requirements between RCRA and AEA regulation of waste burial grounds which impact compliance by licensees or permittees? Can both sets of standards be complied with simultaneously? Should both sets of standards be complied with simultaneously? Please provide an analysis of specific compliance requirements, addressing at a minimum the following issues:

(A) RCRA regulation and AEA regulation require different systems for minimizing of leachate formation and groundwater contamination. Which should take precedence: EPA's requirement of synthetic liners with leachate collection and removal systems, or NRC's discouragement of leachate collection systems, emphasizing site characteristics and waste packaging?

(B) Should the treatment, storage, and disposal facilities bear responsibility for waste analysis and characterization, as is the case under RCRA, or should the generator bear this responsibility, as is the case under the AEA?

(C) Discuss how imposition of RCRA regulations on radioactive waste should be adjusted to adapt to worker exposure and environmental exposure to radiation resulting from chemical analysis, inspection and sampling through opening of containers, and pumping, treatment and redisposal of potentially contaminated leachate.

(D) Will storage permit requirements under RCRA be imposed on generators of radioactively contaminated chemicals, including hospitals, medical research facilities, and universities, which are now exempt from storage requirements for such wastes?

(E) Under the pending RCRA reauthorization, many organic wastes would be prohibited from landfill disposal. Does suitable capacity exist for treatment and disposal of affected organic wastes which are radioactively contamined.

(F) Will post-closure financial responsibility requirements be applied to radioactive wastes regulated under RCRA?

Answer. There are a number of differences in requirements between EPA and NRC waste disposal regulations which impact compliance by licensees or permittees. The differences are such that we believe it will be extremely difficult if not impossible for the two requirements to be complied with simultaneously. Since the two sets of requirements reflect differences in the types of processes generating the waste, as well as the expected physical and chemical characteristics of the waste, we do not believe that both sets of standards should be complied with simultaneously.

Before addressing the specific issues you have raised under paragraphs (A) through (F) of this question, the following background might be useful in clarifying some overall philosophical and legal differences between the two agencies, as well as some major differences in waste characteristics.

BACKGROUND

NRC has emphasized a systems approach to low-level waste disposal, including consideration of site selection, site design and operation, waste form, and disposal facility closure. In addition to focusing on disposal site performance, NRC has specified a number of requirements which must be accomplished by the waste generator, including requirements for waste form and content, waste classification, and waste manifest. This emphasis on the waste generator is possible because almost all of the activities generating low-level radioactive waste are licensed by either NRC or Agreement States. In addition, NRC's low-level waste disposal regulation, 10 CFR Part 61, in large part takes a performance objective approach, in which the overall goals of waste disposal are stated, and then considerable flexibility is maintained in how these performance objectives may be achieved. We expect that only a small number of new disposal sites will be licensed by the year 2000, and the specific manner in which a particular disposal facility will be designed and operated can be worked out for each site as part of a detailed license review application. Finally, almost all of the waste disposed of in a low-level waste site, if it were not con-

taminated with radioactivity, could be safely disposed of in a sanitary landfill. Part 61 regulations, as well as license conditions at existing operating disposal facilities, prohibit the disposal of wastes with chemically reactive or other characteristics that are generally used to identify hazardous wastes. Of the waste that contains both hazardous material and radioactive material licensed under AEA, almost all consists of scintillation liquids. These scintillation liquids are generated as part of chemical and biological research activities by hospitals and research organizations.

EPA, on the other hand, has followed a more prescriptive approach in regulating hazardous waste disposal operations, and less attention is focused on the waste generator. In this regard, it may be noted that while a waste generator must notify EPA that he is generating hazardous waste, the specific activities generating the waste are not licensed under RCRA. The overall objectives that must be achieved in hazardous waste disposal are stated, but the RCRA regulations also go on to prescribe certain site design and operation requirements that are intended to ensure that the overall objectives are met. We believe that this greater degree of prescriptiveness in meeting the EPA regulations is at least in part due to the provisions of RCRA and to the large number of hazardous waste facility permits that EPA will need to process. Less time in permit application review can be anticipated under the EPA approach. Also, Section 3004 of RCRA requires that the standards for owners and operators of waste treatment, storage and disposal facilities must, among other things, include requirements for treatment, storage or disposal "pursuant to such operating methods, techniques and practices as may be satisfactory to the Administrator."

Finally, the wastes disposed of in hazardous waste sites are much more chemically reactive than low-level waste, as well as being more difficult to characterize. These wastes may contain corrosive liquids, for example, that would be prohibited at an LLW site.

SPECIFIC ISSUES

Our responses are provided in the order given in the letter.

(A) We believe that the choice of a particular approach to minimizing leachate formation and groundwater contamination involves legal, policy, and technical considerations which differ for hazardous and low-level radioactive waste disposal. We did not participate in EPA's analysis of hazardous waste disposal and have not formed a position on EPA's use of synthetic liners and leachate detection and removal systems at hazardous waste facilities. For low-level waste disposal, however, we believe that the overall approach adopted in the Part 61 regulation is most suitable.

(B) We believe for low-level radioactive waste disposal, the waste generator should generally bear responsibility for waste analysis and characterization. This is because the waste generator has control over the process generating the waste and also because of our concerns regarding the possibility of excessive personnel exposures at low-level waste sites. For hazardous waste disposal, EPA's approach may well be the only feasible option.

(C) We do not believe that the RCRA regulations on waste chemical analysis, inspection, and sampling should be generally applied to low-level waste disposal. Neither should EPA requirements on leachate pumping and treatment. For low-level waste, we believe that waste characterization activities should generally be performed by the waste generator. Such waste characterization activities must already be carried out by waste generators, and to require disposal facility operators to perform detailed confirmatory analysis would needlessly expose site personnel to additional doses of radiation. As for leachate pumping and treatment, we would prefer to eliminate the need to do so to the extent possible.

(D) Under EPA regulations in existence and now being contemplated, permits may indeed be required by EPA for such facilities, but only for that small volume of waste which is both radioactive and chemically hazardous. We do not believe that such permit requirements should be required for disposal of waste into a low-level waste facility. The existing regulatory framework for radioactive waste management is sufficient. Suppose, however, that NRC makes a determination that a particular waste stream generated by such a facility contains so little radioactivity that it does not need to be considered as a radioactive waste. Whether or not the waste generator needs a hazardous waste permit to dispose of his waste as a non-radioactive waste is a question that should be determined by EPA.

(E) NRC would prefer that organic waste contaminated with radioactivity (e.g., liquid scintillation waste) be eliminated from low-level waste sites. NRC is encouraging alternative disposal methods methods such as incineration. Development of capacity for such alternative disposal methods will take time, however, and in the interim we believe that some land disposal capacity should be maintained. Currently, disposal of such waste essentially is restricted to low-level waste disposal sites located in extremely arid environments. This minimizes impacts while alternative disposal methods are being developed.

(F) Post-closure financial responsibility requirements exist for hazardous waste disposal facilities licensed under RCRA as well as low-level readioactive waste disposal facilities licensed under the AEA. Any radioactive waste that also contains hazardous chemicals would automatically be covered under NRC or Agreement State requirements if disposed into a licensed low-level waste disposal facility. We are uncertain what EPA may decide its statutory or policy requirements are in this area. We believe that there is no need for such facilities to also comply with the RCRA requirements.

Question 10. In general, does the NRC regulatory system of generator responsibility, reliance on packaging, 300-year stabilization, and using site characteristics as an isolation mechanism achieve EPA's goal under RCRA of elimination of contaminated leachate migration beneath the disposal facility?

Answer. Based on our experience, we do not believe that any combination of site characteristics, reasonably available techology, and good management practices can completely eliminate leachate migration for the long run. NRC does believe, however, that the regulatory system embodied in 10 CFR Part 61, including generator responsibility and reliance on packaging, waste stabilization, and site characteristics, provides a more effective long-term approach to minimizing the formation and migration of leachate from radioactive waste than a policy that relies heavily on the use of liners for burial trenches. EPA itself recognized the limitations of liners in its standards for owners and operators of hazardous waste treatment, storage and disposal facilities under RCRA, and these standards require only that such liners prevent the migration of wastes during the "active life" and subsequent closure period of a landfill (see Section 264.301(a)(1) of 40 CFR 264, *Federal Register* Vol. 47, No. 143, July 26, 1982, p. 32365). The NRC staff has not critically analyzed the synergistic effects of applying both NRC and EPA criteria control leachate migration in the long run.

EPA's approach may well be most appropriate for the wide variety of chemical wastes under its jurisdiction, and we believe liners to be effective for mill tailings ponds where leachate formation can be reduced by evaporation. For burial of the low-level radioactive wastes we regulate, however, we do not believe that liners will totally eliminate the potential for groundwater contamination. At sites located in humid environments, we have concerns that liners will contribute to the accumulation of leachate which, if not removed, will fill up the disposal cells and possibly overflow. Removal and treatment of this leachate will almost certainly involve a release of some of the contaminants to the environment.

Question 11. What obstacles exist to application of only one set of regulatory requirements by one Federal agency for disposal of radioactively contaminated chemical wastes?

Answer. The principal obstacle appears to be the need for agreement that certain waste streams are to be regulated exclusively under the Atomic Energy Act, and others are to be regulated exclusively under RCRA. Section 1006(a) of RCRA provides that "Nothing in this Act shall be construed to apply to (or authorize any State, interstate, or local authority to regulate) any activity or substance which is subject to the . . . Atomic Energy Act of 1954 . . . except to the extent that such application (or regulation) is not inconsistent with the requirements of such Acts." As we have noted in our responses to your previous questions (6., 7. and 9.), we believe regulation by EPA under RCRA of radioactively contaminated chemical wastes currently under NRC and Agreement State jurisdiction is inconsistent with our regulatory requirements established pursuant to the Atomic Energy Act. Radioactively contaminated chemical wastes regulated by NRC and Agreement States should not be regulated under RCRA. Others, such as certain scintillation and animal laboratory wastes that NRC determines not to be of NRC regulatory concern may be regulated by EPA or authorized States under RCRA without conflict with Atomic Energy Act regulation. NRC does not have jurisdiction over naturally occurring and accelerator-produced radioactive materials (NARM).

Mr. SIMPSON. Finally, Mr. President, I should like to respond to the dramatic claim that some have made that to interpret section 1006 in the fashion that I have suggested would only result in the generators of hazardous wastes mixing small amounts of nuclear materials in with their hazardous waste, in order to transform the entire waste stream into an Atomic Energy Act material exempt from RCRA. If this were indeed to take place, it would be a matter of some significant concern to me, as well

as to many others of us. Given the strict controls imposed on the use of source, special nuclear, and byproduct material, this kind of evasion of the law will simply not take place, particularly since, at some point, the generator would presumably be required to make that fact known in order to avoid regulation under RCRA. But in the event that EPA or others perceive this to be a problem, I should point out that the NRC has suggested—most recently in a July 25, 1984, letter to EPA—an approach to addressing this particular concern that appears to me to respond fully to the concerns that have been expressed. I thank you for this opportunity to clarify the CONGRESSIONAL RECORD entry of July 26, 1984, at page 21121.

METHAQUALONE USE AND SALE OUTLAWED

Mrs. HAWKINS. Mr. President, except for marijuana, methaqualone is the most abused drug among teenagers and young adults in the United States. This year, with the strong leadership of the Eckart Drug Co., legislation has been passed and signed into law which outlaws the use and sale of this hazardous narcotic.

Today, I am pleased to say that Congress has passed and the President has signed legislation to ban methaqualone. Outlawing this dangerous drug will not inconvenience legitimate users. First marketed in the United States in 1965, methaqualone was developed to relieve insomnia. It was soon discovered, however, that its effectiveness is limited; after 2 weeks of use, the body develops a resistance to its sleep-inducing effects. As a result, medical associations stopped recommending it for treatment of insomnia. Furthermore, methaqualone is considered to be an addictive drug. Other, less dangerous, therapeutic products are therefore used to treat insomnia. Nevertheless, a few clinics in major metropolitan areas now treat stress almost exclusively by prescribing this powerful, addictive, central nervous system depressant. For example, about 80 to 90 percent of all prescriptions for methaqualone in New York State last year originated in one stress clinic. And, during a 13-month period, one Miami stress clinic doled out 6,941 methaqualone prescriptions at $100 each for an income of $694,100. Usually these clinics are owned by drug entrepreneurs who have hired physicians willing to circumvent Federal law for a price.

The legislation removes methaqualone from the market by amending the Controlled Substances Act to raise it from a schedule II controlled substance to a schedule I. This change will effect a ban on the sale and use of this hazardous narcotic. It assures windfall profits by trafficking in methaqualone.

Mr. President, the need for this legislation is increasingly urgent. Nationally, emergency methaqualone abuse in 1980 brought nearly 6,000 individuals into hospital emergency rooms. We can expect this figure to be higher in 1982 unless Congress acts because more people are abusing methaqualone. The National Institute on Drug Abuse reports that use by seniors in high school grew from 8 percent in 1975 to nearly 11 percent in 1981.

Statistics released by the Dade County, FL, Medical Examiner's Department indicated that 66 deaths last year in Dade County alone were related to methaqualone use. This is more than the previous 4 years combined.

Additionally, this bill addresses the shocking problem of methaqualone related pharmacy theft. Recently, the Eckart Drug Co. has announced that many of the robberies at its 1,209 pharmacies in 15 States are committed by people seeking methaqualone.

As Senators, we have a responsibility to take action against methaqualone abuse, its associated accident deaths, and related pharmacy theft. I believe this legislation follows the examples set by the States of Florida and Georgia by outlawing the use of this dangerous narcotic.

FACTS AND OPINIONS

Mr. GOLDWATER. Mr. President, a week ago, I had the privilege of addressing the members of the Bohemian Grove. In my speech, I pointed out some of the major problems which face our country today. These problems are not insurmountable if we have the courage to face them with facts and a deep sense of appreciation of our own history. As Bernard Baruch once said, "Every man has a right to his opinion, but no man has a right to be wrong in his facts."

Mr. President, I ask unanimous consent that my speech be inserted in the RECORD for the benefit of my colleagues.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR BARRY GOLDWATER

Gentlemen, it has been a long time since I've had the pleasure of visiting with you. In fact, it's been about twenty years. I remember at that time I told you the Grove reminded me of a foxhole in the War on Poverty and, looking around, I see no reason to change that opinion. While I'll do my best to keep politics out of my speech, you know I won't and that reminds me that I had a dear uncle who once lived in Chicago. All of his life he was a registered, hard-working Republican. However, a number of years ago he passed away and ever since, he's been a hard-working Democrat.

Normally, I do not like to use a text but this speech is of such importance to me—maybe not to you, but certainly to me—because, you see, I don't get as many chances to say what's on my mind as I did twenty years ago. I haven't been to Cuba lately to get anybody released and I have no intentions of going to Russia for the same purpose, so I'll try to stay with what I have written because of its importance to me.

In a serious vein, there are several threats that I wish to discuss with you today relative to our country, America. Some of the danger points I can see hovering in the distance and some quite a bit closer. The end result of these troubles will not be just the normal ups-and-downs such as we go through in our periodic recessions or economic adjustments or even during periods of war and the ensuing peace. These threats that face us, in my humble opinion, could well cause the end to the full pursuit of freedom in what we call a democratic republic. Let me start by quoting one of our greatest Americans.

"At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant, to step the ocean, and crush us at a blow? Never!

"All the armies of Europe, Asia and Africa combined . . . could not by force take a drink from the Ohio, or make a track on the Blue Ridge, in a trail of a thousand years.

"At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide."

Those words, spoken by Abraham Lincoln, are as valid today as they were 146 years ago. And yet, I have the feeling that Lincoln's prophesy is on the verge of being borne out.

Part of my fears are based on the fact that our Nation is eyeball-to-eyeball with a debt of calamitous proportions but, our combined leadership has blinked. Driven by exhortations of special interest groups, our political leaders continue to maintain their "business as usual" approach to our economic problems. The clear evidence of this is that the second session of this Congress has been meeting for almost six months and we have yet to accomplish anything meaningful. Oh yes, there have been speeches and votes but what are they? Window dressing would be a charitable description! In reality, the constructive work of Congress and the Administration has been set aside for the time being. Indeed, the whole process has become so totally involved in the reelection process madness that everything being said and done is for political purposes.

While the sea of red ink is engulfing us, the special interest groups and their allies continue to demand and receive federal money for narrow, vested reasons. And, let me remind you, that federal money is taxpayers' dollars which has been entrusted to us to "promote the common welfare." We, most certainly, are not promoting the common welfare if we allow the rising deficit tide to destroy the homes, savings and investments of the working men and women of this nation.

The worst part of all this is the blatant hypocrisy of those people who constantly cry, "cut the defense budget." While this approach has a certain amount of appeal for some people, just what does it mean? Let us say that we will eliminate all tactical aircraft. By that I mean everything from our fighters to our helicopters to AWACS. By doing so, we could cut about $17.8 billion from the overall budget. To do so, would

only equal the amount that we will spend on the various veterans' entitlement programs. But, let us take this defense cutting another step farther. If we would take all of the top 50 defense programs and completely eliminate them for three years we would save $182.3 billion, which is less than what we will pay for Social Security and Railroad Retirement in one year.

While I agree that the defense budget could and can be cut in some areas, nevertheless, it is still irritating to watch the maneuvering and manipulation that goes on in committees and on the Floor. As an example, every time it is suggested that a military base be closed and its functions consolidated, the erstwhile "budget cutters" are the first ones to ignore the fact that the consolidation would save billions of dollars and demand that these bases remain open because they are in their back yard.

On top of this, these same "budget cutters" are the ones who would ignore competitive bidding if a chosen weapon is made in their district and they are the same ones who have maintained military product lines well beyond any reasonable useful life. They are, as Milton and Rose Friedman so accurately describe them, members of the "Iron Triangle" of politicians, bureaucrats and lobbyists who have a vested interest in the current system and are successful at stonewalling any changes. They are so successful that we now have laws, rules, regulations, agencies and bureaucracies floating around and spending taxpayer dollars that last had a useful purpose when buggy whips were in style.

As a result of these special interest groups, both inside and outside of government, one of our major problems has been our inability to come to grips with the various "entitlement" programs. These are the programs enacted into law which have open-ended funding automatically built into them. Examples of these would be Social Security, Railroad Retirement, Federal Retirement and Disability, Medicare and Medicaid and many others. The plain fact is that Social Security will take up twenty percent of the Federal budget this year and there is no end in sight to its upper limits. Combining Social Security with Railroad Retirement will end up costing us $190 billion this year alone! All told, the entitlement programs will cost us $423 billion this year. Yet, I defy anyone to point out one of our political leaders who has had the courage to stand up and ask for some limits to this unending, open checkbook. If there is one, I'll assure you that he won't last long in Washington.

The litany of wasted-dollar horror stories march through every department, agency and bureau of our Government. If we have the political courage to stop this waste, there are two approaches which will help stop our economic decline, one short-term and one long-term.

The short-term solution would be to institute a budget freeze which would allow only enough growth to cover the cost of inflation. During this freeze period, Congress and the Administration would gain time to review and analyze each and every program. During this review, the main question which must be asked is, "Does this program represent something that is absolutely essential to the welfare of our country or is it, in effect, a luxury that can be postponed to a later date?" If we have the willingness to face these questions openly and honestly without bowing to special interest group pressure, we will have come a long way toward ridding ourselves of the monstrous burden of the Federal deficit.

I have pleaded with the last four Presidents to come to grips with this obvious major financial problem and admit it to the American people: We are in a welfare state. And, unfortunately, no nation in history has ever returned, once they have embarked on that path. I'm not standing here today and telling you that we can't get back. I want the President to talk to the American people and outline to them the problems of the welfare state. Then, we must engage in an academic, political and business approach to this whole thing to see if there might be solutions that other nations have never been able to find to solve the financial problems of the welfare state.

I'm not saying that it can be done and I'm not saying that it can't be done. But, I can tell you here in this beautiful grove—the beautiful thing we have called America for over two hundred years is threatened when nearly fifty percent of the people have to work their heads off to support the other fifty percent. Again, maybe it can be done and maybe there is a way. However, to this point, the answers have escaped my inadequate mind. Simply put, I would like to see our President ask this question of the best brains in the country to see what we might come up with to avert the impending disaster.

If we have the courage to take these steps, we may prevent some future historian from writing the book "The Rise and Fall of the American Democracy." If not, our Nation is staggering toward the precipice of a world disaster which will make the Depression of the 1920's and 1930's look like a Sunday School picnic. In 1928, the Kreditenstalt Bank of Austria had its failure which created a "ripple effect" throughout the world's economy. Fortunately, at that time, the world's currency and monetary instruments were not as intertwined and interlocked as they are today. And yet, for those of us old enough to remember, the ultimate effect on the United States was one of tragic proportions. Yet, in today's climate of meshed economies and the fact that other nations adjust their currencies to match ours, the coming bankruptcy of our country will have an Armageddon-like effect upon the world.

Again, it will take extreme political courage for our elected officials to withstand the siren calls of special interest groups who can muster the votes.

One other matter that has been bothering me for quite a few years is the question of what is wrong with American foreign policy. There is something wrong with it. There's something wrong when just plain, simple solutions and ordinary analysis cannot help us set aside the false stops and starts in our foreign relations. There is no question that Vietnam—with the determination of our Presidents and Secretaries of Defense and other civilians in Washington to attempt to run that war—was a war that ended in disaster for the United States. Vietnam was a war which could have been won in a matter of weeks had military doctrine been allowed to be applied and it was a war, whether you like it or not, that was proper for the United States to be engaged in.

I can well understand the frustrations and the anger of those men who marched off to war, as millions of others have marched off to war, to defend the principles and freedom of our country, but who were not allowed to win a war. They were told, in effect, don't shoot back, don't destroy this portion of the enemy's forces. Our whole tactics were governed by rules of engagement, books stupidly written by civilians in Washington as to how the war should be conducted. As a result of that experience, these brave young men—just as brave as we've ever had in any war—came home disillusioned and it is only now that we are seeing this disillusionment beginning to disappear. It is only now that we are beginning to see patriotism born again in the hearts of our young people still in grade schools and high schools.

Unfortunately, as a result of this disillusionment, we again had politics injected into foreign policy, not just with a little gesture, but with all four feet. A number of years ago, men that I feel were well-intentioned but who were also perfectly willing, set aside the concepts of the Constitution so that the Congress could gain control of foreign policy. Deciding not to leave it vested with the President, Congress enacted the "so-called" War Powers Act.

Clearly, the Constitution designates the President as the Commander-in-Chief of the forces and it is only he who can call out the troops. Yes, the Congress can declare war. They can declare a war every five minutes but no troops will go anyplace. Do you realize that in the two hundred plus years of our history, our troops have been called up for one reason or another over two hundred times with Congress declaring war in only five of the cases and two of those declarations were in one war.

The Congress, through advice and consent powers, does have a hand in foreign policy. They can advise the President that they like or dislike his foreign policy or they can withhold funds for the enactment of that foreign policy. And yet, even now, the President is saddled with the War Powers Act. If I were an enemy of the United States I can not think of a better arrangement to win a war against the United States than by having the President call the troops out, which he can still do under the War Powers Act, and then within sixty days have the Congress decide whether or not he must call them back. If you do not think I, as an enemy, wouldn't muster all publicity lanes in this country to excite American thinking in order that the Congress would be influenced to tell the President the war is over, then I am wrong.

I want to state flatly what I've said before, I've said it to Presidents; "This nation no longer can afford the War Powers Act." If we took the action in Congress to strip our books of that ill-advised law, our foreign policy immediately would begin to have a different affect upon this world than it does now. As a consequence of all this, what is happening in America is the rebuilding of a Fortress America. We hear constant speeches on the floor of the Senate and the House exhorting, in effect, our President to withhold forces from any part of the world, even though all the principles of America—the principles of freedom and justice and the principles of human rights—are being abused daily before our eyes.

Harken back to the Democratic primaries that have just been ended. And, I don't pick the Democrats out especially, only we saw them in action for many months while the Republican side did not have to have any primaries. All of the candidates were saying, "keep our troops at home; don't answer any threats; let Central America go down the drain, it's of no importance."

Well, I can tell you gentleman, it's of great importance to those of us who live along the Mexican border which is only 800

miles from Central America. It's important because where do you think the next target of aggression will be? If my hunch is right, in all probability, Mexico. I hope the President, in his coming campaign, will talk about the way the Congress is hamstringing his efforts to conduct foreign policy around this world. I hope, yes, I pray, that he will point out to the American people the dire consequences of tying the President's hand, whoever he might be, in the formulation and conduct of foreign policy. United States foreign policy is one that should and will protect the basic individual freedoms that are the only reason that God ever advanced for our being on Earth.

In closing, let me remind you that we all are in this together. If one of us fails to do our individual best, the whole fabric of our "Noble Experiment" will begin to unravel. Over two hundred years ago our Founding Fathers pledged "their lives, their fortunes and their sacred honor" to establish a nation of free men and women. Since that time, our fathers and grandfathers, and their fathers before them have been called upon to redeem that pledge. It would be the worst of all sins if we broke faith with our own heritage in order to take the easy way out. And, let me remind you that nowhere in the Declaration of Independence, the Constitution or the Bill of Rights are there any guarantees.

As our Forefathers knew, our God-given freedoms are precious items which must be defended constantly whether from external aggression or internal disintegration. Each one of us has the duty and responsibility to "protect and defend the Constitution of the United States" whether we are public officials, the corner grocer, a union leader or a businessman. And, if we can remember to maintain our goal of the best interests of the country instead of narrow, parochial self interest, we will have come a long way toward facing and defeating the problems I have described.

TRIBUTE TO CARL D. PERKINS

Mr. PELL. Mr. President, I was deeply grieved to learn last Friday of the passing of my friend and colleague, Representative CARL D. PERKINS, the chairman of the House Education and Labor Committee.

I had the honor of working and chairing conferences with CARL PERKINS for almost 15 years, primarily in conferences between the House and Senate on virtually every aspect of Federal aid to education. Over the course of those years and meetings, I developed a profound respect for Chairman PERKINS.

CARL PERKINS was a rare individual. He held deep personal convictions that this Government should be a positive instrument of help to the less fortunate in our society. But perhaps even more important, he had the talent to translate those convictions into action, and to actually do something for those who were powerless and needed our Government's help.

There is not a piece of elementary, secondary, and vocational education legislation that does not bear the imprint of CARL PERKINS. All were his children. And just like a caring and devoted parent, CARL PERKINS not only brought those programs into being but also nurtured, perfected, and protected them.

There is no question that CARL PERKINS was a strong leader in his capacity as chairman of the Education and Labor Committee. The list is long of those who took him on and lost. His strength was often seen in his patience and his willingness to outsit his adversaries. On more than one occasion, I saw him keep a conference going until he got his way by simply outlasting his opponents, by exhausting them.

CARL PERKINS sought and used power not for personal aggrandizement, but for the public good. Millions of young Americans owe their education to CARL PERKINS. All but a handful will never realize that. Yet, I have a very real feeling that is how CARL PERKINS would have wanted it. He did things because they were the right thing to do, because he believed in them, and not because they would bring him headlines or personal honor. To do them was enough.

Mr. President, we shall miss CARL PERKINS. As I said in a letter to Mrs. Perkins, he was a remarkable person, a superb legislator, and a true gentleman. It was a privilege to have known and worked with him.

PENSION PROTECTION FOR AT&T-BELL SYSTEM EMPLOYEES

Mr. PRYOR. Mr. President, I want to commend the House and Senate conferees on the Deficit Reduction Act, H.R. 4170, for their inclusion of important language in that bill to provide pension portability to employees of the AT&T-Bell System who might have otherwise lost accrued benefits as a result of the divestiture of AT&T. These employees have understandably been concerned that their benefits could be in jeopardy without specific congressional action, but this concern was addressed as the House and Senate approved H.R. 4170 during the final week of June.

My colleagues may recall that this problem was initially dealt with in S. 1660, the Universal Telephone Service Preservation Act, and the Communication Workers of America [CWA] supported that bill. On January 26, as the Senate debated whether to go to the consideration of S. 1660, I joined several of my colleagues on the Senate floor in speaking out about this situation. Although that day the Senate elected not to go to the consideration of the telephone legislation on a procedural vote—I voted in favor of proceeding to that bill—commitments were made by a number of Senators that this issue would be resolved through some other legislative vehicle.

In efforts to protect these employees' earned benefits, I joined with Senators PACKWOOD and HOLLINGS in urging the Senate to address the matter with independent legislation which had been endorsed by the CWA, AT&T, and the Bell Operating Cos. Although this legislation was never introduced, the language in it was incorporated into the Senate version of the Deficit Reduction Act, H.R. 2163. Although the House had no comparable language in its version of the bill, I was pleased that the conferees saw the need to include it in the conference report which Congress subsequently approved.

Mr. President, the divestiture of AT&T is having, and will continue to have, a profound impact on our Nation. Although Congress has not taken any major legislative action to modify the Federal Communications Commission's implementation of the Justice Department-mandated and court-ordered breakup, some action may be necessary in the future. I am pleased, however, that Congress acted to assure that employees who have spent years within the AT&T-Bell System will retain the important rights and benefits which they have earned.

PROMPT PAYMENT ACT

Mr. PRYOR. Mr. President, it is with a great deal of satisfaction that I review the results of congressional action during the 97th Congress to address the problem of late payments by the Government to suppliers of goods and services. I'm referring to the Prompt Payment Act, now Public Law 97-177, which I worked on and cosponsored, and has forced the Federal Government to pay its bills in a timely fashion.

Since the enactment of this important legislation, Federal agencies have been compelled to pay their bills within 30 days or pay interest on unpaid charges. It has forced Government agencies to get their bill paying procedures in order and has vastly improved the private sector's perception of the Federal Government as a business partner.

It is therefore clear that the Federal Government in general has benefitted as a direct result of this law. In additon, and of extreme importance to me, is the positive impact the law has had on small businesses across our Nation. These businesses have neither the resources nor the time to pursue Uncle Sam when he fails to act in a responsible manner with regard to bill payment. But this critical problem has been greatly alleviated, since the Office of Management and Budget [OMB] has reported that Federal agencies are now paying 99 percent of their bills on time, up from totally unacceptable levels of 60 percent in 1979.

Mr. President, I should note that there are currently 35 prompt pay

laws incorporated into State law, and support in other States is growing. It is gratifying to me that both the Federal and State governments have recognized the need for movement in this direction. It is my firm belief that business and Government will share equally in the economic benefits that can be realized from prompt payment.

Finally, I want to say that the work of many of my colleagues, the small business community and the Prompt Pay Coalition—under the tremendous leadership of Mr. Kenton Pattie—was instrumental in the success of this long overdue measure. I commend all these individuals for their commitment to good government.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RETIREMENT EQUITY ACT OF 1984

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4280.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4280) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Equity Act of 1984".

TITLE I—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 101. AMENDMENT OF ERISA.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Employee Retirement Income Security Act of 1974.

SEC. 102. MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS.

(a) AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS LOWERED FROM AGE 25 TO AGE 21.—

(1) IN GENERAL.—Clause (i) of section 202(a)(1)(A) (29 U.S.C. 1052(a)(1)(A)(i)) is amended by striking out "25" and inserting in lieu thereof "21".

(2) SPECIAL RULE FOR CERTAIN PLANS.—Clause (ii) of section 202(a)(1)(B) (29 U.S.C. 1052(a)(1)(B)(ii)) is amended by striking out "'30' for '25'" and inserting in lieu thereof "'26' for '21'".

(b) YEARS OF SERVICE AFTER AGE 18 (INSTEAD OF AGE 22) TAKEN INTO ACCOUNT FOR DETERMINING NONFORFEITABLE PERCENTAGE.—Subparagraph (A) of section 203(b)(1) (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "18".

(c) BREAK IN SERVICE FOR VESTING UNDER INDIVIDUAL ACCOUNT PLANS.—Subparagraph (C) of section 203(b)(3) (29 U.S.C. 1053(b)(3)(C)) is amended—

(1) by striking out "any 1-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service", and

(2) by striking out "such break" each place it appears and inserting in lieu thereof "such 5-year period".

(d) RULE OF PARITY FOR NONVESTED PARTICIPANTS TO BE APPLIED ONLY IF BREAK IN SERVICE EXCEEDS 5 YEARS.—

(1) MINIMUM PARTICIPATION STANDARDS.—Paragraph (4) of section 202(b) (29 U.S.C. 1052(b)(4)) is amended to read as follows:

"(4)(A) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing the period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(i) 5, or

"(ii) the aggregate number of years of service before such period.

"(B) If any years of service are not required to be taken into account by reason of a period of breaks in service to which subparagraph (A) applies, such years of service shall not be taken into account in applying subparagraph (A) to a subsequent period of breaks in service.

"(C) For purposes of subparagraph (A), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(2) MINIMUM VESTING STANDARDS.—Subparagraph (D) of section 203(b)(3) (29 U.S.C. 1053(b)(3)(D)) is amended to read as follows:

"(D)(i) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5, or

"(II) the aggregate number of years of service before such period.

"(ii) If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(e) CERTAIN MATERNITY OR PATERNITY ABSENCES NOT TREATED AS BREAKS IN SERVICE.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subsection (b) of section 202 (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) In the case of each individual who is absent from work for any period—

"(i) by reason of the pregnancy of the individual,

"(ii) by reason of the birth of a child of the individual,

"(iii) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or

"(iv) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this subsection whether a 1-year break in service (as defined in section 203(b)(3)(A)) has occurred, the hours described in subparagraph (B).

"(B) The hours described in this subparagraph are—

"(i) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(ii) in any case in which the plan is unable to determine the hours described in clause (i), 8 hours of service per day of such absence,

except that the total number of hours treated as hours of service under this subparagraph by reason of any such pregnancy or placement shall not exceed 501 hours.

"(C) The hours described in subparagraph (B) shall be treated as hours of service as provided in this paragraph—

"(i) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in subparagraph (A); or

"(ii) in any other case, in the immediately following year.

"(D) For purposes of this paragraph, the term 'year' means the period used in computations pursuant to section 202(a)(3)(A).

"(E) A plan may provide that no credit will be given pursuant to this paragraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(i) that the absence from work is for reasons referred to in subparagraph (A), and

"(ii) the number of days for which there was such an absence."

(2) MINIMUM VESTING STANDARDS.—Section 203(b)(3) (29 U.S.C. 1053(b)(3)) is amended by adding at the end thereof the following new subparagraph:

"(E)(i) In the case of each individual who is absent from work for any period—

"(I) by reason of the pregnancy of the individual,

"(II) by reason of the birth of a child of the individual,

"(III) by reason of the placement of a child with the individual in connection with the

adoption of such child by such individual, or

"(IV) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this paragraph whether a 1-year break in service has occurred, the hours described in clause (ii).

"(ii) The hours described in this clause are—

"(I) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(II) in any case in which the plan is unable to determine the hours described in subclause (I), 8 hours of service per day of absence,

except that the total number of hours treated as hours of service under this clause by reason of such pregnancy or placement shall not exceed 501 hours.

"(iii) The hours described in clause (ii) shall be treated as hours of service as provided in this subparagraph—

"(I) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in clause (i); or

"(II) in any other case, in the immediately following year.

"(iv) For purposes of this subparagraph, the term 'year' means the period used in computations pursuant to paragraph (2).

"(v) A plan may provide that no credit will be given pursuant to this subparagraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(I) that the absence from work is for reasons referred to in clause (i), and

"(II) the number of days for which there was such an absence.".

(3) ABSENCES DISREGARDED FOR PURPOSES OF ACCRUED BENEFIT REQUIREMENTS.—Subparagraph (A) of section 204(b)(3) (29 U.S.C. 1054(b)(3)(A)) is amended by inserting ", determined without regard to section 202(b)(5)" after "section 202(b)".

(f) APPLICATION OF BREAK IN SERVICE RULES TO ACCRUED BENEFITS.—Subsection (e) of section 204 (29 U.S.C. 1054 (e)) is amended by striking out "any 1-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service".

SEC. 103. REQUIREMENT OF JOINT AND SURVIVOR ANNUITIES AND PRERETIREMENT SURVIVOR ANNUITIES.

(a) GENERAL RULE.—Section 205 (29 U.S.C. 1055) is amended to read as follows:

"REQUIREMENT OF JOINT AND SURVIVOR ANNUITY AND PRERETIREMENT SURVIVOR ANNUITY

"SEC. 205. (a) Each pension plan to which this section applies shall provide that—

"(1) in the case of a vested participant who retires under the plan, the accrued benefit payable to such participant shall be provided in the form of a qualified joint and survivor annuity, and

"(2) in the case of a vested participant who dies before the annuity starting date and who has a surviving spouse, a qualified preretirement survivor annuity shall be provided to the surviving spouse of such participant.

"(b)(1) This section shall apply to—

"(A) any defined benefit plan,

"(B) any individual account plan which is subject to the funding standards of section 302, and

"(C) any participant under any other individual account plan unless—

"(i) such plan provides that the participant's nonforfeitable accrued benefit is payable in full, on the death of the participant, to the participant's surviving spouse (or, if there is no surviving spouse or the surviving spouse consents in the manner required under subsection (c)(2)(A), to a designated beneficiary),

"(ii) such participant does not elect the payment of benefits in the form of a life annuity, and

"(iii) with respect to such participant, such plan is not a transferee of a plan which is described in subparagraph (A) or (B) or to which this clause applied with respect to the participant.

"(2)(A) In the case of—

"(i) a tax credit employee stock ownership plan (as defined in section 409(a) of the Internal Revenue Code of 1954), or

"(ii) an employee stock ownership plan (as defined in section 4975(e)(7) of such Code),

subsection (a) shall not apply to that portion of the employee's accrued benefit to which the requirements of section 409(h) of such Code apply.

"(B) Subparagraph (A) shall not apply with respect to any participant unless the requirements of clause (i), (ii), and (iii) of paragraph (1)(C) are met with respect to such participant.

"(c)(1) A plan meets the requirements of this section only if—

"(A) under the plan, each participant—

"(i) may elect at any time during the applicable election period to waive the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit (or both), and

"(ii) may revoke any such election at any time during the applicable election period, and

"(B) the plan meets the requirements of paragraphs (2) and (3).

"(2) Each plan shall provide that an election under paragraph (1)(A)(i) shall not take effect unless—

"(A) the spouse of the participant consents in writing to such election, and the spouse's consent acknowledges the effect of such election and is witnessed by a plan representative or a notary public, or

"(B) it is established to the satisfaction of a plan representative that the consent required under subparagraph (A) may not be obtained because there is no spouse, because the spouse cannot be located, or because of such other circumstances as the Secretary of the Treasury may by regulations prescribe.

Any consent by a spouse (or establishment that the consent of a spouse may not be obtained) under the preceding sentence shall be effective only with respect to such spouse.

"(3)(A) Each plan shall provide to each participant, within a reasonable period of time before the annuity starting date (and consistent with such regulations as the Secretary of the Treasury may prescribe) a written explanation of—

"(i) the terms and conditions of the qualified joint and survivor annuity,

"(ii) the participant's right to make, and the effect of, an election under paragraph (1) to waive the joint and survivor annuity form of benefit,

"(iii) the rights of the participant's spouse under paragraph (2), and

"(iv) the right to make, and the effect of, a revocation of an election under paragraph (1).

"(B) Each plan shall provide to each participant, within the period beginning with the first day of the plan year in which the participant attains age 32 and ending with the close of the plan year preceding the plan year in which the participant attains age 35 (and consistent with such regulations as the Secretary of the Treasury may prescribe), a written explanation with respect to the qualified preretirement survivor annuity comparable to that required under subparagraph (A).

"(4)(A) The requirements of this subsection shall not apply with respect to the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit, as the case may be, if the plan fully subsidizes the costs of such benefit.

"(B) For purposes of subparagraph (A), a plan fully subsidizes the costs of a benefit if under the plan the failure to waive such benefit by a participant would not result in a decrease in any plan benefits with respect to such participant and would not result in increased contributions from such participant.

"(5) If a plan fiduciary acts in accordance with part 4 of this subtitle in—

"(A) relying on a consent or revocation referred to in paragraph (1)(A), or

"(B) making a determination under paragraph (2),

then such consent, revocation, or determination shall be treated as valid for purposes of discharging the plan from liability to the extent of payments made pursuant to such act.

"(6) For purposes of this subsection, the term 'applicable election period' means—

"(A) in the case of an election to waive the qualified joint and survivor annuity form of benefit, the 90-day period ending on the annuity starting date, or

"(B) in the case of an election to waive the qualified preretirement survivor annuity, the period which begins on the first day of the plan year in which the participant attains age 35 and ends on the date of the participant's death.

In the case of a participant who is separated from service, the applicable election period under subparagraph (B) with respect to benefits accrued before the date of such separation from service shall not begin later than such date.

"(d) For purposes of this section, the term 'qualified joint and survivor annuity' means an annuity—

"(1) for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (and is not greater than 100 percent of) the amount of the annuity which is payable during the joint lives of the participant and the spouse, and

"(2) which is the actuarial equivalent of a single annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(e) For purposes of this section—

"(1) Except as provided in paragraph (2), the term 'qualified preretirement survivor annuity' means a survivor annuity for the life of the surviving spouse of the participant if—

"(A) the payments to the surviving spouse under such annuity are not less than the amounts which would be payable as a survivor annuity under the qualified joint and survivor annuity under the plan (or the actuarial equivalent thereof) if—

"(i) in the case of a participant who dies after the date on which the participant attained the earliest retirement age, such participant had retired with an immediate

qualified joint and survivor annuity on the day before the participant's date of death, or

"(ii) in the case of a participant who dies on or before the date on which the participant would have attained the earliest retirement age, such participant had—

"(I) separated from service on the date of death,

"(II) survived to the earliest retirement age,

"(III) retired with an immediate qualified joint and survivor annuity at the earliest retirement age, and

"(IV) died on the day after the day on which such participant would have attained the earliest retirement age, and

"(B) under the plan, the earliest period for which the surviving spouse may receive a payment under such annuity is not later than the month in which the participant would have attained the earliest retirement age under the plan.

"(2) In the case of any individual account plan or participant described in subparagraph (B) or (C) of subsection (b)(1), the term 'qualified preretirement survivor annuity' means an annuity for the life of the surviving spouse the actuarial equivalent of which is not less than 50 percent of the account balance of the participant as of the date of death.

"(f)(1) Except as provided in paragraph (2), a plan may provide that a qualified joint and survivor annuity (or a qualified preretirement survivor annuity) will not be provided unless the participant and spouse had been married throughout the 1-year period ending on the earlier of—

"(A) the participant's annuity starting date, or

"(B) the date of the participant's death,

"(2) For purposes of paragraph (1), if—

"(A) a participant marries within 1 year before the annuity starting date, and

"(B) the participant and the participant's spouse in such marriage have been married for at least a 1-year period ending on or before the date of the participant's death,

such participant and such spouse shall be treated as having been married throughout the 1-year period ending on the participant's annuity starting date.

"(g)(1) A plan may provide that the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity will be immediately distributed if such value does not exceed $3,500. No distribution may be made under the preceding sentence after the annuity starting date unless the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consent in writing to such distribution.

"(2) If—

"(A) the present value of the qualified joint and survivor annuity or the qualified preretirement survivor annuity exceeds $3,500, and

"(B) the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consent in writing to the distribution,

the plan may immediately distribute the present value of such annuity.

"(3) For purposes of paragraphs (1) and (2), the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity shall be determined as of the date of the distribution and by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination.

"(h) For purposes of this section—

"(1) the term 'vested participant' means any participant who has a nonforfeitable right (within the meaning of section 3(19)) to any portion of the accrued benefit derived from employer contributions,

"(2) the term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability), and

"(3) the term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(i) A plan may take into account in any equitable manner (as determined by the Secretary of the Treasury) any increased costs resulting from providing a qualified joint or survivor annuity or a qualified preretirement survivor annuity.

"(j) In prescribing regulations under this section, the Secretary of the Treasury shall consult with the Secretary of Labor.".

"(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking out the item relating to section 205 and inserting in lieu thereof the following new item:

"Sec. 205. Requirement of joint and survivor annuity and preretirement survivor annuity.".

SEC. 104. SPECIAL RULES FOR ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.

(a) IN GENERAL.—Section 206(d) (29 U.S.C. 1056(d)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) Paragraph (1) shall apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a domestic relations order, except that paragraph (1) shall not apply if the order is determined to be a qualified domestic relations order. Each pension plan shall provide for the payment of benefits in accordance with the applicable requirements of any qualified domestic relations order.

"(B) For purposes of this paragraph—

"(i) the term 'qualified domestic relations order' means a domestic relations order—

"(I) which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under a plan, and

"(II) with respect to which the requirements of subparagraphs (C) and (D) are met, and

"(ii) the term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(I) relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant, and

"(II) is made pursuant to a State domestic relations law (including a community property law).

"(C) A domestic relations order meets the requirements of this subparagraph only if such order clearly specifies—

"(i) the name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate payee covered by the order,

"(ii) the amount or percentage of the participant's benefits to be paid by the plan to each such alternate payee, or the manner in which such amount or percentage is to be determined,

"(iii) the number of payments or period to which such order applies, and

"(iv) each plan to which such order applies.

"(D) A domestic relations order meets the requirements of this subparagraph only if such order—

"(i) does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

"(ii) does not require the plan to provide increased benefits (determined on the basis of actuarial value), and

"(iii) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

"(E)(i) In the case of any payment before a participant has separated from service, a domestic relations order shall not be treated as failing to meet the requirements of clause (i) of subparagraph (D) solely because such order requires that payment of benefits be made to an alternate payee—

"(I) on or after the date on which the participant attains (or would have attained) the earliest retirement age,

"(II) as if the participant had retired on the date on which such payment is to begin under such order (but taking into account only the present value of benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement), and

"(III) in any form in which such benefits may be paid under the plan to the participant (other than in the form of a joint and survivor annuity with respect to the alternate payee and his or her subsequent spouse).

For purposes of subclause (II), the interest rate assumption used in determining the present value shall be the interest rate specified in the plan or, if no rate is specified, 5 percent.

"(ii) For purposes of this subparagraph, the term 'earliest retirement age' has the meaning given such term by section 205(h)(3), except that in the case of any individual account plan, the earliest retirement age shall be the date which is 10 years before the normal retirement age.

"(F) To the extent provided in any qualified domestic relations order—

"(i) the former spouse of a participant shall be treated as a surviving spouse of such participant for purposes of section 205, and

"(ii) if married for at least 1 year, the former spouse shall be treated as meeting the requirements of section 205(f).

"(G)(i) In the case of any domestic relations order received by a plan—

"(I) the plan administrator shall promptly notify the participant and any other alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relations orders, and

"(II) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(ii) Each plan shall establish reasonable procedures to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. Such procedures—

"(I) shall be in writing,

"(II) shall provide for the notification of each person specified in a domestic relations order as entitled to payment of bene-

fits under the plan (at the address included in the domestic relations order) of such procedures promptly upon receipt by the plan of the domestic relations order, and

"(III) shall permit an alternate payee to designate a representative for receipt of copies of notices that are sent to the alternate payee with respect to a domestic relations order.

"(H)(i) During any period in which the issue of whether a domestic relations order is a qualified domestic relations order is being determined (by the plan administrator, by a court of competent jurisdiction, or otherwise), the plan administrator shall segregate in a separate account in the plan or in an escrow account the amounts which would have been payable to the alternate payee during such period if the order had been determined to be a qualified domestic relations order.

"(ii) If within 18 months the order (or modification thereof) is determined to be a qualified domestic relations order, the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons entitled thereto.

"(iii) If within 18 months—

"(I) it is determined that the order is not a qualified domestic relations order, or

"(II) the issue as to whether such order is a qualified domestic relations order is not resolved,

then the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons who would have been entitled to such amounts if there had been no order.

"(iv) Any determination that an order is a qualified domestic relations order which is made after the close of the 18-month period shall be applied prospectively only.

"(I) If a plan fiduciary acts in accordance with part 4 of this subtitle in—

"(i) treating a domestic relations order as being (or not being) a qualified domestic relations order, or

"(ii) taking action under subparagraph (H),

then the plan's obligation to the participant and each alternate payee shall be discharged to the extent of any payment made pursuant to such act.

"(J) A person who is an alternate payee under a qualified domestic relations order shall be considered for purposes of any provision of this Act a beneficiary under the plan. Nothing in the preceding sentence shall permit a requirement under section 4001 of the payment of more than 1 premium with respect to a participant for any period.

"(K) The term 'alternate payee' means any spouse, former spouse, child, or other dependent of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.

"(L) In prescribing regulations under this paragraph, the Secretary shall consult with the Secretary of the Treasury.".

(b) CLARIFICATION OF PREEMPTION PROVISION.—Subsection (b) of section 514 (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(7) Subsection (a) shall not apply to qualified domestic relations orders (within the meaning of section 206(d)(3)(B)(i)).".

SEC. 105. RESTRICTIONS ON MANDATORY DISTRIBUTIONS.

(a) GENERAL RULE.—Section 203 (29 U.S.C. 1053) is amended by adding at the end thereof the following new subsection:

"(e)(1) If the present value of any accrued benefit exceeds $3,500, such benefit shall not be treated as nonforfeitable if the plan provides that the present value of such benefit could be immediately distributed without the consent of the participant.

"(2) For purposes of paragraph (1), the present value shall be calculated by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 204(d) (29 U.S.C. 1054(d)(1)) is amended by striking out "$1,750" and inserting in lieu thereof "$3,500".

SEC. 106. PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE.

Subsection (c) of section 105 (29 U.S.C. 1025(c)) is amended by inserting at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date.".

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS.

(a) AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS LOWERED FROM AGE 25 TO AGE 21.—

(1) IN GENERAL.—Subparagraph (A)(i) of section 410(a)(1) (relating to minimum age requirement for participation) is amended by striking out "25" and inserting in lieu thereof "21".

(2) SPECIAL RULE FOR CERTAIN PLANS.—Subparagraph (B)(ii) of section 410(a)(1) (relating to special rules for certain plans) is amended by striking out "'30' for '25'" and inserting in lieu thereof "'26' for '21'".

(b) YEARS OF SERVICE AFTER AGE 18 (INSTEAD OF AGE 22) TAKEN INTO ACCOUNT FOR DETERMINING NONFORFEITABLE PERCENTAGE.—Subparagraph (A) of section 411(a)(4) (relating to service included in determination of nonforfeitable percentage) is amended by striking out "22" and inserting in lieu thereof "18".

(c) BREAK IN SERVICE FOR VESTING UNDER DEFINED CONTRIBUTION PLANS, ETC.—Subparagraph (C) of section 411(a)(6) (relating to 1-year break in service under defined contribution plan) is amended—

(1) by striking out "1-YEAR BREAK IN SERVICE" in the subparagraph heading and inserting in lieu thereof "5 CONSECUTIVE 1-YEAR BREAKS IN SERVICE",

(2) by striking out "any 1-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service", and

(3) by striking out "such break" each place it appears and inserting in lieu thereof "such 5-year period".

(d) RULE OF PARITY FOR NONVESTED PARTICIPANTS TO BE APPLIED ONLY IF BREAK IN SERVICE EXCEEDS 5 YEARS.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subparagraph (D) of section 410(a)(5) (relating to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing the period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(2) MINIMUM VESTING STANDARDS.—Subparagraph (D) of section 411(a)(6) (relating to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (4), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions."

(e) CERTAIN MATERNITY OR PATERNITY ABSENCES NOT TREATED AS BREAKS IN SERVICE.—

(1) MINIMUM PARTICIPATION STANDARDS.—Paragraph (5) of section 410(a) (relating to breaks in service) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY ABSENCES.—

"(i) GENERAL RULE.—In the case of each individual who is absent from work for any period—

"(I) by reason of the pregnancy of the individual,

"(II) by reason of the birth of a child of the individual,

"(III) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or

"(IV) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this paragraph whether a 1-year break in service (as

defined in section 411(a)(6)(A)) has occurred, the hours described in clause (ii).

"(ii) HOURS TREATED AS HOURS OF SERVICE.—The hours described in this clause are—

"(I) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(II) in any case in which the plan is unable to determine the hours described in subclause (I), 8 hours of service per day of such absence,

except that the total number of hours treated as hours of service under this clause by reason of any such pregnancy or placement shall not exceed 501 hours.

"(iii) YEAR TO WHICH HOURS ARE CREDITED.—The hours described in clause (ii) shall be treated as hours of service as provided in this subparagraph—

"(I) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in clause (i); or

"(II) in any other case, in the immediately following year.

"(iv) YEAR DEFINED.—For purposes of this subparagraph, the term 'year' means the period used in computations pursuant to paragraph (3).

"(v) INFORMATION REQUIRED TO BE FILED.—A plan shall not fail to satisfy the requirements of this subparagraph solely because it provides that no credit will be given pursuant to this subparagraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(I) that the absence from work is for reasons referred to in clause (i), and

"(II) the number of days for which there was such an absence."

(2) MINIMUM VESTING STANDARDS.—Paragraph (6) of section 411(a) (relating to breaks in service) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY ABSENCES.—

"(i) GENERAL RULE.—In the case of each individual who is absent from work for any period—

"(I) by reason of the pregnancy of the individual,

"(II) by reason of the birth of a child of the individual,

"(III) by reason of the placement of a child with the individual in connection with the adoption of such child by such individual, or

"(IV) for purposes of caring for such child for a period beginning immediately following such birth or placement,

the plan shall treat as hours of service, solely for purposes of determining under this paragraph whether a 1-year break in service has occurred, the hours described in clause (ii).

"(ii) HOURS TREATED AS HOURS OF SERVICE.—The hours described in this clause are—

"(I) the hours of service which otherwise would normally have been credited to such individual but for such absence, or

"(II) in any case in which the plan is unable to determine the hours described in subclause (I), 8 hours of service per day of absence,

except that the total number of hours treated as hours of service under this clause by reason of any such pregnancy or placement shall not exceed 501 hours.

"(iii) YEAR TO WHICH HOURS ARE CREDITED.—The hours described in clause (ii) shall be treated as hours of service as provided in this subparagraph—

"(I) only in the year in which the absence from work begins, if a participant would be prevented from incurring a 1-year break in service in such year solely because the period of absence is treated as hours of service as provided in clause (i); or

"(II) in any other case, in the immediately following year.

"(iv) YEAR DEFINED.—For purposes of this subparagraph, the term 'year' means the period used in computations pursuant to paragraph (5).

"(v) INFORMATION REQUIRED TO BE FILED.—A plan shall not fail to satisfy the requirements of this subparagraph solely because it provides that no credit will be given pursuant to this subparagraph unless the individual furnishes to the plan administrator such timely information as the plan may reasonably require to establish—

"(I) that the absence from work is for reasons referred to in clause (i), and

"(II) the number of days for which there was such an absence."

(3) ABSENCES DISREGARDED FOR PURPOSES OF ACCRUED BENEFIT REQUIREMENTS.—Subparagraph (A) of section 411(b)(3) (relating to year of participation) is amended by inserting ", determined without regard to section 410(a)(5)(E)" after "section 410(a)(5)".

(f) APPLICATION OF BREAK IN SERVICE RULES TO ACCRUED BENEFITS.—Subparagraph (C) of section 411(a)(7) (defining accrued benefit) is amended by striking out "any one-year break in service" and inserting in lieu thereof "5 consecutive 1-year breaks in service".

SEC. 203. REQUIREMENT OF JOINT AND SURVIVOR ANNUITIES AND PRERETIREMENT SURVIVOR ANNUITIES.

(a) GENERAL RULE.—Paragraph (11) of section 401(a) (relating to requirement of joint and survivor annuities) is amended to read as follows:

"(11) REQUIREMENT OF JOINT AND SURVIVOR ANNUITY AND PRERETIREMENT SURVIVOR ANNUITY.—

"(A) IN GENERAL.—In the case of any plan to which this paragraph applies, except as provided in section 417, a trust forming part of such plan shall not constitute a qualified trust under this section unless—

"(i) in the case of a vested participant who retires under the plan, the accrued benefit payable to such participant is provided in the form of a qualified joint and survivor annuity, and

"(ii) in the case of a vested participant who dies before the annuity starting date and who has a surviving spouse, a qualified preretirement survivor annuity is provided to the surviving spouse of such participant.

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to—

"(i) any defined benefit plan,

"(ii) any defined contribution plan which is subject to the funding standards of section 412, and

"(iii) any participant under any other defined contribution plan unless—

"(I) such plan provides that the participant's nonforfeitable accrued benefit is payable in full, on the death of the participant, to the participant's surviving spouse (or, if there is no surviving spouse or the surviving spouse consents in the manner required under section 417(a)(2)(A), to a designated beneficiary),

"(II) such participant does not elect a payment of benefits in the form of a life annuity, and

"(III) with respect to such participant, such plan is not a direct or indirect transferee of a plan which is described in clause (i) or (ii) or to which this clause applied with respect to the participant.

"(C) EXCEPTION FOR CERTAIN ESOP BENEFITS.—

"(i) IN GENERAL.—In the case of—

"(I) a tax credit employee stock ownership plan (as defined in section 409(a)), or

"(II) an employee stock ownership plan (as defined in section 4975(e)(7)),

subparagraph (A) shall not apply to that portion of the employee's accrued benefit to which the requirements of section 409(h) apply.

"(ii) NONFORFEITABLE BENEFIT MUST BE PAID IN FULL, ETC.—In the case of any participant, clause (i) shall apply only if the requirements of subclauses (I), (II), and (III) of subparagraph (B)(iii) are met with respect to such participant.

"(D) CROSS REFERENCE.—For—

"(i) provisions under which participants may elect to waive the requirements of this paragraph, and

"(ii) other definitions and special rules for purposes of this paragraph,

see section 417."

(b) DEFINITIONS AND SPECIAL RULES.—Subpart B of part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new section:

"SEC. 417. DEFINITIONS AND SPECIAL RULES FOR PURPOSES OF MINIMUM SURVIVOR ANNUITY REQUIREMENTS.

"(a) ELECTION TO WAIVE QUALIFIED JOINT AND SURVIVOR ANNUITY OR QUALIFIED PRERETIREMENT SURVIVOR ANNUITY.—

"(1) IN GENERAL.—A plan meets the requirements of section 401(a)(ii) only if—

"(A) under the plan, each participant—

"(i) may elect at any time during the applicable election period to waive the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit (or both), and

"(ii) may revoke any such election at any time during the applicable election period, and

"(B) the plan meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) SPOUSE MUST CONSENT TO ELECTION.—Each plan shall provide that an election under paragraph (1)(A)(i) shall not take effect unless—

"(A) the spouse of the participant consents in writing to such election, and the spouse's consent acknowledges the effect of such election and is witnessed by a plan representative or a notary public, or

"(B) it is established to the satisfaction of a plan representative that the consent required under subparagraph (A) may not be obtained because there is no spouse, because the spouse cannot be located, or because of such other circumstances as the Secretary may by regulations prescribe.

Any consent by a spouse (or establishment that the consent of a spouse may not be obtained) under the preceding sentence shall be effective only with respect to such spouse.

"(3) PLAN TO PROVIDE WRITTEN EXPLANATIONS.—

"(A) EXPLANATION OF JOINT AND SURVIVOR ANNUITY.—Each plan shall provide to each participant, within a reasonable period of time before the annuity starting date (and consistent with such regulations as the Secretary may prescribe), a written explanation of—

"(i) the terms and conditions of the qualified joint and survivor annuity,

"(ii) the participant's right to make, and the effect of, an election under paragraph (1) to waive the joint and survivor annuity form of benefit,

"(iii) the rights of the participant's spouse under paragraph (2), and

"(iv) the right to make, and the effect of, a revocation of an election under paragraph (1).

"(B) EXPLANATION OF QUALIFIED PRERETIREMENT SURVIVOR ANNUITY.—Each plan shall provide to each participant, within the period beginning with the first day of the plan year in which the participant attains age 32 and ending with the close of the plan year preceding the plan year in which the participant attains age 35 (and consistent with such regulations as the Secretary may prescribe), a written explanation with respect to the qualified preretirement survivor annuity comparable to that required under subparagraph (A).

"(4) SPECIAL RULES WHERE PLAN FULLY SUBSIDIZES COSTS.—

"(A) IN GENERAL.—The requirements of this subsection shall not apply with respect to the qualified joint and survivor annuity form of benefit or the qualified preretirement survivor annuity form of benefit, as the case may be, if the plan fully subsidizes the costs of such benefit.

"(B) DEFINITION.—For purposes of subparagraph (A), a plan fully subsidizes the costs of a benefit if under the plan the failure to waive such benefit by a participant would not result in a decrease in any plan benefits with respect to such participant and would not result in increased contributions from such participant.

"(5) APPLICABLE ELECTION PERIOD DEFINED.—For purposes of this subsection, the term 'applicable election period' means—

"(A) in the case of an election to waive the qualified joint and survivor annuity form of benefit, the 90-day period ending on the annuity starting date, or

"(B) in the case of an election to waive the qualified preretirement survivor annuity, the period which begins on the first day of the plan year in which the participant attains age 35 and ends on the date of the participant's death.

In the case of a participant who is separated from service, the applicable election period under subparagraph (B) with respect to benefits accrued before the date of such separation from service shall not begin later than such date.

"(b) DEFINITION OF QUALIFIED JOINT AND SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term 'qualified joint and survivor annuity' means an annuity—

"(1) for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (and is not greater than 100 percent of) the amount of the annuity which is payable during the joint lives of the participant and the spouse, and

"(2) which is the actuarial equivalent of a single annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(c) DEFINITION OF QUALIFIED PRERETIREMENT SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11)—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'qualified preretirement survivor annuity' means a survivor annuity or the life of the surviving spouse of the participant if—

"(A) the payments to the surviving spouse under such annuity are not less than the amounts which would be payable as a survivor annuity under the qualified joint and survivor annuity under the plan (or the actuarial equivalent thereof) if—

"(i) in the case of a participant who dies after the date on which the participant attained the earliest retirement age, such participant had retired with an immediate qualified joint and survivor annuity on the day before the participant's date of death, or

"(ii) in the case of a participant who dies on or before the date on which the participant would have attained the earliest retirement age, such participant had—

"(I) separated from service on the date of death,

"(II) survived to the earliest retirement age,

"(III) retired with an immediate qualified joint and survivor annuity at the earliest retirement age, and

"(IV) died on the day after the day on which such participant would have attained the earliest retirement age, and

"(B) under the plan, the earliest period for which the surviving spouse may receive a payment under such annuity is not later than the month in which the participant would have attained the earliest retirement age under the plan.

"(2) SPECIAL RULE FOR DEFINED CONTRIBUTION PLANS.—In the case of any defined contribution plan or participant described in clause (ii) or (iii) of section 401(a)(11)(B), the term 'qualified preretirement survivor annuity' means an annuity for the life of the surviving spouse the actuarial equivalent of which is not less than 50 percent of the account balance of the participant as of the date of death.

"(d) SURVIVOR ANNUITIES NEED NOT BE PROVIDED IF PARTICIPANT AND SPOUSE MARRIED LESS THAN 1 YEAR.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a plan shall not be treated as failing to meet the requirements of section 401(a)(11) merely because the plan provides that a qualified joint and survivor annuity (or a qualified preretirement survivor annuity) will not be provided unless the participant and spouse had been married throughout the 1-year period ending on the earlier of—

"(A) the participant's annuity starting date, or

"(B) the date of the participant's death.

"(2) TREATMENT OF CERTAIN MARRIAGES WITHIN 1 YEAR OF ANNUITY STARTING DATE FOR PURPOSES OF QUALIFIED JOINT AND SURVIVOR ANNUITIES.—For purposes of paragraph (1), if—

"(A) a participant marries within 1 year before the annuity starting date, and

"(B) the participant and the participant's spouse in such marriage have been married for at least a 1-year period ending on or before the date of the participant's death,

such participant and such spouse shall be treated as having been married throughout the 1-year period ending on the participant's annuity starting date.

"(e) RESTRICTIONS ON CASH-OUTS.—

"(1) PLAN MAY REQUIRE DISTRIBUTION IF PRESENT VALUE NOT IN EXCESS OF $3,500.—A plan may provide that the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity will be immediately distributed if such value does not exceed $3,500. No distribution may be made under the preceding sentence after the annuity starting date unless the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consents in writing to such distribution.

"(2) PLAN MAY DISTRIBUTE BENEFIT IN EXCESS OF $3,500 ONLY WITH CONSENT.—If—

"(A) the present value of the qualified joint and survivor annuity or the qualified preretirement survivor annuity exceeds $3,500, and

"(B) the participant and the spouse of the participant (or where the participant has died, the surviving spouse) consent in writing to the distribution,

the plan may immediately distribute the present value of such annuity.

"(3) DETERMINATION OF PRESENT VALUE.—For purposes of paragraphs (1) and (2), the present value of a qualified joint and survivor annuity or a qualified preretirement survivor annuity shall be determined as of the date of the distribution and by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination.

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section and section 401(a)(11)—

"(1) VESTED PARTICIPANT.—The term 'vested participant' means any participant who has a nonforfeitable right (within the meaning of section 411(a)) to any portion of the accrued benefit derived from employer contributions.

"(2) ANNUITY STARTING DATE.—The term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability).

"(3) EARLIEST RETIREMENT AGE.—The term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(4) PLAN MAY TAKE INTO ACCOUNT INCREASED COSTS.—A plan may take into account in any equitable manner (as determined by the Secretary) any increased costs resulting from providing a qualified joint or survivor annuity or a qualified preretirement survivor annuity.

"(5) CONSULTATION WITH THE SECRETARY OF LABOR.—In prescribing regulations under this section and section 401(a)(11), the Secretary shall consult with the Secretary of Labor."

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part I of subchapter D of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 417. Definitions and special rules for purposes of minimum survivor annuity requirements."

SEC. 204. SPECIAL RULES FOR ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.

(a) PROHIBITION AGAINST ASSIGNMENT NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS.—Paragraph (13) of section 401(a) (relating to assignment of benefits) is amended—

(1) by striking out "(13) A trust" and inserting in lieu thereof the following:

"(13) ASSIGNMENT AND ALIENATION.—

"(A) IN GENERAL.—A trust", and

(2) by correcting the margin for such subparagraph (A), and

(3) by adding at the end thereof the following new subparagraph:

"(B) SPECIAL RULES FOR DOMESTIC RELATIONS ORDERS.—Subparagraph (A) shall apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a domestic relations order, except that subparagraph (A) shall not apply if the order is determined to be a qualified domestic relations order."

(b) QUALIFIED DOMESTIC RELATIONS ORDER DEFINED.—Section 414 is amended by adding

at the end thereof the following new subsection:

"(p) QUALIFIED DOMESTIC RELATIONS ORDER DEFINED.—For purposes of this subsection and section 401(a)(13)—

"(1) IN GENERAL.—

"(A) QUALIFIED DOMESTIC RELATIONS ORDER.—The term 'qualified domestic relations order' means a domestic relations order—

"(i) which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under a plan, and

"(ii) with respect to which the requirements of paragraphs (2) and (3) are met.

"(B) DOMESTIC RELATIONS ORDER.—The term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(i) relates to the provision of child support, alimony payments, or marital property rights to a spouse, child, or other dependent of a participant, and

"(ii) is made pursuant to a State domestic relations law (including a community property law).

"(2) ORDER MUST CLEARLY SPECIFY CERTAIN FACTS.—A domestic relations order meets the requirements of this paragraph only if such order clearly specifies—

"(A) the name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate payee covered by the order,

"(B) the amount or percentage of the participant's benefits to be paid by the plan to each such alternate payee, or the manner in which such amount or percentage is to be determined,

"(C) the number of payments or period to which such order applies, and

"(D) each plan to which such order applies.

"(3) ORDER MAY NOT ALTER AMOUNT, FORM, ETC., OF BENEFITS.—A domestic relations order meets the requirements of this paragraph only if such order—

"(A) does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan,

"(B) does not require the plan to provide increased benefits, (determined on the basis of actuarial value), and

"(C) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

"(4) EXCEPTION FOR CERTAIN PAYMENTS MADE AFTER EARLIEST RETIREMENT AGE.—

"(A) IN GENERAL.—In the case of any payment before a participant has separated from service, a domestic relations order shall not be treated as failing to meet the requirements of subparagraph (A) of paragraph (3) solely because such order requires that payment of benefits be made to an alternate payee—

"(i) on or after the date on which the participant attains (or would have attained) the earliest retirement age,

"(ii) as if the participant had retired on the date on which such payment is to begin under such order (but taking into account only the present value of the benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement), and

"(iii) in any form in which such benefits may be paid under the plan to the participant (other than in the form of a joint and survivor annuity with respect to the alternate payee and his or her subsequent spouse).

For purposes of clause (ii), the interest rate assumption used in determining the present value shall be the interest rate specified in the plan or, if no rate is specified, 5 percent.

"(B) EARLIEST RETIREMENT AGE.—For purposes of this paragraph, the term 'earliest retirement age' has the meaning given such term by section 417(f)(3), except that in the case of any defined contribution plan, the earliest retirement age shall be the date which is 10 years before the normal retirement age (within the meaning of section 411(a)(8)).

"(5) TREATMENT OF FORMER SPOUSE AS SURVIVING SPOUSE FOR PURPOSES OF DETERMINING SURVIVOR BENEFITS.—To the extent provided in any qualified domestic relations order—

"(A) the former spouse of a participant shall be treated as a surviving spouse of such participant for purposes of sections 401(a)(11) and 417, and

"(B) if married for at least 1 year, the surviving spouse shall be treated as meeting the requirements of section 417(d).

A plan shall not be treated as failing to meet the requirements of subsection (a) or (k) of section 401 which prohibit payment of benefits before termination of employment solely by reason of payments to an alternate payee pursuant to a qualified domestic relations order.

"(6) PLAN PROCEDURES WITH RESPECT TO ORDERS.—

"(A) NOTICE AND DETERMINATION BY ADMINISTRATOR.—In the case of any domestic relations order received by a plan—

"(i) the plan administrator shall promptly notify the participant and any other alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relations orders, and

"(ii) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(B) PLAN TO ESTABLISH REASONABLE PROCEDURES.—Each plan shall establish reasonable procedures to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders.

"(7) PROCEDURES FOR PERIOD DURING WHICH DETERMINATION IS BEING MADE.—

"(A) IN GENERAL.—During any period in which the issue of whether a domestic relations order is a qualified domestic relations order is being determined (by the plan administrator, by a court of competent jurisdiction, or otherwise), the plan administrator shall segregate in a separate account in the plan or in an escrow account the amounts which would have been payable to the alternate payee during such period if the order had been determined to be a qualified domestic relations order.

"(B) PAYMENT TO ALTERNATE PAYEE IF ORDER DETERMINED TO BE QUALIFIED DOMESTIC RELATIONS ORDER.—If within 18 months the order (or modification thereof) is determined to be a qualified domestic relations order, the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons entitled thereto.

"(C) PAYMENT TO PLAN PARTICIPANT IN CERTAIN CASES.—If within 18 months—

"(i) it is determined that the order is not a qualified domestic relations order, or

"(ii) the issue as to whether such order is a qualified domestic relations order is not resolved,

then the plan administrator shall pay the segregated amounts (plus any interest thereon) to the person or persons who would have been entitled to such amounts if there had been no order.

"(D) SUBSEQUENT DETERMINATION OR ORDER TO BE APPLIED PROSPECTIVELY ONLY.—Any determination that an order is a qualified domestic relations order which is made after the close of the 18-month period shall be applied prospectively only.

"(8) ALTERNATE PAYEE DEFINED.—The term 'alternate payee' means any spouse, former spouse, child or other dependent of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.

"(9) CONSULTATION WITH THE SECRETARY.—In prescribing regulations under this subsection and section 401(a)(13), the Secretary of Labor shall consult with the Secretary."

(c) TAX TREATMENT OF DIVORCE DISTRIBUTIONS.—

(1) ALTERNATE PAYEE MUST INCLUDE BENEFITS IN GROSS INCOME.—Section 402(a) (relating to taxability of beneficiary of trust) is amended by adding at the end thereof the following new paragraph:

"(9) ALTERNATE PAYEE UNDER QUALIFIED DOMESTIC RELATIONS ORDER TREATED AS DISTRIBUTEE.—For purposes of subsection (a)(1) and section 72, the alternate payee shall be treated as the distributee of any distribution or payment made to the alternate payee under a qualified domestic relations order (as defined in section 414(p))."

(2) ALLOCATION OF INVESTMENT IN THE CONTRACT.—Subsection (m) of section 72 (relating to special rules applicable to employee annuities and distributions under employee plans) is amended by adding at the end thereof the following new paragraph:

"(10) DETERMINATION OF INVESTMENT IN THE CONTRACT IN THE CASE OF QUALIFIED DOMESTIC RELATIONS ORDERS.—Under regulations prescribed by the Secretary, in the case of a distribution or payment made to an alternate payee pursuant to a qualified domestic relations order (as defined in section 414(p)), the investment in the contract as of the date prescribed in such regulations shall be allocated on a pro rata basis between the present value of such distribution or payment and the present value of all other benefits payable with respect to the participant to which such order relates.".

(3) ROLLOVER OF DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS.—Paragraph (6) of section 402(a) (relating to special rules for rollovers) is amended by adding at the end thereof the following new subparagraph:

"(F) QUALIFIED DOMESTIC RELATIONS ORDERS.—If—

"(i) within 1 taxable year of the recipient, the balance to the credit of the recipient by reason of any qualified domestic relations order (within the meaning of section 414(p)) is distributed or paid to the recipient,

"(ii) the recipient transfers any portion of the property the recipient receives in such distributions to an eligible retirement plan described in subclause (I) or (II) of paragraph (5)(E)(iv), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then the portion of the distribution so transferred shall be treated as a distribution described in paragraph (5)(A).".

(4) CLARIFICATION OF ELIGIBILITY OF PARTICIPANT FOR LUMP SUM TREATMENT.—Paragraph (4) of section 402(e) (relating to tax on lump sum distributions) is amended by adding at the end thereof the following new subparagraph:

"(M) BALANCE TO CREDIT OF EMPLOYEE NOT TO INCLUDE AMOUNTS PAYABLE UNDER QUALIFIED DOMESTIC RELATIONS ORDER.—For purposes of this subsection, subsection (a)(2) of this section, and section 403(a)(2), the balance to the credit of an employee shall not include any amount payable to an alternate payee under a qualified domestic relations order (within the meaning of section 414(p))."

SEC. 205. RESTRICTION ON MANDATORY DISTRIBUTIONS.

(a) GENERAL RULE.—Subsection (a) of section 411 (relating to minimum vesting standards) is amended by adding at the end thereof the following new paragraph:

"(11) RESTRICTIONS ON CERTAIN MANDATORY DISTRIBUTIONS.—

"(A) IN GENERAL.—If the present value of any accrued benefit exceeds $3,500, such benefit shall not be treated as nonforfeitable if the plan provides that the present value of such benefit could be immediately distributed without the consent of the participant.

"(B) DETERMINATION OF PRESENT VALUE.—For purposes of subparagraph (A), the present value shall be calculated by using an interest rate not greater than the interest rate which would be used (as of the date of the distribution) by the Pension Benefit Guaranty Corporation for purposes of determining the present value of a lump sum distribution on plan termination."

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 411(a)(7) (relating to effect of certain distributions) is amended by striking out "$1,750" and inserting in lieu thereof "$3,500".

SEC. 206. PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE.

Subsection (e) of section 6057 (relating to individual statement to participants) is amended by adding at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date."

SEC. 207. WRITTEN EXPLANATION OF ROLLOVER TREATMENT REQUIRED TO BE GIVEN TO RECIPIENT OF DISTRIBUTIONS ELIGIBLE FOR ROLLOVER TREATMENT.

(a) GENERAL RULE.—Section 402 (relating to taxability of beneficiary of employees trusts) is amended by adding at the end thereof the following new subsection:

"(f) WRITTEN EXPLANATION TO RECIPIENTS OF DISTRIBUTIONS ELIGIBLE FOR ROLLOVER TREATMENT.—

"(1) IN GENERAL.—The plan administrator of any plan shall, when making a qualifying rollover distribution, provide a written explanation to the recipient—

"(A) of the provisions under which such distribution will not be subject to tax if transferred to an eligible retirement plan within 60 days after the date on which the recipient received the distribution, and

"(B) if applicable, the provisions of subsections (a)(2) and (e) of this section.

"(2) DEFINITIONS.—For purposes of this subsection, the terms 'qualifying rollover distribution' and 'eligible retirement plan' have the respective meanings given such terms by subsection (a)(5)(E)."

(b) PENALTY FOR FAILURE TO PROVIDE WRITTEN EXPLANATION.—Section 6652 (relating to penalty for failure to file certain information returns, registration statements, etc.) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) FAILURE TO GIVE WRITTEN EXPLANATION TO RECIPIENTS OF CERTAIN QUALIFYING ROLLOVER DISTRIBUTIONS.—In the case of each failure to provide a written explanation as required by section 402(f), at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such written explanation, an amount equal to the $10 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $5,000.".

TITLE III—GENERAL PROVISIONS

SEC. 301. TREATMENT OF CERTAIN PLAN AMENDMENTS AND ACTUARIAL ASSUMPTIONS.

(a) CERTAIN PLAN AMENDMENTS TREATED AS REDUCING BENEFITS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE OF 1954.—Paragraph (6) of section 411(d) of the Internal Revenue Code of 1954 (relating to accrued benefit not to be decreased by amendment) is amended to read as follows:

"(6) ACCRUED BENEFIT NOT TO BE DECREASED BY AMENDMENT.—

"(A) IN GENERAL.—A plan shall be treated as not satisfying the requirements of this section if the accrued benefit of a participant is decreased by an amendment of the plan, other than an amendment described in section 412(c)(8), or section 4281 of the Employee Retirement Income Security Act of 1974.

"(B) TREATMENT OF CERTAIN PLAN AMENDMENTS.—For purposes of subparagraph (A), a plan amendment which has the effect of—

"(i) eliminating or reducing an early retirement benefit or a retirement-type subsidy (as defined in regulations), or

"(ii) eliminating an optional form of benefit,

with respect to benefits attributable to service before the amendment shall be treated as reducing accured benefits. In the case of a retirement-type subsidy, the preceding sentence shall apply only with respect to a participant who satisfies (either before or after the amendment) the preamendment conditions for the subsidy. The Secretary may by regulations provide that this subparagraph shall not apply to a plan amendment described in clause (ii) (other than a plan amendment having an effect described in clause (i)).".

(2) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subsection (g) of section 204 of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"(g)(1) The accrued benefit of a participant under a plan may not be decreased by an amendment of the plan, other than an amendment described in section 302(c)(8).

"(2) For purposes of paragraph (1), a plan amendment which has the effect of—

"(A) eliminating or reducing an early retirement benefit or a retirement-type subsidy (as defined in regulations), or

"(B) eliminating an optional form of benefit,

with respect to benefits attributable to service before the amendment shall be treated as reducing accrued benefits. In the case of a retirement-type subsidy, the preceding sentence shall apply only with respect to a participant who satisfies (either before or after the amendment) the preamendment conditions for the subsidy. The Secretary of the Treasury may by regulations provide that this subparagraph shall not apply to a plan amendment described in subparagraph (B) (other than a plan amendment having an effect described in subparagraph (A)).".

(b) REQUIREMENT THAT ACTUARIAL ASSUMPTIONS BE SPECIFIED.—Subsection (a) of section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (24) the following new paragraph:

"(25) REQUIREMENT THAT ACTUARIAL ASSUMPTIONS BE SPECIFIED.—A defined benefit plan shall not be treated as providing definitely determinable benefits unless, whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, such assumptions are specified in the plan in a way which precludes employer discretion.".

SEC. 302. GENERAL EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section or section 303, the amendments made by this Act shall apply to plan years beginning after December 31, 1984.

(b) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, except as provided in subsection (d) or section 303, the amendments made by this Act shall not apply to plan years beginning before the earlier of—

(1) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(2) January 1, 1987.

For purposes of paragraph (1), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by title I or II shall not be treated as a termination of such collective bargaining agreement.

(c) NOTICE REQUIREMENT.—The amendments made by section 207 shall apply to distributions after December 31, 1984.

(d) SPECIAL RULES FOR TREATMENT OF PLAN AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 301 shall apply to plan amendments made after July 30, 1984.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements entered into before January 1, 1985, which are—

(A) between employee representatives and 1 or more employers, and

(B) successor agreements to 1 or more collective bargaining agreements which terminate after July 30, 1984, and before January 1, 1985,

the amendments made by section 301 shall not apply to plan amendments adopted before April 1, 1985, pursuant to such successor agreements (without regard to any modification or reopening after December 31, 1984).

SEC. 303. TRANSITIONAL RULES.

(a) AMENDMENTS RELATING TO VESTING RULES; BREAKS IN SERVICE; MATERNITY OR PATERNITY LEAVE.—

(1) MINIMUM AGE FOR VESTING.—The amendments made by sections 102(b) and 202(b)

shall apply in the case of participants who have at least 1 hour of service under the plan on or after the first day of the first plan year to which the amendments made by this Act apply.

(2) BREAK IN SERVICE RULES.—If, as of the day before the first day of the first plan year to which the amendments made by this Act apply, section 202 (a) or (b) or 203(b) of the Employee Retirement Income Security Act of 1974 or section 410(a) or 411(a) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) would not require any service to be taken into account, nothing in the amendments made by subsections (c) and (d) of section 102 of this Act and subsections (c) and (d) of section 202 of this Act shall be construed as requiring such service to be taken into account under such section 202 (a) or (b), 203(b), 410(a), or 411(a); as the case may be.

(3) MATERNITY OR PATERNITY LEAVE.—The amendments made by sections 102(e) and 202(e) shall apply in the case of absences from work which begin on or after the first day of the first plan year to which the amendments made by this Act apply.

(b) SPECIAL RULE FOR AMENDMENTS RELATING TO MATERNITY OR PATERNITY ABSENCES.—If a plan is administered in a manner which would meet the amendments made by sections 102(e) and 202(e) (relating to certain maternity or paternity absences not treated as breaks in service), such plan need not be amended to meet such requirements until the earlier of—

(1) the date on which such plan is first otherwise amended after the date of the enactment of this Act, or

(2) the beginning of the first plan year beginning after December 31, 1986.

(c) REQUIREMENT OF JOINT AND SURVIVOR ANNUITY AND PRERETIREMENT SURVIVOR ANNUITY.—

(1) REQUIREMENT THAT PARTICIPANT HAVE AT LEAST 1 HOUR OF SERVICE OR PAID LEAVE ON OR AFTER DATE OF ENACTMENT.—The amendments made by sections 103 and 203 shall apply only in the case of participants who have at least 1 hour of service under the plan on or after the date of the enactment of this Act or have at least 1 hour of paid leave on or after such date of enactment.

(2) REQUIREMENT THAT PRERETIREMENT SURVIVOR ANNUITY BE PROVIDED IN CASE OF CERTAIN PARTICIPANTS DYING ON OR AFTER DATE OF ENACTMENT.—In the case of any participant—

(A) who has at least 1 hour of service under the plan on or after the date of the enactment of this Act or has at least 1 hour of paid leave on or after such date of enactment,

(B) who dies before the annuity starting date, and

(C) who dies on or after the date of the enactment of this Act and before the first day of the first plan year to which the amendments made by this Act apply,

the amendments made by sections 103 and 203 shall be treated as in effect as of the time of such participant's death.

(3) SPOUSAL CONSENT REQUIRED FOR CERTAIN ELECTIONS AFTER DECEMBER 31, 1984.—Any election after December 31, 1984, and before the first day of the first plan year to which the amendments made by this Act apply not to take a joint and survivor annuity shall not be effective unless the requirements of section 205(c)(2) of the Employee Retirement Income Security Act of 1974 (as amended by section 103 of this Act) and section 417(a)(2) of the Internal Revenue Code of 1954 (as added by section 203 of this Act) are met with respect to such election.

(d) AMENDMENTS RELATING TO ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.—The amendments made by sections 104 and 204 shall take effect on January 1, 1985, except that in the case of a domestic relations order entered before such date, the plan administrator—

(1) shall treat such order as a qualified domestic relations order if such administrator is paying benefits pursuant to such order on such date, and

(2) may treat any other such order entered before such date as a qualified domestic relations order even if such order does not meet the requirements of such amendments.

(e) TREATMENT OF CERTAIN PARTICIPANTS WHO SEPARATE FROM SERVICE BEFORE DATE OF ENACTMENT.—

(1) JOINT AND SURVIVOR ANNUITY PROVISIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 APPLY TO CERTAIN PARTICIPANTS.—If—

(A) a participant had at least 1 hour of service under the plan on or after September 2, 1974,

(B) section 205 of the Employee Retirement Income Security Act of 1974 and section 401(a)(11) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) would not (but for this paragraph) apply to such participant,

(C) the amendments made by sections 103 and 203 of this Act do not apply to such participant, and

(D) as of the date of the enactment of this Act, the participant's annuity starting date has not occurred and the participant is alive,

then such participant may elect to have section 205 of the Employee Retirement Income Security Act of 1974 and section 401(a)(11) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) apply.

(2) TREATMENT OF CERTAIN PARTICIPANTS WHO PERFORM SERVICE ON OR AFTER JANUARY 1, 1976.—If—

(A) a participant had at least 1 hour of service in the first plan year beginning on or after January 1, 1976,

(B) the amendments made by sections 103 and 203 would not (but for this paragraph) apply to such participant,

(C) when such participant separated from service, such participant had at least 10 years of service under the plan and had a nonforfeitable right to all (or any portion) of such participant's accrued benefit derived from employer contributions, and

(D) as of the date of the enactment of this Act, such participant's annuity starting date has not occurred and such participant is alive,

then such participant may elect to have the qualified preretirement survivor annuity requirements of the amendments made by sections 103 and 203 apply.

(3) PERIOD DURING WHICH ELECTION MAY BE MADE.—An election under paragraph (1) or (2) may be made by any participant during the period—

(A) beginning on the date of the enactment of this Act, and

(B) ending on the earlier of the participant's annuity starting date or the date of the participant's death.

(4) REQUIREMENT OF NOTICE.—

(A) IN GENERAL.—

(i) TIME AND MANNER.—Every plan shall give notice of the provisions of this subsection at such time or times and in such manner or manners as the Secretary of the Treasury may prescribe.

(ii) PENALTY.—If any plan fails to meet the requirements of clause (i), such plan shall pay a civil penalty to the Secretary of the Treasury equal to $1 per participant for each day during the period beginning with the first day on which such failure occurs and ending on the day before notice is given by the plan; except that the amount of such penalty imposed on any plan shall not exceed $2,500.

(B) RESPONSIBILITIES OF SECRETARY OF LABOR.—The Secretary of Labor shall take such steps (by public announcements and otherwise) as may be necessary or appropriate to bring to public attention the provisions of this subsection.

SEC. 304. STUDY BY COMPTROLLER GENERAL OF THE UNITED STATES.

(a) GENERAL RULE.—The Comptroller General of the United States shall conduct a detailed study (based on a reliable scientific sample of typical pension plans of various designs and sizes) of the effect on women of participation, vesting, funding, integration, survivorship features, and other relevant plan and Federal pension rules.

(b) GENERAL ACCOUNTING OFFICE ACCESS TO RECORDS.—For the purpose of conducting the study under subsection (a), the Comptroller General, or any of his duly authorized representatives, shall have access to and the right to examine and copy—

(1) any pension plan books, documents, papers, records, or other recorded information within the possession or control of the plan administrator or sponsor, or any person providing services to the plan, and

(2) any payroll, employment, or other related records within the possession or control of any employer contributing to or sponsoring a pension plan,

that is pertinent to such study. The Comptroller General shall not disclose the identity of any individual or employer in making any information obtained under this subsection available to the public.

(c) DEFINITIONS.—For purposes of this section, the terms "pension plan", "administrator", "plan sponsor", and "employer" are defined in section 3 of the Employee Retirement Income Security Act of 1974, as amended.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—In conducting the study under subsection (a), the Comptroller General shall consult with the Internal Revenue Service, the Department of Labor, and other interested Federal agencies so as to prevent any duplication of data compilation or analyses.

(e) REPORT.—Not later than January 1, 1990, the Comptroller General shall submit a report on the study conducted under this section to the Committee on Ways and Means of the House of Representatives, the Committee on Education and Labor of the House of Representatives, the Committee on Finance of the Senate, the Committee on Labor and Human Resources of the Senate, and the Joint Committee on Taxation.

Mr. DOLE. Mr. President, today I urge my colleagues to adopt H.R. 4280, the Retirement Equity Act of 1984, as amended. The Retirement Equity Act was originally reported by the Committee on Finance on October 24, 1983, and passed by the Senate in November of last year. H.R. 2769 was originally the legislation enacting the President's Caribbean Basin Initiative.

H.R. 4280, passed by the House on May 24, is based upon the legislation the Senate adopted last year. The House made some technical modifications to the original Senate bill and expanded the survivor coverage and certain other protection provided in that bill for plan participation and their spouses. For that reason, the Finance Committee once again marked up the Retirement Equity Act to refine further the provisions based upon review by the Treasury Department and the Labor Department, and to reflect comments of experts from the private sector.

The Retirement Equity Act, as amended, would eliminate or change administrative requirements imposed by the House bill, as well as address certain concerns expressed about the interpretation of the accrued benefit rule in the House bill. The amendments would make it clear that the accrued benefit rule would not apply to certain Social Security supplements, death benefits (including life insurance), qualified disability benefits and other benefits.

H.R. 4280 is an excellent measure to protect the retirement income of all Americans, and the revisions adopted by the Committee on Finance resolve the technical concerns that have been raised about the legislation. The Finance Committee and Joint Tax Committee staffs have worked carefully with the staffs of the Labor Committee and House Ways and Means and Education and Labor Committees to help assure that this will be a consensus effort which may be accepted by the House quickly without the need of a conference.

SENATE PASSAGE OF PENSION EQUITY ACT IN 1983

The Retirement Equity Act of 1983 was passed by the Senate on November 17, 1983, over 5 months before House passage. The act represents the efforts of many Members to achieve pension equity for women. With over 30 cosponsors, it has strong bipartisan support. The act reflects not only the provisions of S. 19, legislation originally introduced by Senator LONG and myself early in 1983, but also the many ideas expressed in the administration's bill, the work of the Senate Labor and Human Resources Committee, as well as the proposals of a number of Senators who have been leaders in the area of pension reform.

HOUSE ACTIVITY IN 1984

As in the Senate, numerous pension reform proposals have been discussed in the House of Representatives, including the Senate-passed bill and a similar bill proposed by the administration. The House considered and reconsidered various alternatives to the Senate bill, and I am gratified to see that, with very few exceptions, the final House-passed version incorporated all of the principal features of the Senate bill.

PROPOSED COMPROMISE

The legislation in its present form represents a compromise of the Senate and House bills that I believe provides a balanced reform measure.

Both bills lowered the maximum allowable age limitation for plan participation purposes from 25 to 21, and for vesting from age 22 to 18. The compromise also includes the House provision that lowers the participation age from 30 to 26 for plans of certain educational institutions. These are major improvements that will assure that more employees will receive pension credit for the years they work for their employer.

The compromise alters certain rules that have in some cases allowed pension plans to ignore the changing needs of women and others in the work force. In addition to the provisions of both bills that amend the break-in-service rules to prevent loss of participation credits before a break of 5 consecutive years, the compromise agrees to a House provision that gives similar protection for vested service. Clarifications are made in the provisions that make it easier for individuals to take maternity/paternity leave without loss of service credit.

SURVIVOR BENEFITS

The compromise also incorporates an important provision of the Senate bill dealing with the joint and survivor annuity rules and broadens its application. The Senate bill contained a rule designed to ensure that the spouses of participants nearing retirement (generally, those who had reached age 45 and had 10 years of service) would be entitled to survivor coverage; thus, benefits of participants nearing retirement would not be denied to the spouse due to the participant's death, as long as the participant and the spouse did not waive survivor coverage. The compromise liberalizes this rule to provide preretirement survivor coverage for all participants who have a vested right to benefits, regardless of their age of years of service.

In addition, the compromise repeals a rule that allows plans to ignore certain elections—or revocations—to waive a joint and survivor annuity if the election is made within 2 years of death from natural causes.

In order to ensure that the change in the survivor rules will have their intended effect, the compromise also explicitly requires defined benefits plans and certain defined contribution plans to provide life annuity—and as a result, survivor—benefits. In general, defined contribution plans that pay out the vested account benefits upon death and meet certain other requirements are not subject to this rule, nor are benefits from defined contribution plans to the extent they are payable in employer stock.

ACCRUED RETIREMENT BENEFITS

The compromise also helps assure that employees who have accrued retirement benefits will not lose these benefits when an employer amends or terminates a pension plan. I would point out that the legislation now before the Senate clarifies a provision of the House bill which was probably rightly criticized for being too vague and broad in its potential application.

In particular, the compromise clarified that certain nonretirement type benefits, such as Social Security supplements, qualified disability benefits, death benefits—including life insurance—medical and plant shutdown benefits to the extent they do not continue after normal retirement age, are not considered a part of a participant's accrued benefits for purposes of the provisions. The provision does not affect the liability of the Pension Benefit Guaranty Corporation with respect to benefits under terminated plans. Also, the provision does not require that an employer make contributions to a terminated plan beyond the level required under present law.

Section 301 of H.R. 4280 deals with the prohibition against certain changes in subsidized early retirement benefits or optional forms of benefits. This provision is to be effective with respect to plan amendments made after July 30, 1984. I have three points to make about this section.

First, it is my understanding that this provision is not intended to apply to amendments made on or before July 30, 1984, and that no inference is to be drawn from them as to prior law. In particular, this provision would not affect any current litigation with respect to plan amendments adopted before July 30, 1984.

Second, it is my understanding that an amendment is "made" when it is adopted, not when it is effective. Thus, for example, an amendment adopted June 1, 1984, but to become effective September 1, 1984, would generally not be subject to the new provision. The technical explanation of the bill, which is contained in the CONGRESSIONAL RECORD of August 2, 1984, states that a plan provision that takes effect as a result in the change in the status of the plan from topheavy to nontopheavy is treated as a plan amendment at the time the specified event occurs.

Third, section 301 permits the issuance of regulations which provide that the new rules "will not apply to an amendment described in clause (ii) [i.e., eliminating an optional form of benefit] (other than a plan amendment having an effect described in clause (i) [i.e., eliminating an early retirement benefit or a retirement-type subsidy]."

The technical explanation of section 301 gives an example of an elimination

of an option with respect to previously accrued benefits that Treasury may permit. In this example, an option must be eliminated as a condition for meeting the standards for qualification of the plan. For example, a form of survivor benefit offered may allow a payout period for a length of time longer than that allowed under section 401(a)(9) of the Internal Revenue Code, as amended by the Deficit Reduction Tax Act of 1984. I would anticipate that Treasury regulations may allow plans to change that option to shorten the payout period in my example, and that any subsidy included in the longer payout option might be allowed to be eliminated to the extent necessary to qualify the plan, but that the regulations would not automatically allow elimination of an entire option merely because a particular feature of the option violates the requirements for plan qualification.

PENSION BENEFITS UPON DIVORCE

The compromise adopts the rule in both bills that specifically states that ERISA does not preempt State laws if pension benefits are divided between a participant and spouse under a qualified domestic relations order. Specific requirements for qualifying domestic relations orders are established.

OTHER PROVISIONS

The compromise increases from $1,750 to $3,500 the mandatory amount that may be distributed in a lump sum to a departing participant without consent.

The compromise would also require more stringent notice and consent procedures regarding the availability of preretirement survivor benefits, and requires plan administrators to advise recipients of plan distributions that certain favorable tax treatment, such as tax/free rollover treatment and special 10-year income averaging, is available if proper actions are taken.

Finally, special effective dates are provided to expand the class of individuals entitled to joint and survivor coverage to include certain persons who have already terminated employment. I understand that there have been some concerns expressed by employer groups and the pension administrators that this retroactive coverage would impose impossible administrative burdens and additional liability on plan administrators, but I believe that the compromise adequately deals with these concerns, by requiring the terminated employees to advise the plan of this election and by allowing the plan to pass any additional costs to the particular beneficiaries.

NEED FOR QUICK ACTION

The provisions of this legislation require immediate action. Both the House and Senate bills encourages earlier participation and vesting in retirement plans, as well as improving survivor and other benefits. Postponement of the legislation postpones these benefits for all concerned.

In addition, the retirement plan sponsors themselves need these issues resolved in order to be able to adapt their plans to include these important provisions in the future. Generally, the bill is effective for plan years beginning after December 31, 1984. This early effective date is important to assure that the benefits of this legislation will be available as soon as possible. In all fairness, however, we should give plan sponsors as much time as possible to analyze this legislation to determine what changes in plan provisions and administrative procedures will be necessary.

THE BROADER VIEW OF PENSION REFORM

I believe that this legislation, in particular the more generous participation and vesting rules, will significantly improve the likelihood that women and others whose work patterns do not fit into the traditional mode will actually receive a retirement benefit. Moreover, survivor protection for spouses who work in the home is increased substantially, indicating at last some recognition of these spouses' contributions to their families and to society.

Both this legislation and the reforms we made in TEFRA governing "top-heavy" plans, illustrate two general types of reform measures that have begun. First, the topheavy legislation was an attempt to ensure that the tax benefits granted to retirement plans are used to provide benefits for all employees, not just the highly paid employees. Second, the reforms in this bill reflect the need to revise our retirement system to accommodate new workers and new work patterns as well as to assure that all employees receive pension credits for the years they actually work, not for just a portion of their career with an employer.

Some critics have said that these reforms are minor, and propose broader reform. I do not disagree that additional proposals should be seriously considered. But I believe that the concrete steps we have taken in the area of pension reform, in terms of actual legislation enacted, will have both important immediate effects and will, indeed, establish new concepts about the need for and use of retirement benefits.

In 1982, we requested a study from the Congressional Budget Office regarding the most effective use of retirement incentives. This bill requests a further study by the GAO of the effect on women of certain current Federal pension requirements, such as the participation, vesting, funding, integration and survivorship rules. With the new concepts established by the reforms we have accomplished, and future input from interested groups and individuals, the pension community, the CBO, and GAO, I anticipate that additional reform for all individuals will be continued in the future.

Mr. LONG. Mr. President, I am delighted that we were able to agree today to approve legislation designed to remedy many of the inequities that women face in pensions. This bill reflects the concerns of Members in both the House and the Senate who are aware of the disadvantages that women often suffer due to the operation of current law. This bill represents a bipartisan attempt to address many of these inequities in a manner designed to reflect both the legitimate concerns of pension plan sponsors and the reasonable expectations of pension plan participants.

This legislation should improve the chances that women will have an opportunity to earn pension benefits while working. It also helps ensure that the retirement benefits workers expect to be there on retirement are in fact there.

This bill originated in the Senate as S. 19, which I was proud to cosponsor January 26, 1983, with the distinguished Finance Committee chairman, BOB DOLE. On October 19, 1983, Senator DOLE and I introduced a revised version of that bill as S. 1978. Joining us as cosponsors were the distinguished chairman, Mr. HATCH, and the distinguished ranking member, Mr. KENNEDY, of the Committee on Labor and Human Resources along with 27 other Members from both sides of the aisle.

S. 1978 included the provisions of S. 19 and also reflected the thoughts of other Senators who have introduced legislation in this area. The administration's ideas were also incorporated in that bill. S. 1978 was approved by the Senate on November 18, 1983 (as S. 2769). This bill reflects a further refinement of those ideas, a refinement designed to reflect the concerns not only of the Senate but also of Members in the House, particularly those with an interest who serve on the House Ways and Means Committee and the House Education and Labor Committee.

The Finance Committee approved this bill as a much-needed solution to correcting many of the problems confronting women in the work force. It is my hope that this bill will achieve a large measure of pension equity without creating undue costs and administrative burdens for plan sponsors. This bill represents an approach that addresses the concerns of plan sponsors while still advancing the bill's very worthwhile objectives.

● Mr. PERCY. Mr. President, as an original cosponsor of the Retirement Equity Act of 1983, I am extremely pleased that my distinguished colleague, Senator ROBERT DOLE, has asked the full Senate to consider similar legislation today. This legislation

would amend the Employee Retirement Income Security Act of 1974 [ERISA] to remove barriers which have historically prevented women from achieving pension equity with men. I believe that this legislation is long overdue.

Congress first enacted ERISA a decade ago to protect the interests of employees covered by private pension plans and their beneficiaries. Unfortunately, ERISA has not protected the interests of our Nation's women. Although ERISA does not distinguish between male and female employees, the provisions of this law are greatly inadequate to provide retirement income security for a significant number of women.

It is common knowledge that the percentage of employed women who receive pension benefits is significantly lower than that of men, and that the amount of pension money is generally much smaller than that received by men. There are many reasons for this inequity. Not only are women concentrated in occupations which have low pension coverage, but women who choose to interrupt their careers to raise children can be penalized under current law. Of course, employment trends for women are changing but these changes are slow, and there will remain employment behavior that is unique to women. The Retirement Equity Act takes into consideration the employment patterns particular to women by lowering the age for plan participation so that women can count the years of heaviest labor force participation, and liberalizing the break-in-service rules.

Under ERISA, the choice of a survivor's option is solely the employee's and there are no provisions for the spouse in the case of a retiree's death. On numerous occasions I have heard from widows in my home State of Illinois who are unable to provide for their basic needs because their spouse died before retirement or they were not included in their retired spouse's plan as a beneficiary. This bill would require notification of forfeiture of vested benefits upon an employee's death should the participant die before a particular date and provides that both the spouse and the participant must elect to waive a survivor option.

In recent years we have seen a skyrocketing divorce rate that has left many women in harsh economic straits, particularly older women who have spent their lifetimes as homemakers. This legislation would allow pension funds to be treated as joint property in divorce proceedings. I quote one of my constitutents who has been greatly disserviced by the present law:

> At the time of my divorce, after twenty-five years of marriage, my husband left his job with over $62,000 in pension, all of which he cashed in. He did not pay the taxes on this money. Therefore, a lien was placed on our home which was court ordered sold to pay back taxes which were in excess of $8,000.00. The judge ruled that it was his pension and he was entitled to all of it, but I was penalized to pay the back tax due on it by taking the money out of the escrow in our home. * * * My hope is only that you are able to reflect on some of the things that are happening to people like myself.

It is indeed time that Congress reflected on the pension rights of women. I commend my colleagues who have been working diligently to correct the present inequities so that we can bring justice into the lives of retired women.●

● Mr. DURENBERGER. Mr. President, pension equity is a most significant addition to our efforts to remove economic discrimination against women in our society. I am pleased to see this important piece of legislation brought to the Senate floor today.

For a number of years I have been troubled by the lack of pension equity faced by women in America. I was disturbed because almost every woman in this country will face one or more of the following pension inequities at some time in her working life: Longer work requirements for pension vesting and participation rights; termination of survivorship benefits; denial of pension survivorship benefits; and loss of accrued benefits due to break-in-service requirements.

The Economic Equity Act of 1981, which I introduced in the 97th Congress with Senators PACKWOOD, HATFIELD, HART, and others, contained a number of proposals to eliminate pension discrimination. These provisions were reintroduced in the Economic Equity Act of 1983—S. 888—and hearings were held in the Senate Finance Committee in June to ascertain the extent of this discrimination.

Mr. President, those hearings reinforced my belief that we must eliminate the economic discrimination which confronts women in America today—specifically with respect to pensions, but also in the areas of dependent care, child support enforcement, insurance, regulatory reform and taxation. Women have been the subject of economic inequity for 200 years—we must act now to remove the economic barriers which they confront.

Successful consideration of pension reform is an important beginning. I am pleased that most of the provisions of the bill were contained in the Economic Equity Act of 1983. Many were also part of Senator DOLE's pension equity bill, S. 19, and other legislation introduced by concerned Members of this body and the House of Representatives.

This bill will remove pension discrimination against women in the following ways:

It reduces the minimum age of pension participation age from 25 to 21, and it lowers the minimum age of vesting from 22 to 18.

These changes are significant for women because more women under age 25 are employed outside the home than any other age bracket. It is also true that women are more likely than men to leave the work force in their twenties or thirties.

It would ensure that individuals who temporarily leave their jobs would not lose their pension rights for prebreak periods of service. It would also provide additional protection for women and men who take maternity/paternity leave.

It would require that survivor's benefits be provided in the event of the death of a plan participant without requiring that the participant survive to age 55—which currently penalizes many deserving recipients.

This addresses the serious problem faced by many women whose husbands die prematurely and who find themselves without survivor's benefits.

It would establish joint and survivor's annuity benefits as the normal type of benefit payout for any plan which offers an annuity as an optional form of benefit. Should a married couple desire to waive the right to such survivor's benefits, they will be required to do so in writing.

This change will help ensure that a spouse will no longer unknowingly find himself or herself without survivor's benefits.

It would allow for equitable division of pension accounts in court-ordered divorce actions.

It would require individual benefits statements to include a notice to participants identifying when vested benefits may be forfeited.

I am encouraged by the attention being devoted to the pension issue, but continue to believe the most effective way for Congress to address pension discrimination is to pass the entire Economic Equity Act with all its other reinforcing provisions.

Mr. President, I hope we will continue to take action, during the duration of the 98th Congress, to enact other provisions of the Economic Equity Act. We must move to increase the availability of dependent care by expanding the dependent care tax credit. We should follow the example of the U.S. Supreme Court and remove all insurance discrimination that currently exists. Finally, we should extend the reform in public pensions to the Civil Service Retirement System.

Mr. President, 1964 was a historic year for the civil rights movement. Twenty years later we have an opportunity to make 1984 a historic year for promoting economic equity for women in America.

Passage of the pension reform is a promising first step. I urge my colleagues to support this important measure.●

● Mr. GRASSLEY. Mr. President, as an original sponsor of the Retirement Equity Act, I strongly urge its approval by all of my colleagues.

On my trips home to Iowa, many women have questioned me about provisions within the bill. Unfortunately, many of these constituents are concerned about the effective date provisions. Some of them have had family tragedies and are seeking information on the effective date for the joint and survivor annuity provisions. While individuals whose spouses have died before congressional action won't be protected by the provisions within this bill, it is imperative we enact this legislation as quickly as possible.

The important features of this legislation offer all retirees the hope of a better, more comprehensive private pension system. First, the age for qualifying for a pension is lowered from 25 to 21. Once a worker enters a qualifying period, he or she accumulates years toward vesting. To permit workers to qualify earlier helps all younger employees, but it gives women added flexibility if they wish to begin families during their late twenties or early thirties. Also, this bill provides for up to 1 year of absence due to the birth of a child without losing credit for prior service. Third, this bill permits Federal pensions to be subject to State property laws on divorce. Finally, it requires pensions to have a joint and survivor option which can be waived only with the consent of both spouses.

This bill redresses some inequities that should have been addressed years ago. It provides important safeguards for workers and expands the class of people eligible for private pensions. It should be enacted immediately to prevent any additional harsh results from occurring. I ask my colleagues to favorably consider this bill.●

Mr. EXON. Mr. President, I am pleased to cosponsor and lend my support to H.R. 4280, the Women's Pension Equity Act of 1984.

This legislation brings the Federal pension law known as ERISA into the 1980's, recognizing the changes which have occurred in the Nation's work force, particularly with regard to America's women workers. In 1974, when ERISA was first enacted, women comprised about 39 percent of the Nation's work force and about 38 percent of Nebraska's work force. Today in 1984, 10 years later, women make up over 50 percent of the Nation's work force and nearly 45 percent of Nebraska's working population.

The measure before the Senate is the first Federal effort aimed at improving private pension benefits for women. This bill attempts to address the ever-increasing problem where women are facing old age without adequate retirement protections. The current law oftentimes penalizes women for leaving the work force to bear children and to raise a family. As a consequence, they are left with little or no retirement income with which to enjoy their later years.

The Women's Pension Equity Act makes several changes for those pension plans regulated by Federal law which improve the retirement outlook for both working women and those homemakers dependent upon their spouse's pension plan.

The bill lowers from age 25 to age 21 the minimum age at which any employee may participate in a pension plan. This is important in that it recognizes that many women, as well as men, enter the work force at an earlier age. In addition, the bill reduces the age at which the 10-year vesting credit period begins from age 22 to age 18.

Another important change which this legislation makes is to protect the accrued pension rights of those who take maternity or paternity leave. Under present law, for example, a woman returning to work after a maternity leave may find that she has lost all credits for previous service with that same employer.

Other important changes include a requirement that defined benefit or money purchase pension plans provide automatic survivor benefits where a vested participant may die before the annuity starting date. Currently, women whose husbands die before reaching retirement age receive no pension at all even if their husband worked for a company for 25 years. Both spouses must consent in writing to waive automatic survivor benefits. Present law allows waiver of survivor benefits without even informing one's spouse.

These changes are certainly no means a "cure-all" for the retirement needs of American women. Many of the changes in this legislation may even benefit men. But it is an important recognition of the disparities and needs in today's society of more working women. This is an appropriate beginning in addressing the problem we find today where more and more women are finding themselves in an old age of poverty, living meagerly on minimum Social Security benefits.

Mr. President, I urge the Senate's support for this important measure.

Mr. HATCH. Mr. President, I am very pleased that the Senate is able to take expeditious action on this important measure which is designed to bring about a greater degree of equity for women and men in our Nation's private pension system. The distinguished chairman of the Finance Committee, Mr. DOLE, deserves tremendous credit for taking the lead in this important area, as well as Mr. NICKLES, the distinguished chairman of the Labor Subcommittee. At the onset of the 98th Congress, Senator DOLE introduced S. 19. This measure was jointly referred to both the Labor Committee and the Finance Committee, as has been the custom with respect to measures proposing amendments to the Internal Revenue Code and the Employee Retirement Income Security Act of 1974 (ERISA). Over the last year and a half, both committees held hearings on the legislation and on the subject of women's pension equity in general.

The evidence gathered from these hearings reinforced the need to enact the changes proposed in S. 19 and, in addition, pointed up additional problems. There emerged from the hearings and from the extended negotiations among the committees, the administration, and various interests groups a revised proposal (S. 1978), which Senator DOLE and over 30 other cosponsors, including this Senator from Utah, introduced on October 19, 1983. Ultimately, the substance of this measure was added to H.R. 2769, which was passed by the Senate and returned to the other body last fall. Since then, the legislation has undergone further refinement. H.R. 4280 is the final product. It was recently passed by the House, and in the Senate has undergone certain technical revisions under the scrutiny of the Finance Committee.

On balance, no one can quarrel with the need to make our Nation's pension system gender neutral. As regulated by ERISA, the system in the past has not taken in account the unique circumstances which women in the work force face. They generally enter the work force at a younger age than men. They are more mobile, not staying with the same employer for as long a period of time as men. They often leave the work force for periods of time to have children and raise a family. Under current law, these circumstances often operate to diminish the amount of pension benefits a women can accrue.

Moreover, current law has created hardships on women as spouses of working husbands. If a husband dies prematurely, before reaching retirement age, whatever accrued benefits he may have earned are extinguished. This can leave a wife without the benefit of expected benefits which she and her husband would have enjoyed had he lived to retirement age. Current law has also imposed hardships in the divorce situation, a hardship in and of itself. In the quest to make ERISA the premier body of law governing pensions, the Congress enacted a very broad rule of preemption, thus preventing interference by the operation of State law. A problem has arisen, however, with respect to do-

mestic relations, which in our Federal system has remained within the province of the States. The ERISA preemption rules have frustrated efforts by State courts to settle property rights in the context of divorce proceedings. Women in many instances have not been able to realize their legitimate expectations to share in the pension benefits earned by their working spouses.

The bill addresses these foregoing problems in a comprehensive way. The minimum participation and vesting rules are modified, as well as break-in-service rules, so as to enable more women to qualify for pension benefits and to avoid the loss of otherwise accrued benefits. It mandates the payment of survivor benefits if the participant was vested at the time of death. It clarifies that pension benefits can be allocated in the context of divorce proceedings. In addition, the bill requires plans to provide automatically joint and survivor benefits unless both the participant and the spouse consent in writing to waive this right.

As much merit as there is in these and other changes in ERISA, I think it is appropriate at this point to express a note of caution. Our Nation's private pension system is a voluntary one. Employers are not required to adopt a pension system. Even a unionized employer, while it is required to bargain over the subject of pensions, may ultimately bargain to impasse over the issue of whether to adopt a pension plan. And the law will not impose such a condition of employment on an employer. Just as the National Labor Relations Act will not impose a pension on an unwilling employer neither will ERISA. The thrust of ERISA is that once an employer does adopt a pension plan, the plan must be administered and funded in such a way as to realize for employee participants their expectations of a pension benefit upon retirement.

As we strive earnestly to assure to participants the "benefit of the bargain," we must not lose sight of the burdens which we impose upon employers. Whether we like it or not, the moment that the rules governing pensions become too burdensome, too costly, too complex, employers may simply choose not to sponsor a defined benefit pension. It may even choose to terminate a defined benefit plan, and replace it with a defined contribution plan, or some other, more simplified substitute. More than likely, an employer may simply begin to phase out elements, such as early retirement subsidies, on the ground that the advantages which flow from such options may not be justified by the costs imposed by regulation.

It remains to be seen whether there are elements of H.R. 4280 which pose such a risk. Some employers have raised questions about a provision (section 301) governing subsidies. This provision was inserted by the House in order to provide a statutory basis, where none existed before, for some regulations issued by the Treasury Department over the last several years. While the Finance Committee's report does articulate the limits of this provision, its actual impact will be difficult to gauge, in part because the provision was never the subject of hearings or public scrutiny.

As the Congress moves toward further refinement of ERISA future, I hope that we do not lose sight of the essential voluntariness of the system. Without question, private pensions have been an invaluable component of this country's economic security. It has been beneficial to millions of workers and families and in turn benefical to the well-being of society. Let's not kill the goose that has laid the golden egg.

Mr. DOMENICI. Mr. President, I rise today in support of the Retirement Equity Act of 1984, as amended and passed unanimously by the Finance Committee. It is important that Congress pass this legislation to correct problems in private pension programs that have resulted in inequities for women.

Senator DOLE and I introduced S. 19, the original pension equity measure in the Senate. These figures tell the story of the serious need for legislation: In 1979, only 40 percent of women working full time in private industry were covered by a pension plan; and, in 1979, only 5 to 10 percent of surviving spouses actually received their spouses' pension benefits.

This consensus bill will take care of major problems for a number of people, but the bill's impact on women in particular will be great.

The bill lowers the age of mandatory participation in pension plans to 21. Half of the existing pension plans require that an employee be older than 21 to participate. Earlier vesting will help women as well as men. About 978,000 full-time young workers whose jobs are covered by a pension plan would be affected by reducing the participation standard to age 21, 553,000 women and 425,000 men.

The bill's impact on women will be greater. Changes will increase the number of full-time workers participating in private pension plans by about 3.2 percent, including a 6.4-percent increase for women and a 2-percent increase for men.

Women also have higher labor force participation rates at earlier ages, so earlier vesting will have a greater impact on women.

Besides making it easier to vest, this legislation will make it easier for participants to leave their jobs—for limited periods of time—without losing credit for pension years already earned. The legislation will make it easier for participants to take maternity or paternity leave and receive limited credit toward their pensions and for women to receive survivor annuity benefits, among other changes beneficial to women.

Put simply, this legislation is designed to modify aspects of private pension plans that make it difficult for women in particular to qualify for retirement benefits. It is my hope that this bill receives swift passage in the House and the Senate.

Mr. HEINZ. Mr. President, once again, we have before us that milestone in the effort to provide economic equity for all our citizens, the Retirement Equity Act of 1984. As an original cosponsor of nearly identical legislation, H.R. 2769, I would like to commend the leadership of the chairman of the Senate Finance Committee, my good friend Senator DOLE, in shepherding this legislation down its long road to passage.

As chairman of the Special Committee on Aging, I am all too well aware of the income needs of our Nation's older citizens. As we all know, poverty among the elderly is predominantly the poverty of women. Fully three-fourths of the elderly poor are single women. In 1979, 35 percent of women were covered by a pension, compared to 55 percent of men. Those women who did receive a pension received benefits approximately half that of their male counterparts.

Our private pension system rewards a certain kind of worker, one whose employment is fulltime, long-term and uninterrupted. Because they are often the primary home and child caretakers, women's work patterns often put them at a decided disadvantage. Although women's labor force participation has doubled in the last quarter century, a third of the women aged 20 to 54 are not in the paid labor force. Those who do work often take time out to have children, or work part time in order to fulfill the dual roles of wife/mother and employee. It is unfortunately still true that women are compensated an average of 59 cents for every dollar earned by a man.

The situation is even more serious in the case of women who never enter the workforce and whose benefits are based on their status as dependents of wage earning spouses. Death, disability, and divorce diminish, and too often deprive these women of retirement income which their spouses have earned, and which they have earned by their contribution to the home and family.

H.R. 4280 contains important provisions both for women who work outside the home, and women who do not. The bill ensures that all employees earning an annuity benefit will be provided with mandatory joint and survivor coverage once the employee has 10

years of vested service. Currently joint and survivor coverage is mandatory only once the employee reaches the age of 65, though he may elect joint and survivor coverage at the firm's early retirement age.

Hearings in the Senate and the House have provided ample evidence of cases of women whose husbands died too soon—1 year, 3 months, even 4 hours—before they could have provided survivor coverage for them. But the problem has been even larger. The Employee Retirement Income Security Act contained no provisions regarding joint and survivor coverage for spouses of disabled employees. This summer I received a letter from a woman in Pennsylvania whose husband had retired on disability after 37 years of service. He died at 63, but was never offered the option of providing a survivor benefit to his wife, despite his long years of employment. This situation is an unjust one, and one that will no longer be permitted under the legislation before us today.

The Retirement Equity Act requires that no matter what the reason for separation from employment, be it untimely death, disability, or simply a change of employers, an employee who has 10 years service must be provided a joint and survivor annuity, unless the couple elects out of it. This bill further recognizes the significant contribution of spouses who choose to remain at home full time by requiring that joint and survivor coverage cannot be signed away without their consent.

In addition, the Retirement Equity Act all but does away with the anomalous 2-year nonaccidental death rule which formerly prohibited the assignment of survivor benefits by any employee who died within 2 years after electing such coverage. Unfortunately the rule still penalizes those hopefully few employees and their spouses who first opt out, then seek to retrieve survivor protection, but die before the passage of 2 years.

This legislation takes steps to correct the inequitable treatment of spouses who are divorced from their employed spouses. Today pensions are not universally considered community property. Courts often consider the pension as the sole property of the individual who earned it. Thus, in domestic relations courts, the pension, often the couple's largest asset, has been held inviolate.

H.R. 4280 makes it clear that ERISA language was never intended to preclude division of the pension as community property in domestic relations orders. It requires that a qualified order be honored by a pension fund. Further, a spouse need no longer be married to the employed spouse at the time of retirement in order to receive a benefit, and if the employed spouse should die before reaching retirement age, the divorced spouse is still entitled to a survivor benefit. Finally, the bill contains provisions to ensure that the divorced spouse is informed that this benefit can be rolled over into an IRA in order to defer tax liability.

In view of the changing work patterns of women in America, I believe that the provisions of this bill for working women are most significant. First, this bill lowers the minimum age for participation under ERISA from 25 to 21. Second, it lowers the minimum age for vesting from 25 to 18. Most importantly, this bill provides that breaks in service of up to 5 years will not deprive an employee with less than 5 years of service of credit for participation or vesting purposes. Additionally, the bill provides for a year of maternity/paternity leave regardless of the employee's participation and vesting status.

Mr. President, there has been little progress in recent years in increasing wages for women overall. As more and more women earn their own pension benefits through increased participation in the workforce, we in the Congress have a responsibility to ensure that today's inequities are not magnified in retirement.

There are no doubt provisions which some would wish were included in this legislation. On the whole however, this is a giant, long-awaited step forward in economic equity for women in retirement. It is not the first step, nor will it be the last. I urge my colleagues in the Senate to support this important measure.

Mr. D'AMATO. Mr. President, I am pleased that we are finally returning to the Pension Equity Act. The Senate passed this legislation on November 18, 1983. It has taken over 8 months for the House to act on the legislation and send it to conference. Unfortunately, it appears that partisan politics caused delays in enacting the vital reforms contained in this bill.

The Pension Equity Act begins the process of providing women economic equality to men. Currently, pension law grossly discriminates against both working and nonworking women. This is unfair and unjust.

The Pension Equity Act incorporates many important reforms including:

Lowering the minimum age to receive vasting privileges under a pension plan from 25 to 21. Many women begin working right out of high school. This provision will allow them to receive a pension upon retirement if they quit after the age of 21.

Requiring a written waiver by a spouse if the beneficiary of a pension is changed. Under current law, a working husband can change the beneficiary of his pension plan without telling his wife. The legislation before us corrects this gross inequity.

Allowing a court to award part of a working spouse's pension to a nonworking spouse as part of a divorce settlement. This would allow a divorcee to retain some economic security.

Mr. President, I am pleased that we are making progress toward offering women the economic equality they have earned and deserve. However, much more work still must be done. I hope before this session of Congress ends we also can take up S. 888, the Economic Opportunity Act. This legislation, if enacted, would go a long way toward establishing economic parity between men and women.

Mr. President, I urge all my colleagues to support the Pension Equity Act and to embrace the cause of economic equality.

Mr. DOLE. Mr. President, I think the Retirement Equity Act is a step in the right direction. We have worked it out on both sides of the aisle. There were a couple of committees involved. We believe that the bill that will be passed today will be accepted by the House, which will mean that it will not need to go to conference.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

The committee substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I thank the distinguished majority leader and the distinguished minority leader for helping us expedite passage of this measure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, there will now be 1 hour of debate on the motion to waive section 303 of the Budget Act of 1974 with respect to the agriculture appropriations bill, to be equally divided between and controlled by the chairman

and ranking minority member of the Budget Committee or their designees.

Mr. BAKER. Mr. President, the chairman of the Budget Committee is not presently on the floor. The ranking minority member is here. I am prepared, if he is, to suggest the absence of a quorum, with the time to be charged equally to both sides, until somebody arrives who might want to speak.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. Mr. President, I am prepared to speak now, or I can wait until the distinguished chairman of the Budget Committee arrives, if that is the wish of the majority leader.

Mr. BAKER. I urge the Senator from Florida to go ahead. I am sure the Senator from New Mexico will be here in a moment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, we will be voting on cloture sometime around 5 o'clock on a motion to waive the Budget Act. I think it is important that we review some of the historical events that have brought us to this point.

The Budget Act was passed in 1974 when Congress finally determined we needed some kind of restraint on spending, some kind of restraint on the passage of new programs whose cost had not been determined in advance. We needed some way of restraining ourselves so that we would not build formulas into programs that would end up haunting us down the road.

We saw a number of programs initiated for good cause. But when we looked at the cost estimates prepared before we voted on those programs they matched them against what the programs finally did cost, we began to appreciate the need for a Budget Act.

Some years ago, we provided kidney dialysis for people who needed such treatment. It was a humane aim, and when we first passed that program, it was estimated to cost about $230 million. Today, that program is costing $2.6 billion. So a good program was passed, when the sponsor was able to say it was not going to cost too much money and would help people. Yet, today, if you have kidney disease and dialysis will help you, the Federal Government picks up the whole tab. If you need a liver transplant, you are out of luck. If you need a lung operation or have emphysema, you do not get help from the Government.

It was that kind of uneven priority setting and passing not 1, but 15 or 16 appropriation bills while never adding up what they were going to cost at the end of the year, that made us decide we needed a budget act.

Under that act, we were supposed to determine at the beginning of the year, before we spent one dime, how much money the Federal Government would take in, what we needed to take care of the needs of Government, and where we would spend the money. For the first time, we began to consider the priorities of spending. Then, not the Budget Committee but both bodies, the House and the Senate, passed a First Concurrent Resolution, which set the framework for spending during the year.

The Budget Act clearly points out that appropriations bills will not be passed until we have that spending resolution. Yet, we find ourselves this year, on August 6, with no budget resolution. The bill is residing in a conference committee that was appointed months ago. There have been only four meetings, four times during the last 2 months, and only one of those meetings lasted as long as an hour. The other three were much shorter than that.

Mr. President, we have already passed a number of appropriations bills, and work was to begin this week, before the recess, on three or four additional appropriation bills.

Yet we have no binding guideline on spending. There is no binding number, so the House, theoretically, could spend what it wants on its favorite programs, and the Senate could spend what it wants on its favorite programs.

Now we are told that there is a rump agreement, between the majority party of this House, the Republicans, and the President, that they will not spend over a certain amount. Well, that may be a good faith agreement between them, but that is not an agreement in the law. The Budget Act is the law. What happens next year if we disregard the Budget Act?

The Senator from Florida is concerned that we may fail to follow the law and abandon the one discipline we have. That would be tragic. It would be tragic for the Senate, it would be tragic for the House of Representatives, it would be tragic for the country.

Mr. President, while the conference is holding the bill and while there are no meetings, the President is calling for a constitutional amendment to balance the budget. He says this is the way to get us out of this dilemma.

I find it a little ironic, Mr. President, knowing that it will take us years to pass a constitutional amendment, have the requisite number of States ratify it, another have it take effect. This country will long be bankrupt before that happens. Yet at the same time, we have the President balking, and an unwillingness to compromise in the conference committee so that we can have a budget report. What is the problem?

The main difference, Mr. President, simply is $13 billion, the difference between $299 billion and $287 billion in the item of defense. That is the principal difference. The House of Representatives has offered to split that difference, but the Republican-controlled Senate says, "We will take the high side of our defense number and you can take the low side of your defense number, and let that be the range."

Mr. President, if we do that on all the items in the conference, we have no conference at all. We have no meeting of the minds at all. We have no spending restraint at all, because it simply means either body can spend exactly as much as it wants to spend.

I am concerned that, if we go through this entire year without facing the music, we would be turning away from the process, and abandoning the Budget Act. I hope the Senate today in this vote will decide it does not wish to turn away from that process, it wishes to honor its obligations, it has respect for the law.

The spread between what the White House wants for military spending and what the House of Representatives has offered is now $7 billion out of nearly $300 billion. And that, Mr. President, is no spread at all. The difference between what the House of Representatives wants and what the chairman of the committee, Senator DOMENICI, said was a good number is only $2 billion.

Senator STEVENS has already said that he thinks we are going to end up not at the $299 billion or 7-percent growth figure, but closer to 5 percent or less.

Knowing that, Mr. President, it seems to me that it would be very wise if we voted down this motion for cloture today. I hope the majority leader of the Senate would instruct the chairman and myself, as the ranking minority member, to go to the budget conference, come up with a fair compromise with the House of Representatives, get us a binding first concurrent budget resolution. Then we would have the restraint the law calls for, and which many people across this Nation are calling for. It would give us the means to try and get our financial house in order.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, the time will run equally against both sides.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHILES. If the Senator from Florida as the minority member has 30 minutes and the other side has 30 minutes and I have used a portion of my time, I am hard pressed to understand why time is to run equally against the Senator from Florida when the other side has not used any time. So I certainly object to time of the quorum being divided equally.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I yield 5 minutes to the distinguished Senator from Washington, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I thank my friend, the distinguished Senator from Florida.

Mr. President, I appear today in a position which I do not believe I have found myself in almost 4 years as a Member of this body. I am here today to say that I think that the Senator from Florida is entirely correct in the feeling that it is inappropriate for this body not seriously to seek the passage of a budget resolution before rather than after it takes up major authorization and appropriations bills.

I say that in spite of the fact that my own sense of order indicates to me that we should pass as many appropriations bills as possible before the 1st of October, with the goal that there be no continuing resolution whatsoever or, at the minimum, that it include as few subject matters of appropriations as possible. Nevertheless, I think that that very sense of order which calls for the passage of individual appropriations bills also calls for the passage of those bills to be preceded by the passage of a final first budget resolution.

I find unappealing the proposition that we should simply conform a budget resolution to the passage of appropriations bills after they are in fact completed. I note my friend and colleague, the Senator from Alaska, is on the floor. I noted, when I was home over the weekend, a story in the Seattle Times quoting him as saying that the eventual appropriations for the Department of Defense would represent a compromise between the present positions of the House and the Senate and would represent approximately a 5-percent increase in the real appropriation for defense. I believe that my friend, the Senator from Alaska, was correct in that observation, but I believe very firmly that it is the duty of this body and of the House of Representatives to set the parameters for that debate on the defense budget in a budget resolution.

As a consequence, it seems to me, in order to get the attention of both the House and the Senate and of the administration for the proposition that the conference on the budget should meet, should negotiate seriously, should take its responsibilities to settle all unsettled questions with relation to the 1985 budget in mind and should come up with a resolution which is realistic, both with respect to domestic spending programs and with respect to the budget resolution, that in order to do that—in order to bring attention to the necessity for that occurrence—the Senator from Florida is, I regret to say, correct in holding up this budget waiver at this time. I announce my intention to vote against cloture in order that he may continue to bring the attention of this body to that most important and most vital of subjects before the Senate at the present time.

Just how long it is appropriate for such a discussion to continue I cannot say at the present time. But it is certainly appropriate that he should have brought it before us last Wednesday. It is appropriate and proper that he get an answer to his question to the leadership as to its intentions with respect to the budget resolution. And it is, I may say, proper and appropriate that he get an affirmative answer to those questions, an answer which indicates that it is the intention of the leadership seriously to pursue the budget resolution for the purposes for which it was originally designed; that is to say, to set an outline of both spending and of revenue programs for 1985 and for succeeding years.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. CHILES. I yield the distinguished Senator a few more minutes to engage in a colloquy.

I thank the Senator from Washington for his statement. I thank him for standing on the floor today and speaking against the cloture motion. He has certainly been a very valuable member of the Budget Committee, and has always shown that he feels the importance of that process is something that we should try to protect. I know the Senator understands. I have no desire to hold up any appropriation bills. I am on the Appropriations Committee. I blanche at the time the years went by without passing the appropriation bills on time. But the Budget Committee gave us the responsibility of trying to set the pattern for those appropriation bills. That is important. Maybe it would run this year with the agreement between the White House and the majority. It might run fine. But what that will do in future years is something that certainly frightens and concerns the Senator from Florida. I am delighted that it also concerns the Senator from Washington.

Mr. GORTON. The Senator from Florida has made a very good point which I missed in my opening position; that is, that the Senator from Florida is not attacking this specific agriculture appropriation bill. I believe I was presiding over the Senate when the Senator from Florida indicated his approval of the bill.

Mr. CHILES. That is correct.

Mr. GORTON. I approve of this bill. I think it is a responsible and appropriate appropriation for the Department of Agriculture. But it occurred to the Senator from Florida that it is even more appropriate as a method to discuss this important question, important both procedurally and substantively.

Mr. CHILES. I thank the Senator from Washington.

Mr. President, Parliamentary inquiry. How much time does the Senator from Florida have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. CHILES. I ask unanimous consent that the call for the quorum be charged against the majority side.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I ask unanimous consent that a letter from former Congressmen Bob Giaimo and John Rhodes on behalf of the Committe for a Responsible Federal Budget be inserted in the RECORD, before the vote. They state that "Congress should adopt a budget before it begins consideration of individual spending bills." That is the key point I have been trying to make during this debate. It is not partisan, as this joint letter indicates.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET,
Washington, DC, August 3, 1984.

Hon. PETE V. DOMENICI, *Chairman,*
Hon. LAWTON CHILES, *Ranking Member,*
Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR PETE AND LAWTON: Section 303 of the Budget Act is intended to ensure that spending and revenue legislation does not exceed the amounts contained in the budget resolution. Congress should adopt a budget before it begins consideration of individual spending bills.

If you waive § 303 of the Budget Act so the Senate can pass appropriations bills before you adopt a conference agreement on the budget resolution, you may well reduce

substantially the pressure to reach agreement on the resolution. In our judgment that would be a mistake.

We understand the difficulty you face. Conferences on budget resolutions are always contentious. But if the defense issue is intractable right now, perhaps you should resort to a "reserve clause" approach to solving that problem—much as you solved the problem of the countercyclical funds favored by the House last year. Budget conferees have faced many very difficult problems in the past, and the reserve clause is only one example of ways in which they have resolved those problems. And the problems this year must be solved. It is imperative that Congress adopt a budget.

If there is anything we can do that would be helpful toward that objective, please let us know.

Best regards,

ROBERT N. GIAIMO.

Mr. CHILES. Mr. President, how much time does the Senator from Florida have left?

The PRESIDING OFFICER. The Senator from Florida has 6 minutes remaining.

Mr. CHILES. I thank the Chair.

Mr. President, the time on this question has been equally divided, 1 hour of debate on both sides. The Senator from Florida has been speaking on the motion to waive. A distinguished member of the Budget Committee, the Senator from Washington, also came to the floor and spoke eloquently against the motion to waive. It seems to me our position is unassailable. In fact, no one has even showed up to try to argue the other side. It seems to me, Mr. President, it is pretty clear that if there is not even a meritorious argument that can be made as to why we should be invoking cloture, then the Senate should not do that at this time. I happen to agree with that proposition.

I can well understand why nobody decided to come to the floor from the other side. I was hoping to be able to engage someone in a discussion over the cloture issue. I was hoping to read some of the statements which were made when we passed this Budget Act, such as when the distinguished Senator from Texas [Mr. TOWER], the chairman of the Armed Services Committee, expressed his support for the conference report on the budget reform bill. He said that this legislation establishes some rational mechanisms for performing our constitutional duty with respect to the appropriating process. By enacting a definite time frame to consider overall spending limitations, the Congress will be achieving the first step on the road back to respectability.

Mr. MOYNIHAN. Will the distinguished Senator yield for a question?

Mr. CHILES. I shall be happy to yield to my good friend from New York, a member of the Budget Committee.

Mr. MOYNIHAN. Mr. President, I spoke to the matter the Senator is addressing for an hour on Thursday afternoon and did not see a single Member of—I must say I referred to it as the silent and absent majority. Has the Senator from Florida had any response to his efforts to discuss and debate this matter since it began?

Mr. CHILES. Mr. President, there have been some statements made by people who support the cloture motion. I say to my good friend from New York that a statement was made today by the Senator from Washington, who happens to be of the other party but he supports the proposition of the Senator from New York and the Senator from Florida; so I do not think this is a partisan proposition. What we are talking about now is between those people who feel that the Budget Act has merit, that it should survive and should not be allowed to be destroyed, and those people who think expediency would be a better policy and that we do not have to follow the Budget Act.

I thank the Senator from New York.

The point I was trying to make when I started this educational debate is that there are 64 Senators who were not here when we passed the Budget Act. I can understand that those 64 Senators might not appreciate some of the problems we had up until 1974, when we passed that Budget Act. I felt it was necessary that we try to explain that to them.

I happen to know that some Senators are concerned because this is the agriculture bill. I repeat, I support this bill. I am not trying to hold up this bill. I think it is a good bill. I think people have worked hard on it.

But I am saying I know it will be difficult to explain back home to my farmers why I voted against cloture the first time on the agriculture appropriations bill. That is why we do not get anything done around here, because everybody has to worry about how they explain something 1 day at a time. I am just calling on the Members of this body to really search their consciences and determine, this being the only law that we have to restrain spending, this being the only act that is on the books, that we should not throw it into the waste can. Should we discard it. Or should we simply say to those powers that are in control, just tell us to go to that Budget Committee and complete the work; just tell us to go to that conference committee.

Mr. MOYNIHAN. Mr. President, will the Senator yield for one more question?

Mr. CHILES. I should be happy to yield.

Mr. MOYNIHAN. He said Members should vote their consciences. But are we not voting here to abide by the law?

Mr. CHILES. I hope most Members' consciences would equate with the law.

Mr. MOYNIHAN. Extend to abiding by the law. We make the laws; surely, we ought abide by them.

Mr. CHILES. Mr. President, I think the Senator from New York is right. I think this is a very important point because if, for expediency, we waive the Budget Act on all of these appropriations bills now, we are making a mistake. Now we are doing it because parties cannot agree on roughly a $7 billion figure. The House has offered $292 billion; the Senate majority is sticking at $299 billion. That is the whole thing we are waiting on.

The distinguished chairman from New Mexico said $294 billion would be a fair figure, 5 percent. So that would even make the dispute over $2 billion. That is the range.

For that range, we are going to risk destroying this process. The next President who comes along may not have a hangup on defense; it may be some major domestic spending program. We could be setting a precedent in which people might say well, after all, they did not agree back there in 1984, they did not have a budget resolution and they went along without one; why do we need one now?

It seems to me I have heard this President say time after time, "I want a constitutional amendment so we can balance the budget." How long is it going to take us to get that consitutional amendment ratified through the States? Yet here we have the proposition that will allow us to at least see that we do not enact new programs, to at least see that we come up with some resolution as to what spending should be, that we at least place some control on what overall spending is going to be. That is the opportunity in this vote.

I hope that cloture will not be voted. I hope that the majority leader would then say to the distinguished chairman of the Budget Committee and to me, "Go to that conference committee and stay there until you work out a fair figure, and then bring it back."

(Mr. BAKER addressed the Chair.)

Mr. CHILES. Mr. President, I think if we had that, we would have a budget resolution. We would have a pattern into which we could fit these bills, and I think we would be much further long in the process than we are now.

Has the Senator's time expired?

The PRESIDING OFFICER (Mr. DENTON). All time has expired. The time of 5 o'clock having arrived, the Chair recognizes the majority leader.

Mr. BAKER. Mr. President, the time has expired. We ought to vote.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, under

the previous order the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes, as reported.

Senators Howard Baker, Ted Stevens, John Heinz, Chic Hecht, Strom Thurmond, Charles Mac Mathias, Mark Hatfield, Mack Mattingly, Bob Kasten, James Abdnor, Alfonse D'Amato, Pete Domenici, Jesse Helms, Paul Laxalt, Bob Dole, Thad Cochran, and Arlen Specter.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, shall be brought to a close. The yeas and nays are required and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DECONCINI. Mr. President, on this vote I have a pair with the Senator from New Jersey [Mr. BRADLEY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BURDICK. Mr. President, on this vote I have a pair with the Senator from California [Mr. CRANSTON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Florida [Mrs. HAWKINS], the Senator from Idaho [Mr. MCCLURE], and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Vermont [Mr. LEAHY], and the Senator from Massachusetts [Mr. TSONGAS] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BAUCUS] would vote "nay."

On this vote, the Senator from Oklahoma [Mr. BOREN] is paired with the Senator from Massachusetts [Mr. TSONGAS].

If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from Massachusetts would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The yeas and nays resulted—yeas 54, nays 31, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—54

Abdnor	Hatfield	Pryor
Andrews	Hecht	Quayle
Armstrong	Heflin	Randolph
Baker	Heinz	Roth
Boschwitz	Helms	Rudman
Chafee	Huddleston	Simpson
Cochran	Jepsen	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stevens
Denton	Laxalt	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Tower
East	Mattingly	Trible
Exon	Murkowski	Wallop
Ford	Nickles	Warner
Garn	Packwood	Weicker
Goldwater	Pell	Wilson
Hatch	Pressler	Zorinsky

NAYS—31

Biden	Hart	Metzenbaum
Bingaman	Hollings	Mitchell
Bumpers	Humphrey	Moynihan
Byrd	Inouye	Nunn
Chiles	Johnston	Proxmire
Dixon	Kennedy	Riegle
Dodd	Lautenberg	Sarbanes
Eagleton	Levin	Sasser
Evans	Long	Stennis
Glenn	Matsunaga	
Gorton	Melcher	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

DeConcini, for.
Burdick, for.

NOT VOTING—13

Baucus	Cranston	McClure
Bentsen	Durenberger	Percy
Boren	Grassley	Tsongas
Bradley	Hawkins	
Cohen	Leahy	

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 31. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is not agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I understand the majority leader wanted to make a statement before everybody left and I think Senators would want to hear that.

Mr. BAKER. I thank the Senator. If the Senator will yield for a moment.

The PRESIDING OFFICER. The Senate is not in order. The Chair recognizes the majority leader.

Mr. BAKER. I thank the Chair.

Mr. President, we did not get cloture by six votes, I guess. We had a number of absentees on both sides. I remain hopeful that, at some point, we can get cloture. In any event, there will not be any more rollcall votes today.

May I say that I am now having conversations with the minority leader on whether or not we can get the supplemental appropriations bill tomorrow. Senators should know that there will be another cloture attempt on this motion. I have a motion prepared. I am not prepared to file it yet. I want to see how we arrange the sequence and schedule for the balance of this week. I will have a further announcement to make a little later about whether we will be on this motion or whether we will be on the supplemental appropriations bill in the morning.

But, in any event, there will not be any more rollcall votes today.

Mr. FORD. Will the distinguished majority leader yield for a question?

Mr. BAKER. I do not have the floor, but I will be happy to yield if the Senator from Florida would permit.

Mr. CHILES. I am happy to yield to the Senator from Kentucky.

Mr. FORD. Mr. President, tomorrow is the funeral of the late Congressman CARL PERKINS, the distinguished chairman of the House Education and Labor Committee. Several of our colleagues in the Senate will be attending that funeral. I would be grateful to the majority leader if he could delay some votes so that those of us who attend that funeral will not miss the votes, because I think it is almost mandatory that I be there.

Mr. BAKER. Mr. President, I thank the Senator. I will not prolong this but to say that I am among those, including the Senator who just spoke, in my profound admiration for our colleague in the House, Chairman PERKINS. He has been a friend for many years. He was a friend of my father's. The Congress suffered a great loss when he died. I fully understand the requirements of the Senator from Kentucky and I assure him every effort will be made to see that he is not discommoded by attending the funeral.

Mr. FORD. I thank the majority leader and I thank the distinguished Senator from Florida.

Mr. CHILES. Mr. President, the Senate has defeated the vote for cloture. Once again I ask for a compromise. We had a 49-49 tie vote here in an attempt to determine a reasonable defense number. We now have a vote against cloture. I think it would be very easy to put this behind us if we would simply have the conferees on the Budget Committee instructed to go to the House and sit down there

and stay until they work out a conference.

The Finance Committee worked long and hard overnight, more than one night, for hour after hour. The budget conferees have had just four meetings in over 2 months. Three of those meetings lasted well under an hour; only one lasted shortly over an hour. We are hung up on one particular number. The difference right now is $7 billion out of $300 billion. That is what we are arguing about. So, for that number, we are jeopardizing the whole budget process. We have not passed any kind of budget ceiling.

Mr. President, to underscore the issue the CBO came out with its updated report today. It shows that the economy is growing faster than we thought. But that report scares me to death because it shows we are going from deficits of $172 billion in 1984 to $263 billion in 1989.

Those numbers take into account the downpayment. So we are not talking about before the downpayment. We are talking about after the downpayment. In fact, it shows that the interest rates will double from $110 billion to $220 billion by 1989. In fact, the additional interest we will pay between now and 1989 takes all the money out of the downpayment. All of that is eaten up with interest.

Mr. President, I know you have seen these little machines where Pac Man eats up everything. Interest is eating everything in this country today. It is eating the program for education. It is eating the program for defense. When interest gets to be $210 billion it is almost as big as defense. It is already bigger than all the health care programs we have today.

The CBO figures, it is interesting to note, provide the full employment figure. That means 6 percent. We call that full employment when we get to 6-percent unemployment. And when you look at their numbers for full employment, you are beginning to pinpoint the structural deficit. It assumes you have got yourself to full employment, but even then you would still have a $112 billion deficit in 1984, and in 1989 you would have $246 billion—a quarter of a trillion dollars.

See if you can get your mind around that. I do not think you can. CBO also says the national debt will double over the next 5 years. It will go from $1½ trillion to $3 trillion in 5 years. What those figures show is that even with "full employment" you cannot grow your way out of trouble. So like the proprietor in the store pays, you cannot make it up with the volume. The faster you go, the more you are going in the hole.

The only way you are going to make it up is do something serious in an attempt to cut spending, and do something serious on the revenue side. Goodness knows, this is not the time to abandon the only toll we have—the Budget Act. It is the only tool we have to help us get pointed in the proper direction.

I thank the Senators for their vote today. I hope we can continue, if necessary, to educate the Members of the Senate—those 64 Members—that were not here when the Budget Act passed. As I say, all of this could be alleviated very, very quickly. It could be alleviated if we were to be instructed to go to conference and to stay there until we reach agreement. As the Senator from Louisiana said in the Finance Committee, people went into that Finance Committee meeting and, said, "I will never vote for new revenue." After 12 hours they said, "I do not want to vote for new revenue." After 24 hours they said, "I had to vote for new revenue to get out of here."

That could be done on this. We could go in there saying I will never vote for lower defense, or the House saying I will never vote for a higher defense. But if you put us in that room and tell us to stay until we do it, we would do it, and we abide the Budget Act. This country would be better for it.

CLOTURE MOTION

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I send a cloture motion to the desk, and ask it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes, as reported.

Senators Howard Baker, Ted Stevens, Alphonse D'Amato, Mark Andrews, Mack Mattingly, Frank H. Murkowski, Charles Mac Mathias, Strom Thurmond, Thad Cochran, Bob Dole, Mark Hatfield, Bob Kasten, Paul Trible, Bob Packwood, Rudy Boschwitz, and John H. Chafee.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, if I could have the attention of the minority leader, who is on the floor for just a moment, I think we have completed all that we can profitably do on this measure tonight, and I am prepared to put us into a period for the transaction of routine morning business.

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until not later than 6:15 p.m. in which Senators may speak for not more than 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 4:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1224. An act to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 905. An act to establish the National Archives and Records Administration as an independent agency.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention, and Treatment and Adoption Reform Act of 1978; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PERKINS, Mr. GAYDOS, Mr. BIAGGI, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. ECKART, Mr. ERLENBORN, Mr. GOODLING, Mr. COLEMAN of Missouri, Mr. BARTLETT, and Mr. MCCAIN as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5151. An act to alleviate hunger in the United States by strengthening Federal nutrition programs;

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 5851. An Act to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the National Wild and Scenic Rivers System;

H.R. 5973. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; and

H.J. Res. 453. Joint resolution designating the week of September 30, through October 6, 1984, as "National High-Tech Week".

The message further announced that the House has agreed to the following resolution:

H. Res. 566. A resolution relative to the death of the Honorable Carl D. Perkins, a Representative from the State of Kentucky.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 268. An act to authorize the Secretary of the Interior to construct, operate, and maintain certain facilities at Hoover Dam, and for other purposes;

H.R. 4952. An act to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses; and

S.J. Res. 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5851. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Cache la Poudre River in Colorado for potential addition to the Nation Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 5973. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

MEASURE PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5399. An act to authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES HELD AT THE DESK

Pursuant to the order of the Senate of August 1, 1984, the following joint resolution was held at the desk by unanimous consent:

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National HighTech Week".

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5151. An act to alleviate hunger in the United States by strengthening Federal nutrition programs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance:

Report to accompany the bill (H.R. 4280) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses and dependents by taking who work both in and outside the home, and for other purposes (Rept. No. 98-575).

By Mr. DANFORTH, from the Committee on Governmental Affairs, with amendments:

S. 2433. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes (Rept. No. 98-576).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2160. A bill to establish a National Fisheries Marketing Council to enable the U.S. fish industry to establish a coordinated program of research, education, and promotion to expand markets for fisheries products, and for other purposes (Rept. No. 98-577).

By Mr. HATFIELD (for Mr. MCCLURE), from the Committee on Appropriations, with amendments:

H.R. 5973. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-578).

By Mr. BAKER (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, with an amendment:

S. 2846. An original bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974 (Rept. No. 98-579).

By Mr. BAKER (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, with amendments:

H.R. 9. A bill to designate components of the National Wilderness Preservation System in the State of Florida (Rept. No. 98-580).

By Mr. BAKER (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2155. A bill to designate certain national forest system lands in the State of Utah for inclusion in the National Wilderness Preservation System to release other forest lands for multiple use management, and for other purposes (Rept. No. 98-581).

By Mr. DANFORTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 426. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2433.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 427. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2160.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 3, 1984, the following reports of committees were submitted on August 3, 1984, during the adjournment of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation and without amendment:

S. Res. 420. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1668 (Rept. No. 98-571).

S. Res. 421. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 806 (Rept. No. 98-572).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. 648. A bill to facilitate the exchange of certain lands in South Carolina (Rept. No. 98-573).

S. 2732. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System (Rept. No. 98-574).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 422. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3787.

S. Res. 423. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4596.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate on August 3, 1984, the following executive reports of committees were submitted on August 3, 1984, during the adjournment of the Senate:

By Mr. PERCY, from the Committee on Foreign Relations:

Jorge L. Mas, of Florida, to be a member of the Advisory Board for Radio Broadcasting to Cuba for a term of 2 years (Exec. Rept. No. 98-41).

Howard Bruner Schaffer, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of Bangladesh (Exec. Rept. No. 98-42):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Howard B. Schaffer.

Post: Dhaka, Bangladesh.

Contributions, amount, date, and donee:

1. Self: Howard B. Schaffer, none.

2. Spouse: Teresita C. Schaffer, none.

3. Children and spouses names: Michael C. Schaffer, none, Christopher S. Schaffer, none.

4. Parents names: I. M. Schaffer, none, Minnie R. Schaffer, none.

5. Grandparents names: None.

6. Brothers and spouses names: None.
7. Sisters and spouses names: Doris S. O'Brien, none, Everett J. O'Brien, none.

Paul Fisher Gardner, of Texas, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to Papau New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Solomon Island (Exec. Rept. No. 98-43):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Paul F. Gardner.

Post: Ambassador to Papua New Guinea and Solomon Island.

Contributions, amount, date, donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: Amada Jane Gardner, none.
4. Parents names: Maurine Gardner, none.
5. Grandparents names: Deceased, none.
6. Brothers and spouses names: Pat H. Gardner: $100, February 25, 1980, Republican National Committee [RNC]; $200, April 24, 1980, Texans for Judge Will Garwood; $150, May 9, 1980, RNC; $100, August 1, 1980, Loeffler Campaign 80 Committee; $100, August 1, 1980, RNC; $200, December 17, 1980, RNC 1981 Campaign Membership Fund; $500, December 3, 1981, Loeffler Campaign 82; $200, December 22, 1981, RNC/1982 Campaign Membership Fund; $50, April 2, 1982, Lloyd Bentsen Election Committee; $250, April 2, 1982, RNC; 50, March 4, 1983, Bob Kirkpatrick Campaign; $250, August 17, 1983, Judge Franklin S. Spears Campaign; $500, October 17, 1983, Krueger of Texas Primary Campaign; $100, January 23, 1984, RNC; $50, February 13, 1984, GOP Victory Fund; $50, March 16, 1984, William J. Thornton, Trustee; $200, March 27, 1984, Kruger of Texas Primary Campaign. Carole B. Gardner, none.
7. Sisters and spouses names: None.

Robert J. Ryan Jr., of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Mali (Exec. Rept. No. 98-44):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert J. Ryan, Jr.

Post: Ambassador to Mali.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Clare P. Ryan, none.
3. Children and spouses names: Sean Ryan, none, Susan Ryan, none.
4. Parents names: Robert J. Ryan: $50, January 23, 1980, Democratic National Campaign Committee; $100, March 4, 1980, George Bush for President Campaign; $50, July 13, 1980, George Bush for President Campaign; $50, October 20, 1980, Democratic Party; $20, October 20, 1980, Tom Brown State Representative Campaign; $25, October 21, 1980, Bronson School Board Campaign; $25, March 27, 1982, Democratic Congressional Campaign Committee; $25, March 27, 1982, Republican National Committee; $15, August 1, 1982, Republican National Committee; $10, August 1, 1982, Democratic Congressional Campaign; $15, September 12, 1982, Republican National Committee; $25, August 11, 1982, Massicler for County Council; $25, September 20, 1982, Massicler for County Council; $25, December 27, 1982, Republican National Committee; $25, April 4, 1983, Republican National Committee; $25, April 4, 1983, $25, April 4, 1983, Democratic Congressional Committee; $20, September 26, 1983, Democratic National Committee; $20, September 26, 1983, John Glenn Presidential Campaign; $20, October 26, 1983, John Glenn Presidential Campaign; $15, November 25, 1983, Democratic National Committee; $20, January 24, 1984, Fund for Democratic Majority; $15, January 28, 1984, Democratic Congressional Committee; $25, January 28, 1984, Republican National Committee. Mary O. Ryan, none.
5. Grandparents names: deceased.
6. Brothers and spouses names: Thomas W. Ryan, none, Vicki Ryan, none.
7. Sisters and spouses names: none.

Paul H. Boeker, of Ohio, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Hashemite Kingdom of Jordan (Exec. Rept. No. 98-45):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Paul H. Boeker.

Post: Ambassador to Jordan.

Contributions, amount, date, and donee:

1. Self: Paul H. Boeker: None.
2. Spouse: Margaret C. Boeker, $35, February 21, 1984, Charles Pency.
3. Children and spouses names: Michelle, Kent and Katherine Boeker, none.
4. Parents names: Victor W. Boeker, none.
5. Grandparents names: None.
6. Brothers and spouses names: Mr. and Mrs. Ralph W. Boeker, $100 annually, Republican National Committee, Mr. and Mrs. Bruce E. Boeker, none.
7. Sisters and spouses names: None.

Richard Wood Boehm, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Cyprus (Exec. Rept. No. 98-46):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard W. Boehm.

Post: Ambassador to Cyprus.

Contributions, amount, date, and donee:

1. Self: None
2. Spouse: Deceased, none.
3. Children and spouses names: Son, Stephen Boehm and his spouse, Rosalba, none, daughters, Karen Boehm Fisher and her spouse, James Fisher, none.
4. Parents names: Mother Kathryn Boehm, none, Father (deceased), none.
5. Grandparents names: All deceased, none.
6. Brothers and spouses names: No brothers.
7. Sisters and spouses names: Sister Marion Wolf and her spouse, Robert Wolf, None, sister Betty Shave and her spouse, William Shave: Not available.

Maynard W. Glitman, of Vermont, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations (Exec. Rept. No. 98-47):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Maynard W. Glitman.

Post: Ambassador, Head of U.S. Delegation to Mutual and Balanced Force Reduction Negotiations.

Nominated: April 27, 1984.

Contributions, amount, date, and donee:

1. Self: Maynard W. Glitman, none.
2. Spouse: G. Christine Glitman, none.
3. Children and spouses names: Russell, Erik, Karen, Matthew, Rebecca, none.
4. Parents names: Ben Glitman, none.
5. Grandparents names: Mrs. Max Kutok, none.
6. Brothers and spouses names: Joseph S. Glitman, none, Geraldine Glitman, none.
7. Sisters and spouses names: Paula Glitman, none.

Alan Wood Lukens, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of the Congo (Exec. Rept. No. 98-48):

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Alan W. Lukens.

Post: Brazzaville.

Contributions, amount, date, and donee:

1. Self: Alan W. Lukens, none.
2. Spouse: Susan Lukens, none.
3. Children and spouses names: Lewis, Susan, Frances and Timothy, none, no spouses.
4. Parents names: Deceased, 1948 & 1961.
5. Grandparents names: Deceased.
6. Brothers and spouses names: No brothers.

Sisters and spouses names: Mrs. James G. Hays (widow), $50, 1983, Senator Tsongas Massachusetts, $25, 1983, Democratic National Committee, Mr. & Mrs. Stuart Saunders, $25, 1982, Governor Dukakis Massachusetts, $25, 1982, Democratic Senate Committee.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Governmental Affairs:

Bruce D. Beaudin of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia (Exec. Rept. 98-49).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2906. A bill to amend the Export-Import Bank Act of 1945 to halt the recent, rapid erosion of the Bank's capital base and thus to ensure that the Bank remains a credible institution for combating the subsidized financing of exports by foreign governments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN:

S. 2907. A bill to suspend for a 3-year period the duty on certain metal umbrella frames; to the Committee on Finance.

By Mr. PRYOR:

S. 2908. A bill to correct a flaw in the UBTI provisions of the Internal Revenue Code; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. PELL, Mr. BRADLEY, and Mr. METZENBAUM):

S. 2909. A bill to increase the availability of educational television programming for children; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. COCHRAN, Mr. DENTON, Mr. TRIBLE, Mr. DANFORTH, Mr. MATHIAS, Mr. ROTH, Mr. PRYOR, Mr. BENTSEN, Mr. SASSER, Mr. D'AMATO, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, Mr. LONG, Mr. NUNN, Mr. GLENN, Mr. MATTINGLY, Mr. HEFLIN, Mr. JOHNSTON, Mr. BIDEN, Mr. EAST, Mr. HUDDLESTON, Mr. LAXALT, Mr. HART, Mr. HEINZ, Mr. BAKER, Mr. DOLE, Mr. PRESSLER, Mr. RIEGLE, Mr. WILSON, Mr. SPECTER, and Mr. NICKLES):

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DANFORTH:

S. Res. 426. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2433; from the Committee on Governmental Affairs; to the Committee on the Budget.

By Mr. PACKWOOD:

S. Res. 427. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2160; from the Committee on Commerce, Science, and Transportation; to the Committee on the Budget.

By Mr. BAKER (for Mr. HUDDLESTON (for himself and Mr. FORD)):

S. Res. 428. Resolution relative to the death of Representative CARL PERKINS, of Kentucky; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. Con. Res. 132. Concurrent resolution congratulating Joan Benoit of Freeport, Maine for winning a gold medal in the XXIII Olympiad; placed on the calendar by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2906. A bill to amend the Export-Import Bank Act of 1945 to halt the recent, rapid erosion of the Bank's capital base and thus to ensure that the Bank remains a credible institution for combating the subsidized financing of exports by foreign governments; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. PROXMIRE and the text of this legislation appear earlier in today's RECORD.)

By Mr. GLENN:

S. 2907. A bill to suspend for a 3-year period the duty on certain metal umbrella frames; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN METAL UMBRELLA FRAMES

● Mr. GLENN. Mr. President: I rise today to join my colleague from the House, Representative MARCY KAPTUR, by introducing a bill to suspend for a 3-year period the duty on imported rain umbrella frames. The current 15-percent duty hurts rather than helps domestic manufacturers because handheld umbrella frames are no longer produced in this country. In fact, with 95 percent of all umbrellas sold in the United States being manufactured overseas, this duty only adds further injury to what remains of an already hard-pressed domestic industry.

What does remain, Mr. President, are eight American rain-umbrella manfacturers who rely almost entirely upon frames from Taiwan. In 1983, Taiwan lost its GSP status because it accounted for more than 50 percent of the imports of umbrella frames and its trade exceeded $1.3 million. As a result, a 15-percent duty was imposed on frames imported from Taiwan. Although well-intended, this action will have unfortunate consequences for American companies.

If the duty on frames is not suspended, manufacturers will be forced to raise their prices which may well force them out of the business—and this country can ill afford to take that kind of risk. Mr. President, our domestic umbrella manufacturers clearly need our help and this help must come soon.

By suspending the duty on handheld rain umbrella frames for 3 years, many American jobs will be saved and the industry will be given a fighting chance to survive. Mr. President, this is a simple bill that will offer needed help to a struggling industry. I ask for its prompt consideration and urge my colleagues to join me in supporting this commonsense measure.●

By Mr. PRYOR:

S. 2908. A bill to correct a flaw in the UBTI provisions of the Internal Revenue Code; to the Committee on Finance.

CORRECTIONS TO UBTI PROVISIONS OF THE INTERNAL REVENUE CODE

Mr. PRYOR. Mr. President, today I am introducing a bill to correct a flaw in the unrelated business taxable income provisions of the Internal Revenue Code—also known as UBTI provisions—and thereby increase the ability of nonprofit organizations to raise badly needed money for their charitable work. I know many Members of the Senate are familiar with the issues addressed by my legislation, since we approved similar legislation on April 12 of this year during consideration of the Deficit Reduction Act. Along with some other meritorious provisions, however, the proposal we adopted was dropped in conference.

Mr. President, many charitable organizations raise money through contributions received through the mail. In order to continue fund-raising activities, these organizations must maintain up-to-date mailing lists. Otherwise, attrition would soon deplete contributions and thereby force an organization to curtail its programs. Therefore, organizations frequently exchange lists with other nonprofit organizations. Some national organizations, like the Disabled American Veterans, which has a larger list than most, also rent their mailing lists to others, thereby making it possible to maintain the donor group and continue to raise the funds required for charitable activities. Clearly, Mr. President, such rental or exchange of a mailing list is directly related to the charitable work of a nonprofit organization, and as such, should not be subject to the tax imposed on unrelated business taxable income.

The unrelated business taxable income provisions are in the Tax Code for a good reason, Mr. President. They are designed to tax an exempt organization like any other business entity if the exempt organization engages in an activity outside the scope of its charitable activities. I generally support these provisions because they act to prevent an exempt organization from gaining a competitive advantage over a private business when the two are engaged in head-to-head competition. However, the rental or exchange of a mailing list with another charity, Mr. President, seems to me to be clearly within the scope of an exempt organization's activities, and therefore, should not be subject to the unrelated business taxable income provisions. Unfortunately, the Internal Revenue Service and the Treasury Department have decided otherwise.

The bill I'm introducing today will provide exemptions from UBTI for two narrowly defined types of transactions. First, a congressionally chartered organization such as the DAV will not be subject to the tax on UBTI when it rents or exchanges its mailing list with another nonprofit organization contributions to which are deductible under section 170 of the Internal Revenue Code. Second, other exempt organizations contributions to

which are deductible under section 170 would not realize UBTI when they exchange mailing lists with similar organizations. Transactions not covered under one of these two exceptions would continue to be subject to the unrelated business taxable income provisions.

Mr. President, it seems to me that this is the least we can do to help charitable organizations, which, as we all know, provide valuable services to many, many people. We all support charities, and give speeches about the good work they do, and now we have an opportunity to help charities raise additional money to carry out their activities. I hope we can have a hearing on this measure this year, and that the Select Revenue Measures Subcommittee in the House will also consider this legislation promptly. The revenue loss resulting from this proposed change would be very small—less than $5 million annually—while at the same time the benefit to many charitable organizations around the country would be very great.

Mr. President, I urge my colleagues to support this effort, and I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) That Section 513 of the Internal Revenue Code of 1954 (relating to unrelated trade or business) is amended by adding at the end thereof the following new subsection:

"(h) EXCHANGES AND RENTALS OF NAMES FROM DONOR LISTS OR MEMBERSHIP LISTS.—

"(1) GENERAL RULE.—For purposes of this section the term "trade or business" does not include the following activities:

"(A) In the case of an organization that is a private corporation established under federal law, any rental or exchange of a donor or membership list to the organization described in Section 501, contribution to which are deductible under Section 170; or

"(B) In the case of any other organization described in Section 501, contributions to which are deductible under Section 170, any exchange of a donor or membership list with a similar organization.

"(2) DEFINITION.—For purposes of this subsection, the term 'private corporation established under federal law' means an organization which is subject to sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103)."

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of enactment of this Act.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. PELL, Mr. BRADLEY, and Mr. METZENBAUM):

S. 2909. A bill to increase the availability of educational television programming for children; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S TELEVISION EDUCATION ACT

● Mr. LAUTENBERG. Mr. President, today I introduce the Children's Television Education Act of 1984 to move our Nation's television broadcasters to better serve the educational and informational needs of the children in their viewing audiences. I am joined by my colleagues, Senators INOUYE, PELL, BRADLEY, and METZENBAUM. The bill is quite simple. It would require a mere hour a day of programming designed to enhance the education of children.

While an hour a day may seem quite modest, the fact is that commercial broadcasters fall far short of that. Indeed, the reason this legislation is necessary is that broadcasters have failed to adequately serve the needs of children, and a majority on the Federal Communications Commission has abdicated its responsibility to do anything to remedy the situation.

Mr. President, we live in an information age. Electronic media play an increasing role in the lives of our children, their acculturation, and the formation of their views and values. Despite the advent of new technologies—in cable television, and video cassette players—broadcast television is still the most pervasive of the mass media. By the time an average student graduates from high school in our Nation, he or she will have spent more time watching television than in the classroom.

Study upon study has shown that television has the potential for enhancing the education of our children. I am not talking about dry, dull programming that a child will avoid. "Sesame Street"—produced on noncommercial television—is an entertaining, attractive program that children like to watch, and which educates them as well. A commercial program like "Roots" was entertaining, but it was edifying, and taught those who saw it something about the history of blacks in America. Other nations have recognized the educational potential of television. England, Sweden, Australia, and Japan, for example, mandate more than 10 hours a week of educational programming for children.

In the United States, broadcasters who utilize scarce electronic spectrum, under licensure by the Government, have an obligation to use that spectrum to serve the public interest. There should be little question that meeting the needs of children is part of a broadcaster's statutory obligation to serve the public.

Mr. President, that obligation has not been met. Prodded by advocates for children's television, the Federal Communications Commission conducted a major study, concluding in a declaration in 1974 that broadcasters had a "special and important obligation" to serve children, and that broadcasters should make a meaningful effort to increase children's programming. Yet, the amount of children's programming has dropped, from an average of 10.5 hours a week in 1974, to 4.4 hours a week in 1983, according to the FCC and a study by the House Telecommunications, Consumer Protection and Finance Subcommittee. There is no regularly scheduled weekday programming for children.

In response to this disturbing trend, Mr. President, the FCC this year concluded its 14-year proceeding on children's television by taking no action. It took no action despite a record that strongly suggested that children's programs were in short supply. As Commissioner Henry Rivera stated, in dissent, "At a time when the educational training and fitness of children are subject to increasing criticism, the committee's indifference is unfortunate, if not outrageous."

It is this failure of leadership, Mr. President, which the Congress must remedy. The legislation I introduce today is virtually identical to H.R. 4097, sponsored by the Representative from Colorado [Mr. WIRTH] and cosponsored by more than 70 of his colleagues.

Some may argue that requiring an hour a day of children's programming will not necessarily produce quality programming. I am not persuaded by this argument. Once broadcasters are required to attend to the children in their audience, market forces will drive them to attract as many young viewers as they can, and they will do that by airing attractive educational programming. Moreover, this bill would create an incentive for broadcasters to improve their performance respecting children's needs to assure renewal of their licenses. Unfortunately, the FCC has let broadcasters know that children's television does not matter very much.

Mr. President, I recognize that the approach offered in this bill is not the only way to ensure adequate educational programming for children. I am open to other alternatives that will satisfy the same goals. But, doing nothing is no answer. It is time for the Congress to address the public interest served by providing quality, educational programming for our Nation's children.

During this session of the Congress, the Senate has supported significant deregulation of broadcasters. Indeed, I joined in voting in the Senate Commerce Committee for S. 55, broadcast deregulation legislation. While I confessed at the time to some reservations, I still believe that broadcasters should be relieved of unnecessary, or unduly burdensome regulation. However, under no circumstances should they be relieved of their obligation to serve the public interest. In the case of children, this is what has happened. The tide must be turned.

I urge my colleagues to join in supporting this legislation. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Children's Television Education Act of 1984".

FINDINGS

SEC. 2. The Congress finds that—

(1) a series of expert commissions have documented serious shortcomings in our Nation's educational system, which will profoundly affect both the opportunities available to our Nation's children, and the ability of the United States to compete effectively in an international economy;

(2) by the time the average student graduates from high school, that child has spent more time watching television than in the classroom;

(3) the potential of television programing for making a major positive impact in improving the education of children has generally been overlooked;

(4) the educational potential of television is apparent because—

(A) children can learn a wide variety of information, skills, values, and behavior from television;

(B) it can be instrumental in giving children greater reading and mathematical proficiency; and

(C) it can simultaneously educate and entertain children, motivating them to learn about the world around them;

(5) commercial television does not currently provide any weekly or daily scheduled educational programing designed for children;

(6) the Federal Communications Commission in concluding its proceeding on children's television, has declined to take effective steps to increase educational programming designed for children on commercial television;

(7) despite diminishing Federal financial support, public broadcasting continues to provide the only significant educational programming for children broadcast on television;

(8) despite the advent of new electronic technologies, including cable television and video cassette players, broadcast television remains the most effective and pervasive mass medium; and

(9) it is in the public interest to significantly increase educational television programing designed for children.

SEC. 3. Part I of title III of the Communications Act of 1934 is amended by redesignating the last section as section 333 and by inserting before such section the following:

"CHILDREN'S TELEVISION PROGRAMMING

"SEC. 332. (a) It is the purpose of this section—

"(1) to further use the potential of television for the positive educational benefit of our Nation's children;

"(2) to encourage the development of educational programing for children; and

(3) to increase the amount of educational programing broadcast which is specifically designed for children.

"(b) Every television broadcast station shall broadcast each Monday through Friday a minimum of one hour per day of programing specifically designed to enhance the education of children.

"(c)(a) The commission shall prescribe such regulations as are necessary to carry out the purpose of this section.

"(2) Such regulations shall be initially prescribed not later than one hundred and eighty days after the date of the enactment of this section.

"(3) Beginning four years after such date of enactment, and periodically thereafter, the Commission shall review the effectiveness of the regulations prescribed under this section and, on the basis of such review, amend or supplement such regulations to the extent necessary to assure that such regulations carry out the purpose of this section. Such regulations may require a greater amount of broadcasting of children's educational television programing than is specified in subsection (b).".●

● Mr. METZENBAUM. Mr. President, I am pleased to join in cosponsoring the Children's Television Education Act of 1984.

As every parent, grandparent, aunt, uncle, or family friend knows—sometimes all too well—children spend a great deal of time watching television. Yet, the amount of educational programming aimed at children is dismally low.

Last year, the Subcommittee on Telecommunications of the House Energy and Commerce Committee sent out a questionnaire to commercial television licensees, asking them how much air time they devoted to children's programming. The results were disturbing. While 60 percent of the broadcasters declined to respond, those who did said that less than 1 percent—0.77 percent to be exact—of daily air time was devoted to children's educational programs. That translated into 61 minutes per week. Cartoons, on the other hand, accounted for 152 minutes of weekly air time.

Commercial television stations devote less time to educational and informational programming than do public broadcasters. One recent survey of TV programs aired over the course of a week on Washington, D.C. stations showed that the 8 percent of commercial air time dedicated to children was comprised mostly of cartoons. On the other hand, the 6 percent of air time devoted to children on public television included such educational programs as "Sesame Street," "Mister Rogers," and the "The Electric Company." Unfortunately, cutbacks in Federal funding of public television can only hurt what little headway has been made in public television programming for children.

Under the Reagan administration, the Federal Communications Commission has shown little or no interest in improving the quality of children's television. In fact, the ideologues at the FCC have ignored their responsiblity to see to it that the public airwaves are used at least in part in the public interest. Their approach is to let market forces determine what will or will not be shown on television.

Well, Mr. President, even the Commissioners of the FCC should know that children cannot fend for themselves in the marketplace. And not even they can deny that, until now, commercial broadcasters have shown little inclination or willingness to put good, educational programming for children on the air. I do not believe that we can rely on the marketplace to do what ought to be the job of the FCC. For that reason I am today joining Senator LAUTENBERG and others in introducing this legislation to require commercial television stations to broadcast an hour of educations programming for children 5 days a week.

The Children's Television Education Act of 1984 is the very least we can do to improve the television fare to which the Nation's children are exposed. I hope that we can move expeditiously to enact this bill.●

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. COCHRAN, Mr. DENTON, Mr. TRIBLE, Mr. DANFORTH, Mr. MATHIAS, Mr. ROTH, Mr. PRYOR, Mr. BENTSEN, Mr. SASSER, Mr. D'AMATO, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, Mr. LONG, Mr. NUNN, Mr. GLENN, Mr. MATTINGLY, Mr. HEFLIN, Mr. JOHNSTON, Mr. BIDEN, Mr. EAST, Mr. HUDDLESTON, Mr. LAXALT, Mr. HART, Mr. HEINZ, Mr. BAKER, Mr. DOLE, Mr. PRESSLER, Mr. RIEGLE, Mr. WILSON, Mr. SPECTER, and Mr. NICKLES):

S.J. Res. 340. Joint resolution to designate the week of September 23, 1984, as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND. Mr. President, it gives me great pleasure today to introduce, along with Senators HOLLINGS, HELMS, COCHRAN, TRIBLE, DANFORTH, MATHIAS, DENTON, BIDEN, EAST, HEFLIN, HUDDLESTON, LAXALT, HART, HEINZ, BAKER, DOLE, PRESSLER, ROTH, PRYOR, BENTSEN, SASSER, STENNIS, CHILES, BURDICK, LONG, D'AMATO, RIEGLE, WILSON, SPECTER, NICKLES, MATTINGLY, NUNN, GLENN, and JOHNSTON, Senate Joint Resolution 340, which authorizes and requests the President to designate the week of September 23, 1984, as "National Historically Black Colleges Week."

The importance of this commemorative joint resolution is that it recognizes the contributions to society of the 103 historically black colleges and universities. I am particularly pleased that 6 of these 103 historically black institutions of higher learning; namely, Allen University, Benedict College, Claflin College, South Caroli-

na State College, Morris College, and Voorhees College are located in my own State of South Carolina. These colleges are vital to the higher education system in my State. They have provided the opportunity for thousands of minority young people in South Carolina to go to college who would not have been able to afford a college education if these schools were not available.

Mr. President, hundreds of thousands of young Americans have received quality education at these 103 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. The predominantly black colleges and universities in America have offered to our citizens a variety of curriculums and programs through which they could develop their skills and talents, thereby expanding their opportunities as individuals and laying the foundation for continued social progress.

Mr. President, through passage of this commemorative joint resolution, Congress can reaffirm its support of our historically black colleges and appropriately recognize their place at the center of our Nation's higher education system. I invite my Senate colleagues to join as cosponsors of this joint resolution, and I ask unanimous consent that a copy of the joint resolution appear in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 340

Whereas there are one hundred and three historically black colleges and universities in the United States; and

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society; and

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history; and

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 23, 1984, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

ADDITIONAL COSPONSORS

S. 657

At the request of Mr. BYRD, his name was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 1795

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1910

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of S. 1910, a bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2324

At the request of Mr. PACKWOOD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2433

At the request of Mr. DANFORTH, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 2433, a bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes.

S. 2753

At the request of Mr. HATFIELD, the name of the Senator from Louisiana [Mr. LONG] was added as a cosponsor of S. 2753, a bill to provide for the buyout of certain contracts for Federal timber.

S. 2770

At the request of Mr. MELCHER, the name of the Senator from Kentucky [Mr. HUDDLESTON] was added as a cosponsor of S. 2770, a bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes.

S. 2774

At the request of Mrs. KASSEBAUM, the names of the Senator from Arizona [Mr. GOLDWATER] the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kentucky [Mr. HUDDLESTON], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 2774, a bill to grant a Federal charter to the National Society, Daughters of the American Colonists.

S. 2857

At the request of Mr. ANDREWS, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2857, a bill to enable honey producers and handlers to finance a nationally coordinated research, promotion, and consumer information program designed to expand their markets for honey.

S. 2866

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2866, a bill to authorize the Attorney General of the United States to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, treatment, and rehabilitation; and for other purposes.

SENATE JOINT RESOLUTION 319

At the request of Mr. DOLE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 319, a joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations con-

cerning agriculture-related trade and export policies, programs, and practices of the United States.

SENATE JOINT RESOLUTION 320

At the request of Mr. PERCY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. LEVIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from North Dakota [Mr. BURDICK], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nebraska [Mr. EXON], the Senator from Maryland [Mr. SARBANES], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Florida [Mr. CHILES], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. EVANS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Vermont [Mr. LEAHY], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 320, a joint resolution regarding the implementation of the policy of the U.S. Government in opposition to the practice of torture by any foreign government.

SENATE JOINT RESOLUTION 333

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Joint Resolution 333, a joint resolution to designate September 21, 1984, as "World War I Aces and Aviators Day."

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. HUDDLESTON] was added as a cosponsor of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maryland [Mr. SARBANES], the Senator from New York [Mr. MOYNIHAN], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

SENATE JOINT RESOLUTION 338

At the request of Mr. STEVENS, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint Resolution 338, a joint resolution to congratulate the athletes of the U.S. Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia, and the 1984 summer Olympic games in Los Angeles, CA.

SENATE CONCURRENT RESOLUTION 124

At the request of Mr. HEINZ, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Concurrent Resolution 124, a concurrent resolution expressing the sense of the Congress that the Senior Companion Program be commended on its 10th anniversary for its success in providing volunteer opportunities for older Americans.

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. BENTSEN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 412, a resolution to congratulate and commend the USA Philharmonic Society.

SENATE CONCURRENT RESOLUTION 132—CONGRATULATING JOAN BENOIT FOR WINNING A GOLD MEDAL IN THE WOMEN'S MARATHON IN THE XXIII OLYMPIAD

Mr. MITCHELL (for himself and Mr. COHEN) submitted the following concurrent resolution; which was placed on the calendar by unanimous consent:

S. CON. RES. 132

Whereas, Joan Benoit of Freeport, Maine, a graduate of Bowdoin College, on Sunday, August 5, in the City of Los Angeles, won the Women's Marathon in the XXIII Olympiad;

Whereas, the Women's Marathon was run for the first time in modern Olympic history at the XXIII Olympiad;

Whereas, Joan Benoit's winning time of 2 hours, 24 minutes, and 52 seconds becomes the Olympic record for the Women's Marathon and also stands as the fastest time ever clocked by a participant in an all-women's marathon event, and the third fastest time ever clocked by a woman in any marathon; and

Whereas, Joan Benoit demonstrated great courage and determination when she qualified to participate in the XXIII Olympiad only seventeen days following arthroscopic surgery on her right knee; and

Whereas, Joan Benoit, winner of the 1983 Boston Marathon and women's world record holder in the marathon, prevailed in an Olympic field which included the 1983 Women's World Champion and the previous world record holder for an all-women's marathon event; now therefore, be it

Resolved by the Senate (The House of Representatives concurring), That it is the sense of the Congress that Joan Benoit be heartily congratulated for her outstanding accomplishment in the XXIII Olympiad; and that the Congress urges all young American athletes to draw inspiration from the example of discipline, training, hard work and ability provided by Joan Benoit, a superior competitor who has brought distinction to herself, her family and coaches, her state and her nation.

Mr. MITCHELL. Mr. President, I rise to submit a concurrent resolution honoring Joan Benoit, a Maine native, the winner of yesterday's first-ever women's Olympic marathon.

This feat, in and of itself, is a tremendous accomplishment for this outstanding 27-year-old runner. But simply saying Joan Benoit won yesterday belies the extraordinary circumstances surrounding yesterday's race, the magnificent race Joan ran, and the dedication and sacrifice demonstrated by Joan in the months leading up to yesterday's marathon.

In the heat at Los Angeles, Joan Benoit yesterday ran the third-fastest marathon ever for a woman: 2 hours, 24 minutes, 52 seconds. In order to make that time, which averages 5:30 a mile over 26 miles, 385 yards, Joan had to run almost the entire race, by herself, in the lead, with all the difficulties and pressures which accompany such a tactic. In addition, her victory yesterday came over what may have been the greatest field of women marathoners ever assembled, including silver medalist Greta Waitz of Norway—five-time winner of the New York Marathon—and Julie Brown of the United States, the previous world record holder in an all-women's marathon.

With yesterday's win, Joan Benoit now holds two of the three fastest times ever recorded by a woman in this most grueling of races. She has recorded the fastest time ever for a woman in a marathon—2:22.43, in winning the 1983 Boston Marathon—and the fastest time ever for an all-women's marathon.

But what makes Joan's victory yesterday even more remarkable, I would say miraculous, is the circumstances by under which Joan qualified for the U.S. team in May. Joan Benoit underwent arthroscopic surgery on her right knee on April 26. The surgery was performed only 17 days before she ran in, and won, the U.S. Olympics trials in Olympia, WA.

Mr. President, I take no small amount of pride in the fact that Joan Benoit is a graduate of Bowdoin College, my alma mater, and a life-long resident of Maine. I believe her accomplishments merit our congratulations, but her dedication, determination, and perseverance deserves our commendation. So with my distinguished colleague, BILL COHEN, who is also a graduate of Bowdoin College, I am delighted to submit this concurrent resolution honoring this extraordinary American athlete.

Mr. COHEN. Mr. President, I am delighted to join with my distinguished colleague from Maine, Senator MITCHELL, in paying tribute to one of our State's most remarkable natural resources, Joan Benoit.

As the world knows by now, Joan won the first women's Olympic marathon in history yesterday. But the significance of her accomplishment goes beyond this one race.

Since the first modern Olympic games in Greece in 1896, only men have been allowed to compete in the grueling marathon event, a test of stamina and endurance stretching more than 26 miles. In fact, until yesterday women had never run more than a mile at the Olympics. The myth that women lack the conditioning to participate in longer runs was forever shattered yesterday by a diminutive woman from Maine who is one of the finest and most courageous athletes of this or any era.

Senator MITCHELL and I have the good fortune to know Joan; in fact, she attended our joint alma mater, Bowdoin College in Brunswick, ME. Her victory yesterday, coming only a few months after dangerous and complicated arthroscopic surgery on her right knee, is a special source of pride for Bowdoin College and the entire State of Maine.

The concurrent resolution we sponsor today asks the Congress to take note of Joan's magnificent accomplishment, and I ask my colleagues to join us in this effort.

SENATE RESOLUTION 426—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. DANFORTH, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 426

Resolved, that pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2433, a bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes. Such waiver is necessary to permit reauthorization of funds for the functions of the Office of Information and Regulatory Affairs of the Office of Management and Budget under chapter 35 of title 44, United States Code.

SENATE RESOLUTION 427—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 427

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2160. Such waiver is necessary because S. 2160 authorizes the enactment of new budget authority which would first become available in fiscal year 1985 and such bill was not reported on or before May 15, 1984, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The Committee on Commerce, Science, and Transportation did not report S. 2160 prior to May 15, 1984, in order to allow for negotiations regarding amendments to the bill as introduced.

S. 2160 establishes a National Fisheries Marketing Council, to conduct various research, education and promotional projects and studies regarding fisheries products. The authorization contained in S. 2160 is necessary to ensure that sufficient funds are available for the Council to conduct its activities under the bill.

Section 8 of S. 2160 establishes a revolving fund to carry out the Council's activities, and provides that there is to be deposited into this fund for fiscal year 1985 a total amount of $14,000,000. This sum is to be drawn from the fisheries loan fund established pursuant to section 4(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(c)) and from the fund used by the Administrator of the National Oceanic and Atmospheric Administration pursuant to section 2(b) of the Act entitled "An Act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry", approved August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act) (15 U.S.C. 713c-(b)). Section 13 of the bill authorizes appropriations for fiscal year 1985 to carry out the purposes of S. 2160.

AMENDMENTS SUBMITTED

DISASTER RELIEF ACT AMENDMENTS

HUMPHREY AND BURDICK AMENDMENT NO. 3591

(Ordered to lie on the table.)

Mr. HUMPHREY (for himself and Mr. BURDICK) submitted an amendment intended to be proposed by him to the bill (S. 2517) to amend the Disaster Relief Act of 1974, and for other purposes; as follows:

On page 25, line 16, strike out "2.5" and insert in lieu thereof "10".

On page 31, beginning with line 17, strike out through line 15 on page 32 and insert the following:

SEC. 24. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect ninety days after the date of enactment of this Act or on the date on which the President, after consultation with State and local governments, publishes final rules and regulations relating to the definition of costs for which State and local governments may be reimbursed under the Disaster Relief Act of 1974 (as amended by this Act), whichever is later.

(b)(1) This Act and the amendments made by this Act shall not affect the administration of any assistance provided under the authority of the Disaster Relief Act of 1974, for any major disaster or emergency declared by the President prior to the effective date of this Act.

(2) Except with regard to section 409(a) of the Disaster Relief Act of 1974, as redesignated by sections 11(c) and 12 of this Act, (relating to disaster unemployment assistance)—

(A) rules and regulations issued under statutory provisions which are repealed, modified, or amended by this Act shall continue in effect as though issued under the authority of this Act until they are expressly abrogated, modified, or amended by the President; and

(B) provision of disaster assistance authorized by statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder, or proceedings involving violations of statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder which are in process prior to the effective date of this Act, may be continued to conclusion as though the applicable statutory provisions had not been repealed, modified, or amended.

(3) Violations of statutory provisions or rules and regulations issued under the authority of statutory provisions repealed, modified, or amended by this Act or rules and regulations issued thereunder which are committed prior to the effective date of this Act may be proceeded against under the law in effect at the time of the specific violation.

On page 2, line 5, strike out ", as amended (42 U.S.C. 5122(1))," and insert "(42 U.S.C. 5122(1))".

On page 2, lines 16 and 17, strike out ", as amended (Public Law 93-288)," and insert "(Public Law 93-288)".

On page 5, line 19, strike out ", as amended (42 U.S.C. 5122(2))," and insert "(42 U.S.C. 5122(2))".

On page 6, lines 7 and 8, strike out ", as amended (42 U.S.C. 5131-5132)," and insert "(42 U.S.C. 5131-5132)".

On page 6, lines 17 and 18, strike out ", as amended (42 U.S.C. 5141-5158)," and insert "(42 U.S.C. 5141-5158)".

On page 6, lines 22 and 25, strike out "302" and insert "301, as redesignated by paragraph (1) of this section,".

On page 7, line 4, strike out "311(a)" and insert "308(a) as redesignated by paragraph (1) of this section,".

On page 7, strike out lines 6 and 7 and insert in lieu thereof "Sec. 8. Section 302(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5143(a)), as redesignated by section 7(1) of this Act, is amended by adding".

On page 7, strike out lines 11 and 12 and insert in lieu thereof "Sec. 9. Section 311 of the Disaster Relief Act of 1974 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act, is amended by redesignating".

On page 8, strike out lines 13 and 14 and insert in lieu thereof "Sec. 10. Section 312 of the Disaster Relief Act of 1974 (42 U.S.C. 5155), as redesignated by section 7(1) of this Act, is amended to read as".

On page 10, line 10, strike out ", as amended (42 U.S.C. 5141-5158)," and insert "(42 U.S.C. 5141-5158)".

On page 14, strike out lines through 8 and insert in lieu thereof the following: "(b) Title III of the Disaster Relief Act of 1974 is amended by deleting subsections (a) and (c) of section 314 (42 U.S.C. 5157), as redesignated by section 7(1) of this Act, and by renumbering '(b)' from the remaining subsection of section 314 as subsection '(f)' of section 318 as added by section 11(a) of this Act.".

On page 14, lines 9 and 10, strike out ", as amended,".

On page 14, after line 11 add a new subsection as follows: "(d) Section 315 of the Dis-

aster Relief Act of 1974 (42 U.S.C. 5158), as redesignated by section 7(1) of this Act, is further redesignated as section 314.".

On page 14, lines 12 and 13, strike out ", as amended (42 U.S.C. 5171-5189)," and insert "(42 U.S.C. 5171-5189)".

On page 19, strike out lines 16 and 17 and insert in lieu thereof "Sec. 13.(a) Section 405 of the Disaster Relief Act of 1974 (42 U.S.C. 5172), as redesignated by section 12 of this Act, is amended to read as".

On page 20, line 17, strike out "limited to".

On page 21, lines 17 and 18, strike out "based on".

On page 22, line 2, after "government" insert "and".

On page 22, line 5, strike out "based on" and insert in lieu thereof "that shall be".

On page 22, strike out lines 19 through 22 and insert in lieu thereof the following: "(b) The Disaster Relief Act of 1974 is amended by deleting section 421 (42 U.S.C. 5189), as redesignated by sections 11(c) and 12 of this Act, and by striking 'or 419' each place that this phrase appears in section 311 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act.".

On page 22, strike out lines 23 and 24 and insert in lieu thereof "(c) Section 406 of the Disaster Relief Act of 1974 (42 U.S.C. 5173), as redesignated by section 12 of this Act, is amended by adding at the end".

On page 23, line 5, strike out "not exceed" and insert in lieu thereof "be".

On page 23, line 7, strike out "or" and insert in lieu thereof "of".

On page 23, strike out lines 8 and 9 and insert in lieu thereof "Sec. 14. Section 407(a) of the Disaster Relief Act of 1974, as redesignated by section 12 of this Act, is amended to read as follows: ".

On page 24, lines 24 and 25, strike out "limited to".

On page 25, strike out lines 3 through 5 and insert in lieu thereof "Sec. 15. Section 408 of the Disaster Relief Act of 1974 (42 U.S.C. 5176), as redesignated by sections 11(c) and 12 of this Act, is amended by adding '(a)' after '408' and by adding a new subsection '(b)' as ".

On page 25, strike out lines 19 and 20 and insert in lieu thereof "Sec. 16. Section 409(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5177), as redesignated by sections 11(c) and 12 of this Act, is amended to read as ".

On page 27, strike out lines 8 and 9 and insert in lieu thereof "Sec. 17. (a) Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 11(c) and 12 of this Act, is amended by adding a".

On page 27, line 12, strike out "408(b)" and insert "410(b)".

On page 27, strike out lines 15 and 16 and insert in lieu thereof "(b) Section 410(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 11(c) and 12 of this Act, is further amended by adding the following sen-".

On page 28, strike out lines 3 and 4 and insert in lieu thereof "Sec. 18. Section 410(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5178), as redesignated by sections 11(c) and 12 of this Act, is amended by adding".

On page 28, strike out lines 12 and 13 and insert in lieu thereof "Sec. 19. Section 415 of the Disaster Relief Act of 1974 (42 U.S.C. 5183), as redesignated by sections 11(c) and 12 of this Act, is amended by striking".

On page 28, strike out lines 15 and 16 and insert in lieu thereof "Sec. 20. Section 420(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188), as redesignated by sections 11(c) and 12 of this Act, is deleted.".

On page 28, line 18, strike out ", as amended (42 U.S.C. 5202)," and insert in lieu thereof "(42 U.S.C. 5202)".

On page 29, strike out lines 1 and 2 and insert in lieu thereof "Sec. 22. The Disaster Relief Act of 1974 (42 U.S.C. 5121-5202) is amended by-".

On page 29, strike out line 13 and insert in lieu thereof "308(b) (42 U.S.C. 5151), as redesignated by section 7(1) of this Act;".

On page 29, strike out line 16 and insert in lieu thereof "tion 307 (42 U.S.C. 5150), as redesignated by section 7(1) of this Act;".

On page 29, strike out line 17 and insert in lieu thereof "(6) striking in section 310(b) (42 U.S.C. 5153), as redesignated by section 7(1) of this Act, ev-".

On page 29, strike out line 22 and insert in lieu thereof "the phrase appears in section 311 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act;".

On page 29, strike out line 24 and insert in lieu thereof "pears in section 311 (42 U.S.C. 5154), as redesignated by section 7(1) of this Act, and inserting in".

On page 30, strike out line 2 and insert in lieu thereof "word 'disaster' in section 313 (42 U.S.C. 5156), as redesignated by section 7(1) of this Act;".

On page 30, strike out line 8 and insert in lieu thereof "407(d) (42 U.S.C. 5174), as redesignated by section 12 of this Act;".

On page 30, strike out lines 9 and 10 and insert in lieu thereof "(12) striking '311' in section 407(d)(2) (42 U.S.C. 5174), as redesignated by section 12 of this Act, and inserting in lieu thereof '308';".

On page 30, strike out lines 11 and 12 and insert in lieu thereof "(13) striking 'an emergency or' in section 417 (42 U.S.C. 5185), as redesignated by sections 11(c) and 12 of this Act, and inserting in lieu thereof 'a';".

On page 30, strike out line 20 and insert in lieu thereof "appears in section 309(a), as redesignated by section 7(1) of this Act, and inserting in lieu thereof".

On page 30, strike out lines 22 and 23 and insert in lieu thereof "(17) striking 'rent' in section 310(a)(2) (42 U.S.C. 5153), as redesignated by section 7(1) of this Act, and inserting in lieu thereof 'income';".

On page 31, strike out lines 1 and 2 and insert in lieu thereof "(18) striking paragraph (1) of section 310(a) (42 U.S.C. 5153), as redesignated by section 7(1) of this Act, and renumbering subsequent paragraphs".

● Mr. HUMPHREY. Mr. President, I am submitting an amendment to S. 2517, the "Disaster Relief Act Amendments of 1984." The bill was introduced by myself and Senator QUENTIN BURDICK on April 2, and the Committee on Environment and Public Works reported the bill on May 15. I am glad that Senator BURDICK also joins me in submitting this amendment.

There are two notable changes to the bill that would be made by the amendment. First, section 15 of the bill would authorize the Federal Emergency Management Agency to contribute 50 percent of the cost of hazard mitigation projects, with State and local governments contributing 50 percent. Total Federal expenditures would be limited to 2.5 percent of the Federal cost of repair and replacement of State and local public facilities. The amendment would increase the authorized level of Federal participation from 2.5 percent—estimated to be about $2 million a year on average—to 10 percent—about $10 million annually.

Second, the bill's effective date is 90 days following enactment. The amendment would change the effective date to 90 days after enactment or on the date on which FEMA publishes final rules and regulations relating to the definition of costs for which State and local governments may be reimbursed under the Disaster Relief Act of 1974, whichever is later.

Other changes made by the amendment are technical or conforming in nature—primarily to conform to the legislative drafting format in practice by legislative counsel.●

REAUTHORIZATION OF CERTAIN CHILD NUTRITION PROGRAMS

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 3592

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for himself, Mr. JEPSEN, Mr. ANDREWS, Mr. RANDOLPH, Mr. MOYNIHAN, Mr. DANFORTH, Mr. MATSUNAGA, and Mr. DECONCINI) submitted an amendment intended to be proposed by them to the bill (S. 2722) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to reauthorize certain child nutrition programs for fiscal years 1985 and 1986; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National School Lunch and Child Nutrition Programs Reauthorization Act of 1984".

INCOME VERIFICATION

SEC. 2. Section 9(b)(2)(C) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)) is amended by adding at the end thereof the following new sentence: "To the extent that funds are appropriated for such purpose pursuant to section 3, the Secretary shall reimburse local school food authorities for the direct costs, as defined by commonly accepted accounting principles, attributable to such verification.".

REDUCED-PRICE LUNCHES

SEC. 3. (a) Section 9(b)(3) of the National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by striking out "40 cents" in the last sentence and inserting in lieu thereof "30 cents".

(b) Section 11 (a)(2) of such Act (42 U.S.C. 1759a (a) (2)) is amended by striking out "40 cents" and inserting in lieu thereof "30 cents".

A LA CARTE FOOD SERVICE

SEC. 4. Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end thereof the following new subsection:

"(e) A school or school food authority participating in a program under this Act may not contract with a food service company to provide a la carte food service under such program unless such company agrees to

offer free, reduced-price, and full-price reimbursable meals to all children eligible for such meals under this Act.".

USE OF SCHOOL LUNCH FACILITIES FOR PROGRAMS FOR THE ELDERLY

SEC. 5. Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end thereof the following new subsection:

"(i) Facilities, equipment, and personnel provided to school food authorities for programs conducted under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) may be used, as determined by the local educational agency, to support nonprofit nutrition programs for the elderly (including programs conducted under the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.)).".

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 6. Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p)) is amended by striking out "1984" and inserting in lieu thereof "1986".

COMMODITY DISTRIBUTION PROGRAM

SEC. 7. Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a (a)) is amended by striking out "1984" and inserting in lieu thereof "1986".

PROCESSING AGREEMENTS

SEC. 8. (a) Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by adding at the end thereof the following new subsection:

"(g)(1) During the period beginning on the date of the enactment of the National School Lunch and Child Nutrition Programs Reauthorization Act of 1984 and ending September 30, 1986, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary, the Secretary shall encourage consumption thereof through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies, with the expense of the reprocessing to be borne by the recipient agencies.

"(2) In order to be eligible to enter into an agreement with the Secretary under paragraph (1), a private company must participate in the child nutrition labeling program established under appendix C of parts 210, 220, 225, and 226 of title 7, Code of Federal Regulations (49 Fed. Reg. 85, 18453 (May 1, 1984).

"(3) In order to be eligible to enter into an agreement with the Secretary under paragraph (1) or a State agency under section 250.15 of title 7, Code of Federal Regulations, a private company must annually settle the account of such company with the Secretary or such State agency, as the case may be, with respect to commodities processed under such agreement.".

(b) Section 203 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting "in accordance with section 14(g) of the National School Lunch Act" after "companies".

CHILD CARE FOOD PROGRAM

SEC. 9. Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by striking out "one supplement" and inserting in lieu thereof "two supplements".

SPECIAL MILK PROGRAM

SEC. 10. Section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended—

(1) by inserting "(except that the preceding limitation shall not apply to children in kindergarten programs in such schools)" immediately before ", and (2)" in the first sentence;

(2) by striking out "For" in the sixth sentence and inserting in lieu thereof "Except as provided in the following sentence, for";

(3) by inserting after the sixth sentence the following new sentence: "For the school year ending June 30, 1986, and for subsequent school years, the minimum rate of reimbursement for a half-pint of milk served to children in kindergarten programs in nonprofit schools that have meal service programs shall not be less than 5 cents per half-pint served to children ineligible for free milk, and such minimum rate of reimbursement shall be adjusted on an annual basis each school year to reflect changes in such Index."; and

(4) by striking out "Such adjustment" in the eighth sentence (as amended by clause (3)) and inserting in lieu thereof "The adjustments required by the preceding two sentences".

SCHOOL BREAKFAST REIMBURSEMENT

SEC. 11. (a) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by adding at the end thereof the following new paragraph:

"(3) In order to assist States in improving the nutritional qualities of breakfasts, the Secretary shall increase by 4 cents the annually adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act (42 U.S.C. 1766).".

(b) Not later than one hundred and eighty days after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) review and revise the nutrition requirements for meals served under the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) in order to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food authorities; and

(2) promulgate regulations to implement such revisions.

REDUCED-PRICE BREAKFASTS

SEC. 12. Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(1) by striking out "30 cents" in the second sentence of paragraph (1)(B) and inserting in lieu thereof "15 cents";

(2) by striking out "30 cents" in paragraph (1)(C) and inserting in lieu thereof "15 cents"; and

(3) by striking out "30 cents" in paragraph (2)(C) and inserting in lieu thereof "15 cents".

STATE ADMINISTRATIVE EXPENSES

SEC. 13. Section 7(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)) is amended by striking out "1984" and inserting in lieu thereof "1986".

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. 14. Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) by striking out "1984" in subsection (c)(2) and inserting in lieu thereof "1986";

(2) in the first sentence of subsection (g)—

(A) by striking out "and" after "1983,"; and

(B) by inserting "$1,500,000,000 for the fiscal year ending September 30, 1985, and $1,600,000,000 for the fiscal year ending September 30, 1986," after "1984,"; and

(3) by striking out "1984" in subsection (h)(2) and inserting in lieu thereof "1986".

COORDINATION WITH AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

SEC. 15. Section 17(f)(1)(K) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(K)) is amended by inserting "the aid to families with dependent children program," after "child abuse counseling,".

NUTRITION EDUCATION AND TRAINING PROGRAM

SEC. 16. Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended—

(1) by striking out "1984" in the first sentence and inserting in lieu thereof "1986"; and

(2) by striking out "$5,000,000" in the second sentence and inserting in lieu thereof "$8,000,000".

STUDY OF A UNIVERSAL SCHOOL LUNCH PROGRAM

SEC. 17. (a) The Secretary of Agriculture shall conduct a study to consider—

(1) the feasibility of making the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) a universal program for all children in the United States; and

(2) various methods of operating a self-financing school lunch program under such Act for all children in the United States, including reserving a separate source of revenue for any such program.

(b) The Secretary shall submit a report containing the results of the study required by subsection (a) to the Congress, together with any recommendations or proposals for legislation, no later than January 1, 1987.

● Mr. BOSCHWITZ. Mr. President, I rise today to file an amendment to the proposed National School Lunch and Child Nutrition Programs Reauthorization Act of 1984 (S. 2722). I am offering this amendment in an effort to get the ball rolling in the Senate on child nutrition issues. Legislation to reauthorize and make modest improvements in the child nutrition programs has passed the House twice, but the Senate has yet to consider any child nutrition legislation.

Most of the child nutrition programs are permanently authorized, School Lunch, School Breakfast, Child Care Food Programs, et cetera, but the five child nutrition programs that are not permanently authorized expire at the end of this fiscal year. The five expiring programs include: the Special Supplemental Food Program for Women, Infants, and Children [WIC]; the Summer Food Service Program; the Commodity Distribution Program; the Nutrition Education and Training [NET] Program; and, the funding for State Administrative Expenses [SAE].

If the Senate fails to act on reauthorization legislation, (S. 2722) the fate of these five programs will be left to a continuing resolution. Congress must reauthorize these programs in a timely manner to avoid disrupting their operations. It is difficult, if not impossible, to efficiently run a nutrition program if the program only has

authorization to operate for 6 months or 1 year. The programs need the stability that comes with the ability to make long-range plans.

My purpose in offering this amendment is to have a pragmatic, responsible compromise that will attract wide bipartisan support. With the help and encouragement from a variety of child nutrition advocates, I think we have come up with just that type of compromise. This amendment is a compromise between simply reauthorizing at current service levels the programs that need reauthorizing, as in S. 2722, and adding $303 million over those levels, as in the House version. This amendment would increase spending on the child nutrition programs by $139 million over current services. A large portion of the increase would go to adding eligible pregnant and breastfeeding women and their children to the Women, Infants, and Children [WIC] Program, $30 million. Most of the other provisions of the amendment are scaled down from the Huddleston-Cochran child nutrition bill, S. 1913, which had 52 cosponsors in the Senate. The provisions of the amendment include:

ESTIMATED FISCAL YEAR 1985 COST, $28 MILLION

First, adding 4 cents to the reimbursement for school breakfasts: This provision would increase the Federal subsidy for all breakfasts—free, reduced, and full paying—by 4 cents to improve the nutritional quality and content of breakfasts. A recent study showed that most school breakfasts were nutritionally deficient in vitamin A, vitamin B-6, and Iron. Almost 86 percent of the breakfasts served are to children from families below 130 percent poverty.

ESTIMATED FISCAL YEAR 1985 COST, $6 MILLION

Second, lowering the price of the reduced-price breakfast from 30 cents to 15 cents: The reduced-price breakfast is available to children from families with incomes from 130 to 185 percent of poverty. As part of the 1981 Reconciliation Act the reduced price breakfast price in this category was raised from 10 cents to 30 cents. Participation has dropped from 250,000 in fiscal year 1981 to 150,000 in fiscal year 1984. One reason given for the drop in participation was that the price went up too much. Participation in the free category has grown from 3.05 million in fiscal year 1981 to 3.07 million in fiscal year 1984. Lowering the price in the reduced price category will make the breakfasts more affordable.

ESTIMATED FISCAL YEAR 1985 COST, $40 MILLION

Third, lower the price of the reduced-price lunch from 40 cents to 30 cents: School lunch participation has dropped from 25.8 million in fiscal year 1981 to 23.3 million in fiscal year 1984, average monthly participation. Participation in the free category has dropped from 10.6 million to 10.5 million, in the reduced price category from 1.9 million to 1.6 million, and in the paid category from 13.3 million to 11.3 million. Some drop in participation is due to enrollment declines. However, the large decline in the reduced price category, 15.8 percent, is considered to be attributable to the increase in price. This provision makes the lunch more affordable, and more children from families in this income category will again buy school lunches.

ESTIMATED FISCAL YEAR 1985 COST, $21 MILLION

Fourth, add a snack to the Child Care Food Program [CCFP]: Currently, only two meals and one snack per child per day are reimbursable under this program. This provision would add one snack to make two meals and two snacks reimbursable per day. The reasoning is that many children are at day care centers or family day care homes for 8 or 10 hours a day and two meals and a snack are simply not enough meals for small children.

CCFP provides Federal funding for meals served to children in child care centers, Head Start programs, and family and group day care homes. For child care centers the reimbursement rates are based on family income, similar to the school lunch and school breakfast rates. Family day care homes receive a standard meal or snack reimbursement regardless of the family income of the child.

ESTIMATED FISCAL YEAR 1985 COST, $10 MILLION

Fifth, special milk in kindergarten: The Special Milk Program operates only in schools, child care centers, and summer camps that do not participate in any other Federal nutrition program. Each half-pint of milk served under the Special Milk Program is subsidized and that subsidy is annually adjusted for inflation.

Prior to 1981 Reconciliation the Special Milk Program could operate in schools and other facilities along with the school lunch or other Federal nutrition program.

Kindergarten children often attend school for only half-days and therefore, do not participate in any nutrition program. Reinstating the Special Milk Program in Kindergarten at least allows these children to receive a half-pint of milk.

ESTIMATED FISCAL YEAR 1985 COST, $1 MILLION

Sixth, income verification—Federal funding of direct costs: Beginning with the 1983-84 school year, the Department of Agriculture has required school districts to verify the incomes of 3 percent of their applicants for free and reduced price lunches, but not more than 3,000. The school districts have been concerned about this requirement and the costs involved. This provision would reimburse them for the direct costs of income verification.

ESTIMATED FISCAL YEAR 1985 COST, $3 MILLION

Seventh, add $3 million to nutrition education and training: The NET program provides grants to State education agencies for comprehensive nutrition education and training programs. States are to use the funds for nutrition education and training of teachers and food service personnel for developing classroom material and curricula on nutrition; and for teaching children about nutrition.

Since fiscal year 1982 the funding level of NET has been $5 million. Current law specifies that grants to States are to be the higher of 50 cents per child or $75,000. However, if appropriations are insufficient, the grant is ratably reduced.

Eighth, add to WIC authorization $30 million in fiscal year 1985 and $75 million in fiscal year 1986: This amendment would raise the authorization levels of WIC to $1.5 billion in fiscal year 1985 and $1.6 billion in fiscal year 1986. WIC is currently serving approximately 3 million women, infants and children. For each $50 million the program can serve approximately 100,000 people. So participation should increase 60,000 in fiscal year 1985 and an additional 90,000 in fiscal yer 1986.

ESTIMATED FISCAL YEAR 1985 COST, NONE

Ninth, Jeffords amendment: This amendment would require a food service company providing a la carte food service to serve free and reduced price meals and to meet the nutrition requirements of the school lunch meal pattern. Currently, competitive food service companies are not held to these same requirements.

ESTIMATED FISCAL YEAR 1985 COST, NONE

Tenth, Universal School Lunch Program Study: Study the feasibility of making the school lunch program self-financing. The American School Food Service Association would like to see free lunches available to everyone, but they would like it to be "self-financing."

ESTIMATED FISCAL YEAR 1985 COST, NONE

Eleventh, use of school facilities for elderly: This provision simply specifies that the local districts may allow elderly nutrition programs, including Congregate Dining and Meals on Wheels, to use their facilities, equipment, and personnel.

ESTIMATED FISCAL YEAR 1985 COST, NONE

Twelfth, automatic eligibility for free school lunch if AFDC eligible: This is merely a paperwork reduction amendment and makes children automatically eligible for free school lunches if they receive AFDC benefits. Also, the State must require that AFDC eligibility is below 130 percent poverty.

Some of my more liberal colleagues may say, this amendment does not go far enough. Some of my more conservative colleagues may say, this amendment goes too far. This is a compromise, it is a middle ground. It does what needs to be done for child nutrition as cost-effectively as possible. If we can set aside political rhetoric long enough to get the child nutrition programs reauthorized and make the improvements included in my amendment we will have carried out our responsibilities to those people who rely on these nutrition programs, and to all our constitutents who expect these programs to be authorized in an orderly fashion.

My only regret today, as I submit this amendment, it that when we go to conference on child nutrition this year we will not be sitting across the table from Chairman PERKINS. Congressman PERKINS dedicated his life to educating and feeding children and is a fine example to Senators and Congressman, Democrats and Republicans of a leader serving people.

Mr. President, the organizational endorsers of my amendment are:

American Camping Association.
American Federation of State, County and Municipal Employees.
American Public Health Association.
American School Food Service Association.
Bread for the World.
Camp Fire, Inc.
Center for Science in the Public Interest.
Center on Budget and Policy Priorities.
Child Care Food Program Sponsors Forum.
Child Welfare League.
Children's Defense Fund.
Children's Foundation, The.
Church of the Brethren (Washington Office).
Community Nutrition Institute.
Council of Chief State School Officers.
Food Research and Action Center.
Friends Committee on National Legislation.
Health U.S.A.
Interfaith Action for Economic Justice.
League of United Latin American Citizens.
League of Women Voters of the United States.
Lutheran Council of the USA (Office of Government Relations).
Mennonite Central Committee, U.S. Peace Section, Washington Office.
National Anti-Hunger Coalition.
National Association of Counties.
National Black Child Development Institute.
National Education Association.
National Farmers Union.
National Grange.
National Institute of Hispanic Children and Families, The.
National PTA, The.
National Rural Housing Coalition.
National Voice for Food and Health Policy.
Rural Coalition.
Society for Nutrition Education.
United Church of Christ (Office for Church in Society).
U.S. Conference of Mayors.
World Hunger Education Service.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing to examine the reasons for the increase in imports of Canadian pork and to consider an appropriate response by the United States to the increase.

The hearing, which was originally announced for Thursday, August 9, 1984 at 10 a.m. in room 328-A Russell Senate Office Building, has been rescheduled for 2 p.m. of the same day.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, August 6, at 2:30 p.m., to hold a hearing to consider the nominations of Brandon Grove, Jr., to be Ambassador to the Republic of Zaire, and Larry Williamson, to be Ambassador to the Gabonese Republic, to be followed by a hearing at 4:30 p.m., to consider the nominations of Leon Weil, Jr., to be Ambassador to the Kingdom of Nepal, and Anthony Quainton, to be Ambassador to the State of Kuwait.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRODUCT LIABILITY LEGAL COSTS

● Mr. KASTEN. Mr. President, sometimes the merits of a proposal can be made crystal clear by the tactics of those who oppose it. In that regard, I am entering in the RECORD solicitations that have been issued to defeat S. 44, the Uniform Product Liability Act. These have come from the trial lawyers who oppose the bill.

Data from the Rand Corp. show that currently lawyers are gathering far more in funds than victims who are injured by products in product liability actions. Currently, plaintiffs' lawyers take 41 cents from victims out of every dollar they receive. Defense clients fare no better—in fact, worse—58 cents is going to defense lawyers for every dollar going to a victim.

As evidenced by the many letters I and other Members of the Senate have received, there are a good number of responsible attorneys who support S. 44 in spite of the fact that it is not in their immediate economic interest. In that regard, recently a poll of the American Bar Association shows that a majority of members favor the enactment of Federal product liability law—the organization itself remains against it. The bill is as these documents suggest also opposed by the Association of Trial Lawyers of America. It is also opposed by the Defense Research Institute, the defense bar which says that this is a matter that can be left to the States.

S. 44 will reduce legal costs because it will establish clear, fair and balanced rules that will facilitate settlement. When cases are settled, contingent fees are reduced by over one-third. When cases are settled, defense lawyers run up far less billable hours. Estimates made before our committee indicate that the product liability bill can save as much as 30 to 35 percent in legal costs. It will prevent the briefing and rebriefing of issues. It will allow corporate counsel to have better control in managing cases—they will not be dependent upon the mercurial nature of 51 different sets of rules. It will allow injured parties to understand clearly what their rights are—the bill is clear and it can be understood by lay persons. It will allow lay persons to evaluate the value of legal services.

In light of these facts, the enclosed solicitations are curious, indeed.

First, it shows attorneys taking the guise of "helping" consumers. But it is interesting to note that they say that their efforts were "a primary reason we have beaten back national no-fault * * *" proposals. As members of the Senate will recall, national no-fault was strongly supported by the Consumer Federation of America and other consumer organizations. While some consumer groups have opposed S. 44, the point is that trial lawyers represent trial lawyers—not consumers.

This solicitation indicates that lawyers are "fighting for our lives in the U.S. Senate * * *." The solicitation further says that it is their "estimation, that the bill may lead to the death knell for tort practice in every field." Does this sound like protection for consumer rights?

Even more curious is the solicitation. It states that members will be calling upon other members "to contribute $40 a month—less than $1 a day—to support the efforts * * *." I even find problems with their math. With math like this, we perhaps could balance the budget.

It may be of interest to know the Association of Trial Lawyers of America have 53,000 members. If they each give $480 a year, they will have raised almost $25½ million to preserve the excessive legal costs that are burdening the product liability system. Oppo-

nents of S. 44 suggest that somehow the "moneyed interest" are behind the bill. However, neither the Product Liability Alliance nor the Coalition for Uniform Product Liability Law, the principal organizations supporting the bill, have political action committees.

S. 44 is a bill that should be judged on its merits, not rhetoric. It imposes liability on manufacturers and forces them to exercise "the care, intelligence, knowledge and experience that society requires for the protection of its own interest and the interest of others * * *." I am proud to support such a bill and a vehicle that will preserve more dollars in the hands of victims instead of attorneys.

The material follows:

ATTORNEYS CONGRESSIONAL CAMPAIGN TRUST,
Washington, DC, November 10, 1983.

Dear Colleague: ATLA needs your help to preserve the tort system!

Business groups, medical associations and insurance companies donate hugh sums of money to elect legislators who will support "tort reform." These groups give big dollars to political candidates who are sympathetic to their causes. We know we do not have to tell a member of the Association of Trial Lawyers of America what this means.

We are currently fighting for our lives in the United States Congress. Products safety repeal legislation (the Kasten bill), which codifies products law and pre-empts all state common law, is a clear and present danger. If we lose this fight, it is, in our estimation, the death knell for tort practice in every field. In addition, proposals to repeal diversity jurisdiction are again on the Congressional agenda.

ATLA has maintained political credibility in Washington through the Attorneys Congressional Campaign Trust—ACCT. It is a primary reason we have beaten back national no-fault, repeal of diversity jurisdiction, and the Montreal Protocols.

Political fund giving is an indispensable ingredient to the success of the Trial Bar in fighting anti-consumer legislation. ATLA must maintain political credibility or all is lost. You should, and must, support our, LEGAL, state political fund but you must also support the national political action fund for the Trial Bar—ACCT.

If we are to continue to seek to preserve the rights we have won for our clients in the courts and in the state legislature, if we are to continue to be respected as a substantial participant in the process by which our laws are made and our officials elected, we must be deemed first-rate in our recognition of the needs of candidates for political office.

On November 21st and 22nd, a colleague of yours will be calling you to ask you to contribute $40.00 a month—less than $1.00 a day—to support the efforts of ACCT. Payment can be made by Mastercard, Visa, American Express, personal check or bank draft.

$40 a month is a small price to pay compared to the loss in credibility we will suffer if ACCT fails to maintain its competitiveness with those who would destroy the adversary system.

Very truly yours,

JOSEPH P. O'DONNELL,
President, ATLA-New Jersey.

ASSOCIATION OF TRIAL LAWYERS OF AMERICA,
Washington, DC, April 13, 1984.

Dear ATLA Member: Your clients, the consumers of America, need your help on an urgent basis.

Responsible citizenship and a commitment to the American system of justice, including trial by jury, requires more than rhetoric. It requires your sharing with your state Political Action Committee and your national PAC, the Attorneys Congressional Campaign Trust (ACCT). ATLA cannot expect to have credibility in dealing with the Congress unless we are prepared to support and fight for those who support our clients' interests.

Our opponents in the private sector represent a coalition of insurance companies and major business interests. The latest example of their resources which have been brought to bear in the United States Congress, is the approval on March 27, 1984, by the Senate Commerce Committee of S. 44, a national products safety repeal proposal. This measure would pre-empt for the first time in our history state law, codify tort law, and wipe out decades of struggle by courts and juries to protect workers and product consumers. Strict liability in design and warning cases is abolished. Punitive damages is effectively abolished as well.

You are a member of the only effective consumer-oriented network that can defeat this and other items of pending legislation which threaten citizens' rights. We are right on the merits. We have the capacity through grass roots efforts to defeat this anti-consumer policy garbage. But you must demonstrate your commitment and responsibility by giving us an increased measure of effectiveness in dealing with the campaign process. This is an election year.

If you will fill out the enclosed card, and return it today in the enclosed self-addressed envelope, you will cast a vote for your clients. Please note that we are unable to accept contributions from corporate accounts.●

PROGRESS IN WAR ON CRIME

● Mr. LAXALT. Mr. President, one of the Reagan administration's greatest success stories over the past 4 years has been its record in fighting crime in America. Although criminal law is rightfully the jurisdiction of State and local law enforcement officials, I feel that the Reagan administration's efforts are directly responsible for much of the dramatic decline in criminal activity. In particular, I think Attorney General William French Smith should be highly commended for his leadership in this area.

Under the guidance of Attorney General Smith, the administration has taken a number of effective steps to strengthen Federal law enforcement, and thus facilitate State and local efforts.

The FBI released in April some remarkable statistics that demonstrate just how effective the Justice Department has been under Attorney General Smith. For the second consecutive year the Nation experienced a decrease in the number of crimes reported to law enforcement agencies, and the 1983 decline of 7 percent was the largest since 1960. Strikingly, between 1978 and 1980 Crime Index Offense rose 19 percent. The administration's establishment of the Law Enforcement Coordinating Committee program, a new National Center for State and Local Law Enforcement Training, and other major efforts toward training State and local officials in combating crime have been very effective.

Attorney General Smith's initiatives toward curbing the previously uncontroled flow of drugs across U.S. borders are also yielding impressive results. In creating the south Florida task force and 12 regional organized crime drug enforcement task forces, the national narcotics border interdiction system, and by utilizing the FBI in the fight against drug trafficking for the first time, the Nation is finally slowing the transportation of poisonous contrabands to its people. In fact, Federal officials have tripled the amount of cocaine seized just 1 short year ago, and heroine and marijuana seizures have increased almost 50 percent.

I would like to insert in the RECORD an article that recently appeared in the Hearst newspapers which gives overdue credit to Attorney General Smith and the achievements of the Reagan administration in combating crime.

The article follows:

ATTORNEY GENERAL CLAIMS PROGRESS IN WAR ON CRIME

(By Kingsbury Smith)

WASHINGTON.—With a 10 percent drop in criminal activities in 1983 marking the third year in a row crime has declined, Attorney General William French Smith says greater progress has been made in combating America's number one enemy in recent years than ever before in the history of the country.

"The results are really quite dramatic," said the soft-spoken former California lawyer and close personal friend of President Reagan.

The results he cited include the largest breakup in history of heroin and cocaine criminal networks.

As the result of tougher law enforcement, the number of criminals in federal prisons has increased 30 percent over the past three years. More leaders of organized crime have been arrested, convicted and put behind prison bars than ever before during a similar period of time.

Smith initiated and supervised some of the most profound and far-reaching changes in federal policy on criminal justice that have ever been made. All are intended to deter crime.

One of the first steps taken by the Reagan administration was to set up a Cabinet-level anti-crime group over which the attorney general presides. This led to the creation of 12 presidential task forces throughout the country to work with state and local authorities in curbing crime.

Under Smith's direction, the Federal Bureau of Investigation and all branches of the armed services were for the first time brought together to act jointly to combat

crime, especially as it related to the illegal drug traffic.

He also masterminded development of the President's Comprehensive Crime Control Act, which the Senate approved Feb. 2 by the overwhelmingly bipartisan vote of 91 to 1, now pending in the House of Representatives, where the various provisions are being handled separately rather than as a package.

Smith gives credit for what has been accomplished to Reagan, who launched the federal government's crusade against crime, and to state and local authorities who cooperated effectively with the government in that crusade.

"What we have done in the last three and a half years is to develop a comprehensive approach for dealing with organized crime and illegal drug traffic, which together are by far our number one crime problems," he said.

"The Cabinet level group, made up of Cabinet heads who have responsibility in the crime prevention area, was established to focus high level attention on this problem including presidential attention. It was the first time that has ever been done, except perhaps for one small exception during the Ford administration.

"We focused on organizational changes that were needed to come to grips with the crime problem. It seemed ironic to me that the FBI had never before been involved in dealing with the illegal drug traffic—our No. 1 crime problem. So for the first time we brought the FBI into this fight. We reorganized and strengthened, the Drug Enforcement Agency and consolidated it within the FBI. That was a major step forward.

"One of the first things I did was to appoint a U.S. attorney general's task force on violent crime." To assure the bipartisan nature of that task force, Smith persuaded Griffin Bell, his predecessor in the Carter administration, to co-chair it along with Illinois Republican Governor James Thompson, a former prosecutor.

"It was a highly successful group," Smith said. "They came up with some 64 recommendations. We have implemented well over two-thirds of them. Practical recommendations, they had two phases. One could be implemented without legislation. The other required legislation and additional resources. During the last year and a half we have increased our law enforcement budget by 57 percent. This has enabled us to more than double the resources we have thrown against the illegal drug traffic. We announced in Atlanta some months ago the largest cocaine breakup. It involved the arrest of top people in these drug networks. More recently, I announced another big network breakup in Boston."

Smith, 66, submitted his resignation to President Reagan last January in order to return to private law practice in California. He was persuaded to stay on pending Senate action on confirmation of presidential counsellor Edwin Meese III as his successor, or at least until after the November presidential elections.●

MONIQUE PANAGGIO—30 YEARS OF SERVICE TO RHODE ISLAND

● Mr. CHAFEE. Mr. President, an outstanding citizen of Rhode Island—Mrs. Monique M. Panaggio—was recently honored for her 30 years of dedicated service to the Preservation Society of Newport County.

The city of Newport and the State of Rhode Island have benefited greatly from Monique Panaggio's tremendous energy and creativity. Since 1954, she has served as public relations director of the Preservation Society, developing a successful promotional program which has helped to make Newport one of our Nation's leading historical, cultural, and recreational attractions.

Mrs. Panaggio was born in Versailles, France, and came to the United States in 1945. After working as a journalist for the Worcester, MA, Telegram she served as executive secretary of the Newport Publicity Commission. One of her first projects was a centennial program commemorating the achievements of Comdr. Matthew Perry, USN, a Rhode Islander whose expedition to Japan opened the ports of that country to world trade.

Visitors from throughout the world came to Newport in 1955 for an observance marking the 175th annivesary of the arrival in Newport in 1780 of the Count de Rochambeau with 6,000 French soldiers which led to the victory at Yorktown. The success of this elaborate event greatly enhanced the fundraising capabilities of the Preservation Society and generated tremendous enthusiam for other activities.

When Monique Panaggio assumed her duties in 1954, the Preservation Society of Newport County owned one historic building whose annual visitor attendance was about 35,000. Today the Society owns and manages six Newport mansions—the Breakers, Marble House, Rosecliff, the Elms, Chateau-Sur-Mer, and Kingscote. It also owns Green Animals—one of the Nation's top three topiary gardens, and other properties including a public park.

Monique Panaggio's promotional talents have helped make the society the operator of Rhode Island's foremost tourist attraction. Last year, these properties attracted visitors from all over the world, accounting for 824,000 admissions. The society's activities have provided a significant boost for Rhode Island's economy. The society has also contributed immeasurably to wider appreciation for Rhode Island's history and pride in its heritage.

Rhode Island has been enriched by Monique Panaggio's leadership in other areas as well. She was appointed by Gov. J. Joseph Garrahy to serve on the women's committee of the Rhode Island Bicentennial Commission and has served as president of the Newport chapter of Alliance Francaise. Mrs. Panaggio has served as a member of the board of directors of the Automobile Club of Rhode Island and is a member of the Travel Industry Association of America and the Rhode Island Press Association.

Mrs. Panaggio serves as president of Christmas in Newport, a monthlong series of noncommercial programs which is one of the State's most eagerly awaited holiday observances. She took an active role in the State of Rhode Island's efforts to establish Fort Adams State Park in Newport.

The 30th anniversary of Mrs. Panaggio's service to the Preservation Society coincides with her 40th wedding anniversary. Her husband, Leonard J. Panaggio, was appointed the first director of Rhode Island's state tourist promotion division in 1952. Mr. Panaggio held this position until his retirement in March 1983. He served with tremendous distinction for the longest term of any State travel director in the Nation. Leonard Panaggio's efforts have helped draw visitors from throughout the world to our State's rich historical and scenic attractions.

Leonard and Monique Panaggio have earned the respect and friendship of countless citizens for their imagination, drive, and deep commitment to community service. I join with all Rhode Islanders in saluting them for their many fine accomplishments, and extending best wishes for continued success in all their endeavors.●

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

● Mr. D'AMATO. Mr. President, I rise today in recognition of the historically black colleges. These fine institutions of higher education deserve special recognition. Therefore, I am pleased to join in cosponsoring National Historically Black Colleges Week.

One hundred and three historically black colleges and universities provide quality education essential for the continued advancement of our citizenry. These colleges and universities play an important role in preparing our youth for a high technology society. Historically black colleges and universities not only have a rich heritage, but have played a significant role in American history.

Many students have benefited from these institutions of higher education. Historically black colleges have the potential to continue to provide necessary educational programs so that more students will reach their fullest potential. Therefore, it is appropriate, Mr. President, that we designate the week of September 23, 1984, as National Historically Black Colleges Week.

Thank you, Mr. President.●

SENATE SCHEDULE

Mr. LEVIN. Is the majority leader in a position to tell us what we can expect to be working on tomorrow?

Mr. BAKER. Yes, Mr. President, I will. Mr. President, we have still not been able to clear the supplemental appropriations bill for tomorrow. I am hopeful that we can do that. If we cannot, it would be the intention of

the leadership on this side to ask us to turn to the supplemental appropriations bill tomorrow. First, of course, would be a waiver under the Budget Act to reach that measure. But assuming we do, we would be on that measure tomorrow. If we do not, we continue on the debate on the motion to waive the budget provisions of the Budget Act with respect to the farm bill.

Mr. President, cloture has been filed. So we will have a cloture vote on Wednesday on the motion. But perhaps it would be useful to say, as I previously have said to the minority leader privately, that it is my hope that we could finish the agriculture bill, any other appropriation bills that we can, the supplemental apporpriations bill, and frankly I think that is about all. There may be other matters that we can reach that will not take much time. But our principal responsibility this week in my judgment is to do the supplemental and the agriculture bill, and that will be a good week's work.

Mr. LEVIN. I understand that there is definitely to be cleared a small business Federal procurement competition bill, S. 2489. My question is this: Would it be possible for the leader to see if that could be cleared this evening, if it is going to be cleared at all?

Mr. BAKER. Yes. Mr. President, I would be glad to. I am advised now that we have a unanimous-consent agreement in respect to that measure relating to time. If the minority leader is prepared to do so, I will put that request in a moment. But, yes, Mr. President. We thought we might clear that today, but it did not work out. So may I say to my friend from Michigan that if we can get this time agreement, I am sure we can find time tomorrow to deal with that measure.

Mr. LEVIN. My question to the leader is: Would it be possible for the leader to see if that could be cleared today rather than tomorrow so we could know today whether or not that is going to be coming up tomorrow?

Mr. BAKER. If the Senator will let me confer with the minority leader, maybe I can give you some more information. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDIENG OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THREE OLYMPIC GOLDS FOR MARY T. MEAGHER

Mr. FORD. Mr. President, Kentuckians are beaming with pride today over the Olympic performance of Mary T. Meagher, a 19-year-old swimmer from Louisville.

Miss Meagher claimed 3 of the 21 gold medals won by U.S. swimmers, winning the gold in the 100-meter butterfly, 200-meter butterfly and the 400-meter medley relay. In the 200-meter butterfly, she left the starting blocks like someone who had been freed from jail, touching home with the third-fastest time in history for men or women. While that time fell a second short of Miss Meagher's own world record, she will still retire as the only woman ever to break the 59-second barrier.

Miss Meagher, one of many American athletes disappointed by the 1980 Olympic boycott, also helped bring the American team its 1½ second victory over runnerup West Germany in the 400-meter medley relay. Her incredible 58-second leg in the earlier relay event was the fastest butterfly relay leg in history.

I wish to congratulate Miss Meagher, a sophomore at the University of California at Berkeley, and her parents, Mr. and Mrs. James L. Meagher of Louisville. She showed true Olympic spirit, giving the United States her best in these Olympic events.

Mr. President, I ask unanimous consent that an article by Billy Reed, entitled "For Mary T., It's a Merry Three Golds," which appeared in the Courier-Journal of August 6, 1984, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal, Aug. 6, 1984]

FOR MARY T., IT'S A MERRY THREE GOLDS

(By Billy Reed)

LOS ANGELES.—On the day that she would go after her third gold medal of the Olympic Games, Mary T. Meagher woke up feeling sick at her stomach and "like I hadn't gotten any sleep at all."

She had eaten late on Friday in the wake of her terrific leg in the 4 x 100 medley, then tried to sleep. But she kept waking up because of sounds and whispers in her dormitory suite.

"I guess it could have been nerves," she said last night. "Other people were coming in and out, and I'd wake up every time."

A two-hour afternoon nap helped, but she still didn't feel quite right even as she waited to be called for the 200-meter butterfly—an event in which she has reigned supreme since 1979.

The 19-year-old Louisvillian knew she was thinking too much about her last race at the highest level, so she got teammate Carrie Steinsfeifer to talk "just to take my mind off it."

That helped, as did the last-minute laps that she swam in the diving pool between the time she was introduced to the standing-room-only crowd and the moment when the field of eight was called to get on the starting blocks.

"I don't think they would have started without me," Meagher would say later, smiling sheepishly.

And, of course, they wouldn't have because everybody at the pool, her competitors included, knew that this was her show.

Let the record show that, in the final big race of her illustrious career, Mary Terstegge Meagher went out the way a champion should.

After 150 meters, she was so far ahead that it was only a question of margin and time. As she brought it home, against a ringing backdrop of cheers and a sea of waving American flags, she was where she belonged—in front, all alone, in a class apart.

Unchallenged, she nevertheless touched home in 2:06.90, which smashed the Olympic record of 2:10.44 set by Ines Geissler of West Germany at the 1980 Games in Moscow.

And then, for the third time in three days, she got to climb the victory stand, bend to let a gold medal be put around her neck, and sing along while they played the national anthem and ran up the Stars and Stripes.

Until now, no Kentuckian had ever won more than a single gold medal, and the last to win one in an individual event was boxer named Cassius M. Clay, the 1960 Olympic light-heavyweight champion who went on to earn a measure of fame under the name of Muhammed Ali.

Ali's gold medal now is somewhere at the bottom of the Ohio River, where he heaved it upon being refused service at a Louisville restaurant shortly after he returned from the Games in Rome.

Last night, asked by an ABC interviewer what she planned to do with her three golds, Mary T. didn't forget the folks at home.

"I'll put them up for a while in the family room of my parents' home in Louisville," she said, "so that everybody who has helped me and loved me can come see them and share in them."

The line ought to stretch from the Meagher home in St. Matthews all the way down to the Lakeside Swim Club and around the Sacred Heart. Why, it would be that long if only her immediate family showed up. She's ninth in a line of 10 children.

One of her teammates in Friday night's relay, Theresa Andrews, comes from a family in which she has nine brothers and one sister.

Asked about their families, Meagher tried to give a diplomatic answer.

"We come from strong religious backgrounds," she said.

"Good Catholic families," Andrews interjected. "Go ahead, Mary, say it, say it."

Of all the U.S. swimmers, Meagher seemed one of the most popular. Her every appearance drew loud, enthusiastic ovations to which she responded with big smiles and waves of her arms.

However, the outward show of confidence was only a think veneer on a bundle of nerves. As good as she is, and as much as she has accomplished. Meagher's a natural-born worrier whose ego is fragile, at best.

Her moments of glory were postponed four years by former President Jimmy Carter's decision to boycott the 1980 Games in Moscow to protest the Russian invasion of Afghanistan.

So, while Ines Geissier of West Germany was setting an Olympic record in the 200-

meter butterfly, Meagher was at home, watching on TV.

For Meagher, that was the beginning of a long four years in which she set world records, suffered a shattering 1982 loss to the East Germans, gained weight and lost interest, and finally began the comeback that culminated this week.

"For those of us who have been around since 1980," she said last night, "we're realizing more and more how much the boycott hurt us—and how much we missed out on. Gosh, it's been so long since we've had a top-notch international meet where the whole world was watching us."

Inevitably, she was asked about the absence of several of the world's best swimmers—most notably the East Germans and the Russians—at these Olympics.

Earlier in the week, she had said that she not only wanted to win gold medals, but to turn in times that would leave no question about her superiority in the world.

That she did, in every race.

On Thursday, she set the Olympic record at 100 meters in qualifying before winning the gold in a slower time that left her slightly disappointed.

Then, in Friday's relay, she single-handledly pulled the U.S. team from a slight deficit to a huge lead with a 58.04 butterfly leg that was the fastest in history.

The end of the message came last night: Forget the East Germans, because Madame Butterfly still comes from Louisville, Ky.

Still, unlike all, Meagher couldn't quite bring herself to state flatly that she would have dominated, no matter what.

"I can see it going both ways," Meagher said. "It could be that I would have felt more pressure and been more scared and nervous. But on the other hand, if somebody had been next to me and pushing me, maybe I would have concentrated less on the pain and swum even faster."

Indeed, her time last night was only a second off her world record. She remembered telling herself at one point in the race to "pick it up, but then she also told herself to take care to "not go flat in the water."

As difficult as it may be for casual observers to understand, times mean about as much to swimmers as medals.

But don't get the idea that Mary T. was disappointed. Far from it. During one TV interview, she spontaneously grabbed the gold dangling around her neck and kissed it.

Now, her work done, she will get to enjoy the rest of the games in the company of her teammates, family and friends.

Then, after the closing ceremonies next Sunday, she will join America's other medal winners on a triumphant tour that will begin with President Reagan in Los Angeles and go to New York, Washington, Orlando, New Orleans and Dallas.

After that, finally, she'll bring the medals home to Louisville, where she'll spend a week before enrolling as a sophomore at the University of California-Berkeley.

"I'll keep swimming until my college eligibility runs out, but it'll be just for fun," she said last night. "This was the last all-out effort, mentally, that I'll ever put into swimming."

Now, smiling, she didn't look sick at all. The insomnia was forgotten, So, too, were all the butterflies—the ones in the pool, as well as those in her stomach.

TORI TREES, KENTUCKY OLYMPIAN

Mr. FORD. Mr. President, I wish today to congratulate 19-year-old Tori Trees, a Kentuckian who placed fifth in the women's 200-meter backstroke final of the 1984 Olympics.

Miss Trees, a graduate of Atherton High School in Louisville, KY, was one of only two Americans to qualify for this event. She has had a distinguished swimming career since she first began swimming at age 8 at the Lakeside Swim Club in her hometown. This year she placed second in two events of the NCAA swimming championship as she swam for the University of Texas. Those events were the 100-meter and 200-meter backstrokes.

Miss Trees and her parents, Mr. and Mrs. William Trees, of Louisville, are to be commended following this outstanding Olympic performance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT—S. 2489

Mr. BAKER. Mr. President, I have before me now a unanimous consent time agreement that appears to be cleared all around.

I ask unanimous consent that when the Senate turns to the consideration of calendar order No. 975, S. 2489, the Small Business Act, it be considered under the following time agreement: 30 minutes on the bill to be qually divided between the Senator from Connecticut [Mr. WEICKER] and the Senator from Arkansas [Mr. BUMPERS], or their designees; 30 minutes on the bill to be equally divided between the Senator from Texas [Mr. TOWER] and the Senator from Georgia [Mr. NUNN], or their designees; 30 minutes on the following amendments, that be the only amendments in order. To wit:

An amendment to be offered by the Senator from Ohio [Mr. METZENBAUM] requiring a GAO report on the extent this bill increases the opportunity for small business access to government contracts;

An amendment to be offered by the Senator from Michigan [Mr. LEVIN], to enhance the cost-effective acquisition of spare parts by the Department of Defense; title X of United States Code and section 15 of the small business biil;

An amendment to be offered by the Senator from Georgia [Mr. NUNN], regarding tenure of program managers in major defense weapon systems;

An amendment to be offered by the Senator from West Virginia [Mr. BYRD], to establish an Office of Competition Advocates General within the Departments of Defense and NASA as passed by the Senate;

An amendment to be offered by the Senator from New Mexico [Mr. BINGAMAN], to require a plan for improving DOD computer capability regarding spare parts procurement data;

A Weicker-Dixon amendment conforming the bill to the relevant provisions of the DOD bill as passed by the Senate; and

Finally, that no motions to recommit with instructions, or refer with instructions be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President.

Mr. BAKER. Mr. President, if the Senator will withdraw his reservation, I shall amend the request.

Mr. BYRD. Mr. President, I withdraw my reserevation for the moment.

Mr. BAKER. I thank the Senator.

Mr. President, I further ask unanimous consent that if the Senate turns to the consideration of this measure tomorrow, it not do so prior to the hour of 2 p.m.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, the request should be modified further as follows: the Weicker-Dixon amendment containing technical and conforming amendments to the bill to the relevant provisions of the DOD bill as passed by the Senate. That is the modification.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That when the Senate proceeds to the consideration of S. 2489 (Order No. 975), a bill to amend the Small Business Act to enhance competition in Government procurement, but not before the hour of 2 p.m. on Tuesday, August 7, 1984, that the committee amendments be agreed to en bloc and considered as original text, and that the only amendments to be in order are the following first degree amendments, on which there shall be 30 minutes each:

Metzenbaum amendment, relative to a GAO report on the extent this bill increases the opportunity for small business access to government contracts

Levin amendment, relative to enhancing the cost effective acquisition of spare parts by the Department of Defense (Title X of U. S. Code and Sec. 15 of the Small Business bill)

Nunn amendment, relative to tenure of program managers in major defense weapon systems

Byrd amendment, relative to establishing an office of competition advocates general within the Departments of Defense and NASA (as passed by the Senate)

Bingaman amendment, relative to requiring a plan for improving DOD computer capability regarding spare parts procurement data

Weicker-Dixon amendment, technical and conforming the bill to the relevant provisions of the DOD bill as passed by the Senate

Ordered further, That no motion to recommit with instructions or to refer with instructions be in order.

Ordered further, That on the question of final passage of the bill, debate thereon shall be limited to 1 hour, with 30 minutes to be equally divided and controlled by the Senator from Connecticut (Mr. WEICKER) and the Senator from Arkansas (Mr. BUMPERS), or their designees, and with 30 minutes to be equally divided and controlled by the Senator from Texas (Mr. TOWER) and the Senator from Georgia (Mr. NUNN), or their designees. (Aug. 6, 1984)

UNANIMOUS-CONSENT AGREEMENT—SMALL BUSINESS SPARE PARTS ACT

Mr. BAKER. Mr. President, I am advised that there are two sets of committees' amendments to the small business spare parts bill which should be qualified under the unanimous-consent order. I will put the following additional request in respect to that bill.

Mr. President, I also ask unanimous consent that all committee amendments to the bill be adopted and considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDERS FOR TUESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. tomorrow, and that on tomorrow, after the recognition of the two leaders under the standing order, special orders be awarded in favor of two Senators in this order, to wit: Senators GARN and PROXMIRE, for 15 minutes each, to be followed by a period for the transaction of routine morning business until 12 noon, with statements therein limited to 5 minutes each.

I further ask unanimous consent, Mr. President, that at 12 noon the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, as I indicated earlier, it is the hope of the leadership that on tomorrow we may be able to reach the supplemental appropriations bill, notwithstanding the provisions of the 3-day rule. That, of course, will require a waiver of the pertinent sections of the Budget Act. In any event, Mr. President, I expect the Senate will take that measure up this week—if not tomorrow, then on Wednesday. If we are not able to reach the supplemental appropriations bill tomorrow, Mr. President, it would be the intention of the leadership on this side to continue the debate on the motion to waive the provisions of the Budget Act with respect to the agriculture appropriations bill.

It is anticipated, Mr. President, given other factors and circumstances, we will be able to reach the so-called small business spare parts bill on or after 2 p.m. tomorrow, in connection with which there is a limitation of time for debate according to the order previously entered.

Mr. BYRD. Mr. President, the distinguished majority leader has indicated that the bill, S. 2489, the Small Business Act, will be brought up not before 2 p.m. tomorrow, I believe.

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. Is it the position of the majority leader that he intends to finish that bill tomorrow?

Mr. BAKER. Yes, Mr. President, it is.

Mr. BYRD. I thank the distinguished majority leader.

HUNGER RELIEF ACT OF 1984

Mr. BYRD. Mr. President, I understand that a House message on H.R. 5151 is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. That is cited as the "Hunger Relief Act of 1984."

Mr. President, on behalf of Mr. KENNEDY, I ask that the bill be read the first time.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs.

Mr. BYRD. Mr. President, I ask that the bill be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I object to further proceedings on the bill on this day.

The PRESIDING OFFICER. Objection is heard.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have a few items in the folder today that appear to be available for action by unanimous consent, and I will run through them rapidly, since we are going to run out of time.

I ask unanimous consent that the time for the transaction of routine morning business be extended to not later than 6:30 p.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. CON. RES. 132 PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Mitchell-Cohen resolution, Senate Concurrent Resolution 132, relating to Olympic gold medals, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS DEVELOPMENT ACT AMENDMENTS—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on S. 1429 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (S. 1429) to amend the Small Business Development Act of 1980, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. WEICKER. Mr. President, I am delighted that the Senate is considering the conference report on S. 1429, the Small Business Development Improvement Act of 1984. This bill would extend and strengthen the Small Business Administration's [SBA] Small Business Development Center [SBDC] Program which currently is due to expire on January 1, 1985. First, I would like to offer my sincere thanks to Senator BUMPERS, the ranking minority member of the Small Business Committee for his assistance and cooperation in formulating this compromise bill and to Senator NUNN, whose interest and involvement in this program over the years has been a major force in the development of this legislation. I would also like to thank Congressman MITCHELL, chairman of the House Small Business Committee, for his leadership and direction in moving this bill through the House. I am most appreciative of their efforts.

Mr. President, the SBDC program is designed to provide local management assistance and technical advice to small businesses. Currently, there are SBDC's in 32 States across the country and in the District of Columbia,

which draw on the resources of the private and public sectors, local business organizations and universities to help small business in their areas. Last week conferees from the Senate and House met and resolved several outstanding issues which in my view will help strengthen the Small Business Development Center Program.

Mr. President, the bill we are considering here today represents months of careful review and examination by both Houses. The Senate passed S. 1429 on November 16, 1983, after holding three hearings on the program and conducting two independent evaluations. The House also has held several hearings on this program and also passed a bill on May 14, 1984, to extend and make certain modifications in the SBDC Program.

Mr. President, for any of my colleagues who wish a more detailed history of this legislation, I would refer them to the committee report on S. 1429, which describes the development of the SBDC Program since its inception as a pilot program of the SBA in 1976. I think it important at this point, however, to review a little of this history.

In response to studies demonstrating that many business failures were caused by a small business owners' fundamental lack of management and technical skills, SBA in 1976 sought to find new ways of providing needed management assistance and counseling to small firms. Eight centers, based at universities, were funded on a pilot basis.

Although the initial pilot centers had many flaws, the Small Business Committee believed that the underlying concept of using private business and educational resources to deliver management assistance was a good one.

In 1979, a bill formally authorizing the SBDC Program and setting up a statutory framework for the operation and management of the centers was introduced, and in 1980, was enacted into law as part of Public Law 96-302. This law included a provision to sunset the program on October 1, 1984. This sunset date was further extended to January 1, 1985, with the enactment of Public Law 98-177 on November 29, 1983. The purpose of this 3-month extension was to provide Congress time enough to complete its study of the program and allow the SBDC Program to continue without funding interruptions.

Mr. President, since 1980, when Public Law 96-302 went into effect, the program has grown considerably. As I noted, SBDC's are located in 32 States plus the District of Columbia, and SBA fully expects that, with the reauthorization of this program, it will continue to grow and operate in most of the 50 States within 5 years. The committee has taken a long and careful look at this program. Based on the performance of the program to date, I believe wholeheartedly that the SBDC Program should continue to enjoy the support of Congress. As in any new program, it has had its problems. However, its track record shows clearly that this delivery system does provide valuable advice and assistance to small firms.

Last week in conference with the House, additional modifications to the program were agreed to which, in my view, correct some of the problems that have surfaced during the operation of this program. These modifications to the program will permit existing and future SBDC's to provide even more efficient and effective counseling and management assistance to the small businesses in the communities they serve.

A detailed explanation of all of the provisions agreed to is contained in the conference report, but let me highlight the major points agreed to in conference.

NEW FEDERAL MATCH REQUIREMENT

Current statutory language authorizing the administration to award financial assistance to eligible recipients for the establishment and operation of small business development centers requires each recipient to provide matching funds. Specifically, the law requires the recipient to provide matching funds derived exclusively from non-Federal sources, in an amount equal to the amount to be awarded by the administration. The matching requirement specifies that no more than 50 percent of the recipient's match is permitted to be in the form of inkind contributions or indirect costs. This statutory limitation on the extent to which indirect costs and inkind contributions can be used for the match leaves unstated the composition of the other 50 percent of the match, though it was understood to be cash.

The conference agreement clearly states that the other 50 percent of the required match would be in the form of an upfront hard cash contribution from non-Federal sources. The statutory language adopted by the conferees amends the existing match requirements by spelling out that 50 percent of the non-Federal match must be in the form of cash. To answer concerns that some SBDC's might not be able to meet this upfront cash requirement on an immediate basis, the conference agreement provided for a transition period to allow individual centers and State legislatures, when and where appropriate, to make the necessary adjustments in their budget procedures. This transition period would work as follows:

In the 32 States and the District of Columbia in which the SBDC's exist today, the cash requirement is effective for grants for performance commencing on or after October 1, 1987.

For the other 18 States who have yet to enter this program, the cash match requirement would be required for grants for performance commencing on or after October 1, 1988, if the applicant is located in a State which receives its initial grant for performance commencing on or after August 1, 1984 and prior to October 1, 1986. The cash match is required for grants for performance commencing on or after October 1, 1986, if the applicant is located in a State which receives its initial grant for performance commencing on or after October 1, 1986.

SBDC AUTHORIZATION

Current law authorizes the appropriation of "such sums as may be necessary" to provide funding for SBDC's based on a formula comparing population to be served to the total U.S. population, with a program cap of $65 million. The 1984 appropriation for the SBDC Program is $25 million. The State, Justice, Commerce appropriations conference report for fiscal year 1985 agreed to a $28.5 million level for fiscal year 1985.

The Senate bill as passed, provided for specific authorization ceilings for the SBDC Program in each of the next 3 fiscal years.

Under the conference agreement, the Senate language for fiscal year 1985 was adopted, providing for a $30 million program level. For fiscal year 1986 and every year thereafter, however, in order to accommodate anticipated, gradual growth in the program without unduly imposing restrictive program levels, the conference agreement authorizes such sums as may be necessary to be appropriated solely to operate the SBDC Program. It is important to note that the statute still contains as part of the allocation funding formula an overall program cap of $65 million. This language is consistent with current law.

PEER REVIEW

Current law provides for a one-time evaluation of the SBDC Program, with a report to be submitted to the Congress. That evaluation was undertaken and completed in 1983. The required report was submitted to Congress and used by the committee as part of its overall examination of the SBDC Program.

In order to ensure that this program and individual centers continue to be monitored, the conference agreement requires that SBA develop and implement a proposal for an onsite evaluation of each federally funded SBDC. This proposal must be completed by SBA within 6 months of enactment of this legislation. The evaluation process will be conducted every 2 years and provides for the participation of representatives of at least one other SBDC in each of the reviews.

SUNSET OF THE SBDC PROGRAM

Under existing law, the SBDC Program is due to expire or "sunset" on January 1, 1985. It is the strong belief of members of both the Senate and the House Small Business Committees that the SBDC Program is a valuable resource and asset to the small business community and should be made permanent. However, the conferees also agree, and I join with them in this assessment, that in order to ensure the continued success of the program, it is necessary that Congress continue to effectively monitor and examine through the oversight process the growing network of SBDC's throughout the country. Therefore, the conference agreement provides for a sunset date of October 1, 1990. This, we believe provides a means for Members of the Senate and House to revisit the SBDC Program to review its growth and development, and to make any programmatic changes if they are needed.

Mr. President, I believe the SBDC Program has proven itself as an effective management assistance program for small business. The Senate reaffirmed this fact last year when it voted unanimously to pass S. 1429 in its original form. I believe that the changes which have been made in the conference report represent an acceptable compromise between the Senate and House bills and will give the program a solid statutory base to build upon. I urge my colleagues to accept this conference report.

Mr. BUMPERS. Mr. President, I rise in support of the conference report on S. 1429, the Small Business Development Center Improvement Act of 1984. This conference report will make a number of improvements in the operation of this important management assistance program in the Small Business Administration. The bill will also provide for an extension of the program until October 1, 1990. I urge my colleagues to support the conference report.

As the ranking Democratic member of the Senate Small Business Committee, I know all too well that one of the most frequently cited reasons for small business failure is the lack of management capability. Even with its extensive field network, Congress was concerned about the ability of the Small Business Administration's employees to meet effectively and efficiently the small business community's requirements for management assistance. Under the outstanding leadership of the former chairman of the Senate Small Business Committee, Gaylord Nelson, and my predecessor as the ranking Democratic member of the Committee [SAM NUNN], in 1980 the Congress built upon an administrative effort undertaken by SBA in 1976 and legislatively created a pilot small business development center program. During the 4 years that the legislatively based pilot program has been in existence, 32 States and the District of Columbia have met the statutory criteria for eligibility and are actively participating in the program. An additional two States will probably be brought into the program before the end of this Federal fiscal year. I have every reason to expect that an additional five or more States will come into the program within the next year, as well. It is evident from the number of applicants coming into SBA that the States and their small business leaders recognize the value of this program and its capability for success.

In the original legislation establishing this program, Congress provided for a sunset of this program on October 1, 1984. Subsequently, in Public Law 98-177, enacted on November 29, 1983, Congress extended that sunset deadline until January 1, 1985. This legislation will further extend the sunset date on this valuable program until January 1, 1990. While we have agreed to a further sunset date, however, I want to highlight the statement of managers in the conference report on this point:

(T)he conferees acknowledge that the pilot SBDC program enacted in 1980 has been very successful in providing management assistance to small business (and) a further sunset date was included only to ensure that the Congress, the Small Business Administration and the SBDC program managers would review the growth and development of the SBDC program.

As designed by Congress, the Small Business Development Center Program is to provide comprehensive management and technical assistance to the small business community. The SBDC's should bring together the resources of government at all levels with the resources of the university systems and the private sector. There has been an extensive oversight of the program and hearings by the Senate Small Business Committee during the past 2 years. There have been periodic program and financial audits undertaken by the Small Business Administration. The statutorily mandated program evaluation was undertaken by a private contractor during 1982 and did an extensive evaluation of the centers then in operation. Each of these has proven that the SBDC Program is meeting the congressional intent to establish a cooperative program that will provide quality management assistance to small business.

Mr. President, the conference agreement does not vary significantly from the program being operated in current law. Through a phase-in of a new definition of the cash-match requirement, the conferees have taken action to strengthen the financial position of each SBDC, ensure a greater level of commitment and awareness of the operation of the SBDC in each State, and insist that this program is truly a one-for-one match. We have taken action to ensure that the statute is more explicit on the recognition that this program requires both full-time SBDC staff attention and convenient service delivery to its clients. We have directed the Small Business Administration to develop and implement a program for a biannual, onsite review of each SBDC, and directed that the agency include the participation of at least one outside SBDC as part of each review.

Mr. President, from my perspective on the Senate Small Business Committee, this program has proven that the Small Business Administration, in cooperation with the universities of our Nation, the private sector management consultants and other experts, can help fill that management void. As the senior Senator from the State of Arkansas, I also know first hand how this program has benefited the small businesses of my State.

The Arkansas Small Business Development Center program was initiated in 1979. Today, under the leadership of the industrial research and extension center of the University of Arkansas, and a consortium of eight other Arkansas colleges and universities, the Arkansas SBDC network serves small businesses throughout my State through nine service units. In addition to the basic general business management services, the Arkansas SBDC also provides specialized services to small businesses wishing to export—through an international trade center working with the Arkansas Industrial Development Commission—and a capital formation advisory service.

Mr. President, our authorizing committee will continue to evaluate the effectiveness of this program and its implementation by the Small Business Administration. Our review to date indicates several areas of the program that need to be more carefully examined in the near future. However, we have unanimously reached the conclusion that the SBDC program is an effective means for providing necessary management assistance to small business.

I want to compliment the chairman of the Senate Small Business Committee [Senator WEICKER] and my colleague from Georgia [Senator NUNN] for their outstanding leadership in carefully reviewing this law, and bringing forward a package of legislative reforms that will have a significant and positive impact in improving the chances for small business success.

I urge my colleagues to support the conference report on S. 1429.

Mr. NUNN. Mr. President, I rise in support of the conference report on S. 1429, the Small Business Development Center Improvement Act of 1984 and urge its passage by the Senate. This

conference report will provide for the extension of the Small Business Development Center program created by Congress in 1980. During the past 4 years, the program has proven its value in providing management assistance to small business in an effective and efficient manner.

I am a strong supporter of the program, and have been directly involved in every legislative phase of its creation, growth, and extension. From our reviews, we know that a properly functioning, properly managed, and properly funded SBDC program has proven that it can make a difference in assisting in the successful operation of many of this Nation's small business concerns. However, our review has also demonstrated that there are limitations to what this program can and should do.

In these times of difficult economic circumstances, small businesses in particular are still failing at record rates. Empirical evidence shows that the lack of management expertise is one of the most common problems facing the small business owner. In August 1982, in a private survey undertaken by Safeguard Business Systems—a large business—jointly with the University of Texas at Austin, more than half of the businesses with 10 or fewer employees surveyed indicated that business failures resulted from internal causes, and of that group 30 percent listed "lack of management expertise" as the primary cause.

In 1976, the Small Business Administration began its own program of small business development centers. Eight centers, including one in my own State of Georgia, were formed to determine the feasibility and effectiveness of increasing the reliance on the private sector for providing management assistance to small business.

In March 1977, I had the privilege of chairing the first hearing by the Senate Small Business Committee on legislation that was ultimately to become the Small Business Development Center Act of 1980. At that 1977 hearing, I noted that the Agricultural Cooperative Extension Service, created over 100 years ago, had proven that the combination of the private sector, the university community, the States, and the Federal Government can jointly make tremendous strides in increasing farm productivity. As I said then, and still firmly believe, the needs of the agriculture and small business communities are similar, and that agriculture program was worth duplicating for the small business sector.

In February 1983, in Georgia, I also chaired the first congressional oversight hearing on the implementation of the 1980 Small Business Development Center program. On June 8, 1983, I joined with Chairman WEICKER and six other members of the Senate Small Business Committee in introducing the legislation in the Senate (S. 1429) that proposed to make the SBDC program permanent. Throughout our committee's extensive review and oversight hearings, I raised four key questions about this program:

Is the Small Business Development Center program providing management assistance that would not otherwise be available to small business?

Is this program a cost-effective way of providing management assistance?

Has there been a sufficient test of the pilot program so that Congress is capable of fully and fairly evaluating the performance of the program? and

Are there changes in law that Congress should make that would increase the potential for success of this program?

With the legislative work that has been done by both the Senate and House Small Business Committees, I feel confident in telling my colleagues today that with the adoption of this conference report, we can confidently answer each of those four questions with a strong "yes."

Mr. President, the conference report pending before the Senate will strengthen the SBDC program. It will clarify the requirements for eligibility and strengthen the partnership between the Federal Government, the States, the university community, and the private sector in providing management assistance to small business. We have provided for another sunset date for the SBDC program, but it is clear that this date was included only to facilitate a future review of the changes that have been made in the operation of the program as a result of this legislation, and to provide for a convenient means for assessing the growth and development of this important SBA program. Frankly, there are areas that will need periodic monitoring by the Congress.

I want to take this opportunity to thank the chairman of the Senate Small Business Committee, Senator WEICKER, for his leadership in this program during its creation and in the oversight phase. I also want to thank my successor as the ranking Democratic member on the Small Business Committee, Senator BUMPERS, for facilitating the extension of ths important program and for his guidance and leadership in working out the conference agreement. Others on the Small Business Committee, including my friends from Kentucky [Mr. HUDDLESTON] and Massachusetts [Mr. TSONGAS] have outstanding and varied SBDC programs in their States, and both Senators have contributed significantly over the years to the growth and development of this small business development center program.

Mr. President, I urge the Senate to adopt the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER INDEFINITELY POSTPONING CERTAIN ITEMS

Mr. BAKER. Mr. President, may I say to the minority leader that the following items are available to be indefinitely postponed. Calendar 132, which is S. 1117; Calendar 567, House Concurrent Resolution 168; Calendar 735, which is S. 2522; Calendar 843, Senate Resolution 329; Calendar 876, which is S. 2584; and S. 1037, which is not on the calendar, but which is at the desk.

If he has no objection, I will make that request now en bloc.

Mr. BYRD. Very well.

Mr. President, there is no objection on this side, with the exception of one calendar order and that is calendar order No. 843, which the distinguished majority leader mentioned.

Mr. BAKER. Very well, Mr. President, then I ask unanimous consent that the items just listed, with the exception of Calendar 843, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am advised that certain items may be cleared on today's executive calendar.

Could I inquire of the minority leader if he is prepared to consider any of the items on today's executive calendar by unanimous consent?

Mr. BYRD. Mr. President, the following calendar orders have been OK'd on this side: Calendar Order No. 707 and Calendar Order No. 928, and that completes the list.

Mr. BAKER. Mr. President, I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session now for the purpose of considering the two nominations just identified.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The first nominations will be stated.

31-059 O-87-31 (Pt. 16)

NATIONAL SCIENCE FOUNDATION

The legislative clerk read the nomination of Erich Bloch, of New York, to be Director of the National Science Foundation.

Mr. KENNEDY. Mr. President, I bring to the attention of my colleagues the pending nomination of Erich Bloch for Director of the National Science Foundation. Mr. Bloch is eminently qualified to serve as the Director of our Nation's leading science agency, having distinguished himself in the field of computer technology. He presently serves as a vice president of technical personnel development at IBM.

Mr. President, I bring to the attention of my colleagues this nomination because of the pending departure of Dr. Edward Knapp from the Director's post. Without deliberate action on our part to fill the Director's post at NSF there will be a serious void in the leadership at this important agency.

I urge the leadership and my colleagues to consider immediate action on this important nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Harold J. Lezar, Jr., of Texas, to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

100 HOURS OF SERVICE AS THE PRESIDING OFFICER.

Mr. BAKER. Mr. President, it has been brought to my attention that the distinguished occupant of the Chair, the Senator from Mississippi [Mr. COCHRAN] has a few moments ago completed his 100th hour of service as the Presiding Officer of the Senate. I congratulate the Senator from Mississippi for that accomplishment.

I have often remarked that what little I know about procedure I either learned from the present minority leader or sitting in the chair and watching.

It is a valuable experience and one that I thoroughly enjoyed when I had the opportunity to do that.

Mr. President, I congratulate the Senator from Mississippi for his good work, and I wish him well in the next 100 hours of duty that he may preside over the Senate.

Mr. President, that completes my list of items for today.

Does the minority leader have anything else to address to the Senate?

Mr. BYRD. Mr. President, I thank the majority leader. I do not.

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in recess until 10:30 a.m. tomorrow.

After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders to be followed by a period for the transaction of routine morning business until the hour of 12 noon.

At 12 noon the Senate will stand in recess until the hour of 2 p.m. At the hour of 2 p.m. the Senate will turn either to the consideration of the pending motion to waive certain provisions of the Budget Act with respect to the agricultural appropriations bill or the supplemental appropriations bill and matters appurtenant thereto, or the small business spare parts bill under the time limitation entered into today.

It is not anticipated that tomorrow will be a late day, but I do anticipate that it will be a full day.

Senators should be on notice, however, that any day this week may be a late day, since this is the final week before the scheduled recess over until after the Labor Day recess and prior to the Republican National Convention.

DEATH OF REPRESENTATIVE CARL PERKINS OF KENTUCKY

Mr. BAKER. Mr. President, I send to the desk a resolution in respect to our late colleague, Representative CARL PERKINS of Kentucky, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 428) relative to the death of Representative CARL PERKINS of Kentucky.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Carl Perkins, late a Representative from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, it was with deep sorrow that I learned of the death of our colleague in the House of Representatives, CARL PERKINS.

This native son of eastern Kentucky compiled a legislative record that stands as a testimony to his 33 years of service. Taking over as chairman of the House Education and Labor Committee in 1967, he managed large pieces of then-President Lyndon Johnson's antipoverty program. He earned the label of being a champion of social welfare legislation, including job training and school lunch programs.

Despite his perpetual grin and soft manner and Kentucky twang, CARL PERKINS stood tall as a man who knew how to get a job done. He considered his greatest legislative triumphs to be the Vocational Education Act of 1963, the Elementary and Secondary Education Act of 1965, and the black lung benefits in the Coal Mine Health and Safety Act of 1969.

One of his last legislative initiatives was the House-passed bill to allow student religious groups to meet in public schools.

We all mourn the loss of CARL PERKINS. His absence will be greatly felt in both his home State of Kentucky and in the country as a whole.

KENTUCKY HAS LOST A GIANT

Mr. FORD. Mr. President, Kentucky has lost a giant.

Congressman CARL DEWEY PERKINS, who represented the people of Kentucky's Seventh District in the U.S. House of Representatives since his election in 1948, died August 3 as he was returning home to his beloved Kentucky.

It would be hard for me to exaggerate the impact this man has had on Congress, on Kentucky, and on our Nation as a whole. As chairman of the House Education and Labor Committee, Congressman PERKINS was responsible—sometimes more than any other person—for some of the most progressive legislation our Nation has seen since the New Deal. He wrote the Vocational Education Act of 1963. He was a key force behind the Elementary and Secondary Education Act of 1965, which created remedial help for disadvantaged children and provided aid for school libraries. He was one of the fathers of the Appalachian Regional Commission, which has helped some of the poorest sections of eastern Kentucky and other States obtain badly needed hospitals and roads. A recent news story aptly described CARL PER-

KINS as a "field general in the war on poverty."

But beyond his legislative achievements, CARL PERKINS never forgot his roots. He was a mountain man, in the finest sense of the word. He returned, at every opportunity, to his farm in the mountains of eastern Kentucky. And he preferred to drive the backroads alone, talking with "my people," as he affectionately called his constituents.

It has been frequently noted that Congressman PERKINS had remained a Member of the House of Representatives so long that only three sitting Representatives had more seniority than he. But I submit, Mr. President, that CARL PERKINS' greatest achievement was not his longevity, but his ability to serve his constituents effectively while also making a mark as an outstanding national legislator. He had a vision of America—but he never let his view of the folks back home grow dim.

CARL PERKINS' death has left a void that will be difficult, if not impossible, to fill. But his fight to end poverty in Kentucky and elsewhere will never be forgotten.

Mr. DODD. Mr. President, I rise to pay tribute to a great friend and colleague, Representative CARL PERKINS of Kentucky.

I became acquainted and worked with CARL PERKINS during my tenure in the House of Representatives from 1974 to 1980. More recently, I testified before the House Subcommittee on Elementary, Secondary, and Vocational Education, which Congressman PERKINS chaired for 17 years, in an effort to provide adequate support for quality science and mathematics education throughout the Nation.

CARL PERKINS was a staunch advocate of education and social reform for many years. He was, for example, 1 of 11 Southern Democrats who voted for the Civil Rights Act of 1964. Although this genteel "country lawyer" was perceived by many to be laid back and a soft touch, few legislators have equaled his skill in managing and promoting legislation.

In 1967, for example, as chairman of the House Education and Labor Committee, he was ultimately responsible for the passage of the majority of President Johnson's "war on poverty" programs.

Perhaps one reason for his continued dedication to equality and reform was his rural teaching experience where he, with one other associate, was responsible for the education of 90 students, all for the sum of $59.60 a month.

Even after the Johnson era, this education and social pioneer continued to support programs such as child care and nutrition, aid for public libraries, adult education, vocational education, job training programs, and more recently, legislation to permit student religious groups to meet in public schools.

CARL PERKINS will be missed in the Congress of the United States. He has left a legacy and example of commitment, hard work, and dedication for Members of both Houses to admire and respect. We will miss this great leader. We can, however, become better legislators because of our association with him.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 428) was unanimously agreed to.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, if no other Senator is seeking recognition and if the minority leader has nothing further, and I see his indication that he does not, I move, in accordance with the previous order, and pursuant to Senate Resolution 428, as a further mark of respect to the memory of the deceased Hon. CARL PERKINS, late a Representative from the State of Kentucky, that the Senate stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 6:24 p.m., the Senate recessed until tomorrow, Tuesday, August 7, 1984, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1984:

NATIONAL SCIENCE FOUNDATION

Erich Bloch, of New York, to be Director of the National Science Foundation for a term of 6 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Harold J. Lezar, Jr., of Texas, to be an Assistant Attorney General.

EXTENSIONS OF REMARKS

OUR IMPERILED MERCHANT MARINE

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. FIELDS. Mr. Speaker, I would like to bring to the attention of all Members of this distinguished body, a newspaper article recently authored by the gentleman from Virginia, my friend, HERB BATEMAN. Congressman BATEMAN is a very active member of the Committee on Merchant Marine and Fisheries and is considered by many, including myself, an expert on the issues concerning the American Merchant Marine. He was recently designated, with the gentlelady from Louisiana [Mrs. BOGGS], as cochairman of the Congressional Shipbuilding Coalition.

This article describes the deteriorated state of our Merchant Marine, shows the importance of a strong U.S. cargo fleet and shipbuilding capability for national security purposes and summarizes some proposed solutions to our maritime problems. We are all dedicated to maintaining a national defense which is capable of insuring our national security. In light of this fact, I urge my colleagues to reflect upon the points made by the gentleman from Virginia.

The article follows:

[From the Newport News, Daily Press, June 15, 1984]

STORMS AHEAD FOR AMERICA'S MARINE

(By Herbert Bateman)

WASHINGTON.—The security of any nation rests upon the twin foundations of military and economic strength. A country lacking adequate military power cannot defend itself or its interests, and similarly a nation whose economy is a shambles risks destruction either from internal collapse or external attack. A strong American maritime industry is an important element in both our military and economic strength.

Fundamentally, we need strong shipping and shipbuilding industries because ours is perforce a maritime nation. Not only are we dependent upon foreign sources for many of the materials deemed critical to our economy and our defense industrial base, but we must also rely upon an emergency sealife capability to sustain our forces abroad.

Today our maritime industries are in deep trouble. We simply are not meeting the responsibility of any maritime nation to maintain its strength at sea. We depend upon foreign crude oil for 45 percent of our domestic requirement, and on imports for 22 of 26 strategic non-fuel minerals, yet our weak and dwindling bulk fleet carries only about 1 percent of such cargoes. While we generate 20 percent of the world's trade, we carry only a tiny fragment of this commerce in our own ships. The market share of U.S.-flag vessels in our foreign trade has sunk from 50 percent in 1948 to less than four percent today.

And the nation's shipyards, heavily dependent on Navy contracts, are in need of commercial orders on retain and expand their work forces and modernize their aging facilities.

A recent sealift study by the Department of Defense demonstrated the continuing decline of the American Merchant Marine and found that the current resources already are "marginally inadequate" to meet the first-phase requirements of a global war. In that connection, it should be noted that a global war—which some contend is unlikely—is not the only exigency in which an American sealift capability would be of importance. If a U.S. "rapid deployment" force meets consolidated resistance, it would easily be defeated in the absence of a merchant fleet capable of carrying out resupply.

It has been suggested that the United States need not maintain a strong U.S.-flag fleet because American-owned ships registered under "flags of convenience" would be available in time of military need. But in 1973 Liberia gave the lie to that notion by banning use of the 385 U.S.-owned ships under its flag for U.S. support of Israel in the Yom Kippur war.

Others have contended that there is no need to maintain healthy American shipyards because vessels can be built more cheaply abroad. But who can reasonably maintain that we should rely on foreign yards to supply the indispensable national security requirements of a maritime nation?

The present plight of American maritime industries is not something new in our history. On April 2, 1789, the shipwrights of South Carolina petitioned the fledgling House of Representatives in these plaintive words:

"From the diminished state of shipbuilding in America, and ruinous restrictions to which our vessels are subject in foreign ports from the distressed condition of our commerce, languishing under the most disgraceful inequalities, its benefits transferred from own citizens to strangers, who do not, nor ever will, feel those attachments which can alone render a mercantile interest useful to a country . . . . With deference and respect, your petitioners humbly entreat the early and earnest attention of your honorable House to these important considerations."

Today, more than ever, there is a need for a strong American merchant fleet and for a vigorous U.S. shipbuilding industry. The problem is how to finance this revitalization.

One key element in such a strategy is channeling more U.S. cargo into U.S. ships, or what is commonly called cargo preference. I am a co-sponsor or a major bill to enhance our sadly neglected bulk-cargo fleet. It would require shipment of 5 percent of U.S. bulk cargo in American ships at the outset, increasing the U.S. share in 1 percent increments to a level of 20 percent in 15 years.

A number of bulk shippers—farmers and coal producers prominently among them—have objected to the cost increases that probably would accompany implementation of this policy. I think their objections have some merit. I am working with experts in Washington to draft a measure providing tax credits to shippers who encounter higher freight rates because of cargo preference laws, both those now on the books and any to be enacted in the future. Since all Americans benefit from the enchanced security provided by a strengthened merchant fleet, the burden of financing our maritime redevelopment should not be concentrated on any one segment.

One reason why is it important to explore new approaches such as the bulk cargo preference measure is the dismantling, over the past few years, of other government supports for the maritime industries. Notable among these is the construction differential subsidy (CDS) program, under which the government for 34 years provided a subsidy covering most of the difference between the cost of building abroad and the higher cost of building in American yards.

No funds are now being provided for FRS. I am a co-sponsor of legislation to provide some new funding for the program, but I can't be optimistic that it will be approved in this period of high deficits and intense competition for scarce budget dollars. Indeed, I would not be backing such legislation were there not such a pressing need to strengthen our shipbuilding base and provide a secure domestic source for certain kinds of ships essential to mobilization. Designs for CDS ships must be approved by the Navy.

American ship operators cannot do without replacement for aging vessels, and in the absence of a differential subsidy, pressures quickly built up for subsidized U.S. operators to be permitted to contract for ships in foreign yards, something prohibited under current law. These pressures led to authorization for operators to "build foreign" for a one-year period ending in October 1982. Under this waiver of the law, 48 ships were contracted for building or reconstruction in yards overseas, and last year Congress authorized an additional six ships for two other lines.

Continuation of the "build foreign" exemptions will only lead to further erosion of our shipbuilding base. I am sympathetic to the situation of the liner operators, but I think it is the duty of the government to find a means for financing their construction needs in the United States.

Another element in the subsidy program is the operating differential subsidy (ODS) provided for operators of ships on trade routes deemed essential to U.S. commerce. ODS parallels the former construction subsidy in that it is designed to make up the difference between the operating costs of American-flag and foreign ships. The administration is continuing current operating differentials, but it is entering no new contracts. Thus there can be no growth in the American-flag liner fleet until the policy changes.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

A third element of government support for the merchant marine is Section 27 of the Merchant Marine Act of 1920, better known as the Jones Act. Under this law, trade among U.S. ports is reserved for ships built in the United States and flying the American flag. No operator of a ship in the Jones Act trade can receive an operating subsidy. Today the so-called "Jones Act Fleet" consists of only 216 ships, of which 175 are tankers. Many of these tankers are engaged in hauling crude oil from the Alaskan fields. Yet small as this fleet is, it now represents more than one-half of all American-flag ships.

Over the last several years, even the tiny Jones Act fleet has come under assault. Repeated efforts have been made to waive the act to permit entry of specified foreign-built ships into the domestic trades. Most recently, there is a still-active effort to permit two ships of the British Cunard line to enter the American cruise trade after purchase and refurbishing by an American operator and registry under the U.S. flag. This kind of chipping away serves to remove more and more opportunities for commercial contracts for U.S. shipyards and for the augmenting of the U.S.-flag fleet.

Sometimes we hear it said that the maritime industries are a burden on the taxpayers because they fail to take the steps necessary to make themselves competitive in a world market. While I know of few if any officials of ship lines or shipbuilding companies who wouldn't concede there should and must be cost cutting (indeed, a number of unions and companies are cooperating to that end right now), the point about competitiveness can be overstated. Other Nations subsidize their shipyards and merchant fleets, often heavily. Indeed, the very steel that is the principal raw material for ships often goes to foreign shipyards from subsidized mills.

The point is that we are not dealing in a truly free market. If subsidization be a sin, America is not the only sinner, and in the fact today may be one of the minor transgressors.

This is not to say that we have nothing to learn from the labor and production efficiencies practiced abroad. On the contrary, we should learn and put into practice every method of economizing that is feasible. Our own Newport News Shipbuilding has pioneered a number of improvements in shipyard production efficiency, and hopefully this trend will become industry-wide.

With enhanced productivity in the maritime industries, and with a reasonable and consistent policy of government support, we can have the revitalization that is so important to our economic well-being and our national security. Without them, we shall continue to sail in harm's way.●

SUPERFUND FOR LAWYERS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. BROYHILL. Mr. Speaker, as the House prepares to consider H.R. 5640, the Superfund Expansion and Improvement Act, later this week, I want to bring to the attention of my colleagues an editorial which appeared in the Washington Post on August 3, 1984, on but one of the many troubling aspects of the bill. The editorial raises several thought-provoking questions concerning title II of H.R. 5640. This title provides a brand new Federal cause of action for people who believe they have suffered injury from toxic waste.

Putting aside the added burden upon the Federal courts, the terms of this victims compensation scheme are, as the editorial points out, not only "more lenient than those prevailing in State courts, but also depart from carefully developed rules governing other Federal court actions."

Under the guise of addressing a legitimate problem relating to an individual's access to State courts, title II of H.R. 5640 exposes a company to liability for full damages even if the company was responsible for only a small portion of the waste and was operating in a lawful manner.

I urge the Members of the House to give serious thought to the ramifications of adopting this type of approach to dealing with the very serious issue of victims compensation.

The text of the Washington Post editorial follows:

SUPERFUND FOR LAWYERS

Congress doesn't have to act on Superfund until the fall of next year. But it would like to assure voters before this fall's elections that hazardous-dump cleanups will not only continue, but expand in the future. That's understandable. But Congress, eager to appear attentive to people who claim their plight results from exposure to chemical wastes, is also considering adding victim compensation provisions to the law. That raises difficult questions of legal policy and social equity.

People who believe they have suffered from toxic wastes can, of course, sue for damages in state courts. But because toxic exposure may be only one of many factors contributing to an illness, claimants have found it difficult to win these cases and are pressing for more responsive federal compensation system. Earlier this year a House subcommittee rejected a proposal setting up an administrative compensation system so generous that it might have ended up compensating almost everyone in the United States who contracts cancer.

Now—despite unanimous disapproval of a committee of well-known lawyers appointed to review compensation approaches—a House committee has approved, and a Senate committee is considering, letting people sue for exposure damages in federal court. The terms are not only more lenient than those prevailing in state courts, but also depart from carefully developed rules governing other federal court actions.

A person claiming damages could, for example, choose to sue any company that had ever generated or transported waste dumped in a site, operated a site or owned land on which waste was dumped. Full damages—covering pain and suffering, legal fees and reduced property value because of a site's location— could be collected from any one defendant, even if that company had added only a small amount of waste to the site, had done so at the direction of local authorities or was in no way negligent. The losing company could then try to sue all other contributors to the dump if it could find them—and if it could afford it.

Provisions such as these fly in the face of what most people think is fair. They wouldn't even work well for victims. As in asbestos exposure cases, some victims would get bigger settlements than others with far more severe injuries. More than half of the benefits would go for legal costs. Promoting more lawsuits could also paralyze cleanup efforts, since companies would be even less willing to admit involvement and dumps might have to be left unchanged for evidence.

Superfund was designed to make all generators of hazardous wastes contribute to cleanup efforts. Civil and criminal actions are also being pursued against especially egregious violators. And state courts are, with proper caution, developing principles to deal with toxic exposure cases. Superfund's purpose is to clean up dumps that are, even now, leaking toxic wastes into water supplies. Progress on that front has been far from spectacular. The Superfund legislation ought not to be diverted into the very separate question of dealing with environmental health damages, a subject that leads very quickly into the broader issue of how far this country wants to go in guaranteeing full health coverage and disability benefits to everyone.●

DUDE ALLEN RETIRES

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. PICKLE. Mr. Speaker, it used to be in this country that your perception of the Federal Government was based on your contact with your postmaster because in many communities, the postmaster was the Federal official you encountered most often. If there is still any truth to this, then the people of Smithville, TX, probably have a good feeling about their Government because Dude Allen, the postmaster in Smithville for the last 18 years, has been on the job.

Dude Allen was appointed under the rules of congressional privilege, and I was pleased to recommend him for the job. And now some 18 years later, I take pride in pointing out that Dude Allen has been one of the ablest men to serve as postmaster in the State of Texas and, yes, I believe in the entire Nation.

You might say Dude Allen is one of the old fashioned postmasters; he knew the people, visited with them regularly, discussed the probelms of the community, and gave the kind of personal service that we rarely see anymore.

But Dude Allen has not only been a gem of a postmaster, he has been and is one of the finest men in his community. He has taken a lead in every community project. He has been a public servant in every sense of the word. When Dude Allen retired last Friday, we truly lost a friend.

To Dude and Lou—Dude's lovely, understanding, and magnetic wife—we

express our appreciation for the service he's rendered. I place my mark on any document testifying that Dude Allen was one of the best. Lord of mercy, how we will miss him.

Mr. Speaker, I would also like to place in the RECORD a newspaper article from the local Smithville newspaper which tells a little more about this dedicated public servant.

DUDE ALLEN STEPS DOWN AFTER 18 YEARS

SMITHVILLE—This Friday at five o'clock, most work-a-day Smithvillians will pack it in and head for home. Five days of work are followed by two days of rest, a time to rejuvenate the body and mind for the troubles and opportunities of Monday morning.

B.W. "Dude" Allen will leave his job as Smithville postmaster this Friday afternoon and walk the one block to his wife's family home on Ramona Street. But unlike his coworkers, Allen won't return Monday morning. On Friday, August 2, you see, Allen, who has directed the delivery of Smithvillian's mail since 1966, will retire.

Dude Allen's retirement will end a portion of post office and Smithville history. Allen was among the last of the politically appointed (and connnected) postmasters. He was named Smithville's chief postman both because he could do the job and because he had helped in the election of Congressman J.J. "Jake" Pickle. The next Smithville postmaster will be determined by a set of rules that makes the income tax code read like Mother Goose.

Although Allen believes that new fangled machines have made the post office more efficient over the years, he says the institution has suffered in the process. Where once Allen say "the curb lined with cars" of people coming to get their daily mail, now city-wide delivery has made the pilgrimage to the stone building on Main Street a necessity only for box holders. "Before I was postmaster," Allen recalls with nostagia, "I'd come to the post office every morning, and I'd see people here every day. They were talking politics, city problems, everything. People knew more about what was going on then."

If Dude Allen sounds more like a post office user than postmaster, it's because he never really intended to work behind the iron office bars. For the first 54 years of his life, after being born on July 16, 1912 in Seguin, he worked as a milk man's "hop boy" during high school, scrounged work through the Depression, working for various federal and state offices, served four long years in the army during WWII, ran a tire store and gas station in Smithville, and ranched and raised cotton on his Bastrop County acreage.

Allen's life was probably like many of those who lived through the 1930s and 40s. The son of a Methodist minister, Allen left Seguin to settle eventually in Austin, where his father oversaw the completion of the Grace Methodist Church. He graduated from Austin High and went on to Texas A&M. After two years at A&M, "I had to quit," Allen remembers, "because I just couldn't get enough money to go back."

He returned to Austin, picking up "any work I could get my hands on," eventually finding steady employment with first the Federal Land Bank and then the Texas Highway Department. In 1939 he married Lou Young from Smithville and in November of 1940 he entered the U.S. Army, joining the 136th Division.

There may have been some troops in the Army during World War II who had it easy, but the 136th wasn't one of them. Allen's division fought through North Africa, Sicily and southern Italy. The 136th was the first group to enter Rome, and when the war ended they were 40 miles inside the Austrian border. The fighting was bitter and Allen remembers it bitterly. "I don't talk about that time much," he says with finality.

Allen flew home after the war, landing in Florida and taking a train back to Austin. After a year and a half stint with a plant in Austin, he and Lou bought a Goodyear Tire store in Smithville and in May of 1946, he moved to the town he would call home for the next 38 years.

Allen managed the Young family ranch (growing his last crop of cotton in 1957) and eventually bought the gas station next to the Hwy. 71 bridge (back when Exxon was still Humble). In his spare time, he helped in a few political races, "running some errands" for Homer Thornberry in a 1947 congressional race and later doing some work for Pickle.

When James Hampton retired as Smithville's postmaster in 1966, Pickle appointed Allen to take his place. Two years later he was confirmed by the U.S. Senate.

And Friday, Aug. 2, 1984, Allen will retire. Over his 38 years in Smithville, he has seen some of the good and the bad. Allen looks forward to the completion of the Smithville Civic Center and points to the industry of Texas Cedar Products, Marhil, Centex and the development of two strong banks as signs of the town's progress. On the other hand, he misses those things that used to hold the community together, the morning coffee groups at the Pines Hotel and the Cactus Cafe and the political free-for-alls on the post office steps.

In all, Allen is optimistic about the future of Smithville. "We've got some young people here who are really civic minded," Allen says proudly. And after a two week trip to Japan and China, Dude and Lou Allen will be back at the Young family home on Ramona, cheering them on, walking the block down the street each morning to pick up the mail, and, perhaps, engaging a friend or neighbor about the events of the day before heading back home.●

A TRIBUTE TO EUGENE SCHAFFER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois Fifth Congressional District, which I am privileged to represent, and he is Eugene Schaffer. Eugene has consistently shown that every neighborhood has people who are dedicated to the growth and progress of their community.

Eugene is a longtime resident of the southwest side and his efforts have been in numerous community activities. His participation ranges from civic, volunteer, church, and charitable organizations. Eugene's favorite slogan sums up his commitment to the community, "Make our Community the Greatest in Chicago by being part of its goals."

I join with the residents of the Fifth Congressional District in paying tribute to Eugene Schaffer for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Eugene Schaffer upon his receipt of the Ray McDonald Community Achievement Award.

SCHAFFER SELECTED FOR MCDONALD AWARD

The Midway Sentinel proudly salutes Eugene Schaffer as our monthly recipient of the Ray McDonald Community Achievement Award. This recognition is given to Gene for his dedication and service to the community.

Every neighborhood has people that are dedicated to the growth and progress of their community. One of the many workers of the Garfield Ridge Area is Eugene Schaffer. He has been a resident of the Garfield Ridge Area for 38 years. He has served our community through membership and working on various committees. As a member of the Garfield Ridge Civic League he worked diligently in getting the John F. Kennedy High School established as well as the Fire Station and later the Paramedics. He has been a member of the Garfield Ridge Council of Organizations for eight years and their president for one year. He is a charter member of St. Jane DeChantal Parish and has served as an usher for 30 years. He was the first president of the Senior Citizens Club of St. Jane. Presently he is an active member of the Knights of Columbus and serves as an advocate in the All Saints Council of the K. of C.

He became a member of the Midway Kiwanis 17 years ago and has served as a president for two terms, presently he is the secretary in addition to holding this office many times. He has served on the committee to help needy families and is active in the Crippled Childrens Programs. He assisted his late wife, Marge, in running a Sub-Postal Station at Archer and Austin which later became the Archer Austin Currency Exchange.

He was most active with the Committee for Lech Walesa Triangle dedication, as well as the "Heart for Keith" Fund. He is the Vice Commander of the Midway Chapter #43 Disabled American Veterans. Being a member of the Rhine Post #2729 V.F.W., he has worked at their bingos. Gene is most active in participating in local parades, and is proud of our Garfield Ridge Area.

His favorite slogan is "Make our Community the Greatest in Chicago by being a part of its goals."

His dedication and tireless efforts towards the betterment of his community truly exemplifies the standards and goals set by our late editor Raymond "Riggs" McDonald.●

WIN OR LOSE—FREMONT'S GLENN MEYERS IS A CHAMPION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. VANDER JAGT. Mr. Speaker, I know I don't have have to remind any

one in this Chamber—perhaps anywhere in the United States—of the ongoing Olympic games in Los Angeles. What a thrilling, stirring experience this has been for the entire world and certainly for the United States of America.

It is a very special time and a very special experience. And, like many of my colleagues, I have a very special interest, especially Wednesday when the Olympic archery tournament gets underway. One young man competing in that sport is Glenn Meyers from the Ninth Congressional District of Michigan, which I have the honor to represent in this Congress.

During my recent mobile office tour of the entire district, the hometown of Glenn Meyers, in special arrangements directed by Dr. Dennis G. Semlow, staged a downtown ceremony. The Fremont, MI, community showered their obvious support, friendship, and good wishes on a very modest and somewhat embarrassed Glenn Meyers.

Glenn will be competing with 140 archers from 40 different countries. Though this is being written before the competition, I can tell you right now he's a winner already—win or lose at Los Angeles. Let me tell you why he's a winner—his own words at the hometown ceremony tell it best when he said:

I couldn't have done it without the help of my parents, family, and friends. It helps a lot to have the support of the people from this town.

Is he going to win a medal? Maybe, but as he said, "I'll just go out and try to do my best. That's all I can do."

Really, it was truly a great honor and privilege for me to meet Glenn, his parents and his friends. On August 20, win or lose, there's going to be a "Glenn Meyers Day" in Fremont. As I said earlier, he's already a winner and just to be a member of our great Olympic team is a fantastic accomplishment in its own right.

At this point, I would like to include a very fine news article by writer Richard C. Wheater which appeared in the July 18 edition of the Fremont Times Indicator, Fremont, MI, describing the send off for Glenn Meyers. The article follows:

[Fremont (MI) Times Indicator, July 18, 1984]

FREMONT'S GLENN MEYERS OFF TO L.A. OLYMPICS

(By Richard C. Wheater)

A small crowd of well-wishers, including congressman Guy Vander Jagt, gathered at the corner of Main St. and Division Ave. at noon on Wednesday to send off Glenn Meyers, Fremont's contribution to the Olympic Games.

Meyers, a former national and state champion archer, left Fremont on Friday to head for the National Archery Association National Outdoor Tournament in Oxford, Ohio. He will leave Oxford this week for a trip to the Olympics in Los Angeles.

Glenn will be shooting in the national tournament from Tuesday through Friday. He plans to leave from there for Los Angeles on Saturday, July 21, and spend some time sightseeing and trying to relax before the opening ceremonies on July 28 and the start of the archery competition on August 8. The Olympic archery tournament, like the June Olympic Trials in which Glenn placed third, will include four eight-hour days of shooting.

During his stay in Los Angeles, Meyers will stay with the rest of the U.S. Olympic contingent in a 14-story dormitory at the University of Southern California. He will compete with 140 archers from 40 different countries.

If he wins a medal, he will join other American athletes in a week-long medal-winners' tour which will include stops at the White House, New York City, Disney World and Dallas, Texas. Glenn said with confidence that he plans to return to Fremont after the medal-winners' tour.

The send-off, organized by Meyers' coworkers at the Semlow Fitness and Rehabilitation Center, was a complete surprise to Glenn, who seemed rather startled by all of the sudden attention.

Vander Jagt congratulated Meyers on his achievement of a place on the Olympic archery team and led the crowd in cheers and applause.

"Glenn Meyers is probably Michigan's best bet for an Olympic medal," Vander Jagt told the gathering.

"Whether he wins a medal or not," Vander Jagt added, "he has brought great honor on himself, his family, and this community. Please join me in saluting a great champion, Glenn Meyers."

Meyers, flanked by his parents, Earl and Hazel Meyers, thanked Vander Jagt and the crowd for the send-off and added a note of gratitude for the support he has received.

"I couldn't have done it without the help of my parent, family and friends," Glenn said. "It helps a lot to have the support of the people from this town."

In addition to the personal visit by VanderJagt, Meyers also received a letter from the congressman. Governor James Blanchard also sent a letter and state representative Donald VanSingel offered congratulations by both telephone and letter.

Besides all the attention from politicians, Meyers is also beginning to receive some attention from news media around the state. He reports that the Detroit Free Press, the Detroit News, the Jackson Citizen Patriot and a few television stations have already contacted him.

"They've been keeping him busy," Hazel Meyers said Thursday as Glenn answered a reporter's call from Detroit during his second press interview of the day.

As he prepared to leave for Ohio and then for Los Angeles, Glenn said that he is in good shape physically and mentally and feels confident about his prospects for an * * *.

"I'll just go out and try to do my best," he said. "That's all I can do."

Meyers said that part of the reason for his confidence is the recognized supremacy of American men in international archery competition. He said that only the Japanese team and one Finnish archer are expected to challenge the American men.

"I know the competition is going to be tough," he said. "But my main competition will be Darrel Pace and Rick McKinney, my own teammates."

Glenn said that he will have to beat his best score ever, 1,274, in order to beat Pace and McKinney, who will probably shoot scores as high as 1,300. More importantly, he has set the improvement of his top mark as a personal goal.

"I'm going to have to shoot over 1,300," he said. "I have beaten Darrel and Rick before, and they're supposed to be the best in the world. I think I'm going to do it."●

A CLEAR AND PRESENT DANGER TO RURAL HEALTH CARE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. TAUKE. Mr. Speaker, over the past decades, our Nation has made great progress in ensuring that rural Americans have access to high-quality, affordable, community-based health care services. I stand before you today to warn you that we will see a halt to this progress and possibly a regression to poorer health care for many Americans unless action is taken to correct the inequities in the Medicare prospective payment system's treatment of rural hospitals. The inequities are so clearcut, so easily demonstrated, that I find the failure of the Health Care Financing Administration to address them in the fiscal year 1985 prospective payment regulations incomprehensible.

Under the new system, rural hospitals are paid less than urban hospitals for the same types of cases on the assumption that costs are lower in rural areas for wages and supplies. With an exception that I will discuss shortly, the assumption that rural hospitals experience lower labor costs is reasonable and accurate. That rural hospitals have lower nonlabor costs is more arguable. What is inequitable in the current system is the size of the gap that is assumed between urban and rural labor and nonlabor costs.

Let me give you an example. Within the west north-central region—Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota—the adjusted standardized amount for the labor component of the DRG reimbursement formula is $1,829 for rural hospitals and $2,283 for urban hospitals. That is a 25-percent difference. I cannot, nor can the rural hospital administrators in my district and health professionals, insurers, and regulators I have spoken with across Iowa, accept that there is a 25-percent difference in rural and urban wages. While the fiscal year 1985 prospective regulations acknowledge the problems with the data used to develop the area wage index factor of the formula, the questions we have raised about the adjusted regional standardized labor component of the formula are not addressed.

Even more difficult to comprehend and accept is the 54-percent difference

in the urban and rural nonlabor regional component for the west-north-central region. Logic tells us that rural hospital costs for nonlabor items, such as supplies and utilities, for example, may often be higher than the costs experienced by urban hospitals, which can order in larger quantities and which may actually get a break on utilities because of higher energy consumption. One possible explanation for this enormous differential is the fact that urban hospitals consume more resources than rural hospitals to treat the same illness. If this is the explanation for the differential, then the prospective payment system is structured to undercut its own goal, which is to make the provision of hospital services more cost-effective through incentives to reduce the consumption of resources in providing services. Again, the questions that rural health services professionals, I, and many others concerned about the future of rural health care have raised about the size of the nonlabor differential are unaddressed in the fiscal year 1985 prospective payment regulations.

The inequity in these differentials is compounded by the way in which the DRG reimbursement formula works. In part of the formula for determining the per case reimbursement rate, the adjusted standard labor component is multiplied by the area wage index, which is also adjusted to reflect the lower rural wage costs. Thus, lower wage costs are "double counted" and rural hospitals doubly disadvantaged, while urban hospitals, with higher wage costs, are doubly advantaged.

These inequities in the labor and nonlabor differentials are particularly acute for hospitals which are classified as rural but which are located near an urban area and which are competing for staff and buying supplies in that urban market. The fiscal year 1985 prospective payment regulations have a great deal of protection to offer those hospitals which have the misfortune of being in an area whose designation changes from urban to rural. The inequities I have pointed out make clear why any hospital which happens to be in an area redesignated from urban to rural has real need of protection and real cause for concern. The regulations have nothing to say, however, about those hospitals which are designated as rural but which are competing in an urban market.

The lack of clarity in the regulations as they define "transfers" (405.470) should be another area of concern to those committed to preserving rural Americans' access to community-based health care. The regulations state:

. . . We do not count a patient as discharged when the patient is transferred from one patient area or unit of the hospital to another area or unit of the hospital. . . .

This regulation could well be interpreted to mean that a hospital participating in the swing bed program could not count as an acute care "discharge"—triggering the DRG payment—a patient transferred from acute to skilled care. The swing bed program has been the salvation of many rural hospitals struggling to cope under the inequities in the current prospective payment system. The rural hospital administrators with whom I have spoken are understandably unsure about whether the transfer regulations are simply less clear than intended and not an intentional effort to preclude the use of swing beds or actually intentionally doom that option.

These inequities are further compounded when we realize that rural hospitals have a relatively high proportion of Medicare admissions, given the demographics of our rural areas. They have less of an opportunity to recoup their losses as a consequence of these inequities than do hospitals with higher proportion of non-Medicare admissions.

Rural hospitals, often the sole source of hospital care for their communities and the surrounding areas, have historically provided care at lower rates than urban hospitals. Their efficiency and cost-effectiveness are being penalized severely under the current prospective payment system, and no one seems to be listening, to be paying attention to their pleas for corrective action.

There is bitter irony in the deaf ear response. Unless action is taken to correct these inequities, the prospective payment system, designed to contain hospital care costs through rewarding the efficient and cost-effective provision of services will drive out of existence its most cost-effective hospitals. Rural Americans will be forced to travel greater distances to urban facilities, where—as the differentials reveal—their care will be far more costly to Medicare.

If our rural hospitals are forced to shut their doors, rural health care services, in general, will swiftly deteriorate not only for Medicare beneficiaries but for all other rural residents. Doctors will not come into rural areas or remain in rural areas unless they have access to hospitals. In-hospital services constitute a significant portion of rural doctors' incomes, and most doctors do not wish to practice without ready access to more complex diagnostic and treatment services for their patients.

Rural hospitals are not pleading with the Health Care Financing Administration for special treatment. They are asking only that the "playing field be a level one." The prospective payment system is designed to allow the "marketplace" to function in the provision of health care services. Correct the inequities and it will.

I urge you to join with me in demanding that the Health Care Financing Administration start listening to the valid and well-documented concerns of rural hospitals and take already long overdue action to correct the inequities in the current prospective payment system. Bring these inequities before Secretary Heckler and Carolyne Davis. Bring them before your colleagues.

Let us join together to preserve the progress we have made in ensuring that rural Americans have access to high-quality, affordable, community-based health care services.●

HEALTH PROFESSIONS AND SERVICES AMENDMENTS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. AuCOIN. Mr. Speaker, Americans are becoming increasingly concerned over the burgeoning cost of health care. In fact, our Nation devotes over 10 percent of its gross national product to health care, up from 4 percent only 5 years ago.

When the House of Representatives considers H.R. 5602, the Health Professions and Services Amendments of 1984, I urge all Members to support title V of the bill—an important step toward reducing health care costs. Authored by fellow Oregonian, Congressman RON WYDEN, title V would require the Department of Health and Human Services to provide technical assistance to private groups who seek to become smarter health care shoppers.

Title V does not empower the Federal Government to collect health care data; it would simply require HHS to provide consumer and purchaser groups with information they need to better understand health care expenditures.

A broad coalition of business, labor, medical, and senior groups have all endorsed title V of H.R. 5602. A letter I recently received from William Canis of Caterpillar Tractor Co. is particularly on target and I recommend it as a concise expression of why all Members of Congress should support title V of the Health Professions and Services Amendments of 1984:

DEAR REP. AuCOIN: Later this week the House will take up H.R. 5602, the Health Professions and Services Amendments of 1984.

Caterpillar Tractor Co. supports Title V of the legislation which gives businesses and consumers new tools to use in the effort to curb health costs. We urge your support for Title V during debate on the bill.

Health care costs are an increasing concern to Caterpillar. Last year our health bill amounted to nearly $155 million. While the

CPI rose at 3.8% in 1983, Caterpillar's health care costs per covered employee jumped over 13%. At the same time, the recession reduced the number of covered employees by nearly 20%. So even with fewer employees, our health care costs skyrocketed. They are one of the most expensive fixed costs we carry and we are continuously searching for new ways to reduce them.

Presently, companies are limited in the information they can obtain about comparative health costs at hospitals and among doctors. Title V of HR 5602 grants the Secretary of Health and Human Services authority to give technical advice to businesses and consumers on how to collect health care costs data. It directs the HHS Secretary to study private sector data collection methods underway around the country, with an eye toward aiding groups in the techniques of data collection. Caterpillar, for example, would be able to learn, through the HHS technical study, about innovative cost containment means in other parts of the nation. It would then be up to us to work with doctors and hospitals, in communities where we have operations, to reduce those costs.

I want to point out that the legislation does not seek in any way to regulate health care costs or to require health care providers to disclose data to consumers. The bill simply would give the private sector more of the information it needs to do the job of cost containment itself.

When American business and individuals evaluate the purchase of a good or service in the open market, a great deal of information is available to comparison shop. That is not the case with regard to health care; too often, little or no information is available. Passage of H.R. 5602 would resolve this problem. We urge your support for Title V.

Sincerely,

WILLIAM F. CANIS,
Governmental Affairs.●

SYNTHETIC FUELS CORPORATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SIMON. Mr. Speaker, while we are all aware of the problems that the Synthetic Fuels Corporation has had with management and making progress in funding sound projects, we must continue to take care to separate our concerns for SFC's management from our concern which led us to fund this program originally: Taking positive steps to ensure our Nation's energy independence.

I commend my colleagues who supported the Ratchford amendment to H.R. 5973, the Interior appropriations bill, for their actions in scaling back the synfuels program without automatically removing from further considering a number of worthwhile and beneficial programs which have been proposed under the synfuels program, such as the COGA-1 plant in Virden, IL.

Current headlines continue to remind us of the instability and fragility of oil supplies from the Mideast. Although we have made strides in reducing our use of imported oil, primarily through conservation, we are still unacceptably dependent on foreign sources for the energy we use. We should not be letting up in our resolve to make broader uses of our domestic energy potential: coal, alcohol, and other alternative energy. A strong synthetic fuels program is vital for improving our independence, using our own vast resources, and putting thousands of Americans back to work.

We clearly need to reorganize the Synthetic Fuels Corporation, and I have cosponsored legislation which would do that, but we also clearly need to stand by our commitment to a strong, well-funded program to accomplish those goals. We must now move quickly to restore strong and effective management, direction and leadership in SFC, and to do that we need the leadership—and not just the words—of those who can encourage the President to reconstitute the board through sound appointments, getting this vital program back on track and projects beneficial to our energy needs underway.●

TEXAS HALL OF HONOR

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. PICKLE. Mr. Speaker, whether football or baseball is our national sport, the fact remains that the high school coaches in this country have a tremendous influence on the lives of the young men and women who participate in high school athletics.

And when a high school coach leads his young team to a statewide high school championship that is a moment of high acclaim and tremendous achievement. The students, faculty, players and parents of the players will remember those moments of achievement with pride, nostalgia, and affection.

One of the strongest football coaches I have ever known was my dear and close friend Stan Lambert.

Last week, Stan was inducted into the Texas High School Coaches Association's Hall of Honor. This is a fitting tribute to a strong-willed man who greatly affected the lives, morals, and ambitions of many young men in Texas.

Stan Lambert is truly one of the finer men of our times, and I salute him. Together with his wife Audrey they have meant much to our city, our church, and our State.

Mr. Speaker, I would also like to insert in the RECORD an article from the Austin American-Statesman that outlines better than I could this tremendous individual's achievements.

LAMBERT TO BE ENSHRINED TODAY

(By Lou Maysel)

Stan Lambert, who coached Austin High School to its only state football championship in the long history of the University Interscholastic League, will be enshrined in the Texas High School Coaches Association's Hall of Honor today in Houston.

Although the 74-year-old Lambert has health problems, he planned to attend the noon luncheon in the Astrohall where six other former Texas high school coaches, including current New Orleans Saints Coach Bum Phillips, will also be enshrined.

Lambert coached the Maroons during the 1936-1947 seasons and compiled a 100-23-5 record before moving up to coach for eight seasons at Lamar, which was going from a junior to a senior college. He returned to Austin in 1956 to enter the insurance business from which he retired in 1980.

His 1942 team won the state championship after losing an early season game to Temple but old-timers believe his 1939 and 1940 teams were just as good. The '39 team went undefeated but lost its quarterfinals game on penetrations and the '40 went unscored on except for a 14-12 loss to district champion San Antonio Breckenridge.

Austin, then the only high school in the city, had gone through an era of mediocrity when Lambert, a TCU journalism graduate, was elevated to head coach after one year as an assistant coach. He used his organizational skills to make the Maroons a power in a tough district. "We had the cooperation of the men upstairs—the superintendent and the principal. I didn't have anybody against me," Lambert remembered.

"He was very innovative. He was 15 years ahead of his time," said Jimmy Banks, all-state tackle on the '42 state championship and now public relations director for the Texas Railroad Association.

Among the innovations Lambert using before most high school and some college coaches were two-platoon football, blitzing linebackers, game films and communication with coaches in the pressbox via walkie-talkie radio where telephone lines were unavailable. He borrowed the walkie-talkies from the commanding officer at Bergstrom Field, as it was known then, and used Texas football players to help coach techniques in spring training until the UIL declared that illegal.

His single wing offense was very productive in an era when scores were generally low but he also emphasized defense and the kicking game. His Austin teams scored 2,974 points in 12 seasons to 742 for the opponents.

One of his most memorable psychological ploys involved the state semifinal game his '42 Maroons won from Breckenridge. Wartime travel restrictions allowed him only one bus on which he took his first two teams but the rest of the varsity squad managed to make the 215-mile trip in cars. However, the band and pep squad stayed home but assembled at House Park to hear the game on radio and perform all the customary rituals. During the time his band played "Loyal Forever," the team faced toward Austin. The Maroons won, 28-7, and went on to beat Dallas Sunset in Memorial Stadium, 20-7, for the title.

Not all of Lambert's ideals bore fruit. He once tried feeding his team a pregame meal of K rations, figuring that if they were good enough for soldiers in combat, they would be ideal for his players. "It didn't go over.

After I sampled them myself, I understood why," Lambert once recounted.●

NEW YORK'S FOURTH CONGRESSIONAL DISTRICT MAKES VIEWS KNOWN IN ANNUAL QUESTIONNAIRE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. LENT. Mr. Speaker, every year for the past 14 years, I have asked my constituents of New York's Fourth Congressional District, Nassau County, Long Island, to inform me of their opinions on important issues before Congress. They are asked to complete a questionnaire mailed to their homes and respond with their views on a variety of issues of national concern, ranging from the economy to defense and the environment.

This year, the response was overwhelming. Over 18,000 constituents participated. This strong response reconfirms my conviction that the residents of our Fourth Congressional District share a high sense of civic responsibility. I know of no other area in our great Nation where citizens are so actively involved in governmental affairs and take such a strong and active interest in Federal issues.

The responses to the questionnaire indicate a widely shared opinion in our district on a number of issues. I'd like now to take the opportunity to share these results with my distinguished colleagues.

To help reduce the Federal deficit, a large majority—92.5 percent—favor a reduction in Federal spending over an increase in Federal income taxes, supported only by 22.5 percent. Over two-thirds of the respondents—64.3 percent—believe the President should be given the power of line-item veto in appropriations bills to help control Federal spending. Even larger majorities support a Federal commission to study and recommend solutions to medicare's problems—81.9 percent; favor stronger action to control acid rain pollution—83.5 percent; favor a tougher, expanded Superfund program to deal with the cleanup of hazardous waste sites—92.5 percent; support U.S. withdrawal from the United Nations' UNESCO programs—84.7 percent; support a new U.S. effort to resume nuclear arms reduction talks with the Soviet Union—83.2 percent. The respondents also strongly favor a 21-year-old national minimum drinking age limit by 85.2 percent. The only issue on which there was sharp division was on the question of reduction of American troops in Europe, which was endorsed by 54.6 percent, but opposed by 41.5 percent of the respondents.

More than two-thirds of the respondents also registered their opinions on the most serious problem affecting our Nation. This further explanation of my constituents' views will be a great help to me in dealing with many of the vital issues now before Congress.

I am personally gratified by the large number of people who took the time and effort to answer the questionnaire and make known their opinions on the serious problems we must consider in the days ahead.

My constituents are an outstanding example of concerned citizens participating and working with their elected Representatives to help make a more participative democracy.

These citizens have provided me with a valuable insight to their opinions on national issues. I hope by sharing this information that my colleagues in Congress will gain a better understanding and appreciation for the views of my Long Island constituency.●

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. VANDERGRIFF. Mr. Speaker, I rise in strong support of the conference agreement to H.R. 4325, the Child Support Enforcement Amendments of 1984. While there are certain provisions contained in the House version I find more acceptable, I believe this document represents a good example of what a true compromise should be.

Specifically, however, I would like to praise the conferees for adopting report language that is identical in intent to legislation I introduced earlier this year. The report reads as follows:

In view of the broad interpretation which was clearly intended by the framers of this provision, the conferees believe that there is no merit in the argument that has been raised in at least one State that an individual is immune to wage withholding for the enforcement of child support obligations on the grounds that the private company for which he is working is operating on Federal land.

By way of background, voters in Texas overwhelmingly expressed their support for a change in State law which would permit the garnishment of wages for delinquent child support payments. One large company in Fort Worth, TX, General Dynamics, refused to comply with the State law on the grounds that the company was located in a Federal enclave. According to official company statements, General Dynamics was not necessary opposed to the State law, but was instead concerned that an employee might sue if they did indeed withhold wages. A lower court held that General Dynamics was not exempt from State law, but General Dynamics indicated it would appeal the decision. The conference report language makes clear congressional intent that the findings of the decision are correct. The language will negate the necessity for the taxpayers of my home county to shoulder the expense of defending the decision in a court of appeals. Then, too, General Dynamics will also be spared the cost of an appeal and its fears of an employee suit will be removed.

Again, I thank all the conferees for their cooperation with my office and their responsiveness to our concerns. I urge my colleagues to support the adoption of the conference agreement, and I hope the President will quickly sign this measure into law.

Thank you.●

RADWASTE IN OUR OCEANS IS NO JOKE: TELL NACOA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MARKEY. Mr. Speaker, I wish to alert the Congress to an ominous reversal of our policy on the disposal of low-level radioactive waste [LLW]. On June 30, 1984, the National Advisory Committee on Oceans and the Atmosphere [NACOA] issued a report recommending that the United States end a 14-year moratorium on ocean disposal of radioactive materials. The NACOA report itself characterizes this recommendation as a revision in U.S. policy.

Why has there been a moratorium on ocean dumping of radioactive waste? Why should that moratorium be ended now?

During the 1950's and early 1960's, far less was known about radioactive substances than is known today. It was believed that, because there were only small amounts of these substances, they would have no significant or detectable effect on the environment. The effects of the radiation itself on living organisms was not understood at all. No one predicted that fish and shellfish could build up concentrations of certain radioactive elements, a phenomenon now known as "biological concentration." Biological concentration was not recognized as occurring until 1962.

Virtually nothing was known before 1970 about the carcinogenicity of ionizing radiation. The systematic studies of John Gofmann, Rosalie Bertell, and their coworkers showing that there was no level of radiation to which a living cell could safely be exposed were not published until the late 1960's. Ra-

dioactive materials were simply not recognized as being powerful oncogens.

Thus, ocean dumping seemed like a reasonable method of disposal of relatively small amounts of material which appeared to be chemically not very reactive. Before the United States stopped ocean dumping in 1970, about 300,000 curies of LLW had been put in the ocean, either by direct dumping or by the flow of the cooling water from the Hanford reactors into the Columbia River and thence into the Pacific Ocean.

However, as more was learned about radioactivity, and the biochemical behavior of radioactive materials, the practice of ocean dumping became more and more questionable. Biological concentration of cobalt-60 from the Bikini Atoll H-bomb was discovered in Pacific clams 5 years after the bomb was exploded. Strontium-90 from atmospheric nuclear explosions was found in milk in Poughkeepsie. And in 1967, workers on the Hanford Reservation were found to have considerably higher incidence of certain cancers than the general population.

Radiation and radioactive substances were finally recognized as being able to produce cancers, and as being widely dispersed in the environment. All of these discoveries made us realize that disposal of radioactive material must be handled very, very carefully.

The moratorium was imposed when scientists recognized the fact that radioactive materials in the ocean simply dissolved in sea water and were thus dispersed throughout the marine food chain. Radionuclides could be taken up and concentrated by marine organisms during the normal course of metabolic activity. This process had the potential of completely contaminating the world's oceans and ruining every marine fishery and shellfishing operation in the world.

Those nations which still practice ocean disposal of radioactive waste are taking a calculated gamble: that the radioactive material in question will decay before it diffuses into the marine food chain.

It is worth noting that Great Britain discontinued ocean disposal of radioactive waste last year, having apparently decided that the gamble was too risky. British waste dumped into the North Sea and the Atlantic had amounted to about 240,000 curies per year. The U.S. Navy has also rejected the proposal to emplace old nuclear submarine core shells in the deep ocean because of this very gamble.

What reasons does NACOA give for lifting the moratorium and reinstituting ocean disposal of radwaste? First and foremost, there is the old chestnut that the ocean already contains large amounts of natural radioactivity and the amount added by ocean dumping of waste will be an insignificant increment.

Then the claim is made that ocean dumping involves less human exposure to radioactive materials than land disposal, presumably because the material cannot be dug up in the future. Certainly just as much human exposure is involved in emplacing material in a deep ocean site: The waste must be handled, packaged, transported to a shipping site, unloaded from trucks and rail cars and loaded onto ships, repackaged, transported by ship to the site, and unloaded. Does it really make a difference, therefore, if the final unloading is into a land burial site or into the ocean?

The third reason given by NACOA is even less plausible: That the possibility of radioactive contamination of the human food chain will be minimized. NACOA is apparently unaware, or has forgotten, that radioactive material dumped in the Pacific off the Farallon Islands of California in the late 1950's is now readily detected in bottomfish caught in that area. NACOA is apparently willing to ignore a report issued last year by the Oceanic Society of America which discusses the probability of contamination from accidents which can occur on the way to a deep ocean dumpsite. It is clear that NACOA is now willing to take the gamble, which the United States rejected 14 years ago, without having reconciled the basic conclusions which led to the original suspension.

The final reason given for lifting the moratorium is positively bizarre: That ocean dumping is less politically controversial than land disposal of radwaste, in NACOA's words, "* * * given the present concern of many communities about dumpsites in their areas * * *."

Isn't NACOA a prestigious scientific advisory committee? Isn't NACOA's advice supposed to be independent of political considerations? To whom is NACOA serving as political adviser in this instance?

One senses in NACOA's last statement a belittling of citizens' very real concerns about public health and the health of future generations. Perhaps NACOA shares former EPA Administrator Anne Burford's view of itself and its duties as a "nothingburger." Perhaps it is trying to live up to this epithet by demonstrating a frivolous attitude toward a very important question. In the light of current scientific opinion, our increasing dependence on the oceans as a food source, environmental safety, human health, the future of our children, and just plain common sense, this NACOA recommendation is truly a joke.●

AMERICAN DENTAL ASSOCIATION MARKS 125TH ANNIVERSARY

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. STANGELAND. Mr. Speaker, our easy definition of politics these days in terms of "special interests" too often obscures the dedication of those who serve the public.

The American Dental Association, the world's largest and foremost organization of dentists, celebrates its 125th anniversary this year, with the appropriate ceremony befiting a vigorous profession.

We in Congress can join in extending birthday greetings to an honored profession, and I trust the Members of this body will join me in doing so. But I should like to go beyond the mere extension of birthday greetings to note that the purpose of this association, its reason for being if you will, and I quote from the ADA constitution and bylaws, is "to encourage the improvement of the health of the public and to promote the art and science of dentistry."

This is an organization that takes pride in 125 years of continuous service to the public and the dental profession and cites among its greatest accomplishments those that improve dental health.

The ADA for 125 years has dedicated its resources and talents to the scientific advancement of oral health care through ongoing research.

The Nation's dental schools are all accredited by the American Dental Association, and no other country in the world enjoys a level of excellence in dental education as does the United States.

The ADA has steadfastly worked to promote access to dental care for millions of Americans who because of expense and other limitations would have had to forgo dental services. The ADA, through its many public education programs, has increased the nation's awareness of dental health and the importance of preventive dental care.

Mr. Speaker, the current President of the American Dental Association, Dr. Donald E. Bentley of Hawley, MI, is from my district. The 1984 theme during Dr. Bentley's tenure as President has been "Celebrating Traditional Excellence." Certainly the ADA has accomplished this in a most commendable way.

It is refreshing in the era of special interest politics to find an organization like the ADA that puts first, as its greatest accomplishments, its services to the public.

The 98th Congress can offer its congratulations and best wishes to the American Dental Association for its many contributions to the health of the Nation upon the occasion of the 125th anniversary of the association's founding.●

THE 125TH ANNIVERSARY OF THE BOROUGH OF EMMAUS, PA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. RITTER. Mr. Speaker, I would like to formally recognize the people and the Borough of Emmaus as the 125th anniversary celebration of its incorporation as a borough approaches. I applaud the citizens of Emmaus for their hard work, dedication to their families, and their community spirit. People who hail from Emmaus speak of their town with warmth and affection.

Today, in observance of Emmaus' 125th anniversary, I would like to share with my colleagues and the American people some historical background about the Borough of Emmaus. Having once lived in Emmaus, I experienced a wholesome quality of life and can remember the residents' great sense of pride in their town and its interesting history.

The little village, once called Salzburg, was given its present name of Emmaus by Bishop Spangenberg of the Moravian Church during celebration of the Love Feast on April 3, 1761. The American Revolution brought new tribulations and a great deal of hardship to the residents of Emmaus. The Moravians who refused to fight in the American Revolution were harassed, fined, and even imprisoned. During this time of persecution, the Moravian community survived these adversities by standing together.

The congregational village grew very slowly because the young people decided to leave rather than endure its austere religious life. In 1829, Moravian Church roles numbered only 131, but as the decade passed, the city of Emmaus opened its once closed village as the church council began to sell land to non-Moravians. This sale of land to non-Moravians signaled religious moderation by the Moravian settlers. One of the largest churches to organize in the town was the United Evangelical Church, which was the forerunner of a great number of churches found in the borough today.

During the last half of the 19th century, railroad builders reached Emmaus, and the first train passed through the village in the spring of 1859. This same year, Emmaus organized into a borough, and the first local officials were elected on October 31.

Emmaus' industry has been varied. Iron ore was mined in the area after 1850, and founderies have been active in Emmaus from 1869 to the present. From 1882 until recent times, silk manufacturing was also a major industry in the borough.

The borough continued to flourish throughout the 19th century and by 1903 had a population of 1,468. Today the borough boasts a population of almost 12,000.

In recent years, Emmaus' citizens and their government have shown much concern for the well-being of the community. The East Penn School District is one of the finest school districts in the State of Pennsylvania and its faculty, students and parents must be recognized for their outstanding achievements. Such projects as the Emmaus Community Center, the Emmaus Youth Association programs, and the Emmaus Community Park are fine examples of this commitment. The people of Emmaus have demonstrated their pride in their community which dates back two and a quarter centuries. I congratulate them on this the 125th anniversary of Emmaus' incorporation as a borough.●

THE FAMILY OF SIMON LEVIN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SIMON. Mr. Speaker, I am making this appeal on the floor of the House in behalf of the wife and son of Simon Levin.

In 1978, he immigrated to the United States with the understanding that under the Helsinki agreement which the Soviet Union signed and the United States signed, his family would be able to join him.

Unfortunately, that has not been the case. He has never seen his young son.

The unnecessary pain that this has caused this one family should be resolved by the Soviet Union and the United States as quickly as possible.

I urge the Soviet officials who want to see some humanitarian gestures of friendship between our countries to do what they can to see that this family is reunited, and I urge American officials who meet with the Soviet Union to bring up the case of Simon Levin and his family.●

RETIREMENT OF JOHN C. HOFFMAN

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MOAKLEY. Mr. Speaker, I rise to offer my best wishes to Mr. John C. Hoffman, who is retiring as the principal of the Capitol Page School after 16 years of outstanding service there. As my colleagues know, John is a hard working and gifted educator, and his 36 years as a teacher in the District of Columbia, are a testament to his dedication.

John's background is full of many accomplishments and commendations. He received his bachelor of science degree from George Washington University and a master degree in guidance and personnel from the University of Maryland, before he joined the D.C. public schools in 1948. He has many times been recognized by his profession for his educational leadership. In addition, he has chaired many committees dealing with the mentally retarded, emotionally disturbed and exceptionally gifted students. He has been a frequent lecturer on the subjects of special programs and in the field of juvenile delinquency. In fact, he was honored with life membership in the National Congress of Parents and Teachers and by the D.C. Bar Association for a booklet which explained criminal law to juveniles.

In addition to John's very gifted background in academics, he has also been very active in athletic programs for youth. As a coach of baseball, football, and basketball, his teams have captured 33 titles. In 1973, his 15-year-old Prince Georges County baseball team won the World Series of Babe Ruth Baseball held at Manchester, NH. In addition to his coaching and managing skills, John has also umpired in college, high school and semi-pro baseball leagues, and was for several years the umpire at the annual Democratic-Republican charity game.

For all his service for athletics he has been awarded the Governor of Maryland's Distinguished Citizenship Award for his outstanding contributions to the instruction, guidance and training of youth. He has also been awarded a life membership of the Prince Georges County Boys and Girls Clubs Board of Directors for 25 years of service. Perhaps most telling of his accomplishments was the testimonial that was given for him and attended by over 300 of his former athletes.

As the principal of the Capitol Page School John received commendations from Presidents Nixon, Ford, Carter and Reagan, and Speakers McCormack, Albert, and O'NEILL. But perhaps his greatest praise has been from

his many students and athletes who have admired his dedication to them, and who will miss him greatly in the future. I wish him a happy and healthy retirement.●

THE 60 YEARS OF SERVICE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. STARK. Mr. Speaker, on August 5, 1984, the Livermore Lions Club will celebrate its 60th anniversary. This organization's community contributions are exemplary and I join in congratulating the Livermore Lions on 60 years of successful service.

The Tri-Valley Herald hailed the Lion's birthday in a recent article which reads in part:

The club was organized in the early part of 1924 and chartered with 41 members on September 19, 1924.

First president Charles A. Snith, manager of the Bank of Italy, now the Bank of America, was instrumental in bringing Lionism to Livermore from his former Oakland chapter, the first such club in this district.

The group has always met at noon Thursday, though the location is now the Livermore Rancher, not Croces restaurant on First Street.

The city's first service group sponsored two parks: R. A. Rassie Hansen and Dr. Paul E. Dolan, and has always volunteered a day or two per year toward their maintenance.

It built a swimming pool at the old Del Valle Sanitorium, contributed $5,000 to the establishment of Valley Memorial Hospital, selected an annual "Wine Queen" and presented a dedication plaque to Chabot College, Valley Campus.

The group still sponsors the master showmen awards for 4-H and Future Farmers of America participants in the Alameda County Fair in Pleasanton, hosts student speakers at local high schools, gives high school scholarships, supports eye care for needy children, contributes to blind centers in Oakland and Pittsburg and to local and national charters, has worked on the annual Livermore Air Show and provides food for local projects.

The club was instrumental in sponsoring the Pleasanton Chapter in 1930 and later, the Dublin-San Ramon club.

The group is currently headed by Mike Troiano, president; Darryl Hansen, first vice president, Mike Myers, second vice president; Jim Whent, third vice president, Tom Evans, treasurer, Al Funk, secretary, Don Barkley, Lions tamer, Joe DaCosta, tail twister; and directors, Perry Harabadian, Carlo Rossi, Don Cornell, Dexter Frye and Tim Weaver.

I salute the Livermore Lions' accomplishments and extend best wishes for another 60 years of dedicated service.●

TRIBUTE TO ZION BAPTIST CHURCH IN HILLTOP, MD.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. DYSON. Mr. Speaker, I rise today to pay tribute to the parish of the Zion Baptist Church, in Hilltop, Charles County, MD. The members of this church will join together to celebrate their 100th anniversary this fall.

Zion was organized in 1884 under the guidance of Reverend Nelson, as an outgrowth of its mother church, the Mount Hope Baptist Church. In 1902, under the leadership of Rev. R.B. Ward, the first church building was constructed and was known as the Little Zion Baptist Church. Its membership came from near and far to hear the word preached by Rev. J.P. Mitchell, as he served the church for 15 years in faith and love.

Through the dedicated administration of Rev. E.T. Broadus, who succeeded Reverend Mitchell, many persons were converted and joined the little church. After 21 years of inspiration, Reverend Broadus retired and turned the leadership of the church over to Rev. G.W. Richardson.

Reverend Richardson served faithfully for 16 years and during this time a new building was started. With his officers: Deacon Harrison Ross, Harry Warren, John Ross, Robert M. Dent, John Washington, Samuel Warren, Roland Garner, Yelly Warren, James Lee, Henry Riley, and Otten Swann the work on the building progressed. The officers and members continued their efforts even after Reverend Richardson resigned, and their sacrifices, donations and labors were finally rewarded in 1956 when the church was completed. At this time a young minister, competent and energetic, the Reverend Earl Mathis answered the call for a pastor of Zion Baptist Church, and served admirably for 2 years.

The little church searched for a leader with concern and prayer. Their prayers were answered as the Reverend Willis S. Wall accepted the call to Zion. Under his leadership, the church had a rebirth and much was accomplished in the glory of God. A Gospel chorus was formed and hymns were sung to the music provided by a lovely new organ; worshipping parishoners welcomed the new pews and pulpit, and the communion table that was added. Numerous additions included carpeting, office equipment, an annex to accommodate the various church functions that continued to grow in size and spirit. As the word was preached and reached out to more and more, the small church grew and took on a new appearance both inside and outside. Reverend Wall celebrates his 25th anniversary as pastor of Zion Baptist Church in 1984. He deserves a great commendation for his dedication and service to God and man.

Today, many members of Zion Baptist Church are direct descendants of the original founders. Each week they continue to join together to share the spiritual fulfillment and love of God in the church that has been the fruit of their labors, and I am proud to share this moment in history with the members of Zion Baptist Church on their 100th anniversary.●

SCHOOL PRAYER WINDFALLS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. EDWARDS of California. Mr. Speaker, an editorial in the New York Times of August 1, 1984, points out that "Enforced worship in the classroom, even if silent, involves the state in religion every bit as much as oral devotion led by the teacher."

I commend the editorial, printed below, to the attention of my colleagues.

SCHOOL PRAYER WINDFALLS

Election-year posturing about "tradition and family values" turns out to be a windfall for the religious right on the issue of school prayer. With the Democrats on the defensive, the House has gone along with bills authorizing prayer in schools under certain conditions. No one seems to care that the measures violate America's noblest traditions and deepest family values.

Only last week the House voted overwhelmingly for a Senate-passed bill to grant religious groups of students the same extracurricular access to public schools now enjoyed by other activities. But that passed only because it appeared to confer similar rights on any student group: atheists, cultists, political partisans. Whether it will favor religion or turn out to be evenhanded, this "access" legislation is an atrocity, an unprecedented Federal intrusion into local school affairs.

Instead of satisfying the prayer lobby, this radical bill only whetted its appetite. It quickly persuaded the House to declare that schools may not deny "individuals in public schools the opportunity to participate in moments of silent prayer."

Some legislators apparently thought this was an innocuous measure. Don't all Americans, law or no law, have the right to pause wherever they are, close their eyes and pray? Sure. But this new bill would secure the right of *groups* of students, and even of their teachers, to *organize* silent prayer sessions during school hours, and even to require all students to participate.

Enforced worship in the classroom, even if silent, involves the state in religion every bit as much as oral devotion led by the teacher. It's a clear violation of the Constitution's command that government remain neutral on matters of conscience. Far from threatening tradition and family, that command flows from profoundly held American values: the community basis of education, the wholesome separation of church and

state and the home-based, private character of religious belief and practice.

Once again a Senate minority, which beat back a constitutional amendment for vocal school prayer in the spring, will have to resist this pious tampering with religious liberty. The Supreme Court would never outlaw silent, voluntary prayer by Americans of any age. But it wisely insists that religion is too personal ever to be the business of government. That message ought to transcend politics, even in an election year.●

THE DEATH OF COL. LEON UNGLES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SKELTON. Mr. Speaker, recently, former superintendent of Wentworth Military Academy, Col. Leon Ungles, passed away. His career at this fine Missouri school covered many years during which he served as coach, dean, executive officer, and superintendent. He touched the lives of many young people, and will be well remembered by all who knew him. He was a truly outstanding person, and I express sympathy to his wife, Lou Ungles.●

IN PURSUIT OF EXCELLENCE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. DYMALLY. Mr. Speaker, I would like to express my respect and congratulations to Brig. Gen. Gary Cooper for his outstanding efforts and dedication to the Marine Corps, his country, and to his fellow citizens.

General Cooper, now 48 years old, has a long history of success. After graduating from Notre Dame University with a B.A. in finance in 1958, Mr. Cooper pursued a career in the military becoming the first black officer in the Marine Corps to lead an infantry company into combat. General Cooper's heroic and patriotic efforts did not go by unnoticed as he was awarded the Bronze Star Medal, two Purple Hearts, and the Vietnam Cross of Gallantry three times. Following his retirement from active duty in 1969, General Cooper went on to serve in a leadership capacity within the Reserves with which he is still proudly affiliated.

In addition to an impeccable military career, General Cooper has contributed greatly to his fellow human beings through indefatigable public service efforts. He is a member of the American Public Welfare Association, the National Association of Social Work, the President's Advisory Committee for the Alabama Chamber of Commerce, the Board of Spring Hill College in Mobile and Talladega College in Talladega, and as a board member of the Dearborn Street YMCA. Finally, General Cooper had the honor of being elected to the Alabama House of Representatives in 1974 and 1978.

General Cooper has been awarded for his relentless efforts in the sphere of public service. In 1971, he was as Outstanding Young Man of the United States. In 1974, he was recognized as Omega Psi Phi Fraternity's Citizen of the Year. In 1977, he was named Man of the Year by the Nonpartisan Voters League. Recently, General Cooper was awarded the highest honor given by the Secretary of the Navy for public service—an award that he has won twice.

As one can see by the background and achievements of Gen. Gary Cooper, he has done a great deal to make his city, State, country, and world a better place. I am quite confident that those who either read this entry or meet General Cooper in person, will realize that the man is an excellent human being and a fine model to follow.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise today as I did last year, to add my voice to the "Congressional Call to Conscience Vigil for Soviet Jews." I am participating in this vigil to continue to focus attention on the tragic plight of nearly 500,000 Soviet Jews who have been refused the right to emigrate from the Soviet Union.

One of these refuseniks is Josef Begun, a Soviet Jewish activist charged and sentenced earlier this year to a forced-labor camp for attempting to teach Hebrew. When Mr. Begun's case was first brought to my attention by children attending the school at Congregation Mishkan Israel in Hamden, CT, I pledged to work in any way possible on Mr. Begun's behalf. I adopted Mr. Begun as part of the 98th class for Soviet Jewry's adoption program and have since written numerous letters to the Soviet Government protesting his treatment and asking that he be granted an exit visa.

On August 1, 1984, I learned that Mr. Begun had been placed in the camp's hospital at the Perm Camp Complex in the Ural Mountains, where winter temperatures sink to 45° below zero. Camp authorities have provided no explanation why this latest action was taken and his family has been refused permission to see him.

Josef Begun is only one of hundreds of thousands of Soviet Jews who are in similarly desperate situations and who need our help. I urge my colleagues to join me in showing their commitment to the human rights of Soviet Jews by joining this year's "Congressional Call to Conscience Vigil." We must continue to express our concern for Soviet Jews and the oppression under which they are forced to live.●

TRIBUTE TO CARL D. PERKINS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. LELAND. Mr. Speaker, it was with great sadness that I learned of the death of one of this body's most distinguished members, CARL D. PERKINS, of Kentucky.

As one of his colleagues and as chairman of the House Select Committee on Hunger, I would like to point out that CARL PERKINS did more than almost anyone in this country's history to assure that its children were fed.

He understood what the child nutrition programs meant to hungry children. He guarded the programs zealously and was stubborn in his efforts to maintain their integrity, because he knew that nutrition was vital to the health and learning capacity of the young of this Nation. CARL PERKINS knew that for many poor children, school lunch was their only decent meal of the day.

Because he was aware that school lunches could not meet all the nutritional requirements of all needy children, CARL PERKINS used his chairmanship of the House Committee on Education and Labor to establish other feeding programs that complemented the school lunch program.

School breakfast was a special favorite of his. It was important to CARL PERKINS because he was concerned about the farm children in his congressional district who had long bus rides to school, often after doing early morning chores. He also knew the impact of a good breakfast on the learning capacity of innercity children who would need energy and educational skills to push their way out of the ghetto.

Another program developed under CARL PERKINS' aegis is the child care food program, which provides meals for children of working mothers. These meals meet proper nutritional standards in day care centers and family day care homes so that working mothers don't need to worry about the quality of their children's meals away from home.

The Special Supplemental Food Program for Women, Infants and Children [WIC] grew under his leadership to provide more food to nutritionally vulnerable pregnant women, infants, and children. Each day we are learning more from science about the benefits of this program which he instinctively knew to be good.

Whatever the program, CARL PERKINS cared about and fought for valid nutritional standards. The number of child nutrition programs didn't bother him; he was more concerned about meeting the multiplicity of needs in our complex society.

CARL PERKINS' fitting memorial is the assurance in law that the children of poverty and the children of minorities do not grow up hungry, but rather that they have the opportunity to grow and learn in good health. For that, this Nation will always be grateful.

Mr. Speaker, on August 3, the Nation suffered a great loss. Other Members of Congress and I will miss this outstanding humanitarian. Let us vow today to continue the struggle for the nutritional causes that CARL PERKINS championed so valiantly.●

TRIBUTE TO WILLIAM HARRY SPENCER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. HARRISON. Mr. Speaker, on Friday, July 20, 1984, the community of Avoca, PA, paid tribute to William Harry Spencer for his many years of service, specifically to the community fire department.

Mr. Spencer joined the fire department in September 1942 and was elected the Department Chief in January, 1971. His duties included the general maintenance of the fire house and the dispatching of all emergency telephone calls in Avoca Borough. His unselfish dedication to the community was evident to all but mostly to the youth of Avoca. Harry was mentor to many young people who came under his watchful guidance.

Mr. Spencer was born on August 13, 1909. He and his late wife, Agnes Carroll, are the parents of three children. Mr. Spencer has also been blessed with 12 grandchildren and 2 great-grandchildren.

Mr. Speaker, it is a genuine pleasure for me to join with the citizens of Avoca, PA, and with our entire community in paying tribute to William Harry Spencer for his many years of community service. We all continue to wish him the best of luck and much future success in all of his endeavors.●

AN OLYMPIC FIRST

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. McKERNAN. Mr. Speaker, I'd like to join my colleagues in saluting the outstanding performance of Joan Benoit in winning the first ever Women's Marathon at the games of the 23rd Olympiad yesterday in Los Angeles, CA.

A resident of Freeport, ME, and a graduate of Bowdoin College, both in Maine's First District which I represent, Joan's achievement will stand in Olympic history as a monument to her skill and dedication, and as an inspiration to women and men in athletic competition in the United States and around the globe. In winning the gold medal in the Women's Marathon, Joan not only achieved a world class Olympic "first," but also served notice that women can compete successfully in all levels—and types—of athletics.

Joan, herself, labeled her victory a "minor miracle," in light of knee surgery she had just last April. Her triumph is, thus, a testament to her courage and resourcefulness, her willingness to overcome setbacks, more determined than ever to perform to the best of her ability. That, more than her victory yesterday, demonstrates to me that Joan truly has the "Olympic spirit."

I ask my colleague to join me in congratulating Joan Benoit on her performance. She is an amazing athlete and an outstanding representative of her Nation and our State of Maine.●

MOVE AHEAD ON SUPERFUND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. FLORIO. Mr. Speaker, this Thursday our colleagues will have an opportunity to reauthorize and substantially strengthen the Superfund Program to clean up the worst abandoned hazardous waste sites in our country.

Since last November, many of us in this Congress have labored to develop and strengthen the current Superfund Program when it expires next year. We have held extensive hearings at the subcommittee and committee levels and I believe the product of our work, H.R. 5640, reflects very appropriately the concern of the American public for the welfare of their families and their communities.

Our bill seeks to expand the Superfund Program for another 5 years at a higher funding level of $10.1 billion—up from the current $1.6 billion. It also provides for limited emergency relief provisions to assist victims of exposure to hazardous materials and it establishes a stingent mandatory cleanup schedule for EPA to follow for cleaning up the most toxic of these sites.

Mr. Speaker, there are over 17,000 known abandoned toxic waste sites in America—some say that number may be as high as 22,000—and these sites threaten our lives, the lives of our children and our children's children. If we are to pass a stronger Superfund Program and answer these threats to our wellbeing, then we must move ahead on Superfund this year. The Philadelphia Inquirer in an August 5 editorial urged Congress to do just that—move ahead. Mr. Speaker, I commend the article to the attention of our colleagues.

[From the Philadelphia Inquirer, Aug. 5, 1984]

MOVE AHEAD ON SUPERFUND

"It's awfully hard to vote against this, commented an observer in the House Ways and Means Committee the other day, referring to the 27-5 vote to reauthorize and greatly expand funding for the Superfund hazardous waste cleanup law. "There isn't a congressional district in the nation that doesn't have a dump.

That's what makes it a strong political issue. But the Superfund reauthorization is much more than that. "This is not a problem of economics; it's not simply a problem of our environment. It is a problem of health," said Rep. Thomas J. Downey (D., N.Y.), urging his colleagues to extend the bill and tax chemical and petroleum companies $9 billion over the next five years to clean up the thousands of abandoned waste sites.

Republicans argue that the Democrats are making this a campaign issue. President Reagan, who says he supports reauthorization, wants to postpone a vote until next year, when the fund expires. Democrats are wary of his support without campaign and are pushing ahead.

Their strategy is correct. A delay only holds out the promise of weaker, not stronger, legislation.

The full House is expected to consider the bill this week. Then the reauthorization will be taken up by the Republican-controlled Senate where it may have a more difficult time. A real boost to passage this session would be an overwhelming bipartisan endorsement in the House.●

REMEMBERING RALPH BUNCHE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. ADDABBO. Mr. Speaker, tomorrow marks the anniversary of the 80th birthday of one of America's greatest diplomats, a statesman who stood for world peace, Ralph Bunche.

Throughout his life, Ralph worked to achieve peace in the world. Whether it was peace at home through civil

rights laws, or peace abroad, as he delivered when he worked out the "Four Armistice Agreements" between Israel and Egypt in 1950, Ralph's life was dedicated to nothing less than breaking down barriers and establishing an understanding between peoples.

He fought hard to reach these agreements. He engaged the skills he mastered in every capacity he served, as a political scientists, as an educator, as a Government official, as unofficial.

There is a reason Ralph Bunche was the first black American to receive the Nobel Peace Prize. Because he worked harder for world peace, not just peace for some, but world peace, peace for all men black and white, American and Soviet, Arab and Israeli. And the world recognized his achievements in the United Nations, not only when he was chosen to the distinguished position of Under Secretary General but when he was designing the charter for a United Nations with other great world leaders.

Mr. Speaker, as my friends from the Queens Historical Society mark Ralph's life achievements on his 80th birthday, I call the attention of my colleagues to this great man's focus in life—peace. I will always remember him as a good friend and loyal constituent, but most of all, as a spokesman for world peace.●

LEGISLATION TO REDUCE THE TARIFF ON POLARIZING MATERIAL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SEIBERLING. Mr. Speaker, I am today introducing legislation to reduce the tariff on imported polarizing material from the current rate of 15.6 percent to 5.6 percent.

Under current tariff schedules the tariff on polarizing material, a key component in the production of liquid crystal displays, is 15.6 percent, while the duty on finished liquid crystal displays is 5.6 percent. The vast majority of polarizing material used by U.S. liquid crystal display manufacturers is imported from the Far East. As a consequence, it is difficult for U.S. producers of liquid crystal displays to compete with foreign manufacturers, who benefit from the low tariff on the finished product in comparison to the high tariff on the polarizing material. My bill will reduce the tariff on polarizing material to the same level as the tariff on finished liquid crystal displays, making American products more competitive. The bill will eliminate the tariff on polarizing material from least developed countries.●

IN TRIBUTE TO DONALD D. BLEWETT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. MATSUI. Mr. Speaker, one of my most respected and civic-minded constituents, Donald D. Blewett, a faithful public servant to the State of California and longtime appointee to the California Unemployment Insurance Appeals Board, has announced his retirement.

Don Blewett was first appointed to the unemployment insurance appeals board by Gov. Ronald Reagan on September 12, 1968, and now 16 years and three administrations later, he is stepping down from his position on the board. His 16 years of public service, 8 in which he was the acting chairman, brings Don the distinction of being the longest serving member of the unemployment insurance appeals board.

Mr. Speaker, Don Blewett's public service record does not end with his role on the appeals board. He has been an active member of the Teamsters Union for the past 30 years, filling such union roles as secretary-treasurer of local 190 and as the acting research director of the Western Conference of Teamsters. Don is also a member of the Masonic Order of Billings, MT, an affiliation that evolved from his days working for the Intermountain Transportation Co. and for Safeway Stores in Montana. His expertise and devotion to his job will be sorely missed by both his colleagues and by the people of California.

Mr. Speaker, on behalf of the people of Sacramento, I extend my thanks and best wishes to Donald D. Blewett. We can rest assured that his retirement years will be as creative and fulfilling as those he has devoted to public service.●

OLYMPIC CHAMPION CATHY BOSWELL

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. O'BRIEN. Mr. Speaker, I rise today in praise of Joliet, IL, native Cathy Boswell, all-around scholar and athlete who is helping lead the United States to victory in women's basketball competition in the XXXIII Olympiad in Los Angeles.

To Cathy Boswell, Olympic competition has always been a goal. Growing up in Joliet, daughter of Mr. and Mrs. Hank Boswell, Cathy has dreamed of becoming an Olympian since her early teenage years.

Graduating from Joliet High School's West Campus at age 16, Cathy became widely known for her athletic and academic prowess. As a sophomore in 1978, she was a member of the Tigers' State champion girls' basketball team. The next year, she was named to attend Girls' State. All the while, according to her principal, Leroy Leslie, she continued to hold a strong A grade average.

She entered Illinois State University in Bloomington in 1979, where she played 4 years on the girls' basketball team. In this past year, she has played in Europe in an international league, in preparation for the Olympics.

Says her father, "All the attention she's getting—signing autographs and all—is probably more impressive to us than it is to her. She has stayed level-headed through all the fuss, but I think she enjoys it."

Cathy is now playing forward and guard positions for the U.S. Olympic team. We wish her well through the competition, which culminates in final competition August 7.●

RULE NOTICE FOR H.R. 5640

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. DINGELL. Mr. Speaker, I take this opportunity to advise the House of the intention of the Committee on Energy and Commerce to seek from the Committee on Rules a modified open rule providing for the consideration of H.R. 5640, the Superfund Expansion and Protection Act of 1984.●

PROTECTING WHISTLEBLOWERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mrs. SCHROEDER. Mr. Speaker, last Wednesday an administration law judge [ALJ] of the Merit Systems Protection Board dismissed an action brought by the Special Counsel seeking disciplinary action against three top officials of the Defense Contract Audit Agency [DCAA]. These officials were alleged to have taken a reprisal action against George Spanton, an auditor at a defense contractor in Florida. Spanton was geographically reassigned after he went public with information about excessive labor rates and waste of Government money by the contractor.

The ALJ said he could not find a causal connection between the protected whistleblowing and the adverse personnel action. One of the men charged, Mr. Starrett, is the head of

DCAA. Once the Agency was under fire because of Spanton's charges, Starrett assigned one of his most trusted deputies to investigate Spanton's disclosures. Not surprisingly, this deputy did a hatchet job on Spanton. Based on this loaded report, Starrett ordered the reassignment. The ALJ thought this report provided plenty of clothes for the emperor.

Another of the men charged, Mr. Evans, specifically told the Special Counsel that he recommended the reassignment. Not good enough, said the ALJ.

If this were just a case of a promanagement ALJ misconstruing the law to protect top Agency officials, it would be bad, but probably not serious enough to bring up on the House floor. Rather, this ALJ was just following the will of the Merit Board, an agency which, in the last 2 years, has demonstrated an unmistakable antagonism to the merit personnel system. The Chairman of the Board, Herbert E. Ellingwood, is one of the most notorious practitioners of cronyism in the Federal Government.

Congress must send the Board a clear message that we were serious when we passed the whistleblower protection provisions of the Civil Service Reform Act of 1978. These provisions have been rendered worthless by the antiemployee attitude of the Merit Board. The Board has established a body of law which makes it just about impossible for a whistleblower to win. In doing so, the Board has perverted the will of Congress.

I have been quite critical of the Special Counsel in the past. In this case, however, once Special Counsel K. William O'Connor was bludgeoned into pursuing the case by Washington Times reporter Clark Mollenhoff, the Office of Special Counsel acted zealously. The travesty of justice in the Spanton case rests unquestionably at the doorstep of MSPB.

The Subcommittee on Civil Service, which I chair, has been working with the General Accounting Office to redesign the whistleblower protection scheme so that it works. Whether this means abolishing or strengthening the Office of Special Counsel, I cannot say. What I can say is that we must act to undo the damage to the merit system which has been caused by the Merit Systems Protection Board.●

HALL OF FAME INDUCTS BROOKLYN DODGER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 6, 1984

● Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the achievements of Harold Henry "Peewee" Reese, the renowned captain and shortstop of the unforgettable Brooklyn Dodgers. An outstanding ballplayer, Mr. Reese will be inducted into the baseball Hall of Fame on August 12, 1984, in Cooperstown, NY.

In June of this year, the Brooklyn Dodger Hall of Fame collection was dedicated at the Brooklyn Public Library, Grand Army Plaza Branch, which is located in my district. On the occassion, Dr. Ron Gabriel, founder and president of the Brooklyn Dodger Fan Club, delivered a very moving dedication to the team. During his speech, Dr. Gabriel reminisced, "For nearly three-quarters of a century they [the Dodgers] united an entire borough—black and white, women and men, young and old, rich and poor. The Brooklyn Dodgers were more than just a ballclub—they were our family."

I would like to take this moment to pay tribute to a fine baseball team that made Brooklyn proud. And furthermore, I would like to congratulate Peewee Reese for being chosen by the baseball Hall of Fame. It is a well-deserved honor.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, August 7, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 8

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider the nominations of Andrew J. Strenio, Jr., of Maryland, J.J. Simmons III, of Oklahoma, and Paul H. Lamboley, of Nevada, each to be a member of the Interstate Commerce Commission.

SR-253

Judiciary

Juvenile Justice Subcommittee

To hold hearings on sexually explicit publications.

SD-226

Joint Economic

To resume a midyear review of the national economy.

SD-G50

10:00 a.m.

Environment and Public Works

Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).

SD-406

Finance

Health Subcommittee

To hold hearings on proposed adjustments to the diagnosis-related group (DRG) relative weights used to compute Federal payment rates under medicare's prospective payment system.

SD-215

Labor and Human Resources

Business meeting, to consider S. 2748, to revise the procedures for new drug applications by abbreviating certain generic drugs approved after 1962, and to provide for the extension of patents for certain regulated products, S. 2878, to permit the export of drugs not approved in the United States, S. 2568, Civil Rights Act of 1984, and the nomination of Rosemary M. Collyer, of California, to be General Counsel of the National Labor Relations Board.

SD-430

*Conferees

On H.R. 5798, appropriating funds for fiscal year 1985 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

H-140, Capitol

11:00 a.m.

Foreign Relations

Business meeting, to mark up S. 2768, to provide an undergraduate scholarship program for citizens and nationals of developing countries to study at American institutions of higher education, Senate Resolution 241, expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and to consider pending nominations.

SD-419

2:00 p.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on miscellaneous public land measures, including S. 2657, S. 2658, S. 2659, S. 2660, S. 2661, and S. 2662.

SD-366

Finance

International Trade Subcommittee

To hold hearings on the President's authority to waive the freedom of emigration provisions of the Trade Act of 1974 (Public Law 93-618).

SD-215

Conferees
On S. 2463, authorizing funds for fiscal year 1985 for certain fisheries programs of the National Marine Fisheries Service, and authorizing funds for fiscal years 1985, 1986, and 1987 for the Deep Seabed Hard Minerals Resources Act.
S-205, Capitol

3:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Rules and Administration
Business meeting, to consider S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals, and other pending legislative and administration business.
S-207, Capitol

AUGUST 9

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2850, to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
*Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on a proposed amendment (Merchant Marine Promotion Act of 1984) to S. 1234, to grant a charter to the vessel *Norden* to be documented as a vessel of the United States entitled to engage in coastwise trade (pending on Senate calendar).
SD-124

Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

Finance
To resume hearings on flat-rate and other major tax reform proposals.
SD-215

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Rules and Administration
To hold joint hearings with the House Administration Committee on S. 2271, to authorize the transfer of the General Post Office Building to the Smithsonian Institution without reimbursement.
H-328, Capitol

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Joint Economic
To hold hearings to examine States' environment of innovation for high technology and small business development.
1310 Longworth Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings to examine the reasons for the increase in imports of Canadian pork.
SR-328A

AUGUST 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2879, to implement Indian regulation of surface coal mining operations and activities on Indian lands.
SD-562

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406

SEPTEMBER 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

AUGUST 7

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To resume hearings on S. 2771, to protect the internal security of the United States against international terrorism by making it a Federal felony for a foreign diplomat in the United States to use a firearm to commit a felony.
SD-226

AUGUST 9

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of controlled substances by sports figures.
SD-430

SENATE—*Tuesday, August 7, 1984*

(Legislative day of Monday, August 6, 1984)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Dan H. Maxey, Jr., senior minister, Kingswood United Methodist Church, in Dunwoody, GA. He is sponsored by Senator MACK MATTINGLY, of Georgia.

PRAYER

The Reverend Dan H. Maxey, Jr., senior minister, Kingswood United Methodist Church, Dunwoody, GA, offered the following prayer:

Holy Sovereign, Divine Sustainer, we gratefully accept a new day of life from our life source and thereby ask that Thou dost grant all who labor here fresh resolve to be life sustainers, life enrichers, life ennoblers.

Grant Thy sons and daughters Solomon-like wisdom to discern the heart of issues; magnanimous compassion to respond swiftly to human hurt and Spartan courage to advance fairness wherever inequity encroaches.

Guide Thy servants as Thy worthily model servanthood and show forth the futility of self-serving. Give them inner peace that transcends understanding as they promote peace on Earth.

Save us from floundering in the gulf that separates the ideal from the actual. Grant Thy servants the tender hearts, tough minds, and bold spirits to pursue ideals that elude irresolute leadership. May the pursuit of these eternal verities make dreams come alive in a changing world.

May decisions here made inspire the youth of our land to persevere in the pursuit of a national purpose that is consonant with Thy divine intent for all humankind.

In Thy Holy Name we offer our prayer. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE VISITING CHAPLAIN, REV. DAN H. MAXEY, JR.

Mr. BAKER. Mr. President, I welcome the distinguished visiting Chaplain this morning. We are happy to have Reverend Maxey with us. He is another in a line of distinguished clergymen who have favored the Senate as guest Chaplain over the years.

Mr. MATTINGLY. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from Georgia.

THE PRAYER GIVEN BY REV. DAN H. MAXEY, JR.

Mr. MATTINGLY. Mr. President, I am honored to call to the attention of my colleagues my good friend, the Reverend Dan H. Maxey, Jr., who blessed the Senate this morning with an inspiring opening prayer.

Reverend Maxey is senior minister of the Kingswood United Methodist Church of Dunwoody, GA. He has faithfully served Georgians for many years with meaningful sermons and teachings, wise counseling, and compassion.

In his prayer, Reverend Maxey called on those of us in the Senate to pursue the very highest ideals in our decisionmaking process. By following the examples set by Reverend Maxey, in both his life and his work, we certainly would be doing just that.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the opening formalities, including the special orders and morning business, the Senate will recess today at 12 o'clock in order to accommodate caucuses by Members of both parties as almost always occurs on Tuesdays. Those caucuses are of a quasi-official nature and the time between 12 and 2 o'clock is given over to deliberations of the two parties in their respective caucuses.

At 2 p.m. when we resume session, the pending business will be the unfinished business, which is the Baker motion to waive the Budget Act with respect to H.R. 5743. It is hoped, Mr. President, that, at 2 o'clock, the Senate may temporarily lay aside that matter and go either to the SBA spare parts bill or the supplemental appropriations bill. I will consult with the minority leader on that point and have a further announcement perhaps later and before the two caucuses.

Mr. President, perhaps it would be useful for me to outline the way I see the balance of this week since this is the last week before we recess or adjourn for the Republican National Convention. There are many matters that may be taken up if cleared on both sides and if they may be done in a short period of time or routinely by unanimous consent.

However, the matters that the leadership on this side feels are essential are the supplemental appropriations bill, the agriculture appropriations bill, and the cloture vote and disposition of the Wilkinson nomination if cloture is invoked. These are the matters, Mr. President, that I feel, in good conscience, we must complete before we can pass an adjournment resolution. That is a pretty tall order, given the fact that both the agriculture bill and the supplemental appropriations bill may be controversial in some respects. But Members should know that it would be the desire of the leadership on this side to try to finish those two matters, plus the votes on cloture on the motion to waive the Budget Act in respect to the agriculture appropriations bill and the Wilkinson cloture vote.

It does not sound like much, but for those who know—and certainly every Member does—that is a whole lot. So we will see how we work it out.

Mr. President, may I say again it is my hope that at 2 p.m. we can get to either the supplemental or to the small business bill, temporarily laying aside the pending business, which is the motion to waive the Budget Act.

I believe that is all I have, Mr. President. I believe that the Senator from Utah may require more time, I am told, than the time allocated to him under special order. He indicates that is not the case. Therefore, I offer my time remaining, if any, under the standing order to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I have no need for my time. I would be glad to yield it back to the majority leader or yield it back to the Chair.

Mr. BAKER. Mr. President, if the Senator would yield it back, I would be happy to have that result.

Mr. BYRD. I yield it back.

RECOGNITION OF SENATOR GARN

The PRESIDING OFFICER. Under the previous order, the Senator from Utah [Mr. GARN], is recognized for not to exceed 15 minutes.

THE FINANCIAL SERVICES COMPETITIVE EQUITY ACT (S. 2851), AND RELATED MATTERS

Mr. GARN. Mr. President, since the Banking Committee ordered the Financial Services Competitive Equity Act, S. 2851, to be reported on June 27, 1984, much has been said and written about the legislation. This is important legislation, deserving of comment and discussion, because it affects the structure and operation of the Nation's financial system. What concerns me is that S. 2851 is being described by some persons as something it is not—a broad bank powers bill.

S. 2851 reinforces the historical separation between commerce and banking and preserves Federal and State control over the activities of dispository institutions and their geographic expansion. The few, limited expansions of activities authorized by the bill are a measured, but essential, step toward competitive equity and better, more efficient financial services for consumers and businesses.

To ensure that the issues facing our financial system and the legislation dealing with such matters would be examined fully, the Banking Committee, during this Congress, has held 27 days of hearings and received testimony from 171 witnesses representing regulatory agencies, consumer and labor groups, trade associations, and other interested persons. The Banking Committee's printed hearing record on these matters is 6,120 pages long.

S. 2851, the product of these extensive hearings, exhaustive analysis, and a thorough markup session, represents the appropriate legislative response to the issues raised by the rapidly changing financial services marketplace. I will continue my efforts to have S. 2851 enacted this year, and assure my colleagues that I have no intention of becoming a party to any effort to avoid the pressing issues by enacting a stop-gap, moratorium bill. A moratorium would delay decisions; S. 2851 deals with the issues by providing solutions.

WHAT S. 2851 DOES TO DEPOSITORY INSTITUTION REGULATION

In light of some of the comments and discussion about S. 2851, I thought it would be useful to state for the record what S. 2851 does and does not do in the area of regulation of banks, bank holding companies, thrift institutions, and thrift holding companies, all of which I refer to as depository institutions or depository insitution organizations. S. 2851 redefines the word "bank" in the Bank Holding Company Act, thereby closing the nonbank bank loophole. S. 2851 also closes the South Dakota insurance loophole. It authorizes depository institution organizations, through separate nondepository affiliates, to engage in conservative, safe and sound securities activities which are closely related to the traditional business of depository institutions, specifically, authority to underwrite mortgage backed securities, commercial paper, and all types of municipal revenue bonds.

In addition the bill reaffirms existing securities authority such as discount brokerage services. It allows a State to open its banking market to institutions from other States in a particular region or, if the State so chooses, to all other States. It establishes rules for the regulation of brokered deposits. It tightens Federal law concerning credit card fraud and consumer leasing. It provides for the payment of interest to depository institutions on reserves held only against money market deposit accounts. It requires depository institutions to disclose the waiting period before customers have access to funds deposited by check and it seeks to expedite the check clearing process. It reinstates a Federal alternative for unduly restrictive state usury limits to assure a continued availability of credit for the business and agricultural sectors of our economy.

Now, let me summarize what the bill does not do. It does not expand the insurance or real estate activities of bank holding companies or other depository institution organizations. It does not permit depository institution organizations to underwrite corporate stocks or bonds. We are not proposing a return to the combining of commercial banking and investment banking and, therefore, the bill certainly does not undo the Glass-Steagall Act. With regard to expanded activities, we are proposing a few, simple, straightforward amendments to depository institution statutes to benefit consumers, businesses, and local governments through increased competition in the markets for municipal revenue bonds, mortgage backed securities, and commercial paper, while reaffirming existing securities authority such as discount brokerage services.

Mr. President, these securities activities reflect the need to accommodate change in the financial marketplace. They are consistent with the purposes of the Glass-Steagall Act and with the original exceptions to and periodic revisions of that Act.

MUNICIPAL REVENUE BONDS

Municipal revenue bonds are bonds which municipalities issue for which the source of repayment is a specific structure or facility, such as an airport, toll highway, port or sewer and water system. Such bonds are among the safest of financial instruments. Municipal revenue bonds are to be distinguished from general obligation bonds, for which the source of repayment is the general taxing authority of the municipality.

When the Glass-Steagall Act was enacted, general obligation bonds were the principal type of local government bond, and revenue bonds were rarely used. Since then, revenue bonds have grown in popularity to where they now represent approximately three-quarters of the total municipal bond market. Despite that growth, depository institutions are not permitted to underwrite many municipal revenue bonds because they were not explicitly permitted to do so under the Glass-Steagall Act.

Allowing depository institution securities affiliates to underwrite all types of revenue bonds will save millions of dollars for cities and States, and most importantly, users of airports, highways, and other public facilities. The municipal bond underwriting market is heavily concentrated. In 1982, the top 10 revenue bond underwriters, all of which were securities brokers/dealers, controlled nearly 50 percent of the market. In comparison, the top 10 general obligation underwriters, both banks and securities firms, controlled only 29 percent of that underwriting market. Moreover, the trend is toward more concentration in the revenue bond market, while the general obligation market is becoming less concentrated. Increased competition in the revenue bond market would result in reduced underwriting fees and improved services for public issuers.

Permitting depository institution securities affiliates to underwrite municipal revenue bonds has been recommended and endorsed by the National Governors Association, the Municipal Finance Officers Association, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the American Public Power Association, and many other municipal and State associations. It has also been recommended and endorsed by the Federal Reserve Board, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

Since the Glass-Steagall Act was enacted in 1933, Congress has recognized the value of permitting bank competition in certain revenue bonds by allowing banks to underwrite and deal in the revenue bonds of such specific entities as the TVA, the Asian Development Bank, and the Washington Metropolitan Area Transportation Authority. Congress has also permitted banks to underwrite and deal in the municipal revenue bonds issued to finance housing, university and dormitory projects, and health care institutions. S. 2851 simply extends this historic public policy to other revenue bonds to promote lower user fees and interest costs and provide for greater competition and service in revenue bond markets.

As a former mayor, I am especially aware of local financing needs and operations. And after having served on

the Banking Committee for almost 10 years, I am more convinced than ever that Congress should authorize depository institution securities affiliates to underwrite and deal in all types of municipal revenue bonds.

MORTGAGE BACKED SECURITIES

One of the clearest and most important needs that faces our Nation in the next decade and beyond is meeting the huge demand for mortgage capital that all experts project. Estimates are that we will need $1.5 trillion to finance housing in the next decade and up to $4 trillion by the end of the century, and that one-half to three-fourths of those mortgages will be financed through securities backed by pools of mortgages. Presently, three federally chartered entities, FNMA, GNMA, and FHLMC issue 95 percent of the mortgage backed securities in the secondary market. That ratio however, very likely will be changed by the end of this decade as the recently developed, privately issued mortgage backed securities market expands. We must permit depository institution securities affiliates to engage in this vital activity which will do so much to generate more mortgage capital in the coming years of high demand.

COMMERCIAL PAPER

Commercial paper is a term which describes the short-term debt obligations corporations issue to generate operating cash. It is functionally identical to a commercial bank loan, but the default rate has historically been only a small percentage of that for commerical loans. Underwriting and distributing such instruments involves minimal risks.

The commercial paper underwriting market is very concentrated among securities brokers/dealers—seven investment banking firms currently act as agents for over 85 percent of the corporations which issue commercial paper through an agent. Permitting depository institution securities affiliates to compete in this vital part of our capital market, which is increasing more rapidly than the commercial loan market, is an effective manner of ensuring the continued participation of depository institution organizations in serving the short-term credit needs of American businesses.

AMENDMENTS TO S. 2851

S. 2851 as reported does not go far enough toward promoting more efficient and more competitive financial services and toward preserving State initiatives in the financial services area. To address these shortcomings, today I am introducing two amendments, one to authorize mutual fund sponsorship and underwriting for depository institution securities affiliates and the second to delete the Federal limitations on insurance activities of State chartered banks within their home State.

These two issues were dealt with during the Banking Committee's markup. Both were the subject of successful amendments during the markup: One to delete the mutual fund provisions, and the other to apply title VI of the Garn-St Germain Financial Institutions Act of 1982 to all subsidiaries of bank holding companies. I opposed both amendments and, because of my strong feelings about both provisions, I am filing the amendments today.

STATES RIGHTS/INSURANCE

The issue of State bank powers came to the fore last year when South Dakota enacted a law permitting its State banks to engage in a broad range of insurance underwriting and selling activities. With my amendment S. 2851 would deal with this issue by limiting the interstate activities of State banks to those activities permissible for a bank holding company under section 4(c)(8) of the Bank Holding Company Act. This would be consistent with the Bank Holding Company Act, which, under section 4(c)(8), affects the nonbanking activities of bank holding companies, and, under section 7, reserves to a State such powers and jurisdiction which it now has or may hereafter have with respect to banks." When a State bank operates within its own State, Congress should be very reluctant to impose restrictions on activities which a State legislature has sanctioned. Only interstate activites of State banks are matters over which Congress has a legitimate interest. That is what I propose in my amendment.

The successful amendment to impose the title VI restrictions, as contained in section 4(c)(8), on all subsidiaries and affiliates of a bank holding company goes far beyond what the Bank Holding Company Act was designed to cover. The imposition of these standards and limitations on State chartered banks raises several issues, including the rights of States to charter and supervise institutions within their jurisdiction and the McCarran-Ferguson framework affecting the insurance business.

Many States already authorize their State chartered banks to engage in insurance activities which are broader than those permitted under title VI to nonbanking subsidaries of bank holding companies. Twenty States allow some degree of general insurance activities. To nullify such State actions would diminish the States traditional role in chartering banks and, therefore, minimize the values and strengths of the dual banking system.

The National Governors Association and the Conference of State Bank Supervisors have both expressed the strongest opposition to this proposed interference with States rights. As the principal Senate proponent of title VI when it was passed in 1982 and as a staunch advocate of the dual banking system, I concur with the views of these distinguished groups and believe that the provision in S. 2851 limiting State bank insurance activities is not consistent with the intent of title VI nor is it consistent with the framework of the dual banking system.

MUTUAL FUND AUTHORITY

The sponsorship of mutual funds was deleted from the bill during the Banking Committee's markup session, an action inconsistent with a competitive and strong financial system.

Banks have traditionally offered investment management services for trust accounts and nontrust accounts but most customers with modest amounts to invest cannot take advantage of the investment services offered by banks because of the high cost of individual investment accounts. Due to court decisions and regulatory interpretations, banks generally may not combine nontrust accounts for investment purposes. Yet, only by investing funds of many smaller customers on a collective basis can the economies of scale, professional management and needed diversification be achieved.

Opponents of authorizing depository institution securities affiliates to sponsor mutual funds allege that such authority will lead to concentration of equity holdings because banks already hold about 44 percent of the value of all stock owned by financial institutions. The more than 4,000 bank trust departments do hold a considerable portion of U.S. equities. What opponents fail to point out is that nonbank financial institutions; securities firms, insurance companies and others; all who may sponsor mutual funds as part of their massive holdings, hold the remaining 56 percent. If concentration is an issue at all, it is not in the banks, but in the giant insurers and financial conglomerates.

The depository institution securities affiliate under the proposed legislation would be subject to the same law—the Investment Company Act—that governs the funds sponsored by securities firms, insurance companies or retailers. Competition for the public's investments under the same rules should be Congress' goal, and mutual fund authority for depository institution securities affiliates is consistent with it.

CONTINENTAL BANK

In addition to the fact that S. 2851 does not, as some have argued, undo Glass-Steagall, its enactment should not be delayed by the recent events relating to Continental Illinois Bank.

This major bank came close to failing as a result of a classic run by certain of its depositors, principally large foreign depositors. Far from evidencing that the course of deregulation should be reversed, the problems of Continental Illinois and others indi-

cate that changes in the legislation affecting our financial structure should be continued in carefully paced steps such as those in S. 2851.

What does the capital infusion for Continental Illinois tell us? First, it tells us that the bank stabilization mechanism adopted by this body in 1933—deposit insurance—has some limitations. By this, I do not mean to criticize the FDIC for the actions taken with respect to Continental Illinois. Clearly, the deposit insurance system worked in this case. This is true even though it is overlooked in much of the adverse reaction I have read in the paper and in House of Representatives debate according to the CONGRESSIONAL RECORD. Some have even called for liquidation of Continental and a payoff to depositors of up to $100,000. I am convinced that that would have been significantly more expensive for the deposit insurance fund, and therefore proscribed by the Federal Deposit Insurance Act.

The Continental Bank situation does evidence the need for change and reform in the banking industry. In the very near future, Congress needs to take a closer look at the deposit insurance system with an eye to creating a system still more responsive to the risks inherent in the depository institution system. There are two bills recently referred to the Banking Committee that contain deposit insurance reforms proposed by the FDIC and the Bank Board, and I intend to have the committee review these and any other thoughtful proposals on this important public policy issue.

The second lesson we can learn from Continental relates to the unpredictability of human error and judgment. An article in the Wall Street Journal about Continental prior to the capital infusion was headlined "Continental Illinois: How Bad Judgments and Big Egos Did It In." Continental apparently decided that the only way it could progress was by becoming the biggest commercial lender in the country. Unfortunately, the emphasis seemed to have been on size rather than quality.

How should a bank grow, when banks historically have been subject to narrow constraints on the kinds of activities in which they may engage? The combination of commercial banking and investment banking within one institution has been blamed for some of the bank failures following the stock market crash of 1929. On the other hand, no financial planner would advise a client to put all his resources and all his assets into one sort of investment or activity. I am convinced that Continental Bank's problems are not related to the issues dealt with in S. 2851 and, if they are, the general conclusion which must be reached is that the opportunity for investment diversification is essential.

CONCLUSION

Our financial system is going through a transition and measured changes in our national policy on financial services are needed. What the country doesn't need is a stop-gap moratorium which delays substantive congressional consideration of these issues and action on them.

I only reemphasize that S. 2851 is the appropriate legislative response to the most pressing issues confronting our depository institutions and I will continue my efforts toward its enactment.

Mr. President, I now wish to summarize the conclusions of my remarks. In 10 years in the U.S. Senate, I have certainly seen opposition, and differences of opinion on bills. Never in that decade, however, have I seen so much disinformation, misrepresentation, and in some cases outright lies by the opponents of this legislation. This is a bill as I outlined, that has a great deal in it; 95 percent of the bill is not controversial. It makes needed changes in the financial services industry.

Yet, the opponents are so greedy, in some cases to preserve their lack of competition created by Government rules and regulations, that they are willing to say anything about this bill in order to ensure its defeat. One of the major things they are saying is that this repeals the Glass-Steagall Act. It is not even making major changes in Glass-Steagall. But that is what they would like everyone to believe. Out of a couple hundred pages of legislation, the facts are we are down to about four items that are controversial.

Regional banking: State legislatures in many cases have decided on their own to combine with other States to allow reciprocal interstate banking. The opposition comes from one State—from New York State. It comes principally from two big money center banks—from Citicorp and Chase Manhattan, who do not like it. They feel threatened by it. So there is one item that is controversial.

So when my colleagues hear that this is bad, I hope they will remember that 49 States will benefit from this, and New York will too, if it had a little longer time or view of the situation to look at it.

Then we are down to two new powers. That is all. When you hear that this is a vast deregulation bill, baloney. We are talking about adding two new services that banks cannot currently do. Municipal revenue bonds—they have always been able to underwrite general obligation bonds. It is an accident of history when Glass-Steagall passed that municipal revenue bonds were virtually nonexistent. They were not a part of the market. Today they are more than 70 percent.

So those who have a locked-in advantage, of course, do not want competition. But, as a former mayor, I can tell you that we would have received better bids and our taxpayers would have saved money had there been more competition in the sale and underwriting of municipal revenue bonds. So there is the first new service we are adding certainly related to banking. As I said, they can already underwrite general obligation bonds.

The second one we are adding is mortgage backed securities which is certainly financially related. The National Association of Home Builders support it. If there is anything we need in this country, it is a reliable supply of additional mortgage money. But the greedy do not want any competition. They like it the way it is.

So there it is, my colleagues, this giant deregulation bill, two new powers. That is it, to those who care to be honest about it.

I suggest that we look at the bill. There are two other powers—commercial paper and discount brokerage, which we are reaffirming their right to do. The banks have already been doing both of them for a long time.

So once again, when you hear about this great pillaging of Glass-Steagall, there are two new powers. That is all. Some are so greedy they are willing to throw the baby out with the bathwater, and do away with a couple hundred pages of needed changes in law because of two new powers they do not want the banks in. They are certainly financially related.

The other thing that is constantly talked about is Continental Illinois, that somehow we cannot allow banks to have new powers because they will be like Continental Illinois. Talk about a red herring. Continental Illinois was a hot money bank with $3 billion to $4 billion overnight money from Europe and Japan.

They were not involved in the types of services that the distinguished ranking minority member of the committee, former chairman PROXMIRE, and I are talking about. There are 14,000 banks in this country, and most of them are making commercial loans, automobile loans, mortgage loans; they have checking accounts, NOW accounts, and savings accounts. They never heard of overnight hot money. They do not know what this is about. Continental Illinois got in trouble because of bad management, stupid management, and it has nothing to do with what we are talking about in S. 2851. But, of course, use anything you can on your side.

Let me give you an example. There is an insidious, misleading campaign being directed to the bill.

I understand there are differences of opinion. That is not my point. If anybody wants to oppose a provision, fine.

They can find enough factual arguments on both sides to make an argument. The thing that is irritating to me, once again, I want to stress, if I have not enough, is the misrepresentation that is going on.

I cited a specific example. I could give you dozens of them, from the information and letters I have been receiving lately.

Here is a weekly bulletin, "California Professional Insurance Agents." "California and Nevada." I do not want to eliminate Nevada. They say:

Senator JAKE GARN is on the warpath. The powerful chairman of the Senate Banking Committee is not happy with the insurance industry. We told you recently about an agreement between the House and Senate bills to permanently close the South Dakota loophole and prohibit banks from entering the insurance business through State subsidiaries. Here is some background: Senator GARN is the author of S. 2181, the so-called Garn/St Germain Banking Act.

I suppose this is just stupidity, not dishonesty, "S. 2181, the so-called Garn/St Germain Banking Act." That is not the bill we're talking about. That passed in October 1982.

Mr. President, I would suggest that the legislative staff of the insurance agents do a better job or their bosses can them. At least get their bills straight.

First of all, they do not know what bill they are talking about. They say, "The bill would have left the loophold intact."

That is simply a falsehood.

The Senate Banking Committee agreed to tightly close the South Dakota loophold prohibiting any State legislature, including South Dakota, from authorizing services for banks across State lines. Everybody agreed what South Dakota did was wrong, to say, "We will allow banks to sell insurance outside of a State but not within our State." That goes beyond the power of State legislatures. We have that closed tightly.

What happened in the markup was Senator DODD offered an amendment which the insurance agents applaud in their greed to go beyond that and prohibit State legislatures within the boundaries of their own State from authorizing insurance activities.

That is trampling all over State rights. When they describe me as hopping mad, that is what I am mad about, to go beyond exportation of services across State lines, to telling 50 State legislatures in this country that, "We have decided we know better than you and you cannot make a decision on your own."

Particularly for an industry which I used to be part of, part of the professional insurance agents.

Mr. President, I was a life underwriter training council member. I taught. I made my living for 10 years before I got into politics as a professional insurance agent. One thing we always fought for was the McCarran-Ferguson Act which exempted insurance from Federal regulation. Insurance deals with 50 State legislatures and 50 State insurance commissioners, and that is the way they like it and that is the way I like it for them. They do not have Federal regulations on insurance.

So with the unbelievable gall and greed of their leadership—and I do not think the average professional insurance agents across this country know what is going on; they are reading the misrepresentations in their publications—what they are saying is, "We do not want any Federal regulation. Leave us alone. But we want the Congress of the United States to tell all the State-chartered banks in this country and the State legislatures, 'You cannot have the same right.' We are not willing to go talk to 50 State legislatures about this if we oppose them granting their State-chartered institutions insurance powers. We want to run the Congress and cut it off in all 50 States."

I would suggest some of my colleagues look how far this goes.

The bill would inhibit insurance activities now already permissible for State-chartered banks in the States of Alabama, Indiana, Iowa, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, Oregon, South Dakota, Wisconsin, and Wyoming.

Yes, I am angry, for them to run in and plead with us to go far, far beyond Federal jurisdiction to State-chartered institutions and cut it off in those States. I suggest staff who are listening or who read this inform their Senators from those States just how far this goes.

The bill would inhibit insurance activities in States where present law is silent.

The bill would inhibit insurance activities in States now considering authorizing legislation, like New York.

The bill would inhibit insurance activities of banks which may be chartered in the future in all States, regardless of State law.

That is the issue. That is the Senator of the Garn/St Germain act in 1981-82 which put in title VI to prohibit banks from engaging in insurance.

This is the Senator, the chairman of the Banking Committee, who did not include that provision in this bill, allowing depository institution holding companies to have insurance powers.

So, yes, I am angry at dishonesty and misrepresentation, when they come to me and forget who their friend was on these issues, stir up all this kind of mail that is not based on fact, and want to go beyond the prohibition of crossing State lines, interstate exportation of services, and tell the State legislatures of this country, "It is not your business to decide what goes on within your boundaries with State-chartered institutions."

So in summary, I say to my colleagues, this is a good bill. It is well thought out. It is the product of a majority of the Banking Committee over 2 years. There will be a comprehensive banking bill this year or there will be no bill. There will be no moratoriums, there will be no simple loophole closures. Congress has been fiddling on these issues for several years. It is time to put up or shut up, to move forward with a positive approach, with comprehensive legislation and not little Dutch boys sticking their fingers in the dikes.

I would suggest the opponents of this legislation have enough factual information on which to base their opposition without resorting to misrepresentation and lies about what this bill contains.

Mr. President, I send to the desk two amendments that I spoke of in my remarks. The first amendment would add mutual funds as a permissible activity for depository institution securities affiliates. The second amendment would strike the limitation on State legislatures' authority to grant insurance powers to their State-chartered institutions to be exercised within a State's borders.

The two amendments sent to the desk read as follows:

AMENDMENT No. 3593

On page 24, between lines 14 and 15, insert the following:

"(III) organize, sponsor, operate, and control an investment company, as such term is defined in section 3 of the Investment Company Act of 1940;

"(IV) underwrite, distribute, and sell securities of any investment company, as such terms are defined in section 3 of the Investment Company Act of 1940;".

Redesignate succeeding subclauses accordingly.

AMENDMENT No. 3594

On page 17, lines 22 and 23, strike out "or any subsidiary or affiliate thereof".

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. There is an old saying in Tennessee that I am reminded of by the eloquent and energetic remarks of the distinguished chairman of the Banking Committee. That old Tennessee saying is "Plain talk is easy understood." I do not believe I have ever heard a speech on the floor of the Senate that is plainer talk than the one just given by my friend from Utah.

Mr. President, I thank the Chair. I thank the minority leader for yielding.

Mr. PROXMIRE. Mr. President, I am delighted I was here to hear the remarks of the distinguished chairman of the Committee on Banking, Senator

GARN of Utah, on the banking bill. I agree with most, not all he said, but on one thing, he is dead right. This is an excellent bill. I hope Congress will pass it and pass it promptly. The Senator from Utah has done a great deal of highly constructive work in connection with the bill. I am looking forward to its enactment in this session.

(Mr. NICKLES assumed the chair.)

ORDER FOR CONSIDERATION OF S. 2489 AT 2 P.M.

Mr. BAKER. Mr. President, I am now advised by my staff and by the distinguished minority leader that we are cleared, I believe, to enter an order providing that the small business bill will be pending at 2 p.m. I ask unanimous consent that, at 2 o'clock, when the Senate resumes session after the recess heretofore provided for, the Senate temporarily lay aside the motion to waive certain provisions of the Budget Act with respect to the agriculture appropriations bill and proceed to the consideration of calendar order No. 975, S. 2489, under the time agreement entered heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair; I thank the minority leader; and I thank the Senator from Wisconsin for permitting me to take this time before he claims his special order.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

THE NUCLEAR WINTER AND WHAT TO DO ABOUT IT

Mr. PROXMIRE. Mr. President, add to the terrible consequences of a nuclear war what is perhaps the worst finding yet. The most far-reaching and terrible result of a war involving nuclear weapons was disclosed in hearings last fall. Leading scientists announced the possibility that in the aftermath of a nuclear war, a blanket of smoke and soot would envelop the Earth, shutting out the Sun's rays for weeks, smothering and shutting out plant life and dropping temperatures over much of the Earth to an average of 13 degrees below zero even in summer months. The consequences: widespread famine and starvation even for those countries not hit with nuclear weapons.

On July 11 and 12, the Joint Economic Committee held 2 days of hearings to determine the validity of the scientists' speculation and to determine whether these findings should change our military, arms control, and civil defense policies and if so, how. The committee heard from Dr. Carl Sagan, of Cornell University, a leader of the scientists who had disclosed the nuclear winter outlook. We also heard from past and present Defense Department, arms control, and civil defense officials. What did the hearings reveal? Military and arms control officials are engaged in a study they expect to complete within a year of the validity of the nuclear winter theory. Defense officials agreed that the study will very probably find that nuclear war would profoundly affect our environment with serious reductions in the Earth's temperature. From this it would of course inevitably follow that the world food supply would diminish significantly and widespread starvation would follow.

Since nuclear war would bring disaster throughout the planet, every country on Earth, even those that may not have felt threatened by nuclear war, has a vital interest in preventing such a catastrophe. Arms control experts agreed at the hearing that the assurance that nuclear war would bring a worldwide environmental disaster will sharply increase pressure from all countries on the nuclear powers and especially the superpowers to stop the nuclear arms race. It should also increase international opposition to nuclear arms proliferation. Certainly for limited arms control agreements, nuclear winter adds a critical pressure to reduce the number and the megatonnage of nuclear arms below the nuclear winter threshold. Unfortunately, the threshold may be very low indeed, relative to the present nuclear arsenal megatonnage. The world's nuclear arsenals contain at least 20,000 megatons. That is 20,000 million tons of nuclear explosion. The rough scientific estimate of the threshold for nuclear winter comes in at between 500 and 2,000 megatons. That is between 2 percent and 10 percent of the world's present arsenal. The two superpowers have between 80 percent and 90 percent of this megatonnage.

What does all this mean? It means that the United States and the Soviet Union would have to agree to reduce their nuclear arms by at least 90 percent, and preferably by 98 percent to come under the threshold.

Other nuclear powers would also have to agree to some reduction. It will take both great pressure from the world community and some extraordinary technological breakthroughs to achieve this degree of reduction. I said technological breakthroughs. How would technological breakthroughs be useful? What does technology have to do with preventing this terrible environmental consequence or nuclear war? Here is an example: Recent research findings have permitted remarkable increases in the accuracy of nuclear weapons. With every improvement in accuracy by a factor of two, there is a kill capacity increase of four. Other technological advances in the reliability of weapons and especially reduction in weapon vulnerability could reduce the immense reliance of the superpowers on massive explosions. So nuclear weapons experts can both increase the lethal power of their arsenal and decrease its megatonnage. In the future, they can do this with even greater assurance. Since both superpowers put immense emphasis on deterrence—which means the capacity to deliver unacceptable nuclear damage on the adversary, this improvement in accuracy will permit each superpower to comply with the pressure to reduce their megatonnage while at the same time maintaining their deterrent.

Can the technology continue to improve to a point where a fully credible deterrent can operate with less than 1,000 or even less than 200 megatons? If so, can arms control agreements that are mutual and verifiable win support from both sides that would achieve this objective? And would the other nuclear powers—France, the United Kingdom, and China—agree to limit their nuclear megatonnage and subject the agreement to international verification? Finally, would any other countries that might join the nuclear club in the future agree to stringent megatonnage limitations?

A restraining effect of nuclear winter on nuclear war discussed at the hearing was the recognition of the dire environmental consequences nuclear winter would have on the aggressor who initiates the nuclear war. They would suffer, too. Why would the almost certain prospect of nuclear winter restrain an aggressor? Because even if the aggressor were somehow convinced that a massive attack on an adversary would not provoke a respone, the attacker would be committing environmental suicide as the icy cold that enveloped the entire Earth ravaged plant and animal life in the aggressor country as well as in the rest of the world nuclear winter would devastate the population of the aggressor nation.

If the Soviet Union attacked us, even if we did not retaliate, the Soviet Union would be committing suicide because it would also be subject to this devastating nuclear winter that would destroy its plant life and animal life and subject its people to devastating starvation.

On the other hand, as one defense official told the committee, if scientific findings fix the nuclear winter threshold at a specific level, an aggressor might strike its adversary right up to the edge of the nuclear winter trigger, counting on the knowledge by the country attacked that any nuclear response by that nation would trigger a world climatic disaster that would en-

compass the world, including the retaliating nation.

Mr. President, the Joint Economic Committee began what this Senator hopes will be a vigorous inquiry by other committees of this new consequence of nuclear war, so that we will vigorously pursue policies that will help us prevent any nuclear war, particularly a war that would trigger a nuclear winter and seriously threaten life on Earth.

DENMARK IN 1943: THE ONLY HOLOCAUST WITH A HAPPY ENDING

Mr. PROXMIRE. Mr. President, all of us are proud of the people in our State. In some cases, we are proud of ethnic identification. We have a very rich ethnic heritage in Wisconsin, including a number of people whose ancestors came from Denmark. In fact, we have a town in Wisconsin called Denmark. I should like to refer to that in connection with the Genocide Convention.

There is currently a poignant exhibition at Washington's B'nai B'rith Klutznick Museum called "Kings and Citizens." It depicts the almost forgotten history of the Jewish flight from the Nazis across the land of Denmark in October 1943.

As stated in a recent Washington Post article, the Danes learned on the Rosh Hashanah holidays in October that the Germans planned to raid homes and synagogues.

The Danish citizens would not tolerate such unjustified actions, and took it upon themselves to protect the Danish Jews.

The Post article states:

Ambulance drivers canvassed the cities looking for Jews, and took them to hospitals—to shelter—under assumed names. One man went through the telephone book, calling and warning all with Jewish names. A headmaster called Jewish students out of his classroom to tell them to flee. Bus conductors, taxi drivers, and car owners found Jews on the street and hid them in their own homes. On the Swedish coast, the cottages became safe houses. Fishermen and motorboat captains waited on the beaches, hands at the throttle. German freight cars traveling "empty" to Sweden were, unbeknown to the Germans, filled with Jews.

Hitler had occupied Denmark since April 1940. But the Danish resistance movement was well established by October 1943. Within 24 hours of the scheduled Nazi roundup and transportation of all of Denmark's 7,000 to 8,000 Jews to concentration camps, the Jews were hidden and protected. The Gestapo came to intern the Jews; no one was home.

Nearly 7,000—some 95 percent of the Jewish community—were saved. When the Jews came out of hiding, upon the Nazi defeat, they found their businesses flourishing and their houses freshly painted.

The story of Denmark's rescue of the Danish Jews is perhaps the only Holocaust story I have ever heard with a happy ending. It took great courage and craftiness by the Danes. Unlike the rest of the world, the Danes did not close their eyes to Hitler's atrocities.

Mr. President, is the U.S. Senate today closing its eyes to the atrocities of the world?

Genocide did not end with the conclusion of World War II. Not by a long shot.

Genocide—the intentional destruction of a national, religious, ethnic, or racial group—has been perpetrated in Nigeria, Uganda. Cambodia; and grave human rights violations have occured in many other countries since World War II.

Are we blind to these atrocious incidents? Perhaps, Mr. President, if we had the courage that the Danes exercised in 1943, we would move to eliminate genocide in today's society; we would ratify the Genocide Convention.

AN EXCELLENT NEW BOOK ON THE BUDGET

Mr. PROXMIRE. Mr. President, the congressional budget process should make good sense and exciting reading. No other issue is more central to the taxes we pay and the services we get from Government than the distribution of resources in our society.

In recent days we have seen a renewed interest in the budget process, thanks in large measure to my distinguished colleague from Florida, Senator LAWTON CHILES, who would not sit back and allow the system of orderly procedure on the budget slip into listless disuse. Through his leadership, we have once again focused on the meaning and importance of the Federal budget and the necessity to free it from arbitrary political limits.

What we are debating in the Senate is the essence of priorities in our society, not just some statistical data on a budget ledger. We are debating the future of millions of our citizens. We are making economic decisions about human beings. not Government programs.

Perhaps this theme has never been better examined than in a new book on the budget published recently by Prentice-Hall Publishers titled "Politics and the Budget: The Struggle Between the President and the Congress." The author of this exciting analysis is Howard E. Shuman, who for 28 years was in service to the Senate as administrative assistant to the former great Senator and economist Paul Douglas and then in the same position with me. A former economics professor who studied at the universities of Illinois, Michigan and Oxford, Mr. Shuman started with the proper academic credentials, but it was his long experience with the Federal budget here in the Senate which produced this remarkable book so full of insight and intuitive understanding.

It is not just my association with Mr. Shuman which brings me to praise this book, for it has been widely and enthusiastically received in the political science community. For example, Prof. Shaik L. Ismail of the American University says that Howard Shuman's thesis in "Politics and the Budget" is—

Precisely what former Senator William Fulbright had in mind in 1970 when he said, "Priorities are reflected in the things we spend money on . . . a nation's budget is full of moral implications; it tells us what a society cares about; it tells us what its values are."

What makes this book important is not only the analysis, which is expertly done, but also the readability of the book. It is written in standard English—a difficult enough challenge when dealing with budgetary terminology but even more important when discussing the political meaning of budgetary decisions.

Mr. President, I enthusiastically recommend this book to all those currently involved in the great budget debate and to all those millions of Americans who are following this debate to see what direction our economy will take.

Mr. President, I ask unanimous consent that a review of Mr. Shuman's book be printed in the RECORD at this point.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

[Book review from Perspective, May/June 1984]

Howard Shuman's thesis in "Politics & the Budget" is precisely what former Senator William Fulbright had in mind in 1970 when he said "Priorities are reflected in the things we spend money on . . . a nation's budget is full of moral implications; it tells us what a society cares about; it tells us what its values are." From his vantage point in the U.S. Senate, right in the thick of policy and budget battles, and as a scholar on the budget, Shuman provides a useful analysis of the political realities surrounding the federal budget. While there have been numerous books and articles written on the esconomic complexities of the budget, very few view the budget as a significant political document involving delicate negotiations and bargaining among key political actors. This is clearly portrayed in Shuman's perspective of the federal budget process within the unique environment of Washington politics. While many economists, writing on the budget, focus solely on the micro- and macro-economic consequences of spending policies, Shuman ties in federal expenditures with tax policy, money supply and credit policy, deficit spending, and other related fiscal and monetary matters. In doing this, Shuman discusses the input and impact of the different money committees and agencies in Congress, the executive agencies involved in the process,

and other key factors in the political arena such as the Federal Reserve Board.

The whole first half of the book is devoted to a thorough discussion of the cooperation and conflict between the Congress and the Executive branches in shaping the nation's budget. The battle of the budget between the two branches is premised on the politics and economics of "who gets what, when, and how." Shuman reminds us that budget decisions, actions, and policies are often affected by vested and constituent interests rather than sound economic theories.

In the second half of the book, he discusses the crises and events which produced the 1974 Budget and Impoundment Control Act and the impact of this reform on the budget process and actions. In discussing this reform, Shuman points out that Congress did not really obtain everything it hoped for in 1974. A whole chapter is then devoted to an analysis of the Reagan "imprint" and how the devices in the 1974 act were used by his administration to obtain radical shifts in spending and taxing policies.

In the last chapter, Shuman measures the consequences of the reform in the current political arena against purposes and goals set out by Congress a decade ago. As with most political reforms, he indicates that the act produced more frustration than Congress had bargained for, specifically in its relationship with the executive.

The book is clearly meant for those who already have a working knowledge of the American public policy arena and want to study more on the significance of the federal budget in it. It is ideal for a course on federal budget policy as well as general seminars on congressional-executive interactions.

SHAIK L. ISMAIL,
The American University.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

SUCCESS OF DRUG ABUSE EDUCATION PROGRAMS

Mrs. HAWKINS. Mr. President, our programs for educating our young people to the dangers of drug abuse are working.

In a recent New York Times article, a study conducted by the State of New Jersey indicates that the regular use of marijuana and alcohol among high school students in the State of New Jersey has dropped significantly.

Those who conducted this study, the New Jersey State Criminal Justice Division, in a followup to one done in 1980, were primarily encouraged by what they term a decrease in "regular use" of marijuana and alcohol. The trends indicated significant decreases, as the number of reported users of marijuana had dropped from 12.8 percent of those surveyed to 10.2 percent; and the regular users of alcohol had dropped from 21.6 percent to 17.5 percent.

Significant decreases were also reported in lifetime, annual and monthly use of marijuana: lifetime rates dropped from 61.4 percent to 56.6 percent; annual use from 51.8 percent to 47.2 percent; and monthly use from 36.1 percent to 28.9 percent.

There were numerous reasons given by the students surveyed for the reported decreases, among them fear of physical harm; trouble with the law; and parental disapproval. In this most recent study, substantially more students stated that they believed regular marijuana use invoved a "high risk of physical harm."

Mr. President, in light of this and similar studies done elsewhere in the country, we should be encouraged that the programs to educate youth to the dangers of drug abuse we have established, both in the public and private sectors, are working. And acknowledging the success of our efforts should make us work even harder to reach every young person in America to keep them from ruining their lives with drugs.

I respectfully request that the article entitled "Fewer Jersey Students Found Using Marijuana and Alcohol," dated June 3, 1984, in the New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEWER JERSEY STUDENTS FOUND USING MARIJUANA AND ALCOHOL

TRENTON, June 2.—The proportion of students in New Jersey high schools who say they use marijuana and alcohol regularly has dropped significantly in the last three years, according to a state study.

For the same period, the proportion reporting taking amphetamines or sniffing glue has increased, the study said.

"I think if we look through the trends, I think the one we ought to be most encouraged by is in what we term 'regular use' of marijuana or alcohol," the director of the project, Wayne Fisher, said. "What we see are significant decreases."

The report, a follow-up by the Criminal Justice Division to a 1980 study, said the number of reported regular users of marijuana had dropped to 10.2 percent of those surveyed, from 12.8 percent. It said regular use of alcohol had dropped to 17.5 percent, from 21.6.

"REGULAR USE" DEFINED

"Regular use of other substances, although infrequent, has remained unchanged," according to the report, in which regular use was defined as 10 or more occasions in the month before the survey was taken.

The proportion of students who reported using alcohol during their life-times or the last year was unchanged, but there was a significant decrease in those using alcohol in the last month, from 70.2 percent to 65.9.

Significant decreases were reported in lifetime, annual and monthly use of marijuana. The lifetime rates decreased, from 61.4 percent to 56.6. Annual use decreased, from 51.8 percent to 47.2, and monthly from 36.1 to 28.9.

A majority of the students said fear of harm, trouble with the law and parental disapproval would prevent them from using marijuana or other drugs, the report said.

Comparing the two surveys, substantially more students said last year that they believed regular marijuana use entailed a high risk of physical harm.

"In the 1980 survey, 39.2 percent of the students thought there was little or no risk" from having one or two drinks a day, according to the report, and "in 1983, only 24.7 believed that to be so."

Of those surveyed last year, 16.5 percent said they favored legalizing marijuana, compared with 25.7 percent in 1980.

AMPHETAMINES AND GLUE

Last fall, 2,159 students in the 10th, 11th and 12th grades were surveyed at 32 high schools for the study by the Criminal Justice Division, the Office of Highway Safety and the Education and Health Departments.

Those reporting use of amphetamines increased, from 30.2 percent to 36.6, and those reporting having sniffed glue at some time in their lives rose, from 10.3 percent to 13.4.

There were moderate but general increases in the use of hallucinogens, barbiturates and tranquilizers, particularly in the last year or month, the study said. The increases "bear some close attention" be educators and law-enforcement officials, Mr. Fisher said.

Four out of five students, or 81.9 percent, reported some use of alcohol before entering the 10th grade. Two out of five, or 41.1 percent, reported they had used marijuana before the 10th grade, the study said.

FAIRNESS AND TALK ABOUT FAIRNESS

Mr. DOLE. Mr. President, in the last several weeks the newspapers, news magazines, television, and radio have been reporting a great deal of talk about fairness. This talk is not very surprising, since we are less than 3 months away from a Presidential election.

Concern with fairness has been a hallmark of the work of the Senate Finance Committee in this Congress. Members of the Senate, and the House of Representatives, can justifiably feel some measure of pride in the recently passed Deficit Reduction Act. The act not only reduced the deficit, it also improved the fairness of our tax laws by eliminating some of the more abusive tax shelters and loopholes in the Tax Code. Many of the loophole closers adopted were administration proposals that were contained in the President's February 1984 budget proposals, or developed during the spring and summer of this year by the tax writing committees, with the support and technical assistance of the Treasury Department. In addition, this bill included about $2 billion in relief for low-income Americans.

The talk about fairness we have been hearing is generally a good thing. But sometimes I wish that there was less talk, and more fairness.

FAIRNESS AND THE MORTGAGE BOND PROGRAM

One of the most popular, and most expensive, provisions of the recently passed tax bill was the extension of the Mortgage Subsidy Bond Program, a program that allows State and local governments to use Federal tax subsidies to distribute low-interest mortgage money to a limited number of first-time homebuyers. I was very concerned about the fairness and cost effectiveness of this program, particularly after the General Accounting Office reviewed the program and found that the loans being given out were not going to the families most in need of assistance.

I favored taking some action in the Congress to ensure that State and local governments would do a better job of distributing this valuable Federal subsidy more fairly. But the supporters of this program, including the National Governors Association, did not think that was a very good idea. The National Governors Association said, "there is no need to further restrict the program."

I did not agree with the Governors, and the Senate approved a provision I offered in committee that would at least provide more explicit guidance as to what Congress expected them to do. In conference, the Senate provision was agreed to.

TARGETING ASSISTANCE TO LOWER INCOME FAMILIES

There is now an explicit statement of congressional intent that the State and local governments are to use this limited resource to the greatest extent feasible to assist lower income families before assisting higher income families. In my view, this policy is the essence of fairness, since lower income families are more adversely affected by high interest rates, generally have less access to alternative sources of financing, and receive less benefit from the mortgage interest deduction in our progressive tax system.

The Finance Committee report explained that this policy could be implemented by States adopting strict income limitations, or even without adopting income restrictions, simply by reviewing applications and giving priority to those families with lower incomes and less assets.

Frankly, Mr. President, I thought that this was the least that should be done, and I certainly thought it was not asking too much of the State and local governments to pay some attention to what they were doing in distributing $10 billion of low-interest mortgage money each year, and $10 billion is a lot of money.

Indeed, I thought it was self-evident that a limited amount of Federal housing assistance should be distributed with some concern for fairness, even in the absence of a specific Federal restriction.

NEW YORK'S MORTGAGE BOND PROGRAM

But judging from today's New York Times, it was not self-evident to the State of New York. The State of New York Mortgage Agency is on the verge of giving out $179 million in low-interest mortgages. And lines are forming at banks throughout the New York metropolitan area, and probably across the whole State.

Why are the lines forming?

Why have prospective homeowners been camping out at banks and savings and loans?

It is very simple. The State of New York decided to give out the taxpayers' money on a first-come, first-served basis, with no income restrictions and no review of applications for need.

I understand that this is a tradition in New York and elsewhere for certain purposes. World Series tickets have been known to be sold in this manner. And I understand that Michael Jackson sells tickets to his rock concerts on a first-come, first-served basis.

The New York Times reports that waiting on line for a Federal subsidy can be very lucrative. One man said, "I'm saving $35,000 a day." A woman figured she was "making $291.33 an hour," waiting on line.

I expected more of the State of New York. Maybe I've been watching too much television. I watched with rapt attention as the Governor of the State of New York, Gov. Mario Cuomo, delivered an impassioned and eloquent keynote address at the Democratic Convention. The speech was about fairness. And Governor Cuomo said that he believed Government programs should be fair.

In my view, fairness requires that a limited amount of assistance should be given out carefully to those most in need of assistance.

Sometimes I think when some Democrats talk about fairness, all they really mean is that we should spend more money. It doesn't matter to some Democrats how we spend the money, who gets the money, or whether the recipients really need the money.

That may explain why the Democratic nominee for President wants to raise taxes. If we don't review our spending programs to ensure that they are fair and cost-effective, then we will be forced to raise taxes.

Mr. President, I ask unanimous consent to include in the RECORD a copy of the New York Times article, and a copy of my letter to Governor Cuomo urging him, as chief executive of the State of New York, a leader among State Governors, and a prominent Democrat, to exercise leadership in New York and throughout the country to ensure that lower income families be given priority in receiving the benefits of the Mortgage Bond Program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 7, 1984]

LINES FORM AS NEW YORK OFFERS 10.98 PERCENT MORTGAGES

(By James Brooke)

Prospective homeowners camped out with lawn chairs, ice coolers and television sets at banks across New York State yesterday, waiting for tomorrow, when they will be able to apply for mortgages with an interest rate of 10.98 percent.

The state is offering $179 million of the fixed-rate mortgages—which are about four percentage points below the current market rate—on a first come, first served basis.

The offering was announced yesterday by the State of New York Mortgage Agency, and lines formed immediately at the 60 financial institutions that are participating.

"I'm making $291.33 an hour," said Marjorie McLaughlin, calculating her savings over the 30-year life of a state-backed mortgage as she relaxed in an aluminum lawn chair in front of a Citibank branch at Lexington Avenue and 48th Street. She is buying a $65,000 house in Brooklyn.

"NO TICKET SCALPERS"

"I'm saving $35,000 a day," said Raymond Papalleo, making a similar calculation as he sat nearby at the start of his 48-hour wait. Shirtless, he had brought his radio to listen to the Mets game. He said friends would join him in the evening for a barbecue on the sidewalk in front of the bank.

"The reason for having a firstcome, first-served basis is that there are no ticket scalpers in this situation and nobody's getting free tickets in advance," Herman A. Badillo, chairman of the mortgage agency, said at a news conference yesterday.

Subsidized through the sale of tax-exempt bonds, the state-backed mortgages offer first-time home buyers a 30-year mortgage at a fixed interest rate with a one-time fee of 2.25 to 4.25 percent of the borrowed amount.

"This should allow 3,500 to 3,700 families to buy homes," Mr. Badillo said. Last year, the agency provided $376 million in mortgages to about 7,500 families. The incomes of the families averaged $33,000, and home prices averaged $54,000, a according to preliminary research.

There is no income ceiling for eligibility, but borrowers in most of the New York City area may pay no more than $92,950 for an existing single-family house. In parts of Harlem the South Bronx, Brooklyn and Queens, where the agency wants to encourage development, people may pay as much as $101,400.

About 40 percent of the money will be lent in the city, and 15 percent on Long Island.

Wallace L. Ford 2d, president of the mortgage agency, estimated that last year's offering generated $2 billion in economic development, largely through housing construction and increased spending. He said this offering would create 2,000 jobs and generate $1 billion in development.

The interest rate in the last offering, last October, was 9.75 percent. The rate in an offering to be made in Connecticut next month will be 11.25 percent. New Jersey is expected to make an offering in October.

Information about the offering can be obtained from the mortgage agency at (800) 522-5474.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, August 6, 1984.

Hon. MARIO M. CUOMO,
Governor, State of New York,
Albany, NY.

DEAR GOVERNOR CUOMO: Your recent Keynote Address at the Democratic Convention gave me hope that you would take the lead in encouraging State Governors throughout the United States to ensure that low-interest mortgage loans financed by federally tax-exempt bonds would be targeted to lower income families. I am disappointed that, despite your moving rhetoric about "fairness", the State of New York Mortgage Agency (SONYMA) is on the verge of distributing $179 million of low-interest mortgage loans on a first-come, first-served basis, with no restrictions or guidelines on the incomes of the recipients of this valuable Federal subsidy.

Telephone calls this morning to several of the lending institutions distributing loans in the New York City Metropolitan area revealed that lines are already forming outside the banks to obtain applications that will be available in two days. The lines are understandable, since the mortgages will be given to those first in line to apply, without any determination of need. At a time when serious Federal deficits require the Congress to review carefully the cost-effectiveness of each and every Federal expenditure, it is unfortunate and unfair for the State to use its discretion to distribute a limited amount of Federal housing assistance in this arbitrary manner. Federal housing subsidies should not be given out by State agencies like tickets to the World Series, or the Jacksons' Victory Tour.

This year, both the House of Representatives and the Senate agreed to extend the Federal mortgage subsidy bond program. But the Republican-controlled Senate insisted on adding an explicit statement of Congressional intent that State and local governments are expected to use their mortgage bond authority "to the greatest extent feasible (taking into account prevailing interest rates and conditions in the housing market) to assist lower income families to afford homeownership before assisting higher income families".

The Senate Finance Committee report explained that this policy could be implemented by adopting "procedures to ensure that the availability of . . . loans is widely publicized, and that application for such loans are reviewed with respect to family income and assets so that lower income families can be given priority over higher income families in receiving such loans". Our concern was prompted by a General Accounting Office report issued in 1983 finding that purchase price limits imposed by Federal law were ineffective in targeting loans to those most in need of assistance.

The State of New York has, in the past, been a model for other states operating housing assistance programs under the Federal mortgage subsidy bond provisions of the Internal Revenue Code. You personally have exercised leadership in urging that "fairness" be a high priority in implementing governmental programs.

I sincerely hope that as the Chief Executive of the State of New York, a leader among State Governors, and a prominent Democrat, you will exercise leadership to ensure that mortgage subsidy bond programs in New York and throughout the country implement the intent of Congress that lower income families be given priority in receiving program benefits.

Sincerely yours,

BOB DOLE, *Chairman.*

RETIREMENT OF MARTIN F. KRESS

Mr. HOLLINGS. Mr. President, on July 20, Martin F. Kress of Syracuse, NY, retired from the U.S. Postal Service after nearly 27 years of courteous and efficient service.

It is my distinct pleasure to call attention to Marty's career. The service he has rendered to his country, the thoughtfulness he has shown his customers, and the love and respect he has given his family and friends—together these attributes serve as a model for all present and future career Government employees.

A lifelong resident of Syracuse, Marty will now have a chance to enjoy the good life, perhaps a little golf, and the opportunity to travel with his wife, Peg, and enjoy the company of his four children and six grandchildren.

I know I speak for many people in the Syracuse area who have known Marty Kress either personally or professionally by commemorating his career with these words:

Of courtesy, it is much less
Than courage of heart or holiness,
Yet in my walks it seems to me
That the Grace of God is in courtesy.

HILAIRE BELLOC.

TITLE IX AND OLYMPIC MEDALS

Mr. CRANSTON. Mr. President, all of the Americans competing in the Los Angeles Olympic games have shown themselves to be tremendous athletes and have given all of us a sense of pride in their accomplishments.

The outstanding victories of the women's teams, however, deserve special attention. No one who has watched these games can help but be impressed by the dramatic increase in the skills of our female athletes and the number of medals that they have won for the United States.

Mr. President, there is little question that a key factor in this marvelous performance has been title IX of the Education Amendments of 1972—the law which, among other benefits for women in eduction, gave women athletes the right to participate and compete in athletic events with the same resources that male athletes have always enjoyed. Until the mid-1970's, when title IX began to take effect, athletic scholarships and opportunities simply were not available to female athletes. Young American women with the talent and ability to become world-class athletes did not have the chance to train and develop their skills. Today, we can see what a difference title IX has made.

An article written by Kenneth H. Bastian, Jr., the east coast director for the Los Angeles Olympic Organizing Committee, published in the Washington Post on August 5, describes how title IX has revolutionalized athletic programs for young women in this country, and how the result has been demonstrated in Los Angeles.

I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

Mr. President, along with Mr. Bastian, I believe that the tremendous progress that has taken place because of title IX will be swiftly lost if Congress does not act to reverse the Supreme Court's decision in the Grove City College case. Already, as Mr. Bastian points out, enforcement of title IX is eroding and some 23 cases involving school athletic department compliance issues have been dismissed. As one of the principal sponsors of S. 2568, the proposed Civil Rights Act of 1984, I believe it is essential that the Senate move forward with this legislation. With 63 cosponsors, the Senate should act promptly on this vital legislation, despite opposition from the Reagan administration and a handful of Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THANK TITLE IX FOR SOME OF THAT GOLD

The whole world is watching American women win Olympic gold medals in Los Angeles, thanks to a dramatic explosion of interest—and money—devoted to women's sports in the United States. As a firm believer in the private sector, and as one who does not advocate government interference where it has no business, I'd be delighted to report that the catalyst for this growth in women's amateur sports was the same as for me: early encouragement from school athletic programs and generous corporate sponsorships.

Instead, a key reason that Cheryl Miller leads our women's basketball team to one victory after another and that Tracy Caulkins has broken swimming records for our country is that they, like the majority of their teammates, have benefited from a law passed by Congress in 1972.

That law, Title IX of the Education Amendments of 1972, states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving financial or federal assistance."

It forced American schools, colleges and universities to broaden their women's athletic programs, and led to the first athletic scholarships being made available to women. The results have been dramatic: the number of women in intercollegiate athletic programs jumped from 16,000 in 1972 to over 150,000 today. In 1972 only 7 percent of high school athletes were girls. Ten years later, the number had jumped to 35 percent. The quality, as well as the quantity, of their achievements has been spectacular.

For example, men have taken only seven minutes off their best record marathon running time in the past 10 years. Women,

many training seriously for the first time thanks to new women's professional coaches in school programs, have taken an hour and five minutes off their 1964 record. The same story can be told throughout the sports world: women finally are beginning to reach their potential as athletes.

Yet even as we cheer these victories, they may be fleeting. This dramatic increase in female athletic achievement is threatened by the U.S. Supreme Court's ruling in the Grove City College case, which struck down the Title IX provision.

Already schools are relaxing their efforts. According to the Women's Sports Foundation, 23 sex discrimination cases—aimed at forcing compliance with Title IX cases in school athletic programs—have been dropped.

"If an administrator takes it into his head that 'basketball is for boys,' he can do away with girls' basketball with no fear of governmental action," says Donna de Varona, a founding member and president of the Women's Sports Foundation, who won two Olympic gold medals in swimming in 1964.

She knows what the future could hold without Title IX. After her gold metal victories in Tokyo, she had no real opportunities to train in college. However, Don Schollander, her fellow gold medalist, went on to compete for four more years in the highly developed world of men's collegiate swimming.

In the Grove City ruling, the Supreme Court found that the equality requirements are "program specific," so that if a college receives $10,000 in federal funds for its mathematics programs, that money must be spent equally for men and women only in mathematics programs. This interpretation allows schools to accept federal dollars through one office while discriminating in another.

Other school programs—including athletics—no longer need to provide equal opportunity if they don't get that direct federal funding. Many schools, therefore, won't have to comply, since their sports are funded from non-federal sources—student fees, alumni groups, ticket sales and television contracts.

Will they voluntarily continue to fund women's sports in a big way? Many believe not, since enough progress hasn't been made yet to elevate women's sports to the same profit-making level as men's sports. Before Title IX, which aimed at promoting the potential of each individual—whether male or female—in sports, athletic directors historically concentrated on whatever program provided the most public attention and revenue for their schools.

College athletic budgets for women, which grew under pressure from Title IX from 1 percent to 16 percent of the total spent on all college sports, probably will shrink again unless Congress acts.

Many of our future Olympic women athletes might have to retire in their teens, like de Varona, while their counterparts compete for their colleges and universities. Scholarships may dry up. And this may turn out to be the peak year for U.S. women in the Olympics. Of the more than 200 women Olympians representing our nation in the current games, more than 170 received their training in a university or college athletic program.

It is ironic that this progress should be threatened in the same year that finds a woman on the Supreme Court, women aboard the space shuttle, women in the Cabinet and a woman running for vice president. It doesn't have to happen. Both the Democrats and the Republicans, who claim to offer equal opportunity for all Americans, should support legislation that will reinforce the key provisions of Title IX. In a May 22 press conference, the president voiced his support for Title IX, but the language reversing the Grove City College case is currently stalled in the Senate, and time is running out for passage and for our women athletes.

UNITED STATES-FINANCED TERROR IN NICARAGUA

Mr. KENNEDY. Mr. President, last May 25, I sponsored a forum in which witnesses from El Salvador and Nicaragua appeared and testified about violence by the left and the right in those countries. In organizing this forum, we made an effort to achieve a balance, to focus on the human suffering that has resulted from violence by both the right and the left in those two countries. As Senator DURENBURGER said about the forum,

I felt that this forum was significant as it examined the conflict in Central America from a perspective that is often lost in the larger public policy discussions of that issue—that of the human cost of the conflict.

Among the witnesses who testified were three Miskito Indians who are residents of a relocation settlement in Nicaragua. These witnesses gave dramatic testimony about an attack by the Contras on their community in which innocent civilians were killed and kidnapped and in which various buildings were destroyed, including a health clinic, an ambulance, a warehouse, and a recreation center for the elderly. Mr. Juan Mendez, a member of the DC Bar and the Washington director of Americas Watch, also testified at the forum and confirmed the accuracy of the testimony of these three witnesses.

Since the forum occurred, there has been a concerted effort to discredit this testimony. I continue to believe that these witnesses testified truthfully about the events of the raid as they saw them and as they experienced them.

One of the efforts to discredit this testimony came from Mr. Joshua Muravchik in an article published in the New Republic on August 6, 1984, entitled, "Manipulating the Miskitos." That article is noteworthy because it totally ignores the testimony of Mr. Mendez at that forum. Mr. Mendez visited the town of Sumubila 2 weeks after the raid occurred and was able to interview eyewitnesses. In a letter to the editor of the New Republic responding to the Muravchik piece, Mr. Mendez has written:

At Sumubila I was able to see the buildings that the rebels burned down, including the hospital, the warehouse and the recreation center for the elderly. I also saw many houses of the Miskitos bearing marks left by machine gun fire and rockets. I interviewed Miskitos who have responsibilities for the management of the settlement and then I went on my own around the village, and talked to many settlers when no authorities were present. My general conclusions of what happened on that date are consistent with what the witnesses at the Senate hearing said: the "contra" forces attacked the village firing indiscriminately against the civilians; they encountered very little resistance from a security force outside the settlement, and then from a police post, resulting in one policeman dead. Then they secured control of an area of the settlement, where they proceeded to destroy the buildings mentioned, as well as the ambulance. Afterwards, they went looking for persons connected to the government and forced them to go with them. Six civilians died in the attack, including two children, as a result of indiscriminate shooting against the population.

In concluding his letter, Mr. Mendez stated:

(Americas Watch) has criticized Sandinista policy that we found offensive to fundamental human rights. We think, however, that our interest in protecting the rights of the Miskitos makes it impossible for us to ignore the serious violations of civilian neutrality perpetrated by the rebel forces financed and directed by the Reagan administration convert action program.

The testimony that was given at forum in May was not the first indication that United States funded paramilitary groups were involved in violence directed against the civilian population of Nicaragua. There has been a steady stream of reports—from foreign correspondents, from United States citizens visiting in Nicaragua, from human rights organizations and from church people working in Nicaragua, as well as from officials in the Nicaraguan Government—about such activities by the Contras in Nicaragua. The reports continue.

Most recently, Prof. Henry J. Steiner of the Harvard Law School visited Nicaragua as part of a delegation of faculty members from universities in the United States. During his 5 days in Managua, Professor Steiner made a concerted effort to gather documentation about allegations of atrocities committed by the Contras in Nicaragua. He is careful to point out that:

Since I did not visit the sites involved or interview eyewitnesses, I cannot vouch for the accuracy of these charges. But the documents come from many sources, including Nicaraguan Government agencies as well as American citizens attached to the Catholic and Protestant churches in this country. Many of then rely on eyewitness accounts. There is no threshold reason to discount them.

In a letter to me dated July 24, 1984, Professor Steiner described his findings. He stated:

The documents indicate that the contras aimed particularly at civilian targets in numerous small towns or smaller settlements which they raided, demolishing all the new infrastructure institutions such as health clinics, schools and centers of farming cooperatives, also destroying graineries, all farm

machinery, and so on. The areas were left economically devastated, with fear and even terror implanted in their inhabitants. The object seemed to be to terrorize and demoralize all efforts at social reconstruction.

More important, the contras rounded up civilian leaders of these institutions who were threatened and in a number of communities assassinated, tortured, decapitated and otherwise mutilated. 1,873 civilians, a number claimed by these documents to be verified through eyewitnesses, have been killed in the past two years by the contras, from the systematic terror described and from military confrontations involving the reckless use of firepower in areas of civilian concentration.

In today's Washington Post, there is tragic confirmation of the fact that these activities continue. Robert J. McCartney of the Washington Post reports from Tapasle, Nicaragua that between 150 and 200 antigovernment guerrillas, wearing the blue uniforms of the United States financed Nicaraguan Democratic Force, entered this hamlet 12 days ago and slit the throats of seven unarmed men, according to local residents.

Mr. McCartney states that he arrived at Tapasle unannounced and that he conducted interviews of eyewitnesses with no officials from the Sandinista government present. Mr. McCartney reported:

"The policy that we have seen is one of terror," said Juan Jose Ubeda, coordinator of the defense and security council for the region comprising Matagalpa and Jinotega provinces. He said the rebels have killed at least 16 persons in similar raids in the past three weeks in his region, where the contras are particularly strong . . .

The most frequent victims of rebel killings in the countryside have been militiamen or local Sandinista activists who run education campaigns, health clinics or other government programs, according to Sandinista officials and Catholic missionaries.

In Tapasle, however, only two of the seven victims were actively working for the Sandinistas, residents said. Of the other five victims, three—including Hermes Lopez—previously had been militiamen but had returned to their village to farm and two had no ties to the Sandinistas . . .

The residents had to be coaxed to say anything at all to the two foreign reporters, and only the farmer who denounced the revolution was willing to discuss politics. But a woman in one of the farmhouses laughed when asked if there was much support in the area for the contras, saying, "No, they're terrorizing us."

Mr. President, it is my understanding that the Intelligence Authorization Act will be introduced in the Senate when we return to Washington, DC, in September. This piece of legislation contains additional funding for the Contras in Nicaragua for fiscal year 1985. This program was wrong from the start, and it continues to violate the fundamental values of the people of the United States.

When the Senate returns in September, I will return to the task of bringing this disgraceful policy to an end. I will submit legislation, with Senator BINGAMAN, aimed at deleting all funding for paramilitary activities in Nicaragua. The policy is illegal; it violates international law. The policy is immoral; we are funding the indiscriminate killing of innocent men, women, and children, and the terrorist activities of paramilitary groups who have little respect for life or property. And the policy is totally ineffective; it has had no influence on the civil war in El Salvador, and has only made adversaries of our friends and strengthened the hand of our opponents.

Mr. President, I respectfully request that these two letters, along with the newspaper article by Robert McCartney from today's Washington Post, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAS WATCH,
Washington, DC, July 30, 1984.

To the EDITOR,
The New Republic,
Washington, DC.

To THE EDITOR: Your magazine has published an article that makes a strenuous effort to discredit the testimony given a Senate forum by three Miskitos on May 25, 1984 ("Manipulating the Miskitos," by Joshua Muravchik, August 6, 1984). If Mr. Muravchik had been really interested in finding out the truth of what happened in Sumubila, on April 20, he would have tried to go to Nicaragua, visit that Miskito settlement and find out for himself. Instead, he carefully avoided talking to persons who have conducted independent research on the episode.

I also testified at the forum chaired by Senator Kennedy and said there that I had been in Sumubila less than two weeks after the attack. In researching his article, Mr. Muravchik did not get in touch with me. At Sumubila I was able to see the building that the rebels burned down, including the hospital, the warehouse and the recreation center for the elderly. I also saw many houses of the Miskitos bearing marks left by machine-gun fire and rockets. I interviewed Miskitos who have responsibilities for the management of the settlement and then I went on my own around the village, and talked to many settlers when no authorities were present. My general conclusions of what happened on that date are consistent with that the witnesses at the Senate hearing said: the "contra" forces attacked the village firing indiscriminately against the civilians; they encountered very little resistance from a security force outside the settlement and then from a police post, resulting in one policeman dead. Then they secured control of an area of the settlement, where they proceeded to destroy the buildings mentioned, as well as the ambulance. Afterwards, they went looking for persons connected to the government, and forced them to go with them. Six civilians died in the attack, including two children as a result of indiscriminate shooting against the population.

I had not talked with any of the three witnesses until they came to Washington, though I heard from others about Mrs. Coleman's case. Among those that I did interview in Nicaragua, was a man who was forced to go with the "contras" but that had managed to escape and return to Sumubila. Most people that I interviewed admitted, however, that some of the 39 allegedly kidnapped may well have followed that "contras" out of their own free will.

The Comision Permanente de Derechos Humanos, a Managua-based human rights organization that consistently and harshly criticizes Sandinista policies, includes in its June report the case of the kidnapping or Dr. Roberto Jose Valle Gonzalez, a 26-year-old physician from Sumubila on April 20 and attributes it to the rebels. Dr. Valle Gonzalez is still listed as "disappeared".

Muravchik's account of what actually happened differs substantially from the version circulated by the National Forum, a group that brought Stedman Fagoth to Washington to contradict the three Miskitos witnesses ("Nicaraguan Rebel Leader Denies Guerrillas Killed Indian Villagers", The New York Times, July 15, 1984). Quoting Prof. Bernard Nietzchmann, Muravchik attributes the attack to Misura, the group led by Fagoth, but says there were only 4 dead (2 soldiers and 2 civilians) and that the commander of the raid was "reprimanded" after one rocket-powered grenade was fired against civilians. In contrast, Fagoth says 33 persons died in the attack, all of them Sandinista soldiers.

Americas Watch has published several reports on human rights in Nicaragua, following five fact-finding trips to that country by myself and others in our organization. We have criticized Sandinista policy that we found offensive to fundamental human rights. We think, however, that our interest in protecting the rights of the Miskitos makes it impossible for us to ignore the serious violations of civilian neutrality perpetrated by the rebel forces financed and directed by the Reagan administration covert action program.

Sincerely,

JUAN E. MENDEZ.

HARVARD LAW SCHOOL,
Cambridge, MA, July 24, 1984.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I write because of your concern about our Government's support of the "contras" in their guerilla activities in northern Nicaragua. My letter and the enclosed documents bear upon those activities. They describe systematic assassination of civilian leaders, torture of civilians, and devastation of civilian institutions.

Last month, I was part of a delegation of faculty members from universities in the United States which visited Honduras, El Salvador and Nicaragua over a two-week period. The sponsoring group, Faculty for Human Rights in El Salvador and Central America, arranged a broad spectrum of interviews and visits involving individuals and groups supporting and opposed to each of the three governments. We spoke, often at some length, with high government officials, military officers, newspaper editors, church groups, local human rights organizations, political prisoners and refugees.

During our five days in Managua, several Nicaraguans and American church people reported widespread killing of civilians by contras that reached the level of massacre, as well as terrible atrocities. The Congress and the press have given only slight attention to these charges of a campaign of terror against civilian population in northern Nicaragua, a campaign in which we are of course complicit. The charges contradict our Government's assertions that the con-

tras are a military force using violence against military and not civilian targets.

I was able to gather some documentation, and part of that documentation is enclosed for whatever help it may be to you. My letter will briefly describe the content of these documents. Some of them are in Spanish, others in English. Most indicate their source. My effort to collect them was hasty. More comprehensive evidence would likely result from more systematic research, perhaps through groups in this country such as the Central American Historical Institute (affiliated with a Nicaraguan source of some of the enclosed documents) with offices in Georgetown University (202-625-8246), or the Washington Office on Latin America (WOLA) (202-544-8045).

Since I did not visit the sites involved or interview eyewitnesses, I cannot vouch for the accuracy of these charges. But the documents come from many sources, including Nicaraguan government agencies as well as American citizens attached to the Catholic and Protestant churches in this country. Many of them rely on eyewitness accounts. There is no threshold reason to discount them. At the least, they justify—I believe require—prompt Congressional inquiry into what we may have been and may continue to be identified with.

The documents indicate that the contras aimed particularly at civilian targets in numerous small towns or smaller settlements which they raided, demolishing all the new infrastructure institutions such as health clinics, schools and centers of farming cooperatives, also destroying graineries, all farm machinery, and so on. The areas were left economically devastated, with fear and even terror implanted in their inhabitants. The object seemed to be to terrorize and demoralize all efforts at social reconstruction.

More important, the contras rounded up civilian leaders of these institutions who were threatened and in a number of communities assassinated, tortured, decapitated and otherwise mutilated. 1,873 civilians, a number claimed by these documents to be verified through eyewitnesses, have been killed in the past two years by the contras, from the systematic terror described and from military confrontations involving the reckless use of firepower in areas of civilian concentration.

I shall briefly describe the enclosed documents. My paragraph numbers refer to the circled number at the top of each document.

(1) Instituto Nicaraguense de Sequridad Social y Bienestar, Repercusiones del Terrorismo de Estado de la Administracion Reagan en la Vida del Pueblo Nicaraguense. This government welfare agency reported that 120,000 peasants (campesinos) were displaced because of attacks by contras on towns and settlements. About 20 health centers were destroyed in the department of yelayca Norte, many others elsewhere. From 1980-1984, 135 teachers in the literacy campaign were assassinated.

(2) Instituto Nicaraguense de Seguridad Social y Bienestar, Repercusiones de la Agresion Contrarevolucionaria en la Vida y Reconstruccion del Pueblo Nicaraguense. This report by the same government agency refers to the areas of Pantasma and the attack on 10/18/83. Forty seven people were assassinated, including six teachers, many within their houses. The attack, leading to massive destruction including many houses, involved about 30 peasant cooperatives without military importance.

(3) Instituto Historico Centroamericano, in Managua: a series of documents in English and Spanish entitled Enfoques, Informes and Close Up, prepared by this Jesuit-related group. The documents refer to Pantasma, covered in document (2) above, with details and eyewitness reports, including the name of a contra leader in the attack who was a known Somocista. They also cover the Jalapa area, giving details of killings and kidnappings of civilians, of rapes and terrifying atrocities involving mutilations. 4,000 persons had to be relocated from this community. The final reference is to Bocana de Paiwas, with eyewitness accounts of atrocities and testimony of American churchmen.

(4) Centro Ecumenico Antonio Valdiviesco, Monthly Information Bulletin, April 1984. This report of the ecumenical center describes assassinations by the contras of Miskito Indians in Zelaya Norte. It also refers to Waslala, where the testimony of a pastoral team recounts brutal atrocities against peasants.

(5) Document of unknown source, entitled A Fact Sheet: The Attack on Ocotal, June 1, 1984. A letter from a number of maryknoll sisters describing that attack is also attached; it rests on interviews with eyewitnesses. Heavily armed contras used firepower indiscriminately, destroying in the process all institutions created since the revolution for health or economic and social well being. The casualties included as many civilians as Nicaraguan soldiers. This is the only one of the documents I received which involves military action against Sandinista soldiers to which the civilian casualties were incident.

(6) Manuel del Combatiente por la Libertad. This effective cartoon manual, which may be of U.S. inspiration, instructs in Sabotage, including destruction of crops and farm machinery as well as technique for destroying books. Civilian targets are featured.

I have also seen documents distributed by organizations such as the Central American Historical Institute and WOLA which give accounts by U.S. church people—some of them eyewitnesses, others who investigated in later visits—of actions by contrast against the civilian population in places like San Francisco del Norte, Wiwili and Ocotal.

Our government has consistently attacked the Sandinistas for their violations of principles of human rights. Two points should be made. First, no Nicaraguan with whom we spoke—including opposition business leaders and the executive head of the human rights institution opposed to the Sandinistas—alleged that the Sandinistas now engage in comparable violations of the most fundamental human rights. Second, I believe it appropriate for the United States to signal and criticize violations of basic human rights in other countries, whatever our relations to those countries, and hope that we could do so evenhandedly throughout Central America. But in countries such as Nicaragua where we are involved, our government should keep its human rights priorities in mind. However one judges the actions of the Sandinistas, the United States is not responsible for them. But we bear responsibility for the action of the contras.

Perhaps an investigatory mission to Nicaragua of members of Congressional staffs would be appropriate. Perhaps as prelude to such a visit our embassy in Managua could make an investigation. Neither of the two human rights institutions in Nicaragua—the one opposed to the Sandinista government, the other broadly supportive—covers the entire scene of Sandinistas and contras with sufficient objectivity and completeness for its account alone of human rights violations to be fully accepted.

As a citizen disturbed by the principles underlying our complicity in the territorial intervention against Nicaragua, as a teacher of international law concerned with control in international violence and with violence against individuals, I urge you to explore these matters.

I shall be out of town until August 23rd and can be reached if necessary. If I can be of any help upon my return, please let me know.

Sincerely,

HENRY J. STEINER,
Professor of Law.

[From the Washington Post, Aug. 7, 1984]

NICARAGUAN VILLAGERS SAY REBELS KILLED NONCOMBATANTS

(By Robert J. McCartney)

TAPASLE, NICARAGUA.—Between 150 and 200 antigovernment guerrillas, wearing the blue uniforms of the U.S.-financed Nicaraguan Democratic Force, entered this hamlet 12 days ago and slit the throats of seven unarmed men, according to local residents.

Six residents said in interviews here Saturday that there was no fighting before the killings, because nobody in the village had any arms other than the machetes they use in their farm work. They said the rebels carried Belgian-made FAL automatic rifles.

The killings originally were reported by Barricada, the official newspaper of the ruling Sandinista National Liberation Front. The Barricada account said throats of the victims—a local Sandinista activist, a militia member and five unaffiliated peasants—had been cut while their neighbors watched in horror. But the residents said here that they were unaware of the killings until they found the bodies in two clusters on the edge of the village in the two days after the raid.

The Sandinistas have charged that the victims were chosen as part of a recently accelerated assassination campaign by the guerrillas, known as contras, against Sandinista activists and sympathizers in central Nicaragua.

Over the past two years there have been numerous reports from government officials and foreign missionaries that the Nicaraguan Democratic Force has assassinated substantial numbers of unarmed Sandinista militants, but it has been difficult to confirm them because the incidents usually occurred in isolated combat zones that are difficult to reach.

The events at Tapasle were easier for reporters to check because the village is only 22 miles northeast of the provincial capital of Matagalpa and because the rebels withdrew quickly from the zone after the raid.

The residents described the incident to two American reporters who arrived at the hamlet unannounced. No government official was present at the interviews.

Pedro Lopez, 59, a shopkeeper whose son Hermes was one of those killed, said he had helped to find and bury the seven corpses. Before the killings, the elder Lopez had chatted with the rebels and sold them 50 popsicles, 80 bags of candy and some medicine.

"They said that they were going to correct all the errors of the Sandinistas," the shopkeeper said. "They said everything had become too expensive under the Sandinistas."

A local farmer offered essentially the same description of the killings as Lopez, al-

though he expressed sympathy for the rebels.

"Everyone laments the death of a human being, but it was part of the war," said the farmer, who asked to remain anonymous because he feared reprisal by the Sandinistas. He roundly criticized the Sandinista government for causing economic problems such as shortages of products ranging from pesticides to horseshoe nails. And he urged the United States to do more to stop communism in Central America.

The contras, or counterrevolutionaries, have been active for more than two years in this mountainous region of coffee and cattle farms in Matagalpa province. Senior regional officials and a U.S. missionary based in the area said the rebels have killed dozens of unarmed Sandinista activists in the past year in similar attacks that apparently were designed to intimidate people who might support the government.

"The policy that we have seen is one of terror," said Juan Jose Ubeda, coordinator of the defense and security council for the region comprising Matagalpa and Jinotega provinces. He said the rebels have killed at least 16 persons in similar raids in the past three weeks in his region, where the contras are particularly strong.

Efforts to obtain comment by telephone from Nicaraguan Democratic Force officials in Miami and Tegucigalpa, Honduras, were unsuccessful.

The Rev. Jim Feltz, a Wisconsin native and Roman Catholic priest based in Paiwas in eastern Matagalpa, reported last September that the contras had killed 20 civilians in villages in his parish shortly after the residents had formed Sandinista cooperatives to obtain food and medicines, and had begun forming a local militia. Feltz, who was the first outsider to arrive on the scene after the September attack, reported that the villagers told him the rebels had beheaded several victims and stuck the heads on fenceposts as a warning to others.

It was impossible at the time to visit the villages to confirm his account, although a group of residents who fled the hamlets after the attacks confirmed the details in conversations at a church refuge near Managua.

Describing a more recent raid in his parish, Feltz said the guerrillas killed 35 persons, including 10 children and five women, in dawn mortar attack on the village of El Jorgito on May 13. Some of the 20 men in the village were militiamen, and they had seven automatic rifles, Feltz said.

Security official Ubeda said killings by the contras had increased in recent months because the rebels were frustrated by a loss of popular support in the area and because they had wished to scare peasants away from signing up to vote in national elections during a four-day voter registration period that ended July 30.

Ubeda said the guerrillas had enjoyed increased support at the end of last year and in the first three months of this year because of "some errors that we have made, especially with the peasants." In particular, he said, the Sandinista Army had alienated many peasants by stealing food, but the troops now have been trained to respect private property.

In another incident that indicated a stepped-up assassination campaign by the guerrillas, a prominent landowner was killed on July 19 as he drove a pickup truck down a country road east of the city of Matagalpa. The victim, Noel Rivera, was described by a variety of residents of Matagalpa as a popular figure who was not a Sandinista.

Rivera, 41, was described in the Sandinista media as a "patriotic producer" because, unlike many other landowers, he continued to invest in his two farms.

"My husband never thought that the contras would do this to him. He wasn't a Sandinista," Gladys Bolt de Rivera, the victim's widow, said. She suggested that the killing was part of the rebels' efforts to disrupt the economy.

"If all the producers are afraid, if they don't go to their farms, then the harvest of coffee is going to drop," she said.

The Nicaraguan Democratic Force asserts that it is fighting to prevent the Sandinistas from making Nicaragua a totalitarian country and to reduce its links with Cuba and the Soviet Union. The CIA has provided millions of dollars of aid to the rebels in what the Reagan administration describes as an effort to pressure the Sandinistas to stop supporting left-wing guerrillas in El Salvador and to permit growth of democracy here.

The most frequent victims of rebel killings in the countryside have been militiamen or local Sandinista activists who run education campaigns, health clinics or other government programs, according to Sandinista officials and Catholic missionaries.

In Tapasle, however, only two of the seven victims were actively working for the Sandinistas, residents said.

Of the other five victims, three—including Hermes Lopez—previously had been militiamen but had returned to their village to farm and two had no ties to the Sandinistas.

"Some were militiamen at the beginning, just after the revolution won [in 1979]; others weren't," said Francisco Martin, 54, as he stood by his horse outside Pedro Lopez's shop. Asked why the non-Sandinistas were killed, he said: "I think because of bad information."

The residents had to be coaxed to say anything at all to the two foreign reporters, and only the farmer who denounced the revolution was willing to discuss politics. But a woman in one of the farmhouses only laughed when asked if there was much support in the area for the contras, saying, "No, they're terrorizing us."

HUMAN RIGHTS IN EL SALVADOR

Mr. KENNEDY. Mr. President, as we approach yet another round in the debate about United States policy in Central America, we should heed the wisdom of a particularly knowledgeable and insightful observer of events in El Salvador, Mr. John McAward, the director of human rights of the Unitarian Universalist Service Committee. Mr. McAward is well known in the Congress, having organized and led nine congressional factfinding missions to Central America since 1978.

On June 4, 1984, The New York Times printed an op-ed piece by Mr. McAward in which he asked the central question about the future of El Salvador:

Who is in control of the armed forces? Will it be Mr. Duarte, the Commander in Chief, or will the armed forces continue to career along their murderous path to disaster?

Mr. McAward was critical of President Duarte, as were many of us in the Congress, for retaining Eugenio Vides Casanova as his Defense Minister. He stated:

Mr. Duarte chose an unlikely partner to help bring about reform when he announced the reappointment of the Minister of Defense, General Eugenio Vides Casanova. Mr. Duarte described the General as a moderate who is prepared to halt the armed forces' death squad killings and human rights abuses. The general's record suggests otherwise. He has been clearly implicated in efforts to cover up the Salvadoran military's involvement in the murder of the four United States churchwomen in December 1980.

Mr. McAward praised President Duarte as being "an exemplary democrat and an astute political leader of great personal courage and integrity." He went on to write:

His decision to reappoint General Vides Casanova does not necessarily mean that he has become a puppet of the military. But the President cannot fail to see that the military is the most powerful institution in the country. He understands all too well that the success of his Government rests on whether or not he can establish civilian control of the armed forces and end their human rights abuses.

On July 9, 1984, the Boston Globe published another article by Mr. McAward in which Mr. McAward described the failure of the Salvadoran Government to punish military officers responsible for the murders of 74 peasants at Los Hojas. Mr. McAward wrote:

At dawn on February 22, 1983, three large trucks filled with 200 uniformed soldiers from the U.S. trained Jaguar Battalion sped into Los Hojas, a farming cooperative in Sonsonate province run by the National Association of Indigenous Salvadorans [ANIS].

Commanded by Army Capt. Carlos Alfonso Figueroa Morales, the soldiers moved from hut to hut, guided by masked members of the local civil defense patrol. Selecting men and boys from a list of names, the soldiers led their prisoners toward the nearby Cuayaba river.

ANIS President Adrian Esquino Lisco and other cooperative leaders immediately went to see Col. Elmer Gonzalez Arujo, commander of the Jaguar Battalion. While they waited for the colonel, three trucks full of soldiers led by Capt. Figueroa Morales arrived at the garrison.

When Col. Gonzales Arujo received the ANIS delegation, he admitted that five people had been killed by the patrol that morning. "They were all members of one subversive family," he told the group, "but none were your people."

Esquino Lisco and the other ANIS leaders returned to Las Hojas and found the women of the cooperative weeping. The women told them the soldiers had taken the prisoners toward the Cuayaba river.

Almost immediately, they found the bodies: Thumbs tied, several beheaded or macheted, most shot, all dead. They were all unarmed.

The ANIS leaders from Las Hojas identified 74 bodies.

As a result of the personal involvement and pressure of an extremely

courageous young Salvadoran, Cristobal Aleman, the seven-member Government Human Rights Commission conducted an investigation of the massacre. That investigation resulted in the arrest, trial, and conviction of several of the soldiers involved. But, as John McAward points out, none of the officers involved have been disciplined. "We know very well what happened," says Cristobal Aleman, "but the problem is the political chaos we are living in in this country."

Mr. McAward goes on to point out that President Duarte could establish his commitment to impose civilian control over the military by taking action in the Las Hojas case. He writes:

The least President Duarte should do is order the following:

The dismissal from the army and the bringing to trial of Col. Gonzalez Arujo and Capt. Figueroa Morales;

The release of the report by the official Human Rights Commission;

The disbursement of the $25,000 promised to the widows and children of the massacre victims.

As John McAward points out:

If President Duarte fails to take action against the officers implicated in the Las Hojas massacre, he will reaffirm an unwritten law in El Salvador; a Salvadoran military officer is immune from prosecution.

On July 15, 1984, John McAward discussed the problem of Salvadoran refugees in the United States in an article in the Los Angeles Times. He called on the U.S. Government to grant immunity to undocumented immigrants from El Salvador inside the United States because of El Salvador's "polarized political climate and its widespread and often indiscriminate violence (which) place its people in mortal danger." Such an action, says McAward:

Would be in the best tradition of America's immigrant heritage * * * Legislation granting Salvadorans the same status accorded to other nationalities under "extended voluntary departure" is a necessary humane and just next step. It would not entitle Salvadorans to citizenship, nor would it guarantee them a "free ride," at taxpayer expense. It would simply give them a measure of peace here while awaiting peace in their homeland.

I ask unanimous consent that these three articles about El Salvador written by John McAward be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Boston Globe, Monday, July 9, 1984]

LAS HOJAS MASSACRE A TEST FOR DUARTE

(John J. McAward)

The U.S. Embassy in San Salvador, private human rights organizations, and the government of El Salvador rarely agree on anything. Their unanimity about who was responsible for the February 1983 massacre at Las Hojas provides Congress, which recently approved an additional $62 million in military aid for El Salvador, with a unique test of President Jose Napoleon Duarte's human rights performance.

As commander in chief, Duarte can dismiss any officer from the armed forces. To show that he is serious about ending human rights abuses, he can discipline the officers responsible for the murders of as many as 74 peasants at Las Hojas.

There is no need for a special commission to look into the matter. What happened at Las Hojas has already been documented by the Salvadoran government's own Human Rights Commission, which is headed by an army colonel who is chief of the National Police.

200 TROOPS ENTER FARMING UNIT

At dawn on Feb. 22, 1983, three large trucks filled with 200 uniformed soldiers from the U.S.-trained Jaguar Battalion sped into Las Hojas, a farming cooperative in Sonsonate province run by the National Association of Indigenous Salvadorans (ANIS).

Commanded by Army Capt. Carlos Alfonso Figueroa Morales, the soldiers moved from hut to hut, guided by masked members of the local civil defense patrol. Selecting men and boys from a list of names, the soldiers led their prisoners toward the nearby Cuayaba river.

ANIS President Adrian Esquino Lisco and other cooperative leaders immediately went to see Col. Elmer Gonzales Araujo, commander of the Jaguar Battalion. While they waited for the colonel, three trucks full of soldiers led by Capt. Figueroa Morales arrived at the garrison.

When Col. Gonzales Araujo received the ANIS delegation, he admitted that five people had been killed by the patrol that morning. "They were all members of one subversive family," he told the group, "but none were your people."

Esquino Lisco and the other ANIS leaders returned to Las Hojas and found the women of the cooperative weeping. The women told them the soldiers had taken the prisoners toward the Cuayaba river.

Almost immediately they found the bodies; thumbs tied, several beheaded or macheted, most shot, all dead. They were all unarmed.

The ANIS leaders from Las Hojas identified 74 bodies.

After ANIS officials met with Alvaro Magana, then the provisional president, and Gen. Jose Guillermo Garcia, then the defense minister, a member of the government's Human Rights Commission was dispatched to Las Hojas. The commission's March 1983 report to President Magana concluded that at least 18 peasants were killed by Capt. Figueroa Morales' troops.

The US Embassy also sent investigators to Las Hojas who concurred with the official commission's findings. As a result, the embassy recalled 10 military advisers stationed with the Jaguar Battalion.

CONGRESSMEN HEAR THE STORY

What has happened since is a classic illustration of how the Salvadoran military has managed to escape responsibility for more than 30,000 murders since 1979.

In April 1983 the Unitarian Universalist Service Committee arranged for the ANIS president and treasurer to come to Washington to tell their story to members of Congress.

While attending a congressional hearing, the two ANIS leaders heard a State Department representative announce that Capt. Figueroa Morales had been arrested. They were elated but the report proved to be false.

Continued international pressure finally forced the Salvadoran military high command to remove Col. Gonzalez Araujo and Capt. Figueroa Morales from their posts. Their punishment? Both men received prestigious desk jobs in San Salvador.

NO OFFICER EVER CONVICTED

"We know very well what happened, the massacre," says Cristobal Aleman, a member of the seven-member government Human Rights Commission who headed the commission's investigation. "But the problem is the political chaos we are living in this country."

That chaos is a result of the inability of civilian government officials to discipline the military. Not a single officer has ever been convicted of a human rights violations.

During his recent whirlwind trip to Washington President Duarte promised Congress that his government will impose civilian control over the military. Action on the Las Hojas case would be an excellent first step. The least President Duarte should do is order the following:

The dismissal from the Army and the bringing to trial of Col. Gonzalez Araujo and Capt. Figueroa Morales.

The release of the report by the official Human Rights Commission.

The disbursement of the $25,000 promised to the widows and children of the massacre victims.

If President Duarte fails to take action against the officers implicated in the Las Hojas massacre he will reaffirm an unwritten law in El Salvador: a Salvadoran military officer is immune from prosecution. Congress, which accepted his promises of human rights progress, should make sure he sticks to that pledge.

[From the New York Times, June 4, 1984]

NOW, WHO WILL RUN SALVADOR'S MILITARY?

(By John McAward)

BOSTON.—José Napoleón Duarte's inauguration Friday as President of El Salvador leaves a major question unanswered: Who is in control of the armed forces? Will it be Mr. Duarte, the Commander in Chief, or will the armed forces continue to careen along their murderous path to disaster?

Mr. Duarte left Washington two weeks ago with more than $62 million in new military aid granted by Congress after he and the Reagan Administration promised that he would establish civilian control over the armed forces. Congress owes it to the American people to hold Mr. Duarte and the White House to that pledge.

Mr. Duarte chose an unlikely partner to help bring about reform when he announced the reappointment of the Minister of Defense, Gen. Eugenio Vides Casanova. Mr. Duarte described the general as a moderate who is prepared to halt the armed forces' death squad killings and human rights abuses. The general's record suggests otherwise. He has been clearly implicated in efforts to cover up the Salvadoran military's involvement in the murder of four United States churchwomen in December 1980. Indeed, since becoming Minister of Defense in May 1983, he has failed to take action against any military officers linked to such crimes.

One case, less publicized than the churchwomen's murder and still pending, is the massacre of 74 Indian farmers in the tiny village of Las Hojas in February 1983. In a rare display of unanimity, the United States Embassy, the official Salvadoran Human

Rights Commission, whose chairman is the head of the National Police, a team of special investigators dispatched by Alvaro Magana, then President, and several United States human rights organizations all agree that the killings were ordered by Col. Elmer Gonzales Araujo, the commander of the local garrison, and carried out by Capt. Carlos Alfonso Figueroa Morales.

As Minister of Defense, General Vides Casanova is clearly responsible for investigating and disciplining these officers. Yet, after more than a year in the job and 15 months after the murders, he has neither removed them from active duty nor made good on his promise to pay a total of $25,000 in compensation to the victims' widows and children.

President Duarte is an exemplary democrat and an astute political leader of great personal courage and integrity. His decision to reappoint General Vides Casanova does not necessarily mean that he has become a puppet of the military. But the President cannot fail to see that the military is the most powerful institution in his country. He understands all too well that the success of his Government rests on whether or not he can establish civilian control of the armed forces and end their human rights abuses.

Congress can help by making future military aid conditional on Mr. Duarte's progress toward these goals. He might begin with the following:

First, the discharge from the army of Col. Nicolás Carranza, the head of the dreaded Treasury Police, who is widely believed to head the death squads. The Reagan Administration could help by ending the prodigious monthly subsidy Colonel Carranza has received from the Central Intelligence Agency for more than five years.

Second, the suspension of some 15 to 20 officers who have led the death squads. These men are well known to their military colleagues, high level Reagan Administration officials and selected members of Congress. A blue ribbon panel composed of respected retired Salvadoran military officers and prominent civilians should be established to investigate the death squads.

Third, Colonel Gonzales Araujo and Captain Figueroa Morales, the two officers responsible for the Las Hojas massacre, should be remanded to a civil court for trial. The $25,000 compensation promised to relatives of the victims should be paid immediately.

President Duarte's plan announced last week to separate the command of security forces from that of the army is unlikely to make any significant difference. The officers he has appointed do not come from among the reformists in the armed forces and have long failed to move against death squad activity, torture and other abuses.

As Commander in Chief, President Duarte has the constitutional authority to remove any officer and to change military policy. Congress can help, bolstering his authority to pursue needed reforms, by making clear that the United States has a strong interest in these changes.

[From the Los Angeles Times, Sunday, July 15, 1984]

. . . OR DO SALVADORANS MERIT SPECIAL PROTECTION?

(By John J. McAward)

The Simpson-Mazzoli immigration bill will end what has become a nightmare for hundreds of thousands of people nationwide who fear depcrtation because they entered this country illegally. But it will do nothing to end that nightmare for the 300,000 to 500,000 Salvadorans who have fled here since 1981 to escape the tragic civil war in their own country.

House and Senate conferees will be seeking agreement between terms of the bill's controversial amnesty provision: whether legal residency status will be granted to immigrants who have been here for two years or four. The tougher Senate terms, or a three-year compromise, would exclude most of the undocumented Salvadorans: even a two-year limit would exclude many tens of thousands.

In any case, the majority of these refugees do not wish U.S. citizenship, according to people who have worked closely with this group. They only want to stay here until the war in their home country is over.

Toward this end, Sen. Dennis DeConcini (D-Ariz.) and Rep. John Joseph Moakley (D-Mass.) have proposed legislation to protect undocumented Salvadorans from deportation for up to three years. This would be similar to "extended voluntary departure," an existing procedure that allows citizens of a country suffering civil turmoil to remain here until the United States government determines that it is safe for them to return.

Usually it is authorized by the attorney general upon the recommendation of the secretary of state, and in the past has been granted with remarkable ease to nationals of regimes unfriendly to the United States, such as Iranians, Poles, Afghans and Ethiopians.

In recognizing the plight of Salvadorans, the DeConcini-Moakley bill, which is expected to be considered by Congress later this year, is a humane answer to a refugee problem of staggering proportions.

The Salvadorans, like other undocumented immigrants, are often victimized by employers and landlords who use the threat of arrest by the Immigration and Naturalization Service to coerce them to accept wages at or below the minimum in unsafe workplaces and high rents in unsafe housing, conditions that lower the quality of life in the larger community. The Salvadorans silently endure such abuses because of the deadly risk they face if apprehended by the INS, deportation to war-wracked El Salvador.

Their fear of returning home is understandable. Approximately 40,000 Salvadoran civilians have died since 1979. Another million have either been driven into displaced-person camps inside the country or forced to flee as refugees to other Latin countries and the United States.

The Reagan Administration has responded to their plight with callous indifference. It contends that the Salvadorans who have sought refuge here are "economic migrants" who simply want to escape the grinding poverty of their own country.

But poverty alone cannot account for the huge exodus from El Salvador in recent years. If this were the case, there should be even more emigrants from neighboring Honduras, whose poverty ranks second only to Haiti's in the hemisphere. Yet Hondurans have not come here in record numbers, probably because their country has neither a civil war nor a brutally repressive military.

The Administration also argues that there is no proof that any deported Salvadoran has been singled out for persecution. El Salvador's polarized political climate and its widespread and often indiscriminate political violence place all its people in mortal danger. It is ingenuous to suggest that people who have fled the country will not receive the special attention of the security forces when they are sent back by the U.S. government.

Granting Salvadorans immunity from deportation would be in the best tradition of America's immigrant heritage. Once their legal status was regularized, the Salvadorans would no longer have to fear the police and other civil authorities. Then they would no longer have to accept slum housing, exorbitant rents and extortionist work conditions. They could work with others in their community to change these conditions, something that would benefit everyone.

Most important, the Salvadorans would learn about democracy and justice firsthand, an experience that would prove invaluable once they return to help rebuild their own homeland.

The Simpson-Mazzoli bill, for all its shortcomings, is a step toward solving some of our immigration problems. But it does not go far enough.

Legislation granting Salvadorans the same status accorded to other nationalities under "extended voluntary departure" is a necessary, humane and just next step. It would not entitle Salvadorans to citizenship, nor would it guarantee them a "free ride" at taxpayer expense. It would simply give them a measure of peace here while awaiting peace in their homeland.

RETIREMENT OF PROF. KNOX HAGOOD

Mr. HEFLIN. Mr. President, I rise before my colleagues today to announce the pending retirement of a truly dynamic figure in the Alabama communications community—a man who has been instrumental in the advancement of communications of the State of Alabama and the Nation as a whole. On September 1, Prof. Knox Hagood will retire from the University of Alabama.

Having begun his teaching career in 1948, Professor Hagood has more than earned this opportunity to enjoy this opportunity to enjoy his "golden years." However, he will be strongly missed, by students, alumni, faculty, and staff alike, of the University of Alabama.

Indeed, Professor Hagood seemed to be a permanent member of the university, having spent his studies as an undergraduate there as well as devoted his career to academic life. His college days were temporarily interrupted when he was called into service for his country during World War II. Professor Hagood served the United States until the end of the war, when he resumed his studies and graduated from the University of Alabama with a major in broadcast arts.

Knox Hagood has had a great impact on the university, since first joining the faculty 36 years ago. Mr. Hagood, who taught for 17 years, has also served as the chairman of the broadcasting department for his last 19 years at the university. His unyielding dedication to education has been a great contribution to the university and to the people of Alabama as well.

As an alumnus of the university, myself, I am proud to recognize Knox Hagood as a representative of my alma mater.

For more than a third of a century, Professor Hagood has seen many students come and go. He has seen the student of the turbulent 1960's and the more goal-oriented student of the 1980's, and has enthusiastically taught them all and instilled in them a love for learning. Nonetheless, his interest in his students goes beyond that of graduation day.

His interest, his guidance, his concern follows each of his students throughout their career. He has been willing to invest the hours and the effort to ensure his student's success. He has given of himself unselfishly, only asking that his students return his investment.

Some of the students he takes pride in following are those such as Frank Paris, who was associate producer of "Gunsmoke" and senior story editor for Walt Disney Productions. Another is Tommy Chereonis, the producer of the television situation comedy "Maggie Briggs." One of his more recent students is Clay Harrison who has gone on to be staff segment producer of ABC's "That's Incredible." These are just a few of the students he has guided to success, however, the list goes on including such names as Sandy Grossman, sports director at CBS, and John Cochran, NBC's chief London correspondent.

I know of the great admiration my press secretary, Jerry Ray, has for Prof. Knox Hagood. Professor Hagood's influence and interest encouraged Jerry to successfully complete his graduate degree.

Professor Hagood is to be commended on his success and on his retirement. Without a doubt, this learned scholar will be missed by the university, and all those who have worked with him. For his years of dedicated work in his field, for the hundreds on fine communicators he crafted in his classroom, for the contributions he has made to his university, for the leadership he has given his State and Nation, and for the example he has established for us all, I commend Knox Hagood and pay tribute to him.

Mr. President, I ask unanimous consent that an article from the spring 1984 issue of the "Communicator," published by the University of Alabama, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Communicator (University of Alabama), Spring 1984]

BROADCAST TRADITION RETIRING

(By Linda Canup)

On Sept. 1, 1984, Professor Knox Hagood will clear his desk, pack up his one-tube 1920 radio, empty his files and call it a day.

After 36 years of teaching and watching broadcasting grow from a hobby to a major force in the communication world, he is retiring.

Instead of showing signs of burnout, the 62-year-old Hagood speaks calmly, with a soft, well-modulated voice. He smiles easily.

Hagood, who chaired the department of broadcast for 19 years, has been associated with the University for much of his life. He was born in Bradford, Ala., and came to the University as a pre-med major.

"I made so-so grades in my pre-med courses, but along with those I took a lot of drama and speech courses which I made A's in," he said.

His college days were interrupted by World War II, to which he was called in 1943.

Hagood said many of his college friends wrote to him during his service. He also received letters from a teacher who wrote to many of his former students.

Lester Raines, called "Doc" by his students, had been the head of "The Black Friars," the University Theater group. Raines wrote Hagood and said, "You should go into radio broadcasting, because it is really going to be big."

When the war ended, that is exactly what Hagood did. He went back to the University, finished with a major in broadcast arts, and went to Northwestern University, where he received his master's.

In 1948, Hagood was offered a teaching job at the University by the chairman of the broadcast department, Leo Martin. "I didn't have a job, so I said sure I'll teach. I've been here since," he said.

Hagood said he has seen many changes in the last 36 years. The students have changed. The teachers have changed. And even the 'Old Union Building' has had a face-lift.

"I tell some of my colleagues who complain about the small offices, that I have lived in every closet in this building and it looks great to me. I think it's just beautiful," he said with a wide grin.

Hagood has observed students over four decades of change.

"When I came back and started teaching, it as the era of the G.I.," he said. "They were more mature, and they knew what they wanted. They came to school to get their degree, get out, and go on with their lives.

"Yet, they were a lot of fun to teach," he said. "It was a time when, while I was in class I was the teacher, but after class, we had a lot of great parties.

Tuscaloosa was dry at this time, so everyone went to Eutaw, Ala., to get a beer."

Hagood said the University did not escape the turbulent '60s.

"Here in Alabama we tend to be two or three years behind, but we did get the flower children with their unbathed bodies and long hair," he said. "Communication was almost nil. Every other word was followed by the words 'you know.'

"However, these were very bright people," he said. "As a teacher, they confronted you on everything you said, and made you think about what you were saying so you could defend your point of view."

Hagood remembers being barricaded in the buildings on the day that Gov. George Wallace made his stand in the schoolhouse door.

"They brought lunch into us, and wouldn't let us out until 5 p.m.," he said. "We had to go home and turn on the news to see what had happened."

During the '70s, Hagood said the students became goal-oriented once again. He said the recession put the scare of unemployment into them.

"They were not too interested in world problems," he said. "They wanted to get through it and get a job and go on with their lives."

What are the students of today like?

"In the '80s, the kids are still very goal-oriented," Hagood said. "But I am detecting a growing concern about world conditions, especially atomic war, almost to the point that you should 'go ahead today' because you won't be alive tomorrow."

Hagood said students have always been exciting to him.

"The wonderful thing about teaching college is that you keep young because the people you work with are young," he said.

His interest in his students doesn't stop at graduation, either. He keeps up with many former students, such as Frank Paris, who graduated in the '50s. Paris, associate producer of "Gunsmoke" and a senior story editor for Walt Disney Productions, is now a free-lance writer.

Another is Tommy Chereonis, producer of "Maggie Briggs," a new sitcom starring Suzanne Pleshette.

Mort Granas, the first student national president of Alpha Epsilon Rho, was a disc jockey who stayed in the booth located above the favorite hangout of the '50s, "The Dog House."

A more recent student Hagood remembers is Clay Harrison, class of '77. Harrison is now staff segment producer of ABC's "That's Incredible."

Another protege, Sandy Grosman, is a sports director for CBS. And John Cochran is NBC's chief London correspondent.

Hagood mentioned many more success stories. "They always stay young in my mind," he said.

Hagood said teachers have changed over the years as well, being younger, better educated and more knowledgeable now in specific areas.

However, Hagood said there has been a subtle change in attitudes.

"Teachers in the past were more loyal," he said. "They worked for the institution and wanted the institution to succeed as well as themselves.

"Now it seems that there is no feeling for staying and building," he said.

How will Hagood stay busy after such an eventful career? He mentioned painting, piano lessons (maybe), traveling (definitely) and writing.

"I'll tell you when I get bored," he chuckled.

RETIREMENT OF MISS TRUDY CARGILE

Mr. HEFLIN. Mr. President, it is with mixed emotions that I stand before my colleagues today to announce the retirement of Miss Trudy Cargile. Miss Cargile has loyally served Auburn University for the past 22 years as news editor for university relations.

Although Miss Cargile has unquestionably earned her retirement, I am truly saddened because she will be gravely missed for her relentless work at Auburn, and in the Alabama press community as well.

Trudy Cargile probably knows the press in Alabama as well as anyone. After leaving the Auburn University Business Office in 1951, she joined the Montgomery Advertiser's staff and later spent 7 years with the Birmingham News. In 1962, Trudy returned to Auburn to join the Auburn public relations staff. Trudy played an instrumental role in monitoring student activities and involved the public relations staff with the tremendous need to publicize awards, achievements, and new programs on campus. Her most sincere dedication may be exemplified by the motto which she applied to her position. Trudy believed that since the "campus never closes," she accepted the necessity of consistently putting in long hours. Trudy saw the needs of Auburn increase as the student body grew from 13,000 to 19,000, and her many contributions have been no small part in that university's expansion.

Mr. President, Miss Trudy Cargile is a part of Auburn University. She is a part of that fine institution's personality, its fabric, its spirit.

She has given herself to it unselfishly, only asking in return its success. There is no greater contribution to our society, Mr. President, than that of a teacher. Miss Trudy Cargile is a teacher in the truest sense.

She molded and crafted many young minds, both students and younger employees, just as her gifted mind molded and crafted paragraphs on a page. She is an artist with both people and words.

Mr. President, today I say thank you to a cornerstone of Auburn University. For her years of dedicated work in her field, for the contributions she has made to her university, for the leadership she has given her State, and for the example she has established for us all, I commend Trudy Cargile and pay tribute to her.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Oklahoma, asks unanimous consent that the order for the quorum call be rescinded, and without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. In accordance with the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, it reassembled when called to order by the Presiding Officer [Mr. LUGAR].

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS AND FEDERAL PROCUREMENT COMPETITION ENHANCEMENT ACT OF 1984

Mr. BAKER. Mr. President, there is an order, I believe, for the Senate now to turn to consideration of the small business bill. I ask the Chair to lay that measure before the Senate.

The PRESIDING OFFICER. The majority leader is correct. The Senate will now turn to the consideration of S. 2489, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2489) to amend the Small Business Act to enhance competition in Government procurement.

The Senate proceeded to consider the bill which had been reported from the Committee on Small Business and the Committee on Armed Services each with amendments. Pursuant to the order of August 6, 1984, the committee amendments were agreed to and considered original text for the purpose of further amendment. The bill, as amended, is as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business and Federal Procurement Competition Enhancement Act of 1984".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) eliminate Federal procurement procedures and practices which inhibit free and open competition for Government contracts, especially by small business competitors;

(2) use Federal contracting opportunities as a means to expand our Nation's industrial base in order to ensure adequate responsive capability of the economy to the increased demands of the defense and civilian agencies in times of national emergency;

(3) reduce the number of noncompetitive government contract awards; and

(4) foster opportunities for increased small business and small disadvantaged business participation in the competitive Federal procurement process.

PLANNING FOR FUTURE COMPETITION

SEC. 3. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m)(1) To encourage the competitive acquisition of supplies and services to support and maintain a major system during its service life, the head of the Federal agency with responsibility for that system shall ensure that—

"(A) in any competitive solicitation for the award of any development contract for a major system, the following shall be included as evaluation factors, giving due consideration to the purposes for which the system is being procured and the technology to achieve the system's required capabilities:

"(i) proposals to incorporate in the design of the major system, components which are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source; and

"(ii) proposals to incorporate in the design of the major system, components that are likely to be required in substantial quantities during the system's service life and will permit future competitive acquisitions by the Government;

"(B) in any competitive solicitation for the award of any production contract for a major system, the following shall be included as evaluation factors:

"(i) proposals to identify components in the system that are likely to be required in substantial quantities during the system's service life and whether the technical data for such components will permit future competitive acquisitions by the Government; and

"(ii) proposals to identify technical data for sale or license to the Federal Government which the offeror, at its discretion, will identify and separately price so as to permit the Government to competitively acquire future requirements for such components and

"(C) the evaluation factors specified in paragraphs (1) and (2) of this subsection shall be considered as negotiation objectives when an agency is making a noncompetitive award of a development contract or a production contract for a major system.

"(2) The provisions of paragraph (1)(B) may be waived if the contracting officer determines in writing that such provisions would not be applicable to such production contract, giving due consideration to the stability of the system's design, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, states the reasons therefor, and includes such determination and finding as part of the contract file."

ENCOURAGING NEW COMPETITORS TO BROADEN THE INDUSTRIAL BASE

SEC. 4. Section 15 of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(n)(1) Before establishing any prequalification requirement applicable to an offeror or its product which would be considered as an element of responsiveness to a solicitation, the Federal agency shall—

"(A) prepare a written justification stating the necessity for establishing the prequalification requirement and the reasons why free and open competition is not feasible;

"(B) specify in writing and make available upon request all standards which a prospective contractor, or its product, must satisfy in order to become qualified, such standards being limited to those least restrictive to meet the purposes necessitating the establishment of the prequalification requirement;

"(C) specify an estimate of the costs of testing and evaluation likely to be incurred by a prospective contractor for that contractor to become qualified;

"(D) ensure that (i) a prospective contractor is provided, upon request, a prompt opportunity to demonstrate its ability to meet the standards specified for qualification, utilizing qualified personnel and facilities of the agency or another agency obtained through interagency agreement, or other methods approved by the agency, and (ii) any testing and evaluation services provided under contract to the agency should be provided by a contractor who will not be expected to benefit from an absence of additional qualified sources and who shall be required to adhere to any restriction on technical data asserted by the prospective contractor seeking qualification; and

"(E) ensure that a prospective contractor seeking qualification is promptly informed as to whether qualification has been attained, or in the event qualification has not been attained, information sufficient to specifically inform the prospective contractor why qualification was not attained.

"(2) Before a Federal agency may enforce any existing prequalification requirement with respect to an offeror or its product, the Federal agency shall comply with the requirements of paragraph (1) of this subsection. A Federal agency need not delay a procurement action in order to provide a prospective contractor with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(3) In the event that the number of qualified sources or qualified products available to actively compete for anticipated future requirements is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the Federal agency shall—

"(A) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification; and

"(B) bear the cost of conducting the specified testing and evaluation, but excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated, only for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification, and which could reasonably be expected to compete, except that the Federal agency shall bear such costs only if it determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the Federal agency.

The Federal agency may require a prospective contractor requesting testing and evaluation costs to certify as to its status as a small business concern, and, in good faith, rely thereon.

"(4) Within seven years after the establishment of any prequalification requirement pursuant to paragraph (1), or within seven years following an agency's enforcement of any existing prequalification requirement pursuant to paragraph (2), any such prequalification requirement shall be examined and revalidated in accordance with the requirements of paragraph (1) of this subsection (n).

"(5) Except in an emergency, whenever a Federal agency determines not to enforce an existing prequalification requirement for a solicitation, the agency may not enforce any such prequalification requirement unless the agency complies with the requirements of paragraph (1) of this subsection (n).".

REPORTING REQUIREMENT

SEC. 5. Not later than July 1, 1985, a report prepared under the direction of the Office of Federal Procurement Policy shall be submitted to the Congress on the desirability and feasibility of requiring the prime contractor for a major system to establish and maintain procedures to qualify competing sources for those components of the major system likely to be needed in substantial quantities during the system's service life.

ENHANCED PROCUREMENT NOTICES

SEC. 6. (a) Section 8(e) of the Small Business Act is amended—

(1) by inserting before the semicolon at the end of subparagraph (3)(A) a comma and "and includes, as appropriate, agency nomenclature, National Stock Number or other part number, all amplified by a brief description relating to the item's form, fit or function, physical dimensions, predominant material of manufacture, or similar information to assist a prospective contractor to make an informed business judgment as to whether a solicitation should be requested";

(2) by redesignating subparagraphs (B) and (C) of paragraph (3) as subparagraphs (C) and (E), respectively;

(3) by inserting after subparagraph (A) of paragraph (3) a new subparagraph (B) as follows:

"(B) a procurement history and forecast of requirements, to the extent available, including—

"(i) date of last award and price thereof, number of units and unit price, time for performance, and whether the last contract was awarded competitively;

"(ii) aggregate dollar value and number of units procured during the last two fiscal years; and

"(iii) number of additional requirements (expressed in the same unit term as the procurement history) estimated for procurement during the remainder of the current fiscal year and each of the two succeeding fiscal years;";

(4) by inserting after subparagraph (C) of paragraph (3), as redesignated, a new subparagraph (D) as follows:

"(D) notations as to whether—

"(i) the technical data required to respond to a solicitation will not be furnished as part of such solicitation, and identifying the governmental source, if any, from which the technical data may be obtained; and

"(ii) an offeror or its product must be prequalified in order to have its offer considered for award, and identifying the office from which the standards specified for prequalification may be obtained;";

(5) by inserting in paragraph (4), after "provisions of this paragraph were complied with," the following: "or unless the procurement is under the foreign military sales program and a foreign government has requested a sole source,";

(6) by redesignating paragraph (6) as paragraph (7) and inserting a new paragraph (6) as follows:

"(6) In order to further carry out the requirements of this subsection and section 223(a) of the Act of October 24, 1979 (Public Law 95-507, 15 U.S.C. 637b), each Federal agency shall—

"(A) publicly post in either full text or abstract format at the contracting office, or otherwise readily make available a compilation, of information relating to procurement actions in excess of $2,500 which would have been synopsized in the Commerce Business Daily is such procurement actions had equaled or exceeded the applicable dollar threshold for publication; and

"(B) make available to any small business concern, or to the authorized representative of such concern, the complete solicitation package for any on-going procurement action announced pursuant to this paragraph and permit the copying thereof: *Provided*, That a Federal agency may require the payment of a fee, not exceeding the actual cost of duplication."; and

(7) by inserting at the end of paragraph (7) (as redesignated by clause (6)) the following new clause:

"(C) the term 'procuring activity' means that organizational element of a Federal department actually responsible for the issuance of solicitations, the evaluation of offers, and the award of contracts.".

(b) Section 8(d)(1) of the Small Business Act is amended by adding at the end thereof the following new sentence: "It is further the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts for appropriate portions of subsystems, assemblies, components, and related services for major systems.".

(c) Section 8(d)(3)(A) of the Small Business Act is amended by adding at the end thereof the following new sentence: "It is further the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts for appropriate portions of subsystems, assemblies, components, and related services for major systems.".

TECHNICAL DATA MANAGEMENT TO FOSTER FUTURE COMPETITION

SEC. 7. (a) Section 15 of the Small Business Act is further amended by adding at the end thereof the following:

"(o)(1)(A) An offeror submitting a proposal for a contract shall furnish information in the proposal identifying—

"(i) with respect to all items that will be delivered to the United States under the contract (other than items to which clause (ii) applies), those items for which technical data will not be provided to the United States; and

"(ii) with respect to technical data that will be delivered to the United States under the contract, any of such technical data that will not be provided with restrictions on the Government's right to use such data for governmental purposes.

"(B) With respect to items that will be delivered to the United States under a contract described in subparagraph (A) with respect to which it would be impracticable to ascertain, at the time the contract is entered into, the technical data relating to such items that will not be provided to the United States with unlimited rights, the contract shall require that the contractor shall provide identifying information similar to that required to be furnished under subparagraph (A) at the time to be specified in the contract.

"(C) The head of a Federal agency shall ensure that the information furnished under subparagraph (A) is considered in selecting the contractor for the contract.

"(2) To foster competition for the acquisition of supplies and services to maintain a major system during its service life, the head of the Federal agency with responsibility for the system shall ensure that the initial and all subsequent production contracts for a major system, developed under Government contract, contain appropriate provisions related to technical data, including—

"(A) specifying the technical data to be delivered under the contract, if any, including delivery schedules therefor;

"(B) establishing criteria for determining the acceptability of technical data to be delivered under the contract;

"(C) establishing separate payment lines for the technical data to be delivered under the contract, if any, and authorizing the withholding of payments for failure to make timely deliveries of acceptable data;

"(D) defining the respective rights of the Government and a contractor or subcontractor regarding any technical data to be delivered under the contract, including therein a definition of the term 'developed at private expense';

"(E) to the maximum practicable extent, identifying, in advance of its delivery, technical data which is to be delivered with restrictions on the Government's right to use such data for governmental purposes, except that data not so identified may be identified and marked with restrictions on the Government's right to use such data if by a time specified by regulation the contractor requests to so limit the Government's right to the data, demonstrates the validity of such limitations, demonstrates that the failure to identify the data in advance of delivery was inadvertent, and relieves the Government of any liability with respect to the use of such technical data prior to the assertion of a restriction;

"(F) requiring the contractor and each subcontractor to be prepared to furnish, within 60 days after a written request directed to the party asserting a restriction, a written justification for any restriction to be asserted limiting the Government's right to use such data for governmental purposes, for as long as such restriction is asserted by the contractor or subcontractor;

"(G) prohibiting a contractor from requiring a subcontractor or the Government to pay a fee, royalty, or other charge for the subcontractor's use of any technical data, in the performance of a contract to furnish a component directly to the Government, except that data protected by patent, licensing agreement or any preexisting agreement involving a subcontractor's performance under a commercial contract, if the same data was made available by the contractor to the subcontractor furnishing that component;

"(H) prohibiting the contractor from limiting, either directly or indirectly, a subcontractor from selling to the Government any component which the subcontractor had previously furnished to the contractor without restriction, except that the contractor may restrict a subcontractor from providing to the Government any component restricted by a preexisting agreement involving the subcontractor's performance for the contractor under its commercial contracts;

"(I) ascertaining and documenting the identity of the manufacturer of a component through the annotation of engineering drawings, the maintenance of lists, or otherwise;

"(J) requiring the contractor to revise any technical data delivered pursuant to the contract to reflect engineering design changes and to deliver such revised technical data to an agency within a specified time;

"(K) requiring the contractor to certify at the time the technical data is made available or delivered, that the technical data is complete, accurate, and adequate for the purpose for which the technical data is procured;

"(L) requiring the contractor to promptly correct any technical data found to be incomplete, inadequate, or deficient or to promptly furnish complete, accurate, and adequate technical data to the agency; and

"(M) authorizing the head of the agency to withhold progress payments under a contract during any period that the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

The provisions specified in this subsection shall be implemented in the single system of Government-wide procurement regulations, section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)) and may be waived in accordance with such procurement regulations if the contracting officer determines in writing that any such provision should not be applicable to the production contract, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, stating the reasons therefor. Such determination shall be made part of the contract file.

"(3) Nothing in this subsection or subsection (m) of this section prohibits an agency from including—

"(A) in any competitive solicitation for the award of a contract, or

"(B) as a negotiation objective when the agency is making a noncompetitive award,

a provision specifying in the contract the date after which the United States shall have the right to use or have used for any governmental purpose all technical data required to be delivered to the United States under contract.".

(b)(1) Within one year after the date of enactment of this Act, each Federal agency shall develop a plan for the management of technical data received under contracts for the development, production, modification, or maintenance of major systems within its jurisdiction. At a minimum, the management plan shall address procedures for—

(A) inventorying, indexing, storing, and updating items of technical data into a system;

(B) verifying contractor-imposed limitations on the Government's rights to make future use of the data in competitive acquisitions; and

(C) assuring that agency procurement officials and prospective contractors will have timely access to complete any current technical data for the competitive acquisition of supplies and services for the maintenance of the system during its service life.

(2) Within 5 years after the date of enactment of this Act, each Federal agency shall complete implementation of the management plan required by paragraph (1), and include in the system the available technical data for each currently operational major system within its jurisdiction.

(3) Not later than eighteen months after the enactment of this Act, the Comptroller General of the United States shall transmit to the Congress a report evaluating the plans of selected Federal agencies for the management of technical data for major systems within their jurisdiction. The report shall include an evaluation of the plans of the Department of Defense, the Department of Energy and the Department of Transportation, and the National Aeronautics and Space Administration.

VALIDATING PROPRIETARY DATA RESTRICTIONS

SEC. 8. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(p)(1) To encourage the competitive acquisition of components needed to maintain a major system during its service life, a review of the validity of any restriction on the Government's right to use for governmental purposes technical data furnished under contract shall be initiated by the contracting officer, if the contracting officer, an agency advocate for competition, or the representative of the Administration assigned to the procurement center determines such a review is warranted and the contracting officer determines that compliance with the asserted restriction makes it impracticable to competitively procure the required component.

"(2) Upon the written demand of the contracting officer, the contractor or subcontractor, as appropriate, shall submit its justification for the asserted restriction on the Government's right to use such data for governmental purposes certifying to the current validity of the asserted restriction within—

"(A) 60 days, if the contract contains a provision that requires a contractor or subcontractor to be prepared to furnish a written justification for any restriction limiting the Government's right to use for governmental purposes technical data to be delivered under the contract, or

"(B) 180 days, if the contract does not contain such a provision, except that the contracting officer may extend such time limits for a reasonable period for good cause shown.

"(3) Upon a failure to submit any justification pursuant to the requirements of paragraph (2) of this subsection, the contracting officer shall, after giving notice to the party asserting the restriction, promptly cancel the restriction on the Government's right to use for governmental purposes technical data for which justification had been requested.

"(4) If after review of the justification submitted pursuant to paragraph (2) of this subsection, the contracting officer determines that the justification for the restriction on the Government's right to use the data for governmental purposes does not adequately support the asserted restriction on the technical data, the justification therefor shall be promptly subject to technical review and audit.

"(5) If after reviewing the findings of the technical review and audit, it is determined that the restriction on the Government's right to use such data for governmental purposes warrants challenge, the contracting officer shall issue a final decision pertaining thereto which shall be subject to the provisions of the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(6) If the Government's challenge to the restriction on the Government's right to use for governmental purposes technical data as certified pursuant to paragraph (2) of this subsection is sustained, upon final disposition—

"(A) the restriction on the Government's right to use that technical data for governmental purposes shall be cancelled; and

"(B) the contractor or subcontractor, as appropriate, shall be liable to the Government for the Government's cost of technically evaluating and auditing the asserted restriction, and the fees and other expenses, as defined in section 2412 (d)(2)(A) of title 28, United States Code, incurred by the Government in challenging the asserted restriction, if the asserted restriction, as certified, is found not to be substantially justified, unless special circumstances would make such awards unjust.".

BREAKOUT PROCUREMENT CENTER REPRESENTATIVES

SEC. 9. Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end thereof the following:

"(q)(1) The Administration shall assign to each major procurement center a breakout procurement center representative, with such assistance as may be appropriate. In carrying out the functions described in paragraph (2), such representative shall be an advocate for the breakout of components for competitive procurement whenever possible while maintaining the integrity of the system in which such components are used, and be an advocate for the competitive procurement of the supplies and services procured by the center. Any breakout procurement center representative appointed under this subsection shall be distinct from, and in addition to, any other procurement center representative who may be, from time to time, assigned by the Administration to a procurement center for the purpose of advocating increased small business participation.

"(2) In addition to carrying out the responsibilities assigned by the Administrator, a breakout percurement center representative is empowered to—

"(A) participate as a regular member of any provisioning conference, or similar evaluation session relating to maintaining a major system during its service life, during which determinations are made as to whether requirements are to be procured through other than free and open competition;

"(B) review, at any time, restrictions on competition previously imposed on requirements through acquisition method coding or similar procedures, and to request prompt reevaluation of such limitations on competition by agency personnel;

"(C) review restrictions on competition arising out of restrictions on the Government's rights in technical data and, when appropriate, recommend that the contracting officer initiate a review of the validity of such an asserted restriction;

"(D) obtain from any source, and make available to the appropriate procurement center personnel, unrestricted technical data necessary for the preparation of a competitive solicitation package for any item of supply or service previously procured noncompetitively due to the unavailability of such unrestricted data; and

"(E) have access to the unclassified procurement records and other data of the procurement center so as to faciliate effective discharge of the foregoing functions and to permit the preparation of complete and accurate reports to the Administration;

"(F) receive unsolicited value-engineering proposals, forwarding them with or without recommendation to procurement center personnel responsible for reviewing such proposals and who shall furnish the breakout procurement center representative with information regarding any action taken with respect to any such proposal; and

"(G) review the procurement practices of the center and make recommendations to the Administrator who shall, as appropriate, consult with the responsible agency procurement executive regarding the implementation thereof.

"(3)(A) Each Federal agency having one or more major procurement centers shall assign at least one technical advisor to each major procurement center to which the Administration has assigned a breakout procurement center representative.

"(B) Technical advisors assigned under this paragraph shall be—

"(i) full-time employees of such agency;

"(ii) colocated with the assigned breakout procurement center representative; and

"(iii) fully qualified, technically trained, and familiar with the supplies and services procured by the major procurement center.

"(C) The primary duty of a technical advisor assigned under this paragraph shall be to assist the breakout procurement center representative for the center to which such advisor is assigned in carrying out his functions.

"(4) There are authorized to be appropriated to the Administration such sums as may be necessary to carry out the provisions of paragraphs (1) and (2) of this subsection.".

PROHIBITION OF LIMITING DIRECT SALES BY SUBCONTRACTORS TO THE UNITED STATES

SEC. 10. Section 15 of the Small Business Act (15 U.S.C. 644) is further amended by adding at the end thereof the following:

"(r) Each contract for the purchase of supplies or services made by a Federal agency shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the United States of any item or process (including computer software) like those made, or services like those furnished, by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales to the United States described in clause (1).".

CERTIFICATE OF COMPETENCY

SEC. 11. Section 8(b)(7) of the Small Business Act is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this subsection, the Administration may not establish an exemption from referral or notification or refuse to accept a referral or notification from a Government procurement officer made pursuant to subparagraph (A) or (B) of this paragraph, but nothing in this paragraph shall require the processing of an application for certification if the small business concern to which the referral pertains declines to have the application processed. If a Government procurement officer proposes to deny a contractor's decision to use a small business concern as a subcontractor because of a lack of any element of responsibility provided for in subparagraphs (A) or (B) of this paragraph, such officer may not preclude the contractor from subcontracting to such small business concern without referring the matter for final disposition to the Administration.".

DEFINITIONS

SEC. 12. Section 3 of the Small Business Act is amended by adding at the end thereof the following:

"(j) For the purpose of this Act and section 7(b) of the Small Business and Federal Procurement Competition Enhancement Act of 1984, the term—

"(1) 'component' means any individual part, subassembly, assembly, or subsystem integral to a major system, which may be replaced during the service life of the system. The term includes spare part and replenishment spare part. The terms does not include packaging or labeling associated with shipment or identification of a 'component';

"(2) 'major procurement center' means a procurement center that awarded contracts for components other than commercial items totaling at least $150,000,000 in the preceding fiscal year;

"(3) 'major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a 'major system' if (A) total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater, or (B) the system is designated a 'major system' by the head of the agency responsible for the system;

"(4) 'technical data' means recorded information, (regardless of form or method of recording) of a scientific or technical nature, including data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include—

"(i) computer software;

"(ii) financial, administrative, cost or pricing, management data, or other information incidental to contract administration;

"(iii) data relating to products, components, or processes developed at private expense; or

"(iv) data relating to products, components, or processes developed at private expense and offered for sale to the general public.

"(k) For the purpose of subsections (m), (n), (o), (p), and (r) of section 15, the term 'Federal agency' does not include an agency which is subject to chapter 137 of title 10, United States Code.".

PROVISIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE AND RELATED AGENCIES

SEC. 13. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

"§ 2317. Planning for future competition

"(a) To encourage the competitive acquisition of supplies and services to support and maintain a major system during its service life, the head of an agency with responsibility for that system shall ensure that—

"(1) in any competitive solicitation for the award of any development contract for a major system, the following shall be included as evaluation factors, giving due consideration to the purposes for which the system

is being procured and the technology to achieve the system's required capabilities:

"(A) proposals to incorporate in the design of the major system, components that are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source; and

"(B) proposals to incorporate in the design of the major system, components that are likely to be required in substantial quantities during the system's service life and will permit future competitive acquisitions by the Government:

"(2) in any competitive solicitation for the award of any production contract for a major system, the following shall be included as evaluation factors:

"(A) proposals to identify components in the system that are likely to be required in substantial quantities during the system's service life and whether the technical data for such components will permit future competitive acquisitions by the Government; and

"(B) proposals to identify technical data for sale or license to the Federal Government which the offeror, at its discretion, will identify and separately price so as to permit the Government to competitively acquire future requirements for such components; and

"(3) the evaluation factors specified in paragraphs (1) and (2) of this subsection shall be considered as negotiation objectives when an agency is making a noncompetitive award of a development contract or a production contract for a major system.

"(b) The provisions of paragraph (2) of subsection (a) may be waived in whole or in part if the contracting officer determines in writing that such provisions should not be applicable to such production contract, giving due consideration to the stability of the system's design, or otherwise would not be in the best interests of the United States in attaining the purposes for which the system is being procured, states the reasons therefor, and includes such determination and finding as part of the contract file.

"§ 2318. Encouraging new competitors to broaden the industrial base

"(a) Before establishing any prequalification requirement applicable to an offeror or its product which would be considered as an element of responsiveness to a solicitation, the head of an agency shall—

"(1) prepare a written justification stating the necessity for establishing the prequalification requirement and the reasons why free and open competition is not feasible;

"(2) specify in writing and make available upon request all standards which a prospective contractor, or its product, must satisfy in order to become qualified, such standards to be limited to those least restrictive to meet the purposes necessitating the establishment of the prequalification requirement;

"(3) specify an estimate of the costs of testing and evaluation likely to be incurred by a prospective contractor for that contractor to become qualified;

"(4) ensure that (A) a prospective contractor is provided, upon request, a prompt opportunity to demonstrate its ability to meet the standards specified for qualification, utilizing qualified personnel and facilities of the agency or another agency obtained through interagency agreement, or other methods approved by the agency, and (B) any testing and evaluation services provided under contract to the agency should be provided by a contractor who will not be expected to benefit from an absence of additional qualified sources and who shall be required to adhere to any restriction on technical data asserted by the prospective contractor seeking qualification; and

"(5) ensure that a prospective contractor seeking qualification is promptly informed as to whether qualification has been attained, or in the event qualification has not been attained, is promptly furnished specific information why qualification was not attained.

"(b) Before the head of an agency may enforce any existing prequalification requirement with respect to an offeror or its product, the agency shall comply with the requirements of subsection (a). The head of an agency need not delay a procurement action in order to provide a prospective contractor with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(c) In event that the number of qualified sources or qualified products available to actively compete for anticipated future requirements is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the head of an agency shall—

"(1) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification; and

"(2) bear the cost of conducting the specified testing and evaluation, but excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated, only for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification, and which could reasonably be expected to compete, except that the head of an agency shall bear such costs only if it determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the agency.

The head of an agency may require a prospective contractor requesting testing and evaluation costs to certify as to its status as a small business concern, and, in good faith, rely thereon.

"(d) Within seven years after the establishment of any prequalification requirement under subsection (a), or within seven years following an agency's enforcement of any existing prequalification requirement pursuant to subsection (b), any such prequalification requirement shall be examined and revalidated in accordance with the requirements of subsection (a) of this section.

"(e) Except in an emergency, whenever the head of an agency determines not to enforce an existing prequalification requirement for a solicitation, the agency may not enforce any such prequalification requirement unless the agency complies with the requirements of subsection (a).

"§ 2319. Technical data management to foster future competition

"(a)(1) An offeror submitting a proposal for a contract shall furnish information in the proposal identifying—

"(A) with respect to all items that will be delivered to the United States under the contract (other than items to which paragraph (2) applies) those items for which technical data will not be provided to the United States; and

"(B) with respect to technical data that will be delivered to the United States under the contract, any of such technical data that will be provided with restrictions on the Government's right to use such data for governmental purposes.

"(2) With respect to items that will be delivered to the United States under a contract described in paragraph (1) with respect to which it would be impracticable to ascertain, at the time the contract is entered into, the technical data relating to such items that will not be provided to the United States with unlimited rights, the contract shall require that the contractor provide identifying information similar to that required to be furnished under paragraph (1) at a time to be specified in the contract.

"(3) The head of an agency shall ensure that the information furnished under paragraph (1) is considered in selecting the contractor for the contract.

"(b) To foster competition for the acquisition of supplies and services to maintain a major system during its service life, the head of the agency with responsibility for the system shall ensure that the initial and all subsequent production contracts for a major system, developed under Government contract, contain appropriate provisions related to technical data, including—

"(1) specifying the technical data to be delivered under the contract, if any, including delivery schedules therefor;

"(2) establishing criteria for determining the acceptability of technical data to be delivered under the contract;

"(3) establishing separate payment lines for the technical data to be delivered under the contract, if any, and authorizing the withholding of payments for failure to make timely deliveries of acceptable data;

"(4) defining the respective rights of the Government and a contractor or subcontractor regarding any technical data to be delivered under the contract, including therein a definition of the term 'developed at private expense';

"(5) to the maximum practicable extent, identifying, in advance of its delivery, technical data which is to be delivered with restrictions on the Government's right to use such data for governmental purposes;

"(6) requiring the contractor and each subcontractor to be prepared to furnish, within 60 days after a written request directed to the party assessing a restriction, a written justification for any restriction to be asserted limiting the Government's right to use such data for governmental purposes, for as long as such restriction is asserted by the contractor or subcontractor;

"(7) prohibiting a contractor from requiring a subcontractor or the Government to pay a fee, royalty, or other charge for the subcontractor's use of any technical data in the performance of a contract to furnish a component directly to the Government, except that data protected by patent, licensing agreement or any preexisting agreement involving a subcontractor's performance under a commercial contract, if the same data was made available by the contractor to the subcontractor furnishing that component;

"(8) prohibiting the contractor from limiting, either directly or indirectly, a subcontractor from selling to the Government any component which the subcontractor had previously furnished to the contractor without restriction, except that the contractor may restrict a subcontractor from providing to the Government any component restrict-

ed by a preexisting agreement involving the subcontractor's performance for the contractor under its commercial contracts;

"(9) ascertaining and documenting the identity of the manufacturer of a component through the annotation of engineering drawings, the maintenance of lists, or otherwise;

"(10) requiring the contractor to revise any technical data delivered pursuant to the contract to reflect engineering design changes and to deliver such revised technical data to an agency within a specified time;

"(11) requiring the contractor to certify, at the time the technical data is made available or delivered, that the technical data is complete, accurate, and adequate for the purpose for which the technical data is procured;

"(12) requiring the contractor to promptly correct any technical data found to be incomplete, inadequate, or deficient to or promptly furnish complete, accurate, and adequate technical data to the agency; and

"(13) authorizing the head of the agency to withhold progress payments under a contract during any period that the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

The provisions specified in this subsection may be waived in accordance with the single system of Government-wide procurement regulations defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)) if the contracting officer determines in writing that any such provision should not be applicable to the production contract, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, stating the reasons therefor. Such determination shall be made part of the contract file.

"(c) Nothing in this section or section 2317 of this title prohibits an agency from including—

"(1) in any competitive solicitation for the award of a contract, or

"(2) as a negotiation objective when the agency is making a noncompetitive award,

a provision specifying in the contract the date after which the United States shall have the right to use or have used for any governmental purpose all technical data required to be delivered to the United States under contract.

"§ 2320. Validating proprietary data restrictions

"(a) To encourage the competitive acquisition of components needed to maintain a major system during its service life, a review of the validity of any restriction on the Government's right to use for governmental purposes technical data furnished under contract shall be initiated by the contracting officer, if the contracting officer, an agency advocate for competition, or the representative of the Small Business Administration assigned to the procurement center determines such a review is warranted and the contracting officer determines that compliance with the asserted restriction makes it impracticable to competitively procure the required component.

"(b) Upon the written demand of the contracting officer, the contractor or subcontractor, as appropriate, shall submit its justification for the asserted restriction on the Government's right to use such data for governmental purposes certifying to the current validity of the asserted restriction within—

"(1) 60 days, if the contract contains a provision that requires a contractor or subcontractor to be prepared to furnish a written justification for any restriction limiting the Government's right to use for governmental purposes technical data to be delivered under the contract, or

"(2) 180 days, if the contract does not contain such a provision, except that the contracting officer may extend such time limits for a reasonable period for good cause shown.

"(c) Upon a failure to submit any justification pursuant to the requirements of subsection (b), the contracting officer shall, after giving notice to the party asserting the restriction promptly cancel the restriction on the Government's right to use for the governmental purposes technical data for which justification had been requested.

"(d) If after review of the justification submitted pursuant to subsection (b), the contracting officer determines that the justification for the restriction on the Government's right to use the data for governmental purposes does not adequately support the asserted restriction on the technical data, the justification therefor shall be promptly subjected to technical review and audit.

"(e) If after reviewing the findings of the technical review and audit, it is determined that the restriction on the Government's right to use such data for governmental purposes warrants challenge, the contracting officer shall issue a final decision pertaining thereto which shall be subject to the provisions of the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(f) If the Government's challenge to the restriction on the Government's right to use for governmental purposes technical data as certified pursuant to subsection (b) is sustained, upon final disposition—

"(1) the restriction on the Government's right to use that technical data for governmental purposes shall be canceled; and

"(2) the contractor or subcontractor, as appropriate, shall be liable to the Government for the Government's cost of technically evaluating and auditing the asserted restriction, and the fees and other expenses, as defined in section 2412(d)(2)(A) of title 28, United States Code, incurred by the Government in challenging the asserted restriction, if the asserted restriction, as certified, is found not to be substantially justified, unless special circumstances would make such awards unjust.".

(2) The analysis of such chapter is amended by adding at the end thereof the following new items:

"2317. Planning for future competition.
"2318. Encouraging new competitors to broaden the industrial base.
"2319. Technical data management to foster future competition.
"2320. Validating proprietary data restrictions.".

(b) Section 2302 of title 10, United States Code, is amended by adding at the end thereof the following:

"(4) 'Component' means any individual part, subassembly, assembly, or subsystem integral to a major system, which may be replaced during the service life of the system. The term includes spare part and replenishment spare part. The term does not include packaging or labeling associated with shipment or identification of a 'component'.

"(5) 'Major procurement center' means a procurement center that awarded contracts for components other than commercial items totaling at least $150,000,000 in the proceeding fiscal year.

"(6) 'Major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major system if (A) the Department of Defense is responsible for the system and the total expenditures for research, development, test and evaluation for the system are estimated to be more than $75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement of more than $300,000,000 (based on fiscal year 1980 constant dollars); or (B) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater, or (C) the system is designated a 'major system' by the head of the agency responsible for the system.

"(7) 'Technical data' means recorded information (regardless of form or method of recording) of a scientific or technical nature, including data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include—

"(A) computer software;

"(B) financial, administrative, cost or pricing, management data, or other information incidental to contract administration;

"(C) data relating to products, components, or processes developed at private expense; or

"(D) data relating to products, components, or processes developed at private expense and offered for sale to the general public.".

(c)(1) Within one year after the date of enactment of this Act, the head of each agency shall develop a plan for the management of technical data received under contracts for the development, production, modification, or maintenance of major systems within its jurisdiction. At a minimum, the management plan shall address procedures for—

(A) inventorying, indexing, storing, and updating items of technical data into a system;

(B) verifying contractor-imposed limitations on the Government's rights to make future use of the data in competitive acquisitions; and

(C) assuring that agency procurement officials and prospective contractors will have timely access to complete and current technical data for the competitive acquisition of supplies and services for the maintenance of the system during its service life.

(2) Within 5 years after the date of enactment of this Act, the head of each agency shall complete implementation of the management plan required by paragraph (1), and include in the system the available technical data for each currently operational major system within the jurisdiction of the head of such agency.

(3) Not later than eighteen months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Congress a report evaluating the plans of selected agencies for the

management of technical data for major systems within the jurisdiction of such agencies. The report shall include an evaluation of the plans.

(4) As used in this subsection, the term "agency" means an agency which is subject to chapter 137 off title 10, United States Code.

(d)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2402. Prohibition of contractors limiting subcontractor sales directly to the United States

"Each contract for the purchase of supplies or services made by the Department of Defense shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the United States of any item or process (including computer software) like those made, or services like those furnished, by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales to the United States described in clause (1).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2402. Prohibition of contractors limiting subcontractor sales directly to the United States.".

EFFECTIVE DATES

SEC. 14. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b)(1) The amendments made to section 8(d) of the Small Business Act by subsections (b) and (c) of section 6 of this Act shall take effect immediately upon enactment, and shall be included in all contracts required to contain the clauses contained in paragraph (3) of section 8(d) of the Small Business Act which are awarded on or after the date 180 days following the date of enactment of this Act.

(2) The amendments made to section 8(e) of the Small Business Act by section 6(a) of this Act shall apply to procurement actions initiated on or after the date 180 days after the date of enactment of this Act.

(3) The amendments made by sections 5, 9, and 11 shall take effect on the date of enactment of this Act.

AMENDMENT NO. 3603

(Purpose: To make technical corrections)

Mr. WEICKER. Mr. President, many of the provisions of S. 2489 were incorporated into the fiscal year 1985 DOD authorization bill by the Armed Services Committee's task force on selected defense procurement matters, chaired by Senator QUAYLE with Senator LEVIN serving as ranking minority member. This action was taken while the task force was also considering S. 2489, and preparing it for action by the full Armed Services Committee.

The technical amendment I am about to offer conforms the text of the provisions of S. 2489 as reported by the Committee on Armed Services on June 11, 1984 with the text of the provisions of S. 2489 which were incorporated into the Senate's version of the fiscal year 1984 Department of Defense authorization bill, as adopted by the Senate on June 21, 1984.

Mr. President, I move the adoption of the technical conforming amendment to S. 2489.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut [Mr. WEICKER] proposes an amendment numbered 3603.

Mr. WEICKER. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 8, before "A Federal" insert the following: "A person denied the opportunity to demonstrate the ability to meet the standards specified for qualification pursuant to paragraph (1)(D) may not be denied the opportunity to submit and have considered an offer for a contract solely because the person (A) is not on a list of qualified bidders prescribed or maintained by the agency, or (B) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the agency.".

On page 16, line 15, strike out "(a)".

On page 17, line 4, strike out "not".

On page 19, line 3, beginning with ", except", strike out all through line 15 and insert in lieu thereof a semicolon.

On page 22, line 8, strike out "or to" and insert in lieu thereof "and".

On page 23, line 3, insert "as defined in" before "section".

On page 23, between lines 23 and 24, insert the following new section heading.

PLAN FOR MANAGEMENT OF TECHNICAL DATA

On page 23, line 24, strike out "(b)(1)" and insert in lieu thereof "Sec. 8. (a)".

On page 24, line 8, strike out "(A)" and insert in lieu thereof "(1)".

On page 24, line 11, strike out "(B)" and insert in lieu thereof "(2)".

On page 24, line 14, strike out "(C)" and insert in lieu thereof "(3)".

On page 24, line 20, strike out "(2)" and insert in lieu thereof "(b)".

On page 24, line 23, strike out "paragraph (1)" and insert in lieu thereof "subsection (a)".

On page 25, line 1, strike out "(3)" and insert in lieu thereof "(c)".

On page 25, line 11, strike out "8." and insert in lieu thereof "(9)".

On page 28, line 18, strike out "(9)" and insert in lieu thereof "10.".

On page 32, line 13, strike out "10." and insert in lieu thereof "11.".

On page 32, line 21, strike out "unreasonably".

On page 33, line 3, beginning with "restrict", strike out all through "the" on line 4, and insert in lieu thereof "restrict the".

On page 33, line 8, strike out "11." and insert in lieu thereof "12.".

On page 34, line 2, strike out "12." and insert in lieu thereof "13.".

On page 34, line 5, strike out "7 (b)" and insert in lieu thereof "8".

On page 35, beginning with line 16, strike out all through page 37, line 2 and insert in lieu thereof the following:

"(4) 'technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life.

On page 38, line 12, strike out "13." and insert in lieu thereof "14.".

On page 42, line 25, after "(a).", insert the following: "A person denied the opportunity to demonstrate the ability to meet the standards specified for qualification pursuant to subsection (a)(4) may not be denied the opportunity to submit and have considered an offer for a contract to be made by the Department of Defense solley because the person (1) is not on a list of qualified bidders prescribed or maintained by the Department of Defense, or (2) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the Department of Defense.".

On page 49, line 10, strike out "to or" and insert in lieu thereof "and".

On page 49, line 19, beginning with "may", strike out all through "(41 U.S.C. 403 (4))" on line 23, and insert in lieu thereof the following: "shall be implemented in the single system of Government-wide procurement regulations, as defined in section 4 (4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403 (4)) and may be waived in accordance with such procurement regulations".

On page 55, beginning with line 20, strike out all through page 58, line 3, and insert in lieu thereof the following:

"(7) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by the head of an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life.".

On page 58, line 14, strike out "unreasonably".

On page 58, line 21, beginning with "restrict", strike out all through "the" on line 22, and insert in lieu thereof "restrict the".

On page 59, line 5, strike out "14". and insert in lieu thereof "15".

On page 60, line 1, beginning with "9.", strike out all through "11" on line 2, and insert in lieu thereof "10, and 12".

Mr. WEICKER. Mr. President, I move the adoption of the technical conforming amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3603) was agreed to.

Mr. WEICKER. Mr. President, first, let me announce to my colleagues as they sit in committee meetings or with constituents in their offices that it is the intention of Senator DIXON and myself to wrap this matter up within the hour, so those who have amendments should come to the floor right now to present them, as third reading will be moved very shortly. It is also our expectation that the vote on the matter will actually take place at 5 o'clock. That, at least according to the latest request from the leadership, has not been finally determined, but that is what I expect will happen. So with those words of advice, Mr. President, let me begin.

Mr. President, as chairman of the Small Business Committee, I am especially pleased that the Senate is considering today S. 2489, the "'Small Business and Federal Procurement Competition Enhancement Act of 1984." This legislation will go a long way to increase the number of competitive contracting opportunities available in the Federal procurement process. Such increased competitive contracting opportunities will benefit all business, large and small, but equally important, will result in substantial cost savings and quality improvements, as more agency procurements reap the benefits of the positive forces of the competitive marketplace. The bill will assure that all competitors will have an even chance to compete.

Mr. President, the text of S. 2489 that is before the Senate is a bill that has been carefully refined. It reflects important conceptual contributions from other legislative proposals. It reflects careful consideration by the Committee on Armed Services to which it was sequentially referred. It reflects 3 days of legislative hearings, 2 before the Small Business Committee and 1 before the Armed Services Committee. Finally, it derived full benefit from the almost exhaustive analyses of DOD's "spare parts problem" generated by extensive congressional hearings in both Houses, GAO investigations, and the reviews undertaken by the Department of Defense, its Inspector General's Office, and the individual military services.

The "Small Business and Federal Procurement Competition Enhancement Act of 1984" is the successor to S. 1730, the "Small Business Competition in Contracting Act of 1983," introduced by Senator ALAN DIXON a little more than 1 year ago today. S. 1730 helped to identify the problems addressed by S. 2489. Senator DIXON is to be commended for his leadership. I thank him for his steadfast support of our mutual effort, his steady hand in guiding S. 2489 through consideration by the Committee on Armed Services, and his bipartisan approach to effective procurement practices—basically a Government-management activity that cannot be rationally ascribed partisan labels as to the methods of its conduct.

The bill expands the potential for competitive procurement basically in two ways. First, it confronts several of the most persistent obstacles to competition present in the procurement practices and procedures of most executive agencies. These anticompetitive practices and procedures are especially burdensome on small businesses that attempt to participate in the Federal procurement market. For example, prospective contractors are often confronted with prequalification requirements—conditions that must be met before their bid will even be considered by the procuring agency. While a valid case can be made for some of these prequalification requirements, they are an impediment to free and open competition and a very substantial obstacle to the entry of new competitors, especially small business concerns. S. 2489 seeks to bridge this obstacle by requiring a procuring agency to demonstrate the need for the prequalification requirement, to specify the least-restrictive standards to fulfill the prequalification requirement, and to give a new competitor the chance to show that its product can make the grade. This provision of the bill alone could bring competition to the procurement of over a quarter of a million items within the Defense Department's spare parts inventory, each with an annual buy value in excess of $10,000, and each currently purchased without competition.

Second, S. 2489 requires the procuring agencies to plan for the competitive procurement of the spare parts, support equipment, and support services that will be required to maintain the major systems under their responsibility during the service lives of those systems, periods spanning a decade or more. By integrating such "up-front" planning for future competition into the contracts awarded for the design and production of a new major system, Federal agencies—the civilian agencies as well as the defense agencies—will be better able to award these billions of dollars in contracts on a competitive basis rather than on the sole-source basis that prevails today. For example, S. 2489 would require an agency to consider in the process of awarding a contract for the design of a major system criteria which would give "points" in the contract award evaluation to a prospective major system contractor who would include in its design the largest number of components that are standard, commercially available, or that could be readily procured on a competitive basis when needed in the future as replacement parts. But, at the same time the bill recognizes that performance potential cannot be sacrificed. Similarly, S. 2489 would require that contracts for the design or production of major systems include provisions carefully prescribing the contractor's responsibilities relating to the delivery of technical data. Without current, complete, and unrestricted technical data, the procuring agency will be unable to competitively procure future requirements for replacement parts or support equipment. At the same time, the bill does not infringe upon the property rights which a contractor has in trade secrets developed at private expenses, a very important concern of Government contractors of all sizes.

Mr. President, while the Small Business Competition in Contracting Act of 1984 has received much of its impetus by being identified as a comprehensive legislative solution to the spare parts problem within the Department of Defense, it scope, as embodied in its title, is broader and more fundamental. Its full reach is to enhance the potential for competition in all Government procurement, by the civil agencies as well as the Defense Department. Its thrust is a continuation of longstanding efforts by the Small Business Committee to eliminate barriers to participation in the Federal procurement process. For example, S. 272 enacted in the first session of this Congress as Public Law 98-72. This very basic reform assures that prospective contractors will have timely notice of Federal procurement opportunities and adequate time to prepare their bid or proposal in response to the published requirement. Public Law 98-72 also placed the first specific statutory restrictions on the use of sole-source contracting.

S. 2489 in its present form incorporates the thrust of S. 2434, introduced by Senator RUDY BOSCHWITZ. Both S. 2434 and S. 2489 provide for the placement of Small Business Administration breakout procurement center representatives [BPCR] in each major procurement center and specifies their functions as advocates for competition. The bill's provisions are based upon a highly successful pilot program established by SBA in 1979, in which a breakout procurement center representative was placed in four of the five air logistics centers operated by Air Force Logistics Command. A 1982 GAO report found that these four BPCR's had been able to "breakout" to competition 294 items during an 18-

month period, with a resulting savings of almost $7.4 million over the last sole-source award prices. During fiscal year 1983, these same four BCPR's were able to breakout 1,634 items, resulting in savings estimated at almost $36 million. Given these results, and the fact that most DOD spare parts dollars, $18 billion in fiscal year 1984 are expended noncompetitively, the potential for substantial savings from a Government-wide application of the SBA BPCR program seems almost certain.

Mr. President, S. 2489 would not be ready for Senate consideration today without the assistance of several very hard-working members of the Small Business Committee. Senator DON NICKLES, Senator BOB KASTEN, and Senator JIM SASSER each conducted valuable field hearings on the "obstacles faced by small business in Federal procurement." These field hearings helped frame the issues we are addressing today.

Further, S. 2489 has had the strong support of many small business associations. Many contributed through their own studies of the "spare parts problem" and through analysis of the legislation as it passed through the legislative process. Mr. President, I especially wish to commend the assitance of the National Federation of Independent Business, National Tooling & Machining Association, Small Business United, the National Small Business Association, and the U.S. Chamber of Commerce. In particular, the Chamber was able to provide the assistance of both its Small Business Council and its Government Procurement Policy Committee.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter of support on S. 2489 from these and other important groups that have assisted us.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEICKER. Mr. President, as I have previously stated before this body, I am completely confident that our Nation's small business concerns have the capability to provide the Government with the quality products required, in a timely fashion, at competitive prices. American small businesses have the technical skills, innovation management, and vitality that makes them the basic thread of our Nation's economic fabric. They can, and do, bring the same qualities to the Federal procurement marketplace.

Because of my belief in the capabilities of our Nation's small businesses to compete very effectively, the Small Business and Federal Procurement Competition Enhancement Act of 1984 does not include any new small business set-aside programs or call for the expansion of any existing ones. The bill's purpose, pure and simple, is to increase competition.

EXHIBIT 1

MAY 17, 1984.

DEAR SENATOR: The Senate Small Business Committee has reported out S. 2489, the "Small Business Competition Enhancement Act of 1984." This bill, introduced by Senators Lowell Weicker (R-CT) and Alan Dixon (D-IL), has 22 co-sponsors in the Senate and the strong support of the organizations listed below. Many of our organizations have contacted you in the past to express our support for S. 1730, the predecessor to this bill which was introduced last summer by Senator Dixon. We were pleased to see the comments and suggestions that were generated by the original proposal and are especially supportive of the improvements found in S. 2489.

S. 2489, when enacted, will constitute significant reform of the Federal procurement system. The bill does not superimpose requirements on an already-burdened system; the bill incorporates within the system incentives for more competitive and efficient contracting out. The bill:

provides "points" during the awarding of design and production contracts to encourage prime contractors to include specific proposals in their bids to facilitate competitive procurement of "spare parts";

permits the use of "prequalification" requirements only when agencies can justify their use under specific, prescribed standards, and provides for assistance to small firms seeking qualifications;

establishes procedures to ensure the government's access to technical data necessary for future competitive "spare parts" procurements;

specifies procedures to validate proprietary data rights asserted by contractors and provides financial disincentives to deter contractors from falsely asserting such rights;

expands the Small Business Administration's pilot Breakout Procurement Center Representatives (BPCR) program and specifies their authority and responsibilities as advocates for competition; and

requires the timely notice of forthcoming procurements and provisions for sufficient descriptive information to facilitate a sound decision by prospective contractors whether or not to respond to a solicitation.

We are in agreement that this bill offers significant and essential improvements in the procurement process, and with the addition of sufficient enforcement mechanisms, will be a major advance in Federal procurement. We would request that you give serious thought to cosponsoring this legislation. We look forward to your favorable consideration of this request. If you have any questions, please feel free to contact any one of us.

Sincerely,

STANLEY A. WEISS,
President, Business Executives for National Security, Inc.

JOHN J. MOTLEY,
Director, Federal Legislation, National Federation of Independent Business.

JERRY GULAN,
Executive Vice President, National Small Business Association.

WILLIAM SAUL,
Chairman & Chief Executive Officer, National Tooling & Machining Association.

HERB LIEBENSON,
Executive Director, Small Business Legislative Council.

JACK RENNIE,
President, Small Business United.

RICHARD L. BREAULT,
Group Vice President, Policy, U.S. Chamber of Commerce.

Mr. DIXON. Mr. President, I ask unanimous consent that Senator MATSUNAGA be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I rise today to strongly urge the passage of S. 2489, a measure to amend the Small Business Act to enhance competition in Government procurement.

Senator WEICKER and I, along with our colleagues on the Small Business Committee, have crafted a measure that will constitute a significant reform of Federal procurement procedures and practices which currently inhibit maximum, free, and open competition for Government contracts, especially the small business competitors.

Mr. President, through the years, small business legislation has, at times, been viewed as unnecessary, and perhaps even as intrusive. Large corporations were often assumed to be the most effective and efficient suppliers to Government. Even when passed, legislation to assist small business seemingly has not always been enforced. This legislation, as the 21 Senators who join with us in cosponsoring agree, is long overdue. It provides opportunities for accelerated participation by small businesses in the procurement process, for reductions in costly noncompetitive procurement, and for increasing the capability of our industrial base to respond to both defense and civilian procurement requirements.

S. 2489, in fact, will end the misguided, routine use of noncompetitive procurement by Federal agencies, especially by the Defense Department. It will force all Federal agenices to carefully record and monitor the vast quantities of technical data that are received. In effect, through competitive bidding, except in special cases, the Government will be required to find the best offer that it can. Small business, I am certain, will play an integral role in the rejuvenated process.

Under the leadership of Senator WEICKER, the Small Business Committee conducted four extensive field hearings on obstacles facing small business in Federal procurement procedures. A consensus was reached.

Last August, I introduced S. 1730, the "Small Business Competition in Contracting Act of 1983," which served as the focal point for our committee's analysis of the considerable problems faced by the small business community in the Federal procurement process.

S. 1730 included two central proposals, which are retained in this legisla-

tion. In addition to increasing small business participation in the procurement process, thereby eliminating most costly noncompetitive contracting, one proposal broadens our Nation's industrial base for both civilian and military procurements. The second proposal provides all businesses with unhindered access to the technical information necessary for small firms to compete with giant corporations for contracts.

This initial proposal, which we further expand today, emphasized that our Armed Forces must make available options to purchase weapons and replenish parts on a competitive basis.

These proposals have been scrupulously analyzed and debated. Two additional Small Business Committee hearings were held in Washington. Then, on May 11 of this year, the committee unanimously reported S. 2489 with further amendments. Subsequently, the Armed Services Committee, of which I am also a member, held hearings on the bill as amended, further refining the proposal. Sections from S. 2489 were, in fact, included in the Department of Defense authorization package that passed the Senate June 21. The result of all these deliberations is a careful and long-overdue remedy to a troublesome dilemma. We have heard time and time again, Mr. President, the horror stories of the Government paying exorbitant prices for simple replacement parts. In fact, a consistent pattern of blatant inefficiency has taken root in the Federal procurement process.

Mr. President, an incensed public demands that we reform this system now. The citizens of the United States rightly expect that their tax dollars will be spent in a prudent and efficient manner by their Government. Our taxpayers deserve—and under this legislation will finally have—a system that is managed well and saves millions of dollars in each fiscal year.

Mr. President, during World War II, this country's defense industrial base proved at first to be insufficient for the extraordinary conflict we faced. We were largely unprepared in 1941, partly because Federal departments and agencies repeatedly refused to award contracts to small businesses. Fortunately, Congress later recognized its mistake and enacted legislation which allowed some access for small business. As the Federal bureaucracy has grown, that outdated system has been proven to be more and more unfair toward small firms. Let us not repeat the foolish mistakes of 1941.

Four years ago, Mr. President, a major report released by the House Armed Services Committee pointed out that the current limited number of private sector firms allowed to participate would again be unable to meet the full national need should we confront a similar national emergency. Thus, Congress must again intervene to correct inequities in the Federal procurement process. The use of noncompetitive bidding, especially by the Department of Defense, must be halted. In fiscal year 1984 alone, billions of dollars were channeled into sole source contracts of more than $500,000 each, excluding numerous small businesses which are ready, willing, and able to produce quality goods and services on time and within budget.

Of course, it is not feasible for Senators to monitor the daily procurement responsibilities of all Federal agencies. However, with the passage of this legislation, all Federal departments and agencies will be forced to address some of the most serious procedural impediments to competition in contracting. The bill's passage will mark a new era of prosperity for small businesses and for this Nation.

By increasing the use of competitive procurement practices, S. 2489 will slash the mounting costs of Federal contracting. The active participation of small firms, particularly in defense procurement, will allow Federal dollars to be more equitably disbursed. As a result, the industrial base of this Nation will be greatly strengthened.

Today, in a tight, competitive marketplace, small business owners must manage their firms extremely efficiently to remain profitable.

Taxpayers insist that Government spending be reduced in order to slice the huge Federal deficit. Unfortunately, at present, we find numerous examples of unnecessary spending in virtually every phase of the Federal procurement process.

It's almost unbelievable, Mr. President, that there is no current standard requirement for the Government to purchase, retain, and catalog the technical data for major weapons. Currently, whenever spare parts are needed for any weapons system the Government is virtually forced to retain the contractor who produced the original parts, and to pay whatever price that contractor deems fair, even though similar parts might be obtained at lower costs, especially from small firms.

Under present policy, small business contractors confront many needless obstacles when attempting to penetrate Government contracting. They are, for example, burdened with prequalification requirements and restricted access to timely information about contracting opportunities.

This legislation squarely addresses those impediments to free, fair and open competition within the Federal marketplace. S. 2489 finally breaks that cycle, providing all businesses an opportunity to successfully, and even profitably, serve their Nation's security needs.

As a recent report by the Defense Department Inspector General says:

> Most spare parts expenditures continue to be on sole-source procurements from prime contractors, even though significant opportunities for breakout exist.
>
> By not challenging sole-source procurements and taking other actions to improve the competitive status of spare parts, the buying centers paid premium prices to prime contractors.

As we know, those premium prices unnecessarily cost taxpayers millions of dollars every fiscal year.

Under the certificate of competency procedures included in this measure, the Small Business Administration would be prohibited from imposing any minimum dollar threshold on a procuring agency's referral to SBA of proposed procurement actions that would be otherwise subject to the certificate of competency review. In 1983, the Small Business Administration unilaterally imposed a $10,000 floor on procuring agencies' referrals to SBA under the COC Program. The General Accounting Office has twice ruled that any such minimum threshold contravenes the current law.

The second provision states that a procuring agency may not deny a prime contractor's use of small business concern as a subcontractor because of the procuring agency's determination that such potential subcontractor lacks responsibility without first referring that matter to the Small Business Administration for a certificate of competency review.

In summary, Mr. President, the Small Business Competition Enhancement Act of 1984 will help alleviate the unequal burden we have placed on small business in the Federal procurement process. The increase in the number of small businesses participating in the process, particularly in defense contracting, will bring about a fairer distribution of Federal procurement dollars. Full utilization of the tremendous potential offered by this Nation's small businesses will broaden our Nation's industrial base, which, in itself, is a vital element in strong defense.

Mr. President, the path we must follow is clear. I urge my colleagues to support this legislation. With the passage of S. 2489, the Small Business Competition Enhancement Act of 1984, the era of inequity for small business in Federal procurement will be nearer to an end.

Mr. WEICKER. Mr. President, I am delighted to yield to my friend and colleague from Indiana [Mr. QUAYLE].

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, I take this opportunity to thank the distinguished chairman of the Small Business Committee for the full cooperation and help which he has given in allowing the Armed Services Committee

to take a very close look at and make some recommendations which have now been incorporated into the final language of the bill. I think it is most helpful. We hope our amendments, which have been accepted, improve the competition to get the access and second sourcing in which all of us are so vitally interested.

As chairman of the task force on procurement, along with the ranking member, Senator LEVIN, I have in fact worked very hard on this language.

The Senator from Illinois [Mr. DIXON] has played a unique role in that he has contributed his ideas both as a member of the Small Business Committee and the task force on procurement of the Armed Services Committee.

Mr. President, again my thanks and appreciation to those on the Small Business Committee and those on the task force who worked so very hard on this matter.

I see across the aisle the Senator from New Mexico, who has been a very attentive member on the procurement task force. We have made some great strides, I believe. We will be having more hearings and discussions later on in the area of procurement, which I think is not only of interest of the two committees I mentioned but also the entire Senate and Nation as well.

Mr. President, I take a moment today to comment on S. 2489. The Committee on Armed Services had a sequential referral of this legislation, and on June 11, 1984, the committee reported substantial amendments to the bill. It is my understanding that it is the intention of the sponsors to permit the bill to be passed in substantially the form it was reported by the Armed Services Committee.

Mr. President, I congratulate the primary sponsors of this legislation, the Senator from Connecticut, [Mr. WEICKER] and the Senator from Illinois [Mr. DIXON]. This is a highly thoughtful piece of legislation which will not only enhance the opportunities of small business to participate in defense procurement, but is also a step toward solving the problems we have experienced in the acquisition of spare parts.

At this time, I should like to briefly summarize the major substantive changes in this legislation made by the Armed Services Committee. First, the Small Business Committee had proposed that the Federal Government pay the cost of qualifying new companies up to the number of five where there are fewer than five competitors on a qualified products list or involved in an engineering source approval. These costs of qualification would be paid for successful small businesses. In the view of the Armed Services Committee, this would have imposed an excessive financial obligation on the Federal Government with questionable benefit. Accordingly, the Armed Services Committee has amended the bill to provide that products of two actual manufacturers could be qualified at governmental expense, in the case of of successful small businesses seeking to be qualified, if the Federal agency involved determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the Federal agency.

Second, the bill as reported by the Small Business Committee had called for a review of prequalification requirements every 5 years. This has been extended to every 7 years.

Third, the bill as reported by the Small Business Committee had a general requirement that if a Federal agency ever failed to enforce an existing prequalification requirement, then the prequalification requirement could not be enforced at any subsequent time unless certain other procedural steps were followed. In the view of the Armed Services Committee there should have been an exemption with respect to emergent situations, and such exemption has been included.

The Armed Services Committee for some time has been concerned about the need for increased competition in subcontracts and for expanding the subcontractor base. Accordingly, the committee inserted a provision to require that not later than July 1, 1985, the Office of Federal Procurement Policy submit a report to the Congress on the desirability and feasibility of requiring the prime contractor for a major system to establish and maintain procedures to qualify competing sources for components of the major system likely to be needed in substantial quantities during the system service life.

The Committee on Armed Services has inserted into the bill a requirement that offerors submitting proposals furnish information in the proposal identifying the items for which technical data will not be provided to the United States and any restrictions on the Government's right to use data that is provided. In addition, there is a provision dealing with possible delays in the submission of this information where a contractor cannot ascertain at the time items are delivered to the United States that technical data which is to be delivered. Furthermore, there is a provision establishing the right of contractors under certain limited circumstances to establish restrictions on the use of technical data after it is submitted.

The bill as reported by the Committee on Small Business included a number of required contract clauses. The Armed Services Committee has added four additional clauses as follows: First, a clause to require a contractor to revise technical data delivered pursuant to the contract to reflect engineering design changes and to deliver such revised technical data to an agency within a specified time; second, a clause requiring a warranty that technical data is complete, accurate, and adequate for the purpose for which the technical data is procured; third, a clause requiring the contractor to promptly correct any technical data found to be incomplete, inadequate, or inefficient, or to promptly furnish complete, accurate, and adequate data to the agency; and fourth, a clause authorizing the head of the agency to withhold progress payments under a contract during any period that the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

A provision has also been added by the Armed Services Committee to clarify that nothing in the bill is intended to prohibit an agency from including in any solicitation or award of a contract, or as a negotiation objective where an agency is making a noncompetitive award, a provision specifying in the contract the date after which the United States shall have the right to use or have used for any governmental purpose technical data required to be delivered to the United States under the contract.

A new section has been added to the bill which prohibits prime contractors from limiting direct sales by subcontractors of the United States.

Identical provisions to those that are intended to be amendments to section 15 of the Small Business Act have in most cases been provided as amendments to title 10 of the United States Code. The general practice with regard to procurement law has been to have dual conforming statutes, one for civilian agencies and one for the Armed Forces. The procurement provisions for the Armed Forces are carried in title 10, and most provisions dealing with civilian agencies are carried in title 41. However, since the Small Business Committee has initiated this legislation, pertinent changes to the procurement laws have been carried in the Small Business Act over which the Small Business Committee has jurisdiction with respect to the civilian agencies. Since the Armed Services Committee wishes to maintain primary review of the procurement practices for all of the armed services, it has placed similar provisions in title 10 and intends to exercise continuing oversight of the implementation of these provisions.

I should point out that many of the provisions of S. 2489 have been duplicated in H.R. 5167, the Omnibus Defense Authorization Act for fiscal year 1985. That bill has already been passed by the Senate, and is now in conference. While I am optimistic that

that represents a viable legislative vehicle for the enactment of these provisions, there is some uncertainty about the schedule on which this legislation may be enacted, and the chairman and ranking minority member of the Small Business Committee have indicated a desire to have the Senate act on the bill reported by their committee at this time. Since our two committees have worked in an exceedingly cooperative manner on this legislation, I see no reason to prevent the Senate from proceeding to act on S. 2489. I have discussed this matter with Senator TOWER and with our minority who concur in the view that even though many provisions of S. 2489 have already been passed by the Senate, we should take every available opportunity to ensure that these important items are enacted into law this year.

Mr. President, this bill is a sound piece of legislation, and I urge its adoption.

AMENDMENT NO. 3604

(Purpose: To require a General Accounting Office report on small business contract opportunities)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 3604.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, between lines 12 and 13, insert the following:

(d) Not later than eighteen months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Congress a report evaluating the implementation of the amendments made by subsections (b) and (c), and the extent to which such amendments have increased the opportunity of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of Government contracts and subcontracts.

Mr. METZENBAUM. Mr. President, I rise to offer an amendment to help ensure that small and minority-owned businesses will indeed have a fair chance to compete for Federal procurement dollars.

Each year the Federal Government spends more than $170 billion to buy goods and services from businesses in the private sector.

These procurement dollars can create real economic growth opportunities for small and minority businesses. And by giving these businesses a chance—which is all they ask—we stand to gain for the taxpayers of this country the benefits of free and vigorous competition.

The bill before us today is a good one.

It will result in more competition and more efficiency in one of the most abuse-ridden areas of Federal procurement policy—the money the Government spends on spare parts in defense contracts, particularly those involving major weapons systems.

The extensive record documenting abuses in this area could fill volumes. On June 1 of this year, in fact, a Pentagon audit demonstrated that the military has routinely paid too much for spare parts. Of the 2,300 items examined, more than half were overpriced.

Robert McNamara, who was Secretary of Defense under Presidents Kennedy and Johnson, once estimated that the lack of competition in defense acquisitions leads to the waste of 25 cents on each procurement dollar.

Little has happened to change that estimate.

Inefficiency and the lack of competition in procurement continues to cost the Federal Government billions of dollars. And it keeps thousands of small businesses out of a market in which they have every right to be involved.

S. 2489 seeks to eliminate some of the obstacles to the competitive procurement of spare parts. For instance, the bill encourages prime contractors to include in their contract bids proposals to facilitate the competitive procurement of spare parts. Contractors who include such information will be given greater consideration when the time comes to award a contract.

The bill does not stop there.

Under this legislation, the Government will be assured more technical information about spare parts by restricting the type of data prime contractors can withhold from the Federal Government.

Under S. 2489, more descriptive information will be available to help small businesses make sound decisions on the feasibility of going after a contract.

And, S. 2489 will expand the SBA pilot program, which requires Federal procurement centers to identify—or break out—spare parts which could be bid competitively by small business.

My amendment will strengthen even more the ability of small businesses to get into the procurement field.

Federal policy requires that for contracts in excess of $500,000, prime contractors must use their best efforts to place subcontracts with small and disadvantaged businesses. S. 2489 expands this policy to include spare parts.

In other words, when prime contractors sign on the dotted line of a Federal contract they have agreed in principal to seek out small and disadvantaged businesses for the subcontract work.

But at procurement conferences I have sponsored in Ohio, Mr. President, I have time and time again heard small business people complain that, try as they might, they cannot get through the front door where subcontracts are concerned.

My amendment, Mr. President, requires simply that we check up on whether or not prime contractors are, in fact, taking seriously their obligation under Federal policy to count in—rather than leave out—the small and minority businesses.

It requires the GAO to monitor compliance with this policy and to report after 18 months to the Congress on the extent to which these requirements are being met.

That, Mr. President, is a way in which we can communicate to the prime contractors that we are indeed serious about opening up the entire procurement process to competition.

Mr. President, it is my understanding this amendment is acceptable to the manager of the bill and the ranking minority member.

Mr. WEICKER. Mr. President, the amendment is acceptable. I urge its passage.

Mr. DIXON. Mr. President, this side has reversed the amendment and finds it acceptable.

The PRESIDING OFFICER. Is all time yielded back?

Mr. METZENBAUM. I yield back such time as I have.

Mr. WEICKER. I yield back our time.

The amendment (No. 3604) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. I thank the manager of the bill and the ranking minority member for their cooperation.

AMENDMENT NO. 3605

(Purpose: To require a plan for improving Department of Defense computer capability regarding spare parts data)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3605.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, after line 3, insert the following:

COMPUTER CAPABILITY IMPROVEMENT PLAN

SEC. 15. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall transmit to the Congress a plan to substantially improve the Department of Defense computer capability to store and rapidly access data that is needed for the efficient procurement of spare parts. Such plan shall provide for a computer data base that includes price and procurement history, parts identification, sources of supply, and other relevant information. The plan shall specify a time frame for implementation and projected cost of implementation of the improvements.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be listed as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I am offering a simple amendment which has already been agreed to by the Senate as part of the Omnibus Defense Authorization Act, as it passed the Senate on June 21, 1984. The amendment requires the Department of Defense to improve its computer capability regarding spare parts procurement data.

As we know, there are glaring problems associated with the pricing of spare parts procured by the Department of Defense. These problems are, at least in part, due to a deficient computer capability, with regards to the management of spare parts data. While some capability apparently exists, it is grossly inadequate and antiquated. Last October, Mr. Warren Reid, of the General Accounting Office, in testimony to the Armed Services Committee, stated that:

The Defense Logistics Agency is the only organization (within the Defense Department) that uses a computer to report spare parts' price increases.

This lack of capability was attributed to "logically and technically outdated" software programs at the Department of Defense's procurement centers. This lack of capability has, unfortunately, also led to the increased costs of needed spare parts.

Last November, along with the distinguished junior Senator from Michigan, I wrote Secretary Weinberger, pointing out the need for improved software capabilities to deal with spare parts pricing problems. With the handling of millions of spare parts items, it is imperative that up-to-date computing techniques be used to maintain control over the procurement process.

DOD knows the value of developing this computer capability and has already started this process. However, it is my feeling that this amendment will provide the necessary impetus to complete computer modernization in this area. The amendment simply requires a report, within 180 days, including a plan of action to improve computer capabilities in DOD spare parts procurement. Additionally, the report shall contain cost and timetable projections. It is a simple step to require, but a necessary one, if we are to solve, as expeditiously as possible, this problem of deficient automatic data processing regarding spare parts. It is self-evident that the eventual cost savings of such improved capability will substantially exceed the expense of providing and maintaining the new computer system and software.

I urge my colleagues to join me in supporting this amendment.

Mr. President, I ask unanimous consent that the aforementioned correspondence between myself and the Department of Defense be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 1, 1983.

Hon. CASPAR W. WEINBERGER,
Secretary, Department of Defense,
Washington, DC.

DEAR MR. SECRETARY: Last week in testimony before the Senate Armed Services Committee, Mr. Warren G. Reed of the General Accounting Office stated that "the Defense Logistics Agency is the only organization (within the Defense Department) that uses the computer to report spare parts' price increases." He attributed this lack of capability to "logically and technically outdated" computer software programs at the Defense Department's procurement centers.

Clearly, this computer software problem must be given high level attention and promptly resolved. We commend our colleague, Senator John Tower, for initiating this GAO review.

Our immediate concern is that the inability of most Defense Department procurement centers to know what was paid previously for a given part will undermine your ability to implement Section 1215 of the fiscal year 1984 Defense Authorization Bill. We would therefore suggest that you require in your implementing regulations that vendors supply price and quantity data for earlier orders of the spare part, if any, as part of their response to the request for bids.

We would hope that the present computer software problem in the Logistics Commands will soon be corrected. The Defense Department really should not be dependent on its vendors to know what it previously paid for a spare part.

We hope that this suggestion will help you in writing the regulations called for in Section 1215. We are looking forward to your early submission of the proposed regulations to the Senate Armed Services Committee, as called for in the bill.

Sincerely,

CARL LEVIN.
JEFF BINGAMAN.

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, November 10, 1983.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: This is in reply to your joint letter of November 1, 1983, to Secretary Weinberger regarding our ability to implement Section 1215 of the Fiscal Year 1984 Defense Authorization Bill.

The Defense Acquisition Regulatory Council is currently in the process of staffing a proposed regulation to implement the requirements of Section 1215 of the Act. We agree there could be a problem with respect to knowing what was paid previously for a given part. Therefore, your suggestion that our implementing regulations provide that vendors supply price and quantity data for earlier orders of the spare part, if any, as part of their response to the solicitation has been incorporated into our initial draft of the proposed regulation.

A similar letter has been sent to Senator Levin.

Sincerely,

HARVEY S. GORDON,
MARY ANN GILLEECE,
Deputy Under Secretary (Acquisition Management).

Mr. BINGAMAN. Mr. President, I believe the amendment is one that is agreed to by the managers of this bill, and I urge its adoption at this time.

Mr. WEICKER. Mr. President, the amendment being offered by the Senator from New Mexico was contained in the Senate's version of the DOD fiscal year authorization bill which passed the Senate on June 21. We have no objection to its being added to S. 2489.

Mr. DIXON. Mr. President, may I say how indebted all of us are for the outstanding work done by the distinguished Senator from Indiana as chairman of the task force of the Armed Services Committee that incorporated all of these provisions into the DOD authorization bill.

I also thank the Senator from New Mexico [Mr. BINGAMAN] for his outstanding work. He cooperated fully and was at all the committee hearings. The amendment he has offered requires the Secretary of Defense to submit a plan to the Congress for upgrading the Department of Defense computer capability which is needed for the efficient procurement of spare parts. I can think of no issue before the American public today more important in connection with procurement policies. I am delighted to announce that this side enthusiastically supports the amendment by the Senator from New Mexico.

The PRESIDING OFFICER. Is all time yielded back?

All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 3605) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, while there are Senators on the floor, I ask at this time for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3606

(Purpose: To improve the procedures for procuring spare parts and other supplies, for encouraging contracting personnel to promote competition in contracting, and for making procurement regulations)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3606.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, between lines 8 and 9, insert the following new sections:

COMMERCIAL PRICING FOR SPARE PARTS

SEC. 13. (a) Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsections:

"(s)(1) Except in the case of an offer submitted with a written statement under paragraph (2) and except as provided in paragraph (3), a contract made by an agency for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(2) A person who submits an offer to an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered and providing a justification for that difference.

"(3) Paragraphs (1) and (2) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(b) Not later than 90 days after the date of enactment of this Act, the single system of Government-wide procurement regulations (as defined in section 4 (4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403 (4))) shall be revised to include provisions specifying the manner in which each executive agency (as defined in section 4(1) of such Act (41 U.S.C. 403 (1))) may negotiate prices for supplies procured from a contractor which does not produce the supplies and does not add significant value to the total value of the supplies. The regulation shall include provisions reasonably limiting the amount of overhead costs which such a contractor may allocate to any item of supplies.

ECONOMIC ORDER QUANTITIES

SEC. 14. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection:

"(t)(1)(A) Each Federal agency shall procure supplies in such quantity as (i) will result in the total cost and unit cost most advantageous to the United States, when practicable, and (ii) does not exceed the quantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(B) The head of a Federal agency shall take subparagraph (A) into account in approving rates of obligation of appropriations.

"(2) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

PUBLICATION OF PROPOSED REGULATIONS

SEC. 15. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof "Changes to the single system of Government-wide procurement regulations (as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403 (4))), including supplemental regulations to agency acquisition regulations, may not take effect until the date thirty days after the date such regulations have been published in the Federal Register for public comment."

PERSONNEL EVALUATIONS TO INCLUDE EMPHASIS ON COMPETITION AND COST SAVINGS

SEC. 16. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection:

"(u) The head of each Federal agency shall establish procedures to ensure that personnel appraisal systems of the agency given appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to the contracts of the agency.".

Redesignate the succeeding sections accordingly.

On page 53, line 18, strike out the end quotation marks and the period after the end quotation marks.

On page 53, between lines 18 and 19, insert the following:

§ 2321. Commercial pricing for spare parts

"(a)(1) Except in the case of an offer submitted with a written statement under subsection (b), and except as provided in subsection (c), a contract made by any agency referred to in section 2303(a) of this title for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(b) A person who submits an offer to such an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

On page 53, at the end of the last item set out after line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 53, at the end of the matter set out after line 21, add the following:

"2321. Commercial pricing for spare parts.".

On page 59, between line 3 (and the material set out after line 3) and line 4, insert the following:

(d)(1) Chapter 137 of title 10, United States Code (as amended by subsection (a)(1)), is further amended by adding at the end thereof the following new section:

"§ 2322. Encouragement of competition and cost savings

"The Secretary of Defense shall establish procedures to ensure that personnel appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts covered by this chapter.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (a)(2)) is further amended by adding at the end thereof the following new item:

"2322. Encouragement of competition and cost savings.".

(e) Section 2303 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Regulations prescribed under this chapter by the Secretary of Defense or the Secretary of a military department may not take effect until thirty days after such regulations have been published in the Federal Register for public comment.".

(f)(1) Chapter 141 of title 10, United States Code (as amended by subsection (c)(1)), is further amended by inserting after section 2384 the following new section:

"§ 2384a. Supplies: economic order quantities

"(a)(1) An agency referred to in section 2303 (a) of this title shall procure supplies in such quantity as (A) will result in the total cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(2) The Secretary of Defense shall take paragraph (1) into account in approving rates of obligation of appropriations under section 2204 of this title.

"(b) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (c)(2)) is further amended by inserting after the item relating to section 2384 the following new item:

"2384a. Supplies: economic order quantities.".

Mr. LEVIN. Mr. President, I am pleased that the Senate is considering S. 2489, the Small Business and Federal Procurement Competition Enhancement Act of 1984.

Senators WEICKER and DIXON have performed a great service to the taxpayers as well as to small business people all over the country. I am also proud to cosponsor it and to have participated in shaping it in both the Small Business and the Armed Services Committees.

I also wish to commend and congratulate my friend, Senator QUAYLE, from Indiana, for the active service that he has performed in helping to share this legislation and in saving taxpayers so many dollars that is going to result from this legislation being passed.

Before I speak to my own amendment, I wish to say a few words about S. 2489's treatment of the issue of technical data rights. Those are the property rights which companies claim for items that they produce at their own expenses. Some 18 months ago I began an indepth study of some of the causes of the overpricing of spare parts and the causes were many. Such a study of the Government procurement process is not a particularly glamorous undertaking. But by most accounts, the spare parts procurement tab this year will top $18 billion. So I strongly believe that if we are to continue asking the American public to foot this enormous bill we must ensure that the money is spent sensibly and sanely.

On April 12, 1984, along with Senators BINGAMAN and JEPSEN, I introduced S. 2571 and S. 2572. S. 2571 was the result of nearly a full year's study of procurement on my part and incorporated my 20-point package for procurement reform, while S. 2572 was the text of the House bill that was subsequently included in the House DOD authorization bill. When S. 2489 was referred to the Senate Armed Services Committee's Ad Hoc Task Force on Procurement we blended these three bills together to come out with one position on the treatment of rights in data.

We concluded that technical data rights should be the subject of negotiations between the contractor and the Government and that a contractor's willingness to give up those rights immediately or after a fixed period of time should be one element to consider in deciding to whom a contract should be awarded.

To strengthen the Government's hand, we also included provisions governing the review of alleged rights in data as well as allowing both Government and third parties to attempt to reverse engineer proprietary items in order to obtain competition.

What we did not do in this bill was conclude that rights should automatically become the property of the Government after a certain period of time unless the development of the part was funded with Government money. We did not do so because it would discourage industry from offering the latest technology to the Government when they developed that technology at their own expense.

I again commend the authors of this bill, as well as the Small Business and Armed Services Committees, for reaching a balanced treatment for a very controversial issue.

Now, Mr. President, I have sent to the desk an amendment containing five provisions. Four of these provisions on procurement reform were part of a bill which I introduced on April 12 in the Senate as S. 2571. All five of these provisions were included in the fiscal year 1985 DOD authorization bill at my urging, and I might add that the body of S. 2489 already contains 8 of the 20 proposals which were in my original package.

These five provisions, as previously passed by the Senate, covered only the DOD, which spends more than 80 percent of the Federal procurement dollars. However, in my amendment today, four of the provisions have been expanded to cover the remaining 15 to 20 percent of procurement dollars by being applied Governmentwide. These four provisions are as follows:

First. The lowest commercial price is going to be required. When a contractor sells the Government an item that the contractor also sells to the general public, he will be required to state that the price cited is lower than or equal to the lowest commercial price. Should that statement prove to be false, the Government may pursue a claim under the False Claims Act.

Second. Economic order quantities will be sought. In order to stop the process of Government purchases of one or two items, when it is clear that there is a steady need for an item over a long period of time, contractors will be requested to notify the Government when solicitation quantities are unreasonable. No one can deny that beginning a production line for 10 small specially machined items is ineffective and uneconomical for both the business concern and the Government procurement official's time.

Third. Purchasing officials who save money for the Government will be rewarded. Employee review regulations currently do not appear to contain any incentive for employees to attempt to save the Government money. In fact, when there is an emphasis on speed of processing absent a recognition that competition and good bargaining takes time, there is an implied disincentive for employees who attempt to save the Government money. This amendment would require that these regulations governing employee recognition be rewritten to reward money-saving behavior.

Fourth. Proposed regulations relative to procurement are going to have to be published. Currently, procurement regulations are exempt from the publication and review standards included in the Administrative Procedures Act. This amendment would require that procurement regulations be published in the future in order that they may be widely disseminated and more fully understood by the public and the businesspeople who must deal with these regulations.

Mr. President, there is also a fifth provision in this amendment which applies only to the Department of Defense and that provision is that overhead allocation to parts for which little or no value has been added by the contractor must be restricted. In my study of spare parts pricing, I have come across cases where large amounts of overhead have been added to spare parts for which the contractor has added little or no value. In fact, in some cases these parts have been shipped directly from the subcontractor to the Government, and the parts have never touched the contractor's hands. In cases such as these, my amendment would require the regulations to be rewritten to block all but a minimal allocation of overhead. It was the excessive overhead which was allocated to the famous Allen wrench which resulted in the Air Force being billed $9,600 for that Allen wrench. As drafted, this portion of my amendment would apply only to DOD, as we are currently unaware of instances of this problem existing outside of the defense contractor community. Should examples of this type of abuse come to light elsewhere in the Government, then we would, of course, revisit this issue and consider offering an amendment for Governmentwide application.

I again commend the authors of this bill, Senators WEICKER and DIXON. They, along with Senator QUAYLE, with whom I worked on these matters on the Armed Services Committee, have performed a real service for the

taxpayers of this country. I sincerely hope the conference on the Department of Defense authorization bill will resume progress but in the event that progress there should not be forthcoming, I thank my colleagues for allowing me to add these amendments on this important matter to this small business bill that already contains much that should help control the runaway costs of spare parts.

Mr. WEICKER. Mr. President, we are prepared to accept the amendments offered by the distinguished Senator from Michigan, and I wish to personally commend him for his input into this bill.

He has been an outstanding member of the Small Business Committee and more particularly the work which he has brought to the final product.

Mr. DIXON. Mr. President, I wish to share those remarks of my distinguished colleague from Connecticut, the distinguished chairman of the Small Business Committee. My friend from Michigan played a very significant part throughout the entire proceedings on this bill, particularly working with my distinguished and warm friend from Indiana, Senator QUAYLE, in connection with this whole problem.

The Levin amendment would add to the bill identical dual statutory provisions that are applicable to both the civilian agencies through amendments to title 15 of the United States Code and the military agencies through amendments to title 10 of the United States Code.

We are all indebted to him for his outstanding contribution in this field. This side is delighted to support the amendment of my distinguished friend from Michigan.

Mr. LEVIN. Mr. President, I am grateful to my friend from Connecticut.

I yield back the remainder of my time.

Mr. WEICKER. I yield back my time.

Mr. DIXON. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 3606) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. QUAYLE. Mr. President, I ask unanimous consent that my name be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, lack of competition, seemingly systematic in many Federal purchasing offices, has resulted in outrageous cost overruns and excessive payments by the Government for basic needs. In addition, the present structure of the Federal procurement system has led many of our Nation's small businesses, our leading innovators and job creators, to avoid contracting with the No. 1 purchaser of goods and services in this country—the U.S. Government. Today, we are offered an opportunity to address these problems in a constructive manner and to alleviate several procurement-related difficulties.

The legislation we are considering today reflects the efforts of myself and many of my colleagues to cut down the waste in Government procurement and to make the entire procurement process more competitive. I have been following this issue for some time now, Mr. President. I chaired field hearings of the Small Business Committee in Nashville, TN, last fall to examine many of the obstacles facing small firms wanting to contract with the Government. My findings and those from similar field hearings added to the record which resulted in comprehensive procurement legislation reported out of the Small Business Committee earlier this session.

Some of the provisions of this legislation were adopted during Senate consideration of the Department of Defense authorization bill. Omitted at that time were two important provisions of S. 2489 which could prove critical to achieving our goals in reforming the procurement system. Specifically, these sections deal with the quality of procurement notices appearing in the Commerce Business Daily, the primary source for small businesses about upcoming Government contracts, and with the Small Business Administration's Breakout Procurement Center Representative Program.

I am particularly interested in the sections we are considering today dealing with this latter point. One study on factors affecting small business participation in Federal procurements found that breakout efforts constitute potentially, the single most important mechanism for increasing the number of procurement dollars going to small business. As some of my colleagues know, the Small Business Administration presently has a pilot program involving a few breakout procurement center representatives who review various contracts at purchasing centers and recommend competitive procurements where warranted.

During the hearing I chaired in Nashville, we heard from the breakout procurement center representative at the logistics center at Warner-Robbins airbase in Georgia. He testified that SBA's pilot breakout program had already saved the taxpayers nearly $30 million. As we increase the number of breakout procurement center representatives in S. 2489, I am confident that we will see this level of savings increase as more and more small firms are given an opportunity to compete on Government contracts.

Another aspect of the Breakout Procurement Center Representative Program that I find appealing is that it addresses the issue of accountability. Witness after witness at the Nashville hearings testified that they avoided Government procurement as no one in the Federal Government was accountable for dealings with small business firms. They believed, and rightly so, that most procurement officials had little or no time for the concerns of the small business owner. This bill goes far in rectifying this situation, since the primary focus of the Breakout Procurement Center Representative Program focuses on making more procurement contracts competitive. In so doing, I believe it squarely addresses the accountability issue. We now have individuals whose primary responsibility is to see that more firms are given a chance to bid on Government contracts. This opportunity to compete is all that our small business owners ask for.

In closing, Mr. President, I commend those Senators who have labored long and hard on this piece of legislation. It has been a time consuming task, but one well worth the effort. I urge my colleagues to join us today in passing this important piece of legislation.

Mr. DIXON. Mr. President, the distinguished Senator from Tennessee [Mr. SASSER], who is a member of the Small Business Committee, has made substantial contributions in connection with this measure, as well.

Mr. BOSCHWITZ. Mr. President, I am pleased that today the Senate will consider the "Small Business Competition Enhancement Act of 1984," by incorporating the provisions of S. 2489 into the House-passed small business bill. This legislation will take us a long way in our efforts to reduce the Government's waste in spending, and I am proud to be a cosponsor.

Mr. President, this legislation contains many provisions which will sharpen up our spare parts procurement policies, and they certainly need sharpening. This legislation has already received approval from both the Small Business and Armed Services Committees, and will alleviate many of the complicated and interrelated obstacles that limit competition in the Federal procurement process. This legislation will require Federal agencies to plan for competitive bidding, establish a procedure for validating proprietory data claims asserted by contractors, bring to order the morass of prequalification requirements employed by agencies to regulate potential contractors and products, and will provide incentives for major contractors to co-

operate in the procurement process. These, along with the legislation's other provisions, will enable us to take a great step toward ridding ourselves of a giant problem—excessive spare parts spending.

I am particularly pleased that this legislation incorporates the provisions of S. 2434—a bill I introduced earlier this year that will provide greater small business participation in spare parts procurement. Indeed, I am especially encouraged that the provisions of my bill will be signed into law because the House-passed small business bill the Senate is considering today is the companion bill in the House that contains the provisions of my bill. The passage of the House bill is the result of the bipartisan, dedicated efforts and hard work of its author, Congresswoman BARBARA BOXER of California. Although the Senate procurement legislation includes broader procurement reforms, the bipartisan support for the legislation pushed by Congresswoman BOXER and myself has been the driving force behind small business procurement legislation. As a result, both the House-passed legislation and the Senate bill include the provisions of my bill, virtually assuring that they will be enacted into law this Congress.

Mr. President, the provisions of the legislation pushed by Congresswoman BARBARA BOXER and myself were established with two main goals: first, to achieve substantial savings in the cost of spare parts purchased by the Government; and second, to provide small businesses with greater opportunities to bid on spare parts contracts.

These goals can be achieved by applying the guiding principle of our free enterprise system—competition—to the spare parts procurement process. Purchasing spare parts through competitive bidding will not only save the Government substantial sums of money, it will give small business a bigger piece of the Government pie because small business is very competitive.

Mr. President, we have all heard horror stories about how the Government pays exorbitant prices for the goods it buys. Unfortunately, there is a lot of truth to these stories. And, too often the Department of Defense [DOD] pays too much for spare parts. These are some of the prices DOD has paid for spare parts: $436 for an ordinary clawhammer, $440 for a $5 plastic knob, $94 for a $6 rubber door gasket, $153 for a $6 piece of bent sheet metal with three holes drilled into it, and the list could go on. Surely none of these items are so unique or so important to the national security that the exorbitant prices can be justified.

So why does DOD pay so much for so little? The answer is found in how DOD purchases spare parts. Indeed, it is how DOD does not purchase spare parts.

In fiscal year 1983, DOD awarded some 13 million contracts worth about $140 billion. Each year, DOD spends $13 billion for spare parts alone. The sheer magnitude of these numbers is staggering. But, DOD's record on competitive bidding is shocking—80 percent of spare parts contracts are awarded to sole source suppliers—specific firms designated as the sole supplier of the part—without competitive bidding. Common sense tells us that more than 20 percent of the spare parts can be purchased from more than one supplier. And, where more than one firm can supply the part, competitive bidding can be used.

This legislation will result in more competitive bidding on spare parts contracts by assigning Small Business Administration personnel to major procurement centers for the sole purposes of identifying spare parts contracts that can be awarded through competitive bidding. One SBA employee—called a procurement center representative or PCR—will be assigned to each procurement center that spent at least $150 million on spare parts in the previous year. Each PCR will be assigned four technical advisers that are employed by the procurement center and have technical training. At least one of the technical advisers must be an accredited engineer.

Each PCR will identify contracts for competitive bidding by reviewing the procurement codes assigned to spare parts to be purchased or replenished. Simply stated, a procurement method code tells the buyer how to select a supplier of the spare part: Through competitive bidding, or through a sole source or direct purchase from a single specified supplier. The PCR will break out contracts that have restricted codes for competitive bidding.

The PCR will also review proposals to consolidate a number of spare parts contracts into one contract solicitation and make recommendations to break out some, or all, of these contracts for competitive bidding. In addition, the PCR will receive value engineering change proposals. These are proposals submitted by potential contractors to supply spare parts or equipment that have been modified from the original specifications, but perform the same function. This will facilitate a determination that the modified parts or equipment can perform the same function at a lower cost, instead of the parts or equipment designated in the original specifications.

Mr. President, it is important to note that this legislation follows a spare parts break out program successfully operating at four Air Force air logistics centers since 1979. GAO conducted an indepth review of the four programs and came to some compelling conclusions. Of some 328,000 spare parts assigned procurement method codes, 75 percent were coded for purchase without competitive bidding. SBA personnel achieved substantial savings by breaking out spare parts contracts for competitive bidding. Indeed, SBA reported savings of $7.3 million as a result of only 294 breakout actions. GAO believes the savings were actually greater. In a separate study, SBA showed savings of $6.7 million—38 percent—when only 191 parts were broken out for small business competition. On the basis of these studies and GAO reports, this legislation could save $4 billion—each year.

Mr. President, I ask unanimous consent that material in connection with this measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOSCHWITZ PROVISIONS OF S. 2489 ON PROCUREMENT CENTER REPRESENTATIVES

SBA assigns a Procurement Center Representative (PCR) to each major procurement center (center with at least $150 million spare parts contracts in previous year).

Each PCR will be assigned qualified, technically trained advisers, at least one of whom is an accredited engineer.

The technical advisers will be employees of the major procurement center and have the primary duty of assisting the PCR.

Each PCR has the authority and responsibility to:

Review procurement method codes (PMCs) to identify restrictive codes and recommends changes in restrictive codes to encourage competitive bidding.

Evaluate whether technical data to be used by small business in submitting bids is available from any source (including the major procurement center) and obtain unrestricted data for use by small business.

Review restrictions on access to technical data because an existing contractor claims a proprietary right to the data. The PCR can recommend that such restrictions be reevaluated.

Participate in making the determination of whether to award contracts without competitive bidding.

BOSCHWITZ AMENDMENTS TO PCR PROVISIONS (ADOPTED BY COMMITTEE)

Include in PCR's authority and responsibility:

Authority for PCR to receive unsolicited value—engineering proposals—a proposal to supply spare parts or equipment that have been modified from the original specifications but perform the same function—and submit them to procurement center personnel for review; and

Review the procurement center's procurement policies and practices and recommend changes to increase competition. The Administrator of SBA will pursue recommendations with the other agency.

PCR PILOT PROGRAM HISTORY

Since 1979, a spare parts breakout program has been in operation at each of four Air Force Logistics Centers. GAO conducted an indepth review of the four programs. During the period of GAO's review, these four centers purchased a combined total of $7.46 billion in goods and services. GAO found that, of the 328,000 spare parts assigned PMCs, only 25 percent were coded

for competitive bidding; 75 percent were coded for sole source or direct purchase procurement. SBA reported savings of about $7.3 million as a result of only 294 breakout actions. GAO believes that "SBA may actually be saving the government more money than its reports indicate."

ESTIMATED COST SAVINGS

$4 billion per year—based on GAO study and a separate SBA study verified by GAO.

Mr. PRESSLER. Mr. President, I rise in support of S. 2489, the Small Business Competition Enhancement Act of 1984. Passage of this legislation is long overdue.

Like many of my colleagues, I have been appalled by the reports of spare parts bought by the Federal Government at prices much higher than necessary. While the greatest culprits have been the military services, these cases are examples of a much wider, far-reaching problem.

Since coming to Congress, I have supported legislation to open up Federal procurement procedures to small businesses. In fact, I was very proud last year when President Reagan signed into law my legislation making procurement information more readily accessible to small businesses. S. 2489 will open up the process even further.

I have always believed that competition will produce the best results—in people and in business. Indeed, our country was founded on the principles of fair and open competition among businesses. Unfortunately, the Federal Government has repeatedly ignored this most basic of values. Restrictive procurement policies have not only cheated small businesses of valuable business opportunities but have also cheated the American taxpayer by denying a fair return on their tax dollars.

I come from a State where almost all our businesses are small businesses. They are owned by honest, hardworking people who are still struggling to make ends meet under difficult economic conditions.

While some of these businesses may not have the expertise to sell goods to the Government, it is my belief that this expertise could be developed with Government assistance. If we do not encourage our businesses to stretch out, to take advantage of new opportunities, we doom them to economic stagnation. If, on the other hand, the Federal Government will make an effort to bring new businesses into the procurement process, businesses will expand, create new jobs and help the economy.

When a part that costs under $1 is sold to the Government for several hundred dollars, something is wrong. When Federal agencies ignore the many fine small businesses able to fill Government contracts, something is wrong. It is my hope the Senate will pass S. 2489 and allow these wrongs to be righted.

Mr. DOMENICI. Mr. President, it is with great pride that I rise today in support of the Small Business Competition Enhancement Act of 1984. This bill deals with the very complicated and often interrelated obstacles which often limit the opportunities for small business to enter and compete in the Government procurement process. This is a difficult problem and I want to compliment both Chairman WEICKER and Chairman TOWER of the Small Business and Armed Services Committees for their diligence and commitment in producing this bill. We have all heard the stories about hammers procured by Federal agencies which cost many times their actual worth due to the crazy quilt of procurement regulations and thus I am pleased that we have been able to produce a bill which will address and hopefully resolve some of these problems.

Mr. President, I am hopeful that the Senate, by supporting this bill today will take an important step toward ending abuse and waste in Government contracting and that through these efforts we can simultaneously give small business a better opportunity to provide the quality products at competitive prices that we know it can do. This bill provides no new set-aside for small business; on the contrary, it just gives small business an equal chance to compete with the much bigger companies who traditionally do the lion's share of the Government's contracting business.

As I understand this bill, it deals with five overriding issues in Federal procurement policy: planning for future competition, increasing the ability of small business to compete for Federal procurement contracts, managing technical data to foster future, competition, validating proprietary data restrictions, and establishing breakout procurement center representatives [BPCR].

I want to add just an additional comment on the breakout procurement center representative program [BPCR] which as many of my colleagues know has been extremely successful to date. This program identifies spare parts that are being purchased on a noncompetitive basis or sole source basis and "breaks them out" so that they can be competitively bid by small business. Essentially, they are advocates for competition. According to the General Accounting Office which has reviewed the pilot program, of the 1,634 items broken out a savings of almost $36 million was realized. I know we all want to see more of this kind of innovative savings program that small business can produce.

Mr. President, this bill represents an innovative and aggressive response to a problem that has been with us for too long and I am delighted to join my colleagues in support of S. 2489.

Mr. WEICKER. Mr. President, we are waiting for Senators BYRD and NUNN, who I understand have amendments to the bill about which the committee is enthusiastic and prepared to accept. As soon as that is done, we can wrap up this matter and schedule a vote for a little later this afternoon.

Mr. DIXON. The ranking minority member of the Small Business Committee is on the floor.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Arkansas [Mr. BUMPERS], the ranking minority member of the committee.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the Senator from Connecticut.

Mr. President, as the ranking Democratic member of the Senate Small Business Committee, and a cosponsor of this bill, I rise in support of S. 2489, the Small Business and Federal Procurement Competition Enhancement Act of 1984. This bill, which was introduced by Senators WEICKER and DIXON, is another product of the extensive work we have done in the Small Business Committee over the past several years in the important area of Federal procurement. The bill is designed to remove procedural barriers in the Federal procurement system which limit the competitive opportunities for small businesses and others. The legislation will also provide for the expansion of the SBA breakout procurement center representatives program and address several procurement practices in the Small Business Administration.

The legislation is carefully designed to ensure that no single type or size of business is given any competitive edge; rather, it has been formulated specifically to ensure that all businesses that want to participate in the Federal procurement process are treated equally. The legislation is designed to ensure that the Federal Government is provided with full and complete information about the nature of the items it is about to purchase so that it can make a conscious decision about the cost and provisioning for spare and replacement parts for major systems. Finally, the legislation is designed to provide for a regularized process for planning for future competition in Federal procurements.

With the amendments that have been offered by both the Small Business and Armed Services Committees, we now have pending before the Senate legislation that will truly help stem the tide of sole source contract awards and minimize the likelihood of overpricing for spare and replacement parts in the Department of Defense. This legislation should also reverse the decline in the rate of small business Federal procurement awards.

Mr. President, I know that many procurement officials in the Pentagon will oppose this legislation. They have told us how they are taking administrative action to correct these problems, how they have "identified" the horror stories about overpricing for spare parts and the waste from prematurely disposing of valuable Government property. I don't believe that this is enough. Frankly, I am concerned about the commitment within the Pentagon and within the White House to truly redress these problems. A recent statement by a Republican member of the House Armed Services Committee troubled me. He said:

(T)he Reagan Administration, conservative on economic and defense issues, resists wholesale competition in defense procurement. . . . The President's conservative friends in Congress have tried to convince him of the value of competitive procurement. Perhaps the prospects of debating a Democratic Presidential candidate will succeed where the urgings of conservatives have failed in getting the President to face this serious inconsistency in his defense policy.

So, while the administrative action will be helpful, clearly Congress must legislatively correct some of the problems, and impose on the procurement process a clear and unambiguous system for enhancing competition. Congress has already taken several actions in that direction, and this legislation is another important link in that chain.

Mr. President, I want to compliment in particular the Senator from Illinois, Senator DIXON, for taking the initiative on the legislation (S. 1730) which he introduced exactly 1 year ago. Many of the solutions which are proposed in this legislation are his, or flowed from his identification of the specific problems which small business faces in the procurement process. I am pleased to note that I was a cosponsor of his earlier bill, as well.

I also want to note the significant contributions which the Senator from Michigan, Senator LEVIN, has made to this bill. His extensive knowledge of the Federal procurement system and his commitment to ensure that small businesses are provided with a full opportunity to compete for Federal contracts have helped us develop this excellent legislation.

Mr. President, as the ranking Democratic member of the Senate Small Business Committee, I pledge that I will do all that I can to expedite a conference with the House, and work vigorously to see the Small Business and Federal Procurement Enhancement Act of 1984 enacted into law. I urge the Senate to promptly pass S. 2489.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that the yeas and nays ordered on S. 2489 be transferred to H.R. 4209.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 3607

Mr. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. NICKLES, and Mr. LEVIN, proposes an amendment numbered 3607.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add a new section, as follows:

ADVOCATE FOR COMPETITION

SEC. . (a) Chapter 137 of title 10, United States Code, is further amended by inserting after section 2306 the following new section:

"§ 2306a. Office of the Competition Advocate General

"(a)(1) There is in the executive part of each agency referred to in section 2303(a) of this title an Office of the Competition Advocate General (hereinafter in this section referred to as the 'Office'). The head of the Office is the Competition Advocate General.

"(2) The head of a military department or the Coast Guard shall designate a commissioned officer of the armed forces who is serving on active duty in a grade not below colonel or, in the case of an officer in the Navy or the Coast Guard, serving in a grade not below captain, to be the Competition Advocate General of the agency. The head of the National Aeronautics and Space Administration shall designate a civilian in a grade not below GS-16 to be the Competition Advocate General of the agency. The designation shall be for a term of two years. An officer of the armed forces while serving as the Competition Advocate General shall have the grade of major general or rear admiral, as appropriate, unless entitled to a higher grade under another provision of law.

"(3) The head of an agency shall provide the Competition Advocate General of the agency such staff or assistance as may be necessary to carry out the duties and responsibilities of the advocate for competition.

"(b)(1) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency, promote competition in the procurement of property and services by the agency.

"(2) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency—

"(A) review the purchasing and contracting activities of the agency;

"(B) identify and report to the head of the agency—

"(i) opportunities to achieve competition on the basis of price and other significant factors in the purchases and contracts of the executive agency;

"(ii) solicitations and proposed solicitations which include unnecessarily detailed specifications or unnecessarily restrictive statements of need which may reduce competition in the procurement activities of the executive agency; and

"(iii) any other condition or action which has the effect of unnecessarily restricting competition in the procurement actions of the agency.

"(c)(1) The Competition Advocate General of an agency shall review each proposed noncompetitive procurement in the agency involving more than $100,000 before a solicitation for the procurement is issued and shall recommend to the procurement or program officer involved specific acquisition actions as appropriate.

"(2) An agency need not delay the issuance of a solicitation for a noncompetitive procurement for more than 10 working days in the event of a procurement of more than $100,000 but less than $10,000,000, or for more than 15 working days in the event of a procurement of $10,000,000 or more, for the purposes of permitting the Competition Advocate General to accomplish the review referred to in subsection (c)(1).

"(3) The agency may waive submission of a solicitation for a noncompetitive procurement to the Competition Advocate General if—

"(A) the solicitation deals with a highly classified program and the head of the agency, or his designee not below the level of an Assistant Secretary, determines that review by the Competition Advocate General is not consistent with the security requirements of such program; or

"(B) the head of the agency, or his designee not below the level of an Assistant Secretary, determines that the urgency of the procurement is of such an extreme nature that the procurements should not be delayed for review by the Competition Advocate General.

"(4) At least 15 days before a procurement or program officer takes or directs an action inconsistent with a recommendation made by a Competition Advocate General under paragraph (1), the officer shall submit a written justification for such action to the head of the procuring activity, and shall transmit a copy of the justification to the Competition Advocate General of the agency.

"(d)(1) Each head of an agency shall transmit annually to the Senate and the House of Representatives a report detailing any procurements made by the agency which were inconsistent with any recommendation made under subsection (c)(1). Such annual report shall include the annual report required by paragraph (2) to be made by the Competition Advocate General of the agency.

"(2) Each Competition Advocate General of an agency shall prepare and transmit to the head of the agency an annual report describing the activities of the Office under this section during the preceding year.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306 the following new item:

"2306a. Office of the Competition Advocate General.".

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. LEVIN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF THE COMPETITION ADVOCATE GENERAL

Mr. BYRD. Mr. President, this amendment is identical to an amendment which I offered to the fiscal year 1985 Department of Defense authorization regarding the establishment of an Office of a Competition Advocate General in our armed services and NASA. The amendment was adopted on June 8, 1984, by a record vote of 80 to 4, after having been modified as a result of discussions with the distinguished Senator from the State of Indiana [Mr. QUAYLE] and the distinguished Senator from the State of Michigan [Mr. LEVIN].

The intent of the amendment which I offered, and which I again now offer, is to put real teeth into the competition advocate proposal originally incorporated into the DOD bill. The provision in the bill simply required that a full-time advocate for competition be assigned for each service. In promoting competition, the advocate must review all purchasing and contracting activities of the agency and report to the service chief on opportunities for expanding competition on the basis of price and other factors. He must identify solicitations which are written in a restrictive manner and which result in reducing opportunities for competition. Finally, he must provide an annual report to the service chief.

I believe it is necessary to give these competition advocates more stature, more clout, and more tools to do their difficult jobs, and my amendment would provide the following strengthening factors.

First, it gives a competition advocate clout within his own service by requiring that he be a flag officer—that is, either a general or admiral, depending on his specific service.

Second, in order to sustain his staying power and have the time to learn his job and be effective, that he hold the job for a term of 2 years.

Third, it beefs up his specific responsibilities by requiring him to review each proposed noncompetitive procurement involving more than $100,000 and make appropriate recommendations to the contracting officers before solicitations are made. If the action by the procurement or contracting officer is inconsistent with the advocate's recommendation, the procurement officer must justify his action in writing.

Finally, the head of the military service is required to report annually to the Congress any procurements made by his service which were inconsistent with the recommendations made by the competition advocate. This report must include a separate report on his annual activities by the competition advocate himself which includes his explanations in each case of disagreement.

My intent in offering this amendment is to shake up the system to halt the ingrained habits of procurement officials, and enforce fresh and constant reviews of the adequacy of competition within the procurement process.

I feel compelled to again offer this proposal because unfortunately, the DOD conference committee has been stalled, and I hope that we will not see everything go out the window. If that conference does not come back with a conference report, I hope by incorporating this amendment into this bill that this mechanism to increase competition and reduce waste in the Pentagon will become law.

I have discussed the amendment with the distinguished managers of the bill. I hope they will find it possible to accept this amendment.

Mr. NICKLES. Mr. President, I rise in support of the amendment offered by the distinguished Senator of West Virginia. As my colleagues will recall, this same amendment was offered during consideration of the 1985 Defense Authorization bill. This amendment was accepted by the Senate on June 8. It is appropriate that the amendment be added as part of this bill, S. 2489, the Small Business Enhancement Act of 1984, because there is an urgent need to establish a means by which small businesses can be made more aware of contracts being sought by the Department of Defense.

At the same time, this amendment, which will establish an office of the competition advocate general, will signal to the Department of Defense the desire of Congress that more competitive bidding be made available in the acquisition of parts, products, and services. It has been known for a long time in the private sector that the only way to get a good buy is to shop around. The advocate general office will make great strides in promoting a more competitive atmosphere in the Department of Defense procurement process.

During hearings I held in Oklahoma City in January, it became even more evident to me that small businesses face too many obstacles in trying to obtain Government contracts. Expansive paperwork and nearly unattainable qualification requirements make it close to impossible for the majority of small businesses to participate in the DOD contract process.

I commend the distinguished minority leader in seeking to add this amendment to S. 2489 and join him as a cosponsor. In addition, I urge my colleagues to support the bill before us, S. 2489, which establishes sound, workable ways to increase new competition in all Federal procurement processes.

Mr. President, there are thousands of highly capable small companies across our Nation who are just waiting for the chance to make parts for the Government at lower prices and shorter delivery times. The bill goes a long way in making it possible for more small businesses to become involved in the procurement process and I urge its passage.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from West Virginia for his positive contribution to the legislation before this body, and certainly we have no objection to its being added to S. 2489. We feel it clearly improves the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I congratulate the distinguished Democratic leader, Senator BYRD from West Virginia, for his outstanding contribution to this legislation, and this side is delighted to enthusiastically accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BYRD. Mr. President, I yield back the remainder of my time.

Mr. WEICKER. I yield back the remainder of my time.

Mr. DIXON. I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD].

The amendment (No. 3607) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank both the distinguished managers.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, we have one more amendment to handle which is that of the distinguished Senator from Georgia, Mr. NUNN, whom I understand is due on the floor at any moment.

Awaiting that moment, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I am delighted to yield to the distinguished Senator from Georgia, our ranking member on the Armed Services Committee, for a substantial and invaluable contribution to this bill.

AMENDMENT NO. 3608

(Purpose: To establish minimum tour of duty lengths for military officers assigned to key procurement management positions in the Department of Defense)

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank my colleague from Illinois.

I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 3608.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"MINIMUM TOUR OF DUTY FOR OFFICERS ASSIGNED TO CERTAIN DUTIES IN THE DEPARTMENT OF DEFENSE

SEC. —. (a) The tour of an officer of the Armed Forces assigned as a program manager of a major defense acquisition program (as defined in section 139a(a) of title 10, United States Code) shall be (1) not less than four years, or (2) until completion of a major program milestone (as defined in regulations prescribed by the Secretary of Defense).

(b) The tour of duty of an officer of the Armed Forces assigned as the commander of the Army Materiel Development and Readiness Command, the Naval Materiel Command, the Air Force Systems Command, or the Air Force Logistics Command shall not be less than four years.

(c) The length of the tour of duty prescribed in subsection (a) or (b) may be waived in the case of an officer by the Secretary of the military department of which the officer is a member. Such authority may not be delegated."

Mr. NUNN. Mr. President, this amendment is not complicated nor complex. It is a part of the authorization bill which, unfortunately, is now in conference. We do not know what the final outcome of that conference will be. Some of us are optimistic, and others are pessimistic about the legislation which we have before us today. The amendment I propose, I hope, will be able to go through the legislative process, whatever the outcome of the authorization conference.

It is for that reason that I rise to present this amendment today.

This amendment addresses a very important part, in my view, of the overall procurement process. That is the turnover of key personnel managing key military systems known as systems that are covered by the selected Acquisition Report, the so-called SAR. This amendment would establish a mandatory tour length for certain procurement managers in the Department of Defense. It passed the Armed Services Committee unanimously. It has passed the Senate.

I ask unanimous consent that the Senate Armed Services Committee report, which gives a full explanation of this amendment, be printed as part of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, there is a general consensus that has emerged in the last couple of years that one of the biggest problems in the Department of Defense acquisition process for major weapons systems is program instability. Many causes of this instability are apparent. We lack a professional career acquisition work force in the military services. We have instability of defense budget levels. We have all sorts of defense bureaucracies in the Department of Defense. We also have a considerable burden to bear here in the Congress.

One of the things that is very apparent is that the average program manager's tenure for the major weapons systems procurement in all the services is not long enough. In the Army the average is 2.2 years, in the Navy 3 years, and in the Air Force 2.3 years. Also, it is apparent that the commanders of the procurement commands, the major commands in the services that handle procurement, also have a great deal of turnover. The average tenure of procurement command commanders for the past 15 years in the Army Material Development and Readiness Command is 3 years, in the Naval Material Command just under 3 years, and in the Air Force Logistics Command 2½ years. One of these procurement commands, the Air Force Systems Command, has not had a commanding officer stay for more than 3 years since 1970.

This kind of turnover, when it relates to command positions, may be understandable. I am not sure about that. But when it relates to procuring the most complicated, sophisticated weapons in the world, it simply is not effective nor is it efficient.

This amendment would establish, by law, a statutory tour of either 4 years or until at least completion of a major program milestone for program mangers. This would apply, again, to major weapons systems.

This also establishes a statutory tour of 4 years for commanders of the services' major procurement commands and it gives the service secretaries the authority to waive these tour lengths in unusual or unreasonable circumstances.

We are not trying to make the system rigid. We are not trying to say there are never any reasons for changing the 4-year period. We are saying that when those changes are necessary because of unusual circumstances, then the decision to make the changes should be at a high enough level so we are certain that it is indeed the exception rather than the rule.

That is the reason we have the service secretary be required to make the exception.

This kind of general statutory change is not entirely unprecedented. The Navy, for instance, has already adopted a 4-year tour length of their managers under Secretary Lehman. What we are saying is that now this Navy example, which has been a very recent action, should apply to the other services by law.

I am hopeful that this will give enough tenure in office to see that the whole system of accountability in military procurement is improved. I am hopeful that we will slowly but surely begin to shake the possible myth, but possible reality, that we have too many short-term decisions based on the old theory of "Don't let it happen on my watch," but not nearly enough long-range thinking in the procurement process and certainly not enough accountability.

I would hope that the committee managers, the Senator from Illinois on the Democratic side and the Senator from Connecticut on the Republican side, will accept this amendment. I am hopeful that the amendment will become law this year, as well as this bill.

Before giving up the floor, let me comment that I appreciate the leadership the Senator from Connecticut has offered on this bill in the Small Business Committee. The Senator from Illinois has rendered an unusual dual-hatted function by being both on the Armed Services Committee and the Small Business Committee and has done a lot of work on this. I also want to thank the Senator from Indiana [Mr. QUAYLE], who chaired the Procurement Task Force of the Armed Services Committee, and who substantially enhanced the passage of this bill.

I also want to congratulate the Senator from Michigan for hours and hours of diligent work in the Committee on Armed Services, on the broader issues of military procurement, on how we can find ways to make the system more competitive, and how we can really address the crucial question of why, with the tremendous advantages we have in the free competitive enter-

prise system in America, we cannot make our own military procurement system more competitive.

Indeed, one of the major advantages we have over the Soviet Union is our free enterprise system and its competitive advantage. Yet much of that advantage is lost in defense procurement unless we can fully explore the capabilities of our contractors by opening up the procurement process. That is what this bill is all about.

The Senator from Michigan has done tremendous work in this area. I want to thank him. As the ranking Democrat on the Armed Services Committee and the former ranking member of the Small Business Committee, I want to pay special tribute to both his efforts and the efforts of the Senator from Illinois in working on this very important problem.

Again, I have a great deal of admiration for the Senator from Connecticut for his work in this area and his overall leadership in the small business area.

Mr. President, I do not know whether further explanation is necessary on this amendment. I would be delighted to go into it further. I would be hopeful, however, that the Senator from Connecticut would agree to the amendment.

EXHIBIT 1

EXCERPT FROM SENATE REPORT NO. 98-500 ON THE OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

SEC. 199D, TENURE OF KEY PROCUREMENT MANAGERS IN THE MILITARY SERVICES

There is a general consensus that one of the major problems in the Department of Defense acquisition process is program instability. There are many causes of this instability, including instability of Defense budget levels and meddling in procurement decisions by all layers of the Defense Department bureaucracy and the Congress. The relatively short tenure of key procurement managers in the military services is both a cause and a manifestation of the overall instability in the Defense Department weapons acquisition process.

This year the committee received testimony concerning the average tenure of program managers for the current Selected Acquisition Report (SAR) systems in each of the military services. According to this testimony, the average tenure of program managers for the Army's current SAR programs is 2.2 years; for the Air Force's current SAR programs, 2.3 years; and for the Navy's current SAR programs, 3.0 years.

This same instability exists at the top of the major procurement commands in each of the military services. For the last 15 years, the average tour of duty for the commanding officer of the Army Material Development and Readiness Command has been 3 years; for the Naval Material Command, just under 3 years; for the Air Force Systems Command, 2 years; and for the Air Force Logistics Commands, 2½ years. This Air Force Systems Command has not had a commanding officer stay for more than 3 years since 1970.

In the committee recent hearings on the organization and mangement of the Department of Defense, witnesses such a former Secretary of Defense Harold Brown and former Deputy Secretary of Defense David Packard recommended longer tenure and greater accountability for program managers. The recent Report of the President's Private Sector on Cost Control, also known as the Grace Commissions, made similar recommendations. One of their recommendations to improve program stability is to "lengthen the assignment period of key Government personnel, such as program managers." The Grace Commission also concluded:

"We have determined from private sector sources that industry keeps key employees in positions on an average of 8 years for projects and operations of less financial magnitude and technical complexity than major defense weapons systems."

The committee has reviewed current policies concerning program manager tenure in the Department of Defense. DOD Directive 5000.1, "Major System Acquisitions", directs each of the Service Secretaries to "ensure that the program manager's tenure is of sufficient length to provide continuity and management stability."

Recent Army policy on this subject states that program managers "are considered to have accepted a moral obligation to fulfill at least a 3-year assignment for the project for which designated." The Air Force does not have any specific written policy concerning program manager tour lengths, but Air Force officials have indicated that the Air Force tries to make the rotation date for their program managers coincide with major program milestones. The Navy has recently adopted a policy of 4-year tour lengths for their program managers, with rotation dates to coincide with major program milestones whenever possible. The committee believes the Navy's example should be followed by the other services.

Accordingly, the committee recommends a provision, which establishes a statutory tour of 4 years, or completion of a major program milestone, for program managers of SAR systems; establishes a statutory tour of 4 years for commanders of each of the Military Services' major procurement commands; and gives the Service Secretary the authority to waive these tour lengths in unusual or unforeseen circumstances.

The committee believes that this provision will improve stability and accountability in the Defense Department weapons acquisition process by leaving key procurement managers in place longer. The committee's provision provides a waiver authority for the tour lengths prescribed by this provision for unusual or unforeseen circumstances. However, the committee has placed this waiver authority at a high enough level (Service Secretary) so that its use should be the exception rather than the rule. It is the committee's intent that as this provision is implemented, military promotion boards should give full consideration to the tour lengths prescribed by this provision and the significant responsibilities of program managers of major SAR systems when these individuals are under consideration for promotion. The committee will also take into account the prior program management experience of flag and general officers nominated for positions at the military procurement commands before acting upon such nominations.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Georgia for his amendment. I have no objection to it being added to S. 2489. Again, whether as former ranking member of the committee or now a member, his input has been valuable to the overall work product of the committee, and, more particularly, to this legislation.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I congratulate my warm friend from Georgia, Senator NUNN, who is without peer in Congress in connection with his knowledge of the subject at hand. I thank him for his contribution to this legislation. I am delighted to enthusiastically support this amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DIXON. I yield back the remainder of our time.

Mr. NUNN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 3608) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, S. 2489, introduced by Senators WEICKER and DIXON, provides needed reform of the Small Business Act. This legislation would correct practices and procedures by the Federal Government that have created significant barriers to small businesses seeking to actively participate in the Federal procurement marketplace.

This measure is part of a larger, long-term effort to recognize the substantial economic effects of defense spending. Needed administrative reforms that allow more and smaller firms to compete for procurement contracts are an important step. Yet we still have much to do to improve the operation and our understanding of the effects of procurement policies, particularly when these policies enrich certain large firms and certain regions of the Nation at the expense of others.

Since 1976, I have published annual reports on the impact of the Federal budget on the economy of New York State. Without exception, despite widely varying fiscal policies of our last two Presidents, patterns in defense spending, and in particular procurement policies, have been the primary reason for large variations in the economic effects of the Federal budget on different regions of our Nation. We must recognize the degree to which defense spending exerts a powerful domestic economic effect on State and local economies, a point that was often overlooked by the Department of Defense—until now.

This past month, at my request, the Department of Defense published an initial report on the geographic distribution of defense spending. It is the first large-scale effort to determine the direct and indirect impacts of defense contracting on a State-by-State, industry-by-industry basis.

Although this report is an analytical first, it is flawed, at least in part, because the entire analysis was performed on the President's defense request of $313 billion for fiscal year 1985. Therefore, although the methods used in the effort are helpful, the estimates and projections contained in the report are $14 billion higher than the Senate-passed budget resolution for defense spending in fiscal year 1985 and $16 billion higher than the fiscal year 1985 CBO defense baseline for 5-percent real growth over fiscal year 1984.

Yet the Department of Defense has made a serious attempt in examining the way procurement policies may be uneven across States and across regions. In combination with the remedies specified in the Weicker-Dixon legislation for small businesses, we can look forward to improved markets and improved competition in our national procurement policies.

Mr. GRASSLEY. Mr. President, this legislation greatly improves the ability of small businesses to bid on spare parts bought by the Defense Department, and thereby increase the potential source of supply of our Nation's defense.

However, it should be noted that this bill does not increase the amount of competition for defense contracts. As the saying goes, "You can lead a horse to water, but you can't make it drink." Similarly, the Congress can give the Defense Department the means for increasing competition, but it can't make DOD compete, given the current way of doing things.

If the Congress is ever to be serious about increasing competition for defense contracts, it will have to specifically instruct the Defense Department to compete by sealed bid, and use sanctions against the Department for any actions to the contrary. I have introduced such an approach in a bill, along with Senator PRYOR of Arkansas, which we have dubbed the "creeping capitalism bill." This bill, S. 1904, would increase the amount of sealed bid contracting by 5 percent per year until 70 percent of the total volume of DOD contracts are so bid. If DOD would fail to comply with the terms set forth in the bill, all noncompetitive DOD funds would be frozen.

Unfortunately, the problem of spare parts which we have uncovered, and have continued to uncover over the last 18 months, will continue unchecked. This is because while the Congress is tinkering around with the system, it ignores the incentive structure which is the real driver of high costs throughout Government.

Last year, for instance, the Air Force identified problems with spare parts pricing. Its solution, however, was to increase its budget by 50 percent. The net result was ever-increasing prices this year. And I would submit the same will occur again and again until the Congress finally gets serious and speaks the only language that DOD seems to understand: Money.

This problem of Congress looking at the system instead of the context of our problems is best summed up by a quote from Ivan Turgenev in a letter to Leo Tolstoy, which I would paraphrase:

> Said Turgenev, we seem to always chase after Systems, while losing grasp of Truth. Systems are like the tail of a lizard, and the lizard is like Truth. We grab the tail and it remains in our hands, while the lizard goes off and grows a new tail in a twinkling.

This seems to be the problem that pervades Congress. It is the responsibility of the Congress to do what is necessary to provide a check to the centralized bureaucracy that is DOD. The strength of our national defense requires it. But to provide such a check, we need a better knowledge of the bureaucracy, insights into how it functions, and what its incentives are.

We must be sufficiently critical, yet constructive. In the case of our national defense, it is becoming more and more evident that we are not reaping the benefits of competition, but instead suffering the abuses of its absence. It is my hope that the Congress will acknowledge that this bill does not cure the problem of spare parts overpricing, but that it instead provides us with a clear first step toward correction and understanding.

Mr. ABDNOR. Mr. President, I rise today in support of legislation that is long overdue. I have been a farmer all my life but I have yet to see a hammer that is worth over $400, a piece of copper wire worth almost $7,000 or a common lightbulb worth over $40. If my lumberyard would have tried to charge me $400 for a hammer, you can bet I would have gone someplace else for my hammers.

Abuses are inevitable in a defense procurement system that spends over $20 billion annually on purchases of spare parts, with only 5 percent procured through open competition. Most of the remaining 95 percent is procured under sole-source methods and very little of that goes to small business. Without the efficiency and accountability inherent in a competitive environment, we can expect taxpayers to continue to pay excessive premiums for the tools and supplies our Government needs to operate.

A system that produces wrenches costing hundreds of dollars is a system with problems that we, as public servants, have a responsibility to rectify. In Government procurement, adequate competition has been lacking due to poor planning and unnecessary inpediments to entry of new competitors to the Federal marketplace, especially small business competitors.

S. 2489, the Small Business Competition Enhancement Act of 1984, is sound legislation that will substantially increase opportunities for the awarding of Federal procurement contracts to small businesses. S. 2489 incorporates requirements into the planning and design of a major systems or product contact that will make it easier for agencies to award on a competitive basis the spare and repair contracts that will be needed to maintain the system during its service life.

While small businesses can't realistically bid on aircraft procurement contracts, I am quite certain they can provide hammers for a lot less than $400.

This legislation takes meaningful steps to remove some of the most obvious and harmful impediments to small business participation in Government procurement. For example, prequalification requirements are one glaring obstacle to small business participation in Government procurement. Prequalification requirements are conditions that must be met by a business before its offer can even be considered by a procuring agency. Many of these prequalification requirements have effectively eliminated small business from the Federal procurement process.

Presently, many small businesses must meet prequalification requirements that no longer are justified or are unclear. S. 2489 eliminates any prequalification after it has been in effect for 5 years unless the procuring agency can still justify the requirement. Necessary prequalification requirements are usually to protect our national security.

The "Small Business Competition Enhancement Act" has been favorably reported by the Committee on Small Business, chaired by the very able Senator from Connecticut [Mr. WEICKER]. The Senator from Texas [Mr. TOWER], and the Committee on Armed Services have addressed all national security considerations as they relate to defense contracts. All members of these committees, especially the Senator from Illinois [Mr. DIXON], should be commended for their diligence to make workable this very necessary reform of Government procurement policy.

In this time of excessive and wasteful Government spending, I am very happy the Senate is ready to consider this legislation that will give the taxpayers a better buy with their tax dollars.

I urge my colleagues to support S. 2489. This legislation will expand our Nation's small business participation

in selling products and services to the Federal Government. Thank you.

Mr. PRYOR. Mr. President, the Federal Government spends billions of dollars each year on the purchase of services from the private sector, yet small businesses, who could provide the same goods and services at competitive prices, are stifled by the number of Federal laws and agency practices which make it virtually impossible for them to effectively compete for Government contracts.

I am pleased that the Senate has turned to consideration of the Small Business Competition Enhancement Act of 1984—S. 2489—of which I am a cosponsor. This bill is intended to encourage competition for the spare parts, support equipment, and other services necessary to maintain major systems acquired by Federal agencies, and offers a specifically targeted and balanced legislative response to the most persistent obstacles to competition faced by small firms.

S. 2489 is, in effect, the revised version of an earlier piece of legislation, S. 1730, the Small Business Competition in Contracting Act, which I also cosponsored. While S. 1730 identified specific problems in the procurement process and addressed particular concerns of small businesses in that regard, the bill before us today offers a more detailed outline for the correction of those practices which hamper the ability of small companies to fairly compete for Government contracting opportunities.

The Small Business Competition Enhancement Act seeks to abolish the major stumbling blocks in the competition process in several ways, including: first, changing the "prequalification" requirements used by many agencies. The bill states that these requirements must not only be justified but also that the qualification standards be specified in advance; second, emphasis on the requirement that major systems contractors must sell technical data to the procuring agency in order to insure the competitive procurement of future spare parts necessary to maintain the system; and third, the expansion of the Small Business Procurement Center Representatives Program, and clarification of the representatives' authority and responsibility as advocates for competition.

Mr. President, it is appropriate for the Senate to focus attention on the special concerns of small businesses. The Small Business Competition Enhancement Act is one step in that direction. I urge my colleagues to act quickly toward passage of this vital measure.

Mr. KASTEN. Mr. President, several months ago, when the now infamous military spare parts purchasing scandal hit the news, Americans were justifiably outraged over the waste of tax dollars those expenditures represented. There were calls for action against those who had made the overpriced purchases and against those who sold the Government those parts.

Of course, I support the prosecution of individuals who rob the taxpayers, but there was something more to this story than just isolated instances of theft or corruption. In hearings across the country, including one I held in Wisconsin, we discovered that the problem lay deeper than in the actions of a few individuals. The problem was the system itself.

Current procurement practices discourage competition, dilute accountability, and breed waste. Procurement officers punch up numbers on computers when ordering spare parts, not realizing that they may be paying hundreds of tax dollars for minor parts. Departments needing items right away say "hang the expense" and don't take time to shop around for the best values. One hand doesn't know what the other is doing, so that while a purchasing department buys parts, a disposal office is throwing away excess inventory of those same parts.

Our hearings and other investigations revealed that what is needed is a system that promotes competition for spare parts contracts, that encourages small businesses to participate in the process, and that puts procurement experts into the pipeline to identify possible sources of waste. And what we have before us today, the Small Business Competition Enhancement Act of 1984, is the embodiment of the solutions we developed.

I am proud to be a cosponsor of S. 2489, and I'm glad to see the Senate taking prompt action on the bill. As you know, Mr. President, the Senate Small Business Committee, on which I am honored to serve, has approved this measure. So has the Senate Armed Services Committee. In fact, major portions of this bill were attached to the Defense authorization bill that this body recently passed. With today's approval of the entire reform package, the Senate will help put in place a vast improvement of our spare parts purchasing system. It will also move us toward increased small business participation in Federal procurement.

I urge my colleagues to give S. 2489 their unreserved support, for the sake of an improved national defense as well as for the sake of our taxpayers.

Mr. BAUCUS. Mr. President, I am pleased to be a cosponsor of this bill and I encourage my colleagues to support its passage. This bill was reported out of the Small Business Committee, of which I am a members by a unanimous vote.

This bill will changes some of the Federal Government's procurement practices, particularly in the area of defense procurement. These changes will make Federal procurement more efficient and save taxpayers money.

The Small Business Competition Enhancement Act will increase competition in the awarding of contracts, especially contracts for spare parts and support equipment needed to maintain major weapons systems.

According to the General Accounting Office, during each year for the last 3 years, approximately $15 to $20 billion worth of new spare parts contracts were awarded noncompetively primarily by the Department of Defense.

In the end, only about 6 percent of the Pentagon's contracts are awarded by strict competitive bidding. The absence of competition means higher costs and means many small businesses never have a chance to bid for a contract.

The General Accounting Office has concluded that a savings of 10 to 50 percent—$1.5 to $7.5 billion—could be achieved through competitive contracting.

This bill encourages the awarding of design and production contracts to contractors who include specific proposals in their bids to facilitate competitive procurement of spare parts.

This includes making parts that are common to many systems identical and building competition into the design phase of major systems.

Senate bill 2489 also tightens the use of "prequalification" requirements that often keep small businesses from bidding on contracts. Agencies must now justify their use under specific, prescribed standards.

Spare parts competition has been kept at a minimum largely because no one could gain access to the technical data needed to manufacture the parts. This bill recognizes that the taxpayer and Government have rights to this data as well as the contractor.

Prime contractors are provided financial disincentives to deter them from asserting proprietary rights and establishes procedures to ensure the Government's access to technical data necessary for competitive spare parts procurements.

This bill also establishes an advocate for competition through the expansion of the Small Business Administration's Procurement Breakout Centers.

I want to express my appreciation to the many groups who worked on the bill and for the spirit of compromise and cooperation. Positive criticism was largely responsible for many constructive changes.

Just a few of the groups who have endorsed this legislation include: Executive for National Security, National Federation of Independent Businesses, National Small Business Association, National Tooling and Machining Association, Small Business Legislative Council, Small Business United, and

the United States Chamber of Commerce.

Mr. D'AMATO. Mr. President, I rise today in support of this measure as amended, the Small Business Competition Enhancement Act of 1984. As an original cosponsor of S. 2489, I am extremely pleased to see that it has reached the floor for consideration by the full Senate and appears assured of passage.

I want to express my appreciation to the distinguished chairman of the Committee on Small Business, the senior Senator from Connecticut, for his wise leadership, persistence, and hard work on this measure. Additionally, I want to commend other members of the Committee on Small Business for their significant contributions to this measure. Without this cooperative effort, we would not have the effective, comprehensive measure we see before us today.

This measure addresses many of the barriers to small business participation in Federal procurements. For example, it standardizes and limits prequalification requirements which have in the past been employed unfairly against small business. When I last spoke on S. 2489, I cited the B.H. Aircraft Co. case, a matter in which I was personally involved, in which the Air Force used their engineering qualified source process to block open competition. Once this barrier came down, the resulting contract award saved the U.S. taxpayer millions of dollars.

One of my major concerns has been excessive costs for spare parts for defense systems. This measure will require the Government to obtain technical data in all production contracts for major systems, so that technical data packages may be provided to foster subsequent competition for replenishment spare parts. Also, this bill requires procuring agencies to establish systems for managing this technical data, so it will be available when needed.

These reforms will have a significant impact on defense spare parts costs. Moreover, they will open the door to many small businesses who would like to compete for Federal contracts. This will produce a stronger defense establishment through more efficient utilization of defense resources, a stronger defense industrial base through wider business participation, and a healthier climate for small businesses through access to a major market which has, regrettably, too often been closed to them.

Mr. President, I am proud to be an original cosponsor of S. 2489, which has now been incorporated into H.R. 4209. I strongly urge my colleagues to vote for this bill. It contains many needed reforms to our Federal procurement process and fosters participation in this process by our small businesses, the most dynamic, creative, and cost-effective sector of our economy.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and clerical corrections in the bill as may be required.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 908, H.R. 4209.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4209) to amend section 15 of the Small Business Act.

The PRESIDING OFFICER. The Senate will proceed to its immediate consideration.

Mr. WEICKER. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the text of S. 2489, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. Have the yeas and nays been ordered on H.R. 4209, as amended?

The PRESIDING OFFICER. They have been ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I would like to express my thanks and appreciation to the majority staff of the Small Business Committee and also the minority staff, who have worked for a full year on this matter.

Mr. President, I yield to the Senator from Illinois.

Mr. DIXON. Mr. President, the rollcall will not take place until 5 o'clock. In anticipation of what we reasonably can expect to have occur then, I would like to express my personal appreciation to my distinguished colleague and warm friend, Senator LOWELL WEICKER, of Connecticut, chairman of the Committee on Small Business. I wish to join him in praising the work done on the bill, S. 2489, by the majority staff, especially Bill Montalto.

I also wish to extend my appreciation to Alan Chvotkin, minority chief counsel of the Senate Small Business Committee, for all of his excellent work on S. 2489. Alan worked many long hours, beginning in January 1983, with S. 1730, the Small Business Competition in Contracting Act of 1983, and then with its successor, S. 2489, the Small Business and Federal Procurement Competition Enhancement Act of 1984.

My thanks, also, to Charles C. Smith Jr., of my staff, who contributed greatly to the development of this legislation.

Both the majority and minority staffs of the Senate Armed Services Committee were of special assistance in the bill's preparation, and I express my appreciation to them.

I would also like to thank my good friends, the distinguished Senator from Indiana [Mr. QUAYLE], and the distinguished Senator from Michigan [Mr. LEVIN], members of the armed services task force on defense procurement matters, for their outstanding leadership, and to all those who worked so diligently and have made such important contributions to the passage of this legislation.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Illinois for his comments and I wish to point out that we brought Bill Montalto aboard the staff of the Small Business Committee with the thought that some day, we might have need of his expertise in the procurement area. That moment came sooner rather than later. Indeed, what we have today is, in large measure, the result of his efforts and his thoughts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HECHT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I am about to propose an arrangement that I hope the Senate will agree to which will accommodate certain Senators who are necessarily absent today attending the funeral of another Member and for other reasons that appear desirable. Let me describe what I am going to do before I put the request.

First, Mr. President, I am going to ask for third reading of the House bill. After that, Mr. President, I am going to ask that the vote on the House bill occur at 5 o'clock and no further debate, motions or amendments be in order, with the usual language which accompanies that, and to provide that the motion to reconsider be laid on the table.

Now, Mr. President, that is the substance of the request. In effect what we are going to do is finish everything on the SBA bill and provide for a final vote at 5 o'clock and nothing else can happen. That is what we are after.

Mr. President, have we had third reading on the House bill?

The PRESIDING OFFICER. Third reading has not yet occurred.

Mr. BAKER. Mr. President, I ask for third reading on H.R., 4209, if there is no further debate.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. BAKER. Mr. President, I ask unanimous consent that no further debate, no further amendments, and no further motions be in order as to this measure. I further ask unanimous consent that the vote on final passage occur at 5 p.m. today; that paragraph 4 of rule XII be waived, and that a motion to reconsider the vote by which the bill is adopted be considered as laid on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair. Now, Mr. President, once again a rollcall vote has been ordered on final passage of the small business bill, and it will occur at 5 p.m. today. Senators should take account of that arrangement.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, may I inquire of the minority leader now if it would be possible for us to proceed to the budget waiver of those sections of the Budget Act with respect to the consideration of the supplemental appropriations bill and then subsequently the supplemental appropriations bill itself at this point?

Mr. BYRD. Mr. President, I believe that the chances of doing so are reasonably good. I suggest to the distinguished majority leader that he not put the request just now but around 3:30 p.m. when I can get back to him. A Senator will be present at that point who wants to be present.

Mr. BAKER. Very well. Mr. President, may I say that I hope we can do that, and I would expect to ask the Senate, if the budget waiver is agreed to, to turn to the consideration of the supplemental appropriations bill today, temporarily laying aside the unfinished business, which is the motion to waive the Budget Act in respect to the agriculture bill. But I would not expect the Senate will be in late today. I think that we would get opening statements on the supplemental out of the way and perhaps other formalities, but I would not expect us to go much further than that at this time.

Mr. CHILES. If we could have about 10 minutes, I might be able to engage in my little colloquy now and save that time until 3:30. I can wait until 3:30.

Mr. BAKER. Mr. President, I am willing to do that now. I am as willing to do it now as I will be at 3:30.

Mr. CHILES. I understand that. At the time the majority leader put the unanimous-consent request, I was going to say that I was not going to object but I was going to reserve the right and then ask the Senator if he could tell us his intentions as to the schedule. He has already said something about the supplemental. I have a little interest in the cloture vote that may come tomorrow, and I wonder if the majority leader might enlighten us as to his proposed schedule on that.

Mr. BAKER. I thank the Senator.

Mr. President, the vote will occur tomorrow. I do not recall now whether we set a time certain for that vote. In any event, if we have not, the vote will occur an hour after we convene tomorrow, plus the time necessary to establish a quorum on cloture to limit debate on the motion to waive the provisions of the Budget Act with respect to the agriculture appropriations bill.

Is it my hope that tomorrow we will invoke cloture. But even if we do invoke cloture, it is the present intention of the leadership on this side—if we adopt the budget resolution—to go back to the supplemental appropriations bill. It is the hope of the leadership on this side that we can complete this week both the supplemental appropriations bill and the agriculture appropriations bill.

I think the Senator may be asking whether or not, if cloture is invoked, we would then try immediately to go to the agriculture appropriations bill, and my answer is no, I would not.

Mr. CHILES. I was interested in that. I am also interested in this: If the cloture vote comes in the a.m., will we have 1 hour of debate prior to that time?

Mr. BAKER. Mr. President, I would be willing to make any arrangement, within reason, that the Senator from Florida and the minority leader would like. It is appropriate that there be at least an hour of debate before the cloture vote. I should like to do what we almost always do and find out what time for the cloture vote would be mutually convenient, to provide an hour of debate prior to that time, and divide the time equally between the chairman and ranking minority member of the Budget Committee.

Mr. CHILES. I thank the majority leader.

I will make one other comment. My understanding is that a conference has been called for tomorrow by the chairman of the conference, Mr. JONES, of the Budget Committee. I feel that we would not even need the cloture vote tomorrow if we simply were told to go to that conference and to come back with a result or stay there until we can come back with a budget resolution. I think we would save the Senate having the cloture vote tomorrow or any further cloture votes or debates on waiver of the budget resolution.

Mr. BAKER. The distinguished former chairman of the Budget Committee, the Senator from Florida, perhaps has not heard me tell this story——

Mr. CHILES. I have not had that opportunity.

Mr. BAKER. I have a daughter who is the apple of my eye and who is grown now. But when she was a child, she was sick at one time. This was back in the days when doctors used to make house calls.

Dr. Thompson showed up at our house, and my daughter was in bed with fever, and she was playing a little game.

The doctor, in his best bedside manner, said, "Cissy, can I play that game with you?"

She looked at him and said, "Only if I win."

Mr. President, I am afraid that is the situation with the Budget Committee. I, too, want a budget conference report. I have urged the chairman of the Budget Committee, Senator DOMENICI, to do his dead level best to do that. But I hope there might be an element of real give and take in this matter and that we could get a conference report that was mutually acceptable. So far, that has not occurred.

It is my information that last year—and certainly the Senator from Florida is better versed in this than I am—we had a similar dilemma in the budget conference. But last year, instead of being on the defense number, it was on the domestic or nondefense number. That was finally reconciled or resolved by establishing not a single number in the budget resolution but a range of numbers, and the conference report was adopted in both Houses, and we operated under it. We still are, for that matter.

It is my information, as well, that this year the distinguished chairman of the Budget Committee on the Republican side made a similar offer on this year's controversy—that is, the question of a defense number—and since we could not agree on a defense number, that we adopt instead the policy that was established last year of a range of numbers. But that has not been favorably received by the conferees so far, and I regret that. I think that is an eminently satisfactory way to resolve this issue, and I believe it would get a lot of underbrush out of

the way and let us get on with the appropriations bills.

Mr. President, it is a matter of extraordinary regret to me that in these 3 weeks we have not been able to do what the leadership on this side announced we were going to do, and that was to focus on the appropriations bills and pass as many of them as possible.

I see the distinguished chairman of the Appropriations Committee, Senator HATFIELD, on the floor, and I know that he shares with me the same regrets—that we have not been able to do that.

What is happening right now is that all appropriations bill are being held hostage to getting your way in the budget conference. I used to be a practicing lawyer and used to have an occasional case that involved what we called secondary boycott, and that is sort of what is happening to the poor, old appropriations bills. There is a secondary boycott running against the appropriations process, and it is, "If you don't do the budget resolution the way we want it, we won't go ahead with the appropriations bills."

Mr. President, I think that a good-faith offer has been made to establish a range of numbers. I think that a conference that would act on that in a favorable way would break this impasse, and we could get on. But it is late this week to do much about it, so I have relinquished the thought I once had that we could do seven appropriation bills this week. Instead, I will settle for two—the agriculture appropriations bill and the supplemental.

I should like to see this matter resolved; and in fairness and equity, I should like to see it resolved on the same basis we did it last year. I am a devotee of the budget process. I believe it does a great deal of good and that it should continue and that it will. But I do not believe that we ought to hold up these appropriation bills while we try to establish a secondary purpose, and that is to get a defense number in a budget conference before we take up the appropriation bills.

Mr. CHILES. Mr. President, to the majority leader I wish to say with all deference that I think maybe Cissy still wants to win the game.

The number that we are talking about is the difference between $13 billion in the defense manner, and the House of Representatives has already offered to split that number. I think there is a real difference between what we did last year and this year. Last year we were talking about a bloc of House Members who wanted to authorize some new programs that never have been authorized before. They wanted to spend some money for those new programs and they felt that they should not be blocked out by the Budget Act from being able to at least see if they could get those programs authorized.

We found ourselves in this dilemma. No Republicans like to vote for the budget resolution in the House of Representatives. So we sort of have to depend on all the Democrats to pass it. So if you ever got a block of them over there that are contrary to it, it makes it a little more difficult.

But we did not take all of the money they wanted for those new programs. We only took a portion of it. We fenced it off so it could not be used for anything else and we said if those programs were authorized, if they passed both the House of Representatives and the Senate, if the President allowed them to become law, then this money was available.

I think that is a little bit different from a defense number—$13 billion. We are not talking about a program that had not been authorized. It has all been authorized. It is all being spent.

It seems as if the Senator from Florida is concerned about if we are worried about what we spent last year and that is haunting us now, what kind of precedents are we going to set if we have a range of numbers that we can take the high number of the Senate on defense and the low number of the House of Representatives? Is there any reason to have a conference? Why do we not just simply have each one pass their bill in the future and then say the high and the low?

The whole purpose of the Budget Act is to try to put a restraint on spending, and the distinguished majority leader has said he is quite concerned, he wanted to schedule these seven bills, and they are being held up by this secondary boycott.

I would just say to our distinguished majority leader that secondary boycott just happens to be the law of the land. It just happens to be the law that says you shall have a budget resolution before you pass appropriations bills.

So if it is a secondary boycott for the Senator from Florida to be saying that we should follow the law, the only law that we have that restrains spending, the only law that is available to us to try to set a lid and a ceiling on it, then I plead guilty to leading the secondary boycott.

Mr. BAKER. Mr. President, the only exception I will take to the remarks of the distinguished Senator from Florida is this.

I have enormous respect for the Senator from Florida and the Senator from New Mexico, the chairman, and ranking minority member of the committee, and the committee itself.

But I disagree with the notion that they are the only ones who restrain spending. They are certainly the ones who establish a budget and targets. But the Appropriations Committee does that. The authorizing committee does that. And the Senate does that. They are not the whole show.

Mr. President, on the question of these matters being authorized, one of the problems that the leadership on this side is concerned with and must deal with is that we do not have an authorization bill. We passed one in the Senate, passed one in the House of Representatives, but so far you have had an inconclusive conference and it seems to me that it would not be appropriate, given the fact the authorizing committees have not yet agreed on authorized numbers, to let the Budget Committee do it for them.

It seems to me that the Appropriations Committee should have a lick at this as well.

So unless we can find some device to reconcile this, I am not prepared to say that the Budget Committee should have absolute say over how that should be structured and designed.

Mr. CHILES. Mr. President, I hate to take issue, but I think that is exactly what the whole thing of the Budget Act was about, that we had to have the resolution before the Appropriations Committee could spend the money, that there had to be the Senate and the House of Representatives, Congress, had to speak and say what the ceiling was going to be before, and I would say to the distinguished majority leader I think one of the reasons we do not have a solution in the authorizing committee is that we have not had a budget resolution. We do not have a meeting. We canceled the schedule of the meeting of the Defense Appropriations Committee. I think that is being held up because we do not have this budget number and given the fact that the Senate had a tie vote on the number of $291 billion for defense, I just have a hard time in seeing we are hung up now in the conference in talking about either coming to some agreement between $187 and $299 billion or the House's standing offer of $292 billion which is higher than we had a tie vote in the Senate for. It just seems like to me that should not be hanging us up.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, if the majority leader will yield, I wish to make just one brief observation.

Mr. President, we have seven appropriations bills and a supplemental appropriations bill that have been standing in line waiting to be acted upon. Members of the Appropriations Committee have worked diligently, have worked long hours, and the staff has worked way into the night in order to make these bills available.

Let me just take one single program to illustrate that we may be engaged

in a very meaningful and erudite kind of debate and it may have very significant bearing on the procedures of the Senate and ranges of figures and all of the jurisdiction between this committee and that committee and the other committee, but in about 2 weeks the Food Stamp Program is going to be broke, and we have $700 million riding on the supplemental to feed those people who are dependent upon the food stamps of this country program.

Mr. President, for all of this delay, we can have any kind of reason and justification. I am not engaged in this debate up until now. But I just want to make sure that all the Members realize that we have an appropriations bill on agriculture on this floor that has been delayed. We could have amended that vehicle to put that $700 million in there for food stamps that will expire, and there are other programs that are important—I am just using this as one example—but, no, we cannot move that appropriations bill because we are going to adjourn on Friday. We have to go to conference. We have to come back from a conference and pass the conference report. Then our hope was the supplemental. We have it in the supplemental. I can imagine by the time we get in the supplemental and all the Central American issues and a lot of other controversial issues we will be right back at this square one where we are now.

I just believe that the people out there in this country who are dependent upon the food stamps could care less about our erudite, academic and very, very appropriate debates that are going on here about jurisdiction, ranges, figures, targets, conferences, and all that. They are going to say "Where is the food?"

And that is going to be a question that every Member of this Senate is going to have to answer.

Mr. CHILES. Mr. President, if I might just say, I hope my good friend from Oregon knows that I said at the beginning of my comments on the agricultural bill that I would not raise any objection to the supplemental, that I felt it had things that needed to pass, and at any time that anyone wanted to take up the supplemental I would consent to getting off our discussion on the agriculture bill and be able to move to that supplemental.

Mr. HATFIELD. May I respond that the Senator from Florida knows very well where he might be able to ease off on that particular point, there are enough controversial issues in that supplemental that are going to raise other voices on this floor perhaps seeking the same delays the Senator from Florida is seeking, not for the same reasons, but the result will be the same—no action.

Mr. BAKER. Mr. President, we can go on and on with this, and I acknowledge good faith on the part of all Members who have participated in the past and are participating now.

But I think the chairman of the Appropriations Committee puts his finger on it. The average person in this country, certainly those receiving food stamps, certainly the farmers in this country, and certainly goodness knows how many others who are affected by the appropriations bills for agriculture or the supplemental, could care less what goes on in the Senate about procedures. All they look at is the result and the fact of the matter is for 2 weeks now we have been hung up on a technicality.

That is a good technicality. It is one that we wrote into the law, but we also wrote into the law a provision for waiving that. We can waive the whole act. We can waive a section of the act in variations, in permutations, and in combinations that would stagger the mind of man. But it was to take advantage of situations such as this that waivers were provided for.

Mr. President, while I have a moment, could I inquire of the distinguished minority leader on another subject.

Mr. CHILES. Before you leave that, if I might have one more moment to address the technicality. We talk about technicalities, and what the average man is concerned about or not concerned about. What I find is that the average man in my State is concerned about interest, the debt, and the interest rate that he is having to pay. I do not think it is a technicality. It is not on my part. Maybe it is on somebody else's part. I am concerned that we have a $110 billion interest payment by the Federal Government now that the CBO figures now tell us will be $224 billion for the next 5 years at the rate we are going now. If we do not have some spending restraint, that interest rate eats up everything. I think that does affect the average man. It does in my State. It means whether we are going to have jobs or not. So that is the kind of technicality that the Senator from Florida is concerned about, and will continue to be concerned about until we get some resolution of the budget resolution.

Mr. BAKER. I thank the Senator.

Mr. President, what I would like to do now, if we can, is see if we can proceed to the budget waiver on the supplemental, and then to lay down the supplemental appropriations bill itself. Could I inquire of the minority leader if he is prepared to do that at this time?

Mr. BYRD. Yes, Mr. President; provided that there will be no votes after 6 o'clock today.

Mr. BAKER. Mr. President, I am prepared to say that it is not the intention of the leadership to have any votes after 6 or 6:30. Six o'clock would be an outside estimate. As I indicated earlier, I do not anticipate that today will be a late day, that we will have opening statements perhaps, minor amendments taken care of, and other procedural aspects. But for fear that something might come up that has to be dealt with, I would prefer not to put an order down that we would not have the votes after 6. But I can assure the minority leader that it is my intention to run a normal schedule today.

Mr. BYRD. Would it be the intention of the distinguished majority leader to try to protect Senators who have primaries today? That was the reason I mentioned the 6 o'clock vote out of consideration for that situation.

Mr. BAKER. Mr. President, of course, I will. I indicated earlier that we had Members absent for, among other reasons, the Perkins funeral. I should have also pointed out that there are primaries today. That also requires the absence of certain Senators on both sides of the aisle. But I will certainly accommodate any reasonable request in that respect.

Mr. BYRD. Mr. President, I take the majority leader at his word. I will assist him as best I can in avoiding any rollcall votes after 6 o'clock at the end of the day for the reasons that have been indicated. Therefore, there is no objection.

Mr. BAKER. I thank the Senator.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that section 303 and 311 of the Congressional Budget Act be waived with respect to consideration of the 1984 supplemental appropriations bill, H.R. 6040, as reported by the Senate Committee on Appropriations, and any amendments thereto pursuant to section 904 of that act.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

I especially thank the minority leader and the distinguished Senator from Florida who has made it possible for us to proceed on this basis at this time.

Mr. President, has the waiver been agreed to?

The PRESIDING OFFICER. The question has been agreed to.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I now ask the Chair to lay before the Senate H.R. 6040.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

(The parts intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic, as follows:)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Agricultural Research Service, **[**$50,200,000**]** *$49,000,000*, to remain available until expended.

The Secretary of Agriculture may transfer the public use restrictions on land conveyed to Oklahoma State University in 1954 from that land to land of equal or greater value, as determined by the Secretary.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $1,500,000.

AGRICULTURAL MARKETING SERVICE

[None of the funds appropriated or made available under this Act for fiscal year 1984 may be used by the Secretary of Agriculture to implement any amendment to an order applicable to a fruit or vegetable issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).**]**

None of the funds appropriated or made available under this or any other Act for fiscal year 1984 may be used by the Secretary of Agriculture to implement any amendment to an order applicable to a fruit, vegetable, nut or specialty crop issued pursuant to section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), unless each such amendment thereto is submitted to a separate vote.

FEDERAL CROP INSURANCE CORPORATION

[SUBSCRIPTION TO CAPITAL STOCK

[To enable the Secretary of the Treasury to subscribe and pay for additional capital stock of the Federal Crop Insurance Corporation, as provided in section 504(a) of the Federal Crop Insurance Act (7 U.S.C. 1504), $25,000,000.**]**

FEDERAL CROP INSURANCE CORPORATION FUND

BORROWING AUTHORITY

For emergency borrowing authority as authorized by section 516(d) of the Federal Crop Insurance Act, as amended (Public Law 96-365), $100,000,000 shall be available to the Federal Crop Insurance Corporation.

FARMERS HOME ADMINISTRATION

PREVENTING FARM FORECLOSURES

The $250,000,000 transferred to insured and guaranteed operating loans on July 9, 1984, by the Secretary of Agriculture is available to prevent foreclosure of farm loans through extending the period of repayment of existing loans or refinancing of loans, or other means, as authorized by 7 U.S.C. 1981a.

Should such sum be insufficient to meet the need to extend or to refinance farm loans to avoid foreclosure, the Commodity Credit Corporation has authority under law to provide this type of financial assistance in order to protect farm income and provide for adequate supplies of food and fiber as authorized by 15 U.S.C. 714.

AGRICULTURAL CREDIT INSURANCE FUND

Additional loans may be insured or guaranteed, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928-1929, as follows: farm ownership loans, $25,000,000**[**;-and guaranteed operating loans, $150,000,000**]**.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation, as authorized by section 522 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $30,000,000, to remain available until September 30, 1985.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), **[**$5,000,000**]** *$15,000,000*, to remain available until expended, as authorized by 16 U.S.C. 2204.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EMERGENCY CONSERVATION PROGRAM

For an additional amount for emergency measures as provided by sections 401, 402, and 404 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), **[**$8,000,000**]** *$15,000,000*, to remain available until expended, as authorized by 16 U.S.C. 2204.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for the "Food stamp program", $700,000,000.

FOOD DONATIONS PROGRAMS

Funds provided for the "Food donations programs" for 1984 shall remain available until September 30, 1985.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480

For an additional amount for "Public Law 480", for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms, pursuant to titles I and III of said Act, $175,000,000, of which $175,000,000 is hereby appropriated, to remain available until September 30, 1985.

RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, **[**$13,867,000**]** *$14,867,000*, to remain available until expended.

CHAPTER II

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,700,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $7,000,000 for a grant to the Institute for Technology Development in the State of Mississippi pursuant to 42 U.S.C. 3151(f).

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", **[**$5,725,000**]** *$8,530,000*, to remain available until expended: *Provided, That $750,000 shall be available for the Year of the Ocean Program, of which $250,000 shall be made available contingent on a matching fund basis from private sources.*

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", **[**$2,000,000**]** *$4,900,000*, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

[For an additional amount for "Operations and training", $2,500,000, to remain available until expended: Provided, That these funds shall be made available to the "Association for the Preservation of the Yacht, Potomac" only when matched by an additional $2,500,000 in contributions from State or local governments or private sources.**]**

For the acquisition and preconversion costs for a training vessel to be used at the State University of New York Maritime College, $8,500,000, to remain available until expended, of which $1,000,000 shall be used for preconversion costs: Provided, That these funds shall be made available for obligation six months following the enactment of this Act only if a suitable surplus vessel has not been made available to the State University of New York Maritime Academy.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $250,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

In the appropriation language under this head in Public Law 98-166, delete "of which $556,000 is to remain available until expend-

ed for the Federal Justice Research Program".

WORKING CAPITAL FUND

For additional capital, $800,000, to remain available until expended and to be derived from current operating income.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", [$527,000] *$449,000.*

GENERAL LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", [$7,156,000] *$8,341,000: Provided,* That of amounts appropriated under this head for fiscal year 1984, not to exceed $10,374,000 for litigation support contracts shall remain available until September 30, 1985.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", [$3,500,000,] *$8,000,000 of which $3,855,000 is* to be derived by transfer from "Support of United States Prisoners"[,-of which not to exceed $1,100,000 for relocation of the District of Columbia United States attorney's office shall remain available until September 30, 1985]*: Provided, That $4,164,000 shall remain available until September 30, 1985 for the United States Attorney's office in the District of Columbia for the purpose of relocating, renovating, installing equipment, and renting space: Provided further, That $1,436,000 shall be available until September 30, 1985, for the purpose of paying salaries and expenses of employees supporting the District of Columbia Superior Court.*

SUPPORT OF UNITED STATES PRISONERS

[For an additional amount for "Support of United States Prisoners", $5,000,000, to remain available until expended: *Provided,* That this amount shall be for the Cooperative Agreement Program and shall be subject to the same terms and conditions applicable to this program in Public Law 98-166 under the heading "Support of United States Prisoners".] *In addition to the amount made available in the appropriation under this head, the language governing the Cooperative Agreement Program for fiscal years 1982, 1983, and 1984 is amended to permit State and local jail systems to renovate, construct, and equip facilities that will house non-Federal prisoners: Provided, That such expenditure is made under agreements with State and local jail systems which make space of equal or greater value available to house Federal prisoners than would otherwise have been provided under the conditions established by the relevant appropriations Acts.*

FEES AND EXPENSES OF WITNESSES

Funds appropriated under this head in Public Law 98-166 shall be available for use of facilities required as command posts in the protection of witnesses, and for official phone calls made from command posts.

Of funds appropriated under this head in Public Law 98-166, not to exceed $850,000 shall be available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

[In the appropriation language under this head in Public Law 98-166, delete "$13,860,000" and insert in lieu thereof "$10,692,000".] *Of funds available under the above head, $10,692,000 for purchase of automated data processing and telecommunication equipment and $7,773,000 for undercover operations shall remain available until September 30, 1985.*

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, Federal Prison System" [$6,160,000] *$15,760,000;* [and, in addition $3,900,000 to be derived by transfer from Federal Prison System, "Buildings and Facilities".] *of which $8,500,000 shall be available until September 30, 1985.*

NATIONAL INSTITUTE OF CORRECTIONS

For an additional amount for "National Institute of Corrections", [$3,000,000] *$300,000,* to remain available until expended.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and expenses", [$5,175,000] *$279,000,* and in addition, $4,723,000, to be derived by transfer from "Contributions to international organizations" and $10,879,000, to be derived by transfer from "Contributions for international peacekeeping activities"*: Provided, That of the funds appropriated under this heading in Public Law 97-275, $3,500,000 shall remain available until September 30, 1985.*

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For an additional amount for "Acquisition, operation, and maintenance of buildings abroad", [$7,140,000] *$17,140,000,* to remain available until expended: *Provided, That of the funds appropriated under this heading in Public Law 97-275, $3,000,000 shall remain available until September 30, 1985.*

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", [$4,628,000] *$5,399.000.*

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

Notwithstanding section 8(b) of the Board for International Broadcasting Act of 1978, the amounts placed in reserve in fiscal year 1984 pursuant to that section, or which would be placed in reserve pursuant to that section, shall be available until September 30, 1985, to the Board for carrying out that Act.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

For necessary expenses for the Christopher Columbus Quincentenary Jubilee Commission as authorized by the Christopher Columbus Quincentenary Jubilee Act, $220,000, to remain available until expended.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount for "Care of the building and grounds", $600,000, to remain available until expended: *Provided,* That this additional amount shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

For an additional amount for "Defender services", $4,000,000, to remain available until expended.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For an additional amount for "Expenses of Operation and Maintenance of the Courts", $1,125,000, to remain available until expended.

BANKRUPTCY COURTS, SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Bankruptcy Courts, salaries and expenses", [$2,545,000] *$2,500,000,* and in addition, $1,000,000, to be derived by transfer from "Space and Facilities".

CHAPTER III

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $3,200,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $2,800,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $81,400,000, and in addition, the amount available under this heading that can be used for emergencies and extraordinary expenses is increased to $11,098,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", [$105,400,000] *$107,400,000.*

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $14,200,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $41,200,000, *and in addition, the amount available under this heading that can be used for emergencies and extraordinary expenses is increased to $5,020,000.*

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", $20,400,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and maintenance, Army Reserve", $1,300,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and maintenance, Navy Reserve", $500,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and maintenance, Air Force Reserve", $2,600,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and maintenance, Army National Guard", $4,300,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and maintenance, Air National Guard", $2,600,000.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $50,000,000, to remain available for obligation until September 30, 1986.

GENERAL PROVISIONS

Section 731 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

Section 765(c) of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

Section 781 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended by inserting the following language at the end of the provision: "This limitation shall apply only to ejection seats procured for installation on aircraft produced in the United States."

Section 799B of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby amended to read as follows:

"SEC. 799B. Within the funds made available under title III of this Act, the military departments may use such funds as necessary, but not to exceed $4,461,000, to carry out the provisions of section 430 of title 37, United States Code: *Provided*, That after [July 30] *August 31*, 1984, none of the funds appropriated to the Department of Defense for the travel and transportation of dependent students of military [and of Department of Defense civilian] personnel stationed overseas shall be obligated for a transportation allowance for travel within or between the contiguous United States.".

None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

[(TRANSFER OF FUNDS)

[Of the funds made available to the Department of Defense, $300,000 shall be transferred to the Department of Education which shall grant such sum to the Board of Education of the Highland Falls-Fort Montgomery, New York central school district. The funds transferred by this section shall be in addition to any assistance to which the Board may be entitled under subchapter 1, chapter 13 of title 20, United States Code.]

(TRANSFER OF FUNDS)

Of the amount available to the Department of Defense within the "Shipbuilding and Conversion, Navy 1980/1984" appropriation, not less than $52,000,000 shall be transferred to the "Shipbuilding and Conversion, Navy 1984/1988" appropriation for the procurement of roll-on/roll-off strategic sealift vessels for the National Defense Reserve Fleet, to remain available for obligation until September 30, 1988.

An additional $336,200,000 shall be available for the battleship Missouri reactivation from amounts appropriated in "Shipbuilding and Conversion, Navy, 1984/1988".

[None of the funds available to the Department of Defense shall be obligated or expended to divert cargo on a permanent basis for any consolidation or reduction of the number of ports of call for breakbulk shipments carried on Military Sealift Command vessels with a Pacific Ocean destination which would be fewer than the number of ports of call which were being utilized by such ships on January 1, 1984.]

Of the amounts available for "Aircraft Procurement, Air Force, 1984/1986", $64,200,000 shall be available only for the purchase of at least thirty-two B-707 aircraft.

CHAPTER IV

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", to enable the Secretary of the Army, acting through the Chief of Engineers, pursuant to Public Law 98-213, to be agent for and to allow the construction, operation, maintenance and training of personnel of the hydroelectric project authorized pursuant to section 101 of Public Law 96-205, $8,000,000, to remain available until expended.

GENERAL PROVISION

Notwithstanding any other provision of law, there is hereby appropriated the sum of $2,000,000, to remain available until expended, to pay for flood damages (not to exceed $2,000,000) resulting from equipment malfunction and subsequent operation of the W. G. Huxtable Pumping Station, St. Francis River, near Marianna, Arkansas, during May and June 1983.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

Of the total amount appropriated in Public Law 94-438 for payment of claims resulting from the Teton Dam failure, $10,300,000 may be used to perform work on the Colorado River Front Work and Levee System.

ADMINISTRATIVE PROVISION

A sum of $6,000,000 allocated to flood control work on the Gila River Channel, within the Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona, shall be nonreimbursable and nonreturnable under Federal reclamation law.

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

[ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

[The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), is increased by $15,000,000: *Provided*, That such contract authority shall be used for the homeownership assistance program under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), notwithstanding provisions of the last two sentences of section 235(h)(1) of the National Housing Act, as amended, and notwithstanding that the foregoing contract authority is not authorized under section 5(c)(1) of the United States Housing Act of 1937, as amended: *Provided further*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $150,000,000: *Provided further*, That none of the authority provided herein shall be for the homeownership assistance program authorized by section 235(q) of the National Housing Act, as amended.]

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1), is further reduced in fiscal year 1984 by not more than $21,912,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), shall remain available for obligation for the fiscal year ending September 30, 1985, and shall be used by the Secretary for fiscal year 1985 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

COMMUNITY PLANNING AND DEVELOPMENT

URBAN HOMESTEADING

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), not more than $1,000,000 shall be available for the demonstration program authorized pursuant to section 810(i), and for the evaluation of such demonstration program pursuant to section 810(j) of the Housing and Community Development Act of 1974, as amended.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For an additional amount for "Research and technology", $200,000 to remain available until September 30, 1985.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", [$3,000,000] *$4,500,000*, to remain available until September 30, 1985.

ABATEMENT, CONTROL, AND COMPLIANCE

For and additional amount for "Abatement, control, and compliance", $50,000,000, to remain available until expended: Provided, That this amount shall be available for the purposes of the Asbestos School Hazards Abatement Act of 1984.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For an additional amount to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $50,000,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended: *Provided*, That the limitation on administrative expenses of the Hazardous Substance Response Trust Fund is increased to $66,989,000.

CONSTRUCTION GRANTS

Notwithstanding any other provision of law, for an additional amount for "Con-

struction grants", $5,000,000, for initial planning and design of an operable sewage treatment facility at or adjacent to San Diego, California for the purpose only of intercepting and treating wastewater originating in Mexico, to remain available until September 30, 1986: *Provided,* That the total Federal contribution of the facility shall not exceed $32,000,000: *Provided further,* [That any facility constructed with these funds shall not have a treatment capacity exceeding 30,000,000 gallons per day]: *Provided further,* That such funds shall, prior to receipt of any reimbursements, represent not more than 90 per centum of the initial planning and design cost: *Provided further,* That [such] *construction* funds shall not be made available unless the President of the United States certifies to the Congress that the Government of Mexico has agreed to reimburse the United States for the cost of such facility in such a manner as the President of the United States in his discretion deems acceptable.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Of the amounts appropriated under this heading in Public Law 98-181, $350,000 shall be available for the necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, to remain available until September 30, 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $60,000,000 to the Federal Emergency Management Agency, to remain available until December 31, 1984, to carry out an emergency food and shelter program. Notwithstanding any other provision of this or any other Act, such amount shall be made available under the terms and conditions of the following paragraphs:

The Director of the Federal Emergency Management Agency shall, as soon as practicable after enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the U.S.A., the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall chair the national board.

Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

The Director of the Federal Emergency Management Agency shall award a grant for $60,000,000 to the national board within thirty days after enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations *and through units of local government.*

Eligible private voluntary organizations should be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

Participation in the program should be based upon a private voluntary organization's *or unit of local government's* ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

Total administrative costs shall not exceed 2 per centum of the total appropriation.

As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

[EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

[For an additional amount for "Emergency management planning and assistance", $2,000,000, to remain available until September 30, 1986: *Provided,* That this amount shall be for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127).]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The National Aeronautics and Space Administration is authorized, notwithstanding any other provision of law, to acquire for and otherwise take such actions as the Administrator deems necessary to provide to the National Science Foundation, on a fully reimbursable basis, a Class VI Computer, with accompanying peripheral equipment as requested by the Foundation. NASA is further authorized to lease as a replacement on a two year basis, a compatible upgraded computer, with such peripheral equipment as it deems necessary to conduct requisite research operations. $13,000,000 is appropriated for this purpose and shall remain available until expended.

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), $20,000,000 shall remain available for obligation for the fiscal year ending September 30, 1985, and shall be used only for the Advanced Communications Technology Satellite (ACTS) flight test development program.

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For payment to the National Institute of Building Sciences as authorized by section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2), $250,000.

TRUST FUND

There is appropriated out of funds not otherwise appropriated, the sum of $5,000,000 to a "National Institute of Building Sciences Trust Fund" which is hereby established in the Treasury of the United States: Provided, That the Secretary shall invest such funds in U.S. Treasury special issue securities at a fixed rate of ten percentum per annum, that such interest shall be credited to the Trust Fund on a quarterly basis, and that the Secretary shall make quarterly disbursements from such interest to the National Institute of Building Sciences: Provided further, That the total amount of such payment during any fiscal year may not exceed $500,000 or the amount equivalent to non-federal funds received by the Institute during the preceding fiscal year, whichever is less: And provided further, That any amount of interest not used for any such annual payment shall be paid into the general fund of the Treasury.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The National Science Foundation is authorized to receive, from the National Aeronautics and Space Administration, a Class VI Computer, with such accompanying peripheral equipment as NASA makes available, and, upon receipt, to transfer said computer and peripheral equipment to an institution of higher education under such terms as it deems appropriate. The Foundation is directed to reimburse NASA for the costs of such transfer. Funds in the amount of $1,500,000 are appropriated for this purpose and shall remain available until expended.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", [$154,900,000] *$284,900,000,* to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", [$52,200,000] *$82,200,000,* to remain available until expended.

MEDICAL CARE

For an additional amount for "Medical care", $15,000,000: *Provided,* That the amount available in the current fiscal year for expenses of travel is increased by [$2,000,000] *$1,000,000.*

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $3,588,000.

LOAN GUARANTY REVOLVING FUND

For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), [$260,000,000] *$100,000,000,* to remain available until expended.

ADMINISTRATIVE PROVISIONS

Subject to valid existing rights, administration of the following described lands is hereby transferred to the Veterans Administration for use as an addition to the Veterans Administration Medical Center, San Francisco, to be used for the purpose of parking vehicles, notwithstanding any other provision of law: That tract of unimproved Department of the Interior land lying easterly of the Veterans Administration Medical Center, San Francisco, and known as East Ft. Miley, provided that the actual description of the lands to be administered by the Veterans Administration shall be determined by a survey made and approved by the Secretary of the Interior. The actual description shall be published in the Federal Register by the Secretary of the Interior as a Public Land Order.

In the event that the Administrator of the Veterans Administration determines that all or any part of the lands described in section 1 are no longer needed for Medical Center purposes, those lands no longer needed shall

be returned to the jurisdiction of the Secretary of the Interior.

These provisions may be cited as the "Veterans Administration Medical Center, San Francisco, Transfer Act of 1984".

[GENERAL PROVISIONS

[The language "without the approval of the Committees on Appropriations" contained in the appropriating paragraphs entitled "National Flood Insurance Fund"; "National Aeronautics and Space Administration, Research and Development and Space Flight, Control and Data Communications"; "Medical Administration and Miscellaneous Operating Expenses"; and "Title IV, General Provisions, Section 409" in Public Law 98-371 is hereby repealed.

[The language "with the approval of the Committees on Appropriations" contained in the appropriating paragraph entitled "National Aeronautics and Space Administration, Construction of Facilities" in Public Law 98-371 is hereby repealed.]

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources," [$43,960,000] *$44,141,000: Provided,* That funds available under this head are available to acquire land in the vicinity of Doyle, California, now leased to the Bureau of Land Management by the State of California.

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and access", $1,700,000, to remain available until expended.

LAND ACQUISITION

For an additional amount for "Land acquisition", $4,500,000, to remain available until expended, for expenses necessary to carry out the provisions of sections 205 and 206 of Public Law 94-579, as amended, in support of Public Law 93-531, as amended, including administrative expenses and acquisition of lands or waters, or interest therein: Provided, That hereafter any transfer or exchange of lands made to implement the provisions of Public Law 93-531 shall be made notwithstanding the provisions of 16 U.S.C. 469a-2; 16 U.S.C. 470; and 16 U.S.C. 470aa, et seq.

ADMINISTRATIVE PROVISION

The first section of the Educational Mining Act of 1982 (96 Stat. 2031), is amended by deleting the phrase "comprising approximately seventy-six acres", and by amending the land description to read "That portion of Mineral Survey 2407, Alaska, situated in Sections 8 and 9, Township 2 North, Range 1 East, Fairbanks Meridian, Alaska, as depicted on the Supplemental Plat of Sections 8 and 9 that was accepted for the Director, Bureau of Land Management, on March 24, 1983, comprising approximately 59.59 acres."

Notwithstanding the provisions of section 906(f)(2) of the Alaska National Interest Lands Conservation Act (94 Stat. 2440), the State of Alaska may relinquish its selection, under section 6(b) of the Alaska Statehood Act (72 Stat. 340), of the public lands described in the Educational Mining Act of 1982, as amended by this Act.

Notwithstanding the provisions of section 2 of the Educational Mining Act of 1982, within 30 days of the date of receipt by the Secretary of the Interior of the State of Alaska's relinquishment of its selection, under section 6(b) of the Alaska Statehood Act (72 Stat. 340), of the lands described in the Educational Mining Act of 1982, as amended by this Act, or the date of the enactment of this Act or the date upon which all the requirements of the Educational Mining Act of 1982 are satisfied, whichever occurs last, the Secretary of the Interior is directed to convey to the University of Alaska whatever right, title and interest the United States has in the approximately 59.59 acres of land described in the Educational Mining Act of 1982.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", [$1,785,000] *$1,608,000*[, of which $300,000 for pine vole research shall remain available for obligation until September 30, 1985.]

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $7,880,000, to remain available until expended.

LAND ACQUISITION

For an additional amount for "Land acquisition", $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, for the acquisition of land or waters, or interest therein, in the Atchafayla Basin, Louisiana, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, including the Fish and Wildlife Act of 1956.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $6,100,000: *Provided, That of the funds appropriated under this heading in Public Law 98-146, and unobligated as of September 30, 1984, $180,000 shall remain available for obligation until September 30, 1985, of which $30,000 is to be made available for the operation, maintenance and protection of the several archaeological and historic sites at South Point on the Big Island of Hawaii, as authorized by subsection 2(e) of the Act of August 21, 1935 (49 Stat. 6666), and of which $150,000 is to be made available for the operation and maintenance of the New River Gorge National River.*

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,500,000, to remain available until September 30, 1985, for the purpose of carrying out the provisions of S. 1090 as if enacted.

CONSTRUCTION

For an additional amount for "Construction", [$5,653,000] *$22,000,000*, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1984 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance", $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

GEOLOGICAL SURVEY

BARROW AREA GAS OPERATION, EXPLORATION, AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of Public Law 98-366, $30,000,000, of which $17,000,000 shall be derived by transfer from "Exploration of the National Petroleum Reserve in Alaska", to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for "Regulation and technology", $4,775,000.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", [$34,650,000] *$25,600,000*[: *Provided,* That for fiscal year 1984, no more than $18,751,000 in total may be obligated or expended for any activities related to automatic data processing operations]*: Provided, That the act making Supplemental Appropriations for fiscal year 1983 (Public Law 98-63: 97 Stat. at 326 and 327) is amended under the heading "Bureau of Indian Affairs" and the subheading "Operation of Indian Programs" as follows:*

(1) delete the words "no more than 15.25 acres, excluding roads" and insert in lieu thereof: "30 acres, excluding roads as described in the Memorandum of Understanding dated June, 1984 between the Alaska Area Native Health Service and the Department of Education of the State of Alaska. Such description shall be published in the Federal Register by the Secretary of the Interior".

(2) delete the first sentence in the second undesignated paragraph and insert in lieu thereof:

"No final conveyence of any title, interest, or right shall be made unless the State of Alaska has executed an agreement by October 1, 1984 to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985, and does in fact open such a facility for school operations by September 30, 1985. To assist the State of Alaska in opening such a facility, and notwithstanding the provisions of title 31 U.S.C. 6308, the $22,000,000 appropriated under this heading for use by the State of Alaska in renovating the Mount Edgecumbe school shall be made immediately available, in full, to the State of Alaska upon the execution of the aforementioned agreement, but such funds shall only be expended for facilities to be located within the lands conveyed by this statute. A failure on the part of the State of Alaska to begin operating a Mount Edgecumbe boarding school facility no later than September 30, 1985 shall cause the interim conveyance made under this heading to terminate.".

(3) insert before the period at the end of the third sentence of the third undesignated paragraph the following: "if the State of Alaska opens a Mount Edgecumbe boarding school facility for school operations by September 30, 1985; if the State of Alaska does not open such a facility for school operations by September 30, 1985, then the interim conveyance terminates as of October 1, 1985, and all interest in the lands covered by the interim conveyence, together with all improvements thereon, revert to the United States".

CONSTRUCTION

For an additional amount for "Construction", $17,000,000, to remain available until expended.

[REVOLVING FUND FOR LOANS

[During fiscal year 1984, and within resources and authority available, an additional amount of $5,000,000 in gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.) is authorized.

[INDIAN LOAN GUARANTY AND INSURANCE FUND

[During fiscal year 1984, and within resources and authority available, an additional amount of $6,000,000 in total commitments to guarantee loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.) is authorized.]

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Administration of territories", [$2,440,000] *$1,984,000, and $250,000 to be derived by transfer from unobligated balances of grants to the judiciary in American Samoa for compensation and expenses, and $264,000 to be derived by transfer from operation grants in "Trust Territory of the Pacific Islands"*, to remain available until expended.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $2,000,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", $34,301,000.

LAND ACQUISITION

For an additional amount for "Land acquisition", $1,500,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding section 202(a) of title 23, United States Code, the Secretary of Transportation shall, after making the transfer provided by section 204(g) of title 23, United States Code, on October 1, 1984, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1985, by section 105(a)(6) of the Surface Transportation Act of 1982 and, on October 1, 1985, allocate $33,000,000 from the authorization for forest highways provided for the fiscal year ending September 30, 1986, by section 105(a)(6) of the Surface Transportation Assistance Act of 1982, in the same percentage as the amounts allocated for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 per centum for the State of Iowa, because of the conveyance of all national forest lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis. The remaining funds authorized to be appropriated for forest highways for the fiscal years ending September 30, 1985, and September 30, 1986, shall be allocated pursuant to section 202(a) of title 23, United States Code.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for "Fossil energy research and development", [$15,000,000] *$2,948,000*, to remain available until expended.

ECONOMIC REGULATION

For an additional amount for "Economic regulation", [$3,000,000] *$2,700,000.*

STRATEGIC PETROLEUM RESERVE

For an additional amount for "Strategic petroleum reserve", [$459,190,000] *$447,190,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

[Notwithstanding section 303(3) of Public Law 97-257, funds provided for the Economic Regulatory Administration by this or any other Act shall be used to maintain not less than two hundred and eighty full-time equivalent Federal employees for the fiscal year ending September 30, 1985 *None of the funds made available by this or any other Act may be used to implement section 303 of the Supplemental Appropriations Act, 1982 (Public Law 97-257) as it relates to the Economic Regulatory Administration and the Energy Information Administration*]: *Provided*, That notwithstanding any other provision of law, the minimum employment level established in Public Law 97-257 and amended in Public Law 98-63 for the Office of the Assistant Secretary for Fossil Energy is reduced to 700 of which not less than 135 employees shall be assigned to activities of the headquarters organization.

[DEPARTMENT OF HEALTH AND HUMAN SERVICES

[HEALTH SERVICES ADMINISTRATION

[INDIAN HEALTH SERVICES

[*administrative provision*

[For fiscal year 1984 full-time equivalent staff years for the Indian Health Service shall be not less than 10,245 for full-time permanent and 11,200 in total.

[DEPARTMENT OF EDUCATION

[OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

[INDIAN EDUCATION

[For parts B and C of the Indian Education Act and the General Education Provisions Act, an additional amount of $3,572,000, to remain available until September 30, 1985.

[VOCATIONAL AND ADULT EDUCATION

[(TRANSFER OF FUNDS)

[For expenses necessary to establish a model retraining program for displaced workers to be conducted in the Johnstown, Pennsylvania, area under section 171(a)(1) of the Vocational Education Act, $570,000, to remain available until expended, is hereby transferred from funds available under the head "Department of the Interior, Bureau of Mines, Mines and Minerals": *Provided*, That none of these funds shall be used for the construction of facilities: *Provided further*, That up to 3 percent of the funds transferred may be used for related Department of Education administrative expenses.]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $100,000 to pay a certified claim for losses filed under the Arts and Artifacts Indemnity Act of 1975.

GENERAL PROVISION

None of the funds herein or hereafter appropriated from the Land and Water Conservation Fund for the Bureau of Land Management or the Forest Service shall be obligated for the acquisition of lands or waters, or interests therein unless and until the seller has been offered, and has rejected, an exchange, pursuant to current authorities, for specific lands of comparable value (within plus or minus 25 per centum) and utility, if such potential exchange lands are available within the boundary of the same State as the lands to be acquired: Provided, That condemnations, declarations of taking, or the acquisition of scenic, conservation, or development easements shall not be subject to this provision: Provided further, That acquisition of tracts of lands of less than 40 acres shall not be subject to this provision.

CHAPTER VII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

[For an additional amount for "Training and employment services", $25,000,000, to be available for obligation for the period July 1, 1984 through June 30, 1985, and which shall be for the renovation and repair of Job Corps facilities and equipment replacement.]

For an additional amount for migrant and seasonal farmworker programs authorized by section 402 of the Job Training Partnership Act, notwithstanding the provisions of sections 3(a)(3)(A) and 402(f) of the Act, $5,117,000, to be available for obligation for the period July 1, 1984 through June 30, 1985: Provided, That funding provided herein shall be distributed to the States so that each State's total program year 1984 allocation is at least equal to its annualized allocation for the period October 1, 1983 through June 30, 1984.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Public Law 98-139 is amended by deleting under this heading "$587,310,000" and inserting in lieu thereof "$567,310,000".

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for enhancing service sector activities, $750,000 to remain available until September 30, 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

For an additional amount for "Disease control", [$1,750,000] *$3,200,000.*

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For an additional amount for "National Cancer Institute", $2,000,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $4,150,000.

RESEARCH RESOURCES

For an additional amount for "Research resources", $400,000.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, $1,175,000.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF REFUGEE RESETTLEMENT

REFUGEE AND ENTRANT ASSISTANCE

For purposes of section 101(c) of Public Law 98-151, the current rate for refugee and entrant assistance activities for fiscal year 1984 is $541,761,000, of which not less than $71,700,000 shall be available for social serv-

ices (exclusive of targeted assistance), and not less than $77,500,000 shall be available for targeted assistance.

Funds available for refugee and entrant targeted assistance activities under section 101(c) of Public Law 98-151 shall remain available through September 30, 1985.

OFFICE OF HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social services block grant", $25,000,000.

FAMILY SOCIAL SERVICES

For an additional amount for "Family social services", [$43,200,000] *$60,000,000*, for parts A and E of title IV of the Social Security Act, of which [$38,300,000] *$43,200,000* is for foster care and [$4,900,000] *$16,800,000* is for adoption assistance.

WORK INCENTIVES

Section 445(b)(1) of the Social Security Act is amended by striking out "June 30, 1984," and inserting in lieu thereof "June 30, 1985,".

Section 445(b)(1)(E) of such Act is amended by striking out "prime sponsors under the Comprehensive Employment and Training Act of 1973," and inserting in lieu thereof "service delivery areas under the Job Training Partnership Act,".

Section 445(d) of such Act is amended by inserting before the period at the end of the first sentence the following: ", except that in the case of a State which has submitted a letter of application on or before June 30, 1984, such program may continue in force until June 30, 1987".

Section 445(e) of such Act is amended by striking out the third sentence and inserting in lieu thereof the following new sentence: "The second evaluation shall be conducted three years from the date of the Secretary's approval of the demonstration program.".

Section 445(f) of such Act is amended by adding the following new paragraph:

"(3) The Secretary of Health and Human Services shall conduct, in consultation with the States, a thorough study of the allocation formula described in paragraph (1) of this subsection and report to Congress no later than April 1, 1985, on the findings of this study with recommendations, if appropriate, for modifying the allocation formula to take into account State performance and to provide for the equitable distribution of funds.".

These provisions shall become effective on the date of the enactment of this Act.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out section 418 of the Higher Education Act, $750,000.

SPECIAL PROGRAMS

For an additional amount for "Special programs", $500,000 for the purpose of Public Law 92-506, to remain available until September 30, 1985.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874 Eighty-first Congress) (as added by section 23 of the Education Consolidation and Improvement Act of 1981) is redesignated as subsection (h) of section 5 of that Act. This amendment shall be effective December 8, 1983.

For an additional amount for "School assistance in federally affected areas," $15,000,000 which shall remain available until expended and shall be for payments under section 7 of the Act of September 30, 1950, as amended (20 U.S.C. ch.13): Provided, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: Provided further, That all funds appropriated in fiscal year 1984 under this heading for section 7 of said Act may be used for disasters occurring after October 1, 1983.

EDUCATION FOR THE HANDICAPPED

For an additional amount for regional resource centers, $1,200,000.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount for "Rehabilitation services and handicapped research", $34,200,000, of which $33,900,000 shall be for allotments under section 100(b)(1) of the Rehabilitation Act of 1973, as amended, and $300,000 shall be for the Helen Keller National Center Act.

STUDENT FINANCIAL ASSISTANCE

[(TRANSFER OF FUNDS)

[For an additional amount for "Student financial assistance", $10,000,000 to be derived by transfer from "Higher education," of which $5,000,000 shall be for work study programs under title IV of the Higher Education Act of 1965, and $5,000,000 shall be for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965.]

For an additional amount for subpart 1 of part A of title IV of the Higher Education Act of 1965, $353,000,000, which shall remain available until September 30, 1985.

HIGHER EDUCATION

Funds appropriated in 1984 for the endowment grant program under section 333 of the Higher Education Act of 1965 shall remain available until September 30, 1985. *Of the additional amount made available in the appropriation under this head in the Supplemental Appropriations Act, 1984 (Public Law 98-181) for part B of title IX of the Higher Education Act of 1965, notwithstanding sections 922 and 923, up to $500,000 shall be available to endow and otherwise support the Sam J. Ervin, Jr., Program in Public Affairs and shall remain available until September 30, 1985.*

SPECIAL INSTITUTIONS

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College", $2,000,000.

HOWARD UNIVERSITY

For an additional amount for "Howard University", $11,000,000, of which $1,490,000 shall be for construction and shall remain available until expended: *Provided, That $5,000,000 of the foregoing amount shall be derived by transfer from Department of Education "Office for Civil Rights".*

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For an additional amount for "Office of the Inspector General", $1,717,000 to be derived by transfer from Department of Education, "Higher education".

RELATED AGENCIES

ACTION

OPERATING EXPENSES

For an additional amount for "Operating expenses", $6,269,000, of which $3,169,000 shall be for title I, part A of the Domestic Volunteer Service Act of 1973.

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For additional payment to the Corporation for Public Broadcasting, as authorized by the Federal Communications Commission Authorization Act of 1983, Public Law 98-214, the following amounts, which shall be available within limitations specified by said Act, are appropriated: For fiscal year 1984, [$7,500,000] *$15,000,000*; for fiscal year 1985, [$20,500,000] *$23,000,000*; and for fiscal year 1986, [$29,500,000] *$32,000,000*.

GENERAL PROVISION

Collections from National Health Service Corps scholarship recipients who have breached their obligation to serve shall be used to fund new scholarships and shall remain available until expended.

CHAPTER VIII

LEGISLATIVE BRANCH

SENATE

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE VICE PRESIDENT

For an additional amount for "Office of the Vice President", $10,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For an additional amount for "Offices of the Majority and Minority Whips", $100,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For an additional amount for "Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority", $14,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For an additional amount for "Administrative, clerical, and legislative assistance to Senators", $94,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of the Sergeant at Arms and Doorkeeper", $100,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For an additional amount for "Senate Policy Committees", $100,000.

SECRETARY OF THE SENATE

For an additional amount for "Secretary of the Senate", $55,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for "Sergeant at Arms and Doorkeeper of the Senate", $1,652,000.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $130,000.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the estate of Clement J. Zablocki, late a Representative from the State of Wisconsin, $69,800. For payment to the estate of Edwin B. Forsythe, late a Representative from the State of New Jersey, $72,600.

HOUSE LEADERSHIP OFFICES

For an additional amount for "House leadership offices", $116,000.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $171,000.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For an additional amount for the "Committee on Appropriations", $300,000.

MEMBERS' CLERK HIRE

For an additional amount for "Members' clerk hire", $7,322,000.

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", $18,760,000.

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1985

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 21, 1985, in accordance with such program as may be adopted by the joint committee authorized by S. Con. Res. 122, $937,000, to remain available until September 30, 1985.

OFFICE OF THE ATTENDING PHYSICIAN

For an additional amount for the "Office of the attending physician", $129,000, of which $51,000 shall not become available until October 1, 1984 and shall remain available until September 30, 1985: *Provided*, That the reimbursement to the Department of the Navy for fiscal year 1985 shall be increased by $46,200: *Provided further*, That the number of assistants eligible to receive the monthly allowance during fiscal year 1985 shall be increased by two.

CAPITOL POLICE

For an additional amount for "General expenses", $125,000.

OFFICIAL MAIL COSTS

For an additional amount for "Official mail costs", $10,200,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

Such funds as are necessary shall be made available to carry out the duties of the Director of the Office of Technology Assessment under section 1886 of the Social Security Amendment of 1983 (Public Law 98-21).

ARCHITECT OF THE CAPITOL

CONTINGENT EXPENSES

For an additional amount for "Contingent expenses", $150,000, to remain available until expended.

CAPITOL BUILDINGS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Capitol buildings", $2,650,000, to remain available until expended: *Provided*, That the cost limitation for security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, is hereby further increased by $1,900,000.

Of the amounts appropriated under this heading in Public Law 98-367, $72,000 are rescinded.

CAPITOL GROUNDS

For an additional amount for "Capitol grounds", $200,000*: Provided, That the paragraph under this heading in Public Law 98-51 is amended by striking out "$10,000" and inserting in lieu thereof "$240,000".*

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Building", $7,000,000 to remain available until expended.

HOUSE OFFICE BUILDINGS

For an additional amount for "House office buildings", $152,000, to remain available until expended.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For an additional amount for "Structural and mechanical care", [$500,000] *$81,500,000*, to remain available until expended*: Provided, That not to exceed $81,000,000 of this amount shall be for the renovation and restoration of the Jefferson and Adams Buildings of the Library of Congress and that funds available under this proviso shall be available for obligation without regard to section 3709 of the revised statutes, as amended.*

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $11,500,000, to remain available until expended, [subject to the enactment of legislation authorizing] *for* the construction of a mass book deacidification facility.

CHAPTER IX

MILITARY CONSTRUCTION

[MILITARY CONSTRUCTION, ARMY

[For an additional amount for "Military construction, Army", $4,000,000, for planning, design, architect and engineer services, as authorized by law, to remain available until September 30, 1988.]

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military construction, Navy", [$5,000,000] *$30,000,000*, to remain available for obligation until September 30, 1988.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military construction, Air Force", $49,000,000, to remain available for obligation until September 30, 1988.

GENERAL PROVISIONS

[Funds appropriated in this Act for "Military construction, Army" planning and design are to be used to design a 695-bed replacement facility for the Brooke Army Medical Center in San Antonio, Texas. The Secretary of the Army shall enter into a contract for the design of this replacement facility not later than thirty days after the date of enactment of this Act.]

None of the funds appropriated by this or any other Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island, may be used to award any contract estimated by the Government to exceed $5,000,000 to a foreign contractor: Provided, That this paragraph shall not be applicable to contract awards for which the lowest responsive bid of a United States contractor exceeds the lowest responsive bid of a foreign contractor by greater than 20 per centum: Provided further, That the Secretary of Defense may waive the applicability of this section when he determines that such a waiver is in the public interest.

Notwithstanding any other provision of law, funds appropriated for the design of the renovation of and addition to Brooke Army Medical Center at Fort Sam Houston, Texas, are also available for the design of a replacement facility. The Secretary of the Army shall enter into a contract for the design of this replacement facility not later than one hundred and eighty days after the date of enactment of this Act.

The appropriation, "Military Construction, Defense Agencies 1984/1988" (Public Law 98-116) is amended by inserting the following after "Provided,": "That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further,".

Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1984, shall be transferred to the appropriations for Family Housing provided in the fiscal year 1984 Military Construction Appropriation Act, Public Law 98-116, October 11, 1983, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

CHAPTER X

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Operating expenses", $6,000,000 to be derived by transfer from "Retired pay"*: Provided, That none of the funds appropriated under this or any other Act may be used to take any measure to reduce below five vessels the polar icebreaker fleet operated by the Coast Guard.*

FEDERAL AVIATION ADMINISTRATION

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

For the settlement of promissory notes issued to the Secretary of the Treasury pursuant to the Supplemental Appropriations Act, 1983, $102,490,000, to remain available until expended together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL RAILROAD ADMINISTRATION

RAIL SERVICE ASSISTANCE

For an additional amount for "Rail service assistance", $5,678,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.

CONRAIL LABOR PROTECTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Conrail labor protection", $10,000,000, to remain available until expended, together with $15,000,000 to be derived from the unobligated balances of Conrail Workforce Reduction (section 702) funds.

SETTLEMENTS OF RAILROAD LITIGATION

For the settlement of promissory notes pursuant to section 210(f) of the Regional Rail Reorganizational Act of 1973 (Public Law 93-236) as amended, $286,079,000, to remain available until expended, together

with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such notes.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the national railroad passenger corporation", $1,119,636,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction, along with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

For an additional amount for "Railroad rehabilitation and improvement financing funds", $667,000, to remain available until expended, for payment to the Secretary of the Treasury for debt reduction, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such debt.

RELATED [AGENCY] *AGENCIES*

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds provided for "salaries and expenses" for fiscal year 1984 in Public Law 98-78, $1,200,000 are rescinded.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

(RESCISSION)

Of the funds provided for "operating expenses" for fiscal year 1984 in Public Law 98-78, $17,750,000 are rescinded.

CAPITAL OUTLAY

(RESCISSION)

Of the funds provided for "capital outlay" for fiscal year 1984 in Public Law 98-78, $7,625,000 are rescinded.

CHAPTER XI

DEPARTMENT OF THE TREASURY

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

POSTAL SAVINGS SYSTEM LIQUIDATION

For necessary funds to be held in trust for payment of claims by or on behalf of depositors to the Postal Savings System, as authorized by section 2 of Public Law 92-117, approved August 13, 1971, $1,000,000.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

OFFICE OF FEDERAL PROCUREMENT POLICY

Notwithstanding the limitation on expenses for travel contained in the House passed bill (H.R. 4139) and carried forward by Public Law 93-151, expenses for travel within the level of existing resources, such amounts as are necessary are hereby authorized.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1984, $50,000 shall be made available for such purposes and shall remain available until expended for the construction and acquisition of facilities, as follows:

Payment of Construction Claim:

Kansas: Topeka, Federal Building, Courthouse, and Parking Facility, $50,000: *Provided,* That the immediately foregoing limit may be exceeded to the extent that savings are effected in other such projects but by not to exceed 10 per centum: *Provided further,* That claims against the Government of less than $10,000 arising from direct construction projects, acquisitions of buildings, and purchase contract projects pursuant to Public Law 92-313 be liquidated with prior notification of the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects: *Provided further,* That any revenues and collections and any other sums accruing to this fund during fiscal year 1984, excluding reimbursements under section 210(f)(6) in excess of $2,016,277,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS FROM TRUST FUNDS)

Notwithstanding the limitation on expenses for travel contained in the House passed bill (H.R. 4139) and carried forward by Public Law 98-151, expenses for travel within the level of existing resources, to carry out the requirements of the Voting Rights Act of 1965, such amounts as are necessary are hereby authorized.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $238,081,000.

REVOLVING FUND

Pursuant to section [1304(e)(1) (i) (ii)] *4109(d)(1)* of title 5, United States Code, not to exceed $12,000 shall be for entertainment expenses of the President's Commission on Executive Exchange.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Section 301(a)(3) of the Omnibus Budget Reconciliation Act of 1982 (5 U.S.C. 8340 note) is amended by adding at the end thereof the following new sentence: "If the percentage increase in the price index for fiscal year 1985 (as determined by the Office of Personnel Management under section 8340(b) of title 5, United States Code) is less than the assumed increase in the price index for that year, then the increase in the annuity or retired or retainer pay of an early retiree under paragraph (1) taking effect in that fiscal year shall be equal to the percentage increase in the price index for that year (as so determined).".

Section 8344(d) of title 5, United States Code, is amended by striking out "in the same amount on termination of the employment," and inserting in lieu thereof "on termination of the employment in the amount equal to the sum of the amount of the annuity the member was receiving immediately before the commencement of the employment and the amount of the increases which would have been made in the amount of the annuity under section 8340 of this title during the period of the employment if the annuity had been payable during that period,".

CHAPTER XII

[FUNDS APPROPRIATED TO THE PRESIDENT

[AGENCY FOR INTERNATIONAL DEVELOPMENT

[HEALTH, DEVELOPMENT ASSISTANCE

[For an additional amount for "Health, development assistance", $7,500,000: *Provided,* That these funds shall be transferred to "International disaster assistance": *Provided further,* That these funds shall remain available until September 30, 1985: *Provided further,* That these funds shall be used only for assistance for Miskito and other Indian groups in Honduras dislocated or otherwise suffering as a result of the strife in that region, for food, medicine and medical care, clothing, temporary shelter, transportation for supplies and personnel, and similar assistance to alleviate the suffering of such people.]

FOREIGN ASSISTANCE

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increased capital stock, as authorized by the International Financial Institutions Act, $30,000,000 for the General Capital Increase, as authorized by section 39 of the Bretton Woods Agreements Act, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable portion of the United States share of increases in capital stock in an amount not to exceed $369,999,991.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For repayment to the International Development Association by the Secretary of the Treasury, $150,000,000, for the United States contribution to the sixth replenishment, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase of the resources of the Fund for Special Operations, $72,500,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States contribution to the increases in resources of the Asian Development Fund, $47,116,170, to remain available until expended.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For an additional amount for "International organizations and programs", $40,000,000: Provided, That these funds shall be available only for payment to the International Fund for Agricultural Development.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", [$3,895,000] *$4,083,000.*

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $3,700,000[, to remain available until September 30, 1985].

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", [$170,000,000, to remain available until September 30, 1985, to be allocated as follows notwithstanding any other provision of law, Costa Rica, $60,000,000; El Salvador, $25,000,000: *Provided,* That any of these funds which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds; Honduras, $20,000,000; and the Dominican Republic, $40,000,000: *Provided,* That no funds may be obligated or expended for the Dominican Republic until a budget request is received for these funds; Africa, $25,000,000: *Provided,* That this amount shall remain available until September 30, 1985, and shall be transferred to and shall be made available for "International disaster assistance" to be used only for the famine-stricken countries of Africa, for inland transportation and distribution of food, the purchase, transportation and distribution of medical supplies and animal vaccines, and for other assistance necessary to meet the emergency needs of such countries: *Provided further,* That the Committees on Appropriations shall be notified about the use of these funds in accordance with existing procedures.]

[CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN POLAND

[For an additional amount for the "Economic Support Fund", to carry out Public Law 98–266, $10,000,000, to remain available until expended] *$70,000,000: Provided, That of this amount $10,000,000, to remain available until expended, shall be available only to carry out the provisions of the Clement J. Zablocki Outpatient Facility Act (Public Law 98–266), and that this sum shall be transferred to the Agency for International Development, for "American schools and hospitals abroad": Provided further, That of this amount $60,000,000, to remain available until March 31, 1985, shall be available only for the Dominican Republic.*

[INDEPENDENT AGENCY

[PEACE CORPS

[For an additional amount for "Peace Corps", $1,000,000, to remain available until September 30, 1985.]

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

Pursuant to section 223(e)(1) of the Foreign Assistance Act of 1961, as amended, $40,000,000 to remain available until expended and to be credited to the revolving fund account created by section 223(b).

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", [$9,650,000] *$7,650,000, to remain available until March 31, 1985,* of which $2,000,000 shall be transferred to the Agency for International Development and shall be made available for "International disaster assistance" to be used only for medical and medically related assistance for Afghan refugees.

[FUNDS APPROPRIATED TO THE PRESIDENT

[MILITARY ASSISTANCE

[MILITARY ASSISTANCE PROGRAM

[For an additional amount for "Military assistance", $24,750,000, to remain available until September 30, 1985, to be allocated only as follows notwithstanding any other provision of law: Costa Rica, $7,850,000; Honduras, $10,000,000; Panama, $2,500,000; Regional Military Training Center, $3,100,000; and Panama Canal Area Military Schools, $1,300,000: *Provided,* That no funds may be obligated or expended for Costa Rica until a written request for these funds is received from the President of Costa Rica: *Provided further,* That no funds may be obligated or expended for Costa Rica that would result in an expansion of existing security forces or the introduction of new weapons systems.

[GENERAL PROVISIONS

[No funds in this chapter shall be directly made available for Guatemala except for economic development projects through private voluntary organizations or projects specifically targeted for Indians in Guatemala and submitted to the Committees on Appropriations through the regular notification process.]

CENTRAL AMERICA DEMOCRACY, PEACE AND DEVELOPMENT INITIATIVE

For expenses necessary to enable the President to carry out the provisions of the Central America Democracy, Peace and Development Initiative Act of 1984, the Foreign Assistance Act of 1961, as amended, and for other purposes, for assistance for Central American countries, to remain available until March 31, 1985, in addition to amounts otherwise made available for such purposes:

AGENCY FOR INTERNATIONAL DEVELOPMENT

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

For an additional amount for "Agriculture, rural development, and nutrition, Development Assistance", $10,000,000.

POPULATION

For an additional amount for "Population, Development Assistance", $5,000,000.

HEALTH

For an additional amount for "Health, Development Assistance", $18,000,000.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

For an additional amount for "Education and human resources development, Development Assistance", $10,000,000: Provided, That of this amount not less than $2,000,000 shall be available only for the International Student Exchange Program.

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES

For an additional amount for "Energy and selected development activities, Development Assistance", $30,000,000.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $290,500,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating expenses of the Agency for International Development", $2,489,000: Provided, That not less than $727,000 shall be available only for the activities of the Inspector General's office.

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount to carry out the provisions of the Peace Corps Act (75 Stat. 612), $2,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $197,300,000, notwithstanding the limitations and restrictions contained in section 101(b) of Public Law 98–151.

GENERAL PROVISIONS

Funds may be made available for development assistance for fiscal year 1984 for Guatemala notwithstanding the provisions of Public Law 98–151.

Funds under this chapter are made available notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956.

None of the funds made available by this chapter shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

CHAPTER XIII

DISTRICT OF COLUMBIA

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

Of the funds appropriated for "Governmental direction and support" for the fiscal year ending September 30, 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820; Public Law 98–125), $1,068,000 are rescinded: Provided, That the limitation on the amount of funds available to the District of Columbia Retirement Board in the fiscal year ending September 30, 1984, from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board is increased by $250,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation," $3,457,000, which includes a rescission of $351,000, an increase of $3,738,000 resulting from Reorganization Plan Numbered 1, 2, and 3 of 1983, effective March 31, 1983, and a further increase of $70,000: Provided, That notwithstanding the provision regarding the calculation of repayments by the District of Columbia Housing Finance Agency under the heading "Economic development and regulation" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 820, 821; Public Law 98–125), for the fiscal year ending September 30, 1984, the District of Columbia Housing Finance Agency established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the General Fund an amount equal to the appropriated administrative cost plus interest at a rate of 4 percent per annum for a term of fifteen years, with a deferral of payments for the first four years.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice," $4,318,000.

PUBLIC EDUCATION SYSTEM

(RESCISSION)

Of the funds appropriated for "Public education system" for the fiscal year ending September 30, 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 821; Public Law 98-125), $6,912,000 are rescinded. This includes a rescission of $6,799,000 for the District of Columbia Teachers' Retirement Fund and a rescission of $113,000 for the School Transit Subsidy.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services," $12,739,400. This includes an increase of $14,050,000, a rescission of $1,240,600 as a result of Reorganization Plan Numbered 1, 2, and 3 of 1983, effective March 31, 1983, and a further rescission of $70,000.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works," $2,361,900. This includes an increase of $4,857,000 and a rescission of $2,495,100 as a result of Reorganization Plan Numbered 1, 2, and 3 of 1983, effective March 31, 1983, and Reorganization Plan No. 4 of 1983, effective March 1, 1984.

REPAYMENT OF GENERAL FUND DEFICIT

Notwithstanding the provision regarding repayment of the General Fund deficit under the heading "Repayment of General Fund deficit" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), for the fiscal year ending September 30, 1984, $6,871,000 are appropriated for the purpose of reducing the General Fund accumulated deficit.

ADJUSTMENTS

In addition to the reduction in authorized appropriations and expenditures within object class 30A (energy), the Mayor shall make a reduction for the fiscal year ending September 30, 1984, in authorized appropriations and expenditures in the amount of $3,871,300 within one or several of the various appropriation headings in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), as amended by this Act: Provided, That the following programs shall not be affected by this reduction: (1) the Roving Leader Program, (2) the city-wide and Ward 8 Home Purchase Assistance Program, (3) Department of Employment Services' job training and job subsidy programs, (4) the School Transit Subsidy, (5) General Public Assistance, (6) Medicaid and Medical Charities, (7) substance abuse treatment programs, (8) the Tuberculosis Clinic, and (9) the Mental Retardation and Developmental Program: Provided further, That, notwithstanding the provision regarding reductions within object class 13 under the heading "Adjustments" in the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 823; Public Law 98-125), the Mayor shall not be required to reduce authorized appropriations and expenditures within object class 13 (additional gross pay) in the amount of $361,800 for the fiscal year ending September 30, 1984.

WASHINGTON CONVENTION CENTER

(NEW TITLE WITHIN THE GENERAL FUND)

For the "Washington Convention Center," $6,072,000: Provided, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit.

CAPITAL OUTLAY

For an additional amount for "Capital outlay," $14,663,000. This includes an increase of $827,000 for "Project management" and an increase of $788,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated for "Washington Convention Center Enterprise Fund" for the fiscal year ending September 30, 1984, by the District of Columbia Appropriation Act, 1984, approved October 13, 1983 (97 Stat. 824; Public Law 98-125), $9,617,000 are rescinded.

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1984

For additional amounts for appropriations for the fiscal year 1984, for increased pay costs authorized by or pursuant to law as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", $6,752,000;

"Office of the Legislative Counsel of the Senate", $38,000;

"Senate Policy Committees", $86,000;

"Inquiries and investigations", $1,218,000;

HOUSE OF REPRESENTATIVES

"House leadership offices", $94,000;

"Salaries, officers and employees", $1,121,000;

"Committee employees", $1,444,000;

"Committee on Appropriations (Studies and investigations)", $75,000;

"Members' clerk hire", $4,634,000;

"Special and select committees", $1,400,000;

JOINT ITEMS

"Joint Economic Committee", $75,000;

"Joint Committee on Printing", $21,000;

"Joint Committee on Taxation", $88,000;

"Capitol Guide Service", $19,000;

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $178,000;

CONGRESSIONAL BUDGET OFFICE

"Salaries and expenses", $423,000;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $100,000;

"Capitol buildings", $100,000;

"Capitol grounds", $50,000;

"Senate office buildings", $300,000;

"House office buildings", $171,000;

"Capitol power plant", $60,000;

Library buildings and grounds: "Structural and mechanical care", $90,000;

BOTANIC GARDEN

"Salaries and expenses", $40,000;

LIBRARY OF CONGRESS

"Salaries and expenses", $2,448,000;

Copyright Office: "Salaries and expenses", $141,000;

Congressional Research Service: "Salaries and expenses", $1,012,000;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $4,549,000;

THE JUDICIARY

[SUPREME COURT OF THE UNITED STATES

["Salaries and expenses", $347,000;]

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

(TRANSFER OF FUNDS)

"Salaries and expenses", $50,000, to be derived by transfer from "Fees of Jurors and Commissioners";

UNITED STATES COURT OF INTERNATIONAL TRADE

(TRANSFER OF FUNDS)

"Salaries and expenses", $50,000, to be derived by transfer from "Fees of Jurors and Commissioners";

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

(TRANSFERS OF FUNDS)

"Salaries of judges", [$3,625,000, to be derived by transfer from "Expenses of Operation and Maintenance of the Courts"] *$3,775,000, of which $3,625,000 shall be derived by transfer from "Expenses of Operation and Maintenance of the Courts" and $150,000 shall be derived by transfer from "Space and Facilities";*

"Salaries of supporting personnel", [$1,000,000, to be derived by transfer from "Fees of Jurors and Commissioners"] *$2,500,000, of which $1,000,000 shall be derived by transfer from "Fees of Jurors and Commissioners" and $1,500,000 shall be derived by transfer from "Space and Facilities";*

"Defender services", $465,000, of which $375,000 shall be derived by transfer from "Expenses of Operation and Maintenance of the Courts" and $90,000 shall be derived by transfer from "Space and Facilities";

"Bankruptcy courts, Salaries and expenses", $3,400,000, to be derived by transfer from "Space and Facilities";

FEDERAL JUDICIAL CENTER

(TRANSFER OF FUNDS)

"Salaries and expenses", $120,000, to be derived by transfer from "Space and Facilities";

EXECUTIVE OFFICE OF THE PRESIDENT

WHITE HOUSE OFFICE

"Salaries and expenses", $356,000;

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

"Operating expenses", $82,000;

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $403,000;

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

"Salaries and expenses", $128,000;

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

"Operating expenses of the Agency for International Development", $4,790,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFERS OF FUNDS)

"Office of the Secretary", [$50,000] *$99,000;*

"Departmental Administration", for budget and program analysis, $44,000; for

personnel, finance and management, operations, information resources management, minority affairs; small and disadvantaged business utilization, and regulatory hearings and decisions; $239,000; making a total of $283,000;

"Office of Governmental and Public Affairs", $59,000;

"Office of the Inspector General", $417,000;

"Office of the General Counsel", $330,000;

"Agricultural Research Service", $3,448,000;

"National Agricultural Library", $59,000;

"Animal and Plant Health Inspection Service", $2,344,000;

"Agricultural Cooperative Service", $38,000;

"Economic Research Service", $488,000;

"Statistical Reporting Service", $527,000;

"World Agricultural Outlook Board", $33,000;

"Foreign Agricultural Service", $266,000;

"Not to exceed an additional $45,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager";

[FEDERAL CROP INSURANCE CORPORATION

["Administrative and Operating Expenses", $495,000;]

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", $320,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", $3,254,000;

"Office of the Rural Development Policy", $17,000;

SOIL CONSERVATION SERVICE

"Conservation Operations", $8,138,000;

AGRICULTURAL MARKETING SERVICE

"Funds for strengthening markets, income and supply" (section 32), (increase of $58,000 in limitation, "marketing agreements and orders");

"Salaries and expenses", $301,000;

"Office of Transportation", $26,000;

FOOD SAFETY AND INSPECTION SERVICE

"Salaries and expenses", [$4,362,000] *$5,112,000*;

FOOD AND NUTRITION SERVICE

"Food Program Administration", $1,710,000;

"Human Nutrition Information Service", $34,000;

FOREST SERVICE

(TRANSFERS OF FUNDS)

"Forest research", $848,000, to be derived by transfer from "Construction";

"National forest system", $9,769,000, to be derived by transfer from "Construction";

"State and private forestry", $174,000 to remain available until expended to carry out activities authorized in Public Law 95-313, to be derived by transfer from "Construction";

"Land acquisition", $23,000 to remain available until expended, to be derived by transfer from "Construction";

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $516,000, to be derived by transfer from "Regional development programs";

BUREAU OF THE CENSUS

(TRANSFER OF FUNDS)

"Salaries and expenses", $700,000, to be derived by transfer from "Regional development programs";

ECONOMIC DEVELOPMENT ADMINISTRATION

"Salaries and expenses", $220,000;

[INTERNATIONAL TRADE ADMINISTRATION

["Operations and administration", $1,948,000, to remain available until expended;]

MINORITY BUSINESS DEVELOPMENT AGENCY

(TRANSFER OF FUNDS)

"Minority business development", $205,000, to be derived by transfer from "Regional development programs";

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", $11,800,000, to remain available until expended;

PATENT AND TRADEMARK OFFICE

"Salaries and expenses", $1,200,000, to remain available until expended;

NATIONAL BUREAU OF STANDARDS

(TRANSFER OF FUNDS)

"Scientific and technical research and services", $1,659,000, to be derived by transfer from "Regional development programs", to remain available until expended;

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses", $100,000, to be derived by transfer from "Regional development programs", to remain available until expended;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(INCLUDING TRANSFER OF FUNDS)

"Military personnel, Army", $337,100,000;

"Military personnel, Navy", $234,630,000, and in addition, $40,000,000 shall be derived by transfer from "Retired Pay, Defense, 1984";

"Military personnel, Marine Corps", $83,710,000;

"Military personnel, Air Force", $287,360,000;

"Reserve personnel, Navy", $17,700,000;

"Reserve personnel, Air Force", $8,750,000;

OPERATION AND MAINTENANCE

"Operation and maintenance, Army", [$149,530,000] *$173,130,000*;

"Operation and maintenance, Navy", [$186,110,000] *$210,710,000*;

"Operation and maintenance, Marine Corps", [$8,320,000] *$9,520,000*;

"Operation and maintenance, Air Force", [$95,000,000] *$109,100,000*;

"Operation and maintenance, Defense Agencies", [$92,630,000] *$80,862,000*;

"Operation and maintenance, Army Reserve", [$6,740,000] *$7,740,000*;

"Operation and maintenance, Navy Reserve", [$1,490,000] *$1,690,000*;

"Operation and maintenance, Marine Corps Reserve", $220,000;

"Operation and maintenance, Air Force Reserve", [$6,500,000] *$7,400,000*;

"Operation and maintenance, Army National Guard", [$12,950,000] *$14,850,000*;

"Operation and maintenance, Air National Guard", [$14,700,000] *$16,800,000*;

"National Board for the Promotion of Rifle Practice, Army", $10,000;

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES, ARMY

"Salaries and expenses", $99,000;

CORPS OF ENGINEERS—CIVIL

(TRANSFERS OF FUNDS)

"General investigations", $2,000,000 to remain available until expended to be derived from "Construction, general";

"General expenses", $2,800,000 to remain available until expended to be derived from "Construction general";

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $362,000;

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

(TRANSFER OF FUNDS)

"Office of the Inspector General", $255,000, to be derived by transfer from "Higher education";

DEPARTMENT OF ENERGY

"Energy Information Administration", $521,000;

"Economic regulation", $575,000;

"Federal Energy Regulatory Commission", $1,000,000;

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

"Salaries and expenses", $7,368,000, of which $890,000 shall be derived by transfer from "Health resources and services" including $627,000 from unobligated prior year funds;

HEALTH RESOURCES AND SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Indian health services", [$3,400,000 and in addition,] $6,904,000 to be derived by transfer of unobligated balances from "Health resources and services";

CENTERS FOR DISEASE CONTROL

(INCLUDING TRANSFER OF FUNDS)

"Disease control", $4,235,000 [to be derived by transfer from "Health resources and services"];

NATIONAL INSTITUTES OF HEALTH

(INCLUDING TRANSFER OF FUNDS)

"National Cancer Institute", $2,278,000;

"National Heart, Lung and Blood Institute", $1,742,000;

"National Institute of Dental Research", $511,000;

"National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases", $1,448,000;

"National Institute of Neurological and Communicative Disorders and Stroke", $678,000;

"National Institute of Allergy and Infectious Diseases", $1,329,000;

"National Institute of General Medical Sciences", $293,000;

"National Institute of Child Health and Human Development", $867,000;

"National Eye Institute", $448,000;

"National Institute of Environmental Health Sciences", $791,000;

"National Institute on Aging", $371,000;

"Research Resources", $141,000;

"John E. Fogarty International Center", $71,000 to be derived by transfer of unobligated balances from "Health resources and services";

"National Library of Medicine", $607,000 to be derived by transfer of unobligated balances from "Health resources and services";

"Office of the Director", $616,000 to be derived by transfer of unobligated balances from "Health resources and services";

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Alcohol, drug abuse, and mental health", $1,619,000, of which $985,000 shall be derived by transfer of unobligated balances from "Health resources and services";

"Federal Subsidy for Saint Elizabeths Hospital", $2,082,000 to be derived by transfer of unobligated balances from "Health resources and services";

ASSISTANT SECRETARY FOR HEALTH

"Public Health Service Management", $1,084,000;

SOCIAL SECURITY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Low income home energy assistance", $44,000 to be derived by transfer of unobligated balances from "Health resources and services";

"Refugee and entrant assistance", $104,000 to be derived by transfer of unobligated balances from "Health resources and services";

OFFICE OF COMMUNITY SERVICES

(TRANSFER OF FUNDS)

"Community services block grant", $69,000 to be derived by transfer from "Health resources and services";

DEPARTMENTAL MANAGEMENT

(TRANSFER OF FUNDS)

"Office of the Inspector General", $1,474,000 to be derived by transfer of unobligated balances from "Health resources and services";

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $6,023,000;

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $4,446,000;

NATIONAL PARK SERVICE

"Operation of the national park system", $9,195,000;

GEOLOGICAL SURVEY

"Surveys, investigation, and research", $4,242,000;

MINERALS MANAGEMENT SERVICE

"Leasing and royalty management", $1,064,000;

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

"Regulation and technology", $470,000;

BUREAU OF RECLAMATION

"General investigations", $226,000;

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $5,871,000;

OFFICE OF TERRITORIAL AND INTERNATIONAL AFFAIRS

"Administration of territories", $54,000;

OFFICE OF THE SECRETARY

(INCLUDING TRANSFER OF FUNDS)

"Departmental management", $500,000, of which $300,000 shall be derived by transfer from "Office of Water Policy";

OFFICE OF THE SOLICITOR

"Salaries and expenses", $220,000;

OFFICE OF THE INSPECTOR GENERAL

"Salaries and expenses", $387,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

"Salaries and expenses", $1,025,000;

UNITED STATES PAROLE COMMISSION

"Salaries and expenses", $161,000;

LEGAL ACTIVITIES

"Salaries and expenses, general legal activities", $3,370,000;

"Salaries and expenses, Antitrust Division", $754,000;

"Salaries and expenses, Foreign Claims Settlement Commission", $16,000;

"Salaries and expenses, United States Attorneys and Marshals", $7,360,000;

"Salaries and expenses, Community Relations Service", $131,000;

INTERAGENCY LAW ENFORCEMENT

"Organized Crime Drug Enforcement", $1,132,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $16,936,000;

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $4,500,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $9,381,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses", $7,506,000;

"Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $19,000 in the limitation on Administrative expenses and $65,000 on Vocational Training expenses);

OFFICE OF JUSTICE ASSISTANCE

(TRANSFER OF FUNDS)

"Research and Statistics", $296,000, to be derived by transfer from "Law Enforcement Assistance";

DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $2,806,000, together with not to exceed $9,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act;

"Black lung disability trust fund", $328,000 which shall be available for transfer to Employment Standards Administration,"Salaries and expenses";

DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $500,000, together with not to exceed $108,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which $108,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-03;

"Office of the Inspector General", $293,000;

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $10,196,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico: "Salaries and expenses", $125,000;

"American Sections, international commissions", $38,000;

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Motor carrier safety", $100,000 to be derived from the unobligated balances of "Railroad research and development";

"Limitation on general operating expenses" (increase of $1,700,000 in the limitation on general operating expenses);

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

"Operations and research", $300,000, of which $100,000 shall be derived from the Highway Trust Fund;

FEDERAL RAILROAD ADMINISTRATION

(TRANSFER OF FUNDS)

"Office of the administrator", $174,000 to be derived from the unobligated balances of "Railroad research and development";

URBAN MASS TRANSPORTATION ADMINISTRATION

(TRANSFER OF FUNDS)

"Administrative expenses", $200,000 to be derived from the unobligated balances of "Railroad research and development";

FEDERAL AVIATION ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

"Operations", [$38,000,000] *$30,000,000, together with $5,000,000 to be derived by transfer from unobligated balances of "Emergency Relief" and $5,000,000 of appropriations to liquidate contract authority to be transferred from Federal Aid Highways;*

"Operation and maintenance, Metropolitan Washington Airports", $276,700 to be derived from the unobligated balances of "Construction, Metropolitan Washington Airports";

COAST GUARD

(INCLUDING TRANSFERS OF FUNDS)

"Operating expenses", $9,000,000 together with $7,000,000 to be derived by transfer from the appropriation "Retired pay";

"Reserve training", $550,000 to be derived by transfer from the appropriation "Retired pay";

OFFICE OF THE SECRETARY

(TRANSFER OF FUNDS)

"Salaries and expenses", $300,000 to be derived from the unobligated balances of "Railroad research and development";

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $1,409,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $183,000;

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

"Salaries and expenses", $2,293,000;

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $11,538,000;

INTERNAL REVENUE SERVICE

"Salaries and expenses", $1,694,000;

"Taxpayer service and returns processing", $13,150,000;

"Examinations and appeals", $26,310,000;

"Investigation and collections", $19,676,000;

Any appropriation made available to the Internal Revenue Service for the current fiscal year by this act may be transferred to any other Internal Revenue Service appropriation to the extent necessary for increased pay costs authorized by or pursuant to law;

UNITED STATES SECRET SERVICE

"Salaries and expenses", $1,597,000;

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", [$4,500,000] *$4,900,000;*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", [$17,582,000] *$20,000,000: Provided,* That the amount available in the current fiscal year for expenses of travel is increased by $500,000: *Provided further,* That the amount available for expenses of travel from the "Research and program management" appropriation in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1985 (Public Law 98-371), is increased by [$1,500,000] *$2,000,000;*

OFFICE OF PERSONNEL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $898,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in amounts to be determined by the Office of Personnel Management without regard to other statutes;

SMALL BUSINESS ADMINISTRATION

"Salaries and expenses", [$1,900,000] *$3,900,000, of which $2,000,000 shall be derived by transfer from the "Disaster loan fund";*

VETERANS ADMINISTRATION

"Medical care", $158,688,000;

"Medical and prosthetic research", $1,381,000;

"General operating expenses", $1,000,000;

"Construction, minor projects", an increase of $668,000 in the limitation on the expenses of the Office of Construction;

OTHER INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

"Salaries and expenses", $23,000;

ADVISORY COUNCIL ON HISTORIC PRESERVATION

"Salaries and expenses", $15,000;

ARMS CONTROL AND DISARMAMENT AGENCY

"Salaries and expenses", $128,000;

CIVIL AERONAUTICS BOARD

(TRANSFER OF FUNDS)

"Salaries and expenses", $714,000 to be derived from the unobligated balances of "Payments to air carriers";

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", $123,000;

COMMODITY FUTURES TRADING COMMISSION

"Commodity Futures Trading Commission", $339,000;

CONSUMER PRODUCT SAFETY COMMISSION

"Salaries and expenses", $250,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", [$3,240,000] *$2,640,000;*

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", [$1,453,000] *$1,900,000;*

FEDERAL ELECTION COMMISSION

"Salaries and expenses", $95,000;

FEDERAL EMERGENCY MANAGEMENT AGENCY

(including transfer of funds)

"Salaries and expenses", [$1,514,000] *$2,838,000, of which not to exceed $800,000 shall be derived from "State and local assistance", and of which not to exceed $614,000 shall be derived from "Emergency planning assistance",* to remain available until September 30, 1985;

FEDERAL LABOR RELATIONS AUTHORITY

"Salaries and expenses", $168,000;

FEDERAL MARITIME COMMISSION

"Salaries and expenses", $190,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $97,000;

FEDERAL TRADE COMMISSION

"Salaries and expenses", $650,000;

INTELLIGENCE COMMUNITY STAFF

"Intelligence Community Staff", $144,000;

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $16,000;

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", $464,000;

MERIT SYSTEMS PROTECTION BOARD

"Salaries and expenses", $273,000;

"Office of Special Counsel, Salaries and expenses", $85,000;

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", $28,000;

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

"Salaries and expenses", $123,000;

NATIONAL ENDOWMENT FOR THE HUMANITIES

"Salaries and expenses", $118,000;

NATIONAL SCIENCE FOUNDATION

"Research and related activities", $460,000 (and an increase of $460,000 in the limitation on program development and management);

"United States Antarctic program activities", $356,000, to remain available until expended;

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $190,000;

NUCLEAR REGULATORY COMMISSION

"Salaries and expenses", $2,100,000 to remain available until expended;

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", [$1,320,000] *$1,000,000;*

SELECTIVE SERVICE SYSTEM

"Salaries and expenses", $369,000;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $1,420,000;

"Salaries and expenses, Woodrow Wilson International Center for Scholars", $18,000;

OTHER TEMPORARY COMMISSIONS

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

"Salaries and expenses", $22,000;

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

"United States Holocaust Memorial Council", $11,000;

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", $3,160,000;

UNITED STATES TAX COURT

"Salaries and expenses", $400,000;

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1984, limiting the amount which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

[SEC. 303. None of the funds made available to the United States Postal Service under this Act or any other Act may be used to restructure employee compensation practices as in effect under the most recently effective collective bargaining agreement under section 1206 of title 39, United States Code, except in accordance with the results of procedures set forth in section 1207 of such title.]

SEC. 303. The project for Bonneville Lock and Dam, Second Powerhouse, Washington and Oregon, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire in the Steigerwald Lake Wetlands Area, Clark County, Washington, not more than 1,000 acres of land at an estimated cost of $8,500,000 for the fish and wildlife mitigation purposes associated with this project. The Secretary is further authorized to undertake initial development of such lands and convey without monetary consideration the lands to Department of Interior, United States Fish and Wildlife Service for operation and maintenance.

An additional amount of $8,500,000, to remain available until expended, is hereby appropriated for "Construction, general", Corps of Engineers—Civil, Department of the Army to carry out the provisions of this section.

SEC. 304. No funds appropriated by this or any other Act to the Federal Communications Commission may be used prior to June 30, 1985, to implement the Commission's decision adopted on July 26, 1984, in Docket GEN 83-1009 as it applies to television licenses. The term "implement" shall include but not be limited to processing, review, approval, or acquisition of any interest in or the transfer or assignment of television licenses.

This Act may be cited as the "Second Supplemental Appropriations Act, 1984".

The PRESIDING OFFICER (Mr. TRIBLE). The Senator from Oregon.

Mr. HATFIELD. Mr. President, I believe the business before the Senate is the supplemental appropriations bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, the second supplemental for fiscal year 1984, H.R. 6040, as recommended by the Committee on Appropriations, would provide slightly more than $6.8 billion in additional appropriations for the remainder of fiscal year 1984. That amount is approximately $900 million over the President's supplemental request, and more than $1.4 billion over the House-passed measure. The bill before the Senate cover matters within the jurisdiction of all 13 subcommittees of the Appropriations Committee, providing necessary pay and program supplementals for 12 departments, 30 agencies, the judicial branch, the legislative branch and the

District of Columbia. It is a comprehensive piece of legislation.

The most controversial item in this bill is the recommendation of $565,289,000 for the President's Central America Democracy, Peace, and Development Initiative. That amount includes $367,989,000 for economic assistance and $197,300,000 in military aid. I oppose that aspect of this bill, and will join those who will seek to strike or reduce the amount provided. I will have more to say on that subject when that issue is joined.

I only regret once again that we always have to put the two programs together in bills like this, economic programs that are geared to help sustain and support life, and those programs which are designed to help destroy life.

Mr. President, I believe it is particulary important to remove the Central America aid from this bill because its presence makes enactment of this bill problematical, and we very much need to move this bill through the Senate expeditiously, and on to conference with the House. For one thing, we need to clear the Senate calendar. We now have seven fiscal year 1985 appropriations bills on the calendar, and we had best get moving on them if we are to avoid a massive continuing resolution in September. Second, and far more important, this bill provides $700 million in supplemental appropriations for food stamps. That appropriation must clear the Congress before the end of the week, or the Food Stamp Program will run out of funds while we are in recess. I do not believe food stamp recipients should be held hostage by a foreign aid package, and I intend to do all I can to avoid that consequence.

That concludes my opening remarks, Mr. President. I ask unanimous consent that several summary tables listing the major items recommended in H.R. 6040 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1984 SECOND SUPPLEMENTAL (H.R. 6040)

MAJOR ITEMS IN SENATE-REPORTED BILL

Subcommittee and item	Amount
TITLE I—PROGRAM	
Agriculture:	
Food stamps	$700,000,000
Public Law 480 credit sales	175,000,000
FCIC borrowing authority	100,000,000
Children's Nutrition Research Center	49,000,000
Defense/Milcon:	
DOD O&M, procurement and construction	410,900,000
Foreign Ops:	
Central America initiative	565,289,000
Multilateral economic assistance	339,616,170
Bilateral economic assistance	125,433,000
HUD-Independent:	
VA compensation, pensions, and readjustment benefits	376,100,000
VA loan guarantee revolving fund	100,000,000
Assisted housing	150,000,000
Asbestos abatement and control	50,000,000
Superfund	50,000,000
FEMA—Emergency food and shelter	60,000,000
Interior:	
SPRO (Big Hill)	447,190,000
Labor-HHS-Ed:	
Pell grants (1983 and 1984 shortfall)	353,000,000
CPB (fiscal year 1984 and future year funding)	70,000,000
Family social services	60,000,000
Legislative branch:	
Library of Congress—Renovation	81,000,000
Treasury-Postal:	
Civil service retirement trust fund	238,081,000
Miscellaneous:	
All other programs, net	233,158,400
Total, title I, program	4,733,767,570
TITLE II—PAY	
DOD pay supplementals	1,601,282,000
All other pay supplementals	521,668,000
Total, title II, pay	2,122,950,000
Total bill	6,856,717,570

MAJOR DIFFERENCES BETWEEN THE SENATE AND THE PRESIDENT

Subcommittee and item	Amount (millions)
Agriculture: Children's Nutrition Research Center	$49
Energy and Water Dev.: Atomic energy weapons activities	(158)
Foreign Ops Economic support fund	70
HUD-Independent Asbestos control program	50
Interior SPRO (Big Hill) [1]	447
Labor-HHS-Ed:	
Pell grants (1983 and 1984 shortfall)	353
Corporation for Public Broadcasting fiscal year 1984 and future year funding	70
Miscellaneous: All other items, net	34
Total amount over the President	915

[1] Included in fiscal year 1985 estimates.

Note.—Numbers in parenthesis ( ) denote negative amounts.

MAJOR DIFFERENCES BETWEEN THE SENATE AND THE HOUSE

Subcommittee and item	Amount (millions)
Agriculture: Federal Crop Insurance Corp.—Borrowing authority	100
Defense: DOD pay supplemental amounts	58
Foreign Ops:	
Multilateral economic assistance	340
Central America initiative	435
HUD-Independent:	
Asbestos control program	50
Assisted housing contract authority	(150)
Labor-HHS-Ed: Pell grants (1983 and 1984 shortfalls)	353
Legislative branch: Library of Congress—Renovation	81
Miscellaneous: All other items, net	204
Total amount over the House	1,471

Note.—Numbers in parenthesis ( ) denote negative amounts.

RECAPITULATION

	Request	House	Senate	Senate compared to—	
				Request	House
Title I—General supplementals	3,615,604,170	3,331,232,000	4,733,767,570	1,118,163,400	1,402,535,570
DOD programs	441,900,000	387,900,000	410,900,000	(31,000,000)	23,000,000
All other programs	3,173,704,170	2,943,332,400	4,322,867,570	1,149,163,400	1,379,535,570
Title II—Increased pay costs	2,326,140,000	2,053,392,000	2,122,950,000	(203,190,000)	69,558,000
DOD programs	1,859,652,000	1,543,450,000	1,601,282,000	(258,370,000)	57,832,000
All other programs	466,488,000	509,942,000	521,668,000	55,180,000	11,726,000
Grand total	5,941,744,170	5,384,624,000	6,856,717,570	914,973,400	1,472,093,570
DOD programs	2,301,552,000	1,931,350,000	2,012,182,000	(289,370,000)	80,832,000
All other programs	3,640,192,170	3,453,274,000	4,844,535,570	1,204,343,400	1,391,261,570

Mr. HATFIELD. Mr. President, I yield the floor to the distinguished ranking member of the committee, whose expertise, wisdom, and great judgment have played a major part in the achievements of the Appropriations Committee record this year and in the last 3 years particularly as we have brought bills out of that committee, having performed functions originally assigned to the committee and revived once again, I believe, a very significant role for that committee, the distinguished Senator from Mississippi, Senator STENNIS.

Mr. STENNIS. Mr. President, I thank the Senator from Oregon for his very generous remarks, and thank him for his extraordinary service, too, in the capacity in which he serves as chairman of this committee and the protection that he has always provided for its prerogatives and valuable precedents.

Mr. President, I will not present additional remarks, in addition to those given by the chairman. I support the bill generally, and I hope that we can move right along with the amendments. I am sure everyone will want to cooperate. Everyone has a right to offer an amendment that complies with the rules.

Mr. President, I yield back to the chairman of the committee.

Mr. HATFIELD. Mr. President, in order to bring the bill into a situation for considering amendments, at this time I ask unanimous-consent that the committee amendments be considered and agreed to en bloc, with the exception of the amendment appearing on page 26, lines 16 to 21, and the amendment appearing on page 42, lines 11 to 13, and that the bill as thus amended

be considered original text for the purpose of further amendment, provided that no point of order would be waived thereby. I believe this has been cleared on both sides of the aisle, providing a vehicle for Senators to offer amendments.

Mr. STENNIS. Mr. President, it has been cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST EXCEPTED COMMITTEE AMENDMENT, PAGE 26, LINE 16 TO LINE 21

Mr. HATFIELD. Mr. President, the bill is now open for amendment. The question arises, I believe, on the first excepted committee amendment.

The PRESIDING OFFICER. The Senator is correct.

The first excepted committee amendment is as follows:

On page 26, line 16, strike

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance", $2,000,000, to remain available until September 30, 1986: *Provided*, That this amount shall be for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127)."

Mr. HATFIELD. Mr. President, this is the amendment that appears on page 26 which was excepted from the unanimous-consent agreement. I believe the Senator from Oklahoma [Mr. BOREN] wishes to offer an amendment to this. Until he arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I have been discussing with the distinguished chairman and the distinguished ranking member of the committee a situation which exists in regard to problems in the city of Tulsa. We had a devastating flood on Memorial Day weekend of 1984 in Tulsa, flash flooding in virtually every watershed in the city. Almost 10 inches of rain fell in a period of little over 24 hours. It is estimated there were 4,800 individual homes and properties flooded on that occasion. Damage was estimated in this one incident at $150 million, including public facilities of $8 million.

The President declared the area a disaster area in accordance with Public Law 93-288. A Federal disaster assistance center was opened. More than 5,000 applications for aid have been received so far. This area has a long history of flooding. Some of the structures have experienced flooding dating back to the 1950's, with some flooded as often as six times in just the past 10 years alone. This pattern of cyclical damage and repair has accounted for inordinately high expenditures, both of private and public funds, while residents continue to be subject to life-threatening danger from the flooding.

These damages have occurred despite a number of steps taken by the city of Tulsa over the last few years to control flooding. An ongoing study conducted by the Corps of Engineers has been considered by the Committee on Public Works in the Senate and is a matter that we will be acting on probably in September.

In 1970, Tulsa entered the National Flood Insurance Program and adopted floodplain management regulations. The city of Tulsa in the last 5 years has identified at least $46 million in Federal, State, and private funds spent for flood control actions. So we are talking about a tremendous amount of public as well as private funds that have been expended.

The solution in the long run is the construction of a flood detention structure which may cost in the neighborhood of $100 million and will take up to 10 years to complete.

But in the short run, it is necessary to break the cycle of flood and rebuild, flood and rebuild. The 1362 program was set up to be a swift procedure for buying homes in chronic flooding areas before the owners rebuild. The point is to avoid the reconstruction cost, including national flood insurance payments, SBA loans, Farmers Home Administration loans, among others, to the Federal Government. In 1976, after another major flood in Tulsa, the National Flood Insurance Program paid out $11,950,530 in claims. That is close to $12 million in 1976 dollars paid on 1,050 claims. Already this year since the Memorial Day flood there have been 30 claims filed with another $523,000 already expended.

It is my hope that we can reinstate the appropriation voted by the House which, in the committee report language, earmarked $1 million from the 1362 program for Tulsa. it is my understanding that in the initial discussions in the House by Congressman JONES, Congressman SYNAR, and others, there was a gentleman's agreement at least with FEMA that $2 million would ultimately be put into the 1362 account for use in Tulsa.

Mr. President, I say to the distinguished chairman of the Appropriations Committee and the distinguished ranking member, I have great confidence in the judgment of both of them. I think they know that I would not lightly seek to restore any funds which the committee had removed. I know we are all struggling for economy in Government, and certainly that is an effort made by both the leaders of our Appropriations Committee, for which I salute them. But I suggest that for the State of Oklahoma this flood has been a disaster on a magnitude of some of the great national disasters that we have heard about, Mount St. Helens and others, as far as the immediate impact on our State, with tremendous loss of life and the near loss of many other lives.

Mr. President, when you look at the record, the city of Tulsa is not struggling with a master plan. They are hoping to prevent the rebuilding of these homes in the flood plains, to be able to buy out some of these properties, and in the long run I am convinced it is going to save a lot of Federal dollars. I had actually prepared an amendment to try to make the figure $3 million, or to make it clear that the $2 million in the House was really all originally intended in informal discussions as the amount to be utilized for Tulsa.

I hope we can work something out with their particular piece of legislation to either keep the House language and express the hope to FEMA to utilize the $2 million in Tulsa or to perhaps accept an amendment to change the figure to $3 million and earmark $2 million for Tulsa.

I appreciate the understanding of the two leaders of the committee. I apologize for detaining them in floor action. I had not anticipated this coming up today, but it is extremely important to our State. My colleague from Oklahoma [Mr. NICKLES] had planned to join with me in offering an amendment at this point as an expression of how we feel about it. We certainly hope that the Senate will go on record showing concern for the citizens in Tulsa and for coming up with a plan that will in the long run help us, I am sure, save a lot of Federal dollars in the future.

Mr. HATFIELD. Mr. President, the Senator from Oklahoma has certainly appropriately raised a concern on behalf of his constituency. Let me make one correction of the record. The House provision was for $1 million for Tulsa and $1 million for the discretion of FEMA. But let me explain a little bit the situation in which we find ourselves.

For the last number of years, there has been the equivalent of 3-to-1 in terms of applications for dollar support from this program for particular disasters—floods, et cetera, which have hit those communities.

Therefore, the FEMA organization has to review this whole matter: How do you set a criteria for granting this money? How do you set priorities on communities?

Mr. President, they have been developing a criteria because, as I say, the applications have outrun the appropriations by a ratio of 3-to-1. I do not think the Senator from Oklahoma would agree that the legislative body should set the priority of one commu-

nity as against another. We would all have our biases about the disasters which hit our own particular States. That would only be natural. But I think the Senator would have to agree it would be terribly unfair if, say, there had been communities harder hit and other communities had been in line for help longer for us to legislate some kind of a priority list over and above that which is in the process of being established by the administrative agency.

Now, it does not mean that we are less concerned about Tulsa or that we are more concerned about Tulsa or that we are less concerned about some disaster which has hit another State. But what I am trying to say basically is that the committee feels at this point it would have to resist the earmarking of any community to receive a priority in its claim for support from this program when there may be other communities which have been waiting for a longer time or have a more serious disaster.

Mr. President, part of the criteria is found in the report on page 40, and that is that the FEMA will evaluate applications for the program in fiscal year 1985 on the basis of the following: Cost effectiveness of purchasing the property in relation to flood insurance and disaster payments paid in the past and the potential future exposure to damages; the quality of a community's overall flood plain management program and support of flood loss reduction goals of the National Flood Insurance Program, and the adequacy of the community's reuse plan for the proposed project.

I think one would have to admit those are sound criteria which we are trying to put in place and thereby trying to make some fair evaluations not based on the political clout of one Senator's amendment to a bill and getting their community pushed ahead of other communities or outside of the criteria which has been applied to other communities.

That is the rationale behind the Senate committee's deletion of this earmarking for Tulsa in the context of all the other problems and all the other disasters with which FEMA is trying to deal.

Mr. BOREN. Mr. President, if my colleague will yield, I understand why the committee acted as it did. I understand the philosophy as to why the $2 million was deleted, which is a necessary $2 million, whether it be in Tulsa or elsewhere, particularly given the extent of the problem that occurred in Tulsa.

The distinguished chairman knows there is no one in this Chamber for whom I have greater respect. No one performs his duties more conscientiously than he does. In the past 6 years that I have been in the Senate, time and time again we have had emergencies of enormous proportion in local areas in various States. I do not believe I have ever on one single occasion voted to withhold funds where I thought a very unusual circumstances occurred. I think this is an unusual circumstance. I do not know how many floods of this magnitude have occurred in the United States—certainly they have not occurred this year—with the loss of life that was attendant with it. I feel obligated to press an amendment or acceptance of the House language with the $2 million. It was my understanding that FEMA was very sympathetic to this need. I appeal to the chairman, considering what he has said. I think it has great merit.

I am certainly not suggesting that this is a run-of-the-mill situation. If what happened in Tulsa had occurred in 25 other communities in the country, Mr. President, you would not find the Senator from Oklahoma saying just because it happened in my home State, it ought to be given priority over what happened elsewhere. I do not think that is the case in this situation. It is truly a disaster of tremendous magnitude.

I had an opportunity to see firsthand the results, and I know that the junior Senator from Oklahoma, who has joined us on the floor, has had that opportunity. He also has been at the center where they took the applications, more than 5,000 applications.

The city commission in Tulsa acted on this matter last week in terms of establishing a long-range plan, in the hope of preventing the rebuilding of homes in dangerous areas. It is going to create a tremendous cost locally and otherwise to follow that plan, but in the long run it is a sound plan for saving money.

I appeal to the chairman to consider this matter. It is my hope that, at the very least, we can allow the House language to stand, to try to make sure that we have adequate funds to take care of the Tulsa situation.

My colleague and I had an amendment to make it $3 million. The addition of $2 million was accomplished by action of the leadership of the House Oklahoma delegation.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BOREN. I yield.

Mr. STENNIS. I have two short questions.

I am familiar with these kinds of floods. When did this happen?

Mr. BOREN. I say to my colleague from Mississippi that this took place on Memorial Day weekend, this devastating flood.

Mr. STENNIS. This year?

Mr. BOREN. This year. Over the past decade and going back to 1950, we have had other incidents.

Mr. STENNIS. What is this money to be used for? This will not do much in construction.

Mr. BOREN. The city commission acted just last week to adopt a massive plan which would result in buying out all homeowners, rather than giving them money to rebuild in the same area. We actually have people sitting in their homes or in trailers in which the electricity has not been turned on. We need to get a program ongoing.

Mr. STENNIS. I do not want to delay the junior Senator from Oklahoma, so I will finish asking questions later.

Mr. BOREN. I think my colleague from Oklahoma wants to make a brief statement about this matter.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. NICKLES. Mr. President, I support this proposal, and I am a cosponsor of it with my good friend the senior Senator from Oklahoma. We are seeking additional FEMA funds for the purpose of buying homes in the city of Tulsa's floodplain. There have been floods over the past several years, and the Federal Government has given money to these communities located in the floodplain so that the homes could be restored, and then the floods would come again.

The master plan for Tulsa's recovery is a multimillion dollar plan, with the Federal Government putting up a small percentage of the money. They would buy out the homes in the floodplain, so that we would not catch ourselves in this cycle again and again.

Damages from the latest flood, the Memorial Day flood, are estimated to be in excess of $150 million. Over 12 inches rain fell in a little more than 6 hours, an enormous amount of rain in a short period of time, and it did an unbelievable amount of damage.

I visited a mobile home next to Mingo Creek which flooded out, and the mobile home was almost totally full of water. Fourteen people drowned in this flood on one night. So we are not talking about an insignificant storm. We are not talking about little flashfloods. It is an unusual circumstance.

We are now trying to forge a partnership in which the insurance companies, the State, and the city put up the bulk of the money and where the Federal Government would put in a small percentage to buy out all the homes in this flood area so that this disaster will not be repeated.

I join my colleague from Oklahoma, Senator BOREN, in urging the chairman of the Appropriations Committee to consider this matter favorably. I understand that FEMA has participated in these buyouts in the past. We are talking about an urgent supplemental, and this is an urgent case. FEMA's

role is to assist people when there is an urgent disaster, and they have been of some assistance already. This would be in compliance with their mission and they can help people get out of this particular area.

So I hope that the chairman of the Appropriations Committee will show some generosity. This is a difficult time for the thousands of people who have been devastated. We are not looking for the Federal Government to come up with $150 million. We are trying to help some of the homeowners to be able to get out of that floodplain area, so we will not be going back to FEMA or any other Federal agency for years down the road to try and repair some homes that have been damaged.

I welcome my senior colleague's comments, and I hope the chairman of the committee will acquiesce in our request.

Mr. HATFIELD. Speaking of generosity, may I then assume that this would induce the Senator from Oklahoma to vote for final passage of the appropriation bill?

Mr. NICKLES. The Senator may well be correct.

Mr. HATFIELD. Mr. President, before the junior Senator arrived on the floor, I had explained the position of the subcommittee under the chairmanship of the Senator from Utah [Mr. GARN].

It is my understanding that there are some 20 communities that already have made application for assistance. By adopting this amendment, it is not a question of being generous or not being generous. The point is that you are advancing one community over a whole list of communities by legislative process. To me, this is not the appropriate way to make a judgment on who should and who should not receive aid.

Again, I indicated a figure before. We have had applications that have outdistanced our appropriations in this program of 3 to 1. Therefore, FEMA had to adopt some sort of criteria to make judgments and evaluations on how to grant money to assist these people.

If we were to appropriate at this time the amount of money of the current list, I believe the figure would be about $11 million which we would have to add over and above the $2 million the Senator from Oklahoma is asking for.

I cannot believe that the Senator would want to advance a community in his own constituency over those waiting, which have applied in the appropriate process and are waiting in line, because of perhaps political clout or whatever else may be attributed to his power of persuasion.

I want the Senator to know that the committee is most sympathetic and the issue will be in conference.

I wonder if the Senators from Oklahoma would be willing to temporarily lay this amendment aside until the chairman of the subcommittee, Mr. GARN, arrives, who feels very strongly about this issue, and I am representing his view at this point as best I can. But if we could temporarily lay this aside and perhaps have some informal discussions with the chairman of the subcommittee, we might be able to work this out to the satisfaction of the Senators from Oklahoma.

We certainly want to be helpful any way we can be and, if that is agreeable, we could then move on to another amendment by unanimous consent to set this one aside and then take up the amendment waiting to be offered by the Senator from Nebraska.

Mr. STENNIS. Mr. Chairman, if the chairman will yield, I wish to join in that request. I think that is a sound thing to do under the circumstances to get at it better.

Mr. BOREN. Mr. President, the amendment has not yet been officially offered, and I would certainly be happy to honor the request of the distinguished chairman and hope we can work something out, so I relinquish the floor at this point.

Mr. HATFIELD. I thank the Senators from Oklahoma for their cooperation.

Mr. President, I believe I must now make a unanimous-consent request to lay aside both the pending amendments in order for the Senator from Nebraska to be in a position to offer his amendment and I so make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

AMENDMENT NO. 3609

(Purpose: To express the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers)

Mr. EXON. Mr. President, on behalf of myself and Senators ZORINSKY, JEPSEN, BOREN, PRYOR, and PRESSLER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Nebraska (Mr. EXON) (for himself, Mr. ZORINSKY, Mr. JEPSEN, Mr. BOREN, Mr. PRYOR, and Mr. PRESSLER), proposes an amendment numbered 3609.

Mr. EXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds and declares that—

(1) the competing credit demands by State and local governments, agriculture, business, and consumers, aggravated by massive Federal debt financing and increasing credit demands by foreign governments, continue to cause serious economic disruption in rural America;

(2) the United States has a vital interest in protecting the economic health of American farmers;

(3) the American farmer has been caught in an unprecedented credit squeeze;

(4) current monetary and fiscal policies have caused real interest rates to remain at two or three times historic levels of such rates;

(5) high real interest rates have dramatically increased the value of the dollar to the detriment of farmers who devote at least one out of three acres of land to production for export;

(6) the average value of an acre of farm land fell this year for the third year in a row, the longest sustained decline since the Great Depression;

(7) the total amount of debt owed by American farmers is $203,800,000,000;

(8) last year Brazil, Mexico, Argentina, and Venezuela held $260,000,000,000 in external debt and the interest payments on these loans alone totaled more than $20,000,000,000;

(9) the governments of Brazil, Mexico, Argentina, and Venezuela have been successful in securing postponements in debt and principal repayments, favorable renegotiations, new loan guarantees, and other special arrangements through private negotiations, assistance from the United States Government, and the International Monetary Fund; and

(10) American farmers have been unsuccessful in securing similar special treatment from private banks or the Federal Government.

(b) It is therefore the sense of the Congress that—

(1) the President, in cooperation with the Board of Government of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to American farmers at reasonable rates and that American farmers be treated no less favorably than foreign borrowers with comparable levels of risk, and

(2) the President, in cooperation with the Board of Governors of the Federal Reserve System, should take noninflationary actions necessary to reduce interest rates which are currently at levels abnormally above the historic real cost of money.

Mr. EXON. Mr. President, for clarification of the Members of the body and to save some time, I refer all to page 42 of the current Calendar of Business, order No. 1043, Senate Concurrent Resolution 130, offered by Mr. EXON and others, a concurrent resolution expressing the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers.

Mr. President, this was placed on the calendar during the consideration of the debt ceiling bill on June 29 last. At that time I offered this and was asked by both the majority leader and the minority leader that in order to expedite matters on that particular day they would agree to put this directly on the calendar if I would not ask for

a vote on the matter at that particular time. In order to provide assistance to the orderly moving of the affairs of the Senate, I agreed to that. Both of them agreed that they would assist me at an early date to bring this up for proper action by the Senate. I suggest this is the time and this is the place.

Mr. President, we are pleased that the Nation's gross national product grew at an unexpectedly strong rate, but the tower of the current recovery is built on a very shaky foundation.

The good news of the continuing recovery overshadows the serious situation in rural America. As I traveled across the great State of Nebraska, farmers and mainstreet business people told me that, to a large extent, the recovery has missed the agricultural sector of the economy.

The nominal value of farmland dropped for the third consecutive year and the real value of farmland dropped for the fourth consecutive year.

Recently, the value of the dollar hit a new record high against other major currencies, and analysts predict that the dollar will continue to strengthen in coming days.

The sad fact is that the crisis in agriculture is not of the farmer's making. The problems are the direct result of unsound national economic policy. I am convinced that, if only the Federal Government would control its immense appetite for credit, the value of the dollar would return to traditional levels, real interest rates would moderate and American farmers, as well as the American workers and business people, would all share in a sound and long-lasting recovery.

The recent string of record deficits have had an extremely adverse effect on rural America. As Federal borrowing competes with private borrowing, interest rates increase, and as interest rates increase, so does the value of the dollar. Needless to say, this chain reaction has especially hurt the American farmer.

Not only do expenses rise due to increased interest costs, but foreign markets are closed due to the overvalued dollar. In a sector that devotes one third of its capacity to export, a strong dollar is devastating.

Farmers are facing increasing difficulty in securing loans to get them through this extremely difficult period. Although Nebraska, like many rural States, enjoys a low rate of unemployment, it is not enjoying prosperity. The unemployment statistics mask a real crisis in rural America.

There have been record numbers of foreclosures and farm sales across the Midwest. The dockets of the Bankruptcy courts are filled with farm bankruptcies. This spring, many farmers went to their local bankers to renew their loans, only to be told that, this year, the bank just cannot renew.

There is a credit crisis in rural America. unfortunately, the general public does not know about it.

In contrast, the debt crisis among foreign borrowers receives daily attention in the media and from the administration.

The external debt of Brazil, Mexico, Argentina, and Venezuela is roughly equivalent to the total indebtedness of the American farmer. However, I have been puzzled at the diverse treatment the two situations receive.

When foreign borrowers are faced with a temporary inability to repay loans, the President requests an $8.4 billion increase in the funding for the international monetary fund to bail out the foreign borrowers.

Recently, when Argentina could not make its loan repayments, the administration lined up a massive loan guarantee scheme.

However, when the American farmer faces a temporary inability to repay his or her loan obligations, the administration railroads a bill through Congress to cut target price supports and reduce farmers' income.

Maybe farm credit problems receive little attention because farm bankers are small local banks, rather than the Chase Manhattan or Manufacturers Hanover Trust.

I wonder if the FDIC would give a rural bank the same tender loving care that it is currently giving the foreign debt-ridden Continental Illinois Bank. It is interesting to note that the FDIC's bailout plan for Continental Illinois proposes a buyoff and write-down of problem domestic loans, while foreign loans are left untouched. Under the proposed plan, Continental's $3 billion in questionable loans to Third World nations are carried at full value.

As another example, Bolivia has not made a debt repayment since March. This past May, it formally suspended its debt payments until bankers agree to restructure its loans. If I were a betting man, I would wager that Bolivia's request will be accommodated, just as the demands of Brazil and Argentina have been met in the past.

How can it be fair to push American farm families off of their land while foreign borrowers and their multinational lenders receive sweetheart deal after sweetheart deal from the Federal Government?

Mr. President, if given the chance, I am confident that the American farmer can weather this storm. The American farmer is a good risk. Our Nation is blessed with the globe's most fertile land, our agricultural sector is the world's most productive, and if the Federal Government can get its financial house in order, the agricultural trade opportunities in the world market are, indeed, bright.

I am not so confident of the creditworthiness of some of our largest foreign borrowers. Recently, 11 Latin American Nations banded together to form a borrowers cartel. The combined strength of this organization causes me to wonder whether the American lenders or their guarantors will see much their money. But I surely expect that, one way or another, Uncle Sam will be asked to pay up.

The irony is indeed great. Farmers, a good credit risk, are unable to secure sufficient credit, while large Latin American borrowers, a questionable credit risk, at best, are given more and more credit.

This resolution asks for equity. Our Nation's first obligation is to its own. The agricultural sector of our economy is subject to constant uncertainty due to the shifting sands of unstable Federal economic climate.

This resolution asks the President to endeavor to assured an adequate flow of credit to American farmers and to assure that farmers are treated no less favorably than foreign borrowers of comparable risk.

I hope that my colleagues see the fairness of this resolution and vote for its adoption.

Mr. President, I yield the floor.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I will be very brief.

Over the years, as I have expressed, we are faced many times each year with a resolution to usually require the Federal Reserve to do something that they simply do not have the power to do. We also face a resolution, which is not the subject of this one, to restructure the Federal Reserve Board, take away its independence, and to require the President to have a chairman whose term is concurrent with his so we can politicize the Fed as if somehow just passing a resolution or restructing the Fed will solve the economic problems of this country.

I certainly do not doubt the sincerity of the Senator from Nebraska. Once again we are faced with a similar resolution. They always seem to come up on the floor, ignore the jurisdiction of the Banking Committee, and are usually placed on appropriations bills which I do not think they have any place but that is the common practice here—certainly more the rule than the exception. Once again to express the sense of the Congress, the President should assure an adequate flow of affordable credit to farmers, and should assure fair treatment to agricultural borrowers. I know of no way to do that unless Congress gets its act together. That is where the problem is. It is not with this President, nor any other President. It is not with this Federal Reserve Board, nor any other. It lies right here.

Maybe I would support this if it were a concurrent resolution expressing the sense of the Congress that Congress do something about the irresponsible fiscal policy that has created a $1.5 trillion national debt, and interest in excess of $125 billion. That is where the farmers' problem is, and not anyplace else but here. We are always looking for scapegoats, and always looking for somebody else to blame but ourselves.

A President of the United States has never spent one dime not appropriated by Congress; not this President, not George Washington, not Abraham Lincoln, and not anybody else. We have lots of born-again converts to balance budgets on this floor on both sides of the aisle. There are not any liberals anymore. Every one of us are for balanced budgets. Even Fritz Mondale is for a balanced budget. He was not when he was here and voted. His voting record ought to be exposed to the American people to see how he really feels about spending.

But the point of it is the Constitution of the United States gives only Congress the ability to appropriate money. A President can recommend the budget. He can yell, scream, shout, threaten, veto, twist arms, but ultimately no President has ever spent a dime not appropriated by Congress.

So when you are borrowing $125 billion a year, and when you are financing $1.5 trillion national debt, that is why interest rates are high. I do not care what the chairman of the Federal Reserve Board does. I do not care. If he loosens money, interest rates will go up. If he tightens money, interest rates will go up. I do not care what this President or any other President recommends in the form of the budget. The ultimate action is what we do, and what we appropriate.

We have a supplemental appropriations bill before us with everybody advocating fiscal responsibility. Are there any amendments from any of my colleagues to reduce it? No. I was called over here for not this issue. There is an add-on to my budget. It is already $185 million over the President's request. But every amendment I know of is from somebody who wants to reduce the deficit. But they have an amendment that adds money to my portion of this bill. That happened in the regular HUD appropriations bill.

Are we going to vote like we talk, or are we just going to go out and say how we are all fiscal conservatives, and if we will just direct the President to assure an adequate flow of affordable credit? He cannot do that. If we made the Senator from Nebraska President today and accept this resolution, I do not know how he would do that unless he could get Congress to quit appropriating $200 billion a year more than we take in.

You cannot borrow more than 70 percent of the net domestic savings of this country and not drive up interest rates. It is no longer available for farmers, for farm equipment, or for seed. It is not available for consumer loans, nor automobile loans, nor mortgage loans because Government is taking it out of the private sector. The only reason we are even surviving is because of the strength of the dollar, and the inflow of outside capital. Otherwise, 70 percent would be such a drag on our economy that one would think of a 13- or 14-percent prime as giving money away.

I am getting a little bit tired—and my remarks are not directed to the Senator from Nebraska, but they are directed at the Senate of the United States and the House of Representatives who simply will not face the fiscal issues; who simply will not vote like they talk. I would suggest the American people will examine those running for office this year rather carefully, regardless of which party they are in. This is not a partisan speech I am making. If they do not vote the way they talk, then get rid of them and give somebody else a chance. $200 billion deficits appropriated by the Congress is only given by authority of the Constitution instead of trying to lump this on a President, on a chairman of the Federal Reserve, or on resolutions that simply say "Let's have an adequate flow of capital." There will not be an adequate flow of capital for farmers or anybody else in this country at reasonable interest rates until this body and the House of Representatives start to vote like they talk.

I have talked longer than I intended to. I suppose this resolution will pass like most of them. I will not vote for it. What we ought to be doing to assure farmers an adequate flow of affordable capital is vote down every amendment to this supplemental appropriations bill that adds money to it. Better still, maybe we ought to have some amendments that will reduce it, or that will reduce every appropriations bill we are talking about. That is the way to guarantee farmers adequate capital at affordable rates—by Congress doing their job on these expenditure bills. It will not change until we do that, nor until we have the courage to vote the way we talk.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was impressed when I returned to my State on Friday last to find the Secretary of Agriculture engaged in a so-called roundtable discussion with farm leaders, representatives of national farm organizations, the major commodities, representatives of the American Bankers Association, and the Independent Bankers Association. He had the Director of the Farmers Home Administration, the head of the Small Business Administration, and other private sector and Government officials together for the purpose of discussing this very problem that is highlighted by the amendment offered by the distinguished Senator from Nebraska.

He has brought to the attention of the Senate a very important concern. It is a concern that is widely shared here in the Senate, particularly by those of us who represent States engaged in agriculture, and that is almost every State in the Union, Mr. President.

The reason I mentioned the meeting that was occurring in my State, which I had the privilege of attending, is that it illustrates that this administration is also concerned about this problem and is seeking ways to solve the problem and help assure that farmers who are seeking credit to finance their farming operations have access to that credit and that that credit is at reasonable rates.

There were all kinds of suggestions made at this meeting in Mississippi, and I am sure there are specific suggestions that are floating around here in the Senate and in departments of the administration about the appropriate response that needs to be made by not only the Congress but the Federal Government to this very serious issue.

So I rise not to be critical in any way of the Senator for offering this amendment, but to say that I share in a very genuine way the concern that is expressed by him in offering this amendment, with the distinguished Senators who are cosponsors of it.

Mr. President, I do not know that the answer to the problem is contained within the amendment. It is an expression of concern. It is a resolution, in effect. It resolves that the Congress would like to see farmers have a more affordable source of credit.

We have several programs that are already being administered by the Farmers Home Administration. One is the operating loan program. There are insured loans, direct loans to farmers; there are guaranteed loans that reduce, in effect, the rate of interest that a farmer has to pay when the Government guarantees to the bank or to the other lender of credit that the Government will stand behind that loan and if the farmer defaults, if he does not make the payments, then the Federal Government will take over the loan.

We have just approved in the Appropriations Committee at our markup session earlier this week an amendment that would make available immediately some $650 million of guaranteed loan authority for farmers in the

United States. This is a new guaranteed loan program.

I do not know whether that is enough. There was a suggestion that this ought to be a $1 billion new program, that there ought to be more money involved. But this is money that is being made available in the agriculture appropriations bill that is still not before the body because of the debate on the motion to waive the Budget Act.

The Appropriations Committee has instructed that the amendment be offered so that when the act is approved by Congress, the money will be available immediately. I think the Senate is entitled to know of this action by the Committee on Appropriations and the fact that it is another example of a specific action by our Congress to help improve the access of farmers to affordable credit.

When we get right down to the bottom of it, though, Mr. President, the thing the farmers need more than anything else is profit from the operation of their farm. No amount of lending at whatever rate of interest is going to restore profit to the farm.

We could legislate today a massive new lending program for American farmers at a 2- or a 4-percent rate of interest and require that those funds be used to finance a farming operation, and it would not guarantee profit to American agriculture. The farmer is going to have to realize that profit through higher prices that are paid to him at harvest or through greater volume, or a combination of volume and prices. That is the only way that there is going to be a healthy agriculture sector.

I am supporting whatever recommended change in our existing loan program the Senator can come up with that either has not been tried before or that we can implement that would not have an unnecessarily adverse effect on either the budget or credit markets.

If there are specific suggestions for change in the authorities of the Department of Agriculture or the Director of the Farmers Home Administration, then I think we ought to discuss them.

I recall at this roundtable meeting which I mentioned as I began my remarks that there were various suggestions made. The farm credit system representatives had suggestions of change, that there ought to be more Government involvement in lending. I do not know that that is the answer, or whether the Senator from Nebraska would suggest that that should be a part of this effort.

I do not know that we are going to solve the problem with this amendment to this appropriations bill, Mr. President, but I am hoping that we can find a way to solve the problem and I am here to state to the Senator that I am certainly willing to work in a constructive way to find the right answers to American agriculture's credit problems.

Earlier this year I offered a resolution calling on the President to appoint a task force on credit. I think the Senator from Nebraska was a cosponsor of that resolution, along with the Senator from North Dakota, and others. It was to try to focus national attention not only by the Government but the private sector on the difficulties that American farmers have because of the credit crunch they face. It is in response to that resolution and the support for it in the Congress that this series of roundtable meetings is being held by the Department of Agriculture and the agencies in the Federal Government that have some responsibility in this credit area.

I do not know what the intention of the Senator from Nebraska is, the author of the amendment. I know we are scheduled to have a vote at 5 o'clock under the previous order on another bill. I know there are others who want to discuss this further. The Senator from North Dakota is interested in my yielding to him. I will consider that. I do not know whether we are going to be able to conclude the arguments on this amendment, Mr. President, by 5 o'clock. That is the point I am making.

Several Senators addressed the Chair.

Mr. COCHRAN. I do not yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I wondered whether or not we could transact any business on this amendment prior to 5 o'clock.

I yield to the Senator from North Dakota for a question.

Mr. ANDREWS. We have an important amendment which has been accepted on both sides which I would like to get in before the 5 o'clock vote. My colleague on the Democratic side has agreed to a unanimous-consent request to do that.

Mr. COCHRAN. I am happy to yield to that request, Mr. President.

Mr. STENNIS. Mr. President, may we have order in the Chamber while we consider this matter?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Dakota.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the pending amendment, and the other amendments that have been temporarily set aside, be set aside temporarily so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, and I do not object, I hope this will be with the understanding that upon the conclusion of the vote the Senate will return to the consideration of the amendment offered by the Senator from Nebraska.

Mr. ANDREWS. I would like to add that proper and reasonable request to my original request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3610

Mr. ANDREWS. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS] proposes an amendment numbered 3610.

Mr. ANDREWS. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 21 strike the word "Provision" and insert in lieu thereof "Provisions".

On page 43, following line 9, insert the following:

"Section 306(b)(2) of the Indian Elementary and Secondary School Assistance Act, Public Law 92-318 (20 U.S.C. 241ee(b)(2)) is amended to read as follows:

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Secretary of Education) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 per centum of such combined fiscal effort for that purpose for the second preceeding fiscal year. In addition, the Secretary may waive this requirement for exceptional circumstances for one year only.".

Mr. ANDREWS. Mr. President, this amendment was an integral part of the Interior appropriations bill, which was reported. It has been cleared on both sides. This amendment amends the Indian Education Act, title IV, in order to correct a serious problem. The act, as it now reads, requires that the State and local educational agency maintain their per pupil expenditures as 100 percent of the previous year in order to receive title IV funding. The amendment that I offer simply puts the title IV maintenance of effort requirement on the same level as other Federal education act requirements, and will allow some leeway for the local public schools. The amendment will provide for a 1-year waiver, similar to that found in chapter 1 of the Education Consolidation and Improvement Act.

This amendment will not add any moneys to the supplemental bill, it will simply correct a wrong. If this amendment is not made, for 45 small, poor public schools, in nine States, will not receive the title IV funding this fall that they were counting on. The

amendment will allow these schools to receive the moneys and continue their title IV programs.

The Select Committee on Indian Affairs reported a bill, which passed the Senate this spring, to reauthorize and amend title IV, but it looks like it is going to be held up in the House, due to H.R. 11, and the only vehicle available to prevent this grave problem, in time, is this bill. I appreciate the committee chairman's cooperation on this matter, and I urge my colleagues to join in support of this amendment.

Mr. HATFIELD. Mr. President, the proposed amendment is identical to a provision contained in the fiscal year 1985 Interior appropriations bill as reported by the full committee. It would conform the maintenance of effort requirement of the Indian Education Act to the 90-percent level established for other federally aided education programs.

As the Indian Education Act is forward funded, the money for the 1984–85 school year was made available in the fiscal year 1984 Interior appropriations bill. It is appropriate that this amendment be included in the supplemental to ensure continued support to approximately 43 school districts around the Nation.

Mr. President, I have no objection to the adoption of this amendment.

Mr. STENNIS. Mr. President, I have no objection, with the understanding that we can transfer it from one bill to another, as was discussed earlier.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3610) was agreed to.

Mr. ANDREWS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS AND FEDERAL PROCUREMENT COMPETITION ENHANCEMENT ACT OF 1984

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, the vote will now occur on the question whether H.R. 4209, as amended, shall pass.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Under the previous order, there will now be a vote on the passage of H.R. 4209. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Illinois [Mr. PERCY], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. PERCY] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Massachusets [Mr. TSONGAS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0—as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—94

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Biden	Hart	Packwood
Bingaman	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hawkins	Proxmire
Bradley	Hecht	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Randolph
Byrd	Helms	Riegle
Chafee	Hollings	Roth
Chiles	Huddleston	Rudman
Cochran	Humphrey	Sarbanes
Cohen	Inouye	Sasser
Cranston	Jepsen	Simpson
D'Amato	Johnston	Specter
Danforth	Kasten	Stafford
DeConcini	Kennedy	Stennis
Denton	Lautenberg	Stevens
Dixon	Laxalt	Symms
Dodd	Leahy	Thurmond
Dole	Levin	Tower
Domenici	Long	Trible
Durenberger	Lugar	Warner
Eagleton	Mathias	Weicker
East	Matsunaga	Wilson
Evans	Mattingly	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

NOT VOTING—6

Bentsen	McClure	Tsongas
Kassebaum	Percy	Wallop

So the bill (H.R. 4209), as amended, was passed, as follows:

H.R. 4209

Resolved, That the bill from the House of Representatives (H.R. 4209) entitled "An Act to amend section 15 of the Small Business Act", do pass with the following amendments: Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business and Federal Procurement Competition Enhancement Act of 1984".

PURPOSES

SEC. 2. The purposes of this Act are to—

(1) eliminate Federal procurement procedures and practices which inhibit free and open competition for Government contracts, especially by small business competitors;

(2) use Federal contracting opportunities as a means to expand our Nation's industrial base in order to ensure adequate responsive capability of the economy to the increased demands of the defense and civilian agencies in times of national emergency;

(3) reduce the number of noncompetitive government contract awards; and

(4) foster opportunities for increased small business and small disadvantaged business participation in the competitive Federal procurement process.

PLANNING FOR FUTURE COMPETITION

SEC. 3. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m)(1) To encourage the competitive acquisition of supplies and services to support and maintain a major system during its service life, the head of the Federal agency with responsibility for that system shall ensure that—

"(A) in any competitive solicitation for the award of any development contract for a major system, the following shall be included as evaluation factors, giving due consideration to the purposes for which the system is being procured and the technology to achieve the system's required capabilities:

"(i) proposals to incorporate in the design of the major system, components which are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source; and

"(ii) proposals to incorporate in the design of the major system, components that are likely to be required in substantial quantities during the system's service life and will permit future competitive acquisitions by the Government;

"(B) in any competitive solicitation for the award of any production contract for a major system, the following shall be included as evaluation factors:

"(i) proposals to identify components in the system that are likely to be required in substantial quantities during the system's service life and whether the technical data for such components will permit future competitive acquisitions by the Government; and

"(ii) proposals to identify technical data for sale or license to the Federal Government which the offeror, at its discretion, will identify and separately price so as to permit the Government to competitively acquire future requirements for such components; and

"(C) the evaluation factors specified in paragraphs (1) and (2) of this subsection shall be considered as negotiation objectives when an agency is making a noncompetitive award of a development contract or a production contract for a major system.

"(2) The provisions of paragraph (1)(B) may be waived if the contracting officer determines in writing that such provisions would not be applicable to such production contract, giving due consideration to the stability of the system's design, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, states the reasons therefor, and includes such determination and finding as part of the contract file."

ENCOURAGING NEW COMPETITORS TO BROADEN THE INDUSTRIAL BASE

SEC. 4. Section 15 of the Small Business Act is amended by adding at the end therefore the following new paragraph:

"(n)(1) Before establishing any prequalification requirement applicable to an offeror or its product which would be considered as an element of responsiveness to a solicitation, the Federal agency shall—

"(A) prepare a written justification stating the necessity for establishing the prequalification requirement and the reasons why free and open competition is not feasible;

"(B) specify in writing and make available upon request all standards which a prospective contractor, or its product, must satisfy in order to become qualified, such standards being limited to those least restrictive to meet the purposes necessitating the establishment of the prequalification requirement;

"(C) specify an estimate of the costs of testing and evaluation likely to be incurred by a prospective contractor for that contractor to become qualified;

"(D) ensure that (i) a prospective contractor is provided, upon request, a prompt opportunity to demonstrate its ability to meet the standards specified for qualification, utilizing qualified personnel and facilities of the agency or another agency obtained through interagency agreement, or other methods approved by the agency, and (ii) any testing and evaluation services provided under contract to the agency should be provided by a contractor who will not be expected to benefit from an absence of additional qualified sources and who shall be required to adhere to any restriction on technical data asserted by the prospective contractor seeking qualification; and

"(E) ensure that a prospective contractor seeking qualification is promptly informed as to whether qualification has been attained, or in the event qualification has not been attained, information sufficient to specifically inform the prospective contractor why qualification was not attained.

"(2) Before a Federal agency may enforce any existing prequalification requirement with respect to an offeror or its product, the Federal agency shall comply with the requirements of paragraph (1) of this subsection. A person denied the opportunity to demonstrate the ability to meet the standards specified for qualification pursuant to paragraph (1)(D) may not be denied the opportunity to submit and have considered an offer for a contract solely because the person (A) is not on a list of qualified bidders prescribed or maintained by the agency, or (B) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the agency. A Federal agency need not delay a procurement action in order to provide a prospective contractor with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(3) In the event that the number of qualified sources or qualified products available to actively compete for anticipated future requirements is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the Federal agency shall—

"(A) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification; and

"(B) bear the cost of conducting the specified testing and evaluation, but excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated, only for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification, and which could reasonably be expected to compete, except that the Federal agency shall bear such costs only if it determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the Federal agency.

The Federal agency may require a prospective contractor requesting testing and evaluation costs to certify as to its status as a small business concern, and, in good faith, rely thereon.

"(4) Within seven years after the establishment of any prequalification requirement pursuant to paragraph (1), or within seven years following an agency's enforcement of any existing prequalification requirement pursuant to paragraph (2), any such prequalification requirement shall be examined and revalidated in accordance with the requirements of paragraph (1) of this subsection (n).

"(5) Except in an emergency, whenever a Federal agency determines not to enforce an existing prequalification requirement for a solicitation, the agency may not enforce any such prequalification requirement unless the agency complies with the requirements of paragraph (1) of this subsection (n).".

REPORTING REQUIREMENT

SEC. 5. Not later than July 1, 1985, a report prepared under the direction of the Office of Federal Procurement Policy shall be submitted to the Congress on the desirability and feasibility of requiring the prime contractor for a major system to establish and maintain procedures to qualify competing sources for those components of the major system likely to be needed in substantial quantities during the system's service life.

ENHANCED PROCUREMENT NOTICES

SEC. 6. (a) Section 8(e) of the Small Business Act is amended—

(1) by inserting before the semicolon at the end of subparagraph (3)(A) a comma and "and includes, as appropriate, agency nomenclature, National Stock Number or other part number, all amplified by a brief description relating to the item's form, fit or function, physical dimensions, predominant material of manufacture, or similar information to assist a prospective contractor to make an informed business judgment as to whether a solicitation should be requested";

(2) by redesignating subparagraphs (B) and (C) of paragraph (3) as subparagraphs (C) and (E), respectively;

(3) by inserting after subparagraph (A) of paragraph (3) a new subparagraph (B) as follows:

"(B) a procurement history and forecast of requirements, to the extent available, including—

"(i) date of last award and price thereof, number of units and unit price, time for performance, and whether the last contract was awarded competitively;

"(ii) aggregate dollar value and number of units procured during the last two fiscal years; and

"(iii) number of additional requirements (expressed in the same unit term as the procurement history) estimated for procurement during the remainder of the current fiscal year and each of the two succeeding fiscal years;";

(4) by inserting after subparagraph (C) of paragraph (3), as redesignated, a new subparagraph (D) as follows:

"(D) notations as to whether—

"(i) the technical data required to respond to a solicitation will not be furnished as part of such solicitation, and identifying the governmental source, if any, from which the technical data may be obtained; and

"(ii) an offeror or its product must be prequalified in order to have its offer considered for award, and identifying the office from which the standards specified for prequalification may be obtained;";

(5) by inserting in paragraph (4), after "provisions of this paragraph were complied with," the following: "or unless the procurement is under the foreign military sales program and a foreign government has requested a sole source,";

(6) by redesignating paragraph (6) as paragraph (7) and inserting a new paragraph (6) as follows:

"(6) In order to further carry out the requirements of this subsection and section 223(a) of the Act of October 24, 1978 (Public Law 95-507, 15 U.S.C. 637b), each Federal agency shall—

"(A) publicly post in either full text or abstract format at the contracting office, or otherwise readily make available a compilation, of information relating to procurement actions in excess of $2,500 which would have been synopsized in the Commerce Business Daily if such procurement actions had equaled or exceeded the applicable dollar threshold for publication; and

"(B) make available to any small business concern, or to the authorized representative of such concern, the complete solicitation package for any on-going procurement action announced pursuant to this paragraph and permit the copying thereof: Provided, That a Federal agency may require the payment of a fee, not exceeding the actual cost of duplication."; and

(7) by inserting at the end of paragraph (7) (as redesignated by clause (6)) the following new clause:

"(C) the term 'procuring activity' means that organizational element of a Federal department actually responsible for the issuance of solicitations, the evaluation of offers, and the award of contracts.".

(b) Section 8(d)(1) of the Small Business Act is amended by adding at the end thereof the following new sentence: "It is further the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts for appropriate portions of subsystems, assemblies, components, and related services for major systems.".

(c) Section 8(d)(3)(A) of the Small Business Act is amended by adding at the end thereof the following new sentence: "It is further the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts and subcontracts for appropriate portions of subsystems, assemblies, components, and related services for major systems."

(d) Not later than eighteen months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Congress a report evaluating the implementation of the amendments made by subsections (b) and (c), and the extent to which such amendments have increased the opportunity of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals to particpate in the performance of Government contracts and subcontracts.

TECHNICAL DATA MANAGEMENT TO FOSTER FUTURE COMPETITION

SEC. 7. Section 15 of the Small Business Act is further amended by adding at the end thereof the following:

"(o)(1)(A) An offeror submitting a proposal for a contract shall furnish information in the proposal identifying—

"(i) with respect to all items that will be delivered to the United States under the contract (other than items to which clause (ii) applies), those items for which technical data will not be provided to the United States; and

"(ii) with respect to technical data that will be delivered to the United States under the contract, any of such technical data that will be provided with restrictions on the Government's right to use such data for governmental purposes.

"(B) With respect to items that will be delivered to the United States under a contract described in subparagraph (A) with respect to which it would be impracticable to ascertain, at the time the contract is entered into, the technical data relating to such items that will not be provided to the United States with unlimited rights, the contract shall require that the contractor shall provide identifying information similar to that required to be furnished under subparagraph (A) at the time to be specified in the contract.

"(C) The head of a Federal agency shall ensure that the information furnished under subparagraph (A) is considered in selecting the contractor for the contract.

"(2) To foster competition for the acquisition of supplies and services to maintain a major system during its service life, the head of the Federal agency with responsibility for the system shall ensure that the initial and all subsequent production contracts for a major system, developed under Government contract, contain appropriate provisions related to technical data, including—

"(A) Specifying the technical data to be delivered under the contract, if any, including delivery schedules therefor;

"(B) establishing criteria for determining the acceptability of technical data to be delivered under the contract;

"(C) establishing separate payment lines for the technical data to be delivered under the contract, if any, and authorizing the withholding of payments for failure to make timely deliveries of acceptable data;

"(D) defining the respective rights of the Government and a contractor or subcontractor regarding any technical data to be delivered under the contract, including therein a definition of the term 'developed at private expense';

"(E) to the maximum practicable extent, identifying, in advance of its delivery, technical data which is to be delivered with restrictions on the Government's right to use such data for governmental purposes;

"(F) requiring the contractor and each subcontractor to be prepared to furnish, within 60 days after a written request directed to the party asserting a restriction, a written justification for any restriction to be asserted limiting the Government's right to use such data for governmental purposes, for as long as such restriction is asserted by the contractor or subcontractor;

"(G) prohibiting a contractor from requiring a subcontractor or the Government to pay a fee, royalty, or other charge for the subcontractor's use of any technical data in the performance of a contract to furnish a component directly to the Government, except that data protected by patent, licensing agreement or any preexisting agreement involving a subcontractor's performance under a commercial contract, if the same data was made available by the contractor to the subcontractor furnishing that component;

"(H) prohibiting the contractor from limiting, either directly or indirectly, a subcontractor from selling to the Government any component which the subcontractor had previously furnished to the contractor without restriction, except that the contractor may restrict a subcontrator from providing to the Government any component restricted by a preexisting agreement involving the subcontractor's performance for the contractor under its commercial contracts;

"(I) ascertaining and documenting the identity of the manufacturer of a component through the annotation of engineering drawings, the maintenance of lists, or otherwise;

"(J) requiring the contractor to revise any technical data delivered pursuant to the contract to reflect engineering design changes and to deliver such revised technical data to an agency within a specified time;

"(K) requiring the contractor to certify at the time the technical data is made available or delivered, that the technical data is complete, accurate, and adequate for the purpose for which the technical data is procured;

"(L) requiring the contractor to promptly correct any technical data found to be incomplete, inadequate, or deficient and promptly furnish complete, accurate, and adequate technical data to the agency; and

"(M) authorizing the head of the agency to withhold progress payments under a contract during any period that the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

The provisions specified in this subsection shall be implemented in the single system of Government-wide procurement regulations, as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)) and may be waived in accordance with such procurement regulations if the contracting officer determines in writing that any such provision should not be applicable to the production contract, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, stating the reasons therefor. Such determination shall be made part of the contract file.

"(3) Nothing in this subsection or subsection (m) of this section prohibits an agency from including—

"(A) in any competitive solicitation for the award of a contract, or

"(B) as a negotiation objective when the agency is making a noncompetitive award, a provision specifying in the contract the date after which the United States shall have the right to use or have used for any governmental purpose all technical data required to be delivered to the United States under contract.".

PLAN FOR MANAGEMENT OF TECHNICAL DATA

SEC. 8. (a) Within one year after the date of enactment of this Act, each Federal agency shall develop a plan for the management of technical data received under contracts for the development, production, modification, or maintenance of major systems within its jurisdiction. At a minimum, the management plan shall address procedures for—

(1) inventorying, indexing, storing, and updating items of technical data into a system;

(2) verifying contractor-imposed limitations on the Government's rights to make future use of the data in competitive acquisitions; and

(3) assuring that agency procurement officials and prospective contractors will have timely access to complete and current technical data for the competitive acquisition of supplies and services for the maintenance of the system during its service life.

(b) Within 5 years after the date of enactment of this Act, each Federal agency shall complete implementation of the management plan required by subsection (a), and include in the system the available technical data for each currently operational major system within its jurisdiction.

(c) Not later than eighteen months after the enactment of this Act, the Comptroller General of the United States shall transmit to the Congress a report evaluating the plans of selected Federal agencies for the management of technical data for major systems within their jurisdiction. The report shall include an evaluation of the plans of the Department of Defense, the Department of Energy and the Department of Transportation, and the National Aeronautics and Space Administration.

VALIDATING PROPRIETARY DATA RESTRICTIONS

SEC. 9. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(p)(1) To encourage the competitive acquisition of components needed to maintain a major system during its service life, a review of the validity of any restriction on the Government's right to use for governmental purposes technical data furnished under contract shall be initiated by the contracting officer, if the contracting officer, an agency advocate for competition, or the representative of the Administration assigned to the procurement center determines such a review is warranted and the contracting officer determines that compliance with the asserted restriction makes it impracticable to competitively procure the required component.

"(2) Upon the written demand of the contracting officer, the contractor or subcontractor, as appropriate, shall submit its justification for the asserted restriction on the Government's right to use such data for governmental purposes certifying to the current validity of the asserted restriction within—

"(A) 60 days, if the contract contains a provision that requires a contractor or subcontractor to be prepared to furnish a written justification for any restriction limiting the Government's right to use for governmental purposes technical data to be delivered under the contract, or

"(B) 180 days, if the contract does not contain such a provision, except that the contracting officer may extend such time limits

for a reasonable period for good cause shown.

"(3) Upon a failure to submit any justification pursuant to the requirements of paragraph (2) of this subsection, the contracting officer shall, after giving notice to the party asserting the restriction, promptly cancel the restriction on the Government's right to use for governmental purposes technical data for which justification had been requested.

"(4) If after review of the justification submitted pursuant to paragraph (2) of this subsection, the contracting officer determines that the justification for the restriction on the Government's right to use the data for governmental purposes does not adequately support the asserted restriction on the technical data, the justification therefor shall be promptly subjected to technical review and audit.

"(5) If after reviewing the findings of the technical review and audit, it is determined that the restriction on the Government's right to use such data for governmental purposes warrants challenge, the contracting officer shall issue a final decision pertaining thereto which shall be subject to the provisions of the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(6) If the Government's challenge to the restriction on the Government's right to use for governmental purposes technical data as certified pursuant to paragraph (2) of this subsection is sustained, upon final disposition—

"(A) the restriction on the Government's right to use that technical data for governmental purposes shall be cancelled; and

"(B) the contractor or subcontractor, as appropriate, shall be liable to the Government for the Government's cost of technically evaluating and auditing the asserted restriction, and the fees and other expenses, as defined in section 2412(d)(2)(A) of title 28, United States Code, incurred by the Government in challenging the asserted restriction, if the asserted restriction, as certified, is found not to be substantially justified, unless special circumstances would make such awards unjust.".

BREAKOUT PROCUREMENT CENTER REPRESENTATIVES

SEC. 10. Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end thereof the following:

"(q)(1) The Administration shall assign to each major procurement center a breakout procurement center representative, with such assistance as may be appropriate. In carrying out the functions described in paragraph (2), such representative shall be an advocate for the breakout of components for competitive procurement whenever possible while maintaining the integrity of the system in which such components are used, and be an advocate for the competitive procurement of the supplies and services procured by the center. Any breakout procurement center representative appointed under this subsection shall be distinct from, and in addition to, any other procurement center representative who may be, from time to time, assigned by the Administration to a procurement center for the purpose of advocating increased small business participation.

"(2) In addition to carrying out the responsibilities assigned by the Administrator, a breakout procurement center representative is empowered to—

"(A) participate as a regular member of any provisioning conference, or similar evaluation session relating to maintaining a major system during its service life, during which determinations are made as to whether requirements are to be procured through other than free and open competition;

"(B) review, at any time, restrictions on competition previously imposed on requirements through acquisition method coding or similar procedures, and to request prompt reevaluation of such limitations on competition by agency personnel;

"(C) review restrictions on competition arising out of restrictions on the Government's rights in technical data and, when appropriate, recommend that the contracting officer initiate a review of the validity of such an asserted restriction;

"(D) obtain from any source, and make available to the appropriate procurement center personnel, unrestricted technical data necessary for the preparation of a competitive solicitation package for any item of supply or service previously procured noncompetitively due to the unavailability of such unrestricted data; and

"(E) have access to the unclassified procurement records and other data of the procurement center so as to facilitate effective discharge of the foregoing functions and to permit the preparation of complete and accurate reports to the Administration;

"(F) receive unsolicited value-engineering proposals, forwarding them with or without recommendation to procurement center personnel responsible for reviewing such proposals and who shall furnish the breakout procurement center representative with information regarding any action taken with respect to any such proposal; and

"(G) review the procurement practices of the center and make recommendations to the Administrator who shall, as appropriate, consult with the responsible agency procurement executive regarding the implementation thereof.

"(3)(A) Each Federal agency having one or more major procurement centers shall assign at least one technical advisor to each major procurement center to which the Administration has assigned a breakout procurement center representative.

"(B) Technical advisors assigned under this paragraph shall be—

"(i) full-time employees of such agency;

"(ii) colocated with the assigned breakout procurement center representative; and

"(iii) fully qualified, technically trained, and familiar with the supplies and services procured by the major procurement center.

"(C) The primary duty of a technical advisor assigned under this paragraph shall be to assist the breakout procurement center representative for the center to which such advisor is assigned in carrying out his functions.

"(4) There are authorized to be appropriated to the Administration such sums as may be necessary to carry out the provisions of paragraphs (1) and (2) of this subsection.".

PROHIBITION OF LIMITING DIRECT SALES BY SUBCONTRACTORS TO THE UNITED STATES

SEC. 11. Section 15 of the Small Business Act (15 U.S.C. 644) is further amended by adding at the end thereof the following:

"(r) Each contract for the purchase of supplies or services made by a Federal agency shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of restricting sales by the subcontractor directly to the United States of any item or process (including computer software) like those made, or services like those furnished, by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict the ability of a subcontractor to make sales to the United States described in clause (1).".

CERTIFICATE OF COMPETENCY

SEC. 12. Section 8(b)(7) of the Small Business Act is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this subsection, the Administration may not establish an exemption from referral or notification or refuse to accept a referral or notification from a Government procurement officer made pursuant to subparagraph (A) or (B) of this paragraph, but nothing in this paragraph shall require the processing of an application for certification if the small business concern to which the referral pertains declines to have the application processed. If a Government procurement officer proposes to deny a contractor's decision to use a small business concern as a subcontractor because of a lack of any element of responsibility provided for in subparagraphs (A) or (B) of this paragraph, such officer may not preclude the contractor from subcontracting to such small business concern without referring the matter for final disposition to the Administration.".

DEFINITIONS

SEC. 13. Section 3 of the Small Business Act is amended by adding at the end thereof the following:

"(j) For the purpose of this Act and section 8 of the Small Business and Federal Procurement Competition Enhancement Act of 1984, the term—

"(1) 'component' means any individual part, subassembly, assembly, or subsystem integral to a major system, which may be replaced during the service life of the system. The term includes spare part and replenishment spare part. The term does not include packaging or labeling associated with shipment or identification of a 'component';

"(2) 'major procurement center' means a procurement center that awarded contracts for components other than commercial items totaling at least $150,000,000 in the preceeding fiscal year;

"(3) 'major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a 'major system' if (A) total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater, or (B) the system is designated a 'major system' by the head of the agency responsible for the system;

"(4) 'technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes

data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life.

"(k) For the purpose of subsections (m), (n), (o), (p), and (r) of section 15, the term 'Federal agency' does not include an agency which is subject to chapter 137 of title 10, United States Code.".

COMMERCIAL PRICING FOR SPARE PARTS

SEC. 14. (a) Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsections:

"(s)(1) Except in the case of an offer submitted with a written statement under paragraph (2) and except as provided in paragraph (3), a contract made by any agency for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(2) A person who submits an offer to an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered and providing a justification for that difference.

"(3) Paragraphs (1) and (2) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantitites, quality, delivery, or other items and conditions of the contract from commercial contract terms.".

(b) Not later than 90 days after the date of enactment of this Act, the single system of Government-wide procurement regulations (as defined in section 4 (4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403 (4))) shall be revised to include provisions specifying the manner in which each executive agency (as defined in section 4 (1) of such Act (41 U.S.C. 403 (1))) may negotiate prices for supplies procured from a contractor which does not produce the supplies and does not add significant value to the total value of the supplies. The regulation shall include provisions reasonably limiting the amount of overhead costs which such a contractor may allocate to any item of supplies.

ECONOMIC ORDER QUANTITIES

SEC. 15. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection.

"(t)(1)(A) Each Federal agency shall procure supplies in such quantity as (i) will result in the total cost and unit cost most advantageous to the United States, when practicable, and (ii) does not exceed the quantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(B) The head of a Federal agency shall take subparagraph (A) into account in approving rates of obligation of appropriations.

"(2) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

PUBLICATION OF PROPOSED REGULATIONS

SEC. 16. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new section:

"SEC. . Changes to the single system of Government-wide procurement regulations (as defined in section 4 (4) of the Office of Federal Procurment Policy Act (41 U.S.C. 403 (4))), including supplemental regulations to agency acquisition regulations, may not take effect until the date thirty days after the date such regulations have been published in the Federal Register for public comment.".

PERSONNEL EVALUATIONS TO INCLUDE EMPHASES ON COMPETITION AND COST SAVINGS

SEC. 17. Section 15 of the Small Business Act if further amended by adding at the end thereof the following new subsection:

"(u) The head of each Federal agency shall establish procedures to ensure that personnel appraisal systems of the agency give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to the contracts of the agency.".

PROVISIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE AND RELATED AGENCIES

SEC. 18. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

"§ 2317. Planning for future competition

"(a) To encourage the competitive acquisition of supplies and services to support and maintain a major system during its service life, the head of an agency with responsibility for that system shall ensure that—

"(1) in any competitive solicitation for the award of any development contract for a major system, the following shall be included as evaluation factors, giving due consideration to the purposes for which the system is being procured and the technology to achieve the system's required capabilities:

"(A) proposals to incorporate in the design of the major system, components that are currently available within the supply system of the Federal agency responsible for the major system, available elsewhere in the national supply system, or commercially available from more than one source; and

"(B) proposals to incorporate in the design of the major system, components that are likely to be required in substantial quantities during the system's service life and will permit future competitive acquisitions by the Government;

"(2) in any competitive solicitation for the award of any production contract for a major system, the following shall be included as evaluation factors:

"(A) proposals to identify components in the system that are likely to be required in substantial quantities during the system's service life and whether the technical data for such component will permit future competitive acquisitions by the Government; and

"(B) proposals to identify technical data for sale or license to the Federal Government which the offeror, at it discretion, will identify and separately price so as to permit the Government to competitive acquire future requirements for such components; and

"(3) the evaluation factors specified in paragraphs (1) and (2) of this subsection shall be considered as negotiation objectives when an agency is making a noncompetitive award of a development contract or a production contract for a major system.

"(b) The provisions of paragraph (2) of subsection (a) may be waived in whole or in part if the contracting officer determines in writing that such provisions should not be applicable to such production contract, giving due consideration to the stability of the system's design, or otherwise would not be in the best interests of the United States in attaining the purposes for which the system is being procured, states the reasons therefor, and includes such determination and finding as part of the contract file.

"§ 2318. Encouraging new competitors to broaden the industrial base

"(a) Before establishing any prequalification requirement applicable to an offeror or its product which would be considered as an element of responsiveness to a solicitation, the head of an agency shall—

"(1) prepare a written justification stating the necessity for establishing the prequalification requirement and the reasons why free and open competition is not feasible;

"(2) specify in writing and make a available upon request all standards which a prospective contractor, or its product, must satisfy in order to become qualified, such standards to be limited to those least restrictive to meet the purposes necessitating the establishment of the prequalification requirement;

"(3) specify an estimate of the costs of testing and evaluation likely to be incurred by a prospective contractor for that contractor to become qualified;

"(4) ensure that (A) a prospective contractor is provided, upon request, a prompt opportunity to demonstrate its ability to meet the standards specified for qualification, utilizing qualified personnel and facilities of the agency or another agency obtained through interagency agreement, or other methods approved by the agency, and (B) any testing and evaluation services provided under contract to the agency should be provided by a contractor who will not be expected to benefit from an absence of additional qualified sources and who shall be required to adhere to any restriction on technical data asserted by the prospective contractor seeking qualification; and

"(5) ensure that a prospective contractor seeking qualification is promptly informed as to whether qualification has been attained, or in the event qualification has not been attained, is promptly furnished specific information why qualification was not attained.

"(b) Before the head of an agency may enforce any existing prequalification requirement with respect to an offeror or its product, the agency shall comply with the requirements of subsection (a). A person denied the opportunity to demonstrate the ability to meet the standards specified for qualification pursuant to subsection (a)(4)

may not be denied the opportunity to submit and have considered an offer for a contract to be made by the Department of Defense solely because the person (1) is not on a list of qualified bidders prescribed or maintained by the Department of Defense, or (2) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the Department of Defense. The head of an agency need not delay procurement action in order to provide a prospective contractor with an opportunity to demonstrate its ability to meet the standards specified for qualification.

"(c) In the event that the number of qualified sources or qualified products available to actively compete for anticipated future requirements is fewer than two actual manufacturers or the products of two actual manufacturers, respectively, the head of an agency shall—

"(1) periodically publish notice in the Commerce Business Daily soliciting additional sources or products to seek qualification; and

"(2) bear the cost of conducting the specified testing and evaluation, but excluding the costs associated with producing the item or establishing the production, quality control, or other system to be tested and evaluated, only for a small business concern or a product manufactured by a small business concern which has met the standards specified for qualification, and which could reasonably be expected to compete, except that the head of an agency shall bear such costs only if it determines that such additional qualified sources or products are likely to result in cost savings from increased competition for future requirements sufficient to amortize the costs incurred by the agency.

The head of an agency may require a prospective contractor requesting testing and evaluation costs to certify as to its status as a small business concern, and, in good faith, rely thereon.

"(d) Within seven years after the establishment of any prequalification requirement under subsection (a), or within seven years following an agency's enforcement of any existing prequalification requirement pursuant to subsection (b), any such prequalification requirement shall be examined and revalidated in accordance with the requirements of subsection (a) of this section.

"(e) Except in an emergency, whenever the head of an agency determines not to enforce an existing prequalification requirement for a solicitation, the agency may not enforce any such prequalification requirement unless the agency complies with the requirements of subsection (a).

"§ 2319. Technical data management to foster future competition

"(a)(1) An offeror submitting a proposal for a contract shall furnish information in the proposal identifying—

"(A) with respect to all items that will be delivered to the United States under the contract (other than items to which paragraph (2) applies) those items for which technical data will not be provided to the United States; and

"(B) with respect to technical data that will be delivered to the United States under the contract, any of such technical data that will be provided with restrictions on the Government's right to use such data for governmental purposes.

"(2) With respect to items that will be delivered to the United States under a contract described in paragraph (1) with respect to which it would be impracticable to ascertain, at the time the contract is entered into, the technical data relating to such items that will not be provided to the United States with unlimited rights, the contract shall require that the contractor provide identifying information similar to that required to be furnished under paragraph (1) at a time to be specified in the contract.

"(3) The head of an agency shall ensure that the information furnished under paragraph (1) is considered in selecting the contractor for the contract.

"(b) To foster competition for the acquisition of supplies and services to maintain a major system during its service life, the head of the agency with responsibility for the system shall ensure that the initial and all subsequent production contracts for a major system, developed under Government contract, contain appropriate provisions related to technical data, including—

"(1) specifying the technical data to be delivered under the contract, if any, including delivery schedules therefor;

"(2) establishing criteria for determining the acceptability of technical data to be delivered under the contract;

"(3) establishing separate payment lines for the technical data to be delivered under the contract, if any, and authorizing the withholding of payments for failure to make timely deliveries of acceptable data;

"(4) defining the respective rights of the Government and a contractor or subcontractor regarding any technical data to be delivered under the contract, including therein a definition of the term 'developed at private expense';

"(5) to the maximum practicable extent, identifying, in advance of its delivery, technical data which is to be delivered with restrictions on the Government's right to use such data for governmental purposes;

"(6) requiring the contractor and each subcontractor to be prepared to furnish, within 60 days after a written request directed to the party asserting a restriction, a written justification for any restriction to be asserted limiting the Government's right to use such data for governmental purposes. for as long as such restriction is asserted by the contractor or subcontractor;

"(7) prohibiting a contractor from requiring a subcontractor or the Government to pay a fee, royalty, or other charge for the subcontractor's use of any technical data in the performance of a contract to furnish a component directly to the Government, except that data protected by patent, licensing agreement or any preexisting agreement involving a subcontractor's performance under a commercial contract, if the same data was made available by the contractor to the subcontractor furnishing that component;

"(8) prohibiting the contractor from limiting, either directly or indirectly, a subcontractor from selling to the Government any component which the subcontractor had previously furnished to the contractor without restriction, except that the contractor may restrict a subcontractor from providing to the Government any component restricted by a preexisting agreement involving the subcontractor's performance for the contractor under its commercial contracts;

"(9) ascertaining and documenting the identity of the manufacturer of a component through the annotation of engineering drawings, the maintenance of lists, or otherwise;

"(10) requiring the contractor to revise any technical data delivered pursuant to the contract to reflect engineering design changes and to deliver such revised technical data to an agency within a specified time;

"(11) requiring the contractor to certify, at the time the technical data is made available or delivered, that the technical data is complete, accurate, and adequate for the purpose for which the technical data is procured;

"(12) requiring the contractor to promptly correct any technical data found to be incomplete, inadequate, or deficient and promptly furnish complete, accurate, and adequate technical data to the agency; and

"(13) authorizing the head of the agency to withhold progress payments under a contract during any period that the contractor does not meet the requirements of the contract pertaining to the delivery of technical data.

The provisions specified in this subsection shall be implemented in the single system of Government-wide procurement regulations, as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C 403(4)) and may be waived in accordance with such procurement regulations if the contracting officer determines in writing that any such provision should not be applicable to the production contract, or otherwise would not be in the best interests of the Government in attaining the purposes for which the system is being procured, stating the reasons therefor. Such determination shall be made part of the contract file.

"(c) Nothing in this section or section 2317 of this title prohibits an agency from including—

"(1) in any competitive solicitation for the award of a contract, or

"(2) as a negotiation objective when the agency is making a noncompetitive award,

a provision specifying in the contract the date after which the United States shall have the right to use or have used for any governmental purpose all technical data required to be delivered to the United States under contract.

"§ 2320. Validating proprietary data restrictions

"(a) To encourage the competitive acquisition of components needed to maintain a major system during its service life, a review of the validity of any restriction on the Government's right to use for governmental purposes technical data furnished under contract shall be initiated by the contracting officer, if the contracting officer, an agency advocate for competition, or the representative of the Small Business Administration assigned to the procurement center determines such a review is warranted and the contracting officer determines that compliance with the asserted restriction makes it impracticable to competitively procure the required component.

"(b) Upon the written demand of the contracting officer, the contractor or subcontractor, as appropriate, shall submit its justification for the asserted restriction on the Government's right to use such data for governmental purposes certifying to the current validity of the asserted restriction within—

"(1) 60 days, if the contract contains a provision that requires a contractor or subcontractor to be prepared to furnish a written justification for any restriction limiting the Government's right to use for governmental purposes technical data to be delivered under the contract, or

"(2) 180 days, if the contract does not contain such a provision, except that the con-

tracting officer may extend such time limits for a reasonable period for good cause shown.

"(c) Upon a failure to submit any justification pursuant to the requirements of subsection (b), the contracting officer shall, after giving notice to the party asserting the restriction, promptly cancel the restriction on the Government's right to use for governmental purposes technical data for which justification had been requested.

"(d) If after review of the Justification submitted pursuant to subsection (b), the contracting officer determines that the justification for the restriction on the Government's right to use the data for governmental purposes does not adequately support the asserted restriction on the technical data, the justification therefor shall be promptly subjected to technical review and audit.

"(e) If after reviewing the findings of the technical review and audit, it is determined that the restriction on the Government's right to use such data for governmental purposes warrants challenge, the contracting officer shall issue a final decision pertaining thereto which shall be subject to the provisions of the Contract Disputes Act (41 U.S.C. 601 et seq.).

"(f) If the Government's challenge to the restriction on the Government's right to use for governmental purposes technical data as certified pursuant to subsection (b) is sustained, upon final disposition—

"(1) the restriction on the Government's right to use that technical data for governmental purposes shall be cancelled; and

"(2) the contractor or subcontractor, as appropriate, shall be liable to the Government for the Government's cost of technically evaluating and auditing the asserted restriction, and the fees and other expenses, as defined in section 2412(d)(2)(A) of title 28, United States Code, incurred by the Government in challenging the asserted restriction, if the asserted restriction, as certified, is found not to be substantially justified, unless special circumstances would make such awards unjust.

"§ 2321. Commercial pricing for spare parts

"(a) Except in the case of an offer submitted with a written statement under subsection (b), and except as provided in subsection (c), a contract made by any agency referred to in section 2303(a) of this title for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(b) A person who submits an offer to such an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by subsection (a) for such contract is not appropriate because of—

"(1) national security considerations; or

"(2) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(2) The analysis of such chapter is amended by adding at the end thereof the following new items:

"2317. Planning for future competition.
"2318. Encouraging new competitors to broaden the industrial base.
"2319. Technical data management to foster future competition.
"2320. Validating proprietary data restrictions.
"2321. Commercial pricing for spare parts.".

(b) Section 2302 of title 10, United States Code, is amended by adding at the end thereof the following:

"(4) 'Component' means any individual part subassembly, assembly, or subsystem integral to a major system, which may be replaced during the service life of the system. The term includes spare part and replenishment spare part. The term does not include packaging or labeling associated with shipment or identification of a 'component'.

"(5) 'Major procurement center' means a procurement center that awarded contracts for components other than commercial items totaling at least $150,000,000 in the preceding fiscal year.

"(6) 'Major system' means a combination of elements that will function together to produce the capabilities required to fulfill a mission need. The elements may include hardware, equipment, software or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major system if (A) the Department of Defense is responsible for the system and the total expenditures for research, development, test and evaluation for the system are estimated to be more than $75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement of more than $300,000,000 (based on fiscal year 1980 constant dollars); or (B) a civilian agency is responsible for the system and total expenditures for the system are estimated to exceed $750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a 'major system' established by the agency pursuant to Office of Management and Budget (OMB) Circular A-109, entitled 'Major Systems Acquisitions', whichever is greater, or (C) the system is designated a 'major system' by the head of the agency responsible for the system.

"(7) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by the head of an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life.".

(c)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following section:

"§ 2402. Prohibition of contractors limiting subcontractor sales directly to the United States

"Each contract for the purchase of supplies or services made by the Department of Defense shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of restricting sales by the subcontractor directly to the United States of any item or process (including computer software) like those made, or services like those furnished, by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict the ability of a subcontractor to make sales to the United States described in clause (1).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2402. Prohibition of contractors limiting subcontractor sales directly to the United States.".

(d)(1) Chapter 137 of title 10, United States Code (as amended by subsection (a)(1)), is further amended by adding at the end thereof the following new section:

"§ 2322. Encouragement of competition and cost savings

"The Secretary of Defense shall establish procedures to ensure that personnel appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts covered by this chapter.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (a)(2)) is further amended by adding at the end thereof the following new item:

"2322. Encouragement of competition and cost savings.".

(e) Section 2303 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Regulations prescribed under this chapter by the Secretary of Defense or the Secretary of a military department may not take effect until thirty days after such regulations have been published in the Federal Register for public comment.".

(f)(1) Chapter 141 of title 10, United States Code (as amended by subsection (c)(1)), is further amended by inserting after section 2384 the following new section:

"§ 2384a. Supplies: economic order quantities

"(a)(1) An agency referred to in section 2303(a) of this title shall procure supplies in such quantity as (A) will result in the total cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(2) The Secretary of Defense shall take paragraph (1) into account in approving rates of obligation of appropriations under section 2204 of this title.

"(b) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for

supplies procured in each recommended quantity.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (c)(2)) is further amended by inserting after the item relating to section 2384 the following new item:

"2384a. Supplies: economic order quantities.".

ADVOCATE FOR COMPETITION

SEC. 20. (a) Chapter 137 of title 10, United States Code, is further amended by inserting after section 2306 the following new section:

"§ 2306a. Office of the Competition Advocate General

"(a)(1) There is in the executive part of each agency referred to in section 2303(a) of this title an Office of the Competition Advocate General (hereinafter in this section referred to as the 'Office'). The head of the Office is the Competition Advocate General.

"(2) The head of a military department or the Coast Guard shall designate a commissioned officer of the armed forces who is serving on active duty in a grade not below colonel or, in the case of an officer in the Navy or the Coast Guard, serving in a grade not below captain, to be the Competition Advocate General of the agency. The head of the National Aeronautics and Space Administration shall designate a civilian in a grade not below GS-16 to be the Competition Advocate General of the agency. The designation shall be for a term of two years. An officer of the armed forces while serving as the Competition Advocate General shall have the grade of major general or rear admiral, as appropriate, unless entitled to a higher grade under another provision of law.

"(3) The head of an agency shall provide the Competition Advocate General of the agency such staff or assistance as may be necessary to carry out the duties and responsibilities of the advocate for competition.

"(b)(1) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency, promote competition in the procurement of property and services by the agency.

"(2) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency—

"(A) review the purchasing and contracting activities of the agency;

"(B) identify and report to the head of the agency—

"(i) opportunities to achieve competition on the basis of price and other significant factors in the purchases and contracts of the executive agency;

"(ii) solicitations and proposed solicitations which include unnecessary detailed specifications or unnecessarily restrictive statements of need which may reduce competition in the procurement activities of the executive agency; and

"(iii) any other condition or action which has the effect of unnecessarily restricting competition in the procurement actions of the agency.

"(c)(1) The Competition Advocate General of an agency shall review each proposed noncompetitive procurement in the agency involving more than $100,000 before a solicitation for the procurement is issued and shall recommend to the procurement or program officer involved specific acquisition actions as appropriate.

"(2) An agency need not delay the issuance of a solicitation for a noncompetitive procurement for more than 10 working days in the event of a procurement of more than $100,000 but less than $10,000,000, or for more than 15 working days in the event of a procurement of $10,000,000 or more, for the purposes of permitting the Competition Advocate General to accomplish the review referred to in subsection (c)(1).

"(3) The agency may waive submission of a solicitation for a noncompetitive procurement to the Competition Advocate General if—

"(A) the solicitation deals with a highly classified program and the head of the agency, or his designee not below the level of an Assistant Secretary, determines that review by the Competition Advocate General is not consistent with the security requirements of such program; or

"(B) the head of the agency, or his designee not below the level of an Assistant Secretary, determines that the urgency of the procurement is of such an extreme nature that the procurements should not be delayed for review by the Competition Advocate General.

"(4) At least 15 days before a procurement or program officer takes or directs an action inconsistent with a recommendation made by a Competition Advocate General under pargraph (1), the officer shall submit a written justification for such action to the head of the procuring activity, and shall transmit a copy of the justification to the Competition Advocate General of the agency.

"(d)(1) Each head of an agency shall transmit annually to the Senate and the House of Representatives a report detailing any procurements made by the agency which were inconsistent with any recommendation made under subsection (c)(1). Such annual report shall include the annual report required by paragraph (2) to be made by the Competition Advocate General of the agency.

"(2) Each Competition Advocate General of an agency shall prepare and transmit to the head of the agency an annual report describing the activities of the Office under this section during the preceding year.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306 the following new item:

"2306a. Office of the Competition Advocate General.".

COMPUTER CAPABILITY IMPROVEMENT PLAN

SEC. 21. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall transmit to the Congress a plan to substantially improve the Department of Defense computer capability to store and rapidly access data that is needed for the efficient procurement of spare parts. Such plan shall provide for a computer data base that includes price and procurement history, parts identification, sources of supply, and other relevant information. The plan shall specify a time frame for implementation and projected cost of implementation of the improvements.

MINIMUM TOUR OF DUTY FOR OFFICERS ASSIGNED TO CERTAIN DUTIES IN THE DEPARTMENT OF DEFENSE

SEC. 22. (a) The tour of duty of an officer of the Armed Forces assigned as a program manager of a major defense acquisition program (as defined in section 139a(a) of title 10, United States Code) shall be (1) not less than four years, or (2) until completion of a major program milestone (as defined in regulations prescribed by the Secretary of Defense).

(b) The tour of duty of an officer of the Armed Forces assigned as the commander of the Army Materiel Development and Readiness Command, the Naval Materiel Command, the Air Force Systems Command, or the Air Force Logistics Command shall not be less than four years.

(c) The length of the tour of duty prescribed in subsection (a) or (b) may be waived in the case of any officer by the Secretary of the military department of which the officer is a member. Such authority may not be delegated.

EFFECTIVE DATES

SEC. 19. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b)(1) The amendments made to section 8(d) of the Small Business Act by subsections (b) and (c) of section 6 of this Act shall take effect immediately upon enactment, and shall be included in all contracts required to contain the clauses contained in paragraph (3) of section 8(d) of the Small Business Act which are awarded on or after the date 180 days following the date of enactment of this Act.

(2) The amendments made to section 8(e) of the Small Business Act by section 6(a) of this Act shall apply to procurement actions initiated on or after the date 180 days after the date of enactment of this Act.

(3) The amendments made by sections 5, 10, and 12 shall take effect on the date of enactment of this Act.

Amend the title so as to read "an Act to amend the Small Business Act and title 10, United States Code, to enhance competition in Government procurement."

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I send to the desk an amendment to the title.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title so as to read "A bill to amend the Small Business Act and title 10, United States Code, to enhance competition in Government procurement.".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent that Calendar No. 975 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I wish to take this opportunity to express my appreciation—and I am sure that of the entire Senate—to Senator WEICKER and Senator DIXON for expeditious handling of the bill and for producing, I believe, a unanimous vote.

It is an important piece of legislation, one that has been controversial and has been brought to the Senate in

a form that every Member can support. I congratulate the two managers for work well done.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1984

The Senate continued with the consideration of H.R. 6040.

Mr. BAKER. Mr. President, I intend to consult with the managers and other Senators to see if there will be a vote on or in relation to this amendment.

It is not the intention of the leadership on this side to ask the Senate to remain in session later than 6 o'clock.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. HATFIELD. I wonder if the leader could give us an indication of what tomorrow night might be in terms of finishing the supplemental appropriations bill. Could we expect a late session?

Mr. BAKER. May I in turn inquire of the chairman of the committee what his preference would be?

Mr. HATFIELD. My preference would be to press on to complete it, no matter how many hours it takes. I indicated earlier today that we have $700 million for food stamps in this bill. That program will expire in a couple of weeks. I feel very strongly that by the time we complete this matter tomorrow and go on to conference on Thursday and have a conference report back, in order to vote on Friday, we have to finish this bill tomorrow night or early Thursday morning.

Mr. BAKER. Mr. President, in view of that rather stern assessment of the situation by the chairman of the committee, I think I have no responsible alternative except to say that Senators should expect to work long tomorrow, perhaps late into the evening and—heaven forbid—maybe until even Thursday morning.

I yield now to the distinguished Senator from Maryland.

Mr. SARBANES. I say to the majority leader that the question I had was asked by the chairman of the Appropriations Committee.

Mr. BAKER. I thank the Senator.

Mr. President, we will have a cloture vote tomorrow at 12 o'clock. If cloture is invoked, we will have to finish debate on the motion to waive the Budget Act.

As I announced earlier, it will not be the intention of the leadership then to go back to the agriculture bill, although it will be available, but, rather, to resume consideration of the supplemental appropriations bill.

We will be in session late tomorrow, well into the evening, and perhaps even into Thursday morning, if necessary, in order to try to complete this bill and go to conference with the House of Representatives.

Mr. BUMPERS. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BUMPERS. Does that require a unanimous-consent agreement?

Mr. BAKER. No, Mr. President; I am happy to say it does not. All I can hope for is tender mercy from all of my colleagues.

AMENDMENT NO. 3609

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I believe that the pending amendment is the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The pending business is amendment numbered 3609 to H.R. 6040 by the Senator from Nebraska.

Mr. HATFIELD. Mr. President, the amendment is being offered by the Senator from Nebraska. It would be my hope we can complete the action on that amendment this evening and I believe at this point I would have to make the assessment that there is likely to be a rollcall of some kind dealing with that amendment.

But I yield the floor for the Senator from Nebraska to pursue his amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair and I thank the chairman of the Appropriations Committee.

To expedite this matter I will say at this time maybe we can come to some kind of agreement with regard to time and a time certain for a vote. I simply explain to the Senate that when I offered this amendment that I am going to comment on quite briefly, I assumed that it would be unanimously accepted and was not intending to ask for a time-consuming rollcall vote. Since offering it, however, I tell the President that there has been an indication that it might not be unanimously accepted by some Senators on that side of the aisle. So I am prepared to go to a vote on this, not at my insistence but at theirs. So I would certainly say in order to accommodate everyone if we could have a time certain for debate a few minutes on each side, and then up-or-down rollcall vote, I would be happy to accommodate not only the Senate but the chairman and the ranking minority member of the Appropriations Committee.

Mr. HATFIELD. Mr. President, I wish to suggest the absence of a quorum for the reason of having an opportunity to discuss the amendment with the sponsor of the amendment to see if we could work out something. I suggest the absence of a quorum.

Mr. PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that we temporarily lay aside the Exon amendment at this moment and the two committee amendments in order to provide an opportunity for the Senator from California [Mr. CRANSTON] to offer an amendment to be disposed of very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

LAND TRANSFER AT GOLDEN GATE NATIONAL RECREATION AREA

Mr. CRANSTON. Mr. President, I rise to discuss a provision in the pending measure, H.R. 6040, as reported from the Committee on Appropriations. At the conclusion of my remarks, I will make a point of order against a certain provision in the measure on the grounds that that provision constitutes legislation on an appropriations bill and is therefore in violation of rule 16 of the Standing Rules of the Senate.

The provision about which I am concerned relates to the transfer of a parcel of land at the Golden Gate National Recreation Area—known as the GGNRA—from the Department of the Interior to the Veterans' Administration so that that land—approximately 6 acres of recreational area—could be turned into a parking lot by the VA at the San Francisco VA Medical Center.

Mr. President, I am strongly opposed to such a transfer.

The San Francisco VA Medical Center is one of the finest VA facilities in the United States. Its location and close affiliation with the University of California at San Francisco School of Medicine equip it to recruit and retain an excellent and dedicated health-care staff that renders a high quality of care. But the operation of this facility is plagued day in and day out by an absolutely intolerable parking situation.

According to VA parking surveys, there currently exists at the medical center a deficit of 153 available parking spaces. This has created a massive problem both on the facility's grounds and, as a result of the parking overflow onto neighboring streets, in the surrounding facility. Anyone who has ever visited this facility can attest to the nightmare dimensions of the parking problem.

For over 4 years, I have been actively involved in attempting to work out a solution to this problem and to the twin dilemma of providing VA nursing home care beds that are badly needed to serve veterans in San Francisco in a manner that would be acceptable to

all those concerned—the veterans' community, the neighbors, and environmental groups.

Last year, Mr. President, we believed that we had found that solution. After years of negotiations, the VA proposed the construction of a 120-bed nursing home care unit and the construction of a 2-level parking facility at the San Francisco VAMC. That solution—combined with the subsequent addition of a third and fourth level on the parking structure—would completely eliminate the parking problems at the facility.

However, it became apparent quite quickly that the solution would not be easily achieved. The House readily approved the funding for both the nursing home unit and the parking garage. In the Senate, however, the Committee on Appropriations, upon the recommendations of the Subcommittee on HUD-Independent Agencies chaired by the distinguished Senator from Utah [Mr. GARN], deleted that portion of the project's costs associated with the parking structure—$4 million. The distinguished chairman had concerns that the VA had not fully explored alternative solutions to the severe parking problem at the VAMC and specifically about the failure of the VA and the Department of the Interior to develop a mutually acceptable arrangement for additional VA parking on national park land adjacent to the medical center.

During Senate debate on the HUD-Independent Agencies Appropriations Act for Fiscal Year 1984 on June 21, 1983, the Senator from Utah and I discussed this matter. I noted that, as the ranking minority member of the Veterans' Affairs Committee, I fully appreciated his concerns about spending VA medical construction funds on parking. However, the parking problems are so massive and persistent at the San Francisco VAMC that they threaten the medical center's future as a top-quality health-care facility. When I expressed my hope that a way could be found to restore the funding for the parking facility in conference on H.R. 3133, the distinguished chairman suggested the possibility that, if the funding were provided for the facility, the VA be directed not to proceed with working drawings before a fixed date by which the VA would be required to report to the Appropriations Committees on certain matters. These matters included efforts to reach agreement between the VA and the Department of the Interior on a long-term arrangement, and a discussion, if an agreement had not been reached, of whether it was still desirable to construct a nursing home unit at San Francisco.

Mr. President, as we all know, the chairman of the HUD-Independent Agencies Subcommittee keeps his word, and the procedure I have just outlined—that is, restoration of the funding coupled with a required report—was, indeed, the outcome of the conference.

On September 21, 1983, in compliance with the directions in the joint statement accompanying the conference report on the HUD-Independent Agencies Appropriations Act for Fiscal Year 1984, the VA reported to the distinguished chairman of the subcommittee on the results of its discussion with the Department of the Interior. In short, those discussions—although producing a temporary solution to the parking problem—were unsuccessful because the Department of the Interior land at GGNRA had been set aside pursuant to law for outdoor recreation and open space. On the basis of this report, the Senator from Utah wrote the Administrator of Veterans' Affairs on October 25, 1983, advising that the committee had approved the two-level parking structure designed to support a potential future expansion of an additional two levels.

Mr. President, while I would have preferred that the VA have been permitted to proceed with all four levels of the parking structure at that time, I was reassured by the committee's position that if it appeared that an expansion of the two-level structure was required, the VA should submit a request for additional funds for that purpose and that the committee would consider it through the regular budget process.

Subsequently, in February of this year, as part of its fiscal year 1985 budget request, the VA did submit a request for the third and fourth levels of the parking structure. However, this year both the House and Senate Appropriations Committees were so concerned by the process by which the VA made determinations and decisions in its construction program that rather than approve specific projects, the committees instructed the VA to submit to them by September 1, a new, revised listing of the projects that it proposes to begin in fiscal year 1985.

However, Mr. President, the funding for the third and fourth levels of the parking garage—$3 million—was deleted in the total major construction amount approved by the Senate Appropriations Committee and subsequently by the Senate and the Congress. Nevertheless, the joint statement accompanying the conference report on the fiscal year 1985 appropriations measure—House Report 98-867—indicates that these funds were deleted without prejudice and that, if the VA resubmits the project in its September 1 list, the Appropriations Committees will consider funding for this project expansion from fiscal year 1985 funds.

Now, Mr. President, in connection with the pending Second Supplemental Appropriations Act for Fiscal Year 1984, the parking structure faces a new challenge. As reported from the Senate committee, the pending measure contains a direction that a 6-acre parcel of land that is presently part of the GGNRA be transferred to the VA to be used for parking purposes. An identical provision contained in H.R. 6040 as reported from the House Appropriations Committee was deleted on a point of order on the House floor raised by the Congressman from Ohio [Mr. SEIBERLING], who chairs the Public Lands and National Parks Subcommittee on the Committee on Interior and Insular Affairs.

Mr. President, this land transfer is not an acceptable alternative to the construction of a four-level parking structure. I say this for a number of reasons.

First, although it is true that the transfer of the land from GGNRA to the VA would provide a minimal resolution of the parking problem for the VA, the transfer does not resolve the problem generally since it is adamantly opposed by the environmentalists and those in the community who use the GGNRA facilities. In this connection, I ask unanimous consent that a August 6 letter from the Sierra Club, the National Parks and Conservation Association, the Wilderness Society, the National Recreation and Park Association, the Friends of the Earth, and the National Audubon Society, all opposed to this transfer, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 6, 1984.

DEAR SENATOR: This week, the Senate will be considering H.R. 6040, a supplemental appropriations bill for FY 1984. Included in that legislation is an unnecessary and unwise provision transferring approximately six acres of land from Golden Gate National Recreation Area to the Veterans Administration to allow construction of a parking lot.

The transfer is being proposed so that the land can be used for a parking lot, thus eliminating the need to build a parking garage on another parcel administered by the Veterans Administration. The proposed parking garage, although more expensive, is preferable to a parking lot in several respects. It is closer to the hospital and a proposed nursing home, would provide better security and would be more convenient for the veterans.

The City of San Francisco's comprehensive plan designates this land for public open space and recreational use. In addition, the parking garage alternative is supported by neighborhood residents, the California Coastal Commission and local and national conservation organizations.

The proposed parking lot would have a very definite negative impact on Golden Gate National Recreation Area (GGNRA). It would ruin the park values of the contiguous parkland which is of historical significance. The land transfer would set a disastrous precedent at GGNRA. In addition,

this parcel of land has special significance since it was once saved from being used to house a federal records center and was one of the first tracts preserved for inclusion in GGNRA.

We know of no case where land protected as part of the National Park System has been transferred for use as a parking lot. Congress should not set a precedent by approving this transfer. This land has been part of Golden Gate National Recreation Area because it is important parkland, and should remain part of GGNRA.

We strongly urge you to support Senator Cranston's motion to remove the provision transferring the land to the Veterans Administration.

Sincerely,

RUSS SHAY,
Sierra Club.
RONALD TIPTON,
The Wilderness Society.
DAVID CONRAD,
Friends of the Earth.
WILLIAM LIENESCH,
National Parks and Conservation Assn.
BARRY TINDALL,
National Recreation and Park Assn.
CHARLENE DOUGHERTY,
National Audubon Society.

Mr. CRANSTON. Second, the use of this land for parking is inconsistent with the city and the county of San Francisco's comprehensive plan which recommends that the area be maintained as "public open space * * * for continued recreational use and that natural features" be preserved. It is also inconsistent with the recommendations of the California Coastal Commission that "further expansion of the veterans hospital should be limited to the existing facility area." Again, Mr. President, I ask unanimous consent that a July 30 letter from the California Coastal Commission to Congressman SEIBERLING, noting that it is "unlikely the commission would concur with a consistency determination for the transfer of parklands particularly when those lands would be converted to a parking lot," be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CALIFORNIA COASTAL COMMISSION,
San Francisco, CA, July 30, 1984.

Subject: Transfer of Golden Gate National Recreation Area Lands to Fort Miley Veterans Administration Hospital, San Francisco.

Representative JOHN SEIBERLING,
Chairman of the Subcommittee on Public Lands and National Parks, Washington, DC.

DEAR REPRESENTATIVE SEIBERLING: It has come to our attention that legislation has received preliminary approval in the House of Representatives, that would allow transferal of six acres of Golden Gate National Recreation Lands to the Veterans Administration Hospital, San Francisco.

From the information we have received the purpose of the transfer would be to provide parking for a proposed 120 bed nursing home for the Hospital. Please be advised of the following information:

In November of 1981, the Veterans Administration submitted a consistency determination pursuant to the Federal Coastal Management Act for construction of a 120 bed nursing home care unit and a two level parking structure for approximately 160 automobiles. The matter was heard before the Coastal Commission in February 1982. The Commission did not concur with the consistency determination for the following reasons:

(1) Veterans Administration failed to adequately demonstrate that funding was available to construct a parking facility of adequate size to serve the rest home;

(2) Potential adverse impacts and degradation of the Golden Gate National Recreation area, particularly with regarding to public access, and visual resources;

(3) Concern over the geology of the site. The hospital is adjacent to an active landslide;

(4) Traffic and parking impact on the adjacent residential neighborhood; and

(5) Strong opposition from the City of San Francisco and numerous neighborhood citizen organizations including the people for a Golden Gate National Recreation Area.

Construction of the nursing care home and the garage cannot proceed without the preparation of a consistency determination with the California Coastal Management Program and concurrence by the California Coastal Commission. We are still awaiting the preparation of such a document at this time. Likewise the transfer of Golden Gate National Recreation Area Lands to the Veterans Administration cannot proceed without preparation as a consistency determination by the appropriate federal agency evaluating the impacts of such a transfer on the California Coastal Management Program. Furthermore it is unlikely the Commission would concur with a consistency determination for the transfer of parklands particularly when those lands would be converted to a parking lot for a medical center expansion.

We would urge the appropriate agencies to immediately prepare a consistency determination for any contemplated transfer of park lands before legislation proceeds any further.

Our staff is available to answer any questions and would welcome communicating with all of the parties involved.

Very truly yours,

EDWARD F. BIELSKI,
Coastal Analyst, North Central District (San Francisco, Marin, and Sonoma Counties).

Mr. CRANSTON. Third, Mr. President, development of this parcel of land as a parking area is less than an optimum solution to the parking dilemma. The land is not readily accessible to the facility. It is up the side of a hill and remote from the center for the hospital's staff, patients, and visitors. It's conceivable that the only people who would park on this property would be those who had already cruised the VAMC grounds and the surrounding city streets for a space.

Security is also a problem that would exist with this option. And, although construction of surface parking would be less expensive than the construction of parking structure, it would not be cost-free; the land would have to be cleared, graded, paved, lighted, maintained, and, presumably, guarded. Those items are not no-cost ones.

And to those of my colleagues, Mr. President, who believe that $7 million is a steep price tag for a four-story parking garage, let me state that I concur fully. However, last September, when the VA came to the Appropriations Committee and asked permission to proceed with the entire four level structure—noting that there was the potential that the bids received could come in within the available $4 million—the Appropriations Committee rejected this approach. Indeed, the VA itself asserted that the "construction of all four levels as one project, rather than two separate projects, would be more cost-effective * * *." However, that is not the approach that the VA has been permitted to take.

Fourth, with regard to the fact, that the VA is already using part of the GGNRA land for parking at the present time, I stress that the only reason that has been permitted is on the understanding that it is solely a temporary situation. The results of the VA's negotiation with the Interior Department last year provided that the "National Park Service will issue a temporary permit to the VA for the use of the GGNRA lands to park approximately 220 cars for a term sufficient only to cover construction" of the nursing home and parking garage. The only reason why this has been acceptable to those who care about the disposition of the parklands is that it is temporary. Surely, the adamant opposition to the permanent transfer of the lands is evidence of that.

Finally, Mr. President, perhaps the most compelling and logical argument against proceeding in the pending measure to provide for the transfer of the land is that the distinguished chairman of the Public Lands Subcommittee in the House, Mr. SEIBERLING, has made a commitment to hold legislative hearings on the land transfer in September. These hearings would provide a forum, before the committee of jurisdiction, for all those involved to discuss the issue and for the Congress to consider all of the consequences. Surely, the destruction of 6 acres of parkland should not be permitted without a full deliberative process.

Mr. President, as I indicated at the outset of my remarks, I now make a point of order against the language on page 29, line 24, through page 30, line 20, of the committee amendment on the grounds that it constitutes legislation on an appropriations bill in violation of rule 16 of the Standing Rules of the Senate.

The PRESIDING OFFICER. The point of order is well taken.

Mr. GARN. Mr. President, I have discussed this matter with the Senator from California, as a matter of fact, both Senators from California, and I

do not intend to contest the point of order.

I only explain that this parking facility has been a continuing dispute within the VA.

I have opposed the proposition of money for an additional two stories to the parking garage on the basis that there are much higher priorities for patient needs at other hospitals around the country.

Yet, when I asked the VA for a priority listing of their most important projects, they come up with this one first last year and I asked them why, and they said, because it did not get funded the year before.

I simply again was trying to work out a means for providing the additional parking, but I have no feelings about it one way or another, and the Senator makes a point that is in my opinion valid. This is legislation on an appropriations bill. So I do not disagree or contest what will be the ruling of the Chair, but simply do announce that I continue to oppose and will do whatever I can to oppose money for the additional two stories on the existing facility.

Mr. CRANSTON. I thank the Senator from Utah. May I ask him one question. I concur, of course, with his viewpoint that $7 million is a pretty steep price to pay for that facility. Last September the VA came to subcommittee so ably chaired by the Senator from Utah and suggested they might well be able to do the entire four level garage for that $4 million that had been appropriated for fiscal year 1984, not upping the price to $7 million.

I would like to explore whether we might not permit the VA to go out to bid at the $4 million price and see if that is possible. That would be a way to resolve the problem, spending only the $4 million that the Senator's committee and the Congress approved a year ago and not going up to $7 million.

Mr. GARN. The Senator is now getting into an area that goes far beyond the issue of the parking garage at San Francisco and that is the deplorable state of the priority list from the Veterans' Administration. Since I have been chairman of the subcommittee I have been trying very hard to get a priority listing of the most urgent projects for patients need for veterans' health care around this country and I have yet to receive that list.

So, in this year's appropriation bill, we only appropriated a total. We did not earmark for any facilities and I have turned down all sorts of Senators from high need areas like Florida, where they have a very fast growing veteran population there, in an attempt and I would hope that the Senator from California who is a member of the authorizing commitee would be helpful in telling the VA that we would like priority listing of these projects so we can move ahead.

So I am not willing to go ahead for parking garage or hospital or anything anyplace until I can force the VA to come up with a priority listing.

Mr. CRANSTON. The Senator from California totally agrees: First, on the priorities in general; and second, on the specific matter in terms of the VA listing the additional two levels as its top construction priority for fiscal year 1985. Indeed, Senator SIMPSON, the chairman of our committee, on which I serve as the ranking minority member, and I have already stressed to the VA—and done so repeatedly—our concerns about VA construction priorities. We look forward to working with the Appropriations Subcommittee on the September 1 priority list that the VA will be submitting, to which I referred in my earlier remarks.

Let me return for a moment to my question to the Senator from Utah. Four million dollars has already been appropriated for the parking structure. I am not talking about any new appropriation that would have provided for that facility. What I would like to do is see if we cannot have the VA go out to bid, and see if—as an alternative bid proposal—whole four level facility could be built for that money that has already been appropriated. If the bid comes in higher, then the VA obviously would not proceed at that point with a four level facility.

Mr. GARN. I would be happy to discuss it further with the Senator from California, but not to the make a commitment at this time.

Mr. CRANSTON. Mr. President, I thank the Senator very, very much.

I thank the Senator from Oregon as well as the Senators from Nebraska and Oklahoma for allowing me to conclude this matter at this time.

Mr. HATFIELD. I am happy to accommodate the Senator from California.

Mr. President, at this time, I believe the Senator from Nebraska has a compromise, or a resolution to this amendment.

AMENDMENT NO. 3609

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in order to expedite matters, we have worked out extremely minor phraseology changes which I propose to the amendment that is currently lying on the desk. I make specific reference to line 14, immediately after the number "4", strike the word "current" and on the same line after the word "have", insert the word "substantially" so that line 14 would read "(4) Monetary and fiscal policies have substantially caused". And the only other minor change is on line 16, page 2, at the end of line 16, after the word "in" insert the words "obtaining as favorable" and strike——

The PRESIDING OFFICER. Would the Senator start over again on that?

Mr. EXON. On line 16, after the word "in" on the end of line 16, insert three words after "in": "obtaining as favorable" and on line 17, strike the words "securing similar". Therefore, lines 16, 17, and 18 will read as corrected beginning on line 16. "(10) American farmers have been unsuccessful in obtaining as favorable special treatment from private banks or the Federal Government."

Mr. President, those are the corrections that have been agreed to. I would like to make a few remarks.

The PRESIDING OFFICER. Without objection, the amendment is modified in accordance with the corrections of the Senator from Nebraska.

The amendment (No. 3609), as modified, follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds and declares that—

(1) the competing credit demand by State and local governments, agriculture, business, and consumers, aggravated by massive Federal debt financing and increasing credit demands by foreign governments, continue to cause serious economic disruption in rural America;

(2) the United States has a vital interest in protecting the economic health of American farmers;

(3) the American farmer had been caught in an unprecedented credit squeeze;

(4) monetary and fiscal policies have substantially caused real interest rates to remain at two or three times historic levels of such rates;

(5) high real interest rates have dramatically increased the value of the dollar to the detriment of farmers who devote at least one out of three acres of land to production for export;

(6) the average value of an acre of farm land fell this year for the third year in a row, the longest sustained decline since the Great Depression;

(7) the total amount of debt owed by American farmers is $203,800,000,002;

(8) last year Brazil, Mexico, Argentina, and Venezuela held $260,000,000,000 in external debt and the interest payments on these loans alone totaled more than $20,000,000,000;

(9) the governments of Brazil, Mexico, Argentina, and Venezuela have been successful in securing postponements in debt and principal repayments, favorable renegotiations, new loan guarantees, and other special arrangements through private negotiations, assistance from the United States Government, and the International Monetary Fund; and

(10) American farmers have been unsuccessful in obtaining as favorable special treatment from private banks or the Federal Government.

(b) It is therefore the sense of the Congress that—

(1) the President, in cooperation with the Board of Governors of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to American farmers at reason-

able rates and that American farmers be treated no less favorably than foreign borrowers with comparable levels of risk, and

(2) the President, in cooperation with the Board of Governors of the Federal Reserve System, should take noninflationary actions necessary to reduce interest rates which are currently at levels abnormally above the historical real cost of money.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I ask that Senator HUDDLESTON be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I suspect that we are probably ready to pass this amendment after some negotiation. I want to correct a possible misunderstanding that might have occurred. The amendment was not drafted in any way in a partisan manner by this Senator. I felt that some of my colleagues might have thought that was my intent because of remarks on the floor. I assure them that was not the case. But I think I have the duty to correct a statement or two that was made that I do not necessarily agree with.

I do not agree, for example, that the President of the United States has nothing whatsoever to do with the budget of the United States. Certainly, when I was Governor of my State for 8 long years, I had something to do with the level of expenditures of that State. I certainly had something to do with the budget of that State. In fact, I submitted a balanced budget for 8 straight years, not only because I wanted to, but because it was required by the Constitution of the State of Nebraska—the latter, I suspect, being the driving figure as far as both the Governor and the legislature were concerned. Therefore, it is certainly not all the President's fault, nor is it all the fault of the Congress that we cannot seem to come to some kind of an agreement to balance the Federal budget. A step in the right direction, I would suggest again, would be what I had to do as Governor and what the President of the United States should do as our President—send us over a balanced budget. I think there is no reason to keep it a secret.

I also know that the Congress is not the only one that initiates spending requests. I believe it was the President, and not the Congress, who decided that we needed $8.4 billion more in the International Monetary Fund. I believe it was the President who provided the leadership that he takes credit for time and time again for instituting the significant increase in the defense budget. Therefore, it is not any one individual or institution's fault. We all share in this to some degree or another.

As one of the Members on the other side of the aisle said to me in conversation during the rollcall vote, I specifically was not making reference to you with regard to those who do not want to bring about some measure of control over the deficit. I think it is well-documented, Mr. President, that this Senator joined others in some really strong measures to bite the bullet in trying to resolve this matter before us.

So I say with the minor amendments and minor word changes that I am prepared to vote on the amendment, as amended, if that is agreeable to the chairman of the Appropriations Committee.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am happy to recommend that the Senate agree to this amendment. I appreciate very much the distinguished Senator from Nebraska making modifications that he has made in the amendment and making it more acceptable. The point in this is to clarify the fact that it is not just monetary and fiscal policies of this administration which have put the farmer in America in such a tight squeeze with respect to availability or the cost of credit. The problems have been building over a long period of time, and are due to a wide range of unfortunate circumstances. There have been of course policies which have contributed to the farmers' dilemma now. But worldwide economic conditions, policies of previous administrations, embargoes of other administrations, and other conditions have put the farmer in the bad situation he finds himself in today.

So I think with the change, the intent, and the meaning that has been made by the Senator of this resolution is certainly acceptable.

One other point that needs to be made, Mr. President; that is, the Farmers Home Administration specifically has done a great deal to stretch out, reamortize, and renegotiate loans to try to keep farmers from being foreclosed or pushed into liquidation. There have been some farmers who have been unable to be resurrected by any of these efforts, but less than 2 percent of the loans of Farmers Home Administration have been foreclosed.

So there have been efforts made, and there will continue to be efforts made. We should insist that there be efforts made to keep those farmers in business who have a change of working their way out of this burden of debt under which they are now trying to operate.

Again, let me congratulate the distinguished Senator, and I recommend that the amendment be agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HATFIELD. Mr. President, I commend the Senator from Nebraska for working this matter out.

Both sides of the aisle are willing to accept the amendment. I have checked with Senator STENNIS and he has indicated his willingness to accept it.

Mr. EXON. Mr. President, there are two things that I want to say first. Senator FORD has asked to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I will not take the time of the Senate this evening to get into the Farmers Home Administration. I appreciate the remarks which have been made in support of the amendment by my friend and colleague from Mississippi. I found him reasonable. He has been helpful on many, many farm matters.

I am fearful, though, that the Senator from Mississippi and the Senator from Nebraska do not necessarily see eye to eye on the efficiency of the Farmers Home Administration today.

Our office is being absolutely deluged with concerns by farmers who do not have their requests properly or promptly handled by the Farmers Home Administration. I think it is safe to say that they simply do not have enough people out there to handle the deluge of work that is hitting them today. I think we need to keep a careful eye on that particular Administration to see how well they are responding, realistically, to the threat of farmers falling like flies.

I notice a statistic was quoted by the Senator from Mississippi with regard to how many farmers have been put out of business. I can only say that sometimes statistics do not tell the whole truth. I do not know the situation in Mississippi. I do know the situation in Nebraska today. All too often I find that some of the statistics that are advanced by the Farmers Home Administration do not get to the heart of the problem.

Let me just say this, Mr. President, that the heart of this resolution that I hope we are about to agree to is simply this:

The President, in cooperation with the Board of Governors of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to the American farmer at reasonable rates and that the American farmers be treated no less favorably than foreign borrowers with comparable levels and risk.

That is the heart and soul. There was no change made in that during our negotiations.

I am prepared to vote.

Mr. FORD. Mr. President, I would like to take the opportunity to express some concerns I have while this distinguished body considers the agricultural appropriations for fiscal year 1985. My worries were brought to the forefront just last week when I attended the National Future Farmers of America State President's Congressional Luncheon. I anticipated a pleasurable

afternoon with the Future Farmers and leaders of tomorrow, whereby the euphoria and optimism of youth would temporarily draw me away from the problems and realities of the farming sector that exists not only in Kentucky, but the Nation as well.

However, Mr. Chairman, I was disheartened to discover that the pessimism that plagues our farmers is affecting our youth, our farmers of tomorrow. The cream of the crop, the leaders of the Future Farmers of America were expressing their own fears, their own doubts of what the future, if any, farming holds for them. The one bright side I thought existed to the darkness hovering over our farming industry was thinking that tomorrow's farmers might have a better environment in which to practice their trade. Yet, after having lunch with this group, I realized that the policies we set forth now are having an impact on the next generation of farmers, farmers who are in their youth today. Training of tomorrow's farmers can only be accomplished on the farm. Learning how to nurture the soil is an art that is passed down from generation to generation. No class, no textbook, can teach someone when newcut hay is ready for baling, or when the freshly plowed soil is just right for working.

The farmers of tomorrow quite simply are not growing up in an environment that will adequately entice them to enter a profession that is as trouble bound as farming is today.

I could not blame a young man or woman for not wanting to become a farmer. The last 4 years have seen the real prices paid to farmers for their commodities decline by 21 percent, real interest rates paid by farmers have increased dramatically, accounting for almost 11 percent of all farm operating expenses, forcing real farm income to its lowest point since 1933, while debt owed by U.S. farmers has swelled to $215 billion, creating a situation whereby farm foreclosures and forced sales have nearly tripled.

I bring out these points in an attempt to place in perspective what damage is taking place in the farming sector. The farming economy is not only driving today's farmers out of business, but eroding the base of tomorrow's farmers; eroding the confidence and pride that historically attracted the brightest young men and women to a profession that has resulted in technology and advancement of 1 farmer feeding an additional 78 people. The production and capabilities of our farmers is the sole reason an average U.S. family spends 12 percent of its income for food, compared to 22 percent in Japan, 24 percent in West Germany, and over 60 percent in China. The ability to maintain such a comparative advantage in food spending is jeopardized by an eroding farm sector, and more important, by the disappearing confidence in the business that is necessary to attract tomorrow's farmers. I have no figures to accurately determine how many young men and women have turned away from farming as a viable career choice, but to lose one potential farmer from a shrinking supply of young possibilities is too many, and I dare say that we can ill-afford to continue to have a declining morale in the farming sector, a morale that can only be uplifted through a more profitable environment.

Mr. JEPSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, as an original cosponsor of Senate Concurrent Resolution 130, I would like to speak in support of Senator EXON's amendment to the appropriation's bill which addresses this same concern.

Many of us in this room have spoken time and again in recent years on the crisis in the farm sector, particularly in the area of agricultural credit.

It is unfortunate that the credit crisis in rural Amercia receives less attention from the media and others than the debt problems of foreign borrowers.

This is a question of fairness and equity—fairness and equity for our farmers.

And this is one Senator who knows that his farmers will take priority over foreign nation's.

This past Monday, I chaired a Joint Economic Committee hearing to discuss the continued credit problems in the farm sector with Paul Volcker, Chairman of the Federal Reserve Board.

It was enligntening to hear Mr. Volcker's optimistic outlook on the unprecedented gains the economy has made in 1983 and 1984. Mr. Volcker brought the good news shared by members of the Federal Open Market Committee that economic growth would continue well through 1985.

In addition the Chairman indicated a renewed commitment to a monetary stability that will maintain progress toward stable prices without unduly hampering the complete recovery of the economy.

However, in meetings and discussions with Iowans across the State, and with those visiting in my Washington office, it is still very clear that the thrust of the recovery has not materialized fully in the State of Iowa. And, that is for one principal reason.

Iowa's economy is heavily dependent upon a robust agricultural sector, and, the farmers of America are still suffering.

It is high time that we afford the same concern and fair treatment to the agricultural community that has been afforded to the credit problems of developing countries.

The attention by the media and others seems to me to be sorely misdirected. And it is no wonder that our farmers continually and persistently ask of us: Why do you care more for foreign nations and foreign credit problems, provide foreign countries with more money than you do and care for us?

Regenerating a strong farm economy will do more for our overall national economy. It will stimulate a renewed confidence in our international agricultural markets, and generate the creation of new markets. I am encouraged by Mr. Volcker's endorsement of procedures that provide leeway for banks to restructure troubled agricultural loans.

This policy will go a long way toward preserving the American farmer—the most productive farmer in the world.

This amendment further serves to make that endorsement a commitment on the part of the Congress that we intend to work together, aggressively, to ensure the economic well-being of agriculture in America.

From me, this is a commitment and faith in the people of Iowa, a commitment and faith in Iowa's No. 1 industry—agriculture—and a commitment and a strong belief in the future of Iowa for Iowans and Americans.

I commend the Senator from Nebraska for his efforts in this regard. I am pleased to be an original cosponsor of it.

The PRESIDING OFFICER. Without objections, it is so ordered.

Mr. NICKLES. Mr. President, I rise in support of the amendment. I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Question.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3609), as modified, was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIRST EXCEPTED COMMITTEE AMENDMENT

Mr. HATFIELD. Mr. President, I call up the first excepted committee amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

On page 26, line 16, strike:

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance", $2,000,000, to remain available until Sep-

tember 30, 1986: *Provided*, That this amount shall be for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127).

Mr. HATFIELD. Mr. President, I ask for the vote on the first excepted committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the first excepted committee amendment.

The first excepted committee amendment was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the first excepted committee amendment was rejected.

Mr. NICKLES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I believe we have two more amendments to be considered tonight.

Mr. BAKER. Does the chairman have much further business to be done tonight?

Mr. HATFIELD. We will have one or two that will not require a rollcall.

Mr. BAKER. I am prepared to ask the Senate to stay a brief time to take care of those, but I will announce that there will be no more RECORD votes tonight. After these one or two amendments that the Chair has referred to have been disposed of, it will be the intention of the leadership to have a brief period for the transaction of routine morning business. I thank the Senator for yielding.

Mr. HATFIELD. Mr. President, I ask unanimous consent to temporarily lay aside the pending committee amendment. The Senator from Wisconsin is prepared to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3613

(Purpose: To add $7 million for the International Disaster Assistance account for emergency transportation associated with disaster efforts in Africa)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself, Mr. HUDDLESTON, Mr. HATFIELD, Mr. INOUYE, Mr. DECONCINI, Mr. EAGLETON, and Mr. COCHRAN, proposes an amendment numbered 3613.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 14 and 15, insert the following:

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $7,000,000: *Provided*, That this sum shall be available only for emergency inland transportation associated with food relief efforts in Africa.

Mr. KASTEN. Mr. President, I am offering this amendment on behalf of myself, Senator HUDDLESTON, Senator HATFIELD, Senator INOUYE, Senator DECONCINI, Senator EAGLETON, and Senator COCHRAN.

When the Foreign Operations Appropriations Subcommittee originally considered the supplemental in late June, the Senator from Arizona [Mr. DECONCINI] suggested that we provide $25 million for emergency transportation costs associated with drought relief in Africa. At that time Senator DECONCINI agreed not to press his amendment so that we could determine if, in fact, these funds were required. When the supplemental was considered in full committee, the Senator from Kentucky [Mr. HUDDLESTON] likewise suggested that we provide $25 million for emergency transportation assistance. Between the subcommittee consideration and full committee action, staff from the Appropriations Committee visited several areas affected by the drought, and had again pressed administration officials as to the need for this type of assistance. Very frankly, we have not received to this day hard facts about this need, although several private voluntary organizations indicate that such funds could be used in fiscal year 1985. Of course, we will be providing additional funding in fiscal year 1985, and since this is a fiscal year 1984 supplemental, we are suggesting that $7 million be provided which, together with nearly $8 million already provided through reprogrammings and transfers, we believe, will more than meet the needs between now and the beginning of fiscal year 1985.

Mr. President, I am convinced, based on staff investigations and numerous contacts with the administration that this amount of money, together with the reprogrammings and transfers, is more than enough to take care of this need.

● Mr. HUDDLESTON. Mr. President, I am pleased to join Senator KASTEN, Senator HATFIELD, Senator INOUYE, Senator EAGLETON and Senator COCHRAN in sponsoring this amendment to provide funds for transporting emergency food aid to Africa. The additional funding is necessary to ensure that the flow of food assistance to inhabitants of drought-affected areas of Africa is not interrupted.

There is a severe and widespread famine in Africa that is threatening the lives of millions of people. The evidence of the human tragedy caused by this famine is well documented. In recognition of the severe famine in many parts of Africa, Congress has provided $150 million of food assistance for Africa through legislation passed earlier this year. Ninety million dollars was authorized in the low-income energy assistance supplemental appropriations and $60 million was provided in the urgent supplemental appropriation for the Department of Agriculture.

The scope and severity of the African drought has placed a strain on transportation and distribution systems of affected countries that hinder the ability of these systems to deliver food aid in a timely fashion unless adequate amounts of foreign assistance are available. Any interruption of the transportation of relief supplies in drought-affected countries may cost lives because of acute hunger.

We must take all feasible steps, including the provision of this appropriation of $7 million, to assure the timely delivery of food and other relief supplies to the people of countries that are in dire need of immediate assistance because of the severe drought in Africa.

This appropriation supplements administration actions to transfer more than $7 million of unobligated funds from other accounts available to the Agency for International Development to meet this urgent need for transportation assistance. Also, I note that approximately $25 million will be available for such needs in the regular appropriation bill for this purpose for fiscal year 1985.

It is difficult to determine at this time the specific amount of money needed for assistance in African emergency relief programs. However, there are many indications that additional funding is urgently needed for the coming months and into the next fiscal year. I believe that the Senate stands ready to provide needed assistance for such needs as they are identified.

I urge my colleagues to support the amendment.

I ask unanimous consent that certain communications from private voluntary agencies involved in African relief efforts be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CATHOLIC RELIEF SERVICES,
U.S. CATHOLIC CONFERENCE,
Washington, DC, August 3, 1984.

Hon. WALTER D. HUDDLESTON,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HUDDLESTON: Following on my letter of yesterday registering this Agency's support for Congressional approval of 25 million dollars for non-food aid in Africa, let me add our best estimates on where the need for these funds is greatest. I refer to countries where CRS is currently carrying out programs:

Kenya, $2.2 million; Tanzania, $1.9 million; Djibouti, $500,000; Zimbabwe, $300,000; Ethiopia, $3.5 million; Upper Volta, $400,000; Mauritania, $950,000; Mozam-

bique, $1 million; Sudan, $200,000; Ghana, $200,000; Chad, $300,000.

With the exception of Ghana and Chad where the monies would be trained on water and forestry programs, in all other cases the funds are needed to move large quantities of food already committed and for the purchase of necessities such as agricultural seeds and medicines. In most cases CRS has already submitted requests to the Office of Foreign Disaster Assistance at AID.

We appreciate the opportunity to submit this information to you.

Sincerely,

ROBERT J. MCCLOSKEY,
Senior Vice President for External Affairs.

BREAD FOR THE WORLD—A CHRISTIAN CITIZENS MOVEMENT IN THE USA

$25 MILLION FOR DISASTER ASSISTANCE URGENTLY NEEDED

SUMMARY.—The House Appropriations committee will soon mark up the FY 1984 regular supplemental. Due to the extreme and urgent unmet needs of African famine victims, it is imperative that the full committee accept the recommendations of its subcommittee on Foreign Operations to include $25 million in emergency funding for transportation and other non-food disaster assistance.

Neglect of urgent needs.—Despite repeated appeals by the U.N. and drought-stricken countries, much of Africa's need for transportation, medical, shelter, agricultural and livestock assistance has been ignored by the donor community. Despite the arrival of food aid, millions of people are still subject to extreme suffering.

In some cases, ports are congested due to shortages in trucks, spare parts, fuel, workers and supervisors. Thousands of children are dying or permanently maimed due to disease caused by the drought; medicines are not available to stop the suffering. In some of the most seriously affected areas, some people have resorted to eating seeds due to insufficient food supplies. Seed shortages are therefore likely to cause continued food shortages in the year ahead. Also fertilizers are needed to insure the most productive yield as possible. Livestock are also perishing in tremendous numbers due, in part, to the lack of vaccinations available. As a result, plowing and harvesting fields becomes increasingly difficult.

Level of need.—It is extremely difficult to quantify precisely the needs of each country. The U.N. Food and Agricultural Organization (FAO), in January, appealed for about $100 million to meet some of these needs. This appeal did not include the cost of medical supplies or the full cost of transportation of food aid which would significantly increase the FAO figure. The donor response to these requirements has been tragically inadequate.

The U.S. response.—Thus far the U.S. has been extremely negligent in responding to these needs, particularly for desperately needed transportation and logistical support. The U.S. traditionally, has provided at least one-third of all worldwide disaster assistance. However the U.S. response to Africa's non-food disaster needs identified above has been less than $8 million (8% of the FAO figure).

The U.S. International Disaster Assistance account ($25 million annually) used to respond to worldwide disasters, is extremely insufficient even if used for Africa alone. The fund has been virtually depleted for several months with four months still remaining in the fiscal year. As a result, the U.S. is limited in its ability or willingness to respond. Urgent requests have been ignored or responded to with great sluggishness. Evidence also indicates that U.S. missions in Africa may be hesitant to request greater and more adequate levels of food and non-food assistance due to the financial limitations. Without doubt, it is imperative that Congress and more specifically, the House Appropriations committee respond to approving the full $25 million as quickly as possible.

[Cablegram]

CARE,
PROGRAM LIAISON OFFICE,
Washington, DC, August 7, 1984.

Mr. PETER MCPHERSON,
Administrator, Aid

Reference urgent food needs for drought effected african countries: We intend to submit requests for logistical transportation funding for the following countries within next two weeks:

Chad, $500,000;
Ghana, $750,000;
Kenya, $2,600,000;
Mauritania, $1,500,000;
Mali, $1,300,000;
Mozambique, $1,500,000;

Appreciate your continuing support in mitigating immediate worst consequences of drought.

PHIL JOHNSTON,
Executive Director, CARE.●

Mr. KASTEN. Mr. President, I urge my colleagues to support this amendment. This amendment has been cleared by the distinguished ranking member of the subcommittee, Senator INOUYE, a cosponsor, and I believe we have support from both sides of the aisle.

Mr. HATFIELD. Mr. President, this amendment has the support of the Senator from Mississippi and the floor manager of the bill. I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3613) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we want to dispose of one more amendment which will be offered by the Senator from Alaska [Mr. STEVENS]. I suggest the absence of a quorum until he arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EVANS). Without objection, it is so ordered.

AMENDMENT NO. 3614

(Purpose: To provide an additional $10 million for pay and allowances of Navy military personnel, and reduce a funding transfer from retired pay, defense, by $10 million)

Mr. STEVENS. Mr. President, I send to the desk a technical amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3614.

Mr. STEVENS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 87, line 5, strike "$234,630,000" and insert in lieu thereof "$244,630,000";

On page 87, line 6, strike "$40,000,000" and insert in lieu thereof "$30,000,000".

Mr. STEVENS. Mr. President, this amendment is necessary to correct a possible shortfall in military retirement funding. The Defense Department provided the Committee on Appropriations an offset for military pay requirements based upon transferring $40 million from the defense retired pay appropriation. The committee recommended including this transfer and reducing the request for new appropriation. Subsequently, an evaluation by the Defense Department, based upon recent execution data, shows that funds available for the transfer are now only $30 million. This amendment will allow a transfer of $30 million and increase the appropriation for the Navy military personnel appropriation by $10 million to offset the decreased transfer.

I view this as a technical amendment to correct an error made in the committee. I ask the chairman if he can accept it on that basis.

Mr. HATFIELD. Mr. President, speaking on behalf of both managers of the bill, the Senator from Mississippi and myself, this has been reviewed. The Senator from Alaska is correct and the managers are willing to accept the amendment.

Mr. STEVENS. Mr. President, I might say I have used new jargon here, "execution data." The report that came to me was based on "flash obligations." I shall have to define those one of these days, but I do believe it is a technical amendment.

The matter has been cleared, I might say, with the Members on the Democratic side.

Mr. HATFIELD. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3614) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I intend to vote against this supplemental appropriations bill, which totals $8.7 billion in appropriations for 1984. This is $915 million over the President's request—nearly a billion dollars more than he asked for. And this bill is $1.6 billion over the House bill.

Where are we over the President's request? Let me count the ways:

Agriculture, up $85.5 million; Food and Drug Administration, up $14.8 million; Department of Commerce, up $23.4 million; Department of Justice, up $9.3 million; Corps of Engineers, up $16.5 million; EPA, up $54 million; Federal Emergency Management Agency, up $60 million; NASA, up $13 million; NSF, up $1.5 million; Interior, up $71.2 million; HHS, up $67.7 million; Education, up $397 million; multilateral economic assistance, up $16.3 million; AID, up $70 million; bilateral economic assistance, up $63 million.

Of course, Mr. President, this does not count the Central American democracy, peace and development initiative which totals $368 million for economic assistance and $197 million for military assistance. Consider that name. How could anyone be opposed to democracy, peace and development? It sounds better than foreign aid does it not? It is amazing how a change in name gives a program a new respectibility. Remember the Tax Equity and Fiscal Responsibility Act? Now there was another good name. Or the Deficit Reduction Act? Or distinguishing between new taxes and revenue enhancement?

So now we have democracy, peace and development, which is just another phrase for good old fashioned military and economic foreign aid.

Mr. President, a supplemental appropriations bill is supposed to be used for items that could not have been envisioned at the time or the regular appropriations bills. It is supposed to be reserved for emergency items, unanticipated events and for programs which incurred costs that were unexpected such as floods, and other natural calamities.

Instead, we find in this bill, the initiation of a number of public works projects—initation, Mr. President, a beginning—a breach renournishment study at Indian River County, FL; a saltwater intrusion study in South Carolina; design and harbor site selection at Shotgun Cove, AK; a water supply study for the Savannah River basin in South Carolina; engineering design on the Wyoming Valley local protection project in Pennsylvania; construction of the Willow Creek Dam reaction facilities in Oregon; planning and engineering on the Portsmouth Harbor in New Hampshire; acquisition of the Steigerwald Lake wetland area in Washington State; protection of lakeshore road in Manistee County, MI.

Now, many of these may be worthy projects that should be supported by the Congress. Some of them may have aspects of being an emergency or unanticipated expense. But certainly not all of them. And many of them could wait the normal process of review during the next fiscal year.

In the Interior chapter of this bill, we find funding of $1.7 million to construct a replacement warehouse for firefighting in Fairbanks, AK. There is a $4.5 million add-on for Navajo irrigation expenses, which was subject to devastating criticism by the chairman of Subcommittee on Interior of the Senate Appropriations Committee yet, somehow ended up in this bill.

There is an appropriation of $7.8 million to pay for construction of an operations and research vessel for Alaska. There is an amount totaling $2.5 million for an unidentified research facility in Gainesville, FL.

And, of course, there is the $447 million increase over budget for the strategic petroleum reserve at a time when the Department of Energy, according to the committee report, "is reexamining the requirements for SPR distribution capabilities and selection of cost-effective measures for improving the physical accessibility of the market to SPR oil."

Mr. President, I recognize that supplement bills have traditionally been a vehicle for public works projects coming in the back door and other appropriations which might not survive the test of hearings during a regular process. But even though tradition is being served here today, the external conditions have changed.

Have we forgotten about the deficit? Is business as usual more powerful than the need to reduce that deficit? Are election year politics more compelling than our rhetoric about budget balancing? The answer is, quite obviously, "Yes."

More Military Assistance to El Salvador Is Overkill

Mr. KENNEDY. Mr. President, I anticipate that there will be an effort to eliminate the $116 million in additional military assistance to El Salvador that is contained in this supplemental appropriation. I will support that effort.

I oppose this new appropriation—not because I am against President Duarte, which I am not—not because I am against the Government of El Salvador, which I am not—not because I am against all military assistance to the armed forces of El Salvador, which I am not. I am against sending another $116 million in guns, bullets, and materials to El Salvador because, in the truest sense of the word, it is now a matter of overkill, at least for fiscal year 1984.

If the Senate appropriates this money, it will bring the amount of military assistance supplied by the people of the United States to the Government of El Salvador to a total of $234.5 million for fiscal year 1984. This represents an increase of 199 percent over fiscal year 1983 levels.

The supporters of this supplemental appropriation contend that this vote will be a test of our commitment to President Duarte, that if we do not appropriate this additional military assistance to El Salvador, it will undermine President Duarte and his new government. I disagree with that analysis.

I met and talked with President Duarte during his first trip to Washington, DC. Like many other members of the Congress, I too was impressed with President Duarte's personal courage, with his commitment to democracy, and with his dreams for El Salvador and for his people. I wish him well, and I wish his government well. I think we should help him accomplish his objectives.

But there are questions still pending, and the people of the United States are entitled to some answers to those questions:

Will the persons responsible for the murder of the two American labor advisers ever be brought to justice?

Will the murderers of Bishop Romero ever be identified, will they be arrested, will they ever be brought to justice?

Will the two officers responsible for the massacre of 74 Salvadoran civilians at Las Hojas ever be brought to trial? Any further delay in this matter is beyond understanding.

Is the Government of El Salvador willing to enter into a dialog with the insurgents in an effort to bring a cease-fire to the war-ravaged people of El Salvador, or are we supporting a government whose only objective is military victory—no matter what the price may be in lives or human rights?

Does this unending supply of military equipment from the United States to El Salvador really bring with it the promise of an early end to the violence?

Have we really exhausted the avenues of peaceful negotiation and diplomacy, or is it really necessary—for the people of El Salvador to achieve peace—to have more guns, more bullets, more soldiers and more killing?

These are questions of policy, but there are also important questions of financial prudence. Why are we so profligate in our sending of military equipment to the generals of El Salvador when, at the same time, we are so

stingy in supporting the needs of our own people?

When we began this fiscal year, we were told that the administration would seek $86 million in military assistance for the Government of El Salvador. We have now appropriated more than $125.8 million in military assistance for that country. And now the administration is asking us to appropriate another $116 million—presumably to be spent between now and the end of September.

I do not believe that the Government of El Salvador has the need for an additional $116 million in assistance between now and the end of next month. And I am aware of no evidence that suggests the existence of any such need.

I do not believe that the Government of El Salvador can actually use $116 million in additional military assistance between now and the end of next month. And I am aware of no evidence that suggests that the armed forces of El Salvador can absorb or wisely use this kind of assistance in this short space of time.

This is not a test vote of any kind. We have already appropriated over $125 million in military assistance to El Salvador. This is a question of prudence as much as it is one of policy.

I believe that this appropriation is both imprudent and impolitic and I urge my colleagues to vote against any additional military assistance to El Salvador.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask unanimous consent there be a period for the transaction of routine morning business during which Senators may speak for not to exceed 5 minutes each, the time to expire at 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR

The Committee on Labor and Human Resources was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 4164. A bill to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes.

The Committee on Veterans' Affairs was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 5618. An act to amend title 38, United States Code, to revise and improve Veterans' Administration health programs, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, August 7, 1984, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 268. An act to authorize the Secretary of the Interior to construct, operate, and maintain certain facilities at Hoover Dam, and for other purposes; and

S.J. Res. 272. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to invasion of Poland during World War II.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAKER (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1437. A bill entitled: "The California Wilderness Act of 1983" (Rept. No. 98-582).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Air Force there are 309 appointments to the grade of major (list begins with Robert W. Allen), in the Air Force there are 3,277 appointments to the grade of major (list begins with David W. Abati), and in the Army there are 261 appointments to the grade of major and below (list begins with Rodger M. Bowman). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 27, 1984, at the end of the Senate proceedings.)

By Mr. DOLE, from the Committee on Finance:

Charles D. Baker, of Massachusetts, to be Under Secretary of Health and Human Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. GRASSLEY, Mr. QUAYLE, Mr. THURMOND, Mr. DENTON and Mrs. HAWKINS):

S. 2910. A bill to clarify the application of Title IX of the Education Amendments of 1972; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. 2911. A bill to regulate the transfer of funds for humanitarian purposes to nationals of the Socialist Republic of Viet-Nam; to the Committee of Foreign Relations.

By Mr. GORTON:

S. 2912. A bill to amend the Congressional Budget Act of 1974 and the Budget and Accounting Act, 1921, to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee has thirty days of continuous session to report or be discharged.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2913. A bill to amend the Tax Reform Act of 1984 to clarify that a credit union is not to be treated as an instrumentality of the United States for purposes of determining exemptions from the tax-exempt leasing rules; to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. WILSON):

S.J. Res. 341. Joint resolution designating August 28, 1984, as a national day of recognition of Father Junipero Serra; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STAFFORD:

S. Res. 429. Resolution authorizing the printing of the report entitled, "Highway Bridge Replacement and Rehabilitation Program, Fifth Annual report to Congress" as a Senate document; to the Committee on Rules and Administration.

By Mrs. HAWKINS:

S. Con. Res. 133. Concurrent resolution to express the sense of the Congress that television stations should publicize kidnapped children cases; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. GRASSLEY, Mr. QUAYLE, Mr. THURMOND, Mr. DENTON, and Mrs. HAWKINS):

S. 2910. A bill to clarify the application fo title IX of the Education Amendments of 1972; to the Committee on Labor and Human Resources.

GROVE CITY REVERSAL ACT

Mr. HATCH. Mr. President, along with several of my colleagues on the Senate Labor Committee, I am introducing legislation today—the "Grove City Reversal Act"—which would overturn the Supreme Court's recent decision in Grove City against Bell. In this

decision, the Court interpreted title IX relating to equal opportunity in education in a "program specific" rather than an "institutional" manner. The present legislation would reverse this decision and establish "institutional" coverage in the context of title IX.

At the same time that this measure would reverse the Court's decision, it would do so in a far more narrow manner than the so-called "Civil Rights Act of 1984" proposed by Senator KENNEDY. It is patterned after more narrow legislation introduced following the Court's decision by Senator PACKWOOD (S. 2363) and Senator STEVENS (S. 2412). It would not amend, and would leave unaffected, such other civil rights statutes as title VI, section 504, and the Age Discrimination Act.

I am also submitting two amendments to the present measure that I intend to offer at the appropriate time. The first amendment would expand the present religious exemption in title IX to protect all religiously oriented institutions whose tenets conflict with the dictates of title IX—not merely those which are "controlled" by a religious organization as is presently the case. The second amendment would exclude from title IX coverage a small handful of independent institutions whose only connection with the Federal Government is that they have students in attendance who receive GI benefits or ADS Pell grants. In order to be entitled to the exclusion, such schools would also have not to have been deprived of their tax-exempt status on the basis of discriminatory conduct and not to have been inviolation of any other civil rights provision of law for a minimum period of 5 years.

Mr. President, the present bill would effectively address the issues raised in the Grove City decision while avoiding the substantial problems of overbreadth posed by alternative proposals. I would encourage my colleagues to join me on this measure.

By Mr. ARMSTRONG:

S. 2911. A bill to regulate the transfer of funds for humanitarian purposes to nationals of the Socialist Republic of Vietnam; to the Committee on Foreign Relations.

HUMANITARIAN REMITTANCES

● Mr. ARMSTRONG. Mr. President, I am today introducing a bill to regulate the transfer of funds for humanitarian purposes to individuals in the Socialist Republic of Vietnam.

Our present foreign assets control regulations permit, under general license, the transfer of $300 per quarter to individuals in Vietnam. Our Government gave this permission because we believed that most recipients had direct or indirect connections with the U.S. Government or the deposed Government of South Vietnam. We also suspect that limitations placed on people with pro-American backgrounds by the present Vietnamese regime are making it extremely difficult for them to maintain even minimal standards of living under the current economic conditions in Vietnam.

Thus our intention has been to permit people to send money to their families in the Socialist Republic of Vietnam on humanitarian grounds. Representatives of the Department of State, testifying before Congress in 1981, told us:

> The tradition of Americans to assist relatives, friends and others in distress in other countries whatever the state of relations between this country and the foreign country is long standing. It should only be curtailed or terminated in the most extreme circumstances.

But good intentions, as we all know, pave a well-traveled road often leading in directions we might not otherwise take. In 1982, I began to receive information from Vietnamese refugees in the United States which pointed to the possible existence of a systematic program of economic exploitation directed against them by the Socialist Republic of Vietnam. I was told that the Vietnamese Government is taking advantage of the opportunity afforded by our foreign assets control regulations to pressure Vietnamese in the United States into directing payments abroad under a variety of pretexts. I was told that a circumstance of extreme character existed and strong action was therefore required.

In response to appeals for assistance from several quarters of the Vietnamese community in this country, on March 10, 1983, I introduced S. 747 which, briefly stated, would have prohibited any person from exporting from the United States any currency, directly or indirectly, to any person in Vietnam. The legislative vehicle provided by S. 747 permitted the conduct of hearings into alleged abuses of our humanitarian remittances policies, which were held before the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs, June 20, 1984.

From testimony presented at this hearing by Vietnamese refugees, law enforcement officers and others, and through subsequent detailed investigation of this matter, I learned that the problem is far more complex than originally anticipated. I also came to feel that total prohibition against currency transfer is not an appropriate response.

The witnesses and investigators I have listened to explained to me that there is evidence the Socialist Republic of Vietnam has compiled a comprehensive listing of all individuals still in Vietnam who are in a position to receive money from relatives living abroad. I was told these individuals may be organized into small, easily monitored groups and at periodic intervals group members are encouraged to write their relatives and request sums of money. I learned just what form this encouragement can take when one witness testified his 9-year-old daughter, gravely ill with rheumatic fever, was denied medical treatment until his wife first cabled him for money. The little girl died 4 days later before the money arrived.

I learned that in response to such coerced appeals for assistance, Vietnamese in the United States take U.S. currency to banks or, more commonly, to clandestinely operated currency transfer points. Witnesses explained that banks offer an unfavorable rate of exchange, take a long time, and that family members in Vietnam rarely receive all of the money which is sent. Clandestine transfer points, on the other hand, flourish on their presumed ability to move the money involved quickly, at a higher rate of exchange, with no controls by the United States.

Mr. President, it is on the question of underground currency transfers that I am prompted to introduce my bill. I believe that Vietnamese people in the United States need to have some means of transfering a reasonable level of funds for humanitarian purposes to family members in Vietnam, without enriching a regime they hate and under circumstances which protect them against becoming insidiously involved in shadowy underground practices designed solely to bolster the Socialist Republic of Vietnam's insatiable need for a substantial hard currency reserve.

We also need to guard against the building of a presumably Communist-influenced clandestine currency transfer network which is unregulated, invites exploitation by criminal elements, and which presents our law enforcement agencies with a complicated web of deception and intrigue. We cannot permit the Socialist Republic of Vietnam to reach out the long arm of coercion and, taking advantage of our humanitarian policies, pick the pockets of law-abiding refugees who have flocked to our shores for those freedoms our democracy guarantees. We cannot permit millions of dollars to leave this country on an annual basis to uncertain destinations somewhere in Southeast Asia; money which is likely to be used to finance the military adventurism of a bellicose regime.

Evidence indicates that day after day, in cities all across this country where there are significant concentrations of Southeast Asian people, Vietnamese refugees take their money to storefronts and back rooms, entrusting their family's welfare to unlicensed, unregulated, unwatched currency transfer operators who not only skim

off a substantial percentage of the funds but may also be acting in the interests of a hostile foreign power.

Not far from this Chamber, a small group of dedicated local and Federal law enforcement officers are presently working on one of the few cases of this nature ever to come to prosecution. Evidence taken clearly indicates that just one such minor operation can account for as much as a quarter million dollars per year. In U.S. cities with significantly larger Southeast Asian populations there are cases under investigation that may involve collection of as much as a quarter million dollars per month from Vietnamese refugees.

Law enforcement officers tell me that investigations into such matters are being forestalled through lack of appropriate legislation and a clear-cut assignment of enforcement responsibility. For example, it can be argued that this problem should be the responsibility of the Office of Foreign Assets Control. Without wishing to embarass the capable officers of that body let me point out that a 1980 General Accounting Office evaluation disclosed, Office of Foreign Assets Control is a passive and modestly funded Treasury unit which relies heavily on the private sector to comply with its regulations. This unit's enforcement section consists of exactly three officers who are expected to cover the entire United States. Vietnamese currency transfers involve a population of over 400,000 and 27 different States. Turning to the U.S. Customs Service for another example, we note that this agency is involved with major drug enforcement operations and other priorities and has yet to devote significant resources to the matter of Vietnamese currency transfers.

Passively waiting for voluntary compliance with vaguely interpreted regulations is not an adequate response, nor should we burden an already burdened Federal agency with enforcement problems it cannot solve. A far more appropriate measure for the Federal Government is to create incentives which, by their very existence, will drive the underground currency centers out of business and gain, for the first time since the dark days of April 1975, a measure of leverage in Southeast Asia which can be judiciously applied to vouch-safe the human rights of Hanoi's real victims, the defenseless people of South Vietnam.

Mr. President, when I speak of leverage I do not mean to usurp or upset our foreign policy direction with respect to the Socialist Republic of Vietnam nor do I contemplate any act of a hostile character. I merely suggest that we demonstrate a commitment to humanitarian assistance for the people of that nation and then permit that nation's leadership to show the world the nature of its own morality.

My bill proposes that there be established in the Treasury of the United States the Vietnam Humanitarian Remittances Fund, consisting solely of moneys paid in by Vietnamese refugees who wish to send such sums to their relatives abroad.

Upon application the Secretary of the Treasury shall issue notes drawn on amounts held in the fund which are payable to designated individual recipients in Vietnam. No note thus issued may be redeemed out of the Treasury unless it is accompanied by a declaration signed by both the recipient and a responsible official of the State Bank of the Socialist Republic of Vietnam which attests to the amount of funds actually received by the designated recipient; that the recipient has actual use of all of the funds which were sent; that no duress was employed in soliciting the funds or in obtaining the recipient's signature, and the lack of any special taxation or denial of human rights imposed on the recipient in connection with the redemption of the note.

Except as thus provided, my bill proposes that any actual or constructive, direct or indirect currency transfer to Vietnam be unlawful, and suggests that it be the sense of Congress that the President of the United States seek to negotiate in good faith with the Socialist Republic of Vietnam for random monitoring of our humanitarian remittances program by a United States or multilateral team of inspectors in Vietnam, and thereby prove before the world the lack of any duress.

My bill proposes that in the event inspection teams report a pattern or practice of abuse of the procedures thus established for the sending of humanitarian remittances to Vietnam, all such remittances will be curtailed.

I urge all my colleagues to study the suggestions embodied in this bill with care. I urge my colleagues to afford this bill their earnest support and, as representatives of the family of man, alleviate the sufferings endured by the families of Vietnam, both in our own United States and in a darkening distant land.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and other supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) That there is established in the Treasury of the United States the Viet-Nam Humanitarian Remittances Fund (hereafter in this Act referred to as the "Fund"), which shall consist of amounts received under subsection (b).

(b) Any person subject to the jurisdiction of the United States may transfer up to $300 during any 30-day period to an individual national of the Socialist Republic of Viet-Nam if he or she makes payment to the Fund in like amount, together with a written request for transfer of such payment by the Secretary of the Treasury to the designated national of the Socialist Republic of Viet-Nam. Any such request shall be in such form as the Secretary shall prescribe and shall specify—

(1) the name and address of the intended recipient;

(2) the name and address of the sender;

(3) the relationship, if any, between the sender and the recipient; and

(4) the total amount being sent.

(c)(1) Within a reasonable time after receipt of a written request described in subsection (b), the Secretary of the Treasury shall issue notes to the individual designated in such written request and drawn on amounts held in the Fund and redeemable only by the Socialist Republic of Viet-Nam in favor of the designated recipient. The Secretary of the Treasury may not issue such a note to the Government of the Socialist Republic of Viet-Nam, the State Bank of the Socialist Republic of Viet-Nam, or any other instrumentality of such Government.

(2) No note issued pursuant to this subsection may be redeemed out of the Treasury of the United States unless such note is accompanied by a declaration in a form satisfactory to the Secretary of the Treasury, signed by the designated recipient and the appropriate officer of the State Bank of the Socialist Republic of Viet-Nam or other financial institution of the Socialist Republic of Viet-Nam, which attests to—

(A) the amount of funds actually received by the designated recipient;

(B) that the designated recipient has actual use of all of the funds which were sent;

(C) the lack of any duress in obtaining the signature of the designated recipient on the declaration; and

(D) the lack of any special taxation or denial of human rights imposed on the designated recipient in connection with the redemption of the note by the Socialist Republic of Viet-Nam.

(d) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this section.

SEC. 2. Except as provided in this Act, whoever, subject to the jurisdiction of the United States, transfers, either actually or constructively, or directly or indirectly, or solicits or accepts or attempts any such transfer of any currency or other cash item or any precious metal or stone to the Socialist Republic of Viet-Nam or any instrumentality or national or agent thereof, shall be punishable by imprisonment for not to exceed five years, or a fine of not to exceed $50,000, or both.

SEC. 3. (a) It is the sense of the Congress that the President should seek to enter into an agreement in good faith with the Socialist Republic of Viet-Nam—

(1) to provide for random monitoring by a United States or multilateral team of inspectors in Viet-Nam of the procedures used by the Socialist Republic of Viet-Nam in connection with the signing of declarations described by this Act; and

(2) to establish time limits for the purpose of expediting the transfer of funds in accordance with this Act.

(b)(1) The Secretary of the Treasury shall prepare and transmit to the Congress a

quarterly report setting forth the findings of any inspection team under subsection (a)(1) within 30 days after such team has concluded its inspection.

(2) The provisions of the first section of this Act shall terminate not more than 3 days after the receipt of any report described in paragraph (1) indicating a pattern or practice of abuse of the procedures relating to the transfer of funds by the Socialist Republic of Viet-Nam.

SEC. 4. (a) For purposes of title VII of the International Claims Settlement Act of 1949, the term "property of a national of the United States" shall be deemed to include currency or other cash items sent or attempted to be sent by any person subject to the jurisdiction of the United States to a national of the Socialist Republic of Viet-Nam.

(b) As used in this Act, the term "other cash item" means any check, note, draft, bond, or other negotiable or nonnegotiable instrument, or any electronic communication used to transfer money.

SECTION-BY-SECTION ANALYSIS ARMSTRONG VIETNAM HUMANITARIAN REMITTANCES FUND BILL

Section 1 of the bill establishes in the Treasury of the United States the "Viet-Nam Humanitarian Remittances Fund" which consists of amounts received from Vietnamese refugees in the United States who wish to send such amounts to their relatives in Viet-Nam.

Subsection (b) permits the transfer of up to $300 per month to Viet-Nam through the Fund, on written application to the Secretary of the Treasury.

Subsection (c) provides that the Secretary of the Treasury issues notes on the Fund only to designated individual recipients in Viet-Nam, not to the Vietnamese government or the State Bank.

Subsection (c) paragraph (2) provides that no note may be redeemed out of the Fund unless it is accompanied by a declaration signed by both the intended recipient and a SRVN bank official attesting that the recipient actually received the money and has full use of same, that no duress was employed against the recipient, and that the recipient is not being specially taxed or denied basic human rights.

Subsection (d) permits the Secretary of the Treasury to prescribe necessary regulations to carry out the Act.

Section 2 of the bill makes it illegal to transfer money to Viet-Nam by any means, inclusive of underground means, except as provided in Section 1. A 5 year/$50,000 fine is prescribed for violations.

Section 3 of the bill states the sense of Congress that the President negotiate with the SRVN to permit monitoring of the remittances process and signed declarations, in Viet-Nam, by the U.S. or multilateral inspection team, and to establish time limits for the transfer process.

Subsection (b) directs the Secretary of the Treasury to make quarterly reports to Congress on the findings of inspection teams within 30 days after such teams conclude their inspections.

Subsection (b) paragraph (2) provides that the permissions embodied in Section 1 terminate within 3 days after Congress receives a report indicating abuse of the transfer program by the SRVN, and no money be permitted to be transferred to Viet-Nam.

Section 4 amends Title VII of the International Claims Settlement Act of 1949 to permit Vietnamese refugees in the United States to file claims against the SRVN with the International Claims Settlement Commission in those cases where their relatives do not or have not received money which was sent from the United States; payment in the case of successfully adjudicated claims to be made from blocked SRVN assets.

Subsection (b) defines the term "other cash item" as used in the Act to include any check, note, draft, bond, negotiable or nonnegotiable instrument and electronic communications used to transfer money.

THE VIETNAMESE VETERAN'S ASSOCIATION, INC.,
Hayward, CA, July 21, 1984.

Senator WILLIAM L. ARMSTRONG,
Hart Building, U.S. Senate,
Washington, DC.

DEAR SENATOR ARMSTRONG: Thank you for writing to me and asking for my opinion on your proposed Vietnamese Currency Transfer Legislation.

As I mentioned to you in a letter written last year, the Government of the Communist of Viet Nam must be stopped in their exploitation of the Vietnamese Refugees and their relatives that are still living in the S.R.V.N.

I have carefully studied your new proposed legislation to this very grave situation. I concur with your ideas and I would like to convey to you our appreciation to the compassion as well as your humanitarian efforts to help the Vietnamese people.

Enclosed are two copies of a prestigious Vietnamese Weekly, published in San Jose, California; #129 and #130; that covered the hearing of the US Senate on June 20, 1984, concerning your bill #S. 747.

I can assure to you that your proposed legislation will receive a warm acceptance by the Vietnamese Community, and you can count on the full support from the Vietnamese Veterans Association and its chapter around the world.

Sincerely yours,

TRAN NGOC NHUAN,
Chairman of the VVA.

THE VIETNAMESE ASSOCIATION OF FRIENDSHIP AND MUTUAL ASSISTANCE OF THE SAN FRANCISCO BAY AREA,
San Francisco, CA, June 29, 1984.

Senator WILLIAM ARMSTRONG,
U.S. Congress, Hart Senate Office Building, Room 528, Washington, DC.

DEAR SENATOR: The Vietnamese Association of Friendship & Mutual Assistance of the SF Bay Area hereby express its appreciation and full support of your position taken in regard to the economic pressure exerted by the Vietnamese Communist authorities on Vietnamese citizens having relatives in the United States, Canada, Europe and elsewhere.

For several years, it has been a known fact among overseas Vietnamese communities that monies transferred to Vietnam to help our relatives in dire need, are actually an undeniable boost to the poor economy of communist Vietnam. Knowing too well the hardship and misery that our compatriots have to endure under Hanoi totalitarian regime, overseas Vietnamese cannot turn a deaf ear to their relatives' appeals and have had to keep on sending monies to their loved ones. The current situation has presented a very difficult and touchy dilemma to many Vietnamese in this country: by helping their unfortunate relatives, they are at the same time consciously helping the tyrannical regime from whom they have fled; by sending money to Vietnam, they are directly strengthening the hand of their Communist enemy and help them perpetuate their power over the Vietnamese people.

It is a paradox that has agonized so many of us Vietnamese, yet because of the fear of retribution against their loved ones in Vietnam, no one in the communities has publicly spoken out until recently. Your expressed concern and intentions to do something to correct this exploitative situation are deeply appreciated.

Senator, please do not let up your efforts to help the helpless Vietnamese victims. Filled with shame and guilt, we have nothing to offer you but our support and backing in your noble endeavors. We wish you the best for your success.

Sincerely,

LE NGOC LINH, *Chairman.*

ARLINGTON, VA, *July 16, 1984.*

Hon. WILLIAM L. ARMSTRONG,
Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ARMSTRONG: Thank you for your letter dated June 29, 1984 regarding your efforts as Chairman of the Senate Committee on Banking, Housing, and Urban Affairs to stem the flow of illegal transfers of currency between the United States of America and the Socialist Republic of Viet-Nam.

We deeply appreciate your kind initiative to share relevant information on the activities of the Committee and your staff consultant on a matter of great interest to more than half a million Vietnamese living in this country. As you know, all of them had escaped from the Communist invaders, leaving behind all their real estates and properties and, worse of all, their close and distant relatives under the Communist dictatorship. Their problem is well defined in your letter: "How to send money to family members in Vietnam without enriching the Hanoi Government and without utilizing underground currency transfer points here in the United States".

As publisher and Managing Editor of one of major Vietnamese anti-Communist Magazines serving the Overseas readership, I have given wide coverage of Operations "Victor" and will not fail to keep our readers informed of subsequent developments on this subject. In this sense, I am appreciative of whatever information through your channel to enable our Magazine to give our input and contribution in conjunction with your efforts and in keeping with the interest of the U.S. Government to sanitize this problem.

With regard to the document attached to your letter, we fully concur with the main purpose of the proposed legislation. As for the details of the proposal in question, they will ultimately require the opinion of the Legal Advisors and General Counsel of the Department of Justice, Department of State and the Department of the Treasury of the United States. The self-exiled Vietnamese whose commitment to destroy the current Communist regime in Vietnam is irreversible, are fully confident that their lawful interests would be protected by the American Government and dedicated politicians like you and your eminent colleagues.

Please accept, Senator Armstrong, the assurances of my highest consideration.

NGUYEN THANH HOANG.

SAN FRANCISCO, CA, *June 25, 1984.*

Hon. WILLIAM ARMSTRONG,
U.S. Senator,
Washington, DC.

SIR: We, the undersigned, a group of Vietnamese refugees residing in San Francisco and San Jose, California, have the honour to present to you the following petition:

Whereas, ever since South Vietnam was abandoned to the Communists in April 1975 and the Vietnamese people subjugated under the ruthless domination of the Hanoi rulers,

Whereas, while the people of Vietnam have been living a miserable life, toiling at hard labor but can barely feed themselves, the Hanoi rulers have embarked on a war of aggression against Cambodia to pursue their policy of expansionism over Indochina,

Whereas, after the Communist takeover, over one million of the "liberated" people of Vietnam, including those from the North, have fled the Communist "paradise" and scattered all over the world, taking with them the much needed skills and technical know-how to efficiently run the country, thereby worsening Vietnam's economy, already beset with corruption, incompetence, low productivity, and heavily burdened by the war in Cambodia,

Whereas, in the face of these huge and mounting economic problems, the Communist rulers have made it a policy to fully exploit Vietnamese living overseas, particularly those in the United States, by exerting pressure on their relatives still in Vietnam, to request for ever increasing sums for transfer to Vietnam,

Whereas, while millions of valuable U.S. dollars and other foreign exchange have been channeled officially to the coffers of Vietnam's Bank of Foreign Trade every week, an ever higher volume of dollars and foreign currencies have also passed through a number of underground Vietnamese Communist fronts set up in this country,

Whereas, through this shameless exploitation of overseas Vietnamese, the Hanoi rulers stand to gain three ways: (1) the acquisition of much needed foreign exchange without having to export anything; (2) the ridiculously low rate of exchange against their pitiful Dong, which has no significant value in international markets, and (3) the withholding of part of the transferred amounts from senders' relatives in Vietnam.

Whereas, because of these enormous benefits it has been Hanoi's policy to play on the strongly emotional family ties of Vietnamese living overseas.

Whereas, we are most gratified to learn of your interest and determination to expose the economic blackmail of Communist Vietnam against its own people, and, through the Congress, propose corrective action to stop this exploitation and restrict the dollar drain,

Therefore, we fully support your action and urge you, in the name of justice and humanity, to consider the various factors involved and make fair and just proposals to protect Vietnamese residents in this country. Please accept our deep gratitude.

28 SPONSORS.

Made in San Francisco, June 25, 1984.

SAN JOSE, CA.

Senator WILLIAM L. ARMSTRONG,
Room 528, Hart Senate Office Building,
Washington, DC.

DEAR SIR: I and my family heard about a bill that prohibit any person from the U.S.A. to send the money to Vietnam from you. We have discussed that with my friends who were the Vietnamese refugees, and we agreed that we strongly support you for that bill. That was an excellent idea, we cannot help our enemy to have money to use that against us and to invade Cambodia and Laos. The money we sent to Communist government just help them to build up their army to stir the trouble in Indochinese. We must stop that.

To my understanding most of Indochinese refugees now are on welfare. They did not use that money to adjust their new life. They sent the money home for relatives. They did not care to build up their life in their new home and independently. So they just depend on welfare. If we stop them sending money home, they can use that money to help themselves here. They can improve their ability and off from welfare. We can use that money to help new refugees.

My friends, my family strongly support your bill.

We must stop to help our ememy.

Very respectfully yours,

———.

A STUDY OF VIETNAMESE INVOLVEMENT IN CLANDESTINE INTERNATIONAL CURRENCY TRANSFERS

(By William L. Cassidy)

INTRODUCTION

From the period commencing May, 1983 through February, 1984 I served as a consultant with the U.S. Department of the Treasury, U.S. Customs Service Office of Investigations, where it was my task to participate in the creation and subsequent operations of an investigation into Vietnamese organized crime and currency transfers informally known as Project VICTOR. During the course of this investigation I invested approximately 2,000 hours of active involvement in travel, informant handling and street-level collection work, operating in the Vietnamese communities in Arlington, Virginia; New Orleans, Louisiana; Houston, Texas; Los Angeles, California; Westminster, California; San Jose, California and San Francisco, California.

The following remarks are with reference to the varieties of clandestine international currency transactions I observed to originate within the community of Vietnamese refugees in the United States. In particular, I will discuss the relationship such transactions have to a postulated economic penetration of the United States by the Socialist Republic of Viet-Nam.

BACKGROUND OF VIETNAMESE MIGRATION

Immediately following the fall of South Viet-Nam on April 30, 1975, the United States received several thousand Vietnamese evacuees under conditions of extreme emergency, utilizing administrative procedures of the most transient possible character. A number of these evacuees were persons, often accompanied by many dependents, who had served either the United States Government or the Government of Viet-Nam in a wide variety of official and quasi-official capacities, both military and civilian. Others were persons of social and financing standing, such as educators, journalists, entertainers or prominent businessmen, who exercised their influence to secure safe passage. Still others were the sort of opportunists and questionable individuals who inevitably find their way through the midst of wartime confusion.

In the nine years since 1975, numbers of Vietnamese and other Southeast Asians in the United States have steadily increased. First-wave evacuees have been joined by tens of thousands of escapees fleeing the political intolerance that now afflicts Indochina. This involuntary migration process has provided the United States with a complete cross-section of Southeast Asian culture and society, ranging all the way from members of the Western-educated Vietnamese, Laotian and Cambodian urban elite to members of over a half-dozen nomadic highland tribes and other ethnic minorities. U.S. Department of State estimates place total Indochinese immigration to the United States at 640,798 in the period April 30, 1975 through April 30, 1983. The U.S. Department of Health and Human Services, Office of Refugee Resettlement adjusts the total Indochinese figure to 637,567, to account for secondary migration. Of this number, the Department of State estimates that 424,313 are Vietnamese.

Southeast Asian refugees in the United States, of which ethnic Vietnamese, Chinese-Vietnamese and Vietnamese-Americans comprise the largest number, are concentrated primarily in twenty-seven states, seven of which account for more than fifty percent of the total refugee population. Citing Office of Refugee Resettlement estimates current as of the close of FY1982, these seven states are California, with 225,500; Texas, with 50,700; Washington, with 29,900; Pennsylvania, with 23,200; Illinois, with 21,700; Minnesota, with 21,200; and Virginia, with 19,600.

GENERAL ECONOMIC CONSEQUENCES

As we are concerned with certain economic phenomena attendant to Vietnamese resettlement, we begin by noting the generally expected economic consequences of international migration. The textbook view of this subject tells us that in the initial stages of migration, income will be remitted home on a regular basis to dependents and relatives, including sums which enable further emigration. As whole families are united abroad, these remittances are expected to decline to the level appropriate to assist relatives beyond the immediate family. When a generation passes, they are expected to gradually disappear. With particular reference to the capabilities of late twentieth-century immigrants who direct remittances to communist countries, standard economic theory also advances the thesis that social pressures to be quickly assimilated to the American standard of living will greatly reduce the capacity to send money abroad.

These points and the scenario they evoke represent conventional wisdom on the subject. Unfortunately this can be only superficially applied to Vietnamese migration. Conventional wisdom fails to account for the techniques of economic blackmail and covert economic warfare, as currently practiced by the Socialist Republic of Viet-Nam.

VIETNAMESE FAMILIAL OBLIGATIONS

We must acknowledge the special circumstances of the Vietnamese people, both culturally and politically, before we attempt the universal application of conventional economic theory. First and foremost, we must remember that Vietnamese are political refugees in the most extreme sense and their migration is thus involuntary. Vietnamese in the United States are not here in response to ordinary cycles of international labor movement nor are they here in response to the pull of economic opportunity. Indeed, one surmises that the vast majority of Vietnamese would rather not be here at all. The Vietnamese themselves like to point out that despite numerous epochs of social upheaval in their history the current wave

of emigration is without precedent. Under the Japanese occupation in 1944-45, for example, a widespread rice famine claimed well over a million lives yet failed to spark any appreciable international population movement.

We must also consider the tramatic nature of the Vietnamese exodus. People who leave Viet-Nam by boat are acutely aware of the grave dangers posed by Thai piracy and environmental conditions in the South China Sea. Those who cross Cambodia are all too familiar with the threat of hostile military operations. To lessen the impact of such perils families are forced to fragment. Only the fit and hardy attempt these journeys, leaving behind wives and children, sisters and brothers, the elderly and disabled. Often a family's entire fortune will be pledged to the bribes and provisions necessary to assist one family member's escape. Those who are successful and reach the United States have not done so for selfish reasons. On the contrary, they have acted from the most moving and noblest of human motives in a desperate attempt to save their loved ones and their heritage.

Americans who have no direct experience with Vietnamese people, or those who have only academic experience with forces that mold the average person's character will find it difficult indeed to properly appreciate the intensely powerful obligation every Vietnamese feels toward his or her family.

Doctors who work in the refugee community will tell you of the high incidence of psychiatric disorders among Vietnamese, brought about by prolonged separation from loved ones and knowledge of the conditions their families are experiencing. Suicide and anorexia are common. I have personally witnessed people who, following receipt of a letter from family members in Viet-Nam, find themselves physically unable to eat for several days and literally collapse in emotion at the sight of food. They know all too well that Viet-Nam is slowly starving to death, and the guilty helplessness they feel becomes unbearable.

Vietnamese send money home because it is spiritually necessary for them to do so. Vietnamese send money home because of the force of social imperative born of a 3,000 year-old tradition of the family as a divine principle. Vietnamese send money home in order to live comfortably within themselves. Tacit acknowledgement of these forces or vague reference to philosophical ideals of filial piety do not do justice. There is no Social Security in Viet-Nam, no hospitalization insurance, no public welfare agency, no homes for the aged, no effective lending institutions, no free enterprise and all the economic and political philosophy of Marx and Lenin has done is scientifically bleed the country white.

In Viet-Nam today, more than at any other time in history, the family is the source of all material succor. If your children or parents become ill or infirm; if they experience financial deprivation; if they cannot afford to pay thirty dollars for the single kilo of rice that cost three dollars before North Viet-Nam's hungry plague reached the once-fertile paddies of the Mekong Delta, then your children or parents will slowly wither and die if you fail to fulfill your obligation to support them.

We cannot emphasize too strongly the significant role Vietnamese familial obligations play in the matter of currency transfers. Again and again we will be compelled to return to this for it lies at the very heart of our problem, both in the exploitation of this factor by the economic policies of the Socialist Republic of Viet-Nam and in any discussion of enforcement problems created by proposed legislation. Vietnamese will send money home whether it is illegal for them to do so or not. Neither law nor time will diminish this necessity.

SRVN INVOLVEMENT

Setting aside human motives, one may with ample justification claim that the majority of both legal and illegal currency transfers to Viet-Nam are colored by long and short-term internal economic policy objectives of the Socialist Republic of Viet-Nam and to a lesser extent perhaps, external economic policy objectives of the sort commonly associated with economic warfare or counter-economic warfare operations.

When assessing SRVN involvement in currency transfers, our basic working assumption is that Viet-Nam is interested in the acquisition of United States dollars in order to bolster its foreign currency reserve. The best available figures we have, which come from an International Monetary Fund team that visited Viet-Nam in April, 1983, indicate that SRVN's published foreign currency reserves are around U.S. $16,000,000. This of course is an extremely low figure and if correct serves to lend credence to the claim that Viet-Nam is in dire need of foreign funds.

Additional evidence is available to us in the form of public statements by SRVN officials and articles in the Vietnamese party press. I call your attention to an article by communist journalist Ngo Cong Duc which appeared in the Saigon newspaper Tin Sang on February 17, 1981. This article is entitled, "Concerning the Question of Finding and Exploiting Foreign Exchange," and the following extracts may be safely presumed to reflect official thinking in the subject:

"First of all we must set forth a correct policy direction so as to exhaust the foreign exchange capabilities of overseas Vietnamese.

"In the activities aimed at exploiting . . . the overseas Vietnamese, there are two major issues, one of which is that we must have a clearcut and rational policy and another is that we must have an efficient exploitation organization.

"We will have . . . to think of ways to counter the quarantine imposed by American banks so as to leave open a few situations where the recipients in Vietnam cannot normally receive their money from abroad.

"Family members of overseas Vietnamese who have received foreign money can be given a kind of foreign exchange certificate book somewhat similar to a savings account book, or they may be issued a kind of foreign exchange checks. . . ."

These statements, which are certainly remarkable for their frankness, also display a prophetic quality. In the months following their publication policy direction was in fact set forth which has as its stated aim the exhaustion of the foreign exchange capabilities of overseas Vietnamese. An efficient exploitation organization did come into being. More than a few methods were discovered to counter existing American regulations and a system of book controls was instituted to monitor money and merchandise received by families in Viet-Nam.

SRVN INTERNAL REGULATIONS

On August 31, 1982 SRVN's Council of Ministers issued decision number 151/HDBT, which offered the following as its basic premise:

"Article 1: The state welcomes and encourages Vietnamese residing in countries outside the socialist system . . . to send money to help build the country. Families . . . that have relatives residing in foreign countries may receive money and goods from them. The receiving of money and goods must comply with the regulations of the state."

"Article 7: This decision only applies to families who have relatives that are permanent residents in foreign countries. The persons referred to . . . do not include cadres, manual workers or civil servants of the state who have sent to foreign countries. . . . Separate regulations will be promulgated concerning these persons."

This language leaves little doubt as to whom the decision is directed and what it is intended to accomplish. Decision number 151/HDBT did not include the full text of any regulations, which at the time were still under development. The text of 151-HDBT itself promised that, ". . . a circular providing detailed instructions concerning the implementation will be issued," giving responsibility for the development of such specifics to the State Bank, the Ministry of Foreign Trade, the Ministry of Finance, the Ministry of the Interior and the "concerned functional sectors."

Based on information which became available during the course of Project VICTOR, it appears that SRVN officials spent the period from approximately August, 1982 to April, 1983 gradually sensitizing the population to accept new monetary policies and in developing an efficient exploitation organization founded on a comprehensive listing of families with relatives residing abroad. This system of exploitation was refined during the period April to June 1983 and now operates on a highly successful basis.

In the Spring of 1983, Saigon's party paper Cong Nhan Giai Phong published a long question-and-answer type article which describes the exploitation mechanism in detail. According to this article:

"Beginning in 1 April 1983, after receiving the permits issued by the Municipal People's Committee and the list of names of the families permitted to regularly receive money sent by relatives who are permanent residents of foreign countries, the Municipal Bank will transfer the money received by families who have a permit issued by the People's Committee to the precinct or district bank at their place of residence as recorded on their permit. The precinct or district bank will send out notices asking families . . . to pick up the passbook that they will need to receive their money."

The article also states that when a person appears to collect his or her passbook, a payment of fifty Vietnamese dong will be required. Specific transfer regulations provide that a conversion fee of 1.5 percent will be assessed on each transfer and that the bank will only pay 6,000 Vietnamese dong per person within the family per quarter year. An overall limit of 50,000 Vietnamese dong per quarter per family is established and a provision is made for a one-time emergency payment of 10,000 Vietnamese dong in the case of illness, death or other special circumstances.

Excess funds received from abroad will be transferred to a savings account and the account holder will be paid a nominal interest rate. In the case of significant sums, the account holder is also permitted to transfer his or her excess funds to the Foreign Trade Bank where interest will be earned in for-

eign currency and paid in Vietnamese currency.

SRVN EXPLOITATION ACTIVITY

Exhibit I illustrates the conceptual framework of SRVN exploitation operations, as formally instituted on May 16, 1983. Referring to Exhibit I, note that acting on the orders of the Vietnamese Politburo, the responsible Politburo member asks the City People's Committee to employ District and Ward-level Security Offices to locate and identify individuals who are in a position to receive remittances from relatives living in the United States. Security Deputies, or cadre, at the block or cluster level organize such individuals into small, easily monitored groups.

The system of controls we have described thus far appears on the surface to be a socialist state's normal means of managing the influx of foreign capital. If we in the United States have learned anything by our long experience with Viet-Nam, I hope we have learned that appearances are always deceptive where Hanoi is concerned. Examined in depth, the system here described forms the foundation for a planned program of economic blackmail reminiscent of that practiced against overseas Germans who had families in Nazi Germany.

During the conduct of Project VICTOR we developed indications-type intelligence which told us that at periodic intervals, individuals in cluster-level groups in Viet-Nam are being ordered to contact their relatives in the United States and request sums of money under a variety of circumstances, both legitimate and contrived, such as illness in the family, increased taxes, or increased living expenses. We also have information that individuals are being subjected to arrest or forced resettlement to the so-called New Economic Zones, there be released only upon receipt of substantial sums from abroad. Their property is confiscated by the state, so that when they return to their usual area of residence they are again compelled to call upon overseas relatives for futher support.

In certain areas of the country, this practice appears to be controlled by a quota system, in which cadre are exhorted to produce specific sums from the families under their control and a system of incentives seems to be in place which rewards cadre for generating sums greater than the established quotas. There is a clearly observed cyclic quality to this practice. Intelligence available to us as of August, 1983 indicates that requests were originally intended to concentrate at six month intervals. Current intelligence indicates that requests have been stepped up to three months intervals.

In a typical case, relatives in the United States are being asked to send a minimum transfer of $1,000 to $2,000, in contrast to a previously observed minimum of $200 to $300 ten months ago. In several instances, our intelligence indicates the names of specific intermediaries for the transfers are now being supplied by individuals in Viet-Nam. We have also seen an increasing incidence of relatives in the United States being asked to "settle accounts," ostensibly incurred through debts raised in Viet-Nam by the receipt of foreign money from unspecific sources.

In response to these orchestrated requests, individuals in the United States take their money either to banks or to underground collection centers. I note parenthetically that banking institutions which we have observed to enjoy favor in this regard are Hong Kong and Shanghai Banking Corporation, Wells Fargo Bank, Royal Bank of Canada, United American Bank, Delta Savings and Loan and the Bank of America.

Bank transfers, which are obligated under Foreign Assets Control Regulations, are routed through Canada, France and Asia to the Viet-Nam Foreign Trade Bank. Underground collection centers or intermediaries are of course unregulated. These centers, which can be either individuals operating independently or front organizations, route the money they collect through couriers or SRVN-supported commercial or criminal enterprises. According to the sources developed by Project VICTOR, underground collectors may be paid as much as 12 to 25 percent for their services, which money is then used to finance criminal activities or the expansion of business fronts. We have considerable evidence that several SRVN-dominated enterprises have been afforded legitimate cover as parcel forwarding or import-export concerns, and as such enjoy licensing by the U.S. Department of Commerce. These firms apparently route their currency shipments through similar firms in Canada, France and Asia, after which shipments are sent directly to Viet-Nam.

It should be noted for the purposes of clarification that not all underground shipments are controlled by SRVN government authority. We do observe that when SRVN security officers locate individual operations conducting uncontrolled transfers, as in the case of transfers conducted by wealthy merchants or families or corrupt officials, the persons responsible are subjected to arrest and reeducation. Following such enforcement activity transfer operations are again commenced under government supervision.

THE FACTOR OF ECONOMIC PENETRATION

In the early 1950s, a brilliant Chinese economist from Stanford University named Yuan-li Wu published a work entitled Economic Warfare, which despite the passage of time remains more or less standard in the field.* In his work, the author described the tactic of economic penetration, and offered a few conclusions which bear close attention.

Professor Wu viewed economic penetration as a phenomenon of covert economic warfare, defining the phenomenon as all those measures which either sought to increase the dependency of a target nation's economy on one's own nation or by design acted to undermine a target nation's economy. Although he envisioned most economic penetration operations as involving countries at comparable stages of development, or the penetration of a less developed country by a highly developed country, he did acknowledge that less developed countries could have recourse to penetration activities aimed at boosting foreign exchange, noting, "Governments of countries that have nationals resident overseas may resort to blackmailing to augment supplies of exchange."[1]

Professor Wu concluded that the value of such activity was limited by the target nation's awareness, stating:

"Unlike the measures of open warfare and economic pressure . . . there are other methods that are effective only as long as their real purpose is disguised. Once their intent is bared, they cease to be of any value to their perpetrator, inasmuch as they can be easily dealt with even if their effect cannot be nullified immediately. They are the methods of covert economic warfare. . . ."[2]

I submit that the exploitation of overseas Vietnamese by the Socialist Republic of Viet-Nam represents at the very least a de facto economic penetration of the United States by a hostile foreign power, the effects of which can only be nullified by our acceptance that a problem of significant proportion exists and must be remedied at once.

IMPACT ON THE UNITED STATES

One of the first questions we might fruitfully ask concerning Vietnamese currency transfers revolves around how much money leaves the United States on an annual basis. There are no simple answers to this question. The Office of Foreign Assets Control, through Sec. 500.565 of the Foreign Assets Control Regulations allows the transfer of not more than $300 in any consecutive three month period to any one payee in Viet-Nam, or $1,200 per year. An additional one-time transfer of $750 is permitted for the purpose of enabling the payee to emigrate from Viet-Nam.

In order to extrapolate an estimate of total possible annual regulated transfers based on the $1,200 per year figure permitted by Foreign Assets Control Regulations, we first establish a set of assumptions based on the Department of State's estimate of 424,313 Vietnamese in the United States.

The Office of Refugee Resettlement advises that the age distribution of Indochinese adults in the United States remains stable over a multi-year period at 49 percent with 23 to 25 percent unemployment. Balancing these percentages against an estimated total of 424,313 persons, we may conservatively arrive at an assumed income-producing workforce of 150,000. We further assume for the sake of analysis that of this total, only 50 percent will actively participate in sending money abroad. Employing these assumptions, we learn that 75,000 Vietnamese each sending $1,200 per year can account for $90,000,000 in possible regulated transfers on an annual basis to the Socialist Republic of Viet-Nam.

Our working assumption of $90,000,000 per year or $7,500,000 per month is criticized by members of the refugee community for being far too conservative. Citing government information obtained from reliable sources in Saigon, current as of June, 1983, emigre investigative journalist Nguyen Thanh Hoang reports that during mid-1982, an average of 1,000 people per day received funds from abroad through the State Bank of Saigon. Of this estimated average, approximately 70 percent received $100 per transaction, 10 percent received $300, 10 percent received $500, and 10 percent received $1,000 or more. Employing these figures we arrive at an average daily transfer of some $6,500,000 during the period surveyed which estimate is of course inclusive of sums sent from countries other than the United States.

To bring yet another set of estimates into play, we may refer to the November, 1982 issue of the Vietnamese Communist Party periodical Nhan Dan, which claims that 183,000 families regularly receive assistance from abroad. Using the minimum transfer of $1,200 per family, we obtain an estimated total of $219,000,000 per year or $18,300,000 per month.

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* The work cited is Yuan-li Wu, *Economic Warfare*. (New York: Prentice-Hall, Inc., 1952).

[1] Yuan-li Wu, *Economic Warfare*. (New York: Prentice-Hall, Inc., 1952). p. 142.

[2] Ibid.

Our three estimates represent the spectrum of thought concerning the magnitude of possible legal transfers. These of course do not provide for clandestine transactions, transfer amounts greater than $1,200, or a number of other variables.

Lacking the sort of hard evidence necessary for precision in such matters, we are forced to rely almost solely on indications-type intelligence to develop a set of informed suppositions. Based on my experience in this area with Project VICTOR, I will tentatively estimate that approximately $18,000,000 leaves the United States monthly for Viet-Nam. Of this $18,000,000 I estimate that approximately $9,000,000 per month is transferred by clandestine methods and the remainder by banks, trusting that one may appreciate the difficulty in quantifying with desired precision what is essentially a secret activity.

CATEGORIES OF ACTIVITY

Knowing how much money leaves the United States does not tell us how such money is actually handled by the underground. When I began to study ethnic Vietnamese, Chinese-Vietnamese and Vietnamese-American involvement in clandestine international currency transfers, I found it useful to categorize such activity in terms of motivation. Three basic categories of motivation were observed: political, criminal and humanitarian. I found that there is an apparently high degree of interrelationship between each of these categories and touching on any one often led me by association to the others.

POLITICAL MOTIVATION

Generally speaking, politically motivated transactions are of two varieties. The first of these are transactions initiated by persons acting in the interests of the Socialist Republic of Viet-Nam, one manifestation of which we have just discussed. The second variety is the transaction initiated by persons with interests inimical to those of the SRVN, such as the transfers dominated by Vietnamese resistance or guerrilla groups.

Any assessment of the nature and extent of such politically motivated clandestine transfers and indeed, all other categories mentioned, begs the several questions of what sources of money are available, how these monies are obtained, in response to what stimuli are they sent, by what means and at what order of magnitude.

When we examine the resistance groups, we find that they generate money by several different means for the ostensible purpose of supporting the resistance effort in Viet-Nam. Among the means employed are the establishment of commercial enterprises with subsequent impressment of earned income; by direct solicitation of the emigre community; by indirect solicitation, through sponsorship of theatrical benefits or the sale of goods or services, and by establishment of nonprofit public benefit organizations with subsequent exploitation of the tax exempt status to gather large donations.

I have heard claims that Vietnamese resistance groups in the United States are also involved in the establishment of criminal enterprises, but upon close examination I find this allegation difficult to support. I do find a possible incidence of penetration and exploitation of the resistance vehicle by SRVN sympathizers, who seek to discredit or disrupt legitimate resistance activities. I also find the criminal fringe occasionally engages in extortion activity under cover of legitimate fundraising. The large, organized resistance groups in this country take pains to protect themselves against these practices and regularly warn their membership and potential donors against falling prey to such schemes.

It is virtually impossible to learn the magnitude of resistance-oriented transfers by any economic investigative technique of which I am aware. This area of inquiry is rife with speculation and unsubstantiated rumor. One such rumor holds that a financial institution in Westminster, California named Delta Savings and Loan was launched almost exclusively with funds generated by resistance groups and serves as the main financial conduit for Admiral Hoang Co Minh's National United Front for the Liberation of Viet-Nam, together with its allied organizations the Viet-Nam Liberation Front and the National Support Movement for Resistance in Viet-Nam.

CRIMINAL MOTIVATION

Turning to the difficult subject of criminally motivated transactions, we find these to be of four basic varieties. The first of these are transfers attributable to specific, individual criminal enterprises, inclusive of most individual family efforts, where the clandestine international transaction is incidental to other activities.

The second variety is encountered in traditional, organized criminal enterprises where the clandestine international transaction is incidental to activities inclusive of narcotics trafficking; trafficking in other forms of contraband; prostitution; gambling; money laundering operations; exploitation of refugees and alien smuggling; insurance fraud, and extortion.

The third variety encompasses those transactions conducted for the specific purpose of importing or exporting large amounts of currency, inclusive of operations designed to transfer funds placed in safehavens during the fall of Viet-Nam

The fourth variety is encountered in the gray area of politically-linked criminal activity, such as transfers incidental to resistance-oriented Neutrality Act violations undertaken by parties not directly involved with organized resistance groups, or transfers in support of presumed SRVN criminal fronts. While we are on this subject, I must relay a strong message which I received from a substantial number of the more credible and reliable Project VICTOR informants. Time and again these individuals, some of whom had extensive intelligence experience in their own country, warned me to consider the impact of money which does not leave the United States but remains to finance SRVN-managed subversive activity. These warnings came from principled former intelligence officers who learned the character of their enemy's financial undertakings through the bitterest sort of first-hand experience.

HUMANITARIAN MOTIVATION

Moving to our final category, transactions motivated by humanitarian concerns, we find that these are extremely diverse and due to their highly individual character are thus difficult to quantify. In general, we may divide these into two main categories. The first of these involve family transfers of the sort commonly exploited by the SRVN government. The second are those attributable to institutional efforts on the part of quasi-official voluntary agencies and relief organizations.

A significant sub-category of the first sort which we have not yet discussed relates to the incidence of bribery and corruption which attends the exodus of Vietnamese from Viet-Nam. Faced with delays of up to three or more years in the Orderly Departure Program, which I know from personal experience to be the greatest invitation to abuse of authority ever devised by two governments, many Vietnamese have elected to bribe SRVN and other officials to achieve expedited processing. Such bribes range from a low of $500 to $25,000 or more.

Humanitarian concerns continue to be exploited both by the political elements we have already discussed and more recently, by organized crime, leading us to one or more potentially interesting alleged linkages with the Chinese Triads. We have some trace information that national relief agencies exist, sponsored by organized criminal elements, various political factions and the like, all of which offer to provide assistance in delicate family matters in return for money or services. We have also occasionally heard of an American presence in this area.

METHODOLOGY

Individuals and organizations engaged in clandestine international currency transactions appear to employ seven primary methods which I will summarize for you as follows:

1. Use of the mails. Individuals have placed United States currency in the mails for direct shipment to Viet-Nam. This practice has been largely discontinued due to an extensive program of mail inspection carried out by Vietnamese Customs and allied elements of the Cong An Bao Ve Chinh Tri, or B2(II), SRVN's so-called Political Protection Police, a ubiquitous paramilitary-type intelligence and internal security force with wide internal and external responsibilities.

2. A family exchange system. Individuals who wish to send money to Viet-Nam are solicited by or seek out other individuals who have solvent family members still in Viet-Nam. A transaction is made in the United States, in U.S. dollars, and two coded telegrams or other forms of written communication are dispatched to each party to the transaction, informing the solvent individual and the intended recipient that a given amount is involved. The intended recipient takes his or her telegram to the solvent individual, the telegrams are matched, and the solvent individual pays the recipient in gold or SRVN currency, at blackmarket rates. We note that the current blackmarket rate floats around 100 Vietnamese dong to the dollar, whereas the official exchange rate is 60 dong to the dollar.

This family exchange scheme has the advantage that when the solvent individual eventually escapes Viet-Nam, a major portion of his capital is intact in the United States and he thus leaves nothing behind. This scheme is favored by SRVN officials bent on defection and the merchant classes. Once tacitly encouraged by SRVN policies, this scheme has been vigorously suppressed since Tet 1983, excepting those cases where it operates under SRVN control.

3. Wire transfers. Common garden-variety wire transfers of the type encountered in most sophisticated money-laundering operations have been employed, usually in relation to transactions undertaken by individuals. We have yet to see a strongly overt SRVN presence in this area.

4. Couriers. Personal couriers are employed to move currency in and out of the United States, going to and coming from Asia.

5. Gold smuggling. Gold, often in the form of 24K chains and bracelets is smuggled into

Viet-Nam in corrugated cardboard containers, items of clothing and various other objects, and out of Viet-Nam by concealment in body cavities or clothing. Movement into Viet-Nam has been discouraged by package searches by Vietnamese Customs. Movement out of Viet-Nam has been discouraged by Thai piracy.

6. National relief agencies. National relief agencies are established with overseas offices, chiefly in Singapore, Taiwan and Thailand. Gold is solicited by escape net operators inside Viet-Nam and smuggled out of Viet-Nam by sea, third-country nationals or corrupt party officials. This gold is converted to currency and the currency is deposited in the relief agency's bank recorded as an anonymous donation.

7. Bulk currency export. Package forwarders in the United States sent U.S. curency in bulk to Saigon, usually through Canada, France and Asia. This method appears to be dominated by SRVN operatives in Canada and the United States.

The problems under examination are not simple problems and there are no simple answers to the many questions we have raised. Indeed, the only simplicity we can find is our simple, moral duty to protect the Vietnamese people in the United States from exploitation originating both within their community and abroad. We do not need guilt over our role in their modern history to motivate us. We do not need to cultivate an atmosphere of alarm over the imagined dangers posed by foreign peoples in our midst. We only need to listen. Listen first to what the Vietnamese themselves might tell us, and then listen to our own hearts in order that we may do what we know is right.●

By Mr. GORTON:

S. 2912. A bill to amend the Congressional Budget Act of 1974 and the Budget and Accounting Act, 1921, to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

BALANCED FEDERAL BUDGET

● Mr. GORTON. Mr. President, the bill I am introducing today is a measure to require, not by constitutional amendment but by statute, that Congress balance the Federal budget annually.

There are many in the Senate who would like to see additional discipline made a part of the congressional budget process, but who are not in favor of amending the Constitution to accomplish this. I am among this group. The opposition to a constitutional amendment arises from several sources. Perhaps most fundamental of these is the simple concern that the Constitution of the United States is intended to embody only the most basic and enduring statements of principle, and should avoid dealing with policy debates which are highly specific to a particular time. Matters requiring detailed or technical drafting are almost always better left out of the Constitution. And, prior to amending the Constitution, we should ensure not only that the policy at stake is one amendable to a simple expression of permanent national policy, but also that all alternative methods of reaching this goal have been exhausted.

Many have doubts that the annual balancing of Federal revenues and outlays should, in fact, be our policy. But even if there were no doubt on this score, still it is clear that we have not exhausted alternative approaches. Consequently, consideration of a constitutional amendment is, at this time, at least, premature. By its nature the Constitution is difficult to amend. If we enshrine bad policy into our Constitution, we may have to live with it for a long, long time.

A statutory, as opposed to constitutional, approach to a balanced budget avoids at least some of these problems. Unlike a constitutional amendment, a statute is more easily modified, should we discover that its operation is not as we had intended. And statutes are more appropriate than the Constitution for the technical and fairly detailed language that such a proposal requires. It is for these reasons that I am today introducing this bill.

I know that these arguments do not address every concern about the balanced budget proposal. Questions still remain about upsetting the balance of powers among the branches of Government, as well as about the wisdom of the economic and budget policies that such an approach would require. In addition, a balanced budget requirement would not even address what may be a more fundamental problem: The tendency of Government to grow at an unwarranted rate, and to consume or redistribute an ever greater share of our Nation's resources. I intend to address this latter problem with a future legislative proposal.

It seems clear, however, that the balanced budget statute is at least a proposal worthy of debate, and that it should be considered alongside the balanced budget amendment and other related proposals. Accordingly I am today introducing a bill to require, by statute, that the Federal budget be balanced.

The proposal I am introducing is identical to H.R. 1003, which has been introduced in the House of Representatives by Mr. CHALMERS WYLIE. Fundamentally, what it accomplishes is an amendment to the Congressional Budget Act stating that:

Congress shall not enact or authorize any budget authority which would cause outlays to exceed revenues, except in times of war or economic necessity; and a two-thirds vote of both Houses is required to declare a period one of economic necessity;

It shall not be in order to consider or adopt any budget resolution which does not show a balance, again, except in times of war or economic necessity; and

The President shall take steps to ensure that the requirements of the measure are enforced, except that the President may not take any special steps with respect to appropriations for the legislative or judicial branches of Government.

The proposal is, among the possible approaches in this area, relatively straightforward. In this sense it is closest in spirit to the balanced budget constitutional amendment: A clear and simple expression of congressional desire to change the budget process, and to change it dramatically.

Mr. President, I send the bill to the desk and ask for its appropriate referral. I also ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title III of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new section:

"REQUIREMENT THAT FEDERAL EXPENDITURES NOT EXCEED FEDERAL REVENUES

"SEC. 312. (a) Notwithstanding any other provision of this Act, the expenditures of the Federal Government during any fiscal year shall not exceed its revenues for that year, and the Congress shall not enact or authorize the enactment of budget authority which would result in expenditures by the Federal Government during any such fiscal year in excess of its revenues for that year, except—

"(1) in time of war declared by the Congress, or

"(2) during a period of economic necessity declared by the Congress in a concurrent resolution which has passed each House by the affirmative vote of at least two-thirds of the authorized membership of that House.

"(b) For purposes of any concurrent resolution on the budget under section 301(a), 304, or 310(a), a deficit in the budget shall not be considered appropriate for any fiscal year in the light of economic conditions and all other relevant factors unless (with respect to that year) the exception provided by paragraph (1) or (2) of subsection (a) applies. The projections required by sections 301(d)(6) and 308(c)(2) shall take into account the provisions of the preceding sentence.

"(c) It shall not be in order in either the House of Representatives or the Senate to consider or adopt a concurrent resolution on the budget (as described in section 301(a), 304, or 310(a)) for any fiscal year, if such resolution sets forth or affirms a deficit in the budget for such year, unless (with respect to that year) the exception provided by paragraph (1) or (2) of subsection (a) applies and such resolution so specifies.".

(b) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting immediately after the item relating to section 311 the following new item:

"Sec. 312. Requirement that Federal expenditures not exceed Federal revenues.".

SEC. 2. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended by adding at the end thereof the following new subsection:

"(k)(1) The budget transmitted pursuant to subsection (a) for each fiscal year shall be prepared, on the basis of the best estimates then available, in such a manner as to insure compliance with section 312(a) of the Congressional Budget Act of 1974.

"(2) Notwithstanding any obligational authority granted or appropriations made except such with respect to the legislative and judicial branches of the Government, the President shall from time to time during each fiscal year take such action as may be necessary (by placing funds in reserve, by apportionment of funds, or otherwise) to insure compliance with section 312(a) of the Congressional Budget Act of 1974.".

SEC. 3. (a) Section 301(a)(3) of the Congressional Budget Act is amended by striking out "which is appropriate" and inserting in lieu thereof "which, subject to section 312, is appropriate".

(b) Section 310(a)(2) of such Act is amended by inserting immediately after "are to be changed" the following: "(for the purpose of complying with the requirements of section 312 or otherwise)".

(c) Section 311(a) of such Act is amended by inserting before the period at the end thereof the following: ", or would otherwise result in a violation of section 312(a)".

SEC. 4. The amendments made by this Act shall apply with respect to fiscal years beginning after September 30, 1983.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2913. A bill to amend the Tax Reform Act of 1984 to clarify that a credit union is not to be treated as an instrumentality of the United States for the purposes of determining exemptions from the tax-exempt leasing rules; to the Committee on Finance.

STATUS OF CREDIT UNIONS

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to clarify a provision of the Deficit Reduction Act of 1984, to ensure that, as Congress intended, the Teachers Federal Credit Union in Farmingville, NY, can proceed with its plans to sell and lease back its headquarters building under the law applicable prior to that act.

The Deficit Reduction Act of 1984 changed the rules for this type of sale-leaseback transaction. With the approval of the National Credit Union Administration, the Teachers Federal Credit Union has been planning just such a transaction since 1982. My bill would ensure that this sale/leaseback could proceed as it was planned, rather than under the new rules inserted into the Tax Code by the Deficit Reduction Act of 1984.

The Senate version of the Deficit Reduction Act of 1984 specifically exempted this particular transaction from the new leasing restrictions of the bill. The Teachers Federal Credit Union project was mentioned by name. The House bill did not include such an exception, and when the House and Senate conferees met to reconcile their differences, there was agreement to provide broad transitional relief for transactions that already had been planned. The House did not accept language specifically naming the projects to be excepted from the new sale/leaseback rules. General language was drafted to cover a large number of planned sale-leaseback projects. It does seem that the conferees did intend to exempt the Teachers Federal Credit Union, but they may have inadvertently failed to do so for technical reasons in the drafting of the act.

Section 31(g)(4) of the act provides a broad exception for virtually all sale-leaseback projects approved by Federal, State, or local governments prior to 1984. This section states that the new leasing rules do not apply if, first, on or before November 1, 1983 there was significant official governmental action with respect to the projects; and second, the tax-exempt entity entered into the lease pursant to a written binding contract agreed to prior to January 1, 1985. The Teachers Federal Credit Union's planned sale/leaseback clearly met these two tests. Unfortunately, this exception does not apply to the United States or any agency or instrumentality thereof.

For certain purposes, Federal credit unions have been treated as instrumentalities of the United States. Therefore, even though Teachers Federal Credit Union is a wholly independent financial institution, there is concern that it may not qualify under the broad exception of section 31(g)(4), despite the fact that the transaction had been planned since 1982. The National Credit Union Administration approved the proposed sale/leaseback in 1982, and the conference report language on section 31(g)(4) interpreted that section to ensure that "the approval of financing arrangements by a regulatory agency" like the National Credit Union Administration would be sufficient to satisfy the so-called significant governmental action requirement discussed above.

It does appear to me that the conferees did intend to exempt the Teachers Federal Credit Union's sale/leaseback transaction, but the drafters of the relevant section were unaware that Federal credit unions sometimes have been viewed as Federal instrumentalities. The ambiguity surrounding the exception, as now drafted, has cast doubt on the completion of Teachers Federal Credit Union's sale-leaseback. Accordingly, I am introducing this legislation to clarify this ambiguity in section 31(g)(4), and make it absolutely clear that, for purposes of that section, Federal credit unions are not deemed to be instrumentalities of the United States. The Teachers Federal Credit Union will be able to proceed with its planned sale/leaseback, with no unnecessary uncertainty. This is a simple technical correction, and I urge its prompt passage.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (4) of section 31(g) of the tax reform Act of 1984 is amended by adding at the end thereof the following new subparagraph:

"(C) SPECIAL RULE FOR CREDIT UNIONS.—For purposes of this paragraph, a credit union shall not be treated as an agency or instrumentality of the United States.".

(b) The amendment made by this section shall take effect as if included in the provisions of the Tax Reform Act of 1984.●

● Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague from New York, Senator MOYNIHAN, as an original cosponsor of legislation designed to correct an oversight in the Deficit Reduction Act of 1984, H.R. 4170.

Mr. President, the Teachers Federal Credit Union of Farmingville on Long Island, NY, has long been planning to finance its headquarters through a sale/leaseback transaction. The credit union has 60,000 members, all of whom are teachers in New York. It is not a sophisticated organization attuned to the legislative process in Congress. The credit union had been working on a sale/leaseback for over 18 months when legislation was introduced to prohibit such transactions with an effective date of May 23, 1983.

The Teachers Federal Credit Union approached me later that summer with their dilemma. They had a binding contract to enter into a sale/leaseback as of August 23, 1983. However, the pending sale/leaseback legislation would have killed the deal.

I discussed this problem with the chairman of the Finance Committee, Senator DOLE, who arranged to exempt the Teachers Federal Credit Union from the sale/leaseback provisions of the Deficit Reduction Act of 1984, H.R. 4170. Of course, I am greatly indebted to Senator DOLE for his assistance in this matter.

When H.R. 4170 went to conference, however, generic transition rules were drawn up to exempt many projects from the sale/leaseback provisions of the bill. The transition rules exempted those projects that had entered into a binding contract prior to January 1, 1985, and had significant official governmental action on or before November 1, 1983. Unfortunately, these transition rules did not apply to instrumentalities of the United States which include Federal credit unions. As a result, the Teachers Federal Credit Union was not grandfathered. It is my understanding that this was an inadvertent occurrence: There was no intent to exclude the credit union. The Finance Committee staff has assured my staff that this oversight would be

corrected in an upcoming technical corrections bill on H.R. 4170.

The legislation introduced today outlines the necessary language needed to correct the oversight in H.R. 4170. It is my hope that this error can be corrected in the near future and I look forward to working with the Finance Committee to achieve this goal.●

By Mr. CRANSTON (for himself and Mr. WILSON):

S.J. Res. 341. A joint resolution designating August 28, 1984, as a national day of recognition of Father Junipero Serra; to the Committee on the Judiciary.

RECOGNITION OF FATHER JUNIPERO SERRA

Mr. CRANSTON. Mr. President, I'm most pleased to rise with my colleague from California, Mr. WILSON, to recognize one of the founders of our State, Father Junipero Serra.

The joint resolution we are introducing today is a companion measure to House Joint Resolution 603, authored by my good friend from California, Congressman LEON PANETTA, commemorating the bicentennial on August 28, 1984 of Father Serra's death.

All 21 missions of California will celebrate the achievements of this great pioneer on August 28. Father Serra founded the west coast's original nine missions along El Camino Real establishing settlements which later became population centers.

When Father Serra arrived on the California coast in the late 1700's, most Americans knew very little of the fertile lands lying outside the settlements at San Diego and Monterey. Father Serra created a chain of missions 1 day's travel apart in San Antonio (1771), San Gabriel (1771), San Luis Obispo (1772), San Francisco (1776), San Juan Capistrano (1776), Santa Clara (1777) and Ventura (1782) to augment the missions he had established in San Diego and Monterey. These settlements linked the most populated areas of the state from south to north.

Father Serra dedicated his life to working California's land and teaching its people. He introduced to California the cultivation of grains and fruit and—especially—grapes, spawning what is today the richest food growing area in the world and the food basket of our great Nation. He began establishing a wine industry which now ranks among the best in the world.

Junipero Serra's statue stands as one of the two representatives of California in Statuary Hall of the U.S. Capitol, symbolizing the great contribution of Spanish culture to the development of California.

This joint resolution honors one commited individual's life as teacher, missionary, visionary.

In honoring Father Serra's accomplishments we recognize his substantial contribution to the development of our Nation's most populated State.

Mr. President, I ask unanimous consent that the text of the joint resolution appear in full below:

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 341

Whereas August 28, 1984, marks the bicentennial of the death of Father Junipero Serra, the famed Spanish missionary and a founder of California;

Whereas Father Junipero Serra, through personal hardship and perseverance, established a series of nine missions along the length of California from San Diego to San Francisco;

Whereas these missions at San Diego, Carmel, San Antonio, San Gabriel, San Luis Obispo, San Francisco, San Juan Capistrano, Santa Clara, and Ventura became religious and community centers which grew and developed into the State of California;

Whereas Father Junipero Serra, through his introduction of cattle, grain, and fruit cultivation to the west coast, established what has become the food basket of our Nation;

Whereas Father Junipero Serra's work demonstrates the importance of Spanish influence and culture to the development of the United States of America;

Whereas in 1931, California included a statue of Father Junipero Serra as one of its two representatives in the United States Capitol Hall of Fame and in 1943 the Roman Catholic Church initiated the long process of considering Father Junipero Serra for sainthood; and

Whereas the twenty-one California missions and the Carmel Mission Basilica, the center of Father Serra's activities and his burial place, have designated August 28, 1984, as the beginning of a year of celebration of Father Junipero Serra's many contributions to California and our Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating August 28, 1984, as a national day of recognition of Father Junipero Serra and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 1975

At the request of Mr. BRADLEY, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1975, a bill to enact the Gifted and Talented Children's Education Act.

S. 1978

At the request of Mr. LONG, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1978, a bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans.

S. 2025

At the request of Mr. NUNN, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 2025, a bill to amend the Highway Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects.

S. 2489

At the request of Mr. WEICKER, the names of the Senator from Indiana [Mr. QUAYLE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. ANDREWS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 2489, a bill to amend the Small Business Act to enhance competition in Government procurement.

S. 2512

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2512, a bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes.

S. 2524

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 2524, a bill entitled the "Copper and Extractive Industries Fair Competition Act of 1984."

S. 2695

At the request of Mr. WARNER, the names of the Senator from Nevada [Mr. HECHT], the Senator from Alabama [Mr. HEFLIN], the Senator from Illinois [Mr. PERCY], the Senator from Maryland [Mr. MATHIAS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 2695, a bill to establish a Federal Coal Export Commission with the goal of expanding the U.S. share of the international coal market, and for other purposes.

S. 2720

At the request of Mrs. HAWKINS, the names of the Senator from Utah [Mr. GARN], the Senator from Maryland [Mr. SARBANES], the Senator from Nebraska [Mr. EXON], the Senator from South Dakota [Mr. PRESSLER], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 2720, a bill to recognize the organization known as the Women's Army Corps Veterans' Association.

S. 2770

At the request of Mr. SASSER, his name was added as a cosponsor of S. 2770, a bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes.

S. 2781

At the request of Mr. HEFLIN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. MATTINGLY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 2781, a bill to amend the Packers and Stockyards Act, 1921 to remove processed poultry marketings from coverage of such act.

S. 2791

At the request of Mr. BUMPERS, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 2791, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund.

S. 2816

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2816, a bill to stem the tide of anti-semitism.

S. 2833

At the request of Mr. ABDNOR, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2833, a bill to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income by high-income taxpayers in competition with full-time, familysized farm operators.

S. 2872

At the request of Mr. GRASSLEY, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Texas [Mr. BENTSEN], and the Senator from Iowa [Mr. JEPSEN] were added as cosponsors of S. 2872, a bill to reform the Residential Conservation Service and to repeal the Commercial and Apartment Conservation Service, and for other purposes.

S. 2894

At the request of Mr. MELCHER, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 2894, a bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accural rules in the case of sales of residences, farms, and real property used in a trade or business.

SENATE JOINT RESOLUTION 299

At the request of Mr. ABDNOR, the names of the Senator from Massachusetts [Mr. TSONGAS], the Senator from Georgia [Mr. NUNN], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 299, a joint resolution to designate November 1984 as "National Diabetes Month."

SENATE JOINT RESOLUTION 304

At the request of Mr. HELMS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. MCCLURE], the Senator from California [Mr. WILSON], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate the month of October 1984 as "National Quality Month."

SENATE JOINT RESOLUTION 324

At the request of Mr. HATCH, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Rhode Island [Mr. PELL], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. BENTSEN], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. BOSCHWITZ], The Senator from Montana [Mr. MELCHER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 324, a joint resolution designating November 1984, as "National Christmas Seal Month."

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984, as "National Hospice Month."

SENATE JOINT RESOLUTION 335

At the request of Mr. WARNER, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 335, a joint resolution to designate the week beginning on May 19, 1985, as "National Tourism Week."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the names of the Senator from North Dakota [Mr. ANDREWS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nevada [Mr. HECHT], and the Senator from Maryland [Mr. MATHIAS] were added as cosponsors of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

SENATE JOINT RESOLUTION 337

At the request of Mr. WILSON, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 337, a joint resolution designating October 1984, as "Computer Learning Month."

SENATE JOINT RESOLUTION 340

At the request of Mr. THURMOND, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 340, a joint resolution to designate the week of September 23, 1984 as "National Historically Black Colleges Week."

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

SENATE CONCURRENT RESOLUTION 117

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Concurrent Resolution 117, a concurrent resolution relating to the promotion of technological innovation in computer software and the protection of computer software.

SENATE CONCURRENT RESOLUTION 125

At the request of Mr. PELL, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of Senate Concurrent Resolution 125, a concurrent resolution entitled the "Common Security Resolution."

SENATE RESOLUTION 412

At the request of Mr. HOLLINGS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Resolution 412, a resolution to congratulate and commend the USA Philharmonic Society.

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Resolution 412, supra.

SENATE CONCURRENT RESOLUTION 133—SENSE OF THE CONGRESS THAT TELEVISION STATIONS SHOULD PUBLICIZE KIDNAPPED CHILDREN CASES

Mrs. HAWKINS submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 133

Whereas the problem of kidnapped children is a national priority;

Whereas an estimated 160,000 children are kidnapped each year in the United States;

Whereas television coverage of kidnapped children cases has been instrumental in helping to find them; and

Whereas the federally funded National Center for Missing and Exploited Children is the first nationwide center of its kind to assist parents, the judicial system, and others in locating, identifying, and returning kidnapped childen: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the

sense of the Congress that the major television networks, their affiliates, and independent stations should broadcast a series of public service announcements publicizing kidnapped children cases based on information provided by the National Center for Missing and Exploited Children or by other sources.

● Mrs. HAWKINS. Mr. President, I am introducing today legislation that will encourage television networks, their affiliates, and independent stations to broadcast public service announcements on missing and kidnapped children.

Each year, almost 2 million children disappear from their homes. Although many of these youngsters quickly return to their parents, an estimated 160,000 children are forcibly kidnapped annually. The tragic formulas of child abduction are being repeated thousands of times across this country. Eight years ago, Dee Scofield disappeared while running an errand at a Florida shopping center. Two days later, a classmate reportedly saw Dee looking out the window of a van, desparately forming the word "help" with her lips. Dee has never been found. Five years ago, 6-year-old Etan Patz vanished on his first unaccompanied trip to the bus stop. Despite methodical searches with bloodhounds, helicopters, and a virtual army of police, Etan's fate still remains unknown. These are just two examples of the tragedy that now daily wracks the lives of thousands of American families.

Unfortunately, the tragedy of child kidnappings is not limited to the initial horror of the abduction. For the child, kidnapping often means involvement in pornography, prostitution, sexual exploitation, and even death. For the parents, they must live in constant fear that every knock on the door, every ring of the phone could mean the final word on their personal tragedies. In this Nation, we face a virtual epidemic of these heart-wrenching stories, and the pain of this tragedy is multiplied greatly by the fact that this disease does not merely strike at one individual but at the very core of the American family.

Luckily, we are doing something to contain this terrible disease. The Missing Children's Act and the National Center for Missing and Exploited Children are important steps in this fight, but there is much more to be done by Government, by business, and by the media to effectively address this problem. The resolution I am introducing is one such vital step that we must take.

This legislation expresses the sense of the Senate that major television networks, their affiliates, and independent stations should broadcast information on kidnap victims furnished by the National Center for Missing and Exploited Children. Many stations are doing this now, and the results have been nothing less than phenomenal. Following the initial broadcast of "Adam" the docu-drama about the kidnaping and murder of a 6-year-old Florida boy, a roll of missing children was flashed across 40 million TV screens. This rollcall included the picture, name, age, and date of disappearance of 55 children. Following this display, a toll-free telephone number was shown. Mr. President, that number was on television for a mere 10 seconds, yet the results were fantastic. For 3 solid days, 100 calls an hour were recorded to that number, and over 1,000 identifications were made on the 55 children. But most gratifying of all, 13 of those children were reunited with their parents. From that brief message, 13 families were pulled from an eternity of grief to a bright and joyous future.

I do not know how much 10 seconds of air time costs, but I do know that the cost is insignificant in comparison to the incalculable benefit brought to these 13 families. For me, reuniting just one child with his family would have made this experiment an unqualified success; the other 12 triumphs only serve to point out the validity and urgency of this project.

Mr. President, similar successes have been recorded elsewhere. Judging from these results, public service announcements do stand a great chance of reaping tangible benefits. We would be remiss if we did not do everything in our power to encourage the laudable and important programs. I urge all my colleagues to join me in support of this vital measure. ●

SENATE RESOLUTION 429—AUTHORIZING THE PRINTING OF A REPORT AS A SENATE DOCUMENT

Mr. STAFFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 429

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States in compliance with section 144(i) of title 23, United States Code entitled, "Highway Bridge Replacement and Rehabilitation Program, Fifth Annual Report to Congress" be printed as a Senate document.

SEC. 2. There shall be printed three hundred additional copies for the use of the Committee on Environment and Public Works.

AMENDMENTS SUBMITTED

OPERATION OF CERTAIN DEPOSITORY INSTITUTIONS

GARN (AND PROXMIRE) AMENDMENT NO. 3593

(Ordered to lie on the table.)

Mr. GARN (for himself and Mr. PROXMIRE) submitted an amendment intended to be proposed by them to the bill (S. 2851) to authorize depository institutions holding companies to engage in certain activities of a financial nature and in certain securities activities, to provide for the safe and sound operation of depository institutions, and for other purposes; as follows:

On page 24, between lines 14 and 15, insert the following:

"(III) organize, sponsor, operate, and control an investment company, as such term is defined in section 3 of the Investment Company Act of 1940;

"(IV) underwrite, distribute, and sell securities of any investment company, as such terms are defined in section 3 of the Investment Company Act of 1940;".

Redesignate succeeding subclauses accordingly.

GARN AMENDMENT NO. 3594

(Ordered to lie on the table.)

Mr. GARN submitted an amendment intended to be proposed by him to the bill S. 2851, supra; as follows:

On page 17, lines 22 and 23, strike out "or any subsidiary or affiliate thereof".

(The remarks of Mr. GARN on this amendment and on amendment No. 3593 appear earlier in today's RECORD.)

APPLICATION OF CERTAIN CIVIL RIGHTS LEGISLATION

HATCH AMENDMENT NOS. 3595 THROUGH 3597

(Ordered to lie on the table.)

Mr. HATCH submitted three amendments intended to be proposed by him to the bill (H.R. 5490) to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

AMENDMENT NO. 3595

On page 4, line 4, insert the following new subsection:

"(d) Section 902(a)(3) is amended by striking out everything following "educational institution which is" and inserting in lieu thereof the following: ", in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, or society, or in which the curriculum is directed toward the propogation of a particular religion if the application of this subsection would not be consistent with the tenets of

such religion." Insert "or educational recipient" after "educational institution".

AMENDMENT No. 3596

Add the following language after "subunits" on page 3, line 7; page 5, line 10; page 8, line 8; and page 10, line 2:

"Provided, however, That no institution of higher education shall be deemed a 'recipient' where the only Federal financial assistance extended consists of grants received directly by students in attendance at such institutions under 20 U.S.C. 1070a (Basic Educational Opportunity Grant Program, ADS); or 38 U.S.C. 1681 (Veteran's Educational Assistance Program). This exclusion shall not apply to proprietary institutions of higher education, vocational schools, any school not entitled to tax exempt status under 26 U.S.C. 501(c)(3), or to any school which, during the five years preceding as a result of a final judgment of any court of the United States, has been found in violation of any provision of the United States Constitution or law of the United States relating to civil rights."

AMENDMENT No. 3597

In the definition of "recipient", wherever it appears, insert the following new language at the end thereof:

"Provided, however, That the term 'recipient' shall not be construed to include a church, convention, or association of churches, religious order, or other religious organizations or any subunit of the foregoing, whether or not separately organized or incorporated which does not actually receive Federal financial assistance."

APPLICATION OF CERTAIN CIVIL RIGHTS LEGISLATION—HATCH AMENDMENT NOS. 3598 THROUGH 3600

(Ordered to be referred to the Committee on Labor and Human Resources.)

Mr. HATCH submitted three amendments intended to be proposed by him to the bill (S. 2568) to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

AMENDMENT No. 3598

On page 4, line 4, insert the following new subsection:

"(d) Section 901(a)(3) is amended by striking out everything following "educational institution which is" and inserting in lieu thereof the following: ", in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, or society, or in which the curriculum is directed toward the propagation of a particular religion if the application of this subsection would not be consistent with the tenets of such religion." Insert "or educational recipient" following "educational institution".

AMENDMENT No. 3599

Add the following language after "subunits" on page 3, line 7; page 5, line 10; page 8, line 8; and page 10, line 2:

"Provided, however, That no institution of higher education shall be deemed a 'recipient' where the only Federal financial assistance extended consists of grants received directly by students in attendance at such institutions under 20 U.S.C. 1070a (Basic Educational Opportunity Grant Program, ADS); or 38 U.S.C. 1681 (Veteran's Educational Assistance Program). This exclusion shall not apply to proprietary institutions of higher education, vocational schools, any school not entitled to tax exempt status under 26 U.S.C. 501(c)(3), or to any school which, during the five years preceding as a result of a final judgment of any court of the United States, has been found in violation of any provision of the United States Constitution or law of the United States relating to civil rights."

AMENDMENT No. 3600

In the definition of "recipient", wherever it appears, insert the following new language at the end thereof:

"Provided, however, That the term 'recipient' shall not be construed to include a church, convention, or association of churches, religious order, or other religious organization, or any subunit of the foregoing, whether or not separately organized or incorporated, which does not actually receive Federal financial assistance."

GROVE CITY REVERSAL ACT

HATCH AMENDMENT NOS. 3601 AND 3602

(Ordered to be referred to the Committee on Labor and Human Resources.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill (S. 2910) to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

AMENDMENT No. 3601

On page 4, line 4, insert the following new subsection:

"(d) Section 901(a)(3) is amended by striking out everything following "educational institution which is" and inserting in lieu thereof the following: ", in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, or society, or in which the curriculum is directed toward the propagation of a particular religion if the application of this subsection would not be consistent with the tenets of such religion."

AMENDMENT No. 3602

Add the following language after "subunits" on page 3, line 7; page 5, line 10; page 8, line 8; and page 10, line 2:

"Provided, however, That no institution of higher education shall be deemed a 'recipient' where the only Federal financial assistance extended consists of grants received directly by students in attendance at such institutions under 20 U.S.C. 1070a (Basic Educational Opportunity Grant Program, ADS); or 38 U.S.C. 1681 (Veteran's Educational Assistance Program). This exclusion shall not apply to proprietary institutions of higher education, vocational schools, any school not entitled to tax exempt status under 26 U.S.C. 501(c)(3), or to any school which, during the five years preceding as a result of a final judgement of any court of the United States, has been found in violation of any provision of the United States Constitution or law of the United States relating to civil rights."

SMALL BUSINESS AND FEDERAL PROCUREMENT COMPETITION AND ENHANCEMENT ACT

WEICKER AMENDMENT NO. 3603

Mr. WEICKER proposed an amendment to the bill (S. 2489) to amend the Small Business Act to enhance competition in Government procurement, as follows:

On page 9, line 8, before "A Federal" insert the following: "A person denied the opportunity to demonstrate the ability to meet the standards specified for qualification pursuant to paragraph (1)(D) may not be denied the opportunity to submit and have considered an offer for a contract solely because the person (A) is not on a list of qualified bidders prescribed or maintained by the agency, or (B) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the agency.".

On page 16, line 15, strike out "(a)".

On page 17, line 4, strike out "not".

On page 19, line 3, beginning with ", except", strike out all through line 15 and insert in lieu thereof a semicolon.

On page 22, line 8, strike out "or to" and insert in lieu thereof "and".

On page 23, line 3, insert "as defined in" before "section".

On page 23, between lines 23 and 24, insert the following new section heading:

PLAN FOR MANAGEMENT OF TECHNICAL DATA

On page 23, line 24, strike out "(b)(1)" and insert in lieu thereof "Sec. 8. (a)".

On page 24, line 8, strike out "(A)" and insert in lieu thereof "(1)".

On page 24, line 11, strike out "(B)" and insert in lieu thereof "(2)".

On page 24, line 14, strike out "(C)" and insert in lieu thereof "(3)".

On page 24, line 20, strike out "(2)" and insert in lieu thereof "(b)".

On page 24, line 23, strike out "paragraph (1)" and insert in lieu thereof "subsection (a)".

On page 25, line 1, strike out "(3)" and insert in lieu thereof "(c)".

On page 25, line 11, strike out "8." and insert in lieu thereof "9.".

On page 28, line 18, strike out "9." and insert in lieu thereof "10.".

On page 32, line 13, strike out "10." and insert in lieu thereof "11.".

On page 32, line 21, strike out "unreasonably".

On page 33, line 3, beginning with "restrict", strike out all through "the" on line 4, and insert in lieu thereof "restrict the".

On page 33, line 8, strike out "11." and insert in lieu thereof "12.".

On page 34, line 2, strike out "12." and insert in lieu thereof "13.".

On page 34, line 5, strike out "7(b)" and insert in lieu thereof "8.".

On page 35, beginning with line 16, strike out all through page 37, line 2, and insert in lieu thereof the following:

"(4) 'technical data' means recorded information (regardless of the form or method of

the recording) of a scientific or technical nature (including engineering data) relating to the property procured by an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life.

On page 38, line 12, strike out "13." and insert in lieu thereof "14.".

On page 42, line 25, after "(a).", insert the following: "A person denied the opportunity to demonstrate the ability to meet the standards specified for qualification pursuant to subsection (a)(4) may not be denied the opportunity to submit and have considered an offer for a contract to be made by the Department of Defense solely because the person (1) is not on a list of qualified bidders prescribed or maintained by the Department of Defense, or (2) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the Department of Defense.".

On page 49, line 10, strike out "to or" and insert in lieu thereof "and".

On page 49, line 19, beginning with "may", strike out all through "(41 U.S.C. 403(4))" on line 23, and insert in lieu thereof the following: "shall be implemented in the single system of Government-wide procurement regulations, as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)) and may be waived in accordance with such procurement regulations".

On page 55, beginning with line 20, strike out all through page 58, line 3, and insert in lieu thereof the following:

"(7) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by the head of an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life.".

On page 58, line 14, strike out "unreasonably".

On page 58, line 21, beginning with "restrict", strike out all through "the" on line 22, and insert in lieu thereof "restrict the".

On page 59, line 5, strike out "14." and insert in lieu thereof "15.".

On page 60, line 1, beginning with "9,", strike out all through "11" on line 2, and insert in lieu thereof "10, and 12".

METZENBAUM AMENDMENT NO. 3604

Mr. METZENBAUM proposed an amendment to the bill S. 2489, supra; as follows:

On page 16, between lines 12 and 13, insert the following:

(d) Not later than eighteen months after the date of enactment of this section, the Comptroller General of the United States shall transmit to the Congress a report evaluating the implementation of the amendments made by subsections (b) and (c), and the extent to which such amendments have increased the opportunity of small business concens and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of Government contracts and subcontracts.

BINGAMAN AMENDMENT NO. 3605

Mr. BINGAMAN proposed an amendment to the bill S. 2489, supra; as follows:

On page 60, after line 3, insert the following:

COMPUTER CAPABILITY IMPROVEMENT PLAN

Sec. 15. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall transmit to the Congress a plan to substantially improve the Department of Defense computer capability store and rapidly access data that is needed for the efficient procurement of spare parts. Such plan shall provide for a computer data base that includes price and procurement history, parts identification, sources of supply, and other relevant information. The plan shall specify a time frame for implementation and projected cost of implementation of the improvements.

On page 38, between lines 8 and 9, insert the following new sections:

COMMERCIAL PRICING FOR SPARE PARTS

Sec. 13. (a) Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsections:

"(s)(1) Except in the case of an offer submitted with a written statement under paragraph (2) and except as provided in paragraph (3), a contract made by any agency for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(2) A person who submits an offer to an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered and providing a justification for that difference.

"(3) Paragraphs (1) and (2) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(b) Not later than 90 days after the date of enactment of this Act, the single system of Government-wide procurement regulations (as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4))) shall be revised to include provisions specifying the manner in which each executive agency (as defined in section 4(1) of such Act (41 U.S.C. 403(1))) may negotiate prices for supplies procured from a contractor which does not produce the supplies and does not add significant value to the total value of the supplies. The regulation shall include provisions reasonably limiting the amount of overhead costs which such a contractor may allocate to any item of supplies.

ECONOMIC ORDER QUANTITIES

Sec. 14. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection:

"(t)(1)(A) Each Federal agency shall procure supplies in such quantity as (i) will result in the total cost and unit cost most advantageous to the United States, when practicable, and (ii) does not exceed the quantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(B) The head of a Federal agency shall take subparagraph (A) into account in approving rates of obligation of appropriations.

"(2) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity."

PUBLICATION OF PROPOSED REGULATIONS

Sec. 15. The office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof "Changes to the single system of Government-wide procurement regulations (as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403 (4))), including supplemental regulations to agency acquisition regulations, may not take effect until the date thirty days after the date such regulations have been published in the Federal Register for public comment."

PERSONNEL EVALUATIONS TO INCLUDE EMPHASIS ON COMPETITION AND COST SAVINGS

Sec. 16. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection:

"(u) The head of each Federal agency shall establish procedures to ensure that personnel appraisal systems of the agency give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to the contract of the agency.".

Redesignate the succeeding sections accordingly.

On page 53, line 18, strike out the end quotation marks and the period after the end quotation marks.

On page 53, between lines 18 and 19, insert the following:

"§ 2321. Commercial pricing for spare parts

"(a)(1) Except in the case of an offer submitted with a written statement under sub-

section (b), and except as provided in subsection (c), a contract made by any agency referred to in section 2303(a) of this title for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(b) A person who submits an offer to such an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

On page 53, at the end of the last item set out after line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 53, at the end of the matter set out after line 21, add the following:

"2321. Commercial pricing for spare parts.".

On page 59, between line 3 (and the material set out after line 3) and line 4, insert the following:

(d)(1) Chapter 137 of title 10, United States Code (as amended by subsection (a)(1)), is further amended by adding at the end thereof the following new section:

"§ 2322. Encouragement of competition and cost savings

"The Secretary of Defense shall establish procedures to ensure that personal appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts covered by this chapter.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (a)(2)) is further amended by adding at the end thereof the following new item:

"2322. Encouragement of competition and cost savings.".

(e) Section 2303 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Regulations prescribed under this chapter by the Secretary of Defense or the Secretary of a military department may not take effect until thirty days after such regulations have been published in the Federal Register for public comment.".

(f)(1) Chapter 141 of title 10, United States Code (as amended by subsection (c)(1)), is further amended by inserting after section 2384 the following new section:

"§ 2384a. Supplies: economic order quantities

"(a)(1) An agency referred to in section 2303(a) of this title shall procure supplies in such quantity as (A) will result in the total cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(2) The Secretary of Defense shall take paragraph (1) into account in approving rates of obligation of appropriations under section 2204 of this title.

"(b) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (c) (2)) is further amended by inserting after the item relating to section 2384 the following new item:

"2384a. Supplies: economic order quantities.".

Mr. LEVIN proposed an amendment to the bill (S. 2489) supra, as follows:

On page 38, between lines 8 and 9, insert the following new sections:

COMMERCIAL PRICING FOR SPARE PARTS

SEC. 13. (a) Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsections:

"(s)(1) Except in the case of an offer submitted with a written statement under paragraph (2) and except as provided in paragraph (3), a contract made by an agency for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(2) A person who submits an offer to an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offer or for the parts and the price offered and providing a justification for that difference.

"(3) Paragraphs (1) and (2) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

(b) Not later than 90 days after the date of enactment of this Act, the single system of Government-wide procurement regulations (as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4))) shall be revised to include provisions specifying the manner in which each executive agency (as defined in section 4(1) of such Act (41 U.S.C. 403(1))) may negotiate prices for supplies procured from a contractor which does not produce the supplies and does not add significant value to the total value of the supplies. The regulation shall include provisions reasonably limiting the amount of overhead costs which such a contractor may allocate to any item of supplies.

ECONOMIC ORDER QUANTITIES

SEC. 14. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection:

"(t)(1)(A) Each Federal agency shall procure supplies in such quantity as (i) will result in the total cost and unit cost most advantageous to the United States, when practicable, and (ii) does not exceed the qantity reasonably expected to be required by the agency during a fiscal year or longer period for which an appropriation is available for which an appropriation is available for the purpose of procuring such supplies.

"(B) The head of a Federal agency shall take subparagraph (A) into account in approving rates of obligation of appropriations.

"(2) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantageous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

PUBLICATION OF PROPOSED REGULATIONS

SEC. 15. The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof "Changes to the single system of Government-wide procurement regulations (as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4))), including supplemental regulations to agency acquisition regulations, may not take effect until the date thirty days after the date such regulations have been published in the Federal Register for public comment."

PERSONNEL EVALUATIONS TO INCLUDE EMPHASIS ON COMPETITION AND COST SAVINGS

SEC. 16. Section 15 of the Small Business Act is further amended by adding at the end thereof the following new subsection:

"(u) The head of each Federal agency shall establish procedures to ensure that personnel appraisal systems of the agency given appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to the contracts of the agency.".

Redesignate the succeeding sections accordingly.

On page 53, line 18, strike out the end quotation marks and the period after the end quotation marks.

On page 53, between lines 18 and 19, insert the following:

§ 2321. Commercial pricing for spare parts

"(a)(1) Except in the case of an offer submitted with a written statement under subsection (b), and except as provided in subsection (c), a contract made by any agency referred to in section 2303(a) of this title for the purchase of spare or replacement parts offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(b) A person who submits an offer to such an agency for the supply of spare or replacement parts having commercial application shall certify that the offered price is

its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offer or for the part and the price offered and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required by paragraph (1) for such contract is not appropriate because of—

"(A) national security considerations; or

"(B) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.".

On page 53, at the end of the last item set out after line 21, strike out the end quotation marks and the period after the end quotation marks.

On page 53, at the end of the matter set out after line 21, add the following:

"§ 2321. Commercial pricing for spare parts.".

On page 59, between line 3 (and the material set out after line 3) and line 4, insert the following:

(d)(1) Chapter 137 of title 10, United States Code (as amended by subsection (a)(1)), is further amended by adding at the end thereof the following new section:

"§ 2322. Encouragement of competition and cost savings

"The Secretary of Defense shall establish procedures to ensure that personnel appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts covered by this chapter.".

"§ 2322. Encouragement of competition and cost savings.".

(e) Section 2303 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Regulations prescribed under this chapter by the Secretary of Defense or the Secretary of a military department may not take effect until thirty days after such regulations have been published in the Federal Register for public comment.".

(f)(1) Chapter 141 of title 10, United States Code (as amended by subsection (c)(1)), is further amended by inserting after section 2384 the following new section:

"§ 2381a. Supplies: economic order quantities

"(a)(1) An agency referred to in section 2303(a) of this title shall procure supplies in such quantity as (A) will result in the tatol cost and unit cost most advantageous to the United States, where practicable, and (B) does not exceed the quantity reasonably expectd to be required by the agency during a fiscal year or longer period for which an appropriation is available for the purpose of procuring such supplies.

"(b) Each solicitation for a supply contract shall include a clause requesting each contractor responding to the solicitation to state an opinion on whether the quantity of the supplies proposed to be procured is economically advantageous to be procured is economically advantageous to the United States and, if applicable, to recommend two quantities which would be more economically advantgeous to the United States. Each such recommendation shall include a quotation of the total price and the unit price for supplies procured in each recommended quantity.".

(2) The table of sections at the beginning of such chapter (as amended by subsection (c)(2)) is further amended by inserting after the item relating to section 2384 the following new item:

"2384a. Supplies: economic order quantities.".

BYRD (AND OTHERS) AMENDMENT NO. 3607

Mr. BYRD (for himself, Mr. NICKLES, and Mr. LEVIN) proposed an amendment to the bill S. 2489, supra; as follows:

At the end of the bill, add a new section, as follows:

ADVOCATE FOR COMPETITION

SEC. . (a) Chapter 137 of title 10, United States Code, is further amended by inserting after section 2306 the following new section:

"§ 2306a. Office of the Competition Advocate General

"(a)(1) There is in the executive part of each agency referred to in section 2303(a) of this title an Office of the Competition Advocate General (hereinafter in this section referred to as the 'Office'). The head of the Office is the Competition Advocate General.

"(2) The head of a military department or the Coast Guard shall designate a commissioned officer of the armed forces who is serving on active duty in a grade not below colonel or, in the case of an officer in the Navy or the Coast Guard, serving in a grade not below captain, to be the Competition Advocate General of the agency. The head of the National Aeronautics and Space Administration shall designate a civilian in a grade not below GS-16 to be the Competition Advocate General of the agency. The designation shall be for a term of two years. An officer of the armed forces while serving as the Competition Advocate General shall have the grade of major general or rear admiral, as appropriate, unless entitled to a higher grade under another provision of law.

"(3) The head of an agency shall provide the Competition Advocate General of the agency such staff or assistance as may be necessary to carry out the duties and responsibilities of the advocate for competition.

"(b)(1) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency, promote competition in the procurement of property and services by the agency.

"(2) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency—

"(A) review the purchasing and contracting activities of the agency;

"(B) identify and report to the head of the agency—

"(i) opportunities to achieve competition on the basis of price and other significant factors in the purchases and contracts of the executive agency;

"(ii) solicitations and proposed solicitations which include unnecessarily detailed specifications or unnecessarily restrictive statements of need which may reduce competition in the procurement activities of the executive agency; and

"(iii) any other condition or action which has the effect of unnecessarily resticting competition in the procurement actions of the agency.

"(c)(1) The Competition Advocate General of an agency shall review each proposed noncompetitive procurement in the agency involving more than $100,000 before a solicitation for the procurement is issued and shall recommend to the procurement or program officer involved specific acquisition actions as appropriate.

"(2) An agency need not delay the issuance of a solicitation for a noncompetitive procurement for more than 10 working days in the event of a procurement of more than $100,000 but less than $10,000,000, or for more than 15 working days in the event of a procurement of $10,000,000 or more, for the purposes of permitting the Competition Advocate General to accomplish the review referred to in subsection (c)(1).

"(3) The agency may waive submission of a solicitation for a noncompetitive procurement to the Competition Advocate General if—

"(A) the solicitation deals with a highly classified program and the head of the agency, or his designee not below the level of an Assistant Secretary, determines that review by the Competition Advocate General is not consistent with the security requirements of such program; or

"(B) the head of the agency, or his designee not below the level of an Assistant Secretary, determines that the urgency of the procurement is of such an extreme nature that the procurements should not be delayed for review by the Competition Advocate General.

"(4) At least 15 days before a procurement or program officer takes or directs an action inconsistent with a recommendation made by a Competition Advocate General under paragraph (1), the officer shall submit a written justification for such action to the head of the procuring activity, and shall transmit a copy of the justification to the Competition Advocate General of the agency.

"(d)(1) Each head of an agency shall transmit annually to the Senate and the House of Representatives a report detailing any procurements made by the agency which were inconsistent with any recommendation made under subsection (c)(1). Such annual report shall include the annual report required by paragraph (2) to be made by the Competition Advocate General of the agency.

"(2) Each Competition Advocate General of an agency shall prepare and transmit to the head of the agency an annual report describing the activities of the Office under this section during the preceding year.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306 the following new item:

"2306a. Office of the Competition Advocate General.".

NUNN AMENDMENT NO. 3608

Mr. NUNN proposed an amendment to the bill S. 2489, supra; as follows:

At the appropriate place in the bill, insert the following new section:

"MINIMUM TOUR OF DUTY FOR OFFICERS ASSIGNED TO CERTAIN DUTIES IN THE DEPARTMENT OF DEFENSE

"SEC. . (a) The tour of duty of an officer of the Armed Forces assigned as a program manager of a major defense acquisition program (as defined in section 139a(a) of title 10, United States Code) shall be (1) not less than four years, or (2) until completion of a major program milestone (as defined in regulations prescribed by the Secretary of Defense).

"(b) The tour of duty of an officer of the Armed Forces assigned as the commander of the Army Materiel Development and Readiness Command, the Naval Materiel Command, the Air Force Systems Command, or the Air Force Logistics Command shall not be less than four years.

"(c) The length of the tour of duty prescribed in subsection (a) or (b) may be waived in the case of any officer by the Secretary of the military department of which the officer is a member. Such authority may not be delegated."

SUPPLEMENTAL APPROPRIATIONS, 1984

EXON (AND OTHERS) AMENDMENT NO. 3609

Mr. EXON (for himself, Mr. ZORINSKY, Mr. JEPSEN, Mr. BOREN, Mr. PRYOR, Mr. PRESSLER Mr. HUDDLESTON, Mr. FORD, and Mr. NICKLES) proposed an amendment (which was subsequently modified) to the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds and declares that—

(1) the competing credit demands by State and local governments, agriculture, business, and consumers, aggravated by massive Federal debt financing and increasing credit demands by foreign governments, continue to cause serious economic disruption in rural America;

(2) the United States has a vital interest in protecting the economic health of American farmers;

(3) the American farmer has been caught in an unprecedented credit squeeze;

(4) monetary and fiscal policies have substantially caused real interest rates to remain at two or three times historic levels of such rates;

(5) high real interest rates have dramatically increased the value of the dollar to the detriment of farmers who devote at least one out of three acres of land to production for export;

(6) the average value of an acre of farm land fell this year for the third year in a row, the longest sustained decline since the Great Depression;

(7) the total amount of debt owed by American farmers is $203,800,000,000;

(8) last year Brazil, Mexico, Argentina, and Venezuela held $260,000,000,000 in external debt and the interest payments on these loans alone totaled more than $20,000,000,000;

(9) the governments of Brazil, Mexico, Argentina, and Venezuela have been successful in securing postponements in debt and principal repayments, favorable renegotiations, new loan guarantees, and other special arrangements through private negotiations, assistance from the United States Government, and the International Monetary Fund; and

(10) American farmers have been unsuccessful in obtaining as favorable special treatment from private banks or the Federal Government.

(b) It is therefore the sense of the Congress that—

(1) the President, in cooperation with the Board of Governors of the Federal Reserve System, should exercise appropriate authority to assure that an adequate flow of credit be available to American farmers at reasonable rates and that American farmers be treated no less favorably than foreign borrowers with comparable levels of risk, and

(2) the President, in cooperation with the Board of Governors of the Federal Reserve System, should take noninflationary actions necessary to reduce interest rates which are currently at levels abnormally above the historic real cost of money.

ANDREWS AMENDMENT NO. 3610

Mr. ANDREWS proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 42, line 21 strike the word "Provision" and insert in lieu thereof "Provisions".

On page 43, following line 9, insert the following:

"Section 306(b)(2) of the Indian Elementary and Secondary School Assistance Act, Public Law 92-318, (20 U.S.C. 241ee(b)(2)) is amended to read as follows:

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Secretary of Education) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 per centum of such combined fiscal effort for that purpose for the second preceding fiscal year. In addition, the Secretary may waive this requirement for exceptional circumstances for one year only.".

PELL AMENDMENT NO. 3611

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill H.R. 6040, supra; as follows:

At the end of the bill, add the following new section:

POLICY ON TAIWAN

SEC. . (a) The Congress finds that—

(1) February 28, 1984, marked the twelfth anniversary of the Shanghai Communique signed by the United States and the People's Republic of China;

(2) the communique and the 1979 United States-People's Republic of China normalization agreement greatly improved relations between Washington and Beijing;

(3) peace has prevailed in the Taiwan Strait since the normalization of relations between the United States and the People's Republic of China;

(4) maintaining a sound United States-People's Republic of China relationship serves the interests of both countries and the interests of peace in the Pacific region;

(5) the United States has also pledged in the Taiwan Relations Act to continue commercial, cultural, and other relations between the people of the United States and the people of Taiwan; and

(6) the United States established diplomatic relations with the People's Republic of China in the expectation that the future of Taiwan will be determined by peaceful means.

(b) It is the sense of the Congress that Taiwan's future should be settled peacefully, free of coercion, and in a manner acceptable to the people on Taiwan and consistent with the Taiwan Relations Act enacted by the Congress and with the communiques entered into between the United States and the People's Republic of China.

HELMS (AND EAST) AMENDMENT NO. 3612

(Ordered to lie on the table.)

Mr. HELMS (for himself and Mr. EAST) submitted an amendment intended to be proposed by them to the bill H.R. 6040, supra; as follows:

On page 7, line 6, strike out "$8,530,000" and insert in lieu thereof "$9,330,000".

On page 7, line 10, before the period insert ": *Provided further*, That $800,000 shall be available for program enhancement at the National Oceanic and Atmospheric Administration Undersea Research Program at the University of North Carolina at Wilmington".

KASTEN (AND OTHERS) AMENDMENT NO. 3613

Mr. KASTEN (for himself, Mr. HUDDLESTON, Mr. HATFIELD, Mr. INOUYE, Mr. DECONCINI, Mr. EAGLETON, and Mr. COCHRAN) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 68, between lines 14 and 15, insert the following:

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $7,000,000: *Provided*, That this sum shall be available only for emergency inland transportation associated with food relief efforts in Africa.

STEVENS AMENDMENT NO. 3614

Mr. STEVENS proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 87, line 5, strike "234,630,000" and insert in lieu thereof "$244,630,000";

On page 87, line 6, strike "$40,000,000" and insert in lieu thereof $30,000,000.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to consider S. 1981, to amend the Small Reclamation Projects Act of 1956, as amended. The hearing will be held on Thursday, September 20, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Witnesses should provide the subcommittee with 25 copies of their written statement 24 hours in advance of the hearing and 75 copies on the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, August 7, at 10 a.m., to hold a hearing to consider the nomination of Edward Streator, to be Representative of the Organization of Economic Cooperation and Development with rank of Ambassador, to be followed by a briefing at 11 a.m. on the overview of U.S. security assistance package for Central America for 1984 and 1985 and the current situation in El Salvador, and at 2:30 p.m. to consider the nomination of Victor Rivera, to be Assistant Administrator for AID for Inter-American Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, August 7, in open session to be followed by a closed hearing on the nomination of Maj. Gen. William W. Hoover, to be Assistant Secretary of Energy for Defense Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OVER 10,064 MEMBERS HAVE SERVED IN CONGRESS

● Mr. GOLDWATER. Mr. President, while traveling in California last week, I was asked several questions about the Senate and, on my return to Washington, I obtained the information from the Library of Congress and it is so interesting I just want to place it here in the RECORD so that my colleagues could see it.

Since 1758, there have been a total of 15 Senators who have served 30 years exclusively in the Senate. If we include Senators who have also served time in the House of Representatives, the number goes up to 73. Fifty-nine Senators have served in the House.

Since 1758, over 10,064 Members have served in the entire Congress, both House and Senate. I just thought you would be interested in this.●

OMAHA WORLD-HERALD CALLS FOR TOUGH EXPORT CONTROLS

● Mr. GARN. Mr. President, the United States and our allies recently reached agreement in principle to improve controls on the export of computer equipment to the Soviet bloc. This agreement demonstrates great progress in the administration's efforts to stem the hemorrhage of strategically important goods and technologies to our potential adversaries.

These controls are essential for the maintenance of our national security, for our security is based upon the qualitative superiority of our defense systems. Our defense will continue to depend upon such a qualitative superiority as long as we wish to avoid adding millions more of our people to the Armed Services and more than doubling our conventional weapons.

Mr. President, it seems to me that there should be little disagreement about the foolishness of selling anything to our adversaries that will improve their ability to kill Americans.

The Omaha World-Herald published an editorial on July 21 that comments on our export control efforts. I wholeheartedly agree with its conclusion:

Tight restraints on the sale of strategic products and other materials to the Soviet Union are necessary. The Soviet military establishment has strengthened itself too much already by taking advantage of Western technology.

Mr. President, I ask that the text of the editorial from the Omaha World-Herald be printed in the RECORD.

The editorial follows:

[From the Omaha World-Herald, July 21, 1984]

TOUGH RESTRAINTS ARE NEEDED ON SOME SALES TO SOVIET BLOC

Some members of the Coordinating Committee for Multinational Export Controls don't seem to share fully the commitment of the United States to prevent the Soviet Union from buying Western products with possible military uses.

The committee is made up of Japan and most countries that belong to the North Atlantic Treaty Organization. The idea is to keep strategic goods out of Communist hands. Adherence to the group's rules is voluntary.

Representatives of the 15 countries often disagree on whether a type of product could be of military value, or whether the Soviets could find similar equipment in places such as Sweden, Singapore, Hong Kong or Austria, which are not members of the committee.

A point of dispute is West Germany's desire to sell an advanced diesel engine to the Soviet Union. The United States opposes the sale because current Soviet diesels are inefficient. Many Russian submarines and tanks that use diesel engines are underpowered.

Similarly touchy are American and British proposals to liberalize the rules on the sale of arms to mainland China. France and West Germany are afraid the Kremlin would be offended.

The committee did agree recently to new restrictions on the sale of computer technology to the Soviet Union. Software and computerized telecommunications switching equipment were placed under export controls.

Over the objections of the United States, the committee decided that certain types of personal computers and desktop equipment that are commonly available on world markets may now be shipped to the Soviet Union and other Communist countries.

The Defense Department said some of the small computers can be adapted for battlefield use. The Reagan administration wants to prohibit all such products from going to the Soviets, but practicality and the more generous attitudes of other members of the committee make such a prohibition difficult.

The give-and-take that produced the new rules required 22 months of study and discussion. Tight restraints on the sale of strategic products and other materials to the Soviet Union are necessary.

The Soviet military establishment has strengthened itself too much already by taking advantage of Western technology.●

THE RETIREMENT EQUITY ACT OF 1984, H.R. 4280

● Mr. MOYNIHAN. Mr. President, I am very pleased to rise to express my support for legislation vital to the economic well-being of American women, the Retirement Equity Act of 1984. I was an original cosponsor of this legislation, and I have long supported its needed reforms. The Retirement Equity Act of 1984 will bring this Nation a little closer to realizing a goal we all share—full economic equality for women and men.

This legislation will change certain aspects of current pension law to eliminate discrimination against women in this vital area. As women have joined men in the work force in large numbers—today, fully 43.5 percent of American workers are women—it has become increasingly apparent that the existing pension and retirement laws do not accommodate certain special needs of women and homemakers. Many disturbing instances of outright discrimination also have become apparent. These laws must be changed, to ensure American women their due financial security, now and into the future. The present legislation could help ameliorate the feminization of poverty, particularly among elderly women, by providing new protections for widows and for women who become divorced or separated from their husbands.

This legislation has the support of both women's and industry groups. Among its many features are provisions to ensure that more women qualify for employer pension plans, provisions to protect women's pension rights when they elect maternity leave or longer breaks in their work service, and provisions to protect spousal survivors. The legislation also allows courts to split pension benefits between a husband and wife who separate or divorce. Although this legislation does not address every necessary change in this area, it is a necessary and long overdue step in the continuing struggle for full equality. Women, in the American work force and out,

must be guaranteed the financial security they have earned.

Mr. President, this legislation is not a panacea, nor is it intended to be a substitute for the equal rights amendment. As one of the original cosponsors of the equal rights amendment, I know that equal rights for women cannot be achieved until it is part of the U.S. Constitution. Nevertheless, I am committed to the passage of every piece of legislation—large or small—that promotes equity among men and women. I thank my colleagues for passing the Retirement Equity Act of 1984, and I urge my colleagues to work to ensure that the equal rights amendment is part of the U.S. Constitution.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. Paul Donnelly, of the staff of Senator CHRISTOPHER DODD, to participate in a program in Taipei, Taiwan, sponsored by Tamkang University from July 1-8, 1984.

The committee has determined that participation by Mr. Donnelly in the program in Taipei, Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Henry Sokolski of the staff of Senator DAN QUAYLE, to participate in a conference in Taipei, Taiwan, sponsored by Tunghai University in August 1984.

The committee has determined that participation by Mr. Sokolski in the conference in Taipei, Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Tom Blau of the Intelligence Committee staff to participate in a program in Taipei, Taiwan, sponsored by Tunghai University from August 13-19, 1984.

The committee has determined that participation by Mr. Blau in the program in Taiwan, at the expense of Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.●

LEGACY OF DEATH FROM "GREAT LEAP FORWARD"

● Mr. GOLDWATER. Mr. President, the world has rightfully never forgotten the horrible crime of genocide committed by Nazi Germany against 6 million Jews during the so-called final solution campaign of 1939-45. Even more overwhelming in numbers, however, is the calamitous 30 million deaths and 37 million unborn directly attributable to the inhuman policies of Communist China during the misnamed "Great Leap Forward," the years of 1958-61.

These depressing totals of loss of life in mainland China are based on newly available demographic data released by Communist China itself, data which population experts believe is accurate and detailed. Part of the information is contained in the census of Red China conducted in 1964, but not published until the last 2 years. The new information is also derived from the 1982 Census of Population, the 1982 Fertility Survey and the Statistical Yearbook for 1983, which includes official annual birth and death rates since 1950. Data from the 1953 mainland China census has also been made available with much more detail than previously known.

The availability of this detailed information has disclosed a tragedy of enormous proportions, one that has been suggested by many objective observers of Communist China, but which the news media until now had generally rejected as unsupported speculation. According to this new statistical data, published in official Chinese Communist sources, the birth rate in Red China fell from 42.5 per 1,000 in 1957, the year preceding the "Great Leap Forward," to 21.9 in 1961, the height of the economic disruption and famine resulting from this Government created crisis. Translated in population figures, this data means that 29 million babies were not born, not because of birth control policies, but because of the widespread starvation and malnutrition of the entire population.

At the end of this horribly conceived and mismanaged social experiment by the Communist government, the birth rate increased to 50 births per 1,000, demonstrating by contrast the massive disruption of normal life that can only have been caused by Communist policies.

Official records of death rates reveal an even more frightful picture of human suffering during the "Great Leap Forward." An extraordinary excess mortality occurs in these years which cannot be explained except by the horrible failure of rigidly imposed, insane economic policies set on the people of the mainland by dictate of the Communist tyrants who occupy that territory. Officially recorded deaths show an increase during the years of 1958-61 from 10.8 per 1,000 to 25.4 per 1,000 in the peak year of 1963. Rephrased in terms of total number of deaths, the figure derived from officially recorded sources discloses that the "Great Leap Forward" led to an excess of 16 million deaths over and beyond the total that could be explained by normal conditions.

Even these official totals, as mind boggling as they are, underestimate the true extent of harm caused by the Communist government. According to the comprehensive report prepared by the committee on population and demography, which was approved and substantially funded by the National Research Council, the principal operating agency of both the National Academy of Sciences and the National Academy of Engineering, the actual total number of excess deaths in 1958-61 is 27 million. The higher figure is calculated by applying a series of stringent tests of accuracy and consistency to the census data of 1953, 1964, and 1982 and comparing the results with official totals.

The same kind of professional analysis has been made by Dr. Judith Banister, chief of the China branch of the U.S. Bureau of the Census, who calculates that fully 30 million people died of famine and economic chaos induced by the "Great Leap Forward." In an interview with the Baltimore Sun this year, Dr. Banister points out that only now could the world know, with the confirmation of statistics originating with Communist China itself, the incredibly high human costs of the "Great Leap Forward." Dr. Banister points out that for over 20 years Communist China's demographic and economic statistics have been suppressed. Until now, it was impossible to document what happened during the decades from 1958-78.

What has been revealed is that communism is a terrible blight on humankind, that state economic control is a total disaster and that Chairman Mao was not a humane agrarian reformer, but in truth was a power-mad dictator fully capable of unleashing every conceivable ill on the Chinese people, from famine to genocide.

To the 30 million deaths in 1958-61 must be added the 50 million or more of its own people literally murdered by the state system of Communist China during the cultural revolution, in slave labor camps and throughout its miserable period of occupation on the mainland since 1949.

It is almost sickening for me to see our Government officials smile and toast these Communist dictators and make deals with them to the detriment of our true friends in the Repub-

lic of China, and I hope this latest evidence of Communist failure will reach the attention of the White House and be used in shaping our Government's Asian policies according to realistic, instead of sentimental, views of the regime on the Chinese mainland.

Mr. President, I ask that four articles on this subject from the Baltimore Sun, Washington Post, and Washington Times, including an interview with Dr. Banister, may appear in the RECORD.

The material follows:

[From the Baltimore Sun, Apr. 26, 1984]

THE DEATH OF 30 MILLION CHINESE

(By Stephens Broening)

The loss of life in China during the Great Leap Forward, 1958–1961, ranks among the Twentieth Century's worst human catastrophes, according to recently published Chinese population figures.

More people died in China during that four-year span than in all the battles of the First World War, or the Holocaust of Europe's Jews or Soviet collectivization and Stalin's Terror, the figures show.

According to one calculation, the deaths of Chinese from famine and related causes during the Great Leap Forward may even have totaled 30 million people, or nearly double the battlefield losses of all countries in World War II.

China was not at war at the time of the Great Leap Forward. There was no mass epidemic. The weather was bad, but no worse than at some other periods in Chinese history. Yet there is nothing in Chinese records of the previous 80 years—including wars, famine and pestilence—which shows such a sudden and massive nationwide rise in mortality. The damage appears to have been self-inflicted.

Until now Western scholars have usually referred to the period as an "economic disaster" or a "farm crisis" or simply as the "failure" of Mao Tse-tung to rewrite the rules of economic development. There was scattered anecdotal evidence of the human costs—reports from refugees on conditions in a village, or a province; underground literature—but not enough to allow a sound generalization.

This was due largely to the Chinese authorities, who for understandable reasons suppressed population and food production figures that would have permitted such a calculation. One American expert, Thomas B. Wiens, says 1958–1963 was "an era of statistical anarchy or near-total silence" on the part of the Chinese.

The base line was the 1953 census, taken four years after the Communists won power. The Chinese conducted a subsequent census in 1964, but didn't announce it to the outside world at the time. Detailed results from it were made available only last year. Most recently, a widely publicized census was undertaken in 1982, the first one China ever processed by computer. It counted slightly more than 1 billion Chinese.

The new figures from 1964 and 1982, plus a 10-percent sampling from 1982 census questionnaires, made available just a few months ago, were a bonanza for foreign demographers, such as Judith Banister, chief of the China Branch at the U.S. Bureau of the Census. As Louis Kincannon, deputy director of the U.S. Census Bureau, told an unprecedented gathering of demographers in Peking last month, "Analysis of data from all three censuses provides the best picture of Chinese demographic trends ever available."

While the picture may have been clear, it was not very pretty.

The official Chinese interpretation of the population data is that some 15 million people perished in the Great Leap Forward. Dr. Banister thinks the Chinese have underestimated the rates of "excess mortality," deaths of people unexplained by previous or subsequent trends. Official Chinese estimates are based on registered deaths, which historically are underreported. Dr. Banister concludes that the immediate human cost was nearer 30 million.

Dr. Banister and the Chinese are not so far apart, however, in their estimates of the delayed cost in unborn Chinese, what demographers call a deficit of births. In conditions of malnutrition and starvation, the birth rate falls. Severely malnourished women may suffer from amenorrhea, the absence of menstruation; men simply lose their sexual desire. The Chinese estimate the deficit of births for the period at 29 million, Dr. Banister at 37 million.

So the total human cost—counting both the living and the unborn—was at least 44 million by current Chinese estimates, or as high as 67 million, according to the calculations of the Census Bureau's China Branch.

Right after the policies of the Great Leap Forward were abandoned, the death rate fell and the birth rate rose, both returning to the population trends evident before 1958.

What happened during these years to produce such a calamity? What was the Great Leap Forward?

When Mao proclaimed the Great Leap Forward he promised that "three years of struggle" would lead to "a thousand years of Communist happiness." His intention was to accelerate the pace of industrialization and the accumulation of capital. He was, he thought, going to have China leap over the next step in economic development directly to mature communism. The result was economic and administrative chaos, and ultimately famine.

Private property was abolished, the rural population was organized into communes which were to pay and feed their members equally, without regard to individual output. At the same time, national steel and iron output were to be suddenly doubled with the establishment of "backyard" iron and steel mills throughout the country.

Peasants slaughtered their livestock rather than give it to the commune. With the abolition of private plots there was an almost immediate shortage of vegetables. Agriculture suffered widespread neglect when armies of peasants were mobilized for the backyard smelters or for vast public works projects.

Mao's underlings assured him everything was going fine. In the midst of growing food shortages the government falsely reported record harvests for two succeeding years. Mao said to push on.

In 1959, Marshal Peng Dehuai, the defense minister, urged an end to the Great Leap Forward. Peng was imprisoned. An excerpt from his notes at the time, published in 1980, four years after Mao's death, provides a sketch of the vast social and economic dislocation that produced the famine:

". . . In August, 1958, at the Beidaihe Central Committee meeting when it was suggested to double the steel and iron output (there were also demands for doubling the output of other items in one year), i.e., from 5.35 million tons of steel in 1957 to reach a production of 10.7 million tons in 1958, there were only four months of the year left and output had only reached the previous year's figure.

"[This meant] a . . . general mobilization . . . for all the people to produce steel and iron; that meant the mobilization of 90 million people to go into the countryside to smelt iron in small backyard furnaces. . . . This . . . was not only a violent shock to the market, but also affected the progress of the autumn harvest, so that many crops, such as grain, yams and potatoes, cotton, peanuts, tobacco, tea-oil, grapefruit, etc., were not properly harvested and some not at all. The peasants, having to work hard [at other tasks], let the harvest rot on the ground for nothing.

"The results of this operation . . . affected the livelihood of the people, *who were left with nothing to eat during the first half of 1959* [italic added]. . . . [The] destruction and loss were beyond calculation!

". . . aluminum and iron utensils of all sorts were smashed to meet the duty of turning in the required amount of iron; houses were torn down and trees were felled to provide fuel for iron-smelting, not to speak of the wastage of ore. This iron-smelting by the entire people was actually one big widespread destruction. . . ."

Only now, some 25 years after the fact, are the Chinese providing information that allows a measure of this destruction to be made.

(Stephens Broening is editor of the Opinion Commentary page.)

[From the Baltimore Sun, Apr. 26, 1984]

CALCULATING THE COST

(Judith Banister, chief of the China Branch at the U.S. Bureau of the Census, is both a China expert and a demographer. Dr. Banister and her staff have calculated on the basis of recently published population figures that China's Great Leap Forward cost some 30 million lives. In an interview with the editor of the Opinion, Commentary page, Dr. Banister tells how it was done.)

Question: The first census by the Communist regime in China was conducted in 1953, I believe, and until pretty recently, you had little to update it with to get a more complete picture of demographic trends in China. There was a census taken in 1964, and a census taken in 1982. When did you begin to get usable information from these censuses and what use were you able to make of it?

Answer: The usable information from the 1953 and 1964 census was only released at the end of 1982, along with the first data from the 1982 census. . . . The single-year age structures, age distributions, were released from the 1953 and 1964 censuses, and then there was a 10-percent sample of the 1982 census questionnaire.

With these single-year age and sex structures, we can reconstitute population trends from 1953 to 1982. We took these three age structures by single years of age, and we combined them with the data from a new fertility survey that was taken in China, along with the census; the survey was released very recently, just a few months ago. This gave us the fertility trends and population growth trends for the period 1953 to 1982. From that we could derive mortality trends.

Now for the first time we have a fairly good picture of China's demographic trends from 1953 to 1982. That was only possible with the release of the age-structure data at the end of 1982.

Q. What did these figures show?

A. Well, first, the data from the three censuses, the age-structure data, are extremely accurate, very high quality age reporting, so

that we don't have to do any adjusting and can use the data as they are. Therefore, most demographers will be able to agree on what they tell us.

The fertility survey gave us annual fertility for China of apparently high accuracy from the early Fifties until through 1981, and the censuses appear to be approximately equally complete. That is what we derive from analyzing what are called survival ratios, how people in each cohort survive from one census to the next, how many of them survive. So we use our demographic skills to test the reasonableness and the likely accuracy of the successive age structures, and we find them highly reasonable.

Q. Is there internal consistency?

A. Very strong internal consistency.

Q. Were there any unusual trends which showed up when you compared the three censuses: '53, '64 and '82?

A. The most striking one is the severe drop in fertility that shows up in the numbers of young children in the 1964 census, and when they are 18 years older in the 1982 census, it is verified again. That is, there was a steep drop in fertility which shows up as very small cohorts born during the Great Leap Forward period.

Q. This is '58 to '61?

A. Yes, which goes from 1958 through 1961.

Q. Did anything else turn up when you examined this period of the Great Leap Forward?

A. Well, what you find in comparing the 1953 census count and age structure with the 1964 census count and age structure is that population growth was far less than one would have expected with the population trends of the early and mid-Fifties. The reason it was far less than expected was because of a sharp rise in mortality and a sharp drop in fertility during the years of the Great Leap Forward, 1958 to 1961.

Q. You say there was a sharp rise in mortality? How big?

A. China has released its own estimates of that period, and the official data show a rise from a crude death rate of 10.8 per thousand population in 1957 to a crude death rate of 25.4 at the height of the famine in 1960, and then a sharp drop again in 1962.

Q. What does this mean as a sort of gross number? You talk about going from 10.8 per thousand deaths to 25.4 per thousand.

A. If you just use the official data and calculate the excess deaths to the population, you're getting about 15 million excess deaths during the four-year period.

Q. What do you mean by excess deaths?

A. Well, those are deaths above what you would have expected if that crude death rate of 10.8 had held for those four years, which it would have done.

Q. How do demographers explain deaths in excess of what were expected or anticipated or indicated by previous trends? What conclusions can a demographer draw from that?

A. We draw the same conclusions that anybody would, that there must have been some crisis which caused a sharp increase in deaths. So, we go after the source of, the cause of the deaths.

China had achieved a tremendously sharp drop in mortality during the 1950's, which we can document through studies of changes in health trends and the mortality trends of the early and mid-1950's. It was a drop to half the death rate of before 1949.

So, China had made great achievements in mortality up through 1957, but then there was this very sharp reversal of that progress, temporary but sharp, for the Great Leap period.

Q. So, are the Chinese conceding or stating that 15 million people died from famine or other causes during this four-year period?

A. No, this is simply derivable from the data which the Chinese are now releasing from this period. For over 20 years China's demographic and economic statistics have been suppressed. From 1958 through 1978 most important demographic and economic data were not released.

Only now are the retrospective historical data being published and, therefore, only now can we document what happened during those decades.

Q. Do the calculations of you and your colleagues coincide with the official Chinese calculations on the costs of the Great Leap Forward?

A. For the most part, the Chinese press, Chinese media and Chinese authors do not go into detail about the human costs of the Great Leap Forward. They talk in general terms about the policy mistakes of the period, causing great hardship to the people, in combination with bad weather.

They talk about the three bad years, 1959 through '61; but it is discussed with great delicacy and caution, because to criticize the Great Leap Forward too strongly is to criticize Mao Tse-tung, and the Chinese authorities do not want to criticize him too strongly.

Q. So there has been no straightforward declaration that 15 million people died of famine or related causes as a result of these "mistakes in policy"?

A. Not to my knowledge. What I have seen is indirect references to the losses of the Great Leap Forward. . . .

Q. Don't your calculations differ somewhat in measuring what you call the excess deaths during this period?

A. Yes. It is possible to reconstruct the demographic trends from 1953 to 1982, using all the data at our disposal. Doing that gives us far higher mortality in every year than Chinese official crude death rates. This is fairly clearcut now, because of the excellent fertility survey that was taken, documenting the higher fertility levels than had been reported from their official data also.

So, when we combine every year's fertility with the intercensal population growth rates between each two censuses, we discover the number of deaths in the intercensal period. The period between 1953 and 1964 censuses saw far more deaths than had been recorded in the official deaths rates. So, in order to reconstruct the trends, we must raise the death rate for every year accordingly.

Q. What do you find?

A. In every year of the 1950s, the crude death rate was much higher than officially reported, so was the infant mortality rate. In particular, during the Great Leap Forward, the crude death rate was far higher, the infant mortality rate was far higher than reported.

Q. And so what does this suggest?

A. My own calculations give about 30 million excess deaths during the Great Leap Forward.

Of course, we ought to point out right away that China is, after all, the world's most populous country with 22 percent of the world's population. So, the slightest rise in China's death rate causes millions of what we would call excess deaths. So, looking only at the absolute figures is a bit misleading. You have to look at the excess deaths, 30 million, in comparison to the huge size of China's population. . . .

Q. Most experts are attributing these excess deaths to famine, are they not?

A. Yes.

Q. There is another aspect to this, I think, for a demographer. That is what might be called a deficiency in births?

A. Right. A birth deficit. The deficit of births that we see now from retrospective data for the Great Leap period was caused by what is called famine fertility—it means that when women and men are severely deprived of food, the women cease menstruating and both sexes cease being effective sexually, and they cannot conceive and carry a birth to full term successfully.

So, basically, when a famine hits most severely, you have a nine-month lag, and then the births are severely cut.

Q. Do you have any idea of the size of the birth deficit from this period?

A. Yes, we do. You can calculate that from the official data and from our reconstructed data. The official data give a birth deficit of 29 million births during the four years. In my computer reconstruction of the population trends there is a 37 million birth deficit during the period.

Q. So, these are 37 million people who would have been born under normal circumstances?

A. Right.

Q. You attended last month's international seminar of demographers in Peking, didn't you?

A. Yes, it was a very exciting conference, an international seminar on China's 1982 population census, which was attended by demographers and heads of statistical bureaus from many countries, and by about 65 Chinese statisticians, demographers, and other experts.

Q. Has this ever happened before to your knowledge?

A. No, it has not. It was unprecedented in terms of bringing together the foreign and the Chinese demographers to discuss the meaning of the data from the census.

Q. Part of this, as I understand it, was that the Chinese were eager to get international acceptance of the validity of their data. Wasn't this part of it?

A. Certainly. The Chinese government took extraordinary care with the 1982 census. It was important to them to do a very high quality census, and they put great planning into it, and the quality controls were quite unusual.

So, they were very proud of the census taking and of its results and, therefore, they have released the data in great detail and will continue to do so. Indeed, analysis of the data shows high quality of the census.

So, it is good for the Chinese State Statistical Bureau to hear from their foreign colleagues, as well as from their own demographers, a confirmation of the quality of the census results. Or, if there are errors and anomalies, they don't mind hearing that.

Q. Was there what you would describe as a dialogue?

A. Yes. The intent of the conference was to have real dialogue. We were told by some of the leaders right at the beginning, and particularly by the vice premier whom we met earlier in the week in the conference, that this was to be an open meeting, and that we were not to be afraid to speak out. The Chinese colleagues were also told that. They took it to heart, and we all were able to speak fairly freely about what we saw.

Q. Was there any discussion, though, of what must have been the common finding from the '64 and '82 censuses when compared to that of '53, that there had been a massive rise in mortality during the Great Leap Forward years? Was there any discussion of this?

A. There was very little discussion of this

in the formal sessions of the conference. However, after the U.S. Census Bureau paper was presented and showed very high mortality levels during the Great Leap period, for example, many Chinese colleagues came up to discuss this with me in between sessions of the conference. They were very interested in this reconstruction.

One demographer came up to me and said, "But it's impossible for the death rate to have risen that high during the Great Leap Forward."

My response was, "Well, perhaps it did not increase quite so much in the peak famine year of 1960 but, if not, then those deaths simply must be reallocated to another year between 1953 and 1964."

Our colleagues understood that and therefore, they realized that this reconstruction is not far wrong.

Q. There is nothing mystical or magical about the treatment of these data that you get?

A. It is not mystical or magical, but it is difficult, because every time you change something like fertility or mortality or migration, you change everything else. Population growth moves in an integrated way. So, any change causes another change. Age structure is determined by the combination of births and deaths.

So, what you need is a fairly complex computer program that can make all these adjustments. As you raise fertility, it can change everything that has to be changed. As you raise mortality, it can change everything that has to be changed. We have a very fine computer program invented here at the U.S. Census Bureau which can do that.

So, we used that and reconstructed the population trends fairly accurately. That is, you start with the 1953 census age structure, and in order to create the 1964 age structure from the census, matching the census age structure, you have to use certain fertility and mortality trends to do that. So, that constrains very greatly the assumptions that you can make. So, that's what I did. That's where this reconstruction comes from. It is internally consistent and gives you your 1982 age structure, too.

So, I'm fairly confident that it is reasonably accurate as a description of what has happened in China from 1953.

[From the Washington Post, July 11, 1984]

CHINESE STATISTICS INDICATE KILLING OF BABY GIRLS PERSISTS

(By Philip J. Hilts)

Widespread killing of female infants still may be practiced in China, and a specialist said the killings may number as high as tens of thousands a year, according to information released yesterday at the National Academy of Sciences.

The information comes from the first detailed reports of population statistics ever released by the Peoples Republic. The statistics also disclosed that about 27 million people died during the economic campaign, called the "Great Leap Forward," of the late 1950s and early 1960s.

After three decades of demographic secrecy about their huge population, the Chinese suddenly have disgorged a wealth of data in a special edition of the official Chinese demographic journal, "Population and Economics."

The issue, published late last year in China, reports details not only of the new 1982 census, the largest census in history by any nation, but also for the first time of the 1953 and 1964 censuses.

There are "dramas told by these data," said Ansley J. Coale, a Princeton University demographer who reported yesterday on the Chinese data for the National Research Council, the research arm of the National Academy of Sciences.

Striking achievements and disasters are reflected in the data, Coale said, including a public health program that has raised life expectancy far above what might be expected for a country with as little development as China.

Life expectancy is now 69 years for Chinese women and 66 for men, an increase of 20 years over the past three decades. At the same time, the fertility rate has been cut in half.

On the problem of infanticide, Coale said the statistics show that overall the male-female ratio is near the norm of 106 boys to 100 girls at birth.

But the figures also show that, in rural areas, the ratio is 112 males tc 100 females for third children at birth. Since about 1 million girls are born as third or later children, the discrepancy between the natural rate of 106 boys and the reported rate of 112 indicates a loss of about 60,000 baby girls a year.

For fourth children, ratios are even higher, 115 boys to 100 girls. In some regions of China ratios as high as 130 or more to 100 have been reported.

Coales said it is possible that some of the missing girls may be accounted for by the Chinese practice of not reporting to authorities the births of third or later children, especially girls, because of the government's strong sanctions against having more than one child.

Numerous stories in Chinese newspapers reporting and condemning infanticide, however, support the likelihood that a substantial portion of the distorted ratio is caused by infanticide.

The reports cite it as a serious problem remaining from the "feudal" past and describe in gory detail the means of killing baby girls, such as keeping a water bucket near the maternity bed in which to drown girls as soon as they are born.

Also, in the official Chinese journal, infanticide is mentioned as one explanation of the unusual ratio.

The Chinese numbers also show a striking leap in the death rate in the years around 1960, coinciding with the "Great Leap Forward," the economic program of former Communist Party chairman Mao Zedong.

The death rate was just above 20 per 1,000 people in the mid-1950s. It leaped to 38 per thousand in 1960, and dropped to about 13 per thousand by 1963.

Coales said the rates meant that about 27 million people died who otherwise would not have if the death rates had remained steady.

"The peak in 1960 is without any doubt the result of the economic crisis that came during the Great-Leap Forward," Coales said.

The economic scheme was one intended to modernize Chinese agriculture and industry at once. Mass changes were ordered in social and economic organization to achieve it.

The result, according to Coales, was that the Chinese "didn't properly collect and distribute the crops. There was a great deal of starvation."

[From the Washington Times, July 18, 1984]

CHINA GENOCIDE AVOIDED ATTENTION

(By Edward Neilan)

In this Age of the Tube, calamities and disasters do not fully make their mark on the citizenry unless they are reported on television.

So it is little wonder that the statistics revealed the other day by the National Academy of Sciences that 27 million people died as a result of former Chairman Mao Tse-tung's Great Leap Forward in China in the late 1950s and early 1960s went virtually unnoticed.

Television didn't cover the Great Leap Forward firsthand, nor for that matter did foreign correspondents of newspapers. China in those days was a mystery behind closed doors. Only now are we finding out the dimensions of the draconian nightmares which took place there in the name of building a model socialist state.

The news of the largest death figure ever admitted by any nation came buried deeply, almost parenthetically, in coverage of a population report issued by the World Bank. One newspaper headlined the story "Population Explosion Forecast"—hardly news anymore. The significance of the 27 million deaths was overlooked.

Think of that magnitude of humanity for a moment: 27 million people died because of misguided communist policies that were supposed to correct inequities of the previous regime.

The term autogenocide was coined recently to describe the substantial destruction of a people by its own leaders. Kampuchea's Khmer Rouge regime was thought to be the most notorious practitioner of autogenocide when after 1975 it decimated as many as one-fourth of the population. But the total dead in Kampuchea is nowhere near the 27 million admitted by China.

The Republic of China on Taiwan has been claiming for years that the policies of the Peoples Republic of (Communist) China were haywire and that mass deaths were resulting from poor food planning and from direct killing of "unproductive mouths."

Public opinion, led by liberal commentators, tended to dismiss those claims from Taipei as propaganda. The figure 27 million dead, released by the National Academy of Sciences, was based on data in the official Chinese demographic journal "Population and Economics."

The local representative office of the Republic of China, known as the Coordination Council for North American Affairs, is discouraged under the Taiwan Relations Act from commenting on such matters. So a telex message asking for comment was dispatched to James C.Y. Soong, director-general of the Government Information Office, Republic of China. His reply was received Monday:

"This scientific analysis proves the charges of Chinese communist genocide that the Republic of China has been making over a period of many years," Mr. Soong, who acts as chief spokesman for his government, said.

"Some of our critics said this was propaganda. It was not. Now the proof has been cited in the scientific findings of the National Academy of Sciences in Washington.

"As we have asserted and the analysis proves, there was a terrible loss of human life during the Great Leap Forward, the Cultural Revolution and other Chinese communist experiments in the enforced control of society. We hope the people of the world now will come to understand the evils that the Chinese communists have committed in the time of Mao Tse-tung and since.

"The infanticides and abortions for which Deng Xiaoping is responsible merely repeat Mao's regard of the people of the mainland as 'little blue ants' to be manipulated and stepped on without regard for the traditional humanism of China," Mr. Soong said.

"In efforts to control the birth rate, the Chinese communists are now murdering a whole generation. This is one of the most heinous crimes in history. Today's mainland leaders are no different from those who have gone before.

"We ask in the name of humanity that the free world cite the National Academy of Sciences' conclusive evidence of these crimes and demand that Peking be called to account for them," Mr. Soong said.

The press attache of the Embassy of the People's Republic of China here, Chenxun Shi, said that to his recollection there had been no comment on the National Academy of Sciences report by the official Xinhua News Agency. However, he said that Chinese delegates to the World Population Council meeting in Mexico City next month will later pass through Washington and "may have some explanation or elaboration of the population statistics."

Killing of female infants is still practiced in China and may number as many as tens of thousands a year.

The Chinese press continues to report on infanticide as a serious problem left over from the feudal past and describe bluntly measures to kill baby girls such as keeping a water bucket near the maternity bed in which to drown girls as soon as they are born.

One has to wonder why there has been no international campaign to protest human rights violations in China, particularly after Peking's government iself now confirms such a staggering death toll.●

THE NEED TO PRESERVE A STRONG TITLE IX

● Mr. CHAFEE. Mr. President, in adopting title IX of the Education Amendments of 1972, Congress sought to expand educational opportunities for women in the United States. Compelling evidence of the success of title IX is being demonstrated in the outstanding performance of America's talented women athletes during the Olympic Games now underway in Los Angeles.

The goal of title IX is to ensure that schools and universities receiving Federal assistance provide equal opportunities for both men and women. Congress clearly intended through title IX to guarantee equal access by both sexes to the programs and activities of federally supported institutions. This includes such areas as admission, athletics, counseling, housing facilities, financial aid, course selection, employment, vocational education, and other activities.

Title IX has enabled female students to make tremendous progress in educational pursuits which had traditionally been dominated by men. The most striking gains have been in athletics. The number of women involved in high school and intercollegiate athletic programs has soared since the law was passed, and the proportion of scholarships offered to talented women athletes by colleges and universities has risen from 1 out of 100 in 1974 to 22 out of every 100 today.

Title IX has helped to guarantee that no area of professional development in our society is limited on the basis of sex. In the decade since title IX became law, the enrollment of women in vocational education courses has risen significantly, along with the admission of women to schools of business, law, and medicine.

The Supreme Court has adopted a narrow interpretation of title IX, holding that the laws protections are limited to specific programs or activities and do not apply on an institution-wide basis. In the wake of this decision, the Civil Rights Office of the Department of Education dropped a finding of sex discrimination against the University of Maryland, which had been charged with failing to provide equal treatment for female athletes in scholarships, facilities, and other services. Other actions have also been dropped, leading to the prospect of a serious setback for women under a weakened title IX.

Legislation is pending in the Senate to clarify the broad scope of coverage which Congress intended for title IX and other important civil rights laws. Passage of the Civil Rights Act of 1984 will reaffirm the commitment of Congress to eliminate discrimination and to promote equality of opportunity at all levels of society.

The 1984 Olympics have provided spectacular proof of the great strides which our Nation has made under title IX. Now is not the time to turn back. The importance of strengthening title IX has been outlined in an article by Kenneth H. Bastian, Jr., director of east coast operations for the Los Angeles Olympic Organizing Committee, in Sunday's edition of the Washington Post. Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Aug. 5, 1984]

THANK TITLE IX FOR SOME OF THAT GOLD

(By Kenneth H. Bastian, Jr.)

The whole world is watching American women win Olympic gold medals in Los Angeles, thanks to a dramatic explosion of interest—and money—devoted to women's sports in the United States. As a firm believer in the private sector, and as one who does not advocate government interference where it has no business, I'd be delighted to report that the catalyst for this growth in women's amateur sports was the same as for me: early encouragement from school athletic programs and generous corporate sponsorships.

Instead, a key reason that Cheryl Miller leads our women's basketball team to one victory after another and that Tracy Caulkins has broken swimming records for our country is that they, like the majority of their teammates, have benefited from a law passed by Congress in 1972.

That law, Title IX of the Education Amendments of 1972, states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving financial or federal assistance."

It forced American schools, colleges and universities to broaden their women's athletic programs, and led to the first athletic scholarships' being made available to women. The results have been dramatic: the number of women in intercollegiate athletic programs jumped from 16,000 in 1972 to over 150,000 today. In 1972 only 7 percent of high school athletes were girls. Ten years later, the number had jumped to 35 percent. The quality, as well as the quantity, of their achievements has been spectacular.

For example, men have taken only seven minutes off their best record marathon running time in the past 10 years. Women, many training seriously for the first time thanks to new women's professional coaches in school programs, have taken an hour and five minutes off their 1964 record. The same story can be told throughout the sports world: women finally are beginning to reach their potential as athletes.

Yet even as we cheer these victories, they may be fleeting. This dramatic increase in female athletic achievement is threatened by the U.S. Supreme Court's ruling in the Grove City College case, which struck down the Title IX provision.

Already schools are relaxing their efforts. According to the Women's Sports Foundation, 23 sex discrimination cases—aimed at forcing compliance with Title IX cases in school athletic programs—have been dropped.

"If an administrator takes it into his head that 'basketball is for boys,' he can do away with girls' basketball with no fear of governmental action," says Donna de Varona, a founding member and president of the Women's Sports Foundation, who won two Olympic gold medals in swimming in 1964.

She knows what the future could hold without Title IX. After her gold medal victories in Tokyo, she had no real opportunities to train in college. However, Don Schollander, her fellow gold medalist, went on to compete for four more years in the highly developed world of men's collegiate swimming.

In the *Grove City* ruling, the Supreme Court found that the equality requirements are "program specific," so that if a college receives $10,000 in federal funds for its mathematics programs, that money must be spent equally for men and women only in mathematics programs. This interpretation allows schools to accept federal dollars through one office while discriminating in another.

Other school programs—including athletics—no longer need to provide equal opportunity if they don't get that direct federal funding. Many schools, therefore, won't have to comply, since their sports are funded from non-federal sources—student fees, alumni groups, ticket sales and television contracts.

Will they voluntarily continue to fund women's sports in a big way? Many believe not, since enough progress hasn't been made yet to elevate women's sports to the same profit-making level as men's sports. Before Title IX, which aimed at promoting the potential of each individual—whether male or female—in sports, athletic directors historically concentrated on whatever program provided the most public attention and revenue for their schools.

College athletic budgets for women, which grew under pressure from Title IX from 1 percent to 16 percent of the total spent on all college sports, probably will shrink again unless Congress acts.

Many of our future Olympic women athletes might have to retire in their teens, like de Varona, while their male counterparts compete for their colleges and universities. Scholarships may dry up. And this may turn out to be the peak year for U.S. women in the Olympics. Of the more than 200 women

Olympians representing our nation in the current games, more than 170 received their training in a university or college athletic program.

It is ironic that this progress should be threatened in the same year that finds a woman on the Supreme Court, women aboard the space shuttle, women in the Cabinet and a woman running for vice president. It doesn't have to happen. Both the Democrats and the Republicans, who claim to offer equal opportunity for all Americans, should support legislation that will reinforce the key provisions of Title IX. In a May 22 press conference, the president voiced his support for Title IX, but the language reversing the Grove City College case is currently stalled in the Senate, and time is running out for passage and for our women athletes.●

LEGAL COSTS ARE OUT OF CONTROL

Mr. KASTEN. Mr. President, yesterday I shared with my colleagues some information about the Uniform Product Liability Act, S. 44, that opponents of the measure have circulated. They expressed concern that my effort to reform the product liability system would mean less business for trial lawyers, since the bill would greatly streamline the system and make it understandable to the lay person. By its own words, the Association of Trial Lawyers of America showed its vested interest in keeping our product liability laws as confusing as possible, in order to generate more profits for the legal profession.

I am not alone, however, in expressing concern over the high cost of legal services in this country. No less an authority than the Chief Justice of the Supreme Court, the Honorable Warren Burger, has condemned excessive legal costs and the needless litigation that produces them. Others share that view as well and have taken imaginative steps to reduce the cost of legal assistance to the American public. I'd like to think that S. 44, which would take money out of the hands of middlemen like trial lawyers and give it to the injured victims that deserve it, is also a step in that same direction.

The August 13, 1984, issue of U.S. News & World Report contains an excellent overview of the subject of rising legal costs. I commend it to the attention of my colleagues before they vote on S. 44. I, therefore, ask that the article be reprinted in the RECORD.

The article follows:

SOARING LEGAL COSTS: EVEN LAWYERS ARE WORRIED

(By Ted Gest)

CHICAGO—Lawyers and judges gathered here for the American Bar Association's annual convention are stepping up moves to slash the nation's huge legal bill.

Their aim is to curtail complex court maneuvers that often waste clients' time and last year helped run up lawyers' fees estimated to exceed 33 billion dollars nationwide, almost three times as much as a decade earlier.

The increase is partly due to the doubling of lawyers' ranks to 650,000 in the same period—growth that many bar leaders say is justified by public demand for legal assistance. But critics charge that some lawyers are provoking or prolonging litigation unnecessarily to maintain their income levels in a time of brisk competition.

Whoever is right, many in the profession are disturbed by what Chief Justice Warren Burger calls the "widespread hue and cry about lawyers' fees and litigation costs."

A recent survey of American Bar Association members found more than one third concerned about lawyers' image and "public credibility."

ETHICALLY WRONG

As the delegates arrived here, a special ABA Commission to Reduce Court Costs and Delay released results of a five-year study, declaring: "The high cost of litigation is a matter of critical concern. It is ethically wrong for the judicial resolution of disputes to be prohibitively expensive."

The commission and other experts urged a two-pronged attack that would seek to:

Keep out of court entirely many of the 14.6 million civil disputes that land in the laps of judges each year.

Impose stricter controls on the cases that make it to the courtroom.

Diverting disagreements before they get to judges in the first place is the goal of dispute-resolution projects already sprouting around the U.S.

Noting that 9 out of 10 civil suits are settled out of court—often only after expensive preparation—Chicago lawyer Jerold Solovy says that "when all that time and energy goes down the drain, it's a very inefficient process."

Businesses suffer the bulk of the burden. Eager to save time and money by resolving legal disputes, many corporations are turning away from the courts to such devices as the "minitrial." This involves having litigants agree to air their differences privately in an abbreviated, courtlike proceeding held in a private club or a law office.

Top executives take an active role, in the hope that settlements of the matters can be reached on the spot. A neutral party—usually a retired judge—often presides and may offer an opinion on the likely outcome of the case if it were brought to court.

Minitrials offer combatants the chance to size up each other's arguments and agree on solutions without wasting many years and dollars on protracted maneuvers. If no settlement is reached, the parties still have the option of taking their arguments to court.

More than 100 minitrials have been conducted in the last few years, most of them ending conflicts without litigation. The procedure works best in disputes that are strictly monetary; novel legal questions usually require a judge's formal decision. It helps if disputants are on friendly terms, but experts say that even cases in which both sides start out far apart and unwilling to budge have been unsnarled through the minitrial process.

A quarrel between U.S. German companies over a 1.5-million-dollar contract was shaping up into a two-year-long international courtroom battle.

Recalls one participant, New York lawyer Charles Parlin: "We decided to have a minitrial in which each side had an hour to present its best case to the other. We broke for lunch, and the dispute was settled afterward in 15 minutes." Tens of thousands of dollars in legal fees were saved.

A similar procedure was used to iron out a natural-gas-contract dispute in which Borden, Inc., had sought 800 million dollars in damages from Texaco. Instead of a monetary settlement, the firms renegotiated a gas-supply contract not at issue in the case—a deal that gave favorable rates to Borden and saved Texaco heavy legal costs.

BETTER BUSINESS

Texaco attorney Charles Kazlauskas reports that relations between the two firms improved dramatically, leading to more business between them. "Not only was this resolution novel, but it was economically beneficial to both parties," he says.7

New private firms specializing in such bargaining are hanging out their shingles. One of them, EnDispute, Inc., is based in Washington, D.C., but has already opened branches in Chicago and Los Angeles. Says President Jonathan Marks: "This is a consumer revolution in the purchase of legal services—one of the few revolutions led by corporations."

Business isn't the only beneficiary of the trend. Taxpayers could cut some of the costs of paying a growing corps of government lawyers if disputes involving public agencies were settled more readily.

A private, New York-based organization called the Center for Public Resources is starting a pilot program of arranging minitrials in big-stakes squabbles between the U.S. government and defense contractors.

Minitrials help settle big corporate claims, but many consumer and divorce problems are better suited to more-traditional methods in which a third party meets with each side in an effort to find a middle ground.

In mediation, a neutral observer helps move negotiations along. In arbitration, an independent authority hears arguments and decides the issue in a procedure that is much less formal than in a courtroom.

More than 200 communities have set up out-of-court centers where citizens can bring minor disputes. Legislation is pending or on the books in nearly two dozen states recognizing such projects as alternatives to courts. A few states provide operating funds.

But many citizens don't know where to find such services. To overcome this problem, offices have been opened on an experimental basis in Houston, Tulsa and Washington, serving as central sites that people can visit to obtain counseling on how to settle claims cheaply and efficiently.

"We diagnose legal problems just as a physician would diagnose an illness," says director Terry Simonson of the Tulsa program, which has handled more than 100 cases a week since it opened last spring. Many people are referred to mediators or arbitrators, others to government agencies or the Better Business Bureau.

Despite the rapid growth of such projects, lawsuits by the millions will keep pouring into the nation's courthouses. Many languish for five years or longer, some because judges are overwhelmed with cases and others because lawyers persist in unnecessary pretrial paper work and interviews.

MONEY METER

Judges around the U.S.—under fire for being lax with lawyers—are clamping down on cases that drag on for years while attorneys' billing meters are running.

One speedup technique being tried is the "summary jury trial." In such a proceeding, lawyers present brief versions of their arguments to jurors, who offer an informal verdict that usually provides a guideline for settling the case.

U.S. District Judge Thomas Lambros of Cleveland, who initiated the concept in 1980, reports that virtually all of the more than 100 lawsuits handled through summary procedures have been wrapped up without a full trial.

Other jurists are trying more-modest reforms. Many cases are delayed, for example,

when persons testifying at pretrial out-of-court "depositions" refuse to answer questions. Typically, lawyers must then schedule a court hearing on whether the witness is required by law to answer. Nowadays, some judges tell attorneys to notify them of such disputes immediately so they can issue rulings by telephone.

Gaining more support is an ambitious concept nicknamed the doomsday-machine approach by Washington lawyers Howard Bedlin and Paul Nejelski. It imposes strict deadlines for completing such steps as motions and pretrial investigations, along with penalties for noncompliance.

Lawyers are increasingly being held accountable, too, for pursuing meritless claims. Chief Justice Burger cites one case in which a judge ordered a plaintiff to pay a defendant nearly 2 million dollars in fees and expenses for using the judicial system to air "totally frivolous allegations."

States are beginning to put time limits on case processing. Fourteen have deadlines ranging from six months to two years for disposing of civil cases. Chief justices of the 50 states, meeting in Lake Ozark, Mo., on August 2, urged each state to enact such limits. "Cases shouldn't be allowed to lie in the system and fester," said North Dakota Chief Justice Ralph Erickstad.

The ABA commissison reported success with time-limit experiments it has sponsored in both trial and appeal courts. A statewide Kentucky program to speed cases, for example, caused lawyers' fees to drop by 24 percent.

An ABA unit will mount a drive in coming months to persuade state and local lawyers' groups and courts to adopt plans to speed and simplify litigation. Says San Francisco lawyer Theodore Kolb, who heads the effort: "We don't enjoy running up litigation costs—we want happy clients. Now is the time for the bar to take the leadership on this issue, or clients will abandon the court system."

Critics charge, however, that most American lawyers have little reason to press hard for reforms. "Lawyers are not highly motivated to cut themselves out of potential income," comments Robert Tigner of Help Abolish Legal Tyranny, a Washington-based law-reform organization. "For many attorneys, the more inefficient the legal system is, the better," he says.

FOOT DRAGGING

Lawyers sometimes block proposed improvements. Tigner notes that when Maryland's judiciary scrubbed a requirement that couples make an appearance in court with their attorneys even in uncontested divorce cases, the lawyer-dominated Legislature reinstated the rule.

What's more, the ABA commission conceded that even when cases are handled faster, some attorneys don't pass along the savings. In too many cases, said the panel, "lawyers are benefiting but clients are not."

Many bar leaders acknowledge that if lawyers don't recognize that it is in their interest to hold down fees and delays, judges will take action.

Says Denver lawyer Robert Hanley, a member of the ABA's policymaking House of Delegates: "More lawyers are realizing that we could price ourselves out of existence. But it almost doesn't matter what we think because judges are forcing us to be more efficient, and that is bound to save clients money."●

JUDGE A. DAVID MAZZONE

● Mr. KENNEDY. Mr. President, Judge A. David Mazzone of the U.S. district court in Boston deserves recognition for 6 years of exemplary service on the bench.

In a recent article in the Boston Globe, William Doherty detailed the qualities that make Judge Mazzone a highly respected jurist. Known for his efficiency and his efficacy, he is always well-prepared and acquainted with the details of each case.

Judge Mazzone's personal qualities are equally commendable. He is often described as patient, humble, kind and caring, and evidence of his compassion for victims of injustice abounds. At the same time, he has been firm and severe with transgressors of the law.

In his own words, Judge Mazzone says that there aren't "any secrets to being a good judge," other than hard work, "a respect for the law, a knowledge of the principles, and a desire to do the best job you can." And those are precisely the assets which Judge Mazzone brings to the bench.

I ask that the Boston Globe article about Judge Mazzone be printed in the RECORD.

The article follows:

GOOD LAWYERS MAKE GOOD JUDGES

JUDGE MAZZONE COMBINES EFFICIENCY WITH RESPECT FOR LAW, AWARENESS OR ISSUES

(By William Doherty)

For years Judge A. David Mazzone has had one of the lowest backlogs of any of the nine judges on the US District Court in Boston. The 400 cases on his dockets are half that of some of his colleagues.

Many lawyers attribute his effectiveness in disposing of cases to the tight control he exerts from the earliest stages of a case.

"He is always well-prepared. He has read the file beforehand, and he knows how to price a case. He knows what the case is worth, what the defendant's exposure is going to be. And he is aware of the issues even before they are spread out before him," one prosecutor said.

Mazzone himself scoffs at comparisons. "I don't like scorekeepers" he said, pointing out that he has not been burdened with cases like the Boston school desegregation case, which have skewered the backlog of other judges. "I just want to do my job, quietly," he said.

The case of Theordore V. Anzalone, which was assigned to Mazzone by lot, has thrust the 56-year-old judge into the spotlight, however. Anzalone, the former chief fundraiser for former Boston Mayor Kevin H. White, was found guilty of currency reporting violations. The case attracted wide attention.

"I don't think there are any secrets to being a good judge," Mazzone said in a recent interview. "You have to work at it. Few of us have the brillance of a (Judge Charles E.) Wyzanski or (Judge) Learned Hand. What you have is a respect for the law, a knowledge of the principles and a desire to do the best job you can."

"Good lawyers make good judges. Any lawyer can make a judge look bad. But a good lawyer playing by the rules, playing it straight makes a good case, and the judge is merely incidental, truly an impartial arbiter. A judge should just be there with a knowledge of the law and leave the lawyering to the lawyers."

Mazzone schedules conferences on all his pending cases twice a year. "I go through every one with the lawyers. I discuss settlement with them. I schedule each case for trial and, as much as I can, I adhere to that schedule."

A large black board in his lobby has each case and the dates allotted to it chalked in.

"Down to earth . . . patient . . . orderly" are words lawyers frequently used to describe Mazzone's courtroom style.

He never raises his voice, but when his 6-foot-4 frame mounts the bench and his eyes scan the courtroom there is no doubt who the authority figure is.

Boston lawyer Monroe L. Inker describes Mazzone as "a kind, caring man, who bends over backwards to be patient with lawyers. He has a great deal of humility."

Atty. Morris M. Goldings said Mazzone "fits the mold of the typical Kennedy judge. If (W. Arthur) Garrity was the Jack Kennedy legacy to the bench, he is the Robert Kennedy legacy."

Mazzone has a pro-environment and pro-civil rights accord. Atty. Albert F. Cullen said Mazzone may be liberal on some social issues, but "he is a hardliner on criminal cases overall."

Mazzone himself argues it is unfair to type a judge. "There are so many different aspects to every case and so many human factors and procedural factors that I don't think judges ought to be imprinted with a stamp. . . ."

A defense lawyer, who asked that his name not be used, said Mazzone at times is reluctant to rule against the prosecution on crucial questions. "He doesn't have the same outlook on the Fourth Amendment or the Fourteenth Amendment as (Judge W. Arthur) Garrity. Oh sure, he may rule against the government on minor stuff, but when it comes to suppression of evidence, for instance, when it means the government will not be able to make a case, he finds it difficult to rule against the government. I attribute it to growing up in an Italian immigrant family with the inbred respect for the government. . . ."

One prosecutor suggested US Att. William F. Weld's office was fortunate Mazzone was assigned the Anzalone case.

Anzalone, who was former Mayor White's chief fundraiser, was convicted of breaking up $100,000 in cash into several smaller bank transactions to circumvent federal law which requires banks to report cash transactions in excess of $10,000.

Another judge, the prosecutor argued, may have been more susceptible to defense arguments that splitting up large amounts of cash is a common practice.

The prosecutor added that another judge, may not have spent the time to consider the importance of the reporting law to investigators.

But the judge also made several key rulings unfavorable to the defense. He excluded an affidavit signed by Anzalone that the prosecution claimed showed Anzalone had a motive to hide from the IRS contributions to the birthday party for White's wife. Mazzone also, over objections of the prosecution, granted Anzalone a separate trial this fall on an extortion charge.

Anzalone was acquitted on charges relating to the birthday party contributions, but convicted and given a six-month prison sen-

tence on charges relating to $100,000 in cash used to purchase bonds for White's mother.

Armando David Mazzone was born 56 years ago in Everett to Italian immigrant parents. An all-scholastic football player at Everett High School, he played end on Harvard football teams that included Robert F. Kennedy and Kenneth O'Donnell.

After graduation from Harvard in 1950, Mazzone went to work as a foreman in a steel mill in Chicago.

Mazzone had married Eleanor Stewart, a Californian, he met while she was attending Wellesley College. "We decided to settle halfway between both families."

Although he wanted to go to law school, his finances didn't permit it, until his job with Inland Steel Corp. was interrupted by two years in the Army and the GI bill enabled him to enroll at DePaul University Law School.

"I went to school days when I worked on the night shift. And when I worked the day shift, I picked up the other courses at night," he recalled.

After law school, Mazzone opened a small law office in Chicago, "I had three children by then and the tug of Massachusetts and everything that is nice about Boston was too strong."

He returned home and spent two years on the staff of Middlesex County Dist. Atty. John Droney and four years as an assistant US attorney under then US Atty. W. Arthur Garrity Jr.

In 1965, Mazzone and three other assistant US attorneys, resigned to form their own law firm.

Gov. Michael Dukakis appointed him to the Superior Court in 1975. Less than three years later, Mazzone was nominated to the federal bench by President Jimmy Carter on the recommendation of Sen. Edward M. Kennedy. He was sworn in March 1978.

His 89-year-old father, A. Marino Mazzone, who regularly attended many of his son's cases in Superior Court sessions throughout eastern Massachusetts, welcomed the change to a permanent location at the Federal Building in Post Office Square. "I am glad he's got a steady job," his father told an acquaintance at the time.

The judge, who is an avid tennis player, and his wife live in Wakefield. They are the parents of seven children.

His more publicized cases have included the trial of two men convicted of murdering three members of the Mahoney family in Tewksbury, the horse race-fixing trial case of Mob leader Howard Winter and the contract dispute between the New England Patriots and former coach Chuck Fairbanks.

But it is cases where his rulings have focused on victims of the process that he regards as more significant. He becomes animated talking about his decisions, which included:

Enjoining the federal government from depriving elderly persons of medicaid benefits when their income exceeded the limit because of cost of living increases in their social security benefits.

Barring highway construction near the Quabbin Reservoir after it affected the quality of Boston's water supply. "I appointed a monitor who sat out there by a stream for two years testing the water. He sent me samples that were so filthy you would become a confirmed Scotch drinker. But after two years the water was clean."

Requiring the federal government to return $3 million in fuel assistance allocated to low income Massachusetts residents in the winter of 1980. The federal government wanted the money back because the state failed to set up the distribution procedures quickly enough.

Halting the sale of oil drilling leases on Georges Bank after finding the Secretary of the Interior has not complied with the required procedures—"a clear example of government overreaching. It was like saying if the government says it is good, it must be good. And it wasn't."●

THE AMERICAN STEEL INDUSTRY: MYTH VERSUS REALITY XI

● Mr. HEINZ. Mr. President, today I present my 11th in a series of brief statements that will appear periodically in an effort to elevate the level of debate on the crisis in the American steel industry.

The recent decisions made by the International Trade Commission concerning the American steel industry have increased the intensity of the debate concerning the restoration of the industry to healthy competitiveness. The ITC majority decision determining that imports were the major cause of injury and its followup decision recommending relief in the form of a combination of tariffs and quotas for the steel industry have encouraged critics of relief to become increasingly vocal. Most often, they claim that the U.S. steel industry is already adequately protected under current law from unfairly traded and unfairly priced imports and has been so for years, It is time to dispense with such an illusion and return this debate concerning import quotas and the steel industry to a factual basis from which we can all proceed in search of an effective, comprehensive solution.

MYTH

The American steel industry has been protected from imports for the past 10 years.

REALITY

In 1974, foreign imports claimed 13.4 percent of the American steel market. At the beginning of 1984, foreign steelmakers were claiming over 26 percent of the U.S. market. Such penetration, in absolute terms, hardly constitutes protection.

In relative terms, U.S. steel producers have been protected much less than Japanese, European, or Third World steelmakers. In Japan, the Government restricted steel imports to 1 million tons yearly from 1950 to 1978. Currently, the Japanese steel industry is protected by structural barriers to imports, notably by the refusal of large trading companies to handle imported steel.

In Europe, the European Community has attempted to coordinate an extensive program of market controls since 1975. The European Community has limited imports to a maximum of 12 million net tons or to about 10 percent of apparent European Community steel consumption per year. By 1978, bilateral agreements had been reached with all major exporters to the European market, stringently limiting imports into the Community. Any producers not covered are monitored against minimum import price levels as established by the European Community. A bilateral Japanese-European Community agreement helps to explain Japan's sale of 75 times as much steel to the United States as it sold to the European Community in 1981.

The LDC's have limited most steel imports to those products which indigenous producers do not or cannot make in sufficient quantity. During the establishment of production capacity and during periods of expanded production or import levels, market forces are severely constrained. Access for foreign steel to LDC markets is nearly universally restricted to meeting only demand which the domestic industry is unable to satisfy.

MYTH

Current barriers to imports are sufficient to check any future growth.

REALITY

Foreign exporters of steel and steel products are becoming increasingly adept at getting their products into the U.S. market in spite of barriers to imports. For example, recent barriers erected against Brazilian steel products in the U.S. market have not been insuperable. Peter Mangels, president of the Mangels groups of steel products manufacturers, recently boasted in the English language edition of a Brazilian publication, Gazeta Mercantil, of the ease with which such barriers can be circumvented. Citing a recent instance from his own group's experience, Mangels told of supplying a $3 million order from a U.S. importer for 7,000 tons of steel sheet by shipping the product labeled as "steel shelving." Classified as "furniture," the steel sheet was delivered to the buyer without difficulty. This is just one example of the determination of foreign exporters to get their products into the U.S. market regardless of the costs or illegality of the method employed.

The American steel industry has not only suffered from insufficient protection against unfairly priced and unfairly traded imports, but from the weakness of current barriers to imports as well. In a world steel market where very few foreign competitors play by the rules as we know them, American steelmakers need effective Government assistance to restructure and regain the competitiveness necessary to survive.●

TWENTIETH ANNIVERSARY OF UMTA

● Mr. SPECTER. Mr. President, I would like to join my distinguished colleague from New York, Senator D'AMATO, in sponsoring Senate Resolution 415, to commemorate the 20th anniversary of the Federal Government's support of mass transportation through the Urban Mass Transportation Administration [UMTA].

Since its inception in 1964, UMTA has provided over $30 billion to the de-

velopment and renovation of urban mass transit systems. These funds have assisted in the purchase of over 54,000 transit buses, almost 6,500 rail vehicles, and 18 ferry boats. At the end of 1984, UMTA will have contributed to the acquisition of 75,000 mass transportation vehicles.

The benefits that such a contribution have made to the Nation's urban areas cannot be undervalued. It has been estimated that 6.1 million persons take advantage of these systems daily, and the employment opportunities gained through the construction, maintenance and administration of these projects, as well as the convenience they offer to commuters, serve to be a major asset to the local economies of cities that have transit systems.

Assistance accrued by the State of Pennsylvania has been substantial. Since 1965, Pennsylvania has received $1.9 billion in mass transportation aid, including over $380 million toward the completion of Pittsburgh transportation authority's light rail transit project. This is the largest such undertaking in the history of western Pennsylvania.

Finally, UMTA has been an example of Federal, State, and local cooperation at its best. By providing funds for the development of these critical rail, bus and water systems and ensuring local participation, UMTA has created an equitable system for enabling our Nation's urban areas to provide their citizens with safe, reliable and efficient mass transportation systems.●

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have a unanimous-consent request that I understand has been cleared all around. It is with respect to the setting of time for a vote tomorrow. I have discussed it with the minority leader.

SPECIAL ORDERS AND ROUTINE MORNING BUSINESS

I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, there be three special orders in favor of Senators DOLE, BAKER, and PROXMIRE, in that order, not to exceed 15 minutes each, to be followed by a time for the transaction of routine morning business until 11 a.m., with statements therein limited to 5 minutes each.

DEBATE ON BAKER MOTION AT 11 A.M.

I ask unanimous consent that at 11 a.m. tomorrow, the Senate begin 1 hour of debate on the Baker motion to waive the Budget Act with respect to the consideration of the agriculture appropriations bill, the time to be equally divided between the chairman of the Budget Committee and the ranking minority member or their designees.

CLOTURE VOTE AT 12 NOON

I ask unanimous consent that at 12 noon, the Senate proceed to vote on the cloture motion on the Baker motion to waive the Budget Act with respect to consideration of the agriculture appropriations bill and that the mandatory quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PUBLISHING OF REPORT AS SENATE DOCUMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the report entitled, "Twenty-Fifth Meeting of the Canada-United States Interparliamentary Group, March 8–12, 1984" be published as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 4164, the vocational-technical education amendments of 1984, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 5618, the Veterans' Health Care and Facilities Improvement Act of 1984, and it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE HELD AT DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, House Joint Resolution 600, a commission to study agriculture export, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 1043, Senate Concurrent Resolution 130, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM AND CONTROL ACT

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on S. 529.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 529) to revise and reform the Immigration and Nationality Act, and for other purposes.

(The amendment of the House is printed in the RECORD of June 20, 1984, beginning at page 17312.

Mr. STEVENS. Mr. President, I move the Senate disagree to the House amendment and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. EVANS] appointed Mr. SIMPSON, Mr. THURMOND, Mr. MATHIAS, Mr. GRASSLEY, Mr. KENNEDY, Mr. METZENBAUM, and Mr. LEAHY conferees on the part of the Senate.

PROGRAM

Mr. STEVENS. Mr. President, to recap, when the Senate recesses tonight, it will convene tomorrow at 10 a.m. Following the time for the two leaders under the standing order, there will be special orders not to exceed 15 minutes each for Senators DOLE, BAKER, and PROXMIRE.

Following those special orders, there will be a period for the transaction of routine morning business not to extend beyond 11 a.m., with statements therein limited to 5 minutes each.

Following routine morning business, by unanimous consent there will be 1 hour debate on the Baker motion to waive the Budget Act with respect to consideration of the agriculture appropriations bill, the time to be equally divided between the Senator from Florida [Mr. CHILES] and the Senator from New Mexico [Mr. DOMENICI].

At 12 noon, by unanimous consent the Senate will vote on the cloture motion on the Baker motion to waive the Budget Act with respect to consideration of the agriculture appropriations bill.

Following the cloture vote, the Senate will either resume debate on the Baker motion or resume consideration of H.R. 6040, the supplemental appropriations, which is, I believe, the pending business.

Is my statement of the program for tomorrow correct?

The PRESIDING OFFICER. The Senator is correct.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, is there any further business to come before the Senate?

If there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:17 p.m., recessed until Wednesday, August 8, 1984, at 10 a.m.

31-059 O-87-35 (Pt. 16)

HOUSE OF REPRESENTATIVES—*Tuesday, August 7, 1984*

CONFERENCE REPORT ON H.R. 5604

Pursuant to the order of Monday, August 6, Mr. PRICE submitted the following conference report and statement on the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-962)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5604) to authorize certain construction at Military installations for fiscal year 1985, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Military Construction Authorization Act, 1985".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $98,160,000.
Fort Campbell, Kentucky, $18,840,000.
Fort Carson, Colorado, $34,300,000.
Fort Devens, Massachusetts, $4,450,000.
Fort Drum, New York, $17,740,000.
Fort Hood, Texas, $70,190,000.
Fort Indiantown Gap, Pennsylvania, $2,500,000.
Fort Irwin, California, $19,770,000.
Fort Lewis, Washington, $344,730,000.
Fort Meade, Maryland, $5,900,000.
Fort Ord, California, $14,960,000.
Fort Polk, Louisiana, $39,250,000.
Fort Richardson, Alaska, $7,250,000.
Fort Riley, Kansas, $33,800,000.
Fort Stewart, Georgia, $66,130,000.
Presidio of San Francisco, California, $20,980,000.

UNITED STATES ARMY WESTERN COMMAND

Hawaii, Various, $2,980,000.
Helemano Military Reservation, Hawaii, $4,650,000.
Schofield Barracks, Hawaii, $37,070,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Belvoir, Virginia, $48,400,000.
Fort Benjamin Harrison, Indiana, $13,400,000.
Fort Benning, Georgia, $37,650,000.
Fort Bliss, Texas, $24,550,000.
Fort Dix, New Jersey, $17,650,000.
Fort Eustis, Virginia, $3,300,000.
Fort Gordon, Georgia, $12,200,000.
Fort Jackson, South Carolina, $35,760,000.
Fort Knox, Kentucky, $13,600,000.
Fort Leavenworth, Kansas, $11,000,000.
Fort Lee, Virginia, $1,150,000.
Fort Leonard Wood, Missouri, $6,450,000.
Fort McClellan, Alabama, $6,300,000.
Fort Pickett, Virginia, $2,400,000.
Fort Rucker, Alabama, $2,600,000.
Fort Sill, Oklahoma, $27,400,000.
Fort Story, Virginia, $6,100,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $700,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $65,400,000.
Anniston Army Depot, Alabama, $4,500,000.
Corpus Christi Army Depot, Texas, $2,200,000.
Crane Army Ammunition Activity, Indiana, $3,600,000.
Fort Monmouth, New Jersey, $15,650,000.
New Cumberland Army Depot, Pennsylvania, $7,800,000.
Picatinny Arsenal, New Jersey, $9,780,000.
Pine Bluff Arsenal, Arkansas, $2,550,000.
Radford Army Ammunition Plant, Virginia, $26,000,000.
Red River Army Depot, Texas, $830,000.
Redstone Arsenal, Alabama, $1,900,000.
Rock Island Arsenal, Illinois, $50,900,000.
Seneca Army Depot, New York, $6,900,000.
Sharpe Army Depot, California, $49,000,000.
Sierra Army Depot, California, $4,150,000.
Tobyhanna Army Depot, Pennsylvania, $810,000.
White Sands Missile Range, New Mexico, $2,250,000.
Yuma Proving Ground, Arizona, $1,300,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $19,840,000.
Indiana Army Ammunition Plant, Indiana, $1,900,000.
Iowa Army Ammunition Plant, Iowa, $1,790,000.
Louisiana Army Ammunition Plant, Louisiana, $1,600,000.
Radford Army Ammunition Plant, Virginia, $2,940,000.
Scranton Army Ammunition Plant, Pennsylvania, $2,050,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $5,670,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $950,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fitzsimons Army Medical Center, Colorado, $650,000.
Fort Detrick, Maryland, $21,500,000.
Tripler Army Medical Center, Hawaii, $115,000,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $4,800,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, $570,000.
Oakland Army Base, California, $2,667,000.

UNITED STATES ARMY CORPS OF ENGINEERS

Cold Regions Laboratory, New Hampshire, $3,600,000.

BALLISTIC MISSILE DEFENSE SYSTEM COMMAND

Various locations, $12,800,000.

CLASSIFIED PROJECTS

Various locations, $3,800,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Japan, $1,900,000.

EIGHTH UNITED STATES ARMY

Korea, $115,840,000.

UNITED STATES ARMY, SOUTHERN COMMAND

Honduras, $4,300,000.

UNITED STATES ARMY, EUROPE

Germany, $303,650,000.
Greece, $9,730,000.

UNITED STATES ARMY, WESTERN COMMAND

Johnston Island, $21,000,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, $2,400,000.

FAMILY HOUSING

SEC. 102. (a) The Secretary of the Army may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Sierra Army Depot, California, one hundred and twenty-five units, $660,000.
Sierra Army Depot, California, eighty units, $5,721,000.
Aberdeen Proving Ground, Maryland, four hundred and thirty-nine units, $30,792,000.
Fort Hood, Texas, twenty units, $1,950,000.
Babenhausen, Federal Republic of Germany, one hundred and six units, $8,856,000.
Mainz, Federal Republic of Germany, one hundred and eighty-six units, $18,233,000.

(b)(1) Of the family housing units authorized by subsection (a) to be constructed at Fort Hood, Texas—

(A) three of those units shall be constructed for assignment to general officers who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense) and (notwithstanding section 2826 of title 10, United States Code) each such unit may be constructed with a maximum net floor area of 3,000 square feet; and

(B) seventeen of those units shall be constructed for assignment to colonels who hold positions as commanders and (notwithstanding section 2826 of title 10, United States Code) each such unit may be constructed with a maximum net floor area of 2,100 square feet.

(2) For the purposes of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $105,876,000, of which

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

$19,842,000 is available only for energy conservation projects.

(b) The Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve one hundred and eight existing military family housing units at Fort Hamilton, New York, in the amount of $3,996,000.

DESIGN FOR REPLACEMENT FACILITIES, BROOKE ARMY MEDICAL CENTER, SAN ANTONIO, TEXAS

SEC. 104. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall enter into a contract for the design of replacement facilities for the Brooke Army Medical Center in San Antonio, Texas. The contract shall require that the design for such replacement facilities provide for capacity of not less than 450 beds. The contract shall also require that the design for such replacement facilities be accomplished in a manner that will accommodate future expansion in the event that such expansion becomes necessary as the result of increased peacetime need or to meet mobilization requirements.

(b) At the time the Secretary enters into a contract under subsection (a), the Secretary shall submit a report to Congress stating the initial number of hospital beds with which such replacement facilities should be equipped.

LIMITATION ON FUNDS FOR NEW HOSPITAL CONSTRUCTION, FORT LEWIS, WASHINGTON

SEC. 105. During fiscal year 1985, the Secretary of the Army may obligate funds for the construction of a new hospital at Fort Lewis, Washington, only to accomplish that site preparation construction work that may be accomplished independent of the size of the hospital.

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Barstow, California, $5,670,000.

Marine Corps Air Station, Beaufort, South Carolina, $3,490,000.

Camp H. M. Smith, Oahu, Hawaii, $1,910,000.

Marine Corps Base, Camp Lejeune, North Carolina, $36,370,000.

Marine Corps Base, Camp Pendleton, California, $54,332,000.

Marine Corps Air Station, Cherry Point, North Carolina, $14,810,000.

Marine Corps Air Station, El Toro, California, $17,610,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $16,540,000.

Marine Corps Air Station, New River, North Carolina, $340,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $11,220,000.

Marine Corps Development and Education Command, Quantico, Virginia, $3,710,000.

Marine Corps Recruit Depot, San Diego, California, $18,570,000.

Marine Corps Air Station, Tustin, California, $15,050,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $7,830,000.

Marine Barracks, Washington, District of Columbia, $2,540,000.

Marine Corps Air Station, Yuma, Arizona, $14,090,000.

CHIEF OF NAVAL RESEARCH

Naval Research Laboratory, Washington, District of Columbia, $31,650,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $1,960,000.

Naval Safety Center, Norfolk, Virginia, $3,640,000.

Naval Regional Data Automation Center, San Diego, California, $15,700,000.

Personnel Support Activity, Washington, District of Columbia, $250,000.

Commandant Naval District Washington, District of Columbia, $16,000,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $2,510,000.

Naval Station, Charleston, South Carolina, $11,930,000.

Naval Air Station, Jacksonville, Florida, $7,400,000.

Naval Amphibious Base, Little Creek, Virginia, $27,920,000.

Naval Station, Mayport, Florida, $9,940,000.

Naval Submarine Base, New London, Connecticut, $23,000,000.

Atlantic Fleet Headquarters Support Activity, Norfolk, Virginia, $24,700,000.

Naval Air Station, Norfolk, Virginia, $3,600,000.

Naval Station, Norfolk, Virginia, $30,615,000.

Personnel Support Activity, Norfolk, Virginia, $3,470,000.

Naval Air Station, Oceana, Virginia, $3,565,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Facility, Adak, Alaska, $3,900,000.

Naval Station, Adak, Alaska, $5,140,000.

Naval Air Station, Alameda, California, $5,810,000.

Naval Submarine Base, Bangor, Washington, $440,000.

Naval Air Station, Barbers Point, Hawaii, $6,630,000.

Naval Amphibious Base, Coronado, California, $8,740,000.

Naval Air Facility, El Centro, California, $1,700,000.

Naval Air Station, Fallon, Nevada, $34,440,000.

Naval Air Station, Lemoore, California, $580,000.

Naval Station, Long Beach, California, $990,000.

Shore Intermediate Maintenance Activity, Long Beach, California, $11,700,000.

Naval Magazine, Lualualei, Hawaii, $3,130,000.

Naval Station, Mare Island, Vallejo, California, $7,690,000.

Naval Air Station, Miramar, California, $3,460,000.

Naval Air Station, Moffett Field, California, $6,370,000.

Naval Air Station, North Island, California, $6,380,000.

Commander, Oceanographic System Pacific, Pearl Harbor, Hawaii, $17,000,000.

Naval Station, Pearl Harbor, Hawaii, $545,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $18,815,000.

Naval Station, San Diego, California, $17,300,000.

Naval Submarine Base, San Diego, California, $25,900,000.

Naval Air Station, Whidbey Island, Washington, $27,880,000.

NAVAL EDUCATION AND TRAINING COMMAND

Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina, $710,000.

Naval Air Station, Chase Field, Texas, $3,315,000.

Naval Air Station, Corpus Christi, Texas, $4,615,000.

Personnel Support Activity, Corpus Christi, Texas, $710,000.

Naval Training Center, Great Lakes, Illinois, $11,950,000.

Naval Air Station, Kingsville, Texas, $1,470,000.

Naval Amphibious School, Little Creek, Virginia, $725,000.

Fleet Training Center, Mayport, Florida, $6,510,000.

Naval Air Station, Memphis, Tennessee, $10,360,000.

Naval Air Station, Meridian, Mississippi, $2,870,000.

Naval Submarine School, New London, Connecticut, $11,050,000.

Naval Education and Training Center, Newport, Rhode Island, $5,360,000.

Fleet Training Center, Norfolk, Virginia, $4,450,000.

Naval Training Center, Orlando, Florida, $3,720,000.

Naval Diving and Salvage Training Center, Panama City, Florida, $1,250,000.

Naval Air Station, Pensacola, Florida, $1,270,000.

Personnel Support Activity, Pensacola, Florida, $2,510,000.

Naval Construction Training Center, Port Hueneme, California, $4,580,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $6,470,000.

Fleet Training Center, San Diego, California, $5,250,000.

Naval Training Center, San Diego, California, $8,300,000.

Naval Air Station, Whiting Field, Florida, $3,950,000.

NAVAL MEDICAL COMMAND

Naval Hospital, Bremerton, Washington, $6,220,000.

Naval Hospital, Camp Lejeune, North Carolina, $970,000.

Naval Hospital, Camp Pendleton, California, $1,410,000.

Naval Hospital, Millington, Tennessee, $410,000.

Naval Hospital, Oakland, California, $29,140,000.

Naval Hospital, Orlando, Florida, $1,760,000.

Naval Hospital, Portsmouth, Virginia, $410,000.

NAVAL MATERIEL COMMAND

Naval Air Rework Facility, Alameda, California, $3,820,000.

Naval Supply Center, Bremerton, Washington, $6,160,000.

Naval Supply Center, Charleston, South Carolina, $5,630,000.

Charleston Naval Shipyard, Charleston, South Carolina, $8,200,000.

Naval Weapons Station, Charleston, South Carolina, $1,630,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $9,700,000.

Naval Weapons Center, China Lake, California, $630,000.

Naval Surface Weapons Center, Dahlgren, Virginia, $4,980,000.

Navy Public Works Center, Great Lakes, Illinois, $1,850,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $20,815,000.

Naval Air Rework Facility, Jacksonville, Florida, $1,410,000.
Supervisor of Shipbuilding, Jacksonville, Florida, $1,270,000.
Naval Submarine Base, Kings Bay, Georgia, $209,960,000.
Portsmouth Naval Shipyard, Kittery, Maine, $11,800,000.
Long Beach Naval Shipyard, Long Beach, California, $3,010,000.
Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $16,270,000.
Naval Underwater Systems Center, Newport, Rhode Island, $24,840,000.
Naval Air Rework Facility, Norfolk, Virginia, $10,000,000.
Naval Supply Center, Norfolk, Virginia, $1,420,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $11,330,000.
Navy Public Works Center, Norfolk, Virginia, $4,050,000.
Naval Air Rework Facility, North Island, California, $560,000.
Naval Supply Center, Oakland, California, $9,510,000.
Naval Training Equipment Center, Orlando, Florida, $23,500,000.
Naval Air Test Center, Patuxent River, Maryland, $4,620,000.
Naval Supply Center, Pearl Harbor, Hawaii, $6,680,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $5,270,000.
Naval Air Rework Facility, Pensacola, Florida, $5,190,000.
Navy Public Works Center, Pensacola, Florida, $7,830,000.
Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $16,490,000.
Pacific Missile Test Center, Point Mugu, California, $21,030,000.
Fleet Combat Direction Systems Support Activity, San Diego, California, $11,250,000.
Naval Supply Center, San Diego, California, $4,150,000.
Navy Public Works Center, San Diego, California, $4,870,000.
Navy Public Works Center, San Francisco, California, $13,420,000.
Naval Electronic Systems Engineering Activity, St. Inigoes, Maryland, $2,110,000.
Naval Air Development Center, Warminster, Pennsylvania, $2,290,000.
Naval Weapons Station, Yorktown, Virginia, $1,140,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, $1,570,000.
Naval Oceanographic Command, Bay St. Louis, Mississippi, $375,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, $1,160,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, $320,000.
Naval Security Group Activity, Northwest Chesapeake, Virginia, $2,500,000.
Naval Security Group Activity, Winter Harbor, Maine, $220,000.

OUTSIDE THE UNITED STATES

MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $6,820,000.
Marine Corps Base, Camp Butler, Okinawa, Japan, $2,330,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Guantanamo Bay, Cuba, $6,480,000.
Naval Station, Keflavik, Iceland, $33,560,000.
Naval Facility, Keflavik, Iceland, $2,620,000.
Naval Station, Panama Canal, Panama, $1,580,000.
Naval Station, Roosevelt Roads, Puerto Rico, $2,550,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $600,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Cubi Point, Republic of the Philippines, $24,260,000.
Naval Support Facility, Diego Garcia, Indian Ocean, $5,930,000.
Naval Air Station, Guam, Mariana Islands, $300,000.
Naval Ship Repair Facility, Guam, Mariana Islands, $2,340,000.
Naval Air Facility, Misawa, Japan, $9,300,000.
Naval Station, Subic Bay, Republic of the Philippines, $6,520,000.
Naval Ship Repair Facility, Subic Bay, Republic of the Philippines, $710,000.
Fleet Activities, Yokosuka, Japan, $990,000.

COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Fleet Operations Control Center Europe, London, England, $2,620,000.
Naval Station, Rota, Spain, $25,020,000.
Naval Air Station, Sigonella, Italy, $11,820,000.

NAVAL MATERIEL COMMAND

Navy Public Works Center, Guam, Mariana Islands, $230,000.

NAVAL MEDICAL COMMAND

Naval Hospital, Rota, Spain, $18,400,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station Western Pacific, Guam, Mariana Islands, $3,210,000.
Naval Communication Station, San Miguel, Republic of the Philippines, $300,000.
Naval Communication Station, Yokosuka, Japan, $980,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Diego Garcia, Indian Ocean, $380,000.
Naval Security Group Activity, Edzell, Scotland, $340,000.
Naval Security Group Detachment, Guam, Mariana Islands, $320,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various locations, $2,790,000.

FAMILY HOUSING

SEC. 202. (a) The Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Naval Station, Adak, Alaska, four hundred and five units, $53,107,000.
Marine Corps Base, Camp Pendleton, California, seven hundred and sixty units, $41,004,000.
AEGIS Communications Systems Center, Wallops Island, Virginia, twenty-eight units, $2,400,000.
Naval Station, Guantanamo Bay, Cuba, one hundred and twenty-five units, $12,430,000.

(b) Of the housing units authorized by subsection (a) to be constructed at Guantanamo Bay, Cuba, twenty-five of such units shall be constructed from savings realized from the construction of other family housing units. The provisions of section 803 of the Military Construction Authorization Act, 1984 (Public Law 98-115), shall not apply to the construction of such units, but performance standards for the construction of such units shall be used that permit factory-built housing or manufactured housing to compete with conventional, onsite construction methods.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 203. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $9,000,000.

(b) The Secretary of the Navy may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out a project to improve two hundred and sixty-eight existing military family housing units at the Naval Air Station, Whidbey Island, Washington, in the amount of $13,300,000.

DESIGN AND ENGINEERING FOR SANTA MARGARITA WATER PROJECT

SEC. 204. (a) Subject to subsection (b), during fiscal year 1985 the Secretary of the Navy may obligate not more than $1,500,000 from funds appropriated pursuant to the authorization in section 602(a)(4) for design and engineering for a project for water supply and flood control of the Santa Margarita River, California.

(b) Funds may not be obligated for the purpose described in subsection (a) unless legislation is enacted after the date of the enactment of this Act authorizing the Secretary of the Interior to carry out the Santa Margarita project, California, in accordance with the Federal reclamation laws and the plan set out in the report of the Secretary of the Interior on the project.

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $45,733,000.
McClellan Air Force Base, California, $34,601,000.
Newark Air Force Station, Ohio, $840,000.
Robins Air Force Base, Georgia, $27,390,000.
Tinker Air Force Base, Oklahoma, $26,799,000.
Wright-Patterson Air Force Base, Ohio, $35,350,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $7,700,000.
Brooks Air Force Base, Texas, $4,450,000.
Cape Canaveral Air Force Station, Florida, $2,750,000.
Edwards Air Force Base, California, $15,800,000.
Eglin Air Force Base, Florida, $7,180,000.
Various locations, Florida, $6,300,000.
Goddard Space Flight Center, Maryland, $3,500,000.
Hanscom Air Force Base, Massachusetts, $5,200,000.
Patrick Air Force Base, Florida, $910,000.
Various locations, $1,200,000.

AIR NATIONAL GUARD

Base 10, classified location, $2,150,000.
Otis Air National Guard Base, Massachusetts, $810,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $10,150,000.

Columbus Air Force Base, Mississippi, $5,000,000.
Goodfellow Air Force Base, Texas, $15,200,000.
Keesler Air Force Base, Mississippi, $16,555,000.
Lackland Air Force Base, Texas, $9,290,000.
Laughlin Air Force Base, Texas, $6,900,000.
Lowry Air Force Base, Colorado, $1,320,000.
Mather Air Force Base, California, $9,300,000.
Randolph Air Force Base, Texas, $9,740,000.
Reese Air Force Base, Texas, $4,900,000.
Sheppard Air Force Base, Texas, $6,300,000.
Williams Air Force Base, Arizona, $2,500,000.

AIR UNIVERSITY

Gunter Air Force Station, Alabama, $9,500,000.
Maxwell Air Force Base, Alabama, $2,280,000.

ALASKAN AIR COMMAND

Burnt Mountain Air Force Station, Alaska, $1,400,000.
Eielson Air Force Base, Alaska, $24,450,000.
Elmendorf Air Force Base, Alaska, $11,313,000.
Galena Airport, Alaska, $11,800,000.

MILITARY AIRLIFT COMMAND

Charleston Air Force Base, South Carolina, $15,540,000.
Eglin Auxiliary Field 9, Florida, $7,830,000.
Kirtland Air Force Base, New Mexico, $1,500,000.
Little Rock Air Force Base, Arkansas, $1,590,000.
McChord Air Force Base, Washington, $3,065,000.
McGuire Air Force Base, New Jersey, $440,000.
Norton Air Force Base, California, $6,530,000.
Pope Air Force Base, North Carolina, $710,000.
Scott Air Force Base, Illinois, $19,400,000.
Travis Air Force Base, California, $204,720,000.

NATIONAL MILITARY COMMAND CENTER

Pentagon, Virginia, $4,750,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $3,800,000.

SPACE COMMAND

Falcon Air Force Station, Colorado, $3,000,000.
Peterson Air Force Base, Colorado, $25,000,000.

SPECIAL PROJECT

Various locations, $53,700,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $25,995,000.
Beale Air Force Base, California, $2,240,000.
Blytheville Air Force Base, Arkansas, $1,500,000.
Carswell Air Force Base, Texas, $24,050,000.
Castle Air Force Base, California, $4,100,000.
Conrad Air Station, Montana, $4,260,000.
Dickinson Air Station, North Dakota, $3,710,000.
Dyess Air Force Base, Texas, $54,260,000.
Ellsworth Air Force Base, South Dakota, $55,840,000.
F. E. Warren Air Force Base, Wyoming, $49,220,000.
Fairchild Air Force Base, Washington, $16,400,000.
Grand Forks Air Force Base, North Dakota, $2,300,000.
Griffiss Air Force Base, New York, $4,150,000.
Grissom Air Force Base, Indiana, $6,820,000.
K. I. Sawyer Air Force Base, Michigan, $16,850,000.
Loring Air Force Base, Maine, $31,370,000.
Malmstrom Air Force Base, Montana, $1,500,000.
March Air Force Base, California, $9,150,000.
Minot Air Force Base, North Dakota, $33,800,000.
Offutt Air Force Base, Nebraska, $51,100,000.
Pease Air Force Base, New Hampshire, $5,950,000.
Plattsburgh Air Force Base, New York, $3,650,000.
Vandenberg Air Force Base, California, $33,910,000.
Whiteman Air Force Base, Missouri, $4,320,000.
Wurtsmith Air Force Base, Michigan, $2,925,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $9,800,000.
Cannon Air Force Base, New Mexico, $2,800,000.
Davis-Monthan Air Force Base, Arizona, $12,400,000.
England Air Force Base, Louisiana, $2,950,000.
George Air Force Base, California, $17,450,000.
Holloman Air Force Base, New Mexico, $11,610,000.
Homestead Air Force Base, Florida, $1,050,000.
Langley Air Force Base, Virginia, $28,530,000.
Luke Air Force Base, Arizona, $13,660,000.
MacDill Air Force Base, Florida, $4,610,000.
Moody Air Force Base, Georgia, $2,030,000.
Mountain Home Air Force Base, Idaho, $1,490,000.
Myrtle Beach Air Force Base, South Carolina, $2,795,000.
Nellis Air Force Base, Nevada, $5,090,000.
Seymour-Johnson Air Force Base, North Carolina, $20,490,000.
Shaw Air Force Base, South Carolina, $4,970,000.
Tyndall Air Force Base, Florida, $4,330,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $23,460,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $4,550,000.
Sidi Slimane, Morocco, $2,050,000.
Rhein-Main Air Base, Germany, $2,940,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, $19,750,000.
Misawa Air Base, Japan, $20,000,000.
Yokota Air Base, Japan, $1,000,000.
Kimhae Air Base, Korea, $253,000.
Kunsan Air Base, Korea, $11,600,000.
Kwang-Ju Air Base, Korea, $4,460,000.
Osan Air Base, Korea, $30,490,000.
Sachon Air Base, Korea, $1,100,000.
Suwon Air Base, Korea, $3,990,000.
Taegu Air Base, Korea, $4,950,000.
Diego Garcia Air Base, Indian Ocean, $16,100,000.
Clark Air Base, Republic of the Philippines, $42,125,000.
Base 11, classified location, $6,100,000.
Base 14, classified location, $1,700,000.
Wake Island Airfield, Wake Island, $1,235,000.

SPACE COMMAND

Thule Air Base, Greenland, $25,000,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $13,342,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Panama, $360,000.
Oman, various locations, $26,900,000.

UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands, $4,510,000.
Woensdrecht Air Base, The Netherlands, $2,650,000.
Alzey Radar Site, Germany, $3,150,000.
Bitburg Air Base, Germany, $4,350,000.
Classified location, Germany, $600,000.
Various locations, Germany, $14,600,000.
Ramstein Air Base, Germany, $8,650,000.
Spangdahlem Air Base, Germany, $420,000.
Wenigerath Air Base, Germany, $2,475,000.
Wiesbaden Air Base, Germany, $650,000.
Zweibrucken Air Base, Germany, $3,785,000.
Aviano Air Base, Italy, $1,600,000.
Comiso Air Station, Italy, $2,365,000.
Florennes, Belgium, $1,290,000.
San Vito Air Station, Italy, $2,250,000.
Torrejon Air Base, Spain, $9,750,000.
Zaragoza Air Base, Spain, $1,100,000.
Ankara Air Station, Turkey, $1,100,000.
Incirlik Air Base, Turkey, $2,600,000.
RAF Alconbury, United Kingdom, $5,395,000.
RAF Chicksands, United Kingdom, $3,550,000.
RAF Greenham Common, United Kingdom, $12,000,000.
RAF Lakenheath, United Kingdom, $2,100,000.
RAF Mildenhall, United Kingdom, $4,900,000.
RAF Upper Heyford, United Kingdom, $5,210,000.
RAF Welford, United Kingdom, $740,000.
RAF Woodbridge, United Kingdom, $2,050,000.
RAF Molesworth, United Kingdom, $15,004,000.
Base 13, classified location, $2,050,000.
Base 19, classified location, $2,850,000.
Classified locations, $2,100,000.
Various locations, Europe, $16,400,000.

FAMILY HOUSING

SEC. 302. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort MacArthur, California, one hundred and forty units, $15,100,000.
Hanscom Air Force Base, Massachusetts, Trailer Park Expansion, $500,000.
Conrad Air Force Station, Montana, forty units, $3,705,000.
F. E. Warren Air Force Base, Wyoming, two hundred and sixty-five units, $17,343,000.
Comiso, Italy, five hundred and seventy-six units, $50,070,000.

Osan Air Base, Korea, Utilities Expansion, $2,700,000.
RAF Greenham Common, United Kingdom, two hundred and fifty units, $22,441,000.
RAF Alconbury, United Kingdom, three hundred units, $27,410,000.
RAF Bentwaters, United Kingdom, two hundred units, $20,163,000.
Classified location, Federal Republic of Germany, one hundred and eighty units, $17,386,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 303. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $62,173,000, of which $23,751,000 is available only for energy conservation projects.

(b) The Secretary of the Air Force may, notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Bergstrom Air Force Base, Texas, one hundred and fifty-six units, $4,642,000.
Moody Air Force Base, Georgia, one hundred and six units, $2,772,000.
Scott Air Force Base, Illinois, two hundred and fifty units, $8,820,000.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $6,730,000.
Defense Fuel Support Point, Whittier, Alaska, $12,170,000.
Defense Property Disposal Office, Fairbanks, Alaska, $1,800,000.
Defense Property Disposal Office, Pearl Harbor Naval Shipyard, Hawaii, $1,950,000.
Defense Property Disposal Office, Robbins Air Force Base, Georgia, $2,500,000.
Defense Fuel Support Point, Grand Forks, North Dakota, $475,000.
Defense Fuel Support Point, Cincinnati, Ohio, $2,600,000.
Defense Depot, Mechanicsburg, Pennsylvania, $18,000,000.
Defense Fuel Support Point, Mukilteo, Washington, $500,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $20,100,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $16,920,000.
Rosman, North Carolina, $500,000.
Classified location, $500,000.

OFFICE OF THE SECRETARY OF DEFENSE

Presidio of Monterey, California, $22,475,000.
White Sands Missile Range, New Mexico, $9,000,000.
Classified activity, Fort Belvoir, Virginia, $28,400,000.
Classified location, $5,900,000.

DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, $220,000.

DEFENSE NUCLEAR AGENCY

Fort McClellan, Alabama, $1,000,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Maxwell Air Force Base, Alabama, $1,700,000.
Fort Benning, Georgia, $5,600,000.
Fort Campbell, Kentucky, $7,500,000.
Fort Knox, Kentucky, $21,961,000.
United States Military Academy, West Point, New York, $3,650,000.
Fort Bragg, North Carolina, $5,600,000.
Fort Jackson, South Carolina, $7,372,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Pohang, Korea, $15,800,000.
Defense Fuel Support Point, Roosevelt Roads, Puerto Rico, $10,675,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified location, $12,900,000.

NATIONAL SECURITY AGENCY

Classified locations, $5,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Amberg, Germany, $1,610,000.
Bad Kreuznach, Germany, $3,170,000.
Bad Nauheim, Germany, $1,040,000.
Bindlach, Germany, $1,510,000.
Crailsheim, Germany, $1,430,000.
Frankfurt, Germany, $10,020,000.
Goeppingen, Germany, $1,790,000.
Hahn Air Base, Germany, $2,450,000.
Katterbach, Germany, $3,260,000.
Ludwigsburg, Germany, $1,830,000.
Mannheim, Germany, $3,260,000.
Neubrueke, Germany, $2,330,000.
Osterholz-Scharmbeck, Germany, $820,000.
Rhein-Main Air Base, Germany, $1,830,000.
Ulm, Germany, $2,560,000.
Wiesbaden, Germany, $720,000.
Wertheim, Germany, $1,800,000.
Worms, Germany, $1,930,000.
Wuerzberg, Germany, $2,297,000.
Naval Station, Keflavik, Iceland, $2,890,000.
Comiso, Italy, $11,290,000.
Camp Kinser, Japan, $5,410,000.
Camp McTureous, Japan, $5,220,000.
Zukeran, Japan, $2,250,000.
Seoul, Korea, $1,130,000.
Brunssum, Netherlands, $2,440,000.
Subic Bay, Republic of the Philippines, $2,950,000.
Clark Air Base, Republic of the Philippines, $4,970,000.
RAF Chicksands, United Kingdom, $810,000.
RAF Greenham Common, United Kingdom, $10,410,000.
RAF High Wycombe, United Kingdom, $5,270,000.
RAF Woodbridge, United Kingdom, $1,380,000.

FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct or acquire six family housing units (including land acquisition) at classified locations in the total amount of $693,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $107,000.

DEFICIENCY AUTHORIZATION FOR EXISTING APPROPRIATIONS

SEC. 404. Section 604(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 779), is amended by striking out "$306,386,000", "$90,572,000", and "$143,070,000" and inserting in lieu thereof "$334,646,000", "$105,572,000", and "$156,330,000", respectively.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 605.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,140,884,000 as follows:

(1) For projects authorized by section 101 that are to be carried out inside the United States, $1,076,307,000.

(2) For projects authorized by section 101 that are to be carried out outside the United States, $428,820,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $33,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $170,000,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $166,003,000; and

(B) for support of military family housing, $1,266,754,000, of which not more than $129,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $107,378,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Army that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts (1) for military construction projects authorized in section 101 in the amount of $198,800,000, and (2) for military family housing projects authorized in section 102 in the amount of $20,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 101 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,288,803,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $1,223,017,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $173,300,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $19,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $150,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $4,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $126,500,000; and

(B) for support of military family housing, $592,986,000, of which not more than $28,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $20,052,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Navy that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 201 in the amount of $80,000,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 201 may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,791,063,000 as follows:

(1) For projects authorized by section 301 that are to be carried out inside the United States, $1,241,351,000.

(2) For projects authorized by section 301 that are to be carried out outside the United States, $347,239,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $21,750,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $244,991,000; and

(B) for support of military family housing, $760,732,000, of which not more than $53,339,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Air Force that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 301 in the amount of $150,670,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 301 may not exceed the sum of the total amount authorized to be appropriated under subsections (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $357,075,000 as follows:

(1) For projects authorized by section 401 that are to be carried out inside the United States, $171,823,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $127,452,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $3,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $800,000; and

(B) for support of military family housing, $19,000,000, of which not more than $15,773,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Funds appropriated to the Department of Defense for fiscal years before fiscal year 1985 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 401 in the amount of $52,500,000.

(c) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed the sum of the total amount authorized to be appropriated under subsections (1) and (2) of subsection (a) and the amount specified in subsection (b).

AUTHORIZATION OF APPROPRIATIONS, NATO

SEC. 605. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1984, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization Infrastructure program, as authorized by section 501, $131,700,000.

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

SEC. 606. (a) Amounts authorized under sections 601 through 604 for construction and acquisition of military family housing and facilities include amounts for minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design.

(b) Amounts authorized under sections 601 through 604 for support of military family housing include amounts for operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, and payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m).

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 607. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, IV, and V for military construction projects, land acquisition, family housing projects, and contributions to the NATO Infrastructure program (and authorizations of appropriations therefor contained in sections 601 through 605) shall expire on October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects, and contributions to the NATO Infrastructure program, (and authorizations of appropriations therefore), for which appropriated funds have been obligated before October 1, 1986, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1987, whichever is later, for construction contracts, land acquisition, family housing projects, or contributions to the NATO Infrastructure program.

(b) Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorizations for the following projects authorized in sections 101, 201, and 301 of that Act shall remain in effect until October 1, 1985, or the date of enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later:

(1) Consolidated heating facility in the amount of $1,300,000 at Giessen, Germany.

(2) Barracks in the amount of $9,300,000 at Vilseck, Germany.

(3) Battalion headquarters and classroom in the amount of $3,000,000 at Vilseck, Germany.

(4) Dining facility in the amount of $3,600,000 at Vilseck, Germany.

(5) Barracks in the amount of $10,600,000 at Vilseck, Germany.

(6) Standby generator plant in the amount of $4,500,000 at the Naval Communications Area Master Station Eastern Pacific, Honolulu, Hawaii.

(7) Rapid Deployment Force facilities in the amount of $55,000,000 at Ras Banas, Egypt.

(8) Ammunition Wharf in the amount of $24,000,000 at the Naval Magazine, Guam, Mariana Islands.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 608. For projects or contracts initiated during the period beginning on the date of the enactment of this Act or October 1, 1984, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year

1986 or October 1, 1985, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 30,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 609. Titles I, II, III, IV, and V of this Act (other than section 104) take effect on October 1, 1984.

SUPPLEMENTAL AUTHORIZATION FOR FISCAL YEAR 1984

SEC. 610. (a) In addition to the military construction projects authorized by section 201 of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 762), the Secretary of the Navy may carry out a military construction project outside the United States at the Naval Station, Keflavik, Iceland, in the amount of $30,000,000.

(b) The project authorized in subsection (a) is subject to the authorizations and limitations applicable to projects authorized in the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 757), in the same manner as if such project had been authorized in that Act. The limit prescribed by section 602(b) of that Act on the total cost of all projects carried out under section 201 of that Act is hereby increased by the additional amount authorized to be appropriated by subsection (c).

(c) There is hereby authorized to be appropriated for fiscal year 1984 for the Department of the Navy for the military construction project authorized by subsection (a), in addition to the amounts authorized to be appropriated by section 602(a)(2) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 778), the amount of $30,000,000.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1984, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States $101,683,000, and

(B) for the Army Reserve, $71,700,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $62,000,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States $121,200,000, and

(B) for the Air Force Reserve, $67,800,000.

MODIFICATION OF GUARD AND RESERVE MINOR CONSTRUCTION AUTHORITY

SEC. 702. Effective on October 1, 1984, section 2233a(b) of title 10, United States Code, is amended by striking out "$50,000" and inserting in lieu thereof "$100,000".

FEDERAL CONTRIBUTION FOR CONSTRUCTION TO UPGRADE CRITICAL PORTIONS OF ARMORIES

SEC. 703. (a) Section 2233(a)(6) of title 10, United States Code, is amended—

(1) by striking out "arms storage rooms" and inserting in lieu thereof "critical portions of facilities"; and

(2) by striking out "standards related to the safekeeping of arms" and inserting in lieu thereof "construction criteria or standards related to the execution of the Federal military mission assigned to the unit using the facility".

(b) The amendments made by subsection (a) shall take effect on October 1, 1984.

RESTRICTION ON USE OF LANDS AT CAMP SHELBY, HATTIESBURG, MISSISSIPPI

SEC. 704. (a) Except as provided in subsection (b), the land comprising Camp Shelby, Hattiesburg, Mississippi (including any land acquired by the Secretary of the Army on or after the date of the enactment of this Act and made a part of Camp Shelby) may not be used for any purpose other than the military training of members of the Armed Forces to enhance the ability of such members to perform successfully mission assignments in a conventional warfare environment.

(b) Subject to such regulations as the Adjutant General of the State of Mississippi may prescribe, the lands referred to in subsection (a) may be used for hunting, agricultural, or forestry purposes or for any other civil purpose for which such lands were permitted to be used on or before the date of the enactment of this Act.

TITLE VIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM REVISIONS

LIABILITY OF OCCUPANTS OF MILITARY HOUSING

SEC. 801. (a)(1) Section 2775 of title 10, United States Code, is amended to read as follows:

"§ 2775. Liability of members for damage to housing and related equipment and furnishings

"(a) A member of the armed forces shall be liable to the United States for damage to any family housing unit or unaccompanied personnel housing unit, or damage to or loss of any equipment or furnishings of any family housing unit or unaccompanied personnel housing unit, assigned to or provided such member if it is determined, under regulations prescribed by the Secretary of Defense, that the damage or loss was caused by the abuse or negligence of the member (or a dependent of the member) or of a guest of the member (or a dependent of the member).

"(b) The Secretary of Defense may establish limitations on liability under this section, including different limitations based upon the degree of abuse or negligence involved, and may compromise or waive a claim of the United States under this section.

"(c)(1) The Secretary concerned may deduct from a member's pay an amount sufficient to pay for the cost of any repair or replacement made necessary as the result of any abuse or negligence referred to in subsection (a) for which the member is liable. Regulations implementing this section may also provide for the collection of amounts owed under this section by any other authorized means.

"(2) The final determination of an amount to be deducted from the pay of an officer of an armed force in accordance with regulations prescribed under this section shall be deemed to be a special order authorizing such deduction for the purposes of section 1007 of title 37.

"(d) Amounts received under this section shall be credited to the family housing operations and maintenance account, in the case of damage to a family housing unit (or the equipment or furnishings of a family housing unit), or to the operations and maintenance account, in the case of damage to an unaccompanied personnel housing unit (or the equipment or furnishings of an unaccompanied personnel housing unit), of the military department or defense agency concerned. Amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in those accounts.

"(e) The Secretary of Defense shall prescribe regulations to carry out the provisions of this section, including (1) regulations for determining the cost of repairs and replacements made necessary as the result of abuse or negligence referred to in subsection (a), and (2) regulations providing for limitations of liability, the compromise or waiver of claims, and the collection of amounts owed under this section.".

(2) The item relating to section 2775 in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

"2775. Liability of members for damage to housing and related equipment and furnishings.".

(b)(1) Regulations shall be prescribed under subsection (e) of section 2775 of title 10, United States Code, as amended by subsection (a), not later than 180 days after the date of the enactment of this Act. That section shall apply with respect to the liability of a member under such section for damage or loss to an unaccompanied personnel housing unit (or the equipment or furnishings of an unaccompanied personnel housing unit) or for damage or loss caused by a guest of the member or of a dependent of the member to a family housing unit (or the equipment or furnishings of a family housing unit) only in the case of damage or loss caused on or after the date that such regulations take effect.

(2) The authority of the Secretary of Defense under subsection (b) of such section is applicable to any claim of the United States under such section, whether such claim arose before, on, or after the date of the enactment of this Act.

COST VARIATIONS FOR ACQUISITION OF REAL PROPERTY BY CONDEMNATION

SEC. 802. Section 2676 of title 10, United States Code, is amended—

(1) by inserting "or, in the case of land to be acquired by condemnation, the amount to be deposited with the court as just compensation for the land" in subsection (c)(2) after "upon the agreed price for the land";

(2) by inserting "or, in the case of land to be acquired by condemnation, the amount

to be deposited with the court as just compensation for the land," in subsection (c)(2)(B) after "the agreed price for the land,"; and

(3) by adding at the end thereof the following new subsection:

"(e) The Secretary concerned shall promptly pay any deficiency judgment against the United States awarded by a court in an action for condemnation of any interest in land or resulting from a final settlement of an action for condemnation of any interest in land. Payments under this subsection may be made from funds available to the Secretary concerned for military construction projects and without regard to the limitations of subsections (c) and (d).".

MAXIMUM AMOUNT FOR ACQUISITION OF OPTIONS ON REAL PROPERTY

SEC. 803. Section 2677(b) of title 10, United States Code, is amended by striking out "5 percent" and inserting in lieu thereof "12 percent".

AUTHORITY TO RESTORE LAND OF OTHER AGENCIES USED TEMPORARILY BY DEPARTMENT OF DEFENSE

SEC. 804. (a) Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2691. Restoration of land used by permit or lease from other agencies

"(a) The Secretary of the military department concerned may remove improvements and take any other action necessary in the judgment of the Secretary to restore land used by that military department by permit or lease from another military department or Federal agency if the restoration is required by the permit or lease making that land available to the military department. The Secretary concerned may carry out this section using funds available for operations and maintenance or for military construction.

"(b) Unless otherwise prohibited by law or the terms of the permit or lease, before restoration of any land under subsection (a) is begun, the Secretary concerned shall determine, under the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), whether another military department or Federal agency has a use for the land in its existing, improved state. During the period required to make such a determination, the Secretary may provide for maintenance and repair of improvements on the land to the standards established for excess property by the Administrator of General Services.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2691. Restoration of land used by permit or lease from other agencies.".

STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS

SEC. 805. (a) Chapter 159 of title 10, United States Code, is amended by adding after section 2691 (as added by section 804) the following new section:

"§ 2692. Storage and disposal of nondefense toxic and hazardous materials

"(a)(1) Except as otherwise provided in this section, the Secretary of Defense may not permit the use of an installation of the Department of Defense for the storage or disposal of any material that is a toxic or hazardous material and that is not owned by the Department of Defense.

"(2) The Secretary of Defense shall define by regulation what materials are hazardous or toxic materials for the purposes of this section, including specification of the quantity of a material that serves to make it hazardous or toxic for the purposes of this section. The definition shall include materials referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) and materials designated under section 102 of that Act (42 U.S.C. 9602) and shall include materials that are of an explosive, flammable, or pyrotechnic nature.

"(b) Subsection (a) does not apply to—

"(1) the storage of strategic and critical materials in the National Defense Stockpile under an agreement for such storage with the Administrator of General Services;

"(2) the temporary storage or disposal of explosives in order to protect the public or to assist agencies responsible for Federal law enforcement in storing or disposing of explosives when no alternative solution is available, if such storage or disposal is made in accordance with an agreement between the Secretary of Defense and the head of the Federal agency concerned;

"(3) the temporary storage or disposal of explosives in order to provide emergency lifesaving assistance to civil authorities;

"(4) the disposal of excess explosives produced under a Department of Defense contract, if the head of the military department concerned determines, in each case, that an alternative feasible means of disposal is not available to the contractor, taking into consideration public safety, available resources of the contractor, and national defense production requirements;

"(5) the temporary storage of nuclear materials or non-nuclear classified materials in accordance with an agreement with the Secretary of Energy;

"(6) the storage of materials that constitute military resources intended to be used during peacetime civil emergencies in accordance with applicable Department of Defense regulations; and

"(7) the temporary storage of materials of other Federal agencies in order to provide assistance and refuge for commercial carriers of such material during a transportation emergency.

"(c) The Secretary of Defense may grant exceptions to subsection (a) when essential to protect the health and safety of the public from imminent danger if the Secretary otherwise determines the exception is essential and if the storage or disposal authorized does not compete with private enterprise.

"(d)(1) The Secretary may assess a charge for any storage or disposal provided under this section. Any such charge shall be on a reimbursable cost basis.

"(2) In the case of storage under this section authorized because of an imminent danger, the storage provided shall be temporary and shall cease once the imminent danger no longer exists. In all other cases of storage or disposal authorized under this section, the storage or disposal authorized shall be terminated as determined by the Secretary.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2691 (as added by section 804) the following new item:

"2692. Storage and disposal of nondefense toxic and hazardous materials.".

LEASING AND RENTAL GUARANTEE PROGRAM EXTENSION

SEC. 806. (a) Section 2828(g) of title 10, United States Code, is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph (8):

"(8) In addition to the contracts authorized by paragraph (7), the Secretary of the Army may enter into one contract under this subsection for not more than 600 family housing units at one location if the contract is necessary in order to provide sufficient family housing to accommodate a major restationing action by the Army. The Secretary of the Army may not enter into a contract under this paragraph and an agreement under section 802(g) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 783).".

(b) Section 802 of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 783), is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection (g):

"(g) In addition to the agreements authorized by subsection (f), the Secretary of the Army may enter into one agreement under this section for not more than 600 family housing units at one location if the agreement is necessary in order to provide sufficient family housing to accommodate a major restationing action by the Army. The Secretary of the Army may not enter into an agreement under this subsection and a contract under section 2828(g)(8) of title 10, United States Code.".

(c) The amendments made by this section shall take effect on October 1, 1984.

AUTHORIZED COST VARIATIONS

SEC. 807. Section 2853(e) of title 10, United States Code, is amended by inserting "is more than the amount specified by law as the maximum amount for a minor military construction project and" after "under the contract" in the second sentence.

CONTRACTS FOR ARCHITECT AND ENGINEER SERVICES

SEC. 808. (a) Section 2855 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Contracts" at the beginning of such section; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) In the case of a contract referred to in subsection (a)—

"(A) if the Secretary concerned estimates that the initial award of the contract will be in an amount greater than or equal to the threshold amount determined under paragraph (2), the contract may not be set aside exclusively for award to small business concerns; and

"(B) if the Secretary concerned estimates that the initial award of the contract will be in an amount less than the threshold amount determined under paragraph (2), the contract shall be awarded in accordance with the set aside provisions of the Small Business Act (15 U.S.C. 631 et seq.).

"(2) The initial threshold amount under paragraph (1) is $85,000. The Secretary of Defense may revise that amount in order to ensure that small business concerns receive a reasonable share of contracts referred to in subsection (a).

"(3) This subsection does not restrict the award of contracts to small business concerns under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).".

(b) Subsection (b) of section 2855 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded after September 30, 1984, except that the authority of the Secretary of Defense under paragraph (2) of that subsec-

tion shall apply only with respect to contacts awarded after September 30, 1985.

ADMINISTRATION OF FOREST PRODUCTS PROGRAM

SEC. 809. (a) Section 2665 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "logs wholly or partly manufactured by, or otherwise procured for, the Army, Navy, or Air Force, or" and inserting in lieu thereof "forest products produced on land owned or leased by a military department or the";

(2) in subsection (d), by striking out "lumber and timber products" and inserting in lieu thereof "forest products";

(3) in subsection (e)(1)—

(A) by striking out "timber and timber products" each place it appears and inserting in lieu thereof "forest products"; and

(B) by striking out "25 percent" and inserting in lieu thereof "40 percent"; and

(4) by adding at the end thereof the following new subsection:

"(f)(1) There is in the Treasury a reserve account administered by the Secretary of Defense for the purposes of this section. Balances in the account may be used for expenses of the military departments—

"(A) for improvements of forest lands;

"(B) for unanticipated contingencies in the administration of forest lands and the production of forest products for which other sources of funds are not available in a timely manner; and

"(C) for expenses to enable operations of forest lands and the production of forest products to continue from the end of one fiscal year through the beginning of the next fiscal year without disruption.

"(2) Subject to paragraph (3), there shall be deposited into the reserve account not later than December 31 of each year, for credit to the preceding fiscal year, an amount equal to one-half of the amount (if any) remaining of the total amount received by the United States during that fiscal year as proceeds from the sale of forest products after (A) the reimbursement of appropriations of the Department of Defense under subsection (d) for expenses of production of forest products during that fiscal year, and (B) the payment to States under subsection (e) for that fiscal year.

"(3) The balance in the reserve account may not exceed $4,000,000. If a deposit under paragraph (2) would cause the balance in the account to exceed that amount, the deposit shall be made only to the extent the amount of the deposit would not cause the balance in the account to exceed $4,000,000.".

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on October 1, 1984.

(2) The amendment made by subsection (a)(2)(B) shall apply with respect to payments to States for fiscal years beginning after September 30, 1984.

SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES

SEC. 810. (a) Chapter 147 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2483. Sale of electricity from alternate energy and cogeneration production facilities

"(a) The Secretary of a military department may sell, contract to sell, or authorize the sale by a contractor to a public or private utility company of electrical energy generated from alternate energy or cogeneration type production facilities which are under the jurisdiction (or produced on land which is under the jurisdiction) of the Secretary concerned. The sale of such energy shall be made under such regulations, for such periods, and at such prices as the Secretary concerned prescribes consistent with the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

"(b) Proceeds from sales under subsection (a) shall be credited to the appropriation account currently available to the military department concerned for the supply of electrical energy.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2483. Sale of electricity from alternate energy and cogeneration production facilities.".

INSTALLATION OF TELEPHONE WIRING

SEC. 811. (a) Section 1348 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense are available to install, repair, and maintain telephone wiring in residences owned or leased by the United States Government and, if necessary for national defense purposes, in other private residences.".

(b) The amendment made by subsection (a) shall be effective as of January 1, 1984. Funds appropriated to the Department of Defense may be used to reimburse persons for expenditures made after December 31, 1983, for the installation, repair, and maintenance of telephone wiring in any Government-owned or leased housing unit before the date of the enactment of this Act.

FAMILY HOUSING CONSTRUCTED OVERSEAS

SEC. 812. Section 803(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 784) is amended—

(1) by inserting "(1)" after "shall require", and

(2) by striking out the period at the end and inserting in lieu thereof a comma and the following: "or (2) in the case of concrete housing, the use of housing (A) that is produced in a plant that was fabricated in the United States by a United States company, and (B) for which the materials, fixtures, and equipment used in the construction of such housing (other than cement, sand, and aggregates) are manufactured in the United States.".

PART B—MISCELLANEOUS PROVISIONS

TEST OF INNOVATIVE CONSTRUCTION CONTRACTING METHODS

SEC. 821. The Secretary of the Air Force, with the approval of the Secretary of Defense, may enter into construction contracts for military construction projects using either turnkey competitive negotiation methods or construction management techniques at one installation of the Secretary's choice. Contracts for architectural and engineering services and for construction awarded under this section shall be subject to section 2855 of title 10, United States Code.

REPEAL OF LIMITS ON PROJECTS IN SUPPORT OF THE MASTER RESTATIONING PLAN

SEC. 822. Section 107 of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1552), is repealed.

STUDY OF SECTION 6 SCHOOLS

SEC. 823. The Comptroller General of the United States shall conduct a study to determine the most suitable means to pay for the construction and operation of Department of Defense dependent schools established under section 6 of Public Law 874 of the Eighty-first Congress. The study shall consider the effect that transferring responsibility for funding and operating those schools from the Department of Defense to local school districts would have on funding for the impact aid program of the Department of Education and the effect that such transfer would have on local school districts. Not later than May 1, 1984, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study.

TECHNICAL AMENDMENT

SEC. 824. Section 807(b) of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 788), is amended by striking out "section 2809" and inserting in lieu thereof "section 2667a". The amendment made by this section shall apply as if included in the enactment of the Military Construction Authorization Act, 1984.

PART C—REAL PROPERTY TRANSACTIONS

LAND EXCHANGE, FALCON AIR FORCE STATION, COLORADO

SEC. 831. (a)(1) The Secretary of the Air Force is authorized to acquire from the State of Colorado easements restricting the use of, and giving the United States rights-of-way over, certain parcels of land owned by the State of Colorado adjacent to the Consolidated Space Operations Center, Falcon Air Force Station, Colorado.

(2) As consideration for the interests in land acquired under paragraph (1), the United States shall convey to the State of Colorado Board of Land Commissioners all right, title, and interest of the United States in and to suitable Federal lands in Colorado.

(b) The Secretary shall adjust the amount of land conveyed and the nature of the interests acquired under subsection (a) so that the fair market value (as determined by the Secretary) of the interests in land acquired under subsection (a)(1) is not less than the fair market value (as determined by the Secretary) of the land conveyed under subsection (a)(2).

(c) The transaction authorized by subsection (a) may not be carried out until the Secretary has reported to the Committees on Armed Services of the Senate and House of Representative on the details of the transaction, including specification of the lands to be conveyed by the United States under subsection (a)(2), and a period of 21 days has passed from the date of the receipt of the report by those committees.

(d) The exact acreages of the lands to be acquired and conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the United States.

(e) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

REPLACEMENT OF WAREHOUSE FACILITIES, CAMP PENDLETON MARINE CORPS BASE, CALIFORNIA

SEC. 832. In consideration for granting continued use through December 31, 2006, of approximately 84 acres of land and 164,000 square feet of warehouse space at the Marine Corps Base, Camp Pendleton, California, to the Southern California Edison Company in support of the San Onofre Nuclear Generating Station, the Secretary of the Navy is authorized to accept—

(1) replacement warehouse facilities, satisfactory to the Secretary, to be constructed at no cost to the United States on the Marine Corps Base, Camp Pendleton; and

(2) payment of the fair market rental value, as determined by the Secretary, for use of the 84 acres of land.

DISPOSITION OF SUBSTANDARD HOUSING AT CAMP PENDLETON, CALIFORNIA; CONSTRUCTION OF EQUIVALENT VALUE OF NEW FAMILY HOUSING

SEC. 833. (a) The Secretary of the Navy is authorized to convey all right, title, and interest of the United States in and to the parcel of land, consisting of 56 acres, more or less (together with the improvements thereon), in Oceanside California owned by the United States and under the jurisdiction of the Secretary known as the Sterling Homes Project. The conveyance shall be for cash or under an exchange as described in subsection (c)(2). If the conveyance is for cash, the sale of the property shall be conducted in accordance with competitive bidding procedures.

(b)(1) The Secretary is authorized to construct family housing units at Camp Pendleton, California, in addition to the family housing authorized for Camp Pendleton by section 202.

(2) The number of housing units authorized to be constructed under this subsection is the number of units that may be constructed by the contractor within—

(A) the amount received as proceeds from the conveyance under subsection (a), if the property referred to in that subsection is sold for cash; or

(B) an amount equal to the fair market value, as determined by the Secretary, of the property conveyed under that subsection, if the property is conveyed under an exchange described in subsection (c)(2).

(c) If the conveyance under subsection (a) is for cash, the Secretary shall retain the proceeds of the sale and shall use the proceeds for the construction authorized by subsection (b). In such case, the Secretary may not enter into a contract for that construction in an amount in excess of the amount received as proceeds from the sale or in advance of the receipt of such proceeds.

(2) In lieu of a sale for cash under subsection (a), the Secretary may exchange the property referred to in that subsection for the construction of the housing units authorized by subsection (b).

(d) The exact acreage and legal description of the property to be conveyed by the Secretary under this section shall be in accordance with surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the buyer.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance and construction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, LOMPOC, CALIFORNIA

SEC. 834. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the city of Lompoc, California (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to the real property described in subsection (c).

(b)(1) The conveyance authorized by subsection (a) shall be subject to the condition that the real property conveyed shall be used by the City—

(A) for the Lompoc, California, Western Spaceport Museum and Science Center as a permanent site for a space science museum;

(B) for educational and recreational purposes related to the purpose described in subparagraph (A); or

(C) for the purposes described in subparagraphs (A) and (B).

(2) If the property conveyed pursuant to subsection (a) is not used for one or more of the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States, which shall have the right of immediate entry thereon.

(3) The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(c) The real property referred to in subsection (a) is a tract of land containing 148.84 acres, more or less, located within the City and bounded on the north by Santa Barbara County Highway S-20, on the east by California State Highway Numbered 1, and on the south and west by property controlled by the Department of the Army.

(d) The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City.

LAND CONVEYANCE, RIVERSIDE COUNTY, CALIFORNIA

SEC. 835. (a) Subject to subsection (b), the Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Village West Foundation, Incorporated (hereinafter in this section referred to as the "Foundation"), of San Bernardino, California, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) In consideration for the conveyance by the Secretary under subsection (a), the Foundation shall pay to the United States an amount of money equal to the fair market value (as determined by the Secretary) of the land authorized to be conveyed under subsection (b).

(c) The land referred to in subsection (a) is a portion of March Air Force Base, California, composed of one parcel containing approximately 150 acres. The tract of land is on west March Air Force Base bounded on the east by Clark Street, on the west by Allen Street, on the south by 5th Street, and the north is an extension of 11th Street between Allen and Clark Streets.

(d) A conveyance by the Secretary under subsection (a) shall provide that—

(1) if the land conveyed is not used as a permanent location for facilities of the Foundation before the end of the 10-year period beginning on the date on which the land is conveyed—

(A) title to the land shall revert to the United States; and

(B) upon such reversion, the Secretary shall pay to the Foundation, from amounts available for that purpose, an amount equal to 50 percent of the fair market value of the land reverting to the United States, determined as of the date on which the land was conveyed to the Foundation by the Secretary;

(2) if all or any portion of the land conveyed ceases to be used for Foundation purposes during the 40-year period beginning on the date on which the 10-year period stated in paragraph (1) ends, title to all of such land which has ceased to be used for Foundation purposes shall revert to the United States;

(3) during the 50-year period beginning on the date of the conveyance, a construction project may be begun on such land only after the plans for such construction are approved by the Secretary; and

(4) during the 50-year period beginning on the date of the conveyance, the Foundation may not sell, lease, or otherwise dispose of the land conveyed.

(e) Notwithstanding section 2733 of title 10, United States Code, sections 1346 and 2672 of title 28, United States Code, and section 715 of title 32, United States Code, or any other provision of law enacted before, on, or after the date of the enactment of this Act (except a law that specifically refers to the Foundation or to this section), the United States shall not be liable to the Foundation for any damage to, or diminution in value of, any land conveyed under this section (or any improvement on such land) if such damage or diminution in value is caused by an activity of the United States at March Air Force Base, California.

(f) The transaction authorized by this section shall be made subject to such additional terms and conditions as the Secretary considers appropriate to carry out the provisions of this section and to protect the interests of the United States.

(g) The exact acreage and legal description of any land conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the Foundation.

RELEASE OF LEASEHOLD INTEREST, SAN DIEGO UNIFIED PORT DISTRICT, CALIFORNIA

SEC. 836. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the San Diego Unified Port District, California (hereinafter in this section referred to as the "Port") all right, title, and interest of the United States in and to Lease NOy(R)-44755 entered into by the United States with the Port, comprising approximately 3.35 acres of land with Navy-owned improvements known as the San Diego Branch, Western Division, Naval Facilities Engineering Command. Such conveyance may not be made until a replacement facility for the San Diego Branch is available in accordance with subsection (b).

(b) In consideration for the conveyance authorized by subsection (a), the Port shall—

(1) construct, at no expense to the United States, a suitable replacement facility for the San Diego Branch at a suitable Navy-owned site, as determined by the Secretary;

(2) pay to the Secretary the cost of removing any existing improvements on the replacement site;

(3) pay to the Secretary the cost of relocating the San Diego Branch and its tenants; and

(4) convey to the United States unencumbered title to the replacement facility.

(c) The Secretary is authorized to receive, obligate, and disburse any funds received under subsection (b)(2) and (3) to facilitate the relocation.

(d) If the fair market value of the interest conveyed under subsection (a) exceeds the sum of the fair market value of the replacement facility and the amounts paid under subsection (b), as determined by the Secretary, the Port shall pay the difference to the United States.

(e) The Secretary may require such additional terms and conditions as the Secretary

considers necessary or appropriate to protect the interest of the United States.

LAND EXCHANGE, SAN DIEGO, CALIFORNIA

SEC. 837. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized (1) to convey to the City of San Diego (hereinafter in this section referred to as the "City") all right, title, and interest of the United States in and to approximately 120 acres of land lying southerly of proposed highway S-52 and east of Second San Diego Aqueduct, and (2) to convey to the City or the San Diego Energy Recovery Project, a joint powers agency of the City and County of San Diego (hereinafter in this section referred to as "SANDER"), approximately 45 acres of land lying easterly of Convoy Street and southerly of proposed highway S-52 and comprising a portion of the Naval Air Station, Miramar, San Diego, California.

(b) In consideration for the conveyances authorized by subsection (a), the City shall convey to the United States appropriate interests (as determined by the Secretary) in and to approximately 280 acres of land abutting the boundaries of the Naval Air Station, Miramar, of which approximately 120 acres are adjacent to and easterly of highway I-805 in the vicinity of Miramar Road and 160 acres are adjacent to and northerly of proposed highway S-52, east of Second San Diego Aqueduct.

(c) If the fair market value of the land conveyed by the Secretary under subsection (a) exceeds the fair market value of the lands conveyed by the City under subsection (b), the Secretary may accept such other lands as the Secretary has been previously authorized to acquire by exchange in partial or full consideration for the remaining value. The total value of the consideration to the United States shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary. The City or SANDER or the City and SANDER shall pay any difference to the United States.

(d) The exact acreages and legal descriptions of any real property to be conveyed or acquired under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the City or SANDER or by the City and SANDER.

(e) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, TUSTIN, CALIFORNIA

SEC. 838. (a)(1) Subject to subsections (b) and (c), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Irvine Company, a Michigan corporation, or to either or both of the cities of Tustin and Irvine, municipal corporations of the State of California, the interest of the United States described in paragraph (2) in a tract of approximately 15 acres of land located on the Marine Corps Air Station (Helicopter), Tustin, California (hereinafter in this section referred to as the "Air Facility"), for the development and extension of a public thoroughfare through the Air Facility from Barranca Parkway on the south of the Air Facility to Irvine Center Drive on the north of the Air Facility.

(2) The interest of the United States that may be conveyed under this subsection is (A) a public right-of-way easement in perpetuity over, across, and under the land described in paragraph (1) for roadway purposes, installation and maintenance of such underground utilities as are customarily located in rights-of-way, and related purposes, or (B) all right, title, and interest of the United States in such land.

(b) The conveyance authorized by subsection (a) may not be made unless—

(1) the Irvine Company conveys to the United States, for a term not to exceed the period of the use of the Air Facility as an active military air station—

(A) interests or rights acceptable to the Secretary within or over certain land commonly known as the "Browning Corridor" and certain other undeveloped land traversed by military aircraft and used by the Air Facility as its Ground Control Approach; or

(B) if the Irvine Company and the Secretary are unable to agree to interests or rights acceptable to the Secretary with respect to the land described in clause (A) that are at least equivalent in value (as determined by the Secretary) to the value of the interest of the United States to be conveyed under subsection (a)—

(i) interests or rights acceptable to the Secretary in a tract of approximately 39 acres of land (or a portion thereof that is acceptable to the Secretary) in the vicinity of the northwest portion of the intersection of Barranca Parkway and Peters Canyon Wash; or

(ii) a combination of interests or rights acceptable to the Secretary within or over the land described in clause (A) and in the land described in subclause (i); and

(2) the Irvine Company or the cities of Tustin and Irvine pay to the United States all costs of the United States related to replacing, in a manner satisfactory to the Secretary, the helicopter heavy-lift training facility displaced by reason of the conveyance under subsection (a) and any other improvement displaced by reason of that conveyance.

(c) The value of the interests or rights in real property conveyed to the United States under subsection (b)(1) must be at least equivalent in value (as determined by the Secretary) to the value of the interest of the United States to be conveyed under subsection (a).

(d) If the conveyance under subsection (b)(1) is to include a conveyance to the United States of interests or rights described in subsection (b)(1)(A), then before the conveyance authorized by subsection (a) is made, the Secretary and the cities of Tustin and Irvine shall enter into written agreements, satisfactory to the Secretary, under which the cities—

(1) agree that in exercising land use planning and zoning authority, the cities shall consider limiting the extent and location of residential development of the lands commonly known as the "Browning Corridor" as appropriate to air operations in that corridor; and

(2) provide a process for the United States to participate in the initial and continued planning of land uses within the Browning Corridor.

(e) The exact acreages and legal descriptions of the interests in land to be conveyed under subsections (a) and (b) shall be determined by surveys that are satisfactory to the Secretary. The Irvine Company or the cities of Tustin and Irvine shall pay all survey and title evidence costs involved in those conveyances.

(f) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, ANNAPOLIS, MARYLAND

SEC. 839. (a) Subject to subsections (b) and (d), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Naval Academy Athletic Association, a nonprofit organization located in the State of Maryland (hereinafter in this section referred to as the "Association"), all right, title, and interest of the United States in and to approximately 4.3 acres of unimproved land comprising a portion of the United States Naval Academy, Annapolis, Maryland.

(b) In consideration for the conveyance under subsection (a), the Association shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The unimproved land to be conveyed under subsection (a) is land that was conveyed by the Association to the United States in 1965. The exact acreage and legal description of the land to be conveyed shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Association.

(d) Before making the conveyance under subsection (a), the Secretary shall enter into an agreement with the Association which provides that the Association, after such conveyance, will expeditiously develop the property conveyed and will use the property for purposes consistent with and in support of activities of the United States Naval Academy. The terms of the conveyance under subsection (a) shall require that if the Association fails to comply with the terms of such agreement, all right, title, and interest of the Association in and to the land conveyed (including the improvements on the land) shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(e) The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

FISH HATCHERY, FORT LEWIS, WASHINGTON

SEC. 840. (a)(1) The Secretary of the Army shall issue a permit to the Secretary of the Interior for use of the land described in paragraph (2) as a site for a fish hatchery or shall otherwise make such land available for such use by an entity designated by the Secretary of the Army (with the concurrence of the Secretary of the Interior).

(2) The land referred to in paragraph (1) is a portion of Fort Lewis, Washington, adjacent to Clear Creek, Washington, consisting of 135 acres, more or less, that was identified as suitable as a site for a fish hatchery in a feasibility report concerning the location of a fish hatchery at Fort Lewis issued in May 1982 under contract number 14-16-0001-81086 of the Fish and Wildlife Service of the Department of the Interior, dated July 20, 1981.

(b) Land for which a permit is issued (or which is otherwise made available) under subsection (a) may be used by the party to which the permit is issued (or to which the land is made available) only for a fish hatchery and related purposes. The Secretary of the Army may not incur any cost in connection with such use.

(c) The Secretary of the Army may require such additional terms and conditions with respect to this section as the Secretary considers appropriate.

And the Senate agree to the same.

MELVIN PRICE,
G.V. MONTGOMERY,
A. KAZEN, Jr.,
A.B. WON PAT,
WM. L. DICKINSON,
KEN KRAMER,
G. WILLIAM WHITEHURST,
Managers on the Part of the House.
STROM THURMOND,
JOHN WARNER,
GORDON HUMPHREY,
DAN QUAYLE,
JOHN P. EAST,
JOHN C. STENNIS,
GARY HART,
J.J. EXON,
JEFF BINGAMAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

COMPARISON OF HOUSE AND SENATE BILLS

As passed by the House, H.R. 5604 provided $9,237,585,000 in new authorization.

The bill as amended by the Senate provided $9,300,089,000 in new authorization.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of the conference between the House and Senate on the differences in H.R. 5604, the conferees agree to a new adjusted authorization for appropriations for military construction and family housing for fiscal year 1985 in the amount of $9,133,908,000. The Department of Defense and the respective military departments submitted a request in the amount of $10,499,802,000.

Authorization for appropriations granted, fiscal year 1985

Section 601 (Army):	
Inside the United States	$1,076,307,000
Outside the United States	428,820,000
Unspecified minor construction	33,000,000
Planning and design	170,000,000
Defense access roads	0
Family housing construction	166,003,000
Family housing support	1,266,754,000
Subtotal	3,140,884,000
Section 602 (Navy):	
Inside the United States	1,223,017,000
Outside the United States	173,300,000
Unspecified minor construction	19,000,000
Planning and design	150,000,000
Defense access roads	4,000,000
Family housing construction	126,500,000
Family housing support	592,986,000
Subtotal	2,288,803,000
Section 603 (Air Force):	
Inside the United States	1,241,351,000
Outside the United States	347,239,000
Unspecified minor construction	21,000,000
Planning and design	154,000,000
Defense access roads	21,750,000
Family housing construction	244,991,000
Family housing support	760,732,000
Subtotal	2,791,063,000
Section 604 (Defense Agencies):	
Inside the United States	171,823,000
Outside the United States	127,452,000
Unspecified minor construction	3,000,000
Contingency construction	5,000,000
Planning and design	30,000,000
Defense access roads	0
Family housing construction	800,000
Family housing support	19,000,000
Subtotal	357,075,000
Section 605 (NATO Infrastructure)	131,700,000
Section 701 (Guard and Reserve Force):	
Army National Guard	101,683,000
Army Reserve	71,700,000
Naval Marine Corps Reserve	62,000,000
Air National Guard	121,200,000
Air Force Reserve	67,800,000
Subtotal	424,383,000
Total authorization of appropriations	9,133,908,000

GENERAL TOPICS

CONFERENCE GUIDELINES

There were several hundred projects or language items in dispute between the House and Senate versions of the military construction authorization bill. In order to facilitate the resolution of these differences the conferees established the following conference guidelines:

1. A target of $9.2 billion in budget authority was determined to represent the amount that the conferees could authorize for appropriations to stay within the ceiling for the defense function being negotiated between the House and Senate in conference on H.R. 5167, the Department of Defense Authorization Act for fiscal year 1985.

2. Within this target, priority was given to restoring those adequately justified projects that had been included in the budget request but deferred by either the House or the Senate for budgetary reasons.

3. Prior year savings that are expected to result from a good bidding climate in the construction industry were used to reduce the authorization for appropriations.

BURDEN SHARING IN NATO

The conferees continue to be concerned at the apparent unwillingness of the NATO allies to increase their support of U.S. forces deployed in NATO. The issue of burden sharing, as exemplified in the Senate vote on the Nunn amendment to the fiscal year 1985 omnibus defense authorization bill to withdraw U.S. forces from NATO unless the allies keep their commitments to real increases in defense spending, is becoming a major issue with the American people. Unless the allies are more forthcoming in their support for U.S. forces, there will be ever-increasing pressures to bring U.S. forces home.

Of particular concern is the situation in the Federal Republic of Germany where the great majority of U.S. forces are deployed. In the decade of the 1970's the German government sponsored programs, such as the Offset Program and the Garlstedt construction program, which supported U.S. forces. However, since 1980, while the United States has taken on much of the defense of Southwest Asia, the German government has done little to support deployed U.S. forces. The Master Restationing Plan, for instance, which would greatly benefit the war-fighting capability of NATO and return high value, urban real estate to the German economy, has not been financially supported by the German government.

The conferees believe strongly that the allies must be more forthcoming on the burdensharing issue. In the area of facilities for U.S. forces, there is great potential for the allies to undertake programs that would demonstrate their willingness to take on more of the collective defense burden. The Rheinberg facility is symbolic of this issue. There is no reason that the German government could not purchase this facility and make it available to U.S. forces. Their investment in the facility would be repaid quickly by the impact of U.S. forces on the local economy.

However, they have not undertaken this option and the conferees find themselves in a familiar dilemma. The Army budget request includes $13,100,000 to buy this facility; if the project is turned down, U.S. forces suffer. Therefore, the conferees have reluctantly agreed to authorize appropriations for this facility on the condition that the Administration will make one more sincere effort to have the German government buy this facility for use by U.S. forces.

PROPERTY MANAGEMENT

Three projects in the Department of Defense request were associated with the President's Executive Order 12348, dated February 25, 1982, which is aimed at improving the government's management of real property by selling surplus Federal properties and using the proceeds to reduce the national debt. In implementing that order, the Administration has adopted a concomitant policy of requiring one Federal agency to pay for property it desires to acquire from another Federal agency, including land transfers between two military services. In line with this policy, the National Defense University requested $5 million to acquire from the General Services Administration (GSA) 10.5 acres of surplus land adjacent to Ft. McNair in the District of Columbia for a new university headequarters and library. The Air Force requested $1.4 million to buy 50 acres of federally held land for a new housing site near Fort MacArthur, California. The National Security Agency requested $7.5 million to purchase from the General Services Administration on office building in the harbor area of Baltimore, Maryland.

The House denied the three projects because of its concern over the policy of charging one Federal agency for unused properties of another. The Senate amendment authorized the three property acquisitions but without providing a corresponding increase in appropriations for the acquisitions, meaning that the agencies would have to make the purchases "out of their own hides."

The conferees agree that the projects are indeed well justified but do not support this new policy of buying and selling properties between agencies. In the cases of these particular projects, such a practice inflates the budget of the acquiring agencies. In other words, these projects were in addition to what these three agencies normally would have requested. Also, the conferees are concerned that to the best of their knowledge, these are the only three property acquisitions in the entire Federal budget that were required to comply with the new policy, raising serious questions as to whether the policy is being applied government-wide and in an equitable fashion among departments.

If the purpose of the policy is to force Federal agencies to acquire only those real properties they absolutely need, the objective can and should be achieved through good management review within the Executive Branch. The conferees suggest in the strongest terms possible that the Office of Management and Budget reconsider the Department of Defense's request for a waiver of the policy for these three projects.

NAMING OF MEDICAL FACILITIES

The House bill contained legislative provisions that would name wings of the proposed new Brooke Army Medical Center after Representative Abraham Kazen, Jr. and Senator John Tower, both of Texas; and would change the name of the San Diego Naval Hospital to the Bob Wilson Naval Hospital in honor of former Representative Bob Wilson of California.

The conferees concluded that, while recognizing the tremendous contributions of Representative Kazen, Senator Tower, and former Representative Wilson to public service, the precedent of naming facilities for elected officials in the military construction authorization bill would not be good policy. Traditionally, the naming of military facilities has been the prerogative of the secretary of the service involved. The conferees, therefore, direct that a letter be sent to the appropriate service secretaries recognizing the public contributions of Representative Kazen, Senator Tower, and former Representative Wilson and recommending that their names be considered when these medical facilities are named.

DEMOLITION OF WORLD WAR II BUILDINGS

The Senate bill contained a provision (Section 812) which would require the Army to demolish temporary World War II wooden structures when new facilities were accepted into the inventory on a square foot for square foot basis. The House bill did not address this issue.

The conferees agree that retention of World War II temporary wooden buildings creates an unnecessary maintenance burden on the Army and the retention of these buildings should be kept to the absolute minimum. The conferees also recognize that some Army functions must continue to utilize these aging structures because the total replacement of all the World War II facilities now in use is not a practical alternative in the near future considering current budget constraints.

The Army submitted a disposal plan on March 15, 1984, which was based on the disposal of World War II temporary buildings as replacement projects are completed. The Army plan would begin with the calendar year 1986. The conferees agree with the basic principles of the plan, but feel the disposal must start sooner and achieve a greater reduction in the current inventory of these old buildings.

In order to expedite the disposal of World War II temporary buildings, the Army is expected to demolish temporary facilities with an area equal to the area of the replacement facilities for each replacement project provided in the United States by the Army's military construction program and accepted into the inventory after October 1, 1984. In order to identify specific demolition plans in the future, beginning with the fiscal year 1986 program request, the Army is to include a disposal statement on the DD Form 1391 which identifies temporary facilities which will be disposed of for each of the replacement projects requested.

In addition to the demolition of buildings being replaced by new construction, the conferees feel the Army can improve its management and utilization of the buildings now in the inventory and thus make more World War II temporary buildings available for demolition. The Army is to conduct space utilization surveys at the active Army installations in the United States to determine the need for continued use of the World War II buildings. Unnecessary World War II temporary buildings identified by these surveys will be demolished.

The Army is expected to provide a report to the appropriate committees which describes the progress made during the first year of operation under the demolition plan and the initial results of the space utilization surveys. This report should be provided by June 30, 1985. The committees will review the actual and projected demolition results to determine if further legislative action is required.

CONTRACTING OUT CHILD CARE

The Senate amendment authorized $26,000,000 for 19 projects either to construct new child care centers or build additions to existing ones. The House bill authorized the same 19 projects but provided for only $23,400,000, reflecting an across-the-board 10 percent reduction in the request as an effort to hold down the cost of constructing child care centers.

Both the Senate and House expressed in their respective reports on this legislation their concern over the high cost of building and operating centers to care for the children of military personnel.

In its report language, the Senate directed that each service seek to enter into at least one third-party contract for the construction and operation of a child care center on one of its military installations. The House report had no such language.

The conferees agree to authorize the child care centers at the lower total of $23,400,000. They also agree that the services should test the market place to determine whether contracting out child care centers is less costly to the government than present procedures. Therefore, the services are directed to seek contracts with private firms through the competitive bidding process for the construction and operation of one child care center on a base belonging to each of the three military services. While in pursuit of the third-party contracts the services are permitted to execute under existing procedures the child care center projects authorized by the conference. The services should seek their respective third-party contracts for child care centers from those projects programmed for future years. A third-party contract may be entered into only if it is determined cost effective, based on the total cost to the government under the third-party option versus the conventional procedure. Before any action is taken by a service to award a contract for child care under this effort, a report including the cost analysis upon which a decision is based must be furnished to the appropriate committees of Congress at least 30 days before contract award.

The conferees also agree that future child care projects will not be considered by the Armed Services Committees of the House and Senate unless this pilot effort is accomplished.

MINOR CONSTRUCTION

To accomplish the task of meeting its budget target, the conference directed that five projects, each estimated at less than $1,000,000, be authorized and funded under the fiscal year 1985 unspecified minor construction programs of the Navy and Air Force. The projects are:

1. A fire station estimated at $560,000 for the Naval Security Group Activity, Skaggs Island, California.

2. An aircraft parking project estimated at $600,000 and a library at $900,000 at K.I. Sawyer Air Force Base, Michigan.

3. An aircraft parking project estimated at $600,000 and a library at $700,000 at Wurtsmith Air Force Base, Michigan.

MISCELLANEOUS REPORT REQUIREMENTS

In the respective reports on the bill, both the Senate and the House Armed Services Committees included items of "Special Emphasis". The conferees hereby endorse the language on items of "Special Emphasis" found in both reports and, unless some modification to that language is contained in this joint statement of the committee of conference, the positions and requirements contained under items of "Special Emphasis" in both Senate and House reports on the fiscal year 1985 military construction authorization bills are concurred in by the conferees.

TITLE I—ARMY

The House bill approved $3,138,774,000 in authorization for the Department of the Army military construction and family housing programs. The Senate amendment approved authorization in the amount of $3,358,832,000 for such purposes. The conferees agree to authorize appropriations for projects in Title I in the amount of $3,140,884,000 which is $2,110,000 above the House figure and $217,948,000 below the Senate figure. Among the items considered in conference and acted upon by the conferees were the following:

BROOKE ARMY MEDICAL CENTER

The Department of the Army and the Office of Health Affairs of the Department of Defense have been in disagreement for several years as to whether or not to proceed with a new hospital at the site of the current Brooke Army Medical Center at Fort Sam Houston in San Antonio, Texas. The size of a replacement facility has also been an issue.

The House bill contained language to require the Army to proceed with a 695-bed replacement hospital. The provision further specified that separate wings be named after Representative Abraham Kazen, Jr. and Senator John Tower.

The Senate amendment had no comparable provision.

Recognizing that the Department of the Army has recently been directed by the Department of Defense Office of Health Affairs to design a replacement facility with the capacity for 450 beds, the conferees agree to modified language requiring the Secretary of the Army to enter into a contract for the design of a replacement facility with the capacity for not less than 450 beds. The design is to be accomplished in a manner that will accommodate future expansion in the event it becomes necessary as the result of increased peacetime needs or to meet mobilization requirements. The conferees further direct that Brooke Army Medical Center remain a regional teaching hospital.

The conferees agree to delete the provision to name wings of the hospital for elected officials because of concerns regarding the precedent of naming facilities in the annual military construction authorization bill. This matter is discussed more fully under the "General Topics" portion of the report.

The conferees endorse the concept of a "Blue Ribbon Panel" of health experts from outside the Department of Defense (DoD) which is required to be established by Senate Report No. 98-500, and believe such a panel can provide constructive comment on DoD procedures for sizing medical facilities.

The conferees expect the future sizing of Brooke Army Medical Center to be reviewed by the special "Blue Ribbon Panel" on hospitals to further insure the appropriate size for this important facility.

However, the conferees want to make it clear that the programming and construction of military hospitals should not be delayed to await the results of the deliberations of this panel. The Department of Defense is expected to proceed with the programming of projects already under consideration.

The conferees further expect medical facilities to be included in the fiscal year 1986 budget request with the understanding that costs can be adjusted if the findings of the panel indicate that changes are required.

FORT HOOD, TX—SENIOR OFFICERS' QUARTERS

The House bill contained $3,253,000 in authorization for construction of 20 units of family housing for senior officers at Fort Hood, Texas. The House bill further authorized a one time exemption from title 10, U.S.C., section 2826, which establishes housing space allowances. The Senate amendment contained no comparable provision.

The conferees agree to authorize $1,950,000 for the construction of three units of general officers' quarters and 17 units of colonels' quarters with a one-time waiver of the space limitation provision.

The conferees reluctantly approved the one-time exemption to the existing space criterial statute because of the unique situation at Fort Hood. The senior officers quarters were constructed in the early 1950s based on standards at that time and are inadequate.

The Senate recedes to the House position with the clear understanding that this would be one-time exception because of the situation existing at Fort Hood.

TITLE II—NAVY

The House bill approved $2,314,558,000 in authorization for the Department of the Navy military construction and family housing programs. The Senate amendment approved authorization in the amount of $2,358,381,000 for such purposes. The conferees agree to a new total in Title II of $2,288,803,000 which is $25,755,000 below the House figure and $69,578,000 below the Senate figure.

ADMINISTRATIVE SPACE, WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA

The House bill authorized $19,750,000 to renovate and covert Building 111 at the Washington Navy Yard into administrative office space and construct a 680-vehicle parking garage for future occupants of the building and other personnel being relocated to the Navy Yard in association with a fiscal year 1983 office space renovation of Building 210. No authorization was provided in the Senate amendment.

The conferees agree to authorize $16 million for the building conversion and a parking garage appropriately sized to accommodate the personnel scheduled to move into Building 111 and 210. The 350 future occupants of Building 111 are personnel of the Naval Investigative Service now located at the Suitland Federal Center in Suitland, Maryland. The 550 persons scheduled to occupy Building 210 are Military Sealift Command personnel, now located in the Tamol Building in Washington, D.C.

The conferees emphasize the approval of this project does not constitute endorsement of the large Navy master plan to relocate 18,000 personnel to the Washington Navy Yard.

SANTA MARGARITA WATER PROJECT

The Senate amendment approved the Navy's request for $142,000,000 to partly fund a proposed $263,000,000 water reclamation and flood control project associated with the Marine Corps Base at Camp Pendleton, California. The House deferred consideration of the request until the Congress acts on pending legislation to authorize the two-dam project.

The conferees agree to authorize the Navy to spend up to $1,500,000 for design and engineering associated with the project. However, none of the funds may be obligated unless legislation is enacted to carry out the project in accordance with federal reclamation laws.

LAND ACQUISITION, NAVAL AIR STATION, OCEANA, VA

The House bill authorize $7.7 million for the acquisition of land in the high noise and accident potential zones surrounding Naval Air Station, Oceana, Virginia. The Senate amendment contained to authorization for this purpose.

The conferees agree to defer authorization for this project because of budget constraints. Recognizing, however, the importance and urgency of completing the 10-year Air Incompatible Use Zone (AICUZ) program to protect the operational capability of the master jet base at NAS, Oceana the conferees direct the Navy to resubmit this project in the fiscal year 1986 budget request.

TITLE III—AIR FORCE

The House bill approved $2,742,813,000 for military construction and military family housing for the Department of the Air Force. The Senate amendment approved $2,685,031,000. The conferees agree to a new total in the amount of $2,791,063,000, which is $48,250,000 above the House figure and $106,032,000 above the Senate figure.

AIR FORCE MUSEUM

The Air Force requested $5,400,000 as the Federal share of a project to expand the Air Force Museum at Wright Patterson Air Force Base, Ohio. Private funds are being raised to match the proposed Federal contribution. The House approved the request of the Air Force, while the Senate denied the request.

The conferees debated this issue at length. House conferees felt strongly that this was a meritorious project for which there was ample precedent. Senate conferees argued that, in view of the overall constraints on defense spending and the restricted ceiling on military construction in particular, expenditure of funds on this museum project was not warranted. In addition, the Senate conferees argued that unless some limits were placed on museum projects, Federal funding could be sought for museum projects at a great many military installations where such museums already exist.

The Senate conferees reluctantly agree to a compromise that would permit each service (to include the Marine Corps) to designate one museum at one location to be the official service museum. The services could seek appropriated funds, if necessary, on a matching basis, only for the one official service museum. The Congress will consider requests for appropriated funds for official service museums, if such requests can be justified. However, as a rule, the conferees expect the services to make every attempt to fund these official service museums through private, non-Federal sources. The large number of smaller museums found at many military installations around the country will continue to be operated as they are now and Federal funds will not be used for construction, additions or alterations.

Given this compromise, the conferees agree to authorize the $5,400,000 requested for the Air Force Museum at Wright-Patterson Air Force Base. If the Secretary of the Air Force designates this museum as the one official Air Force Museum as indicated above, then the funds, if appropriated, may be obligated, assuming that an equal amount of matching funds is on hand from other sources.

During debate on this issue, the conferees were made aware that the Air Force is conducting a fund-raising campaign to help raise matching funds for this project. Contributions are being solicited from uniformed and civilian employees of the Air Force. According to internal Air Force documents, in some instances extreme pressure is being placed on individuals to contribute a specified "fair share" toward this project. The conferees consider these tactics to raise matching funds to be entirely inappropriate and urges the Secretary of the Air Force to insure that such practices are not permitted.

STRATEGIC AIR COMMAND MILITARY CONSTRUCTION BUDGET

The conferees are displeased with the tactics used by the Strategic Air Command (SAC) to secure approval of unbudgeted projects outside the normal budget process. The Strategic Air Command is the only

major command in any of the services that, as a matter of routine, seeks to have projects added at the congressional level. These procedures distort the legislative process and subvert the service's system of priorities. The conferees expect the Secretary of the Air Force to take the necessary action to preclude abuses of the system in the future.

TITLE IV—DEFENSE AGENCIES

The House bill authorized $363,148,000 in new construction for Defense Agencies while the Senate amendment approved $358,245,000. The conferees agree to a new total of $357,075,000, which is $6,073,000 below the House figure and $1,170,000 below the Senate figure.

TITLE V—NATO INFRASTRUCTURE

The House bill authorized $250,000,000 for the NATO Infrastructure program.

The Senate amendment provided authorization in the amount of $131,700,000 for the NATO fund.

Believing that the U.S. dollar will continue to be strong against foreign currencies through fiscal year 1984, the confeees agree to $131,700,000 authorization for the program.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND ADMINISTRATIVE PROVISIONS

OVERSEAS HOUSING LEASES

In Section 608, the House bill approved the request of the Department of Defense for authority to lease up to 31,000 units of family housing at any one time in foreign countries. The Senate amendment, however, reduced the requested number to 30,000 units, the same as the level authorized for fiscal year 1984.

The conferees agree to authorize 30,000 units. The conferees believe that the requirement for leased housing in foreign countries should be reduced as a result of the new construction of family housing authorized in fiscal year 1985 and prior years.

TITLE VII—GUARD AND RESERVE

The House bill provided a lump sum authorization of $428,292,000 for the Guard and Reserve construction program. The Senate amendment contained authorization in the amount of $407,900,000.

The conferees agree to authorize $424,383,000.

HIGH PRIORITY PROJECTS

In addition to the projects approved in the budget request, authorization is included to construct the following high priority items from the lump-sum authorization:

Army National Guard:	
Camp Shelby, MS—Alter/rehab buildings	$8,113
Greensberg, OH—Army aviation support facility	3,770
Holdenville, OK—Armory	900
Army Reserve: Ripley, WV—Alter and expand U.S. Army Reserve Center	1,300
Naval and Marine Corps Reserve: Charlotte, NC—Land acquisition	1,200
Air National Guard:	
Stewart Field, NY—Phase IV construction	10,500
Thompson Field, Jackson, MS—Aircraft parking ramp and jet fuel storage and distribution system	7,800

APPENDIX

PROJECT LISTING: FISCAL YEAR 1985 MILITARY CONSTRUCTION AUTHORIZATION BILL

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Alabama:		
Army:		
Anniston Army Depot:		
Health clinic	1,550	
Tank test track modification	2,950	
Anniston Army Depot		4,500
Fort McClellan:		
Dining facilities modernization	1,700	
Upgrade range facilities	3,100	
Training ranges	1,500	
Fort McClellan		6,300
Redstone Arsenal:		
Guided missile facility	1,900	
Redstone Arsenal		1,900
Fort Rucker:		
Flight simulator building	2,600	
Fort Rucker		2,600
Army		15,300
Air Force:		
Gunter AFB:		
Computer facility	9,500	
Gunter AFB		9,500
Maxwell AFB:		
Add/alter composite medical facility	480	2,280
Alter unaccompanied enlisted personnel housing	1,800	
Maxwell AFB		
Air Force		11,780
Defense level activities:		
Maxwell AFB:		
Elementary school addition	1,700	
Maxwell AFB		1,700
Defense Nuclear Agency:		
Fort McClellan:		
Test site operations buildings	1,000	
Fort McClellan		1,000
Army National Guard:		
Clayton:		
Armory 60 person	552	
Clayton		552
Montgomery:		
Armory 400 person	1,070	
U.S. property and fiscal office/warehouse add/alter	740	
Montgomery		1,810
Army National Guard		2,362
Air National Guard:		
Dannelly Field:		
Operational training facility	1,100	
Dannelly Field		1,100
Army Reserve:		
Birmingham:		
Add to Army Reserve Center/maintenance shop	3,134	
Birmingham		3,134
AF Reserve:		
Maxwell AFB:		
Reserve Forces A–E training	690	
Add to squadron operations	1,035	
Maxwell AFB		1,725
Alabama	12,800	38,101
Alaska:		
Army:		
Fort Richardson:		
Dining facilities modernization	2,150	
Child care center addition	900	
Barracks modernization	4,200	7,250
Fort Richardson		
Shemya Air Force Base:		
Guided missile facility	12,800	
Shemya Air Force Base		12,800
Army		20,050
Navy:		
Naval facility, Adak:		
Base support facilities	3,900	
Naval facilities, Adak		3,900
Naval station, Adak:		
Chapel and religious education building	5,140	
Naval station, Adak		5,140
Naval security group activity, Adak:		
Antenna support facilities	320	
Naval security group activity, Adak		320
Navy		9,360
Air Force:		
Eielson AFB:		
Alter unaccomp enlisted personnel housing	3,550	
ECIP-weatherize bldgs/replace lighting sys	1,600	

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Repair and reclamation hangar	3,150	
Engine shop	3,250	
Avionics shop	4,400	
Corrosion control hangar	8,500	
Eielson AFB		24,450
Elmendorf AFB:		
Add to satellite communication ground term	1,900	
Aircraft support equipment storage facil	1,850	
Alter unaccomp enlisted personnel housing	5,400	
Add to natural gas line	2,163	
Elmendorf AFB		11,313
Galena Airport:		
Alter unaccomp enlisted personnel housing	11,800	
Galena Airport		11,800
Burnt Mountain AFS:		
Seismic operating and data transmit facil	1,400	
Burnt Mountain AFS		1,400
Air Force		48,963
Defense Logistics Agency:		
Defense fuel support point, Adak:		
Fuel tankage	6,730	
Defense fuel support point, Adak		6,730
Defense fuel support point, Whittier:		
Fuel tankage	12,170	
Defense fuel support point, Whittier		12,170
Defense property disposal office, Fairbanks:		
Covered storage	1,800	
Defense property disposal office, Fairbanks		1,800
Defense Logistics Agency		20,700
Army National Guard:		
Kotzebue:		
Armory, 60 person	3,391	
Organizational maintenance shop	857	
Kotzebue		4,248
Family housing:		
Navy:		
Naval station, Adak:		
New construction	53,107	
Naval station, Adak		53,107
Family housing		
Alaska		103,321
Family housing		53,107
Arizona:		
Army:		
Fort Huachuca:		
Library	1,250	
General instruction bldg	3,900	
Heating and cooling system upgrade	520	
Fort Huachuca		5,670
Yuma Proving Ground:		
Physical fitness training center	1,300	
Yuma Proving Ground		1,300
Army		6,970
Navy:		
Marine Corps Air Station, Yuma:		
Unaccompanied enlisted personnel housing	10,740	
Cold storage warehouse	660	
Parachute and survival equipment shop	790	
Missile equipment maintenance shop	1,900	
Marine Corps Air Station, Yuma		14,090
Air Force:		
Davis-Monthan AFB:		
Base civil engineer maintenance facilities	2,400	
Supply warehouse	3,150	
Alter unaccomp enlisted personnel housing	5,300	
Aircraft maintenance areas lighting	1,550	
Davis-Monthan AFB		12,400
Luke AFB:		
Alter Base Support Center	4,500	
Water wells and storage tank	2,100	
Avionics shop	2,450	
Unaccomp enlisted personnel housing	4,400	
Ecip—install radiant heaters	210	
Luke AFB		13,660
Williams AFB:		
Petroleum operations complex	2,500	
Williams AFB		2,500
Air Force		28,560

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Army National Guard:		
Marana:		
Flight weapons similator bldg, ph I	1,508	
Armory, 200 person	1,365	
Army aviation support facility	3,591	
Training facilities, ph II	2,191	
Marana		8,655
Air National Guard:		
Sky Harbor IAP:		
Medical training and admin facility	900	
Sky Harbor IAP:		900
Arizona		59,175
Arkansas:		
Army:		
Pine Bluff Arsenal:		
Water treatment plant	2,550	
Pine Bluff Arsenal		2,550
Air Force:		
Blytheville AFB:		
Precision measurement equipment lab	540	1,500
Alert taxiway barriers	960	
Blytheville AFB		1,500
Little Rock AFB:		
Material handling equipment maint shop	1,100	
Alter air conditioning-composite medical fa	490	
Little Rock AFB		1,590
Air Force		3,090
Air National Guard:		
Ft Smith:		
Composite telecom/medical training and admin	1,300	
Ft Smith		1,300
Arkansas		6,940
California:		
Army:		
Ft Irwin:		
Vehicle fuel distribution	1,950	
Military personnel and family service center	650	
Cold storage warehouse	1,850	
Electronics/communications repair shop	500	
Sewage treatment plant effluent disposal	780	
Automatic data processing building	3,900	
Flood protection at sewage treatment plant	990	
Multi-purpose training range	1,800	
Bivouac facility with dining	1,950	
Dental clinic	3,300	
Land acquisition	2,100	
Ft. Irwin		19,770
Oakland Army Base:		
Child care center	657	
Insulate buildings	860	
Energy efficient lighting	1,150	
Oakland Army Base		2,667
Fort Ord:		
Dining facilities modernization	700	
Military operations in urbanized terrain	5,100	
Aircraft parking apron	860	
Wastewater treatment plant	8,300	
Fort Ord		14,960
Presidio of San Francisco:		
Barracks with dining facility	11,400	
Administration building	1,000	
Child care center	1,980	
Barracks	6,600	
Presidio of San Francisco		20,980
Sharpe Army Depot:		
Western distribution facility	49,000	
Sharpe Army Depot		49,000
Sierra Army Depot:		
Instrusion detection system	4,150	
Sierra Army Depot		4,150
Army		111,527
Navy:		
Naval air rework facility, Alameda:		
Gun testing facility	3,820	
Naval air rework facility, Alameda		3,820
Naval Air Station, Alameda:		
Heating, ventilation, air conditioning	4,540	
Telephone lines	690	
Ventilation improvements	580	
Naval Air Station, Alameda		5,810
Marine Corps Logistics Base, Barstow:		
Security warehouse	5,670	
Marine Corps Logistics Base, Barstow		5,670
Marine Corps Base, Camp Pendleton:		
Fuel storage facility	3,340	
Tactical vehicle maintenance facilities	8,500	
Maintenance hanger (MCAF)	4,700	
Chapel, religious education and instr fac	2,360	
Operational trainer facility (MCAF)	3,120	
Enlisted dining facility modernization	2,610	
Unaccompanied enlisted personnel housing	23,900	
Tactical vehicle maintenance facility	1,680	
Hazardous waste facility	440	
Child care center	2,202	
Mountain warfare training fac (Bridgeport)	1,480	
Marine Corps Base, Camp Pendleton		54,332
Naval Weapons Center, China Lake:		
Ventilation improvements	630	
Naval Weapons Center, China Lake		630
Naval Amphibious Base, Coronado:		
Special warfare operations building	3,420	
Fiberglass and painting facility	2,100	
Unaccomp enlisted pers HSG (Camp Pendleton)	3,220	
Naval Amphibious Base, Coronado		8,740
Naval Air Facility, El Centro:		
Water treatment facilities	1,700	
Naval Air Facility, El Centro		1,700
Marine Corps Air Station, El Toro:		
Wing headquarters	4,610	
Combat aircraft ordnance loading area	4,880	
High explosive magazines	2,690	
Small arms range—outdoor	680	
Land acquisition	4,750	
Marine Corps Air Station, El Toro		17,610
Naval Air Station, Lemoore:		
Boiler plant modifications	580	
Naval Air Station, Lemoore		580
Naval Shipyard, Long Beach:		
Facility energy improvements	3,010	
Naval Shipyard, Long Beach		3,010
Naval Station, Mare Island:		
Construction battalion unit complex	1,090	
Unaccompanied enlisted personnel housing	6,600	
Naval Station, Mare Island		7,690
Naval Air Station, Miramar:		
Engine test cell	3,460	
Naval Air Station, Miramar		3,460
Naval Air Station, Moffett Field:		
Taxiway improvements	3,950	
Fire protection pipeline	1,730	
Railroad dock	690	
Naval Air Station, Moffett Field		6,370
Naval air rework facility, North Island:		
Facility energy improvements	560	
Naval Air rework facility, North Island		560
Naval Air Station, North Island:		
Observation tower (San Clemente Is.)	1,190	
Maintenance hangar	5,190	
Naval Air Station, North Island		6,380
Naval Hospital, Oakland:		
Hospital modification	29,140	
Naval Hospital, Oakland		29,140
Naval Supply Center, Oakland:		
Hazardous and flammable storehouse	7,670	
Petroleum oil lubricants pump station	1,840	
Naval Supply Center, Oakland		9,510
Pacific Missile Test center, Point Mugu:		
Airframes shop	1,680	
Unaccomp personnel housing—San Nicholas Is	6,650	
Electrical and electronics systems lab	12,700	
Pacific Missile Test Center, Point Mugu		21,030
Naval Construction Trng Ctr, Port Hueneme:		
Construction equipment training buildings	4,580	
Naval Construction Trng Ctr, Port Hueneme		4,580
Fleet Anti-Sub Warf Trng Ctr, Pac, San Diego:		
Unaccompanied enlisted personnel housing	6,470	
Fleet Anti-Sub Warf Trng Ctr, Pac, San Diego		6,470
Flt Combat Dir Sys Support Act, San Diego:		
Computer programming operations center	11,250	
Flt Combat Dir Sys Support Act, San Diego		11,250
Fleet Training Center, San Diego:		
Applied instruction building	5,250	
Fleet Training Center, San Diego		5,250
Marine Corps Recruit Depot, San Diego:		
Recruit training facility	8,650	
Unaccompanied enlisted personnel housing	9,920	
Marine Corps Recruit Depot, San Diego		18,570
Naval Station, San Diego:		
Unaccompanied enlisted personnel housing	17,300	
Naval Station, San Diego		17,300
Naval Supply Center, San Diego:		
Servemart (NS Long Beach)	2,670	
Defense property disp off scrapyard reloc	1,480	
Navy Supply Center, San Diego		4,150
Naval Training Center, San Diego:		
Unaccompanied enlisted personnel housing	8,300	
Naval Training Center, San Diego		8,300
Navy Public Works Center, San Diego:		
Administrative Office	4,870	
Navy Public Works Center, San Diego		4,870
Naval Submarine Base, San Diego:		
Pier extension	25,900	
Naval Submarine Base, San Diego		25,900
Navy Public Works Center, San Francisco:		
Wharf utilities (NSC Oakland)	7,650	
Facility energy improvements	5,770	
Navy Public Works Center, San Francisco		13,420
Marine Corps Air Station, Tustin:		
Maintenance hangar	13,200	
Engine test cell	1,140	
Oil spill prevention	710	
Marine Corps Air Station, Tustin		15,050
Marcorp Air-Grnd Comb Ctr, Twenty-nine Palms:		
Ammunition storage facilities	4,830	
Battalion headquarters	1,900	
Armory	1,100	
Marcorp Air-Grnd Comb Ctr, Twentynine Palms		7,830
Naval Station, Long Beach:		
Child care center	990	
Naval Station, Long Beach		990
Naval Region Data Automation Ctr, San Diego:		
Data processing center	15,700	
Naval Region Data Automation Ctr, San Diego		15,700
Shore Intermediate Maint Act, Long Beach:		
Shore intermediate maintenance facility	11,700	
Shore Intermediate Maint Act, Long Beach		11,700
Naval Hospital, Camp Pendleton:		
Medical/dental clinic (MWTC Bridgeport)	1,410	
Naval Hospital, Camp Pendleton		1,410
Navy		358,782
Air Force:		
Beale AFB:		
Refueling vehicle shop	940	
Add/alter avionics shop	1,300	
Beale AFB		2,240
Castle AFB:		
Aircraft corrosion control facility	4,100	
Castle AFB		4,100
Edwards AFB:		
Upgrade sewage treatment	1,500	
Add/alter electrical distribution system	2,700	
Education center	800	
Hydrant fuel system	4,050	
Add/alter science and engineering center	4,750	

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Systems engineering test facility...	2,000	
Edwards AFB		15,800
George AFB:		
Base support center	6,300	
Munitions facilities	2,150	
Unaccomp enlisted personnel housing	7,100	
Sound suppressor support	550	
Aircraft maintenance area lighting	1,350	
George AFB		17,450
McClellan AFB:		
ECIP—Weatherize buildings-alter mechanical	410	
Technical laboratory facility	13,091	
Communication electronics facility	6,300	
Education, training and employment facility	3,600	
Integrated support facility, PH. II..	11,200	
McClellan AFB		34,601
March AFB:		
Alter unaccomp enlisted personnel housing	5,650	
Flight simulator training facility....	3,500	
March AFB		9,150
Mather AFB:		
Alter electrical substation/distribution	3,500	9,300
Vehicle maintenance complex	5,800	
Mather AFB		9,300
Norton AFB:		
Aircraft corrosion control facility...	3,100	
Aircraft support/equipment storage fac	1,100	
Flight simulator training facility....	1,250	
Add/alter child care center	1,080	
Norton AFB		6,530
Travis AFB:		
Aerial refueling part task trainer...	1,000	
Add/alter child care center	1,530	
Air pollution-vapor emis cntl/jet fuel str	990	
Composite medical facility—PH II	201,200	
Travis AFB		204,720
Vandenberg AFB:		
Unaccomp enlisted personnel housing	6,000	
STS—thermal protection	510	
STS—south base powerplant	15,950	
STS—launch support facilities	3,650	
STS—safety improvements	1,250	
STS—security improvements	4,700	
Fire station	1,350	
Peacekeeper—add/alter security facility	500	
Vandenberg AFB		33,910
Air Force		337,801
Defense level activities:		
Defense Language Institute-Monterey:		
Dining facility	2,225	
Physical fitness center	9,800	
Library	1,680	
Child care center	2,030	
Recreation center	2,410	
Logistics support facility	2,930	
Company administration and supply facility	1,400	
Defense Language Institute—Monterey		22,475
Army National Guard:		
Bell:		
Organizational maintenance shop..	464	
Bell		464
Camp Roberts:		
Ammo storage facility, PH IX	859	
Camp Roberts		859
Army National Guard		1,323
Air National Guard:		
Fresno Air Terminal:		
Fuel sys maint/corrosion control dock	1,300	
Add/alter jet fuel storage	900	
Composite medical training/security police	1,500	
Fresno Air Terminal		3,700
Army Reserve:		
Chico:		
Add to Army Reserve Ctr	906	
Chico		906
Mountain View:		
Add to Army reserve Ctr/maintenance shop	1,442	
Mountain View		1,442
Army reserve		2,348
Navy Reserve:		
Naval Station, Treasure Island:		
Berthing pier	29,165	
Naval Station, Treasure Island		29,165
AF Reserve:		
Travis AFB:		
Add to Reserve forces opns and training fac	1,253	
Travis AFB		1,253
Family housing		
Army:		
Sierra Army Depot:		
New construction	6,381	
Family housing		[6,381]
Navy:		
Marine Corps Base, Camp Pendleton:		
New construction, MCB Camp Pendleton	[41,004]	
Marine Corps Base, Camp Pendleton		
Family housing		[41,004]
Air Force:		
Ft. MacArthur:		
New construction (140)	[15,100	
Ft MacArthur		
Family housing		[15,100
California		868,374
Family housing		
Colorado:		
Army:		
Fort Carson:		
Ammunition storage	3,100	
Range roads	2,200	
Utilities	8,000	
Operations building	2,600	
Fuel storage and dispensing facility	1,500	
Warehouse	1,100	
Tactical equipment shop	8,600	
Tactical equipment shop	7,200	
Fort Carson		34,300
Fitzsimons Army Medical Center:		
Insulate buildings	650	
Fitzsimons Army Medical Center		650
Army		34,950
Air Force:		
U.S. Air Force Academy:		
Add/alter cadet gymnasium	10,000	
Add/alter child care center	360	
Add/alter cadet dining hall	13,100	
U.S. Air Force Academy		23,460
Lowry AFB:		
ECIP—Weatherize/alter mechanical and light	1,320	
Lowry AFB		1,320
Peterson AFB:		
Norad and Space Command Headquarters	25,000	
Peterson AFB		25,000
Falcon AFS:		
Mid-CONUS tracking station	3,000	
Falcon AFS		3,000
Air Force		52,780
Navy Reserve:		
NMCRC Denver:		
Reserve training building	11,000	
NMCRC Denver		11,000
Colorado		98,730
Connecticut:		
Navy:		
Naval Submarine Base, New London:		
Security improvements	890	
Berthing pier improvements	2,240	
Utilities improvements and land acquisition	12,000	
Quaywall	5,100	
Quaywall	2,770	
Applied instruction building	6,800	
Operational trainer facility	4,250	
Naval Submarine Base, New London		34,050
Air National Guard:		
Bradley Field:		
Add/alter base supply	500	
Bradley field		500
Orange ANGS:		
Add/alter vehicle maint shop	500	
Orange ANGS		500
Air National Guard		1,000
Army Reserve:		
Middletown:		
150-mbr Army Reserve Ctr	1,458	
Middletown		1,458
Connecticut		36,508
Delaware:		
Air National Guard:		
Greater Wilmington Airport:		
Medical Training & Admin Fac	900	
Greater Wilmington Airport		900
Army Reserve:		
Seaford:		
Add to Army Reserve Ctr maintenance shop	1,206	
Seaford		1,206
Delaware		2,106
District of Columbia:		
Army:		
Walter Reed Army Med Ctr:		
Hospital food service facility alteration	4,800	
Walter Reed Army Med Ctr		4,800
Navy:		
Commandant, Naval District, Washington:		
Administrative office	16,000	
Commandant, Naval District, Washington		16,000
Naval Research Laboratory, Washington:		
Optics Laboratory	10,850	
Facilities energy improvements	1,380	
Mission Operations Support Center	19,420	
Naval Research Laboratory, Washington		31,650
Marine Barracks, Washington:		
Building modernization	2,540	
Marine Barracks, Washington		2,540
Personnel support activity, Washington:		
Pay and personnel support office—Indian Head	250	
Personnel support activity, Washington		250
Navy		50,440
District of Columbia		55,240
Florida:		
Navy:		
Naval Air Rework Facility, Jacksonville:		
Ventilation improvements	1,410	
Naval Air Rework Facility, Jacksonville		1,410
Naval Air Station, Jacksonville:		
Maintenance hangar improvements	6,560	
Religious education bldg	840	
Naval Air Station, Jacksonville		7,400
Super Shipbldg, conver repair, Jacksonville:		
Administrative building (NS Mayport)	1,270	
Super Shipbldg, conver repair, Jacksonville		1,270
Fleet Training Center, Mayport:		
Firefighting training facility	6,510	
Fleet Training Center, Mayport		6,510
Naval Station, Mayport:		
Bulkhead	5,870	
Security building and land acquisition	780	
Waterfront utilities	1,480	
Wharf utilities improvement	400	
Construction battalion unit complex	1,410	
Naval Station, Mayport		9,940
Naval Hospital, Orlando:		
Unaccompanied enlisted personnel housing	1,760	
Naval Hospital, Orlando		1,760
Naval Training Center, Orlando:		
Gymnasium	1,900	
Ships propulsion training building..	1,460	
Facility energy improvements	360	
Naval Training Center, Orlando		3,720
Naval Training Equipment Center, Orlando:		
Training Equipment Center	23,500	
Naval Training Equipment Center, Orlando		23,500
Naval Div and Salvage Trng Ctr, Panama City:		
Free ascent tank	1,250	
Naval Div and Salvage Trng Ctr, Panama City		1,250
Naval Air Rework Facility, Pensacola:		
Manufacture and repair shop modernization	4,5400	
Facility energy improvements	690	
Naval Air Rework Facility, Pensacola		5,190
Naval Air Station, Pensacola:		
Child care center	1,270	

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Naval Air Station, Pensacola		1,270
Navy Public Works Center, Pensacola:		
Water supply facilities addition	7,830	
Navy Public Works Center, Pensacola		7,830
Naval Air Station, Whiting Field:		
Approach lighting	1,030	
Radar facility	820	
Aircraft parking apron addition	2,100	
Naval Air Station, Whiting Field		3,950
Personnel support activity, Pensacola:		
Pay and personnel support off—NAS Pensacola	1,480	
Pay and personnel support office (Gulfport)	1,030	
Personnel support activity, Pensacola		2,510
Navy		77,510
Air Force:		
Eglin AFB:		
Add/alter central control facility	920	
Munitions maintenance and assembly facility	610	
Add/alter field training facility	1,150	
Eglin AFB		7,180
High explosives research and development facility	4,500	
Homestead AFB:		
Add/alter fire station	1,050	
Homestead AFB		1,050
MacDill AFB:		
Add/alter recreation library	510	
Tactical training range (Avon Park)	1,500	
Satellite communication ground terminal	2,600	
MacDill AFB		4,610
Patrick AFB:		
Aircraft maintenance unit facility	910	
Patrick AFB		910
Tyndall AFB:		
Arm/disarm pad	330	
Sound suppressor support	550	
Aircraft general purpose shop	3,450	
Tyndall AFB		4,330
Eglin AFB auxilliary field 9:		
Consolidated support Center	5,750	
Water tank	660	
ECIP-install heat recovery system	220	
Add/alter tactical force management center	1,200	
Eglin AFB auxilliary field 9		7,830
Cape Canaveral AFS:		
STS—security improvements	2,750	
Cape Canaveral AFS		2,750
Various locations—Florida:		
Eastern test range reconfiguration	6,300	
Various locations—Florida		6,300
Air Force		34,960
Army National Guard:		
Camp Blanding:		
Helicopter landing lane	699	
Camp Blanding		699
Plant City:		
Armory 100 person	883	
Plant City		883
Army National Guard		1,582
Air National Guard:		
Jacksonville IAP:		
Add/alter hangar for avionics	800	
Fuel cell maint hangar	1,300	
Base engineer maint facility	1,200	
Add/alter base supply/admin/warehouse fac	700	
Jacksonville IAP		4,000
Army Reserve:		
Milton:		
60 mbr Army Reserve ctr	1,043	
Milton		1,043
Orlando:		
Add to Army Reserve ctr/maintenance shop	1,932	
Orlando		1,932
Army Reserve		2,975
Navy Reserve:		
NMCRC Miami:		
Reserve training building	6,510	
NMCRC Miami		6,510
Florida		127,537
Georgia:		
Army:		
Fort Benning:		
Barracks	18,600	
Applied instruction building	11,000	
Tactical equipment shop	6,700	
Company administration and supply	1,350	
Fort Benning		37,650
Fort Gordon:		
General instruction building	6,500	
Child care center	1,800	
Dental clinic	3,900	
Fort Gordon		12,200
Ft. Stewart/Hunter AAF:		
Automatic data processing building	1,900	
Tactical equipment shop	7,400	
Barracks with dining facility	10,500	
Child care center	2,880	
Water pollution abatement	690	
Multipurpose training range	20,000	
Parachute drying tower	960	
Tactical equipment shop	16,500	
Physical fitness training center	5,300	
Ft. Stewart/Hunter AAF		66,130
Army		115,980
Navy:		
Naval Submarine Base, Kings Bay:		
Dredging	23,200	
Utilities and site improvements	23,800	
Refit industrial facility	25,000	
Base admin bldg and communications center	7,320	
Refit wharf	33,000	
Waterfront services facility	6,770	
Unaccompanied enlisted personnel housing	4,270	
Strategic weapons facility (phase I)	81,700	
Community impact assistance	4,900	
Naval Submarine Base, Kings Bay		209,960
Air Force:		
Moody AFB:		
Aircraft generation squadron parts zone	1,200	
Winnersville gunnery range	830	
Moody AFB		2,030
Robins AFB:		
Add/alter aircraft maintenance docks	7,100	
Emergency backup power	1,600	
Logistics system operations center	8,390	
Fire protection warehouses	1,300	
Hazardous material storage	9,000	
Robins AFB		27,390
Air Force		29,420
Defense Logistics Agency		
Robins AFB, def. property disposal off.		
Hazardous material waste facility	2,500	
Robins AFB		2,500
Defense level activities:		
Fort Benning:		
New middle school	5,600	
Fort Benning		5,600
Army National Guard:		
Fort Stewart:		
Mobilization and training equipment site, add	4,407	
Fort Stewart		4,407
Air National Guard:		
Savannah map:		
Aerial port training facility	1,300	
Savannah map		1,300
Georgia		369,167
Hawaii:		
Army:		
Hawaii:		
Warehouse	2,050	
Detached latrines	930	
Hawaii		2,980
Helemano:		
Barracks modernization	4,650	
Helemano		4,650
Schofield Barracks:		
Tactical equipment shop	12,800	
Physical fitness training center	5,350	
Tactical equipment shop	5,700	
Barracks modernization	8,000	
Energy monitoring and control system	3,100	
Storm drainage	420	
Infantry remote target system range	1,700	
Schofield Barracks		37,070
Tripler Army Medical Center:		
Hospital addition alteration	115,000	
Tripler Army Medical Center		115,000
Army		159,700
Navy:		
Naval Air Station, Barbers Point:		
Avionics shop	5,250	
Operational training facility addition	1,380	
Naval Air Station, Barbers Point		6,630
Marine Corps Air Station, Kaneohe Bay:		
Water distribution system improvements	6,490	
Unaccom enlisted pers hsg modernization	7,610	
Combat aircraft ordnance loading area	2,440	
Marine Corps Air Station, Kaneohe Bay		16,540
Naval Magazine Lualualei:		
Ordnance operations building	3,130	
Naval Magazine Lualualei		3,130
Com Oceanographic Sys Pacific, Pearl Harbor:		
Terminal equipment building—NAS Whidbey Is	17,000	
Com Oceanographic Sys Pacific, Pearl Harbor		17,000
Naval Station, Pearl Harbor:		
Degaussing building	545	
Naval Station, Pearl Harbor		545
Naval Submarine Base, Pearl Harbor:		
Operational storage	345	
Unaccompanied enlisted personnel housing	12,500	
Unaccompanied officer personnel housing	4,940	
Bulkheads	1,030	
Naval Submarine Base, Pearl Harbor		18,815
Naval Supply Center, Pearl Harbor:		
Fire protection systems	4,630	
Data Processing Center Addition	2,050	
Naval Supply Center, Pearl Harbor		6,680
Navy Public Works Center, Pearl Harbor:		
Electrical distribution Sys improvements	5,270	
Navy Public Works Center, Pearl Harbor		5,270
Camp H M Smith—Oahu:		
Unaccompanied enlisted personnel housing	1,910	
Camp H M Smith—Oahu		1,910
NAVY		76,520
Air Force:		
Hickam AFB:		
Consolidated technical photo/support fac	1,900	
Add/alter alert hangar	500	
Fleet service terminal	1,400	
Hickam AFB		3,800
Defense Logistics Agency:		
Def Property Disposal Off, Pearl Harbor:		
Hazardous material/waste facility	1,950	
Def Property Disposal Off, Pearl Harbor		1,950
Hawaii		241,970
Idaho:		
Air Force:		
Mountain Home AFB:		
Add/alter ACFT generation sq parts store	940	
Sound suppressor support	550	
Mountain Home AFB		1,490
Army National Guard:		
Gowen Field:		
Machine gun & multi-purpose range	681	
Gowen Field		681
Army Reserve:		
Rexburg:		
Add to Army Reserve Ctr/Maintenance Shop	682	
Rexburg		682
Idaho		2,853
Illinois:		
Army:		
Rock Island Arsenal:		
Administration Bldg	6,900	
Modernize manufacturing facility-rearm	44,000	
Rock Island Arsenal		50,900
Navy:		
Naval Training Center, Great Lakes:		
Recruit processing building	9,990	
Operational trainer facility	1,960	
Naval Training Center, Great Lakes		11,950

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Navy Public Works Center, Great Lakes:		
Water distribution line	480	
Steam and condensate systems	1,370	
Navy Public Works Center, Great Lakes		1,850
Navy		13,800
Air Force:		
Chanute AFB:		
Alter electrical distribution	2,650	
Fire protection training complex	7,500	
Chanute AFB		10,150
Scott AFB:		
Air Force Communications Command Hq Fac	19,400	
Scott AFB		19,400
Air Force		29,550
Army National Guard:		
Marseilles:		
Unit training & equipment site	960	
Armory 100 person	1,000	
Marseilles		1,960
N. Riverside:		
Armory 800 person	3,148	
N. Riverside		3,148
Army National Guard		5,108
Air National Guard:		
Chicago-O'Hare 1 AP:		
Automotive maintenance shop	2,700	
Chicago-O'Hare 1 AP		2,700
Greater Peoria Aprt:		
Alter various buildings	1,000	
Automotive maintenance/refuel vehicle shop	2,200	
Great Perioia Aprt		3,2000
Capital Map:		
Weapons calibration shelter	1,100	
Capital Map		1,100
Air National Guard		7,000
Navy Reserve:		
NMCRC Rock Island:		
Vehicle maintenance shop	570	
MNCRC Rock Island		570
Illinois		106,928
Indiana:		
Army:		
Crane:		
Ammunition surveillance facility	3,600	
Crane		3,600
Fort Benjamin Harrison:		
Barracks	13,400	
Fort Benjamin Harrison		13,400
Indiana AAP:		
Prop change bldg	1,900	
Indiana AAP		1,900
Army		18,900
Air Force:		
Grissom AFB:		
Base flight operations facility	920	
Aircraft maintenance shop	1,502	
Base civil engineering compex, Ph.I	4,400	
Grissom AFB		6,820
Air National Guard:		
Ft Wayne MAP:		
Weapons sys security flight facility	500	
Ft Wayne MAP		500
Army Reserve:		
Indianapolis:		
Add to Army Reserve Ctr	2,485	
Indianapolis		2,485
AF Reserve:		
Grissom AFB:		
ACFT engine insp & repair shop	1,270	
Apron	1,700	
Grissom AFB		2,970
Indiana		31,675
Iowa:		
Army:		
Iowa AAP:		
Replace barricades	690	
Environmental control system	1,100	
Iowa AAP		1,790
Army National Guard:		
Clinton:		
Armory 100 person	729	
Clinton		729
Air National Guard:		
Sioux city MAP:		
Weapons system security flight facility	500	
Sioux City MAP		500
Iowa		3,019
Kansas:		
Army:		
Fort Leavenworth:		
Unaccompanied officer housing	11,000	
Fort Leavenworth		11,000
Fort Riley:		
Ammunition storage	3,700	
Battalion headquarters and classroom	2,700	
Energy monitoring and control system	650	
Insulate buildings	300	
Tactical equipment shop	4,750	
Battalion headquarters and classroom	1,550	
Company administration and supply	1,450	
Hardstand	4,850	
Tactical equipment shop addition	3,250	
Tactical equipment shop	9,700	
Company administration and supply	900	
Fort Riley		33,800
Army		44,800
Kentucky:		
Army:		
Fort Campbell:		
Company administration and supply	3,200	
Tactical equipment shop	5,000	
Aircraft maintenance facility	9,800	
Scheduled maintenance platforms	840	
Fort Campbell		18,840
Fort Knox:		
Communications facility	1,600	
Ammunition storage	7,800	
Infantry remote target system ranges	2,500	
Tracked vehicle basic driving course	1,700	
Fort Knox	13,600	
Army		32,440
Defense level activities:		
Fort Knox:		
Vocational Education Center	3,450	
Air condition dependents schools	7,200	
Library Media Center	4,311	
Intramural facility	2,000	
Auditorium and 14 classrooms	5,000	
Fort Knox		21,961
Fort Campbell:		
Three elementary school additions	2,700	
Renovation of six dependents schools	4,800	
Fort Campbell		7,500
Defense level activities		29,461
Army National Guard:		
Ashland:		
Organizational maintenance shop	443	
Ashland		443
Murray:		
Armory 100 person	927	
Murray		927
Army National Guard		1,370
Army Reserve:		
Owensboro:		
Add to Army Reserve Ctr	1,515	
Owensboro		1,515
Kentucky		64,786
Louisiana:		
Army:		
Louisiana AAP:		
Chemical lab	1,600	
Louisiana AAP		1,600
Fort Polk:		
Ammunition storage	19,000	
Barracks	8,200	
Aircraft maintenance facility	10,000	
Physical fitness training center	2,050	
Fort Polk		39,250
Army		40,850
Air Force:		
Barksdale AFB:		
Environmental medicine facility	445	
Flight simulator training facility	3,500	
Add/alter alert crew facility	2,150	
ECIP—alter mechanical systems	400	
ALCM—storage igloos	15,600	
ALCM—support equipment shop	2,300	
ALCM—miscellaneous support facilities	1,600	
Barksdale AFB		25,995
England AFB:		
Aircraft generation squadron parts store	950	
Aircraft maintenance area lighting	800	
ECIP—alter lighting/mechanical/structural	1,200	
England AFB		2,950
Air Force		28,945
Army National Guard:		
Bunkie:		
Armory 60 person	837	
Bunkie		837
Air National Guard:		
New Orleans NAS:		
Operational training facility	2,000	
New Orleans NAS		2,000
Army Reserve:		
Alexandria:		
Add to Army Reserve Ctr	542	
Alexandria		542
Lafayette:		
Add to Army Reserve Ctr	1,995	
Lafayette		1,995
Monroe:		
Add to Army Reserve Ctr	455	
Monroe		455
Army Reserve		2,992
Navy Reserve:		
Naval support activity, New Orleans:		
Personnel support activity office	1,030	
Naval support activity, New Orleans		1,030
AF Reserve:		
Barksdale AFB:		
Aircraft maintenance dock	4,500	
ADD/alter acft engine insp and repair shop	500	
Composite group training	2,778	
Barksdale AFB		7,778
Louisiana		84,432
Maine:		
Navy:		
Naval Air Station Brunswick:		
Land acquisition	2,170	
Alert force building addition	340	
Naval Air Station, Brunswick		2,510
Naval security group act, Winter Harbor:		
Antenna support facilities	220	
Naval security group act, Winter Harbor		220
Portsmouth Naval Shipyard, Kittery:		
Engineering management building	11,800	
Portsmouth Naval shipyard, Kittery		11,800
Navy		14,530
Air Force:		
Loring AFB:		
Composite medical facility	24,900	
Composite maintenance complex	3,300	
Dining hall	3,170	
Loring AFB		31,370
Army National Guard:		
Bangor:		
Organizational maintenance shop	594	
Bangor		594
Air National Guard:		
Bangor IAP:		
Security police opns facility	500	
Bangor IAP		500
Maine		46,994
Maryland:		
Army:		
Aberdeen Proving Ground:		
Chapel and child care center	4,950	
Chemistry laboratory	20,000	
Barracks	17,800	
Dining facilities modernization	4,950	
Operations building	10,400	
Applied instruction building	7,300	
Aberdeen Proving Ground		65,400
Fort Detrick:		
Medical administration building	3,100	
Fire station	1,200	
Medical intelligence operations facility	3,600	
Standby generator plant	13,600	
Fort Detrick		21,500
Fort George G. Meade:		
Insulate buildings	5,900	
Fort George G. Meade		5,900
Army		92,800
Navy:		
Naval Academy, Annapolis:		
Boat repair facility modernization	1,960	
Naval Academy, Annapolis		1,960

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Naval Air Test Center, Patuxent River:		
Family services center	520	
Municipal sewer connection	3,500	
Facility energy improvements	600	
Naval Air Test Center, Patuxent River		4,620
Naval electronic sys engr act, St. Inigoes:		
Ships navigation equipment laboratory	1,600	
Sewerage system	510	
Naval electronic sys engr act, St. Inigoes		2,100
Navy		8,690
Air Force:		
Goddard Space Flight Center:		
STS-classified data process facility	3,500	
Goddard Space Flight Center		3,500
Air Force		3,500
Defense Mapping Agency:		
DMA Hydrographic/Topographic Center:		
Addition to Albert Hall	20,100	
DMA Hydrographic/Topographic Center		20,100
National Security Agency:		
Fort Meade:		
Systems processing center	12,585	
AWCS support/admin bldg	410	
Electric vault venting	125	
Seq (9827–8) Mod	3,800	
Fort Meade		16,920
National Security Agency		16,920
Def Investigative Servc:		
Fort Holabird		
Storage facility	220	
Fort Holabird		220
Air National Guard:		
Andrews AFB:		
Squadron opns facility	1,200	
Alter aircraft maint hangar 8 & 9	1,600	
Andrews AFB		2,800
Glenn L. Martin Aprt:		
Upgrade Hangar 1	2,500	
Glenn L. Martin Aprt		2,500
Air National Guard		5,300
Army:		
Family housing:		
Aberdeen Proving Ground:		
New construction	[30,792]	
Aberdeen proving ground		[30,792]
Maryland		147,530
Massachusetts:		
Army:		
Fort Devens:		
Correct safety deficiencies	1,700	
Water distribution system upgrade	2,750	
Fort Devens		4,450
Air Force:		
Hanscom AFB:		
Alter lab for fire protection	5,200	
Hanscom AFB		5,200
Otis and Base:		
Pave Paws-boundary security system	810	
Otis Ang Base		810
Air Force		6,010
AF Reserve:		
Westover AFB:		
Base civil engineer complex	2,700	
Westover AFB		2,700
Family housing:		
Air Force:		
Hanscom AFB:		
Mobile home park—extension (40)	[500]	
Hanscom AFB:		
Family housing		[500]
Massachusetts		13,160
Family housing		[500]
Michigan:		
Air Force:		
KI Sawyer AFB:		
Add/alter alert crew facility	2,350	
ALCM support facilities	12,000	
ALCM storage facilities	2,500	
KI Sawyer AFB		16,850
Wurtsmith AFB:		
Environmental medicine facility	425	
ALCM storage igloo	2,500	
Wurtsmith AFB		2,925
Air Force		19,775

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Army National Guard:		
Bay City:		
Armory 60 person	955	
Bay City		955
Air National Guard: (13) Selfridge ANGB:		
Add/alter bldg 120	1,400	
Alter aircraft engine I&R shop	500	
Alter hangars 3, 4, 6, 7, 8 and building 128	800	
Addtion to munitions maint & storage	500	
Selfridge ANGB		3,200
Army Reserve:		
Ann Arbor		
Add to Army Reserve Ctr	726	
Ann Arbor		726
AF Reserve:		
Selfridge AFB:		
Organizational maintenance shop	430	
Selfridge AFB		430
Michigan		25,086
Minnesota:		
Air National Guard:		
Duluth IAP:		
Auto maint/refuel vehicle/vehicle storage	2,300	
Duluth IAP		2,300
AF Reserve:		
Minn-St Paul IAP:		
Vehicle maintenance complex	2,400	
Minn-St Paul IAP		2,400
Minnesota		4,700
Mississippi:		
Navy:		
Naval Oceanographic Office Bay Saint Louis:		
Data processing center addition	1,570	
Naval Oceanographic Office Bay Saint Louis		1,570
Naval Construction Battalion Ctr Gulfport:		
Seabee military training building	1,860	
Gymnasium	1,740	
Elevated potable water storage tank	810	
Seabee regimental headquarters	2,590	
Seabee battalion headquarters	2,800	
Unaccompanied enlisted personnel housing	4,650	
War reserves warehouse	4,460	
Enlisted dining facility addition	1,580	
Medical clinic addition	325	
Naval Construction Battalion Ctr Gulfport		20,815
Naval Oceanographer Command Bay St Louis:		
Administrative office	375	
Naval Oceanographer Command Bay St Louis		375
Naval Air Station Meridian:		
Arming and dearming pads	1,300	
Aircraft operations building addition	820	
Roads	750	
Naval Air Station Meridian		2,870
Navy		25,630
Air Force:		
Columbus AFB:		
Aircraft maintenance dock	5,000	
Columbus AFB		5,000
Keesler AFB:		
Alter unaccomp enlisted personnel housing	9,500	
Multi-purpose aircraft maintenance shop	3,100	
Air condition CMF kitchen	435	
ECIP-insulate buildings/alter mechanical	520	
Alter electrical distribution system	3,000	
Keesler AFB		16,555
Air Force		21,555
Army National Guard:		
Camp Shelby:		
Land acquisition ph 3	941	
Alter/rehabilitate buildings	8,113	
Camp Shelby		9,054
Air National Guard:		
Jackson (A C Thompson):		
Combined squadron opns/dining hall	2,400	
Aircraft parking and fuel sys. mod	7,800	
Jackson (A C Thompson)		10,200
Gulfport:		
Munitions maint and storage facility	900	
Gulfport		900

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Air National Guard		11,100
Mississippi		67,339
Missouri:		
Army:		
Fort Leonard Wood:		
Infantry remote target system ranges	2,800	
Applied instruction building	3,650	
Fort Leonard Wood		6,450
Air Force:		
Whiteman AFB:		
Missile operations facility	2,200	
Recreation center	1,650	
Cold storage facility	470	
Whiteman AFB		4,320
Air National Guard:		
Rosecrans Memorial Apt:		
Add alter base supply/equip warehouse	600	
Add to squadron operations facility	1,100	
Rosecrans Memorial Apt		1,700
St Louis		
Fire Station	900	
St Louis		900
Air National Guard		2,600
Army Reserve:		
Richards-Gebaur AFB:		
Convert-Army Reserve Ctr/maintenance shop	2,666	
Richards-Gebaur AFB		2,666
Navy Reserve:		
NMCRC Kansas City:		
Acquisition reserve training buildings	625	
NMCRC Kansas City		625
Missouri		16,661
Montana:		
Air Force:		
Malmstrom AFB:		
Add/alter gymnasium	1,500	
Malmstrom AFB		1,500
Conrad:		
Strat trng range-site 6 and land acquistion	4,260	
Conrad		4,260
Air Force		5,760
Army National Guard:		
HAVRE:		
Armory 60 person	776	
Havre		776
Family housing:		
Air Force:		
Conrad AFS:		
New construction (40)	[3,705]	
Conrad AFS		
Family housing		[3,705]
Montana		6,536
Family housing		[3,705]
Nebraska:		
Air Force:		
Offutt AFB:		
Upgrade chilled water plant	5,000	
Aircraft maintenance facilities–PH II	34,200	
Precision measurement equipment lab	900	
Add to global weather central	3,400	
Add/alter central power plant	2,200	
Unaccompanied enlisted personnel housing	5,400	
Offutt AFB		51,100
Nevada:		
Navy:		
Naval Air Station Fallon:		
Explosives area improvements	4,740	
Maintenance hangar	5,000	
Unaccompanied enlisted personnel housing	12,900	
Unaccompanied officer personnel housing	8,100	
Aircraft direct fueling station	3,700	
Naval Air Station Fallon		34,440
Air Force:		
Nellis AFB:		
Add/alter base access road	2,800	
Ecip-weatherize buildings/alter mechanical	990	
Aircraft maintenance area lighting	1,300	
Nellis AFB		5,090
Air National Guard:		
Reno IAP:		
Fire suppression system	800	
Reno IAP		800
Nevada		40,330

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
New Hampshire:		
Army:		
Cold Region Research Laboratory:		
Laboratory refrigeration system upgrade	3,600	
Cold Region Research Laboratory		3,600
Air Force:		
Pease AFB:		
Alter unaccomp enlisted personnel housing	5,100	
Add/alter unaccomp medical logistics fac	850	
Pease AFB		5,950
Army Reserve:		
Keene:		
Convert-Army Reserve ctr/maintenance shop	1,176	
Keene		1,176
New Hampshire		10,726
New Jersey:		
Army:		
Military ocean terminal bayonne:		
Standby electric power	570	
Military ocean terminal bayonne		570
Ft Dix:		
Energy monitoring and control system	3,500	
Infantry remote target system ranges	2,600	
Insulate buildings	7,100	
Upgrade range facilities	4,450	
Ft Dix		17,650
Fort Monmouth:		
Air condition general instruction building	4,050	
Barracks modernization	5,100	
Operations building	3,600	
Tactical equipment shop	2,900	
Fort Monmouth		15,650
Picatinny Arsenal:		
Water treatment plant	3,000	
Sanitary sewer	6,400	
Railroad track acquisition	380	
Picatinny Arsenal		9,780
Army		43,650
Air Force:		
McGuire AFB:		
Add/alter NCO Academy	440	
McGuire AFB		440
Army National Guard:		
Flemington:		
Armory add/alt	732	
Flemington		732
Toms River:		
Armory add/alt	490	
Toms River		1,500
Army National Guard		1,222
Air National Guard:		
McGuire AFB		
Addn avionics/weapons release systems shop	1,500	
McGuire AFB		1,500
Atlantic City:		
Upgrade various buildings	1,800	
Atlantic City		1,800
Air National Guard		3,300
AF Reserve:		
McGuire AFB:		
Medical Services Squadron	706	
McGuire AFB		706
New Jersey		49,318
New Mexico:		
Army:		
White Sands Missile Range:		
Laboratory and test building	2,250	
White Sands Missile Range		2,250
Air Force:		
Cannon AFB:		
PMEL–NDI shop	1,100	
Weapons system maintenance facility	1,700	
Cannon AFB		2,800
Holloman AFB:		
Aircraft maintenance area lighting	650	
Base support center	6,100	
Security police operations facility	1,300	
ECIP-alter lighting/mechanical systems	360	
Holloman AFB		11,610
Water line—Boles Wells	3,200	
Kirtland AFB:		
Add/alter fire sprinkler and alarm system	1,500	
Kirtland AFB		1,500
Air Force		15,910
Defense level activities:		
White Sands Missile Range:		
High energy laser systems test facility	9,000	
White Sands Missile Range		9,000
Army National Guard:		
Santa Fe:		
US Property and Fiscal Office Bldg	596	
Sante Fe		596
Air National Guard:		
Kirtland AFB:		
Petroleum operations/refueler parking	500	
Kirtland AFB		500
Army Reserve:		
Las Cruces:		
Add to Army Reserve Ctr/maintenance shop	610	
Las Cruces		610
New Mexico		28,866
New York:		
Army:		
Fort Drum:		
Vehicle wash facility	350	
Central heating plant	13,000	
Energy monitoring and control system	290	
Ammunition storage	700	
Physical fitness training center	3,400	
Fort Drum		17,740
Seneca Army Depot:		
Intrusion detection center	6,900	
Seneca Army Depot		6,900
US Military Academy:		
Upgrade range facilities	630	
Raw water line improvements	320	
US Military Academy		950
Army		25,590
Air Force:		
Griffiss AFB:		
F–15—Add/alter flight simulator	750	
F–15—Missile storage facility	550	
F–15—Missile maintenance facility	570	
F–15—Add/alter mission support facilities	950	
F–15—Convert to fuel cell maint dock	580	
Small arms range	750	
Griffiss AFB		4,150
Plattsburgh AFB:		
Alter unaccomp enlisted personnel housing	2,900	
Sound suppressor support facility	750	
Plattsburgh AFB		3,650
Air Force		7,800
Defense level activities:		
West Point:		
New elementary school	3,650	
West Point		3,650
Army National Guard:		
Yonkers:		
Armory 200 person	1,280	
Yonkers		1,280
Air National Guard:		
Hancock FLD:		
Base engineer maint facility	1,100	
Hancock Fld		1,100
Schenectady County Aprt ANG:		
Jet fuel/pol opns/refueler vehicle fac	1,800	
Schenectady County Aprt ANG		1,800
Stewart Airport:		
Aerial port training facility	1,300	
Combined squadron opns/telecom ANG/Marines	4,100	
Fire station	1,200	
Base engineer maint facility	1,100	
Phase IV construction	10,500	
Stewart Airport		18,200
Suffolk County Airport:		
Fire station	1,000	
Suffolk County Airport		1,000
Air National Guard		22,100
Army Reserve:		
Fort Drum:		
Multi-purpose training range	4,677	
Fort Drum		4,677
AF Reserve:		
Niagara Falls IAP:		
Survival equipment shop	675	
Niagara Falls IAP		675
New York		65,772
North Carolina:		
Army:		
Fort Bragg:		
Physical fitness training center with pool	3,750	
Range control building	1,000	
Tactical equipment shop	7,400	
Aircraft maintenance facility	11,400	
Multi-purpose training range	11,600	
Barracks	15,500	
Consolidated dining facility	2,500	
Electronics/communications repair shop	860	
Energy monitoring and control system	1,100	
Heating plant modifications	1,000	
Insulate building	2,250	
Parachute rigging facility	800	
Security operations training facility	39,000	
Fort Bragg		98,160
Navy:		
Marine Corps base camp, Lejuene:		
Combat vehicle maintenance shop	2,190	
Unaccompanied enlisted personnel housing	16,800	
Water treatment facilities improvements	8,000	
Division headquarters	9,380	
Marine Corps base camp, Lejuene		36,370
Marine Corps Air Station, Cherry Point:		
Combat aircraft ordnance loading area	3,320	
Unaccompanied enlisted personnel housing	10,000	
Tactical support van pads	1,490	
Marine Corps Air Station, Cherry Point		14,810
Marine Corps Air Station, New River:		
Hazardous and flammable storehouse	340	
Marine Corps Air Station, New River		340
Naval Hospital, Camp Lejuene:		
Aviation physiology trng bldg—Cherry Point	970	
Naval Hospital, Camp Lejuene		970
Naval air rework facility, Cherry Point:		
Engine test cell	9,700	
Naval air rework facility, Cherry Point	5	9,700
Navy		62,190
Air Force:		
Pope AFB:		
Add/alter avionics shop	710	
Pope AFB		710
Seymour Johnson AFB:		
KC–10 Beddown support facilities	11,000	
KC–10 Aircraft parking apron/hydrant refuel and cass provision	(9,160)	
KC–10 add to and alter flight simulator training facility	(780)	
KC–10 squadron flight operations fac	(780)	
KC–10 add to aircraft engine inspection and repair shop	(280)	
Add/alter squadron opns/pave tack facility	560	
Aircraft maintenance dock	5,650	
Add/alter gymnasium	1,000	
Ecip-install radiant heaters	680	
Upgrade regional connection	1,600	
Seymour Johnson AFB		20,490
Air Force		21,200
Defense level activities:		
Fort Bragg:		
Renovation of six elementary schools	5,600	
Fort Bragg		5,600
National Security Agency:		
Rosman:		
Electrical substation	500	
Rosman		500
Army National Guard:		
Franklin:		
Armory, 60 person	568	
Franklin		568
Air National Guard:		
Douglas map:		
Base engineer maintenance facility	1,300	
Douglas map		1,300
Army Reserve:		
Concord:		
100-mbr Army Reserve ctr	1,287	
Concord		1,287

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Navy Reserve:		
Charlotte:		
Land acquisition	1,200	
Charlotte		1,200
North Carolina		192,005
North Dakota:		
Air Force:		
Grand Forks AFB:		
Add/alter alert crew facility	2,300	
Grand Forks AFB		2,300
Minot AFB:		
Add/alter alert crew facility	2,600	
F–15-helicopter rescue and recovery hangar	2,400	
F–15-supply and equipment warehouse	1,300	
Composite medical facility	27,500	
Minot AFB		33,800
Dickinson:		
Strat trng range-site 5 and land acquisition	3,710	
Dickinson		3,710
Air Force		39,810
Defense Logistics Agency:		
Def fuel support point, Grand Forks:		
Fire protection	475	
Def fuel support point, Grand Forks		475
Army National Guard:		
Camp Grafton (Devils Lake):		
Training facilities, ph II	1,732	
Camp Grafton (Devils Lake)		1,732
North Dakota		42,017
Ohio:		
Air Force:		
Newark AFS:		
Alter electro-optical laboratory	840	
Newark AFS		840
Wright-Patterson AFB:		
Materials laboratory (metals and ceramics)	18,200	
Add/alter computer center	2,550	
Add/alter engine test cell	3,700	
Fire protection/propulsion laboratory	3,050	
Add/alter biodynamics laboratory	2,150	
Add to Air Force Museum	5,400	
Ecip-weatherize buildings/alter mechanical	300	
Wright-Patterson AFB		35,350
Air Force		36,190
Defense Logistics Agency:		
Defense fuel support point, Cincinnati:		
New fuel pier	2,600	
Defense fuel support point, Cincinnati		2,600
Army National Guard:		
Camp Perry:		
Training facilities, ph IV	418	
Camp Perry		418
Greensberg:		
Army aviation support facility	3,770	
Greensberg		3,770
Army National Guard		4,188
Air National Guard:		
Camp Perry:		
OPNS training/medical training/dining hall	1,400	
Camp Perry		1,400
Army Reserve:		
Springfield:		
Add to Army Reserve Ctr/maintenance shop	1,586	
Springfield		1,586
AF Reserve:		
Youngstown map:		
Fireman training facility	513	
Youngstown map		513
Ohio		46,477
Oklahoma:		
Army:		
Fort Sill:		
Physical fitness training center	5,250	
Infantry remote target system ranges	2,250	
Training ranges	1,600	
Barracks	18,300	
Fort Sill		27,400
Air Force:		
Tinker AFB:		
Add to apron	4,150	
Clothing sales store	570	
Petroleum operations facility	1,250	
Blade repair facility	11,000	
Add/alter integrated support facility	9,829	
Tinker AFB		26,799
Army National Guard:		
Holdenville:		
Armory	900	
Holdenville		900
AF Reserve:		
Tinker AFB:		
Add/alter squadron operations	550	
Tinker AFB		550
Oklahoma		55,649
Oregon:		
Air National Guard:		
Portland IAP:		
Fire station	700	
Comm-electronic training/mobility storage	1,400	
Portland IAP		2,100
Kingsley Field:		
Alter Hangar 219	3,000	
Kingsley Field		3,000
Air National Guard		5,100
AF Reserve:		
Portland IAP:		
Aerial port training facility	550	
Portland IAP		550
Oregon		5,650
Pennsylvania:		
Army:		
Fort Indiantown Gap:		
Electric substation	2,500	
Fort Indiantown Gap		2,500
Cumberland Ad:		
Site acquisition and preparation	7,800	
New Cumberland Ad		7,800
Scranton AAP:		
Water Distribution System	2,050	
Scranton AAP		2,050
Tobyhanna Army Depot:		
Physical fitness training center addition	240	
Heating plant	570	
Tobyhanna Army Depot		810
Army		13,160
Navy:		
Navy ships parts control ctr Mechanicsburg:		
Administrative office modernization	1,170	
Data processing center	15,100	
Navy ships parts control ctr Mechanicsburg		16,270
Naval shipyard Philadelphia:		
Municipal sewer connection	3,890	
Electrical distribution system improvements	12,600	
Naval shipyard Philadelphia		16,490
Naval air development center Warminster:		
Electric powerplant	2,290	
Naval air development center Warminster		2,290
Navy		35,050
Defense Logistics Agency:		
Defense Depot Mechanicsburg:		
Integrated material handling complex	18,000	
Defense Depot Mechanicsburg		18,000
Army National Guard:		
Ft. Indiantown Gap:		
Army aviation support facility add/alt	2,419	
Flight trainer/weapons system simulator	1,221	
Ft Indiantown Gap		3,640
Sellersville:		
Armory add/alt	556	
Sellersville		556
Army National Guard		4,196
Air National Guard:		
Harrisburg IAP:		
Base engineer maint facility/fire station	1,800	
Harrisburg IAP		1,800
Pittsburgh:		
Add/alter composite opnl training facility	4,100	
Munitions maint & storage facility	1,500	
Pittsburgh		5,600
Air National Guard		7,400
Army Reserve:		
Farrell:		
Add to Army Reserve Ctr	1,990	
Farrell		1,990
Lewistown:		
100-Mbr Army Reserve Ctr/maintenance shop	2,503	
Lewistown		2,503
Army Reserve		4,493
Navy Reserve:		
NAS Willow Grove:		
Taxiway overlay	1,030	
NAS Willow Grove		1,030
AF Reserve:		
Greater Pittsburgh IAP:		
Warehouse	1,020	
Greater Pittsburgh IAP		1,020
Willow Grove ARF:		
Squadron operations	1,845	
Willow Grove ARF		1,845
AF Reserve		2,865
Pennsylvania		86,194
Rhode Island:		
Navy:		
Naval Underwater Systems Center Newport:		
Submarine weapon systems integration lab	11,540	
Command and control systems maintenance shop	13,300	
Naval Underwater Systems Center Newport		24,840
Naval Education and Training Center Newport:		
Sewerage system	1,510	
Family Services Center	690	
Pier utilities	3,160	
Naval Education and Training Center Newport		5,360
Navy		30,200
Air National Guard:		
Coventry AGS:		
Alter communications-electronic facilities	1,400	
Coventry AGS		1,400
Army Reserve:		
Cranston:		
Add to Army Reserve Ctr	2,931	
Cranston		2,931
Rhode Island		34,531
South Carolina:		
Army:		
Fort Jackson:		
Infantry remote target system ranges	2,600	
Dining facilities modernization	860	
Troop medical clinic	4,000	
Barracks	17,500	
Applied instruction facility	10,800	
Fort Jackson		35,760
Navy:		
Marine Corps Air Station Beaufort:		
Construction and weight handling equip shop	1,950	
Operational trainer facility	760	
Oil spill prevention	780	
Marine Corps Air Station Beaufort		3,490
Flebalmis Submarine Trng Ctr Charleston:		
Applied instruction building modifications	710	
Flebalmis Submarine Trng Ctr Charleston		710
Naval Station Charleston:		
Electrical distribution lines	5,630	
Fleet support center	6,300	
Naval Station Charleston		11,930
Naval Supply Center Charleston:		
Data processing center	2,700	
Cold storage warehouse addition	2,930	
Naval Supply Center Charleston		5,630
Naval Shipyard Charleston:		
Facility energy improvements	570	
Waterfront services support building	1,830	
Logistics support facility	5,800	
Naval Shipyard Charleston		8,200
Naval Weapons Station Charleston:		
Potable water storage tank	1,630	
Naval Weapons Station Charleston		1,630
Marine Corps Recruit Depot Parris Island:		
Unaccom enlisted pers hsg modernization	2,550	
Recruit barracks improvement	3,680	
Recruit barracks	4,990	
Marine Corps Recruit Depot Parris Island		11,220

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Navy		42,810
Air Force:		
Charleston AFB:		
Clinic/dental clinic	8,200	
Alter unaccomp enlisted personnel hsg—ph I	7,000	
Alter aircraft general purpose shop	340	
Charleston AFB		15,540
Myrtle Beach AFB:		
Tactical control flight facility	1,700	
Add/alter telecommunications center	340	
Aircraft maintenance area lighting	755	
Myrtle Beach AFB		2,795
Shaw AFB:		
Add/alter gymnasium	2,100	
Refuel vehicle parking and pol facility	620	
Alter unaccomp enlisted personnel housing	2,250	
Shaw AFB		4,970
Air Force		23,305
Defense level activities:		
Fort Jackson:		
Elementary school	7,372	
Fort Jackson		7,372
Army National Guard:		
Clinton:		
Armory 100 person	911	
Clinton		911
Army Reserve:		
Greenville:		
Add to Army Reserve Ctr/maintenance shop	1,208	
Greenville		1,208
South Carolina		111,366
South Dakota:		
Air Force:		
Ellsworth AFB, S. Dak.:		
B–1B—beddown support facilities (phase II)	45,740	
B–1B—add to and alter aircraft maintenance hangars	(20,340)	
B–1B—hydrant fuel with CASS provisions	(15,900)	
B–1B—add to and alter supply storage facilities	(700)	
B–1B—aircraft fuel cell maintenance facilities	(3,200)	
B–1B—avionics maintenance shop	(4,600)	
B–1B—add to and alter field training facilities	(1,000)	
Security police facility	5,200	
Vehicle maintenance facility	4,900	
Air Force		55,840
Army National Guard:		
Rapid City:		
US property and fiscal warehouse/OFC add	745	
Rapid City		745
Army Reserve:		
Aberdeen:		
Add to Armed Forces Reserve Ctr/maint shop	742	
Aberdeen		742
South Dakota		57,327
Tennessee:		
Army:		
Holston Army ammunition plant:		
Modify composition C–4 facility	3,900	
Coal handling improvements	7,000	
Expand lacquer preparation facilities	910	
Modify RDX/HMX lines	7,800	
Access platform for precipitators	230	
Holston Army ammunition plant		19,840
Navy:		
Naval Hospital Millington:		
Facility energy improvements	410	
Naval Hospital Millington		410
Naval Air Station Memphis:		
Electrical distribution sys improvements	1,700	
Water treatment facility	5,540	
Facility energy improvements	3,120	
Naval Air Station Memphis		10,360
Navy		10,770
Air Force:		
Arnold Engineering Dev Center:		
Heavy equipment shop	600	
Alter transonic wind tunnel	5,000	
ECIP—alter mechanical system	2,100	
Arnold Engineering Dev Center		7,700

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Army National Guard:		
Elizabethton:		
Armory 200 person	955	
Elizabethton		955
Gallatin:		
Armory 60 person	716	
Gallatin		716
Savannah:		
Armory 60 person	727	
Savannah		727
Army National Guard		2,398
Army Reserve:		
Nashville:		
Add to Armed Forces Reserve Ctr/maint shop	5,556	
Nashville		5,556
Tennessee		46,264
Texas:		
Army:		
Fort Bliss:		
General instruction building	16,000	
Dining facilities modernization	3,700	
Tactical equipment shop	4,850	
Fort Bliss		24,550
Corpus Christi Army Depot:		
Composite blade test facility	2,200	
Corpus Christi Army Depot		2,200
Fort Hood:		
Tactical equipment shop	7,000	
Water storage	5,800	
Flight simulator building	3,350	
Company administration and supply	500	
Tactical equipment shop	1,350	
Tactical equipment shop	1,100	
Tactical equipment shop	940	
Brigade Headquarters	1,000	
Electrical substation	5,600	
Military operations in urbanized terrain	7,300	
Multi-purpose training range	3,250	
Corps Headquarters	33,000	
Fort Hood		70,190
Red River Army Depot:		
Technical training facility	830	
Red River Army Depot		830
Army		97,770
Navy:		
Naval Air Station Chase Field:		
High explosive magazine	690	
Electronic/communications maint shop	425	
Energy monitoring and control system	1,100	
Facility energy improvements	620	
Land acquisition	480	
Naval Air Station Chase Field		3,315
Naval Air Station Corpus Christi:		
Cold storage warehouse	550	
Land acquisition	2,960	
Child care center	560	
Operational trainer facility modernization	545	
Naval Air Station Corpus Christi		4,615
Naval Air Station Kingsville:		
Public works shop	1,470	
Naval Air Station Kingsville		1,470
Personnel support activity, Corpus Christi:		
Pay and personnel support off—NAS Kingsville	710	
Personnel support activity, Corpus Christi		710
Navy		10,110
Air Force:		
Bergstrom AFB:		
Add/alter gymnasium	3,050	
alter unaccomp enlisted personnel housing	6,300	
add/alter composite medical facility	450	
Bergstrom AFB		9,800
Brooks AFB:		
Alter unaccomp enlisted personnel housing	1,000	
add/alter academic facility	500	
Directed energy lab	1,550	
Dining hall	1,400	
Brooks AFB		4,450
Carswell AFB:		
Aircraft general purpose shop	2,350	
Alter unaccomp enlisted personnel housing	5,000	
Add/alter aircraft corrosion control fac	3,450	
Add/alter alert crew facility	2,250	

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Air launch cruise missile storage igloos	11,000	
Carswell AFB		24,050
Dyess AFB:		
Aerial delivery facility	2,750	
Precision measurement equipment lab	910	
Exterior area lighting	600	
B–1—Three bay aircraft maintenance hangar	9,600	
B–1—Hydrant fueling with cass provisions	14,500	
B–1—munitions storage and support facilities	6,800	
B–1—Aircraft corrosion control facility	3,700	
B–1—Aircraft engine insp and repair shop	2,500	
B–1—Add/alter avionics maintenance shop	1,700	
B–1—munitions maintenance facility	3,500	
B–1—Field maintenance facilities	1,150	
B–1—Blast deflectors	750	
B–1—Miscellaneous facilities	1,100	
B–1—Weapons storage area/base utility upgr	4,700	
Dyess AFB		54,260
Lackland AFB:		
Unaccomp enlisted personnel housing	7,440	
Vehicle maintenance complex	1,850	
Lackland AFB		9,290
Laughlin AFB:		
Flight training/academic classroom	6,900	
Laughlin AFB		6,900
Randolph AFB:		
Add/alter military personnel center	7,040	
Unaccomp officer personnel housing	2,700	
Randolph AFB		9,740
Reese AFB:		
Base civil engineer maintenance complex	4,900	
Reese AFB		4,900
Sheppard AFB:		
Unaccomp enlisted personnel housing	6,300	
Sheppard AFB		6,000
Goodfellow AFB:		
Pave paws support facilities	7,600	
Combat intelligence training center	7,600	
Goodfellow AFB		15,200
Air Force		144,890
Army Reserve:		
Dallas:		
Add to Army Reserve Ctr/maintenance shop	1,709	
Dallas		1,709
Waco:		
Add to Armed Forces Reserve Ctr/maint shop	1,743	
Waco		1,743
Army Reserve		3,452
Navy Reserve:		
Naval Air Station, Dallas:		
Mag–41 logistics building	620	
Aviation technical training building	2,380	
Naval Air Station, Dallas		3,000
NMCRC Dallas:		
MOMAG training bldg	395	
NMCRC Dallas		395
Navy Reserve		3,395
AF Reserve:		
Bergstrom AFB:		
Reserve forces opns and training facility	1,900	
Bergstrom AFB		1,900
Kelly AFB:		
Apron/taxiway/hydrant fuel system	21,490	
Fuel storage	1,860	
Hangar and maintenance shop	8,150	
Kelly AFB		31,500
AF Reserve		33,400
Family housing:		
Army:		
Fort Hood:		
New construction	[1950]	
Fort Hood		
Family Housing		[1950]
Texas		293,017

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
Utah:		
Air Force:		
Hill AFB:		
Unaccomp enlisted personnel housing	7,100	
Alter electrical distribution system	5,400	
Integration support facility	8,000	
ECIP—Weatherize buildings/alter mechanical	1,500	
Aircraft maintenance training facility	790	
Add/alter aircraft maintenance facility	12,800	
Add/alter flight test facility	2,413	
Peacekkeeper—add/alter X-ray facility	330	
Peacekeeper—equipment/spares storage	4,700	
Peacekeeper—Stage IV storage	2,700	
Hill AFB		45,733
Army Reserve:		
Salt Lake City:		
Add to Army Reserve Ctr/maintenance shop	1,170	
Salt Lake City		1,170
Utah		46,903
Virginia:		
Army		
Fort Belvoir:		
Computer systems development facility	31,200	
Communications facility	17,200	
Fort Belvoir		48,400
Fort Eustis:		
Tactical equipment shop	3,300	
Fort Eustis		3,300
Fort Lee:		
CIDC field operations building	1,150	
Fort Lee		1,150
Fort Myer:		
Religious education facility	700	
Fort Myer		700
Fort Pickett:		
Heating systems	2,400	
Fort Pickett		2,400
Radford AAP:		
Barricades	2,150	
Barricade	330	
120mm prop blend	460	
Radford AAP		2,940
Radford Army Ammunition plant:		
Red water disposal facility	26,000	
Radford Army Ammunition Plant		26,000
Fort Story:		
Maintenance facility	6,100	
Fort Story		6,100
Army		90,990
Navy:		
Naval Security Group Act NW, Chesapeake:		
Operations building addition	2,500	
Naval Security Group Act NW, Chesapeake		2,500
Atlantic Fleet Hqtrs Support Act, Norfolk:		
Operations command center addition	24,700	
Atlantic Fleet Hqtrs Support Act, Norfolk		24,700
Naval Amphibious Base, Little Creek:		
Pier utilities	6,210	
Landing craft air cushion complex	19,400	
Heating plant improvements	1,380	
Applied instruction building	730	
Naval Amphibious Base Little Creek		27,920
Naval Amphibious School, Little Creek:		
applied instruction building	725	
Naval Amphibious School Little Creek		725
Fleet Training Center, Norfolk:		
Applied instruction building	4,450	
Fleet Training Center, Norfolk		4,450
Naval Air Rework Facility, Norfolk:		
Jet engine overhaul shop modernization	10,000	
Naval Air Rework Facility, Norfolk		10,000
Naval Air Station, Norfolk:		
Aircraft ground support equipment shop	3,600	
Naval Air Station, Norfolk		3,600
Naval Station, Norfolk:		
General purpose berhting pier	15,100	
Unaccompained enlisted personnel housing	8,100	
Transfomrer stations	6,220	
Communications training facility	345	
Security building	850	
Naval Station, Norfolk		30,615
Naval Supply Center, Norfolk:		
Fire protection systems	1,420	
Naval Supply Center, Norfolk		1,420
Naval Shipyard, Norfolk, Portsmouth:		
Nuclear repair shop	11,330	
Naval Shipyard, Norfolk, Portsmouth		11,330
Navy Public Works Center, Norfolk:		
Electrical distribution lines	4,050	
Navy Public Works Center, Norfolk		4,050
Naval Air Station, Oceana:		
Aircraft service points	3,000	
Hazardous and flammable storehouse	565	
Naval Air Station, Oceana		3,563
Naval Hospital, Portsmouth:		
Boiler plant modifications	410	
Naval Hospital, Portsmouth		410
Naval Weapons Station, Yorktown:		
High explosive magazine	1,140	
Naval Weapons Station, Yorktown		1,140
Marine Corps Dev and Educ Command, Quantico:		
Unaccom enlisted pers hsg modernization	3,710	
Marine Corps Dev and Educ Command, Quantico		3,710
Naval Comm Area Master Sta Atlant, Norfolk:		
Fire station (NRS Sugar Grove W.Va)	400	
Unaccom enl pers hsg (NRTF Annapolis)	760	
Naval Comm Area Master Sta Atlant, Norfolk		1,160
Naval Surface Weapons Center, Dahlgren:		
Computation and analysis laboratory addn	1,330	
Unaccompanied officer personnel housing	700	
Unaccomp enl pers hsg and din fac—Wallops Is	2,950	
Naval surface weapons center Dahlgren		4,980
Naval safety center Norfolk:		
Naval safety center	3,640	
Naval safety center Norfolk		3,640
Personnel support activity Norfolk:		
Pay and personnel support off—Little Creek	1,030	
Pay and personnel spt off—Roosevelt Roads	1,090	
Pay and personnel support office—Oceana	1,350	
Personnel support activity Norfolk		3,470
Navy		143,385
Air Force:		
Langley AFB:		
Add/alter various administrative facilit	4,300	
Base supply complex—Ph II	2,200	
Unaccom enlisted personnel housing	3,450	
Aircraft maintenance area lighting	1,440	
Ecip-install radiant heaters	640	
Anti-satellite-integrated maint facility	9,800	
Anti-satellite-missile and motor storage fac	3,870	
Anti-satellite-administrative building	645	
Anti-satellite-hydrazine storage	370	
Anti-satellite-control center	860	
Anti-satellite-cryogen storage and proc fac	955	
Langley AFB		28,530
Pentagon:		
Add to national military command center	4,750	
Pentagon		4,750
Air Force		33,280
Defense level activities:		
Classified activity Fort Belvoir:		
Operations building addition	28,400	
Classified activity Fort Belvoir		28,400
Army National Guard:		
South Boston:		
Armory 60 person	705	
South Boston		705
Camp Pendleton (Virginia Beach):		
Armory 200 person	1,540	
Camp Pendleton (Virginia Beach)		1,540
Army National Guard		2,245
Air National Guard:		
Richard E Byrd IAP:		
Composite support facility	4,100	
Richard E Byrd IAP		4,100
Army Reserve:		
Fort Pickett:		
Range facilities	875	
Fort Pickett		875
Navy Reserve:		
Naru Norfolk:		
Naru/Respatwinglant Headquarters Building	1,180	
Naru Norfolk		1,180
Family housing:		
Navy:		
Aegis combat systems center Wallops Island:		
New construction	[2,400]	
Aegis combat systems centr Wallops Island family housing		[2,400]
Virginia		304,455
Family housing		[2,400]
Washington:		
Army:		
Fort Lewis:		
Tactical equipment shop	1,400	
Insulate buildings	2,850	
Water pollution abatement	740	
Dining facilities modernization	800	
Tactical equipment shop	940	
New Madigan Army Medical Center (hospital site preparation, 11,200) (hospital construction, 326,800)	338,000	
Fort Lewis		344,730
Navy:		
Naval Submarine Base Bangor:		
Facility energy improvements	440	
Naval Submarine Base Bangor		440
Naval Supply Center Bremerton:		
Data processing center	6,160	
Naval Supply Center Bremerton		6,160
Naval Air Station Whidbey Island:		
Engine maintenance shop	8,930	
Maintenance hangar	6,820	
Unaccompanied enlisted personnel housing	12,130	
Naval Air Station Whidbey Island		27,880
Naval hospital Bremerton:		
Medical clinic (NSY Puget Sound)	6,220	
Naval hospital Bremerton		6,220
Navy		40,700
Air Force:		
Fairchild AFB:		
Backup satellite operations center/land ac	5,700	
Unaccomp enlisted personnel housing	5,800	
Aircraft maintenance facility	4,900	
Fairchild AFB		16,400
McChord AFB:		
Add/alter child care center	1,125	
Base ammunition maintenance shop	430	
Vehicle OPS administration facility	440	
Missile storage facility	400	
Ecip-insulate building/alter mechanical	670	
McChord AFB		3,065
Air Force		19,465
Defense Logistics Agency:		
Defense fuel support Point Mukilteo:	500	
Fire protection		
Defense fuel support Point Mukilteo		500
Army National Guard:		
Fort Lewis:		
Unit training equipment site	1,471	
Fort Lewis		1,471
AF Reserve:		
McChord AFB:		
Add to aerial port	440	
McChord AFB		440
Washington		407,306

ACTIVE, GUARD AND RESERVE FORCES INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component and installation/project	Project cost	Total
West Virginia:		
Army Reserve:		
Ripley:		
Alter and expand U.S. Army Reserve center	1,300	
Ripley		1,300
Air National Guard:		
E WV regional aprt (Martinsburg):		
Alter various buildings	1,000	
Aerial port training mobility storage	1,900	
E WV regional aprt (Martinsburg		2,900
West Virginia		4,200
Wisconsin:		
Army National Guard:		
Arcadia:		
Armory 60 person	674	
Arcadia		674
Clintonville:		
Armory 60 person	700	
Clintonville		700
Kenosha:		
Armory 200 person	1,141	
Kenosha		1,141
Oconomowoc:		
Armory 60 person	754	
Oconomowoc		754
Army National Guard		3,269
Air National Guard:		
Truax FLD:		
Upgrade roads/storm drainage	500	
Truax FLD		500
Volk Field:		
Fire station	1,000	
Volk Field		1,000
Air National Guard		1,500
Army Reserve:		
Beaver Dam:		
60-mbr Army Reserve ctr/storage building	1,306	
Beaver Dam		1,306
AF Reserve:		
Gen B Mitchell Fld:		
Add/alter security operations	476	
Add/alter vehicle maintenance shop	509	
Gen B Mitchell Fld		985
Wisconsin		7,060
Wyoming:		
Air Force:		
FE Warren AFB:		
Alter unaccomp enlisted personnel housing	5,250	
Peacekeeper—launch facilities site work	3,200	
Peacekeeper—add/alt missile maint/sup shop	2,050	
Peacekeeper—alter communication maint fac	480	
Peacekeeper—alter security control center	400	
Peacekeeper—heating distribution lines	5,000	
Peacekeeper—launch facility trainer (silo)	3,900	
Peacekeeper—maintenance training facility	3,150	
Peacekeeper—canister processing facility	2,800	
Peacekeeper—equipment maintenance shop fac	9,000	
Peacekeeper—missile stage processing fac	5,800	
Peacekeeper—proof load test facility	510	
Peacekeeper—rail transfer facility	730	
Peacekeeper—special vehicle park area	370	
Peacekeeper—stage storage facilities	1,200	
Peacekeeper—stage storage area fence	350	
Peacekeeper—add/alt munitions supply stor	800	
Peacekeeper—add/alter standby power	500	
Peacekeeper—entry control facility	330	
Peacekeeper—reentry sys/reentry veh stor	1,100	
Peacekeeper—security lighting, fence (WSA)	1,100	
Peacekeeper—real estate acquisition	1,200	
Peacekeeper—undistributed reduction	−5,940	
Peacekeeper—community impact assistance	+5,940	
FE Warren AFB		49,220
Army National Guard:		
Cheyenne:		
Organizational maintenance shop	357	
Cheyenne		357
Family housing:		
Air Force:		
Warren AFB:		
New construction (265)	[17,343]	
Warren AFB family housing		[17,343]
Wyoming		49,577
Family housing		[17,343]
CONUS classified:		
Army:		
Classified locations:		
CONUS classified	3,800	
Classified locations		3,800
Air Force:		
Base 10-classified location:		
Add to technical building	2,150	
Base 10-classified location		2,150
Defense level activities:		
Classified location:		
Classified project	5,900	
Classified location		5,900
National Security Agency:		
Classified location:		
Electric substation	500	
Classified location		500
CONUS classified		12,350
CONUS unspecified:		
Air Force:		
Unspecified locations:		
Real estate for Gwen facilities	1,200	
Support facilities	53,700	
Unspecified locations		54,900
Air National Guard:		
Unspecified locations:		
Power check pad with suppressor	2,400	
Aircraft arresting systems	1,900	
Unspecified locations		4,300
CONUS unspecified		59,200
CONUS various:		
Army:		
General reduction for savings	−168,800	
Reduction for future appropriation for new Madigan Army Medical Center, Fort Lewis, Washington	−326,800	
Army		−495,600
Navy:		
General reduction for savings	−80,000	
Navy		−80,000
Air Force:		
General reduction for savings	−115,670	
Air Force		−115,670
Defense level activities:		
General reduction for savings	−33,300	
Defense level activities		−33,300
CONUS various		−724,570
Totals:		
Army		1,199,622
Family housing		[39,123]
Navy		1,278,722
Family housing		[96,511]
Air Force		1,406,591
Family housing		[36,648]
Defense agencies		171,823
Inside the United States		4,056,758
Family housing		[172,282]

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Belgium:		
Air Force:		
Florennes:		
GLCM—Library	570	
GLCM—Armed Forces radio and TV service	720	
Florennes		1,290
Belgium		1,290
Diego Garcia:		
Navy:		
Navy support facility, Diego Garcia		
Water system improvements	5,930	
Navy support facility, Diego Garcia		5,930

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Naval security group detach, Diego Garcia		
Antenna support facilities	380	
Naval security group detach, Diego Garcia		380
Navy		6,310
Air Force:		
Diego Garcia:		
Munitions storage maintenance	8,500	
GEODSS—unaccomp officer personnel housing	7,600	
Diego Garcia		16,100
Diego Garcia		22,410
Germany:		
Army:		
Augsburg:		
Operations building addition	960	
Augsburg		960
Mainz:		
Brigade headquarters	1,450	
Mainz		1,450
Ansbach:		
Operations building	3,250	
Automation of coal-fired heating plant	2,500	
Ansbach		5,750
Europe various:		
Troop medical and dental clinic	2,450	
Tactical equipment shop	5,300	
Europe, various		7,750
Aschaffenburg:		
Ammunition storage	780	
Hardstand	760	
Ammunition surveillance facility	7,300	
Fuel storage and dispensing facility	700	
Aschaffenburg		9,540
Augsburg:		
Hardstand	650	
Augsburg		650
Schweinfurt:		
Ammunition storage	930	
Fuel storage and dispensing facility	920	
Schweinfurt		1,850
Heilbronn:		
Troop medical and dental clinic	2,800	
Heilbronn		2,800
Mannheim:		
Confinement facility addition	1,300	
Mannheim		1,300
Wiesbaden:		
Paved roads	2,800	
Wiesbaden		2,800
Wuerzburg:		
Dental clinic	2,000	
Ammunition storage	510	
Tactical equipment shop	16,000	
Tactical equipment shop	5,500	
Dining facility	1,650	
Barracks	4,800	
Warehouse	1,900	
Wuerzburg		32,360
Ludwigsburg:		
Health dental clinic	2,750	
Ludwigsburg		2,750
Fulda:		
Ammunition storage	1,850	
Fuel storage and dispensing facility	900	
Tactical equipment shop	9,900	
Military clothing sales store	360	
Fulda		13,010
Ansbach:		
Barracks	9,500	
Dining facility	1,800	
Tactical equipment shop	710	
Utilities	5,500	
Ammunition storage	1,500	
Ansbach		19,010
Illesheim:		
Aircraft parking apron	12,000	
Flight simulator building	2,700	
Flight simulator building	2,700	
Illesheim		9,700
Nuernberg:		
Tactical equipment shop	10,800	
Tactical equipment shop	7,700	
Nuernberg		18,500
Friedberg:		
Vehicle wash facility	1,450	
Dining facility	2,550	
Tactical equipment shop	13,200	
Barracks	10,600	
Friedberg		27,800
Crailsheim:		
Barracks	10,800	
Heating plant	9,400	
Crailsheim		20,200
Germany, various:		
Intelligence training facility	1,200	

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Insulate buildings	770	
Insulate buildings	1,300	
Electrical distribution system	3,000	
Insulate buildings	4,100	
Germany, various		10,370
Rheinberg:		
Purchase of support facilities	13,100	
Rheinberg		13,100
Frankfurt:		
Heating system renovation	4,600	
Frankfurt		4,600
Kaiserslautern:		
Tactical equipment shop	3,350	
Troop medical dental clinic	2,950	
Kaiserslautern		6,300
Katterbach:		
Aircraft maintenance facility		19,000
Katterbach		19,000
Hanau:		
Physical fitness training center	3,150	
Hanau		3,150
Munich:		
Waste heat recovery system	800	
Munich		800
Karlsruhe:		
Small arms repair shop	460	
Karlsruhe		460
Heidelberg:		
Warehouse	1,350	
Heidelberg		1,350
Pirmasens:		
Automatic heat control systems	300	
Small caliber range	290	
Pirmasens		590
7th Army Training Command:		
Insulate buildings	1,050	
Tactical equipment shop	5,100	
Vehicle wash facility	3,550	
7th Army Training Command		9,700
Giessen:		
Tactical equipment shop	11,600	
Barracks	12,000	
Battalion headquarters	1,550	
Utilities	3,900	
Fuel storage and dispensing facility	2,700	
Giessen		31,750
Baumholder:		
Maintenance facility	7,400	
Baumholder		7,400
Stuttgart:		
Vehicle wash facility	1,700	
Fuel tanker facility	3,550	
Stuttgart		5,250
Bamberg:		
Barracks modernization	2,450	
Bamberg		2,450
Neu Ulm:		
Tactical equipment shop	4,200	
Neu Ulm		4,200
Army		303,650
Air Force:		
Ramstein AB:		
Add/alter flight simulator	1,700	
Unaccomp enlisted personnel housing	5,200	
Second echelon medical logistic facility	1,750	
Ramstein AB		8,650
Rhein-Main AB:		
Recreation library	1,200	
Combat control team facility	790	
Add/alter aerospace ground equipment shop	950	
Rhein-Main AB		2,940
Bitburg AB:		
Combat arms range	400	
Alter unaccomp enlisted personnel housing	2,700	
Add/alter aircraft corrosion control fac	500	
Aircraft cargo apron	750	
Bitburg AB		4,350
Spangdahlem AB:		
Refuel vehicle parking	420	
Spangdahlem AB		420
Zweibrucken AB:		
Add/alter vehicle maintenance shop	1,350	
Child care center	540	
Base operations	900	
Sound suppressor support	570	
Airfield security lighting	425	
Zweibrucken AB		3,785
Wenigerath:		
Bomb renovation plant	2,475	
Wenigerath		2,475
Wiesbaden:		
Second echelon medical logistic storage	650	
Wiesbaden		650
Alzey:		
Tactical air control facility	3,150	
Alzey		3,150
Unspecified location—Germany:		
GLCM—base supply administration	600	
Unspecified location—Germany		600
Various locations—Germany:		
PLSS ground station support	7,800	
Mini-drone storage igloos and support	6,800	
Various locations—Germany		14,600
Air Force		41,620
Defense level activities:		
Amberg:		
Elementary school	1,610	
Amberg		1,660
Bad Kreuznach:		
Elementary school addition	1,020	
High school addition	2,150	
Bad Kreuznach		3,170
Bad Nauheim:		
Elementary school addition	1,040	
Bad Nauheim		1,040
Bindlach:		
Elementary school addition	1,510	
Bindlach		1,510
Crailsheim:		
Elementary school addition	1,430	
Crailsheim		1,430
Frankfurt:		
Elementary school No. 3 (Edwards)	5,800	
High school addition	4,220	
Frankfurt		10,020
Goeppingen:		
Elementary/junior high school addition	1,790	
Goeppingen		1,790
Hahn Air Base:		
Elementary school addition	2,450	
Hahn Air Base		2,450
Ludwigsburg:		
High school addition (Stuttgart)	1,830	
Ludwigsburg		1,830
Katterbach:		
Elementary school	3,260	
Katterbach		3,260
Mannheim:		
Elementary school addition	3,260	
Mannheim		3,260
Neubruecke:		
Elementary school	2,330	
Neubruecke		2,330
Osterholz-Scharmbeck:		
Elementary school addition	820	
Osterholz-Scharmbeck		820
Rhein Main Air Base:		
Elementary school addition	1,830	
Rhein Main Air Base		1,830
Ulm:		
Elementary high school addition	2,560	
Ulm		2,560
Wertheim:		
Elementary high school addition	1,800	
Wertheim		1,800
Worms:		
Elementary school addition	1,930	
Worms		1,930
Wuerzburg:		
High school addition	2,297	
Wuerzburg		2,297
Wiesbaden:		
Elementary school addition (Aukamm)	720	
Wiesbaden		720
Defense level activities		45,657
Family housing:		
Army:		
Babenhausen, F.R.:		
New construction	[8,856]	
Babenhausen, F.R. Family housing		[8,856]
Mainz, F.R.:		
New construction	[18,233]	
Mainz, F.R. family housing		[18,233]
Army family housing		[27,089]
Germany		390,927
Family housing		[27,089]
Greece:		
Army:		
Greece:		
Multi purpose recreation facility	1,150	
Multipurpose recreation facility	960	
Unaccompanied personnel housing	1,100	
Baracks modernization	660	
Unaccompanied personnel housing	1,800	
Barracks modernization	660	
Barracks with dining facility	2,350	
Multipurpose recreation facility	1,050	
Greece		9,730
Greece		9,730
Greenland:		
Air Force:		
Thule AB:		
Air traffic control tower	4,000	
Power/heat plant system upgrade	21,000	
Thule AB		25,000
Guam:		
Navy:		
Naval Air Station, Agana:		
Energy recovery system	300	
Naval Air Station, Agana		300
Naval com area master sta western Pac, Guam:		
Theater	1,880	
Religious education and academic instr facs	1,330	
Naval com area master sta westrn Pac, Guam		3,210
Naval security group detachment, Guam:		
Antenna support facilities	320	
Naval security group detachment, Guam		320
Naval ship repair facility, Guam:		
Asbestos control facility	1,480	
Hazardous materials storage and handling fac	860	
Naval ship repair facility, Guam		2,340
Navy Public Works Center, Guam:		
Ventilation improvements	230	
Navy Public Works Center, Guam		230
Navy		6,400
Air Force:		
Andersen AFB:		
Alter unaccomp enlisted personnel housing	6,900	
Aircraft ground equipment shop	350	
Small parts corrosion control facility	892	
Flight simulator training facility	5,200	
Andersen AFB		13,342
AF Reserve:		
Andersen AFB:		
Aerial port training facility	960	
Andersen AFB		960
Guam		20,702
Guantanamo Bay, Cuba:		
Naval Station, Guantanamo Bay:		
Refresher training building	3,620	
Gymnasium	2,860	
Naval Station, Guantanamo Bay		6,480
Family housing		
Navy:		
Naval Station, Guantanamo Bay:		
New construction NS, Guantanamo Bay	[12,430]	
Naval Station, Guantanamo Bay:		
Family housing		[12,430]
Guantanamo Bay, Cuba		6,480
Family housing		[12,430]
Honduras:		
Army:		
Palmerola:		
Contingency facility	4,300	
Palmerola		4,300
Honduras		4,300
Iceland:		
Navy:		
NF Keflavik:		
Terminal equipment building addition	2,620	
NF Keflavik		2,620
Naval Station, Keflavik:		
Power plant addition	5,630	
Fuel facilities	10,900	
Combined operations center	4,780	
Squadron support facility	3,160	
Aircraft operations building	1,980	
Unaccompanied enlisted personnel housing	7,110	
Naval Station, Keflavik		33,560
Navy		36,180

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Defense level activities:		
Naval Station, Keflavik:		
Elementary/high school addition	2,890	
Naval Station, Keflavik		2,890
Iceland		39,070
Italy:		
Navy:		
Naval Air Station, Sigonella:		
Automotive vehicle maintenance shop	1,340	
Unaccompanied officer personnel housing	2,910	
Gymnasium addition	1,930	
Utilities improvements	5,640	
Naval Air Station, Sigonella		11,820
Air Force:		
Aviano AB:		
Dangerous cargo pad	1,600	
Aviano AB		
San Vito AS:		
Add/alter operations building	2,250	
San Vito AS		2,250
Comiso:		
GLCM—child care center	700	
GLCM—Armed Forces radio & TV service	1,155	
GLCM—clothing sales	510	
Comiso		2,365
Air Force		6,215
Defense Level Activities:		
Comiso:		
Elementary/high school	11,290	
Comiso		11,290
Family housing:		
Air Force:		
Comiso AB:		
New construction—576	[50,070]	
Comiso AB		
Family housing		[50,070]
Italy		29,325
Authorized in prior year		(2,090)
Family housing		[50,070]
Japan:		
Army:		
Kawakami:		
Airfield operations building	1,400	
Heating fuel storage	500	
Kawakami		1,900
Navy:		
Marine Corps Air Station, Iwakuni:		
Ventilation improvements	890	
Tactical support van pads	4,150	
Engine maintenance shop	1,780	
Marine Corps Air Station, Iwakuni		6,820
Naval air facility, Misawa:		
High explosive magazine	9,300	
Naval air facility, Misawa		9,300
Fleet activities, Yokosuka:		
Mooring dolphins	990	
Fleet Activities, Yokosuka		990
Naval Communication State, Yokosuka:		
Public works shops	980	
Naval Communication Station, Yokosuka		980
Marine Corps Base, Camp Butler, Okinawa:		
Tactical vehicle maintenance shop	1,380	
Ammunition magazines (Camp Fuji)	950	
Marine Corps Base, Camp Butler, Okinawa		2,330
Navy		20,420
Air Force:		
Kadena AB:		
Add/alter hydrant fueling-PH I	6,800	
Add/alter air freight open storage	1,500	
Jet fuel storage—JP-4	6,600	
Add/alter operations building	4,850	
Kadena AB		19,750
Misawa AB:		
Add/alter chiller plant	2,000	
F-16—upgrade apron pavement	2,830	
F-16—aircraft arresting system	430	
F-16—aircraft ILS/Vortac	630	
F-16—flight simulator training facility	1,260	
F-16—jet fuel storage	4,400	
F-16—above-ground munitions magazines	710	
F-16—concrete munition igloo magazines	7,000	
F-16—hangar fire alarm/suppression systems	740	
Misawa AB		20,000
Yokota AB:		
ECIP-insulate building/alter lighting	1,000	
Yokota AB		1,000
Air Force		40,750
Defense Level Activities:		
Camp Kinser:		
Elementary school	5,410	
Camp Kinser		5,410
Camp McTureous:		
Elementary school	5,220	
Camp McTureous		5,220
Zukeran:		
Elementary school addition	2,250	
Zukeran		2,250
Defense Level Activities		12,880
Japan		75,950
Johnston Island:		
Army:		
Johnston Island:		
Ammunition storage	21,000	
Chemical agent disposal facility	[46,000]	
Johnston Island (prior authorization)		21,000 [46,000]
Korea:		
Army:		
Camp Garry Owen:		
Barracks	3,050	
Camp Garry Owen		3,050
Camp Carroll:		
Warehouse	2,950	
Barracks	4,050	
Security operations building	720	
Tactical equipment shop	2,850	
Camp Carroll		10,570
Camp Casey:		
Barracks	5,700	
Multipurpose training range	7,900	
Barracks	630	
Barracks	1,650	
Barracks	620	
Company supply facility	580	
Company supply facility	270	
Hardstand	4,900	
Barracks	2,400	
Company administration and supply	440	
Camp Casey		25,090
Camp Edwards:		
Physical fitness training center	1,050	
Tactical equipment shop	900	
Dining facility	1,150	
Ammunition storage	290	
Barracks	1,650	
Company administration and supply	450	
Camp Edwards		5,490
Camp Colbern:		
Physical fitness training center	1,150	
Sewage Treatment Plant improvements	450	
Camp Colbern		1,600
Camp Stanley:		
Aircraft Maintenance facility	5,300	
Physical fitness training center	1,800	
Camp Stanley		7,100
Camp Henry/Camp Walker:		
Religious education facility	640	
Brigade headquarters	6,000	
Camp Henry/Camp Walker		6,640
Camp Humphreys:		
Security lighting	3,700	
Troop medical and dental clinic	5,400	
Tactical equipment shop	1,000	
Camp Humphreys		10,100
Location 177:		
Warehouse	350	
Barracks	2,050	
Location 177		2,400
Camp Colbern:		
Sewage treatment plant improvements	450	
Camp Colbern		450
Camp Greaves:		
Infantry remote target system ranges	3,850	
Camp Greaves		3,850
Camp Essayons:		
Ammunition storage	810	
Barracks	1,600	
Camp Essayons		2,410
Camp Giant:		
Barracks	1,150	
Camp Giant		1,150
Camp Hovey:		
Dining facility	1,500	
Barracks	3,900	
Camp Hovey		5,400
Camp Howze:		
Barracks	610	
Camp Howze		610
Camp Kittyhawk:		
Dining facility	1,250	
Camp Kittyhawk		1,250
Korea, various:		
Dining facility	870	
Korea, various		870
Camp La Guardia:		
Barracks	1,050	
Aircraft maintenance facility	2,550	
Camp La Guardia		3,600
Camp Liberty Bell:		
Barracks	810	
Camp Liberty Bell		810
Camp Mercer:		
Barracks	2,400	
Utilities	2,100	
Physical fitness training center	2,200	
Camp Mercer		6,700
Camp Pelham:		
Dining facility	2,300	
Camp Pelham		2,300
Camp Page:		
Barracks	6,000	
Camp Page		6,000
Camp Red Cloud:		
Troop medical and dental clinic	2,750	
Barracks	3,600	
Tactical equipment shop	1,100	
Camp Red Cloud		7,450
Camp Stanton:		
Physical fitness training center	1,050	
Camp Stanton		1,050
Yong San:		
Fuel storage and dispensing facility	850	
Yong San		850
Army		118,240
Air Force:		
Kunsan AB:		
Consolidated wing headquarters opns facili	6,200	
Unaccomp officer personnel housing	2,000	
Unaccomp enlisted personnel housing	3,400	
Kunsan AB		11,600
Osan AB:		
Unaccomp officer personnel housing	3,900	
Alter/construct unaccomp enlisted pers hsg	25,200	
Kcoic allied support—Ph 1	290	
Alter airmen dining hall	1,100	
Osan AB		30,490
Taegu AB:		
Unaccomp enlisted personnel housing	3,300	
Unaccomp officer personnel housing	1,650	
Taegu AB		4,950
Kwang-Ju AB:		
Unaccomp enlisted personnel housing	3,500	
Unaccomp officer personnel housing	910	
Kwang-Ju AB		4,460
Kimhae AB:		
Portamod support	253	
Kimhae AB		253
Saechon AB:		
Unaccomp enlisted personnel housing	1,100	
Saechon AB		1,100
Suwon:		
Refuel vehicle maintenance shop	690	
Ground fuel storage	3,050	
Portamod support	250	
Suwon		3,990
Air Force		56,843
Defense level activities:		
Seoul:		
High school addition	1,130	
Seoul		1,130
Defense Logistics Agency:		
Defense fuel support point, Pohang:		
Fuel tankage	15,800	
Defense fuel support point, Pohang		15,800
Family housing:		
Air Force:		
Osan AB:		
Utilities extension	[2,700]	
Osan AB:		
Family housing		[2,700]
Korea		192,013
Family housing		[2,700]

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Morocco:		
Air Force:		
Sidi Slimane AB:		
Airfield improvements	2,050	
Sidi Slimane AB		2,050
Netherlands:		
Air Force:		
Camp New Amsterdam:		
Second echelon medical logistic storage	360	
Airfield security lighting	450	
Vehicle maintenance shop	3,700	
Camp New Amsterdam		4,510
Woensdrecht:		
Digital European backbone facility	2,650	
Woensdrecht		2,650
Air Force		7,160
Defense Level Activities:		
Brunssum:		
High school addition (afcent)	2,440	
Brunssum		2,440
Netherlands		9,600
Oman:		
Air Force:		
Various locations, U.S. CENTCOM support facilities:		
SEEB-warehouse	2,000	
SEEB-facility accommodation support	9,800	
Thumrait-lox cart storage	300	
Thumrait-facility accommodation support	13,000	
Thumrait-transient billets	1,800	
Various locations—Oman		26,900
Panama:		
Navy:		
Naval Station, Panama:		
Unaccompanied enlisted personnel housing	1,580	
Naval Station, Panama		1,580
Air Force:		
Howard AFB:		
ECIP-alter lighting system	360	
Howard AFB		360
Panama		1,940
Philippines:		
Navy:		
Naval Air Station Cubi Point:		
Maintenance hangar	18,800	
Facility energy improvements	520	
Engine test cell	4,940	
Naval Air Station Cubi Point		24,260
Naval Communication Station, San Miguel:		
Lighting systems	300	
Naval Communication Station, San Miguel		300
Naval Station, Subic Bay:		
Unaccompanied enlisted personnel housing	6,520	
Naval Station, Subic Bay		6,520
Naval ship repair facility, Subic Bay:		
Ventilation improvements	710	
Naval Ship repair facility, Subic Bay		710
Navy		31,790
Air Force:		
Clark AB:		
Base hazardous storage	590	
Essential maintenance facilities-Ph 1	6,100	
Forward supply location facilities	900	
Sound suppressor support	900	
Add/alter passenger terminal	4,200	
Upgrade power plant-Ph 111	14,795	
Aerial delivery facility	4,200	
Traffic management office	3,600	
Assault landing strip	3,300	
ECIP-alter mechanical/lighting systems	3,540	
Clark AB		42,125
Defense level activities:		
Clark Air Base:		
Elementary school addition (Wurtsmith)	4,970	
Clark Air Base		4,970
Subic Bay:		
Elementary school addition (Binictican)	880	
High school addition (George Dewey)	1,040	
Elementary school addition (Kalayaan)	1,030	
Subic Bay		2,950
Defense level activities		7,920
Philippines		81,835

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Portugal:		
Air Force:		
Lajes Field:		
Gymnasium	1,900	
Unaccomplished enlisted personnel housing	2,650	
Lajes Field		4,550
Puerto Rico:		
Navy:		
Naval Station Roosevelt Roads:		
Waterfront operations facilities	2,550	
Naval Station Roosevelt Roads		2,550
Lant flt wpns training fac Roosevelt Roads:		
Land acquisition (St Croix)	600	
Lant flt wpns training fac Roosevelt Roads		600
Navy		3,150
Defense Logistics Agency:		
Defense fuel support point Roosevelt Roads:		
Fuel tankage	10,675	
Defense fuel support point Roosevelt Roads		10,675
Army National Guard:		
Camp Santiago (Salinas):		
Mobilization and training equipment site	4,871	
Camp Santiago (Salinas)		4,871
Puerto Rico		18,696
Scotland:		
Navy:		
Naval security group activity Edzell:		
Antenna support facilities	340	
Naval security group activity Edzell		340
American Samoa:		
Army Reserve:		
American Samoa:		
150-MBR Army Reserve Ctr/equipment shed	3,094	
American Samoa		3,094
Spain:		
Navy:		
Naval Station Rota:		
Family services center	420	
Unaccompanied officer personnel housing	3,910	
Engine maintenance shop	3,850	
Engine test cell	5,800	
Ground support equipment shop	1,090	
Brig	820	
Pier #1 extension	7,600	
Enlisted dining facility	1,530	
Naval Station, Rota		25,020
Naval hospital, ROTA:		
Hospital	18,400	
Naval hospital, Rota		18,400
Navy		43,420
Air Force:		
Torrejon AB:		
ECIP-alter mechanical sys/insulate HW main	700	
Alter unaccomp enlisted personnel housing	1,700	
Vehicle maintenance complex	4,700	
Warehouse	1,600	
EDS-forward storage warehouse	1,050	
Torrejon AB		9,750
Zaragoza AB:		
Add/alter water distribution system	1,100	
Zaragoza AB		1,100
Air Force		10,850
Spain		54,270
Turkey:		
Air Force:		
Incirlik AB:		
ADD/alter air freight terminal	1,000	
Gymnasium	1,600	
Incirlik AB		2,600
Ankara:		
Warehouse	1,100	
Ankara		1,100
Air Force		3,700
United Kingdom:		
Navy:		
Fleet Op Control Center Europe, London:		
Fleet command center	2,620	
Fleet Op Control Center Europe, London		2,620
Navy		2,260
Air Force:		
RAF Alconbury:		
PLSS ground station support	3,300	
Sound suppressor support	550	

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Child care center	1,035	
Add to sewer mains	510	
RAF Alconbury		5,395
RAF Lakenheath:		
Flightline roads/parking & fence	1,050	
Troop issue warehouse	1,050	
RAF Lakenheath		2,100
Mildenhall AB:		
JP-7 jet fuel storage facility	2,500	
Aircraft organizational maintenance shop	800	
Upgrade water distribution system	1,600	
Mildenhall AB		4,900
RAF Upper Heyford:		
Add/alter flight simulator	1,700	
Warehouse	2,150	
Combat arms range	610	
Refuel vehicle maintenenance shop	750	
RAF Upper Heyford		5,210
RAF Woodbridge:		
Unaccomp enlisted personnel housing	2,050	
RAF Woodbridge		2,050
RAF Welford:		
Munitions security lighting	740	
RAF Welford		740
RAF Chicksands:		
Alter unaccomp enlisted personnel housing	3,550	
RAF Chicksands		3,550
RAF Greenham Common:		
Jet fuel storage	11,000	
GLCM-library	600	
GLCM-add/alater chapel center	400	
RAF Greenham Common		12,000
RAF Molesworth:		
GLCM-operations & maintenance training fac	3,460	
GLCM-unaccomp enlisted pers HSG-Alconbury	4,780	
GLCM-command & control/fire protection	2,644	
GLCM-utilities/pavements	4,120	
RAF Molesworth		15,004
Air Force		50,949
Defense level activities:		
Greenham Common Royal Air Force Station:		
Elementary and high school	10,410	
Greenham Common Royal Air Force Station		10,410
Chicksands Royal Air Force Station:		
Elementary school addition	810	
Chicksands Royal Air Force Station		810
High Wycombe Royal Air Force Station:		
High School (London Central)	5,270	
High Wycombe Royal Air Force Station		5,270
Woodbridge Royal Air Force Station:		
High school addition	1,380	
Woodbridge Royal Air Force Station		1,380
Defense level activities		17,870
Family housing:		
Air Force:		
RAF Bentwaters:		
New construction (200)	20,163	
RAF Bentwaters: Family housing		20,163
RAF Greenham Common		
New construction—250	[22,441]	
RAF Greenham Common: Family housing		[22,441]
RAF Alconbury:		
New construction—300	[27,410]	
RAF Alconbury: Family Housing		[27,410]
Air Force:		
Family housing		70,014
United Kingdom		71,439
Family housing		[71,814]
Wake Island:		
Air Force:		
Wake Island:		
Vortac facility	1,235	
Wake Island		1,235
Overseas classified:		
Base 11:		
Add/alter Technical building	6,100	
Base 11		6,100
Base 13:		
Satellite communication ground terminal	2,050	
Base 1033		2,050
Base 14:		
Satellite communication ground terminal	1,700	

ACTIVE, GUARD AND RESERVE FORCES SPECIFIED OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component and installation/project	Project cost	Total
Base 14		1,700
Base 19:		
Satellite communication ground terminal	2,850	
Base 19		2,850
Classified overseas locations:		
Auxiliary seismic network	2,100	
Classified overseas locations		2,100
Air Force		14,800
Defense level activities:		
Overseas classified:		
Computer facility primary power upgrade	12,900	
Overseas classified		12,900
National Security Agency:		
Classified location:		
Classified project	4,500	
Classified location		4,500
Classified location:		
Classified project	700	
Classified location		700
National Security Agency		5,200
Family housing:		
Air Force:		
Classified location—FRG:		
New construction (250)	17,386	
Classified location—FRG:		
Family housing		17,386
National Security Agency:		
Overseas classified:		
Classified project	[693]	
Overseas classified:		
Family housing		[693]
Overseas classified		32,900
Family housing		17,386
Overseas various:		
Army:		
General reduction for savings	−30,000	
Army		−30,000
Navy:		
Nato infrastructure support	2,790	
Navy		2,790
Air Force:		
Various overseas locations:		
Chemical warfare protection	13,400	
Telecommunications facilities	3,000	
General reduction for prior-year savings	−35,000	
Air Force		−18,600
Defense leval activities:		
General reduction for prior-year savings	−19,200	
Defense level activities		−19,200
Overseas various		−65,010
Totals:		
Army		436,785
Family housing		[27,089]
Navy		173,300
Family housing		[12,430]
Air Force		348,199
Family housing		[140,170]
Defense Agencies		127,452
Family housing		[693]
Specified outside the United States		1,085,736
Family housing		[180,382]

ACTIVE, GUARD AND RESERVE FORCES UNSPECIFIED WORLDWIDE

[In thousands of dollars]

Country/component and installation/project:	Project cost	Total
Worldwide unspecified:		
NATO infrastructure:		
Defense level activities	131,700	
NATO infrastructure		131,700
Access roads:		
Navy:		
Access roads	4,000	4,000
Air Force:		
Access roads	21,750	
Air Force		21,750
Access roads		25,750
Contingency construction:		
Defense level activities	5,000	
Contingency construction		5,000
Minor construction—unspecified:		
Army	33,000	
Navy	19,000	
Air Force	21,000	
Defense level activities	3,000	
Army National Guard	19,053	
Air National Guard	7,900	
Army Reserve	5,550	

ACTIVE, GUARD AND RESERVE FORCES UNSPECIFIED WORLDWIDE—Continued

[In thousands of dollars]

Country/component and installation/project:	Project cost	Total
Navy Reserve	2,895	
AF Reserve	2,250	
Minor construction—unspecified		113,648
Planning and design:		
Army	170,000	
Navy	150,000	
Air Force	154,000	
Defense level activities	30,000	
Army National Guard	9,000	
Air National Guard	8,000	
Army Reserve	8,500	
Navy Reserve	3,400	
AF Reserve	4,650	
Planning and design		537,550
Worldwide unspecified		813,648
Totals:		
Army		245,103
Navy		179,295
Air Force		219,550
Defense agencies		169,700
Unspecified worldwide		813,648

ACTIVE, GUARD AND RESERVE FORCES

[In thousands of dollars]

Country and State/component and installation/project	Project cost	Total
Army:		
New construction:		
California:		
Sierra Army Depot:		
New construction	6,381	
Sierra Army Depot		6,381
Aberdeen Proving Ground:		
New construction	30,792	
Aberdeen Proving Ground		30,792
Texas:		
Fort Hood:		
New construction	1,950	
Fort Hood		1,950
Germany:		
Babenhausen, F.R.:		
New construction	8,856	
Barbenhausen, F.R		8,856
Mainz, F.R.:		
New construction	18,233	
Mainz, F.R		18,233
Germany		27,089
New construction		66,212
Construction improvements	105,876	105,876
Planning and design	13,915	13,915
Reduction for prior-year savings	20,000	20,000
Total family housing, Army construction		166,003
Operating expenses:		
Management	70,577	
Services	49,547	
Utilities	287,040	
Furnishings	132,681	
Miscellaneous	1,093	
Operating expenses		540,938
Leasing	107,378	107,378
Maintenance	596,521	596,521
Total family housing, Army operations		1,244,837
Interest payments, Capehart and Wherry	1,639	1,639
Principal, family housing debt		20,054
Mortgage insurance premiums	224	224
Total family housing, Army debt		21,917
Grand total family housing, Army		1,432,757
Navy:		
New construction:		
Alaska:		
Naval Station Adak:		
New construction	53,107	
Naval Station Adak		53,107
California:		
Marine Corps base Camp Pendleton		
New construction MCB Camp Pendleton	41,004	
Marine Corps base Camp Pendleton		41,004
Virginia:		
Aegis Combat Systems Center Wallops Island		
New construction	2,400	
Aegis Combat Systems Center Wallops Island		2,400

ACTIVE, GUARD AND RESERVE FORCES—Continued

[In thousands of dollars]

Country and State/component and installation/project	Project cost	Total
Guantanamo Bay, Cuba:		
Naval Station Guantanamo Bay:		
New construction NS Guantanamo Bay	12,430	
Naval Station Guantanamo Bay		12,430
New construction		108,941
Construction improvements fam hsg	9,000	9,000
Construction design fam hs	8,559	8,559
Total family housing, Navy construction		126,500
Operating expenses:		
Management account	40,237	
Services account	29,826	
Utilities account	165,123	
Furnishing account	14,263	
Miscellaneous account	402	
Operating expenses		249,851
Leasing account	20,080	20,080
Maintenance of real property	297,609	297,609
Total family housing, Navy operations		567,540
Interest payments fam hsg debt	1,710	1,710
Principal fam hsg debt	23,286	23,286
Mortgage ins premiums fam hsg debt	450	450
Total family housing, Navy debt		24,446
Grand total family housing, Navy		719,486
Air Force:		
New construction:		
California:		
Ft MacArthur:		
New construction (140)	15,100	
Ft MacArthur		15,100
Massachusetts:		
Hanscom AFB:		
Trailer park extension (40)	500	
Hanscom AFB		500
Montana:		
Conrad AFS:		
New construction (40)	3,705	
Conrad AFS		3,705
Wyoming:		
Warren AFB:		
New construction (265)	17,343	
Warren AFB		17,343
Italy:		
Comiso AB		
New construction—576	50,070	
Comiso AB		50,070
Korea:		
Osan AB:		
Utilities extension	2,700	
Osan AB		2,700
United Kingdom:		
RAF Bentwaters:		
New construction (200)	20,163	
RAF Bentwaters		20,163
Air Force:		
New construction:		
United Kingdom:		
RAF Greenham Common:		
New construction—250	22,441	
RAF Greenham Common		22,441
RAF Alconbury:		
New construction—300	27,410	
RAF Alconbury		27,410
United Kingdom		70,014
Overseas classified:		
Classified location—FRG:		
New construction (250)	17,386	
Classified location—FRG		17,386
New construction		176,818
Construction improvements	62,173	62,173
Planning	6,000	6,000
Total family housing, Air Force construction		244,991
Operating expenses:		
Management account	26,351	
Services account	22,626	
Utilities account	231,314	
Furnishings Account	44,008	
Miscellaneous account	1,650	
Operating expenses		325,958
Leasing	53,339	53,339
Maintenance of real property	351,455	351,455
Total family housing, Air Force operations		730,752
Principal, family housing debt		27,932
Interest payments, C&W housing	1,640	1,640
Mortgage insurance, C&W housing	408	408
Total family housing, Air Force debt		29,980
Grand total family housing, Air Force		1,005,723
Defense Mapping Agency:		
Operating expenses:		
Services account	3	
Utilities account	18	
Furnishing account	1	

ACTIVE, GUARD AND RESERVE FORCES—Continued

[In thousands of dollars]

Country and State/component and installation/project	Project cost	Total
Operating expenses		22
Leasing	31	31
Maintenance of real property	25	25
Total family housing, DMA		78
National Security Agency:		
New construction:		
Overseas classified:		
Overseas classified project	693	
Overseas classified		693
New construction		693
Construction improvements	70	70
Operating expenses:		
Miscellaneous account	533	
Operating expenses		533
Leasing	6,088	6,088
Maintenance of real property	305	305
Total family housing, NSA		7,689
Defense Intelligence Agency:		
Operating expenses:		
Furnishings	1,917	

ACTIVE, GUARD AND RESERVE FORCES—Continued

[In thousands of dollars]

Country and State/component and installation/project	Project cost	Total
Operating expenses		1,917
Leasing	9,654	9,654
Total family housing, DIA		11,571
Defense Logistics Agency:		
Construction improvements	37	37
Operating expenses:		
Services account	10	
Utilities account	143	
Furnishings account	16	
Operating expenses		169
Maintenance of real estate	256	256
Total family housing, DLA		462
Grand total family housing, Defense		19,800
Army:		
Payment to homeowners	2,133	2,133
Other operating costs	767	767
Acquisition of real property	500	500
Mortgages assumed	600	600
Army		4,000

MELVIN PRICE,
G.V. MONTGOMERY,
A. KAZEN, JR.,
A.B. WON PAT,
WM. L. DICKINSON,
KEN KRAMER,
G. WILLIAM WHITEHURST,
Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
GORDON HUMPHREY,
DAN QUAYLE,
JOHN P. EAST,
JOHN C. STENNIS,
GARY HART,
J.J. EXON,
JEFF BINGAMAN,
Managers on the Part of the Senate.

SENATE—*Wednesday, August 8, 1984*

(Legislative day of Monday, August 6, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Father who art in Heaven, You are involved in the infinitesimal as much as the infinite—the atom as much as the universe. Whether it's a sparrow falling to the ground or an empire dissolving, each is the object of Your unfailing love. Nothing touches our lives personally or nationally which is not of concern to You. Thank You for Your unconditional love.

Father, there is nothing about the Senate, the Nation, and the world, which You do not know. Help the Senate in its work today and tomorrow to accomplish that which is important as You know the situation past, present, and future.

Loving Lord, give the Senators discernment to distinguish what ought to be done from what can wait. Free them from extraneous matters and guide them in essentials today and tomorrow. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I observe that the Chaplain asked the munificence of the Lord on today and tomorrow, but he left out Saturday. The adjournment resolution is going to provide for a Thursday, Friday, or Saturday, and the House, I understand, will adopt a resolution for Friday or Saturday.

So it may be that the Chaplain may wish to amend his remarks, or at least his supplication to the Lord on our behalf, to include the final day of the week. I hope that is not necessary, but I would hate to be here by myself.

Those irreverent remarks are made in good spirit, as the Chaplain knows. He also knows that not with every Chaplain, with every prayer, have I listened. But I am fascinated with the presentations made by this Chaplain, and I thank him once again for his good work.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today is probably going to be a late day. We have to finish the supplemental appropriations bill. As the distinguished chairman of the Appropriations Committee indicated to me in colloquy on yesterday, he wants to stay as late as possible today, tonight, and throughout the night, even into Thursday morning, if we can make good progress and attempt to finish this bill tonight.

In any event, it seems to me that we must finish this bill tonight or tomorrow, because we still have to go to conference with the House, and that will take some time, and then to act on the conference report, and then await the action of the President with respect to the bill Congress may submit to him for his consideration.

So I urge Senators to consider that the warning of a late evening is not to be taken lightly.

We also have a cloture vote on the budget waiver motion today in relation to the agriculture appropriations bill. I hope we get cloture on that matter. If we do, it will be necessary, under the rule, to finish the Senate's deliberations on the motion itself. However, assuming that the waiver is adopted, it is not the present intention of the leadership to ask the Senate to leave the supplemental appropriations bill and proceed to the agriculture appropriations bill but, rather, to resume consideration of the supplemental, for the reasons I have already indicated about the urgency of that matter.

Then, after we pass the supplemental, if we do—and I think we must—we would return to the consideration of the agriculture appropriations bill while we await action of the conference and of the House of Representatives.

It is my hope that we can finish both those matters this week—the supplemental appropriations bill and the agriculture appropriations bill.

Mr. President, we also have one or two other matters we can do today that may not take very long—the vocational education authorization bill, which will take perhaps only a few moments, and the veterans' health bill. We will try to work those in if we can, but we are talking about 5 or 10 minutes. We are not talking about much time.

If we receive conference reports from the House of Representatives, we will take those up as well.

Today, Mr. President, there are special orders in favor of Senators DOLE, BAKER, and PROXMIRE. I ask unanimous consent that the time allocated to me on special order may be transferred instead to the use and control of the distinguished Senator from Kansas [Mr. DOLE].

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have nothing further, and I offer my remaining time, if any, to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I have no need for my time.

I yield back my time.

Mr. BAKER. I yield back my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum, without the time so utilized being charged against the special order of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR DOLE

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas [Mr. DOLE] is recognized for not to exceed 30 minutes.

Mr. BYRD. Mr. President, if the distinguished Senator will allow me to interrupt, if he wishes additional time, I will yield him my time that I yielded back.

Mr. DOLE. No, I think 30 minutes will be more than ample.

Mr. BYRD. Mr. President, I ask unanimous consent that if the distinguished Senator needs additional time, I may be allowed to retrieve the time I yielded back and it be placed under his control.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I thank the distinguished minority leader.

S. 2914—ENTERPRISE ZONES

Mr. DOLE. Mr. President, I am pleased to join with Senator BOSCHWITZ in reintroducing President Reagan's enterprise zone initiative in the same form in which it passed the Senate on H.R. 4170.

The legislation is cosponsored by Senator RUDY BOSCHWITZ, myself, Senators ARLEN SPECTER, JOHN H. CHAFEE, BILL BRADLEY, ALFONSE M. D'AMATO, DANIEL PATRICK MOYNIHAN, JAMES ABDNOR, MARK ANDREWS, LLOYD BENTSEN, JOHN C. DANFORTH, PETE V. DOMENICI, DAVE DURENBERGER, DANIEL J. EVANS, JAKE GARN, SLADE GORTON, ORRIN G. HATCH, PAULA HAWKINS, HOWELL HEFLIN, JOHN HEINZ, GORDON J. HUMPHREY, BOB KASTEN, PAUL LAXALT, MACK MATTINGLY, FRANK H. MURKOWSKI, CHARLES H. PERCY, LARRY PRESSLER, DAN QUAYLE, WILLIAM V. ROTH, JR., WARREN RUDMAN, ALAN K. SIMPSON, STROM THURMOND, JOHN TOWER, PAUL S. TRIBLE, JR., MALCOLM WALLOP, JOHN W. WARNER, and PETE WILSON.

I indicated there is strong bipartisan support for this legislation. It would be my hope that we might act on the legislation yet this week, and if we can work out some agreement on the other side of the aisle, and I know a number of my colleagues on the other side of the aisle are making an effort to get that agreement, then we would hopefully take it up and send it to the House of Representatives. I would be very hopeful that the House of Representatives would then accept all or a portion of this proposal.

The enterprise zone legislation has been reported by the Senate Finance Committee on three occasions and the Senate twice. After it passed the Senate in 1983, the Ways and Means Committee did have hearings. We passed it again this year. We went to conference on H.R. 4170. At the last moment of the conference we were advised by the chairman of the Ways and Means Committee that they would not accept any enterprise zones despite the strong personal intervention and pleading by President Reagan.

It is a part of the President's economic recovery program. It is one that I hope we might address and not because we are in the election season, but because this initiative has been out here now for about 3 years and we believe that it has broad bipartisan support. In addition, many States, whether they have Democratic Governors, or Republican Governors, have passed State enterprise zone legislation.

We are not suggesting this morning that this is a perfect program. The Senator from Kansas is not yet convinced there is enough juice in this program to really help inner cities, or to do as much good as some might hope for in rural and urban areas. But it is a step in the right direction.

Having recently visited the inner city of Philadelphia with my distinguished colleague, Senator ARLEN SPECTER, who will speak later, I can attest, on a firsthand basis, to the need for some assistance in these areas. It is a tragedy, where people, four, five, six, seven, eight people living in one room, with little to eat, and very little else, and no job, and unemployment rates are as high as 35 percent.

So it would seem to me that we ought to give this program a shot. If those who are not certain it is going to succeed want to sunset it in 3 years and say, "OK, let's try it for 3 years and come back to the Congress," that would be acceptable.

The program authorizes 25 zones a year. If they want to reduce that to 15 or 10 or 20, so many rural and so many urban zones just to try it out, that would be acceptable.

The point the Senator from Kansas is making is we are not trying to foist some new program off on the taxpayers of the United States and have it get out of hand and say, "Well, that wasn't a very good idea and I am sorry the cost has gone up to several billion dollars, but it is too late to turn back."

So, Mr. President, I am very sincere in my efforts to work out some bipartisan agreement on this program. I hope that the Democratic Presidential candidate, Mr. Mondale, would take a look at this program. I think it would be in his interest. With all this fuss about taxes and who is going to do what to taxes, maybe he could focus on enterprise zone legislation for 30 minutes or an hour and lend his support. That would be very helpful.

So I urge the Presidential candidate and also the Vice Presidential candidate on the Democratic ticket, GERALDINE FERRARO, to focus on this legislation. It would be a great help to the city of New York. There is a big demand in the city of Minneapolis, MN. There is widespread interest in the program. So I call upon the leaders of the Democratic Party as of this moment to lend their support in what can become very effective legislation.

As I said, if it proves not to be effective, we are willing to sunset it. We are willing to do most anything to give it a chance.

After all, even in the best of times, there are some areas that economic prosperity seems to bypass. We want to see equal economic opportunity for every city, town, State, and locality in the Nation. Enterprise zones can be a vital part of the fight to reach that goal, as the States are already demonstrating. There is no excuse for holding up the President's enterprise zone legislation any longer, because this is an approach to economic revitalization that we very much need to try at the Federal level.

HISTORY OF EFFORTS

Mr. President, the Reagan administration first proposed enterprise zone legislation in March 1982. As I have mentioned, the Senate Finance Committee, which I chair, has approved the legislation on three occasions, and it has passed the Senate twice. On each occasion the House of Representatives has refused to consider the bill.

We thought we had a good chance for getting enterprise zones under way in the Deficit Reduction Act the President signed last month. Unfortunately, after a number of conflicting signals from the House side, Chairman ROSTENKOWSKI of the Ways and Means Committee informed us that it was "no go" on enterprise zones. I think that was not an acceptable response, and I intend to move this bill through the Senate again at the earliest opportunity this week if possible. Even if we acted today, zones would not begin operating until next year. Further delay is hard to excuse, when we have already been waiting more than 2 years.

STATE AND LOCAL EXPERIENCE

States and localities are making a success of enterprise zones by using their own resources and ingenuity, and that is the kind of innovative leadership that enterprise zones are all about. But they very much need a push from the Federal Government as well, and I intend to do whatever I can to see that Federal enterprise zone legislation is put on the books this year. The time is right for a new approach to the problem of revitalizing distressed areas.

I could go on and on, but it would seem to me that the question now and the hope that I have is that there is still a possibility—I have just spoken to the majority leader, who indicates his willingness to be of assistance yet this week to see if we cannot work out some agreement with our colleagues on both sides of the aisle to send this matter to the House where I can, hopefully, work with my friend and colleague, the chairman of the Ways and Means Committee, Congressman ROSTENKOWSKI, and the ranking Republican member of that committee, Congressman BARBER CONABLE, and others who have had a strong interest in this legislation in the House.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief description of the bill.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

ENTERPRISE ZONES

PRESENT LAW

There are no general rules targeting special tax treatment on the basis of geography, although there are limited targeting rules in the case of mortgage subsidy bonds and Puerto Rico and U.S. possessions. Present-law tax incentives such as the targeted jobs credit, investment credit, capital gains exclusion, and tax exemption for interest on industrial development bonds are generally available to taxpayers who satisfy the criteria that pertain to each provision.

PROPOSAL

The proposal is to authorize the Secretary of the Department of Housing and Urban Development to designate up to 25 areas per year, for a period of 3 years, as "enterprise zones." These zones would then qualify for certain Federal tax treatment. Areas would be nominated by State and local governments and would have to meet certain criteria of economic distress and population, have a continuous boundary, and receive a commitment from the State and locality to take a course of action designed to remove impediments to economic development in the area.

Once designated, enterprise zones would receive the following Federal tax relief:

Additional investment credit of 3 to 5 percent for personal property and 10 percent for real property for capital investment in the zone.

10 percent credit to employers for increases paid to zone employees over the previous year, at a maximum of 2½ times the employer's FUTA wage base.

Credit to employers for wages paid to disadvantaged zone employees, equal to 50 percent of wages paid to such employees (not counting Federal subsidies for job training). This credit would be available for 7 years and drop 10 percent per year beginning in the fourth year.

5 percent credit to zone employees for income earned in zone employment, maximum $450 per employee.

Capital gains tax would not be imposed on the gain from sale of any interest in a zone business or any property used in the conduct of a zone business.

Restrictions on use of ACRS for IDB-financed property, and the 1987 sunset of the small issue exemption, would not apply with respect to IDB's used to finance zone small business.

In addition, zones would be given preference in establishing Foreign Trade Zones, and Zones could qualify for limited Federal regulatory relief. Federal contributions would last 20 years with a 4-year phaseout.

REVENUE EFFECT

$1.3 billion, FY 1985-1987 (assumes 1-1-85 starting date for tax incentives)

Mr. DOLE. Mr. President, let me just highlight what would happen once you designate a certain area an enterprise zone so that as we discuss this maybe everybody in America will know what we are talking about in the first place. The term "enterprise zones" probably does not mean much to anyone.

I would just suggest what would happen. We would authorize the Secretary of the Department of Housing and Urban Development to designate up to 25 areas per year, for a period of 3 years, as "enterprise zones." These zones would then qualify for certain special Federal tax treatment. In other words, HUD, in concert with State and local officials, would pick out an area, let us say in Philadelphia, or New York, or Los Angeles; Chicago; Topeka, KS; wherever, and designate a certain area of 20, 30, 60, 100 blocks, whatever, as an enterprise zone. Once these have been nominated by the State and local governments and after they meet certain economic distress and population criteria and receive a commitment from the State, and once they are designated they would receive the following Federal tax relief:

Additional investment credits of 3 to 5 percent for personal property and 10 percent for real property for capital investment in the zone. In other words, if you move inside the zone with your business, you are going to get a more favorable investment tax credit treatment.

The 10-percent credit to employers for increases paid to zone employees over the previous year, to a maximum of 2½ times the employer's FUTA wage base. This is another incentive for the employer to move into the zone and get, in effect, a wage subsidy through a 10-percent credit.

There would also be a credit to employers for wages paid to disadvantaged zone employees, equal to 50 percent of the wages paid to such employees, not counting Federal subsidies for job training. And this credit would be available for up to 7 years and drop 10 percent per year beginning in the fourth year.

There is going to be a 5-percent credit to zone employees for income earned in zone employment. That is another incentive, another, in effect, subsidy to the Tax Code to help those in those areas.

Capital gains tax would not be imposed on the gain from sale of any interest in a zone business or any property used in the conduct of a zoned business.

Restrictions on the use of ACRS for IDB-financed property and the 1987 sunset of the small issue exemption would not apply with respect to IDB's used to finance zone small business.

In addition, zones will be given preference in establishing foreign trade zones, and zones could qualify for limited Federal regulatory relief. Federal contributions would last 20 years with a 4-year phaseout.

The revenue effect for fiscal year 1985 through 1987 is estimated at $1.3 billion, assuming we have an effective date, starting date of January 1, 1985.

So, Mr. President, for all those reasons, I am introducing this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2914

To amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Enterprise Zone Act of 1984".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. PURPOSES.

It is the purpose of this Act to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

TITLE I—DESIGNATION OF ENTERPRISE ZONES

SEC. 101. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7891. Designation.

"SEC. 7891. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITIONS.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as an enterprise zone.

"(2) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (f).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) January 1, 1985.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban Development may not designate—

"(I) more than 75 nominated areas as enterprise zones under this section, and

"(II) more than 25 nominated areas as enterprise zones during the first 12-month period beginning on the date determined under subparagraph (B) and each subsequent 12-month period.

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under clause (i), at least one-third must be areas—

"(I) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available),

"(II) which are outside of a metropolitan statistical area (within the meaning of section 103A(l)(4)(B)), or

"(III) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local government and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(3) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(4) NOMINATION PROCESS FOR CERTAIN AREAS LOCATED OUTSIDE RESERVATIONS.—An Indian tribal government may nominate an area described in subsection (c)(2)(C)(iii), in conjunction with the local government and the State in which such area is located, for designation as an enterprise zone.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided in the nomination submitted under subsection (a)(2)(D)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments under subsection (d).

"(3) DESIGNATION SHALL NOT TAKE EFFECT UNLESS INVENTORY OF HISTORIC PROPERTIES.—Notwithstanding paragraph (1)—

"(A) within 60 days after the date of the designation of an area as an enterprise zone (determined without regard to this paragraph), the State or local government of such area shall submit to the Secretary of Housing and Urban Development an inventory of historic properties within such area, and

"(B) the date of such designation shall not be earlier than the date on which such inventory is submitted.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subclause (I) or (III) of subsection (a)(2)(C)(ii)) is located within a metropolitan statistical area (within the meaning of section 103A(1)(4)(B)) with a population of 50,000 or more, or

"(II) 1,000 in any other case,

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior),

"(iii) is—

"(I) nominated by the local government and State government of such area and by an Indian tribal government, and

"(II) located entirely within a radius of 50 miles from any point on the border of the reservation over which such Indian tribal government has jurisdiction, or

"(iv) is located in Alaska—

"(I) within the jurisdiction of an Indian tribal government, or

"(II) within a muncipality at least 50 percent of the resident population of which (as determined by the 1980 census of the United States) consists of Indians, Eskimos, or Aleuts.

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section, and

"(C) one of the following criteria is met—

"(i) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period, or

"(ii) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relates, or

"(iii) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), or

"(iv) the population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(4) SPECIAL AREAS OUTSIDE RESERVATIONS.—For purposes of this section, any area described in paragraph (2)(C)(iii) which is designated by an Indian tribal government shall be treated as meeting the requirements of paragraph (3) if any area within the reservation over which such tribal government has jurisdiction meets the requirements of paragraph (3).

"(5) WAIVER UNDER CERTAIN CIRCUMSTANCES.—The Secretary of Housing and Urban Development may waive the requirements of paragraph (3)(B) for one area in each State if no area in such State otherwise meets the requirements of paragraph (3)(B).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level of efficiency of local services within the enterprise zone, for example, crime prevention,

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood

associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area, and

"(E) mechanisms to increase the equity ownership of residents and employees within the enterprise zone.

"(3) LATER MODIFICATION OF A COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures for modifying a course of action under paragraph (1) following designation.

"(e) SPECIAL AREAS OUTSIDE RESERVATIONS.—A nominated area described in subsection (c)(2)(C)(iii) may be designated an enterprise zone only if the Secretary determines that a substantial portion of the benefits of such designation will accrue to the members of the Indian tribe that nominated such area.

"(f) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give special preference to the areas with respect to which the strongest and highest quality contributions described in subsection (d)(2) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) the nominated areas with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action under subsection (d) will actually be carried out during the period of the enterprise zone designation,

"(2) the nominated areas with high levels of poverty, unemployment, and general distress, particularly the areas—

"(A) which are near areas with concentrations of disadvantaged workers or long-term unemployed individuals, and

"(B) with respect to which there is a strong likelihood that residents of the area described in subparagraph (A) will receive jobs if the area is designated as an enterprise zone,

"(3) the nominated areas the size and location of which—

"(A) will primarily stimulate new economic activity, and

"(B) minimize unnecessary tax losses to the Federal Government,

"(4) the nominated areas with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(5) the nominated areas which best exhibit such other factors determined by the Secretary of Housing and Urban Development as are—

"(A) consistent with the intent of the enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(g) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia.".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D—Designation of Enterprise Zones"

SEC. 102. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the calendar year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones under section 7891 of the Internal Revenue Code of 1954, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such designation in accomplishing the purposes of this Act.

SEC. 103. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any required program of State and local commitment under section 7891(d) of the Internal Revenue Code of 1954 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7891 of the Internal Revenue Code of 1954 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7891 of the Internal Revenue Code of 1954 shall not constitute a Federal action for purposes of applying the requirements of the National Environmental Policy Act (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

TITLE II—FEDERAL INCOME TAX INCENTIVES

Subtitle A—Credits for Employers and Employees

SEC. 201. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT AND EMPLOYMENT OF DISADVANTAGED WORKERS.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 42. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) IN GENERAL.— For purposes of section 38, the amount of the enterprise zone credit determined under this section for any taxable year shall be an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306(b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (c).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the earlier of—

"(i) the date on which the enterprise zone was designated as such under section 7891, or

"(ii) the date on which the enterprise zone was designated as such under any State law enacted after January 1, 1981,

which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (e)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2)(A) in computing qualified wages shall be the amount in effect under section 3306(b)(1) for the calendar year with or within which the taxable year for which the amount of the credit under subsection (a) is being computed ends.

"(c) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed:	The applicable percentage is:
Within 36 months of starting date	50
More than 36 months but less than 49 months after such date	40

"If the qualified wages are paid for services performed:	The applicable percentage is:
More than 48 months but less than 61 months after such date	30
More than 60 months but less than 73 months after such date	20
More than 72 months but less than 85 months after such date	10
More than 84 months after such date	0

"(3) STARTING DATE; BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time—

"(i) during which the individual is unemployed, and

"(ii) by any period of time before the designation of the area as an enterprise zone under section 7891 during which the individual is employed by the employer while the area is designated as an enterprise zone under State law enacted after January 1, 1981.

"(d) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section, the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(e) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM TARGETED JOBS CREDIT IS ALLOWED.—The term 'qualified employee' shall not include an individual any portion of whose wages is taken into account by the employer for the taxable year in computing the amount of the targeted jobs credit under section 51(a).

"(f) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7891 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family which had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs which, on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY 1 INDIVIDUAL.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(g) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (f) and (i) of section 51, section 52, and section 30(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7891 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a taxable year of less than 12 months—

"(A) the limitation specified in subsection (b)(2)(A), and the base period wages determined under subsection (b)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (d)(2) and the 90 percent and 50 percent tests set forth in subsection (e)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(3) SPECIAL RULE IF PERIOD OF ZONE EXTENDS MORE THAN 15 YEARS.—For purposes of applying section 39 to business credit carryovers determined under subsection (a) or section 46(a), if the number of taxable years during the period—

"(A) beginning with the taxable year after the unused credit year, and

"(B) ending with the taxable year in which the designation of the enterprise zone expires under section 7891,

exceeds 15, then such number shall be substituted for '15', such number plus 3 shall be substituted for '18', and such number plus 2 shall be substituted for '17' each place they appear in section 39(a).

"(h) PHASEOUT OF CREDIT.—In determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(1) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(A) 7.5 percent in the earlier of—

"(i) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7891, or

"(ii) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7891(b)(1)(B),

"(B) 5 percent in the next succeeding taxable year,

"(C) 2.5 percent in the second next succeeding taxable year, and

"(D) zero thereafter, and

"(2) the amount determined under subsection (a)(2) shall be reduced by—

"(A) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(B) 50 percent in the next succeeding taxable year,

"(C) 75 percent in the second next succeeding taxable year, and

"(D) 100 percent thereafter.

"(i) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during the 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit determined under subsection (a) and allowed under section 38 for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer,

"(ii) a termination of employment of an individual who, before, the close of the period referred to in paragraph (1), becomes disabled and therefore is unable to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under this subpart.".

(b) ALLOWANCE OF CREDIT.—Section 38(b) (defining current year business credit) is amended by striking out "plus" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof ", plus", and by adding at the end thereof the following new paragraph:

"(5) the enterprise zone credit determined under section 42(a).".

(c) NO DEDUCTION ALLOWED.—Section 280C (relating to disallowance of deductions for certain expenses for which credits are allowable is amended by adding at the end thereof the following new subsection:

"(c) RULE FOR ENTERPRISE ZONE CREDITS.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit determined under section 42. This subsection shall be applied under a rule similar to the rule of the last sentence of subsection (a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting at the end thereof the following new item:

"Sec. 42. Credit for enterprise zone employment.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.

SEC. 202. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by adding at the end thereof the following new section:

"SEC. 26. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) IN GENERAL.—In the case of a qualified employee, there is allowed as a credit against the tax imposed on such employee by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—The term 'qualified employee' means an individual—

"(A) who is described in section 42(e)(1), and

"(B) who is not an employee of the Federal Government, of any State or local government, or any political subdivision of a State or local government.

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, except that such wages—

"(i) must be attributable to services performed for an employer with respect to whom the employee is a qualified employee, and

"(ii) may not be taken into account to the extent such wages exceed 1½ times the dollar limitation specified in such subsection.

"(B) EXCEPTION.—The term 'qualified wages' does not include any compensation received from the Federal Government, any State or local government, or any political subdivision of a State or local government.

"(c) PHASEOUT OF CREDIT.—In determining the amount of the credit for any taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3¾ percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7891 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2½ percent in the next succeeding taxable year;

"(3) 1¼ percent in the second next succeeding taxable year; and

"(4) zero thereafter.".

(b) REPORTING REQUIREMENTS.—Subpart C of part III of subchapter A of chapter 61 (relating to information regarding wages paid employees) is amended by adding at the end thereof the following new section:

"SEC. 6054. REPORTING OF ENTERPRISE ZONE EMPLOYEE CREDITS.

"Every employer shall furnish to each employee who is a qualified employee of the employer (within the meaning of section 26(b)(1)) a written statement showing the amount of qualified wages (within the meaning of section 26(b)(2)) paid by the employer to such employee. The statement required to be furnished pursuant to this section shall be furnished at such time, shall contain such other information, and shall be in such form as the Secretary may by regulations prescribe. When required by such regulations, a duplicate of any such statement shall be filed with the Secretary.".

(c) PENALTIES.—

(1) Subparagraph (A) of section 6652(a)(1) (relating to failure to file information returns) is amended—

(A) by striking out "or" at the end of clause (v), and

(B) by inserting after clause (vi) the following new clause:

"(vii) section 6054 (relating to reporting of enterprise zone employee credits),".

(2) Section 6674 (relating to fraudulent statement or failure to furnish statement to employee) is amended by striking "or 6053(b)" each place it appears and inserting in lieu thereof ", 6053(b), or 6054".

(d) TECHNICAL AMENDMENTS.—

(1) The table of sections for subpart C of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new item:

"Sec. 6054. Reporting of enterprise zone employee credits.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 26. Credit for enterprise zone employees.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.

Subtitle B—Credits for Investment in Tangible Property in Enterprise Zones

SEC. 211. INVESTMENT TAX CREDIT FOR ENTERPRISE ZONE PROPERTY.

(a) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Section 46(a) (relating to amount of investment tax credit) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(4) in the case of enterprise zone property, the enterprise zone percentage.".

(2) ENTERPRISE ZONE PERCENTAGE DEFINED.—Section 46(b) (relating to determination of percentages) is amended by adding at the end thereof the following new paragraph:

"(5) ENTERPRISE ZONE PERCENTAGE.—

"(A) IN GENERAL.—

"For purposes of this paragraph—

"In the case of enterprise zone expenditures with respect to:	The enterprise zone percentage is:
Zone personal property (within the meaning of section 48(s)(3))	5
New zone construction property (within the meaning of section 48(s)(4))	10

"(B) PHASEOUT OF CREDIT AS ENTERPRISE ZONE ENDS.—Subparagraph (A) shall be applied by substituting the following percentages for 5 percent and 10 percent, respectively:

"(i) For the taxable year described in section 42(h)(1)(A), 3.75 and 7.5.

"(ii) For the next succeeding taxable year, 2.5 and 5.

"(iii) For the second next succeeding taxable year, 1.25 and 2.5.

"(iv) For any subsequent taxable year, zero.

"(C) REGULAR PERCENTAGE NOT TO APPLY TO CERTAIN PROPERTY.—For purposes of this section, the regular percentage shall not apply to any enterprise zone property which, but for section 48(s)(1), would not be section 38 property.".

(3) CONFORMING AMENDMENT.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraph:

"(9) ENTERPRISE ZONE CREDIT.—The term 'enterprise zone credit' means that portion of the credit allowable by section 38 which is attributable to the enterprise zone percentage.".

(c) DEFINITIONS AND TRANSITIONAL RULES.—Section 48 (relating to definitions and special rules) is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

"(s) ENTERPRISE ZONE PROPERTY.—For purposes of this subpart—

"(1) TREATMENT AS SECTION 38 PROPERTY.—In the case of enterprise zone property—

"(A) such property shall be treated as meeting the requirements of subsection (a), and

"(B) paragraph (3) of subsection (a) shall not apply to such property.

"(2) The term 'enterprise zone property' means property—

"(A) which is—

"(i) zone personal property, or

"(ii) new zone construction property,

"(B) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 168(e)(4)(D)), and

"(C) acquired and first placed in service by the taxpayer in an enterprise zone during the period the designation as a zone is in effect under section 7891.

"(3) ZONE PERSONAL PROPERTY DEFINED.—The term 'zone personal property' means property which is—

"(A) 3-year property;

"(B) 5-year property;

"(C) 10-year property; and

"(D) 15-year public utility property,

which is used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone. Property shall not be treated as 'zone personal property' if it is used or located outside the enterprise zone on any regular basis.

"(4) NEW ZONE CONSTRUCTION PROPERTY DEFINED.—The term 'new zone construction property' means 15-year real property, 18-year real property, or low-income housing which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7891, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

In applying section 46(c)(1)(A) in the case of property described in subparagraph (C)(i), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection during such period.

"(5) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental purposes shall be treated as the active conduct of a trade or business in an enterprise zone.

"(6) DEFINITIONS.—For purposes of this subsection, the terms '3-year property,' '5-year property,' '10-year property,' '15-year real property,', '18-year real property', '15-year public utility property', and 'low-income housing', have the meanings given such terms by section 168.

"(7) CROSS REFERENCE.—

"For extension of carryover period for enterprise zone credit, see section 42(g)(3).".

(d) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ENTERPRISE ZONE PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit—

"(i) is disposed of, or

"(ii) otherwise ceases to be section 38 property with respect to the taxpayer, or

"(iii) is removed from the enterprise zone, converted, or otherwise ceases to be enterprise zone property (other than by the expiration or revocation of the designation as an enterprise zone),

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 and determined under section 46(a)(4) (or any corresponding provision of prior law) for all preceding taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as—

"(i) the number of taxable years that the property was held by the taxpayer, bears to

"(ii) the applicable recovery period for earnings and profits under section 312(k).".

(e) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new zone construction property (within the meaning of section 48(s)(4)),

paragraphs (1) and (2) shall be applied without regard to the phrase '50 percent of'.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1984, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

Subtitle C—Repeal of Capital Gains Tax

SEC. 221. CORPORATIONS.

(a) GENERAL RULE.—Paragraph (2) of section 1201 (relating to alternative tax for corporations) is amended to read as follows:

"(2) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the qualified enterprise zone net capital gain of the taxpayer for the taxable year.".

(b) DEFINITION OF QUALIFIED ENTERPRISE ZONE NET CAPITAL GAIN.—Section 1201 is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) QUALIFIED ENTERPRISE ZONE NET CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified enterprise zone net capital gain' means the amount of net capital gain for any taxable year determined by taking into account only gains and losses which are—

"(A) attributable to the sale or exchange of qualified enterprise zone property, and

"(B) properly allocable only to periods during which such property is qualified enterprise zone property.

"(2) SPECIAL RULES RELATING TO INTERESTS IN BUSINESSES.—

"(A) CERTAIN GAINS AND LOSSES NOT TAKEN INTO ACCOUNT.—In determining the amount of qualified enterprise zone net capital gain for any taxable year under paragraph (1), there shall not be taken into account any gains or losses attributable to the sale or exchange of an interest in a qualified enterprise zone business to the extent such gain or losses are attributable to—

"(i) any property contributed to such qualified enterprise zone business during the 12-month period before such sale or exchange,

"(ii) any interest in any business which is not a qualified enterprise zone business, or

"(iii) any intangible property to the extent not properly attributable to the active conduct of a trade or business within an enterprise zone.

"(B) PERIODS FOR WHICH GAINS AND LOSSES ALLOCABLE.—For purposes of determining under paragraph (1)(B) gains or losses properly allocable to an interest in a qualified enterprise zone business, there shall only be taken into account the taxable years of such business during which it meets the requirements of paragraph (3)(B).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'qualified enterprise zone property' means—

"(i) any tangible personal property used by the taxpayer predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(ii) any real property located in an enterprise zone used by the taxpayer predominantly in the active conduct of a trade or business within such enterprise zone, and

"(iii) any interest in a corporation, partnership, or other entity if, for the two most recent taxable years of such entity—

"(I) ending before the date of disposition of such interest, and

"(II) beginning after the date of the designation as an enterprise zone of the area in which such entity is engaged in the active conduct of a trade or business,

such entity was a qualified enterprise zone business.

"(B) QUALIFIED ENTERPRISE ZONE BUSINESS.—The term 'qualified enterprise zone business' means, with respect to any taxable year, any person—

"(i) actively engaged in the conduct of a trade or business within an enterprise zone during such taxable year,

"(ii) with respect to which at least 80 percent of such person's gross receipts for such taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(iii) substantially all of the tangible assets of which are located within an enterprise zone during such taxable year.

"(C) REAL ESTATE RENTAL.—For purposes of this subsection, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(D) PROPERTY REMAINS QUALIFIED AFTER ZONE DESIGNATION CEASES TO APPLY.—

"(i) IN GENERAL.—The treatment of property as qualified enterprise zone property under subparagraph (A) shall not terminate when the designation of the enterprise zone in which the property is located or used expires or is revoked.

"(ii) EXCEPTIONS.—Clause (i) shall not apply after the first sale or exchange of property occurring after the designation expires or is revoked.".

SEC. 222. TAXPAYERS OTHER THAN CORPORATIONS.

Subsection (a) of section 1202 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 100 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified enterprise zone net capital gain (as defined in section 1201(b)), plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A).".

SEC. 223. MINIMUM TAX.

Paragraph (9) of section 57(a) (relating to tax preference for capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, gain attributable to qualified enterprise zone net capital gain (within the meaning of section 1201(b)) shall not be taken into account.".

SEC. 224. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to sales or exchanges after December 31, 1984.

Subtitle D—Rules Relating to Industrial Development Bonds

SEC. 231. INDUSTRIAL DEVELOPMENT BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(f)(12) (relating to limitations on property financed with tax-exempt bonds) is amended by inserting "or which is placed in service as enterprise zone property (within the meaning of section 48(s))" after "section 103(b)(4)(A)".

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Subparagraph (N) of section 103(b)(6) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new clause:

"(iv) EXCEPTION FOR ENTERPRISE ZONE FACILITIES.—This subparagraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7891.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1984, in taxable years ending after such date.

Subtitle E—Sense of the Congress With Respect to Tax Simplification

SEC. 241. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury and his delegates should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1954 added to, or amended by, this Act.

TITLE III—REGULATORY FLEXIBILITY

SEC. 301. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1954) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1954); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 42(e) of such Code).".

SEC. 302. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7891 of the Internal Revenue Code of 1954, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The table of sections for such chapter is amended by redesignating the items relating to sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new item immediately after the item relating to section 610:

"Sec. 611. Waiver or modification of agency rules in enterprise zones.".

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means.".

(d) Section 613 of such title, as redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 303. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1954;

"(2) expedite, to the greatest extent possible, the consideration of applications for

programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.".

TITLE IV—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN ENTERPRISE ZONES

SEC. 401. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprize zone designated pursuant to section 7891 of the Internal Revenue Code of 1954.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone (as so designated).

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones (as so designated), the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

Mr. BOSCHWITZ. Mr. President, today we are reintroducing the Enterprise Zone Employment and Development Act, legislation which I believe responsibly deals with the problems of joblessness by enlisting the help of the private sector. The enterprise zone concept has gathered impressive bipartisan support over the past 4 years and has the support of many State and local governments. Indeed, the legislation has some 260 cosponsors in the House of Representatives.

I first introduced the enterprise zone concept to the Senate over 4 years ago. Since that time, the legislation has been refined with the help of business groups, local governments, and urban groups. In 1981 enterprise zone legislation was first discussed on the Senate floor and, as a result, some important modifications were made. In 1982, it was reported by the Finance Committee, but unfortunately there was not time to act on it in the lameduck session. The full Senate first passed enterprise zone legislation the following year, in 1983. And, most recently the Senate passed enterprise zones earlier this year as part of the Deficit Reduction Act.

Unfortunately, as happened in 1983, the conferees did not include enterprise zones in the conference report on the Deficit Reduction Act. But, unlike 1983, the conferees came very close to accepting a compromise on enterprise zones. During the conference, it was a question of whether to talk about enterprise zones at all. Now, by focusing attention on enterprise zones alone, we can take clear and concentrated action on this important initiative.

Even though we are now experiencing double digit unemployment, there is a real need for enterprise zones. As the economy turns around, more and more Americans are going back to work, but the need for enterprise zones will be increasingly evident in areas of structural unemployment—where jobs have been lost to changing industries more than to a sagging economy. Areas such as Minnesota's Iron Range, where the jobless have been stung by the ravages of structural unemployment, can use the boost the enterprise zones can provide.

In simple terms the supporters of enterprise zones view the problem of joblessness like this: There are no jobs because there are not enough opportunities in the areas that need them the most. Enterprise zones would encourage job creation through a Federal/local package of tax breaks and other incentives for businesses which locate in a designated zone.

There are many problems faced by businesses wishing to locate in enterprise zones that cannot be corrected by the Federal Government alone. Such problems as crime, weak infrastructure support, and city taxes remain barriers to business development. These serve as a double whammy when you consider that a prospective business already faces the usual problems of tax burdens, startup capital and technical expertise.

Enterprise zones address these problems by combining incentives provided by the Federal Government with those of local governments. That an area shows signs of high unemployment, poverty, or outmigration is not enough to qualify it for an enterprise zone designation. The local government must also assemble a package of tax and other incentives that meet the particular problems of the area. Moreover, the award of an enterprise zone will be granted on a competitive basis to test local commitment. That could include any number of things, such as improved infrastructure support, reduction of local taxes, relaxation of local regulations, managerial assistance and technical help.

These local contributions are then matched by Federal tax breaks, such as the elimination of capital gains taxes for business investment in the area, significant reductions in income taxes, and tax credits for wages paid to previously unemployed workers. This local/Federal package addresses the problems that all small businesses face as well as the particular problems of a business located in a depressed area.

Enterprise zone legislation should be aimed primarily at small business because it creates the vast majority of new jobs. In the past 10 years nearly 20 percent of new private-sector employment has come from businesses with 20 or fewer employees. Eighty percent of new jobs have been created by businesses with less than 100 employees.

My faith in business goes much deeper than statistics. My experience as a businessman has shown me that small businesses offer an increased opportunity for rapid advancement when compared with larger corporations. People at the lower end of the wage scale are not so easily lost in the shuffle; the small businessperson is far more involved with the lives of his or her employees. A worker's qualities, problems, family, and ambitions do not easily escape the boss' notice. Getting in on the ground floor of a small business is a very effective method of advancement, but most important, it stands in stark contrast from welfare.

But, to get in on the ground floor, a small business must have a foundation. This legislation provides small businesses with many advantages which will enable them to build a solid foundation. Some of these advantages are: tax credits for zone employees; tax credits for zone employers; investment tax credits for zone property; elimination of capital gains taxation; industrial development bonds; and tax simplification and regulatory flexibility. These and other incentives contained in the legislation, will give small businesses good reasons to locate in an enterprise zone.

Our Nation long ago accepted the responsibility of taking care of those who cannot take care of themselves. We have spent a lot of money doing just that. Unfortunately, we have not been as wise as we have been generous in meeting this responsibility. Today, our social welfare obligations cost the Government nearly half of the Federal budget. One economist estimates that if we would just give to the poor all the money we spend on programs for them, we would raise all Americans above the poverty level.

Clearly we need a new approach in assisting our poor and jobless. The current antipoverty programs do provide crucial services but they do not, on their own, appear to achieve any lasting good. They are for the most

part stopgap policies that address the symptoms but not the causes of poverty. They have failed to provide any meaningful opportunity for advancement.

In fact, the present system has trapped many of our poor in a self-perpetuating cycle of poverty. Instead of offering the poor a chance to pull themselves and their families out of poverty, the present programs unwittingly trap recipients in a self-perpetuating quagmire of poverty from which even the most enterprising have trouble emerging.

The answer is not spending more Government money. The answer is jobs—jobs in the private sector. Although that remedy is easily prescribed, the method toward that cure is not. One means is through enterprise zones.

I do not contend that enacting the enterprise zone legislation alone will solve our present unemployment problems. But it can and should be part of the solution.

Mr. President, I believe it is important to take note of the fact that State and local governments have already exhibited remarkable enthusiasm for the enterprise zone idea. Twenty-four States have already enacted enterprise zone legislation, or established an administrative enterprise zone program. State and local governments have already displayed considerable creativity in their freestanding enterprise zone efforts. Indeed, my State of Minnesota has designated 12 State enterprise zones.

Under Minnesota's State law, enterprise zones are designated in areas of economic hardship based on the concentration of substandard housing and poverty levels, the decline in market value of commercial and industrial property, median State per capita nonfarm income, and areas of the highest unemployment. Minnesota's enterprise zones must have a continuous boundary, are limited to 400 acres, and must meet population requirements. Enterprise zone incentives are available for 7 years, but no business may receive benefits for more than 5 years. While the total dollar value of State incentives are subject to limitations, localities have discretion to use a mix of incentives. One of the major State incentives is the elimination of State sales tax on construction materials or equipment purchased for use in the zone.

Federal enterprise zone legislation encourages these efforts. It not only provides an important and necessary complement to State and local activities; it acts as a synergistic ingredient in that mix of activities essential to making enterprise zones successful. This is an excellent opportunity to demonstrate both intergovernmental and public/private partnerships in action. This is a fresh, promising approach to dealing with problems of structural unemployment and revitalizing distressed areas in our Nation's cities and rural towns.

Mr. President, now is the time for action on enterprise zones. We need to put aside politics and personalities and work together for enterprise zones in a concentrated, bipartisan manner. I am very pleased that the distinguished chairman of the Finance Committee, Senator DOLE, is joining me in actively and aggressively pursuing this important initiative. His legislative skill and resourcefulness are great assets in this endeavor. I urge my colleagues to join us in this effort.

Mr. D'AMATO. Mr. President, what are we waiting for? With all the talk of a new industrial policy and eliminating the underclass, Congress has had before it legislation designed to permanently change many of the poorest areas of our country. This legislation, S. 863, would allow for the creation of enterprise zones throughout our Nation. As a cosponsor of S. 863, I am pleased that it has passed the Senate twice in the 98th Congress. However, I am incredulous as to why House Democrats consistently refuse to accept this or any similar compromise package that truly would help our Nation's inner cities.

Mr. President, I rise today as an original cosponsor of new legislation to establish enterprise zones. I praise Chairman DOLE for his leadership and for continually fighting to enact this vital legislation. The bill introduced today is identical to the enterprise zone legislation that passed the Senate Finance Committee as part of the Deficit Reduction Act of 1984, H.R. 4170. Despite the President's urgings, and 259 cosponsorships in the House, the Democratic leadership in the House refused to entertain enterprise zone legislation in H.R. 4170.

This is especially frustrating since enterprise zones have a proven track record. Today, 24 States have decided not to wait for the Federal Government and have enacted their own enterprise zone legislation. State legislators have been surprised by the effectiveness of enterprise zones in creating both new businesses and new jobs.

These programs have been so effective that both the Wall Street Journal and the New York Times sing the praises of enterprise zones. If the editorial boards of these two papers can agree, there is no reason why the House and the Senate cannot reach an accommodation on enterprise zones. This is particularly important because the Federal tax burden is so much larger than State and local tax burdens. Without Federal enterprise zone legislation, State actions will not reach their highest potential.

The bill introduced today would establish 50 urban and 25 rural enterprise zones. A total of 25 would be designated each year for 3 years by the Secretaries of HUD and Agriculture. To qualify, an area would have to have chronic unemployment and poverty, as well as population decline. In short, only the most distressed regions could qualify as enterprise zones.

Once designated an enterprise zone, an area would receive special State and local tax breaks in addition to specific Federal tax subsidies. The Federal tax incentives would include industrial development bond financing, special investment tax credits for newly acquired personal property and new construction in an enterprise zone, jobs tax credits, and no capital gains tax on the profits received from investments in businesses within enterprise zones. These incentives would result in the hiring of the chronic unemployed and the startup of businesses within areas of urban and rural blight.

New York State has numerous areas that would benefit from enterprise zone legislation. These include sections of New York City, Long Island, and upstate New York. Every State in the Union would benefit from enterprise zone legislation.

Some claim that enterprise zones would cost too much in lost revenue given our high budget deficit. However, I caution Members about believing the revenue loss numbers now associated with enterprise zone legislation. The Congressional Budget Office and Treasury Department have not counted the secondary impact of tax incentives. That is, this bill would create new jobs, thus leading to higher tax revenues. This revenue impact is not calculated.

Mr. President, I urge all Members of the Senate to support this enterprise zone legislation and work for its enactment. I really think it is important for us to act on this legislation again this session.

Thank you, Mr. President.

Mr. MATTINGLY. Mr. President, I rise today to voice my support for and cosponsorship of the Enterprise Zone Act of 1984.

The purpose of the Enterprise Zone Act of 1984 is to provide for the establishment of urban and rural enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals. The bill will promote the revitalization of economically distressed areas by providing or encouraging tax and regulatory relief at the Fedeal, State, and local levels and improved local services.

Mr. President, urban decay is not a new problem. The vast array of Government spending programs to revitalize inner core areas reflect public concern over the crisis in blighted areas in American cities. Federal programs also exist to reverse the lack of economic

activity in rural America. Despite the billions of dollars appropriated for combating crime, poverty, and homelessness in these distressed areas, however, the problems remain unsolved.

Recognizing the failure of past public efforts to combat urban and rural decay, many now believe, including the administration and the sponsors of the Enterprise Zone Act of 1984, that the key to revitalizing these areas lies in improving the opportunity for commercial expansion in distressed areas. Such is the goal of the Enterprise Zone Act of 1984 by offering both tax incentives and regulatory relief within designated zones plagued by depressed economic activity.

Mr. President, enterprise zone legislation has passed the Senate twice during the current Congress, only to be derailed by the House of Representatives. I hope the House will stop playing the partisan, election year political game and will join the Senate in fighting the problem of the deteriorating plight of many neighborhoods and rural areas across the country by enacting the Enterprise Zone Act of 1984.

Mr. SPECTER. Mr. President, I strongly support the reintroduction of the Enterprise Zone Act of 1984 by the distinguished Senator from Minnesota [Mr. BOSCHWITZ].

The purpose of this bill is to provide for the establishment of urban and rural enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals. This legislation will promote the revitalization of economically distressed areas by providing or encouraging tax and regulatory relief at the Federal, State, and local levels and improved local services.

This legislation has now passed the Senate on two occasions, on the dividend and interest withholding bill in 1983 and on the Deficit Reduction Act earlier this year. This legislation has over 40 cosponsors in the Senate and over 260 cosponsors in the House of Representatives.

I have made a number of trips throughout the Commonwealth of Pennsylvania to areas which would qualify for enterprise zone designations, including the Huntington Park West section of Philadelphia, which I visited last year, American Street Corridor in Philadelphia which Senator DOLE and I visited last month, Erie, Pittsburgh, Johnstown, Altoona, Wilkes-Barre, and Scranton. The problems of chronic unemployment, poverty, and disinvestment, population loss and physical deterioration are common throughout these enterprise zone areas.

There is tremendous need for stimulating our economy in depressed areas and for providing new job opportunities. Nowhere is this need more acute than in our central cities and poor rural areas.

The enterprise zone concept has been supported almost unanimously wherever it has been considered. However, this legislation has languished for more than a year, despite the endorsement of the Reagan administration and numerous House and Senate Members. Based on conversations I have had with Senator DOLE, I am optimistic that this legislation, if passed as a separate bill, can be shepherded through the House of Representatives.

Specifically, the legislation introduced today will allow State and local governments to nominate areas for enterprise zones, which will be approved by the Secretary of Housing and Urban Development after consultation with a number of other parties. Up to 25 zones may be designated during each 12-month period for a total of 75 zones over the 3-year period in the bill.

This legislation sets forth certain eligibility requirements for those zones, including prevasive poverty, unemployment, and general distress. State and local governments must take action concurrently with the Federal Government to reduce taxes, increase the level of efficiency in local services, simplify government requirements, increase private assistance, or provide mechanisms to increase equity ownership of residents and employees in the zone.

Enterprise zone employers are eligible to claim a tax credit on wages paid to disadvantaged individuals working in the zone and any increase in annual wages paid to all employees working in the zone. Qualified employees are also entitled to a nonrefundable tax credit equal to 5 percent of qualified wages for the taxable year. An additional investment tax credit is allowed for certain capital investments in enterprise zones. This legislation also eliminates taxes on long-term capital gains. Finally, the bill provides for a greater regulatory flexibility in these zones, including a waiver of certain agency rules in these zones, and requires the Foreign Trade Zone Board to expedite the establishment of foreign trade zones in these areas.

Mr. President, I urge the Senate Finance Committee and the full Senate to take expeditious action on this measure in the remaining days of this session, so that it will stand an opportunity of passing the House of Representatives.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

HERE'S WHY THE REAGAN ADMINISTRATION HAS NEGOTIATED NO NUCLEAR ARMS AGREEMENTS WITH THE U.S.S.R.

Mr. PROXMIRE. Mr. President, on July 6 I wrote to the Secretary of State and other State Department officials soliciting their views on our relations with the Soviet Union, and our posture on negotiating nuclear arms control agreements. On August 3 the Administration responded. Assistant Secretary of State Tapley Bennett wrote that the Administration has engaged in arms control negotiations with the Soviet Union. But the Soviet Union has broken off the discussions—not just once, but twice. The Administration argues that it initiated talks with the Soviet Union on Strategic Arms Reduction [START]. It also claims credit for initiating the Intermediate Nuclear Force [INF] talks with the Russians. In the administration's view the only reason we are not negotiating with the Soviet Union is because they refuse to talk. President Reagan has repeatedly declared his intention to negotiate with the Soviet Union on nuclear arms control without conditions. "Everything is on the table." We will talk with them about whatever they wish.

Mr. President, all of us in this U.S. Senate are patriotic Americans. All of us love this country. Few if any of us trust the communist cabal that dominates and dictates to the Russian people. We obviously do not bring unbiased, objective attitudes to any difference between the President of the United States and the government of any other country, especially the Government of the Soviet Union. We are hometown fans. We are for the home team. That means we are for the President when he deals with the Russians whenever we possibly can be.

With this patriotic bias in mind, let us examine the State Department letter of explanation of our present arms control difficulties with the Russians. The State Department letter cites the President's address of June 4 in Dublin, Ireland, when he called for:

First, reduction of levels of armaments; second, efforts to reduce tensions and find peaceful solutions to regional disputes, and, third, proposals to expand bilateral cooperation between the two superpowers. The letter cites the Soviet walkout of the INF and START talks. It says:

We accept their proposal to meet in Vienna without any preconditions, while

reaffirming our interest in discussing ways to resume the nuclear arms dialogue.

So how can any good American patriot criticize that stance? Well, Mr. President, let us face it. There is a peculiarity of timing involved here. Here we have the first President of the United States in more than 50 years and in the incumbency of the last nine Presidents who has not met with the Soviet leaders. Here we have the first President since Eisenhower who has not been able to secure any kind of nuclear arms agreement with the Soviet Union. Here we have the first President of the United States that has denounced the Soviet Union root-and-branch as an evil empire.

Now, how about the timing? The President sings his sweet song of international harmony: "everything is on the table," and so forth, just a few months before an election. He does so at a time when polls show overwhelming support in this country for the United States and the Soviets negotiating an end to the nuclear arms race. This is a time when any meeting between the President and the Soviets for that purpose would clearly enhance the President's chances of reelection.

Now consider what the President's negotiating posture includes and excludes. Everything is really not on the table. He would propose in START that the Soviet Union agree with the United States to reduce land based intercontinental missiles on both sides. As an American I am for that. It is nice work if we can get it. But do not hold your breath. We have less than 25 percent of our nuclear striking force—our nuclear warheads—in land based missiles. The Soviet Union has more than 70 percent in that mode. Apply a zero option here and the Soviets lose nearly three-quarters of their deterrent. We keep three-quarters of ours. In any reasonable negotiation on this issue, they lose. We win. So I am for it. Let us do it. But I would not hold my breath until the Soviets agree that they will negotiate on this basis.

How about the INF talks? There again. No sensible American could disagree that what we propose would serve our interest richly. If they remove their land-based missiles that can reach Western Europe, we will agree not to deploy our own intermediate land-based missiles in Europe directed at Russia. A zero option in this case would mean we would have to take no action whatsoever, while they would have to dismantle hundreds of missiles already deployed. Wonderful! As an American I can shout "Hooray." And there is an added fillip here. We tell the Russians to withdraw their missiles from Europe. But we insist that the French and the British continue to retain their intermediate missiles that can reach all of European Russia. As an American I like that. But, again, I would hardly expect Russian leaders to be lured to the bargaining table with that kind of bait.

There is another prime reason why the Soviets will not waltz into that bargaining room. In the judgment of this Senator both superpowers would benefit by stopping the heart of the arms race. That means keeping the agreement this country and Russia specifically promised in both the 1963 test ban treaty and the 1974 treaty limiting underground nuclear weapons explosions to 150 kilotons. In those treaties, both parties promised—I repeat, promised—to negotiate a total end to nuclear weapons testing. Our top seismologists tell us we could verify that kind of agreement to prevent any tests that might have military significance. Everything may be on the table. But the President has specifically ruled out negotiation on a total test ban treaty. And there is more excluded from the table. The President has also refused in advance to negotiate an end to a "Star Wars" or antisatellite agreement. Such an agreement together with an end to nuclear weapons testing would close down the most likely avenue for stepped-up Soviet-United States nuclear arms competition. On this we know the Russians will talk. The President has said he will not.

Mr. President I ask unanimous consent that the letter from Assistant Secretary of State Tapley Bennett to which I have referred be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, August 3, 1984.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: On behalf of Secretary Shultz, let me thank you for the thoughtful views on U.S.-Soviet relations which you expressed in your letters to the Secretary, Deputy Secretary Dam, former Under Secretary Eagleburger, and Assistant Secretary Burt. I would be pleased to provide the Department's views on the topic, and I hope that my comments address the concerns which you raised.

United States relations with the U.S.S.R. have indeed been troubled in recent years. A variety of Soviet actions—most prominently, the invasion and occupation of Afghanistan, the Soviet-inspired repression in Poland, the continuing Soviet military buildup, and the worsening human rights situation in the U.S.S.R.—have limited prospects for a satisfactory relationship.

United States policy toward the Soviet Union is grounded in a realistic appraisal of the challenges posed to the West by Moscow. We start from the premise that neither the interests of our country nor of the international community will be served if we fail to recognize the areas of disagreement between the United States and the U.S.S.R. or fail to state frankly our concerns about Soviet behavior.

Renewed military, political and economic strength is also a prerequisite to an effective policy toward the Soviet Union. We believe we have made significant progress in redressing the military imbalances that were allowed to emerge over the past two decades, in bolstering relations with key Allies and friends, and in setting the United States on the path toward economic recovery.

It is on this basis that we have sought to engage the Soviets in a process of dialogue and negotiation aimed at finding concrete solutions to some of the problems that divide us. We recognize that the United States and the Soviet Union share a common interest in avoiding war, reducing tensions, and lowering the levels of armaments possessed by both sides. Accordingly, each superpower has the responsibility to seek peaceful solutions in the areas of disagreement.

In an address to a joint session of the National Parliament of Ireland on June 4, the President described a number of the initiatives which the Administration has advanced in its dialogue with the Soviets. These initiatives fall into three categories: proposals to reduce the levels of armaments and minimize the risk of war; efforts to reduce tensions in volatile regions of the globe and to find peaceful solutions to regional disputes; and proposals to expand the scope of bilateral cooperation between the two superpowers.

Despite the Soviet walkout from INF and the Soviet refusal to return to START, the Administration remains patient and hopeful that the Soviets will relax their rigid posture so that effective and verifiable agreements can be concluded soon. The President has reiterated on many occasions his desire to renew negotiations with the U.S.S.R. In his Dublin address, for example, he declared, "We are prepared to negotiate tomorrow if the Soviets so choose." We believe that it is now up to the Soviets to demonstrate an equal commitment to arms control. In this regard, we welcome the Soviet offer to begin arms control talks on "preventing the militarization of outer space" in Vienna this September. We have advised the Soviets that we accept their proposal to meet in Vienna without any preconditions, while reaffirming our interest in discussing ways to resume the nuclear arms dialogue.

While arms reduction issues remain of primary importance on the U.S.-Soviet agenda, we also have been attentive to the need for progress on the other problem areas in our bilateral relationship. We have sought to engage the U.S.S.R in discussions of the situations in some of the world's volatile regions—such as Afghanistan, southern Africa, and the Persian Gulf—in order to minimize the dangers of U.S.-Soviet confrontation and to support efforts to find diplomatic solutions.

Human rights is another basic area of concern on the bilateral agenda, and we have consistently called for the Soviet Union to fulfill the human rights commitments which it has undertaken by signing the Helsinki Accords and other international agreements. The current treatment of Dr. Andrei Sakharov and his wife, Yelena Bonner, is especially disturbing, and we have forcefully expressed our concerns to the Soviet government in public and in private. We will continue pressing the Soviet Union for an end to the brutal treatment of the Sakharovs and for a substantial and lasting improvement in the Soviet human rights picture.

We have also pursued discussions with the Soviet Union on a range of bilateral topics, including the opening of new consulates, increasing cultural and scientific exchanges,

and expanding nonstrategic trade. These were outlined by the President in his speech of June 27 at the Smithsonian Conference on U.S.-Soviet exchanges. And on July 17, the U.S. and the U.S.S.R. reached an agreement providing for important technical improvements to the Moscow-Washington Direct Communications Link, the so-called "hotline."

In sum, we are actively pursuing a wide range of diplomatic efforts designed to bring about a more cooperative relationship with the U.S.S.R. I hope that the information I have provided here provides a clearer image of the efforts made by the Administration toward this end. As far as differences in approach to the Soviet Union between the Carter and Reagan administrations are concerned, I have served both administrations but would consider this a question more properly left to the historians.

In developing a policy toward the Soviet Union, we have worked to shape a realistic one, deserving of bipartisan support. The complexity of U.S.-Soviet relations and arms control does not lend itself to prediction. Nonetheless, our current policy, with its emphasis on productive and realistic dialogue, would seem to offer the best prospect for establishing a stable and mutually beneficial relationship with the Soviet Union.

Sincerely,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

KHMER ROUGE: A WORLD DEPICTED IN "1984"

Mr. PROXMIRE. Mr. President, recent warfare between the Vietnamese occupation troops and the Cambodian resistance forces, reminds us of the condition of the nation of Kampuchea just 8 years ago.

Upon taking control in 1975, the Khmer Rouge established a nightmarish world similar to that depicted in George Orwell's "1984."

The Khmer Rouge had a vision of a completely egalitarian society—the ideal Communist state—in which exploiting and exploited classes were eradicated.

Private property and ownership and all private means of production would be totally destroyed.

According to Khmer Rouge ideology, city dwellers were unproductive citizens, parasites of society, exploiting elitists. They were puppets of American imperialism.

As a result, the entire population, including the sick and the dying in hospitals, were forced out at gunpoint to the country side.

This evacuation policy would lead to the second phase of purification, the discarding of "rotten fruit." Those liquidated included military and police officers and personnel serving under the previous regime, civil servants, and the bourgeois element, including professionals, merchants, shopkeepers, and foreigners.

In the book "1984," the government attempted to brainwash enemies of the state through the concept of "doublethink." If it was unsuccessful, the prisoner was executed.

In Kampuchea, the Khmer Rouge revolutionaries used the same technique. They stated that when a man has been spoiled by a corrupt regime he could not be reformed. He must, therefore, be physically eliminated from society.

The Khmer Rouge used slogans reminiscent of the book "1984," such as "What is infected must be cut out," to justify mass slaughter.

As in Orwell's book "1984," the Khmer Rouge had the equivalent to Big Brother, called Angka Loeu.

Angka Loeu was a faceless, shadowy divinity, exercising power over all people. The Khmer Rouge devoted themselves to it body and soul.

The Khmer Rouge boasted that Angka Loeu was everywhere and knew everything. As the Khmer Rouge put it, "Angka Loeu has eyes like a pineapple; it can see everything." It was a crime to hide any secret from Angka Loeu. The punishment was execution.

Like characters in Orwell's "1984," the Khmer Rouge used "newspeak." People were taken away to be executed were simply told by the police that, "We are sending you to Angka Loeu," or "Angka Loeu wants to see you."

All symbols of the old society were eliminated. Buddhist temples, Christian churches, and Muslim mosques were systematically destroyed. So were consumer goods and all books, archives, official documents, and historical records.

Like the citizens of Oceania in the book "1984," the Cambodians were completely cut off from the past or any contacts with the outside world.

Angka Loeu, like Orwell's Big Brother, aimed to control the people through their thoughts and their identities.

The victims were helpless and incapable of questioning anything.

As Orwell's "1984" was, so also was the Khmer Rouge in Cambodia. The latter, however, was nonfictional.

The actions of the Khmer Rouge regime are another painful reminder that genocide did not disappear with Adolf Hitler.

Preventing more genocides like Cambodia's is one more reason the Senate should ratify the Genocide Convention.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, there will now be a period for the transaction of routine morning business.

S. 2915—FEDERAL MERIT SCHOLARSHIP PROGRAM

Mr. BYRD. Mr. President, today I am introducing a bill to provide for a Federal Merit Scholarship Program. I am pleased to have Senators PELL, CHILES, and KENNEDY join me in introducing this legislation.

Since the spring of last year, when the President's National Commission on Excellence in Education reported to the Nation that our education system was in crisis, that it was "A Nation at Risk," many of us in Congress have been earnestly applying ourselves to the task of finding solutions to the crisis our education system, at all levels, faces.

At the end of June, we finally passed the math/science bill and sent it back to the House, which had passed it over a year ago. That bill is now on the President's desk. It is the only new initiative we in Congress have developed to deal with the educational crisis that all the experts tell us exists in American education.

The math/science bill addresses one specific set of problems identified in the reports on our educational system which have been issued in the last 18 months. It deals with the problem of encouraging mathematics and science education, by focusing on efforts to increase the quality of mathematics and science instruction. It primarily provides funds which will assist State and local education agencies in providing teacher training, retraining, and in-service training in mathematics and science.

While the reports on our educational system underlined for us the crisis which exists in mathematics and science education programs, the reports signaled many more problem areas. Besides efforts to strengthen the commitment and competency of mathematics and science teachers, the reports tell us that language teachers, social science teachers, and humanities teachers—indeed all teachers—also need to be encouraged. The reports tell us that student test scores need to be raised, that graduation requirements need to be toughened, that more homework needs to be assigned, that educational agencies need to consider lengthening the school day and the school year. The reports target these areas for improvement and many more. The majority of these recommendations can be categorized as recommendations to improve the quality and the excellence of American education.

While many of the recommendations in the reports are geared to actions which must be taken at the State and local level, and States and localities all over the country are taking steps to implement needed reforms, all the reports underline that there is a significant role for the Federal Government

to play in addressing the crisis. The reports all recommend initiatives to promote excellence in education. The math/science bill thus is one small part of the congressional excellence response to the crisis in our educational system.

My bill is another modest, but nevertheless vital, Federal response to that crisis.

The bill, which would set up a Federal Merit Scholarship Program, recognizes that the Federal Government must do more to encourage excellence in our educational system. The majority of Federal education programs are aimed at asssuring access to and the promotion of a quality education, a very important Federal role and one which I wholeheartedly support. But there are few Federal programs aimed solely at promoting excellence in education and, specifically, the nurturing and recognition of gifted and talented students.

The bill addresses this point. It has its genesis in the "Jobs for the Future" report produced and endorsed by the Democratic Conference and introduced in the Senate last month as the Economic Competitiveness and Cooperation Act, S. 2795.

The bill would provide an authorization of $8 million each for fiscal years 1986, 1987, and 1988, for the creation of a Federal Merit Scholarship Program to be administered by the Secretary of Education.

The scholarships would be open to graduates of any public or private secondary school who have been admitted for enrollment at an institution of higher education. The scholarships would be based entirely on merit—they would go to students who have demonstrated outstanding academic achievement and who show promise of continued academic achievement. The scholarships would be awarded for a period of 1 academic year for the first year of study. My bill stipulates that 10 scholarships, at a stipend level of $1,500 each, are to be awarded in each congressional district, Puerto Rico, and the District of Columbia.

The Secretary of Education will administer the program. But the responsibility for the development of criteria for the awards selection, and the awards selection, will rest at the State level, in the State education agencies.

Let me close, Mr. President, by saying that this proposal is a departure from our traditional Federal approach of needs-based programs. And that, of course, goes to the heart of the matter before us today in this bill. I believe, as do many of my colleagues, that there is a legitimate Federal role in encouraging and rewarding excellence in education at all levels. This proposal does that.

It is a small step, a very discrete Federal program, which would create a limited number of awards—honors—for students who have achieved a high degree of excellence in their high school careers. It is my hope and expectation that the potential of receiving these awards will spur students to do better, to strive to excel.

Mr. President, in 1969, I established the Robert C. Byrd Scholarship Recognition Award Program for West Virginia students. Set up originally with my own funds, I award each and every valedictorian from every graduating class of every secondary school—public, private, and parochial in the State of West Virginia a U.S. savings bond in recognition of his or her achievements. My own program is a very modest recognition of the achievements of gifted and talented students in West Virginia. But as modest as it is, my experience with this merit program in West Virginia has convinced me that there is a legitimate role for Government in rewarding and encouraging excellence in education.

The bill I offer today on behalf of myself and the distinguished Senators already mentioned—PELL, CHILES, and KENNEDY—is somewhat more substantial. I ask all my colleagues on both sides of the aisle to help me in creating what I believe is a needed and appropriate Federal effort to recognize and nurture America's gifted and talented students.

Mr. President, I send to the desk the bill about which I have been talking and ask for its appropriate referral.

I ask unanimous consent that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

S. 2915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Merit Scholarship Act".

SEC. 2. (a) Part A of title IV of the Higher Education Act of 1965 (hereafter in this title referred to as "the Act") is amended by redesignating subpart 6 as subpart 7 and by inserting after subpart 5 the following new subpart:

"Subpart 6—Federal Merit Scholarships

"STATEMENT OF PURPOSE

"SEC. 419A. It is the purpose of this subpart to establish a Federal Merit Scholarship Program to promote student excellence and achievement and to recognize exceptionally able students who show promise of continued excellence.

"DEFINITION

"SEC. 419B. For the purpose of this subpart—

"(1) the term 'secondary school' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

"(2) the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SCHOLARSHIPS AUTHORIZED

"SEC. 419C. (a) The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who show promise of continued academic achievement.

"(b) Scholarships under this section shall be awarded for a period of one academic year for the first year of study at an institution of higher education.

"(c) A student awarded a scholarship under this subpart may attend any institution of higher education.

"ALLOCATION AMONG STATES

"SEC. 419D. From the sums appropriated pursuant to section 419K for any fiscal year, the Secretary shall allocate to each State having an agreement under section 419E—

"(1) $1,500 multiplied by the number of individuals in the State eligible for merit scholarships pursuant to section 419G (b), plus

"(2) $10,000, plus 5 percent of the amount to which a State is eligible under clause (1) of this section.

"AGREEMENTS

"SEC. 419E. The Secretary shall enter into an agreement with each State desiring to participate in the merit scholarship program authorized by this subpart. Each such agreement shall include provisions designed to assure that—

"(1) the State educational agency will administer the merit scholarship program authorized by this subpart in the State;

"(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

"(3) the State educational agency will pay to each individual in the State who is awarded a merit scholarship under this subpart $1,500 at an awards ceremony in accordance with section 419I; and

"(4) the State educational agency will use the amount of the allocation described in clause (2) of section 419D for administrative expenses, including the conduct of the awards ceremony required by section 419I.

"ELIGIBILITY OF MERIT SCHOLARS

"SEC. 419F. (a) Each student awarded a scholarship under this subpart shall be a graduate of a public or private secondary school and must have been admitted for enrollment at an institution of higher education.

"(b) Pursuant to criteria established by the Secretary, each student awarded a scholarship under this subpart must show promise of continued academic achievement.

"SELECTION OF MERIT SCHOLARS

"SEC. 419G. (a) The State educational agency is authorized to establish the criteria for the selection of merit scholars under this subpart.

"(b) The State educational agency shall adopt selection procedures which are designed to assure that ten individuals will be selected from among residents of each congressional district in a State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico not to exceed ten individuals will be selected in such district or Commonwealth).

"STIPENDS AND SCHOLARSHIP CONDITIONS

"SEC. 419H. (a) Each student awarded a merit scholarship under this subpart shall receive a stipend of $1,500 for the academic year of study for which the scholarship is awarded.

"(b) The State educational agency shall establish procedures under which a merit scholar awarded a scholarship under this subpart establishes that the scholar is maintaining satisfactory proficiency and devoting full time to the course of study for which the scholarship was awarded.

"AWARDS CEREMONY

"SEC. 419I. (a) The State educational agency shall make arrangements to award merit scholarships under this subpart at a place in each State which is convenient to the individuals selected to receive such scholarships. To the extent possible, the award shall be made by Members of the Senate and Members of the House of Representatives (by the Delegate in the case of the District of Columbia and the Resident Commissioner in the case of the Commonwealth of Puerto Rico) who represent the State, Commonwealth, or District, as the case may be, from which the individuals come.

"(b) The selection process shall be completed, and the awards made prior to August 1 in each year.

"CONSTRUCTION OF NEEDS PROVISIONS

"SEC. 419J. Nothing in this subpart, or any other Act, shall be construed to permit the receipt of a merit scholarship under this subpart to be counted for any needs test in connection with the awarding of any grant or the making of any loan under this Act or any other provision of Federal law relating to educational assistance.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419K. There are authorized to be appropriated $8,000,000 for each of fiscal years 1986, 1987, and 1988 to carry out the provisions of this subpart.".

(b)(1) Section 419 of the Act is redesignated as section 420.

(2) Section 420 of the Act is redesignated as section 420A.

Mr. KENNEDY. Mr. President, I am pleased to join Senator BYRD along with Senators CHILES and PELL in cosponsoring the Federal merit scholarship bill. I would also like to commend Senator BYRD for his continued efforts in support of our Nation's young people and higher education.

This bill will encourage students of high academic achievement to further their education by providing individual $1,500 scholarships for 1 academic year. It is most fitting that we recognize the academic strengths of our Nation's youth and reward their talents by promoting studies at institutions of higher learning. These intellectual endeavors of our young people are worthy of highest praise and encouragement for these individuals promise to be future leaders in our country.

While we continue to maintain our high commitment to providing access to education for needy students, we should also use Federal resources to encourage excellence. In my judgment, this bill does an excellent job of achieving this objective. The Federal merit scholarship bill provides nonrenewable scholarships based solely on merit. The recipients will be students of any pubiic or private secondary school who have been admitted for enrollment at an institution of higher learning. These awards which will be offered in each congressional district, the District of Columbia, and Puerto Rico, will be awarded based on criteria established by each State educational agency.

This idea of Federal merit scholarships is not a new one and has received much thoughtful attention by many educational organizations and congressional education experts. Provisions for such a scholarship program were contained in the Economic Competitiveness and Cooperation Act and we have incorporated many of the suggestions we received into the current bill.

I encourage my colleagues to join me in supporting this worthwhile endeavor.

POSTAL CONTRACT NEGOTIATIONS

Mr. DECONCINI. Mr. President, I am concerned about recent actions by the U.S. Postal Service which appear to be inflammatory and provocative. As we all know, the Postal Service and the Postal Unions are presently in the midst of contract negotiations. The 1979 Postal Service Reorganization Act spells out very clearly how these negotiations are to take place and in what context a decision is to be made. The Postal Service appears to be thwarting these procedures by recent announcements that it plans to reduce the pay of new hires before completing negotiation process set by law.

This is bad policy and sends a message to postal workers that the system doesn't work. Mr. President, I believe the system can work and must give it that opportunity. Therefore, I urge Postmaster General Bolger to withdraw his proposal for a pay cut for new hires.

At the same time, I caution postal workers to also abide by the rules as set out in the Postal Service Reorganization Act. The unions must discourage any talk of strikes and show good faith in the system. The system can work and all parties must give it that opportunity.

The House version of the supplemental appropriation bill contains an amendment prohibiting the Postal Service from making the changes proposed by Postmaster Bolger. I urge the Postmaster General to withdraw these proposals and prevent the necessity of congressional action.

DRUG ABUSE IN THE MILITARY

Mrs. HAWKINS. Mr. President, a recent Washington Post article points out, yet again, how prevalent drug abuse is within our military forces.

It is reported in this article that more than 70 military personnel and civilians were arrested by military authorities after a 3-month drug investigation at Fort Belvoir, VA, Fairfax County police, and the FBI were also involved in this action. Called "Operation Cleansweep," the charges resulting from these arrests ranged from possession of small amounts of marijuana to possession with intent to sell.

This action was taken as part of a Defense Department effort to crack down on drug use among military personnel. This investigation, begun by the military in April, led as well to the arrest of a number of civilians who had been dealing both marijuana and cocaine. Quantities of LSD, Valium, and other drugs were also seized in this raid.

Mr. President, we in America have, bar none, the finest fighting forces in the world. We cannot allow our military personnel to be corrupted and eventually destroyed by illicit drugs. We must remain diligent in our efforts to educate our young soldiers to the potential dangers of drug abuse—dangers that can often have more damaging results than those found on the battlefield.

Mr. President, I ask unanimous consent that the article entitled "70 Are Arrested at Fort Belvoir," dated July 12, 1984, in the Washington Post, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

70 ARE ARRESTED AT FORT BELVOIR—DRUG PROBE BEGAN IN APRIL

(By Anndee Hochman and Charles Fishman)

More than 70 military personnel and civilians were arrested this week after a three-month drug sweep at Fort Belvoir by military authorities, Fairfax County police and the FBI, officials reported yesterday.

Fort Belvoir officials arrested 62 military personnel on the base in Fairfax County Monday and Tuesday, most on charges involving possession of small amounts of marijuana. It was the culmination of what military officials called "Operation Cleansweep." The military charges ranged from simple possession to possession with intent to sell, according to Lt. Col. John Ooley, spokesman for the post.

Ooley said the crackdown on drugs was the largest at Fort Belvoir in at least four years, and involved the use of undercover officers, dogs trained to sniff out drugs and searches of personnel as they entered the gates of the base.

The arrests were said to be part of the Defense Department's effort to crack down on drug use among military personnel, an effort that has led the services to conduct widespread, but unannounced urine tests for drug usage and to quickly discharge those suspected of using drugs.

Officials said the Fort Belvoir arrests were designed to have a deterrent effect. "We want to make it known that drug trafficking on Fort Belvoir is not going to be an easy thing to do," Ooley said.

The military investigation, begun in April, led to civilian suppliers and resulted in the arrest of eight Fairfax County residents, county police said. In addition, two other Fairfax County residents were arrested at Fort Belvoir Monday by the FBI and

charged with possession and sale of cocaine on federal property, according to the FBI.

Law enforcement officials said a total of $19,000 worth of drugs was seized, the bulk of it marijuana, but it also included $5,000 worth of cocaine from one civilian, and small quantities of LSD, Valium and other drugs.

The Fort Belvoir investigation drew anger and denunciation from the National Organization for the Reform of Marijuana Laws (NORML) and the American Civil Liberties Union.

"We're outraged," said Kevin Zeese, national director of NORML. "We think it's crazy. When the officers' club continues to sell martinis, to be ruining someone's life and career for possession of small amounts of marijuana is ridiculous."

Although military officials declined to say how much marijuana was taken from base personnel, Ooley said the investigation yielded "no large amounts from one individual" Law enforcement officials said $14,000 worth of marijuana would be about 30 pounds.

Zeese said that while the number of arrests in the Fort Belvoir operation seemed large, anti-drug sweeps in the military "are not unusual."

"It can't be a very rational attitude for the military to be that uptight about a soldier smoking a joint," said Arthur Spitzer, legal director for the American Civil Liberties Union in the national capital region. "Our view is that use of marijuana ought to be decriminalized," said Spitzer. "We don't think it's a very wise allocation of society's law-enforcement resources."

Ooley said most of the military personnel arrested would not ultimately face court-martial or discharge, but would be disciplined administratively.

Officials said yesterday that it was not clear which of the 62 would be court-martialed. Fort Belvoir officials said it would be "a matter of weeks" before such decisions were made in individual cases.

All 62 soldiers arrested will be restricted to their units—a curtailment of privileges that permits them to attend only meals, chapel and work—until the investigation is completed, according to Sgt. Thomas Tiernan, a base spokesman.

Tiernan said the drug sweep began in April "to support the drive to eliminate drug use among soldiers." Fairfax County police joined the effort in June.

REDUCING THE FEDERAL DEFICIT

Mr. HEFLIN. Mr. President, a shadow looms conspicuously and threateningly over our current economic recovery—the shadow of massive Federal budget deficits. If the budget deficit is allowed to continue its growth, long-term economic recovery will be very difficult, if not impossible. Many leading economists believe that if drastic measures are not taken to curtail these deficits our economy could be plunged back into a recession accompanied by soaring interest rates, rising inflation and the return of double-digit unemployment. Congress and the administration must confront the Federal deficit problem soon and forceably or risk jeopardizing our economic future. The Deficit Reduction Act, recently enacted by Congress, provided a $19 billion downpayment on the deficit, but clearly did not go far enough.

According to the latest forecasts by the Congressional Budget Office, the deficit will continue to grow for the foreseeable future. The deficit for 1984 is estimated to be $172 billion, for 1985 it is expected to be $178 billion, and by 1989 it is estimated to grow to a staggering $263 billion. To put these figures in perspective, if you had 200 billion dollars' worth of $1 bills and stacked one on top of the other, when completed they would be more than 14,000 miles high. Even more sobering is the fact that the national debt is now close to $1.5 trillion.

With many Americans enjoying prosperity under current economic conditions why should we be concerned with Federal budget deficits? Contrary to what many people believe, the massive deficits help determine how Americans are working, how much the value of the dollar is eroded by inflation, and how difficult it is for consumers and businesses to get credit.

The Federal Government must finance deficit spending in the same way an individual or business does, by competing for available funds in the money market. Historically, the Federal Government has absorbed about one-quarter of the money and credit available for investment. This has resulted in 75 percent of the total being available for use by the private sector. However, in recent years the Federal Government has taken more and more of the money and credit available for investment in order to finance its deficits. This means that less money has been left over for private investments in plant, equipment, housing, research, technology, new businesses, and consumer goods. If the current trend of high deficits continues, the Government will absorb one-half to two-thirds of the pool of money available for investment in the coming years.

The result of the Government taking such a large portion of this pool is that interest rates get pushed higher and higher since there is greater competition for available capital.

An alternative to Government borrowing to pay its debts is for it to create more money. However, the result of this policy, as we have seen in the past, is higher inflation. When inflation rises there is little incentive to save, resulting in scarce capital available for businesses to expand and, finally interest rates begin to rise. With higher interest rates comes higher unemployment.

In order to reduce the Federal deficit, the Government must bring discipline to the spending process. This can be achieved in a number of ways.

First, Congress must approve a constitutional amendment mandating a balance Federal budget. The deficits being amassed by the Federal Government have been structurally embedded into the economy. Clearly, Congress and the administration no longer has the ability or willpower to spend only what it takes in. In fact, since 1961, the Federal Government has experienced 22 deficits and only 1 surplus.

The first piece of legislation I introduced in the Senate was a constitutional amendment to balance the Federal budget. Since that time, it has continued to be one of my highest legislative priorities. During the 97th Congress, the Senate approved the amendment, but, unfortunately, the House failed to act upon it.

I remain convinced that the administration and Congress simply do not have the discipline to cut Government spending and balance the budget without a constitutional amendment. The people of our Nation, after years of listening to vague promises from their elected officials, have lost faith in the ability of Congress to do what is necessary to balance the budget. I believe the balanced budget amendment will restore the American people's confidence in the Government and the economy and reimpose the spending constraints that our Founding Fathers originally assumed.

In order to meet the challenge before us and achieve the goal of a balanced Federal budget a broad bipartisan approach is needed. The deficit is not a Democratic problem or a Republican problem—it is an American problem. I propose that Congress and the administration establish a bipartisan commission, similar to the Social Security Commission, to study the Federal budget and the approaches needed to meet our critical needs for tax and spending reforms. The commission would be comprised of representatives from all sectors of our economy and would be charged with the responsibility of evaluating proposals for reform in the budget process in terms of traditional doctrines such as fairness, simplicity, economic efficiency, and distribution to the tax burden. This would be a major undertaking but necessary for positive change.

No effort to achieve a balanced budget can be successful without cutting Federal spending, and, at the same time, raising new revenue. There are at least two actions which could be taken immediately to achieve these goals: First, through extensive tax reform and, second, through the elimination of waste and abuse within Government agencies, particularly the Department of Defense.

In recent years we have developed a tax system burdened with appalling complexities and tarnished by distrust. It is perceived by those who bear its burden as unfair. Many people say it

punishes, rather than rewards, those who would work and save. As a result, our tax policies have placed our tax system into distrust.

One area ripe for reform is the maze of tax loopholes that have developed over many years to benefit special interests. These loopholes result in revenue losses attributable to special tax exclusions, exemptions or reductions from gross income, or a special credit, a preferential tax rate or a deferral of tax liability. Many of these special exemptions and exclusions are legitimate and serve an important purpose, such as the deduction for home mortgage interest. However, there are countless others which serve very little useful purpose other than to rob the Federal Treasury of needed revenue.

The Joint Committee on Taxation estimates that, for fiscal year 1984, the total revenue loss from these tax loopholes will be almost $330 billion and that it will exceed $490 billion by fiscal year 1988. During this same period, deficits will remain at about $200 billion and spending will range between $800 and $900 billion. It is clear that Congress could take a major step toward reducing the Federal deficit by initiating reforms in this area of the tax law.

A second step which must be taken is the elimination of waste and abuse in the Department of Defense. It has been estimated that waste and abuse adds from 10 percent to 30 percent to military costs, resulting in millions of taxpayers' dollars being wasted each year. For example, in 1984 our defense program is expected to cost the Nation approximately $265 billion. Assuming 15 percent of this figure can be attributed to waste and abuse, the Government would be spending over $39 billion needlessly.

Reform is badly needed in the procurement of spare parts. According to the Office of Management and Budget, the Department of Defense will spend about $22 billion to purchase spare parts this fiscal year.

The list of spare parts bought by the Defense Department at grossly inflated and unjustified sums could seemingly go on forever: $36.77 for a $1.08 machine screw; $726.86 for a $7.99 electrical plug; $44 for a 17 cent lamp bulb; $112 for a microcircuit available for $2.37; $110 for a 4 cent diode. Also, contractors are frequently given a blank check to raise prices on spare parts—with the boost in prices often unbelievable. For example, three Air Force engine components rose from $6,000 each in 1981 to $45,000 each in 1982.

Sometimes, drastic cost increases spring from maintaining old equipment. In 1967, the Air Force bought 25 electronic components for its Minuteman Missile at $175 each. When 24 more were needed in 1981, the price per unit had gone all the way up to $2,470.

Another example of how the military parts procurement process does not work sits just behind the cockpit of the AWACS radar plane on the leg of a folding stool—a small plastic cap that the Air Force paid $1,118.16 for—roughly the cost of the plastic plus $1,118. It wasn't as bad as it appears, however, the supplier only billed the Air Force $916 each. The other $200 plus came from a standard defense surcharge to cover "such costs as inflation, transportation costs, special packaging, obsolescence, breakage, deterioration, pilferage, etc."

I have been pleased at recent efforts to rid the Department of Defense of waste and abuse. The 1983 Defense authorization bill includes a comprehensive program for reform of the Defense Department's procurement practices and should save taxpayers hundreds of millions of dollars annually. Also, the Senate recently passed legislation to establish a competition advocate general in each agency and branch of service of the Defense Department. It will be the responsibility of the advocate general to identify opportunities that will achieve greater competition and lower prices for Defense contracts.

We must continue to search for ways to halt unnecessary spending by the Defense Department and other agencies of the Federal Government. This initiative, combined with a comprehensive reform of our tax laws, would go a long way toward reducing the Federal deficit and balancing the budget. For too long we have heard a great deal of rhetoric about the deficit, but have seen far too little action. This is a problem to which we can no longer afford to attach partisan political concerns. It is our responsibility to rise to this challenge with courage and selflessnesss and take the steps necessary to ensure a sound and secure future for our children.

BONNEVILLE POWER ADMINISTRATION BONDS

Mr. PACKWOOD. I have a question for the distinguished chairman of the Finance Committee about the recently passed Deficit Reduction Act of 1984. Section 622 of the act exempts certain guarantees from the restrictions on federally guaranteed tax-exempt bonds. Among the exemptions is an exemption of guarantees on bonds—issued before July 1, 1989—by the Bonneville Power Administration pursuant to the Northwest Power Act as in effect on the date of enactment of the Tax Reform Act of 1984. I understand that the phrase "as in effect on the date of enactment of the Tax Reform Act of 1984" refers to the provisions of the Northwest Power Act, and not to any particular guarantee. Thus, the guarantee itself need not be in effect on the date of enactment to be exempt from the restriction. Is that correct?

Mr. DOLE. That is my understanding.

Mr. PACKWOOD. I thank the distinguished chairman of the Finance Committee.

DEMOCRACY IN SOUTH KOREA

Mr. KENNEDY. Mr. President, one of the great champions of democracy and human freedom in Korea is Mr. Kim Young-Sam. In May, 1984, Mr. Kim Young-Sam and Mr. Kim Dae-Jung formed the Council for Promotion of Democracy in Korea. They were elected cochairmen of this important new organization.

The Council for Promotion of Democracy symbolizes the unity and cooperation that now exists among all the democratic forces in South Korea and abroad.

On the occasion of the anniversary of the Kwangju incident in May, Mr. Kim Young-Sam issued "A Message to the People of Korea and Friends Abroad." In that message, Mr. Kim reports that the substance of the military dictatorship in South Korea remains unchanged. Mr. Kim states that, "It is an oppressive regime which rules by deception and violence and continues to suppress our people."

He calls upon the people of South Korea to work for democracy in that country. He states:

> For some time now we have been entrapped by a violent dictatorial oppression under which we are not able to express our genuine opinions, and under which we have become accustomed to false elective processes, the fraudulence, and the violence of the political authorities. Fundamentally democracy means freedom of speech. The time has come for us to cast off our fear, open our gagged mouths and call forth a storm of speech. Such an outcry must lead to the opening of the blocked ears of the dictatorial rulers . . . Each one of us must be armed with righteous courage, and we must gather our scattered forces into one organized whole . . .
>
> Democracy is never something which is handed to us by someone else. Democracy is a value which we must grasp, pursue and build for ourselves. Democracy in this country will finally rest upon bedrock only when we fully prove the vastness of the strength which flows from the just conscience of a peaceful and nonviolent democratic citizenry.

Mr. President, I believe there is much to be learned from the powerful words of Mr. Kim Young-Sam, and I respectfully request that his "Message to the People of Korea and Friends Abroad" be inserted in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

A MESSAGE TO THE PEOPLE OF KOREA AND FRIENDS ABROAD

(By Kim Young-Sam)

It is with anguish of heart that I greet this day of the year once again. On this day of last year I decided to put all else aside and begin an unlimited hunger strike as my last available act of service for this nation and my people, that I might help toward the revival of democracy in this land. That hunger strike resulted from my determination to participate in a humble way in the suffering of the thousands who had been killed or injured in the Kwangju Incident of May, 1980 and the agony of their families, and at the same time to serve our nation out of my fervent hope for the revival of democracy. In the end my sincere prayers were frustrated, yet within this land such persons as Hahm Sok-hon, Hong Nam-soon, Moon Ik-whan, Lee Moon-young, Ye Choon-ho, and Kim Chul joined in the struggle by participating in the hunger strike, many citizens who heard of the hunger strike sent messages of encouragement, while from abroad Kim Dae-jung and other persons of justice and conscience who love freedom and democracy sent their support and encouragement. At this time I would like to express my sincerest appreciation to all my fellow citizens both here and abroad, and to all other friends who shared their concern for my life during the hunger strike struggle, and who joined in reconfirming their ardent commitment to the cause of democracy.

Even though a number of measures taken in the ensuing year serve as window-dressing for the regime, in reality the substance of the military dictatorship remains unchanged. It is an oppressive regime which rules by deception and violence and continues to suppress our people, while no steps whatever have been taken to move this nation closer to democracy. A measure allowing expelled students to return to their campuses has merely prolonged the vicious cycle of expulsion, imprisonment and exile for students. Because the cause which motivates students to protest, the struggle for democracy, has not been permitted to progress at all. Although there have been six suspicious deaths of students forced into punitive military service recently, the so-called "suggested withdrawal from college" system which functions as a method for forcing military service continues to operate. Furthermore, the recent granting of "campus autonomy" has evoked great concern, since it appears to be no more than a preparatory step leading to even greater oppression, involving ever-increasing deception and retaliation. The government's branding students as communist sympathizers or leftists, forcibly alienating them from the ranks of the public, driving a wedge between the students and the population, is a criminal form of dividing the people for enhancing its own power, thus serving the interests of north Korean communism by weakening and undermining the anticommunist stance of our people.

The partial lifting of the ban on the activity of politicians was belated, and instead of representing a firm commitment to realize democracy, it has been nothing more than a form of political manipulation. The majority of dismissed professors, journalists and workers remain confronted with the stark reality of the struggle for economic survival. In order to prolong its own existence the present regime concocts legislation for national defense, press control and labor affairs without exhibiting the least suggestion of meaningful reform.

At this moment in time I would like to express my views and to represent my sincere and earnest appeal to all of you both here in Korea and abroad in behalf of our most lofty calling in this generation, the realization of true democracy. First, I would like to address the present government. The large-scale inhumane accidents and stupendous financial scandals involving public power which have taken place under this regime, together with such events as the Kwangju Incident and the progress through which this regime established itself, have failed to elicit any serious reflection upon these historic crimes or any indication of repentance. Futhermore, these horrible events have been the inevitable result of the insatiable lust for power of the regime. The experience of history suggests that mistakes not followed by reflection or repentance lead to further mistakes, while evil is followed by ever-greater evil. Should the present regime continue in its preoccupation with concealing its own crimes while continuing to contrive the strengthening of controls and enforcement of conformity, I must warn that this nation and its people will be drawn into greater misfortune and tragedy.

The present regime is now planning an election for representatives for a ham-strung, rubber-stamp national Assembly, providing neither for reforms in the political system in the direction of true democracy, nor equality among the citizens of the nation, nor guarantees of a free exercise of the right to vote. This "election" in name alone can serve no other purpose than the perpetuation of the extraordinary powers of the present regime, and regardless of the results, it will be used brazenly as a means to advance the so-called "legitimacy" of the regime.

I would like to declare firmly that the true meaning of the election and its legitimacy could be validated only if the election system is reformed democratically, the use of physical coercion to enforce political conformity is completely abolished, the peaceful transfer of political power is clearly guaranteed through constitutional revision, and concrete steps for democratization and its timing are clearly indicated in a firm commitment formed through the common consent of the public. Otherwise even a general election could be used as a means for underpinning the perpetuation of military dictatorship.

Furthermore, I would like to announce my readiness to share in dialogue without conditions and to cooperate with the present regime at any time if the government is willing to express its determination to do the following: (1) to return to their jobs the journalists, professors and laborers who have been fired in the wake of this government's inception and subsequent development; (2) to completely abolish the restrictions on political activity; (3) to guarantee freedom of the press; (4) to reform in a democratic direction the legal devices which have been used to inhibit democracy and agree to a timetable for democratization; (5) to determine to withdraw the military from involvement in politics and restore to it the respect and trust of the people; and (6) finally, to give evidence of a commitment to allow true popular democracy a firm footing in this land.

I would like to address the members of the press. I know only too well that the government maintains top priority for restricting the press and repressing journalists, since if the regime should grant to the people the freedom to criticize and to you of the press a guarantee of freedom, they could not maintain the government's power for a single day. I cannot help but mention that I know there are among you those who are easily discouraged under this repression of the press, and some who adjust to the situation of suppression or tend toward trying to survive. Yet I am also aware that among you there are many who suffer inwardly under these circumstances because of your journalistic ideals. Yet the maintaining of these personal ideals is not enough by itself to justify accommodation. A free press is possible only when you as journalists both preserve the ideals of a free press and also struggle to put them into practice. The press is the last bastion standing for human rights and social justice, it is the power of society to purify itself of injustice and corruption, and it is the source of common purpose and the fountain of unifying strength in society.

Thus it has been extremely unfortunate that the press has recently given the impression of fostering discord and division among our people in reporting issues related to workers and students. I know this has not been your true intention, and yet you must be more deeply aware of the vast extent of the damage inflicted upon society and the nation by reporting in this way instead of maintaining silence. You must perceive deeply the extent of the censure and mistrust which this has generated among students and your successors in our society.

I would address a word to the judiciary of this nation. You will recall that even Pilate, who passed the sentence of death by crucification upon Jesus Christ, had his own inner, personal conflicts and agonies. I know that you, too, share the kind of conflicts and agonies which troubled Pilate. But you are not called upon to present yourselves before society as troubled invididuals, rather you are expected to present yourselves as responsible persons making legal judgments according to conscience. You should know that your personal agonies and mistakes cannot be assuaged by soliloquizing that the time of harsh emergency decrees has passed because it has been replaced by the national defense and other laws limiting the freedom of speech and assembly. The judgment to apply the national defense law against students has such destructive consequences for the future life of young people in this nation that you must reflect deeply upon the implications of what you have done.

I would like to say a word to the politicians of this country who are participating in the present system. You have the habit of referring to the slogans and demonstrations of students as being "irregular politics." But you must realize that the very activities which you criticize for being outside of legitimate politics are taking place precisely because you yourselves are fulfilling neither your roles nor duties as political leaders. If student expulsions and imprisonments are not merely the consequence of students' personal demands, then it is up to you to take the lead in searching out the wider social reasons for unrest, identifying them all and finding the ways to resolve these issues. You establishment politicians, though, are fleeing from your responsibilities. In your great wisdom you claim that student power around the world is at a low ebb and that it is a disorder in society which you want to drive from our midst. But the issue of "student power" in this nation is an integral part of the quest for the normaliza-

tion of parliamentary functioning. And since normalized parliamentary functioning cannot take place without democratic principles based upon the separation of the three branches of government, it is essential that you be aware of the urgency of the students' appeals. You are fond of saying that students are in need of repentance, awakening and exertion to enable them to concentrate fully upon their studies, but you assiduously avoid applying these demands to yourselves in your role as politicians. You also need ears with which to hear the cries of workers and farmers in their extremity, and mouths with which to raise your voices courageously in their behalf.

I would also address a word to the students of this land who are dedicated to right and justice. Since your ideals are pure, your spirits just, and since your ardor is directed toward the people of this land, their democratic life and their welfare. I want to speak a word of comfort to you who must suffer interrogations and inspections on the streets and public flogging through the concerted voice of all the media. You are sacrificing everything, not for your own gain, but for your people and your country. That takes real courage, and this country will survive precisely because of that coverage. Because you are there, our people are able to find hope for tomorrow. And because of the way in which you students must suffer, we can only admit that you are paying the price for the sins of this era in our land.

As one who feels a sense of responsibility for this era and our situation, I can only feel in my heart a deep sense of pain at the scorn and suffering which you are forced to endure. I only wish that there were some way in which I could have the opportunity or the strength to bear in your stead the cross which you carry. I confess that when I see reports of the way in which you must suffer abuse and hardship, I feel as though I were myself under the pain of torture. The authorities and the press of this nation are using the strategy of treating you as if you were a monolithic mass of radicals. This stratagem may well be a tactic designed to justify heavy repression on the campuses. I sincerely hope that you will not be put in the position of providing a justification for further repression, and I sincerely entreat you to exercise self-control and due caution for your safety's sake. There is little I can do, but I will gladly share in bearing the burden of the appeal that comes from your conscience.

Next I would speak a word to all of you who yearn for true democracy. For some time now we have been entrapped by a violent dictatorial oppression under which we are not able to express our genuine opinions, and under which we have become accustomed to the false elective processes, the fraudulence, and the violence of the political authorities. Fundamentally democracy means freedom of speech. The time has come for us to cast off our fear, open our gagged mouths and call forth a storm of speech. Such an outcry must lead to the opening of the blocked ears of the dictatorial rulers. The best way to prevent dictatorship and bring about democracy is to teach our dictatorial rulers to fear the strength of the people. Each one of us must be armed with righteous courage, and we must gather our scattered forces into one organized whole. Dictatorial authority seeks to divide and rule. We must not be taken in by schemes which seek to alienate students from the rest of the population, or the campuses from the military. We must judge the real situation accurately with our eyes wide open.

Democracy is never something which is handed to us by someone else. Democracy is a value which we must grasp, pursue and build for ourselves. Democracy in this country will finally rest upon bedrock only when we fully prove the vastness of the strength which flows from the just conscience of a peaceful and nonviolent democratic citizenry. If violence, division and oppression are the weapons of the present regime, our weapons must be reconciliation, unity and forgiveness. We may have nothing, and we may have no help, but history and the God of Justice are on our side. Dictatorial rule carries within it the fearful possibility of destruction, yet we believe that in the end there is hope that we will establish true democracy with our own hands. And holding fast to this best hope is indeed our strongest, final defense as we work for the day when we shall raise our cheers for democracy.

Finally, I will address a last word to myself. I am a firm believer in democracy who was not able to establish democracy in this nation even after the lesson of the assassination of Park Chung-hee in October, 1979, and who was not able to prevent the tragedy in Kwangju in 1980. I am an activist who must take to heart his responsibility to serve this nation and people without regard to personal feelings or gain. And I am not a quitter, who must willingly carry any burden which may be required in behalf of internal peace and peace on the Korean peninsula through the establishing of democracy, or in behalf of the reunification of our divided people. As long as I may live, as such a humble, but determined man I will continue my patriotic dedication to the cause of democracy.

U.S. SENATE,
Washington, DC, July 3, 1984.

KIM YOUNG SAM,
c/o Dr. Woong K. Cho,
Vicksburg, MI.

DEAR FRIEND: Thank you very much for your recent note expressing your support of my work in the Senate.

I am grateful for your comments and appreciate your taking the time to write. I hope that you will continue to share your views with me in the months ahead and look forward to working with you for the goals we share for the country.

Thank you again for your thoughtful letter.

With best wishes,
Sincerely,

EDWARD M. KENNEDY.

FORCED RELOCATION IN SOUTH AFRICA

Mr. KENNEDY. Mr. President, I recently received a small booklet entitled "The Myth of Voluntary Removals" published by the Transvaal Rural Action Committee in Johannesburg, South Africa. It contains a report on the policy of forced relocation of black people being implemented by the Government of South Africa; 3½ million people have already been moved from their homes, and another 2 million are still scheduled to be moved in the future.

I commend this report to everyone who cares about human dignity and human rights. This report makes absolutely clear that the South African Government's policy of forced relocation continues unabated and that the era of "voluntary removals" is nothing more than a clever public relations campaign. As the report states:

The basic question is whether sweet-talk alone is enough to convince people to leave their homes and everything they have built up and participate in their own removal . . .

In many cases it succeeds; removals become "voluntary." Not because the people concerned want to go, but because their resistance is not united enough and well organized enough to bring the force involved in removals into the open. In many cases people are terrified of challenging the State precisely because they know this will bring force into play. For different and varied reasons, some communities crumble at one of the early stages in the process of "persuasion" and another "voluntary" removal has been accomplished.

This report is important, not only because it provides us with a sharp analysis of governmental policy in South Africa with respect to forced relocation, but also because it has details of specific instances. We learn about Botlokwa in Northern Transvaal in 1979, about Mathopiestad in the Western Transvaal, about Kwa Ngema in the Eastern Transvaal and about Mogopa. As the report states:

The majority of people who have been moved have been moved as individual families, one by one off white farms or out of locations. These are the saddest and most lonely removals at all. They happen with eviction notices and endorsement-out stamps. They generally happen to people with no legal rights who cannot legally stop them. Often these people refuse to leave their houses, or they are arrested, or their houses are burnt down, but in the end they have to go.

And, once again, we are told of the brute force used by the authorities to remove the people of Mogopa.

In the early hours of 14th February, Mogopa was surrounded by armed police. At 4 a.m. the people were informed through loud hailers that they must load their possessions into trucks and go to Pachsdraai. Nobody was allowed to leave their houses. Jacob More took the police and the officials to the houses of all the leaders first. They were handcuffed and put into police vans. Their families refused to pack their possession; Government laborers did so. Women were carried into the lorries and buses. People tried to run away and children were loaded with the furniture and dispatched to Pachsdraai. All of this happened in the presence of armed policemen who had dogs at their disposal. People caught standing together outside their houses were beaten with batons. Parents became desperate to find their children and got onto the buses to Pachsdraai to go and look for them there.

The policy of forced relocation now being implemented by the Government of South Africa is abhorrent to civilized society throughout the world. We cannot be silent about such gross abuses of human dignity and human rights, and the Government of the

United States should join with other nations of the world to pursue policies aimed at halting forced relocations and ultimately eliminating apartheid from the face of the Earth.

I request that this nine-page report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE MYTH OF VOLUNTARY REMOVALS

[From TRAC—A Black Sash Project]

INTRODUCTION

After the outcry over the conditions of starvation and suffering in the Resettlement Camps of the '60s and '70s the State began to soften its methods of relocating Black people. In the last few years senior government officials have repeatedly stated that the era of forced removals is over.

In June 1983 the Deputy Minister of Development and Land Affairs, Hennie van der Walt, told the Vaderland: "I readily admit that we made mistakes in the past. So much so that black communities had to be removed by force and often resettled in critical circumstances. Our biggest mistake was that we did not undertake these resettlement actions in cooperation with the black communities. A lack of consultation between the government and the black people concerned led to numerous unfortunate incidents. In 1980, the then Commission for Co-operation and Development found that resettlement of people where only a tent, hut or bucket latrine were available was no longer acceptable. The days when police had to help load people onto trucks and the resistance which followed certain actions amongst black people are past." (Quoted in RDM, 18.11.83)

However, there have been no statements that the removal of black people from their homes to areas within the Reserves will stop. Throughout this recent period of "reform", removals have continued apace. The S.P.P. estimates that at least two million people are scheduled to be moved in the future.

But according to the State they are to be moved "nicely". A 1982 government circular sent to all officials in charge of individual removals says: "In the course of the settlement process, persons must be treated with the necessary human kindness at all times. Those being settled must be treated with respect and sympathy for their problems, and the impression must not be created that they are no longer welcome in the white areas. The sincerity and reasonableness of the Government's policy of separate development must constantly, whenever the opportunity arises, be explained and emphasized. Under no circumstances should an action be taken which would give Black persons reason to be dissatisfied." (General Circular No. 2 1982, pp 43 & 44.)

Clearly this is part of a "hearts and minds" campaign. The State has ushered in the era of "Voluntary Removals". How successful will this new approach be? The basic question is whether sweet-talk alone is enough to convince people to leave their homes and everything they have built up and participate in their own removal.

Recent events in the Transvaal show that it is not. They also show that the sweet-talk runs out very early in the process of "persuasion"—in fact as soon as there is any sign of resistance. The State follows a fairly set pattern in dealing with communities under threat of removal. The stages of this pattern involve an escalating use of force. If the Community crumbles at the first attempt to divide it the removal issue becomes lost in a confusion of "leadership splits", "tribal disputes" and "voluntary removals". Co-operation and Development has kept its hands clean (publicly anyway) and can sigh sadly at the Blacks' propensity to squabble amongst themselves. However, if the gentle nudgings of parked bulldozers, no pensions, no passes, smashed schools and no water are ignored, and the people still refuse to move, the gloves come off. The community is given a D-day and told, that on that day, they will be moved.

It is at this point that the issue is recognized as a "Forced Removal" and factors such as local and international support and pressure come into play. It is precisely this arena the State wishes to avoid for its removal programme. In many cases it succeeds; removals become "voluntary". Not because the people concerned want to go, but because their resistance is not united enough and well organised enough to bring the force involved in removals into the open. In many cases people are terrified of challenging the State precisely because they know this will bring force into play. For different and varied reasons some communities crumble at one of the early stages in the process of "persuasion" and another "voluntary" removal has been accomplished.

THE STAGES OF PERSUASION

1. The timing

Communities first learn that they are under threat of removal when it is announced to them by the local Commissioner and Pretoria officials at a specially called meeting. If there is an immediate strong negative reaction these officials may disappear for years and only return when there is evidence that the community is in a weak position, or there is some evidence of a split in the community. The example of Mogopa illustrates this well. The people boast about the number of officials they sent scampering over the years and the way in which they managed to preserve the status quo. However, in September 1981 the tribe voted to despose their headman, Jacob More, for corruption and failing to respond to tribal discipline. The local Commissioner refused to accept their decision and created a furore by saying, "I as a white man and Magistrate of this whole area say Jacob More will rule until he dies." (As an agent of the State President who is Paramount Chief of all Blacks, he was legally quite within his powers in making this statement). A Commission of Enquiry was set up to investigate the headman's financial dealings, hundreds of men came to give evidence over several weeks and during this time the Pretoria officials returned and informed the people they would have to move. There was the customary outcry and refusal. But this time the officials did not go away. They stayed to "negotiate" with Jacob More.

A similar thing happened in Botlokwa in the Northern Transvaal in 1979. An area ruled by 3 chiefs was scheduled to be moved. Two of the chiefs were vehemently opposed to the removal, the third was scared and out of his depth. The government started with him.

With the vast number of South Africans still to be moved the State can afford to bide its time in any particular case and get busy in those areas where there are weaknesses in the community.

2. Divide and rule

2.1 Setting up your partner

The State places a lot of emphasis on "consultation" these days. It doesn't really matter what happens in the consultation as long as it is seen to occur. However, it is obviously much easier for the Government if their partners in consultation are friendly. To this end, in virtually every black spot removal, the person recognised by the State as "chief" is offered all sorts of perks on condition that he co-operates.

In Mathopiestad in the Western Transvaal the chief was offered a big house previously occupied by a White farmer. He was also offered proper accommodation for all his extended family at Onderstepoort if he agreed to move there. He did agree, and shortly afterwards died of an undiagnosed stomach complaint in mysterious circumstances.

The people of the semi-rural location at Badplaas were ordered to move on Wednesday, 11 January, this year. The area designated for them is a tin toilet town thirty kilometres away. It has none of the now usual brick schools and clinics. The people were told they would get a R200 "parting gift" from the Public Resort at Badplaas, but no compensation for their houses or improvements. Their chief, on the other hand, was offered a White farm of his choice for the use of himself and his royal kraal, on condition that he did not obstruct the removal of the villagers to the tin toilet town in Ka-Ngwane. (He is Johannes Dlamini, a senior Swazi chief and ex-homeland leader). He refused the offer and not one Badplaas resident complied with the removal deadline of 11 January 1984.

At Mogopa the removal was negotiated secretively, behind closed doors, between Co-operation and Development officials and the deposed headman and some of his cohorts, named a "planning committee". The Mogopa people applied to their lawyers to have the meetings made open to the villagers. But this never happened. Then in June 1983 bulldozers smashed the schools and churches at Mogopa and some of the houses. A minority moved to Pachsdraai. All the facilites at Pachsdraai were given to the deposed headman and his "planning committee" to allocate. They allocated themselves the White farm houses there. The doors and window frames and roofing materials from the smashed schools at Mogopa are now in a big shed in the deposed chief's yard at Pachsdraai. Mogopa was bought communally in 1913 and divided equally between the buyers, now the allocation of all the fields and grazing land at Pachsdraai is controlled by Jacob More, a man deposed because of his corrupt use of the tribe's resources.

There are many places where Co-operation and Development officials cannot find leaders prepared to negotiate the removal and so set up certain individuals as their consulting partners. An example of this strategy is shown in the Kwa Ngema story. Kwa Ngema is a very fertile and beautiful black spot in the Eastern Transvaal. A certain Stuurman Ngema was given the land in 1904 by King Edward the Seventh. Since then his heirs and successors have lived there as a large extended family with tenants who hire some of the land from them. As privately owned land Kwa Ngema is not part of the tribal authority system and the system of chiefdom does not apply to it. A loose system operates whereby a member of the family is chosen to be a representative

in dealings with outsiders. If this person is seen as unsatisfactory, he is changed. This happened in 1982. One Gabriel Ngema, the family's representative, was rejected by the family because of his willingness to negotiate the removal of Kwa Ngema. He was then replaced by the Ngema Committee, chaired by Moses Ngema. Both Gabriel and the Ngema Committee went to the Magistrate in Wakkerstroom to inform him of the change of leadership. There then began a long battle. Co-operation and Development officials continued to deal with Gabriel, for example in numbering houses and organising buses "to view the new area". The Ngema Committee has proved its community support to officials in numerous general meetings. Again and again all assembled say: "We support the Ngema Committee, not Gabriel; we are not prepared to move."

In September last year, Co-operation and Development sent a Government ethnologist to Kwa Ngema. He decided that "Gabriel Ngema is the successor of the late Stuurman and, therefore, the Government has no other option but to deal with him alone". This is not how Alfred Ngema, the oldest person at Kwa Ngema, sees the situation: "Gabriel is not a chief, and they are wrong when they say that if our chief leaves we must also go. Gabriel's role was that of being a watchman, the same as a security guard at a firm. I don't remember a single case of a security guard selling a firm. Even that role of being a watchman he no longer has. We threw him out in 1982 and he knows that very well. That is why he wants to move, he wants to ruin everyone here because he has no power over us since his position as a watchman was cancelled. He has never been a chief in any way. They know he was put to one side by the people. Let him go in a bus by himself on the 15th to those new places he wants to see." Gabriel Ngema died in February 1984. As yet there has been no indication from the State as to what its next step will be.

The most recent, and one of the most disturbing examples of the setting up of leaders is taking place in Driefontein at the moment. Driefontein is the black spot in the Eastern Transvaal where the resistance leader Saul Mkhize was shot dead when police arrived at a community meeting on April 2 last year.

After his death Koornhof had a meeting with representatives form Driefontein. He met not only the Council Board of Directors (Saul Mkhize's committee), but also Steven Msibi and his committee which had been ousted by the community in December 1982. Koornhof urged to two groups to come together and form a "Planning Committee" to negotiate with the government. On 4 June the Chief Commissioner went to Driefontein and held a meeting there in an attempt to establish the committee. He was informed that the people were not prepared to elect such a committee, or participate in it. After that meeting there was a long silence from Co-operation and Development with no officials visiting the area or dealing with leaders of any description. Then on 27 February this year an unidentified government official accompanied by 4 policemen, held a meeting in Driefontein. Three chiefs from the wider Piet Retief area were invited, as were some people from Iswepe and Piet Retief. A member of the Council Board of Directors of Directora sat in on the meeting, which was on their land. The member reports that the official told the chiefs to recruit Driefontein people to be their followers. The Driefontein Committee is furious. They have never been governed by chiefs, nor did they invite these people to have a meeting on their land.

Thus we see how when a true leader is killed, and a discredited leader refuses to cooperate, new leaders are made.

The process of dividing communities by setting up, bribing and manipulating leaders is generally effective, from the State's point of view. The question of whether to resist or to collaborate splits families down the middle. Once a "leader" has agreed to move and the new area has been bought and developed by the State, the resisters, even if they are in the vast majority, are utterly insecure. It is a primary necessity for the State that someone agree to go somewhere. Then that somewhere can be developed and the physical removal set in progress. This explains the strong focus and convoluted manoeuvering around the leadership issue.

But there are other methods of dividing communities.

2.2 Legals and illegals

An unknown number of the locations of country towns have been moved and are under threat of removal at present. Field work is just beginning to uncover the vast scale of these removals. Sometimes the whole location is meant to go into a nearby homeland (e.g., Badplaas); in other cases a kernel of people is to be retained in a model township and the rest endorsed into a homeland. This is the situation in the Eastern Transvaal township of Leandra where the "legals" are going to live in a model township and the "illegals" are to be sent to Kwa Ndebele. The township is a settled community and the people there say that there are no "illegals" but right now Administration Board officials are sorting Section 10 (1) a and b people from the rest.

2.3 Landlords and tenants

Virtually all Black spots are densely populated. This is because they provide a haven for Blacks evicted from white towns and farms. Sometimes these people live as farming tenants and sometimes as refugee-guests, "squatters" in Government terminology. Officials often try to drive a wedge between these people and the original occupants who have title to the land. In some cases, they offer the landless access to land in the new area, for example, a high proportion of the Mogopa people who moved to Pachsdraai were landless. In other areas they moved the tenants before the landlords, for example, at Matjakaneng near Brits. This leaves a few now vulnerable landowners to be dealt with at leisure.

2.4 Men and women

Officials often visit the threatened areas during the week while the men are away at work. They end up dealing with the people left at home—the very old, the very young, and women. Often the women ask the officials to return at an arranged time over the weekend and they refuse. This can work both ways. In Mogopa it appears that many women agreed to move. In Makgato (Northern Transvaal) the women picked up spades and picks and drew a line between themselves and the officials and said: "You cross this line by your own decision". They didn't.

2.5 One at a time

The majority of people who have been moved have been moved as individual families, one by one off white farms, or out of locations. These are the saddest and most lonely removals of all. They happen with eviction notices and endorsement-out stamps. They generally happen to people with no legal rights who cannot legally stop them. Often these people refuse to leave their houses, or they are arrested, or their houses are burnt down, but in the end they have to go.

Late last year all the people in Driefontein and Kwa Ngema got individual letters from Co-operation and Development asking them to visit the magistrate in Wakkerstroom. Oddly enough, this strategy was short-lived—on arrival in Wakkerstroom the Magistrate refused to see them.

2.6 Stratification

The 1982 Government Circular which has already been quoted lays down the conditions under which people will be "resettled". Those who own land and have urban rights are to get tarred roads and lots of taps. Those with more tenuous rights get less and less. At the bottom of the pile are evicted farm workers, who get dumped in the veld with nothing. What this means in practice is that some people may be moved to make way for others further up the hierarchy.

The Kwa Ngema people have a deed of gift which shows that the farm Kaffir-Locatie is made for their occupation. Black spot dwellers such as they are meant to be moved to equal land with equal resources, and they have been offered Lochiel as their new area. But there are already people at Lochiel who have been living there for close on a century. This community has no title deeds. They have been told that they are going to be moved into KaNgwane to make way for the Ngema people who want their land! The Lochiel people would leave behind their land, on which new schools would be built for the Ngema people, but no new schools would be given to the Lochiel people in KaNgwane.

These divisions have a debilitating and disorganizing effect on communities under threat of removal. But in all the communities we know about, people have continued to resist despite all attempts to divide them.

When the attempts to divide fail to get rid of the people the State brings the next stage of "persuasion" into play.

3. Restrictions in the threatened area

3.1 Prohibiting meetings

In many cases the people resisting removal are not allowed to hold public meetings to discuss their situation and plan their response—even when these meetings are on their own land. At Mgwali in the Eastern Cape the only public means of communication is through church services. Saul Mkhize was shot dead on Easter weekend last year while addressing an open air meeting at Driefontein. The meeting was "illegal" because he had not applied to the magistrate for permission. (An earlier application for permission had been granted on condition that only "Landowners in Driefontein will attend the meeting".)

Recently at Kwa Ngema a meeting of residents held under a roof, in the school was told to disperse because the Magistrate had not been applied to in advance.

3.2 Creating slums

In some cases communities have been resisting removal for over 10 years—and in these years the facilities in the area, such as schools and roads and clinics, are not extended or maintained by the local authorities. In Driefontein people collected money to improve the roads and gave this to the Wakkerstroom Commissioner. No improvements have been made and in bad weather it is impossible to drive from one end of Driefontein to the other. Critically sick

people have to be carried out. In Huhudi in the Northern Cape, the residents have tried to take things into their own hands, but no one is allowed to so much as add a room to a house or fix a broken wall. This strategy is particularly effective in urban areas. Families have to squash more and more people into already over-crowded houses because no new ones are being built. In desperation people move away from the urban areas to nicely laid out areas on Trust Farms adjoining homelands.

The East Rand Administration Board has not had the "finances available" to provide housing on the Reef, but has just built a model township at Ekangela in Kwa Ndebele near Bronkhorstspruit for Section 10 people who will have to commute 90 kilometres to work and lose their urban rights in the process. People are moving there, some we spoke to said they had been on housing waiting lists for many years. During that time they were squashed into township houses with other families. Poorer people, who don't have rights and come from white rural areas go to a less fancy place, Hartebeesfontein, near Brits, where the lucky get a tin shack, the less lucky a tent, and most a bit of veld.

3.3 Cutting off services

The degeneration of the place where people live influences some people to go elsewhere, but I don't know of any case where it has persuaded people to move en masse. Those remaining can now expect that their existing services will be cut off.

In Mogopa, for example, pensions were not paid, annual labour contracts were not stamped, the bus service was cut off, and the shop owner's licenses were not renewed. In early January 1984, the Mogopa Committee managed to correct most of these problems by confronting the local magistrate at various times. It now appears that he conceded to lull them into a false sense of security so that no one would expect the predawn police blitz and forced removal on 14 February.

There is an ongoing battle in Driefontein to get pensions paid and young people issued with reference books, and no easy solution is in sight.

If the community refuses to move after a non-representative "leader" and a small band of followers have left, the schools and churches used by those remaining behind are smashed down.

When Jacob More left Mogopa to go to Pachsdraai in the middle of last year only about 10 families went with him. (Because all his negotiations with the State thus far had been secret, very few people knew what was going on). After this rather feeble exodus a new effort was made to convince people to leave. It was during this time that women were approached during the week and told that they must agree to have their houses numbered. The majority refused, but some agreed. Lorries came to fetch them, and bulldozers smashed their houses as they left, then the bulldozers moved onto the schools and the churches. Officials took the engines from the water pumps away and the story goes that Jacob More threw diesel in their remaining water. The bulldozer was left camped next to the demolished school.

The same thing happened at Makgato in 1979. There the people were able to run away and stay in neighbouring villages when the officials came. After their houses were smashed down they came back to rebuild them. Eventually they won a reprieve from the Government and Makgato is now a settled flourishing community once again.

4. D-day

If the cutting-off of services doesn't work, the government brings the use of force a little closer. The Badplaas people are meant to have moved a year ago, but not one person has left. So in November 1983 Co-operation and Development brought a removal squad and camped it at the entrance of the location. Scores of lorries, houses and tractors are lined up next to the tents where Co-operation and Development labourers sleep. Notices were issued to the villagers that they must move by 11 January. Still they didn't go. Instead the international press converged on Badplaas on 11th January and nothing happened.

The same D-Day tactic flopped in Mogopa. There the villagers took legal action to have the removal squad which was parked on their land removed—on grounds of trespass. They were successful, but immediately the camp was dismantled, they received an Order signed by the State President and Dr. Koornhof that they must leave Mogopa by 29th November 1983 and never return there. The Commissioner who read the Order told them if they didn't leave then they would be loaded up and moved by force.

There was an international outcry and church leaders, political groups, students, The Black Sash, and press camped at Mogopa waiting for the police and trucks to arrive. Needless to say they changed their plans, and did not come, then.

5. The waiting game

What does the State do once they have smashed the schools, stopped the transport, cut off the water, threatened force—and people still refuse to move? One of the most effective things it does is to do nothing. It waits. There is a limit to how long people can live without schools, without pensions, without migrant labour contracts and with daily uncertainty about their future. If it is a matter of who can sit it out, the State is the more likely winner.

After the June demolitions in Mogopa, families began to drift off. Not to Pachsdraai and the hated Jacob More, but to relatives in Bethanie and on the Reef. This meant that they received no compensation, either for their land, with its white owned diamond mine or for their houses and all the communal improvements their families had contributed to since 1913. It makes the removal easier for the state. (One wonders why Pachsdraai cost R8 million, according to Koornhof.)

However, in early December the Mogopa villagers met together and decided that they would take joint action to rebuild Mogopa. They installed a new pump and collected money to start building a new school. People stopped leaving. In January they went to the Commissioner about the pension and pass problems, and managed to solve these. On the 9th January they began rebuilding the school and fixing the roads. Men and women left their jobs to work full-time on the reconstruction of Mogopa. Within a month the school was finished. Everyone was convinced they would be left in peace. Hadn't Louis Nel (Deputy Minister of Foreign Affairs) told them in front of the foreign press that they would not be thrown out into the street? Hadn't Koornhof said that the era of forced removals was over? But, more immediate than any other reason—hadn't they suffered enough?

Through their great courage and hard work the Mogopa people had won the waiting game. So the Government had to act.

6. Brute force

In the early hours of 14th February, Mogopa was surrounded by armed police. At 4 a.m. the people were informed through loud hailers that they must load their possessions into trucks and go to Pachsdraai. Nobody was allowed to leave their houses. Jacob More took the police and the officials to the houses of all the leaders first. They were handcuffed and put into police vans. Their families refused to pack their possessions; Government labourers did so. Women were carried into the lorries and buses. People tried to run away and children were loaded with the furniture and dispatched to Pachsdraai. All of this happened in the presence of armed policemen who had dogs at their disposal. People caught standing together outside their houses were beaten with batons. Parents became desperate to find their children, and got onto the buses to Pachsdraai to go and look for them there.

No outsiders were allowed into Mogopa. The press, diplomats, priests, lawyers and members of The Black Sash, were turned back at the entrance to Mogopa. Those who managed to sneak in through back ways were caught and charged. The police initially said Mogopa was an "Operational Area" but subsequently corrected this; they said that since it was Black land, no whites were allowed to enter—excepting the police, of course, and the white farmers who had free access in and out to buy the people's livestock at a tenth of its value.

CONCLUSION

So here we are, back in the era of forced removals. But we must realize that we never left it. Force underlies every step of the "process of persuasion". To talk about "Voluntary Removal" is a contradiction in terms. Dr. Koornhof's own words indicate the contradiction. He said in Parliament in February 1983;

"I therefore want to tell the honourable members that when they rise to their feet here and try to make everyone believe the falsehoods which they wish to bruit abroad about thousands of people who are going to be moved, as was said again this afternoon, when they also imply that those are forced removals then they do not know what they are talking about."

Yet, significantly, in the same speech he said: "I am on record as stating that the Government and I will do everything possible to abolish the forced removal of people as far as practicable and possible."

There are laws remaining on our Statute Books which make talk of reform and voluntary removals utterly ridiculous. There is the 1927 Black Administration Act which states that the State President may order any black tribe or black person or group of blacks to move from any area to any other area. This law takes no account of any process of expropriation, compensation or negotiation. In the Mogopa case lawyers argued that the order must be discussed by Parliament before it could be executed. The Supreme Court rejected their argument and the lawyers were refused leave to appeal against this judgement.

There is also the Black Prohibition of Interdicts Act of 1956, in terms of which Black people have no common law right to apply for a interdict to stop a removal, whether the removal be legal or not.

There are too many laws like these for us to be able to list them here. They are described in Volume I of the Surplus People's Project Report on forced removals.

However unequal the struggle in terms of the law, in terms of the State's access to military and police force, and its access to money and resources, people continue to resist removal. They know too much about the lives of the three and a half million people already moved to accept the same fate meekly. (This means that over ten percent of the population has already been moved and if the process is ever completed one in every five South Africans will have been moved.)

The Mogopa people have lost their land, their diamonds and a great deal of their livestock and furniture, yet they continue to resist the Government's plans for them. Within a month they had left the hated Pachsdraai and gone to settle in Bethanie, the home of their paramount chief. Because no one is allowed to enter Mogopa now the Mogopa people got special permission to go back there recently. The purpose of their visit—to break down their brand new school which was left standing there. The same people who built it went to fetch the roof and the door and window frames. They are using these to build again in Bethanie.

ROY L. WORTHINGTON: TENNESSEE MAYOR OF THE YEAR

Mr. SASSER. Mr. President, cities and counties across the United States are the governments closest to the people. After all, it is at the local level that our children are educated, our neighborhoods are made safe, and our streets are kept in repair.

As the ranking Democrat on the Senate Subcommittee on Intergovernmental Relations and a three-term member of the Advisory Commission on Intergovernmental Relations, I frequently work with mayors and other local officials to find ways the Federal Government can best help them keep their communities running smoothly.

Officials from cities in Tennessee find an opportunity to sharpen their policy leadership skills and exchange ideas through participation in the municipal league. At the summer meeting of the TML, Mayor Roy L. Worthington was named the 1984 Mayor of the Year. He is now serving his third term as mayor of Manchester, TN.

The choice is a good one. Mayor Worthington is representative of the many fine leaders of local governments throughout our State. His accomplishments on behalf of the city of Manchester are many and he works well with his colleagues at the Tennessee Municipal League.

I ask unanimous consent that a front page article highlighting the career of Mayor Worthington, published in the July 9, 1984, Tennessee Town & City, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORTHINGTON IS MAYOR OF YEAR

Manchester Mayor Roy L. Worthington was acclaimed 1984 Mayor of the Year at this year's TMC Conference. Mayor Worthington, an obvious favorite of his TML colleagues, was greeted by a standing ovation when President Joe Taylor made the long-awaited announcement.

At home Roy is so popular that he was unopposed for his third consecutive term as mayor (a feat not equalled in the memory of the oldest Manchester city officials).

His accomplishments include the purchase and installation of an automated refuse collection system for residential service, a bold and cost-saving step envied by larger municipalities throughout the state. He obtained a TVA grant for an ongoing study to convert solid waste to energy. He also obtained an energy grant for a city-wide energy conservation program.

Conventioneers especially enjoyed a humorous account of how a city as small as Manchester was able to get three Interstate interchanges and how Mayor Worthington got lighting for all of them.

Mayor Worthington, a former President of the Chamber of Commerce, is actively involved in the downtown revitalization program. In 1983 he was named the Manchester C of C's Outstanding Member.

The active mayor has purchased an Emergency I fire truck and a platform fire truck, with the resultant reduction of ISO fire rating from Class 6 to Class 4—an outstanding rating for a city the size of Manchester. He was also instrumental in the purchase of a speaker system for the court house square to be used for civic activities and in emergencies.

Among the Boards Roy Worthington serves on, only a few can be mentioned in one breath: Chairman of the Governor's Tennessee Job Training Council for Coffee and surrounding counties, Chairman of the Elk River Boy Scout Council Fund Drive (bringing in 120% over the goal), Chairman of six counties in the District Ten Job Partnership, district Board member of TML for two terms, Board of Trustees of TML Insurance Pool, Board of South Central Tenn. Development District, and Board of Directors of his church.

Worthington, who is responsible, along with the governor, for initiating "Manchester Time to Shine Day," toured Manchester, England in July 1983, with a hometown choral group, the Westwood Singers.

He is also vitally concerned with neighbors closer to home. He has been active in the recruitment of industry for Manchester, Coffee County and other areas of Tennessee. A joint water system with Tullahoma has been completed during his administration and he serves as a member of the Tri-County L&N Railroad Committee with the goal of maintaining an operating railroad from Tullahoma to Sparta.

For the TML membership at large he has been equally active, attending Board functions with regularity and consistency, making the trips with vigor and evident interest whenever called upon.

Worthington, a widower, may be hedging his bets lest he one day lose a mayoral election. Each week he commutes to Nashville to attend classes at the YMCA Law School. Could he, perhaps, be eyeing yet another award in the not too distant future: "City Attorney of the Year?"

RECEIPT BY JUANITA THORNTON OF THE PRESIDENT'S PRIVATE SECTOR INITIATIVE COMMENDATION

Mr. THURMOND. Mr. President, today I would like to recognize an exceptional native South Carolinian, Ms. Juanita Thornton on her receipt of President Reagan's Private Sector Initiative Commendation. This award is presented to distinguished citizens who provide exemplary volunteer service for the people of our Nation.

Mr. President, Ms. Thornton is a native of Columbia, SC and has served as a trustee of Allen University, her alma mater. As a schoolteacher in the Washington, DC, public school system, Ms. Thornton spent 15 years teaching the youth of our Nation's Capital and became the volunteer head of the D.C. Commission on Aging in 1978. Since accepting this position she has instituted many successful programs aimed at providing the elderly with a better livelihood and a stronger voice regarding the events which affect their daily lives. Additionally, through the commission, she started a program which teaches illiterate older Americans how to read and write. Her remarkable efforts have resulted in greater involvement by the elderly in the proceedings of their local government.

Ms. Thornton has also served older citizens by fighting to keep utility rates down in the District and to increase the number of nursing homes available to the elderly.

Mr. President, earlier this year, Ms. Thornton was honored by the Washingtonian magazine as one of the "1983 Washingtonians of the Year" for her exceptional efforts to make the Nation's Capital a better city. I commend Ms. Thornton for her extraordinary volunteer service to the community and for her many achievements.

THE COMBINATION OF JONATHAN SCHELL AND PRESIDENT REAGAN

Mr. PERCY. Mr. President, I recently had the pleasure of reading an article by Philip W. Buchen in which Mr. Buchen points out that Jonathan Schell and President Reagan have one thing in common: They are both deeply committed to abolishing all nuclear weapons from the face of the Earth.

I, too, believe quite strongly that we must never lose sight of this ultimate arms control goal, a goal which is clearly stated in section 2 of the Arms Control and Disarmament Act. As stated in section 6 of Senate Joint Resolution 212, which the Foreign Relations Committee passed in 1982, the United States should continue to press month after month, year after year, to achieve balanced, stabilizing reductions, looking at the earliest possible time to the elimination of all nuclear weapons from the world's arsenals.

Mr. President, I ask unanimous consent that the article by Mr. Buchen, titled "The Combination of Jonathan

Schell and President Reagan," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COMBINATION OF JONATHAN SCHELL AND PRESIDENT REAGAN

With "The Fate of the Earth," Jonathan Schell, a writer of engaging skill, made an earnest literary effort to improve the world's chances of avoiding a nuclear war. By his detailed and vivid account of the destructive consequences to earthly life and its environment if nations were to employ their present-day nuclear weapons, he sought to persuade his readers that without a world government which would entirely eliminate these weapons, the earth could never be safe.

About the time the book appeared in 1982, the peace movement against nuclear arms was reaching its most recent high. It too was an earnest effort to save the world from a nuclear war. Its principal method at that time was to develop political opposition against the nuclear arms policy of President Reagan's administration and its NATO allies. The effects of the Schell book and of the peace movement have been about the same. Neither has noticeably begun to relieve the world from the danger into which it has been placed by the nuclear arsenals of the major powers.

More recently, Jonathan Schell has acknowledged faults with both his book and the peace movement. He cites the pastoral letter of the American Roman Catholic bishops as typical of the movement. The strong point of the letter was its effort to raise people's moral concern over the problem of nuclear weapons. Its weakness lay in the moderate and partial solutions which the bishops urged of a nuclear freeze on the part of all nations and a pledge by each of no-first-nuclear-use. Schell was even weaker in this regard, because after alarming his readers with his account of the enormous peril of nuclear weapons, he proposed no salutary action at all for them to pursue. Instead of a plan, he had only the vision of a single government for the world which would rule out the possession and use everywhere of nuclear weapons.

Needless to say, his visionary resolution of the problem detracted from Schell's provocative analysis of the problem. Without the encouragement of an achievable and effective outcome, Schell's readers, as well as participants in the peace movement, have been left without the resolve which people need to continue confronting a problem so large and forbidding as this one.

Jonathan Schell's current book just published is The Abolition. The title relates back to abolition of slavery, but the contents relate to ridding the world of nuclear weapons. Making up for the fault he finds with his original book on the nuclear weapons problem, the author now has a goal to propose which he argues is attainable.

His goal for the world is no less than complete nuclear disarmament through international negotiations and treaties. He proposes it notwithstanding that the Harvard Nuclear Study Group in its Living with Nuclear Weapons and editors of the New York Times have concluded that no such goal could ever be achieved. He concedes also that within the peace movement as it has developed up to now, the possibility of full nuclear disarmament if mentioned at all, is treated in a perfunctory and almost casual way.

Neither of these common attitudes toward abolition of nuclear weapons deters Schell. He is impelled rather by the pointlessness of taking steps to cut back on levels of nuclear weapons if such steps are not to lead in time to eliminating completely the danger of their existence and thus of their accidental or intentional use. Schell makes his case for full nuclear disarmament without alluding directly to the precedents that the world has in reality freed itself from slavery and, more to the point, that nations have accepted as a commitment and as a real possibility the total elimination of biological and chemical weapons. These precedents do suggest that the ruling powers of the world can think practically, as Schell has proposed, of going all the way to rid the earth of such an equally evil presence as nuclear weapons.

Schell admits that out of this evil presence arises some virtue, which reassures those who accept the evil as necessary or inevitable. The virtue comes from the international stability attributable to the mutual deterrence that nuclear weapons now provide by their presence. His idea of abolition would not remove this virtue. Powerful nations would still know how to restart their construction of nuclear weapons, and even in their disarmed condition they would maintain a capacity to do so. That capacity in itself should operate as a deterrent against any armed attack which might provoke the nation attacked into reinstituting nuclear weapons as a countermeasure.

Schell makes a special effort to rally readers to his abolition proposal who would otherwise support only a partial reduction of nuclear weapons, one that would still leave in place relatively sparse nuclear arsenals like those of the British and French for a "minimum deterrence." To the surprise no doubt of all his readers, he cites both President Carter and President Reagan as true nuclear abolitionists because each has "hinted" that total nuclear disarmament and nothing less is his objective. Schell is correct about President Reagan's hint to that effect. Before an audience of students in June 1983 who had been awarded Presidential scholarships, he remarked: "I pray for the day when nuclear weapons will no longer exist anywhere on earth."

President Reagan has since that time done more than give a hint of where he places his goal for nuclear arms reduction. On May 22, 1984, the President forthrightly proclaimed: "My goal is the total elimination of nuclear weapons."

The President included this statement in his answer to a question at a news conference about the intensified fears people have over the risk of a third world war. An added part of his answer was his stated expectation that if only the Soviets would return to negotiations with the United States on the nuclear arms problem and "start down the road of mutual reduction, then they might find out what common sense it would mean to eliminate it."

In this way, the President has defined the direction in which he wants to move arms talks with the Soviets. Consistent with his announced goal, he would make any renewed negotiations but a first step toward complete nuclear disarmament. If he has intended by these words an out-and-out commitment to work for complete riddance of nuclear weapons, then the commitment is a momentous first for this President and probably a first for any leader of a nuclear-armed nation.

Furthermore, President Reagan's newly proclaimed goal for nuclear arms negotiations puts him in the abolitionist company of Jonathan Schell and also places him in the vanguard of the peace movement. It shows a determination to outdistance critics of his nuclear arms policy whose goals for nuclear disarmament are uncertain or more moderate and to set an objective which is far more worthy and appealing than theirs.

The question remains whether the President will give further signs of his remarkable commitment and will show a genuine interest in pursuing it. He had an opportunity to do so with his address on the nuclear arms problem to the Irish Parliament, but he shied away from It. One reason may have been the manner in which the press and public had received the first sign he had given just two weeks before then of his ambitious intentions for negotiations on nuclear arms reduction.

Taking part in the evening news conference, when the President had initially stated his intentions, were representatives of the major newspapers, news services, and broadcast networks. Even so, the statement went virtually unreported by the news media and seems to have evoked no public reaction. Moreover, when Senator Charles Percy asked Deputy Secretary of State Kenneth Dam at a Senate Foreign Relations Committee hearing on June 13, 1984, about the President's views on nuclear abolition, he responded in a gingerly manner that the President is "sympathetic" to the goal of totally eliminating nuclear weapons. This spokesman seems not yet to have learned about the President's own much bolder statement on the subject.

If the press and the public, as well as people in government who serve the President on arms control, would begin giving serious attention to the goal of total nuclear disarmament, then the President and Jonathan Schell may discover whether as nuclear abolitionists they can gain a following or whether in this respect they must remain a company of lonely visionaries.

SOCIAL SECURITY COLA, 1985

Mr. PRYOR. Mr. President, on July 26 the Senate overwhelmingly approved a measure which would provide that Social Security and supplemental security income beneficiaries receive a much-needed cost-of-living adjustment in January 1985. I firmly endorse the Senate's action, and hope that the House of Representatives will soon approve this measure, as well. The President has already expressed his support for this action, so Social Security retirees, the disabled, and supplemental security income beneficiaries throughout our Nation are all but assured a January COLA.

Prior to 1983, the law allowed an annual COLA for these beneficiaries every July 1, provided that the cost of living for the previous year rises by 3 percent or more. In 1983, as part of the Social Security financing package, the Congress and the President delayed the annual COLA for 6 months. While this delay translated into an actual loss in real terms, beneficiaries were willing to forgo their much-needed increase to do their part to make efforts to stabilize the then-ailing trust fund a success.

I might add that while not all provisions of the 1983 amendments were without criticism, the highest priority of the President, the Congress, and the American people was that of financial stability for this most important program. The Social Security financing amendments will remain one of the major achievements of the 98th Congress.

As part of the amendments, the assumption was made that in January 1985 the cost-of-living adjustment would be 4.7 percent at a cost to the trust fund of $8.3 billion in benefit payments. The legislation the Senate has approved allows for a January 1985 COLA of about 2.8 percent, roughly $3.3 billion less than the 1983 amendments estimated. And because, under the law, the increase in the cost of living for any year in which a January COLA increase is not given is automatically included in the next year's COLA, there is not a significant cost to the trust fund. The legislation merely provides for the increase on a timely basis. Social Security beneficiaries, by the nature of the way in which the COLA's are given, are already behind inflation. An additional year's delay would cause undue hardship to many beneficiaries.

The average monthly benefit for a single Social Security recipient is $425, and for aged couples is about $700 a month. While the January COLA would not amount to a considerable increase for these beneficiaries, it will help them to keep pace with inflation. Considering the high cost of energy, food, and health care, I believe that it is important.

In short, Mr. President, I am pleased that the Senate has approved this legislation. It is a sensible and sensitive action. I would urge that the House of Representatives move swiftly to approve this measure so that the January 1985 benefit increase be ensured.

ASSISTANCE TO STATES AND LOCALITIES TO FIGHT THE WAR AGAINST DRUGS

Mr. PRYOR. Mr. President, I am pleased today to express my support of legislation to fight crime in the United States. I have joined my friend and colleague from New York [Mr. MOYNIHAN] in cosponsoring the State and Local Narcotics Control Assistance Act of 1984. This legislation will provide grants to the States to help improve the enforcement of State laws pertaining to the production, distribution, and use of controlled substances. With the alarming increase of cocaine and marijuana production and distribution we cannot turn our backs on the law enforcement officials who have to fight this battle on a day-to-day basis.

Certain of the mountainous rural areas in the State of Arkansas have beome centers for the production of marijuana and other controlled substances. Local law enforcement officials are vigorous in their efforts to fight this problem, but they are without the necessary equipment and other resources to deal with these sophisticated and dangerous individuals.

This legislation will appropriate $750 million for each of the fiscal years of 1986-90. This funding will be applied to the apprehension and prosecution of violators of State drug laws and for the eradication of illegally grown drug crops. This funding can also be applied to the expansion and construction of correctional facilities to insure that there are adequate facilities to detain the criminals that are prosecuted.

I believe a national war on drugs requires cooperation between Federal, State, and local governments. This legislation would keep the responsibility where it belongs on State and local officials to enforce State laws but it provides them resources that they desperately need to perform their duties.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

FOLLOWING THE BUDGET PROCESS

Mr. CHILES. Mr. President, an hour from now we will have a second cloture vote on the motion to waive the Budget Act and proceed with the agriculture bill. The first cloture vote failed on Monday.

What this debate comes down to is a simple issue: Do we continue to spend without limits or do we follow the law which says that we must agree on spending limits first, and then pass our appropriations bills.

Mr. President, I often think back to the days in the early 1970's when we began to realize our spending procedures were uncontained. We took up appropriation after appropriation bill and no one added up the cost until the end of the year. And then, suddenly, when we saw the total, lo and behold, we were over.

I remember when I got on the Appropriations Committee, Senator Holland, who had been my predecessor, told me it took him 10 years to get on the Appropriations Committee, but he found that it was some of the best work he could do in the Senate. He encouraged me to try to get on the committee. I was fortunate; I got on after 2 years. The Senate was forced to allow me on the committee. But I remember, to my dismay, that the Appropriations Committee did not start off at the beginning of the year saying, "How much money do we have to spend and how do we set our priorities?" Spending just grew over the years. We had subcommittees and each one did not monkey with the other. Those people who were on the Defense Committee were there to try to get the money for defense and those people who were on the Health, Education, and Welfare Committee were trying to get money for that.

The other thing that surprised me was that the very members who would try to add money on the appropriation bill would then come to the floor and offer amendments to add even more money. Now, where I come from, back in Florida, when our appropriations committee, brought a spending bill to the floor, if somebody added one dime, we would pull that bill back and return to committee because we were not going to allow that to happen.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. CHILES. I will be happy to yield.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, may I suggest this. First, I have two housekeeping details I would like to take care of, and then what I would like to propose is that we bring down the unfinished business because there is a cloture vote at 12 o'clock and the order provides for the hour before that to be equally divided. I am willing to cede to the distinguished Senator from Florida the time necessary to make up his full 30 minutes, and I make that request at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I ask that the Chair state the pending business.

The PRESIDING OFFICER. Morning business is closed.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to waive section 303 of the Congressional Budget Act of 1974 in relation to the consideration of H.R. 5743, the 1985 agriculture appropriations bill, as reported.

The Senate resumed consideration of the motion.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I cede to the distinguished Senator from Florida the time necessary from this side to make up the full 30 minutes allocated under the order, and I am willing to give him more than that.

The chairman of the Budget Committee is not on the floor at the present time, and for the moment I recommend that the Senator from Florida go forward, and I will be back, after taking care of some details as required.

Mr. President, I designate the distinguished Senator from Mississippi [Mr. COCHRAN] to control the time remaining on this side on this debate.

Mr. CHILES. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I was reminiscing about the early 1970's before we passed the Budget Act.

At that time, we realized that we had started a lot of programs. We did not know what those programs were going to cost. It was easy to come to the floor and say, "This little program is only going to cost $15 million." No one said, "There is a formula in it that will cost billions before it is over."

We finally decided that we had to discipline ourselves, and that was the genesis of the Budget Act. It was an act worked on by many Members of this body, and many Members of the House contributed to it. The act has stood us in good stead.

Now, in August, we find ourselves, for the first time since we passed the act in 1974, without a budget resolution. Prior to this time, we had a resolution by June and in many years by May. Now, in August, we are beginning to pass appropriation bills. The majority leadership has scheduled action on seven appropriation bills this week, and in each one, they intend to waive the Budget Act. It means that in each instance we will not have a binding limit on spending.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. PROXMIRE. Mr. President, I strongly commend the Senator from Florida. What he is doing now is a very important action for the integrity of this body.

The Senator is absolutely right. He pointed out that nearly 10 years ago we passed the Budget Act, which provided for the first time that we would have an overall basis for our fiscal policy, that we would try to determine what kind of fiscal policy we should have, how much we should tax, how much we could spend, and then we would determine priorities within that framework.

As I understand what the Senator from Florida is telling me—and I ask him to tell me if I am correct—is that we would proceed with a number of appropriations bills without having a budget resolution in place, which means that we are not establishing or living by any kind of framework of priorities at all. Is that right?

Mr. CHILES. The Senator from Wisconsin is exactly right.

I think he will recall, as I know the Senator from Mississippi, the distinguished former chairman of the Armed Services Committee will recall, that the first two fights on the Budget Act, after we passed a budget resolution, had to do with conference reports—one on defense authorization and the second on child nutrition.

Both of those have always been like motherhood to this body. In each instance, ordinarily, regardless of the size, no one wants to be weak on defense, and so we would vote for those numbers. And, no one wants to be weak on child nutrition, and we would vote for those numbers. But we had a budget resolution, and the chairman of the Budget Committee at that time, Senator Muskie, said:

> Heed the budget resolution. I am calling a point of order under that resolution, on the defense authorization bill, because it is too high.

Later, Senator McGovern addressed the child nutrition bill. In both instances, this body upheld that point.

I think the defense authorization bill had sort of slipped over. I do not think anybody meant it to be over but it was.

In both instances, I think the budget act served us well. In those two cases, one having to do with a domestic spending program which is very popular and the other having to do with defense, we enforced what the body had endorsed in the budget resolution.

Mr. PROXMIRE. There are two reasons why I think what the Senator from Florida is doing is important now.

No. 1, we have an absolutely unprecedented deficit that we confront. I understand that the Office of Management and Budget, the Reagan administration's spokesman on the budget, has indicated that we will have a deficit of $156 billion in 1985 and that throughout the next 6 years we will have a deficit totaling almost $1 trillion.

Mr. CHILES. The Congressional Budget Office estimates that that deficit will be around $250 billion in 1989.

Mr. PROXMIRE. That is right.

The Office of Management and Budget makes some ridiculous assumptions. Among other things, they assume that Treasury bill rates will fall from 10.5 percent, which they are now, to 5.3 percent. At the same time, they also assume a tremendous, unprecedented 6-year recovery proceeding through 1985, with the private sector borrowing more and more money and the Federal Government borrowing $156 billion or more per year for the next 6 years. Those are impossible assumptions.

It seems to me that we are much more likely to have a large deficit of the kind predicted by the Congressional Budget Office, a bipartisan office, than the kind of deficit the administration forecasts. That is one reason why it seems to me that is not a time when we should forgo the budget resolution.

The other reason is more important. As I understand it, the position the Senator from Florida is taking is that if we forgo a budget resolution now, before we act on appropriation bills, that will establish a precedent that will haunt us. It will be extremely hard in the future to impose this kind of painful discipline, this useful and necessary discipline, which we should have every year. Once we breach that, which we may do if we proceed to pass these appropriation bills without acting on the budget resolution, we are going to be foregoing a limitation of framework that would limit our spending in the future, and that is going to result in a far less responsible policy on the part of this body.

Mr. CHILES. I think the Senator from Wisconsin is correct.

The great concern I have is that our hangup in the budget conference is over the defense number, and the difference is between $299 billion which the Senate approved and $286 billion which the House approved.

The House has made an offer to the Senate conferees to split the difference at $292 billion. The Senate majority has made an offer to the House which includes a range. That range is the high of the Senate number and the low of the House number.

I ask the Senator from Wisconsin: What kind of precedent does that set, if we go to a budget conference intended to restrain spending, and say that we will let one side take their high number and the other side take their low number? What kind of precedent does that set?

Mr. PROXMIRE. That is ridiculous. It is outrageous. There is no way that kind of precedent would provide any kind of discipline as far as Congress as a whole is concerned.

Mr. CHILES. The Senator from Wisconsin understands that many times the House of Representatives wants to spend a lot more on the social programs than the Senate wants to spend. That traditionally has happened in every budget we had brought over here. How could we have stopped the House of Representatives if they wanted to say in a conference committee, "We will take our high of our social programs and you take our low, and that will be the budget conference." To me, rather than putting restraint on spending, what you are doing is allowing yourself to drift to

the highest number in every instance and that would be the worst thing and the worst way to make a budget.

Mr. PROXMIRE. I understand.

Mr. CHILES. I thank the Senator from Wisconsin. He has long been an individual watch guard trying to control spending and working to establish priorities. He has always been vigilant and conscientious.

I wish to make one statement and it is on the partisanship of this matter.

A distinguished Senator whom I respect very much on the Republican side came to me yesterday and said, "I have heard at our meeting that this is all a partisan thing, that you are sort of a spear carrier for your Presidential nominee and you are doing this to embarrass us."

I replied to that friend of mine that when I started here the other day I was not exactly sure how this would work out. But I knew for sure I could not sit back any more and watch the Budget Act waived without trying to say something. When I started, I assured him I did not go see anyone on our side of the aisle or on either side of the aisle. I simply started talking about it, and then some Senators who shared my concern joined in.

This is not a matter I brought to the Democratic Caucus when this debate began. I just feel it is a proposition clear on its face. I began thinking back to what a Edmund Muskie or a Henry Bellmon would have done when they stood firm and together to defend the budget. Thank goodness they did in the initial days of this process. Muskie and Bellmon stood together when they took on the Armed Services Committee and when they took on food and nutrition. It was a bipartisan thing.

The Budget Act is neutral as far as I am concerned. But it is a restraint imposing limits established by the will of the Congress.

Both the House and Senate have passed budget. We have gone to conference. The only thing we have not done is resolve that conference. And for the life of me, I cannot accept the fact that we are so far when really we are so close.

We have had just four meetings, three of those meetings lasting less than an hour, only one of those meetings more than an hour. Moreover this Senator has had no leadership mandate to go in there and work out something, bring it back, and establish a budget.

So, it seems to me that we just sort of lost our will. We seem to have decided this act is too difficult. It is too tough. Remember, this is a very different year, we have been told. It is just too tough to do it this year. We will get back to it. We will get back to it somewhere down the line.

The Senator from Florida is very concerned that if you cannot face up to it in the tough times, you will not face it at all because something is always tough. I have never seen a time when there was not some spending program this body wanted to embrace. It is always either before an election or it is something else, and the body is tempted to leap for an attractive program.

The purpose of this whole act was to say we recognize we have to put some restraint on ourselves. We recognize we are not to totally be trusted with these good program notions out there. We have to be forced to set priorities. All of that is what the Budget Act does for us, and all of that is what it should be doing for us this year as it has done in the past years. So I hope we will see some movement. That is the only thing the Senator from Florida wants.

I do not want to hold up any bills. I just want to see some inclination to tell the budget conference committee, "stay there until you work out a fair proposition." I will be satisfied with most anything we can work out within that defense number. I do not have any magic number. It is simply a matter of coming back with a conference report. We need to do that.

Mr. BYRD. Mr. President, I commend that distinguished Senator from Florida. He is attempting to protect the one instrument we have for controlling ourselves in relation to appropriations bills authorizing measure, and the budget.

I had considerable hand in writing the Budget Control Act. I spent one of the recesses—I believe it was the Lincoln Day recess—several years ago in working with my own staff and the staffs of other Senators, the Parliamentarian, who was Dr. Riddick at that time, and Robert Dove, our present Parliamentarian, the staff of Mr. PERCY, the staff of Mr. Muskie, and I believe the staffs of other Democrats and Republicans.

We spent all of that time working on this Budget Act, and today the Senator from Florida is calling attention to the fact that the Budget Act is being emasculated and that it ultimately will be a nonfactor if we don't stop the erosion. We will not have any control over our spending. We will just go back to the old way.

I read now from the Budget Control Act, section 301(a):

ACTION TO BE COMPLETED BY MAY 15.—On or before May 15 of each year, the Congress shall complete action on the first concurrent resolution on the budget for the fiscal year beginning on October 1 of such year.

That is what we are talking about here, is it not, may I ask the Senator from Florida?

Mr. CHILES. The Senator is correct.

Mr. BYRD. The first concurrent budget resolution is now in a conference that is not being attended and not being held. Final action on the resolution was to have been completed by both Houses by May 15.

Now, what does the first concurrent resolution set forth? Again, I read from the Budget Act. The concurrent resolution shall—it does not say "may"—set forth—

(1) the appropriate level of total budget outlays and of total new budget authority;

(2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total new budget authority;

(3) the amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and all other relevant factors;

(4) the recommended level of Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(5) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(6) if required by subsection (e), the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 should be achieved; and

(7) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

And then, Mr. President, on page 197 of our Standing Rules of the United States Senate I read these words:

First Concurrent Resolution on the budget must—

it does not say "may"—

must be adopted before legislation providing new budget authority, new spending authority, or changes in revenues or public debt limit is considered.

Now, does the agriculture appropriation bill fit into that category, may I ask the distinguished Senator?

Mr. CHILES. It fits into the category, yes, absolutely yes.

Mr. BYRD. Therefore, that resolution, according to the law, must be adopted by May 15, and it has not been adopted and the conference on that bill is not even meeting, as I understand the Senator.

So this is what he is trying to bring to the attention of the people; that we are trying to defend the act which we passed and which holds us responsible and which gives us control over the budget. But that act can be waived, and has been waived, and there is a motion to waive it in this instance. But the problem with that is, if we waive it on this bill, then there may be an attempt to waive it on all subsequent general appropriation bills, and the Budget Act goes out the window.

Why are the Senate and the House not conferring on the First Budget Resolution? It is because there is a little fight on with respect to the overall defense figures. Am I correct on that?

Mr. CHILES. That is correct.

Mr. BYRD. Not only is the national security being held hostage by the administration with respect to a certain weapons system, and a certain set of figures, but we are unable to go forward as directed by the Budget Reform Act. And that is important.

What will the problem be the next time?

Mr. CHILES. That is the point I tried to make earlier, I say to the distinguished minority leader. The hangup this time is over a defense number. The hangup could be over domestic spending next time. And I trust it will be if we set this precedent. We will just go forward without a number. This thing cycles. There will be somebody wanting a new social program, and they will say, "We are not to be bound by this. After all, defense was not bound by this, so why should we be bound?" And we will see restraint go out the window.

That is why I contend the Budget Act itself is neutral. It does not tilt to defense, it does not tilt to domestic spending programs. But it does provide a limit, a ceiling and a discipline. It is the only basic law which does that.

We must not abandon it at a time when we are paying $110 billion in interest, when deficits are climbing to $250 billion and when our balance of trade is over $100 billion and our dollar is so high our farmers cannot sell their goods overseas. We are paying a premium for our problems. Foreign goods come in here with a 40-percent discount because of our trade imbalance, fattened dollar, and high interest rates. For all those reasons, goodness knows, I cannot see why we would even think about bypassing the Budget Act.

Mr. BYRD. Mr. President, I again commend the distinguished Senator from Florida on the stand that he is taking and the courage that he has displayed in his determination that the American people ought to really know what is holding up the whole process here in the Senate and in the House. I commend him for his valiant stand in support of the budget process and in support of the requirements of the Budget Act, which, as I say again, and finally, was passed in order that Congress might discipline itself, that Congress might come to grips with budget deficits and develop a trend toward lower deficits so that at some point in the future those deficits can be washed out and we can have a balanced budget.

I commend him. I shall vote with him again today against the motion to invoke cloture. I am not too sanguine about the outcome today, but the Senator's stand will be a matter of record for all to see for centuries to come.

Mr. COCHRAN. Mr. President, I rise to urge the Senate to vote to invoke cloture. The bill that would be considered, if the motion to waive the Budget Act is approved, is the agriculture appropriations bill. I am sympathetic, as I know many Senators are, with the arguments that have been made about the breakdown in the budget process and the problems that are caused when the Congress fails to get together on a budget resolution or to meet the deadlines that are established in the Budget Act.

I was one of those Members of Congress who thought the passage of the Budget Act would usher in a new day of fiscal responsibility. But that just has not turned out to be the case. In the other body, there was a great deal of hope expressed when I, along with other Members of Congress, applauded the fact that the Congress for the first time would be taking a look at the overall projections of revenue and spending requirements and in one document approving broad, general category levels of spending for the next fiscal year, well in advance of the appropriation process, so that all of us would have an opportunity to get the big picture and be a real part of the making of fiscal policy.

Unfortunately, we have seen deadlines go by. We found out we could waive the Budget Act. We found out we could ignore the Budget Act. And that is unfortunate because it has dashed a lot of fond hopes. But here we are today confronted with the reality of the necessity to appropriate funds to keep the Government operating.

Is it fair to those who are administering the programs that will be funded by bills such as the agriculture appropriations bill to say:

"We are tied up here arguing about the procedural shortcomings of the process and you all will just have to excuse us for a few months while we continue to argue over what we are going to do. In the meantime, you cannot plan for next year, in the school lunch program, how many workers you are going to need, how you are going to handle the Federal funds, what level of funding is going to be available, what special grants will be available in your research department in your university in the agriculture area. Will you need to cancel graduate fellowships that are based upon the award of grants from the Department of Agriculture, or will you need to tell students you just will not know until way over into October after the year has begun?"

I do not think we should make the program administrators, the staffs at universities and colleges, local administrators of our schools, pay for the breakdown in the budget process here in the Congress. And I am not suggesting that anybody is at fault over that. I am certainly not suggesting that it is the Senator from Florida who has caused this breakdown. He has made a very valid point. I think it may have taken a little longer than necessary to make the point, and that is the reason I am rising to urge that the Senate now invoke cloture. The point has been made that we have a problem in the process and that problem needs to somehow be solved.

I hope it can be solved. And if there are reforms that can be brought up and suggested, maybe we should debate those reforms. But I am hoping that the Senators will notice that in this bill that can be considered—if cloture is invoked, and the motion of the majority leader is agreed upon—funds will be made available for the women and infant children programming, and a feeding program that is targeted to those who are least able in a time of real need to provide for their own nutrition needs. The funding level approved in this legislation will determine the level of participation in every State in the Union in this program that is so important to the health and well-being of a lot of American citizens. No State will be able to determine the level of participation until they know how much money the Congress is going to appropriate. We are nearing the end of the fiscal year.

The first of October is going to be here before we realize it. We do not have that many legislative days left between now and the beginning of this fiscal year, if we do not go on, and act on this bill now. I wish we could have acted on it last week. We could have been through conference, maybe had the President's signature on this bill, and then there would be certainty in that program along with others about how many people can be involved in the participation of these various activities that are supported by this bill. But if we do not act now, we sure enough are going to put at risk a lot of program beneficiaries, and make it uncertain at best about whether or not there would be the degree of planning, and the degree of careful management of these progams, that there would have otherwise been with the timely appropriation of funds. I hope the Senate will understand that it does matter whether or not we proceed to the consideration of this bill. It matters very much.

There is also another program in this bill—a guaranteed loan program to help farmers finance the operation of their agricultural activities. A $650 million program is in this bill, and the Senate Committee on Appropriations has instructed the subcommittee to offer an amendment to make that

money available immediately upon enactment so that farmers in need of funds for refinancing and troubled loans right now can have the benefit of that program. If we continue to stretch out the consideration of this bill, and continue to put it off well into the September legislative timeframe, then we are postponing the date on which that fund will be available to some of America's troubled farmers.

This Senator is not going to be a party to the continued postponement of this bill, and put in jeopardy the lives and well-being of farm families across America whom we are trying to help with this legislation. If we had passed the bill last week when it was scheduled for consideration, if we had made the point on the Budget Act, discussed it, focused attention on it, and then moved onto the consideration of the bill, we would not be putting unnecessary pressure on farmers who would benefit from that program.

I hope Senators will notice that that program is in this bill, and it will be amended so that the money will be made available immediately upon enactment. That is not just an idle gesture by the Committee on Appropriations. We have had testimony. We have reviewed the situation.

In my State of Mississippi we had a round table meeting chaired by the Secretary of Agriculture last Friday, which was a national meeting hosted by our State to discuss farm credit programs throughout America. It is obvious that there is a need for a program of this kind. It is being included in this legislation. And the loan fund will be made immediately upon enactment. So I urge the Senators to proceed to invoke cloture so that we can get this bill passed, and go to conference so we can send it to the President for signature.

Mr. President, there is money in this bill for agriculture research. There are special grants made available to colleges, universities, and other entities throughout America who are engaged in research, trying to figure out ways to improve productivity on the farm, to develop new ways to deal with the problems of insects, weed control, and other problems that plague farmers and that directly affect the economic well-being of American agriculture.

It is important for those involved in research to be able to know in advance of the fiscal year what the funding levels are going to be for research, what special grants are going to be made available so that those who can apply can get their applications put together, and can decide on whether or not their existing resources permit them to compete for these grant funds. There will have to be some decision made about whether graduate students can be employed to do this work, whether existing staffs and faculty need to be expanded, and whether people can be rehired for the next school year.

What are we going to tell the president of the university and the dean of the school who call up and say, "What kind of research program is the Federal Government going to have this next year?" We have to say we do not know because we are talking about a budget process that we cannot figure out how to deal with. We have missed a deadline, and some are aggrieved that a conference cannot be brought together to work out a budget resolution for next year.

They say, "Haven't you already passed a few appropriation bills anyhow?" Yes, we have, but we think it is time now to stop, discuss this for a few weeks, and put this off until the next legislative period in September so that when we do get a conference between the House and the Senate on this appropriations bill and get it to the President, it will be right in time for the fiscal year to begin. But it does not matter that the school has started for a month, that the planning has had to take place about faculty, and decisions have to be made.

I say, Mr. President, that it is really unfortunate for us to put in a bind the program beneficiaries, the research scientists, the faculty and staffs at these institutions who do such a fine job, and could do a better job if the Congress were not here dillydallying around fussing over the budget process.

I am sympathetic to the problems that have been identified. I agree. We need to get this budget resolution agreed upon. I would love that. We voted for a budget resolution here in the Senate, and this bill is within the budget. That is the irony, Mr. President. This bill is within the budget. If this was a budget-busting bill, if this bill was going to force the appropriation of funds way over what the Senate had already agreed upon in this category of spending, then I could say this is a good bill to pick out, use to hold hostage, hold it up, let us talk about it for a few weeks, point to this bill and say, "This is an example of irresponsibility."

The fact is, this is an example of restraint, Mr. President, sensitivity to the programs that are being funded in it, but restraint. The funding level is $292 million below current level funding and current program levels. We are trying, some say, to hold the line and let us not spend next year more than we spent this year. Some talked about a budget freeze or a spending freeze. Well, in these programs, we are spending less next year if this bill is passed than will be spent this year in the operation of these same programs. So it is an example of restraint. The administration supports passage of the bill because it is within the levels of funding that it thinks are reasonable. So I hope the Senate will vote to invoke cloture.

Mr. President, I yield 4 minutes to the distinguished Senator from Mississippi, Senator STENNIS.

Mr. STENNIS. Mr. President, I thank the Senator for yielding at this time to me. I want to first commend the Senator from Florida, Senator CHILES, for the amazing and splendid work that he has done over the years as the minority representative of the Budget Committee.

Mr. President, without deserving any credit at all, I have rigidly and consistently supported the Budget Act in every detail and every particular as I understood it all the way through.

I was a coauthor of it, to begin with. I did what I could to help sponsor it. I voted for the act. I not only supported it in every way, but I was the first victim of it. I had the authorization bill for the military. We miscalculated on some items that we did not think it covered. It was, therefore, above the budget allowance. We had our hand called and lost the vote.

Well, that is a good way to learn.

Right on down the line I have supported, even until now, this procedure. It is a tragic situation, as I see it, for us to be here now on the 8th day of August and not have a budget resolution passed so we will know just what it is that the Budget Committee, backed by the Congress, has for a budget limitation. Nevertheless, we are here. We cannot recall the time. We are faced with just a few short weeks of operation here. We are going to recess, of course, for the Republican Convention. That is customary and in keeping with our system.

We have to move someday, and that day, I have decided, is now, as much as I regret it, as much as I hate to create a precedent. It will just have to be a precedent to some degree. I believe it will be an excusable precedent, though, and will not kill the Budget Committee resolution system. The system must live.

The House has already passed 10 of the 13 appropriations bills without any budget resolution. I do not say that critically. I am just stating the fact. All except three have already been disposed of.

Our committees in the Senate have been working religiously, the authorizing committees, the Appropriations Committees. We have seven appropriations bills which have passed the Senate. Now we come down to one of the fundamentals.

Also today we have on the docket a supplemental appropriations bill, which, as the Members know, carries certain necessary matters, certain necessary items, which have to be taken care of even before this budget year is out at the end of September. Those

matters absolutely must be taken care of.

My votes in the committee have been in line with what I have said. I have, in effect, begged that we work harder toward the matter of getting a budget resolution, rather than having to meet the situation as we are up against it now. We just do not have any more time. We do not have any further choices, as I see it, for delaying this matter, even though I highly commend the Senator from Florida not only for the quality of his work but the splendid judgment he has shown, and his willingness to get out and be shot at, so to speak, legislativewise.

But time has run out. We have been here since January 23. We cannot recall any of that time. We must act.

It is no easy thing for me to vote for cloture under any circumstance, but I am going to vote for cloture today and any other day that is necessary now, for the current year, in passing necessary appropriations bills.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I again thank the Senator for the time he has granted me.

Mr. COCHRAN. Mr. President, I thank the Senator for his comments. I reserve the remainder of my time.

Mr. CHILES. How much time have I remaining?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CHILES. And how much time has the other side?

The PRESIDING OFFICER. The Senator from Mississippi has 1 minute remaining.

Mr. CHILES. I thank the Chair.

I want to say to my good friend the junior Senator from Mississippi he has a fine agriculture bill. It does good for lots of folks and for my State. He has pointed out to me that it has about $900 million for Florida. There are a lot of people in my State who would like that money.

It does good for Mississippi. It does good for all the States. I have tried to point out many times in this debate I do not take issue with this particular bill.

I want to say to the distinguished senior Senator from Mississippi I thank him very much for his kind words. He has been very stalwart in his support for discipline on spending both as a member of the Appropriations and as a supporter of the Budget Act.

I think he puts his finger on it. There is no real reason, other than this is a political year, why we should not have had the budget resolution, why we should not have brought that bill out of conference. Then there would have been no reason for the Senator from Florida to be on his feet.

I understand what is happening here. I have had a number of my friends come up and say, "We think you are right in what you say. It is going to be hard for us to go home and explain this to a farmer. He does not understand the workings of the Budget Act. He will wonder what in the world are we doing holding up the farm bill."

Obviously, my concern also is for that farmer. But if we do not have some spending restraints, we are not helping that farmer. If you look at what we have been able to sell overseas as opposed to what we were able to sell a few years ago, you will see it has been going down. Farmers in my State are going bankrupt because they do not have that overseas market. Why not? Because the dollar is so high. Why is the dollar so high? Because our interest rate is so high. That interest rate is so high because our deficit is so high.

The best thing in the world we can do for our farmer is to control our spending. He would then be able to get his credit. Again, he is put out of business because he cannot get credit.

There is a 40-percent discount at work here on our soybeans for example, as opposed to someone else, because of the high cost. That same thing can be said for citrus and everything else.

Mr. President, I suspect that cloture is going to be invoked here, but I hope we have been able to cast light on the problem. There will be other appropriations bills coming up. All of them, of course, do some good for somebody, but there must be some kind of spending restraint or we risk abandoning the entire budget process. That is what the Senator from Florida is not willing to see—this go by without at least trying to do something about it, without at least trying to raise some caution flags about the danger of ignoring it.

Very quickly, if we were instructed to go to that conference committee and to stay there until we came back with a result, we could get the job done. Then there would be no holdup on any of these bills and we would have spending restraint.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, during my remarks I mentioned that this agriculture appropriations bill would be below current levels of funding. I mentioned the figure of $292 million. That was the difference between the funding levels in this bill and the spending levels of fiscal year 1984, assuming the President's requested supplementals were approved by the Congress.

The supplemental appropriations bill which has been reported contains additions to those requests, and if approved by Congress the 1984 funding level will be $400 million over the level of appropriations authorized by this bill.

Therefore, Mr. President, I suggest that that correction be made. I was advised by staff that those additions had been made to the supplemental appropriations bill. That is another reason to say that this bill is well within the allocation limit and well within the budget this year. Mr. President.

I urge Senators to vote to invoke cloture.

● Mr. LEVIN. Mr. President, I am voting against invoking cloture on the point of order because I believe it is essential that we make a stand now to defend the integrity of the budget process, which is one of the tools that the Congress has available to it to keep spending under control and to reduce interest rates. Certainly the budget process has its faults, but it is illogical for us to have a balanced budget as a goal and then let one of the mechanisms which is already law and available to us, and which is designed to monitor revenues and outlays, fall into disuse.

I recognize the importance of the fiscal year 1985 agricultural appropriation bill to the farmers of our country, and I would like to see the Senate turn soon to its consideration. However, by voting to continue debating the question of waiving the Budget Act, I am joining with others to impress upon the leadership of the Senate the need to arrive at an agreement on the first budget resolution for fiscal year 1985. The Congress should have passed this resolution by May 15. Continued failure to act upon the final version of this resolution will make budget discipline harder to achieve and higher deficits and higher interest rates more likely.

The farmers of this country know all too well the disastrous effects of high deficits and high interest rates on the commodities they try to sell abroad and on the money they try to borrow here at home. By standing firm now and opposing the attempt to invoke cloture, it is my hope that it may soon be possible to have both a conference report on the first budget resolution for fiscal year 1985 and an agriculture appropriations bill for fiscal year 1985, both of which would be to the benefit of the American farmer.●

Mr. CHILES. Mr. President, let me just say this: Without a budget resolution, when the agriculture bill comes to the floor, any amendment can be offered to that bill and no point of order can be called on that amendment. If somebody decides, "I think food stamps ought to be twice as big," or, "I think the child nutrition program ought to be twice as big," or, "I think the supplemental payment to farmers ought to be twice as big," any amendment can be offered because

there is no spending ceiling on that bill.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 12 noon having arrived, under the previous order, pursuant to rule XXII, the clerk will state the motion to invoke cloture.

The bill clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743, an act making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes, as reported.

Senators Howard Baker, Ted Stevens, Alphonse D'Amato, Mark Andrews, Mack Mattingly, Frank H. Murkowski, Charles McC. Mathias, Strom Thurmond, Thad Cochran, Bob Dole, Mark Hatfield, Bob Kasten, Paul Trible, Bob Packwood, Rudy Boschwitz, and John H. Chafee.

VOTE

The PRESIDING OFFICER. By unanimous consent, the call of the roll has been waived. The question is, Is it the sense of the Senate that debate on the Baker motion to waive section 303(a) of the Budget Act for consideration of H.R. 5743 shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho [Mr. McCLURE] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30—as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—68

Abdnor	Goldwater	Pell
Andrews	Gorton	Percy
Armstrong	Grassley	Pressler
Baker	Hatch	Pryor
Boren	Hatfield	Quayle
Boschwitz	Hawkins	Randolph
Bumpers	Hecht	Roth
Burdick	Heflin	Rudman
Chafee	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Huddleston	Stafford
D'Amato	Humphrey	Stennis
Danforth	Jepsen	Stevens
DeConcini	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Leahy	Trible
Durenberger	Lugar	Wallop
East	Mathias	Warner
Evans	Mattingly	Weicker
Exon	Murkowski	Wilson
Ford	Nickles	Zorinsky
Garn	Packwood	

NAYS—30

Baucus	Glenn	Melcher
Biden	Hart	Metzenbaum
Bingaman	Hollings	Mitchell
Bradley	Inouye	Moynihan
Byrd	Johnston	Nunn
Chiles	Kennedy	Proxmire
Cranston	Lautenberg	Riegle
Dixon	Levin	Sarbanes
Dodd	Long	Sasser
Eagleton	Matsunaga	Tsongas

NOT VOTING—2

Bentsen	McClure

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

BUDGET ACT WAIVER—AGRICULTURE APPROPRIATIONS, 1985

Mr. BAKER. Mr. President, I urge Senators to remain on the floor. I think there may be a rollcall vote right away.

I inquire of the distinguished Senator from Florida how long he would be prepared to speak before we might have a vote on this matter.

Mr. CHILES. I do not think I will be more than 4 or 5 minutes, probably less.

Mr. BAKER. I urge Senators to be present.

I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, the Senate has expressed its will and voted cloture. We are now on the motion to waive the Budget Act. I point out that this is a different vote.

A number of Senators have said, "I don't feel that I should vote for cloture" or, "I am concerned about cloture." But what we have now on this vote is a motion to waive the Budget Act, which, in effect, is to say: "We don't care whether we have a budget or not. It is not necessary. We don't care whether we have any spending restraint. We will take up these appropriations bills without any kind of restraint, so that they will not be open to any point of order." Any amendment can be offered to this bill, in any amount, and no one can raise that point of order.

The motion to waive is saying that we are ready to abandon the restraint in the Budget Act, in spite of the law that says we must have a budget resolution before we pass appropriation bills, and in spite of the fact that every year before this year we have had a budget act by June.

This year, because it is a tough year, it is different. It is a year divisible by four, we do not have a budget resolution, and now we are going to say there is no need for the conference to complete its work. The budget conference has had four meetings. Only one lasted an hour, and the other three lasted much less than that. We have not had a meeting in the last couple of months. We are sitting by idly. We can be instructed at any time to go to conference, have that meeting and come out with a resolution, so that we will have some spending restraint.

I urge Senators to look at what they are doing, because this is a vote that says, "I don't care about spending. I don't care whether we do something to restrain those deficits and those interest rates and everything else we have."

We have the CBO figures that show that interest is going to go to $220 billion in the next 5 years. It is now $110 billion. It is the fastest growing program we have. It is going to be almost as big as defense within 5 years. It is like "Pac-Man"; it is eating everything else. No matter what program you favor, your program is being shrunken by the interest that is eating it up.

This is an up-and-down choice we have as to whether we want to waive the Budget Act. I urge the Senate not to waive it.

Mr. COCHRAN. Mr. President, I remind Senators that this bill is $400 million below this fiscal year's spending levels for the same programs. It is an example of restraint, and it is well within the budget allocation, and I urge Senators to vote for the motion.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona [Mr. GOLDWATER], and the Senator from Idaho [Mr. McCLURE] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—63

Abdnor	Exon	Packwood
Andrews	Ford	Percy
Armstrong	Garn	Pressler
Baker	Hatch	Pryor
Boren	Hatfield	Quayle
Boschwitz	Hawkins	Roth
Bumpers	Hecht	Rudman
Burdick	Heflin	Simpson
Chafee	Heinz	Specter
Cochran	Helms	Stafford
Cohen	Huddleston	Stennis
D'Amato	Humphrey	Stevens
Danforth	Jepsen	Symms
DeConcini	Kassebaum	Thurmond
Denton	Kasten	Tower
Dixon	Laxalt	Trible
Dole	Lugar	Tsongas
Domenici	Mathias	Wallop
Durenberger	Mattingly	Warner
East	Murkowski	Wilson
Evans	Nickles	Zorinsky

NAYS—34

Baucus	Hart	Mitchell
Biden	Hollings	Moynihan
Bingaman	Inouye	Nunn
Bradley	Johnston	Pell
Byrd	Kennedy	Proxmire
Chiles	Lautenberg	Randolph
Cranston	Leahy	Riegle
Dodd	Levin	Sarbanes
Eagleton	Long	Sasser
Glenn	Matsunaga	Weicker
Gorton	Melcher	
Grassley	Metzenbaum	

NOT VOTING—3

Bentsen	Goldwater	McClure

So the motion to waive the Budget Act was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1984

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3615

Mr. STEVENS. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration, and I ask unanimous consent that the committee amendment be set aside for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], proposes an amendment numbered 3615 on page 54, lines 8 and 9, strike "S. Con. Res. 122" and insert "Senate Concurrent Resolution 122, Ninety-Eighth Congress, agreed to June 29, 1984."

Mr. STEVENS. Mr. President, this describes Senate Concurrent Resolution 122 with specificity so there is no misunderstanding.

I ask for the immediate adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska [Mr. STEVENS].

The amendment (No. 3615) was agreed to.

AMENDMENT NO. 3616

(Purpose: To appropriate additional funds to the Neighborhood Reinvestment Corporation)

Mr. STEVENS. Mr. President, it is my understanding that the Senator from Maryland has an amendment. I ask unanimous consent that the committee amendment be set aside for the consideration of the amendment of the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself and Mr. MATHIAS, proposes an amendment numbered 3616.

Mr. SARBANES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, between lines 18 and 19, insert the following:

NEIGHBORHOOD REINVESTMENT CORPORATION

For an additional amount for the Neighborhood Reinvestment Corporation, $500,000, to remain available until expended.

Mr. SARBANES. Mr. President, this amendment, which I sent to the desk on my behalf, and on behalf of Senator MATHIAS, makes it possible for the Neighborhood Reinvestment Corporation to carry out a mutual housing demonstration project located in the Baltimore City neighborhood of Govans. The Neighborhood Reinvestment Corporation at the direction of Congress in the 1980 Housing Act initiated a mutual housing demonstration program as a way to bring affordable and quality housing to lower income neighborhoods.

This initiative has been greeted with general approval as an innovative and significant way to provide affordable and accessible housing to lower income neighborhoods. This amendment would enable this demonstration project to move forward.

I urge its acceptance by the Senate.

Mr. MATHIAS. Mr. President, the Baltimore Mutual Housing Association is an innovative housing ownership, production, and financing program. It has completed 8 townhouses with another 25 under way on a a 7-acre site in the Govans neighborhood of Baltimore. The ultimate development of the site will include 100 housing units.

The project is completely owned by the association with the residents having a life tenancy in their units. This mixed income project has a privately subscribed subsidy which pays about half the debt service on the project thereby keeping rents within the ability of neighborhood residents to pay. Tenants pay a one-time membership fee in the association of $2,100 to $2,500 and monthly fees ranging from $300 to $350 depending on the size of the unit and their income.

The association will retain appreciation profits to finance future production of units. Thus, the BMHA is assisting neighborhood residents to remain in their neighborhood at modest rent levels while gradually generating seed money from equity in the project to finance additional moderate income housing.

This mutual housing project grew out of the highly successful Neighborhood Housing Services Program, which brings together area lenders and residents to reinvest in their own housing in stable neighborhoods overlooked by financial institutions. The result has been rehabilitated and newly constructed housing, increased home ownership by neighborhood residents, and stable communities.

In the case of Baltimore mutual housing, a broad array of local public and private resources have been brought to bear on the Govans neighborhood. A consortium of local lenders has places permanent financing on the project. The city of Baltimore issued bonds to finance the project. The State of Maryland has granted $50,000 to the project along with making the low-interest construction loan. And local private contributions are mounting up for the debt service subsidy; $200,000 has been raised toward the $500,000 goal for this fund. Tenant membership fees and city-funded roads and utilities construction on the site represent an equity investment.

So the project is a microcosm of public and private contributions and cooperation toward a common good—the continued stability of a city neighborhood.

The amendment before us today will ensure Federal participation in the project through the Neighborhood Reinvestment Corporation, the parent organization of Neighborhood Housing Services. With this amendment, the Federal partnership in this project will be joined. I urge my colleagues' adoption of this amendment.

Mr. STEVENS. Mr. President, this amendment has been discussed with both the majority and minority managers. It is acceptable, and we are prepared to vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Maryland [Mr. SARBANES].

The amendment (No. 3616) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the bill is open for amendment. We hope that Senators will come, and offer their amendments. It will be very convenient to all concerned if we could go to third reading now. But I do not

think that is possible. But it would be appropriate to have some of these amendments offered at this time. We will have a brief quorum call. I would be prepared to go to third reading, if no one wants to offer their amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, there does not seem to be any Senator who is ready to offer an amendment. I am going to soon call for third reading and pass this bill and move on to other business of the Senate. We have alerted Senators. Senators have chosen not to come to present the amendments. I do not want to be here at quarter of 12 tonight with everyone demanding time to present amendments when no one could find it convenient to offer an amendment at a decent hour.

I am going to suggest to the leadership that we give Senators a reasonable period of time to offer amendments, and hopefully Senators who do have amendments will come to the floor within that period of time, after which I will rise and at least attempt to get third reading of the bill. Therefore, I put the Senate on notice. We are all busy people, but we need to move on to the business of the Senate.

The Senator from Hawaii, who is representing the minority side of the aisle, the ranking member of our Committee on Foreign Operations, Senator INOUYE, assents to this timely notice the committee is giving to Members of the Senate. I do hope we can get Senators to the floor quickly and dispose of this bill.

Mr. INOUYE. Will the Senator yield?

Mr. HATFIELD. I am very happy to yield.

Mr. INOUYE. I am prepared to arrange for a time limitation on my amendment. As my distinguished chairman is aware, I have an amendment to delete the amount set aside for military assistance to El Salvador. This matter has been discussed and debated on several occasions, and I believe most Members of the Senate are well aware of the issues involved.

I am prepared to agree to a half-hour time limit, 15 minutes on each side. But I would prefer to have my subcommittee chairman here and agree to that.

Mr. HATFIELD. I thank the Senator for his very magnanimous gesture of trying to expedite handling of this bill. I was aware that the Senator wished to offer an amendment, and I expect to support it.

If I understand the Senator correctly, he is willing to engage in a time limit of a half hour, equally divided. I will check that out with the chairman of the subcommittee and very soon get back to the Senator from Hawaii. I thank him for the offer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I ask unanimous consent that the committee amendment be temporarily laid aside, so that other amendments may be offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3612

(Purpose: To provide for program enhancement at the National Oceanic and Atmospheric Administration Undersea Research Program at the University of North Carolina at Wilmington)

Mr. HELMS. Mr. President, I call up amendment No. 3612 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. EAST, proposes an amendment numbered 3612.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 6, strike out "$8,530,000" and insert in lieu thereof "$9,330,000".

On page 7, line 10, before the period insert ": *Provided further*, that $800,000 shall be available for program enhancement at the National Oceanic and Atmospheric Administration Undersea Research Program at the University of North Carolina at Wilmington".

Mr. HELMS. Mr. President, this amendment has been cleared on both sides.

This amendment would provide an additional $800,000 to the section of H.R. 6040 dealing with the National Oceanic and Atmospheric Administration for the purpose of program enhancement of the NOAA National Undersea Research Program at the University of North Carolina at Wilmington.

The Southeastern Undersea Research Facility [SURF] Program operates under the aegis of the Southeastern Consortium for Undersea Research Efforts [SECURE] which is led by the University of North Carolina at Wilmington. The objective of the SURF and SECURE Program is to provide a unique undersea research program and facility to accomodate a wide range of marine science needs. The Southeastern Consortium consists of academic and research institutions and government agencies from North Carolina, Virginia, South Carolina, and Georgia. Researchers from across our country can and do benefit from the program and capabilities available at the University of North Carolina at Wilmington.

Under the NOAA Regional Undersea Research Program, other research centers have been established. The Caribbean Regional Hydrolab Program is operated by the West Indies Laboratory of Farleigh Dickinson University and is situated on St. Croix, U.S. Virgin Islands. The Hawaii Undersea Research Laboratory is operated by the University of Hawaii and is located on the island of Oahu at Makapuu Point. The Western Regional Undersea Laboratory Program is being developed by the University of Southern California at the Santa Catalina Marine Science Center, located off the coast of California. The University of Connecticut is developing its program at Avery Point.

Mr. President, the specific objectives of these cooperative regional research programs are sound and important to our national well being and our future. These specific objectives are to:

First, acquire basic scientific information about the marine ecology and environments in U.S. coastal waters.

Second, broaden support of research efforts requiring advanced undersea facilities and capabilities.

Third, enhance ability of researchers to successfully complete selected undersea tasks and to extend classical land based laboratory scientific methods and capabilities to the seafloor.

Fourth, ensure continuity of effort and long-range funding for otherwise infeasible in-situ research efforts.

Fifth, provide training and facilities to develop a body of scientific personnel who are skilled in the use of underwater laboratory facilities and advanced undersea research techniques.

Sixth, strengthen academic relations with NOAA in accomplishing marine research.

IMPORTANCE OF MARINE RESEARCH

Mr. President, during World War II I was stationed for a time at Wilmington, NC. Our national experience during World War II demonstrated the necessity of our Nation maintaining and developing a sound maritime policy and maritime capabilities second to none. Since World War II, however, many aspects of our maritime capability have been neglected particularly in the area of our merchant marine and naval construction. The Soviets have systematically developed their marine policy and capabili-

ties across the board and are now challenging not only ourselves but the West and free world in general. The Soviets have developed impressive marine research and oceanographic capabilities. It is high time that we in these United States devote more attention to marine research.

Mr. President, throughout our history we have been a seafaring people. This was particularly true during our colonial days and during the early days of our Republic. Later, our national attention moved to developing the West as a new horizon to pioneer. Since the 1960's, our national attention has moved to pioneering in space and this has been truly worthwhile and has provided our Nation with a vast development of scientific knowledge and technology.

Today, the time has come to begin to devote more attention and resources to the development of marine science and research and to our oceanic capabilities generally notwithstanding our strong and necessary commitment to space which should continue to grow. An appropriate commitment to marine science and research can inspire young people from across our land to pursue careers related to the seas. In short, it is time for a national reengagement with the seas at all levels.

Mr. Gilven M. Slonim, president of the Oceanic Educational Foundation expressed this point well in an article published by the Naval Institute. Mr. Slonim wrote:

> First, the resumption of U.S. oceanic leadership calls for public education, for the seas still remain distant to the thinking of most people. The finest U.S. minds, honed through centuries of seafaring must mold enlightened policy. How well the nation rises to the challenge of the sea will depend ultimately upon the enlightenment, determination, and direction of policy drivers; thus, maritime supremacy depends upon how well our people understand the sea and every aspect of its influence upon the human condition. The United States must invest its energies and ingenuity, as well as additional resources, to implement a program for oceanic education to sharpen its citizens' understanding of the world's oceans. Their new knowledge will enrich their sense of the destiny of this nation—which manifestly remains oceanic.

Mr. President, I am proud of the efforts of the University of North Carolina at Wilmington, as all North Carolinians are, in the development and promotion of marine science and research. The marine sciences department at the university is a fine facility and attracts students from across these United States. The institute of marine biomedical research is truly a unique facility which is pioneering research at the frontiers of marine science. The Southeastern Undersea Research Facility Program is providing important research capabilities available to researchers from all over the United States. The demand on the time of the research vessel *Seahawk* from our national scientific community has been such that an additional research vessel is needed to accommodate the rapidly increasing demand for additional capabilities and research time at sea.

It is for this reason, Mr. President, that I have offered this amendment to provide funding for program enhancement for the NOAA National Undersea Research Program at the University of North Carolina at Wilmington.

Mr. President, I ask unanimous consent that an article by Mr. Gilven M. Slonim which appeared in the Naval Institute "Proceedings" in October 1983 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From Proceedings, October 1983]

UNDERSTANDING THE SEA

(By Gilven M. Slonim)

When Jimmy Carter—the first oceanically educated president—proclaimed his Middle East doctrine, emphasizing U.S. determination to defend its vital interests in the Persian Gulf, the press lost no time in finding its Achilles' heel: lack of sealift capability. And the recent withdrawal of competitive incentives in the U.S. Merchant Marine promises to reduce our sealift availability, despite the sharp decline in the number of U.S.-flagships. In each foregoing instance, where was the policy direction? How did oceanic understanding temper these decisions? And where were the policy incentives to sustain the U.S. posture as a secure, determined, prosperous, and respected Free World power? Such gross oceanic errors have hardly been confined to one administration, or even to one party. They are part and parcel of the oceanic "knowledge-gap" that has arisen from the lack of public oceanic education.

Today, largely through Secretary of the Navy John Lehman's driving foresight, the administration of President Ronald Reagan is committed to building the 600-ship Navy required to regain our maritime supremacy. But fleet readiness depends upon a vibrant, competitive merchant marine for control of the seas. And right now, the United States is largely dependent upon foreign bottoms. Citizens and leadership alike, insensitive to the implications of this condition, are seemingly unable to muster the resolve to formulate a strong maritime policy. Every effort to draft a far-reaching policy over the past quarter century has bogged down. Only a dynamic program to create a constituency for public oceanic education can move the U.S. policy process off dead center. The current policy dilemma recalls Seneca's observations written half a century before Christ: "Our plans miscarry, because we have no aim. When a man does not know what harbor he is making for, no wind is the right wind." His lesson is still unheeded; the nation must train its sights oceanward to gain the pattern of seafaring thought that purposeful policy requires.

One's thoughts return to 1934, when policy emerged to meet a critical maritime challenge. This was the year when the Vinson-Trammel Act laid the keelblocks for the "two-ocean Navy." Two years later, President Franklin D. Roosevelt's spectacular policy leadership sparked the most impressive shipbuilding effort ever witnessed in U.S. history. During World War II, the people and leadership of America knew the grand design to defeat the Axis powers. As participants, they willingly accepted the sacrifices necessary for a nation at war.

In the ensuing years, the United States became the world's greatest maritime power, and the lesson was evident: policy incentives were forged in advance of the crisis. But impending crises alone should not stimulate policy. Through policy, a major power formulates national objectives and then blueprints its future. Unfortunately, from its pinnacle of maritime preeminence, the United States—in the absence of such policy—has plummeted to rock-bottom as a maritime power.

Today, the U.S. naval and commercial fleets encounter mounting global confrontation as the Soviets drive relentlessly to control the seas. Yet our citizens remain oblivious to this disparity between maritime policies of the superpowers. Our current policy remains indifferent to the needs of America. The University of Virginia—in concert with the Oceanic Educational Foundation—has launched an oceanic education program designed to give our citizens the "sea legs" they need for the 21st century. The ultimate objective is to give students at all levels of schooling as firm an understanding of the world's oceans as they now have of its land masses.

The United States requires long-range policies to replace its "seat of the jeans" reaction to crises. We must develop wholly new forms of long-range planning that will involve not merely a handful of technocratic experts, but millions of sea-oriented citizens as well. It would be comforting to place the entire policy burden on one person's shoulders; unfortunately, the wisdom of Solomon, the strength of Atlas, or the vision of Pericles are rarely found in one human—no matter how gifted.

Therefore, oceanic policy acumen must gain widespread knowledge through meeting the public educational imperative. The glaring vacuum within the U.S. education system requires rectification so as to provide citizens with understanding as to their stake in the world ocean. Nowhere in the $100 billion educational process is oceanic education found. What is required is a cadre of teachers competent and motivated to teach sea-oriented subjects. There must be multidisciplinary curricula to bring the world ocean to life in classrooms throughout the land; world ocean texts are the third need on this critical list. National oceanic policy depends upon an enlightened citizenry competent enough to participate in the policy process. Although many within our government cling to the illusion that national maritime policy exists, the regrettable fact is that, in the absence of an enlightened citizenry, the United States remains rudderless and without oceanic policy direction. Yet at no other point in U.S. history has the compelling need for continuity of policy been driven home more dramatically by world events.

What, then, is this policy that has remained elusive throughout all these years? Simply stated, policy may be defined as the democratic process whereby a nation establishes long-term goals, together with incentives to accomplish them. Through policy, a nation seeks long-view potential while moving toward its national objectives. Forging and implementing policy entails an orchestration of effort by the executive and congressional branches, and the public sector. For without public support, policy falters. In the United States, this iron triangle must foster the dynamics of oceanic en-

terprise. We must work toward building these major pillars of national long-range, comprehensive policy.

First, the resumption of U.S. oceanic leadership calls for public education, for the seas still remain distant to the thinking of most people. The finest U.S. minds, honed through centuries of seafaring, must mold enlightened policy. How well the nation rises to the challenge of the sea will depend ultimately upon the enlightenment, determination, and direction of its policy drivers; thus, maritime supremacy depends on how well our people understand the sea and every aspect of its influence upon the human condition. The United States must invest its energies and ingenuity, as well as additional resources, to implement a program for oceanic education to sharpen its citizens' understanding of the world's oceans. Their new knowledge will enrich their sense of the destiny of this nation—which manifestly remains oceanic.

Mr. WEICKER. Mr. President, I am prepared to accept the amendment of the distinguished Senator from North Carolina. I think the University of North Carolina has done especially good work with respect to its association with the National Oceanic and Atmospheric Administration. If there is a part of the budget that needs more funding, it is the National Oceanic and Atmospheric Administration.

Mr. HELMS. I thank the Senator.

Mr. INOUYE. Mr. President, I am pleased to announce that this amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3612) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3617

(Purpose: To add $21.7 million for "Training and employment services", for the period July 1, 1984 through June 30, 1985, which shall be for the renovation and repair of job corps facilities and equipment replacement)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself and Mr. HATCH, Mr. REIGLE, Mr. CRANSTON, Mr. LEVIN, Mr. METZENBAUM, Mr. EAGLETON, Mr. MOYNIHAN, and Mr. HOLLINGS, proposes an amendment numbered 3617:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

SEC. . For an additional amount for "Training and employment services", $21,700,000 to be available for obligation for the period July 1, 1984, through June 30, 1985, and which shall be for the renovation and repair of Job Corps facilities and equipment replacement.

Mr. D'AMATO. Mr. President, I rise to offer an amendment to add $21.7 million for the repair and renovation of Job Corps facilities and the replacement of antiquated equipment.

Job Corps is one of the Nation's most cost effective and essential job training and employment programs. It places 50 percent of all enrollees in jobs or in the military and another 25 percent into further training or college; 107 residential Job Corps centers across the Nation serves more than 60,000 disadvantaged young people, 90 percent of whom are high school dropouts in need of a change of home environment.

The Job Corps has an impressive record, but the residential facilities have deteriorated badly and aging equipment has not been replaced. Annual appropriations of $585.6 million avaliable for each fiscal year since 1981 have failed to include inflationary adjustments or additional funds to meet the rising costs of replacement or repair generated by normal deterioration of facilities and equipment.

Funds appropriated for the Job Corps barely have been sufficient to maintain the job slot level and to remove life safety deficiencies such as lack of fire exits, smoke detectors, or proper ventilation of hazardous fumes in center buildings. There are no funds for greatly needed facility repairs, renovations, and equipment replacement.

A supplemental appropriation of the Job Corps is urgently needed at this time so that facility repairs and equipment replacement, as well as plumbing, electrical, and fire protection corrections to eliminate code violations, can be undertaken at centers throughout the country. The maintenance of adequate facilities and equipment is central to the success of the Job Corps. Young people who participate in the Job Corps are often referred to the program because of an unsatisfactory home environment and poor school performance. Where Job Corps facilities are in disrepair, it is difficult to encourage corps members to stay in the program.

Ordinary youth programs, without the residential component provided by Job Corps, are hampered in their effectiveness by absenteeism. Programs that do not have the residential component of Job Corps often lose young people to the streets—to youth gangs, drugs, crime—such programs must fight an up-hill battle against the influence of poor home and community environments.

This amendments is not an attempt to expand the program: it literally will keep it from falling apart. The Federal Government has invested more than $1 billion in federally owned buildings and equipment at Job Corps centers. It is fiscally prudent that we act now, rather than later, to protect that investment.

This effort has the support of the chairman of the authorizing committee, the ranking minority member of the authorizing committee, and many Republicans and Democratic members of the Appropriations Committee. The House of Representatives has included $25 million for Job Corps in this bill.

The Senate committee has not recommended any additional funding for Job Corps. The committee report states that the committee is awaiting congressionally mandated comprehensive assessment by the Employment and Training Administration of the degree of deterioration of Job Corps facilities and equipment. Following receipt of this study the "* * * committee would be in a better position to evaluate the capital budget needs of the Job Corps program." The deadline for this assessment is December 1, 1984. I believe that is certainly commendable for the committee to want to have this information in hand before making funding decisions; however, the information is already available.

The Department of Labor/Employment and Training Administration has published a "proposed Job Corps center construction budget, October 1984—85." This lengthy document reviews each and every Job Corps center throughout the country and specifically identifies the need for items such as life safety—G.E., ventilation, exits, and so forth, code violations, replacements/repairs, and programmatic requirements. The study shows that there are about $56 million in unfunded needs. In addition, the Labor Department has indicated that an extra $12.9 million is needed for equipment. It is abundantly detailed to the extent that it shows the need for $213,535 to correct code violations regarding doors, frames, and hardware at the E.C. Clements Center in Kentucky, as well as the need for $26 mechanical repair at the Albuquerque center—which also requires over $1 million in corrections of code violations.

It is simply vital that we act now to prevent further deterioration of our Job Corps centers. The decay of facilities and the obsolescence of equipment must not be allowed to continue because it poses serious threats to the health and safety of thousands of Corps members and jeopardizes the program's long track record of success.

The Department of Labor, in testimony submitted to the Labor Committee, stated that the Job Corps targets the most severely disadvantaged youth and provided the following minority—71 percent—high school dropout, reads at the sixth grade level, has never been employed full time, comes from either a family receiving public assistance or one earning $5,389 per year,

and was living in an environment characterized by cultural deprivation, a disruptive homelife or other disorienting conditions impairing his/her ability to participate in other programs providing needed training, education or assistance.

Responsible ordering of our fiscal responsibilities must include appropriating the funds necessary to provide a living environment which will help young people to succeed: They have no other residential program like Job Corps to turn to.

I move the adoption of this amendment.

Thank you, Mr. President.

Mr. President, I hope this amendment will be accepted. I have spoken to the distinguished subcommittee chairman and with his staff. I believe the amendment makes good sense. There is wide support to do this work and to continue the progress we have made in this most important program.

Mr. COCHRAN. Mr. President, I support the amendment offered by the distinguished Senator from New York. This Job Corps Program has been a great benefit to unemployed and underemployed persons in my State of Mississippi.

I know that these additional funds can be used for the renovation of existing facilities that will make them do an even better job of placing persons in good paying jobs that are really needed by a lot of people in our State.

I commend the Senator for bringing this to the attention of the Senate.

Mr. SPECTER. Mr. President, I would like to join my distinguished colleague from New York, Senator D'AMATO, in support of his amendment to add $21.7 million for the fiscal year 1984 supplemental appropriations bill for capital improvement funds for Job Corps centers.

Job Corps centers serve youths aged 14–22 who have dropped out of high school, and lack skills necessary to function in the job market. Participants reside at these facilities for an average of 6 months, and are subjected to intense remedial reading and prevocational training.

In recent years, Job Corps appropriations have been based solely on maintaining the 40,500 slots available. Insufficient attention has been directed at maintaining the capital investment in this program; as a result, many of the old buildings used are in serious disrepair.

In Pennsylvania, such costs are growing at an alarming rate. The Pittsburgh center, in its relocation to Marcy Hospital, has costs reaching $4.2 million. The Keystone Center in Drums, PA, has unmet capital needs of over $2 million for dormitory renovation, roof repair, and foundation work. The Red Rock Job Corps Center in Lopez, PA, has mounting costs of over $400,000 for electrical work, fire alarms, and a new medical facility.

Because these centers perform a critical role in training disadvantaged youth for tomorrow's employment opportunities, we cannot ignore their serious needs for capital improvement, and I urge passage of this measure to ensure the continuation of the Job Corps Program's important work.

Mr. LEAHY. Mr. President, I rise in support of the amendment offered by my colleague, Senator D'AMATO, to add $21 million for "training and employment services" for the period of July 1, 1984, through June 30, 1985, for the renovation of Job Corps facilities and equipment.

The Job Corps has done an outstanding job of helping young people to acquire the skills and training they need in order to become employable and self-sufficient. This program has served communities well by relating training to the actual needs of the labor market.

But many of the Job Corps facilities are in serious ill repair.

The Northlands Job Corps Center in Vergennes, VT, currently houses 280 students. These students are in buildings in need of window and roof repair. The buildings are old and need plumbing and wiring repairs as well. Equipment is wearing out or breaking down beyond the point of being fixed. The center staff tells me they are at the end of "making do." If something breaks or wears out it will have to be discarded—there is no money for replacement or repairs.

I am delighted to support this amendment which will send a message to those young people who are trying to become self-supporting and to the communities who have supported the Job Corps center concept, that their commendable effort has been noticed and appreciated.

Mr. RIEGLE. Mr. President, I want to lend my support as a cosponsor of the amendment of the Senator from New York, Senator D'AMATO, which would provide $21.5 million for the repair and renovation of Job Corps facilities and the replacement of equipment.

This year we are celebrating the 20th anniversary of the Job Corps, a program that has consistently proven itself over the years. There is an ironic injustice in the fact that this program may now be facing demise, not because the program does not work, but due to neglected facilities and equipment needs.

In 1983 we included in the emergency jobs supplemental appropriation $32.4 million for the Job Corps that would have met some of these needs and provided additional jobs. Much to the dismay of many of us, the Labor Department choose to ignore the will of Congress and deferred that money and reduced the fiscal year 1984 budget request for the Job Corps in a like amount. Job Corps funding has not been increased since 1981 although the average enrollment has remained at the 40,500 level and the limited available funds have been stretched to cover the needs of those participants.

The Job Corps represents a cumulative investment of over $1 billion in federally owned property and equipment alone. The money we are requesting today would not expand the program, but would go a long way toward protecting an investment we are already committed to. The $21.5 million is the least that is required and would barely cover the need to correct existing violations of State fire, building, and health codes.

I am aware that the Labor and Human Resources Committee has directed the Employment and Training Administration to submit a comprehensive assessment, by December 1 of this year, of the extent of deterioration of Job Corps facilities and equipment and to provide specific information on capital costs to be included in the fiscal year 1986 appropriations bill. However, I do not believe we can wait that long to correct some of these deficiencies that threaten the safety of Corps members and the value of public property. Therefore I urge my colleagues to adopt this amendment.

Mr. INOUYE. Mr. President, there is no objection by the minority.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from New York for offering this amendment. The money is already included insofar as program year 1984 is concerned. There is some $41.917 million available for Job Corps capital construction. This money would be sufficient to take care of the life-safety matters that have to be attended to in terms of capital construction. The money that the distinguished Senator from New York has called for in his amendment would then apply to the next, which is code violations, which, if they are found to continue, would make the various buildings unusable.

So I think that the two most urgent aspects of the program have been taken care of by virtue of the original appropriation and the amendment of the distinguished Senator from New York. I commend him for offering it.

I urge acceptance of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 3617) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside the committee amendment in order that the Senator from Connecticut may wish to offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT

Mr. HATFIELD. Mr. President, it has been cleared on both sides to offer a unanimous-consent agreement on the Inouye amendment.

I ask unanimous consent that 30 minutes be equally divided on the Inouye amendment to strike the El Salvador military assistance money; that there be no amendments thereto in order; and that at the end or conclusion of yielding back the time, the Senate proceed to vote immediately on the amendment with no intervening motions, amendments, or appeals in order.

The PRESIDING OFFICER. Is there objection?

Mr. INOUYE. I have no objection.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Mr. HATFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I believe we have already cleared the deck for amending this bill by setting aside temporarily the committee amendments; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 3618

Mr. HATFIELD. Mr. President, I will send an amendment to the desk that has been cleared on both sides of the aisle.

We have on page 53 of the bill two payments for two widows. I would like to amend the bill at this point to include a payment for Verna J. Perkins, the widow of Carl D. Perkins, late a Representative from the State of Kentucky, in the amount of $72,600. This has been suggested by the appropriate committee in the House of Representatives to amend this vehicle in order to take care of the obligation to the estate of Mrs. Perkins.

I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 3618.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 53, line 7, after the period insert the following:

For payment to Verna J. Perkins, widow of Carl D. Perkins, late a Representative from the State of Kentucky, $72,600.

Mr. HATFIELD. Mr. President, I indicated what this amendment does. It has been cleared on both sides and I move its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon [Mr. HATFIELD].

The amendment (No. 3618) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendment be temporarily laid aside in order that the Senator from New Jersey may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3619

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], proposes an amendment No. 3619.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, after line 19, insert the following:

URBAN MASS TRANSPORTATION ADMINISTRATION

The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

Mr. LAUTENBERG. Mr. President, in 1982, New Jersey Transit, our statewide transit agency, suspended service on the Pennsylvania/Reading Seashore Line which provided commuter service in southern New Jersey. Because the agency had operating assistance allocated to that service in fiscal year 1983 and because that service was suspended, they are presently not able to expend some $386,484 in fiscal year 1983 funds. The amendment I am offering will allow these funds to be used where they are needed, for bus service in Atlantic City. Senator BRADLEY joins me as a cosponsor of the amendment.

In fiscal year 1984, the old section 5 Operating Assistance Program was folded into the section 9 block grant. Fiscal year 1983 funds in tier 3 of the old section 5 could only be expended for rail operating purposes. Having suspended rail services, New Jersey has funds locked in the rail tier which they cannot use absent this amendment.

The amendment, Mr. President, has been cleared on both sides. In fact, the Senate approved this provision last year as an amendment to H.R. 3103, the Surface Transportation Technical Corrections Act, which did not become law. This is a technical change but a significant change for those who provide and use mass transportation in southern New Jersey.

I thank the managers of the bill for their help and acceptance of this amendment.

I also thank the managers of the bill for considering this amendment. As far as I know, it is cleared on both sides. I thank the managers for their consideration.

OPERATING ASSISTANCE FOR MASS TRANSIT

Mr. BRADLEY. Mr. President, I rise in support of this amendment, which will provide much-needed funding for mass transit operations in New Jersey. As my colleague has indicated, this measure is necessary because $386,000 in funding had been allocated for commuter rail service in southern New Jersey in fiscal year 1983. But the only

rail service in the area was the Pennsylvania/Reading Seashore Line, which discontinued operations in 1982. As a result, the money was locked up and has been unavailable for use. The amendment we are offering simply allows New Jersey Transit to use the operating assistance funds for those modes that are available in the area. I urge the Senate to adopt this amendment, which will provide a needed boost to mass transit in southern New Jersey.

Mr. HATFIELD. Mr. President, the amendment has been cleared. Senator ANDREWS, who is chairman of the Subcommittee on Transportation, has cleared it. Since this is legislative in nature, there is a letter from the chairman of the House Committee on Public Works and Transportation, Mr. JAMES HOWARD. In that letter, which he addressed to Senator ANDREWS, he indicates that he has no intention of offering any objection.

With that, I believe the minority side has cleared it. I am willing to accept the amendment.

Mr. STENNIS. For the same reason, Mr. President, we are satisfied on this side of the aisle. I do not know of anyone who is opposed to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey [Mr. LAUTENBERG].

The amendment (No. 3619) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, we have worked out a unanimous-consent agreement on the Dodd amendment. This has been cleared by the chairman of our subcommittee and the author of the amendment.

Mr. President, I ask unanimous consent that there be 1 hour equally divided on the Dodd amendment, which stipulates that the levels of appropriations for this bill may not exceed existing foreign aid authorization levels which results in a savings of $386 million in foreign aid; that there be no amendments thereto in order, and that at the conclusion or yielding back of time the Senate proceed to vote immediately on the amendment with no intervening amendments, motions, or points of order being in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I thank Senators INOUYE, DODD, and KASTEN for their cooperation in working out this unanimous-consent agreement. I think this can put us well on the track in the amendments which are listed here for consideration. I do thank them.

Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside in order that the Senator from Connecticut [Mr. DODD] may be in a position to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 3620

(Purpose: To reduce foreign aid appropriations levels to those previously authorized)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. GLENN, proposes an amendment numbered 3620.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on line 2, page 66 strike all through line 26 on page 73, and insert in lieu thereof the following:

FOREIGN ASSISTANCE

MULTILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President
International Financial Institutions

Contribution to the International Bank for Reconstruction and Development.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increased capital stock, as authorized by the International Financial Institutions Act, $30,000,000 for the General Capital Increase, as authorized by Section 39 of the Bretton Woods Agreements Act, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable portion of the United States share of increases in capital stock in an amount not to exceed $369,999,991.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For repayment to the International Development Association by the Secretary of the Treasury, $150,000,000, for the United States contribution to the sixth replenishment, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase of the resources of the Fund for Special Operations, $72,500,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States contribution to the increases in resources of the Asian Development Fund, $47,116,170, to remain available until expended.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For an additional amount for "International organizations and programs", $40,000,000: *Provided*, That these funds shall be available only for payment to the International Fund for Agricultural Development.

BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President
Agency for International Development

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", $4,083,000.

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $3,700,000.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $180,000,000: *Provided*, That of this amount $10,000,000, to remain available until expended, shall be available only to carry out the provisions of the Clement J. Zablocki Outpatient Facility Act (Public Law 98-266), and that this sum be transferred to the Agency for International Development, for "American schools and hospitals abroad".

INDEPENDENT AGENCY

PEACE CORPS

For an additional amount for "Peace Corps", $1,000,000 to remain available until September 30, 1985.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

Pursuant to section 233(e)(1) of the Foreign Assistance Act of 1961, as amended, $40,000,000 to remain available until expended and to be credited to the revolving fund account created by section 223(b).

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", $7,650,000, to remain available until March 31, 1985, of which $2,000,000 shall be transferred to the Agency for International Development and shall be made available for "International disaster assistance" to be used only for medical and medically related assistance for Afghan refugees.

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE PROGRAM

For an additional amount for "Military assistance", $67,950,000: *Provided*, That no more that $25,310,000 be obligated or expended for El Salvador."

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $7,000,000: *Provided*, That this sum shall be available only for emergency inland transportation associated with food relief efforts in Africa.

Mr. DODD. Mr. President, this amendment is a simple amendment. It covers a lot of areas in the foreign-aid section of the supplemental appropriations bill. I will make available to any of my colleagues here a breakdown of the various areas. To that extent, it is somewhat complicated. But what I am attempting to do here is very simply to prohibit any appropriations in any section of this bill which exceed the levels that we as a body have authorized, a process and a procedure which is something that this body historically has tried to follow, which we have not always done with consistency.

In fact, under the Constitution no funds can be appropriated until we have authorized. All I am doing with this amendment is to try to see to it that we live up to that obligation, in effect.

That is what the amendment does. It does nothing more than preserve the requirement that there must be an authorization for foreign aid, both dollar amounts and specific programs, before there can be any appropriations. The supplemental appropriations bill before us, Mr. President, contain nothing short of a waiver of that requirement. My amendment makes an attempt to restore that requirement.

It restores it, Mr. President, by reducing the foreign-aid appropriations accounts, all of them, by a total of $386 million. This reduction will bring these accounts into line with their corresponding authorized program levels.

As we all know, there are only 2 months left in the fiscal year, that this is a 2-month bill, in effect, and that if we wanted to consider the appropriations for fiscal year 1985, we can do that. But, again, there is a process that we would follow. We would authorize those funds and then appropriate accordingly.

If I could, Mr. President, I would like to take a closer look at the foreign-aid section, and ask my colleagues to take a closer look at the foreign-aid section, of this supplemental bill.

The Senate Appropriations Committee has recommended a supplemental appropriations that includes more than $1 billion in new foreign aid spending for 1984, fiscal year 1984. This amount, this more than $1 billion, exceeds the existing authorizing ceilings by some $400 million. And it is some $800 million above the levels approved by the other body.

While the House measure provides supplemental appropriations of $130 million, for instance, for Central America, the Senate bill contains a whopping $565 million for the region, despite the obvious fact that, as I mentioned a moment ago, only 2 months remain in the current fiscal year.

In addition, every one of my colleagues should be aware that much of the foreign-aid section of the supplemental represents a downpayment on the Kissinger Commission legislation. Here, again, we are dealing, as I would suggest, with a classic case of putting the cart before the horse.

As we all know, the Senate has yet to consider, let alone approve, the authorizing legislation to fund the Kissinger Commission recommendations. I happen to think many of them are worthwhile. But when we are considering an $8.9 billion program, which is what the President has called for, it seems to me not only appropriate but absolutely essential that this body debate the policy considerations that are included under that recommendation and give this body an opportunity to work its will, to determine if, in fact, it is a policy we wish to follow. I, for one, generally support the policy. I may have specific disagreements on some narrow areas.

It seems to me that we will be considering a program which is the largest single foreign aid program to be considered by the U.S. Congress in almost two decades, going back to the Alliance for Progress Program under the Kennedy administration. I would remind my colleagues that when that legislation was considered, this body debated the Alliance for Progress as a policy matter extensively. It ultimately decided to approve the Alliance for Progress, and then it appropriated the funds to support that program.

All I am suggesting here is that we debate and we decide as a policy matter whether the Kissinger Commission recommendations is a policy the U.S. Senate wishes to approve of. If we do, then we can appropriate the funds accordingly to support that policy.

What is occurring here this afternoon is that we are appropriating funds for a policy we have never approved, let alone debated, in this Chamber. While certainly there are a variety of reasons why we would want to support a policy such as has been recommended by the Kissinger Commission, certainly I do not think there would be any argument here, particularly with those Members, I think, who have tried desperately over many years to try to bring some order back to this institution, that we do authorize and then we appropriate.

Frankly, as a relatively new Member of this body I wonder why I even serve on authorizing committees, since it simply seems to be a matter of appropriations by the Appropriations Committee. What happened to having authorizing committees determine proper programs and then having the Appropriations Committee appropriate the funds?

Without this amendment this body will have given its tacit approval to the largest new foreign aid program in almost 20 years, and will have done so without a single word of debate or discussion by this body on the policy we are about to fund.

Here, again, this amendment serves to preserve the requirement of an authorization bill before appropriation of funds.

Accordingly, but without prejudice, it eliminates all appropriations made pursuant to the yet-to-be-considered Kissinger Commission legislation as contained in the President's Central American aid package. The Senate deserves, I believe, the opportunity to consider and act upon the President's Central American proposals and to do so with the benefit of an open, regular debate on the legislation which he has submitted.

Last week, my colleagues will recall, this body was prepared to debate the authorizing legislation for just such a proposal. But we know that that debate never occurred, that that bill for a variety of reasons, which I am not totally privy to, did not come to the floor for debate. The reasons, I suppose, for not bringing it up are best known by people on the other side of the aisle. At any rate, it was not raised, and there is no apparent likelihood that it will come up. Maybe later in the session we might get a chance to debate the foreign aid legislation, maybe we will not. But until we do, it seems to me, Mr. President, we should all agree on the simple notion that the legislative process should be respected and that we will not entertain measures which will short circuit, and that we will reject those measures which come to the floor.

One final point, Mr. President. I am sure there will be an effort on the part of some who object to what I am offering here today to portray this amendment as antiaid to Central America or antimilitary aid to specific countries within the region; specifically El Salvador. Mr. President, neither of those allegations is true. This amendment provides, at a minimum, $178 million—remember, a 2-month bill, a 60-day bill—$178 million in economic and military aid to Central America. On the military side alone, it contains almost three times the amount provided by the other body. It specifically provides military aid to El Salvador on the current average monthly spending rate.

In sum, the spending amendment seeks to safeguard our traditional legislative procedures and, for institutional reasons and institutional reasons alone, it deserves the strong support of this body.

Mr. President, what I would like to do, very briefly, and I have provided this to any Member who cares to see it, it is a simple analysis of various breakouts of what the effect of this amendment would be. I have described the macroeffect of it—that is, the savings of some $386 million, close to $400 million. But I think if we begin to look at the categories, it makes some more sense. I am addressing areas in here, some of which are very near and dear to my heart. The Peace Corps, for example, health and population, agriculture and education programs are all included in this amendment. It is not narrowly drawn to focus on military aid.

I emphasize again, what I am saying in this amendment is that this administration can spend every nickle it wants in this bill that we have authorized. But it should not be allowed to spend or appropriate money that we have not authorized in any one of these areas at all. If we want to spend those moneys, we ought to come here and authorize it.

That is an issue that I think ought to join people of various perspectives on Central America in this body. This is not an issue of whether or not you are for the Government of El Salvador or against it or for insurgents or against insurgents, or for counterrevolutionaries or against them. That can all be debated in the policy discussion. All I am saying here is, "Let us follow the rules; let us appropriate where we authorize." Where we do not want to authorize or debate policy, we should not be allowed to spend taxpayer money.

You will note, Mr. President, my colleagues have in front of them the comparative aid levels. In the multilateral aid area—World Bank, IDA, Inter-American Development Bank, Asian Development Bank, IFAD, and so forth—there is no change in my amendment from what the Senate Appropriations Committee has adopted, for the simple reason that we have authorized all of those levels. Therefore, I am not asking that any of them be reduced, because we have approved the policy in this body to spend the appropriate amounts the committee has suggested.

In the AID development aid programs—health, for instance. I want to see health programs for the Miskito Indians in Nicaragua. I am for that. But here, it seems to me what we have done, the Senate did not appropriate any funds, the House did.

Foreign Service retirement fund—all I am suggesting is let us keep it at the authorized level. We do that. It is the same as the Appropriations Committee.

Operating expenses and so forth—there, the change is again for only what we have authorized.

Refugee aid—again, my figures agree with the Appropriations Committee figures. They are the same. We have authorized the money for that.

In Central America, in agriculture, the Senate wants to spend $10 million on agriculture. I am for that. It is hard for me to stand up here and say I am not for spending money on agricultural development programs in Central America. But if we have not authorized the funds, how do we appropriate it? It is a good idea, we ought to debate it.

The same is true of population control. I am for that. I am on record as supporting that. Some of my colleagues oppose it and they have raised the question here about it. I am saying we should not spend taxpayers' money on something we have not authorized, including something I am for, in this particular case.

Health programs, again, $18 million. God knows, they need health programs in Central America. As a Peace Corps volunteer in that part of the world for 2½ years, I saw the incredible conditions, the absence of any kind of health program in these impoverished countries. To stand in this body this afternoon and say we should not spend $18 million for health in Central America is painful for me. But I happen to believe the issue of authorizing and debating policies is something we ought not to abandon merely because we like a program.

It moves down. Education—again, it is hard to stand up here and say on education that we should not be spending $10 million of taxpayers' money. Why not debate the policy?

The same for Peace Corps. As a former Peace Corps volunteer—this committee wants to spend $2 million for the Peace Corps in Central America. I am saying we can only spend $1 because we have only authorized $1. As a former volunteer, I would like to think we can spend that $2. I would like to convince my colleagues to authorize $2 so we can appropriate $2. So I suggest we ought not to spend even that amount.

In military aid, certainly, the same is true. The Senate Committee appropriated $197.3 million for 2 months in this fiscal year. We have only authorized $67.9 million. I am saying that you cannot appropriate or spend money unless we determine, as a body, that it is a good policy to follow.

I might add that with this amendment, with that $67.9 million for Central America, my amendment goes further and says that for 2 months, you can only spend $25.5 million in El Salvador. Why $25.5 million? Over the past 10 months, we have spent $12 million a month on military aid to El Salvador. That is a lot of money. I know there will be those who will say it is inadequate, not enough. I happen to think it happens to be a sizable hunk of money to support the military needs of the Salvadoran Government.

The $25.5 million is $12 million a month for the next 2 months. Then, if we want to spend more, come in and authorize the funds, we will debate it and this body, along with the other side and with the President, will decide whether to go forward on it.

So, this amendment restrains that amount of spending in El Salvador. It does not cut off military aid. It provides economic assistance. I am not asking my colleagues to vote up or down, one way or the other, but to have a balanced intelligent approach that deals with the requirements and rules of this body when it comes to appropriating funds that have not been authorized.

Mr. President, I urge my colleagues to support this amendment. I ask unanimous consent as well that this table I have—I have not detailed every aspect of it, but I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARATIVE AID LEVELS

	House	Senate	Dodd
Multilateral aid:			
World Bank	0	30	30
IDA	0	150	150
Inter-Am. Dev. Bank	0	72.5	72.5
Asian Dev. Bank	0	47.116	47.116
IFAD	0	40	40
Subtotal	0	339.616	339.616
AID: Development aid:			
Health (Miskito Indians)	7.5	0	0
For. Serv. Retirement Fund	3.895	4.083	4.083
Operating expenses	3.7	3.7	3.7
HIGS	0	40.0	40.0
Subtotal	15.095	47.783	47.873
ESF (non-Central Am.)	75	70	70
Subtotal (economic)	90.095	117.783	117.783
Refugees	9.65	7.65	7.65
Central America (CADPDI):			
Agriculture	0	10.0	0
Population	0	5.0	0
Health	0	18.0	0
Education	0	10.0	0
Selected dev. activities	0	30.0	0
ESF [1]	105.0	290.5	110.0
AID op. expenses	0	2.489	0
Peace Corps	1.0	2.0	1.0
Subtotal (economic)	106.0	367.989	111.0
Military (grant MAP)	[2] 24.75	[2] 197.3	[2] 67.95
Total Central America	130.75	565.289	178.95
Total AID levels	230.495	1,030.338	643.999

[1] House earmarks ESF for Central America (Senate earmarks only $60 million for Dominican Republic). House earmarks: Costa Rica $60 million; El Salvador $25 million; Honduras $20 million; Dominican Republic $40 million.
[2] House deleted all military aid for El Salvador, the Senate provides the full $116 million requested and the Dodd amendment would earmark $25.310 million for El Salvador.

Dodd amendment cuts: $386.339 million from the Senate bill.

Mr. DODD. Mr. President, I reserve the remainder of my time.

I ask unanimous consent that the Senator from Ohio [Mr. GLENN] be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. INOUYE. Mr. President, will the Senator yield for a few questions?

Mr. DODD. I shall be glad to yield.

Mr. INOUYE. Is it not true that the Senator's amendment will provide appropriations in the amount of $643 million?

Mr. DODD. That is correct.

Mr. INOUYE. That is a saving of $387 million.

Mr. DODD. That is correct.

Mr. INOUYE. And the Senator's amendment still provides much more than the House?

Mr. DODD. It provides three times the funding that was approved by the other body.

Mr. INOUYE. And, Mr. President, is it not true that this measure we are now considering will appropriate moneys for a period of 7 weeks?

Mr. DODD. That is correct. It is less than 2 months that remain in the fiscal year. These funds will be for that 2-month period.

Mr. INOUYE. Is it not further true that the moneys which we appropriated last year by continuing resolution and recently, in July, by the urgent supplemental for military assistance in El Salvador have not been fully obligated and expended?

Mr. DODD. I would think they have been obligated. They have just not been expended. I think that is the appropriate way to describe that. The funds have been obligated to it; they just have not spent it. So there is money in the pipeline that has never been used.

Mr. INOUYE. To put it more dramatically, the trucks which they need desperately have yet to be delivered.

Mr. DODD. That is correct. I am prepared to say here is $25.5 million more for the next 2 months. I am not saying, "Live on what we have already given you." I am probably going to be criticized by some because I am willing to spend $25.5 million of taxpayer money for the next 2 months. I am not wiping it all out. The House appropriated $230.5 million for the next 2 months. My amendment appropriates $643.9 million for the next 2 months—three times what the House has done, and it is a reduction. The Senate wants to spend over $1 billion in the next 2 months. I find that excessive, particularly when we have not authorized the funds.

Mr. INOUYE. Finally, has the Foreign Relations Committee discussed, debated, and approved the recommendations of the Kissinger Commission report?

Mr. DODD. We have discussed and debated in committee at great length, I might add—and I might point out, while he is not here on the floor, my distinguished colleague from Maryland, Senator MATHIAS, and I went through at least 4 days of discussion, working hard with the administration, and we had crafted what we thought was a pretty good framework for the economic program for Central America but we never got a chance to debate it. We were supposed to have an opportunity last week and the bill was pulled. We never had a chance to vote on it. And now we are going to appropriate money without knowing the structure of the program.

Mr. INOUYE. So without authorization, without appropriate debate we are now asked to appropriate moneys?

Mr. DODD. That is absolutely correct.

Mr. INOUYE. I thank the Senator.

Mr. DODD. I thank my colleague for his questions.

Mr. PRYOR. Will the Senator yield for a question?

Mr. DODD. I will be glad to yield.

Mr. PRYOR. The Senator from Arkansas just walked into the Chamber. I am sorry I did not hear all of the Senator's statement. I have the greatest respect and admiration for the knowledge of the Senator from Connecticut on this issue. Did the Senator from Connecticut say that we were spending at the rate of $12 million each month in El Salvador?

Mr. DODD. Roughly $12 million over the last 10 months.

Mr. PRYOR. In military aid?

Mr. DODD. Military aid. Using the last 10 months as a framework and taking the total amount of dollars provided, it works out to roughly $12 million a month, and so my amendment sort of preserves that relationship and I provide for $25.5 million for the next 2 months.

Mr. PRYOR. As the Senator from Hawaii pointed out, technically for the next 7 weeks, I believe.

Mr. DODD. Correct. It is less than 2 months.

Mr. PRYOR. What is the total amount, then, for military aid for El Salvador under the proposal of the Senator? That would be $25 million?

Mr. DODD. $25.5 million for El Salvador, but I would point out there is $67.9 million, which would include the $25.5 million, for all of Central America. So there is roughly an additional $40 million to be spent in the other countries in the region over the same 7-week period. So I am providing funds as well in those other countries. I am not cutting it off.

Mr. PRYOR. Am I correct in stating that the committee's position on this is that we spend $212 million over what the Senator from Connecticut is recommending?

Mr. DODD. No, the Senate bill would like us to spend in that same period $197.3 million, and the difference between those two would be $120 million roughly.

Mr. PRYOR. What in the world are we going to do with all of that money in military aid the next 7 weeks if this is actually appropriated?

Mr. DODD. I do not know. As my distinguished colleague from Hawaii pointed out, which makes it even more awkward, while we have obligated funds, we have not been able to expend them.

Let me say to my colleague from Arkansas, by the way, I will take a back seat to no one in this Chamber for my affection, respect, and admiration for Jose Napoleon Duarte, the new President of El Salvador. He needs economic help, he needs help in terms of military assistance, but when we start determining the basis of our friendship on who is willing to add up a higher ante, does someone here love Jose Napoleon Duarte more because they want to spend $200 million over the next 2 months or because you want to spend $25 million in military aid? Is that how we determine our friendship? Am I less of a friend because I do not believe that there is a necessity over the next 2 months to spend $160 million more of taxpayer money? I hate to think my friendship is determined on that basis. And yet there will be those who suggest that is how it ought to be determined?

I want to see him succeed. He deserves our support, he deserves our backing, but that does not mean we write out blank checks for anybody. We do not do it at home. I cannot get the Governor of Connecticut all the money he wants. The Senator from Arkansas cannot get Governor Clinton all the money he wants for Arkansas. They tell you up here you cannot do that. That does not mean we do not love Governor Clinton or we do not love Governor O'Neill in Connecticut. But there are limits. I am suggesting by this amendment that we are offering some limits and let us debate policy.

Mr. PRYOR. I not only thank the Senator from Connecticut, I agree with him.

Mr. DODD. I thank the Senator.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. DODD. I will yield to my friend from Vermont.

Mr. LEAHY. Mr. President, I applaud the Senator from Connecticut. I was not going to speak on this issue, but yesterday I heard my good friend from Utah, Senator GARN, say, if I quote him correctly, "We have a supplemental appropriations bill before us with everybody advocating fiscal responsibility. Are there any amendments from any of my colleagues to reduce it?" Our distinguished friend from Utah is right, there would be. This is one. This is an amendment to reduce spending. It is based on one principle: We are not going to appropriate funds for foreign aid if it has not been authorized.

We have to hold the line on spending somewhere. We are not here to

debate an authorization bill. It is an appropriations bill. If people really want to follow the procedures, if people really are fiscal conservatives, if people really mean what they say in the speeches back home about how we are going to hold the line on spending, they are not going to spend money that goes beyond what has been authorized. Certainly, if we are going to have a foreign aid authorization bill come up, I think every one of us would be happy to have it come up, debate it, and see where we go. I like many parts of this bill, but I do not think we should have $1 billion for foreign aid in this bill. I agree with Senator GARN when he said, "I am getting a little tired of Senators who simply will not face up to fiscal issues, who will simply not vote like they talk."

I am also tired of being typecast in this issue. I heard the head of the Grace Commission, Mr. Reagan's friend, say that all Members of Congress are clowns because they will not vote to cut the deficit. Well, I do not think we are. I think this is a chance where we can say, whether we consider ourselves fiscal conservatives or not, we are going to follow our procedures, we are not going to vote for hundreds of millions of dollars in a foreign aid giveaway that has not been authorized. The Foreign Relations Committee has not had the bill up yet. I know the distinguished Senator is on that committee. I am sure he feels the same way I do. We ought to at least have debate on where the money is going.

Mr. DODD. Mr. President, if I might recapture my time for a second, the committee finished the bill with the exception of this one area; we had troubles with some parts of it. We were ready last week to debate in the full Chamber the foreign assistance authorization bill and the bill was pulled. We worked very hard in that committee in order to have an authorization bill before our colleagues for their consideration. So I want the RECORD to show that it was not anything to do with the recalcitrance or laziness on the part of the Foreign Relations Committee. We tried to do that.

Mr. President, I reserve the remainder of my time.

Mr. KASTEN. Mr. President, as to the point made by the Senator—I will speak in opposition to the amendment, but I think there is a misunderstanding, and I want it corrected. Am I not correct, if I could ask the Senator from Connecticut, that the bill that he is talking about——

Mr. DODD. Are we on the Senator's time?

Mr. KASTEN. This is on my time.

Mr. DODD. OK.

Mr. KASTEN. The bill the Senator is talking about, the foreign relations authorization bill, is silent on the question of Central America? The committee deadlocked on it. The bill that the Senator is asking to come before the Senate does not have a word about Central America, not a word. As the Senator said, they threw up their hands, they cannot handle it in committee so let us debate it here. So the Senator is not referring to a bill upon which debate and agreement and a position has been established. There has been debate but there is no position.

Mr. DODD. May I respond to my colleague?

Mr. KASTEN. I would just like to ask the Senator, is there a dollar amount listed for any of these Central American programs in the bill that was scheduled to come before the Senate?

Mr. DODD. No.

Mr. KASTEN. There is not.

Mr. DODD. The Senator is correct to this extent: We debated the issue for some 3 or 4 days in the committee and in fact resolved—I would say 98 percent of it was done.

Mr. KASTEN. But the bill is silent——

Mr. DODD. Let me answer. The Senator wants an honest answer to his question. I will give him an honest answer. The honest answer is we debated it for some 3 or 4 days and resolved 98 percent of these issues.

We got tied up in a deadlocked vote, 8 to 8, in the committee as to whether or not to deal with some specific provisions regarding military aid. We decided, because we were deadlocked, because we could not resolve it in the committee, to bring it to our colleagues on the floor. We voted on it three times and decided that we would come out here, which is the normal way to do things. We said that we will offer it as an amendment. Senator MATHIAS and I were working on it and said we would offer it here.

The fact that we did not resolve it in the committee is not the point. The point is that we debated it extensively; and if the committee cannot answer the question, we ask our colleagues to answer the question. That is what we were prepared to do last week, but we could not get the bill up.

Mr. KASTEN. I point out to my colleagues that the bill to which we are referring does not, right now, talk about the issue that the Senator's amendment addresses. The committee was deadlocked. They could not come to an agreement. The bill is silent on this question.

I will yield to the Senator from North Carolina in a moment, but I want to make one other point.

We have heard the argument on many occasions about authorizing legislation versus appropriations legislation. A couple of months ago we were here on a similar subject matter, on the urgent supplemental. At that time, some of those who are today arguing against appropriating before authorizing were talking about the War Powers Act, about numerous other authorizing provisions on the urgent supplemental.

So we all take this argument and use it whichever way it seems to work, on whichever day it seems to work. The fact is that the effort being made here is an effort to cut—I would say to gut—the initiative which began with the National Bipartisan Commission on Central America, and upon which we are beginning to implement in a very slight way. The Kissinger Commission is talking about $8.4 billion. There are certain things that must be done quickly and immediately, and that is why we are talking about funding in the neighborhood of $560 million, total, for Central America in this bill.

Mr. DODD. Mr. President, will the Senator yield?

Mr. KASTEN. I want to yield to the Senator from North Carolina first.

Mr. DODD. On one point.

Mr. KASTEN. I yield.

Mr. DODD. The Senator just made reference to the fact that in the last supplemental, a lot of Members argued here that we should not be voting for supplementals that were not authorizations. Is it not the case that on the last supplemental, the supplemental figures had been authorized?

Mr. KASTEN. At that point we were arguing exactly the opposite sides.

Mr. DODD. But the money had been authorized.

Mr. KASTEN. The money had been authorized.

Mr. DODD. And here the money has not been authorized.

Mr. KASTEN. This money is not authorized.

Mr. DODD. That is the distinction.

Mr. KASTEN. I was not making the point as to whether it was authorized, but we talk about authorizing legislation on appropriations bills and make the argument which way it fits.

Mr. DODD. I was arguing that we should not appropriate where we have not authorized.

Mr. KASTEN. I yield to the Senator from North Carolina.

Mr. EAST. I thank the Senator.

Mr. President, I should like to join the distinguished Senator from Wisconsin in opposition to the Dodd amendment. I regret that we have so little time to discuss this matter, because I consider it the most significant foreign policy issue of our time. I think that if we should adjourn and have adopted the Dodd amendment, we would send a very bad message to Central America and to the rest of the world.

There is a sense of urgency involved here, as the Senator from Wisconsin

indicated; and in my judgment, we must move, and we must move quickly.

The Senator says that his figures and his amendment ought not to be interpreted as being anti-Central American aid. I submit, with all due respect to the Senator, if he looks at the figures, that is precisely what it is. If we look at the Central American category, the major drops are all in the Central America aid area, and many of them from a specific amount to nothing at all.

So, in effect, the thrust of this amendment is to to gut all aid of any real, genuine value which is needed at this time for Central America. That means that the United States is washing its hands of current developments in Central America. That is contrary to the great historical bipartisan support that has been shown in this country, from the time of Theodore Roosevelt and Wilsonian internationalism down to the present time. It is contrary to the Good Neighbor Policy of Franklin D. Roosevelt. It is contrary to the Alliance for Progress Program of President Kennedy. It is contrary to the bipartisan approach shown for the Caribbean initiative under the directorship of former Secretary of State Kissinger.

This is not a progressive program. It is hopelessly reactionary. It is the neoisolationism of our time, and it is the 1930's deja vu. We write off a particular area of the world.

In the 1930's, we thought we could withdraw into a fortress America and let the rest of the world go its way. We know the price we paid for that—the worst war we have know in our time.

I find it curious that the Senator from Connecticut is not troubled with such things as the Marshall plan we gave in aid to Europe or NATO, which was a military shield behind which Europe could grow and prosper, and it has, and it remains in the free world's camp.

If that is a valid policy for Europe, why would not that be a valid policy for those countries in that area, right in our own hemisphere and literally in our own geographical back yard of Central America?

Mr. DODD. Mr. President, will the Senator yield?

Mr. EAST. No, I will not yield. I wish to make a statement, and I have 10 minutes. If the Senator wishes then to ask a question on his time, he may do so.

Mr. DODD. My colleague——

Mr. EAST. Mr. President, do I have the floor or do I not?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. EAST. I am not yielding for a question on my time. I should like to proceed until I have completed, and then I will happily submit to questions on the Senator's time, since we operate under severe time limitations.

What the Caribbean Basin initiative has called for is consistent with a bipartisan internationalist foreign policy as regards Central America which has existed—with fits and starts, unfortunately—in the twentieth century. What the Senator from Connecticut would do would be to totally gut it and end it and to wash our hands of it.

The practical result would be the Marxist-Leninist takeover of Central America. Moscow and Havana, via Managua, will have taken over Central America.

If I were the President of the United States, I would point to the U.S. Congress and place the blame on them, which is precisely where it would belong.

There is a sense of urgency, I say to the Senator. It reminds me of a remark made by a famous European scholar and observer of our time, Leo Strauss, who said, as regards the international Communist-Marxist-Leninist challenge: "We fiddle while Rome burns. We are excused by two facts. One, we do not know we fiddle; and, two, we do not know that Rome burns."

Rome is burning in Cental America, and that shift of power is to Moscow, Havana, and Managua. If that is allowed to occur, you are going to jeopardize the security and the freedom of the people of the United States, and you are going to send a message to the rest of the world that the fatigue of leadership has set in in this country, in which we are no longer willing to act as a major world power, which is the responsibility that contemporary world history has forced upon this country, the thoughts of the Senator from Connecticut to the contrary notwithstanding.

We have debated this policy. We have debated it time and time again. President Duarte of El Salvador, democratically elected government, graduate of Notre Dame, student of Father Hesburgh, stands for democracy, with a little "d," and he has said: "We need the aid, military and economic, and we need it now."

And to deny it to them is to wash our hands, I repeat again, of a very vital area in our own hemisphere and to invite the Caribbean to become a dominant area of Soviet influence and power, and the net effect of this will be to go back de facto, to repudiate the Monroe Doctrine of 1823, which said under President Monroe we would not accept foreign intervention and military presence in the New World.

This is a terribly reactionary, a terribly isolationist amendment that is being offered and for it to be pawned off in the name of progressive is precisely the opposite. It is reactionary.

And I hope that my colleagues will turn this amendment down and realize the urgency of the situation and realize that it is in the national self-interest of the United States to see that Central America has a military shield behind which it can economically develop as is the model we have set in Europe. If it is in our national self-interest, and this group agrees, this Senate, that Europe not fall under Communist domination, why in the world would we not also agree it is imperative that Central America not do likewise?

The model has been set in Europe—NATO, the Marshall plan.

The Caribbean Basin initiative sets it in Central America, a military shield and behind it economic aid by which these viable and new democracies can grow and flourish.

That is in the best moral tradition of Wilsonian internationalism, and I am surprised to hear that such an amendment would come from the other side of the aisle which normally would be looked upon as supporting that kind of policy, the greatest single foreign policy issue that we face in our time.

And I hope that my colleagues will turn this amendment down and turn it down overwhelmingly so that not only those struggling against the forces of Marxist-Leninism in Central America will know we support them morally and logistically but the rest of the world will know that the United States is not fatigued; we are still willing to accept our responsibility whether we like it or not as the leader of the free world.

As Alexander Solzhenitsyn has said, the balance of power is tipping against us and at some point it is going to tip over the line. Whether it has occurred I do not know. But if it happens in Central America I submit it will have occurred because the Caribbean Basin will now be principally an area of Soviet dominence and influence, and I defy any Senator to stand here and say that is in the best national interest of this country, of this generation and that of your children and your grandchildren. It is not. It is not.

And I hope that this amendment again will be overwhelmingly defeated, not for any disrespect for the distinguished Senator from Connecticut, but to show that the Senate is behind firmly and solidly a policy to prevent this enormity from happening in Central America.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. EAST. I thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. Fourteen minutes and five seconds remain for the Senator from Wisconsin; 4

minutes and 24 seconds remain for the Senator from Connecticut.

Mr. SARBANES. Mr. President, will the Senator from Wisconsin yield briefly for a question?

Mr. KASTEN. I yield briefly for a question.

Mr. SARBANES. Mr. President, the question to the Senator is on what basis does the Senator, as a member of the Appropriations Committee, assert that we should be able to consider appropriations from which an authorization has not been provided.

Mr. KASTEN. I would say to the Senator, I would much rather have authorizing legislation signed into law before proceeding on an appropriation, and this is the way that we attempt to do it. But unfortunately, as has happened so many times in the past, and I have been chairman now of this subcommittee for 3½ years, there have been numerous occasions which, because of the legislative schedule, because of other complications and problems, we have not been able to have authorizing legislation pass the House of Representatives and the Senate, go to a conference, and in fact the legislation be signed into law.

I think the Senator will recall that we have never had a foreign relations authorization bill in place as long as I have been chairman of this committee, and that is 3½ years. I cannot go back to how many years it might have been before that. I do not know when the last authorization bill was in place.

Unfortunately, we have to work ourselves around that problem, and we are in the process of doing so right now. We have done this in the past, and it is not the right way to do it, but it is the only way to do it at this particular point.

I also wish to point out to the Senator that on the question of Central America, as he might well be aware, the issue has not been resolved by the authorizing committee. The bill that Senators are talking about bringing before the Senate, and I hope will come before the Senate, is for all practical purposes silent on the issue of funding for Central America.

So even if we had the bill, we would not really be very much farther along.

Mr. SARBANES. Mr. President, let me say to the Senator on that very point that this situation is going from bad to worse. All that is happening here is a shopping around within the Senate and Congress to find a favorable quorum. The reason the provisions affecting Central America are not contained in the authorization bill reported from the Foreign Relations Committee is that it was judged that the provisions that the committee would put in were not acceptable to the administration. So they withheld those provisions and went to the Senator's subcommittee and are doing a complete upsetting of the normal procedures of this body in order to resolve these issues.

The Senator is a responsible Member of this body and it seems to me at some point he himself, although he is collecting all this authority in his subcommittee, should say this should stop and we should do this in the right way. There should be an authorization and there should be an appropriation, particularly when we are talking here about a supplemental whose application runs only until September 30 of this year.

Mr. KASTEN. Mr. President, let me, first of all, regain my time. I have yielded to the Senator for a brief question, and I think the question has been asked.

Mr. President, I wish to say that this procedure is not the right procedure, it is not the best procedure, but unfortunately it is a procedure which we find ourselves forced to work with.

I wish to work toward having an authorizing bill. I think it is the right way to do it. It is the best way to do it. It is the way it should be done. Unfortunately, it is not possible at this time.

The Senator from Arkansas is not here now, but I shall very briefly make two points on why this money is needed now.

First of all, I think everyone should understand that it is not as if we are funding an ongoing program at a certain level. This is not operations, salaries, regular maintenance, periodic maintenance, et cetera.

What we are doing in both the economic and the military area is establishing a program making certain initiatives and beginning certain kinds of programs, most particularly in the area of the military, which is so greatly needed. We are dealing with the mobility question. We are talking about trucks, 230 of them. We are talking about helicopters, eight of them. We are talking about airplanes. We are talking about additional air support. We are talking about command control and intelligence, light helicopters, secure radios. These are not the kind of things that are regular operations and maintenance. These are program initiatives which must go forward, and that is why this money is needed.

Mr. President, the Senator from New Mexico said that he wished to speak on this issue.

Does the Senator from Mississippi wish to speak on this issue?

Mr. STENNIS. Mr. President, I only need a minute or two.

Will the Senator yield me a minute?

Mr. DODD. Mr. President, I am glad to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, in spite of some fine work that has been done here by our friend who has presented this bill, he is very capable on the floor, and in spite of my deep concern about the situation in Central America, I have already decided that we should go in there definitely with some military aid and some economic aid, I still am impressed with the fact that the present state of affairs is not proven dollarwise with exactness that we ought to have.

I, therefore, will support this amendment pending for the $386 million takeout which leaves, the figure I have, leaves $643 million. And that is a good deal of money to make a start in a supplemental bill. It is already August 8 and we have the regular bills to come up yet. I assume that there will be some kind of an authorization or some additional appropriations which I expect to support as far as I can.

But with the present situation, I will have to vote for this amendment which makes the reduction.

Mr. DODD. I thank my distinguished ranking minority member, the former chairman, for his comments. He hits it right on the head. It is a lot of money.

I would point out to my colleague from North Carolina, when he suggested those of us who offer these kinds of amendments are isolationists, I do not think spending $643 million for 2 months would qualify in Latin America as being isolationist.

I might point out that people forget this administration's original request for fiscal year 1984 for El Salvador alone was $297 million. We have provided by August of this year $337 million for El Salvador. That is hardly isolationist at all. I am not advocating we cut off all the aid. I am just saying to do it with some rationality and common sense.

My colleague from Wisconsin says we have to do it this way. We need a supplemental. I understand that. But why not have a supplemental that provides appropriations for funds that we have authorized? And $643 million, is that not enough?

Do you want to go into the months of August, September, and October and say to your constituents that we are talking about deficits and balanced budget amendments, that we do not think $643 million is enough of your taxpayer money; we want to spend a billion dollars of your taxpayer money? And I am also for a balanced budget amendment in the Constitution and I am also for reducing the deficit and I am against raising taxes and I think we ought to cut spending in this country in the area of entitlements and discretionary nondefense areas.

How can you be all of those things? How can you be all of those things?

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I am glad to yield.

Mr. SARBANES. We have the amazing irony in this instance that the Appropriations Committee, which ordinarily squeezes the figures down below the authorizations, below the authorizations, in the instance is going above the authorizations.

Now, that is a complete reversal of the normal activity of the Appropriations Committee and it is contrary to the normal process. There is not an authorization for these funds and yet the committee, which is supposed to be husbanding our resources and exerting a careful restraint on spending, is exceeding the authorization by $346 million over and above.

Mr. DODD. Mr. President, I yield my time remaining to my colleague, the Senator from Ohio, Senator GLENN.

Mr. GLENN. Mr. President, I thank the distinguished Senator from Connecticut, my colleague on the Foreign Relations Committee.

Mr. President, I rise today to express my grave concern about the procedure by which we make important foreign policy decisions, as illustrated by the bill we are now considering. We seem to be getting in the unwise habit of making important foreign policy and foreign assistance decisions by continuing resolution and a series of supplementals rather than by considered debate of a total foreign assistance package. Our last foreign assistance authorization bill, which is designed to be an integrated and complete foreign assistance program for a given fiscal year, was for the fiscal years 1982 and 1983.

The PRESIDING OFFICER (Mr. SYMMS). The Chair informs the Senator that the time of the Senator from Connecticut has expired.

Who yields time?

Mr. KASTEN. Mr. President, I yield 1 additional minute from my side to the Senator from Ohio.

Mr. GLENN. I thank the Senator very much. I will try to complete my statement in that time.

Mr. President, for the fiscal year 1984 we have a continuing resolution, an urgent supplemental and now another supplemental of $1 billion with only 2 months to go in this fiscal year. We appear headed for a similar ad hoc arrangement in fiscal year 1985 given the failure to consider a foreign aid authorization bill to date. Such a procedure cannot result in a comprehensive, reasoned and complete program of foreign assistance. For example, elements of this supplemental derive from the recommendations of the Kissinger Commission report. Yet to date we have not had a debate on that report's recommendations. The report proposed a large comprehensive 5-year program for economic and military assistance by the Central American region. Today we are being asked to approve bits and pieces of that comprehensive program when we have had no opportunity to debate the wisdom of the underlying program.

I am not assigning blame, Mr. President, for the fact that we find ourselves in this dilemma. I am simply voicing my grave reservations about the way we are going about the important business of allocating our limited foreign assistance resources. The authorization and appropriation process is certainly not without its faults, but I firmly believe that it is preferable to continuing to do business by continuing resolution and supplemental.

The Dodd amendment, which I support, makes a modest effort toward addressing the concerns I have raised by deleting the unauthorized portion of the pending foreign aid supplemental. Thus I urge my colleagues to give it their support.

Mr. President, I appreciate the additional time.

Mr. DODD. Mr. President, will the Senator yield for 30 seconds?

Mr. KASTEN. I yield 30 seconds to the Senator from Connecticut.

Mr. DODD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. Mr. President, I want to repeat, particularly to the Senator from Maryland and the Senator from Ohio, that I want to go forward and establish—reestablish, I should say—the right process in the foreign policy area in terms of authorizing and appropriating. I think both the Senators would recall, on the one hand, that the IAEA amendment, which is not authorized, and, on the other hand, an amendment on this urgent supplemental that had to do with Greece and Turkey which was not authorized. All of us have found ourselves in this position.

The fact is that this is not the right system. But the fact is we have been authorizing on the appropriations bill, on the urgent supplemental, and it has been coming from all sides from all of us. The argument, in terms of authorizing and appropriating, is used flexibly, I might say.

So we have a problem. But the way to solve the problem is not to cut Central America. The way to solve the problem is not to shortchange Duarte and the new government there. The way to solve our legislative logjam problem is not to put Central America at risk.

The way to solve our legislative problem is to solve it legislatively, not by cutting these programs. They need the mobility. They need the command control and intelligence. They need the additional air support. They need the new programs, and they need them right now. And, because of the legislative logjam, because of the delays, we have found ourselves in a position here where we are once more up against all these questions between committees on jurisdiction.

We have to solve the problem. But we are not going to solve our problem in the Senate and the House of Representatives simply by cutting money to Central America.

Mr. GLENN. Will the Senator yield for a question?

Mr. KASTEN. I yield to the Senator from Ohio.

Mr. GLENN. Could the Senator tell us how much has already been appropriated for this purpose so far this year? Because I believe we are on our second increase so far this year.

Mr. KASTEN. This is the first—there has been no funding of the Kissinger Commission recommendations, the so-called Jackson plan; no dollars have been appropriated for the Jackson plan, the Central American Kissinger Commission. These would be the first.

Mr. GLENN. The question was how much has been appropriated for El Salvador for this year.

Mr. KASTEN. I do not have the figures, but for military assistance it is in the neighborhood of $120 to $130 million, and for economic assistance it would be roughly $220 million, about twice that of military.

Mr. GLENN. It is about $230 or around that ballpark all together.

Mr. KASTEN. In the urgent supplemental there was roughly $62 million provided, and the administration initially wanted $93 million. We shortchanged them.

What you have here is a combination of the funds that has not come to them through the other bills, along with the beginnings, just the beginnings, of the $8.4 billion Central America initiative. But they need the money.

Mr. GLENN. But the direction of my question was the point we are not cutting them off. They are not without assistance that they have had earlier this year. That was the point I was trying to make. So if this additional is provided here it would be quite adequate and that is the direction I thought we should go.

I once again appreciate the courtesy of the distinguished Senator for granting me extra time for my statement.

Thank you very much.

Mr. KASTEN. Mr. President, I yield back the balance of my time, and the yeas and nays have already been ordered.

The PRESIDING OFFICER. All time has been yielded back.

Mr. KASTEN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes and 43 seconds.

Mr. KASTEN. Mr. President, I ask unanimous consent to take back my

time, and yield 2 minutes of my time to the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. I thank the distinguished floor manager. The report of the National Bipartisan Commission on Central America states on page 46:

We cannot wait to check the decline in economic activity and the deterioration in social conditions until a long-term program is in place. The Commission urges immediate adoption of stabilization programs, combining public and private efforts to halt the deterioration. Some of the recommendations are endorsements of existing initiatives and most important, it is critical that Central American countries continue to implement the economic stabilization programs especially to pursue policies designed to foster increased trade and growth.

Mr. President, we have been discussing the Central American issues on the floor of the Senate about every 10 days we have been in session this year. We have discussed these issues and debated them at length. There is not a person here that does not know the issue.

Several weeks ago we all had a chance to talk about this when we were approving a previous appropriations bill for the State Department. That night at 11:30 I said to the Senate if I did not think we were going to have a chance on some other bill to fund Central American social aid, economic aid, education, Job Corps, and health aid, I would put the 5-year authorization for Central American economic and social assistance on that bill. Everybody in this institution heard that. About 40 Senators told me, "If you would have offered it, we would have passed that amendment tonight." The time has come.

I believe we ought to implement the first partial year of the Bipartisan Commission's report on this bill, as the committee recommends, or, make no doubt about it—nobody should be fooled—we are not going to have time, and we are not going to find another supplemental bill to do it. We do it here, or we have raised gigantic false hopes for the people of Central America. We would discourage the new democracy and those that are trying to move in the right direction toward freedom and opportunity.

If this great democracy cannot put some health money, education money, Peace Corps money in this bill together with the defense money unanimously recommended by the Bipartisan Commission, then I think we might as well give up claiming to be a friend of poor countries and budding democracies, such as Honduras and El Salvador. We should not stand on technicalities. We ought to fund the emergency economic and humanitarian plan for fiscal year 1984 today, send it over to the House, and see if they want to or not. If they want to let an El Salvador that is trying desperately to be free go down the tubes, let it be on them, and not the Senate. We ought to pass this provision, and send it over to the House.

The PRESIDING OFFICER. All time is expired.

The question is on agreeing to the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—37

Baucus	Hart	Pressler
Biden	Hatfield	Proxmire
Bingaman	Inouye	Pryor
Bumpers	Kennedy	Randolph
Burdick	Lautenberg	Riegle
Byrd	Leahy	Sarbanes
Cranston	Levin	Sasser
DeConcini	Matsunaga	Stennis
Dodd	Melcher	Tsongas
Eagleton	Metzenbaum	Weicker
Exon	Mitchell	Zorinsky
Ford	Moynihan	
Glenn	Pell	

NAYS—62

Abdnor	Goldwater	McClure
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hatch	Nunn
Boren	Hawkins	Packwood
Boschwitz	Hecht	Percy
Bradley	Heflin	Quayle
Chafee	Heinz	Roth
Chiles	Helms	Rudman
Cochran	Hollings	Simpson
Cohen	Huddleston	Specter
D'Amato	Humphrey	Stafford
Danforth	Jepsen	Stevens
Denton	Johnston	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Tower
Domenici	Laxalt	Trible
Durenberger	Long	Wallop
East	Lugar	Warner
Evans	Mathias	Wilson
Garn	Mattingly	

NOT VOTING—1

Bentsen

So the amendment (No. 3620) was rejected.

Mr. KASTEN. I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we now have a unanimous-consent agreement to consider an amendment to be offered by the Senator from Hawaii [Mr. INOUYE]. We have about 20 other amendments that have been indicated to us. There may be others. I urged the leadership yesterday, and the leadership has reasserted that intent, to pursue this bill through to completion. I urge Senators to be present and ready to offer their amendments, because it does waste a lot of time when we have to send for Senators.

If there are any Senators who believe they can work out some kind of unanimous-consent agreement on time, I would certainly welcome that effort.

Mr. PACKWOOD. Mr. President, will my colleague yield for a question?

Mr. HATFIELD. Yes; Mr. President, I am happy to yield.

Mr. PACKWOOD. I might state to my colleague that Senator BRADLEY and I are ready to go on an amendment. Whether we can get a time agreement or not, I do not know, but we would be receptive to one.

Mr. HATFIELD. I thank the Senator. We shall have that right on the sideline ready to move on when we finish with the Inouye amendment.

Mr. President, I ask unanimous consent that the committee amendment that is the pending order of business be temporarily laid aside in order that the Senator from Hawaii may be in a position to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I apologize to the chairman for the brief delay. I was in the Rules Committee.

Mr. STENNIS. Mr. President, may we have order? These are important matters and we just cannot hear.

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate will be in order.

AMENDMENT NO. 3621

(Purpose: To delete military assistance funds for El Salvador)

Mr. INOUYE. Mr. President, on behalf of Senator RANDOLPH and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself and Mr. RANDOLPH, proposes an amendment numbered 3621:

On page 73, delete lines 15 and 16, and insert in lieu thereof: $80,350,000: *Provided*, That none of the funds made available under this heading may be used to provide military assistance to El Salvador.

Mr. INOUYE. Mr. President, this body has spent much time debating this complicated issue. I believe that most Members of the Senate, if not all, are well aware of all the complex problems involved therein, but just to remind ourselves, I would like to note a few highlights of the issue.

First, under the continuing resolution, this Congress last year appropriated $64.8 million in military assistance to El Salvador. Then last June, we once again appropriated $61,750,000 under the urgent supplemental bill. This matter was signed into law on July 2, and as of this

moment we have appropriated a total of $126,555,000 for military assistance purposes in El Salvador. This amount, I wish to remind this body, is $45,250,000 more than what was provided in fiscal year 1983. In fact, it is a 56-percent increase.

The second matter that we should keep in mind is that much has been said about the Kissinger Commission report. That report does not make a recommendation for military assistance to El Salvador. In fact, it says, "We are not in a position to judge the precise amounts and types of increased aid here."

The third matter that I would like to bring up is that the urgent supplemental funding of military assistance for El Salvador, which we voted upon last June, was requested because of an anticipated effort on the part of the guerrillas to disrupt the electoral process which was then under consideration by El Salvador. As all of us know, this guerrilla offensive did not materialize. Consequently, the armed forces of El Salvador were not required to spend and use the ammunition at the rate anticipated, nor did the army conduct operations as extensively as expected. Therefore, there is much ammunition remaining.

Four, all of the reports emanating from El Salvador, including that report made by our colleagues, suggest that the highest priority should be given to military trucks. In fact, I recall reading a report which was issued by my distinguished colleague from Florida [Mr. CHILES] that for each 1,000 troops there were only two trucks available. I believe it may be interesting to note that of the moneys that we provided in the continuing resolution for trucks, we are still waiting for delivery. The 150 trucks that have been delivered to El Salvador for military purposes were purchased with funds which we appropriated for fiscal year 1983. My contention is that if the Department of Defense, if AID, and the Government of El Salvador find it difficult to prudently obligate and expend the funds which we appropriated last year, how can we expect them to prudently appropriate and expend funds for the next 7 weeks? I think all of us should keep in mind that what we are dealing with today is not for the next fiscal year. It is for that period between now and October 1—assuming it passes today and the President signs the bill, 7 weeks.

Five, perhaps the strongest argument against increasing military assistance is that this would send a very bad message to the military in El Salvador. I would like to suggest that it may undermine whatever reforms are now being undertaken by the military. As many of us have looked upon the military situation and El Salvador, we have been pleased to note that because of improved leadership and improved gathering of intelligence, the military situation has been successful. But if we now send in massive amounts, amounts that I think all of us must admit cannot be prudently obligated and expended, it will send this message to the military: "You do not have to improve your leadership because the United States under any circumstance will provide you with more than sufficient equipment and supplies to overcome whatever inadequacies you may have." I think that would be an unfortunate message to send.

Six, my colleagues have been concerned that this type of amendment may indicate a lack of support for the newly elected President Jose Napoleon Duarte. Let me once again remind the Senate that we did indicate our support dramatically when we, after his election, passed the supplemental military assistance, $61,750,000 as requested by the President of the United States. This was signed into law on July 2.

Our Government has argued that the support is necessary for political purposes; that they are running out of supplies. But I once again remind my colleagues that they are not running out of supplies. The anticipated guerrilla attack did not materialize. In fact, there are millions of dollars in the pipeline, and in this pipeline you have ammunition, you have equipment, and you have those trucks about which we have been talking.

Therefore, Mr. President, I hope my colleagues will consider this amendment very seriously, keeping in mind that it will not be possible for this Government and the El Salvadoran Government to prudently obligate and expend the funds that this bill purports to provide. I believe the amount which we have already provided will be sufficient to cover that period between now and October 1. Sometimes we may do more harm by being overly generous, and I think this is one of those instances.

I hope we will be a bit more prudent.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I prepared and sent to all my colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 6, 1984.

DEAR COLLEAGUE: When the Senate moves to consideration of H.R. 6040, a bill making further supplemental appropriations for fiscal year 1984, I intend to propose an amendment which would limit fiscal year 1984 military assistance to El Salvador to the amounts already provided under the Continuing Resolution and the recently enacted Urgent Supplemental. Together, these measures have provided $126,550,000 in military assistance to El Salvador, an amount which is $45,250,000 more than was provided in fiscal year 1983.

As you may know, the House did not provide any additional military assistance to El Salvador when it considered H.R. 6040 last week. Consequently, adoption of my amendment would remove military assistance to El Salvador as a conference issue and thereby speed consideration of other important supplemental appropriations.

Furthermore, there are other, more substantive reasons which prompt me to offer my amendment. In addition to the fact that the amounts already provided in this fiscal year will strain the ability of El Salvador's armed forces to absorb and effectively integrate U.S. assistance, there are very real questions as to whether the amounts proposed can be prudently obligated before the end of the fiscal year. Moreover, when the Congress agreed to provide $61,750,000 in the Urgent Supplemental, it did so in response to the Administration's request to provide military assistance to enable the armed forces of El Salvador to defeat an anticipated guerrilla offensive during that country's presidential election. Because that guerrilla offensive did not materialize, the armed forces of El Salvador did not expend ammunition at the rate anticipated, nor did it conduct operations as extensively as expected. Hence, there is every reason to believe that amounts already provided are sufficient to sustain the armed forces of El Salvador for at least the two months remaining in fiscal year 1984.

I know that some will argue that my amendment would "zero out" military assistance to El Salvador and thereby undermine the position of President Duarte. Clearly, this is a distortion of the record of assistance provided this year. As I have noted, the Congress has already provided 56 percent more in military assistance to El Salvador this year than it provided in fiscal year 1983. It should also be noted that the amounts provided by the Congress for fiscal year 1984 exceed the President's original budget request by $40,250,000. Surely this amount provides ample demonstration of U.S. support for President Duarte and the people of El Salvador.

Finally, I would say that perhaps the strongest argument in opposition to increased military assistance is that it would undermine reform in the military. The armed forces in El Salvador are improving because they have found that, to defeat the insurgents, they must undertake necessary reforms. If we provide massive amounts of military aid, we hold out a "technological option" to reform; we say, in effect, "you do not have to continue your reforms, to improve leadership and command, we will provide you with sufficient equipment to overcome these inadequacies." The technological option, if pursued to its logical conclusion, can defeat the guerrillas, but it will leave an unreformed military with power to rule El Salvador.

Therefore, for all of these reasons, I believe we should recommend no further military assistance to El Salvador this year.

Sincerely,

DANIEL K. INOUYE,
U.S. Senator.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. INOUYE. I yield.

Mr. JOHNSTON. The original bill which I have before me indicates that these funds are to remain available until March 31, 1985. Has that been changed, or am I reading the wrong place?

Mr. INOUYE. What I am suggesting is that this is a supplemental request

for this period, before the next fiscal year. This is not the fiscal 1985 bill.

Mr. JOHNSTON. The bill I have before me, the supplemental appropriations bill, on page 71, line 20, reads:

For expenses necessary to enable the President to carry out the provisions of the Central America Democracy, Peace and Development Initiative Act of 1984, the Foreign Assistance Act of 1961, as amended, and for other purposes, for assistance for Central American countries, to remain available until March 31, 1985 * * *.

Mr. INOUYE. That has not been changed, as the Senator knows.

I am glad the Senator has brought this up, because it points out very clearly that we are dealing with a matter that has not been authorized. We are dealing with a supplemental to cover for a period in the next fiscal year. I hope the Senate can once again return to the order process by which we can authorize programs and appropriate accordingly.

Mr. JOHNSTON. I understand the Senator's argument on that, but it is not the same argument as saying that this money must be expended or cannot be prudently expended in the next 7 weeks, or whatever the period of weeks. We are dealing with the period between now and March 31.

Mr. INOUYE. I remind the Senator that the funds we appropriated under the continuing resolution last year have not been fully obligated and expended.

The Senator will recall that in a report issued by our colleagues who went to El Salvador, they said that the highest priority should be given to trucks. We provided those moneys in the last fiscal year continuing resolution. The trucks are yet to be delivered. The only trucks delivered were the ones purchased with the 1983 money.

What I am suggesting is this: Why can they not wait and go through the orderly process of considering these funds in the 1985 fiscal year appropriations?

Mr. JOHNSTON. I wanted to clear up that single, narrow point about the length of time for which the funds were available. I think the Senator now agrees with me that it is a period between now and March 31, a period of some months instead of some weeks.

Mr. INOUYE. For some purposes for 7 weeks; for others until March.

Mr. JOHNSTON. For what purposes would it be 7 weeks?

Mr. INOUYE. There are many other matters in this bill: economic assistance, military assistance. It depends on what you are looking at. Also, there are other countries.

Mr. JOHNSTON. Are not all these funds available for assistance to Central American countries to remain available until March 31?

Mr. INOUYE. The Senator is correct.

Mr. JOHNSTON. I thank the Senator.

Mr. KASTEN. Mr. President, the committee's recommendation for military assistance to El Salvador is based firmly on the recommendations of the National Bipartisan Commission on Central America. The major point made by the Commission with regard to military assistance to El Salvador is one that I know a number of my colleagues have heard before, but I want to read from the report.

There might be an argument for doing nothing to help the government of El Salvador. There might be an argument for doing a great deal more. There is, however, no logical argument for giving some aid but not enough. The worst possible policy for El Salvador is to provide just enough aid to keep the war going, but too little to wage it successfully.

As we have already made clear in this report, the Commission has concluded that present levels of U.S. military assistance are inadequate.

Mr. President, the amendment of the Senator from Hawaii would cut out every dime of military assistance for El Salvador that is in this bill. In a way, you could say that it would be more damaging, not less, than the amendment by the Senator from Connecticut which was just defeated.

Mr. President, they need this money. There was no dissent by the bipartisan commission on this point—that we cannot provide just enough aid to keep the war going but too little to wage it successfully.

The additional military assistance provided in this bill will be used to provide mobility through the purchase of additional trucks and air transport.

It is important to point out that in the last supplemental the administration was requesting $93 million, and we ended up by compromising on roughly $62 million. That $93 million request was in basically three different areas: roughly one-third was medical assistance; transport or mobility was another third; and ongoing operations, ammunition, and so forth for the war as it was going on was another third. We knocked out one-third by going from $93 to $62 million and by doing that, we lost most of the mobility.

In this bill, we are asking for 230 trucks, 8 helicopters, 1 airplane. We are asking to enhance their command control and intelligence by providing them with light aircraft, secure radios, and air-traffic-control radar.

We are asking to give them additional air support: 4 A-37 airplanes, 4 AC-47 airplanes, 24 artillery pieces. They need these items.

In connection with interdiction resources, we are asking for six patrol boats which are essential if they are to cut down on military supplies coming from other countries.

With respect to sustainment, we are asking for ammunition and armaments.

I hate to disagree with my friend, the ranking minority member of the Subcommittee on Foreign Operations, with whom I have worked. Frankly, this is the only issue in our entire bill that we have in disagreement. I simply take his argument as to the kind of signal we would be sending to Central America and turn it the other way.

I am told that yesterday afternoon the Foreign Relations Committee received a report that there have been no death-squad activities in the last several weeks; that we are making significant progress; that Duarte is in control not only of the country, but also of the military. If tomorrow morning they wake up and read the paper and it says: "Senate votes to cut all military assistance to El Salvador," what kind of signal does that send? I think it sends a signal that we are not supportive of this individual, who recently was elected in a democratic process. We cannot take away every nickel. They need this assistance. This amendment must be defeated.

Mr. JOHNSTON. Mr. President, will the Senator yield me 4 minutes?

Mr. KASTEN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 10 minutes and 30 seconds.

Mr. KASTEN. I yield 4 minutes to the Senator from Louisiana.

Mr. JOHNSTON. I thank the distinguished Senator.

Mr. President, I want to underline strongly what the distinguished Senator from Wisconsin has said.

The nature of guerrilla war makes it important that you do two things: first, mobility; second, enough power to root out the guerrillas where they are found. The Salvadoran Army simply does not have the mobility.

Mr. President, I had occasion to be in Central America, in El Salvador, in a place called San Miguel, at the headquarters of Colonel Monterosa, who is considered the finest military officer in El Salvador. He had just received word through the super secret facilities at Tiger Island about the location of a particular infestation of guerrillas, and he needed to go after those guerrillas. However, he did not have the trucks in which to put the troops to go after the guerrillas. In order to attack the guerrillas, he would have to go into town and commandeer a schoolbus or a produce truck or buy or rent one.

The whole free part of Central America depends upon the success of our revolution, and it seems to me that we owe President Duarte something more than having to go into town to commandeer a schoolbus or a produce

truck in order to go and attack the guerrillas.

That is No. 1.

No. 2, he needs enough power to do so because guerrillas can pick the time and place of their attack. They can attack in the night. They can attack anywhere. And you simply cannot fight guerrillas or contain guerrillas on a 1-to-1 power basis.

Therefore, if there is one guerrilla for one Salvadoran troop, the guerrilla wins because he can pick the time and place and method of his attack.

Second, we have heard that this summer offensive did not take place, that really it was not a summer offensive that we had been expecting, but a fall offensive, and that is what we are afraid of. That has been heavily in the news. That has been heavily in our hearings. It is a fall offensive which we fear and which we suspect, one perhaps timed to come about during the American elections.

So the fact that there has been no summer offensive is no reason at all not to be prepared for the fall offensive.

Finally, Mr. President, let me say that no leader that I have seen anywhere impressed me more than President Duarte. I have been to hearings about him both before and after my trip and before and after his election.

If we cannot support President Jose Napoleon Duarte in Central America we cannot support anyone. He embodies every democratic goal that we have ever talked about. He has fulfilled every promise that he has made.

He has taken control of the army. It seems to me from our briefing that he has taken some of the rotten apples out of the army, out of the national guard, out of the treasury police. And we know who those names are. He has assumed control of the army as the constitution gives to him and no death squad activity takes place.

Just what reforms are we talking about that he has not delivered upon?

It seems to me, Mr. President, if this man has delivered upon what he has promised, not only in democracy but in terms of reforms in the army, then we owe it to him to give the necessary tools.

It seems to me that this is a very, very modest request. It certainly is very modest as compared to what it would be to pick up the pieces if the Salvadorans lost the war.

So I sincerely hope, Mr. President, that we will defeat this amendment.

The PRESIDING OFFICER (Mr. SPECTER). The time of the Senator has expired.

Mr. KASTEN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Six minutes.

Mr. KASTEN. Mr. President, I yield first of all to the Senator from North Carolina for 4 minutes.

Mr. EAST. I thank Senator KASTEN, and I shall move quickly because I know time is precious and I know other Senators wish to comment on this matter.

Mr. President, I simply wish to add in the brief time that I have my voice in opposition to this amendment by the distinguished Senator from Hawaii.

I think that Senators KASTEN and JOHNSTON have already made the critical points, and I wish to associate myself with their points.

First, Senator KASTEN has said that the difficulty with the Inouye amendment is that it is simply giving a little teeny-weeny bit at a time but never enough to demonstrate a genuine long-term policy commitment to the survival of the democratically elected government of Duarte in El Salvador.

And if the papers tomorrow read that the U.S. Senate has eliminated all military aid to El Salvador I agree with Senator JOHNSTON, the distinguished Senator from Louisiana, if you will not support Mr. Duarte who will we support in Central America?

He is a true democrat with a little "d". As we have noted, he is a graduate of Notre Dame. His mentor was Father Hesburgh, one of the most respected liberal Democratic political figures in America. He is the duly elected government. He is making reforms in the military.

I think if we do not demonstrate our long-term commitment to him militarily, we will get, as he said when he was here, a military solution and it will be a Marxist-Leninist one. Senators will recall when he was here he said where two armies face one another and one is armed and one is unarmed, you will get a military solution and the military solution will be with that government which is armed, which is the one supplied by Moscow, Havana, and Managua.

We must trust Mr. Duarte, and if not Mr. Duarte, then I submit in effect we are washing our hands of Central America and, as I indicated earlier in my comments with Senator DODD, and I will not repeat that, I think it would be a disastrous policy in Central America.

A final point: I think for us to try to micromanage American foreign policy in Central America is a mistake from the standpoint of separation of power.

The President of the United States has the ultimate responsibility candidly, as does President Duarte, and let these two men work out a responsible policy. Of course, we appropriate and we have oversight. But let us not attempt to micromanage it. We cannot do that with 535 people. And that is what we are attempting to do here.

I hope that this amendment, with no disrespect to the Senator from Hawaii, for whom I have the greatest admiration and who made nearly the supreme sacrifice in World War II in trying to stop the military solution imposed by the Nazi holocaust, will be defeated, not only defeated but defeated overwhelmingly, with not disrespect for the Senator but to show——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EAST. Mr. President, I ask unanimous consent for an additional 20 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST. I think what is imperative in rejecting it overwhelmingly is to demonstrate to the people of Central America, to Mr. Duarte, and to the people throughout the world, allied and enemy alike, that the United States does have its heart morally and logistically in the survival of democracy in Central America, and that is the fundamental issue at point.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, for want of a nail a shoe was lost; for want of adequate funding this guerrilla war can be lost.

The tragic fact is that those who bemoan the militarization, or as they term it the imposition of a military solution in Central America, ignore the fact that that is imposed not by this administration but by the external support of the insurgency.

If you do not believe that, consult the New York Times for April 11, 1984, and ask the Archbishop of San Salvador, not a cheerleader for either side, but someone who will tell you that the insurgency is supported not popularly and locally but externally.

All of us yearn for an economic revival in the Central American region.

Mr. President, there can be no such economic revival. We cannot hope to encourage reinvestment in the area until we succeed in suppressing terrorism to the level that it can possibly be a reality.

As long as there are insurgents, or call them what they are, terrorists, continue to blow up bridges, cut power lines, ambush busloads of workers, we will not succeed in encouraging reinvestment there and there will be no economic revival no matter how many millions of dollars we pour into the country in accordance with the Kissinger Commission's recommendations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. Mr. President, I urge the defeat of this legislation, and I thank the Chair.

Mr. KASTEN. Mr. President, I yield 30 seconds to the Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the Senator for yielding.

I rise in opposition to this amendment.

I just say to my colleagues the point that Senators JOHNSTON, EAST, and WILSON have made here that we must sustain and remember is that in order for us and our friends in El Salvador who we are trying to help to be successful they must psychologically know that the United States is behind them and we are not going to pull the rug out from under them.

In 1972, the army of South Vietnam was victorious in defeating the NVA spring offensive but by 1975, after aid had been withdrawn, psychologically it was an impossible situation for the army of South Vietnam.

I say to my colleagues this amendment must be voted down.

The PRESIDING OFFICER. The time has expired.

Mr. KASTEN. Mr. President, I have just received a letter that was sent telegraphically from President Duarte to President Reagan. As we conclude this debate, I would simply like to read three paragraphs to the Senate. Mr. Duarte says—this is 2 days ago:

I understand that the United States Congress is presently debating the Jackson Plan. Because that debate will so profoundly affect my country and the region, I am writing to express to you my belief that passage of this aid is vital. We in Central America are confronting many problems simultaneously—underdeveloped economies, fragile democratic structures, and hostile forces seeking to impose their solutions by force of arms.

We are prepared to shoulder fully our responsibilities to assure the economic well being, freedom and peace of our nations. We do not ask for U.S. combat troops. We know that we must act decisively to strengthen further democracy, human rights and free enterprise.

I hope the American Congress will promptly enact the supplemental legislation for this year and the legislation for next year not only for my own country, but for the entire Central American region.

Sincerely,

JOSE NAPOLEON DUARTE.

Mr. President, this amendment must be defeated. This man deserves our support.

Mr. President, I ask unanimous consent that the complete text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The following letter was sent telegraphically from President Duarte to President Reagan:

AUGUST 6, 1984.

DEAR MR. PRESIDENT: I was pleased to read in the press th~t members of the U.S. National Bipartis. ı Commission for Central America have nce again expressed their strong support . r the Jackson Plan.

I understand ıat the United States Congress is preseı ıly debating the Jackson Plan. Because that debate will so profoundly affect my country and the region, I am writing to express to you my belief that passage of this aid is vital. We in Central America are confronting many problems simultaneously—underdeveloped economies, fragile democratic structures, and hostile forces seeking to impose their solutions by force of arms.

We are prepared to shoulder fully our responsibilities to assure the economic well being, freedom and peace of our nations. We do not ask for U.S. combat troops. We know that we must act decisively to strengthen further democracy, human rights and free enterprise.

Nevertheless, the domestic resources available to address our multiple problems are limited. Without external economic and security assistance, we cannot ourselves deal with the long-standing causes of poverty and violence. We do not have the wherewithal to defend our societies from armed subversion, and we look to the United States for assistance. As our close neighbor and the leading economic, political and military force in the hemisphere, our problems are in many respects your problems, and your assistance is essential for their resolution.

I hope the American Congress will promptly enact the supplemental legislation for this year and the legislation for next year not only for my own country, but for the entire Central American region.

Sincerely,

JOSE NAPOLEON DUARTE.

Mr. PERCY. Mr. President, the Senator from Hawaii has argued that this additional money is not needed because it is only to fund programs that might be obligated and expended between now and September 30.

But the Senator knows that this money is intended to support a part of a program that is to be implemented over 2 years. The Congress has appropriated part of that program—$61.75 million. The second part of that program is $117 million, and the third part is included in the fiscal year 1985 request.

To delete this second installment is to take the heart out of a program that must provide the foundation on which Napoleon Duarte, the first civilian elected President in El Salvador in 50 years, will build a democracy. Duarte has the support of his military today. That military needs our support to establish security throughout the country so that Duarte can begin to build a real democracy.

When all is said and done, President Duarte needs our full support. He has laid his life on the line to fight for all the things we both believe in—human rights, land reform, democracy, an end to death squads, and a political solution to the conflict. He is working within a very difficult political system and he needs time. We must give him time so that he can implement his reforms. I believe Duarte should be given a change to bring peace, democracy and a better life to El Salvador. I vote against this amendment as a vote of confidence in Duarte.

Mr. INOUYE. Mr. President, I yield myself 30 seconds.

Mr. President, I would like to remind the Senate that we have already appropriated $331 million for military assistance to El Salvador. In May of this year, a distinguished delegation, consisting of Senator JOHNSTON of Louisiana and Senator CHILES of Florida, went to El Salvador. This is part of the delegation report:

The delegation was struck by the fact that all regional military commanders who met with the delegation stressed the need for economic assistance as the most vital measure in addressing security concerns.

This bill has $90 million for economic assistance. My amendment does not touch that economic assistance money. Second, there is $73 million under AID that can be made available for El Salvador.

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. INOUYE. I thank the Chair.

I yield 2 minutes to my distinguished colleague from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from Hawaii for offering this amendment. There is no one in this body or in this country that can question the diligence of the Senator from Hawaii in assuring the commitment of this Nation to democratic procedures in El Salvador, and in assuring a commitment to full support of President Duarte.

The issue is not whether we support President Duarte or not. The fact of the matter is that this administration is trying to frontload military assistance to El Salvador in a way which is irresponsible and denies this body and the American people, the kind of oversight that they deserve. The administration is attempting to deny the progress that should be made in that country of moving toward a democratic society and taking constructive reforms such as eliminating the death squads and bringing to justice people who have been associated with the killings of American citizens in El Salvador.

By supporting this amendment we maintain our responsibility to the American people, our responsibility to the development of a sensible foreign policy, and the best opportunity for meaningful democratic reforms in El Salvador.

I hope the Members of this body will support this amendment offered by the Senator from Hawaii.

The PRESIDING OFFICER. The time has expired.

Mr. INOUYE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii [Mr.

INOUYE]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], and the Senator from South Carolina [Mr. HOLLINGS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—29

Baucus	Hart	Mitchell
Bingaman	Hatfield	Pell
Burdick	Inouye	Proxmire
Byrd	Kennedy	Randolph
Cranston	Lautenberg	Riegle
Dodd	Leahy	Sarbanes
Eagleton	Levin	Sasser
Exon	Matsunaga	Weicker
Ford	Melcher	Zorinsky
Glenn	Metzenbaum	

NAYS—69

Abdnor	Garn	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Nunn
Baker	Grassley	Packwood
Biden	Hatch	Percy
Boren	Hawkins	Pressler
Boschwitz	Hecht	Pryor
Bradley	Heflin	Quayle
Bumpers	Heinz	Roth
Chafee	Helms	Rudman
Chiles	Huddleston	Simpson
Cochran	Humphrey	Specter
Cohen	Jepsen	Stafford
D'Amato	Johnston	Stennis
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Denton	Laxalt	Thurmond
Dixon	Long	Tower
Dole	Lugar	Trible
Domenici	Mathias	Tsongas
Durenberger	Mattingly	Wallop
East	McClure	Warner
Evans	Moynihan	Wilson

NOT VOTING—2

Bentsen	Hollings

So Mr. Inouye's amendment (No. 3621) was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators wishing to conduct conversations will please retire to the Cloak Rooms.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendment be temporarily laid aside in order that the Senator from Oregon [Mr. PACKWOOD] may offer an amendment.

The PRESIDING OFFICER. Will the Senator repeat that? The Senate is not in order. The Chair cannot hear the request of the Senator.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendment be temporarily laid aside in order that the Senator from Oregon [Mr. PACKWOOD] may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oregon.

AMENDMENT NO. 3622

(Purpose: To reaffirm the United States commitment to furnishing international population and family planning assistance under the Foreign Assistance Act of 1961)

Mr. PACKWOOD. Mr. President, I send an amendment to the desk, on behalf of myself and Senator BRADLEY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. PACKWOOD], for himself and Mr. BRADLEY, proposes an amendment numbered 3622.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 105, between lines 21 and 22, insert the following:

SEC. 305. (a) The Senate finds that—

(1) in 1974 delegations representing the governments of 136 countries, including the United States, unanimously endorsed a statement of the World Population Conference which calls for efforts to address population growth in the context of goals for socioeconomic development and also recognizes both the rights and the responsibilities of all couples to family planning;

(2) in 1984, global population is projected to increase by more than 80 million people, the largest annual increase in the history of the world;

(3) a recent study by the National Academy of Sciences, which is supported by numerous other studies, finds that "family planning programs have a significant, independent effect over and above socioeconomic factors" on the decline of fertility in developing countries;

(4) for two decades and with repeated bipartisan leadership, the Congress has committed the United States Government to strong support for international, voluntary population and family planning programs;

(5) in the Foreign Assistance Act of 1961, the Congress states as national policy that "voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition";

(6) in 1982, the Agency for International Development (hereafter in this subsection referred to as "AID") accurately expressed the intent of the Congress regarding support for population and family planning by stating: "Assistance for voluntary population and family planning programs is an essential part of a cost effective program of United States development assistance";

(7) as part of the United States commitment to voluntary population and family planning the Congress specifically has given high priority to United States support for the work of nongovernmental organizations (NGOs) in voluntary population and family planning programs in developing countries;

(8) the Congress has prohibited the use of United States population assistance to pay for abortion, biomedical research on abortion, or lobbying for abortion as a method of family planning, and AID repeatedly has reported to the Congress, based on ongoing audits, that AID funds are not spent for these activities or any other activities not conducted in accordance with applicable Federal laws and regulations;

(9) the conference report of the International Security and Development Cooperation Act of 1981 asserts that the prohibitions on abortion funding authorized by the Act sufficiently constitute the "necessary limits on United States support for international population planning programs with respect to concern about adequate directives against promotion of abortion-related activities";

(10) the AID document of September 1982 entitled "Policy Paper: Population Assistance" sets forth United States population assistance policy as authorized by law;

(11) the House of Representatives has reiterated its support for this policy again in 1984 with its passage of the International Security and Development Cooperation Act of 1984, and the Committee on Foreign Relations of the Senate has done the same with its own version of the International Security and Development Cooperation Act; and

(12) the July 13, 1984, "Policy Statement: International Conference on Population" released by AID departs from congressional authorization and intent as well as current practice with respect to furnishing United States population assistance.

(b) The Senate hereby reaffirms the commitment of the United States, as set forth in section 104 of the Foreign Assistance Act of 1961 and as evidenced by funding in annual appropriations Acts, to the furnishing of population assistance.

(c) It is the sense of the Senate that—

(1) United States policy toward furnishing such assistance, and the administration of such assistance, should continue to comply faithfully with the intent of Congress in enacting such Acts; and

(2) the President, in furnishing population assistance, should not deny funds to any multilateral institution or any nongovernmental or private and voluntary organization because of the participation by such institution or organization, paid for with funds derived from private, non-governmental sources, in any activity involving population growth or family planning which is carried out in accordance with all applicable Federal laws and regulations.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. HATFIELD. I wonder if the Senator from Oregon [Mr. PACKWOOD] will yield momentarily and I will ask unanimous consent that his amendment, which has now been sent to the desk, be temporarily set aside in order that we can complete a matter of business which can be handled very quickly with the Senator from Massachusetts relating to the subject we have

been debating and have acted upon, and then return to the Packwood amendment without intervening business.

Mr. PACKWOOD. I have no objection.

Mr. HATFIELD. I make that unanimous-consent request, Mr. President.

The PRESIDING OFFICER (Mr. QUAYLE). Without objection, it is so ordered.

AMENDMENT NO. 3623

(Purpose: To condition military assistance to El Salvador on continued progress in human rights)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. STENNIS. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator from Mississippi is absolutely correct. Will the Senate please be in order. The Senate will not proceed until the Senate is in order. Will those Senators desiring to have conversations and those staffs desiring to have conversations please retire from the Chamber.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3623.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To be inserted at page 73 after line 26 in H.R. 6040: "None of the funds appropriated in this bill for the purpose of providing military assistance to the Government of El Salvador shall be available after October 1, 1984, for obligation or expenditure unless the President has, by that date, prepared and transmitted to the Congress a report—stating his determination that the Government of El Salvador has demonstrated progress towards free elections, land reform, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders."

Mr. KENNEDY. Mr. President, this amendment will condition additional military assistance to the Government of El Salvador on a report by the President stating his determination that the Government of El Salvador has demonstrated progress toward free elections, land reform, freedom of association, the establishment of the rule of law and the termination of the activities of the so-called death squads. This language is precisely the same language that was overwhelmingly adopted by the Senate when we passed the earlier supplemental appropriation last April 5, 1984.

It is true that, since we last debated American foreign policy in El Salvador, there have been important developments in that country. The most important event, of course, was the election of Jose Napoleon Duarte to be the new President of El Salvador.

I have enormous respect for President Duarte, and I am impressed with his personal courage and his commitment to democracy and human rights for the people of El Salvador. This amendment will, I believe, strengthen President Duarte's hand as he moves to achieve those objectives which we all share for El Salvador, an end to the death squads and continued progress toward land reform and justice.

When I met with President Duarte during his first visit to Washington, DC, last spring, he told me and other Senators that we should trust him and that we should give his government a chance to carry out its policies. Enacting this amendment is in no way a statement of distrust; nor is it in any way an interference with President Duarte's efforts to achieve his administration's objectives. In fact, this amendment simply restates the policy that was first propounded by the Carter administration, that was initially adopted by the Reagan administration, that was endorsed by the Kissinger Commission and that was written into law by an overwhelming majority of the Members of the Senate last April—that is, that military assistance to El Salvador should continue to be conditioned on progress in achieving respect for human rights in that war-torn country.

What are the realities in El Salvador at this moment? We know, for example, that the death squads still exist, that the individuals responsible for the death squad activity are still active inside El Salvador, and that, at any given moment, the activities of the death squads could be revised. We should give fair warning that, if the death squads are not gone for good, U.S. military assistance may in fact be gone for good.

We also know that, although the soldiers responsible for the murders of the four American churchwomen were convicted for those crimes last spring, the tradition of El Salvador continues—no matter how heinous the act or how guilty the party, no officer in the Salvadoran military has ever been charged with a crime or convicted of any offense. This fact is dramatized by two important events that deserve the attention of the Members of this body.

First, we know who was responsible for murdering the U.S. labor advisers at the Sheraton Hotel in San Salvador. The Salvadoran authorities know who is responsible for those murders. They are officers today inside the Salvadoran military. The evidence is clear and convincing. And yet these men have not been called to account for those horrible deeds.

Second, as the result of an investigation conducted by the Government's own Human Rights Commission, we know who was responsible for the murders of the 74 innocent Salvadoran citizens from the town of Las Hojas. There is no mystery as to what happened there. The guilty officers—a colonel and a captain—have been identified, and there is overwhelming evidence against them. But nothing has been done.

There will be no peace in El Salvador until the people of El Salvador are free from the terror and repression of officially sanctioned acts of violence against innocent civilians.

Let us not step back from our commitment to human rights. Let us remain true to our past pronouncements and our past policies. Let us keep the issue of human rights front and center—a main concern of our policies in Central America. Let us support the efforts of the Duarte administration to bring justice to El Salvador. Let us support the efforts to bring reform to the Salvadoran military. Let us once again make the statement to those who care about the future of El Salvador: Yes, we will support you in your struggles, and yes, we will provide military assistance to aid you in your efforts, but yes, we will do this only if you continue down the road toward a true democracy and human rights for all the people of El Salvador.

I urge my colleagues to support this amendment.

Mr. President, this amendment is basically a repetition of the language which was included in the supplemental in April of this year with regard to human rights. I share the strong feeling which has been expressed here today that there is great hope for progress in the area of human rights under President Duarte. However, it seems to me, given the large dollar size that is being considered here, that it would be worthwhile for us as a Congress to have a report on this issue. The language which I have included in this amendment is identical to the language which had the support of Senator KASTEN and others in April of this year. It requires a report no later than October 1, 1984.

Mr. President, I believe that this amendment will strengthen President Duarte's efforts to respect human rights and to further democratize the country. I hope the Senate will accept this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. KASTEN. Mr. President, the Senator is correct. This was in the urgent supplemental. It is the reporting language that we have carried

throughout the past several El Salvador-related measures.

I shall be happy, on behalf of Senator INOUYE and myself, to accept this amendment. I ask unanimous consent that I be made a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 3623) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3622

Mr. PACKWOOD. Mr. President, are we back on my amendment now?

The PRESIDING OFFICER. The Senator is correct.

Mr. PACKWOOD. I ask unanimous consent to add the following Senators as original cosponsors.

Senators CRANSTON, HART, LEVIN, RIEGLE, GLENN, INOUYE, METZENBAUM, MATSUNAGA, BURDICK, DODD, BINGAMAN, KENNEDY, HOLLINGS, PERCY, WEICKER, COHEN, STAFFORD, CHAFEE, MATHIAS, EVANS, HEINZ, and HAWKINS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, this is a relatively straightforward and simple sense-of-the-Senate resolution. It puts the Senate on record as saying: What has been the traditional policy of the United States with regard to population growth in overseas countries should continue to be that policy.

During 20 years of consideration by Republican and Democratic Presidents, and Republican and Democratic Senates and by the House, the U.S. policy has been to encourage other countries of this world to undertake population stabilization programs if they so choose. We have not forced them to do so. We have never made it a condition of our diplomatic relations with them. We have never made it a condition of aid. But we have encouraged them to do so.

Ten years ago at the World Population Conference at Bucharest, the United States took the lead—was the godfather, almost—in encouraging other countries to undertake programs of population stabilization. That was at a time when most of the Communist bloc countries opposed that position. They were still operating under the theory of economic determinism, that growth in and of itself was good. The logic went, the more people the better and if countries simply followed proper economic policies, they could accommodate all of their population growth. But, that was not the U.S. position.

Our position was then that population growth, especially in the lesser developed countries, could not help but demean the quality of life. That position continued up until July 13, 1984, when the administration issued a statement indicating that population in and of itself was not a factor in the quality of life. I quote from their statement.

"Population growth is of itself a neutral phenomenon. It is not necessarily good or ill. It becomes an asset or a problem only in conjunction with other factors, such as economic policy, social constraints, need for manpower," and so forth.

Mr. President, is that now to be the policy of this country? A policy that will be rested upon no study that I have been able to find. I have asked the administration what was the basis for that conclusion.

Almost simultaneously with the administration's announcement, the World Bank issued a study reaching the opposite conclusion. Other studies over the last decade which had been issued by innumerable groups—private, public, and otherwise—come to the opposite conclusion. I know of no reputable study that justifies the administration's conclusion that population growth is a neutral factor and, therefore, has no effect on the quality of life.

So one part of the resolution simply—and I shall read it—says that "U.S. policy toward furnishing such assistance"—this is population assistance—"and the administration of such assistance, should continue to comply faithfully with the intent of Congress in enacting such acts."

If you look at past laws, the policy has been as I stated. That is one part of the debate that is going on about the issue of population stabilization throughout the world, Mr. President.

One other issue that has been dragged into it, unfortunately, is the issue of abortion. I want to read what the current law is in the United States relating to our foreign aid funds:

None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

That is the current law, Mr. President. This sense-of-the-Senate resolution makes no effort to undermine the current law. There is no evidence that any U.S. foreign assistance funds are being used to carry out abortions or to promote abortions. Therefore, the issue of abortion should not be before us today. Except the administration has indicated that it intents, in carrying out the administration overseas of population stabilization funds, to terminate funds that go to organizations that use private funds to promote or offer abortions.

I emphasize "private funds," Mr. President. It is interesting to note that in the first draft statement of the administration's policy, they indicated that they were going to cut off any kind of population stabilization funds: not only to organizations but also to governments that use even their own funds to promote abortion.

Mr. President, it is one thing to have a policy about funding of abortions in this country. We have had that battle on this floor many times. By and large, we do not fund them. We do not fund them in any of our foreign assistance. That is a matter of policy for this country. But it is another matter for us to say that we are not going to offer funds to any organization in the furtherance of population stabilization if they happen to use private or other non-U.S. funds to also offer abortions. That, Mr. President, is not our business.

Let me read the second part of the "whereas" clause of this resolution.

Mr. METZENBAUM. Before the Senator proceeds, Mr. President, would he be good enough to yield to me for just 1 minute, not in any way to detract from his remarks?

Mr. PACKWOOD. I shall be happy to do so, Mr. President, as long as I do not lose my right to the floor.

Mr. METZENBAUM. I just wanted to rise to say I had heard the Senator addressing this body on this issue. I just want to say: "Thank you and thank you again for bringing this issue to the floor." I think the policy of our Government to fail to enunciate a policy that has stood for years on this subject is a very retrogressive one. I think the Senator is serving the Nation as well as the world, and I think he is serving the future of mankind particularly well. I thank him for his effort.

Mr. PACKWOOD. Mr. President, I thank very much my good friend and distinguished colleague from Ohio.

The whereas clause reads:

The President, in furnishing population assistance, should not deny funds to any multilateral institution or any nongovernmental or private and voluntary organization because of the participation by such institution or organization, paid for with funds derived from private, non-governmental sources, in any activity involving population growth or family planning which is carried out in accordance with all applicable Federal laws and regulations.

Mr. President, I think I know what the genesis of the administration's position is as far as the attempt to cut off funds from organizations that use their own funds or privately received funds to offer abortions. Several years ago, the administration started a very vigorous audit of Planned Parenthood in this country. Planned Parenthood received some Federal funds for population activity in this country, but received no Federal funds for abortion.

The administration was convinced that Planned Parenthood was commingling the Federal funds and private funds somehow and using Government funds for abortions. Those audits were thorough and they were complete. They were almost pursued with a vengeance, and the Government's thesis was absolutely and completely rebutted without question. Because Planned Parenthood came out with clean hands as a perfectly legitimate organization that was in every sense following Federal law, the administration felt that it had egg on its face. This resolution is aimed primarily at the International Planned Parenthood Federation, and if this resolution were to pass, they would lose about 20 percent of their funds worldwide—about $12 million.

Mr. President, taking the continent of Africa as a example, only seven governments provide public funds for family planning. In all of the rest of the countries that have any family planning programs at all, they are done by private organizations, the principal one being the International Planned Parenthood Federation or its affiliates. If we are going to strike at them, if we are going to say: "Because you use private funds to do something which is legal in this country, promote abortion, we are going to cut off your public funds," that is a matter worthy of extraordinary and extended debate. I would oppose it. It would be a major change of the domestic or foreign policy of this country.

But if we are going to do that, it ought to be done in the full light of day. It ought to be done with not only the acquiescence but concurrence and acceptance of Congress of that policy. That policy would be a mistake. That policy is a mistake. And this sense-of-the-Senate resolution is nothing more than a twofold recommendation to the administration:

One, excessive population growth overseas is not good for those countries and, for those countries that want to try to stem it, we should be willing to help them;

Two, we will continue our present policy of funding organizations operating in countries overseas that operate in accordance with our law: that is, they use none of our Government funds for abortions.

That is all this resolution does. I hope the Senate will see fit to pass it overwhelmingly.

Mr. NICKLES. Will the Senator yield?

Mr. PACKWOOD. I yield the floor.

Mr. NICKLES. For a question?

Mr. PACKWOOD. Yes.

Mr. NICKLES. In looking at the sense-of-the-Senate resolution of the Senator, could he inform the Senate as to how much money is going toward world population control from the United States?

Mr. PACKWOOD. About $240 million total.

Mr. NICKLES. $240 million per year?

Mr. PACKWOOD. Yes, throughout the world, although there are still about 400 million women in this world who have no access to any family-planning facilities at all.

Mr. NICKLES. This Senator is not familiar with other countries' contributions. Are there other countries that contribute substantial funds as well or is the United States the primary source of funds?

Mr. PACKWOOD. Other countries contribute. I do not know how much.

Mr. NICKLES. That is my next question. I know the conference is convening, this week?

Mr. PACKWOOD. It is meeting this week.

Mr. NICKLES. This week. I was wondering what percentage of the funds that are available—I do not know if they are contributed multinationally or if all this money goes into one pot—is coming from the United States and what percentage from other countries?

Mr. PACKWOOD. That I cannot answer. As best I can determine the administration's policy, they are not talking about changing the amount of money, simply the rules under which it is distributed.

Mr. NICKLES. A further question. In looking at the Senator's sense-of-the-Senate resolution, it says:

> • • • administration of such assistance, should continue to comply faithfully with the intent of Congress in enacting such acts.

What does the Senator mean by "complying with the intent of Congress in enacting such acts"?

Mr. PACKWOOD. In 1982, the Agency for International Development [AID] accurately expressed the intent of Congress regarding support for population and family planning by stating: "Assistance for voluntary population and family planning programs is an essential part of a cost effective program of United States development assistance."

Mr. NICKLES. This is No. 6 in the whereas clause?

Mr. PACKWOOD. That is correct.

Mr. NICKLES. So what the Senator is stating is the present congressional intent in existing law?

Mr. PACKWOOD. Let me also read to the Senator what the Senator from Oklahoma can read for himself—No. 9 says:

> the conference report of the International Security and Development Cooperation Act of 1981 asserts that the prohibitions on abortion funding authorized by the Act sufficiently constitute the "necessary limits on United States support for international population planning programs with respect to concern about adequate directives against promotion of abortion-related activities";

I am not quite sure what the Senator from Oklahoma is driving at. Is he driving at the fact that for the past 20 years it has not been the policy of the United States to encourage countries that wanted to undertake population-stabilization efforts?

Mr. NICKLES. I am just trying to understand what the Senator has in his first paragraph. He read that and it says: "Should comply faithfully with the intent of Congress in enacting such acts." I am not sure what that is. I would just like to know what it is before we adopt the resolution.

Mr. PACKWOOD. Well, again I can read from the July——

Mr. NICKLES. I will ask another question.

Mr. PACKWOOD. Go ahead.

Mr. NICKLES. I still do not understand the intent of the Senator, but I will go to the second part of the resolution. It says, "The President, in furnishing population assistance, should not deny funds to any multilateral"—is that supposed to be "multinational"?

Mr. PACKWOOD. No, multilateral.

Mr. NICKLES. Multilateral institution or any nongovernmental or private and voluntary organization because of the participation by such institution or organization, paid for with funds derived from private, nongovernmental sources, in any activity involving population growth or family planning which is carried out in accordance with all applicable Federal laws and regulations.

Is this second part directed primarily to let us not deny funds to the International Planned Parenthood Federation?

Mr. PACKWOOD. Yes, that is correct. And similar organizations that use their own private funds or funds derived from other than U.S. Government sources for abortion.

Mr. NICKLES. Are there other organizations, that receive money from the Federal Government today, that use other non-Federal funds for abortion besides International Planned Parenthood?

Mr. PACKWOOD. I would assume so, but I am not sure.

Mr. NICKLES. Well, it says, "to any multilateral institution." The Senator mentioned International Planned Parenthood. I was wondering, since it is written as if it would cover several institutions, is this resolution directed toward more than just one organization? This Senator at least would like to know what the other institutions are, if any. The Senator mentioned the one, International Planned Parenthood. That is probably the largest.

Mr. PACKWOOD. One is the United Nations Fund for Population Assistance.

Mr. NICKLES. Does the United Nations Fund for Population Assistance provide private funds for abortion?

Mr. PACKWOOD. Some of the organizations that the United Nations funds do. Whether or not the United Nations parent organization itself does not is a matter of debate. But I think, from the standpoint of answering the Senator's question, that it is probably a moot point. Some of the organizations do fund it, as does International Planned Parenthood.

Mr. NICKLES. Some of the organizations that the United Nations funds for population control do fund groups that fund abortion?

Mr. PACKWOOD. That is correct.

Mr. NICKLES. The Senator mentioned International Planned Parenthood. They presently receive how much money from the U.S. Government per year?

Mr. PACKWOOD. About $11 or $12 million.

Mr. NICKLES. So they get $11 to $12 million out of this $242 million?

Mr. PACKWOOD. That is correct.

Mr. NICKLES. And the remainder of the money is either going to other multilateral institutions, private groups, and/or governments?

Mr. PACKWOOD. In some cases, to governments directly.

Mr. NICKLES. In a majority of cases, the governments directly?

Mr. PACKWOOD. I am not sure that it is a majority. A number of governments run their own population control activities.

Initially, the administration policy was going to cut off family planning money to those governments that fund abortion with their own money in addition to private organizations. The administration removed this clause in their final position statement because the administration has such a backlog in its attempts to dictate population control to those countries.

Mr. NICKLES. I appreciate the Senator's response to my questions.

Mr. PACKWOOD. Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, the amendment offered by the Senator from Oregon would restate existing U.S. policy with respect to our Nation's assistance for international programs of family planning. It reiterates the sense of the Senate that our existing policy with respect to such programs should be continued.

Our existing policy is straightforward. It is to contribute to programs of voluntary family planning. It bans funding for programs which use abortion as a population control measure. And it seeks to assist the policies of other governments—not to impose our own policy—in their efforts to stabilize population growth and achieve economic development.

That has been our policy for two decades and it remains our policy. The law has not been changed.

Recent administration actions seek to rewrite that policy unilaterally in the U.S. delegation's presentation to the United Nations Conference on Population in Mexico City this week.

That policy change is contained in the language of our report which claims that population pressures have no negative economic impact on developing nations. That is not a policy change that the Congress has agreed to. And it is a policy position flatly refuted by history, by fact and by commonsense.

The World Bank has reported that population growth at today's rate will result in a world population of between 5 and 10 billion people by the middle of the next century. Unless we wish to see nations resorting to far harsher means of controlling population pressures than any we have seen as yet, such a massive population expansion must be of concern to us.

The achievement of a stable, prosperous world order is in the best interests of the United States. But we cannot and will not see such a world if a third or more of its people are ill-fed, uneducated, and suffer devastating poverty.

The administration's claim that a growing population can add to economic health may well have been true in the context of the nineteenth century industrialization of the Western nations. But that sanguine view overlooks the fact that U.S. economic growth depended as much upon the rapid expansion in our adult population through immigration as upon a high-birth rate. And it overlooks the fact that Europe's unemployed millions were able to emigrate to escape poverty and hopelessness at home.

No such opportunity exists for Third World peoples today. Nor is there any rational comparison to be made between the economic contributions made by grown adults and the economic needs of small children.

The nations of the world which see their populations outgrowing any conceivable economic gains cannot be asked to take heart from the 19th century experience of the United States.

The nation in which the Population Conference is being held, Mexico, has since 1977 managed to bring its population increase rate down to 2.4 per thousand. But that nation still faces incredible population pressures from the children already born who need education and health care, from the young people who look in vain for employment, and from the rural migrants who are crowding into the slums of Mexico City faster than they can ever be absorbed.

Our own Nation faces an immigration problem on our southern border that is a direct outgrowth of the clash between population growth and economic development.

In the face of such a reality, it is shortsighted to urge that simple government deregulation of the economy can somehow accommodate the needs of the millions of children being born every year in countries which do not even have adequate drinking water systems for the existing population.

It is important to note what this debate is not about. It is not about abortion. It is not about financing abortion; our Government does not finance abortion, either at home or abroad. It is not about encouraging abortion; our Government does not encourage abortion anywhere. The administration's policy shift will do nothing to either legalize or criminalize abortion in other nations. We do not direct what other nations' governments choose to do in their domestic matters.

It is important to reiterate that the ultimate effects of unchecked population growth are most likely to lead to exactly the kinds of harsh repressive and mandatory population controls that the administration deplores. The experience of the Indian Government in the 1970's, where efforts to forcibly sterilize people led to riots, and the tragic reports of female infanticide trickling out of mainland China today are testimony to the extremes to which population pressures have already driven some people and some governments.

These are not outcomes that we should encourage and they are not outcomes we can afford to ignore. The existing U.S. population planning policy is targeted to voluntary programs, it does not finance abortions, and it rests in the understanding that economic development cannot and will not succeed unless the world can achieve more stable and lower population growth rates.

I believe that our Nation's population policy should be reaffirmed as it currently stands, and I will, therefore, vote accordingly.

AMENDMENT NO. 3624

Mr. HELMS. Mr. President, I send to the desk an amendment to the amendment.

The PRESIDING OFFICER (Mr. DANFORTH). The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3624 to the Packwood amendment numbered 3622:

At the end of the pending amendment, add the following:

Notwithstanding any other provision of this Act, it is the sense of Congress that the President is to be commended for his outstanding leadership in condemning abortion at home and abroad as a grave injustice against unborn human beings and that, consistent with law, the President should be en-

couraged to continue to modify the domestic and foreign policies of the United States Government to protect unborn human beings from the violence of abortion.

Mr. HELMS. Mr. President, I offer an amendment to the amendment of the able Senator from Oregon [Mr. PACKWOOD] to emphasize that his amendment has no place on this piece of legislation. But if the Senate is going to be required to vote on this proposition, it should also be required to vote on mine.

Thus, I am offering this second-degree amendment to make clear that the President should be congratulated for his many efforts against abortion, most especially including the recent White House policy paper touching on the subject of population planning.

Adoption of my amendment will confirm that Congress has no problem whatsoever with Reagan administration initiatives to curb the abhorrent practice of abortion wherever it occurs.

It is important, Mr. President, to separate the question of family planning from abortion, and I believe my amendment clearly does that.

It is simple, and it is short, and I urge its adoption.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. I think the Senator from New Jersey is seeking recognition.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, Senator PACKWOOD and I have offered this resolution today to reaffirm current U.S. foreign policy on family planning assistance. This is not a partisan issue; it never has been for the 20 years this country has had a policy of promoting family planning. Suddenly, this administration is attempting to make fundamental changes in the U.S. family planning policy. Congress has rejected attempts to undermine family planning programs here in the United States, and I hope Congress will act forcefully to reject the new international policy proposals now being presented in Mexico City.

What is at stake here? Last year 15 million children in the world died of starvation, and 16 percent of the world's children are malnourished. These are staggering facts and a tragedy of monumental proportions. In the face of that problem, how can we tell those governments that family planning is irrelevant? How can we say that we will try to prevent them from getting family planning funds to reduce the number of children in their countries that will be starving in 5 years—or 3 years—or 1 year?

How can we, at the same time cut back on our share of food aid, follow an economic policy that keeps worldwide interest rates high, and says to a less developed country, "It's your tough luck that you're caught in the pincers of a stagnating economy and a cutback in family planning assistance?"

Mr. President, we cannot do this because to do so ignores human suffering and starvation. And certainly one of the moral issues of our time is to try to prevent that human tragedy.

Mr. President, this week in Mexico City—the world's most populous city—delegations from the U.N.'s 158 member states will attend the 1984 International Conference on Population. It was 10 years ago that the U.N. held in Bucharest its first worldwide conference on population. The 1974 Bucharest Conference produced a solid consensus on the need for the integration of population planning into overall economic development strategies. High population growth can and does hinder economic development, and family planning can help reduce population growth rates.

Most people of the world now live in countries that support family planning efforts. This was simply not the case 20 years ago. These efforts have shown some successes. Over the past decade, the population growth rate has dropped from 2 percent a year to 1.7 percent year today.

Mr. President, we still have a very serious problem on our hands. The world population will increase by 82 million people this year—the largest increase ever. Over 90 percent of the growth will occur in the developing countries. There will be 1.7 billion more people on Earth in the year 2000 than at present. Since the gap between rich and poor is widening, an additional 600 million people will be below the world poverty line by the year 2000.

The highest growth rates are in the poorest countries and unless something is done to slow population growth, many countries—and most people—will remain trapped in poverty and even more children will starve. Rapid population growth exacerbates the problem. The World Health Organization has estimated that the proportion of the world's population living with proper sewage systems has declined in recent years, and another study showed that two-fifths of the world population does not have access to clean water.

Mr. President, the population of the African continent is now 531 million. By the year 2000, the population is projected to be 855 million, and by 2020, 1.4 billion people living on the continent of Africa. At present, 59 percent of those people are illiterate. How can Africa build enough schools to overcome illiteracy if the number of people nearly triples over the next 36 years?

Mr. President, it is incumbent on the United States to reiterate its support for our current foreign policy on family planning assistance. But today in Mexico City the U.S. delegation is presenting a new policy that rewrites U.S. policy in two major ways.

First, Senator PACKWOOD has already stated the current law. The existing law prohibits the use of U.S. international population assistance from supporting abortions or abortion-related activities. But the new White House policy would add a new restriction eliminating money for family planning to nongovernmental organizations that support abortions with their own funds. The effect of this policy would be to cut off about $50 to $70 million in Federal funds to many nongovernmental organizations such as International Planned Parenthood, one of the main organizations engaged in providing family planning services to less developed countries.

I cannot comprehend the logic of this new policy. It is not about abortion—remember the law now says no U.S. funds can be used for abortion. What the policy is about is denying support for family planning services that developing countries are seeking from the United States and that prevent millions more children from starving every year. The administration's new policy will do a great deal to suppress family planning efforts, the most sensible way to avoid increased abortions. Women living in developing countries need access to safe and effective methods of family planning if they are to exercise their right to make decisions about family size.

Mr. President, according to the Population Crisis Committee, a loss of $50 million in funding for family planning would most likely lead to millions of more unwanted pregnancies and hundreds of thousands of more abortions each year. Loss of funding may also lead to harsher government controls in many countries on couples' rights to have children.

Does it make sense to eliminate funding for some of the most effective organizations promoting family planning? Mr. President, experts estimate that about 20 million illegal abortions take place annually, primarily in developing nations. Greater access to

voluntary family planning reduces this rate of abortion.

Over 50 percent of the beds in maternity wards in many Third World hospitals are currently filled with women who are seriously ill or dying from clandestine abortions. Expansion of voluntary family planning services will prevent much of this terrible tragedy.

Illegal abortion is now a leading cause of death for women in many developing nations, leaving millions of children motherless. Wider availability of contraceptive services will bring down this appalling death rate.

The administration's current policy is simply wrongheaded. We in Congress need to send a signal that we will oppose this shift in policy.

Mr. President, there is a second shift in policy that the administration has taken. This relates to the relationship between population growth and economic development. For over 20 years, the philosophy justifying U.S. policy on population aid has been "continued high rates of population growth significantly place burdens on economies unable to provide sufficient goods and services for the growing population."

The new policy is an incredible shift in philosophy. It says, "The relationship between population growth and economic development is not a negative one. More people do not mean less economic growth." This completely contradicts the recent World Bank's "Annual World Development Report." The report finds that poverty and rapid population growth reinforce each other and that unless prompt family planning measures are taken to reduce fertility rates in developing countries, the world's population will explode from 4.8 billion to over 10 billion by the year 2050.

Yet this administration will assert this week that more people do not necessarily mean less economic growth.

Let us look at that, Mr. President. Yes, that is true in some cases: In our early years, America's expanding population increased markets and helped increase growth. But most of the population growth is occurring not in this country but in very poor nations. And in these countries more people does mean less growth.

Mr. President, it stands to reason that if you have a vast unpopulated continent, population growth is essential. Witness Canada's efforts to increase its population. But if you are Brazil, you see population growth eating up your potential for economic growth. If you are Ethiopia, population growth visits human misery on millions of children who will starve to death while Washington waits for a supply-side miracle.

How long will it take to get economic growth to a level that we can feed all the people of the world?

The sad fact is that economic growth will not be sufficient to solve the world's population and poverty problems. According to the recently released 1984 world development report of the World Bank, it says the following:

> Failure to act now to slow population growth is likely to mean a lower quality of life for millions of people.

The report points out that whereas modest growth in the GDP of industrial countries means modest growth in their per capita incomes, for the developing countries there is no such easy equation. The population of developing countries is growing by 2 percent a year, and more in some countries, so that gross domestic product growth of 2 percent is merely a preliminary step before these countries can start to improve their per capita incomes.

Let us take one example. We made earlier references to Africa.

In low-income Africa, where population growth is exceeding 3 percent a year in many countries, economic growth between 1980 and 1985 will average only 1.7 percent per year. That means that per capita income, which is already the lowest in the world at $100 to $400 per capita, is falling.

Think of it, Mr. President, per capita income in the poorest countries of the world is falling.

Mr. President, how will high sustained growth in the industrial world in the future help this terrible problem?

Well, even if the gross domestic product in the industrial economies grew at an annual rate of 4.3 percent per year between 1985 and 1995, for 10 years, the gross domestic product in low-income Africa would average only 3.2 percent per year.

In the much more likely scenario of a real growth rate of about 2.5 percent per year in the industrial countries, real growth in low-income Africa would be only about 2.8 percent. This is a lot of numbers. But what that means is the following—that according to the World Bank, population growth rates are as follows: Ethiopia 3.1, Zaire 3.2, Uganda 3.5, Tanzania 3.5, Madagascar 3.1, Sudan 3, and Ghana 3. Compare this with already low per capita income levels in these countries using 1981 figures, $140 in Ethiopia, $210 in Zaire, $220 in Uganda, $280 in Tanzania, $330 in Madagascar, $380 in Sudan, or $400 in Ghana. The economic growth rates are smaller than the annual population growth rates of most African countries over the next 20 years. And when this is compared with an already low per capita income level in those countries, you realize that an economic policy based on the premise that there is a trickle down of economic growth, will simply not be sufficient to raise these countries out of poverty.

Mr. President, I hope that Congress will not stand by as millions more children starve. I hope, Mr. President, that we will act, that we will face up to the steps necessary to reduce the problems of the future in these countries. Yet, it is surely the consequence of new administration policy that that effort will be much more difficult.

Mr. President, as I stated earlier, this is simply a wrongheaded policy. If adopted, the policy that says cut back on family planning assistance to the Third World, a policy that says there is no relationship between economic growth and population growth, Mr. President, if this policy is adopted, we will see more people on Earth, more abortions, more poverty, more starvation, and very possibly harsher government controls on individual freedoms.

Mr. President, we need to send a signal to the White House to reverse these policies. It is our hope that support of this resolution will accomplish that objective.

Mr. DENTON. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Oregon and the Senator from New Jersey. I strongly support the President's policy on population control programs, as presented by the distinguished former Senator Buckley at the U.N. Conference on Population, held this week in Mexico City. Therefore, I support the second-degree amendment offered by the distinguished Senator from North Carolina.

There has been much confusion and much misinformation about the intent and the effect of this new policy. Let's get one thing straight. The United States will continue to support voluntary family planning programs around the world. This administration recommended and obtained increases in funding for such programs over the last 3 years and is recommending another $10 million increase for 1985. The administration is saying very clearly, however, that killing unborn children is not an acceptable method of controlling population and that we will no longer be a party, even through intermediaries, to such activity. It is also saying that family planning programs must be truly voluntary, in order to warrant U.S. support. We all have heard the reports about forced sterilization, compulsory abortion policies, and infanticide—methods endorsed by several groups and countries as moral means of reducing population. The new policy will not countenance these abuses. That's what the administration's new policy is all about.

Why is this change in our international policy necessary when U.S. law already prohibits the use of funds for abortion or abortion research? The answer is very simple. U.S. funds are commingled with other funds by popu-

lation control groups and the Agency for International Development has never conducted a full audit or evaluation of its contributions to these groups. All that is required is a little after-the-fact bookkeeping. In the end, AID provides as much as 90 percent of the budget to some organizations, which in the past, have promoted, aggressively, abortion in the Third World as a method of family planning. When the United States provides a substantial portion of the budget of an organization, in effect pays its salaries and overhead expenses, then the United States, in practical terms, is supporting the activities of the organization.

Some may say that these groups do not promote abortion in violation of U.S. law or the laws of other countries. This assertion is patently false. A report of the Working Group on the Promotion of Family Planning as a Basic Human Right to the International Planned Parenthood Federation, dated November 1983, advocates that:

> Family planning associations and other nongovernmental organizations should not use the absence of law or the existence of an unfavorable law as an excuse for inaction; action outside the law, and even in violation of it, is part of the process of stimulating change.

The report makes it clear that family planning organizations should ignore any legal regulation of their industry. I believe that the threat of loss of funds is the only mechanism that will ensure that these groups comply with stated and reaffirmed U.S. policy.

Under the new policy, there will be a cutoff of U.S. aid to international proabortion organizations, but it will be entirely at their own option. If they renounce abortion and abortion related activities, they will continue to get U.S. funds. The pathfinder fund has already done so. It recognizes that effective family planning and population control programs need not include abortion. The U.S. policy will redirect the cutoff funds to non-pro-abortion family planning organizations and there will be no reduction of family planning services. Some of these groups obviously will have to make a decision between their devotion to killing the unborn and their desire for taxpayers' money.

Members of this body and our colleagues in the House have voted time and again to restrict the use of U.S. dollars for abortion activity. Recently, the vote margins in the House have widened on this subject. However, the United States has never attempted to apply its own domestic standard of no longer funding abortion to the population control programs it administers through the Agency for International Development, or contributes to in other countries and multilateral organizations. For the first time, the President's policy will be consistent with stated and reaffirmed national policy: This country will not pay for abortion activities and this country does not consider abortion to be an acceptable form of family planning.

I am prepared to accept the Packwood/Bradley amendment if the Helms second-degree amendment is accepted.

I am confident that my colleagues will show again their support for our President's compassionate and humane policies of protecting the unborn and of refusing to be a party to the whoesale slaughter of innocent human beings at home and abroad. I urge my colleagues to accept the Helms amendment to the Packwood/Bradley amendment.

Mr. PACKWOOD. Mr. President, I had hoped that this particular sense-of-the-Senate resolution would not turn into an out-and-out battle on the subject of abortion. I want to read again from the United States Code about our population stabilization policy overseas.

This is section 215(b), United States Code:

> The Congress recognizes that poor health conditions and uncontrolled population growth can vitiate otherwise successful development efforts.
>
> Large families in developing countries are the result of complex social and economic factors which change relatively slowly among the poor majority least affected by economic progress, as well as the result of a lack of effective birth control. Therefore, effective family planning depends upon economic and social change as well as the delivery of services and is often a matter of political and religious sensitivity. While every country has the right to determine its own policies with respect to population growth, voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition.
>
> In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for voluntary population planning. In addition to the provision of family planning information and services, including also information and services which relate to and support natural family planning methods, and the conduct of directly relevant demographic research, population planning programs shall emphasize motivation for small families.

That, Mr. President, is the policy of this country. That is what this sense-of-the-Senate resolution is designed to encourage, because it has been the policy of this country for 20 years.

We have simply asked that we continue what is the present law in this country. Present law says no Federal funds shall be used for abortion—whether in this country or overseas—with some very, very minor exceptions that this Congress has voted on from time to time in the past involving the life of the woman or rape or incest.

We are not suggesting that law be changed. I personally think it ought to be changed, but that is not for debate here.

Our distinguished colleague from North Carolina has now brought foursquare the issue of abortion into this debate. It was not my intentions nor was it the intention of Senator BRADLEY to debate that topic. It is not that we shy away from it, but we are discussing a supplemental appropriation bill that has money for population programs in it—$5 million in this supplemental bill—then we ought to limit ourselves to what should be the policy of this country involving population programs overseas. And we are suggesting continuing that policy.

Now, my distinguished colleague from North Carolina has added a provision that says:

> It is the sense of Congress that the President is to be commended for his outstanding leadership in condemning abortion at home and abroad as a grave injustice against unborn human beings and that, consistent with law, the President should be encouraged to continue to modify the domestic and foreign policies of the U.S. Government to protect unborn human beings from the violence of abortion.

That is foursquare, Mr. President, dragging a subject into this bill that does not need to be considered in this bill

It is fine for Congress to have again, out-and-out fight on human life statutes or another fight on a constitutional amendment to reverse the Supreme Court's position on whether or not a woman has a right to make a choice. Let us have it. We have had those fights in the last few years and I am sure we are going to have them for the next decade. But this is not the bill, this is not the place.

The Senator from North Carolina's amendment to the amendment offered by the Senator from New Jersey and myself is an effort by inference to change what has been the policy of the U.S. Government.

Therefore, Mr. President, I move to table the amendment of the Senator from North Carolina and I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. PACKWOOD] to table the amendment of the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Illinois [Mr. PERCY] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Michigan [Mr. LEVIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—43

Baucus	Hart	Roth
Bingaman	Heinz	Rudman
Bradley	Inouye	Sarbanes
Bumpers	Kassebaum	Sasser
Burdick	Kennedy	Simpson
Byrd	Lautenberg	Specter
Chafee	Leahy	Stafford
Cohen	Mathias	Stennis
Cranston	Matsunaga	Stevens
Dixon	Metzenbaum	Tower
Dodd	Mitchell	Tsongas
Evans	Moynihan	Weicker
Glenn	Packwood	Wilson
Goldwater	Pell	
Gorton	Riegle	

NAYS—52

Abdnor	Ford	McClure
Andrews	Garn	Melcher
Armstrong	Grassley	Murkowski
Baker	Hatch	Nickles
Biden	Hatfield	Nunn
Boren	Hawkins	Pressler
Boschwitz	Hecht	Proxmire
Chiles	Heflin	Pryor
Cochran	Helms	Quayle
Danforth	Huddleston	Randolph
DeConcini	Humphrey	Symms
Denton	Jepsen	Thurmond
Dole	Johnston	Trible
Domenici	Kasten	Wallop
Durenberger	Laxalt	Warner
Eagleton	Long	Zorinsky
East	Lugar	
Exon	Mattingly	

NOT VOTING—5

Bentsen	Hollings	Percy
D'Amato	Levin	

So the motion to lay on the table amendment No. 3624 was rejected.

Mr. BAKER. Mr. President, if I may have the attention of the Senate for a moment, in a moment, I intend to yield to the distinguished Senator from Oregon [Mr. PACKWOOD], who asked me to do as much. I hope that we may be able to resolve this issue.

Before I yield, may I say that, after consulting with the distinguished chairman of the Committee on Appropriations, he advises me that he believes we can finish this bill tonight. I think we ought to stay tonight, then, and try. It may take us until 10, 11, 12, or 1 o'clock, but I think it is worth the effort.

We must finish because we have to go to conference with the House, we have to act on a conference report and place a bill on the President's desk before we can go out. It is the hope of the leadership on this side that we can finish our necessary business tomorrow night, Thursday night.

The adjournment resolution, however, will be originated by the Senate and will provide for adjournment on Thursday, Friday, or Saturday. That is not meant to be an idle threat, certainly, nor anything more than a fair appraisal of the situation as we find it. But the agenda of business yet to be done as far as the leadership on this side is concerned, other than the vote we shall have tomorrow on cloture on the Wilkinson nomination, is just two items. This is to complete action through the conference report stage on the supplemental and to do our best on the agriculture bill and hope to finish it. There may be other matters we can do, but those are the two things remaining. The supplemental is the urgent must.

Mr. President, I urge Senators to use restraint and cooperate with the two managers in trying to bring this bill to completion as soon as possible.

At this time, Mr. President, I yield to the distinguished junior Senator from Oregon.

Mr. STENNIS. Mr. President, if the Senator will yield, I certainly agree with the statement of the majority leader and the chairman of the committee that we should try to finish this bill tonight. I shall certainly cooperate. I think all of us will.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Mississippi, the ranking member of the Appropriations Committee.

I yield to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, much as I would like to proceed with the amendment of the Senator from New Jersey [Mr. BRADLEY] and myself and others, I feel that with the Helms amendment attached, it will do more harm than good. Therefore, I withdraw my amendment.

The amendment (No. 3622) was withdrawn.

ORDER OF BUSINESS

Mr. HATFIELD. Mr. President, I suggest to the Members at this time that we have approximately 20 amendments that we understand will be offered. If Senators would remain on the floor, there are a number of amendments that could be handled, I think, rather rapidly. We hope to get to them in the most expeditious way possible.

Mr. DIXON. Mr. President, will the Senator yield?

Mr. HATFIELD. Mr. President, I ask unanimous consent now to set aside the pending committee amendment temporarily in order that the Senator from Oklahoma may offer an amendment that I think we can handle rather quickly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3627

(Purpose: To add provisions relating to grazing of acreage diverted under the 1985 wheat program)

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. BENTSEN, Mr. DOLE, Mrs. KASSEBAUM, Mr. NICKLES, and Mr. BAUCUS, proposes an amendment numbered 3627.

Mr. BOREN. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, between lines 15 and 16 insert the following:

"1985 WHEAT PROGRAM

"Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by striking out '1984 crop' in the first sentence of paragraph (8) and inserting in lieu thereof '1984 and 1985 crops'.".

MODIFICATION IN THE 1985 WHEAT PROGRAM

Mr. BOREN. Madam President, on behalf of Senators BENTSEN, DOLE, KASSEBAUM, NICKLES, BAUCUS, and myself, I have sent to the desk this amendment, which would give each State the option to permit haying and grazing of acreage diverted under the 1985 wheat program.

Despite the high participation in the 1984 wheat program, total carryover stocks are estimated to rise by 20 million bushels, bringing total carryover to 1.41 billion bushels, the second highest level on record. The 1985 wheat program, as announced by Secretary Block on June 14, will result in yet another increase in stocks, leading to a further decline in the already low price our farmers receive for wheat. American wheat producers are simply not going to be able to afford a further decline in the cash price of wheat. The cash price right now does not even come close to covering the partial cost of production, much less the full cost of production.

It is imperative, Madam President, that we take every action possible to encourage producers to participate in the 1985 wheat program. The higher the participation, the lower our ending stocks. The lower our ending stocks, the higher the cash price of wheat and the lower the Government's cost.

The announced 1985 wheat program is simply not attractive enough to encourage many producers to participate. The simple fact is they can make more money by producing more wheat. Cash-flow difficulties leave the wheat farmer little option but to pursue the market which yields the highest gross income. This is particularly true today, when one considers the past several years of low farm

income. Commercial banks, production credit associations, Federal land banks, and the Farmers Home Administration are all wanting farmers to pay off their debts or at least service their debts. Yet, farmers cannot do that unless they generate a specific amount of cash. When acreage reduction programs do not allow a producer to receive an income equal to his specific cash-flow needs, he simply cannot afford to participate in the program if he can generate more income through planting more and producing more.

Many Oklahoma wheat producers simply cannot afford to participate in the 1985 wheat program as announced by the Secretary earlier this summer. Allowing wheat producers to graze and hay their set-aside acreage will make the program economically feasible for many producers. In fact, it is this provision which will allow many farmers to break even during this time of devastatingly low wheat prices. In my home State of Oklahoma, this provision alone will increase participation in the 1985 wheat program by 10 to 20 percent.

There are some who believe the livestock industry will be adversely affected if haying of set-aside acreage is permitted. I do not believe this could be true, especially considering the shortage of hay we are facing today. According to the May Feed Outlook & Situation report, the 1984/85 carryover of hay stocks is estimated at only 20.6 million short tons—the lowest carryover since 1977. Due to the continued drought in the Southwest, many cattlemen have already begun to feed hay.

During the July recess, several Oklahoma cattlemen told me that, for the first time in 30 or 40 years, they had to start feeding hay in May. As is obvious, there is simply no way a cattleman can make any money at all if he ends up feeding hay 9 months a year. Additionally, the early feeding of hay this year will further deplete our limited hay supplies, thereby spurring an increase in the price ranchers must pay for hay. In June of this year, some hay was selling for as high as $160 per ton and oat hay was selling for $120 per ton, compared to $80 per ton in a normal year. Providing wheat producers with the option of haying set-aside acreage could, in fact, help livestock producers by reducing the costs of feed.

Over the past several months, I have attempted to get the Department of Agriculture to modify the wheat program to provide the option of haying and grazing on set-aside acreage. Yet, the Department continues its opposition to this provision. As we all recall, it took us almost 10 months to provide for modification in the 1984 wheat program. Winter wheat producers simply cannot take full advantage of a program when the details of that program are not made final until a month before harvest. I strongly believe that we must make any modifications in the wheat program now. It is vital to all aspects of agriculture for all the details of acreage reduction programs to be announced before planting season.

Because of the Department's opposition to this amendment, I recognize the fact that the amendment would fail if a vote were taken. In an effort to get all the details of the 1985 wheat program announced now, I have been willing to try to work something out on this issue that is acceptable to the Department. Early last week, I received word that the Department would meet me halfway on this issue and would accept a 30-day extension of the grazing period. While this is certainly not what I would have offered in the beginning, I recognize the reality of the present situation and I am well aware that this is at least a step in the right direction.

In light of the Secretary's position and the negotiations which we have had with him, I now send to the desk a modification of the earlier amendment.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The clerk will report.

The assistant legislative clerk read as follows:

On page 5, between lines 15 and 16 insert the following:

"1985 WHEAT PROGRAM

"Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by adding at the end thereof the following new paragraph:

"'(9) Notwithstanding any other provision of this subsection, in carrying out acreage limitation and land diversion programs for the 1985 crop of wheat, the Secretary shall permit all or any part of the acreage diverted from production under such programs by participating producers to be devoted to grazing except during five of the principal growing months, as determined for each State by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act.'.".

Mr. BOREN. Madam President, the modification will provide for a 30-day extension of the period during which producers, who participate in the 1985 wheat program, are permitted to graze set-aside acreage. For my home State of Oklahoma, this would mean that wheat producers would be allowed to graze acreage idled under the 1985 program until June 1, 1985. It is estimated that this one provision will result in additional farm income of over $63 million for the State of Oklahoma, alone.

Early last week, I talked with Secretary Block and he assured me that should this legislation not be enacted into law before September 15, he would announce a 30-day extension of the grazing period for wheat producers who participate in the 1985 program. I appreciate his recognition of the importance of providing producers with all the provisions of the wheat program prior to the planting season.

Madam President, I should like to point out to those concerned about budget deficits that this amendment will not cost the Government anything. In fact, this is the one way we can encourage participation in acreage reduction programs without having an initial Government outlay. I remind my colleagues that increased participation in acreage reduction programs ultimately lead to lower Government outlays. This has become increasingly evident over the past few years. For example, participation would have been much higher if the Government had offered acreage reduction programs that were attractive. It was this failure to provide adequate incentives that led to the necessity of having an extemely costly PIK Program. Allowing commodity surpluses to grow "in order to save taxpayer's money" is simply a fallacy. Any buildup in stocks ultimately leads to increased Government cost. If we are to avoid future costly programs, we have to take action now. This amendment is one of the ways in which we can help prevent that.

Madam President, while there are several other things I would like to see included in this amendment which would improve participation in the 1985 wheat program, this is at least one positive step. I urge my colleagues to join us in supporting this amendment which will provide the economic condition of our wheat producers.

Madam President, we have discussed this matter with the chairman and ranking member of the Appropriations Committee and the distinguished chairman of the Subcommittee on Agriculture Appropriations, the junior Senator from Mississippi. It is my understanding the amendment as modified can be accepted by the committee.

Before I yield to the Senator from Mississippi, I yield to my colleague from Oklahoma for any comments he might wish to make.

Mr. NICKLES. If the Senator will yield, I offer my congratulations to him and compliment him for the fine job he has done. We have been able to fashion, in working with the administration, this improvement. As Senator BOREN stated, we had tried to obtain full haying and grazing privileges on a State-by-State basis. We were successful in the 1984 wheat program. It was not provided for originally in the 1985 wheat program. It makes a lot of difference to those who have a wheat farm and want to participate to have haying and grazing privileges. This does not cost the Federal Government a dime, but does make the program much more attractive and much more affordable.

A lot of farmers are having very difficult times right now. We have been

in negotiations with the administration trying to get both haying and grazing for the 1985 program. They have not gone along with both haying and grazing, but they have assented to give us a 30-day extension on grazing. This is a lot better than nothing, and it is something for which we have worked. It will help wheat farmers who do have cattle, and that is a large percentage of our wheat farmers. So I am pleased to be a cosponsor of the amendment. I am pleased that Senator COCHRAN and others have agreed to accept it. I think it will be of benefit to wheat farmers throughout the country.

Mr. BOREN. Madam President, I thank my colleague from Oklahoma for his remarks and also for his assistance in conversations we had with the Secretary and others in the Department on behalf of this effort. I also thank the many others who have joined with me in offering this amendment, the distinguished Senator from Texas [Mr. BENTSEN], and both the senior and junior Senators from Kansas [Mr. DOLE and Mrs. KASSEBAUM], and the Senator from Montana [Mr. BAUCUS]. We have had discussions with the Appropriations Committee on this matter. I see the distinguished chairman of the subcommittee, the Senator from Mississippi, is on the floor. I think this amendment, as modified, is agreeable to the Senator from Mississippi.

Mr. COCHRAN. Madam President, it is my intention to recommend the Senate accept this amendment. The distinguished Senator from Oklahoma [Mr. BOREN] has been working with the Office of the Secretary of Agriculture on a satisfactory solution to this grazing problem.

It is my understanding that the Secretary of Agriculture is agreeable to administratively reducing the 6-month nongrazing period of the acreage conservation reserve requirement for participants in the 1985 production adjustment program from 6 to 5 months.

It is also my understanding that 5-month nongrazing period would be recommended by the county ASC committee subject to the approval of the applicable State ASC committee.

The only national ASCS office requirement that would be imposed with regard to the nongrazing period would be that the nongrazing period be established between February 28 and November 1 and that the local ASC committees would be encouraged to establish the 5-month nongrazing period during the heart of the 5 principal growing months.

On the basis of that understanding with the Office of the Secretary and the agreement that has been worked out by the Senator from Oklahoma, I recommend that the Senate accept the amendment, Madam President.

Mr. METZENBAUM. Madam President, will the author of the amendment be good enough to tell us what this amendment will cost?

Mr. BOREN. I say to the Senator from Ohio I think the amendment will save money. There are no direct outlays as a result. It is simply a matter that on the setaside acreage there will be allowed grazing for a 30-day period longer than would be allowed under present law. This will cause many other farmers to agree to sign up for the program and participate. The more farmers we have participating, the less carryover stocks will be. As we are successful in reducing our surplus and carryover stocks, this assists in raising the target price, and in doing that it reduces the deficiency payment which is what the Government is obligated to pay, the difference between the target price and the prevailing market price. So it is estimated that by making the program more attractive in terms of encouraging farmers to set aside acreage that would otherwise be producing, there should be substantial savings to the Government as a result. There will be no direct increase in outlays as a result of this amendment.

Mr. METZENBAUM. Is it not a fact that if you have less acreage in production and more of it used for grazing, you are therefore going to have less food produced as a consequence of this action?

Mr. BOREN. I say to the Senator from Ohio that the thrust of all of our agricultural programs right now is to try to bring about greater balance between supply and demand; that one of the reasons we have had high costs in the past is that since the Government pays the difference between the target price, what is called the target price and the prevailing market price, the larger that gap—the larger our surpluses have been, the larger that gap has been, the larger that Government payment has had to be. So when we can encourage our farmers to participate in the programs that we have devised, it ends up reducing costs to the Government it terms of direct outlays.

Mr. METZENBAUM. Will the Senator be good enough to advise me why we need to put this amendment on a supplemental appropriations bill? I am sure my colleague is aware it is subject to a point of order as being legislation on an appropriations bill. I have been reluctant to make that point of order, and yet it seems to me that when you come to the floor of the Senate with an amendment somewhat out of the blue on a subject of this kind, the only way we can protect ourselves is by making the point of order and giving us, at least if it comes on an agriculture bill, a chance to be apprised in advance.

Mr. BOREN. I say to my colleague from Ohio, I hope he will not make a point of order. I know that he shares my sincere concern for the economic plight of the farmers of this country. I know that he has a good many constituents in his State in the same condition as the constituents of my State.

We have had more farm bankruptcies in the past 4 years than we had in the prior 42 years put together.

For example, in my State of Oklahoma this last year, all 88,000 farm units put together had a net profit of $2 million. It worked out to $14 per farm. They are trying to service a debt of $15 billion.

We are getting ready to have the planting period very soon in the Southern part of the country, and whether or not farmers participate and whether or not they plant that acreage becomes very important.

We are trying to make the program attractive enough to get the people to participate. When the farm program was first announced without any haying and grazing allowed in States such as Oklahoma, Texas, and others that have a similar situation with agricultural production, the program was not attractive enough to encourage participation.

When you have a program that sets the target price and the amount of deficiency payments and do not make it attractive enough for participation, you run up the costs. A lot of farmers do not participate, and they are hurt more when market prices decline drastically.

It had been my plan to offer this amendment on the agriculture appropriations bill, and we had had the amendment widely discussed in the Agriculture Committee and with other Members along that line. It would have been offered on that bill. As the Senator knows, we have had some prolonged discussions, and I understand the reasons for them, and they are sound philosophical reasons, as to why the Senator from Florida and others have raised an objection to proceeding with that bill and others, inasmuch as they have a sincere concern about the budget.

We have felt it very important for the Senate to go on record under this proposal, so that the Secretary would go ahead and announce that this modification is being made. The Secretary has indicated to me that if we have this expression from the Senate on this bill, he will proceed administratively to honor this statement by the Senate on this bill and will make the announcement that he will allow the 30-day extension of grazing. If that is done, it will tremendously tip the balance in getting more farmers in our part of the country to make the decision in the near future.

We did not want to wait until September. We wanted to let the farmers know what the plan was and to urge

the Secretary to take action and get the administration working on this.

The Senator from Ohio has heard me talking about not trying to legislate on bills of this kind and bringing up things that are strictly germane to them. If this were not an extreme economic emergency, I would not be doing it. I hope the Senator considers it extremely important.

We face liquidation of 20 or 30 farms all at once. I feel it is extremely important for us to go ahead. It will not have any negative budgetary impact. We believe it will have a positive budgetary impact.

Mr. METZENBAUM. If I correctly understand the Senator's comments, he indicates two things: First, he is representing to this body that it will have no budgetary impact; second, that if and when there are other circumstances of economic emergency and some Member of the Senate is perhaps concerned about an urban problem and offers an amendment, the Senator will be as understanding as he is asking us to be in connection with this amendment.

Mr. BOREN. Madam President, I certainly try to be understanding. I did not anticipate the question of the Senator from Ohio. But if I go back into the record, I think I can find some cases where urban problems have been involved in other parts of the country—trade adjustment assistance, for example—where this Senator has been helpful to those areas and has tried to be sympathetic to them—the question of steel and other matters that were pending in this body recently.

Yes; I certainly would try to be. The Senator from Texas [Mr. BENTSEN], the Senator from Montana [Mr. BAUCUS], and both Senators from Kansas join the Senators from Oklahoma in offering this amendment. It is a problem.

Mr. METZENBAUM. It would have no budgetary impact?

Mr. BOREN. It will not increase outlays. If anything, any budgetary impact will be positive. I think it will result in saving us money in deficiency payments down the road.

Mr. METZENBAUM. I thank the Senator.

Mr. COCHRAN. Madam President, before we vote, I wish to point out for the record that during negotiations with the office of the Secretary, the Senator from Oklahoma [Mr. NICKLES] was quite effective in persuading the Secretary to administratively make some changes that are included in this amendment, and he played a major role in the negotiation of acceptance of this amendment by the administration.

Again, I confirm and support the representations that have been made by Mr. BOREN about the budgetary impact of this amendment. I think it will have a positive budget impact, and the Senate ought to agree to the amendment.

Mr. NICKLES. Madam President, I thank the Senator from Mississippi for his kind remarks, and I compliment my senior colleague, Senator BOREN, for his leadership.

I repeat that this was in the 1984 program, that they had both haying and grazing. This will basically allow wheat farmers to graze for an additional 30 days. As my senior colleague mentioned, a lot of wheat farmers are having difficult times. Allowing the additional grazing time will not cost the taxpayers a dime but will give the farmers economic benefits.

I think it is important that this be done now, because the farmers have to make decisions now concerning their participation in next year's programs. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3627), as modified, was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3628

(Purpose: To limit the use of funds appropriated for Military Construction Navy, until the Secretary of the Navy makes a real estate conveyance required by law)

Mr. WILSON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 3628:

On page 59 after line 14 insert the following new section:

None of the funds appropriated in this Act for Military Construction, Navy may be obligated unless the Secretary of the Navy executes the real estate transaction required by section 812 of Public Law 98-115 prior to September 30, 1984.

Mr. WILSON. Madam President, this is a very simple amendment. It is to assure compliance on the part of the Federal agency with a prior congressional mandate in a timely fashion.

Mr. MATTINGLY. Madam President, the majority and the ranking minority member of the Military Construction Committee have cleared this amendment and agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3628) was agreed to.

Mr. WILSON. I thank the distinguished manager.

Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3625

(Purpose: To appropriate an additional $60 million to the emergency food and shelter program)

Mr. DIXON. Madam President, I have an amendment at the desk. I believe the number is 3625. I ask for its immediate consideration.

The PRESIDING OFFICER. If there be no objection to calling up the amendment, the amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself, Mr. BRADLEY, Mr. SARBANES, Mr. DODD, Mr. MOYNIHAN, Mr. KENNEDY, Mr. LEVIN, Mr. RANDOLPH, Mr. HOLLINGS, Mr. BINGAMAN, Mr. RIEGLE, and Mr. LAUTENBERG, proposes an amendment numbered 3625.

Mr. DIXON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 17, strike out "$60,000,000" and insert in lieu thereof "$120,000,000".

On page 25, line 19, strike out "$60,000,000" and insert in lieu thereof "$120,000,000".

Mr. DIXON. Mr. President, I rise today for the purpose of offering an amendment to add an additional $60 million for the Emergency Food and Shelter Program to the supplemental.

This emergency assistance was first made available in March 1983, as part of the emergency jobs bill; $100 million was appropriated at that time. An additional $40 million was approved last November to see the program through the winter of 1983. As you all know, this money is used to provide emergency food and shelter to our Nation's most destitute people. It is, in many instances, the difference between life and death.

The supplemental appropriations bill contains $60 million for this program this year. That is not even close to addressing the critical need that continues to exist for these homeless and hungry people.

Last week, the Bureau of the Census released figures on the national poverty rate for 1983. It is up to 15.2 percent—900,000 more people in this country, nearly two-fifths of them children under the age of 6, have fallen below the poverty threshold. There are 34,960,000 people living below the poverty level. Of those, only half are served by this program.

With $120 million, which would be the sum, if my amendment is adopted, and may I say that would be less by $20 million than last year, with $120 million, they would get approximately $2 per person for the year in supplemental benefits through this program, not exactly an ample stipend for survival.

Now, I do not want to make this a partisan issue, but clearly, the President indicated in his last press conference that there is "not one single fact or figure" to account for his budget cuts having hurt the poor. In response to the Census Bureau's report, the President blamed the increase on the previous administration, saying the report "showed that poverty has leveled off from the disastrous increase of 1979 and 1980."

This year, in fact, marks the fifth annual increase in the poverty rate. The proportion of poor Americans is higher than it has been since 1965, when 17.3 percent of the people in this country were classified as poor.

There are those who would argue that this is supposed to be an emergency, temporary program. To them I would reply, I agree with you, but we are not out of the woods yet. The unemployment rate, after a steady decline for the entire year, indeed, for the past 18 months, has gone up to 7.5 percent in the month of July. It is the first increase in this rate since December 1982.

What is the real indicator of need? How many homeless are there in this great land of ours? Estimates vary, but according to the most conservative estimate, that began from the Department of Housing and Urban Development, there are between 250,000 to 350,000 homeless people in America. Other figures from community organizations estimate 2 million to 3 million homeless people in this country.

Even if the HUD figure is correct, according to a recent report by the U.S. Conference of Mayors, our existing emergency shelters have room for only 91,000 people. That means that using HUD's own figures, for every one person who has a bed, two more people are sleeping on grates, in alleys, on park benches—250,000 people who have nowhere to go, no hope for help. They are the most destitute people in this society of ours.

Many are women and children. Many have been evicted from their homes because they are unable to pay the rent. Many have been taken into relatives' homes and are no longer welcome. Many have marketable skills but are unable to find work. Many have been homeowners and responsible citizens but have lost their jobs and the ability to pay their way. Many are transients in search of new lives and new jobs.

One thing is clear: The need far exceeds the resources. This additional money though pitifully small, will not meet it completely, of course. The city of Chicago, in my home State, estimates that 25,000 people are homeless. There are currently in Chicago for those 25,000 homeless people 1,100 beds. Seattle estimates 3,000 to 3,500 homeless people with 1,200 beds available. Atlanta indicates that there are sleeping places for only one-third to one-half of all who need them.

This bill includes $120 million in economic assistance for El Salvador. The exact same amount for El Salvador that we are requesting here for desperate people in America, desperate people who are needy, hungry, and homeless. Is it not fair to think of our own as well as our foreign friends?

I voted today for the foreign assistance money and supported the administration. I voted today for the money for El Salvador and supported the administration.

And I am coming here now to say that when you cut a program for the hungry and the destitute in America by $80 million this year, that is unacceptable.

I came to this floor not long ago speaking of priorities. Clearly, the same argument can be made today. Are we, as a legislative body, willing to say that it is not our responsibility to see that the basic needs of our people are met? Are we willing to say that it is acceptable for 250,000 to as many as 3 million people in this, the richest nation on Earth, to sleep on the streets? I wish that we could solve this problem, not treat the symptom which blights every State in this country.

The shelters are full, the streets are still home for many hundreds of thousands, perhaps millions, of people. Mayor Harold Washington of Chicago stated it eloquently when he addressed this issue by saying: "One person without a place to live is a tragedy; 100 homeless people are a scandal; but 25,000 people in just one city who have not even a ragged hut or camping tent to call their home is an indictment of us as a people."

Madam President, this amendment has the enthusiastic support of a number of organizations which have been active in serving the needy. They are conscious of the obligation that we have to meet these responsibilities. Let me name them. The National Conference of Catholic Charities, U.S. Council of Churches of Christ, Council of Jewish Federations, the AFL-CIO, National League of Cities, U.S. Conference of Mayors, United Way of America, Salvation Army, American Red Cross, U.S. Catholic Conference, National Association of Counties, Church Federation of Greater Chicago, League of California Cities, the city of Chicago, the cities of New York, New Orleans, San Francisco, Philadelphia, and Boston.

Madam President, I am joined in this amendment by Senators BRADLEY, SARBANES, DODD, MOYNIHAN, KENNEDY, LEVIN, RANDOLPH, HOLLINGS, BINGAMAN, RIEGLE, and LAUTENBERG.

I appeal to every Senator to join in support of these additional funds. They are intended for the most vulnerable, most defenseless, most needy, most hopeless among us.

There may not be another chance to appropriate funds for this program before the winter months are upon us. It is hard to think about that when it is 90 degrees outside, but the cold nights will come, and the shelters will be full, the soup kitchens will be overcrowded, and there will be less food available to feed our hungry.

There is true suffering out there in Illinois, Michigan, Pennsylvania, but also in the South, the East, and the West. We cannot turn our backs on these cries for help.

I urge the adoption of the amendment.

Let me say, in conclusion, I do not come here asking for more money. I do not come here asking for additional funds in comparison to last year. Last year, for this program, for the hungry and homeless of America, we spent $140 million. In this supplemental for this year, we are asked to spend only $60 million. I ask to double that to $120 million, still $20 million short of what we spent last year.

I thank the Chair and the Senate for your kind attention. I know that this will be an amendment that is opposed by at least one of my distinguished friends here on the floor. I would ask the support of the Senate in adopting this amendment to partially restore the funds that were expended last year.

Mr. GARN. Madam President, I rise in opposition to this amendment. This is typical of a program of many that have been authorized and appropriated over the years. It was intended to be an emergency program of a very brief duration. The debate on the floor of the Senate was over $50 million the first year and how it would be distributed. And the House had a similar amount in of $50 million. That was all that was intended or asked for on either side. And a strange thing happened in the conference. When it went to conference that year, rather than taking either the Senate or the House position, they took both positions. They took the $50 million in the House and the $50 million from the Senate and turned up with $100 million. That is how we got $100 million the first year in an emergency jobs bill. We kept the provisions of both the House and the Senate. So we did not make a decision. We took the Senate position and the House position so that the funds were distributed

through private as well as public agencies.

I did not know that was possible to do in a conference. I guess you can do anything if you want to. I thought you had to make some modification or change or something, but we just combined the positions and put them together.

And everybody said that that was so fine that we did that and we would not need any more. Then another $40 million supplemental came.

Again, I remind everybody this was an emergency jobs bill. You could tell the recession was almost over because we were passing an emergency jobs bill. We always do that. We wait until something is over and then a program that is only supposed to be temporary, 1 year, is continued.

I want to make clear I am not arguing against the Senator from Illinois that there is not a need out there. There is a need. He is correct. But I get a little bit tired of Congress, that the end justifies the means.

We put it into FEMA. What has FEMA got to do with the distribution of food or shelter? Nothing. But it was quick and convenient to do it and it was politically expedient to do it at the time.

FEMA is not the correct agency. If we are going to be involved in emergency housing, maybe we ought to try Housing and Urban Development. That is an agency set up to handle housing in this country.

It reminds me of food stamps. Food stamps started out at about $250 million to distribute surplus food, so it ends up in the Department of Agriculture. Now we have more than $12 billion of food stamps. That was going to be a temporary distribution.

This is the way most of these programs have grown, and people know it. They say that if it is an emergency program for 1 year, they get the camel's nose in the tent and it never stops. And we do not care where we put it.

We have gutted the Department of Agriculture with food stamps. It is a welfare program. Let us put it in HHS where it belongs and not take away from the traditional meat and milk inspections and all the programs the Department of Agriculture is supposed to have.

So here we are with an emergency program of $50 million for 1 year, grows to $100 million, and then $140 million, and then it is tried to be cut back to $20, the Senate or the House puts in $60. I reluctantly agree with the criticism of it being in FEMA. FEMA has never had any experience. Certainly in the chartering of that agency and what they are supposed to do with flood control and disasters and all sorts of things, it did not include this. It is not the proper management agency. So we put $60 million more in and now it is doubling.

What will it be next year? A quarter-of-a-billion dollars? $500 million? Unless we try to do our work the way we are supposed to, bring this up in the proper place, hold hearings on it, determine what the need is, put it in Housing and Urban Development, we will just have another program that will grow like Topsy and then we will sit here and wonder why we cannot balance the budget.

There is a proper way to do things around this body, but I do not think we have discovered it lately. I do not know that we do anything right. We appropriate on authorization bills. We authorize on appropriation bills. We combine provisions. Are there no rules, no common sense left in this body any more?

Anybody can get to the end they want in a proper legislative manner, but we do not. So here we are in a supplemental appropriations bill—and we can go back and check the debate, $50 million once.

I just want my colleagues to know where this is going. I am not debating the need with the Senator from Illinois. I am talking about procedure.

This body is getting to be a laughingstock. If the American people knew how we operated, the politics we play on this floor with the pressing needs of this country—and we are going to have things later that I am going to have to get up and talk about, sense-of-the-Senate resolutions. Both Republicans and Democrats do it. So we stay in session all year playing politics and games with each other and do not care about proper procedure or doing things correctly.

This is not the place. If it is justified to add $60 million, then let us do it. Let us do it in the Senate Banking Committee. Let us authorize it under the Department of Housing and Urban Development after proper hearings.

I happen to be the chairman of that committee and also the chairman of the HUD-Independent Agencies Appropriations Subcommittee. We can handle these things. We do not always have to do things just before a recess so we stay late at night and we plug things in and everybody gets tired and says, "Oh, we don't care what we vote for. We have got to go on recess. We have got to go to a convention."

So whatever the need is, whether it is $40 million or $60 million, this is not the time or place to do it. FEMA is not the proper agency to run it. Let us try and do things properly.

It also puts this budget supplemental in my area over by more than $200 billion. Once again, we talk about fiscal responsibility but nobody has offered to cut my budget for HUD and independent agencies. Not one amendment. No Senator has come up and said, "Would you please reduce that budget?" They say, "I am going home and tell my constituents that I want a balanced budget but I am not going to offer to take any out of yours." It is just add-ons over and over and over again.

But my main argument is simply that this is not the time or the place or the proper agency and to warn my colleagues that this is another emergency program that some day will be in the billions of dollars.

I will make one more comment. I would like to know what happened to the mayors of this country. I used to be one. We had an emergency housing problem that was very severe in my State once. I got so tired of trying to work with Federal agencies and all their strings and all their rules for creating emergency low-income housing, I simply went to the Utah State Legislature and I said, "Legislature, give me a half-a-million bucks and I will match it with local funds."

In 60 days, we built emergency low-income housing because we did not have to fool with HUD, we did not have to fool with FEMA, we did not have to fool with the Congress of the United States. We did not have all their silly rules and regulations. We just put people into emergency low-income housing—mayors and county commissioners and State legislators who are a little bit closer to the people they serve.

What happened to the mayors? I used to be part of the Mayors Association—the bleeding hearts who do not have the courage to do things on their own any more. Any time they have a problem they just run to Washington, just run to their Congressman and Senator, and say, "We can't handle it." What it amounts to is they do not have the guts to tell the people in their community the need, and say it takes money if you want to solve this problem—run to Washington, do the end run, go around the backdoor. If things go wrong at the same time we mayors are asking for more funds from the Federal Government, we go to the National League of Cities conventions. You know what we do? We pass resolutions telling the Congress of the United States to balance the budget. They have got to be more fiscally responsible while asking for more money. I would suggest to the mayors and the Governors of this country as they talk about more local responsibility, more local authority, Congress not assuming, and making rules and regulations to tell them how to run their affairs, that when you ask for money the strings go with it. If they want to be local managers for the Federal Government rather than elected mayors, so be it. But I would suggest that a lot of these problems could be solved by mayors, city councilmen, and States and State legislatures, if they

would, rather than running back here pleading for money over and over again.

So I am opposed to this amendment. Not only does it go over the budget. Once again, I am not criticizing the Senator for offering the amendment or his recitation of the need for homeless and hungry in this country. That is not the issue. But there is a proper place, and a proper jurisdiction to handle this. And it is not FEMA, and it is not on the supplemental appropriations bill this late in the session.

Mr. DIXON addressed the chairman.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Madam President, I thank my friend from Utah for his remarks. He is a fine Member, and an able chairman of the committee upon which I serve. I know of his sincerity in respect to the budget. Many of us share that view.

Madam President, he has said kind of as a centerpiece of his argument that this was temporary money. That is true. The trouble with this kind of thing is the people will not cooperate. People are still hungry, starving, and without homes. There is still a problem, and a need out there for this program.

I voted for the Kassebaum-Biden freeze. The Madam President knows that. That would have frozen things. It would have frozen all things, domestic, foreign, military, and everything. But this is not a freeze. This is a cutback.

I was here voting with the administration folks today for the money for El Salvador. I was here voting for the money for foreign assistance. So I am not one of those that denies you the necessary funds for those programs. You are increasing those programs and cutting back a program for the most destitute people in the United States of America.

This program is out of money. I want the Senate to know that. Right now there is no money—none.

And I want to tell you what they will spend the $120 million for. At least we know what this is going for. I do not know what it is going for in El Salvador. I take the administration and Duarte on faith.

Here is what this $120 million will go for: $80 million will buy 121,212,121 meals; $40 million will go for 16,393,442 nights shelter. Unit costs are 66 cents a meal; and $2.44 cents a night for shelter—big spenders.

The money is gone. But the people are still hungry. They are still sleeping on the grates and in the alleys. In every big city in America, these conditions are a festering sore. We see them ourselves. Can we leave this place and not see that? I used to live in Columbia Plaza next to the Watergate—pretty fancy digs, but not as fancy as the Watergate. And on the way in and out the door, I had to step around people laying in the gutters and on the grates who were hungry and without homes. Do you mean to tell me you want to cut this program? Do you mean to tell me you want to go to America this fall, and say, "We spent $140 million for the hungry, the destitute, and the homeless last year, and we are even cutting that back to $60 million"? I am not asking for the whole $140 million. I came over here thinking, look, I will tell you what I will do. I will be very reasonable. I will ask for less than last year not because there is less hungry. There is more. And not because there is less homeless. There is more. There is more of all of that. But I asked for less just because I know I am going to hear these budget arguments.

I put it to you. Every one of you that marched over here for El Salvador, every one of you that marched over here for the world, every one of you that has a conscience what about outside this door on the street where they are hungry? What about outside this door where you can step on them on the way back to the office, where they are sleeping in the cold in the wintertime, in the snow, and without beds?

If you can vote as you voted all afternoon and vote no on this, do it, live with it, and defend it this fall. This is less than last year by $20 million. This is $60 million to feed hungry bellies of babies in the United States of America.

Madam President, I was delighted to support your freeze in the spirit of a good conscience because this is well within what you encompassed in that freeze. I will be delighted to vote aye for this additional $60 million, and I strongly urge my colleagues to do likewise.

Mr. KENNEDY. Madam President, I rise in strong support of this amendment to provide $60 million in additional funds for the Emergency Food and Shelter Program under the Federal Emergency Management Agency. This addition will ensure a total of $120 million for programs across the country that provide food and lodging to the growing number of our citizens living in poverty.

The Food and Shelter Program is a program that works. In 1983, it provided mechanisms for distributing assistance to States and communities in response to the crisis situation brought on by the recent recession and administrative policies. Conservative estimates reveal that some 33 million meals were served and more than 2.2 million nights of shelter were provided in a 6-month period. In my home State of Massachusetts, 30,000 people avoided homelessness with the help of rent and mortgage aid. Along with these quantitative successes, this program strengthened the network of community agencies, enabling them to advocate and serve clients more effectively.

Increased 1984 funding for this program is critical in order to continue these vital services. Cities, States, other local units of government and private organizations who are providing food and shelter programs are eligible to receive the money and who seek to provide these programs, are depending on our actions here today. The thousands of people who rely on these services to make it through another day are waiting for our decision.

There are some who do not wish to continue this program. There are those who say that this was to be a one-time appropriation in response to last year's crisis brought on by the recession and this administration's policies. But, Madam President, I ask you: Have the problems created by that crisis passed? The Census Bureau recently reported that 35.3 million Americans are living in poverty, the largest number of persons in poverty since 1964.

Perhaps we should ask the thousands and thousands of volunteers and workers across the country who are at this very moment serving up a meal in a soup kitchen; preparing a nutritional package of goods in a food pantry; or signing someone into a shelter for the night.

Better yet, let us ask the 900,000 new poor who fell into poverty last year, if their crisis has past. And what about the 6 million men, women, and children who were not poor in 1980, but are poor in 1984?

This program may not be the perfect answer to the problems of hunger and homelessness in America. There are existing Federal food and housing programs that are designed to assist in alleviating these problems, and they were working. But, virtually all of them have been crippled by this administration.

Can we ask those in need across the United States to wait until we restore the drastic cuts of the past 4 years and set right the debilitating program changes before they can partake in a meal or lay down to sleep?

No, we cannot ask these people to wait. We must act now. The FEMA progam has proven to be effective and successful in providing food and shelter to those who are in immediate need. I call on my colleagues to support this amendment and reaffirm their commitment to the growing number of people in this Nation who need these services.

Mr. PRYOR. Madam President, I am pleased to support funding for the emergency food and shelter program in the supplemental appropriations bill.

As the sponsor of proposals to fund this program in previous appropriation bills, I want to call the attention

of the Senate to the unique success of the program.

That success is due in large part to the excellent organizations who form the backbone, together with the Federal Emergency Management Agency, of this program. These are the United Way of America, the Salvation Army, the National Conference of Catholic Charities, the National Council of Churches, the Council of Jewish Federations, and the many volunteers and organizations working at the local level.

Let me briefly remind my colleagues of the record of the fiscal 1983 program: 33 million meals were served; 2.2 million nights of lodging were provided; 3,600 private voluntary organizations and 961 civil jurisdictions received funds; organizations donated substantial staff time and other resources; decisionmaking was at the local level; redtape was virtually eliminated; funds were distributed quickly and efficiently; and a fraud alert system assured that funds were used properly.

This is truly a success story of private sector-public sector cooperation. Unfortunately, the need for such a program continues and Congress must not fail to respond.

The National Board of the Emergency Food and Shelter Program submitted a statement to the House Subcommittee on Nutrition at a hearing on April 26. I ask that the statement be placed in the RECORD following my remarks.

The statement follows:

The Federal Emergency Food and Shelter Program was created under Public Law 98-8, the fiscal year 1983 Urgent Supplemental Appropriations Bill, and continued under Public Laws 98-151 and 98-181. Phase One of the program involved the distribution of $100 million ($50 to the governors and $50 million to the National Board Program). Phase Two continued the program with an additional $40 million to assist in meeting the basic food and shelter needs of the nation's hungry and homeless.

TOTAL PROGRAM

In one year (April 1983 to April 1984), the National Board Emergency Food and Shelter Program has distributed over $91 million: $59 million provided over 76 million meals and $32 million allowed for approximately 11 million nights of lodging. This is all in addition to the ongoing feeding and sheltering programs that were already operating prior to the creation of this program.

The agencies involved contributed much of their own time and resources to this program in order that the Emergency Food and Shelter Program funds would go directly into feeding and sheltering those in need. Only 2 percent was included in the legislation for administrative costs and the agencies did not even use all of that.

The Emergency Food and Shelter Program has made a critical difference in the lives of people who are in need. It has also brought to our attention the numbers of individuals and families, old people and young people, who are hungry and/or homeless. Expanded food services found long waiting lines at soup kitchens and food pantries and additional beds were quickly full.

The National Board firmly believes that we, the local boards and the service delivery agencies have made every attempt to stretch the appropriated dollars as far as possible and to help as many people as possible. We are also painfully aware, however, that this program will never solve the problems of deinstitutionalization, long term unemployment, a shortage of low-income housing, and chronic poverty. It is an emergency program, capable of meeting essential, but limited, needs. The national voluntary agencies urge the Congress to take a hard look at the overriding causes of hunger and homelessness and find much more substantial remedies.

PHASE ONE—(APRIL 1983-MARCH 1984)

The initial appropriation of $100 million was spent on a two track system. Half of the funds, $50 million, went to the governors under the same formula used to distribute the Community Services Block Grant funds.

The other $50 million went to a National Board composed of six voluntary agencies—the Council of Jewish Federations, National Conference of Catholic Charities, United Way of America, the National Council of Churches, Red Cross, and the Salvation Army—and the Federal Emergency Management Agency (FEMA) which serves as chair.

The National Board was charged with designing a program that met five basic objectives: (1) Allocations to the neediest areas; (2) Fast response; (3) Public/private sector cooperation; (4) Local decisionmaking; and (5) Simple, but accountable, reporting.

Using a formula based primarily of the Bureau of Labor Statistics' unemployment data, 961 civil jurisdictions were selected to receive funds.

Each civil jurisdiction was required to establish a Local Board reflecting the make up of the National Board with a local elected official taking the place of the FEMA representative. Local Boards were responsible for selecting the voluntary agencies that would provide the food and shelter services and determining the amount of money each agency would receive.

All funds were distributed in May 1983 and were expended or encumbered by September 30, 1983, the end of the federal fiscal year. All encumbered monies were spent by March 31, 1984.

As the attached fact sheet indicates, Phase One of the Emergency Food and Shelter National Board Program provided: 3,460 voluntary agencies with additional funds to expand their services to the hungry and homeless; 51 million meals served in addition to those being provided by ongoing soup kitchens and food pantries; 6.8 million additional nights of lodging; and administrative costs of 1 percent.

PHASE TWO—(DECEMBER 1983-MAY 1984)

The $40 million appropriated under Public Law 98-151 and 98-181 went only to the National Board for distribution. Using updated Bureau of Labor Statistics' figures, 744 civil jurisdictions were selected to receive funds under phase two of the Emergency Food and Shelter program.

Because only the voluntary sector portion of the program was refunded, the National Board determined that each state would receive a minimum of $100,000 since no funds would go to the governors as in phase one.

Funds for phase two were distributed in December 1983 and were expended or encumbered by March 31, 1984. Encumbered funds must be spent by May 15, 1984.

Reports filed as of April 15, 1984 indicated that under the phase two program: 3,627 voluntary agencies participated; 25.7 million additional meals were served; 4.1 million additional nights of shelter were provided; and administrative costs of 1.6 percent.

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

In March 1983, Congress appropriated to FEMA $50 million which, through a National Board of private voluntary organizations (PVOs), was to be awarded to local PVOs providing emergency food and shelter assistance in high-need localities. These monies were to supplement ongoing programs—not replace them. None of the 2 percent administrative costs allowed for this program were used by the National Board (although approximately $300,000 administrative cost was absorbed by the United Way of America). Local boards were also encouraged to waive these costs so that maximum dollars would go into direct assistance for the needy.

The characteristics which follow only reflect what government allocations allowed localities to do with funding. These characteristics do not show such residual successes of this program as the networking of local elected officials, the private sector and nonprofit agencies, which through enhanced communications allowed for: identifying needs, pooling resources, leveraging additional funds, resolving problems with innovative solutions, and providing assistance to greater numbers of needy. In addition, major contributions made by the National Board, local boards, and local PVOs in conducting this program include thousands of volunteer staffing hours, and in-kind contributions made by both the private and public sectors.

Because of the success of this program, Congress appropriated to FEMA an additional $40 million in November 1983, for the National Board to continue these program efforts through the winter months. Since April 1983, the National Board has distributed over $91 million in funds, which have provided over 76 million meals and approximately 11 million nights of shelter nationwide.

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

	Public law—	
	98-8	98-151, 98-181
FINANCIAL CHARACTERISTICS		
Total Federal allocation	$50,000,000	$40,000,000.
National and local interest income plowed back into the project.	$974,461	$645,000.
Per capita cost for meals	$0.66 (actual)	$0.96 (estimate).
Per capita cost for night's lodging.	$2.44 (actual)	$3.74 (estimate).
Per capita award per jurisdiction's unemployed (for the initial allocation).	$8.74	$5.69.
PROGRAM CHARACTERISTICS		
Project duration	12 mo. (Apr. 22, 1983 to Mar. 31, 1984).	5 mo. (Dec. 13, 1983 to May 15, 1984).
Total civil jurisdictions funded (includes United States, Puerto Rico, U.S. territories).	961	836.
Total organizations funded (under umbrella funding, actual recipient organizations are estimated to be as high as 10,000).	3,460	3,627.
Percent of Nation's unemployed in award jurisdictions.	57	59.
Approximate number of individuals.	6,009,780	6,578,000.

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM—Continued

	Public law—	
	98-8	98-151, 98-181
Total actual meals served	51,000,000	25,700,000.
Allocated for meals	$33,887,784	$24,666,049.
Percent of total dollars for meals.	66.5	60.7.
Total actual nights of shelter provided.	6,800,1000	4,100,000.
Allocated for shelter	$16,604,143	$15,341,430.
Percent of total dollars for shelter.	32.5	37.7.
Actual administrative costs:		
Locally	$482,534	$232,818.
Nationally		$400,000.
Percent of available funds	1	1.6.
Urban to rural ratio of dollars allocated.	70:30	75:25.

Mr. MOYNIHAN. Mr. President, I rise today as a cosponsor and strong supporter of this amendment to appropriate an additional $60 million for emergency food and shelter programs.

The tragedy of homeless Americans is nowhere more vivid, and more painful, than in New York City. This past winter, nearly 6,500 homeless men and women were housed by New York City—a 132-percent increase over the 2,800 sheltered nightly just 2 years earlier. The numbers of families without homes in New York City have grown even more rapidly. Today, about 3,900 homeless families—approximately 10,500 men, women and children—are being housed in hotels and family centers in New York. This represents a 148-percent increase since July 1982, and a 51-percent increase since January 1983.

The tragic situation of the homeless in New York City is not unlike that facing thousands of Americans in many other cities throughout our Nation. In Philadelphia, 15,000 men, women, and children received emergency family housing in 1983—five times the numbers in 1981. In Connecticut, 54 emergency food operations were operating in 1981; today, there are nearly 200. In California, the number of food banks increased from 27 to 46. Emergency food operations in Colorado have grown by more than a third, from 221 to 300; 900 such facilities are operating in Michigan, 2,000 in Texas, and 358 in Kansas.

State and local governments are bearing most, if not all, the costs to provide food and shelter to the homeless. For the past years, New York City has agreed to shelter any homeless person who requests such assistance. To meet the growing demand for such assistance, this year the city will spend some $123 million for shelter and expanded support services to the homeless, and for services to prevent homelessness. Since 1979, the costs of housing homeless men and women in public shelters in New York City have increased more than seven times, from $8 million to $58 million in 1984. The city expects to spend $75 million in 1985 to provide facilities to shelter the homeless.

New York City, as every other city in this Nation, receives little Federal support in meeting its obligations and responsibilities to shelter and feed its residents. Throughout the 1981-82 recession, the administration steadfastly ignored the plight of our homeless citizens. The first Federal assistance to States, localities, and nonprofit agencies for these purposes came last March 24, 1983—when the Congress approved $100 million in emergency food and shelter funds for the homeless, based on a proposal by myself and Representative RANGEL. In November of last year, Congress appropriated an additional $40 million to be used for emergency food and shelter for the homeless.

On January 31, 1984, President Reagan offered the observation that many of the homeless are so because they choose. The President's fiscal year 1985 budget, released the next day, contained no direct funding for the homeless. Once again, it falls to Congress to assume the responsibility for providing some Federal assistance to the estimated 2 million homeless in this Nation.

Some of my colleagues may point to the $60 million already contained in the bill we debate today, as sufficient Federal support for the homeless. Yet I remind my colleagues that one city alone, New York, spends more than $60 million to provide food and shelter for just its homeless residents.

An additional $60 million to aid localities in their efforts to feed and shelter homeless Americans is urgently needed. I urge my colleagues to join me in support of this amendment.

Mr. DIXON. Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from South Carolina [Mr. HOLLINGS] are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—57

Andrews	Eagleton	Melcher
Baker	Evans	Metzenbaum
Baucus	Ford	Mitchell
Biden	Hart	Moynihan
Bingaman	Hatfield	Nunn
Boren	Hawkins	Packwood
Boschwitz	Heflin	Pell
Bradley	Heinz	Percy
Bumpers	Huddleston	Pressler
Burdick	Inouye	Pryor
Byrd	Johnston	Randolph
Chafee	Kassebaum	Riegle
Chiles	Kennedy	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Leahy	Stennis
DeConcini	Levin	Trible
Dixon	Long	Tsongas
Dodd	Mathias	Warner
Domenici	Matsunaga	Weicker

NAYS—40

Abdnor	Hatch	Roth
Armstrong	Hecht	Rudman
Cochran	Helms	Simpson
Danforth	Humphrey	Specter
Denton	Jepsen	Stafford
Dole	Kasten	Stevens
Durenberger	Laxalt	Symms
East	Lugar	Thurmond
Exon	Mattingly	Tower
Garn	McClure	Wallop
Glenn	Murkowski	Wilson
Goldwater	Nickles	Zorinsky
Gorton	Proxmire	
Grassley	Quayle	

NOT VOTING—3

Bentsen	D'Amato	Hollings

So the amendment (No. 3625) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, we are now going to turn to several amendments contained in the State-Justice-Commerce section of the bill. I believe the Senator from Maryland is on the floor and will seek recognition.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Chair reminds the Senator that the remaining committee amendment is the pending question.

Mr. RUDMAN. I thank the Chair.

Mr. President, I ask unanimous consent the pending committee amendment be laid aside in order that we might consider other amendments to be offered at this time.

Mr. METZENBAUM. Mr. President, objection.

The PRESIDING OFFICER. Objection is heard.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The RUDMAN. I withhold that.

Mr. MATHIAS. Will the Senator from Ohio withhold his objection until we deal with one very brief noncontroversial amendment?

Mr. METZENBAUM. Mr. President, I objected not because of any substantive question with respect to the

amendment that is pending nor with respect to the amendment of the Senator from Maryland. I objected because we are following a procedure, as I understand it, of having an amendment laid down and then using that in order to control the floor and getting unanimous consent to lay it aside.

I do not think it is the right way this body ought to operate. It has not operated that way in the past. It is just my way of making known that I do not think this is the right procedure for the U.S. Senate to follow, that the manager of the bill—and it has been done before—should lay down an amendment and then get unanimous consent to set it aside in order to take up another measure.

I do not mind doing that on one occasion, but when it is done as a procedural way of controlling the floor, I object. I certainly do not want to take issue with my friend who is managing the bill nor with my other friend who wants to offer an amendment. It is merely my way of saying we should proceed in the normal way.

Mr. RUDMAN. Mr. President, will the Senator yield?

Mr. METZENBAUM. I yield.

Mr. RUDMAN. I say to the Senator from Ohio that his description of that procedure as it has been used is correct. It is not what is being done this evening.

This particular committee amendment has not been laid aside by the chairman of the full committee for the purpose of managing traffic, to use the words of the Senator from Ohio. This has been laid aside at the request of a member of the subcommittee because he wishes time to discuss it later in the evening. In fact, we will be happy to identify the pending amendment. It is not being done for the purpose of assuring recognition of any particular Senator or for assuring consideration of any particular order of amendments. This is not the case, I represent to the Senator.

Mr. METZENBAUM. I do not even know what the pending amendment is. But it seems to me that if the author of the pending amendment is not prepared to move forward, he has a simple solution, and that is to withdraw the amendment, with his right to offer it at a later point.

Mr. RUDMAN. It is a committee amendment to strike certain language; and at the request of a member of the subcommittee in which that committee amendment originated, it is being withheld at this time for that reason. It is not being withheld, I represent to the Senator from Ohio, for any reason of managing recognition whatsoever.

Mr. METZENBAUM. With that assurance—and the Senator understands full well that I do not approve of that way of controlling the floor—I will withdraw my objection.

Mr. RUDMAN. I thank the Senator for his understanding and forbearance. I assure him that is the situation with this particular pending committee amendment, which the committee will be pleased to dispose of at any time.

The PRESIDING OFFICER. Is there objection to the previous request? The Chair hears none, and it is so ordered.

The Senator from Maryland.

AMENDMENT NO. 3629

(Purpose: To provide for the education in the United States of certain students of limited financial means from developing countries)

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland [Mr. MATHIAS], for himself and others, proposes an amendment numbered 3629.

Mr. MATHIAS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 105, between lines 21 and 22, insert the following:

TITLE IV—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES ACT

SHORT TITLE

SEC. 401. This title may be cited as the "United States Scholarship Program for Developing Countries Act".

DEFINITION

SEC. 402. For purposes of this title, the term "institution of higher education" has the same meaning as given to such term by section 1201(a) of the Higher Education Act of 1965.

STATEMENT OF PURPOSE

SEC. 403. The purpose of this title is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at American institutions of higher education.

FINDINGS AND POLICY

SEC. 404. The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, both to improve the range and quality of educational alternatives, to increase mutual understanding, and to build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing nations and, at the same time, assists nations substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have in the post largely not had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socio-economic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and that this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities; and

(8) the Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American studens to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education.

PROGRAM AUTHORITY

SEC. 405. (a) The President is authorized and directed, acting through the United States Information Agency, to provide by loan or grant for citizens and nationals of developing countries, who have completed their secondary education but who would not otherwise have an opportunity to study in the United States due to financial limitations, to study, beginning with the academic year 1985–1986 or any academic year thereafter, at an American institution of higher education.

(b) To encourage students to use their training in their countries of origin, half of each payment to a student shall be in the form of a loan with repayment to be forgiven upon the student's prompt return to his or her country of origin for a period of no less than the equivalent of the years spent studying in the United States plus one.

(c) Before allocating any of the funds made available to carry out this title, the President shall consult with United States educational institutions, educational exchange organizations, United States missions, and the governments of participating countries on how to implement the guidelines specified in section 406.

GUIDELINES

SEC. 406. Programs under section 405 shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961, all programs created pursuant to this title shall be nonpolitical and bal-

anced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students in secondary educational institutions, or who have completed their secondary education, for study in the United States. These missions shall develop and strictly implement specific economic need criteria. Grants or loans available under this title may only be provided to students who meet the economic need criteria.

(3) Programs financed under this title shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(4) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(5) The programs shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schoos, and community colleges in the United States.

(6) The programs shall be flexible with respect to the number of years of undergraduate education they would provide but in no case shall students be brought to the United States for a period of less than one year.

(7) Adequate allowance shall be made in the scholarship grant for the purchase of books and related educational material relevant to the program of study.

(8) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(9) The scholarship program created by this title shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

AUTHORITY TO ENTER INTO AGREEMENTS

SEC. 407. The President is further authorized to enter into agreements with foreign governments in furtherance of the purposes of this title. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this title.

POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS

SEC. 408. (a) The Congress urges the Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at American institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 406 of this title.

(b) The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES

SEC. 409. (a) For the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) For the purposes of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the Presidents may make suitable arrangements by contract or otherwise for the establishment and maintenance at educational institutions in the United States attended by foreign students of an adequate counseling service.

BOARD OF FOREIGN SCHOLARSHIPS

SEC. 410. The Board of Foreign Scholarships is directed to advise and assist the President in the discharge of programs authorized by this title, in accordance with the guidelines set forth in section 406. The President is authorized to provide for additional necessary secretarial and staff assistance for the Board as may be required under this title.

GENERAL AUTHORITIES

SEC. 411. (a) The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the programs financed under this title.

(b) The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of program participants upon their return to their own countries.

(c) The President is authorized to provide for publicity and promotion abroad of the scholarship program provided for in this title.

ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS

SEC. 412. Wherever adequate facilities or materials are not available to carry out the purposes of section 406(3) in the participant's country and the President determines that the purposes of this title are best served by providing the preliminary training in the participant's country, the President may, by purchase, contract, or other appropriate means, provide the necessary materials and instructors to achieve such purpose.

FUNDING

SEC. 413. (a) Except as provided in subsection (b), funds to carry out the provisions of this title for a fiscal year shall be available only from appropriations made to the United States Information Agency for such fiscal year.

(b) None of the funds appropriated to the United States Information Agency for the fiscal year 1984 or 1985 to carry out section 102(a)(1) of the Mutual Educational and Cultural Exchange Act of 1961 may be available to provide financial assistance under this title.

REPORTING REQUIREMENT

SEC. 414. Not later than one year after the date of enactment of this title, and at intervals of one year thereafter, the President shall submit to the Congress a report on activities carried on and expenditures made pursuant to this title.

Mr. MATHIAS. Mr. President, I offer this amendment on behalf of myself and the distinguished majority leader, Mr. BAKER; the chairman of the Committee on Foreign Relations, Mr. PERCY; the ranking Democratic member of the committee, Mr. PELL; Mr. BINGAMAN; Mr. CRANSTON; Mr. BOSCHWITZ; Mr. PRYOR; Mr. DANFORTH; Mr. ZORINSKY; Mr. KENNEDY; Mr. INOUYE; Mr. MATSUNAGA; Mr. TSONGAS; Mr. RIEGLE; Mr. JEPSEN; Mr. DURENBERGER; Mr. HOLLINGS; and Mr. KASTEN.

Mr. President, this amendment would establish an undergraduate scholarship program to bring students of limited financial means from developing countries to the United States for study.

It addresses the longstanding concerns of the Congress about the need to devote more U.S. resources to exchange programs, which are one of the most effective aspects of American diplomacy. In last year's report on the State and USIA authorization bill, the Senate noted that while funding for the exchange programs of USIA had declined by 40 percent since 1965, Soviet bloc spending for comparable programs has increased and vastly exceed U.S. efforts.

But the disparity between United States and Soviet efforts in this field is only one part of the problem. There is a serious gap in the existing network of scholarship program offered by the U.S. Government.

Under present circumstances educational opportunities in the United States are limited to students from families with relatively high incomes. This situation, should it continue, is not in the interest of either the countries themselves or the United States. It is important that talented young men and women from all economic and social classes in these developing countries have an opportunity to study in the United States.

This bill leaves it to the U.S. missions abroad to devise an appropriate selection mechanism that would take financial circumstances into account. It also takes the approach of the Fulbright Program and leaves it to the discretion of the President in determining the levels of funding and number of scholarships.

The bipartisan Commission was more specific when it called for a similar program of 10,000 scholarships in Central America. But the problem is clearly not limited to Central America. The problem is worldwide and demands a worldwide solution.

Before closing, Mr. President, I think the record should indicate that in developing this program we have worked closely with USIA, AID, the American Council on Education, the National Association for Foreign Student Affairs, the Institute of International Education, the International Educational Exchange Liaison Group, and the National Association of State Universities & Land Grant Colleges, to name just a few of the organizations. There is a remarkable consensus on the need for such a program among these groups as well as on both sides of the aisle within Congress.

Mr. President, the developing nations have come to occupy a more central position than ever before in determining world stability. The mutual understanding of our peoples is therefore more important than ever before. I urge my colleagues to broaden the opportunities for improving our understanding and to support this amendment.

Mr. BINGAMAN. Mr. President, I am extremely pleased that the Senate has agreed today to consider as an amendment to the Supplemental Appropriations Act, the provisions of S. 2768, the U.S. Scholarship Program for Developing Countries Act. My friend from Maryland, Senator MATHIAS, is to be commended for his successful leadership of this effort and his offering of this amendment. The provisions of this amendment are the result of a close collaboration between our respective staffs in enlarging upon the idea of an International Scholarship Program for developing nations, included in the Kissinger Commission's report. Not only does it enjoy the widespread support of educators in New Mexico and throughout the United States, but it also is supported by 15 of our colleagues who have joined as cosponsors.

There is a vast disparity between the United States and Soviet-bloc sponsored scholarship programs throughout the world. For example, in the Caribbean and Latin American countries in 1982, the Soviet-bloc countries sponsored approximately 14,200 scholarships to students of this region, compared with only 1,362 offered by U.S. Government programs. I am persuaded that in the long run, we can do more to improve our relationship with Third World countries by addressing this problem, than by an equivalent amount of aid in other assistance programs. For we will expose a new generation of leaders in those countries to the vibrancy of our American political and economic system.

The Kissinger Commission highlighted the need to increase our International Scholarship Program. The Commission recommended that the "United States expand economic assistance for democratic institutions and leadership training," by establishing a program of 10,000 U.S. Government sponsored scholarships to bring Central American students to the United States. If the amendment of the Senator from Maryland is ultimately adopted, I plan to urge the administration to give first priority to students from the Caribbean and Latin America.

Mr. President, this amendment is a long-overdue attempt to meet the Soviet challenge in offering educational opportunities in the Third World. The program is designed to attract students who could not afford to attend school in this country. We do not want the children of a narrow elite to be educated in the United States, while the children of everyone else aspire only to an education in the Soviet Union.

And this Scholarship Program will not only benefit the developing world. Our own students will be afforded a wider exposure to the realities of life outside the United States. And I would note that all of the scholarship funds will be spent in the United States at the universities and colleges the students will be attending.

Mr. President, I am confident that this important legislation will promote the interests of the United States and the development of many other countries whom we have a vital interest in helping. I am hopeful that the full Senate will act favorably on this amendment.

Mr. RUDMAN. Mr. President, the committee has considered the amendment offered by the distinguished Senator from Maryland. It has been cleared on both sides with all the appropriate parties. Unless the Senator from Mississippi has a comment to make about this amendment, we are prepared to accept it.

Mr. STENNIS. Mr. President, I approve of the amendment personally, and I do not know of any opposition on this side of the aisle.

Mr. MATHIAS. I thank the managers of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3629) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside for the purpose of considering another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3630

(Purpose: To make a technical change in the bill as reported)

Mr. RUDMAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] proposes an amendment numbered 3630.

Mr. RUDMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, strike all beginning with the word "Notwithstanding" on line 9 through the word "Act" on line 14 and insert in lieu thereof:

Notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1984 pursuant to that section, shall be available to the Board for carrying out that Act until September 30, 1985.

Mr. RUDMAN. Mr. President, this amendment is purely technical in nature. It corrects a misprint of the name of the Board for International Broadcasting in H.R. 6040 as reported by the Appropriations Committee.

In addition, it tightens the language to make it absolutely clear that the Board can use all the currency gains received in fiscal year 1984 for its programs. It does not change the law substantively in any way from what was adopted by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3630) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3631

(Purpose: To permit the Department of Justice to host the General Assembly of INTERPOL which will occur during September or October 1985

Mr. RUDMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] for himself and Mr. HOLLINGS proposes an amendment numbered 3631.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

GENERAL PROVISION—DEPARTMENT OF JUSTICE

Notwithstanding the provisions of 31 U.S.C. 1342, the Attorney General is hereby authorized to accept, receive, hold, and administer on behalf of the United States, gifts of money, personal property, and services, for the purpose of hosting the meeting of the General Assembly of the International Criminal Police Organization (INTERPOL) in the United States in September and October 1985. All moneys received for this purpose shall be credited to the appropriation "Salaries and expenses, general legal activities" notwithstanding 31 U.S.C. 3302. The Attorney General is further authorized to use otherwise available funds from the appropriation "Salaries and expenses, general legal activities" for fiscal years 1984, 1985, and 1986 as he deems necessary, to pay expenses of hosting such General Assembly meeting, including but not limited to reception and representation expenses. The authority of the Attorney General under this section shall continue through September 30, 1986.

Mr. RUDMAN. Mr. President, this amendment would allow the Department of Justice to host a meeting of the General Assembly of international police organization called INTERPOL, and allow the Attorney General on behalf of the United States to accept gifts of money, personal property, and services donated for the purpose of hosting the Assembly.

This has been cleared by all appropriate committees and on both sides of the aisle.

Mr. STENNIS. Mr. President, there is no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 3631) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside for the purpose of hearing the amendment to be offered by the Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3632

(Purpose: To stimulate technical and Engineering Opportunities and training)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3632.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 23, strike all through page 7, line 2 and insert in lieu thereof the following:

For an additional amount for "Economic development assistance programs," $26,000,000, to remain available until expended, pursuant to 42 U.S.C. 3151(1) of which $7,000,000 is for a grant to the Institute for Technology Development in the State of Mississippi, and of which $19,000,000 is for a grant to Boston University for the consideration and related costs of the university engineering and technical training center.

Mr. KENNEDY. Mr. President, my amendment provides $19 million in support for the development and construction of a university engineering technical training center at Boston University under the Economic Development Assistance Program of the Department of Commerce. This program marks a major step forward, not only for the urban redevelopment efforts at Kenmore Square in Boston but for the Nation's economic development as a whole.

Funds provided by this amendment are for the purpose of supporting the planning, construction, renovation, equipping, and related costs of the engineering and technical training center at Boston University, Boston, MA.

With this amendment, the Economic Development Administration will join a creative partnership with State and local government, with private industry, and with one of our Nation's finest urban universities to stimulate the growth and development of high technology industry in Boston and to provide technical training for young and unskilled workers.

By producing the engineers and technical experts needed to support high technology industries, and by making the Boston University faculty available as a major resource for basic and applied research, the University Engineering & Technical Training Center at Boston University will serve as a magnet for high technology industries to establish plants and research facilities in Boston and the surrounding area. The center will also be a major source of scientific and technical training for the youth of Boston and New England.

Aside from its value in directly stimulating employment, the need for such a center is clear. The Massachusetts High Technology Council estimates that at the present rate of graduation there will be an annual shortage of more than 3,000 engineers and skilled professionals. The center will help to alleviate this shortfall by graduating 2,000 engineers each year for the high technology industry.

The University Engineering & Technical Training Center at Boston University will serve as a focus for the redevelopment of the Kenmore Square area of Boston. The center will stimulate employment and redevelopment and will increase the city's tax base by attracting high technology research and support facilities to Metropolitan Boston.

The University Engineering & Technical Training Center responds to both local and national needs. It will increase substantially the number of engineers and skilled high technology professionals, and it will serve as a national model for cooperative efforts in urban development.

I urge my colleagues to support this amendment.

Mr. RUDMAN. Mr. President, the amendment offered by the Senator from Massachusetts has in fact been cleared on both sides with the appropriate committees, and I believe I am joined in that with my friend from Mississippi.

Mr. STENNIS. Mr. President, the Senator is correct.

Mr. RUDMAN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 3632) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL addressed the Chair.

Mr. RUDMAN. Mr. President, if the Senator from Rhode Island could withhold for a couple of minutes, I think we will get to that.

Mr. President, I ask unanimous consent that the pending committee amendment be laid aside so that we might proceed with another technical amendment from the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3633

(Purpose: To make a technical change in the bill as reported)

Mr. RUDMAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] for himself and Mr. HOLLINGS proposes an amendment numbered 3633.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 16, after "1983," strike "and 1984" and insert in lieu thereof: "1984, 1985, and hereafter".

Mr. RUDMAN. Mr. President, the Appropriations Committee adopted an amendment last week to modify the cooperative agreement program. This amendment would allow local governments that participated in the program the option of providing space of equal or greater value to hold U.S. prisoners than that which is paid for by the U.S. Marshal Service.

In simpler terms it will simply provide the Marshal Service the flexibility it needs to run the program.

I believe that this amendment also has cleared on both sides and unless there is further discussion I ask for its immediate consideration.

Mr. STENNIS. Mr. President, that is correct. We agree. There is no objection on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 3633) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside for the purposes of considering an amendment to be offered by the acting chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3634

Mr. RUDMAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] proposes an amendment numbered 3634.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

GENERAL PROVISION—LEGAL SERVICES CORPORATION

Upon the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985, the first proviso under the heading "Legal Services Corporation, Payment to the Legal Services Corporation", in title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 is amended to read as follows: "Provided, that the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading 'Legal Services Corporation, Payment to the Legal Services Corporation' contained in Public Law 98-166 except that 'fiscal year 1984', wherever it appears in such provisions, shall be construed as 'fiscal year 1985', 'fiscal year 1983', wherever it appears in such provisions, shall be construed as 'fiscal year 1984'; 'January 1, 1984' shall be construed as 'January 1, 1985'; '$6.50' shall be construed as '$7.61'; and '$13' shall be construed as '$13.57'; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activities which during fiscal year 1984 have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding:".

Mr. RUDMAN. Mr. President, this particular amendment is a technical amendment with some substance that has been agreed to. Due to an error in drafting in this particular amendment as it is embodied in the State-Justice-Commerce conference report, which should be here from the House of Representatives later on this evening, the amendment in that legislation prohibited an appeal from any ruling of an independent administrative hearing officer appointed by the Legal Services Corporation for the entire fiscal year. It was only intended to cover instances of that nature that had occurred in 1984.

It is agreed to by all the parties.

Mr. HATCH. Mr. President, in reviewing the conference report on H.R. 5712, I noticed in the section concerning the Legal Services Corporation that new language has been added which has a dramatic impact on the Corporation's defunding procedures. Basically, the amendment adopted in conference would abrogate the right of the president of the Corporation to deny refunding to grantees who violate the law. Unless remedied, this amendment would end a right that has been provided to the president of the Corporation even during these last several years of debate and acrimony over the Federal Government's provision of legal aid for the poor.

As I understand, the amendment was adopted in order to ensure that the Western Center on Law and Poverty would be refunded in 1985, despite the decision of the president of the Corporation, Mr. Bogard, to deny refunding to that grantee. Unfortunately, the amendment, as it is written, does much more. It eliminates one of the very core components of the compromise reached by this body in 1983. It uniformly prohibits the president of the Corporation from ruling contrary to a decision reached by the hearing officer in defunding cases.

Thus, the amendment must be changed not only to ensure that the Corporation has the authority to deny funding to those grantees that break the law, but also to protect the compromise reached in 1983.

In 1980, Western Center received $61,000 from the Legal Services Corporation to mount a political campaign to defeat proposition 9, a State ballot measure concerning tax issues. The center also received staff commitments from approximately 30 local programs in the State, all of whom are funded by the Legal Services Corporation. Among other things, these resources were used to train campaign workers in voter registration and get-out-the-vote techniques. The campaign lasted some 3 months and numerous persons at field offices throughout California devoted at least half of their time to the successful defeat of the State referendum.

To me, this effort conducted by the Western Center on Law & Poverty was the most egregious example we have to date of the blatant way in which congressional prohibitions against lobbying have been ignored by the Corporation. Moreover, it is a clear example of how Federal funds have been used to influence local politics.

In an opinion letter dated September 19, 1983, the GAO stated, that the actions by the Western Center were "the precise sort of activities that are prohibited by the statute's injunction against using corporate funds to oppose a ballot measure that is already on the ballot and where client's legal rights are not at issue."

Proponents of Western Center do not argue with this assessment. They simply state that the violation occurred in 1980 and it is wrong to punish the center now, that the campaign was specifically approved by the Corporation, and that it only involved a fraction of the center's annual budget from the Corporation.

An illegal act is never made legal by the passage of time or by the number of persons involved. It is obvious that the Corporation knew about the campaign. They thought so highly of Western Center's actions that they held conferences in 1981 urging other programs to follow suit in opposing the Reagan administration's budget proposals.

The only way we learned of the campaign was that the Corporation videotaped a speech by a representative of Western Center which laid out in great detail the nature, extent and funding of the center's political effort. The videotape was not found until early 1983, and in 1984, Mr. Bogard correctly decided to deny refunding to the center after a lengthy hearing process.

To now overturn the Corporation's decision to deny refunding to Western Center is a tragic mistake. It sends one clear message to the legal services community. Congressional prohibitions are meaningless and that as long as everyone involved agrees to break

the law, there really is no punishment for your crime.

In my legal study, I had been taught that no person or organization is above the law. Since coming to Congress, however, I have learned that this rule is by no means hard and fast, but I had hoped that we had reached a point where Congress would be willing to apply this basic legal principle to the Federal Legal Services Program. Apparently, it is not, and we are by no means better off because of this oversight.

Mr. RUDMAN. Mr. President, I can understand my colleague's concern, and while I do not agree with him in regard to the specific case involving the Western Center on Law and Poverty, I think he is correct in his reading of the breadth of the amendment found in the conference report. Consequently, I am offering an amendment to this supplemental appropriation bill which I believe will conform the fiscal 1985 bill to the compromise that the distinguished Senator from Utah, I, and others reached last year concerning the legal services program.

Mr. HATCH. I thank the Senator for his efforts, and while I feel that they do not go far enough, I do feel they are a step in the right direction.

Mr. RUDMAN. Mr. President, I believe this amendment also has been cleared on both sides, and I ask for its immediate consideration.

Mr. STENNIS. Mr. President, that is correct.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 3634) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE MARE NOSTRUM FOUNDATION

Mr. STEVENS. Mr. President, as my colleagues know, I have long been a supporter of efforts to improve our understanding and wise use of this Nation's marine resources. I believe it is essential to elevate the American public's awareness of the importance of the ocean and coastal resources to this country. The Mare Nostrum Foundation was established in 1980 to provide essential information to the general public on the development and management of the oceans.

Mare Nostrum Foundation is now involved in production of a series of 9 hour long television films entitled "The Blue Revolution." The series will examine man's relationship with the sea. The series will be funded primarily from private sources, but some seed money will be required to encourage private sector contributions.

I would like to direct the National Oceanic and Atmospheric Administration to make available up to $200,000 as a one-time grant to the Mare Nostrum Foundation to begin work on this important project. I must, however, insist that these funds not come from those provided under this act for the "Year of the Ocean Foundation." It is my understanding that NOAA can meet this commitment without reducing appropriations to any other present or proposed NOAA program. By contributing these funds, NOAA will effectively send a signal to the private sector that support should be provided for this project.

Mr. RUDMAN. I thank the Senator for his comments. The Mare Nostrum Foundation project is indeed worthy of support. I would agree that funds should be made available to the Foundation for the Blue Revolution project if no other ongoing NOAA projects or activities are affected.

(Mr. ANDREWS addressed the Chair.)

Mr. RUDMAN. Mr. President, if the Senator from North Dakota is seeking recognition for the purposes of offering amendment, will the Senator advise me if that is correct.

Mr. ANDREWS. That is true.

Mr. RUDMAN. Then, Mr. President, I ask unanimous consent that the pending committee amendment be laid aside for the purpose of considering an amendment to be offered by the Senator from North Dakota [Mr. ANDREWS].

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3635

Mr. ANDREWS. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. ANDREWS] for himself and Mr. WEICKER proposes amendment No. 3635.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. Section 5532(f)(2) of Title V United States Code is amended by striking "December 31, 1984" and inserting "December 31, 1985" in lieu thereof.

Mr. ANDREWS. Mr. President, the amendment being offered today by the distinguished Senator from Connecticut [Mr. WEICKER] and myself is intended to address a critical transportation problem; namely, delays in the aviation system. The amendment simply extends for 1 year the current law provision allowing existing air traffic control personnel to remain on the job as well as collect retirement benefits.

Much has been written lately about delays in the air traffic control system. The press states that delays in the first 6 months of the year are up 72 percent over last year. This problem has been the subject of congressional hearings as well as study by the aviation industry and the Federal Aviation Administration. There are numerous potential solutions to the problem. However, this amendment today is merely a partial answer to keep on the job those controllers who have been allowed to draw their Federal retirement benefits without the usual dual compensation penalties.

Long-term solutions will require cooperation on the part of air carriers using the busiest airports as well as the Federal Government. We applaud the FAA Administrator for convening a task force on the subject. He is currently reviewing a variety of remedies and I know many in Congress await his recommendations on steps necessary to alleviate what has become a serious problem for the flying public.

Traffic projections point to the potential for more system delays. All we intend to do today is make sure that every available person is allowed to remain on the job as the air system returns to full capacity.

As I understand, this amendment has been cleared on both sides.

Mr. RUDMAN. The Senator from North Dakota is correct. It certainly has been cleared on this side and I believe the ranking minority member of the committee, the Senator from Mississippi, has also been informed and consents to the adoption of this amendment.

Mr. STENNIS. Mr. President, may I ask which one was this? I was interrupted.

Mr. RUDMAN. It is the Andrews-Weicker amendment on air traffic controllers.

Mr. STENNIS. On air traffic controllers?

Mr. RUDMAN. Yes.

Mr. STENNIS. If it is permissible to ask the question, is there a scarcity of these people now? Is that the reason for this bill?

Mr. ANDREWS. These individuals are now on the payroll, Mr. President, and if we do not have this amendment, they will expire and we will lose 120 of the most highly qualified aircraft controllers.

Mr. STENNIS. I wonder what kind of precedent we are setting here. But it is solely because of the dire need and the shortage without them.

Mr. ANDREWS. That is absolutely true.

Mr. STENNIS. I thank the Senator.

I do not object and I do not know anyone over here who does.

Mr. RUDMAN. Mr. President, I thank the Senator from Mississippi.

If there be no further debate, I ask for the immediate consideration of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 3635) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ANDREWS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside for the purpose of considering an amendment to be offered at this time by the Senator from Washington [Mr. EVANS].

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3636

Mr. EVANS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington [Mr. EVANS] for himself and Mr. GORTON proposes an amendment numbered 3636.

Mr. EVANS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, after line 2, add—

"If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to an authorization or the providing of an appropriation of funds to the Secretary of the Interior to construct the Yakima River Basin Water Enhancement Project (hereinafter, Yakima Enhancement Project), shares in the costs of or constructs any physical element of that project, including any reregulating dam or fish passage facility, and conveys the same to the United States, the costs incurred by the State, the Yakima Indian Nation, or any other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given for any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary of the Interior prior to its construction. The Secretary shall grant such approval, when requested by the State, the Yakima Indian Nation, or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project. The Secretary is authorized to accept title to any reregulating dam or fish passage facility constructed by the State, the Yakima Indian Nation, or any other entity, pursuant to this section, without giving compensation therefor, and thereafter to operate and maintain such facilities. Any such facility shall be operated by the Secretary in a manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights established pursuant to State law, including the valid contract rights of irrigation users. The Secretary of the Interior shall negotiate and enter into agreements for the payment of operation and maintenance costs pursuant to Federal reclamation law and other applicable law. *Provided*, that operation and maintenance costs related to anadromous fish, including costs at facilities in the Yakima River Basin authorized to be constructed by the Secretary of the Interior, which are in excess of present obligations, as determined by the Secretary, shall be nonreimbursable and nonreturnable.".

Mr. EVANS. Mr. President, I rise to propose an amendment to H.R. 6040. The amendment allows for the crediting of expenditures made by the State of Washington, the Yakima Indian Nation, or any other entity for constructing any element of the Yakima River Basin Water Enhancement Project toward any costs to be borne as contributions toward payment for cost of the project. The amendment conditions the granting of credit, however, on conveyance of the project element to the United States, and the approval by the Secretary of the Interior of the element as an integral part of the Yakima Enhancement Project. The amendment authorizes the Secretary of the Interior to accept title to any facility approved by the Secretary to be an integral part of the project without giving compensation and to operate and maintain the facilities. Finally, the amendment provides that operation and maintenance costs related to anadromous fish at facilities in the Yakima River Basin, in excess of existing obligations, are nonreimbursable and nonreturnable.

The history of irrigated agriculture in the Yakima River Basin traces its origins back to the late 1860's when water was first diverted to irrigate crops. Federal involvement in the development of the water resources of the basin began in 1905 under the Reclamation Service, predecessor of the Bureau of Reclamation. The irrigable lands served by the Yakima Project consist of approximately 464,000 acres on both sides of a 175-mile reach of the Yakima River in south central Washington. In addition to irrigation water supplies, the project also provides hydroelectric power with an installed generation capacity of 23 megawatts, incidental flood control, and recreation and fish and wildlife benefits.

In 1977, drought conditions focused attention on the need for further efforts to both expand and assure existing water supplies in the basin. As a result of this heightened interest, the Secretary of the Interior was authorized, by Public Law 96-162 (act of Dec. 28, 1979), to conduct a feasibility investigation of the Yakima River Basin Water Enhancement Project. The primary objectives of the proposed project are to provide supplemental water to presently irrigated land, provide water to newly irrigated lands of the Yakima Indian Reservation, provide water for increased instream flows for aquatic life, develop a comprehensive plan for the basin to enable efficient management of existing water supplies. The completion date for the study is 1986.

Historically, the Yakima River supported an estimated 500,000 to 600,000 returning adult salmon annually. By 1920, the number of returning salmon had declined to about 11,000 each year as a result of a number of factors including the construction of water diversion dams and canals without fish ladders or protective screens, partial or total blockage of migratory routes and dewatering of spawning and rearing habitats. Beginning in 1920, efforts were taken to correct the most serious fish passage problems through construction of fish ladders and screens at some diversion dams. As a result, the runs slowly increased between 1920 and 1960, reaching a peak of 19,000 fish. Since then, they have declined to an estimated 2,000 fish.

The fish phase of the Bureau of Reclamation feasibility study has been completed and has identified possible elements of a final plan for the project. Among these is the construction of a reregulating reservoir and fish passage and protective facilities in the Yakima River Basin.

Mr. President, the State of Washington has appropriated $14 million to design and construct a reregulating reservoir on the Yakima River. The appropriation by the State, however, is contingent upon being able to secure a credit of such funding toward any future costs the State may be required to bear in the event Congress authorizes the Yakima River Basin Water Enhancement Project. Adoption of this amendment would encourage construction of the reregulating reservoir and would facilitate a cooperative Federal/non-Federal program to provide for fish passage facilities in the Yakima basin. Construction of these facilities would result in a tremendous benefit to the Pacific Northwest and to the Nation as a whole, and would go far in rectifying the damage to the region's anadromous fishery resource caused by the construction of hydroelectric and irrigation dams on the Columbia River system by the Federal Government.

The substance of this amendment is almost identical to the provisions of H.R. 653, a measure passed by the House of Representatives on March 4, 1984, and in a different form by the Senate on May 18, 1984. Differences between the two bodies over other pro-

visions of that legislation, however, make it increasingly unlikely that it will pass both houses of Congress and be sent to the President for his signature before the end of the 98th Congress.

Mr. President, adoption of this amendment would complete the process begun by the House and Senate when they passed H.R. 653. I believe immediate passage of this legislation is critical to the continued viability of anadromous fish runs in the Yakima River and to the eventual solution of water supply problems in the Yakima basin. I strongly urge adoption of this amendment.

Mr. President, this amendment has been cleared, I understand on both sides of the aisle. It merely repeats a proposal which had been adopted prior to this by the Senate and in different form by the House of Representatives but they are attached to bills which seem to have no chance of moving.

Mr. RUDMAN. The Senator from Washington is correct.

Mr. STENNIS. Mr. President, I support the amendment and do not know of any opposition on this side.

Mr. GORTON. Mr. President, I join my good friend and colleague, Senator EVANS, in offering this amendment to H.R. 6040. As Senator EVANS noted, this amendment is very similar to H.R. 653, legislation that was passed by both the House of Representatives and the Senate earlier this year. Because the two bodies disagree on other provisions in the legislation, it is unlikely that the bill will reach the President's desk before the end of the 98th Congress. As a result, the adoption of this amendment now is vital to help solve water supply problems in the Yakima River Basin and to restore anadromous fish runs in the Yakima River.

An important feature of this amendment is that it provides that costs incurred by non-Federal entities for features of the proposed Yakima River Basin Water Enhancement Project, currently under study by the Bureau of Reclamation, shall be credited toward the non-Federal share of the costs of such project if it is eventually authorized by the Congress. The State of Washington would like to proceed with the construction of a reregulating reservoir on the Yakima River, one important element of the overall Yakima River Water Enhancement Project. The funds have been appropriated by the State contingent on the ability of the State to receive credit for the project if local cost-sharing is required under the final plan.

This amendment will help to facilitate the construction of the reregulating reservoir and it will help to promote the cooperative efforts of the Bureau of Reclamation, the Bonneville Power Administration, the State of Washington, the Yakima Indian Nation, and other groups to provide for fish passage facilities in the Yakima River Basin.

As I have informed my colleagues before, hydroelectric development in the Northwest and the construction of irrigation diversion dams and canals without fish ladders or protective screens reduced significantly the anadromous fishery resource in the Yakima River. At one time, the Yakima River supported an estimated 500,000 to 600,000 returning adult salmon annually. By 1920, the number of salmon had declined to approximately 11,000 each year. Over the years, the number of fish returning to the Yakima has continued to decline.

This amendment will provide many benefits to the Pacific Northwest and it will greatly enhance the region's ability to solve water supply problems in the Yakima Basin and to restore and protect the important anadromous fishery resource which has been seriously damaged by the development of hydroelectric and irrigation dams on the Columbia River system by the Federal Government.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 3636) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EVANS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the committee amendment now be laid aside for the purpose of the consideration of an amendment to be offered by the Senator from Rhode Island [Mr. PELL].

AMENDMENT NO. 3611

(Purpose: To express the sense of the Congress concerning the future of the people on Taiwan)

Mr. PELL. Mr. President, I call up amendment No. 3611 regarding the future of Taiwan and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 3611.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. GOLDWATER. Mr. President, a point of order. I suggest that this amendment is nongermane.

The PRESIDING OFFICER. Is there objection to the calling off of the reading of the amendment?

Mr. GOLDWATER. I object to action on the amendment in that it is nongermane.

The PRESIDING OFFICER. Is the Senator objecting to calling off the reading of the amendment?

Mr. GOLDWATER. No; the amendment can be read, but I will then bring up the point of order.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new section:

POLICY ON TAIWAN

SEC. . (a) The Congress finds that—

(1) February 28, 1984, marked the twelfth anniversary of the Shanghai Communique.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill, add the following new section:

POLICY ON TAIWAN

SEC. . (a) The Congress finds that—

(1) February 28, 1984, marked the twelfth anniversary of the Shanghai Communique signed by the United States and the People's Republic of China;

(2) the communique and the 1979 United States-People's Republic of China normalization agreement greatly improved relations between Washington and Beijing;

(3) peace has prevailed in the Taiwan Strait since the normalization of relations between the United States and the People's Republic of China;

(4) maintaining a sound United States-People's Republic of China relationship serves the interests of both countries and the interests of peace in the Pacific region;

(5) the United States has also pledged in the Taiwan Relations Act to continue commercial, cultural, and other relations between the people of the United States and the people on Taiwan; and

(6) the United States established diplomatic relations with the People's Republic of China in the expectation that the future of Taiwan will be determined by peaceful means.

(b) It is the sense of the Congress that Taiwan's future should be settled peacefully, free of coercion, and in a manner acceptable to the people on Taiwan and consistent with the Taiwan Relations Act enacted by the Congress and with the communiques entered into between the United States and the People's Republic of China.

Mr. GOLDWATER. Mr. President, I make the point of order now that the amendment is nongermane.

The PRESIDING OFFICER. Under rule XV, questions of germaneness are decided by the Senate without debate. The question before the Senate is, Is the amendment of the Senator from Rhode Island germane?

Mr. PELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Is the amendment of the Senator from Rhode Island germane? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. EAST], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. HART], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Louisiana [Mr. LONG] are necessarily absent.

The PRESIDING OFFICER [Mr. MATTINGLY]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 23 nays 69, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—23

Baucus	Johnston	Moynihan
Bingaman	Kennedy	Pell
Burdick	Lautenberg	Proxmire
Cranston	Levin	Riegle
Eagleton	Matsunaga	Sarbanes
Ford	Melcher	Stennis
Glenn	Metzenbaum	Tsongas
Huddleston	Mitchell	

NAYS—69

Abdnor	Garn	Nickles
Andrews	Goldwater	Nunn
Armstrong	Gorton	Packwood
Baker	Grassley	Percy
Biden	Hatch	Pressler
Boren	Hatfield	Pryor
Boschwitz	Hawkins	Quayle
Bradley	Hecht	Randolph
Bumpers	Heflin	Roth
Byrd	Heinz	Rudman
Chafee	Helms	Sasser
Chiles	Humphrey	Simpson
Cochran	Inouye	Specter
Cohen	Jepsen	Stevens
Danforth	Kassebaum	Symms
DeConcini	Kasten	Thurmond
Denton	Laxalt	Tower
Dixon	Leahy	Trible
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Mattingly	Weicker
Evans	McClure	Wilson
Exon	Murkowski	Zorinsky

NOT VOTING—8

Bentsen	East	Long
D'Amato	Hart	Stafford
Dodd	Hollings	

The PRESIDING OFFICER [Mr. MATTINGLY]. The amendment is held nongermane and falls for that reason.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the committee amendment be temporarily laid aside.

The PRESIDING OFFICER. Objection is heard. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I indicated at a previous point that I would object to the manager of the bill controlling the floor by setting aside a pending amendment. I have no objection to the pending amendment nor do I have an objection to the amendment to be offered by the Senator from New Mexico. But I believe that the floor should not be controlled by the manager or any other particular individual.

Mr. HATFIELD. Mr. President, the Senator from New Mexico asked for the floor. The manager of the bill did not ask for the floor.

Mr. BAKER. Mr. President, I am advised that the reason this committee amendment has been set aside a number of times is because parties have been negotiating, I believe in good faith, to try to work out an arrangement.

At one time there was a practice that grew up informally in the Senate that that would be the procedure, but we stopped that, at least by general consent at the beginning and now it is done only infrequently.

The Senator from Ohio should know that was not the case here. It was not a design by the leadership or by the chairman of the committee. This committee amendment is being set aside temporarily because I think we can save some time if we work it out.

Mr. President, I can assure the Senator from Ohio that he will have the chance to offer any amendment he wishes. I am sure the manager will concur in that.

I would hope that we would continue to negotiate on this committee amendment.

If that does not work out in the next little while, then maybe we have to do something else. I hope the Senator will accept that.

Mr. METZENBAUM. Mr. President, I appreciate the assurances of the majority leader. The manager of the bill has indicated pretty much the same point. That is that this is not a traffic arrangement, where you are attempting to control who would come up with an amendment.

It is that procedure to which I object. With the Senator's assurance that it is not being used in that situation, I withdraw my objection.

Mr. BAKER. I thank the Senator.

Mr. BYRD. Mr. President, I wish to assure the distinguished Senator from Ohio that that is the case in this instance. We asked the majority to refrain from a practice which was growing here, to refrain from asking unanimous consent at the beginning of action on a bill to allow the two managers of the bill to set aside an amendment without asking unanimous consent each time. That policy, I think, has gone by the wayside.

I can understand the concern of the Senator from Ohio in this instance, because he feels that the Senate should take action on and dispose of the pending committee amendment, but it is my understanding that Mr. SPECTER asked the chairman to lay this aside because Mr. SPECTER feels that negotiations are going forward and they can probably reach a compromise soon if they can lay the amendment aside for a while.

So I hope that, in this instance, the distinguished Senator from Ohio would not pursue the matter beyond this point. He has already indicated he will not, but I think he should be assured that the earlier practice of getting a Senate order that the two managers of the bill may, between themselves, decide that a committee amendment might be laid aside and they avoid asking the consent of the Senate in each instance—that is not being pursued here. I do not think the distinguished chairman of the committee is attempting to set this up as a stopgap.

Mr. METZENBAUM. I did not think so at all, Mr. President.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, I thank the minority leader for his explanation, with which I concur, with respect to the procedure. I reiterate my assurance to the Senator from Ohio that that is not the purpose of the effort at this time. I thank the Senator for withdrawing his objection.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may I have the attention of the Senator from Ohio for just a moment?

Mr. METZENBAUM. Yes, Mr. President.

Mr. HATFIELD. I say to the Senator this has become somewhat of a practice because today, we were literally sitting waiting for Senators to come and offer amendments. When Senators came to the floor and said, "We are ready to offer an amendment," I would stand and ask for unanimous consent to lay the committee amendment aside so that the only amendment on the floor was that of the Senator from wherever. That became the practice because we had to literally beg Senators to come to the floor and we were sitting through quorum calls. That happened, that kind of practice, because the only Senator on deck was a Senator ready to offer an amendment, and we obviously set the committee amendment aside to do so. I in no way attempted to control the floor to provide any kind of partisan or favorable treatment to anyone here.

Mr. METZENBAUM. I thank the Senator from Oregon.

Mr. JOHNSTON and Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I renew my previous request.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

AMENDMENT NO. 3637

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3637.

On page 34, line 16, insert before the period the following: *": Provided further,* That section 3 of the Act entitled 'An Act to improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666)', approved September 8, 1980 (Public Law 96-344), is repealed.".

Mr. DOMENICI. Mr. President, this amendment has been cleared on both sides. It repeals the designation of the Georgia O'Keeffe National Historic Site. This is identical to S. 1775, passed by the Senate on November 18, 1983. Unfortunately, that bill has been referred to a House committee and not acted on. Ms. O'Keeffe was expressed a desire that her home not become a unit of the National Park System. I believe we should respect her wishes and not object to this repeal. None of the lands authorized have been acquired.

I ask that the amendment be adopted.

Mr. HATFIELD. Mr. President, the Senator from New Mexico is correct. It has been cleared on both sides of the aisle.

Mr. STENNIS. There is no objection on this side.

Mr. HATFIELD. Mr. President, we are willing to accept the amendment.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 3637) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3638

Mr. JOHNSTON. Mr. President, I ask unanimous consent to lay aside the pending amendment temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 3636.

On page 34 line 2 in front of the period insert the following: "and legislation to establish a National Wildlife Refuge within the Atchafalaya Basin if enacted."

Mr. JOHNSTON. Mr. President, this is in the nature of a technical amendment. It has been cleared by Senator MCCLURE, chairman of the Interior Committee. All it does is make the appropriation to the Atchafalaya subject to later legislation if enacted and would have no effect unless later legislation is enacted.

Mr. HATFIELD. Mr. President, the Senator is correct. This is a technical amendment. Senator MCCLURE, chairman of the committee, has cleared it. We are willing to accept it.

Mr. STENNIS. There is no objection on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3638) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3639

(Purpose: To express the sense of the Congress that President Reagan should withdraw the recess nomination of Martha Seger to the Federal Reserve Board)

Mr. BAUCUS. Mr. President, I ask unanimous consent that the committee amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. PRYOR, proposes an amendment numbered 3639.

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The Congress finds that—

(1) high interest rates are devastating American farmers and small businesses;

(2) the Board of Governors of the Federal Reserve System sets monetary policy which dramatically affects interest rates;

(3) on June 4, 1984, President Reagan appointed Martha Seger to a full term on the Board of Governors of the Federal Reserve System;

(4) Article II, section 2, clause 2 of the Constitution empowers the President to obtain the "Advice and Consent of the Senate" to appoint certain Federal officers;

(5) the Senate Banking Committee, consistent with the Senate's constitutional duties, held four days of hearings on the Seger nomination;

(6) on June 29, 1984, the Senate Banking Committee reported her nomination by a vote of 10 to 8;

(7) on July 2, 1984 President Reagan submitted the name of Martha Seger as an appointee to the Federal Reserve Board during an intra-session recess;

(8) this intra-session appointment intentionally circumvents the advice and consent process prescribed by the Constitution;

(9) Martha Seger has no background in agriculture or small business;

On March 1, 1984, the Senate resolved by a vote of 50-37 that the next nominee to the Board of Governors of the Federal Reserve System should be a person with a background in agriculture or small business; and

(11) farmers, small businesses, and consumers continue to be at the mercy of high interest rates and Federal Reserve monetary policy management.

(b) It is the sense of the Congress that President Reagan should—

(1) withdraw the recess nomination of Martha Seger to the Board of Governors of the Federal Reserve system; and

(2) with the full advice and consent of the Senate, nominate a person to the Board of Governors of the Federal Reserve System with a background in agriculture or small business.

Mr. BAUCUS. Mr. President, my amendment expresses the sense of the Senate that President Reagan should withdraw the recess nomination of Dr. Martha Seger to the Federal Reserve Board and nominate a person with a background in agriculture or small business.

As everyone here knows, during the July recess, President Reagan appointed Martha Seger to a term to the Federal Reserve Board. He did this to avoid having to subject the nomination to a confirmation vote by the full Senate. Just prior to the recess, the Banking Committee narrowly recommended her nomination to the full Senate.

There are several reasons why the appointment of Martha Seger to the Federal Reserve Board is in my judgment an inexcusable mistake.

President Reagan's appointment of Miss Seger during the Fourth of July recess without the consent of the Senate is a blatant abuse of the recess appointment power.

The President ignored the wishes of the Senate by appointing a person to the Fed with no background in agriculture or small business.

And Martha Seger has failed to articulate any of her positions on important economic issues.

If I would have had the opportunity to cast a vote on the appointment of Martha Seger, I would have voted no. I believe the Senate should have that opportunity despite the President's recent action.

We should not underestimate the importance of the Fed.

Its decisions, especially its money-targeted decisions, send shock waves through financial markets; and that affects our entire economy. If the Fed tightens up, interests rates rise. And that means disaster—especially for farmers and small business men who

need basic investment capital to keep going.

Because of this, we must review every Fed nominee carefully, keeping two points especially in mind.

First, we must have a clear understanding of the nominee's basic approach to monetary policy. That way, we're able to debate and decide whether her approach is appropriate.

Second, we must make sure that the Fed isn't filled with "pie-in-the-sky" economists, but also includes some people who really understand the impact high interest rates have on farmers and small businesses and on average ordinary Americans. That's why the Senate has gone on record resolving that the next nominee to the Fed should be a person with a background in agriculture or small business.

In this light, appointing someone to the Board whom we know little about and who has virtually no credentials is simply ludicrous.

Throughout her confirmation hearings, Martha Seger was unable or unwilling to articulate her position on important economic issues. She displayed little understanding of current economic issues. She showed more promise for bringing partisan strife to the Board than balance or commonsense.

Dr. Seger, while not linked to any academic or professional accomplishment, is clearly implicated in some rather bitter partisan battles in her home State of Michigan.

The Seger enigma is compounded when searching for any scholarly writings which one would expect to find from an acadamecian. There simply is not any.

I am also troubled by the direction this appointment seems to take us; away from objectivity and balance and into partisanship and total administration allegiance.

While choosing not to articulate her philosophy on any important economic matter, she has eagerly been outspoken in her support of everything the President is doing and has been described by a former department chairman as being very much against regulation.

In light of what is clearly a weak record, it comes as no surprise that the process surrounding this appointment is fraught with irregularities.

An unusual evaluation procedure was used by the administration in reviewing this nominee. Federal Reserve Chairman Paul Volcker was omitted from the interviewing process and the President chose to make this appointment during a 3 week recess while the Senate was out of town.

Not only do I find this underhanded, but I am outraged that he would employ such action for a position which carries with it such a tremendous impact on almost every aspect of our economy.

Finally, Dr. Seger's appointment also ignores the expressed will of the Senate to appoint a person with a background in agriculture or small business—two of the sectors or our economy most heavily affected by high interest rates.

Take a look at agriculture. Farm debt stands at $216 billion—double that of 6 years ago. Farmers have turned to the Farmers Home Administration in record numbers because they cannot get financing elsewhere.

Prices received by farmers have fallen 15 percent since 1977, while prices paid by farmers have risen 56 percent during the same period, largely due to high interest rates.

The importance of agriculture and small business in our economy is precisely why the Senate wanted someone with expertise in these areas to fill the next vacancy at the FED.

In conclusion, Mr. President, this appointment and the way in which it was handled is not in the best interests of this country. An appointment to the Federal Reserve Board is far too important to be made without the consent of the Senate.

I, therefore, urge my colleagues to support this resolution and urge the President to withdraw the recess appointment of Miss Seger to the Federal Reserve Board.

I might add, Mr. President, the usual recess appointment process is a situation where the position has to be filled. Not this case. As I said, the appointment was made when we were out of session for a few weeks and the Senate clearly could have acted on the confirmation.

I might add, Mr. President, that under the law, unfortunately, Miss Seger can remain in the present position without any Senate action until the end of next year. If the Senate takes action before next year, then, of course, Miss Seger can be removed from office or serve a full 14-year term—whichever is the will of the Senate. But, on the other hand, if the Senate takes no action because the nomination has not come before the Senate, she will be able to keep the job until the end of the year, clearly an abuse of the appointment process. Mr. President, I think it is a matter of institutional integrity and pride that this body should stand up—we should object.

Mr. SARBANES. Will the Senator yield at that point?

Mr. BAUCUS. I gladly yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I think there are many Members of this body who believe what has been done is illegal and could be challenged in the courts. In other words, what has transpired is a stretching of the recess appointment power beyond constitutionally permissible limits; that what the President has done is not only a flaunting of the spirit of the confirmation authority but also a flaunting of the actual text of the confirmation authority. I do not concede that the Seger appointment comes under the recess authority. Therefore, I think it is susceptible to challenge in the courts. That is only a further point to the very excellent case which the Senator has made; in my view what the administration has done in this instance is really contemptuous of the Senate.

I hope to speak at somewhat greater length on that point a little further on in the debate. But there was a very close vote in the committee—as the Senator pointed out, 10 to 8—that committee vote took place just before the recess. It was reasonable to assume that this appointment would be a matter to be considered by the Senate during this current period following our return from the recess but instead the President moved on this and a number of other appointments in effect to circumvent the confirmation authority of the Senate.

I submit that every Member of this body, all 100, should be concerned about this circumvention. This is a game that can be played by any President with either party. Senators ought to stop and think long and hard about what is taking place and perceive the merits of the proposed amendment which the distinguished Senator from Montana has pending at the desk. I thank the Senator for yielding.

Mr. RIEGLE. Will the Senator yield?

Mr. BAUCUS. The Senator from Maryland has spent a lot of time researching this very question. I personally thank the Senator from Maryland for all of his efforts.

I totally agree with the Senator. The appointment of Dr. Seger, in my judgment, is clearly an abuse of the appointment process. I think any Senator who spends time looking at it will agree that this body should not agree to this procedure.

I thank the Senator from Maryland.

Yes, I will be glad to yield to the Senator from Michigan.

Mr. RIEGLE. Mr. President, I think the Senator from Montana has put the facts forward in a very clear way. As he indicated, this is a 14-year term, although the recess appointment, as the Senator indicates, does not necessarily run for the entire 14 years. The fact that it is a 14-year term and for such a powerful position on the Federal Reserve Board suggests that that is precisely the kind of appointment the Senate as a whole should be taking a careful look at, especially when there is such a closely divided vote in the committee. Were this an appointment to fill out a term of perhaps a few

months or 1 year or for even 2 years and perhaps to a position that was less critical to the overall economic future of the country, then you might begin to be able to make a case for some kind of an interim action—perhaps the Senate making a greater allowance in a given case. But where we are talking about something as important as a Federal Reserve Board appointment, it seems to me we ought to be handling those today with the same care that we handle appointments to the Joint Chiefs of Staff because we are looking at the strategic economic future of the country.

I notice the Senator from Montana indicated that many farmers were having difficulty getting applications processed by the Farmers Home Administration. While this is a separate point to the main argument of the Senator from Montana, did I not read the other day in the paper where the business partner of the Secretary of Agriculture was seeking an emergency loan to the extent of something like $400,000 and somehow or another that particular farmers home loan application was processed with record speed; he got the money, and it has apparently helped stave off some kind of imminent disaster? It sounds to me that not only do we have an emergency condition facing farmers but we are seeing an unequal application of the law in terms of those farmers who are trying to stay afloat and where someone so connected—in fact a Cabinet officer—is benefited in a direct way. It seems to me that it goes right back to the question of the action that the Senate took some time ago when we made it clear that because of the pile up of difficulty in the agricultural sector, we wanted somebody on the Federal Reserve Board at this time who comes either from agriculture or from small business who can relate to the board the problems that people in business are facing with these record high interest rates. It is frustrating in the extreme when we see the administration not only ignore that mandate of the Senate which we passed on a bipartisan basis, but then when their own people get into trouble, with the difficulty of not being able to get farm loans, they get special treatment.

So we find ourselves with an intolerable situation with respect to farmers generally in this country. I may speak a little later on this subject, but I thank the Senator from Montana for focusing on these issues.

Mr. BAUCUS. I thank the Senator from Michigan. He is absolutely correct. We are getting a triple whammy here.

First of all, there is an abuse of the appointive process that is clearly blatant.

Second, it appears that someone is being appointed who has virtually no understanding of and is not sensitive to the plight that affects small businessmen, farmers, and ranchers—those businessmen who are very vulnerable to high interest rates.

The third point is that it appears that this administration is giving unequal treatment to various people. There are some favored few, and the rest of us are not favored.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. BAUCUS. I am glad to yield to the senior Senator from Montana.

Mr. MELCHER. Mr. President, I commend my colleague for offering this amendment. I think it is particularly noteworthy at a time when agriculture and small business are impacted very seriously by the fiscal policies that we find ourselves in, by the high interest rates, and monetary policy over which the Federal Reserve Board has some control. Our monetary policy and high interest rates impact trade, and that is extremely damaging to agriculture and small business.

The amendment offered by my colleague is commendable. Dr. Seger, unfortunately, lacks the qualities and the expertise to be of constructive assistance on the Federal Reserve Board in regard to monetary policy that would be beneficial for small business and agriculture, in terms of interest rates and in the effect that all these decisions by the Federal Reserve Board have on our balance of trade.

In conclusion, I just want to commend my colleague again, and I thank him for his leadership in this amendment.

Mr. FORD. Mr. President, will the distinguished Senator from Montana yield?

Mr. BAUCUS. I am glad to yield to the distinguished Senator from Kentucky.

Mr. FORD. Mr. President, I support the distinguished Senator from Montana in this amendment.

I do not think the farmers' plight is any different in one place than in another.

I heard the statement recently that the philosophy of this administration is that the bigger they are, the softer they fall. It reminds me of the Continental Bank: "Come unto me all you banks that are weak and laden with bad paper, and we will bail you out."

What do they do for the farmer? The farmer is trying to reorganize his debt. He has to take his banker with him and file his reorganization with a group of people who have been cut back in number, to the point where a farmer who needs help is delayed even further.

Then, when they go with their banker and their reorganization request, fulfilling that, they leave and are on their way back home, and the Federal Land Bank, or whatever it might be, goes to court before the farmer even gets home, to force him into bankruptcy.

We see this, and there is no help at all unless you know somebody high up, and then you get a $400,000 loan for 13 farms in a record time.

I see my small people, my small farmer, going down the drain day after day and cutting back on employees, which hurts the farmer; and the Secretary of Agriculture says, "We have done all we are going to do for the farmers. They are on their own."

So I hope that the President will hear our plea and that he will come forward with an individual who is knowledgeable in this field, to help us support the agricultural community, to help those farmers who are in trouble basically over interest rates. I hope that the Senator's amendment is overwhelmingly agreed to and that we can get bipartisan support.

Mr. BAUCUS. I thank the Senator from Kentucky.

One final point: It is no idle statement that I and others make that farmers, ranchers, and small businessmen are in a slightly different plight from that of other economic interests.

Several years ago, I was in a room with various Senators and Chairman Paul Volcker. I said to Chairman Volcker: "I'm not sure that you and the Federal Reserve Board fully understand the degree to which tight monetary policy adversely affects farmers, ranchers, and small businessmen, compared with big, multinational corporations."

The point is that the big multinational corporations can buy and sell currencies in markets around the world. They have all kinds of ways to handle these high interest rates. Farmers, ranchers, and small businessmen do not have those means available to them. They are stuck. They have to pay those rates. They have to borrow in order to buy their tractor and their combine. Small businessmen have to borrow to meet a payroll. They do not have the resources that the larger banks and larger multinational corporations have.

I asked Mr. Volcker if he fully understood that, and I must say, Mr. President, that I got virtually a nonanswer. I got a bunch of words. I responded by saying, "Mr. Chairman, I don't know if you fully understand the point of my question. I don't mean to be disrespectful, but do you understand the difference?" Again, I got a bunch of words.

So it is critically important that various segments of the American economy be represented on the Fed. I

submit that they are not. There is not the across-the-board representation on the Fed that there should be.

I particularly call on Members on the other side of the aisle to put partisanship aside, in a spirit of bipartisanship, in a spirit of togetherness, to do what is right, and that is to bring her nomination up for a vote, if that is what should happen, and, second, let us get better representation on the Fed.

I am sure various Senators here can talk to the President and get someone else appointed who represents farmers, ranchers, and small businessmen and their point of view. I strongly urge my colleagues to support the resolution to tell the President to withdraw the nomination and put better representation on the Board.

Mr. GARN. Mr. President, I suppose it is the duty of the chairman of the Banking Committee to come out several times a year and defend against a resolution to do something about the Fed. It used to be once or twice a year. Now we have had one yesterday and one today. It comes from both sides of the aisle. It is not a partisan situation.

We have had it from this side and that side, because it is so pleasant to obscure the impact of billions of dollars of deficit and the impact of fiscal policy on interest rates, and that is Congress. So it is nice to have the Federal Reserve be around to whip. We say: "If we just change the Fed; if we just put a farmer, a merchant, or a candlestick maker on the Fed, suddenly we would have peace and tranquility, deficits would go away, interest rates would come down, and that would solve it."

So it comes up, and it will again, because it is so nice to find a scapegoat for the problems created by Congress. I would venture to say that if I had the power to make the Senator from Montana the Chairman of the Fed tomorrow and he would be there a couple of weeks, he would say, "My goodness, what do I do with Congress down there with $200 billion deficits," and find out that when you have that kind of a deficit you have to fund it one way or another, either print it or borrow it. You have to monetize that debt. And we place incredible pressure on the Federal Reserve Board.

I look at the statement here, and I do not know—maybe I should just get a recording and we can plug it in here every time one of these come up, whichever side of the aisle it comes.

I agree with the first resolve, high interest rates are devastating American farmers and small businesses and everyone else.

Second, the Board of Governors of the Federal Reserve system sets monetary policy which dramatically affects interest rates.

Senator PROXMIRE, the former distinguished chairman of the Banking Committee, before Paul Volcker's reconfirmation hearing, said to him, he said: "You poor devil. If you increase the money supply, the interest rates will go up; if you decrease the money supply, the interest rates will go up."

I think that pretty well sums it up. The Fed has impact on short-term rates, but very little on long-term rates.

So eventually as long as we are placing the pressure on the Fed as we are, I think Senator PROXMIRE was absolutely correct—interest rates are going to go up regardless of what the Fed does.

The Senator also points out on June 29, 1984, the Senate Banking Committee reported her nomination by a vote of 10 to 8.

That is a correct fact. However, I would just point out that it was a party line vote; 10 Republicans voted for and 8 Democrats voted against. I would say that that indicated some sort of partisanship in the matter of this appointment.

Resolve 8 says this intrasession appointment intentionally circumvents the advice and consent process prescribed by the Constitution.

I point out to the Senator that there have been three previous recess appointments to the Board, the distinction being this was an intrasession appointment. The Senator was correct. Those were sine die adjournment.

But I point out that two out of three of them, one Marriner Eccles, the former distinguished Chairman of the Fed for 12 years under the Roosevelt administration, Congress adjourned on June 18, 1934. The recess appointment occurred on November 10. The Senate reconvened on January 3. There had been no nomination, no indication to the Senate before that this would be submitted. The nomination was submitted on January 10, 2 months later. So it was close.

So I cannot figure out what President Roosevelt was thinking. Why that time, and certainly we did not have an open market committee, that with Congress convening in just 6 weeks from that time, he felt it necessary to make a recess appointment?

Interestingly enough, the Senate did not even consider this nomination and confirm him until April 24.

The last one, John Sheehan, was an adjournment appointment in the 92d Congress, December 17, 1971, a recess appointment made on December 23; 6 days later Congress reconvened on January 4, again with no prenotification whatsoever.

In this case to say that deliberately circumvents, the President sent up a notice of that appointment.

The Senator points out that 4 days of hearings were held. They were. I granted the committee all courtesy to extend those hearings as long as they wanted to, and I sat in those hearings, every minute of them, for 4 days. I told Senator RIEGLE and Senator SARBANES whatever time they wanted they could have. At the conclusion of those hearings, they asked time to file minority reports, even though I would like to have had it before the Senate and it was my intention to have it before the Senate before that recess.

In extending the courtesy to the minority, I granted them all the time they wanted on the hearings and told them to take what time was necessary to file their minority views, which they did.

The appointment was reported to the Senate on July 17. I asked the majority leader if that could be brought up for a vote of the Senate the first week we were back. He has been unable to do so during this 3-week period because of Democratic holds on the nomination.

So whatever people feel about the nomination and qualifications, to talk about the President intentionally circumventing the advice and consent when he did send the nomination up, hearings were held, it was reported out of the committee, courtesy was given to the minority, and I think my friends would have to agree with that, that I made no attempt to push them, but gave them any time they wanted, that extended until the recess. That is fine, and I do not know who puts holds on, but the only reason that has not been taken up before this body is because of a Democratic hold.

I am willing if we could go to an executive session right now to hold a vote, if Senators are willing to. If the minority leader can clear it, we could go to an executive session tonight and hold a vote, so it is not the President that is circumventing the advice and consent. It has been a desire to delay that appointment on the minority side, which is entirely in their right.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. GARN. I will not yield until I finish my statement. I sat here patiently listening to all those who disagreed and said no word until they got through. So I wish the same courtesy extended to me.

Mr. SARBANES. The Senator is certainly entitled to that courtesy.

Mr. GARN. I thank the Senator.

Mr. SARBANES. I hope the Senator would stay after he finishes so we might direct some questions to him.

Mr. GARN. I have no intention of going any place until the Senate adjourns this evening. I would like to, but I will stay as long as we are in session.

But I think that whatever arguments there are as far as her qualifications, the Senator has a right to do that, but to bring up smokescreens about who is delaying the process, I

think the record is rather clear on who has delayed that process.

I would also say in No. 11, farmers, small businesses, and consumers continue to be at the mercy of high interest rates and Federal Reserve monetary policy, I would agree with that statement if we change it to farmers, small business, and consumers continue to be at the mercy of high interest rates and congressional irresponsibility on fiscal policy.

I just get rather tired of trying to find a scapegoat on this, but I know it will not end. It will not be just from the Democratic side. One of these nights I will be out here with one of my Members on my side standing up and trying to shift the responsibility to the Fed and whoever is there for all of these problems.

Again, I think it is important to point out why she has not faced confirmation before this Senate and the reason it was important for the President to appoint Ms. Seger to the Board before Senate confirmation is that the Fed Open Market Committee meets in early July, did meet in early July to confirm money growth for the remainder of this year, and set initial targets for the upcoming year. It was a particularly important Fed Open Market Committee meeting. The President had good reason to want a full Board to vote on those targets, and considering that Governor Teeters had already left the Board.

I do have this letter from Chairman Volcker talking about the three recess appointments, and again the distinction is there to make, that it was during sine die adjournments, but I think the dates of those two appointments of President Nixon and President Roosevelt are rather interesting, and we could question why they made those with Congress going to reconvene in such a short period of time.

I also comment that Dr. Seger was subjected to unusual hearings, not that I thought they should not be that way. I think we should subject all witnesses to that. When it was talked about the extent of these hearings, too many of them we have glossed over.

Comments were made about a 14-year appointment should not be made during a Presidential election year.

I did not hear that argument up with President Carter's last nominee in the spring of 1980 who was also appointed for a 14-year term.

If we are going to have a standard, it should apply to everyone.

We also had a nominee who was appointed under President Carter who had only about three pages of questions. The hearings lasted less than a half-hour. He had very similar qualifications to Dr. Seger, very similar background. He was not subjected to the same intensity, and I do not criticize the intensity of questioning. I think we should have those kind of hearings for these type of nominations on everyone, regardless of which President appoints them, and we treat witnesses the same regardless of which side of the aisle they come from or which President chooses to nominate them.

But again I think the issue here should be one of why do we not vote on her nomination. Why do we not do it tonight?

I wanted to for the last 3 weeks but have not been able to clear that.

We could solve the problem of a recess appointment very quickly by just having an up-or-down vote on the issue.

I do not intend to prolong the debate any further. I would suggest that that be held until such time as we are able to clear the Executive Calendar and have her nomination, and then we can have whatever debate on her merits or demerits for this job that we want to.

I do not think now is the time or place to extend that debate, but I would be happy at this time to yield the floor and respond to a question from my distinguished colleague and member of the Banking Committee from Maryland.

Mr. SARBANES. Mr. President, I first want to say to the chairman of the Banking Committee that I think it is very important to separate out certain aspects of this debate. I first want to stipulate that I think the chairman was eminently fair in his conduct of the hearings with respect to the Seger nomination. There were 4 days, extended days, of hearings. I think those were important. The hearing record is available to Members to examine and the chairman permitted that scrutiny to take place. He did not try to cut that short. I think that has generally been the way in which he has conducted the committee and, as a member of that committee, I want to put that observation right up front.

Now, the chairman made reference to the fact that there were holds on this nomination. I do not know for a fact whether that is the case. But even if it is the case, the recess appointment was made by the President before this nomination ever appeared on the Executive Calendar of the U.S. Senate.

One listening to the chairman a few minutes ago would have thought, from the way it was put, that the President was driven to make the recess appointment because it was being held here in the Senate and there was a refusal on the part of Members of the Senate to address that nomination. Now that is not the case.

This matter was dealt with in the committee—in the committee—the Thursday just before the recess. This nomination never made it to the Executive Calendar until into that recess and the President's recess appointment was made on the Monday after that Thursday when the committee acted. Now I think it is legitimate to call that a circumvention of the confirmation authority of the Senate.

And I am surprised to hear the chairman of the committee—who was eminently fair in giving us the hearing and in treating the matter—stand on the floor of the Senate tonight and defend that conduct. The chairman, more than any Member of this body, all 100, ought to have a strong sense of the nature of the responsibility and the relationship between the Congress and the President.

I have a great deal of respect for my colleague. I must tell him I am surprised to find him here on the floor trying to defend the Presidential conduct. I assume, knowing the chairman, that he did not counsel or advise the White House or the President or those around him to move to make this recess appointment. I hope I will not be disappointed in that assumption.

Mr. GARN. No, I had nothing to do with the recess appointment. But if the Senator would yield so that I could respond to his comment.

Mr. SARBANES. Certainly.

Mr. GARN. I have no trouble defending the recess appointment on the basis that I stated. All of us are concerned about what the monetary policy will be, regardless of how much we may differ on the impact that has on interest rates compared to fiscal policy.

However, there has not been a more important meeting of the Federal Open Market Committee that I know of than the one that would occur in July.

The President made that recess appointment. If the Senator would follow what I said, I indicated that I gave the committee an opportunity to come up with their minority views, as much time as was necessary. It was obvious that it would not be possible then to consider the nomination before we recessed unless there was a waiver. I did not indicate there was any stall on the part of the minority in the Banking Committee prior to the recess. It is within their rights to ask for minority views, which I granted.

It was reported on July 17, which was while we were in recess. The President felt it was important that he have a full board for a meeting of the Federal Open Market Committee that would determine the targets for the rest of this year and tentative targets for 1985.

The only delay that I am aware of, as I stated before, so that the Senator understands exactly what I said, was I inquired of the majority leader if we could bring this up the first week we were back or as soon as possible so that the confirmation process could continue, and all I have been told was

there was a Democratic hold. I have no idea who that is and I have not sought to find out. It was simply there was a Democratic hold on bringing it up.

So I have tried. All I am saying is that since we returned from the recess, I have attempted to get that nomination cleared so we could consider it on the floor.

Mr. SARBANES. When was this nomination reported from the Banking, Housing, and Urban Affairs Committee to the U.S. Senate?

Mr. GARN. July 17.

Mr. SARBANES. When did the President of the United States make the recess appointment of Miss Seger?

Mr. GARN. I believe it was July 2. I am not certain of that, but it was during that week of the Fourth of July.

Mr. SARBANES. Is it correct that the committee held 4 days of hearings with respect to this nomination?

Mr. GARN. That is correct; 4 full days, morning and afternoon for 4 days.

Mr. SARBANES. Those hearings were on what dates?

Mr. GARN. June 19, 20, 21, and 22.

Mr. SARBANES. When did the committee act? The following week?

Mr. GARN. The committee acted the Thursday of the following week.

Mr. SARBANES. June 28?

Mr. GARN. That is correct.

Mr. SARBANES. In other words, we acted in the committee a week after the hearings concluded?

Mr. GARN. That is correct.

Mr. SARBANES. And then immediately upon the Senate leaving for the recess, the President made a recess appointment?

Mr. GARN. That is correct.

Mr. SARBANES. Does the chairman support that kind of conduct?

Mr. GARN. Well, I say to my distinguished colleague from Maryland, I can answer for the third time, the fourth or fifth. I will say it once more. I attribute no delay to anyone prior to the recess. But it was obvious to me, it was obviously obvious to the administration, that we would not return until whatever date we returned, July 23, and he did want a full board for those FOMC meetings. And I agree that had Nancy Teeters still been there, then I would have not have thought a recess appointment was wise or necessary. But she had left the board. There was a vacancy. And the decisions of FOMC for the next 6 months, I think, were rather important.

So, yes, I have no difficulty at all, considering that they had knowledge that it had passed the Senate Banking Committee, it would be on the Senate Calendar, and they did request that, as soon as we returned, I attempt to bring that nomination before the floor of the Senate and I have attempted to do that.

Mr. SARBANES. Well, I just want to get the chairman on the record. Obviously, what is sauce for the goose is sauce for the gander.

Mr. GARN. Does the Senator want me to record the fourth time in saying that with the FOMC meeting, I support what the President did? No. 4; I will do it again. I am on the record.

Mr. SARBANES. I think it is important to get a chairman of a committee, who has responsibility for a nomination, in effect, giving away the authority of his committee to the President to make an intrasession recess appointment of the nature that was done here.

Now the chairman cited three previous instances in which recess appointments have been made to the Federal Reserve Board. I take it the chairman agrees with me that the Federal Reserve Board is an extremely important governmental agency.

Mr. GARN. Yes; I do. I would also comment that I have given away no authority. That recess appointment can be as brief as until we vote on it. It is on the calendar. I am willing to vote on her nomination tonight, which removes the recess appointment. I am giving up nothing for the Banking Committee, nothing for the chairman. It is an appointment that only lasts until the end of this Congress, which is October 4, if we do not come back, or it could be tonight. It is up to this Senate to decide if it is shortened from the end of this session.

Mr. SARBANES. Well, the chairman has already said he is prepared to see the President use the recess appointments in order to get someone on a board to make the decisions, in this instance, at the Federal Open Market Committee meetings, even if there is the prospect that shortly thereafter, the person is going to be rejected by the Senate.

Now that raises interesting possibilities in terms of maneuvering. That raises the possibility of using the recess appointment to put someone on a board at a time when important decisions are going to be made and then you do not really care what happens to them thereafter. You have gotten your use of them.

Now the three instances which the Senator cited of recess appointments to the Federal Reserve Board, were they not all at the end of a session and an adjournment sine die over?

Mr. GARN. Senator, I am a little bit puzzled by the number of times that I have to repeat, unless the Senator was not listening. I made the distinction in my own remarks three times. That was the distinction between this recess appointment and those. They were during the sine die adjournment. I am on the record again. I am willing to put it in writing if the Senator wants me to. I do not understand that we have to be so repetitive when I am not known for being unclear in the statements that I make.

The other distinction I make was the timing of those appointments under both President Nixon and President Roosevelt. And I cannot second-guess them 50 years later—why President Roosevelt found it necessary 3 weeks before the Congress was going to adjourn without having any hearings or anything to appoint them. I just make that distinction. Yes. They were during sine die adjournment. They were very close with a vote of 2 out of 3 to the reconvening of a Congress.

Mr. SARBANES. Why did the committee have all of these hearings that go so carefully into Dr. Seger if we were going to have a recess nomination and place her on the Federal Reserve Board in order to make these important open-market decisions? Why do we go through that exercise in the committee?

Mr. GARN. Senator, the committee did not go through an exercise. The committee went through some important hearings where detailed questions were asked for better than in most hearings that held by most committees—and much more extensively to supply background information to this body, and the whole Senate of the United States in which to make a decision on whether they wish to vote yea or nay on her confirmation. That opportunity is still available. Nothing has been given up. If we do not act, her nomination will have to be resubmitted in January. It is only to the end of this term. Again, I repeat for the third or fourth time, the Senate can act on that nomination anytime it is ready to do so, and decide whether they accept or reject her nomination by the President of the United States.

Mr. SARBANES. Is it the chairman's position that it really does not matter to the Senate whether they consider nominees before they actually assume—Ms. Seger has been sworn in, has she not?

Mr. GARN. That is correct.

Mr. SARBANES. When was she sworn in?

Mr. GARN. I do not know the exact date she was sworn in.

Mr. SARBANES. Mr. President, I have an article from the Congressional Quarterly which states—this is after reporting the vote in the committee 10 to 8—

> The next day, the full Senate adjourned for a 3-week recess before voting on the Seger appointment. The following Monday, President Reagan unilaterally placed Seger on the Federal Reserve Board by using his constitutional authority to make recess appointments and require no Senate action. Volcker swore her in to office later that same day.

The thing that concerns me—I understand the position of the chairman, at least up to a point. But it seems to be that the chairman in this instance

ought to be more of a Senate person, and less of the President's partisan in this matter because it seems to me we are dealing with important institutional powers here.

Mr. GARN. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. GARN. I have not interjected partisanship in this other than to make one comment about a 10-to-8 vote which was a factual comment—10 Republicans and 8 Democrats. That is the only partisanship. I have talked about these resolutions coming from both sides. The Senator resents the comment just made by the Senator from Maryland deeply. The way I operate that committee with the fairness I have for the last 4 years regardless of how we feel, I resent being accused of I should be more of a Senate man than the President's man. I have treated nominations equally. I did when President Carter sent them up with Lyle Gramley, and I am not going to go back into all of that debate. I can be accused of a lot of things, but not blind partisanship. I would suggest we stick to the merits, and not try to characterize what you may think I am or am not.

Mr. SARBANES. It seems to me that the chairman in this instance ought to recognize that there is a difference between asking the Senate to address a nomination with respect to whether or not it should be confirmed before the nominee has been placed in the position, sworn into office, and exercising the authority of the office and asking the Senate to address a nomination after that has transpired.

Mr. GARN. That was all right when President Roosevelt and President Nixon did it. It is only President Reagan that should not do that with his constitutional authority. As the Senator just stated, it was his constitutional authority to do so.

Mr. SARBANES. The Senator himself made a very important distinction between those actions by President Roosevelt and President Nixon and the current action. I pointed to it earlier. The Senator got very upset because he said he was being asked to repeat, and be redundant. The reason I pointed to it was I think it is a very important distinction, and the Senator in the course of being exercised about it himself said that when he made the statement earlier he had made the important distinction that those recess appointments came after the Congress has adjourned sine die. That is not the case here. This is an intrasession appointment for a recess that lasted 3 weeks.

Mr. GARN. Will the Senator yield on that point?

Mr. SARBANES. Surely.

Mr. GARN. I stated in my remarks on two different occasions that I responded to the Senator so it is clear that it is on the record; that the Senator from Maryland has ignored the other distinction. You are talking about a 3-week period. That is why I pointed out the dates. Why was it necessary for those two Presidents with the Congress convening in just a matter of weeks, in one case a recess appointment of December 23 with the Senate reconvening on January 18, just about the same length of period we were out. So the distinction is correct. But do not ignore one and not the other. I was direct enough to point out before I was even asked that distinction. The Senator from Maryland conveniently ignores the timing or making a distinction between intrasession and sine die adjournment. But the time periods are very close. I do not know why he felt he had to make a recess appointment 3 weeks before the Congress convened. I do not know why President Roosevelt felt he could not wait a month for Marriner Eccles.

Mr. SARBANES. Did the chairman see no important distinction between a recess appointment intrasession and a recess appointment after adjourning sine die?

Mr. GARN. I already pointed out the distinction. Does not the Senator from Maryland see a distinction in timing? What is the difference between 3 weeks here? Answer my question, please, Senator.

Mr. SARBANES. The timing was longer, was it not?

Mr. GARN. Oh, yes.

Mr. SARBANES. What was the Roosevelt timing on the Eccles appointment?

Mr. GARN. The Roosevelt timing on the Eccles appointment was about 7 weeks.

Mr. SARBANES. What were the dates? The Senator has them and unfortunately I do not.

Mr. GARN. The recess appointment was November 15, 1934. The Congress reconvened on January 10. We are arguing about 7 weeks versus 3½ and 4½ weeks versus 3½. Make the debate on the floor for a week or so one way or another.

Mr. SARBANES. That is right. I am trying to find out how far the chairman is prepared to carry this recess appointment authority, and at what point he would draw a line and say this is going too far. Is the chairman prepared to give it all away?

Mr. GARN. The chairman has stated over and over again, and please report this so we make sure it is on the record. The Senator supported a brief recess appointment, which I had hoped would last about 3 weeks. The chairman has attempted for 3 weeks to get this nomination before the Senate so that the recess appointment ends one way or another. The Senator from Utah has not been able to do that because of the hold from the Democratic side which is certainly the right of the minority to place holds on the nominations, as it is the right of our side to do so.

Mr. SARBANES. Once the recess appointment has been made by the President, all bets are off. I do not know who has those holds on them, but I have no quarrel with that. The recess appointment was made by the President like that, as soon as the Senate left. The chairman is saying that is OK; a 10-to-8 vote in my committee; we had a good set of hearings thanks in large part to the chairman. The committee considered it the next week—pretty orderly procedure with a 10-to-8 vote on the 28th of June, and was reported to the Senate on the 17th of July, but on the 2d of July, on the Monday right after the Thursday when the committee acted, the President moves to make his recess appointment. The chairman says, "Well, that is all right by me." We need a recess appointment. We have this meeting coming up. I want this person there in order to pass on the matter at the meeting, and the Senate can take this up later after it comes back from the recess.

Surely, the Senator does not think that the nomination is in the same posture. We are now considering an appointment in which the person has been sworn in, assumed the oath of office, exercised some responsibilities, as compared with an instance in which the appointment is pending on the calendar and the nominee has not yet taken office. Why do we have these various appointments pending on the calendar? Why not get them out of here and let the President make these recess appointments and then confront the problem? Are we going to pull them back or simply leave them there? This appointment is there. Sworn in, exercising all the powers of the office, and the Senate has never passed on the confirmation of this nominee. Now we are told it does not really matter, that we can do it one way or we can do it the other way; either we put it on the calendar and they do not take the office until we consider their confirmation, or it is not even on the calendar and the recess appointment is made. You could even have made the appointment without the committee ever acting. I assume if that had been done, the chairman would have been exercised about it. Suppose that had happened?

Suppose the President had made this recess appointment while the nomination was still pending in the committee? Would the chairman have been exercised about that? Or would he have said, "Well, we have this nomination up here, and we have not really finished our hearings yet or quite gotten to them."

Suppose you had somebody on whom you did not have the clearances yet go in for a recess appointment? It

is particularly important in this instance because this is a very important position. This person does not serve at pleasure. Members of the Senate are confronted with a very different reality if the person is in office as opposed to their never having taken office. It seems to me that, as chairman of the responsible committee, there ought to be some concern for, in effect, short-circuiting the confirmation process. This matter could have been taken up after we came back, before Seger ever held the office. If there had then been delay, the Senator might have had some arguments to make on that. We can argue about that, that delay is a normal part of the Senate process. It has been used over the years by all Members of the Senate. But that is a different case.

The Senator now is complaining about delay after the recess appointment was made. The onus here rests on the President for moving as soon as the Congress left town, putting this person on the Federal Reserve Board without her ever been confirmed by the U.S. Senate.

There are a lot of other problems involved in this nomination. This Senate has gone on record calling for the next nominee to the Federal Reserve Board to be a person of demonstrable experience in small business or agriculture. Miss Seger does not even begin to approach either of those requirements.

In fact, the Senate has repeatedly urged the President to respect the requirement of the Federal Reserve Act that there would be due regard for the fair representation of the financial, agricultural, industrial, and commercial and geographic divisions of the country.

On May 15, 1980, the Senate passed a resolution in that regard, and it is the stated position of this body, taken by actual vote, that the professional background of members of the Federal Reserve Board shall be broad and include members with direct personal experience with and sympathy for the problems of those economic activities, particularly agriculture and small business, which are most dependent on credit financing.

In March 1984, in other words, at the beginning of this year, some 3 months before the committee acted on this nomination, the Senate specifically requested that the President name to the next vacancy on the Federal Reserve Board a person of demonstrable experience in small business or agriculture. That resolution passed the Senate by a vote of 50 to 37.

I must say to the chairman's credit he has insisted on this geographical requirement contained in the Federal Reserve Act, but beyond that, the Senate, by a very stong majority, called for the next vacancy on that board to be filled by someone from small business or agriculture.

That was not done in this instance. That was clearly not done in this instance. Half of the Members of the Senate supported that resolution on small business and agriculture, and had they struck to their positions as experienced in the resolution, this nominee would not have been confirmed. Presented with the nomination would they have stuck with their previously recorded position on the importance of small business or agriculture, or would they, in effect, have allowed that position to go by the board, abandoned it, and confirmed this nominee?

We do not know. We did not get a chance to deal with this nomination in that context.

Now what has been added is the additional fact that this nominee got this recess appointment, was placed on the Board, was sworn in the very day the recess appointment was provided, and has been exercising the authorities of the office.

I think that is a circumvention of the Senate confirmation power.

I think the Senator from Montana is absolutely right in stating in his resolution that this intrasession appointment intentionally circumvents the advice and consent process prescribed by the Constitution. This is one of the reasons I have engaged at such length in this colloquy with the committee chairman, because if you accept this sort of thing you are just opening the door to all sorts of schemes and strategems. Taken at its worst, the assumption of someone who will be defeated, but you give them a recess appointment and get them in there long enough to cast a vote in some important decisionmaking case that is coming along and subsequent to that they get knocked out by the Senate.

I submit to you it is more difficult to take them off the Board once they have been put in, even by a recess appointment, than it is to deal with a nomination head-on on its merits before that has ever transpired, and I think the President was moving to do just that.

I am concerned by the comments I have heard here that, in effect, seem to sanction that conduct.

I know the chairman is in a difficult position. The administration has acted. They are looking to him to defend this action. But it seems to me that he should have been far more gentle in doing so because I submit to him that he is setting a very bad precedent for the future.

Mr. HATFIELD. Will the Senator yield without losing his right to the floor?

Mr. SARBANES. Certainly.

Mr. HATFIELD. I should like to make an inquiry, since I have had a number of our colleagues ask me about the timing of when they could expect to bring up their amendments. Can the Senator from Maryland indicate some idea of the time that he will require to complete his statement? We have 12 amendments that are to be offered yet sometime this evening. I am merely asking for this information to try to get some kind of estimate so that I can convey to our colleagues what they might expect.

Mr. SARBANES. I understand the chairman's situation. It is not my intention to go on indefinitely, but it is my intention to try to get some things into this RECORD about this appointment. I feel very strongly that what was done was an outrage to the U.S. Senate in this instance.

Mr. HATFIELD. I am not trying in any way to circumscribe the Senator's rights to do that.

Mr. GARN. Will the Senator yield for a question?

Mr. SARBANES. Surely, Mr. President.

Mr. GARN. When I came on the floor, I intended to take minimum time, and did—less than 5 minutes—in opposition to this resolution. I stated that we would have plenty of time to debate. I do not want to prolong this. I assume that eventually, we shall be allowed to vote on the nomination.

As a matter of fact, I make the offer again: We can clear it, go into executive session and vote up or down on her nomination. I am sure that will not be agreed to.

Mr. SARBANES. Mr. President, I think that is moot now. The President gave her a recess appointment, they swore her into office. Unless this body shows more concern about its role as an institution, that is going to be just a pro forma action. As I indicated to the chairman before, I am distressed by his own indication of not feeling a strong sense of institutional concern about what has just been done here.

Mr. GARN. Will the Senator yield further?

Mr. SARBANES. Surely, Mr. President.

Mr. GARN. The point I was trying to make is that we can debate this tonight. The Senator can make his points. That will force me to get into the whole record of the hearings and we could go on for a long, long time. I am sure that is what will take place. I felt I would make my statement briefly and we could vote up or down or on a tabling motion on this when the confirmation comes up.

I simply cannot agree with the Senator on the line he is pursuing and the position he is trying to paint me in. It is one thing to debate the merits of whether the nominee is qualified or not. I cannot believe this line of direction and the aspersions that the Senator tries to cast on me about the institution while praising me for my fairness.

I understand the tactic. I use it myself often. You praise them before you condemn them so you kind of soften it and it kind of averages out in the middle.

The point here is that debating the merits is one thing when the nomination is up. To say that this is some subversion, after we all recognize that Presidents have the constitutional right to make a recess appointment—whether it be for the Fed or anything else, they can do that—and to say that I am setting a precedent when this was for a brief period of time, was asked by the administration and it was their intention that it only be brief and that we consider it as rapidly as possible. So whoever is prolonging this on the Senator's side, I do not know, but they are preventing consideration, the advise and consent process, by someone on the Senator's side of the aisle. I am prepared to debate on that issue, whether the nominee is qualified or not, when that is brought up. But on a supplemental appropriation bill, on which I could make a point of order that would be sustained by the Chair on germaneness, to take the time of the Senate to go into all of this tonight, and also to indicate that it is already done—I do not think that changes anybody's mind on whether she stays or not, because if we do not vote on it, the day we adjourn from this session, her interim appointment, her recess appointment, is over.

What we are talking about is a full 14-year term. The longest we are talking about may be 3 months if we come back in a lameduck session.

This is not over and done with. The chairman has set no precedents. If we reversed the situation and we had a Democratic President and the Senator from Maryland were chairman and a recess appointment was made while he was in Maryland, he cannot reverse it; it is a constitutional authority granted to the President, unless we want to go to a constitutional amendment and take it away from him. All you could do as chairman and all I could do as chairman, what I have been attempting to do for 3 weeks, is get a nomination before this body. I shall be happy to do that anytime I am allowed to and we can have debate on whether she is qualified or not and we can let the Senate speak.

I am certainly willing to end this. The Senator can go on as long as he wants. I simply make a determination that I will not use all this and debate whether she is qualified or not tonight. The Senator can do so if he wants. I shall wait until I am given the opportunity to have her nomination before us for a full 14-year term and I can debate it at that time.

Mr. SARBANES. I say to the Senator that I have not really gotten into the qualifications or, indeed, more accurately the lack of qualifications of Martha Seger to serve on the Federal Reserve Board. That is another——

Mr. GARN. The nomination is not before us. If the Senator wants to do that, that is fine.

Mr. SARBANES. That is another very lengthy subject. And I have not yet, this evening, addressed that issue. I have addressed only the use of the recess appointment authority by the President to circumvent the confirmation authority of the U.S. Senate. I want to say to the chairman of the committee, as sincerely as I can, that had I been the chairman, with the President of my party playing this trick, I would not have taken the floor of the Senate in order to protect it.

It having happened, and the Senator having played that role, I shall have to see in the future if a comparable situation arises.

But this play is not going to work if what is sauce for the goose is not sauce for the gander. It is not going to work if we do not have some respect for basic procedures and how we deal, the Executive with the legislature. It is technically not going to work if certain Members of the legislature, when the Executive misdeals with them, in effect, say, "Well, that is the way it goes."

Mr. GARN. Mr. President, will the Senator yield just once more?

Mr. SARBANES. We cooperated with the chairman in holding these hearings. We thought they ought to be extended because we did not think this nominee had the qualifications to go on the Federal Reserve Board for a 14-year term, which will last to 1998, 2 years short of the end of the century. In this instance, it is equivalent to a life tenure.

We held those hearings; they were good hearings. In my judgment, they revealed the lack of qualifications of this nominee to go on the Federal Reserve Board. But that could be argued and we would have had a good argument, I assume, on the floor of the Senate about this nomination.

Now, what happened is, with the committee proceeding in the orderly course of business, doing its job—when did this nomination come to the committee?

Mr. GARN. I do not have the date, I say to the Senator. It came before the committee. I worked with the distinguished ranking minority member to establish a date for the hearing. How long it came up before the date of the first hearing, I do not remember.

Mr. SARBANES. It is here in the report. I had not noticed it: June 4. So the hearing began 2 weeks after the nomination was submitted by the President.

Is there any Member of the Senate who regards beginning hearings 2 weeks after a nomination has been submitted as being unnecessary delay? That strikes me as pretty prompt action—pretty prompt action. We cooperated with the chairman in that effort.

Mr. GARN. May I say once again, Mr. President, there has been no indication, directly or indirectly, that there was any delay prior to the recess. I continue to make that point.

Mr. SARBANES. Then the delay occurred after the recess?

Mr. GARN. I do not care what President was there. You can interject partisanship again. I do not care if a Democratic President was there. He would have a constitutional right to make a recess appointment regardless of whether it was a Republican or a Democrat. My response would be exactly the same as it is tonight. The President acted under his constitutional authority and we have a constitutional authority for advice and consent. We still have that before us. This is not a 14-year term; this is a maximum of a 3-month term.

This Senator does say there has been delay since the recess because there has been a hold, from what source I do not know, on bringing that up so we can have the debate the Senator wishes to start tonight, which is not before us. The reconfirmation is not before us.

The reconfirmation is not before us. All I can say, once again, I do not know how many times I have attempted to bring that up for the last 3 weeks and have been unable to do so. So there was no delay before the recess. There has been delay since the recess.

Mr. SARBANES. I cannot believe that the chairman of the committee is telling us that he thinks it is an acceptable course of conduct, when the committee considers a nomination, acts on it in a reasonable period of time, has a very sharp division on whether the nominee ought to be confirmed and then takes a 3-week recess—a 3-week recess particularly in the course of a session—for the President to move during that period to make a recess appointment and then confront the Members of the Senate in considering the appointment with the additional proposition of having to remove this person, who has been sworn into office and has been exercising the responsibilities of the office, from the Board. You cannot consider this nomination now in the same light in which you could have considered it had this recess appointment never been made.

Mr. GARN. Would that not be true of Marriner Eccles or the other three, an exact same situation, recess appointments, regardless of when they occurred? Would the Senate have to confirm them or take them out of office? The distinguished former chairman served for nearly 5 months in that position, longer than it is possible for this nominee to serve. The

Senate had an opportunity with any one of those three to do the exact thing. My only argument with the Senator tonight is that I find it difficult to believe his line of argument. If he is arguing against confirmation, certainly I respect those differences of opinion. But when he talks about what is good for the sauce or gander or whoever it was or whatever it is, he is implying a different standard. He is making arguments that now you cannot take them out of office. But apparently that did not apply to Eccles or the others. I keep trying to get disengaged from this so we can move on. I am not going to make a point of order against this. This is not the time or place to debate the nomination. I would seek the help of the Senator in trying to get the nomination before us and then we can debate it. But I simply am now going to retire from this debate because I am a little tired of repeating myself.

Mr. SARBANES. Let me read to the chairman from a legal brief of the American Law Division of the Congressional Research Service:

> The Framers of the Constitution were silent as to the intended scope of the recess appointment clause. A recess for such purposes was initially conceived to be the period after the final adjournment of Congress for the session and before the next session began (23 Opinions of the Attorney General 599, 1901).

Now, all of the instances previously involving the Federal Reserve Board which the chairman of the committee has cited fall into that category.

> However, it has more recently been interpreted to include lengthy adjournments during a session.

And then there are some citations to such adjournments, every one of which cited in this legal memorandum was in excess of the length of the adjournment here involved.

Now, what is happening is that there is an effort to drive that time period down. Pretty soon we are going to have recess appointments made on Thursday evening when we go over to Monday so the appointee can go to a meeting on Friday and cast some important decision and the Senate can thereafter be confronted with the more difficult task, I submit, of pulling the appointee off of the Board on which the appointee has been placed.

I submit that there has been an abuse of the Senate role in the confirmation authority in this instance.

Mr. GARN. Will the Senator yield for one more comment?

Mr. SARBANES. Yes, without losing my right to the floor.

Mr. GARN. I just thank God every night I did not attend law school so I could nitpick with all of the words, and so on.

Mr. SARBANES. I simply say to the Senator on that score we are a nation of laws and a government of laws and not a government of men, and no single person is above either the Constitution or the laws. To some extent that is at stake. I do not want to overdo that issue because we have dealt with that issue in contexts far more serious than this one. But this in effect is the erosion of the institutional arrangements and the allocation of powers provided for by the Constitution.

Now, the chairman may want to put down lawyers. I am not going to quarrel with that. I am a lawyer myself, but I occasionally engage in the same practice.

But I submit to him that what has occurred is a significant erosion of the role of the Senate. I am simply staggered to hear the chairman take the floor and defend it.

Mr. GARN. The Senator from Utah does defend it. I am just staggered that we continue to go on nitpicking over this issue under a constitutional authority granted the President. Why do we not bring up the nomination and the Senator debate his reasons why he does not feel she is qualified for the Board rather than spending an hour and a half nitpicking over 3 weeks and ignoring the time involved with those other appointments whether they were sine die or whether they were a little old recess in July. I just cannot believe it. I have great respect for the Senator from Maryland. He is a valuable member of the committee. There is lots of substance that he can argue against her nomination. But this line that the Senator is surprised at the chairman, well, fine, be surprised at the chairman. I state my position once more. It was legal, it was proper, and the chairman has been attempting to get this nomination before the Senate so that it can operate in its advise-and-consent process—not stalled by the President of the United States, stalled by a Member of this body.

Mr. SARBANES. I simply say to the chairman, the Members of the Senate should have been able to consider this nomination on its merits without the nominee having been sworn into the position for which the confirmation was being sought and not be placed in the position of having to consider this nominee after the nominee has been sworn in.

Mr. GARN. Between the 1934 Congress and 1972 Congress, that standard applies. That standard applies to the other recess appointments, that they should not have been placed in the position of having to vote for somebody already occupying the position. Let us not have a double standard.

Mr. SARBANES. We are not having a double standard.

Mr. GARN. One way or the other. One way or the other.

Mr. SARBANES. There has been no prior instance in which you have an intrasession appointment for this short length of recess.

Mr. GARN. Well, there is the attorney coming out in the Senator, nitpicking over whether it is in or out and ignoring the arguments he does not like about the same amount of time, roughly, although there is a difference of 3 or 4 weeks. Let us argue about her qualifications when the nomination is before us. And again I ask the Senator's help in getting the nomination before this body so we can argue on substance and not nitpick over recess appointments, whether they are in or out of session, and take the time of the Senate when we have important business to do on a supplemental appropriations bill.

Mr. SARBANES. What limit does the chairman think there is on a recess appointment?

Mr. HATFIELD. Mr. President, I wonder if the Senator from Maryland will yield?

Mr. SARBANES. Sure.

Mr. HATFIELD. Will the Senator update me now as to whether, with these dozen amendments, we might look at the time factor? I would really appreciate a little help on this because we are going to have to stay in session tonight until we complete this bill. We have $700 million for food stamps. I respect the right of the Senator to make a point. But I have been here now for about a half-hour. It sounds like we are getting a lot of repetition in this debate. I must have some cooperation from Members of the Senate to get this bill through.

Mr. SARBANES. I say to the chairman, if the Senator is not going to pursue the exchange, which obviously he is doing, I am prepared to go on and make some other points. I know there are others who want to speak.

Mr. GARN. The Senator from Utah has tried to get out of the exchange for hours so we could vote and move on. But the Senator from Maryland keeps making statements about he is surprised at me.

Mr. SARBANES. I am. I told the chairman that I am surprised at him.

Mr. GARN. I am surprised at the Senator from Maryland, very surprised.

But the Senator from Utah is happy to shorten the debate if the Senator from Maryland will proceed with whatever he wants to do without being so surprised and shocked by the Senator from Utah and I will not have to respond any more.

Mr. HATFIELD. Mr. President, if the Senator will yield, I think we will all be surprised if we do not move on. I urge the Senator to give us some indication, if he can, because we are getting calls—and most of them, by the way, from Senators on his side of the aisle—asking when Senators can come over to offer their amendments. And

for the convenience and courtesy of our colleagues, can we get some kind of commitment from the Senators from Maryland and Montana as to when they might be willing to find their way clear to end this?

Mr. BAUCUS. Mr. President, I might say to the Senator from Oregon, as far as I know, besides the Senator from Maryland, there is one other Senator who wishes to speak on this side. I know of no other request. As far as this Senator is concerned, I am willing to go to a vote as soon as those two Senators have completed their statements.

Mr. HATFIELD. I thank the Senator from Montana. It does help.

Fifteen minutes, an hour?

Mr. SARBANES. Certainly not the latter. Perhaps the former.

Mr. HATFIELD. I thank the Senator.

Mr. SARBANES. I say to the chairman of the Appropriations Committee, whose situation I appreciate and understand, I obviously think there is a very important issue involved here. I think the Senate has been abused by the President on this recess appointment. It was not only this one. There were 17 others that were made at the same time. There were a couple made where the nominee had not even been before the committee, so the committee had not had any chance to act on the nomination. I think that is a violation of comity between the two branches in terms of how to deal with confirmations.

It is really a very tempting way to place someone in office and then worry about the confirmation later.

This kind of pattern, if it is allowed to continue, undermines the ability of the Senate to present its case effectively—those who are opposed to the nomination—because we are confronted with a fait accompli.

Actually, in this instance, by the time we act on this, this person will have cast some very important decisions, without her nomination having been confirmed by the Senate of the United States, some very important decisions with respect to monetary policy in this country, a matter of great concern to a wide range of people across the Nation. The farmers and small businessmen continue to be at the mercy of high interest rates and the monetary policy of the Federal Reserve.

This appointment completely violates the Senate resolution which was passed and which called for someone coming from farming or small business. Some of these recess appointments, made by the President, who assumed their authorities, were subsequently rejected; but in the interim they exercised the powers of the office, in my judgment, to the harm of the Nation.

One could go at great length into Miss Seger's lack of qualifications to serve on the Federal Reserve Board. Those are spelled out very carefully in the minority report from the Committee on Banking and Housing with respect to the Seger nomination, which outlines the importance of the Federal Reserve Board in making policy, discusses the lack of qualification of the present nominee.

Mr. SASSER. Mr. President, will the Senator yield for a question?

Mr. SARBANES. I yield to the Senator from Tennessee.

Mr. SASSER. It is my understanding that the Federal Reserve is a creature of Congress and was created by Congress in 1913. Is that the understanding of the Senator from Maryland?

Mr. SARBANES. The Senator is correct.

Mr. SASSER. It is my understanding that the Congress of the United States, in the Federal Reserve Act in 1913, set the terms of the membership on the Federal Reserve Board, and that it is our duty to participate in the selection of members of the Federal Reserve Board, to participate under the advice and consent provisions of the Constitution. I ask the Senator from Maryland, is that not correct?

Mr. SARBANES. The Senator is correct.

Mr. SASSER. The first step of that advice and consent procedure, hearings to be held in the Senate Banking Committee, took place. There were hearings of long duration. I agree with what the Senator said, that the chairman of the Senate Banking Committee exercised fairness and patience during the course of those hearings. But is it the Senator's point here this evening that the executive branch of Government is frustrating the clear intent of the Federal Reserve Act of 1913 in acting here to make a recess appointment 2 or 3 days after Congress went out on a brief recess?

Mr. SARBANES. Absolutely.

As the Senator from Tennessee points out, this is being done with respect to a board of our Government which is supposed to be independent in character and is a creature of Congress. This is not even being done, technically speaking, within the executive department of the Government. That is a very important point, which was made earlier by the Senator from Montana.

Mr. SASSER. I inquire of the Senator from Maryland what would be the rationale of the administration here in acting so precipitately, as if in an effort to frustrate the will of the U.S. Senate in its constitutional duty to give advice and consent on the appointment of this individual to the Board of Governors of the Federal Reserve Board?

Mr. SARBANES. The chairman of the committee said that there was an important meeting of the Open Market Committee coming up during the recess period, and the President wanted this nominee present to cast a vote, even though the nomination had not been confirmed by the Senate of the United States.

Mr. SASSER. I ask the Senator from Maryland this question: He will recall that on at least two occasions, this body passed resolutions, one in May 1980 and one in March 1984, clearly indicating that it was the intent of the U.S. Senate that there be due regard to the fair representation of agricultural and commercial interests, that these two sectors be represented on the Federal Reserve Board. Is that not a fact?

Mr. SARBANES. The Senator is correct. The most recent was in March of this year, and that was by a vote of 50 to 37.

Mr. SASSER. I ask the Senator from Maryland this question: Did not the chairman of the Senate Banking Committee support the purposes of that resolution, which indicated that it was the intent of the Senate, by a clear majority, that the next member of the Federal Reserve Board come from the farming community or the small business community?

Mr. SARBANES. I say to the Senator that I am not sure on that point, as to how he actually voted or whether, in fact, he was here to vote; but I know that on occasion he has expressed the view that there be geographical and professional balance on the Federal Reserve Board.

Mr. SASSER. My question to the Senator from Maryland is this: Knowing that this resolution had passed the Senate on two occasions, calling for representation of the agricultural sector of our economy and small business sector of our economy on the Federal Reserve Board, and knowing that this question had been raised, as to whether or not this nominee qualified under those resolutions in the Senate Banking Committee; and knowing that the chairman of the committee, on at least one occasion, had supported calling for the appointment of a representative from the agricultural community or the small business community; could it be that the administration was seeking to circumvent debate on this individual's qualifications on the floor of the Senate, as to whether or not she fell within the clear purview of these resolutions that had previously passed, with regard to specifically stating that the next member of the Federal Reserve Board should come from the agricultural sector of our economy or the small business sector of our economy?

Mr. SARBANES. I think the able Senator from Tennessee is putting his finger on a very important point; 50 Members of this body, as recently as

March of this year, supported that resolution. It is reasonable to asume that, faced with a nominee who did not meet that requirement, they would stick with the position reflected in the resolution and vote against the nominee.

What they have now done is presented those Members not with that clean decision to make but with an instance in which this nominee has now been put on the Board, has been sworn into office, has already since July 2, a period now of over 1 month, exercised the responsibilities of the office, so Members who supported that resolution and I assume would have stuck to that position when confronted by this nominee, now have it complicated because sticking with that resolution requires them now to take the nominee off the Board after the nominee has been sworn in. Now that is loading the deck. That is what that is, plain and simple. And I think the Senator is right in perceiving that, indeed, it may have been an effort to so tilt the situation that it would make it more difficult to deal with this nominee.

That is why I think the assertions by the chairman of the committee now that he wants to bring this nominee up and really have a debate are to some extent academic. The point to have done that was before the nominee ever took office. Now they have her in office, so you have that additional weight, particularly if Members of this body refuse to recognize the institutional issue that is involved. In other words, if Members of this body are not going to say as Senators each Member, all 100 are not going to say as Senators we are being trifled with here, we are being in effect here dealt with in an unfair way and this recess appointment power is being abused, if they are not going to take that position, then the use of the recess appointment power as it was done in this instance enables the President to put someone in there in order to make it a decision coming up. They are quite open in admitting this and also loads the deck for the Senate when it then has to face the actual confirmation.

That is what is transpiring here.

This candidate is not qualified for this office. Of course, we have not gotten into that part of it yet, and I am prepared really to accept the proposition that that should come up when you are actually considering the nominee. But what has happened here is that we are starting down this path. What has happened now the assertions made by the chairman of the committee are in effect to discard the distinctions as to recess appointments made at the end of a session, adjourning sine die, and also to reduce the length of the recess in the intrasession period to the shortest it has been in any instance yet dealt with.

I think that is a clear erosion of the confirmation authority of the U.S. Senate and I think every Member of the Senate should be concerned about that and should be speaking to it and not defending the action which the President took.

Mr. SASSER. If the Senator will yield just for a question, would it be a fair statement to say that the Senator from Maryland is concerned about the constitutional prerogatives of the U.S. Senate and concerned about the prerogatives of this institution being safeguarded? Is that a fair statement?

Mr. SARBANES. I think the Senate has a role under the Constitution of the United States, and I do not think we should simply sit here and allow the executive to erode that role, to look in the other direction and allow them to play games and put this appointee on the Federal Reserve Board.

We are not talking about some unimportant nomination, although any nomination you are talking about requiring confirmation of the Senate rises to some level of importance in any event, but in this instance, we are talking about the Federal Reserve Board. Those members get 14 years. They deal with one of the most sensitive economic policy areas that we have in the country. Our small business people and farmers are suffering in the opportunity to obtain credit. That is why we passed that resolution and, as the able Senator from Tennessee pointed out, we are dealing with a board that is a creature of Congress not even technically a part of the executive branch. It is not an executive department of the Government. It is not within an executive department of the Government.

So you are not talking about the line people who serve the President in his executive capacity, although even there I would have problems with a similar course of conduct. But here to compound the situation you are talking about an independent agency established by Congress to deal with the question of an independent monetary policy. Proof of that is we give these people a 14-year term.

I think the Senator is absolutely correct in underscoring what is transpiring here.

Mr. President, because I think it should be included in the RECORD, I ask unanimous consent that the minority views of the members of the Banking Committee who voted against this nomination be printed in the RECORD here, and particularly I hope Members will address the sections dealing with the recess appointment of the nominee as well as the special importance of the Federal Reserve Board.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF SENATORS PROXMIRE, RIEGLE, SARBANES, DODD, DIXON, SASSER, AND LAUTENBERG

I. THE SPECIAL IMPORTANCE OF THE FEDERAL RESERVE BOARD

Congress established the Federal Reserve System in 1913 as an independent agency of government, accountable to Congress under the "money power" granted to Congress in Article I of the Constitution. At that time, Congress recognized, from the troubled history of central banking in the United States, the unique importance and the difficulties of the step it was taking. It was the intent of Congress to design an institution that would meet and consistently uphold the most rigorous standards of professional integrity and competence, and commitment to the public interest.

Consistent with this objective, Congress recognized the special necessity of selecting persons of the highest caliber to serve on the Federal Reserve Board. The Federal Reserve Act accordingly provided for Presidential appointment and Senate confirmation of Board members. It established a long term—14 years—to assure independence of those members from the short-term political interests of the executive branch and from the pecuniary interests of the Federal Reserve System's member banks.

The central role of the Federal Reserve Board has never been more critical than it is today. U.S. and world financial markets are in turmoil. U.S. deficits are taking our Nation into uncharted financial waters. Debt crises in Latin America and elsewhere demand a high order of skill, initiative and dedication if they are to be dealt with effectively. Rapid financial innovation places new and increasingly complex demands on the Federal Reserve's regulatory acumen. Consumers, faced on all sides by new financial institutions, new financial instruments, new investment opportunities and new risks, must be able to look to the Federal Reserve and other regulatory agencies for assurance that the integrity of financial services at the retail level will not be weakened.

It is in the face of these extraordinary circumstances that the Senate Banking Committee has the special responsibility to evaluate the nomination of Dr. Martha Seger to one of the seven positions on the Federal Reserve Board.

II. QUALIFICATIONS REQUIRED FOR THE FEDERAL RESERVE BOARD

Membership on the Federal Reserve Board remains one of the most complex and important assignments in our government. It requires an exacting analytical mind. It requires independence of judgment. It requires integrity. And it requires a strong sense of public service.

The present members of the Federal Reserve Board meet these qualifications. Those with academic backgrounds have made distinguished published contributions in their fields. Those who rose through business, banking, government or the Federal Reserve itself had established reputations for excellence before their nominations to the Board. While several members of the Board have had partisan affiliation, none were appointed for partisan reasons. All are known for independence of judgment and personal devotion to the highest standards of objectivity.

In addition to these personal characteristics, which should be mandatory for any nominee to so important a post, the Senate has in recent years sought to require a degree of balance in geographic origin and

professional background on the Federal Reserve Board.

The Senate has repeatedly urged the President to respect the requirement of the Federal Reserve Act that there be "due regard for the fair representation of the financial, agricultural, industrial, and commercial interests, and geographic divisions of the country." On May 15, 1980, the Senate passed a resolution which reads as follows: "Resolved, continued insensitivity to the requirements of the Federal Reserve Act in selecting nominees to the Federal Reserve Board shall not be overlooked by the Senate Committee on Banking, Housing and Urban Affairs, or by the United States Senate."

It is the stated position of the Senate that the professional background of members of the Federal Reserve Board should be broadened to include members with direct personal experience with, and sympathy for, the problems of those economic activities, particularly agriculture and small business, which are most dependent on credit finance. In March 1984, the Senate specifically requested that the President name, to the next vacancy on the Federal Reserve Board, a person of demonstrable experience in small business or agriculture. The Senate approved a resolution to this effect by a vote of 50 to 37.

Several members of this Committee, including Senators Armstrong, Mattingly, Dixon, Dodd, Riegle, Sarbanes, and Sasser, went on record in support of this measure.

And Chairman Garn himself has noted that he would oppose and stop nominations that did not adhere to the notion that there be geographical and professional balance on the Federal Reserve Board.

III. QUALIFICATIONS OF THE PRESENT NOMINEE

At the time of her nomination to the Federal Reserve Board, Dr. Martha Romayne Seger was largely unknown to this Committee, to the Senate, to the economics profession, to the financial community outside the State of Michigan, and to the public at large. This was true with respect to her views, her qualifications and her experience.

It is especially pertinent in Dr. Seger's case that there exists no written record of her views on economic and monetary matters. The nomineee was unable to provide the Committee with a single piece of writing, whether scholarly or popular in nature, on any financial, economic or monetary topic.

We would underscore this point. It is not that Dr. Seger's written work is not regarded as semial, or that it has been criticized by her colleagues. It is that the writings that might reasonably be expected of a professor of economics who has been nominated to the Federal Reserve Board do not exist.

Without such a record, the Committee and the Senate are placed at a severe disadvantage. It is difficult to make a judgment on the professional competence of the nominee. It is difficult to determine whether her familiarity with the economic issues of our day is profound or superficial. We cannot tell whether she has an independent and a creative mind. We have no sense of her ability to contribute to the policymaking process.

In principle, it is possible for a professional economist to achieve a wide reputation without a large volume of published work, but there are generally recognized channels for doing so. An astute forecaster may build a reputation in a business setting—or a wise analyst may command respect in the financial markets, or a gifted teacher may occasionally achieve prominence in a university without benefit of published works. Dr. Seger has not demonstrated distinction in any of these dimensions, and in her chosen field, the academic, she has never stayed at any university long enough to face a tenure decision, a fact which strongly suggests a modest if not mediocre academic career.

Other members of the Federal Reserve Board have been confirmed despite the absence of significant written work, but in all cases nominees have demonstrated competence in business or other related fields. Dr. Seger would not, however, bring a broader professional background to the Federal Reserve Board. She is not herself a businesswoman or labor leader. She has not held a leadership or decisionmaking role in the private sector financial community. She has no personal experience of small business or, apart from the fact that her mother was born on a farm, of agriculture. Her industrial background is slight and she has not demonstrated a good grasp of the acute problems of the midwestern industrial region, which is all the more extraordinary in view of the fact that she has spent most of her life in Michigan.

Furthermore, there is no evidence that Dr. Seger will prove to be the strong advocate for consumer protection that her responsibilities as Dr. Nancy Teeter's replacement on the Federal Reserve Board would require her to be. During her tenure on the Board, Dr. Teeters assumed responsibility for the administration of the Truth-in-Lending Act, equal credit opportunity, home mortgage disclosures and other consumer affairs, and it is likely that these responsibilities would pass to Dr. Seger if she were confirmed. To the extent that Dr. Seger has a record on these questions, it must be inferred from her 2-year tenure as banking commissioner for the State of Michigan, and her service in that position suggests a strong predisposition to side with the preferences of the banks over the concerns of consumers of financial services.

In short, given the nature of Dr. Seger's professional career, it is reasonable to expect a published record of her views and research. Furthermore, such a record is essential to clarify her views and demonstrate her competence in areas where she has very limited direct experience or where her experience, for example with respect to consumer issues, raises serious questions about her actions if she were to be confirmed to the Federal Reserve Board. The written record simply does not exist. Prior to the hearings, therefore, it was extremely difficult to ascertain the professional competence of the nominee—to determine whether her familiarity with current economic issues if profound, or superficial, whether she would be able to contribute to the policymaking process. It was not even possible to say with any confidence what her views are.

IV. FLAWED SELECTION PROCESS FOR THIS NOMINEE

The question arises: Why would an obscure academic, of no distinction in her field, with no published research and no record outside of the economics profession that would suggest her suitability for the Federal Reserve Board, be considered for this appointment?

We believe that this nominee was selected for political rather than professional reasons.

The nominee is an active and outspoken member of the Michigan Republican Party with very strong partisan views. She was an ardent supporter of gubernatorial candidate Richard Headlee in 1982. In 1983, she was named chairman of a Michigan Republican women's group which seeks to promote and publicize the Administration's positions on economic equity issues. In 1984, she became a State chairman of the Fund for a Conservative America, founded by New York Republican gubernatorial candidate Lewis Lehrman.

The nominee has continued to demonstrate her partisanship by engaging in a running political battle this spring with other Republican leaders in Michigan over the conduct of the 1982 gubernatorial campaign. In so doing, at a time when she knew that she was under active consideration for the Federal Reserve Board, she has raised questions about her judgment.

In May 1984, Dr. Seger submitted a letter to the editor of the Record Eagle and other Michigan newspapers involving the 1982 Blanchard-Headlee race for Governor of Michigan. The letter was published in early June. Dr. Seger's article specifically mentions the activities, during that campaign, of Helen Milliken, the wife of the former Republican Governor of Michigan, and Elly Peterson, the former GOP state chairman and national vice-chairman. Dr. Seger's outspokenness on political questions is in sharp and puzzling contrast to her ambiguous and hesitant statements in response to questions about economics and mandatory matters.

After reading the Seger letter, Mrs. Peterson was moved to respond, "I am stunned that this woman, who has been appointed to a sensitive job, one requiring calmness of rhetoric, would allow herself to be manipulated into raising an 18-month-old issue with a letter that erred in every paragraph."

Mrs. Milliken and Mrs. Peterson jointly sent a letter to the Committee during these confirmation hearings asking "to be on record concerning the inaccuracies (Dr. Seger's) letter contains." They submitted a list of the errors contained in Dr. Seger's article and, at one point, state that Dr. Seger "outrageously distorts" a position of the Michigan Women's Assembly, made up of 28 statewide Michigan organizations, including the League of Women Voters, the YWCA, the American Association of University Women, and Business and Professional Women. Mrs. Milliken and Mrs. Peterson assert that "The plan which Ms. Seger so outrageously distorts reflects one recommended by the American Law Institute and American Bar Association. Twenty-five states have already enacted it into law." Other alleged inaccuracies in Dr. Seger's article are also detailed. In responding to questions about the Peterson-Milliken views. Dr. Seger was unable to substantiate her charges, saying only that she would apologize if she could be proved to have been in error.

Equally flagrant, when Dr. Seger was introduced to the press by the President at the White House as his nominee for the Federal Reserve Board, she made a categorical declaration of loyalty to him and to his political program, saying: "I support everything he is doing."

The selection procedure for this nomination reflects its partisan political character. Dr. Seger was first considered for but not nominated to the Federal Home Loan Bank Board. At a later date, her name was forwarded to the White House personnel office, for appointment to the Federal Reserve, and she was interviewed by several junior staff. She was one of only three names forwarded to Treasury and Federal

Reserve Board members and to the Chairman of the Banking Committee. At least one of the prospective nominees was disqualified since she was not from an appropriate geographic region of the country.

By her own account, the nominee had a cursory meeting with Treasury officials, including Undersecretary McNamar, and met for perhaps less than half an hour with Treasury Secretary Regan. She discussed little in the way of substance with the Secretary.

The nominee also met with the Vice Chairman of the Federal Reserve Board, Preston Martin. At no time did she meet Federal Reserve Board Chairman Volcker until after her nomination was made official by the White House on May 30.

V. PERFORMANCE OF THE NOMINEE IN HEARINGS

For the reasons just outlined, the hearings in the Senate Banking Committee on Dr. Seger's nomination were of unusual importance. The Committee held 14 hours of hearings over 4 days to explore the nominee's views, qualifications, experience and competence to serve on the Federal Reserve Board. This extensive and searching inquiry was necessary, first, because Dr. Seger has no written record of established reputation in her field and second, because in the course of the hearings, the nominee revealed an extraordinary reluctance to give Committee members a clear statement of her positions.

The nominee did not present an opening statement. She declined to have her views on economic issues characterized in any particular way: for example, as a monetarist, supplyside or Keynesian. She pled ignorance on a wide range of important technical issues on which she might reasonably have been expected to have a view. She declined to specify her position on important current policy debates, such as that between CEA Chairman Feldstein and Treasury Secretary Regan over the relationship of deficits and interest rates. She appeared to hold no firm views on a program for deficit reduction. She declined to identify deficit reduction as the most important economic challenge we face, or to specify whether, in her view, inflation would be better fought by deficit reduction or monetary tightness. She had no view on the size of the "structural deficit" or the lowest feasible non-inflationary rate of unemployment, or what rate of price inflation ought to be considered serious. She could think of no alternatives to the tight monetary policies which helped bring on the recession of 1981. In short, in instance after instance, the nominee confined her responses to the banal, the tautological, and the evasive.

It is impossible to convey, without lengthy quotation, the arduous character of Dr. Seger's confirmation hearing. The very length of the interrogation bears witness to the difficulty of obtaining a clear, straightforward statement of views from the witness. Perusal of the transcript confirms this impression, and we urge our colleagues to review the transcripts for themselves.

Dr. Seger's performance at her hearing led eight Senators on the Banking Committee to vote against her confirmation, which was approved by a vote of only 10 to 8. Senator Cranston summed up the view of the eight in the following way:

Dr. Seger, during extensive hearings, has made statements supporting almost every side of the issues she has been questioned on. Indeed, she appears to have no grounded philosophy of her own. In these troubling times, we need persons on the Fed who are seasoned, independent thinkers who can bring some new ideas to the table. Dr. Seger does not fit that description.

VI. THE RECESS APPOINTMENT OF THE NOMINEE

Finally, we are deeply concerned by the decision of President Reagan to make a recess appointment of Martha Seger to the Federal Reserve Board.

The decision to make an appointment of a nominee whose confirmation was a matter of considerable controversy constitutes a serious infringement on the Constitutional prerogatives of the Senate.

In providing the President with the authority to make recess appointments, we do not believe the Founding Fathers intended that it be used by a President as a means to circumvent a potentially adverse vote of the Senate on a controversial Presidential nomination. Rather, the authority seems designed to allow the President to fill important vacancies during the long periods of time when the Congress was expected to be out of session.

If left unchallenged, this recess appointment could allow Dr. Seger to serve on the Board through the end of 1985 and to vote on monetary policy even if her nomination is rejected by the Senate. At the very least, it will allow her to cast an important vote at the next meeting of the Federal Open Market Committee without having been confirmed by the Senate.

Article II, Section 2 of the Constitution of the United States clearly states that "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session."

The vacancy which Dr. Seger has been appointed to fill "happened" February 1, 1984, when the term of Federal Reserve Board Governor Nancy Hays Teeters expired. This vacancy did not happen during the recess of the Senate.

In addition, there is no evidence of an emergency on the Federal Reserve Board that would justify the extraordinary actions of the President in cutting Constitutional corners and making this appointment in this manner. Indeed, in the entire history of the Federal Reserve Board, only three members have been granted recess appointments. There are six other members of the Federal Reserve Board who are perfectly capable of determining monetary policy in the weeks ahead pending a vote in the Senate on the Seger nomination.

Past interpretations of the recess power by Attorneys General of the United States have benefited the executive branch both by a flexible interpretation of the word "recess" to include many intrasession adjournments and then by a literal interpretation of "next session" to mean the next full session of a Congress. In the process of stretching executive power, there has been an unwarranted diminution of the Senate's Constitutional role in the appointment process and a movement away from the plain meaning of the Constitution. We believe that a fresh evaluation of the recess appointment power is necessary to return it to its original purpose and to avoid misuse of it in the future.

When the Senate reconvenes, we plan to examine what remedies the Congress may have in restricting the authority of the President to make recess appointments during temporary adjournments of the Senate and prior to official termination of a session of the Senate.

VII. CONCLUSION

The nominee before the Senate to the position of Governor of the Federal Reserve System, Martha Romayne Seger, does not meet the high standards of professional accomplishment, independent judgment, clear-mindedness, demonstrated ability and non-partisanship essential to function as a Governor of the Federal Reserve System.

The Federal Reserve Board is one of the most important institutions we have to shape economic policy. Its powers are wide-ranging and its effect on the economy is profound. The American people have a right to expect the highest qualifications of a Governor of the Federal Reserve Board.

The President could have done better by sending forward a more qualified nominee. The Banking Committee should have done better by not approving this nomination. The Senate must do better; the nomination of Dr. Martha Seger to be a Governor of the Federal Reserve Board must be rejected.

WILLIAM PROXMIRE,
DONALD W. RIEGLE, Jr.,
PAUL S. SARBANES,
CHRISTOPHER J. DODD,
ALAN J. DIXON,
JIM SASSER,
FRANK R. LAUTENBERG.

ADDITIONAL MINORITY VIEWS OF SENATOR RIEGLE

Membership on the Federal Reserve Board constitutes one of the most complex and critical assignments in our government at this time.

With U.S. and world financial markets experiencing unprecedented turbulence and dangers, Federal Reserve Board policy now and in the future is of the highest strategic importance to our nation. Selections to the Federal Reserve Board must now be made with the same care that is used to select those who will serve on the Joint Chiefs of Staff at the Pentagon.

We are in a period of maximum risk within the United States and international financial structure as evidenced by the recent near collapse of the Continental Illinois Bank and other dangerous conditions, including foreign loans in or near default, a massive and growing trade deficit, massive fiscal deficits, and rising interest rates.

Federal Reserve policy decisions in the immediate future will have a critical bearing on the financial future of our nation and the world.

It is in the face of these extraordinary circumstance that the Senate Banking Committee has the special responsibility to evaluate the nomination of Ms. Seger to one of the seven positions on the Federal Reserve Board.

One major consideration that arises immediately is the appropriateness of confirming a Federal Reserve Board nominee to a 14-year term some 4 months prior to a Presidential election.

The recent practice as seen in 1980, and other Presidential election years, is that short-term appointments have been handled routinely prior to a national election, while long-term appointments have often been set aside until the American people have spoken in a national election. In 1980, of 207 appointments considered after June 1, nearly half (95) were set aside and not acted upon until after the national election.

This 14-year term, in essence a lifetime appointment for Ms. Seger, is one that would continue through the next 3 Presidential 4-year terms of office and into a

fourth. If Ms. Serger is confirmed, she would serve until 1998—and she has indicated that is her intention.

I believe the extraordinary importance of this position, the 14-year term, and the upcoming national election, indicate that this nomination should not go forward at this time and instead be taken up again early in 1985.

While it is my view that the Senate should withhold final action on this nominee at this time for the reasons just stated, there are additional factors attaching to this particular nominee that are of conern to me.

As the nominee is from my home State of Michigan, I have felt a special responsibility to examine the nomination very carefully, as the nominee has not been previously known to me or widely known within my State.

Questions have arisen with respect to the depth and breadth of the nominee's professional background. These questions take on greater meaning in light of the fact that the nominee was unable to provide the Committee with a single example of her written views on any financial, economic or monetary topic. For a person seeking one of the highest and most complex financial policy positions in our Nation to have produced no written professional work over the years that would demonstrate her competence, her views and her vital and searching interest in these subjects, is virtually without precedence in my 18 years in Congress.

As a result, the Committee found it necessary to conduct 4 days of hearings to attempt to gain some understanding of the nominee's views on important financial and monetary policy issues and her thought process.

A careful reading of that Committee record does not reveal the depth of understanding on current economic issues by the nominee that one would have expected.

Another concern is the fact that the Senate, in March of this year, passed a resolution stating that the next nominee to the Federal Reserve Board should be a person with a background in small business or agriculture, and this nominee does not meet that requirement. Small business people, farmers, consumers, and others are at the mercy of high interest rates and Federal Reserve monetary policy mangement. This nomination clearly ignores that Congressional mandate.

Other concerns have arisen over the maintenance of the independence of the Federal Reserve and the need to prevent any attempts at politicizing its views or actions. An unusual evaluation procedure was used by the Administration in evaluating this nominee, where Federal Reserve Chairman Paul Volcker was pointedly omitted from the interviewing process of the nominee, and that has troubling implications that have not been satisfactorily answered.

Under the law, the Federal Reserve is responsible to the Congress, and therefore we here have a special responsibility to monitor and safeguard the continuing independence of the Fed.

Finally, the nominee has been sent forward on the basis of providing certain geographical representation on the Fed Board as require by law.

In the instance of Ms. Seger, that takes on special regional importance as it relates to industrial base problems, the future of the U.S. auto industry, the continuing trade invasion of foreign goods and the tremendous economic pressures facing middle class families and workers in our region of the nation.

In probing the nominee's knowledge and concern in this critical area, I was generally disappointed in her grasp of these problems and her thoughts as to what might be done to alleviate them.

If she were confirmed as a regional representative, and was unable to bring this special regional insight to the Board's deliberations, it would be greatly damaging to the country and particularly damaging to our region.

For these reasons among others, I believe this nomination should not go forward at this time.

DON RIEGLE.

Mr. SARBANES. Mr. President, I just want to make the final point that this is not an isolated instance. During the recent recess Seger was 1 of 16 recess appointments made by the President during the break of Congress over the July period.

He also selected, among others, a member of the Nuclear Regulatory Commission, an Assistant Secretary of the Interior, and seven members of an advisory board of the National Endowment for the Humanities.

Some of those nominees were controversial, including, of course, obviously, Seger who barely made it out of the committee on a 10-to-8 vote.

It is estimated that during his term in office the President has made an estimated 80 recess appointments and 20 percent of them were made just now. And this, of course, permits the nominees to take the office and to present the Senate with a fait accompli, and I submit that this course of conduct must be brought to an end. That is a separate issue from the qualifications of Seger. It is compounded in this instance because she lacks the qualifications. But the same argument could be made that has been made here this evening even with the most qualified of persons.

What is happening is the recess appointment authority of the President is being abused and I think this body should start drawing a line on that important issue.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Montana.

Mr. HATFIELD. Does the Senator from Montana wish to make some closing remarks?

The PRESIDING OFFICER. The Senator has the floor.

Mr. HATFIELD. I wish to make a tabling motion to the amendment offered by the Senator from Montana. We have been already 2 hours on this amendment. We have heard I think some very eloquent arguments. I assume by now the arguments have been exhausted at the first two or three go arounds but I would not want to cut any Senator off to make any further statements.

Mr. SASSER. If the Senator from Oregon will withhold for 2 minutes I would like to make a short statement.

Mr. HATFIELD. I do not understand.

Mr. SASSER. If the Senator from Oregon would withhold his tabling motion for 2 minutes I would like to make a short statement.

Mr. HATFIELD. I am happy to withhold my tabling motion.

Mr. BAUCUS. I say to the Senator from Oregon I have just a few brief words to make. It is not going to last more than 2 or 3 minutes.

Mr. HATFIELD. Mr. President, without losing my right to the floor, I am very happy to yield for those remarks for a few minutes, whatever the Senator from Tennessee needs.

Mr. SASSER. I yield myself 2 minutes.

Mr. HATFIELD. And the Senator from Montana, whatever time he needs.

Mr. BAUCUS. Three minutes.

Mr. HATFIELD. Three or four mintues.

I repeat, after yielding to the Senators for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. SASSER. I thank the distinguished chairman.

Mr. President, I rise first to commend the Senator from Montana for bringing this matter before the U.S. Senate this evening, a matter that I consider to be very important, and to commend the Senator from Maryland for the very eloquent argument he has made here this evening on the matter of the recess appointment of Martha Seger to the Federal Reserve Board.

As I indicated earlier in a question that I propounded to my able friend from Maryland, the Federal Reserve is a creature of the Congress. It was created in 1913 by the Congress of the United States. In that legislation, the Congress set the terms of membership. It is our duty, as U.S. Senators, to participate in the selection of Governors on the Federal Reserve Board under the advise and consent provisions of the Constitution.

Clearly, the first step of that advise and consent procedure is for the Senate Banking Committee to hold hearings. That was done at great length. I wish to commend the chairman of the committee for the fairness and patience that he exhibited during the course of those hearings.

The hearings were frustrating on occasion. I well recall, I say to my friend from Oregon, the chairman of the Appropriations Committee, that some of those hearings took place on the morning after another one of these all-night marathon sessions that we have had on appropriation bills. I

know the Senator from Oregon knows of my great respect and affection for him. But I must say on the floor this evening that I think this is an exceedingly poor way to legislate, to keep the Senate in session until the wee hours of the morning and on occasion all night. But, nevertheless, we dragged ourselves into those hearings in the Senate Banking Committee to delve further into the qualifications of this nominee one morning after, as I recall, an all-night session. We voted by a vote of 10 to 8 to vote her out. This is not a resounding endorsement by any stretch of the imagination. It was evident in the hearings and in the vote that questions, serious questions, about the qualifications of this nominee remain.

I submit that those concerns should have been aired in the full Senate, that all Members of this body should have been allowed to fulfill their constitutional duties to advise and consent on this nomination. But I suspect that the administration took the concerns that had been expressed in the Senate Banking Committee, looked at them and saw that they were valid. And, thus, overriding, ignoring, and sidestepping the Senate, the administration made a very questionable recess appointment. I submit that it was legally questionable, as the Senator from Maryland has so ably pointed out here this evening. And, as one who practiced law for 15 years, I wish to commend him for his statement that we are a nation of laws and not of men.

I submit that this appointment was politically questionable, as the hearing records will clearly show. I agree with the Senator from Maryland that it is the constitutional prerogative of the U.S. Senate to advise and consent on nominations to these very important boards such as the Federal Reserve Board and in this instance we have been deprived of that constitutional prerogative by a precipitous and unjustified recess appointment on the part of the administration.

I commend the Senator from Montana for bringing this matter to our attention. I thank my friend from Oregon for yielding such time as I have consumed.

Mr. HATFIELD. Mr. President, I ask unanimous consent to yield the floor for the purpose of comments to be made by the Senator from Montana for 3 minutes.

The PRESIDING OFFICER [Mr. GORTON]. Without objection, it is ordered.

Mr. BAUCUS. First of all, Mr. President, I want to commend the Senator from Maryland. He has displayed a masterful understanding of the Constitution, the constitutional process, and the legislative process which is so important to this country. Particularly, Mr. President, in these unsettled times, as times become more complex, it is important, in my judgment, that the Senate of the United States operate under an orderly procedure and, more important, operate in a procedure which adheres to the Constitution, not only the letter of the Constitution, but the spirit of the Constitution.

This is no idle matter at all. The Senator from Maryland has very ably pointed that out.

I might add that once this appointment is made, it lasts for a long time. Under article II, section 2 of the Constitution, a recess appointment lasts not only the year during which the recess appointment was made, but it lasts until the end of the next session of the Congress. So theoretically a recess appointment could be made which will in effect last 2 years. This recess appointment was made in July. Theoretically, this recess appointment could last for approximately a year and a half.

So I call upon Senators to uphold and defend the Constitution of the United States. That is the oath of office we took, to uphold and defend the Constitution of the United States.

Now there is no direct constitutional provision that this action, the appointment of Dr. Seger, is unconstitutional. But it is absolutely clear that it violates the spirit and the intention of the Constitution of the United States, not only the appointive power but the confirmation power that resides in the U.S. Senate.

I strongly urge Members to think upon the oath of office that we took when we entered this body, to uphold the Constitution.

I urge Members to follow the dictates of their conscience and vote down the tabling motion so that we do uphold the Constitution of the United States and uphold the process, which we know is an important and necessary ingredient of this Government if we are going to proceed in a manner that has the respect of the people of the United States.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I move to table the Baucus amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. HATFIELD] to table the amendment of the Senator from Montana [Mr. BAUCUS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. HART], and the Senator from South Carolina [Mr. HOLLINGS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—53

Abdnor	Goldwater	Packwood
Andrews	Gorton	Percy
Armstrong	Hatch	Quayle
Baker	Hatfield	Roth
Boschwitz	Hawkins	Rudman
Bradley	Hecht	Simpson
Chafee	Heinz	Specter
Cochran	Helms	Stafford
Cohen	Humphrey	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
East	Mattingly	Warner
Evans	McClure	Weicker
Garn	Murkowski	Wilson
Glenn	Nickles	

NAYS—43

Baucus	Grassley	Moynihan
Biden	Heflin	Nunn
Bingaman	Huddleston	Pell
Boren	Inouye	Pressler
Bumpers	Jepsen	Proxmire
Burdick	Johnston	Pryor
Byrd	Kennedy	Randolph
Chiles	Lautenberg	Riegle
Cranston	Leahy	Sarbanes
DeConcini	Levin	Sasser
Dixon	Long	Stennis
Dodd	Matsunaga	Tsongas
Eagleton	Melcher	Zorinsky
Exon	Metzenbaum	
Ford	Mitchell	

NOT VOTING—4

Bentsen	Hart
D'Amato	Hollings

So the motion to lay on the table was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Oregon.

SECOND EXCEPTED COMMITTEE AMENDMENT

Mr. HATFIELD. Mr. President, the pending amendment is the committee amendment, is it not?

The PRESIDING OFFICER. The Senator is correct. The clerk will state the committee amendment.

The bill clerk read as follows:

On page 42, line 1, strike"

VOCATIONAL AND ADULT EDUCATION (TRANSFER OF FUNDS)

For expenses necessary to establish a model retraining program for displaced workers to be conducted in the Johnstown, Pennsylvania, area under section 171(a)(1) of the Vocational Education Act, $570,000,

to remain available until expended, is hereby transferred from funds available under the head "Department of the Interior, Bureau of Mines, Mines and Minerals": Provided, That none of these funds shall be used for the construction of facilities: *Provided further,* That up to 3 percent of the funds transferred may be used for related Department of Education administrative expenses.

Mr. HATFIELD. Mr. President, I move the adoption of the committee amendment.

Mr. SPECTER. Mr. President, I urge the defeat of the committee amendment for a limited purpose, which I think has the agreement of the chairman of the Committee on Appropriations and the chairman of the Subcommittee on the Interior [Mr. McCLURE]. I urge the defeat of the amendment in order to allow the funds to assist the retraining of many of the unemployed steelworkers and coal miners in the Johnstown area.

As I have said, Mr. President, I have spoken to the chairman of the subcommittee [Mr. McCLURE] regarding this matter, and also to the chairman of the full committee [Mr. HATFIELD]. I believe there is no objection to the deletion of the committee amendment.

Mr. HATFIELD. Mr. President, the Senator is correct. I urge that we vote.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. HATFIELD. I move to reconsider the vote.

Mr. SPECTER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, if I may have the Senate's attention, I believe I have some good news. According to the list that the managers have been keeping on amendments that we have listed with us, there are about eight amendments left. Of those eight, I think six are noncontroversial, either that we have already worked out or we have an understanding with the authors of the amendments. There are two possible amendments on which it has not yet been fully determined as to whether they will be offered. They may create a little more difficulty. I do not see them as being great problems. I wish to indicate to Senators at this time that if they will remain on the floor, I think we can work out all of these amendments, probably within the next 15 or 20 minutes.

I yield the floor, Mr. President.

Mr. BIDEN and Mr. ABDNOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 3641

(Purpose: To express the sense of the Congress that the President should use all practicable means to negotiate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. NUNN, Mr. MATTINGLY, Mr. SARBANES, Mr. EAST, Mr. BUMPERS, Mr. RANDOLPH, Mr. PRYOR, Mr. DENTON, and Mr. HOLLINGS, proposes an amendment numbered 3641.

On page 105, between lines 21 and 22, insert the following new section:

SEC. 305. (a) The Congress finds that—

(1) the export of American poultry meat products has reduced our nation's annual trade deficit by over $275,000,000 but has declined for two straight years;

(2) an even more drastic decline in the exports of American shell eggs has occurred over the same period of time and many foreign markets have been completely lost;

(3) the decline of such exports is largely a result of the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil;

(4) the United States has been engaged for almost three years in negotiations with such countries to end the use of such subsidies but has been unable to make substantial progress in ending such subsidies; and

(5) further negotiations to end the use of such subsidies are expected to be held in October, 1984.

(b) It is the sense of the Congress that the President should use all practicable means to negotiate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil in order to permit American producers to compete more fairly in international markets and to avoid the imposition of such subsidies by the United States.

Mr. BIDEN. Mr. President, today I am joined by a number of my Senate colleagues in offering a sense of the Congress resolution which urges the President to show some progress in negotiations with the European Economic Community and the Brazilians over their use of export subsidies for poultry products, including eggs.

The U.S. Trade Representative, Ambassador William Brock, has been engaged in negotiations for almost 3 years, to try to bring about a reduction in foreign subsidies that have contributed to the loss of major international markets for American poultry producers. I admire his perseverance in staying with the negotiation process for so long, but I am concerned that the lack of progress is hurting our producers.

Through this resolution, we hope to make it clear to the President and Ambassador Brock that Congress believes 3 years is more than enough time to study the advantages foreign producers have gained as a result of their governments' subsidies. It's time to find out whether or not the Europeans and the Brazilians are sincere in discussing reductions in the subsidies that are giving them unfair advantage in international markets.

At a time when many American industries are suffering from all types of subsidized foreign competition, it may be easy to disregard the poultry growers as just one more in the long list of industries looking for protection. This is not the case.

The American poultry industry has always been willing to do battle with foreign competition, but on terms that reward the most efficient producers, not growers who have talked their governments into granting them huge export assistance programs.

Let me outline a few of the disadvantages the American poultry industry suffers in competing in the world market. Knowing how these foreign subsidy programs work will make it clear why we are calling for stronger action on the part of the U.S. negotiators in this dispute.

Suppose a French company wants to start or expand a poultry exporting business. The extent of the programs offered by the French Government to assist such a company every step of the way is astounding.

The French Government will make grants available to the company if it is creating or extending employment. Up to 25 percent of the investment in poultry operations may be subsidized under this program.

The French also have capital grants available for firms which process or distribute agricultural products and foods. These grants may cover another 20 percent of the investment.

If the company wants to invest in equipment for the preparation, processing or distribution of food products, the French Government has another grant program that will subsidize up to 30 percent of the investment.

If you have been doing your arithmetic with me, you know these programs, taken together, may provide up to 75 percent of the investment in a new or expanding poultry export business. That is no small advantage in a highly competitive market.

But apparently, someone in the French Government sat back one day and realized that maybe their subsidy programs were getting a little out of control. So, in 1977, the Government told its poultry producers that henceforth the combined total subsidy of investment in poultry slaughtering plants would be no more than 50 percent. If this is an example of restraint, we have a long way to go in the negotiations.

I emphasize that these are only the programs to assist poultry processors that are offered by the French Government. They do not include the

community-wide EEC programs to help all European poultry producers.

Assistance to exporters is equally impressive. The French introduced direct subsidies for poultry exports in 1967. They were reigned in to some extent in 1974, but by 1980 they had been restored, as strong as ever.

The subsidy is based on a formula that uses a number of factors, including the amount by which European poultry is overpriced for the world market, the extent to which they are overproducing for their own market and must get rid of the surplus, and the extent to which they set their grain price so high that poultry raised on European grain is too expensive for the world to buy.

I am not sure how American farmers are to be expected to compete with subsidized poultry processed in subsidized plants and sold on subsidized credit terms.

In January 1984, the French subsidized whole chicken parts to the tune of $132 per metric ton. By February 1983, the subsidy had increased to $220 per metric ton. When the price of poultry in the Middle East, a major export market, is $1,200 per metric ton, the French exporter has roughly a 15-percent price advantage over his American counterpart—and 15 percent is an enormous advantage in a market as price-sensitive as the poultry market, where sales are made or lost on penny-per-pound differences.

The Brazilians are also using subsidies to push us out of export markets, and their creative juices were certainly flowing when their system was developed.

The Brazilian Government provides reduced credit terms for exporters, exemption from income taxes, reduced loan rates for growers that cover all of the operating and input costs, subsidized corn, and even more subsidized credit for specific export sales.

That is a pretty impressive array of helping hands for Brazilian poultry producers to grab in their competition with unsubsidized American growers. In 1981, Brazilian subsidies amounted to a 10-percent price advantage that American farmers had to overcome just to make a sale.

This competition from the EEC and Brazil—if it deserves to be called "competition"—has all but cleared American producers out of the Middle Eastern market. It is a wonder our growers can sell anything at all under such disadvantageous circumstances—and it is important to note that the disadvantage is through no fault of American producers.

Simply put, no other country has better production efficiency or technology. Our problem is that we are still abiding by the rules of fair competition, while the other teams have made up their own rules to their own advantage.

The result of this unfair competition has been a precipitate drop in U.S. poultry exports.

For example, from 1976 to 1980 we averaged nearly 2,000 metric tons per year in poultry sales to Saudi Arabia. In 1981, we sold the Saudis only 509 tons, a 75-percent loss of sales in just 1 year's time. In 1982, we were able to sell them only 222 metric tons, another 50-percent loss.

Sales to Kuwait are down nearly 90 percent over the same period. Sales to Jordan were down more than 95 percent. Outside of the Middle East, sales to Hong Kong were down 60 percent.

At this point, I believe we have two options. We can continue to negotiate, hoping to reach a fair settlement before we lose the rest of the world market, or we can take unilateral action to help our poultry growers export successfully under what appear to be new international rules.

I prefer the first, which is to negotiate with the European Community and Brazil to bring down the level of their subsidies. This is what Ambassador Brock has been trying to do for almost 3 years.

I am willing to continue trying to reach agreement, but at some point we will have to reexamine the situation and see if our trading partners are negotiating in good faith or just stalling.

If the first option fails, we will have to consider the other option, which both Congress and the administration have been trying to avoid—and that is to match the foreign subsidies.

In the long run, nobody gains from that kind of competition in subsidies, but our farmers should not be penalized indefinitely for the inefficiency of foreign farmers.

The point to this sense of Congress resolution, Mr. President, is to put the European Community and the Brazilians on notice that our patience is wearing thin.

Negotiations have been dragging on for 3 years. American poultry sales abroad have been declining for 3 years. That parallel is a little too neat to be entirely coincidental, and it can not continue.

I believe a little harder push by the administration now will clarify the intentions of the Brazilians and the Europeans.

That will provide Congress with the insight it needs in considering actions that may be needed to restore American poultry farmers to a position equal to their foreign competitors.

Mr. President, I have conferred with the Senator from Georgia [Mr. MATTINGLY] who had requested that I amend my poultry amendment to include eggs. The amendment so reads.

I understand that both the minority and the majority are prepared to accept this amendment. I have discussed the matter with the junior Senator from Mississippi. As I understand it, the amendment is agreeable with him, if I am not mistaken.

Mr. COCHRAN. Mr. President, I am aware of the tremendous impact the decrease in poultry and egg exports is having on the U.S. poultry industry, not only in my State of Mississippi, but across our Nation. I am also aware that the European Community and Brazil—the other parties involved in the section 301—of the Trade Act of 1974, as amended—petition action that our Government has filed with the General Agreement on Tariffs and Trade [GATT], have continued to be very reluctant to negotiate toward an acceptable resolution.

I am pleased to support this amendment in anticipation that our foreign competitors will realize that this unfair use of export subsidies and practices will not continue to be allowed to go unchallenged. U.S. poultry producers seek an equitable share of world poultry trade.

We must let our foreign competitors know that we are united in the effort to remove unfair trade actions that are continuing to severely erode U.S. poultry and egg exports and our fair share of world trade.

I am prepared to recommend that this amendment be accepted by the Senate.

Mr. MATTINGLY. Mr. President, I would like to compliment the Senator from Delaware for his amendment. His effort in this regard closely tracks many of my own past attempts to call greater attention to the severe economic losses that are being caused to American poultry and egg producers by the employment of unfair, predatory foreign production, and export subsidies. Such subsidies allow foreign producers to dump their products on the world market at prices well below the cost of production for similar American products. I have sponsored report language, amendments and legislation addressing this problem in each of the past 3 years. Unfortunately, I don't think we have yet convinced those in countries which employ these unfair methods that we are really serious about our demands for fair trade in the world markets. In an amendment last year, the Senate adopted my language which earmarked $5 million for the express purpose of providing a small dose of direct subsidy for American poultry and egg producers so that we could give the predator nations a taste of their own medicine. That language was regrettably modified in the conference committee and the mandated use of the $5 million was removed. But again, Mr. President, I want to commend my colleague for this continuing effort at this time.

Mr. President, I would just like to note that those engaged in the egg producing business have suffered as much if not more than those in the

export of broilers and other poultry meat products. In 1976, U.S. eggs dominated the Middle East market. Since then that market has expanded tremendously in annual volume, but the U.S. share of the sales has fallen to almost zero. And as my colleague correctly points out, this drastic loss of market share is due almost entirely to unfair foreign subsidies.

Mr. President, I support this effort by the Senator from Delaware, and I urge adoption of his amendment. I would, however, like to thank the Senator for making some minor changes in his proposal which reflected the problems which are being experienced by the shell egg industry in this country and expressing our desire that that product also be included in the future negotiations. I proposed this modification and I thank the Senator for his willingness to modify his amendment in such a manner.

Mr. BIDEN. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 3641) was agreed to.

Mr. COCHRAN. I move to reconsider the vote, Mr. President.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3642

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota [Mr. ABDNOR] proposes and amendment numbered 3642.

On page 62, after line 11 insert the following:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

[TRANSFER OF FUNDS]

For an additional amount for "Salaries and expense, United States Customs Service", $3,000,000, to be derived by transfer from "Salaries and expenses, United States Secret Service", to remain available until expended

Mr. ABDNOR. Mr. President, this amendment has been cleared on both sides. It transfers $3 million from the Secret Service to the Customs Service. The Secret Service budgeted much higher for candidate protection, that was necessary. This money became available because of the early drop out rate of so many Presidential candidates. Customs will use the money to purchase voice secure radio equipment. No new money will be involved.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, this amendment has been approved on this side of the aisle. I believe it has been approved on the other side of the aisle also.

Mr. STENNIS. Mr. President, I support the amendment. I think all on this side of the aisle do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3642) was agreed to.

Mr. ABDNOR. I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3643

(Purpose: To provide additional funding for Farmers Home Administration loans to farmers)

Mr. HUDDLESTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration on behalf of myself, Senators EXON, BOREN, HOLLINGS, and SASSER.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. HUDDLESTON] for himself and Mr. EXON, Mr. BOREN, Mr. HOLLINGS, and Mr. SASSER proposes an amendment numbered 3643.

Mr. HUDDLESTON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 19, after "$25,000,000", insert the following: "; and guaranteed operating loans, $650,000,000, to remain available until September 30, 1985: *Provided*, That operating loans shall be available for the refinancing of existing indebtedness, as provided under section 312(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)(7))".

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Senator BAUCUS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, the Farmers Home Administration Farm Loan Programs are in need of additional lending authority for fiscal year 1985 and the balance of fiscal year 1984 if those programs are to meet the urgent financial needs of our Nation's hard-pressed farmers.

This amendment, providing a significant increase in loan-guarantee authority for operating loans, can do much to ease farm-credit problems without incurring excessive Government outlays. The amendment is consistent with a proposal I initiated several weeks ago to greatly expand the Farmers Home Administration Operating Loan Guarantee Program.

At that time, several of my colleagues joined me in sending a letter to Senator COCHRAN, in his capacity as chairman of the Appropriations Subcommittee with jurisdiction over FmHA programs, urging him to support an increase in operating loan guarantees.

I was pleased that the subcommittee acted favorably on my request by recommending $650 million in operating loan guarantees for fiscal year 1985. However, as I pointed out during the full committee markup of the supplemental appropriations bill before us, additional loan guarantee authority is needed immediately.

In this regard, the committee agreed to report an amendment to the 1985 agriculture appropriations bill that would make the $650 million in operating loan guarantees available immediately on enactment. This action was taken with the understanding that if the 1984 supplemental appropriations bill was considered before action was taken on the 1985 agriculture appropriations bill, the committee would support a similar amendment to the supplemental appropriations measure. This amendment, which makes $650 million in operating loan guarantees available immediately, implements that understanding.

NEED FOR OPERATING LOAN GUARANTEES

The FmHA Operating Loan Guarantee Program can be of great assistance to farmers who have a reasonable chance of working out of their current financial difficulties. These guarantees will enable commercial lenders, in many cases, to continue forbearance and refinance loans to farmers who cannot service their debt as presently structured. Since guarantees cannot exceed 90 percent of the principal amount owed, commercial lenders will share in the risk in addition to assuming responsibility for loan servicing.

Also, loan guarantees will reduce the number of farm loans that bank regulators might otherwise adversely classify and will help to minimize the forced sale of mortgaged farmland and other farm assets in today's depressed market. The use of loan guarantees will allow time for improvements in interest costs and resolution of other economic problems now adversely affecting indebted farmers.

The amendment provides an adequate loan guarantee program level so that, after State allocations are made, each State will have enough guarantee authority for a workable program. This significant increase over current loan guarantee authority is needed to ensure that the desired results are realized.

Federally guaranteed farm loans made by cooperative or commercial lenders incur budget obligations only if loss settlements occur. Historically, loss settlements under the FmHA Loan Guarantee Programs have been minimal, in the range of 5 percent or less.

CONCLUSION

The farm credit crisis is one of the most serious problems facing our Nation. We should not allow our productive farmers to become victims of excessive interest rates and tight credit. Providing Farmers Home Administration loan guarantees is a relatively modest first step in providing assistance to financially stressed farmers.

I urge my colleagues to support the amendment.

I ask unanimous consent that the text of the letter to Senator COCHRAN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 28, 1984.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Farmers Home Administration farm loan programs are in need of additional lending authority for the balance of fiscal year 1984 if those programs are to meet the urgent financial needs of our Nation's hard-pressed farmers. We urge you to take action, when the Subcommittee on Agriculture and Related Agencies considers upcoming legislation to provide supplemental funding for fiscal year 1984, to provide authority for additional FmHA farm lending to meet the immediate needs of U.S. farmers.

In addition, a significant increase in loan guarantee authority for operating loans in fiscal year 1985, as well as for the remainder of this fiscal year, can do much to ease farm credit problems without incurring excessive Government outlays. The Independent Bankers Association of America has proposed that, to help meet the credit needs of farmers, a total of $1 billion in loan guarantee authority be provided for the FmHA operating loan program, over the balance of the current fiscal year and in fiscal year 1985.

H.R. 5743, the House-passed fiscal year 1985 agricultural appropriations bill, contains only $150 million for such loan guarantees. We strongly urge you to support appropriations that would provide a total of $1 billion in authority for operating loan guarantees for the remainder of this fiscal year and fiscal year 1985. We want to emphasize that this expanded loan guarantee authority should be in addition to adequately-funded direct loan programs.

The FmHA operating loan guarantee program can be of great assistance to farmers who have a reasonable chance of working out of their current financial difficulties. These guarantees will enable commercial lenders, in many cases, to continue forebearance and refinance loans to farmers who cannot service their debt as presently structured. Since guarantees cannot exceed 90 percent of the principal amount owed, commercial lenders will share in the risk in addition to assuming responsibility for loan servicing.

Also, loan guarantees will reduce the number of farm loans that bank regulators might otherwise adversely classify and will help to minimize the sale of farmland and other farm assets in today's depressed market. The use of loan guarantees will allow time for improvements in interest costs and resolution of other economic problems now adversely affecting indebted farmers.

Congress must provide an adequate loan guarantee program level so that, after State allocations are made, each State has enough guarantee authority for a workable program. A significant increase over current loan guarantee authority is needed to ensure that the desired results are realized.

Federally-guaranteed farm loans made by commercial banks incur budget obligations only if loss settlements occur. Historically, loss settlements under the FmHA loan guarantee programs have been minimal, in the range of 5 percent or less.

We believe the farm credit crisis is one of the most serious problems facing our Nation. We should not allow our productive farmers to become victims of excessive interest rates and tight credit. Providing Farmers Home Administration loan guarantees is a relatively modest first step in providing assistance to financially-stressed farmers.

Sincerely,
Walter D. Huddleston, John C. Stennis, Lloyd Bentsen, Alan J. Dixon, Sam Nunn, Roger W. Jepsen, Howell Heflin, Quentin N. Burdick, John C. Danforth, Chuck Grassley, Edward Zorinsky, David L. Boren, Patrick J. Leahy, Ernest F. Hollings, Max Baucus, Jim Sasser, Larry Pressler.

Mr. HUDDLESTON. Mr. President, given that dismal situation on America's farms, the difficulty many farmers are having in securing loans, and the difficulties that our small banks are having in meeting the credit needs of their farm customers, it is obvious that the Farmers Home Administration farm loan programs are in need of additional lending authority for fiscal year 1985 and the balance of fiscal year 1984.

While the 1985 agricultural appropriation bill normally would be the appropriate vehicle for a proposal such as this, the Appropriations Committee agreed that we ought to make this assistance available to farmers just as soon as possible. It was also agreed that this supplemental appropriations bill would offer an opportunity to make these loan funds available immediately to our American farmers. That is our purpose tonight, to make sure that this bill is enacted and finally signed by the President so that this loan authority will be available to help our Nation's farmers.

My amendment, providing a significant increase in loan guarantee authority for operating loans, can do much to ease farm credit problems without incurring excessive Government outlays. The amendment is consistent with a proposal I initiated several weeks ago to greatly expand the Farmers Home Administration Operating Loan Guarantee Program.

At that time, several of my colleagues joined me in sending a letter to Senator COCHRAN, in his capacity as chairman of the Appropriations Subcommittee with jurisdiction over FmHA programs, urging him to support an increase in operating loan guarantees.

Mr. EXON. Mr. President, I thank my friend and colleague from Kentucky. I thank the chairman of the Appropriations Committee and the ranking minority member, and also the chairman of the Agriculture Subcommittee, the junior Senator from Mississippi, for their total cooperation on this matter.

Mr. President, I am pleased to join with my distinguished colleague from Kentucky in offering an amendment to the supplemental appropriations bill which will provide $650 million in guaranteed farm operating loan money to be available from passage of this bill through September 1985. This amount is identical to that which is currently in H.R. 5743, the agriculture appropriations bill.

I would like to further explain to the Senate the great need for this amendment which relates to the $650 million in guaranteed loan money which will be available upon enactment.

Immediately after the House of Representatives had passed H.R. 5743, appropriating only $150 million for the guaranteed Farm Operating Loan Program, I was contacted by farm representatives and members of the commercial lending industry directly involved with agriculture loans and asked to seek an increase in the program. These agriculture leaders convinced me that the House amount was seriously deficient and would never meet the current needs or those of 1985 given the serious financial situation which now exists in the Farm Belt. As a result, I introduced an amendment which I had intended to offer to H.R. 5743 when it reached the floor increasing the amount for the 1985 guaranteed Farm Operating Loan Program by $300 million over the House amount.

I continued to work with agriculture leaders, particularly, on this very pressing need. Shortly after I introduced my amendment, the IBAA came to me and requested that I support their proposal to add $1 billion to the guaranteed Farm Operating Loan Program for the remainder of fiscal year 1984 and 1985. I agree to this and so indicated my support for this increased amount to the very able chairman of the Agriculture Appropriations Subcommittee and its ranking minority member. I am also aware that this proposal received the support from other Members of the Senate whose States face similar credit problems among the family farmers and ranchers.

I was very pleased that the Agriculture Appropriations Subcommittee included a $500 million increase in this program bringing the total amount for the guaranteed farm operating money to $650 million. Furthermore, H.R.

5743 stipulates that this $650 million would become available upon enactment which would have greatly benefited our struggling agriculture sector.

To briefly demonstrate the need, I would like to draw the Senate's attention to the deterioration in the farm debt situation.

Mr. President, a large segment, 35 to 40 percent of all commercial-sized farmers, are leveraged above 40 percent of the total value of their farm assets. This segment of about 250,000 commercial farmers own about two-thirds of the $215 billion total farm debt outstanding. In many instances, these farmers will not be able to service their debt as presently structured—especially as interest rates continue to rise.

Although the FmHA holds about $25 billion of the most highly stressed farm debt, commercial lenders now hold abnormally large amounts of the problem debt. Nonaccruing farm loans at commercial banks at the end of 1983 totaled roughly $2.6 billion and the farm loans 90 days overdue or in the process of liquidation in the Farm Credit System, totaled $2.2 billion as of March 31, 1984. Of course, this only partially indicates the scope of commercially held stressed debt.

Mr. President, problem farm loans are now seriously affecting the capital base of agricultural banks—available capital averaged 9 percent of loans and other assets in agricultural banks at the end of 1983—and a rather small, but growing segment of the Nation's approximately 4,300 agricultural banks, with at least 25 percent of loan portfolio in agricultural loans, is coming under severe financial stress. In 1983, average loan losses at agricultural banks reached 93 percent—up 375 percent from the average of loan losses during the 10 years 1970-79; 7 percent of agricultural banks show a negative return on equity for 1983; and agricultural banks accounted for a substantial part of the almost 200-percent increase in the formal enforcement orders issued in 1983 by the FDIC and Comptroller of the Currency. Perhaps 10 percent of the Nation's agricultural banks are experiencing severe stress, and a substantially larger number of problem loan classifications and incidences of enforcement orders, issued by the bank regulators thus far in 1984, indicate a seriously deteriorating situation for agricultural banks per se.

Mr. President, as the Members of this body know, there is currently no certainty that the Senate will be able to take up H.R. 5743 before we adjourn this week. It is for this reason, and the fact that passage of the fiscal year 1985 agriculture appropriations bill would accomplish the same end, had it been considered prior to the supplemental bill, that I join in offering this amendment today. I believe it critically important that we move on this particular item immediately in an effort to assist our hard-pressed agriculture sector.

Mr. HATFIELD. Mr. President, I yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am prepared to recommend that this amendment be accepted. Let me explain that the funds made available by this amendment are not additional to the amount provided in the agriculture appropriation bill for 1985. We had included this $650 million guaranteed operating loan program in the agriculture appropriations bill for fiscal year 1985. The Committee on Appropriations, in discussing this supplemental, instructed that an amendment be offered on the floor when the agriculture appropriations bill was brought up, to say that the money would be made available immediately upon enactment to permit the refinancing of loans and to provide other benefits under this loan program to farmers throughout America who might find themselves in situations where they were threatened with the foreclosure of a loan that had been designated as a troubled or problem loan.

I am suggesting that we go ahead and put this authority in the supplemental appropriations bill. If this provision is adopted in conference and signed by the President, then the money could be made available immediately. Placing the provision in this bill provides an alternative funding mechanism, should the agriculture appropriations bill be delayed for any reason. In that case, a program would be in place, and the program would be deleted from the fiscal year 1985 agriculture appropriations bill in that event. I am hoping the Senate will approve this change in the supplemental, and I recommend that it be accepted.

Mr. HATFIELD. Mr. President, the amendment of the Senator from Kentucky is cleared on this side of the aisle.

Mr. STENNIS. Mr. President, I am supporting this amendment, I cannot say that all on this side of the aisle are, however.

Mr. HATFIELD. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BOREN. Mr. President, I commend the Senator from Kentucky for his leadership on this matter. I am very proud to join with him as an original cosponsor of this amendment. I also express my thanks to the Senator from Oregon and the senior Senator from Mississippi, the chairman and ranking member of the full committee, and in particular Senator COCHRAN, the chairman of the subcommittee. He has worked so diligently to assist us on this matter both as chairman of the Subcommittee on Agriculture Appropriations and also a fellow member of the Agriculture Committee. There is an urgent need for this amendment.

This amendment will provide $650 million in loan guarantees for the regular operating program for fiscal year 1985.

Despite the general signs of economic recovery in our Nation, there is one sector that shows no signs of recovery—agriculture. In fact, just last week, the Commerce Department announced that all sectors of the economy experienced a 2.5-percent gain in personal income, excluding the farm sector. As usual, the farm sector is the first to fall during economic decline, the hardest hit, and the last to recover.

According to FmHA data, 98,014, or 36 percent of its farm loan borrowers were behind scheduled payments on April 30, 1984. In dollar terms, $5.8 billions was delinquent, or 24 percent of the outstanding principal owed by all borrowers under FmHA's major individual farm loan programs, on March 31, 1984, compared to $4.5 billion, 20 percent, 1 year earlier.

The number of foreclosures and bankruptcies in 1983 rose over 1982. FmHA data shows that more than 15,000 FmHA farm borrowers were forced to liquidate their operations during the past 2 years. In the first 7 months of fiscal year 1984, 4,306 FmHA borrowers went out of business. If this trend continues, a record number of FmHA borrowers could go out of business this year.

In my home State of Oklahoma, we have seen a 50-percent increase in the number of Farmers Home Administration foreclosures since 1982. Federal land bank foreclosures in Oklahoma have increased 37 percent since mid-1983.

In overseeing record numbers of farm liquidatons since 1981, FmHA has taken possession of thousands of family farm operations and currently has over 2,000 farms in inventory. Prior to 1981, the number of farms held by FmHA had never exceeded 260. The farms now held by FmHA consist of about 418,000 acres having a value of $440 million.

The Farm Credit Administration, in 1983, reported that Production Credit Association loan losses for the previous 3 years exceeded the combined losses for the preceding 47 years. In Governor Wilkinson's annual report to Congress submitted earlier this year, he stated that PCA's in 1983 were subject to the worst financial pressure since the 1930's. The estimated $240 million to $250 million in losses sustained by PCA's in 1983 represents, in 1 year, approximately 40 percent of all losses throughout the 50-year history of the farm credit system. Further, the Governor told us that the system

will likely face more difficulty in 1984 than in 1983.

In addition, a survey conducted by the Independent Bankers Association of America found that, among its mostly rural member banks, the lenders expect about 17 percent of their present farm borrowers to be unable to meet all of their loan payments in 1984.

A survey conducted by the agricultural division of the American Bankers Association found that nearly 66 percent of the bankers surveyed estimated that the net worth of their farm borrowers declined during 1983.

As foreclosures and liquidations have increased in Oklahoma, land values have fallen. Nonirrigated land values declined 11.5 percent between April 1982 and April 1984. Irrigated land values declined by 19 percent during the same period.

The prospects for recovery in the agricultural sector do not look good. The Department of Agriculture projects that net cash income for farmers in 1984 will decline substantially from the 1983 estimated range of $37 billion to $41 billion. After adjusting for inflation, net cash income to farmers in 1984 could be down by more than 25 percent.

U.S. farm export volume is expected to decline in fiscal year 1984, for the fourth consecutive year. The reduced volume of shipments has weakened market prices for many agricultural commodities.

The outlook for agriculture is bleak and we must act now if we are to prevent a total collapse of this vital sector of our economy. Americans need only look back at history to learn a simple, invaluable lesson. It was the collapse of agriculture, leading to dispersal sales of land and equipment which signaled the start of the last depression. The domino effect which would result from a collapse of agriculture threatens our entire economy in the 1980's.

There are many who say that the American economy is recovering from the recession. I remind my colleagues of one simple fact, there will be no recovery unless the agriculture sector also recovers. We must remember that the strength of this Nation lies in agriculture. The Nation's largest industry is agriculture, with farm assets totaling over $1,050 billion and representing approximately 70 percent of the capital assets of all manufacturing corporations in the United States. Agriculture is also the Nation's largest employer, with 22 million people working in some phase of agriculture. Approximately 1 out of 5 jobs in private enterprise is dependent upon a thriving agricultural sector. Agriculture generate about 20 percent of the gross national product. As is obvious, the agricultural sector must be put back on its feet.

The immediate future does not look good for agriculture. Continued financial stress for some farmers will keep the number of producers leaving the sector above average in 1984, according to the USDA publication "Agricultural Outlook." Farm debt is forecast to rise by 3 percent. Greater demand for operating and intermediate-term credit because of expanded acreages will spur the increase.

Mr. President, during this time of low prices and tightening credit, it is imperative that we make certain that farmers are provided with ample credit. More and more farmers are coming to Farmers Home Administration due to PCA's Federal land banks, and commercial banks' tight credit policies. These farmers are those who have never needed Federal assistance before. Now, they are in need of credit assistance. I remind my colleagues that the Farmers Home Administration was established to aid farmers who, through no fault of their own, are experiencing temporary difficulties. Now is precisely the time Farmers Home Administration should be there to help. Yet, over the past few years, an inadequate amount of funds have been available and due to FmHA's policy of serving current borrowers first, many creditworthy farmers have been left out in the cold.

I support this amendment because I believe we must aid these producers through the current rough times. The FmHA is designed to provide credit assistance to farmers facing temporary difficulties through no fault of their own. The assistance provided is in the form of loan guarantees or insured loans that must be repaid with interest at a rate that is tied to the Government's cost of borrowing.

The credit crisis we are facing today is real, Mr. President. Several weeks ago, the Sunday Oklahoman published a series of articles concerning farm foreclosures. I ask unanimous consent that the articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOREN. Mr. President, I hope my colleagues will carefuly examine these articles and see the effect these foreclosures are having upon the economy of Oklahoma. In view of the econmic condition confronting the Nation's farmers and the impact this ultimately will have upon the Nation's economy as a whole. I urge my colleagues to support this amendment.

EXHIBIT 1

[From the Sunday Oklahoman, July 22, 1984]

FARM FORECLOSURES POSE LEGAL, LAND-USE ISSUES IN STATE—QUESTION IS WHAT'S GOVERNMENT GOING TO DO WITH ALL THE LAND?

(By Kevin Laval)

Foreclosures of farm land in Oklahoma have increased dramatically during 1984, but observers of the state's agriculture industry disagree about the public policy implications of land lost by family farmers.

Forecasters cite a budding recovery in the state's economy generally. But state and national observers of agriculture say the rate of farm failures is considerably higher than normal and does not appear to have peaked for the immediate future.

Nellie Perry, a Hobart lawyer who specializes in farm bankruptcy cases, says loss of farms to foreclosure is disturbing to the nation as well as to the respective farmers.

"We believe the federal government is the largest landowner in this country (Kiowa) at this time," she said. "So much of the land has been deeded back to the government and its lending agencies.

"To me, the question is: 'What's the government going to do with the land?' Right now, we don't know, and they don't know."

Spokesmen for the two largest single lenders to Oklahoma farmers say their institutions' policy is to try to sell land acquired by foreclosure to other farmers. Although the Farmers Home Administration (FmHA) reports having acquired a historic total of such land, a spokesman says the amount is not yet cause for alarm.

An official of the U.S. Department of Agriculture (USDA) upset some farm state legislators two weeks ago by saying that the rate of farm failures nationwide this year should be no greater than normal. The Federal Reserve Bank of Kansas City disagrees, saying a survey of banks in seven Midwestern states suggests the rate this year will be two or three times the average.

Marla Borowski, a researcher at the Kansas City Fed, said the rate in Oklahoma, which she would not disclose, is substantially lower than that in other states in the bank's district. But she said it remains above normal for Oklahoma.

Lenders report they are acquiring Oklahoma farm land through foreclosure. But their reaction to that fact is less worrisome than that of Mrs. Perry and two other lawyers, Jon Ford of Enid and Randall Allen of Oklahoma City, who also specialize in farm bankruptcies.

"The total of acres we've acquired is probably higher now than it's ever been, but is accumulated over the years," said Frank Evans, director of the FmHA in Oklahoma.

Evans said the FmHA foreclosed on 17 Oklahoma farm mortgages in 1982, 32 in 1983 and 34 to date in 1984. He said the agency's inventory of farms acquired totals 86, comprising 24,590 acres.

Distributed evenly across the state, Evans said, the agency's inventory would equal one farm of about 300 acres in each of Oklahoma's 77 counties.

Foreclosures also increased in recent years for the Federal Land Bank of Wichita, whose district encompasses Oklahoma, Kansas, Colorado and New Mexico. Monte Reese, vice president of the Wichita bank, said that institution's mortgage foreclosures in the four states totaled 381 in the middle of 1983, 508 at the end of 1983 and 608 at the end of June.

Reese said his institution's current inventory of farms acquired through foreclosure numbers 95.

A spokesman for the Federal Land Bank in Enid said that office's foreclosures in the four counties it serves greatly increased during the last two years. He would not disclose the exact number of foreclosures or the total of acres acquired.

The scope of land lost from production may not be as great as the FmHA's statistics

might suggest. As a lender of last resort, the FmHA's percent of loans in foreclosure and number of farms acquired would figure to be higher than that for other lenders because its borrowers are greater credit risks.

The 86 farms in the FmHA's inventory in Oklahoma is 1.4 percent of its total of real estate mortgagees in the state. But the land bank's 95-farm inventory is only .14 percent of its real estate lendings in its four-state district.

The bank, a private lending cooperative of farmer-owned local land banks, is not a lender of last resort.

Moreover, the FmHA's share of the mortgage market is small. At the end of 1983, the USDA reports, the FmHA was provider of 13.3 percent of the agriculture land loans in the state. Other farm lenders and their percentage of Oklahoma farm mortgages at the end of last year were: Federal Land Bank, 46.7; commercial banks, 8.3; insurance companies, 6.9; and individuals and others, 24.8.

Some economists say agriculture's problems merely reflect an imbalance of fundamental market supply and demand. They say weaker producers should be allowed to fail, arguing that less production will raise prices by better aligning supply and demand.

Mrs. Perry, Reese and others say that explanation of the difficulties on the farm is simplistic, although they acknowledged that commodity surpluses are troublesome.

Nonetheless, Mrs. Perry said loss of a particular farmer, though painful for him, is not the most significant issue. She said entrepreneurs can always be found to enter farming when the economics of agriculture are attractive.

The broader question, she said, is whether farm land can always be found.

Evans said the FmHA, which provides farmers more liberal credit terms than conventional lenders, tries to sell to other farmers the land it acquires. He said the amount of land the agency has gained does not particularly concern him.

Evans said good land in the FmHA's inventory sells well.

Jack Craig, Oklahoma's commissioner of agriculture, said the foreclosure rate is not lost on his agency.

"That's always one of my concerns," Craig said. "I've been trying to figure out where we could help out."

Craig said Massachusetts, a state much smaller and more densely populated than Oklahoma, has experimented with a program to preserve agriculture land. He said that state has paid owners the difference between what they paid for the land and what developers are offering for the property to buy it for non-farm use.

If landowners accept the state's offer, they include in the deed a stipulation that the property will remain agriculture land. Craig said other Northeastern states also have adopted land-use policies intended to protect agriculture production.

Craig said most Oklahoma farm land is different because it is not threatened by urban sprawl.

But Mrs. Perry said the amount of land that may be lost to farming is likely to increase.

"We've been saying the same cliche around here for two years—that we've only seen the tip of the iceberg," she said. "We're still saying it."

Reese agrees that the immediate prospects for farming are bleak, although he said the delinquency rate on his institution's loans has been improving since the first of the year. He also said the quiet prosperity of established farmers is overshadowed by the often-traumatic difficulties of newer, debt-ridden producers.

Reese said the bank is not yet concerned about its inventory of acquired farms, which it tries to sell to other farmers.

"You'd like to not own any properties," he said. "But there's never been a month during the six years I've worked here when we didn't own property.

"If conditions worsened so that we had enough properties that it would be a depressant on the market, we'd have to take a hard look at what we're doing."

ECONOMIC DISASTER LOOMS, LAWYER SAYS

(By Kevin Laval)

Beset by rising costs and falling income, Oklahoma farmers seeking to salvage their operations through bankruptcy reorganization are now vexed by declining real estate values, three lawyers who specialize in farm bankruptcies say.

The three say their caseload of farm bankruptcies is high and rising. The fundamental problem, they say, is that some farmers do not earn enough money to pay both their operating expenses and interest on their loans.

Farmers may be forced to accept drastic changes in bankruptcy reorganization. Many sell land; some must part with unprofitable or marginal segments of their business.

But the lawyers say others are virtually precluded from reorganizing. As the value of farm land fell, farmers who pledged all of their property as security for loans discovered that their libabilities exceeded their assets.

The result is that no collateral remains to obtain financing necessary for even a smaller, restructured farm.

"All of the sudden, we have the makings of an economic disaster that I think will be far worse a year from now," said Jon Ford, an Enid lawyer and farmer. "The rate of bankruptcies has increased dramatically the last 12 months.

"I think the actual liquidation of farms is much higher than we realize."

Hobart lawyer Nellie Perry said her husband, lawyer John M. Perry, filed between five and 10 farm bankruptcy cases during the first 20 years he was a lawyer.

Mrs. Perry said she assumed the firm's farm bankruptcy work when she began practicing law, two years ago. During those two years, she said, she has worked in 24 farm cases.

Randall Allen, of the Oklahoma City firm Sullivan, Graves, Combs & Densmore, said this year's rate of farm filings is greater than last year's phenomenal rate. Ford said his firm's filings during the last 12 months do not reflect what he suspects are many farms that simply allow creditors to foreclose.

The three lawyers say the principal challenge for contemporary farmers is to pay debt service, or interest owned on loans. Because of the price of land and equipment, a farmer's debt service often is great.

But operating costs increased in recent years as crop and livestock prices declined. Many farmers do not earn enough from sales to pay both operating expenses and iterest.

Statistics compiled by the United States Department of Agriculture (USDA) show that prices received by farmers nationwide for their products rose 34 percent from 1977 through 1983. For the same years, prices paid for interest and operating expenses rose 61 percent.

Moreover, the disparity between income and costs worsened during the last three years. The USDA reports that the trend rose for most expenses since 1981.

But statistics from both the USDA and the Oklahoma Crop and Livestock Reporting Service show that prices received for most farm products declined from 1981 levels.

The attorneys say most of their farm bankruptcy clients try to remain farmers by using Chapter 11 of the federal bankruptcy code. It provides protection from creditors' claims while the farmer seeks to reorganize his farm into an operation that will produce profits for paying debts.

Mrs. Perry said she advises clients to reduce the size of their farm as much as possible. She also suggests that at least one adult member of the farm family get a non-farm job to diversify the family's sources of income.

Allen said he also frequently advises clients to sell some of their land. Generally, he said, he encourages the farmer strengthen his profitable operations and reduce or eliminate his unprofitable businesses.

But the three lawyers said reorganizing farmers has been complicated by depreciation of farm land. According to the Federal Reserve Bank of Kansas City, the per-acre price of non-irrigated land in Oklahoma fell 11.5 percent from the first quarter of 1982 to the first quarter of this year.

Also during that 24 months, the Fed reports prices fell 19 percent for irrigated land and 5 percent for ranch land.

The USDA reports that land prices in Oklahoma fell 5 percent from April 1982 to April 1984.

Ford said one of his clients paid $230,000 for 240 acres of land a few years ago. Two weeks ago, Ford said, the land sold for $112,000.

Mrs. Perry said some land in western Oklahoma has declined in value 30 to 40 percent. "No land that I have seen has held its value," she said.

Loss of equity in the land affects more than the farmer's net worth.

Allen said all of the property of many newer farmers was pledged as security for loans to buy that property. As land appreciated during the 1970s, farmers used the equity, or the appreciated value of the land, as security for other loans.

Allen said farmers also were encouraged to borrow against their land equity by the oil and gas boom of 1981-82. He said income from energy production royalties provided additional cash and further increased land values.

That supplemental income has been credited for a lower rate of farm liquidations in Oklahoma than in other states, although much of it evaporated with the bust of the most recent oil boom.

As land became less valuable to energy explorers, its price declined. Allen said the property of many farmers who borrowed to the hilt is worth less than it was when it was pledged as collateral.

Chapter 11 allows farmers to force lenders to reduce the secured portion of their notes to the present value of the security. The portion of the note that exceeds the collateral value becomes an unsecured debt.

But that scenario provides no unencumbered property for securing new lendings for equipment, supplies and services needed to operate the reorganized farm.

Mrs. Perry said the reorganized farmer is further hampered by a $5,000 limit imposed by the Oklahoma Legislature this spring on the value of machinery that is exempt from creditors' claims.

Allen said his firm is extremely selective in accepting farms for reorganization. Ford said his farm Chapter 11 cases appear to be succeeding.

Mrs. Perry said reorganized clients who can survive the short term are faring better than those dependent on immediate price improvement that has not developed.

"They usually come to us way after there's any reorganizing we can do for them," she said. "They don't want to know they're losing money. That's why many of them don't want a bookkeeper."

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Senator ZORINSKY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 3643) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3644

(Purpose: To provide additional funds to carry out Part B of the Developmental Disabilities Assistance and Bill of Rights Act)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3644.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, between lines 22 and 23, insert the following:

DEVELOPMENTAL DISABILITIES ASSISTANCE

For an additional amount for carrying out Part B of the Developmental Disabilities Assistance and Bill of Rights Act, $387,000.

Mr. HATCH. Mr. President, this amendment adds $387,000 to the appropriations level for the University Affiliated Facilities—UAF's—and Satellite Centers of the Developmental Disabilities Program bringing it up to the authorization ceiling levels as accepted by the House and Senate in Public Law 98-221. This addback is essential in order to help provide services for the 3.9 million developmentally disabled people of our Nation.

The Developmental Disabilities Program was originally passed to coordinate and furnish services where necessary for the more severely handicapped persons in America. Developmental disabilities are defined as severe, chronic handicaps attributed to mental or physical impairments manifested before the age of 22 which cause substantial limitations in at least three areas of major life activity and result in the need for services over an extended period of time. Possible limitations include self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic independence.

Developmental disability legislation provides a vehicle to help eliminate gaps in services with emphasis on providing them to rural and underserved regions. Although the program is divided into four major components consisting of State grants, protection and advocacy, special projects and university affiliated facilities with each having a major role or function in the provision of services to developmentally disabled persons, the UAF's were the only program to receive fiscal year 1984 appropriations less than fiscal year 1983 levels. Thus my amendment only adds funding for the UAF's.

The University Affiliated Facilities Program is integral in meeting the service needs of individuals with developmental disabilities. UAF's and satellite centers are the only providers of interdisciplinary training and information for the professionals, paraprofessionals, parents, and volunteers providing care, treatment, and services. The UAF's also provide major demonstration sites for testing more effective and efficient methods of service delivery so that technology can be transferred to services agencies in the community which provide on-going care, treatment, and services.

Grants are made to university affiliated facilities and satellite centers to assist them in administering and operating demonstration facilities for the provision of services to developmentally disabled persons. They also furnish interdisciplinary training programs for the personnel needed to provide specialized and generic services to handicapped individuals. This training promotes primary and secondary prevention of disabilities and makes possible the placement of handicapped individuals in public programs and community settings. These facilities also provide technical assistance to State agencies, as well as dissemination of information and applied research.

The Developmental Disabilities Program money also serves as a catalyst for generating other funds. It provides the University Affiliated Facilities with an administrative base on which to build the services and training programs needed within specific States and regions. Without HHS support, this money would not be available.

The Administration on Developmental Disabilities [ADD] funds 36 UAF's and 5 satellites. In 1981, the network served 67,000 severely disabled children who, for the most part, were referred to UAF's for treatment and diagnosis unavailable elsewhere. The satellites were created to bring services to the rural and other unserved areas. Last year, an ad hoc working group under the auspices of ADD—[HHS]—recommended that additional UAF's and satellite centers be established in geographical areas not currently served. Obviously, without additional funds, new UAF's and satellite centers cannot be created.

The 1984 Senate appropriations language earmarked $35,000 of the UAF appropriation to conduct feasibilities studies for new satellite centers because the UAF/satellite distribution is geographically inequitable. ADD responded with awarding grants for seven feasibility studies at a cost of $7,000 each for a total of nearly $50,000. Since this money was not originally budgeted and a conference committee cut the fiscal year 1984 UAF appropriation level to that below fiscal year 1983, cuts had to be made in UAF core grants. In addition, the current 36 UAF's and 5 satellites have not received any significant increases in funding since they were established. In a study conducted by the Congressional Research Service, the constant dollar value of UAF appropriations has declined by 29.4 percent. Without even cost-of-living increases, UAF's and satellites cannot even maintain their high performance of achievement let alone hope to grow and expand their services.

UAF appropriations

	Millions
1977	$5.25
1978	6.5
1979	7.4
1980	7
1981	6.49
1982	7.2
1983	7.5
1984	7.4

I urge my colleagues in the Senate to vote for my amendment to increase fiscal year 1984 appropriation funding for the university affiliated facilities and the satellite centers from $7.413 to $7.8 million. Adding this small amount of money will help them more adequately serve the 3.9 million developmentally disabled persons living across the entire Nation.

Mr. KENNEDY. Mr. President, I am proud to join Senator HATCH as principal sponsor of this amendment to increase the funding for the University Affiliated Facilities and Satellite Centers under the Developmental Disabilities Act. The $387,000 added by this amendment will bring the UAF Pro-

gram up to the full authorization ceiling specified in Public Law 98-221.

The UAF Program provides interdisciplinary training for personnel who work with developmentally disabled individuals, innovative services demonstration, and biomedical, behavioral, and programmatic research. Without this program, we cannot continue to increase the quality of services for our 3.9 million citizens who are severely handicapped which in turn increases the quality of their lives.

This is a very modest amendment to restore to the UAF Program the cuts it received this year. I urge the adoption of this amendment.

Mr. HATFIELD. Mr. President, this amendment is cleared by the subcommittee chairman and by the managers of the bill.

Mr. HATCH. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 3644) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, on page 27, beginning at line 17, there is an item relating to the National Institute of Building Sciences. Now, what has happened is that this group, which, as I understand it, is a nongovernmental group—it does not consist of any Presidential or congressional appointees; it is a private group—was set up, as I understand it, to draw building codes for the country. This was back in 1974.

It was further my understanding that this group was to become self-supporting after a certain period. Instead, this budget provides a supplemental appropriation for the remainder of this fiscal year of a quarter of a million dollars. That is all right; I am not going to argue about that, whatever it is for.

But thereafter it follows that there is an entitlement program set up for this group whereby it will receive up to $500,000 a year. That is half a million dollars a year in perpetuity. They are not supervised by anybody. I know that the Appropriations Committee will take a look at them now and then, but I think this is bad business.

I would like an explanation by someone as to what this group does. If it is a legitimate organization then let us make an annual appropriation for them. If it is not, then let them go on their way and support themselves. So whoever is cognizant of what this group does, I would appreciate hearing more about it.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. This is not my night. It seems that everybody has an amendment to my section of the bill, so once again I am forced to get up to respond.

The National Institute of Building Sciences was set up many years ago to be a cooperation between Government agencies, HUD primarily with housing, with the private sector, with the labor unions, and trade people to attempt to come up with uniform building codes to improve the efficiency of production and construction of new homes and specifically work toward uniformity of building codes so that you were not having differences from one local jurisdiction to another, to look at performance standards so that rather than having old archaic building codes that say you must have 6 inches of this or 4 inches of that, have performance standards rather than absolutes.

It was the original intention that it would become self-sustaining through contributions, and a good part of their operations can come from contributions from various groups.

It was the intention a couple of years ago that that appropriation would be the final one but there was a recession and great difficulty in the savings and loan business and in the construction business, which I think everybody knows went flat on its back. Hundreds of thousands of trades people were put out of work, and hundreds of homebuilders and construction people were hurt. As a result, the private sector contributions did not come in as they anticipated. So they were not able to become self-sustaining. I told them, in any event, that there would be no further appropriations, that I felt there was a commitment to become self-sustaining.

Over the period of the last year, we have been negotiating and finally came up with a solution that was very painstakingly worked out and agreed to by a lot of people. Rather than continue annual appropriations, this $250,000 would be the very last, and then we would set up this trust fund at the Treasury.

The agreement is very specific and in writing, that they would continue to have the Government input from the interest of that trust fund and would be required to continue to seek private contributions to match.

So that is where we are. I think it is a good solution to a difficult problem. I opposed going back into the annual appropriations, and they agreed in writing, with a letter to me and other members of the committee, that they would not seek any additional appropriations after this one and that they would be bound by living off the interest from that trust fund, and even the interest is limited. If the trust fund earned more than specified for them, it would be returned to the Treasury.

Mr. CHAFEE. Mr. President, I have some trouble with this. Am I correct in believing that this item was not requested by the administration?

Mr. GARN. That is correct. It was not originally requested by the administration. I have no official position from them, but they are aware of the compromise that was worked out.

Mr. CHAFEE. And it is also not in the House bill?

Mr. GARN. That is correct, it is not.

Mr. CHAFEE. Why is this group so special that they come around and bitterly complain and are unable to raise the money they were meant to have raised, and they can come in and get $250,000?

As I say, let them have that. We will not complain. But then they get what, in effect, is an entitlement program in perpetuity—namely, the income from $5 million, or $500,000, forever. Why is that right?

Mr. GARN. I do not think it is fair to characterize it as coming in and complaining bitterly, and so on. This was a painstakingly worked out agreement; and it was felt that for them to continue to be successful, they needed a partnership between Government and the private sector. They specifically needed HUD input, because the implementation of many of these codes is in HUD projects. I think NIBS has been successful and deserves to continue. I believe this is a better route to go than to get back on an annual appropriations basis.

Mr. CHAFEE. Is there a sunset to this? Does this end at any time?

Mr. GARN. There is no specific sunset; but, as the Senator knows, Congress, if it desires in the future, can certainly change it.

Mr. CHAFEE. Who is going to check to see what these folks are up to?

Mr. GARN. The Banking Committee and the HUD-Independent Agency Subcommittee will have oversight, to make certain that the agreement in writing is kept and that they live up to their part of that agreement.

Mr. CHAFEE. What would the Senator's reaction be to a sunset provision?

Mr. GARN. I would oppose a sunset. There are a lot of parties involved, and I cannot speak for all of them. I can speak only for myself. I would not like to upset the applecart now and have them come and say, "That is not what we agreed to," and request an annual appropriation.

Mr. CHAFEE. Mr. President, the hour is late. I simply say that I do not think this is a very good arrangement. Somebody comes around and gets a project set up that is meant to terminate, but they cannot seem to get their funding. So they ask us to cover

their deficit, which we generously do for a quarter of a million dollars; and, without any authorization or appropriation, following this procedure, they will receive a half million dollars a year in perpetuity. I think it is bad business.

Mr. GARN. Mr. President, will the Senator yield?

Mr. CHAFEE. I yield.

Mr. GARN. I suggest that if the Senator from Rhode Island could have served on the Banking Committee, as I sincerely desired him to do, he could have been part of the negotiations.

Mr. CHAFEE. I would like to have been on the committee, but there was no opening. There was no room at the inn, and I was unable to stay. I had to leave.

Mr. METZENBAUM. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. CHAFEE. I yield.

Mr. METZENBAUM. I commend the Senator from Rhode Island for raising this point. The amounts involved were first a quarter of a million dollars and $500,000 a year. As a matter of fact, does the bill not actually provide for an appropriation of $5 million for this National Institute of Building Sciences trust fund?

Mr. GARN. It does provide $5 million to set up the trust fund. The $500,000 would come from interest if the interest rate were 10 percent.

Mr. METZENBAUM. But it is another $5 million from the National Treasury to put into a fund.

Is it not a fact that the President of the United States is the one who has been talking about private groups picking up the tab for their responsibility and making charitable contributions? This is just a business organization that is involved, is it not?

Mr. GARN. No; it is not just a business organization. As a matter of fact, since 1974 it has been in the private sector—labor unions, tradespeople who work under these building codes. It was set up by Congress to receive annual appropriations by Congress until this year.

Mr. METZENBAUM. Does the chairman of the Banking Committee know of any other instance in which we have appropriated money for a group similar to this?

Mr. GARN. No; I am not familiar with any identical to this. I simply have not researched it. The $5 million is not spent, and that is the reason why it was set up in that way, so that they would only derive income from that trust fund.

Mr. CHAFEE. The chairman of the subcommittee says that it is a partnership of Government, business, and industry. I noticed, as the Senator mentioned, that the administration is not for this.

Mr. GARN. I did not say they were not for it. I said they did not request it.

Mr. CHAFEE. That is right.

Who is on the board of this group? Who runs this operation?

Mr. GARN. I do not have a listing.

Mr. CHAFEE. I do not mean the individuals, but is it anybody from Government?

Mr. GARN. I was not aware that this was going to be brought up, or I could have prepared to have a listing by name of those who serve on the board.

Mr. CHAFEE. I am not interested in names. Is anybody from the Federal Government on the board? It is my impression that there is not. Am I correct in that?

Mr. GARN. I am not aware that there is anybody directly on the board. HUD has been involved in this process.

Mr. CHAFEE. I am informed—and I might be wrong—that it is strictly a business and labor group that makes up this board.

Mr. GARN. As I said, HUD is not represented on the board itself.

Mr. CHAFEE. We have been very generous around this place with the building industry lately. I recall when we put through a special extension of the depreciation schedule for them. They should have a lot of money. I do not see why they cannot support this thing themselves; $5 million for those people is nothing.

Mr. GARN. Again, let us not misunderstand.

Mr. CHAFEE. Make it $500,000, because it is the income from the $5 million.

AMENDMENT NO. 3645

Mr. CHAFEE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 3625.

Beginning with page 27, line 23, strike out all through page 28, line 13.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we have discussed this a little bit. If there is some kind of sunset provision on this, that would appeal to me.

I know that the chairman of the subcommittee was not anxious to enter that.

Do I hear any answers to the bidding here? How about the chairman of the full committee?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. [Mr. SIMPSON]. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield to the Senator.

Mr. CHAFEE. Mr. President, I pose the question to the distinguished chairman of the Appropriations Committee about a sunset provision here so that at least this thing would end within some foreseeable time and if he wants to suggest a figure that is certainly short of 10 years and if he wants to come down toward something like 5 years that will be acceptable to me.

Mr. HATFIELD. Mr. President, I move to amend the amendment of the Senator from Rhode Island to put a sunset provision of 5 years.

Mr. CHAFEE. I suppose if that is agreeable as a procedural matter perhaps we could go on any other amendments and redraw this and come back to it in a satisfactory fashion. Unless someone else in the Chamber has a different view, I take the 5 years.

Mr. GARN. Mr. President, may I just suggest that the Senator has the right to modify his amendment if he wishes to modify it at this time so we could finish it and move on. I would reluctantly agree to accept the 5-year sunset, and if the Senator would modify his amendment at this time.

Mr. CHAFEE. The only reason is we do have to spend time with a quorum call so I would just as soon pass over it and come back to it.

Mr. HATFIELD. Mr. President, if the Senator will yield as moment, I think if the Senator will withdraw the amendment and redraft it at that point it would be the simplest procedure we could follow, and then accept the amendment.

Mr. CHAFEE. And meanwhile go on with something else?

Mr. HATFIELD. We will go ahead and the Senator withdraw his amendment.

Mr. CHAFEE. That is fair enough.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

AMENDMENT NO. 3646

(Purpose: For additional funding for the International Atomic Energy Agency)

Mr. PERCY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. PERCY], for himself, Mr. GLENN, Mr. MATHIAS, Mr. BINGAMAN, Mr. DANFORTH, and Mr. MCCLURE, proposes an amendment numbered 3646.

Mr. PERCY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, line 4, beginning with the figure "$40,000,000" strike all that follows through line 6 to the period, and insert in lieu thereof the following: $42,050,000: *Provided*, That of this amount $40,000,000 shall be available only for payment to the International Fund for Agricultural Development: *Provided further*, That of this amount $2,050,000 shall be available only for payment to the International Atomic Energy Agency: *Provided further*, That of the amount made available for the International Atomic Energy Agency under this chapter and the funds made available for the International Atomic Energy Agency in Public Law 98-151, not less than $7,000,000 shall be available only for the safeguards program.

Mr. PERCY. Mr. President, the amendment I am offering would add $2.050 million to the amount appropriated for international organizations and programs, and would earmark these funds so that they would be available for payment only to the International Atomic Energy Agency.

Mr. President, I want to emphasize the importance the administration has placed on this request. I have a letter from the Acting Secretary of State, copies of which Senator GLENN and I have circulated to all Members, which says in part:

The IAEA is crucial to our support of the international nonproliferation regime and our efforts to strengthen safeguards against the diversion of peaceful nuclear materials.

It further states that:

A reduction in the U.S. commitment at this time, particularly just prior to the upcoming 1985 NPT Review Conference, would signal developing countries that the U.S. will not stand by its obligations under the NPT.

Mr. President, I know there is strong sentiment in the Senate that we should do everything we can to prevent the spread of nuclear explosives around the world. Many of us have studied this vital problem, and have come to the conclusion that there is no more pressing concern, no more vital interest than reducing the threat of nuclear holocaust. And when nations that do not now possess nuclear explosives obtain them, the odds of such a holocaust increase. The risk that nuclear weapons will be used in anger in some unstable region of the world may be much greater than the risk of a nuclear war between the superpowers.

This is the threat of nuclear proliferation. It is not new. It has been with us since we first crossed the threshold into the nuclear age. For more than 30 years, we have realized both the promise and the peril of nuclear energy. But right at the outset, our leaders wisely and urgently explored how best to contain the peril, so that the benefits of this new energy source could be more widely shared. That is why the United States first proposed the creation of an International Atomic Energy Agency, and worked to establish it. It is why—ever since—this country has supported the Agency.

The fundamental purpose of the IAEA, as laid out in article II of its organic statute, is to accelerate and enlarge the contribution of atomic energy to peace, health, and prosperity throughout the world. It shall ensure—the statute continues—so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purposes.

The vital task of deterring any diversion of nuclear materials into military applications is thus written into the Agency's fundamental mission. And the principal program which fulfills this mission is the safeguards program, a system of recordkeeping, audits, and inspections. Safeguards create risks of discovery and action by the IAEA itself, by the United Nations, and by nations which have a vital interest in preventing the spread of nuclear explosives.

The facts are, however, that the safeguards mission is large, and the resources the IAEA has to accomplish that mission are small. For instance, the Agency recently reported that in 1983, there were 455 facilities under IAEA safeguards or containing safeguarded material. But in 1983, the safeguards staff of the IAEA was only 398.

The volumes of nuclear materials under safeguards are also large. Plutonium and highly enriched uranium are the raw materials for nuclear explosives. In 1983, the Agency maintained safeguards on 11 metric tons of highly enriched uranium, 6.8 metric tons of separated plutonium, and another 92.9 metric tons of plutonium in spent fuel. The figures for low enriched uranium and source material are far higher. Although the safeguards system is far from perfect, I hope my colleagues understand that it is the best means available for assuring that significant quantities of this material are not diverted into clandestine military programs. We cannot afford to back away from our commitment to an effective Safeguards Program—the risks for our own security and that of millions of people in many regions of the world are simply too great.

Furthermore, Mr. President, the safeguards program is vital to the successful operation of both the Treaty on the Nonproliferation of Nuclear Weapons—perhaps the most successful and certainly the most widely adhered to Arms Limitation Treaty in history—and the Nuclear Nonproliferation Act of 1978. For that reason, I have drafted my amendment to ensure that not less than $7 million of the amount appropriated in fiscal year 1984 will go to the Safeguards Program.

Mr. President, the Congress of the United States has frequently urged the President to give greater support to nonproliferation programs, and to the IAEA in particular. When this subject arose last year, I discussed the enlightened role the Congress has played—from ratification of the Agency's statute in 1956, and passage of the IAEA Participation Act shortly thereafter, to ratification of the NPT and passage of the Nuclear Nonproliferation Act in 1978. Our commitment to the Agency has helped it carry out these vital program.

This year we are at another crossroads. In January, the People's Republic of China became a member. Next year, there will be a conference to review the Nonproliferation Treaty. As matters stand, the nuclear weapons powers, including the United States and the Soviet Union, may be criticized by some for failing to negotiate reductions in the world's stockpiles of nuclear arms, as called for in article VI of the treaty. As one Senator, I earnestly hope we can achieve progress on this vital matter even before the Review Conference begins. But I certainly hope we will not signal the nations of the world that we are now willing to reduce our support for the Agency which provides us with the best means available for deterring illegal diversion of nuclear materials.

For these reasons, Mr. President, I urge my colleagues to support this small addition of funds. The IAEA is a small Agency, and its task is large. The amount of funds added by this amendment is small, but it is an important investment in our long-term security. I certainly hope my colleagues will approve it.

Mr. President, I wish to point out that this Agency has the responsibility of policing the whole world for safeguards. It has a force less than the force of the police department of Washington, DC, substantially less.

I yield at this time to my distinguished colleague, Senator GLENN, who has worked with me through the years on nuclear nonproliferation matters.

We authored together the law that is now the law of the land and on what I think is the paramount issue of our time: are we going to prevent other nations from going the nuclear weaponry route? That is the task, that is the job, that is the direction of Congress. This is the Agency, the only international Agency that can police that effort.

I am happy to yield to my distinguished colleague from Ohio.

Mr. GLENN. Mr. President, I appreciate the courtesy of the distinguished Senator from Illinois.

We have worked for a long time on these matters together, on nuclear nonproliferation, and the Nuclear Nonproliferation Act of 1978 was a notable example.

We have worked together in the past to increase funding for the International Atomic Energy Agency, the IAEA.

I say to my colleagues, without giving a lengthy speech at this hour of the evening, that the IAEA is a very thin line of protection and it needs all the help we can give it. It is an information-gathering agency that performs materials accounting and inspection at nuclear facilities. The results of these activities are given to the rest of the world so we can know what is going on in this most important area. We can talk all night about nuclear freezes and whether we are going to enforce our export laws and all these different things, but it means little unless we have the information, the data base, on which to base our judgments.

That is what IAEA does. It basically gathers the information, monitors these plants, and lets the rest of the world know what is going on, and the American financial contribution to this activity is not all that large.

We are trying to increase it here, as the Senator from Illinois has already outlined.

I urge my colleagues to support this, and I am just sorry it cannot be several times over this amount because that is what we really need, in order to enhance the Agency's technical asssistance and monitoring capability. I urge everyone to support this amendment.

Mr. PERCY. Mr. President, I thank my distinguished colleague.

Mr. KASTEN. Mr. President, the amendment being offered by the distinguished chairman of the Foreign Relations Committee would provide an additional $2,050,000 for the International Atomic Energy Agency. The committee had recommended no funding for this Agency, against the administration's request of $3,686,000—the latter amount was also what the Senator from Illinois was originally going to offer. I was prepared to oppose these additional funds because frankly I had thought the funds provided under the continuing resolution were sufficient, and, furthermore, despite the administration's desire for these additional funds, the Appropriations Committee has been put in a position by the administration on other items under the international organizations and programs account where because of significant reductions recommended in budget requests for the U.N. Development Program and UNICEF—programs very popular in Congress—we have had to add significant amounts to the budget.

I believe it is a game the Department of State plays, and therefore, I am not too anxious to help the State Department add funds for a program which has grown dramatically over the last several years.

In fiscal year 1982 Congress provided $12,750,000. In fiscal year 1983, we provided $14,500,000. And now in the current fiscal year they are suggesting $18,500,000 and for fiscal year 1985 they are proposing $20,500,000. All this at a time when they are recommending huge reductions, as I said, to UNICEF and UNDP.

Mr. President, I will go along with this reduced amount, and I am suggesting that we earmark the total requested for safeguards, which is of primary concern to the Senator from Illinois, but I do not intend to be put in this position again in subsequent appropriations bills

Mr. President, my understanding is that the ranking member of the subcommittee agrees with this, and if there is no objection from the chairman and ranking member of the full committee, I have no objection to accepting this amendment.

Mr. HATFIELD. Mr. President, the managers of the bill on both sides of the aisle have cleared the amendment and it is acceptable.

Mr. BINGAMAN. Mr. President, I rise to lend my support, as a cosponsor to this amendment. It will restore reductions in the proposed level of appropriations to the International Atomic Energy Agency; restorations which will strengthen the international nuclear nonproliferation regime. I commend the Senators from Illinois and Ohio for their efforts and leadership in this direction.

This is a vitally important task, and the small voluntary contribution before use, to the International Atomic Energy Agency, is clearly one of the more worthy expenditures in this entire bill. The proliferation of nuclear weapons is among the most serious threats to human life which we face in the world.

We are all familiar with the scenarios of horror raised by the threat of the reckless and needless use of nuclear weapons. We have all heard of these possibilities many times. Much has been written and spoken about them and a great imagination is not indeed in order to realize that such eventuality would be disastrous for the entire human race.

The International Atomic Energy Agency has worked for several years to expand its program of worldwide nuclear safeguards. These measures are intended to ensure that special nuclear material, which could be used in the manufacture of nuclear weapons, is not diverted from peaceful to military weapons uses.

The United States, recognizing the importance of strengthening the effectiveness of such safeguards, has worked with the Agency to transfer its advanced technology in the areas of nuclear material detection, systems analysis, and other relevant fields, to the international organization. The Agency then applies the information, instrumentation and help received from the U.S. Government and other countries, to render more effective its inspections of nuclear facilities in nonweapons states around the world.

I understand that the adequacy of IAEA safeguards has been questioned in the past. While significant improvements have been made in recent years, we cannot afford to slow further technical improvements in these safeguards. Given the enormity of the stakes involved, it is my feeling that maximum assistance should be given to the Agency, in order to help it better perform its task of preventing the further spread of nuclear weapons. I cannot think of a better investment, since the consequences of a failure in the system could be incalculably high.

I wish to point out, in addition, that many of the proposed funds will go, not abroad, but to domestic laboratories which are developing new capabilities and techniques to advance the level of safeguards technology.

For all of these reasons, I urge my colleagues to continue our effort in preventing the spread of nuclear weapons in the world. Indeed, we should make every effort to strengthen the nonproliferation regime in the world, not only for altruistic reasons, but because of our concern for our own safety as well.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 3646) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3647

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] for himself and Mr. STEVENS proposes an amendment numbered 3647.

Mr. WILSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"REPORT BY THE SECRETARY OF COMMERCE

"The Secretary of Commerce is directed to submit, within thirty days of the date of enactment of this Act, to the appropriate committees of the Congress a report specifying a proposal to meet the funding obligations of the Fishermen's Guarantee Fund.".

Mr. WILSON. Mr. President, this amendment has been cleared by both sides. It is a simple directory amendment. It directs that the Secretary of Commerce will, within 30 days of enactment of this act, submit to the appropriate committees of Congress his plans for meeting the funding obligations for the Fishermen's Guarantee Fund. This has been necessitated by the unfortunate seizure of American fishing vessels. The fund which Congress created in order to reimburse owners in that unfortunate situation currently is without funds.

It simply requires that there be some submission by the Secretary of his plan to meet the obligations imposed by law.

Mr. HATFIELD. Mr. President, the amendment has been reviewed by both sides of the aisle and it has been cleared and we are willing to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from California [Mr. WILSON].

The amendment (No. 3647) was agreed to.

Mr. WILSON. I thank the Chair and I thank the distinguished manager.

AMENDMENT NO. 3648

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. JEPSEN, Mr. ABDNOR, and Mr. PRYOR, proposes an amendment numbered 3648.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 22, line 10, before the period, insert the following: ": *Provided further*, That the amount of an urban development action grant under section 119 of the Housing and Community Development Act of 1974 may not exceed $15,000,000 and no grantee may receive more than $25,000,000 in such grants during any fiscal year".

Mr. GRASSLEY. Mr. President, I introduce this amendment which is cosponsored by Senator JEPSEN of Iowa, Senator ABDNOR of South Dakota, and Senator PRYOR of Arkansas.

Mr. President, I want to be perfectly candid and say that this is a fairly controversial amendment. There has already been some opposition to it mentioned to us in private.

Those of us who are sponsoring this amendment feel that the present formula for the distribution of UDAG funds is very unfair to certain segments of the country. Through this amendment we would put a cap on a specific UDAG grant of $15 million and a cap of $25 million for UDAG grants to cities during any fiscal year.

Through the formula that now exists, a large amount of the total funds are going to certain sections of the country much to the detriment of other cities in other States which also have urban problems that must be dealt with; that formula does not give proper weight to the encouragement for private funds to be leveraged or adequate weight to the number of jobs being created. They are very important factors that should be considered to a greater degree than they have in the past or in the current formula.

We offer this amendment as one way of creating a fairer distribution of the funds. At the same time, we would prefer to be dealing directly with the formula that we think is unfair, but because of the matter of time, we have taken this course to place limits on the amount of funds going to any one grantee as a way of dealing with the problem short term. We hope that while these caps are in place, encouragement will be given to the various committees to look at the formula and to change the formula for a more fair distribution of funds.

As a strong supporter of the Department of Housing and Urban Development's UDAG program, I am concerned that the Department has developed a set of criteria which discriminates against most States.

When the UDAG program was first developed in 1977, I fought as a Member of the House of Representatives to make sure that small communities of less than 2,500 were included in the program. At that time they were not to be included in this program.

If this program is to continue, and be successful, it must be one that serves the entire country, not just one that serves a small part of the Nation.

This year we have appropriated $440 million to fund the UDAG Program. It has created several times that amount in investments by the private sector. It has also helped to create thousands of jobs and is redeveloping some of our distressed areas.

Until December last year this program was national in scope, serving large and small communities that had proven a need for redevelopment.

As our economy turned around and the private sector again started to invest, this program became so popular that HUD found for the first time they could not fund all the projects that were considered fundable under a set of rules they had used since 1977. They then set in place, without regulations or legislation, a set of criteria that eliminates virtually three-fourths of the States from being able to receive funds. Under their new point system they are using data on cities that is in some cases 6 to 8 years old. I know that the cities in Iowa have changed in that period of time as I am sure your cities have as well.

If a community has already met the test of being distressed enough to be on the eligibility list, then they should not be discriminated against by this new system used by HUD.

You will find that since December a city such as Los Angeles, which I am sure you will all agree does have some distressed areas that need help, has only had one project funded. The city had been able to have 12 projects funded since 1978. At the same time, one city alone has received 13 grants since December, others have received 8 grants, and several have received 6 grants. I could cite time and time again where communities have spent hundreds of thousands of dollars to become fundable but have not been funded due to the present system. These projects sometimes create hundreds of jobs and stimulate millions of dollars more in private investment than the projects that are funded. Yet even when they meet the requirements to be considered distressed cities, their projects are not competitive on the merits of the new formula.

This is wrong.

Today, Senator JEPSEN and I, along with others, are offering an amendment to H.R. 6040 which we feel will help eliminate some of the inequities in the system. Our amendment would place a cap of $15 million on a grant to one project and would also place a limit of $25 million awarded to each city in a single year. This is not unreasonable. It is one way to ensure a more equitable distribution of the UDAG funds in order that every State will have an opportunity to take part in the program.

I would take this opportunity to thank Senator JEPSEN for his leadership and guidance on this issue. He has been of great help to me in identifying the issue at hand. I would also mention that he has met with Secretary Pierce on the issue early in March. Iowa thanks you, Senator JEPSEN.

Why should we take this action now? It is important because of the upcoming funding rounds in September and October. Without these limits, HUD will be considering one project alone that wants over $40 million UDAG. That is almost 10 percent of the total UDAG money available for the full year. HUD has already funded other $40 million projects, as well as ones that are in the $20 to $25 million range. This is not a fair and equitable distribution of funds. Most States

suffer from this type of discrimination.

It is anticipated that around $200 million will be distributed during the September large-city round. I know it, you know it, and I can assure you that the cities know it. It has stirred a great deal of interest in making sure that an extremely large number of projects are going to be considered. You can be sure that those cities that have an advantage will be requesting that 6 to 8 or even 10 of their projects be funded. I can assure you that they will be funded before most of your cities.

Our amendment is not the whole answer, but it will help. It is my hope that the Banking Committee will begin to hold hearings and take a long, hard look at the real problem, that of the formula used by HUD in their allocation of funds. It is the only way that this program will survive. Some Members have stated that they do not wish to support our amendment because they would rather not solve the problem by piecemeal means. As I stated earlier, I hope that the Banking Committee will take a look and make changes in the program. Even if this happens, the limits we are talking about are not unreasonable and should be implemented. Now is the time to do it.

If your cities have had a problem getting their projects funded recently, than I can assure you this amendment will go a step toward solving that problem. Unless we take action now before these upcoming large and small cities rounds, your projects will not be funded, and the funds will continue to flow to the same 23 cities that are presently receiving the bulk of the funds.

All we ask is for our projects to be given a fair and equal opportunity for funding. Please support this amendment.

I ask unanimous consent that a list of States and their cities adversely affected by the present UDAG formulas be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATES AND THEIR CITIES ADVERSELY AFFECTED BY THE PRESENT UDAG FORMULA

ALABAMA

Anniston, Bessemer, Birmingham, Dothan, Florence, Gadsden, Huntsville, Mobile, Montgomery, and Tuscaloosa.

ARIZONA

Tucson.

ARKANSAS

Pine Bluff, Texarkana, and West Memphis.

CALIFORNIA

Alhambra, Baldwin Park, Chico, Compton, El Monte, Fresno, Inglewood, Lompoc, Long Beach, Los Angeles, Norwalk, Oakland, Ontario, Oxnard, Pasadena, Pico Rivera, Pomona, Poterville, Richmond, Sacramento, Salinas, San Bernadino, Santa Cruz, Seaside, South Gate, Stockton, Tulare, Turlock, Yuba, Fresno County and Kern County.

COLORADO

Denver and Pueblo.

CONNECTICUT

Meriden, Middleton, New Brittain, Norwalk, Norwich, Waterbury, and West Haven.

FLORIDA

Cocoa, Ft. Pierce, Hialeah, Jacksonville, Lakeland, Miami, Miami Beach, Panama City, Pensacola, St. Petersburg, Tampa, West Palm Beach, Winterhaven, and Polk County.

GEORGIA

Albany, Atlanta, Columbus, Marietta, and Savannah.

ILLINOIS

Aurora, Belleville, Berwyn, Champaign, Chicago Heights, Decatur, Granite City, Joliet, Kankakee, Moline, Pekin, Peoria, Rockford, Rock Island, Springfield, Urbana, Waukegan, Madison County and St. Clair County.

INDIANA

Anderson, Bloomington, Elkhart. Evansville, Ft. Wayne, Goshen, Hammond, Indianapolis, Kokomo, Lafayette, Mishawaka, Muncie, New Albany, South Bend, and West Lafayette.

IOWA

Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Sioux City, and Waterloo.

KANSAS

Kansas City and Lawrence.

KENTUCKY

Ashland, Hopkinsville, and Owensboro.

LOUISIANA

Alexandria, Lake Charles, Monroe, and Thibodaux.

MAINE

Louiston.

MARYLAND

Annapolis.

MASSACHUSETTS

Attleboro, Brockton, Brookline, Chicopee, Pittsfield, Quincy, and Waltham.

MICHIGAN

East Lansing, Flint, Grand Rapids, Holland, Kalamazoo, Lansing, Lincoln Park, Pontiac, and St. Clair.

MINNESOTA

St. Cloud and St. Paul.

MISSISSIPPI

Biloxi, Gulfport, Moss Point, and Pascagoula.

MISSOURI

Joplin, Kansas City, St. Joseph, and Springfield.

NEBRASKA

Omaha.

NEW HAMPSHIRE

Dover, Manchester, Portsmouth, and Rochester.

NEW JERSEY

East Orange, Elizabeth, Irvington, Long Branch, Milleville, and Vineland.

NEW YORK

New Rochelle, Rome, Yonkers. and Erie County.

NORTH CAROLINA

Asheville, Burlington, Concord, Gastonia, Hickory, High Point, Jacksonville, Salisbury, Wilmington, and Winston-Salem.

OHIO

Bowling Green, Akron, Barberton, Cleveland Heights, Columbus, Elyria, Hamilton City, Kent, Lancaster, Lima, Lorain, Mansfield, Marietta, Massillon, Middletown, Newark, Steubenville, Toledo, Warren, and Stark County.

OKLAHOMA

Lawton and Shawnee.

OREGON

Portland and Springfield.

PENNSYLVANIA

Allentown, Bethlehem, Bristol, Carlisle, Norristown, State College, Upper Darby, Allegheny County, Beaver County, Luzerne County, Washington County, and Westmoreland County.

PUERTO RICO

Aguadilla, Fajardo, Toa Baja, Arecibo, Bayamaon, Caguas, Carolina, Guaynabo, Mayaguez, Ponce, San Juan, and Turjillo Alto.

RHODE ISLAND

Cranston, East Providence, and Pawtucket.

SOUTH CAROLINA

Anderson, Charleston, Columbia, Florence, Greenville, North Charleston, Rock Hill, and Spartanburg.

TENNESSEE

Bristol, Chattanooga, Clarksville, Johnson City, Kingsport, Knoxville, Memphis, and Murfreesboro.

TEXAS

Brownsville, Dennison, Edinburg, El Paso, Galveston, Harlingen, Killeen, Laredo, McAllen, Marshall, Mission, Orange, Pharr, Port Arthur, San Benito, Texarkana, and Waco.

UTAH

Ogden, Provo, and Salt Lake City.

VIRGINIA

Bristol, Suffolk, Charlottesville, Danville, Hopewell, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, and Roanoke.

WASHINGTON

Bellingham, Bremerton, Everett, Olympia, Pasco, Seattle, Spokane, Tacoma, Vancouver, and Yakima.

WEST VIRGINIA

Charleston, Parkersburg, and Weirton.

WISCONSIN

Beloit, Eau Clarie, Green Bay, Kenosha, La Crosse, Milwaukee, Oshkosh, Racine, Superior, and Wausau.

UDAG PROJECT SELECTION SYSTEM

Selection criteria	Large cities data elements	Small cities data elements	Points
A. Impaction [1]	Pre-40 housing, poverty, population growth lag/decline.	Pre-40 housing, poverty, population growth lag/decline.	40
B. Distress	Per capita income, unemployment, job lag/decline.	Per capita income,[2] labor surplus area (LSA).	30
C. Other criteria			30
Composed of following:			
Leverage ratio			10
UDAG dollars per job			6
Total new permanent jobs			2
Percent low/moderate income jobs			1
Percent minority jobs			1
Percent CETA jobs			1

UDAG PROJECT SELECTION SYSTEM—Continued

Selection criteria	Large cities data elements	Small cities data elements	Points
State and local funds per UDAG funds			1
Tax benefits per UDAG funds			1
Retained jobs			½
Construction jobs			½
Impact on physical development			½
Impact on economic conditions			½
Timeliness			1
Demonstrated performance			1
Relocation			1
Minority business participation			1
Energy			1

[1] Impaction is the comparative degree of economic distress among applicants, as measured by a weighted average of three factors: Age of the housing stock weighted at 50 percent, the extent of poverty—30 percent, and population growth/lag—20 percent.

[2] For the small cities distress criterion, up to 10 points will be allocated for Per Capita Income and 20 points for LSAs. This criterion will not include job lag data or unemployment which are not available for all small cities. Within the LSA measure, 10 points will be allotted if the city is within a county that meets the LSA threshold. One point is then added for every unemployment percentage point above the LSA threshold. Conversely, one point is deducted for each percentage point by which the city is under the LSA threshold.

Mr. BAKER. Mr. President, will the Senator yield to me for a question?

Mr. GRASSLEY. Yes; I know that the Senator from Tennessee has an interest in this, and I would yield to him. Also, I think my colleague, Senator JEPSEN, wanted to speak, also.

Mr. METZENBAUM. I object. No Member may yield the floor to another. Each has a right to be recognized in his own right.

Mr. BAKER. That is not the rule. That is not what I asked. I asked if the Senator would yield to me for a question.

Mr. METZENBAUM. I have no objection to him yielding to the Senator for a question.

Mr. BAKER. Will the Senator yield to me?

Mr. GRASSLEY. Yes.

Mr. BAKER. Mr. President, first of all, I commend the Senator. May I inquire if there is some willingness on the part of the distinguished Senator from Iowa to consider that, with the broad support that I believe he has on this amendment—and incidentally I support this amendment, and I agree with much of what he has said, with all that he has said on this subject—if there would be a willingness on his part to consider further negotiations with Secretary Pierce and his Department on this subject to see if we can arrive at a means of resolving this issue without going the legislative route?

Specifically, the basis for my question is this: As the Senator probably knows, as I believe I told him earlier, as I know I told Senator JEPSEN earlier today, I have talked to Secretary Pierce today. As the Senator may also know, my colleague from Tennessee, Senator SASSER, and I met with Secretary Pierce just a few days ago here in the Capitol. I am convinced that Secretary Pierce is sensitive to this issue. He does understand the special concern that States like Tennessee and Iowa and many others have. Secretary Pierce today said to me that he would like another couple of weeks to see what he could work out. Those were his words to me. Incidentally, Secretary Pierce called me; I did not call Secretary Pierce.

My hope would be that we could have a further dialog and discussion of this matter, but that at some point may I inquire if the Senator might be willing to consider withdrawing this amendment, after we have had whatever discussion and debate may be necessary, in favor of trying to have further negotiations with Secretary Pierce to try to resolve this issue? May I say, by the way, that for my part I am willing to contribute whatever effort I can to see that the Secretary meets with us at an appropriate early time. And I will urge the Secretary, as I have previously in the case of Tennessee, to consider the special circumstances that exist in Iowa, Tennessee, and I am sure many other States.

Mr. HEINZ. Will the Senator yield for a question?

Mr. GRASSLEY. First, the Senate majority leader asked me a question, and I would like to respond to him.

What I am really after, Senator, are results and some sincere desire of the people not only on the Hill, but more importantly at HUD, to look at the situation and to deal with it in a way that can be done so successfully, instead of the promises that we have had from the Department in the past to look at it and make changes, while in reality taking no action.

I think that is probably the position the Senator is in as the leader in the Senate. In your direct conversation with the Secretary if you have the feeling that there is a sincere desire to address this issue, then yes, under those circumstances, I am willing to withdraw the amendment, assuming my cosponsors will agree as well.

Let me suggest that earlier this afternoon, when the "Dear Colleague" letter went out, I had discussions with Senator D'AMATO. He said that he was willing to work with us on trying to get the issue addressed. I had some discussion with Senator GARN, and I did have some discussion with you as well, but not in the detail that you have addressed the issue here on the floor of the Senate.

I decided to go ahead with the Grassley-Jepsen amendment, though, to get a commitment on the issue. I am satisfied with what you have said now at this point concerning Secretary Pierce.

I do not know what more I can say if you are saying to me that in 2 weeks we will be able to sit down with the Secretary and that you sincerely believe that he understands there is a problem and that we have got a legitimate gripe and that it will be addressed. Then I am satisfied.

Mr. BAKER. Yes, Mr. President, that is what I am saying.

Mr. HEINZ. Will the Senator yield for a question?

Mr. MOYNIHAN. Will the Senator yield?

Mr. GRASSLEY. I will yield to the Senator from Pennsylvania first, and then I yield to the Senator from New York.

Mr. HEINZ. I thank my friend and colleague from Iowa for yielding.

I just want to pursue the line of inquiry of the Senator from Tennessee, which I think is a fruitful line of inquiry. As I understand the Senator, the Senator from Iowa appears to be willing to withdraw this amendment. Let me state by way of preamble that I hope the arrangement that the Senator from Tennessee has proposed and the subsequent discussions with Secretary Pierce are useful. I say that as a member of the Banking Committee and of the Housing and Urban Affairs Subcommittee.

This is a relatively recent problem. It is only within the last several UDAG rounds, as I understand it—I will let the Senator correct me if I am incorrect——

Mr. GRASSLEY. The Senator is correct.

Mr. HEINZ [continuing]. That this problem has developed. The UDAG program has been with us since 1977. It has been a useful program. The Senator agrees then that this is a fairly recent problem that he is trying to address.

Mr. GRASSLEY. Yes, within the last 12 to 15 months. Would you agree on that time span?

Mr. HEINZ. It would be my hope, I say to the Senator from Iowa, that we can avoid an unnecessary legislative confrontation. I would have to say to my friend from Iowa that I have to oppose his amendment for two reasons: One, I think the authorizing committee has to have the opportunity to deal with the issue, and, second, I do not believe that the Senator's amendment is either germane or passes the test of whether or not it is legislation on an appropriations bill. Having said that, I would like to assure the Senator that I would be pleased to work with him, with Senator GARN, and with Senator BAKER to see this program operate fairly and equitably. I hope that the Senator and his cosponsors accept the offer of the Senator from Tennessee.

Mr. MOYNIHAN. Will the Senator yield?

Mr. GRASSLEY. Yes.

Mr. MOYNIHAN. I would like to ask my friend from Iowa if I would be incorrect in thinking that in the discussions which he contemplated with the distinguished majority leader it was suggested that all of the Senators who have expressed an interest in this matter, and the different sides for different regions, are involved in a very

successful program. We certainly want to see the thing grow, not diminish, and we all want to be involved, all be heard, and try to reach a consensus as we have done when we established this program in 1977.

Mr. GRASSLEY. It has never been, and it would not be, my desire to exclude any point of view as long as it deals with the issue of how the formula might be changed to bring into consideration factors where the taxpayers are getting more for their money in the sense of the private dollars that are leveraged, and the number of jobs that are being created with combination of private sector and public sector dollars.

Mr. MOYNIHAN. I think my friend does not exclude any solution to a problem which we want to address for the same reason he does.

Mr. GRASSLEY. I consider the request reasonable, and I would not desire to exclude any point of view or anybody.

Mr. MOYNIHAN. I thank the Senator.

Mr. GRASSLEY. I have already said, if the Senator from New York heard me, that his junior colleague from the State of New York expressed to me his opposition to the amendment, and some feeling that it needed to be looked at, that there may be some unfairness, and that he was going to help us address the issue.

Mr. MOYNIHAN. We can work this out, and I look forward to working with the Senator from Iowa.

Mr. JEPSEN. Will the Senator yield for a question?

Mr. GRASSLEY. I yield to the Senator from Iowa.

Mr. JEPSEN. I ask my distinguished colleague from Iowa to put in the RECORD that my staff did assist on this, and worked diligently for many hours and many weeks in developing this issue. With your approval, I would like the RECORD to show that.

Mr. GRASSLEY. Besides the statement that the Senator just made, not only from the standpoint of his staff having worked hard on this, I would say that the Senator himself has done a great deal of work on this. And the only reason why I am sponsoring this, I assume, instead of your sponsorship of it is that I had a part in the UDAG program originally when I was a member of the Banking Committee in the other House, and at that point had long taken a position of equal justice for the smaller communities of America in equal treating of the UDAG grant.

Mr. JEPSEN. Will the Senator yield for a further question?

Mr. GRASSLEY. Yes.

Mr. JEPSEN. It is my understanding that the Senator from Utah, Mr. GARN, has expressed an interest and concern in this matter.

Mr. GRASSLEY. I was not discouraged by the Senator from Utah in proceeding with the concept of the amendment. He did express objection to an amendment like this being placed on an appropriation bill, but he did not find fault with the substance of the amendment.

Mr. GARN. Will the Senator yield for a comment?

Mr. GRASSLEY. Yes.

Mr. GARN. The Senator is correct, and the Banking Committee has been concerned about this. I have had conversations with HUD. I think there are some problems with the formula the way it has been distributed. So I have sympathy with what the Senators from Iowa are attempting to accomplish. But I did express that I felt this was the wrong time and the wrong place in the supplemental appropriations bill to try dealing with that. So I do think it is possible to work it out. Senators who are opposed, like the Senators from New York, showed a willingness to talk about it, and I do think that we can proceed, work with HUD, and see if we cannot come up with a formula that is more equitable.

Mr. BAKER. Mr. President, I believe the Jepsen-Grassley amendment would be an important first step in the efforts to dispense UDAG funds more fairly across the Nation. I tend to favor setting a $15 million cap per UDAG grant and $25 million cap per city. In addition, I agree that we should more fully examine the entire selection system.

Mr. President, my State of Tennessee has received only one UDAG grant in this fiscal year while three cities have received 53, 50, and 37 grants. Tennessee has suffered the loss of jobs and private investment while a handful of cities are assured of increased UDAG dollars with a minimum private investment and limited number of jobs. Certain cities are essentially guaranteed approval of their grants because 70 percent of the weight is based on the characteristics of the city, and the system gives only 30-percent weight to a project's specific benfits such as private investment and jobs. With such a heavy emphasis on the city characteristics—impaction and distress—and so little on the project factors, the system excludes a large number of distressed cities from participation in the program.

The criteria which has skewed this system is weighted heavily on such factors as pre-1940 housing which is no real indication of economic distress on a nationwide basis. Therefore, I am faced with a number of distressed metropolitan areas and small cities in Tennessee which are unable to benefit from the private investment, jobs, and improved tax base which are part of the UDAG Program.

The Jepsen-Grassley amendment, if it were implemented, is only one of the changes which I believe are crucial to the future of the UDAG Program and our cities.

Mr. JEPSEN. Mr. President, I rise today in support of the amendment offered by my distinguished colleague, the junior Senator from Iowa. Indeed, I am a consponsor of it.

It is no secret that I am dismayed by the formula recently developed by the Department of Housing and Urban Development [HUD] to award and distribute the funds in the Urban Development Action Grant [UDAG] program. In March of this year, I met with HUD Secretary Sam Pierce to discuss the difficulties which Iowa and several other States face due to this formula. He was sympathetic and understanding about the situation. But as of yet no positive action has been taken to alleviate the difficulties.

What is the problem? Simply put, Iowa and some other States such as Utah, Oregon, Tennessee, California, and Kansas, will basically be precluded from participating in the UDAG Program due to circumstances beyond their control.

This is not acceptable to the people of my State.

Pre-1940 housing stock, poverty, population growth lag, per capita income, certainly have their place in any formula, but so does the ratio of private to public dollars and the number of permanent jobs created. Competitiveness in project should be encouraged, not discouraged as it is in this formula. Money should not go to communities just for the sake of giving them money. UDAG projects should be highly competitive so as to achieve the maximum for each tax dollar invested.

There have been economic problems in Iowa, too, but the formula does not recognize them. The UDAG Program has been very beneficial in helping Iowa communities, large and small, to retain and to develop businesses and industries.

The UDAG program has helped save a pork packing plant, retain a 125-year-old family run industry, build a new shopping mall in an economically deprived area of the State, bring 90 jobs to a town of 1,200 people and many other beneficial things to Iowa.

It has been a boon to my rural State and we do not intend to give it up to a few urban locations which have pre-1940 housing. The rest of America needs help too.

I appreciate the need for an objective system to award the UDAG funds. But that system should be inclusive of all America not just certain areas.

This amendment will help insure objectivity, while at the same time bringing about more fairness for the rest of the country. The limit placed upon individual project awards and on amounts which would go to cities is

fair and just. It will stretch the already too few UDAG dollars farther and to more needy communities.

I ask unanimous consent that a letter written to Secretary Pierce by the two Senators from Iowa be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 13, 1984.

Hon. SAMUEL R. PIERCE, Jr.,
Secretary of Housing and Urban Development, Washington, DC.

DEAR SECRETARY PIERCE: We understand that, due to heavy demand for Urban Development Action Grant (UDAG) funds during the most recent awards cycles, you have developed a formula to rank fundable applications in determining which ones receive preliminary approval from HUD. The system you have used apparently gives 40 percent weight to the relative economic distress of the applicant (impaction) based on a percentage of pre-1940 housing stock (.5), extent of poverty (.3) and population growth lag (.2); 30 percent weight to the distress of the applicant (distress) based on per capita income, unemployment and job lag/decline; and only 30 percent weight to the actual quality of the project proposed, such as the ratio of private to UDAG dollars and the number of permanent jobs created.

While we appreciate the need for an objective system to award UDAG funds, we do not believe that the current rating system, which gives only 30 percent weight to a project's specific benefits, is mandated by the UDAG legislation or regulation; nor do we believe that the system makes the best use of the Department's flexibility in creating the competitive program that Congress intended. We greatly fear that by placing such overwhelming emphasis on impaction (weighted heavily on pre-1940 housing) and distress and so little on the project factors, you may in effect be excluding a large number of "distressed" cities from participation in the program, while at the same time not utilizing the limited UDAG funds in the most effective manner.

For example, in the December 1983 metropolitan cities round, one project recieved the maximum number of points for the project factors, but still did not rank high enough to be funded because it was in the lower half of the distress and impaction lists. The project had an investment ratio of $19.20 of private funds for each UDAG $1.00 (which is extremely high) and would have created 500 new permanent jobs at a cost per job of only $1,750 of UDAG funds. Despite these exceptional project factors, the project was not funded because the City is on the lower quartiles of the distressed and impaction lists.

Similarly, under the formula followed in the last round, it is possible that no Iowa city could receive a UDAG, no matter how competitive the projects are, simply because Iowa cities do not have excessive degrees of distress and impaction, as defined by HUD. Because five of the seven eligible Iowa cities are within the lowest quartile in distress and all but one city is in the third or fourth quartiles in impaction, a project in any of these cities could score maximum points for the project factors, but still not be granted the UDAG.

This system is particularly skewed by the fact that one-half of the weight for determining the impaction level is the percentage of pre-1940 housing, which is itself a questionable variable for determining the relative economic distress of a city. Perhaps the most striking evidence of this is the extremely low ranking of all the Puerto Rico cities based on the current impaction formula. In addition, the current system creates the anomaly that projects in "pockets of poverty" cities, which are not subject to ranking by impaction and distress levels, would have a chance of funding while those of some "distressed" cities would not. Distressed cities, as you know, are not permitted to submit "pockets" projects.

Mr. Secretary, we ask that you reexamine the selection system which you are about to implement and strongly urge that you take action to return the UDAG program to a fair and competitive status.

Thank you for your cooperation.

Sincerely,

ROGER W. JEPSEN,
U.S. Senator.
CHARLES E. GRASSLEY,
U.S. Senator.

Mr. METZENBAUM. Mr. President, I rise in opposition to this amendment. Let there be no mistake about what its effect would be. It would alter the primary objective of the Urban Development Action Grant Program by diverting UDAG funds away from the economically distressed communities the program was created to help. The amendment would gut the strict UDAG targeting requirements, and divert scarce UDAG grants to the newer, more prosperous cities of the South and West.

I wish to remind my colleagues of what we intended UDAG to accomplish when we created the program in 1977. We intended to establish a program which would spark urban revitalization in our most distressed cities and urban counties. Under this scenario, distressed cities and urban counties would apply for funds under a project-specific format. The primary objectives of projects would be to alleviate physical and economic deterioration and population loss. What would be unique about UDAG is that the small Federal grant would act as the catalyst in leveraging far greater amounts of private capital.

In short, we created a specific program intended to provide limited Federal assistance to stimulate investment in strictly targeted areas of economic distress. And in this respect, the program has been very successful.

The program was never—and I repeat never—intended to provide assistance to all, or even most cities. But that is what this amendment would accomplish.

Mr. President, we have had other economic development programs that started out with strict targeting requirements. They, too, were opened up when Senators found that too little funds were reaching their states. Take the programs of the Economic Development Administration for instance. EDA grants and loans were originally targeted to only a few of the economically hardest hit areas of the country. However, within 10 years, there was virtually nowhere in the country that could not qualify for EDA assistance. As a result, EDA is now a classic pork barrel.

But what about the areas that really need assistance, the areas for which EDA grants and loans were originally intended? Take Youngstown in my own State of Ohio. Youngstown is one of the most economically ravaged communities in the entire country. But when Congress appropriated $100 million in EDA Jobs Act grants last year, Youngstown did not get a single dime. Why?

Because Youngstown could not compete with the attractive deals offered by other cities. Los Angeles, for instance, which can hardly be described as an economically distressed city, received over $2 million.

If the Senate accepts this amendment today, UDAG will go the way of EDA. Hard-hit cities like Birmingham, Detroit, Cleveland, Rochester, Akron, and St. Louis will have to compete with more prosperous cities that simply do not need the UDAG incentives to attract private investment capital.

Mr. President, what is really striking about this amendment today is its timing. UDAG is scheduled to make one more round of grant awards before the election. The proponents of this amendment hope to have it enacted into law in time for this September 30, grant round, and then take a few projects back home to impress the constituents. This amendment is election year politics plain and simple.

Mr. President, it would be a real tragedy to gut for short-term political reasons, our only community development program that demonstrably works. I believe that this is a bad amendment and urge the Senate to reject it.

Mr. PRYOR. Mr. President, I am proud to be a cosponsor of this amendment, which seeks to reduce the big city bias in the UDAG Program.

Our amendment would set a cap of $15 million per grant and would limit UDAG funding to $25 million per city per year.

Current eligibility requirements are heavily weighted in favor of our larger cities. I understand that 23 States currently receive 89 percent of UDAG funding so it is clear that worthy projects in small- to moderate-sized cities are getting short shrift.

Since the UDAG Program went into operation in 1978, my State of Arkansas has received just under $10 million in grants. By contrast, one city this year has applied for a $40 million grant, which would consume nearly one-tenth of the $440 million in available funds.

Our big cities certainly have their problems, but by giving them automat-

ic preference we are neglecting more economically promising projects in smaller, but no less deserving, cities. Decisions of UDAG projects should be made based more on economic feasibility and less on general social considerations.

UDAG is one Federal program which most of us—Republican and Democrat—can support enthusiastically. Its strength lies in the partnership it creates between public and private funding, because the participation of the private sector ensure a fiscal discipline that is absent in many other Federal programs.

Several cities in my State—Little Rock, West Memphis, Texarkana, and Pine Bluff—have put together some very promising economic projects, and I would like to see them have the same kind of opportunity under the UDAG Program as New York, Chicago, or Los Angeles.

I believe that the approach recommended by this amendment will strengthen the UDAG Program by promoting more projects in more States and by reemphasizing the economic feasibility of individual applicants.

I hope the Senate will support this amendment.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senator from Iowa has agreed to withdraw his amendment to change the way in which urban development action grants are awarded. Had he persisted in pursuing this amendment, I would have opposed it vigorously.

The UDAG Program is one of the very best programs we have in the Federal Government. When the Reagan administration took office in 1981, there was some talk of ending this program or changing it substantially. The administration, to its credit, heard the pleas of the Nation's mayors not to tamper with this program. The UDAG Program has leveraged $7 private for every $1 public expended. It has produced jobs and a revitalization of cities distressed by a lack of opportunity and hope. Its been a good deal for our cities and our government.

In the last year of the Carter administration, the authorization for UDAG stood at $675 million. The program's funding was cut under the Reagan administration and for the last several years has stood at $440 million.

The authors of this amendment contend that there is not enough money available to fund all the projects which are worthy of support. That might in fact be true, but the answer to that problem is not to reduce support for projects with great merit, weaken the targeting of funds to those who need help the most, and fundamentally redirect this program in a few brief hours on the floor of the Senate.

The Committee on Banking, Housing, and Urban Affairs should examine the support for this program and recommend additional support if it is warranted as I believe it is. The Senator from Michigan has indicated his willingness to examine the UDAG Program and I share that willingness, but I must oppose this amendment which would deny funding to badly needed projects in my State and others.

New Jersey is a fortunate State in many respects. Nevertheless, New Jersey has some of the poorest and most needy communities in the Nation within its borders. Who would lose under the caps which result from the Grassley amendment? Jersey City, Newark, and Paterson are the losers—three of the neediest cities in the country. Cities like Newark are struggling to survive and yet here we are talking about reducing support to the Newarks of the world in the interest of spreading the money around.

The UDAG Program was conceived as a targeted program which would put our resources where they were most needed, places with poverty and deteriorating infrastructure. Where cities could extract commitments from the private sector, the UDAG Program was there to help them and in many cases made the critical difference in making a project go. Creativity was matched with a commitment by Government and the private sector to take on some of our most intractable problems in our most distressed cities. This is no time to weaken that targeting or commitment.

The dear colleague sent around by the Senators from Iowa points out the fact that some cities had the creativity and commitment—and the need—to warrant support above their arbitrary caps. No mention was made of the needs of those communities or the quality of the proposals. The UDAG Program has done great things for our Nation's cities and should not be diluted by this amendment.

I stand ready to work with my colleague from Iowa to improve and expand this program. I oppose this hastily proposed redirection of the program.

Mr. SASSER. Mr. President, the amendment offered by the Senator from Iowa raises some very serious questions with respect to the Urban Development Action Grant Program. I want to commend Senator GRASSLEY for taking this initiative, and I support the intent of his amendment.

Placing a cap on the size of individual UDAG grants, and on the amount of UDAG money going to any one city in a given year, is one means available to us to restore some of UDAG's original purpose—at least for the immediate future.

For the longer term, I think a more permanent solution will be needed. But for now, for the balance of this year and until a selection system is in place that comports with the letter and the spirit of the law, the Grassley approach could be a step in the right direction.

Mr. President, I have a lengthy statement which outlines my concerns with the way the UDAG Program is currently being run, and in that statement I suggest a number of solutions.

I will summarize the statement by making two points. The core of the UDAG Program is to encourage distressed cities to develop cost-effective projects for revitalizing areas of urban decay and restoring a measure of economic health to the city getting the grant. Those are the goals: First, to assist economically troubled cities, and second, equally important, to encourage the development of creative, productive projects to achieve that result.

HUD's new ranking system fails on both counts. It fails to identify in a meaningful way the degree of economic distress of cities applying for grants. The new system fails utterly in encouraging the development of high-quality projects.

The result is that many truly distressed cities, with qualified, fundable, solid projects, have no chance of being awarded grants, and the quality of their applications is effectively ignored.

There is not time before the recess to pass and enact the kind of long-range plans I discuss in my statement. I intend to pursue those plans when we return. In the meantime, I believe every effort should be made to ensure that at least a portion of the thus-far unfunded, but qualified, high quality projects on the UDAG list are given a fighting chance. They deserve it. The purpose of the program requires it.

The Urban Development Action Grant Program, administered by the Department of Housing and Urban Development since its inception in 1978, is a very creative approach to the problem of urban decay in cities across this country. It was designed to be a long-term stimulus program. The intent of Congress was to stem the tide of decay in our Nation's cities by bringing together the public and private sectors; they were to develop projects appropriate to each city's character and needs. The projects were to leverage private investment, to create and maintain jobs, and to make an overall improvement in the long-term economic profile of the city.

In setting priorities from grant recipients, it was determined at the outset that those applicants with the most severe economic problems would be given a significant advantage. In view of the need to conserve taxpayers' dollars, and the need to target those dollars to areas of greatest need, that advantage was appropriate.

It is still appropriate today.

The problem has developed, Mr. President, with regard to a new system for setting these priorities. HUD executed this new system late last year, to become effective at the beginning of 1984. It was put in place in response to a new phenomenon in the UDAG Program. The success rate of UDAG projects and the experience gained nationally in developing them, has led to a natural increase in the number of applications which meet the required standards—or, as they are called, fundable projects. For the first time in UDAG's history, the number of fundable projects exceeded UDAG's available funds.

In the past, a city with an application could continue to work with HUD to improve the quality, getting the most for our tax dollars with the greatest possible benefit to the economic health of the city. At that point, there was every likelihood the project would be funded.

We have a new situation in 1984. When HUD implemented the new plan, the focus on project quality was virtually eliminated.

I should note at this point that the Department did not follow established procedures for promulgating regulations in this case. There was no publication in the Federal Register. There was no opportunity for public comment. If comments had been sought, we might have avoided this threat to the integrity of the program. Although the failure to follow procedures is not the main point of my statement here today, I believe it is important to point out. In this post-Chadha environment, the agencies are more dependent than ever before on the collective wisdom and experience of parties affected by their regulations. Failure to seek out that experience by failure to publish proposed regulations is thus a more serious matter.

Nonetheless, my point today is that the current system is inequitable on two major counts: First, it fails to meet the statutory requirement that the Secretary must consider project quality in determining eligibility for grant awards; and, second, the system uses inappropriate data to determine the degree of economic impaction in a given area. There are other problems with the system, problems which need to be addressed; but these are the two clear cut, and the most exemplary of the overall situation.

First, with respect to project quality: section 119(d)(1)(C) of the law states that the Secretary shall establish selection criteria which must include "at least the following other criteria: demonstrated performance of the city or urban county in housing and community development programs; the extent to which the grant will stimulate economic recovery by leveraging private investment; the number of permanent jobs to be created and their relation to the amount of grant funds requested; the proportion of permanent jobs accessible to lower income persons and minorities, including persons who are unemployed; the impact of the proposed activities on the fiscal base of the city or urban county and its relation to the amount of grant funds requested; the extent to which State or local government funding or special economic incentives have been committed; and the feasibility of accomplishing the proposed activities in a timely fashion within the grant amount available."

Those are pretty tough standards, Mr. President, and the law requires that they be considered. They are an integral part of the UDAG program. Or they were, until this new ranking system was put in place.

What has happened is the HUD has given as effective total of 70 percent weight to a city's economic profile, and only 30 percent to the standards listed above. In view of the higher number of applications, and the decreasing amount of real dollars available, the result is that a great many eligible, distressed cities with excellent applications will never be awarded grants—regardless of the quality of their projects, the ratio of private capital leveraged, the number of jobs created and maintained.

This result is clearly counter to the intent of Congress and in contravention of the requirements of the statute. Cities designated as having the highest degree of economic distress and impaction—by HUD's dubious definition, which I will address in a moment—will automatically be awarded grants, regardless of the quality of the project.

Let me say at this point, Mr. President, that I do not mean to say that the projects awarded thus far in 1984 to distressed cities have not been high quality. A number of them do indeed create significant numbers of jobs and leverage significant amounts of private capital. But I think it is an ominous sign when so many projects being awarded neither create nor maintain jobs, and have leveraging ratios just barely above the minimum requirement. If history is any indication, it will not be long before the caliber of applications drops overall. If cities are not required to go through the difficult process of putting together a top-notch plan, if they know they will get Federal dollars simply because they are having a tough time, UDAG becomes not a high-efficiency, long-range stimulus, but another routine entitlement that saps the initiative for local effort.

I don't want to see that happen to UDAG. I don't think my colleagues do, either—even, and maybe especially, those in whose States the UDAG dollars are beginning to flow in ever-high percentages. Dependence on Federal largesse is a crippling addiction.

I believe project quality should be reinstated to its rightful, mandated place in the ranking system. There are a number of ways to do this. I want to commend the staff of the Housing Subcommittee of the Senate Banking Committee on which I serve, for their excellent work in suggesting alternative solutions. A computer simulation was run, for example, on the effects of requiring that a certain percentage of grading points be allocated to project quality. I look forward to working with them further on refining this approach and possibly some others. We may find it advisable to clarify some portions of the statute, or it may be possible to arrive at a reasonable interpretation of current law, by regulatory change. Again, I hope we can find some sensible solutions by working through this together.

The other item that creates so many inequities, Mr. President, is the manner in which the Department has decided to declare certain cities and urban counties as having a high degree of "impaction." Let me clarify that term for those who do not deal with the details of HUD vocabulary on a regular basis. The statute I cited above states in paragraph (A) that the Secretary shall establish criteria for grants under this section which must include (A) as the primary criterion, the comparative degree of economic distress among applicants, as measured, in the case of a metropolitan city or urban county, by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing, called impaction; (B) other factors determined to be relevant by the Secretary in assessing the comparative degree of economic deterioration in cities and urban counties, called distress; I have already discussed paragraph (C), which is project quality.

Now, from this description, HUD has come up with a formula that ranks the amount of housing built before 1940 as a determinant of economic impaction, regardless of the quality or cost of that housing, a determinant that is graded as: Almost twice as important as the poverty level, twice as important as unemployment, twice as important as the amount of capital leveraged, 10 times as important as the number of new permanent jobs to be created, and 40 times as important as either the number of jobs to be retained or the impact on local economic conditions.

There is something seriously wrong here. I invite my colleagues to think about the so-called gentrified neighborhoods back home or right here in Washington, built around the turn of the century. Think of those wrought-iron railings and fashionable turrets. Now think of some of the postwar

tract housing thrown up for returning service personnel. Then tell me how accurate a reading of economic impaction you will get from the simple age of that housing. HUD is telling us they believe that the amount of pre-1940 housing is 10 times more important than the number of jobs created when applying for a UDAG grant. I cannot accept that, and my unemployed constituents, who lost the mortgage on their low-grade post-1940 housing, cannot accept it either.

It may well be, Mr. President, that some kind of data can be developed over time that would rationally include a housing component as relevant to determining economic impaction. Until that time, I think it would be advisable to remove "age of housing" from the statute. It is simply not a reliable indicator. It is certainly not an indicator that is 40 times more important than the number of construction jobs to be created by a UDAG project.

I have to believe that the majority of the Senate has simply not yet been made aware of the relative weights that have been accorded these factors. It may help to explain why so many high-leverage, high-job-production projects in their States have not been approved in 1984, and why they will have no chance of ever being approved under this system.

It may be possible to find some middle ground here, on the matter of pre-1940 housing. If other data are already available that would make this at least a marginally reasonable factor, perhaps those data could be combined with the age of housing, and the weight given to it overall could be reduced. Again, I stress that I am trying to find a reasonable way to proceed.

In sum, Mr. President, I think it would be tragic if the goals of UDAG and its early successes were to be buried in an avalanche of mediocrity. If we don't pay attention to a project's quality, and we don't target the dollars to projects that will have a long-term economic benefit, the program will lose its special character and its special promise. It will no longer be valued because of its productive capacity, because it will have none. It will no longer have a broad base of support, because it will serve so few areas. The suggestion has been made that the administration is deliberately trying to kill the UDAG program by reducing its base of support.

I want to preserve the uniqueness and the effectiveness of the UDAG program. I want to work with my colleagues on both sides of the aisle and from across the country, to see that these qualities are preserved. We have an opportunity here to save a cost-effective program that has provided thousands of jobs and new life and economic independence for our cities and towns. It is not yet too late.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield the floor?

Mr. GRASSLEY. Yes.

Mr. METZENBAUM. Mr. President, it is my understanding that when another Member of the Senate has taken the floor as the Senator from Utah did, he cannot yield the floor. I am wrong about the rule?

The PRESIDING OFFICER. The Senator from Iowa yielded to the Senator from Utah for a question.

Mr. GRASSLEY. I was yielding to the Senator from Iowa. I do not need much more time for myself. But I do want to accommodate all the Senators who cooperated so much in the introduction of the amendment. The Senator from Iowa?

Mr. SARBANES. I object. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] has the floor.

Mr. BAKER. Mr. President, would the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. BAKER. Mr. President, if I may say, we need not turn this into a flap when there is no flap. As the Senator has indicated, he wants to withdraw the amendment. I think Senators on this side wish to be recognized. I would hope the Senator, when he is finished, would yield the floor so that the Senator from Ohio or the Senator from Maryland could seek recognition. Perhaps the Senator wants to withdraw his amendment at this time or perhaps other Senators would rather he waited. But I would suggest that since the yeas and nays have not been ordered, and since we appear to have an agreement, that perhaps the Senator from Iowa at this point would like to withdraw the amendment.

Mr. GRASSLEY. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, since the Senator from Iowa has withdrawn his amendment, I will not belabor the Senate with a lengthy speech. But I do want to make clear that there is considerable opposition in an effort to change the total thrust of the UDAG Program. It is quite obvious that there were a number of Senators on the floor prepared to speak in opposition. It is not necessary that we all do that to tie up the Senate at this hour. But we do not want to overlook in this talk with meeting with the Cabinet member, Mr. Pierce, what the original thrust of this legislation was. The Senator from Iowa was aware of that. We do not want to make an effort to change that which was the original intent.

I congratulate the Senator from Iowa for withdrawing his amendment.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will take just a moment. I want to underscore something the Senator from Iowa who offered the amendment said at the very outset; that is, this is a very controversial amendment, and there is a considerable difference of opinion amongst Members, I think, on this issue. I have no objection to efforts to work with the Secretary in terms of how the criteria in the law are being applied, if in fact the law is not being applied fairly or equitably, or all the facts are not being carefully looked at. That is different from changing the criterion without doing it by legislation. After all, we have a formula. It is in the law. That is a matter that would have to be examined by the authorizing committee, as the distinguished chairman has indicated.

It may well be that the existing criteria have not been applied in the way that they should be.

That might address the problems that have been raised by the sponsor of the legislation.

I do not think it is fair to say that there is any consensus within this body that the criteria itself should be changed without the kind of an examination that would be undertaken in an authorizing committee, without actually passing on it by the Senate. That is, after all, the law, and all of us, both here and in the executive branch, are bound to faithfully execute the law.

It may be that the existing criteria which are the law have been applied in such a way by the Department that it is creating the kinds of problems that have been raised here. Obviously, I do not think any of us would object to an effort to apply the existing criteria in such a way to ease the problem for any Member of this body but that is very different from changing the criteria contained in the law without legislative action.

Mr. President, I thought it important that this point be placed upon the RECORD in view of some of the comments which have been made.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I rise in opposition to this amendment.

The amendment would change the system under which the Secretary of HUD selects projects for the award of urban development action grants. The change would be profound. It would be arbitrary. It would affect planning

that is already well underway in communities across the country.

I know that a number of my colleagues share my concerns about this amendment. Some of them are here in the Chamber. I would like the others to know that this is the time for them to come to the floor.

Mr. President, the proposed amendment would impose a fixed cap of $15 million on every UDAG grant—no matter what the nature or size of the project might be. It would also place a rigid cap of $25 million in UDAG awards per year on every city—no matter what the city's size, no matter what the city's need, no matter how many meritorious private development projects the city could stimulate.

This amendment would strike at the very heart of the UDAG Program's strength. It would damage a program that over the years has earned firm support within Congress, from private industry, from private financial institutions and from State and local governments.

As the ranking minority member of the Subcommittee on Housing and Urban Affairs, I am particularly concerned that the full Senate is being asked to act on this proposal today. This is the first time that the proposal has seen the light of day in Congress. The authorizing committee has not recommended it. In fact, not 1 hour of hearings have been held on this proposal in either the Senate or the House. The Senate is being asked to act on a major proposal without the benefit of any careful consideration of how it would affect cities across the country.

Mr. President, UDAG is clearly a program that works extremely well. It helps locate new industry in areas where there is much poverty, high unemployment and weak fiscal conditions. It creates jobs that reduce unemployment and welfare costs. It makes fuller use of the Nation's enormous investment in existing roads, water and sewer systems and other underutilized infrastructure.

Since it was enacted, UDAG has demonstrated solid results in 2,253 projects. It has accounted for over 450,000 planned, new, permanent jobs; 55 percent of those jobs have been for low- and moderate-income persons.

UDAG has stimulated almost $7 in private investment for every Federal dollar, or a total of $19.3 billion in recent years.

UDAG projects are expected to contribute $491 million in annual tax revenues to hard-pressed local governments. At the end of 1983, local governments were already receiving $63 million annually in additional revenues as a result of UDAG projects. Repayments of loans made with UDAG funds have provided an additional $45 million.

At the end of last year, UDAG projects would produce almost 93,000 housing units, approximately one-third of which are for low- and moderate-income persons.

The careful targeting of UDAG funds on economically distressed communities has brought tangible benefits to minority groups; 66,000 new permanent jobs will be created for minority persons—25,000 of those jobs were already created by the end of 1983. Minority-owned firms received $600 million in contracts and subcontracts, or 17 percent of all such contracts under UDAG.

Mr. President, I am concerned that some recently have raised a question about the regional equity of fund distribution under UDAG. From the beginning of the program, UDAG has provided assistance in those communities that are the most distressed economically, whatever region of the country they are in. There is no requirement in the law that UDAG funds be distributed on any basis other than need and the quality of the projects. And that's as it should be. Nevertheless, HUD Secretary Samuel Pierce's annual report of April 7, 1984, said:

> * * * The proportion of Action Grant funds awarded in various regions has corresponded roughly to each region's percentage of the total population residing in UDAG-eligible jurisdictions * * *" (page 106).

I understand that the claims of regional inequity are directed to a project-selection system instituted by Secretary Pierce last December. The system was implemented after HUD received fundable applications for grant amounts that exceeded the UDAG funds available. I am told that the Secretary maintains that his selection system is consistent with the legal requirement that UDAG funding priority be given to the most distressed communities.

As one Senator, I am willing to work closely with any of my colleagues to inquire into the impact of the current project selection system and to help insure fair consideration for sound projects that carry out the purposes of the UDAG program in all regions of the country.

Mr. President, adoption of the amendment now before the Senate would not significantly redistribute UDAG funds—it would merely weaken the UDAG program as a tool for all cities.

It is not correct to suggest to local communities that these arbitrary grant limits will free up a significant number of additional UDAG dollars for them. In fact, very few grants or cities have exceeded these limits over the years. And these fixed limits would benefit to only a handful of projects at best.

I think it is important to point out what cities would lose if this amendment is adopted.

First, the amendment would deprive all eligible cities of a major benefit that UDAG has given them—the ability to work with private industry and financial institutions to develop coherent solutions for local economic problems, whatever the scope of the strategy that is required. UDAG, in short, has permitted distressed local communities to think big and to tackle even problems that otherwise would overwhelm them.

The Senators from Iowa, in the "Dear Colleague" letter explaining their amendment, note that one city is applying for a $40 million UDAG grant. The Senators give no indication that they have reason to believe that this application is not sound on the merits or that this will not be among the very strongest projects under consideration.

Parenthetically, the letter is inaccurate in claiming that a grant of that amount would account for 10 percent of all funds available this year. Actually such a grant, if it is awarded in the competition, would account for only 5.7 percent of the $700 million HUD will award this year.

Mr. President, not many very large projects are submitted in the UDAG competitions. But I know from personal experience with communities in my own State of Michigan that, in some cases, very large projects are the only ones that will make a difference in the local economy. Smaller projects may be wasteful.

As many Senators know, UDAG awards are made only after the Secretary of HUD determines that the grant amount is the smallest necessary for the project to proceed. Capping the grant amount may simply mean that important projects will be killed.

Some have claimed that a $15 million cap per grant really will make no real difference—developers will easily avoid the cap by splitting large projects into smaller phases. To the extent that that is true, this amendment will only distract local development efforts with unproductive games.

Second, the amendment would place a fixed $25 million cap on the UDAG grants any city may receive in 1 year. On a per capita basis, this would mean that the average-sized eligible city could not receive more than about $500 per resident. If you look at the impact city by city, however, the picture is very unfair. In fact, 118 cities in 33 States would be subjected to annual per capita grant ceilings that are less than half of the average.

Mr. President, I ask unanimous consent to have a table showing the impact of this amendment on those cities.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Under the arbitrary $25 million cap, the average eligible city could receive UDAG grants of no more than $500 per capita. The following cities would be subjected to a per capita UDAG limit that is less than 50% of the average.

State and city	1980 population	City's UDAG limit on per capita basis	City's cap as a percent of the average per capita cap
Alabama:			
Birmingham	286,799	$87	17
Huntsville	142,513	175	35
Mobile	200,452	125	25
Montgomery	177,857	141	28
Tucson	330,587	76	15
California:			
Berkley	103,328	242	48
Fresno	217,129	115	23
Long Beach	361,405	69	14
Los Angeles	2,970,109	8	2
Oakland	339,387	74	15
Oxnard	108,195	231	46
Pasadena	118,122	212	42
Sacramento	275,801	91	18
San Bernadino	118,844	210	42
San Francisco	679,194	37	7
Stockton	149,779	167	33
Fresno County	297,429	84	17
Kern County	297,478	84	17
Colorado:			
Denver	492,365	51	10
Pueblo	101,686	246	49
Connecticut:			
Bridgeport	142,666	175	35
Hartford	136,472	183	36
New Haven	126,101	198	39
Waterbury	103,266	242	48
District of Columbia:			
Washington	638,762	39	8
Florida:			
Hialeah	163,274	153	30
Jacksonville	541,020	46	9
Miami	399,995	63	12
St. Petersburg	238,697	105	21
Tampa	272,663	92	18
Polk County	244,527	102	20
Georgia:			
Atlanta	425,202	59	12
Columbus	170,108	147	29
Savannah	141,651	176	35
Illinois:			
Chicago	3,006,472	8	2
Peoria	124,160	201	40
Rockford	139,712	179	36
Springfield	100,054	250	50
Madison County	248,185	101	20
St. Claire County	212,292	118	23
Indiana:			
Evansville	130,496	192	38
Fort Wayne	172,349	145	29
Gary	151,953	165	33
Indianapolis	711,140	35	7
South Bend	109,727	228	45
Iowa:			
Cedar Rapids	110,243	227	45
Davenport	103,264	242	48
Des Moines	191,003	131	26
Kansas:			
Kansas City	161,148	155	31
Kentucky:			
Louisville	298,694	84	17
Louisiana:			
New Orleans	558,327	45	9
Maryland:			
Baltimore	786,741	32	6
Massachusetts:			
Boston	563,474	44	9
Springfield	152,319	164	33
Worcester	161,799	155	31
Michigan:			
Detroit	1,203,399	21	4
Flint	159,611	157	31
Grand Rapids	181,843	137	27
Lansing	130,414	192	38
Minnesota:			
Minneapolis	371,021	67	13
St. Paul	270,360	92	18
Missouri:			
Kansas City	448,033	56	11
St. Louis	452,801	55	11
Springfield	133,116	188	37
Nebraska:			
Omaha	313,939	80	16
New Jersey:			
Elizabeth	107,311	233	46
Jersey City	223,742	112	22
Newark	330,038	76	15
Paterson	138,140	181	36
Hudson County	215,030	116	23
New York:			
Albany	101,727	246	49
Buffalo	357,870	70	14
New York	7,078,829	4	1
Rochester	241,811	103	21
Syracuse	170,105	147	29
Yonkers	195,481	128	25
Erie County	297,261	84	17
North Carolina:			
Winston Salem	131,885	190	38
Ohio:			
Akron	237,177	105	21
Cleveland	573,822	44	9
Columbus	565,032	44	9
Dayton	193,536	129	26
Toledo	354,635	70	14
Youngstown	115,436	217	43
Stark County	257,290	97	19
Oregon:			
Portland	366,513	68	14
Pennsylvania:			
Allentown	103,758	241	48
Erie	119,123	210	42
Phildelphia	1,688,400	15	3
Pittsburgh	423,959	59	12
Allegheny County	959,048	26	5
Beaver County	203,646	123	24
Luzerne County	237,533	105	21
Washington County	217,613	115	23
Westmoreland County	336,914	74	15
Rhode Island:			
Providence	156,804	159	32
South Carolina:			
Columbia	101,229	247	49
Tennessee:			
Chattanooga	169,728	147	29
Knoxville	175,045	143	28
Memphis	646,174	39	8
Texas:			
El Paso	425,259	59	12
Waco	101,261	247	49
Utah:			
Ogden	644,047	39	8
Salt Lake City	163,034	153	30
Virginia:			
Newport News	144,903	173	34
Norfolk	266,979	94	19
Portsmouth	104,577	239	48
Richmond	219,214	114	23
Roanoke	100,220	249	50
Washington:			
Seattle	493,846	51	10
Spokane	171,300	146	29
Tacoma	158,501	158	31
Wisconsin:			
Milwaukee	636,437	39	8
Puerto Rico:			
Bayamaon Municipio	196,206	127	25
Cagaus Municipio	117,959	212	42
Carolina Municipio	165,954	151	30
Ponce Municipio	189,046	132	26
San Juan Municipio	434,849	57	11

Mr. RIEGLE. This provision would also force many strong projects not to be funded for purely arbitrary reasons.

Mr. President, the UDAG Program has proven that the Federal Government can act in a timely and sensitive way to reinforce private sector initiatives that strengthen local economies.

This amendment simply cannot be given adequate consideration today while the Senate is trying to complete action on this supplemental appropriations bill. I hope that the sponsors of the amendment would accept an offer to let the authorizing committee consider the very real issues they raise. I am sure that members of the committee share a common interest with the Senators from Iowa in insuring that UDAG funds are available in a fair manner to all distressed cities.

A floor amendment is not the proper forum for considering a matter with such complex and far-reaching consequences for one of our most effective programs.

Mr. President, I want to say to my colleague from Iowa that I would not vote for his proposal. I want to express as a member of the Banking Committee that I am interested in any thoughts that the Senator has in regard to this matter. I am interested in how the Senator feels about this general area, to see if we can find some acceptable manner to try to address some of the concerns the Senator has raised.

Although I would oppose the amendment in its current form, I do want to indicate that I am willing to work with the Senator from Iowa and others to see if we can be constructive in finding a way to insure, to a reasonable extent, that we have a program that is fair and balanced, and is designed to achieve the objectives of the law.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I send an amendment to the desk.

Mr. WILSON. Mr. President, I wonder if the Senator will yield before proceeding.

Mr. CHAFEE. I yield.

Mr. WILSON. I thank my colleague.

Mr. President, California is one of those States which, in my view, has suffered from the existing formula and the existing administration of the law. When a State has 11 percent of the population and 10 percent of the Nation's poverty population and receives only 2 percent of the funds, it suggests the formulae are in need of revision. So I welcome news that the chairman of the authorizing committee is considering holding hearings on this subject, and I am delighted by the statement of the majority that the Secretary of Housing and Urban Development shares a concern in this regard.

I commend my colleague from Iowa for focusing on this problem.

Mr. ABDNOR. Will the Senator yield?

Mr. CHAFEE. I yield.

Mr. ABDNOR. Mr. President, I, too, want to commend the Senator from Iowa for offering the amendment which he has now withdrawn. I do want to say, however, that he has certainly pointed out flaws in the formula for the distribution of this funding.

Obviously, from the comments which have come from Senators of various States, there are improvements that can be made.

When we took up the jobs bill about a year ago, we got into a big discussion that many of the factors are not sufficient to cover many of the States that are in dire need of participating in the program.

Because of this, I, too, want to thank the Senator from Iowa for bringing this matter to the attention of the

Senate and, hopefully, in the future we will see improvements.

Mr. D'AMATO. Mr. President, will the Senator yield for 30 seconds?

Mr. CHAFEE. I yield for 30 seconds.

Mr. D'AMATO. Mr. President, I could not believe one Senator would yield to another for only 30 seconds, but I hope that is all the time I will need.

The PRESIDING OFFICER. The time of the Senator is running.

Mr. D'AMATO. Mr. President, I spoke with Secretary Pierce on three different occasions today. He has promised me that he is going to look into this matter. He is aware of this problem.

I commend my friend. I think we can work out the situation so that one region does not receive undue preference over another.

I look forward to working in developing a selection formula that will recognize the needs of all sections of this country and will do justice to them in that formula.

AMENDMENT NO. 3649

(Purpose: To sunset the National Institute of Building Sciences Trust Fund after 5 years)

Mr. CHAFEE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 3649.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 11, strike "*And provided*" and insert in lieu thereof: "*Provided*".

On page 28, line 13, before the period insert the following: ": *Provided further*, That the appropriation of $5,000,000 made in this paragraph shall revert to the Treasury, on October 1, 1989, and the National Institute of Building Sciences Trust Fund shall terminate following the final quarterly disbursement of interest provided for in this paragraph.

Mr. CHAFEE. Mr. President, what this does is take the National Institute of Building Sciences Trust Fund, which is being set up here, and it sunsets it after 5 years, which was the sunset period we agreed to previously.

Mr. HATFIELD. Mr. President, the Senator from Rhode Island offered this amendment originally, which was objected to by the chairman of the subcommittee, Senator GARN. In the meantime, we have worked this out to put a 5-year sunset on the bill which makes it acceptable to the initiator of the bill and to Senator GARN. So the amendment is acceptable.

Mr. CHAFEE. I hope they stand firm. That would be acceptable. Of course, they may not stand firm because the House does not even have this.

Mr. HATFIELD. We will stand firm.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3649) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3650

(Purpose: To provide funds for the installation of symbolic stars missing in the Senate Chamber)

Mr. MATSUNAGA. Mr. President, I send an amendment to the desk on behalf of myself, Mr. INOUYE, Mr. GOLDWATER, Mr. DECONCINI, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, and Mr. MURKOWSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii, (Mr. MATSUNAGA), for himself, Mr. INOUYE, Mr. GOLDWATER, Mr. DECONCINI, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, and Mr. MURKOWSKI, proposes an amendment numbered 3650.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 18, strike the period at the end thereof and insert the following: ": And provided further, That such sums as may be necessary shall be expended for the expeditious installation of symbolic stars for the four most recently admitted States not represented on the ceiling and walls of the Senate Chamber.".

Mr. MATSUNAGA. Mr. President, 22 years ago when I was elected to the other body, I happened to be sitting in the Chamber and I looked up at the ceiling and counted only 48 stars surrounding the American eagle. Hawaii had been a State for 3 years.

I went up the Speaker of the House, Mr. John McCormack, at that time, and I said to him, "Mr. Speaker, when are you going to put that star up there for Hawaii?"

He said, "As soon as you tell me, Sparky, who else but you would count the stars."

For 2 years he gave me the same response. So 1 day, when I had Congressman Richard Hanna and Congressman Robert Leggett of California, sitting next to me in the Chamber, I said to them, "Hey, you guys, will you do me a favor? Will you count the stars up there?"

Some Members may know Dick Hanna, who was humorous, and he said, "Well, there is nothing else to do." Then Leggett said, "Hey, there are only 48."

I said, "That is right. Hawaii is missing and so is Alaska. Will you come with me?"

So I took them up to the Speaker at the desk and I said, "Mr. Speaker, here are two other Members who counted the stars."

He slapped his knee and he laughed, and he said, "OK, Sparky, you win, you win." That is how I got Hawaii's star, and Alaska's in the meantime, up in the House Chamber ceiling.

In 1976, 8 years ago, when I was elected to this body, I came into this Chamber. I looked at the ceiling and I counted only 48 stars. I looked at the wall and I counted only 46 stars. So, in this silver anniversary year, 25 years of statehood for Hawaii and Alaska, I ask my colleagues to join me in the amendment which will place not only the two stars up on the ceiling for Alaska and Hawaii, but two additional stars for New Mexico and Arizona on the walls, so that citizens of those two States can celebrate with the citizens of Hawaii and Alaska in this silver jubilee of statehood for Hawaii and Alaska.

It will not cost anything, Mr. President, it is merely to be included in the amount already asked for in the bill. The estimated cost will be, I understand, less than $900.

Mr. HATFIELD. $900.

Mr. President, will the Senator yield for a question?

Mr. MATSUNAGA. Yes, Mr. President.

Mr. HATFIELD. I am very happy to work with the Senator to accomplish this objective. I do think, though, that in order to have this amendment in the proper form, it should indicate up to $900. There may be additional funds required later, but I think we ought to put a price tag on it. Will the Senator modify his amendment?

Mr. MATSUNAGA. I will modify my amendment.

Mr. HATFIELD. That is the estimate, is it not?

Mr. MATSUNAGA. Yes, Mr. President.

Mr. HATFIELD. Mr. President, the Senator has pointed out a deficiency in this Chamber. I am happy to join him in correcting that deficiency.

Mr. JOHNSTON. Mr. President, the amendment is cleared on this side, too.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. Will he send the modification to the desk?

The amendment, as modified, is as follows:

On page 55, line 18, strike the period at the end thereof and insert the following: ": And provided further, That not to exceed $900 shall be expended for the expeditious installation of symbolic stars for the four most recently admitted States not represented on the ceiling and walls of the Senate Chamber.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3650, as modified) was agreed to.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3651

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 3651.

Mr. HATFIELD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, after line 26, insert:

ADMINISTRATIVE PROVISION E

Sec. 1. (a) Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8), and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period, as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

Mr. HATFIELD. Mr. President, this is a housekeeping amendment which relates to the housekeeping accounts carried for the restaurant and the Capitol Architect. Because of the cyclical character of the restaurant when we go into recess, there are fewer moneys and revenues that come in and, therefore, there are times when the suppliers are not able to be paid until we return to session. The Rules Committee, this afternoon, adopted a policy that will provide for temporary borrowing from the miscellaneous account fund from the Senate contingency fund to be approved by the Rules Committee and to be repaid to that fund during the later cycle, when the restaurant is fully functioning with the whole complement of the Senate. This basically is to implement the Rules Committee policy to give a little smoother operation to the Senate Restaurant.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3651) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3652

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 3652.

On page 20 after line 8 insert the following:

INDEPENDENT AGENCIES

Funds Appropriated To The President

Appalachian Regional Development Programs

For an additional amount to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $5,000,000 to remain available until expended.

Mr. HATFIELD. Mr. President, this is a noncontroversial amendment which I believe has been cleared on both sides of the aisle. The amendment simply appropriates $3 million for economic and development activities in Pickens County, AL, and $2 million for an industrial site in Columbus, MS. These additional funds are needed to continue activities currently planned by the State and local authorities in areas which are economically pressed and, by some slip or error, these were not included in the bill. So I offer them at this time.

I think the Senator from Louisiana, the ranking minority member, has a comment to make.

Mr. JOHNSTON. Mr. President, this has been cleared on this side.

Mr. HATFIELD. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3652) was agreed to.

Mr. HATFIELD. I move to reconsider the vote, Mr. President.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3653

Mr. HATFIELD. Mr. President, I have three technical amendments at the desk, and I ask unanimous consent that they be considered en bloc. These correct technical errors in the bill.

The PRESIDING OFFICER. The clerk will state the amendments.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes unprinted amendments en bloc numbered 3653.

On page 7, lines 7 and 8, strike the words "available for the Year of the Ocean Program" and insert in lieu thereof, "made available to the Year of the Ocean Foundation".

On page 8, line 4, following the word "which" insert the words "not to exceed".

On page 47, line 4, beginning with "the", strike out through "is" on line 25 and insert in lieu thereof the following: "Public Law 98-211) are".

Mr. JOHNSTON. Mr. President, the amendments have been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 3653) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTION TO AMENDMENT 3617

Mr. HATFIELD. Mr. President, I ask unanimous consent that the D'Amato amendment numbered 3617, agreed to earlier today be deemed to restore the matter appearing on page 43, between lines 14 through 18 with the exception that the sum "$25,000,000" on line 15 is stricken and in lieu thereof, insert: "$21,700,000".

Mr. President, this is a technical amendment to correct an error.

Mr. JOHNSTON. Mr. President, the request has been cleared on this side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I believe there is one amendment outstanding at this point. The Senator from Washington State is, hopefully, working out some final negotiation. If I am correct, I believe there are no other amendments now to be offered.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, the supplemental appropriation bill contains $25 million to initiate construction on a permanent regional military training center in Honduras. This is just a downpayment on a $45 million facility—another $20 million is requested in the fiscal year 1985 foreign aid appropriation.

Mr. President, the regional military training center was first established last May to train Salvadoran and Honduran troops in battalion-sized units. At the time it was established, I requested information from the Department of Defense concerning future plans for this facility. The response I received is classified, but I will be pleased to share it with any of my colleagues who care to read it. But I can tell my colleagues that the document states that any "follow-on permanent construction will cost $2 million."

Mr. President, nearly 1 year ago, the Department of Defense was telling us that it would cost only $2 million to make the RMTC a permanent training facility.

But that was 1 year ago. Today, we have before us a proposal which seeks the expenditure of $45 million to make this facility a permanent regional military school. This is a twentyfold increase to be committing to this region at a time Honduras is publicly beginning to question its military relationship with the United States.

Is it wise to spend on a facility that we may or may not be able to use in the future to train Central American military units.

There are a number of issues which should be brought before the Senate before these funds are approved.

This new proposal to vastly expand and make permanent the regional military training center is a very good example of how this administration has conducted its Central American policy—a policy of incremental escalation.

The administration has slowly increased the U.S. presence in Central America, and some officials within the executive branch have even suggested that the United States should build a permanent U.S. military base in Honduras.

But that is not the issue before us today. We will debate permanent U.S. military bases in Central America when the military construction appropriations bill is debated by the Senate.

The issue before us today is whether or not we should appropriate $45 million of U.S. taxpayers' money as a gift to Honduras and El Salvador to build and operate a new regional military training center.

Now, I have visited the existing RMTC, as have many Members of the Senate. The RMTC was initially an austere facility. Both trainers and trainees lived in tents in stifling heat and often torrential rain.

But the facility has already been upgraded: The tents have disappeared and C.A.T. huts have been built to replace them.

When I was there in February, the commander of the RMTC, a Honduran colonel, told me that they would train a total of 18 battalions during calendar year 1984, using the facilities presently in place. He asked for no expansion. He asked for no funds to make the RMTC a permanent facility. He said they would train 18 battalions with no change in the existing facility structure.

But the administration has presented us with a plan to spend $45 million for a new facility—a facility that no country in the region has asked for.

In fact, Mr. President, recent reports from Honduras indicate a growing concern with the U.S. presence in that country.

The Christian Science Monitor says, "U.S. role under fire in Honduras."

The Louisville Courier Journal says, "U.S. military activities make Honduras uneasy."

The Washington Times says, "concern increases over relations with Honduras."

The Washington Post says, "Hondurans start chafing at U.S. ties."

The point of these articles is clear—Honduras is having second thoughts about U.S. policies toward that country.

What are the issues which concern a growing number of Hondurans?

Why is our most reliable ally in the region beginning to appear to have second thoughts about the U.S. policy toward Honduras?

First, the U.S. special forces are training a larger number of Salvadoran troops at the RMTC in Honduras than they are training Honduran troops. In fact, we are training three Salvadoran battalions for every two Honduran battalions trained.

I remind my colleagues that in 1969 El Salvador and Honduras fought a border war. There is still a great deal of residual fear and resentment left over from that war. The border dispute is still unresolved. I can report to my colleagues that many Hondurans are fearful that the Salvadorans, who are being trained on Honduran soil at the RMTC, may someday be used against Honduras to settle the old border disputes.

The new Chief of the armed forces in Honduras, General Lopez, and many members of the military supreme council, have publicly stated their doubts regarding the advisability of continuing to train large numbers of Salvadorans at the RMTC. Yet, no change has been made in the training ratios.

And I am told by recent visitors to Honduras that it is by no means a certainty that the Government of Honduras will continue to allow the RMTC to function in the present manner.

Last Thursday's Christian Science Monitor printed an article which read: "A high-powered Honduran Government commission has advised President Roberto Suazo Cordova to halt a U.S. training program for Salvadoran troops, pending the solution of a border dispute with El Salvador. The commission also recommended a halt on joint maneuvers involving Salvadoran troops."

Now, I am told by administration officials that the commission's recommendations were designed to get attention rather than to necessarily change existing policy.

Well, the recommendations got my attention. They are but one more public example that the United States no longer can roam freely in Honduras, implementing a regional policy which threatens to disrupt Honduras' already fragile and struggling democracy.

The former commander of the Honduran Armed Forces, General Alvarez, negotiated secret agreements with U.S. officials—agreements which permitted the United States to build 10 military facilities which dot the Honduran countryside. General Alvarez turned his country into what some have called, a North American aircraft carrier.

But many Hondurans felt that General Alvarez was a poor negotiator. He gave the U.S. Southern Command and the Nicaraguan Contras a free rein in his county. In return, the Honduran economy, already the poorest country in Central America, took on the character of war. The Ministry of Agriculture ran out of capital investment funds in order to buy land to build the U.S. airstrips. Social services were cut while the defense budget increases led to a large and unpopular tax increase with accompanying social and political unrest.

Well, there have been some serious changes in Honduras. General Alvarez is no longer the chief of the armed forces. He has been ousted by the senior officers which make up the military supreme council.

There is no doubt but what the new military leadership in Honduras is still pro-United States. But General Lopez and the supreme council will no longer negotiate deals which leave their country less secure and less than adequately compensated.

General Lopez knows that the border dispute with El Salvador has

not been resolved. General Lopez was a hero of the 1969 war—a pilot who bravely fought for his country.

So, General Lopez has not forgotten that the regional crisis is not purely a crisis between East and West as some would have us believe. He knows the 1969 war was fought because of economic and population issues and strains which remain at the root of the regional war—strains which would exist without the Sandinistas, and the Cubans, and the Soviets.

General Lopez is a Honduran patriot. He will insist that his country strike a more proper balance with regard to its relations with the United States and the Reagan administration's policies in Honduras.

So, Mr. President, the complexion of our relations with Honduras is changing. Hondurans are demanding better compensation for their participation in the U.S. strategy for the region. And the jury is still out. Today, as we debate the regional military training center, we do not know the outcome of the new reality in Honduras. We have no assurances that the Hondurans are going to continue to allow the current level of U.S. presence in their country.

A recent Washington Times article stated that "one action that has contributed to the negative direction of the (U.S.-Honduran) relationship was the closing by Honduras of one of the U.S.-manned radar stations on its territory."

Now, I do not know if the Washington Times' version of the closing of Tiger Island is correct or not, but it should be instructive to us here today. If the Hondurans can close the Tiger Island radar site, they can certainly close the regional military training center. And I say to my colleagues that, as we appropriate more funds to strengthen the Salvadoran military, we are increasing the fears in Honduras that, once the civil war is over in El Salvador, a strengthened Salvadoran Army could seek to settle the older border dispute.

Mr. President, we have no formal agreement with Honduras regarding the construction of a RMTC. The Congress may appropriate $45 million in fiscal years 1984 and 1985. We may invest these funds only to see the Hondurans close the facilities to regional armies.

So, as we debate this funding today, we have no guarantees that we are not merely throwing these funds away. With no formal agreement, with the present strains in United States-Honduran relations, and with the continued unresolved Honduran-El Salvadoran border dispute, we are running a grave risk that the funds we appropriate today will not be fully utilized for that which they are appropriated.

Mr. President, today I received a transcript from a press conference held Friday in Honduras by the Minister of the Presidency, Carlos Flores, the President's chief of staff. He made it clear that the jury is still out on the future of the regional military training center. I would like to quote from the press conference.

(Flores) "I would say that our basic and foremost objective should be the training and professionalization of the Honduran Army. As for Honduras' possible assistance to other countries in the region, this is subject to the discussion and analysis of the document that we have presented. I would like to make an additional remark: We have said again and again that El Salvador has our unconditional political and moral support, because we favor that country's democratization process. The Salvadoran Government is the result of free, honest elections. But our assistance and cooperation depend primarily upon El Salvador's political willingness to resolve the border issues. In other words, there is a relationship between the two aspects—our willingness to help El Salvador consolidate its democratic system has a direct relationship to El Salvador's willingness to solve the border problem."

(Reporter) "Does this mean that if the Salvadoran Government does not put its avowed willingness to solve the border problem into practice, the training of Salvadoran soldiers in Honduras will be suspended?"

(Flores) "I would not like to jump to any conclusions. I would only like to say this clearly: We require a prompt resolution of the border problem, and this solution is directly linked to Honduras' possible assistance to El Salvador, a nation we admire."

So, I think it is clear from Secretary Flores' statements that the future of the RMTC in Honduras is very cloudy.

Frankly, Mr. President, I am not at all sure what we are buying with this $45 million. As I said earlier, we were planning to train 18 battalions this year in the austere facilities which already exist. Perhaps there are legal reasons for moving the facility to another location to property free of encumbrances. But that doesn't necessarily mean we should spend $45 million to do it.

The facility we are using today cost $2 million in capital cost. The capital cost alone of the proposed new permanent facility is almost $30 million—15 times the cost of the original facility.

So what are we buying for a 1,500-percent increase in cost? One would think a vastly larger number of troops would be trained at the new regional military training center. But for a 1,500-percent cost increase, we will be training relatively the same number of Central American soldiers we are training in the existing facility.

Now, as the ranking minority member of the Military Construction Appropriations Subcommittee, I am very sensitive to the cost of military facilities. I realize that this is not a Milcon project. We are providing security assistance funds to El Salvador and Honduras to build the facility. And certainly, a foreign aid construction project is a different animal from military construction. But we still need to know what we are buying with our $45 million investment.

The administration cannot tell us exactly how these funds will be spent because the RMTC has not even been designed yet. On the Military Construction Subcommittee, we do not appropriate construction funds until projects are at least 35 percent designed. But the RMTC is not 35 percent designed. Design has not even been initiated. And today, we are asked to appropriate construction funds without knowing what we are constructing. Whether foreign aid or military construction, I submit that appropriating construction funds without having some idea what we are buying is a bad practice—one which is unbecoming to a Senate concerned with the growing cost of Government programs.

The last issue I would like to discuss is the impact of establishing a permanent RMTC on the Contadora peace negotiations.

I think a majority of the Congress and the American people agree that a negotiated settlement to the crisis in Central America is preferable to a military solution. To that extent, the peace process proposed by the Contadora group of nations appears to offer the best opportunity for peace.

I am concerned, however, that the establishment of a permanent military training center in Honduras, as the administration proposes, runs counter to the goals and objectives of the Contadora process.

The peace proposal which the Contadora group drafted last month seeks the withdrawal of foreign military advisers and a reduction of arms in the region. A permanent RMTC means more foreign military advisers and a growth in regional armies. Such a facility could, therefore, actually harm the prospects of successful peace negotiations.

Mr. President, if the RMTC is to become an impediment to peace in Central America, it is not then in the best interests of United States policy in the region.

Mr. President, I raise these issues today because I believe the Senate should be aware of our growing presence in Central America.

I have brought what I believe to be a major policy issue before the Senate. Over the past year we have seen an incremental escalation by this administration in Central America. Building a permanent regional military training

center in Honduras is but another increment in that escalation.

Mr. HEFLIN. Mr. President, I rise to engage in a floor colloquy with Senators HATFIELD and JOHNSTON about funding for a special study to be conducted by the Army Corps of Engineers in my State.

In 1983, President Reagan declared Jefferson County—the largest county in Alabama—a disaster area. He declared it as such because on December 1, 1983, approximately 10 inches of rain fell in about 12 hours on the Birmingham area of Jefferson County. Severe flooding was experienced there along area creeks, including Valley Creek. The Corps of Engineers estimated that $8.5 million in flood damages will occur every year in the Valley Creek area.

On yesterday, I received final word that the Mobile, AL, district of the Corps of Engineers had completed a reconnaissance scope study of the flooding problems along Valley Creek through certain parts of Jefferson County. I was also notified that the reconnaissance report on the study had been approved by the division office of the corps in Atlanta, GA.

The corps conducted this initial investigation under the continuing authority of section 205 of the Flood Control Act of 1948, as amended, and found that further study was warranted. Having spent the approximately $7,500 allocated to it for its initial study, the corps now needs additional funding to the tune of $161,000 to conduct the second phase of its study. However, it will need a different authority to authorize these funds, since the nature and size of the Valley Creek flood control project dictate that no further funds be used under section 205.

The corps has indicated to me that further study can be conducted pursuant to the existing survey authority for the Warrior River and tributaries in Alabama, contained in House Document 414, 84th Congress 2d Session. Currently, there are no specific funds available to initiate such a second-tier reconnaissance type of study at this level.

Senator HATFIELD and Senator JOHNSTON, as you both know, the fiscal year 1985 energy-water appropriations bill has already been enacted into law (Public Law 98-360). I believe, however, that there is another way to obtain this funding very easily. Rather than offer an amendment to this supplemental appropriations bill to include the $161,000 which the corps needs to conduct the second phase of its reconnaissance study, I believe that it would be simpler for Congress to direct the corps to take this amount of money out of its own available funds to continue this reconnaissance feasibility study in fiscal year 1985, which begins October 1. Language to this effect can be put in the conference report on this bill. Then, maybe Senator HATFIELD and Senator JOHNSTON could send a letter to the corps explaining the congressional intent with regard to this matter. As added insurance, the Appropriations Committee could put some appropriate language in the continuing resolution, which will come down the pike prior to adjournment.

Mr. HATFIELD. I understand the senior Senator from Alabama. That would be a simple way to handle this particular matter, and I thank him for not offering an amendment. We will be happy to work with the Senator at the conference on this bill and try very diligently to see that this is done in a manner satisfactory to the Senator's interest.

Mr. JOHNSTON. I agree with the distinguished floor manager of the bill. I want to assure Senator HEFLIN that we will do all that we can to help him out in this regard.

Mr. HEFLIN. I want to thank both the distinguished majority floor manager of this bill, Senator HATFIELD, and Senator JOHNSTON for their kindness and cooperation on this matter.

Mr. WILSON. Mr. President, I want to express my full support for the committee amendment restricting the expenditure of funds by the Federal Communications Commission to implement its tentatively adopted changes in the so-called 7-7-7 rule as they apply to television station ownership. This amendment, offered in committee by the Senator from New Hampshire [Mr. RUDMAN] and the Senator from Hawaii [Mr. INOUYE], is an absolute necessity if the Congress is to have an adequate opportunity to consider the many important policy questions which are raised by the Commission's actions.

What the FCC has tentatively decided to do, within the past few weeks, is change its longstanding, multiple ownership rules that will permit any single entity to dramatically increase its ownership of television stations. For example, each network will have the ability to acquire seven additional VHF television stations in major markets which will provide them with direct access, through wholly owned stations, to over one-third of American viewers. Under the new FCC rules, all limitations on network ownership of television stations will be removed by 1990. Congress needs time to evaluate the impact this fundamental change in communications policy will have on diversity and competition in the broadcast marketplace.

This is why, on July 25, along with the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. KENNEDY], I sent a letter to the distinguished chairman of the Committee on the Judiciary asking for hearings on concentration of power in the broadcast industry. I am pleased that the chairman has announced hearings will be held on September 11. This will allow us the opportunity to begin the process of a complete study of the issues. It is vital that we consider the impact on the public of a complete grant of power to the networks, or any other entity that is in a financial position to acquire a commanding group of television outlets across the country. We must study the effects on diversity of viewpoints which will be available to the public in news and public affairs broadcasts; we must look at the impact on minority groups who are greatly underrepresented as owners of station licenses which are instruments of public trust granted by the Federal Government; and we must study the financial impact on companies which produce programming for television broadcast.

On August 2, 1984, the Senate Appropriations Committee, by an 18-to-7 vote, adopted an amendment to H.R. 6040 which was sponsored by Senators RUDMAN and INOUYE. The amendment defers until June 30, 1985, implementation of the FCC order as it applies to television stations—an appropriate time for congressional review.

The networks currently control 100 percent of national prime time programming and 100 percent of all nationally delivered news, morning and evening. With their currently five owned and operated VHF stations in the largest national markets, they reach some 20 percent of TV households. Through their affiliates, they reach 100 percent of TV households.

It has been suggested that the 7-7-7 rule is outdated because there are a great many more television stations in existence today than there were when the rule was adopted in 1953. The Washington Post noted in its editorial in opposition to the rule that there has been an almost sixfold increase in the number of television stations in the past 31 years. While this observation sounds impressive, it really misses the point. While new television stations were cropping up around the country over the past 31 years, the networks maintained their commanding market shares.

I have been able to obtain statistics from 1956 for the networks' owned and operated stations, and they are quite enlightening when compared to today's. According to an article in the journal Law and Contemporary Problems, in 1956 the networks had the following shares of the national market as a percentage of the total number of television households: NBC—23 percent; CBS—20 percent; and ABC—19 percent. Today the figures are: NBC—19.75 percent; CBS—20.57 percent; and ABC—20.75 percent. What these figures show is that the networks' dominance has not been diminished in the

least over the past 30 years. The conclusion to be drawn is the mere increase in the number of stations provides insufficient justification to do away with the rule.

Clearly, then, the number of stations a given entity may hold is irrelevant. It is the audience they reach that is crucial. To quote FCC Commissioner Mimi Dawson in her dissenting opinion to the FCC decision that one cannot equate a TV station in New York City, the Nation's largest market, with a TV station in Glendive, MT, the Nation's smallest.

If the networks can acquire seven additional stations, each could directly reach 35 percent, and with cable extension, 40 to 45 percent of American viewers. With these major owned-and-operated stations, three entities can control almost one-half of all local news in the Nation, along with the national news they already control. When all limits are removed, the potential for network dominance of local news and programming will be unlimited.

With 12 owned and operated stations each, the networks can effectively stunt the recent growth in first-run syndicated programming, such as "PM Magazine" and "Entertainment Tonight." To launch a first-run program, independent producers must place their show on stations in New York, Los Angeles, and Chicago, and reach a minimum of 60 percent of the national audience; otherwise such productions are economically unfeasible.

Of the commercial television stations, VHF and UHF, excluding religious broadcasters and foreign language stations, 78 percent are affiliates of the networks. A fourth network would have to entice a large percentage of the affiliates to preempt network programs, which they are reluctant to do on any sustained basis for fear of angering their network. Network-owned and operated stations simply never preempt programs from their network for independently produced entertainment programming.

With networks reaching, through their owned and operated stations, 35 to 45 percent of the national audience under the new rules—and after 6 years when the FCC order sunsets, potentially reaching 100 percent of the national audience, it will be impossible for a fourth network or ad hoc networks to emerge because they will be incapable of attracting sufficient advertiser support. It could simply never happen, mainly due to FCC decisions made in 1947 and 1952 which set in concrete the television allocation landscape.

The new rule may also allow the three networks to, through a backdoor approach, repeal the financial interest, syndication, and prime time access rules. Furthermore, if the fairness doctrine is repealed, a public official will not be entitled to equal time to rebut an attack by a network station.

Without congressional action, the FCC decision will become effective in the near future. It is imperative that Congress be afforded some opportunity to examine the implications of this decision on competition, diversity, and first amendment principles in the broadcast marketplace. The amendment to the supplemental appropriations bill provides a reasonable means for Congress to protect its opportunity to study this matter before it is too late.

Mr. President, in the recent past this Senator has had some disagreements with the Federal Communications Commission. In this Senator's view, some of its decisions have been very different in scope and effect than was advisable. In other words, they were not at all close to what I would have voted for if I were a member of the Commission. But they did not rise to the level of being so obnoxious that they were in need of remedial legislation. However, one, prior to the instant decision, was so out of line with reason that the Senate voted overwhelmingly to stop it.

Let it not be said that I want to run the FCC. It is simply that sometimes the Commission's efforts need to be redirected by the Congress—which is entirely in order in that the Commission is an article I institution.

No matter what the Commission might ultimately decide to do, the Senate needs to review the issues which have been raised. As I have noted, hearings have already been scheduled for next month before the Judiciary Committee. I also understand that the Commerce Committee may wish to hold hearings early in the next Congress.

While I believe that the Commission has taken the wrong road in its search for a reasonable policy on station ownership, I have an open mind on what the proper solution should be. This being said, at this time I have a strong inclination as to what might reasonably be included in a final rule.

Mr. President, as I have noted, merely restricting the number of stations that a single entity might own does not deal with the real issue of power in the marketplace of ideas and programming. Total reach of an individual group of stations should be the primary benchmark. In this regard, I find great merit in the dissenting views of Commissioner Dawson. To this Senator, it is not unreasonable to allow an individual entity to be limited to a reach of 30 percent of the Nation's households, with no more than 25 percent through VHF stations.

In order to protect the interests of Hispanics, Asians, blacks, and other minorities, and women, all of whom are underrepresented as owners of television stations, a limit should be placed on the number of stations any one entity may own. Without such a numerical limit, a single person could acquire 40 or 50 stations and still be within the household reach limits. This type of massive acquisition could so inflate the price of small stations that groups who have not, to date, been able to purchase television stations would be effectively precluded from doing so. To prevent such a situation from occurring, the numerical limit chosen by the Commission in its tentative ruling—12 VHF stations—seems reasonable. In keeping with court rulings, such a limit would be subject to waiver, but only under the most compelling circumstances—none of which come to mind. Indeed, I would think it appropriate to keep the number of waivers within the number which have been issued under the current rules.

In light of the fact that the existing 7-7-7 rule had no sunset date and it stood for 31 years, it would seem reasonable to issue a new rule without a sunset provision. As the change I have outlined is a significant one—increasing by 140 percent the total number of VHF stations which someone may own—it should be established with some permanence, thereby requiring an affirmative action by the Commission to further change it.

And finally, Mr. President, it would seem appropriate and in concert with the interests of the Senate that such a rule as I have outlined not be implemented prior to the end of March of next year. In this way, the committees of jurisdiction would be in a good position to complete their studies of this matter while the status quo was maintained.

Mr. President, I believe that a rule encompassing what I have outlined would be both progressive and reasonable in scope and content. I might note that a number of Senators with whom I have discussed this matter have expressed a great deal of interest in it. It is my hope that the Commission might adopt such an approach during the reconsideration phase of its proceedings.

AGRICULTURAL CREDIT

Mr. PRYOR. Mr. President, I want to commend the Senator from Nebraska [Mr. EXON] for bringing the problem of agricultural credit to the attention of the Senate yesterday, and I was proud to join him in that effort. It seems to me that the very least we can do is make sure that our agricultural producers—the most efficient and productive in the world—receive credit on at least the same terms as those provided to foreign governments.

Frequently, we hear about the debt problems of many countries. In recent months, it's been in Latin America. Each time, the Secretary of the Treas-

ury, Mr. Donald Regan, and others have convened meetings to discuss the situation and recommend ways to avert a crisis. The credit situation in rural America is more important, Mr. President, but the problem is that it's on a daily basis, and doesn't receive the attention like Argentina or other countries when they have problems.

We've got to bring this to the attention of Mr. Regan, the President, and other officials of this administration. Even though our producers are extremely efficient, and even though agricultural exports are about the only reason our trade posture is not even worse—we enjoy about a $20 billion a year surplus in agricultural trade—many farmers are finding it difficult to stay in business due to the lack of credit. Certainly, the way out of this problem is to improve farm income, through stepped up exports and other measures, but we also must pay close attention to the credit situation. Most of the lenders involved are not huge banks, but small, rural banks who stick with these men and women and work with them to help them continue their farming operations. However, the overall debt load facing the agricultural sector of our economy is comparable to that of certain foreign, debtor nations, as Senator EXON pointed out when he introduced Senate Concurrent Resolution 130 on June 29, 1984.

The resolution asks for equity. It says treat our own people at least as well as we treat foreign, debtor nations. Indeed, we should do more, and I hope we will. We must ensure that we have a strong agricultural base in this country. It's truly the one area where we have a clear advantage over other countries, and we have to continue to make sure that this is the case. Certainly, we've got to do more work on the Federal budget deficit. That's why I've supported a complete freeze on Federal spending each of the last 2 years, and it's also why I continue to hope that we can adopt a constitutional amendment requiring a balanced Federal budget. I've supported this amendment since coming to the Senate, and although we passed it in 1982 in this body, it was defeated in the House of Representatives. Reducing the deficit, and moving toward a balanced Federal budget would ease the pressure on interest rates, and help the credit situation in rural America. In addition to that, however, we should agree to the provisions of the pending amendment.

Mr. President, I urge my colleagues to go on record in support of this concept, and once again I commend my colleague from Nebraska for his efforts.

POLAR ICEBREAKING FORCE

Mr. DENTON. Mr. President, I am pleased that the committee has included, in chapter X of the bill, a provision that will keep the polar icebreaker fleet operated by the Coast Guard at its current strength of five vessels. That action is a sound one that is in the national interest.

I am particularly grateful for the cooperation and understanding displayed by my colleague from North Dakota [Mr. ANDREWS] in the matter. I was gratified to have the opportunity to work with him and with members of his staff to define the language that appears in the bill. I also appreciate the cooperation of several of our colleagues in dealing appropriately and effectively with the matter.

Mr. President, the President's budget for fiscal year 1985 provided for a reduction in the number of polar icebreakers from five to four. In my judgment, that reduction would seriously affect the ability of the Coast Guard to do its job.

The Coast Guard has testified that it has missions that require the availability of 4.2 icebreakers. It should be obvious that we cannot have one-fifth of an icebreaker in commission and operational, so the ability to meet the commitment requires five ships. I suspect that someone, somewhere, looked at that 4.2 and concluded that, since it was closer to four than to five, four ships would be adequate.

My colleagues will understand that meeting a 4.2-ship commitment with only four ships would impose much hardship on both ships and men. Moreover, and perhaps more important, a four-ship force would have no capacity to respond should a ship suffer a major casualty, as happens to icebreakers with some regularity and as has happened to one ship during each of the last 2 years. As my colleagues will understand, icebreaking can be a difficult and dangerous undertaking, particularly in the polar regions.

Because the availability of an adequate Coast Guard icebreaking capability is vital to a number of civilian- and defense-related activities in polar waters, some of which are essential to our national security, the consequences of a casualty to an already reduced force could be very serious indeed. I note that there are only two icebreakers based on the east coast, so that the decommissioning of one would eliminate a backup and emergency response capability, should the other ship encounter difficulty.

We should also note that, as fully equipped and manned vessels, the Coast Guard icebreakers are able and available to perform other service, and that they have done so with regularity and with success.

Based on my experience in the Navy, I can testify to the importance of adequate redundancy in a force and to the hardship that attempting to sustain a five-ship mission with a four-ship force would impose on both men and materiel.

Both the House and Senate authorizing committees, after hearings on the issue, recommended sustaining the current five-ship force. That position was included in the authorization bill subsequently passed by Congress and signed into law.

I note that the authorization bill changed the procedure for funding the fixed costs of the polar icebreaking force by placing all the funds to meet those costs in the Coast Guard budget. The other agencies involved, which use the services of the icebreakers for various purposes, must still pay operational costs. I believe that the change in the funding pattern may help to alleviate the apparent reluctance of the other agencies to bear a portion of the fixed costs from their own budgets.

It is, of course, clear that two of the five icebreakers now in service are very old and should be replaced. The Congress has mandated that the Department of Transportation begin the process of purchasing two new polar icebreakers to be operational by the end of fiscal year 1992. Those ships would replace the two oldest current icebreakers, *Northwind* and *Westwind.* Until the new ships are ready for service, however, it would, in my view, be foolhardy for us to reduce our polar icebreaking force to a point where it would have neither flexibility nor redundancy nor the ability to respond effectively to an emergency.

Because we have not yet been able to take up the Department of Transportation appropriations bill for fiscal year 1985, there has not been an opportunity to address the matter directly. The Coast Guard, however, faces the necessity to commence steps to lay up one ship. It would be most unfortunate if those actions were to take place needlessly, at significant costs in money and to the individuals involved. In consequence, we determined that the best method of proceeding was to include the provision that appears in the bill before us today. That provision does not prejudge the ultimate outcome, but prevents any activity until we are able to make a determination about fiscal year 1985.

Mr. President, at the appropriate time I hope that we can take action to ensure funding to maintain a five-ship polar icebreaking force in fiscal year 1985. Until then, the provision in this bill will ensure that we continue to sustain an essential national capability. I commend my colleagues on the Appropriations Committee for their wisdom in including it.

FUNDING FOR ASBESTOS CLEANUP IN SCHOOLS

● Mr. LAUTENBERG. Mr. President, I rise in support of the inclusion of $50 million for the Environmental Protection Agency to begin implementing

the School Asbestos Hazard Abatement Act of 1984.

The problem of asbestos in the schools is a serious one. Exposure to asbestos is associated with some very serious diseases, including asbestosis, mesothelioma, and lung cancer. These diseases display themselves many years after exposure. Asbestos is a ticking time bomb. In most cases, not enough time has passed for the devastating symptoms to show up in the children, teachers, and school administrators who have been sitting in classrooms with crumbling asbestos.

And there are many schools that were built with this dangerous substance. A recent, unpublished survey by the Environmental Protection Agency, cited in a New York Times article on August 7, 1984, found 31,000 schools across the country with asbestos. They must be cleaned up in order to assure our children safe and healthy places in which to learn.

The existing asbestos program of the Environmental Protection Agency requires all schools to inspect for asbestos and to notify employees and parent-teacher organizations when the substance is found. However, until the Senate and the House of Representatives recently approved the Asbestos School Hazard Abatement Act of 1984, no Federal assistance was authorized to assist hard-pressed school districts in paying for the cleanup. I was pleased to have worked with a bipartisan group of Senators on drafting that bill.

Mr. President, the Asbestos School Hazard Abatement Act does nothing to clean up schools without funding. The Appropriations Committee is to be commended for including in this supplemental appropriations bill the full $50 million authorized by the asbestos abatement legislation for 1984. I hope that EPA will waste no time in getting this important program underway.●

IN SUPPORT OF THE ASBESTOS SCHOOL HAZARD ABATEMENT PROGRAM

● Mr. MOYNIHAN. Mr. President, I am pleased that the fiscal year 1984 supplemental appropriations bill (H.R 6040) contains $50 million in funding for the Asbestos School Hazard Abatement Program. On June 6, 1984, I joined with my distinguished colleagues, Senators ABDNOR, STAFFORD, and LAUTENBERG, in offering an amendment to S. 1285, the math-science bill, to establish the Asbestos School Hazard Abatement Program within the Environmental Protection Agency [EPA]. Today—in this bill—we are providing funding for the program.

The Asbestos School Hazard Abatement Program directs the Administrator of EPA to make loans and grants to financially needy local educational agencies, to undertake asbestos abatement work. A total of $600 million is authorized to be appropriated for the program over 7 years: $50 million in each of the fiscal years 1984 and 1985, and $100 million in each of the 5 succeeding fiscal years. Abatement actions could include one or more of the following activities: Removal, replacement, encapsulation, containment, or enclosure. The appropriate abatement measures will depend upon the nature of the asbestos threat in any given school building.

The Asbestos School Hazard Abatement Program also sets aside funds for EPA to expand its Scientific and Technical Assistance Program in the area of asbestos hazards in schools. In fiscal year 1984, 10 percent of the funds appropriated for the abatement program will be reserved for program administration and a scientific and technical assistance effort. Specifically, the EPA is directed to establish a training center to provide instruction on asbestos assessment and abatement, develop and disseminate abatement guidance documents, and develop a comprehensive testing and technical assistance program.

EPA estimates that between 12,000 and 14,000 public and private school buildings contain friable asbestos—that is, the type of asbestos that could be released into the air. Many local educational agencies simply do not have the financial resources to undertake a major asbestos abatement effort. Certain States have made some assistance available for abatement programs in schools. But such resources, too, are limited. New York State, for example, has spent $1.75 million annually over the last 4 years to assist schools in controlling asbestos hazards.

Mr. President, it is both appropriate and necessary for Congress to provide increased Federal resources to assist in abating this problem when it threatens the health of American children in public and private schools across the country. We must move ahead in a more systematic and rapid manner to abate the asbestos hazard where it exists in our Nation's schools. Establishing the Asbestos School Hazard Abatement Program is an important step, as is appropriating the $50 million needed for program activities in fiscal year 1984.●

LAKE GASTON PIPELINE—AN ENVIRONMENTAL NIGHTMARE

Mr. HELMS. Mr. President, the House of Representatives last week took a sensible and prudent step that is immensely important to many citizens of North Carolina and southside Virginia. It approved a committee report to accompany the supplemental appropriations bill that included a restriction on funding for a pipeline between Virginia Beach, VA, and Lake Gaston in North Carolina. The report stipulated that no water should be transported to Virginia Beach from the lake until completion of a full environmental impact statement by the Corps of Engineers and the EPA.

Mr. President, for background purposes, I would mention that Virginia Beach has proposed building an 85-mile pipeline that would carry up to 60 million gallons of water each day from Lake Gaston. Understandably, the proposal has met with strong opposition from the people of my State, as well as from people living in the southside area of Virginia, which borders on the lake.

Mr. President, I have opposed this pipeline project from day one, and so have the citizens who have turned out in droves to participate in the public hearings on the proposal. Indeed, it has become an environmental nightmare. The Corps of Engineers prepared a simple environmental analysis which concluded that draining 60 million gallons of water from the Roanoke River Basin would have no real impact on the lakes or tributaries in the system.

Public hearings have raised substantial questions about the impact of the pipeline on the environment. In my judgment, only a full and detailed examination of the proposal can provide satisfactory answers to those questions.

Mr. President, as all parties to this controversy know, the pipeline proposal is being fiercely contested in Federal court. An action to block the pipeline until an EIS is done is now pending in the Eastern District of North Carolina. A similar action is pending in Virginia.

If it is the opinion of my distinguished colleague from Oregon, Senator HATFIELD, chairman of the Appropriations Committee, that the Senate should not take a position on the project pending outcome of the litigation, then the Senator from North Carolina will not force the Senate to engage in lengthy debate on this regional issue.

However, Mr. President, it is my firm conviction that an EIS should be completed before the pipeline is built. Now is no time to throw caution to the wind and then, at some time down the road, regret the shortsightedness.

I urge Senators who will be participating in the House-Senate conference on this bill to acquiesce in this matter and adopt the position taken by the House.

W.G. HUXTABLE PUMPING STATION

Mr. PRYOR. Mr. President, I am pleased to call the Senate's attention to the Appropriation Committee's action in including funding to pay damages for the May 1983 equipment malfunctions and operational difficulties at the Corps of Engineers W.G. Huxtable pumping station near Marianna, AR.

This amendment will correct a serious injustice that occurred early in

1983 when the actions of a Federal agency resulted in economic hardship and losses to farmers in eastern Arkansas. I would emphasize, Mr. President, that this disaster occurred through no fault of private citizens.

It is appropriate to relate to my colleagues some of the background information that is necessary to understand why.

The Huxtable pumping plant was authorized by Congress and construction was completed in the mid-1970's by the Army Corps of Engineers. It's purpose was to help alleviate flooding in the eastern part of Arkansas. At the time of its construction it was one of the largest projects of its nature in the Nation. It has been a tremendous asset to the agricultural community in eastern Arkansas.

In May 1983, Mr. President, this plant was operated at a reduced capacity and eventually shut down for several hours during a critical period of heavy rainfall. The resultant flooding of farmland, which would not have occurred otherwise, devastated thousands of cropland acres, crops, and structures in the area.

The committee provision would respond to the fact that legal recourse would otherwise be unavailable to these individuals.

The committee provision would appropriate $2 million to pay the damages and the committee has directed that the Corps of Engineers "work closely with local interests and representatives of the Department of Agriculture to determine eligibility and to settle claims for damages incurred."

I commend the distinguished chairman of the Subcommittee on Energy and Water Development [Mr. HATFIELD], the ranking member [Mr. JOHNSTON], and my colleague from Arkansas [Mr. BUMPERS] for their efforts on this matter.

PACKWOOD-BRADLEY AMENDMENT NO. 3622

Mr. PERCY. Mr. President, I regret that a meeting away from the Senate prevented my casting a vote on the tabling motion on the amendment of the Senator from North Carolina. Had I been in the Chamber I would voted aye.

Mr. President, the problem of the population explosion is a heavy yoke around the neck of government leaders in developing countries which are trying to improve the lives of their citizens. These leaders need our help. That is the message that is coming out of the International Conference on Population now going on in Mexico City.

Spiraling growth rates in the Third World are a brake on economic growth and development. Our contributions to organizations which provide family planning services are used to assist governments which are struggling to deal with this problem. Our funds are not used for abortions or other activities prohibited by U.S. law—a law which I strongly support. Our funds are used to support voluntary family planning activities which are alternatives to abortion.

If we cut off contributions to organizations such as the U.N. Fund for Population Activities or the International Planned Parenthood Federation, we are actually jeopardizing our own interests. These organizations have proven track records. A cutoff of support for these organizations will cripple some of the most effective organizations involved in providing family planning services. The Senate Foreign Relations Committee, in response to amendments I have been pleased to sponsor, has more than once approved increased funding for population assistance programs and earmarked contributions to the U.N. Fund for Population Activities.

The newly announced U.S. policy unfortunately seems to be having an effect well beyond that which was even intended by its authors; 10 years ago the United States was in the vanguard of those who were rightly pointing out the danger of uncontrollably escalating population growth rates. Now, at a time when developing countries are reaching out to us as never before for help in dealing with this problem, future U.S. support appears to them to be uncertain.

This is no time to abandon our longstanding commitment to international population assistance programs. I support the Packwood-Bradley amendment.

AMENDMENT NO. 3611—RELATING TO TAIWAN

Mr. MURKOWSKI. Mr. President, my distinguished colleague from Rhode Island [Senator PELL], offered an amendment concerning the future of Taiwan. A challenge to the germaneness of this amendment has been sustained by the Senate.

Mr. President, the amendment proposed by Senator PELL is inappropriate and untimely. The Senate was wise not to consider it. Bilateral relations between the United States and the People's Republic of China are improving but obviously still have growing pains. The People's Republic of China is adamantly opposed to any action by the United States which implies, even remotely, interference in their internal affairs. It makes no sense in the present delicate climate to add one more complicating factor to the task of continuing the momentum of improved relations.

The Taiwan Relations Act and numerous statements by the United States, including the 1972 Shanghai Communique, make abundantly clear that the future of Taiwan must be decided in a peaceful manner by the Chinese themselves. The United States has deliberately refrained from taking a position on any particular outcome or procedure. Neither U.S. interests nor the objective of finding a peaceful outcome would be served by injecting ourselves into this issue at a time when our relations with the peoples of the region are proceeding in a manner that supports a long-term solution. Resolution of the Taiwan question is going to be reached gradually and, most importantly, by the parties themselves. Measures such as the amendment offered by my friend from Rhode Island do not support that process.

Mr. President, I would also point out U.S. policy set forth in 1972 and followed by four of our Presidents: "The United States acknowledges that all Chinese on either side of the Taiwan strait maintain that there is but one China and that Taiwan is part of China."

Finally, Mr. President, I note that the Pell amendment is opposed by the Taiwan authorities.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Mr. PRYOR. Mr. President, I want to commend the House and Senate Appropriations Committees for including important new funding in the 1984 supplemental appropriations bill for the National Center for Toxicological Research [NCTR] near Pine Bluff, AR. Development of this facility is clearly one of many steps which Congress must take to enhance the Federal Government's research capability.

The House of Representatives approved $13.87 million for renovation and construction at the facility. The Senate Appropriations Committee included an additional $1 million in its version of the bill.

I am hopeful that the bill will soon receive final congressional approval, be signed by the President and funds be obligated for the work at NCTR.

Mr. President, I am proud to note that although the administration did not recommend any funding for NCTR in this supplemental bill, the President's Private Sector Survey on Cost Control, also known as the Grace Commission, recognized the facility's effectiveness and recommended that more Federal research be conducted there.

For the benefit of my colleagues who are unfamiliar with NCTR, this facility is engaged in research for a number of Federal agencies, including the Food and Drug Administration and the Environmental Protection Agency. The personnel at NCTR examine toxic and potentially toxic substances which occur in our environment and identify methods to reduce or eliminate their adverse affects. The absolute necessity of this kind of research is growing as our Nation expands technologically, so that we can be sure we understand the human health implications of the new developments.

Finally, I want to commend my colleagues in the House, Congressmen ALEXANDER and ANTHONY, and my colleague in the Senate, Senator BUMPERS, for their efforts on this matter of importance to our State and our Nation.

DODD AMENDMENT NO. 3620

Mr. LAUTENBERG. Mr. President, the establishment of democratic governments in Central America is of strategic importance to our Nation. How we go about achieving this goal has been a matter of great debate in the Senate. The bill we have before us would provide yet additional military assistance to El Salvador. It would also provide for new moneys for a variety of nonmilitary programs.

Mr. President, I firmly support the enhancement of social and economic assistance to Central America. If we do not do all we can to shore up the economies of the region, to improve the health of its citizens, and the education of its children, no amount of military aid will bring about stability and democracy in the region. However, we do not succeed in addressing the serious economic and social problems in the region simply by throwing money at the problem. Congress should carefully define and put into place the programs through which new funding would be spent.

That has not yet happened. The bill before us would provide initial spending for a number of social and economic programs recommended by the so-called Kissinger Commission, the National Bipartisan Commission on Central America. However, authorizing legislation, addressing the proposals of the Commission, has not yet come before the Senate. I believe that this body should waste no time in reaching such legislation. Until we do, however, I believe we would have no assurance that the funds we would appropriate would actually further the goals we seek: strengthening the economy and the social fabric of our neighbors in Central America.

That is one reason, Mr. President, that I shall support the amendment of my colleague from Connecticut [Mr. DODD]. His amendment would delete foreign aid appropriations in the bill that are not authorized by current law. That would include the initial funding for the nonmilitary programs recommended by the Kissinger Commission.

The amendment before us would also cut military assistance to El Salvador. This Congress has already provided over $126 million in military assistance to El Salvador in the current fiscal year. That is roughly 50 percent above fiscal year 1983 levels. I supported passage recently of House Joint Resolution 492, which provided $62 million in supplemental military assistance to El Salvador. I am not convinced, however, that El Salvador immediately needs and can absorb the infusion of some $116 million in additional military assistance as provided by the bill. The funding is almost equal to the total amount already appropriated during the current fiscal year.

Moreover, the moneys would remain available through the end of March 1985. That would, I fear, reduce the ability of Congress, to use the threat of withholding military assistance as a means to maintain effective oversight over progress toward democracy and human rights in El Salvador. I know I am not alone in my hopes that President Duarte will make progress in stabilizing his country, and enhancing democratic principles. However, our continued support to President Duarte should be based on continued progress.

Mr. President, I note that my distinguished colleague from Hawaii [Mr. INOUYE] plans to offer later an amendment to delete only the $116 million in military assistance to El Salvador. For the reasons I have outlined, I intend to support that amendment as well.

Progress in Central America, specifically in El Salvador, will unavoidably come slowly. I am heartened by the progress we have seen, with the election of President Duarte, and the conviction of the murderers of the four churchwomen. However, much remains to be done to bring to justice those responsible for so many other deaths and abuses of human rights, to stabalize the economy, and to strengthen the democracy. We will not achieve these goals by providing new funds for economic and social support before the Senate has had a chance to approve the programs and put them into place. We will not achieve these goals by providing more military assistance than is wise or justified.

CARGO DIVERSION

Mr. DENTON. Mr. President, I am concerned that the committee has struck the House provision, in chapter III of the bill, that prohibited the Department of Defense from making certain proposed changes in Military Sealift Command shipments to the Pacific. The language was identical to a provision approved by the Senate as part of the Defense authorization bill, and the matter is of great concern to several Members of this body.

I do of course understand that the committee's action was taken in response to actions by the Department of Defense to terminate the activities that necessitated the provision in the first place, and that in consequence it may be that legislative language is no longer absolutely necessary. Nonetheless, I remain concerned that the Congress make it clear that the Department should not act hastily or without demonstration of clear benefit in making changes to existing shipping procedures. Any action of that nature has consequences for the jobs and welfare of Americans who work in the affected ports, and we cannot take lightly the imposition of hardship upon them.

May I ask the chairman of the Defense Appropriations Subcommittee the reason for deletion of the provision?

Mr. STEVENS. I appreciate the concern of the Senator from Alabama. He has stated the situation correctly, in that it appears that actions by the Department of Defense have eliminated the need to include the provision in the bill before us. Moreover, as the Senator knows, provisions of that sort in an appropriations bill tend to acquire a life of their own, and our judgment was that, absent an immediate need for the provision, it would be preferable not to enact it into law.

Mr. DENTON. I thank the Senator for his comments, and I understand his concern. Certainly I do not believe that the Congress should prevent the administration from finding more cost-effective ways of doing things, but I do believe that, when there are serious consequences for the economies of the affected localities, the case should be clearly made and the Members of Congress who represent those localities should be advised of significant changes to current operational patterns.

May I inquire of the Senator from Alaska whether the subcommittee agrees that, in evaluating its programs, the Department of Defense should keep in mind the need to sustain an adequate capability to move military cargo in time of mobilization or emergency?

Mr. STEVENS. I assure the Senator that the subcommittee has that consideration very much in mind, not only in this instance but in others as well. It was for that reason that we included report language urging the Military Sealift Command to consider the need to ensure participation of the four port ranges—the Great Lakes, the east and west coasts, and the gulf coast—when it makes decisions about its shipping patterns. We agree with several Members of this body that we must maintain a distributed capability to move essential military cargo, and the intent of the report language is to ensure that we do exactly that.

Mr. DENTON. I thank the Senator for his assurance. It is, of course, the case that the provision approved by the House will have to be dealt with in conference. It may be that, when the conference occurs, our colleagues in the other body will believe strongly that the provision should remain in the bill. When it struck the provision did the subcommittee mean to state the firm opposition of the Senate to its inclusion in the bill, or did the sub-

committee simply consider that the provision appeared unnecessary?

Mr. STEVENS. I assure the Senator that it was on the latter basis, and that our actions probably would not have been taken if the conditions that first necessitated the provision still obtained. If our colleagues in the other body believe that there is still a clear need for the provision, we shall, of course, listen to them very carefully.

Mr. DENTON. I thank the Senator. I understand the position that he has stated. I remain concerned, however, that the Department not again take hasty or ill-considered action that would have highly negative effects upon the national capability to move military cargo and upon the number of ports available and utilized for that purpose. So long as any proposed change is carefully considered, supported with information to show clear benefit, and coordinated in advance with the parties most directly concerned, I will not consider that a prohibition of the sort inserted by the House is essential. I believe that the legislative history now makes clear the views of the Congress on the matter, and I hope that the Department of Defense will act accordingly.

Mr. President, I thank the Senator from Alaska for his cooperation.

ANIMAL DAMAGE CONTROL

Mr. BAUCUS. Mr. President, the livestock producers in Montana and Idaho, and perhaps in a few other States, are facing a crisis in the operation of their Animal Damage Control Programs this year. These programs, operated through the U.S. Fish and Wildlife Service, have been severely affected this year by inflation and increased pay costs. On top of this, there is an increase in the number of coyotes this year and, as a result, livestock depredation is also increased.

Because of these factors, the Montana Animal Damage Control Program is in dire need of $60,000 to get them through the remainder of the fiscal year. I understand that Idaho has also had to cut back on their predator control efforts to stay within budget limitations.

I and others have requested increased funding for this important program, and I want to thank the Senator from Idaho and all members of the Appropriations Committee for recommending an increase of $3,500,000 in the animal damage control operations budget in the fiscal year 1985 Interior appropriations bill soon to be before the Senate. I understand that the Department of the Interior has indicated that these additional funds, if appropriated, would permit an additional $2.9 million to be used in Western States to reduce livestock and agricultural losses, and particularly to protect lambing ranges.

There is an additional problem with adequate funding of the Animal Damage Control Program. The Fish and Wildlife Service is now charging each State 15 percent of their allocation to cover the administrative costs of the program. This means that the limited funds available to the States are cut even further. There is no question from anyone familiar with the ADC Program that the actual fieldwork is where the real value of the program lies.

Mr. President, I would like to ask the distinguished chairman of the Interior Appropriations Subcommittee [Mr. McCLURE] if he believes the Fish and Wildlife Service should attempt to make additional funds available to Montana and Idaho to get them through the remainder of the fiscal year?

Mr. McCLURE. Mr. President, I thank my colleague from Montana for raising this issue during the consideration of the supplemental appropriations bill. As the Senator knows, I share his concern over the funding levels for the Animal Damage Control Program. It is my hope that the Department of the Interior can make additional funds available to Montana and Idaho from their existing budget later on this year.

I have checked with the Fish and Wildlife Service today and am told that there is actually not much control work that can be done this time of year. Most predation occurs in October through March, when young livestock are born and the livestock is still concentrated, and also when the young are being moved to spring pastures. If additional funds are provided now, and I hope they are, we expect that the Service could possibly address a few hotspots or begin preparation for this fall and winter's control operations.

I also am very concerned about the 15-percent reduction in ADC funds to the States that goes to administrative costs. As the Senator from Montana points out, the real value of the ADC Program is the fieldwork that is carried out—not paying more to administrative costs. As a result, the committee has included language in the report accompanying the fiscal year 1985 Interior appropriations bill addressing those overhead charges.

Mr. President, it is my intention to join with the Senator from Montana in asking the Department to seek to make additional funds available to Montana and Idaho for the operation of their ADC Program for the remainder of the fiscal year.

Mr. BAUCUS. Mr. President, I thank the Senator from Idaho for his remarks and for his commitment to a strong ADC Program. I am confident that with the assistance of the distinguished chairman, we will secure sufficient funds to continue full operations of the program in Montana and Idaho. I remain concerned, however, that the immediate shortage of funds in Montana may force the layoff of employees before the fiscal year 1985 funds become available.

Mr. McCLURE. I understand the Senator's concern. I agree that the Fish and Wildlife Service should make sufficient funds available to maintain current staffing levels for the balance of fiscal year 1984.

Mr. BAUCUS. I thank the Senator for his assistance and his attention to this important matter which is so vital to livestock producers in both of our States. As he knows, I considered asking the Senate to approve an amendment to this bill that would have appropriated additional funds or required the expenditure of available funds for the ADC Program in Montana.

However, I am pleased to defer to the distinguished subcommittee chairman's judgment to address the problem in this way. I look forward to working with him to make sure the Fish and Wildlife Service responds favorably to our request.

Mr. COCHRAN. Mr. President, I want to thank the committee for including in the bill the funding requested by Senator STENNIS and me to establish the Mississippi Institute for Technology Development.

This pilot project would establish a private, nonprofit corporation which will conduct scientific research and transfer it into usable technology for commercial application.

The institute is a partnership of State government, industry, Federal laboratories, and universities throughout Mississippi working together for technical and economic progress. It is projected that the ITD has the potential to help create 33,000 jobs.

With the establishment of the Mississippi Institute for Technology Development, the State's greatest assets of talented young minds, excellent institutions of higher education, and an innovative business community, are used to stop the "brain-drain" suffered by Mississippi, as well as States of similar makeup. Challenging jobs are provided which will in turn create needed and innovative new products and services.

I commend my colleague, Senator STENNIS, for his splendid leadership on this venture, as well as Senator LAXALT for his cooperation, and all the fine Mississippians whose hard work and bright minds have made the Mississippi Institute for Technology Development a reality.

I would also like to thank Senator LAXALT again for his assistance with my request for funds to provide a temporary docking facility for the NOAA research vessel, *The Chapman.*

I have been involved in recent efforts to ensure the progressive development of Mississippi's gulf coast fishery. This vessel is an integral part

of the planned expansion and development of our fishery and the gulf coast fishery in general. The subcommittee's interest and cooperation are greatly appreciated by this Senator. I look forward to continuing our work together on the gulf coast fishery initiative.

Mr. LUGAR. Indiana University is in the process of establishing a Center for Excellence in Science and Math Education at its Bloomington campus. This project, which we believe is the first in the United States, will focus on the development of training programs for elementary and secondary teachers and administrators of math and science. This center has already received a commitment of funding from the State of Indiana and the Indiana University system for $44 million over the next 6 years to operate the center and in addition the center will receive substantial additional support from a number of national and local corporate sponsors.

This center will exist and will grow as the Nation moves to upgrade its math and science teaching infrastructures. However, we are still in the process of identifying sufficient funds to develop the actual facility which will house this model program. As planned, the facility, associated computers, advanced communications links, instructional technology, laboratories, and other associated capital costs will require $42.3 million to build. The university and the State along with private donors will be able to commit $32 million to this project. At this point, we are seeking $10.3 million from the National Science Foundation to supplement the funds that have been raised locally.

Given the National Science Foundation's commitment to support mathematics and science education and to improve the quality of that education with a special emphasis on teacher training, and the expanded program that NSF has developed to implement that commitment. Would you agree that this center which will emphasize instructional materials development and evaluation, demonstrations of innovative teaching and the application of high technology to science and math curricula and the teaching process is within the mandate Congress has set for the National Science Foundation?

Mr. GARN. Yes; in fact the Senate Appropriations Committee report which accompanied the 1984 appropriation for the National Science Foundation specifically emphasized the need for NSF to support these activities.

Mr. LUGAR. Would you also agree that capital support for a project such as the Center for Excellence that is being developed at IU is within the scope of NSF's authority and within the direction that Congress has set for the Foundation?

Mr. GARN. Yes, again the 1984 appropriation report for NSF (98-152) stated that:

> The Committee is particularly interested in the Foundation developing a "partnership program" for education in which the Federal Government participates with private business, State governments, and educational institutions to improve the quality of science and mathematics education.

And because the National Science Foundation Act of 1950 (Public Law 81-507) provides NSF with the authority to do all things necessary to carry out the provisions of this chapter, and is not precluded from funding capital projects, I believe that this project is a perfect example of the kind of project contemplated by the Congress and authorized by law to advance science and math education in the United States.

The National Science Board, in July, directed the Foundation to closely review the infrastructure needs of the Nation's research institutions, including the need for construction of new facilities to conduct priority research activities. Clearly this form of institutional support is permissible under its statutory authorization, and an aspect of research needs which should be closely examined by NSF.

I would also note that the Senate just confirmed a new Director of NSF, and the Agency has a new Assistant Director for Science and Engineering Education. I am confident that these gentlemen will carefully evaluate this new and important direction in science and math education.

I have had the opportunity to review the Indiana University proposal and I am very impressed with the deep commitments made both by the State and by the private sector. These commitments, and the well reasoned and thorough documentation supporting the proposal speaks for its favorable consideration by NSF as an important step toward advancing science and math education in America.

Mr. HATCH. Mr. President, as the Senate considers appropriations for U.S. foreign assistance to Central America, I believe we should examine the premises that lie at the heart of this debate. Many people who oppose U.S. military and/or economic assistance to Central America have stated that Central America, specifically El Salvador, will become "another Vietnam." I am sure they are sincere in their belief, Mr. President, but there are important differences between Central America and Vietnam, and I believe this needs to be pointed out. As U.S. Ambassador Jeane Kirkpatrick has stated, one of the key differences between the two is the Pacific Ocean. Yesterday morning the New York Times printed an excellent article by U.S. Army Col. John D. Waghelstein who has served in both Vietnam and El Salvador. Colonel Waghelstein states emphatically that having served in both places, he is firmly convinced that El Salvador is not "another Vietnam." He also expresses his support for the Reagan administration's policy of keeping U.S. combat troops out of El Salvador.

Mr. President, I ask unanimous consent that this fine article entitled "Choices in Central America" be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 7, 1984]

CHOICES IN CENTRAL AMERICA

(By John D. Waghelstein)

CARLISLE BARRACKS, PA.—As Congress votes again this week on military and economic aide to Central America, a familiar question arises once more: isn't El Salvador another Vietnam?

Having served in both places, I am firmly convinced that it is not. I also believe that the Reagan Administration is right to assert that we can fight a successful counterinsurgency in El Salvador without committing troops.

To begin with, I think stability is more important to us in Central America in general and El Salvador in particular than it was in Southeast Asia. Saigon was 9,000 miles from Washington, San Salvador is only 1,900 miles away. We had no long-standing involvements in Vietnam: Rather, we filled the vacuum left by French colonialism. In contrast, El Salvador has been well within our traditional sphere of influence since the Monroe Doctrine, in 1923.

We are however, much restrained in Central America by our own pubic opinion, which is playing a somewhat different role this time around. In Vietnam, the public was initially supportive. Today, the public is preoccupied with a repeat of Vietnam, and the Salvadoran left has mounted an extensive compaign to prey upon that preoccupation.

The American military establishment also sees a difference in Central America. In Vietnam, it was eager to expand its involvement and was confident of it ability to defeat the insurgency. Despite some early attempts at civic action and nation-building, we turned eventually to a military solution. In El Salvador, security assistance is stringently limited and we are all aware of the need for economic, social and political reform as well as efforts to win Salvadoran popular support for the Government.

In Vietnam, there was a steady increase in numbers and involvement from observers to trainers to advisers to combat divisions. Economic and military aid increased from millions to billions of dollars and went unchecked until 1968. In El Salvador, in contrast, we have ourselves imposed a limit of 55 trainers and a relatively low level of material support.

The political situation is also very different in El Salvador. In Vietnam, with the possible exception of Ngo Dinh Diem, there was no effective popular leader to mobilize the population. The besieged Salvadoran Government is also frail, but the 1982 and 1984 elections were important first steps toward democracy, and the legitimacy of the Government has been greatly enhanced by the election of President Jose Napoleon Duarte. In this, El Salvador is more reminiscent of what happened in Venezuela in the early 1960's under President Romulo Betan-

court, who also defeated an insurgent force with United States help but not direct intervention.

In Vietnam, human rights abuses were institutionalized and endemic, and never brought under control. Such abuses are also a great problem in El Salvador, and even many people in the United States who traditionally supported anti-Communism abroad have been put off by the right-wing death squads. Certainly, the general high level of violence in El Salvador makes if difficult to curb these abuses. Yet the Salvadoran leadership is beginning to deal with the problem.

In Vietnam, the insurgency had a well-developed base of operations and a motivated fighting force. In El Salvador, the insurgency is less than 15 years old and has only become effective in the last three years. Out of a population of 17 million, the Vietcong had between 200,000 and 300,00 active combatants who enjoyed the support of millions of landless and poor peasants. In El Salvador, 8,000 guerrillas have the support of 20,000 to 30,000 followers in a population of almost five million. The Vietnamese insurgency was countrywide, highly sophisticated and unrelenting. The Salvadoran insurgency has only recently spread from the city to the country-side and it tends to be regional and sporadic in focus.

Salvadoran insurgents receive assistance from the Eastern bloc, Libya, Cuba, the Palestine Liberation Organization and Nicaragua, which also provides the safe area from which the guerrillas' political leadership operates. Yet all of this together does not add up to the vast amounts of advice and assistance that the Vietnamese insurgents received from the Soviet Union and China.

What can the United States do, given these similarities and differences? Unilateral intervention in Latin America is no longer feasible unless a threatening outside power is involved. United States support for a peacekeeping coalition of Latin American nations would have wider support. But the most we can expect in El Salvador from our other Latin American neighbors would be training, advice and some material support. What this means is that the outcome of the insurgency will depend on the Salvadoran Government's ability to solve its own problems and to deal effectively with the social, political and economic causes of the war and with the military threat posed by the guerrillas.

Given the concern of the public and Congress, and the caution being exercised by the military regarding our involvement, there is little case to be made for direct involvement in El Salvador. With careful application of advice, training and material, however, a successful counterinsurgency can be pursued without committing United States combat troops.

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the legislation now before this body. I find a significant portion of the $6.8 billion appropriation we are being asked to approve to be neither urgent nor appropriate for consideration in a supplemental appropriations bill.

I am most distressed over the growing tendency of Congress to appropriate, on a supplemental basis, funds that should be appropriated through the regular annual appropriations process. By following such a practice we are further adding to the public perception that congressional budgeting is either inept, dishonest, or both.

The shortfall in funding for food stamps or Federal pay—to cite two examples—is a shortfall that is not only not unexpected—it is fully calculated. Every year we are required to provide supplemental appropriations for these two programs. The obvious intent of this practice is to lower spending projections—and deficit projections. That is a practice we must change.

In addition to my procedural objections, I also oppose the bill on fiscal policy grounds. The administration's supplemental request was for $6.3 billion. Depending on whose estimates one accepts—the bill before us exceeds the administration's request by $500 million to almost $1 billion. The CBO's "Appropriation Bill Report" for this measure is 47 pages of fine print encompassing funding additions for hundreds of programs.

We are told we must vote for this measure to keep critical programs running. That may be; but, it is also true that this legislation includes numerous funding provisions which are not critical and which serve only to increase Federal spending.

Mr. President, it is time for us to rationalize the appropriations process—and to exercise fiscal restraint. For those reasons I intend to vote against this supplemental.

Mr. DOMENICI. Mr. President, I support the fiscal year 1984 supplemental appropriations bill as reported by the Senate Appropriations Committee.

H.R. 6040 provides $6.8 billion in budget authority and $3.6 billion in outlays. It includes supplemental funding for both pay and programs, covering all but one of the appropriations subcommittees.

As reported by the Senate, the bill includes $700 million in budget authority for food stamps, $447 million for the strategic petroleum reserve, $353 million for student financial assistance and $368 million for the Central American Democracy, Peace and Development Initiative.

With prior-year outlays, appropriations action to date and adjustments for mandatory programs, the bill leaves the Appropriations Committee $9.4 billion in budget authority below its section 302(a) allocation under the fiscal year 1984 budget resolution, but $0.7 billion over in outlays.

Any major spending amendments to the bill would cause the committee to further exceed its outlay allocation under the budget resolution. I, therefore, urge my colleagues to support the bill as reported by the Appropriations Committee.

Mr. President, I submit two tables showing the relationship of the bill to the congressional spending budget and the President's budget request for the RECORD.

FISCAL YEAR 1984 SUPPLEMENTAL APPROPRIATIONS BILL, H.R. 6040, SENATE-REPORTED BILL

[Senate Appropriations Committee status—in billions of dollars]

	Fiscal year 1984—	
	Budget authority	Outlays
Action to date by Appropriations Committee [1]	520.7	507.7
H.R. 6040, as reported in the Senate	6.8	3.6
Adjustment to conform mandatory programs to budget resolution assumptions	+1.0	+2.1
Appropriations Committee total	528.5	513.3
Committee 302(a) allocation [2]	537.9	512.6
Committee total compared to committee 302(a) allocation	−9.4	+0.7
President's request for H.R. 6040 [3]	6.3	3.3

[1] Includes all enacted regular appropriations bills, the second continuing resolution, enacted supplemental bills, outlays from prior-year budget authority and other prior actions. Excludes $8.5 billion in budget authority for the IMF (no outlays) assumed in the President's request and budget resolution for fiscal year 1983, but not enacted until fiscal year 1984.

[2] Includes reserve fund allocations made on September 14 and October 27, 1983.

[3] Includes $0.5 billion in budget authority for the strategic petroleum reserve not considered in fiscal year 1985 request.

TOTAL BUDGET STATUS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Revised second budget resolution (H. Con. Res. 91)	922.1	852.1
Current level [1]	920.5	854.5
Amount remaining (−) or over (+)	−1.6	+2.4
Net effect of this bill on current level [2]	+4.2	+0.6
Amount over including this bill	+2.5	+3.0

[1] As of July 23, 1984. Includes $8.5 billion budget authority for the International Monetary fund which was in the President's request and the budget resolution for fiscal year 1983, but not enacted until fiscal year 1984.

[2] Certain entitlements and pay raises included in this bill are already included in current level.

Note: Details may not add to totals due to rounding.

Mr. WARNER. Mr. President, I rise to urge the conferees on this bill to reject affirmatively the House report language dealing with the Lake Gaston pipeline.

The House committee report states, and I quote:

The Committee directs that none of the funds available to the Corps be used relative to the transfer of water from the Roanoke River Basin (Lake Gaston) to the James River Basin (Virginia Beach, Virginia) until the Corps has made an Environmental Impact study and both the Corps and EPA determine from such study that there will be no damage to fish and wildlife and no detrimental effect on the environment.

Mr. President, I want to elaborate on the proposed Lake Gaston pipeline and the status of the project at this time so that you will understand why it is so vital that the conferees not impose this onerous burden on such a worthy project.

This project would consist of an 84.5-mile pipeline from Pea Hill Creek, which is a branch of Lake Gaston, in Brunswick County, VA, to an existing raw water pipeline in Suffolk, VA, owned by the city of Norfolk. The estimated total cost is approximately $176 million—all of which will be paid by local taxpayers at no Federal expense.

Mr. President, the Virginia communities of Virginia Beach, Chesapeake, Franklin, and Isle of Wight desperately need this supply of water.

I vividly recall the 1980-81 drought and its devastating impact on Virginia Beach. The economic stability and indeed the future of this area depends on obtaining a secure supply of water.

The ground water system in southeastern Virginia is simply insufficient to meet future needs. Virginia Beach already has the strictest water conservation requirements in Virginia. In 1993 the city's contract to purchase water from Norfolk expires, and they are faced with developing a new water source by that time.

Detailed technical reviews have shown that the Lake Gaston pipeline is by far the most economically and technically feasible source of water for the Virginia Beach area, and that it will not result in any significant environmental damage to other parts of Virginia or North Carolina.

Mr. President, I—along with my colleague PAUL TRIBLE and Virginia's Gov. Charles Robb—support the Lake Gaston pipeline. But I want you to understand that we did not arrive at this point without considerable deliberations. We do not have a united constituency on this issue. Virginians in the area surrounding Lake Gaston oppose the pipeline while those in the Virginia Beach area support it. Yet all three statewide elected officials in Virginia support the Lake Gaston pipeline.

I ask unanimous consent to have printed at this point in the RECORD an August 6, 1984, letter which I received from Governor Robb in strong support of the Lake Gaston pipeline.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, August 6, 1984.

Hon. JOHN W. WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR JOHN: I understand that the Senate will shortly be considering H.R. 6040, the Second Supplemental Appropriations Act for Fiscal Year 1984. The House committee report accompanying this bill contains language that would prohibit the Army Corps of Engineers from using funds to transfer water from the Roanoke River Basin (e.g., Lake Gaston) to the James River Basin (e.g., Virginia Beach) until the Corps has prepared an Environmental Impact Statement (EIS) and until both the Corps and the Environmental Protection Agency have determined from the EIS that there will be no detrimental effects on the environment.

I strongly urge that you oppose the inclusion of such language in any Senate committee report on this bill, or in the bill itself. The language would block any implementation of the Virginia Beach water supply project until the EIS process is carried out completely. As you know from our experiences last winter, requiring an EIS on this project would be a misuse of the EIS process and a waste of governmental effort at three levels of government.

As you recall, members of the North Carolina Congressional delegation introduced a bill in the House of Representatives to require an EIS for this project, just after the Corps of Engineers issued a permit for the project. I joined you and Paul Trible and Bill Whitehurst in appearing before Congressman Roe's subcommittee to oppose the bill, which did not make it to the floor.

In considering H.R. 6040 and the associated committee report, and in talking with your colleagues about it, I hope you will keep in mind the following:

Through extensive review of the City's environmental report, the preparation of two environmental assessments, and the holding of three well-attended public hearings, the Corps of Engineers complied almost completely with the National Environmental Policy Act (NEPA) mandate for environmental impact statements. The effort and expenditure for literal compliance with the EIS requirement would be superfluous and hence wasteful on the part of all levels of government.

The critical question of whether the project would harm Roanoke River resources or downstream river flows has been decisively answered in the negative by extensive Corps study. The maximum withdrawal proposed—60 million gallons per day—represents only 1.2 percent of the average river flow at Roanoke Rapids. The worst-case effect on lake levels would be at most 2½ inches in a lake where existing variation is much greater. Water quality and lake levels impacts would, therefore, be insignificant.

Alternatives, the study of which is supposed to be the heart of an environmental impact statement according to NEPA regulations, have been studied by the Corps, the Commonwealth, and Virginia Beach for a number of years. The fact is that the groundwater system in Southeastern Virginia cannot be relied upon indefinitely. The water supply contract with Norfolk expires in 1993, a scant 8½ years from now. Water-sharing arrangements among Tidewater localities have been examined and can only accomplish a limited goal—a goal which falls short of projected actual needs. More water is needed for a city that already has the strictest water conservation ordinances in Virginia.

Additional delay of this vital project would threaten the water supply, and consequently the health and well-being, of the citizens of Southeastern Virginia. It is my hope that your opposition to the language in the committee report accompanying H.R. 6040 will be decisive as the bill is considered in the Senate.

Sincerely,

CHARLES S. ROBB.

Mr. WARNER. Virginia Beach is trying to be a responsible citizen in developing this project.

Their application for a permit to build the Lake Gaston pipeline is the result of years of study. As early as 1978 in a report on the Hampton Roads water supply, the Corps of Engineers examined 50 alternatives for providing additional water for the area. In 1978, the corps, in an interim report, tentatively recommended the Lake Gaston pipeline.

After extensive study of the options available to them, the city of Virginia Beach in July 1983 applied to the corps for a permit to construct the Lake Gaston pipeline.

The U.S. Army Corps of Engineers made a finding of no significant environmental impact and issued a construction permit in January 1984.

More than 38 State and Federal agencies, including the Environmental Protection Agency and the Fish and Wildlife Service, were supplied information on the project and given the opportunity to comment. Also included were agencies of the Commonwealth of Virginia including those responsible for drinking water safety, air and water quality, fisheries management, and transportation.

Each of these State and Federal agencies had the opportunity to request environmental impact statements. However, none of the 38 State and Federal agencies felt there were sufficient unanswered environmental questions to call for an environmental impact statement. Indeed, the Virginia Marine Resource Commission and the Virginia State Water Control Board have both issued the necessary State permit for the project.

There were some 66 mitigation measures which are proposed by Virginia Beach and made a part of the contract. I submit to you, Mr. President, that the reason these agencies did not request an environmental impact statement was because they were convinced, based on the comprehensive permit application filed by Virginia Beach and the environmental impact statement.

I am convinced that the project's impact on the environment would be temporary and minor. Frankly, Mr. President, I believe those advocating an environmental impact study, and I presume they mean "statement," believe that also. Their real concern is the effect this withdrawal could possibly have on water levels in Lake Gaston and downstream in the Roanoke River. Their fears are simply not based on fact.

The Corps of Engineers estimates that for a worst case drought in Kerr Reservoir, the proposed Lake Gaston pipeline intake would result in an additional drawdown of two-tenths of 1 foot. This drawdown is estimated to occur less frequently than once every 100 years.

This means that during a worst case drought, the level of Kern Reservoir—which already fluctuates approximately 12 feet annually—may fluctuate an additional two-tenths of 1 foot because of the pipeline withdrawal. The overall pipeline withdrawal represents only 1 percent of the average flow of the Roanoke River system. This evidence indicates to me that the impact of this withdrawal would truly be insignificant.

Because of existing Federal Energy Regulatory Commission licensing requirements, Vepco is required to maintain the water level of Lake Gaston at a minimum of 199 feet above mean sea level. This requirement would not be altered as a result of the Lake Gaston pipeline. Thus, the level of Lake Gaston is not going to change under the proposed pipeline.

The Corps of Engineers, in my judgment, has made a most thorough examination of the project. The corps conducted three public hearings, circulated an environmental assessment for two public comment periods, and reviewed volumes of data on the project.

I want to set the record straight on the assertion in the House report that "more than 99 percent of the witnesses opposed the granting of the permit." This is simply not the case.

More than 1,700 persons attended a November 17 hearing in Virginia Beach. Almost every individual testified in support of the project. Two hearings were conducted in the areas surrounding Lake Gaston with nearly 4,000 persons testifying in opposition to the permit.

The corps record on this project indicates that approximately 24 percent of the comments supported the project, 65 percent opposed, and 11 percent expressed no opinion. This 24 percent is a far cry from the 1 percent alleged in the House committee report. Had a second hearing been held in or around Virginia Beach—as a second hearing was held in the heartland of the opposition—the percentage of those registering in favor of the proposal would be much higher.

I have on my desk approximately 2 feet of documents associated with the official record of public involvement. I invite any Senator who has doubts about the degree to which the project has been studied to review these documents.

The language in the House committee report is particularly troublesome for two reasons.

First language directs that the project not go forward until the corps has made an environmental impact study.

The corps has been directed to conduct a study with an impossible result. What is demanded cannot possibly be achieved. The NEPA and its legislative intent has totally been discarded in this language. The House report says, in effect, that the life of one worm will prohibit the transfer of water to more than 300,000 people. If one shovel of dirt has an environmental impact, the pipeline could not be built.

The definition of environmental impact study is unclear. Traditionally, the corps conducts an environmental assessment—which it has in the case of the Lake Gaston pipeline. Then if there is a potential of significant environmental impact, an environmental impact statement is prepared. How the environmental impact study relates to either an environmental assessment or an environmental impact statement is unclear, and, therefore, it is impossible to know what kind of study is required.

Second, the language ignores the delicate balance between environmental and other factors which must be weighed under the statutes and regulations of the National Environmental Protection Act. The House report language allows no detrimental effect on the environment. The term "significant"—as included in NEPA—is omitted.

A finding of no environmental impact is impossible to meet and, in effect, blocks the project.

Mr. President, this language is mischievous and clearly obstructionist.

Legislation was introduced in the House of Representatives, H.R. 4317, to require the corps to conduct an environmental impact statement prior to issuing the permit. This legislation was the subject of hearings February 8, 1984, before the Water Resources Subcommittee of the House Committee on Public Works and Transportation: 24 witnesses, including Governor Robb, Senator TRIBLE, and myself, testified. In my judgment, the subcommittee did not act further on this matter because they were persuaded that the bill requiring an environmental impact statement was without merit.

Opponents of the pipeline have been unable to persuade the Corps of Engineers or the House Public Works Committee of the merits of their arguments. Now they are making a last ditch effort before the Appropriations Committee—and I underline Appropriations Committee—not the authorizing committees which have an expertise in this area.

Mr. President, the Corps of Engineers is the appropriate Federal office charged by the Congress with determining the precise environmental impact of projects, such as the Lake Gaston pipeline. I understand that the corps makes thousands of environmental studies on proposed projects each year.

Federal law vests in agencies technical decisionmaking authority. We have multitudes of engineers, scientists, and other Federal executive branch civilian and military employees who are specifically hired to make these decisions.

I believe the corps is qualified to decide whether the environmental impact statement is required before a section 404 permit is issued.

How many Members of Congress are really convinced that Congress is better equipped to make technical judgments which override the decisions of the executive branch—decisions based on research and studies funded with billions upon billions of taxpayer dollars?

Why are we spending all these billions of dollars to support the executive branch so that they can hire these experts, if we in Congress become another executive branch?

The Congress' role is to make laws and oversee their execution. The executive branch administers our laws. The judicial branch interprets our laws. All three branches play a role in the Lake Gaston pipeline project. Congress passed the law dictating how section 404 permits shall be issued. The executive branch determined that an environmental impact statement was not necessary and that the permit should be issued. The courts are now involved with challenges to the corps decision.

If we intervene here, I suggest the Congress will be potentially subject to intervene in each and every corps project. I cannot believe the Congress wants to get in the business of duplicating corps business in determining which projects require environmental impact statements. The ramifications of setting such a terrible precedent are obvious.

With the many important national issues before this Congress, I question why its Members would want to start ruling on the technical environmental impact of thousands of projects throughout the United States. I predict that if this legislation is enacted, everyone displeased with corps decisions will be lined up outside our doors requesting special legislation to veto or sanction their projects.

Despite the good efforts of many in this body, the Congress has been logjammed for 8 years on authorizing federally funded water projects. If the Congress is unable to move forward on such legislation of vital national importance, I certainly do not believe we should take on this additional task.

I suggest, Mr. President, that the executive branch do what it is staffed and authorized to do. If we in Congress do not agree with the law by which such decisions are to be made, then Congress should change the law—not attempt to change individual decisions which we vest in the executive branch, just because someone in our constituency disagrees with the conclusion.

I want to point out to my colleagues the implications of delaying the Lake Gaston pipeline. Virginia Beach City officials have estimated that for each and every month of delay, project costs escalate by about $900,000. This imposes a severe financial strain on the taxpayers of Virginia Beach who must ultimately bear the cost of the pipeline.

I urge the conferees on this bill to be silent on the necessity of an environ-

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mental impact statement for the Lake Gaston pipeline.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Ledger Star by Frank Callaham.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Ledger-Star, Aug. 7, 1984]

HOUSE PANEL BULLIES THE ENGINEERS ON GASTON WATER

(By Frank Callahan)

When the House of Representatives Appropriations Committee went along with a North Carolina congressman's obstructive order to the U.S. Army Corps of Engineers to prepare an environmental impact statement on the Lake Gaston pipeline and the full body endorsed the measure, the House reduced itself to a petty meddler in interstate controversy.

By this action, the chamber embraced the North Carolina side in the state's effort to block Virginia Beach's quest for water—and embraced that side in the position of bully.

Granted, the directive is not binding, but the North Carolina congressman, Tim Valentine, made sure everyone understood that the intent was coercive. If corps officials ignore the order, he said, "they do so at their peril." He added that he couldn't imagine the corps "not paying attention to this type of directive coming from the holder of its purse strings." And anticipating that the Senate may not join in, he said: "I think the corps should be mindful that appropriations bills originate in the House—and the House has spoken."

The corps' position is that it has carefully followed the provisions of the National Environmental Policy Act. This law states that only when a major federal action has a significant effect on the human environment should the corps do an environmental impact statement. In January, the corps concluded that the Beach water project would not have an adverse environmental effect and awarded the city a permit to build the pipeline.

Just what effect the House order will have on the progress of the project is uncertain. Preparation of an official statement could lengthen the process of getting the pipeline under way. With the current completion target already nine years away, it is obviously important to try to avoid new delays.

But North Carolina already is suing in federal court to void the corps' permit, pending preparation of an environmental statement. So, it could be that, if North Carolina should prevail in court, the House directive by itself would have no delaying effect.

This, though, is beside the point. For the evidence suggests that the corps followed the procedures called for in the law passed by Congress. If the House feels these procedures offer insufficient ecological protections, then the House should adopt amendments to the law. Getting into the Virginia-Carolina water dispute itself amounts to an unwarranted intrusion.

Mr. HATFIELD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Texas [Mr. TOWER], is necessarily absent.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from Ohio [Mr. GLENN], the Senator from Louisiana [Mr. LONG], and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

[The following proceedings occurred after midnight:]

The PRESIDING OFFICER [Mr. WILSON]. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—62

Abdnor	Evans	Metzenbaum
Andrews	Ford	Moynihan
Baker	Goldwater	Murkowski
Bingaman	Gorton	Packwood
Boren	Grassley	Pell
Boschwitz	Hart	Percy
Bradley	Hawkins	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Quayle
Chafee	Hollings	Randolph
Cochran	Huddleston	Riegle
Cohen	Jepsen	Rudman
D'Amato	Johnston	Sarbanes
Danforth	Kasten	Simpson
DeConcini	Lautenberg	Specter
Denton	Laxalt	Stafford
Dixon	Levin	Stevens
Domenici	Lugar	Thurmond
Durenberger	Mathias	Tsongas
Eagleton	Matsunaga	Weicker
East	Melcher	

NAYS—32

Armstrong	Hecht	Nunn
Baucus	Helms	Proxmire
Biden	Humphrey	Roth
Byrd	Inouye	Sasser
Chiles	Kassebaum	Symms
Dodd	Kennedy	Trible
Dole	Leahy	Wallop
Exon	Mattingly	Warner
Garn	McClure	Wilson
Hatch	Mitchell	Zorinsky
Hatfield	Nickles	

NOT VOTING—6

Bentsen	Glenn	Stennis
Cranston	Long	Tower

So the bill (H.R. 6040), as amended, was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendments to H.R. 6040, and that the Senate ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the chair be authorized to appoint conferees on the part of the Senate.

Mr. BYRD. Mr. President, reserving the right to object, I do not object. The distinguished majority leader, the assistant majority leader, and I have talked about the possibility that on tomorrow we might want some adjustment made in the list of minority conferees. They have both indicated that would be agreeable. Am I correct?

Mr. STEVENS. My good and great friend from West Virginia is absolutely correct. We have looked at it. There are more from this side of the aisle than there are from the other side of the aisle. But it is because of the decision to wait until tomorrow to determine who else should be named, and we are in agreement. We will amend this list of requested conferees by the distinguished Democratic leader.

Mr. BYRD. I thank the distinguished acting majority leader.

I withdraw my reservation.

The motion was agreed to, and the Presiding Officer appointed MARK O. HATFIELD; THEODORE F. STEVENS; LOWELL P. WEICKER, JR.; JAMES A. MCCLURE; JAKE GARN; THAD COCHRAN; MARK ANDREWS; JAMES ABDNOR; ROBERT W. KASTEN, JR.; ALFONSE M. D'AMATO; MACK MATTINGLY; WARREN RUDMAN; ARLEN SPECTER; JOHN C. STENNIS; DANIEL K. INOUYE; ERNEST F. HOLLINGS; THOMAS F. EAGLETON; BENNETT J. JOHNSTON; QUENTIN N. BURDICK; PATRICK J. LEAHY; DENNIS DECONCINI; and DALE BUMPERS as conferees on the part of the Senate.

Mr. STEVENS. Mr. President, as of 11:45 p.m., I am informed that the Senate had considered H.R. 6040 for 2 days; a total of 13 hours; with 7 rollcall votes; and 46 amendments and motions were considered, of which 35 were agreed to.

That was a matter that was handled in I think great dispatch, and with dignity and ability demonstrated by the managers on both sides.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business during which Senators may speak therein for not to exceed 5 minutes each, and that the period last not beyond the hour of 1 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REPRESENTATIVE CARL D. PERKINS

Mr. HUDDLESTON. Mr. President, no matter what degree of national respect a U.S. Congressman may have earned over the years, what he will be remembered by is how well he served the people of his district. With that as the measure, Carl Perkins will never be forgotten.

Carl D. Perkins could, over his 35 years in Congress, lay claim to much at the national level. Without Carl Perkins, the war on poverty might well have been lost in the early skirmishes. It was Carl Perkins' hands that molded and guided the legislation that produced job training and school lunch programs, remedial education for the disadvantaged, vocational education, and school libraries.

Child care and nutrition, adult education, mathematics and science educations, and the Appalachian Regional Commission, all were shepherded through by this master of the legislative and political process.

The legislation he shaped touched people from New England to Hawaii, from Alaska to Florida. Evidence of that was ample Tuesday at his funeral in Hindman, where House Speaker TIP O'NEILL, Majority Leader JIM WRIGHT, and Senator EDWARD KENNEDY spoke in tribute to Carl Perkins, and where nearly a hundred of his colleagues gathered to pay their respects.

More telling was the fact that more than 3,000 of his beloved constituents came to pay their respects as well. Carl Perkins was a national leader, he was chairman of the Education and Labor Committee, he was ranked among the truly powerful in Washington. But every hour of every day, Carl Perkins was the U.S. Representative from the Seventh Congressional District of Kentucky.

While he worked on writing law that would make dramatic changes in our American society, he was never too busy to talk to a constituent. No problem in Appalachian Kentucky was too small to garner his personal attention. No President was ever too powerful to prevent Carl Perkins from carrying the case for a Kentuckian to a solution.

He returned home to Knott County every week, and he saw the world from the vantage point of his mountain farm. He looked at the world through the eyes of a man who was truly of the people.

He knew that the illiterate coal miner in Pike County had much in common with the illiterate farm worker in southern California. He knew that the hungry child in Martin County had much in common with the hungry child on Chicago's South Side. He knew that the homeless family in Breathitt County shared common experiences with the homeless family in New York City. He knew that the schoolhouse without a decent library in Carter County was no more able to provide quality education than a school in Arizona with the same lack. He knew that being unemployed in Letcher County was little different than being unemployed in Miami.

As he served his people, he served people everywhere in America. And as his loss will be felt in the seventh district, so it will be felt across America.

A TRIBUTE TO COL. HOWARD VAUGHAN

Mr. HEFLIN. Mr. President, today I would like to pay tribute to a man who has given 30 years of outstanding service to the U.S. Air Force Reserve, Col. Howard R. Vaughan, who recently retired. I would like to congratulate this patriotic individual on his years of recognized leadership and dedication to his country.

As a Reserve officer, Howard Vaughan managed to accomplish a great deal. He performed brilliantly the past 5 years as Mobilization Augmentee Chief, Congressional Legislation Division, Directorate of Legislative Liaison. As Chief Legislative Attorney (Reserve), Colonel Vaughan has been a part of several important decisions. He managed to obtain Air Force participation for the personnel portion of the annual DOD authorization hearings, and he was a key component in the defeat of the Garcia amendment to the 1983 DOD authorization bill, which would have cut several services available to Air Force officers and their dependents. In addition, his efforts were crucial to the passage of legislation which increased compensation for survivors of Civil Air Patrol members. Due to these successes on Capitol Hill, he is considered an expert on legislative matters.

On Friday, May 11, 1984, Vaughan retired from the military. At the retirement ceremony, Maj. James P. McCarthy, Director of Legislative Legion, awarded Vaughan the "Legion of Merit."

A native of Birmingham, AL, Colonel Vaughan received his bachelor of science degree from the University of Alabama and his LL.D. from Birmingham School of Law. Currently, he lives in Montgomery, AL, with his wife, Ann Stringfellow, and his son Howard, Jr.

Alabama is lucky to claim such a fine man. He is a credit to his country and family, and should not go unrecognized.

THE ALABAMA SPORTS FESTIVAL

Mr. HEFLIN. Mr. President, on Sunday evening, July 8, 1984, I had the honor and privilege of participating in the closing ceremonies of the Alabama Sports Festival. The ceremonies were held at Birmingham's Sixth Avenue Baptist Church and signaled the end of a 4-day tribute to Olympic style competition.

We are all very familiar with the pageantry and spirit identified with the Olympics, which, of course, are going on right now in Los Angeles. The Alabama Sports Festival is an athletic gathering, sanctioned by the U.S. Olympic Committee, which includes competition for the disabled as well as for youths and adults.

When the Sports Festival was first held, only 1 year ago, it consisted of only four events—track and field, swimming, gymnastics, and exhibition cycling. This year, there were 4 days of competition rather than 1, 16 events rather than 4, and some 3,000 athletes participating rather than 600.

Following even more in the Olympic tradition, the festival this year had elaborate opening and closing ceremonies, under the direction of James Hatcher of Birmingham's Town & Gown Theatre. The opening ceremonies were held in the 17,000 seat Birmingham-Jefferson Civic Center, and began and ended with a parade of all athletes participating.

The closing ceremonies, held at the Sixth Avenue Baptist Church, were another moving and inspirational moment. I was one of several persons who participated by reading selected words of such great Americans as Benjamin Franklin, Theodore Roosevelt, Daniel Webster, Woodrow Wilson, and others. These testimonies of patriotism and national courage were separated by hymns and inspirational songs performed by Anita Bryant and other talented individuals and singing groups. The patriotic leaning of the program was, of course, additionally fitting in that the ceremony was held so close to our national celebration of independence.

Mr. President, I rise today to commend all those who helped make this year's Alabama Sports Festival such a successful event—both participants and planners. Their efforts and dedication are building an event of which all of Alabama can and should be proud. I ask unanimous consent that the texts of the readings delivered at the closing ceremonies of the Alabama Sports Festival be printed in full at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT WOODROW WILSON IN HIS INAUGURAL ADDRESS, WASHINGTON, DC, JANUARY 21, 1917

. . . Only a peace between equals can last; only a peace the very principle of which is equality and a common participation in a common benefit . . . No nation should seek to extend its policy over any other nation or people, but that every people should be left free to determine its own policy, its own way

of development, unhindered, unthreatened, unafraid, the little along with the powerful.

. . . Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.

PRESIDENT JOHN F. KENNEDY IN HIS INAUGURAL ADDRESS; WASHINGTON DC; JANUARY 20, 1961

. . . And so, my fellow Americans—Ask not what your country can do for you—ask what you can do for your country.

My fellow citizens of the world: Ask not what America will do for you, but what together we can do for the freedom of man.

Finally, whether you are a citizen of America or a citizen of the world, ask of us here the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

EDWARD EVERETT; CHARLESTOWN, MA; AUGUST 1, 1926

. . . Henceforward, while America exists among the nations of the earth, the first emotion of the 4th of July will be of joy and triumph in the great event which immortalizes the day; the second will be the one of chastened and tender recollection of the venerable men who departed on the morning of the jubilee. (John Adams and Thomas Jefferson both died on July 4th.) This mingled emotion of triumph and sadness has sealed the beauty and sublimity of our great anniversary.

The fabric of America's freedom . . . may crumble into dust. But the cause in which these our fathers shown is immortal.

ANDREW JOHNSON; WASHINGTON, DC; MARCH 4, 1833

. . . The loss of liberty, of all good government, of peace, plenty and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The eyes of all nations are fixed on our Republic. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from dangers which surround it, and learn wisdom from the lessons they inculcate. Without union, our independence and liberty would never have been achieved; without union, they never can be maintained.

HENRY CLAY AS U.S. SENATOR FROM KENTUCKY; WASHINGTON, DC., 1850

. . . Let us look to our country and our cause, elevate ourselves to the dignity of pure and disinterested patriots, and save our country from all impending dangers. What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward?

ROBERT G. INGERSOL AT THE FUNERAL SERVICES OF HIS BROTHER; NEW YORK CITY; 1899

. . . Life is a narrow vale between the cold and barren peaks of two eternities. We strive in vain to look beyond the heights. We cry aloud, and the only answer is the echo of our waking cry. From the voiceless lips of the unreplying dead there comes no word; but in the night of death hope sees a star, and listening love can hear the rustle of a wing.

BENJAMIN FRANKLIN; PHILADELPHIA; 1787

. . . I doubt, too, whether any other convention we can obtain may be able to make a better Constitution; for, when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected?

It therefore astonishes me, sir, to find this system approaching so near perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded.

THEODORE ROOSEVELT WHILE GOVERNOR OF NEW YORK STATE; CHICAGO; APRIL 10, 1899

. . . I preach to you my countrymen, that our country calls not for the life of ease, but for the life of strenuous endeavor. The twentieth century looms before us big with the fate of many nations. If we stand idly by, if we seek merely swollen, slothful ease, and ignoble peace, if we shrink from the hard contests where men must win at hazard of their lives and at the risk of all they hold dear, then the bolder and stronger peoples will pass us by and will win for themselves the domination of the world. Let us therefore boldly face the life of strife, resolute to do our duty well and manfully; resolute to uphold righteousness by deed and by word; resolute to be both honest and brave, to secure high ideals, yet to use practical methods. Above all, let us shrink from no strife, moral or physical within or without the nation, provided we are certain that the strife is justified; for it is only through strife, through hard and dangerous endeavor, that we shall ultimately win the goal of true national greatness.

DANIEL WEBSTER; BOSTON; JUNE 17, 1825

. . . The whole world is becoming a common field of intellect to act in. Energy of mind, genius, power, wherever it exists, may speak out and the world will hear it.

Mind is the great lever of all things; human thought is the process by which human ends are ultimately answered; and the diffusion of knowledge, so astounding in the last half century, has rendered innumerable minds, variously gifted by nature, competent to be competitors or fellow-workers in the theatre of intellectual operation.

When men speak out they demand it; where the bayonet is at their throats, they pray for it.

DAVID E. LILIENTHAL BEFORE THE SENATE SECTION OF THE JOINT COMMITTEE ON ATOMIC ENERGY, 80TH CONGRESS, FIRST SESSION; WASHINGTON, DC.; JANUARY 27, 1947

My convictions are not so much concerned with what I am against as what I am for—and that excludes a lot of things automatically.

Traditionally, democracy has been an affirmative doctrine rather than merely a negative one.

I believe in—and I conceive the Constitution of the United States to rest, as does religion, upon—the fundamental proposition of the integrity of the individual; and that all Government and all private institutions must be designed to promote and protect and defend the integrity and the dignity of the individual; that that is the essential meaning of the Constitution and the Bill of Rights, as it is essentially the meaning of religion.

Any forms of government, therefore, and any other institutions, which make men means rather than ends in themselves, which exalt the state or any other institutions above the importance of men, which place arbitrary power over men as fundamental tenet of government, are contrary to this conception; and therefore I am deeply opposed to them.

I deeply believe in the capacity of democracy to surmount any trials that may lie ahead provided only we practice it in our daily lives.

ABRAHAM LINCOLN IN HIS SECOND INAUGURAL ADDRESS; WASHINGTON, D.C.; MARCH 4, 1865

At this second appearing to take the oath of the Presidential office, there is less occasion for an extended address than at the first. Then a statement somewhat in detail of the course to be pursued seemed very fitting and proper . . .

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away; yet if it be God's will that it continue until the wealth piled by bondsmen by two hundred and fifty years' unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said that the judgments of the Lord are true and righteous altogethers.

With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and orphans; to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

ELEANOR ROOSEVELT BEFORE THE DEMOCRATIC NATIONAL CONVENTION; CHICAGO, IL; JULY 23, 1952

You are very kind to me and I am glad to have been asked to talk to you about the United Nations, about its past, about what it is doing today and more important, about its future.

I remember well, even though it seems a long time ago, hearing for the first time a statement and the reasons why, when the war ended, we must make another try to create another world organization to help us keep the peace of the world. This talk took place in my husband's study in the White House one evening during the bitter days of the last war when victory was not yet in sight.

My husband, discussing what would happen after the war, turned to a friend and said in effect "When this war is over and we have won it, as we will, we must apply the hard lessons learned in the war and in the failure of the League of Nations to the task of building a society of nations dedicated to enduring peace. There will be sacrifices and discouragements but we must not fail for we may never have another chance."

The UN is the machinery through which peace may be achieved and it is the responsibility of 60 nations and their delegations

to make that machinery work. Yet you and I may carry the greatest responsibility because our national strength has given us opportunities for leadership among the nations of the free world.

The UN is the only machinery for the furtherance of peace that exists today. There is a small articulate minority in this country which advocates changing our national symbol which is the eagle to that of the ostrich and withdrawing from the UN. This minority reminds me of a story of a short-sighted and selfish man who put green goggles on the cow and fed her sawdust. The cow became sick and died. I warn you against the short-sighted and selfish men who are trying to distort the vision of the American people. We must have eagle eyes. These men who lack vision are poor in hope. They turn their backs on the future and live in the past. They seek to weaken and destroy this world organization through their attacks on the UN. They are expressing a selfish, destructive approach which leads not to peace but to chaos and might eventually lead to World War Three . . .

I can only hope that in the future there may be some little unexpected values . . . that may serve the great common hope that through the United Nations peace may come to the world.

PRESIDENT RONALD REAGAN IN HIS INAUGURAL ADDRESS; WASHINGTON, DC; JANUARY 1980

. . . If we look to the answer as to why for so many years we achieved so much, prospered as no other people on earth, it was because here in this land we unleashed the energy and individual genius of man to a greater extent than has ever been done before. So, with all the creative energy at our command, let us begin an era of national renewal. Let us renew our determination, our courage and our strength. And let us renew our faith and our hope. We have every right to dream heroic dreams.

BERNARD M. BARUCH ADDRESSING THE UNITED NATIONS IN NEW YORK CITY; JUNE 14, 1946

. . . We are here to make a choice between the quick and the dead. That is our business.

Behind the black portent of the new atomic age lies a hope which seized upon with faith, can work our salvation. If we fail, then we have damned every man to be a slave of fear. Let us not deceive ourselves: We must elect world peace or world destruction.

HENRY CABOT LODGE, SR.; BROOKLYN, NY; DECEMBER 21, 1888

. . . The American idea is a free church in a free state, and a free and unsectarian public school in every ward and in every village, with its doors wide open to the children of all races and of every creed. It goes still further, and frowns upon the constant attempt to divide our people according to origin or extraction. Let every man honor and love the land of his birth and the race from which he springs and keep their memory green. It is a pious and honorable duty. But let us have done with British-American and Irish-American, and so on, and all be Americans—nothing more, nothing less. If a man is going to be an American at all, let him be so without qualifying adjectives, and, if he is going to be something else, let him drop the word American from his personal description.

THE PROBLEMS OF THE SPECIALTY STEEL INDUSTRY

Mr. HEFLIN. Mr. President, many times during my years here in the Senate I have stood in this Chamber to discuss one of America's most important industries—the domestic steel industry—and the present status of that industry.

We are all only too familiar, Mr. President, with the economic damage undergone by the steel industry as a result of unfair foreign trade practices. We are also familiar with the problems this causes for our overall economy.

One particular area of the steel industry which has suffered damage from unfair foreign trade practices is the specialty steel industry, an industry which is critical to our national defense and national welfare. In this country, there are fewer than 30 firms engaged in specialty steel production. These firms are forced, by unfair foreign trade practices, to compete with some 40 foreign firms, each of which is unfairly subsidized by the government of their home country.

The domestic specialty steel industry simply cannot compete with government-owned and government-subsidized producers. I have been, and I remain, a firm believer in the positive aspects of free trade. Even more importantly, however, I am a devoted believer in fair trade. Unfortunately, fair trade is not to be found in the distribution of specialty steel.

Today, I would like to share with my colleagues a paper prepared by two distinguished scholars at the University of Montevallo in my home State of Alabama, Dallas R. Blevens and Nathan E. McMinn. This paper, entitled "Specialty Steel: A Description of an Industry," demonstrates the material damage caused to domestic producers of specialty steel by this foreign "dumping," and argues that for these producers to survive our Government must fully enforce American trade laws and successfully encourage foreign governments to end their unfair subsidies. I believe this article makes some excellent points, and I commend it to all of you.

Mr. President, I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

SPECIALTY STEEL: A DESCRIPTION OF AN INDUSTRY

(By Dallas R. Blevins)

I. INTRODUCTION

World War II visited its destruction upon the productive capacity of every major industrialized nation of the world, save one. Not only did the industrial base of the United States survive the war intact: it grew. At that point, this nation could easily have placed the rest of the world in economic bondage. Characteristically, it did not.

Post World War II, the United States reached out to friend and former foe alike in an effort to help them rebuild. Disproportionate trade rules were encouraged during this period. The good neighbor policy of the United States paid rich dividends to foreign economies. Within ten years, the smoke from the world's factories was no longer from its burning rubble, the smoke was now the signal of a new prosperity.

Unfortunately, the once useful one-sided trade practices had institutionalized. During the mid-1940's foreign companies had been provided with sundry protections. In spite of the lack of economic justification, they were continued beyond the mid-1950's. By the mid-1960's the artificial barriers were causing the United States to suffer a sustained unfavorable balance of trade. By the mid-1970's the damage caused by unfair trade practices began threatening the continued existence of several basic industries. Autos, textiles and steel are notable among these.

Unfair foreign trade practices have also caused severe damage to at least one "high tech" industry: specialty steel. This paper reviews the industry and the damage caused by unfair trade practices.

Section II defines the specialty steel industry. It contrasts specialty steel production with carbon steel production processes and outlines the importance of the specialty steel industry to the national defense and the national welfare. Section III provides a comparison of the competition domestic specialty steel producers theoretically face with that competition which they actually face. Section IV describes the nature of "dumping" practiced by foreign producers. It discloses the subsidization that allows foreign producers to continue trade practices which are, otherwise, not economically justifiable. Finally, it demonstrates the material damage caused to domestic producers. Section V concludes.

II. THE INDUSTRY

This section: (1) defines the output which is classified as specialty steel, (2) identifies the domestic producers of these products, (3) contrasts specialty steel production with carbon steel production and (4) outlines the importance of the industry to the national defense and the national welfare.

Products

The Tariff schedules of the United States annotated (TSUSA) law define specialty steel as an alloy steel containing less than one percent carbon and greater than 11.5 percent chromium by weight. The American Iron and Steel Institute (AISI) lowers the percentage of chromium to ten percent in its definition. The discrepancy affects only one standard grade of stainless steel: grade 409, which is used in automobile catalytic converters. There are four domestic producers of grade 409 (5 p.Cl; 16 p.A6).

There are six general categories of specialty steel mill products: (1) stainless plate, (2) stainless sheet, (3) stainless strip, (4) stainless bar, (5) stainless rod and (6) alloy tool steel. The first three of these are flat rolled from slabs. Bars and rods are groove rolled from billets, while tool steel is specially processed. Once again the trade law definitions differ from those provided by the AISI. The TSUSA definitions appear to be the more comprehensive.

Plate.—Stainless steel plate has the largest dimensions of the three flat rolled products. The AISI defines plate as product with thickness greater than or equal to .1875

inches and width greater than six inches (5 p.C3). The TSUSA definition is the same in thickness, but requires a width greater than 12 inches (18 p.A7).

Sheet.—Stainless steel sheet has intermediate dimensionality. The AISI defines sheet as product with thickness equal to or less than .1874 inches and width greater than or equal to 24 inches (5 p.C2). The TSUSA definition requires a thickness less than .1875 inches and a width greater than 12 inches (18 p.A6).

Strip.—Stainless steel strip is the smallest of the flat rolled products. The AISI defines strip as output with thickness less than or equal to .1874 inches and width less than or equal to 23 15/16 inches (5 p.C3). The TSUSA definition requires a thickness less than .1875 inches and a width less than or equal to 12 inches (18 p.A6).

Bar.—Stainless steel bar is groove rolled into solid section shapes. Common cross sectional shapes are: (1) triangles, (2) squares, (3) rectangles, (4) hexagons, (5) octagons, (6) circles and (7) ovals (5 p.C4; 18 p.A7).

Rod.—Stainless steel rod is a special subset of stainless steel bar. The TSUSA defines rod as product with a circular cross section having a diameter greater than .2 inches but less than .74 inches (18 p.A8).

Tool steel.—Stainless tool steel is a class of product, rather than a description of a specific output. Tool steels are produced in special heats, each designed to meet performance specifications along three axes: (1) hot-hardness, (2) wear resistance and (3) toughness. Hot-hardness is the ability to resist softening at high temperatures. Wear resistance is the ability to resist changing shape is use. Toughness is the ability to resist the loss of strength in use (18 pp.A8–9).

Producers

About 29 domestic firms produce specialty steels: (1) 11 produce stainless steels only, (2) 8 produce tool steels only and (3) 10 produce both. Six of the 29 also produce carbon steels. Most of the specialty steel producers concentrate in relatively few product lines (18 p.A14).

Process

Basic carbon steelmaking requires three ingredients: (1) iron ore, (2) limestone and (3) coal. The iron ore is reduced to pellets or sinter. The limestone is purified into lime. Coal is converted into coke. The three ingredients are mixed in a blast furnace. The pellets or sinter is melted into iron, the lime washes away the impurities as slag with the coke fueling the process. The result is molten iron.

The molten iron is then mixed with scrap, lime and oxygen in one of three classes of furnace: (1) open hearth, (2) basic oxygen or (3) electric. The result is molten steel.

The molten steel is released from the furnace in a stream (continuous casting) or in individual block (conventional ingot teeming). Further processing takes one of three basic forms: (1) slabs, (2) billets or (3) blooms. Slabs have a rectangular cross section and are flat rolled into: (1) plate, (2) sheet or (3) strip. Billets have a square cross section and are groove rolled into: (1) bars or (2) rods. Blooms have a square cross section and are larger than are billets. Blooms are groove rolled into: (1) beans, (2) rods or (3) structural shapes (14).

Specialty steelmaking, in contrast, starts with the combination of stainless scrap and alloying elements, using electric furnaces and other high-technology processes. Argon oxygen decarbonization vessels or vacuum oxygen decarbonization vessels are used to add alloying elements such as chromium, nickel and molybdenum (15).

Thus, specialty steels and tool steels require multiple processing by large amounts of capital equipment possessing state of the art technology.

Importance

Although specialty steels and tool steels represent less than two precent of domestic steel output, they are critical to the national defense and to the national welfare (12 p. 26; 20 p.77). Many of these products have one domestic producer (4).

Stainless steel plate is used in the production of industrial equipment. Fifteen firms are engaged in the production of stainless steel plate (5 pp.C3-4).

Stainless steel sheet is used in the production of airplanes, submarines, missiles, food processing equipment, storage tanks and hospital equipment. There are some seven producers of stainless steel sheet (5 p.C2).

Stainless steel strip is used in automobile, appliance and industrial equipment production. Eight firms make stainless steel strip (5 pp.C2-3).

Stainless steel bar and rod are used in hydraulic fittings, valves, airframes, jet engines, and medical and dental instruments. There are eight producers of stainless steel bar and rod (5 p.C4).

Tool steels are produced for a wide variety of military and commercial users. There are seven major categories of such steels: (1) high speed tool steels, (2) hot work tool steels, (3) cold work tool steels, (4) shock resisting tool steels, (5) mold steels, (6) special purpose tool steels and (7) water hardening tool steels. Tool steels are produced in the form of plates, sheets, strips, rod and bars. Ten firms produce tool steels (5 p.C5).

III. THE COMPETITION

There are fewer than 30 domestic firms engaged in specialty steel production. When individual classes of production are considered the number of competitors drops further: (1) plate—15, (2) Sheet—7, (3) Strip—8, (4) bar and rod—8 and (5) tool—10. The number of competitors drops further when individual products are considered. Often there is but one producer for a given output (4).

Domestic producers face oligopolistic competition. Each must be very cost and price conscious. A lack of cost containment could cause the firm to deliver a lower than acceptable return to the common stockholders. A unilateral price increase may not be followed by the competition, in which case the firm would lose a share of the market, and the stockholders would suffer. A unilateral price decrease would be followed by the competition, so the share of the market would remain constant while the average selling price declined, causing the common stockholder to suffer. A bilateral or multilateral price change is against the law.

Thus, the specialty steel producers are in a highly competitive environment. This statement is true, even before international competition is introduced. Foreign firms add dozens of additional competitors to the U.S. market.

In fact, foreign competition is structurally unfavorable to domestic producers. Although the per unit costs borne by domestic producers remain highly competitive with those borne by foreign producers (19 pp.216-19), domestic producers face relatively higher cash outflow for labor and pollution control devices than do their foreign competitors (3 pp.1-11; 8 pp.216-219). This asymmetry provides short run difficulties for domestic producers, but is not insurmountable (10 pp.197-202).

The problem which faces the domestic industry with what may well be its demise is the subsidization of foreign industry. Our steelmakers are competing against foreign countries, not foreign producers.

IV. THE DAMAGE

This section defines dumping, traces the subsidization which allows it to continue and annotates the material injury done to the domestic producers.

Dumping

The term "dumping" is used to describe either of two activities: (1) pricing below the average total cost of production or (2) pricing in the United States below the price charged in the "home country (1 p.3).

Pricing Below Cost.—Pricing decisions are made within the limits of a ceiling and floor. The price ceiling is the lower of: (1) what the market will bear or (2) what the law will allow. Since the law places no maximum on steel prices, market forces determine the ceiling on the prices of the various steel products. The price floor, theoretically, has two levels. The higher of the two is that price which is equal to the average total cost of production. This includes the cost of manufacture, operating expenses, interest, taxes and a return to the stockholders. In the long run, all these costs must be borne, so the price must be adequate to cover them all. In the short run, the price must be adequate to cover only cash outflows, under the proviso that later price increases will cover that portion of the full cost not borne during the short term.

Discriminatory Pricing.—Dropping prices in the United States below those charged in other nations may seem to be favorable. Consumers are pleased. An illustration demonstrates the apparent benefits.

Assume a foreign producer has capacity to manufacture 150 units. Labor cost is fixed at $200. All other costs are variable at $2 a unit. Demand in the foreign producer's own country is 50 units at a price of $4 a unit. One hundred can be sold in the United States at $3 each (7 p.21).

Analysis: Local sales only

Local sales $4(50)	$200
Variable costs $2(50)	100
Contribution margin	100
Fixed costs	200
Operating income	−100

Analysis: With dumping

Local sales $4(50)	$200
Sales in U.S. $3(100)	300
Total sales	500
Variable costs $2(150)	300
Contribution margin	200
Fixed costs	200
Operating income	0

This illustration makes dumping appear to be favorable. Foreign markets are paying the same in either case, while the U.S. market gets a price break. The reason such activity is illegal is that it represents, on an international scale, precisely the national activity that gave rise to the Sherman Act of 1890. Underpricing in one area can drive out competition: allowing the survivor a monopoly. If competition is eliminated or reduced, no one wins but the survivor.

Subsidization

Unaided foreign producers who consistently price their product below full cost would not survive. Yet, foreign governments can and do continue to subsidize economically unprofitable producers, allowing them to survive long after private firms would be bankrupt. Further, the nature of specialty steel production is such that no single producer would have the power to drive out competition with differential pricing. The reason domestic specialty steel producers are at risk is the subsidization provided by foreign governments.

Sudsidies take a vast array of forms, but in each case the host country is placing itself in direct competition with U.S. specialty steel producers.

As an example of the magnitude of the problem, a partial listing of subsidized firms and their host countries has been prepared for both carbon steel and specialty steel production.

Belgium subsidizes seven firms. France subsidizes four. West German subsidizes seven. Italy subsidizes five. Luxembourg subsidizes two. The Netherlands subsidizes one. The United Kingdom subsidizes one. Brazil subsidizes four. South Africa subsidizes two. Spain subsidizes six (1 pp. 9-16).

Material injury

That such unfair competition is harmful to domestic producers is obvious. None-theless, a listing of some of the evidence serves to point out the seriousness of the threat.

Specialty steel is an efficient industry. In spite of this, the survival of domestic producers is at risk (9). Unfair trade practices have resulted from dumping, subsidization and discriminatory pricing. The impact of this has been an increase in import penetration (8 pp. 216-19). An example of the magnitude of the problem can be seen in the August 1982 import figures. That month foreign producers' share of domestic stainless steel bar sales was 42 percent. It was 54.1 percent for stainless steel rod and 56.4 percent for tool steels (7 p. 5). This has brought in its wake: (1) a reduction of domestic shipments, (2) a reduction of domestic production, (3) a reduction of domestic employment and (4) a reduction in the profitability of domestic producers.

Domestic Shipments.—Total tonnage of domestic specialty steel shipped during the calendar year 1982 was the lowest for a quarter-century (17 p. 2).

Domestic Production.—Domestic specialty steel production may be viewed in terms of both total volume of output and percentage of capacity. The industry is in a decline from either perspective (11 pp. 108-114; 16 pp. 421-37). The last half of 1982, volume of output was the lowest of any similar period since the close of World War II. The percentage of specialty steel capacity utilized during 1982 was the lowest since 1938 (17 p. 2.).

Domestic Employment.—Employment in the domestic stainless steel industry has also been in decline. This is true, both in terms of the numbers of workers and the total hours expended. The number of persons involved in specialty steel fell by over 20 percent during the four year period 1979-1982. At the same time, total hours spent producing specialty steels declined by over 60 percent (5 tables 8, 9). The cost of this in terms of human suffering is staggering.

Profitability.—Domestic specialty steel producers continue to suffer declines in profitability. This has been true, both in absolute and in relative terms (2 pp. 30-33). The 1979-1982 period serves to illustrate. The weighted ratio of net operating profit to net sales for all specialty steel producers declined from 12.2 percent to −1.9 percent over the period (5 table 10).

Negative operating profit margins act as an absolute barrier to the capital markets. Positive, but relatively low, operating profit margins also hinder investment. If this continues for an extended period the specialty steel industry will be denied the funding necessary to remain a state-of-the-art competitor. The world will be denied its technological leadership and its high quality output.

V. CONCLUSION

This paper addresses the issue of foreign competition in the specialty steel industry. After defining the industry, the paper argues that free trade would provide the optimal allocation of resources and the maximum output, worldwide. Unfortunately, free trade does not exist in the distribution of specialty steel. The subsidization of foreign dumping has placed a heavy burden on domestic producers. The effect is that U.S. specialty steel producers are in direct competition with foreign governments, not foreign producers.

Domestic producers are materially injured as a result. For them to survive in our free enterprise system, our government must: (1) rigorously enforce U.S. trade laws and (2) successfully encourage foreign governments to put an end to subsidization. Such action would reduce uneconomic excess world capacity and the higher prices that consumers ultimately must bear as a result of it.

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ENTERPRISE ZONE ACT, S. 2914

Mr. WARNER. Mr. President, I am pleased to be a cosponsor of S. 2914, the Enterprise Zone Act of 1984, introduced today.

In the past, efforts to bring about neighborhood renewal have been supported by Government loans and grants for rehabilitation of community facilities construction.

Billions of dollars have been spent producing a mixed record.

Enterprise zone concept has been proven by many States to be a better approach to reviving economically depressed areas.

By offering incentives to businesses to locate or expand their operations in economically distressed areas, this proposal can do a better job without Government grants or loans and without the burden of governmental interference or redtape.

This bill provides an array of Federal tax incentives, regulatory relief, and expedited procedures for establishing foreign trade zones.

Combined with State and local government contributions to aid zone development, this legislation will encourage the formation of new business and new real jobs in areas that would otherwise continue to be depressed.

At least 14 States have enacted enterprise zone laws, including my own Commonwealth of Virginia.

Now is the time to enact Federal legislation.

I urge my colleagues to join with Senators DOLE and BOSCHWITZ to enact this legislation before Congress adjourns this year.

SENATOR LEAHY: A LEADER IN FARMLAND PROTECTION

Mr. HUDDLESTON. Mr. President, on July 5, the Department of Agriculture issued regulations implementing the provisions of the Farmland Protection Policy Act. This legislation, enacted as part of the 1981 farm bill, was

initiated by my colleague on the Agriculture Committee, Senator PATRICK J. LEAHY.

Although some longtime proponents of a Federal farmland protection policy are likely to find the regulations deficient in some respects, there is no doubt that the Department's action is an important first step toward eliminating the unnecessary conversion of farmland to nonagricultural uses by the Federal Government.

I believe it is largely due to Senator LEAHY's persistence and skilled leadership that the farmland protection legislation was enacted as part of the 1981 farm bill and the administration has, at least, issued the regulations needed to implement it.

The Farmland Protection Policy Act requires the Department of Agriculture and other Federal agencies to take appropriate steps to ensure that actions by the Federal Government do not cause U.S. farmland to be irreversibly converted to nonagricultural uses when it is not necessary in the national interest.

Specifically, the act requires the Department of Agriculture, in cooperation with other Federal agencies, to develop procedures for identifying the effects Federal programs have on converting farmland to nonagricultural uses, and to assist all units of the Federal Government in developing plans for making their programs and actions as consistent as possible with the goal of preserving our Nation's farmland.

The act also provides an informational and educational role for the Department of Agriculture, to support the efforts of State and local entities in developing farmland protection programs.

During the past several years, public concern has increased about the loss of our Nation's greatest natural resource—our productive farmland. By some estimates, each year at least 1 million acres of productive farmland are permanently removed from agricultural production and converted to nonagricultural uses.

The people of this Nation have enjoyed the blessings of an abundant agriculture for so long that this abundance is often taken for granted. Our country is almost unique in the world for not having suffered, within recent memory, through severe food shortages. Americans, unlike people in much of the rest of the world, do not know the fear of being unable to find food at any price.

It is due to our rich natural resources and the dedication of American farmers and their skillful working of our natural bounty that we enjoy this unprecedented food security. However, we may be robbing future generations of the same well-being if we continue to pave over or build on prime farmland—forever eliminating its food production capability.

During a series of field hearings, held a year ago by the Agriculture Subcommittee on Soil and Water Conservation, Forestry, and Environment, members of the subcommittee heard many expressions of concern about the conversion of farmland to nonagricultural uses. In particular, it was pointed out that the Federal Government was, in some instances, undermining State and local efforts to preserve valuable farmland by converting highly productive land to uses such as highways and flood control projects without any consideration to the effects on agricultural productivity.

Of course, Federal projects serve essential purposes. However, greater consideration to project design and location will avoid unnecessary farmland conversion.

About 90 Federal programs, administered by 12 different agencies, have been identified as potentially contributing to farmland conversion. Without the assistance of the Department of Agriculture, these agencies would be poorly equipped to identify and assess alternatives that would maximize conformity with State and local farmland protection policies and prevent unnecessary conversion of farmland.

The Farmland Protection Policy Act, sponsored by Senator LEAHY, will greatly reduce the unnecessary conversion of farmland by Federal agencies while having no negative effect on the Federal budget. Senator LEAHY is to be commended for his diligent leadership in developing a responsible policy that will protect our most valuable natural resource for generations to come.

COMMENCEMENT ADDRESS BY WILLIAM P. PENDLEY

Mr. DENTON. Mr. President, I would like to insert in the RECORD a commencement address delivered by Mr. William P. Pendley to Northeast Alabama State Junior College in Rainsville, AL, on May 28. Mr. Pendley is a consultant to the Department of the Navy and the Former Deputy Assistant Secretary for Energy and Minerals at the Interior Department. While this commencement speech has just come to my attention, I believe that the message is timeless.

I ask unanimous consent that following my remarks Mr. Pendley's commencement address be included in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

OF FREEDOM, OF LIBERTY, OF OPPORTUNITY (COMMENCEMENT ADDRESS OF WILLIAM P. PENDLEY)

I feel as if I have come home to the South. My father, son of a railroad man, was born and raised in Decatur, Arkansas. My mother, daughter of a coal miner, spent her youth in Harlan County, Kentucky. In the midst of the Depression they traveled separate roads west to Wyoming, where they met, married and raised my brother and me at the foot of the Rocky Mountains. So in a way I have come home. For while our lives are separated by a thousand miles, the values you and I share are the same. Both the West and the South are fiercely independent, proud of our past and our heritage. We celebrate and revel in a life style that is unique. Our rural communities and small towns, our farms and ranches, add a richness to our lives that few ever experience and we glory in that—that emphasis on family and friendship, on religious faith and traditional values. How is it that the song goes: "I was country, when country wasn't cool".

It is 1984. For nearly four decades, the world has anticipated this year with some dread and fear because of a novel written in 1948 by an English author who went by the name George Orwell. His was a frightful vision. And as we drew closer to that year, we all asked where would Orwell be right, where would he be wrong?

For much of the world, Orwell was right. Tyranny controls the lives of hundreds of millions of men, women and children. And in those lands, it is not just freedom that is a rarity—a nonexistent dream—but it is opportunity as well.

Yet for us—for America—Orwell could not have been more wrong. We live today in an era of unprecedented freedom, liberty and rare opportunity. We are, as a nation, the envy of the world. People everywhere dream of America. Tonight as we sit here, celebrating with our family, friends and loved ones, as we anticipate our futures, millions around the world dream of America—of our freedom, liberty and opportunity—and long desperately, pray fervently to be among us.

Men and women, clutching their families, still race through the barbed wire, bamboo and barricades that separate the East from the West in hopes of coming here—to America. Families still huddle in the backs of trucks or set themselves to sea in flimsy boats to come here—to America—for freedom, for liberty, for opportunity.

Nine years ago, a Vietnamese family was pulled from the South China sea, half dead, their fortune gone, used to pay for the boat that bore them, half starved, their food consumed or lost overboard, their water supply dangerously low, their vessel on the verge of collapse. Rescued only hours before the sea claimed them they came to America speaking no English, with nothing but the clothes they wore—and a dream—a dream that their children would be a part of the American dream of which they had heard. Last year, the eldest child—nine when her parents fled their homeland—sat in an audience such as this, wearing the cap and gown you wear—to receive a diploma, to graduate from high school—as her class valedictorian. Today, she studies computer technology at university. For her, and for her family, the dream is reality.

It is not the only such story. It has been repeated generation after generation, after generation. Everyone among us could tell similar stories, less dramatic, perhaps, but just as real, just as illustrative of the greatness of this land of ours.

Where else but in America could the son of a railroad man and the daughter of a coal miner—together representing but ten years of schooling come west in the midst of the depression and through hard work and sacrifice and drive and desire and commitment make a life for their children that would allow one to go east to work in government,

to serve a nation at a critical time in its history, to be allowed years later to speak about the dream. That is my life and I'm proud of it, not because of what it says about me, but because of what it says about my parents and what it says about our country.

Here you can say anything, think anything, be anything, go anywhere, set any goal and make it happen. In America, as in nowhere else in the world, you are the master of your destiny.

This is America in 1984. This is the land which you enter tonight as you leave us.

All of us tonight who look at you see ourselves years ago when we sat in the seats which you occupy or wished we had. It was not all that long ago. We have not forgotten because of the dreams we had then—the dreams that are with us today.

Some of those dreams are gone, forgotten, some achieved, some foregone, some yet unattained, some replaced by yet other dreams—not any more or less realistic but simply changed as our lives have changed.

And we look to you remembering ourselves when we were you and remember those dreams, knowing that within you grow such hopes and aspirations. Yet it is more. For the greatest dream of every generation is that it will leave the world a better world than the one it found and while every generation hopes it for itself and its generation, it knows that the next generation surely shall. Every father and mother who have held an infant, have wished for that child a better world, and falling short, as we often do, know in their hearts that that child will succeed where they had failed.

So you hold not just our memories but our hopes for the future of the world. So what of that future and what of the role that you will play in it—and what can we say to you that will serve if not as a guide, if not as an inspiration, then at least a positive reflection on the fact that the dream is real, that it can be yours.

There's the story of the man—a pillar of his community, a man giving of his time and his effort, committed to his town and its people. No one could be counted on more than he. No one gave more of himself and yet asked less. It was he the community admitted that had made the town, had given it its spirit.

Yet although he was a builder, a contractor, he had never made for himself the dream home that he had always wanted. So the community leaders, coming upon a windfall in the city, then decided to reward this man to whom they were so indebted. They decided to reward him with the home that he always wanted.

They located the choicest piece of real estate in the city and they asked him to build on that land a showpiece, a home for someone soon to come. Spare no expense they said, build it as if for yourself, they said. Make it your finest work.

At first the builder did as he had been asked. He gave the house the time that it demanded. He used only the best materials, assured himself of only the finest craftsmen in the use of those materials. But in time, as the wearisomeness of day-to-day business wore upon him, he began to cut corners, he began to skimp. At first there wasn't really much difference, he assured himself, between the top grades of materials and second best, so there was little harm done. But with each such decision it became easier to skimp, easier to chose inferior products and approve poorer workmanship.

In the end, he realized that the house that he had built was not one of which he was particularly proud. He knew he hadn't done his finest work. Imagine his surprise when the city, with pride and much fanfare presented him with that house as his home.

As we pass through life, we find ourselves in much the same position as that builder, faced each day with decisions, with choices that will determine the future. And surely as the decisions made by the builder changed the shape, the nature and the quality of the structure that he built, so the decisions you make will alter and affect your life. And like the builder, too often you are unaware that the home you are building for the future is to be your home—for the rest of your life.

No one will inhabit it but you. No one will know of what it is built or how it is crafted or how steady is its construction but you. And believe me you will know. Every day of your life, you will know.

You are building a home for yourself. With this day you have excavated the basement, laid the cinder blocks that form the foundation and framed it in with studs. You can see it take shape, but so much remains to be done, so much work lies ahead.

You can make that house a beautiful thing. You can do it. You all have it in you to make it happen, to dream dreams and make them real, to have hopes and aspirations and act upon them. You can do it if you try.

What have you got to lose? Is it fear of failure that holds you back? Believe me, failure is a faint demon compared to the terror of opportunity foregone, of projects never undertaken or of dreams never pursued. Talk about living in a house of your own building, nothing is worse than a house filled with "what if's". How is it the poem goes: "Of the saddest words written by pen. The saddest are these, it might have been."

You, believing in you, in the sanctity, the godliness, the beauty, the brilliance, can make it happen. Believe, believe in yourself, and believing reach inside yourself for what you would be and what you would do and drive for that objective.

Where then do you go? Anywhere you want!

There are still frontiers. The most exciting times for people, for the South, for the nation, for the world, lie ahead of us. So much remains to be done, so much opportunity for doing it is provided us Americans. Who could have imagined the progress science has made in just the last few years. The space shuttle alone, with hundreds of experiments conducted in the most unique laboratory in the world's history, circling miles above the earth's surface, permitted truly gigantic leaps for mankind.

A few short years ago, we thought the earth's surface was a hard, cooled mass of limited movement. Within the past decade, we discovered that that surface is, in fact, a series of plates in which movement is constant, those plates crushing up against one another or pulling apart. Amazingly, we made these discoveries on the ocean floor, finding along those vasts rift zones, as they are called, a rich undersea life where mineral deposits are formed, where sea creatures, heretofore unknown, spring almost magically into existence. and flourish. Plans are now being made to determine if those rich new mineral deposits can be developed to meet America's national security needs for strategic and critical minerals. Impossible, some say, to take minerals from the ocean floor, miles from land, in conditions that make our journey to the moon look like a stroll in the park. But it can be done, and it will, by people like you, with imagination, and desire and commitment.

Just a few short years ago, when America first began to recover our precious energy resources from the ocean, experts felt that we could never drill in more than 600 feet of water. Today, America has offshore oil and gas platforms in 1000 feet of water and we expect that the"technological limit" is 6000 feet—for now.

The frontiers, the challenges, for you and your generation, for all of us who now celebrate with you are there. In this country, of freedom, of liberty and of opportunity, there is no limit on what you can do if you will.

We've spoken much today of opportunity, and we should. But there is another side to the American dream, the flip side of opportunity, and that is obligation. We who are the world's richest, most privileged people, so rich in spirit, in freedom, liberty, and opportunity, share an obligation to our fellow man to make his life richer too.

Recently, I had the opportunity to address a group whose program included the singing of "The Star-Spangled Banner". We stood together, holding the song books in our hands, singing our national anthem. As we sang the last line, I saw something that I had never noticed before. For, following the words, "Oh say, does that Star-Spangled Banner yet wave, o'er the land of the free and the home of the brave" there is a question mark.

This country ends its national anthem with a question. On that long, cold night, as Francis Scott Key wrote those words, he must have wondered to himself, "How long America, how long?" And by his words, he has reached out over the generations and down through the ages to ask each one of us, how long America, how long?

Freedom demands a price. It demands a commitment to make it last. It is easily lost by those unwilling to pay that price. Today, on this day of all days, we must pay tribute to those brave men and women throughout our history who have paid the ultimate price so that this nation might live, that our freedom prevail and that tyranny be stopped. Throughout our history, our nation has called her young men and women to the defense of liberty, and thank God, they have never failed her. We can celebrate with you today. We have opportunity and freedom and liberty today, because of them, because of their service and sense of obligation to their country. We need honor that service, that sense, and the price that they willingly paid, by a commitment from each of us to the defense of liberty and freedom.

In Los Angeles, California, there stands a memorial to the holocaust, to that time when tyranny swept a continent and put to torture and death millions of Europeans. On one wall of that memorial is a picture of a survivor of the death camps reaching out with his hand to those who look upon him. Beneath that photograph is printed:

"Here is to the world that did not care—those that had eyes and would not see, those that had ears and would not hear, those that had mouths but would not speak."

Today, on this proud day for you, as we glory in your accomplishment and as we celebrate your bright future in this great, great land of freedom, of liberty and of opportunity; today, as we honor those who have served this nation with their blood,

sweat, tears, and their lives, a nation reaches out to you and to all of us. Oh, let it never be said of any of us, that in defense of freedom, and liberty and opportunity, that we did not care; that we had eyes and would not see, ears and would not hear, mouths but would not speak.

Today, let all of us rejoice with you by rededicating ourselves to the principles, to the spirit that has made this the greatest nation on earth. Let us all go forth today, to make it a better world, to make all of our dreams a reality—to live a better life, more free, more peaceful, to leave the world a better place for those who follow you into the seats you occupy tonight.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

ANNUAL REPORT ON NUCLEAR PROLIFERATION — MESSAGE FROM THE PRESIDENT—PM 161

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I have reviewed the activities of United States Government departments and agencies during calendar year 1983 related to preventing nuclear proliferation, and I am pleased to submit my annual report on this subject pursuant to Section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

The report concludes that U.S. nonproliferation initiatives during 1983 continued to contribute positively to the important goal of preventing the further spread of nuclear explosives.

As I have stated on a number of occasions, nuclear proliferation would pose a severe threat to international peace, regional and global stability, and the security interests of the United States and other countries. I continue to regard the prevention of the spread of nuclear explosives as a fundamental national security and foreign policy objective, and I remain firmly committed to the pursuit of policies designed to advance our nonproliferation goals.

RONALD REAGAN.

THE WHITE HOUSE, *August 8, 1984.*

MESSAGES FROM THE HOUSE

At 2:07 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bills, each with an amendment, in which it requests the concurrence of the Senate;

S. 864. An act to amend the Volunteers in the Parks Act of 1969, and for other purposes; and

S. 1806. An act to recognize the organization known as the Jewish War Veterans of the United States of America, Incorporated.

The message also announced that the House had passed the following bill without amendment:

S. 1145. An act to recognize the organization known as the Catholic War Veterans of the United States of America, Incorporated.

The message further announced that the House had passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4222. An act to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes;

H.R. 5540. An act to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw, to institute for such Tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes;

H.R. 5568. An act to provide that the Secretary of Transportation may exempt segments of the Interstate System from the requirement that double trailer trucks be allowed to operate on all Interstate highways and from certain truck length and width limitations, and for other purposes;

H.R. 5631. An act to provide for the acquisition of a visitor contract and administrative site for the Big Thicket National Preserve in the State of Texas; and

H.J. Res. 600. Joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

At 6:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5712) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 11, 13, 14, 17, 18, 20, 27, 30, 31, 39, 65, 68, 72, 74, 82, 83, 105, 109, and 143 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 5, 6, 19, 23, 24, 29, 32, 34, 37, 42, 44, 45, 47, 55, 63, 64, 73, 77, 79, 87, 89, 101, 103, 108, 113, 115, 119, 122, 125, 127, 145, 147, 148, and 149 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5604) to authorize certain construction at military installations for the fiscal year 1985, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5890) to establish a Commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 248. Joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day";

S.J. Res. 302. Joint resolution to designate the month of September 1984, as "National Sewing Month"; and

S.J. Res. 338. Joint resolution to congratulate the athletes of the United States Olympic team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympic games in Los Angeles, California.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety;

H.R. 4356. An act to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes;

H.R. 5398. An act to amend title 38, United States Code, to provide a 15 percent increase in the rates of education assistance paid under the GI bill and the rates of subsistence allowances paid under the Veterans' Administration rehabilitation program for veterans with service-connected disabilities, and to revise and extend the veterans' readjustment appointments program for the appointment of veterans to the civil service;

H.R. 5818. An act to amend the Federal Hazardous Substances Act to apply the notice and repair, replacement, and refund provisions of that Act to defective toys and other articles intended for use by children;

H.J. Res. 587. Joint resolution designating the month of August 1984 as "Ostomy Awareness Month"; and

H.J. Res. 597. Joint resolution to designate the week beginning September 2, 1984, as "Youth of America Week".

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1224. An act to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

At 8:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment,

in which it requests the concurrence of the Senate:

S. 2436. An act to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent and referred as indicated:

H.R. 4356. An act to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5398. An act to amend title 38, United States Code, to provide a 15-percent increase in the rates of educational assistance paid under the GI bill and the rates of subsistence allowances paid under the Veterans' Administration rehabilitation program for veterans with service-connected disabilities, and to revise and extend the veterans' readjustment appointments program for the appointment of veterans to the civil service; to the Committee on Veterans' Affairs.

H.R. 5540. An act to provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw, to institute for such Tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 5568. An act to provide that the Secretary of Transportation may exempt segments of the Interstate system from the requirement that double trailer trucks be allowed to operate on all Interstate highways and from certain truck length and width limitations, and for other purposes; to the Committee on Commerce, Science and Transportation.

H.R. 5631. An act to provide for the acquisition of a visitor contract and administrative site for the Big Thicket National Preserve in the State of Texas; to the Committee on Energy and Natural Resources.

H.R. 5818. An act to amend the Federal Hazardous Substances Act to apply the notice and repair, replacement, and refund provisions of that Act to defective toys and other articles intended for use by children; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1880. An act to establish an interagency committee and a technical study group on cigarette safety.

MEASURES HELD AT THE DESK

The following joint resolution was held at the desk pursuant to the order of August 7, 1984:

H.R. Res. 600. Joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

The following bill was ordered held at the desk by unanimous consent:

H.R. 4222. An act to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 914. A bill to protect firearms owners constitutional rights, civil liberties, and rights to privacy (Rept. No. 98-583).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 743: A bill for the relief of Theda June Davis (Rept. No. 98-584).

H.R. 2387: A bill for the relief of Benjamin B. Doeh (Rept. No. 98-585).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 919. A bill to amend the Equal Access to Justice Act, and for other purposes (Rept. No. 98-586).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 2921. An original bill entitled the "Federal Forum Equity Act" (Rept. No. 98-587).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 369. Resolution to authorize and direct the Secretary of the Senate to design and make available to Members an official Senate flag (Rept. No. 98-588).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

J.J. Simons III, of Oklahoma, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985;

Paul H. Lamboley, of Nevada, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1984;

Andrew John Strenio, of Maryland, to be a Member of the Interstate Commerce Commission for a term expiring December 31, 1985; and

Katherine M. Bulow, of Maryland, to be an Assistant Secretary of Commerce.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Leon Jerome Weil, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States to Nepal:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Leon Jerome Weil.

Post: Ambassador to Nepal.

Contributions, amount, date, and donee:

1. Self: $1,000, 1/17/79, George Bush for President; $1,000, 3/5/79, Republican Associates; $100, 3/12/79, Re-elect Bob Packwood; $100, 4/27/79, People for Boschwitz; $200, 6/25/79, Republican Boosters; $2,000, 10/20/79, Countdown to Victory; $1,000, 10/24/79, Reagan for President; $125, 12/1/79, Carney for Congress; $1,000, 1/4/80, Citizens for Buckley (Primary); $500, 3/5/80, Reagan Delegate Committee; $500, 5/1/80, Reagan Support Committee; $300, 5/7/80, Republican Congressional Boosters Club; $1,000, 5/8/80, Victory 1980; $500, 5/29/80, Javits Campaign Committee; $100, 6/30/80, Atanasio for Congress; $1,000, 8/16/80, Citizens for Buckley (General); $250, 9/3/80, Atanasio for Congress; $500, 9/4/80, Javits Campaign Committee; $100, 9/19/80, Garn Re-election; $500, 9/21/80, Friends of Al D'Amato; $150, 9/29/80, Laxalt for Senate; $100, 10/12/80, Atanasio for Congress; $100, 10/15/80, Citizens for D'Amato; $500, 3/11/81, Committee to Restore American Incentives; $1,000, 4/3/81, Senate-House Dinner; $250, 4/14/81, Wallop Senate Drive; $500, 6/17/81, Caputo for Senate; $500, 7/20/81, Bell for Senate, $500, 9/3/81, Carman for Congress; $500, 10/21/81, Jepsen '84; $1,000, 4/11/82, Senate House Dinner; $200, 5/13/82, Friends of Senator D'Amato; $500, 5/20/82, Bell for Senate; $5,000, 2/23/83, Citizens for the Republic; $600, 3/3/83, Republicans Abroad; $100, 4/24/83, Reagan Support Committee; $500, 7/11/83, Thurmond Finance; $150, 9/17/83, Republicans Abroad; $250, 10/19/83, Reagan-Bush '84; $750, 11/25/83, Reagan-Bush '84; $500, 12/9/83, Friends of Senator D'Amato; $500, 2/29/84, Committee for Bill Green; and $1,000, 3/24/84 Republicans Abroad.

2. Spouse: Mabel S. Weil, $1,000, 1/16/79, George Bush for President; $50, 2/23/79, Wright for Congress; $1,000, 11/6/79, Reagan for President; $1,000, 12/19/79, Citizens for Buckley; $1,000, 8/16/80, Citizens for Buckley; $500, 8/1/80, Bell for Senate; $200, 9/27/82, Republicans Abroad; $250, 10/19/83, Reagan-Bush '84; and $750, 11/28/83, Reagan-Bush '84.

3. Children and spouses names: Leon J. Weil, Jr. None; Katherine A. Weil, $520, 5/1/80, Citizens for Buckley; and Caroline E. Weil, none.

4. Parents names: Lillian M. Rouse, no contributions.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Larry C. Williamson, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Larry C. Williamson.

Post: Chief of Mission Libreville.

Contributions, Amount, date and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Kathleen and Theodore Aguilo, none and Timothy G. Williamson, none.
4. Parents names: Deceased.
5. Grandparents names: Deceased.
6. Brothers and spouses names: Thomas R. and Billy J. Williamson, none.
7. Sisters and spouses names: None.

Anthony Cecil Eden Quainton, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Anthony C.E. Quainton.
Post: Ambassador to Kuwait.
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: Susan L. Quainton, none.
3. Childrens names: Katherine, Elizabeth, None; Eden (unable to contact).
4. Parents names: Marjorie J. McMillan (mother), none; Father deceased.
5. Grandparents names: Deceased.
6. Brothers and spouses names: Rodney and Catherine Quainton, $100, 1980, John Anderson.
7. Sisters and spouses names: No sisters.

Brandon Hambright Grove, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Brandon H. Grove, Jr.
Post: Ambassador to Zaire.
Contributions, amount, date, and donee:
1. Self: None
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

Edward J. Streator, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be the Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Edward J. Streator.
Post: Organization for Economic Cooperation and Development.
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: Priscilla K. (wife), none.
3. Children and spouses names: E. James III, Elinor C., Abigail M. (children), none.
4. Parents names: None: Deceased: Edward J.; Ella S.
5. Grandparents Names; None: Deceased: Frank W. and Agnes Streator; John and Mary Stout.
6. Brothers and spouses names: N.A.
7. Sisters and spouses names: Frances C. Streator (single), none.

Victor M. Rivera, of Virginia, to be an Assistant Administrator of the Agency for International Development, and

James B. Burnham, of Pennsylvania, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. TOWER, from the Committee on Armed Services:

William W. Hoover, of Maryland, to be an Assistant Secretary of Energy (Defense Programs).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. DOLE (for Mr. BOSCHWITZ) (for himself, Mr. DOLE, Mr. SPECTER, Mr. CHAFEE, Mr. BRADLEY, Mr. D'AMATO, Mr. MOYNIHAN, Mr. ABDNOR, Mr. ANDREWS, Mr. BENTSEN, Mr. DANFORTH, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. GARN, Mr. GORTON, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HEINZ, Mr. HUMPHREY, Mr. KASTEN, Mr. LAXALT, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. PERCY, Mr. PRESSLER, Mr. QUAYLE, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. THURMOND, Mr. TOWER, Mr. TRIBLE, Mr. WALLOP, Mr. WARNER, and Mr. WILSON):

S. 2914. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for himself, Mr. PELL, Mr. CHILES, and Mr. KENNEDY):

S. 2915. A bill to establish a Federal Merit Scholarship Program to promote student excellence and achievement and to recognize exceptionally able students who show promise of continued excellence; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG:

S. 2916. A bill to designate certain additional national forest lands and national park lands in the State of Colorado as components of the National Wilderness Preservation System and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TSONGAS (for himself, Mr. CHILES and Mr. RANDOLPH):

S. 2917. A bill to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 2918. A bill to address the problems caused by the 1983 flood along the Colorado River Floodway; to the Committee on Governmental Affairs.

By Mr. HATCH:

S. 2919. A bill to authorize the Secretary of Education to make grants to strengthen the capacity of postsecondary institutions to respond to the continuing education needs of adults, to link postsecondary resources more closely to the preparation and performance of the American workforce, and to enhance Federal policies affecting the development of the Nation's human resources; to the Committee on Labor and Human Resources.

By Mr. BURDICK:

S. 2920. A bill for the relief of Elizabeth Khakshouri, Paul Khakshouri, Nathan Khakshouri, and David Khakshouri; to the Committee on the Judiciary.

By Mr. THURMOND, from the Committee on the Judiciary:

S. 2921. An original bill entitled the "Federal Forum Equity Act"; placed on the calendar.

By Mr. MOYNIHAN (for himself and Mr. RIEGLE):

S. 2922. A bill to establish an independent agency, governed by a bipartisan board, to administer the Old-Age, Survivors, and Disability Insurance Program under Title II of the Social Security Act, the Supplemental Security Income Program under title XVI of such act, and the medicare program under title XVIII of such act, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. HEINZ):

S. 2923. A bill to amend Title II of the Social Security Act to eliminate the 3-percent threshhold amount for cost-of-living adjustments; to the Committee on Finance.

By Mr. JEPSEN:

S. 2924. A bill to amend Title 5, United States Code, to require that any officer or employee of the Government convicted of a felony be removed from civil service; to the Committee on Governmental Affairs.

By Mr. STEVENS (for Mr. HELMS) (by request):

S. 2925. A bill to reduce the cost of and improve the Food Stamp Program, and for other purposes; read the first time.

By Mr. STEVENS (for Mr. HATCH) (for himself, Mr. DECONCINI and Mrs. HAWKINS):

S. 2926. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the procedures for new drug applications, to amend Title 35, United States Code, to authorize the extension of the patents for certain regulated products, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. Con. Res. 134. Concurrent resolution congratulating Mary T. Meagher for her accomplishments in the XXIII Olympiad; to the Committee on Commerce, Science, and Transportation.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for Mr. BOSCHWITZ), (for himself, Mr. DOLE, Mr. SPECTER, Mr. CHAFEE, Mr. BRADLEY, Mr. D'AMATO, Mr. MOYNIHAN, Mr. ABDNOR, Mr. ANDREWS, Mr. BENTSEN, Mr. DANFORTH, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. GARN, Mr. GORTON, Mr. HATCH, Mrs. HAWKINS, Mr. HEFLIN, Mr. HEINZ, Mr. HUMPHREY, Mr.

KASTEN, Mr. LAXALT, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. PERCY, Mr. PRESSLER, Mr. QUAYLE, Mr. ROTH, Mr. RUDMAN, Mr. SIMPSON, Mr. THURMOND, Mr. TOWER, Mr. TRIBLE, Mr. WALLOP, Mr. WARNER, and Mr. WILSON):

S. 2914. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

(The remarks of Mr. DOLE, Mr. BOSCHWITZ, and Mr. D'AMATO, and the text of the bill, appear earlier in today's RECORD.)

By Mr. BYRD (for himself, Mr. CHILES, and Mr. KENNEDY):

S. 2916. A bill to establish a Federal Merit Scholarship Program to promote student excellence and achievement, and to recognize exceptionally able students who show promise of continued excellence; to the Committee on Labor and Human Resources.

(The remarks of Mr. BYRD and the text of the legislation appear earlier in today's Record.)

By Mr. ARMSTRONG:

S. 2916. A bill to designate certain additional national forest lands and national park lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS ACT

● Mr. ARMSTRONG. Mr. President, Gifford Pinchot was America's first forester and one of the driving inspirations behind the conservation movement in this country. Writing in 1910, he outlined the objectives of conservation in these now celebrated words:

> Conservation means the wise use of the earth and its resources for the lasting good of man. Conservation is the foresighted utilization, preservation, and/or renewal of forests, waters, lands and minerals for the greatest good of the greatest number for the longest time.

More than 70 years later, these words still ring true. And yet, few people today seem to speak about natural resources with such moderation and compelling good sense. Our national public discussion of natural resource issues has too often become strangely and bitterly divided between the extreme poles of development and preservation, and this country cannot be well served by any policy produced from a battle between two such extremes.

The Nation is moving through an extraordinarily important era of decision in which we will have to balance the need for resource development against the need to preserve the priceless natural and scenic values that still exist. For Colorado—with its large undeveloped energy and water potential, its rapidly growing economy and industries, and its unique natural splendors—this debate has special significance. The time has definitely come, in my opinion, for a return to the first principles of conservation and a new, moderate consensus approach to the management of the public lands. A good start would be with the words of Pinchot. "Conservation," he said, "means the greatest good to the greatest number for the longest time." He added that it "demands the application of common sense to the common problems for the common good."

This was the moderate and reasonable spirit that guided Coloradans in 1980, when we got together and wrote a very sensible wilderness bill. That process began in controversy and covered a long list of fundamental issues. But in the end, we Coloradans agreed on a bill that was well balanced, and one that was good for our State and good for the Nation. At the same time, I believe we laid the foundation for a lasting consensus on how to approach these critical natural resource issues. In Colorado, Mr. President, we are demonstrating how to tackle these tough issues in practical, commonsense ways.

It is in this spirit and with this intention, Mr. President, that I am today introducing the Colorado Wilderness Act of 1984. Before going into the details of this legislation, I would like to put it in perspective by reviewing the nature of public lands in the State of Colorado and the history of wilderness legislation in our State.

The Federal Government owns outright and actively manages 36 percent of the State of Colorado—an area larger than 13 individual States. The largest Federal landholders are the Forest Service, with 14.4 million acres, and the Bureau of Land Management, with 8.3 million acres, Colorado has been richly blessed with an abundance of wild lands. Our first wilderness area was created in 1931, when the Mount Zirkel/Dome Peak Primitive Area was designated in the Routt National Forest, and 10 more primitive areas were set aside by 1939. Five new wildernesses were designated with the passage in 1964 of the first national wilderness legislation, and public land agencies began a long and comprehensive inventory to identify and protect as wilderness the most spectacular and wild lands in the country. The Wilderness Act of 1964 created the National Wilderness Preservation System and described potential wilderness as areas that were untrammeled by man and shaped largely by the forces of nature, and which offered exceptional prospects for solitude and primitive recreation.

In the 20 years since the Wilderness Act was passed, Colorado's National Forest lands have been the subject of intense study for their wilderness character. In our State alone, the Forest Service has studied 6.15 million acres during its roadless area review evaluations, popularly known as RARE I and RARE II, while the National Park Service and the Bureau of Land Management have been conducting their own reviews.

In the wake of these studies and the litigation that followed, Colorado took the lead in addressing its wilderness concerns when the Colorado congressional delegation forged an agreement in 1980 that added 12 Colorado Forest Service areas and 1.4 million acres to the National Wilderness Preservation System. After the Colorado Wilderness Act of 1980 became law, the Forest Service was left to study 18 areas concurrently, for a total of approximately 675,000 acres. The Forest Service has now completed, or is nearing completion of, those studies and the Bureau of Land Management has completed its wilderness study of the Powderhorn Primitive Area.

Two years ago, I introduced the Colorado Wilderness bill of 1982 to complete the wilderness system in Colorado's national parks. At that time, I called for new wilderness legislation to finish the work we started on Forest Service lands in 1980. I felt then as I feel now that we should lose no time in making these wilderness decisions, once the careful review of the Forest Service is completed.

The Forest Service's review includes the preparation of a draft environmental impact statement on a land and management resource plan for each of the national forests in Colorado. The management plans include analysis of the wilderness study areas and discussion of management plans for other areas within the national forest. The draft EIS is then circulated for public comment through the mail, by public meetings, notices in the press, and other outlets. The hundred of comments received from private citizens, local and State agencies, and various organizations are then reviewed and considered in the development of the final EIS for the management plan.

In my view, this is an important part of the process and we should not short circuit the public comment. For example, in the draft EIS on the land and resource management plan for the Pike and San Isabel National Forests, the Buffalo Peaks wilderness study area was not recommended for wilderness designation because of many conflicting uses and needs throughout the area. However, strong public comment and support convinced the Forest Service to revise the plan and develop a recommendation that will include a 36,060-acre wilderness designation from within the 56,900 study area. Other examples of changes in Forest Service plans, as the review moved

from draft to final, include numerous boundary changes in the recommended Sangre de Cristo area to accommodate a variety of needs and uses.

Final environmental impact statements have been prepared for most of the areas under study. In other cases, the substantial work on the final EIS has now been completed and the public comment thoroughly reviewed. This, in fact, is the situation for the Pike and San Isabel study, and recommendations from the Rocky Mountain Region of the Forest Service have been transmitted to the Forest Service in Washington.

Two remaining areas, the Wheeler Geologic and the Oh-Be-Joyful wilderness study areas were given special study status in the 1980 Colorado Wilderness Act. We do not have final EIS's from the Forest Service, although draft recommendations call for release for both areas. Final recommendations are expected shortly, and while I do not expect any significant changes from the Forest Service's previous recommendations, I have not addressed these two areas in my legislation and will consider amendments as we move through the legislative process.

With most of these reviews now completed, I believe the time has come for Coloradans to put our heads together and work out a new wilderness bill that will answer the remaining questions about most of our State's wild lands. As a strong supporter of the National Wilderness Preservation System, I am very pleased that we have reached this point, and I am including in my bill 12 Forest Service and Bureau of Land Management areas totaling 443,131 acres.

In addition, I think that it is also timely for Congress to consider certain other wilderness designations for National Park Service lands in Rocky Mountain National Park, Colorado National Monument and Dinosaur National Monument. It is true, of course that National Parks generally are already protected from several kinds of developments; but I think we should add this extra measure of protection from the heavy development pressures that even our National Parks will begin to feel. This is nowhere more true than in Colorado, where there is a large and rapidly growing population within a few hours drive of every park in the State. Accordingly, this legislation designates as wilderness 435,624 acres in these park preserves.

The total acreage in this measure is therefore 878,755 acres of new wilderness designation to add to the 2,651,278 acres already protected as wilderness; passage of this bill will increase Colorado's wilderness inventory by a third, to 3,530,033 acres. Also, this measure will release 266,358 acres to multiple use land management; that is, this acreage will be managed for a variety of beneficial public uses, such as recreation, resource development, and wildlife enhancement.

For my own part, I am flexible on nearly all the proposals in this legislation. I regard this measure as a point of departure rather than as a final product. The areas my bill includes and the boundaries it delineates are not set in concrete and I fully expect there will be a number of modifications as we hear from more Coloradans about the issues and as the Colorado congressional delegation meets to develop a consensus wilderness bill for our State. I for one am looking forward to such discussions and the give-and-take compromises that are sure to occur on all sides.

The central principle that must guide the final development and passage of this legislation, however, is that the public lands belong to all of the people. The members of the delegation have an overriding responsibility to provide the fullest information to all concerned, but particularly to those who are directly affected in our State, and to assure that all Coloradans have an opportunity to participate in this process. There has already been a great deal of public input in the preparation of these bills and, as far as I am concerned, the more the better. I don't think any member of the Colorado delegation will claim to be an expert on forest management, land use or the intricacies of wilderness legislation. We are eager to hear from as many interested parties as possible, in order to conform this legislation more closely to the land use ideal Pinchot has set for us.

In drafting this measure, I have conducted my own review, area by area and issue by issue, just as I did during consideration of the wilderness bills of 1980 and 1982. I have reviewed the letters and comments from Coloradans, the detailed comments of State and local officials, as well as the advice of numerous interest groups. In addition, I have studied the recommendations of the Federal agencies which themselves were the product of literally thousands of letters and comments by public officials, private citizens and public interest groups. This has been a very time-consuming process with painstaking detail work, but my aim is to produce a balanced bill and one that represents the interests of all Coloradans.

This is the same goal we aimed for during consideration of the Colorado wilderness bill of 1980. That year's RARE II legislation clarified grazing guidelines to eliminate grazing use questions that had plagued ranchers for years. The problem of access to privately owned inholdings within wilderness areas was addressed. Language was included in the bill calling for a reassessment of Forest Service practices for controlling fire, disease, and insect outbreaks in wilderness areas. The buffer zone questions were also addressed to give the Forest Service and nonwilderness users a degree of certainty in their land management planning. The legislation also included a nationally significant compromise on language to release nonwilderness lands to multiple use management. Finally, it designated several areas for further review, many of which are dealt with in the legislation I am introducing today.

Serious issues are sure to come up again in connection with this new wilderness legislation, though they are likely to be different from the issues we covered in the 1980 bill. In completing my review of issues involved this time around, I have identified one significant management policy issue that will need to be explored and another on which there is now general agreement, but which represents a change from our 1980 bill.

MANAGEMENT ISSUES—WATER RIGHTS

One of Colorado's scarce and most valuable natural resources is water. Over the years we, along with many other Western States, developed a system for allocating this scarce resource. Based on history, our Colorado constitution, State law and court decrees, water rights are owned by individual farmers and ranchers, by the citizens of our towns and cities, by industrial users, and by others who put this valuable resource to beneficial use. This water right system has served our State well and deserves vigilant protection by Colorado public officials and private citizens alike.

A central question has come up as to whether designating an area as wilderness creates a reserved water right in the Federal Government, and I would like to take a moment to outline this concern.

Near the turn of the century, the U.S. Supreme Court held in the case Winter against United States that, when the Federal Government set aside some of its land for a specific purpose, it reserved to itself enough water for that purpose. These are called reserved water rights and, as every Westerner knows, they have been the subject of considerable controversy for many years because they can displace other water rights established on the same stream. After many years of struggle, Colorado has finally been able to make some progress against the Federal Government's reserved rights claims by forcing them into court to quantify these otherwise vague rights. Now there is a very real threat that the reserved rights doctrine may be expanded to the detriment of our State's system of water law.

Some people actually think that congressional creation of a wilderness may create a new kind of Federal re-

served water right in addition to the Federal reserved rights created in the Winter's case. This has serious implications for water rights established by Colorado's urban and rural communities, farmers, ranchers, and other landholders. In fact, this issue is currently in litigation before Federal District Court in Colorado in a suit brought by the Sierra Club against the Forest Service. As it has been explained to me, this suit charges that the Federal Government has refused and failed to claim reserved water rights in Colorado's existing wilderness areas, and that this is arbitrary and capricious, so as to violate the Administrative Procedure Act. Among the kinds of relief sought is a declaration that the Federal Government has reserved water rights that they need to administer for the benefit of wilderness areas. I am told it is not clear from the complaint whether these alleged reserved rights are meant to have a seniority date of the original reservation of the forest lands or from the creation of the wilderness area.

After a careful review of relevant materials that show congressional intent in creating Colorado's existing wildernesses and after taking legal counsel on the matter, I am convinced that Congress intended no reservation of any kind of water right through the creation of the wilderness system. Such a step would clearly do serious violence to the West's longstanding system of State water law and would throw into serious jeopardy the water rights of thousands of Coloradans.

For this reason, my bill contains straight-forward language that clearly states what I know to have been congressional intent in creating Colorado's wildeness areas; namely, that wilderness designation is meant to be neutral as to water rights, neither creating nor extinguishing any water right, nor interfering with its enjoyment. Because this issue has never been raised or addressed before, there is no boilerplate legal phrase to cover it; the language in my bill is therefore put forward to bring this issue to light and to initiate a discussion of it. I expect that, as a result of this discussion, it will be further refined; but I think it is essential that wilderness legislation contain a provision that protects our State's system of water law and the integrity of existing rights that are depended on by thousands of Coloradans.

RELEASE LANGUAGE

Included in my bill is the "release/sufficiency" language recently negotiated and adopted by the House and Senate in several State wilderness proposals this session—for examples see the Senate Reports. 98-461 and 98-465. Although section 107 of the Colorado Wilderness Act of 1980 contains express release language, the relevant House and Senate committees found in their review of other State wilderness bills that further clarification was necessary.

The controversy on "release"—that is, making lands available for nonwilderness management—began because of concern over the future management of areas that were reviewed during the 1977 RARE II process. The controversy was about whether RARE II study lands not designated for wilderness or wilderness study can again be considered for wilderness and, if so, how they will be managed in the meantime.

The "sufficiency" aspect of the question arose in 1979, when the State of California brought suit against the Secretary of Agriculture challenging the legal and factual sufficiency of the RARE II final environmental impact statement as it related to California's wilderness bill. This suit, which eventually succeeded, raised serious questions about what was a "sufficient" EIS and threatened to paralyze the RARE II process.

As one of the first States to establish wilderness in the RARE II process, Colorado in 1980 was in uncharted waters with our compromise release/sufficiency language. Since that time, a slightly different formula has been more commonly used and this new wilderness bill seems a good opportunity to standardize our release/sufficiency language. Therefore, this bill contains the same new provision used in the House-passed bill, H.R. 5426, making it clear that areas studied in the RARE II process will be considered for wilderness in the future planning process by the Forest Service, but meanwhile will be managed for multiple use. As the Senate Energy and Natural Resources Committee put it in Senate Report 98-465 at page 30:

> In short, this language means that the Forest Service cannot be forced by any individual or group through a lawsuit, administrative appeal, or otherwise to manage lands not recommended for wilderness designation in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines it appropriate, manage lands in an undeveloped manner, just as it can, if through the land management planning process, it determines it appropriate, develop released lands. The emphasis here is that the Forest Service will be able to manage released lands in the manner determined appropriate through the land management planning process.

I have prepared a detailed section-by-section analysis, which explains boundary and other issues, including why some areas designated in other bills are excluded in my bill and, in turn, why other areas have been included.

Mr. President, I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS, COLORADO WILDERNESS ACT

Section 1. Defines the term "the Act" as the Colorado Wilderness Act of 1980.

Section 2. Amends section 102(a) of the Act of 1980 designating 11 additional areas as part of the National Wilderness Preservation System in Colorado. Starting with new subparagraph (21), the areas are as follows:

(21) Buffalo Peaks: 36,060 acres are recommended for wilderness designation. The Buffalo Peaks unit lies atop the Continental Divide between the Arkansas and South Platte drainages in the Pike and San Isabel National Forests, in Lake, Chaffee and Park Counties. It is located 80 miles southwest of Denver and 10 miles southeast of Leadville. Elevation ranges from 9,200 and 13,326 feet. The area was designated a wilderness study area in the Colorado Wilderness Act of 1980.

The character of this area is alpine peaks and ridges with lower wet meadows and willow areas north of the peaks. At lower elevations, there are large stands of Engelmann spruce and aspen; lodgepole pine, bristlecone pine, Ponderosa pine and Douglas fir are also common at still lower elevations. The Buffalo Peaks area contains significant habitats for deer, elk, and bighorn sheep.

The Armstrong proposal for this area is smaller than other proposals because it excludes the outer fringe of the study area which has a variety of important non-wilderness uses that recommend against designation of the entire area. For example, there are wildlife habitat improvement opportunities in the southeast portion, particularly for bighorn sheep; there is a need for local firewood collection in the same area; along the western edge, there are mineral claims as well as opportunities for big game habitat improvement. In the northern portion, there are motorized recreation and mining claims; there also mining claims on the eastern edge.

(22) Greenhorn Mountain: 21,100 acres are recommended for wilderness designation. 12,349 feet high, Greenhorn Mountain is the focal point of the southern front range of the Rockies. The area is located some 30 miles south of Pueblo, on the southern end of the Wet Mountain Range in the San Isabel National Forest. Elevation ranges from 7,600 to over 12,000 feet. The Colorado Wilderness Act of 1980 designated it a wilderness study area.

About 75% of the area is forested, with species ranging from pinon/juniper to Ponderosa pine and Douglas fir; the other 35% consists of rock, grassland and brushland. The diverse terrain ranges from narrow canyons containing waterfalls, to the pinon/juniper lands in the dry southern end of the area, to alpine tundra on the mountain's upper slopes. The area is a habitat for threatened and endangered species. The area is also an important habitat for mule deer and includes a winter range for bighorn sheep.

Other proposals would expand the area to the north of the studied area, into acreage that was previously released to multiple use management. Such an expansion would disrupt ongoing forest management and planning, such as sales of timber that are ready to occur. In addition, the Armstrong proposal, consistent with the House bill, excludes a private inholding on the western boundary of the area which was included in the Forest Service proposal.

(23) Piedra: 41,500 acres are recommended for wilderness designation. The Piedra unit

is located in the San Juan National Forest in parts of Archuleta and Hinsdale Counties between the towns of Durango and Pagosa Springs. Elevation ranges from 6,800 to 10,500 feet. The area was studied in RARE I and II; in the Colorado Wilderness Act of 1980, it was designated a wilderness study area.

With the exception of a few open meadows and stream zones, the terrain is generally rolling and heavily wooded by a coniferous forest, which is an excellent habitat for elk, deer, black bear, turkey and other wildlife species. The Piedra River, the main drainage, cuts deeply through the surrounding forest to form a spectacular box canyon and a renowned fishery and river ecosystem that includes landlocked salmon and the endangered river otter. Due to its low elevation, healthy wildlife populations, gentle terrain and distinctive scenery, the Piedra unit has become very popular with primitive recreationists.

Other proposals recommend expansion on the eastern side of the study area into unstudied lands that were released by the Colorado Wilderness Act of 1980, where multiple use management plans have been developed. Such an expansion would disrupt plans to harvest over-mature timber that is vulnerable to being blown down by wind.

(24) Sangre de Cristo: 190,500 acres are recommended for wilderness designation. The unit lies along the mountains of the same name and divides the San Luis Valley and the Rio Grande drainage from the Arkansas River drainages. The total length of the area is about 70 miles, with widths ranging from 2 to 10 miles. It is in the San Isabel and Rio Grande National Forests, about 120 miles southwest of Denver. Elevation ranges from 8,200 to over 14,000 feet. The unit was designated as a wilderness study area by the Colorado Wilderness Act of 1980.

The area is nationally famous for its towering mountain peaks that rise 6,000 to 7,000 feet above the surrounding countryside. The range was formed by gigantic fault blocks of Precambrian granite which were thrust through the surrounding rocks and represent a geological formation unique in Colorado. The diversity and magnitude of the area's spectacular scenery have made it very popular for primitive recreation; it contains hundreds of miles of trails used by hikers, horsemen and other recreationists. Heavy snowfall results in abundant water supplies of high quality and has helped establish healthy populations of a wide variety of trout species together with black bear, cougar, elk, bighorn sheep, eagles, and peregrine falcons.

Other proposals expand the area beyond the studied acreage and into lands released to non-wilderness use by the Colorado Wilderness Act of 1980. The proposed unstudied expansion area to the north would include a portion of the Rainbow Trail, which is now used for motorized recreation. In the north middle section, all of the Cloverdale Basin was excluded from the Armstrong recommendation because it has had longstanding motorized recreational use. Also, the boundary in the Greenleaf area was moved westward to accommodate local timber and firewood needs.

The Armstrong boundary accommodates motorized recreation in the southeastern portion of the north middle section, as well as other recreation uses. In the south middle section, the Armstrong proposal excludes an area around Crestone and the South Colony Lakes because of traditional motorized recreation and a very popular rock climbing area. This area attracts such large tenting populations on weekends that the Forest Service believes installation of facilities may be necessary.

Other proposals would extend the boundary on the east side of the south middle section into areas where there is significant oil and gas potential and boundaries would be very difficult to manage. In the south section, other proposals would extend the wilderness area substantially to the east, outside the study area on to lands known to include existing oil and gas leases and a potential for oil and gas production. It also encompasses old mining areas and private inholdings. The proposed Armstrong boundary would avoid these problems and accommodate longstanding motorized recreation.

(25) Vasquez Peak: 12,800 acres are recommended for wilderness designation. The Vasquez Peak unit is located in the Arapahoe and Roosevelt National Forests in Grand County south of Fraser. Elevations range from 8,600 to 12,000 feet. Studied in RARE II, the area was designated a wilderness study area by the Colorado Wilderness Act of 1980.

The area lies along the Continental Divide in the Vasquez Mountains. Being just an hour's drive from Denver, the area is popular with primitive recreationists for hiking and across country skiing. Designation as wilderness is designed to help alleviate the pressures being felt in nearby wilderness areas from the rapidly growing communities along Colorado's Front Range of the Rocky Mountains. Wildlife species in the proposed area include elk, mule deer, black bear and the newly introduced mountain goat.

The Armstrong proposal, consistent with the House bill, makes a minor westerly adjustment to the eastern boundary to accommodate the needs of the Winter Park and Berthoud Ski Areas for avalanche control and ski lift construction. This boundary differs from the one recommended by the Forest Service.

(26) West Needles: 20,690 acres are recommended for wilderness designation. The West Needles unit is located in the San Juan National Forest and on Bureau of Land Management land in the San Juan Resource Area in San Juan and La Plata Counties, between Durango and Silverton. The area adjoins the western boundary of the existing Weminuche Wilderness Area; its elevation ranges from 8,000 to 13,100 feet. Studied in both RARE I and RARE II, the area was designated a wilderness study area in the Colorado Wilderness Act of 1980.

Bordering the west edge of the Animas River Gorge, this proposal contains several peaks above 13,000 feet and a number of beautiful lakes. Wildlife species are abundant in the area and include a population of mountain goats. Much of the area is accessible from U.S. Highway 550 and is popular for primitive recreation, especially hiking.

Other proposals would extend wilderness boundaries beyond the studied lands on the north and southwest edges of West Needles, creating topographically arbitrary boundaries that would be difficult to identify or administer. The northern extension would also foreclose the possibility of its use as a future utility corridor. In addition, based on the State's testimony in the House, the Armstrong proposal directs the Forest Service to pursue an exchange for the 640-acre State owned school land grant located within the proposed wilderness boundaries.

(27) Powderhorn/Cannibal Plateau: 56,911 acres are recommended for wilderness designation. The area is located in the Gunnison National Forest and on Bureau of Land Management land 25 miles southwest of Gunnison; elevation ranges from 8,800 to 12,644 feet. The Powderhorn unit contains approximately 43,311 acres and was designated by the Secretary of the Interior as a primitive area in 1973. Cannibal Plateau consists of approximately 13,600 acres and was studied in RARE II and the Colorado Wilderness Act of 1980 left it as a further planning area.

The Powderhorn unit, historically used by the Ute Indians as a summer hunting ground, is noted for its level alpine plateaus deeply dissected by glacial valleys and cirque basins. It encompasses a wide variety of distinctive wilderness attributes: alpine tundra, spruce and fir forests, Ponderosa pine, wide-open parks, sagebrush, grassland and several ponds or small lakes. The area contains outstanding opportunities for solitude, together with primitive and unconfined recreation.

The Cannibal Plateau unit includes a portion of the largest alpine tundra area in the nation outside Alaska. It terrain consists of level, open plateaus that break off into steep, rugged slopes and canyons on the fringes of the area. Due to the gentle nature of the plateaus, they offer outstanding opportunities for hunting, hiking and other forms of primitive recreation, with many locations affording sweeping, 360 degree views. Wildlife is abundant, and includes large populations of elk and mule deer. The bulk of the area is overlain with thick tertiary volcanic deposits and is rated low in mineral potential. Most of the area is devoid of timber due to its high elevation.

In this Armstrong bill, the western portion of the plateau is not designated wilderness, to enable continued snowmobiling on several loop trails. Unlike the House bill, this boundary recommendation does not include the area known as Mesa Seco. I saw no management advantage to drawing the southwestern boundary closer to the trail. I understand that there is some scientific interest in the Mesa Seco area; however, there is conflict between the scientific activies and the Forest Service's management prescription for the area and no requirement for a wilderness designation of that particular area. However, I look forward to further public comment on this point.

(28) Service Creek: 39,860 acres are recommended for wilderness designation. Lying in Routt County in the Routt National Forest, the Service Creek unit is located just a few miles southwest of Steamboat Springs; its elevation ranges from 7,000 to 10,700 feet. The area was studied in RARE II and left as a further area by the Colorado Wilderness Act of 1980.

This area of lower elevation is unique among the many other wilderness areas of higher elevation in the State. Due to their lower elevation, the drainages in the unit provide excellent wildlife habitat. There is a large resident elk herd, a significant population of mule deer and an unusually high concentration of black bear. The area is also popular for rock climbing, with a wide array of cliffs and rock towers at the headwaters of Service Creek.

Other proposals go beyond the study area and propose wilderness designation on acreages to the east and north of Service Creek which were released to multiple use management by the Colorado Wilderness Act of 1980. These proposals would disrupt multiple use planning by the Forest Service, under which timber sale contracts were let in the spring of 1984. In addition, the Forest

Service has invested in timber studies of other released areas and programmed timber sales are under way in selected portions of the released area.

(29) Davis Peak addition to Mount Zirkel: 8,100 acres are recommended for wilderness designation. Located in the Routt National Forest in Jackson County, the Davis Peak unit is about 33 miles northwest of Walden. Elevation ranges from 8,600 to 10,900 feet. The area was studied during RARE II and the Colorado Wilderness Act of 1980 left it as a further planning area.

This area is formed by rounded peaks and broad, deeply glaciated valleys. Ten percent of it is covered by alpine tundra and another ten percent is meadowland located in drainage bottoms of the Main and West Forks of the Encampment River. Much of the forested portion is very steep. There are dense stands of spruce, fir and lodgepole, with small groups of aspen interspersed among the conifer. Big game species in the area include black bear, mule deer, elk and a few bighorn sheep that drift into the Davis Peak area from Wyoming.

Other proposals recommend expansion into areas released for multiple use management by the Colorado Wilderness Act of 1980. Timber harvests have been programmed for parts of the western portion of this proposed expansion.

(30) Spruce Creek: 8,000 acres are recommended for wilderness designation. The Spruce Creek unit is located in the White River Forest, in northeastern Pitkin County about 9.5 miles northeast of Aspen. When Congress enacted the Hunter-Fryingpan Wilderness in 1978, it directed a study of the Spruce Creek addition. This study resulted in a positive recommendation by the Forest Service, and it was included in the Armstong Colorado Wilderness Bill of 1982 (S. 2783) as an addition to the Hunter-Fryingpan Wilderness, but Congress did not act on it prior to adjournment.

Wilderness designation will round out the existing wilderness by adding lower elevation lands that comprise an important migration route for deer and elk. Spruce Creek provides a valuable habitat for the declining Colorado cutthroat trout and is a popular area for cross country skiing and ski touring.

(31) Weminuche Contiguous Additions: Three separate wilderness areas will be designated as additions to the western border of the 467,400-acre Weminuche Wilderness Area. Located in the San Juan National Forest in southwestern Colorado, the proposed "Weminuche Contiguous" addition, consisting of 375 acres, lies to the northeast of the West Needles Proposed Wilderness Area. The proposed Whitehead Gulch addition contains 3,475 acres and is flanked on the west by the West Needles Proposed Wilderness Area. The third unit, known as the Needle Creek addition, lies to the south of Whitehead Gulch and contains 4,160 acres.

The "Weminuche Contiguous" unit is characterized by its high altitude, and steep, mountainous topography, containing the headwater areas of streams tributary to the Animas River. Much of the area is alpine tundra, with several rugged peaks and ridges separating basins, isolating them from one another. This topography affords outstanding opportunities for solitude, with features of special ecological interest.

The Whitehead Gulch unit is noted by steep, rugged canyon walls rising from the channel of the Animas River at about 8,800 feet elevation to peaks as high as 13,000 feet. The western boundary is primarily comprised of the Durango-Silverton narrowgauge railroad right-of-way through the Animas River Gorge. Except for foot and horse trails, this railroad provides the only access into the area. The higher portions of the area afford scenic vistas of vast landscape-mountains, valleys, forest, and tundra, including the West Needle Mountains, Needle Mountains, and the Grenadier Range. This combination of jagged peaks, cirque basins, alpine tundra and subalpine forest produce unique and outstanding scenic qualities.

The Needle Creek unit contains several small stream drainages which flow westerly through the area, creating side canyons in the main canyon of the Animas River. The area consists of rugged mountains with high peaks, narrow canyons and several lakes, including Webb, Pear, Ruby, and Emerald lakes. In conjunction with the Weminuche Wilderness Area, this unit contains outstanding opportunities for a primitive and unconfined type of wilderness recreation.

Section 3. This section recommends establishment of three areas within the National Park Service. They are the result of Park Service wilderness studies and the size and boundaries of each are the same as proposed by the Park Service, except for some changes in the boundaries recommended for Dinosaur which are necessary for access. These areas will be added to the three existing Park Service Wilderness areas in Colorado: Mesa Verde, Great Sand Dunes, and the Black Canyon of the Gunnison. The new areas are described as follows:

(1) through (4): Four areas located in Rocky Mountain National Park: 235,668 acres are recommended for wilderness designation. The Mummy Range Wilderness proposal in the northern portion of the Park contains approximately 81,320 acres and is adjacent to the Comanche Peak Wilderness in the Roosevelt National Forest. The proposed Never Summer unit contains approximately 9,620 acres and lies adjacent to and becomes part of the existing Never Summer Wilderness in the Arapahoe National Forest. This legislation provides for the continued management by the Forest Service and the Park Service of their respective portions of the enlarged Never Summer Wilderness. The Trail Ridge Wilderness proposal contains approximately 4,300 acres and is located in the center portion of the Part between the Fall River Road and the Trail Ridge Road. The Enos Mills Wilderness proposal is in the southern portion of the Park and contains approximately 140,428 acres; this proposal would add approximately 2,917 acres of the Indian Peak Wilderness within Rocky Mountain National Park to the Enos Mills unit.

The Mummy Range unit contains large areas of the alpine, sub-alpine, wet meadow and montane forest ecosystems. The Never Summer unit includes the steep upper slopes and peaks of the Never Summer Mountains. About two-thirds of the area is above timberline, and it is capped by a row of twelve jagged peaks reaching over 12,000 feet in altitude.

The Trail Ridge unit is forested mountainside sloping northward to Fall River, between the Trail Ridge and Fall River Roads. It contains much studied examples of subalpine forest and alpine tundra. Lodgepole pine, Englemann spruce and sub-alpine fir are dominant in the forest cover. Although the area is visible from various points along the two roads, the wilderness traveler within it feels quite isolated.

The Enos Mills unit contains examples of all the ecosystems present in Rocky Mountain National Park, including a spectacular array of rugged peaks, snow fields and glacial cirques. In this unit are located both the Park's most popular backcountry destinations and some of its least visited valleys. The high peaks are visible from as far away as Fort Collins, the Denver metropolitan area and many parts of the eastern plains of Colorado.

(5) and (6): Two areas located in Colorado National Monument: 13,842 acres are recommended for wilderness designation. The Monument Mesa proposal contains approximately 10,237 acres, which is nearly all of the roadless acreage in that portion of the park north of the Rim Rock Drive road; the No Thoroughfare Canyon Wilderness proposal contains approximately 3,605 acres and is located in the portion of the park south of the Rim Rock Drive road.

The Monument Mesa unit includes an unusual and extremely interesting series of box canyons carved out of the Uncompahgre Highland by severe erosion. The Highland forms one rim of the Grand Valley of the Colorado River. Scattered minor archeological sites are evident where primitive man visited and hunted. Visitors to this deep canyon experience solitude and isolation from man's activities. Hikers and horseback riders reach the area on existing primitive trails which are the only developments in the proposed wilderness area.

The No Thoroughfare Canyon unit includes typical erosion patterns and geological formations of interest. It is a good example of pinion-juniper woodland and is interspersed with sagebrush, service berry and mountain mahogany.

(7) and (8): Two areas located in Dinosaur National Mounument: 186,114 acres are recommended for wilderness designation. The Monument, located in both Utah and Colorado, will be protected with two areas: the Green-Yampa Wilderness proposal contains approximately 160,635 acres and is located in the northern portion of the park, while the Blue Mountain Wilderness proposal is located in the southern portion of the park and consists of approximately 25,479 acres.

The Green-Yampa unit, the largest of the Park Service units in this bill, contains the spectacular canyons along 44 miles of the Green River and 48 miles of its main tributary, the Yampa. These river canyons contain outstanding displays of geology. There is a high degree of ruggedness and remoteness which creates a true challenge to the visitor. The high plateaus along the canyon rims offer spectacular views of the canyons and the rivers. This is a semi-arid environment which provides for many different plant and animal communities. Unexpected examples of Ponderosa pine and Douglas fir are found in the protected canyons and unusual animals such as mountain lion and bighorn sheep continue to exist in this remote area.

The Blue Mountain unit lies south of the Yampa Bench Road and contains the Blue Mountain Plateau, which is 2,000 feet above the Yampa Bench and offers dramatic views of the canyons and rivers of the Monument.

Section 4. Repeals section 105(a), and 107 of the Act of 1980 and section 2(e) of the Endangered American Wilderness Act of 1978. Section 105(a) of the Act of 1980 designates Buffalo Peaks, Fossil Ridge, Greenhorn Mountain, South San Juan Wilderness Expansion, Piedra, Spanish Peaks, Vasquez and West Needle as Wilderness Study Areas. Section 2 of this Act designates all or portions of some of these areas. This section repealing those studies releases into multiple

use management those areas, or portions thereof, not designated wilderness. Section 107 of the Act of 1980 is the "release" provision, which is replaced by Section 5 of this Act. Section 2(e) of the Endangered American Wilderness Act of 1978, established the Spruce Creek Wilderness study area.

Not repealed by this section is the wilderness study status of the Wheeler Geologic and the Oh-Be-Joyful Wilderness Study Areas. The Wheeler Geologic Wilderness Study Area was established under section 105(b) of the Act of 1980, but the Final Environmental Impact Statement for the designation recommendation is not yet final. Until Congress expressly designates or releases the area, it will be preserved for possible wilderness designation. The Oh-Be-Joyful Wilderness Study Area, established under section 106 of the Act of 1980, also lacks a Final Environmental Impact Statement. Under the special provisions in section 106 of the Act of 1980, this area will be managed for preservation for wilderness designation until the President makes a final recommendation to Congress—and for two years thereafter—giving Congress ample time to decide whether the area or portions thereof should be added to the National Wilderness Preservation System.

The following is an area-by-area explanation of the areas that are not recommended at all for wilderness designation and are therefore released from wilderness study management under this section:

Fossil Ridge: None of the area was recommended for designation as wilderness. The wilderness study area contains 47,400 acres and is located in the Gunnison National Forest, about 8 miles northeast of Gunnison, Colorado.

The area contains several conflicting interests to wilderness designation. It has a high potential for locatable minerals, including molybdenum, uranium, limestone, gold and silver, and contains 465 acres of patented mining claims and 1,154 unpatented mining claims covering 23,080 acres. The area provides a unique opportunity for limited motorized vehicle recreation, and there is a possible conflict with a transmission facility for a proposed hydroelectric project. Moreover, there are 904,700 wilderness acres within a 50-mile radius (not including the designation recommendations for Powderhorn and Cannibal Plateau), and 1,699,800 wilderness acres within a 100-mile radius. According to the Forest Service's Land and Resource Management Plan for the Grand Mesa, Uncompahgre and Gunnison National Forests, the area is to be managed diversely, with core areas to be managed as primitive/non-motorized, while allowing corridors for semi-primitive motorized traffic to traverse the area. Special wildlife habitat management is identified, including emphasis on big game winter and summer range, and other special areas for livestock grazing emphasis.

The House bill, H.R. 5426, retains the area in further study status. However, the area was studied in RARE II as well as the Final Land and Resource Management Plan and EIS process for the Grand Mesa, Uncompahgre and Gunnison National Forests. Both studies recommended against designation of the area as wilderness. I see no reason to differ from the Forest Service's recommendation on this area, or to spend the time and money further studies would cost.

South San Juan Expansions: None of the area is recommended for designation as wilderness. The wilderness study area contains two areas, Montezuma Peak (13,000 acres) and V-Rock to the South (19,800 acres). The areas are adjacent to the South San Juan Wilderness Area that was created in 1980—about 20 miles east of Pagosa Springs, Colorado in the San Juan National Forest.

Similar to the conflicts affecting Fossil Ridge, about 37 percent of Montezuma Peak has high to moderate potential for locatable minerals and around 48% of V-Rock has high/moderate potential for oil and gas. The areas contain two patented mining claims and 7 outstanding oil and gas leases. Interest in the area for limited motorized recreation has also been expressed. Moreover, there are 1.6 million wilderness acres within a 100-mile radius of the area.

Studied in RARE I and RARE II, as well as within the Final Land and Resource Management Plan and EIS for the San Juan National Forest, the area has consistently been recommended for non-designation. I am not convinced at this point that Congress should conclude otherwise.

Spanish Peaks: None of the area is recommended for designation as wilderness. The wilderness study area contains 19,600 acres and is located on the Continental Divide between the Cucharas and Apishapa River drainages in the San Isabel National Forest. The area lies about 160 miles south of Denver and 20 miles southwest of Walsenburg, Colorado.

The area includes several old mines, 870 acres of private land—including patented mining claims, and about 90 percent of the area has high to moderate potential for locatable minerals and about 93% of it has high to moderate potential for oil and gas. In fact there are pending oil and gas lease applications on about 78% of the wilderness study area. Moreover, according to the Forest Service, the area would add no unique land forms or ecosystems to the National Wilderness Preservation System. The Land and Resource Plan for the Pike-San Isabel National Forests indicates an intent to manage about 80% of the eastern portion for non-motorized recreation in a non-wilderness semiprimitive setting, while managing the western portion for motorized outdoor recreation and potential commercial timber production.

The Forest Service has given the area a low wilderness area rating of 16 on a scale of 4 to 28, where 22 is the average. There are 1,400,000 wilderness acres within a 50-mile radius of the area, and the Forest Service has concluded that this is not needed to improve the representation of landforms and ecosystems within the National Wilderness Preservation System. I see no reason at this point to disagree with their conclusions.

Section 5. This section replaces the "release" language of the Act of 1980 with the revised and updated release language recently negotiated and adopted by the House and Senate. An excellent description of the meaning of the language can be found in Senate Reports 98-461 and 98-465.

Like the Act of 1980, the release language provided in this section insures that all areas, or portions thereof, that are not designated wilderness under this Act or any previous wilderness Act for Colorado, unless expressly excepted, are released to multiple use management. Those Further Planning Areas that are released under this section because they are not designated under section 2 include:

Williams Fork: None of the area is recommended for designation as wilderness. The further planning area contains 53,888 acres and is located in the Arapaho National Forest, in Grand and Summit Counties north of Dillon and southeast of Kremmling, Colorado.

The Williams Fork FPA presents an interesting combination of competing and conflicting uses. The Forest Service has not recommended wilderness designation—for some of the following reasons: (1) traffic noise from I-70 and Colorado Highway 9 affect the areas on the west and south side of the Williams Fork Divide; (2) structures that may be built to develop Denver's water rights in the central portion of the area would conflict with wilderness designation and would be an obvious inconsistency with the 1964 Wilderness Act definition of wilderness as ". . . an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation . . ."; (3) evidence of man's activities can be seen and heard from most parts of the area; (4) there are no threatened or endangered species occupying the area and no species have been identified on the area that require a wilderness environment for survival; and (5) land forms and ecosystems on the area do not differ significantly from those found on other nearby wildernesses.

On the other hand, there is an important goal of providing areas closer to large population centers for the enjoyment of wilderness environments. It is true that there are now 651,881 acres in designated wilderness within a 50-mile radius of the Williams Fork area.

The House bill, H.R. 5426, has attempted to outline a proposed wilderness area while leaving the remaining portions in a further study status. At first glance, it is not clear that the conflicting wilderness/non-wilderness values have been resolved by these proposed boundaries. Nor is it clear what purpose is served by retaining a portion of the area for further study.

The Forest Service Land and Resource Management Plan for the Routt National Forest, as described in the Plan's accompanying final EIS for this area, calls for semi-primitive and primitive management in different sectors of the area, emphasizing non-motorized recreation opportunities and protecting the beauty of the area while allowing for some limited resource development.

While I look forward to hearing further comments on the House proposal—particularly on the ability to distinguish and manage the proposed boundary and the wilderness character of the proposed area—at this point the Forest Service land and resource management plan seems to answer the conflicting needs with good common sense.

Lost Creek: None of the area is recommended for designation as wilderness. The further planning area contains 23,000 acres and is located on the north end of the Platte River Mountains in the Pipe National Forest. The area is adjacent to the Lost Creek Wilderness Area established in 1980 and is about 40 miles southwest of Denver.

The 1977 Roadless Area Review Evaluation Process (RARE II) inventoried the Lost Creek area, recommending 71,000 acres as wilderness and 48,040 acres as a further planning area. In 1980, 106,000 acres of the Lost Creek FPA were designated wilderness, leaving the 23,000 for further study.

Like Williams Fork, the Lost Creek FPA presents an interesting combination of competing and conflicting uses. The area has been classified by the Forest Service as containing high to moderate potential for minerals, and the State owns the mineral estate

in two tracts—totalling 3800 acres—in the north and north central part of the area. In addition the area contains 19 miles of logging roads, 600 timbered acres, a 60-acre plantation, and a radio repeater site.

The House bill, H.R. 5426, has attempted to outline a proposal to avoid some of these conflicts. However, the Forest Service has indicated that adding further acreage would simply be adding land for land's sake. The area has been given a wilderness area rating of 14 on a scale of 4 to 28, where the average for Colorado was 22, and the Forest Service concluded that the area did not qualify under any of the three criteria applied to wilderness designation—capability, availability or need. Nevertheless, I look forward to hearing further comment on the proposed House boundaries.

Saint Louis Peak: None of the area is recommended for designation as wilderness. The further planning area contains about 12,800 acres and is contiguous to a small segment of the Vasquez wilderness study area. The further planning area is located in the Arapaho National Forest in Grand County southeast of Kremmling, Colorado.

The major problems with the area are locating a manageable boundary and the area's close proximity to conflicting land uses. According to the Final EIS, about two-thirds of the FPA's boundary is very irregular, crosses drainages or follows broad ridges where precise topographic features are less prominent. Considerable timber cutting has occurred to the west of the area and is visible from within the area. Other external influences include the AMAX mill, railroad and other roads and water diversion facilities, which are visible and can be heard from within the area.

The House bill, H.R. 5426, apparently tries to address some of these concerns. However, like the Forest Service's recommendations on Williams Fork and Lost Creek, I believe that common sense dictates nondesignation of this area. But, I look forward to hearing further comment on the proposed House boundaries or any other reasonable alternative.

Section 6(a). Relates to the filing of maps and necessary details, including a provision that the maps shall be available to the public.

Section 6(b). Emphasizes that, subject to valid existing rights, the wilderness areas designated by this Act shall be administered by the Federal Government in compliance with the Wilderness Act which designated them wilderness areas, except that with respect to the areas designated by this Act, any reference to other wilderness acts shall be deemed to be a reference to the effective date of this Act.

Section 7. Provides clarifying language to settle any ambiguity in existing law. This provision spells out that designation of an area as wilderness does not create any right in the federal government to the use or flow of water because of the designation. To emphasize that this is simply restating what I believe, based on the advise of several Colorado water law experts, is current law, a second proviso is added to explain that this section is not intended to create, by implication, a right in the federal government to use or flow of water in other wilderness areas established by Congress for other States. My provision does not presume to resolve the issue one way or the other for other States, because I did not think it appropriate to extend my concern beyond that of Colorado's.●

By Mr. TSONGAS (for himself, Mr. CHILES, and Mr. RANDOLPH):

S. 2917. A bill to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski; to the Committee on the Judiciary.

POSTHUMOUS CITIZENSHIP FOR CPL. WLADYSLAW STANISZEWSKI

● Mr. TSONGAS. Mr. President, today I am introducing legislation to confer citizenship posthumously on Cpl. Wladyslaw Staniszewski.

Corporal Staniszewski was killed in action in Quang Nam Province July 7, 1967, 2 weeks after his 20th birthday. He had emigrated to the United States just 2½ years earlier. He had hoped to become an American citizen.

Resident aliens who survive wartime service in the U.S. Armed Forces are routinely granted citizenship upon honorable discharge without the normal waiting period. Because Scotty Staniszewski gave his life, he died a foreigner in the eyes of our law.

In October 1983, I introduced S. 1083 which would have amended the Immigration and Nationality Act to provide that aliens who die while serving in the Armed Forces during periods of hostility be considered to have been citizens of the United States at the time of their death. The bill I am introducing today deals specifically with the Staniszewski case.

Mr. President, few opportunities are presented where swift action by Congress is called for by all from across the political spectrum. I urge my colleagues to take up this legislation as soon as possible. It is a most deserving measure of simple justice.●

● Mr. CHILES. Mr. President, I am pleased to join with my colleague from Massachusetts, Senator TSONGAS, in introducing legislation to grant U.S. citizenship posthumously to Cpl. Wladyslaw Staniszewski. This private bill would only grant posthumous citizenship and would not make Corporal Staniszewski's family eligible for any benefits or assistance. Enactment of this bill will bring peace of mind to the parents of Corporal Staniszewski, who have been fighting for years to win citizenship for their deceased son.

Corporal Staniszewski, or "Scotty," as he was known to his family and friends, was killed in action in 1967, while serving with the U.S. Marine Corps. Scotty was born in Scotland and emigrated to the United States with his parents, a sister and brother. Less than 18 months after the Staniszewski's left Scotland and settled in Massachusetts, Scotty registered for the draft. Later when he received his draft notice and was told he would have to wait because the Army had filled their quota for the month, Scotty chose not to wait to be called again. Instead, he enlisted in the Marines. Scotty didn't have to do this. He was technically still a British subject and in possession of a British passport. He could have avoided service altogether by leaving the country. But Scotty was proud to be a marine, and he wanted to serve his newly adopted country. He told his mother, "It's a good country, Mum. I want to make my roots here. If a country's worth living in, it's worth fighting for."

A little over a year later, 2 weeks after his 20th birthday, Scotty was killed in the Quang Nam Province of Vietnam. He died before achieving his dream of becoming a naturalized citizen of this country. It is my understanding that the residency requirements for foreigners to become U.S. citizens is waived for aliens who serve in the Armed Forces during wartime. Upon discharge, they are routinely granted citizenship. Because Scotty died on the battlefield before his discharge, he remains a noncitizen. His parents are now American citizens. So are his brother and sister. But it appears that only through an act of Congress can Scotty posthumously become a citizen of the United States.

Anyone who is patriotic enough to offer up his life in service to this country should be allowed U.S. citizenship. Corporal Staniszewski more than earned this recognition by fighting and dying for his adopted country.●

By Mr. DECONCINI:

S. 2918. A bill to address the problems caused by the 1983 flood along the Colorado River Floodway; to the Committee on Governmental Affairs.

COLORADO RIVER FLOODWAY TASK FORCE ACT

Mr. DECONCINI. Mr. President, today I am introducing legislation which will establish a task force made up of Federal, State, local, and private representatives with the purpose of determining the proper management of the Colorado River from Hoover Dam to the Mexican border.

The Colorado River includes a series of multipurpose dams which provide a variety of benefits to upper basin as well as lower basin States. Through these dams, the river affords flood control, power generation, water for irrigation, municipal and industrial use, fish and wildlife enhancement and preservation, as well as recreational benefits. Because of the many and diverse purposes of the river, conflicts sometimes occur with respect to its management which present problems to residents along the river, as well as State and Federal agencies.

The Bureau of Reclamation, the agency charged with managing the operation of the dams along the river, through the direction of the Secretary of the Interior, has developed criteria for the operation of the structures. For the most part, the established operating criteria is sufficient to meet the demands for water and power. However, there are times when weath-

er changes and runoff from areas upstream create a need to change the criteria to accommodate immediate and unforeseen demands being placed on the structures. The problem, Mr. President, is that there are times when acts of nature do not give Bureau of Reclamation personnel sufficient time to react without causing additional problems, like flooding to downstream areas.

The summer of 1983 clearly illustrates this point. Because snowmelt in the upper basin areas was greater than anticipated, Reclamation could not respond immediately to change the operation of the dams without creating much greater than normal releases from the structures. This action, although a responsible one on the part of the Bureau of Reclamation, did create considerable flood damage to personal property in areas along the river. The effect of that flooding is still in evidence in many areas where water has not sufficiently receded to thoroughly estimate property damage.

While the situation that resulted in 1983 is a rare occurrence, it tells me that all Federal, State, local and private interests along the river need to develop a policy which is consistent with the wise management of water, power, and flood control, taking into consideration what may occur in the future. The creation of a task force, outlined in the bill, will permit all individuals who may be directly impacted by the operation of the river below Hoover Dam to thoroughly review the management of this floodway and put forth their comments and recommendations on future management and development, which will then be forwarded to the Secretary of the Interior and the Congress. The task force will have 1 year in which to complete its mission. Hopefully, after the assessment has been completed, public officials will be in a better position to determine what the permanent policy on the management of the floodway should be.

One additional duty the task force will be assigned, Mr. President, is to review the economic losses incurred as a result of the 1983 flooding along the river. If, on the basis of the information that is presented, the task force feels compensation should be justified, the task force will make the appropriate recommendation to the Secretary of the Interior who will then be authorized to allow certain individuals access to the Court of Claims to plead their case.

I have no doubt that the Bureau of Reclamation acted in the most responsible manner possible in the operation of these dams last year. The Government Accounting Office conducted an investigation and concluded that the Bureau did not act negligently. However, because the losses were substantial, I believe the compensation question needs to be explored.

The task force includes representatives from all Indian tribes, States, counties, and cities located along the Colorado River below Hoover Dam. Also included are two private citizens from each State appointed by the Governor of each State and a representative from the Colorado River Wildlife Council. Federal representatives include the Bureau of Reclamation, Bureau of Land Management, Corps of Engineers, the Federal Emergency Management Agency, and the Department of Agriculture. Additionally, it includes a representative from law enforcement agencies along the river.

The task force provides a balanced team of residents, professionals, and officials from every level of government to provide the Congress with recommendations for a balanced solution to the Colorado River flooding problem.

Mr. President, the task force is a responsible means to determining a permanent policy for the management of the Colorado floodway. It is my hope that the Senate can review this legislation and take the appropriate action before we have another flooding situation.

By Mr. HATCH:

S. 2919. A bill to authorize the Secretary of Education to make grants to strengthen the capacity of postsecondary institutions to respond to the continuing education needs of adults, to link postsecondary resources more closely to the preparation and performance of the American workforce, and to enhance Federal policies affecting the development of the Nation's human resources; to the Committee on Labor and Human Resources.

CONTINUING EDUCATION ACT OF 1984

Mr. HATCH. Mr. President, today I an introducing a bill to reauthorize and substantively change what is title I of the Higher Education Act of 1980. As you know, although we have made a pronouncement of public policy in support of continuing education through title I, up to this time little effort has been expended to implement it.

In introducing this legislation, I want to recognize the assistance I received from members of the National Advisory Council on Continuing Education, and particularly from its chairman, W. Hughes Brockbank.

Hughes Brockbank, as everyone in Utah knows, is one of the State's outstanding business and education leaders. His deep commitment to public service and civic responsibility and his voluntary efforts on behalf of many good causes are models well worth emulating.

Mr. President, during the past year and a half we have been literally swamped by reports of blue-ribbon commissions regarding the status of American education, all of which had their peculiar brand of elixir for curing education's ills. The most celebrated of the reports—and the one to come out first—was Secretary Bell's National Commission on Excellence in Education, chaired by then Utahn, David Gardener.

This was a good report. It said things that needed to be said and forgot some things that also should have been said.

There was a plethora of other reports. There was the Carnegie report put out by Ernest Boyer, former U.S. Commissioner of Education. There was a report by the National Governors Association—the so-called Hunt report, named after Governor Hunt of North Carolina, who chaired that task force.

There was another excellent report from the National Science Board, called Educating Americans for the 21st Century, that laid out a plan of action for improving mathematics, science, and technology education for elementary and secondary students. This report somehow lost track of the fact that only about 1 percent of the population of the United States is trained as engineers or scientists. Too much of the science and mathematics education in our country has been under the misguided influence of the academic research community, which does not really have any philosophical rationale for or against "science education" for the nonscientists. Most, as Rustum Roy suggests, "simply do not think about it or care."

I do not wish to review these reports here, but I do wish to interject two personal reactions to them, the second of which relates directly to my home State of Utah.

First, there is no question in my mind that these reports have struck a very responsive chord in the minds of the American public. Poeple are concerned about schooling and education, as much now as at any time during the recent past. Through tax dollars, Americans have invested abundantly in schools and teachers. These dollars are a wise investment. But Americans have every right to question the integrity of that investment if fears linger among families and communities that the quality of education being provided to their children is not the very best that money can buy.

Of course, we all know the quality in education does not rest solely on money. Quality depends also on teachers and administrators, and equipment and facilities, and on a multitude of auxiliary services that help make education good.

These reports have addressed all of these issues. The success of their solutions for improving quality in our

schools, however, ultimately rests on the commitment of parents, families and communities in making sure that our schools are capable of doing what is expected of them.

Second, it appears to me that there is a basic discrepancy between the thrust of these reports and the work that leaders in adult and continuing education are doing, between the role of schools in our society as it once was and the role of schools in a society that is changing rapidly, between the demands for quality education services to children and youths and the demands for quality services to adults who are beyond the years of compulsory or normal schooling.

Read as you will through all of these reports and you will find little said about adult and continuing education, about occupational and vocational education, and about the fairly recent concept of lifetime learning opportunities being made available to all our citizens, regardless of age.

Most of these reports are focused on elementary and secondary education, which is laudable. But little is said about higher education, and less is said about one of the most rapidly developing segments of postsecondary education—what some observers have called the phenomenon of tertiary education—the whole landscape of education and training for adults.

Mr. President, some adult learning needs are dire: It is reported that nearly 23 million American adults are functionally illiterate. This does not necessarily mean that these adults are totally devoid of any capacity to read, write, and compute simple figures; but it often means that adults do not function very well in our postindustrial, knowlege-based society that requires people to be able to prepare a résumé to find work, balance a checkbook, and understand what they are capable of reading in a newspaper.

This is a terrible loss to society. The loss is compounded by the fact that many of these individuals must depend on public assistance for help and too frequently the dependence becomes chronic.

However, adult and continuing education has some good news, too. It is an historic accident, but it is nonetheless a fact that an additional 23 million adults in the United States participate in various forms of continuing education, with schools at all levels providing the single largest base for these programs.

These combined figures give us a total of 46 million adults or nearly one-quarter of the population. I know many people believe that these estimates are conservative and that the real figures may be higher.

In either case, the world that adult and continuing educators occupy is a huge one. It is one that needs far more attention than it has received from educators, from people who make public policy and from Federal, State, and community leaders.

Let us look at what has happened to college enrollments during the decade from 1972 through 1982:

The growth of all students during the decade was 34.8 percent;

Enrollments by women were 61 percent, nearly double the above;

Enrollments by minorities exceeded even that of women, increasing 85 percent;

Enrollments by older individuals were equally impressive, with an increase of 70 percent by 25 to 34 years-olds, and an increase of 75 percent by those over 35;

Full-time enrollments during the decade increased only 18 percent while part-time enrollments were over triple that;

Enrollments in 4-year institutions and universities lagged behind the general growth of 34.8 percent, but enrollments in 2-year institutions increased by 73 percent.

It is obvious from these data that the kinds of individuals served by continuing education programs are the same type of individuals who are forcing collegiate enrollment figures up—despite the fact that there are relatively fewer and fewer individuals coming to higher education from the traditional undergraduate youth cohorts between the ages of 18 and 22 or 24.

The median age of Americans today is about 30. It is interesting to note that the average age of students enrolled in many post-secondary institutions is closing in on that median age.

If you add to the individuals who are enrolled for degrees and credits, all those other individuals who return to educational institutions for a variety of noncredit work, then it is not a mistake to call the presence of nontraditional and older adults on the campus as the new majority in postsecondary education.

Adults who continue their education do not see themselves as comprising any special educational constituency, let alone a political constituency. They seem unaware of their vital importance to American higher education. I do not believe they sense that their presence in such large numbers on any campus can dramatically alter the policies in effect at any given institution.

This is a shame. Adult learning is a powerful commodity. It can and should alter the ways that colleges and universities view their missions as educators; it should influence decisions about how institutions can best relate to the concerns of their communities and the need to draw some better equations between the world of education and the world of work.

My bill recognizes that the majority of adults who participate in continuing education are doing so for one primary reason—to get or keep their jobs or to improve their job status and employment opportunities.

This objective, is in my mind, as valid as any other, and it is certainly driven by a sincere motivation to improve one's capacity to learn. The ability of adults to do this—with minimal encumbrance—can directly affect the quality of our society and the happiness, well-being, and security of our people.

I fear, however, that not enough educators and makers of public policy in our national life are willing to accept this growth of adult learning as the rich and positive influence that it is.

Mr. President, on the matter of education and training for adults—especially adults who are working or seeking work—the logic of colleges, universities, and others working more closely with employers is just good commonsense. My bill will encourage such cooperation and help the millions of adults already participating in education and training for work-related reasons. It will establish a pattern for extending help to those millions of others who may wish or need to participate but who do not.

Mr. President, those of us who favor adult learning opportunities must face a problem that is unique to America and not shared by most other developed nations: Our Nation has not as yet reached a working consensus on the value or the purpose of policies that promote adult learning.

The quality of services we provide to adults is of no less importance than the anxiety that we feel regarding the quality of services provided to our children in elementary and secondary schools and in our postsecondary institutions.

It is a tragedy that we have people in this country who cannot read, write, or compute effectively. It is a shame that people who possess these faculties still cannot find jobs suitable to their training or their aspirations. It is wrong that adults who want to continue to learn—for whatever reason—are not encouraged to do so, or who must do so against odd and incomprehensible barriers.

It is the central purpose of my bill, Mr. President, to assist colleges and universities, and particularly 2-year institutions, in reaching out to these adults who are not now adequately served.

My home State of Utah has some outstanding 2-year institutions, which, along with the lower divisions of Utah 4-year postsecondary institutions, are doing an outstanding job, with meager resources, of serving the needs of people who accommodate well to programs structured under the traditional vocational or adult education pro-

grams. But, like countless other institutions across the country, they need assistance in providing programs tailored to the needs of people neither of these other fine programs was designed to serve. My bill will fill that void.

In summary, Mr. President, there are several critical issues addressed by my bill:

It would help postsecondary institutions improve and expand outreach services to their communities.

The bill recognizes the relationship between continuing education and the workplace and encourages the broader involvement of employers and employee representatives in the planning and implementation of postsecondary continuing education for adults. It stands as a kind of challenge grant to encourage all institutions to reexamine their commitments to adult learning and to express these commitments through beneficial institutional policies and specific application of their resources to respond to the learning needs of adults.

The bill helps point the Department of Education in the direction of that portion of postsecondary education where the greatest enrollment increases are and where innovative and nontraditional curricula and delivery systems are most needed.

Finally, Mr. President, with this legislation, I want to give a clear signal to institutional leaders, to corporate executives and to others, that lifetime learning opportunities for all our citizens involves us all, including the Federal Government, which through this legislation can demonstrate its readiness to cooperate in this partnership.

By Mr. MOYNIHAN (for himself and Mr. RIEGLE):

S. 2922. A bill to establish an independent agency, governed by a bipartisan board, to administer the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act, the Supplemental Security Income Program under title XVI of such act, and the Medicare Program under title XVIII of such act, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATIVE REORGANIZATION ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to reorganize the Social Security Administration as an independent agency, governed by a five-member bipartisan board.

Under this legislation, the independent agency would be responsible for administering the network of programs we have created since 1935, to provide insurance to virtually all Americans in the event of old age, death, disability, or sickness. This agency, then, would be responsible for the Old-Age, Survivors, and Disability Insurance Programs, the Hospital and Supplementary Medical Insurance Programs, and Supplementary Security Income Programs, and the Supplemental Security Income Program.

It has long been my view that the operations of the Social Security Administration would be improved—and public confidence in the system strengthened—by establishing Social Security as an independent agency.

This is not a new idea—just one lately forgotten. The original Social Security Act of 1935 established an independent Social Security Board to administer the programs. In 1939, Social Security Programs were made a part of the independent Federal Security Agency, where they remained until 1953. At that point, nearly 20 years after the passage of Social Security, the Social Security Administration was moved into the newly formed Department of Health, Education, and Welfare. There it has remained.

Almost 30 years later, the National Commission on Social Security recommended the creation of an independent agency to administer the Old-Age, Survivors, Disability, Medicare, SSI, and Medicare Programs. Last year, the President's Commission on Social Security Reform, of which I was a member, stated as a general principle its support for the concept of Social Security as an independent agency.

Mr. President, I was among those Commission members who supported this idea. Now is the time to act on these recommendations. Quite simply, the size of the programs and their importance to nearly every American dictate, in my view, the establishment of SSA as an independent agency. The Social Security Administration has outgrown the Department of HHS. In 1953, about 6 million Americans received monthly Social Security checks. That number has increased sixfold in the past 31 years. Today, 36 million Americans receive monthly Social Security checks, and 29 million aged and disabled citizens receive protection against the costs of hospitalization and medical treatment; 4 million more of our most needy blind, aged, and disabled receive SSI assistance. Indeed, the benefits paid through the Social Security Program, Medicare, and SSI Programs comprise more than 85 percent of the entire budget for the Department of HHS.

The legislation I introduce today would include Medicare, as well as Social Security and SSI, as programs to be administered by an independent Social Security agency. This agency would be governed by a bipartisan, five-member board of directors, appointed by the President, for staggered 15-year terms. The directors would be subject to the advice and consent of the Senate.

The board would be responsible for agency policy, including making annual budget recommendations and recommendations to Congress regarding legislation and the administration of the program. It also would be empowered to appoint a commissioner, to serve as the agency's chief operating officer, as well as an ombudsmen to represent the public and beneficiaries inside the agency. This governing board also would provide the President and Congress with actuarial analysis, and conduct research and policy analysis.

The commissioner, an individual chosen for management expertise, would direct operations of the agency on a daily basis. As chief operating officer, the commissioner would devise and implement plans to improve the effectiveness and administration of the agency's programs and advise the board and Congress on the impact of legislative changes.

Our social insurance programs have long enjoyed nearly universal support—and earned this support by assuring tens of millions of Americans of a dependable retirement income, protection in the event of disability, and basic health insurance coverage during old age. Over the past few years, public confidence in Social Security has eroded as the programs have become embroiled in political debate. Ill-conceived proposals to alter benefit and eligibility requirements have undermined the public's faith and confidence in public arrangements around which tens of millions of Americans plan their retirements.

In addition, the system's long-term and well-deserved reputation for administrative efficiency, fairness, and public responsiveness has been tarnished in the last decade. Difficulties have arisen in efforts to implement major provisions of the SSI program, hundreds of thousands of disability beneficiaries, have been wrongfully terminated, and the system's computer system has deteriorated. Criticism has spread, and people's confidence in the system and its programs has been shaken.

We can rebuild their confidence and help restore the high levels of efficiency and fairness for which SSA was long famous, by establishing the Social Security Administration as an independent agency governed by a bipartisan board. By including Medicare as well as Social Security Programs, we would send a signal to our elderly and disabled citizens that there is an agency focused solely on their needs. The independence of the agency will help insulate its programs from partisan politics and ill-considered proposals. And by granting the agency greater authority over its own personnel, space, and budget, we will improve the operations of these essential Social Insurance and Income Security Programs.

I urge your support of this legislation. I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, with the following table of contents, may be cited as the "Social Security Administrative Reorganization Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Establishment of an independent Social Security Agency; Social Security Board.
Sec. 3. Commissioner of Social Security.
Sec. 4. Transfer of functions.
Sec. 5. Transitional rules.
Sec. 6. Budgetary and fiscal affairs of the Social Security Agency.
Sec. 7. Technical and conforming amendments; rules of construction.
Sec. 8. Reports assessing organizational changes.
Sec. 9. Effective date and interim rules.

ESTABLISHMENT OF AN INDEPENDENT SOCIAL SECURITY AGENCY; SOCIAL SECURITY BOARD

SEC. 2. (a) Section 701 of the Social Security Act is amended to read as follows:

"SOCIAL SECURITY AGENCY; SOCIAL SECURITY BOARD

"SEC. 701. (a) There is hereby established, as an independent agency of the executive branch of the Government, a Social Security Agency (hereafter in this title referred to as the 'Agency').

"(b)(1) The Agency shall be headed by a Social Security Board (hereafter in this title referred to as the 'Board').

"(2)(A) Except as provided in subparagraph (B), the Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate.

"(B) For the period ending January 31, 1989, the Board shall be composed of three members appointed by the President, by and with the advice and consent of the Senate.

"(C) The members shall be chosen, on the basis of integrity, impartiality, and good judgment, from among individuals who, by reason of education, experience, and attainment, are exceptionally qualified to serve on the Board.

"(3)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of fifteen years. A member of the Board may be removed only pursuant to a finding by the President of neglect of duty or malfeasance in office. The President shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

"(B) Of the members first appointed—

"(i) one shall be appointed for a term ending October 1, 1989,

"(ii) one shall be appointed for a term ending October 1, 1992,

"(iii) one shall be appointed for a term ending October 1, 1995,

"(iv) one shall be appointed for a term beginning February 1, 1989, and ending October 1, 1998, and

"(v) one shall be appointed for a term beginning February 1, 1989, and ending October 1, 2001,

as designated by the President at the time of appointment. Such members shall be appointed after active consideration of recommendations made by the Chairman of the Committee on Ways and Means of the House of Representatives and of recommendations made by the Chairman of the Committee on Finance of the Senate.

"(C) Any member appointed for a term after the commencement of such term shall be appointed only for the remainder of such term. A member may, with the approval of the President, serve for not more than one year after the expiration of his or her term until his or her successor has taken office.

"(4)(A) Except as provided in subparagraph (B), not more than three members of the Board shall be of the same political party.

"(B) For the period ending January 31, 1989, not more than two members of the Board shall be of the same political party.

"(5) A member of the Board may not, during his or her term as member, otherwise serve as an officer or employee of any government. If any member of the Board becomes an officer or employee of any government, he or she may continue to serve as a member of the Board not more than 30 days after the date he or she becomes an officer or employee of such government.

"(6)(A) Except as provided in subparagraph (B), three members of the Board shall constitute a quorum.

"(B) For the period ending January 31, 1989, two members of the Board shall constitute a quorum.

"(C) A lesser number may hold hearings.

"(7) A member of the Board shall be designated from time to time by the President to serve as Chairperson of the Board.

"(8) The Board shall meet at the call of the Chairperson or a majority of its members.

"(c) The Board shall—

"(1) govern by regulation the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII,

"(2) appoint a Commissioner of Social Security, as described in section 702, to act for the Board as the chief operating officer of the Agency responsible for administering such programs,

"(3) make annual budgetary recommendations relating to the Agency and defend such recommendations before the appropriate committees of each House of the Congress,

"(4) make recommendations to the Congress and the President as to the most effective methods of providing economic security through social insurance, and, in consultation with the Commissioner of Social Security, as to legislation and matters of administrative policy concerning such programs,

"(5) provide the Congress and the President with the ongoing actuarial and other analysis undertaken by the Agency with respect to such programs and any other information relating to such programs, and

"(6) conduct policy analysis and research relating to such programs.

"(d)(1) The Office of the Board shall include an Office of the Actuary, to be headed by a Chief Actuary appointed by the Board. To the extent provided by the Board, the Office of the Actuary shall assist the Board in carrying out its actuarial functions.

"(2) The Office of the Board shall include an Office of Policy and Legislation, to be headed by a Director of Policy and Legislation appointed by the Board. To the extent provided by the Board, the Office of Policy and Legislation shall assist the Board in carrying out its functions relating to policy analysis, research, and legislation.

"(3) The Office of the Board shall include an Office of General Counsel, to be headed by a General Counsel appointed by the Board. The General Counsel shall serve as the principal legal counsel in the Agency and shall provide necessary legal advice and services to the Board and the Commissioner.

"(4) The Office of the Board shall include an Ombudsman, to be appointed by the Board. The Ombudsman shall represent the concerns of the public, including beneficiaries, with respect to the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII, to the Board and the Commissioner.

"(5)(A) The Board shall appoint such additional attorneys, actuaries, and other employees as it considers necessary to carry out its functions.

"(B) The Board may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Board considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) Notwithstanding section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Agency a total number of Senior Executive Service positions equal to 150 percent of the number of such positions existing in the Social Security Administration of the Department of Health and Human Services on the day before the date of the enactment of the Social Security Administrative Reorganization Act, and the total number of such positions authorized for the Agency pursuant to such section 3133 shall not at any subsequent time be less than such number.

"(E) In addition to the positions of the Agency in the Executive Schedule specified in subchapter II of chapter 53 of title 5, United States Code, the Board may establish additional positions at levels IV and V of the Executive Schedule.

"(d)(1) The Board may establish, alter, consolidate, or discontinue such organizational units or components within the Agency as the Board considers necessary or appropriate to carry out its functions, except that this paragraph shall not apply with respect to any unit or component established by this Act.

"(2) The Board may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the functions of the Board under this section. Within the limitations of such delegations, redelegations, or assignments to officers or employees of the Agency, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Board.

"(e) There shall be in the Agency an Office of the Inspector General, to be headed by an Inspector General appointed

in accordance with the Inspector General Act of 1978.

"(f)(1) The Board, the Secretary, and the Secretary of the Treasury shall consult with each other and shall develop rules, regulations, practices, and forms which, to the extent appropriate for the efficient administration of titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954, are designed to reduce duplication of effort, duplication of reporting, conflicting or overlapping requirements, and the burden on beneficiaries and other persons of compliance with the provisions of this Act.

"(2) In order to avoid unnecessary expense and duplication of functions, the Board, the Secretary, and the Secretary of the Treasury may make such arrangements or agreements for cooperation or mutual assistance in the performance of their functions under titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954 as they find to be practicable and consistent with law.".

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), is amended by adding at the end thereof the following new item:

"Chairperson of the Social Security Board, Social Security Agency.".

(2) Section 5314 of such title (relating to level III of the Executive Schedule) is amended by adding at the end thereof the following new item:

"Members of the Social Security Board, Social Security Agency (4).".

(3) Section 5315 of such title (relating to level IV of the Executive Schedule) is amended by adding at the end thereof the following new items:

"Inspector General, Social Security Agency.

"Chief Actuary, Social Security Agency.

"Director of Policy Analysis and Legislation, Social Security Agency.

"General Counsel, Social Security Agency.

"Ombudsman, Social Security Agency.".

COMMISSIONER OF SOCIAL SECURITY

SEC. 3. (a) Section 702 of the Social Security Act is amended to read as follows:

"COMMISSIONER OF SOCIAL SECURITY

"SEC. 702. (a) There shall be in the Agency an Office of the Commissioner, to be headed by a Commissioner of Social Security (hereinafter in this title referred to as the 'Commissioner') appointed by the Board. The Commissioner shall be chosen from among individuals who are, by reason of experience and attainment, especially qualified to manage a large-scale organization of the Government.

"(b)(1) The Commissioner shall be appointed for a term of five years, except that—

"(A) an individual appointed Commissioner for a term after the commencement of such term shall be appointed only for the remainder of such term,

"(B) an individual may, with the approval of the Chairperson of the Board, serve as Commissioner after the expiration of his or her term for not more than one year until his or her successor has taken office, and

"(C) the individual first appointed to the Office of Commissioner shall serve for a term ending January 31, 1989.

An individual may be appointed as Commissioner for successive terms, and

"(2) An individual may be removed from the office of Commissioner before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

"(3) Except as provided in paragraph (6) of subsection (c), an individual serving as Commissioner may not, during his or her term as Commissioner, otherwise serve as an officer or employee of any government. If an individual serving as Commissioner becomes an employee of any government, he or she may continue to serve as Commissioner not more than 30 days after the date on which he or she becomes an officer or employee of such government.

"(c) The Commissioner shall—

"(1) constitute the chief operating officer of the Agency, responsible for administering, in accordance with applicable statutes and regulations, the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII,

"(2) establish and maintain an efficient and effective operational structure for the Agency,

"(3) devise and implement long-term plans to promote and maintain the effective implementation of such programs,

"(4) make annual budgetary recommendations of the Agency for the ongoing administrative costs of the Agency and defend such recommendations before the Board and before the appropriate Committees of each House of the Congress,

"(5) advise the Board and the Congress of the effect on the administration of such programs of proposed legislative changes in such programs,

"(6) serve as Secretary of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, and

"(7) report in December of each year to the Board and the Congress concerning the administrative endeavors and accomplishments of the Agency.

"(d)(1) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Office of the Commissioner as the Commissioner considers necessary or appropriate to carry out his or her functions.

"(2) The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the administration of the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII to such officers and employees as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(3)(A) The Commissioner shall appoint such additional employees as he or she considers necessary to carry out his or her functions.

"(B) The Commissioner may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Commissioner considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) The Commissioner may delegate such powers of appointment and procurement to any of the employees in the Office of the Commissioner as he or she determines appropriate.

"(4) To the extent requested by the Commissioner, the Director of the Office of Personnel Management shall delegate to the Commissioner, pursuant to section 1104 of title 5, United States Code, and subject to applicable limitations under such title relating to delegations under such section, functions relating to—

"(A) recruitment and examination programs for entry level employees, and

"(B) classification and standards development systems and pay ranges for those job categories identified by the Commissioner in assuming such delegation.

The Director of the Office of Personnel Management shall provide any assistance requested by the Commissioner in assuming any such delegation.".

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Commissioner of Social Security, Social Security Agency.".

(2) Section 5315 of such title is amended by striking out the following item:

"Commissioner of Social Security, Department of Health and Human Services.".

TRANSFER OF FUNCTIONS

SEC. 4. (a) There are transferred to the Social Security Agency all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Agency by reason of this Act and the amendments made thereby. The Social Security Board shall prescribe such regulations as are necessary to allocate such functions in accordance with sections 701 and 702 of the Social Security Act (as amended by this Act).

(b)(1) There are transferred from the Department of Health and Human Services to the Social Security Board, for appropriate allocation by the Board by regulation in the Social Security Agency—

(A) the personnel employed in connection with the functions transferred by this Act and the amendments made thereby, and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) The position of Commissioner of Social Security in the Department of Health and Human Services is abolished.

TRANSITIONAL RULES

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or his delegate), and (B) which relate to functions which, by reason of this Act, the amendments made thereby, and regulations prescribed thereunder, are vested in the Social Security Board or the Commissioner of Social Security (as the case may be), and

(2) which are in effect at the time this Act takes effect,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Board or Commissioner (as the case may be).

(b) The provisions of this Act (including the amendments made thereby) shall not affect any proceeding pending at the time this Act takes effect before the Secretary of Health and Human Services with respect to functions vested (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) in the Social Security Board or the Commissioner of Social Security, except that such proceedings, to the extent that they relate to such functions, shall continue before such Board or Commissioner (as the case may be). Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Board or Commissioner (as the case may be), by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this Act. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Agency, or such official of such Agency as may be appropriate, and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(d) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) is vested in the Social Security Board or the Commissioner of Social Security.

(e) Orders and actions of the Social Security Board and the Commissioner of Social Security in the exercise of functions vested in such Board or Commissioner (as the case may be) under this Act (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Board or Commissioner shall continue to apply to the exercise of such function by such Board or Commissioner (as the case may be).

(f) In the exercise of the functions vested in the Social Security Board or the Commissioner of Social Security under this Act, the amendments made thereby, and regulations prescribed thereunder, such Board or Commissioner (as the case may be) shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of the same in such Board or Commissioner, and actions of such Board or Commissioner shall have the same force and effect as when exercised by such Secretary.

BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

SEC. 6. Section 703 of the Social Security Act is amended to read as follows:

"BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

"SEC. 703. (a) Appropriations requests of the Social Security Agency for staffing and personnel shall be based upon comprehensive workforce plans. The entire amount of appropriations provided for the administrative costs of the Social Security Agency shall be apportioned in the time period provided in title 31, United States Code, for apportionment and shall be apportioned for the entire period of availability without restriction or deduction by the apportioning officer or employee of the Office of Management and Budget or any other entity within the executive branch of the Federal Government, except as otherwise provided in this section.

"(b)(1) Authority of the Social Security Agency for automated data processing procurement and facilities construction shall be provided in the form of contract authority covering the total costs of such acquisitions, to be available until expended.

"(2) Amounts necessary for the liquidation of contract authority provided pursuant to this section are hereby made available from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, Federal Hospital Insurance Trust Fund, and the Federal Supplemental Medical Insurance Trust Fund to the extent that the Social Security Board, with the concurrence of the Secretary of the Treasury, determines that any of such amounts to be provided from such Trust Fund are not necessary to meet the current obligations for benefit payments from such Trust Fund.

"(3) Funds appropriated for the Social Security Agency to be available on a contingency basis shall be apportioned only upon the occurrence of the stipulated contingency, as determined by the Social Security Board and reported to each House of the Congress.

"(c)(1) To the extent requested by the Commissioner, the Commissioner shall have—

"(A) all authorities permitted to be delegated under the provisions of Federal law codified under title 40 of the United States Code, that the Commissioner considers are necessary for the acquiring, operating, and maintaining of the facilities needed for the administration of programs for which the Commissioner is given responsibility under this Act,

"(B) all authorities permitted to be delegated under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), relating to the lease, purchase, or maintenance of automated data processing equipment, and

"(C) the authority to contract for any automated data processing equipment or services which the Commissioner considers necessary for the efficient and effective operation of such programs.

"(2) The Administrator of the General Services Administration shall provide any assistance requested by the Commissioner in assuming the delegations required under paragraph (1).".

TECHNICAL AND CONFORMING AMENDMENTS; RULES OF CONSTRUCTION

SEC. 7. (a) Title II (other than subsections (a), (b), and (c) of section 201), part B of title XI, title XVI (relating to supplemental security income for the aged, blind, and disabled), and title XVIII (other than subsection (b) of section 1817 and subsection (b) of section 1841) of the Social Security Act are each amended—

(1) by striking out, wherever it appears therein, "Secretary of Health and Human Services" or "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner",

(2) by striking out, wherever it appears therein, "Department of Health and Human Services" or "Department of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Agency",

(3) by striking out, wherever it appears therein, "Department" (but only if it is used in reference to the Department of Health and Human Services or the Department of Health, Education, and Welfare) and inserting in lieu thereof "Social Security Agency", and

(4) by striking out, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services or to the Secretary of Health, Education, and Welfare): "Secretary", "Secretary's", "his", "him", and "he", and inserting in lieu thereof (in the case of the word "Secretary") "Commissioner", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", and (in the case of the word "he") "the Commissioner".

(b)(1) Subsections (a) and (b) of section 201 of such Act are each amended—

(A) by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Commissioner of Social Security", and

(B) by striking out "such Secretary" each place it appears and inserting in lieu thereof "the Commissioner of Social Security".

(2) Section 201(c) of such Act is amended—

(A) in the first sentence, by striking out "shall be composed of" and all that follows through "ex officio" and inserting in lieu thereof the following: "shall be composed of the Chairperson of the Social Security Board, and the Secretary of the Treasury, ex officio"; and

(B) by striking out "Social Security Administration" in the fourth sentence and inserting in lieu thereof "Social Security Agency".

(c)(1) Section 402 of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(2) Section 411 of such Act is amended—

(A) in subsection (a), by striking out "Secretary" and inserting in lieu thereof "Commissioner, at the request of the Secretary,", and by striking out "Social Security Administration" and inserting in lieu thereof "Social Security Agency"; and

(B) in subsection (b), by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(d)(1) Section 704 of such Act is amended—

(A) by inserting "and the Commissioner" after "Secretary" the first place it appears;

(B) by inserting "each" after "shall";

(C) by striking out "the functions with which he is charged" and inserting in lieu thereof "his or her functions"; and

(D) by striking out "of such" each place it appears and inserting in lieu thereof "of each such".

(2) Section 709(b)(2) of such Act is amended by striking out "(as estimated by the Secretary)" and inserting in lieu thereof "(as estimated by the Commissioner)".

(3) Title VII of such Act is further amended by adding at the end thereof the following new section:

"DUTIES OF SECRETARY

"SEC. 713. The Secretary shall perform the duties imposed upon him by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security and as to legislation and matters of administrative policy concerning the programs administered by the Secretary and related subjects; except that nothing in this section shall be construed to require the Secretary to make studies or recommendations with respect to programs administered by the Social Security Agency.".

(e)(1) Section 1101(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The term 'Commissioner' means the Commissioner of Social Security.".

(2) Section 1102 of such Act is amended by striking out "and the Secretary of Health, Education and Welfare" and inserting in lieu thereof "the Secretary of Health and Human Services, and the Commissioner of Social Security".

(3) Section 1106(a) of such Act is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking out "Federal Security Agency" and inserting in lieu thereof "applicable agency";

(C) by striking out "Administrator" and inserting in lieu thereof "head of the applicable agency"; and

(D) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection and subsection (b)—

"(A) the term 'applicable agency' means—

"(i) the Social Security Agency, with respect to matter transmitted to or obtained by such Administration or matter disclosed by such Agency,

"(ii) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, or

"(iii) the Department of Labor, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, and

"(B) the term 'head of the applicable agency' means, in the case of the Social Security Agency, the Commissioner of Social Security.".

(4) Section 1106(b) of such Act is amended—

(A) by striking out "Secretary" and inserting in lieu thereof "head of the applicable agency"; and

(B) by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "applicable agency".

(5) Section 1106(c) of such Act is amended—

(A) by striking out "the Secretary" the first place it appears and inserting in lieu thereof "the Commissioner or the Secretary"; and

(B) by striking out "the Secretary" each subsequent place it appears and inserting in lieu thereof "such Commissioner or Secretary".

(6) Section 1106(d) of such Act is amended by inserting "the Commissioner and" after "this section".

(7) Section 1106(e) of such Act is amended—

(A) by striking out "by the Secretary" and inserting in lieu thereof "by the Commissioner, the Secretary,"; and

(B) by inserting "or the Commissioner" after "Secretary" the second and third places it appears.

(8) Section 1107(b) of such Act is amended by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Commissioner or the Secretary".

(9) Section 1110 of such Act is amended—

(A) by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner";

(B) by striking out "he", "his", and "him" each place they appear and inserting in lieu thereof "the Commissioner", "the Commissioner's", and "the Commissioner", respectively; and

(C) by striking out "or makes them himself", in subsection (b)(1), and inserting in lieu thereof "or the Commissioner makes them".

(10)(A) Subsections (a), (b), and (i) of section 1122 of such Act are each amended by inserting "Commissioner and the" before "Secretary" each place it appears.

(B) Subsections (c), (d), (e), and (f) of such section are each amended—

(i) by striking out "the Secretary" each place it appears and inserting in lieu thereof "the Commissioner or the Secretary (as the case may be)"; and

(ii) by striking out "titles XVIII and XIX" each place it appears and inserting in lieu thereof "title XVIII or title XIX (as the case may be)".

(C) Subsection (j) of such section is amended by striking out "the Secretary" and inserting in lieu thereof "the Commissioner".

(11) Section 1123 of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Commissioner".

(12)(A) Section 1124(a)(1) of such Act is amended—

(i) by inserting "(or, with respect to programs established under title XVIII, the Commissioner)" after "the Secretary";

(ii) by inserting ", the Commissioner," after "the Secretary" the first and second places it appears; and

(iii) by striking out "Secretary in" and inserting in lieu thereof "Secretary or the Commissioner, as the case may be, in".

(B) Section 1124(b) of such Act is amended by inserting "or the Commissioner, as the case may be" after "Secretary".

(13) Section 1126 of such Act is amended—

(A) by inserting ", the Commissioner," after "Secretary" each place it appears;

(B) by striking out "in the Department of Health, Education, and Welfare" and inserting in lieu thereof "in the Department of Health and Human Services, or the Inspector General in the Social Security Agency, as the case may be,"; and

(C) by striking out "notify the" and inserting in lieu thereof "notify such".

(14) Section 1127 of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Commissioner".

(15)(A) Subsections (a) and (b) of section 1128 of such Act are each amended—

(i) by inserting "(or, with respect to title XVIII, the Commissioner)" after "Whenever the Secretary",

(ii) by striking out ", the Secretary";

(iii) by inserting "the Commissioner" after "(1)";

(iv) by inserting "the Secretary or the Commissioner (as the case may be)" after "(2)(A)";

(v) by inserting "the Secretary" before "may" in paragraph (2)(A);

(vi) by inserting "the Secretary" after "(B)"; and

(vii) in paragraph (3) of subsection (a) only, by inserting "the Secretary or the Commissioner (as the case may be)" after "(3)".

(B) Subsection (c) of such section is amended by inserting "or the Commissioner, as the case may be," after "Secretary" each place it appears.

(C) Subsection (d) of such section is amended—

(i) by inserting "or the Commissioners, as the case may be," after "Secretary" each place it appears; and

(ii) by striking out "Secretary's final decision" and inserting in lieu thereof "the final decision of the Secretary or the Commissioner, as the case may be,".

(16)(A) Subsection (a) of section 1128A of such Act is amended—

(i) in paragraph (1) by inserting "(or, with respect to claims under title XVIII, the Commissioner)" after "that the Secretary",

(ii) in paragraph (1)(B) by inserting "or the Commissioner" after "Secretary" the first place it appears, and

(iii) in paragraph (1)(B) by striking out "Secretary" the second and third places it appears and inserting in lieu thereof "Commissioner"

(B) Subsections (b) and (c) of such section are each amended by inserting "(or, with respect to claims under title XVIII, the Commissioner)" after "Secretary" each place it appears.

(C) Subsection (d) of such section is amended—

(i) by inserting "or the Commissioner" after "Secretary" each place it appears, and

(ii) by inserting "or the Commissioner's" after "Secretary's".

(D) Subsection (e) of such section is amended—

(i) by inserting "or the Commissioner (as the case may be)" after "the Secretary" the first place it appears, and

(ii) by inserting "or the Commissioner" after "Secretary" the second and third places it appears.

(E) Subsection (f) of such section is amended by inserting "or the Commissioner" after "Secretary" each place it appears.

(F) Subsection (g) of such section is amended by inserting "or the Commissioner's" after "Secretary's".

(17)(A) Section 1129 of such Act is amended by inserting "(in consultation with the Social Security Administration)" after "Secretary" in the second sentence of subsection (a) and in subsection (b)(1).

(B) Section 1129(b)(2) of such Act is amended by striking out "title XVIII or XIX" and inserting in lieu thereof "title XIX and the Commissioner may waive such requirements of title XVIII".

(18)(A) Section 1131 of such Act is amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(B)(i) Subsections (d) and (f) of section 6057 of the Internal Revenue Code of 1954 are each amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner of Social Security".

(ii) The caption of section 6057(d) of such Code is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner of Social Security".

(f) Section 1817(b) of such Act is amended—

(1) by striking out "shall be composed of" and all that follows through "ex officio" and inserting in lieu thereof "shall be composed of the Chairperson of the Social Security Board and the Secretary of the Treasury, ex officio";

(2) by striking out "Administrator of the Health Care Financing Administration" and inserting in lieu thereof "Commissioner of Social Security"; and

(3) by striking out "Chief Actuarial Officer of the Health Care Financing Administration" and inserting in lieu thereof "Chief Actuary of the Social Security Agency".

(g) Section 1841(b) of such Act is amended—

(1) by striking out "shall be composed of" and all that follows through "ex officio" and inserting in lieu thereof "shall be composed of the Chairperson of the Social Security Board and the Secretary of the Treasury, ex officio";

(2) by striking out "Administrator of the Health Care Financing Administration" and inserting in lieu thereof "Commissioner of Social Security"; and

(3) by striking out "Chief Actuarial Officer of the Health Care Financing Administration" and inserting in lieu thereof "Chief Actuary of the Social Security Agency".

(h) The Inspector General Act of 1978 is amended—

(1) in section 2(1), by striking out "and the Veterans' Administration" and inserting in lieu thereof "the Veterans' Administration, and the Social Security Agency";

(2) in section 9(a)(1), by striking out "and" at the end of subparagraph (M), and by adding at the end thereof the following new subparagraph:

"(O) of the Social Security Agency, to the extent provided in the Social Security Administrative Reorganization Act, the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, and the medicare program under title XVIII of such Act; and";

(3) in section 11(1), by striking out "or" after "Transportation" and inserting in lieu thereof a comma, and by inserting after "Affairs," the following: "or the Commissioner of Social Security of the Social Security Agency,"; and

(4) in section 11(2), by striking out "or" after "Transportation", and by inserting after "Veterans' Administration," the following: "or the Social Security Agency,".

(i)(1) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, or the medicare program under title XVIII of such Act, such reference shall be considered a reference to the Social Security Agency.

(2) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under such programs, such reference shall be considered a reference to—

(A) the Social Security Board, with respect to functions described in section 701 of the Social Security Act (as amended by this Act), and

(B) the Commissioner of Social Security, with respect to functions described in section 702 of the Social Security Act (as amended by this Act).

(3) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee's functions under such programs, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Agency.

REPORTS ASSESSING ORGANIZATIONAL CHANGES

SEC. 8. (a) Five years after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall each submit to each House of the Congress a report setting forth in detail an assessment of the organizational changes made by this Act and the amendments made by this Act.

(b) Not later than one year after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall submit to each House of the Congress their recommendations for further technical and conforming amendments necessary to effectively and efficiently carry out the purposes of this Act.

EFFECTIVE DATE AND INTERIM RULES

SEC. 9. (a)(1) Sections 2, 3, 4, 5, and 7 of this Act shall take effect October 1, 1986.

(2) Notwithstanding the effective date set forth in paragraph (1), effective on the date of the enactment of this Act—

(A) the initial members of the Social Security Board may be appointed before such effective date, after the date of the enactment of this Act, and the Commissioner of Social Security, the Inspector General, the Chief Actuary, the Director of Policy Analysis and Legislation, and the General Counsel of the Social Security Agency may be appointed by such Board at any time after such initial members of the Social Security Board have been appointed,

(B) the persons appointed under subparagraph (A) shall be compensated from the date they first take office, at the rates provided for in the amendments to title 5, United States Code, made by sections 2(b) and 3(b) of this Act,

(C) such compensation and related expenses of such persons shall be paid from funds available in the Department of Health and Human Services for the functions vested in the Social Security Agency by this Act and the amendments made thereby, and

(D) the Social Security Board and the Commissioner of Social Security may each utilize, as appropriate, the services of such officers, employees, and other personnel of the Department of Health and Human Services, and funds appropriated to the functions of such Department to be transferred by this Act and the amendments made thereby, for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

(b) The amendment made by section 6 of this Act shall apply with respect to fiscal years beginning on or after October 1, 1986.●

By Mr. MOYNIHAN (for himself and Mr. HEINZ):

S. 2923. A bill to amend title II of the Social Security Act to eliminate the 3-percent threshold amount for cost-of-living adjustments; to the Committee on Finance.

SOCIAL SECURITY COST-OF-LIVING ADJUSTMENT ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation that would ensure, on a permanent basis, that Social Security and supplemental security income beneficiaries, veteran pensioners, and railroad retirees will receive a timely cost-of-living adjustment every year that the Consumer Price Index rises.

Less than 2 weeks ago, the U.S. Senate approved overwhelmingly legislation I introduced to ensure that our Nation's 36 million Social Security recipients and 4 million SSI recipients will receive a COLA this January. That measure waived of a provision of the Social Security Act, this one time, that delays the payment of COLA whenever the CPI is below 3 percent. These 40 million American deserved no less.

As a result, single Americans on Social Security, receiving an average benefit of $425 a month, will receive an additional $12 each month, beginning next January. Couples on Social Security, who receive an average benefit of $700 a month, will receive an additional $21 each month. The most impoverished of our aged—those receiving SSI benefits—will receive an additional $108 in 1985 as a result of the COLA this coming January.

These sums—an extra $12 or $21 each month—may not seem to some to

be worth much. But for elderly, blind, and disabled Americans, the millions of retirees who depend on those small sums of money, it will mean they can maintain the buying power of their current incomes. These are the citizens most vulnerable to inflation, because they cannot offset a rising cost of living by working harder.

The legislation I am introducing today would simply eliminate, on a permanent basis, this provision, section 215(i), that requires the CPI to rise at least 3 percent before beneficiaries may receive a COLA. There are three basic reasons for so doing.

In 1972, Congress set in place automatic cost-of-living adjustments of Social Security benefits, so our elderly, blind, and disabled citizens would not find themselves gradually impoverished, automatically if you will, by inflation. However, Congress decided such adjustment would be skipped whenever the annual price index rose by less than 3 percent. At the time, this was done for as much as anything, to save the bother of reprogramming the then-antiquated computers. The computer system is now much improved; today it is fully feasible, administratively, to provide a cost-of-living adjustment every year that prices rise.

Moreover, this change would in no way disturb the financial solvency of the OASDI trust funds, which we have worked so hard to achieve. The 3-percent trigger, I understand, likely will have no significant long-range costs. Permit me to explain.

Under current law, when the CPI does not rise at least 3 percent over the previous year, the COLA is delayed, not canceled, being calculated in the third quarter of the following year to cover the 2 previous years. Sooner or later, benefits are adjusted to take account of all increases in the CPI. Whenever the COLA is granted, the level of earnings subject to Social Security tax—the wage base—is likewise adjusted automatically, increasing trust fund income. This increase in trust fund income, then, offsets in part the cost of providing the COLA in years when the CPI rises by less then 3 percent. I would note that the increase in the wage base tied to the COLA we approved 2 weeks ago will affect only the top 8 percent of all wage earners.

There is another source of savings from this proposal. Under current law, as I noted, when a COLA is postponed because the CPI rises less than 3 percent, inflation is not permanently ignored. Beneficiaries lose a cost-of-living adjustment for 1 year, but the next year their benefits rise to reflect 2 years' worth of inflation. This arrangement, we now know, produces a double-dipping situation. If the COLA due in January 1985 is delayed until 1986, anyone retiring in 1985 would receive a benefit adjustment in January 1986 reflect a period of time before he or she had retired. This over adjustment would permanently raise their benefits.

The legislation we passed on July 26 prevents this from occurring in 1985, as the COLA will be paid on time. Initially, the trust funds will save some $0.1 billion and within 2 or 3 years the savings should grow to $0.3 billion per year. Thus, the one-time costs of providing the COLA increase of less than 3 percent will be substantially offset over the coming years by correcting the flaw in current law.

Should we, once again, be faced with a rise in consumer prices of less than 3 percent, and should we not take special action to grant the COLA on time, we would face the prospect of overcompensating a select group of retirees.

I urge my coleagues to join me in this effort to ensure the payment of a timely COLA to Social Security and SSI recipients, veteran pensioners, and railroad retirees. It likely ultimately will be a cost savings measure, but I urge my colleagues not to lose sight as well that this is a compassionate measure. Can we do less than guarantee an annual cost-of-living adjustment to millions of retired Americans, many on fixed incomes who desperately need the sums the annual COLA provide?

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Social Security Cost-of-Living Adjustment Act of 1984".

AMENDMENTS TO SOCIAL SECURITY ACT

SEC. 2. (a) Section 215(i)(1)(B) of the Social Security Act (as currently in effect, and as in effect in December 1978 and applied in certain cases under such Act as in effect after December 1978) is amended by striking out "3 percent or more" and inserting in lieu thereof "greater than zero".

(b) Section 215(i)(2)(A)(ii) of such Act is amended, in the matter following subdivision (III), by striking out "The increase shall be derived by multiplying each of the amounts described in subdivisions (I), (II), and (III) (including each of those amounts as previously increased under this subparagraph) by the applicable percentage increase; and any" and inserting in lieu thereof "In the case of a benefit (described in subdivision (I)) or primary insurance amount of an individual who became eligible for an old-age or disability insurance benefit (as determined pursuant to subsection (a)(3)(B)), or who died prior to becoming eligible for such a benefit, in or before the year following the most recent prior year in which a cost-of-living increase became effective under this subparagraph, the increase shall be derived by multiplying each of the amounts described in subdivisions (I), (II), and (III) (including each of those amounts as previously increased under this subparagraph) by the applicable percentage increase. In the case of a benefit (described in subdivision (I)) or primary insurance amount of an individual not described in the preceding sentence, the increase shall be derived by multiplying each of the amounts described in subdivisions (I), (II), and (III) by a percentage equal to the applicable percentage increase which would be established under paragraph (1) if the quarter ending on the September 30 last preceding the year in which the individual became eligible for an old-age or disability benefit (as determined pursuant to subsection (a)(3)(B)), or died prior to becoming eligible for such benefits, had been a cost-of-living computation quarter. Any".

(c) Section 215(i)(4) of such Act is amended by inserting "and by the Social Security Cost-of-Living Adjustment Act of 1984" after "Social Security Amendments of 1983".

(d) Section 215(i)(5)(A)(1) of such Act is amended by striking out "was less than 3 percent" and inserting in lieu thereof "was not greater than zero".

EFFECTIVE DATE

SEC. 3. The amendments made by this Act shall apply to cost-of-living computation quarters ending on or after September 30, 1984.●

● Mr. HEINZ. Mr. President, today Senator MOYNIHAN and I are introducing legislation to permanently eliminate the provision in the Social Security Act that prohibits cost-of-living adjustment [COLA] increases in any year in which the Consumer Price Index [CPI] is less than 3 percent. This bill simply corrects an outdated and technical problem in the law and in no way jeopardizes the long-term solvency of the trust funds achieved through the Social Security Amendments of 1983.

In 1972, Congress chose to build into the Social Security system an automatic mechanism to ensure that all Social Security and SSI beneficiaries receive yearly benefit increases directly tied to the CPI. This decision reflected a concern that the periodic ad hoc increases of the 1960's often overcompensated for inflation, and that everyone would benefit from predictable, standard COLA increases provided automatically, rather than through political grandstanding.

One technical aspect of the 1972 legislation was a provision to postpone the payment of a COLA increase in any year the CPI increased less than 3 percent. This was stipulated for purely administrative reasons—at the time, the Social Security Administration's computer system was very primitive, and any COLA increase consumed a great deal of administrative resources to execute. Due to improvements in SSA's computer capability, this is no longer the case, and there is no real justification for the 3-percent threshhold. The legislation we are introduc-

ing simply conforms the law to current administrative capacity.

Though the 3-percent threshold has been in the law since 1972, persistent high inflation has never triggered it. Other than Social Security experts, very few people were even aware of the existence of the 3-percent threshold until recently, and if it were activated, I am sure many in the public would assume that Congress had cut their benefits, and that many beneficiaries would suffer from an enormous amount of unneeded anxiety over a purely technical provision. The tremendous public confusion and misunderstanding surrounding the decision the Senate made 2 weeks ago to waive the 3-percent threshold this year confirms my belief that we should solve this problem once and for all.

The bill we are introducing will ensure the timely and accurate payment of COLA increases to this Nation's elderly and disabled. It will create no new costs for the trust funds, nor new burdens for the taxpayer. It extends the concept that COLA increases should be granted automatically, rather than through election-year political pressures. Most importantly, it provides a positive assurance to those who depend upon a fixed income that they will be protected from inflation, and that they will not have to suffer from unnecessary anxiety or uncertainty in a year in which the CPI increases by less than 3 percent.●

By Mr. JEPSEN:

S. 2924. A bill to amend title 5, United States Code, to require that any officer or employee of the Government convicted of a felony be removed from the civil service; to the Committee on Governmental Affairs.

REMOVAL FROM CIVIL SERVICE FOR FELONY CONVICTION

● Mr. JEPSEN. Mr. President, today I am introducing legislation that would rectify an existing, outrageous situation in our Federal Government. In a nutshell, the legislation would require that a Federal employee, who is convicted of a felony, be fired. I was quite surprised to discover that there was a need for this kind of legislation, but under current law an adverse action against an employee of the civil service may be taken only "for such cause as will promote the efficiency of the service."

The Merit Systems Protection Board and the courts have interpreted that language to require that there be a connection, or nexus between the removal of the employee and a promotion of the efficiency of the civil service. Quite simply, this means that a felony conviction alone is not cause enough to fire a civil service employee.

Somehow this interpretation has created another of those situations where the emphasis is on caring for the criminal at the expense of the victim, or I should say victims—the victim of the felony and the taxpayer victim who must continue to pay the salary of our civil service felon.

I illustrate my point with real cases of record:

In 1977, an individual was convicted of the felonies of unlawful possession of controlled substances and marijuana. The agency removed the individual from the civil service, but the removal was reversed by a Federal court and the felon was reinstated.

In 1983, a Federal court reversed an agency removal action of an individual who had been sexually abusing his 7-year-old daughter for the past 3 years.

In 1983, a Federal court reversed an agency removal action of an employee who had been convicted of welfare fraud.

But the case which most clearly demonstrates how preposterous the current situation is began in 1982. In this case the convicted felon was a GS-13; he was convicted of conspiracy to defraud the Government. He was submitting false certifications to authorize payment for material not received from a commercial contractor. The Board recently reversed the removal action. This action by the Board requires the Government to give the convicted felon 2 years back pay. I emphasize give, because it is quite simply a gift. It is my understanding that this felon also has made a request for attorney's fees, which have been awarded in these kinds of cases in the past.

Mr. President, it's little wonder that the Government has problems of waste, fraud, and abuse when we have such ridiculous situations as cited above.

How would you feel if you were an employer and one of your employees was convicted of stealing from you, but you were forbidden to fire him—and on top of that you have to give him back pay—and possibly be required to pay his attorney? Do you think that result would hurt the morale and efficiency of the rest of your employees? Of course it would, and correspondence received from the FBI agent who labored long and hard on the case of the GS-13 criminal indicates just how demoralizing the reinstatement to employment of convicted criminals can be.

Mr. President, we have a large Government workforce, most of whom are hardworking, very able, and honest. They, as a group, have been under some fire for a number of years now. I believe that much of the criticism aimed at the civil servants comes about because of legislatively created situations such as those I have cited.

We can easily remedy this, by enacting this legislation which would simply require the removal of a civil servant after a felony conviction. The legislation would also eliminate all employee grievance appeal avenues for the convicted employee, but would not disturb in any manner the normal appeal and judicial review process relative to the criminal conviction.

The legislation also allows for reinstatement in certain instances if the conviction is vacated or overturned on appeal. Restoration of pay would be at the discretion of the agency concerned, but would be required if later court action resulted in a finding which amounted to an acquittal on the merits.

Mr. President, commonsense demands that we act quickly and responsibly to eliminate situations in which the U.S. Government is forced to retain and maintain convicted felons as employees. I look forward to getting the support of my colleagues to solve this critically serious problem.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 75 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—REMOVAL FOR CRIMINAL CONVICTION

"§ 7551. Definitions

"For the purposes of this subchapter—

"(1) 'officer' does not include a justice or judge of the United States;

"(2) 'employee' includes individuals described in the first sentence of subsection 2105 (c) of this title;

"(3) 'convicted', when used with respect to an officer or employee tried for a felony in a court of general jurisdiction in a State or in a United States district court, means that a judgment that the officer or employee is guilty of the felony has been entered by the court in the records of such court as a disposition of the proceedings and that the judgment is final for the purposes of appeal; and

"(4) 'felony' means—

"(A) any offense in violation of a law of the United States classified as a felony under section 1 of title 18;

"(B) any offense in violation of a law of any State, any possession or territory of the United States, the District of Columbia, the Panama Canal Zone, or the Commonwealth of Puerto Rico, which at the time the offense was committee was classified as a felony by the law of the place where that offense was committed; or

"(C) any offense in violation of a law of any other sovereign if that offense would be classified as a felony under section 1 of title 18.

"§ 7552. Cause and procedure

"(a) Any officer or employee who is convicted of a felony shall be removed from office or employment.

"(b) A removal action pursuant to subsection (a) of this section shall be completed within 30 days after the date the employing agency receives notice of the conviction. Failure to take such action within such

period shall not be a bar to the removal action.

"(c) Not later than fourteen days before the date an officer or employee is removed pursuant to subsection (a) of this section, the agency employing the officer or employee shall transmit a notice of the removal to the officer or employee. The notice shall include the date and time the removal takes effect and a copy of the court document recording the conviction.

"(d) The provisions of chapter 77 of this title do not apply in the case of an officer or employee removed under subsection (a) of this section. Removal actions under such subsection shall not be reviewable by any court of the United States.

"§ 7553. Reinstatement

"(a) The head of an agency who removed a former officer or employee pursuant to section 7552 of this title may reinstate the former officer or employee to the same position or a similar vacant position in the civil service if, after the date of the removal—

"(1) the conviction upon which the removal is based is vacated by the court that convicted the individual or by a higher court;

"(2)(A) the court action is based on a finding that the evidence was insufficient to support the conviction and the head of the agency determines that further judicial proceedings on the matter giving rise to the initial conviction are unlikely to be commenced; or

"(B) in the case of a retrial—

"(i) the former officer or employee is acquitted; or

"(ii) further judicial proceedings are terminated and the vacation of the previous conviction was based on a finding that the evidence was insufficient to support the conviction; and

"(3) the former officer or employee transmits to the head of the agency a written request for reinstatement as provided in subsection (b) of this section.

"(b) For the purposes of subsection (a)(3) of this section, a request for reinstatement may be transmitted to the head of an agency not later than 90 days after the date of the court action described in subsection (a)(1) of this section or, in the case of an acquittal in a retrial or a termination of a retrial, not later than 90 days after the date of the acquittal or termination.

"(c)(1) An officer or employee who, after removal under section 7552 of this title, is reinstated pursuant to subsection (a) of this section by reason of an acquittal or a court action based on a finding of insufficiency of the evidence is entitled to be paid the amount of the pay lost by reason of the removal, computed as provided in paragraph (2) of this subsection. In the case of an officer or employee who for any other reason is reinstated after removal under section 7552 of this title, the head of the agency employing the reinstated officer or employee may pay the officer or employee the amount of the pay lost by reason of the removal, computed as provided in paragraph (2) of this subsection.

"(2) For the purposes of paragraph (1) of this subsection, the amount of the pay lost by a reinstated employee by reason of a removal under section 7552 of this title is equal to the excess of the amount of the pay the employee would have received by reason of employment by the Government if the employee had not been removed under such section over the total of any amounts earned by the employee through other employment during the period the removal was in effect.".

(b) The chapter analysis at the beginning of such chapter is amended by adding at the end thereof the following:

"SUBCHAPTER VI—REMOVAL FOR CRIMINAL CONVICTION

"Sec. 7551. Definitions.
"Sec. 7552. Cause and Procedure.
"Sec. 7553. Reinstatement.".

SEC. 2. The amendments made by this Act shall take effect with respect to judgments of conviction entered by a court after the date of enactment of this Act.●

ADDITIONAL COSPONSORS

S. 1128

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 1128, a bill entitled the "Agricultural Productivity Act of 1983."

At the request of Mr. LEAHY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1128, supra.

S. 2131

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2131, a bill to provide for the temporary suspension of deportation for certain aliens who are nationals of El Salvador, and to provide for Presidential and congressional review of conditions in El Salvador and other countries.

S. 2258

At the request of Mr. MOYNIHAN, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. SASSER], the Senator from Arizona [Mr. DECONCINI], the Senator from Florida [Mrs. HAWKINS], the Senator from Vermont [Mr. STAFFORD], the Senator from Maine [Mr. MITCHELL], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2258, supra.

S. 2514

At the request of Mr. SIMPSON, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 2514, a bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Post-Traumatic Stress Disorder, to require the administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes.

S. 2731

At the request of Mr. COHEN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2731, a bill to provide for orderly trade in nonrubber footwear, to reduce unemployment and for other purposes.

S. 2768

At the request of Mr. MATHIAS, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Iowa [Mr. JEPSEN] were added as cosponsors of S. 2768, a bill to provide for the education in the United States of certain students of limited financial means from developing countries.

S. 2844

At the request of Mr. GLENN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2844, a bill to establish a Federal Interagency Arson Prevention and Control Task Force to coordinate Federal antiarson programs.

SENATE JOINT RESOLUTION 269

At the request of Mr. LEVIN, the names of the Senator from North Carolina [Mr. HELMS], the Senator from North Carolina [Mr. EAST], the Senator from Connecticut [Mr. DODD], and the Senator from Maryland [Mr. MATHIAS] were added as a cosponsors of Senate Joint Resolution 269, a joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 310

At the request of Mr. LEVIN, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. HECHT], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution, 310, a joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week."

SENATE JOINT RESOLUTION 311

At the request of Mr. LEVIN, the names of the Senator from Ohio [Mr. GLENN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Connecticut [Mr. DODD], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 311, a joint resolution to designate the week of October 13, 1984, through October 19, 1984, as "National Independent Laboratory Week."

SENATE JOINT RESOLUTION 322

At the request of Mr. QUAYLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution designating the

week beginning on October 7, 1984, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 325

At the request of Mr. NUNN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. QUAYLE], the Senator from Tennessee [Mr. SASSER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 325, a joint resolution to designate October 7, 1984, through October 13, 1984, as "National Children's Week."

SENATE JOINT RESOLUTION 334

At the request of Mr. DOLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 334, a joint resolution to provide for the designation of the month of November 1984 as "National Hospice Month."

SENATE JOINT RESOLUTION 336

At the request of Mr. DENTON, the names of the Senator from Vermont [Mr. STAFFORD], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. PERCY], and the Senator from Louisiana [Mr. LONG] were added as cosponsors of Senate Joint Resolution 336, a joint resolution to proclaim October 23, 1984, as "A Time of Remembrance" for all victims of terrorism throughout the world.

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'AMATO, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

SENATE CONCURRENT RESOLUTION 120

At the request of Mrs. HAWKINS, the name of the Senator from Nevada [Mr. LAXALT] was added as a cosponsor of Senate Concurrent Resolution 120, a concurrent resolution expressing the sense of the Congress that the legislatures of the States should develop and enact legislation designed to provide child victims of sexual assault with protection and assistance during administrative and judicial proceedings.

SENATE CONCURRENT RESOLUTION 134—CONGRATULATING MARY T. MEAGHER FOR THE ACCOMPLISHMENTS IN THE XXIII OLYMPIAD

Mr. HUDDLESTON (for himself and Mr. FORD) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 34

Whereas, Mary T. Meagher of Louisville, Kentucky has won three gold medals for swimming in the XXIII Olympiad:

Whereas, "Mary T.'s" efforts in the 100-meter butterfly, the 200-meter butterfly, and on the butterfly leg of the 400 meter team relay all set Olympic or world records:

Whereas, "Mary T." has had the strong and united support of her Kentucky family in the pursuit of her goals; now therefore, be it

Resolved by the Senate (The House of Representatives concurring), That it is the sense of Congress that Mary T. Meagher be heartily congratulated for her outstanding accomplishment in the XXIII Olympiad: and that the Congress urges all young American athletes to draw inspiration from the example of discipline, training, hard work, and ability provided by Mary T., a superior competitor who has brought distinction to herself, her family, her coaches, her state and her nation.

● Mr. HUDDLESTON. Mr. President, "Madame Butterfly Swims to Victory" "Three Golds for Mary T." Around the world, these and similar headlines herald the magnificent athletic achievements of Louisvillian Mary T. Meagher in the Los Angeles Olympic games.

And correctly so. Mary T., the 9th of 10 children in the Mr. and Mrs. James L. Meagher family, set the swimming world on its ear last week with her brilliant performances in the 100-meter butterfly, the 200-meter butterfly, and as the butterfly leg in the 400-meter team relay. Mary T. set Olympic records in both the 100 and 200 and swam the fastest butterfly relay leg in history.

Mary T.'s dedication and rededication in the pursuit of these great accomplishments are legend. From her preteen victories at Lakeside Swim Club in Louisville, to her litany of international meet championships and world records, to her overwhelming disappointment over the 1980 Olympic boycott, to her triumphs in Los Angeles, Mary T. has shown the world the value of hard work. The thousands of miles she has put in have paid off. They should. She exemplifies the American spirit and should serve as an inspiration to all of us.

Along with viewing Mary T. win her gold medals, the world has also been treated to an almost unbelievable show of family support for this great athlete. Mary T. T-shirts, Mary T. hats, the gigantic cardboard T for victory insignia, and, most impressive of all, the Mary T. cheering section in the front row of the swimming stadium—brothers, sisters, cousins, aunts, uncles seemed to be everywhere, eager to demonstrate their support for their champion. It is not likely we will soon see a more poignant portrait of the American family.

Mary T. is everyone's champion now and, with the rest of the world, I offer my hearty congratulations to her and her family for a job well done.

In recognition of her efforts, I offer, on behalf of Senator FORD and myself, this concurrent resolution.●

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1984

STEVENS AMENDMENT NO. 3615

Mr. STEVENS proposed an amendment to the bill (H.R. 6040) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 54, lines 8 and 9, strike "S. Con. Res. 122" and insert "Senate Concurrent Resolution 122, Ninety-Eighth Congress, agreed to June 29, 1984".

SARBANES (AND MATHIAS) AMENDMENT NO. 3616

Mr. SARBANES (for himself and Mr. Mathias) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 21, between lines 18 and 19, insert the following:

NEIGHBORHOOD REINVESTMENT CORPORATION

For an additional amount for the Neighborhood Reinvestment Corporation, $500,000, to remain available until expended.

D'AMATO (AND OTHERS) AMENDMENT NO. 3617

Mr. D'AMATO (for himself, Mr. HATCH, Mr. RIEGLE, Mr. CRANSTON, Mr. LEVIN, Mr. METZENBAUM, Mr. EAGLETON, and Mr. HOLLINGS) proposed an amendment to the bill (H.R. 6040), supra, as follows:

At the appropriate place, insert the following:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

SEC. For an additional amount for "Training and employment services", $21,700,000 to be available for obligation for the period July 1, 1984, through June 30, 1985, and which shall be for the renovation and repair of Job Corps facilities and equipment replacement.

HATFIELD AMENDMENT NO. 3618

Mr. HATFIELD proposed an amendment to the bill (H.R. 6040), supra, as follows:

On page 53, line 7, after the period insert the following:

For payment to Verna J. Perkins, widow of Carl D. Perkins, late a representative from the State of Kentucky, $72,600.

LAUTENBERG AND BRADLEY AMENDMENT NO. 3619

Mr. LAUTENBERG (for himself and Mr. BRADLEY) proposed an amendment to the bill (H.R. 6040), supra, as follow:

On page 61, after line 19, insert the following

URBAN MASS TRANSPORTATION ADMINISTRATION

The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964

is amended by inserting before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

DODD (AND GLENN) AMENDMENT NO. 3620

Mr. DODD (for himself and Mr. GLENN) proposed an amendment to the bill H.R. 6040, supra; as follow:

Beginning on line 2, page 66 strike all through line 26 on page 73, and insert in lieu thereof the following:

FOREIGN ASSISTANCE

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

International Financial Institutions Contribution to the International Bank for Reconstruction and Development

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increased capital stock, as authorized by the International Financial Institutions Act, $30,000,000 for the General Capital Increase, as authorized by Section 39 of the Bretton Woods Agreements Act, to remain available until expended.

Limitation on Callable Capital Subscriptions

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable portion of the United States share of increases in capital stock in an amount not to exceed $369,999,991.

Contribution to the International Development Association

For repayment to the International Development Association by the Secretary of the Treasury, $150,000,000, for the United States contribution to the sixth replenishment, to remain available until expended.

Contribution to the Inter-American Development Bank

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase of the resources of the Fund for Special Operations, $72,500,000 to remain available until expended.

Contribution to the Asian Development Bank

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States contribution to the increases in resources of the Asian Development Fund, $47,116,170, to remain available until expended.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATION AND PROGRAMS

For an additional amount for "International organizations and programs", $40,000,000: Provided, that these funds shall be available only for payment to the International Fund for Agricultural Development.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

Payment to the Foreign Service Retirement and Disability Fund

For an additional amount for "Payment to the Foreign Service Retirement and Disability Funds", $4,083,000.

Operating Expenses

For an additional amount for "Operating Expenses", $3,700,000.

Economic Support Fund

For an additional amount for the "Economic Support Fund", $180,000,000: Provided, that of this amount $10,000,000, to remain available until expended, shall be available only to carry out the provisions of the Clement J. Zablocki Outpatient Facility Act (Public Law 98-266), and that this sum shall be transferred to the Agency for International Development, for "American schools and hospitals abroad".

INDEPENDENT AGENCY

Peace Corps

For an additional amount for "Peace Corps", $1,000,000 to remain available until September 30, 1985.

Housing and Other Credit Guaranty Programs

Pursuant to section 233(e)(1) of the Foreign Assistance Act of 1961, as amended, $40,000,000 to remain available until expended and to be credited to the revolving fund account created by section 233(b).

DEPARTMENT OF STATE

Migration and Refugee Assistance

For an additional amount for "Migration and refugee assistance", $7,650,000, to remain available until March 31, 1985, of which $2,000,000 shall be transferred to the Agency for International Development and shall be made available for "International disaster assistance" to be used only for medical and medically related assistance for Afghan refugees.

FUNDS APPROPRIATED TO THE PRESIDENT

Military Assistance Program

For an additional amount for "Military assistance", $67,950,000: *Provided*, That no more than $25,310,000 be obligated or expended for El Salvador."

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $7,000,000: *Provided*, That this sum shall be available only for emergency inland transportation associated with food relief efforts in Africa.

INOUYE (AND RANDOLPH) AMENDMENT NO. 3621

Mr. INOUYE (for himself and Mr. RANDOLPH) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 73, delete lines 15 and 16, and insert in lieu thereof; "$80,350,000: *Provided*, That none of the funds made available under this heading may be used to provide military assistance to El Salvador.".

PACKWOOD (AND OTHERS) AMENDMENT NO. 3622

Mr. PACKWOOD (for himself, Mr. BRADLEY, Mr. PERCY, Mr. WEICKER, Mr. COHEN, Mr. STAFFORD, Mr. CHAFEE, Mr. MATHIAS, Mr. EVANS, Mr. HEINZ, Mrs. HAWKINS, Mr. CRANSTON, Mr. HART, Mr. LEVIN, Mr. RIEGLE, Mr. GLENN, Mr. INOUYE, Mr. METZENBAUM, Mr. MATSUNAGA, Mr. BURDICK, Mr. DODD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. HOLLINGS) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 105, between lines 21 and 22, insert the following:

SEC. 305. (a) The Senate finds that—

(1) in 1974 delegations representing the governments of 136 countries, including the United States, unanimously endorsed a statement of the World Population Conference which calls for efforts to address population growth in the context of goals for socioeconomic development and also recognizes both the rights and the responsibilities of all couples to family planning;

(2) in 1984, global population is projected to increase by more than 80 million people, the largest annual increase in the history of the world;

(3) a recent study by the National Academy of Sciences, which is supported by numerous other studies, finds that "family planning programs have a significant, independent effect over and above socioeconomic factors" on the decline of fertility in developing countries;

(4) for two decades and with repeated bipartisan leadership, the Congress has committed the United States Government to strong support for international, voluntary population and family planning programs;

(5) in the Foreign Assistance Act of 1961, the Congress states as national policy that "voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition";

(6) in 1982, the Agency for International Development (hereafter in this subsection referred to as "AID") accurately expressed the intent of the Congress regarding support for population and family planning by stating: "Assistance for voluntary population and family planning programs is an essential part of a cost effective program of United States development assistance";

(7) as part of the United Staes commitment to voluntary population and family planning the Congress specifically has given high priority to United States support for the work of nongovernmental organizations (NGOs) in voluntary population and family planning programs in developing countries;

(8) the Congress has prohibited the use of United States population assistance to pay for abortion as a method of family planning, and AID repeatedly has reported to the Congress, based on ongoing audits, that AID funds are not spent for these activities or any other activities not conducted in accordance with applicable Federal laws and regulations;

(9) the conference report of the International Security and Development Cooperation Act of 1981 asserts that the prohibitions on abortion funding authorized by the Act sufficiently constitute the "necessary limits on United States support for international population planning programs with respect to concern about adequate directives against promotion of abortion-related activities";

(10) the AID document of September 1982 entitled "Policy Paper: Population Assistance" sets forth United States population assistance policy as authorized by law;

(1) the House of Representatives has reiterated its support for this policy again in 1984 with its passage of the International Security and Development Cooperation Act of 1984, and the Committee on Foreign Relations of the Senate has done the same with its own version of the International Security and Development Cooperation Act; and

(12) the July 13, 1984, "Policy Statement: International Conference on Population"

released by AID departs from congressional authorization and intent as well as current practice with respect to furnishing United States population assistance.

(b) The Senate hereby reaffirms the commitment of the United States, as set forth in section 104 of the Foreign Assistance Act of 1961 and as evidenced by funding in annual appropriations Acts, to the furnishing of population assistance.

(c) It is the sense of the Senate that—

(1) United States policy toward furnishing such assistance, and the administration of such assistance, should continue to comply faithfully with the intent of Congress in enacting such Acts; and

(2) the President, in furnishing population assistance, should not deny funds to any multilateral institution or any nongovernmental or private and voluntary organization because of the participation by such institution or organization, paid for with funds derived from private, non-governmental sources, in any activity involving population growth or family planning which is carried out in accordance with all applicable Federal laws and regulations.

KENNEDY AMENDMENT NO. 3623

Mr. KENNEDY proposed an amendment to the bill H.R. 6040, supra; as follows:

To be inserted at page 73 after line 26 in H.R. 6040: "None of the funds appropriated in this bill for the purpose of providing military assistance to the Government of El Salvador shall be available after October 1, 1984, for obligation or expenditure unless the President has, by that date, prepared and transmitted to the Congress a report stating his determination that the Government of El Salvador has demonstrated progress towards free elections, land reform, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorus action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders."

HELMS AMENDMENT NO. 3624

Mr. HELMS proposed an amendment to amendment No. 3622 proposed by Mr. PACKWOOD (and others) to the bill H.R. 6040, supra; as follows:

At the end of the pending amendment, add the following:

"Notwithstanding any other provision of this Act, it is the sense of Congress that the President is to be commended for his outstanding leadership in condemning abortion at home and abroad as a grave injustice against unborn human beings and that, consistent with law, the President should be encourgaged to continue to modify the domestic and foreign polices of the United States Government to protect unborn human beings from the violence of abortion.".

DIXON (AND OTHERS) AMENDMENT NO. 3625

Mr. DIXON (for himself, Mr. BRADLEY, Mr. SARBANES, Mr. DODD, Mr. MOYNIHAN, Mr. KENNEDY, Mr. LEVIN, Mr. RANDOLPH, Mr. HOLLINGS, Mr. BINGAMAN, Mr. RIEGLE, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 6040, supra, as follows:

On page 24, line 17, strike out "$60,000,000" and insert in lieu thereof "$120,000.000".

On page 25, line 19, strike out "$60,000,000" and insert in lieu thereof "$120,000,000".

GORTON (AND OTHERS) AMENDMENT NO. 3626

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. HATFIELD, Mr. PACKWOOD, Mr EVANS, Mr. WILSON, and Mr. CRANSTON) submitted an amendment intended to be proposed by them to the bill H.R. 6040, supra; as follows:

At the end of the bill, add the following:

SEC. . (a) For purposes of paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, treat the recent El-Nino related ocean conditions as a disaster to which such paragraph applies.

(b For purposes of subsection (a)—

(1) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings)—

(A) which occured in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983, and

(B) which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(2) the term "fishing industry" means any trade or business involved in—

(A) the catching taking, or harvesting of fish (whether or not sold on a commericial basis).

(B) any operation at sea or on land, in preperation for, or substantially dependent upon, the catching, taking, or harvesting of fish, and

(C) the processing or canning of fish (including storage, refrigeration, and transporation of fish before processing or canning); and

(3) the term "fish" means finfish, mullusks, crustaceans, and all other forms of marine animal and plant life other than marine mammels and birds.

BOREN (AND OTHERS) AMENDMENT NO. 3627

Mr. BOREN (for himself, Mr. BENTSEN, Mr. DOLE, Mrs. KASSEBAUM, Mr. NICKLES, and Mr. BAUCUS) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 5, between lines 15 and 16 insert the following:

"1985 WHEAT PROGRAM

"Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by adding at the end thereof the following new paragraph:

" '(9) Notwithstanding any other provision of this subsection, in carrying out acreage limitation and land diversion programs for the 1985 crop of wheat, the Secretary shall permit all or any part of the acreage diverted from production under such programs by participating producers to be devoted to grazing except during five of the principal growing months, as determined for each State by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act.".

WILSON AMENDMENT NO. 3628

Mr. WILSON proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 59 after line 14 insert the following new section:

"None of the funds appropriated in this Act for Military Construction, Navy may be obligated unless the Secretary of the Navy executes the real estate transaction required by Section 812 of Public Law 98-115 prior to September 30, 1984.".

MATHIAS (AND OTHERS) AMENDMENT NO. 3629

Mr. MATHIAS (for himself, Mr. BAKER, Mr. PERCY, Mr. PELL, Mr. BINGAMAN, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. PRYOR, Mr. DANFORTH, Mr. ZORINSKY, Mr. KENNEDY, Mr. INOUYE, Mr. MATSUNAGA, Mr. TSONGAS, Mr. RIEGLE, Mr. JEPSON, Mr. DURENBERGER, Mr. HOLLINGS, and Mr. KASTEN) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 105, between lines 21 and 22, insert the following:

TITLE IV—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES ACT

SHORT TITLE

SEC. 401. This title may be cited as the "United States Scholarship Program for Developing Countries Act".

DEFINITION

SEC. 402. For purposes of this title, the term "institution of higher education" has the same meaning as given to such term by section 1201 (a) of the Higher Education Act of 1965.

STATEMENT OF PURPOSE

SEC. 403. The purpose of this title is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at American institutions of higher education.

FINDINGS AND POLICY

SEC. 404. The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, both to improve the range and quality of educational alternatives, to increase mutual understanding, and to build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing nations and, at the same time, assists nations substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have in the past largely not

had the opportunity to study in the United States, and scholarship programs sponsored by the United States have made no provision for identifying, preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socio-economic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and that this disparity entails the serious long-run cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities; and

(8) the Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education.

PROGRAM AUTHORITY

SEC. 405. (a) The President is authorized and directed, acting through the United States Information Agency, to provide by loan or grant for citizens and nationals of developing countries, who have completed their secondary education but who would not otherwise have an opportunity to study in the United States due to financial limitations, to study, beginning with the academic year 1985-1986 or any academic year thereafter, at an American institution of higher education.

(b) To encourage students to use their training in their countries of origin, half of each payment to a student shall be in the form of a loan with repayment to be forgiven upon the student's prompt return to his or her country of origin for a period of no less than the equivalent of the years spent studying in the United States plus one.

(c) Before allocating any of the funds made available to carry out this title, the President shall consult with United States educational institutions, educational exchange organizations, United States missions, and the governments of participating countries on how to implement the guidelines specified in section 406.

GUIDELINES

SEC. 406. Programs under section 405 shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961, all programs created pursuant to this title shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students in secondary educational institutions, or who have completed their secondary education, for study in the United States. These missions shall develop and strictly implement specific economic need criteria. Grants or loans available under this title may only be provided to students who meet the economic need criteria.

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(3) Programs financed under this title shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(4) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environmental studies, population and family planning, and energy.

(5) The programs shall be flexible in order to take advantage of different training and educational opportunities offered by universities, postsecondary vocational training schools, and community colleges in the United States.

(6) The programs shall be flexible with respect to the number of years of undergraduate education they would provide but in no case shall students be brought to the United States for a period less than one year.

(7) Adequate allowance shall be made in the scholarship grant for the purchase of books and related educational material relevant to the program of study.

(8) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(9) The scholarship program created by this title shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

AUTHORITY TO ENTER INTO AGREEMENTS

SEC. 407. the President is further authorized to enter into agreements with foreign governments in furtherance of the purposes of this title. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this title.

POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS

SEC. 408. (a) The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at American institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 406 of this title.

(b) The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES

SEC. 409. (a) For the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counselling and orientation services abroad.

(b) For the purposes of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements by contract or otherwise for the establishment and maintenance at educational institutions in the United States attended by foreign students of an adequate counseling service.

BOARD OF FOREIGN SCHOLARSHIPS

SEC. 410. The Board of Foreign Scholarships is directed to advise and assist the President in the discharge of programs authorized by this title, in accordance with the guidelines set forth in section 406. The President is authorized to provide for addi-

tional necessary secretarial and staff assistance for the Board as may be required under this title.

GENERAL AUTHORITIES

SEC. 411. (a) The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the programs financed under this title.

(b) The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of program participants upon their return to their own countries.

(c) The President is authorized to provide for publicity and promotion abroad of the scholarship program provided for in this title.

ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS

SEC. 412. Wherever adequate facilities or materials are not available to carry out the purposes of section 406(3) in the applicant's country and the President determines that the purposes of of this title are the best served by providing the preliminary training in the participant's country, the President's may, by purchase, contract, or other appropriate means, provide the necessary materials and instructors to achieve such purpose.

FUNDING

SEC. 413. (a) Except as provided in subsection (b), funds to carry out the provisions of this title for a fiscal year shall be available only from appropriations made to the United States Information Agency for such fiscal year.

(b) None of the funds appropriated to the United States Information Agency for the fiscal year 1984 or 1985 to carry out section 102(a)(b) of the Mutual Educational and Cultural Exchange Act of 1961 may be available to provide financial assistance under this title.

REPORTING REQUIREMENT

SEC. 414. Not later than one year after the date of enactment of this title, and at intervals of one year thereafter, the President shall submit to the Congress a report on activities carried on and expenditures made pursuant to this title.

RUDMAN (AND HOLLINGS) AMENDMENTS NOS. 3630 AND 3631

Mr. RUDMAN (for himself and Mr. HOLLINGS) proposed two amendments to the bill H.R. 6040, supra, as follows:

AMENDMENT No. 3630

On page 13, strike all beginning with the word "Notwithstanding" on line 9, through the word "Act" on line 14 and insert in lieu thereof:

Notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended, the amounts placed in reserve, or which would be placed in reserve, in fiscal year 1984 pursuant to that section, shall be available to the Board for carrying out the Act until September 30, 1985.

AMENDMENT No. 3631

GENERAL PROVISION—DEPARTMENT OF JUSTICE

Notwithstanding the provisions of 31 U.S.C. 1342, the Attorney General is hereby authorized to accept, receive, hold, and administer on behalf of the United States, gifts of money, personal property, and services, for the purpose of hosting the meeting of the General Assembly of the International Criminal Police Organization (INTERPOL) in the United States in September and October, 1985. All moneys received for this purpose shall be credited to the appropriation "Salaries and expenses, general legal activities" notwithstanding 31 U.S.C. 3302. The Attorney General is further authorized to use otherwise available funds from the appropriation "Salaries and expenses, general legal activities" for fiscal year 1984, 1985, and 1986 as he deems necessary, to pay expenses of hosting such General Assembly meeting, including but not limited to reception and representation expenses. The authority of the Attorney General under this section shall continue through September 30, 1986.

KENNEDY AMENDMENT NO. 3632

Mr. KENNEDY proposed an amendment to the bill H.R. 6040, supra, as follows:

On page 6, line 23, strike all through page 7, line 2 and insert in lieu thereof:

For an additional amount for "Economic development assistance programs," $26,000,000, to remain available until expended, pursuant to 42 U.S.C. 3151(1) of which $7,000,000 is for a grant to the Institute for Technology Development in the State of Mississippi, and of which $19,000,000 is for a grant to Boston University for the construction and related costs of the university engineering and technical training center.

RUDMAN (AND HOLLINGS) AMENDMENT NO. 3633

Mr. RUDMAN (for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 10, line 16, after "1983," strike "and 1984" and insert in lieu thereof: "1984, 1985, and hereafter".

RUDMAN AMENDMENT NO. 3634

Mr. RUDMAN proposed an amendment to the bill H.R. 6040, supra; as follows:

At the appropriate place in the bill, add the following new section:

GENERAL PROVISION—LEGAL SERVICES CORPORATION

Upon the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985, the first proviso under the heading "Legal Services Corporation, Payment to the Legal Services Corporation", in title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 is amended to read as follows: "Provided, That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading 'Legal Services Corporation, Payment to the Legal Services Corporation' contained in Public Law 98-166 except that 'fiscal year 1984', wherever it appears in such provisions, shall be construed as 'fiscal year 1985', 'fiscal year 1983', wherever it appears in such provisions, shall be construed as 'fiscal year 1984'; 'January 1, 1984' shall be construed as 'January 1, 1985'; '$6.50' shall be construed as '$7.61'; and '$13' shall be construed as '$13.57'; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activities which during fiscal year 1984 have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding:".

ANDREWS (AND WEICKER) AMENDMENT NO. 3635

Mr. ANDREWS (for himself and Mr. WEICKER) proposed an amendment to the bill H.R. 6040, supra; as follows:

At the end of the bill, add the following new section:

SEC. . Section 5532(f)(2) of Title V United States Code is amended by striking "December 31, 1984" and inserting "December 31, 1985" in lieu thereof.

EVANS (AND GORTON) AMENDMENT NO. 3636

Mr. EVANS (for himself and Mr. GORTON) proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 20, after line 2, add

"If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to an authorization or the providing of an appropriation of funds to the Secretary of the Interior to construct the Yakima River Basin Water Enhancement Project (hereinafter, Yakima Enhancement Project), shares in the costs of or constructs any physical element of that project, including any reregulating dam or fish passage facility, and conveys the same to the United States, the costs incurred by the State, the Yakima Indian Nation, or any other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given for any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary of the Interior prior to its construction. The Secretary shall grant such approval, when requested by the State, the Yakima Indian Nation, or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project. The Secretary is authorized to accept title to any reregulating dam or fish passage facility constructed by the State, the Yakima Indian Nation, or any other entity, pursuant to this section, without giving compensation therefor, and thereafter to operate and maintain such facilities. Any such facility shall be operated by the Secretary in a manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights established pursuant to State law, including the valid contract rights of irrigation users. The Secretary of the Interior shall negotiate and enter into agreements for the payment of operation and maintenance costs pursuant to Federal reclamation law and other applicable law: *Provided*, That operation and maintenance costs related to anadromous fish, including costs at facilities in the Yakima River Basin authorized to be constructed by the Secretary of the Interior, which are in excess of present obligations, as determined by the Secretary, shall be nonreimbursable and nonreturnable.".

DOMENICI AMENDMENT NO. 3637

Mr. DOMENICI proposed an amendment to the bill H.R. 6040, supra, as follows:

On page 34, line 16, insert before the period the following ": *Provided further*, That section 3 of the Act entitled "An Act to improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666)", approved September 8, 1980 (Public Law 96-344) is repealed."

JOHNSTON AMENDMENT NO. 3638

Mr. JOHNSTON proposed an amendment to the bill H.R. 6040, supra; as follows:

On page 34 line 2 in front of the period insert the following: "and legislation to establish a National Wildlife Refuge within the Atchafalaya Basin if enacted."

BAUCUS (AND PRYOR) AMENDMENT NO. 3639

Mr. BAUCUS (for himself and Mr. PRYOR) proposed an amendment to the bill (H.R. 6040) supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The Congress finds that—

(1) high interest rates are devastating American farmers and small businesses;

(2) the Board of Governors of the Federal Reserve System sets monetary policy which dramatically affects interest rates;

(3) on June 4, 1984, President Reagan appointed Martha Seger to a full term on the Board of Governors of the Federal Reserve System;

(4) article II, section 2, clause 2 of the Constitution empowers the President to obtain the "Advice and Consent of the Senate" to appoint certain Federal officers;

(5) the Senate Banking Committee, consistent with the Senate's constitutional duties, held four days of hearings on the Seger nomination;

(6) on June 29, 1984, the Senate Banking Committee reported her nomination by vote of 10 to 8;

(7) on July 2, 1984, President Reagan submitted the name of Martha Seger as an appointee to the Federal Reserve Board during an intra-session recess;

(8) this intra-session appointment intentionally circumvents the advice and consent process prescribed by the Constitution;

(9) Martha Seger has no background in agriculture or small business;

(10) on March 1, 1984, the Senate resolved by a vote of 50 to 37 that the next nominee to the Board of Governors of the Federal Reserve System should be a person with a background in agriculture or small business; and

(11) farmers, small businesses, and consumers continue to be at the mercy of high interest rates and Federal Reserve monetary policy management.

(b) It is the sense of the Congress that President Reagan should—

(1) withdraw the recess nomination of Martha Seger to the Board of Governors of the Federal Reserve System; and

(2) with the full advice and consent of the Senate, nominate a person to the Board of Governors of the Federal Reserve System with a background in agriculture or small business.

CONSUMER LEASE AND LEASE-PURCHASE AGREEMENT ACT

TRIBLE AMENDMENT NO. 3640

Mr. TRIBLE submitted an amendment intended to be proposed to the bill (S. 2851) an original bill to authorize depository institution holding companies to engage in certain activities of a financial nature and in certain securities activities, to provide for the safe and sound operation of depository institutions, and for other purposes, as follows:

Beginning with page 51, line 24, strike out all through page 52, line 2, and insert in lieu thereof the following:

"(2) This subsection does not prohibit—

"(A) the continuation of such an affiliation which commenced prior to June 27, 1984, or which commences as a result of the approval of an application for the acquisition of a savings and loan association that was completed and pending before the Federal Savings and Loan Insurance Corporation on June 27, 1984, where the acquisition results in the formation of a unitary savings and loan holding company; or

"(B) The establishment of such an officer, director, or employee relationship in connection with an affiliation described in subparagraph (A).

SUPPLEMENTAL APPROPRIATIONS, 1984

BIDEN (AND OTHERS) AMENDMENT NO. 3641

Mr. BIDEN (for himself, Mr. NUNN, Mr. MATTINGLY, Mr. SARBANES, Mr. EAST, Mr. BUMPERS, Mr. RANDOLPH, Mr. PRYOR, Mr. DENTON, and Mr. HOLLINGS) proposed an amendment to the bill (H.R. 6040) supra, as follows:

On page 105, between lines 21 and 22, insert the following new section:

SEC. 305. (a) The Congress finds that—

(1) the export of American poultry meat products has reduced our nation's annual trade deficit by over $275,000,000 but has declined for two straight years;

(2) an even more drastic decline in the exports of American shell eggs has occurred over the same period of time and many foreign markets have been completely lost;

(3) the decline of such exports is largely a result of the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil;

(4) the United States has been engaged for almost three years in negotiations with such countries to end the use of such subsidies but has been unable to make substantial progress in ending such subsidies; and

(5) further negotiations to end the use of such subsidies are expected to be held in October, 1984.

(b) It is the sense of the Congress that the President should use all practicable means to negotiate an end to the use of unfair trade subsidies for poultry and egg exports by countries of the European Economic Community and Brazil in order to permit American producers to compete more fairly in international markets and to avoid the imposition of such subsidies by the United States.

ABDNOR AMENDMENT NO. 3642

Mr. ABDNOR proposed an amendment to the bill (H.R. 6040) supra; as follows:

On page 62, after line 11 insert the following:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expense, United States Customs Service", $3,000,000, to be derived by transfer from "Salaries and expenses, United States Secret Service", to remain available until expended.

HUDDLESTON (AND OTHERS) AMENDMENT NO. 3643

Mr. HUDDLESTON (for himself, Mr. BOREN, Mr. EXON, Mr. HOLLINGS, Mr. SASSER, and Mr. ZORINSKY) proposed an amendment to the bill (H.R. 6040) supra; as follows:

On page 4, line 19, after "$25,000,000", insert the following: "; and guaranteed operating loans, $650,000,000, to remain available until September 30, 1985: *Provided*, That operating loans shall be available for the refinancing of existing indebtedness, as provided under section 312(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942(a)(7))".

HATCH AND KENNEDY AMENDMENT NO. 3644

Mr. HATCH (for himself and Mr. KENNEDY) proposed an amendment to the bill (H.R. 6040) supra; as follows:

On page 45, between lines 22 and 23, insert the following:

DEVELOPMENTAL DISABILITIES ASSISTANCE

For an additional amount for carrying out part B of the Developmental Disabilities Assistance and Bill of Rights Act, $387,000.

CHAFEE AMENDMENT NO. 3645

Mr. CHAFEE proposed an amendment to the bill (H.R. 6040) supra; as follows:

Beginning with page 27, line 23, strike out all through page 28, line 13.

PERCY (AND OTHERS) AMENDMENT NO. 3646

Mr. PERCY (for himself, Mr. GLENN, Mr. MATHIAS, Mr. BINGAMAN, and Mr. DANFORTH) proposed an amendment to the bill (H.R. 6040), supra; as follows:

On Page 68, Line 4, beginning with the figure "$40,000,000" strike all that follows through line 6 to the period, and insert in lieu thereof the following: $42,050,000: *Provided*, That of this amount $40,000,000 shall be available only for payment to the International Fund for Agricultural Development: *Provided further*, That of this amount $2,050,000 shall be available only for payment to the International Atomic Energy Agency: *Provided further*, That of the amount made available for the International Atomic Energy Agency under this chapter and the funds made available for the International Atomic Energy Agency in

Public Law 98-151, not less than $7,000,000 shall be available only for the safeguards program.

WILSON AMENDMENT NO. 3647

Mr. WILSON proposed an amendment to the bill (H.R. 6040) supra; as follows:

At the appropriate place insert the following:

"REPORT BY THE SECRETARY OF COMMERCE

"The Secretary of Commerce is directed to submit, within thirty days of the date of enactment of this Act, to the appropriate committees of the Congress a report specifying a proposal to meet the funding obligations of the Fishermen's Guarantee Fund.".

GRASSLEY (AND OTHERS) AMENDMENT NO. 3648

Mr. GRASSLEY (for himself, Mr. JEPSEN, Mr. ABDNOR, and Mr. PRYOR) proposed an amendment to the bill (H.R. 6040) supra; as follows:

On page 22, line 10, before the period, insert the following: ": *Provided further*, That the amount of an urban development action grant under section 119 of the Housing and Community Development Act of 1974 may not exceed $15,000,000 and no grantee may receive more than $25,000,000 in such grants during any fiscal year".

CHAFEE AMENDMENT NO. 3649

Mr. CHAFEE proposed an amendment to the bill, H.R. 6040, supra, as follows:

On page 28, line 11, strike "And provided" and insert in lieu thereof: "Provided".

On page 28, line 13, before the period insert the following: ": *Provided further*, That the appropriation of $5,000,000 made in this paragraph shall revert to the Treasury, on October 1, 1989, and this National Institute of Building Sciences Trust Fund shall terminate following the final quarterly disbursement of interest provided for this paragraph.".

MATSUNAGA (AND OTHERS) AMENDMENT NO. 3650

Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. GOLDWATER, Mr. DECONCINI, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, and Mr. MURKOWSKI) proposed an amendment (which was subsequently modified) to the bill, H.R. 6040, supra, as follows:

On page 55, line 18, strike the period at the end thereof and insert the following: "; *Provided further*, That not to exceed $900 shall be expended for the expeditious installation of symbolic stars for the four most recently admitted States not represented on the ceiling and walls of the Senate Chamber.".

HATFIELD AMENDMENTS NOS. 3651 THROUGH 3653

Mr. HATFIELD proposed three amendments to the bill, H.R. 6040, supra, as follows:

AMENDMENT No. 3651

On page 52, after line 26, insert:

ADMINISTRATIVE PROVISION

SECTION 1. (a) Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8), and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period, as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

AMENDMENT No. 3652

On page 20 after line 8 insert the following:

INDEPENDENT AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For an additional amount to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $5,000,000 to remain available until expended.

AMENDMENT No. 3653

On page 7, lines 7 and 8, strike the words "available for the year of the Ocean Program" and insert in lieu thereof, "made available to the Year of the Ocean Foundation".

On page 8, line 4, following the word "which" insert the words "not to exceed".

On page 47, line 24, beginning with "the", strike out through "is" on line 25 and insert in lieu thereof the following: "Public Law 98-211) are".

CIVIL AERONAUTICS BOARD SUNSET ACT

PACKWOOD AMENDMENT NO. 3654

Mr. STEVENS (for Mr. PACKWOOD) proposed an amendment to the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes, as follows:

Strike all after the enacting clause and substitute the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

TERMINATION AND TRANSFER OF FUNCTIONS UNDER THE FEDERAL AVIATION ACT OF 1958

SEC. 3. (a) Section 1601(a)(3) is amended by inserting after "Act" the following: "(other than section 204)".

(b) Section 1601(a) is amended by adding at the end thereof the following:

"(4) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

"(A) Sections 401 (l) and (m) and 405 (b), (c), and (d) of this Act (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

"(B) Section 403 of this Act.

"(C) Section 404 of this Act (except insofar as such section requires air carriers to provide safe and adequate service).

"(5) The following provisions of this Act and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

"(A) Sections 407 (b) and (c) of this Act.

"(B) Section 410 of this Act.

"(C) Section 417 of this Act.

"(D) Sections 1002 (d), (e), (g), (h), and (i) of this Act (except insofar as any of such sections relate to foreign air transportation).

"(6) Sections 412 (a) and (b) of this Act (to the extent such sections relate to interstate and overseas air transportation) and section 414 of this Act (to the extent such section relates to orders made under sections 412 (a) and (b) with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such section (to the same extent) shall cease to be in effect on January 1, 1989.

"(7) Sections 408 and 409 of this Act and section 414 of this Act (relating to such sections 408 and 409) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(8) Sections 401 (l) and (m) and 405 (b), (c), and (d) of this Act (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989.".

(c) Section 1601(b)(1)(D) is amended by inserting after "transportation" the following: "(other than for the carriage of mails between any two points both of which are within the State of Alaska)".

(d) Section 1601(b)(1) is amended by adding at the end thereof the following:

"(E) All authority of the Board under this Act which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation.".

(e) Section 1601(b) is amended by adding at the end thereof the following:

"(3) The authority of the Secretary of Transportation under this Act with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989.".

TRANSFERS OF FUNCTIONS UNDER OTHER LAWS

SEC. 4. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(2) The International Aviation Facilities Act (49 U.S.C. 1151-1160).

(3) The Animal Welfare Act (7 U.S.C. 2131 et seq.)

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

(5) Section 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692l(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

(8) Section 5402 of title 39, United States Code (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

(9) Sections 4746 and 9746 of title 10, United States Code.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

(b) The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

(c) The authority of the Secretary of Transportation under section 5402 of title 39, United States Code, with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect on January 1, 1989.

COLLECTION OF DATA

SEC. 5. (a) Section 329(b)(1) of title 49, United States Code, is amended to read as follows:

"(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;".

(b) The amendment made by this section shall take effect on January 1, 1985.

REPORTS

SEC. 6. (a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958, (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act, and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act, and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory rulemaking or by the Postal Service through negotiations or competitive bidding.

INCORPORATION BY REFERENCE

SEC. 7. (a) section 411 of the Federal Aviation Act of 1958 is amended by inserting "(a)" after "SEC. 411." and by adding at the end thereof the following new subsection:

"INCORPORATION BY REFERENCE

"(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, to the extent such incorporation by reference is in accordance with regulations issued by the Board.".

(b) Section 411 of the Federal Aviation Act of 1958 is amended by inserting before subsection (a) (as designated by subsection (a) of this section) the following subsection heading:

"INVESTIGATIONS"

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading:

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by striking out

"Sec. 411. Methods of competition."

and inserting in lieu thereof

"Sec. 411. Methods of competition.
"(a) Investigations.
"(b) Incorporation by reference.".

REFERENCES TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 8. Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958.

MISCELLANEOUS AMENDMENTS

SEC. 9. (a)(1) Section 101(11) is amended to read as follows:

"(11) 'All cargo air service' means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both.".

(2) Section 418(b)(3) is repealed.

(b) Section 1307(a) is amended by striking out ", after consultation with the Civil Aeronautics Board,".

(c) Section 11 of the International Aviation Facilities Act (49 U.S.C. 1159a) is amended in the second sentence by striking out "and the Civil Aeronautics Board" and by striking out "in collaboration with the Civil Aeronautics Board" and inserting in lieu thereof "in collaboration with the Secretary of Transportation".

(d) Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by—

(1) striking out "the Civil Aeronautics Board," in subsection (a);

(2) striking out "Civil Aeronautics Board" and "Board" each time they appear in subsection (b) and the first sentence of subsection (d) and inserting in lieu thereof "Secretary of Transportation" and "Secretary", respectively;

(3) striking out "and the Department of Transportation" in subsection (b)(2); and

(4) striking out the last sentence in subsection (d) and inserting in lieu thereof the following: "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Chairman, Civil Aeronautics Board.". Section 5315 of title 5, United States Code, is amended by striking out "Members, Civil Aeronautics Board.".

(f) Section 3726(b)(1) of title 31, United Stated Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation with respect to foreign air transportation (as defined in the Federal Aviation Act of 1958)".

(g)(1) Section 3401(b) and (c) of title 39, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 5005(b)(3) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)".

(3) Section 5401(b) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5402 of title 39, United States Code, is amended—

(A) by striking out "Civil Aeronautics Board" each place it appears and inserting in lieu thereof "Secretary of Transportation";

(B) in the first sentence of subsection (a), by inserting "in foreign air transportation" after "points";

(C) in the second sentence of subsection (a), by striking out "10 percent of the domestic mail transported under any such contract or";

(D) in the first sentence of subsection (b), by inserting "in foreign air transportation" after "points";

(E) in the first sentence of subsection (c), by inserting "in foreign air transportation" after "points"; and

(F) by adding at the end thereof the following new subsections:

"(d) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate and overseas air transportation either through negotiations or competitive bidding.

"(e) For purposes of this section, the terms 'air carrier', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings given such terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(f) During the period beginning January 1, 1985, and ending January 1, 1989, the authority of the Secretary of Transportation under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between which the air carrier is authorized by the Secretary to engage in the transportation of mail.".

(h) Section 3502(10) of title 44, United States Code, is amended by striking out "the Civil Aeronautics Board,".

(i) Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking out "the Civil Aeronautics Board" and inserting in lieu thereof "the Secretary of Transportation".

(j) Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking out "the Civil Aeronautics Board".

(k) Sections 4746 and 9746 of title 10, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(l) Section 7 of the Clayton Act (15 U.S.C. 18) is amended in the final paragraph by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Commission, Secretary, or Board" and inserting in lieu thereof "Commission or Secretary".

(m) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) in subsection (b), by striking out "Commission or Board" each place it appears and inserting in lieu thereof "Commission, Board, or Secretary"; and

(3) by striking out "commission or board" each place it appears in such section and inserting in lieu thereof "Commission, Board, or Secretary".

(n) The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" each place it appears in section 108(a)(4) (15 U.S.C. 1607(a)(4)), section 621(b)(5) (15 U.S.C. 1681s(b)(5)), section 704(a)(5) (15 U.S.C. 1691e(a)(5)), and section 814(b)(5) (15 U.S.C. 1692l(b)(5)).

(o) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b; 54 Stat. 773), is amended by striking out "the Civil Aeronautics authority,".

(p) Section 47(a)(7)(C) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(q) Section 7701(a)(33)(E) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(r) Section 419(c)(1) is amended by striking out "416(b)(3)" and inserting in lieu thereof "416(b)(4)".

(s) Section 412(c)(2) is amended by striking out "subsection (c) of this section" and inserting in lieu thereof "subsection (a) of this section".

(t) Section 407(e) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 401, 402, 418, or 419 of this title that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection.".

(u) Section 105(a)(1) is amended by striking out "interstate air transportation" and inserting in lieu thereof "air transportation".

(v) The amendments made by this section shall take effect on January 1, 1985.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 10. (a) The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred, or transferred in accordance with any other lawful authority, shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

(b) In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

(c) The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after the date of enactment of this Act, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

EFFECT ON PERSONNEL

SEC. 11. (a) Employees covered by the merit pay system under chapter 54 of title 5, United States Code, who are transferred under section 10 of this Act to another agency shall have their rate of basic pay adjusted in accordance with section 5402 of such title. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of such title as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, United States Code, in addition to those administered by the agency to which the employee is transferred.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act is authorized to use the services of such officers, employees, and other personnel of the Board for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisidiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1948 and section 4 of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) and 4 had not been enacted; and orders issued in any such proceedings shall continue in effect

until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) and 4 had not been enacted.

(c) Except as provided in subsection (e)—

(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act.

(e) If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 or by section 4 of this Act and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

SEC. 13. For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

ACCESS FOR HANDICAPPED PERSONS

SEC. 14. Section 104 is amended by adding at the end thereof the following new sentence: "In the futherance of such right, the Board or the Secretary, as the case may be, shall consult with the Architectual and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973, prior to issuing or amending any order, rule, regulation, or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped persons.".

FURTHERANCE OF THE PUBLIC INTEREST IN AIR TRANSPORTATION

SEC. 15. (a) Section 102 is amended by adding at the end thereof the following new subsection:

"STUDIES AND REPORTS

"(c) The Board may, upon its own initiative or upon the reasonable petition of any person directly affected, undertake such studies as may be necessary to determine the extent to which any aspect of air transportation furthers or hinders the public interest as set forth in this section. In undertaking this review, the Board shall conclude its consideration of all relevant factors within 120 days of receipt of the petition. The results of any such study, together with such recommendations as the Board may deem necessary, shall be forwarded to the petitioner, air carrier and appropriate Committees of the Congress.".

(b) That portion of the table of contents of the Federal Aviation Act of 1958 that relates to section 102 of such Act is amended by adding at the end thereof the following:

"(c) Studies and reports.".

STUDY OF TRANSPORTATION TO AND FROM WASHINGTON DULLES AIRPORT

SEC. 16. (a) The Secretary of Transportation shall study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, D.C. metrorail system and Dulles International Airport in Virginia. The study shall include, but need not be limited to, a study of the feasibility of heavy rail, light rail, monorail, magnetic levitation systems and any other appropriate transportation systems. The Secretary shall study the feasibility of each such system with and without intermediate stops.

(b) The Secretary shall complete the study required by subsection (a) and transmit the results thereof to Congress not later than one year after the date of enactment of this Act.

AIR SERVICE IN THE STATE OF ALASKA

SEC. 17. (a) Section 419(f)(2) is amended to read as follows:

"(2) with respect to air transportation to any point in Alaska, essential air transportation shall neither be specified at a level of service nor operated with aircraft of lesser seating and cargo capacity than provided for in CAB Order 80-1-167 and its Appendices unless otherwise specified under an agreement between the Department of Transportation and the State of Alaska, after consultation with the community affected.".

(b) Notwithstanding any other provision of law, no part of the order of the Civil Aeronautics Board in CAB docket number 38961 (CAB Order 84-6-77) shall enter into effect until after December 31, 1984.

VOCATIONAL EDUCATION

STAFFORD (AND QUAYLE) AMENDMENT NO. 3655

Mr. STEVENS (for Mr. STAFFORD, for himself and Mr. QUAYLE) proposed an amendment to the bill, S. 2341, to authorize a program to enhance the access to and the quality of vocational education, and for other purposes; as follows:

On page 99, line 19 before the period, insert a comma and the following: "including the acquisition of modern machinery and tools and the costs of services and activities which apply the latest technological advances to courses of instruction".

On page 100, between lines 7 and 8, insert the following:

"(3) make grants to community/based organizations for the provision of vocational education services to single parents and homemakers, if the State determines that the community/based organization has demonstrated effectiveness in providing comparable or related services to single parents and homemakers, taking into account the demonstrated performance of such an organization in terms of cost, the quality of training and the characteristics of the participants;".

On page 100, line 8, strike out "(3)" and insert in lieu thereof "(4)".

On page 100, line 8, strike out "(4)" and insert in lieu thereof "(5)".

On page 104, line 15, insert before "within" the following: "and to community-based organizations pursuant to section 201(e)(3)".

STAFFORD AMENDMENT NO. 3656

Mr. STEVENS (for Mr. STAFFORD) proposed an amendment to the bill, S. 2341, supra; as follows:

On page 120, line 9, after "develop" insert a comma and the following: "within the National Center for Education Statistics.".

On page 133, line 11, strike out "plan" and insert in lieu thereof "application".

On page 146, after line 13, insert in the following the new title:

TITLE VIII—JOB TRAINING REGULATIONS

REGULATIONS AMENDED

SEC. 801. Section 629.38(e)(2)(ii) of the regulations relating to job training published by the Secretary of Labor on March 15, 1983, is amended to read as follows:

"(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement, or in the case of youth the attainment of other outcomes specified in section 106(b)(2) of the Act.", until the Secretary modifies such regulations in accordance with the provisions of section 169 of the Job Training Partnership Act.

On page 66, in the table of contents, after item "SEC. 701" insert the following:

TITLE VIII—JOB TRAINING REGULATIONS

SEC. 801. Regulations amended.

STAFFORD (AND OTHERS) AMENDMENT NO. 3657

Mr. STEVENS (for Mr. STAFFORD, for himself, Mr. KENNEDY, Mrs. HAWKINS, and Mr. QUAYLE) proposed an amendment to the bill, S. 2341, supra, as follows:

On page 84, line 18, strike out "and".

On page 84, line 22, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 84, between lines 22 and 23, insert the following:

(D) the adoption of such procedures as the State board considers necessary to implement State level coordination with the State job training coordinating council to encourage cooperation in the conduct of their respective programs.

On page 87, between lines 10 and 11, insert the following new subsection:

(c) The State board shall make available to each private industry council established under part A of title 1 of the Job Training Partnership Act within the State a description of all programs assisted under this Act to be operated by eligible recipients in service delivery areas designated under such part A.

On page 90, line 10, strike out "and".

On page 90, line 14, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 90, between lines 14 and 15, insert the following:

(G) make recommendations to the State board for cooperation with programs assisted under this Act with programs assisted under the Job Training Partnership Act, and at least once every two years assess the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act to the extent that the objectives of this Act and the Job Training Partnership Act are compatible.

On page 97, line 5, after "legislature" insert the following: "and the State job training coordinating council".

On page 97, line 6, after "legislature" insert the following: "and the State job training coordinating council".

DOMENICI AMENDMENT NO. 3658

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill S. 2341, supra, as follows:

On page 104, between lines 11 and 12, insert the following:

(b)(1)(A) Whenever the State board determines that the distribution of funds, in accordance with subsection (a) of this section, will result, with respect to any eligible recipient, in ineffective programing and use of funds made available under this title, the State board may adopt a de minimis rule under which funds are not allocated to such an eligible recipient and are reallocated under this subsection. The State board may, in carrying out the provisions of this paragraph, apply the rule only to any eligible recipient within the State which is eligible to receive $1,000 or less in any fiscal year.

(B) For the purpose of this paragraph, an eligible recipient includes a joint application under paragraph (5) of subsection (a).

(2) Whenever the State board determines that the rule stated in paragraph (1) of this subsection applies to any eligible recipient, the State board shall allocate the amounts made available by the application of paragraph (1) to other eligible recipients within the State not subject to such paragraph.

On page 104, line 12, strike out "(b)" and insert in lieu thereof "(c)".

On page 104, between lines 16 and 17, insert the following:

(d) Nothing in this title shall be construed to require the State board to identify, separately, expenditures for disadvantaged individuals and for handicapped individuals with respect to eligible recipients within the State.

On page 106, between lines 19 and 20, insert the following:

(d) Whenever the State board determines that it is appropriate, vocational education services and activities for handicapped individuals and disadvantaged individuals may be furnished jointly or in common.

CHILES AMENDMENT NO. 3659

Mr. STEVENS (for Mr. CHILES) proposed an amendment to the bill S. 2341, supra; as follows:

On page 91, line 23, strike out "and".

On page 91, between lines 23 and 24, insert in lieu thereof the following:

(C) assess the special needs of groups of individuals specified in section 201(b) for access to vocational education and vocational services in terms of labor market needs;

(D) assess the quality of vocational education in terms of—

(i) the pertinence of programs to the workplace and to new and emerging technologies,

(ii) the responsiveness of programs to the current and projected occupational needs in the State,

(iii) the capacity of programs to facilitate entry into, and participation in, vocational education and to ease the school-to-work and secondary-to-postsecondary transition, and

(iv) the technological and educational quality of vocational curricula, equipment, and instructional materials to enable vocational students and instructors to meet the challenges of increased technological demands of the workplace;

On page 91, line 24, strike out "(C)" and insert in lieu thereof "(E)".

On page 92, line 1, beginning with the word "bring", strike out through the period in line 3 and insert in lieu thereof the following: "meet the needs identified through the assessments required by clauses (A) through (D) of this paragraph; and

"(F) determine, for each fiscal year, how the services and activities supported by funds furnished under this Act can be expected to assist the State in meeting the needs identified through the assessments required by clauses (A) through (D) of this paragraph.".

On page 92, strike out lines 5 through 19 and insert in lieu thereof the following:

(1) provide assurances that, and where necessary a description of the manner in which, the State board will comply with the requirements of titles I, II, and III of this Act, including—

(A) a description of the manner in which the State will comply with the criteria required for programs for the handicapped and for the disadvantaged prescribed by section 204;

(B) assurances that the State will comply with the distribution of assistance requirements contained in section 203;

(C) a description of the criteria for the distribution of assistance required by section 203 and section 302;

(D) assurances that, to the extent consistent with the number and location of individuals described in clauses (1) and (2) of section 201(b) in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such individuals in the vocational education program assisted under title II of this Act;

(2) set forth the planned uses of Federal funds available for vocational education for each fiscal year for which the plan is submitted and describe how the State did carry out the provisions of section 113(a)(3);

On page 93, strike out lines 15 through 21.

On page 93, line 22, strike out "(7)" and insert in lieu thereof "(6)".

On page 94, line 1, strike out "(8)" and insert in lieu thereof "(7)".

On page 94, line 3, strike out "using" and insert in lieu thereof the following: "in meeting the needs identified in the State plan, including".

On page 94, line 14, after "will" insert a comma and the following: "as a component of the measures under subclause (A) of this clause,".

On page 94, line 17, strike out "(9)" and insert in lieu thereof "(8)".

On page 94, line 20, strike out "(10)" and insert in lieu thereof "(9)".

On page 95, strike out lines 5 through 16.

On page 95, line 17, strike out "(14)" and insert in lieu thereof "(10)".

On page 95, line 21, strike out "(15)" and insert in lieu thereof "(11)".

On page 96, line 9, insert "and" after the semicolon.

On page 96, line 10, strike out "(16)" and insert in lieu thereof "(12)".

On page 96, line 15, strike out "; and" and insert in lieu thereof a period.

On page 96, strike out lines 16 through 19.

On page 97, after line 24, add the following:

(d)(1) The Secretary shall provide technical assistance and guidance to the States in order to assist the States to fulfill the requirements of section 113(a)(3).

On page 98, line 1, strike out "(d)(1)" and insert in lieu thereof "(2)".

On page 98, line 7, strike out "(2)" and insert in lieu thereof "(3)".

On page 98, line 19, strike out "Each" and insert the following: "To meet the needs identified in the State plan, each".

On page 106, line 14, strike out "and counseling" and insert in lieu thereof a comma and the following: "counseling, and career development".

On page 107, line 2, after "available" insert in lieu thereof the following: "to meet the needs identified in the State plan".

On page 107, line 23, strike out "and counseling" and insert in lieu thereof a comma and the following: "counseling, and career development".

SPECTER (AND OTHERS) AMENDMENT NO. 3660

Mr. STEVENS (for Mr. SPECTER, for himself, Mr. STAFFORD, Mr. HATCH, and Mr. PELL) proposed an amendment to the bill, S. 2341, supra, as follows:

On page 67, between lines 17 and 18, insert the following:

(3) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to assist the States to carry out programs and services designed to enroll severely economically and educationally dis-

advantaged youth in vocational education programs or other education and training or for employment, using joint efforts between eligible recipients and community-based organizations.

On page 77, line 19, strike out "section" and insert in lieu thereof "sections".

On page 77, line 20, strike out "and 3(a)(2)" and insert in lieu thereof a comma and the following: "3(a)(2), and 3(a)(3)".

On page 81, lines 5 and 6 after "allotment" insert "(other than the amount of the allotment attributable to sums appropriated pursuant to section 3(a)(3))".

On page 98, between lines 10 and 11, insert the following new part:

PART C—STATE ASSISTANCE FOR VOCATIONAL EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS

APPLICATIONS

SEC. 121. (a) Each community-based organization which desires to receive assistance under this part shall prepare jointly with the appropriate eligible recipient and submit an application to the State board at such time, in such manner, and containing or accompanied by such information as the State board may require. Each such application shall—

(1) contain an agreement between the community-based organization and the eligible recipients in the area to be served, which includes the designation of fiscal agents established for the program;

(2) provide a description of the uses for which assistance is sought pursuant to section 121(b) together with evaluation criteria to be applied to the program;

(3) provide assurances that the community-based organization will give special consideration to the needs of severely economically and educationally disadvantaged youth ages sixteen through twenty-one, inclusive;

(4) provide assurances that business concerns will be involved, as appropriate, in services and activities for which assistance is sought;

(5) describe the collaborative efforts with the eligible recipients and the manner in which the services and activities for which assistance is sought will serve to enhance the enrollment of severely economically and educationally disadvantaged youth into the vocational education programs; and

(6) provide assurances that the programs conducted by the community-based organization will conform to the applicable standards of performance and measures of effectiveness required of vocational education programs in the State.

USES OF FUNDS

SEC. 122. (a) From the portion of the allotment of each State under section 101 available under this part, each State shall provide financial assistance to joint programs of eligible recipients and community-based organizations within the State for the conduct of special vocational education services and activities described in subsection (b).

(b) Funds provided under this section may be used for—

(1) outreach programs to facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment or other education and training;

(2) transitional services such as attitudinal and motivational prevocational training programs;

(3) prevocational educational preparation and basic skills development conducted in cooperation with business concerns;

(4) special prevocational preparations programs targeted to inner-city youth, non-English speaking youth, Appalachian youth, and the youth of other urban nd rural areas having a high density of poverty who need special prevocational education programs;

(5) career intern programs;

(6) assessment of students needs in relation to vocational education and jobs; and

(7) guidance and counselling to assist students with occupational choices and with the selection of a vocational education program.

On page 64, in the table of contents, after item "Sec. 114." insert the following:

PART C—STATE ASSISTANCE FOR VOCATIONAL EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS

Sec. 121. Applications.

Sec. 122. Uses of funds.

STAFFORD (AND OTHERS) AMENDMENT NO. 3661

Mr. STEVENS (for Mr. STAFFORD, for himself, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. HUDDLESTON, Mr. FORD, Mr. RANDOLPH, and Mr. EAGLETON) proposed an amendment to the bill, S. 2341, supra, as follows:

On page 64, line 8, after the beginning quotation marks insert the following: "Carl Perkins".

On page 136, line 19, after the word "the" insert the following: "Carl Perkins".

On page 137, line 3, after the word "the" insert the following: "Carl Perkins".

On page 137, line 12, after the word "the" insert the following: "Carl Perkins".

On page 137, line 15, after the word "the" insert the following: "Carl Perkins".

On page 137, line 18, after the word "the" insert the following: "Carl Perkins".

On page 137, line 22, after the word "the" insert the following: "Carl Perkins".

On page 138, line 1, after the word "the" insert the following: "Carl Perkins".

On page 138, line 5, after the word "the" insert the following: "Carl Perkins".

On page 138, line 9, after the word "the" insert the following: "Carl Perkins".

On page 138, line 13, after the word "the" insert the following: "Carl Perkins".

On page 138, line 17, after the word "the" insert the following: "Carl Perkins".

On page 138, line 23, after the word "the" insert the following: "Carl Perkins".

On page 139, line 8, after the word "the" insert the following: "Carl Perkins".

On page 139, line 14, after the word "the" insert the following: "Carl Perkins".

On page 139, line 18, after the word "the" insert the following: "Carl Perkins".

On page 139, line 21, after the word "the" insert the following: "Carl Perkins".

On page 139, line 24, after the word "the" insert the following: "Carl Perkins".

On page 140, line 4, after the word "the" insert the following: "Carl Perkins".

On page 140, line 7, after the word "the" insert the following: "Carl Perkins".

On page 140, line 11, after the word "the" insert the following: "Carl Perkins".

On page 140, line 15, after the word "the" insert the following: "Carl Perkins".

On page 140, line 18, after the word "the" insert the following: "Carl Perkins".

On page 140, line 23, after the word "the" insert the following: "Carl Perkins".

VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS OF 1984

SIMPSON (AND OTHERS) AMENDMENT NO. 3662

Mr. STEVENS (for Mr. SIMPSON) (for himself, Mr. CRANSTON, Mr. BOSCHWITZ, and Mr. WILSON) proposed an amendment to the bill (S. 2514) to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associated Director for Post Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes, as follows:

(1) On page 15, line 6, strike out "extended" and insert in lieu thereof "inpatient-extended".

(2) On page 23, delete lines 14 through 20.

(3) Redesignate sections 9 through 13 as sections 8 through 12, respectively.

(4) On page 33, lines 15 and 16, strike out "(as amended by section 8 of this Act)".

(5) On page 33, strike out line 22 and all that follows through page 35, line 21.

(6) Redesignate section 15 as section 13.

(7) At the end of the bill, add the following new sections:

USE OF CERTAIN LANDS BY THE UNIVERSITY OF CALIFORNIA

SEC. 14. (a) Notwithstanding the Act described in subsection (b), the Administrator of Veterans' Affairs shall execute such legal documents as are necessary to permit the use of the real property described in subsection (b) (or any portion of such property) for educational or cultural purposes in addition to the use of such property as a research and medical center and for allied purposes. The Administrator may carry out the preceding sentence subject to such terms and conditions as the Administrator determines are necessary in order to protect the interests of the United States.

(b) The real property referred to in subsection (a) is the property transferred to the State of California for the use of the University of California by a quitclaim deed dated December 10, 1948, executed by the Administrator of Veterans' Affairs under the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California", approved June 19, 1948 (62 Stat. 559), and recorded in the land records of the County of Los Angeles, California, at page 307 of book 29032.

(c) Any document executed to carry out subsection (a) shall provide that the property involved shall revert to the United States if it ceases to be used as a research and medical center or for educational or cultural purposes.

ACQUISITION OF BUILDINGS FOR STATE HOME FACILITIES

SEC. 15. Subchapter III of chapter 81 is amended as follows:

(1) Section 5031(c) is amended—

(A) by striking out "term 'construction' means" and inserting "terms 'constructed' and 'construction' refer to"; and

(B) by inserting "the acquisition of existing buildings for use as domiciliary or nursing home care facilities," after "home buildings,";

(2) Section 5032 is amended by inserting "to acquire existing buildings for use as State home facilities for furnishing such care to veterans," after "nursing home care to veterans,"; and

(3) Section 5035(a) is amended—

(A) by striking out "and" at the end of clause (7); and

(B) in clause (8),

(I) by striking out "sections 276a through 276a-5 of title 40" and inserting in lieu thereof "the Act of March 3, 1931 (40 U.S.C. 276a—276a-5)"; and

(II) by striking out the period at the end and inserting in lieu thereof a comma and "and"; and

(C) by inserting at the end the following new clause:

"(9) in the case of a project for acquisition of a facility, reasonable assurance that the estimated total costs of acquisition of the facility and of any expansion, remodeling, and alteration of the acquired facility necessary to meet Veterans' Administration standards shall not be greater than the estimated cost of constructing an equivalent new facility.".

SENSE OF THE CONGRESS REGARDING CERTAIN GRACE COMMISSION RECOMMENDATIONS

SEC. 16. (a) The Congress makes the following findings:

(1) The Department of Medicine and Surgery of the Veterans' Administration, established by an Act of the Congress, represents a national commitment by the Government to meet the medical needs of eligible veterans, especially those who have been disabled as a result of their military service.

(2)(A) Section 409(a) of Public Law 97-306 states that it is the policy of the United States that the Veterans' Administration "shall maintain a comprehensive, nationwide health-care system for the direct provision of quality health-care services to eligible veterans".

(B) Section 5010 (a)(1) of title 38, United States Code, requires the Veterans' Administration to operate and maintain a total of not less than 90,000 hospital and nursing home beds and such additional beds as may be necessary for the Veterans' Administration to meet its contingency obligations to assist the Department of Defense in times of war or national emergency in caring for the casualties of such war or national emergency.

(3) The President's Private Sector Survey on Cost Control (commonly known as and hereinafter referred to as the "Grace Commission") has recommended that Veterans' Administration hospitals reduce the average length of stay of their inpatients to a level comparable to that found in the private sector; however, many Veterans' Administration hospital patients have severe and multiple disabilities requiring extensive treatment.

(4) The Grace Commission has recommended that funds for construction of Veterans' Administration hospitals not already under contract be deleted from the Veterans' Administration budget, that bids be invited from private hospital management companies to lease hospital facilities to the Veterans' Administration under long-term contracts, and that such facilities be managed by private companies under short-term performance contracts.

(5) The Grace Commission has recommended that nursing home construction by the Veterans' Administration be entirely discontinued and that the Veterans' Administration contract for the operation of nursing home care facilities by the private sector.

(6) The Grace Commission has recommended that the Veterans' Administration eliminate such number of Veterans' Administration acute care hospital beds as is necessary to achieve an 80 percent occupancy rate for such beds.

(7) The Grace Commission has recommended that the Veterans' Administration consider converting some underutilized acute health-care facilities to extended health-care facilities and phasing out old hospital facilities which may be in need of replacement or significant reconstruction; however, demographic information compiled by the Veterans' Administration shows a forthcoming major increased demand on the Veterans' Administration from the aging veterans of World War II for acute as well as long-term health care.

(8) A joint study of the Grace Commission's recommendations conducted by the Congressional Budget Office and the General Accounting Office and submitted to Congress in February, 1984, concluded that the potential deficit reductions that might result in 1985 through 1987 from implementations of the Grace Commission's recommendations would be much smaller than the three-year savings projected by the Commission.

(9) The Congress desires to reassure veterans that the Congress remains firmly committed to an independent and comprehensive, nationwide health-care system within the Veterans' Administration, capable of providing quality care to eligible veterans.

(b) In light of the findings made in subsection (a), it is the sense of the Congress (1) that the aforementioned recommendations of the President's Private Sector Survey on Cost Control relating to the Veterans' Administration health-care system must be evaluated in light of the national policies described in subsection (a)(2) and in light of the aforementioned factors, and (2) that no action to implement such recommendations should be taken without their policy implications having first been given full and careful consideration, after appropriate hearings, by the Committees on Veterans' Affairs of the House of Representatives and the Senate.

AUTHORITY TO ADJUST RATES OF PAY FOR CERTAIN PSYCHOLOGISTS

SEC. 17. Section 4104 is amended—

(1) by inserting "(other than those described in paragraph (3))" after "psychologists" in paragraph (2); and

(2) by striking out "Certified" in paragraph (3) and inserting in lieu thereof "Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Administrator, certified".

PROGRAM GUIDE ON ALZHEIMER'S DISEASE

SEC. 18. Not later than 180 days after the date of the enactment of this Act, the Administrator shall disseminate to appropriate Veterans' Administration medical facilities and submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a program guide to clarify Veterans' Administration policy regarding the authorization and provision of treatment, including diagnosis, information, outpatient services, hospital care, and nursing home care, of veterans who are eligible for services under title 38, United States Code, and who are suffering from Alzheimer's disease and related neurological diseases.

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS

SEC. 19. (a) The Veterans' Administration Medical Center in Murfreesboro, Tennessee, shall after the date of the enactment of this Act be known and designates as the "Sergeant Alvin C. York Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Sergeant Alvin C. York Veterans' Administration Medical Center.

(b) The Veterans' Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.

CARL ALBERT FEDERAL BUILDING

METZENBAUM (AND OTHERS) AMENDMENT NO. 3663

Mr. BYRD (for Mr. METZENBAUM) proposed an amendment to the bill (S. 2820) to name the Federal building in McAlester, OK, the "Carl Albert Federal Building"; as follows:

At the end of the bill:

SEC. . That the Federal building located at 550 Main Street, Cincinnati, Ohio, shall hereafter be named and designated as the "John Weld Peck Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Weld Peck Federal Building".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water on Tuesday, September 11, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building. The subcommittee will consider S. 2916, to designate cer-

tain additional national forest lands and national park lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; S. 2032, to designate certain additional forest lands in the State of Colorado as components of the national wilderness preservation system; and H.R. 5426, to designate certain National Forest System lands in the State of Colorado for inclusion in the national wilderness preservation system, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Witnesses will be placed in panels and oral testimony will be limited to 3 minutes. Witnesses are requested to provide the subcommittee with 25 copies of their written testimony 24 hours in advance of the hearing, as required by the rules of the committee, and 75 copies on the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Research and Development to consider the May 1984 DOE/EIA comprehensive review of the status of the U.S. domestic uranium mining and milling industry. This oversight hearing will be held on Wednesday, September 12, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding this hearing you may wish to contact Mr. Paul Gilman of the subcommittee staff at 224-4431.

SUBCOMMITTEE ON CIVIL SERVICE, POST OFFICE, AND GENERAL SERVICES

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Civil Service, Post Office and General Services, Senate Committee on Governmental Affairs.

A hearing is scheduled for August 16, 1984, from 8:30 a.m. to 5:30 p.m. at the Brentwood Theater of the Veterans' Administration Medical Center, Sawtelle and Wilshire Boulevards, Los Angeles, CA. The subcommittee will hear testimony on S. 2116, a bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

For further information regarding the hearing, please contact Pat Phillips of the subcommittee staff at 224-2254.

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Civil Service, Post Office and General Services, Senate Committee on Governmental Affairs.

A hearing is scheduled for August 29, 1984, from 8:30 a.m. to 5:30 p.m. in courtroom No. 2 of the Federal Building, 601 West Fourth Avenue, Anchorage, AL. The subcommittee will hear testimony on S. 2116, to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

For further information regarding the hearing, please contact Ruth Wheeler of the subcommittee staff at 224-2254.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Senate Committee on Rules and Administration and the Committee on House Administration, U.S. House of Representatives, will conduct a joint meeting on Thursday, August 9, 1984, at 10 a.m., in H-328, the Capitol.

At this joint meeting members will be receiving testimony on S. 2271, to authorize the transfer to the Smithsonian Institution without reimbursement of the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes.

For further information regarding this hearing, please contact Ron Hicks of the Rules Committee staff at 224-0290.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 8, at 11 a.m., to hold a business meeting to vote on the following nominations and legislation:

Brandon Grove, Jr., to be Ambassador to the Republic of Zaire;

Larry Williamson, to be Ambassador to the Gabonese Republic;

Leon Weil, Jr., to be Ambassador to the Kingdom of Nepal;

Anthony Quainton, to be Ambassador to the State of Kuwait;

Edward Streator, to be Representative of the Organization of Economic Cooperation and Development with rank of Ambassador;

Victor Rivera, to be Assistant Administrator for AID for Interamerican Affairs;

Senate Resolution 241, commemorating the Armenian genocide; and

S. 2768, U.S. Scholarship Program for Developing Countries Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, August 8, 1984, at 3 p.m., in S-207, for a business meeting to mark up S. 1676, a bill dealing with access to polling places for the handicapped and elderly, and other legislative and administrative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WEICKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Wednesday, August 8, at 2 p.m., to hold a hearing to consider S. 2657, to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye, and Lincoln Counties, NV, for use as a training and weapons testing area, and for other purposes; S. 2658, to withdraw and reserve for the Department of the Army certain public lands within the McGregor Range, Otero County, NM, for use as training and weapons testing area, and for other purposes; S. 2659, to withdraw and reserve for the Department of the Air Force certain public land within the Luke Air Force Range, Maricopa, Pima and Yuma Counties, AZ, for use as a training and weapons testing area, and for other purposes; S. 2660, to withdraw and reserve for the Department of the Army certain public lands within the Fort Greely Maneuver Area, in the Big Delta Area, AK, and certain public lands within the Fort Greeley Air Drop Zone, in the Granite Creek Area, AK, for use as a training and equipment development area, and for other purposes; S. 2661, to withdraw and reserve for the Department of the Army certain public lands within the Fort Wainwright Maneuver Area, Fourth Judicial District, AK, and for other purposes; and S. 2662, to withdraw and reserve for the Department of the Navy certain public lands for the Bravo 20 Bombing Range, Churchill County, NV, for use as a training and weapons area, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 44, THE PRODUCT LIABILITY ACT

● Mr. HOLLINGS. Mr. President, one of the biggest falsehoods used to support passage of S. 44, the Product Liability Act, is that a Federal product liability code would reduce the amount of fees paid to attorneys. Implicit in this claim is that somehow, people who are injured by defective products stand to benefit from provisions to this effect. Various figures are frequently cited as support for the assertion that the amount of claimant and defense costs exceed the amount of claimants' recovery, and blame has been attributed to the State tort litigation system.

It's time we look at the facts. And fact No. 1 is that S. 44 would result in higher litigation costs because it would bring legal chaos, and not uniformity, to the product liability system. The bill contains so many confusing and ambiguous terms and standards that its provisions would be subject to conflicting interpretations from 50 State supreme courts and the various Federal courts which would hear cases under diversity jurisdiction. Further, the bill takes the unprecedented approach of removing Federal question jurisdiction—where the Federal district courts interpret the Federal laws—from the Federal courts without keeping concurrent jurisdiction. Because it is highly unlikely that the U.S. Supreme Court would review State court decisions in this area, the bill ensures that these conflicts and disparities would not lessen over time. The increased litigation will most certainly result in higher legal costs. Indeed, the Library of Congress' own Congressional Research Service [CRS], in a report entitled "The Effect of Federal Products Liability Legislation on Legal Fees," has raised these important issues.

Under the current system a vast portion of the time and resources expended presenting and defending product liability claims does not relate to researching applicable State law—to the contrary, there are many publications apprising lawyers of the current situation in the States. In fact, enactment of S. 44 would likely result in higher litigation costs in individual product liability lawsuits because many of the bill's provisions would complicate these cases.

For example, the bill eliminates strict liability in "design defect" and "failure to warn" cases, requiring the claimant to prove negligence, that the manufacturer knew or should have known about the danger that caused the injury. As a preeminent tort scholar from the University of Texas School of Law, Dean W. Page Keeton, emphasizes, the whole purpose of using a strict liability, rather than a negligence, standard is to avoid difficulties entailed in deciding what was in the manufacturer's mind when he produced the harmful product. Quoting him now:

> One of the most important justifications for eliminating the negligence theory altogether is that doing so eliminates several complicated questions concerning whether the maker knew or should have known in the exercise of ordinary care about the extent of the dangers involved in the use of the particular product.

According to Dean Keeton, a strict liability standard saves judicial and litigation resources because it "eliminates a number of difficult decision points, would greatly simplify a trial, and enhances the likelihood of settlements." On the other hand, the negligence standard proposed in S. 44 would have the opposite effects and thus increase litigation costs.

Similarly, the punitive damages section of S. 44 in effect would require that two trials be conducted—the first on the question of liability and the second on the question of punitive damages. The requirement in section 10 that the jury determine the amount of workers' compensation benefits to which an injured worker would be entitled in the future also would increase costs. Finally, the basic standards of liability for design defect and failure to warn cases would in practice be unnecessarily complex, and thus costly. Chief Justice Jack Pope of the Supreme Court of Texas, representing the U.S. Conference of Chief Justices, has interpreted section 5(b)(1) alone to require the resolution of eight special interrogatories by the jury. This runs counter to the efforts by the State courts today to simplify questions presented to the jury for resolution.

A number of highly reputable studies have demonstrated that the so-called problem of high legal fees emanating from product liability cases has been greatly exaggerated. According to a recent study by the Rand Corp., statements by industry representatives that claims were approaching 1 million a year by the mid-1970's have been "thoroughly discredited." In fact, the Department of Commerce interagency task force on product liability concluded that the "best estimate" of claims on lawsuits filed in 1976 was between 60,000 and 70,000. Therefore, actually less than 1 percent of the estimated 30 million actual product-related injuries resulted in claims. Since legal costs are reflected in insurance costs, an insurance study commissioned by the interagency task force found that insurance premiums exceeded 1 percent of the total sales for only three industries. And rather than a preponderance of huge sums being awarded in product liability cases, the Rand Corp. reports in a survey of claims adjudicated between July 1, 1976, and March 15, 1977, that the average payment of bodily injury claims was $3,592 per claim and $6,692 per incident.

Since the time these studies were conducted, there has been no evidence demonstrating a significant increase in the number of claims or the average award. In fact, the 1983 Rand study concludes that the reports of a product liability "crisis" in the mid-1970's were greatly exaggerated, and that even the perception of such a "crisis" has eased because it has become evident that product liability claims have not been an unreasonable cost to most manufacturers. Quoting from that study:

> It appears safe to conclude that for most large manufacturing firms, product liability costs . . . probably amount to less than 1 percent of total sales revenue.

I hear time and time again from the proponents of S. 44 that theirs is a "consumer bill"—that it benefits the consumers and workers of our Nation. Yet if this legislation were to really reduce the legal costs of our product liability system, it could only do so if the substantive standards in S. 44 operate to preclude individuals from bringing claims or from pursuing such claims aggressively. One torts scholar pointed out the chilling effect of a negligence standard, saying:

> Product liability suits usually are financed through contingent fees (with the plaintiff's attorney normally taking one-third of the award or settlement amount, and no fee if the plaintiff loses). To the extent that attorneys perceive "tougher odds" under a negligence regime, they will be less willing to take on cases than they would be under a rule of strict liability. Plaintiffs will thus be unable to "finance" their litigation.

In other words, the bill would have to accomplish its aim of reduced costs to the direct detriment of injured product users. In that case, the simple effect of the bill will be to undermine our legal system's guaranteed right of access to justice. For this reason, every major consumer advocacy group in the Nation is opposed to S. 44.

Mr. President, I ask that the following items be printed in the RECORD. They include articles and letters from the major consumer groups, all of whom oppose this bill, and letters and testimony from the American Bar Association, explaining how the organization arrived at its position of long-standing opposition to S. 44.

The material follows:

CONSUMERS UNION,
Washington, DC, May 7, 1984.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: Consumers Union, Consumers Federation of America, National Consumers League, and Public Citizen's Congress Watch assert our contin-

ued unanimous opposition to S. 44, the Product Liability Act as reported from the Senate Commerce Committee.

S. 44 represents a devastating assault on the rights of thousands of individuals injured by defective products. This legislation, which its proponents tout as the route for simplifying the maze of state product liability laws, is nothing more than a codified obstacle course designed to thwart victim's compensation.

We urge you to vote against S. 44.

Sincerely,

LINDA A. LIPSEN,
Legislative/Regulatory Counsel, Consumers Union.
DAVID GREENBERG,
Legislative Director, Consumers Federation of America.
BARBARA F. WARDEN,
Executive Director, National Consumers League.
JAY ANGOFF,
Staff Attorney, Congress Watch.

[From the Washington Post, June 2, 1984]

IT WOULD BE UNIFORM, ALL RIGHT—UNIFORMLY UNFAIR

The "Product Liability Act" (S. 44), establishing a federal system for judging product liability claims, may soon go to the Senate floor. This legislation would make it much more difficult for thousands of consumers to obtain compensation for injuries resulting from defective products.

Advocates of the bill include a powerful alliance of manufacturers, distributors and wholesalers in the pharmaceutical, chemical, automobile, machine tool and insurance industries. In making their case for the bill, the proponents seize upon two attractive themes: (1) that it will ensure uniformity in product liability law; and (2) that it will reduce legal fees in product liability lawsuits.

While these objectives are superficially desirable, they are not by themselves sufficient to justify the passage of this particular legislation. Furthermore, there is a paucity of evidence that the bill would accomplish either mission.

The Post's April 17 editorial "Suing the Manufacturer" endorsed the goal of uniformity in the product liability field, seemingly for its own sake. Legislation that is unfair to consumers does not become more desirable because the unfairness is organized in one package.

The bill would shift the focus of personal injury litigation away from the defective nature of the product to the conduct of the defendant. Accordingly, under one section of the bill, an injured consumer would have to meet the additional burden of proving that a manufacturer of a defective product knew or should have known about the unreasonably dangerous aspect of the product that caused the injury.

This requirement presents a formidable hurdle. Even where negligence is present, it is often difficult if not impossible to prove because the defendants have control of evidence about what they knew, when they knew it and how they responded to this knowledge. This is particularly true in cases involving drugs, toxic chemicals and workplace injuries. Requiring proof of negligence in such cases makes it far less likely that people with otherwise justifiable claims would prevail.

The particular negligence test in the bill is unnecessarily burdensome. It contains several provisions limiting manufacturer liability, even where the plaintiff is able to prove negligence, and it expands traditional manufacturer defenses.

For example, one part of the bill would shield the negligent manufacturer from liability if a "means to eliminate the danger was not within practical technological feasibility." As one tort professor concludes, "ideas that are available and easy to implement but not yet implemented would not be within practical technological feasibility." This section would actually discourage manufacturers from producing the safest products possible.

The uniformity of this bill lies in its unfairness to injured consumers. It would consistently weaken standards for finding the defendant liable, and it would do so in a very confusing manner. Legal scholars emphasize that the bill contains unclear, complicated and novel provisions subject to diverse interpretations. Fifty state courts and various federal courts will apply this statute and obviously will not speak with one voice.

Sponsors also trumpet the bill as a mechanism to reduce legal fees, despite the fact that fees are never mentioned in the bill. While limiting legal fees may be a worthy objective, it is unreasonable to accomplish it by curtailing victims' compensation.

In a typical product liability lawsuit, the plaintiff's lawyer receives one-third of the award, if the claim is successful. If it is not, the lawyer receives no fee. This "contingency fee" system makes it possible for an ordinary individual to afford a lawsuit against a corporation. This system also acts as a screening system for meritless suits. If S. 44 is enacted, legal fees would be reduced only because fewer injured consumers would be able to bring suit. This is like reducing medical costs by creating a shortage of hospital services.

Aside from limiting opportunities for recovery, there is no evidence that this bill would reduce legal fees. But it would impose many new and difficult standards of proof likely to increase the costs of litigation.

The objectives of any product liability scheme should be fair compensation for victims of defective products. Considerations of uniformity and lower fees must remain secondary to this goal. If S. 44 were approved, such secondary matters would be shifted to the forefront. A fair system of compensation for injured consumers would be its ultimate victim.

LINDA LIPSEN.

JULY 26, 1984.

Re: S. 44, the product liability bill.

DEAR SENATOR: We are writing to reiterate our strong opposition both to federal product liability legislation in general and to S. 44, Sen. Kasten's product liability bill, in particular.

We oppose federal pre-emption of state common law in general because the common law has the flexibility to adapt to changing times and technology, whereas a statute does not.

In addition, we specifically oppose the Kasten bill because its provisions so overwhelmingly favor defendants and handicap plaintiffs. For example, section 5 of the bill eliminates strict liability in design defect cases; section 6 eliminates strict liability in failure to warn cases; section 8 virtually eliminates strict liability for non-manufacturer sellers even in construction defect cases; section 9 both severely undercuts joint and several liability and broadens the affirmative defenses; section 11 establishes a 25 year statute of repose (i.e., cuts off the right to sue if the product causing the injury is more than 25 years old) for defectively designed capital goods; section 12 retroactively prohibits punitive damages; and section 13 virtually prohibits the victim from introducing evidence of subsequent remedial measures to prove his case, but expressly allows the defendant to introduce such evidence in defense of a punitive damages claim.

In short, S. 44 is rotten to the core. Amendments can not make it palatable. We urge you to oppose it in the strongest possible terms.

Sincerely,

GENE KIMMELMAN,
Legislative Director, Consumer Federation of America.
JAY ANGOFF,
Staff attorney, Public Citizen's Congress Watch.

CONSUMERS UNION,
July 25, 1984.

DEAR SENATOR: Consumers Union continues its strong opposition to S. 44, "The Product Liability Act," which may soon reach the Senate floor for your consideration. We urge you to reject this legislation because of its uniform imposition of unfairness on injured product users.

Product safety has been a major concern of Consumers Union throughout our 48 year history. We believe that the strict liability standard for determining who will pay for an injury resulting from a defective product, encourages manufacturers to make the safest products possible. Strict liability is not a carte blanche ticket for the recovery of meritless claims. A claimant must prove that the product was defective rendering it unreasonably dangerous, and that the defect caused the injury.

S. 44 would replace a strict standard of liability with negligence in the vast majority of cases. It shifts the emphasis of a product liability lawsuit from the defective condition of the product causing the injury to the conduct and state of mind of the manufacturer or seller of a defective product. Accordingly, victims would encounter exceedingly difficult and unnecessary proof problems in court, because the evidence of negligence is largely in control of the defendant. Under S. 44, many thousands of deserving victims would simply not be able to prove what the manufacturer knew or should have known about the defective product and thereby fail to recover. The bill further outlines several situations in which even a negligent manufacturer would escape liability.

Other provisions of S. 44 including the expansion of traditional defenses to a negligence claim, the absolute bar of claims created by a 25 year statute of repose for capital goods, and the severe limitation on assessing punitive damages for a course of wreckless conduct, are similarly and unjustifiably restrictive to the rights of injured consumers.

We urge you to defeat this legislation.

Sincerely,

LINDA A. LIPSEN,
Legislative/Regulatory Counsel, Consumers Union.

[From the American Bar Association Journal]

A BILL TO HURT CONSUMERS

(By Jay Angoff)

S. 44, the Kasten product liability bill, would abolish all state product liability laws and substitute for those laws a federal statute, to be interpreted by the state courts.

The Kasten product liability bill seeks not to bring certainty and predictability to product liability law but rather to limit the liability of the business community and prevent recovery.

As new drafts of S. 44 would appear every few months in 1983, industry-specific, liability-limiting provisions would be added to the bill to obtain the support of specific industries—and thereby of specific senators. This process was described in a draft memorandum in April 1983 from H. Stephen Halloway, associate general counsel of the U.S. Department of Commerce, to Secretary of Commerce Malcolm Baldrige. (Copies of the memo are available from Public Citizen's Congress Watch, 215 Pennsylvania Ave., S.E., Washington, D.C. 20003.)

For example, the Sept. 15, 1983, draft of S. 44 contains a new provision that would judge the conduct of the aircraft industry at the time of certification by the Federal Aviation Administration rather than at the time of manufacture, as is the case with all other industries. This provision was inserted to gain the support of the Kansas small plane manufacturers and thus of Sen. Nancy Kassebaum (R-Kan.).

Similarly, the most recent draft, dated (Oct. 19, contains the so-called "Dalkon Shield IUD" amendment, which would absolve a manufacturer from all pending and future punitive damage claims as soon as it settles one punitive damage claim. It was strongly urged by the A. H. Robins Co. of Richmond, Va., the makers of the Dalkon Shield, and was inserted at the request of Sen. Paul S. Trible Jr. (R-Va.). It would benefit any company that actually knew its product was defective before it sold it.

OVERRULE MANY DOCTRINES

Even before the industry-specific, liability-limiting provisions were added to S. 44, however, the bill contained numerous provisions that limited liability across the board. Most significant, the bill largely would overrule the doctrines of strict liability, joint and several liability, and liability for foreseeable misuse.

The bill also would limit a plaintiff's recovery against the manufacturer of a product that has injured him in the workplace; establish a nationwide statute of repose (ironically, the courts of four states already have held these statutes unconstitutional); and prohibit the admission of subsequent remedial measures unless the defendant "expressly denies the feasibility of such a measure." People burned by exploding Ford Pintos, women with DES-caused vaginal cancer and men with asbestos-caused mesothelioma, among many others, would be much less likely to be compensated for their injuries should the Kasten bill become law.

Consumer groups strongly oppose the Kasten bill because its provisions so overwhelmingly favor defendants over plaintiffs. In addition, most judges and torts scholars oppose any codification of tort law—regardless of its substantive provisions—because the common law can grow and develop as times and technology change, whereas a statute necessarily freezes the law in one place as time and technology march on. While business groups see the flexibility of the common law as a defect, most torts scholars see it as a virtue.

Most torts experts think codification of tort law on the federal level is particularly unwise because of the practical problems it would create. Consider, for example, a routine automobile accident. The liability of the car manufacturer would be determined under the federal product liability law, but the liability of the driver would be determined under state law. Under state law, joint and several liability generally applies, but comparative responsibility may not; under a federal product liability law, on the other hand, comparative responsibility may apply but not joint and several liability. What is a state court judge to do? The federal bill introduced by Sen. Kasten presents exactly this problem but offers no solution.

CREATING CONFUSION

More fundamental, a federal bill would create additional confusion and uncertainty in the law. Although state product liability laws, like other state laws, do differ somewhat, the law within each state is generally predictable. Were a federal bill enacted, on the other hand, the law within each state would be thrown into confusion as the state courts struggled to interpret the new federal statute on top of preexisting and often conflicting state substantive law and procedure. The confusion would be particularly acute if the federal bill eschewed traditional common law tort terms like "foreseeable" in favor of new terms like "reasonably anticipated conduct" and "practical technological feasibility," as the Kasten bill does.

An additional argument against federal product liability legislation is made by those who believe in reducing the power of the federal government and giving power back to the states. A federal product liability bill, of course, would do exactly the opposite; for that reason, many Reagan administration officials privately have opposed the Kasten bill.

The easiest argument against a federal bill, however, remains the substance of the Kasten bill and the process by which it was put together. As long as federal product liability legislation seeks to limit liability and restrict recovery—and all federal product liability bills have sought to do just that—it is unnecessary to reach the theoretical arguments about whether a federal product liability bill, in the abstract, would be desirable.

AMERICAN BAR ASSOCIATION,
Washington, DC, May 19, 1983.

DEAR SENATOR: It is our understanding that Members of the Senate are being asked to cosponsor S. 44, broad federal legislation preempting state law in the area of product liability. We would like to take this opportunity to reiterate our opposition to enactment of S. 44 or any other broad federal legislation to preempt state statutes, regulations or case law in the area of product liability.

The American Bar Association's opposition dates from February, 1981, when the ABA's House of Delegates adopted a resolution opposing enactment of legislation which would impose a model product liability proposal as federal law.

As you are aware, the ABA's House of Delegates is composed of members representing the diverse interests of the legal community. Operating in a manner similar to the United States Congress, it is the policy-making body for the 300,000 member ABA.

In February, 1983, the House of Delegates by a substantial majority adopted the enclosed resolution opposing enactment of the broad federal legislation that would codify the tort laws of the 50 states as they relate to product liability.

The law of product liability historically has been rooted in the common law, with each state molding its laws through judicial interpretation and state legislation to respond to that state's particular social and economic needs. In each state, product liability law continues to evolve as new developments in the field demand legislative correction or refinement of judicial interpretation. This evolutionary process has had the salutary effect of providing continuity and stability for all who are affected by the laws.

Broad preemptive legislation such as S. 44 would promote uncertainty and instability in state product liability laws—results exactly contrary to the stated purpose of the legislation and contrary to that which the states have provided. It is our belief that federal legislation that would codify product liability laws and preempt the existing body of state law will open up a whole new area of litigation and deprive citizens of the certainty that now exists in each state. In addition, serious constitutional issues raised by this legislation suggest the possible need for protracted litigation to settle such issues.

The stability and certainty resulting from ever-evolving state laws, combined with the ability of each state to respond to its unique circumstances, argue against broad federal preemptive legislation. Accordingly, the American Bar Association urges you not to endorse S. 44 and to vote against it if it reaches the Senate floor.

Sincerely,

MORRIS HARRELL.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 19, 1984.

DEAR SENATOR: As you may know, Majority Leader Baker has indicated his desire to schedule for full Senate consideration sometime between July 23rd and August 10th, S.44, broad product liability legislation that would preempt state product liability laws. If the measure is brought to the Senate floor, we urge you to oppose it.

S.44 was reported May 23, 1984 by the Senate Commerce, Science and Transportation Committee. Many months earlier, the Labor and Human Resources Committee requested that the bill be referred to it when the Commerce Committee completed its consideration. That request has not yet been granted. We believe that all appropriate committees, including the Labor and Human Resources Committee should be given a chance to consider the sweeping provisions of this ill-advised measure before it is brought to the Senate floor.

The ABA strongly opposes enactment of S.44 or any other broad product liability legislation that would preempt state statutes, regulations and case law.

The ABA believes that the ability of each state to respond to its unique circumstances with laws tailored to its needs, as well as the need to maintain the stability and certainty resulting from ever-evolving state laws, argues against the enactment of a national law such as S.44.

Historically, the law of product liability has been rooted in the common law, with each state molding its laws through judicial interpretation and state legislation to respond to that state's particular social and economic needs. In each state, product liability law continues to evolve as new developments in the field demand correction or refinement. This evolutionary process has had the salutary effect of providing continuity and stability for the public which is affected by these laws.

Broad, preemptive legislation such as S.44 simply is not needed. It would be an unwise and unnecessary intrusion of massive proportions on the long-standing authority of

states to promulgate tort law. Rather than resolve any uncertainty that now may exist, such legislation would result in legal chaos and, most likely, even more litigation. S.44 would impose upon our judicial system new and undefined terms and concepts to be unraveled by the legal community that would take many years to clarify. In addition, serious constitutional issues raised by this legislation suggest the possible need for protracted litigation to settle such questions.

We respectfully urge you to support referral of S.44 to the Committee on Labor and Human Resources and, in any event, to vote against S.44 if it reaches the Senate floor.

Sincerely,

WALLACE D. RILEY.

S. 44—PRODUCT LIABILITY ACT

STATEMENT OF ERNEST Y. SEVIER, CHAIRMAN, SECTION OF TORT AND INSURANCE PRACTICE, ON BEHALF OF THE AMERICAN BAR ASSOCIATION

Mr. Chairman and Members of the Subcommittee, thank you on behalf of the American Bar Association for allowing me to present this testimony. ABA President Morris Harrell has requested that I appear to express the Association's continued opposition to broad federal legislation preempting state law in the area of product liability.

The Association's opposition dates back to February of 1981, when the ABA's policy-making body, the House of Delegates, adopted by voice vote a resolution opposing enactment of legislation "which would impose a Model Products Liability proposal as federal law."

Subsequently, with the introduction of S. 2631 in June of 1982, a resolution was submitted to the House of Delegates by the Section on Corporation, Banking and Business Law, to reverse the ABA's position and to support federal legislation. When the House of Delegates met in San Francisco in August of 1982 to consider this resolution, it voted to postpone consideration until the next meeting, scheduled for early February in New Orleans in 1983. The House of Delegates also recommended that the President appoint a Special Committee which included representatives from interested sections to study the matter and make recommendations to the House of Delegates. During the course of the debate, a motion was made that would have prevented the Association from making any representation to Congress either supporting or opposing federal products liability legislation pending consideration of the subject by the House of Delegates at its next meeting in February. The motion was defeated by a narrow margin; it nevertheless affirmed the Association's duty in the interim to continue to advocate its 1981 position to Congress.

In October of 1982, President Harrell appointed a distinguished seven-member committee chaired by Robert McKay, former Dean of New York University School of Law and current Director of the Institute of Judicial Administration. The committee included among its members nominees of the Sections of Corporation, Banking and Business, Public Contract Law, Litigation, and Tort and Insurance Practice. After extensive deliberations, the committee produced a thorough Recommendation and Report which was submitted to the House of Delegates at the New Orleans meeting. The basic tenet of this Recommendation is that the ABA remain opposed to "enactment of broad federal legislation that would codify the tort law of the 50 states as they relate to products liability, and oppose legislation such as S. 2631 * * * that would attempt to do so." The Recommendation listed four exceptions where federal legislation or federal attention should be considered.

The Special Committee's Recommendation was submitted to the House of Delegates, and after extensive debate, the House voted 185 to 113 to back the above quoted portion of the Recommendation opposing "broad federal legislation" preempting states' laws. The House then took up the four exceptions, approving two of them: support for federal legislation to address the issues of liability and damages in the area of occupational disease claims, such as asbestosis, and federal legislation "allocating products liability risks between the federal government and its contractors." See Appendix A.

The ABA's House of Delegates is composed of approximately 385 elected members representing a broad and diverse cross-section of the legal community. Operating in a manner similar to the United States Congress, it is the legislative body for the largest professional lawyers organization in the world, with membership approaching 300,000 people. Between the San Francisco meeting where the matter was deferred and the New Orleans meeting where the matter was decided upon, the Special Committee's recommendation was the subject of considerable discussion by concerned members of the Bar Association. The largest single concerted lobbying effort was by members of the Association connected with the manufacturing community. Letters, telephone calls, personal contacts and telegrams were addressed to the members of the House of Delegates by house counsel for manufacturers and manufacturing trade associations opposing the basic recommendation of the Special Committee and the ABA's position opposing broad federal preemptive legislation. Despite these extensive lobbying efforts that continued to the floor of the House of Delegates at the time of the debate, the ABA's position was reaffirmed by 62 percent of the voting Delegates, a substantial victory by the standards of any legislative body.

The House of Delegates reaffirmed the wisdom of leaving the great majority of products liability case law to the various states which are in a position to best address themselves to the specific social and economic needs of their constituents. Our long evolved common law system was reaffirmed.

However, the ABA feels that the Congress should consider legislation in the two areas contained in the Special Committee's Recommendation: asbestosis, or more broadly occupational disease claims; and claims involving the relationship between the federal government and its private contractors. At the same time, other forums are considering these problems, such as the prestigious National Council of State Courts which has been and is holding meetings on possible joint state solutions to asbestosis and related occupational disease litigation. We are confident that the attention focused on products liability litigation by the recent ABA debate and hearings such as these will encourage further state legislative review of the need for change or adjustment in the existing laws.

It has been argued that the lawyers are only interested in feathering their nests. If this were the case, the legal profession by opposing enactment of federal preemptive legislation would be turning its back on a whole new area of litigation created by the uncertainty which such legislation would invoke. Constitutional challenges of the Act in whole or in part would be raised in the various state courts where jurisdiction would reside under your proposed legislation. Interpretation of various provisions of the Act would differ as state courts tailor their decisions according to the individual state's desires. Unequal results would occur when products liability litigation is combined with other fields of law with differing rules of law, for example, when a products liability claim is joined with an automobile liability claim. The proposed Act's "pure" comparative negligence rule may conflict with modified forms of comparative negligence such as the Wisconsin rule. The proposed Act's punitive damage rules may conflict with the rules in states where no punitive damages are granted. Rules will differ in the areas of set-offs, separate settlement, joinder, contribution and indemnity. Therefore, the desire for certainty will in fact be undermined by federal legislation.

Our judicial system has reached its unparalleled position of justice among the legal systems of the world by adherence to the evolutionary rules of the common law. We respectfully urge that the wisdom of these rules not be undermined, but instead be maintained by opposition to broad federal preemptive legislation in the products liability field.

Thank you.

[Appendix A]

RESOLUTION OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION, ADOPTED FEBRUARY 1983

1. *Be it resolved,* That the American Bar Association opposes enactment of broad federal legislation that would codify the tort laws of the 50 states as they relate to product liability, and opposes legislation, such as S. 2631 reported by the Senate Commerce, Science and Transportation Committee in the 97th Congress, that would attempt to do so.

II. *Further resolved,* That the American Bar Association supports federal legislation which addresses the issues of liability and damages with respect to claims for damages against manufacturers by those who contract an occupational disease (such as asbestosis) when: (a) there is a long latency period between exposure to the product and manifestation of the disease, (b) the number of such claims and the liability for such damages in fact threaten the solvency of a significant number of manufacturers engaged in interstate commerce; and (c) the number of such claims have become clearly excessive burdens upon the state and federal judicial systems.

III. *Further resolved,* That the American Bar Association supports enactment of federal legislation allocating product liability risks between the federal government and its contractors and providing, in certain instances, indemnity against those risks

[The following information was subsequently received for the record:]

AMERICAN BAR ASSOCIATION,
San Francisco, CA, June 15, 1983.

Hon. ROBERT W. KASTEN, Jr.
Chairman, Subcommittee on Consumer, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter to me asking a series of questions in connection with my ABA testimony,

before your subcommittee, on broad federal uniform product liability legislation.

Question. The ABA Study states that existing common law product liability decisions of state courts "reflect the policies and desires of widely-diverse states as to standards of proper conduct and reflect local ideas as to how best to product their own businesses, consumers and their general public from wrongful conduct."

Do you find many judicial decisions that say, "Well, we've looked at the facts and you could go either way, but this is a rural state so we're ruling against the defendant." Or, "This is an urban state so we are ruling against a defendant." Can you direct the Committee to judicial opinions that explicitly rule on the basis of specific economic or social conditions of the State in which the claim is brought?

Answer. Judicial opinions. do not contain statements such as you suggest. Principles of law under our federal system of government vary from state to state, whether one is dealing with products liability or other areas of law. Businesses and citizens understand the principles of law peculiar to their states, which have been developed over the years to reflect the political, philosophic and economic characteristies of the locality.

Question. One theme I get out of the ABA report is that the court, not the legislation, is the proper place to make product liability law. In fact, I understand that at the recent ABA meeting it was argued that value judgments have to be made on case by case basis and these value judgments should be made by judges. Do you believe that a judge is better suited to make these value judgments than a legislator who is elected to make value judgments in formulating public policy?

Answer. I disagree with your statement that the ABA believes that the courts, as opposed to legislative bodies are the proper forum to make products liability law. We have stated in both the ABA Special Committee report and in my testimony that state courts laws in products liability evolved through court decisions, supplemented by state legislation.

The ABA Special Committee Report, to which I assume you are referring, states in applicable part:

"The Committee, however, also believes that there may be an important place for legislative enactment of the common law; but on the federal level, it must be very cautiously approached. Unlike civil law, which relies exclusively on one mode of lawmaking, our system of justice permits both common and statutory development. Dean Roscoe Pound, in defending the role of the legislature of the development of the common law, perhaps said it best when he explained that the 'imperative' (legislative) and 'traditional' (judicial) elements of common law act upon and correct each other so that 'when either, from occupying the field too long, becomes to fixed and rigid, the needed flexibility is restored to the law by its rival.' "

Question. Can you cite an example where after a federal statute codified a common law, the law was more uncertain, more unclear, more confusing than before enactment of the federal bill?

Answer. The proposed Federal Products Liability Act is unique in its attempt to codify such a broad area of common law. Therefore, we are without any valid examples to follow.

Common law has developed at the state level. Therefore, it is obvious that when years of carefully evolved common law, supplemented by state statutes, are preempted at the federal level, we will have disruptions. State courts which have exclusive jurisdiction under proposed Act, will come up with varied interpretations. The developed hybrid will increase confusion and uncertainty and the picture will remain unclear for years, unless and until the Supreme Court, already overburdened as stated by Chief Justice Burger, resolved the matter.

Question. The March 1983 issue of the American Bar Association Journal reports that the ABA recently conducted a random poll of 528 members and 78 members of the ABA's Law Student Division. The results indicate that 491 of those polled favor "enactment of federal product liability legislation superseding state law." Isn't this inconsistent with the position adopted by a majority of the ABA House of Delegates at the midwinter meetings? Some have suggested that the ABA poll was confined to the Association's younger members. Isn't this incorrect?

Answer. It is not correct that the Law Poll in the March issue of the ABA Journal reported that 491 of the 606 people polled favor "enactment of federal product liability legislation superseding state law." The poll reported that 73 percent of the respondents attached great or moderate importance to the issue but that less than half of the respondents favored federal legislation in this area. The poll made no effort to determine the type or extent of federal legislation which would be supported by those favoring some federal legislation.

I have no information on the polling techniques used in the poll and cannot comment on the age distribution of the sample or on the statistical validity of a sample of 606 persons out of a profession numbering over 600,000.

The 385-member House of Delegates, which is carefully structured to represent all aspects of the Bar, carefully studied all sides of this matter before making its final decision in February of 1983. When the Section of Corporation, Banking and Business Law of the ABA submitted its proposal of the House of Delegates in August of 1982 to reverse the ABA's position opposing enactment of federal preemptive legislation and further asking the ABA to support legislation such as S. 2631, the delegates voted to defer the matter until the next meeting six months hence. The House further requested that the ABA President appoint a Special Committee to study the matter. This was done, resulting in a detailed report of over forty pages, which was submitted to all delegates in advance of the February 1983 meeting. At that time, the House of Delegates voted to approve a recommendation of the Special Committee report, which opposed broad federal preemptive legislation, by a vote of 185 to 113 and voted to approve two recommendations providing for support of federal legislation in limited areas: occupational disease litigation such as that involving asbestosis, and allocation of liability risks between the federal government and its contractors.

Please let us know if we can provide any additional information.

Sincerely,

ERNEST Y. SEVIER,
Chairman, Section of Tort and Insurance Practice.

QUESTIONS OF SENATOR HOLLINGS AND THE ANSWERS THERETO

Question. Some other resolutions were considered by the American Bar Association's House of delegates. What were these resolutions?

Answer. The ABA's Special Committee report, prepared at the request of the House of Delegates for its deliberations in Febrary 1983 in New Orleans, made five recommendations. Three of them, which were attached to my written statement were approved by the House. Two of these approved recommendations provided for support of federal legislation in limited areas: occupational disease litigation (such as that involving asbestosis); and allocation of liability risks between the federal government and its contractors.

There were two other exceptions provided in the Special Committee's report which were turned down by the House of Delegates: recommending federal legislation regarding actions for damages sought for harm for which an injured person is entitled to federal or state workers compensation type benefits (defeated by voice vote); and consideration at the federal level of problems inherent in punitive damages (defeated 127 to 141).

The House also had before it a report recommending ABA approval of broad federal legislation in this area, presented by two sections of the Association. These sections withdrew their report following the House debate and favorable action on the Special Committee's report.

Question. To what extent did voting delegates at the ABA New Orleans meeting have information on which to base their decision?

Answer. Each delegate was given a complete copy of the full report of the ABA's Special Committee, which had been appointed by the ABA President to study the matter after that issue was deferred for consideration from the August 1982 meeting to the February 1983 meeting of the House of Delegates. Each delegate was also given the full report of the Corporation, Banking and Business Law and Public Contract Law Sections which called for support of broad federal legislation. Additionally, each delegate was inundated with statements from representatives of the manufacturing community asking that the ABA support a broad federal products liability law.

Question. It has been alleged that the ABA delegate vote to oppose federal product liability reflects only the views of the plaintiff's bar. What is your response?

Answer. The House of Delegates voted by a substantial majority 62 percent to oppose broad federal product liability legislation. No vote breakdown is made when such a vote is taken to indicate who voted each way but the vote strongly suggests support for the House action from many different segments of the Bar. Enclosed is a list containing a breakdown of the House of Delegates membership.●

FOUR SMALL WATERSHED PROJECTS

● Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works carries the responsibility for authorizing construction of certain Public Law 83-566 small watershed projects that are to be undertaken by the Soil Conservation Service.

Since 1976, the committee has included in its resolutions authorizing such projects a ceiling that limits expenditures on each project to the cost that was estimated at the time of authorization, plus cost increases due to inflation.

Earlier this year, the Soil Conservation Service notified the committee that the cost of four of these projects would exceed the limitations that had been imposed by the committee.

Due to special circumstances on these four projects, the Committee on Environment and Public Works on August 2, 1984, voted to approve new cost ceilings. Mr. President, I ask that a copy of my letter to Secretary Block regarding these projects be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, August 6, 1984.

Hon. JOHN R. BLOCK,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: In testimony before the Committee on Environment and Public Works on June 13, 1984, the Soil Conservation Service indicated that the cost of four small watershed projects previously authorized by Congress would exceed the authorized levels.

Given the unusual situation that has developed with each of the four projects, the Committee on Environment and Public Works voted on August 2, 1984, to approve the higher cost levels and continued installation of the Public Law 83-566 projects listed below. The new cost limits will be the Federal cost listed, plus or minus such amounts, if any, as may be justified by reason of the fluctuation in the costs of construction, as indicated by engineering costs applicable to the type of construction involved. The projects:

Bush River Watershed, Virginia—$6,490,000 (using January 1984 prices).

Great Creek Watershed, Virginia—$2,900,000 (January 1984 prices).

Little Calumet River Watershed, Illinois—$68,645,500 (January 1984 prices).

Cottonwood-Walnut Creek Watershed, New Mexico—$24,630,000 (January 1984 prices).

The Committee's decision with regard to the Cottonwood-Walnut Creek Watershed was based on the understanding that the cost estimate reflects an agreement between the Soil Conservation Service and project sponsors to supplement the original work plan by eliminating all but three of the eleven structures that were contained in the original plan.

We would appreciate your keeping this committee informed of progress on these projects.

Sincerely yours,
ROBERT T. STAFFORD,
Chairman.●

JOHN A. BUTLER—A TRIBUTE

● Mr. BOSCHWITZ. Mr. President, this summer Minnesota lost one of its outstanding citizens and a most remarkable human being: John A. Butler. His accomplishments and influence went far beyond the borders of my State, so I would like to share with the Nation, by having it reprinted in the CONGRESSIONAL RECORD, a very moving tribute to John Butler that was delivered at his funeral by University of Minnesota professor, Gordon I. Swanson.

The tribute follows:

JOHN A. BUTLER—A TRIBUTE
(By Gordon I. Swanson)

There is a destiny and a duty in each human pilgrimage which is difficult to fathom and impossible to fully comprehend. We look today at only a few of the footprints of a man who, by mid-career had already become one of the great heroes of his profession, a position which he shall hold for the remainder of this century and on through the next.

John A. Butler came to Minneapolis from his birthplace in Perrysville, Missouri and took a job as a carpenter at the age of 15. Attracted to the mysteries and the challenges of the emerging role of electricity in American industry, he changed his occupation and, at the age of 17, was employed as an electrician in Minneapolis. Seeking to improve his skills, he enrolled at Dunwoody from which he graduated at the age of 19. Two years later, at the age of 21, he was invited to accept an appointment as an instructor at Dunwoody. It was at this stage that John Butler began a remarkable record of devotion to the task of improving the destiny of young men and women across the nation, to serving the community and, thus, to enriching the legacy of one of the city's major benefactors, William Hood Dunwoody. At the age of 35, John Butler became the Assistant Director of Dunwoody, and by his mid-forties he had become the Director.

He was a genious at attracting people of quality and ability to his side. The staff at Dunwoody and his professional colleagues across the nation are ample evidence. Some strong leaders attract only subservient colleagues, but Butler identified with those who had talent, ability, independent judgment and initiative. No ordinary person could have won, held and led such a diverse assembly of remarkable collaborators and co-workers.

He was a powerful factor of influence in the White House, on Capitol Hill, in many state legislatures, on numerous Main Streets across the country, and in the halls of academe. His wisdom and his wit seemed to find its way everywhere. For a 35 year period, he served on almost every appointed commission to study and strengthen higher education in Minnesota.

In academe he was regarded, not only as a notable organizer and manager, but as an eloquent lecturer, a respected author and a careful researcher. He conducted seminars all over the world, and he was comfortably "at home" in numerous capitals of the world. Most of all, it was known that he had covered the ground, in carefully measured steps, from 15-year old carpenter to renowned intellectual leader and so the admiration and respect he engendered was never merely gratuitous; it was always genuine.

In 1981 on the occasion of the 75th anniversary of the College of Education, University of Minnesota, it was noted that, in its entire history, the college had never awarded an honorary doctorate. Although it is a sparsely awarded honor, there was no difficulty in determining who most merited the honor. The University faculty and regents agreed, and John Butler was awarded the first and only honorary doctorate recommended by the faculty identified with the oldest and one of the most prestigious colleges of education in America.

John Butler was in all things a man of standards—standards in scholarship, in language and in personal relationships. His accomplishments reveal much about him—his dedication, his hard work, his leadership and his wisdom. They also reveal the power, logic and precision of an orderly mind as well as the fairness, humanity and generosity that made him so valuable a citizen of this state. In addition to his accomplishments, there are some personal qualities which endeared him to his friends—his subtle wit, his genuine modesty, his distaste for pretension, his vast learning and his boundless good will.

For more than a half century, John Butler was the architect of policies and programs which enriched and ennobled this state and nation. There is no way that any of us can keep from noting this great influence.

He is included in what George Eliot called "the Choir Invisible of those immortal dead who live again in lives made better by their presence."

Someone once asked G.K. Chesterton, the famous British historian, why, in all of England, there were no statues to the Romans. Surely, Rome was an important factor in British history!

Unhesitatingly, Chesterton replied, "In England we don't need any statues to the Romans, here we are all statues to the Romans."

In Minnesota, we don't need any statues to John Butler. Here, we are all statues to John Butler.●

S. 2258—GRANTING OF FEDERAL CHARTER TO 369TH VETERANS' ASSOCIATION

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of legislation offered by my distinguished colleague, the senior Senator from my home State of New York, Senator MOYNIHAN. This bill, S. 2258, will grant a Federal Charter to the 369th Veterans' Association, originally an all-black unit. This bill is identical to a measure introduced in the House of Representatives by another distinguished New Yorker, Representative CHARLES B. RANGEL, which passed unanimously in the House.

I take this action at the request of Mr. Roderick Gittens, the president of the 726th Fraternal Association, Inc., formerly Battery A of the 369th Coast Artillery [AA]. He wrote to me on behalf of this measure on July 6, 1984, following up on a meeting between us on May 14. I commend him for his efforts in support of this measure and assure him that I will do all I can to ensure its swift passage.

The 369th has a long, proud history highlighted with many accomplishments and honors. Its distinguished record in World War I will long be remembered. In fact, Hamilton Fish, Sr., later a New York Member of Congress, was a captain and company command-

er in the 369th Regiment during World War I.

The 369th Veterans Association has been operating since 1953 as a nonpartisan and nonprofit organization. Its membership is comprised of honorably discharged men and women of all races, colors, religions, and ethnic origins. Members of the association reside all over the country. Its activities are directed toward people of all ages for charitable, educational, and patriotic purposes. Its list of past and present endeavors is diverse and extensive.

Mr. President, I strongly support the objectives and goals of this organization. Last year, the 369th Veterans Association asked my support for the installment of a plaque in Hawaii in honor of those Afro-Americans who served in World War II in the 369th Coastal Artillery Regiment. I worked for this goal, writing letters to Hawaiian leaders on the organization's behalf. Last year, in 1983, the plaque was installed, making Hawaii the first State to recognize the efforts of Afro-American servicemen. I believe that we should act quickly to pass this bill, which would provide richly deserved national recognition, attention and commendation to the loyalty and service of Afro-Americans in our Armed Forces.●

VICTORIA MAZZARELLI

Mr. WEICKER. Mr. President, on Monday, July 2, 1984, at the New York international ballet competition, Victoria Mazzarelli of Torrington, CT, was awarded the gold medal as the most outstanding dancer. Miss Mazzarelli's triumph climaxed a 3-week program that included 1 week of competition. What made Miss Mazzarelli's accomplishment all the more noteworthy was that she was the only recipient of a gold medal at the first New York international ballet competition.

Miss Mazzarelli, a dancer with the Nutmeg Ballet Co. of Connecticut since she was 4, danced the pas de deux from "La Fille Mal Gardee" with her partner in this competition, fellow Nutmeg dancer Jonathan Bauer.

Her solo number was "Annie Oakley," choreographed in the American traditional style by Yuli Vzorov for Nutmeg Ballet. "Annie Oakley" is a part of the company's repertory production, "Western Revelries," which was choreographed by assistant director Donna Bonasera.

It was in this work that Miss Mazzarelli had a complete triumph. Undaunted by the challenge, she proved herself a technical wizard, fulfilling every requirement of the choreography to perfection. She was the audience favorite at the finals and won a storm of applause and bravos.

In the past few weeks we have had many reasons to be proud of our young men and women who performed so ably in the 1984 summer Olympics. They truly gave a wonderful account of themselves in winning the gold at the athletic competitions. Today I salute Victoria Mazzarelli on the occasion of winning the New York international ballet competition and I urge my colleagues to join me and the citizens of Connecticut in taking great pride in Victoria Mazzarelli's accomplishment of winning this gold in the arts.●

POLISH DAILY NEWS 80TH ANNIVERSARY

● Mr. LEVIN. Mr. President, I would like to take this opportunity to recognize the 80th anniversary of the Polish Daily News, a vital source of communication for Michigan's Polish community.

The Polish Daily News was founded in 1904 by a group of parishioners at St. Albertus Church and their pastor, Father Mueller. The publication was created to inform the many Polish natives settling in the Detroit area of local events.

Today, the Polish Daily News—which changed to a weekly format in 1981—publishes both a Polish edition and an English edition. Their subscribers are not only in the Detroit area and in Michigan, but also in Europe, Australia, and New Zealand.

Michigan is proud of its 1 million citizens of Polish ancestry. The Metropolitan Detroit area alone has 600,000 Polish-Americans—the second largest Polish population concentration in the Nation.

Recent years have not proven easy for ethnic publications in this country and it is a testament to the hard work and perseverance of the extraordinary staff of the Polish Daily News that it continues to thrive. I commend Chairman Bruno Nowicki, President Adam Sarnacki, editor and chief Stanley Krajewski, and secretary and general counsel Larry Ledwon for their great dedication. I further commend all those associated with this publication for the fine job they do in bringing community, State, national, and international events to their readers. They provide a valuable service by keeping the Polish culture and tradition vibrant in the mosaic of American life.●

A SUSTAINABLE AGRICULTURE POLICY

● Mr. DURENBERGER. Mr. President, recently Mr. Terry Gips, the executive director of the International Alliance for Sustainable Agriculture offered testimony before the Subcommittee on Agricultural Research and General Legislation in regard to S. 1128, the Agricultural Productivity Act of 1983.

I was very pleased to have the opportunity to read Mr. Gips' statement, not only because he is a fellow Minnesotan with a great deal of experience in agricultural policy and economics, but also because he supports this bill of which I happen to be a cosponsor.

In his testimony, Terry covers two subjects quite well. First, as a result of his broad experience in this field, he was able to give the subcommittee a good overview of the efforts of other nations to develop a sustainable agricultural policy. Second, he informed the subcommittee of the ripple effects that even a small Federal effort would have on research in this area domestically.

Mr. President, I recommend the remarks of Mr. Gips to my colleagues and ask that his statement be printed in the RECORD with my comments.

The statement follows:

INTERNATIONAL ALLIANCE FOR SUSTAINABLE AGRICULTURE

(Statement of Terry Gips)

Mr. Chairman, Members of the Subcommittee: I am Terry Gips, Executive Director of the International Alliance for Sustainable Agriculture, a non-profit, tax-exempt organization of individuals and groups committed to the creation of economically viable, ecologically sound, socially just and humane agriculture worldwide. We have three major program areas: (1) Research and documentation of sustainable agricultural practices; (2) Organizational support and Networking; and (3) Education and information dissemination. We are funded by memberships, donations, grants and the sale of slide shows and publications such as a bimonthly newsletter Manna and a monthly worldwide news information service, "New Directions in Agriculture."

I welcome this opportunity to appear before you today, a place quite familiar to me as I served as an aide to former Congressman, now Federal Appeals Court Judge Abner Mikva, as well as agricultural legislative assistant to former Congressman John Krebs. The perspective I'd like to share with you is based on ten years of experience in many aspects of agriculture. I am an agricultural economist trained at the University of California, Davis and the Yale School of Management. I have worked as a Cooperative Extension Advisor, economic analyst and grain merchant with Cargill, Inc., White House Domestic Policy/Intergovernmental Relations Staff Assistant, Co-founder/Director of the Sacramento Community Gardens Program and author of a forthcoming book based on two years of travel around the world researching and documenting sustainable agriculture. I presently serve as an alternate board member of the International Federation of Organic Agriculture Movements (IFOAM), national steering committee member of the Pesticide Action Network and board member of the midwest-based Organic Growers and Buyers Association and the Wedge Community Food Cooperative.

These diverse experiences have given me an indepth understanding of the promise and problems in developing a sustainable food system. After having visited and documented hundreds of biological, organic, regenerative, biodynamic and other sustainable farms in forty countries, it is clear to

me that not only are such practices viable, but they may provide some badly needed answers to many of the problems we are facing with contemporary agriculture.

This was underscored at a just completed Research Colloquia on Sustainable Agriculture sponsored by Michigan State University, one of our nation's leading land grant universities. The remarks of Dr. James Anderson, Dean of the College of Agriculture and Natural Resources summarize the importance of developing sustainable practices as embodied in the Agricultural Productivity Act:

"We have given very little consideration to the externalities. We can't continue at the present rate. We must look at a new technology that will be politically, socially and ecologically acceptable. It is fortuitous that such technology is now available."

Today, I'd like to address two areas. First, utilizing the resources of the International Alliance for Sustainable Agriculture, I'd like to provide an international perspective on some similar legislation and research being carried out in Canada and Europe. Once this is in context, I think you'll see that this legislation simply makes good, sound economic sense. Second, I'd like to point out some of the undiscussed "externalities" so often neglected by economists in policymaking. In this case, however, I will take a really unusual step for an economist and point out several positive externalities that provide additional merit for this legislation.

As far as the first point is concerned, a number of countries have been funding similar investigations for up to four years, many of which have identical components to the Agricultural Productivity Act. Let's begin with Canada. In 1982 the Ministry of Agriculture in Quebec began a five year program providing for research on 12 organic farmers in Quebec, one in each of the twelve agricultural regions of Quebec. The purpose is to obtain baseline data on productivity and income as well as develop cost of production data to determine eligibility for government farm credit. A wide variety of farm types were selected, from greenhouse and vegetable operations, to dairy and grains. After five years, a report will be issued estimating the various costs of production for each specialty.

Since 1979, the German government has made a major commitment to research in all aspects of sustainable agriculture. University of Kassel Professor Hardy Vogtman provided a conservative estimate that at least 4.3 million Deutsche Marks (or $1.5 million) will be spent next year on public research and teaching in biological agriculture, as most narrowly defined. This amount thus excludes related areas such as legumes and insect pests for example. The funding will cover six experimental farms, limited research on 40–50 farms and sustainable agricultural extension services in each state throughout Germany.

The Swiss are spending $650,000 per year on such research, including a major comparative trial of twenty paired organic and conventional farms and 25 unpaired ones, according to Dr. Vogtman. Costs were minimized by utilizing each farm's existing bookkeeping system, a practice limiting the research's accuracy. The project is three years old and the first report has recently been published. The results are quite favorable and the program has now been refunded for another three years.

Dr. Vogtman estimated that Norway, Sweden and Finland are spending approximately $1 million per year on sustainable agriculture research, which is being matched through private contributions. France has just begun a decentralized national Institute of Biological Agriculture, and Austria spends approximately $180,000 per year on biological agriculture research.

One of the most impressive programs may be found in the Netherlands. The Dutch government currently expends approximately 10 million guilders ($3 million) on biological agriculture, according to research director Dr. Pieter Vereijken. An additional $3 million is spent on legume research. The program includes a 72 hectare (180 acre) experiment farm, 3 experimental farms in preparation, on-farm inventory research, a low energy animal farm, and education and extension with two full-time and twenty part-time extension agents.

A $3 million annual expenditure is indeed a major commitment in a country with 15 million people which is the size of New York state. Dr. Vereijken explained the rationale this way:

"We were the first to feel the problems because we have a very advanced agricultural system. We want to continue to live with our land and have the world's highest yields. For this reason, we have made a major commitment to research in biological agriculture."

With such a perspective, I think you can see why we feel the expenditure of $2.1 million for this bill is most reasonable, if not even less than is needed. As an agricultural economist and a taxpayer, I am quite concerned that every dollar we spend on research achieve the highest return possible. This marginal rate of return for certain areas of conventional research is stabilizing and in some cases decreasing after having poured hundreds of millions of dollars over the years. However, the potential rate of return in sustainable agriculture is quite high as we have only invested negligible amounts. Economic logic tells us we should increase our investment in areas such as sustainable agriculture until its marginal rate of return equals others. This is not saying we shouldn't invest in conventional research—only that research into sustainable practices must be expanded.

I'd now like to address some of the externalities of this bill, focusing on three. First, the provision of this funding will have a leverage effect on the entire research establishment. The bill will send a strong message to the research community that Congress believes sustainable practices are a priority and the funding will encourage expanded research within the USDA and land grant universities. The simple existence of the Agricultural Productivity Act has already generated increased research interest of such land grants as the University of Minnesota. For a nominal amount, a great deal of leverage will be achieved, creating a far greater return.

Second, this bill will provide a major psychological boost to the many farmers who feel trapped on a chemical/financial treadmill. The passage of the bill has special importance for the approximately 34,000 organic farmers in this country (Rodale estimate) and the thousands more who are seeking to establish more sustainable practices. They have received minimal assistance in meeting their information needs and this bill represents an important first step in acknowledging the importance of providing this information and ensuring that the USDA will make it a priority. By supporting this bill, Congress will send a strong message both to these farmers and the general public that it is concerned about the future of agriculture and our food supply and that it is committed to investigating and developing sound practices that will allow farmers to continue into the future.

Third, this bill offers us the opportunity to maintain our image as the world's leader in developing new farm technology and practices. Our investment in research and development has reaped benefits many times over. For this reason, countries around the world turn to us for leadership in agriculture, with consequent multiple benefits for our economy. They will continue to do so only if we are at the cutting edge with appropriate, sound practices.

In conclusion, we are now faced with serious economic, environmental, social and health issues related to agriculture. There are no quick, easy fixes or panaceas, but research into sustainable agriculture offers potential answers to many of the problems we are facing and will face tomorrow.

We must now make a choice, for we are at a crossroads. Either we can continue on the same path and allow the problems to fester to perhaps irreversible proportions or we can choose to explore the new path offered by sustainable agriculture.

By supporting the Agriculture Productivity Act, we will be taking an important first step towards an agriculture with a future. A relatively small financial commitment will return itself manyfold and allow the United States to remain a leader in world agriculture.●

369TH VETERANS' ASSOCIATION

● Mr. MOYNIHAN. Mr. President, I am pleased to be able to note that, with the addition of seven names today, 40 Senators have now cosponsored S. 2258, a bill I introduced on February 6, 1984, to grant a Federal charter to the 369th Veterans' Association.

The rules of the Committee on the Judiciary quite properly require 40 cosponsors of bills to grant Federal charters, before they shall be reported to the full Senate. This is a reasonable requirement as it establishes that there is broad support in the Senate for any such proposal. Now that 40 Senators, including 17 Republicans and 23 Democrats, have agreed to lend their sponsorship to this measure, I look forward to early and favorable action by the Judiciary Committee.

An identical measure, introduced by my friend and colleague from New York, Representative CHARLES B. RANGEL, passed the House of Representatives on November 14, 1983, by vote of 406 to 0.

The association is named for the originally all-black 369th Infantry Regiment, organized in Harlem in New York City in 1916 and dispatched abroad the following year to serve alongside the French Army.

The heroism of the men of the 369th has become the stuff of legend. The regiment was the most highly decorated American unit to serve in the First World War. Cited 11 times for courage under fire, the 369th never lost a foot

of ground—and not a single member of the regiment was captured. When new York City welcomed home its veterans after the war, the 369th led the parade down Fifth Avenue.

The 369th Veterans' Association was founded in 1954, in order to preserve and continue this tradition of selfless service and patriotism. It is a nonprofit organization with an impressive history of community service—not just in New York, but across the country.

While the greater part of the association's membership resides in the New York and New Jersey areas, its members also reside in Alabama, Alaska, Arizona, Barbados, West Indies, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Germany, Hawaii, Illinois, Indiana, Jamaica, West Indies, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Switzerland, Tennessee, Texas, Virgin Islands, Virginia, Washington State, and Wisconsin.

Among its many accomplishments, the association has provided counseling to veterans and direct assistance to veterans hospitals. It has also sponsored scholarship and tutorial programs for children in need and a host of vital services for the elderly—including the purchase of medical equipment for senior citizen centers.

The 369th Veterans' Association is organized and operated solely for charitable, educational and patriotic purposes. The association performs activities on a national scale and is unique in its glorious history and the scope of its programs, such that a Federal charter is the appropriate form of incorporation.

The 369th Veterans' Association is an organization that merits the recognition of Congress and the American people. The granting of a Federal charter is a natural and proper gesture.

Not surprisingly, sponsorship of the bill has come from 29 States across the Nation. I would like to express my appreciation for their support to the 40 cosponsors of S. 2258, whose names follow, in alphabetical order.

S. 2258, A BILL TO GRANT A FEDERAL CHARTER TO THE 369TH VETERANS' ASSOCIATION

(Introduced by Senator Daniel P. Moynihan on February 6, 1984—Cosponsors (as of Aug. 8, 1984))

Senators Baker, Bentsen, Boschwitz, Bradley, Burdick, Chiles, DeConcini, Denton, Dodd, Durenberger, Exon, Garn, Gorton, Hart, Hatch, Hawkins, Helms, Hollings, Huddleston, Inouye, Johnston, Kassebaum, Kasten, Kennedy, Lautenberg, Levin, Lugar, Mathias, Matsunaga, Metzenbaum, Mitchell, Pell, Percy, Pressler, Pryor, Sarbanes, Sasser, Stafford, Tsongas, and Wilson.

Total: 41 Senators (24 Democrats; 17 Republicans.)●

Mr. President, I look forward to early passage of the bill, and its signing by the President, hopefully, before the 31st anniversary of the founding of the association on October 6, 1984.

AMERICAN MEDICAL ASSOCIATION PRESIDENT'S INAUGURAL ADDRESS

● Mr. PRYOR. Mr. President, on June 20, 1984, Dr. Joseph F. Boyle of Los Angeles, CA, became president of the American Medical Association at its annual meeting in Chicago, IL. Dr. Boyle is a practitioner of internal medicine and diseases of the chest, and has long been active in physician organizations. He has an excellent record of distinguished service to this Nation.

In his inaugural address to the American Medical Association, Dr. Boyle eloquently described what he believes to be today's challenges to physicians in the United States. There are few, if any, issues of more importance to our country than the provision of health care services and all of us who participate in policy decisions would do well to listen to the advice of physicians who deal with the issues, and more importantly, treat the patients every day. Dr. Boyle's challenge to his colleagues in the medical profession can also serve as a challenge to all of us who, like physicians, serve the public and try to improve the well-being of individuals who place their trust in us.

I request that the text of Dr. Boyle's speech, as well as a short biographical sketch, be printed in the RECORD.

The material follows:

JOSEPH F. BOYLE, M.D., PRESIDENT, AMERICAN MEDICAL ASSOCIATION

Joseph F. Boyle, M.D., a private practitioner of internal medicine and diseases of the chest from Los Angeles, California, became President of the American Medical Association at its Annual Meeting in June 1984.

Elected to the AMA Board of Trustees in 1975, Doctor Boyle served as its Chairman from June 1981 to June 1983. He has long been active in organized medicine at the local, state and national levels. He has served in many elected capacities, including President of the California Medical Association and the Los Angeles County Medical Association, Speaker of the California Medical Association House of Delegates, and Delegate to the AMA House of Delegates.

Born in Jersey City, New Jersey, on November 21, 1924, Doctor Boyle received his M.D. degree from Temple University School of Medicine. His postgraduate work was done in both New Jersey and California. He is a diplomate of the American Board of Internal Medicine.

In addition to being on the staff of several Los Angeles area hospitals, Doctor Boyle has been Associate Clinical Professor of Medicine at the University of Southern California School of Medicine since 1954, and Past President of the California Chapter of the American College of Chest Physicians.

Recent honors include receiving the Distinguished Internist of 1983 Award from the American Society of Internal Medicine, the 1984 Presidential Commendation from the American Psychiatric Association, the title of Temple University Alumni Fellow, and the 1984 Temple University Alumni Association School of Medicine Certificate of Honor. Doctor Boyle serves as Chairman of the Steering Committee for the Health Policy Agenda for the American People.

Doctor Boyle's community activities have included the Los Angeles Area Chamber of Commerce; the California State Chamber of Commerce, where he recently completed a three-year term on its Board of Directors; the State of California Disaster Office; the California State Air Resources Board; President's Advisory Committee on Environmental Quality; and the California Citizens Committee on Tort Reform. He has served as President of the Board of Directors of the Tuberculosis and Health Association of Los Angeles County and is a member of the Board of Directors of the National Organization on Disability.

Doctor Boyle is the author of numerous papers on pulmonary and respiratory diseases.

SPEECH OF DR. JOSEPH F. BOYLE

My theme for you tonight is should we learn to say, "No." Every now and then on the Tonight Show, Johnny Carson plays a game called, "I have the answer. What is the question?" Ed McMahon feeds him an answer; Johnny quips the question.

Tonight, I have an answer for *you*. The answer is, "In a ten-year period of time, at least one million two hundred ten thousand people in the United States will have died. Over one million one hundred fifty thousand will have their lives shortened. Millions more will have been denied useful, productive and more comfortable lives because medical care had been denied them."

When Johnny does it, he is more irreverent than I will be when I say, "What is the question?" The question is, "What happened when American doctors learned to say 'no' to their patients?"

For over two thousand years, since the time of Hammurabi, doctors of medicine have dedicated themselves to a code of ethics, and although changing times and mores have produced a different set of words and phrases, the underlying bent of our commitment has been to help the sick, to do no harm, to educate the novice and to share medical knowledge with fellow physicians. The code of our medical bond is well summed up by two statements: The World Medical Association in 1948 said, "The health and welfare of patients shall be the first consideration, not allowing economics, politics, race or religion, or any other circumstance to take preference." A statement of the American Medical Association's Judicial Council says that while physicians should be conscious of cost, and not provide or prescribe unnecessary services, social policy expects that concern for the care of the patient will be the physician's first consideration.

Back to the question, the one about what happened when American doctors learned to say "no". The answer I gave you is not a fanciful one. It is culled from data contained in a report by Henry Aaron and William Schwartz writing for the Brookings Institution in a book entitled, "The Painful Prescription." The report is a very thorough, careful and objective evaluation of the system of medical care in the United Kingdom as compared to that in the United

States. Their data indicate quite clearly that were the standards for treatment now utilized in the United Kingdom applied to the people in the United States, there would be no fewer than 37,000 excess deaths a year from renal disease, 48,000 from cancer, 40,000 from coronary disease; 138,000 people would be denied the extension of a useful, productive and comfortable life. And that is just some of it.

Of critical importance to this country's physicians is the report's assessment of the attitudes of the United Kingdom's physicians. Doctors there gradually refine standards of care so that they can escape the constant recognition that financial limits compel them to do less than their best. They persuade themselves that patients lose nothing of medical significance when budget limitations force the provision of alternate forms of care, forms less than optimal. For the renal patient who dies, the victim of angina in pain, the person with the mis-diagnosed head injuries, alternate treatments, albeit good for the budget, are not good for them. For the physician who prescribes the alternate treatment under the pressure of resource limits, those pressures allow the doctor to avoid the painful realization that he or she is doing less than the best for patients.

One consultant noted, "The physician has to look at the arguments for not treating a patient in order for the doctor to live with himself and to sleep well at night." In the United States, after twenty years of searching for means to assure access and availability of high quality medical care, and hospital services, to every person in the country, and after eight years of agonizing over how we can reduce the escalation in the cost of care, and promote economy and efficiency in the delivery of health care services, we have progressed to the question of how best to *limit* access, *decrease* demand and *ration* care. If you are pondering the appending of "we have progressed" to the question of reducing care, we can go on to the next query.

For the question before us now is how do we as a profession respond to the challenge of achieving true progress instead of the retrenchment just described. To me, it does not involve learning to say "no" to our patients, but instead requires a rededication to our professional ethics.

It does not involve berating ourselves, donning sackcloth and ashes, reciting hourly acts of contrition. Rather it does involve behaving like professionals in a profession that believes in itself, that believes in its future. It does not involve succumbing to the siren song of the business world, seeking means to enhance profits for personal wealth. No, it involves seeking the means to continue to provide good care for those who entrust their lives and well being to us.

For a few moments, explore with me some of the dimensions of this challenge. Remember we are the profession that helps the sick, does no harm, educates the novice and shares medical knowledge with fellow physicians. We are the people who believe that concern for the care of the patient will be the physician's first consideration. Contrast these ethics with the advice that we now receive from marketing experts, entrepreneurs seeking membership in PPOs, economists, and, unfortunately, an increasing number of doctors of medicine. Their advice says that in today's world the oath of Hippocrates, wherein it states that physicians have a primary responsibility to the individual patient, is irrelevant. These counselors would have us believe that, instead, we should adopt a business ethic.

Our professional ethic says that we are a collegial brotherhood and sisterhood in which our interests are mutually intertwined. A business ethic says, get your share, drive the other fellow to the wall. Professional ethic says that we shall establish standards of what constitutes moral and professional conduct; that we will care for people, regardless of the circumstances, with compassion and concern.

The business ethic was well summed up for me by Uwe Reinhardt, professor of economics at Princeton. Discussing the question, how does medicine and how do hospitals cope with a transformation into an industrial complex, Dr. Reinhardt answered that, in Economics I, he poses the question to his students, "What is a business ethic?" His answer, "A business ethic is to maximize the return on investment to your shareholders without breaking the law." And he noted that he further advises his students that when they are in business they should consider themselves in a race. In that situation, a hundred-yard dash for example, it might be nice social policy to pick up a candy wrapper on the track, but you'd not be likely to win many races. And in business, you do not pick up social trash along the way. Not if you intend to win.

Roger Evans, in a special communication published in JAMA in April 1983 entitled, "Health Care Technology and the Inevitability of Resource Allocation and Rationing Decisions," made it very clear that there is an inherent conflict between the rationing of medical care and resource allocation and the oath of Hippocrates. He says that if the individual responsible for the allocation of resources is the individual physician, then that physician must, perforce, give up responsibility for the individual person. Further, Dr. Evans points out that recent reports indicate that competition can have a negative impact on the quality of care patients receive. He also notes that when the public is exposed to decisions contrary to the interests of the person involved, decisions based on a mix of both medical and social criteria differentially valuing human life, the public will become increasingly irritated and resentful.

Another example, perhaps closer to this House of Delegates, the review of the Health Policy Agenda, showed that several principles clearly speak to the question of professional ethics. The report says primary responsibility for the establishment and implementation of professional standards should rest with the health care profession, and institutions and health care practitioners should function according to codes of ethics that take into account traditions of the profession, moral values of society, and developments in science and medicine. Codes of ethics should be an addition to the requirements of the law and the dictates of personal conscience.

How do we resolve this principle with a possible dilemma to be faced by physicians when, because of DRG reimbursement or other resource limits, they are pressed to either discharge patients from the hospital prematurely or not admit some patients to a hospital at all? Clearly, in the adherence to principles of our profession, physicians should not accept a dictate that they will act other than in the best interest of the patients under their care.

But there are other pressures that make it increasingly difficult for us not to abandon the traditional ethics of our profession. A major pressure, the Federal Trade Commission and the Anti-Trust Division of the United States Department of Justice, have repeatedly asserted that they do not desire to interfere with a profession's need to establish standards for competence of professional conduct designed to protect the public from fraudulent practices, abuse of license or hospital privileges and incompetent practices. But, in every instance, caveats are added which preclude medical societies from imposing sanctions on members who practice blatant quackery, habitually overcharge, practice beyond the scope of their clinical training, experience or competence, or hold themselves out to provide diagnostic and treatment modalities that have no scientific basis and may even be patently dangerous and potentially lethal—and all of this in the name of competition.

Some physicians rail mightily at organized medicine's apparent impotence in the conflict. Legislators and the media often compound the issue by pursuing the theme that physicians think they are above the law and that medicine should be subject to the same rules as any business enterprise. Opportunistic trial attorneys seize upon carefully drawn criteria designed as guidelines for appropriate care and use them against us in the courts during malpractice trials.

The net of all this fuss and fury has produced a loss of professional self-esteem, a decrease in our adherence to ethical standards, and a concomitant precipitous decline in public confidence. And this in a time when the public cries out that it needs to believe in institutions and needs confidence in those who minister to its needs. Is it any wonder that there is a loss of public confidence in its institutions?

I will suggest to you that we have an opportunity as a profession to regain the public's confidence if we are willing to accept the task of leading—leading restoration of simple morality in society beginning with ourselves. We can accomplish this beginning with a rededication to a professional ethic.

Why do we tolerate physicians in practice who after contracting to have their medical educations paid for at public expense then default on their loans or their commitments to public service, or cheat on entrance exams or examinations for licensure?

Should we not insist that medical schools include a mandatory course in ethics in the curriculum when 70 percent of graduates tell us that their training has been less than adequate in helping them deal openly with their patients, identifying conflicts in medical ethical issues and providing awareness of social responsibility?

Why do we, by our silence, seem to condone the practice of some of our members engaged in scientific research who patently falsify their results to advance their own careers?

Have we addressed the question of the ethics involved when physicians engaged in basic scientific research, in the employ of industry, accept the proscription to keep their research secret—not to share the discovery—even though that may mean that a major advance in the diagnosis or treatment of disease may be denied the general public for years, if not forever?

Have we addressed the question of whether or not our teaching institutions sought to accept research grants from industry when restrictions on the use of that research come along with the grant?

Should we not loudly and clearly be encouraging our local medical associations to seek the means whereby they can review fee practices of some of their members, rather than withdrawing from the arena?

Are we willing to pledge substantial portions of our assets to stand behind those scientific societies that are willing to establish standards of practice that will protect the public from the incompetent practitioner?

It is my judgment that if we proceed in a deliberate and conscientious fashion, committing ourselves to an ethical standard for medical practice which is intended to serve our primary goal and protect the interest of individual patients; if we do not succumb to the notion that the individual doctor will become the agent to decrease access or availability or diminish quality in the cause of saving hospitals; if we state clearly that we will not surrender to attorneys or courts the practice of good medicine; if we pledge not to leave to the courts decisions best made by patients and their families and physicians; if we can begin with our own behavior and commitment to provide appropriate role models for medical students and physicians in training; if we seriously address the question of the conflicts between the needs of patients and the needs of corporate enterprise both in the provision of care and the process of research—then we will have taken a long step along the path which leads to real progress in medicine instead of a retreat into mediocrity.

The public has repeatedly told us through opinion polls that they do want someone to establish, monitor and maintain standards for its protection. Likewise public voices repeatedly tell us that the people to whom they look to provide that assurance for them belong to associations of medical doctors. We have a need to believe in ourselves because the public has a need to believe in us.

And in these times of rapidly expanding technology people have an increased need to be treated as individuals—to be personally touched. Can we not show them we care—slow down a little—and just as from time to time we say to those near and dear to us, "I love you," now and then pause and say to our patients, "Hey, I care!"

Each generation marches to its own music. I ask, will ours be a dirge or a processional; a drill or an orchestral; a disorganized cacophony or a blending of concern, love, understanding and caring? Will it be an ending or a beginning? I suggest to you that the choice is ours. I am not so naive as to believe that we can tonight declare the direction that American medicine will take over the next two, five, or ten years. But I do suggest to you that tonight, if we the leadership of this country's physicians declare ourselves, then a direction will be ordained.

From experience, I know that tomorrow, and many tomorrows to come, will find me challenged by a host of interviewer microphones, an army of pencils poised over blank notepads and a galaxy of riveting and probing camera eyes and the people behind these tools of the media who will ask what I said to you tonight and what I meant by it. The most exultant position I could find myself in would be to be able to respond that I actually said nothing, but that you said to me that we have tonight resolved that we are a profession; that our lives are dedicated to the service of humankind; that we have examined ourselves and do declare that we remain committed to caring for people; that technology is a tool that we shall use wisely, but as its master, not as its slave.

Though the opportunity presents itself to enrich our purse, we shall opt instead to enrich our lives as we strive to enhance the lives of those we touch, those who entrust their beings to us. We stand prepared to care for all people simply because we care, and regardless of pressures we will remain advocates for our patients. The welfare of our patients is our agenda, come what may; our code of ethics is the bible by which we will live.

When I am quizzed tomorrow, can I deliver that message on your behalf?●

FOOD FOR PEACE

● Mr. HATCH. Mr. President, this year is the 30th anniversary of the Food for Peace Program. In recognition of this anniversary, 70 Senators and 230 House Members cosponsored a resolution to establish a Food for Peace day. This resolution signed into public law on July 9, 1984.

While the month of July has passed, I would like to include in the RECORD an expression of support and appreciation for this program which I recently received from the U.S. Ambassador to the Kingdom of Morocco expressing his support for this program. I ask that the text of his remarks be included in the RECORD.

The text follows:

FOOD FOR PEACE, 30 YEARS OF OUTREACH TO THE WORLD

(Statement by Joseph Verner Reed)

Thirty years ago, the United States Congress passed Public Law Number 480. It has since become known around the world as "Public Law 480" as its provisions have allowed the rest of the world to share in a modern miracle—the miracle of U.S. agricultural production.

Signed into law on July 10, 1954, by President Dwight D. Eisenhower, Public Law 480 provided the basis for the "Food for Peace" program by extending the fruits of the most productive agricultural sector in the world to those areas where it could help in relief and development. This program has established the United States as the world's largest food donor, providing more nourishment to the world's hungry than all other countries combined.

Here in Morocco, the first Public Law 480 shipments began in 1957 and have continued since then at levels varying according to Morocco's needs. Recognizing the effects of recent years of drought on the Moroccan economy and its farmers, AID Administrator Peter McPherson signed just last week in Rabat an additional supplementary agreement to provide supplies of grain to Morocco this year under a 25 year loan with very favorable terms. This brings to $45 million the amount of grain the Public Law 480 will bring this year to Morocco, one of the largest recipients for 1984.

Apart from its humanitarian purpose, a major goal of Public Law 480 is to help developing countries feed themselves. The law requires that this food be used to help support self-reliance and avoid creating impediments to local agricultural production. Additionally, once Public Law 480 foodstuffs are transferred to a country, the income from their sales on local markets must be used locally to support national development goals. In Morocco, the income from these sales has thus been applied to finance vital development projects. For example, during the past 25 years, Public Law 480 sales have provided important funds for the development of Morocco's forests. During the 1960's Public Law 480 made possible the reforestation of some 120,000 hectares of forest and soil conservation measures on another 120,000 hectares.

In 1984, in response to the most urgent problems of the countryside, the largest single program supported by Public Law 480 sales receipts will be the Emergency Livestock Protection Operation for which 205,000,000 Dirhams has been allocated by the Moroccan government. Other programs to be undertaken in 1984 from Public Law 480 support will be reforestation, soil conservation and dune fixation.

Since its inception in July 1954, the U.S. Food for Peace Program has delivered some 327 million metric tons of agriculture commodities worth over 33,000 million dollars to more than 1,800 million people in 100 countries. During the U.S. fiscal year that ends this September, the United States will spend about 1,500 million dollars to purchase and transport some six million metric tons of some 25 agriculture commodities to more than 80 nations. The major portions of this will go to Southeast Asia and Sub-Sahara Africa where drought and falling food output have created extremely adverse conditions for the peoples of those regions.

Since the 1950's Public Law 480 has always focused on the developing nations. Although many of the world's developing countries still face hunger and malnutrition, as a group they have almost doubled their food output since 1965, due in part to U.S. supported agriculture programs. The Public Law 480 program has shown itself to be a program of hope and accomplishment as former recipients around the world have solved serious food and development problems when their own endeavors have been coupled with the help of Public Law 480. Looking upon the efforts of Morocco in this field I am sure that by working together the United States and Morocco will see Morocco achieve its long term goals in food production.●

NATIONAL PRODUCTIVITY AND INNOVATION ACT

● Mr. PRYOR. Mr. President, I am pleased with the Senate's approval recently of Senate bill 1841, the National Productivity and Innovation Act. This legislation will allow and promote research and development programs among our Nations' industries in order to compete more effectively in world markets.

This important legislation will allow companies to pool technological resources and develop new products without facing possible antitrust violations. Foreign competitors have been using this practice to improve their products and compete for markets within the United States and around the world. This measure will allow our companies to compete more effectively while still keeping our antitrust laws intact ensuring free enterprise in the American marketplace.

We as a nation cannot afford to restrict the free enterprise system from competing fairly in world markets. I was pleased to support this bill.●

ASSISTANCE TO VICTIMS OF CRIME

● Mr. PRYOR. Mr. President, I wish to speak in support of the Victims of Crime Assistance Act of 1984. This important legislation provides assistance to the people affected by crime who are often the most forgotten, the victims. The crime victims' assistance fund will provide compensation for the untold suffering of innocent victims of crime. The unique feature of this bill is that the money for this fund would come from the convicted criminals or public donations.

We have experienced recently an example of the almost unbelievable tragedy that violence can cause innocent people. In a McDonald's restaurant in a California suburb not unlike suburbs all over the United States, customers were killed and wounded. We can never do enough for the families of the victims or the survivors to deal with their loss. We can, however, develop methods to lend some form of assistance to law-abiding citizens who were the unfortunate victims of a criminal act.

Mr. President, I hope that this legislation will be carefully considered by the Congress and that my colleagues will join me in expressing their support.●

ARMS CONTROL: HOW TO GET THERE

● Mr. QUAYLE. Mr. President, the ultimate ends of arms control—to reduce the likelihood of war, decrease the cost of maintaining adequate peacetime forces, and lower the destructiveness of war should conflict begin—are simple.

The difficulty comes in agreeing on how best to achieve these ends. Doves frequently argue that our best hope lies in simply trying to stop any and all strategic arms innovation: We must freeze and try to reduce as best we can from existing levels.

Hawks, on the other hand, are more reserved. They are interested in arms control but only if it produces balanced, significant, clearly verifiable cuts. To assure this, they insist that on correcting existing force imbalances before agreements are reached.

The Soviets, meanwhile, do not seem seriously interested in either angle. They would gladly freeze the existing imbalance and maintain their military advantage. Thus, their position on intermediate nuclear missiles in Europe: They must be able to keep most if not all of their new missiles but NATO must not deploy any new ones of their own.

Compounding this lack of negotiations progress, the weapons systems that most control proposals have attempted to limit are now being eclipsed by the development of newer, smaller, less indiscriminate, less vulnerable but also less verifiable systems.

For some these twin trends might suggest that arms control has no future and that arms stability is at risk. Yet, Zbigniew Brzezinski in a Wall Street Journal editorial of Tuesday July 10, 1984, concludes otherwise.

Mr. President, I think it is essential that we begin to examine these questions before we begin to debate arms control matters this fall. I, therefore, ask that Mr. Brzezinski's thought-provoking editorial, "From Arms Control to Controlled Security" be entered into the RECORD at an appropriate spot.

The editorial follows:

[From the Wall Street Journal, July 10, 1984]

FROM ARMS CONTROL TO CONTROLLED SECURITY

(By Zbigniew Brzezinski)

The prospects for a comprehensive and complex U.S.-Soviet arms-control agreement, building on the foundations laid by SALT I and SALT II, are increasingly slim. Indeed, it is quite possible that arms control as we have known it has come to the end of the road. Once the great hope of those who believed that the U.S.-Soviet rivalry could be limited by joint agreement—with some even seeing in arms control the catalyst for a genuinely friendly American-Soviet relationship—comprehensive arms control (on the model of the SALT agreements) is likely to be the victim of the bloody-mindedness of the present Soviet leadership and of the dynamics of the technological revolution.

The present Soviet leadership recently has done something quite remarkable in the history of the U.S.-Soviet competition. It has publicly postulated that there will be no arms-control talks unless the U.S. is prepared to accept a public humiliation and a political defeat: the dismantling of the relatively few Pershing 2s and cruise missiles so far deployed in Western Europe as a response to the hundreds of SS-20s deployed by the Soviet Union over the past several years. In effect, the Soviet Union has made arms control a hostage to the attainment of a truly major geopolitical objective: the severance of the U.S.-European security connection.

A NO-WIN SITUATION

The Soviet demand is thus unacceptable. Even the accommodationists who today dominate the discourse over foreign affairs within a segment of the American body politic reject the Soviet demand, and the Reagan administration enjoys widespread backing here and in Europe in refusing to bow to it. The Soviets have thus backed themselves into a no-win situation, an act of unprecedented diplomatic stupidity.

In order to extricate themselves, they have lately proposed separate negotiations in Vienna on an anti-satellite weapons agreement. President Reagan was wise in responding affirmatively to the proposal for negotiations, but he is equally wise in anticipating no real progress in them.

But in the meantime the hostage is dying. The primary victim of this situation is arms control—not in its unrealistic utopian version but as a modest and practical way of somewhat controlling the spirals of defense spending and weapons accumulation on both sides. The Soviet refusal to negotiate simple means precious time is being lost, and as a result it will be even more difficult in the future to reach a truly ambitious and comprehensive agreement, a better version of SALT II.

This is because the political paralysis in the negotiations is being outpaced by the dynamics of the weapons revolution. The simply fact is that both the U.S. and the Soviet Union are rapidly moving—while the arms-control negotiations remain stalemated—to acquire increasingly sophisticated weapons systems, making existing ICBMs ananchronistic. As pointed out in a recent study in the Naval War College Review by James Westwood: "The 1980s is a time of rapid transition and readjustments to technological changes in missilery. On the horizon are stealth-type bombers launching stealth cruise missiles (ALCM) and precision-guided munitions (PGMs), further obviating the role of ICBMs. Scientific and technological achievements in guidance, navigation, aerodynamics, electronic circuitry and componentry, and in warheads yields-per-warhead-weight appear to be leading rapidly to a downturn, perhaps to an eventual demise of the once-ascendant and now dominant ICBMs of the period 1960 to 1985. This trend holds both in the United States and in the U.S.S.R."

Highly mobile and extraordinarily precise delivery systems are coming into being and are beginning to be deployed. By way of example, the CEP (circular error probabilities) of a Soviet SS-19 has been approximately 1,200 feet; that of a Minuteman III, 700 feet; of an MX, 450 feet; and of a Pershing 2, with terminal guidance, about 100 feet. The latest Soviet missiles also involve similarly impressive operational improvements.

It will be increasingly difficult to impose effective and verifiable limits on these weapons. The verificiation problem is becoming increasingly acute, given the mobility of the new systems and the opportunities for rapid reloading and covert deployment. The question of how to control qualitative improvements plagued SALT II negotiations and, at best, only a partially satisfactory response was developed. Their difficulties pale in comparision to the complexities posed by the new systems. Adequate vertification of both qualitative and quantitative limits would require access to storage facilities and even perhaps to production centers. As a consequence, it is realistic to conclude that for both political and technological reasons, the chances of an truly comprehensive agreement, which can be reliably verified, are rapidly fading.

In that context, we are likely to see renewed attraction to war planners of a first-strike scenario. Since the mid-1950s, acquisition by the Soviets of a respectable nuclear capability meant that a first strike—inherently messy and unpredictable in its consequences—was until recently not an attractive option for either side. A messy attack with large and relatively inaccurate warheads (the only kind possible) would still precipitate an almost equally messy counterattack. But with the deployment of extraordinarily accurate systems, a first strike designed to paralyze the opponent's capacity to respond through the pre-emptive destruction of most of its forces and through the decapitation of its command structure can again become a viable planning option. From an offensive point of view, a sudden attack by highly precise and very numerous nuclear weapons is more profitable than an exchange resulting from a political crisis prompting both sides to gear their forces to maximum alert.

In the years ahead, one can envisage several ways in which nuclear weapons might be used in anger and by deliberation. Four basic variants summarize the range of possibilities: (1) a massive surprise attack; (2) through crisis escalation; (3) by contagion from non-superpower conflicts; (4) by terrorist attack. Of those, in the years ahead probably the fourth is the most likely since it involves a relatively simple operation, and it can be undertaken by a limited group of individuals with little concern for society and motivated by their own peculiar brand of rationality.

But while the employment of a nuclear device in a terrorist attack may be the most likely, for the U.S. a surprise attack poses the greatest danger. It could in one stroke create circumstances beyond our capacity to foresee either its social or historical consequences. Of course such a sudden-attack scenario remains unlikely, but one can disregard it entirely only at the greatest peril. Given the relative openness of American society, the precise location of key U.S. assets can be much more easily ascertained and effectively targeted than those of the Soviets. That makes the U.S. more vulnerable to such a strike, and it would be escapist to assume that Soviet planners would choose to ignore such an option altogether.

Moreover, a bolt out of the blue could create such initial disbelief among the U.S. decision makers that they would be unable to make a prompt response. Even without a special Soviet effort to disrupt or destroy U.S. decision makers, a sudden massive attack would put the American leaders under extraordinary psychological pressure, capable of inducing erratic behavior and hesitation. One can hardly imagine how utterly dumbfounding would be the situation in which the president would find himself awakened in the middle of some night, confronted with the following life-and-death decision tree (as based on public sources):

Time (minutes)

0 Massive attack launched.

1 SLBMs detected.

2 ICBMs detected.

4-6 Confirmation of attack; uncertainty over scale; U.S. decision process begins.

6-10 First SLBMs detonate in High Altitude EMP attack; SAC launched preemptively; confirmation of scale of attack; final U.S. decision process.

10-12 U.S. decision needed: Ride-out or response; first SLBMs detonate over U.S. SLBM bases and National Command Authority.

12-14 Final window for initiating response; launch under attack.

16-20 Delta SLBMs launched from home ports hit SAC.

20-30 ICBM attack initiated possible X-ray pin-down and begins impact on targets.

How in these circumstances would the president perform? How effective would be the chain of command? How rational would be the choices made in response to initially unbelievable information? Could incoming information regarding the nature of the attack be rationally related to the needed response? We are dealing here with truly sensitive and disturbing operational as well as psychological questions.

The advent of increasingly numerous and accurate systems is making it possible for planners of a strategic attack to envisage a first strike that leaves the opponent strategically crippled, capable of only a spasmodic, disorganized and strategically aimless response—or none at all. This still does not make a first strike attractive from a moral or even political point of view, given the stakes, but the point is that gradually the military attractiveness of this option is again increasing.

Accordingly, with the stalemate in arms control, the enhanced capacity of strategic offense must be offset—and it is likely to be offset by greater reliance on the part of both sides on defensive strategic systems. The Times of London put it correctly when it stated editorially on June 13: "The Soviet Union is now naturally worried about the consequences of a burst in American spending on missile defense. It casts doubt on Soviet plans for offensive systems since the possibility of any missile defense—even an incomplete one—would radically alter the cost calculation of offensive systems. In the long run a defensive program would enhance arms control by reducing the potential gains from building offensive weapons. . . . It is ironic and paradoxical that the age of deterrence has so confused the strategic mentality of many commentators that their reaction to a purely defensive system is to suggest that it increases danger."

The fact is that strategic defense has become feasible not in the sense that it can safeguard society but because it can increasingly complicate the planning and execution of an effective first strike. In other words, strategic defense can somewhat negate the offensive advantages of increasingly sophisticated strike systems, restoring the element of deterrence simply by creating again greater uncertainty as to the consequences of a first strike.

RESPECTIVE VULNERABILITY

For the U.S., it is an especially attractive option for it permits us to exploit the advantages of high technology, an area of U.S. superiority. This provides us with genuine potential for offsetting the military advantages gained in recent years by the Soviet Union, and would put pressure on the Soviet Union to return to serious arms-control negotiations.

But even with such negotiations, the development of some defensive strategic capability will remain desirable. It is often said that an imbalance might arise when one side sees the other side acquiring a relatively invulnerable shield while itself remaining invulnerable. Pre-emption might therefore become tempting. In fact, that is not likely to happen. The acquisition of a defensive strategic capability is not like purchasing an umbrella, which one can unfold against the rain upon leaving the store. It is bound to be a protracted trial-and-error piecemeal process, with both sides experimenting, deploying partially, and adjusting their capabilities, with neither one at any point in the next 15 to 20 years feeling it is truly invulnerable to the other side, even though over time the respective vulnerability of each side to a first strike by the other will gradually be declining.

Through such a process, a measure of reciprocal stability will be acquired and security of both sides will gradually be enhanced, through the process will not yield the kind of restraint in defense expenditures that many have associated with the hoped-for control. But the time has come to lay to rest the expectation that arms control is the secret key to a more amicable American-Soviet relationship or even to the enhancement of mutual security. The maintenance of such security will remain an ambiguous and protracted process requiring unilateral actions by both sides, and increasingly so in the area of strategic defense.●

NAVY LT. GARY SHANK RETURNS HOME

● Mr. DOLE. Mr. President, this is a very special day for the Shank family of Lenexa, KS—special because this is the day they are finally able to lay to rest their son Gary, a lieutenant in the U.S. Navy who was lost in Vietnam on July 23, 1972. Gary was one of eight U.S. military officers missing since the Vietnam war whose remains were recently returned by the Government of North Vietnam.

While Gary will be laid to rest in Johnson County Memorial Garden today, we must never lay to rest our efforts to gain a full accounting of his comrades who are still missing in action or remain prisoners of war in Southeast Asia.

Freedom has always been precious to Americans. It was Lieutenant Shank's display of devotion that has proven instrumental in maintaining that freedom, a quality so essential in shaping this Nation's destiny. Gary and his comrades were never forgotten heroes. This country can never forget nor fail to honor Lieutenant Shank and others still missing who have so courageously earned our highest regard.

Our country is also aware of the deep suffering experienced by the Shank family and other families who still have sons unaccounted for. These families have faced an awesome silence for far too long. While we can never begin to experience the collective pain that the Shank family and others like them have had to endure, we can do all that is humanly possible to gain the fullest possible POW/MIA accounting. We must never forget our obligation to their families.

For relatives of 38 other Kansan families whose sons have not been accounted for and for other families throughout the country, our efforts to locate, identify and bring home the remains of MIA's should serve as confirmation that their sacrifices have not been forgotten. Welcome home Lieutenant Shank.●

BUDGET DEFICITS MUST BE BROUGHT UNDER CONTROL

● Mr. PRYOR. Mr. President, I wanted to take a few minutes today to discuss the Federal budget and the very serious situation we're facing. As every Member of the Senate is aware, a few short years ago we had a deficit of about $60 billion. I believe that was in fiscal year 1980. Since that time, although the deficit went down only slightly in fiscal year 1981 to about $57 billion, we've been on a path as far as deficits are concerned, that we've simply got to reverse.

The last 2 years have been virtually unbelievable as far as rolling up the red ink is concerned. In fiscal year 1982 we had the largest deficit in the

history of the country—$110 billion. This was almost double the previous record of $66 billion set during the administration of former President Ford. Then, Mr. President, last year, we made the $110 billion figure look good, as the deficit rose to a whopping $195 billion. The latest estimates for the coming years are very ominous, Mr. President, since the forecasts are in the $180 billion range.

Not only will the deficits exact a terrible price in terms of higher interest rates, but they will also compound our problems with trying to balance the Federal budget. This is because interest payments on the national debt are getting larger and larger every year. This interest payment must be paid, and is a budget outlay of the Federal Government.

During the recess, Mr. President, I received a letter from Mr. Ralph Weems, president of the American Soybean Association. In his letter, Mr. Weems noted how large and persistent budget deficits hurt American agriculture, not only through higher interest costs, but also how they damage our exports due to the strength of the dollar. In addition, Mr. Weems urged Congress to work in a bipartisan manner to make further, more significant reductions in the Federal budget deficit, including passing a proposed constitutional amendment requiring a balanced Federal budget. I couldn't agree more, Mr. President, with Mr. Weems' call for bipartisanship, and also, the need for the proposed constitutional amendment mandating a balanced budget.

I cosponsored the balanced budget amendment shortly after coming to the Senate, and when it was before the Senate on August 4, 1982, I joined 68 of my colleagues in voting for the proposed amendment. Since the amendment had the necessary two-thirds majority, it was sent to the House, where is failed to gain the two-thirds vote on October 1, 1982. Although this measure has been defeated once in the House, Mr. President, I am very hopeful that we can revisit this issue in the near future, and hopefully, send the measure to the States for ratification. The longer we wait to enact this needed budget reform, Mr. President, the longer it's going to be until we're able to effectively control Federal spending.

Recently, President Reagan presented a list of six priorities. Let me quote him when he cited the first item on his list:

> First, a constitutional amendment requiring a balanced budget—and we must balance it not by raising the tax rates of hard working Americans, but by insisting that Government spend no more than it takes in.

In addition to the proposed constitutional amendment, Mr. President, I think we should enact a budget freeze. Within the last few years, I've become convinced that a budget freeze, in conjunction with other budget reforms, like the proposed constitutional amendment will hold down Government spending and bring about lower interest rates. The distinguished Senator from South Carolina, Mr. HOLLINGS, offered a budget freeze proposal in 1983, and I joined him in that effort. If my recollection is correct, we got 16 votes in this Chamber. This year, Mr. President, he offered another budget freeze during our consideration of the budget resolution, and he got 38 votes. Additionally, my two distinguished colleagues from Kansas and Iowa, Mrs. KASSEBAUM and Mr. GRASSLEY, offered their version of a budget freeze, and although it failed to pass, it had strong suppport.

Mr. President, I think there is a growing belief that a budget freeze may be part of the answer to runaway deficits. I read in the Wall Street Journal July 6, 1984 where the chairman of the Finance Committee, Mr. DOLE, was quoted as saying that next year might be "the year of the freeze." I'm optimistic, Mr. President, that this idea is one whose time has come. Many, many Members of the Senate are seriously considering this matter, and I think further examination will show that it will be a very effective way to hold down Government spending, and it will show that the Congress is serious about tackling the budget deficits.

Mr. President, I urge my colleagues to examine several of the budget freeze proposals, and I also ask that the letter I received from Ralph Weems, dated July 2, 1984, be placed in the RECORD.

The letter follows:

ASA WASHINGTON OFFICE,
Washington, DC, July 2, 1984.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: A financial disaster. The best describes what faces American soybean farmers and other independent businessmen unless the Congress and the Administration act now to put our nation's economic house in order. High interest rates and an over-valued dollar are robbing farmers of their competitive export edge and their chance for a profit. It is time for the Congress to act.

Instead of passing counterproductive and costly initiatives which only treat economic symptoms, the times demand a cure for the real disease plaguing our economy—huge federal budget deficits. Only by greatly reducing the federal budget deficit and ultimately balancing the budget can we reduce interest rates, bring about a fair-valued dollar, and restore a favorable economic climate for agriculture.

As much as or more than any sector, American farmers are at the mercy of America's economic policies. As capital intensive as agriculture is, increases in interest rates have a huge direct impact on farmers' cost of production and overall profitability. Each one percent increase in prime interest rates costs American farmers almost $3 billion in net income. For farmers with cash sales over $40,000 annually, a one-percent rise in interest rates costs approximately $2,500. Interest expenses alone account for almost 20 percent of total cash outlays for today's farmer. That is up from less than 10 percent in the early 1970's.

The high-valued dollar is destroying American agriculture's competitive position on world markets. Since January 1983 the price of U.S. soybeans to German, Dutch and British buyers has risen by 70 percent, but almost half of that increase is the result of the rising value of the dollar rather than increases in U.S. farm-gate prices.

The over-valued dollar is making our exports more expensive, imports cheaper, providing production incentives to our foreign competitors, and fueling a dangerous rise in U.S. protectionism. No embargo could have more effect on farm prices, export sales, and farmer income than an over-valued dollar.

American soybean farmers believe it is time for the Congress and the President to put aside partisanship and end high interest rates and the over-valued dollar by greatly reducing current budget deficits and passing a balanced budget amendment to the Constitution. Our current dilemma is not solely the fault of Democrats or Republicans, the Congress, or the President. There is enough blame to go around.

Instead of waiting until after the election while unbridled federal spending continues and thousands go bankrupt, the time to act is now. Federal spending must be cut across-the-board, including funds allocated to agriculture, defense, social services, and public works. Some targeted tax increases may be necessary. A down payment on the deficit is not enough—we need to balance the budget. No doubt the solution will be painful for many Americans, but the benefits to all will far outweight the pain. No farm bill, import barrier, or export subsidy can do as much to help American agriculture or any other sector, as will reasonable interest rates and a fair-valued dollar.

We ask for your support and your leadership in the effort to bring about a sound economy. Nothing would be of more benefit to soybean farmers.

Sincerely,

RALPH WEEMS,
President.●

NRC EMERGENCY EVACUATION PLANS

● Mr. McCLURE. Mr. President, in a recent issue of the Long Island daily newspaper, Newsday, there appeared an article on the emergency evacuation plans currently required by the NRC for licensing of nuclear powerplants. I bring this to your attention because it highlights a very crucial issue that is now being reexamined by the NRC for possible changes in the estimates of radiation releases from a severe nuclear accident. Their proposed changes will be announced by early 1985.

The issue in question is commonly referred to in the nuclear community as the source-term estimate. Measurements taken during and after the Three Mile Island accident 5 years ago indicated that radiation releases were substantially less than what would have been predicted from the source-term estimates originating from the

1975 reactor safety study. Since the TMI accident, the NRC and DOE have focused a significant amount of research efforts in studying severe fuel damage and source-term phenomena. Experiments have been performed at several DOE research facilities, including the loss of fluid test [LOFT], power burst facility [PBF], and semiscale, all three of which are located at the Idaho National Engineering Laboratory.

The payoff for such an investment in source-term research is not insignificant. If we can conclude from such experimental evidence that the source-term estimates that are currently used are, in fact, overly conservative and unrealistic, then a reduction in the source-term estimate would be in order. Such a reduction would have far-reaching, favorable impact on our tormented nuclear industry. As the Newsday article indicates, the emergency evacuation requirements could be restricted to a much smaller vicinity of the plant. In situations similar to that now faced by Shoreham, this could well spell the difference between a powerplant that will sit idle, trying to wrestle with unwieldy and unnecessary evacuation requirements, and a plant that will actually operate.

Mr. President, I ask that the Newsday article be made a part of the RECORD.

The article follows:

[From the Newsday (Long Island Newspaper), Aug. 2, 1984]

LESS RADIATION DANGER FROM NUCLEAR POWER

Ever since the shutdown at Three Mile Island five years ago, evidence has been accumulating that the amount of radioactive emissions from a serious nuclear accident is much smaller than previously expected. The findings could enhance the future of nuclear power, because they indicate that a nuclear power plant is a much safer neighbor than many people thought.

"Source terms"—the anticipated radioactive releases from individual plants in the event of an accident—were deliberately overestimated by federal regulators to provide a wide margin of safety. But in actual measurements of radioactive emissions at Three Mile Island, and later inside the containment building itself, the radioactive matter that escaped was less than a thousandth of what had been expected.

If the most recent findings are borne out by subsequent research and applied by the Nuclear Regulatory Commission to its emergency planning requirements, the impact on the Long Island Lighting Co.'s Shoreham nuclear power plant could be profound.

Three Mile Island and Shoreham are designed differently: TMI is a pressurized reactor, while Shoreham is a boiling-water reactor. But they are both water-cooled, and that seems to be the crucial factor in holding down emissions. An analysis of the Shoreham-type reactor is now under way.

The NRC currently requires an evacuation plan for the area within a 10-mile radius of a nuclear power plant. That may be unnecessarily large. Robert Bernero, the official in charge of the commission's source-terms re-evaluation, told Newsday's Earl Lane, "It is apparent that the debate now is not whether the terms should be higher or lower, but rather how much lower."

If a 10-mile zone is deemed excessive, the 20-mile zone Suffolk County has prescribed for Shoreham is obviously far more than is needed for the protection of Suffolk's residents. Since the alleged difficulty of evacuating the area around Shoreham has been the key safety issue cited by Suffolk County executive Peter Cohalan and Gov. Mario Cuomo in opposing the plant, the findings should help persuade them to cease their opposition and turn their attention to mitigating its cost.●

A NEW SILVER COIN

● Mr. McCLURE. Mr. President, I submit an insightful article that appeared in the August 1984 issue of Coinage magazine.

The article was written by Mr. David Ganz, and is entitled "A New Silver Coin From the U.S. Mint." Mr. Ganz clearly points out the best way to dispose of the 137.5 million ounce strategic stockpile of silver is through the issuance of a silver coin. Forcing that much silver on the market another way has had, and would again have, a devastating downward impact. However, offering the metal to buyers who currently are not in the market and to individuals who are not able to afford large silver bars, will expand the market. Clearly, a coinage method is the only way to appeal to this market.

The most legitimate question under this proposal, "How large will the market be?" is also addressed by Mr. Ganz. He draws a similarity between this coin and the popular 1-ounce gold Krugerrand, which has sold nearly 38 million pieces over the past 14 years. Of course, since the gold and silver markets are different, adjustments are necessary to determine how broad the silver market is.

Using a formula for conversion, Mr. Ganz predicts that if a 25-percent correlation between the gold market and the silver market existed, it would mean 40 million pieces would be purchased annually. If there were only a 10-percent correlation, 16 million pieces would be purchased annually.

This estimate is very similar to one made in a survey prepared last fall by the Silver Institute, in conjunction with the ad hoc committee on American silver. This survey indicated that the market for these coins would be in the range of 25 million ounces a year.

On June 7, 1984, the Senate passed an amendment offered by myself and Senators SYMMS and HUMPHREY, that authorizes the use of 10 million ounces of stockpiled silver to mint a 1-ounce silver coin. There is no doubt in my mind that the coinage method is the best way to dispose of excess silver, and the 10 million ounces proposed in the amendment is an excellent way to test the market for a new silver coin.

The goals of any disposal method are to minimize the impact that the disposal of silver has on the market, maximize the return to the government, and to retain as many benefits of the stockpile as possible. The only disposal method I have found in over 2 years of research that can accomplish these goals in the coinage program.

Mr. President, I ask that the text of Mr. Ganz's article appear in the CONGRESSIONAL RECORD.

The article follows:

A NEW SILVER COIN FROM THE U.S. MINT

(By David L. Ganz)

The United States Senate on June 7 authorized by voice vote, a motion by Sen. James McClure, R-Idaho, for issuance of 10 million one-ounce silver legal tender coins with the St. Gaudens design last used on $20 gold coins.

A House bill provided for the sale of 10 million ounces of surplus silver. The bills now go to a conference committee where the Senate version is given a 50-50 chance of approval. The Treasury Department approved in principal a one dollar legal tender bullion coin which gives added clout to the coin.

Last time that silver coins were produced by the government for widespread distribution was prior to 1964. When the Coinage Act of 1965 was passed, all silver coinage was suspended except for the half dollar, which became silver-clad.

McClure has been an advocate of silver coinage for more than a dozen years, dating back to when he was a Member of Congress representing Idaho in the House of Representatives. In numerous interviews since 1972, he had advocated use of the precious metal.

Action speaks louder than words, and McClure was among the first to propose a silver bicentennial commemorative coin. Since then, he has annually put forth a series of proposals for silver cartwheels of which this is the latest.

Unlike the others, however, this concept stands a strong chance of passage. The reason has to do with an announced decision by the General Services Administration to eliminate 150 million ounces from the silver stockpile.

With that quantity going onto the market, there would clearly be a major downward impact. That would adversely affect constituents of McClure, namely the mine producers of Idaho, who have only begun recently to recover from years of low prices.

Placing the metal into a bullion market as a legal tender coin is a master-stroke, then—the basic purpose being to offer the metal to buyers who currently are not in the market, and to individuals who would probably not buy silver in 400 ounce bar quantities (the usual minimum in government auction sales).

McClure's strategy is to have the legal tender coin created and produced by the Mint, then sold at a modest mark-up or profit, to a bulk distributor. The distributor would then be charged with creating a secondary market, and a buy and sell pricing structure.

It would be dissimilar to the manner in which J. Aron has set up its gold medallion program, or the way in which Manfra, Tordella & Brooks has an MTB quote or screen

price for a variety of coins that it regularly buys and sells.

McClure first linked the bullion piece to the reissuance of a Morgan silver dollar—last produced in 1921—which would have the identical specifications as its predecessor: 1.5 inch diameter, .7734 fine troy ounces of .900 fine silver, and the old design of George Morgan with a contemporary, 1984 date.

The bullion piece would have then become secondary, but a significant part of the program—designed to assist in absorbing 450 million troy ounces in a period of about three years.

As is common, the McClure congressional office requested comments on S. 269 from the Treasury department. Most probably anticipated a negative reaction, but instead it was positive as to both the Morgan dollar, and a bullion coin—with limitations, and proposals for changes and additions, of course.

Treasury now has substantially more experience in producing a "product" as opposed to manufacturing coinage and other items that are incidentally sold to collectors. (Proof sets fit the incidental category.)

Since 1975, for example, the Treasury has made bicentennial proof and uncirculated sets, issued a new Anthony dollar, struck a George Washington commemorative half dollar, participated in a silver and gold three-coin Olympic program, and attempted marketing of gold medallions mandated by Congress.

One thing that they were convinced of was that there was value in a legal tender product, rather than one which was merely a medal. The old issue of "remonetizing" silver was never even broached, as the bureaucracy's memory receded.

Thus, where McClure sought a one ounce coin, the Treasury countered by suggesting that in addition to indicating a single ounce of silver, it ought to have a value of one dollar.

At one time, this suggestion would have had the powers of the Treasury Department up in arms, complaining that it was a trick or guise to remonetize silver, that it would confuse the public and that the monetary system would suffer.

There would have also been claims of confusion in valuing an ounce of silver at a dollar when it has a free market value of $10, to use round numbers.

But all that went out the window, thanks to the Olympic coin program. There, a silver dollar was produced (containing traditional quantities of silver, .7734 troy ounces) with a face value of $1 and a bullion value substantially in excess of that. A $10 gold coin, with nearly a half ounce of gold in it, was also included. (That disparity appears even greater, given a $400 an ounce price for the yellow metal.)

So there appears nothing in prior history that would prevent the program from utilizing a one ounce coin with a one dollar legal tender value. (No one would use the coin as a legal tender, but it would have that nominal value and the Treasury would have to be reimbursed the cost of the metal as well as that value under a complicated bookkeeping system before it could be sold.)

To give the coin pizzazz, McClure conceived of utilizing the well-executed standing Liberty design of Augustus St. Gaudens that previously graced the double eagle. Some modifications in design are necessary of course, but the coin will have instant numismatic recognition.

Just how many will be sold is conjectural. Initial thoughts however on the Treasury's part are that three million pieces will be acquired during the first year. Some other thoughts, including those of experts, are that many more will be the potential market: perhaps upwards of 25 million ounces.

A lot depends on the price of silver. Clearly, the market is not numismatic in its purest form. Rather, it appears that there may be a three to four million piece market among coin collectors for the purely numismatic aspect—and a bullion market that is a lot higher.

The experience with the South African gold Krugerrand, costing for an ounce of gold 40 times the value of the proposed silver one ounce coin, is instructive.

Over the course of the past 14 years, some 38 million Krugerrands have been sold. the average sale recently has been four million pieces a year. Even realizing that gold and silver have different markets. that means that a direct translation (160 million pieces, derived by multiplying value by number of pieces) would be reduced, but by how much.

If the reduction was by 75 percent (that is, that only a 25 percent correlation took place) that would mean 40 million pieces sold. If a 90 percent reduction on that correlation took place, 16 million pieces would be acquired annually.

So the real issue is how the marketing will take place, and the McClure bill contemplates using private marketers capable of both purchasing from the government and then maintaining a secondary market—essential if the coin is to have viability.

Quite clearly, the introduction of such a coin in exciting. How soon it will all be realized is the key.

Rep. Frank Annunzio, D-Ill., chairman of the House coinage subcommittee, wants no competition with Olympic issues. Since these silver coins would be without a surcharge, he views them as a direct threat.

They really aren't, any more than the Krugerrand threatens Olympic gold coins. But reality is what is perceived, and an early 1985 date seems the likely target for McClure, assuming that the right vehicle can be found to tack the bill onto.

Tacticians usually seek a bill that will give latitude, but also require action. The stockpile bill is both urgently needed, according to Congressional sources, and likely to pass. That makes it the target.

What will happen remains to be seen, but, this being an election year odds seem strong that the McClure silver bullion coin will become law, and will revolutionize the manner in which American currency is perceived both at home and abroad.●

PINE BLUFF RAILROAD-HIGHWAY DEMONSTRATION PROJECT

● Mr. PRYOR. Mr. President, I want to commend both the House and Senate Appropriations Committees for including specific funding for a critically needed railroad-highway demonstration project in Pine Bluff, AR, in the fiscal year 1985 transportation appropriations bill.

This funding—$6.2 million in the House bill and $4 million in the Senate bill—is essential so that the Pine Bluff project can move forward, reducing safety problems and easing congestion on the streets of downtown Pine Bluff. Completion of this project will lessen the fears of local officials and citizens that a train might someday prevent a police car or fire engine from reaching an emergency site to save a life or to prevent unnecessary property damage. In addition, it will make it easier for citizens to simply travel about their city.

I find it particularly encouraging and timely that the Appropriations Committees in both the House and the Senate have seen fit to specifically recommend funding for the Pine Bluff project in this bill, since after fiscal 1985, the authorization for these projects lapses. The support demonstrated by these committees serves as clear and convincing evidence of Pine Bluff's need for Federal assistance on this matter.

Mr. President, I have been aware of the need for some positive resolution to Pine Bluff's railroad traffic problems since I became Governor of Arkansas almost a decade ago. Along with the people of Pine Bluff and my colleagues Senator BUMPERS and Congressman ANTHONY, I urge both the House and the Senate to quickly approve these bills.●

TREATIES

ESTATE AND GIFT TAX CONVENTION WITH THE KINGDOM OF DENMARK; TREATY WITH THE KINGDOM OF THAILAND ON COOPERATION IN THE EXECUTION OF PENAL SENTENCES; CARTAGENA CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF MARINE ENVIRONMENT OF THE WILDER CARIBBEAN REGION

Mr. STEVENS. Mr. President, I ask as in executive session unanimous consent that at 12 noon on Thursday, August 9, the Senate go into executive session to consider three treaties on the Executive Calendar, Calendar Nos. 23, 35, and 36.

I further ask unanimous consent that the treaties be advanced through their various parliamentary stages, up to and including the presentation of the resolutions of ratification, and that all reported conditions to resolutions of ratification, and reservations, be considered agreed to.

I further ask unanimous consent that total debate time be limited to 10 minutes, to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member, or their designees.

Finally, I ask unanimous consent that, immediately following the conclusion or yielding back of debate time, the Senate proceed to vote on the resolutions of ratification and that 1 vote count as 3 votes.

Mr. BYRD. Mr. President, I ask the distinguished assistant majority leader to withdraw the request temporarily. I have not had this request placed before me until this moment. That is not the Senator's fault. It is not anyone's fault.

Mr. STEVENS. Mr. President, I will accept a request to set aside, and consider it later, if it is possible to do so. I apologize to my good friend.

The PRESIDING OFFICER. The request is withdrawn.

(Later the following occurred:)

Mr. STEVENS. Mr. President, I now renew the request I made as in executive session and ask that the manner in which that unanimous-consent request was stated be printed in the RECORD as I am sending the version to the desk now and I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The request is as follows:

I ask unanimous consent that at 12 noon on Thursday, August 9, the Senate go into executive session to consider three treaties on the Executive Calendar, Calendar Nos. 23, 35, and 36.

I further ask unanimous consent that the treaties be advanced through their various parliamentary stages, up to an including the presentation of the resolutions of ratification, and that all reported conditions to resolutions of ratification, and reservations, be considered agreed to.

I further ask unanimous consent that total debate time be limited to 10 minutes, to be equally divided between the chairman of the Foreign Relations Committee and the ranking minority member, or their designees.

Finally, I ask unanimous consent that immediately following the conclusion or yielding back of debate time, the Senate proceed to vote on the resolutions of ratification and that one vote count as three votes.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays.

Mr. BYRD. Mr. President, that would be one vote considered as three votes.

Mr. STEVENS. Yes; that is right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The resolutions of ratification are as follows:

ESTATE AND GIFT TAX CONVENTION WITH THE KINGDOM OF DENMARK

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, Gifts and Certain Other Transfers, signed at Washington on April 27, 1983, subject to the reservation that, notwithstanding the provisions of paragraph 2 of Article 9 (Reductions), the United States and Denmark shall not impose their duties on estates and inheritances with respect to property that passes from a decedent domiciled (within the meaning of Article 4) (Fiscal Domicile)) in Denmark and the United States, respectively, to the spouse of such decedent if, in the case of the determination of Danish tax, the spouse so requests. This provision will not be interpreted to require the United States to exempt interspousal transfers that would not be exempt under U.S. law in force at the time this treaty becomes effective when made by a domiciliary of the United States.

CARTAGENA CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias March 24, 1983.

(Text of resolution of advice and consent to ratification to Treaty Doc. 98-13; treaty calendar no. 36)

Mr. STEVENS. Mr. President, let me set it aside instead of withdrawing it. If I can bring it up later, I will. If I cannot, I will withdraw it.

CIVIL AERONAUTICS BOARD SUNSET ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 1077, H.R. 5297.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, S. 2796, the Civil Aeronautics Board Sunset Act of 1984, as reported by the Senate Commerce Committee, is designed to provide for an orderly termination of the authority of the Civil Aeronautics Board [CAB] on January 1, 1985.

As I understand it, one of the primary concerns of the distinguished author of the bill, the junior Senator from Kansas, in introducing this measure and moving it to the Senate floor was that the consumer protection authority of the CAB had not been adequately addressed in the Airline Deregulation Act of 1978 [ADA]. As a result, one of the major purposes of S. 2796 is to transfer to the Department of Transportation on January 1, 1985, the relevant consumer protection authorities, including "* * * the CAB's authority under section 411 of the act, to prevent unfair or deceptive practices or unfair methods of competition in air transportation;"—page 6 of the Senate report.

I want to congratulate the Senator for her leadership in this matter and for taking the steps necessary to insure that the consuming public's interests in our commercial aviation system are properly protected at all times, both before and after January 1, 1985. I do have a couple of questions concerning the distinguished Senator's intent, both as the author of the bill and as chairman of the Aviation Subcommittee, concerning the operation of the bill and the administration of section 411 of DOT.

The committee report of the House of Representatives on H.R. 5297, the House-passed sunset bill, addressed section 411 in very specific terms. At page 5, the House report states:

The CAB is currently considering allegations that large airlines which sell computer reservations systems to travel agents are using their monopoly powers in the CRS industry unlawfully to eliminate competition in the sale of air transportation. More recently, there have been concerns that large carriers will use the right to interline with them as a device to restrain competition unfairly. This could be accomplished by selective refusals to interline, or by selective refusals to interline on reasonable terms, based on competitive considerations. Section 411 furnishes a means of controlling abuses in this area, thereby helping preserve the system of interlining and the major benefits it brings to consumers.

At page 13, the House report further states:

The Committee expects that in administering the authority it will receive from CAB, DOT will continue CAB's policy of encouraging the system of interline transportation. Through the interline system, airlines authorize each other to sell transportation and collect the amount due for interline services. These funds are held in trust and cleared through the Airline Clearing House. A smoothly functioning interline and clearing house system, allowing passengers to purchase transportation on more than one carrier on a single ticket and check baggage through to the traveler's ultimate destination, has provided substantial consumer benefits. DOT should facilitate the continuation of the system.

The Senate report is silent with respect to the consumer benefits of interlining as well as the competitive abuses associated with selective interlining. I think that abuses of the interlining system presents a very serious problem. I believe that the Senate should be heard on the subject and that CAB and DOT should fully understand that we intend that these problems be forthrightly and properly addressed.

It is clear that both the House-passed bill and the Senate bill as reported by the committee contain ample and adequate authority to deal with any abuses of the interlining system and other important aspects of consumer protection. I do, however, feel that we should make clear to both

the CAB and DOT what our intent and expectations are with respect to their implementation and administration of this measure.

It is my understanding that prior to January 1, 1985, and the transfer of these authorities to DOT, the CAB's duty, mandate, and responsibilities with respect to the faithful administration of section 411 of the Federal Aviation Act and other applicable law are not changed. The CAB has a continuing responsibility to initiate actions, including issuances of orders and rulemaking, as necessary to protect the interests of the consuming public and to avoid anticompetitive behavior that threatens consumer interests.

By the same token, after January 1, 1985, the Senate fully expects to see DOT complete any consumer protection actions, orders, or rulemakings initiated by CAB and to initiate new consumer protection actions and rulemakings when warranted by the facts.

Is my understanding correct and is it the intent of the distinguished author of the bill that CAB and DOT will initiate and conclude an appropriate rulemaking to assure that competitive and consumer abuses associated with selective interlining by some air carriers is not permitted?

Mrs. KASSEBAUM. The Senator from Alaska raises a number of very important concerns and questions. It is my intent, as the author of S. 2796, that both CAB and DOT take whatever actions are necessary to prevent competitive abuse and to protect the interests of the consuming public in a safe, efficient, and convenient commercial air transportation system.

With respect to the consuming public's interest in the interline system and the critical need to prevent anticompetitive use of the system, I intend and I believe the committee fully intends that both CAB and DOT take all appropriate action, including issuance of orders and initiation of rulemaking, to insure the maintenance of a national air transportation system which serves the consuming public's interests.

As the Senator from Alaska knows, the Senate bill renews statutory authority under sections 102(a)(7), 404a and 411 of the Federal Aviation Act and transfers administration of those provisions to DOT effective January 1, 1985. Since 1938, the CAB has been under a statutory mandate to encourage the development of a national air transportation system. The system which the Board has been directed to encourage is one in which the airlines not only authorize each other, and each other's agents, to sell transportation and collect therefor from the passenger, but also provides for through checking of baggage to the passenger's ultimate destination.

This system provides significant consumer benefits. These include ease of ticketing; the ability to check baggage through to the final destination; convenience in moving unaccompanied children; the ability to use two carriers rather than one when the schedules are more convenient; and, the ability to take advantage of lower fares offered by some carriers. The interline system is also one of the principal factors in providing convenient air services for many of the smaller cities and town and infacilitating the entry of new competitive air carriers. I believe, therefore, that the survival of this interline system is something about which the Congress and the executive branch must be concerned.

It appears that some air carriers may have misinterpreted the Airline Deregulation Act to mean that interlining may be used as an anticompetitive tool. For example, I am informed that some carriers have refused to enter into interline arrangements with new market entrants. Other carriers have opted out of the multilateral interline agreement in favor of agreements which terminate every 30 days unless specifically extended. This latter approach provides significant competitive leverage for larger carriers over smaller carriers because the smaller carriers are more dependent upon the larger carriers for traffic.

It was not and it is not Congress' intent for interlining to become an anticompetitive tool. The intent, as evidenced by the fact that 404a still requires adequate service and section 411 provides for the prevention of unfair trade practices, is to keep the interline system intact but to allow flexibility so that a carrier which chooses not to interline at all may do so. However, if a carrier chooses to interline tickets and/or baggage with one or more air carriers, then that carrier should interline with all other air carriers upon request and on reasonable terms. The terms of these interline arrangements must be fair and reasonable and must not unjustly discriminate against any air carrier. It is also fair to require that each carrier be able to demonstrate that it has the ability to meet its monthly financial obligations under the interline arrangement. These requirements should, in my view, be limited to air carriers operating with more than 56 seats.

With those principles in mind, it is my intent that the CAB immediately begin an investigation into this matter. This investigation should be done in conjunction with DOT and should be aimed at producing whatever rules are necessary to preserve fair and equitable interlining practices. This investigation should be completed as soon as is practical.

In connection with my responsibilities as chairman of the Aviation Subcommittee, I will oversee CAB's and DOT's activities to fulfill our intent on this matter.

Mr. STEVENS. I appreciate the distinguished Senator's response to my question and I concur in your statement on this matter. Your statement provides excellent guidance and direction to the CAB and DOT on how we intend the act to be administered.

AMENDMENT NO. 3654

Mr. STEVENS. Mr. President, I send to the desk an amendment in the nature of a substitute proposed by the distinguished Senator from Oregon [Mr. PACKWOOD] the chairman of the committee, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. PACKWOOD, proposes an amendment numbered 3654.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and substitute the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

TERMINATION AND TRANSFER OF FUNCTIONS UNDER THE FEDERAL AVIATION ACT OF 1958

SEC. 3. (a) Section 1601(a)(3) is amended by inserting after "Act" the following: "(other than section 204)".

(b) Section 1601(a) is amended by adding at the end thereof the following:

"(4) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

"(A) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

"(B) Section 403 of this Act.

"(C) Section 404 of this Act (except insofar as such section requires air carriers to provide safe and adequate service).

"(5) The following provisions of this Act and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

"(A) Section 407(b) and (c) of this Act.

"(B) Section 410 of this Act.

"(C) Section 417 of this Act.

"(D) Section 1002(d), (e), (g), (h), and (i) of this Act (except insofar as any of such sections relate to foreign air transportation).

"(6) Sections 412(a) and (b) of this Act (to the extent such sections relate to interstate and overseas air transportation) and section 414 of this Act (to the extent such section relates to orders made under sections 412(a) and (b) with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(7) Sections 408 and 409 of this Act and section 414 of this Act (relating to such sections 408 and 409) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(8) Sections 401 (l) and (m) and 405 (b), (c), and (d) of this Act (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989.".

(c) Section 1601(b)(1)(D) is amended by inserting after "transportation" the following: "(other than for the carriage of mails between any two points both of which are within the State of Alaska)".

(d) Section 1601(b)(1) is amended by adding at the end thereof the following:

"(E) All authority of the Board under this Act which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation.".

(e) Section 1601(b) is amended by adding at the end thereof the following:

"(3) The authority of the Secretary of Transportation under this Act with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989.".

TRANSFERS OF FUNCTIONS UNDER OTHER LAWS

SEC. 4. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(2) The International Aviation Facilities Act (49 U.S.C. 1151-1160).

(3) The Animal Welfare Act (7 U.S.C 2131 et seq.).

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

(5) Sections 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692l(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

(8) Section 5402 of title 39, United States Code (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

(9) Sections 4746 and 9746 of title 10, United States Code.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

(b) The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

(c) The authority of the Secretary of Transportation under section 5402 of title 39, United States Code, with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect of January 1, 1989.

COLLECTION OF DATA

SEC. 5. (a) Section 329(b)(1) of title 49, United States Code, is amended to read as follows:

"(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;".

(b) The amendment made by this section shall take effect on January 1, 1985.

REPORTS

SEC. 6. (a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958, (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act, and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act, and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory ratemaking or by the Postal Service through negotiations or competitive bidding.

INCORPORATION BY REFERENCE

SEC. 7. (a) Section 411 of the Federal Aviation Act of 1958 is amended by inserting "(a)" after "SEC. 411." and by adding at the end thereof the following new subsection:

"INCORPORATION BY REFERENCE

"(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, to the extent such incorporation by reference is in accordance with regulations issued by the Board.".

(b) Section 411 of the Federal Aviation Act of 1958 is amended by inserting before subsection (a) (as designated by subsection (a) of this section) the following subsection heading:

"INVESTIGATIONS"

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by striking out

"Sec. 411. Methods of competition."

and inserting in lieu thereof

"Sec. 411. Methods of competition.
"(a) Investigations.
"(b) Incorporation by reference.".

REFERENCES TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 8. Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958.

MISCELLANEOUS AMENDMENTS

SEC. 9. (a)(1) Section 101(11) is amended to read as follows:

"(11) 'All-cargo air service' means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both.".

(2) Section 418(b)(3) is repealed.

(b) Section 1307(a) is amended by striking out ", after consultation with the Civil Aeronautics Board,".

(c) Section 11 of the International Aviation Facilities Act (49 U.S.C. 1159a) is amended in the second sentence by striking out "and the Civil Aeronautics Board" and by striking out "in collaboration with the Civil Aeronautics Board" and inserting in lieu thereof "in collaboration with the Secretary of Transportation".

(d) Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by—

(1) striking out "the Civil Aeronautics Board," in subsection (a);

(2) striking out "Civil Aeronautics Board" and "Board" each time they appear in subsection (b) and the first sentence of subsection (d) and inserting in lieu thereof "Secretary of Transportation" and "Secretary", respectively;

(3) striking out "and the Department of Transportation" in subsection (b)(2); and

(4) striking out the last sentence in subsection (d) and inserting in lieu thereof the following: "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Chair-

man, Civil Aeronautics Board.". Section 5315 of title 5, United States Code, is amended by striking out "Members, Civil Aeronautics Board.".

(f) Section 3726(b)(1) of title 31, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretarty of Transportation with respect to foreign air transportation (as defined in the Federal Aviation Act of 1958)".

(g)(1) Sections 3401(b) and (c) of title 39, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 5005(b)(3) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)".

(3) Section 5401(b) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5402 of title 39, United States Code, is amended—

(A) by striking out "Civil Aeronautics Board" each place it appears and inserting in lieu thereof "Secretary of Transportation";

(B) in the first sentence of subsection (a), by inserting "in foreign air transportation" after "points";

(C) in the second sentence of subsection (a), by striking out "10 percent of the domestic mail transported under any such contract or";

(D) in the first sentence of subsection (b), by inserting "in foreign air transportation" after "points";

(E) in the first sentence of subsection (c), by inserting "in foreign air transportation" after "points"; and

(F) by adding at the end thereof the following new subsections:

"(d) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate and overseas air transportation either through negotiations or competitive bidding.

"(e) For purposes of this section, the terms 'air carrier', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings given such terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(f) During the period beginning January 1, 1985, and ending January 1, 1989, the authority of the Secretary of Transportation under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between the air carrier is authorized by the Secretary to engage in the transportation of mail.".

(h) Section 3502(10) of title 44, United States Code, is amended by striking out "the Civil Aeronautics Board,".

(i) Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking out "the Civil Aeronautics Board" and inserting in lieu thereof "the Secretary of Transportation".

(j) Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking out "the Civil Aeronautics Board".

(k) Sections 4746 and 9746 of title 10, United Stats Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(l) Section 7 of the Clayton Act (15 U.S.C. 18) is amended in the final paragraph by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Commission, Secretary, or Board" and inserting in lieu thereof "Commission or Secretary".

(m) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) in subsection (b), by striking out "Commission or Board" each place it appears and inserting in lieu thereof "Commission, Board, or Secretary"; and

(3) by striking out "commission or board" each place it appears in such section and inserting in lieu thereof "commission, board, or Secretary".

(n) The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" each place it appears in section 108(a)(4) (15 U.S.C. 1607(a)(4)), section 621(b)(5) (15 U.S.C. 1681s(b)(5)), section 704(a)(5) (15 U.S.C. 1691c(a)(5)), and section 814(b)(5) (15 U.S.C. 1692l(b)(5)).

(o) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b; 54 Stat. 773), is amended by striking out "the Civil Aeronautics Authority,".

(p) Section 47(a)(7)(C) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(q) Section 770l(a)(33)(E) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(r) Section 419(c)(1) is amended by striking out "416(b)(3)" and inserting in lieu thereof "416(b)(4)".

(s) Section 412(c)(2) is amended by striking out "subsection (c) of this section" and inserting in lieu thereof "subsection (a) of this section".

(t) Section 407(e) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 401, 402, 418, or 419 of this title that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection.".

(u) Section 105(a)(1) is amended by striking out "interstate air transportation" and inserting in lieu thereof "air transportation".

(v) The amendments made by this section shall take effect on January 1, 1985.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 10. (a) The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred, or transferred in accordance with any other lawful authority, shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpected funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

(b) In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

(c) The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after the date of enactment of this Act, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

EFFECT ON PERSONNEL

SEC. 11. (a) Employees covered by the merit pay system under chapter 54 of title 5, United States Code, who are transferred under section 10 of this Act of another agency shall have their rate of basic pay adjusted in accordance with section 5402 of such title. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of such title as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, United States Code, in addition to those administered by the agency to which the employee is transferred.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act is authorized to use the services of such officers, employees, and other personnel of the Board for such

period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) and 4 had not been enacted; and orders issued in any such proceedings shall continue until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) and 4 had not been enacted.

(c) Except as provided in subsection (e)—

(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act.

(e) If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 or by section 4 of this Act and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

SEC. 13. For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

ACCESS FOR HANDICAPPED PERSONS

SEC. 14. Section 104 is amended by adding at the end thereof the following new sentence: "In the furtherance of such right, the Board or the Secretary, as the case may be, shall consult with the Architectual and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973, prior to issuing or amending any order, rule, regulation, or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped persons.".

FURTHERANCE OF THE PUBLIC INTEREST IN AIR TRANSPORTATION

SEC. 15. (a) Section 102 is amended by adding at the end thereof the following new subsection:

"STUDIES AND REPORTS

"(c) The Board may, upon its own initiative or upon the reasonable petition of any person directly affected, undertake such studies as may be necessary to determine the extent to which any aspect of air transportation furthers or hinders the public interest as set forth in this section. In undertaking this review, the Board shall conclude its consideration of all relevant factors within 120 days of receipt of the petition. The result of any such study, together with such recommendations as the Board may deem necessary, shall be forwarded to the petitioner, air carrier and appropriate Committees of the Congress.".

(b) That portion of the table of contents of the Federal Aviation Act of 1958 that relates to section 102 of such Act is amended by adding at the end thereof the following:

"(c) Studies and reports.".

STUDY OF TRANSPORTATION TO AND FROM WASHINGTON DULLES AIRPORT

SEC. 16. (a) The Secretary of Transportation shall study the feasibility of constructing a rail rapid transit line between the West Falls Church, Virginia, station of the Washington, D.C. metrorail system and Dulles International Airport in Virginia. The study shall include, but need not be limited to, a study of the feasibility of heavy rail, light rail, monorail, magnetic levitation systems and any other appropriate transportation systems. The Secretary shall study the feasibility of each such system with and without intermediate stops.

(b) The Secretary shall complete the study required by subsection (a) and transmit the results thereof to Congress not later than one year after the date of enactment of this Act.

AIR SERVICE IN THE STATE OF ALASKA

SEC. 17. (a) Section 419(f)(2) is amended to read as follows:

"(2) with respect to air transportation to any point in Alaska, essential air transportation shall neither be specified at a level of service nor operated with aircraft of lesser seating and cargo capacity than provided for in CAB Order 80-1-167 and its Appendices unless otherwise specified under an agreement between the Department of Transportation and the State of Alaska, after consultation with the community affected.".

(b) Notwithstanding any other provision of law, no part of the order of the Civil Aeronautics Board in CAB docket number 38961 (CAB Order 84-6-77) shall enter into effect until after December 31, 1984.

Mr. STEVENS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3654) was agreed to.

Mr. STEVENS. Mr. President, I ask for a third reading.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 5297), as amended, was passed.

Mr. STEVENS. Mr. President, I move to reconsider that action.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOCATIONAL EDUCATIONAL ACT OF 1984

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 914, S. 2341.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2341) to authorize a program to enhance the access to and the quality of vocational education, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Vocational Education Act of 1984".

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STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to—

(1) assist the States to expand, improve, modernize, and develop quality vocational education programs in order to meet the needs of the Nation's existing and future work force for marketable skills and to improve productivity and promote economic growth;

(2) assure that individuals who are inadequately served under vocational education programs are assured access to quality vocational education programs, especially individuals who are disadvantaged, who are handicapped, men and women who are entering nontraditional occupations, adults who are in need of training and retraining, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(3) promote greater cooperation between public agencies and the private sector in preparing individuals for employment, in promoting the quality of vocational education in the States, and in making the vocational system more responsive to the labor market in the States; and

(4) authorize national programs designed to meet designated vocational education needs and to strengthen the vocational education research process.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a)(1) There are authorized to be appropriated $880,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of titles I, II, III (other than section 301(b)), and IV (other than part E) of this Act, relating to State programs.

(2) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out programs of consumer and homemaking education under section 301(b).

(b)(1) From the funds appropriated pursuant to subsection (a)(1) for each fiscal year, 2 percent shall be available to carry out the provisions of title IV (other than part E), relating to national programs.

(2) There are authorized to be appropriated $3,700,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of part E of title IV, relating to bilingual vocational training.

DEFINITIONS

SEC. 4. As used in this Act:

(1) The term "administration" means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but not including technical assistance and ancillary services.

(2) The term "area vocational education school" means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market, or

(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market, or

(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

(D) the department or division of a junior college or community college or university operating under the policies of the State board and which provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if it is available to all residents of the State or an area of the State designated and approved by the State board, and if, in the case of a school, department, or division described in clause (C) or this clause, it admits as regular students both persons who have completed high school and persons who have left high school.

(3) The term "community-based organization" means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

(4) The term "construction" includes construction of new buildings and acquisition, and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

(5) The term "cooperative education" means a program of vocational education for individuals who, through written cooperative arrangments between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(6) The term "criminal offender" means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender.

(7) The term "correctional institution" means any—

(A) prison,
(B) jail,
(C) reformatory,
(D) work farm,
(E) detention center, or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(8) The term "Council" means the National Employers Council on Vocational Education.

(9) The term "curriculum materials" means materials, including materials using advanced learning technology, designed for use in courses of instruction in any occupational field which will be used to prepare individuals for employment at the entry level or to upgrade occupational competencies of individuals previously or presently employed in any occupational field.

(10) The term "disadvantaged" means individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in vocational education programs, under criteria developed by the Secretary based on objective standards and the most recent available data. Such term includes individuals who are from low-income families, migrants, individuals who have limited English proficiency and individuals who are dropouts from, or who are identified as potential dropouts from, secondary school.

(11) The term "eligible recipient" means a local educational agency or a postsecondary educational institution.

(12) The term "guidance and counseling" means programs designed to develop in children, youth, and adults career awareness, career planning, and career decisionmaking to enable them to make and implement informed educational and occupational choices. The term includes assessments, information provision, counseling, and the coordination of services designed to assist in the choice of, planning for, and achievement in vocational education and in the transition from school to work.

(13) The term "handicapped", when applied to individuals, means individuals who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational education program without special education assistance.

(14) The term "homemaker" means an individual who—

(A) is an adult, and

(B) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills.

The Secretary may not prescribe the manner in which the States will comply with the application of the definition contained in this paragraph.

(15) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

(16) The term "low-income family or individual" means such families or individuals who are determined by the Secretary to be low-income according to the latest available data from the Department of Commerce.

(17) The term "postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school.

(18) The term "private vocational training institution" means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Secretary as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this clause, or (ii) if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Secretary pursuant to this clause, or (iii) if the Secretary determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Secretary shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

(19) The term "school facilities" means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

(20) The term "Secretary" means the Secretary of Education.

(21) The term "single parent" means an individual who—

(A) is unmarried or legally separated from a spouse, and

(B) has a minor child or children for which the parent has either custody or joint custody.

(22) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(23) The term "State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education in the State.

(24) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(25) The term "vocational education" means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; and, for purposes of this paragraph, the term "organized education program" means only (A) instruction and counseling related to the occupation or occupations for which the students are in training or instruction and counseling necessary for students to benefit from such training, (B) the acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment (including advanced learning technologies), and (C) the activities of student organizations whenever the activities of such organizations are directly related to vocational education. The term "vocational education" does not mean the construction, acquisition or initial equipment of buildings, or the acquisition or rental of land.

TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

ALLOTMENT

SEC. 101. (a)(1) From the sums appropriated pursuant to section 3(a)(1), the Secretary shall reserve—

(A) 2 percent for the activities described in title IV; and

(B) 2 percent for the purpose of carrying out section 103.

(2) Subject to the provisions of paragraph (3), from the remainder of the sums appropriated pursuant to section 3(a)(1) and 3(a)(2), the Secretary shall allot to each State for each fiscal year—

(A) an amount which bears the same ratio to 50 percent of the sums being allotted as the product of the population aged fifteen to nineteen inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount which bears the same ratio to 20 percent of the sums being allotted as the product of the population aged twenty to twenty-four, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount which bears the same ratio to 15 percent of the sums being allotted as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount which bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under clauses (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under clauses (A), (B), and (C) for such year.

(3)(A) No State shall receive less than one-half of one percent of the amount available under this subsection for each such fiscal year except that in the case of the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands the minimum allotment shall be $200,000.

(B) No State shall, by reason of the application of the provisions of subparagraph (A)

of this paragraph, be allotted more than 150 percent of the allotment of that State in the fiscal year preceding the fiscal year for which the determination is made.

(C) For the purpose of this paragraph, the term "State" does not include the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallotment, on such dates during such year as the Secretary shall fix, on the basis of criteria established by regulation, among other States. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the next succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

(c)(1) The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40 and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

(2) The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

(3) The term "per capita income" means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department.

WITHIN STATE ALLOCATION

SEC. 102. (a) Each State shall allocate from its allotment in each fiscal year—

(1) not to exceed 6 percent of the allotment for administrative expenses;

(2) 1 percent of the allotment for the expenses of the State Council on Vocational Education, except that no State may allocate less than $120,000 nor more than $225,000 in each fiscal year for the purpose described in this clause; and

(3) of the remainder of the allotment of the State—

(A) 50 percent shall be available for activities described in title II, and

(B) 50 percent shall be available for activities described in title III.

(b) For the purpose of clause (2) of subsection (a) of this section, the term "State" shall not include the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

INDIAN PROGRAMS

SEC. 103. (a)(1) For the purpose of this section—

(A) the term "Act of April 16, 1934" means the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", enacted April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457); and

(B) the term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(2) From the funds reserved pursuant to section 101(a)(1)(B), the Secretary shall enter into contracts for Indian and Hawaiian native programs in accordance with the provisions of this section.

(b)(1) From the funds reserved pursuant to section 101(a)(1)(B), the Secretary is directed, upon the request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, to enter into grants or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the purposes of this Act, except that such grants or contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this sentence. From any remaining funds reserved pursuant to section 101(a)(1)(B), the Secretary is authorized to enter into an agreement with the Commissioner of the Bureau of Indian Affairs for the operation of vocational education programs authorized by this Act in institutions serving Indians eligible to receive educational benefits as Indians from the Bureau of Indian Affairs, and the Secretary of the Interior is authorized to receive the funds for the purposes described in this paragraph.

(2) For the purposes of this Act, the Bureau of Indian Affairs shall be deemed to be a State board; and all the provisions of this Act shall be applicable to the Bureau as if it were a State board.

(c) From the funds reserved pursuant to section 101(a)(1)(B) and available for this subsection, the Secretary is directed, upon the request of any eligible recipient or any nonprofit private organization which is engaged in furnishing educational services or activities to Hawaiian natives, to enter into contracts with any such eligible recipient or nonprofit private organization to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Hawaiian natives.

PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

STATE ADMINISTRATION

SEC. 111. (a)(1) Any State desiring to participate in the vocational education program authorized by this Act shall, consistent with State law, designate or establish a State board of vocational education which shall be the sole State agency responsible for the administration or the supervision of the State vocational education program. The responsibilities of the State board shall include—

(A) the coordination of the development of policy with respect to such programs;

(B) the development in consultation with the State council on vocational education, and the submission to the Secretary, of the State plan required by section 113 and by section 114; and

(C) the consultation with the State council on vocational education and other appropriate State agencies, councils, and individuals involved in the planning and approval as required by sections 113 and 114.

Except with respect to the functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

(2) Each State shall include a description of any delegation of its functions under paragraph (1) in its State plan, or amendments to such plan, submitted to the Secretary.

(b)(1) Any State desiring to participate in the programs authorized by this Act shall assign at least one individual within the appropriate agency established or designated by the State board under the last sentence of subsection (a)(1) to administer vocational education programs within the State, to work full time to assist the State board to fulfill the purposes of this Act by—

(A) administering the program of vocational education for single parents and homemakers described in section 201(e);

(B) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

(C) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high technology occupations, and submitting (i) recommendations for inclusion in the State plan and the progress reports of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

(D) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

(E) developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

(F) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women; and

(G) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students' enrollment in nontraditional programs.

(2) For the purpose of this subsection, the term "State" means any one of the fifty States and the District of Columbia.

(3) Each State shall expend not less than $60,000 in each fiscal year to carry out the provisions of this subsection from the funds made available in section 202(3).

STATE COUNCIL ON VOCATIONAL EDUCATION

SEC. 112. (a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State council, which shall be appointed by the Governor or, in the case of States in which the members of the State board of education are elected (including election by the State legislature), by such board, except as provided in clause (5) of this subsection. Each State council shall be composed of eleven individuals so that—

(1) a majority of its membership are individuals who are representative of business and industry in the State;

(2) one of the members appointed under clause (1) is a member of the State job training coordinating council established pursuant to section 122 of the Job Training Partnership Act;

(3) individuals who are representative of secondary vocational education and postsecondary vocational education in the State are members, except that representation under this clause for secondary education and postsecondary education shall be equal;

(4) one individual who is representative of special education;

(5) two individuals who are members from the State legislature, appointed by the legislature, one appointed from each House (or in the case of an unicameral legislature, appointed from the legislature) are members; and

(6) at least one individual who is representative of labor organizations in the State is a member.

(b) The State shall certify the establishment and membership of the State council at least 90 days prior to the beginning of each planning period described in section 113(a)(1).

(c) Each State council shall meet as soon as practical after certification has been accepted by the Secretary and shall select from among its membership a Chair who shall be a nongovernmental representative member of the State council. The time, place, and manner of meeting, as well as council operating procedures and staffing, shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

(d)(1) Each State council shall consult with and make recommendations to the State board on policy matters arising out of vocational education programs assisted under this Act and in the development of the State plan submitted under section 113.

(2) Each State council shall review the State plan in accordance with the procedures described in section 114.

(3) Each State council shall—

(A) analyze and report on the distribution of spending for vocational education in the State and on the availability of vocational education activities and services within the State;

(B) furnish consultation to the State board on the establishment of evaluation criteria for vocational education programs within the State;

(C) submit recommendations to the State board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

(D) assess the distribution of financial assistance furnished under this Act, particularly with the analysis of the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

(E) recommend procedures to the State board to insure and enhance the participation of the public in the provisions of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations; and

(F) report to the State board on the extent to which the individuals described in section 201(b) are provided with equal access to quality vocational education programs.

(e)(1) Each State council is authorized to obtain the services of such professional, technical, and clerical, personnel as may be necessary to enable it to carry out its functions under this Act and to contract for such services as may be necessary to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals.

(2) Each State council, in carrying out the provisions in paragraph (1), shall seek and obtain the advice of experts who are knowledgeable in the special education needs of the groups of individuals to be served under this Act, including handicapped, disadvantaged, women, adults, and the incarcerated.

(f) Each State shall make available for the expenses of the State council on vocational education the portion of its allotment required under section 102(a)(2) but not less than $120,000 for each fiscal year.

STATE PLANS

SEC. 113. (a)(1) Any State desiring to receive funds from its allotment for any fiscal year shall submit to the Secretary a State plan for a three-year period in the case of the initial plan and a 2-year period thereafter, together with such annual revisions as the State board determines to be necessary.

(2) The planning periods required by paragraph (1) of this subsection shall be coterminous with the planning program periods required under section 104(a) of the Job Training Partnership Act.

(3) In developing the State plan, the State shall—

(A) assess the current and projected occupational needs within the State;

(B) examine student needs in order to determine how best to improve student skill levels in light of the State's occupational and skill requirements; and

(C) determine the capacity of local educational agencies, with respect to secondary education and postsecondary educational institutions, to deliver the vocational education services necessary to bring student programs in line with the State's occupational and skill needs.

(b) Each such plan shall—

(1) set forth the planned uses of Federal funds available for vocational education for each fiscal year for which the plan is submitted and describe—

(A) how the State will expend funds for the uses described in section 201, together with a description of the use of funds for the purposes described in section 301; and

(B) how the funds available under this Act will expand and improve guidance and counseling activities devoted to enhancing knowledge of vocational education and the job market;

(2) describe the manner in which the State will comply with the criteria required for programs for the handicapped and for the disadvantaged prescribed by section 204;

(3) provide assurances that the State will distribute at least 80 percent of the funds made available for titles II and III to eligible recipients, or combination of eligible recipients, except that the State will distribute 100 percent of the funds available for clauses (1) and (2) of section 202, relating to the disadvantaged and the handicapped, to eligible recipients in accordance with section 203(a);

(4) provide assurances that, in the use of funds available for single parents and homemakers under section 201(b)(3), that the State will emphasize assisting individuals with the greatest financial need, and that in serving homemakers the State will give special consideration to homemakers who because of divorce, separation, or the death or disability of a spouse must prepare for paid employment;

(5) provide assurances that the State will furnish relevant training and vocational education activities to men and women who desire to enter occupations that are not traditionally associated with their sex;

(6) provide assurances that the funds made available by this Act shall be used in such a manner as to improve the technological quality of vocational curricula, equipment, and instructional materials and to increase the ability of vocational students and instructors to meet the challenges of increased technological demands of the workplace;

(7) describe the methods of administration that are necessary for the proper and efficient administration of the assistance provided under titles II and III of this Act;

(8)(A) provide assurances that the State will develop measures for the effectiveness of programs assisted under this Act using evaluative measurements such as—

(i) the occupations to be trained for, which will reflect a realistic assessment of the labor market needs of the State;

(ii) the levels of skills to be achieved in particular occupations, which will reflect the hiring needs of employers; and

(iii) the basic employment competencies to be used in performance outcomes, which will reflect the hiring needs of employers; and

(B) the State will establish appropriate measures for evaluating the effectiveness of programs for the handicapped assisted under this Act;

(9) provide assurances that the State board will cooperate with the State council on vocational education in carrying out its duties under this part;

(10) provide assurances that—

(A) funds will be distributed to eligible recipients on the basis of annual applications,

(B) the State will set forth the procedures to be used in approving such applications, and

(C) any eligible recipient dissatisfied with final action with respect to any application for assistance under this Act will be given reasonable notice and opportunity for a hearing;

(11) provide assurances that the State will comply with the distribution of assistance requirements contained in section 203;

(12) describe the criteria for the distribution of assistance required by section 203 and section 302;

(13) provide assurances that, to the extent consistent with the number and location of individuals described in clauses (1) and (2) of section 201(b) in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such individuals in the vocational

education program assisted under title II of this Act;

(14) provide assurances that eligible recipients, in furnishing vocational education services and activities, will equitably serve the special needs of individuals with limited English proficiency;

(15)(A) provide assurances that Federal funds made available under this Act will be used so as to supplement, and to the extent practicable increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the State plan, and in no case supplant such State or local funds;

(B) provide assurances that the amount expended from State and local sources for vocational education for handicapped individuals in a State in each fiscal year will be equal to or more than the amount expended from State and local sources for vocational education for handicapped individuals in the State in the fiscal year 1984;

(16) provide assurances that the State will make provision for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act); and

(17) provide assurances that, and, where necessary a description of the manner in which, the State board will comply with the other requirements contained in titles I, II, and III of this Act.

APPROVAL

SEC. 114. (a) Each State plan prepared in accordance with the provisions of section 113 shall include all recommendations made by the State council with respect to the plan for vocational education programs which are not incorporated as a part of the plan, along with the reasons of the State board for not incorporating such recommendations in the plan.

(b)(1) Each State plan shall, 60 days before the plan is to be submitted to the Secretary, be furnished to the State legislature of the State for review and comment. If the matters covered by the comments of the State legislature are not covered by the State plan, the State shall submit the comments with the State plan to the Secretary.

(2) If the State legislature is not in session during the period described in paragraph (1), the State board shall submit the plan for review and comment to the next meeting of the State legislature and forward the comments of the State legislature to the Secretary when the comments are received.

(c)(1) Each State plan shall be submitted to the State council on vocational education for review and comment not later than 60 days prior to the submission of the plan to the Secretary.

(2) Whenever the State council disagrees with the reasons set forth by the State board for not incorporating the recommendations of the State council in the State plan, the State council shall append its comments on the State plan to such plan, and the State shall submit the appended comments with the State plan to the Secretary.

(d)(1)(A) The Secretary shall approve any State plan which meets the requirements of section 113 and the other provisions of this Act.

(B) In approving State plans under this section, the Secretary shall consider the comments of the State council submitted as a part of the State plan.

(2) The Secretary shall not make any final determination disapproving any State plan, or any modification thereof, without first affording the State reasonable notice and opportunity for a hearing.

TITLE II—PROGRAMS FOR VOCATIONAL EDUCATION OPPORTUNITIES

USES OF FUNDS

SEC. 201. (a) From the portion of the allotment of each State under section 101 available for this title, each State shall provide vocational education services and activities designed to meet the special needs of groups of individuals specified in subsection (b).

(b) Each State shall use the portion of its allotment available for this title in any fiscal year to provide vocational education services and activities designed to meet the special needs of, and to enhance the participation of—

(1) handicapped individuals;

(2) disadvantaged individuals;

(3) individuals who are single parents or homemakers; and

(4) criminal offenders who are serving in a correctional institution.

(c) Each State shall use the portion of its allotment available for this title in any fiscal year for handicapped individuals only for expenditures limited to supplemental or additional staff, equipment, materials, and services not provided to other individuals in vocational education that are essential for handicapped individuals to participate in vocational education, except that each State may use such funds for separate vocational education programs for handicapped individuals if the handicapping conditions of the students require a separate program.

(d) Each State may use the portion of its allotment available for this title for any fiscal year for the improvement of vocational education programs designed to provide equal access to quality vocational education to disadvantaged individuals.

(e) Each State may use the portion of its allotment available for this title to—

(1) provide, subsidize, reimburse or pay for vocational education and training activities, including basic literacy instruction and necessary educational materials, that will furnish single parents and homemakers with marketable skills;

(2) make grants to eligible recipients for expanding vocational education services when this expansion directly increases the eligible recipients' capacity for providing single working parents and homemakers with marketable skills;

(3) make vocational education and training more accessible to single parents and homemakers by assisting them with child care or transportation services or by organizing and scheduling the programs so that such programs are more accessible; and

(4) provide information to single working parents and homemakers to inform them of vocational education programs and related support services.

(f)(1) Each State may use the portion of its allotment available for this title in any fiscal year for basic skills instruction for vocational education students and related to their instructional program whenever the State board determines that such instruction is necessary to carry out the purposes described in subsection (b) of this section.

(2) Each State may use the portion of its allotment available for this title in any fiscal year for the provision of educational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to obtaining the objectives of the State plan and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions.

(g)(1) Vocational education services and activities described in subsection (b) shall, to the extent practicable, include work-site programs such as cooperative vocational education, work-study, and apprenticeship programs.

(2) Vocational education services and activities described in subsection (b) may include placement services for students who have successfully completed vocational education programs.

DISTRIBUTION OF ASSISTANCE

SEC. 202. Of the amounts made available to each State from the portion of its allotment available for this title for each fiscal year—

(1) 25 percent shall be available for handicapped individuals;

(2) 50 percent shall be available for disadvantaged individuals;

(3) 23 percent shall be available for individuals who are single parents and homemakers; and

(4) 2 percent shall be made available for criminal offenders who are in correctional institutions.

WITHIN STATE ALLOCATION

SEC. 203. (a)(1) The State board shall allocate the 75 percent of the amount allotted to the State and available for this title for vocational education services and activities for the handicapped and the disadvantaged to eligible recipients in accordance with the provisions of this subsection.

(2) Of the amount allocated under this subsection—

(A) 33⅓ percent of such amount shall be allocated to eligible recipients on the basis of the relative number of economically disadvantaged individuals enrolled in each eligible recipient compared to the total number of such individuals enrolled in all eligible recipients within the State;

(B) 33⅓ percent shall be allocated on the basis of the relative number of disadvantaged and handicapped students served in vocational education programs by each eligible recipient within the State in the fiscal year preceding the fiscal year for which the determination is made as compared to the total number of such individuals served by all eligible recipients within the State in such year; and

(C) the remainder shall be allocated on the basis of criteria developed by the State which take into account increases in the numbers or percentages of handicapped and disadvantaged students proposed to be served by the eligible recipients within the State, but such criteria shall not penalize eligible recipients which are already serving an equitable number or percentage of such students.

(3)(A) Subject to the limitation contained in clause (C) of paragraph (2) and the second sentence of this subparagraph, for any fiscal year beginning after the first fiscal year in which an eligible recipient receives payments under this title in which an eligible recipient fails to carry out the criteria established for clause (C) of paragraph (2), the State board may, pursuant to uniform criteria established by the State board, reduce the amount of the payments made under this subsection to any such eligible recipient for such fiscal year. No reduction authorized by this paragraph may include a reduction in the allocation criteria required by clause (A) of paragraph (2).

(B) Whenever in any fiscal year the provisions of subparagraph (A) apply, the State

board shall allocate the amounts made available by the application of subparagraph (A) to all other eligible recipients within the State (not subject to such subparagraph) on the basis of their original allocations.

(4) Each local educational agency shall use, to the extent feasible, community-based organizations of demonstrated effectiveness, in addition to other eligible recipients, for the use of funds available under this title in areas of the State in which there is an absence of sufficient vocational education facilities or in which the vocational education programs do not adequately address the needs of disadvantaged students, or in which the local educational agency determines that the community-based organization can better serve disadvantaged students.

(5) Each local educational agency is authorized to use funds allocated under paragraph (1) of this subsection for joint projects with one or more other local educational agencies.

(b) The State board shall establish criteria for the distribution of the remaining 25 percent of the amount of the allotment of the State available for this title to eligible recipients within the State for the purposes described in clauses (3) and (4) of section 202.

CRITERIA FOR SERVICES AND ACTIVITIES FOR THE HANDICAPPED AND FOR THE DISADVANTAGED

SEC. 204. (a) The State board shall, with respect to that portion of the allotment distributed in accordance with section 203(a) for vocational education services and activities for handicapped individuals and disadvantaged individuals, provide assurances that—

(1) equal access will be provided to handicapped and disadvantaged individuals in recruitment, enrollment, and placement activities;

(2) equal access will be provided to handicapped and disadvantaged individuals to the full range of vocational programs available to nonhandicapped and nondisadvantaged individuals, including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

(3)(A) vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized education plan required under section 612(4) and section 614(a)(5) of such Act; and

(B) vocational education planning for handicapped individuals will be coordinated between appropriate representatives of vocational education and special education.

(b) Each local educational agency shall, with respect to that portion of the allotment distributed in accordance with section 203(a) for vocational education services and activities for handicapped individuals and disadvantaged individuals, provide information to handicapped and disadvantaged students and parents of such students concerning the opportunities available in vocational education at least one year before the students enter the grade level in which vocational education programs are first generally available in the State, but in no event later than the beginning of the ninth grade, together with the requirements for eligibility for enrollment in such vocational education programs.

(c) Each student who enrolls in vocational education programs and to whom subsection (b) applies shall receive—

(1) assessment of the interests, abilities, and special needs of such student with respect to completing successfully the vocational education program;

(2) special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs described in clause (1);

(3) guidance and counseling activities conducted by professionally trained counselors who are associated with the provision of such special services; and

(4) counseling services designed to facilitate the transition from school to postschool employment and career opportunities.

TITLE III—VOCATIONAL EDUCATION PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

USES OF FUNDS

SEC. 301. (a) From the portion of the allotment of each State under section 101 available for this title from amounts appropriated pursuant to section 3(a)(1) for each fiscal year, each State may use funds so available for—

(1) the improvement of vocational education programs within the State designed to improve the quality of vocational education, including the provision of technical assistance;

(2) the expansion of vocational education activities necessary to meet the student needs, particularly in economically depressed urban and rural areas of the State in which there are inadequate vocational education programs;

(3) the introduction of new vocational education programs, particularly in economically depressed urban and rural areas of the State;

(4) the creation or expansion of programs to train workers in skilled occupations needed to revitalize businesses and industries or to promote the entry of new businesses and industries into a State or community;

(5) exemplary and innovative programs which stress new and emerging technologies and which are designed to strengthen vocational education services and activities;

(6) guidance and counseling activities conducted by professionally trained counselors in the improvement of vocational education programs within the State;

(7) programs relating to curriculum development in vocational education within the State, including the application of basic skills training;

(8) the expansion and improvement of programs at area vocational education schools; and

(9) the acquisition of equipment and the renovation of facilities necessary to improve or expand vocational education programs within the State.

(b) From the portion of the allotment for each fiscal year under section 101 available under this title from amounts appropriated pursuant to section 3(a)(2) for each fiscal year, each State shall conduct consumer and homemaking education programs.

(c) From the portion of the allotment of each State under section 101 available for this title from amounts appropriated pursuant to section 3(a)(1) for each fiscal year, each State shall use grants for the provision of inservice and preservice training designed to increase the competence of vocational education teachers, counselors, and administrators, including special emphasis on the integration of handicapped and disadvantaged students in regular courses of vocational education.

DISTRIBUTION OF ASSISTANCE

SEC. 302. (a) The State board shall establish criteria for the distribution of the amounts made available for the portion of its allotment available for this title from amounts appropriated pursuant to section 3(a)(1) for each fiscal year, and which are to be distributed among eligible recipients, or combination of eligible recipients. In prescribing criteria under this subsection, the State board shall give special emphasis to economically depressed urban and rural areas of the State and to area vocational education schools serving such areas.

(b)(1) Not less than 30 percent of the amount available for each State under this title in each fiscal year shall be available only for vocational education services and activities at the secondary and postsecondary school level to train and retrain adults.

(2) The set-aside required by paragraph (1) may also be used by the State to comply with the set-aside required by subsection (c).

(c) Not less than 10 percent of the amount available to each State for this title in each fiscal year shall be available only for conducting industry education partnership training programs in high technology occupations.

CRITERIA FOR PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

SEC. 303. (a) Subject to the provisions of this title, each State may expend funds available under this title in the manner best suited to carry out the purposes of this Act within the State.

(b) Each State may make use of community-based organizations of demonstrated effectiveness, in addition to eligible recipients, for the use of funds available under this title in areas of the State in which there is an absence of sufficient vocational education facilities or in which the vocational education programs do not adequately address the needs of disadvantaged students or wherever the community-based organization can better serve disadvantaged students.

(c) Any project assisted with funds made available under this title shall be of sufficient size, scope, and quality to give reasonable promise of meeting the vocational education needs of the students involved in the project.

CRITERIA FOR INDUSTRY EDUCATION PARTNERSHIP TRAINING PROGRAMS IN HIGH TECHNOLOGY OCCUPATIONS

SEC. 304. (a) Grants under this section shall be used for industry education partnership training programs in high technology occupations, including vocational education services and activities designed to train skilled workers and technicians in high technology occupations, especially projects to train skilled workers needed to produce, install, operate, and maintain high technology equipment, systems, and processes.

(b) No grant for any industry education partnership training program under this section may be made unless the eligible recipient enters into a grant agreement which contains provisions designed to assure that—

(1) not less than 50 percent of the aggregate costs of programs and projects assisted under this part will be provided from non-Federal sources, and not less than 50 percent of that non-Federal share of aggregate costs in the State will be provided by participating business concerns;

(2) projects assisted under this section will be coordinated with projects assisted under title II; and

(3) projects assisted under this section will be developed with the active participation of the State council established pursuant to section 112.

(c) The non-Federal contribution may be in cash or in kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services.

CRITERIA FOR ADULT PROGRAMS AND POSTSECONDARY PROGRAMS FOR ADULTS

SEC. 305. (a) Funds available under this section shall be used to provide, improve, and expand adult and postsecondary vocational education services and activities to train and retrain adults.

(b) Funds used for the purpose described in subsection (a) may be used for services and activities developed in coordination with the State agency administering title III of the Job Training Partnership Act.

(c) Funds for services and activities under this section may be used for—

(1) additional training under title III of the Job Training Partnership Act;

(2) vocational education programs for training or retraining adults, including programs for older Americans and displaced homemakers;

(3) the costs of serving adults in other vocational education programs, including paying the costs of instruction or the costs of keeping school facilities open longer;

(4) individuals who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

(5) individuals who have already entered the labor market, or have completed or left high school, and who are not described in clause (4).

TITLE IV—NATIONAL PROGRAMS

PART A—RESEARCH

RESEARCH OBJECTIVES

SEC. 401. It is the purpose of this part—

(1) to authorize research activities which contribute to improving the access to vocational education programs of individuals who are disadvantaged, who are handicapped, women who are entering nontraditional occupations, adults who are in need of retraining, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(2) to improve the competitive process by which research projects are awarded;

(3) to encourage the dissemination of findings of research projects assisted under this Act to all States; and

(4) to authorize research activities which are readily applicable to the vocational education setting and are of practical application to vocational education administrators, counselors, and instructors and others involved in vocational education.

RESEARCH ACTIVITIES

SEC. 402. (a) In order to carry out the objectives set forth in section 401, the Secretary shall conduct applied research on aspects of vocational education specifically related to this Act. Such research may be conducted through the National Institute of Education or any other division of the Department of Education which the Secretary determines to be appropriate. Such research shall include—

(1) effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(2) strategies for coordinating local, State, and Federal vocational education, employment training, and economic development programs to maximize their efficacy and for improving worker training and retraining;

(3) the constructive involvement of the private sector in public vocational education;

(4) successful methods of reinforcing and enhancing basic academic skills in vocational settings;

(5) the development of curriculum materials and instructional methods relating to new and emerging technologies, and assessments of the nature of change in the workplace and its effect on individual jobs;

(6) the identification of institutional characteristics which improve the preparation of youth and adults for employment; and

(7) the development of effective methods for providing quality vocational education to individuals of limited English proficiency, including research related to bilingual vocational training.

(b) In addition, the Secretary shall—

(1) operate a clearinghouse for information on activities conducted by the States under titles II and III, and on contracts made by the Secretary pursuant to this section; and compile an annotated bibliography of research, exemplary and innovative program projects, and curriculum development projects assisted with funds made available under this Act;

(2) initiate leadership development and inservice education activities for State and local vocational education instructors, counselors, and administrators; and

(3) support meritorious, unsolicited research proposals from State and local educators relating to the goals of this Act.

(c) The Secretary shall give preference in carrying out the provisions of this part to public and private postsecondary institutions which have demonstrated competencies in conducting vocational education research.

(d) No more than 20 percent of the amount made available under this part in any fiscal year may be awarded to any single recipient of financial assistance under this part.

NATIONAL ASSESSMENT OF VOCATIONAL EDUCATION PROGRAMS ASSISTED UNDER THIS ACT

SEC. 403. (a) The Secretary shall conduct a national assessment of vocational education assisted under this Act, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and evaluations of—

(1) the vocational education activities and services delivered to the individuals who benefit from vocational education activities and services assisted under this Act, including the expansion of access to quality vocational education for individuals described in section 201(b) and adults;

(2) the impact of this Act in modernizing the Nation's vocational education system and expanding its capacity to meet the changing needs of the workplace;

(3) the resources needed to meet adequately the Nation's job training needs;

(4) the coordination of vocational education programs with employment training and economic development among the States;

(5) the impact of vocational education programs on the achievement of academic skills and employment opportunities of students;

(6) the coordination of vocational education and postsecondary programing for handicapped and disadvantaged individuals;

(7) the skill and competency levels developed by States pursuant to section 113(b)(8);

(8) the effectiveness of vocational education programs and services for individuals of limited English proficiency; and

(9) the effectiveness of bilingual vocational training, including bilingual vocational instructor training, to address the unmet needs of individuals of limited English proficiency.

The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1988, and a final report shall be prepared and submitted to the Congress not later than January 1, 1989.

(b) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the Department of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

(c) Not more than 20 percent of the amounts available under this part in any fiscal year may be expended to carry out the assessment authorized by this section.

NATIONAL COMPARISON ASSESSMENT

SEC. 404. The Secretary, through the National Institute of Education shall, as part of the National Assessment of Educational Progress required by section 405(k) of the General Education Provisions Act, identify vocational education students among the national sample of students who have attained 17 years of age to enable a comparison to be made over time of the achievements in reading, writing, and arithmetic, by region of the country, and by socioeconomic level of vocational education students and other students.

PART B—COOPERATIVE EMPLOYER EDUCATION PROGRAMS

PROGRAM AUTHORIZED

SEC. 411. (a) From the amounts available for this part under section 451 for each fiscal year, the Secretary is authorized to carry out, directly or through grants to or contracts with State and local educational agencies, postsecondary vocational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions, programs and projects which support—

(1) model programs providing improved access to quality vocational education programs for those individuals described in section 201(b) of this Act and for men and women seeking nontraditional occupations;

(2) examples of successful cooperation between the private sector and public agencies in vocational education, including work experience and apprenticeship programs and programs assisting in the transition from school to work;

(3) programs to overcome national skill shortages, as designated by the Secretary in cooperation with the Secretary of Labor,

Secretary of Defense, and Secretary of Commerce; and

(4) such other activities which the Secretary may designate which are related to the purposes of this Act.

(b) All programs funded by amounts made available by this section shall be—

(1) of direct service to individuals enrolled in such programs; and

(2) capable of wide replication by service providers.

(c) The Secretary shall disseminate the results of the programs and projects assisted under this section in a manner designed to improve the training of teachers, other instructional personnel, counsellors, and administrators who are needed to carry out the purposes of this Act.

PART C—VOCATIONAL EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS

DATA SYSTEMS AUTHORIZED

SEC. 421. (a)(1) The Secretary shall develop a national vocational education data reporting and accounting system using uniform definitions. The system required by this section shall include information on vocational education—

(A) students (including information on their race, sex, and handicapping condition),

(B) programs,

(C) program completers and leavers,

(D) staff,

(E) facilities, and

(F) expenditures.

(2) In developing the system required by this subsection, the Secretary shall endeavor to make the system compatible with the occupational information data system developed pursuant to subsection (b), with other information systems involving data on programs assisted under the Job Training Partnership Act, and with information collected pursuant to the Education of the Handicapped Act.

(3) Any State receiving assistance under this Act shall cooperate with the Secretary in supplying the information required to be submitted by the Secretary and shall comply in its reports with the vocational education data system developed by the Secretary pursuant to paragraph (1). Each State shall submit the data required to carry out this subsection to the Secretary in whatever form the Secretary requires. Whenever possible, the reporting of data under this paragraph shall include reporting of data by labor market areas within the State.

(4) The Secretary shall every 2 years update the national vocational education information and accounting system and prepare acquisition plans of data for operating the system. In carrying out the requirements under this paragraph, the Secretary shall use scientific sample surveys for the information required, except that the information required with respect to handicapped students shall be furnished in accordance with section 422 of this Act.

(5) The Secretary may conduct special studies on enrollment of disadvantaged students in vocational education programs, on the participation of handicapped students in vocational education programs, and any other similar subjects which the Secretary deems appropriate.

(6) The Secretary shall use 33⅓ percent of the funds available for this part under section 451(3) for the purpose of assisting the States in complying with the data collection requirements of this subsection and shall use 66⅔ percent to carry out subsection (b).

(b)(1) There is established a National Occupational Information Coordinating Committee which shall consist of the Secretary, the Administrator of the National Center of Education Statistics, the Commissioner of Labor Statistics, the Assistant Secretary for Employment and Training, the Assistant Secretary of Commerce for Economic Development, the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), the Under Secretary of Agriculture for Small Community and Rural Development, and the Assistant Secretary of Health and Human Services for Vocational Rehabilitation. The Committee, with funds available to it under section 431(3) shall—

(A) in the use of program data and employment data, improve coordination between, and communication among, administrators and planners of programs authorized by this Act and by the Job Training Partnership Act, employment security agency administrators, research personnel, and employment and training planning and administering agencies at the Federal, State, and local levels;

(B) develop and implement an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs of the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications;

(C) conduct studies on the effect of technological change on existing or emerging occupations and on the knowledge and job skills which will be required by workers; and

(D) assist State occupational information coordinating committees established pursuant to paragraph (2);

(2) Each State receiving assistance under this Act and under the Job Training Partnership Act shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State job coordinating council, the agency administering the vocational rehabilitation program, and the State economic development agency. This committee shall, with funds available to it from the National Coordinating Committee established pursuant to paragraph (1)—

(A) implement an occupational information system in the State which will meet the common needs for the planning for, and the operation of, programs of the State board assisted under this Act and of the administering agencies under the Job Training Partnership Act; and

(B) use the occupational information system to implement a career information delivery system.

INFORMATION BASE FOR VOCATIONAL EDUCATION DATA SYSTEM

SEC. 422. The Secretary shall assure that adequate information on the access to vocational education programs by handicapped secondary school students be included in the national vocational education data system, required by section 161 of the Vocational Education Act of 1963 (prior to the repeal made by section 523(a)) and by this part, for the biennial survey. The information base for the biennial survey for the handicapped shall be in 6-digit detail as defined in A Classification of Instructional Programs published by the National Center for Educational Statistics. The survey shall include information with respect to total handicapped enrollment by program, by type of instructional setting, and by type of handicapping condition.

PART D—NATIONAL EMPLOYERS COUNCIL ON VOCATIONAL EDUCATION

COUNCIL ESTABLISHED

SEC. 431. (a)(1) There is established the National Employers Council on Vocational Education. The Council shall consist of twenty-one members appointed by the President.

(2) The members of the Council shall serve for such terms as the President may prescribe. Members of the Council shall be individuals who are owners, chief executives, or chief operating officers of private for-profit business concerns, including health and educational institutions, as well as other executives of business concerns and business associations who have substantial management or policy responsibility, except that at least one member shall be a nonpublic member appointed from among members of the National Commission for Employment Policy established under the Job Training Partnership Act, and not more than 3 members shall be representatives of labor organizations.

(b) The Council shall advise the President, Congress, and the Secretary on—

(1) the effectiveness of this Act or its implementation in achieving the stated purposes of this Act and in providing students with skills that meet needs of employers;

(2) strategies for increasing cooperation between business and vocational education so that training is available for new technologies for which there is a demand;

(3) practical approaches to retraining adult workers, and to enhancing education, business, and labor cooperation in retraining efforts; and

(4) effective ways of providing access to information regarding the market demand for skills that will enable State and local personnel to develop responsive vocational education curricula.

(c) The Council may establish working groups on occupational competencies to provide the Secretary, the President, the Congress, and the States with current information on the types and levels of occupational competencies necessary for entry and sustained productive employment in given jobs or industries, including levels of skills required, and equipment, methods, and facilities needed for the occupation. The Council may establish working groups for the occupations the Council deems important or necessary and may reconstitute such groups as occupational priorities are revised. Members of the working groups shall be appointed by the Council on the advice of national trade and professional associations and labor organizations. Working group members shall be individuals with specific knowledge in the technology and practice of the occupations relevant to the task of the group. The Council may provide the results and recommendations of the working groups to each State council on vocational education and other appropriate State agencies.

(d) The Council may use funds available for this part to obtain the services of staff specialists for working groups who have demonstrated technical skills and instructional ability in the occupations in question.

(e) The Council shall annually conduct a survey and report its findings to the President, the Secretary, and the Congress on how the competency statements provided by the Council have been used by States.

PART E—BILINGUAL VOCATIONAL TRAINING

PROGRAM AUTHORIZED

SEC. 441. (a)(1) It is the purpose of this part to teach vocational skills to limited English proficient adults and out-of-school youth to enable them to obtain the full benefits of the programs offered while they develop competency in the English language.

(2) From amounts appropriated pursuant to section 3(b)(2) in each fiscal year, the Secretary shall carry out, directly or through grants to or contracts with State and local educational agencies, postsecondary vocational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions, programs of bilingual vocational training authorized by this part.

(b) In carrying out the provisions of this part, payments for bilingual vocational training may be used for—

(1) training allowances for out of school youth or adults, who are unemployed or underemployed, and who desire training or retraining to achieve year-around employment;

(2) bilingual vocational instructor training, preservice training for instructors and related personnel, and developmental programs to continue or improve the qualifications of bilingual vocational instructors, including fellowships and traineeships;

(3) the development of instructional materials, methods, and techniques for bilingual vocational education; and

(4) programs to familiarize appropriate State agencies and training institutions with the results and findings of successful programs assisted under this part.

PART F—GENERAL PROVISIONS

DISTRIBUTION OF ASSISTANCE

SEC. 451. Of the amounts available pursuant to section 3(b)(1) for any fiscal year for this title—

(1) 30 percent shall be available for part A;

(2) 33 percent shall be available for part B;

(3) 30 percent shall be available for part C; and

(4) 7 percent shall be available for part D.

TITLE V—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

PAYMENTS

SEC. 501. The Secretary shall pay from its allotment under section 101 to each State for any fiscal year for which the State has a State plan approved in accordance with section 114 (including any amendment to such plan) the Federal share of the costs of carrying out the State plan.

FEDERAL SHARE

SEC. 502. (a) The Federal share for each fiscal year shall be—

(1) 50 percent of the costs of administration of the State plan;

(2) 100 percent of the costs of vocational education services and activities under title II for individuals described in section 201(b)(1) and section 201(b)(2), except that the Federal share shall be 50 percent of the costs of vocational education services and activities under such title for such individuals whenever separate vocational education programs are furnished for disadvantaged or handicapped students described in such subsections;

(3) 100 percent of the costs of vocational education services and activities under title II for individuals described in section 201(b)(3) and section 201(b)(4); and

(4) 50 percent of the costs of vocational education improvement, innovation, and expansion programs under title III.

(b) The non-Federal contribution may be in cash or in kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services.

MAINTENANCE OF EFFORT

SEC. 503. (a)(1) Payments for any fiscal year under this Act to a State shall be reduced in accordance with paragraph (2) unless the Secretary finds that the fiscal effort per student, or the aggregate expenditures for vocational education, in that State for the fiscal year preceding the fiscal year for which the determination was made was not less than 95 percent of such fiscal effort per student or the aggregate expenditures for vocational education for the second preceding fiscal year.

(2) The Secretary shall reduce the amount of the payment of funds under this Act, to which the State otherwise would have been entitled under its allocation, in the exact proportion to which a State fails to meet the requirements of paragraph (1) by falling below 95 percent of the fiscal effort per student or the aggregate expenditures for vocational education (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

(b) The Secretary may waive the requirements of this section for one fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources.

WITHHOLDING; JUDICIAL REVIEW

SEC. 504. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State board, finds that—

(1) the State plan or amendment approved under section 114 has been so changed that it no longer complies with the provisions of this Act; or

(2) in the administration of the State plan or of programs conducted pursuant to it there is a failure to comply substantially with any such provision,

the Secretary shall notify such State board that no further payments will be made to the State under this Act (or, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until satisfied that there will no longer be any failure to comply. Until so satisfied, the Secretary shall make no further payments to such State under this Act (or shall limit payments to programs under, or portions of, the State plan not affected by such failure).

(b) A State board which is dissatisfied with a final action of the Secretary under this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which action is based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set aside such action, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his action. The findings of the Secretary as to the facts, if supported by the weight of evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by the weight of evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered otherwise by the court, operate as a stay of the Secretary's action.

(c)(1) If any eligible recipient is dissatisfied with the final action of the State board or other appropriate State administering agency with respect to approval of its local plan, such eligible recipient may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board or other appropriate State administering agency. The State board or such other agency thereupon shall file in the court the record of the proceeding on which the State board or such other agency based its action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the State board or other appropriate administering agency, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the State board or such other agency to take further evidence, and the State board or such other agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

(3) The court shall have jurisdiction to affirm the action of the State board or other appropriate administering agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari certification as provided in section 1254 of title 28, United States Code.

(d)(1) The Secretary shall prescribe and implement rules to assure that any hearing conducted under section 434(c) of the General Education Provisions Act in connection with funds made available from appropriations under this Act shall be held within the State of the affected unit of local government or geographic area within the State.

(2) For the purposes of paragraph (1)—

(A) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

(B) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

AUDITS

SEC. 505. Each State shall obtain financial and compliance audits of any funds which the State receives under this Act. Such audits shall be made public within the State on a timely basis. The audits shall be conducted at least every two years by an organization or person independent of an agency

administering activities under the Act. The audits shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.

PART B—TRANSITIONAL AND CONFORMING PROVISIONS

EFFECTIVE DATE

SEC. 521. (a) This Act shall take effect for fiscal years beginning on or after October 1, 1984, except that the authority of the Secretary to prescribe regulations under this Act and the responsibility of States to submit State plans are effective upon the date of enactment of this Act.

(b) Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations for carrying out the provisions of this Act.

TRANSITION PROVISIONS

SEC. 522. (a) Each State and eligible recipient of financial assistance under this Act, or under the Vocational Education Act of 1963, may expend funds received under this Act or under the Vocational Education Act of 1963 to—

(1) conduct planning for any program or activity authorized under this Act; and

(2) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation of programs under this Act.

(b) On the effective date of this Act, the personnel, property, and records of the National Occupational Information Coordinating Committee established under section 161(b) of the Vocational Education Act of 1963 shall be transferred to the National Occupational Information Coordinating Committee established pursuant to section 421 of this Act.

CONFORMING AMENDMENTS

SEC. 523. (a) The Vocational Education Act of 1963 is repealed.

(b)(1) Section 4 of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—

(A) by striking out "section 195(10) of the Vocational Education Act of 1963" in paragraph (14) and inserting in lieu thereof "section 4(15) of the Vocational Education Act of 1984";

(B) by striking out "section 195(11) of the Vocational Education Act of 1963" in paragraph (23) and inserting in lieu thereof "section 1201(h) of the Higher Education Act of 1965"; and

(C) by striking out "section 195(1) of the Vocational Education Act of 1963" in paragraph (28) and inserting in lieu thereof "section 4(25) of the Vocational Education Act of 1984".

(2) Section 122 of such Act is amended—

(A) by striking out paragraph (8) of subsection (a); and

(B) by striking out "reports required pursuant to section 105(d)(3) of the Vocational Education Act of 1963" in subsection (b)(7)(B) and inserting in lieu thereof "the measures taken pursuant to section 113(b)(8) of the Vocational Education Act of 1984".

(3) Section 125(b)(1) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(4) Section 427(a)(1) of such Act is amended by striking out "section 104(a)(1) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 111(a)(1) of the Vocational Education Act of 1984".

(5) Section 461(c) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(6)(A) Section 463(a) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Vocational Education Act of 1984".

(B) Section 464(a)(1) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Vocational Education Act of 1984".

(C) Section 464(c) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Vocational Education Act of 1984".

(D) Section 463(a) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Vocational Education Act of 1984".

(E) Section 464(b) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(7) Section 472 of such Act is amended by striking out "National Advisory Council on Vocational Education (established under section 162 of the Vocational Education Act of 1963)" in subsection (a) and inserting in lieu thereof "National Employers Council on Vocational Education (established under section 431 of the Vocational Education Act of 1984)".

(8) Section 473 of such Act is amended—

(A) by striking out "National Advisory Council on Vocational Education" in paragraph (7)(A) and each place it appears in paragraph (7)(B) and inserting in lieu thereof "National Employers Council on Vocational Education"; and

(B) by striking out "section 162 of the Vocational Education Act of 1963" and inserting in lieu thereof "section 431 of the Vocational Education Act of 1984".

(c) Section 703(a)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3223(a)(8)) is amended by striking out "section 122(a)(4) and part J of the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(d)(1) Section 113(d) of the Higher Education Act of 1965 (20 U.S.C. 1013(d)) is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(2) Section 114(b) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(3) Section 1022(a) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(e)(1) Section 306(b)(11) of the Adult Education Act (20 U.S.C. 1205(b)(11)) is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(2) Section 318(a)(4) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(f)(1) Section 113(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking out "the Vocational Education Act of 1963 (77 Stat. 403)" and inserting in lieu thereof "the Vocational Education Act of 1984".

(2) Section 114(c) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational Education Act of 1984".

(g) Section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)) is amended by striking out "the Vocational Education Act" and inserting in lieu thereof "the Vocational Education Act of 1984.".

(h) Section 104 of the Vocational Education Amendments of 1968 is amended by striking out "section 102(a) of this Act (as such Act will be in effect on October 1, 1977)" and inserting in lieu thereof "section 3 of the Vocational Education Act of 1984".

TITLE VI—NATIONAL SUMMIT CONFERENCE ON EDUCATION

SHORT TITLE; FINDINGS

SEC. 601. (a) This title may be cited as the "National Summit Conference on Education Act of 1984".

(b) The Congress finds that—

(1) increased economic competition requires the development of a better trained and educated workforce which our educational institutions must provide;

(2) problems and deficiencies in American elementary and secondary education require consideration of possible new directions in setting national education policy; and

(3) there should be a National Summit Conference on Education authorized by law by Congress to provide directions for such policy, and any conference established by the Department of Education should be complementary to the National Summit Conference on Education.

(c) For the purpose of this title, the term "Conference" means the National Summit Conference on Education established by this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There are authorized to be appropriated to the Department of Education $500,000 for the purpose of conducting a National Summit Conference on Education, in accordance with the provisions of this title.

PARTICIPANTS

SEC. 603. The participants in the Conference shall consist of not more than two hundred individuals. The participants in the Conference shall be representative of teachers, parents, school administrators, school board members, State education officials, State legislators, Governors, students, business, labor, and special populations, including females, racial and ethnic minorities, and the disabled. The participants in the Conference shall be selected so as to provide racial, political, and geographic balance.

SELECTION OF PARTICIPANTS

SEC. 604. The participants in the Conference shall be chosen from among nominees submitted to the Executive Committee (established pursuant to section 605) by organizations representing public and private elementary and secondary education, vocational education, adult education, teacher training, women, racial and ethnic minorities, and the handicapped, as well as from among nominees supplied by organizations representing business, organized labor, parents, libraries, and all levels of government.

EXECUTIVE COMMITTEE

SEC. 605. (a) There shall be an Executive Committee of the Conference consisting of—

(1) two individuals appointed by the President,

(2) two individuals appointed by the Speaker of the House of Representatives,

(3) two individuals appointed by the Majority Leader of the Senate, and

(4) six individuals appointed by the Governors of the States acting as a group.

The six individuals appointed by the Governors shall be appointed from individuals representing chief State school officers, local and State school boards, State legislatures, and Governors.

(b) The Executive Committee shall be responsible for selecting a presiding officer and for selecting the organizations (described in section 604) to supply a list of nominees for selection as participants in the Conference. Not less than 30 organizations shall be so selected by the Executive Committee. Each organization selected shall nominate at least the number of individuals specified by the Executive Committee for that organization in order to provide the representation required by sections 603 and 604. The Executive Committee shall determine the total number of individuals to be selected for participation, consistent with the requirements of this title.

(c) The Executive Committee shall serve without compensation.

STAFF

SEC. 606. The Executive Committee shall appoint and fix the compensation of such staff as may be necessary, not to exceed the equivalent of four full-time employees. The staff shall assist the Executive Committee in planning, conducting, and completing the work of the Conference. The administrative support for the staff and the Executive Committee shall be the responsibility of the Department of Education in conjunction with the Speaker of the House of Representatives and the Majority Leader of the Senate. The staff and the Executive Committee shall report, through properly established lines of authority, to the Congress.

PROCEDURE

SEC. 607. (a) A majority of participants of the Conference shall constitute a quorum if votes are required. If task forces are created, the majority of task force participants shall constitute a quorum if a vote is required.

(b)(1) The Executive Committee shall select the conference site and shall determine the duration of the Conference. The duration of the Conference shall not exceed six days. Neither the regional meetings (described in section 608(a)) nor the Conference shall meet before January 1, 1985.

(2) The Conference shall prepare and transmit a written record of its recommendations to the President, to the Congress, and to the States not later than October 15, 1985.

AGENDA OF THE CONFERENCE

SEC. 608. (a) The Executive Committee, using data concerning education supplied by the Secretary of Education and by the States, shall develop an agenda for the Conference prior to the Conference. The data will include information furnished to the Secretary from statewide and regional summit conferences devoted to obtaining citizen views about education. The purpose of this agenda shall be to facilitate the development of recommendations on various issues raised by such recently issued education reports as the report of the National Commission on Excellence in Education, the Carnegie Report on American High Schools, the National Science Boards' Report on Mathematics, Science and Technology Education, and others.

(b) The agenda so developed shall take into account that it shall be the purpose of the Conference to create national bipartisan support for education at all levels of government, and to make recommendations for the development of viable local, State, and national intergovernmental and intragovernmental cooperation in education to make the most efficient use of funds from all levels of government.

(c) The agenda shall also provide for procedures for determining national consensus regarding types of strategies to be used and the appropriate levels of government to have primary responsibility for implementing educational policy.

TITLE VII—WOMEN'S EDUCATIONAL EQUITY

PROGRAM AUTHORIZATION

SEC. 701. (a) Section 938 of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 938. For the purpose of carrying out this part, there are authorized to be appropriated $6,200,000 for the fiscal year 1985, and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989.".

(b) Section 937 of such Act is amended by inserting after "1984" a comma and the following: "and every other year thereafter".

Mr. STAFFORD. Mr. President, as one of the creators of S. 2341, the Vocational Education Act of 1984, I am pleased to bring this legislation before the Senate.

S. 2341 makes significant and needed revisions in the Federal role in vocational education. Its primary objective is to clearly focus what the Federal law attempts to achieve. In doing so, S. 2341 supports two primary thrusts for Federal vocational assistance: The promotion of access for underserved populations and the support of modernization and improvement.

The Vocational Education Act of 1963, as amended, has been the Federal flagship in vocational education. It has served the system well in providing funds when there were few and in having been the catalyst for increased State and local support for vocational education.

The act, however, has its faults. The report conducted by the National Institute of Education—an evaluation mandated by the 1976 amendments—reached this central conclusion: The Vocational Education Act of 1963, as amended, attempts to accomplish too much with too few resources.

Mr. President, this finding cast a long shadow over our deliberation on the reauthorization of the VEA of 1963. Much is expected of vocational education, and indeed, much is accomplished. Yet, it has become readily apparent that the Federal Act has become all things to all people, and as such, by attempting too much, it has done too little.

The committee was faced with two choices. First, it could continue the current state of affairs, either keep the act essentially unchanged or add to it and thereby ensure that the Federal act would be little more than general, untargeted assistance.

Or, as a second choice, the committee could reshape the act to ensure not only that it stood for something but that it could get something done.

After having held more hearings on vocational education in the last 3 years than on any other educational topic, the subcommittee on education, arts, and humanities, which I chair, decided to take the latter course. The law needed to be redesigned so that its objectives were unmistakable and realizable.

As a result of these hearings and the NIE report, the subcommittee identified access and improvement as the two greatest needs of vocational education across the Nation.

S. 2341 focuses on access because far too many people—the handicapped, the disadvantaged, women, and the incarcerated—are left out of quality vocational education.

Furthermore, the Vocational Education Act of 1984 concentrates equally on program improvement. Too many pleas have been made to the committee that vocational education is in desperate need of support for expansion, innovation and improvement. S. 2341, heeding those pleas, provides significant support for such activities. It symbolizes the belief that vocational education must improve.

Mr. President, this legislation has been developed with the active involvement of our committee members and numerous representatives of vocational education, specifically, and the education community, generally, it enjoys broad support.

Also, S. 2341 removes layers of administrative requirements and bureaucratic complexity. It simplifies the planning process, promotes State discretion in allocating most of the funding, and lightens the burdens on local school districts.

It is more explicit on the requirements for serving the handicapped and the disadvantaged, but it is so because of the weight of accumulated evidence that Federal law in this area must be explicit or else it is not carried out.

To my friends who criticize the alleged inflexibility of S. 2341, I ask them to read this legislation carefully and make comparisons to the existing law. Any objective analysis will come down on S. 2341's side.

I commend the Vocational Education Act of 1984 to my colleagues' attention. It represents a break with the past and a bold step into the future. It recognizes both the interests of individuals and the needs of the system. It deserves support.

I also would like to express my appreciation for the contributions that Senators DOMENICI, CHILES, QUAYLE, and SPECTER have made in suggesting additional language. Their amendments not only are acceptable to the committee but they are welcomed.

Mr. HATCH. Mr. President, I am particularly pleased to bring this reauthorization of the Federal vocational

education program to the Senate floor. Like the Senate math/science bill that the House of Representatives has recently passed, the Vocational Education Act of 1984 continues the trend of cooperative efforts within the Committee on Labor and Human Resources regarding education legislation. I am honored to be a primary sponsor of this bill together with Senator STAFFORD and Senator PELL who have labored hard to refine the Federal role in vocational education into manageable and productive proportions.

Since its inception in 1917, the Federal vocational education program has been a categorical program. It is not now and was never meant to be a program of general educational assistance to States and towns. The program was intended to enhance vocational education through a specific Federal contribution to a comprehensive State and local effort. This comprehensive State and local effort was to remain in the hands of State and local officials who were to retain the discretion—the flexibility if you will—to operate State and local programs with State and local money in accordance with State and local priorities. The Federal money and the Federal program were there to help State and local programs, and not to preempt, supplant or dominate them. This was and is an entirely reasonable goal.

However, to serve this end the Federal program must have a focus. Otherwise, the Federal money becomes either a lure by which Federal hegemony is imposed upon State vocational programs or it becomes merely a source of additional funds for vocational administrators. To a degree both predicaments have occurred since the current 1976 law has no adequate focus.

Vocational education is predominantly a State and local responsibility. Over 90 percent of the national budget for vocational education comes from State and local sources. Nevertheless, in recent years a comparatively modest Federal contribution has been accompanied by 53 pages of law and hundreds of pages of regulations that have been used to manipulate State and local vocational education programs, in yet another example of the Federal tail wagging the national dog. The current Federal law contains a smorgasbord of goals and a warren of process and paperwork requirements. Its aims are vague and platitudinous. Its requirements for cooperation, collaboration, and accountability are so dense as to read like some treaty between the East and West. One expects to come across a passage describing the shape of the negotiating table.

On the other hand, once the State vocational administrators have negotiated the many Federal hoops, they receive the Federal money with no clear sense of Federal priorities concerning how this money should be used, in part because everything imaginable is listed as a Federal priority. Simply, the Federal funds become dollars that the administrators can use for projects, items or staff that the State or the town is unable or unwilling to finance. Ironically, the Federal program requires more elaborate State and local vocational bureaucracies and then fuels those bureaucracies with Federal dollars in the name of educational excellence, equity, and above all, flexibility. This hardly makes sense.

In 1981 the National Institute for Education issued a report that criticizes the diffuseness and obtuseness of the Federal vocational education law. Other reports have come since that time, and all of them stress the notion that the Federal Government should concentrate Federal dollars where they will do some tangible good.

With this goal in mind the sponsors of S. 2341 decided to limit the Federal program at the State and local levels to essentially two purposes: First, improving access to quality vocational training for underserved and hard to serve populations, and second, modernizing vocational education facilities and curricula so that they provide people with skills that are marketable in today's more technically advanced economy. There is broad consensus within the vocational education community that these two functions of accessibility and program improvement constitute a proper Federal role in vocational education.

S. 2341 allows the States to use 6 percent of their allotment for State administration. This represents a considerable drop from the portion of the Federal money that many States have been using for administrative expenses. However, we felt strongly that more of the Federal vocation moneys should be going for actual vocational education services.

One percent of the State allotment must go to pay the expenses of a more compact State council on vocational education than is required by current law. In addition to being smaller the new council will also have a business majority. It is our hope that a more focused panel will be better able to advise the State board of education on how to develop and maintain a congruence between vocational education programs and the job market within the State.

The State council must also prepare a plan for the use of Federal vocational funds within the State. This is another departure from current law which requires the State plan to explain the use of all vocational education moneys. The intention with this change is to keep the Federal program concentrated on its dual aims of accessibility and program improvement while giving a clear sign that it is a State and local prerogative and responsibility to design and manage the programs they themselves fund.

S. 2341 eases the burden of paperwork and the Federal manipulation of State and local programs by pruning federally mandated planning requirements. Instead of requiring annual plans that keep administrators virtually constantly at their desks compiling statistics and arranging graphs, the bill mandates an initial 3 year plan and then a plan every 2 years thereafter. Substate plans are not required at all. Local governments must submit only an application to the State providing assurances that they will comply with the Federal program.

Ninety-three percent of the State allotment must be devoted to providing vocational education. Eighty percent must be sent by the State through to local eligible recipients. The money is divided evenly between title II whose primary objective is accessibility, and title III whose primary objective is program improvement.

Title II consists of four set-asides to help the States provide marketable skills to four groups of Americans who have great difficulty getting the training they need for good jobs; handicapped persons, economically and educationally disadvantaged children, prisoners, and single parents and people who have spent their adult lives as homemakers. Helping to make quality vocational education available to these people is title II's primary purpose, but clearly program improvement is also a major purpose since availability means little without quality. The program money for the handicapped and the disadvantaged must be sent through to the local level; while the program money for the prisoners, single parents, and homemakers can be used either for State or local programs.

The single parents' and homemakers' section of title II tracks closely the language of S. 2318, the Single Parents and Homemakers Education Assistance Act, that I introduced with Senator HAWKINS last winter. We desired that vocational education better serve single parents and homemakers. These persons are often women who are struggling alone to raise children or who have been out of the labor paid force—sometimes for decades—and are unable to find work or are relegated to poor paying jobs because their circumstances make difficult or impossible their use of existing vocational training programs.

Altogether S. 2341 devotes $90.4 million for adapting or establishing vocational programs for single parents and homemakers. Also, funds can be used for such support services as transportation and child care so that single parents and homemakers with an ab-

solute need for these services will not be precluding from participating in vocational programs.

The bill also places the administration of the money for single parents and homemakers directly under the State's sex equity coordinator. The sex equity coordinators were first appointed in the 1970's when this position became a requirement under Federal regulations. Although some of these coordinators have managed to make a big difference in their States, little formal authority and virtually no program money have accompanied their job. These deficits have necessarily diminished what the coordinators can do to insure that the special needs of women are met. S. 2341 will make the coordinators administrators as well as advisers within the State administration of vocational education, and therefore, they will become more integrally involved in the management and policy of vocational education programs. The coordinators will also be able to address directly the needs of single parents and displaced homemakers who in our society are among those persons with the greatest financial problems.

The bill also entails an increased emphasis on serving the needs of handicapped persons and disadvantaged children. Too often these Americans are not served because they are deemed to be too hard to serve or it is suspected that they are not as likely to succeed and thus will diminish the success rate of a given program. It seems to me and to other sponsors of this legislation that these should be reason for an increased rather than a diminished effort.

Title III of S. 2341 is devoted to program improvement, innovation and expansion. Thirty percent of the funds under this title must be used to expand, create or modernize programs for adults, and 10 percent must be used for creative partnerships between the business and vocational educational communities. But beyond these requirements, the States have broad latitude to use title III moneys to improve their vocational education programs.

The reindustrialization of America under the current administration will increasingly require vocational programs to modernize their facilities and curricula to keep pace with advancing technologies. Title III is designed to give the States a boost toward this end.

Title IV of the bill improves national programs. A national assessment of vocational education is required. The Secretary of Education is given a discretionary fund to support model programs promoting access for the underserved, public/private sector cooperation, and the overcoming of national skill shortages. The Vocational Education and Occupational Information Data Systems or VEDS is streamlined in part by allowing scientific sample surveys rather than actual counts for all data except that involving handicapped persons.

As a result of an amendment I offered in committee, a National Employers Council on Vocational Education will be established. The original bill included no authorization for a national council even though a National Advisory Council on Vocational Education has been mandated under existing law. The Council was omitted because it seemed to the sponsors that the current program is so diffuse in its membership and purpose that it has not been as effective in assisting either the Secretary or the Congress as it might have been. However, upon reflection I felt that the council like the rest of the Federal Vocational Education Program should be given a focus and a chance to succeed.

The new council is comprised entirely of users. That is the membership is people who will actually employ the graduates of vocational programs. The idea is to give the educators who work in and with the Department of Education a complementary perspective.

Also, the Council will have greater latitude to be incisive because this will be essentially a business council which will say what business thinks is good for the country and for business. Because the Council's opinion will be obviously from a given perspective it will not be tied to the ameliorating and homogenizing requirements of national policy. For example, It would not be proper for there to be a national policy on curricula standards, but there can be no onus against an employers' council producing policy on curricula. In this case it would represent a perspective of the American business community. The National Employers Council is also authorized to establish subcommittees and working groups to consider specific vocational problems associated with business and labor needs and high technology

Finally, we have added a provision revising the existing Federal effort on bilingual vocational training. This section represents something of a milestone thanks to the indispensible help of Senator RANDOLPH. In response to his initiative the committee has made it clear that the Congress intends a language other than English to be used when this is necessary to allow students who do not understand English well to understand the subject matter so that they will not fall behind mainstream students in learning vocational skills. On the other hand, whenever this need is not paramount, English is to be used. For one thing the language of technology in the country and much of the rest of the world is English. In other words, English terms denote the component parts of most widgets. Thus, if a mechanic is to make use of a shop manual, he must know some English. Also, English is the language of this country, and no student can realistically expect the full range of opportunities that this Nation provides if he cannot understand or be understood by the vast majority of his fellow Americans. Therefore, foreign languages should be used in our vocational programs to assist students whose primary language is not English to keep up in their studies with their fellow students and to assist them in an ultimate mastery of our language.

I believe that Senator STAFFORD, Senator PELL, and the rest of the Committee on Labor and Human Resources have fashioned a particularly thoughtful and coherent reauthorization for our national vocational education programs. I am proud to have been a part of this effort and I am greatly pleased with the results. I urge the Senate to support this legislation.

In committee, amendments were added that will establish a National Summit Conference on Education to follow up on last year's conference that was organized by Secretary Bell and attended by the President. The Women's Education Equity Act is also reauthorized. These are worthy additions and I urge my colleagues to support these as well.

Mr. DOMENICI. Mr. President, I am very pleased to rise in support of S. 2341, the "Vocational Education Act of 1984." I wholeheartedly support vocational education, as it is a very important component of the American educational system.

I am very pleased that today the Senate is taking affirmative action to reauthorize and extend the Federal Vocational Education Program.

Even though the Federal Government provides only 9 percent of total national expenditures for vocational education, this Federal money can make the difference in updating programs so that they reflect the needs of today's industry; in providing extra services for special populations such as disadvantaged, handicapped, and women students, and makes the difference between state of the art equipment in classes and equipment that is sorely in need of replacement. Thus, the Federal commitment to vocational education is important, and I am pleased to reaffirm that commitment today.

Earlier this year Senator CHILES of Florida and I introduced legislation to reauthorize and extend the Vocational Education Program, S. 2360, the Vocational-Technical Education Quality and Equity Act of 1984. This legislation had two purposes: First, to improve the quality of vocational education programs; and second, to increase access to vocational education programs for populations of students who

had not previously fully participated in vocational education programs—such as disadvantaged, handicapped, minority and women students.

I am pleased to see that these are the two main purposes behind S. 2341, the Vocational Education Act of 1984, and I congratulate the authors of this legislation for their concern about the quality of vocational education programs and their concern that vocational education programs reach out to provide services for students who would otherwise have great difficulty in obtaining independent employment and gaining self-sufficient lives.

There is a significant difference, however, between the bill introduced earlier this year by Senator CHILES and myself and the bill which we are considering here on the floor today. S. 2360, the Vocational-Technical Education Quality and Equity Act of 1984, required States and localities to complete a fairly rigorous planning process, but then allowed great flexibility in the manner in which States and localities used Federal money to increase vocational education services for disadvantaged, handicapped, minority, and women students and to improve the quality of vocational education programs. On the other hand, S. 2341, which we are considering today, has a more streamlined planning process, and allows less flexibility in the manner in which funds are used. While we all sought the same improvements in vocational education classes and schools, we differed on the best approach to obtain these goals. I note that these differences are not one of party—since both bills were bipartisan efforts—but more one of philosophy and a basic approach toward Federal, State and local relationships.

I expressed my concerns about the differences between our bills to the chairman of the Education Subcommittee, Senator STAFFORD, and the chairman of the full Committee on Labor and Human Resources, Senator HATCH. I would like to tell my colleagues at this point that in every instance I found these two chairmen and their staff to be open to my concerns, understanding, and extremely helpful.

As a result of a series of discussions held over the past few weeks, in a moment I will be offering an amendment to S. 2341, the Vocational Education Act of 1984, and it is my understanding that this amendment is acceptable to the authors of the bill. The purpose of my amendment is twofold: To make it easier for local school districts and vocational schools to provide services for disadvantaged and handicapped students, and to encourage small school districts to work together in providing these services.

This is accomplished by small modifications of the bill language. First, my amendment will allow services to disadvantaged and handicapped students to be provided jointly, or in common, where that is appropriate. Second, my amendment allows the State, where the use of Federal funds will be inefficient or ineffective, the option of withholding formula grants from recipients who would receive less than $1,000 for the entire year. If small districts work together to provide services for disadvantaged and handicapped students, and qualify for a grant of $1,000 or more, they will automatically receive a formula grant. It is my hope that this language will encourage small school districts to work together on a cooperative basis in providing services for disadvantaged and handicapped students.

The changes which I propose will be of most significance and assistance to small rural school districts. In New Mexico there are 33 school districts with enrollments of less than 500. It is often difficult for these smaller districts to comply with some of the administrative requirements and detailed provisions of Federal law. To the degree that we in the Senate are responsive to these concerns and are sensitive to the limitations of small rural school districts when we draft Federal law, we will be aiding and improving the quality of education for these rural students; and this, in the final analysis, is what we are all working together to accomplish.

Mr. President, I would also like to mention at this point that I support the amendment which is being offered today by Senator CHILES. Senator CHILES' amendments will strengthen the planning process for States and localities to guarantee that the Federal money will be used for the purposes of this act. These ideas are also found in S. 2360, which the two of us introduced earlier.

I close my statement by congratulating the sponsors of S. 2341 for their efforts. I know it has been a long and difficult process for the committee in reaching this point, and I thank them for their willingness to address my concerns.

Mr. PRESSLER. Mr. President, as a longtime, active proponent of vocational education, I rise in support of the Vocational Education Act of 1984 as a bill which inspires youth initiative, rescues disoriented unemployed individuals, and solves many of the social problems to which unemployment can lead.

There were several different approaches to restructuring voc-ed programs, offered during the past year. I feel this bill is a good compromise and one that was achieved through a true bipartisan effort.

This legislation will replace the existing Vocational Education Act and will hopefully lead to improved local and State vocational education programs. By providing a new leadership role, S. 2341 will modernize and upgrade the quality of all secondary and postsecondary vocational education.

The bill also increases the funding for disadvantaged, handicapped and other special population groups. Too often the needs of the handicapped and disadvantaged are overlooked; S. 2341 successfully addresses these needs.

The success of cooperative voc-ed programs is clearly exemplified in South Dakota. A large farm implement manufacturing firm in Mitchell had a critical need for 40 additional welders. The Mitchell Area Vocational Technical School was able to promptly respond to this need by training people in the evenings and on weekends.

Another local manufacturer had a need for specialized welders. The Mitchell Vo-Tech School was able to respond by taking one of the company's employees and providing short-term intensive training programs in MIG and TIG welding.

These are two examples of this one school's effective response to the business and employment needs of the community. What does the school get in return? Local businesses and industries have played a major role in the development of Mitchell Vo-Tech by donating hundreds of thousands of dollars' worth of equipment to the school. Currently, over 100 businesses and industry leaders serve as advisers to the school. The farm implement company I mentioned earlier located in Mitchell because of the availability of the Mitchell Vo-Tech School.

Through coordination with State and local education agencies, students receive valuable experience and industry is able to hire skilled workers. In this instance and countless others, education and industry cooperatively recognize and respond to training and manpower needs. South Dakota's 90 percent in-State placement rate for postsecondary voc-ed graduates is proof that the programs are working.

Statistics show employers are satisfied with workers trained by voc-ed institutions. Voc-ed programs are meeting the needs not only of students, but also of the communities in which they are employed.

I have long believed that vocational education offers one of the most effective means by which our country can better prepare its work force and effectively utilize the talents and resources of its people. My very first speech in Congress in 1975, on the floor of the House of Representatives was about the need for strengthening vocational education in this Nation. I have continued that fight in the U.S. Senate. I support S. 2341, the Vocational Education Act of 1984 and I urge my colleagues to join in better focusing, redefining and refining con-

gressional intent in the Vocational Education Act.

Mr. STAFFORD. Mr. President, I have been informed by the Budget Committee that certain sections of S. 2341 need additional clarification.

Specifically, section 521 establishes the effective date as beginning on or after October 1, 1984, except that the authority of the Secretary to prescribe regulations and the responsibility of the States to prepare and submit State plans are effective upon the date of enactment.

The committee intends that any expeditures arising from the Secretary's regulatory function or the States planning responsibilities must come from existing funding.

Furthermore, S. 2341 omitted an effective date for the National Summit Conference on Education. It is the committee's intention that the effective date be on or after October 1, 1984.

Mrs. HAWKINS. Mr. President, I rise in support of S. 2341, the Vocational Education Act of 1984. This measure reauthorizes Federal support of vocational education. In doing so, it is an affirmation of the Federal Government's commitment to vocational training as a primary means of improving job skills and providing greater opportunity for this Nation's working men and women. This bill, however, represents much more than a simple renewal of Federal efforts in this important area of education. With it, we open a new chapter in our attempt to make Federal involvement at all levels more cost effective, less burdensome, and more direct. S. 2341 is a carefully crafted measure designed to reach individuals who need help the most in beginning the climb up America's economic ladder.

As the committee report makes clear, this bill "rests on two pillars: access and quality." The Vocational Education Act of 1984 provides greater access to vocational education for men and women who have been traditionally underserved by vocational education and who are, in the face of rapidly changing economic and social conditions, most in need of marketable job skills. It also provides Federal support to improve the quality of vocational education for all students. This approach is the result of several facts of life that faced the committee during the drafting of S. 2341.

First, the Federal Government's contribution to total vocational education spending in the United States has steadily grown smaller. Although nominal dollars spent each year continue to increase, the Federal Government's share of total spending has declined from over 25 percent in 1966 to only 9.4 percent in 1980. Over the last 18 years, spurred by the Federal Government's support, the States have developed strong vocational educational programs and committed significant resources to this area of education. The State of Florida, as an example, has developed one of the best programs in the Nation. During the 1982-83 school year, Florida spent $544 million in non-Federal funds to support vocational education in our high schools, community colleges, and vocational technical centers. To put that in perspective, spending by just my State of Florida is more than half the total Federal funds authorized in the Vocational Education Act before the Senate today.

Second, the American people have said, "no more" to ever-increasing Government spending as the solution to problems. In the last 20 years, we have learned that throwing money at problems will not solve them. The people have made it clear that they do not believe the simple axiom, "more is better." In numerous tax revolts around the Nation, the taxpayers have loudly declared that they will no longer stand for Government that does not set clear priorities or spends their tax dollars inefficiently.

Thus the committee faced two significant realities: a strong commitment to vocational education by the States that limits the scope of effective Federal involvement, and new budgetary restraints under which all government must live. Consequently, the committee made an important decision about priorities. This bill reflects the committee's decision, one with which I fully agree, that given limited resources and a limited role, our Federal priority must be to help those most in need. It is in this way, serving the people who have been traditionally left behind, that limited Federal dollars can be most effective.

The Vocational Education Act of 1984 identifies five population groups that have been underserved by vocational education in the past. Under the bill, Federal resources will be directed to assist these people. The economically disadvantaged, women who are the sole providers for their families, the physically handicapped, working adults who have been displaced by changing technology, and incarcerated individuals will be the primary recipients of the funds made available by S. 2341. Under this Vocational Education Act, States must use 50 percent of the money made available to them to provide increased access to these target groups.

The second and equally important priority established by S. 2341 is quality improvement. The bill provides that the remaining 50 percent of the funds made available to the States must be used for program improvements that benefit all vocational education students. These funds may be used for such purposes as the development of new curriculum, new course materials, or the purchase of new equipment.

Mr. President, I believe the success of this new approach to vocational education rests on a third pillar—as important as the first two. The virtual elimination of local planning requirements should allow "creativity" to become the third column that supports vocational education policy. This bill frees State and local officials from burdensome paperwork requirements, and I hope, will enable these educators to exercise greater creativity in meeting the needs of their students and communities. As in all education matters, the Federal Government cannot be omniscient. Its proper role is to foster, stimulate, and support locally controlled education initiatives.

Mr. President, the Vocational Education Act of 1984 achieves its basic purpose. Of course, it is not a perfect document and it differs significantly from other bills that have been introduced to reauthorize this program. But, Mr. President, this is the best bill before the Senate. It is a positive step toward more cost effective, less burdensome, and more direct Federal assistance to those most in need. I urge my colleagues to support this measure.

Mr. D'AMATO. Mr. President, I am pleased today to rise in recognition of this very important legislation. The Vocational Education Act of 1984, S. 2341, has been carefully examined and reported by the Committee on Labor and Human Resources. I am pleased to support its passage.

This legislation focuses on a critical issue facing many of our citizenry. The Vocational Education Act of 1984 addresses the need to open up vocational education to groups that are traditionally underserved. It provides resources which would result in the improvement and the modernization of vocational education programs. It is timely that vocational education assistance will be provided to States and that programs for vocational education opportunities for individuals from specified groups with special needs also will be provided for. There are other important provisions included in S. 2341: national vocational education programs improvement, innovation, and expansion of national programs, including research and vocational education and occupational information data systems.

The Vocational Education Act of 1984 encompasses the growing challenges and trends in technology advancement. Technology advancement has had a major effect on both the educational system and the workplace. Therefore, it is quite appropriate that this legislation includes special provisions in recognition of the need for industry cooperative programs in high technology occupations. The Committee on Labor and Human Resources

has encouraged the use of new and advanced learning technologies, such as computer assisted instruction, for achieving the many objectives of S. 2341.

Mr. President, I am delighted to support this act. Its multifaceted purpose will benefit many. In short, this legislation will provide badly needed assistance to States in the expansion, improvements, and development of quality vocational education programs. S. 2341 assures equal opportunity in vocational education for traditionally underserved populations. The Vocational Education Act of 1984 promotes public and private sector cooperation.

Mr. President, this legislation makes vocational education more responsive to the job market and improves the operation of national vocational education programs. For this and many other reasons, I am pleased to express my support for the Vocational Education Act of 1984.

Thank you, Mr. President.

AMENDMENT NO. 3656

(Purpose: To make certain technical and minor modifications in the bill and to correct a performance standard regulation under the Job Training Partnership Act)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Mr. STAFFORD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. STAFFORD, proposes an amendment numbered 3656.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 120, line 9, after "develop" insert a comma and the following: "within the National Center for Education Statistics,".

On page 133, line 11, strike out "plan" and insert in lieu thereof "application".

On page 146, after line 13, insert in the following the new title:

TITLE VIII—JOB TRAINING REGULATIONS

REGULATIONS AMENDED

SEC. 801. Section 629.38(e)(2)(iii) of the regulations relating to job training published by the Secretary of Labor on March 15, 1983, is amended to read as follows:

"(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement, or in the case of youth the attainment of other outcomes specified in section 106(b)(2) of the Act.", until the Secretary modifies such regulations in accordance with the provisions of section 169 of the Job Training Partnership Act.

On page 66, in the table of contents, after item "Sec. 701" insert the following:

TITLE VIII—JOB TRAINING REGULATIONS

SEC. 801. Regulations amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 365b) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3657

Mr. STEVENS. Mr. President, I send another amendment to the desk on behalf of Mr. STAFFORD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], on behalf of Mr. STAFFORD, for himself, Mr. KENNEDY, Mrs. HAWKINS, and Mr. QUAYLE, proposes an amendment numbered 3657.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, line 18, strike out "and".

On page 84, line 22, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 84, between lines 22 and 23, insert the following:

(D) the adoption of such procedures as the State board considers necessary to implement State level coordination with the State job training coordination council to encourage cooperation in the conduct of their respective programs.

On page 87, between lines 10 and 11, insert the following new subsection;

(c) The State board shall make available to each private industry council established under part A of title I of the Job Training Partnership Act within the State a description of all programs assisted under this Act to be operated by eligible recipients in service delivery areas designated under such part A.

On page 90, line 10, strike out "and".

On page 90, line 14, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 90, between lines 14 and 15, insert the following:

(C) make recommendations to the State board for cooperation with programs assisted under this Act with programs assisted under the Job Training Partnership Act, and at least once every two years assess the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act to the extent that the objectives of this Act and the Job Training Partnership Act are compatible.

On page 97, line 5, after "legislature" insert the following: "and the State job training coordinating council".

On page 97, line 6, after "legislature" insert the following: "and the State job training coordinating council".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3657) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3658

(Purpose: To permit joint or common services to be provided to disadvantaged and handicapped individuals under the bill, to assure that separate identification of expenditures of the disadvantaged and handicapped at the local level is not required, and to prevent extreme dispersion of assistance)

Mr. STEVENS. Mr. President, on behalf of Mr. DOMENICI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DOMENICI, proposes an amendment numbered 3658.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 104, between lines 11 and 12, insert the following:

(b)(1)(A) Whenever the State board determines that the distribution of funds, in accordance with subsection (a) of this section, will result, with respect to any eligible recipient, in ineffective programing and use of funds made available under this title, the State board may adopt a de minimis rule under which funds are not allocated to such an eligible recipient and are reallocated under this subsection. The State board may, in carrying out the provisions of this paragraph, apply the rule only to any eligible recipient within the State which is eligible to receive $1,000 or less in any fiscal year.

(B) For the purpose of this paragraph, an eligible recipient includes a joint application under paragraph (5) of subsection (a).

(2) Whenever the State board determines that the rule stated in paragraph (1) of this subsection applies to any eligible recipient, the State board shall allocate the amounts made available by the application of paragraph (1) to other eligible recipients within the State not subject to such paragraph.

On page 104, line 12, strike out "(b)" and insert in lieu thereof "(c)".

On page 104, between lines 16 and 17, insert the following:

(d) Nothing in this title shall be construed to require the State board to identify, separately, expenditures for disadvantaged individuals and for handicapped individuals with respect to eligible recipients within the State.

On page 106, between lines 19 and 20, insert the following:

(d) Whenever the State board determines that it is appropriate, vocational education

services and activities for handicapped individuals and disadvantaged individuals may be furnished jointly or in common.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3658) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3659

(Purpose: To strengthen State assessment of vocational education, and the development and contents of the State plan)

Mr. STEVENS. Mr. President, on behalf of Mr. CHILES, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CHILES, proposes an amendment numbered 3659.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, line 23, strike out "and".

On page 91, between lines 23 and 24, insert in lieu thereof the following:

(C) assess the special needs of groups of individuals specified in section 201(b) for access to vocational education and vocational services in terms of labor market needs;

(D) assess the quality of vocational education in terms of—

(i) the pertinence of programs to the workplace and to new and emerging technologies,

(ii) the responsiveness of programs to the current and projected occupational needs in the State,

(iii) the capacity of programs to facilitate entry into, and participation in, vocational education and to ease the school-to-work and secondary-to-postsecondary transition, and

(iv) the technological and educational quality of vocational curricula, equipment, and instructional materials to enable vocational students and instructors to meet the challenges of increased technological demands of the workplace;

On page 91, line 24, strike out "(C)" and insert in lieu thereof "(E)".

On page 92, line 1, beginning with the word "bring", strike out through the period in line 3 and insert in lieu thereof the following: "meet the needs identified through the assessments required by clauses (A) through (D) of this paragraph; and

"(F) determine, for each fiscal year, how the services and activities supported by funds furnished under this Act can be expected to assist the State in meeting the needs identified through the assessments required by clauses (A) through (D) of this paragraph.".

On page 92, strike out lines 5 through 19 and insert in lieu thereof the following:

(1) provide assurances that, and where necessary a description of the manner in which, the State board will comply with the requirements of titles I, II, and III of this Act, including—

(A) a description of the manner in which the State will comply with the criteria required for programs for the handicapped and for the disadvantaged prescribed by section 204;

(B) assurances that the State will comply with the distribution of assistance requirements contained in section 203;

(C) a description of the criteria for the distribution of assistance required by section 203 and section 302;

(D) assurances that, to the extent consistent with the number and location of individuals described in clauses (1) and (2) of section 201(b) in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such individuals in the vocational education program assisted under title II of this Act;

(2) set forth the planned uses of Federal funds available for vocational education for each fiscal year for which the plan is submitted and describe how the State did carry out the provisions of section 113(a)(3);

On page 93, strike out lines 15 through 21.

On page 93, line 22, strike out "(7)" and insert in lieu thereof "(6)".

On page 94, line 1, strike out "(8)" and insert in lieu thereof "(7)".

On page 94, line 3, strike out "using" and insert in lieu thereof the following: "in meeting the needs identified in the State plan, including".

On page 94, line 14, after "will" insert a comma and the following: "as a component of the measures under subclause (A) of this clause,".

On page 94, line 17, strike out "(9)" and insert in lieu thereof "(8)".

On page 94, line 20, strike out "(10)" and insert in lieu thereof "(9)".

On page 95, strike out lines 5 through 16.

On page 95, line 17, strike out "(14)" and insert in lieu thereof "(10)".

On page 95, line 21, strike out "(15)" and insert in lieu thereof "(11)".

On page 96, line 9, insert "and" after the semicolon.

On page 96, line 10, strike out "(16)" and insert in lieu thereof "(12)".

On page 96, line 15, strike out "; and" and insert in lieu thereof a period.

On page 96, strike out lines 16 through 19.

On page 97, after line 24, add the following:

(d)(1) The Secretary shall provide technical assistance and guidance to the States in order to assist the States to fulfill the requirements of section 113(a)(3).

On page 98, line 1, strike out "(d)(1)" and insert in lieu thereof "(2)".

On page 98, line 7, strike out "(2)" and insert in lieu thereof "(3)".

On page 98, line 19, strike out "Each" and insert the following: "To meet the needs identified in the State plan, each".

On page 106, line 14, strike out "and counseling" and insert in lieu thereof a comma and the following: "counseling, and career development".

On page 107, line 2, after "available" insert in lieu thereof the following: "to meet the needs identified in the State plan".

On page 107, line 23, strike out "and counseling" and insert in lieu thereof a comma and the following: "counseling, and career development".

Mr. CHILES. Mr. President, I would like to offer a series of amendments to the Vocational Education Act of 1984. I understand these amendments are acceptable to the committee.

I would like to express my sincere thanks to the chairman and ranking members of the Education Subcommittee and of the Labor and Human Resources Committee and their staffs for their willingness to work with me on a satisfactory compromise on these amendments. I also want to thank Senator WEICKER and his staff for the valuable assistance they have provided in developing these amendments.

The bill reported by the full committee already contained some marked improvements over the current program and the House version. Structurally, it is significant that the bill places the administrative section, that is, the title that outlines the responsibilities of the States, up front. In addition, the approach of having a separate title and funds for access and another for quality, or program improvement, is also very desirable. These features, which are similar to the Vocational-Technical Education Quality and Equity Act of 1984, introduced by myself and Senator DOMENICI, are important.

Too often, we write legislation that literally spends the money up front, lists all the great things that the funds can be used for, and leaves the process for getting the money out and setting priorities for why we are spending it, way in the back of the bill. The committee bill avoids this.

Too often we craft legislation that pits the special needs of disadvantaged and handicapped populations for access to education against general program improvement for the average student. Again, the committee bill avoids this.

Substantively, the committee bill takes a great step forward in identifying those things—Outreach, special services, guidance and counseling—that are critical to the success of disadvantaged and handicapped students and targeting the funds to these services. The services identified for the disadvantaged and the handicapped, the so-called supplemental services, are educationally sound. They provide a strong companion to what we buy for the Federal dollar for these groups with chapter I and the Education for the Handicapped Act. And when we know exactly what we are buying, in terms of above-and-beyond services for a special population, we are going to be better able to tell what we are accomplishing for them with the money.

Another substantive improvement the committee has made with this bill is to forego the "laundry list" of naming each and every activity the funds can be used for in program improvement. Instead, the committee

has wisely moved to a more generic, or concept-oriented, list of program improvement activities that encompasses the full scope of what can and should be done to enhance the quality of voc ed. This also provides flexibility in that you don't have to worry about seeing if each specific use of funds is listed.

I am very hopeful that these aspects of the committee bill will be retained in conference with the House.

I am particularly pleased that the committee worked with me to incorporate the spirit of the amendments I was offering into the amendment they are accepting today. I feel, and I believe the committee and a number of the education groups also agree, that these amendments build on the progress this Senate version makes and enhance the accountability of the program.

The so-called Chiles' accountability amendments simply sought to identify, up front in the State administration title, what our priorities are for access and quality in vocational education. Priorities like these are often stated in the purpose of a piece of legislation. But frequently, they don't find their way into the planning process and the way funds are used. The committee has worked with me on incorporating a mechanism for linking, throughout the bill, our real purposes in providing access and improving quality of vocational programs. The mechanism brings these purposes or priorities into the development of the State plan, review of local applications, and ultimately, how funds are used.

Identifying the priorities for access are easy—they are simply the needs of specific target populations (the disadvantaged handicapped, women, and prisoners) for access to vocational education and special vocational services. It really isn't that difficult either to determine what we mean by "quality" in vocational education. It is programs that are pertinent to the workplace and new technologies, programs that respond to State and local occupational needs, programs that are technologically and educationally sound, and programs where the entry and exit to another program or the job market flows smoothly.

As I said, we have worked out a mechanism for incorporating priorities like this into the bill. First, my amendment states these items as the basis for a State assessment of each of the target populations' needs and of the quality of programs. Once the needs in each area of the assessment are identified, local capacity to meet the needs is determined. This is important because you don't want to plan for spending Federal money without taking into account what is going on in the State. Finally, the States determine how the programs and activities to be supported with the Federal funds will meet those needs.

There's another step to this mechanism, that of setting goals and determining how much progress toward the goals can be made during the period of the State plan. We couldn't reach agreement on incorporating this step into the program at this time. However, it's a direction I think we should be moving, ultimately, in programs like voc ed, math-science, and excellence, where the Federal Government is trying to buy quality and access above and beyond what the States and local education agencies are doing. I hope to work with the committee over time in seeing if we can't adopt more of a goal-setting approach for both accountability and flexibility.

The amendment I am offering here does incorporate the three planning steps I mentioned into the State plan. It ties the uses of funds for the target populations in title II and program improvement in title III to the needs identified by the assessment and how well programs meet the identified needs is the basis for educating programs. That completes the mechanism. I am convinced it means the States and local districts and institutions will be able to identify overall what they are trying to accomplish with the Federal dollar and what they are getting. Ultimately, we will know more at the Federal level what we are accomplishing with the program and how much more could be achieved with additional funds for the program.

I am also very happy that the committee has reached an agreement on the flexibility amendment being offered today by Senator DOMENICI. I think with an accountability mechanism like this in place, we can afford to permit more flexibility to the States and local districts. I understand that my colleague, Senator QUAYLE, will further discuss the issue of flexibility in conference with the House, and I thank the committee for its courtesy in this regard.

It will be a difficult conference because structurally and substantively the House and Senate bills are so different. I am anxious to have the amendments I am offering for accountability and those of my colleague from New Mexico for flexibility accepted in the conference. I think the gains the committee bill with these amendments make are critical to the future success of the Federal voc ed program. I hope the committee will remain receptive to additional flexibility in conference.

This bill has gone a hard road through committee to the Senate floor. Again, I want to thank the committee leaders for their efforts and commend them for their untiring work on the legislation. And, of course, I offer very special thanks to Senators DOMENICI and QUAYLE and their staffs for the cooperation, assistance, and hard work they have contributed to our joint effort.

AMENDMENT NO. 3655

Mr. STEVENS. Mr. President, on behalf of Senators STAFFORD and PELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. STAFFORD, proposes an amendment numbered 3655.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 99, line 19 before the period, insert a comma and the following: "including the acquisition of modern machinery and tools and the costs of services and activities which apply the latest technological advances to courses of instruction".

On page 100, between lines 7 and 8, insert the following:

"(3) make grants to community-based organizations for the provision of vocational education services to single parents and homemakers, if the State determines that the community-based organization has demonstrated effectiveness in providing comparable or related services to single parents and homemakers, taking into account the demonstrated performance of such an organization in terms of cost, the quality of training and the characteristics of the participants;".

On page 100, line 8, strike out "(3)" and insert in lieu thereof "(4)".

On page 100, line 8, strike out "(4)" and insert in lieu thereof "(5)".

On page 104, line 15, insert before "within" the following: "and to community-based organizations pursuant to section 201(e)(3)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3655) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

AMENDMENT NO. 3660

(Purpose: To provide through joint efforts between eligible recipients and community-based organizations a program of outreach and prevocational services designed primarily to transition severely economically and educationally disadvantaged youth into vocational education and other education and training programs)

Mr. STEVENS. Mr. President, on behalf of Mr. SPECTER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, Mr. HATCH, Mr. STAFFORD, and Mr. PELL, proposes an amendment numbered 3660.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 17 and 18, insert the following:

(3) There are authorized to be appropriated $20,000,000 for the fiscal-year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to assist the States to carry out programs and services designed to enroll severely economically and educationally disadvantaged youth in vocational education programs or other education and training or for employment, using joint efforts between eligible recipients and community-based organization.

On page 77, line 19, strike out "section" and insert in lieu thereof "sections".

On page 77, line 20, strike out "and 3(a)(2)" and insert in lieu thereof a comma and the following: "3(a)(2), and 3(a)(3)".

On page 81, lines 5 and 6 after "allotment" insert "(other than the amount of the allotment attributable to sums appropriated pursuant to section 3(a)(3))".

On page 98, between lines 10 and 11, insert the following new part:

PART C—STATE ASSISTANCE FOR VOCATIONAL EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS

APPLICATIONS

SEC. 121. (a) Each community-based organization which desires to receive assistance under this part shall prepare jointly with the appropriate eligible recipient and submit an application to the State board at such time, in such manner, and containing or accompanied by such information as the State board may require. Each such application shall—

(1) contain an agreement between the community-based organization and the eligible recipients in the area to be served, which includes the designation of fiscal agents established for the program;

(2) provide a description of the uses for which assistance is sought pursuant to section 121(b) together with evaluation criteria to be applied to the program;

(3) provide assurances that the community-based organization will give special consideration to the needs of severely economically and educationally disadvantaged youth ages sixteen through twenty-one, inclusive;

(4) provide assurances that business concerns will be involved, as appropriate, in services and activities for which assistance is sought;

(5) describe the collaborative efforts with the eligible recipients and the manner in which the services and activities for which assistance is sought will serve to enhance the enrollment of severely economically and educationally disadvantaged youth into the vocational education programs; and

(6) provide assurances that the programs conducted by the community-based organization will conform to the applicable standards of performance and measures of effectiveness required of vocational education programs in the State.

USES OF FUNDS

SEC. 122. (a) From the portion of the allotment of each State under section 101 available under this part, each State shall provide financial assistance to joint programs of eligible recipients and community-based organizations within the State for the conduct of special vocational education services and activities described in subsection (b).

(b) Funds provided under this section may be used for—

(1) outreach programs to facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment or other education and training;

(2) transitional services such as attitudinal and motivational prevocational training programs;

(3) prevocational educational preparation and basic skills development conducted in cooperation with business concerns;

(4) special prevocational preparations programs targeted in inner-city youth, non-English speaking youth, Appalachian youth, and the youth of other urban and rural areas having a high density of poverty who need special prevocational education programs;

(5) career intern programs;

(6) assessment of students needs in relation to vocational education and jobs; and

(7) guidance and counseling to assist students with occupational choices and with the selection of a vocational education program.

On page 64, in the table of contents, after item "Sec. 114." insert the following:

PART C—STATE ASSISTANCE FOR VOCATIONAL EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS

Sec. 121. Applications.
Sec. 122. Uses of funds.

Mr. SPECTER. Mr. President, today I am introducing an amendment to the Vocational Education Act of 1984, which encompasses some of the provisions of the Vocational Education and Community Based Organizations Act of 1984 which I introduced on February 9 of this year. My amendment authorizes the appropriation of funds for joint efforts between eligible recipients and community based organizations to provide the educational and supportive services needed by severely and educationally disadvantaged youth to enable them to enroll in vocational education program.

It is estimated that as much as 50 percent of black youth are unemployed. Youth from the Hispanic barrios and Appalachian hollows are not far behind in these discouraging statistical reports.

This Nation is experiencing an economic recovery which is not reaching our youth population. At the same time, the small business owners who have 80 percent of the jobs, require employees with skills and work habits that members of the unemployed youth population do not have.

Increased opportunities to secure skills training and motivational training are essential if we are to begin solving this national problem.

On February 9, 1984, I introduced S. 2289, the Vocational Education and Community Based Organizations Act of 1984, which addressed these concerns. The bill coordinated the efforts of community based organizations and local educational agencies to improve and intensify existing vocational education programs by providing prevocational, self-help, motivational training organizations with access to our vocational system.

Shortly, thereafter, S. 2341, the Vocational Education Act of 1984, was introduced by Senator STAFFORD to revise the Vocational Education Act of 1963. In the past months I have worked with the Opportunities Industrialization Centers of America (OIC), the American Vocational Association (AVA), and the Committee on Labor and Human Resources to incorporate the critical concerns of the Vocational Education and Community Based Organizations Act of 1984 into S. 2341.

My amendment is a product of this diligent work, and I commend the OIC and the AVA for their help and expertise. I would personally like to thank the Reverend Leon Sullivan, pastor of the 6,000 member Zion Baptist Church in Philadelphia, and founder and chairman of OIC for his contribution to this effort.

Reverend Sullivan has pioneered in the field of manpower development, employment, and training for about a quarter of a century.

His unique contributions to both the Education and Labor Departments of the Federal Government has been recognized by Presidents from Johnson through to President Reagan—each of whom has visited the OIC and praised its successful track record and demonstrated effectiveness. He was appointed to the Manpower Policy Commission created by the Congress in 1973, and reappointed by Presidents Ford and Carter. As a recognized leader among businessmen, he has served on the boards of General Motors, the Girard Bank, the Mellon Bank, and the Philadelphia Savings & Loan.

As a community leader, he has served on the boards of the United Way and the Boy Scouts, and has received the Public Service Award of the United States, the Philadelphia Award, the Freedom Foundation Award, the Spingarn Award, the U.S. Public Service Award, and the Edwin Dahlberg Peace Award.

This great man and his great contribution toward the solution of the tragic youth crisis in America has unlocked the door of opportunity for disadvantaged young Americans of all races.

This amendment will allow States to improve existing vocational programs through encouragement and funding of State and local proposals which develop new self-help, community based preparation programs that provide prevocational, motivational, attitudi-

nal, and basic skills training. It will also assist in providing prevocational preparation and career guidance targeted to inner-city youth, non-English-speaking barrios, Appalachian youth, and other urban and rural areas having a high density of poverty.

In addition, the amendment provides for cooperation between self-help, community based organizations of demonstrated effectiveness and existing vocational and technical training institutions.

Further, it allows for the provision of intern programs of demonstrated effectiveness in developing cooperative partnerships with business and industry, and vocational education institutions, and which improve the basic skills of prevocational students.

Finally, under this amendment, funds will be provided for outreach programs to facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment or other education and training.

The amendment which I am introducing today supplement our Nation's efforts to reach youth ages 16 to 21 who are rapidly becoming a permanent underclass in our society. Former alcohol abusers, ex-offenders, school dropouts, and the juvenile delinquents who are growing in number have been served successfully by community based organizations such as OIC for a number of years, and the indication is that this can be done on a broader scale if our educational system targets special resources to inner cities where the danger and opportunities are the greatest.

This amendment seeks to close a gap which has existed since the passage of the Vocational Education Act of 1963. Presently, nonprofit, self-help, community-based organizations like OIC are not assured participation in vocational education programs.

The exclusion of such organizations is indeed unfortunate, especially when one considers the success record of many community based organizations in providing prevocational training, a service which is essential in light of the alarming rate of functional illiteracy in this country—which the U.S. Department of Education estimates at 26 million.

The business community is deeply concerned with the fact that we are not preparing American youth motivationally and attitudinally for the work force, and that we are not giving them the basic skills needed for the rapid technological changes taking place in our society. It is my hope that this amendment will help correct what is wrong, fill in what has been missing—vocational training opportunities for those who will not make it unless brought into the vocational system by general prevocational preparation.

Mr. HATCH. Mr. President, I rise in support of the amendment to S. 2341 offered by Senator SPECTER which will authorize a program to enhance the access to quality vocational education programs of disadvantaged students residing principally in poverty areas.

Senator SPECTER's amendment will permit the vocational education system to take advantage of the resources of community based organizations which are uniquely qualified to assist young people in preparing to enter vocational education programs.

Unfortunately, Mr. President, there is a significant number of disadvantaged young men and women in the poverty areas of our cities who are out of school and out of work, and who are disenchanted with and alienated from the regular public and private school systems. The community based organizations have demonstrated in the employment and training programs that they know how to reach out to these youth and assist them in obtaining the benefits of job training programs. The amendment proposed by Senator SPECTER simply extends that capability to the vocational education system.

It has been far too common in our tradition of mass free education to blame failure on the shortcomings of the student and to neglect innovative methods or techniques which could meet each individual student's needs. Reducing economic barriers helps those who can respond well to formal education. But it does little for those, either in or out of school, who cannot make effective use of established patterns.

For all of its merits, the vocational education bill (S. 2341) we are considering is system oriented, and does not adequately address the needs of students the system has already failed to accommodate. Senator SPECTER' amendment would help build a bridge between the system and those students.

Over the years community based organizations such as the Opportunities Industrialization Centers established by the Reverend Leon Sullivan in Philadelphia nearly a quarter of a century ago have demonstrated that these youth are anxious to learn, and to become employed. Regrettably, they frequently lack the basic reading or mathematic skills that are necessary to enter into and profit from structured vocational education programs. Community based organizations have clearly demonstrated through the years in various job training programs that they can provide those skills, along with counseling and other essential motivational prevocational activities.

Senator SPECTER's amendment will give the vocational education program this important outreach assistance. It will provide a vital link which, in too many communities, does not exist between disadvantaged youth and the vocational education program. It will help bring countless youth back into productivity.

Mr. President, I support the amendment of the distinguished Senator from Pennsylvania and urge my colleagues to concur in this modest expansion of the vocational education program.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3660) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3661

(Purpose: To honor the late Congressman Carl Perkins)

Mr. STEVENS. Mr. President, on behalf of Mr. STAFFORD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. STAFFORD, Mr. PELL, Mr. HATCH, Mr. KENNEDY, Mr. HUDDLESTON, Mr. FORD, Mr. RANDOLPH, and Mr. EAGLETON, proposes an amendment numbered 3661.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 64, line 8, after the beginning quotation marks insert the following: "Carl Perkins".

On page 136, line 19, after the word "the" insert the following: "Carl Perkins".

On page 137, line 3, after the word "the" insert the following: "Carl Perkins".

On page 137, line 12, after the word "the" insert the following: "Carl Perkins".

On page 137 line 15, after the word "the" insert the following: "Carl Perkins".

On page 137, line 18, after the word "the" insert the following: "Carl Perkins".

On page 137, line 22, after the word "the" insert the following: "Carl Perkins".

On page 138, line 1, after the word "the" insert the following: "Carl Perkins".

On page 138, line 5, after the word "the" insert the following: "Carl Perkins".

On page 138, line 9, after the word "the" insert the following: "Carl Perkins".

On page 138, line 13, after the word "the" insert the following: "Carl Perkins".

On page 138, line 17, after the word "the" insert the following: "Carl Perkins".

On page 138, line 23, after the word "the" insert the following: "Carl Perkins".

On page 139, line 8, after the word "the" insert the following: "Carl Perkins".

On page 139, line 14, after the word "the" insert the following: "Carl Perkins".

On page 139, line 18, after the word "the" insert the following: "Carl Perkins".

On page 139, line 21, after the word "the" insert the following: "Carl Perkins".

On page 139, line 24, after the word "the" insert the following: "Carl Perkins".

On page 140, line 4, after the word "the" insert the following: "Carl Perkins".

On page 140, line 7, after the word "the" insert the following: "Carl Perkins".

On page 140, line 11, after the word "the" insert the following: "Carl Perkins".

On page 140, line 15, after the word "the" insert the following: "Carl Perkins".

On page 140, line 18, after the word "the" insert the following: "Carl Perkins".

On page 140, line 23, after the word "the" insert the following: "Carl Perkins".

Mr. STAFFORD. Mr. President, all of us know that Congressman Carl Perkins died last Friday while flying home to his beloved Kentucky hills. As someone who has sat across the table from him on many occasions in House-Senate conferences, I came to know Carl Perkins as a skillful legislator and a persistent champion of educational opportunity.

We are even now in the Senate beginning to feel the magnitude of his absence as the leader in the House on education issues. I suggest that the lives of millions of people will be affected for years to come by his untimely death.

It is often said that, when battling over the details of educational legislation, we should keep in mind the children we are supposed to serve. Carl Perkins never lost sight of the children of America when he advocated school lunches, handicapped laws, and compensatory education for the disadvantaged.

In fact, he was uninterested in personal glory, publicity, or the acclaim of interest groups or lobbyists. His constituency was poor children and their parents, and his motivation in his public service was to help them improve the quality of their lives.

I was looking forward to seeing Carl Perkins in conference with the House on this vocational education bill because I wanted to thank him personally for his leadership last month in House passage of the Senate's math and science bill. Carl Perkins sacrificed his own House version of that legislation in order that the math and science bill, the adult educational bill, the library services bill, and the vocational education bill would have the opportunity to pass this year. The incredible lack of ego involved in his actions on this and other issues stand as a lesson to all of us fortunate enough to serve in the Congress. Again, on this issue, his motivation was to complete as much legislation as possible to help disadvantaged Americans.

One law Congressman Perkins was particularly proud of was the Vocational Education Act of 1963. Indeed, he has come to be known as the "Father of Vocational Education" in many respects. Therefore, in honor of his memory and his contributions to vocational education, I ask that the amendment I am offering which renames our bill the Carl Perkins Vocational Education Act of 1984 be accepted.

Mr. President, this is a modest gesture on the part of the Senate which is intended to indicate our sense of loss over Carl Perkins' passing.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3661) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. QUAYLE. Mr. President, I am concerned about the requirement for a local application contained in section 113 of S. 2341. Specifically, the bill does not make any explicit statements about what States may or may not require in such applications.

Mr. STAFFORD. The bill does not make any statements because the committee intends the language to maintain the neutrality of the Federal Government with respect to the relationship between local eligible recipients and States. States are not precluded from requiring any information necessary for them to discharge their responsibility under the act.

Mr. QUAYLE. Then, to pick but one example, it would be permissible for States to require of local eligible recipients assurances similar to those States must provide in section 204, regarding the procedures to be used in assuring increased access to quality vocational programs by the disadvantaged and handicapped, and the use of individual planning in such programs where necessary?

Mr. STAFFORD. Let me say this. States are neither precluded from making necessary requirements, nor are they encouraged to establish new requirements in the local application; our silence is simply that—a neutrality which seeks to assure that the Federal Government does not intrude upon the State-local relationship.

Mr. QUAYLE. I thank the Senator.

Mr. GLENN. Mr. President, last February I introduced the first component of my proposed Volunteers for America Program, the Student Aid Volunteer Earnings Program [SAVE]. This program would create a community service program for young people. Participants would receive the minimum wage, but would contribute one-fourth of their earnings to a special educational trust fund that will be double-matched by the Federal Government and can be used for vocational or college education after they leave the program.

The other two components of the Volunteers for America Program are the citizen-soldier GI bill, which passed the Senate last June, and the American Conservation Corps Act of 1984, which I introduced earlier this month. The key to each of these three programs is that young people devote a period of time to serving their country—in the military, in community service, or in conservation and rehabilitation of public lands—in return for a modest wage and a substantial grant toward vocational or college education when they complete their service. Simply put, young people are given an opportunity to invest in their country, and we, in turn, will invest in their future by contributing to their higher education.

The SAVE legislation is currently before the Education, Arts, and Humanities Subcommittee. While I was prepared to offer this bill as an amendment to the vocational education reauthorization, I understand that a substantial compromise has been reached to ensure passage of this important legislation. Therefore, I have agreed to withhold my amendment and am pleased to receive the assurance of the subcommittee chairman and ranking minority member that the SAVE Program will receive full and complete hearings next year.

Mr. STAFFORD. Mr. President, the Senator from Ohio has a very interesting proposal. It is something that I believe should be considered during reauthorization of the Higher Education Act in 1985, and I would be very glad to accommodate the Senator and schedule a hearing on his legislation as part of that process.

Mr. PELL. I agree with the chairman of the Education Subcommittee and look forward to the hearing on this matter.

Mrs. HAWKINS. Mr. President, I wonder if the distinguished floor manager of the bill would yield so that I might address a question the chairman of the Senate Labor and Human Resources Committee.

Mr. STAFFORD. I will yield for that purpose.

Mrs. HAWKINS. I thank the Senator. Mr. President, I would like to inquire of the Senator from Utah, the original author of the program for single parents and homemakers in title II of S. 2341 if he agrees with this Senator on the committee's purpose in creating a special program to serve women. In committee we worked to ensure that women most in need of vocational skills training would benefit from both improved quality and greater access to the vocational education system. In fact, the committee report makes it clear that in the committee's view, "the Federal vocational law must unmistakably point to the need to open up vocational education to groups that are traditionally underserved and to provide resources which

would result in the improvement and modernization of vocational education programs." Further, the report makes clear that women, specifically single parents and homemakers, are one such group. With regard to the program for single parents and homemakers our intent is to provide support to strengthen services to populations of women and girls whose need for occupational training is well documented. Our definition of single parents and homemakers includes those most affected by the feminization of poverty in the United States, including more than 4 million displaced homemakers who are struggling to maintain their families.

I believe the committee's purpose here is clear. We hope to ensure that States will utilize program funds to provide child care and transportation, and other supportive services, to ensure women served by this program can fully participate in vocational education and become well prepared for the job market. I believe we agree that these services are necessary for women who are the sole providers for their families to take full advantage of the new instructional programs established under S. 2314. The committee report points out that States are encouraged to provide these support services.

Mr. HATCH. I fully agree with the Senator from Florida on that point. Without some assistance enabling students to actually attend classes or receive instruction the existence of new or improved courses will be of little use to many of the women the courses are intended to help. The committee report does make clear that the States are encouraged to provide supportive services such as child care and transportation. I would stress, however, and I believe the Senator from Florida agrees with me on this point, that the purpose of establishing the program is to prepare women and girls—indeed all single parents and homemakers most in need of assistance—for work that will sustain their families. These programs should be designed to provide women with skills that improve their ability to compete in the labor market and increase their opportunities for long-term, financially rewarding careers. Further, they should provide skills that enable single parents and homemakers to secure jobs that are higher paying than many of the traditional positions now filled by women. After all, the bottom line here is to provide women who are single parents, or who have worked most of their lives in the home and are now forced to enter the labor market, with the skills necessary to not only survive but thrive in our society.

Mrs. HAWKINS. I thank the Senator for clarifying that point. I would only add that I fully agree with him.

Our most important purpose in creating this program is to provide the millions of women who have given so much, and now by necessity must support their families or themselves, with the opportunity to pursue careers in the mainstream of American economic life. I yield back the floor to the manager of the bill.

Mr. KENNEDY. Mr. President, would the distinguished floor manager of the bill yield so that I too might ask a question of the Senator from Utah?

Mr. STAFFORD. I will yield for that purpose.

Mr. KENNEDY. I would like to associate myself with the previous remarks of both the chairman of the Labor and Human Resources Committee and the Senator from Florida and I would like to raise one further point. I believe the Senator from Florida has cited the committee's report on the S. 2341 and pointed out that the report makes clear that one of the bill's major purposes is to meet the needs of a number of population groups that we feel have been historically underserved by vocational education. I hope the chairman would agree that the committee's approach has been to lead all the students identified in the bill to economic self-sufficiency. It is clear that the committee bill intends each of the groups identified should be considered in need of Federal assistance in overcoming obstacles to full participation in society. I do not believe the committee intends to favor any one group over another or to imply that, other than perhaps the physically handicapped, any one group faces greater obstacles to employment than the other special populations in the bill. In the same way, each of the groups identified in the bill deserves the same attention from vocational educators.

Mr. HATCH. I very much agree with the Senator from Massachusetts on that point. I believe the committee's purpose is to provide Federal assistance to those most in need of a boost to full and productive participation in American economic life. Further, I believe the committee intends that as we implement this new approach to Federal involvement in vocational education, we should use the Vocational Education Data System to collect information that confirms women and girls are being served in all title II programs. Although the committee clearly established specific definitions for populations eligible for Federal assistance, commonsense makes it clear the programs for the disadvantaged, handicapped, and incarcerated individuals will serve both men and women. Simply because we have created a program for single parents and homemakers does not absolve the States of responsibility to serve women under the other title II programs. This general principle also applies to the adult program in title III.

Mr. KENNEDY. I thank the Senator.

Mr. GLENN. Mr. President, while we are considering the reauthorization of the Vocational Education Act, I think it is appropriate to review for a moment the accomplishments of the National Center for Research in Vocational Education at Ohio State University. The National Center, of course, has been funded for many years by a competitive grant under the Vocational Education Act. I am proud that this fine Ohio institution has not only successfully competed for the award, but has met with equal success in carrying out its mission. The training, policy development activties, and leadership provided by the staff of the National Center has consistently been of extremely high caliber.

Mr. President, I ask for unanimous consent that the following overview of the activities of the National Center for Research in Vocational Education be printed in the RECORD for the future reference of my colleagues in the Senate.

There being no objection, the overview was ordered to be printed in the RECORD, as follows:

THE NATIONAL CENTER FOR RESEARCH IN VOCATIONAL EDUCATION

NATIONAL CENTER PROGRAM

Established in 1965, the National Center for Research in Vocational Education is an administrative unit functioning under the Office of the Provost. Since its inception, it has completed or has underway research, development, training, and information service contracts and grants. While major support is from the Vocational Education Act, it enjoys diverse support from several federal agencies, state governments, and private sources. One hundred and twenty-seven projects are underway or have been completed in 1984. The National Center's 252 employees include 116 professional staff members. The National Center maintains a multi-disciplinary staff composition, reflecting the diversity of its programmatic R&D work. Of the 116 professionals, 25 hold degrees in vocational education; 44, degrees in other educational fields; and 47, degrees in other related disciplines. The mission of the Center is to improve the ability of diverse agencies, institutions, and organizations, to solve educational problems relating to individual career planning, preparation, and progression. The Center fulfills its mission by:

Generating knowledge through research. The Center has institutional support from the National Institute of Education to conduct inquiry on youth employment and the American employability systems.

Developing educational programs and products. Performance-Based Teacher Education is a Center product currently being used in 32 countries, every Canadian province, all the states and five territories of the United States.

Evaluating individual program needs and outcomes. The Center is responsible for improving the quality of evaluation methodology and practice.

Providing information for national planning and policy. The Center provides information for policy makers and administra-

tors at all levels, useful in shaping policies and legislation.

Installing educational programs and products. The Center operates the national dissemination and utilization system for vocational education. Since 1978, over 15,513 persons have participated in 247 field activities to introduce materials and train disseminators and product users.

Operating information systems and services. The Center operates the national information system for vocational, technical, adult and career education. Over the last five years, over 73,825 information requests were received and processed.

Conducting leadership development and training programs. The Center provides leadership development activities through an Advanced Study Center and the National Academy.

Since 1978, the National Academy has conducted 562 conferences in 36 states for 23,431 individuals. Additionally, 202 persons from 44 states, the District of Columbia, Trust Territories and 18 foreign countries have participated in the National Academy In-Residence Program. Twenty-eight Advanced Study Center Fellows (Postdoctoral) from 19 states and one foreign country, representing 14 disciplines and a variety of institutional settings, have conducted research studies and pursued their professional development while in their year's in-residence. This is in addition to 49 professionals who have completed sabbatical leave experiences at the National Center.

BENEFITS FROM THE NATIONAL CENTER FOR RESEARCH IN VOCATIONAL EDUCATION

According to the U.S. Education Department, "while the number of NCRVE products and clients makes any comprehensive measure of its benefits difficult, it has been shown that its products are not only widely used by every State in this Nation, but are utilized by many other Nations, as well. NCRVE studies have consistently anticipated nationwide trends. For example, the Center was conducting work on equity and the handicapped, on economic development and workforce, training, on entrepreneurship education, and on the educational implications of high technology well before these concerns became national priorities. The Center's "need-sensing" mechanisms, as well as its management and quality-control systems, have insured products that are widely sought. Its Clearinghouse, electronic newsletter, users; and, its conferences and training for the 57 State Directors, and the six Curriculum Coordination Center Directors, among others, have substantially expanded and enhanced the national network for program improvement in vocational education."

The U.S. Department of Education in 1983 funded the National Academy of Sciences to complete a study of vocational education which resulted in the report Education for Tomorrow's Jobs. The Report contains sixteen recommendations relating to program improvement—fifteen of which are areas that the National Center has completed research and development and/or is currently conducting activities.

IMPACT OF NATIONAL CENTER

The National Center serves as the hub of various research, dissemination, and improvement networks. It links to the state research coordination units, the regional curriculum centers, to the educational R&D centers and regional laboratories as well as training components in the private sector. It is field-based in many of its activities, and, since 1978, has operated 1,480 field sites in all the states and the District of Columbia with over 55,000 participants. Over 421 publications have been released in the last six years on a cost-recovery basis (excluding journal articles) and staff have made over 2,760 contributions to professional societies, national associations, and the field during and recognitions. Several examples of specific areas of impact can be cited:

COMPREHENSIVE PLANNING

Developed and distributed more than 5,000 copies of six publications describing issues and procedures for planning vocational education programs using information collected for improving the planning process in several states. Developed and published a management information system for vocational education which has been distributed nationwide.

EQUITY AND ACCESS

The publication Vocational Education Sex Equity Strategies has been adopted by state equity coordinators as their primary guide or reference for performing their roles. Over 23,000 publications relating to equity and access have been distributed and a formal network established for the purpose of keeping coordinators abreast of new materials development and to prepare new coordinators.

HANDICAPPED ACCESS

A range of materials and publications have been produced to improve access of handicapped students to secondary/postsecondary vocational education programs including a guide for the development of individual education programs, specific program guides, transition from school to work models, training programs for parent volunteers, an administrator guide and performance-based teacher education modules for preparation and inservice of vocational education personnel who will have responsibility for handicapped students.

BASIC SKILLS

Completed research and distributed publications/materials that describe the (1) basic skills proficiencies of vocational students, (2) skills needed by vocational teachers to integrate basic skills instruction into their regular occupation curriculum, and (3) the impact of alternative learning environments (i.e., classroom, laboratory, work site) on the acquisition and retention of basic skills.

DISPLACED WORKERS

Increased the understanding of the cause and effect of worker displacement, the unique characteristics of displaced individuals, and how both the individual, education and employer can better cope with displacement through community partnerships. Six major publications have been produced and distributed, four national conferences conducted and a major policy forum sponsored in 1983 on the topic involving national and federal leaders across disciplines and departments of government.

CAREER GUIDANCE

Developed the only two comprehensive systems/models for Career Guidance (Rural & Urban), which have been used in over 25 states. Over 4,000 educators have been trained and career guidance teams have been formed in over 100 communities. Over 5,000 products have been distributed. In addition, the area of counselor training has been influenced through the development and testing of the only Comprehensive System of Counselor Competency Based Training. Over 1,500 persons have been trained to use the materials in 49 states, two territories and 87 local communities.

TEACHER EFFECTIVENESS

With more than 130 individualized, competency based modules developed, over 100,000 teachers have been trained with the 600,000 Performance Based Teacher Education modules distributed to over 500 colleges and universities, 700 postsecondary and secondary schools, and over 200 businesses and industries nationwide. The impact of the use of these materials can be measured in terms of the improved caliber of vocational teachers in the areas of planning, reinforcing student skills, individualizing instruction, evaluating student performance, serving the needs of special/exceptional students, and contributing to program improvement and instructional excellence.

VOCATIONAL EDUCATION ADMINISTRATOR PREPARATION

Established a consortium of eleven states and developed 27 performance based administrator education modules, of which over 8,000 complete sets have been distributed. Over 30 universities have established preservice and in-service training programs utilizing these materials.

LINKAGES WITH BUSINESS, INDUSTRY AND LABOR

Developed and distributed over 11,000 copies of 21 handbooks and publications for vocational teacher educators, staff development personnel, and administrators to help them involve business, industry, and labor in planning, developing, updating, and evaluating personnel and programs. More than 2,000 individuals have been trained in the use of these materials.

ENTREPRENEURSHIP TRAINING PROGRAMS

Since 1978, a comprehensive set of entrepreneurship curriculum guides have been developed and over 1,500 copies distributed nationwide to assist in the infusion of entrepreneurship education in vocational education at all levels. The National Center is working with states on entrepreneurship education and is operating an electronic mail system to encourage communication among practitioners planning and operating such programs.

APPRENTICESHIP TRAINING

Involved in research, development and instructor training for over eleven years with five joint labor-management Training Funds in five international industries. Over 2,200 instructors and administrators of apprenticeship programs in all 50 states and two Canadian provinces have been trained. These trained personnel work directly with approximately 14,000 apprentices.

POSTSECONDARY VOCATIONAL EDUCATION OFFERINGS

Established a national consortium of postsecondary institutions to improve curriculum development, teacher training and economic development on over 72 campuses in 22 states, enrolling over 500,000 students. Training has been provided to over 1,600 postsecondary teachers/administrators, and 60 private industry leaders through over 40 conferences and workshops.

HIGH TECHNOLOGY

Improved the understanding, potential impact and role of public education related to the growth of high technology in the workplace through national conferences that have attracted over 1,500 post-secondary leaders and hundreds of employers. Six major publications have been developed on

such issues as robotics and CAD/CAM of which over 7,000 copies have been distributed. Curriculum guides on how a Community College can increase training and retraining options have been developed and research on how the educational community can better utilize high technology for instructional purposes has been completed.

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE/STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEES

Provided major assistance in the development of a Standard Occupational Classification (SOC) now being used by all vocational educators, career information specialists, and major users of federal and state career and labor market information. This has been accomplished by conducting major conferences and developing counselor training materials currently used by over 8,000 individuals, which have in effect demonstrated ways in which Labor Market information can be used to improve academic achievement in over 1,000 classrooms.

LEADERSHIP DEVELOPMENT

Since 1978, the National Center has facilitated leadership development activities for 23,431 participants from 36 states. Individualized professional development programs have been developed through the Inresidence Program for 202 participants from 44 states.

DISSEMINATION AND UTILIZATION OF RESEARCH AND DEVELOPMENT OUTCOMES

Leadership has been provided through the development and operation of a nationwide dissemination network that has facilitated over 55,000 contacts with educators in every state, distributed over 35,500 copies of 44 exemplary products, brochures and research knowledge flyers, and promoted 175 seminars involving 12,500 educators.

PLANNING AND POLICY DEVELOPMENT

Established the most comprehensive longitudinal data base in the United States for examining the effects of vocational education by combining high school transcripts with interview data obtained yearly from approximately 13,000 individuals between the ages of 14-21 at the beginning of the study in 1979.

CLEARINGHOUSE FOR EDUCATIONAL INNOVATIONS

Through its four national clearinghouse operations, the National Center is assisting over 10,000 vocational education teachers and administrators annually at the local, state, and federal levels by providing information that reduces duplication and increases coordination in program improvement activities, by disseminating information about projects, products, and organizations that is comprehensive and targeted to user needs, and by increasing the information access and utilization capacity of state and local program improvement agencies.

EVALUATION

Developed and distributed nearly 10,000 copies of a series of 15 evaluation handbooks to provide practical advice and expanded evaluative techniques to personnel in state and local education agencies to make vocational education more responsive to client needs and to provide a solid basis for program improvement. More than 400 key individuals have been trained to use these handbooks. According to *The Vocational Education Study: Final Report* (September, 1981) by Dr. Henry David, evaluation activities have been significantly stimulated at state and local levels through these efforts.

Mr. PELL. Mr. President, as one of the original sponsors of S. 2341, I am extremely pleased to be able to speak on behalf of its passage today. This is truly landmark legislation. If enacted, it will dramatically reshape the Federal role in vocational education, and more precisely target our limited Federal resources to areas of greatest need. In so doing, it will also enable us to maximize the use of the Federal dollar.

At the outset, I want to emphasize the strong bipartisan support that exists for this legislation. I especially want to acknowledge the strong leadership and fine work of both the chairman of the Labor and Human Resources Committee [Mr. HATCH] and the chairman of the Education Subcommittee [Mr. STAFFORD] and their respective staff. Without their tireless efforts and good spirits, we would not have this important legislation before us today.

To my mind, the most crucial and far-reaching provisions of S. 2341 are to be found in titles II and III of the bill. It is upon those two titles that I would like to focus my remarks.

Title II, programs for vocational education opportunities, provides that 50 percent of the program funds flowing to the States shall be used to assist certain special populations that need greater vocational education and training opportunities.

The set-aside for disadvantaged individuals, for example, targets assistance to students from economically disadvantaged families, school dropouts and potential dropouts, migrants, and persons of limited English-speaking ability. Individuals from each of these groups have disadvantages that often stand in the way of their full and meaningful participation in the American educational system. Very simply, they need special help and special attention if they are to reap the benefits of vocational education and training that will enable them to obtain gainful employment in our economy. These funds constitute 50 percent of the title II allocation, and will, I hope, become an integral part of providing vocational education opportunities for minority youth in our Nation's major cities, where the unemployment rate among such youth continues at the extremely alarming rate of at least 50 percent.

The set-aside for the handicapped, which accounts for another 25 percent of the title II funds, provides Federal financial assistance to address the vocational education and training needs of handicapped individuals. This, too, is a critically important provision if we are ever to enable the handicapped to break the barrier of prejudice that too often prevents them from securing more than the most menial kind of employment. We have worked closely with the chairman of the Subcommittee on the Handicapped [Mr. WEICKER] and his staff to ensure that vocational education opportunities will become more readily available to handicapped individuals, and we are pleased with the provisions of this set-aside in recognizing the need for a greater Federal emphasis to assist the handicapped in job training and preparation.

The set-aside for women's programs, which amounts to 23 percent of the title II funds, provides assistance to ensure sex equity in vocational education programs and to implement special vocational education and training programs for single parents and homemakers who are seeking to enter or reenter the workforce. Of particular importance in this area is preservation of the provisions for a sex equity coordinator in each State, and the stipulation that transportation and child care services can be provided when they are necessary to enable a single parent or homemaker to participate in a vocational education program.

There is, finally, a 2-percent set-aside for vocational education programs for the incarcerated. This provides a small amount of seed money to improve vocational education training for offenders who are in correctional institutions throughout our Nation. The only way we can begin to break the cycle of recidivism in our society is to provide the incarcerated with training in prison that will lead to a job upon release. Failure to provide meaningful job training simply continues the revolving door of in, out, and back into prison that is so prevalent in our society today.

In addition, there is a provision applying to all of title II that requires, wherever practicable, formal classroom instruction to be supplemented by an on-the-job training experience to give the student an understanding of what a job involves, as well as the demands placed upon the individual who holds a job. I have long maintained that a work-related experience should be an integral part of formal vocational education and training. Accordingly, I am encouraged that the version of S. 2341 approved by the full Committee on Labor and Human Resources places a strong emphasis upon a work-related experience, such as cooperative education, work study, or apprenticeships.

Title III, Vocational Education Program Improvement, Innovation, and Expansion, provides that the remaining 50 percent of the funds flowing to the States shall be used to make sure that vocational education and training programs be as up-to-date as possible. It is our intention that they should reflect job requirements, and should utilize the latest modes of instruction. This means modern machinery and tools, and the use of the latest technological advances. It also means courses

in new and emerging technologies wherever and whenever necessary.

Program improvement, innovation and expansion are major priorities in S. 2341. Our hope is that the funds provided under title III will spur States and localities to make sure that our vocational education programs are always current in supplying students with the training that can actually lead to a related job in our society.

Title III also recognizes that the need for program improvement, innovation and expansion is especially acute in the economically depressed urban and rural areas of America. It stresses that special attention should be given to these areas in the distribution of title III funds. Our hope is that this will result in a substantial increase in vocational education facilities and services in those areas, and an end to the deplorable situation in which our cities, containing 20 percent of our Nation's population, hold only 7 percent of existing vocational education facilities.

Title III also contains a set-aside of 30 percent to provide, improve and expand adult vocational education and training programs. Our intention is that these services should be available to a series of adults: The unemployed and economically dislocated worker, the displaced homemaker, the older American worker, the underemployed worker, and the person who simply desires a change of occupations.

Well over a year ago I introduced S. 554, the Older Americans Vocational Education Act. That legislation directly addressed the vocational training and retraining needs of the adult worker. I am very pleased that major elements of that legislation have been incorporated in S. 2341.

The older worker faces barriers to employment and reemployment that are not faced by the younger worker. Obsolete job skills, an actual absence of skills, lack of job search skills, and employer discrimination in hiring older persons, particularly when new or additional training is necessary, all operate to the disadvantage of the older worker. I am especially heartened, therefore, that the provisions for this set-aside include a special emphasis upon developing and implementing training and retraining programs that address the plight of the older worker.

Mr. President, this is, in my opinion, an excellent piece of legislation. It seeks to bring vocational education and training services to bear more directly upon a series of critically important concerns. These include the needs of special groups or populations who have traditionally been underserved by vocational education, of areas that lack sufficient vocational education facilities, of programs that need improvement, of new technologies for which vocational education services should be provided, and of an economy where there should be a closer link between training and the workplace.

As I said at the outset, S. 2341 is truly landmark legislation that will, in my opinion, result in a better use of Federal financial resources and better vocational education and training services. It is a bill that has my wholehearted and enthusiastic support, and I urge my colleagues to support its enactment.

Mr. RANDOLPH. Mr. President, I am pleased to be a cosponsor of S. 2341, the Vocational Education Act of 1984.

After more than 40 years combined service in the House of Representatives and the U.S. Senate, I am leaving soon—not to retire, but to go on to other kinds of challenges to which I can then devote more time and energy than I've been able to give in the past.

One of the goals I set for myself when I was first elected to the House in 1932, was to find a way to serve on committees and subcommittees where education issues were addressed and legislative remedies were enacted into law to improve and enhance educational opportunity for the young people of this country.

Coming, as I did, from West Virginia in 1933, during the Nation's agrarian stage of development, vocational education with its intense focus on agricultural technology, as well as its growing emphasis then on other occupational skills training program to help generate jobs to put this country back to work and keep it there—was of vital importance to my rural State. At that time in our Nation's history, we were just emerging from the devastating effects of the Great Depression, and the Congress, under the able leadership of President Franklin Roosevelt, was trying to do everything possible to further the impact of the vocational education laws to improve, enlarge and enhance those porgrams to benefit an economically crippled nation.

I have been privileged to serve in Congress during three major stages in our country's development—the agricultural, the industrial, and now the emerging information, or high technology, stage. The bill that is before us today addresses the needs of vocational education if it is to survive and serve the demands of a high-technology society.

The last few years have been rather stormy for Federal education policy, with budget cuts and major policy shifts that have altered the traditional framework of all education programs, including vocational education.

Mr. President, no matter how dramatic the changes in vocational education programs have been over the past 40 years, the bill that is now before the Senate speaks eloquently. It says that without continued Federal investment, directed toward improving vocational education and keeping it current, the Nation's vocational education programs will not be of sufficient quality to affect or address our national priorities.

This measure represents dramatic changes from what I have come to consider the more traditional approaches to providing quality vocational education programs. It does, as it has historically done, assure equality of opportunity, program reform to assure up-to-date training for youths and adults, and it continues to fund the ever-important consumer and homemaking education projects in the United States.

We are intensely aware that in 1981, this administration made vocational education an immediate target for change. It was proposed, in the President's first budget, that we cause an immediate 20-percent reduction in funding for vocational education, with a total phaseout of all Federal funding for vocational education by 1985. Or, the administration said, perhaps we ought to fold vocational education into a block grant along with 32 other categorical education programs.

The Congress, in its infinite wisdom, rejected the administration's proposals. Vocational education program funding was reduced in the overall reconciliation bill in 1981—but not as drastically as the new administration had hoped.

For 40 years, I have observed that the Federal Government has never hesitated to step in and fill voids in education that States were either unable or unwilling to fill. The Smith-Hughes Act of 1917 was one such action at the Federal level, and it was just the beginning. Over the years, the State and local governments have made resources available to vocational education's demands to an unprecedented degree. Federal dollars now available in 1984 represent no more than 10 percent of the total amount spent on vocational education each year.

It was the original Federal investment that was the incentive for States to provide 90 percent of vocational education's needs, and a continuing Federal investment must be made to assure the State and local commitments to those programs.

Other changes were proposed in 1981 that threatened Federal support for programs that were work related, and which had previously provided incentives to the States to bring them into being and to keep them current.

In 1981, this administration proposed to do away with CETA [Comprehensive Employment and Training Act] which supported vocational education. It did so, with the help of a majority of Congress, and in its place we have the Job Training and Partner-

ship Act, but at much lower appropriations levels.

Such actions, begun with the Omnibus Reconciliation Act of 1981, resulted in drastic reductions in vocational education appropriations—reducing overall funding levels from $745 million in 1980 to $656 million in 1982.

Reductions in other Federal programs that had a direct impact on vocational education were also begun in 1981. The Education for All Handicapped Act specifically encourages and authorizes the expenditure of funds for vocational education to provide handicapped children with occupational training.

When you consider funding cuts that affect vocational education, you have to include reductions in handicapped education programs too.

The Bilingual Education Act often supports vocational education programs for limited English-speaking children. A substantial portion of Federal student aid funds goes to students in vocational education programs—Pell grants, guaranteed loans and direct student loans are used for this purpose.

Any cuts in impact aid or emergency school assistance impact on the entire school system—including vocational education.

So when you consider Federal policy changes that affect vocational education, they are by no means limited to the Departments of Education and Labor.

Vocational education is an instrument of economic development and, consequently, Federal programs that once supported economic development, such as the Public Works and Economic Development Act of 1965, the Appalachian Regional Development Act of 1965, and the Tennessee Valley Authority Act of 1933, all focus on the need for vocational education to provide occupational training for local growth opportunities.

The Economic Development and Appalachian Regional Development Acts expenditures are rarely included in government-generated educational statistics, yet they have both been major sources of revenue for the expansion and improvement of the vocational education system in the United States. For example, more than $360 million of ARC development funds have been spent on vocational education facilities, equipment, and demonstration projects since the act was implemented in 1965. The annual investment, however, has dropped from a high of $41 million in 1972 to $18 million in 1979, to less than $6 million in 1982.

The Economic Development Act [EDA] spent less than $4 million in the vocational education schools of this country in 1981, and similarly the Tennessee Valley Authority [TVA] was moving with greater emphasis on skills training until budget cuts took their toll—spent $2.4 million on skills training and vocational education demonstration programs in 1983, but will spend less than $400,000 in 1984.

Over the past 6 or 7 years, under current law, we have heard from our States that the act was overprescriptive, too restrictive, the paper work was burdensome, and was not cost-effective.

We have heard from many witnesses who testified on the reauthorization bill that vocational education as currently structured did not serve several segments of our population—namely, the economically disadvantaged and the handicapped—adequately.

States asked for more discretion in deciding for themselves how best to spend vocational education dollars—since 90 percent of those dollars belonged to the States in the first place. This, in my view, was a reasonable request for more flexibility at the State decisionmaking level—for who knows better than the State and local people what their vocational education needs are, and how best to address them?

In S. 2341 which we will vote on today, there is what we call some good news and some bad news. Obviously we could not send Federal dollars down to the States with absolutely no strings attached. We were in need of a more comprehensive or at least coherent Federal policy for continuing Federal vocational education investments in the States.

This bill is at least a beginning toward a more articulated policy, necessary in a time of limited resources and high Federal deficits.

We have tried to give States more flexibility—more of the decisionmaking authority on how funds will be spent, while still targeting such spending on what we perceive to be programs of national priority and significance.

As we did in 1917, with the Smith-Hughes Act the Federal Government is stepping in to fill a void—or a gap not being filled by States—namely, we instruct the States to better serve the handicapped, the economically disadvantaged, the incarcerated, adults, and displaced homemakers, with special emphasis on equity for women. We tried to do this in a manner that would give more flexibility to States in making their own decisions on spending. In the opinion of some State officials, there is far too much targeting through set-asides, and not enough spending flexibility in the Senate bill. In the opinion of others, there is sufficient flexibility. It may be, that through amendments to the act today, we may alleviate the concerns of those States that see a need for more spending flexibility. I will be attentive to such amendments as they are brought before us.

It is apparent to all of us here, as well as back in our home States, that our changing, turbulent times call for dramatic changes in what were once considered the traditional roles for vocational education to play in preparing young and old alike to survive and prosper in the workplaces of this Nation. Although the new approaches contained in S. 2341 may not turn out to be the final answer, they are a beginning much like the Smith-Hughes Act of nearly 67 years ago. If parts of the whole do not work to benefit the needs of vocational education nationwide, the Congress will act to amend them so that they do. I have every confidence that this is true—and that the Federal concern over vocational education is alive and well in Washington, DC, and that the Federal investment in the future of these programs will continue to grow.

We are only 16 years away from the year 2000—and we must prepare for it so that we always assure that the support is there for the economic stability of individuals, States, and the Nation.

Mr. President, I commend the very able chairman of our Subcommittee on Education, Senator STAFFORD, and our ranking minority member Senator PELL, for their efforts spanning the past 2 years, to bring this bill reauthorizing the Vocational Education Act to completion today. Its passage today is crucial if we are to have sufficient time to convene a conference with the House and send a bill to the President for his signature before the act expires at the end of this fiscal year. I would be remiss if I did not also thank Senator ORRIN HATCH, the chairman of our Committee on Labor and Human Resources for guiding S. 2341 through the committee with a favorable report on the bill that enables us to consider it for passage today.

Mr. President, I sincerely hope that my colleagues will join me in support of S. 2341, and that the bill will pass.

Mr. KENNEDY. Mr. President, I rise in support of S. 2341, the Vocational Education Act of 1984.

First of all, I would like to commend the members of the Committee on Labor and Human Resources for their work to produce this legislation. In particular, I would like to commend Senators HATCH, STAFFORD, and PELL as well as their staffs, for their energy and persistence in seeing this legislation through the legislative process. I would also like to commend the work of Senators CHILES, QUAYLE, DOMENICI, DODD, and WEICKER for their efforts and contributions to this legislation.

When we introduced this bill back in February of this year, Senator PELL outlined the objectives we hoped to achieve:

First, the targeting of funds to provide vocational opportunities for particular special populations in our society, particularly the economically dis-

advantaged, the handicapped, persons in correctional institutions and women; second, program improvement to address problems of innovation and emerging technologies; third, emphasis on directing aid to economically depressed urban and rural areas of America; fourth, adult training and retraining; and fifth, an emphasis on work related experience and on-the-job training.

This legislation goes a long way to accomplishing these goals. Title II of the legislation provides programs for vocational education opportunities for historically underserved groups, including the handicapped, disadvantaged, the incarcerated, and individuals who are single parents or homemakers. Additionally, under title II, each State is required to provide for a sex equity coordinator whose responsibility it will be to review vocational education programs to insure equal access for and nonbias against women.

Title III of the bill provides for program improvement, innovation, and expansion. To address the specific needs of economically depressed urban and rural areas, the States are required to give special emphasis to these areas in the distribution of funds. The States are also called upon to give special emphasis to programs devoted to high technology occupations. Title III also provides 30 percent of the funds be provided for the training and retraining of adults. These programs are essential to provide training and retraining for dislocated workers, as well as for displaced homemakers, the underemployed, workers desiring a change of occupation and older workers.

Among the national programs, title IV, essential support for research in vocational education is continued. A program for cooperative employer education programs is authorized which we hope will stimulate and promote effective cooperation with the private sector. Bilingual vocational training is also continued as a national program, as is the vocational education data system [VEDS].

Also included in this legislation is the reauthorization of the Women's Educational Equity Act and authorization of funds to support the important National Summit Conference on Education.

While I believe this legislation goes a long way to achieving the goals of equity and excellence in vocational education, I would like to make a few comments on the direction of this legislation.

First, one of the pillars of this legislation is the recognition of the need to target Federal funds to those persons of greatest need who have been historically underserved in vocational education programs. Since it has been demonstrated that less than 10 percent of the total funds that support vocational education in this country are Federal funds, we should target Federal support to those segments of the population who have the greatest need. These groups have been identified in the legislation. I am gratified that this legislation continues the commitment to serve the most underserved and it is my desire, as we look to a conference with the House, that we hold firm to this commitment.

Second, working through our stafffs, I, along with Senators HATCH, STAFFORD, QUAYLE, and HAWKINS have worked out a set of amendments to promote greater coordination with the Job Training Partnership Act [JTPA]. These amendments, offered by Senator STAFFORD as part of the committee amendments, require an assessment of vocational education and the JTPA program coordination, give the State board authority for implementing vocational education and JTPA coordination provisions at the State level, require that the State plan be submitted to the State job training coordination council for review and comment, and require notification of payments distribution.

These amendments are intended to encourage mutual cooperation among vocational educators and the business community. The need for communication and cooperation between these two entities cannot be overstated. These amendments merely facilitate what is a natural relationship.

Third, I support the amendment to provide that the vocational education data system [VEDS] be collected within the National Center for Education Statistics [NCES]. This amendment comports with current practice that the Secretary collect VEDS data through the NCES. It expresses, however, our desire that such data be collected within this agency and not be transferred to another agency or division within the Department of Education.

On the subject of VEDS, I have learned that the Department of Education has suspended collection of certain VEDS data with respect to handicapped, limited English proficient and disadvantaged populations. The collection of such data has been suspended since 1981.

I am very concerned that such data is no longer being collected in that such data is critical to measuring the success or failure of our programs, especially in light of the emphasis of this legislation on targeting to these very segments of our population.

The suspension of such data, although not directly contravening the letter of the present law which requires that data be collected on "vocational students—including information on their race and sex)," surely violates the spirit of the law which would clearly include the handicapped and disadvantaged within the definition of "students." I would like to hear from the Department on this matter and, if necessary, would like to pursue further Senate action.

Fourth, I was the sponsor of the amendment at the committee level to reauthorize the bilingual Vocational Training Program. This program, in existence since 1974, continues to be among the most successful of the vocational education programs with placement and completion rates as high as 90 percent.

In reauthorizing the Bilingual Vocational Training Program, we made substantial changes in the text of the legislation. We did not, however, change the substance of the basic program which includes: First, bilingual vocational training, second, bilingual vocational instructor training, third, authorization for the development of instructional materials, methods and techniques, and fourth, programs to familiarize appropriate State agencies and other institutions with the other successful programs. Research in bilingual vocational training is continued in this legislation under the research section of the act.

Fifth, with respect to the essential planning process for vocational education programs, I believe we have taken a step back from our current practice of planning. This legislation deletes any provision for local advisory council for vocational education. These councils have provided an important bridge for citizen input into the vocational education planning process. Furthermore, the important State advisory council on vocational education [SACVE] has been reduced in size to 11 members, which resulted in the exclusion of various experts in a wide range of fields and vocations. In committee, we sought and obtained legislative language that required the SACVE to seek the advice of experts knowledgeable of the special need of the targeted populations. I encourage the SACVE's to follow this course. In conference, I urge my colleagues to support the local advisory councils, which are included in the House version.

Sixth, I am concerned with the current provisions for State allocation of funds under this legislation. The criteria established for the distribution of funds provides, weighted on an equal basis:

(1) The relative number of economically disadvantaged individuals; (2) the relative number of disadvantaged and handicapped students served in vocational education in the previous year; and (3) increases in the numbers or percentages of handicapped and disadvantaged students proposed to be served, except that those recipients serving those populations equitably shall not be penalized.

This appears to me to be a difficult, if not impossible, set of criteria to impose on the States for such an im-

portant matter as distribution of funds. I urge the conferees, within the parameters of the conference process, to consider more feasible guidelines keeping in mind the goal of better targeting to the underserved populations.

Finally, I would like to make some general comments on the need for a greater emphasis on "quality" vocational education. Throughout the consideration of this legislation, we have heard from witnesses and legislative advocates about the need for a greater emphasis on quality in our vocational education programs. The word "quality," although possessing the most positive of connotations, is, in the final analysis, subject to anybody's interpretation. Like mom and apple pie, who in their right mind can oppose quality vocational education.

That notwithstanding, it has become clear that, at present, our vocational education programs are in need of a new vision and focus. Commenting on how vocational education and training can be responsive to change in the 1980's, Paul Barton, executive vice president of the National Institute for Work and Learning, commented:

> The education and training supply institutions are rooted in an environment that does not particularly encourage a vigorous adjustment to changing needs. It is necessary to change this whole environment. It is necessary to stop the retreat and create a larger awareness of the consequences of the declining effectiveness of labor market mechanisms, of crippling shortages of technicians and engineers, of declining ability to reverse slippages in math and science achievement in the schools, and of the many displaced workers without skills that the still-growing sectors of the economy need.

The answer, among many who agree with this view, has been the call for greater emphasis on quality vocational education. In general, this has been interpreted to mean an emphasis on the basics; that is, the basic skills of reading, writing, computation, and communication skills, an emphasis on basic analytical and problem solving, or higher order skills, and an opportunity for the student to learn about the greater aspects of the vocation, generally described as the "economic enterprise." Acquiring these skills will give the student an opportunity to enter the working world with a broader knowledge and a greater ability to adapt in an evolving technological ERA.

Senator CHILES was very instrumental in addressing some of these concerns in a set of quality amendments which require the assessment of—

> Quality of vocational education in terms of (1) the pertinence to the work place and to new and emerging technologies, (2) the responsiveness of programs to the current and projected occupational needs in the State, (3) the capacity of programs to facilitate entry into, and participation in, vocational education and to ease the school-to-work and secondary to postsecondary transition, and (4) the technological and educational quality of vocational curricula, equipment, and instructional materials to enable vocational students to meet the challenges of increased technological demands of the work place.

These amendments are an important step toward addressing the legitimate concerns for quality vocational education programs. I believe, however, that we need to further evaluate this issue and, if necessary, consider future amendments to integrate some of these concepts into the vocational education structure.

In the long run, however, the answer lies with the vocational education instructor in the classroom. It is his or her ability to integrate these concepts into the curriculum and adapt his or her instruction to the changing demands in the working world which will ultimately answer the call for quality vocational education.

Mr. President, I am gratified that we are reauthorizing the Women's Educational Equity Act [WEEA]. Under the provisions of this legislation, WEEA is reauthorized for 5 years at $6.2 million for 1985 and such sums for future years. This program has had solid bipartisan support since its inception in 1974. Since that time, it has been the vehicle to opening opportunities in math, science, technology, and nontraditional vocational careers to women. I wholeheartedly support the continuation of this program.

And, finally, Mr. President, I support the provision of this legislation which authorizes funding for the National Summit Conference on Education. This legislation authorizes to be appropriated $500,000 for conducting a National Summit Conference on Education. The purpose of this summit conference is to bring together a bipartisan, diverse working group of Americans to discuss how the Federal, State, and local governments can together implement recommendations to improve the quality of education in this country. This summit conference is the logical outgrowth of the national debate which has produced several major reports concerning education quality, such as the National Commission on Excellence in Education's "A Nation at Risk." The National Summit Conference on Education is scheduled to meet in January 1985.

Mr. QUAYLE. Mr. President, today I rise in support of S. 2341, the Vocational Educational Act of 1984, as reported by the Labor and Human Resources Committee. Before commenting on this landmark legislation, I would like to commend Senator STAFFORD, sponsor of the bill and chairman of the Education Subcommittee, for his leadership in shaping legislation that makes needed improvement in the Federal vocational education program. I also wish to commend the chief cosponsor of the bill and ranking minority member of the Education Subcommittee, Senator PELL, and the other cosponsors of S. 2341 which include Senator HATCH, Senator WEICKER, Senator KENNEDY, and Senator DODD. I congratulate the authors of this legislation because, with S. 2341, we are redefining the Federal role in vocational education by promoting national priorities while building on the strengths and accomplishments of the current vocational education system.

Historically, Federal support for vocational education has been a cornerstone upon which the existing vocational education system was built. First, the Morrill Act of 1862 established land-grant colleges, thereby recognizing vocational education as an essential component of our education and training system. In 1917, vocational education was greatly expanded and developed by the Smith-Hughes Act which increased the level of Federal and State funds available for vocational education. The Vocational Educational Act of 1965 restructured the vocational education system and established the goal of improving access for underserved populations.

Although all the goals set out in earlier legislation have not been fully achieved, today we have a mature vocational education system with strong State and local support. States and localities contribute about $7 billion annually for vocational education, which is about 90 percent of the total funds available. The Federal share, about 10 percent or $700 million, is dwarfed by comparison.

The fact that States and localities contribute 90 percent of the funding for vocational education demonstrates that this is a program that is needed and supported below the Federal level. Vocational education is an example of a Federal initiative which has proven to have far-reaching benefits for our Nation.

Against this background of strong Federal, State, and local support, we must consider another equally important factor during this reauthorization, and that is the precarious health of our economy. Funds appropriated for vocational education should not duplicate State and local efforts. There are too few Federal dollars to meet all our competing needs. Scare dollars must serve purposes which are otherwise unmet.

On one hand, we have a tradition of strong Federal support for vocational education while on the other hand, this is a State and local program. Therefore, our challenge is to maintain the Federal leadership role, while maximizing the impact of limited Federal funding, yet avoid unnecessary intrusion into State and local prerogatives.

Within this context, a consensus has developed that the Federal role is to assist States improve the quality of vocational education to make it more responsive to the needs of the labor market. A second responsibility of the Federal Government is to improve access to vocational education for the underserved. And these individuals should have access to programs which are of high quality and relevant to the needs of employers. A third objective is to meet the training and retraining needs of adult workers.

S. 2341 is a concrete plan for meeting these national priorities. I applaud S. 2341 and congratulate its authors. S. 2341 clarifies the basic purposes of Federal aid to vocational education—program improvement and ensuring access to underserved groups. I also wish to thank Senator STAFFORD for accommodating concerns I share regarding making programs more responsive to labor market needs by providing for program evaluation and creating a substantial role for the business sector.

I want to thank the chairman of the Education Subcommittee for including among amendments he is offering today some changes that accommodate concerns of mine. One of those changes will make community-based organizations eligible recipients of funds for providing vocational education services to single working parents and homemakers. Selection of community-based organizations must be done on a competitive basis. In awarding contracts to community-based organizations, States must take into account the demonstrated performance of community-based organizations in terms of cost, the quality of training, and the characteristics of participants.

I would especially like to speak in support of a second amendment that Senator STAFFORD will offer relating to the authorized uses of funds for disadvantaged individuals. This amendment permits funds for the disadvantaged provided under title II to be used for program improvement activities, in addition to activities and services to improve access of the disadvantaged to programs. This is a clarifying amendment to conform the bill with the report language. At this point, I would like to quote the report language:

> Funds for the disadvantaged provided under Title II may also be used for program improvement activities. In this regard, it is the Committee's intention that such activities be designed to insure that vocational education and training courses be as up-to-date as possible. They should reflect job requirements and should utilize the latest modes of instruction. This means modern machinery and tools and the use of the latest technological advances. It also means courses in new and emerging technologies wherever and whenever necessary.

I commend Senator STAFFORD on these changes and I appreciate his responsiveness to my concerns.

I also support amendments being offered today by Senators CHILES and DOMENICI. Both Senators are active supporters of vocational education. Although not on the Labor and Human Resources Committee, earlier this year they jointly introduced a bill containing their own proposal for reauthorizing the Vocational Education Act. Today they are offering amendments that will strengthen and clarify S. 2341. I understand that their amendments are acceptable to the authors of the bill.

I believe that the amendments being offered by Senator CHILES will increase the accountability of Federal funds available under this act. The Chiles amendments clarify the bill language so that it more explicitly links the State planning requirements with the Federal objectives. As ranking minority member of the Budget Committee, Senator CHILES is committed to seeing that legislation contains adequate assurances that Federal funds are effectively used to achieve national priorities.

I also want to commend Senator DOMENICI for offering amendments that clarify administrative requirements of S. 2341. The basic purpose of these amendments is to make it easier for localities to provide services to the handicapped and disadvantaged by streamlining recordkeeping at the local level. These amendments also encourage collaboration among local school districts in providing services to the handicapped and disadvantaged.

While I applaud these and many other aspects of the bill, which time and space prevent me from discussing at length, I must express a reservation about the excessive prescriptiveness of S. 2341. Not every State has the same demographic or economic problems, yet the bill prescribes the level of funds that each State must spend on each targeted population, including the handicapped, the disadvantaged, homemakers and single working parents, adults, and offenders.

I agree that the Federal Government should target funds to groups in greatest need. In my bill to reauthorize the Vocational Education Act, S. 2348, I included provisions to target funds on those most in need. So I do not disagree with the concept of targeting; however, I think we should recognize that States have differing needs. Federal targeting is not incompatible with State flexibility. I support giving States some flexibility among groups with serious labor market problems.

In committee, I spoke in support of freeing up some funds so that States could meet the unique needs of their underserved populations. Now, with the addition of the Chiles amendments, it becomes even more necessary to ensure that States have adequate flexibility to meet the needs that are identified in the State planning process. In this planning process, States are required to identify the needs of their special populations and of the labor market that relate to achieving the goals set out in S. 2341. Having required them to do that in the planning process, we must not then dictate entirely what level of resources will be available for uses specified in the act.

We have achieved some accommodation in permitting flexibility in the use of funds. I want to thank the manager of the bill, Senator STAFFORD, for working with me on that. I also understand that he will work with me in conference to achieve greater flexibility in the level of funds for the set-asides between the House and Senate bills.

Finally, I support an amendment being offered by Senator STAFFORD to change the regulations of the Department of Labor regarding fixed price contracts under the Job Training Partnership Act [JTPA]. Currently, JTPA regulations permit fixed-price contracts to be entirely charged to the 70 percent direct training costs—and none to administration. This gives localities a significant incentive to use fixed-price contracts and it is a very popular approach to providing training.

The problem is that the regulations for JTPA only recognize one performance standard for fixed-price contracts, which is placement. The regulations fail to evaluate fixed-price contracts on the basis of youth competencies. This creates a disincentive to operate the kind of youth programs which do not have placement as an objective; for example, literacy training and training leading to a graduate equivalency degree [GED]. The statute is clear that the achievement of youth competencies should also be recognized. The purpose of the amendment being offered by Senator STAFFORD is to conform the regulations with the requirements of JTPA.

I am a strong supporter of vocational education and I believe there is a role for the Federal Government to play in shaping vocational education to meet our national priorities. Vocational education fulfills a unique role in the education community by teaching the skills—both basic and job-related—which are realistic in the light of actual or anticipated opportunities for gainful employment. Vocational education has long been viewed as an alternative to the college-bound educational track. To be an acceptable alternative, it must offer opportunities of comparable quality and it must have a unique purpose. If not, we will have a discriminatory and redundant two-track system. I believe vocational education should prepare students for a lifetime of productive employment; they should not need a second chance

under the Job Training Partnership Act.

I congratulate Senator STAFFORD, Senator PELL, and the other cosponsors of S. 2341, and their staffs for the hard work they did to bring this bill to the floor. I appreciate their efforts and look forward to working with them in conference.

Mr. STEVENS. Mr. President, could we advance the bill to third reading?

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the committee amendment in the nature of a substitute as amended, was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1105, which is H.R. 4164, the House companion bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4164) to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause in H.R. 4164 and insert in lieu thereof the text of S. 2341 as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 4164), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4164) entitled "An Act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes", do pass with the following amendment: Strike out all after the enacting clause and insert:

That this Act may be cited as the "Carl Perkins Vocational Education Act of 1984".

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STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to—

(1) assist the States to expand, improve, modernize, and develop quality vocational education programs in order to meet the needs of the Nation's existing and future work force for marketable skills and to improve productivity and promote economic growth;

(2) assure that individuals who are inadequately served under vocational education programs are assured access to quality vocational education programs, especially individuals who are disadvantaged, who are handicapped, men and women who are entering nontraditional occupations, adults who are in need of training and retraining, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(3) promote greater cooperation between public agencies and the private sector in preparing individuals for employment, in promoting the quality of vocational education in the States, and in making the vocational system more responsive to the labor market in the States; and

(4) authorize national programs designed to meet designated vocational education needs and to strengthen the vocational education research process.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a)(1) There are authorized to be appropriated $880,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of titles I, II, III (other than section 301(b)), and IV (other than part E) of this Act, relating to State programs.

(2) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out programs of consumer and homemaking education under section 301(b).

(3) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 and

such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to assist the States to carry out programs and services designed to enroll severely economically and educationally disadvantaged youth in vocational education programs or other education and training or for employment, using joint efforts between eligible recipients and community-based organization.

(b)(1) From the funds appropriated pursuant to subsection (a)(1) for each fiscal year, 2 percent shall be available to carry out the provisions of title IV (other than part E), relating to national programs.

(2) There are authorized to be appropriated $3,700,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of part E of title IV, relating to bilingual vocational training.

DEFINITIONS

SEC. 4. As used in this Act:

(1) The term "administration" means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but not including technical assistance and ancillary services.

(2) The term "area vocational education school" means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market, or

(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market, or

(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

(D) the department or division of a junior college or community college or university operating under the policies of the State board and which provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if it is available to all residents of the State or an area of the State designated and approved by the State board, and if, in the case of a school, department, or division described in clause (C) or this clause, it admits as regular students both persons who have completed high school and persons who have left high school.

(3) The term "community-based organization" means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

(4) The term "construction" includes construction of new buildings and acquisition, and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

(5) The term "cooperative education" means a program of vocational education for individuals who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(6) The term "criminal offender" means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender.

(7) The term "correctional institution" means any—

(A) prison,

(B) jail,

(C) reformatory,

(D) work farm,

(E) detention center, or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(8) The term "Council" means the National Employers Council on Vocational Education.

(9) The term "curriculum materials" means materials, including materials using advanced learning technology, designed for use in courses of instruction in any occupational field which will be used to prepare individuals for employment at the entry level or to upgrade occupational competencies of individuals previously or presently employed in any occupational field.

(10) The term "disadvantaged" means individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in vocational education programs, under criteria developed by the Secretary based on objective standards and the most recent available data. Such term includes individuals who are from low-income families, migrants, individuals who have limited English proficiency and individuals who are dropouts from, or who are identified as potential dropouts from, secondary school.

(11) The term "eligible recipient" means a local educational agency or a postsecondary educational institution.

(12) The term "guidance and counseling" means programs designed to develop in children, youth, and adults career awareness, career planning, and career decision-making to enable them to make and implement informed educational and occupational choices. The term includes assessments, information provision, counseling, and the coordination of services designed to assist in the choice of, planning for, and achievement in vocational education and in the transition from school to work.

(13) The term "handicapped", when applied to individuals, means individuals who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational education program without special education assistance.

(14) The term "homemaker" means an individual who—

(A) is an adult, and

(B) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills.

The Secretary may not prescribe the manner in which the States will comply with the application of the definition contained in this paragraph.

(15) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

(16) The term "low-income family or individual" means such families or individuals who are determined by the Secretary to be low-income according to the latest available data from the Department of Commerce.

(17) The term "postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school.

(18) The term "private vocational training institution" means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Secretary as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this clause, or (ii) if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Secretary pursuant to this clause, or (iii) if the Secretary determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Secretary shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

(19) The term "school facilities" means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

(20) The term "Secretary" means the Secretary of Education.

(21) The term "single parent" means an individual who—

(A) is unmarried or legally separated from a spouse, and

(B) has a minor child or children for which the parent has either custody or joint custody.

(22) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa,

the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(23) The term "State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education in the State.

(24) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(25) The term "vocational education" means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; and, for purposes of this paragraph, the term "organized education program" means only (A) instruction and counseling related to the occupation or occupations for which the students are in training or instruction and counseling necessary for students to benefit from such training, (B) the acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment (including advanced learning technologies), and (C) the activities of student organizations whenever the activities of such organizations are directly related to vocational education. The term "vocational education" does not mean the construction, acquisition or initial equipment of buildings, or the acquisition or rental of land.

TITLE I—VOCATIONAL EDUCATION ASSISTANCE TO THE STATES

PART A—ALLOTMENT AND ALLOCATION

ALLOTMENT

SEC. 101. (a)(1) From the sums appropriated pursuant to section 3(a)(1), the Secretary shall reserve—

(A) 2 percent for the activities described in title IV; and

(B) 2 percent for the purpose of carrying out section 103.

(2) Subject to the provisions of paragraph (3), from the remainder of the sums appropriated pursuant to sections 3(a)(1), 3(a)(2), and 3(a)(3), the Secretary shall allot to each State for each fiscal year—

(A) an amount which bears the same ratio to 50 percent of the sums being allotted as the product of the population aged fifteen to nineteen inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount which bears the same ratio to 20 percent of the sums being allotted as the product of the population aged twenty to twenty-four, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount which bears the same ratio to 15 percent of the sums being allotted as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount which bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under clauses (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under clauses (A), (B), and (C) for such year.

(3)(A) No State shall receive less than one-half of one percent of the amount available under this subsection for each such fiscal year except that in the case of the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands the minimum allotment shall be $200,000.

(B) No State shall, by reason of the application of the provisions of subparagraph (A) of this paragraph, be allotted more than 150 percent of the allotment of that State in the fiscal year preceding the fiscal year for which the determination is made.

(C) For the purpose of this paragraph, the term "State" does not include the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallotment, on such dates during such year as the Secretary shall fix, on the basis of criteria established by regulation, among other States. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the next succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

(c)(1) The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40 and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

(2) The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

(3) The term "per capita income" means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department.

WITHIN STATE ALLOCATION

SEC. 102. (a) Each State shall allocate from its allotment (other than the amount of the allotment attributable to sums appropriated pursuant to section 3(a)(3)) in each fiscal year—

(1) not to exceed 6 percent of the allotment for administrative expenses;

(2) 1 percent of the allotment for the expenses of the State Council on Vocational Education, except that no State may allocate less than $120,000 nor more than $225,000 in each fiscal year for the purpose described in this clause; and

(3) of the remainder of the allotment of the State—

(A) 50 percent shall be available for activities described in title II, and

(B) 50 percent shall be available for activities described in title III.

(b) For the purpose of clause (2) of subsection (a) of this section, the term "State" shall not include the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

INDIAN PROGRAMS

SEC. 103. (a)(1) For the purpose of this section—

(A) the term "Act of April 16, 1934" means the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", enacted April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457); and

(B) the term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(2) From the funds reserved pursuant to section 101(a)(1)(B), the Secretary shall enter into contracts for Indian and Hawaiian native programs in accordance with the provisions of this section.

(b)(1) From the funds reserved pursuant to section 101(a)(1)(B), the Secretary is directed, upon the request of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934, to enter into grants or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the purposes of this Act, except that such grants or contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevani to the programs administered under this sentence. From any remaining funds reserved pursuant to section 101(a)(1)(B), the Secretary is authorized to enter into an agreement with the Commissioner of the Bureau of Indian Affairs for the operation of vocational education programs authorized by this Act in institutions serving Indians eligible to receive educational benefits as Indians from the Bureau of Indian Affairs, and the Secretary of the Interior is authorized to receive the funds for the purposes described in this paragraph.

(2) For the purposes of this Act, the Bureau of Indian Affairs shall be deemed to be a State board; and all the provisions of this Act shall be applicable to the Bureau as if it were a State board.

(c) From the funds reserved pursuant to section 101(a)(1)(B) and available for this subsection, the Secretary is directed, upon the request of any eligible recipient or any nonprofit private organization which is engaged in furnishing educational services or activities to Hawaiian natives, to enter into contracts with any such eligible recipient or nonprofit private organization to plan, conduct, and administer programs, or portions thereof, which are authorized by and con-

sistent with the provisions of this section for the benefit of Hawaiian natives.

PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

STATE ADMINISTRATION

SEC. 111. (a)(1) Any State desiring to participate in the vocational education program authorized by this Act shall, consistent with State law, designate or establish a State board of vocational education which shall be the sole State agency responsible for the administration or the supervision of the State vocational education program. The responsibilities of the State board shall include—

(A) the coordination of the development of policy with respect to such programs;

(B) the development in consultation with the State council on vocational education, and the submission to the Secretary, of the State plan required by section 113 and by section 114;

(C) the consultation with the State council on vocational education and other appropriate State agencies, councils, and individuals involved in the planning and approval as required by sections 113 and 114; and

(D) the adoption of such procedures as the State board considers necessary to implement State level coordination with the State job training coordinating council to encourage cooperation in the conduct of their respective programs.

Except with respect to the functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

(2) Each State shall include a description of any delegation of its functions under paragraph (1) in its State plan, or amendments to such plan, submitted to the Secretary.

(b)(1) Any State desiring to participate in the programs authorized by this Act shall assign at least one individual within the appropriate agency established or designated by the State board under the last sentence of subsection (a)(1) to administer vocational education programs within the State, to work full time to assist the State board to fulfill the purposes of this Act by—

(A) administering the program of vocational education for single parents and homemakers described in section 201(e);

(B) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

(C) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high technology occupations, and submitting (i) recommendations for inclusion in the State plan and the progress reports of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

(D) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

(E) developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

(F) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women; and

(G) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students' enrollment in nontraditional programs.

(2) For the purpose of this subsection, the term "State" means any one of the fifty States and the District of Columbia.

(3) Each State shall expend not less than $60,000 in each fiscal year to carry out the provisions of this subsection from the funds made available in section 202(3).

(c) The State board shall make available to each private industry council established under part A of title I of the Job Training Partnership Act within the State a description of all programs assisted under this Act to be operated by eligible recipients in service delivery areas designated under such part A.

STATE COUNCIL ON VOCATIONAL EDUCATION

SEC. 112. (a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State council, which shall be appointed by the Governor or, in the case of States in which the members of the State board of education are elected (including election by the State legislature), by such board, except as provided in clause (5) of this subsection. Each State council shall be composed of eleven individuals so that—

(1) a majority of its membership are individuals who are representative of business and industry in the State;

(2) one of the members appointed under clause (1) is a member of the State job training coordinating council established pursuant to section 122 of the Job Training Partnership Act;

(3) individuals who are representative of secondary vocational education and postsecondary vocational education in the State are members, except that representation under this clause for secondary education and postsecondary education shall be equal;

(4) one individual who is representative of special education;

(5) two individuals who are members from the State legislature, appointed by the legislature, one appointed from each House (or in the case of an unicameral legislature, appointed from the legislature) are members; and

(6) at least one individual who is representative of labor organizations in the State is a member.

(b) The State shall certify the establishment and membership of the State council at least 90 days prior to the beginning of each planning period described in section 113(a)(1).

(c) Each State council shall meet as soon as practical after certification has been accepted by the Secretary and shall select from among its membership a Chair who shall be a nongovernmental representative member of the State council. The time, place, and manner of meeting, as well as council operating procedures and staffing, shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

(d)(1) Each State council shall consult with and make recommendations to the State board on policy matters arising out of vocational education programs assisted under this Act and in the development of the State plan submitted under section 113.

(2) Each State council shall review the State plan in accordance with the procedures described in section 114.

(3) Each State council shall—

(A) analyze and report on the distribution of spending for vocational education in the State and on the availability of vocational education activities and services within the State;

(B) furnish consultation to the State board on the establishment of evaluation criteria for vocational education programs within the State;

(C) submit recommendations to the State board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

(D) assess the distribution of financial assistance furnished under this Act, particularly with the analysis of the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

(E) recommend procedures to the State board to insure and enhance the participation of the public in the provisions of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

(F) report to the State board on the extent to which the individuals described in section 201(b) are provided with equal access to quality vocational education programs; and

(G) make recommendations to the State board for cooperation with programs assisted under this Act with programs assisted under the Job Training Partnership Act, and at least once every two years assess the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act to the extent that the objectives of this Act and the Job Training Partnership Act are compatible.

(e)(1) Each State council is authorized to obtain the services of such professional, technical, and clerical, personnel as may be necessary to enable it to carry out its functions under this Act and to contract for such services as may be necessary to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals.

(2) Each State council, in carrying out the provisions in paragraph (1), shall seek and obtain the advice of experts who are knowledgeable in the special education needs of the groups of individuals to be served under this Act, including handicapped, disadvantaged, women, adults, and the incarcerated.

(f) Each State shall make available for the expenses of the State council on vocational education the portion of its allotment required under section 102(a)(2) but not less than $120,000 for each fiscal year.

STATE PLANS

SEC. 113. (a)(1) Any State desiring to receive funds from its allotment for any fiscal year shall submit to the Secretary a State plan for a three-year period in the case of the initial plan and a two-year period thereafter, together with such annual revisions as the State board determines to be necessary.

(2) The planning periods required by paragraph (1) of this subsection shall be coterminous with the planning program periods required under section 104(a) of the Job Training Partnership Act.

(3) In developing the State plan, the State shall—

(A) assess the current and projected occupational needs within the State;

(B) examine student needs in order to determine how best to improve student skill levels in light of the State's occupational and skill requirements;

(C) assess the special needs of groups of individuals specified in section 201(b) for access to vocational education and vocational services in terms of labor market needs;

(D) assess the quality of vocational education in terms of—

(i) the pertinence of programs to the workplace and to new and emerging technologies,

(ii) the responsiveness of programs to the current and projected occupational needs in the State,

(iii) the capacity of programs to facilitate entry into, and participation in, vocational education and to ease the school-to-work and secondary-to-postsecondary transition, and

(iv) the technological and educational quality of vocational curricula, equipment, and instructional materials to enable vocational students and instructors to meet the challenges of increased technological demands of the workplace;

(E) determine the capacity of local educational agencies, with respect to secondary education and postsecondary educational institutions, to deliver the vocational education services necessary to meet the needs identified through the assessments required by clauses (A) through (D) of this paragraph; and

"(F) determine, for each fiscal year, how the services and activities supported by funds furnished under this Act can be expected to assist the State in meeting the needs identified through the assessments required by clauses (A) through (D) of this paragraph.".

(b) Each such plan shall—

(1) provide assurances that, and where necessary a description of the manner in which, the State board will comply with the requirements of titles I, II, and III of this Act, including—

(A) a description of the manner in which the State will comply with the criteria required for programs for the handicapped and for the disadvantaged prescribed by section 204;

(B) assurances that the State will comply with the distribution of assistance requirements contained in section 203;

(C) a description of the criteria for the distribution of assistance required by section 203 and section 302;

(D) assurances that, to the extent consistent with the number and location of individuals described in clauses (1) and (2) of section 201(b) in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such individuals in the vocational education program assisted under title II of this Act;

(2) set forth the planned uses of Federal funds available for vocational education for each fiscal year for which the plan is submitted and described how the State did carry out the provisions of section 113(a)(3);

(3) provide assurances that the State will distribute at least 80 percent of the funds made available for titles II and III to eligible recipients, or combination of eligible recipients, except that the State will distribute 100 percent of the funds available for clauses (1) and (2) of section 202, relating to the disadvantaged and the handicapped, to eligible recipients in accordance with section 203(a);

(4) provide assurances that, in the use of funds available for single parents and homemakers under section 201(b)(3), that the State will emphasize assisting individuals with the greatest financial need, and that in serving homemakers the State will give special consideration to homemakers who because of divorce, separation, or the death or disability of a spouse must prepare for paid employment;

(5) provide assurances that the State will furnish relevant training and vocational education activities to men and women who desire to enter occupations that are not traditionally associated with their sex;

(6) describe the methods of administration that are necessary for the proper and efficient administration of the assistance provided under titles II and III of this Act;

(7)(A) provide assurances that the State will develop measures for the effectiveness of programs assisted under this Act in meeting the needs identified in the State plan, including evaluative measurements such as—

(i) the occupations to be trained for, which will reflect a realistic assessment of the labor market needs of the State;

(ii) the levels of skills to be achieved in particular occupations, which will reflect the hiring needs of employers; and

(iii) the basic employment competencies to be used in performance outcomes, which will reflect the hiring needs of employers; and

(B) the State will, as a component of the measures under subclause (A) of this clause, establish appropriate measures for evaluating the effectiveness of programs for the handicapped assisted under this Act;

(8) provide assurances that the State board will cooperate with the State council on vocational education in carrying out its duties under this part;

(9) provide assurances that—

(A) funds will be distributed to eligible recipients on the basis of annual applications,

(B) the State will set forth the procedures to be used in approving such applications, and

(C) any eligible recipient dissatisfied with final action with respect to any application for assistance under this Act will be given reasonable notice and opportunity for a hearing;

(10) provide assurances that eligible recipients, in furnishing vocational education services and activities, will equitably serve the special needs of individuals with limited English proficiency;

(11)(A) provide assurances that Federal funds made available under this Act will be used so as to supplement, and to the extent practicable increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the State plan, and in no case supplant such State or local funds;

(B) provide assurances that the amount expended from State and local sources for vocational education for handicapped individuals in a State in each fiscal year will be equal to or more than the amount expended from State and local sources for vocational education for handicapped individuals in the State in the fiscal year 1984; and

(12) provide assurances that the State will make provision for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act).

APPROVAL

SEC. 114. (a) Each State plan prepared in accordance with the provisions of section 113 shall include all recommendations made by the State council with respect to the plan for vocational education programs which are not incorporated as a part of the plan, along with the reasons of the State board for not incorporating such recommendations in the plan.

(b)(1) Each State plan shall, 60 days before the plan is to be submitted to the Secretary, be furnished to the State legislature and the State job training coordinating council of the State for review and comment. If the matters covered by the comments of the State legislature and the State job training coordinating council are not covered by the State plan, the State shall submit the comments with the State plan to the Secretary.

(2) If the State legislature is not in session during the period described in paragraph (1), the State board shall submit the plan for review and comment to the next meeting of the State legislature and forward the comments of the State legislature to the Secretary when the comments are received.

(c)(1) Each State plan shall be submitted to the State council on vocational education for review and comment not later than 60 days prior to the submission of the plan to the Secretary.

(2) Whenever the State council disagrees with the reasons set forth by the State board for not incorporating the recommendations of the State council in the State plan, the State council shall append its comments on the State plan to such plan, and the State shall submit the appended comments with the State plan to the Secretary.

(d)(1) The Secretary shall provide technical assistance and guidance to the States in order to assist the States to fulfill the requirements of section 113(a)(3).

(2)(A) The Secretary shall approve any State plan which meets the requirements of section 113 and the other provisions of this Act.

(B) In approving State plans under this section, the Secretary shall consider the comments of the State council submitted as a part of the State plan.

(3) The Secretary shall not make any final determination disapproving any State plan, or any modification thereof, without first affording the State reasonable notice and opportunity for a hearing.

PART C—STATE ASSISTANCE FOR VOCATIONAL EDUCATION SUPPORT PROGRAMS BY COMMUNITY-BASED ORGANIZATIONS

APPLICATIONS

SEC. 121. (a) Each community-based organization which desires to receive assistance under this part shall prepare jointly with the appropriate eligible recipient and submit an application to the State board at such time, in such manner, and containing or accompanied by such information as the State board may require. Each such application shall—

(1) contain an agreement between the community-based organization and the eligible recipients in the area to be served, which includes the designation of fiscal agents established for the program;

(2) provide a description of the uses for which assistance is sought pursuant to section 121(b) together with evaluation criteria to be applied to the program;

(3) provide assurances that the community-based organization will give special consideration to the needs of severely economically and educationally disadvantaged youth ages sixteen through twenty-one, inclusive;

(4) provide assurances that business concerns will be involved, as appropriate, in services and activities for which assistance is sought;

(5) describe the collaborative efforts with the eligible recipients and the manner in which the services and activities for which assistance is sought will serve to enhance the enrollment of severely economically and educationally disadvantaged youth into the vocational education programs; and

(6) provide assurances that the programs conducted by the community-based organization will conform to the applicable standards of performance and measures of effectiveness required of vocational education programs in the State.

USES OF FUNDS

SEC. 122. (a) From the portion of the allotment of each State under section 101 available under this part, each State shall provide financial assistance to joint programs of eligible recipients and community-based organizations within the State for the conduct of special vocational education services and activities described in subsection (b).

(b) Funds provided under this section may be used for—

(1) outreach programs to facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment or other education and training;

(2) transitional services such as attitudinal and motivational prevocational training programs;

(3) prevocational educational preparation and basic skills development conducted in cooperation with business concerns;

(4) special prevocational preparations programs targeted to inner-city youth, non-English speaking youth, Appalachian youth, and the youth of other urban and rural areas having a high density of poverty who need special prevocational education programs;

(5) career intern programs;

(6) assessment of students needs in relation to vocational education and jobs; and

(7) guidance and counseling to assist students with occupational choices and with the selection of a vocational education program.

TITLE II—PROGRAMS FOR VOCATIONAL EDUCATION OPPORTUNITIES

USES OF FUNDS

SEC. 201. (a) From the portion of the allotment of each State under section 101 available for this title, each State shall provide vocational education services and activities designed to meet the special needs of groups of individuals specified in subsection (b).

(b) To meet the needs identified in the State plan, each State shall use the portion of its allotment available for this title in any fiscal year to provide vocational education services and activities designed to meet the special needs of, and to enhance the participation of—

(1) handicapped individuals;

(2) disadvantaged individuals;

(3) individuals who are single parents or homemakers; and

(4) criminal offenders who are serving in a correctional institution.

(c) Each State shall use the portion of its allotment available for this title in any fiscal year for handicapped individuals only for expenditures limited to supplemental or additional staff, equipment, materials, and services not provided to other individuals in vocational education that are essential for handicapped individuals to participate in vocational education, except that each State may use such funds for separate vocational education programs for handicapped individuals if the handicapping conditions of the students require a separate program.

(d) Each State may use the portion of its allotment available for this title for any fiscal year for the improvement of vocational education programs designed to provide equal access to quality vocational education to disadvantaged individuals including the acquisition of modern machinery and tools and the cost of services and activities which apply the latest technological advances to courses of instruction.

(e) Each State may use the portion of its allotment available for this title to—

(1) provide, subsidize, reimburse or pay for vocational education and training activities, including basic literacy instruction and necessary educational materials, that will furnish single parents and homemakers with marketable skills;

(2) make grants to eligible recipients for expanding vocational education services when this expansion directly increases the eligible recipients' capacity for providing single working parents and homemakers with marketable skills;

(3) make grants to community-based organizations for the provision of vocational education services to single parents and homemakers, if the State determines that the community-based organization has demonstrated effectiveness in providing comparable or related services to single parents and homemakers, taking into account the demonstrated performance of such an organization in terms of cost, the quality of training and the characteristics of the participants;

(4) make vocational education and training more accessible to single parents and homemakers by assisting them with child care or transportation services or by organizing and scheduling the programs so that such programs are more accessible; and

(5) provide information to single working parents and homemakers to inform them of vocational education programs and related support services.

(f)(1) Each State may use the portion of its allotment available for this title in any fiscal year for basic skills instruction for vocational education students and related to their instructional program whenever the State board determines that such instruction is necessary to carry out the purposes described in subsection (b) of this section.

(2) Each State may use the portion of its allotment available for this title in any fiscal year for the provision of educational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to obtaining the objectives of the State plan and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions.

(g)(1) Vocational education services and activities described in subsection (b) shall, to the extent practicable, include work-site programs such as cooperative vocational education, work-study, and apprenticeship programs.

(2) Vocational education services and activities described in subsection (b) may include placement services for students who have successfully completed vocational education programs.

DISTRIBUTION OF ASSISTANCE

SEC. 202. Of the amounts made available to each State from the portion of its allotment available for this title for each fiscal year—

(1) 25 percent shall be available for handicapped individuals;

(2) 50 percent shall be available for disadvantaged individuals;

(3) 23 percent shall be available for individuals who are single parents and homemakers; and

(4) 2 percent shall be made available for criminal offenders who are in correctional institutions.

WITHIN STATE ALLOCATION

SEC. 203. (a)(1) The State board shall allocate the 75 percent of the amount allotted to the State and available for this title for vocational education services and activities for the handicapped and the disadvantaged to eligible recipients in accordance with the provisions of this subsection.

(2) Of the amount allocated under this subsection—

(A) 33⅓ percent of such amount shall be allocated to eligible recipients on the basis of the relative number of economically disadvantaged individuals enrolled in each eligible recipient compared to the total number of such individuals enrolled in all eligible recipients within the State;

(B) 33⅓ percent shall be allocated on the basis of the relative number of disadvantaged and handicapped students served in vocational education programs by each eligible recipient within the State in the fiscal year preceding the fiscal year for which the determination is made as compared to the total number of such individuals served by all eligible recipients within the State in such year; and

(C) the remainder shall be allocated on the basis of criteria developed by the State which take into account increases in the numbers or percentages of handicapped and disadvantaged students proposed to be served by the eligible recipients within the State, but such criteria shall not penalize eligible recipients which are already serving an equitable number or percentage of such students.

(3)(A) Subject to the limitation contained in clause (C) of paragraph (2) and the second sentence of this subparagraph, for any fiscal year beginning after the first fiscal year in which an eligible recipient receives payments under this title in which an eligible recipient fails to carry out the criteria established for clause (C) of paragraph (2), the State board may, pursuant to uniform criteria established by the State board, reduce the amount of the payments made under this subsection to any such eligible recipient for such fiscal year. No reduction authorized by this paragraph may include a reduction in the allocation criteria required by clause (A) of paragraph (2).

(B) Whenever in any fiscal year the provisions of subparagraph (A) apply, the State board shall allocate the amounts made available by the application of subpara-

graph (A) to all other eligible recipients within the State (not subject to such subparagraph) on the basis of their original allocations.

(4) Each local educational agency shall use, to the extent feasible, community-based organizations of demonstrated effectiveness, in addition to other eligible recipients, for the use of funds available under this title in areas of the State in which there is an absence of sufficient vocational education facilities or in which the vocational education programs do not adequately address the needs of disadvantaged students, or in which the local educational agency determines that the community-based organization can better serve disadvantaged students.

(5) Each local educational agency is authorized to use funds allocated under paragraph (1) of this subsection for joint projects with one or more other local educational agencies.

(b)(1)(A) Whenever the State board determines that the distribution of funds, in accordance with subsection (a) of this section, will result, with respect to any eligible recipient, in ineffective programing and use of funds made available under this title, the State board may adopt a de minimis rule under which funds are not allocated to such an eligible recipient and are reallocated under this subsection. The State board may, in carrying out the provisions of this paragraph, apply the rule only to any eligible recipient within the State which is eligible to receive $1,000 or less in any fiscal year.

(B) For the purpose of this paragraph, an eligible recipient includes a joint application under paragraph (5) of subsection (a).

(2) Whenever the State board determines that the rule stated in paragraph (1) of this subsection applies to any eligible recipient, the State board shall allocate the amounts made available by the application of paragraph (1) to other eligible recipients within the State not subject to such paragraph.

(c) The State board shall establish criteria for the distribution of the remaining 25 percent of the amount of the allotment of the State available for this title to eligible recipients and to community-based organizations pursuant to section 201(e)(3) within the State for the purposes described in clauses (3) and (4) of section 202.

(d) Nothing in this title shall be construed to require the State board to identify, separately, expenditures for disadvantaged individuals and for handicapped individuals with respect to eligible recipients within the State.

CRITERIA FOR SERVICES AND ACTIVITIES FOR THE HANDICAPPED AND FOR THE DISADVANTAGED

SEC. 204. (a) The State board shall, with respect to that portion of the allotment distributed in accordance with section 203(a) for vocational education services and activities for handicapped individuals and disadvantaged individuals, provide assurances that—

(1) equal access will be provided to handicapped and disadvantaged individuals in recruitment, enrollment, and placement activities;

(2) equal access will be provided to handicapped and disadvantaged individuals to the full range of vocational programs available to nonhandicapped and nondisadvantaged individuals, including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

(3)(A) vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the individualized education plan required under section 612(4) and section 614(a)(5) of such Act; and

(B) vocational education planning for handicapped individuals will be coordinated between appropriate representatives of vocational education and special education.

(b) Each local educational agency shall, with respect to that portion of the allotment distributed in accordance with section 203(a) for vocational education services and activities for handicapped individuals and disadvantaged individuals, provide information to handicapped and disadvantaged students and parents of such students concerning the opportunities available in vocational education at least one year before the students enter the grade level in which vocational education programs are first generally available in the State, but in no event later than the beginning of the ninth grade, together with the requirements for eligibility for enrollment in such vocational education programs.

(c) Each student who enrolls in vocational education programs and to whom subsection (b) applies shall receive—

(1) assessment of the interests, abilities, and special needs of such student with respect to completing successfully the vocational education program;

(2) special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs described in clause (1);

(3) guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

(4) counseling services designed to facilitate the transition from school to postschool employment and career opportunities.

(d) Whenever the State board determines that it is appropriate, vocational education services and activities for handicapped individuals and disadvantaged individuals may be furnished jointly or in common.

TITLE III—VOCATIONAL EDUCATION PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

USES OF FUNDS

SEC. 301. (a) From the portion of the allotment of each State under section 101 available for this title from amounts appropriated pursuant to section 3(a)(1) for each fiscal year, each State may use funds so available to meet the needs identified in the State plan for—

(1) the improvement of vocational education programs within the State designed to improve the quality of vocational education, including the provision of technical assistance;

(2) the expansion of vocational education activities necessary to meet the student needs, particularly in economically depressed urban and rural areas of the State in which there are inadequate vocational education programs;

(3) the introduction of new vocational education programs, particularly in economically depressed urban and rural areas of the State;

(4) the creation or expansion of programs to train workers in skilled occupations needed to revitalize businesses and industries or to promote the entry of new businesses and industries into a State or community;

(5) exemplary and innovative programs which stress new and emerging technologies and which are designed to strengthen vocational education services and activities;

(6) guidance, counseling, and career development activities conducted by professionally trained counselors in the improvement of vocational education programs within the State;

(7) programs relating to curriculum development in vocational education within the State, including the application of basic skills training;

(8) the expansion and improvement of programs at area vocational education schools; and

(9) the acquisition of equipment and the renovation of facilities necessary to improve or expand vocational education programs within the State.

(b) From the portion of the allotment for each fiscal year under section 101 available under this title from amounts appropriated pursuant to section 3(a)(2) for each fiscal year, each State shall conduct consumer and homemaking education programs.

(c) From the portion of the allotment of each State under section 101 available for this title from amounts appropriated pursuant to section 3(a)(1) for each fiscal year, each State shall use grants for the provision of inservice and preservice training designed to increase the competence of vocational education teachers, counselors, and administrators, including special emphasis on the integration of handicapped and disadvantaged students in regular courses of vocational education.

DISTRIBUTION OF ASSISTANCE

SEC. 302. (a) The State board shall establish criteria for the distribution of the amounts made available for the portion of its allotment available for this title from amounts appropriated pursuant to section 3(a)(1) for each fiscal year, and which are to be distributed among eligible recipients, or combination of eligible recipients. In prescribing criteria under this subsection, the State board shall give special emphasis to economically depressed urban and rural areas of the State and to area vocational education schools serving such areas.

(b)(1) Not less than 30 percent of the amount available for each State under this title in each fiscal year shall be available only for vocational education services and activities at the secondary and postsecondary school level to train and retrain adults.

(2) The set-aside required by paragraph (1) may also be used by the State to comply with the set-aside required by subsection (c).

(c) Not less than 10 percent of the amount available to each State for this title in each fiscal year shall be available only for conducting industry education partnership training programs in high technology occupations.

CRITERIA FOR PROGRAM IMPROVEMENT, INNOVATION, AND EXPANSION

SEC. 303. (a) Subject to the provisions of this title, each State may expend funds available under this title in the manner best suited to carry out the purposes of this Act within the State.

(b) Each State may make use of community-based organizations of demonstrated effectiveness, in addition to eligible recipients, for the use of funds available under this title in areas of the State in which there is an absence of sufficient vocational education facilities or in which the vocational education programs do not adequately address the needs of disadvantaged students or

wherever the community-based organization can better serve disadvantaged students.

(c) Any project assisted with funds made available under this title shall be of sufficient size, scope, and quality to give reasonable promise of meeting the vocational education needs of the students involved in the project.

CRITERIA FOR INDUSTRY EDUCATION PARTNERSHIP TRAINING PROGRAMS IN HIGH TECHNOLOGY OCCUPATIONS

SEC. 304. (a) Grants under this section shall be used for industry education partnership training programs in high technology occupations, including vocational education services and activities designed to train skilled workers and technicians in high technology occupations, especially projects to train skilled workers needed to produce, install, operate, and maintain high technology equipment, systems, and processes.

(b) No grant for any industry education partnership training program under this section may be made unless the eligible recipient enters into a grant agreement which contains provisions designed to assure that—

(1) not less than 50 percent of the aggregate costs of programs and projects assisted under this part will be provided from non-Federal sources, and not less than 50 percent of that non-Federal share of aggregate costs in the State will be provided by participating business concerns;

(2) projects assisted under this section will be coordinated with projects assisted under title II; and

(3) projects assisted under this section will be developed with the active participation of the State council established pursuant to section 112.

(c) The non-Federal contribution may be in cash or in kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services.

CRITERIA FOR ADULT PROGRAMS AND POSTSECONDARY PROGRAMS FOR ADULTS

SEC. 305. (a) Funds available under this section shall be used to provide, improve, and expand adult and postsecondary vocational education services and activities to train and retrain adults.

(b) Funds used for the purpose described in subsection (a) may be used for services and activities developed in coordination with the State agency administering title III of the Job Training Partnership Act.

(c) Funds for services and activities under this section may be used for—

(1) additional training under title III of the Job Training Partnership Act;

(2) vocational education programs for training or retraining adults, including programs for older Americans and displaced homemakers;

(3) the costs of serving adults in other vocational education programs, including paying the costs of instruction or the costs of keeping school facilities open longer;

(4) individuals who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

(5) individuals who have already entered the labor market, or have completed or left high school, and who are not described in clause (4).

TITLE IV—NATIONAL PROGRAMS

PART A—RESEARCH

RESEARCH OBJECTIVES

SEC. 401. It is the purpose of this part—

(1) to authorize research activities which contribute to improving the access to vocational education programs of individuals who are disadvantaged, who are handicapped, women who are entering nontraditional occupations, adults who are in need of retraining, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(2) to improve the competitive process by which research projects are awarded;

(3) to encourage the dissemination of findings of research projects assisted under this Act to all States; and

(4) to authorize research activities which are readily applicable to the vocational education setting and are of practical application to vocational education administrators, counselors, and instructors and others involved in vocational education.

RESEARCH ACTIVITIES

SEC. 402. (a) In order to carry out the objectives set forth in section 401, the Secretary shall conduct applied research on aspects of vocational education specifically related to this Act. Such research may be conducted through the National Institute of Education or any other division of the Department of Education which the Secretary determines to be appropriate. Such research shall include—

(1) effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(2) strategies for coordinating local, State, and Federal vocational education, employment training, and economic development programs to maximize their efficacy and for improving worker training and retraining;

(3) the constructive involvement of the private sector in public vocational education;

(4) successful methods of reinforcing and enhancing basic academic skills in vocational settings;

(5) the development of curriculum materials and instructional methods relating to new and emerging technologies, and assessments of the nature of change in the workplace and its effect on individual jobs;

(6) the identification of institutional characteristics which improve the preparation of youth and adults for employment; and

(7) the development of effective methods for providing quality vocational education to individuals of limited English proficiency, including research related to bilingual vocational training.

(b) In addition, the Secretary shall—

(1) operate a clearinghouse for information on activities conducted by the States under titles II and III, and on contracts made by the Secretary pursuant to this section; and compile an annotated bibliography of research, exemplary and innovative program projects, and curriculum development projects assisted with funds made available under this Act;

(2) initiate leadership development and inservice education activities for State and local vocational education instructors, counselors, and administrators; and

(3) support meritorious, unsolicited research proposals from State and local educators relating to the goals of this Act.

(c) The Secretary shall give preference in carrying out the provisions of this part to public and private postsecondary institutions which have demonstrated competencies in conducting vocational education research.

(d) No more than 20 percent of the amount made available under this part in any fiscal year may be awarded to any single recipient of financial assistance under this part.

NATIONAL ASSESSMENT OF VOCATIONAL EDUCATION PROGRAMS ASSISTED UNDER THIS ACT

SEC. 403. (a) The Secretary shall conduct a national assessment of vocational education assisted under this Act, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and evaluations of—

(1) the vocational education activities and services delivered to the individuals who benefit from vocational education activities and services assisted under this Act, including the expansion of access to quality vocational education for individuals described in section 201(b) and adults;

(2) the impact of this Act in modernizing the Nation's vocational education system and expanding its capacity to meet the changing needs of the workplace;

(3) the resources needed to meet adequately the Nation's job training needs;

(4) the coordination of vocational education programs with employment training and economic development among the States;

(5) the impact of vocational education programs on the achievement of academic skills and employment opportunities of students;

(6) the coordination of vocational education and postsecondary programing for handicapped and disadvantaged individuals;

(7) the skill and competency levels developed by States pursuant to section 113(b)(8);

(8) the effectiveness of vocational education programs and services for individuals of limited English proficiency; and

(9) the effectiveness of bilingual vocational training, including bilingual vocational instructor training, to address the unmet needs of individuals of limited English proficiency.

The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1988, and a final report shall be prepared and submitted to the Congress not later than January 1, 1989.

(b) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the Department of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

(c) Not more than 20 percent of the amounts available under this part in any fiscal year may be expended to carry out the assessment authorized by this section.

NATIONAL COMPARISON ASSESSMENT

SEC. 404. The Secretary, through the National Institute of Education shall, as part of the National Assessment of Educational Progress required by section 405(k) of the

General Education Provisions Act, identify vocational education students among the national sample of students who have attained 17 years of age to enable a comparison to be made over time of the achievements in reading, writing, and arithmetic, by region of the country, and by socioeconomic level of vocational education students and other students.

PART B—COOPERATIVE EMPLOYER EDUCATION PROGRAMS

PROGRAM AUTHORIZED

SEC. 411. (a) From the amounts available for this part under section 451 for each fiscal year, the Secretary is authorized to carry out, directly or through grants to or contracts with State and local educational agencies, postsecondary vocational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions, programs and projects which support—

(1) model programs providing improved access to quality vocational education programs for those individuals described in section 201(b) of this Act and for men and women seeking nontraditional occupations;

(2) examples of successful cooperation between the private sector and public agencies in vocational education, including work experience and apprenticeship programs and programs assisting in the transition from school to work;

(3) programs to overcome national skill shortages, as designated by the Secretary in cooperation with the Secretary of Labor, Secretary of Defense, and Secretary of Commerce; and

(4) such other activities which the Secretary may designate which are related to the purposes of this Act.

(b) All programs funded by amounts made available by this section shall be—

(1) of direct service to individuals enrolled in such programs; and

(2) capable of wide replication by service providers.

(c) The Secretary shall disseminate the results of the programs and projects assisted under this section in a manner designed to improve the training of teachers, other instructional personnel, counsellors, and administrators who are needed to carry out the purposes of this Act.

PART C—VOCATIONAL EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS

DATA SYSTEMS AUTHORIZED

SEC. 421. (a)(1) The Secretary shall develop, within the National Center for Education Statistics, a national vocational education data reporting and accounting system using uniform definitions. The system required by this section shall include information on vocational education—

(A) students (including information on their race, sex, and handicapping condition),

(B) programs,

(C) program completers and leavers,

(D) staff,

(E) facilities, and

(F) expenditures.

(2) In developing the system required by this subsection, the Secretary shall endeavor to make the system compatible with the occupational information data system developed pursuant to subsection (b), with other information systems involving data on programs assisted under the Job Training Partnership Act, and with information collected pursuant to the Education of the Handicapped Act.

(3) Any State receiving assistance under this Act shall cooperate with the Secretary in supplying the information required to be submitted by the Secretary and shall comply in its reports with the vocational education data system developed by the Secretary pursuant to paragraph (1). Each State shall submit the data required to carry out this subsection to the Secretary in whatever form the Secretary requires. Whenever possible, the reporting of data under this paragraph shall include reporting of data by labor market areas within the State.

(4) The Secretary shall every 2 years update the national vocational education information and accounting system and prepare acquisition plans of data for operating the system. In carrying out the requirements under this paragraph, the Secretary shall use scientific sample surveys for the information required, except that the information required with respect to handicapped students shall be furnished in accordance with section 422 of this Act.

(5) The Secretary may conduct special studies on enrollment of disadvantaged students in vocational education programs, on the participation of handicapped students in vocational education programs, and any other similar subjects which the Secretary deems appropriate.

(6) The Secretary shall use 33⅓ percent of the funds available for this part under section 451(3) for the purpose of assisting the States in complying with the data collection requirements of this subsection and shall use 66⅔ percent to carry out subsection (b).

(b)(1) There is established a National Occupational Information Coordinating Committee which shall consist of the Secretary, the Administrator of the National Center of Education Statistics, the Commissioner of Labor Statistics, the Assistant Secretary for Employment and Training, the Assistant Secretary of Commerce for Economic Development, the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), the Under Secretary of Agriculture for Small Community and Rural Development, and the Assistant Secretary of Health and Human Services for Vocational Rehabilitation. The Committee, with funds available to it under section 431(3) shall—

(A) in the use of program data and employment data, improve coordination between, and communication among, administrators and planners of programs authorized by this Act and by the Job Training Partnership Act, employment security agency administrators, research personnel, and employment and training planning and administering agencies at the Federal, State, and local levels;

(B) develop and implement an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs of the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications;

(C) conduct studies on the effect of technological change on existing or emerging occupations and on the knowledge and job skills which will be required by workers; and

(D) assist State occupational information coordinating committees established pursuant to paragraph (2);

(2) Each State receiving assistance under this Act and under the Job Training Partnership Act shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State job coordinating council, the agency administering the vocational rehabilitation program, and the State economic development agency. This committee shall, with funds available to it from the National Coordinating Committee established pursuant to paragraph (1)—

(A) implement an occupational information system in the State which will meet the common needs for the planning for, and the operation of, programs of the State board assisted under this Act and of the administering agencies under the Job Training Partnership Act; and

(B) use the occupational information system to implement a career information delivery system.

INFORMATION BASE FOR VOCATIONAL EDUCATION DATA SYSTEM

SEC. 422. The Secretary shall assure that adequate information on the access to vocational education programs by handicapped secondary school students be included in the national vocational education data system, required by section 161 of the Vocational Education Act of 1963 (prior to the repeal made by section 523(a)) and by this part, for the biennial survey. The information base for the biennial survey for the handicapped shall be in 6-digit detail as defined in A Classification of Instructional Programs published by the National Center for Educational Statistics. The survey shall include information with respect to total handicapped enrollment by program, by type of instructional setting, and by type of handicapping condition.

PART D—NATIONAL EMPLOYERS COUNCIL ON VOCATIONAL EDUCATION

COUNCIL ESTABLISHED

SEC. 431. (a)(1) There is established the National Employers Council on Vocational Education. The Council shall consist of twenty-one members appointed by the President.

(2) The members of the Council shall serve for such terms as the President may prescribe. Members of the Council shall be individuals who are owners, chief executives, or chief operating officers of private for-profit business concerns, including health and educational institutions, as well as other executives of business concerns and business associations who have substantial management or policy responsibility, except that at least one member shall be a nonpublic member appointed from among members of the National Commission for Employment Policy established under the Job Training Partnership Act, and not more than 3 members shall be representatives of labor organizations.

(b) The Council shall advise the President, Congress, and the Secretary on—

(1) the effectiveness of this Act or its implementation in achieving the stated purposes of this Act and in providing students with skills that meet needs of employers;

(2) strategies for increasing cooperation between business and vocational education so that training is available for new technologies for which there is a demand;

(3) practical approaches to retraining adult workers, and to enhancing education, business, and labor cooperation in retraining efforts; and

(4) effective ways of providing access to information regarding the market demand for skills that will enable State and local personnel to develop responsive vocational education curricula.

(c) The Council may establish working groups on occupational competencies to

provide the Secretary, the President, the Congress, and the States with current information on the types and levels of occupational competencies necessary for entry and sustained productive employment in given jobs or industries, including levels of skills required, and equipment, methods, and facilities needed for the occupation. The Council may establish working groups for the occupations the Council deems important or necessary and may reconstitute such groups as occupational priorities are revised. Members of the working groups shall be appointed by the Council on the advice of national trade and professional associations and labor organizations. Working group members shall be individuals with specific knowledge in the technology and practice of the occupations relevant to the task of the group. The Council may provide the results and recommendations of the working groups to each State council on vocational education and other appropriate State agencies.

(d) The Council may use funds available for this part to obtain the services of staff specialists for working groups who have demonstrated technical skills and instructional ability in the occupations in question.

(e) The Council shall annually conduct a survey and report its findings to the President, the Secretary, and the Congress on how the competency statements provided by the Council have been used by States.

PART E—BILINGUAL VOCATIONAL TRAINING

PROGRAM AUTHORIZED

SEC. 441. (a)(1) It is the purpose of this part to teach vocational skills to limited English proficient adults and out-of-school youth to enable them to obtain the full benefits of the programs offered while they develop competency in the English language.

(2) From amounts appropriated pursuant to section 3(b)(2) in each fiscal year, the Secretary shall carry out, directly or through grants to or contracts with State and local educational agencies, postsecondary vocational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions, programs of bilingual vocational training authorized by this part.

(b) In carrying out the provisions of this part, payments for bilingual vocational training may be used for—

(1) training allowances for out of school youth or adults, who are unemployed or underemployed, and who desire training or retraining to achieve year-around employment;

(2) bilingual vocational instructor training, preservice training for instructors and related personnel, and developmental programs to continue or improve the qualifications of bilingual vocational instructors, including fellowships and traineeships;

(3) the development of instructional materials, methods, and techniques for bilingual vocational education; and

(4) programs to familiarize appropriate State agencies and training institutions with the results and findings of successful programs assisted under this part.

PART F—GENERAL PROVISIONS

DISTRIBUTION OF ASSISTANCE

SEC. 451. Of the amounts available pursuant to section 3(b)(1) for any fiscal year for this title—

(1) 30 percent shall be available for part A;

(2) 33 percent shall be available for part B;

(3) 30 percent shall be available for part C; and

(4) 7 percent shall be available for part D.

TITLE V—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

PAYMENTS

SEC. 501. The Secretary shall pay from its allotment under section 101 to each State for any fiscal year for which the State has a State plan approved in accordance with section 114 (including any amendment to such plan) the Federal share of the costs of carrying out the State plan.

FEDERAL SHARE

SEC. 502. (a) The Federal share for each fiscal year shall be—

(1) 50 percent of the costs of administration of the State plan;

(2) 100 percent of the costs of vocational education services and activities under title II for individuals described in section 201(b)(1) and section 201(b)(2), except that the Federal share shall be 50 percent of the costs of vocational education services and activities under such title for such individuals whenever separate vocational education programs are furnished for disadvantaged or handicapped students described in such subsections;

(3) 100 percent of the costs of vocational education services and activities under title II for individuals described in section 201(b)(3) and section 201(b)(4); and

(4) 50 percent of the costs of vocational education improvement, innovation, and expansion programs under title III.

(b) The non-Federal contribution may be in cash or in kind, fairly evaluated, including but not limited to planning expenses, plant, equipment, and services.

MAINTENANCE OF EFFORT

SEC. 503. (a)(1) Payments for any fiscal year under this Act to a State shall be reduced in accordance with paragraph (2) unless the Secretary finds that the fiscal effort per student, or the aggregate expenditures for vocational education, in that State for the fiscal year preceding the fiscal year for which the determination was made was not less than 95 percent of such fiscal effort per student or the aggregate expenditures for vocational education for the second preceding fiscal year.

(2) The Secretary shall reduce the amount of the payment of funds under this Act, to which the State otherwise would have been entitled under its allocation, in the exact proportion to which a State fails to meet the requirements of paragraph (1) by falling below 95 percent of the fiscal effort per student or the aggregate expenditures for vocational education (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

(b) The Secretary may waive the requirements of this section for one fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources.

WITHHOLDING; JUDICIAL REVIEW

SEC. 504. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State board, finds that—

(1) the State plan or amendment approved under section 114 has been so changed that it no longer complies with the provisions of this Act; or

(2) in the administration of the State plan or of programs conducted pursuant to it there is a failure to comply substantially with any such provision,

the Secretary shall notify such State board that no further payments will be made to the State under this Act (or, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until satisfied that there will no longer be any failure to comply. Until so satisfied, the Secretary shall make no further payments to such State under this Act (or shall limit payments to programs under, or portions of, the State plan not affected by such failure).

(b) A State board which is dissatisfied with a final action of the Secretary under this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which action is based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set aside such action, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his action. The findings of the Secretary as to the facts, if supported by the weight of evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by the weight of evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered otherwise by the court, operate as a stay of the Secretary's action.

(c)(1) If any eligible recipient is dissatisfied with the final action of the State board or other appropriate State administering agency with respect to approval of its local application, such eligible recipient may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board or other appropriate State administering agency. The State board or such other agency thereupon shall file in the court the record of the proceeding on which the State board or such other agency based its action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the State board or other appropriate administering agency, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the State board or such other agency to take further evidence, and the State board or such other agency may thereupon make new or modified findings of fact and may modify its pre-

vious action, and shall certify to the court the record of the further proceedings.

(3) The court shall have jurisdiction to affirm the action of the State board or other appropriate administering agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari certification as provided in section 1254 of title 28, United States Code.

(d)(1) The Secretary shall prescribe and implement rules to assure that any hearing conducted under section 434(c) of the General Education Provisions Act in connection with funds made available from appropriations under this Act shall be held within the State of the affected unit of local government or geographic area within the State.

(2) For the purposes of paragraph (1)—

(A) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

(B) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

AUDITS

SEC. 505. Each State shall obtain financial and compliance audits of any funds which the State receives under this Act. Such audits shall be made public within the State on a timely basis. The audits shall be conducted at least every two years by an organization or person independent of an agency administering activities under the Act. The audits shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.

PART B—TRANSITIONAL AND CONFORMING PROVISIONS

EFFECTIVE DATE

SEC. 521. (a) This Act shall take effect for fiscal years beginning on or after October 1, 1984, except that the authority of the Secretary to prescribe regulations under this Act and the responsibility of States to submit State plans are effective upon the date of enactment of this Act.

(b) Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations for carrying out the provisions of this Act.

TRANSITION PROVISIONS

SEC. 522. (a) Each State and eligible recipient of financial assistance under this Act, or under the Vocational Education Act of 1963, may expend funds received under this Act or under the Vocational Education Act of 1963 to—

(1) conduct planning for any program or activity authorized under this Act; and

(2) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation of programs under this Act.

(b) On the effective date of this Act, the personnel, property, and records of the National Occupational Information Coordinating Committee established under section 161(b) of the Vocational Education Act of 1963 shall be transferred to the National Occupational Information Coordinating Committee established pursuant to section 421 of this Act.

CONFORMING AMENDMENTS

SEC. 523. (a) The Vocational Education Act of 1963 is repealed.

(b)(1) Section 4 of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—

(A) by striking out "section 195(10) of the Vocational Education Act of 1963" in paragraph (14) and inserting in lieu thereof "section 4(15) of the Carl Perkins Vocational Education Act of 1984";

(B) by striking out "section 195(11) of the Vocational Education Act of 1963" in paragraph (23) and inserting in lieu thereof "section 1201(h) of the Higher Education Act of 1965"; and

(C) by striking out "section 195(1) of the Carl Perkins Vocational Education Act of 1963" in paragraph (28) and inserting in lieu thereof "section 4(25) of the Carl Perkins Vocational Education Act of 1984".

(2) Section 122 of such Act is amended—

(A) by striking out paragraph (8) of subsection (a); and

(B) by striking out "reports required pursuant to section 105(d)(3) of the Carl Perkins Vocational Education Act of 1963" in subsection (b)(7)(B) and inserting in lieu thereof "the measures taken pursuant to section 113(b)(8) of the Carl Perkins Vocational Education Act of 1984".

(3) Section 125(b)(1) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(4) Section 427(a)(1) of such Act is amended by striking out "section 104(a)(1) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 111(a)(1) of the Carl Perkins Vocational Education Act of 1984".

(5) Section 461(c) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(6)(A) Section 463(a) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Carl Perkins Vocational Education Act of 1984".

(B) Section 464(a)(1) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Carl Perkins Vocational Education Act of 1984".

(C) Section 464(c) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Carl Perkins Vocational Education Act of 1984".

(D) Section 463(a) of such Act is amended by striking out "section 161(b) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 421(b) of the Carl Perkins Vocational Education Act of 1984".

(E) Section 464(b) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(7) Section 472 of such Act is amended by striking out "National Advisory Council on Vocational Education (established under section 162 of the Vocational Education Act of 1963)" in subsection (a) and inserting in lieu thereof "National Employers Council on Vocational Education (established under section 431 of the Carl Perkins Vocational Education Act of 1984)".

(8) Section 473 of such Act is amended—

(A) by striking out "National Advisory Council on Vocational Education" in paragraph (7)(A) and each place it appears in paragraph (7)(B) and inserting in lieu thereof "National Employers Council on Vocational Education"; and

(B) by striking out "section 162 of the Vocational Education Act of 1963" and inserting in lieu thereof "section 431 of the Carl Perkins Vocational Education Act of 1984".

(c) Section 703(a)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3223(a)(8)) is amended by striking out "section 122(a)(4) and part J of the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(d)(1) Section 113(d) of the Higher Education Act of 1965 (20 U.S.C. 1013(d)) is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(2) Section 114(b) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(3) Section 1022(a) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(e)(1) Section 306(b)(11) of the Adult Education Act (20 U.S.C. 1205(b)(11)) is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(2) Section 318(a)(4) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(f)(1) Section 113(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking out "the Vocational Education Act of 1963 (77 Stat. 403)" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(2) Section 114(c) of such Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984".

(g) Section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)) is amended by striking out "the Vocational Education Act" and inserting in lieu thereof "the Carl Perkins Vocational Education Act of 1984.".

(h) Section 104 of the Vocational Education Amendments of 1968 is amended by striking out "section 102(a) of this Act (as such Act will be in effect on October 1, 1977)" and inserting in lieu thereof "section 3 of the Carl Perkins Vocational Education Act of 1984".

TITLE VI—NATIONAL SUMMIT CONFERENCE ON EDUCATION

SHORT TITLE; FINDINGS

SEC. 601. (a) This title may be cited as the "National Summit Conference on Education Act of 1984".

(b) The Congress finds that—

(1) increased economic competition requires the development of a better trained and educated workforce which our educational institutions must provide;

(2) problems and deficiencies in American elementary and secondary education require consideration of possible new directions in setting national education policy; and

(3) there should be a National Summit Conference on Education authorized by law by Congress to provide directions for such policy, and any conference established by the Department of Education should be complementary to the National Summit Conference on Education.

(c) For the purpose of this title, the term "Conference" means the National Summit Conference on Education established by this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 602. There are authorized to be appropriated to the Department of Education $500,000 for the purpose of conducting a National Summit Conference on Education, in accordance with the provisions of this title.

PARTICIPANTS

SEC. 603. The participants in the Conference shall consist of not more than two hundred individuals. The participants in the Conference shall be representative of teachers, parents, school administrators, school board members, State education officials, State legislators, Governors, students, business, labor, and special populations, including females, racial and ethnic minorities, and the disabled. The participants in the Conference shall be selected so as to provide racial, political, and geographic balance.

SELECTION OF PARTICIPANTS

SEC. 604. The participants in the Conference shall be chosen from among nominees submitted to the Executive Committee (established pursuant to section 605) by organizations representing public and private elementary and secondary education, vocational education, adult education, teacher training, women, racial and ethnic minorities, and the handicapped, as well as from among nominees supplied by organizations representing business, organized labor, parents, libraries, and all levels of government.

EXECUTIVE COMMITTEE

SEC. 605. (a) There shall be an Executive Committee of the Conference consisting of—

(1) two individuals appointed by the President,

(2) two individuals appointed by the Speaker of the House of Representatives,

(3) two individuals appointed by the Majority Leader of the Senate, and

(4) six individuals appointed by the Governors of the States acting as a group.

The six individuals appointed by the Governors shall be appointed from individuals representing chief State school officers, local and State school boards, State legislatures, and Governors.

(b) The Executive Committee shall be responsible for selecting a presiding officer and for selecting the organizations (described in section 604) to supply a list of nominees for selection as participants in the Conference. Not less than 30 organizations shall be so selected by the Executive Committee. Each organization selected shall nominate at least the number of individuals specified by the Executive Committee for that organization in order to provide the representation required by sections 603 and 604. The Executive Committee shall determine the total number of individuals to be selected for participation, consistent with the requirements of this title.

(c) The Executive Committee shall serve without compensation.

STAFF

SEC. 606. The Executive Committee shall appoint and fix the compensation of such staff as may be necessary, not to exceed the equivalent of four full-time employees. The staff shall assist the Executive Committee in planning, conducting, and completing the work of the Conference. The administrative support for the staff and the Executive Committee shall be the responsibility of the Department of Education in conjunction with the Speaker of the House of Representatives and the Majority Leader of the Senate. The staff and the Executive Committee shall report, through properly established lines of authority, to the Congress.

PROCEDURE

SEC. 607. (a) A majority of participants of the Conference shall constitute a quorum if votes are required. If task forces are created, the majority of task force participants shall constitute a quorum if a vote is required.

(b)(1) The Executive Committee shall select the conference site and shall determine the duration of the Conference. The duration of the Conference shall not exceed six days. Neither the regional meetings (described in section 608(a)) nor the Conference shall meet before January 1, 1985.

(2) The Conference shall prepare and transmit a written record of its recommendations to the President, to the Congress, and to the States not later than October 15, 1985.

AGENDA OF THE CONFERENCE

SEC. 608. (a) The Executive Committee, using data concerning education supplied by the Secretary of Education and by the States, shall develop an agenda for the Conference prior to the Conference. The data will include information furnished to the Secretary from statewide and regional summit conferences devoted to obtaining citizen views about education. The purpose of this agenda shall be to facilitate the development of recommendations on various issues raised by such recently issued education reports as the report of the National Commission on Excellence in Education, the Carnegie Report on American High Schools, the National Science Boards' Report on Mathematics, Science and Technology Education, and others.

(b) The agenda so developed shall take into account that it shall be the purpose of the Conference to create national bipartisan support for education at all levels of government, and to make recommendations for the development of viable local, State, and national intergovernmental and intragovernmental cooperation in education to make the most efficient use of funds from all levels of government.

(c) The agenda shall also provide for procedures for determining national consensus regarding types of strategies to be used and the appropriate levels of government to have primary responsibility for implementing educational policy.

TITLE VII—WOMEN'S EDUCATIONAL EQUITY

PROGRAM AUTHORIZATION

SEC. 701. (a) Section 938 of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 938. For the purpose of carrying out this part, there are authorized to be appropriated $6,200,000 for the fiscal year 1985, and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989.".

(b) Section 937 of such Act is amended by inserting after "1984" a comma and the following: "and every other year thereafter".

TITLE VIII—JOB TRAINING REGULATIONS

REGULATIONS AMENDED

SEC. 801. Section 629.38(e)(2)(iii) of the regulations relating to job training published by the Secretary of Labor on March 15, 1983, is amended to read as follows:

"(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement, or in the case of youth the attainment of other outcomes specified in section 106(b)(2) of the Act."

until the Secretary modifies such regulations in accordance with the provisions of section 169 of the Job Training Partnership Act.

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees at a subsequent time.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote on the action of the Senate.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, that does cover both the passage of the bill and the amendment of the title; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I move to indefinitely postpone consideration of Calendar No. 914, which is S. 2341.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS OF 1984

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 929, S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2514) to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Post Traumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert in lieu thereof:

That (a) this Act may be cited as the "Veterans' Administration Health Care Amendments of 1984".

(b) Except as otherwise specifically provided whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

COORDINATION OF VETERANS' ADMINISTRATION-COMMUNITY REFERRAL ASSISTANCE AND SERVICES

SEC. 2. (a) Chapter 73 is amended by adding at the end of subchapter 1 the following new section:

"§ 4120. Coordination of referral assistance and services

"In order to improve the provision, and enhance the management, of health-care and health-related services by the Veterans' Administration and other sources to veterans who are eligible for care under chapter 17 of this title, with a special emphasis on veterans who are 65 years of age or older, and who are determined by the Administrator to be in need of assistance under this section, the Administrator shall designate one organizational unit in each Veterans' Administration health-care facility for the purpose of coordinating the provision of referral assistance, and facilitating and helping to coordinate the provision of such services not at Veterans' Administration expense, to such eligible veterans when such referral is reasonably necessary for the health of such veterans. The Administrator shall carry out this section (1) in a manner consistent (A) with the policy of the United States, set forth in section 409(a) of Public Law 97-306, that the Veterans' Administration shall maintain a comprehensive, nationwide health-care system for the direct provision of quality health-care services to eligible veterans, (B) with the mandate of section 4101(a) of this title that the Department of Medicine and Surgery shall provide a complete medical and hospital service for the medical care and treatment of veterans, and (C) with the United States Government's historic, firm commitment, and moral obligation, as embodied in this title, to provide care for veterans with service-connected disabilities, and (2) in conjunction with local, State, Federal, and private agencies providing and coordinating the provision of services to elderly persons and with other pertinent public and private agencies.".

(b) The table of sections at the beginning of chapter 73 is amended by adding after the item relating to section 4119 the following:

"4120. Coordination of referral assistance and services.".

ALCOHOL AND DRUG TREATMENT AND REHABILITATION

SEC. 3. (a) Section 620A is amended—

(1) by striking out "pilot" in subsection (a)(1) both places it appears;

(2) by striking out "fifth" and inserting in lieu thereof "seventh" and by striking out "pilot" in subsection (e);

(3) in subsection (f)—

(A) by inserting "(1)" before "Not"; and

(B) by inserting before the period "prior to the amendment of this section by the Veterans' Administration Health Care Amendments of 1984"; and

(C) by adding at the end of the following new paragraph:

"(2) Not later than March 1, 1986, and March 1, 1987, the Administrator shall report to such committees on the findings and recommendations of the Administrator pertaining to the operation of the program authorized by subsection (a) during the preceding fiscal year and shall include in such report information for such year regarding average duration of participation of veterans, rates of successful rehabilitation, and any changes in average and maximum allowable charges per veteran under contracts entered into by the Veterans' Administration as part of such program."; and

(4) by adding at the end of the following new subsection:

"(h) Not later than 12 months after the date of the enactment of this subsection, the Administrator shall prescribe regulations to provide guidelines for the treatment and rehabilitation of veterans for alcohol or drug dependence or abuse disabilities under this chapter in facilities over which the Administrator has direct jurisdiction. Such guidelines shall include guidance—

"(1) on the duration of such treatment and rehabilitation under this chapter, taking into account the duration of such treatment and rehabilitation in non-Veterans' Administration programs and identifying specifically duration in detoxification, inpatient-acute care, inpatient-rehabilitation and extended care, outpatient care, and followup services; and

"(2) on the provision of referral assistance and the development, implementation, and monitoring of individual treatment plans and followup for veterans receiving such care and treatment.".

(b) Not later than March 1, 1985, and March 1 of each subsequent year, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing a comprehensive survey of the activities during the preceding fiscal year of all Veterans' Administration-operated programs providing treatment and rehabilitation for alcohol or drug dependence or abuse disabilities, identifying, by facility, the number of beds involved, the number of patients and episodes of care (whether inpatient-acute, inpatient-rehabilitation, inpatient-extended, or outpatient), the specific treatment methodologies employed, average lengths of participation, rates of successful rehabilitation, and staffing levels and standards, together with a national summary of such information. The third such report shall also contain information on the effectiveness of such treatment and rehabilitation in light of the regulations prescribed under subsection (h) of section 620A (as added by the amendment made by subsection (a)(4) of this section), including information on diagnostic methodologies employed, use of case-management approaches and discharge planning, lengths of participation, treatment results, methods used for approving, evaluating, and monitoring the use of non-Veterans' Administration facilities under section 620A, and referral and followup activities for veterans discharged from such programs and such facilities.

(c) The section heading of section 620A and the item relating to such section in the table of sections at the beginning of chapter 17 are each amended by striking out the semicolon and "pilot program".

MEDICAL AND REHABILITATIVE DEVICES

SEC. 4. Section 617 is amended—

(1) by redesignating such section as subsection (a); and

(2) by adding at the end of the following new subsection:

"(b) In order to assist in overcoming the handicap of deafness, the Administrator may provide assistive devices, including telecaptioning television decoders, to veterans who are profoundly deaf and entitled to compensation on account of hearing impairment.".

POST-TRAUMATIC-STRESS DISORDER

SEC. 5. (a)(1) In order to enhance the Veterans' Administration's capability to diagnose and treat post-traumatic-stress disorder (hereinafter in this section referred to as "PTSD"), the Chief Medical Director of the Veterans' Administration shall establish in the Department of Medicine and Surgery a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the "Special Committee") and shall appoint qualified employees of the Department to serve on the Special Committee.

(2) The Special Committee shall assess, and carry out a continuing assessment if, the capacity of the Veterans' Administration to provide diagnosis and treatment to eligible veterans with PTSD and shall advise the Chief Medical Director regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of veterans with PTSD in inpatient PTSD units, other inpatient psychiatric programs, outpatient mental health clinics, and readjustment counseling programs of the Veterans' Administration. The Special Committee shall also make recommendations to the Chief Medical Director for guidance regarding appropriate diagnostic and treatment methods and referral for and coordination of followup care and with respect to the evaluation of PTSD treatment programs, the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (b) of this section), special programs of education and training on PTSD for employees of the Department of Medicine and Surgery and the Department of Veterans' Benefits (also taking into account such provisions), the appropriate allocation of resources for all such activities, and any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of inpatient PTSD units.

(b) The Chief Medical Director of the Veterans' Administration shall establish and operate a National Center on PTSD (A) to carry out and promote research into, and the training of health-care and related personnel in, the diagnosis and treatment of veterans with PTSD, and (B) to serve as a resource center for and to promote and to seek to coordinate the exchange of information regarding all research and training activities carried out by the Veterans' Administration, and by other Federal and non-Federal entities, with respect to PTSD.

(c)(1)(A) Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the implementation of subsections (a) and (b).

(B) The report required by subparagraph (A) shall contain—

(i) a list of the members of the Special Committee,

(ii) the assessment of the Chief Medical Director of the Veterans' Administration, after consultation with the Special Committee, regarding the capability of the Veterans' Administration to meet the needs of Vietnam veterans, former prisoners of war,

and other eligible veterans for inpatient and outpatient PTSD diagnosis and treatment (both through PTSD inpatient treatment units and otherwise) as well as a description of the results of any evaluations that have been made of PTSD inpatient treatment units in existence on the date of the enactment of this act,

(iii) the plans of the Special Committee for further assessments for the capability of the Veterans' Administration to diagnose and treat veterans with PTSD,

(iii) the plans of the Special Committee for further assessments of the capability of the Veterans' Administration to diagnose and treat veterans with PTSD,

(iv) the recommendations made by the Special Committee to the Chief Medical Director,

(v) a description of the steps taken, plans made (and a timetable for their execution), and resources to be applied to implement subsections (a) and (b), and

(vi) the assessment of the Administrator of the capacity of the Veterans' Adminstration to meet in all geographic areas of the United States the needs described in clause (ii) and any plans and timetable for increasing that capacity (including the costs of such action).

(2) Not later than February 1, 1986, and February 1 of each subsequent year, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing information updating the report or reports submitted under this subsection prior to the submission of such report.

REPORT ON VETERANS' ADMINISTRATION PROGRAMS FOR TERMINALLY ILL VETERANS

SEC. 6. (a) Not later than September 30, 1985, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on programs of the Veterans' Administration to furnish palliative care, supportive counseling, and other medical services to terminally ill veterans and, pursuant to section 601(6)(B) of title 38, United States Code, supportive counseling to members of such veterans' families.

(b) The report required by subsection (a) shall include—

(1) a review of Veterans' Administration policies and guidelines on the provision of care, counseling, and services described in subsection (a);

(2) a review of the care, counseling, and services furnished, including the treatment modalities used and services furnished by the Veterans' Administration;

(3) an analysis and a comparison of the care, counseling, and services furnished with respect to terminally ill veterans in hospice and other Veterans' Administration programs, including a comparison of the routine and ancillary services, of the duration of inpatient and outpatient treatment and hospital-based home care, and of the cost of care furnished in such programs;

(4) an explanation of how the care, counseling, and services described in subsection (a) is or will be included in the overall plans of the Veterans' Administration for providing health care to older veterans in the future and the extent to which plans to furnish hospice care are included in such plans;

(5) a review of any steps taken to arrange for the exchange of information between Veterans' Administration facilities providing the care, counseling, and services described in subsection (a) and non-Veterans' Administration facilities providing similar care, counseling, and services; and

(6) proposals for such administrative or legislative action as the Administrator may consider appropriate in light of the information provided in the report.

AUTOMOBILE ADAPTIVE EQUIPMENT

SEC. 7. (a) Subsection (c) of section 1903 is amended to read as follows:

"(c)(1) An eligible person shall not be entitled to adaptive equipment under this chapter for more than two automobiles or other conveyances (A) at any one time, or (B) except as provided in paragraph (2) of this subsection, in any four-year period.

"(2) If, in a case in which the limitation set forth in paragraph (1)(B) of this subsection precludes an eligible person from being entitled to adaptive equipment, the Administrator determines that, due to circumstances beyond the control of the eligible person, one of the automobiles or other conveyances for which adaptive equipment was provided in the applicable four-year period is no longer available for the use of such person, the Administrator may, as a matter of discretion and pursuant to regulations which the Administrator shall prescribe, provide adaptive equipment for such person for an additional automobile or other conveyance during such period.".

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on October 1, 1984.

(2) In the case of a person who was provided adaptive equipment under chapter 39 of title 38, United States Code, for an automobile or other conveyance after September 30, 1980, but prior to October 1, 1984, and who has available for use such automobile or other conveyance on the date of the enactment of this Act, the first four-year period applicable to such person under subsection (c) of section 1903 of such title (as amended by subsection (a)) shall begin on the most recent date prior to October 1, 1984, on which such individual was provided such equipment.

DEFINITION OF VIETNAM ERA

SEC. 8. Section 101(29) is amended to read as follows:

"(29) The term 'Vietnam era' means (A) the period beginning on August 5, 1964, and ending on May 7, 1975, and (B) the period beginning on February 21, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.".

READJUSTMENT COUNSELING

SEC. 9. (a) Section 612A(g)(2)(B) is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding after clause (ii) the following:

"(iii) assessments of whether or not individuals who—

"(I) are veterans who served on active duty (aa) during World War II or the Korean conflict (with particular emphasis on those who engaged in combat with the enemy), (bb) during any period and who were prisoners of war, or (cc) after May 7, 1975 (with particular emphasis on those who served in areas during periods in which members of the Armed Forces in such areas were subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in combat with the enemy during a period of war), and

"(II) members of the Armed Forces serving on active duty who (aa) served on active duty during World War II or the Korean conflict (with particular emphasis on those who engaged in combat with the enemy) or after May 7, 1975 (with particular emphasis on those who served in areas during periods described in division (I)(cc) of this clause), or (bb) were prisoners of war,

need readjustment counseling and, if so, the Administrator's recommendations on the most desirable means by which such needs should be met, taking into account the resources that would be required to meet such needs and specifically whether such persons should be made eligible for readjustment counseling under this section and, if so, what effect that eligibility would have on the availability of such services for Vietnam-era veterans.

The Administrator may submit the assessments and recommendations described in subclause (iii) at any time prior to April 1, 1987.".

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs and the Secretary of Defense shall submit to the appropriate committees of the Congress a joint report setting forth—

(A) their recommendations, taking into account the extent of the availability of Veterans' Administration resources to provide readjustment counseling to Vietnam-era veterans, on the appropriateness and desirability of extending eligibility for readjustment counseling under section 612A of title 38, United States Code, to individuals who are serving on active duty in the Armed Forces of the United States and (i) who also served on such active duty during the Vietnam era (as defined in section 101(29) of such title (as amended by section 8 of this Act)), or (ii) who also served on active duty after May 7, 1975, in an area during a period in which hostilities (as defined in paragraph (2) of this subsection) occurred in such area;

(B) their determinations as to (I) whether, if eligibility for such readjustment counseling were so extended, the Veterans' Administration and the Department of Defense would enter into an agreement or agreements pursuant to which the Department of Defense would reimburse the Veterans' Administration for such counseling provided to such individuals while serving on active duty, (II) if so, whether or not such reimbursement would be made without the necessity of the Veterans' Administration providing the Department of Defense with the names of the individuals so counseled and, if not, whether or not a requirement that such names be provided would discourage active-duty personnel from requesting such services, and (III) the manner and extend to which the Veterans' Administration and the Department of Defense would undertake to carry out outreach activities to inform such individuals about the availability of such counseling; and

(C) any other information, determinations, or recommendations pertinent to the subject matter of the report that the Administrator and Secretary consider appropriate.

(2) For the purpose of paragraph (1), the term "hostilities" means a situation as to which the Administrator, in consultation with the Secretary, finds that members of the Armed Forces in such situation were subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subject-

ed in combat with the enemy during a period of war.

SECURITY SERVICE PERSONNEL

SEC. 10. (a) Section 218 is amended to read as follows:

"§ 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration

"(a)(1) The Administrator, with the concurrence of the Attorney General, shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on land and in buildings under the jurisdiction of the Veterans' Administration and not under the control of the Administrator of General Services (hereinafter in this section referred to as 'Veterans' Administration property'). Such regulations shall prescribe, but need not be limited to—

"(A) rules for conduct on Veterans' Administration property,

"(B) the penalties, within the limits specified in paragraph (2) of this subsection, for violations of such rules,

"(C) policies with respect to the exercise by Veterans' Administration security service officers of the enforcement and arrest authorities granted in subsection (b) of this section,

"(D) the scope and duration of training that is required for Veterans' Administration security service officers, with particular emphasis on dealing with situations involving patients, and

"(E) rules limiting the carrying and use of weapons by Veterans' Administration security service officers.

The rules prescribed under clause (A) of this paragraph, together with the penalties for violations thereof, shall be posted conspicuously on such property.

"(2) Whoever violates any rule prescribed under paragraph (1)(A) of this subsection shall be fined not more than $500 or imprisoned not more than six months (or such lesser amount or period of time as the Administrator prescribes in the regulations prescribed under paragraph (1) of this subsection), or both.

"(b) The Administrator may designate employees of the Veterans' Administration as Veterans' Administration security service officers. Such officers shall enforce Federal laws, and the rules prescribed under subsection (a)(1)(A) of this section, on Veterans' Administration property. Any Veterans' Administration security service officer, subject to any restrictions under the regulations prescribed under subsection (a) of this section, may make an arrest, with or without a warrant, for any offense on Veterans' Administration property if (1) such offense occurs in such officer's presence, or (2) such officer has reasonable grounds to believe (A) that the offense constitutes a violation of any law of the United States or of any rule prescribed under subsection (a)(1)(A) of this section, and (B) that the person to be arrested has committed that offense.

"(c) With the agreement of the head of the agency concerned, the Administrator may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

"(d)(1) Notwithstanding subchapter I of chapter 59 of title 5, the Administrator, pursuant to regulations which the Administrator shall prescribe consistent with paragraph (2) of this subsection, may pay allowances for the purchase of uniforms to any Veterans' Administration security service officer who is required to wear a prescribed uniform in the performance of official duties.

"(2) Allowances that the Administrator may pay under paragraph (1) of this subsection shall not exceed—

"(A) at the time the individual is first employed as a Veterans' Administration security service officer, $400; and

"(B) at the beginning of the first fiscal year that begins after the individual has completed 12 months of service as a Veterans' Administration security service officer and at the beginning of each subsequent fiscal year, $200.".

(b)(1) The provisions of section 218 of title 38, United States Code, other than clause (2) of subsection (a) of such section, as in effect on the day before the date of the enactment of this Act shall remain in effect until the date on which the Administrator of Veterans' Affairs prescribes the regulations required to be prescribed by subsection (a) of such section as amended by subsection (a) of this section.

(2) The authority of the Administrator to designate officers and employees of the Veterans' Administration to act as special policemen under section 218(a)(2) of such title as in effect on the day before the date of the enactment of this Act shall remain in effect until the date on which the Administrator first exercises the authority under subsection (b) of section 218 of such title as amended by subsection (a) of this section.

(c) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration.".

(d) Section 4107(g) is amended—

(1) in paragraph (1)—

(A) by striking out "or" in clause (A);

(B) by striking out the comma and inserting in lieu thereof a semicolon and "or" in subclause (iv) of clause (B); and

(C) by inserting after clause (B) the following new clause:

"(C) of employees providing security services, pursuant to section 18 of this title, in buildings under the jurisdiction of the Administrator (and not under the control of the Administrator of General Services) that are used for the purpose of providing health care,";

(2) by striking out "health-care" each place it appears in paragraphs (2)(A) and (4); and

(3) by inserting "or (C)" after "(B)" in paragraph (4).

COMPTROLLER GENERAL REPORT ON MEDICAL PERSONNEL STAFFING LEVELS

SEC. 11. Section 5010(a)(4)(C) is amended to read as follows:

"(C) Not later than fifteen days after the expiration of the period for the submission of a certification by the Director of the Office of Management and Budget under subparagraph (B) of this paragraph, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director has complied with the requirements of such subparagraph in providing such certification and in providing to the Veterans' Administration such funded personnel ceiling.".

REPORT ON FEDERAL GOVERNMENT RESPONSIBILITY TO INDIVIDUALS WHO SERVED WITH VOLUNTARY CIVILIAN ORGANIZATIONS IN VIETNAM

SEC. 12. (a)(1) The purpose of this section is to provide a basis for the executive branch and the Congress to evaluate the question of United States Government responsibility, and alternative approaches, for providing individuals who served for a period of at least thirty days in the Republic of Vietnam during the Vietnam era as employees of voluntary organizations, determined by the Administrator of Veterans' Affairs, in consultation with the Secretary of Defense, to be organizations which provided significant assistance to the United States Armed Forces in the Republic of Vietnam during the Vietnam era, with Federal and other benefits and services (including, but not limited to, health care and monetary compensation for disabilities which may be related to exposure to dioxin or be the result of traumatic events), either through the Veterans' Administration or otherwise, and for assisting such individuals in connection with disabilities they may have incurred as a result of such service.

(2) In order to carry out the purpose stated in paragraph (1), the Administrator, the Secretary of Defense, and the Secretary of Health and Human Services, not later than 180 days after the date of the enactment of this Act, shall submit to the appropriate committees of the Congress a joint report on the question of United States Government responsibility and setting forth various alternative approaches (together with comments on the appropriateness and the advantages and disadvantages of each) and any recommendations by such officials for legislative and administrative action with respect thereto, for establishing a program for providing such benefits, services, and assistance to such individuals.

(b) For the purpose of this section, the terms "Armed Forces" and "Vietnam era" have the meanings given such terms in section 101(10) and (29) (as amended by section 8 of this Act), respectively, of title 38, United States Code.

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 13. Section 601(4)(C)(v) is amended by striking out "September 30, 1984," and inserting in lieu thereof "September 30, 1985,".

PAYMENT FOR THERAPEUTIC AND REHABILITATIVE ACTIVITIES

SEC. 14. (a) Notwithstanding any other provision of law, no amount of remuneration provided to an individual as a participant in a therapeutic or rehabilitative activity carried out pursuant to section 618 of title 38, United States Code, shall be included in determining annual income for purposes of payments of pension (as defined in section 101(15) of such title).

(b)(1) Subsection (a) shall take effect on October 1, 1984, and shall cease to have effect on December 31, 1987.

(2)(A) In the case of each person who on January 1, 1984, was, or on a subsequent date prior to October 1, 1984, became, a participant in an activity under such section 618 and who either (A) continuously participated in such activity from January 1, 1984, or such subsequent date through September 30, 1984, or (B) terminated such participation for the purpose of entering into more remunerative employment, the Administrator of Veterans' Affairs shall pay to such

person, from funds in the Veterans' Administration compensation and pension account, an amount equal to the amount of pension (as so defined) that such person would have been eligible to receive by reason of subsection (a) if it had become effective as of January 1, 1984.

(B) This paragraph shall take effect on October 1, 1984.

(c) Not later than February 1, 1987, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report, with respect to fiscal years 1985 and 1986, on the implementation of subsections (a) and (b). Such report shall contain information regarding the numbers of individuals who participated in activities under such section 618, the numbers of such individuals who are in receipt of Veterans' Administration pension, the costs of excluding payments provided for participation in an activity under such section 618 from countable income for Veterans' Administration pension purpose, and the effect of so excluding such payments on the participation of veterans in such activities. Such report shall also and shall include any recommendations of the Administration for legislative or administrative action in light of information contained in the report.

(d) Section 618 is amended by adding at the end the following new subsection:

"(f) Neither a veteran's participation in an activity carried out under this section nor such veteran's receipt of remuneration as a result of such participation shall be considered as a basis for the denial or discontinuance of a total disability rating for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.".

HEALTH CARE IN REMOTE AREAS

SEC. 15. (a) The Congress finds that—

(1) many veterans with service-connected disabilities and other veterans eligible for certain health-care services from the Veterans' Administration, within the limits of Veterans' Administration facilities, reside in areas of the United States that are geographically remote from health-care facilities over which the Administrator of Veterans' Affairs has direct jurisdiction;

(2) for many such veterans such health-care facilities are geographically inaccessible and for many other such veterans the inconvenience of travel to such facilities discourages them from seeking health-care services from the Veterans' Administration; and

(3) a study conducted by the Administrator of eligible veterans residing in remote areas and these veterans' utilization of Veterans' Administration health-care services would provide useful information on the feasibility and appropriateness of alternative approaches to furnishing health-care services to such veterans.

(b)(1) The Administrator shall carry out a study to develop information about veterans who reside in remote areas and are eligible for health-care services from the Veterans' Administration and to develop alternative approaches that could be adopted to furnish such veterans with such services. In carrying out the study, the Administrator shall—

(A) develop, to the maximum feasible extent, statistics on the number of eligible veterans who, during fiscal year 1985—

(i) reside less than 50 miles from the nearest Veteran's Administration medical facility,

(ii) reside between 50 miles and 100 miles from the nearest Veteran's Administration medical facility,

(iii) reside between 100 miles and 200 miles from the nearest Veteran's Administration medical facility, or

(iv) reside more than 200 miles from the nearest Veteran's Administration medical facility;

(B) develop, by each group of residences described in clause (A), statistics on the numbers of eligible veterans who, during such year—

(i) utilize Veteran's Administration medical facilities,

(ii) receive inpatient care in such facilities (including the typical lengths of stay of such veterans in such facilities),

(iii) receive outpatient care from such facilities, or

(iv) receive followup health-care services from such facilities;

(C) develop such further statistics and gather such additional information as the Administrator considers appropriate to carry out the study; and

(D) develop breakdowns of the statistics described in clauses (A) and (B) with respect to age, service connection, and financial need regarding the applicable veteran populations.

(2) Not later than January 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a full report on such study. Such report shall include—

(A) the statistics and breakdown developed and information gathered pursuant to paragraph (1);

(B) the Administrator's findings on the extent of the need for the Veteran's Administration to increase health-care services in remote areas; and

(C) the Administrator's findings and recommendations regarding the advantages and disadvantages of the Veteran's Administration contracting for and making other arrangements for the furnishing of health-care services to eligible veterans in remote areas.

(3) Not later than July 1, 1986, the Administrator shall submit to such committees a report describing an experimental program that could feasibly be carried out through projects in five remote areas, selected on the basis of the statistics, breakdowns, information, and findings included in the report submitted under paragraph (2), to demonstrate alternative approaches for the Veteran's Administration to furnish health-care services to eligible veterans in remote areas. The report shall also include a description of the health-care services, and a detailed breakdown of the costs for them, that could be furnished under such an experimental program to such veterans in each such area, along with the recommendations (and the reasons therefor) of the Administrator regarding whether any such projects should be carried out and such recommendations for legislative or administrative action as the Administrator considers appropriate in light of the informaton contained in the report.

Amend the title so as to read: "A bill to amend title 38, United States Code, to require the Veterans' Administration to develop guidance for the provision of care to veterans suffering from alcohol or drug dependence, to require the Administrator to establish a Special Committee and a National Center for Post-Traumatic-Stress Disorder, to improve the Veterans' Administration ability to protect persons and property on its premises, and to exempt from being counted for pension purposes remuneration received by veterans in certain rehabilitation therepy programs; and for other purposes."

AMENDMENT NO. 3662

(Purpose: To delete certain provisions involving entitlement spending; to direct the Administrator of Veterans' Affairs to modify the reversionary interest of the United States in certain land previously conveyed to the State of California; to modify the Veterans' Administration's State veterans' home matching fund construction grant program to authorize grants for the acquisition of State home facilities; to express the sense of Congress about certain recommendations of the President's Private Sector Survey on Cost Control relating to the Veterans' Administration health-care system; to authorize the Administrator to modify rates of basic pay for certain psychologists; to name certain Veterans' Administration medical centers; and for other purposes)

Mr. STEVENS. Mr. President, I send an amendment to the desk in behalf of Senators SIMPSON and CRANSTON. It is an amendment to the subcommittee substitute.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. SIMPSON, Mr. CRANSTON, Mr. BOSCHWITZ and Mr. WILSON, proposes an amendment numbered 3662.

(1) On page 15, line 6, strike out "extended" and insert in lieu thereof "inpatient-extended".

(2) On page 23, delete lines 14 through 20.

(3) Redesignate sections 9 through 13 as sections 8 through 12, respectively.

(4) On page 33, lines 15 and 16, strike out "(as amended by section 8 of this Act)".

(5) On page 33, strike out line 22 and all that follows through page 35, line 21.

(6) Redesignate section 15 as section 13.

(7) At the end of the bill, add the following new sections;

USE OF CERTAIN LANDS BY THE UNIVERSITY OF CALIFORNIA

SEC. 14. (a) Notwithstanding the Act described in subsection (b), the Administrator of Veterans' Affairs shall execute such legal documents as are necessary to permit the use of the real property described in subsection (b) (or any portion of such property) for educational or cultural purposes in addition to the use of such property as a research and medical center and for allied purposes. The Administrator may carry out the preceding sentence subject to such terms and conditions as the Administrator determines are necessary in order to protect interests of the United States.

(b) The real property referred to in subsection (a) is the property transferred to the State of California for the use of the University of California by a quitclaim deed dated December 10, 1948, executed by the Administrator of Veterans' Affairs under the Act entitled "An Act to authorize the Administrator of Verterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the

University of California", approved June 19, 1948 (62 Stat. 559), and recorded in the land records of the County of Los Angeles, California, at page 307 of book 29032.

(c) Any document executed to carry out subsection (a) shall provide that the property involved shall revert to the United States if it ceases to be used as a research and medical center or for educational or cultural purposes.

ACQUISITION OF BUILDINGS FOR STATE HOME FACILITIES

SEC. 15. Subchapter III of chapter 81 is amended as follows:

(1) Section 5031(c) is amended—

(A) by striking out "term 'construction' means" and inserting "terms 'constructed' and 'construction' refer to"; and

(B) by inserting "the acquisition of existing buildings for use as domiciliary or nursing home care facilities," after "home buildings,";

(2) Section 5032 is amended by inserting "to acquire existing buildings for use as State home facilities for furnishing such care to veterans," after "nursing home care to veterans,"; and

(3) Section 5035(a) is amended—

(A) by striking out "and" at the end of clause (7); and

(B) in clause (8),

(I) by striking out "sections 276a through 276a-5 of title 40" and inserting in lieu thereof "the Act of March 3, 1931 (40 U.S.C. 276a—276a-5)"; and

(II) by striking out the period at the end and inserting in lieu thereof a comma and "and"; and

(C) by inserting at the end the following new clause:

"(9) in the case of a project for acquisition of a facility, reasonable assurance that the estimated total costs of acquisition of the facility and of any expansion, remodeling, and alteration of the acquired facility necessary to meet Veterans' Administration standards shall not be greater than the estimated cost of constructing an equivalent new facility.".

SENSE OF THE CONGRESS REGARDING CERTAIN GRACE COMMISSION RECOMMENDATIONS

SEC. 16. (a) The Congress makes the following findings:

(1) The Department of Medicine and Surgery of the Veterans' Administration, established by an Act of the Congress, represents a national commitment by the Government to meet the medical needs of eligible veterans, especially those who have been disabled as a result of their military service.

(2)(A) Section 409(a) of Public Law 97-306 states that it is the policy of the United States that the Veterans' Administration "shall maintain a comprehensive, nationwide heath-care system for the direct provision of quality health-care services to eligible veterans".

(B) Section 5010(a)(1) of title 38, United States Code, requires the Veterans' Administration to operate and maintain a total of not less than 90,000 hospital and nursing home beds and such additional beds as may be necessary for the Veterans' Administration to meet its contingency obligations to assist the Department of Defense in times of war or national emergency in caring for the casualities of such war or national emergency.

(3) The President's Private Sector Survey on Cost Control (commonly known as and hereinafter referred to as the "Grace Commission") has recommended that Veterans' Administration hospitals reduce the average length of stay of their inpatients to a level comparable to that found in the private sector; however, many Veterans' Administration hospital patients have severe and multiple disabilities requiring extensive treatment.

(4) The Grace Commission has recommended that funds for construction of Veterans' Administration hospitals not already under contract be deleted from the Veterans' Administration budget, that bids be invited from private hospital management companies to lease hospital facilities to the Veterans' Administration under long-term contracts, and that such facilities be managed by private companies under short-term performance contracts.

(5) The Grace Commission has recommended that nursing home construction by the Veterans' Administration be entirely discontinued and that the Veterans' Administration contract for the operation of nursing home care facilities by the private sector.

(6) The Grace Commission has recommended that the Veterans' Administration eliminate such number of Veterans' Administration acute care hospital beds as is necessary to achieve an 80 percent occupancy rate for such beds.

(7) The Grace Commission has recommended that the Veterans' Administration consider converting some underutilized acute health-care facilities to extended health-care facilities and phasing out old hospital facilities which may be in need of replacement or significant reconstruction; however, demographic information compiled by the Veterans' Administration shows a forthcoming major increased demand on the Veterans' Admininstration from the aging veterans of World War II for acute as well as long-term health care.

(8) A joint study of the Grace Commission's recommendations conducted by the Congressional Budget Office and the General Accounting Office and submitted to Congress in February 1984, concluded that the potential deficit reductions that might result in 1985 through 1987 from implementation of the Grace Commission's recommendations would be much smaller than the three-year savings projected by the Commission.

(9) The Congress desires to reassure veterans that the Congress remains firmly committed to an independent and comprehensive, nationwide health-care system within the Veterans' Administration, capable of providing quality care to eligible veterans.

(b) In light of the findings made in subsection (a), it is the sense of the Congress (1) that the aforementioned recommendations of the President's Private Sector Survey on Cost Control relating to the Veterans' Administration health-care system must be evaluated in light of the national policies described in subsection (a)(2) and in light of the aforementioned factors, and (2) that no action to implement such recommendations should be taken without their policy implications having first been given full and careful consideration, after appropriate hearings, by the Committees on Veterans' Affairs of the House of Representatives and the Senate.

AUTHORITY TO ADJUST RATES OF PAY FOR CERTAIN PSYCHOLOGISTS

SEC. 17. Section 4104 is amended—

(1) by inserting "(other than those described in paragraph (3))" after "psychologists" in paragraph (2); and

(2) by striking out "Certified" in paragraph (3) and inserting in lieu thereof "Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Administrator, certified".

PROGRAM GUIDE ON ALZHEIMER'S DISEASE

SEC. 18. Not later than 180 days after the date of the enactment of this Act, the Administrator shall disseminate to appropriate Veterans' Administration medical facilities and submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a program guide to clarify Veterans' Administration policy regarding the authorization and provision of treatment, including diagnosis, information, outpatient services, hospital care, and nursing home care, of veterans who are eligible for services under title 38, United States Code, and who are suffering from Alzheimer's disease and related neurological diseases.

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS

SEC. 19. (a) The Veterans' Administration Medical Center in Murfreesboro, Tennessee, shall after the date of the enactment of this Act be known and designated as the "Sergeant Alvin C. York Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Sergeant Alvin C. York Veterans' Administration Medical Center.

(b) The Veterans Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.

Mr. STEVENS. I ask adoption of the Simpson-Cranston amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3662) was agreed to.

Mr. SIMPSON. Mr. President, I rise to express my strong support of S. 2514, the proposed Veterans' Administration Health Care Amendments of 1984, which was approved unanimously by the Committee on Veterans' Affairs on May 9. The provisions of the bill are designed to maintain and improve the quality and efficiency of health-care services provided by the Veterans' Administration to eligible veterans. I believe the committee bill is fair and reasonable and I would urge that my colleagues join me in assuring its passage. The committee intends that the committee bill would enhance the VA's capability to ensure that eligible veterans with certain complex health-care needs are provided with the most appropriate kinds and levels of care and that such care is provided in a coordinated fashion. The committee bill would also enhance the VA's health-care planning processes by examining the demand for certain kinds of health in health-related services.

INTRODUCTION

On March 30, 1984, as chairman of the Senate Committee on Veterans' Affairs, I introduced S. 2514. As introduced, S. 2514 would have, first, required the Administrator of Veterans' Affairs to designate one office at each VA health-care facility to coordinate and arrange for certain health and health-related services in local communities at no expense to the Veterans' Administration; second, required the Administrator to issue regulations related to the care for veterans suffering from alcohol or drug dependence; third, provided the Administrator with specific authority to provide assistive devices for certain hearing impaired veterans, including telecaptioning television decoders; fourth, directed the Administrator to establish the position of Associate Director for Post-Traumatic Stress Disorder [PTSD]; and, fifth, directed the Administrator to submit a report to Congress regarding VA hospice and respite programs for terminally ill and chronically ill veterans. On January 24, 1984, I introduced S. 2210. As introduced, S. 2210 would have revised and clarified the eligibility of certain disabled veterans for automobile adaptive equipment.

On April 11, 1984, the committee held a hearing on these bills and a number of other measures and, on May 9, 1984, the committee met in open session and voted to report favorably S. 2514, with an amendment in the nature of a committee substitute and a title amendment. S. 2514 as reported consists of provisions derived with modifications from S. 2514, S. 2210, S. 2269, amendment No. 2850 to S. 2269, and S. 2278.

HIGHLIGHTS OF S. 2514 AS REPORTED

S. 2514, which I will refer to as the committee bill, contains 14 provisions that would enhance the Veterans' Administration's ability to provide high quality health care services to our Nation's veterans in an efficient manner. The committee bill would require the Administrator of Veterans' Affairs to designate one organizational unit in each VA medical facility to help coordinate referrals and facilitate the provision of services not at VA expense when such services are necessary to promote the health of veterans. The committee bill would also extend for 2 years the VA's present discretionary authority to contract with halfway houses and other community-based facilities for the treatment and rehabilitation of veterans with alcohol or drug abuse or dependency disabilities.

It would require the Administrator to prescribe regulations providing guidelines for VA operated treatment and rehabilitation programs for veterans with alcohol or drug dependency or abuse disabilities. It would provide the Administrator with specific discretionary authority to provide hearing impairment assistive devices, including telecaptioning television decorders, to veterans who are profoundly deaf and who are entitled to disability compensation for a hearing impairment. It would require the VA to establish a Special Committee for Post-Traumatic Stress Disorder [PTSD] to assist the Chief Medical Director in developing policies, providing guidance, and coordinating the provision of services for the treatment of veterans with PTSD. It would require the VA to establish a National Center on PTSD to carry out research and training of health care personnel and to coordinate the exchange of information regarding PTSD among all VA and other Federal programs engaged in PTSD research and training activities. It would require the VA to report to Congress on its programs to furnish palliative care or pain relief and supportive care to terminally ill veterans.

It would provide that an eligible veteran may have more than one vehicle at any one time with VA-provided adaptive equipment and provide that the veteran shall not be entitled to automobile adaptive equipment for more than two vehicles in any 4-year period unless, through circumstances beyond the veteran's control, the veteran no longer has the use of one of these two vehicles. It would modify the definition of the Vietnam era to include, in a case of those who served in Vietnam, the period beginning on February 21, 1961 and ending on August 4, 1964. It would require the VA and the Department of Defense to submit a joint report to Congress on issues pertaining to readjustment counseling for active duty military personnel who served in the Vietnam era and for active duty military personnel who served on active duty following the end of the Vietnam era in an area and during the period of hostilities, such as in Beirut and Granada. It would also require the VA, as part of a previously mandated report on the vet center program, to assess and report on whether or not there are needs for readjustment counseling with regard to veterans of prior wars, former prisoners of war, and veterans of post-Vietnam hostilities. It would improve and clarify the VA's authority to provide security on VA property through a force of VA security service officers; authorize a special uniform allowance for such employees; and provide the Administrator with new discretionary authority to increase rates of pay, for recruitment and retention purposes, for such employees.

It would modify the due date of a recurring Comptroller General's report on Office of Management and Budget compliance with statutory requirements related to personnel ceilings for the VA's Department of Medicine and Surgery. It would require the VA, the Department of Defense, and the Department of Health and Human Services to report to Congress on the question of the Federal Government's responsibility with respect to civilians, such as members of the American Red Cross, who worked in Vietnam during the Vietnam era and who may have experienced stressful combat situations or who may have health problems stemming from such experiences. It would extend the VA's authority to provide care for veterans in Puerto Rico and the Virgin Islands on a contract or fee basis until September 30, 1985. It would require the VA to conduct a 3-year demonstration project for veterans participating in incentive therapy and compensated work therapy programs and who are in receipt of VA pension and 100 percent disability compensation for unemployability. And it would require the VA to develop information about veterans who reside in remote areas and are eligible for VA health-care services.

Mr. President, I should like to highlight briefly some of the provisions of the committee bill, which are derived from S. 2514, as introduced.

COORDINATION OF COMPLEX KINDS AND LEVELS OF CARE

The committee bill contains a number of provisions which are designed to improve the VA's ability to target its resources in an efficient and cost-effective manner to provide the most appropriate kinds and levels of health-care services to veterans with certain complex health-care needs. Section 2 of the bill would improve the provision and enhance the management of health care services to veterans eligible for VA medical care by requiring the VA Administrator to designate one organizational unit in each VA medical facility to help coordinate referrals and facilitate the provision of services not at VA expense when such services are necessary to promote the health of veterans.

Currently social work and volunteer services make appropriate referrals on an individual and case-by-case basis, And since 1975, the VA has participated in the "Working Agreement for the Consortium on Information and Referral Services for Older People" which promotes the exchange of information between the VA and the private sector about services for the elderly. This provision is designed to build on and go beyond such activities by encouraging the development of a systematic effort on the part of each and every VA medical facility to develop a network of communication and cooperation to ensure that elderly and certain other veterans are appropriately referred to and receive health-care and other services necessary to improve their health. This is in no way intended to change the mission of the VA to maintain a comprehensive, nationwide health-care system for eligi-

ble veterans. Instead this provision would enhance the VA's ability to develop and implement appropriate links between VA and community-based services, particularly those oriented toward meeting the needs of elderly veterans. By increasing the sharing of such information and establishing such a network, improved referrals and therefore the provision of the most appropriate services can be realized.

Section 3 of the bill would extend for 2 years, until October 1987, the VA's discretionary authority to contract with halfway houses and other community-based facilities for the treatment and rehabilitation of veterans with alcohol or drug abuse or dependency problems, would require the VA to submit two reports to Congress on the use of this authority and would delete references to the program as a pilot program.

Mr. President, there are a wide variety of methods in a number of different settings employed to treat persons with alcohol or drug-related disorders or dependencies. Treatment may be provided in inpatient, outpatient, or intermediate settings. Care in community-based peer oriented programs, such as that provided in halfway houses, is designed to provide an appropriate level of treatment in a supportive environment and aid program participants in making the transition between institutionally based treatment and a return to independent living in their communities. The VA has submitted a report to Congress on the effectiveness of the halfway house pilot program. And the VA has said that it favors an extension of the program. The VA believes that it is in many cases medically advantageous and cost effective to provide care in such facilities as compared with providing care in VA facilities.

I support such an extension, but believe that further study is necessary before making any determination concerning the long-term future of the program. The VA's report to Congress, which was not received until after the committee's April 11 hearing, must be thoroughly analyzed prior to making such a determination. In light of the large number of veterans participating in the program, more than 6,000; the large number of contracts awarded, approximately 280; and the cost involved, an estimated $5.7 million in fiscal year 1984 alone, more information about the quality of care, its effectiveness, potential increases in costs, and its future must be obtained.

Mr. President, the second part of this provision would require the Administrator to prescribe regulations providing guidelines for VA-operated treatment and rehabilitation programs for veterans with alcohol or drug dependence or abuse disabilities. The bill would require the regulations to include guidance on the duration of treatment, kinds of treatment provided, use of individual treatment plans, and followup for veterans receiving care and treatment. And the bill would require the Administrator to submit certain reports to Congress on the activities of all VA alcohol and drug treatment programs.

I am deeply concerned about the large numbers of veterans affected by alcoholism and alcohol-related disorders. According to the VA, defined alcoholics or problem drinkers among hospitalized veterans increased from 20 percent in 1970 to 26 percent in 1980. Defined alcoholics or problem drinkers in the under 35 age group increased from 15 percent in 1970 to 35 percent in 1980. And among hospitalized Vietnam-era veteran alcoholics or problem drinkers increased from 13 percent in 1970 to 38 percent in 1980.

Current VA policies and program manuals do exist which give general direction to the alcohol and drug treatment programs throughout the country. However, given the magnitude of the problem, the impact on the veteran's health, and the implications of the problem for expenditure of VA medical care dollars, it is clear that the VA's efforts must be intensified. Current VA policies and manuals regarding treatment for such veterans are broad and general. No specific policies or guidance exists which addresses those veterans who suffer from alcoholism and have multiple problems, such as multiple medical diagnoses, social and financial problems, and those who are at greater risk for relapses and chronic alcoholism. Such complex cases require careful targeting of appropriate kinds and levels of care.

These regulations would produce more consistency and improvement in efforts to treat veterans with complex alcohol-related problems by encouraging the VA to coordinate treatment for veterans throughout the various stages of treatment—detoxification, inpatient care, outpatient care and followup; promote the use of individualized treatment plans; increase efforts to provide follow-up care; and conduct program evaluations to measure the effectiveness of various treatment methods. This provision is designed to provide the VA with total and complete discretion and flexibility concerning medical policies and treatment methods. The reporting requirements would improve the information and statistics currently available on the numbers and health-care needs of veterans with alcohol and drug-related problems.

Section 5 of the committee bill would require the VA to establish a Special Committee for Post-Traumatic Stress Disorder [PTSD] to assist the Chief Medical Director in developing policies, providing guidance, and coordinating the provision of services for the treatment of veterans with PTSD. The committee would advise the Chief Medical Director on the use of appropriate diagnostic and treatment methods, the evaluation of treatment programs for veterans with PTSD, the conduct of research on PTSD, and the use of special education and treatment training programs for VA employees. The bill would also require the VA to establish a National Center of PTSD to carry out research and training of health care personnel and to coordinate the exchange of information regarding PTSD among all VA and other Federal programs engaged in PTSD research and training activities. And the bill would require the VA to report to Congress on its implementation of this provision.

Mr. President, PTSD is a troubling and complex disorder. Much uncertainty remains about the disorder, the criteria used to diagnose it and the methods used to treat it. Mental health experts both inside and outside the VA are not in complete accord about PTSD. What is known, however, is that PTSD may be associated with combat experience. And there is no mental health disorder that is more service-related. I believe the VA should take the lead in addressing those uncertainties that remain about the diagnosis and treatment of veterans with PTSD.

Local initiatives at 10 individual VA medical centers across the country have resulted in the establishment of inpatient PTSD units to treat veterans whose PTSD is too severe to be dealt with on an outpatient basis. I believe this is both appropriate and desirable. However, the VA has not demonstrated clear administrative support for these initiatives. Central coordination of treatment programs, general guidance on existing treatment methods, and training of an increased number of VA personnel—in vet centers, inpatient psychiatric units, and in the Department of Veterans' benefits—is needed.

It is intended by this provision that the special committee would draw on the expertise of psychiatrists, psychologists, social workers, other readjustment counseling personnel, academic affairs personnel and others to aid the Chief Medical Director in providing the necessary guidance to the field on this most important matter. The national center would serve as the focal point for research and training on PTSD. I believe this would enable the VA to coordinate its research efforts and provide training in an efficient manner. Sufficient resources must be allocated to treatment, research, and training initiatives in a balanced way to encourage improvements in these three endeavors. In its views and estimates on the VA's

budget for fiscal year 1985, the committee targeted 180 full-time equivalent employees [FTEE] and a total of an additional $5.8 million to improve the VA's ability to treat veterans suffering from PTSD. I expect the VA will comply with the committee's recommendation and allocate 180 additional FTEE in fiscal year 1985 for activities related to the diagnosis and treatment of PTSD.

Section 6 of the bill would require the VA to report to Congress on its programs to furnish palliative—pain relief—and supportive care to terminally ill veterans, including a review of the kinds of care furnished, the treatment methods used, and an analysis and a comparison of the care provided in hospice and other VA programs, including a comparison of costs of such care. It would also require an explanation of how such care is or will be included in the VA's plans for providing health care to older veterans.

Mr. President, the VA already provides care and supportive counseling for eligible veterans who are terminally ill and counseling for affected family members. In addition, the VA has initiated a number of alternative methods of care for the terminally ill, including hospice and hospice-like programs. One inpatient hospice program, 10 other hospice-like programs, and a number of the VA's hospital-based home care programs provide special treatment for the terminally ill. However, testimony at the committee's April 11, 1984, hearing revealed that the optimal way to care for the terminally ill is still not known. More information and experience is necessary to determine the most effective methods to control pain, to relieve symptoms, to improve functioning and quality of life, and to relieve feelings of isolation.

The purpose of the report would be to require the VA to assess various treatment programs for the terminally ill, including nonhospice and hospice oriented programs and to consider the advantages and disadvantages of each of these methods and levels of palliative care, supportive counseling, other medical services, as well as cost-effectiveness, staffing requirements, and the mix of routine and ancillary services employed. Because there is no consensus at this time among providers, researchers, and policymakers as to the benefits and cost-effectiveness of alternative methods of care for the terminally ill, the committee believes that an evaluation by the VA would further our understanding about the complex needs of such patients.

Mr. President, there are two additional provisions which we are proposing to delete from the committee bill and defer consideration to a more appropriate time, because the first concurrent budget resolution is still pending and these two provisions, sections 8 and 14 would require a waiver of section 401(b)(1) of the Congressional Budget and Impoundment Control Act of 1974 to be obtained before the consideration of the bill would be in order.

In lieu of requesting such a waiver, it is our intention to offer an amendment which would strike those two sections from the bill. Section 8 would modify the definition of the Vietnam era to include, in the case of those who served in Vietnam, the period beginning on February 21, 1961, the date of the first reported deaths of U.S. soldiers in Vietnam from hostile actions, and ending on August 4, 1964, the day before the starting date of the Vietnam era in current law. Section 14 would require the VA to conduct a 3-year demonstration project—and submit a report to Congress on 2 years' experience—for veterans participating in incentive therapy and compensated work therapy programs and who are in receipt of VA pension and 100-percent disability compensation for unemployability. We intend to include these two provisions in S. 2736, the proposed "Veterans' Administration Benefit Rate Increase and Program Improvement Act of 1984," as reported.

We also intend to offer today as part of an accepted committee amendment to S. 2514 several provisions which have been worked out and agreed to by the committee's ranking minority member, my colleague from California, Senator ALAN CRANSTON. These amendments include an initiative by Senators ALAN CRANSTON and PETE WILSON concerning the University of California at Los Angeles, a proposal by Senators RUDY BOSCHWITZ and LARRY PRESSLER pertaining to the acquisition of State veterans' homes; a proposal by Senator DENNIS DECONCINI expressing the sense of the Congress with respect to certain Grace Commission recommendations; a proposal by Senator DAN INOUYE pertaining to the recruitment and retention of VA psychologists; a proposal by Senator HOWARD METZENBAUM concerning eligible veterans suffering from Alzheimer's disease; and two proposals pertaining to the naming of certain VA medical centers.

Section 16 of the committee amendment expressing the sense of the Congress with respect to certain Grace Commission recommendations states that no action to implement such recommendations should be taken without their policy implications having first been given full and careful consideration, after appropriate hearings, by the Committees on Veterans' Affairs of the House of Representatives and the Senate. I support the intent of this provision to call for a careful examination by the Congress of the policy implications of management improvements such as those proposed by the Grace Commission. At the same time, I do not believe this provision is in any way intended to discourage thoughtful proposals made by the executive branch, the private sector, the Congressional Budget Office, the General Accounting Office or others for management improvements or cost efficiencies with respect to the Veterans' Administration, especially during a period of constrained fiscal resources. Many VA hospital patients have severe and multiple disabilities requiring inpatient and outpatient services. However, we must bear in mind that this is not solely unique to the VA. The private sector must also provide care for disabled children and adults with individual and multiple impairments and chronic conditions, such as mental retardation, psychiatric disabilities, functional limitations, and other disabilities.

The role of the VA is important in fulfilling its commitment to our Nation's veterans whose disabilities were incurred in or aggravated by military service, especially those whose disabilities are combat related. But we must not diminish the importance of the role played by the private sector in caring for other members of our society who, for other reasons, are also disabled.

Section 18 of the committee amendment would require the VA to disseminate a program guide to VA medical facilities clarifying its policy regarding the authorization and provision of treatment, including diagnosis, information, outpatient services, hospital care and nursing home care, of veterans who are eligible for services under title 38, United States Code, and who are suffering from Alzheimer's disease and related neurological diseases. Mr. President, I would like to clarify certain aspects of this provision. First, this provision does not provide any new authority to furnish, or new eligibility for, health-care services from the VA. Second, the provision also does not mandate the content of the agency policies that would be stated in the guide with respect to the VA's use of its existing statutory authority to provide health-care services with respect to Alzheimer's disease. Instead this provision is designed to result in a clarification of the VA's policy with respect to the treatment of already eligible veterans who may be suffering from Alzheimer's disease.

Mr. President, in concluding I should wish to sincerely thank my friend, the distinguished ranking minority member from California, Senator CRANSTON, for his invaluable help and cooperation on this bill and the other committee members for their contributions.

In addition, I should like to recognize and the thank the very able members of the majority staff for their efforts—my chief counsel and staff di-

rector, Anthony Principi, Julie Susman, Cynthia Alpert, a highly professional and dedicated member of my staff who handled much of the work for the hearing and the bill, Vic Raymond, Kathleen McTighe, Tim Smith, Carol DeAngelus, Becky Hucks, Kay Eckhardt, Jody Sanders, and our editorial director, Jim MacRae, as well as members of the capable minority staff—Jonathan Steinberg, Ed Scott, Bill Brew, Babette Polzer, Katy Burdick, Jennifer McCarthy, Ingrid Post and Charlotte Hughes.

I also wish to take the opportunity to extend my good wishes to Katy Burdick of the minority staff, who will soon be leaving the committee to pursue graduate work in the area of public health. I can say with all certainty that she will be truly missed by both sides of the aisle. Her work and professionalism have been of the highest caliber; her dedication has admirable. I am confident that she will excel in all her future endeavors.

Mr. President, I believe the committee has reported out a bill which is well-balanced, and one that meets the needs of our most deserving veterans. On behalf of the entire committee, I urge the Senate's favorable consideration of this bill and amendment.

VETERANS' ADMINISTRATION HEALTH CARE AMENDMENTS OF 1984

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am delighted to join with my good friend, the distinguished committee chairman [Mr. SIMPSON], in urging our colleagues to give their unanimous approval to the pending measure, S. 2514, the proposed Veterans' Administration Health Care Amendments of 1984, as modified by the amendment offered on behalf of the chairman and myself. I will describe the amendment in more detail at the end of my statement.

Mr. President, S. 2514 as reported by the committee on May 25 incorporates the provisions of a variety of measures, the two principal ones being S. 2514 as introduced by the chairman on March 30, 1984, and S. 2269 which I introduced on February 7, 1984, with the cosponsorship of Senators RANDOLPH, MATSUNAGA, and DECONCINI, and which was subsequently amended by amendment No. 2850. If enacted, this measure will help to maintain and improve the quality and efficiency of health care services provided by the Veterans' Administration to eligible veterans. Although the various provisions of the measure, which I will refer to as the committee bill, are described in detail in the committee's report—Senate Report 98-487—accompanying S. 2514, I would like to highlight some of them.

VA SECURITY SERVICE PROVISIONS

Mr. President, I am very pleased that the committee bill, in section 10, contains a number of provisions derived from legislation I proposed to enable the VA to improve its recruitment, retention, and management of security service personnel. The record is clear: The VA is and has been experiencing significant difficulties in attracting and, more importantly, keeping qualified security personnel. In far too many areas of the country, the VA police force serves as the training ground for individuals who are interested in careers in police or security work but who leave the VA as soon as they acquire the experience they need to obtain jobs with higher pay and greater potential for advancement. The new authorities in the committee bill should go a long way toward helping to solve these problems and, thus, should yield significant improvements in overall security at VA health care facilities.

Mr. President, these provisions would give the Administrator new authorities to modify rates of pay for VA security service officers and to pay a special clothing allowance to uniformed officers. In addition, these provisions would clarify the Administrator's authority to provide for security on VA property and designate individuals to serve as VA security service officers and would require the Administrator, with the concurrence of the Attorney General, to issue regulations relating to these employees, including their authority to make arrests, the content and duration of their training, limitations on their carrying and use of weapons, and certain other law enforcement matters.

More specifically, the provisions in the committee bill—derived from section 6 of S. 2269—relating to rates of pay would provide the Administrator with new authority to increase the rates of basic pay for security service officers where that is necessary either to provide rates of pay competitive with the rates paid by non-Federal employers in the same labor market, to achieve adequate staffing at particular facilities, or to recruit persons with specialized skills. This authority could be exercised on a nationwide, local, or other geographic basis, thereby giving the Administrator maximum flexibility to set rates of pay in response to local situations and conditions.

The other provision in the committee bill that should have the greatest impact on the agency's ability to recruit and retain security service personnel would authorize the Administrator to pay a uniform allowance to those VA security officers required to wear a uniform in the performance of official duties. These provisions—derived from amendment No. 2850 that I submitted on March 27—would authorize the payment of up to a $400 allowance at the time an individual is first employed as a VA security service officer, so as to assist with the purchase of initial uniforms, and a $200 allowance at the beginning of each fiscal year after the individual has completed 12 months with the VA to help these personnel replace and maintain their required uniforms.

In its April 11 testimony, the VA, in endorsing this uniform allowance provision, stated:

> One source of recruitment/retention problems is the low morale and financial hardship resulting from the fact that required uniforms cost much more than the authorized uniform allowance provides. Currently, VA police officers are allowed a flat $125 annually.

The VA went on to note that, in the agency's view, "no one should have to suffer a financial disadvantage in order to work as a VA police officer, and the uniform allowance provisions would help prevent that." I strongly agree with that view and expect that the uniform allowance proposed in the committee bill will help correct this situation.

POST-TRAUMATIC-STRESS DISORDER

Mr. President, although the VA had made some strides in the diagnosis and treatment of post-traumatic-stress disorder [PTSD], I am concerned that the agency could and should be doing much more and doing it in a better coordinated fashion. The efforts to date—principally through the VA's 136 vet centers and the relative handful of PTSD inpatient treatment units, of which there are 10 open at present with an 11th scheduled to open shortly—have lacked any coherent, overall plan.

PTSD is a disorder that is particularly prevalent among veterans and especially so among Vietnam combat veterans. Indeed, combat is one of the stressors identified in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, third edition, as a cause of the disorder. Thus, I believe that the VA has a very strong obligation to be at the forefront of efforts to understand and treat PTSD, just as the agency has in the past taken leadership roles with respect to other conditions, such as spinal cord injuries and amputations, that result from service disproportionately more often than they occur in the civilian population.

To encourage and foster the VA's efforts in this area, the committee has twice urged the VA in committee reports—Senate Report No. 97-89 accompanying S. 921 in the 97th Congress and Senate Report No. 98-145 accompanying S. 578 in the first session of this Congress—to consider seriously the establishment of a national center of excellence where research into diagnosing and treating PTSD would take place and also where training of

health-care personnel on diagnosing and treating PTSD would be provided. In addition to the committee's urgings, I have personally pursued, in letters to the VA's Chief Medical Director, the need to establish such a center as well as the need for greater geographic accessibility of PTSD inpatient treatment facilities. The text of this correspondence was included in the RECORD earlier this year—for March 27, 1984, beginning on 4730—and I ask unanimous consent that the text of the most recent response from the VA on this issue, dated April 20, 1984, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
DEPARTMENT OF MEDICINE
AND SURGERY,
Washington, DC, April 20, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter of March 23, 1984, continuing our dialogue on the issue of Post-traumatic Stress Disorder inpatient programs.

In my letter of February 22, 1984, I indicated that there is "less than unanimity among our psychiatric staff as to the desirability of these units." The fundamental issue addressed by my comment is that of professional judgment. Many competent VA psychiatrists have differing professional opinions about the best approach to the treatment of Vietnam veterans with severe Post-traumatic Stress Disorder and associated conditions. Some clinicians believe that hospital treatment is the most effective approach to treatment of Post-traumatic Stress Disorder while other clinicians believe that outpatient psychotherapy is a better approach. The staff of Mental Health and Behavioral Sciences Service strongly supports the development of local initiatives for the treatment of Post-traumatic Stress Disorder in the belief, based upon years of experience, that rigidly defined centrally directed treatment programs often fail because they cannot take into account the wide differences between individual VA medical centers, their catchment areas, and their clientele.

The statement in the Vanguard reflects the fact that VA Central Office is committed to supporting local initiatives to develop necessary treatment programs. There is no discussion about "desirability of these programs" in Central Office because there is no disagreement about this question. I believe that these programs are "desirable," but I do not intend to direct their formation according to a prescribed formula from Central Office. In addition, I would point out that exploration of alternative approaches to the treatment of Post-traumatic Stress Disorder such as day hospital programs, outpatient programs, and other programs will be considered as appropriate at individual medical centers.

Concerning the unit at Lyons, New Jersey, it was not mentioned in my last letter because it did not seem to be pertinent to the questions asked of me by you and your staff. The decision to begin development of this unit was made during formation of the 1983 MEDIPP plan.

The discussions concerning the development of a VA center for Post-traumatic Stress Disorder have included a number of members of my staff including Dr. Earl Brown, Dr. Arthur Blank, Dr. John Lopkin and the members of the Administrator's Advisory Group on Readjustment Problems of Vietnam veterans. I have received a preliminary proposal for such a center from the Cleveland VAMC, and I fully expect to make a decision on its implementation within 60 days.

Dr. Arthur Blank participates actively in the Department of Medicine and Surgery's discussions concerning Post-traumatic Stress Disorder. His opinion is regularly sought by members of my staff responsible for treatment, education and research activities.

Interest in the development of a center has been expressed by medical centers which house several of the existing Post-traumatic Stress Disorder units including Bay Pines, Florida, and Menlo Park, California. In addition, because of proposals to provide staff and FTEE for Post-traumatic Stress Disorder units a number of other medical centers have expressed interest informally.

I am enclosing current cost estimates which were prepared concerning the staffing of both treatment units and PTSD centers.

Concerning the designation of a National Resources Center for PTSD raised by Senator Simpson, I must reiterate that I have not designated any VAMC as a National Resource Center for Post-traumatic Stress Disorder. The Topeka VA Medical Center, therefore, has not received additional funds for this purpose. What did, in fact, occur is that the VAMC Topeka agreed to accept referrals nationally for treatment in its Post-traumatic Stress Disorder unit. I do not intend to designate any PTSD unit as the National Resource Center for Post-traumatic Stress Disorder, because I believe that it is preferable to have district or regional resources for Post-traumatic Stress Disorder so that veterans may be treated closer to their homes, families, and jobs.

If the 1985 budget includes 180 FTEE and 5.8 million dollars "to improve the VA's ability to treat veterans suffering from Post-traumatic Stress Disorder," I intend to allocate approximately 90 FTEE and associated dollars to supoort staffing improvements at the existing programs. The remaining 90 FTEE and dollars will be used to support the development of new programs as requests from local medical districts are received.

I trust that you will find this information useful.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

COST ESTIMATE POST-TRAUMATIC-STRESS DISORDER UNITS, SENATE BILL 2269

The Department of Medicine and Surgery has developed cost estimates for Post-Traumatic Stress Disorder research, education and clinical care programs as proposed in House Bill 4833. Although the House Bill recommends the development of 15 centers, DM&S expects that between four and six centers will be a more reasonable number.

If, as recommended in Senate Bill 2269 the Veterans Administration is to build only one National "Center for Post-traumatic Stress Disorder" its budget will have to be significantly larger than the budget for six somewhat smaller geographically disbursed centers.

A National Center for Post/traumatic Stress Disorder will also have a more broadly defined responsibility to provide treatment, education, and research concerning all forms of Post-traumatic Stress Disorder. Specifically, such a center will attempt to study and treat veterans from all era's, and selected civilian populations with Post-traumatic Stress Disorder.

Preliminary planning for such a center suggests that it will need between 50 and 75 FTEE and will cost between 3.5–4.5 million dollars per year or 22.5 million dollars for five years.

Although there are some advantages to the development of a single national center for Post-traumatic Stress Disorder such as the development of a "critical mass" of clinical, academic and research oriented professionals, there are also some disadvantages. Development of several somewhat smaller centers for Post-traumatic Stress Disorder will allow better geographic distribution of educational and research expertise, and will enhance our ability to develop new information by allowing several groups to pursue research in differing directions.

H.R. 4833—COST ESTIMATE

Separate four-year cost estimates are provided for (1) PTSD treatment (only) units and (2) PTSD treatment, education and research centers. Attached are the assumptions and rational on which these estimates are based.

PTSD TREATMENT (ONLY) UNITS (COST FOR 1 UNIT)

	Treatment costs per 30-bed unit	Basic clinical training costs	Total treatment and basic training per unit
Year 1	$1,201,053	$31,500	$1,232,553
Year 2	1,201,053	28,900	1,229,953
Year 3	1,201,053	30,600	1,231,653
Year 4	1,201,053	29,300	1,230,353
Total	4,804,212	120,300	4,924,512

PTSD TREATMENT, EDUCATION, AND RESEARCH CENTERS (COST FOR 6 CENTERS)

	Number of centers	Cost			Total cost
		Treatment and basic training	Education	Research	
Year 1	2	$2,462,256	$40,000	$550,000	$3,052,256
Year 2	3	3,693,384	60,000	825,000	4,578,384
Year 3	5	6,155,640	100,000	1,375,000	7,630,640
Year 4	6	7,386,768	120,000	1,650,000	9,156,768
Total		19,698,048	320,000	4,400,000	24,418,048

I. ASSUMPTIONS AND COST ESTIMATE FOR TREATMENT (ONLY) UNITS

A. Assumptions

1. Based on available estimates, Vietnam theater veterans with post-traumatic stress disorder (PTSD) range as high as 750,000 veterans.

2. 10 percent of these veterans, or 75,000 patients, will need care in the future for PTSD or other psychiatric disorders.

3. 10 percent recidivism rate per year.

4. 45-day average length of hospital stay (despite current experience which suggests that 90–180 days is more usual) and 100 percent occupancy.

5. 30-bed treatment units (current range 10–90 beds).

6. An average length of stay of 30 days will allow treatment of 5,475 patients per year.

7. Basic training (e.g., problem recognition, diagnosis and treatment) will be provided at each treatment site.

B. Cost estimates for one unit

Staffing pattern per 30-bed treatment (only) unit:

Type	Salary	FTEE	Cost
Psychiatrist	$80,000	2	$160,000
Psychologist	40,972	2	81,944
Social worker	28,750	2	57,500
Nurses	25,159	15	377,385
Nursing assistants	15,681	9	141,129
RMS	23,761	2	47,522
Vocational rehab	23,761	1	23,761
Educational specialist	40,972	2	81,944
Research coordinator	40,972	1	40,972
Total		36	1,012,157

Additional staffing per unit (4 FTEE outpatient therapists and secretarial support to provide screening, follow-up care, etc.):

Type	Salary	FTEE	Cost
Psychiatrist	$80,000	1	$80,000
Psychologist	40,972	1	40,972
Social worker	28,750	1	28,750
Nurse	25,159	1	25,159
Secretary	14,015	1	14,015
Total		5	[1] 188,896

For a new program, additional costs would include dietetics support, pharmacy support, lab support, etc. Per unit, this would include 41 FTEE and $1,201,053 for clinical services. This includes basic support to research and educational development at each PTSD center (3 FTEE).

Basic clinical education and training for treatment (only) units:

The following estimated funding requirements are based on Professional Services' (116) plan for district Post-Traumatic Stress Disorder (PTSD) Centers which will provide continuing education for both Center staff and other related VA staff. Training of nongovernmental staff will focus on academic health centers and professional societies at both national and regional levels, according to Professional Services' program plan.

	Training of DM&S staff	Training of DVB staff	Training of non-government health personnel	Total (per unit)
Year 1	$21,600	$3,300	$6,600	$31,500
Year 2	14,000	3,300	11,600	28,900
Year 3	14,000	3,300	13,300	30,600
Year 4	14,000	3,300	12,000	29,300
Total	63,600	13,200	43,500	120,300

These estimates are based on a projection of 1,106 training episodes over the 4-year life of the program for VA nongovernmental participants. The total costs include travel and non-travel costs. No FTEE are required.

	Number of centers	Cost per center	Total cost
Education:			
Year 1	2	$20,000	$40,000
Year 2	3	20,000	60,000
Year 3	5	20,000	100,000
Year 4	6	20,000	120,000
Total			320,000

	Number of centers	Cost per center	Total cost
Research:			
Year 1	2	275,000	550,000
Year 2	3	275,000	825,000
Year 3	5	275,000	1,375,000
Year 4	6	275,000	1,650,000
Total			4,400,000
Summary:			
Year 1	2		3,052,256
Year 2	3		4,578,384
Year 3	5		7,630,640
Year 4	6		9,156,768
Total			24,418,048

C. Cost summary per treatment unit by year

	Treatment	Basic training	Total
Year 1	$1,201,053	$31,500	$1,232,553
Year 2	1,201,053	28,900	1,229,953
Year 3	1,201,053	30,600	1,231,653
Year 4	1,201,053	29,300	1,230,353
Total	4,804,212	120,300	4,924,512

II. ASSUMPTIONS AND ESTIMATED COSTS FOR SIX TREATMENT, EDUCATION AND RESEARCH CENTERS

A. Assumptions

1. Education and Research costs are in addition to costs of the basic treatment unit as defined in Section I.

2. Per Center, additional costs above and beyond basic training total $20,000.

3. Research costs per Center include one clinical investigator plus $200,000 in project research funds and support additional direct and indirect projects costs.

4. The schedule of Center start-up will be as follows:

	New centers	Total number in operation
Year 1	2	2
Year 2	1	3
Year 3	2	5
Year 4	1	6

B. Cost estimate

Treatment unit:

	Number of centers	Cost per center [1]	Total cost
Year 1	2	$1,231,128	$2,462,256
Year 2	3	1,231,128	3,693,384
Year 3	5	1,231,128	6,155,640
Year 4	6	1,231,128	7,386,768
Total			19,698,048

[1] Assumes average annual cost of $1,231,128 per center.

Mr. CRANSTON. Mr. President, although there has been some progress in recent months toward the establishment of such a national center at the Cleveland VA Medical Center, I remain convinced—especially in view of the committee's prior experience of twice having recommended the establishment of such a center with no results and the lack of certainty regarding the agency's commitment of resources to the proposed center in Cleveland—that a legislative mandate is warranted as a means to help ensure that the center is established and that, thereafter, its operations are afforded a high priority. Such a provision, derived from amendment No. 2850, is contained in section 5 of the committee bill.

In addition to mandating the establishment of a national center for PTSD research and the training of health care personnel in the diagnosis and treatment of this disorder, the committee bill also directs the VA to establish a special, inhouse committee on PTSD to assist the VA's Chief Medical Director in developing policies and providing guidance with respect to, and coordinating the provision of services for, the treatment of veterans with PTSD. Although I can appreciate the VA central office's reluctance to dictate any single approach on how to diagnose and treat veterans suffering from PTSD, I believe it is past time for the agency and the Department of Medicine and Surgery to assume a true leadership role in this area. The PTSD committee that would be mandated by the committee bill is an important step in that direction, and something like it should be established by the Chief Medical Director regardless of whether or not it is ultimately mandated by law.

READJUSTMENT COUNSELING REPORTS

Mr. President, as I described in detail in my introductory remarks on S. 2269, on February 7, 1984, that legislation would have made a number of changes in the criteria for eligibility for VA readjustment counseling services. Chief among these changes were ones to extend such eligibility to veterans who have served since the end of the Vietnam era—May 7, 1975—in combat or combat-like situations. My intent in proposing this change was to provide eligibility for readjustment counseling to individuals who were exposed to hostile fire in situations—such as during the invasion of Grenada or in Beirut—that might lead to readjustment problems following their service.

In addition, because of my view that readjustment problems might also exist among active duty personnel, S. 2269 as introduced would have extended eligibility for readjustment counseling to active duty personnel who served during the Vietnam era or served in combat or combat-like situations since that time.

As is discussed in the committee report accompanying the committee bill, instead of my original proposals, the bill includes, in section 9, provisions mandating two reports. The first, to be submitted by the VA, would assess the need for readjustment counseling among veterans not currently eligible for it, including those who have served since the end of the Viet-

nam era in combat or combat-like situations and, as I also proposed be included in the report, World War II and Korean conflict veterans, with particular emphasis on combat veterans, and former prisoners of war. The second report, to be submitted jointly by the VA and DOD, would deal with, first, the appropriateness and desirability of extending eligibility for readjustment counseling to certain active duty personnel and, second, if such eligibility is provided, then how it could be implemented in a way that VA and DOD could both accept.

Although I am disappointed that my original proposals to extend eligibility for readjustment counseling to certain veterans and active duty personnel are not going forward at this point, I believe that the two reports that we are mandating will provide a basis for appropriate action at some future time.

HEALTH CARE IN REMOTE AREAS

Mr. President, another provision in the committee bill, section 15, would require the VA to study and report on the issue of the utilization of VA health care facilities by veterans eligible for VA health care who reside in areas remote from such facilities. After the completion and submission of this report, the agency would also be required to submit a subsequent report on a possible experimental program that the VA might pursue to furnish VA care to veterans residing in such areas.

This provision was developed by my good friend from Maine [Mr. MITCHELL] and derives from his bill, S. 523. It is the culmination of his diligent and thoughtful work over the past 2 years on the issue of VA health care for veterans in rural areas. I congratulate Senator MITCHELL for these efforts and for his persistence. Along with him, I look forward to the enactment of this provision and to the VA's pursuit of the mandated study, which is designed to yield important, reliable data about the location, number, and distribution throughout the United States of veterans with various eligibilities for VA care. Once such data are available, the committee will be in a much better position to evaluate VA efforts to date to meet the health care needs of veterans in rural areas and to assess alternative approaches for doing that.

REPORT ON FEDERAL GOVERNMENT ASSISTANCE TO INDIVIDUALS WHO SERVED IN VIETNAM AS CIVILIANS

Mr. President, in response to concerns from a number of non-Federal civilians who served in Vietnam during the Vietnam era with voluntary organizations—principally the Red Cross and the USO—about the effects of their service on their health and the Federal Government response to their concerns, the committee bill, in section 12, contains a provision mandating a joint report from VA, DOD, and HHS on this issue. This provision is derived from section 9 of S. 2269. The required report would evaluate the question of U.S. Government responsibility, and alternative approaches, for providing Federal and other benefits, services, and assistance to these civilians for disabilities that possibly result from certain aspects of their service in Vietnam—such as exposure to agent orange or to particularly traumatic events.

For those who served in Vietnam with the military, there can be no question about the Federal Government's responsibility to address concerns they raise regarding adverse health effects of service in Vietnam—whether as a result of exposure to herbicides such as agent orange or through experiences there. In the case of these former service members, it is also very clear that it is the VA which bears the majority of this responsibility. Thus, our committee has engaged in considerable activity in seeking responsive Federal Government action to deal with concerns regarding the long-term health effects of Vietnam service, with special attention to the question of the long-term health effects of exposure to herbicides, such as agent orange, which were sprayed in Vietnam by the U.S. military as a means of depriving the enemy of cover and food.

In view of the contribution that the individuals who served with voluntary organizations in Vietnam provided to their country and their concerns about the long-term health effects of their Vietnam service that may be related to actions of the Federal Government, I believe that the Federal Government has the responsibility, at least, to evaluate these concerns and consider possible appropriate alternatives—Federal and non-Federal—for addressing them.

I note that this report requirement in no way is intended to prejudge the question of Federal responsibility for assistance or to reflect a judgment by the committee regarding the military or nonmilitary status of any group of civilians who served in Vietnam for the purposes of receiving veterans benefits. A mechanism, the Department of Defense/Civilian Military Review Board, established pursuant to section 401 of Public Law 95-202, already exists to weigh evidence and pass judgment as to whether a particular civilian group's service to the country during a period of war was such that it should be considered military service for the purpose of receiving veterans benefits. The provision in the committee bill is designed neither to circumvent nor influence this separate avenue of redress; rather, I view the issue that this provision is addressing—the question of the existence and extent Federal responsibility to these individuals and the need for an evaluation of alternatives for providing an avenue of redress for them—as entirely separate from the issue of veteran status.

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

Mr. President, a final health care provision that I wish to comment on, section 13, would provide a 1-year extension—until September 30, 1985—of the VA's authority to provide on a contract basis in Puerto Rico, the Virgin Islands, and other territories of the United States, hospital care for non-service-connected disabilities and certain outpatient treatment. This provision was proposed in amendment No. 2850. As is discussed in great detail in the committee report, the issue of how to meet these needs has been discussed and studied since 1978 and various alternatives have been developed. To date, however, the VA has been unable or unwilling to settle on a particular approach for addressing this issue and to take the necessary steps to implement it. As a result, the Congress has had to provide a series of short-term extensions of the contract authority. Although the extension proposed in the committee bill is necessary to ensure the continuity of medical care for certain veterans in the areas concerned, it is essential that the VA develop and submit to the Congress a report containing plans for meeting the future health care needs of veterans in Puerto Rico and the Virgin Islands. It is time to put an end to this lingering indecision.

In this regard, I note that the committee emphasized the importance that it attaches to the need for an overall plan for providing health care in Puerto Rico when, earlier this year in connection with the VA's fiscal year 1985 budget submission, the committee deferred action on the agency's request for the construction of a nursing home in Puerto Rico. In taking this action, the committee expressed the view that it would be unwise to proceed on a piecemeal basis with a single project in Puerto Rico without knowing the priority that the VA would attach to that project in comparison with other possible projects or other veterans' health care funding needs in Puerto Rico.

I remain deeply and strongly committed to the principle that the Federal Government must meet its obligation to those who served the Nation in its hours of need, and I will continue working to ensure that those obligations are met in Puerto Rico no less than anywhere else. To do so in a thoughtful, appropriate fashion, however, requires submission by the VA of a comprehensive plan setting forth and evaluating various alternative approaches for providing health care to veterans in Puerto Rico and the Virgin Islands.

AUTO ADAPTIVE EQUIPMENT

Mr. President, in addition, I want to make mention of the provisions of section 7 of S. 2514, relating to automobile adaptive equipment for certain veterans with service-connected disabilities. These provisions are derived from S. 2210 as introduced by the chairman and from a proposal I made at the committee's April 11 hearing. They would generally limit the frequeny with which adaptive equipment is provided to no more than two adaptations in any 4-year period and would allow an eligible veteran to have at any one time VA provided adaptive equipment on two vehicles that are available for his or her use. If, as a result of circumstances beyond the veteran's control, the veteran no longer has the use of one of the VA-equipped vehicles, the provision would authorize the Administrator to provide adaptive equipment for a third vehicle within the applicable 4-year period.

I believe the approach in the committee bill is an improvement over the present situation where, under the adaptive equipment program, a veteran may receive as many as three adaptations in a 2-year period but may never have the use of more than one such adapted vehicle at any one time. The committee bill recognizes the importance and necessity of permitting seriously disabled veterans to have access to a backup means of transportation and represents what I believe is a practical, workable solution to the problems that exist in this program under current law and VA policy. It was a pleasure to work closely with Chairman SIMPSON and the veterans' organizations, principally the Disabled American Veterans and the Paralyzed Veterans of America, in reaching this approach which accommodates all of our concerns.

SIMPSON-CRANSTON AMENDMENT

Mr. President, as I mentioned at the outset of my remarks, I want to discuss the amendment offered to the committee bill on behalf of Chairman SIMPSON and myself. As I will describe in more detail, this amendment would delete two provisions from the bill and would add provisions derived from various other measures.

DELETIONS FROM COMMITTEE BILL

The amendment proposes—solely for the purpose of avoiding a Budget Act problem at this point—the deletion from the committee bill of the two provisions that involve so-called entitlement spending. As the author of those provisions, I want to stress that they are being deleted here solely for a technical purpose and will be pursued in other legislation this year. One provision would modify the starting date of the Vietnam era for title 38 purposes in the case of veterans who actually served in Vietnam prior to August 5, 1964, the starting date for the Vietnam era in current law, and would, among other benefits, result in providing VA pension eligibility under chapter 15 of title 38 to a small number of these veterans. The other provision would require the VA to carry out a demonstration project under which income received by veterans for their participation in a VA incentive or compensated work therapy program would not be counted as income for the purposes of VA pension. In light of the fact that the Congress has not yet adopted a first concurrent resolution on the fiscal year 1985 budget, it would not be in order, under the Congressional Budget Act, to consider these entitlement provisions without a Budget Act waiver. Rather than seek such a waiver, the chairman and I are proposing to delete these two provisions from the committee bill and, instead, to have them added to S. 2736, the proposed Veterans' Administration Benefit Rate Increase and Program Improvement Act of 1984 as ordered favorably reported by our committee on July 25, 1984. Further, because that measure contains cost-of-living increases and other adjustments in VA entitlements, if the first resolution on the fiscal year 1985 budget is not adopted by the time that that measure should come before the Senate, our committee will propose a Budget Act waiver resolution pursuant to section 303(c) of that act.

PROVISIONS OF SIMPSON-CRANSTON AMENDMENT, REVERSIONARY INTEREST IN CERTAIN LAND IN LOS ANGELES

Mr. President, the Simpson-Cranston amendment includes a provision relating to the status of a parcel of land in West Los Angeles, CA. This provision, which closely follows H.R. 2629, legislation introduced by my good friend who represents the congressional district in which the land is located, Mr. BEILENSON, is included in the amendment on behalf of myself and my colleague from California [Mr. WILSON]. All three of us have been working for some months to resolve questions regarding this matter and to bring this legislation before the Senate. I know Senator WILSON shares my satisfaction that we have finally achieved that goal.

The parcel of land in question was originally deeded in 1948 by the VA to the State of California for use by the University of California. The public law which authorized the transfer—Public Law 726, 80th Congress—and the deed entered into pursuant to that law specified that the land was to be used only for a "research and medical center and for allied purposes." In light of the fact that UCLA's medical center and supporting facilities are concentrated in an area north of the subject parcel of land and the bulk of the land has gone unused by the university except for two medical facilities, H.R. 2629 and the provision in the amendment would expand the permissible uses to include educational and cultural purposes. Two such uses under consideration by the university, both of which would be permitted under the proposed expanded uses, are as a site for a plasma physics laboratory and a fine arts center.

Mr. President, although I supported this legislation and sought to have our committee act on H.R. 2629 shortly after it was passed by the House last year, such action has been delayed in response to concerns raised by some administration officials and also by questions about whether some recent uses of the land were in conformance with the restrictions in the existing deed. Finally, as a result of the efforts of many individuals, especially those of the VA's Deputy General Counsel, Robert Coy, who made a site visit to the property and met with university officials about this issue while in Los Angeles recently, the various concerns and questions have been resolved. At the committee's June 27, 1984, hearing, Mr. Coy, in response to my question about his views on the subject of the university's use of the property stated that "for all practical purposes (UCLA is) conforming with the restrictions on the property" and that he was aware of "no further legal issues or restrictions that would impede proceeding with the legislation." Later, on July 11, 1984, the VA's General Counsel, John Murphy, wrote to UCLA Vice Chancellor Elvin Svenson to set forth the agency's view that any concerns about the use being made of the land had been satisfactorily resolved. Thus, Senator WILSON and I are now in a position to urge that this measure proceed, and hence it is included in the Simpson-Cranston amendment.

Mr. President, I ask unanimous consent that various documents pertaining to this matter—my letters to Chairman SIMPSON urging action on this measure, a letter to me from UCLA Chancellor Charles Young, two letters from Joshua A. Muss, executive director of the Property Review Board, relating to the property, and VA General Counsel Murphy's July 11, 1984, letter to UCLA Vice Chancellor Svenson—be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 9, 1984.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR AL: I am writing regarding H.R. 2629, which, as you know, is a measure that was passed by the House on November 8, 1983, and is now pending in our Committee. This legislation, sponsored by my colleague from California, Congressman Beilenson, has the sole, very limited purpose of modifying a restriction on the use of a parcel of land—previously conveyed by the VA to the

State of California in 1948—located in West Los Angeles. The land is now occupied by the University of California at Los Angeles.

As far as I am able to determine, this is a noncontroversial measure. If this is indeed the case, in order that the matter may be disposed of in a timely manner, I urge that the members of the Committee be polled and the measure placed on the Senate calendar for action as soon as possible.

Thank you for your continuing cooperation and assistance.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 7, 1984.

Hon. ALAN K. SIMPSON,
Chairman, Veterans' Affairs Committee, U.S. Senate, Washington, DC.

DEAR AL: In follow up to my February 9, 1984, letter regarding H.R. 2629, please find enclosed a copy of a recent letter I've received from UCLA Chancellor Chuck Young on this subject.

In view of the information in Chancellor Young's letter and his expression of UCLA's strong interest in the enactment of H.R. 2629, I again urge that the members of the Committee be polled on this measure as soon as possible.

Thank you for your continuing cooperation and assistance.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

Enclosure.

UNIVERSITY OF CALIFORNIA,
OFFICE OF THE CHANCELLOR,
Los Angeles, CA, February 8, 1984.

Hon. ALAN CRANSTON,
U.S. Senator,
Senate Office Building,
Washington, DC.

DEAR ALAN: H.R. 2629, introduced by Congressman Beilenson, who represents the district in which UCLA is situated, has unanimously passed the House and awaits action in the Senate Committee on Veterans Affairs. This bill is of critical importance to the University, and I urge you to do everything you can to secure its passage.

The bill relates to property adjacent to UCLA and deeded to it by the Veteran's Administration in 1948. This property was given over wholly to UCLA, but with the restriction that any facilities on it had to be for medical research or related purposes.

The only facilities presently on the site are medically-oriented, but the passage of time and changed circumstances make the further construction of major medical facilities on that site not congruent with its optimal use. Any further medical developments are likely to occur closer to the UCLA Medical Center, for obvious reasons.

In any case, H.R. 2629 simply permits UCLA to use the property for cultural and educational purposes in addition to the medical purposes. UCLA's restricted space, and the location of this property next to Westwood Village, make it the ideal site for a number of possible projects that will complete the growth of this campus.

The bill is supported by the Veterans Administration and the Justice Department, but we understand that for some unknown reason the Office of Management and Budget has not responded to a request for a position, and that this fact is troubling some in the majority.

This bill is vital to us, and we would appreciate any help you can provide. A copy of the House Committee report is enclosed.

Sincerely,

CHARLES E. YOUNG,
Chancellor.

PROPERTY REVIEW BOARD,
Washington, DC, November 22, 1983.

Hon. ALAN SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you about H.R. 2629 which would modify the reversionary interest of the United States in some 35 acres of property given to U.C.L.A. in 1948. This legislation has been referred to your Committee. I am concerned about this legislative proposal which in my opinion is completely inconsistent with sound federal property management.

When the Veterans Administration donated the property to the State of California for U.C.L.A. in 1948, it was specified by Congress that the property would be used for medical research. Only on that basis could Congress justify a transfer of this property from the holdings of the Veterans Administration. U.C.L.A. agreed and a specific development schedule was proposed. However, U.C.L.A. never completely fulfilled those promises.

Significant portions of the property are undeveloped or used for a public parking lot. These uses of the property are unrelated to medical research or any corollary activity. Apparently, U.C.L.A.'s desire to use this property for some commercial or other non-authorized purpose has led to the introduction of this special legislation.

At our request, the GSA has recently sent a representative to inspect the premises. A copy of this report has been sent to the staff of the Committee on Veterans Affairs. GSA estimates the value of this property to be $280 million.

I expect that this legislation will be recognized by the Senate for what it actually does: It relieves U.C.L.A. of its 35-year old obligation. This would set a most unfortunate precedent for other beneficiaries of free federal property transfers who also fail to comply with the terms of the transfer.

I hope that when your Committee considers this proposal you will keep my views in mind. If you or the Committee staff would like to discuss this proposal further, please let me know.

Sincerely,

JOSHUA A. MUSS,
Executive Director.

Enclosure.

INSPECTION TRIP REPORT

Re 34.88-acre parcel located in West Los Angeles, California, and transferred to the State of California by Public Law 80-726, dated June 19, 1948.

HAROLD SPADY,
Realty Specialist.

On October 3, 1983, I traveled to Los Angeles to review the utilization of the property cited above. On arrival, I visited the site and offer the following observations.

Site Description: The parcel is bounded by Wilshire Boulevard on the south, Veterans Avenue on the west, a row of residences along Strathmore Drive on the north, and an unnamed alley on the east. Approximate dimensions are 662 feet by 2500 feet. The parcel rises to the north and is heavily wooded over the northern two-thirds.

Improvements: There are three permanent university buildings on the parcel, all located on the northern two-thirds of the property. They consist of a Rehabilitation Center, Warren Hall, which is listed as a Biomedical and Environmental Sciences Building, and a steam plant. The only other permanent structure on the parcel is a Red Cross building located immediately to the south of a fire station on Veterans Avenue. The fire station is situated on a 100-foot x 150 foot parcel deeded to the City of Los Angeles for that purpose in 1945. It is assumed that the Red Cross building is on permitted land.

At the northwest corner of the parcel, along Veterans Avenue, site clearance has begun on approximately three acres for a Center for Health Enhancement and a Clinical Pavillion. There are restricted parking lots in the areas of the Rehabilitation Center, Warren Hall, and the Red Cross building. The southerly one-third of the parcel, with the exception of the Red Cross area, has been paved and is used as a staff and student parking lot.

Neighborhood Data: The area south of the parcel across Wilshire Boulevard is improved with two high-rise office buildings. The area west of the parcel contains the V.A. cemetery. The area north of the property is improved with a mixture of single-family dwellings and condominiums. The area to the east of the parcel is the Westwood shopping area with approximately six square blocks of commercial buildings. An appraisal of land adjacent to the Federal building at 11000 Wilshire Boulevard was done in May of 1983 and set the land value in the area at $200.00 per square foot.

Observations and Comments: After noting the size of the main parking area, the degree of occupancy at the time of the visit, and the capacity of the improvements which the university has on the parcel, it is obvious that parking is not restricted to staff and students involved in the medical education process at the site. It was further noted that while admission to the lot was restricted until 9:00 a.m. on weekdays, after that time, the lot was available to "visitors." Those with permits utilized a mag-card type entry key while "visitors" could gain entry by depositing $2.00 in a coin box located at the Kinrose Avenue gate.

I discussed the parking with the Assistant Building Manager at 11000 Wilshire Boulevard. He indicated that the lot was heavily used by employees of the shops in Westwood shopping area and their customers. He also stated that a shuttle bus ran between the parking lot and the main university campus to the northeast. Finally, he stated that the lot is open evenings and on the weekends and is usually near capacity, even during the summer months when the university has a much reduced attendance.

Based on my observations and the comments from the Assistant Building Manager, it would appear that the parking area (approximately ten acres) is the only portion of the parcel which is not used exclusively for medical related purposes.

HAROLD SPADY.

PROPERTY REVIEW BOARD,
Washington, DC, March 30, 1984.

Mr. ANTHONY J. PRINCIPI,
Chief Counsel, Staff Director, Senate Committee on Veterans' Affairs, Russell Building, Washington, DC.

DEAR MR. PRINCIPI: I am concerned that a letter which I sent to Senator Simpson on November 22, 1983, concerning H.R. 2629

has been misconstrued. The sole purpose of that letter was to provide the Committee with information which I had just received concerning the background and current use of the property. I thought this information would be useful to the Committee in considering the bill.

The letter was not intended to express the Administration's or the Property Review Board's position on the proposed legislation. In rereading the letter in the light of recent events, I realize that it would have been preferable to have omitted the statements of my personal views on this legislation.

Sincerely,

JOSHUA A. MUSS,
Executive Director.

VETERANS' ADMINISTRATION,
OFFICE OF GENERAL COUNSEL,
Washington, DC, July 11, 1984.

Mr. ELVIN V. SVENSON,
Vice Chancellor for Institutional Relations, University of California, Los Angeles, CA.

DEAR MR. SVENSON: I believe the information obtained as a result of your recent meeting in Los Angeles with Mr. Robert Coy, and the subsequent action taken by the university as a result thereof, has for all practical purposes eliminated the concern we had with respect to the potential of a non-conforming use by the University of certain portions of the real estate transferred by the United States on June 14, 1948, to the State of California.

As you are aware, concern has been expressed that some of the parking activities may not have been consistent with the restrictions associated with the transfer of the subject property. We now find, however, that some 94 percent of the utilization of the parking facility is associated with University activities. While all of such usage may not be specifically associated with the research and medical center, alternate parking facilities in other areas of the campus are sharing some of the parking needs of the research and medical center personnel. In other words, if we were to force all research and medical center people to park in the parking lot in question, full utilization of that space would probably occur.

An additional concern was the public parking usage which was authorized by the University as a public service where not required by University needs. It is my understanding that you have tightened up this public parking utilization during the day and any such usage must now be considered minimal.

In light of the above, we have concluded that there is substantial conformance with the restrictions associated with the land transfer, and we see no need for further action by the Veterans Administration at this time in connection with the non-conformance issue.

Sincerely yours,

JOHN P. MURPHY,
General Counsel.

ACQUISITION OF BUILDINGS FOR STATE HOME FACILITIES

Mr. CRANSTON. Mr. President, included in title 38, United States Code, are two programs of assistance to State veterans' home extended-care facilities which provide care to veterans who are eligible for VA care: A program of per diem payments for care provided to veterans in such facilities; and a program of matching grants for the construction, remodeling, or renovation of State veterans' homes. I strongly support both of these State home programs, which I view as vital adjuncts to the VA's overall efforts. I was very pleased that the Congress last year enacted legislation I proposed to provide an overdue increase in the per diem rates paid under the first program.

Included in the amendment, on behalf of my colleague on the committee from Minnesota [Mr. BOSCHWITZ], is a provision, section 15, addressing the other element of VA assistance to the State home program—the matching grant program. Under current law, the VA is authorized to provide matching grants to States for the construction of new nursing home and domiciliary facilities. It is the VA's view that under current law, such grants cannot be made to States for the purpose of purchasing an existing facility in order to convert it to a State veterans' home facility. This limitation seems unnecessarily restrictive, especially at a time when there is significant interest in expanding the State home program in order to help meet the extended health-care needs of an ever-growing population of older veterans. The provision in the committee amendment would remove this restriction in situations where the purchase and adaptation of a facility would not be more costly than new construction, and I am pleased to support this provision.

SENSE OF THE CONGRESS REGARDING CERTAIN GRACE COMMISSION RECOMMENDATIONS

Mr. President, I am also very pleased that the amendment includes a provision, section 16, offered on behalf of my good friend from Arizona [Mr. DECONCINI], myself and Senators RANDOLPH, MATSUNAGA, PELL, SARBANES, HEFLIN, and BURDICK, which will put the Congress on record with reference to certain recommendations of the President's Private Sector Survey on Cost Control, the so-called Grace Commission. The Grace Commission recommendations at issue all relate to the VA health-care system, and I believe it is vitally important that the Congress express clearly its continuing, full support of the maintenance of a vital, independent VA health-care system and its concern about the implications of recommendations that could undermine that system.

Mr. President, challenges to the VA health-care system are not new, and the recommendations of the Grace Commission in this area are not unprecedented. As in the case of previous challenges to the integrity of the VA health-care system, the Grace Commission's views reflect little understanding or appreciation of the complexities of the VA system or of the implications of proposals to make sweeping changes in it.

Let me be clear—I do not believe that the VA health-care system is without flaws. But I do not believe the relevant debate is over the question of whether the system should be dismantled or altered in fundamental ways. The only way we can effectively meet our national obligation to provide care to veterans disabled during their service, I am firmly convinced, is through the maintenance of a comprehensive, nationwide VA system such as exists at present. To this end, our amendment essentially points out that the Grace Commission recommendations must be viewed in the context of two provisions of law enacted by Congress—expressly requiring the VA to maintain a "comprehensive, nationwide health-care system for the direct provision of quality health-care services to eligible veterans" and also requiring the VA to operate and maintain not less than 90,000 hospital and nursing home beds—and in view of certain facts that the Grace Commission does not seem to have been aware of or taken into account. The provision concludes by expressing the sense of the Congress that the Grace Commission recommendations must be evaluated in light of the national commitment to the VA health-care system and that no action should be taken on those recommendations without their policy implications having been given careful consideration, in the hearing process, by the Committees on Veterans' Affairs of both Houses.

I congratulate Senator DECONCINI for continuing to pursue the resolution he introduced on April 19, 1984, with the cosponsorship of Senators RANDOLPH, MATSUNAGA, and myself—Senate Resolution 364— relating to the Grace Commission's findings in this area and am very pleased that a provision based on this resolution is included in the floor amendment.

AUTHORITY TO ADJUST RATES OF PAY FOR CERTAIN PSYCHOLOGISTS

Mr. President, another provision in the amendment, section 17, would provide the VA Administrator with new authority to modify the rates of basic pay for certain psychologists working in the VA's Department of Medicine and Surgery—DM&S. This provision, which was included in the amendment at my request on behalf of my good friend from Hawaii [Mr. INOUYE] and Senators MATSUNAGA, RANDOLPH, DECONCINI, and MELCHER, is derived from S. 155, legislation introduced by Senator INOUYE.

Under the provisions in the amendment, the VA Administrator, when necessary for recruitment and retention purposes, would be authorized to modify the rates of basic pay for clinical or counseling psychologists working in DM&S who hold diplomas as diplomates in psychology from an accrediting authority approved by the Administrator. The principal such authority is the American Board of Professional Psychology. These are so-

called board-certified psychologists. In order to exercise this authority, the Administrator would have to find that increased rates were needed in order to achieve one or more of the following purposes set forth in current section 4107(g)(2) of title 38: First, to provide rates of pay competitive with the rates paid to such individuals by non-Federal employers in the same labor market; second, to achieve adequate staffing at particular facilities; or, third, to recruit persons with specialized skills.

Mr. President, despite my longstanding support for the profession of psychology and the role of the psychologist as an independent health-care provider, I was unable to support S. 155 as introduced. The primary reasons for my position were twofold: First, I was unaware of any data which suggested that the VA was experiencing difficulties in recruiting or retaining board-certified psychologists, and, second, I was unaware of any reason for singling out psychologists, as proposed in S. 155, from other DM&S health-care professionals employed under title 5, United States Code, to receive additional pay, automatically and across the board, for receiving an advanced degree. The distinguished chairman of our committee [Mr. SIMPSON] likewise was not able to support S. 155 as introduced.

Because of my strong interest in the issue of DM&S staffing and my strong conviction about the important role of psychologists in the VA, however, I pursued the issue of the VA's need for board-certified psychologists and became convinced that there may be a problem in this area. Although the VA is not able at this time to state exactly how many such psychologists would be desirable and appropriate within DM&S, the Acting Chief Medical Director has indicated a clear belief that having more board-certified psychologists in DM&S would improve the overall quality of psychological care provided to eligible veterans. In light of this VA position, I worked closely with Senator INOUYE to develop an approach satisfactory to both of us that would provide the Administrator with increased flexibility to modify rates of base pay on a local, national, or other geographic basis as necessary to attract and retain clinical and counseling psychologists with board certifications. Under the compromise added by the floor amendment, clinical and counseling psychologist rates of pay within the Department of Medicine and Surgery would be placed in the same category as rates of pay for licensed vocational or practical nurses and for certified or registered respiratory therapists, and licensed physical therapists working in DM&S. Last year, in Public Law 98-160, the Congress gave the Administrator broad rate-setting authority with respect to those three title 38 health professionals. I am pleased that we were able to develop this compromise and look forward, if the provision is enacted, to the VA's effective and appropriate utilization of it.

Mr. President, I ask unanimous consent that the text of correspondence I have had with the VA on this issue be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 8, 1984.

Dr. DONALD L. CUSTIS,
Chief Medical Director, Veterans' Administration, Washington, DC.

DEAR DON: Recently, a constituent and long-time friend, Dr. Joan Willens, wrote to me regarding S. 155, legislation that would authorize the Administrator of Veterans' Affairs to pay incentive pay to VA psychologists who obtain board certification or who receive an additional advanced degree. You will recall that we have previously corresponded about this measure (see my August 23, 1983, letter to you, your September 12, 1983, response, and follow-up correspondence).

In her letter, Dr. Willens noted that "only 7% of VA psychologists have earned their boards". Without reaching any final judgments on the implications of that statement, I am concerned that the VA's having such a small percentage of board-certified psychologists may raise questions about the overall quality of the VA's psychology program. So that I might have a better understanding of this issue, I would appreciate your responses to the following questions:

1.A. How does the percentage of VA psychologists (separately for clinical and other psychologists) who have obtained board certification compare to the percentages of clinical and other psychologists in the profession as a whole?

B. Please provide the same data as in A, with respect to both clinical and other psychologists, for VA facilities as compared to non-VA hospitals (and separately as compared to community mental health centers).

C. What has been DM&S's experience over the past five fiscal years with respect to the percentage of its psychologists that is board certified?

2. Ideally, how many psychologists positions in DM&S should be filled by psychologists who have obtained board certification?

3. Do you believe that being able to provide additional incentives pay for obtaining board certification would improve the VA's ability to attract and retain psychologists with such qualifications?

4. Would providing special authority to utilize the Government Employees Training Act or comparable VA authority (even though there would be no increase in responsibilities for the participants) to pay for the costs of a VA psychologist obtaining board certification improve the VA's ability to retain a higher quality of clinical psychologists? (In this regard, I note that a provision to grant such authority for nurses was included in section 106(2) of S. 2543 as passed by the Senate on June 5, 1980 (copy enclosed).)

5. In light of the fact that VA psychologists are hired under the authority of title 5, United States Code, has the VA requested the Office of Personnel Management to provide authority for increased pay to psychologists who obtain board certification?

Thank you, Don, for your continuing cooperation and assistance.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

Enclosure.

VETERANS' ADMINISTRATION,
DEPARTMENT OF MEDICINE
AND SURGERY,
Washington, DC, June 20, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Your letter of May 8, 1984, to Donald L. Custis, M.D., asks some specific questions concerning the issue of incentive pay for VA psychologists who obtain board certification. While data are not available for all of the questions you asked, I will attempt to be as comprehensive as possible.

Question 1A. How does the percentage of VA psychologists (separately for clinical and other psychologists) who have obtained board certification compare to the percentages of clinical and other psychologists in the profession as a whole?

Question 1B. Please provide the same data as in A, with respect to both clinical and other psychologists, for VA facilities as compared to non-VA hospitals (and separately as compared to community mental health centers.)

Answer to Questions 1A & 1B: The following data are provided as partial answers to these questions. Information concerning non-VA hospital's level of ABPP certified psychologists is not currently available.

Board Certification—Profession as a Whole: The American Psychological Association just completed a study that indicates that 10.4 percent of doctoral level clinical and counseling member psychologists have completed the ABPP certification process.

Board Certification—VA Psychologists: The Association of VA Chief Psychologists just recently completed a study intended, in part, to answer questions raised by the members of the Senate and directed to the Chief Medical Director. This study involved over 75 percent of VA psycologists. The Association has provided the information presented below:

DIPLOMATE STATUS OF CHIEFS OF PSYCHOLOGY

	Number	Percent
ABDP:		
GM-13	1	4.3
GM-14	14	23.3
GM-15	3	18.8
Total	18	18.2
Other boards:		
GM-13	2	8.7
GM-14	5	8.3
GM-15	2	12.5
Total	9	9.1

Number of Diplomates on staff at close of FY 1981: ABPP—59 or (5.6 percent); other boards—18 or (1.7 percent).

Number of Diplomates Hired or Transferred in during FY 1982 and FY 1983: ABPP—4; other boards—18.

VA Staff Psychologists Awarded Diplomates during FY 1982 and FY 1983: ABPP—9; other boards—15.

VA Staff Psychologists with Diplomates who Left Stations during FY 1982 and FY 1983: Retired—ABPP, 7; other boards, 1. Resigned—ABPP, 5; other boards, 2. Transferred Out— ABPP, 0; other boards, 1.

Question 1C. What has been DM&S' experience over the past five years with respect to the percentage of its psychologists that are board certified?

Answer. VACO Mental Health and Behavioral Sciences Service indicates that slightly less than 7 percent of clinical and counseling psychologists in the VA have the ABPP. This has remained substantially unchanged over the past five years: 1976—110 Diplomates; 1979—79 Diplomates; 1982—89 Diplomates.

Question 2. Ideally, how many psychologist positions in DM&S should be filled by psychologists who have obtained board certification?

Answer. Ideally, if available, it would be desirable if approximately 1100 of the current 1435 psychologist positions in DM&S represented the highest level of comprehensive psychological functioning in patient care areas. The remaining positions would be occupied by entry-level psychologists requiring greater supervision and expertise.

Question 3. Do you believe that being able to provide additional incentive pay for obtaining board certification would improve the VA's ability to attract and retain psychologists with such qualifications?

Answer. Yes. It is not clear, however, what type of incentive pay would yield the most cost effective results for the desired outcome of encouraging present staff to pursue this goal and to attract and retain individuals with such qualifications. DM&S will continue to study the alternatives.

The following data from the above cited study by the Association of VA Chief Psychologists indicate that various options could have various impacts. For example:

Would you take the ABPP Examination if offered a $2,500 per year bonus? Yes, 56.6 percent; no, 24.6 percent; do not know, 18.8 percent.

Would you take the ABPP Examination if offered a one-time award of $1,000—$2,000? Yes, 24.7 percent; no, 55.3 percent; do not know, 20.0 percent.

Would these methods of recognition help significantly in retaining and recruiting competent staff? Yes, 48.5 percent; no, 33.0 percent; do not know, 18.5.

It should be noted that some VA psychologists are not eligible to take boards, and that others are too senior in their careers to see the value of the extra study, preparation and expense involved in obtaining boards. Although the goal of having staff with the highest credentials is laudable, it is not yet clear what incentive would achieve that goal. Additionally, it is recognized that use of other authorities such as those granted by PL 96-330 and PL 98-160 may contribute to the VA's ability to attract the most qualified psychologists.

Question 4. Would providing special authority to utilize the Government Employees Training Act or comparable VA authority (even though there would be no increase in responsibilities for the participants) to pay for the costs of a VA psychologist obtaining board certification improve VA's ability to retain a higher quality of clinical psychologists? (In this regard, I note that a provision to grant such authority for nurses was included in section 106(2) of S. 2543 as passed by the Senate on June 5, 1980.)

Answer. Undoubtedly a greater number of psychologists would pursue board certification if they would not have to absorb the cost. However, it is unclear whether such an authority would impact on retention. The provision of S. 2543 that you referenced provided for a guaranteed "pay back" in the form of years of service in return for training support to a nurse pursuing a degree. It is questionable to what extent such a provision for "pay back" would be reasonable in the case of psychologists pursuing board certification. Further, many occupations recognize certifying boards and encourage this form of credentialling. In view of this, DM&S would have to consider the impact and potential costliness if such an authority as you suggest were to apply to a number of occupational groups.

Question 5. In light of the fact that VA psychologists are hired under the authority of title 5, United States Code, has the VA requested the Office of Personnel Management to provide authority for increased pay to psychologists who obtain board certification?

Answer. The VA has not requested increased pay for psychologists who obtain board certification because supportive data has not been fully accumulated. VA's authority to approve special rates for direct health care occupations has not been fully implemented. DM&S has not had the opportunity to use the authority for appropriate occupational situations. The Department is aware of the need to study various alternatives to determine which would be most effective and least costly in accomplishing the objective of insuring the VA's employment of well-qualified psychologists to provide quality patient care.

I hope that this information will be of value to you.

Sincerely,

JOHN A. GRONVALL, M.D.,
Acting Chief Medical Director.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, July 2, 1984.

Dr. JOHN A. GRONVALL,
Acting Cheif Medical Director, Veterans' Administration, Washington, DC.

DEAR JOHN: Thank you for your June 20, 1984, response to my May 8, 1984, letter regarding various issues related to psychologists employed in DM&S. I very much appreciated receiving your detailed answers.

So that I might have a better understanding of the agency's overall position on these issues and on some specific points in your reply, I have a few follow-up questions to some of the answers in your letter. Specifically, I am interested in your answers to the following questions:

1. In answer to question 1B, you note, "Information concerning non-VA hospitals' level of ABPP certified psychologists is not currently available."

A. Do you anticipate that this information will be available in the near future?

B. Is there a basis for estimating whether the level of psychologists with ABPP certification in non-VA hospitals is higher or lower than the level in the profession as a whole (noted as 10.4% in your letter)?

2. In your answer to question 2, you indicated that "it would be desirable if approximately 1100 of the current 1435 psychologist positions in DM&S represented the highest level of comprehensive psychological functioning in patient care areas."

A. Approximately how many of the psychologists in these 1435 positions at present represent that "highest level", and is that term a reference to board certification?

B. Of the psychologists presently in those positions, how many do you believe (i) are eligible to take the ABPP examination; (ii) would actually take the examination, if a salary incentive existed to do so; and (iii) would likely pass the examination and thus obtain board certification?

3. In your answer to question 3, you indicated that "it is recognized that use of other authorities such as those granted by P.L. 96-330 and P.L. 98-160 may contribute to the VA's ability to attract the most qualified psychologists." I agree with this statement and would appreciate further information on how the agency believes such authorities might be used and the timetable for any such action.

4. In your answer to questions 1A and B, you indicated that, at the close of FY 1981, 5.6 percent of VA staff psychologists had ABPP certification. In your answer to question 1C, you indicated that "slightly less than 7% of clinical and counseling psychologists in the VA have the ABPP." What is the relationship between these two percentages?

Thank you, John, for your continuing assistance and cooperation. I would very much appreciate a reply by July 20.

With warm regards,

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

PROGRAM GUIDE ON ALZHEIMER'S DISEASE

Mr. CRANSTON. Mr. President, the Simpson-Cranston amendment also includes a provision offered on behalf of my good friend from Ohio [Mr. METZENBAUM] and derived from S. 2220, legislation he introduced earlier this year relating to VA care for veterans suffering from Alzheimer's disease and related neurological diseases. Although Chairman SIMPSON and I were unable to support S. 2220 as introduced, I am pleased, in light of Senator METZENBAUM'S, as well as my own, strong personal interest in this issue, that we were able to work with him to develop a provision acceptable to all of us which is now included in the amendment.

Mr. President, the provision in the amendment would require the Administrator of Veterans' Affairs, within 180 days of the date of the enactment of this measure, to disseminate to appropriate VA health-care facilities and submit to the Committees on Veterans' Affairs in both Houses a program guide on Alzheimer's disease and related neurological diseases. Such a program guide, which has been under development by the VA for a number of years, would be required to clarify VA policy regarding the authorization and provision of treatment, including diagnosis, information, outpatient services, hospital care, and nursing home care, of veterans who are eligible for such services under title 38, United States Code, and who are suffering from Alzheimer's disease and related neurological diseases. It has been contended by some who are active in working with Alzheimer's victims that there is some confusion at the local VA facility level about agency policy in this regard.

This program guide should help end any such confusion and should provide a basis for more widespread understanding of VA policy in this area.

Mr. President, I want to make two additional points on which our acceptance of this provision is premised. First, this provision does not provide any new authority to furnish, or new eligibility for, health-care services from the VA. Second, the provision also does not mandate the content of the agency policies that would be stated in the guide with respect to the VA's use of its existing statutory authority to provide health-care services with respect to Alzheimer's disease. In essence, the amendment would require the VA to complete work on and disseminate a program guide that has been under development for far too long.

Mr. President, I ask unanimous consent that a copy of a November 9, 1982, letter to me from the VA's then Chief Medical Director, Dr. Donald Custis, which discusses the program guide and which was in response to an inquiry I made on behalf of Ms. Joy Glenner, a constituent of mine from San Diego who is very active on matters relating to Alzheimer's disease, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
DEPARTMENT OF MEDICINE AND SURGERY,
Washington, DC, November 9, 1982.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Thank you for forwarding the inquiry of your constituent Mrs. Joy Glenner regarding VA guidelines for treating veterans with Alzheimer's Disease. Mrs. Glenner's letter is a moving statement regarding the difficulties faced by patients with this disease and their families.

Mrs. Glenner correctly points out that there is a lack of uniformity in the approach to diagnosis and treatment of dementia in both the private sector and in public medical care systems such as the VA. The medical responsibility for the diagnosis and management of this disease is determined by medical staff at our VA medical centers in accordance with the needs of the patients and the availability of resources to the responsible medical centers. Alzheimer's Disease is considered a nonservice-connected disability. A VA Central Office task group is in the process of developing a program guide to assist medical staff in our hospitals to improve the diagnosis and management of Alzheimer's disease and to help pool resources and talents as to better meet patient needs. Educational activities for staff are being conducted on a routine basis.

The VA is conducting research directed to the causes and improved management of this disease at five of our Geriatric Research Educational and Clinical Centers (Bedford/Boston, MA, Minneapolis, MN, Palo Alto, CA, Sepulveda, CA and Seattle, WA) as well as numerous individual medical centers such as the Bronx VAMC. There are no plans to mandate the creation of Alzheimer's research centers in the VA at this time. However, where our medical centers develop expertise in treating this disease, and where patient care needs dictate, it is possible for them to obtain educational and research funds through existing mechanisms.

Management of Alzheimer's disease requires cooperation between professional staff and the family of the patient. Many of our staff are active participants in chapters of Alzheimer's and Related Disorders Association and VA staff at Bedford, MA have helped establish chapters in the community as well as for patients in the VA hospitals.

I appreciate the concern of your constituent for veterans with Alzheimer's Disease.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

VA FACILITY NAMINGS

Mr. CRANSTON. Finally, Mr. President, I want to make mention of the amendment provisions for the naming of two VA Medical Centers.

The first, offered by Senators KASTEN and PROXMIRE, would name the VAMC in Milwaukee, WI, after the late Congressman Clement G. Zablocki of Wisconsin, the very distinguished and sorely missed chairman of the House Committee on Foreign Affairs. The second, offered by Senators SASSER and BAKER, would name the VAMC in Murfreesboro, TN, in honor of Sgt. Alvin C. York, the renowned World War I hero and Medal of Honor winner.

Mr. President, as members may know, the Committee on Veterans' Affairs has a committee rule with respect to its policy regarding the naming of VA Medical Centers. Both of these namings meet all of the committee's criteria as they were amended at a committee meeting on July 25, 1984.

CONCLUSION

Mr. President, as always, it has been a great pleasure to work with the chairman [Mr. SIMPSON] and all the members of the committee in the development of legislation to meet important needs of the Nation's veterans.

This bill, as it is before the Senate today, is the result of true bipartisan effort—the type of effort that we on the Veterans' Affairs Committee always strive to put forth. I want to note the hard work of, and to thank, the committee staff members who worked on this legislation: Cindy Alpert, Vic Raymond, Tony Principi, and Julie Susman, on the majority staff; James MacRae who so ably provides editorial support to the committee; and, on the minority staff, Bill Brew, Katy Brudick, Ed Scott, Jon Steinberg, Charlotte Hughes, and Ingrid Post.

I believe S. 2514 as reported and amended is a well-balanced, fully appropriate measure that, if enacted, will be of substantial help to the VA in seeking to fulfill its health-care mission. It has the unanimous support of the members of the Veterans' Affairs Committee and has wide support among the veterans' service organizations. I urge my colleagues to give this measure their full support.

Mr. BAKER. Mr. President, I am proud to support the legislation which will name the Veterans' Administration Medical Center in Murfreesboro, TN, in honor of the late Sgt. Alvin C. York.

For his outstanding combat heroism during World War I, Sergeant York was awarded the Congressional Medal of Honor, the French Croix de Guerre, and the Tennessee Medal for Valor. Sergeant York is one of Tennessee's most prominent heroes and an illustrious veteran all Americans can admire. The fine Murfreesboro medical facility will provide an appropriate and long overdue memorial to Sergeant York and all brave veterans who have given their talents in the defense of our Republic and the freedoms we cherish.

Mr. THURMOND. Mr. President, I rise in support of S. 2514, the Veterans' Administration Health Care Amendments of 1984.

The chairman of the Senate Veterans' Affairs Committee, Senator SIMPSON, and the ranking minority member, Senator CRANSTON, both are to be commended for their fine work on this legislation.

Mr. President, I believe that S. 2514, which received the unanimous approval of the Senate Veterans' Affairs Committee on May 9, 1984, is meritorious legislation containing many significant provisions that will maintain and improve the quality of health care provided to our Nation's deserving veterans. Our country owes a great debt to its veterans, and we have an obligation to ensure that the Veterans' Administration is always able to meet the health care needs of eligible veterans.

Mr. President I am particularly pleased that S. 2514 contains a provision which would improve the health care provided to veterans suffering from "Post-Traumatic Stress Disorder" [PTSD] through the establishment of a Special Committee for PTSD. This special committee would assist the Chief Medical Director of the Veterans' Administration in developing policies, providing guidance and coordinating care for the treatment of veterans with this service-connected disorder. I am also pleased that this provision would require the Veterans' Administration to establish a National Center for PTSD for the purpose of conducting research and training of health care personnel. In addition, this national center would serve the important function of coordinating the exchange of information pertaining to PTSD among all Federal programs involved in PTSD research.

Mr. President, S. 2514 also contains a provision which requires the Veterans' Administration to report to Con-

gress on the kinds of care provided for the terminally ill and the chronically ill. I believe it is most appropriate that we examine compassionate alternative means of providing care for terminally ill veterans. At a time when many of our Nation's veterans are reaching the age of 65, we must work to ensure that our older veterans are provided with adequate health care.

Mr. President, I therefore support this legislation and commend it to my colleagues.

Mr. MITCHELL. Mr. President, I rise today to support the passage of S. 2514, the "Veterans' Administration Health Care Amendments of 1984," which is before the Senate at this time. The many excellent provisions which are included in this legislation have been described in detail by the distinguished chairman of the Veterans' Affairs Committee, Senator SIMPSON, and the distinguished ranking member, Senator CRANSTON, so that I don't feel it is necessary for me to discuss most provisions of this bill at length.

I would like to take several minutes, however, to discuss in some detail section 15 of the committee bill as reported by the Veterans' Affairs Committee on May 11, 1984. Section 15 would provide for a study and report on veterans eligible for VA health-care services who reside in areas remote from existing VA medical care facilities and a subsequent report on a possible experimental program to furnish care to the veteran in such areas.

The issue of health-care for rural, geographically remote veterans is one that has held great interest for me for as long as I have been a Member of the Senate. Over 150,000 veterans reside in my State of Maine; according to 1980 Census Bureau figures, 53 percent of all veterans in Maine live in rural areas. And in Maine, statistics clearly demonstrate that rural veterans utilize VA medical facilities significantly less than nonrural veterans.

Recognizing that, I introduced legislation early in this Congress, which would require the Administrator to establish an experimental program to determine the feasibility of furnishing diagnostic services to veterans living in certain areas of Maine. My legislation, S. 253, was the subject of hearings by the Veterans' Affairs Committee on July 13, 1983.

Testimony from that hearing and subsequent information reinforce what is already known about problems facing veterans in acquiring VA health-care in rural areas due to travel distances, adverse weather conditions and the capacity of VA facilities to meet veterans' needs. What I believe those hearings most significantly demonstrated was: First, the lack of reliable data about the location, number, and distribution of veterans in this country and their utilization of VA health-care facilities based on their distance from those facilities; and second, the absence of any creative, concerted, centralized effort by the VA to address, much less improve, its health-care service delivery to this country's geographically remote veteran population.

It is for those reasons that I introduced an amendment during committee markup of S. 2514, on May 9, 1984, to require a VA-study of eligible veterans residing in areas remote from VA health-care facilities and such veterans' use of VA health care. In carrying out the mandated study, the Administrator will develop statistics on the numbers of eligible veterans living various distances from VA facilities and their utilization of VA health-care services during fiscal year 1985. The Administrator will be required to submit to the House and Senate Committees on Veterans' Affairs a full report on the study by January 1, 1986. That report would include the Administrator's findings on the extent of the need for the VA to increase health-care services in rural areas.

Following that, the Administrator would be required to submit to those same committees by July 1, 1986, a report describing in detail an experimental national program that could be carried out in five locations to demonstrate alternative approaches that could be used by the VA to provide health-care services to eligible veterans in remote areas and the Administrator's recommendations as to whether any such projects should be carried out.

I firmly believe that when the VA documents, on a national basis, the utilization of VA health-care services by rural veterans the figures will show what our experience in Maine has already shown. That rural veterans are not using VA health-care services and facilities nearly to the extent of nonrural veterans. And from that documentation will come the realization that new, creative, alternative methods of delivering VA health-care to rural veterans must be instituted in a centrally directed effort by the Administrator if that discrepency is to be changed.

Mr. President before I close, I want to express my gratitude to both the chairman and ranking member of the Veterans' Affairs Committee for their efforts to work with me on this issue, to schedule hearings for my original bill, S. 253, and the topic of rural health-care for America's veterans during the committee's consideration of veterans health-care issues.

Mr. PRESSLER. Mr. President, I support the proposal to allow the Veteran's Administration to extend State home grant moneys to individual States for the acquisition of already-existing facilities. This would apply specifically to domiciliary and nursing home facilities. I urge my colleagues to support this cost-saving measure and I commend the Senate Veterans' Affairs Committee—and in particular, Senators BOSCHWITZ, SIMPSON, and CRANSTON—for bringing this legislation before the Senate today.

Presently, the VA grant moneys that are allocated to States for State home construction must be used for the building of new State homes or the modernization of existing ones. These grants make up approximately 65 percent of State home construction costs. This inflexible guideline means that an individual State is precluded from acquiring a presently unused private facility which might well meet its needs. This is inefficient management of limited Federal and State funds.

At this point, I would like to point out that the new plan would be executed with close VA supervision. Acquired facilities would initially have to meet certain health and safety standards. Also, at the time of acquisition, reasonable assurances must be made that the purchase cost, along with any remodeling or alteration, must not be more than the cost of constructing a new facility. In most cases, these costs should be much less.

It seems apparent that this legislation would do two very beneficial things. First, it would save money by cutting construction costs. Second, and equally significant, it would allow States that need to expand their State home facilities to do so more quickly. This should benefit elderly veterans who are in need of State home care.

All of us know that meeting the health care needs of our veterans will become increasingly more difficult in the years ahead. It is estimated that our 65 and older veterans—now numbering approximately 4 million—will reach 8 million by 1990 and 12 million by the turn of the century. We can expect that rising nursing home and related service costs in the private sector will force more and more elderly veterans to turn to VA and State home facilities. It goes without saying that the 103 nursing homes and 16 veterans homes that are presently staffed by the VA will not meet our needs.

Therefore, State home facilities are likely to come in increasing demand. The measure before us now is a responsible way of confronting this problem. This is not to say that it will do so on its own. However, it is a step in the right direction.

Mr. PRESSLER. Mr. President, I am pleased to act as a cosponsor of this amendment providing assistance to our veterans suffering from Alzheimer's disease. Alzheimer's disease is a form of dementia. It includes memory loss and confusion. It was once dismissed as senility, part of the aging process. Scientists have discovered that there are physical causes for the

disease. Many questions remain unanswered but we are making headway.

As we await treatment answers we must do all we can to assist the families of those suffering from this tragic disease. The Alzheimer's Disease and Related Disorders Association has done a tremendous job of organizing support groups for the families and friends. This assists with the emotional problem but cannot be an answer to the financial difficulties. We must help ease that burden.

With the passage of this amendment, we would undertake a national policy of counseling, treatment and information programs for our veterans. We also would provide a new category of eligibility for benefits. This addition would assist Alzheimer's victims in meeting costs of hospital and nursing home care.

As a member of the Senate Aging Committee and a Vietnam veteran, I have long been concerned with the needs of our veterans population. By the turn of the century an estimated 12 million veterans will be over 65 years old. I believe it is important to realize the gravity of this situation. At present, the Veterans' Administration operates 172 hospitals and 226 outpatient clinics. These facilities are presently at 95 percent of capacity. The VA must carefully plan for the new influx. With the passage of this amendment we will begin the coordination that is needed for the veterans community to deal with the tragedy of Alzheimer's disease. The health care costs for victims can drive the family into bankruptcy. Those of us in Congress must deal with some difficult health care questions. We are taking a big step forward today. I am pleased to be a part of this effort.

Mr. BOSCHWITZ. Mr. President, on May 24 of this year, I introduced legislation, S. 2715, that takes a simple straightforward step in improving veterans nursing home care.

My legislation, which was cosponsored by my friend from South Dakota, Senator PRESSLER, changes the Veterans' Administration's State Home Program to allow States to use their construction grant money to acquire and renovate already existing facilities.

The State Home Program now pays per diem rates for the care of the vets in the homes, and provides grants for up to 65 percent of the cost for construction or modernization of extended care facilities. This includes both domiciliary and nursing home care. It is a well-run, cost-effective program and my legislation will only improve it by giving States the flexibility to acquire—at much lower cost—an existing nursing home, rather than go to the expense of building a new one from scratch.

Today, I am offering my legislation as an amendment to the health bill because I feel it is very important and timely to make these needed improvements in veterans nursing home care.

Mr. President, in the next 5 years, the makeup of this Nation's veteran population will continue its steady shift. By 1990, this country's over-65 population will change such that 50 percent of the over-65 males will be veterans. And, by the end of the century, the current over-65 vet population of 4 million will grow to almost 9 million. Clearly, this is both an opportunity and a challenge for the veterans' health care system.

Currently, in Minnesota, 20 percent of our elderly are veterans and already 50 percent of the males over 65 are vets. We are also facing an incredible increase in the number of veterans over age 80—the group most likely to need and use long-term care facilities—from 5,500 now to over 600,000 by the year 2000.

Most people who know the circumstances realize that the VA does not have the resources to build the number of nursing homes it will need to handle the aging World War II veterans. We also realize that, even if the resources were available, a short-term solution of major nursing home construction would only leave us with a large number of unused facilities 20 to 30 years down the road. Therefore, we must find a wiser and more prudent way to provide care for these veterans.

I believe this amendment is one such prudent solution. I hope my colleagues will join me in supporting it.

Mr. DENTON. Mr President, the legislation before us today is an important step in providing improved health care to the veterans who have served our country and given of themselves in defense of our national freedom and security. It also exemplifies the dedication of the Veterans' Affairs Committee staff and the cooperation that is necessary on both sides of the aisle of produce legislation that best serves the interests of America's veterans.

The items contained in the legislation are beneficial to the majority of veterans in need of health care, and they provide a needed adjustment of and enhancement to current law. Provisions such as pilot programs for alcohol and drug rehabilitation, telecaptioning television decoders for the deaf, and automobile adaptive equipment for the disabled are necessary to the health and well-being of our veterans.

In addition, the legislation provides for several reports to facilitate the study of problems peculiar to veterans and to assist us in our future legislative efforts. Among the reports are one on community referral coordination by VA facilities in order to assist veterans seek help outside the facility; one on programs that provide for hospice or related health care for terminally ill patients; and one on readjustment counseling for active duty military personnel who served in Vietnam, who have been involved in other areas of hostile activity, or who have been held as prisoners of war.

I am pleased to support legislation that gives attention to recurrent problems among the veterans population.

Thank you, Mr. President.

Mr. DECONCINI. Mr. President, I would like to express my strong support for the Veterans' Administration Health Care Amendments of 1984, S. 2514, and the committee amendment thereto. The distinguished chairman of the Veterans' Affairs Committee, Senator SIMPSON, and the extremely able ranking minority member, Senator CRANSTON, have crafted an outstanding bill which will significantly improve, enhance, and expand health care opportunities for our Nation's veterans.

I am particularly pleased that the committee amendment to S. 2514 includes a sense of the Congress resolution relating to certain recommendations made by the Grace Commission on VA health care. After reviewing the Grace Commission's recommendations early this year, I concluded that a number of them had serious policy implications which, if adopted, would have had the effect of eliminating a comprehensive and independent health care system within the Veterans' Administration.

On April 9, 1984, I introduced Senate Resolution 364, a resolution expressing the sense of the Senate that certain specific recommendations of the Grace Commission relating to VA health care be rejected as a matter of national policy. The distinguished ranking minority member of the Senate Veterans' Affairs Committee, Senator CRANSTON, and my colleagues on that committee, Senators RANDOLPH and MATSUNAGA, joined me in introducing that resolution. Subsequently, Senators PELL, SARBANES, BURDICK, and HEFLIN added their names as cosponsors of Senate Resolution 364 and they wish to be cosponsors of provision 16 in the committee amendment relating to the Grace Commission.

The provision included in the committee amendment relating to the Grace Commission's VA health care recommendations represents a compromise among Senators SIMPSON, CRANSTON, and myself. I am pleased that we were able to reach agreement on this issue and believe the sense of Congress resolution contained in the committee amendment achieves the result I intended when I introduced Senate Resolution 364.

The Grace Commission's VA health care recommendations which were of particular concern to me and which are addressed in the sense of Congress resolution are as follows:

First, that funds for construction of Veterans' Administration hospitals not already under contract be deleted from the Veterans' Administration budget, that bids be invited from private hospital management companies to lease hospital facilities to the Veterans' Administration under long-term contracts, and that such facilities be managed by private companies under short-term contracts.

Second, that the Veterans' Administration eliminate such number of Veterans' Administration hospital beds as is necessary to achieve an 80-percent occupancy rate for such beds.

Third, that the Veterans' Administration consider converting some underutilized acute health-care facilities to extended health-care facilities and phasing out old hospital facilities which may be in need of replacement or significant reconstruction.

It was my view that these recommendations posed a threat to the integrity of the VA health care system and were inconsistent with two provisions of existing law; namely, the requirement that the VA maintain a "comprehensive, nationwide health care system for the direct provision of quality health care services to eligible veterans," and the requirement that the VA operate and maintain not less than 90,000 hospital and nursing home beds.

I think all my colleagues would agree that adoption of the aforementioned Grace Commission's recommendations would represent a fundamental change in the way VA health care services have been traditionally delivered to veterans and that they ought not to be implemented without thorough congressional review. That is exactly what the sense of Congress resolution concludes. It states that no action to implement these recommendations should be taken without their policy implications having first been given full and careful consideration, after appropriate hearings, by the Committees on Veterans' Affairs of the House of Representatives and the Senate.

I hope adoption of this amendment will reassure veterans that this body remains committed to an independent, quality health care system within the Veterans' Administration.

Again, I thank Senators SIMPSON and CRANSTON for including the sense of Congress resolution in this bill.

Mr. COHEN. Mr. President, I rise in support of S. 2514 and to commend my colleagues who sit on the Committee on Veterans' Affairs for their continued, strong support of programs of benefit to our Nation's veterans.

It is all too easy for us to forget the countless sacrifices that those veterans who have served our country, both in time of war and peace, have made in order to preserve this remarkable society in which we are so privileged to live.

The work of the Committee on Veterans' Affairs reminds all of us of the debt that we owe to our veterans. The far-reaching measures that are contained in the Veterans' Administration Health Care Amendments of 1984, which are now before us, represent a substantial, if only a partial, repayment of that debt.

More specifically, Mr. President, I want to extend my gratitude to Senator SIMPSON and Senator CRANSTON, and particularly to Senator MITCHELL, for their cooperation and diligence in developing section 15 of this bill—a section that represents an important first step toward improving the Veterans' Administration's delivery of health care services to eligible veterans who live in remote areas of the country.

Section 15 of S. 2514 gives congressional recognition to the fact that millions of veterans, who are eligible for health care services from existing Veterans' Administration facilities, reside in areas of the country that are geographically remote from these facilities. Recognition is also given to the fact that this geographical disadvantage keeps these veterans from obtaining necessary health-care services from the VA in many, many cases.

Because the Veterans' Administration has not begun to focus on this widespread problem—a problem which impedes the delivery of VA health-care services to eligible rural veterans—this bill requires the Administrator of Veterans' Affairs to begin to develop information about rural veterans so that alternative approaches to provide adequate services to these veterans can be developed.

In time, the Administrator is to recommend a pilot program to be carried out in five remote areas of the country to demonstrate the feasibility of alternatives to the current, inequitable system.

Because the need for alternative VA health care services for rural veterans has been brought to the attention of the Congress by the veterans in Aroostook County, ME—where veterans must travel 400 or 500 miles round trip for care at the only VA hospital and outpatient clinic in Maine—it is my intention to work to create one of these pilot programs in Aroostook County.

My involvement in the issue of rural veterans' health care in Aroostook County dates back many years, to my service in the House of Representatives. In 1979, my first year in the Senate, the Hayward-Frazier Post of the Veterans of Foreign Wars, in Presque Isle, ME, first petitioned the Veterans' Administration for the establishment of an outpatient clinic in Aroostook County. Because the VA believed that it did not have the available resources to meet the needs of those rural veterans, as well as others in Maine and across the country, the request was denied.

Subsequent to that decision, the Aroostook County Veterans Medical Facility Corp. was formed in January of 1980. It has worked long and hard over the past 4 years for the establishment of a diagnostic-care facility in Aroostook County. A year ago, corporation officials were successful in setting up, in conjunction with the VA Medical Center at Togus, ME, a followup care program at the Cary Medical Center in Caribou. Although the VA has canceled this program, a similar followup care alternative for Aroostook County veterans is again in place.

Senator MITCHELL's bill, S. 523, also sought to establish a diagnostic-care facility in Aroostook County in order to meet those veterans continuing needs.

Although much time and effort has gone into trying to force the Veterans' Administration to consider the special circumstances of the rural veteran, we have been blocked at every turn.

Mr. President, although the needs of Maine's 55,000 rural veterans are significant and demand attention, they are by no means unique. Millions of veterans in others rural areas of the country also face the same difficulties that are imposed by time, distance, adverse weather conditions, and the lack of public transportation. These impositions are a special burden upon aged veterans, who, in many instances, may simply be unable to make any long journey.

This is a national problem and I am encouraged that the Committee on Veterans' Affairs also perceives this issue in this light. In my opinion, only by establishing a national system that would be of benefit to all rural veterans can the veterans of Aroostook County, and other rural veterans in Maine, enjoy consistent and accessible extended VA health care. The need for this care is acute in Maine, and I look forward to continuing to work with the committee and the Veterans' Administration in order to expedite the implementation of such a national system that will ultimately be of benefit to Maine's rural veterans.

Mr. METZENBAUM. Mr. President, today Senators MELCHER, DIXON, HAWKINS, PRESSLER, BINGAMAN, LEAHY, D'AMATO, and HEINZ join me as cosponsors of an amendment which I have offered to this measure that will create a clear national policy directive from the Veterans' Administration regarding the treatment and care of veterans who have been stricken with Alzheimer's disease. I wish to commend the Committee on Veterans' Affairs and, in particular, the distinguished committee chairman, Senator SIMPSON, and the ranking minority

member, Senator CRANSTON, for their hard work on this issue and on all matters pertaining to the health and well-being of our Nation's veterans.

Alzheimer's disease, Mr. President, is one of the most serious medical problems we face today.

As many as 4 million people in this country are afflicted by Alzheimer's.

This cruel disease kills 120,000 Americans per year.

It is responsible for an estimated 50 percent of nursing home admissions. Annual medical expenditures for the treatment of Alzheimer's comes to $26 billion.

As our population ages, the statistics will worsen.

But in spite of the growing problem of Alzheimer's disease, it is a fact that the VA hospital system has no national policy at present with regard to veterans suffering from this ailment. Treatment, hospitalization, nursing home care—all of these are available only at the discretion of individual VA hospital directors.

What is the result? The result, Mr. President, is a crazy quilt pattern of services. Some VA hospital directors choose to accept Alzhemier's patients. Those are the lucky ones—and theirs are the lucky families.

But according to the Alzheimer's disease and related disorders association, many veterans are unable to obtain care for Alzheimer's at VA institutions.

Our amendment is intended to do just one thing—to clarify VA policy on Alzheimer's patients. The amendment states simply that the VA produce a program guide which will end any ambiguity regarding the authorization and provision of treatment for veterans suffering from Alzheimer's disease and related neurological diseases.

Mr. President, the devastating statistics I have cited about Alzheimer's disease cannot begin to tell the whole story. The millions of victims, the thousands of deaths, the billions of dollars—none of these numbers carry with them a sense of the human suffering caused by this terrible disease.

As an Alzheimer's victim slowly disintegrates, the collective spirit of his or her loved ones also crumbles. Alzheimer's disease bankrupts families—financially and emotionally.

I am pleased that the Senate has recognized the serious and urgent nature of this problem. In the past year, we have passed legislation to encourage research that may ultimately help make the lives of the victims and their families more livable. I would also like to commend the distinguished Congresswoman from Maine, OLYMPIA SNOWE, who has introduced similar legislation on the House side and who has a longstanding commitment to the defeat of Alzheimer's disease.

Mr. President, this provision is another important step in the direction of coping with a national problem that cannot be ignored.

I urge my colleagues to support this amendment.

Mr. INOUYE. Mr. President, I am most pleased that my colleagues on the Veterans' Affairs Committee have agreed that the time has come to recognize and to provide financial incentives to those psychologists in the Veterans' Administration [VA] who have demonstrated exceptional expertise by obtaining national board certification.

My proposal, which has now been incorporated into the larger VA Health Care Act, essentially treats VA psychologists in a manner compatible with their medical colleagues. My original proposal would also have provided the Administrator of the Veterans' Administration with additional authority to provide similar financial incentives for those psychologists who obtained additional advanced educational expertise, such as a master's in public health [MPH], which the Administrator feels is in the best interest of the VA. With our ever-aging veteran population, additional training in gerontology at a school of public health would be advantageous. By mutual agreement, however, that portion of my original proposal (S. 155) has been deleted at this time. However, I look forward to testifying before the Senate Veterans' Affairs Committee on this and related issues next legislative session.

In my judgment, we must continue to ensure that our Nation's veterans will receive the highest quality health care services possible.

Mr. WILSON. Mr. President, I rise today in support of the amendment which would direct the Administrator of Veterans' Administration to modify the reversionary interest of the United States in certain lands previously conveyed to the State of California for the use of the University of California. The text of this amendment is identical to a bill, H.R. 2629, introduced by my distinguished colleague from the other body, Mr. BEILENSON of Los Angeles, which was passed unanimously on the floor of the House last November 8. The amendment also enjoys the support of the Veterans' Administration, the Department of Justice, and the Office of Management and Budget.

This is a simple amendment designed to allow the University of California to make better use of a 35-acre parcel of land originally conveyed by the Veterans' Administration in 1948. At that time, conditions were placed on the deed transfer requiring that the property be used for medical research or related purposes only. This legislation, Mr. President, would allow this land to be used for cultural and educational purposes as well as medical. As in the case of the original law granting the property to UCLA, the amendment provides that the property shall revert to the United States if it ceases to be used for the purposes specified by it.

Much has changed on the campus of UCLA since 1948. Its world renowned medical center is located much closer to the heart of campus, a good distance from the property in question. While the only facilities presently on the site are medically oriented, the passage of time and changed circumstances make the further construction of major medical facilities on this site incongruous with its optimal use and extremely unlikely. Additionally, Mr. President, the lack of space on the UCLA campus, and the location of this property next to Westwood Village—a fast growing commercial and cultural mecca—make this property the ideal site for a number of possible projects that will complete the growth of the campus.

Mr. President, this is a simple amendment and it is noncontroversial. I urge its adoption.

Mr. STEVENS. I ask for adoption of the committee substitute as amended by the Simpson-Cranston amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, I now ask the Chair to lay before the Senate Calendar No. 1106, which is H.R. 5168, the House companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5618) to amend title 38, United States Code, to revise and improve Veterans' Administration health programs, and for other purposes.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause of H.R. 5618 and insert in lieu thereof the provisions of S. 2514, as the Senate has just amended it.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2514

Resolved, That the bill from the House of Representatives (H.R. 5618) entitled "An Act to amend title 38, United States Code, to revise and improve Veterans' Administra-

tion health programs, and for other purposes", do pass with the following amendments: Strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Veterans' Administration Health Care Amendments of 1984".

(b) Except as otherwise specifically provided whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

COORDINATION OF VETERANS' ADMINISTRATION-COMMUNITY REFERRAL ASSISTANCE AND SERVICES

SEC. 2. (a) Chapter 73 is amended by adding at the end of subchapter 1 the following new section:

"§ 4120. Coordination of referral assistance and services

"In order to improve the provision, and enhance the management, of health-care and health-related services by the Veterans' Administration and other sources to veterans who are eligible for care under chapter 17 of this title, with a special emphasis on veterans who are 65 years of age or older, and who are determined by the Administrator to be in need of assistance under this section, the Administrator shall designate one organizational unit in each Veterans' Administration health-care facility for the purpose of coordinating the provision of referral assistance, and facilitating and helping to coordinate the provision of such services not at Veterans' Administration expense, to such eligible veterans when such referral is reasonably necessary for the health of such veterans. The Administrator shall carry out this section (1) in a manner consistent (A) with the policy of the United States, set forth in section 409(a) of Public Law 97-306, that the Veterans' Administration shall maintain a comprehensive, nationwide health-care system for the direct provision of quality health-care services to eligible veterans, (B) with the mandate of section 4101(a) of this title that the Department of Medicine and Surgery shall provide a complete medical and hospital service for the medical care and treatment of veterans, and (C) with the United States Government's historic, firm commitment, and moral obligation, as embodied in this title, to provide care for veterans with service-connected disabilities, and (2) in conjunction with local, State, Federal, and private agencies providing and coordinating the provision of services to elderly persons and with other pertinent public and private agencies.".

(b) The table of sections at the beginning of chapter 73 is amended by adding after the item relating to section 4119 the following:

"4120. Coordination of referral assistance and services.".

ALCOHOL AND DRUG TREATMENT AND REHABILITATION

SEC. 3. (a) Section 620A is amended—

(1) by striking out "pilot" in subsection (a)(1) both places it appears;

(2) by striking out "fifth" and inserting in lieu thereof "seventh" and by striking out "pilot" in subsection (e);

(3) in subsection (f)—

(A) by inserting "(1)" before "Not"; and

(B) by inserting before the period "prior to the amendment of this section by the Veterans' Administration Health Care Amendments of 1984"; and

(C) by adding at the end the following new paragraph:

"(2) Not later than March 1, 1986, and March 1, 1987, the Administrator shall report to such committees on the findings and recommendations of the Administrator pertaining to the operation of the program authorized by subsection (a) during the preceding fiscal year and shall include in such report information for such year regarding average duration of participation of veterans, rates of successful rehabilitation, and any changes in average and maximum allowable charges per veteran under contracts entered into by the Veterans' Administration as part of such program."; and

(4) by adding at the end the following new subsection:

"(h) Not later than 12 months after the date of the enactment of this subsection, the Administrator shall prescribe regulations to provide guidelines for the treatment and rehabilitation of veterans for alcohol or drug dependence or abuse disabilities under this chapter in facilities over which the Administrator has direct jurisdiction. Such guidelines shall include guidance—

"(1) on the duration of such treatment and rehabilitation under this chapter, taking into account the duration of such treatment and rehabilitation in non-Veterans' Administration programs and identifying specifically duration in detoxification, inpatient-acute care, inpatient-rehabilitation and inpatient-extended care, outpatient care, and followup services; and

"(2) on the provision of referral assistance and the development, implementation, and monitoring of individual treatment plans and followup for veterans receiving such care and treatment.".

(b) Not later than March 1, 1985, and March 1 of each subsequent year, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing a comprehensive survey of the activities during the preceding fiscal year of all Veterans' Administration-operated programs providing treatment and rehabilitation for alcohol or drug dependence or abuse disabilities, identifying, by facility, the number of beds involved, the number of patients and episodes of care (whether inpatient-acute, inpatient-rehabilitation, inpatient-extended, or outpatient), the specific treatment methodologies employed, average lengths of participation, rates of successful rehabilitation, and staffing levels and standards, together with a national summary of such information. The third such report shall also contain information on the effectiveness of such treatment and rehabailitation in light of the regulations prescribed under subsection (h) of section 620A (as added by the amendment made by subsection (a)(4) of this section), including information on diagnostic methodologies employed, use of case-management approaches and discharge planning, lengths of participation, treatment results, methods used for approving, evaluating, and monitoring the use of non-Veterans' Administration facilities under section 620A, and referral and followup activities for veterans discharged from such programs and such facilities.

(c) The section heading of section 620A and the item relating to such section in the table of sections at the beginning of chapter 17 are each amended by striking out the semicolon and "pilot program".

MEDICAL AND REHABILITATIVE DEVICES

SEC. 4. Section 617 is amended—

(1) by redesignating such section as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) In order to assist in overcoming the handicap of deafness, the Administrator may provide assistive devices, including telecaptioning television decoders, to veterans who are profoundly deaf and entitled to compensation on account of hearing impairment.".

POST-TRAUMATIC-STRESS DISORDER

SEC. 5. (a)(1) In order to enhance the Veterans' Administration's capability to diagnose and treat post-traumatic-stress disorder (hereinafter in this section referred to as "PTSD"), the Chief Medical Director of the Veterans' Administration shall establish in the Department of Medicine and Surgery a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the "Special Committee") and shall appoint qualified employees of the Department to serve on the Special Committee.

(2) The Special Committee shall assess, and carry out a continuing assessment of, the capacity of the Veterans' Administration to provide diagnosis and treatment to eligible veterans with PTSD and shall advise the Chief Medical Director regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of veterans with PTSD in inpatient PTSD units, other inpatient psychiatric programs, outpatient mental health clinics, and readjustment counseling programs of the Veterans' Administration. The Special Committee shall also make recommendations to the Chief Medical Director for guidance regarding appropriate diagnostic and treatment methods and referral for and coordination of followup care and with respect to the evaluation of PTSD treatment programs, the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (b) of this section), special programs of education and training on PTSD for employees of the Department of Medicine and Surgery and the Department of Veterans' Benefits (also taking into account such provisions), the appropriate allocation of resources for all such activities, and any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of inpatient PTSD units.

(b) The Chief Medical Director of the Veterans' Administration shall establish and operate a National Center on PTSD (A) to carry out and promote research into, and the training of health-care and related personnel in, the diagnosis and treatment of veterans with PTSD, and (B) to serve as a resource center for and to promote and to seek to coordinate the exchange of information regarding all research and training activities carried out by the Veterans' Administration, and by other Federal and non-Federal entities, with respect to PTSD.

(c)(1)(A) Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the implementation of subsections (a) and (b).

(B) The report required by subparagraph (A) shall contain—

(i) a list of the members of the Special Committee,

(ii) the assessment of the Chief Medical Director of the Veterans' Administration,

after consultation with the Special Committee, regarding the capability of the Veterans' Administration to meet the needs of Vietnam veterans, former prisoners of war, and other eligible veterans for inpatient and outpatient PTSD diagnosis and treatment (both through PTSD inpatient treatment units and otherwise) as well as a description of the results of any evaluations that have been made of PTSD inpatient treatment units in existence on the date of the enactment of this Act,

(iii) the plans of the Special Commitee for further assessments of the capability of the Veterans' Administration to diagnose and treat veterans with PTSD,

(iv) the recommendations made by the Special Committee to the Chief Medical Director,

(v) a description of the steps taken, plans made (and a timetable for their execution), and resources to be applied to implement subsections (a) and (b), and

(vi) the assessment of the Administrator of the capacity of the Veterans' Administration to meet in all geographic areas of the United States the needs described in clause (ii) and any plans and timetable for increasing that capacity (including the costs of such action).

(2) Not later than February 1, 1986, and February 1 of each subsequent year, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing information updating the report or reports submitted under this subsection prior to the submission of such report.

REPORT ON VETERANS' ADMINISTRATION PROGRAMS FOR TERMINALLY ILL VETERANS

SEC. 6. (a) Not later than September 30, 1985, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on programs of the Veterans' Administration to furnish palliative care, supportive counseling, and other medical services to terminally ill veterans and, pursuant to section 601(6)(B) of title 38, United States Code, supportive counseling to members of such veterans' families.

(b) The report required by subsection (a) shall include—

(1) a review of Veterans' Administration policies and guidelines on the provision of care, counseling, and services described in subsection (a);

(2) a review of the care, counseling, and services furnished, including the treatment modalities used and services furnished by the Veterans' Administration;

(3) an analysis and a comparison of the care, counseling, and services furnished with respect to terminally ill veterans in hospice and other Veterans' Administration programs, including a comparison of the routine and ancillary services, of the duration of inpatient and outpatient treatment and hospital-based home care, and of the cost of care furnished in such programs;

(4) an explanation of how the care, counseling, and services described in subsection (a) is or will be included in the overall plans of the Veterans' Administration for providing health care to older veterans in the future and the extent to which plans to furnish hospice care are included in such plans;

(5) a review of any steps taken to arrange for the exchange of information between Veterans' Administration facilities providing the care, counseling, and services described in subsection (a) and non-Veterans' Administration facilities providing similar care, counseling, and services; and

(6) proposals for such administrative or legislative action as the Administrator may consider appropriate in light of the information provided in the report.

AUTOMOBILE ADAPTIVE EQUIPMENT

SEC. 7. (a) Subsection (c) of section 1903 is amended to read as follows:

"(c)(1) An eligible person shall not be entitled to adaptive equipment under this chapter for more than two automobiles or other conveyances (A) at any one time, or (B) except as provided in paragraph (2) of this subsection, in any four-year period.

"(2) If, in a case in which the limitation set forth in paragraph (1)(B) of this subsection precludes an eligible person from being entitled to adaptive equipment, the Administrator determines that, due to circumstances beyond the control of the eligible person, one of the automobiles or other conveyances for which adaptive equipment was provided in the applicable four-year period is no longer available for the use of such person, the Administrator may, as a matter of discretion and pursuant to regulations which the Administrator shall prescribe, provide adaptive equipment for such person for an additional automobile or other conveyance during such period.".

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on October 1, 1984.

(2) In the case of a person who was provided adaptive equipment under chapter 39 of title 38, United States Code, for an automobile or other conveyance after September 30, 1980, but prior to October 1, 1984, and who has available for use such automobile or other conveyance on the date of the enactment of this Act, the first four-year period applicable to such person under subsection (c) of section 1903 of such title (as amended by subsection (a)) shall begin on the most recent date prior to October 1, 1984, on which such individual was provided such equipment.

READJUSTMENT COUNSELING

SEC. 8. (a) Section 612A(g)(2)(B) is amended—

(1) by striking out "and" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding after clause (ii) the following:

"(iii) assessments of whether or not individuals who—

"(I) are veterans who served on active duty (aa) during World War II or the Korean conflict (with particular emphasis on those who engaged in combat with the enemy), (bb) during any period and who were prisoners of war, or (cc) after May 7, 1975 (with particular emphasis on those who served in areas during periods in which members of the Armed Forces in such areas were subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in combat with the enemy during a period of war), and

"(II) members of the Armed Forces serving on active duty who (aa) served on active duty during World War II or the Korean conflict (with particular emphasis on those who engaged in combat with the enemy) or after May 7, 1975 (with particular emphasis on those who served in areas during periods described in division (I)(cc) of this clause), or (bb) were prisoners of war,

need readjustment counseling and, if so, the Administrator's recommendations on the most desirable means by which such needs should be met, taking into account the resources that would be required to meet such needs and specifically whether such persons should be made eligible for readjustment counseling under this section and, if so, what effect that eligibility would have on the availability of such services for Vietnam-era veterans.

The Administrator may submit the assessments and recommendations described in subclause (iii) at any time prior to April 1, 1987.".

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs and the Secretary of Defense shall submit to the appropriate committees of the Congress a joint report setting forth—

(A) their recommendations, taking into account the extent of the availability of Veterans' Administration resources to provide readjustment counseling to Vietnam-era veterans, on the appropriateness and desirability of extending eligibility for readjustment counseling under section 612A of title 38, United States Code, to individuals who are serving on active duty in the Armed Forces of the United States and (i) who also served on such active duty during the Vietnam era (as defined in section 101(29) of such title (as amended by section 8 of this Act)), or (ii) who also served on active duty after May 7, 1975, in an area during a period in which hostilities (as defined in paragraph (2) of this subsection) occurred in such area;

(B) their determinations as to (I) whether, if eligibility for such readjustment counseling were so extended, the Veterans' Administration and the Department of Defense would enter into an agreement or agreements pursuant to which the Department of Defense would reimburse the Veterans' Administration for such counseling provided to such individuals while serving on active duty, (II) if so, whether or not such reimbursement would be made without the necessity of the Veterans' Administration providing the Department of Defense with the names of the individuals so counseled and, if not, whether or not a requirement that such names be provided would discourage active-duty personnel from requesting such services, and (III) the manner and extent to which the Veterans' Administration and the Department of Defense would undertake to carry out outreach activities to inform such individuals about the availability of such counseling; and

(C) any other information, determinations, or recommendations pertinent to the subject matter of the report that the Administrator and Secretary consider appropriate.

"(C) policies with respect to the exercise by Veterans' Administration security service officers of the enforcement and arrest authorizes granted in subsection (b) of this section.

"(D) the scope and duration of training that is required for Veterans' Administration security service officers, with particular emphasis on dealing with situations involving patients, and

"(E) rules limiting the carrying and use of weapons by Veterans' Administration security service officers.

The rules prescribed under clause (A) of this paragraph, together with the penalties for violations thereof, shall be posted conspicuously on such property.

"(2) Whoever violates any rule prescribed under paragraph (1)(A) of this subsection

shall be fined not more than $500 or imprisoned not more than six months (or such lesser amount or period of time as the Administrator prescribes in the regulations prescribed under paragraph (1) of this subsection), or both.

"(b) The Administrator may designate employees of the Veterans' Administration as Veterans' Administration security service officers. Such officers shall enforce Federal laws, and the rules prescribed under subsection (a)(1)(A) of this section, on Veterans' Administration property. Any Veterans' Administration security service officers, subject to any restrictions under the regulations prescribed under subsection (a) of this section, may make an arrest, with or without a warrant, for any offense on Veterans' Administration property if (1) such offense occurs in such officer's presence, or (2) such officer has reasonable grounds to believe (A) that the offense constitutes a violation of any law of the United States or of any rule prescribed under subsection (a)(1)(A) of this section, and (B) that the person to be arrested has committed that offense.

"(c) With the agreement of the head of the agency concerned, the Administrator may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

"(d)(1) Notwithstanding subchapter I of chapter 59 of title 5, the Administrator, pursuant to regulations which the Administrator shall prescribe consistent with paragraph (2) of this subsection, may pay allowances for the purchase of uniforms to any Veterans' Administration security service officer who is required to wear a prescribed uniform in the performance of official duties.

"(2) Allowances that the Administrator may pay under paragraph (1) of this subsection shall not exceed—

"(A) at the time the individual is first employed as a Veterans' Administration security service officer, $400; and

"(B) at the beginning of the first fiscal year that begins after the individual has completed 12 months of service as a Veterans' Administration security service officer and at the beginning of each subsequent fiscal year, $200.".

(b)(1) The provisions of section 218 of title 38, United States Code, other than clause (2) of subsection (a) of such section, as in effect on the day before the date of the enactment of this Act shall remain in effect until the date on which the Administrator of Veterans' Affairs prescribes the regulations required to be prescribed by subsection (a) of such section as amended by subsection (a) of this section.

(2) The authority of the Administrator to designate officers and employees of the Veterans' Administration to act as special policemen under section 218(a)(2) of such title as in effect on the day before the date of the enactment of this Act shall remain in effect until the date on which the Administrator first exercises the authority under subsection (b) of section 218 of such title as amended by subsection (a) of this section.

(c) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration.".

(d) Section 4107(g) is amended—

(1) in paragraph (1)—

(A) by striking out "or" in clause (A);

(B) by striking out the comma and inserting in lieu thereof a semicolon and "or" in subclause (iv) of clause (B); and

(C) by inserting after clause (B) the following new clause:

"(C) of employees providing security services, pursuant to section 218 of this title, in buildings under the jurisdiction of the Administrator (and not under the control of the Administrator of General Services) that are used for the purpose of providing health care,";

(2) by striking out "health-care" each place it appears in paragraphs (2)(A) and (4); and

(3) by inserting "or (C)" after "(B)" in paragraph (4).

COMPTROLLER GENERAL REPORT ON MEDICAL PERSONNEL STAFFING LEVELS

SEC. 10. Section 5010(a)(4)(C) is amended to read as follows:

"(C) Not later than fifteen days after the expiration of the period for the submission of a certification by the Director of the Office of Management and Budget under subparagraph (B) of this paragraph, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director has complied with the requirements of such subparagraph in providing such certification and in providing to the Veterans' Administration such funded personnel ceiling.".

REPORT ON FEDERAL GOVERNMENT RESPONSIBILITY TO INDIVIDUALS WHO SERVED WITH VOLUNTARY CIVILIAN ORGANIZATIONS IN VIETNAM

SEC. 11. (a)(1) The purpose of this section is to provide a basis for the executive branch and the Congress to evaluate the question of United States Government responsibility, and alternative approaches, for providing individuals who served for a period of at least thirty days in the Republic of Vietnam during the Vietnam era as employees of voluntary organizations, determined by the Administrator of Veterans' Affairs, in consultation with the Secretary of Defense, to be organizations which provided significant assistance to the United States Armed Forces in the Republic of Vietnam during the Vietnam era, with Federal and other benefits and services (including, but not limited to, health care and monetary compensation for disabilities which may be related to exposure to dioxin or be the result of traumatic events), either through the Veterans' Administration or otherwise, and for assisting such individuals in connection with disabilities they may have incurred as a result of such service.

(2) In order to carry out the purpose stated in paragraph (1), the Administrator, the Secretary of Defense, and the Secretary of Health and Human Services, not later than 180 days after the date of the enactment of this Act, shall submit to the appropriate committees of the Congress a joint report on the question of United States Government responsibility and setting forth various alternative approaches (together with comments on the appropriateness and the advantages and disadvantages of each) and any recommendations by such officials for legislative and administrative action with respect thereto, for establishing a program for providing such benefits, services, and assistance to such individuals.

(b) For the purpose of this section, the terms "Armed Forces" and "Vietnam era" have the meanings given such terms in section 101 (10) and (29), respectively, of title 38, United States Code.

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 12. Section 601(4)(C)(v) is amended by striking out "September 30, 1984," and inserting in lieu thereof "September 30, 1985,".

HEALTH CARE IN REMOTE AREAS

SEC. 13. (a) The Congress finds that—

(1) many veterans with service-connected disabilities and other veterans eligible for certain health-care services from the Veterans' Administration, within the limits of Veterans' Administration facilities, reside in areas of the United States that are geographically remote from health-care facilities over which the Administrator of Veterans' Affairs has direct jurisdiction;

(2) for many such veterans such health-care facilities are geographically inaccessible and for many other such veterans the inconvenience of travel to such facilities discourages them from seeking health-care services from the Veterans' Administration; and

(3) a study conducted by the Administrator of eligible veterans residing in remote areas and these veterans' utilization of Veterans' Administration health-care services would provide useful information on the feasibility and appropriateness of alternative approaches to furnishing health-care services to such veterans.

(b)(1) The Administrator shall carry out a study to develop information about veterans who reside in remote areas and are eligible for health-care services from the Veterans' Administration and to develop alternative approaches that could be adopted to furnish such veterans with such services. In carrying out the study, the Administrator shall—

(A) develop, to the maximum feasible extent, statistics on the number of eligible veterans who, during fiscal year 1985—

(i) reside less than 50 miles from the nearest Veterans' Administration medical facility,

(ii) reside between 50 miles and 100 miles from the nearest Veterans' Administration medical facility,

(iii) reside between 100 miles and 200 miles from the nearest Veterans' medical facility, or

(iv) reside more than 200 miles from the nearest Veterans' Administration medical facility;

(B) develop, by each group of residences described in clause (A), statistics on the numbers of eligible veterans who, during such year—

(i) utilize Veterans' Administration medical facilities,

(ii) receive inpatient care in such facilities (including the typical lengths of stay of such veterans in such facilities),

(iii) receive outpatient care from such facilities, or

(iv) receive followup health-care services from such facilities;

(C) develop such further statistics and gather such additional information as the Administrator considers appropriate to carry out the study; and

(D) develop breakdowns of the statistics described in clauses (A) and (B) with respect to age, service connection, and financial need regarding the applicable veteran populations.

(2) Not later than January 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Repre-

sentatives and the Senate a full report on such study. Such report shall include—

(A) the statistics and breakdown developed and information gathered pursuant to paragraph (1);

(B) the Administrator's findings on the extent of the need for the Veterans' Administration to increase health-care services in remote areas; and

(C) the Administrator's findings and recommendations regarding the advantages and disadvantages of the Veterans' Administration contracting for and making other arrangements for the furnishing of health-care services to eligible veterans in remote areas.

(3) Not later than July 1, 1986, the Administrator shall submit to such committees a report describing an experimental program that could feasibly be carried out through projects in five remote areas, selected on the basis of the statistics, breakdowns, information, and findings included in the report submitted under paragraph (2), to demonstrate alternative approaches for the Veterans' Administration to furnish health-care services to eligible veterans in remote areas. The report shall also include a description of the health-care services, and a detailed breakdown of the costs for them, that could be furnished under such an experimental program to such veterans in each such area, along with the recommendations (and the reasons therefor) of the Administrator regarding whether any such projects should be carried out and such recommendations for legislative or administrative action as the Administrator considers appropriate in light of the information contained in the report.

USE OF CERTAIN LANDS BY THE UNIVERSITY OF CALIFORNIA

SEC. 14. (a) Notwithstanding the Act described in subsection (b), the Administrator of Veterans' affairs shall execute such legal documents as are necessary to permit the real property described in subsection (b) (or any portion of such property) for educational or cultural purposes in addition to the use of such property as a research and medical center and for allied purposes. The Administrator may carry out the preceding sentence subject to such terms and conditions as the Administrator determines are necessary in order to protect the interests of the United States.

(b) The real property referred to in subsection (a) is the property transferred to the State of California for the use of the University of California by a quitclaim deed dated December 10, 1948, executed by the Administrator of Veterans' Affairs under the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California", approved June 19, 1948 (62 Stat. 559), and recorded in the land records of the County of Los Angeles, California, at page 307 of book 29032.

(c) Any document executed to carry out subsection (a) shall provide that the property involved shall revert to the United States if it ceases to be used as a research and medical center or for educational or cultural purposes.

ACQUISITION OF BUILDINGS FOR STATE HOME FACILITIES

SEC. 15. Subchapter III of chapter 81 is amended as follows:

(1) Section 5031(c) is amended—

(A) by striking out "term 'construction' means" and inserting "terms 'constructed' and 'construction' refer to"; and

(B) by inserting "the acquisition of existing buildings for use as domiciliary or nursing home care facilities," after "home buildings,";

(2) Section 5032 is amended by inserting "to acquire existing buildings for use as State home facilities for furnishing such care to veterans," after "nursing home care to veterans,"; and

(3) Section 5035(a) is amended—

(A) by striking out "and" at the end of clause (7); and

(B) in clause (8),

(I) by striking out "sections 276a through 276a-5 of title 40" and inserting in lieu thereof "the Act of March 3, 1931 (40 U.S.C. 276a-276a-5)"; and

(II) by striking out the period at the end and inserting in lieu thereof a comma and "and"; and

(C) by inserting at the end the following new clause:

"(9) in the case of a project of acquisition of a facility, reasonable assurance that the estimated total costs of acquisition of the facility and of any expansion, remodeling, and alteration of the acquired facility necessary to meet Veterans' Administration standards shall not be greater than the estimated cost of constructing an equivalent new facility.".

SENSE OF THE CONGRESS REGARDING CERTAIN GRACE COMMISSION RECOMMENDATIONS

SEC. 16. (a) The Congress makes the following findings:

(1) The Department of Medicine and Surgery of the Veterans' Administration, established by an Act of the Congress, represents a national commitment by the Government to meet the medical needs of eligible veterans, especially those who have been disabled as a result of their military service.

(2)(A) Section 409(a) of Public Law 97-306 states that it is the policy of the United States that the Veterans' Administration "shall maintain a comprehensive, nationwide health-care system for the direct provision of quality health-care services to eligible veterans".

(B) Section 5010(a)(1) of title 38, United States Code, requires the Veterans' Administration to operate and maintain a total of not less than 90,000 hospital and nursing home beds and such additional beds as may be necessary for the Veterans' Administration to meet its contingency obligations to assist the Department of Defense in times of war or national emergency in caring for the casualties of such war or national emergency.

(3) The President's Private Sector Survey on Cost Control (commonly known as and hereinafter referred to as the "Grace Commission") has recommended that Veterans' Administration hospitals reduce the average length of stay of their inpatients to a level comparable to that found in the private sector; however, many Veterans' Administration hospital patients have severe and multiple disabilities requiring extensive treatment.

(4) The Grace Commission has recommended that funds for construction of Veterans' Administration hospitals not already under contract be deleted from the Veterans' Administration budget, that bids be invited from private hospital management companies to lease hospital facilities to the Veterans' Administration under long-term contracts, and that such facilities be managed by private companies under short-term performance contracts.

(5) The Grace Commission has recommended that nursing home construction by the Veterans' Administration be entirely discontinued and that the Veterans' Administration contract for the operation of nursing home care facilities by the private sector.

(6) The Grace Commission has recommended that the Veterans' Administration eliminate such number of Veterans' Administration acute care hospital beds as is necessary to achieve an 80 percent occupany rate for such beds.

(7) The Grace Commission has recommended that the Veterans' Administration consider converting some underutilized acute health-care facilities to extended health-care facilities and phasing out old hospital facilities which may be in need of replacement or significant reconstruction; however, demographic information compiled by the Veterans' Administration shows a forthcoming major increased demand on the Veterans' Administration from the aging veterans of World War II for acute as well as long-term health care.

(8) A joint study of the Grace Commission's recommendations conducted by the Congressional Budget Office and the General Accounting Office and submitted to Congress in February, 1984, concluded that the potential deficit reductions that might result in 1985 through 1987 from implementation of the Grace Commission's recommendations would be much smaller than the three-year savings projected by the Commission.

(9) The Congress desires to reassure veterans that the Congress remains firmly committed to an independent and comprehensive, nationwide health-care system within the Veterans' Administration, capable of providing quality care to eligible veterans.

(b) In light of the findings made in subsection (a), it is the sense of the Congress (1) that the aforementioned recommendations of the President's Private Sector Survey on Cost Control relating to the Veterans' Administration health-care system must be evaluated in light of the national policies described in subsection (a)(2) and in light of the aforementioned factors, and (2) that no action to implement such recommendations should be taken without their policy implications having first been given full and careful consideration, after appropriate hearings, by the Committees on Veterans' Affairs of the House of Representatives and the Senate.

AUTHORITY TO ADJUST RATES OF PAY FOR CERTAIN PSYCHOLOGISTS

SEC. 17. Section 4104 is amended—

(1) by inserting "(other than those described in paragraph (3))" after "psychologists" in paragraph (2); and

(2) by striking out "Certified" in paragraph (3) and inserting in lieu thereof "Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Administrator, certified".

PROGRAM GUIDE ON ALZHEIMER'S DISEASE

SEC. 18. Not later than 180 days after the date of the enactment of this Act, the Administrator shall disseminate to appropriate Veterans' Administration medical facilities and submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a program guide to clarify Veterans' Administration policy regarding the authorization and provision of treatment, in-

cluding diagnosis, information, outpatient services, hospital care, and nursing home care, of veterans who are eligible for services under title 38, United States Code, and who are suffering from Alzheimer's disease and related neurological diseases.

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS

SEC. 19. (a) The Veterans' Administration Medical Center in Murfreesboro, Tennessee, shall after the date of the enactment of this Act be known and designated as the "Sergeant Alvin C. York Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Sergeant Alvin C. York Veterans' Administration Medical Center.

(b) The Veterans Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.

Amend the title so as to read: "An Act to amend title 38, United States Code, to require the Veterans' Administration to develop guidance for the provision of care to veterans suffering from alcohol or drug dependence, to require the Administrator to establish a Special Committee and a National Center for Post-Traumatic-Stress Disorder, and to improve the Veterans' Administration's ability to protect persons and property on its premises; and for other purposes.".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on behalf of the chairman of the committee, Mr. SIMPSON, I send to the desk an amendment to the title and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend the title so as to read: "A bill to amend title 38, United States Code, to require the Veterans' Administration to develop guidance for the provision of care to veterans suffering from alcohol or drug dependence, to require the Administrator to establish a Special Committee and a National Center for Post-Traumatic-Stress Disorder, and to improve the Veterans' Administration's ability to protect persons and property on its premises; and for other purposes.".

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate indefinitely postpone Calendar No. 929, which is S. 2514.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARL ALBERT FEDERAL BUILDING

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar No. 1085, which is S. 2820.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2820) to name the Federal building in McAlester, Oklahoma, the "Carl Albert Federal Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3663

Mr. President, I send to the desk an amendment by Mr. METZENBAUM, which I ask be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows.

The Senator from West Virginia [Mr. BYRD], for Mr. METZENBAUM, proposes an amendment numbered 3663.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill:

SEC. . That the Federal building located at 550 Main Street, Cincinnati, Ohio, shall hereafter be named and designated as the "John Weld Peck Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Weld Peck Federal Building".

Mr. BOREN. Mr. President, I urge my colleagues to pass S. 2820. It will name the Federal building in McAlester, OK, in honor of Carl Albert. Mr. Albert served in the U.S. Congress for 30 years and attained the highest position in Government ever held by an Oklahoman. He not only served as Speaker of the U.S. House of Representatives for 6 years, but twice was just a heartbeat away from the Presidency—first when Vice President Spiro Agnew resigned and again when Vice President Gerald Ford succeeded Richard Nixon. He is the only living former Speaker.

Before becoming Speaker, Mr. Albert had served as majority whip and then as majority leader of the U.S. House of Representatives. He attended Oxford University as a Rhodes scholar.

Of Mr. Albert, present Speaker THOMAS P. "TIP" O'NEILL, who succeeded him in that position, said in a speech in Oklahoma City in May, 1981: "Carl's leadership abilities were evident during one of the worst constitutional crises this country has ever had." He added that Speaker Albert's "trust, composure, intellect and impartiality" had contributed to the country's solidity during the resignation of former President Nixon.

Former President Gerald Ford, speaking at that same meeting in Oklahoma City, said Mr. Albert was "always seeking to do what was in the best interest of our country."

Carl Albert's hometown of McAlester has always been very dear to him. When he retired from Congress in January, 1977, he returned to Bug Tussle, the community near McAlester where he had spent his boyhood. He has continued to be active in church and civic activities in McAlester since his retirement and still has an office in the Federal building. Through the years he spent in Congress, he officed in that building. It is entirely fitting that the name of that building should honor him. The Parkway, a principal street in McAlester in front of the building, is already named for Mr. Albert.

I have known and admired Speaker Albert all of my adult life. One of the things that I most admire about him is that in spite of the high positions which he has occupied, he has never lost his identity with the average man and woman and his sensitivity to their needs and hopes. He is as much at home today in McAlester, OK, with the people he loves as he was on the day he left to first come to Congress.

I again urge my colleagues to join me in voting for this well deserved tribute to Carl Albert.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building in McAlester, Oklahoma, is hereby designated as the "Carl Albert Federal Building". Any reference to such Federal building in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Carl Albert Federal Building.

SEC. 2. The Federal building located at 550 Main Street, Cincinnati, Ohio, shall hereafter be named and designated as the "John Weld Peck Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Weld Peck Federal Building".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4209, the small business spare parts bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4209) to amend section 15 of the Small Business Act.

Mr. STEVENS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed the following conferees: from the Committee on Small Business, Messrs. WEICKER, BOSCHWITZ, GORTON, BUMPERS, and DIXON; from the Committee on Armed Services, Messrs. GOLDWATER, QUAYLE, WILSON, NUNN, and LEVIN.

ORDER FOR H.R. 4222, FEDERAL COURT IMPROVEMENTS ACT, TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 4222, technical amendments to the Federal Court Improvements Act, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION'S FOOD STAMP PROPOSALS, FISCAL YEAR 1985

Mr. HELMS. Mr. President, on behalf of the Reagan administration, I am pleased to introduce the administration's proposals for reforming the Food Stamp Program.

The Committee on Agriculture, Nutrition, and Forestry has held rather extensive hearings on the Food Stamp Program earlier this year. The full committee, along with the Subcommittee on Nutrition, chaired by Senator DOLE, has conducted seven hearings that dealt, in whole or in part, with the Food Stamp Program and recommendations for improving the program. The Food Stamp Program is the largest single program within the Department of Agriculture and, as such, requires a good deal of the committee's time in oversight.

Certainly the administration's bill deals with two of the biggest problems that confront the Food Stamp Program. First, the proposal of the administration would implement a workfare program for able-bodied food stamp recipients. Approximately 40 percent of all food stamp households contain one or more able-bodied adults who would be subject to the community work experience program proposed by the administration.

One of the most consistent descriptions by witnesses who have appeared before the commiteee is the success that workfare programs have experienced in areas that have employed a work-for-benefit program. Indeed, one of the most common complaints from taxpayers is that the able-bodied should be expected to perform some form of work in exchange for their food stamp and other welfare benefits.

While I am pleased that we were able to provide workfare as a local option in 1981, it seems to me that the time has come to move forward toward mandatory workfare for able-bodied recipients in all areas of the country.

The second issue addressed by the administration's bill is that of the error rate in the Food Stamp Program.

Even with the improvements in State administrative performance during the Reagan administration, overissuances in the Food Stamp Program continue to cost taxpayers almost $1 billion annually.

These rates have been excessive. Frankly, much of the problem has been attributable to lack of attention by State administrators. Inasmuch as food stamp benefits are financed 100 percent by the Federal Government, administrators at the State and local level sometimes take the view that "it's not my money, so why bother." Obviously, Federal tax dollars are derived from all taxpayers; State and local officials should be equally prudent when managing federally funded programs as when managing locally financed programs.

The error rate sanction system in the food stamp program is one which, while better than no system, is relatively lenient compared to the sanction systems of other Federal programs.

The General Accounting Office earlier this year noted that the food stamp sanction system "results in proportionately smaller sanctions because of first, its higher target error rate, and second, its specific procedures for calculating sanction amounts based on a percentage of federally reimbursed administrative costs instead of the amount of benefits issued as in the AFDC and SSI Programs." (See "Federal and State Liability for Inaccurate Payments of Food Stamp, AFDC, and SSI Program Benefits," GAO/RCED-84-155, April 25, 1984.)

The administration's proposal addresses these deficiencies by lowering the error rate tolerance from 5 to 3 percent, the same as the AFDC program, and by changing the sanction to be based on the actual amount of benefits over issued in the State, rather than the more lenient penalty of deducting certain administrative costs.

I ask unanimous consent to have printed in the RECORD a table outlining the percentage of overissuance errors and the amount of Federal dollars overissued, as reported in the GAO report for all States during the three most recent periods for which information had been obtained.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PERCENT AND AMOUNT OF BENEFITS OVERISSUED (OCTOBER 1980 THROUGH MARCH 1982)

[Dollar amounts in thousands]

State	Percent of benefits overissued			Amount of benefits overissued		
	October to March 1981	April to September 1981	October to March 1982	October to March 1981	April to September 1981	October to March 1982
Total, United States	[1] 10.4	[1] 9.5	[1] 9.8	$534,831	$517,227	$509,901
Alabama	8.5	6.3	5.4	12,271	9,315	7,645
Alaska	21.4	24.9	21.2	3,417	3,656	2,951
Arizona	15.1	9.4	12.6	9,182	6,014	7,730
Arkansas	8.8	9.5	9.5	5,928	6,770	6,340
California	8.7	5.7	9.3	24,766	18.144	26,916
Colorado	11.7	13.9	14.6	4,998	6,228	5,909
Connecticut	14.1	[2] 13.7	13.5	4,858	5,038	4,413
Delaware	7.8	7.1	6.0	1,056	967	810
District of Columbia	13.8	12.5	11.3	3,182	2,992	2,551
Florida	12.5	13.2	10.8	31,165	33,286	24,547
Georgia	9.2	10.4	6.6	13,763	16,281	9,462
Guam	4.6	11.2	5.0	390	1,050	413
Hawaii	7.0	6.9	6.7	2,311	2,518	2,226
Idaho	8.8	10.3	7.4	1,514	1,785	1,419
Illinois	9.1	8.0	7.7	21,840	21,235	21,345

PERCENT AND AMOUNT OF BENEFITS OVERISSUED (OCTOBER 1980 THROUGH MARCH 1982)—Continued

[Dollar amounts in thousands]

State	Percent of benefits overissued			Amount of benefits overissued		
	October to March 1981	April to September 1981	October to March 1982	October to March 1981	April to September 1981	October to March 1982
Indiana	9.0	7.2	6.8	8,992	7,537	7,120
Iowa	10.7	7.9	9.2	3,675	3,220	3,735
Kansas	11.6	10.7	10.2	2,858	2,933	2,713
Kentucky	9.1	6.6	7.1	11,507	9,247	9,399
Louisiana	10.3	10.6	9.9	13,728	14,518	11,989
Maine	9.8	[2] 6.5	7.8	3,369	2,273	2,586
Maryland	13.7	14.7	10.7	11,291	12,980	8,899
Massachusetts	12.4	[2] 10.3	13.7	11,431	10,147	13,439
Michigan	9.4	9.2	9.1	17,005	19,709	20,193
Minnesota	6.7	8.5	10.2	2,633	3,729	4,123
Mississippi	9.8	10.4	8.9	11,180	12,519	9,959
Missouri	8.8	8.3	6.8	7,727	7,872	6,276
Montana	15.4	11.6	7.3	1,666	1,382	833
Nebraska	11.0	11.0	10.3	1,646	1,794	1,581
Nevada	3.7	3.1	1.5	385	316	139
New Hampshire	13.3	[2] 12.3	15.6	1,769	1,678	1,962
New Jersey	10.0	8.8	8.5	13,513	12,973	11,965
New Mexico	12.8	13.9	13.1	5,756	6,185	5,330
New York	15.0	12.4	14.1	62,905	56,431	58,462
North Carolina	9.9	12.8	9.6	13,141	17,832	12,578
North Dakota	4.4	5.8	7.2	246	376	445
Ohio	8.3	7.2	8.7	19,620	19,270	22,777
Oklahoma	9.8	8.8	7.5	4,038	3,630	2,774
Oregon	7.1	10.9	12.0	4,445	7,413	8,516
Pennsylvania	10.5	8.7	11.9	24,110	22,565	29,573
Puerto Rica	11.9	7.8	8.4	50,807	34,931	37,510
Rhode Island	11.8	[2] 9.2	8.7	2,484	1,791	1,663
South Carolina	8.4	9.7	11.5	8,644	10,333	11,606
South Dakota	10.5	6.2	11.1	1,077	662	1,238
Tennessee	11.8	10.8	11.0	19,523	18,880	17,675
Texas	9.0	9.6	10.8	26,576	29,121	29,923
Utah	8.5	7.3	7.2	1,144	1,112	1,058
Vermont	9.4	[2] 9.0	9.6	891	894	907
Virgin Islands	15.0	6.5	8.4	1,517	694	852
Virginia	8.4	6.8	7.0	7,964	7,115	6,848
Washington	9.0	7.1	10.3	5,319	5,431	7,720
West Virginia	7.7	10.2	8.9	4,046	7,100	5,004
Wisconsin	11.1	9.5	10.6	5,166	5,023	5,571
Wyoming	11.5	13.4	8.4	396	512	283

[1] Weighted average.
[2] State's reported error rate not adjusted by the service.

Mr. HELMS. Mr. President, in my judgment, the administration's third proposal, to permit categorical eligibility to AFDC recipients, may need to be reassessed in light of a proposal in the deficit reduction bill passed earlier this summer which liberalized eligibility for the AFDC Program. Those higher AFDC income eligibility guidelines could result in participation by households considerably above the present food stamp limit of 130 percent of poverty—currently over $13,000 a year for a family of four.

The administration's proposal is extremely modest. It has a very small budget impact, savings of just over $500 million in fiscal year 1985. There would be no impact whatsoever on actual recipients, except those able-bodied individuals who refuse to accept community service work who would be removed from the program.

Mr. President, the chairman of the Nutrition Subcommittee [Mr. DOLE] and I had discussed the subject of food stamp legislation earlier this year. It appeared questionable whether the committee and the Senate would have an opportunity to consider the administration's bill and other food stamp bills which have been introduced in the Senate. As time becomes even more restricted before adjournment, it looks increasingly unlikely that we will act on food stamp legislation this year. Another reason for this forecast is that the entire Food Stamp Program must be considered for reauthorization next year, thus providing ample opportunity in the near future for needed reforms in the Food Stamp Program.

I should note, however, that the House of Representatives has passed legislation to increase spending for the Food Stamp Program—$1.5 billion over the next 5 years. Apparently, the much talked about concern for the deficit does not apply with regard to spiraling welfare spending. Nonetheless, I thought it prudent to have before the Senate the administration's legislation in the event that some action is yet contemplated during this legislative session.

I ask unanimous consent to have printed in the RECORD a copy of the administration's bill, a section-by-section summary of the bill, and a letter of transmittal from John R. Block, Secretary of Agriculture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Stamp Amendments of 1984".

TITLE I—REFERENCES TO THE FOOD STAMP ACT OF 1977

SEC. 101. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011, et seq.).

TITLE II—FOOD STAMP BUDGETARY REVISIONS

CATEGORICAL ELIGIBILITY FOR AFDC PARTICIPANTS

SEC. 201. Section 5(j) (7 U.S.C. 2014(j)) is amended by—

(1) striking out "may" and inserting in lieu thereof "shall"; and

(2) striking out everything following "Social Security Act (42 U.S.C. 601, et seq.)" and inserting in lieu thereof "to have satisfied the income standard of eligibility prescribed under subsection (c)(1) and the resource limitations prescribed under subsection (g). The Secretary may waive the income eligibility standard prescribed under subsection (c)(2) for households in which all members receive benefits under part A of title IV of the Social Security Act in States where the maximum allowable gross income limit for receipt of such benefits is equal to or less than the standard prescribed in subsection (c)(2).".

WORK REQUIREMENTS AND COMMUNITY WORK EXPERIENCE PROGRAM

SEC. 202. (a) Section 6 (7 U.S.C. 2015) is amended by—

(1) in paragraph (d)(1)—

(A) striking out "eighteen" in the material preceding clause (i) and inserting in lieu thereof "sixteen"; and

(B) striking out "which may include a requirement that, at the option of the State agency," in clause (ii) and inserting in lieu thereof "which shall include a requirement that";

(2) in paragraph (d)(2)—

(A) striking out "a work registration requirement" in clause (A) and inserting in

lieu thereof "requirements for employment related activities";

(B) striking out "a dependent child under age six" and all that follows through the end of clause (B) and inserting in lieu thereof "(i) a dependent child under age six except that a State agency may, at its option, require such parent or guardian to comply with the work requirements if the child is age three or over and adequate child care is available, or (ii) of an incapacitated person;"; and

(C) striking out clause (C) and inserting in lieu thereof "(C) a person between ages sixteen and eighteen who is not a head of household;";

(3) redesignating subsections (e) through (h) as (f) through (i), respectively; and

(4) inserting a new subsection immediately following subsection (d) as follows:

"(e)(1) No household shall be eligible for assistance under this Act if it includes a person who is required to comply with the work requirements of subsection (d), or is exempt from those requirements solely because of being subject to and complying with the work requirements of the Federal-State unemployment compensation system, and who refuses to accept an offer from the State agency, or a political subdivision designated by the State agency, to perform work on its behalf in return for compensation consisting of the allotment to which the household is entitled under section 8 of this Act, with each hour of such work entitling that household to a portion of its allotment equal to the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938.

"(2) The total hours required to be worked by a household in any month shall not exceed in value the household's allotment for such month and the total hours required to be worked by a household member, when added to any other hours worked during any week by such member for compensation (in cash or in kind) in any other capacity, shall not exceed 120 hours per month.

"(3) In the event that any person fails to comply with the requirements of this subsection, neither that person nor the household to which that person belongs shall be eligible to participate in the Food Stamp Program for two months, unless that person or another person in the household satisfies all outstanding community work experience obligations prior to the end of the two-month disqualification period.".

(b) Section 11 (7 U.S.C. 2020) is amended by—

(1) inserting before the period at the end of paragraph (e)(22), as added by section 306 of this Act, "and the community work experience program services necessary to effectuate the provisions of subsection 6(e)"; and

(2) inserting at the end thereof a new subsection as follows:

"(o)(1) The Secretary shall promulgate guidelines pursuant to this subsection which, to the maximum extent practicable, enable a State agency to design and operate a community work experience program for purposes of subsection 6(e) which is compatible and consistent with similar programs operated within the State.

"(2) In establishing the community work experience program services as required under paragraph (e)(22) of this section, the State agency, and any political subdivision designated by the State agency, shall—

"(A) not provide any work that has the effect of replacing or preventing the employment of an individual not participating in the community work experience program;

"(B) provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours and

"(C) reimburse participants for actual costs of transportation and other actual costs which are reasonably necessary and directly related to participation in the program, but not to exceed $25 in the aggregate per month.

"(3) Each State agency shall offer community work experience jobs to not less than seventy-five percent of the persons required to accept such employment in any month under subsection 6(e). Each State agency shall be considered to have issued erroneous payments for purposes of subsection 16(d) for the number of households by which it failed to meet the standard established in the preceding sentence with each such erroneous payment being equal to the average allotment for all households containing a member who is required to accept community work experience employment under subsection 6(e).

"(4) For purposes of section 16(a) of this Act, State agency administrative costs shall include reimbursements to participants for work-related expenses as described in paragraph 2(C) of this subsection but not the cost of equipment, tools or materials used by participants or the cost of supervising participants.". (c) Section 20 (7 U.S.C. 2029) is repealed.

STATE AGENCY LIABILITY

SEC. 203. Section 16 (7 U.S.C. 2025) is amended by—

(1) striking out subsections (b) and (c);

(2) in subparagraph (d)(2)(A)—

(A) striking out "exceeds—" and everything that follows through "thereafter," and inserting in lieu thereof "exceeds 3 per centum,";

(B) striking out "or as provided in subparagraph (B)"; and

(C) striking out "paragraph (3)" and inserting in lieu thereof "subparagraph (B)";

(3) revising subparagraph (d)(2)(B) to read as follows:

"(B) The amount by which a State agency's federally-funded share of administrative costs shall be reduced under subparagraph (A) for any fiscal year shall be equal to the product of multiplying the per centum by which its payment error rate exceeds 3 per centum for such fiscal year by the total dollar value of all coupons issued by the State agency for the fiscal year."; and (4) revising paragraph (d)(3) to read as follows:

"(3)(A) For each fiscal year the Secretary shall project the liability of each State agency under this subsection for that fiscal year by determining the State agency's share of the projected national dollar loss due to error rates above 3 per centum on the basis of its share of the national dollar loss due to error rates above 3 per centum for the most recent quality control period for which such rates have been verified by the Secretary in conformance with regulations promulgated pursuant to this subsection. The Secretary shall reduce the State agency's federally funded share of administrative costs by the amount of projected liability determined under the preceding sentence. The State agency shall pay to the Secretary, at such times as the Secretary may require, any amount by which its projected liability exceeds its federally funded share of administrative costs. After the end of the fiscal year the Secretary shall determine the State agency's actual liability under paragraph (2) and the State agency shall either pay to the Secretary the amount by which its actual liability exceeds the projected liability collected under this subsection or receive an adjustment in its federally funded share of administrative costs in the amount by which its projected liability collected under this subsection exceeds its actual liability for the fiscal year.

(B) Each State agency shall perform its responsibility under this Act for effective and efficient administration of the program without respect to the level of federal funding for administrative costs under this section.".

TITLE III—FOOD STAMP ADMINISTRATIVE IMPROVEMENTS

DEFINITION OF THRIFTY FOOD PLAN

Sec. 301. Section 3(o) (7 U.S.C. 2012(o)) is amended in the first sentence by striking out "fifty-four" and inserting in lieu thereof "fifty".

DISQUALIFICATION FOR FRAUD/INTENTIONAL MISREPRESENTATION

Sec. 302. (a) Section 6(b)(1) (7 U.S.C. 2015 (b)(1)) is amended in the first sentence thereof by inserting "after notice and an opportunity for a hearing" immediately after "court or administrative agency".

(b) Section 6(b)(2) (7 U.S.C. 2015 (b)(2)) is amended by striking out "way of administrative hearings, after notice and an opportunity for a hearing at the State level" and inserting in lieu thereof "issuing a notice stating the dates on which the period of ineligibility will begin and end and the basis for the finding of ineligibility and providing an opportunity for a hearing".

USE OF INFORMATION SUBMITTED BY RETAIL STORES

Sec. 303. Section 9(c) (U.S.C. 2018(c)) is amended by inserting immediately before the period at the end of the second sentence "except that such information may be disclosed to and used by State agencies which administer the Special Supplemental Food Program for Women, Infants and Children, authorized by section 17 of the Child Nutrition Act of 1966, for purposes of administering the provisions of that Act and the regulations issued pursuant to that Act".

DEFINITION OF "FINANCIAL INSTITUTION"

Sec. 304. Section 10 (7 U.S.C. 2019) is amended by striking out "financial institutions which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation" each time it appears therein and inserting in lieu thereof "bank or savings and loan associations".

STATE ADMINISTRATION OF WORK REGISTRATION AND JOB SEARCH

Sec. 305. Section 11(e) (7 U.S.C. 2020(e)) is amended by—

(1) striking out "and" at the end of paragraph (20);

(2) striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and "; and

(3) adding at the end thereof the following new paragraph:

"(22) that the State agency shall, pursuant to regulations issued by the Secretary, established the work registration and job research services necessary to effectuate the provisions of subsection 6(d)(1).".

JUDICIAL REVIEWS OF RETAILER/WHOLESALER DISQUALIFICATIONS/CIVIL MONEY PENALTIES

Sec. 306. Section 14(a) (7 U.S.C. 2023(a)) is amended by—

(1) inserting before the period at the end of the eighth sentence "and where such action was taken pursuant to section 12 of this Act the court shall limit its review to whether the violations occurred as charged. The court shall not modify or set aside the sanction imposed by the Secretary unless the administrative record shows that imposition of the sanction was arbitrary, capricious or an abuse of discretion"; and

(2) in the last sentence by—

(A) striking out "During" and inserting in lieu thereof "In the case of State agencies, during";

(B) striking out "an" and inserting in lieu thereof "on"; and

(C) adding a new sentence at the end thereof as follows: "In the case of an administrative action taken pursuant to section 12 of this Act, applications for stays of such action shall be granted only upon a strong showing that the applicant is likely to prevail on the merits of the case.".

TITLE IV—FOOD STAMP TECHNICAL AMENDMENTS

HOMEOWNERSHIP COMPONENT OF SHELTER COSTS

Sec. 401. Section 5(e) (U.S.C. 2014(e)) is amended by—

(1) in the second sentence, striking out "homeownership component" and inserting in lieu thereof "homeowners' costs and maintenance and repairs components"; and

(2) in the fourth sentence, striking out "homeownership costs" and inserting in lieu thereof "homeowners' costs and maintenance and repairs".

CLARIFICATION OF STUDENT ELIGIBILITY

Sec. 402. (a) Section 5(d) (7 U.S.C. 2014(d)) is amended by inserting immediately before "shall be considered such reimbursement" in the proviso of clause (5) "and no portion of any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like,".

(b) Section 6(e) (7 U.S.C. 2015(e)) is amended by—

(1) striking out clause (C);

(2) inserting "or" immediately before "(D)"; and

(3) striking out "; or (E)" and all that follows through the end of the sentence and inserting a period in lieu thereof.

IMMIGRATION AND NATIONALITY ACT REFERENCE

Sec. 403. Section 6(f)(2) (7 U.S.C. 2015(f)(2)) is amended by striking out "203(2)(7)" and "(8 U.S.C. 1153(a)(7))" in clause (D) and inserting in lieu thereof "207" and "(8 U.S.C. 1157)", respectively.

TITLE V—EFFECTIVE DATE

Sec. 501. The amendments made by Title II of this Act shall be effective October 1, 1984. All other amendments made by this Act shall be effective upon enactment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 26, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a bill to amend the Food Stamp Act of 1977, as amended. Also enclosed is a section-by-section analysis explaining the provisions of the bill.

The bill has five titles. Title I provides that, unless otherwise indicated, all references are to the Food Stamp Act of 1977. Title II contains amendments that support the President's Fiscal Year 1985 Budget proposal by achieving approximately $592 million in savings for Fiscal Year 1985. These proposals are discussed in more detail below. Title III contains various proposals for improved program administration. Title IV provides for some technical amendments to the program. Title V sets effective dates for implementing the provisions of the bill.

Title II contains three budgetary provisions. The first provision would impose stricter liability on those States not using effective error reduction strategies. To avoid fiscal liability States would be required to maintain an error rate of three percentum or less. This would give States a greater incentive to reduce errors. Further, States with excessive error rates would share more fiscal responsibility in reimbursing the Federal Government for benefit dollars lost. Savings resulting from this proposal would be $503 million in Fiscal Year 1985 alone.

The second budgetary proposal is designed as a work incentive as well as to assist the unemployed to reenter the job market. We would require States to establish Community Work Experience Programs (CWEP). These programs would encourage able-bodied food stamp recipients to find work in the private sector. If no jobs are available, CWEP participants would perform useful public services, fulfilling community needs that otherwise would not be met with existing public resources. We believe this proposal would primarily reduce costs through the increased income available to CWEP participants finding suitable employment. Further, the Food Stamp Program's CWEP would be designed to be as flexible as possible in order to ease the burden on States. In addition to CWEP, we would amend the work requirements to more closely conform to those in the Aid to Families with Dependent Children Program (AFDC). These changes would reduce the categories of persons exempt from meeting the work requirements and require applicants, as well as participants, to search for jobs.

Our last budgetary proposal would simplify the application process by making AFDC recipients categorically eligible. This would assist these individuals, and reduce the amount of documentation required to certify these applicants, thereby allowing eligibility workers to perform other needed tasks.

We believe these proposals will result in substantial cost reductions. However, enactment of these proposals would not result in a reduction of properly issued benefits to eligible participants. We are also focusing our attention on ways the Department of Agriculture can improve management of the Food Stamp Program within the framework of existing legislative authorities to save additional monies.

A similar letter is being sent to the Speaker of the House.

The Office of Management and Budget advises that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

JOHN R. BLOCK,
Secretary.

SECTION-BY-SECTION SUMMARY—PROPOSED FOOD STAMP AMENDMENTS OF 1984

TITLE I—REFERENCES TO THE FOOD STAMP ACT OF 1977

TITLE II—FOOD STAMP BUDGETARY REVISIONS

Categorical eligibility

Section 201 would amend Section 5 of the Food Stamp Act of 1977 to provide categorical eligibility for those food stamp households in which all members are certified to receive payments under the Aid to Families with Dependent Children (AFDC) program. Under current law, States have the option of considering households in which all members are certified to receive AFDC payments and which have gross income equal to or less than 130 percent of the poverty line to have met the Program's resource test. This change would exempt households throughout the country in which all members are certified to receive AFDC payments from the Program's net income test, as well as the resource test. Such households would still be subject to nonfinancial eligibility requirements, such as cooperation with State agencies, reporting changes in circumstances, work registration, and job search. The Secretary would be permitted to waive the gross income eligibility test for States which demonstrate that their AFDC income limits for each household size do not exceed 130 percent of the poverty line.

Categorical; eligibility for pure AFDC households advances three key Administration goals for the Food Stamp Program: simplifying administration, emphasizing compatibility with other public assistance programs, and reducing errors in establishing eligibility. By saving time in documenting an applicant's eligibility, State agencies will gain more time to implement techniques for error prevention, detection, and correction. Categorical eligibility of AFDC households would save an estimate $4 million in Fiscal Year 1985 through error reduction and would reduce administrative time for determining the food stamp eligibility of AFDC households, without diminishing overall food stamp assistance to AFDC households.

Work Requirements and Community Work Experience Program

Section 202 would amend section 6 of the Food Stamp Act to establish greater conformity between the food stamp work requirements and those of the AFDC program. The work requirements would be extended to 16- and 17-year old heads of households. This change would assure that 16- and 17-year old heads of households would be treated the same as other heads of households. Also, food stamp applicants would be required to meet job search requirements. Job search is now required of applicants only if State agencies exercise their option to mandate it. Further, food stamp State agencies would be given the same option that AFDC State agnecies have to extend work requirements to caretakers of children between three and six years old when adequate child care is available. Currently, caretakers of children under six years old are exempt from all of the work requirements; also, caretakers of children between six and twelve can refuse offered employment without penalty if adequate child care is not available for those children. Finally, the exemption from the work requirements now provided for students would be deleted.

Section 202 would also amend Section 6, 11, and 20 of the Food Stamp Act to man-

date a nationwide community work experience program (CWEP) for the Food Stamp Program. Section 6 would be amended to establish the acceptance and performance of CWEP jobs as eligibility requirements. In order for a household to continue to be eligible to receive food stamps, the members that would have to satisfy the CWEP requirement would be those subject to food stamp work requirements and those who are only exempt because they are complying with the work requirements of the Federal-State unemployment compensation system. The total monthly household food stamp CWEP requirement would be the number of hours obtained by dividing a household's monthly allotment by the higher of the State or Federal minimum wage. However, the maximum CWEP requirement would be 120 hours per month for each covered individual in combination with any other work. This is comparable to the current maximum of 30 hours per week for participants in the Food Stamp Optional Workfare Programs and the number of hours otherwise nonexempt persons must work to be exempt from the food stamp work requirements. Also, failure to report for an interview or perform work without good cause would result in a two-month disqualification period for the household. However, disqualifications could be "cured" by household members who "work off" the value of food stamps received during periods of noncompliance.

Section 11 would be amended to establish the requirement that State agencies operate CWEP programs or delegate the responsibility to political subdivisions within the State. The amendatory language would require the Department's CWEP regulations to be as flexible as possible to permit State agencies to operate food stamp CWEP programs that are compatible with other workfare/CWEP programs the State may have in operation. A State agency could integrate its food stamp CWEP program into such a program with prior approval from the Department. The statutory protections and operating guidelines (including reimbursing participants for actual expenses necessary for performing CWEP work, with a maximum set at $25 a month) would be the same as those currently in Section 20 of the Act for food stamp Optional Workfare Programs. However, the State agency's option to allow a job search period for up to 30 days following the eligibility determination would be deleted. Also, the special funding incentive for State agencies provided from half of demonstrated workfare savings would be deleted. Such incentives are unnecessary if there is a statutory requirement that State agencies administer workfare-type programs. State agencies would receive 50 percent Federal funding of their costs of operating food stamp CWEP programs, including the cost of reimbursing CWEP participants for their work-related expenses, but not including the costs of equipment, tools, materials, or the costs of supervising CWEP participants. This funding could be suspended or cancelled in whole or in part if either the State agency or any of its political subdivisions fail to comply with CWEP administration requirements.

A State agency standard for CWEP performance would be set at 75 percent of covered individuals. Covered individuals are those not exempt from CWEP who participate for a full month. State agencies would be expected to offer jobs to or take action against 75 percent of covered individuals in any month. Failure to meet the performance standard would be considered as issuance to ineligible households for purposes of error rate liability. Section 20 would be struck, thereby deleting the authority and guidelines for operating the food stamp Optional Workfare Programs.

Mandatory CWEP is being proposed because it would benefit both program participants and communities by affording able-bodied food stamp recipients the opportunity to perform useful work. Also, performance of a CWEP job introduces individuals to the work environment and encourages the individuals to find regular employment. Further, the existence of a CWEP requirement acts as deterrent to program participation for those who could work but do not do so through choice. Finally, it is estimated that the proposal would save $85 million in Fiscal Year 1985. Effective administration would realize these savings in two ways: (1) individuals finding regular employment, thus, becoming ineligible or entitled to smaller allotments; and (2) individuals not wanting to work being deterred from participation.

State agency liability

Section 203 would amend Section 16 of the Food Stamp Act to revise the error rate sanction and incentive system effective October 1, 1984. A State with a combined error rate for ineligibility (payments to ineligible households) and overissuances (overpayments to eligible households) which exceeds three percent in Fiscal Year 1985 and subsequent fiscal years would be liable for the dollar value of the excessive errors. The projected amount of any State's liability under this proposal would be deducted from the Federal funding available for that State's administrative costs or would be collected through direct billing during the fiscal year in which the excessive errors occur. In order to calculate the amount of States' liability during the same fiscal year that the errors occur, the Department will project a national error rate dollar loss using a projected national error rate adjusted for the three percent error tolerance and a projected fiscal year's issuances. The national dollar loss will be apportioned among States based on their contribution to the national dollar loss because of error rates above three percent during the most recent quality control period for which federally-adjusted data are available. When the actual quality control data for a fiscal year are received and validated, the amount of States' liability may be adjusted. If the amount of liability is reduced, the difference would be reflected in a State's Federal funding; if increased, the State would be billed for the difference. Because the revised error rate liability system could result in some States losing their Federal funding for administrative costs, the Department would require States to maintain a level of State funding that will permit adequate administration of the program.

We believe that it is appropriate to reduce the threshold for States' error liability to three percent to serve as a strong inducement for States to apply all possible error-reduction techniques and because it is comparable to that of the AFDC program. Further, the proposal would assure that the cost of excessive errors resulting in incorrect eligibility determinations or overpayments will be borne by the States and not the Federal government. Actual error rates are lower in the AFDC and Medicaid programs, where States share program costs. It is equitable to have States share in the costs of errors as they have the responsibility of administering the Food Stamp Program and are, thus, in a position to control errors. We have seen the overpayment error rate drop from 10.4 percent the first half of Fiscal Year 1981 to about 8.2 percent in the same period in Fiscal Year 1983, a 20 percent reduction in two years. But an eight percent error rate is still unacceptably high. Overpayments cost the U.S. taxpayers $900 million in 1983. By improving program administration and reducing the amount of dollars spent in error, we can target funds on those individuals in greatest need and restore public confidence in the program.

Section 203 would further amend Section 16 to make conforming amendments to repeal the incentive system and to eliminate the requirements that the Secretary establish standards for efficient and effective administration and that States report on their actions to meet such standards. Since States would be liable for the cost of excess errors, they must have the latitude to decide upon and implement methods best suited to error reduction in their States.

As a result of this proposal the Federal government expects to collect $483 million from State agencies with excessive error rates in Fiscal Year 1985 plus savings of $20 million from error reduction.

TITLE III—FOOD STAMP ADMINISTRATIVE IMPROVEMENTS

Definition of thrifty food plan

Section 301 would amend Section 3(o) of the Food Stamp Act to change the age range in the 4-person reference family used in calculating the amount of the Thrifty Food Plan. The ages would be 20-50 years old instead of 20-54 years. Such a change is necessary to permit the age categories used for the Thrifty Food Plan to correspond to the age categories used by the National Academy of Sciences—National Research Council in developing the Recommended Dietary Allowances.

The proposal would not result in a significant change in the amount of the Thrifty Food Plan; it would merely standardize the data and facilitate the development of the Plan. When the Thrifty Food Plan was revised in 1983, the food costs for the two groups (adults 20-50 and adults 20-54) were the same. Periodically, the Thrifty Food Plan could become slightly higher or lower using the 20-50 age group. We are unable to project the exact size of such variations, but we are cetain they would be very small. The food consumption patterns for the 20-50 age group and for the 20-54 group are the same for seven of the eleven major food groups used in developing the Thrifty Food Plan. There are only minimal differences in the other four food groups. Finally, the age limit of 54 years for the adult category has no research basis. It was simply the age selected when the Economy Food Plan (the forerunner of the Thrifty Food Plan) was adopted for use in the Food Stamp Program in 1971.

Disqualification for fraud/intentional misrepresentation

Section 302 would amend Section 6(b) of the Food Stamp Act to permit State agencies to disqualify individuals for fraud or intentional misrepresentation without an automatic fraud hearing. Currently, the Act requires that a finding of fraud/intentional misrepresentation be made by a court or the State agency at an administrative hearing prior to the disqualification. Under the proposal, following a determination by a State agency of fraud/intentional misrepresentation, the individual would be notified of the period of disqualification, the basis for the

finding of fraud/intentional misrepresentation, the length of the disqualification period, and would be provided an opportunity to request a hearing before the disqualification period begins. A request for a hearing would stay the disqualification until a determination from the hearing upholding the disqualification is reached. If the individual does not request a hearing, disqualification would become effective as stated in the notice. Once the disqualification became effective, whether or not it followed a hearing, the State agency would proceed to recover funds lost through the fraud/intentional misrepresentation and would retain 50 percent of any sums recovered.

This proposal is similar to the procedure in the AFDC program. The proposal could result in a significant reduction in the number of fraud hearings since many individuals choose not to appear at their hearings. Under the current law, the hearing must still be held without the accused being present. There were 12,213 fraud hearings held in Fiscal Year 1982; their outcomes were 10,821 fraud/intentional misrepresentation determinations upheld and only 1,392 reversed. While we have no actual data on how many individuals fail to appear, an audit by the Office of the Inspector General found that many individuals do not appear and one State agency estimated a 50 percent rate of "no-shows". A reduction in the number of fraud hearings would streamline the disqualification process and free State agency personnel for more productive use, yet insure full hearing rights prior to disqualification for those individuals who wish to have hearings.

Use of information submitted by retail stores

Section 303 would amend Section 9(c) of the Food Stamp Act to broaden the permissible use of information submitted from retail stores under this subsection to include assisting State agencies that administer the special supplemental food program for women, infants and children (WIC) in monitoring retail store compliance in that program. Currently, Section 9(c) limits "use or disclosure" of information submitted by retail food stores or wholesale food concerns to purposes directly connected to administration or enforcement of the Food Stamp Program, including audits by the Comptroller General of the United States. This limitation prevents sharing of food stamp retail monitoring information with WIC authorities, even though most of the approximately 50,000 retail stores authorized to participate in the WIC program also participate in the Food Stamp Program. (WIC legislation and regulations lack such constraints on information sharing.) For example, WIC state agencies cannot be informed of potentially high-risk vendors, as may be indicated by a high ratio of food stamp redemptions to total food sales. This amendment enables the Federal government to provide WIC authorities with lists of vendors indentified as being high-risk through analysis of protected information. The amendment is expected to increase the efficiency and effectiveness of retail oversight efforts and contribute to the prevention and detection of fraud, waste and abuse.

Definition of "financial institution"

Section 304 would amend Section 10 of the Food Stamp Act to change the definition of a financial institution to include banks and savings and loan associations which are not federally-insured. The current language ties the definition of a financial institution only to those banks and savings and loan associations which are insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC). However, there are over eight hundred banks that are not insured by the FDIC. In addition, some savings and loan associations are only insured by State organizations. The proposal would permit non-federally insured savings and loan associations and uninsured banks to redeem food stamps since they can provide valuable services to retailers participating in the Food Stamp Program.

State agency administration of work registration and job search

Section 305 would amend Section 11(e) of the Food Stamp Act to identify administration of the program's work requirements as a mandated State agency activity. There are four work requirements which non-exempt food stamp applicants and participants must meet: registering for work, searching for work and reporting on job search efforts, accepting a suitable job is offered, and keeping a job unless there is good cause for quitting. State agencies would be given broad latitude in choosing methods for administering these requirements including whether to do so themselves or to contract with another agency, such as State Employment Security Agencies (SESAs).

The proposal to statutorily mandate State agency administration of the work requirements will help accomplish two of the Administration's goals: stronger work requirements and greater State agency flexibility.

Judical reviews of retailer/wholesaler disqualifications/civil money penalties

Section 306 would amend Section 14(a) of the Food Stamp Act to make two changes in the procedures governing judicial reviews of adverse administrative determinations (disqualifications or imposition of civil money penalties) against retail food stores and wholesale food concerns.

First, the Act would include a clear statement prohibiting courts from reducing the length of disqualification periods or the amount of civil money penalties which have been appropriately assigned based on valid evidence of violations. This prohibition has always been intended by the Congress, as expressed in the 1977 House Report (No. 95-464):

"The Committee wants to go on record as noting that, when there is imposition of disqualification for such period of time as may be determined in accordance with regulations (and the regulations permit disqualification for a reasonable period up to three years) pursuant to section 12 of the bill, the Committee does not intend that, in the trial de novo in the United States district court or State court of the final administrative determination of disqualification, the sanction or period of disqualification imposed would itself be subject to judicial review as several courts have held that it is. See *Goodman* v. *United States*, 518 F.2d 505 (5th Cir. 1975) and *Cross* v. *United States*, 512 F.2d 1212 (4th Cir. 1975) (en banc). But see *Martin* v. *United States* 459 F.2d 300 (6th Cir.), *cert. denied*, 409 U.S. 878 (1972) and *Save More of Gary, Inc.*, 442 F.2d 36 (7th Cir.), *cert. dismissed*, 404 U.S. 987 (1971). The trial de novo as set forth in section 14 should be limited to a determination of the validity of the administrative action, but not of the severity of the sanction. Review of the factual determination that a violation occurred is normal grist for the courts; review of the length of (a) highly discretionary a (sic) sentence of disqualification is not."

In spite of such clear statements of intent, because the Act requires that the judicial review be a trial de novo "in which the court shall determine the validity of the questioned administrative action . . .", some courts have extended their authority beyond a review of the evidence of violations to include a determination of an appropriate sanction. In a case last year (*Broad Street Food Market, Inc.* v. *United States*), the judge did not question the validity of the evidence of violations but nevertheless set aside a disqualification and established a civil money penalty. His decision was based on information presented for the first time during the judicial review on the anticipated hardship to the neighborhood of the store subject to disqualification. The decision was reversed upon appeal and the original disqualification reinstated. Stating Congressional intent clearly in the statute should prevent such reversals in the future, thereby averting costly appeals and attendant delays in the disqualification of established violators.

Second, Section 306 would change the conditions appellant retailers and wholesalers must meet in order to obtain judicial stays of administrative penalties. The change would require a petitioning firm to present a strong showing that it is likely to prevail on the merits of the case in order to obtain a stay.

Currently, under Section 14(a), a retail or wholesale firm requesting judicial review of a disqualification or imposition of a civil money penalty can obtain a stay pending a decision by the court merely by showing that irreparable injury would occur. Since disqualifications result in irreparable injury in the overwhelming majority of cases, stays are usually granted; thus, delays of more than a year in implementing disqualifications are not uncommon.

The proposed requirement is a usual condition which all petitioners must establish before stays are granted. It has not been specially created for violating retailers and wholesalers; rather, the current stay criterion (irreparable harm) has been a special condition that has been inordinately favorable to the violating retailers and wholesalers. Since it would be considerably more difficult for a firm to meet the proposed test than to merely show that irreparable injury would occur, fewer stays would be granted resulting in more rapid implementation of disqualifications. Speedier disqualifications would more quickly eliminate abuse by violating retailers and wholesalers as well as serve as general deterrents to retailer/wholesaler abuse.

TITLE IV—FOOD STAMP TECHNICAL AMENDMENTS

Homeownership component of shelter costs

Section 401 would amend Section 5(e) of the Food Stamp Act to delete references to the homeownership component of shelter costs. This term is used in describing the method for calculating the annual adjustments in the standard deduction and the cap on the excess shelter expense deduction, the dependent care deduction, and the combined deduction for shelter and dependent care. The homeownership component consisted of three cost categories: home purchase; financing, taxes, and interest; and the costs of maintenance and repairs. It was one of two components of shelter costs in the Consumer Price Index for all urban consumers (CPI-U). The Bureau of Labor Statistics no longer develops a homeownership component of shelter costs for the CPI-U. Now there are 3 components of shelter costs

in the CPI-U: renters' costs, homeowners' costs, and maintenance and repairs. Therefore, the Food Stamp Act references need to be changed prior to the October 1, 1984, deduction adjustments. Comparable terminology would require references to two different components: "homeowners' cost" and "maintenance and repairs."

Replacing "homeownership component of shelter costs" with "homeowners' costs" and "maintenance and repairs" is not expected to produce any change in the food stamp deductions since the same elements are still involved, only in a different combination, but a technical change is necessary so that the standard deduction and the deduction cap can be adjusted in a manner consistent with the language of the Act.

Clarification of student eligibility

Section 402 would amend Section 5(d) of the Food Stamp Act to delete the income exclusions for students' reimbursements. Such reimbursements are now excluded from the income calculations under the general exclusion for all reimbursements. However, the Food Stamp Act includes a specific exclusion for education income (e.g. deferred loans, grants, scholarships, fellowships, veterans' educational benefits) to the extent it is used for tuition and mandatory school fees. All education income used for other purposes (e.g. books, supplies, transportation) is included as income unless the grantor earmarks a portion specifically for such expenses. Some Basic Educational Opportunity Grants (BEOG)/Pell Grants are channeled from the Federal government to students through the institution of higher education. The college, in such cases, estimates educational costs for its students, some of whom then claim that the grant is a reimbursement and, therefore, excluded as income. The Department does not accept this reasoning and does not consider BEOGs/Pell Grants as reimbursements; thus there have been several challenges in court. The proposal to include all student reimbursements as income will ensure equity among all students whether they receive BEOGs/Pell Grants or not, or whether the grant is channeled through a college or provided directly to a student. Also, since the educational costs are variable and difficult to verify, the proposal would result in administrative simplification and error reduction. Including student reimbursements as income is also consistent with previous actions limiting student eligibility.

Section 402 would also amend Section 6(e) of the Food Stamp Act to repeal two of the student provisions of P.L. 97-253, the Food Stamp Act Amendments of 1982. First, the proposal would delete the exception from ineligibility provided by the 1982 Amendments for students responsible for the care of dependent children over age 6 and under 12 for whom adequate child care is not available. The provision is an illogical expansion of student eligibility—if adequate child care were unavailable, the student would be unable to attend classes. Second, the exception from student ineligibility provided for students who are enrolled in college because they participate in a WIN program would be deleted. The 1982 Amendments added an exception from ineligibility for college students who are AFDC recipients. Since there are not WIN participants who are not also AFDC recipients, only the broader exception should be retained.

Immigration and Nationality Act Reference

Section 403 would amend Section 6(f) of the Food Stamp Act to delete the reference to an out-of-date section of the Immigration and Nationality (I&N) Act. The Refugee Act of 1980 amended the I&N Act to delete Section 203(a)(7), thus eliminating the conditional entrant status as a category of aliens who would be admitted to the United States. Those aliens are now considered to be entitled to refugee status under Section 207 of the I&N Act. The proposal, then, would also delete the reference to conditional entrant status pursuant to former Section 203(a)(7) of the I&N Act and refer instead to refugee status under section 207 of the I&N Act.

TITLE V—EFFECTIVE DATE

Section 501 would provide that the effective date for the provisions in Title II of this bill would be October 1, 1984, with all other provisions becoming effective upon enactment.

Mr. STEVENS. I ask for the first reading of this bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follow:

A bill (S. 2925) to reduce the cost of and improve the Food Stamp Program, and for other purposes.

Mr. STEVENS. Mr. President, I ask that the bill not be read in its entirety, but I do ask that it be advanced to second reading.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk. It will have second reading on the next legislative day.

Mr. BYRD. Mr. President, for the record, I should state that what is being done here comes under rule 14 of the Standing Rules of the Senate, which is a rule that triggers the placing of a measure on the calendar. The ritual is as we have just done: The first reading is called for and the measure is read for the first time. The second reading is called for, and the objection is made, which sets the measure up for placement on the calendar on the next legislatve day.

Mr. STEVENS. I thank my good friend, the distinguished Democratic leader. That is correct, and we have both performed our functions in that manner. The measure will go to the calendar on the next legislative day, under the normal procedure.

S. 2926—ORDER FOR A BILL TO BE PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I send to the desk a bill on behalf of the distinguished Senator from Utah [Mr. HATCH], for himself and Mr. DECONCINI and Mrs. HAWKINS, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection.

The distinguished Senator from Massachusetts [Mr. KENNEDY] and the distinguished Senator from Utah [Mr. HATCH] had a conversation in the well this evening, and I was there to hear it. They were talking with me, and both agreed that they wanted this bill to go on the calendar. I do acquiesce in the request, based on that conversation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Both Senators said they would not attempt to bring up the measure unless it was totally cleared on both sides.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10:30 A.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate stands in recess it reconvene at 10:30 a.m. this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TODAY

Mr. STEVENS. Mr. President, following the time for the two leaders under the standing order, I ask unanimous consent that there be special orders entered for not to exceed 15 minutes each for Senators GRASSLEY, PROXMIRE, LEAHY, RANDOLPH, and MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. STEVENS. Mr. President, following that period for special orders, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon during which Senators may make statements not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, by the unanimous-consent agreement just entered into, at 12 noon the Senate will go into executive session to consider three treaties on the Executive Calendar under a 10-minute total time limitation.

Following the debate or the yielding back of that time, the Senate will conduct one rollcall vote which will count for three rollcall votes on three executive treaties.

Following the treaty votes, it is expected the Senate will turn to the consideration of H.R. 5743, the agriculture appropriations bill.

Also, by unanimous consent, at 2 p.m., the Senate will proceed to 1 hour of debate on the cloture vote on the Wilkinson nomination

At 3 p.m. the cloture vote will occur on the Wilkinson nomination with the mandatory quorum under rule XXII having been waived.

If cloture is invoked on the Wilkinson nomination, the Senate will vote immediately on the confirmation of James Harvie Wilkinson.

The Senate should also be on notice that there has been an announcement or an intention to call up the conference report on the State-Justice-Commerce appropriations bill sometime today.

Mr. President, I have been requested to state that the first vote that we anticipate today will be the vote which should commence at 12:10 p.m. and that under the schedule that we have before us today, we expect a series of votes throughout the day but the first vote should occur at 12:10 p.m.

Is there further business to come before the Senate, may I ask my friend from West Virginia? I may have inartfully stated that one unanimous-consent request to go into executive session. Does he have any further business to come before the Senate?

Mr. BYRD. No; I thank my friend.

RECESS UNTIL 10:30 A.M.

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess for a few hours until the time previously agreed to.

The motion was agreed to, and, at 1:05 a.m., the Senate recessed until today, Thursday, August 9, 1984, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, August 8, 1984*

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, we pray that we may gain a greater appreciation of the beauty and opportunities that are about us each day. In the press of time we too often miss the eternal as we deal with the temporal, we gain the moment and lose the true gifts of Your universe. Raise our vision, O gracious God, to view the unspeakable gifts of Your creation, fill us with the joy of knowing values and new ideas, of opportunity for thought and reflection, of time with friends and communion with Your spirit. May the riches of this day and the blessings of Your presence be with us all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1429) a act to amend the Small Business Act to extend and strengthen the small business development center program, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 529) an act to revise and reform the Immigration and Nationality Act, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SIMPSON, Mr. THURMOND, Mr. MATHIAS, Mr. GRASSLEY, Mr. KENNEDY, Mr. METZENBAUM, and Mr. LEAHY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4280. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes.

The message also announced that the Senate agreed to the following resolution:

S. RES. 428

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Carl Perkins, late a Representative from the State of Kentucky.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

There being no objection, the Clerk read the Senate bill, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provisions of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel *La Jolie* (Michigan registration number MC 2780 LB) owned by Hugh Lewis, of Union Lake, Michigan, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof:

That, notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating shall cause the vessel *La Jolie*, Michigan registration number MC-2807-LB, owned by Hugh Lewis, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, on compliance with all other requirements of law.

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. CARR. Mr. Speaker, I ask unanimous consent to dispense with the further call of the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MILITARY AUTHORIZATION CONFERENCE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, we seem to be totally bogged down in conference on a military authorization bill.

We are tied up on the MX missile and the conference is not even meeting.

There are other items in the bill besides the MX; I would hope the conferees would meet again and start working out differences between the Senate and House at least in other areas and then come back to the MX at a later date.

We have just got to have a military authorization bill. It would be dangerous for our Nation to run the military on a continuing resolution.

Mr. Speaker, we need the President's help and your help to get this conference going again.

TAXING MULTINATIONAL CORPORATIONS

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, Treasury Secretary Donald Regan, who in my view is one of the least capable Treasury Secretaries we've had in decades, has done it again. Last week he warned State governments that he will propose Federal legislation to force States to change the ways they tax multinational corporations unless the States do so themselves. I wonder sometimes, as I see this Treasury Secretary stagger down these financial streets loaded down with corporate baggage, just how much more he can carry on behalf of corporate America.

I want to make two points about the subject that Mr. Regan has raised.

First, the States have improved their ability to ensure that multinational corporations doing business in their States pay the same tax load that their in-State businesses have been paying for years. Some of those large corporations started raising a fuss when they had to pay their fair share of taxes, and so Treasury Secretary Donald Regan, characteristically, rushed to their side to defend them.

Second, when a bipartisan group of State Governors, legislative leaders and tax administrators got together with Treasury officials and corporate officers to try to develop a compromise on this issue, a report was compiled that included very specific report language agreed to by both the States and the Treasury Department. Following that agreement, Treasury Secretary Regan rushed to a news conference last week and violated that agreement. He took a position contrary to the agreement he had just made and took a position that his own President has opposed in the past. In my judgment, he has demonstrated once again that he belongs back on Wall Street—not in a position of public trust in Washington.

One final thought, Mr. Speaker. If this Treasury Secretary thinks he can come to Congress to try to pass legislation that will restrict the States' taxing authorities, then I say, let him come. Those of us who do care about States' rights will demonstrate to this weak disciple of New Federalism that if you are not pushing the right proposals, and if you are not keeping your word, you are not going to win.

□ 1010

WOMEN ATHLETES BRING HOME THE GOLD AS REAGAN THROWS IN TOWEL ON TITLE IX

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, American women athletes at the Olympic games are enjoying enormous successes—setting new records and winning medals at every turn.

Ask any athlete—key to those victories are years and years of training and competition.

In passing title IX of the Education Act Amendments of 1972, Congress prohibited schools receiving Federal aid from discriminating on the basis of sex in school programs.

As a result, the number of women in intercollegiate athletic programs jumped from 16,000 in 1972 to over 160,000 today.

You are seeing in Los Angeles the results of title IX enforcement.

There is a move afoot, however, to weaken title IX enforcement. In the wake of the Supreme Court's Grove City decision, which drastically narrows discrimination prohibitions, the Reagan administration has backed off its commitment to equality in education, including athletic training.

Although the House speedily passed the Civil Rights Act of 1984, to remedy the Grove City decision, that bill is held up in the other body.

Later this month the President will have a lavish ceremony, with plenty of media, to welcome the U.S. Olympic medal winners. This is as it should be. The entire country is proud of their accomplishments.

I only wish he was as devoted to enforcing equality in education so that future Olympians will get the training they need.

The American women went all out for victory while Reagan threw in the towel.

U.S. REVERSING COMMITMENT TO VOLUNTARY FAMILY PLANNING

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, Time magazine last week devoted its cover story to the dangers of uncontrolled population growth. It focused on Mexico City's almost unbelievable and unmanagable problems resulting primarily from excessively high birth rates.

On Monday, the U.N. Conference on Population began, appropriately, in Mexico City. I and other Members will be attending later this week as observers, since the White House choose to appoint no Members of Congress to the U.S. delegation.

Nor did the administration consult anyone in Congress in reversing the strong support given by six successive administrations, Republicans and Democrats alike, for voluntary family planning and education programs in developing nations.

Yes, Mr. Speaker, we should and by law do oppose abortion funding both domestically and internationally. Yes, we strongly support free enterprise as an essential to economic growth that ultimately leads to lower birth rates. But in the meantime, developing countries need help with voluntary family planning, and now, tragically, we're indicating to them we're no longer particularly interested in giving it.

PROPOSED TAX FURTHER THREATENS BELEAGUERED COPPER INDUSTRY

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, this week I distributed a copper bracelet or memento to every Member of Congress. It was mined and manufactured in Arizona by American workers, and I wish every Member to wear this memento in good health.

Unfortunately, the industry that produced this bracelet—our Nation's copper industry—is severely ailing and needs mending.

In fact, America's copper industry is battling for its life. Yet, despite the critical condition of the patient, Congress is now considering a measure which would destroy the industry.

Specifically, a $30 per ton tax on copper is being considered as a revenue-raising measure within H.R. 5640. This tax would further depress consumption and production levels of copper, forcing more mine closings and laying off thousands of workers, and make us totally dependent on foreign imports.

There are many thousands of copper workers in my State and many, many thousands of others across the Nation with idle hands. Just 2 days ago, we witnessed another mine and smelter closing in Arizona with 500 workers losing their jobs.

Mr. Speaker, they would welcome the opportunity to get back to work, but this proposed tax on copper prohibits their reemployment.

I urge my colleagues support an amendment to delete copper from the list of taxable substances within H.R. 5640.

A PLEA FOR MEMBERS TO SIGN DISCHARGE PETITION TO ALLOW CONSIDERATION OF BALANCED-BUDGET AMENDMENT

(Mr. CRAIG asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, today my colleague, the gentleman from Texas [Mr. STENHOLM], and I in a bipartisan effort will be sending out to all member offices a "Dear Colleague" encouraging all Members, before they leave for the recess, to sign discharge petition No. 10. This will show your support for sending forth from the Judiciary Committee House Joint Resolution 243 which would allow a constitutional amendment to balance the Federal budget and limit taxes to be considered on this floor and to be sent forth to the States for their consideration.

During the August recess numerous national organizations at our urging will be launching a major national media effort across this Nation to encourage the Members of this body,

through their constituent encouragement, to sign discharge petition 10 and to allow this most important issue to go forward. We would hope that you would not only sign that discharge petition in the next several days but you would also sign the public honor roll that allows the people of your home district to know that you publicly support the idea of a constitutional amendment to balance the Federal budget and limit taxes.

Mr. Speaker, it is the responsibility of this House to give this most important issue to the American public for their consideration.

SUPPORT URGED FOR EFFORTS OF POSTAL SERVICE OFFICIALS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, in recent days there have been several media attacks on the Postmaster General and the Postal Service Board of Governors over the postal workers labor contract impasse and the Service's implementation of a new, lower wage scale for new hires. These new wages are based on comparable private sector wages. Some have even made the ludicrous charge that these actions are coercive, union-busting efforts by Reagan appointees to the Board of Governors. I think it is time we put this matter into proper perspective.

When the U.S. Postal Service was established in 1971 as a quasi-governmental operation, part of the intent was to promote business-like operations, where the managers were committed to a concern for profits and losses. Wages were required by the act that the Congress passed to be comparable to those wages paid in the private sector for similar skills and levels of responsibility.

The advent of competing delivery services adds considerable free market demands on the Postal Service to keep rates competitive and service quality high. With 85 percent of all postal costs being labor costs, the management and the Board of Governors cannot ignore marketplace factors. I think it is high time we stop complaining about high postal rates and then criticize attempts to contain the costs that drive up those rates. We must get behind the current efforts of the Postmaster General and the Board of Governors to apply realistic management principles and competitive wage rates in the operation of the Postal Service. I feel these proposals fairly balance the interests of employees, mailers and the public in general. Its time to stop taking cheap shots at the Postal Service.

THE ANNIVERSARY OF RICHARD NIXON'S RESIGNATION

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, it is hard to believe that 10 years ago today Richard Nixon resigned his Presidency. You and others were present in the House at that time. I was just a young man campaigning for Congress.

I think it is appropriate that we take time to reflect on those 10 years because it gives us an indication of what is right with this country and what is wrong. What is right, of course, is that we proved ourselves to be a nation of laws and not of men, that no individual was exempt from the law, and that if you undermined the very foundations of our Republic, you would be punished, as Richard Nixon was when he was disgraced and forced to leave the Presidency.

□ 1020

What is wrong with us is that we have a collective amnesia as a nation, we have forgotten and forgiven, apparently, much of what Richard Nixon stood for. Forgotten are the things he did to this Nation, the turmoil he forced us to go through. The "secret" plan for ending the war in Vietnam which cost the lives of 20,000 American boys and countless thousands of Asians before it was implemented.

Today, Nixon is hailed as an elder statesman and his advice seems sound when compared with the nonsense on foreign affairs emanating from the White House. The proof that in the land of the blind the "one-eyed" man is king.

A nation which understands the lessons of history will not be led by the blind or those who purport to speak for them.

HIROSHIMA—39 YEARS AGO

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, 39 years ago this week an atomic bomb was dropped on Hiroshima. At 15 minutes past 8 on the morning of August 6, 1945, the bomb bay doors of the *Enola Gay* opened. Moments later the first atom bomb ever dropped on the Earth exploded above Hiroshima City.

In the words of one survivor, August 6 was "the end of Hiroshima, of Japan, of humankind."

Our nuclear weapons are now thousands of times more destructive than the Hiroshima bomb and our nuclear arsenals thousands of times greater in numbers. The next use of nuclear weapons will bring about the end of civilization as we know it. Its survivors will envy the dead.

Yet, the United States and the Soviet Union continue to edge closer and closer to nuclear annihilation. Still, the United States refuses to renounce the first use of nuclear weapons.

An American poet wrote: "In a dark time, the eyes begin to see."

As we now face one of the darkest periods of the nuclear era, we must begin to see an end to the madness of the nuclear arms race.

Renouncing the first use of nuclear weapons would help put an end to that madness and would bring hope to all of us whose lives are shadowed by the threat of a nuclear holocaust.

THE LATE HONORABLE CARL D. PERKINS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, yesterday morning more than 3,000 people gathered in the Knott County Central High School gymnasium at Hindman, KY, for the funeral of our beloved friend and colleague, the late Carl Dewey Perkins. There in that eastern Kentucky high school gymnasium, tributes galore were paid to this great American. More than 80 of his congressional colleagues awoke before dawn yesterday to come to the U.S. Capitol, then to Andrews Air Force Base, then to the London, KY, Airport and then an hour and a half drive over to the town of Hindman, KY, the birthplace and home of the late Carl D. Perkins.

Speaker O'NEILL's words at the funeral included, "Thousands have served in Congress, but few have had the impact that Carl Perkins has."

Our majority leader, JIM WRIGHT, referred to Carl Perkins as "a giant of a man in our day." JIM WRIGHT said, "No man has done more for those who needed his help than Carl Perkins did in his 36 years of public service."

I believe our majority leader said it best as he closed his remarks by saying, "Carl, your day is done, your battle won. Well done."

On September 11, the Members of the House will have 4 hours to pay tribute to the late Carl D. Perkins. Those of us from Kentucky appreciate the many colleagues who went to our State yesterday to pay tribute to Carl D. Perkins.

Verna Perkins, Carl's widow, and State representative and Mrs. Carl Christopher Perkins, Carl's son and daughter-in-law have expressed their appreciation for the many, various expressions of sympathy sent to them since last Friday.

RELATING TO EARLY ORGANIZATION OF THE HOUSE FOR THE 99TH CONGRESS

Mr. WRIGHT. Mr. Speaker, I send to the desk a resolution (H. Res. 567) relating to early organization of the House for the 99th Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 567

Resolved, That any organizational caucus or conference in the House for the Ninety-ninth Congress may begin on or after November 28, 1984.

SEC. 2. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The SPEAKER. The majority leader, the gentleman from Texas [Mr. WRIGHT] is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, this has been cleared with the minority leadership. The minority leader agrees with the purpose of this resolution.

As Members will recall, at the beginning of each new Congress before Congress convenes, new Members on both sides of the aisle are brought in for an orientation period. The Republican conference organizes itself, the Democratic caucus organizes itself.

Under existing law, permission for the use of public moneys to conduct these preorganizational conferences has been confined to the time following December 1.

This year because of some time scheduling difficulties, it was thought that it was very helpful to begin these caucuses and conferences on November 28 and all this does is to correct the law in that minor way so as to permit that change to be made.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER RELATING TO SPECIAL ORDERS AND 1-MINUTE SPEECHES

The SPEAKER. After consultation with and concurrence by the minority leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. Beginning September 5, the Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having "business" requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

With respect to recognition for "special-order speeches" at the end of legislative business of the day, the Chair will recognize first those Members who wish to address the house for 5 minutes or less, alternating between majority and minority members, otherwise in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize those Members who wish to address the house for longer than 5 minutes up to 1 hour, alternating between majority and minority members in the order in which those permissions were granted by the House.

Thus all Members can continue to obtain permissions to address the House in the same ways as are presently utilized, either by requests made by the acting majority and minority leaders at the end of the day through their respective Cloak Rooms or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should state "permission to address the House at the conclusion of legislative business, consistent with the Speaker's announced policy of recognition." Thus, Members should be on notice that a special order for more than 5 minutes, although agreed to at a prior time, may be preceded by a series of special orders of 5 minutes or less, or by a longer special order of a Member of the other party.

Further refinements of this policy based upon experience may be announced by the Chair in the future after consultation with the minority leader.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

AMENDING SENATE AMENDMENT TO H.R. 2878, LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1983, AND APPOINTMENT OF CONFEREES THEREON

Mr. SIMON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 568) to amend the Senate amendment to H.R. 2878 and to request a conference thereon with the Senate.

The Clerk read as follows:

H. RES. 568

Resolved, That upon the adoption of this resolution the House of Representatives shall be considered to have taken from the Speaker's table the bill, H.R. 2878, with the Senate amendment thereto, to have agreed to the Senate amendment with a further amendment as follows, to have insisted on this amendment and to have requested a Conference thereon with the Senate: In lieu of the matter proposed to be inserted by the Senate amendment insert the text of H.R. 2878 as passed by the House and the text of the Committee amendment to H.R. 4066 as reported by the Committee on Education and Labor.

□ 1030

The SPEAKER. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. SIMON] will be recognized for 20 minutes and the gentleman from Illinois [Mr. ERLENBORN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. SIMON].

Mr. SIMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4066 authorizes Federal funds to provide partial support for the John W. McCormack Institute of Public Affairs at the University of Massachusetts at Boston. The bill authorizes up to $3 million to be spent over 2 years. Under the committee bill, the Federal funds could be spent over a 3-year period beginning in fiscal year 1985. The funds would remain available until expended.

In addition to the Federal funds, the Commonwealth of Massachusetts will provide $300,000 in the 1984–85 academic year and the university will provide an additional $300,000. The institute was established in the fall of 1983 as a tribute to the public service of former House Speaker John W. McCormack (1962–71).

The McCormack institute is a focal point of the university's commitment to service to Boston, to Massachusetts, and to New England. Its purpose is to identify, marshall, coordinate, and expand the university's efforts toward policy research—particularly on issues of concern to Massachusetts and New

England—public service, and public affairs education, both on and off campus. The institute gathers together or supports various distinguished university programs, including the Boston Urban Observatory, the former policy studies center, the urban studies undergraduate program, and the master of science in public affairs. It draws on a multitude of university and outside resources, including those of its neighbors on the harbor campus, the John F. Kennedy Library and the Massachusetts State Archives; the downtown campus with its center for survey research; and the full and varied resources of the Amherst and Worcester campuses of the University of Massachusetts. The institute was developed to facilitate and enhance the university's response to the diverse needs of the Boston metropolitan area, the Commonwealth, and the region.

The organization of the McCormack institute reflects its commitment to applied policy analysis, public service, and educational outreach. The central staff has expertise in government, demographics, survey research, public policy analysis, human resources planning, political behavior, urban affairs, public finance, higher education policy, economics, and public management. Fellows of the McCormack institute add specific expertise as needed.

The institute of public affairs will serve the people of the Commonwealth of Massachusetts in diverse yet complementary ways. Through applied research in public policy and consultation with State and local governing bodies, the institute will marshall and exploit university resources to address the needs of the Commonwealth. By instituting a wide-ranging civic education program with particular emphasis on government processes, citizen rights and responsibilities, and public policy issues, the institute will promote informed debate, encourage active participation in governmental affairs, and making public service more understood and more attractive. By serving as home to the university's master of science in public affairs degree program, the institute will formally recruit and train leaders for the Commonwealth in both the public and private sectors. Finally, by developing an ongoing public policy reference collection, the institute will gather together, preserve, and make available to State and local governing bodies the enormous variety of published materials on public issues of concern to the region, materials which are sometimes overlooked or lost in the hectic pace of public life.

The Federal funding being committed to this project is being matched by support from the State and from the university. In addition, the institute plans to raise funds in the private sector. Since its inception, the State and the university have already committed more than $1 million (1.5 million) to the development of the institute in the past 2 years. The proposed Federal assistance is a one-time only authorization of $3 million over a 3-year period. These funds will be used to assist in the development of the ongoing program of the institute and not for construction.

H.R. 4066 was included in H.R. 5240, the Higher Education Amendments of 1984. When I decided not to proceed with further consideration of that legislation during the current session of Congress, it became necessary to act on this bill separately.

I hope that my colleagues will join me and the Massachusetts congressional delegation in supporting this legislation.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this resolution, which would have the House insist on its amendments to H.R. 2878, the Library Services and Construction Act, and include in these amendments the text of a bill the committee reported last week without any hearings. The resolution then requests a conference with the Senate on the library bill.

Despite my support of public libraries and all the benefits they bestow, I am opposed to continued Federal funding for this purpose. Libraries receive only 5 percent of their funding from the Federal Government; the bulk of their support comes from State and local sources. I believe that after 25 years of Federal support, they can and should be funded by the local communities they serve.

The Library Services and Construction Act has essentially met its goal of improving access to library services for all geographic areas in the country. As the committee report on the bill points out, more than 96 percent of the Nation has access to library services now. Clearly the original goal of the act has essentially been achieved. For this reason, the administration requested that the Library Services and Construction Act not be reauthorized. At some point we have to acknowledge that a Federal program has accomplished its mission, that we cannot go on indefinitely funding at taxpayers' expense every program ever authorized by the Congress.

State and local governments have shown an increased willingness to assume the responsibility for maintaining public library services. The limited amount of money provided by the Federal Government is not essential to public libraries. They will not disappear without Federal support. In my view, the money should be used for other programs that rely more heavily on Federal support and do not have a strong, local funding base.

I would also remind my colleagues that H.R. 2878, the bill the resolution now before us would take from the Speaker's table, not only reauthorizes the Library Services and Construction Act, but also expands it. The bill adds two new authorizations in titles V and VI for programs already permitted and conducted under title I. A further concern is the proposal in the library bill to shift to forward funding. This would require a double appropriation of funds in fiscal year 1985. Libraries do not run on an academic year and do not need to contract with teachers, as schools do. For this reason, it is not necessary for libraries to receive their funds on a forward-funded basis as a number of education programs do.

Mr. Speaker, I, for one, am in no hurry to bring the Library Services and Construction Act to conference and see no need for the uncommon legislative procedure called for by the resolution before us. I urge my colleagues to vote against it.

Mr. SIMON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want for just a moment or two to respond to my distinguished colleague from Illinois [Mr. ERLENBORN] for whom I have great respect. But we are adding this John McCormack portion, and let me just add a moment or two of recollection here.

I did not have the privilege of serving under John McCormack, but I had the privilege of meeting him and I would get notes from him scrawled, and slanted uphill, but they had a marvelous spirit to them.

I had the privilege of lecturing at Harvard for one semester and while I was there Speaker McCormack invited me and my family to Jimmy's Harborside Inn, I think was the name of the place, and he was a very, very gracious host. I will always think kindly and remember the inspiration that he gave us.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I rise in support of the motion of the gentleman from Illinois and I thank him for yielding.

Mr. Speaker, I would commend the gentleman from Illinois [Mr. SIMON] and the gentleman from Illinois [Mr. ERLENBORN] for their leadership in bringing forward, as part of this motion, the bill (H.R. 4066) which would authorize the John W. McCormack Institute of Public Affairs at the University of Massachusetts at Boston.

Mr. Speaker, I am sadly required to note that the distinguished chairman of the committee, the late Carl Perkins, cannot be here to participate in legislative action on this tribute to the former Speaker. They were close and

dear friends, who worked together on most of the important legislative victories of the 1960's. And the gentleman from Kentucky had been consistenly helpful and gracious in moving this measure forward, and chaired the meeting last week at which the bill was favorably reported.

Mr. Speaker, I can think of no greater tribute to former Speaker McCormack than this living, working memorial, dedicated to the study and support of public policy and public service.

I am very honored to represent the Ninth District of Massachusetts, which was the district Speaker McCormack ably served for 42 years. Speaker McCormack was an example to us all; 1 of 12 children in a poor family, his early life was filled with hardship. When Speaker McCormack was in the eighth grade, his life was further complicated by the death of his father, which made it necessary for young John to leave school at age 13 to support his mother and younger brothers. He began by delivering newspapers for $3 a week, moved on to become a messenger for a brokerage house at $3.50 a week, and then took a job as an office boy in a law firm. His employer encouraged him to read law books and learn the law profession. He enthusiastically took advantage of this opportunity and in 1913 was able to pass the bar examination and be admitted to the State bar without even a high school education.

In 1917, he opened his law office and made his first successful bid for elective office in the Massachusetts House of Representatives, where he served two terms, followed by two terms in the State senate, where he was Democratic floor leader. He was elected to the U.S. House of Representatives in 1928 and was appointed to the Ways and Means Committee in 1931. He was an extremely active legislator who was in the forefront of efforts to establish Social Security and win the rights of workingmen through the Wagner Act and the Fair Labor Standards Act. He also led movements to establish the TVA and the Securities and Exchange Commission.

In 1940, John McCormack was chosen as the new majority leader following Sam Rayburn's election as Speaker of the House. In that capacity he was a critical ally to both Presidents Franklin Roosevelt and Harry Truman, particularly with regard to such major initiatives as the Marshall plan and NATO.

In 1962, McCormack at age 70 became the Speaker of the House of Representatives, where he remained until his retirement from public life in 1970. During that period, he continued to address the needs of our Nation through landmark legislation in the fields of civil rights, education, health care for the elderly, antipoverty initiatives, and numerous other efforts to improve the quality of life for all Americans.

Even though Speaker McCormack officially retired from public service in 1970, he still continued to be there to help his former constituents and others who sought his assistance.

The John W. McCormack Institute of Public Affairs is a most fitting tribute to the lifelong dedication that this great man gave to the Commonwealth of Massachusetts and the Nation. Certainly it was John McCormack's wish to see our brightest and most talented youth enter into public service and make a lifelong commitment to the improvement and preservation of representative government. This institute will provide a much-needed source of information and incentive for present and future public policymakers.

Mr. Speaker, the McCormack Institute is a focal point of the University of Massachusetts' commitment of service to Boston, the Commonwealth of Massachusetts, and the country. Its purpose is to identify, marshal, coordinate, and expand the university's efforts toward policy research, public service, and public affairs education both on and off campus.

The institute of public affairs will honor Speaker McCormack and serve the people of New England in diverse yet complementary ways. By instituting a wide-ranging civic education program with particular emphasis on government processes, citizen rights and responsibilities, and public policy issues, the institute will promote informed debate, encourage active participation in governmental affairs, and make public service more understood and more appealing as a career choice.

Mr. Speaker, many times during the course of my own career in public service I have spoken to groups of young people and encouraged them to carefully consider careers in public service. The John W. McCormack Institute would provide a unique opportunity for these students to study, understand, and appreciate the complexities and the realities of public service. I hope my colleagues will join with me in supporting this most fitting tribute to this great man, a tribute that will help present and future public servants to better meet the needs of our Nation and its people.

□ 1040

Mr. Speaker, I yield back the balance of my time.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when I first spoke on this resolution, I did not mention the John W. McCormack School of Public Policy portion of the bill. Let me at this time extemporaneously address this issue.

I supported this portion of the bill when it was considered in committee. I remember with great fondness my service beginning almost 20 years ago in the House when John McCormack was the Speaker.

Mr. Speaker, let me say that he was probably one of the finest Speakers that I have ever served under during those 20 years with the exception of the current Speaker. And my good friend, Carl Albert was also a fine Speaker.

In other words, I have enjoyed my service under the leadership of all three, and I wish the Speaker had heard me say that.

Mr. Speaker, I had just said that my service under John McCormack proved to me that he was one of the finest Speakers that I have ever served under except your own fine leadership.

The SPEAKER. I thank the gentleman.

Mr. ERLENBORN. And that of Carl Albert.

Thank you very much.

I yield back the balance of my time.

Mr. SIMON. I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Illinois both for his kind reference to Speaker McCormack and the current Speaker of the House.

Let me add just one other small point to what has been said; and that is this Library Services and Construction Act has a small feature in it that could be significant for the Nation; that is to encourage libraries to move on this problem of illiteracy.

Again, this measure originally passed the House 351 to 39; going to conference makes sense and I hope the House will adopt the resolution at this point.

● Mr. DONNELLY. Mr. Speaker, the Resolution before the House today includes the text of H.R. 4066, legislation introduced by Mr. MOAKLEY, on which I am proud to be listed as an original cosponsor.

H.R. 4066 appropriately honors the memory of Speaker John W. McCormack by aiding the establishment of an Institute of Public Affairs in his name at the University of Massachusetts' Boston campus. This is a most fitting tribute to a great yet humble man who cared so deeply for our country and its people. The John W. McCormack Institute of Public Affairs is located within a mile of his birthplace in South Boston. The Institute will be a center of scholarly research, and is a tremendous resource for the surrounding communities which John W. McCormack represented during his remarkable 42-year career in the House. The Institute will be a living memorial to Speaker McCormack's lifelong dedication to public service. Even though he rose to positions of

high prestige, John W. McCormack never forgot the day-to-day concerns of the people who elected him to Congress 21 times. After retirement from the House he loved and served so well, Speaker McCormack still continued daily office hours in Boston for his constituents.

His example is one we do well to emulate. I urge the support of all Members of the House for this most deserving and appropriate memorial to Speaker McCormack.●

The SPEAKER. The question is on the motion offered by the gentleman from Illinois [Mr. SIMON] that the House suspend the rules and agree to the resolution, House Resolution 568.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES

The SPEAKER. Pursuant to the provisions of House Resolution 568, the Chair appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, ANDREWS of North Carolina, SIMON, WILLIAMS of Montana, KOGOVSEK, OWENS, HARRISON, ACKERMAN, PENNY, ERLENBORN, JEFFORDS, GOODLING, COLEMAN of Missouri, and PETRI, ROUKEMA, GUNDERSON, and PACKARD.

HIGHER EDUCATION ACT OF 1965 AMENDMENTS

Mr. SIMON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4477) to amend the Higher Education Act of 1965 to provide grants to the States to establish postsecondary education scholarship programs to encourage outstanding high school graduates to enter the teaching profession, and to establish a national fellowship program for talented teachers, as amended.

The Clerk read as follows:

H.R. 4477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Higher Education Act of 1965 is amended by inserting after part D the following new parts E and F:

"PART E—CARL D. PERKINS SCHOLARSHIP PROGRAM

"DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

"SEC. 561. (a) It is the purpose of this part to make available, through grants to the States, scholarships during fiscal years 1986 through 1990 to a maximum of ten thousand individuals who are outstanding high school graduates and who demonstrate an interest in teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the elementary or secondary level. Such scholarships shall be referred to as 'Carl D. Perkins Scholarships'.

"(b) There are authorized to be appropriated such sums as may be necessary for fiscal year 1986 and for each of the four subsequent fiscal years for Carl D. Perkins Scholarships to eligible students under this part.

"ALLOCATION AMONG STATES

"SEC. 562. (a) From the sums appropriated pursuant to section 561 for any fiscal year, the Secretary shall allocate to any State an amount which bears as nearly as possible the same ratio to such sums as the number of persons in that State bears to the number of persons in all States.

"(b) For the purpose of this section, the number of persons in a State and in all States shall be determined by the most recently available data from the United States Census Bureau.

"GRANT APPLICATIONS

"SEC. 563. (a) The Secretary is authorized to make grants to States in accordance with the provisions of this part. In order to receive a grant under this part, a State shall submit an application at such time or times, in such manner, and containing such information as the Secretary may prescribe by regulation. Such application shall set forth a program of activities for carrying out the purposes set forth in section 561(a) in such detail as will enable the Secretary to determine the degree to which such program will accomplish such purposes and such other policies, procedures, and assurances as the Secretary may require by regulation.

"(b) The Secretary shall approve an application only if the application—

"(1) describes the selection criteria and procedures to be used by the State in the selection of scholarships under this part which satisfy the provisions of this part;

"(2) describes the outreach effort the State agency intends to use to publicize the availability of Carl D. Perkins Scholarships to high school students in the State;

"(3) provides assurances that each recipient eligible under section 565(b) of this part who receives a Carl D. Perkins Scholarship shall enter into an agreement with the State agency under which the receipient shall—

"(A) within the ten-year period after completing the postsecondary education for which the Carl D. Perkins Scholarship was awarded, teach, for a period of not less than two years for each year for which assistance was received, in a public elementary or secondary school in any State, in a public education program in any State, or in a private nonprofit school located and serving students in a district eligible for assistance pursuant to chapter 1 of the Education Consolidation and Improvement Act of 1981, or, on a full-time basis, handicapped children or children with limited English proficiency in a private nonprofit school, except that, in the case of individuals who teach in a school serving large numbers or high concentrations of economically disadvantaged students, or who teach children with limited English proficiency or handicapped children, the requirements of this subparagraph shall be reduced by one-half;

"(B) provide the State agency evidence of compliance with section 566 of this part as required by the State agency;

"(C) repay all or part of a Carl D. Perkins Scholarship received under section 564 of this part plus interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under section 567 of this part, in the event that the conditions of clause (A) are not complied with, except as provided for in section 568 of this part;

"(4) provides that the agreement entered into with recipients shall fully disclose the terms and conditions under which assistance under this part is provided and under which repayment may be required. Such disclosure shall include—

"(A) a description of the procedures required to be established under paragraph (5);

"(B) a description of the appeals procedures required to be established under paragraph (6) under which a recipient may appeal a determination of noncompliance with any provision under this part;

"(5) provides for procedures under which a recipient of assistance received under this part who teaches for less than the period required under paragraph (3)(A) will have the repayment requirements reduced or eliminated consistent with the provisions of sections 567 and 568 of this part;

"(6) provides for appeals procedures under which a recipient may appeal any determination of noncompliance with any provision under this part;

"(7) provides assurances that the State agency shall make particular efforts to attract students from low-income backgrounds or who express a willingness or desire to teach in schools having less than average academic results or serving large numbers of economically disadvantaged students; and

"(8) provides assurances that Carl D. Perkins Scholarships will be awarded without regard to sex, race, handicapping condition, creed, or economic background.

"(c) The selection criteria and procedures to be used by the State shall reflect the present and projected teacher needs of the State, including the demand for and supply of elementary teachers in the State, the demand for and supply of secondary teachers in the State, and the demand for teachers with training in specific academic disciplines in the State.

"(d) In developing the selection criteria and procedures to be used by the State, the State shall solicit the views of State and local educational agencies, private educational institutions, and other interested parties. Such views—

"(1) shall be solicited by means of (A) written comments; and (B) publication of proposed selection criteria and procedures in final form for implementation; and

"(2) may be solicited by means of (A) public hearings on the teaching needs of elementary and secondary schools in the State (including the number of new teachers needed, the expected supply of new teachers, and the shortages in the State of teachers with training in specific academic disciplines); or (B) such other methods as the State may determine to be appropriate to gather information on such needs.

"AMOUNT AND DURATION OF AND RELATION TO OTHER ASSISTANCE

"SEC. 564. (a) Subject to subsection (c), each Carl D. Perkins Scholar shall receive a $5,000 scholarship for each academic year of postsecondary education for study in prepa-

ration to become an elementary or secondary teacher. No individual shall receive scholarship assistance for more than four years of postsecondary education, as determined by the State agency.

"(b) Notwithstanding the provisions of title IV of this Act, scholarship funds awarded pursuant to this part shall not be considered in determining eligibility for student assistance under title IV of this Act.

"(c) No individual shall receive a Carl D. Perkins Scholarship under this part in any given year which, when added to assistance received under title IV of this Act shall exceed the cost of attendance, as defined under section 482(d), at the institution the individual is attending.

"SELECTION OF CARL D. PERKINS SCHOLARS

"SEC. 565. (a) Carl D. Perkins Scholars shall be selected by a seven-member statewide panel appointed by the chief State elected official, acting in consultation with the State education agency, or by an existing panel designated by the chief State elected official and approved by the Secretary of Education. The statewide panel shall be representative of school administrators, teachers and parents.

"(b) Selections of Carl D. Perkins Scholars shall be made from students who have graduated or who are graduating from high school and who rank in the top 10 per centum of their graduating class. The State educational agency shall make applications available to high schools in the State and in other locations convenient to applicants, parents and others. The statewide panel shall develop criteria and procedures for the selection of Carl D. Perkins Scholars. Such criteria may include the applicant's high school grade point average, involvement in extracurricular activities, financial need, and expression of interest in teaching as expressed in an essay written by the applicant. The panel may also require the applicant to furnish letters of recommendation from teachers and others.

"SCHOLARSHIP CONDITIONS

"SEC. 566. Recipients of scholarship assistance under this part shall continue to receive such scholarship payments only during such periods that the State agency finds that the recipient is (A) enrolled as a full-time student in an accredited postsecondary institution; (B) pursuing a course of study leading to teacher certification; and (C) maintaining satisfactory progress as determined by the postsecondary institution the recipient is attending.

"SCHOLARSHIP REPAYMENT PROVISIONS

"SEC. 567. Recipients found by the State agency to be in noncompliance with the agreement entered into under section 563(b)(3) of this part shall be required to repay a pro rata amount of the scholarship awards received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this part.

"EXCEPTIONS TO REPAYMENT PROVISIONS

"SEC. 568. (a) A recipient shall not be considered in violation of the agreement entered into pursuant to section 563(b)(3)(C) if the recipient (1) returns to a full-time course of study related to the field of teaching at an eligible institution; (2) is serving, not in excess of three years, as a member of the armed services of the United States; (3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician; (4) is unable to secure employment for a period not to exceed twelve months by reason of the care required by a spouse who is disabled; (5) is seeking and unable to find full-time employment for a single period not to exceed twelve months; (6) is seeking and unable to find full-time employment as a teacher in a public elementary or secondary school or a public education program; or (7) satisfies the provisions of additional repayment exceptions that may be prescribed by the Secretary in regulations issued pursuant to this part.

"(b) A recipient shall be excused from repayment of any scholarship assistance received under this part if the recipient becomes permanently totally disabled as established by sworn affidavit of a qualified physician.

"FEDERAL ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 569. (a) The Secretary shall not finally disapprove any application for a State program submitted under section 563, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this part, finds—

"(1) that the State program has been so changed that it no longer complies with the provisions of this part, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions,

the Secretary shall notify such State agency that the State will not be regarded as eligible to participate in the program under this part until the Secretary is satisfied that there is no longer any such failure to comply.

"(c)(1) If any State is dissatisfied with the Secretary's final action under subsection (b) or (c), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and the record on which the action was based.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify any previous action, and shall certify to the court the transcript and record of further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PART F—NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

"DECLARATION OF PURPOSE

"SEC. 571. It is the purpose of this part to establish a national fellowship program for outstanding teachers.

"AUTHORIZATION OF APPROPRIATIONS; ALLOCATION AMONG STATES

"SEC. 572. There are authorized to be appropriated such sums as necessary for fiscal year 1986 and for each of the four subsequent fiscal years for fellowships to outstanding teachers under this part. Not more than 2½ per centum of these funds shall be used for purposes of administering this part.

"TALENTED TEACHER FELLOWSHIPS

"SEC. 573. (a)(1) Except as provided under paragraph (3), sums available for the purpose of this part shall be used to award two national teacher fellowships to public school teachers teaching in each congressional district of each State, and in the District of Columbia, and the Commonwealth of Puerto Rico; and one such fellowship in Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) Fellowship awards may not exceed the average national salary of public school teachers in the most recent year for which satisfactory data are available, as determined by the Secretary. Talented teacher fellows may not receive an award for two consecutive years. Subject to the repayment provisions of section 575, talented teacher fellows shall be required to return to a teaching position in their current school district for at least two years following the fellowship award.

"(3) If the appropriation under section 572 is not sufficient to provide the number of fellowships required by paragraph (1) at the level required under paragraph (2), the Secretary shall determine and publish an alternative distribution of fellowships which will permit fellowship awards at that level and which is geographically equitable. The Secretary shall send a notice of such determination to each of the Statewide panels established under section 574.

"(b) Talented teacher fellows may use such awards for such projects for improving public education as the Secretary may approve, including (1) sabbaticals for study, research, travel, or academic improvement; (2) curriculum development; (3) consultation with or assistance to other school districts; (4) development of special, innovative programs; (5) community relations; or (6) model teacher programs and staff development.

"SELECTION OF TALENTED TEACHER FELLOWSHIPS

"SEC. 574. Recipients of talented teacher fellowship in each State shall be selected (in accordance with section 575) by a seven-member Statewide panel appointed by the chief State elected official, acting in consultation with the State educational agency, or by an existing panel designated by the chief State elected official and approved by the Secretary of Education. The Statewide panel shall be representative of school administrators, teachers, parents, and institutions of higher education.

"EVALUATION OF APPLICATIONS

"SEC. 575. (a) An applicant for talented teacher fellowship assistance shall submit proposals for projects under section 573(b), and shall indicate the extent to which the applicant wishes to continue current teaching duties. The applicant shall submit such proposals to the local education agency for comment prior to submission to the Statewide panel (appointed under section 574) for the State within which the project is to be conducted. In evaluating proposals, such Statewide panel shall consult with the local

education agency, requesting two recommendations from teaching peers; a recommendation from the principal; and a recommendation of the superintendent on the quality of the proposal and its benefit to the local education agency; and any other criteria for awarding fellowships as is considered appropriate by such Statewide panel. Selections of fellows shall be made in accordance with regulations prescribed by the Secretary of Education.

"(b) Announcement of awards shall be made in a public ceremony.

"FELLOWSHIP REPAYMENT PROVISIONS

"SEC. 576. Repayment of the award shall be made to the Federal Government in the case of fraud or gross noncompliance.".

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objections.

The SPEAKER. The gentleman from Illinois [Mr. SIMON] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. SIMON].

Mr. SIMON. Mr. Speaker, I yield myself such time as I may consume.

Yesterday, many Members of this body were in the State of Kentucky for the funeral services for Carl Perkins and as fate would have it, we have had for now some months under consideration a Carl D. Perkins Scholarship Program to encourage talented students to get into the field of teaching, a bill which has been reported out by our Committee on Education and Labor.

Let me pay my tribute to the chief sponsor, the gentleman from Oregon [Mr. WYDEN] as well as to my colleagues on the other side, particularly the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Wisconsin [Mr. GUNDERSON] who have helped on this particular piece of legislation.

The bill is basically divided into two parts.

The bill establishes the Carl D. Perkins Scholarship Program to encourage highly qualified students to enter the teaching profession and authorizes teaching fellowships for current classroom teachers. When the Committee on Education and Labor reported H.R. 4477 on June 20, 1984, we had no idea that our beloved colleague, Carl D. Perkins, would not be present today urging the House to adopt this bill which is designed to improve teaching and to improve education in America. This bill has become a fitting memorial—modest but important to the Federal effort to improve teaching and the quality of education available to the Nation's school children.

Carl Perkins was one of the giants of this Congress and on the American education scene. In fact, he was much more than that: He was the common man writ large. He fought for opportunity for people who otherwise would not have had so powerful a champion. His steadfast support of education earned him many awards and recognition too numerous to even summarize. Perhaps the most eloquent statement about Carl Perkins is the immense record of legislative accomplished he leaves us: The Vocational Education Act of 1963, the landmark Elementary and Secondary Education Act of 1965, the Child Nutrition Act of 1966 and his unstinting resistance to the Reagan administration's efforts to reduce funding for the programs under the jurisdiction of his Committee. He also leaves us with a major challenge—to continue the expansion of equality of educational opportunity and to assure that quality accompanies that expansion. He would have it no other way and we should accept no less than Carl Perkins would have demanded and that America's school children require.

I would like to outline the provisions of H.R. 4477.

First, the bill is divided into two parts. The first part is a program of scholarships for outstanding high school students who intend to become teachers. Eligibility is limited to students who graduate in the top 10 percent of their class. Each State administers the program for its graduates, through a seven-member board, and can impose other requirements, such as letters of recommendations, essays, and evidence of extracurricular achievements. The States receive the number of scholarships in proportion to the population of the State to the Nation.

The scholarship carries a $5,000 award, which does not count against any other financial aid, except that the total package cannot be more than the cost of tuition and expenses. The 4-year scholarship is contingent upon the student making satisfactory academic progress in a program that will lead to teacher certification. In exchange for the 4-year scholarship, the recipient is obligated to teach for 8 years, or pay back the scholarsip amount, plus interest and fees. If the scholar teaches disadvantaged, handicapped children or students with low English proficiency, their service requirement will be reduced by one-half.

The second part of the bill establishes a national fellowship for outstanding teachers already serving in the classroom. This program would award two fellowships per congressional district to teachers who apply for the year-long sabbatical. The talented teacher fellowship will be based on the average teacher salary for all teachers in the Nation (currently about $21,000). The awards will allow teachers to study, travel, consult, write, do research, or devlop projects that will improve education. Fellowship recipients will be required to return to their school districts to teach for 2 years.

There is ample evidence that the opportunities for classroom teachers to participate in professional development, or to engage in research or consulting; activities that are important to keep teachers invigorated, and to utilize the rich resource of classroom teachers, are lacking and are sorely needed. This program will not only recognize outstanding teachers, but will also reward them. Moreover, the ultimate beneficiary will be the educational system, for these teachers will be contributing to the improvement of the educational enterprise.

The bill authorizes "such sums" for both the Carl D. Perkins Scholarship Program and the Talented Teacher Fellowship Program for fiscal years 1986-89. The Congressional Budget Office [CBO] estimates that the Perkins Scholars program would involve outlays in fiscal year 1986 or $6.3 million rising to $43.8 million in fiscal year 1989. CBO also estimates that there would be $11 million in outlays for the Fellowship program in fiscal year 1986 increasing to $24 million in fiscal year 1989.

Considering the importance of this to the future of the Nation, this is a step in the right direction. I urge my colleagues to pass this legislation.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to my leader, the gentleman from Illinois [Mr. ERLENBORN].

Mr. ERLENBORN. Mr. Speaker, I rise in opposition to H.R. 4477.

The legislation before us purports to address a problem which we all agree needs to be addressed—the quality of the classroom teacher. Most persons knowledgeable in education believe that increasing the compensation paid to teachers is the most effective means of achieving this goal. H.R. 4477, however, would provide scholarships to high school students to encourage them to pursue teaching careers and would provide fellowships to existing classroom teachers. I doubt whether either of these new Federal categorical programs will be effective in achieving their stated goals.

Let's look at the scholarship program. Under the bill students will be eligible to receive up to $5,000 of assistance per year to pursue academic training leading to certification as a classroom teacher. In exchange, the student will be required to teach for 2 years for each year of assistance received.

Will this new program result in an increase in motivated, dedicated classroom teachers? I doubt it. The teachers going into the field after having received 4 years of scholarships will be facing up to a total of 8 years of what could be considered to be involuntary

servitude. The teacher may be frustrated or even burnt out, and will in all likelihood be facing a low salary.

Let me quote for you the remarks of President John F. Kennedy on this subject in 1963:

> Improved research and teacher training are not enough, if good teachers do not choose to teach. Yet present salary schedules in some cases are too low at the start to compete against other positions available to college graduates. In almost all cases they are too low at the top to retain our ablest young teachers. Without sufficient incentive to make teaching a lifetime career, teachers with valuable training and experience but heavy family responsibilities too often become frustrated and drop out of the profession * * *

This quote, ironically, is included in the Merit Pay Task Force Report, which also included the recommendations for the two programs included in H.R. 4477.

I believe that the most effective means of improving the quality of classroom teachers is to increase the compensation they receive. This is the conclusion of the Merit Pay Task Force Report and I would expect that my friends on the other side of the aisle would agree. Where we part company is on the issue of what we, here on the Federal level, should do to address the situation. The proponents of H.R. 4477 apparently believe that the only way to keep the recipients of scholarships in teaching is to threaten them with having to pay back the "scholarships" they receive. I believe the service payback amounts to indentured servitude and could very well result in even greater frustration on the part of the scholarship recipients once they enter the classroom.

I believe that the establishment of the two new Federal programs included in H.R. 4477, could directly result in school districts and States not raising the basic pay of teachers. This could occur if these two, small programs, and those enacted under other bills this year, are perceived as being "the answer" to the problem of inadequately prepared classroom teachers.

In closing, I would like to comment briefly on the way the Committee on Education and Labor has responded to the report, "A Nation at Risk" since it was released. In the past 2 years, the committee has had before it over a dozen bills addressing the problem of improving education. One of these bills, the math and science bill, is awaiting the President's signature. Others were the subject of hearings or were marked up by the committee. Bills in this category include the foreign language bill, H.R. 2708, and the so-called American Defense Education Act. Other bills, such as the Effective Schools Development Grant Act, H.R. 4731, and H.R. 4775, a bill to improve the leadership skills of school administrators, have received no attention whatsoever.

These bills should all have been considered together as a single, comprehensive package addressing the call to action in "A Nation at Risk." The fact that we are proceeding in a piecemeal fashion virtually guarantees that our efforts this year will be duplicative in some areas, while totally neglecting possible initiatives in others. Both the math and science bill and H.R. 4477, for example, provide scholarship assistance to students to encourage them to train as teachers.

Mr. Speaker, although I appreciate the substantial amounts of work that have gone into H.R. 4477, I must oppose the bill.

I urge a "no" vote on the bill.

□ 1050

Mr. SIMON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. WYDEN], the chief sponsor of this legislation.

Mr. WYDEN. Mr. Speaker, in starting, I, in particular, want to thank the chairman, the gentleman from Illinois; the gentleman from Pennsylvania [Mr. GOODLING]; the gentleman from Wisconsin [Mr. GUNDERSON]; and so many of my colleagues on the other side of the aisle who helped us develop this bipartisan piece of legislation.

I do rise today in support of H.R. 4477, the Talented Teacher Act.

Mr. Speaker, the Talented Teacher Act sends a very simple message across this country, that message is that the Congress of the United States believes that teachers are critically important and that we want to put some of our best and brightest up in front of the classroom and not just in the courtrooms and in the boardrooms.

I think we need to acknowledge the plain fact that today many of our best and brightest young people will not even consider a career in the teaching profession. You walk into a classroom of high school seniors in this country and the bright ones are automatically headed for law and business and medicine and engineering. Thousands of our best and brightest are attracted each year by the prestige, recognition, and financial rewards that these fields offer.

But it is clear to me, Mr. Speaker, that we as a nation cannot afford to let this brain drain from the teaching profession continue.

The bill we have before us today is a modest proposal. It attacks two fundamental problems in American education.

First, recruiting some of our top young people to the teaching profession and second, once we get them, keeping them there. The price tag is also a modest one. The Talented Teacher Act authorizes a total of $200 million for a 4-year experimental program.

Now, this legislation carries out the unanimous recommendations of the bipartisan Congressional Task Force on Merit Pay by offering scholarships to the top high school seniors to go into teaching and fellowships to outstanding teachers to be used for a 1-year sabbatical for study, research, or other professional development.

National Center for Education Statistics predict that there will be a shortage of 37,000 teachers in the United States by 1987. The Talented Teacher Act ensures that the congressional response to this impending crisis will be to get the best people, the best of our young people, to make up for this shortfall.

It is my own view, Mr. Speaker, that without quality teachers everything that is done in American education from high tech equipment, stiff new standards and other educational reforms, all of these other changes lose much of their value if we cannot get top flight teachers in front of our classrooms.

We need to face the facts. Computers do not teach children, teachers teach children.

Finally, Mr. Speaker, let me say that when we introduced this bill back in November 1983—on a bipartisan basis—the gentleman from Illinois, the gentleman from Pennsylvania, myself, and the gentleman from Missouri, we decided that it should in some way honor the man who had been a leader in education in the House of Representatives for the last 17 years, Mr. Carl Perkins, chairman of the Committee on Education and Labor. We all felt, at that time, that the chairman's years of dedicated leadership in this field deserved recognition. That is why we named the scholarships the Carl D. Perkins Scholarships.

In my view, that decision takes on added significance now. The bill we have before us is just but one small way that we can pay tribute to Chairman Perkins' years of compassionate and unrivaled service to this country.

Mr. Speaker, these scholarships and fellowships in the Talented Teacher Act are an extremely modest way that we can give education in this country a needed shot in the arm.

It gives us a chance to take an important step toward insuring that some of our best and brightest young people go into teaching and go on to inspire other American young people.

I urge my colleagues to support it. It is a bill with strong bipartisan support.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I was one of those privileged to serve on the House Education and Labor Subcommittee with jurisdiction over this particular bill. When it first came before our subcommittee I thought this was one of the better intentioned, but more improperly guided missiles

we had seen in this Congress. It was trying to help the cause of education in this country by establishing a pilot project that could last 8 or 9 years, giving out 10,000 scholarships each year. It was going to give those scholarships to the best qualified students academically among our high schools to receive a year of free college education if they would take 2 years in teaching.

Well, one could quickly figure, if these people had any of the brains that we hoped they would, by earning these scholarships they would quickly receive 4 years of free academic training, and they would have an 8-year obligation in the school as a teacher. But as soon as their 8 years were up, they would go into the private sector and earn more money.

So, I thought that it was a nice idea, but it simply is not going to solve the problem we have in getting the best people in our country into the teaching field and keeping them.

Clearly, pay is the issue, I think, and we must continue to focus on it as the primary concern. If you want good people to get into teaching and to stay there, we are going to have to raise the pay for our teachers across this country.

But, through the strenuous efforts, diligence, and commitment of the gentleman from Oregon, the sponsor of the bill, and others, we were able to sit down and work out some concerns about this bill. We were able to come up with some various amendments that I think much better direct the bill toward the problem of teacher shortages.

On the one hand, we were able to target the scholarships. On the other hand, we were able to make sure that it truly was a pilot project, that it was not a 9-year experiment.

My first amendment, adopted in the committee, was to require that the State educational agencies would determine the needs for teachers in their particular State. In some States it is math and science. But if you look at some statistics, they will tell you in the early 1990's the critical teacher shortage is going to be at elementary level.

The bill as amended allows each State to determine exactly what their teaching needs are going to be and to use the Carl Perkins scholarships to provide an incentive to get the best young people we have in those disciplines most in need.

My second amendment, agreed to by the committee, and the gentleman from Oregon, was to put a limit of 10,000 scholarships totally over the duration of the program; not 10,000 a year where we would have up to 40,000 scholarships out at one time and that we would have an expenditure of probably around $700 million for the scholarship program alone. We were able to narrow that down, return it to I think what was the author's original intent, which was to make it a pilot project, and save approximately $500 million in the process.

□ 1100

As amended, the bill before us, provides hope—even if in a small way—to get the best people into teaching. It cannot keep them there forever. But it is a start. And without question, it is named after a man we all knew and loved so much.

Mr. GOODLING. Mr. Speaker, I yield 3½ minutes to the gentleman from Kentucky [Mr. ROGERS], our great late chairman's neighbor.

Mr. ROGERS. I thank my colleague for yielding.

Mr. Speaker, I was among those who attended the funeral of Carl Perkins in Kentucky yesterday, as well as did the gentleman from Pennsylvania and the gentleman from Illinois, among about 100 Members of Congress who traveled there under the leadership of our Speaker. We traveled way back into the hills and hollers of Kentucky, to the home of a true giant in the history of this Congress and I think of the Nation. And certainly a giant in education in this land.

Those who went there, to Hindman, KY, to attend what I thought was a very beautiful ceremony and a fitting tribute to a great patriot, were able to see why Carl Perkins was so committed to education in this land.

I happen to represent the district just immediately to the west of Carl Perkins, but a district that shares many of the same problems that the district that Carl so ably represented all those years suffers from, and that is a lack of education opportunities and a lack of employment opportunities in the hills of Kentucky, and which so many parts of our country suffer from. Carl D. Perkins spent his lifetime, his literal adult lifetime, in the cause of better education and opportunities for those bright young people, whether they be in the hills of Kentucky or the ghettos of New York or somewhere else.

I think it is ironic that this bill is on the floor of the House today, a bill that I think says so much about the life and work of Carl Perkins and the other dedicated souls on this committee and in this Congress who over the years have labored in the vineyards, many times without credit, to improve the lot of young people around this Nation.

The two things this bill does I think no one can argue with—certainly not this Member—a scholarship for a young person, the best and the brightest, to go on and achieve an education that perhaps otherwise they would never have the opportunity to even dream of; and then also to reward those teachers who achieve and who excel in the nurturing of those young minds that our Nation so desperately needs, not to mention the world needs.

So I speak in support of this legislation. I hope it passes overwhelmingly, if nothing more than a great tribute to a neighbor of mine in Kentucky, a friend and a great laborer in the vineyards, Carl Perkins. I think this would be a great tribute and another monument to the memory of a very beloved spirit who trod these halls for those many years, with that loving smile, and that lisp at times, and that grin that seemed somehow to be one sided, but a person in whose great love for this country we are all very proud.

I will say this: I guess many times I differed with Carl Perkins on some philosophical matter or some ideological matter, but I never differed with the dedication of this great man and the love that he poured out for his country and for his people, and it is something we shall always cherish to our dying days.

Mr. GOODLING. Mr. Speaker, I yield myself whatever time I may consume.

Mr. Speaker, I will not dwell on the content of the bill because I believe those colleagues who spoke before me have explained exactly what this piece of legislation does. It is a tribute to our late great chairman, in that his was always an attempt to bring about a cooperative spirit, a bipartisan spirit. He did not want confrontation if he could avoid it.

In this particular piece of legislation, the gentleman from Illinois, the gentleman from Oregon, the gentleman from Wisconsin, the gentleman from Missouri, have all worked together, on both sides of the aisle, to iron out some of the difficulties that some of us saw with the original bill. Although I would prefer a comprehensive approach to deal with the issue of quality education rather than the piecemeal fashion that has evolved, this particular legislation is too important to ignore.

I think there are probably two major reasons why this legislation should be enacted. Probably the most important reason is the fact that we are again told that there will be a significant shortage of teachers in the next few years, a shortage for many reasons. As has been mentioned, it is not the most attractive field to go into, either in terms of compensation or because of the many problems teachers have had to face dealing with lawsuits and redtape.

But I can remember after World War II we were caught in a similar bind. At that particular time after World War II we had a baby boom and, unfortunately, we did not have many certified—let alone well qualified—teachers to fill those slots to take care of the great increase in stu-

dents. This is probably part of the problem we are facing in education today. Today, not only are we having a great increase in children being born once again, but we are also having a large number of teachers who are reaching retirement age, and that, coupled with the fact that we are having fewer and fewer college students entering the teaching profession, we are again going to be caught short and we are going to have a lot of young people to educate and we are not going to have teachers available who are certified and qualified to do the job. So I think that is one reason.

The second reason, it seems to me is this—part of our job is to do research and then also to establish model programs that State and local governments can look at, and if they see they are good, they can adopt them. We are doing that in this piece of legislation, because if these fellowships and if these scholarships attract good people and keep good people in the teaching profession, I am sure this is something that State governments and local governments may wish to adopt.

So those are the two major reasons, it seems to me, for adopting this legislation.

While I do not contend that H.R. 4477 will solve all of the problems in the teaching profession, it will make notable improvements. This bill addresses two of the most fundamental problems facing the teaching profession—lack of incentives for outstanding students who go into teaching and lack of rewards and recognition for talented teachers who stay in the profession. H.R. 4477 takes great strides toward revitalizing the teaching profession—it recognizes the importance of teachers in the classroom.

I think there are two changes in the committee amendments that make this a better bill. I believe the changes made, namely, substituting State based selection panels for the National Selection Board originally included in the bill will be a major improvement; I believe a State based selection panel will be better able to know the challenges facing education in a particular State than they would be if it were handled by a national board.

I also think it is important to get politics out of this, and therefore by eliminating participation of Senators and Members of the House from the award process it seems to me we are putting the emphasis where it should be placed, and that is on the teachers and on the education profession.

Then last, let me say that I sat next to my great chairman for 6 years as the ranking minority member of his subcommittee; in fact I sat next to him most of my 10 years in Congress, through hearing after hearing including his famous field hearings in his beloved Seventh Congressional District of Kentucky. Even though philosophically we may have differed on occasion, I have never found anyone who was more enjoyable to work with and who tried, as I said earlier, to bring about a consensus so that we did not have confrontation. And so the fact that we are naming the scholarships in this bill, the Carl D. Perkins Scholarship I think is a fitting tribute for a real giant in the field of education, child nutrition, black lung, and many other areas. He was the leader helping those who had no one to speak for them. I thought yesterday, as we sat there and looked over those approximately 3,000 people form his constituency, how appreciative they were because they had someone to speak for them and how important it probably would be for all of us to visit areas such as that, because many of use do not see the same kind of need that Carl saw, because that need was all around him, and we would probably have a better understanding for those who do represent that constituency.

So I think it is very fitting that we pay this tribute to Carl, even though we named these scholarships—and I am thankful for this—we named these scholarships while he was living. So it will be a real tribute to his memory to be giving Carl D. Perkins Scholarships to the brightest and the best, encouraging them to teach not only the brightest and the best but to teach everyone so that all have an equal opportunity for a good education and a decent future.

□ 1110

Mr. SIMON. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the gentleman for yielding me this time.

Mr. Speaker, I, too, rise in support of this bill, but, more importantly, Mr. Speaker, I wanted to rise and join my colleagues who were in Kentucky yesterday to express our condolences to the Carl Perkins family, but to relate just very briefly what a moving, very emotional, and important experience it was for many of us who did travel to Hindman, KY, as Mr. GOODLING from Pennsylvania mentioned, to be able to see firsthand the country that Carl Perkins not only represented but was a product of. It helps all of us to understand and to appreciate the work and the legend that he really was.

I wanted to join my colleagues, and certainly Mr. SIMON, who has worked very closely with Mr. Perkins for so many years in supporting the legislation and the discussion today, but also to join in and to extend my condolences to the family, and to add what little I can to the strong feelings that were expressed yesterday in Kentucky, and I think have been expressed all week here in this body.

Mr. SIMON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. Mr. Speaker, I was one of those who traveled yesterday to Kentucky, and those of you who know, last year I had a grievous year; my husband and my father died within 2 months. So, for me, it is not an easy thing to do. However, I felt it was most important for me to go because Mr. Perkins was not only my chairman, but he and my husband served for more than 19 years on the committee.

I am also very grateful that the black lung bill that Mr. Perkins and my husband worked on became law. Yesterday, looking through the Kentucky hills, going on a bus for an hour and a half each way, after we deplaned, it was fascinating to see the country. You see, I have never been there before. It shows you how vast our country is and what great people it produces.

I want to say something about the scholarships. I certainly think it is fitting that they be named the Carl Perkins scholarships; he did so much for education.

● Mr. HOPKINS. Mr. Speaker, I rise in support of H.R. 4477, the Talented Teachers Act, which will establish the Carl D. Perkins scholarship program for outstanding high school students who wish to pursue teaching careers. By requiring students to teach in a designated area for 2 years for every year of scholarship assistance they receive, this program will be an integral part of the vital legacy of our departed colleague and friend, Carl Dewey Perkins, whose unwavering dedication and personal integrity earned him a place of honor among the greatest of those who have served in the U.S. House of Representatives.

While we must mourn the passing of a valued legislative craftsman of historic proportions, we gratefully celebrate his life's work as a faithful, tireless, productive public servant and true representative of those he affectionately accepted as his people.

In a career which spanned more than three decades, Carl Perkins never lost touch with the needs and aspirations of his beloved eastern Kentucky constituents.

Yet his vision extended far beyond a home district and State to encompass the cares and concerns of an entire Nation. His faith in that Nation and his compassionate understanding of America's fundamental commitment to public education and equal opportunity were the inspiration of his passionate, relentless support of those causes.

Our colleague was both a pilgrim and pioneer whose efforts as a Member of this House touched and brightened the lives of millions now

living and yet unborn who may never know of the useful life and revered name of Carl D. Perkins.

It is enough, however, that we who remain after him today dedicate ourselves to keeping alive the spark of hope he kindled in the hearts of the disadvantaged and downtrodden that they, too, might attain freedom's fullest blessings.●

● Mr. BIAGGI. Mr. Speaker, I rise to join with my colleagues to express my support for H.R. 4477, the Talented Teacher Act, which will provide long-overdue recognition to the needs of our present and future teachers through providing incentives for students to enter teaching, as well as reward those teachers of high professional caliber.

As a member of the Education and Labor Committee for 15 years, I regret that the sudden passing of our colleague, and our chairman, Carl Perkins, has hastened our consideration of this legislation today. However, I believe that this bill is a fitting tribute to a man who has given unselfishly of himself in order to improve the lives of millions of people in this country, including our teachers.

In essence, this bill creates a two-pronged approach to assisting the teaching profession. First, it provides 10,000 scholarships—which are named for Chairman Perkins—of $5,000 for each of 2 years for high school students who graduate in the top 10 percent of their class.

Second, this bill also provides fellowship aid of an amount equal to the average teacher's pay in the United States to two outstanding teachers in each congressional district. This aid would allow those chosen to participate an opportunity for a year's sabbatical for professional growth experiences, research, and curriculum development. In exchange for this fellowship, teachers would be required to teach for 2 additional years.

The average cost of this bill is modest—$76 million annually—for the expected returns that we will see by its passage into law. Every national study that has been conducted to address the excellence in education question has cited the need for improved incentives for students to enter the teaching profession, combined with methods of encouraging them to remain. I believe that this bill is an effective way of addressing both these problems which deserves our strong support.

When one considers the fact that the average starting salary for a teacher is $13,500, we can ill afford to fail to act swiftly on this measure. The teacher shortage problem is especially acute in New York City, where the average starting salary for teachers is $14,500, slightly above the national average. At the same time, the teacher shortage is acute—with the Board of Education estimating a shortfall of 2,000 teachers for this coming school year. While this bill will not provide a comprehensive solution, it certainly is a first step in the right direction.

This bill enjoys the support of numerous national organizations devoted to the advancement of teaching as a profession, such as the American Federation of Teachers, the National Education Association, the Carnegie Foundation for the Advancement of Teaching, the American Association of School Administrators, the American Association of Colleges of Teacher Education, and the National PTA. Clearly, they have joined in support of the need to recognize—and foster—educational excellence at all levels.

I believe that passage of the Talented Teacher Act—and the initiation of Carl D. Perkins Scholarship Program—is a fitting way of continuing the work of our chairman in future generations of teachers by providing young people the tools with which to help them enter the worthy and noble profession of teaching. I urge passage of H.R. 4477.●

● Mr. KOSTMAYER. Mr. Speaker, I rise in support of H.R. 4477, the Talented Teachers Act, which will establish the Carl Perkins scholarship program.

The Talented Teachers Act is designed to address two problems which have contributed to the decline of educational standards and achievement in our Nation. The first is that we are no longer able to attract the best students to the teaching profession, and the second is our failure to keep the best teachers in our schools.

H.R. 4977 would encourage outstanding students to enter the teaching profession by providing college scholarships for high school seniors who are graduating in the top 10 percent of their class; 10,000 scholarships would be offered during fiscal years 1986 to 1989. Students would agree to teach in a designated area for 2 years for each year of education they receive.

The Talented Teachers Act would also give outstanding teachers opportunities for professional growth by providing fellowships for a year's sabbatical for study or research. Two fellowships would be offered every year in each congressional district to talented teachers chosen by an independent board.

I have cosponsored H.R. 4477, Mr. Speaker, and I support it strongly because it recognizes the importance of teachers in our schools and because it is a pragmatic response to one of the most critical problems which has been identified in numerous reports on education. We are facing the possibility of a severe teacher shortage by 1987, and all of the computer technology and strict new standards in the world will not improve our children's education unless we have enough committed, well-educated teachers to show them the way. The quality of education in America will never rise above mediocrity until we recognize that teaching is a profession, and provide teacher's with competitive salaries and opportunities for professional advancement. The Talented Teacher Act is an important first step toward that goal.

The deficiencies in our educational system have been documented in study after study, and publicized in countless articles and television reports. Now it is time to take action. The Talented Teachers Act is one of the first legislative initiatives to come out of all the blue ribbon studies on education in America, and in my opinion, it is the best so far.

H.R. 4477 is also a tribute to our beloved colleague, the late Carl Perkins, who for years chaired the Education and Labor Committee, and I can think of no more fitting way to honor the memory of a man whose hard work and dedication improved the educational opportunities of millions of young Americans.●

Mr. SIMON. Mr. Speaker, I yield myself 3 minutes, in closing.

Mr. Speaker, just a few comments on what has been said. First, I agree with those who say this is not a substitute for raising pay for teachers; no question about that. That is fundamental.

The one speaker who spoke in opposition to this measure said we have already passed the math-science bill, but we do not need this.

The reality is, we need something beyond math and science. I am one of the chief sponsors of the math-science bill; absolutely we need that. But we also need good third grade teachers; we need good first grade teachers. We need good English teachers. We need good people in other areas.

The second point was made that these people will be teaching only 8 years. The average service for a teacher today is 7 years. Some will stay longer.

Finally, the point that my colleague from Pennsylvania made is an extremely important one. Let me commend him and I also should have included the gentleman from Missouri [Mr. COLEMAN] among those I commended earlier for their help on this.

Very shortly we are going to be facing a demand for additional teachers. One of the questions is, Will those teachers come from among the least able or the most able? Right now, wherever you go and talk to the top 10 percent of the high school graduating class. Ask them what they want to become. You will find they want to become doctors, lawyers, engineers, architects, journalists—a variety of things—but very few, if any, will want to become teachers.

This is an attempt to change that in a small way. It is an experiment,

frankly. An experiment that cannot do any harm and may do some good, and it may provide an answer to how we move in a better direction, not just the Federal Government; State and local governments also. This is a step in the right direction and I appreciate the bipartisan support we have received on this, Mr. Speaker.

I yield back the balance of my time.

The SPEAKER pro tempore [Mr. MONTGOMERY]. The question is on the motion offered by the gentleman from Illinois [Mr. SIMON] that the House suspend the rules and pass the bill, H.R. 4477, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONVEYING CERTAIN LANDS FOR RELIGIOUS PURPOSES TO THE ZUNI INDIAN TRIBE

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, S. 2201, to convey certain lands to the Zuni Indian Tribe for religious purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. SCHAEFER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Arizona to explain briefly this legislation.

Mr. UDALL. I will be happy to.

Mr. Speaker, S. 2201 provides for a somewhat complex arrangement of transferring Federal lands to the Zuni Indian Tribe of New Mexico; of exchanging other Federal lands for State lands which would be held in trust for the Zuni Tribe; and for the acquisition of private lands by the Zuni Tribe. The purpose of this complex arrangement is to secure for the tribe the ownership and possession of a tract of land in east central Arizona which has deep religious significance for the Zuni people.

While the Zuni people, like many other Indian tribes, try to keep their religious and rituals private, they feel so strongly about this tract of land that they have made clear the sacred nature of this land to their people. It is central to their religious beliefs and practices. It, loosely, would correspond to the Christian concept of heaven.

While they are currently given limited access to some of these lands by the private and public owners, their rituals are often restricted by the owners and they cannot secure the private practice of these rituals.

This legislation would permit them to do so.

Mr. SCHAEFER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of securing the following described lands located in the State of Arizona, upon which the Zuni Indians depend and which the Zuni Indians have used since time immemorial for sustenance and the performance of certain religious ceremonies, the following are hereby declared to be part of the Zuni Indian Reservation:

Beginning at the northeast corner of section 26, township 15 north, range 26 east, Gila and Salt River meridian; thence west to the northwest corner of section 28, township 15 north, range 26 east; thence south to the southeast corner of section 16, township 14 north, range 26 east; thence east to the southeast corner of section 14, township 14 north, range 26 east; thence north to the point of beginning.

Also all of sections 26 and 27, township 14 north, range 26 east, Gila and Salt River meridian.

SEC. 2. All lands described in the first section of this Act which are presently owned by the United States are hereby declared to be held in trust for the Zuni Indian Tribe subject to any existing leasehold interests. The Secretary of the Interior is authorized and directed to acquire through exchange those lands described in such section which are owned by the State of Arizona, and shall exchange lands under the jurisdiction of the Bureau of Land Management within the State of Arizona for said State lands. Such lands will be transferred without cost to the Zuni Indian Tribe and title thereto shall be taken by the United States in trust for the benefit of said tribe.

SEC. 3. The Secretary of the Interior or the Zuni Indian Tribe is authorized to acquire through purchase or exchange the remaining private lands and leasehold interests described within the first section of this Act which are not presently owned by the United States or the State of Arizona, and when acquired, title to such lands shall be held by the United States in trust for the Zuni Indian Tribe.

SEC. 4. The Secretary of the Interior is directed to immediately acquire by voluntary agreement the permanent right of ingress and egress to all lands described in the first section of this Act for the limited purpose of allowing the Zuni Indians to continue to use said lands for traditional religious pilgrimages and ceremonials.

SEC. 5. (a) The Secretary of the Interior shall make available for sale to Apache County, Arizona, land which—

(1) is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

(2) is located within the boundaries of Apache County, Arizona, and

(3) consists of a number of acres equal to the number of acres of land that—

(A) are acquired in fee under section 3 by the Secretary of the Interior or the Zuni Indian Tribe, and

(B) are subject to taxation by Apache County, Arizona, on the date of enactment of this Act.

(b)(1) The Secretary of the Interior shall designate the land which is available for sale under subsection (a) by no later than the date which is two years after the date of enactment of this Act. The Secretary of the Interior shall publish in the Federal Register a description of any land so designated.

(2) The designation of land under paragraph (1) shall be subject to any land transfer which is required in order to carry out any relocation pursuant to Public Law 93-531.

(3) Land which is designated by the Secretary of the Interior under paragraph (1) shall be available for sale under subsection (a) during the period which begins on the date which such designation is made and ends on the date which is four years after the date of enactment of this Act.

(c)(1) If Apache County, Arizona, agrees to use any portion of the land purchased under subsection (a) only for public purposes, the price at which such portion of the land shall be sold to Apache County under subsection (a) shall be equal to the lesser of—

(A) the price at which Apache County could acquire such land under the Federal Land Policy Management Act of 1976, or

(B) the price at which Apache County could acquire such land under the Act of June 14, 1926 (44 Stat. 741; chapter 578).

(2) If Apache County, Arizona, does not agree to use a portion of the land purchase by such county under subsection (a) only for public purposes, the price at which such portion of land shall be sold under subsection (a) shall be fair market value of such portion of land determined with regard to the current use of such portion of land on the day preceding the date of such sale.

(d) The provisions of this section shall not delay the transfer of any land under this Act for the benefit of the Zuni Indian Tribe.

SEC. 6. The value of the interest in land conveyed or any funds expended pursuant to this Act or any other sums expended or services rendered gratuitously or otherwise by the United States for the benefit of the Zuni Indian Tribe or its members from 1846 to the present shall not be offset against any award of judgment against the United States which may be rendered in favor of the Zuni Indian Tribe in Docket Numbers 161-79L and 327-81L presently pending before the United States Court of Claims. The Zuni Indian Tribe may encumber its interest in said dockets in order to acquire the lands described in section 3.

SEC. 7. For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private lands or leasehold interests to which section 3 applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such code.

SEC. 8. Payment being made to any State or local government pursuant to the provisions of section 1601 of title 31, United States Code, on any lands transferred pursuant to section 2 hereof shall continue to be paid as if such transfer had not occurred.

SEC. 9. Notwithstanding section 640d-18(c)(1) of title 25, United States Code, the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Strike all of section 9 of S. 2201.

Mr. UDALL. Mr. Speaker, this amendment strikes a nongermane Senate amendment to S. 2201. S. 2201 is a bill to provide that certain Federal lands in the State of Arizona shall be held in trust for the Zuni Indian Tribe of New Mexico.

My amendment strikes section 9 of the bill which relates to the land dispute between the Hopi and Navajo Tribes in Arizona. This section directs the Secretary of the Interior to suspend all fencing activities, as required by law and court order, in the Big Mountain area of the disputed lands. The Hopi Tribe strongly objected to this provision.

The Hopi Tribe has, however, agreed to support a 6 month moratorium on such fencing before the district court in return for the deletion of the provision from S. 2201.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arizona [Mr. UDALL].

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection the the request of the gentleman from Arizona.

There was no objection.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and amendments in disagreement on H.R. 5712, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985, and that I may be permitted to insert a table following my remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONFERENCE REPORT ON H.R. 5712, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1985

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 5712) making appropriations for the Department of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the statement.

(Job conference report and statement, see proceedings of the House of August 3, 1984.)

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes and the gentleman from Illinois [Mr. O'BRIEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

□ 1120

Mr. SMITH of Iowa. Mr. Speaker, we bring back a conference report which involved 151 amendments. It is not easy at any time to agree to 151 amendments, but we have done so and I think it is a good bill and should be supported.

The conference agreement calls for a total budget authority of $11,520,976,200. This is slightly under the maximum amount that the Senate would be permitted to provide in this bill under their budget resolution. Although that budget resolution has not been agreed upon by both Houses, they felt constrained to stay within that amount.

I have not been officially notified of this, but as I understand it, anyway, if we stay within this amount it would not be vetoed.

So I think that we have brought back as good a bill as we could under the circumstances. I want this bill to become law. It involves some 17 independent agencies, 3 departments of Government, the entire judiciary of the United States, and we need to have this bill enacted rather than putting all of these departments and agencies and the judiciary on a continuing resolution.

This bill is $771,411,800 more than it was when it left the House. However, I would like to point out that most of this addition is caused by the fact that some programs were left out in the House bill. They were knocked out on points of order or just were not included in the bill.

This is very difficult, when we have a number of agencies that have not been authorized on the House side and then we have to deal with them in the appropriations bill. We should not be put in this position, but we have been year after year after year. I would like to do anything that I can to encourage the authorizing committees to get the bills up and get them authorized so that we can deal with the money matters and also not have to be extending their authorizations.

For example, we have a number of things in here like the Federal Trade Commission. That is an important independent agency that has not been authorized for over 2 years. The Economic Development Administration has not been authorized or reauthorized. Neither has the Legal Services Corporation. We need these authorizations.

We have included some money for programs, I will just name five, that were not included in the bill as it left the House. These account for most of the addition over the House level. EDA, for example, is this bill for $228,500,000. It was not in the House passed bill. Legal Services Corporation is $305 million. Additions to the prison system are $13.6 million. The Federal Trade Commission is $64.3 million and the National Endowment for Democracy is $18.5 million. That makes up most of the additions over the House level.

Also, this bill is $390,033,200 over the amount requested by the administration, but I would like to point out that we have added substantially more than that for programs the administration wanted to zero out that neither the House nor the Senate wants to zero out. I will list for my colleagues a few of those.

The Economic Development Administration is in this bill for $200 million for grants. The other $28.5 million in the bill is for salaries and expenses.

The Legal Services Corporation is $305 million. Juvenile Justice Assistance, a very important program is $70.3 million.

The Sea Grant Program is in here for $39 million, and coastal zone management for $34 million. Trade adjustment assistance, which is very important to some areas of the country where they have had difficulty as a result of the recession and imports, is $25 million. Public telecommunications grants is at $24 million and the U.S. Trustees Program is at $9.4 million.

All of those things were left out of the administration's budget, and we were able to accommodate all of those by reducing a large number of items that were in the administration's budget, and shifting the money around.

So I think that we have ended up here with a very, very good bill under the circumstances, and I am asking for its support.

Mr. O'BRIEN. Mr. Speaker, I would like to thank the distinguished gentleman from Iowa, Chairman NEAL SMITH, for extraordinary diligence and determination in delivering this bill to you today in good order. To my friends on the committee and our colleagues in the other body, I say thank you. And to particular staff members John Osthaus, Terry Bevels, and Drew Hiatt, whose efforts are deserving of recognition, I say thank you as well.

When we appeared before you barely 2 months ago, we had a bill of noble purpose and intent stuffed with a bundle of spending excesses. I, along with other colleagues, expressed reservations at that time. I did so in the belief that the committee could have shown more restraint in recommending funding levels for existing programs. In particular, it was my notion that the committee could have taken a more balanced and reasoned approach by giving more thought to actual program requirements and the maintenance of existing program levels based on a through review of past program performance, accomplishments, and shortfalls.

Our efforts in conference with Members of the other body to reach accord on many questions involving funding and programs have met with success. The conferees have shown great restraint in the allocation of funds, have made necessary cuts in accordance with available resources and eliminated excessive spending levels which could have threatened the passage of this bill. What we have now represents a prudent use of available resources balanced against program needs and national objectives. Yet there remain a few areas of substantive disagreement, already identified by the chairman, which deal in some instances with funding levels and in others with various amendments and provisions of the bill.

All in all, this is a good bill, better in many respects than the one we last voted on. The Office of Management and Budget has signaled its satisfaction with the $11.5 billion figure, which is $23,800 less than the ceiling identifying an appropriation not likely to encounter a veto. With that thought in mind and in good faith and conscience, I urge you, my colleagues, to support this bill.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minute to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to ask the chairman of the conference committee, has the conference included the $50,000 death benefit for Federal police and firefighters which was included in H.R. 622, introduced by myself and passed by this House under suspension?

Mr. SMITH of Iowa. If the gentleman will yield, yes, it does, and the committee took into consideration the gentleman's arguments in favor of it. I think it passed overwhelmingly, and it is included in the bill.

Mr. KILDEE. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from New York, [Mr. OTTINGER].

Mr. OTTINGER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I take this time merely to advise my colleagues that when we reach section 113, $18½ million was added in the conference to the USIA salaries and expenses appropriation, for the National Endowment for Democracy. The House overwhelmingly voted against those funds just 3 months ago.

□ 1130

The procedure to eliminate these funds requires us to vote down the amendment that has been agreed to by the conference for the entire salary account for USIA, $545.8 million, which includes these funds, and then I will offer a preferential motion to recede and concur with the Senate in which I will restore all of the funds for the USIA salaries and expenses except the funds that were earmarked for the National Endowment for Democracy.

While improvements have been made as a result of my effort in the National Endowment for Democracy by the Board and, I think, at the instance of members of the committee, we are still in effect giving an unaccountable amount of funds to the chamber of commerce and the AFL-CIO, the two political parties having been knocked out in the conference, and I do not think that that is a wise thing for us to be doing. It think it has the kind of dangers that in fact did occur with respect to the AFL-CIO funds that were expended to influence an election in Panama. While a provision has been adopted by the Board prohibiting funds to go to political candidates, that by no means eliminates their ability to fund groups within the country that will have the same effect as giving money to the candidates themselves.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my friend and colleague, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, do I understand that it is the gentleman's intention, when this section comes up for review, that the gentleman will be seeking then to eliminate the funding for the National Endowment?

Mr. OTTINGER. That will be the effect of my two actions. It has to be done in two steps. I will first seek to defeat the language that was adopted by the conference and then move to recede and concur with the Senate amendment which has all the funds for the USIA operations but does not have the funds for the National Endowment for Democracy.

Mr. GILMAN. So then, Mr. Speaker, am I correct in stating that the gentleman is generally opposed to the National Endowment for Democracy and does not want to fund it in this bill?

Mr. OTTINGER. The gentleman is correct. As it is presently constituted, as I have told the good chairman of the gentleman's committee, this kind of a program could be set up with proper constraints and with organizations that had real bona fides in the area of foreign affairs. My concern is that both the Chamber and the AFL-CIO, with this kind of a program and without proper accountability, are just bound to continue to get the United States in trouble, and I do not think that is the way we ought to be doing things.

Mr. GILMAN. Mr. Speaker, if the gentleman will further yield, I hope that my colleagues will pay special attention to this section of the bill. It is a major initiative on behalf of the administration, on behalf of the Congress, and on behalf of democracy. I would hope that my colleagues would be supportive at the time that this portion of the bill comes before us on the floor.

Mr. Speaker, I thank the gentleman for yielding.

Mr. OTTINGER. Mr. Speaker, I will say that I have enormous respect for my colleague, the gentleman from New York, and I have deep abiding respect as well for the gentleman from Florida who originally put this language in. We have a disagreement with respect to substance, and I recognize the differing points of view that might be considered valid. But with all the constraints that have been adopted by the Board—and I saw the letter that went out from the gentleman from Florida that describes them in detail—we still had the kind of embarrassing interfences by the AFL-CIO in the internal political process of Panama such that our Ambassador telegraphed that the activities had to be stopped—and we are likely to have that happen time and time again.

Mr. O'BRIEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding this time to me.

My colleagues will recall that when this appropriation bill was originally before the House on May 31, I offered a 4-percent, across-the-board cut on discretionary spending which was approved by a recorded vote of 208 to 194. I would assume that many of those who voted for that particular cut will wonder about the outcome of that provision in conference.

I want to commend the chairman of the committee and the ranking minority member for holding to the House position the best they could. The reduction that the 4 percent would have achieved would have been $439 million. We are now $369 million below the House bill as it was reported from committee. I would like to have seen the full 4-percent saving, but I think, now that we have more than a 3-percent plus reduction, a $369 million reduction, from the original committee bill, that it is a good achievement, and it is my understanding that the administration is satisfied with the bill's total in this conference report.

Mr. Speaker, I think it is a good conference report, and I intend to vote for it, and I want those who voted for the 4-percent reduction to know that we did not go all the way, but at least we have more than a 3-percent reduction, a $369 million reduction.

Mr. O'BRIEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I certainly want to commend my subcommittee chairman, the gentleman from Iowa [Mr. SMITH], and my ranking minority member and colleague, the gentleman from Illinois [Mr. O'BRIEN], for the fine job that they and the members on both sides of the aisle and both sides of the Rotunda have done in bringing the conference report to the floor.

In the original House version of the bill, there was a provision, adopted by the full Appropriations Committee, dealing with the Minneapolis and New Orleans taxicab problems and the attempt by the FTC to deregulate the taxicab industries in those cities. In the Senate, there was even broader language that was placed in the original bill by the Senator from New Hampshire [Mr. RUDMAN], which dealt more broadly with the antitrust liabilities of local governments and municipalities, and which attempted to offset the decision in the Boulder case handed down by the Supreme Court 2 years ago.

All these attempts were outgrowths of the failure, I believe, of the House of Representatives to come forward with strong legislation to deal with the financial implications for local governments of the Boulder case. Finally, however, late last month, the House did initiate consideration of what is now H.R. 6027, the Local Governments Antitrust Act of 1984, which we will be voting on later this afternoon under suspension of the rules. In effect H.R. 6027 overrules the Boulder case by providing that municipalities cannot be sued privately for treble damages, but leaves injunctive power in the hands of the Federal courts to deal with cases where municipal government does engage in anticompetitive activities.

In the conference report there remains a provision, the Rudman language having been dropped out, that no FTC actions can be taken against cities without specific authorization. That is a compromise.

But most importantly, what I would like to bring to the attention of the Members of the House is the fact that it is essential that we pass H.R. 6027 this afternoon. It not only clarifies congressional intent and the Boulder decision, but it also by implication addresses the concerns that some of us have with cases that have already been decided since Boulder.

In my home district, Lake County, IL, and the village of Grayslake have had entered against them a judgment for $28.5 million for treble damages, 1½ times the entire annual budget for the county. That decision places upon the average citizen of my county a tremendous tax burden that simply cannot be met.

The legislation we will consider and vote on this afternoon under suspension will, by implication, nullify that treble-damage judgment. The legislation will ensure that evenhanded justice will prevail. If we are going to do away with treble damages in the future, we also have to do away with treble damages in cases which have gone to judgment since the Boulder decision. This would make consistent the treatment of all municipal and local governments for the entire time before and after Boulder. Only by passing H.R. 6027 can this be ensured.

So, Mr. Speaker, I commend the members of the conference committee on which I was privileged to serve for resolution of the Minneapolis and New Orleans matters. And in closing, let me stress to the Members that support for H.R. 6027 this afternoon is essential to protect local governments from unfair and unaffordable treble damage liability and to resolve equitably those judgments entered and cases presently pending since Boulder was decoded 2 years ago.

□ 1140

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEVITAS].

Mr. LEVITAS. Mr. Speaker, I thank the chairman of the subcommittee for yielding to me.

I take this time in order to advise my colleagues that at the proper time, when we get to amendment No. 39 that is in disagreement, the distinguished chairman of the subcommittee will offer a motion to recede and concur with the Senate language. At that time on behalf of myself and Congressman BROYHILL, I will oppose that motion and ask the Members to vote against that motion. If we defeat that motion, I will then offer an amendment to recede and concur with the Senate with an amendment.

Now, what we are talking about is the Federal Trade Commission, and here we go again. It is now over 2 years since there has been an authorization for the FTC. If we do not follow the procedure that I just outlined, then we will have allowed the Agency to continue to operate without an authorization, or appropriated without authorization of this important Agency, for another third year. We should have the opportunity to discuss the activities of the FTC, and to discuss appropriate oversight and review of Agency rules.

The only way in which we can achieve the result of getting an authorization bill to the floor is to follow this procedure.

The amendment and the procedure which we offer will not cut off funds for the FTC. It will not stop the ongoing rulemaking procedures of the FTC. It will permit the FTC to go forward in everything they do, except the final promulgation of new rules, until such time as they get an authorization through the appropriate process.

I urge my colleagues to support the effort that we are making, to vote no on the motion to recede and concur. Then I urge you to support our efforts to concur with an amendment in order that we may get an authorization at some point on this important Agency and to do so without hamstringing its ability to go forward at the present time.

I thank the chairman for yielding and I yield back the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS. Mr. Speaker, I thank my colleague from Illinois for yielding the time and rise in support of this conference report, but I also have some questions arising from the program of economic development assistance and this has to do with a community in my district which up until 1980 was recognized as a central city. The community of West Lafayette where Purdue University is located was together with Lafayette, right across the river in the same county, but because of changes in the rules in 1980, the two cities had to file independently after 1980, but also according to new

rules promulgated in 1980 a city that has a population working outside the legal limits of the city of more than 40 percent, I believe the rule is, does not qualify for economic assistance.

Now, in this situation, West Lafayette, IN, is a city of about 22,000 people, but intertwined throughout the city outside of the corporate limits, but just across the street in most cases, is Purdue University and Purdue must be outside the city because of Indiana statute, but 60 percent of the population of West Lafayette, the working population, work for Purdue.

The new rules provides that those commuting outside the city are considered commuters. Now, most of them walk or ride a bicycle across the street to go to Purdue.

Yesterday I had a meeting with OMB and other representatives in this situation and they asked that we change the rules in Indiana, that the city consider incorporating Purdue University into the city, which is illegal in the State of Indiana. I suggested in this case that HUD, or whoever made the changes, OMB I think promulgated the changes, had really gone beyond what the intent of Congress was.

Now, my question is on page 10 of the report, it is cited that the conferees are aware of the Department of Commerce Grants Management Procedure Manual which would drastically change EDA's project selection procedure in its evalution, and it goes on.

My question, Mr. Speaker, is there any consideration about cities like West Lafayette, IN, because of a rule change are not not eligible for EDA grants. I asked what was the intent of the rule and they could not come up with it, it seems that up until the 1980's there was no question about this situation, but because OMB or someone changed the rules, now this city is ineligible for these EDA grants.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield, certainly.

Mr. SMITH of Iowa. Here is the difficulty we are in. We are dealing with a program that has not been reauthorized for 2 years and it is extremely difficult to in effect extend the authorization and then also appropriate. Generally speaking, what we would like for EDA to do in those difficult circumstances is change as little as possible. I mean, it is not our intent to completely rewrite the law. If we were, we would have put several pages of new provisions in here. So our intent, to the maximum extent possible, is for them to continue as they were under the last year of their authorization.

Now, I do not know exactly where this leaves this, but one of the troubling things in EDA has always been entitlements. Who is included and who is excluded for eligibility and also the fact that they do not have very good figures on figuring criteria, such as unemployment, anyway.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. O'BRIEN. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, does that answer the question?

Mr. MYERS. Well, yes. I think the situation here is where we have an agency in the Federal Government, OMB, that in the absence of changes of law by Congress has taken upon itself to change the rules in 1980.

The city of West Lafayette is not affected until next year I think under a hold harmless agreement or something, but there is going to be a problem next year, and what I am saying, West Lafayette and Purdue has not changed.

The intent to the rulemaking has not been explained to me and I asked them to come back and explain the rule, what the reason for it, there must be a reason why they changed the rule.

Mr. SMITH of Iowa. Well, I think the gentleman is entitled to that, I certainly do.

I also think that we ought to get the EDA authorization up and pass it on both sides of the Congress so that it is set and they know exactly how they are supposed to deal with these kinds of questions.

In the meantime, I would rather that they would not change any more rules than is absolutely necessary to effectively operate the agency.

Mr. MYERS. I appreciate the gentleman's response.

I understand there are about 17 other communities in the country that for various reasons come under this same change of rules in the middle of the game. If EDA or whoever it is responsible for these changes, OMB in this case I think, does not make the changes next year, I will be asking this subcommittee to accommodate these situations, because I do not think it is the intent of Congress to make these kinds of changes.

I appreciate the chairman's response.

Mr. SMITH of Iowa. Mr. Speaker, I yield for the purpose of inquiry to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first I would like to commend the gentleman for his continued hard work and his success in helping the Legal Services Corporation, and most importantly, its grantees maintain the funding level necessary to try to support the services that I think we all believe are important to the low-income citizens of our country who need access to our justice system.

I would just like to ask the gentleman a few questions about the provisions that are included in the portion of the conference report regarding the Legal Services Corporation.

As I understand it, primarily the language carries forward from last year's appropriation bill the provisions that were in that bill and the restrictions which we discussed here on the floor a year ago are continued, merely updated for the coming fiscal year; is that correct?

Mr. SMITH of Iowa. Basically that is correct. There were a couple provisions added in the Senate, which were also included.

Mr. MORRISON of Connecticut. Right. I understand in the Senate they made explicit some things that were in the conference report here in the House about the need for the Legal Services Corporation to conform with reprogramming procedures, rather than to be making those changes without coming back to the Congress. is that essentially the case?

Mr. SMITH of Iowa. That is correct.

Mr. MORRISON of Connecticut. There is a particular new provision that is in the conference report that was not in the House bill relating to $2 million to be made available to improve the quality of services to elderly Americans. I think that is a valuable new initiative and I wanted to ask just two questions about it.

Now, it is my understanding that it is the intention that these grants go primarily to law schools, but I would like to ask if in addition to law schools or in coordination with law schools that organizations with specific experience in materials and training for people to serve the elderly, such as the National Senior Citizen Law Center and existing regional and statewide training centers can be considered as long as the focus on law schools is not undermined.

□ 1150

Mr. SMITH of Iowa. I would say to the gentleman this: As you agree, apparently, there is a dire lack of appropriate materials for law schools to use, for continuing education courses to use, and for use in clinical programs of law, particularly as it applies to the elderly. The needs seem to have mushroomed faster than they have been met.

So when the members of the subcommittee, and if any of them dispute this they can stand and say so, but when we discussed this with the other body I do not recall that we really mentioned anything other than law schools. We were thinking specifically about law schools.

However, our overriding objective, of course, was to accomplish what is set forth in the bill. We wanted to develop classroom and bar association source

materials. We wanted to encourage the private bar to do more in the way of pro bono for the elderly and to have the materials with which to do it. And we wanted to develop clinical programs.

That is the overriding objective and if it clearly would help to meet that objective for someone that is cooperating with a law school to do so, I do not see why that would not be permissible.

However, I do not think we ought to hold up granting applications in order to solicit all over the country and find out how many groups there may be that might want to participate. The primary thing is to get this done and if in doing so some law school is going to cooperate with an agency that obviously has some expertise, I do not think that would exclude that law school application from being approved.

Mr. MORRISON of Connecticut. I thank the gentleman.

Just to reiterate, it seems to me that organizations with a proven track record, and this is not a process of looking for potential applicants, but going to those people who can produce what is needed here promptly and using those agencies, and if some of them are not law schools I hope that a cooperative arrangement can be implemented.

I just have one other question, a very narrow one. The language is just a little bit ambiguous about who it is that might or might not be charged for the use of these materials or to get the materials. As I understand it, law schools or legal services programs or other nonprofit entities would get these materials for free. That is the intention?

Mr. SMITH of Iowa. That is correct. We do not want them charging agencies and we do not anticipate we are talking about a large number here. We do not want them to be charging Government agencies and the Congress and so forth. But we do anticipate that probably there will be some continuing education classes that they will need to charge, and then we say it should only more or less cover their costs; it should not be a profitmaking venture.

Mr. MORRISON of Connecticut. I thank the gentleman and I yield back.

Mr. O'BRIEN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I am opposed to the conference report on the Commerce, Justice, State, and the judiciary appropriations.

Last May, the Appropriations Committee brought us a bill that was, by any standard, grossly excessive. It envisaged a 13.2-percent increase over last year's spending. Discretionary spending, according to the committee, was supposed to increase a mere 13.4 percent. All that compares to our House-passed budget limit of 3.5 percent in increases for discretionary spending.

That bill was so horrid that even the profligate House gagged on it. Besides a number of points of order against the bill, and $33 million in other reductions, the House accepted a 4-percent across-the-board reduction in the bill. Not counting the reductions made through points of order, the actions of the House reduced the bill to about $11.3 billion—a mere 8.1 percent increase.

But what is especially appalling is that we went to conference with a $11.3 billion bill, countered by the Senate's $11.4 billion. What we now have before us is a $11.5 billion bill, higher than that proposed by either body.

This is what is in this overstuffed conference report: Total spending will increase about 9.7 percent last year's level. Discretionary spending, which was supposed to increase by no more than 3.5 percent under our budget, increases at a 9.8-percent rate. Salaries and expenses account for 58 percent of the cost of this bill. Salaries and expenses increase by 12 percent in this bill. The committee will tell us, of course, that because of the supplemental salaries are actually higher, resulting in a lower percentage rate increase. That, of course, means nothing, since we haven't supplemented fiscal year 1985 wages in this bill, either. The bad news is that when we supplement wages some time next year, this bill will increase again by the same order of magnitude as in the supplemental.

Mr. Chairman, this is our bill most devoted to the costs of the bureaucracy. Those who believe that the bureaucracy desperately needs a 9.8-percent increase in its discretionary spending, and those who believe that our agencies cannot function on less than a 12-percent increase in their salary and expense funds, will be delighted to vote for this bill.

Those who feel as I do, that there just might be one or two positions that could be eliminated, that there may be one or two studies that could be foregone, or that our agencies just might be able to function a little better if they were a little leaner, will certainly vote against this conference report.

Mr. Speaker, a number of our Members voted for the House budget resolution. Some have since declared themselves heroes of the Republic and proclaimed that they voted to save $184 billion.

If those Members now vote for this bill they will have reneged on their promise and they will have to give back their hero badges. Their constituents will ask, and so will their opponents, why they are voting to raise deficits and to violate the House's own budget.

Those who can explain a "yes" vote on this bill I suppose will be eligible for the refrigerator sales force, Alaska division.

This conference report is an assault on the taxpayers' pockets and an insult to their sensibilities. Its excesses are appalling. The bill should certainly be defeated.

I expect that it will not be. But it certainly tells a very sad story to the people of the United States about our willingness to actually make some tough choices. The tough choices we made here were to spend more in every category we could find.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I would point out that the bureaucracy that has been referred to includes the Justice Department. They have a 9-percent increase, approximately $320 million over last year.

This is for such things as law enforcement programs including the FBI, the Drug Enforcement Administration and the Federal prison systems. These are the kinds of things that the bureaucracy have asked for additions that account for, in that case, a 9-percent increase.

So when we talk about this in terms of an increase, although it is not for food, it does not mean it is not for something important. If people are afraid of crime out there and want a reduction in this area, I have not heard about it. That is probably one of the reasons why the administration does not object to the final figure on this bill.

Mr. O'BRIEN. Mr. Speaker, I take this opportunity to yield myself such time as I may consume.

Mr. Speaker, one of the troublesome matters that will come before us this afternoon is loosely referred to as CDS. That is no new disease or remedy therefor. It means "Construction Differential Subsidy."

Let me just tell you basically what that problem is about. Back in the early 1970's in an effort to revitalize our fleet, aware of the growing Russian competition, the House and the other body passed legislation to encourage the construction and operation of new bulk fuel vessels. These ships had to be constructed in the United States, fly the American flag, and be manned by U.S. crews. They also had to be owned and operated by U.S. companies that do not own foreign flag vessels.

In addition, they would not be eligible to operate in the coastwise or Jones Act trade, which is specifically limited to unsubsidized U.S. merchant vessels.

Thinking that we had done things correctly for a change, we suddenly found we had a problem. The problem arose because the rules under which

our builders must build ships required them to utilize American-made components, a sort of a maritime domestic content law. At the time, however, foreign yards were technologically way ahead of us and we were limited to obsolete equipment such as nondiesel fueled engines.

We discovered that by operating these ships with less fuel efficient power supplies, we became again uncompetitive and, indeed, when the price of oil skyrocketed it, our ships were totally unable to compete.

□ 1200

What then developed was an idea, conceived in the Department of Transportation, that these CDS-built tankers would repay with interest the subsidies they had received and, thus, would become qualified to engage in domestic coast-wise trade.

A multitude of comments, pro and con, were filed with respect to this rule, and it seems we are now down to the question of whether or not that Department of Transportation regulation should be put into effect.

The rule would effectively recall the subsidy that would result in a return to the U.S. Treasury of something in the vicinity of $1 billion in the first year; a cut in transportation costs by 30 percent, and an increase in the windfall profits tax, returning $350 million to the Treasury a year, in addition to stimulating competition.

There apparently is no House position because the authorizing committee was unable to arrive at a compromise that was suitable to be brought to the floor. That, however, does not avoid the problem that we face more frequently than we should, namely legislation on an appropriation.

So let me just suggest one thing: It appears to this particular Member that while Illinois does not have a visible stake in this dispute, it seems that the wiser course would be to allow the Department of Transportation's position to be sustained and to decline to eliminate it here in this particular bill.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman.

Mr. YOUNG of Alaska. Just to clarify where we are—and I congratulate the gentleman for bringing this issue before this body—the motion will be made by the chairman, Mr. SMITH.

Mr. O'BRIEN. To recede and concur with the Senate language with amendment thereto. Technically there is no House position on this.

Mr. YOUNG of Alaska. What I want to make sure is a vote on that would be no to the Smith motion.

Mr. O'BRIEN. That is correct. If you favor the Department of Transportation's position, your vote on the Smith motion would be no.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield further?

Mr. O'BRIEN. I yield to the gentleman.

Mr. YOUNG of Alaska. I would congratulate the gentleman.

When the amendment comes forth we will be speaking about the merits of the position of the gentleman [Mr. O'BRIEN] and the position of the Senate and hopefully the wisdom of this body will take care of the consumers and again allow American-built ships that have the capability to transport this oil as it should be at the cheapest rate.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I would be happy to yield to the gentleman.

Mr. ALEXANDER. I thank the gentleman for yielding.

I will address the motion to insist upon the House position on the matter in more detail when the motion is before the House.

But I think in fairness to the issue, that the House needs to be advised that first of all I disagree with the representations that have been made on the value of the gentleman's position, both economically to the taxpayers and to the Nation.

But there is another matter that is very serious that needs to be laid on the table and that is the defense factor in this equation. And I cite to the gentleman from a letter, a copy of which I have here, from Paul Thayer, the Assistant Secretary of Defense, to the Secretary of Transportation, the Honorable Elizabeth Hanford Dole, dated March 28, 1983, and I will excerpt from that letter, if I may, and I will insert the entire letter as a part of the RECORD.

In quoting from the Secretary's letter: "The effect of this rule change would be threefold." This is the rule that the gentleman's position, the effect of the gentleman's position in the eyes of the Secretary of Defense would be threefold.

(1) smaller, militarily useful tankers would be squeezed out of the domestic trade market by large tankers supported by the proposed rules; (2) our depressed shipbuilding industry, which has looked forward to the business created by the Port and Tanker Safety Act of 1978, would be deprived of the anticipated work it so badly needs; and (3) a windfall profit would be provided to a few major companies with CDS built tankers under charter.

The Navy's specific concern is the deterimental effect of accelerated small tanker retirements on our ability to resupply overseas forces in the event of war.

I will ask unanimous consent to include the text of this letter as a part of my remarks.

The letter is as follows:

Hon. ELIZABETH HANFORD DOLE,
The Secretary of Transportation,
Washington, DC.

DEAR ELIZABETH: The purpose of this letter is to request that the Department of Transportation not enact the Constitution Differential Subsidy (CDS) Replacement proposal contained in your Notice of Proposed Rulemaking (NPRM), Federal Register (Volume 48, No. 21, p. 44D8, of 31 January 1983).

Currently, CDS built tankers, as authorized by MARAD can participate in Jones Act Trade only to a maximum of six months annually. It is my understanding the proposed rule would lift all restrictions on Jones Act trading by CDS tankers whose subsidies had been reimbursed. The effect of this rule change would be threefold: (1) smaller, militarily useful tankers would be squeezed out of the domestic trade market by large tankers supported by the proposed rules; (2) our depressed shipbuilding industry, which has looked forward to the business created by the Port and Tanker Safety Act of 1978, would be deprived of the anticipated work it so badly needs; and (3) a windfall profit would be provided to a few major companies with CDS built tankers under charter.

The Navy's specific concern is the detrimental effect of accelerated small tanker retirements on our ability to resupply overseas forces in the event of war. Nearly half of our wartime shipping requirements, in terms of tonnage to be shipped, must be carried in tankers between 6 and 80 thousand DWT, with coated tanks to permit carriage of refined product. Larger tankers, the type supported by the proposed rules, are of limited value for military deployment and support purposes. As a result of the changes in petroleum product distribution systems, including shorter routes, greater use of pipelines, and other inland surface modes, the commercial requirement for smaller domestic oceangoing tankers has been steadily reduced. Application of the technical provisions of the Port and Tanker Safety Act will further accelerate the retirements of these tankers.

I fear that the proposed ruling to allow large tankers a greater share of domestic trade will greatly exacerbate an already dangerous trend toward small tanker extinction. I have asked the Assistant Secretary of the Navy, Shipbuilding and Logistics to provide a more detailed explanation of our concerns.

Your assistance in this matter is greatly appreciated.

Sincerely,

PAUL THAYER.

Mr. ALEXANDER. But making additional reference to a letter dated November 9, 1983, by Robert C. McFarlane, the National Security Adviser, I would like to excerpt from that letter as well to address the national security concerns.

Mr. McFarlane says, and I quote from his letter and I will ask unanimous consent to include the text of the entire letter as a part of my remarks:

There is no doubt that America has entered into a period of potentially dangerous shortages in terms of the available US flag fleet of militarily useful commercial vessels.

The specific issue you raise regarding CDS payback strikes at the center of the need for us to maintain our current fleet of militarily useful tankers (i.e., approximately 80,000 tons and below). As you stated in your letter, the Deputy Secretary of Defense and the Assistant Secretary of the Navy for Shipbuilding and Logistics have put forth

strong arguments to the Department of Transportation opposing CDS payback on the grounds that such action would harm our defense capabilities.

The letter follows:

THE WHITE HOUSE,
Washington, DC, November 9, 1983.

Hon. SAM NUNN,
U.S. Senate.

DEAR SENATOR NUNN: Thank you for your letter concerning Construction Differential Subsidy (CDS) repayment, and its impact on our fleet of US flag militarily useful tankers. Please excuse the delay in responding to your letter, but my staff has been working on the issues you have raised.

There is no doubt that America has entered into a period of potentially dangerous shortages in terms of the available US flag fleet of militarily useful commercial vessels. Our nation has always counted on adequate commercial vessel availability to serve as the "fourth arm of defense" if conflict should come and hence the requirement to ship massive amounts of war material across the oceans. Given the Navy's broad missions of sea control, power projection involving the Marines and strategic deterrence, we cannot and should not try to create a Navy controlled transport fleet to solve this additional problem. Of course, the decline in our merchant fleet is aggravated by the steady decline in our shipbuilding base. Unlike WWII, we cannot expect in any future conflict to be able to build more vessels than those lost.

The answer to this serious defense problem, I believe, must have three components. They are: maintenance of a superior Navy in order that our merchant fleet not be attrited by a foe in war; the NATO wide merchant fleet-sharing agreement which gives us access to NATO country vessels in the event of conflict; the maintenance of our current merchant fleet at its existing level in order that we may be prepared for a possible unilateral contingency.

The specific issue you raise regarding CDS payback strikes at the center of the need for us to maintain our current fleet of militarily useful tankers (i.e., approximately 80,000 tons and below). As you stated in your letter, the Deputy Secretary of Defense and the Assistant Secretary of the Navy for Shipbuilding and Logistics have put forth strong arguments to the Department of Transportation opposing CDS payback on the grounds that such action would harm our defense capabilities.

We too have these concerns and will continue to search out all ways that we can support the preservation of the US flag fleet in this and other cases.

Sincerely,

ROBERT C. MCFARLANE.

Has the gentleman considered these objections of our Department of Defense and of our national security adviser in his recommendation that his amendment be accepted by this body rather than the House position which was adopted on May 31?

Mr. O'BRIEN. Yes. This gentleman has taken that into consideration, and I would point out the descriptive language used is rather compelling here. With respect to the gentleman to whom the distinguished Member refers, let me point out that he used these words, "militarily useful tankers."

Let me point out that of all those particular vessels, 92 are more than 25 years old; 57 are over 30 years of age, and 10 are over 40 years of age. These particular vessels compare with the average age in the Soviet fleet of 7 years. I will venture there is some serious disagreement in the Defense Department with respect to the use of those vessels.

Mr. ALEXANDER. The gentleman, as I recall, is a veteran of World War II and I am sure that he recalls that during World War II the United States had to use merchant marine vessels that were over 40 years old in order to transport our personnel and our cargo across to the European theater during that difficult time of crisis in national need.

Does the gentleman recall that fact?

Mr. O'BRIEN. I recall the multitude of Liberty ships which were generated at that time to take care of the problem that the gentleman raises. I still suggest to the gentleman that the problem here is militarily useful ships and these are very questionably militarily useful.

Mr. ALEXANDER. Well, in the judgment of the national security adviser and the Assistant Secretary of Defense, and the Secretary of the Navy, they say in their own separate opinions that it is in our best interest not to support the gentleman's position.

Mr. O'BRIEN. I thank the gentleman.

I think we have debated the point clearly enough, and we have not convinced one another.

Mr. ALEXANDER. I thank the gentleman for yielding.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. O'BRIEN] has 4 minutes remaining.

Mr. O'BRIEN. I have no further speakers, but Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman reserves the balance of his time.

Mr. SMITH of Iowa. I ask unanimous consent to insert at this point in the RECORD a summary of tables showing by department and agency the conference action compared with the amount provided for fiscal year 1984, the budget estimates for 1985, the House bill and the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The material referred to is as follows:

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
TITLE I									
DEPARTMENT OF COMMERCE									
General Administration									
Salaries and expenses	32,868,000	40,290,000	36,590,000	35,990,000	35,990,000	+3,122,000	-4,300,000	-600,000	—
Special foreign currency program	693,000	600,000	500,000	500,000	500,000	-193,000	-100,000	—	—
Bureau of the Census									
Salaries and expenses	77,507,000	88,070,000	85,406,000	85,500,000	85,500,000	+7,993,000	-2,570,000	+94,000	—
Periodic censuses and programs	78,220,000	86,329,000	84,214,000	81,000,000	81,000,000	+2,780,000	-5,329,000	-3,214,000	—
Total, Bureau of the Census	155,727,000	174,399,000	169,620,000	166,500,000	166,500,000	+10,773,000	-8,099,000	-3,120,000	—
Economic and Statistical Analysis									
Salaries and expenses	38,337,000	31,622,000	30,787,000	31,450,000	31,085,000	-7,252,000	-537,000	+298,000	-365,000
Economic Development Administration									
Economic development assistance programs	240,000,000	—	—	198,500,000	200,000,000	-40,000,000	+200,000,000	+200,000,000	+1,500,000
(Limitation on loan guarantees)	(150,000,000)	—	—	(150,000,000)	(150,000,000)	—	(+150,000,000)	(+150,000,000)	—
Salaries and expenses	27,500,000	22,476,000	—	28,350,000	28,500,000	+1,000,000	+6,024,000	+28,500,000	+150,000
Total, Economic Development Administration	267,500,000	22,476,000	—	226,850,000	228,500,000	-39,000,000	+206,024,000	+228,500,000	+1,650,000
International Trade Administration									
Operations and administration	167,393,000	172,948,000	198,898,000	186,037,000	192,418,000	+25,025,000	+19,470,000	-6,480,000	+6,381,000
(Limitation on direct loans)	(7,500,000)	—	(7,500,000)	—	(6,500,000)	(-1,000,000)	(+6,500,000)	(-1,000,000)	(+6,500,000)
(Limitation on guaranteed loans)	(15,000,000)	—	(15,000,000)	—	(15,000,000)	—	(+15,000,000)	—	(+15,000,000)
Minority Business Development Agency									
Minority business development	53,342,000	49,885,000	49,885,000	49,885,000	49,885,000	-3,457,000	—	—	—
United States Travel and Tourism Administration									
Salaries and expenses	12,000,000	8,583,000	8,583,000	13,000,000	12,000,000	—	+3,417,000	+3,417,000	-1,000,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	961,212,000	802,909,000	1,114,551,000	1,124,286,000	1,113,066,000	+151,854,000	+310,157,000	-1,485,000	-11,220,000
(By transfer from Promote and Develop Fund)	(23,600,000)	(38,600,000)	—	(24,900,000)	(25,900,000)	(+2,300,000)	(-12,700,000)	(+25,900,000)	(+1,000,000)
(By transfer)	(16,000,000)	—	—	(9,300,000)	(9,300,000)	(-6,700,000)	(+9,300,000)	(+9,300,000)	—
Appropriation from Fisheries Loan Fund	—	44,941,000	—	—	—	—	-44,941,000	—	—
Aviation weather services program	27,000,000	27,000,000	27,000,000	27,000,000	27,000,000	—	—	—	—
Coastal zone management	13,356,000	—	—	—	—	-13,356,000	—	—	—
Fishing vessel and gear damage compensation fund	1,732,000	—	—	—	—	-1,732,000	—	—	—
Fishermen's contingency fund	294,000	250,000	250,000	250,000	250,000	-44,000	—	—	—
Foreign fishing observer fund	11,880,000	4,500,000	4,500,000	4,500,000	4,500,000	-7,380,000	—	—	—
Fishermen's guaranty fund	2,079,000	1,800,000	1,800,000	1,800,000	1,800,000	-279,000	—	—	—
Fisheries Loan Fund	3,000,000	—	3,000,000	—	2,500,000	-500,000	+2,500,000	-500,000	+2,500,000
Appropriation of receipts for transfer to Operations, Research, and Facilities and Coast Guard	—	(89,882,000)	—	—	—	—	(-89,882,000)	—	—
Total, National Oceanic and Atmospheric Administration	1,020,553,000	881,400,000	1,151,101,000	1,157,836,000	1,149,116,000	+128,563,000	+267,716,000	-1,985,000	-8,720,000
Patent and Trademark Office									
Salaries and expenses	80,444,000	101,631,000	101,631,000	101,631,000	101,631,000	+21,187,000	—	—	—
National Bureau of Standards									
Scientific and technical research and services	115,718,000	126,062,000	125,545,000	123,985,000	123,985,000	+8,267,000	-2,077,000	-1,560,000	—
National Telecommunications and Information Administration									
Salaries and expenses	12,771,000	13,944,000	13,537,000	14,094,000	13,694,000	+923,000	-250,000	+157,000	-400,000
Public telecommunications facilities, planning and construction	11,880,000	—	25,000,000	30,000,000	24,000,000	+12,120,000	+24,000,000	-1,000,000	-6,000,000
Total, National Telecommunications and Information Administration	24,651,000	13,944,000	38,537,000	44,094,000	37,694,000	+13,043,000	+23,750,000	-843,000	-6,400,000
Total, title I, Department of Commerce: New budget (obligational) authority	1,969,226,000	1,624,040,000	1,911,677,000	2,137,758,000	2,129,304,000	+160,078,000	+505,264,000	+217,627,000	-8,454,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
RELATED AGENCIES									
Department of Transportation									
Maritime Administration									
Operating-differential subsidies (appropriation to liquidate contract authority)	(401,294,000)	(377,750,000)	(377,750,000)	(377,750,000)	(377,750,000)	(-23,544,000)	---	---	---
Research and development	11,385,000	3,000,000	3,000,000	3,000,000	2,900,000	-8,485,000	-100,000	-100,000	-100,000
(By transfer)	---	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)	(+7,000,000)	---	---	---
Operations and training	73,283,000	72,730,000	80,807,000	72,467,000	77,467,000	+4,184,000	+4,737,000	-3,340,000	+5,000,000
Federal ship financing fund (limitation on guaranteed loans)	---	(900,000,000)	---	---	---	---	(-900,000,000)	---	---
Total, Maritime Administration	84,668,000	75,730,000	83,807,000	75,467,000	80,367,000	-4,301,000	+4,637,000	-3,440,000	+4,900,000
Department of the Treasury									
Bureau of Government Financial Operations									
Chrysler Corporation Loan Guarantee Program: Administrative expenses	495,000	---	---	---	---	-495,000	---	---	---
Federal Communications Commission									
Salaries and expenses	86,383,000	92,611,000	94,111,000	94,111,000	93,611,000	+7,228,000	+1,000,000	-500,000	-500,000
Federal Maritime Commission									
Salaries and expenses	10,756,000	12,292,000	12,292,000	12,292,000	12,292,000	+1,536,000	---	---	---
Federal Trade Commission									
Salaries and expenses	63,500,000	66,231,000	---	64,311,000	64,311,000	+811,000	-1,920,000	+64,311,000	---
International Trade Commission									
Salaries and expenses	20,774,000	28,410,000	26,088,000	24,030,000	24,830,000	+4,056,000	-3,580,000	-1,258,000	+800,000
Marine Mammal Commission									
Salaries and expenses	929,000	648,000	929,000	929,000	929,000	---	+281,000	---	---
Office of the United States Trade Representative									
Salaries and expenses	11,371,000	14,179,000	13,782,000	13,782,000	13,582,000	+2,211,000	-597,000	-200,000	-200,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Securities and Exchange Commission									
Salaries and expenses	93,000,000	104,683,000	106,737,000	105,337,000	105,337,000	+12,337,000	+654,000	-1,400,000	—
Small Business Administration									
Salaries and expenses	223,643,000	246,100,000	229,387,000	205,500,000	205,340,000	-18,303,000	-40,760,000	-24,047,000	-160,000
(By transfer)	(36,600,000)	(16,600,000)	(45,000,000)	(65,000,000)	(70,000,000)	(+33,400,000)	(+53,400,000)	(+25,000,000)	(+5,000,000)
White House Conference on Small Business	—	—	2,000,000	4,000,000	2,000,000	+2,000,000	+2,000,000	—	-2,000,000
Business loan and investment fund	363,400,000	312,000,000	565,000,000	408,000,000	484,000,000	+120,600,000	+172,000,000	-81,000,000	+76,000,000
(Limitation on direct loans)	—	(41,000,000)	—	—	—	—	(-41,000,000)	—	—
(Limitation on guaranteed loans)	—	(3,655,000)	—	—	—	—	(-3,655,000)	—	—
Disaster Loan Fund (limitation on direct loans)	—	(440,000,000)	—	—	—	—	(-440,000,000)	—	—
Lease guarantees revolving fund	—	1,000,000	—	—	—	—	-1,000,000	—	—
Surety bond guarantees revolving fund	8,910,000	10,000,000	8,910,000	8,910,000	8,910,000	—	-1,090,000	—	—
Pollution control equipment contract guarantee fund (limitation on guaranteed loans)	—	(150,000,000)	—	—	—	—	(-150,000,000)	—	—
Total, Small Business Administration	595,953,000	569,100,000	805,297,000	626,410,000	700,250,000	+104,297,000	+131,150,000	-105,047,000	+73,840,000
Total, Related agencies	967,829,000	963,884,000	1,143,043,000	1,016,669,000	1,095,509,000	+127,680,000	+131,625,000	-47,534,000	+78,840,000
Total, title I, Department of Commerce and related agencies: New budget (obligational) authority	2,937,055,000	2,587,924,000	3,054,720,000	3,154,427,000	3,224,813,000	+287,758,000	+636,889,000	+170,093,000	+70,386,000
TITLE II									
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	63,460,000	67,584,000	81,147,000	70,950,000	71,150,000	+7,690,000	+3,566,000	-9,997,000	+200,000
Working capital fund	---	6,000,000	6,000,000	---	3,000,000	+3,000,000	-3,000,000	-3,000,000	+3,000,000
United States Parole Commission									
Salaries and expenses	7,248,000	8,778,000	8,986,000	8,446,000	8,913,000	+1,665,000	+135,000	-73,000	+467,000
Legal Activities									
Salaries and expenses, general legal activities	158,385,000	203,720,000	198,851,000	190,258,000	194,163,000	+35,778,000	-9,557,000	-4,688,000	+3,905,000
Salaries and expenses, Antitrust Division	43,475,000	44,845,000	43,519,000	43,519,000	43,519,000	+44,000	-1,326,000	---	—
Section 311 reduction	---	---	—	---	-1,000,000	-1,000,000	-1,000,000	-1,000,000	-1,000,000
Subtotal, Antitrust Division	43,475,000	44,845,000	43,519,000	43,519,000	42,519,000	-956,000	-2,326,000	-1,000,000	-1,000,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Salaries and expenses, Foreign Claims Settlement Commission	827,000	1,011,000	929,000	929,000	929,000	+102,000	-82,000	---	---
Salaries and expenses, U.S. attorneys and marshals	372,330,000	425,626,000	433,533,000	400,258,000	431,114,000	+58,784,000	+5,488,000	-2,419,000	+30,856,000
Support of U.S. prisoners	50,320,000	58,240,000	68,240,000	58,240,000	63,240,000	+12,920,000	+5,000,000	-5,000,000	+5,000,000
Fees and expenses of witnesses	37,883,000	40,988,000	40,600,000	40,600,000	40,600,000	+2,717,000	-388,000	---	---
Salaries and expenses, Community Relations Service	32,196,000	34,128,000	33,934,000	33,500,000	33,000,000	+804,000	-1,128,000	-934,000	-500,000
Total, legal activities	695,416,000	808,558,000	819,606,000	767,304,000	805,565,000	+110,149,000	-2,993,000	-14,041,000	+38,261,000
Interagency law enforcement									
Organized crime drug enforcement	89,050,000	2,559,000	2,500,000	95,846,000	1,500,000	-87,550,000	-1,059,000	-1,000,000	-94,346,000
Federal Bureau of Investigation									
Salaries and expenses	1,047,000,000	1,157,223,000	1,147,358,000	1,112,490,000	1,147,123,000	+100,123,000	-10,100,000	-235,000	+34,633,000
Drug Enforcement Administration									
Salaries and expenses	286,123,000	334,654,000	333,258,000	292,564,000	329,988,000	+43,865,000	-4,666,000	-3,270,000	+37,424,000
Immigration and Naturalization Service									
Salaries and expenses	501,257,000	574,539,000	591,043,000	570,417,000	576,417,000	+75,160,000	+1,878,000	-14,626,000	+6,000,000
Federal Prison System									
Salaries and expenses	424,284,000	500,063,000	494,831,000	497,700,000	503,450,000	+79,166,000	+3,387,000	+8,619,000	+5,750,000
(By transfer)	---	(4,450,000)	---	(4,450,000)	(4,450,000)	(+4,450,000)	---	(+4,450,000)	---
National Institute of Corrections	14,000,000	12,574,000	12,500,000	15,000,000	14,000,000	---	+1,426,000	+1,500,000	-1,000,000
Buildings and facilities	47,711,000	82,556,000	82,556,000	97,806,000	86,056,000	+38,345,000	+3,500,000	+3,500,000	-11,750,000
Federal Prison Industries, Incorporated: (Limitation on administrative and vocational training expenses)	(8,554,000)	(8,964,000)	(8,964,000)	(8,964,000)	(8,964,000)	(+410,000)	---	---	---
Total, Federal prison system	485,995,000	595,193,000	589,887,000	610,506,000	603,506,000	+117,511,000	+8,313,000	+13,619,000	-7,000,000
Office of Justice Assistance									
Law Enforcement Assistance	157,219,000	---	---	---	---	-157,219,000	---	---	---
Research and statistics	40,133,000	---	---	---	---	-40,133,000	---	---	---
Justice Assistance	---	133,739,000	158,978,000	147,041,000	145,551,000	+145,551,000	+11,812,000	-13,427,000	-1,490,000
Total, Office of Justice Assistance	197,352,000	133,739,000	158,978,000	147,041,000	145,551,000	-51,801,000	+11,812,000	-13,427,000	-1,490,000
Total, title II, Department of Justice:									
New budget (obligational) authority	3,372,901,000	3,688,827,000	3,738,763,000	3,675,564,000	3,692,713,000	+319,812,000	+3,886,000	-46,050,000	+17,149,000
(Limitation on expenses)	(8,554,000)	(8,964,000)	(8,964,000)	(8,964,000)	(8,964,000)	(+410,000)	---	---	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
RELATED AGENCIES									
Commission on Civil Rights									
Salaries and expenses	11,887,000	12,747,000	12,747,000	12,747,000	12,747,000	+860,000	---	---	---
Equal Employment Opportunity Commission									
Salaries and expenses	151,399,000	161,155,000	160,255,000	161,155,000	160,755,000	+9,356,000	-400,000	+500,000	-400,000
Legal Services Corporation									
Payment to the Legal Services Corporation	275,000,000	325,253,000	---	297,550,000	305,000,000	+30,000,000	-20,253,000	+305,000,000	+7,450,000
Total, Related agencies	438,286,000	499,155,000	173,002,000	471,452,000	478,502,000	+40,216,000	-20,653,000	+305,500,000	+7,050,000
Total, title II, Department of Justice and related agencies:									
New budget (obligational) authority	3,811,187,000	4,187,982,000	3,911,765,000	4,147,016,000	4,171,215,000	+360,028,000	-16,767,000	+259,450,000	+24,199,000
(Limitation on expenses)	(8,554,000)	(8,964,000)	(8,964,000)	(8,964,000)	(8,964,000)	(+410,000)	---	---	---
TITLE III									
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Salaries and expenses	1,114,810,000	1,311,300,000	1,281,032,000	1,269,901,000	1,264,901,000	+150,091,000	-46,399,000	-16,131,000	-5,000,000
Re-opening consulates	2,500,000	---	1,929,000	---	1,929,000	-571,000	+1,929,000	---	+1,929,000
Representation allowances	4,148,000	4,500,000	4,500,000	4,500,000	4,500,000	+352,000	---	---	---
Protection of foreign missions and officials	---	9,500,000	13,000,000	7,000,000	9,500,000	+9,500,000	---	-3,500,000	+2,500,000
Acquisition, operation, and maintenance of buildings abroad	190,000,000	235,607,000	234,007,000	211,000,000	211,000,000	+21,000,000	-24,607,000	-23,007,000	---
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	10,012,000	23,353,000	23,353,000	19,353,000	19,353,000	+9,341,000	-4,000,000	-4,000,000	---
Emergencies in the diplomatic and consular service	4,356,000	4,400,000	4,400,000	4,000,000	4,000,000	-356,000	-400,000	-400,000	---
Payment to the American Institute in Taiwan	9,380,000	9,875,000	9,800,000	9,800,000	9,800,000	+420,000	-75,000	---	---
Payment to the Foreign Service Retirement and Disability Fund	103,791,000	106,738,000	106,738,000	106,738,000	106,738,000	+2,947,000	---	---	---
Total, administration of foreign affairs	1,438,997,000	1,705,273,000	1,678,759,000	1,632,292,000	1,631,721,000	+192,724,000	-73,552,000	-47,038,000	-571,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
International Organizations and Conferences									
Contributions to international organizations	520,515,000	522,570,000	522,570,000	501,667,200	501,667,200	-18,847,800	-20,902,800	-20,902,800	---
Contributions for international peacekeeping activities	66,279,000	55,400,000	55,400,000	47,400,000	47,400,000	-18,879,000	-8,000,000	-8,000,000	---
International conferences and contingencies	8,910,000	11,195,000	10,000,000	10,000,000	10,000,000	+1,090,000	-1,195,000	---	---
Section 511 reduction	---	---	---	---	-400,000	-400,000	-400,000	-400,000	-400,000
Subtotal, International conferences and contingencies	8,910,000	11,195,000	10,000,000	10,000,000	9,600,000	+690,000	-1,595,000	-400,000	-400,000
Total, international organizations and conferences	595,704,000	589,165,000	587,970,000	559,067,200	558,667,200	-37,036,800	-30,497,800	-29,302,800	-400,000
International Commissions									
International Boundary and Water Commission, United States and Mexico:									
Salaries and expenses	10,651,000	12,074,000	12,000,000	12,000,000	12,000,000	+1,349,000	-74,000	---	---
Section 511 reduction	---	---	---	---	-400,000	-400,000	-400,000	-400,000	-400,000
Subtotal, salaries and expenses	10,651,000	12,074,000	12,000,000	12,000,000	11,600,000	+949,000	-474,000	-400,000	-400,000
Construction	672,000	2,143,000	2,100,000	2,600,000	2,400,000	+1,728,000	+257,000	+300,000	-200,000
American sections, international commissions	3,426,000	3,814,000	3,800,000	3,620,000	3,685,000	+259,000	-129,000	-115,000	+65,000
International fisheries commissions	8,876,000	9,482,000	9,482,000	9,400,000	9,100,000	+224,000	-382,000	-382,000	-300,000
Total, international commissions	23,625,000	27,513,000	27,382,000	27,620,000	26,785,000	+3,160,000	-728,000	-597,000	-835,000
Other									
United States Bilateral Science and Technology Agreements	1,683,000	2,000,000	2,000,000	---	---	-1,683,000	-2,000,000	-2,000,000	---
The Asia Foundation	9,900,000	10,000,000	10,000,000	9,900,000	9,600,000	-300,000	-400,000	-400,000	-300,000
Soviet-East European research and training	---	5,000,000	5,000,000	---	4,800,000	+4,800,000	-200,000	-200,000	+4,800,000
Contribution to U.S.-India Fund for Cultural, Educational and Scientific Cooperation	---	(110,000,000)	(110,000,000)	(110,000,000)	(110,000,000)	(+110,000,000)	---	---	---
Total, title III, Department of State: New budget (obligational) authority	2,069,909,000	2,338,951,000	2,311,111,000	2,228,879,200	2,221,573,200	+151,664,200	-107,377,800	-79,537,800	+2,694,000
RELATED AGENCIES									
Arms Control and Disarmament Agency									
Arms control and disarmament activities	18,500,000	19,468,000	19,468,000	19,468,000	19,468,000	+968,000	---	---	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Board for International Broadcasting									
Grants and expenses	113,282,000	100,498,000	100,498,000	100,498,000	97,498,000	-15,784,000	-3,000,000	-3,000,000	-3,000,000
Reappropriation	4,900,000	---	---	---	---	-4,900,000	---	---	---
Commission on Security and Cooperation in Europe									
Salaries and expenses	544,000	550,000	550,000	550,000	550,000	+6,000	---	---	---
Japan - United States Friendship Commission									
Japan - United States Friendship Trust Fund	1,683,000	1,600,000	1,600,000	1,600,000	1,600,000	-83,000	---	---	---
(Foreign currency appropriation)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	---	---	---	---
United States Information Agency									
Salaries and expenses	472,703,000	554,092,000	537,143,000	527,356,000	545,856,000	+73,153,000	-8,236,000	+8,713,000	+18,500,000
Salaries and expenses (special foreign currency)	10,450,000	8,235,000	8,000,000	8,000,000	8,000,000	-2,450,000	-235,000	---	---
Educational and cultural exchange programs	100,000,000	144,864,000	129,800,000	133,000,000	130,000,000	+30,000,000	-14,864,000	+200,000	-3,000,000
Acquisition and construction of radio facilities	31,000,000	113,680,000	100,966,000	85,000,000	85,000,000	+54,000,000	-28,680,000	-15,966,000	---
Radio broadcasting to Cuba	10,000,000	11,203,000	8,500,000	12,000,000	8,500,000	-1,500,000	-2,703,000	---	-3,500,000
Center for cultural and technical interchange between East and West	18,362,000	19,050,000	19,000,000	19,000,000	19,000,000	+638,000	-50,000	---	---
National endowment for democracy	18,000,000	34,300,000	---	21,300,000	---	-18,000,000	-34,300,000	---	-21,300,000
Total, United States Information Agency	660,515,000	885,424,000	803,409,000	805,656,000	796,356,000	+135,841,000	-89,068,000	-7,053,000	-9,300,000
Total, Related agencies	799,424,000	1,007,540,000	925,525,000	927,772,000	915,472,000	+116,048,000	-92,068,000	-10,053,000	-12,300,000
Total, title III, new budget (obligational) authority, Department of State and related agencies	2,869,333,000	3,346,491,000	3,236,636,000	3,156,651,200	3,147,045,200	+277,712,200	-199,445,800	-89,590,800	-9,606,000
TITLE IV - THE JUDICIARY									
Supreme Court of the United States									
Salaries and expenses	13,635,000	14,143,000	14,143,000	13,309,000	14,143,000	+508,000	---	---	+834,000
(By transfer)	---	---	---	(834,000)	---	---	---	---	(-834,000)
Care of the buildins and grounds	1,971,000	2,242,000	2,242,000	2,242,000	2,242,000	+271,000	---	---	---
Total, Supreme Court of the United States	15,606,000	16,385,000	16,385,000	15,551,000	16,385,000	+779,000	---	---	+834,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
United States Court of Appeals for the Federal Circuit									
Salaries and expenses	4,680,000	6,414,000	5,150,000	5,150,000	5,150,000	+470,000	-1,264,000	—	—
United States Court of International Trade									
Salaries and expenses	5,675,000	6,096,000	6,070,000	6,070,000	6,070,000	+395,000	-26,000	—	—
Courts of Appeals, District Courts, and Other Judicial Services									
Salaries of Judges	69,500,000	74,280,000	74,540,000	74,540,000	74,540,000	+5,040,000	+260,000	—	—
Salaries of supporting personnel	330,000,000	382,460,000	370,255,000	374,400,000	370,228,000	+40,228,000	-12,232,000	-27,000	-4,172,000
Defender services	37,000,000	43,715,000	42,760,000	42,000,000	42,000,000	+5,000,000	-1,715,000	-760,000	—
Fees of Jurors and commissioners	43,500,000	43,500,000	43,500,000	42,000,000	42,000,000	-1,500,000	-1,500,000	-1,500,000	—
Expenses of operation and maintenance of the courts	75,350,000	108,270,000	102,581,000	102,000,000	101,500,000	+26,150,000	-6,770,000	-1,081,000	-500,000
Bankruptcy courts, salaries and expenses	100,895,000	119,960,000	117,500,000	116,950,000	116,950,000	+16,055,000	-3,010,000	-550,000	—
Services for drug dependent offenders	5,000,000	—	—	—	—	-5,000,000	—	—	—
Space and facilities	142,624,000	158,250,000	143,026,000	142,000,000	140,000,000	-2,624,000	-18,250,000	-3,026,000	-2,000,000
Court Security	18,690,000	25,280,000	25,500,000	25,500,000	25,500,000	+6,810,000	+220,000	—	—
Total, courts of appeals, district courts, and other judicial services	822,559,000	955,635,000	919,662,000	919,390,000	912,718,000	+90,159,000	-42,917,000	-6,944,000	-6,672,000
Administrative Office of the United States Courts									
Salaries and expenses	26,075,000	29,360,000	28,500,000	28,250,000	28,250,000	+2,175,000	-1,110,000	-250,000	—
(By transfer)	(700,000)	—	—	—	—	(-700,000)	—	—	—
Federal Judicial Center									
Salaries and expenses	8,445,000	9,631,000	9,330,000	9,330,000	9,330,000	+885,000	-301,000	—	—
Total, title IV, new budget (obligational) authority, the Judiciary	883,040,000	1,023,521,000	985,097,000	983,741,000	977,903,000	+94,863,000	-45,618,000	-7,194,000	-5,838,000
TITLE V - GENERAL PROVISIONS									
General reduction - Section 611:									
Discretionary	—	—	-438,653,600	—	—	—	—	+438,653,600	—
(Limitation on expenses)	—	—	(-358,560)	—	—	—	—	(+358,560)	—
(By transfer)	—	—	(-2,080,000)	—	—	—	—	(+2,080,000)	—
(Limitation on direct loans)	—	—	(-300,000)	—	—	—	—	(+300,000)	—
(Limitation on guaranteed loans)	—	—	(-600,000)	—	—	—	—	(+600,000)	—

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
RECAPITULATION									
Grand total:									
New budget (obligational) authority	10,500,615,000	11,145,918,000	10,749,564,400	11,441,835,200	11,520,976,200	+1,020,361,200	+375,058,200	+771,411,800	+79,141,000
(Limitation on expenses)	(8,554,000)	(8,964,000)	(8,605,440)	(8,964,000)	(8,964,000)	(+410,000)	---	(+358,560)	---
(By transfer)	(76,900,000)	(66,650,000)	(49,720,000)	(111,484,000)	(116,650,000)	(+39,750,000)	(+50,000,000)	(+66,730,000)	(+5,166,000)
(Limitation on direct loans)	(7,500,000)	(481,000,000)	(7,200,000)	---	(6,500,000)	(-1,000,000)	(-474,500,000)	(-700,000)	(+6,500,000)
(Limitation on guaranteed loans)	(165,000,000)	(1,053,655,000)	(14,400,000)	(150,000,000)	(165,000,000)	---	(-888,655,000)	(+150,600,000)	(+15,000,000)
Memoranda:									
(Appropriations to liquidate contract authorizations)	(401,294,000)	(377,750,000)	(377,750,000)	(377,750,000)	(377,750,000)	(-23,544,000)	---	---	---
Total appropriations, including appropriations to liquidate contract authorizations	(10,901,909,000)	(11,523,668,000)	(11,127,314,400)	(11,819,585,200)	(11,898,726,200)	(+996,817,200)	(+375,058,200)	(+771,411,800)	(+79,141,000)
Department of Commerce	1,969,226,000	1,624,040,000	1,911,677,000	2,137,738,000	2,129,304,000	+160,078,000	+505,264,000	+217,627,000	-8,434,000
Department of Justice	3,372,901,000	3,688,827,000	3,738,763,000	3,675,564,000	3,692,713,000	+319,812,000	+3,886,000	-46,050,000	+17,149,000
Department of State	2,069,909,000	2,338,951,000	2,311,111,000	2,228,879,200	2,231,573,200	+161,664,200	-107,377,800	-79,537,800	+2,694,000
The Judiciary	883,040,000	1,023,521,000	985,097,000	983,741,000	977,903,000	+94,863,000	-45,618,000	-7,194,000	-5,838,000
Related Agencies:									
Arms Control and Disarmament Agency	18,500,000	19,468,000	19,468,000	19,468,000	19,468,000	+968,000	---	---	---
Board for International Broadcasting	118,182,000	100,498,000	100,498,000	100,498,000	97,498,000	-20,684,000	-3,000,000	-3,000,000	-3,000,000
Commission on Civil Rights	11,887,000	12,747,000	12,747,000	12,747,000	12,747,000	+860,000	---	---	---
Commission on Security and Cooperation in Europe	544,000	550,000	550,000	550,000	550,000	+6,000	---	---	---
Chrysler Corporation Loan Guarantee Program:									
Administrative expenses	495,000	---	---	---	---	-495,000	---	---	---
Equal Employment Opportunity Commission	151,399,000	161,155,000	160,255,000	161,155,000	160,755,000	+9,356,000	-400,000	+500,000	-400,000
Federal Communications Commission	86,383,000	92,611,000	94,111,000	94,111,000	93,611,000	+7,228,000	+1,000,000	-500,000	-500,000
Federal Maritime Commission	10,756,000	12,292,000	12,292,000	12,292,000	12,292,000	+1,536,000	---	---	---
Federal Trade Commission	63,500,000	66,231,000	---	64,311,000	64,311,000	+811,000	-1,920,000	+64,311,000	---
International Trade Commission	20,774,000	28,410,000	26,088,000	24,030,000	24,830,000	+4,056,000	-3,580,000	-1,258,000	+800,000
Japan - United States Friendship Commission	1,683,000	1,600,000	1,600,000	1,600,000	1,600,000	-83,000	---	---	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Legal Services Corporation	275,000,000	325,253,000	---	297,550,000	305,000,000	+30,000,000	-20,253,000	+305,000,000	+7,450,000
Marine Mammal Commission	929,000	648,000	929,000	929,000	929,000	---	+281,000	---	---
Maritime Administration	84,668,000	75,730,000	83,807,000	75,467,000	80,367,000	-4,301,000	+4,637,000	-3,440,000	+4,900,000
Office of the United States Trade Representative	11,371,000	14,179,000	13,782,000	13,782,000	13,582,000	+2,211,000	-597,000	-200,000	-200,000
Securities and Exchange Commission	93,000,000	104,683,000	106,737,000	105,337,000	105,337,000	+12,337,000	+654,000	-1,400,000	---
Small Business Administration	595,953,000	569,100,000	805,297,000	626,410,000	700,250,000	+104,297,000	+131,150,000	-105,047,000	+73,840,000
United States Information Agency	660,515,000	885,424,000	803,409,000	805,656,000	796,356,000	+135,841,000	-89,068,000	-7,053,000	-9,300,000
General reduction - Section 611	---	---	-438,653,600	---	---	---	---	+438,653,600	---
Grand total	10,500,615,000	11,145,918,000	10,749,564,400	11,441,835,200	11,520,976,200	+1,020,361,200	+375,058,200	+771,411,800	+79,141,000
CONGRESSIONAL BUDGET RECAP									
Total	10,500,615,000	11,145,918,000	10,749,564,400	11,441,835,200	11,520,976,200	+1,020,361,200	+375,058,200	+771,411,800	+79,141,000
Amounts in this bill	(10,500,615,000)	(11,145,918,000)	(10,749,564,400)	(11,441,835,200)	(11,520,976,200)	(+1,020,361,200)	(+375,058,200)	(+771,411,800)	(+79,141,000)
Prior year outlays associated with this bill	---	---	---	---	---	---	---	---	---
Total Congressional mandatory and discretionary	10,500,615,000	11,145,918,000	10,749,564,400	11,441,835,200	11,520,976,200	+1,020,361,200	+375,058,200	+771,411,800	+79,141,000
Mandatory (total)	(211,174,000)	(221,926,000)	(221,878,000)	(221,878,000)	(221,878,000)	(+10,704,000)	(-48,000)	---	---
(Mandatory new)	(211,174,000)	(221,926,000)	(221,878,000)	(221,878,000)	(221,878,000)	(+10,704,000)	(-48,000)	---	---
(Prior year)	---	---	---	---	---	---	---	---	---
Discretionary (new)	(10,289,441,000)	(10,923,992,000)	(10,527,686,400)	(11,219,957,200)	(11,299,098,200)	(+1,009,657,200)	(+375,106,200)	(+771,411,800)	(+79,141,000)

1/ Stricken from the bill on a point of order.
2/ Mandatory item; exempt from 4% reduction.
3/ Reduction of $1,684,000 in addition to 4% reduction
4/ Stricken from the bill on a separate amendment.
5/ Exempt from 4% reduction.

NOTE: Totals, including deferred items(EDA,FTC,LSC):
FY 1984 Enacted - $10,499,765,000
FY 1985 Estimates - 11,130,943,000

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Arkansas [Mr. ALEXANDER].

Furthermore this issue is before the Appropriations Committee only because the relevant authorization committee wishes to work its will. That committee has held hearings and I'm informed that it is working diligently to report a bill. This is a complex issue. I'm told that it is politically delicate and that compromise is difficult. But progress in the authorization committee is being made. The lauguage on CDS payback in this bill is here at the request of the authorization committee. It is included here to prevent the DOT from prejudicing the situation before the authorizing subcommittees can act.

● Mr. FEIGHAN. Mr. Speaker, I am disappointed that this conference report does not include provisions from the Senate bill which expressed the sense of Congress that Bulgaria should be declared a state sponsor of terrorism and prohibited the expenditure of U.S. Government funds to promote trade with Bulgaria.

The Task Force on International Narcotics Control has held a series of hearings to examine the Bulgarian Government's promotion of narcotics smuggling, gunrunning, and international terrorism. And a number of witnesses testified that Kintex, the official state trading agency of Bulgaria, has been a front for narcotics trafficking, and that at least 10 percent of the heroin reaching our shores comes from Bulgaria. The profits from these drug operations are then used to arm terrorists around the world. According to the U.S. Drug Enforcement Administration:

> The Government of Bulgaria has established a policy of encouraging and facilitating narcotics trafficking through the corporate veil of Kintex . . . and Kintex assists the flow of guns and ammunition to left-wing insurgency groups in Turkey and Lebanon.

The killers supported by this drugs, guns, and terrorism network include the PLO, Italy's Red Brigades, and Turkey's neo-fascist Grey Wolves.

Mr. Speaker, these criminal activities clearly come under the heading of state supported terrorism, and they constitute a direct threat to the people of the United States. It is high time that we tell the Bulgarians—in no uncertain terms—that we will not tolerate their support for international narcotics trafficking and international terrorism. The Senate language took an important first step in that direction. Although the public pressure that it would generate would not close the drugs-for-guns operations overnight, it would focus the eyes of the world community on the Bulgarians, it would force them to publicly answer the charges, and it would increase the price they pay for colluding with terrorists.

I regret that the Senate provisions were not included in this report.●

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 277, nays 135, not voting 20, as follows:

[Roll No. 350]

YEAS—277

Ackerman	Coyne	Hammerschmidt
Addabbo	Crockett	Harkin
Akaka	D'Amours	Harrison
Albosta	Darden	Hatcher
Alexander	Daschle	Hawkins
Anderson	Davis	Hayes
Andrews (NC)	de la Garza	Hefner
Andrews (TX)	Dellums	Heftel
Annunzio	Derrick	Hillis
Anthony	Dicks	Holt
Applegate	Dingell	Hopkins
Aspin	Dixon	Horton
Barnard	Dowdy	Howard
Barnes	Downey	Hoyer
Bates	Duncan	Hughes
Bedell	Dwyer	Hunter
Bellenson	Dymally	Hutto
Bennett	Dyson	Jeffords
Berman	Early	Jenkins
Bevill	Eckart	Johnson
Biaggi	Edgar	Jones (NC)
Boehlert	Edwards (CA)	Jones (TN)
Boggs	Emerson	Kaptur
Boland	Evans (IL)	Kastenmeier
Boner	Fascell	Kazen
Bonior	Fazio	Kennelly
Bonker	Feighan	Kildee
Borski	Ferraro	Kleczka
Boucher	Fish	Kogovsek
Boxer	Flippo	Kolter
Breaux	Florio	Kostmayer
Britt	Foglietta	LaFalce
Brooks	Ford (MI)	Lantos
Brown (CA)	Ford (TN)	Leach
Bryant	Fowler	Lehman (CA)
Burton (CA)	Frank	Lehman (FL)
Byron	Frost	Leland
Carper	Fuqua	Lent
Carr	Garcia	Levin
Chandler	Gaydos	Levine
Chappell	Gejdenson	Levitas
Clarke	Gephardt	Lewis (CA)
Clinger	Gibbons	Lipinski
Coelho	Gilman	Lloyd
Coleman (TX)	Gonzalez	Long (LA)
Collins	Gore	Long (MD)
Conte	Gradison	Lowry (WA)
Conyers	Gray	Lundine
Cooper	Green	Madigan
Corcoran	Guarini	Markey
Coughlin	Hamilton	Martin (NY)
Martinez	Patterson	Spratt
Matsui	Pease	Staggers
Mavroules	Pepper	Stokes
Mazzoli	Pickle	Stratton
McCain	Porter	Studds
McCloskey	Price	Swift
McDade	Pursell	Synar
McGrath	Quillen	Tallon
McHugh	Rahall	Taylor
McKernan	Rangel	Thomas (GA)
McKinney	Ratchford	Torres
McNulty	Regula	Torricelli
Mica	Reid	Traxler
Michel	Richardson	Udall
Mikulski	Ridge	Vander Jagt
Miller (CA)	Rinaldo	Vento
Miller (OH)	Robinson	Volkmer
Mineta	Rodino	Walgren
Minish	Roe	Watkins
Mitchell	Rogers	Waxman
Moakley	Rose	Weiss
Molinari	Rostenkowski	Wheat
Mollohan	Roth	Whitehurst
Moody	Roukema	Whitley
Moore	Rowland	Whitten
Morrison (CT)	Roybal	Williams (MT)
Morrison (WA)	Sabo	Williams (OH)
Mrazek	Sawyer	Wilson
Murtha	Scheuer	Wirth
Myers	Schneider	Wise
Natcher	Schulze	Wolf
Nichols	Seiberling	Wolpe
Nowak	Shaw	Wright
O'Brien	Sikorski	Wyden
Oakar	Simon	Yates
Oberstar	Sisisky	Yatron
Obey	Smith (FL)	Young (AK)
Ortiz	Smith (IA)	Young (FL)
Ottinger	Smith (NJ)	Young (MO)
Owens	Snowe	Zschau
Panetta	Snyder	
Parris	Solarz	

NAYS—135

Archer	Goodling	Murphy
AuCoin	Gramm	Neal
Badham	Gregg	Nelson
Bartlett	Gunderson	Nielson
Bateman	Hall (IN)	Olin
Bereuter	Hall (OH)	Oxley
Bethune	Hall, Ralph	Packard
Bilirakis	Hall, Sam	Pashayan
Bliley	Hance	Patman
Bosco	Hansen (ID)	Penny
Broomfield	Hansen (UT)	Petri
Brown (CO)	Hartnett	Ray
Broyhill	Hertel	Ritter
Burton (IN)	Hightower	Roberts
Campbell	Hiler	Roemer
Carney	Hubbard	Rudd
Chappie	Huckaby	Russo
Cheney	Hyde	Schaefer
Coats	Ireland	Schroeder
Conable	Jacobs	Sensenbrenner
Courter	Jones (OK)	Sharp
Craig	Kasich	Shelby
Crane, Daniel	Kemp	Shumway
Crane, Philip	Kindness	Shuster
Daniel	Lagomarsino	Skeen
Dannemeyer	Latta	Slattery
Daub	Leath	Smith (NE)
DeWine	Lewis (FL)	Smith, Denny
Dickinson	Livingston	Smith, Robert
Dorgan	Loeffler	Solomon
Dreier	Lott	Spence
Durbin	Lowery (CA)	Stangeland
Edwards (AL)	Lujan	Stenholm
Edwards (OK)	Luken	Stump
English	Lungren	Sundquist
Erdreich	Mack	Tauke
Erlenborn	MacKay	Tauzin
Evans (IA)	Marlenee	Valentine
Fiedler	Martin (IL)	Vucanovich
Fields	Martin (NC)	Walker
Franklin	McCollum	Weaver
Frenzel	McCurdy	Weber
Gekas	McEwen	Whittaker
Gingrich	Montgomery	Wortley
Glickman	Moorhead	Wylie

NOT VOTING—20

Clay	Paul	St Germain
Coleman (MO)	Pritchard	Stark
Donnelly	Savage	Thomas (CA)
Foley	Schumer	Towns
Kramer	Shannon	Vandergriff
Marriott	Siljander	Winn
McCandless	Skelton	

□ 1220

The Clerk announced the following pair:

On this vote:

Mr. Thomas of California for, with Mr. Paul against.

Mr. ROEMER changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT ACTIVITIES AND TRANSPORTATION OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Activities and Transportation of the Committee on Government Operations be allowed to sit on August 9, 1984, while the House is proceeding under the 5-minute rule.

The subcommittee will be meeting to approve a report and to receive testimony.

This request has been cleared with the ranking minority member, the gentleman from New York [Mr. MCGRATH].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment is as follows:

Senate amendment No. 5: Page 3, after line 4, insert:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $198,500,000: *Provided*, That during fiscal year 1985 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1985, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $200,000,000: Provided, That during fiscal year 1985 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

The motion was agreed to.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to consider en bloc the following amendments which are reported in technical disagreement and on which the managers on the part of the House propose to recede and concur with Senate amendments:

Senate amendments numbered 11, 13, 14, 17, 18, 20, 27, 30, 31, 65, 68, 72, 74, 82, 83, 105, 109, and 143.

Mr. Speaker, the amendment concerning funding and certain restrictions on the FTC, numbered 39, is not included in this unanimous consent request.

Also, the following amendments are not included: No. 36, the CDS payback; No. 113, on USIA National Endowment for Democracy; and No. 119, on the USIA.

I believe those are the only ones about which Members expressed a desire to have special debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Senate amendments to be considered en bloc are as follows:

Senate amendment No. 11: Page 4, line 20, after "management" insert ": *Provided further*, That the Minority Business Development Agency shall maintain a permanent position and full-time office in the city of Pittsburgh, Pennsylvania".

Senate amendment No. 13: Page 5, line 10, strike out "as provided for by law," and insert "including travel and tourism promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; and".

Senate amendment No. 14: Page 5, line 13, after improvement;" insert "purchase or construction of temporary demountable exhibition structures for use abroad;".

Senate amendment No. 17: Page 5, line 18, after "$8,583,000" insert ": *Provided*, That not later than January 1, 1985, the Secretary of Commerce shall establish offices of the United States Travel and Tourism Administration in Italy, the Netherlands, and Australia, and that such offices be in addition to rather than in lieu of any offices of the United States Travel and Tourism Administration that existed in foreign nations on April 1, 1984".

Senate amendment No. 18: Page 5, line 25, after "craft;" insert "399 commissioned officers on the active list;'.

Senate amendment No. 20: Page 6, line 3, after "expended" insert ", of which $2,000,000 shall be available for emergency beach rehabilitation in the State of New Jersey, notwithstanding any other provision of this paragraph".

Senate amendment No. 27: Page 7, line 21, after "ed," insert ", of which $500,000 shall be made available to establish a regional radiation calibration center at the University of Arkansas, and".

Senate amendment No. 30: Page 8, line 12, after "expended" insert ": *Provided*, That not to exceed $1,200,000 shall be available for program management as authorized by section 391 of the Communications Act of 1934, as amended.".

Senate amendment No. 31: Page 8, after line 24, insert:

SEC. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

Senate amendment No. 65: Page 12, line 24, strike out "(8)" and insert "(B)".

Senate amendment No. 68: Page 14, line 11, after "ginia" insert ":*Provided further*, That not to exceed $45,000 shall be available for official reception and representation expenses".

Senate amendment No. 72: Page 16, after line 2, insert:

(INCLUDING TRANSFER OF FUNDS)

Senate amendment No. 74: Page 16, line 7, after "$49,831,000" insert "; and in addition, $4,450,000 shall be derived by transfer from the unobligated balances of the 'Buildings and facilities' account".

Senate amendment No. 82: Page 18, line 23, after "expended." insert "In addition, $5,000,000 for the purpose of making grants to States for their expenses by reason of Mariel-Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1984 through September 30, 1985 following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1985 a listing of names of such Mariel-Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1985, will complete his review of the certified listings of such incarcerated Mariel-Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed $12,000.".

Senate amendment No. 83: Page 25, after line 20, insert:

SEC. 204. (a)(1) Section 1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by adding at the end thereof the following new subsection:

"(g) The authority to make payments under this section shall be effective only to the extent provided for in advance by appropriation Acts.".

(2) Section 1202 of such Act (42 U.S.C. 3796a.) is amended—

(A) by striking out "or" at the end of clause (2);

(B) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following:

"(4) to any person employed in a capacity other than a civilian capacity.".

(3) Section 1203 of such Act is amended—

(A) by striking out clause (3) and inserting in lieu thereof the following:

"(3) 'firefighter'—

"(A) means a person whose duties include performing work directly connected with the control and extinguishment of fires and who, at the time the personal injury referred to in section 1201 is sustained, is engaged in such work or in another emergency operation; and

"(B) includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;";

(B) by striking out clause (5) and inserting in lieu thereof the following:

"(5) 'law enforcement officer' means a person—

"(A) the duties of whose position include performing work directly connected with—

"(i) the control of crime or juvenile delinquency;

"(ii) the enforcement of the criminal laws; or

"(iii) the protection of Federal officials, public buildings or property, or foreign diplomatic missions; and

"(B) who, at the time the personal injury referred to in section 1201 is sustained, is—

"(i) engaged in the detection of crime;

"(ii) engaged in the apprehension of an alleged criminal offender;

"(iii) engaged in the keeping in physical custody of an alleged or convicted criminal offender; or

"(iv) assaulted or subjected to the conduct of criminal activity in the line of duty, and includes police, correction, probation, parole, and judicial officers;";

(C) in clause (6) by inserting "the United States," after "means"; and

(D) in clause (7), by striking out "fireman" and inserting in lieu thereof "firefighter".

(b)The amendments made by subsection (a) shall take effect with respect to injuries sustained on or after October 1, 1984.

Senate amendment No. 105: Page 33, line 6, strike out "for deposit in" and insert "for investment by the Treasury to generate earnings which shall be available to".

Senate amendment No. 109: Page 34, after line 7, insert ": *Provided*, That not to exceed $15,000 shall be available for engineering consultant fees, and no such fees shall be paid after January 1, 1985 at any time the Board's Director of Engineering position is vacant".

Senate amendment No. 143: Page 53, after line 18, insert:

SEC. 509. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprograming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless, the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendments of the Senate numbered 11, 13, 14, 17, 18, 20, 27, 30, 31, 65, 68, 72, 74, 82, 83, 105, 109 and 143, and concur therein.

The motion was agreed to.

□ 1230

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 6: Page 3, after line 4, insert:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,350,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1985.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1985.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 19: Page 6, line 2, strike out "$1,114,551,000" and insert "$1,124,286,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$1,113,066,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 23: Page 6, line 4, after "Fund" insert "; and in addition, $24,900,000 shall be derived by nonexpenditure transfer from the Fund entitled "Promote and develop fishery products and research pertaining to American Fisheries"; and in addition, $9,300,000 shall be derived by nonexpenditure transfer from the Fund entitled "Coastal Energy Impact Fund" ".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following: "; and in addition, $25,900,000 shall be derived by transfer from the Fund entitled "Promote and develop fishery products and research pertaining to American Fisheries"; and in addition, $9,300,000 shall be derived by transfer from the Fund entitled "Coastal Energy Impact Fund" ".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 24: Page 6, line 4, after "Fund" insert "*Provided*, That unobligated balances in the account "Coastal Zone Management" are merged with this account on October 1, 1984: *Provided further*, That grants to States pursuant to section 306 of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: *Provided further*, That the National Oceanic and At-

mospheric Administration is authorized to accept a contribution of real or personal property from any public or private source, and to undertake a project in cooperation with any Federal or State agency, or any private person or entity: *Provided further,* That upon reimbursement by the Secretary of the Navy for the cost of the NOAA-D spacecraft, and upon determination by the Administration that the NOAA-D spacecraft is not needed to replace a current NOAA polar orbiting satellite, the Administrator shall make the spacecraft available for the Navy Remote Ocean Sensing System, and the Secretary of the Navy shall provide the Administrator with access to the civil data produced by the system: *Provided further,* That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such function prior to June 26, 1983."

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided,* That unobligated balances in the account 'Coastal Zone Management' are merged with this account on October 1, 1984: *Provided further,* That grants to States pursuant to section 306 and section 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $450,000: *Provided further,* That upon reimbursement by the Secretary of the Navy for the cost of the NOAA-D spacecraft, and upon a determination by the Secretary of Commerce that the NOAA-D spacecraft is not needed to replace a NOAA polar orbiting satellite, the Secretary of Commerce shall make the spacecraft available for the Navy Remote Ocean Sensing System, and the Secretary of the Navy shall provide the Secretary of Commerce with access to the civil data produced by the system: *Provided further,* That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983."

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 29: Page 8, line 11, strike out "$25,000,000" and insert "$30,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$24,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 32: Page 8, after line 24, insert:

SEC. 204. No funds in this Act, or any other Act, may be used within two years after the date of enactment of this Act, to transfer title to the parcel of real property located on McKown Point, West Boothbay Harbor, Maine (General Services Administration control number 1314-30174-23), unless such transfer is to the State of Maine, and contains conditions and use restrictions similar to those in the transfer of the adjacent parcel of real property on September 26, 1978 (General Services Administration control number 1314-30174-23-015-0800).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 104. No funds in this Act, or any other Act, may be used within two years after the date of enactment of this Act, to transfer title to the parcel of real property located on McKown Point, West Boothbay Harbor, Maine (General Services Administration control number 1314-30174-23), unless such transfer is to the State of Maine, and contains conditions and use restrictions similar to those in the transfer of the adjacent parcel of real property on September 26, 1978 (General Services Administration control number 1314-30174-23-015-0800): *Provided,* That the title of the property will revert back to the Federal Government if the property ceases to be used for public purposes.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 8, after line 24, insert:

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $377,750,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for research and development activities, as authorized by law, $3,000,000, to remain available until expended, and in addition, $7,000,000, to remain available until expended, which shall be derived by transfer from the unobligated balances of the Ship Construction account.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following;

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $377,750,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for research and development activities, as authorized by law, $2,900,000, to remain available until expended, and in addition, $7,000,000, to remain available until expended, which shall be derived by transfer from the unobligated balances of the Ship Construction account.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate Amendment No. 36: Page 8, after line 24, insert:

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

None of the funds provided in this Act for the Maritime Administration shall be used for enforcement of any rule with respect to the repayment of construction differential subsidy for permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended, until May 15, 1985.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes and the gentleman from Illinois [Mr. O'BRIEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this matter involves construction-differential subsidies, some shipping on the west coast, especially on the Alaska trade. It involves whether or not the owners of those ships can pay back those subsidies and then use them from port to port, U.S. ports.

Now, we had the same provision as this in last year's act except that it said June 15. When the House passed the 1985 bill, it was a straight limitation. It was this same amendment except that we did not say "until May 15."

□ 1240

Now, the dispute is still raging. They hope, however, that it will be solved sometime before too long, but this amendment will allow the promulgation of the rule that is proposed in the Department of Transportation but it will not permit its enforcement after May 15. We are hopeful that this will permit them going ahead, considering the rule, but if they do promulgate the rule that it will not be enforced after May 15.

We think that this will solve the problem fairly well for the next few months.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Speaker, it is this gentleman's understanding that a compromise has been worked out between the various parties involved in this problem. I am aware of that, but some of the people on this side of the aisle who evidence great concern about it are not satisfied that they know about it and I hesitate to agree without some further consultation.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Speaker, as one of the parties who has just become privy to this proposed compromise, I would like to state that it seems to be a reasonable and workable solution to the dilemma with which the parties are faced.

I observe that another one of the concerned parties, the gentleman from Alaska [Mr. YOUNG] is also present in the Chamber, with whom I have recently discussed the issue. It is satisfactory with me if it is satisfactory with the other parties concerned.

Mr. BATEMAN. Mr. Speaker, will the gentleman from Iowa yield for a question?

Mr. SMITH of Iowa. I yield to the gentleman from Virginia for purposes of debate only.

Mr. BATEMAN. I thank the gentleman for yielding.

Mr. Speaker, my question is this: Under the compromise which has been read, let us assume that the Congress takes no final action of any kind on this proposition between now and May 1 or 15 of next year. Would the Department of Transportation, the Maritime Administration, in the absence of such action, be permitted to go forward with rules that would permit the payback?

Mr. SMITH of Iowa. They could go forward with deciding what kind of a rule they want, but they would not be able to enforce it until further action, with money that is in this particular bill.

Mr. BATEMAN. If the gentleman will continue to yield, a potential problem with the compromise is that in the event Congress does nothing and we come up to May 15, 1985, can the Department of Transportation, the time limit having expired, then go forward and do whatever it wants to do.

Mr. SMITH of Iowa. They cannot enforce the rule until May 15.

Mr. BATEMAN. If the gentleman will yield further, if I understand it, then, some positive action would have to be taken by the Congress before they could implement the rule, even after May 1985.

Mr. SMITH of Iowa. Before they could enforce the rule; that is correct.

Mr. BATEMAN. I thank the gentleman for his response.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York for purposes of debate only.

Mr. LENT. I thank the gentleman for yielding.

Mr. Speaker, I am somewhat perplexed by exactly what the ramifications of the gentleman's motion would be. Let me put it to the gentleman this way: If there is a party or a shipping company that wants to pay back its Federal CDS loan, and has the cash, and the interest to pay that loan back into too, will it be permitted to make that payment back to the Federal Treasury after May 15, 1985?

Mr. SMITH of Iowa. Let me go through it a step at a time.

Existing law is not changed. The Department has proposed a rule and they have been denied the opportunity to go forward and decide for sure exactly

what rule they want. They could go ahead and finalize their rule, and they can do that with money that is in the bill, but they cannot enforce the law.

If they have a rule that permits a change in the law, it is not enforceable until later.

Mr. LENT. If the gentleman will yield further, can the gentleman explain to me how this compromise differs from what we had anticipated the gentleman was going to offer earlier, the motion to recede.

Mr. SMITH of Iowa. Earlier I was going to have no limitation of date. The only difference is, the date of May 15 was added.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Speaker, as I understand the compromise, none of the funds shall be used for enforcement of any rule until after May 15, so a rule cannot be implemented in the timeframe going up to May 15, 1985.

Mr. SMITH of Iowa. They can finalize the rule, but they cannot enforce it. They can go ahead and finalize the rule.

Mr. O'BRIEN. It is not the chairman's understanding that, absent affirmative action by the Congress dealing with this provision, after May 15 the Secretary of Transportation could go ahead with the rule. Is that the gentleman's understanding?

Mr. SMITH of Iowa. They could finalize the language of the rule, but if they want to change the law they could not enforce the rule. The Department has not taken any final action. They have not said for sure what they want to do. There is a proposed rule.

Mr. O'BRIEN. Just one more time, in order to clarify, if the gentleman will yield further.

As I read it, it says none of the funds provided shall be used for enforcement of any rule until May 15, 1985. It seems to me that the inference is, at least, that a rule promulgated after that date could be enforced.

Mr. SMITH of Iowa. Is the gentleman reading the last paragraph?

Mr. O'BRIEN. What is the chairman's understanding.

Mr. SMITH of Iowa. They can go ahead and promulgate this rule and make their decision as to what they are going to recommend in the way of a rule. The gentleman from Alaska is well acquainted with this. I think, and I might ask if he agrees with that.

Mr. YOUNG of Alaska. The gentleman is absolutely correct. This is a very complex issue. As the gentleman from Arkansas and the gentleman from Michigan mentioned, we just had this colloquy of words and a meeting of the minds a few minutes ago, and it is my information that the other body has signed off on this language.

We can interpret it two different ways. I believe the Department can go ahead and make rules, proposals, but they cannot be implemented until May 15. So later on, if the gentleman will yield further, we are going to be debating this issue probably three more times on the floor of the House. Right now I believe this is the best way to move this legislation and still leave the opportunity for further discussion at a later date without hamstringing or delaying the Department's ability to go forth with what they have been attempting to do. That is my interpretation of what has occurred in the last few minutes.

Mr. SMITH of Iowa. I agree.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. CARR. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that the understanding of the gentleman from Alaska is the same as mine. This applies to funds only for the Maritime Administration, and this clears up this issue for this piece of legislation. A compromise has been struck between the principals of the House and the principals of the other body.

□ 1250

Mr. BIAGGI. Mr. Speaker, this is a very critical question. I am the chairman of the Subcommittee on Merchant Marine, and we have had several hearings on this issue. There are matters on both sides to be considered.

The fact that the Department of Transportation has in fact not produced a rule, I think, is not as communicative of the situation as it really should be. The fact is that we expected the Department of Transportation to produce a rule that will permit the buy back. That is the reality. They have not produced it formally as yet. That is another matter.

But we are dealing with the presumption that they will in fact produce a rule permitting buy backs. We would like to deal with this matter in a legislative fashion. We are trying to bring the parties on both sides of this question to the table so they can work out a compromise.

I understand that this is a little better than the present situation. It is a little bit better than what we had originally. May 15 may be the date, but I also heard my friend, the gentleman from Iowa [Mr. SMITH], say that the rule could not be implemented during the next fiscal year. That would bring us to October. Is my understanding correct?

Mr. SMITH of Iowa. As the gentleman knows, we are dealing with appropriations starting October 1 and ending October 1, 1986. During that year none of the money in this bill can be used to enforce whatever rule is adopted that changes the law unless there is further action, which would be through a legislative committee.

Mr. BIAGGI. So that leaves us in a position where in fact, if the rule was made effective after May 15, it would become operative, but no moneys could be used after the next fiscal year, until 1985?

Mr. SMITH of Iowa. No money could be used prior to October 1.

Mr. BIAGGI. 1985?

Mr. SMITH of Iowa. 1985. The gentleman is right. I was wrong on the years.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Speaker, if the gentleman will forgive me for saying it, I fail to see the compromise here. If we pass this amendment, as amended, with the May 15 date in it, what difference is there? What is the difference if we just go ahead and pass the amendment as is?

Mr. SMITH of Iowa. They can go ahead and promulgate the rule. They can go ahead and decide what they want to do.

Mr. O'BRIEN. Mr. Speaker, if the gentleman will continue to yield, it is a sort of a hang your clothes but don't go near the water situation, is it not? If they promulgate the rule, it cannot be enforced, and none of the money will be available to enforce it. Does it not then lie there until the Congress takes further action, and is that not substantially what the gentleman's original motion was directed at?

Mr. SMITH of Iowa. No, not really. It could not be enforced during that period from May 15 to October 1. That is only a few months really, and it gives some breathing time for others to do whatever they want with regard to the rule.

Mr. O'BRIEN. I still have trouble with the language, Mr. Speaker. None of the funds shall be used for enforcement until May 15. The opposite of that is that after May 15 funds can be used. That is the way I read it. Whatever legislative intent may be coming out of this debate, it is pretty vague to me.

Mr. SMITH of Iowa. Mr. Speaker, I see what the gentleman is saying now, and I will back up. I think I have misstated a couple of things. They can go ahead and promulgate the rule, but they cannot enforce it until after May 15.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Then, Mr. Speaker, the gentleman is saying

that what he said a moment ago about the fiscal year 1985 is incorrect?

Mr. SMITH of Iowa. Yes; actually they are expected to promulgate the rule much faster. We expect there will be some time involved.

Mr. EDWARDS of Alabama. Then barring some other action, should the Department promulgate a rule by May 15, 1985, they would then be in a position to enforce it as far as this particular language is concerned?

Mr. SMITH of Iowa. Yes; the limitation on appropriations would not prevent them from doing so. It would be up to the legislative committee to do that.

Mr. EDWARDS of Alabama. Mr. Speaker, if the gentleman will yield further, we understand that a similar provision is in the transportation appropriations bill?

Mr. SMITH of Iowa. Right.

Mr. EDWARDS of Alabama. And a provision of some type similar to this is within the armed services authorization bill, if I recall?

Mr. SMITH of Iowa. Right.

Mr. EDWARDS of Alabama. And perhaps there are others. Somebody has done a good day's work in trying to sew up the Department.

Mr. SMITH of Iowa. What I am afraid of is that it will be in two or three supplementals, too. Nevertheless, as far as this bill is concerned, there is no limitation on enforcement after May 15.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, in light of the clarification and in light of the so-called compromise, we have a fuller understanding of the picture.

Very frankly, I would urge the subcommittee chairman and urge the members of my committee to insist on the House position. What we are really talking about is delaying for a little while the implementation of a rule that would permit buy back, and it would have a very devastating effect on a very substantial portion of our maritime fleet. Until we can develop some legislation, that is the position we should maintain.

Now, we have had a number of hearings on this matter. We have deliberated carefully over the situation, and there is too much at stake to permit a rule of this nature to work such a disastrous impact on a very important segment of the maritime fleet, a fleet which is currently in a state of chaos, a state of decline. To have this rule be implemented would only decimate in a very substantial fashion the number of ships that we have that are available for our troop-carrying ability and for our cargo-carrying ability.

Mr. Speaker, this is not the way to go. The House has a position, it should be maintained, and we should insist upon it.

Mr. SMITH of Iowa. Mr. Speaker, I think we are not clarifying things. It is not helping to continue the debate, and I hope we can end it in a hurry.

But I want to reply to the gentleman from New York and say that the parliamentary procedure is this: In the bill, as it passed the House, the general provisions were struck by Senate amendment No. 129 and reinserted in amendment No. 36. If we insist on the House provision, there is no provision to insist upon. Now, the gentleman does not want that.

So what I have done to prevent us from being in a position of having no provision, because I knew the gentleman and others wanted a provision in here, is this: I have moved to recede and concur in the Senate position with an amendment, and the amendment gives us the only protection we will have. If we defeat this motion, the gentleman will not have any protection. He will be back with no provision, including the one that passed the House.

So, Mr. Speaker, the gentleman would want to vote aye on this motion or he will have no protection.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I hope that we can conclude this rather rapidly, but I will yield very briefly, for debate only, to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I appreciate the gentleman's yielding.

I rise in support of the House's position on this conference report which is contained within amendment 36.

This position is completely consistent with that of the Merchant Marine and Fisheries Committee which has been considering this issue now for over a year. Until such time as a reasonable resolution can be concluded, it is important that we retain the status quo. The amendment which is under consideration will do exactly that.

It is important that the programs that would be affected by any change in the way construction differential subsidy is repaid be considered and that satisfying one segment of the industry not be accomplished at the expense of all others.

Mr. Speaker, I hope that we will vote with the chairman of the subcommittee on this amendment which has been offered in substitution.

Mr. SMITH of Iowa. Mr. Speaker, for the purpose of debate only, I yield 30 seconds to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

At the appropriate time I would like to be recognized in order to review this Member's perception of where we are and where we are going to get to if the amendment that has just been offered, the so-called compromise, is adopted. It is my view that it is not going to get us anywhere in the form in which it was offered, in view of the fact that we face almost in terms of reality a certainty that after May 15 the public policy issue that this House has addressed and addressed in a certain way is going to be reversed by what in fact is then going to occur.

Mr. Speaker, I would like to be heard later at the appropriate time to state that point of view.

The SPEAKER pro tempore. The time of the gentleman from Virginia [Mr. BATEMAN] has expired.

The gentleman from Iowa [Mr. SMITH] has used 20 minutes of his 30 minutes of time.

Mr. SMITH of Iowa. Mr. Speaker, I reserve the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I rise in support of the compromise as it has been reexplained to us.

Mr. Speaker, I urge my colleagues to vote to recede from their disagreement with the Senate and reject the amendment which would prohibit the use of funds appropriated by this bill for the enforcement of a rule permitting the repayment of construction-differential subsidy. Apparently, the compromise will accomplish that effective May 15, 1985.

As a member of the Committee on Merchant Marine and Fisheries, I can assure my colleagues that the issue of whether to permit the repayment of CDS by certain tanker owners who would thereby receive permission to operate their vessels in the domestic trade is an extremely controversial matter. The Merchant Marine Subcommittee has held several hearings on this subject, most recently in May of this year on H.R. 5071, a bill introduced by the subcommittee chairman, the gentleman from New York [Mr. BIAGGI]. The committee has not yet been able to report a bill due to the controversy surrounding the issue. For example, one major maritime union supports the repayment of CDS while another maritime union opposes the adoption of such a rule.

The committee has been, as yet, unable to elicit a compromise from the rule's opponents. Nevertheless, that is no reason to rush to judgment on the CDS repayment issue, particularly by legislating in this manner. It would be most improper to decide this complex

question by adopting a rider to an appropriation bill which would effectively foreclose any action by the Committee on Merchant Marine and Fisheries, the committee with subject matter jurisdiction over the issue.

Let me briefly address the merits of CDS repayment. I have favored the adoption of a rule which would permit the repayment of CDS. It would increase competition in the domestic tanker trade and lower rates. It has been estimated by some that implementation of the rule would reduce the Federal deficit by $1 billion, considering the amount of CDS repaid and cancellation of future operating differential subsidy obligations. More conservative estimates place CDS repayment benefits at $200 million. Repayment has also been estimated to result in approximately $350 million in increased windfall profits taxes each year. The challenge before us is to realize these benefits while trying to accommodate the opponents of the rule. While that may not be an easy task, it's the job of the Merchant Marine Committee, not the Appropriations Committee, to legislate on this issue.

For these reasons, I urge my colleagues to recede from their disagreement with the Senate and vote to delete this provision from the bill.

□ 1300

Mr. O'BRIEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I appreciate the gentleman yielding the time to me.

If I understand the legal context in which this issue comes to us, it is this. The Supreme Court of the United States has ruled that under existing law the Department of Transportation has the authority to promulgate regulations permitting the payback of construction differential subsidies and the vessels who pay them back their operators permitting them to enter the Jones Act trade to which they are generally excluded by virtue of the fact that they accepted the CDS subsidies. That being the status of the law, unless this Congress has acted in some manner, there is nothing to prohibit the Department of Transportation from going forward and reversing what has historically been the policy of the United States, which has been not to permit the payback and the vessels that pay them back entering the Jones Act trade.

That may make little difference to many of you in terms of the specific involvement of your constituents. It makes a great deal of difference to those who have a constituency in which there is an American merchant marine or American shipbuilding.

To permit if we decide to do that, and I am afraid the compromise is going to permit it, these vessels to pay back their construction differential subsidies and enter the Jones Act trade is going to be a devastating blow to that trade reserved to American built and manned vessels. It is going to be a blow to American shipbuilding because that antiquated Jones Act fleet which under or safety and inspection laws is facing a point where many of those vessels will have to be replaced will no longer need to be replaced and there goes shipbuilding jobs in all the shipbuilding yards of America. There goes the shipbuilding mobilization base of the United States and there goes the small tanker fleet imported for our national security, rather than the large bulk carriers which will enter this trade, wiping out the smaller tankers.

Now, in view of the fact that the Courts have held that the Department of Transportation can do this, if we do no more than pass a compromise that says you cannot do it until May 15, then we are inviting virtually a certainty that after May 15, 1985, the settled public policy, the Merchant Marine policy of the United States, is going to have been reversed without any action or input from the Congress and going to be reversed in a way that is contrary to the manner that the House of Representatives has previously addressed this issue.

There are several things about this, if I have some remaining time, Mr. Speaker, that I think are offensive in terms of the sound and proper procedures by which the House should deal with this measure. We have acted on this measure. The bill that we passed says, "Thou shalt not do this."

It is said by some that the House has no position on this issue. We do indeed have a position on the issue and it is a sound and proper position on the issue which I think should be maintained.

The compromise amendment, as much as I applaud the reasoning behind it, and I feel the gentleman from Iowa is right, procedurally and parliamentary wise we need an amendment, but I do not think this amendment assuages the concerns that those of us feel about their becoming a reality after May 15, 1985, of CDS paybacks and these vessels entering the Jones Act trade.

I would suggest an amendment along these lines, but sayng it shall not be done before being implemented on May 15.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. O'BRIEN. Mr. Speaker, I yield one additional minute to the gentleman.

Mr. BATEMAN. I would suggest an amendment along the lines as that offered, but which provided that no regulation formulated before May 15, 1985, could be implemented thereafter in the absence of some affirmative act of Congress would be the kind of provision I think we are really struggling for, so that the Congress does have an opportunity to fairly determine what is the wisdom of public policy on this very important issue.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I just want to wrap it up by saying this. Under the parliamentary situation, if we do not pass the amendment that I have offered, there is no restriction whatever. They can go ahead, promulgate the rule and enforce it immediately. That is the situation.

Now, this is being dealt with in two or three other bills around here and I do not know what they will do in those other bills, but as far as this bill is concerned, I think the motion that is before us is the best that we can do and the best way out of it.

I would hope that we would adopt the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, as the ranking minority member of the Transportation Appropriations Subcommittee, I have also been opposed to the CDS payback provisions.

This is, of course, a matter really within the jurisdiction of the authorizing committee and in view of the fact that the distinguished chairman of the authorizing committee indicates that this is a satisfactory compromise from the authorizing committee's standpoint and would give that committee the opportunity in which to act, I would certainly support the amendment.

Mr. Speaker, I appreciate this opportunity to speak today on a matter which I believe may have serious consequences for the future of the U.S. merchant marine. As the ranking minority member on the Transportation Appropriations Subcommittee, I have a special interest in all aspects of our Nation's transportation capabilities. The Department of Transportation proposal I wish to draw to your attention today involves the Maritime Administration and therefore falls within the jurisdiction of the Subcommittee on State, Justice, Commerce, and the Judiciary and this conference report.

DOT issued a proposed rule on January 31, 1983, which would allow owners of federally subsidized tankers engaged in foreign trade to pay back the unamortized portion of their construction differential subsidies in order to enter the unsubsidized domestic service known as the Jones Act trade. This proposal is unfair, ill-considered, and economically counterproductive. It would be disastrous for the Jones Act trade.

I would make the following points for my colleagues' consideration:

First, what DOT is proposing is to change the rules in the middle of the game after long-term economic decisions and large investments have been made on the basis of the existing legal framework for ship construction and operation. As the committee knows, that framework provides for Federal construction and operating subsidies for ships which operate exclusively in the foreign trade competing against the subsidized ships of other countries. Ships which operate only in the U.S. domestic trade receive no subsidies.

A number of companies have invested heavily in unsubsidized tanker construction and operation based on the protection afforded by the Jones Act and the number and types of vessels traditionally engaged in the domestic trade. Now that the foreign oil trade has fallen off and domestic oil transportation needs have increased due to development of the Alaskan North Slope, investors who chose the foreign trade freely are now seeking to "muscle in" on the domestic service by paying back the unamortized portion of their subsidies. To change the ground rules after they have served us well for a long time would be very unfair to those shipping interests who chose to build and operate their tankers in the unsubsidized domestic service.

Second, the immediate impact of the change will be the collapse of the present shipping rate structure for tankers in the protected Jones Act trade due to increased competition and a surplus of tanker capacity. The introduction of newer and larger tankers built and operated with Federal subsidies to compete in international trade into the domestic fleet will cause the rate to fall below the breakeven point for the average size and age of the vessels presently in the Jones Act fleet. It will not be economically feasible to continue many of them in operation.

Even DOT in explaining its proposals concedes that "some tankers might be unable to survive." As many as 5,000 jobs could be lost by seamen and others in maritime-related positions.

Should Alaskan North Slope oil production require additional domestic tanker capacity, current law already permits foreign trade U.S.-flag vessels to enter the domestic service under a 6-month temporary waiver. I believe this approach should continue to be used, rather than allowing CDS-built ships to enter the domestic trade on a permanent basis.

Third. The long-term effects of the proposed rule would be to discourage tanker construction for the Jones Act fleet. DOT notes in discussing the proposed CDS payback rule that—

With regard to the possible impact of the proposal on shipbuilding, the entry of CDS-built tankers into the domestic trades might, in fact, reduce the demand for new tankers in the Jones Act fleet.

The instability and uncertainty created by the rule change will further dampen future investment in domestic trade tankers which tend to be smaller and more versatile than those engaged in foreign trade. Fewer will be built and the Jones Act fleet will soon deteriorate. It is worth noting that this deterioration will have significant implications for national security. In time of international emergency, it would be critical to have a viable, flexible tanker fleet.

Fourth, my final point is that the proposed rule change makes no sense from an economic standpoint. I have already mentioned that it would squeeze a significant percentage of tankers out of the present Jones Act trade, causing the loss of jobs. It would also result in the loss of millions in business and income tax revenues to the Government. Even with the estimated repayment of construction differential subsidies, it is unlikely the Government would come our ahead. If failures under the Maritime Administration's title XI guarantee program for construction and overhaul are considered—as they must be—the Federal Government stands to lose perhaps hundreds of millions as title XI-assisted Jones Act tankers are pushed into bankruptcy by adoption of this rule change.

For all these reasons, I urge the House to insist on its prohibition of any funds in the bill from being used to promulgate a construction differential subsidies repayment rule.

● Mr. DONNELLY. Mr. Speaker, the proposal to allow deep-seagoing tankers that have been built with Federal subsidy to reenter the domestic trade is profoundly unwise and unfair. I strongly support the motion of the gentleman from Iowa [Mr. Smith] to insist on the disagreement with the Senate over this issue.

If Congress fails to prohibit the Maritime Administration from promulgating a final rule permitting tankers that were built with Federal construction subsidies to enter the domestic trade, disastrous consequences will be felt in the domestic tanker fleet that is so essential to the national security interest. The purpose of the Construction Differential Subsidy Program was to aid the development of a U.S.-flag fleet in the foreign trades. The shipowners who applied for, and received construction subsidies, were well aware at the time that subsidy-built ships were prohibited from operating in the domestic trade against ships that were not constructed with Federal subsidy. Changing the rules at this stage is extremely unfair to those domestic-trade ship operators who financed construction of Jones Act ships with private capital, and did not have the benefit of Federal subsidy programs. Perhaps importantly, the Nation's defense planners in DOD have expressed grave concerns that entry of huge, CDS-built ships into the domestic trade will result in the lay-up of smaller, militarily useful tankers. Layed-up tankers are quickly scrapped, and permanently lost as a sealift asset to our national defense requirements.

The House took the correct position when it included a prohibition against CDS-payback rule promulgation in its version of the State-Justice-Commerce appropriation bill. I urge my colleagues to reaffirm that postion today.●

Mr. O'BRIEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH] to amendment No. 36.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment read as follows:

Senate amendment No. 37:

Page 8, after line 24, insert:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $200,000 for land and structures; not to exceed $200,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed twelve) and hire of moter vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $94,111,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1986, for research and policy studies.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $200,000 for land and structures; not to exceed $200,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed twelve) and

hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $93,611,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1986, for research and policy studies.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 39: Page 8, after line 24, insert:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $64,311,000: *Provided*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The SPEAKER pro tempore. Under the rule, the gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes and the gentleman from Illinois [Mr. O'BRIEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. LEVITAS].

Mr. LEVITAS. Mr. Speaker, I thank the chairman for yielding this time to me.

This is the portion of the conference report dealing with the Federal Trade Commission. The reason we are objecting to the action that is proposed by the conference is because the Federal Trade Commission's authorization expired in 1982. There has been no authorization of the Federal Trade Commission since that time. Nevertheless, through appropriated funds to an agency that has no authorization, that Agency has been able to continue to operate. During that time, Congress has had no input whatsoever in terms of defining the FTC's authority and its responsibilities, or in providing new authority or cutting back on those that it has already given.

Now, the Federal Trade Commission has vast legislative power. Under section 5, for example, of the Federal Trade Commission Act, it can issue a rule having the force and effect of law. That is, having as much force and effect as an act of Congress, and yet the Congress has no ability to review that.

Under a Supreme Court decision of last year, the authority for Congress to exercise its responsibility through former uses of a legislative veto was terminated. Mechanisms have been proposed, and in the case of some statutes, acts and bills, have been adopted which would reestablish this program of legislative veto consistent with the Supreme Court decision. But because the committee that authorizes the Federal Trade Commission has yet to bring its bill to the floor, even though we have urged them time and again to do so, there has been no reauthorization of the Federal Trade Commission. I ask you, why should we continue to fund an Agency that has not been authorized in over 2 years?

□ 1310

We have no business as legislators spending the taxpayers' money, and as you get closer and closer to election date I guess you are going to become more sensitive to this fact, without at least having some authorization thereof.

I know that the gentleman from Iowa, the distinguished subcommittee chairman, probably more than anybody else in this House, myself included, would like to see the authorization come to the floor. The gentleman from Iowa knows that his responsibility as chairman of an appropriating subcommittee is not to continue agencies in existence after Congress has decided, for one reason or another, not to authorize them, and he has done a responsible thing in the past.

But enough is enough. The time has come. What I am asking my colleagues to do is very simple, it is a very modest proposal, but it is the only way we are ever going to see an authorization bill come to this floor for the Federal Trade Commission. This is what I am going to ask. Help me bring the authorization to the floor.

When the gentleman from Iowa moves the previous question, I will ask you to vote no on his motion. Immediately following that vote, if the motion should be defeated, I will then, on behalf of myself and the gentleman from North Carolina [Mr. BROYHILL], offer an amendment to the Senate language which would simply say this: We will continue to fund the FTC, but they can issue no new rules, exercise no new legislative authority until there has been an authorization bill written into law.

That seems to me to make the point. That seems to me to make the point that this Congress will not abandon its responsibilities, that this Congress will not permit laws to be made by unelected bureaucrats, and that this Congress will face up to its responsibilities.

Any Member here who wants to go back and tell his constituents that he is prepared to let the unelected bureaucrats continue to make laws without any congressional control, can vote against what I am asking you to do.

My request is vote no on the Smith motion, and then vote yes on the motion which the gentleman from North Carolina [Mr. BROYHILL] and I will offer immediately thereafter.

Mr. NIELSON of Utah. Will the gentleman yield?

Mr. LEVITAS. I will be happy to yield.

Mr. NIELSON of Utah. Just to sustain the point of the gentleman from Georgia, there has been in place a bill which passed the Energy and Commerce Committee, H.R. 2970, which would reauthorize the Federal Trade Commission, but that bill has been languishing, has not been brought to the floor. It has been waiting for over 1 year now. It appears that we will not have action on that bill and therefore the gentleman is correct.

Mr. LEVITAS. Let me make it very clear to anyone who has any concern about this. What I am attempting to do I in no way deem to be hostile to the fine work this subcommittee has done in bringing this bill before us. I voted for the conference report.

But it is not right, it is abandoning our responsibilities as legislators to simply continue to fund an agency without reassessing its charter. If we do not do that, we have not only created big Government, but we have put it into motion forever with an inertial force that will never stop, because we have not exercised our responsibilities.

If you will vote no on the Smith motion and let us adopt an amendment that will force this authorizing bill to the floor, then you and I representing the American people will have the opportunity to authorize the FTC.

I want to see this bill come to the floor for a vote.

The reason that we are here today is because the authorizing bill has not been brought to the floor for a vote in over 2 years. The time to act is now. The subject to act on is before us. This is the test of your willingness and your interest in curbing the excesses of Government by our bureaucracy and restoring Government to the elected Representatives of the people.

I yield back the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

If the House will forgive a light reference, I think the gentleman from Georgia, for whom I have profound respect as a scholar, is telling Noah how to handle floods. It seems to me that the chairman and I and our members of our committee have wrestled with this problem of no authorization for all of the years I have been on the committee. It seems to me that pressure exerted on the appropriating process to accommodate a function that does not belong to it is undesirable. I think that were I to make any suggestions to my distinguished friend, I think the pressure ought to be brought to bear on other committees and not this particular subcommittee of appropriations.

Mr. LEVITAS. Will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding and I commend him for his statement.

The gentleman is absolutely correct. It is not fair to the appropriating committee to have this hassle. It is not fair for the appropriating committee to bear the burden of authorization. But the only way we have any opportunity, I would say, to bring this pressure to bear on the authorizing committee, is to defeat the Smith motion and to adopt the motion which will then be offered. You will then see the authorization bill come to the floor very quickly.

Mr. O'BRIEN. I thank the gentleman.

I still feel that you are scratching not where the itch really is when you are working on this committee.

Mr. Speaker, I am happy to yield 5 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. I thank the gentleman very much for yielding.

I certainly do not want to add to the burden of the gentleman from Iowa and the gentleman from Illinois. They have certainly done a magnificent job in cooperating on these issues with respect to the FTC, and I certainly sympathize with the difficulties that we have here. It is certainly not our purpose to come here and to add to their burdens.

But, of course, the fact is that there were no funds for the Federal Trade Commission in the House-passed bill. We have had no authorization of the FTC for a number of years. I think it is 5 years now.

All that we are asking is that we have some opportunity to bring an FTC authorization bill to the floor of the House.

The motion of the gentleman, as I understand it, would mean that we would just go another year without an authorization for the FTC. In other words, the gentleman's motion would continue appropriating funds to the Commission for another year, and they could just go merrily on their way.

We are asking that that motion be voted down and that we vote "no" on that motion. Then, there would be an opportunity for the gentleman from Georgia to offer a motion that would continue funding for the FTC, but the Commission could not promulgate final trade rules.

As Members know, the FTC has enormous powers to promulgate trade regulation rules which have the force and effect of law. The motion of the gentleman from Georgia would not affect the power or authority of the Federal Trade Commission to do the preliminary work on these rules. It would only say that funds would not be available to promulgate final rules.

The motion to be offered by the gentleman from Georgia would not affect other ongoing programs, investigations, and enforcement powers of the Federal Trade Commission. But we do feel strongly that some leverage is needed to bring a Federal Trade Commission authorization bill to the floor. This is the only way that we know that we can get the attention of not only Members here, but perhaps of the Commission itself, in order to try to break loose the Federal Trade Commission legislation which has been languishing in the Rules Committee for these many months.

Once having acted on that authorization bill, then, of course, the House and the other body could work its will on the bill. In other words, we feel that there is a need for a number of amendments to the Federal Trade Commission Act. That is all we are saying here.

For example, we want the House to address the issue of what authority the Federal Trade Commission does have to promulgate these very broad, far-reaching trade regulation rules which have the force and effect of law. We would like to address some of the definitions that are in the Federal Trade Commission Act. For example, what is the definition of an "unfair" act? We would also like to address other issues. When does the Federal Trade Commission have the right to issue trade regulation rules which cover trade practices in whole industries? Under what circumstances should they move forward with these trade rules?

There are a number of issues that need to be addressed, and it can only be properly done in the authorization bill.

□ 1320

And the only way that we can bring that bill to the floor of the House is to vote down the motion of the gentleman from Iowa and to vote up the motion of the gentleman from Georgia.

I would urge, Mr. Speaker, that the House take these steps in order to bring the FTC authorization bill to the floor. That can be done only by defeating the present motion.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. I thank the chairman for yielding time to me.

Mr. Speaker, I oppose this effort to defeat the motion to recede to the Senate and I oppose the attempt that may be made to restrict the FTC's rulemaking authority.

I find this attack on the FTC to be highly ironic.

Here we have an agency whose current majority has virtually abandoned traditional consumer protection and antitrust enforcement. Yet the proponents of restrictions on rulemaking want to shut off half the FTC's statutory authority.

The irony is that there is probably little left to shut off. But what then is the great threat that requires subversion of the independence of an agency through the extraordinary method of an appropriations rider?

It is also ironic that some are urging this rider because of the delay in passing an FTC authorization. It is well known that the principal obstacle to action on the authorization is in the other body. It is also well known that the complex legislative veto issue has been the focus of extended consideration by the Rules Committee. I understand that the Rules Committee will be making its recommendations before long to the House.

Our committee reported the FTC authorization bill early last year. I have persistently sought a bipartisan consensus on unresolved aspects of the legislative veto. While our progress has been slowed in recent weeks by the preoccupation of the minority with other matters, I believe we can reach a consensus on the Commerce Committee and that working with the Rules Committee we can resolve the matter.

Frankly, I am at a loss to understand this attempted restriction. Perhaps some have simply gotten in the habit of an annual assault on consumers. But there is very little left to attack.

The credit practices rule, which is scheduled to take effect, received bipartisan support. Virtually everything else has been killed or buried at the Commission. To the extent that the proponents of a rules' freeze are trying to make it retroactive to affect rules like the funeral rule, there is no logical connection to the legislative-veto controversy. The old rules have already run the gauntlet. It would be a gratuitous slap at small business to stop implementation of the franchise rule; a gratuitous slap at the textile industry to stop implementation of the

care labeling rule; a gratuitous slap at consumers to stop implementation of the funeral rule, the eye glasses rule, or the insulation rule.

I oppose this effort to restrict the FTC on principle. I also oppose it on the very modest chance that the current FTC majority might change course and take action to enforce the law. Even if we have not enacted an authorization by that probably distant time, it will be time enough for the opponents of this Commission's slight new efforts to help consumers to mount the barricades against them.

Mr. Speaker, I yield back the balance of my time.

Mr. BROYHILL, Mr. Speaker, will the gentleman yield a minute or two to me in order to correct the record?

Mr. O'BRIEN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. I thank the gentleman.

Mr. Speaker, the gentleman form New Jersey has left the implication that some rules which are already in effect would be affected by the amendment of the gentleman from Georgia [Mr. LEVITAS].

This is not correct. Any rules which are presently in effect would not be affected by the motion of the gentleman from Georgia.

In addition, the gentleman has referred to certain trade rules which are about to be promulgated in fiscal year 1984. The gentleman from Georgia's amendment goes to fiscal year 1985 and thus would not affect any rules which are presently in the process of being promulgated in fiscal year 1984.

Mr. FLORIO. If the gentleman would yield, the amendment, as I read it, talks about implementation. The credit rule which passed and which had bipartisan support is not to be implemented until 1985.

Mr. BROYHILL. The credit rule has been promulgated with fiscal year 1984 funds, not fiscal year 1985 funds.

Mr. FLORIO. If the gentleman would yield, it will be implemented in 1985. The effect of the amendment would be to undo that.

Mr. BROYHILL. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman.

Mr. Speaker, I am advised by the Federal Trade Commission that it would not apply to the credit rules, that the amendment which I propose to offer would not apply to the credit rules.

I might also add, in the spirit of candor that the gentleman from New Jersey is certainly a strong advocate for consumers in this country and has been very critical of some of the proposed rulemaking that the Federal Trade Commission is engaging in which he perceives as cutting back on consumer protection.

My amendment would do exactly what the gentleman from New Jersey would like to accomplish; that is cut back on those anticonsumer rules that the Federal Trade Commission has been discussing.

So I urge those of you who want to support Government by elected officials, and not bureaucracy, to vote against the motion before us now.

Mr. O'BRIEN. Mr. Speaker, I yield 3 more minutes to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman.

Mr. Speaker, I would like to point out for the benefit of the RECORD that it is my impression that the gentleman from New Jersey could be most helpful in helping to move the authorization bill out of the Rules Committee. If he had been somewhat more helpful in urging Members to vote for that rule that we would not have to be here today arguing that the Members join us in going through this procedure.

All we are asking is for the opportunity for the House and the other body to work its will on an authorization bill. It could be that the amendments that might be brought forward by myself or the gentleman from Georgia or others would be defeated.

But then, of course, we will not have any more argument on those particular subjects. But we do feel that the House would support overwhelmingly the amendments that we are talking about and the modest changes that we are asking for in the Federal Trade Commission Act.

The only parliamentary and procedural method that we know to break loose that bill from the Rules and Committee is to go through this procedure. We ask that the present motion be voted down, and having done that, we would entertain a motion by the gentleman from Georgia that would continue funding for the Federal Trade Commission with the exception of funding to promulgate any final rules in fiscal year 1985.

Mr. O'BRIEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, this motion would do nothing to encourage the authorization process for the Federal Trade Commission. This motion would once again appropriate funds to an agency which has not had substantive legislation enacted since 1980—almost 5 years ago. It is inexcusable for a Federal agency with sweeping authority to regulate every sector of our business community to be without an authorization for almost 2 years.

The gentleman's motion would simply appropriate funds for the FTC for fiscal year 1985 and extend expiring provisions of law. It does not provide any incentive whatsoever to bring an authorization bill to the floor of the House. In fact, it does the opposite—it allows Congress to forgo consideration of an authorization bill for yet another year.

The ranking minority member of the committee, the gentleman from North Carolina, and I have repeatedly urged that the authorization bill, H.R. 2970, which was reported from the Committee on Energy and Commerce back in May of 1983, be brought to the floor. Our calls have fallen on deaf ears and the bill continues to lie dormant.

It is only appropriate that the Members of this body be given an opportunity at long last to consider authorizing legislation. H.R. 2970 contains provisions affecting the Commission's "unfairness" jurisdiction, the FTC's authority over professionals and the right of defendants in civil penalty suits to question the legal determination on which a cease-and-desist order is based. It is critical that the Congress be afforded a chance to consider this legislation and in so doing give those subject to the authority of the Commission some certainty as to the scope of its legal authority.

As I understand the situation, after the pending motion is defeated, the gentleman from Georgia will offer another motion which will place limits on the Commission's rulemaking authority until an authorization bill is signed into law. The language of this motion will provide a strong incentive to move the authorization bill to the floor.

I think it is important to remember who controls the process in the House of Representatives. The majority party decides who brings, and when legislation is brought to the floor of the House.

You can criticize what the minority may or may not want. However, the fact is the opportunity to vote on this authorization bill is being stifled by the majority leadership in this body.

Mr. Speaker, I ask that the motion pending before us, by the gentleman from Iowa, be defeated so that the gentleman from Georgia has an opportunity to offer a very reasonable segment of this particular bill.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. If I have time. I yield to the gentleman.

Mr. FLORIO. Just for an observation.

Certainly I lament that the authorization has not gone forward. It is certainly not as a result of lack of the efforts on the part of myself, Mr. BROYHILL, Mr. DINGELL, and others.

I am just confused about the fact that the gentleman says this will be an incentive to induce action and yet the gentleman from Georgia indicates that this limitation in fact impacts upon no regulation, pending rule, or any prospective rule.

How, therefore, does this provide an incentive if it has no applicability?

□ 1330

Mr. OXLEY. If the gentleman would let me respond, clearly, we have waited 5 years.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. OXLEY] has expired.

Mr. O'BRIEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. The opportunity is here before us today. If we pass the Smith amendment, then clearly that disincentive is still with us as it has been for these many years.

All I am saying is, simply give the gentleman from Georgia an opportunity to let the House vote on his amendment. Let the duly elected representatives of the people make that decision, not somebody downtown who is not elected.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

I would like to invite the gentleman from New Jersey and the gentleman from Michigan, since we are before the Rules Committee on another matter, to join me at 2 o'clock when I am to be recognized. I will be glad to yield to the two gentlemen to permit them to ask the Rules Committee, at that time, to grant a rule on the Federal Trade authorization bill.

Now, if the gentlemen would agree to do that and we could get assurance that we are going to have a bill, a lot of problems would be solved.

But, we have no such assurance.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New Jersey.

Mr FLORIO. I thank the gentleman for yielding.

If the gentleman would provide us with a response to the proposed accommodation that was submitted to the gentleman some 4 weeks ago, prior to that meeting, we would be pleased to respond to him.

Mr. BROYHILL. If the gentleman would yield further, it seems to me that a number of these questions should be decided by the House itself, and not by one or two individuals.

Mr. LEVITAS. Mr Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Georgia.

Mr LEVITAS. I thank the gentleman for yielding.

I would say, along with the gentleman from North Carolina, that if the chairman of the subcommittee and the chairman of the full committee will assure us that they will ask for the authorization bill to be granted an open rule and come to the floor immediately so we can vote on it, there would be absolutely no necessity to pursue this.

I suggest to you that the reason we are here is that the Rules Committee is not going to report that rule until a green light is given by the manager of the authorization bill. If he will assure us that he will let that bill come to the floor under an open rule, then I am prepared at this moment just to back off and let us vote on the substantive portion of the authorization bill.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the motion of the gentleman from Iowa is a good one. It should be adopted by the House and should be done so forthwith. We ought not continue to be harassed by legislative amendments on the FTC appropriation by dissidents of different kinds on the House floor.

Now the attempt of the other side in this issue to reject the motion made by the gentleman from Iowa is a very broad tent. If one takes the trouble to lift up that tent, he will find that there are many amazing types of people dwelling therein. There are some who honestly think that we should have a rule on the Federal Trade Commission authorization bill. There are some who think we should not and that rather we ought to legislate on appropriation bills this late in the process and in the session. There are a number who are openly hostile to the Federal Trade Commission. There are many who are diligently listening to sundry special interest groups who do not want the Federal Trade Commission to be able to carry out its appropriate and proper function of protecting the business community, the public and the economy of this country from anticompetitive and unfair trade practices. And there are a lot of lobbyists who are out there pushing this particular kind of undertaking.

I would urge my colleagues that they should adopt the motion offered by the gentleman from Iowa at an early time.

Now, I have tried to make it plain on this floor on a number of instances that I have requested a rule on the Federal Trade Commission. Speaking as the chairman of the Committee on Energy and Commerce, I have appeared before the Rules Committee and have requested a rule with regard to that particular matter so that we can deal with it fairly on the floor. I think that that is the proper way that we should deal with it. There is absolutely no reason for us to be debating an amendment by people who falsely say, "We are friends of the Federal Trade Commission. All we want is a rule."

All I want is a rule, too. But I am not willing to shut down the Federal Trade Commission just so that I can say that I am a friend of the Federal Trade Commission and I want a rule.

Let us deal with the issue of the appropriation bill. Let us deal with an appropriation as an appropriation. Let us leave to the House, functioning as a legislative body, and the Energy and Commerce Committee, functioning as a legislative committee, to deal with the legislative questions relative to the behavior of the Federal Trade Commission and the need for a legislative veto.

I do not see any objection to having those issues on the floor. I will be glad to debate the gentleman from North Carolina and the gentleman from Georgia at the proper time, on the proper kind of vehicle, under the proper kind of rule, and in a manner that is not going to be mischievous to small businessmen, consumers, the economy generally, and those who are concerned about restrictive trade practices.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan [Mr. DINGELL].

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

What I find bizarre, really, is the distinguished chairman of an important authorizing committee arguing in favor of appropriating funds to an agency that his committee has not authorized since 1982.

Mr. DINGELL. My committee has carried out its responsibilities. We have placed an authorization bill up in the Rules Committee. We reported out a bill favorably and sent a letter to the Rules Committee requesting a rule. If the gentleman has a complaint, I will give him the phone number of the chairman of the Rules Committee so he can air it with him.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Would the gentleman then tell us when was the time that he went before the Rules Committee this year and would the gentleman——

Mr. DINGELL. I urged that a rule on this issue be granted in connection with the discussion of the legislative veto. I sent a letter to the chairman of that committee. I will be glad to make a copy of the testimony and a copy of the letter available to the gentleman

from North Carolina because I am sure they will benefit him greatly.

Mr. BROYHILL. If the gentleman will yield further, would the gentleman agree to go with this gentleman to the Rules Committee this afternoon? We go back in at 2 o'clock.

Mr. DINGELL. No. I have requested to be heard by the Rules Committee. I am not going to be maneuvered into any trap by the gentleman from North Carolina. If the Rules Committee wants to hear me on that question, I will be delighted to be there and I will empower the gentleman to say on my behalf that we want a modified open rule and that I want to be heard on the subject of a rule, too.

In the meantime, let us reject the action of the gentleman from Georgia and adopt the motion of the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the FTC is an agency that I want continued. I think there is an important place for the FTC.

On the other hand, I do not think we ought to be settling the question of authorizations in this bill every year. So I agree with a lot of what the gentleman from Georgia said except his conclusion. I do not think we ought to vote this motion down today.

Now let me go back just a little bit. The last time it was authorized was fiscal 1982. I think it was authorized in 1980 for 1981 and 1982. There was no authorization in 1983. We came down to the House here asking that the rule permit consideration of FTC on the floor and the Members turned down the rule, did not want to consider the appropriation because it had not been authorized and because there was an argument on two different sides on the bill.

So we left out the FTC. We went to the Senate and we came back with a conference agreement. The Senate would not agree to it, but I wanted to put the money in subject to authorization. But they would not agree to that.

Then last year we had similar trouble except we did not ask for a rule. There is no need to go up there asking for a rule and get in trouble with the rule. We just came to the floor without the rule and it was knocked out on a point of order. The same thing happened this year.

We deny the House, by this procedure, an opportunity for Members to vote on what level of funding they want for the FTC.

We went to the Senate. Some of us wanted to put into the appropriation that it was subject to authorization. But the Senate convinced us that that would cause them all kinds of trouble. They could not pass the bill over there if it provided that it was subject to authorization.

So we are back here again today. We are accepting in this motion the level of funding that the administration requested. We are not changing that.

□ 1340

I think we really ought to at some time have an opportunity to really work on what level of funding we want. I myself think the funding is little bit inadequate, not grossly so, but a little bit inadequate.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the opposition to the motion made by the gentleman from Iowa is bottomed on the assumption that in some way the Federal Trade Commission is not getting legislative oversight. Nothing is further from the truth. The Appropriations Committee oversights in an entirely proper fashion, sometimes with more enthusiasm than I approve but they do it, and they should. Our committee does so regularly. We have the Federal Trade Commission before us regularly, sometimes to the vast distress of my friend from North Carolina, who is not always pleased that we would be calling the FTC on the carpet on various matters. They are getting oversighted and they will continue to do so, and they will continue to do so if the motion offered by the gentleman from Iowa is adopted. I urge my colleagues to adopt that motion.

Mr. SMITH of Iowa. Each year a number of Members want to put limitations on the Federal Trade Commission because they say they have not had the opportunity to do so in the authorizing law. This year a rider was put in, and appears later on in the bill. We do not relish in the Appropriations Committee trying to deal with all these authorizing problems. If we do not do this today, then we are going to be tied up here. We are 2 days from recessing for the Republican Convention. I think we ought to dispense with this bill.

Now, I do want to say this about next year's bill: I am to the point where I am ready, although it is not a good procedure to bring back a conference report that permits the floor to work for 2 days if they want to on an authorizing bill on FTC.

Sometimes we have got to face the issue and quit holding this bill up. We could do that. I do not like to put authorizing legislation in an appropriations bill. But it can be done. Let the Members work their will on the floor for 2 days, if they want to, on the bill. Somehow we have got to get this thing settled sooner or later.

Under all of the circumstances, and given the limited time left in this Congress, I am asking the floor to support the motion one more time.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

What this entire debate recalls to me is a curiously domestic personal practice, one. Years ago, when I was a youngster, I lived on the north side of Chicago, and the favorite theater was the Granada. When I got home Friday afternoon from school, I asked my mother for permission to go to the Granada Theater. That was authorization. But when my father came home from work that night, I went to my father for the money to go to the movies. That was appropriation. And I did not get to the movies without both.

Using my analogy, our action here is like saying mother is going to visit the grandparents and father very grudgingly, has to act in both capacities. It is an undesirable position.

I support the chairman's motion because it is the only thing we can do, but I suggest that next year we better make some different plans, designed precisely toward forcing an authorization from the appropriate committee.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Illinois and I are in complete agreement on what he just said. While I do not disagree with most of what has been said heretofore by the gentleman from Georgia, I just think today that I will ask for an aye vote. I do not think it really is a vote on whether or not you agree or disagree with what the gentleman from North Carolina and the gentleman from Georgia say, it is just a matter that under practical circumstances we ought to go ahead.

Mr. SMITH of Iowa. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 193, not voting 13, as follows:

[Roll No. 351]

YEAS—226

Ackerman	Annunzio	Bedell
Addabbo	Applegate	Beilenson
Akaka	Aspin	Berman
Alexander	AuCoin	Bevill
Anderson	Barnes	Biaggi
Andrews (NC)	Bates	Boehlert

Boggs	Green	Oberstar
Boland	Guarini	Obey
Bonior	Hall (IN)	Olin
Bonker	Hall (OH)	Ortiz
Borski	Harkin	Ottinger
Bosco	Harrison	Owens
Boucher	Hawkins	Panetta
Boxer	Hayes	Patterson
Breaux	Hefner	Pease
Brown (CA)	Heftel	Pepper
Bryant	Hertel	Pickle
Burton (CA)	Hightower	Price
Carper	Howard	Rahall
Carr	Hoyer	Ratchford
Chandler	Hughes	Regula
Chappell	Hutto	Richardson
Clarke	Jacobs	Ridge
Coelho	Jones (NC)	Rinaldo
Coleman (TX)	Kaptur	Robinson
Collins	Kastenmeier	Rodino
Conte	Kennelly	Roe
Conyers	Kildee	Rose
Cooper	Kleczka	Rostenkowski
Courter	Kogovsek	Roybal
Coyne	Kolter	Russo
Crockett	Kostmayer	Sabo
Daniel	LaFalce	Savage
Daschle	Lantos	Scheuer
Davis	Leach	Schroeder
de la Garza	Lehman (CA)	Schumer
Dellums	Lehman (FL)	Seiberling
Dicks	Leland	Sikorski
Dingell	Levin	Simon
Dixon	Levine	Slattery
Donnelly	Lipinski	Smith (FL)
Dorgan	Long (LA)	Smith (IA)
Dowdy	Long (MD)	Smith (NJ)
Downey	Lowry (WA)	Snowe
Durbin	Luken	Solarz
Dwyer	Lundine	Spratt
Dymally	MacKay	St Germain
Dyson	Markey	Staggers
Early	Martinez	Stark
Eckart	Matsui	Stokes
Edgar	Mavroules	Studds
Edwards (CA)	Mazzoli	Swift
Evans (IA)	McCloskey	Synar
Evans (IL)	McDade	Tallon
Fascell	McHugh	Torres
Fazio	McKernan	Torricelli
Feighan	McNulty	Traxler
Ferraro	Mica	Udall
Florio	Mikulski	Vento
Foglietta	Miller (CA)	Walgren
Foley	Miller (OH)	Waxman
Ford (MI)	Mineta	Weaver
Ford (TN)	Minish	Weiss
Frank	Mitchell	Wheat
Fuqua	Moakley	Whitten
Garcia	Moody	Williams (MT)
Gaydos	Morrison (CT)	Wirth
Gejdenson	Mrazek	Wise
Gephardt	Murphy	Wolf
Gibbons	Murtha	Wolpe
Gilman	Myers	Wyden
Glickman	Natcher	Yates
Gonzalez	Nichols	Yatron
Gore	Nowak	Young (MO)
Gradison	O'Brien	
Gray	Oakar	

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Albosta	Cheney	Erdreich
Andrews (TX)	Clinger	Erlenborn
Anthony	Coats	Fiedler
Archer	Coleman (MO)	Fields
Badham	Conable	Fish
Barnard	Corcoran	Fowler
Bartlett	Coughlin	Franklin
Bateman	Craig	Frenzel
Bennett	Crane, Daniel	Frost
Bereuter	Crane, Philip	Gekas
Bilirakis	D'Amours	Gingrich
Bliley	Dannemeyer	Goodling
Boner	Darden	Gramm
Britt	Daub	Gregg
Brooks	Derrick	Gunderson
Broomfield	DeWine	Hall, Ralph
Brown (CO)	Dickinson	Hall, Sam
Broyhill	Dreier	Hamilton
Burton (IN)	Duncan	Hammerschmidt
Byron	Edwards (AL)	Hance
Campbell	Edwards (OK)	Hansen (ID)
Carney	Emerson	Hansen (UT)
Chappie	English	Hartnett
Hatcher	McCollum	Shelby
Hiler	McCurdy	Shumway
Hillis	McEwen	Shuster
Holt	McGrath	Sisisky
Hopkins	McKinney	Skeen
Horton	Michel	Skelton
Hubbard	Molinari	Smith (NE)
Huckaby	Mollohan	Smith, Denny
Hunter	Montgomery	Smith, Robert
Hyde	Moore	Snyder
Ireland	Moorhead	Solomon
Jeffords	Morrison (WA)	Spence
Jenkins	Neal	Stangeland
Johnson	Nelson	Stenholm
Jones (OK)	Nielson	Stratton
Jones (TN)	Oxley	Stump
Kasich	Packard	Sundquist
Kazen	Parris	Tauke
Kemp	Pashayan	Tauzin
Kindness	Patman	Taylor
Lagomarsino	Penny	Thomas (GA)
Latta	Petri	Valentine
Leath	Porter	Vander Jagt
Lent	Pursell	Vandergriff
Levitas	Quillen	Volkmer
Lewis (CA)	Ray	Vucanovich
Lewis (FL)	Reid	Walker
Livingston	Ritter	Watkins
Lloyd	Roberts	Weber
Loeffler	Roemer	Whitehurst
Lott	Rogers	Whitley
Lowery (CA)	Roth	Whittaker
Lujan	Roukema	Williams (OH)
Lungren	Rowland	Wilson
Mack	Rudd	Wortley
Madigan	Sawyer	Wright
Marlenee	Schaefer	Wylie
Martin (IL)	Schneider	Young (AK)
Martin (NC)	Schulze	Young (FL)
Martin (NY)	Sensenbrenner	Zschau
McCain	Sharp	
McCandless	Shaw	

NOT VOTING—13

Bethune	Paul	Thomas (CA)
Clay	Pritchard	Towns
Flippo	Rangel	Winn
Kramer	Shannon	
Marriott	Siljander	

□ 1400

The Clerk announced the following pairs;

On this vote:

Mr. Rangel for, with Mr. Thomas of California against.

Mr. Towns for, with Mr. Siljander against.

Messrs. MICHEL, BROWN of Colorado, STRATTON, and VOLKMER changed their votes from "yea" to "nay."

Mr. CHANDLER and Mr. RUSSO changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

CONFERENCE REPORT ON H.R. 5712, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1985

AMENDMENTS IN DISAGREEMENT (CONTINUED)

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 42: Page 8, after line 24, insert:

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $13,782,000: *Provided*, That not to exceed $68,000 shall be available for official reception and representation expenses.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $13,582,000: *Provided*, That not to exceed $68,000 shall be available for official reception and representation expenses.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 44: Page 8, after line 24; insert:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $2,500 for official reception and representation expenses; $205,500,000. In addition, $65,000,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed $2,500 for official reception and representation expenses; $205,340,000. *Provided*, That none of these funds shall be available after January 1, 1985, for establishing a comprehensive statistical data base on the small business sector in the United States economy and for other research on small business issues unless a computerized listing of small businesses in the United States is made available upon request to the Small Business Development Center established under the authority of the Small Business Act, as amended; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, $28,500,000. In addition, $70,000,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 45: Page 8, after line 24, insert:

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

For necessary expenses of the White House Conference on Small Business as authorized by Public Law 98-276, $4,000,000, to remain available until expended.

MOTION OFFERED BY MR SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

For necessary expenses of the White House Conference on Small Business as authorized by Public Law 98-276, $2,000,000, to remain available until expended: *Provided*, That none of these funds shall be available for obligation until December 1, 1984.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 47: Page 8, after line 24, insert:

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $408,000,000, to remain available without fiscal year limitation, and of such funds, $5,000,000 to be made available for loans for the program authorized by section 501 of the Small Business Investment Act of 1958. During fiscal year 1985, total commitments to guarantee debentures for the program authorized by title III of the Small Business Investment Act of 1958 shall be $250,000,000; and total commitments to guarantee loans and debentures for the programs authorized by title V of the Small Business Investment Act of 1958 shall be $500,000,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 47 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", $269,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", $215,000,000, to remain available without fiscal year limitation.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 55: Page 9, line 25, strike out "$176,153,000" and insert "$190,258,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$194,163,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 63: Page 12, line 17, strike out "$33,934,000" and insert "$33,500,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$33,000,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 64: Page 12, line 17, strike out "$27,561,000" and insert "$27,050,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 64 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$26,550,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 73: Page 16, line 7, strike out "$494,831,000" and insert "$497,700,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 73 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$503,450,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 77: Page 18, line 15, strike out "$88,738,000" and insert "$142,041,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 77 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$70,311,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 79: Page 18, line 18, after "legislation;" insert "$7,000,000 shall be available to carry out the Missing Children's Assistance Act of 1983 (S. 2014) as reported to the Senate:".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 79 and concure therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further,* $4,000,000 of this amount shall be available to carry out a missing children's assistance program to be available only upon enactment into law of authorizing legislation;".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

□ 1410

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 87 Page 25, after line 20, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $297,550,000: *Provided,* That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading "Legal Services Corporation, Payment to the Legal Services Corporation" contained in Public Law 98-166 except that "fiscal year 1984", wherever it appears in such provisions, shall be construed as "fiscal year 1985"; "fiscal year 1983", wherever it appears in such provisions, shall be construed as "fiscal year 1984"; "January 1, 1984" shall be construed as "January 1, 1985"; "$6.50" shall be construed as "$7.61"; and "$13" shall be construed as "$13.57": *Provided further,* That notwithstanding the preceding proviso, no more than $1,158,000 shall be expended for the budget category entitled "Program Improvement and Training", no more than $1,829,000 shall be expended for the budget category entitled "Delivery Research and Experimentation", and no more than $11,283,000 shall be expended for the budget category entitled "Support for the Provision of Legal Assistance": *Provided further,* That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27, 1984 unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 509 of this Act.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $305,000,000: *Provided,* That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading "Legal Services Corporation, Payment to the Legal Services Corporation" contained in Public Law 98-166 except that "fiscal year 1984", wherever it appears in such provisions, shall be construed as "fiscal year 1985"; "fiscal year 1983", wherever it appears in such provisions, shall be construed as "fiscal year 1984"; "January 1, 1984" shall be construed as "January 1, 1985"; "$6.50" shall be construed as "$7.61"; and "$13" shall be construed as "$13.57"; and shall not be denied to any grantee or contractor which received funding from the Corporation in fiscal year 1984 as a result of activities which have been found by an independent hearing officer appointed by the President of the Corporation not to constitute grounds for a denial of refunding: *Provided further,* That notwithstanding the previous provisions of this paragraph, $2,000,000 shall be available to increase quality legal services to the elderly by: (1) developing classroom and bar association source materials on law affecting the elderly for use by law schools, the private bar, legal services grantees, and in continuing education seminars; (2) developing plans to encourage the private bar to do more to provide better pro-bono services for elderly and higher quality paid services; (3) developing a clinical program to supplement local Legal Services Corporation grantees; and (4) disseminating the results to other law schools, legal aid societies and other interested parties; such pilot programs shall be distributed, if applicants are available, to varying size and geographically located schools; at least 50 per centum of the funds required shall come fro non-federal sources and federally funded assets and projects will not be included in in-kind services; no grant shall exceed $200,000; the application and award procedure shall not require a detailed plan or extensive paperwork so long as the recipient signs a guarantee that more than 50 per centum of the funds required shall come from non-federal sources and that federally funded assets and projects will not be included in in-kind services; the awards shall be made by July 1, 1985 and the projects shall each be completed by July 1, 1987; grantees shall not copyright the material developed and shall not charge other than private groups or individuals for such material and such charge shall be not more than approximately their net cost of production: *Provided further,* That notwithstanding the preceding provisos, no more than $1,158,000 shall be expended for the budget category entitled "Program Improvement and Training", no more than $1,829,000 shall be expended for the budget category entitled "Delivery Research and Experimentation", and no more than $11,283,000 shall be expended for the budget category entitled "Support for the Provision of Legal Assistance": *Provided further,* That none of the funds appropriated in this Act for the Corporation shall be used, directly or indirectly, by the Corporation to promulgate new regulations or to enforce, implement, or operate in accordance with regulations effective after April 27,

1984 unless the Appropriations Committees of both Houses of Congress have been notified fifteen days prior to such use of funds as provided for in section 509 of this Act.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] wish recognition?

Mr. SMITH of Iowa. No, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. O'BRIEN] seek recognition?

Mr. O'BRIEN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. O'BRIEN] is recognized for 30 minutes.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, this motion goes to the heart of whether Congress and the Legal Services Corporation will have the power to punish those Legal Services Corporation local grantees which violate the laws that have been passed by the Congress of the United States and use appropriated funds to lobby local and State elected bodies and even to use public funds to influence political campaigns.

In the motion offered by the gentleman from Iowa [Mr. SMITH] there is a clause in there which reads as follows, relative to the appropriation:

> It shall not be denied to any grantee or contractor which received funding from the corporation in the fiscal year 1984 as a result of activities which have been found by an independent hearing officer appointed by the President of the corporation not to constitute grounds for a denial of refunding.

Specifically, this clause refunds the Western Center on Law & Poverty in Los Angeles, CA, which has been the subject of much comment in an adverse report on at least two occasions by the General Accounting Office for violating the antilobbying restrictions that have been passed by the Congress of the United States.

The conference report would change the rules for refunding proceedings in the middle of the game after the Legal Services Corporation has duly denied refunding to the Western Center on Law and Poverty.

The corporation did so following procedures carefully drafted by Congress in the 1977 amendments to the Legal Services Corporation Act and the 1984 Legal Services Corporation appropriation, Public Law 98-166, and the Corporation in implementation thereof.

Ever since the corporation first implemented the 1977 amendments requiring the use of independent hearing officers, the role of the hearing officer has been to recommend the decision to the Corporation President, who is charged with making a final decision. This scheme has been operational for 6 years now and was confirmed in the 1984 appropriation bill. Just last year Congress set forth a new timeframe for denial of refunding proceedings and stipulated that the Corporation shall make such final decision within 30 days after the completion of such hearing.

Now that these processes have been followed and the Corporation President in a carefully reasoned written opinion has reached a decision, some in Congress would change the rules of the game and declare the Western Center the victor. They would do so despite the fact that this very matter is currently in litigation before the U.S. District Court for the District of Columbia, civil action No. 84-406, before Judge Barrington Parker, and the Western Center continues to receive funding pending the outcome of the litigation.

It appears that should the court uphold the decision of LSC President Bogard denying funding to the Western Center, the appropriations bill would nevertheless require the refunding of this grantee.

Does Congress believe that any of the restrictions on legal services grantees will be followed if when gross violations are discovered and the Legal Services Corporation takes disciplinary actions under the due process provisions then in place, then Congress will subsequently revise the procedural rules to guarantee continued funding of the violator?

If this amendment passes, then the answer to the question that I have just posed is "yes." That means that no matter how much we legislate in this Chamber and in the other body against having the Legal Services Corporation grantees use public funds to lobby the voters and to lobby elected Government officials, whenever the Legal Services Corporation grantees are caught they can run off to a compliant Congress and get absolution and continue their funding for those kinds of grant activities.

I do not think we should be such patsies. When the law has been violated, we should stand up and deny refunding to those who have violated the law, but at the very least, when the entire matter is in litigation, we should not jump in and say that if the Legal Services Corporation exercising their management prerogatives over their grantees wins the case, then we will just turn around and say, "Forget about your decision, judge. The money just keeps on flowing to someone who has violated the law."

I would urge that this amendment be defeated. If it is defeated, I will come back with a subsequent amendment that would keep the appropriation coming, but simply remove the objectionable clause in the amendment offered by the gentleman from Iowa [Mr. SMITH] that says in effect, "We don't care what the Legal Services Corporation President decides. We don't care what the court decides. These folks continue to deserve their money," even though Congress has said, "thou shalt not use these funds for lobbying."

I thank the gentleman from Illinois for yielding and yield back the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, speaking to this particular provision, it was put into the bill by the Senate and it involves a Los Angeles, CA, grantee.

I met in Los Angeles with some of these grantees and went over the situation. I must say I fully agree with the language that is in the bill that was insisted upon very strongly by Members of the Senate.

What we are involved with here is an alleged infraction that took place back in 1980. In the meantime, any infraction that there may have been or any policy that may have been followed at that time has been changed. At that time the grantee, the Western Law and Poverty Center, did it after they had consulted with the national office and were told that it was OK; but now we come along with a new board and they are saying that what the grantee did was not OK, so we are going to defund you.

So what happened here was that the new President of the Legal Services Corporation appointed a hearing officer to hear this matter and the hearing officer decided the case in March, ruling in favor of the grantee, the Western Law and Poverty Center. This is his hearing officer that ruled in favor of the Western Center. Then the President of the Legal Services Corporation came along and overruled the officer that he appointed to hear this matter. So what the conferees are recommending in this amendment, is that funding shall not be stopped in this particular case. That is what it amounts to.

I think on the merits that this is not an argument over whether or not we are against funds being used for lobbying. We have provided very specifically in here the last 3 years that Legal Services funds cannot be used for that purpose. Unfortunately, we are forced to bring what amounts to an authorization bill onto the floor along with

this appropriation because the authorization for the Legal Services Corporation has not been extended. The appropriations bill contains a whole long list of limitations that some people in Legal Services do not like, but we have continued them from the fiscal year 1984 appropriations bill and put them in the fiscal year 1985 bill and have said that the Legal Services Corporation has got to live within these limitations.

I do not think it would be fair now to defund a present grantee in Los Angeles, because of an infraction alleged to have been made back in 1980 after the grantee had consulted the Corporation and had its actions approved by the national board of the Legal Services Corporation.

Mr. MORRISON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Speaker, I want to commend the gentleman on his statement and also on his concurrence with the Senate amendment.

I think that it should be underscored that the activities which were the basis for the defunding action by the Legal Services Corporation were activities which were specifically funded in a special grant application by the Corporation at an earlier time and whether or not in retrospect it would seem that was an appropriate or an inappropriate use of Legal Service Corporation funds, it is certainly not the case that a grantee which relies on the judgment of the agency making the funding decision should later find themselves in a position of being defunded for doing exactly what they applied to do and what they were funded to do.

This was not general funds that were used, but these were specific funding grants for these purposes.

I think it is also important to note that under these situations, as the gentleman from Iowa has stated, this was a decision by an independent hearing officer and on several occasions this Congress has specifically provided in the statute, in the Legal Services Corporation Act, for an independent hearing officer. We have a situation here of an arbitrary interference with the decision that was made.

□ 1420

Mr. SENSENBRENNER. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. SENSENBRENNER. What would be more independent than the U.S. District Court for the District of Columbia? And if the language contained in the gentleman from Iowa's motion passes, if the U.S. District Court for the District of Columbia states that the Legal Services Corporation was well within its powers in denying refunding for the Western Center, the refunding will continue due to an act of Congress.

What the gentleman from Connecticut is saying is that there is no appeal from the decision of a hearing officer even to the courts of the United States. We give an appeal on practically everything, at least once as a matter of right. But what the gentleman from Connecticut is saying is that the Reagan-appointed Legal Services Corporation President and Board do not have a right of appeal when they should lose a decision at the hearing officer level, and I think that smacks of a double standard.

Mr. SMITH of Iowa. I will take my time back. I will say we do not have a normal situation here. We do not have a confirmed Board for the Legal Services Corporation and I do not agree with that either. There ought to be a confirmed Board.

If we had a Board that has been appointed by the President and confirmed by the other body, that would be a different matter. But we do not have that situation.

Our disagreement is not over whether or not there should be a limitation prohibiting lobbying. There is such a provision included by reference in this legislation.

Mr. MORRISON of Connecticut. I will not prolong this except to say that I think it is important to keep in mind that this provides funding during the course of whatever appeals may follow, and certainly after a final judgment of the final court in this matter who may determine this body would be defunded. That will be a different situation and this Congress can look at it at that time. But there is no provision in the Legal Services Corporation Act which guarantees that funding will continue during the court process; only during the administrative process, and I think this is a correct protection for the clients in California who will benefit from these services.

Mr. SMITH of Iowa. In closing, I just want to say to the gentleman from Wisconsin that we have taken cognizance of every criticism he has had. I know he is against funding of the Legal Services Corporation period, or has been in the past at least. But I think that we have done a good job here and recognize the very legitimate complaints he has made about the way this organization has worked. I think we have done as good as we can in this bill.

If there are no further requests for time, Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. Did the Chair put the question on the previous question or on the motion itself?

The SPEAKER pro tempore. The question was on ordering the previous question.

The SENSENBRENNER. I thank the Chair.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 138, not voting 16, as follows:

[Roll No. 352]

YEAS—278

Ackerman	D'Amours	Hall (IN)
Addabbo	Darden	Hall (OH)
Akaka	Daschle	Hamilton
Albosta	Davis	Harkin
Alexander	de la Garza	Harrison
Anderson	Dellums	Hawkins
Andrews (NC)	Dicks	Hayes
Andrews (TX)	Dingell	Hefner
Annunzio	Dixon	Heftel
Anthony	Donnelly	Hertel
Applegate	Dorgan	Howard
Aspin	Dowdy	Hoyer
AuCoin	Downey	Hubbard
Barnes	Durbin	Huckaby
Bates	Dwyer	Hughes
Bedell	Dymally	Hunter
Beilenson	Early	Hyde
Bennett	Eckart	Jacobs
Berman	Edgar	Jeffords
Bevill	Edwards (CA)	Jones (NC)
Biaggi	Erlenborn	Jones (TN)
Boehlert	Evans (IA)	Kaptur
Boggs	Evans (IL)	Kastenmeier
Boland	Fascell	Kazen
Boner	Fazio	Kennelly
Bonior	Feighan	Kildee
Borski	Ferraro	Kindness
Boucher	Fish	Kleczka
Boxer	Florio	Kogovsek
Breaux	Foglietta	Kolter
Britt	Foley	Kostmayer
Brooks	Ford (MI)	LaFalce
Brown (CA)	Ford (TN)	Lantos
Bryant	Fowler	Leach
Burton (CA)	Frank	Lehman (CA)
Carper	Frenzel	Lehman (FL)
Carr	Frost	Leland
Chandler	Fuqua	Levin
Chappell	Garcia	Levine
Clarke	Gaydos	Levitas
Clinger	Gejdenson	Lipinski
Coelho	Gephardt	Lloyd
Coleman (TX)	Gibbons	Long (LA)
Collins	Gilman	Long (MD)
Conable	Glickman	Lowry (WA)
Conte	Gonzalez	Luken
Conyers	Gore	Lundine
Cooper	Gradison	MacKay
Courter	Gray	Markey
Coyne	Green	Martin (IL)
Crockett	Guarini	Martin (NC)

Martinez	Penny	Spratt
Matsui	Pepper	St Germain
Mavroules	Pickle	Staggers
Mazzoli	Porter	Stark
McCloskey	Price	Stokes
McCollum	Pursell	Stratton
McDade	Rahall	Studds
McHugh	Rangel	Swift
McKernan	Ratchford	Synar
McKinney	Ray	Tallon
McNulty	Regula	Tauke
Mikulski	Reid	Thomas (GA)
Miller (CA)	Richardson	Torres
Mineta	Ridge	Torricelli
Minish	Rinaldo	Traxler
Mitchell	Rodino	Udall
Moakley	Roe	Vento
Mollohan	Roemer	Volkmer
Moody	Rogers	Walgren
Moore	Rose	Watkins
Morrison (CT)	Rostenkowski	Waxman
Morrison (WA)	Rowland	Weaver
Mrazek	Roybal	Weiss
Murphy	Russo	Wheat
Murtha	Sabo	Whitehurst
Myers	Savage	Whitten
Natcher	Sawyer	Williams (MT)
Neal	Scheuer	Williams (OH)
Nelson	Schneider	Wilson
Nichols	Schroeder	Wirth
Nowak	Schumer	Wise
O'Brien	Seiberling	Wolpe
Oakar	Sharp	Wright
Oberstar	Sikorski	Wyden
Obey	Simon	Wylie
Olin	Sisisky	Yates
Ortiz	Slattery	Yatron
Ottinger	Smith (FL)	Young (AK)
Owens	Smith (IA)	Young (FL)
Panetta	Smith (NJ)	Young (MO)
Patterson	Snowe	Zschau
Pease	Solarz	

NAYS—138

Archer	Hall, Ralph	Moorhead
Badham	Hall, Sam	Nielson
Barnard	Hammerschmidt	Oxley
Bartlett	Hance	Packard
Bateman	Hansen (ID)	Parris
Bereuter	Hansen (UT)	Pashayan
Bethune	Hartnett	Patman
Bilirakis	Hatcher	Petri
Bliley	Hightower	Quillen
Broomfield	Hiler	Ritter
Brown (CO)	Hillis	Roberts
Broyhill	Holt	Robinson
Burton (IN)	Hopkins	Roth
Byron	Hutto	Roukema
Campbell	Ireland	Rudd
Carney	Jenkins	Schaefer
Chappie	Johnson	Schulze
Cheney	Jones (OK)	Sensenbrenner
Coats	Kasich	Shaw
Coleman (MO)	Kemp	Shelby
Corcoran	Lagomarsino	Shumway
Coughlin	Latta	Shuster
Craig	Leath	Skeen
Crane, Daniel	Lent	Skelton
Crane, Philip	Lewis (CA)	Smith (NE)
Daniel	Lewis (FL)	Smith, Denny
Dannemeyer	Livingston	Smith, Robert
Daub	Loeffler	Snyder
Derrick	Lott	Solomon
DeWine	Lowery (CA)	Spence
Dickinson	Lujan	Stangeland
Dreier	Lungren	Stenholm
Duncan	Mack	Stump
Dyson	Madigan	Sundquist
Edwards (AL)	Marlenee	Tauzin
Edwards (OK)	Martin (NY)	Taylor
Emerson	McCain	Valentine
English	McCandless	Vander Jagt
Erdreich	McCurdy	Vandergriff
Fiedler	McEwen	Vucanovich
Fields	McGrath	Walker
Franklin	Mica	Weber
Goodling	Michel	Whitley
Gramm	Miller (OH)	Whittaker
Gregg	Molinari	Wolf
Gunderson	Montgomery	Wortley

NOT VOTING—16

Bonker	Horton	Siljander
Bosco	Kramer	Thomas (CA)
Clay	Marriott	Towns
Flippo	Paul	Winn
Gekas	Pritchard	
Gingrich	Shannon	

□ 1440

The Clerk announced the following pairs:

On this vote:

Mr. Shannon for, with Mr. Thomas of California against.

Mr. Towns for, with Mr. Winn against.

Mr. Horton for, with Mr. Paul against.

Mr. McCURDY and Mr. JONES of Oklahoma changed their votes from "yea" to "nay."

Mr. ROEMER and Mr. KINDNESS changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 89: Page 25, line 22, strike out "$1,281,032,000" and insert "$1,269,901,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 89 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "the provisions of 22 U.S.C. 2696(b)(3) are hereby waived for $5,000,000 in gains realized in this appropriation account because of functuation in foreign currency exchange rates or changes in overseas wages and prices; $1,264,901,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 101: Page 32, line 5, strike out "$9,482,000" and insert "$9,400,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 101 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$9,100,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 103: Page 32, line 16, strike out "$10,000,000" and insert "$9,900,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 103 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$9,600,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The clerk will designate the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 108: Page 34, after line 7, insert:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $100,498,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $97,498,000 of which not to exceed $52,000 may be made available for official reception and representation expenses.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 113: Page 34, after line 7, insert:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of which $250,000 is to facilitate U.S. participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $527,356,000, of which not to exceed $7,303,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed $674,000 may be used for representation abroad: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 113 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.) and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.) to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of which $250,000 is to facilitate U.S. participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $545,856,000: *Provided*, That not to exceed $7,303,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed $18,500,000 of the foregoing appropriation shall be available for grants to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act: *Provided further*, That not to exceed $674,000 of the foregoing appropriation may be used for representation abroad: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Iowa [Mr. SMITH] wish to be heard on this motion?

Mr. SMITH of Iowa. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Iowa [Mr. SMITH] for 30 minutes and the gentleman from Illinois [Mr. OBRIEN] for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, 3 months ago this Chamber voted overwhelmingly, 226 to 173, to delete funds from this bill for the National Endowment for Democracy.

I rise today to urge my colleagues to repeat that decision and vote against the motion of the gentleman from Iowa [Mr. SMITH] which adds $18½ million for the National Endowment for Democracy in the USIA salaries and expenses appropriation.

Because the conference committee tucked funds for the National Endowment into the salaries and expenses of the USIA, it is necessary to vote against this amendment for the entire $545.8 million in order to be able to eliminate the endowment funds.

If that happens, I will then offer a preferential motion to recede and concur with the Senate amendment which will restore all the remainder of the appropriation for salaries and expenses without the endowment funds.

Mr. Speaker, the National Endowment for Democracy is laudible in intent, but I believe it fails the test of reasonable and accountable expenditure of taxpayers' funds. The funds are given to the Chamber of Commerce and the AFL-CIO organizations without any depth of experience in international affairs, and I am afraid that we are going to see a continuing embarrassment of the United States as they, with 100 percent funding from the Federal Government go out to try and promote democracy in the way they see it, whether it is supporting leftwing causes or rightwing causes interfering with the internal affairs of other countries. I think these government sponsored activities are bound to be resented and therefore to be counterproductive to U.S. interest. No matter how worthy the project, the United States is going to be embarrassed.

That, indeed, was the case with the first project that was undertaken with NED funds in Panama where money was given to the AFL-CIO. They gave not directly to a political party but to a labor group that backed a military-backed political candidate. That interference caused such a stir in Panama, because we were trying to interfere with their elections, that the U.S. Ambassador cabled and said, "Please stop this activity before it causes us irreparable harm and embarrassment in Panama." I think that is just bound to happen time and time again. If these organizations—and certainly the Chamber of Commerce and the AFL-CIO are adequately funded—want to do things on their own, they are quite free to do so. But to do it with 100-percent funded programs I think will just cause great danger and mischief.

□ 1450

We are at a time of ballooning budget deficits. Why we should fund an $18½ million project which invites private groups working with Government funds specifically to interfere in the internal affairs of other countries? I cannot see it.

I saw the "Dear Colleague" letter that the gentleman from Florida sent to us all justifying this. I would like to congratulate him because I think as a result of the concerns that I and the gentleman from Colorado [Mr. BROWN] expressed, very substantial improvements have been made in the way that the fund will operate to try and protect against abuse. However, I think the basic problems with this operation still have not been resolved.

The gentleman from Florida says that NED passed a resolution prohibiting the use of endowment funds to support candidates. but as the AFL-CIO showed in Panama, you do not have to directly back a candidate; you back a group that backs a candidate and you have the same result and the same embarrassment.

The gentleman from Florida [Mr. FASCELL] says that the USIA has good programs but not adequate funds to carry out the kinds of programs that

the endowment would promote. Well, why not give USIA adequate funds then, rather than to proceed in this unaccountable way?

The gentleman from Florida says that the endowment and the USIA are not the same, and USIA does not obviate the need for the endowment. I understand that there are things that a private agency can do that the Government perhaps cannot do. But you are not really going to be able to hide the fact that these are 100-percent Government-funded programs; whatever they do is still going to be attributed to the United States.

So I think that the basic problems here still do persist, and I would urge a "no" vote on the Smith motion and then an "aye" vote on the preferential motion which I will offer.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, there is no sense in redebating this entire issue. The gentleman from New York has stated his position rather clearly. But I do appreciate his commendation that we did try to meet the needs of this particular issue and the concerns raised therein.

There will be—and I would simply just give this to the Members for their information—these changes to address the concerns that were brought up to the House earlier this year.

As the Members may recall, we approved this once, and then the concerns were brought to the attention of the House and we rejected it, and now we feel we have addressed the concerns of the House. There will be no funding for political parties. The funding level has been brought down to a straight line, no increase, about $18.5 million, down from $31.2 million. There is an openness now required. All records will be open to the public for review. There are no concerns there. No interference in the policy, and the Board is all agreed, no interference in foreign elections and political processes. There will be an outside auditing procedure. They have hired an outside auditor. They have also agreed and we have agreed that the GAO would perform audits. The recommendations that were given by GAO will all be put into place, most of them have been put into place, those that have not will be put into place. There will be a political balance in the distribution of the grants, and there will be no duplication of efforts from the USIA and NED.

Now, we have taken different positions. We understand that. I simply want to point out these changes. We have had a good debate, it has been a good argument, a lot of pros and cons, and now I hope we can move on with the business at hand.

Mr. O'BRIEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of the motion offered by the gentleman from Iowa [Mr. SMITH] to recede and concur on the amendment regarding funding for the National Endowment for Democracy. I wish to associate myself with the remarks of the distinguished chairman of our Subcommittee on International Operations of the Committee on Foreign Affairs, the gentleman from Florida [Mr. MICA].

Mr. Speaker, I will also enter into the RECORD at this point a letter my colleague have received from the Chamber of Commerce of the United States of America in support of this resolution, which in part states:

We have been strong supporters of the National Endowment for Democracy as an important new vehicle to enable the American private sector to strengthen democratic institutions abroad. The National Chamber Foundation, an affiliate of the U.S. Chamber, has been charged with carrying out the business portions of the program.

The national president, Albert D. Bourland, recommends that we support full funding of the endowment at the level contained in the conference report.

Mr. Speaker, I include the entire letter at this point in the RECORD:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
August 3, 1984.

HOUSE OF REPRESENTATIVES: On behalf of the United States Chamber of Commerce, which is composed of nearly 200,000 businesses, I respectfully urge you to support funding for the National Endowment for Democracy in the State-USIA Appropriations bill (H.R. 5712) as recommended by the House-Senate conferees in their report.

As you know, the House deleted funding for the National Endowment because of its concerns over (1) possible involvement of Endowment grantees in political campaigns of foreign countries; (2) freedom of information; and (3) Endowment accountability to the Congress. On June 8, the National Endowment Board met to address these concerns. The Board (1) passed resolutions prohibiting use of funds to support political candidates or campaigns abroad; and (2) adopted a resolution to provide for full disclosure of Endowment grants and programs and to prohibit use of funds for domestic political purposes. As to the third concern listed above, the National Endowment for Democracy Act (P.L. 98-164) provides for oversight by the House Foreign Affairs Committee and the Senate Foreign Relations Committee, as well as for regular audits by the General Accounting Office.

I believe the concerns of the House have been addressed satisfactorily by the National Endowment Board.

Therefore, I feel it is time for the United States to counter aggressively the forces of Marxism, to show the positive alternative to statism, and to encourage pluralism through strong business leadership. Prior to creation of the National Endowment for Democracy, the United States lacked the capability to support democratic institutions. The Soviets, of course, are past masters at the war of ideas. We need the National Endowment to engage the American private sector, especially the business community, in the global contest for the future of democracy.

We have been strong supporters of the National Endowment for Democracy as an important new vehicle to enable the American private sector to strengthen democratic institutions abroad. The National Chamber Foundation, an affiliate of the U.S. Chamber, has been charged with carrying out the business portions of the program.

Private enterprise is the basis of democratic society. For our part, the business community is ready to work for the national interest by supporting our counterpart business groups abroad in the drive to build private enterprise democratic societies.

I respectfully urge you to support full funding for the Endowment at the level contained in the conference report ($18.5 million).

Sincerely,

ALBERT D. BOURLAND.

Mr. Speaker, there are those who clamor that our Nation expends an inordinate amount of money on armaments and material to defend our Nation and secure its vital interests. It is thus perplexing to hear arguments from those same quarters which rail at the thought of the United States arming itself to engage efficiently in the arena of thinking and ideas. It is that very arena that the foes of democracy and the enemies of free expression are mobilizing their forces.

The National Endowment for Democracy is a new idea, a concept designed to bolster U.S. efforts to convey the virtues and merits of our democratic tradition. I believe that the Endowment has benefited significantly from close congressional scrutiny of its programs.

The gentleman from New York has contributed substantially to that scrutiny. To its credit, NED has responded to congressional and General Accounting Office recommendations. It thus deserves a chance to convey to other nations processes which could promote the aspirations of those seeking for their nations the most positive attributes of democracy.

Accordingly, I urge my colleagues to support this motion, a motion giving substance and force to the process of articulating democratic ideals.

Mr. O'BRIEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the gentleman from Iowa's amendment for funding for the National Endowment for Democracy.

As you know the amendment would not restore funding for the political parties.

Soon after the House acted in June to delete funding for the NED, I submitted for the RECORD two newspaper commentaries which strongly supported the continuation of the democracy program. I want to share with my col-

leagues, again, some of those thoughts.

The following is from an article by Morton Kondracke, entitled "Touting Democracy is Worth the Cost":

The basic conception behind the NED is for private American organizations—the Democratic and Republican Parties, the AFL-CIO and the U.S. Chamber of Commerce—to use federally supplied funds to assist democratic forces in the world openly . . . These are some of the projects the endowment has initiated or is considering.

Institution building in the third world.

The AFL-CIO has the most practice in this field and is scheduled to receive the bulk of NED money to expand its training of peasant union organizers and democratic politicians. . . . The union, the parties, and the Chamber of Commerce also work with Third World newspaper editors, religious groups and businessmen to press for democratic change in their countries.

Aid to dissidents in Communist countries.

The AFL-CIO, on its own, assisted the Polish trade union Solidarity. Other NED ideas included publication of dissident books in the West (in hopes they would filter back behind the Iron Curtain) and provision of medical and financial assistance to dissidents and their families. . . .

The Soviet Union spends vastly more money than western countries to send representatives to peace, youth and cultural conferences around the world. A NED-backed congress could strive to correct the balance. The Congress also would arrange meetings of Democrats to discuss how to foster freedom in various countries. . . .

A project to train and exchange lawyers and law students in human rights watchdog groups in Africa, Asia and Latin America. [sic]. . . .

Projects such as these could be financed by the CIA—and often have been in the past. NED is a far better way to foster democracy—an open and aboveboard way, in keeping with American values.

Another article by George Will goes to the heart of the argument about the morality of intervening in another country's affairs as represented by the NED. He says:

The moral status of an action is conditioned by the actor's intentions and results. We are a good Nation interested in nurturing good things in nations afflicted with bad regimes. Besides, we tolerate all sorts of foreign attempts to shape opinion in our open society. . . .

Many opponents have used NED's little appropriation as an excuse for preemptive indignation about imaginable violations of the everstricter rules of political hygiene that are binding only on the United States.

There is a moral failing that theologians call "scrupulosity." It involves seeing moral fault where there is none, or fanatically seeking perfect purity when that is not desirable or even possible. The assault on NED is, in part, another excuse of scrupulosity regarding foreign policy.

Congress, it sometimes seems, would like a foreign policy conducted by Emily Post with the Warren Court squinting over her shoulder lest there be any violation of procedural niceties. NED is not perfect. The controversy about it illustrates how pursuit of the perfect injures the good.

For all those who criticize the Reagan administration for relying only on military solutions to the problems of the world, the National Endowment for Democracy provides the most appropriate solution because it promotes the cause of peace and democracy without resort to any military element.

I urge my colleagues to give their strong support for continued funding of the National Endowment for Democracy.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I subscribe to the remarks of the gentlemen from Florida and California, who preceded me, and I think the Endowment's program for encouraging free democratic institutions throughout the world with grants to private-sector organizations for educational exchange and training programs is a highly motivated and effective program, and I believe we should support the motion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume, and I will announce right now that because no other Member has asked for time, I will be the last speaker, and I will move the previous question as soon as I am finished.

□ 1500

Mr. Speaker, I want to be sure that the Members of the House know precisely what we are voting on. We had a vote on this matter when the bill was before the House, and some Members said that they did not know what they had voted on or they would not have voted that way.

All day long we have been arguing over programs that are not authorized but had to be extended by funding them in this bill. The Federal Trade Commission, the EDA, and a member of other agencies are in this category. But now we are talking about funding a program that is authorized, that was authorized in this Congress, and we are providing less money than the amount authorized. The National Endowment for Democracy was authorized for $31.3 million and this bill includes $18.5 million for the Endowment. Can we ever win? Whether it is authorized or unauthorized, somebody wants to argue about what we did.

So what we have got here is the program that is funded in this bill at $18.5 million instead of the $31.3 million, which is the authorization. In addition, there is a provision in the bill (amendment No. 119) that prohibits any of the money from going to the national political parties—a provision which the authorization did not have. That is where we are.

Now, let me tell you the effect of voting no on this amendment. If you will look at the report on page 36, we have provided this: Under salaries and expenses for the U.S. Information Agency, we provided enough money to cover $18.5 million. Then we added this:

Provided further, That not to exceed $18.5 million of the foregoing appropriation shall be available for grants to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act.

Why did we put that in? Because if we had not put that in, the Endowment is entitled to $31.3 million, not $18.5 million. That is a limitation on the amount of money that they can get. The reason is that section 205 of the authorizing legislation (Public Law 98-164) provides:

Of the amounts appropriated for the United States Information Agency for each of the fiscal years 1984 and 1985, not less than $31.3 million shall be available only for a grant in accordance with title V of this Act to the National Endowment for Democracy for use in carrying out its purposes.

Now, if you defeat this motion, what you are saying is you do not want a limit on the amount that they spend and that USIA has to make available $31.3 million for the Endowment out of the salaries and expenses account. And you know where that will come from? It will come out of the Voice of America, and other USIA programs. That is the law. The $18.5 million could come out of various educational and cultural exchange programs for which there is $22.3 million in the salaries and expenses account, but most likely the $18.5 million would come out of the Voice of America for which there is $164,890,000 in the salaries and expenses account, including funds to expand the television satellite initiative, Worldnet.

A vote against my motion is a vote to reduce these other programs like Voice of America not by $18.5 million, but by $31.3 million and give it to the National Endowment for Democracy. I want you to be sure you know what you are voting on. If you vote no on this, what you are saying is you want the U.S. Information Agency to take $31.3 million, not $18.5 million out of other programs and give it as grants to this National Endowment for Democracy. You are saying $18.5 million is not enough; that you want them to have $31.3 million, and you are also saying, you have got to take that money out of Voice of America and other programs. Before you vote, you ought to know that is what you are voting on.

I ask for an aye "vote" on the motion.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OTTINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 181, not voting 14, as follows:

[Roll No. 353]

YEAS—237

Ackerman	Frost	Mineta
Addabbo	Fuqua	Moakley
Akaka	Garcia	Molinari
Alexander	Gaydos	Mollohan
Anderson	Gejdenson	Montgomery
Andrews (NC)	Gephardt	Moody
Annunzio	Gibbons	Moorhead
Aspin	Gilman	Morrison (WA)
AuCoin	Gingrich	Mrazek
Badham	Glickman	Murtha
Barnes	Gonzalez	Natcher
Bennett	Gray	Nichols
Bereuter	Green	Nowak
Berman	Gregg	O'Brien
Biaggi	Guarini	Ortiz
Bilirakis	Gunderson	Owens
Bliley	Hall (IN)	Pashayan
Boehlert	Hance	Penny
Boland	Harrison	Pepper
Boner	Hatcher	Pickle
Bonior	Hawkins	Porter
Borski	Hayes	Price
Bosco	Hefner	Pursell
Boucher	Heftel	Quillen
Boxer	Hertel	Rahall
Breaux	Hightower	Rangel
Britt	Holt	Regula
Brooks	Horton	Reid
Broomfield	Howard	Richardson
Burton (CA)	Hoyer	Ridge
Burton (IN)	Hubbard	Rinaldo
Byron	Hunter	Ritter
Carper	Hutto	Robinson
Carr	Hyde	Rodino
Chandler	Ireland	Roe
Chappell	Jones (NC)	Rose
Cheney	Jones (TN)	Roybal
Clarke	Kasich	Russo
Clinger	Kazen	Sabo
Coelho	Kemp	Sawyer
Coleman (MO)	Kildee	Schneider
Coleman (TX)	Kogovsek	Schulze
Conte	Kolter	Schumer
Cooper	Kostmayer	Shaw
Corcoran	LaFalce	Sikorski
Coughlin	Lagomarsino	Simon
Courter	Lantos	Smith (FL)
Coyne	Latta	Smith (IA)
Crane, Philip	Lehman (CA)	Smith (NJ)
D'Amours	Lehman (FL)	Solarz
Daschle	Leland	Solomon
Davis	Lent	Staggers
de la Garza	Levin	Stratton
Derrick	Levine	Tallon
DeWine	Lewis (CA)	Thomas (GA)
Dicks	Lewis (FL)	Torres
Dingell	Lipinski	Torricelli
Donnelly	Livingston	Traxler
Dowdy	Lloyd	Udall
Downey	Long (LA)	Valentine
Duncan	Long (MD)	Vander Jagt
Durbin	Lott	Vandergriff
Dwyer	Lowery (CA)	Vento
Dymally	Lujan	Waxman
Early	Lundine	Wheat
Edwards (AL)	Lungren	Whitehurst
Edwards (OK)	Mack	Whitley
Erlenborn	Martin (NY)	Whitten
Fascell	Martinez	Williams (OH)
Fazio	Matsui	Wilson
Feighan	Mavroules	Wirth
Ferraro	McCain	Wolf
Fiedler	McCollum	Wolpe
Fish	McDade	Wright
Florio	McEwen	Wylie
Foglietta	McKinney	Yatron
Foley	McNulty	Young (AK)
Ford (MI)	Mica	Young (MO)
Fowler	Michel	Zschau

NAYS—181

Albosta	Hansen (UT)	Ratchford
Andrews (TX)	Harkin	Ray
Anthony	Hartnett	Roberts
Applegate	Hiler	Roemer
Archer	Hillis	Rogers
Barnard	Hopkins	Rostenkowski
Bartlett	Huckaby	Roth
Bateman	Hughes	Roukema
Bates	Jacobs	Rowland
Bedell	Jeffords	Rudd
Beilenson	Jenkins	Savage
Bethune	Johnson	Schaefer
Bevill	Jones (OK)	Scheuer
Boggs	Kaptur	Schroeder
Bonker	Kastenmeier	Seiberling
Brown (CA)	Kennelly	Sensenbrenner
Brown (CO)	Kindness	Sharp
Broyhill	Kleczka	Shelby
Bryant	Leach	Shumway
Campbell	Leath	Shuster
Carney	Levitas	Sisisky
Chappie	Loeffler	Skeen
Coats	Lowry (WA)	Skelton
Collins	Luken	Slattery
Conable	MacKay	Smith (NE)
Conyers	Markey	Smith, Denny
Craig	Marlenee	Smith, Robert
Crane, Daniel	Martin (IL)	Snowe
Crockett	Martin (NC)	Snyder
Daniel	Mazzoli	Spence
Dannemeyer	McCandless	Spratt
Darden	McCloskey	St Germain
Daub	McCurdy	Stangeland
Dellums	McGrath	Stark
Dickinson	McHugh	Stenholm
Dorgan	McKernan	Stokes
Dreier	Mikulski	Studds
Dyson	Miller (CA)	Stump
Eckart	Miller (OH)	Sundquist
Edgar	Minish	Swift
Edwards (CA)	Mitchell	Synar
Emerson	Moore	Tauke
English	Morrison (CT)	Tauzin
Erdreich	Murphy	Taylor
Evans (IA)	Myers	Volkmer
Evans (IL)	Neal	Vucanovich
Fields	Nelson	Walgren
Ford (TN)	Nielson	Walker
Frank	Oakar	Watkins
Franklin	Oberstar	Weaver
Frenzel	Obey	Weber
Gekas	Olin	Weiss
Goodling	Ottinger	Whittaker
Gore	Oxley	Williams (MT)
Gradison	Packard	Wise
Gramm	Panetta	Wortley
Hall (OH)	Parris	Wyden
Hall, Ralph	Patman	Yates
Hall, Sam	Patterson	Young (FL)
Hamilton	Pease	
Hammerschmidt	Petri	

NOT VOTING—14

Clay	Madigan	Siljander
Dixon	Marriott	Thomas (CA)
Flippo	Paul	Towns
Hansen (ID)	Pritchard	Winn
Kramer	Shannon	

Messrs. DICKINSON, MARKEY, PACKARD, CAMPBELL, APPLEGATE, and EDGAR changed their votes from "yea" to "nay."

Mr. ZSCHAU and Mr. LIVINGSTON changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion relating to Senate amendment No. 113 which was just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 115: Page 34, after line 7, insert:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $124,052,000. For the Private Sector Exchange Programs, $8,948,000, of which $1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $121,352,000. For the Private Sector Exchange Programs, $8,648,000, of which $1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offerd by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 119: Page 34, after line 7, insert:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $21,300,000: *Provided*, That none of the funds shall be awarded to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other organization connected in any manner with any political party operating in the United States.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 119 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ADMINISTRATIVE PROVISION

None of the funds provided in this Act for the United States Information Agency shall be awarded to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other organization connected in any manner with any political party operating in the United States.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 122: Page 36, line 17, strike out "$370,255,000" and insert "$374,400,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 122 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$370,228,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 125: Page 37, line 23, strike out "$102,581,000" and insert "$102,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 125 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$101,500,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 127: Page 38, line 11, strike out "$143,026,000" and insert "$142,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 127 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$140,000,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH]

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 145: Page 53, line 20, after "Act" insert "to the Department of Justice or the Federal Trade Commission".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 145 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "to the Federal Trade Commission, unless specifically authorized by law hereafter,".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 147: Page 54, after line 6, insert:

SEC. 511. Section 7(b) of the Radio Broadcasting to Cuba Act is amended in the second sentence by striking out, "(replaced less" and inserting in lieu thereof "replaced (less".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 147, and concur therein. In lieu of section "511" named in said amendment, insert the following: "512".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 148: Page 54, after line 6, insert:

SEC. 512. It is the sense of the Congress, that in cooperation with the Government of Mexico, the newly enacted authority under section 416 of the Agricultural Act dealing with United States surplus wheat and dairy products shall be used on an expedited basis to make these commodities available to help feed the Guatemalan refugees in Mexico.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate Number 148 and concur therein with an amendment, as follows: In lieu of section "512" named in said amendment, insert the following: "513".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senator amendment No. 149: Page 54, after line 6, insert:

Sec. 513. None of the funds appropriated or made available by this Act may be used to enforce or give effect to any restriction on the export of unprocessed western red cedar harvested from state lands pursuant to a harvesting contract entered into prior to October 1, 1979.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offered a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House receded from its disagreement to the amendment of the Senate numbered 149 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert the following: "514".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

□ 1530

ANNUAL REPORT OF ACTIVITIES OF U.S. GOVERNMENT DEPARTMENTS AND AGENCIES DURING 1983 RELATED TO PREVENTING NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, Wednesday, August 8, 1984.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take 1-minute speeches as we wait for other Members to appear on the conference reports.

CHANGING NAME OF NAVY COMMODORE

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I have introduced a bill today which changes the name of commodore to commodore-admiral.

As you know, the Air Force and the Army have four staff grades of general, starting with brigadier general and running up to major general and full general.

When the Navy went from having only three in that category to having four, as they have now done, they called the beginner, comparable to brigadier general, a commodore.

Well, the problem about that is that the word "commodore" has for centuries been used to denote a person who is in charge of a particular naval operation, a task force, a naval task force. As a matter of fact, that person could even be an enlisted man; so the word "commodore" has a very technical meaning which is used in military parlance to mean somebody who is in charge of a particular task force, regardless of rank.

So therefore, I think when the Navy went to using the name commodore, as distinguished from commodore admiral, they made a mistake, so I have introduced a bill to bring the dignity to that position that I think it should have and make it more comparable to a brigadier general in the Air Force and the Army.

I have not found anybody in the Navy, enlisted man or officer, who does not agree with me that this ought to be done, not only becaue of the prestige involved, but because of the complication involved in using the word Commodore in two separate distinct ways, one to indicate being head of a task force in the Navy and the other that would indicate an actual title.

So I hope this will be promptly considered. It may seem not very important to a lot of people, but believe me, it is important to the way in which the Navy runs its business and I hope we can take prompt action.

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I was a third class petty officer in the Navy. I wondered if the gentleman was going to do anything for what I think was one of the greatest ratings there is in the Navy.

Mr. BENNETT. I think it is and I think the gentleman's presence here in the House being a third class petty officer previously throws glamour on that position because of the courage and the ability that the gentleman has shown here in his legislative activity. It is a pleasure to serve here with the gentleman and it is an inspiration to the country to have a man of his quality.

Mr. WEAVER. Well, I want to return the compliment and thank the gentleman from Florida.

The gentleman from Florida is one of the most distinguished Members here, and always is on the right side.

FOREST POLLUTION

(Mr. WEAVER asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, there was an article appearing in the New York Times science section yesterday dealing with the effects on the world environment of the increase in carbon dioxide in the atmosphere. In the last 20 years, carbon dioxide has increased from around 320 parts per million to 345 parts per million.

This is a rather striking increase in such a component of our atmosphere as carbon dioxide and it is already, they believe, having an effect on the growth rate of many plants. They have discerned an increased growth rate in pine in the high elevations in Nevada. It could have a deleterious effect on such plants as corn and grasses.

I felt, Mr. Speaker, that the various conflicting effects of these changes in our atmosphere, for instance what I have already told the House of the potential threat to our forests from certain elements of air pollution. We do not know yet exactly what forms this air pollution takes, whether it is sulphur oxides, nitrous oxides, ozone or what, but we do know that the German forests have in 1 year, one-third of them died. They believe now that the forests were dying for 15 or 20 years, but suddenly it was manifest in the forests themselves as they discerned certain trees turned brown and died, one-third of the entire German forest, a striking, shocking thing.

We are getting death among trees in the Appalachian forest, all the way from Maine down through Alabama.

The red spruce in the higher elevations have died in the eastern forests outside of Los Angeles and the San Bernardino area are rapidly dying, and this from something other perhaps than the carbon dioxide that is making some trees grow faster.

We have initial information that the rate of growth of trees, the rate of growth of the diameter of trees has been declining for 20 years in this country. Something is going on. We do not know what it is.

I conclude, Mr. Speaker, by saying that we need intensive investigation of this situation in our forests, including the tropical rain forests in the southern climes are also on their decline.

CONFERENCE REPORT ON S. 1429, SMALL BUSINESS DEVELOPMENT CENTER IMPROVEMENT ACT OF 1984

Mr. MITCHELL. Mr. Speaker, I call up the conference report on the Senate bill (S. 1429) to amend the Small Business Act to extend and strengthen the Small Business Devel-

opment Center Program, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Monday, August 6, 1984.)

Mr. MITCHELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. MITCHELL] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. MITCHELL].

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on S. 1429, the Small Business Development Center Improvement Act of 1984.

The most frequently cited reason for the failure of small businesses is the lack of management assistance. Most small firms are simply too small to employ their own experts and seldom have the resources to seek outside counsel. As a result, in 1980 Congress established the Small Business Development Center Program under which the Small Business Administration is authorized to become partners with a local entity which will provide management assistance to small concerns.

The original legislation, including an interim extension, provides a sunset on this program of January 1, 1985. At the present time these centers, or SBDC's, exist in 32 States and the District of Columbia. Several additional States are expected to join the program this year. To date, on a national basis, the centers have provided assistance to almost 300,000 small businesses.

This program has proven highly successful and is deserving of continuation. The conference report extends the program until October 1, 1990.

One of the key concepts of the program is that the local partner of the SBA is required to provide matching funds on a dollar per dollar basis, but with up to one-half of the required amount being permitted to be in indirect costs or waived overhead such as the value of office space, utilities, and so forth. The conference report makes an important change in this regard. It specifically requires that the other half of the matching funds be hard cash. That is, the SBDC must actually have cash money; it will no longer be sufficient that the local partner or sponsor is paying expenses on behalf of the SBDC such as is the case now with university faculty members who do work for the SBDC but are paid by the university. In order to give everyone the opportunity to adjust to the change, however, this new statutory hard cash reqirement is phased-in over the next 4 years.

In addition, the bill makes a number of housekeeping-type changes such as—

Requiring that the grants or cooperative agreements with the SBDCs be on either a fiscal year or calendar year basis;

Reinstating an expired provision which requires applicants to conform to any State-approved plan;

Requiring the SBDC National Advisory Board to meet at least semiannually—instead of quarterly—and requiring—rather than permitting—each SBDC to establish a local advisory board; and

Instructing SBA within 6 months to develop and implement a proposal for biannual evaluation of each SBDC.

I want to thank all of my colleagues on the Small Business Committee who worked on this legislation, particularly NEAL SMITH and JOE ADDABBO and our ranking minority member, JOE MCDADE, and also SILVIO CONTE.

I urge all Members to support the conference report.

□ 1540

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. McDADE. Mr. Speaker, I rise in support of the conference report on S. 1429, the Small Business Development Center Improvement Act of 1984. I would like to commend our distinguished chairman for his leadership in moving this bill through the House and conference in a most expeditious manner. The conference report will make a number of improvements in this important management assistance program in the Small Business Administration.

The SBDC Program began on a pilot basis in 1976 at eight universities. Today there are SBDC's in 32 States and the District of Columbia. In Pennsylvania the SBDC Program is comprised of 13 centers located in colleges and universities around the State. Since 1979 the Pennsylvania SBDC has served more than 22,500 small business clients in a counseling and training capacity. Mr. Speaker, the program works and I urge adoption of the conference report.

I want to commend my colleague from Maryland, the distinguished chairman of our subcommittee and our committee, for moving this bill in a most expeditious manner to get it signed into law.

Mr. MITCHELL. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I rise in support of the conference report on legislation to extend and strengthen the Small Business Development Center Program.

Certainly all those of us who serve on the Small Business Committee recognize the tremendous assistance which small business development centers have provided to the small business community. Numerous studies have shown that the high small business failure rate is due to a lack of management assistance and although we cannot provide this assistance to each small business, the SBDC Program is certainly a step in the right direction.

I believe that this type of program is especially appropriate and important today. By requiring the SBDC to obtain additional matching funds at the local level, we not only insure local interest in the program but we also double our money. For fiscal year 1984, for example, the Congress appropriated $22 million for this program; however, due to the matching funds requirement, we actually were able to operate a $44 million program.

When this program was established in 1980, it was determined that when it's operational on a national basis, it would require $65 million in Federal funds and an equivalent amount in matching funds. We are now approximately one-third of the way toward this goal with new States applying for admission to the program each year and with others already in the program seeking additional funds as the program expands in the State.

I am very pleased that this conference report reiterates its support for a national program. I believe it is very crucial that the program continue to rely on a formula distributing the funds to each State according to a population formula. This will ensure that everyone is treated fairly whether they were among the first States to see the value of this program or even if they are among the last to seek participation.

I commend Chairman MITCHELL for his effort in bringing this matter before the House.

● Mr. CONTE. I rise in support of the conference report on S. 1498 and H.R.

5334, the Small Business Development Center Improvement Act of 1984.

I would like to congratulate the chairman of the committee, Mr. MITCHELL of Maryland, and the other conferees for their fine work on this important piece of legislation.

I would also like to take a moment to bring to my colleagues attention the fine work done by the small business development center headquartered at the University of Massachusetts in Amherst. Since this program was established in 1980, they have assisted nearly 5,000 clients and provided training programs that attracted over 8,500 participants. I am very pleased that so many small businesses have benefited from this program.

Finally, this program is a wise use of Federal dollars. The Massachusetts SBDC has taken surveys analyzing the increases in sales, employment, profits, and taxes paid by clients after they have received counseling. During 1981 and 1982, every Federal dollar spent by the SBDC resulted in an additional $14 being returned to the Federal Treasury. I only wish we had more programs that were as cost efficient.

Mr. Speaker, I urge my colleagues to support the Small Business Development Center Improvement Act of 1984.●

● Mr. HATCHER. Mr. Speaker, I rise to express my support for the Small Business Development Center Improvement Act of 1984, which will reauthorize the funding of the Small Business Development Center Program through October 1, 1990.

As a member of the House Small Business Committee, I have witnessed the efficient and effective operation of the SBDC Program, and I wholeheartedly endorse its continuation. In my home State of Georgia, the SBDC Program is recognized as one of the best in the Nation. Since it began in April 1977, the SBDC's in Georgia have provided vital management assistance and training programs. These services have improved the equity, profit, and growth potential of small businesses and have developed jobs in the private sector.

I ask my colleagues to join me in encouraging the small businessman by supporting the Small Business Development Center Improvement Act of 1984.●

Mr. McDADE. Mr. Speaker, I have no further requests for time, and I, therefore, yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FIVE NEW INDUCTEES TO THE BASEBALL HALL OF FAME

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. My colleagues, I wish to call your attention to an event of international importance that will take place in my district this Sunday, August 12. On that day in beautiful Cooperstown, NY, there will be inducted into the Baseball Hall of Fame five American greats of yesteryear.

I would invite all of my colleagues today upon conclusion of regular business to join me in paying tribute to Luis Aparicio, Don Drysdale, Rick Ferrell, Harmon Killebrew, and Harold "Pee Wee" Reese. These all-time great baseball players brought so much joy and happiness to all of us during their very distinguished careers, and I think it would be fitting and proper for those of us who are privileged to serve in this body, this representative body of the American people, to rally around the flag, so to speak, today, as we take a special order to honor the latest inductees to the Baseball Hall of Fame in Cooperstown, NY.

While I am at it, just let me extend to one and all a warm invitation to visit the home of baseball, Cooperstown, NY. We welcome you all to the heartland of America.

PROJECT UPWARD BOUND

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARRISON. Mr. Speaker, it is sometimes said that out of the mouths of babes comes wisdom. A young lady who lives in my district wrote me a very wise letter about Project Upward Bound at Bloomsburg University in which she is participating, and closed her letter by observing that there was only one thing wrong with this program and that is that the present administration is not giving it enough money.

At this point I include a copy of the letter from Ms. Ronnie Doty in the RECORD:

BENTON, PA, *July 24, 1984.*

Congressman FRANK HARRISON,
House of Representatives,
Washington, DC.

DEAR FRANK: Hello, I haven't heard from you in awhile. I hope you are ok and doing good.

I am in the six weeks summer Upward Bound program at Bloomsburg University. I attend the program through my home school, Benton High School.

The program is really different. It helps educate the students for the future. The students get to make new friends and see what people are like outside the area they live in. The students and teachers help one another out, so it's like one big family. The most important thing I think is that teachers and counselors try to help you figure out what you want to do in life and what jobs you'll like and can do.

There is a problem though, they don't have enough money to take in more students, and the cuts that are being made in Reagan's budgets are making things harder. Please encourage legislators to vote more funds for the program like ours.

Sincerely yours,

RONNIE DOTY.

CONFERENCE REPORT ON H.R. 5604, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1985

Mr. DELLUMS. Mr. Speaker, I call up the conference report on the bill (H.R. 5604) to authorize certain construction at military installations for fiscal year 1985, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see Proceedings of the House of August 7, 1984, at page H8519.)

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from Virginia [Mr. WHITEHURST] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report on H.R. 5604, the Fiscal Year 1985 Military Construction Authorization Act, represents the diligent effort of a House-Senate conference committee that met on August 1, and resolved over 300 differences.

As a result of the conference between the Senate and House on the differences in H.R. 5604, the conferees agreed to a new adjusted authorization for military construction and family housing for fiscal year 1985 of $9.1 billion.

The conference compromise is $104 million below the House figure, $166 million below the Senate figure, and $1.4 billion below the President's budget request of $10.5 billion.

For the benefit of my colleagues, I want to briefly explain how we arrived at the final authorization level.

First, a spending target of $9.2 billion in budget authority was deter-

mined to be the amount the conferees could authorize for appropriations to stay within the ceiling for the defense function being negotiated between the House and Senate in conference on H.R. 5167, the Defense Authorization Act for Fiscal Year 1985.

Second, within this target, priority was given to restoring those adequately justified projects that had been included in the budget request but deferred by either the House or the Senate for budgetary reasons.

And third, prior year savings were used to the maximum extent possible to reduce the authorization for appropriations.

In recent years, unbudgeted projects added by either the House or the Senate were included in the conference bill and authorized for construction with savings. In a departure from this policy, the conferees authorized the unbudgeted projects for appropriated funds and used the expected savings for general reductions wherever possible.

Mr. Speaker, because of time constraints, I will not go into detail on the individual items contained in the conference bill. However, there are several items I want to call to the attention of the Members.

I don't have to remind my colleagues of my total opposition to deployment of the ground launched cruise missile [GLCM]. But since deployment of GLCM is the current policy of the U.S. Government, certain facilities must be provided for the support personnel being assigned to man these weapons.

The conferees agreed to authorize $114.5 million for the GLCM program in fiscal year 1985, which is $139.1 million below the budget request. Of the $114.5 million authorized, $72.5 million is for family housing and $21.7 million is for schools.

The conferees approved $29 million for rapid deployment force facilities which is $77 million below the President's budget request. Included in the reduction was $15.1 million for construction of hardened aircraft shelters in Oman. The conferees questioned the requirement for these shelters at a contingency base.

Included in the President's budget request was $8.7 million for contingency facilities in Honduras. The House bill delete all funds for this purpose. The conferees agreed to authorize appropriations of $4.3 million for relocatable facilities designed to accommodate a 100-man Army aviation unit which will support regional intelligence requirements.

The House funded the NATO infrastructure program at $250 million. The Senate figure of $131.7 million was approved by the conference based on later information indicating that the dollar is expected to remain strong against foreign currencies through fiscal year 1985.

And family, the conference approved $424.4 million for the Guard and Reserve which is $33.6 million above the budget request. The conferees expect a number of high priority projects to be constructed with the additional funds.

This briefly summarizes the major actions of the conference. Time does not permit going into greater detail here, but the conferees believe the bill agreed to in conference will meet the construction needs of the military departments during fiscal year 1985. Mr. Speaker, I urge adoption of the conference report on H.R. 5604.

□ 1550

I would simply state: In terms of the conference report that we are reporting back to the House floor, I would say that the House conferees attempted diligently to maintain the integrity of the House position on all of the various matters.

I would say for those Members who supported the bill as it passed the House, there is virtually nothing in this bill that would cause any Member who voted for the bill as it left the House to change that vote in the conference.

For those Members and I find myself one of them, an interesting situation I find myself in—who opposed the bill brought to the floor, for those Members who opposed the legislation that left the floor to conference with the Senate, there is nothing in this bill that would require them to change their vote.

The one area I would like to focus on just briefly is the facility in Honduras. For those of my colleagues who feel as strongly as this gentleman feels about American policy in Central America, I find the inclusion of this particular item quite repugnant, but I find myself in the minority.

I point this out to my colleagues to understand that this is, in my estimation, a policy different from the bill that left the House and the one that comes back from conference. To simply summarize, as I said, we attempted to maintain the integrity of the House.

For those Members who supported it, you can continue to support this conference as I think this conference embraces the policies that are the general majority point of view of the House of Representatives. For those of my colleagues who oppose the bill, I think they can continue to oppose the bill, as money continues to be in this legislation for facilities associated with MX, B-1, cruise missile, facilities for Honduras, and so forth.

Finally, I would like to thank all of my colleagues who worked on the conference. It is just a great pleasure to work with these Members. They all are very diligent and hardworking.

Finally, I would like to compliment the staff who in my estimation have done an extraordinary job. I believe any of us who believe we can function without capable staff people are living in a never-never land.

I think one has to be realistic and humble enough to understand that you are only as good as the people who help you to continue to carry out your function. The staff in this instance were very diligent in helping us resolve over 300 items of difference with the Senate.

With that explanation, Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia [Mr. WHITEHURST].

Mr. WHITEHURST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 5604, the fiscal year 1985 Military Construction Authorization Act.

As was stated earlier, there were several hundred differences between the Senate and House versions of the bill. Nevertheless, the House and Senate conferees were able to resolve the differences without much difficulty because most of them were not of a substantive nature. The conferees settled on a compromise figure of $9,133,908,000 which is below the amounts originally authorized by both the House and Senate.

Even though the compromise figure is nearly $1.4 billion less than the $10.5 billion requested by the administration, the conferees believe that the amount approved is sufficient to provide the facilities most needed by the services to upgrade our overall defense.

In short, we have before us a measure that will buy our Nation improved readiness at a reduced spending rate. As one who served on the conference, I believe we are bringing before both Houses a sound compromise that deserves the support of this body. I urge the adoption of the conference report on H.R. 5604.

Parenthetically, Mr. Speaker, we owe a great deal of credit to the gentleman from California for his very effective leadership of this subcommittee. This gentleman serves on that subcommittee and knows how fair he has been in dealing with policy issues that he finds himself in disagreement with, but in no way or ever has he attempted to impose those views on the majority. He has always provided for fair debate.

I would add that having been a conferee on this bill with the Senate, I was filled with pride with his leadership on the House side; fighting for the House positions, compromising

where necessary. And certainly the speed with which this conference report was agreed to, it was the better part of a morning's worth of work in resolving the remaining differences; is largely due to the very effective leadership of our chairman.

I have no further requests for time, Mr. Speaker, and I yield back the balance of my time.

Mr. DELLUMS. Thank you very much.

First let me thank my colleague for his kind and very generous remarks and I deeply appreciate it.

Mr. Speaker, I look forward to serving with my colleague for an extended period of time. I thank him very much.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

● Mr. EDGAR. Mr. Speaker, I rise in support of the fiscal year 1985 military construction bill. On balance this is a bill that has many attractions and, among other things, attempts to address inefficiencies and unsafe working conditions at certain of our military installations.

I am particularly pleased that the bill contains $12.6 million for a new electrical distribution system at the Philadelphia Navy Yard. The current system has long been obsolete and replacement has been a top priority of the yard for many years.

Just over the past 5 years, for example, there have been in excess of 1,000 failures in a system dating back to the Second World War. Such failures are not only inefficient—workers are sent home early and the taxpayer picks up the bill—but, more importantly, they create unsafe working conditions. Personnel at the yard should not be exposed to such hazards; this system will go a long way toward reducing these dangers.●

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMISSION TO ASSIST IN FIRST OBSERVANCE OF HOLIDAY HONORING DR. MARTIN LUTHER KING, JR.

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5890) to establish a commission to assist in the first observance of the Federal legal holiday honoring Dr. Martin Luther King, Jr., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That the Congress finds that—

(1) January 20, 1986, marks the first observance of the Federal legal holiday, established by Public Law 98-144, honoring the birthday of Martin Luther King, Jr.;

(2) such holiday should serve as a time for Americans to reflect on the principles of racial equality and nonviolent social change espoused by Martin Luther King, Jr.; and

(3) it is appropriate for the Federal Government to coordinate efforts with Americans of diverse backgrounds and with private organizations in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

SEC. 2. There is established a commission to be known as the Martin Luther King, Jr. Federal Holiday Commission (hereinafter in this Act referred to as the "Commission").

SEC. 3. The purposes of the Commission are—

(1) to encourage appropriate ceremonies and activities throughout the United States relating to the first observance of the Federal legal holiday honoring Martin Luther King, Jr., which occurs on January 20, 1986; and

(2) to provide advice and assistance to Federal, State, and local governments and to private organizations with respect to the observance of such holiday.

SEC. 4. (a) The Commission shall be composed of—

(1) four officers from the executive branch, appointed by the President;

(2) four Members of the House of Representatives, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) four Senators, appointed by the President pro tempore of the Senate in consultation with the majority and minority leaders of the Senate;

(4) Coretta Scott King and two other members of the family surviving Martin Luther King, Jr., appointed by such family;

(5) two individuals representing the Martin Luther King, Jr. Center for Non-Violent Social Change (a not-for-profit organization incorporated in the State of Georgia), appointed by such organization; and

(6) fourteen individuals other than officers or employees of the United States or Members of Congress, appointed by the members of the Commission under paragraphs (1) through (5) of this subsection from among individuals representing diverse interest groups, including individuals representing labor, business, civil rights, and religious groups, and entertainers.

(b) Not more than half of the members of the Commission appointed under each of paragraphs (2), (3), (5), and (6) of subsection (a) shall be of the same political party.

(c) Members shall be appointed for the life of the Commisison. Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) Members of the Commission shall serve without pay, but may, subject to section 7, be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 5. (a) The Commission shall first meet within 30 days after the date of the enactment of this Act. At this first meeting the Commission shall elect a chairperson from among its members and shall meet thereafter at the call of the chairperson.

(b) The Commission may encourage the participation of, and accept, use, and dispose of donations of money, property, and personal services from, individuals and public and private organizations to assist the Commission in carrying out its responsibilities under this Act.

(c) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this Act.

SEC. 6. (a) The Commission may appoint a director and a staff of not more than five persons, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Subject to section 7, the Commission shall set the rates of pay for the director and staff, except that the director may not be paid at a rate in excess of the maximum rate of pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, and no staff member may be paid at a rate in excess of the maximum rate of pay payable for grade GS-13 of such General Schedule.

(b)(1) Upon the request of the Commission, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its responsibilities under this Act.

(2) Each head of such department or agency is authorized to cooperate with and assist the Commission in carrying out its responsibilities under this Act.

SEC. 7. All expenditures of the Commission shall be made from donated funds.

SEC. 8. Not later than April 20 1986, the Commission shall submit a report to the President and the Congress concerning its activities under this Act.

SEC. 9. The Commission shall cease to exist after submitting its report under section 8.

□ 1600

Mrs. HALL of Indiana (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the requested of the gentlewoman from Indiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Indiana?

Mr. TAYLOR. Reserving the right to object, Mr. Speaker, and I do not intend to object. I also rise in support of the motion made by the gentlewoman from Indiana to concur with the Senate amendment to H.R. 5890 which establishes a commission to encourage appropriate nationwide ceremonies relating to the first observance of the Federal holiday honoring the late Dr. Martin Luther King, Jr. The Commis-

sion would also assist Federal, State, and local governments and private organizations in planning for this first observance.

H.R. 5890 as amended by the Senate makes several very minor technical and stylistic changes which do not alter the bill in any way from that which passed the House on July 24, 1984.

Mr. Speaker, I encourage my colleagues to support the Senate changes to H.R. 5890.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Indiana?

There was no objection.

A motion to reconsider was laid on the table.

DESIGNATING WEEK OF FEBRUARY 17, 1985, TO RECOGNIZE BIG BROTHERS AND BIG SISTERS VOLUNTEERS

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 594) designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mrs. LLOYD. Reserving the right to object, Mr. Speaker, and I do not intend to object, I am pleased that we are considering this resolution today and want to thank Representative HALL for bringing it to the floor. The House frequently approves commemorative legislation recognizing various groups and industries for their contributions to our society. I don't think any volunteer organization has done more for the children of one-parent families in America than Big Brothers and Big Sisters. This resolution acknowledges the work of this special group of individuals. They voluntarily assume one of the most difficult tasks any adult can undertake, that of guiding young people.

Big Brothers and Big Sisters of America gave us the first national service program for boys and girls who have only one parent. And as those of us who are parents know, one individual cannot possibly provide all the attention growing children need. Children today face challenges and temptations unthought of just a few years ago and many single parents are unprepared to cope with the problem alone. Currently there are over 12 million children in the United States who live in single parent families. In the absence of an extended family, a Big Brother or a Big Sister can help fill an emptiness by providing adult companionship and guidance.

Childhood is the critical time of human development. If we can provide the proper stability and influence, our children are better prepared to face life and become productive citizens. Big Brothers and Big Sisters encourage the child to adopt good behavior and study habits by emphasizing the child's self-worth.

The quality of life in the future depends on the values we instill in our children today. Big Brother/Big Sister volunteers provide a valuable service toward that end and I want to join with my colleagues in applauding their efforts.

Mr. COATS. Mr. Speaker, I had the privilege of sponsoring with Congresswoman MARILYN LLOYD legislation acknowledging Big Brothers/Big Sisters volunteers for their service with children. At this time, I would like to thank Congresswoman LLOYD for all her efforts in helping obtain passage of House Joint Resolution 594 which designates the week beginning February 17, 1985, as "Big Brothers/Big Sisters Week." Of course, we could not have accomplished this goal without the support of our colleagues, and I sincerely appreciate their cosponsorship of House Joint Resolution 594.

As a former big brother and as past president of Big Brothers/Big Sisters in Fort Wayne, I am personally familiar with and strongly support the operation and goals of this organization. The Congress, itself, recognized the important service of Big Brothers/Big Sisters when it issued a congressional charter in 1958.

For over 80 years, one-parent children have benefited from the friendship and care extended by volunteers in this special one-on-one relationship. Today, there are over 450 agencies serving approximately 100,000 children a year. These statistics reflect not only the achievements of Big Brothers/Big Sisters but the continual need for this national youth organization.

David Bahlman, executive vice president of Big Brothers/Big Sisters of America, testified before the House Select Committee on Children, Youth, and Families that as children from father-absent families grow in numbers, so must society's sensitivity to their situation. Big Brothers/Big Sisters volunteers can assist children from father-absent homes to handle the challenges presented to them in a manner which will allow them to grow and mature into healthy, productive adults.

Big Brothers/Big Sisters of America is a national nonprofit youth organization based on a one-to-one friendship between an adult volunteer and a school-age child from a one-parent home who needs special, extra adult attention. Volunteers make a commitment to spend 3 to 6 hours a week for at least a year. Once a match is made, goals are set and regular contacts maintained between the parent, child, volunteer, and agency staff. Not every child from a one-parent home needs a big brother or sister, but for an estimated one-fifth of these children, there are no such supports. Big Brothers/Big Sisters is not a substitute parent but an ally who can help a child through a difficult period and the challenges of growing up.

Big Brothers/Big Sisters in just over 80 years has become the fastest growing youth-service organization in the United States. Field studies have established this as a highly effective means for preventing juvenile delinquency and emotional problems, and preparing children for adulthood. It is also cost effective. A match costs about $650 a year compared with $3,000 for each child entered into the juvenile justice system, or $18,000 to $65,000 a year for institutionalization.

While the demographics of our society may be changing, the needs of our children are not. I think it is more than time that we nationally recognize the Big Brother/Big Sister volunteers who give so much of their time, talents and love to help ensure the well-being of our children, and I am proud to have cosponsored with Congresswoman LLOYD this most worthy legislation.

Mrs. LLOYD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 594

Whereas many girls and boys in the United States suffer from a lack of parental time and attention because of the death of one or both of their parents, the divorce of their parents, or for other reasons;

Whereas this deprivation can result in serious problems for these children and their communities; and

Whereas there is a dire need for volunteers to serve as older brothers and sisters who can give these children the individual support, help, and counseling of a stable adult friend: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning February 17, 1985, is designated as a time to recognize the contributions of volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate celebrations and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL JEROME KERN DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 583) to designate January 27, 1985, as "National Jerome Kern Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resloution, as follows:

Whereas Jerome D. Kern is considered "The Father of the American Musical Theater";

Whereas Jerome Kern composed over 1,000 songs and 108 complete theatrical scores, including the renowned favorites "Lovely to Look At", "Smoke Gets in Your Eyes", "All the Things You Are", "Look for the Silver Lining", and his most popular score, "Showboat";

Whereas Jerome Kern was the honored recipient of two Academy Awards during his lifetime for his works "The Way You Look Tonight" and"The Last Time I Saw Paris";

Whereas the works of Jerome Kern have not only enriched the lives of countless Americans, but are enjoyed to this day by millions of people throughout the world;

Whereas January 27, 1985, marks the 100th anniversary of Jerome Kern's birth; and

Whereas the music industry is planning a year-long tribute to Jerome Kern's Centenary: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 27, 1985, is designated "National Jerome Kern Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

● Mr. LEVINE of California. Mr. Speaker, as the author of House Joint Resolution 583, I urge my colleagues to designate January 27, 1985, as "National Jerome Kern Day." I would like to take this opportunity to thank Congresswoman KATIE HALL chairwoman of the Subcommitte on Census and Population, and Kathy Jurado of her staff for their assistance in bringing this legislation to the floor. I would also like to thank Majority Leader WRIGHT and over 200 of my colleagues for their support of this legislation.

Mr. Speaker, January 27 of next year will mark the 100th anniversary of one of Broadway's greatest composers, Jerome Kern. Mr. Kern is in fact often recognized as the "Father of the American Musical Theater."

For many decades, Jerome Kern's music has entertained a listening public worldwide. During his career, Mr. Kern composed over 1,000 songs and 108 complete theatrical scores. He is responsible for writing such popular classics as "Look for the Silver Lining," "Lovely To Look At," and "Smoke Gets in Your Eyes." No listing of Mr. Kern's credits would be complete without reference to his most popular score, "Showboat," which included such famous songs as "Make Believe," "Ol' Man River," and "Why Do I Love You?"

I am pleased to inform my colleagues that the music industry itself is planning a year-long international centennial tribute to Jerome Kern, complete with tributes staged both in New York City and Washington, DC.

I urge my colleagues to join me in supporting this resolution to honor this great man who brought such beautiful music to the world. He will long be remembered.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAWAII STATEHOOD SILVER JUBILEE DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint Resolution (S.J. Res. 248) designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day," and ask for its immediate consideration.

The Clerk read the title of the Senate Joint Resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. AKAKA. Mr. Speaker, reserving the right to object, and I do not intend to object, I urge all my colleagues to join me in supporting House Joint Resolution 546, which designates August 21, 1984, as "Hawaii Statehood Silver Jubilee Day." The resolution recognizes the 25th birthday of Hawaii's admission as a State.

Observance of the anniversary of statehood is important in view of Hawaii's long struggle to win the right to become the 50th State. In recognition of Hawaii's strategic military importance in the Pacific, the U.S. Congress officially annexed Hawaii on August 12, 1898. The Nation's new possession was quickly organized as a territory with Sanford Ballard Dole as its first Governor, taking office on June 14, 1900.

Statehood was first proposed during the reign of King Kamehameha III and became a more defined goal shortly after World War I when Hawaii's Delegate to Congress, Prince Jonah Kuhio Kalanianaole, introduced a bill to that effect. More strenuous efforts were made in the 1930's when Samuel Wilder King was Delegate, and this effort continued after World War II by Delegate Joseph Rider Farrington and after his death, by his widow, Delegate Elizabeth Farrington. It was in 1940 that a plebiscite showing a 2-to-1 vote in favor of statehood was conducted; in 1950, a Constitutional Convention was held to draft Hawaii's modern constitution.

All these efforts finally bore fruit in 1959, when John A. Burns was Delegate, and both Houses of Congress passed the landmark legislation granting Hawaii statehood. President Dwight D. Eisenhower signed into law "an act to provide for the admission of the State of Hawaii into the Union" on March 18, 1959. This act required a vote by the people of Hawaii on the question of statehood and was overwhelmingly passed by a 17-to-1 margin. Hawaii was thus officially admitted to the Union on August 21, 1959.

I proudly encourage each and every one of you to join me in recognizing this important date, Hawaii's Statehood Silver Jubilee Day, by lending full support to House Joint Resolution 546.

● Mr. HEFTEL of Hawaii. Mr. Speaker, on August 21, 1984, Hawaii celebrates the 25th anniversary of its admission as a State.

For all of us who call Hawaii our home, it is our silver jubilee. It celebrates the culmination of a 40-year struggle to attain equal status for Hawaii's people with their brothers and sisters on the mainland. In 1919, Prince Jonah Kuhio Kalanianaole introduced the first Hawaii statehood bill.

Congress ignored the Islands' early efforts to gain admission as a State. By 1935, however, Hawaii's case proved too strong to be disregarded. Hawaii's population exceed that of four States. Its area equaled or exceeded that of six. Hawaii's economy was demonstrably capable of sustaining self-government. Indeed, her people's annual contributions to the Federal Treasury exceeded those of 15 States.

From 1935 to 1959 four strong Hawaii patriots eloquently and indefatigably argued Hawaii's cause. Delegates to Congress, Samuel Wilder King, Joseph and Elizabeth Farrington, and John A. Burns, saw Hawaii through over 30 congressional investigations. Thousands of pages of testimony attested to Hawaii's credentials to become a State, and congressional investigators swelled the Islands' tourist trade.

Yet time and time again Hawaii's ambitions were thwarted. Opponents balked at her multiethnic population.

They questioned the patriotism of the Island's large number of aliens.

The curse of McCarthyism also slowed Hawaii's progress. Statehood opponents saw in the collective efforts of Hawaii's laboring community the threat of Communist influence in the Islands. Hawaii's supporters answered both charges. In 1935 the Islands' alien population was no larger than that of Boston and New York. But unlike Boston's Irish or Italians, the majority of Hawaii's aliens had no recourse. National immigration laws blatantly discriminated against them. It specifically prohibited the naturalization of first-generation Japanese immigrants.

During World War II, Hawaii's Asian population answered the charge of disloyalty with their blood. In Italy and France, Japanese-Americans of the 442d Regimental Combat Team, men like DAN INOUYE and SPARK MATSUNAGA, fought and died to defend democracy and to demonstrate to their countrymen the patriotism of Americans of Japanese ancestry. The 442d emerged from World War II as the most heavily decorated outfit in the U.S. Army.

Those same veterans returned to Hawaii, educated themselves on the GI bill of rights, and entered the mainstream of Island life. They practiced law and medicine. They taught in schools. They entered politics and joined the labor movement. And their example sustained the statehood movement.

Finally, on March 11 and 12, 1959, after a quarter century of congressional study, the Senate and House passed the Hawaii statehood bill; 6 months later, President Dwight David Eisenhower proclaimed Hawaii our Nation's 50th State.

That proclamation ushered in a new era in American history. Coupled with the Civil Rights Act of 1957, the acceptance of a State whose population was overwhelmingly noncaucasian constituted a reaffirmation of the egalitarian principles of Jefferson and Jackson, of Lincoln and Roosevelt, which are this country's greatness. By admitting Hawaii to the Union, Congress, the President, and the American people expressed their faith in the ability of all men and women—Hawaiian, Chinese, Japanese, Filipino, Korean—to govern themselves democratically.

Over the past quarter century, blacks, Hispanics, native Americans, and women have also proclaimed their right to share in our Nation's egalitarian dream. And the Nation has responded with the Civil Rights Acts of 1964 and 1965 and with guarantees of equal housing and equal employment opportunity.

Over the past quarter century, we in Hawaii have continued the struggle for social equality. We have embraced increasing numbers of new immigrants: from the Philippines, Samoa, Vietnam, Cambodia, and Laos. We've pledged ourselves to integrating them into the social, economic, and political fabric of island society.

We've committed ourselves as well to righting past wrongs. No people has contributed so much to the spirit and harmony of Island life as Native Hawaiians. Yet history has wronged them, and they seek redress. We in public life will continue to do all that we possibly can to secure justice for them.

No one will work harder in that endeavor and in seeking the general good than my esteemed colleague in this body, DANIEL AKAKA. He is a true keiki o ka aina, a child of the land. As all of you well know, he embodies the spirit of aloha. In his concern for others, his generosity, in his very demeanor, he demonstrates the Hawaiian attributes which have created Hawaii's social harmony.

To be sure, over the last 25 years we in Hawaii have known difficulties. But we have acknowledged them and, in the spirit of aloha, we have struggled and are struggling to meet them. And we remain, as we were 25 years ago when this body found us fit for admission, a strong bastion of patriotism. As in World War II, our sons have fought and died in Korea and Indochina. In our military installations, we help sustain America's capacity to defend itself yet again, if need be.

So Hawaii's Statehood Silver Jubilee truly belongs to all Americans. Let us exult together in the accomplishments of these past 25 years. And let us affirm again, as we did on August 21, 1959, our patriotism and our belief in equality for all.●

Mr. AKAKA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 248

Whereas, on March 12, 1959, Americans were thrilled to learn that the United States House of Representatives, by a vote of three hundred and twenty-three to eighty-nine, had approved statehood for Hawaii, following the favorable United States Senate vote of seventy-six to fifteen the day before;

Whereas President Dwight D. Eisenhower signed the Hawaii Statehood Bill on March 18, 1959;

Whereas, pursuant to the provisions of the Hawaii Statehood Act, a plebiscite was held in the territory of Hawaii and on June 27, 1959, the people of Hawaii voted one hundred and thirty-two thousand nine hundred to seven thousand eight hundred in favor of statehood;

Whereas President Eisenhower proclaimed Hawaii the fiftieth State on August 21, 1959;

Whereas the admission of Hawaii to the Union has proven to be of immense benefit both to the United States itself and the State of Hawaii;

Whereas Hawaii is essential to our national security as the site of the headquarters of United States military and naval forces in the Pacific at Pearl Harbor, and is the location of the Army's Schofield Barracks, the Air Force's Hickam and Wheeler Air Force Bases, the Kaneohe Marine Corps Air Station, and other defense facilities;

Whereas Hawaii is our Nation's largest producer of sugarcane and pineapple and its only major domestic source of coffee, macadamia nuts, and certain species of decorative flowers, and is a leader in the development of commercial aquaculture;

Whereas Hawaii is also outstanding as a leader in astronomy, in ocean science, and alternate energy research and development, and in the extent and quality of its tourism industry;

Whereas the State of Hawaii contributes significantly to the national balance of trade, operating Hawaii Foreign-Trade Zone numbered 9 and Subzone numbered 9-A, welcoming hundreds of thousands of foreign tourists, and serving as a mid-Pacific base for United States and foreign commercial interchange;

Whereas Hawaii is the site of the unique, congressionally-funded Center for Cultural and Technical Interchange between East and West;

Whereas Hawaii is blessed with great natural beauty, clean waters, pure air, and extraordinary scenery; and

Whereas Hawaii's multiethnic people, in their personal lives and in the various social and civil institutions and policies they have formed, show a warm spirit of aloha, and have expressed this spirit in their Constitution's Preamble, ". . . with an understanding and compassionate heart toward all the peoples of the Earth . . .": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 21, 1984, be known throughout our Nation as "Hawaii Statehood Silver Jubilee Day" in honor of the twenty-fifth anniversary—the Silver Jubilee—of Hawaii's Statehood.

SEC. 2. The President be requested and authorized to issue a proclamation calling upon the people of the United States and all Federal, State, and local governments to observe "Hawaii Statehood Silver Jubilee Day" with observances and ceremonies appropriate to its importance.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRUG ABUSE EDUCATION AND PREVENTION WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 529) to designate the week of September 23, 1984, through September 29, 1984, as "National Drug Abuse Education and Prevention Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. BENNETT. Mr. Speaker, I reserve the right to object and I do not intend to object.

Mr. Speaker, drug abuse is one of the most serious health problems we have today. I have worked hard to strengthen our laws to reduce the flow of illegal drugs; however, any successful solution to our current drug problem depends on the education of our society to the harmful effects of drug abuse.

The recent statistics reveal that drug abuse in America is the highest of any developed nation in the world; 41 percent of our young people regularly abuse alcohol and it is the single leading cause of death among 15 to 24-year-olds. One in 16 high school seniors smokes marijuana on a daily basis, and 34 percent of high school seniors regularly abuse illegal drugs. Other statistics show that more than just health problems are associated with drug abuse. Between 50 and 60 percent of all property crimes are drug related. Drug abuse costs thousands of lives and millions of dollars each year in addition to the pain and suffering of the individual, family, and friends. Almost every American will be touched in one way or another by the effects of drug abuse.

We truly need to focus on the problem of drug abuse. We must recognize that children are faced with drugs and the pressure to use drugs at a very young age. However, this is not just a problem the young must face. If we all start talking about drugs in a more open and realistic manner, discussing all the effects of legal and illegal drug abuse, then all of us will be better able to make responsible decisions.

In an effort to focus national attention on this serious problem I have sponsored House Joint Resolution 529 which would designate the week of September 23-29 as "National Drug Abuse Education and Prevention Week." This week corresponds with the third annual National Conference of the National Federation of Parents for Drug-Free Youth. This organization has been deeply involved in promoting drug abuse education among our young people and was instrumental in the planning and publicizing of the highly successful "Chemical People" program. We must continue our fight against drug abuse and the best way to start is with an informed public, one that knows the effects of drug abuse and its enormous cost to our people. I urge all of my colleagues to participate in this nationwide effort.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana [Mrs. HALL]?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object, and I do not intend to object.

● Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 529, designating the week of September 23 through September 29, 1984, as "National Drug Abuse Education and Prevention Week." Narcotics trafficking and drug abuse have reached epidemic proportions in this Nation. It is a multibillion-dollar business activity—exceeding $100 billion annually in the United States alone. The cost of this activity is compounded by the economic and social costs to those adversely affected by illicit drug use. The effect on our Nation's youth is especially alarming.

As the ranking minority member of the Select Committee on Narcotics Abuse and Control, I have witnessed the significant efforts of the administration to help control the supply of illicit drugs that are adversely affecting our citizens. While these efforts must be continued and intensified, there is no substitute for an increased awareness by our parents and children on the evils of drug abuse. In this regard, Mrs. Reagan is to be congratulated for her continuing efforts to help raise the consciousness of the public regarding the dangers of drug abuse.

The designation of National Drug Abuse Education and Prevention Week will provide an opportunity for all of us to concentrate our efforts on educating our children, teachers, and parents as to the deadly effects of drug abuse. In that connection, the distinguished chairman of the Select Committee on Narcotics Abuse and Control, the gentleman from New York [Mr. RANGEL], and I recently introduced H.R. 5990, the State and Local Narcotics Control Assistance Act which is designed to provide increased Federal resources to State and local governments to assist them in drug law enforcement, treatment, and education.

Mr. Speaker, I commend the distinguished gentleman from Florida [Mr. BENNETT] for introducing this resolution and for his dedicated efforts in helping to alert the citizens of our Nation as to the dangers of drug abuse. I also would like to commend the gentlelady from Indiana [Mrs. HALL] for her leadership in bringing this measure to the floor of the House, and accordingly, I urge my colleagues to support this resolution.●

● Mr. RANGEL. Mr. Speaker, I rise in support of House Joint Resolution 529 which would designate the week of September 23-29, 1984, as "National Drug Abuse Education and Prevention Week." The designation of this week to encourage drug abuse education and prevention activities in local communities is particularly appropriate because it corresponds with the third annual national conference of the National Federation of Parents for Drug-Free Youth. This group has played an important role in educating parents, teachers and other community leaders throughout the country about the dangers of drug abuse and has helped to mobilize the energies of local communities in effective drug prevention activities.

Drug abuse and drug trafficking are pervasive in the United States today and the problems they cause continue to mount. The social costs of drug abuse and drug trafficking are enormous, and the cost in terms of human suffering and lives wasted and lost is incalculable.

Combating drug abuse requires a coordinated, comprehensive, long-term national strategy that attacks the drug problem on all fronts. Our Federal Government must make the international control of narcotics a high foreign policy priority and use strong diplomatic initiatives to eradicate drug crops in source countries and curtail the international production, processing and transshipment of illegal drugs. Our domestic law enforcement agencies must be given the resources they need to interdict drug smuggling, dismantle trafficking organizations and put drug criminals in jail. We must provide treatment for the victims of drug abuse and expand our knowledge of drug abuse through increased research. We must also prevent the spread of drug abuse by educating our youngsters and all our citizens about the serious dangers drugs pose.

Implementing this strategy requires the full commitment of our Federal, State and local governments and the strong, voluntary participation of the private sector and our local communities all working together. The observance of "National Drug Abuse Education and Prevention Week" will make a valuable contribution to this strategy by increasing the awareness of drug abuse problems and promoting effective responses. As chairman of the Select Committee on Narcotics Abuse and Control and as a cosponsor of House Joint Resolution 529, I am pleased to support this worthwhile effort. I commend the gentleman from Florida [Mr. BENNETT] for his leadership in sponsoring this legislation again this year and also the gentlewoman from Indiana [Mrs. HALL] for bringing this important measure to the floor.●

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana [Mrs. HALL]?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 529

Whereas the illegal drug trade consists of approximately $79,000,000,000 in retail business per year;

Whereas removing the demand for drugs would reduce the illegal drug trade;

Whereas drug abuse destroys the future of many of the young people and adults in the Nation;

Whereas the eradication of drug abuse requires a united mobilization of national resources, including law enforcement and educational efforts; and

Whereas the most effective deterrent to drug abuse is education of parents and children in the home, classroom, and community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 23, 1984, through September 29, 1984, is designated as "National Drug Abuse Education and Prevention Week" and the President as authorized and requested to issue a proclamation calling upon the people of the United States to participate in drug abuse education and prevention programs in their communities and encouraging parents and children to investigate and discuss drug abuse problems and possible solutions.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ADULT DAY CARE CENTER WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 505) designating the week beginning September 23, 1984, as "National Adult Day Care Center Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas there are nearly eight hundred adult day care centers nationwide providing a safe and positive environment to partially disabled adults and senior citizens in need of daytime assistance and supervision;

Whereas adult day care centers provide necessary health maintenance functions and medical care, including medication monitoring, therapies, and health education, and are operated by professional staffs who identify the need for additional health services and make appropriate referrals;

Whereas adult day care centers provide opportunities for social interaction to otherwise isolated individuals and assist them in attaining and maintaining a maximum level of independence; and

Whereas these centers offer relief to families who otherwise must care for disabled elderly persons on a twenty-four-hour-per-day basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 23, 1984, is designated "National Adult Day Care Center Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

● Ms. SNOWE. Mr. Speaker, I am pleased that House Joint Resolution 505 designating the week beginning September 23, 1984, as National Adult Day Care Center Week passed today. As an original cosponsor of this resolution, my support for these centers is part of my longstanding commitment toward improving the quality of life for senior citizens.

To date, there are approximately 800 established adult day care centers in the United States, and according to the National Council on Aging, it is anticipated that more than 200 additional centers will be established annually.

Adult day care programs typically serve the impaired older person who cannot live entirely independently, but who nevertheless is not a candidate for a nursing home. Trained professionals provide comprehensive care during the day, allowing participants to return home at night and on weekends. The primary purpose and obvious benefits of such centers are: to prevent premature institutionalization; to relieve families of the burden of full time care; to help individuals remain independent for as long as possible; and to curtail health care costs.

Such day care also provides a welcome and needed respite for the caretaking family who cannot afford the time and expense of full-time institutional or home supervision. While at the center, the person is cared for and feels less of a burden while the family is not strained even further financially because someone had to give up a job to care for a mother or father.

This is particularly significant for care taking families of victims suffering from cognitive disorders such as Alzheimer's disease. Alzheimer's disease is a degenerative brain disorder, and is in fact the fourth leading cause of death in this country. Victims suffer from 3 to 20 years, and in the process lose control of most mental and bodily functions. Persons in the early stages of Alzheimer's disease, however, are capable of involvement in some meaningful activity. Adult day care centers can save institutional costs by allowing families to keep victims at home longer during these early stages of the illness.

Health care for the elderly remains fragmented and expensive in this country. Adult day care centers provide a needed alternative to the more expensive long-term care provided by nursing homes and other institutions. Representative dollar comparisons of day care programs and other long-term care costs are revealing. Adult day care costs approximate $22 per day. For this comparatively small amount, a participant receives one or two meals per day, transportation, nursing care, various therapeutic treatments if needed, stimulating activities and peer socialization for 6 to 10 hours per day. Further, subsidies to assist low-income families are available in many States. In comparison, nursing home care costs run about $60 per day. Clearly, day care does not provide the 24-hour care that these institutions provide, but it does meet the needs of many families who without day care would have to seek nursing home placement at a much greater cost.

By designating the week beginning September 23, 1984, as "National Adult Day Care Center Week," Congress can perform a valuable public service. As adult day care centers become more available in our communities, and as their services become better known, I am convinced families will find these programs to be a welcomed, affordable alternative to the long term, and often unnecessary institutionalization of their loved ones.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SEWING MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 302) to designate the month of September 1984 as "National Sewing Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 302

Whereas the sewing industry annually honors the approximately fifty million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over $3,500,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandising, design, patternmaking, and textiles have had their genesis in the home and in elementary school home economics classes; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of

September 1984 is designated "National Sewing Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

● Mr. BONER of Tennessee. Mr. Speaker, I rise in support of Senate Joint Resolution 302, designating the month of September as "National Sewing Month." As the sponsor of the identical resolution here in the House, I want to thank Chairwoman HALL, the ranking minority member, JIM COURTER and the 225 cosponsors of House Joint Resolution 491 for their support of this measure.

This is the third year in which the Congress has called upon the President to designate the month of September as "National Sewing Month." National Sewing Month, as my colleagues know, is a month set aside to support the home sewing industry and recognize the more than 40 million Americans who sew at home.

Sewing provides the opportunity for more than 40 million Americans—young, old, urban, and rural—to become self-sufficient in meeting some of their wardrobe needs. In addition, many thousands of Americans find employment in the sewing industry. They are employed directly as machinists, seamstresses, pattern makers, truckers, contractors, fashion designers, and merchandisers. In fact, the sewing industry is a large and historically important segment of or Nation's economy. More than 590 corporations, manufacturers, retailers, and wholesalers are engaged in textiles, the creation of patterns, and the manufacture of notions, fabrics, and sewing machiery. The home sewing industry generates over $3.5 million annually for our Nation.

Sewing has been an important element contributing to building the family. For years, indeed for generations, the fundamental of home sewing have been taught in the home and in home economic classes of local elementary and secondary schools. The great majority of individuals who currently work in the sewing industry had their first taste of sewing or both of these places—places where the pride, enjoyment, and creativity associated with sewing was first introduced.

As you know, Mr. Speaker, National Sewing Month coincides with an industrywide promotion designed to increase home sewing interest, consumer knowledge, and family sewing participation under a single universal sewing theme. The American Home Sewing Association, the only organization representing the home sewing industry in one voice, is to be congratulated for their promotional effort. I also want to thank them for their assistance in securing the support of the 225 Members who have joined me in sponsoring the House National Sewing Month resolution.

Again, I thank Chairwoman HALL for bringing National Sewing Month to the floor for consideration and request my colleagues to join me in passing this measure.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOMEN IN AGRICULTURE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 554) to designate the week of November 11, 1984, through November 17, 1984, as "Women in Agriculture Week," and ask for its immediate consideration.

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The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 554

Whereas farmwomen contribute substantially to the stabilization of family farms in the United States;

Whereas more than one million women are engaged, either solely or jointly, in the operation of farms in the United States;

Whereas farmwomen are involved in all aspects of farming operations either as accountants, machine operators, veterinarians, crop specialists, businesswomen, mothers, or other occupations;

Whereas farmwomen also make significant contributions to agriculture, the leading employer in the United States, by virtue of their motivation and pride;

Whereas farmwomen are committed to the preservation of their families and farming operations and to the prosperity of our Nation's agricultural economy; and

Whereas the appropriate recognition of the contributions made by our Nation's farmwomen is long overdue: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 11, 1984, through November 17, 1984, is designated as "Women in Agriculture Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OSTOMY AWARENESS MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 587) designating the month of August 1984 as "Ostomy Awareness Month," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 587

Whereas the word ostomy refers to a type of surgical operation, such as colostomy, ileostomy, and urostomy, that is required when a person has lost the normal function of the bowel or bladder as a result of birth defect, disease, injury, or other disorder;

Whereas nearly 125,000 new ostomy surgeries are performed each year;

Whereas an ostomy allows normal body wastes to be expelled through a surgical opening (stoma) on the abdominal wall;

Whereas more than 1.5 million individuals in the United States are ostomates, including persons of every age, race, occupation, and ethnic background;

Whereas the United Ostomy Association is dedicated to helping ostomates in North America overcome the trauma associated with this type of surgery and return to normal living and community responsibility through mutual aid, moral support, education about proper ostomy care, exchange of ideas, assistance in improving ostomy equipment and supplies, support of research, and public information; and

Whereas the United Ostomy Association, a nonprofit agency of nearly 650 chapters, is dedicated to improving the quality of life of all children, young adults, and senior adults whose lifestyle has been changed because of this radical surgical procedure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the month of August 1984 is designated as "Ostomy Awareness Month". The President is requested to issue a proclamation calling upon all Federal and State departments and agencies, public education groups, the media, the health care community, and the people of the United States to observe that month with appropriate ceremonies and activities.

Mr. HOYER. Mr. Speaker, I rise on behalf of House Joint Resolution 587, the bill which would designate the month of August as "Ostomy Awareness Month."

First I would like to commend the work of Congresswoman KATIE HALL, the esteemed chairwoman of the Subcommittee on Census and Population, and her colleague, Congressman BILL FORD, chairman of the Committee on Post Office and Civil Service Matters. Their leadership has been very important in bringing this bill to the floor in such a speedy manner. I would also like to thank the other 225 of my col-

leagues who joined me as a sponsor of this bill.

More than 1.5 million people in the United States and Canada have had to face the trauma of the surgical procedure known as an ostomy. These individuals are of all ages, races, occupations, and ethnic backgrounds and approximately 125,000 more join them each year.

The term ostomy signifies a type of surgery required when a person has lost the normal function of the bowel, or bladder, either due to disease, birth defect, injury, or other disorder. Those who have this surgery can and do return to normal living, but all the mending is not only physical. Many must first overcome the trauma associated with this radical surgery.

Public education and awareness can help. So can groups such as the United Ostomy Associations, Inc. with over 600 chapters and international affiliations. The association is dedicated to helping every ostomy patient return to normal living through mutual aid and moral support, education, exchange of ideas, assistance in improving ostomy equipment and supplies, advancement of knowledge of gastrointestinal diseases, and public education about ostomy.

It is important that the public have an understanding of this type of surgery, to lessen the fears for those about to undergo the surgery, and for family members and loved ones who are important in the rehabilitation process. For this reason, this House joint resolution designates the month of August, 1984 as "Ostomy Awareness Month" to promote public education and awareness of this disorder.

Mr. Speaker, I know that my colleagues will join with me today in approving this resolution, so that we can begin immediately to do our part in bringing public awareness to this important treatment.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOUSING WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 606) to designate the week of October 14, 1984, through October 21, 1984, as National Housing Week, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 606

Whereas the opportunity to own a home and live in decent housing is the foundation for family life and a source of national economic, social, and political strength;

Whereas the housing industry has led the Nation to economic recovery following every recession since World War II by creating millions of productive jobs for the unemployed, generating billions of dollars worth of tax revenue, and creating demand for goods and services;

Whereas the housing industry in 1983, although accounting for only 3.4 percent of the real gross national product, was responsible for 30 percent of the total economic growth, a $15,000,000,000 real increase in gross national product during the year;

Whereas a sustained and strong housing recovery is essential for a long-term economic recovery;

Whereas it is appropriate to reaffirm the national historic commitment to housing and homeownership and to recognize the economic opportunities created by the present housing recovery; and

Whereas the housing industry epitomizes the principle of free enterprise in the economic system of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 14, 1984, through October 21, 1984, is designated as "National Housing Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities.

HONORING CHAD KNUTSON

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 420) honoring Chad Knutson whose remarkably unselfish decision to donate his organs at his death made possible multiple life- and sight-saving transplant operations, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. STENHOLM. Mr. Speaker, reserving the right to object—and I will not object—House Joint Resolution 420 is a simple tribute to one young boy, Chad Knutson of Wrenshall, MN, which is represented here in Congress by my colleague JAMES OBERSTAR. By the age of 7 years, Chad had learned a sense of responsibility and caring that many of us as adults would do well to emulate. I want to thank Representative KATIE HALL, chairwoman of the Subcommittee on Census and Population, and Representative WILLIAM FORD, chairman of the Post Office and Civil Service Committee, for their expeditious handling of this resolution. I also want to thank my 227 colleagues who cared enough about one young boy's personal generosity to cosponsor this legislation.

I was proud of this body earlier in the summer when we overwhelmingly approved the Organ Transplant Act of 1984. This bill provides a desperately needed improvement of regional organ procurement agencies and creates a national computerized network to match organs to donors. We here in Congress are accustomed to dealing in macro terms such as this—in looking at the whole picture, in developing entire programs, in trying to find ways to meet the needs of the citizens as a whole. This is as it should be.

But it is also important for all of us here to be able to look past the programs and policies to see the individual behind it all. The wheels of the organ-donor system are in motion, but the success of this or any other system ultimately lies with each of us as individuals being willing to act on the responsibility and concern that bind us as caring people.

At age 7, Chad Knutson probably wouldn't have understood much of the technical and medical aspects involved in the Organ Transplant Act. He may not have fully appreciated the financial, moral, and ethical dilemmas many of us face in trying to decide how to apportion limited resources among so many worthwhile demands. He may not have comprehended that the blessing of advanced medical technology is accompanied by increasingly difficult decisions for lawmakers. But Chad did understand about responsibility and a caring spirit.

In November 1982, Chad asked his mother to explain about Jamie Fiske, the baby girl who first gained so much publicity about her liver transplant. As they were talking about the Utah boy whose liver went to Jamie, Chad instructed his mother: "When I die, I want to do that." Less than 1 year later, in September last year, Chad's wish came true. Tragically, Chad and his younger brother both died in a car-train accident. But out of that tragedy, Chad shared life and health with five other individuals through the donation of his heart, both kidneys, and both corneas.

Chad has done more than just help those five indivduals, though. He has given us all an opportunity to pause, remember, and be refreshed by the seemingly little stories of personal heroism that surround us. He has given us a reminder of the difference we each can make to those whose lives we touch. He has reminded us of our responsibility to make known our own desires to donate our vital organs.

Passage of House Joint Resolution 420 not only allows us to express a word of appreciation for that which Chad has given us—it also enables us to remind the rest of the Nation of

these important lessons. Individuals acting in a caring, responsible way is what has helped make this country great. Sharing the gift of life through organ donations is one of the greatest gifts anyone could offer. We are grateful to Chad for giving the example of his life to all of us.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 420

Whereas Chad Knutson at only seven years of age expressed the desire to give the gift of life by donating his organs when he died;

Whereas Chad Knutson met a tragic and untimely death less than a year after expressing such desire to his mother;

Whereas Chad Knutson's decision to be an organ donor facilitated five life- and sight-saving transplant operations;

Whereas such generosity and concern for the well-being of others is the keystone of a successful national organ transplant program;

Whereas Chad Knutson's parents made the difficult and courageous decision to allow Chad's organs to be used for transplant operations;

Whereas Chad's unselfishness stands in stark contrast to the profit-minded motives of organ donors who would sell their organs at high prices to desperate recipients faced with an inadequate supply of donor organs; and

Whereas Chad Knutson's brief but purposeful life and generous spirit can be a source of inspiration to those who have not considered becoming transplant donors: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate and House of Representatives honor and pay tribute to Chad Knutson and his parents for their unselfish and courageous behavior which made possible multiple life- and sight-saving transplant operations.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL COMMUNITY LEADERSHIP WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 574) to designate the week beginning on September 9, 1984, as "National Community Leadership Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRENZEL. Mr. Speaker, reserving the right to object—and I shall not object—it has been my privilege to be a principal sponsor of House Joint Resolution 574. The resolution designates the week beginning September 9, 1984 as "National Community Leadership Week."

As the 274 of my colleagues who join me in sponsoring this legislation know, this resolution pays tribute to the thousands of men and women who ably fill local leadership roles. It praises and publicizes the efforts of the over 200 community leadership organizations now training our leaders of the future.

Community leaders play a vital role in maintaining and shaping the future of our great Nation. Community leadership organizations provide a nonpartisan forum in which present and future leaders can meet to exchange ideas and expertise. In these fora, seasoned leaders benefit from fresh ideas, and emerging leaders profit from the experience of their predecessors.

These programs have proved to be highly successful. In my judgment, they will be even more beneficial in the future. Community leadership, and community leadership organizations, clearly merit our commendation and appreciation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 574

Whereas local communities form the foundation of our Nation;

Whereas qualified and well-trained leadership of our local communities helps sustain our democratic institutions;

Whereas, throughout local communities in the United States, community leadership programs have been instituted to identify and train citizens for leadership positions in their communities; and

Whereas hundreds of community leadership programs have produced thousands of talented and well-trained local leaders who are aware of the unique problems confronting their communities and can propose solutions to such problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on September 9, 1984, is designated as "National Community Leadership Week", and the President is authorized and requested to issue a proclamation calling upon local communities and the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YOUTH OF AMERICA WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 597) to designate the week beginning September 2, 1984, as "Youth of America Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 597

Whereas the children of our Nation, numbering more than fifty million, are this Nation's most valuable natural resource;

Whereas when adults share their knowledge, experience, and wisdom with the youth of this land, they teach our children to become an integral part of society as they mature into adulthood and contribute their abilities to our Nation's growth; and

Whereas all people in the United States can, together, strengthen this Nation's commitment to nurture in our children the development of strong democratic principles and sound, moral, and spiritual values which will help to make these United States a better place for all to live: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 2, 1984, is designated "Youth of America Week". The President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRATULATING ATHLETES OF U.S. OLYMPIC TEAM FOR THEIR PERFORMANCE AND ACHIEVEMENTS IN 1984 OLYMPIC GAMES IN SARAJEVO, YUGOSLAVIA, AND IN LOS ANGELES, CA

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 338) to congratulate the athletes of the U.S. Olympic Team for their performance and achievements in the 1984 winter Olympic games in Sarajevo, Yugoslavia, and the 1984 summer Olympic games in Los Angeles, CA, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

□ 1620

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object.

● Mr. DANIEL B. CRANE. Mr. Speaker, we have witnessed something quite extraordinary during the past few days as America's attention has been drawn to the Olympic games: a new spirit fills the air—you can almost taste it—due to those men and women whose efforts on behalf of the United States are a source of wonder and delight in every corner of America.

I simply want to take this opportunity to rise in support of Senate Joint Resolution 338 and congratulate each and every athlete participating in the games, from all the nations, and especially those who represent our country. For whether it has been humility in victory or grace in defeat, they have brought honor to America by their very examples. And by bringing honor to their country, they have brought it upon themselves.

Mr. Speaker, I would also like to single out, by name, those athletes who have made their home State of Illinois so very proud. Among them is Bob Espeseth, who represents the United States in men's rowing and who hails from Champaign in the 19th Congressional District.

Men and women of Illinois, the folks back home are bursting with pride.

Jackie Joyner, E. St. Louis—Track and Field.
Pam Page, Evanston—Track and Field.
Mike Conley, Chicago—Track and Field.
Sunder Nix, Chicago—Track and Field.
Jim Spivey, Wooddale—Track and Field.
Craig Virgin, Lebanon—Track and Field.
Mike Dunne, Peoria—Baseball.
Cathy Boswell, Sherwood—Basketball.
Bob Espeseth, Champaign—Rowing.
Angelo DiBernando, Chicago—Soccer.
Tom Jager, Collinsville—Swimming.
Greg Morava, Des Plaines—Team Handball.
Chris Spelius, Deerfield—Kayak.
Ann Turner, St. Charles—Kayak.
Robert Plankenhorn, Roselle—Canoe.
Danny Vanhaute, Chicago—Cycling.
Bart Connor, Morton Grove—Gymnastics.
Robert Berland, Wilmette—Judo.
Robert Nieman, Hinsdale—Modern Pentathlon.●

● Mr. COURTER. Mr. Speaker, I am proud to take this opportunity to extend my congratulations to the athletes of the U.S. Olympic Team. These men and women have demonstrated the commitment to excellence, the unsurpassed drive, and the good sportsmanship that make for success in its truest sense—success as seen in the number of victories our athletes recorded and as felt by all of us who have seen our athletes have done their very best.

The legislation before us today, Senate Joint Resolution 338, gives our Olympic athletes the public recognition they so deserve. I rise as a strong supporter of this legislation, and as an equally strong supporter of the ideals these athletes have upheld. It is a beautiful thing to see the hearts of America so lifted by the achievements and performances of our Olympic Team, and I think it is very appropriate that we recognize these men and women for their tremendous contribution to the spirit of America.

Mr. Speaker, I would also like to make note of those athletes who have made their home State of New Jersey so very proud. Among them are Jim Buehning and Stephen Kirk who represent the United States in team handball and who are residents of the 12th District.

Athletes of New Jersey, we couldn't be more proud of you:

NEW JERSEY'S OLYMPIC ATHLETES

Bruce Baumgartner, Halledon—wrestling.
Hernon Barga, Bloomfield—soccer.
Pam Boyd, Toms River—team handball.
David Brcic, Washington Township—soccer.
Jim Buehning, Short Hills—team handball.
Chris Catalfo, Montvale—wrestling.
Gwen Cheeseman, Haddenfield—field hockey.
Angel Dibernardo, North Halledon—soccer.
Anne Donovan, Ridgewood—women's basketball.
Jeff Durgan, Westwood—soccer.
Graig Gilbert, Cranberry—team handball.
Tom Kain, Wall Township—soccer.
Stephen Kirk, Short Hills—team handball.
Randy Lipscher, Lawrenceville—field hockey.
Micheal McCahey, Leonia—fencing.
Kathleen McGahey, Blackwood—field hockey.
Steve Mormando, Lakewood—fencing.
Steve Moyers, Washington Township—soccer.
Lou Mucardo, Port Redding—weightlifter.
Doug Nelson, Englewood—judo.
Lee Shelley, Hackensack—fencing.
Cindy Stinger, Lawrenceville—team handball.
Kazbek Tambi, Ridgewood—soccer.
Wenda Vareen, Trenton—track and field.●

Mr. FRENZEL. Mr. Speaker, I support this acknowledgment of the great achievements of all of our Olympic athletes. They have represented their country with distinction and honor.

My own congressional district has one medal winner, Susan Rapp of Eden Prairie, MN. She and every American competitor, has richly earned the commendation of Congress and all of their fellow citizens.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 338

Whereas the attention of millions of people around the world has focused on the 1984 winter Olympic games in Sarajevo, Yugoslavia and the 1984 summer Olympics in Los Angeles, California;

Whereas the contingent of athletes from the United States include some of the finest athletes and competitors ever produced by the Nation;

Whereas the athletes representing the United States have achieved great success personally and for the Nation; and

Whereas the United States Olympic athletes have represented themselves and the Nation with extraordinary grace and courage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the athletes of the United States Olympic team are congratulated for their performance and achievements in the 1984 winter and summer Olympics and the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by such athletes.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, did the gentlewoman's request apply to all of the resolutions which the House has passed?

Mrs. HALL of Indiana. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentlewoman from Indiana.

Mrs. HALL of Indiana. Yes, I included that. Members would have 5 legislative days to revise and extend their remarks on all of the resolutions just passed.

Mr. FRENZEL. Mr. Speaker, I thank the gentlewoman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, August 6, 1984, in the order that motion was entertained.

Votes will be taken in the following order: H.R. 5886, H.R. 4785, and H.R. 6027, all by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

AMERICAN FOLKLIFE CENTER AUTHORIZATIONS FOR FISCAL YEARS 1985 AND 1986

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5886.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HAWKINS] that the House suspend the rules and pass the bill, H.R. 5886, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 2, not voting 14, as follows:

[Roll No. 354]

YEAS—416

Ackerman	Coleman (TX)	Frank
Addabbo	Collins	Franklin
Akaka	Conable	Frenzel
Albosta	Conte	Frost
Alexander	Conyers	Fuqua
Anderson	Cooper	Garcia
Andrews (NC)	Corcoran	Gaydos
Andrews (TX)	Coughlin	Gejdenson
Annunzio	Courter	Gekas
Anthony	Coyne	Gephardt
Applegate	Craig	Gibbons
Archer	Crane, Daniel	Gilman
Aspin	Crane, Philip	Gingrich
AuCoin	Crockett	Glickman
Badham	D'Amours	Gonzalez
Barnard	Daniel	Goodling
Barnes	Dannemeyer	Gore
Bartlett	Darden	Gradison
Bateman	Daschle	Gramm
Bates	Daub	Gray
Bedell	Davis	Green
Beilenson	de la Garza	Gregg
Bennett	Dellums	Guarini
Bereuter	Derrick	Gunderson
Berman	DeWine	Hall (IN)
Bethune	Dickinson	Hall (OH)
Bevill	Dicks	Hall, Ralph
Biaggi	Dingell	Hall, Sam
Biliraki s	Dixon	Hamilton
Bliley	Donnelly	Hammerschmidt
Boehlert	Dorgan	Hance
Boggs	Dowdy	Harkin
Boland	Downey	Harrison
Boner	Dreier	Hartnett
Bonior	Duncan	Hatcher
Bonker	Durbin	Hawkins
Borski	Dwyer	Hayes
Bosco	Dymally	Hefner
Boucher	Dyson	Heftel
Boxer	Early	Hertel
Breaux	Eckart	Hightower
Britt	Edgar	Hiler
Brooks	Edwards (AL)	Hillis
Broomfield	Edwards (CA)	Holt
Brown (CA)	Edwards (OK)	Hopkins
Brown (CO)	Emerson	Horton
Broyhill	English	Howard
Bryant	Erdreich	Hoyer
Burton (CA)	Erlenborn	Hubbard
Burton (IN)	Evans (IA)	Huckaby
Byron	Evans (IL)	Hughes
Campbell	Fascell	Hunter
Carney	Fazio	Hutto
Carper	Feighan	Hyde
Carr	Ferraro	Ireland
Chandler	Fiedler	Jacobs
Chappell	Fields	Jeffords
Chappie	Fish	Jenkins
Cheney	Florio	Johnson
Clarke	Foglietta	Jones (NC)
Clinger	Foley	Jones (OK)
Coats	Ford (MI)	Jones (TN)
Coelho	Ford (TN)	Kaptur
Coleman (MO)	Fowler	Kasich
Kastenmeier	Moore	Shumway
Kazen	Moorhead	Shuster
Kemp	Morrison (CT)	Sikorski
Kennelly	Morrison (WA)	Simon
Kildee	Mrazek	Sisisky
Kindness	Murphy	Skeen
Kleczka	Murtha	Skelton
Kogovsek	Myers	Slattery
Kolter	Natcher	Smith (FL)
Kostmayer	Neal	Smith (IA)
LaFalce	Nelson	Smith (NE)
Lagomarsino	Nichols	Smith (NJ)
Lantos	Nielson	Smith, Denny
Latta	Nowak	Smith, Robert
Leach	O'Brien	Snowe
Leath	Oakar	Snyder
Lehman (CA)	Oberstar	Solarz
Lehman (FL)	Obey	Solomon
Leland	Olin	Spence
Lent	Ortiz	Spratt
Levin	Owens	St Germain
Levine	Oxley	Staggers
Levitas	Packard	Stangeland
Lewis (CA)	Panetta	Stark
Lewis (FL)	Parris	Stenholm
Lipinski	Pashayan	Stokes
Livingston	Patman	Stratton
Lloyd	Patterson	Studds
Loeffler	Pease	Sundquist
Long (LA)	Penny	Swift
Long (MD)	Pepper	Synar
Lott	Petri	Tallon
Lowery (CA)	Pickle	Tauke
Lowry (WA)	Porter	Tauzin
Lujan	Price	Taylor
Luken	Pursell	Thomas (GA)
Lundine	Quillen	Torres
Lungren	Rahall	Torricelli
Mack	Rangel	Traxler
MacKay	Ratchford	Udall
Madigan	Ray	Valentine
Markey	Regula	Vander Jagt
Marlenee	Reid	Vandergriff
Martin (IL)	Richardson	Vento
Martin (NC)	Ridge	Volkmer
Martin (NY)	Rinaldo	Vucanovich
Martinez	Ritter	Walgren
Matsui	Roberts	Walker
Mavroules	Robinson	Watkins
Mazzoli	Rodino	Waxman
McCain	Roe	Weaver
McCandless	Roemer	Weber
McCloskey	Rogers	Weiss
McCollum	Rose	Wheat
McCurdy	Rostenkowski	Whitehurst
McDade	Roth	Whitley
McEwen	Roukema	Whittaker
McGrath	Rowland	Whitten
McHugh	Roybal	Williams (MT)
McKernan	Rudd	Williams (OH)
McKinney	Russo	Wirth
McNulty	Sabo	Wise
Mica	Savage	Wolf
Michel	Sawyer	Wolpe
Mikulski	Schaefer	Wortley
Miller (CA)	Scheuer	Wright
Miller (OH)	Schneider	Wyden
Mineta	Schroeder	Wylie
Minish	Schulze	Yates
Mitchell	Schumer	Yatron
Moakley	Seiberling	Young (AK)
Molinari	Sensenbrenner	Young (FL)
Mollohan	Sharp	Young (MO)
Montgomery	Shaw	Zschau
Moody	Shelby	

NAYS—2

Hansen (UT)	Stump

NOT VOTING—14

Clay	Ottinger	Thomas (CA)
Flippo	Paul	Towns
Hansen (ID)	Pritchard	Wilson
Kramer	Shannon	Winn
Marriott	Siljander	

□ 1640

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2556) to authorize appropriations for the American Folklife Center for fiscal years 1985 through 1989, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2556

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by striking out "and where it appears immediately after "1983"; and

(2) by inserting after "1984" the following: ", $930,000 for the fiscal year ending September 30, 1985, $1,021,150 for the fiscal year ending September 30, 1986, $1,104,025 for the fiscal year ending September 30, 1987, $1,216,525 for the fiscal year ending September 30, 1988, and $1,319,550 for the fiscal year ending September 30, 1989".

SEC. 2. (a) Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b), the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

(b)(1) In the case of any such designation referred to in subsection (a) involving a day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Administration, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capital shall enclose with a fence any area designated pursuant to subsection (a) as a play area.

(3) The authority to use an area designated pursuant to subsection (a) as a play area may be terminated at any time by the Committee which approved such designation.

(c) Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) from placing playground equipment within an area designated pursuant to subsection (a) for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration,

and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on Administration, with the concurrence of the House Office Building Commission.

(d) The day care center referred to in S. Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) for use as a play area.

AMENDMENT OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS: Strike out section 1 of S. 2556 and insert the text of H.R. 5886 as passed by the House and renumber the remaining section.

Mr. HAWKINS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr HAWKINS].

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5886) was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule 1, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

OLDER AMERICANS ACT AMENDMENTS OF 1984

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4785, as amended.

The Clerk read the title of the bill.

● Mr. DAUB. Mr. Speaker, today I rise in strong support of H.R. 4785, the Older Americans Act of 1984. This act is the principal program providing supportive services to older individuals. This legislation incorporates many good changes into the act enabling us to continue providing important service to our Nation's senior population.

Since the Older Americans Act became law in 1965, we have seen tremendous progress made toward understanding and solving the problems of seniors. The Older Americans Act can be the means by which we reduce duplication of services, eliminate Federal redtape by identifying and delivering services from a local level, and secure dignity and respect for our senior citizens.

One of the strong points of the Older Americans Act is the flexibility provided to State and local aging agencies to direct resources to meet local priorities. This flexibility will be extended by increasing the allowable funds transfer between title III-B and title III-C, from 20 to 25 percent.

I encourage this flexibility and oppose provisions to further restrict it. In a recent letter from the director of the Nebraska Department on Aging, it was brought to my attention that the elder abuse services mandated in Senate bill 2306 are duplicative of what many States, Nebraska included, are already required by State law to provide. In Nebraska, these services are provided through the department of social services. Elder abuse services, therefore, should be left as an allowable service for other States.

In response to the growing health care needs and the changing health care delivery system, I am encouraged by the growing emphasis by States in providing community-based care. The Federal Government must continue to provide incentives to expand this alternative form of care.

I also support the extended research efforts made possible through title IV funding. This title will provide for both inservice training for professionals in the aging field and continued academic research. The language in the act targeting Alzheimer's disease research is essential in examining the far reaching impact of this disease that afflicts between 5 and 10 percent of people over age 65.

Our aim through these and other changes is to pursue the original intent of the Older Americans Act which is to meet the social service needs of our older citizens in the most effective manner possible. Our State and local aging agencies are successfully responding to these needs and achieving the goals we have set out for them. I support the passage of this bill today and encourage the prompt action by House and Senate conferees so we may continue to provide services to our Nation's seniors.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. ANDREWS] that the House suspend the rules and pass the bill, H.R. 4785, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 12, not voting 14, as follows:

[Roll No. 355]

YEAS—406

Ackerman	Dowdy	Jenkins
Addabbo	Downey	Johnson
Akaka	Dreier	Jones (NC)
Albosta	Duncan	Jones (OK)
Alexander	Durbin	Jones (TN)
Anderson	Dwyer	Kaptur
Andrews (NC)	Dymally	Kasich
Andrews (TX)	Dyson	Kastenmeier
Annunzio	Early	Kazen
Anthony	Eckart	Kemp
Applegate	Edgar	Kennelly
Aspin	Edwards (AL)	Kildee
AuCoin	Edwards (CA)	Kindness
Badham	Edwards (OK)	Kleczka
Barnard	Emerson	Kogovsek
Barnes	English	Kolter
Bateman	Erdreich	Kostmayer
Bates	Evans (IA)	LaFalce
Bedell	Evans (IL)	Lagomarsino
Beilenson	Fascell	Lantos
Bennett	Fazio	Latta
Bereuter	Feighan	Leach
Berman	Ferraro	Leath
Bethune	Fiedler	Lehman (CA)
Bevill	Fields	Lehman (FL)
Biaggi	Fish	Leland
Bilirakis	Florio	Lent
Bliley	Foglietta	Levin
Boehlert	Foley	Levine
Boggs	Ford (MI)	Levitas
Boland	Ford (TN)	Lewis (CA)
Boner	Fowler	Lewis (FL)
Bonior	Frank	Lipinski
Bonker	Franklin	Livingston
Borski	Frenzel	Lloyd
Bosco	Frost	Loeffler
Boucher	Fuqua	Long (LA)
Boxer	Garcia	Long (MD)
Breaux	Gaydos	Lott
Britt	Gejdenson	Lowery (CA)
Brooks	Gekas	Lowry (WA)
Broomfield	Gephardt	Lujan
Brown (CA)	Gibbons	Luken
Brown (CO)	Gilman	Lundine
Broyhill	Gingrich	Mack
Bryant	Glickman	MacKay
Burton (CA)	Gonzalez	Madigan
Burton (IN)	Goodling	Markey
Byron	Gore	Marlenee
Campbell	Gradison	Martin (IL)
Carney	Gramm	Martin (NC)
Carper	Gray	Martin (NY)
Carr	Green	Martinez
Chandler	Gregg	Matsui
Chappell	Guarini	Mavroules
Chappie	Gunderson	Mazzoli
Clarke	Hall (OH)	McCain
Clinger	Hall, Ralph	McCandless
Coats	Hall, Sam	McCloskey
Coelho	Hamilton	McCollum
Coleman (MO)	Hammerschmidt	McCurdy
Coleman (TX)	Hance	McDade
Collins	Harkin	McEwen
Conte	Harrison	McGrath
Conyers	Hartnett	McHugh
Cooper	Hatcher	McKernan
Corcoran	Hawkins	McKinney
Coughlin	Hayes	McNulty
Courter	Hefner	Mica
Coyne	Heftel	Michel
Craig	Hertel	Mikulski
Crockett	Hightower	Miller (CA)
D'Amours	Hiler	Miller (OH)
Daniel	Hillis	Mineta
Darden	Holt	Minish
Daschle	Hopkins	Mitchell
Daub	Horton	Moakley
Davis	Howard	Molinari
de la Garza	Hoyer	Mollohan
Dellums	Hubbard	Montgomery
Derrick	Huckaby	Moody
DeWine	Hughes	Moore
Dickinson	Hunter	Moorhead
Dicks	Hutto	Morrison (CT)
Dingell	Hyde	Morrison (WA)
Dixon	Ireland	Mrazek
Donnelly	Jacobs	Murphy
Dorgan	Jeffords	Murtha

Myers	Roukema	Swift
Natcher	Rowland	Synar
Neal	Roybal	Tallon
Nelson	Rudd	Tauke
Nichols	Russo	Tauzin
Nowak	Sabo	Taylor
O'Brien	Savage	Thomas (GA)
Oakar	Sawyer	Torres
Oberstar	Schaefer	Torricelli
Obey	Scheuer	Traxler
Olin	Schneider	Udall
Ortiz	Schroeder	Valentine
Ottinger	Schulze	Vander Jagt
Owens	Schumer	Vandergriff
Oxley	Seiberling	Vento
Packard	Sensenbrenner	Volkmer
Panetta	Sharp	Vucanovich
Parris	Shaw	Walgren
Pashayan	Shelby	Walker
Patman	Shumway	Watkins
Patterson	Shuster	Waxman
Pease	Sikorski	Weaver
Penny	Simon	Weber
Pepper	Sisisky	Weiss
Petri	Skeen	Wheat
Pickle	Skelton	Whitehurst
Porter	Slattery	Whitley
Price	Smith (FL)	Whittaker
Pursell	Smith (IA)	Whitten
Quillen	Smith (NE)	Williams (MT)
Rahall	Smith (NJ)	Williams (OH)
Rangel	Smith, Robert	Wilson
Ratchford	Snowe	Wirth
Ray	Snyder	Wise
Regula	Solarz	Wolf
Reid	Solomon	Wolpe
Richardson	Spence	Wortley
Ridge	Spratt	Wright
Rinaldo	St Germain	Wyden
Ritter	Staggers	Wylie
Roberts	Stangeland	Yates
Robinson	Stark	Yatron
Rodino	Stenholm	Young (AK)
Roe	Stokes	Young (FL)
Roemer	Stratton	Young (MO)
Rogers	Studds	Zschau
Rose	Stump	
Roth	Sundquist	

NAYS—12

Archer	Crane, Daniel	Hansen (UT)
Bartlett	Crane, Philip	Lungren
Cheney	Dannemeyer	Nielson
Conable	Erlenborn	Smith, Denny

NOT VOTING—14

Clay	Marriott	Siljander
Flippo	Paul	Thomas (CA)
Hall (IN)	Pritchard	Towns
Hansen (ID)	Rostenkowski	Winn
Kramer	Shannon	

□ 1650

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced, as above recorded.

A motion to reconsider was laid on the table.

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2603) to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) this Act may be cited as the "Older Americans Act Amendments of 1984".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965.

DECLARATION OF OBJECTIVES

SEC. 2. Section 101(8) is amended by inserting before the period a comma and "with emphasis on maintaining a continuum of care for the vulnerable elderly".

FUNCTIONS OF COMMISSIONER; FEDERAL AGENCY CONSULTATION

SEC. 3. (a) Section 202(a)(9) is amended—

(1) by striking out the first "and" and inserting in lieu thereof a comma; and

(2) by inserting after the word "aging" a comma and "including existing legislative protections with particular emphasis on the application of the Age Discrimination in Employment Act of 1967".

(b) Section 202(b)(1) is amended by inserting before the semicolon "and with utilization and quality control peer review organizations under title XI of the Social Security Act".

(c)(1) Section 203(b)(1) is amended to read as follows:

"(1) the Job Training Partnership Act,".

(2) Section 203(b)(3) is amended by striking out "XVIII, XIX, and XX" and inserting in lieu thereof "XVI, XVIII, XIX, and XX".

(d) Section 203(b) is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof a comma; and

(3) by adding at the end thereof the following:

"(10) the Public Health Service Act,

"(11) the Low-Income Energy Assistance Act of 1981,

"(12) part A of the Energy Conservation in Existing Buildings Act of 1976, relating to weatherization assistance for low income persons,

"(13) the Community Services Block Grant Act,

"(14) veterans programs under title 38, United States Code, and

"(15) demographic statistics and analysis programs conducted by the Census Bureau under title 13, United States Code.".

FEDERAL COUNCIL ON THE AGING

SEC. 4. (a) Section 204(a) is amended to read as follows:

"(a)(1) There is established a Federal Council on the Aging to be composed of 15 members. Members shall serve for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed by each appointing authority so as to be representative of rural and urban older Americans, national organizations with an interest in aging, business, labor, minorities, and the general public. At least two of the members appointed by each appointing authority shall be older individuals. No full-time officer or employee of the Federal Government may be appointed as a member of the Council.

"(2) Members appointed to the Federal Council on the Aging established by this section prior to the date of enactment of the Older Americans Act Amendments of 1984 who are serving on such date, shall continue to serve on the Federal Council established by paragraph (1) of this subsection until members are appointed in accordance with subsection (b)(1).".

(b) Section 204(b)(1) is amended to read as follows:

"(1)(A) The members appointed in 1985 shall be referred to as class 1 members; the members appointed in 1986 shall be referred to as class 2 members; and the members appointed in 1987 shall be referred to as class 3 members.

"(B)(i) Members of each class shall be appointed in the manner prescribed by this subparagraph.

"(ii) Of the members of class 1, two shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and one by the Speaker of the House of Representatives.

"(iii) Of the members of class 2, two shall be appointed by the President, one by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives.

"(iv) Of the members of class 3, one shall be appointed by the President, two by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader, and two by the Speaker of the House of Representatives.".

(c) Section 204(g) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the purposes of this section $200,000 for fiscal year 1985, $200,000 for fiscal year 1986, and $200,000 for fiscal year 1987.".

EVALUATION

SEC. 5. (a) Section 206(d) is amended—

(1) by inserting after "effectiveness" a comma and the following: "including, as appropriate, health and nutrition education demonstration projects conducted under section 307(f)"; and

(2) by inserting after "Congress" a comma and the following: "be disseminated to Federal, State, and local agencies and private organizations with an interest in aging,".

(b) The first sentence of section 206(g) is amended—

(1) by striking "1 per centum" and inserting in lieu thereof "one-tenth of 1 per centum";

(2) by inserting after "Act" the following: "for each fiscal year"; and

(3) by striking out "$1,000,000 whichever is greater" and inserting in lieu thereof "$300,000 whichever is lower".

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING; GENERAL PROVISIONS

SEC. 6. (a) The matter preceding clause (1) of section 301(a) is amended—

(1) by striking out "local agencies" and inserting in lieu thereof "area agencies" each time it appears;

(2) by inserting after "development" the following: "and implementation";

(3) by adding after "providers" a comma and "including voluntary organizations,"; and

(4) by striking "for the provision of" after the word "planning".

(b) Section 302(2)(B) is amended—

(1) by inserting after "employs" a comma and the following: "where feasible,"; and

(2) by inserting after "staff" the following: "to assess the needs and capacities of older individuals,".

(c) Section 302(4) is amended by striking "legal services" and inserting in lieu thereof "legal assistance".

(d) Section 302 is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health, social, nutritional and educational services and the provision of facilities for recreational activities for older individuals.

"(11) The term 'focal point' means a facility established to encourage the maximum collocation and coordination of services for older individuals.".

AUTHORIZATION OF APPROPRIATIONS; USES OF FUNDS

SEC. 7. (a) Section 303(a) is amended to read as follows:

"(a) There are authorized to be appropriated $265,000,000 for fiscal year 1985, $281,695,000 for fiscal year 1986, and $298,033,310 for fiscal year 1987, for the purpose of making grants under part B of this title (relating to supportive services and senior centers).".

(b) Section 303(b) is amended to read as follows:

"(b)(1) There are authorized to be appropriated $338,000,000 for fiscal year 1985, $350,168,000 for fiscal year 1986, and $366,976,060 for fiscal year 1987, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

"(2) There are authorized to be appropriated $65,900,000 for fiscal year 1985, $68,272,400 for fiscal year 1986, and $71,549,475 for fiscal year 1987, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).".

(c) Section 303(c)(2) is amended by striking "legal services" and inserting in lieu thereof "legal assistance".

ALLOTMENT

SEC. 8. Section 304(d)(1) is amended—

(1) by striking out "and" at the end of clause (B);

(2) by redesignating clause (C) as clause (D); and

(3) by inserting after clause (B), the following new clause:

"(C) such amount as the State agency determines to be adequate, but not more than 1 percent thereof, for conducting effective demonstration projects in health and nutrition education under section 307(f) shall be available for conducting such projects; and"

ORGANIZATION

SEC. 9. (a)(1) Section 305(a)(1)(E) is amended by striking out "(b)(5)" and inserting in lieu thereof "(b)(5)(A)".

(2) Section 305(a)(2)(E) is amended by inserting after "individuals" a comma and the following: "especially minorities,".

(3) Section 305(a) is amended by adding at the end thereof the following new flush sentence:

"The publication for review and comment required by clause (2)(C) of this subsection shall include—

"(i) a descriptive statement of the formula's assumptions and goals, and a definition for greatest economic or social need,

"(ii) a numerical statement of the actual funding formula to be used,

"(iii) a listing of the population, economic, and social data to be used for each planning and service area in the State, and

"(iv) a demonstration of the allocation of funds, pursuant to the funding formula, to each planning and service area in the State.".

(b) Section 305(b)(5) is amended by inserting "(A)" after the paragraph designation, and by adding at the end thereof the following new subparagraph:

"(B) Whenever the State agency designates an area agency on aging after the date of enactment of the Older Americans Act Amendments of 1984, the State agency shall give the right of first refusal to a unit of general purpose local government when the boundaries of such a unit and the boundaries of the area are reasonably contiguous.".

AREA PLANS

SEC. 10. (a) Section 306(a)(1) is amended by inserting after "area", the third time it appears, "and the efforts of voluntary organizations in the community".

(b) Section 306(a)(2)(B) is amended by striking out "and" the last time it appears in the parenthetical phrase and by inserting after "maintenance" a comma and the following: "and supportive services for families of elderly victims of Alzheimers' disease and other neurological diseases and organic brain disorders".

(c)(1) Section 306(a)(2)(C) is amended to read as follows:

"(C) legal assistance;".

(2) Section 306(a)(2) is amended—

(A) by striking out "and" at the end of subclause (B);

(B) by inserting "and" after subclause (C); and

(C) by adding at the end thereof the following new subclause:

"(D) services for the prevention of elder abuse;".

(d) Section 306(a)(3) is amended by striking out "to encourage the maximum collocation and coordination of services for older individuals, and give" and inserting in lieu thereof a comma and the following: "giving".

(e) Section 306 (a) (5) (A) is amended by inserting after "individuals" a comma and the following: "especially minorities,".

(f) Section 306 (b) is amended—

(1) by inserting "(1)" after the subsection designation and,

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Before an area agency on aging requests a waiver under paragraph (1) of this subsection, the area agency on aging shall conduct a public hearing in accordance with the provisions of this paragraph. The area agency on aging requesting a waiver shall notify all interested parties in the area of the public hearing and furnish the interested parties with an opportunity to testify.

"(B) The area agency on aging shall prepare a record of the public hearing conducted pursuant to subparagraph (A) and shall furnish the record of the public hearing with the request for a waiver made to the State under paragraph (1).".

STATE PLANS

SEC. 11. (a) Section 307(a)(3)(A) is amended by striking out "legal services" and inserting in lieu thereof "legal assistance".

(b) Section 307(a)(10) is amended by inserting before the semicolon a comma and "or where such services are directly related to such State or area agency on aging's administrative functions, or where such services of comparable quality can be provided more economically by such State or area agency on aging".

(c) Section 307(a)(13)(C) is amended—

(1) by striking out "charge participating individuals" in division (i), and inserting in lieu thereof "solicit voluntary contributions" and

(2) by striking out "charges" in division (ii) and inserting in lieu thereof "voluntary contributions".

(d) Section 307(a)(15)(B) is amended to read as follows:

"(B) the plan contains assurances that no legal assistance will be furnished unless the grantee administers a program designed to provide legal assistance to all older individuals with social or economic need and has agreed, if the grantee is not a Legal Services Corporation project grantee, to coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need; and the area agency makes a finding, after assessment, pursuant to standards for service promulgated by the Commissioner, that any grantee selected is the entity best able to provide the particular services;".

(e) Section 307(a)(15) is amended by striking out "legal services" each time it appears and inserting in lieu thereof "legal assistance".

(f) Section 307(a) of the Act is amended—

(1) by redesignating clauses (16), (17), and (18) as clauses (19), (20), and (21), respectively; and

(2) by inserting after clause (15) the following new clauses:

"(16) provide that with respect to services for the prevention of elder abuse—

"(A) the State will identify the public and private non-profit entities involved in the prevention, identification, and treatment of elder abuse, neglect and exploitation;

"(B) the State will, based on such identification, determine the extent to which the need for services for the prevention of elder abuse are unmet;

"(C) the State will establish, in areas where the State determines that the need for services is unmet, a program consistent with relevant State law and coordinated with existing State adult protective service activities for—

"(i) public education to identify and prevent elder abuse;

"(ii) receipt of reports of elder abuse;

"(iii) active participation of older individuals participating in programs under this Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance where appropriate and consented to by the parties to be referred; and

"(iv) referral of complaints to law enforcement or public protective service agencies where appropriate;

"(D) the State will not permit involuntary or coerced participation in the program of services described in this clause by alleged victims, abusers, or their households; and

"(E) all information gathered in the course of receiving reports and making referrals shall remain confidential unless all parties to the complaint consent in writing to the release of such information, except that such information may be released to a law enforcement or public protective service agency;

"(17) provide assurances that each State will provide inservice training opportunities for personnel of agencies and programs funded under this Act;

"(18) provide assurances that each State will assign personnel to provide State lead-

ership in developing legal assistance programs for the elderly throughout the State;".

(g) Section 307 is amended by adding at the end thereof the following new subsection:

"(f)(1) From amounts made available under section 304(d)(1)(C), each State shall provide for the establishment of at least one demonstration project for health and nutrition education to be conducted by one or more area agencies on aging within the State.

"(2) Each such project shall—

"(A) be administered by the area agency for the purpose of improving the health and nutrition of older Americans served by the agency;

"(B) be established and administered in consultation with the appropriate Long-Term Care Gerontology Center;

"(C) be designed to improve the health and nutrition of older Americans through increasing their physical fitness activities and improving the nutritional value of meals in their own daily living habits;

"(D) if appropriate, be conducted in conjunction with schools of public health, schools of medicine, public health and social service agencies, private voluntary organizations, or other entities concerned with the health and well-being of older Americans; and

"(E) evaluate and submit the evaluation prior to October 1, 1987 and submit such interim reports as the Commissioner may reasonably require.".

ADMINISTRATION

SEC. 12. (a)(1) Section 308(b)(1) is amended to read as follows:

"(b)(1)(A) From sums appropriated pursuant to section 303 and allotted to each State under section 304(a)(1) for each fiscal year, not to exceed 5 percent of the amount appropriated for each such year or $500,000, whichever is greater, shall be available for the cost of administration of the State plan, except that in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, the amount shall be 5 percent or $200,000, whichever is greater. For the purpose of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

"(B) The budget submitted under section 1105 of title 31, United States Code, for each fiscal year and the appropriation Act containing appropriations made pursuant to section 303 for each fiscal year shall separately set forth the amount available to carry out the provisions of this paragraph.".

(2)(A) Paragraphs (2), (3), and (4) of section 308(b) are repealed.

(B) Paragraphs (5) and (6) of section 308(b) are redesignated as paragraphs (2) and (3), respectively.

(3) The amendments made by paragraph (1) (other than the portion of the amendment adding a new subparagraph (B) to paragraph (1) of section 308(b)) and paragraph (2) of this subsection, relating to the increase in the amount available for the administration of State plans, shall be effective only for a fiscal year in which the amount available for the administration of State plans is equal to or exceeds $40,000,000.

(b) Section 308(b)(3) (as redesignated by subsection (a) of this section) is amended by striking "20 per centum" and inserting in lieu thereof "35 per centum".

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 13. (a) Section 311(d)(1) is amended to read as follows:

"(c)(1)(A) There are authorized to be appropriated $119,500,000 for fiscal year 1985, $123,802,000 for fiscal year 1986, and $129,744,500 for fiscal year 1987, to carry out the provisions of this section (other than the provisions of subsection (a)(1)) and such additional sums as may be necessary for fiscal years 1985, 1986, and 1987 to maintain the level of reimbursement for the number of meals served under such provisions in fiscal year 1983.

"(B) Effective on the first day of the first month after the date of enactment of this subparagraph, no State may receive reimbursement under the provisions of this section unless the State submits final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed.".

AUDIT

SEC. 14. (a) Section 313 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) State agencies and area agencies on aging shall not request information or data of providers which is not pertinent to a payment made pursuant to this Act.".

SUPPORTIVE SERVICES AND SENIOR CENTERS

SEC. 15. (a) Section 321(a)(5) is amended to read as follows:

"(5) services designed to assist older individuals in avoiding institutionalization and to assist individuals in long-term care institutions who are able to return to their communities, including client assessment through case management and integration and coordination of community services such as preinstitution evaluation and screening and home health services, homemaker services, shopping services, escort services, reader services, and letter writing services, through resource development and management to assist such individuals to live independently in a home environment;".

(b) Section 321(a)(6) is amended by striking out "legal services" and inserting in lieu thereof "legal assistance".

(c) Section 321(a) is amended—

(1) by redesignating clauses (14) and (15) as clauses (16) and (17), respectively, and

(2) by inserting after clause (13) the following new clause:

"(14) services for the prevention of elder abuse in accordance with clause (16) of section 307(a);

"(15) inservice training and State leadership for legal assistance activities;".

(d) Section 321(b)(1) is amended by striking all that follows "centers" and inserting in lieu thereof a period.

TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 16. (a) Title IV is amended by inserting after the title designation the following new sections:

"STATEMENT OF PURPOSE

"SEC. 401. It is the purpose of this title to expand the Nation's knowledge and understanding of aging and the aging process, to design and test innovative ideas in programs and services for older individuals, and to help meet the needs for trained personnel in the field of aging through—

"(1) placing a priority on the education and training of personnel to work with and on behalf of older individuals;

"(2) research and development of effective practices in the field of aging;

"(3) demonstration and other projects at the discretion of the Commissioner; and

"(4) dissemination of information on aging and the aging process acquired through such programs to public and private organizations or programs for older individuals.

"ADMINISTRATION

"SEC. 402. (a) In order to carry out the provisions of this title effectively, the Commissioner shall administer this title through the Administration on Aging.

"(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Education, the National Institutes of Health, and such other agencies and departments of the Federal Government as may be appropriate.".

(b) Section 411 is amended by inserting before the period a comma and the following: "with priority to training in the provision of supportive services to families of elderly victims of Alzheimers' disease and other neurological diseases and organic brain disorders".

(c) Section 421 is amended by adding at the end thereof the following: "Appropriate provisions for the dissemination of resulting information shall be a requirement for all grants made under this section.".

(d)(1) Section 422(b) is amended—

(1) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) as clauses (2), (3), (4), (5), (6), (7), and (8), respectively; and

(2) by inserting before clause (2) (as redesignated by this subsection) the following new clause:

"(1) meet the supportive services needs of elderly victims of Alzheimers' disease and other neurological diseases and organic brain disorders and their families, including—

"(A) home health care for such victims;

"(B) adult day health care for such victims; and

"(C) homemaker aides, transportation, and in-home respite care for the families, particularly spouses, of such victims;".

(2) Section 422 is amended by adding at the end thereof the following new subsection:

"(d)(1) Whenever appropriate grants made and contracts entered into under this section shall be developed in consultation with the appropriate Long Term Care Gerontology Center.

(2) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of project results.".

(e) Section 423(b)(3) is amended by inserting (A) after the paragraph designation and by adding at the end thereof the following: "(B) Grants made and contracts entered into under this section shall include provisions for the appropriate dissemination of information regarding the development of such services.".

NATIONAL IMPACT ACTIVITIES

SEC. 17. (a) Section 425 is amended—

(1) by designating the first sentence as subsection (b),

(2) by redesignating subsection (b) as subsection (c), and

(3) by inserting after the section designation the following:

"(a) The Commissioner shall, upon request, provide assistance to State agencies on aging, to work in conjunction with State protective service agencies so as not to duplicate activities already undertaken by such State protective service agencies, for the provision of technical assistance and de-

velopment of training materials for personnel in State and area agencies who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse.".

(b) Section 425(c) (as redesignated by paragraph (1) of this subsection) is amended by inserting after "carrying out" the following: "subsection (b) of this".

AUTHORIZATION OF APPROPRIATIONS FOR TITLE IV

SEC. 18. Section 431(a) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this title $28,500,000 for fiscal year 1985, $30,295,500 for fiscal year 1986, and $32,052,639 for fiscal year 1987.".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 19. (a) Section 502(c) is amended by adding at the end thereof the following new paragraph:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 12 per centum shall be available for paying the costs of administration for such project.".

(b) The amendment made by subsection (a) shall take effect on July 1, 1985.

ADMINISTRATION FOR TITLE V

SEC. 20. Section 503(b) is amended to read as follows:

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Job Training Partnership Act, the Community Services Block Grant Act, and the Vocational Education Act of 1984. Appropriations under this Act may not be used to carry out any program under the Job Training Partnership Act, the Community Services Block Grant Act, or the Vocational Education Act of 1984.".

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 21. Section 506 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall require the State agency for each State receiving funds under this title to report at the beginning of each fiscal year on such State's compliance with subsection (c). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allotted to each such project.".

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT

SEC. 22. Section 508(a)(1) is amended to read as follows:

"(1) $335,000,000 for fiscal year 1985, $351,415,000 for fiscal year 1986, and $368,282,920 for fiscal year 1987; and".

GRANTS FOR INDIAN TRIBES

SEC. 23. Section 608(a) is amended to read as follows:

"(a) There are authorized to be appropriated $7,500,000 for fiscal year 1985, $7,972,500 for fiscal year 1986, and $8,434,905 for fiscal year 1987 to carry out the provisions of this title other than section 606.".

TECHNICAL AMENDMENTS

SEC. 24. (a) The heading of title I is amended by striking out the colon and inserting in lieu thereof a semicolon.

(b) Section 204(d) is amended by striking out clause (2) and by redesignating clauses (3), (4), (5), and (6) as clauses (2), (3), (4), and (5), respectively.

(c) The first sentence of section 206(b) is amended—

(1) by inserting "under" before "title IV", and

(2) by striking out "section or".

(d) The second sentence of section 304(c) is amended—

(1) by striking out "subsection (d)(1)(D)" and inserting in lieu thereof "subsection (d)(1)(C)"; and

(2) by striking out "funds for" and inserting in lieu thereof "funds or".

(e) Section 307(a)(20)(B)(ii) (as redesignated by section 11(f)) is amended by striking out the period at the end of such section and inserting in lieu thereof a semicolon and "and".

(f) Section 309(b)(2) is amended by striking out "section 304(d)(1)(B)" and inserting in lieu thereof "section 304(d)(1)(D)".

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

SEC. 25. (a) Section 11(f) of the Age Discrimination in Employment Act of 1967 (hereinafter in this section referred to as "the Act") is amended by adding at the end thereof the following new sentence: "The term 'employee' includes any individual who is a citizen of the United States employed by an employer in a workplace in a foreign country.".

(b)(1) Section 4(f)(1) of the Act is amended by inserting before the semicolon a comma and the following: "or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located".

(2) Section 4 of the Act is amended by adding at the end thereof the following new subsection:

"(g)(1) If an employer controls a corporation whose place of incorporation is in a foreign country, any practice by such corporation prohibited under this section shall be presumed to be such practice by such employer.

"(2) The prohibitions of this section shall not apply where the employer is a foreign person not controlled by an American employer.

"(3) For the purpose of this subsection the determination of whether an employer controls a corporation shall be based upon the—

"(A) interrelation of operations,

"(B) common management,

"(C) centralized control of labor relations, and

"(D) common ownership or financial control,

of the employer and the corporation.".

(c)(1) Section 12(c)(1) of the Age Discrimination Employment Act of 1967 is amended by striking out "$27,000" and inserting in lieu thereof $44,000".

(2) The amendment made by paragraph (1) of this subsection shall not apply with respect to any individual who retires, or is compelled to retire, before the date of the enactment of this Act.

MOTION OFFERED BY MR. ANDREWS OF NORTH CAROLINA

Mr. ANDREWS of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of North Carolina moves to strike out all after the enacting clause of the Senate bill, S. 2603, and to insert in lieu thereof the provisions of H.R. 4785, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4785) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2603

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speakers table the Senate bill S. 2603, with the House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and, without objection, appoints the following conferees: Messrs. HAWKINS, BIAGGI, ANDREWS of North Carolina, MILLER of California, CORRADA, WILLIAMS of Montana, OWENS, ECKART, COLEMAN of Missouri, PETRI, Mrs. ROUKEMA, and Mr. CHANDLER.

There was no objection.

LOCAL GOVERNMENT ANTITRUST ACT OF 1984

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill (H.R. 6027) as amended.

The Clerk read the title of the bill.

● Mr. BROOKS. Mr. Speaker, while I support the goal of H.R. 6027, the "Local Government Antitrust Act of 1984" to provide relief for local governments and their officials from the full application of the antitrust laws to their official activities, I have strong reservations about several provisions in the bill as it was reported out of the Judiciary Committee. I believe the bill needs several changes to restrict its scope and make it consistent with the traditional approaches of Congress to antitrust matters.

First, and perhaps paramount, the retroactive application provided for in this bill is disturbing. As reported, the new law will apply to all pending cases. Those who have filed lawsuits in good faith to vindicate their rights under the law as it exists, good or bad, and have pursued them with every expectation of their application, are now faced with new rules. In eliminating what is felt to be the inequities in the old law, the retroactive application of newly crafted statutory law only creates a new set of inequities.

Such retroactive application is not in accord with the Judiciary Committee's traditional approach to changing existing law. I need only cite the recent refusal by the committee and Congress to retroactively apply the bankruptcy reforms to alleviate what many felt were the extreme hardships and unjust results flowing from the previous law. I fear that we will be in no position to refuse retroactive application of numerous other legislative reforms, all argued for because of injustice and hardship, which we will certainly be asked to enact.

Second, the scope of the bill as it was reported may be too broad. It applies not only to local governments and their officials, but also to private parties whose actions have been expressly required by a local government. This extension to private firms is an attempt to express and codify the existing court developed State-action doctrines at the local level. While that result may be warranted, I fear that the formulation will create a new and broad doctine of protection for private firms' actions in conjunction with local governments.

The exemption for private firms should not extend beyond the tightly drawn judicial doctrines which afford protection only if the private activity has been compelled by the Government so as to make it tantamount to government action. To construe this provision otherwise will create a giant loophole by which private businesses can arrange their affairs with local governments to secure virtual antitrust immunity.

Similarly, the provisions distinguishing official conduct, which is to be covered under the bill, and nonofficial conduct, which is not included within the ambit of the bill should also be narrowly construed. Conduct outside the clear authority of the local government, both criminal and noncriminal, as in *Affiliated Capital Corp.* v. *City of Houston*, F.2d 5th Circuit, en banc (July 16, 1984) is not to be protected under this bill. The antitrust laws should be fully applied to any activity which is not clearly and properly authorized.

I am also concerned with the provisions of the bill which restrict the remedy for antitrust violations to injunctive relief. I concur that the punitive remedy of treble damages specified in the antitrust laws is unwarranted when applied to local governments and their officers. The bill, however, goes beyond the elimination of treble damages to strip the right to actual damages for antitrust violations.

The elimination of actual, as well as treble, damages has two serious drawbacks. The bill, by providing for injunctive relief, recognizes that there is a role for the antitrust regulation of local governments to ensure proper competition in local markets. Injunctive relief alone will not provide the incentive for individuals and small businesses, to undertake the massive and protracted litigation necessary to enforce the antitrust law and achieve our free enterprise goals. Further, the award of actual damages is a traditional remedy found throughout the Nation's civil laws. It is based upon a fundamental belief that justice requires that those who are injured by illegal activity should be allowed to recoup their loss. In this instance, those who have been the victims of anticompetitive behavior should be paid back their actual loss. The injury is the same whether it has been caused by a group of individuals acting as a corporation or through a local government.

I note that in both the Joint Research and Development Act of 1984 and the Shipping Act of 1983, the committee felt that relief from treble damages under the antitrust laws was appropriate for certain groups, but that actual damages were retained. This is a sensible and just approach in providing relief when warranted, but still ensures the effective application of the antitrust laws to achieve our policy goal of a free and competitive economy.

Because this bill has been processed so rapidly from the Judiciary Committee's adoption last week, I do not believe my colleagues have had the opportunity to closely examine the bill to discover its deficiencies. Unfortunately, the bill is being considered under suspension of the rules and amendments cannot be offered to correct them. I strongly urge the Senate to carefully examine this legislation when it is reviewed there. The problems I have addressed need to be remedied before this bill becomes law.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 6027, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 5, not voting 13, as follows:

[Roll No. 356]

YEAS—414

Ackerman	Beilenson	Britt
Addabbo	Bennett	Brooks
Akaka	Bereuter	Broomfield
Albosta	Berman	Brown (CA)
Alexander	Bethune	Brown (CO)
Anderson	Bevill	Broyhill
Andrews (NC)	Biaggi	Burton (CA)
Annunzio	Bilirakis	Burton (IN)
Anthony	Bliley	Byron
Applegate	Boehlert	Campbell
Archer	Boggs	Carney
Aspin	Boland	Carper
AuCoin	Boner	Carr
Badham	Bonior	Chandler
Barnard	Bonker	Chappell
Barnes	Borski	Chappie
Bartlett	Bosco	Cheney
Bateman	Boucher	Clarke
Bates	Boxer	Clinger
Bedell	Breaux	Coats
Coelho	Harkin	Michel
Coleman (MO)	Harrison	Mikulski
Coleman (TX)	Hartnett	Miller (CA)
Collins	Hatcher	Miller (OH)
Conable	Hawkins	Mineta
Conte	Hayes	Minish
Conyers	Hefner	Mitchell
Cooper	Heftel	Moakley
Corcoran	Hertel	Molinari
Coughlin	Hightower	Mollohan
Courter	Hiler	Montgomery
Coyne	Hillis	Moody
Craig	Holt	Moore
Crane, Daniel	Hopkins	Moorhead
Crane, Philip	Horton	Morrison (CT)
Crockett	Howard	Morrison (WA)
D'Amours	Hoyer	Mrazek
Daniel	Hubbard	Murphy
Dannemeyer	Huckaby	Murtha
Darden	Hughes	Myers
Daschle	Hunter	Natcher
Daub	Hutto	Neal
Davis	Hyde	Nelson
de la Garza	Ireland	Nichols
Dellums	Jacobs	Nielson
Derrick	Jeffords	Nowak
DeWine	Jenkins	O'Brien
Dickinson	Johnson	Oakar
Dicks	Jones (NC)	Oberstar
Dingell	Jones (OK)	Obey
Dixon	Jones (TN)	Olin
Donnelly	Kaptur	Ortiz
Dorgan	Kasich	Ottinger
Dowdy	Kastenmeier	Owens
Downey	Kazen	Oxley
Dreier	Kemp	Packard
Duncan	Kennelly	Panetta
Durbin	Kildee	Parris
Dwyer	Kindness	Pashayan
Dymally	Kleczka	Patman
Dyson	Kogovsek	Patterson
Early	Kolter	Pease
Eckart	Kostmayer	Penny
Edgar	LaFalce	Pepper
Edwards (AL)	Lagomarsino	Petri
Edwards (CA)	Lantos	Pickle
Edwards (OK)	Latta	Porter
Emerson	Leach	Price
English	Leath	Pursell
Erdreich	Lehman (CA)	Quillen
Evans (IA)	Lehman (FL)	Rahall
Evans (IL)	Leland	Rangel
Fascell	Lent	Ratchford
Fazio	Levin	Ray
Feighan	Levine	Regula
Ferraro	Levitas	Reid
Fiedler	Lewis (CA)	Richardson
Fields	Lewis (FL)	Ridge
Fish	Lipinski	Rinaldo
Florio	Livingston	Ritter
Foglietta	Lloyd	Roberts
Foley	Loeffler	Robinson
Ford (MI)	Long (LA)	Rodino
Ford (TN)	Long (MD)	Roe
Fowler	Lott	Roemer
Frank	Lowery (CA)	Rogers
Franklin	Lowry (WA)	Rose
Frenzel	Lujan	Rostenkowski
Fuqua	Luken	Roth
Garcia	Lundine	Roukema
Gaydos	Lungren	Rowland
Gejdenson	Mack	Roybal
Gekas	MacKay	Rudd
Gephardt	Madigan	Russo
Gibbons	Markey	Sabo
Gilman	Marlenee	Savage
Gingrich	Martin (IL)	Sawyer
Glickman	Martin (NC)	Schaefer
Gonzalez	Martin (NY)	Scheuer
Goodling	Martinez	Schneider
Gore	Matsui	Schroeder
Gradison	Mavroules	Schulze
Gramm	Mazzoli	Schumer
Gray	McCain	Seiberling
Green	McCandless	Sensenbrenner
Gregg	McCloskey	Sharp
Guarini	McCollum	Shaw
Gunderson	McCurdy	Shelby
Hall (IN)	McDade	Shumway
Hall (OH)	McEwen	Shuster
Hall, Ralph	McGrath	Sikorski
Hall, Sam	McHugh	Simon
Hamilton	McKernan	Sisisky
Hammerschmidt	McKinney	Skeen
Hance	McNulty	Skelton
Hansen (UT)	Mica	Slattery

Smith (FL)	Swift	Weiss
Smith (IA)	Synar	Wheat
Smith (NE)	Tallon	Whitehurst
Smith (NJ)	Tauke	Whitley
Smith, Denny	Tauzin	Whittaker
Smith, Robert	Taylor	Whitten
Snowe	Thomas (GA)	Williams (OH)
Snyder	Torres	Wilson
Solarz	Torricelli	Wirth
Solomon	Traxler	Wise
Spence	Udall	Wolf
Spratt	Valentine	Wolpe
St Germain	Vander Jagt	Wortley
Staggers	Vandergriff	Wright
Stangeland	Vento	Wyden
Stark	Volkmer	Wylie
Stenholm	Vucanovich	Yates
Stokes	Walgren	Yatron
Stratton	Walker	Young (AK)
Studds	Watkins	Young (FL)
Stump	Weaver	Young (MO)
Sundquist	Weber	Zschau

NAYS—5

Andrews (TX)	Erlenborn	Williams (MT)
Bryant	Frost	

NOT VOTING—13

Clay	Paul	Towns
Flippo	Pritchard	Waxman
Hansen (ID)	Shannon	Winn
Kramer	Siljander	
Marriott	Thomas (CA)	

□ 1700

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to clarify the application of the Clayton Act to the official conduct of local governments, and for other purposes.".

A motion to reconsider was laid on the table.

MAKING IN ORDER ON THURSDAY, AUGUST 9, 1984, OR ANY DAY THEREAFTER, CONSIDERATION OF HOUSE JOINT RESOLUTION 635, URGENT SUPPLEMENTAL APPROPRIATION FOR THE FOOD STAMP PROGRAM, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at anytime on Thursday, August 9, or any day thereafter, to consider in the House the joint resolution (H.J. Res. 635) making an urgent supplemental appropriation for the Food Stamp Program for fiscal year 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to get an explanation of just what we are doing here. Do I understand this is only to cover the food stamp portion of the bill should you not be able to go to conference with the other body?

Mr. WHITTEN. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. WHITTEN. The gentleman is correct. This is, as he knows, an entitlement program. The funds will expire the first week in September. Unless we act now the 22 million people who are now on food stamps will be notified that there are no funds.

Insofar as the rest of the supplemental now pending in the other body, the Senate in Committee has added over 200 amendments and $1.5 billion. A study of that bill shows that there are no other essential items that have to be funded prior to the 15th of September. The only urgent item is the food stamp money which is necessary and an entitlement program. As I say, unless we act now the money will expire and notice will go out to terminate the distribution of food stamps for 22 million people.

So it appears to me, and I have counseled with others, that there is little if any chance that the other body can get through with the supplemental. If so, there is very limited chance that we can get together and complete a conference agreement.

This unanimous consent is a protective measure. May I say the leadership will determine whether to follow this approach. This request will make it possible that we can handle it this way tomorrow, should it be decided by the leaders on both sides.

Mr. WALKER. I thank the gentleman. Under my reservation I might say to the gentleman that I am getting worried because I am beginning to understand what he explains to me. But I would simply say to the gentleman that we would not have this problem had we fully funded the Food Stamp Program in the last year's appropriation bill rather than going through this exercise where we only partially fund the Food Stamp Program in order to show that we are within the budget in the appropriation bill.

If we had fully funded the Food Stamp Program back last year when we passed the appropriation bill we would not find ourselves in this bind, and so, to some extent, we have a crisis here of our owm making because we did not fully fund the program at the beginning.

Mr. WHITTEN. May I correct the gentleman again. Last year we had to cut it to the budget request. The Office of Management and Budget wanted us to appropriate the money without a budget request. We said we will appropriate it as soon as you give us a request.

So we did not try to hide anything from anyone, we did not mislead anyone. The Office of Management and Budget did come in with a budget request 2 weeks ago and the money was made available in the supplemental which we passed in the House.

Mr. WALKER. Further reserving the right to object, I would say to the gentleman the fact is though that the appropriation bill we had before us only funded the program for 11 months and we now find ourselves in this situation.

Mr. WHITTEN. May I say that the Office of Management and Budget only recommended that amount and we had no authority to cut the rates.

Mr. WALKER. I still contend with the gentleman that we ended up with an 11-month appropriation and that we are now paying the penalty for it because we have got to wait on the other body with a supplemental. If we had fully funded the program from the beginning, as we are supposed to around here, rather than playing games with the budget process, it seems to me that we would not be in this particular crisis.

I am not going to object to the gentleman's request but I would point out that this is precisely what takes place when we are not honest enough to fully appropriate for the full year on a lot of these programs.

Mr. WHITTEN. I appreciate the gentleman's attitude and his words are exactly the same words that I told to the Director of the Office of Management and Budget last year.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. DINGELL. Mr. Speaker, reserving the right to object, just briefly, the House language of the supplemental appropriation bill for 1984 essentially dealt with the problem of the employment level floors at the Department of Energy. The House version retained the floors but modified them. Can the gentleman tell me what are the plans of the committee with regard to that matter and is it involved in his request?

Mr. WHITTEN. Will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I do not know that I understood the gentleman.

Mr. DINGELL. The House language of the supplemental provides for certain employment levels at the Department of Energy. The Senate version would remove the floors. I oppose that. I am troubled that that may get away from us and that we may come back looking at the Senate bill. That would be bad. If that is not a part of the gentleman's request, I have no concern and support the gentleman.

Mr. WHITTEN. That is nothing to do with what we have here.

But I agree with the gentleman and I hope that we can stick to the position he has. But that is another matter entirely.

Food stamps are one item where we will run out of money the first week in September. We have to correct it now and that is the only thing involved in my request.

Mr. DINGELL. Mr. Speaker, I thank my good friend, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 4325, CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the unanimous consent agreement of Wednesday, August 1, 1984, I call up the conference report on the bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the Child Support Enforcement Program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, August 1, 1984.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from New York [Mr. CONABLE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this report represents the agreements reached by the Committee on Conference on the bill H.R. 4325, the Child Support Enforcement Amendments of 1984. While there were differences between the House and Senate versions of this legislation, the goal of both bodies was the same: to substantially improve child support enforcement. The lack of compliance with court ordered child support payments is a national disgrace.

This legislation will put some teeth in our child support enforcement program. The major provisions of the bill require States to provide for:

First, the mandatory withholding from wages of child support when arrearages occur;

Second, the mandatory intercept of State tax refunds to collect past due support for children receiving AFDC;

Third, the mandatory intercept of Federal tax refunds, through January 1, 1991, to collect past due support owed to both AFDC and non-AFDC families;

Fourth, the placing of liens on real and personal property to enforce payment of child support; and

Fifth, the requiring of bonds, securities or other guarantees when there is a pattern of past due support.

Mr. Speaker, this legislation represents a truly bipartisan effort to address a serious problem. I want to thank all of the members of the conference committee, in particular, Mr. FORD, chairman of the Subcommittee on Public Assistance and Unemployment Compensation, Mr. CAMPBELL, the ranking minority member of the subcommittee, and Mrs. KENNELLY, the primary sponsor of this legislation. Their efforts, and the efforts of many other Members from both sides of the aisle, have resulted in legislation that is sorely needed and deserving of the support of all Members of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

□ 1710

Mr. FORD of Tennessee. Mr. Speaker, I thank my distinguished chairman for yielding.

Mr. Speaker, I rise in strong support of this conference report and urge my colleagues to adopt it. This legislation is vital to the well-being of millions of children in this country and is deserving of the support of every Member.

According to the Census Bureau, in 1981 more than 8.4 million women were raising children whose fathers were absent; 30 percent of these women and children were living in poverty. Although most of these children should have been receiving child-support payments, child-support obligations had been established on behalf of only 60 percent of them. Of those that were due child support, 53 percent received only partial payment or no payment at all. The Census Bureau estimates that children are being cheated out of nearly $4 billion a year because of unpaid child support.

Mr. Speaker, I believe that a parent's first responsibility is to provide for the upbringing and welfare of his or her children. Unfortunately, it is far too easy today for absent parents to escape this legal and moral responsibility. This legislation is a major step in assuring that this responsibility will be met.

The most important provision in the legislation is the requirement that State laws provide for mandatory wage withholding when support payments are in arrears. In addition, there are provisions for the posting of bonds, for liens on property, and for the intercept of tax refunds in order to assure that child-support obligations are met.

The legislation also restructures the incentive payments to States to encourage the development of programs that emphasize collections on behalf of both AFDC and non-AFDC families and to improve the cost effectiveness of their enforcement programs.

Mr. Speaker, as the distinguished chairman of the Committee on Ways and Means has pointed out, this has been a bipartisan effort. This legislation was passed by both bodies by unanimous votes. The conference report deserves the same unanimous support.

Mr. Speaker, it is estimated that half of the children born this year will live in a single-parent family before they reach age 18. One-half that statistic along points out the dramatic need for this legislation.

I urge my colleagues to support the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. CONABLE. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I support the adoption of this conference agreement on H.R. 4325, the Child Support Enforcement Amendment of 1984. Early in this Congress, there was an outpouring of new ideas and legislation to strengthen the existing program of child-support enforcement. These ideas and bills were honed and combined into H.R. 4325 as passed by the House. Then they were further refined and added to the Senate. The resulting conference agreement before us today is an auspicious conclusion to that 2-year process. It stands as a piece of legislation which promises to make a substantial difference in the payment of child support in the United States.

Mr. Speaker, I realize that all children will not automatically be supported as a result of this measure passing.

We all know the circumstances of divided families, the acquisition of new obligations, the limited resources, frequently, that accompany marital difficulties of one sort and another. But it would be most unfortunate if we did not put the resources of the Government behind the collection of ordered child support to the extent possible.

This bill, I think, greatly improves our procedures and makes it much more difficult for absconding parents to avoid responsibilities which are rightly theirs, particularly in those circumstances in which they can afford to contribute to the welfare of their abandoned children.

Under the bill, States which have not already done so will be required to begin withholding child-support payments from noncustodial parents' paychecks when unpaid support totals 30 days of child support. Several backup enforcement technique will also be applied where appropriate. They include diverting Federal and State income tax refunds to pay past-due child-support obligations, reporting past due support to consumer credit agencies,

and imposing liens, bonds, and securities when parents fail to pay child support.

A major focus in the child-support debate during the 98th Congress has been the underlying purpose and intent behind the child-support enforcement program. Some maintained that it should aim primarily at recovering AFDC expenses incurred because families without child support must rely on welfare. Others contended that this Federal program ought to be available as a service to all families in need of assistance in securing child support, regardless of whether they receive welfare or not. This conference agreement reflects the rationale stated in both House and Senate bills which reaffirms that the program should be available to all who need services. This is an important statement of our intent that the Federal Government should assist in the costs of putting into place a nationwide efficient and effective child-support enforcement system that enables all children in need of support to receive timely and expedient assistance.

As is so often the case in programs where there is Federal financial participation, the House and Senate had different approaches to the Federal matching of administrative expenses, the incentive payments for collection of support, and the fiscal sanctions if a State's program does not comply with the requirements of the Federal statute. The conference compromise on these issues encourages States to operate programs that address both AFDC and non-AFDC child-support enforcement, and to do so in both an efficient and an effective manner. The Federal-matching rate for administrative expenses will be reduced to two steps, from 70 percent to 68 percent for fiscal year 1988 and 1989 and to 66 percent for fiscal year 1990 and thereafter. However, beginning October 1, 1985, the incentive-payment system will be replaced with a new dual system which pays separate incentives for AFDC and non-AFDC collections. States will receive incentives of at least 6 percent of collections and can qualify for as much as 10 percent if they run programs which are cost effective enough to collect $2.80 for every $1 spent in running the program. Finally, a realistic periodic review process has been enacted which will permit Federal oversight to concentrate on States which are not in substantial compliance and which will impose fiscal sanctions in a manner intended to achieve compliance with the Federal requirements.

The difficulty of enforcing child-support obligations across State lines has been a particularly nettlesome problem. This legislation has taken special care to address this situation by providing that the newly mandated State enforcement procedures will apply equally to in-State as well as out-of-State child-support obligations. The revised Federal incentive payments to States for child-support collections will reward both initiating States and responding State so that interstate cases will no longer be at a relative fiscal disadvantage. Finally, the Secretary of HHS is authorized to award to States grants to carry out special projects to develop innovative techniques and procedures for improving interstate enforcement.

This bill is an important step in securing the establishment and enforcement of child-support obligations. Child-support enforcement is a difficult area, and one should think that we have achieved total reform with the stroke of a pen. However, this bill is a significant measure. The unanimous votes by which the House and Senate passed the bill demonstrate the strong conviction of the Congress that the problem is a serious one and that States must respond aggressively to carry out the mandates of this legislation. I look forward to seeing it signed into law and I encourage my colleagues to support this measure.

Mr. GEKAS. Mr. Speaker, will the gentleman yield.

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, will the ranking member of the Committee on Ways and Means answer a question?

I understand the Federal connection in the projected law that would allow us to attach income tax refunds, et cetera. I do not understand completely the Federal connection that would permit us to compel the States to wage attachment.

Mr. CONABLE. Well, the State income tax you are talking about?

Mr. GEKAS. Yes.

Mr. CONABLE. As you know this is a participatory program in which States participate, also.

Mr. GEKAS. Yes.

Mr. CONABLE. And one of the conditions of the bill is that States make available collection from refund on State taxes as well as Federal taxes.

Mr. GEKAS. I understand on refunds, but how about wage attachment.

Mr. CONABLE. Wage attachment? That is permitted under this bill.

Mr. GEKAS. I understand it is permitted. What I am asking is what Federal retribution can we exact against a State that does not provide for wage attachment?

Mr. CONABLE. Well, the States have to contribute a portion of the cost of the program and the Federal Government reimburses them for expenses. Of course it they fail to cooperate, we can refuse to contribute to the State's expenses. If they are not cooperating in the enforcement of the program, sanctions may be applied.

Mr. GEKAS. That is exactly what I wanted to get on the record, so that we can demonstrate that the States have something to lose.

Mr. CONABLE. They do have something to lose. Clearly the States are heavily involved in the administration of this program, also, and they get incentive payments under this bill to encourage good cooperation.

Mr. GEKAS. I thank the gentleman.

□ 1720

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Speaker, I would just like to compliment the gentleman from New York and the majority for what I think is a fantastic effort to try to put an end to what I think can almost be labeled a national disgrace. I think the gentleman may agree with that.

When you take a look at 28 percent of the families never receive any child support payments. Twenty-three percent only partial payment.

I used to be a member of the State legislature when we had the budget crunches and we looked at the fact that there were many people who could afford to pay child support who just flat out ignored their responsibilities which put another burden on all the taxpayers. In addition to that, in addition to the fiscal consideration, it is just human decency to support those children that you have if that is your responsibility as provided for in a court agreement and is provided for, as far as I am concerned, by being born on the face of this Earth.

I want to compliment the gentleman for his action and the majority for the passage of what I think can be one of the most significant things that we do in this session of the Congress to help people who really need it, particularly the children in this country.

Mr. CONABLE. I thank the gentleman for his contribution.

Mr. FORD of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in strong support of the conference report on H.R. 4325, the Child Support Enforcement Amendments of 1984. The Child Support Enforcement Program has been one of the most successful and popular Federal-State cooperative programs ever enacted. Since its inception, the program has aided millions of children. It has collected over $8.8 billion in child support obligations since 1975.

But too many children are still not receiving the benefit of either full or timely support payments. The legislation we consider today gives States additional tools and financial incentives

to collect support for children of both AFDC and non-AFDC families. In approving this conference report, we will grant States the authority for mandatory withholding from wages, tax refund intercepts, and property liens in delinquent child support cases.

The amount of unmet child support obligations nationwide is estimated to total over $4 billion per year—a tragic loss for children who in many cases need this support to meet basic needs. I think H.R. 4325 will make more of this shocking debt collectible and I urge all of my colleagues to join me in strong support of this report.

Mr. CONABLE. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. CAMPBELL], a member of the committee.

Mr. CAMPBELL. Mr. Speaker, I rise in support of the conference report.

I would also like to congratulate the members of the Subcommittee on Public Assistance and Unemployment Compensation that worked so hard on this on both sides of the aisle. It was a bipartisan product and I think it is one of the most significant pieces of legislation that we have had before us this year.

Mr. Speaker, I believe that parents, both father and mother, have an obligation to support the children they bring into this world to the best of their ability. Unfortunately, all parents do not support their children even when orderd by the court to do so.

So a little more than a year ago, I, along with Mr. MOORE, Mr. FRENZEL, Mr. THOMAS, Mr. CONABLE, Mr. DUNCAN, Mrs. ROUKEMA, Ms. SNOWE, Mrs. JOHNSON, Mrs. MARTIN, Mr. MARRIOTT, and Mr. COATS, introduced a bill to improve the child-support enforcement situation in our Nation for all children. My bill required States to use proven child-support enforcement techniques, restructured the Federal financial role to encourage and reward States for aggressive and effective programs to serve all families in need of services, and encouraged States to adopt sophisticated systems to monitor and enforce support obligations.

My bill had plenty of legislative company. The administration sent us an excellent bill which served as the foundation for many of the provisions before us in the conference agreement today. My colleague, Representative ROUKEMA of New Jersey, sponsored a measure to require the withholding of child support from wages beginning with the first payment. There was also the bill introduced both as part of the Economic Equity Act and as a separate measure, by Mrs. KENNELLY, with bipartisan sponsorship.

This extensive and unprecedented legislative interest in child-support enforcement gave us an excellent chance to study various options for improving the Federal program. I am pleased that in just a little more than a year, both Houses of Congress and the administration have been able to agree upon legislation before us today.

This positive and timely outcome has been possible because of the somewhat unusual cooperation of all involved. The administration, and particularly Secretary Heckler, deserve credit for helping to keep the issue on the front burner. Members from both parties and both Houses of Congress collaborated to refine and strengthen the bill as it forward through the legislative process. And outside groups with experience and expertise provided valuable assistance and guidance.

I became involved in this issue personally because I was familiar with specific situations back home where the nonpayment of court-ordered child support had had terrible consequences for families. I began to realize that these were not just isolated, unusual examples affecting an unfortunate few. Instead, these problems are being experienced by literally millions of families in every State and locality. And unfortunately, the Federal-State program already on the books, despite its not inconsequential cost and efforts, has not succeeded in improving compliance with child-support obligations to even the 50-percent mark.

I want to warn my colleagues that the legislation we are about to approve stands as a signal that we here in Congress are deadly serious about dealing with this child-support situation. This bill is no cosmetic fluff. Those of us familiar with its provisions know that it has real teeth.

If we enact this bill, we will be getting very tough in the next few years on parents who have not paid the support they legally and morally owe to their children. If this bill works as intended, we had better expect to hear from angry constituents complaining about various enforcement actions taken against them. Frankly, complaints from constituents who are being forced to pay child support are far preferable to pleas from single-parent families who are receiving no help whatsoever from the parents who moved out.

And that is not all. We will also be getting tough on States which have not mounted aggressive and effective programs to make sure that most child-support payments are made regularly and on time. Although child-support collections have increased in recent years, some States still lag far behind in both the extent of their efforts and the cost efficiency of their programs. So you had also better prepare to hear your State officials complaining that the "Feds"—we who are standing here right now—have made them pass difficult laws to implement support enforcement.

The specifics of the bill are being described by others, so I will just highlight a few provisions of special interest. First, States will have to impose wage withholding if child-support arrearages mount up to 30 days' worth of support. Some would have preferred 60 days as the trigger level and some preferred zero days so that withholding would begin automatically with the first payment. I believe that 30 days is a good compromise. Of course, States which wish to impose a more restrictive standard are free to do so. However, States like my own, which do not now provide for any wage withholding whatsoever, will have their work cut out for them in the next session of the State legislature.

Next, a number of other enforcement techniques must also be provided by the State to complement wage withholding. These include the imposition of liens on real and personal property and the obtaining of bonds or other securities to guarantee payment of support.

States will also have to provide that all support orders issued after October 1, 1985, will provide for wage withholding if the support is not paid. I proposed adding this to the bill so that parents would have the option of enforcing their support orders through private channels if they so desired.

Child-support debts should be paid up before parents take on new credit obligations. Therefore, the bill requires States to inform consumer credit agencies, upon their request, of child-support arrearages of $1,000 or more.

So that parents will know where to seek services in enforcing support, child-support agencies are required to publicize periodically the availability of services together with an address or phone number to contact for further information.

I am very pleased that the House conferees accepted Senator GRASSLEY's provision that expands the current Federal income tax refund offset to cover all delinquent parents, regardless of their families' welfare status. Starting in 1986, Federal tax refunds owed to parents who are behind on child-support payments can be diverted by the Government to pay back their past due support. States with income taxes will be required to do likewise.

States will see their automatic matching payments reduced from 70 to 66 percent beginning in fiscal year 1990. In the meanwhile, however, a revised system of incentive payments will permit States to maintain or even increase their Federal funding, provided they operate efficient programs which reach both AFDC and non-AFDC families.

The bill revises the procedure for reviewing State's compliance with Federal program requirements. States with

good records of compliance will be audited only every 3 years while those with compliance problems will be reviewed more frequently. Fiscal sanctions, in the form of reduced Federal matching for AFDC, will be coordinated with State corrective action plans so that compliance with Federal standards and requirements can be achieved.

In order to give us a better picture of State performance, more detail will be required in States' annual reports to the Secretary. These reports will guide us in evaluating the operation of the new legislation and in assessing the need for further action in the future.

These are just a few of the changes contained in H.R 4325. The entire package, I believe, has the potential to transform the child-support enforcement efforts in the United States into a solidly effective program. The dismal nationwide statistics on child support indicate that most parents do not now live up to their child-support responsibilities. They let their families go on welfare or simply do without. However, I believe that if States follow through on the mandates in this bill and respond to its incentives, we can turn this situation around in a few years. No one is making any promises, of course, because this is a very difficult problem. But the conference agreement offers at least a very real reason to hope that change—a revolutionary change—is in the offing, and that we will be moving from a situation where nonpayment of child support is the rule to one where it is the exception.

I strongly support this conference agreement and I hope that you will join me in that support.

Mr. CONABLE. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], one distinguished Member of this body who has taken a great deal of initiative in this matter and has provided leadership badly needed to the Congress as a whole.

□ 1730

Mrs. ROUKEMA. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is with a mixture of hope and pride that I rise today in support of the conference report to accompany H.R. 4325, the Child Support Enforcement Amendments of 1984, with hope for the millions of women and children presently enduring economic hardships and emotional abandonment and pride that the 98th Congress has achieved a bipartisan national child-support reform of landmark proportions. The timely passage of this conference report will make full implementation of an enforceable national interstate system a reality by October 1985.

It was not so long ago that child support was a very private matter, so private, in fact, that millions of fathers nationwide were ignoring their legal obligations, making economic victims of their children. With the introduction of legislation in the spring of 1983, the cloak of secrecy was lifted.

We, in the House, approved H.R. 4325 in November of last year. The Senate followed in April of this year. Finally, we have before us today the assurance to the children of this Nation that they will no longer be victims of callous parental neglect.

The landmark action we are about to take in this House represents a sea of change in thinking of this body. It puts the Federal Government firmly on record that child support is not a voluntary commitment, but a legal and moral obligation. This bill affirms that the U.S. Congress will not turn its back on children nor look the other way when families need help.

That this bill now passes with no opposition, or little, belies the controversy that surrounded it just a year ago.

While acknowledging that child support was a problem, opponents to this reform were initially firm. Numerous objections were raised—some substantive, some specious. We heard States' rights arguments. We heard the clarion for fathers' rights. We heard objections based on due process. Bureaucratic costs were also questioned, and objections were raised by those who feared that wage withholding would cause hardship for employers.

But the case for this reform proved to be so compelling, the injustice so clear, and the victims so many that a powerful consensus quickly developed.

While this legislation does not contain all that might have been achieved, it is far, far more than a pretext of reform. It is strong medicine.

This fundamental reform is centered on four basic principles. First, the withholding of wages for the payment of legally ordered child support. Second, a formula of credible bonuses and penalties for the States, with formulae provide strong incentives to insure compliance and develop a reciprocal national enforcement apparatus. Third, the development of a system which provides universal coverage applying to AFDC and self-supporting families alike. Finally, the creation of a system which can be implemented quickly and be easily implemented by the States.

The legislation before us today includes the use of withholding after a 30-day delinquency period. This procedure vastly improves the current, unworkable system that clogs the court dockets and results in unenforceable court-ordered collections. It gives added authority to those child support orders and treats them as the legal obligations they are. Withholding is essential to the construction of an effective inter- and intra-state collection system.

I continue to be of the opinion that automatic withholding from the time a support order is issued, without permitting delinquency default, will better serve all parties. Automatic withholding provides immediate and efficient enforcement and minimizes the necessary collection apparatus. I would hope that, in the near future, our experience will validate the experience of several States that are moving toward automatic withholding. Logic dictates the necessity of this method of collection.

Any meaningful reform needs credible bonuses and penalties which the Department of Health and Human Services can use to enforce compliance by the States. Our current system has no "teeth." The States are able to operate their child-support agencies randomly with no enforceable penalties to ensure compliance. Under this bill, if a State is in noncompliance after a review period, the Secretary of Health and Human Services can penalize that State up to 2 percent of its AFDC matching funds. This penalty would increase to between 3 to 5 percent if a State were to continue in noncompliance. States with a good collection record would be eligible for bonus payments. These payments will be awarded to States for good collection records in both AFDC and non-AFDC cases as well as for their good performance in interstates cases.

As I have long maintained, in order for true reform to occur, we must have a strong system of bonuses and penalties which is automatically triggered when a State is in noncompliance. This legislation allows the Secretary of Health and Human Services the discretion to impose these penalties. That significantly weakens the original intent of the House. I am vehemently opposed to the dilution of this major provision. It is one which I hope could be amended in the future. However, I do support the passage of the bill, as I believe that the total package is a tremendous improvement over the current system.

Currently, interstate cooperation in child-support enforcement is virtually nonexistent. As a result, it is far too easy for a person to move from State to State to avoid paying child support. It is also not uncommon for a custodial parent to have two or more court orders for child support in different States. Under this report, both the State collecting and the State paying would be eligible for incentive money.

Third, this reform measure should end the discrimination between AFDC and non-AFDC cases. Child-support enforcement is not simply a problem for so-called welfare families. It is a problem that is growing across all levels of society. Often, families who had exhausted their hard-earned financial means in court had to resort to

the welfare roles to care for the very basic of needs of their children. And, let us not forget the taxpayers are absorbing the costs of delinquent parents. Child support is a legal and moral obligation for the parents and not the taxpayers and the bill ensures that this principle is upheld.

Last, this bill mercifully establishes no new bureaucracies and places no further strains on our already overcrowded court dockets.

It is important to note that this legislation in no way infringes on the separate States' rights to enact divorce, support, and visitation codes. This legislation merely requires the States to establish commissions to examine their own child-support systems and report their findings to the Congress prior to the October 1, 1985, implementation date of this bill.

In summary, this legislation will remedy the problem of scofflaws who defy the law and abandon their moral and legal obligations to their children. It establishes the responsibilities of both State and Federal authorities in the enforcement of court-ordered child-support payments. It is a giant step forward toward an enforceable, nationwide system where State and Federal authorities maintain a cooperative network.

Let me repeat: Child support is the responsibility of parents and not the taxpayers. It is essential that we halt the tragic trend that sees more and more women and children, economically abandoned by a deadbeat dad, slip onto the public assistance rolls, thus becoming wards of the taxpayers.

Mr. FORD of Tennessee. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY] who I would also like to say is the prime sponsor of this conference report that is before us today, and as chairman of that subcommittee, I would just like to say that she worked tirelessly in bringing that legislation out of the subcommittee and onto the House floor.

Mrs. KENNELLY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the conference report on H.R. 4325, the Child Support Enforcement Amendments of 1984. I wish to commend the leadership of the Committee on Ways and Means, Chairman DAN ROSTENKOWSKI and Representative BARBER CONABLE, as well as Representatives HAROLD FORD and CARROLL CAMPBELL, the chairman and ranking minority member of the Public Assistance Subcommittee, for their efforts on this bill. Because of their fine work, we have strong legislation to end the national disgrace of nonpayment of child support and to ensure that assistance in securing support will be available to all children.

This has truly been bipartisan legislation. Arising from the long interest of the congressional caucus for women's issues in child-support reform and modeled after title V of the Economic Equity Act, which I introduced last year as H.R. 2374, the bill incorporates the ideas and suggestions of many Members of Congress—as Senator DOLE has said, from both sides of the aisle and both sides of the Capitol. In addition, the bill has benefited greatly from the contributions of many people from off the Hill, particularly the individuals whose own children have suffered from the unwillingness or inability of a system to enforce the payment of court-ordered support.

In many respects, the conference on H.R. 4325 was an easy one. The conference agreement includes the following enforcement procedures: Mandatory income withholding after an arrearage of 30 days for all child support orders in the State; Federal and State income tax refund offsets for both non-AFDC and AFDC cases; the imposition of liens on property; the securing of bonds; the reporting of arrearages to credit bureaus; the requirement that States expedite cases involving child-support obligations and any related obligations. In addition, the States must permit the establishment of paternity at least until the child's 18th birthday and notify AFDC recipients of support collected. The States are required to collect spousal support under certain specified circumstances and are given the option to provide tracking and monitoring of support payments at the request of either parent. The conferees also wisely agreed that medicaid coverage will continue for 4 months in order to provide a transition for a family which no longer qualifies for AFDC as a result of increased child-support collections.

I personally am very pleased that the conferees followed the House bill in directing the Governors of each State to appoint a commission—a high-level, working, blue-ribbon group—of judges, legislators, executive branch officials and, most importantly, custodial and noncustodial parents to examine the State's entire child-support system. The commissions are logical and appropriate forums for the development of guidelines for objective support awards, required under another provision of the bill by October 1, 1987. The commissions should be given a broad mandate to examine family law issues in the State, including issues surrounding visitation and custody. As each of us who has worked on this bill has delved into the problems of children of divorce and parental separation, we have all understood that tragedies come in many forms for children who suffer the effects of a family breakdown, and financial deprivation is only one of these. We ask the States to establish commissions because we want them to build upon this legislation and ensure its proper implementation but also because we in the Congress believe the establishment and enforcement of visitation and custody are important for children who are all too often the pawns, and the victims, in the battles of their parents.

Every conference has its disappointments and I am not entirely satisfied with the final version of the legislation with respect to the Federal match of administrative costs and the Federal incentive formula. I would have preferred that the Federal share remain at 70 percent, although I am glad the House conferees were able to make the Senate reduction here more gradual. I am also afraid we have not developed a financial formula which provides the States sufficient incentives to improve their programs, in that the cap on the non-AFDC bonus only reaches 115 percent of the AFDC collection bonus in fiscal year 1990 and all States receive a basic incentive of 6 percent of AFDC collections and 6 percent of non-AFDC collections even if their effectiveness ratios are low. I believe the Congress should match what happens with this new financing formula very closely; I would not be surprised if adjustments will have to be made to remedy unintended results.

On the whole, though, Mr. Speaker, the conference report represents an excellent agreement. We are taking strong action to ensure justice for children and to break down economic discrimination against women. As the author of the original legislation, I am very happy with the bill's progress and the widespread bipartisan support it has earned. I urge my colleagues to vote in its favor but I also want to say that regardless of all the ballyhoo we will hear about this bill in the weeks to come, this is only one step to ensure justice and end discrimination. The fact that so many women and children in America live in poverty, and their numbers are growing, is deeply disturbing. As much as I want to believe in miracle cures, the problems of ending this poverty are complex, and enactment of the Child Support Enforcement Amendments of 1984 by itself will not do the trick. The administration's support for this measure has been very helpful; but the administration's support is also needed to restore the commitment to programs which directly alleviate poverty, to back up the laws protecting children from abuse and neglect, to increase the availability of day care, to establish once again that recipients of Federal funding must practice equal opportunity, to guarantee fair wages, and to affirm equal rights for all women in our Constitution.

Again, Mr. Speaker, I thank everyone who has played a role in bringing

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this bill to completion and I urge my colleagues to vote in its favor.

Mr. CONABLE. Mr. Speaker, I now yield 2 minutes to the distinguished gentleman from Louisiana [Mr. MOORE], a member of the committee, and an expert on this subject.

Mr. MOORE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to join my colleagues in commending this conference agreement. The child support program under title IV-D of the Social Security Act was first enacted in 1974. This conference agreement marks a substantial redirection and addition to that program.

Many of us were appalled last year as we began to study child-support issues to learn how poor the compliance rate has been in the United States, despite the excellent work being done under the title IV-D program. Our hearings included witnesses who related incredible stories of the exhaustive but seldom successful effort to get former spouses to help support their children. We heard as well from enforcement officials who reiterated the frustrations of trying to use decentralized and multilayered enforcement procedures to keep pace with a burgeoning and often impatient caseload. Given the fact that almost half of our Nation's children sometime before reaching age 18 potentially will need to rely on child support, we concluded the obvious: further legislation is needed to give the existing program a push toward achieving more widespread compliance with child-support responsibilities. I believe the conference agreement before us today contains just that sort of needed impetus.

Summaries and detailed explanations of the provisions of the conference agreement are available, so I will not go into all the specific features of the legislation, but two need special mention: the wage withholding and tax refund offset provisions. These two offer new very formidable weapons to insure payment of child support. I am proud to have been an original coauthor and conferee. I urge all my colleagues to support the conference report.

Mr. CONABLE. I would inquire of the gentleman from Tennessee how many speakers he has.

Mr. FORD. Tennessee. The majority side had 4 more speakers.

Mr. CONABLE. Mr. Speaker, I have only one more speaker, so I would prefer to reserve the balance of my time.

Mr. FORD of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BIAGGI.].

Mr. BIAGGI. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am most pleased to rise in support of the conference report to accompany H.R. 4325, the Child Support Enforcement Amendments of 1984. This is a most significant occurence in the legislative history of the 98th Congress for it serves to demonstrate to the American public that Congress is not just concerned, but committed to providing relief to the millions of American women and children who are victimized by the scandal of nonpayment of child support.

It was just about 1 year ago when I went to the White House together with our former colleague, now the junior Senator from Iowa, Mr. GRASSLEY, to witness President Reagan sign into law a joint resolution designating August of 1983 as "National Child Support Enforcement Month." In my mind, the support of this resolution by the House and Senate and the advocacy of President Reagan and Secretary Heckler provided the catalyst for this meaningful legislative product before us.

Clearly the nonpayment or underpayment of court-ordered or voluntary child support is a full-fledged national scandal. It is an open and festering sore on our national conscience. The magnitude of the problem is both awesome and staggering. In our Nation today there are more than 21 million parents who are delinquent in their payment of child support. According to the Census Bureau, almost one-half of the men who are legally obligated to pay child support are in default on all or part of their obligations. Almost 55 percent of the more than 4 million women legally entitled to child support payments are not receiving the full amount and more than half of these—28 percent—are receiving nothing at all. The average child-support payment owed by a delinquent parent is $2,460 but the average actually paid is only $1,560.

What we are talking about with this issue is a problem which claims three distinct sets of victims. Of course they claim the affected parent—mostly women. The second are the dependent children. The third, of course, are the taxpayers of the United States.

When we speak of the children who are victimized, we go right to the heart of the issue, and this should be the one factor which motivates us to action above all others. It has been estimated that some 13 million children from both AFDC and non-AFDC families are affected by the nonpayment or underpayment of child support. It is also estimated that the nonpayment of child support cheats children out of some $4 billion in support each year. That number is even more powerful when placed against another related statistic; namely, that in the first year after a divorce, a woman suffers a 73-percent decline in her income. This means that the child-support income represents an essential element in the financial security of not only the woman but the child. It is little wonder that 87 percent of the children receiving benefits under the AFDC program are eligible precisely and only because an absent parent is not providing adequate support. In 77 percent of these cases, not a single payment of child support has been collected.

As it relates to the victimization of taxpayers, the nonpayment of child support is a very real problem. It is estimated that we spend upward of $600 million to go after delinquent parents, yet the amount actually recouped seldom makes the investment profitable. In fiscal year 1982 the Office of Child Support Enforcement in HHS was only able to collect in only 10 percent of the AFDC caseload of 5.5 million and only 30.6 percent of the non-AFDC caseload of 1.5 million.

We have clearly enumerated the problem—the issue is wherein lies the solution. H.R. 4325 is far more than a mere reaction to a problem; it represents a solid approach which should produce real improvements. Let me review its main features:

It requires States to develop by no later than October 1, 1985, a program to withhold delinquent child-support payment from employeee wages. The only exception that would be provided would be for that State which is unable to comply because their State law keeps them from complying. The bill wisely requires States to withhold delinquent payments that have been ordered by the courts of another State. That addresses one of the most ruthless aspects of the problem—the delinquent parent who is assessed to pay up child support—further escaping their responsibility by moving to another State.

The withholding program developed by the State would trigger when the amount owed in back child support equals 1 month of support payments or when either parent requests automatic withholding. The employer would have to forward withheld wages to the appropriate State agency and would be liable for any shortfall. The amount withheld would obviously have to equal the current child-support payment, any amount in arrears and the cost of the employer's administrative expenses. Under the conference agreement, withholding for child-support payments would take priority over other garnishments under State law, a critically important feature.

H.R. 4325 would repeal the current 12-percent incentive payment to States which is made only for the collection of child-support payments that offset AFDC payments. In place of the existing incentive payments would come—effective October 1, 1985—a new Federal payment to States that require withholding of delinquent child-support payments from parents' wages. The Federal payment would vary between 6 and 10 percent of the

States' child-support collections, with larger Federal payments going to those States whose collections equal or exceed the costs of the withholding program.

The conference report like existing law and the House-passed version provides a 90-percent Federal match to States that establish automatic data processing and information retrieval systems to help in the collection of child-support payments. This matching assistance would be used to help purchase hardware such as computers.

One area where I do not find myself in as enthusiastic support deals with the provisions in the conference report dealing with the Federal incentive payments for child-support collections from non-AFDC parents. The House-passed bill would have limited the incentive paid for collection from non-AFDC parents to 125 percent of the States incentive payment for AFDC collection. The Federal payment for these collections under the conference agreement would be limited to 100 percent of the level for fiscal years 1986 and 1987, 105 percent for fiscal year 1988 and 110 percent for fiscal year 1989, and 115 percent for subsequent fiscal years.

It is imperative that we recognize the flaw in not pursuing the non-AFDC delinquent parent with the same fervor as we do the AFDC delinquent parent. As I mentioned the 30-percent collection rate achieved by the Office of Child Support Enforcement in non-AFDC cases is tragically low. This is compounded by the fact that the Office expended only about one-third of what they spent on AFDC cases in cases involving non-AFDC parents. It has been my experience in my years of working on this issue—that some of the most flagrant abuses of nonsupport eminate from the wealthy ranks of the non-AFDC parent. We see individuals—some making six-figure incomes completely ignoring their child-support obligations entirely.

As I have said before, there is nothing we can call this type of person but a shameless scoundrel. However, if we really expect to make improvements—we must provide States with the proper incentives for them to do their work. It is clearly a sound investment of the tax dollar from the amount we recoup from the ranks of the non-AFDC parent should more than pay for those costs associated with the tracking down.

We reach this historic juncture today thanks to the hard work of so many of my colleagues. I for one was proud to join as a cosponsor of H.R. 4325, and I am also grateful that the final conference report more accurately reflects the House-passed bill. I like many of my colleagues involved in the bill before us made reform in our existing child-support enforcement policies a top legislative priority. In my own individual case, beginning in January of 1983, I introduced H.R. 1014 which called for the establishment of a bipartisan national commission to study ways of improving Federal and State efforts to better enforce child-support agreements and to recoup delinquent payments. I felt at that time that the approach which worked so well on behalf of Social Security should be applied to this national problem as well.

Later in May of 1983, I testified before the Labor-HHS Subcommittee of the House Appropriations Committee to appeal for more money for the Office of Child Support for fiscal year 1984 which in fact was approved. I am pleased to note that the Labor-HHS bill we approved for fiscal year 1985 provides for an appropriation of $425,411,000 in addition to the $138 million approved for the account last year as an advance appropriation.

As I mentioned earlier in my statement, in a related effort in June of 1983 I introduced House Joint Resolution 273 which eventually became law and designated August of 1983 as "National Child Support Enforcement Month."

Finally, I was proud to author an amendment to H.R. 1904, the Child Abuse Prevention and Treatment Act of 1984, which would authorize a first-time study linking the nonpayment of child support to child abuse. It is an understatement to say that such nonpayment or underpayment certainly represents a form of economic child abuse. There is a good likelihood that Congress can complete action on H.R. 1904 before the end of the session, and I have every confidence that my amendment will be retained and this important study can commence.

The scandal and arrogance associated with the nonpayment or underpayment of child support has justifiably outraged many in this House and in the Nation. It has claimed too many victims—and will claim countless more unless we act. H.R. 4325 represents the tangible response we need if we are to crack down on this problem. It properly recognizes that we must take steps aimed at accomplishing one basic goal—to collect every cent that is owed by every delinquent parent. We must develop provisions that are both punitive and deterrent in nature. We cannot expect to do it all with this bill, but it is clear we must do something and that is the choice before us and we should pass this bill.

Finally, let me add a personal observation. I know of the great commitment and effective advocacy of thousands in this Nation to this issue. The lobby from the most basic of special interests, the personal one. These are individuals—mostly women who have been victimized by the non- or underpayment of child support. It has driven many of them into poverty; it has caused great suffering to them and their children. It has compounded in some instances the tragedy caused by separation and or divorce. Yet, rather than simply accepting the status quo, these victims took to the Halls of Congress and the State legislatures to seek meaningful relief—a petitioning of the Government, if you will. Anyone who knows someone who has been denied all or part of what they are owed in child-support payments knows how bad the problem is. It is when the realization strikes that it is a problem that is so national in scope that we must respond as the Congress. We have done so.

I know this problem, and I have worked at it with special attention for almost this entire Congress. I know there are others who have done so for a variety of reasons—some personal. I take some degree of satisfaction at the point we reach today, and I know those who motivated me in my work take satisfaction as well. Yet I hope they know that they provided the real inspiration for action—and their labors have been rewarded.

Let me conclude with one final point that has been raised regularly since this issue took on such prominence in Congress. Our support for improving child-support enforcement activities should not be construed as not being concerned about the diversion of child-support payments for purposes other than legitimate child-support activities. I am willing to work on this dimension of the issue in greater detail if in fact the case can be made that many or even some of those who do not pay or underpay their child-support obligations do so because these funds are diverted by the one who receives them. However, it would take us far too long to establish that case—and the time for action is now. Before I urge adoption of the conference report, I would like to take this opportunity to commend Mr. ROSTENKOWSKI, Mr. FORD, Mrs. KENNELLY, Mr. CONABLE, and Mr. CAMPBELL for their leadership in taking this initially controversial bill to final passage on this date—for this we should all be everlastingly grateful.

Mr. FORD of Tennessee. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to congratulate the members of the conference committee for their excellent work on the Child Support Enforcement Amendments of 1984. This legislation is an important part of the Women's Economic Equity Act, which the congressional caucus on women's issues set as its top legislative priority for the 98th Congress. Congresswoman BARBARA

KENNELLY deserves the praise and thanks of all of us for steering this key legislation through the Committee on Ways and Means and through the conference.

This bill provides a ready and convenient way to ensure that court orders providing child support to divorced spouses are paid. It is a national scandal that a sizable number of fathers have walked away from their child-support obligations.

The conferees have adopted the best provisions of both the House and Senate versions of H.R. 4325 to produce a bill that provides the States with strong tools for enforcing compliance with child-support orders.

The conference report also makes it clear that the provisions of the bill apply equally to Federal employees as to private-sector employees. Representative MARY ROSE OAKAR, Chairman WILLIAM FORD, and I worked with the Ways and Means Committee to make certain that Federal employees should be treated like all other employees for purposes of this bill. The conference report makes this plain.

I encourage my colleagues to support this conference report.

□ 1740

Mr. CONABLE. Mr. Speaker, to sum up the compelling arguments on our side, I now yield 3 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I rise in support of the House accepting the conference report on H.R. 4325. In particular, I wish to draw this body's attention to one section of this report referred to by some as the Wisconsin amendment.

The entire legislation helps to enforce child support obligations. This is needed. The Wisconsin amendment puts the Federal stamp of approval on a promising Wisconsin initiative in integrating parental child support with Federal welfare payments.

In all too many instances, noncustodial parents have shirked their legal and moral obligation to provide child support, leaving the State and Federal Governments to foot the bill through AFDC and other welfare programs.

Through a program that I helped initiate as a State legislator, Wisconsin has taken the lead in enforcing child support. Under H.R. 4325, the Federal Government would permit Wisconsin to merge its State-enforced parental child support program with AFDC to create a single program of child support allotments for qualifying families. The child support allotments would be calculated in a very different manner from AFDC benefits.

The formula for evaluating allotments would: First, look at the amount of parental child support payments as income for the custodial parent; second, take into consideration the other income of the custodial parent; and third, evaluate the financial needs of the custodial family. To the extent that the parental child support payment and custodial parent income fails to meet the family's needs, the State will provide additional allotments.

The Wisconsin experiment is designed to reduce public welfare costs while providing adequate financial assistance for dependent children by insuring that no custodial parents meet their legal obligations. No one knows for sure whether the experiment will work, but at least it is an effort to address a real problem in welfare. If the Federal Government is not going to initiate meaningful welfare reform, at least it should not stand in the way of responsible State efforts in that direction. This measure removes Federal obstacles to Wisconsin reform efforts. I urge my colleagues to accept the conference report on H.R. 4325.

Mr. FORD of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I would just like to take a moment to engage the chairman of the subcommittee in a colloquy, but let me say first that I want to congratulate him on his leadership, and I congratulate also my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY], for pushing forward with this legislation, which I think is most helpful and needed.

I have just a question about one particular provision of the bill.

I would like to clarify the intention of the conferees with respect to the procedural protections to be extended to taxpayers whose State income tax refunds may be subject to be intercepted under section 466(a)(3) as added by section 3(b) of the conference agreement. It is my understanding that the process through which the intercept is initiated requires that the basic due process protections of notice and an opportunity to contest the intercept is to be provided by the State to the taxpayer who is alleged to owe overdue support.

Mr. FORD of Tennessee. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. MORRISON of Connecticut. Mr. Speaker, I would also like to clarify the intended treatment of taxpayers who file State income tax returns jointly with individuals who are liable for overdue support. In the case of a refund intercept under section 466(a)(3) as added by section 3(b) of the conference agreement, such a joint filer might have his or her refund intercepted even though he or she has no liability for the support in question. Am I correct that it is contemplated that the due process protections mandated in section 466(a)(3) include the protection of joint filers? And am I correct that it is contemplated that joint filers would also be afforded notice and an opportunity to contest the intercept?

Mr. FORD of Tennessee. Mr. Speaker, that is correct. That is my understanding.

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman very much.

Mr. FORD of Tennessee. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to commend him and the full committee chairman for their leadership on this issue.

I also want to express the gratitude that all of us have to all of the Members, the gentleman from South Carolina [Mr. CAMPBELL] and others, who did such a fine job in a bipartisan spirit about something that is a national problem that relates to women and children. I especially want to thank the gentlewoman from Connecticut [Mrs. KENNELLY], who provided the kind of leadership she did on this issue. It is not easy sometimes to address issues that kind of take sides in what should be a family matter, but this is very, very important.

We know that 59 percent of all the women who are heads of households face this dilemma of not having the child support that the courts have ruled they should get. We also know that that translates into millions of women and their offspring, so it really does relate to how we treat the American family.

For that reason, Mr. Speaker, I urge the support of all my colleagues. It would be nice to have a unanimous vote on something like this because I think it would show the compassion we all have for those women who are among the poorest in the country and who have their children to support.

● Mr. SHANNON. Mr. Speaker, I rise in strong support of the conference report on H.R. 4325, the child support enforcement amendments. I am pleased to see that this bill, which provides much needed support for parents trying to collect delinquent child support payments, is about to become law.

The need for legislation like H.R. 4325 is well documented. We have seen all too clearly the connection between divorce and poverty among women and children. Over 50 percent of all children who live in poverty, live in female headed households and most AFDC recipients are eligible for AFDC because the head of the household is divorced, separated, or unmarried.

The nonpayment of child support is a major contributor to a cycle of poverty into which these women and children have become locked and which has resulted in the phenomenon known as the feminization of poverty. Twenty-eight percent of families never

receive any child support payments and 23 percent receive only partial payment. In the first year following a divorce, a woman's standard of living drops 73 percent, while a man's increases 42 percent.

By establishing new collection methods and by giving States an incentive to use these methods in both AFDC and non/AFDC cases, we will be providing a mechanism by which divorced parents and their children can receive their court ordered child support payments.

Mr. Speaker, this is a bill that first and foremost protects our children as well as moving a step closer to achieving economic equity for women. I urge my colleagues to give this conference report their fullest support.●

● Mr. CONTE. Mr. Speaker, I rise in support of the conference report issued on the child support enforcement amendments. Passage of this bill has been a priority for the Congressional Caucus for Women's Issues on which I serve, and today marks the successful conclusion of the caucus' campaign on this issue.

When the House approved its version of this measure last November, I spoke of the shocking statistics that so clearly demonstrate the need for the forceful action suggested by this bill. As we vote on approval of the conference report, those remarks bear repeating to put in perspective the importance of today's vote for children of divorced parents.

Approximately 21 percent of all U.S. families, over 8 million total, are now single-parent families with at least one child under age 21 living at home. Women head 90 percent of those families.

A Census Bureau survey for 1981 tragically revealed that only 47 percent of those families with court orders or agreements for child support were receiving full payments, while 53 percent were receiving a small part or nothing. When those single-parent families without court orders are added to that total, over two-thirds receive little or nothing in child support payments. The Census Bureau estimates that total or partial defaults were cheating children out of $4 billion a year in support.

This intolerable situation exists despite the fact that a California survey indicated that during the year following divorce, the husband's income rose by an average of 42 percent. This contrasts sharply with the survey's conclusion that for the same period the wife's income dropped by an astounding 73 percent.

As if the resulting devastation on the children from these statistics were not obvious, consider that over one-half of all children who live in poverty are children in female-headed families, and almost two-thirds of those children depend on AFDC. The profound impact that nonpayment of child support has in exacerbating this problem cannot be overstated.

Today's action will put a clamp on this national tragedy, and suggests a beginning to reverse its effects. The heart and soul of the conference report is a requirement that States adopt mandatory wage withholding laws. To buttress this crucial enforcement mechanism, additional provisions are authorized, including a State and Federal income tax refund intercept, the revision and expansion of State incentives to pursue both AFDC and non-AFDC collections, the permission of liens on property of neglectful parents, and the suggestion that States implement a system of tracking and monitoring child support payments.

As I noted last November, this package is a first and necessary step in addressing this problem. At stake are not luxuries but necessities for our Nation's most valuable resource, our children. Food, clothing, shelter—these are the casualties of parental neglect in fulfilling child support responsibilities, and children are the victims. For these reasons, I hope my colleagues will join with me today in giving their unqualified support to the conference report on the child support enforcement amendments.●

● Mr. FRENZEL. Mr. Speaker, it is rare that we have the opportunity to vote on legislation that has almost unanimous support between Democrats and Republicans, both Chambers of Congress, and the President of the United States. It is even more unusual that we pass legislation that should assist the U.S. taxpayer while improving the financial status of single-family households at the same time.

The conference report on the child support enforcement is such legislation. It is, I believe, one of the most important and best proposals to come before the 98th Congress.

The agreement contains most of the major provisions that were passed unanimously by the House on November 16, 1983. Similar legislation was passed this spring by the other Chamber, also by a unanimous vote. All along, President Reagan and Secretary Heckler have repeated their firm commitment, and provided strong leadership in moving this legislation through our processes.

The purpose of the bill is to improve techniques for collecting past due child support, as well as provide a strong national commitment to requiring parents to accept financial responsibility for their children, regardless of the marital situation.

In the 8.4 million families with absent fathers, about 56 percent of the children live in poverty. Yet only around 60 percent of the female-headed households are entitled to receive assistance from the absent father.

For those who are granted child support, less than half receive the full allotted payment, and almost 30 percent receive no money at all. In many cases, paternal neglect forces the family to turn to public welfare. The taxpayers must then pick up where the father left off. In all cases, the children suffer.

Those statistics are appalling. They represent a national scandal. In such cases, Congress usually overreacts by passing an expensive, ineffective highly symbolic law which does no good. In this case, Congress finally did something right. This bill can significantly improve child support collections, relieve the taxpayers of an unfair burden, and improve the lives of millions of families.

This bill makes a major change in the emphasis of child support collections. Under current law, State IV-D agencies have strong incentives to focus only on collecting support for AFDC families. This proposal requires that State agencies make collection services equally available to both AFDC and non-AFDC families.

The most substantial changes will occur through mandatory revisions in State child support laws. States will have until October 1, 1985, to meet the new requirements, with liberal waiver provisions, especially for States whose legislatures do not meet frequently enough between now and then to bring their laws into conformity with the new Federal law.

Under this legislation, State enforcement tools will be much stronger. All States must impose mandatory wage withholding after an arrearage of 1 month. Individuals with a history of failure to pay may be required to post bond. Liens against both real and personal property can be imposed for the amount overdue. Credit agencies will be informed of the history of child support payment.

Also, States will have the option of providing a system for collecting and paying out support if either the custodial or noncustodial parent requests. To cover the cost of servicing collections, States will be required to charge up to $25 as an application fee for non-AFDC cases. State revenue agencies will be able to intercept tax refunds from those owing support payments.

In addition to the changes implemented at the State level, a number of modifications will be made in the Federal incentive and financing formulas. Starting in fiscal year 1986, there will no longer be a Federal incentive for States to focus only on AFDC collections. The Federal matching share to the IV-D agency will stay at 70 percent until 1988, and gradually work down to 66 percent by 1990.

Interstate cases have always proved to be the most difficult cases to collect. To address this problem, limited funding will be available to States which propose to undertake new or innovative methods of interstate support collections. Also, States must recognize other States wage withholding requirements.

Finally, the conference committee agreed to adopt a Senate proposal allowing the IRS to intercept Federal tax refunds from those owing support payments for over 1 month. This provision is also effective in fiscal year 1986, and has a 5-year sunset date.

These are the most major provisions in the legislation. There are many more minor provisions. States may have to form commissions to assist in implementing the new laws. Medical support must be included as part of support. Guidelines for support obligations must be set.

This is truly a bipartisan effort. It is desperately needed. This is a profamily, protaxpayer, prowomen, prochildren, and profairness bill. The only losers will be the deadbeats who have reneged on their legal obligations as parents. I urge my colleagues to adopt the conference report so that President Reagan can sign the bill into law as soon as possible.

● Mr. MATSUI. Mr. Speaker, I rise to urge my colleagues to support the conference report on H.R. 4325. These amendments will strengthen our present child support program and bring needed relief to the millions of American children whose absent parents are not meeting their financial responsibility toward them.

The bill provides States with a number of new collection tools to assist them in obtaining overdue child support payments from absent parents. These include mandatory wage withholding, Federal and State income tax refund offsets, and placing liens on absent parents property.

As a conferee on this legislation, I believe the conference report represents an equitable and effective compromise. This bill will make a dramatic difference for many American families whose past difficulty in receiving child support payments has resulted in severe economic hardship. H.R. 4325 will help overturn this trend by providing States with the ability to pursue aggressively those absent parents who are refusing to pay for their families' support.

I urge your adoption of the conference report.●

● Mr. FEIGHAN. Mr. Speaker, I rise in support of the conference report on child support enforcement. As a cosponsor of this crucial legislative initiative, I am very pleased that this bill is ready for final passage.

The conference agreement before us today would require States to develop by October 1, 1985, a program to withhold delinquent child support payments from employee wages. The measure also requires States to withhold delinquent payments that have been ordered by the courts of another State.

These proposed regulations are long overdue. There are 7 million women in this country who have custody of minor children. Sixty percent of these women have been awarded child support, yet only a third of them collect any of the support they are entitled to receive. Clearly, millions of innocent children are being victimized by a system that does not work. We must improve child support collection procedures, and this bill represents a significant step in the right direction.

I urge the adoption of this conference report.

In a related matter, I recently intervened to settle a dispute between the Department of Health and Human Services and the Cuyahoga County Child Support Enforcement System. I bring this to the attention of my colleagues because they, too, are aware of the problems that plague child support enforcement on the local level.

In this case, some minor difficulties have been resolved, and now the needs of the Cuyahoga County Child Support Enforcement System are being met by the Department of Health and Human Services. Consequently, child support enforcement in my district has been significantly improved.

I hope Congress will continue to address the issue of child support enforcement. The system should be closely monitored, and reforms and improvements should be carefully considered. We must ensure that single parents and their children get the economic justice they deserve.●

Mr. CONABLE. Mr. Speaker, I reserve the balance of my time.

Mr. FORD of Tennessee. Mr. Speaker, we have no further requests on this side of the aisle.

Mr. CONABLE. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FORD of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FORD of Tennessee. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FORD of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 357]

YEAS—413

Ackerman	Daniel	Hansen (ID)
Addabbo	Dannemeyer	Hansen (UT)
Akaka	Darden	Harkin
Albosta	Daschle	Harrison
Alexander	Daub	Hartnett
Anderson	Davis	Hatcher
Andrews (NC)	de la Garza	Hawkins
Andrews (TX)	Dellums	Hayes
Annunzio	Derrick	Heftel
Anthony	DeWine	Hertel
Applegate	Dickinson	Hightower
Archer	Dicks	Hiler
Aspin	Dingell	Hillis
AuCoin	Donnelly	Holt
Badham	Dorgan	Hopkins
Barnard	Dowdy	Horton
Barnes	Downey	Howard
Bartlett	Dreier	Hoyer
Bateman	Duncan	Hubbard
Bates	Durbin	Huckaby
Bedell	Dwyer	Hughes
Beilenson	Dymally	Hunter
Bennett	Dyson	Hutto
Bereuter	Early	Hyde
Berman	Eckart	Ireland
Bethune	Edgar	Jacobs
Bevill	Edwards (AL)	Jeffords
Biaggi	Edwards (CA)	Jenkins
Bilirakis	Edwards (OK)	Johnson
Bliley	Emerson	Jones (NC)
Boehlert	English	Jones (OK)
Boggs	Erdreich	Jones (TN)
Boland	Erlenborn	Kaptur
Bonior	Evans (IA)	Kasich
Bonker	Evans (IL)	Kastenmeier
Borski	Fascell	Kazen
Bosco	Fazio	Kemp
Boucher	Feighan	Kennelly
Boxer	Ferraro	Kildee
Breaux	Fiedler	Kindness
Britt	Fields	Kleczka
Brooks	Fish	Kogovsek
Broomfield	Florio	Kolter
Brown (CA)	Foglietta	Kostmayer
Brown (CO)	Foley	LaFalce
Broyhill	Ford (MI)	Lagomarsino
Bryant	Ford (TN)	Lantos
Burton (CA)	Fowler	Latta
Burton (IN)	Frank	Leach
Byron	Franklin	Leath
Campbell	Frost	Lehman (CA)
Carney	Fuqua	Lehman (FL)
Carper	Garcia	Leland
Carr	Gaydos	Lent
Chandler	Gejdenson	Levin
Chappell	Gekas	Levine
Chappie	Gibbons	Levitas
Cheney	Gilman	Lewis (CA)
Clarke	Gingrich	Lewis (FL)
Clinger	Glickman	Lipinski
Coats	Gonzalez	Livingston
Coelho	Goodling	Lloyd
Coleman (MO)	Gore	Loeffler
Coleman (TX)	Gradison	Long (LA)
Collins	Gramm	Long (MD)
Conable	Gray	Lott
Conte	Green	Lowery (CA)
Conyers	Gregg	Lowry (WA)
Cooper	Guarini	Lujan
Coughlin	Gunderson	Luken
Courter	Hall (IN)	Lundine
Coyne	Hall (OH)	Lungren
Craig	Hall, Ralph	Mack
Crane, Daniel	Hall, Sam	MacKay
Crane, Philip	Hamilton	Madigan
Crockett	Hammerschmidt	Markey
D'Amours	Hance	Martin (IL)

Martin (NC)	Penny	Solarz
Martin (NY)	Pepper	Solomon
Martinez	Petri	Spence
Matsui	Pickle	Spratt
Mazzoli	Porter	St Germain
McCain	Price	Staggers
McCandless	Pursell	Stangeland
McCloskey	Quillen	Stark
McCollum	Rahall	Stenholm
McCurdy	Rangel	Stokes
McDade	Ratchford	Stratton
McEwen	Ray	Studds
McGrath	Regula	Stump
McHugh	Reid	Sundquist
McKernan	Richardson	Swift
McKinney	Ridge	Synar
McNulty	Rinaldo	Tallon
Mica	Ritter	Tauke
Michel	Roberts	Tauzin
Mikulski	Robinson	Taylor
Miller (CA)	Rodino	Thomas (GA)
Miller (OH)	Roe	Torres
Mineta	Roemer	Torricelli
Minish	Rogers	Traxler
Mitchell	Rose	Udall
Moakley	Rostenkowski	Valentine
Molinari	Roth	Vander Jagt
Mollohan	Roukema	Vandergriff
Montgomery	Rowland	Vento
Moody	Rudd	Volkmer
Moore	Russo	Vucanovich
Moorhead	Sabo	Walgren
Morrison (CT)	Savage	Walker
Morrison (WA)	Sawyer	Watkins
Mrazek	Schaefer	Waxman
Murphy	Scheuer	Weaver
Murtha	Schneider	Weber
Myers	Schroeder	Weiss
Natcher	Schulze	Wheat
Neal	Schumer	Whitehurst
Nelson	Seiberling	Whitley
Nichols	Sensenbrenner	Whittaker
Nielson	Sharp	Whitten
Nowak	Shaw	Williams (MT)
O'Brien	Shelby	Wilson
Oakar	Shumway	Winn
Oberstar	Shuster	Wirth
Obey	Sikorski	Wise
Olin	Simon	Wolf
Ortiz	Sisisky	Wolpe
Ottinger	Skeen	Wortley
Owens	Skelton	Wright
Oxley	Slattery	Wyden
Packard	Smith (FL)	Wylie
Panetta	Smith (IA)	Yates
Parris	Smith (NE)	Yatron
Pashayan	Smith (NJ)	Young (AK)
Patman	Smith, Denny	Young (FL)
Patterson	Smith, Robert	Young (MO)
Paul	Snowe	Zschau
Pease	Snyder	

NAYS—0

NOT VOTING—19

Boner	Hefner	Shannon
Clay	Kramer	Siljander
Corcoran	Marlenee	Thomas (CA)
Dixon	Marriott	Towns
Flippo	Mavroules	Williams (OH)
Frenzel	Pritchard	
Gephardt	Roybal	

□ 1800

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 2436, CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, and to consider the bill in the House without intervening motion. It shall then be in order to move to strike out all after the enacting clause of the bill and to insert in lieu thereof the provisions contained in H.R. 5541 as passed by the House, and the previous question shall be considered as ordered on said amendment and on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LONG] is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes for the minority to the distinguished gentleman from Missouri [Mr. TAYLOR] pending that, I yield myself such time as I may consume.

Mr. Speaker, the rule makes it in order to take the Senate bill from the Speaker's table and to consider the bill in the House without intervening motion. The rule further provides for a motion to strike all after the enacting clause of the Senate bill and insert the provisions contained in H.R. 5541 as passed by the House.

H.R. 5541 was passed by the House July 24 by a vote of 302 to 91. This rule simply allows the manager of that bill to take the procedural steps necessary to facilitate final House and Senate agreement on public broadcasting legislation, either through a joint conference or by Senate acceptance of a House amendment.

As you are aware, in order to enact legislation into law both House of Congress must pass identical language in the same legislative vehicle. Routinely, the procedural step necessary to allow both Houses to act on the same bill is accomplished by a unanimous-consent request or by a provision of a rule.

In this case the Senate had not acted on the legislation when the original rule was granted on H.R. 5541, but by the time the House acted on the public broadcasting bill the Senate had passed companion legislation. When unanimous consent was requested to take the bill from the Speaker's table under the normal procedure, an objection was heard.

At the request of the Committee on Energy and Commerce, the Rules Committee granted this new rule to facilitate a Senate hookup on public broadcasting.

Finally, the rule provides one motion to recommit.

Mr. Speaker, in order to allow the House and the Senate the opportunity to reconcile differences and to move to final consideration. I urge my colleagues to adopt this rule.

□ 1810

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 563 is a simple, procedural rule designed to facilitate a conference with the other body on legislation authorizing appropriations to the Corporation for Public Broadcasting.

The rule provides that the bill (S. 2436) shall be taken from the Speaker's table and considered in the House. Ordinarily, bills are considered in the House under the 1-hour rule and amendments are not in order.

Under this rule, a motion will be in order to strike all after the enacting clause of S. 2436, and insert the provisions of H.R. 5541 as passed by the House on July 24.

Mr. Speaker, this is a routine procedure and is usually handled by unanimous-consent agreement when the House has passed one version of a bill, and the other body has approved another.

In this situation, unanimous consent was not obtained for this procedure on July 24, and agreement to the motion specified in this rule will be the first step toward a conference between the two Houses.

The rule does provide for a motion to recommit, thereby protecting the rights of Members who may not want the House to go to conference with the other body right now.

Mr. Speaker, when the House considered H.R. 5541, I was one of those who urged adoption of amendments to reduce the authorization amount in the bill because it effectively tripled the budget of the Corporation for Public Broadcasting.

The amendments I favored were not adopted, and the House passed the bill on July 24, by a vote of 302 to 91. I think that gives us some idea of the level of support for the legislation.

Mr. Speaker, this is truly a procedural matter.

The House has had an opportunity to consider and act upon the legislation, and all this rule does is facilitate a conference with the other body on the legislation.

I am not aware of any opposition to this rule, and I urge its adoption.

Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, this rule that is being considered by the body at this time gives this House an opportunity of once again examining that statement that is being made all over the country today that the deficit that exists in the Federal Government is the responsibility of President Reagan and his administration.

What we are seeing in this bill that is before us is another illustration that Presidents do not set spending levels for the country, Congress does. Let me say what I mean by that.

The administration's request for 1985, fiscal year, for this activity of the Corporation for Public Broadcasting was $85 million. We previously appropriated in the last fiscal year $130 million. Last year we increased the authorizations for this program for 1984, 1985, and 1986 of $145 million, $153 million, and $162 million.

In other words, what we did last year, 1983, was to in effect rescind what we did in 1981.

This bill is another illustration of how piece by piece the House of Representatives is dismantling the spending cuts that we were able to achieve in 1981. This body, the House of Representatives, is seeking in its historically identifiable way of setting a spending level for, in this instance, the Corporation for Public Broadcasting, at a level significantly higher than we established as a policy alternative in 1981 and then as to what the administration requested for this activity in 1985.

There is creeping into our process—and I think Members should be aware of this—we are not just appropriating money for fiscal year 1985 in this measure, we have now moved to what we call forward appropriating. There is funding for years 1987 and 1989.

Now, I do not know why we are doing that. We are not only creating debt every day that we are voting on measures here which we are transferring to future generations, but I guess now we are in the process of forward appropriating. I am not sure that I even know what that means, but I assume it means that we are taking appropriations that would be available for 1987 and 1989 and spending them in 1984. Now, if I have that wrong, somebody can correct me. It is not that we cannot spend enough in 1984 and 1985 that we have got to borrow from 1987 through 1989.

Now, what is the alternative if we do not adopt this rule? It is very simple. We can appoint a conference committee from the two bodies. The Senate version is slightly different than the House version. Under the rules that exist between the two bodies a conference committee would look at it and we could avoid the necessity of this rule.

Now, why do the proponents of this legislation want this rule? Very simple. They want to circumvent a conference committee. They want to strike everything after the enacting clause of the Senate bill, amend into the Senate bill the House version, send that back to the Senate, have concurrence and go to the President's desk.

The desire to increase spending for this function is so profound by the Members of this body they cannot wait for the normal process that the conference committee would consume namely a week or two or what have you. They are just determined to have this increased funding authorized so that it can get down to the President's desk and hopefully be signed into law or perhaps try to use some leverage to have the President assert whether or not he wants to veto this measure, which is significantly over the authorized level, and then condemn the President in the eyes of the special interest group of this Corporation for Public Broadcasting by having them belittle what the administration is seeking to do.

I want to thank my colleagues on the Democratic side for having called some television stations in my home State of California to call me up to ask me to desist in this effort. I say to my colleagues I thank them for that effort at lobbying. I enjoyed talking with some of the members of the staff in television stations in California.

When we finished explaining to them the 47-percent increase in the funding for this program, we turned one of them around. I do not know, maybe they called you and shared with you their thoughts that you should desist in pushing this legislation.

I do not know if the gentleman from Colorado would care to respond to that. I suspect he has not be dissuaded, but I thought I would share that thought.

I think that the responsible thing that we should do is turn down this rule. It will not stop this bill from being processed. A conference committee can come into existence and those people can do their work and then the House will have a chance to vote on the conference committee and orderly processes can work their way.

I do not see any reason to circumvent normal proceedings by adopting this rule.

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

I understand the gentleman was curious as to what the position of the gentleman from Colorado was on this particular piece of legislation.

□ 1820

Mr. DANNEMEYER. I am always curious.

Mr. WIRTH. If the gentleman will yield further, I would just point out that I am also an unabashed supporter of public broadcasting, and I think that also by a margin of better than 3 to 1 the House has voted for this particular piece of legislation, agreeing, I think, that we ought to proceed as rapidly as possible and get rid of this procedural nonsense.

Mr. DANNEMEYER. Well, I thank my colleague for his—I will have to put you down as on the fence as to whether or not you want to support this rule. And I would submit that there are a lot of issues that some of us on the minority side would like to have the House take up, such as, we have got 169 signatures on discharge petition No. 10 so that we can get a vote on the proposed constitutional amendment calling for a balanced budget amendment to the U.S. Constitution. We have to resort to that discharge petition to circumvent the burial ground of the Judiciary Committee because the leadership on your side will not give us a vote.

Now, we do not have time to take up that issue, which is desired by at least 65 percent to 70 percent of the American people as something they want done, but, here we are this evening, we have got all the time in the world to take up this rule, House Resolution 563, to authorize a circumvention of the coming into existence of a conference committee to serve what end? To expedite the processing for yet further increasing increases of an irresponsible nature in this activity of Corporation for Public Broadcasting. I think we should turn down the rule.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I just want to be very brief and remind the House—I am sure my friend from Colorado is pleased about that—remind the House that just less than 2 weeks ago we had an opportunity to debate this bill, and at the time I offered what I consider to be a very reasonable amendment to the legislation that came out of the Energy and Commerce Committee, and that was a 15-percent increase for the Corporation for Public Broadcasting over a 3-year period, that would be 15 percent per year as opposed to the rather large, extremely large increases that were granted in the bill, almost 50 percent in the first year and 81-percent increase in the authorization levels.

Clearly, by what we have done, we have gone far beyond the pale of what was dictated in the House back in 1981 when apparently the House was on a much firmer basis for spending cuts and for taking a real look at the spending proclivities that this House has become famous for.

So we had an opportunity on my amendment. My amendment received 176 votes, hardly a small number, to indicate that the House felt that there was a need for a moderate increase in the Corporation for Public Broadcasting but certainly not the 81-percent increase that we saw passed ultimately.

I would associate myself with the remarks of the gentleman from California in regard to talking about the budget deficits while at the same time going on our way and authorizing these kinds of increases. It is beyond my imagination, literally, to figure out how we can look at those kinds of increases when we are talking about substantially lower increases for things like Social Security, food stamps and other programs that this Congress funds, and yet we are going to talk about that kind of an increase.

So I would ask the Members of the House to take a real good look at this. I understand that the votes are there to pass this rule, and I understand that the votes are there to pass ultimately the motion that will be forthcoming. But I think it is one of those things that may very well come back to haunt us, in the long run, if we are not responsible enough to recognize the spending that we are about to undertake.

So I would ask the House to consider a no vote on the rule. Let the process work to the best of its ability, let a conference committee take a look at this, let us take a second look at the spending levels and the authorization levels and get back to some common sense. We have that obligation, it seems to me, to our constituents, or, at the very least, Mr. Speaker, we have the obligation not to go back to our districts and talk about all of these horrible budget deficits while at the same time voting for these kinds of increases. We cannot have it both ways, and I would only ask my colleagues if they seek to have these kinds of increases in the authorization levels, let us at least have the decency to be quiet back in our districts when we are talking about these massive deficits.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, as I have reminded Members in this Chamber ad nauseam, a majority of the Members in this House voted to restrict spending increases in fiscal year 1985 on discretionary non-means-tested items in our budget to increases of 3.5 percent.

This House has since then, wantonly, and in what I judge to be a very capricious manner, reneged on that promise by voting again and again for massive increases in spending at a time when many Members beat their breasts and tell us how nervous they are about deficits. In fact many of them tell us we are going to have to raise taxes on the average American simply because Members of this House cannot control their spending urges.

Mr. Speaker, not an hour ago this House voted out a spending bill which calls for increases of more than 10 percent in excess of last year's spending for the routine operations of the departments of our Government, Treasury, State, Justice, budgets, more than half of which are caused by salaries and expenses of Federal employees.

Even though we promised America when we voted for our budget that we would limit ourselves to 3.5 percent, it was so important to this House that these Federal employees and these Federal operations have large increases that we had to renege on our promise.

And each Member, of course, stands accountable to his or her constituency and to himself or to herself about these kinds of votes. Each of us has to make those decisions and stand or fall with them.

Now, however, having passed that budget resolution in the House and having gone far over its limits in appropriation bill after appropriation bill we come to another what is obviously not a means tested program, that of public broadcasting. And here we find it necessary to authorize increases of up to 50 percent over a spending figure we just increased just a short while ago.

Now, most of the time I listen to public broadcasting stations. I think they are excellent. On the other hand, I hear their ads, and they say they are listener-supported broadcasts. But obviously they are not. They are taxpayer-supported broadcasts because apparently they cannot make it on their own.

Well, I think all of us do not mind putting taxpayers' money into the game a little bit. I do not. But here we have a system where we are putting half again as much taxpayers' money in, and partly to revive an organization which could not make it on its own. We are repaying it for bankruptcy, rewarding it for having failed, by giving it a great deal of new money.

Mr. Speaker, I do not know what any other Member of this House is going to do, but as a fan of public broadcasting there is no way in the world that I can tell my constituents that I am really concerned about a deficit when I am willing to throw 50 percent more money for this kind of an enterprise for which, as far as I know, there is no immediate compelling need. There is no hunger; there is no deprivation of any individual.

Therefore, I am going to vote against this rule, and I will not be surprised if a majority supports it. But as usual, I will be disappointed, because this House will again have shown that it has no respect for the taxpayers' money that is given to it.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I would like to return to the remarks of the Representative from California [Mr. DANNEMEYER]. I agree with Representatives OXLEY and FRENZEL when they say it is over budget. The 47-percent increase in the first year is wrong. We debated that issue several weeks ago, 2 weeks ago. What concerns me is the procedure we are trying to adopt in this particular case. As I understand the rule, the rule is to take the Senate bill, strike everything after the enactment clause and insert our House bill so as to avoid a conference. It seems to me that since the bill passed a couple of weeks ago it was very easy to appoint a conference at that time. The Senate has indicated their desire, they have passed the bill already, there is no disagreement on the amounts.

I wonder why the sudden burst of speed after this has been languishing for several months in committee.

□ 1830

I really feel also that we are talking something in 1987, 1988, and 1989. It is something that could be handled easily in plenty of time in September. I wonder why we are adopting this particular procedure. It would appear to me it would be much better part of wisdom to defeat the rule and go to a conference as we do normally with this kind of bill. I am sure the moneys will stay the same because both Houses took those moneys and adopted them without change. I just do not like the procedural change and I do not understand what it is for. It can only be for political embarrassment of those who happen to support public broadcasting but are opposed to a horrendous increase at this time.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. I thank the gentleman for yielding me this time.

Mr. Speaker, if I might just point out a number of extraordinary misstatements about this rule. One, nobody is trying to circumvent going to conference with the Senate, and in order to go to conference with the Senate, you would have to go on the House bill or on the Senate bill. What you do under any piece of legislation is simply to ask unanimous consent to strike all after the enacting clause, substitute either the House bill or the Senate bill so that you can go to conference.

I asked to do that after we had had the procedure, after we had had the full debate the time before, and it was objected. So we have to go to the Rules Committee in order to get a complying number either on the House side or the Senate side. That is all we are doing. I am sure that every member of the Rules Committee is aware of that.

When the gentleman from Utah suggests that there is something unto-

ward about this procedure; not at all. All we are doing is the Senate can decide to take our bill, to go to conference, to do anything that they want to do. They can do anything that they want to do.

Second, to talk about the differences in numbers, as there has been an enormous amount of rhetoric before, the numbers in the House bill for public broadcasting and the numbers in the Senate bill for public broadcasting are identical, identical. So whether we go to conference or do not go to conference we are going to end up with the exact same numbers.

Now, we have had all of the debate on whether or not one wants to support increases in public broadcasting. The gentleman from Ohio had an amendment, we had that thoroughly debated. We have been through all of that; this is a simple procedure to allow the House to go to conference with the Senate or the Senate to pick up the bill and pass it on the floor over there; whatever the Senate chooses to do.

There are no differences in funding between the House and the Senate. The rule simply allows us to get on with the business of the House, which business is normally done by unanimous consent. The gentleman from California objected to that standard procedure of unanimous consent, just like objecting to somebody asking unanimous consent to revise and extend their remarks. Simple procedural operation. So here we are, consuming an enormous amount of Members' time on this process.

I rise in support of House Resolution 563. This rule makes in order consideration of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and the rule also provides for a motion to strike all after the enacting clause of S. 2436 and insert in lieu thereof the provisions of H.R. 5541, as it was passed by the House 2 weeks ago.

The Senate and House-passed public broadcasting measures contain identical authorization levels. The legislation in both Houses is a result of a bipartisan effort to ensure that public broadcasting has sufficient funding to fulfill its congressional mandate to provide programming of excellence, creativity, and diversity. There is broad agreement that the funding levels in this legislation are the bare minimum necessary to ensure the survival and excellence of our public broadcasting system.

This is a simple funding bill, supported strongly by the several hundred public television and radio stations throughout the country.

In a effort to frustrate the will of this body, a simple unanimous-consent motion which would have provided for substituting the Senate's bill number for the House-passed bill was objected to when we considered this legislation 2 weeks ago. As a result, we must take up the House's valuable time today in once more passing this legislation. I would simply like to remind my colleagues that we passed this legislation 2 weeks ago by the overwhelming margin of 302 to 91 under an open rule in which there was more than ample time to debate the issue. We are here today to simply substitute the Senate number on the House-passed bill.

While it is unfortunate that we must waste the time to get around a tactic intended to frustrate the will of this body, I ask my colleagues to join me in taking this opportunity to again express our resounding commitment to the Nation's public broadcasting system.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WIRTH. I will be happy to yield to my colleague from California.

Mr. DANNEMEYER. I thank my colleague for yielding.

Maybe I do not understand where we are.

Mr. WIRTH. I think the gentleman is absolutely correct, and I am delighted to have been able to yield to the gentleman.

Mr. Speaker, I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 324, nays 89, not voting 19, as follows:

[Roll No. 358]

YEAS—324

Ackerman	Berman	Carper
Addabbo	Bevill	Carr
Akaka	Biaggi	Chandler
Albosta	Boehlert	Chappie
Alexander	Boggs	Clarke
Anderson	Boland	Clinger
Andrews (NC)	Boner	Coleman (MO)
Andrews (TX)	Bonior	Coleman (TX)
Annunzio	Bonker	Collins
Anthony	Borski	Conte
Aspin	Bosco	Conyers
AuCoin	Boucher	Cooper
Barnard	Boxer	Coughlin
Barnes	Breaux	Courter
Bateman	Britt	Coyne
Bates	Brooks	Crane, Philip
Bedell	Brown (CA)	D'Amours
Beilenson	Bryant	Darden
Bennett	Burton (CA)	Daschle
Bereuter	Byron	Daub
Davis	Kogovsek	Rangel
de la Garza	Kolter	Ratchford
Dellums	Kostmayer	Ray
Derrick	LaFalce	Reid
DeWine	Lantos	Richardson
Dicks	Leach	Ridge
Dingell	Lehman (CA)	Rinaldo
Dixon	Lehman (FL)	Rodino
Donnelly	Leland	Roe
Dorgan	Lent	Rogers
Dowdy	Levin	Rose
Downey	Levine	Rostenkowski
Duncan	Levitas	Roth
Durbin	Lewis (CA)	Rowland
Dwyer	Lewis (FL)	Roybal
Dymally	Lipinski	Russo
Dyson	Lloyd	Sabo
Early	Long (LA)	Savage
Eckart	Long (MD)	Sawyer
Edgar	Lowery (CA)	Scheuer
Edwards (CA)	Lowry (WA)	Schneider
Erdreich	Lujan	Schroeder
Erlenborn	Luken	Schulze
Evans (IA)	Lundine	Schumer
Evans (IL)	MacKay	Seiberling
Fascell	Madigan	Sharp
Fazio	Markey	Shelby
Feighan	Marlenee	Sikorski
Ferraro	Martin (IL)	Simon
Fish	Martin (NC)	Sisisky
Florio	Martin (NY)	Skeen
Foglietta	Martinez	Skelton
Foley	Matsui	Slattery
Ford (MI)	Mavroules	Smith (FL)
Ford (TN)	Mazzoli	Smith (IA)
Fowler	McCain	Smith (NJ)
Frank	McCloskey	Smith, Robert
Frost	McCollum	Snowe
Fuqua	McCurdy	Snyder
Garcia	McDade	Solarz
Gaydos	McHugh	Spence
Gejdenson	McKernan	Spratt
Gekas	McKinney	St Germain
Gephardt	McNulty	Staggers
Gibbons	Mica	Stark
Gilman	Mikulski	Stokes
Glickman	Miller (CA)	Stratton
Gonzalez	Miller (OH)	Studds
Goodling	Mineta	Swift
Gore	Minish	Synar
Gradison	Mitchell	Tallon
Gray	Moakley	Tauke
Green	Molinari	Tauzin
Guarini	Mollohan	Taylor
Gunderson	Montgomery	Thomas (GA)
Hall (IN)	Moody	Torres
Hall (OH)	Moore	Torricelli
Hall, Ralph	Morrison (CT)	Traxler
Hamilton	Morrison (WA)	Udall
Hance	Mrazek	Valentine
Harkin	Murphy	Vander Jagt
Harrison	Murtha	Vento
Hatcher	Myers	Volkmer
Hawkins	Natcher	Vucanovich
Hayes	Neal	Walgren
Heftel	Nelson	Watkins
Hertel	Nichols	Waxman
Hightower	Nowak	Weaver
Hillis	O'Brien	Weiss
Horton	Oakar	Wheat
Howard	Oberstar	Whitehurst
Hoyer	Obey	Whitley
Hubbard	Olin	Whitten
Huckaby	Ortiz	Williams (OH)
Hughes	Ottinger	Wilson
Hutto	Owens	Wirth
Ireland	Panetta	Wise
Jacobs	Patman	Wolf
Jeffords	Patterson	Wolpe
Jenkins	Pease	Wortley
Jones (TN)	Penny	Wright
Kaptur	Pepper	Wyden
Kastenmeier	Petri	Wylie
Kazen	Pickle	Yates
Kemp	Porter	Yatron
Kennelly	Price	Young (AK)
Kildee	Pursell	Young (FL)
Kleczka	Rahall	Young (MO)

NAYS—89

Applegate	Bliley	Campbell
Archer	Broomfield	Carney
Badham	Brown (CO)	Cheney
Bartlett	Broyhill	Coats
Bilirakis	Burton (IN)	Conable

Corcoran	Hunter	Regula
Craig	Hyde	Ritter
Crane, Daniel	Johnson	Roberts
Daniel	Jones (OK)	Robinson
Dannemeyer	Kasich	Roemer
Dickinson	Kindness	Rudd
Dreier	Lagomarsino	Schaefer
Edwards (OK)	Latta	Sensenbrenner
Emerson	Livingston	Shaw
English	Loeffler	Shumway
Fiedler	Lott	Shuster
Fields	Lungren	Smith (NE)
Franklin	Mack	Smith, Denny
Frenzel	McCandless	Solomon
Gingrich	McEwen	Stangeland
Gramm	McGrath	Stenholm
Gregg	Michel	Stump
Hall, Sam	Moorhead	Sundquist
Hammerschmidt	Nielson	Vandergriff
Hansen (ID)	Oxley	Walker
Hansen (UT)	Packard	Weber
Hartnett	Parris	Whittaker
Hiler	Pashayan	Winn
Holt	Paul	Zschau
Hopkins	Quillen	

NOT VOTING—19

Bethune	Hefner	Shannon
Chappell	Jones (NC)	Siljander
Clay	Kramer	Thomas (CA)
Coelho	Leath	Towns
Crockett	Marriott	Williams (MT)
Edwards (AL)	Pritchard	
Flippo	Roukema	

Messrs. BADHAM, ROEMER, and ZSCHAU changed their votes from "yea" to "nay."

Mr. LUJAN and Mr. McCOLLUM changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3605, DRUG PRICE COMPETITION ACT OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-974) on the resolution (H. Res. 569) providing for the consideration of the bill (H.R. 3605) to amend the Federal Food, Drug, and Cosmetic Act to authorize an abbreviated new drug application under section 505 of that act for generic new drugs equivalent to approved new drugs, which was referred to the House Calendar and ordered to be printed, as follows:

H. RES. 569

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3605) to amend the Federal Food, Drug, and Cosmetic Act to authorize an abbreviated new drug application under section 505 of that Act for generic new drugs equivalent to approved new drugs, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. It shall be in order to consider en bloc the amendments recommended by the Committee on the Judiciary now printed in the bill to each title. It shall be in order to consider an amendment offered by Representative Derrick of South Carolina adding a new title III consisting of the text of title II of the bill H.R. 5929. Said amendment shall be considered as having been read, and all points of order against said amendment for failure to comply with provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 3605, it shall be in order to take from the Speaker's table the bill S. 1538 and to consider said bill in the House, and it shall then be in order to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3605 as passed by the House, and all points of order against said motion for failure to comply with the provisions of clause 7, rule XVI are hereby waived.

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 569 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 569?

The question was taken.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 313, nays 80, not voting 39, as follows:

[Roll No. 359]

YEAS—313

Ackerman	Anderson	Anthony
Akaka	Andrews (NC)	Aspin
Albosta	Andrews (TX)	AuCoin
Alexander	Annunzio	Barnard
Barnes	Gradison	Neal
Bateman	Gray	Nelson
Bates	Green	Nichols
Bedell	Guarini	Nielson
Beilenson	Hall (IN)	Nowak
Bennett	Hall, Ralph	O'Brien
Bereuter	Hall, Sam	Oakar
Berman	Hamilton	Oberstar
Bethune	Hance	Obey
Bevill	Harkin	Olin
Biaggi	Harrison	Ortiz
Bliley	Hawkins	Ottinger
Boehlert	Hayes	Owens
Boggs	Heftel	Panetta
Boland	Hertel	Patman
Boner	Hightower	Patterson
Bonior	Horton	Pease
Bonker	Howard	Penny
Borski	Hoyer	Pepper
Boucher	Hubbard	Pickle
Boxer	Huckaby	Porter
Breaux	Hughes	Price
Britt	Hutto	Rahall
Broomfield	Hyde	Rangel
Brown (CA)	Ireland	Ratchford
Broyhill	Jacobs	Ray
Bryant	Jeffords	Regula
Burton (CA)	Jenkins	Reid
Byron	Johnson	Richardson
Campbell	Jones (OK)	Rinaldo
Carper	Kaptur	Ritter
Carr	Kasich	Rodino
Clarke	Kastenmeier	Roemer
Clinger	Kazen	Rogers
Coelho	Kemp	Rose
Coleman (MO)	Kennelly	Rostenkowski
Coleman (TX)	Kildee	Roth
Collins	Kleczka	Rowland
Conte	Kogovsek	Roybal
Conyers	Kolter	Rudd
Cooper	Kostmayer	Russo
Coughlin	Lantos	Sabo
Courter	Leach	Savage
Coyne	Lehman (CA)	Sawyer
Crane, Daniel	Lehman (FL)	Scheuer
Crane, Philip	Leland	Schneider
D'Amours	Levin	Schroeder
Daniel	Levine	Schulze
Darden	Levitas	Schumer
Daschle	Lewis (FL)	Seiberling
Davis	Lipinski	Sharp
de la Garza	Lloyd	Shelby
Dellums	Long (LA)	Sikorski
Derrick	Long (MD)	Sisisky
DeWine	Lott	Skelton
Dicks	Lowry (WA)	Slattery
Dingell	Lujan	Smith (FL)
Dixon	Luken	Smith (IA)
Donnelly	Lundine	Smith (NE)
Dorgan	Lungren	Smith (NJ)
Dowdy	MacKay	Smith, Robert
Downey	Madigan	Snowe
Duncan	Markey	Solarz
Durbin	Marlenee	Solomon
Dwyer	Martin (NC)	Spence
Dymally	Martin (NY)	Spratt
Dyson	Martinez	St Germain
Early	Matsui	Staggers
Eckart	Mavroules	Stenholm
Edgar	Mazzoli	Stokes
Edwards (CA)	McCloskey	Stratton
Edwards (OK)	McCollum	Studds
English	McCurdy	Sundquist
Erdreich	McDade	Swift
Evans (IL)	McHugh	Synar
Fascell	McKernan	Tallon
Feighan	McKinney	Tauke
Ferraro	McNulty	Tauzin
Fish	Mica	Thomas (GA)
Florio	Mikulski	Torres
Foglietta	Miller (CA)	Torricelli
Foley	Miller (OH)	Traxler
Ford (TN)	Mineta	Udall
Fowler	Minish	Valentine
Frank	Mitchell	Vander Jagt
Frost	Moakley	Vandergriff
Fuqua	Molinari	Vento
Garcia	Mollohan	Volkmer
Gejdenson	Montgomery	Walgren
Gephardt	Moody	Watkins
Gibbons	Moore	Waxman
Gilman	Moorhead	Weiss
Gingrich	Morrison (CT)	Wheat
Glickman	Mrazek	Whitehurst
Gonzalez	Murphy	Whitley
Gore	Natcher	Wilson

Wirth	Wyden	Young (FL)
Wise	Wylie	Young (MO)
Wolpe	Yates	Zschau
Wortley	Yatron	
Wright	Young (AK)	

NAYS—80

Archer	Gregg	Oxley
Badham	Gunderson	Packard
Bartlett	Hammerschmidt	Pashayan
Bilirakis	Hansen (ID)	Paul
Brown (CO)	Hansen (UT)	Petri
Burton (IN)	Hartnett	Pursell
Carney	Hiler	Quillen
Chandler	Holt	Roberts
Chappie	Hopkins	Robinson
Cheney	Hunter	Schaefer
Coats	Kindness	Sensenbrenner
Conable	Lagomarsino	Shaw
Corcoran	Latta	Shumway
Craig	Lent	Shuster
Dannemeyer	Lewis (CA)	Skeen
Daub	Livingston	Smith, Denny
Dickinson	Loeffler	Snyder
Dreier	Lowery (CA)	Stangeland
Emerson	Mack	Stump
Erlenborn	Martin (IL)	Taylor
Evans (IA)	McCain	Vucanovich
Fiedler	McCandless	Walker
Fields	McEwen	Weber
Frenzel	McGrath	Whittaker
Gekas	Michel	Winn
Goodling	Morrison (WA)	Wolf
Gramm	Myers	

NOT VOTING—39

Addabbo	Hall (OH)	Ridge
Applegate	Hatcher	Roe
Bosco	Hefner	Roukema
Brooks	Hillis	Shannon
Chappell	Jones (NC)	Siljander
Clay	Jones (TN)	Simon
Crockett	Kramer	Stark
Edwards (AL)	LaFalce	Thomas (CA)
Fazio	Leath	Towns
Flippo	Marriott	Weaver
Ford (MI)	Murtha	Whitten
Franklin	Parris	Williams (MT)
Gaydos	Pritchard	Williams (OH)

□ 1910

Mr. NIELSON of Utah and Mr. SPENCE changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 569.

The results of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, the rule before the House provides for the consideration of H.R. 3605, the Drug Price Competition and Patent Term Restoration Act of 1984. It is an open rule providing for 2 hours of general debate. With 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order the Energy and Commerce Committee amendment in the nature of a substitute to be considered as original text for purposes of amendment. The substitute is to be read for amendment by titles instead of by sections with each title considered as read. Clause 7 of rule XVI, which requires that the subject matter of amendments be germane to the measure being amended, is waived against the substitute. The germaneness waiver is necessary because H.R. 3605, as introduced, dealt only with Food and Drug Administration approval of generic drugs, while the scope of the substitute was broadened to deal with the terms of patents for drugs as well.

The rule provides for the consideration en bloc of the Judiciary Committee amendments to each of the bill's two titles. In addition, an amendment I will be offering to add a new title III is made in order. That amendment consists of the text of title II of H.R. 5929. Clause 7 of rule XVI, germaneness, is waived against the amendment. This waiver is necessary because the subject of the amendment, labeling of textile and apparel goods, is beyond the scope of the underlying text. The amendment is critical to the health and vitality of the U.S. textile industry and is very similar to language included in S. 1538, as passed the Senate.

The rule further provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the whole to the bill or to the substitute and that one motion to recommit with or without instructions is in order.

Finally, the rule provides that, after passage of H.R. 3605, it shall be in order to take S. 1538 from the Speaker's table and consider it in the House. Then it shall be in order to move to strike all after the enacting clause of the Senate bill and insert the provisions of H.R. 3605, as passed by the House. Clause 7 of rule XVI, germaneness, is waived against consideration of that motion.

Mr. Speaker, the energy and commerce amendment in the nature of a substitute contains two titles. The first deals with the process by which drug companies can obtain approval to sell drugs which have already been certified by the Food and Drug Administration and marketed by one of the pioneer drug companies, but on which the patent has expired. Currently, pharmaceutical companies which produce generic drugs must undertake a lengthy and expensive procedure in order to gain FDA approval for sale of a drug with an expired patent. These tests are currently required despite the fact that identical tests have already been conducted and the FDA has previously approved the sale of the exact same drug by the company holding the patent. This bill seeks to end this duplication of effort and, more importantly, make it easier for pharmaceutical companies to market cheaper, generic alternatives to name-brand drugs when the patents on the name-brand drugs have expired.

Title II of the energy and commerce substitute amends U.S. patent law to authorize time extensions on patents for certain drugs. Extensions of up to 5 years can be granted when the patent holder can show that, after the patent was granted, marketing of the drugs was delayed due to the FDA approval process. It is hoped that this extension of exclusive rights will encourage increased research and development efforts by pharmaceutical companies.

The amendment in the nature of a substitute also contains provisions clarifying congressional intent with regard to the definition of patent infringement in the drug industry. The provision, which has the effect of reversing a recent ruling of the Court of Appeals for the Federal Circuit, states that it is not an act of patent infringement for a drug company to test a drug prior to the expiration date of a patent if the testing is in preparation of gaining FDA approval to market the drug after the patent expires.

The Energy and Commerce Committee version of the bill would give to manufacturers of unpatentable drugs an exclusive market life of 4 years on that product. The Judiciary Committee adopted an amendment striking that provision. The Judiciary Committee also amended the energy and commerce amendment to delete any references to animal and veterinary drugs.

Mr. Speaker, this is probably one of the most significant pieces of legislation to be considered by this body. It will help millions of elderly and ill people by getting safe and less expensive generic drugs on the market in an expeditious fashion. It also helps to restore the incentive of patent protection to those drug manufacturers that spend millions upon millions of dollars in the search for new drugs.

Mr. Speaker, the rule before us is an open rule that would permit all Members to offer germane amendments to H.R. 3605. I urge my colleagues to vote in favor of the rule so that we can move to the expeditious consideration of this legislation.

□ 1920

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 569 is an open rule under which the House will consider legislation changing the application process for generic drugs and extending the patent protection afforded developers of new drugs.

The rule, which was reported earlier today from the Committee on Rules, is an open rule and provides for 2 hours of general debate.

The rule makes in order an amendment in the nature of a substitute from the Committee on Energy and Commerce for consideration an original text for the purpose of amendment under the 5-minute rule.

Mr. Speaker, the rule provides a waiver of germaneness for the Energy and Commerce Committee amendment, because the bill as introduced dealt only with the approval process used by the Food and Drug Administration for generic drugs.

The scope of the substitute reported from committee, however, is broader than the original bill since it also deals with the term of patents for drugs.

The substitute is to be read by titles, and the rule provides for en block consideration of amendments to be offered by the Judiciary Committee.

Mr. Speaker, the rule also makes in order a specific amendment, to be offered by the gentleman from South Carolina, and provides a waiver of germaneness for that amendment.

The substance of the amendment to be offered by Mr. DERRICK deals with the labeling of textile and apparel goods, and is beyond the scope of the committee substitute. Since the committee thought the gentleman from South Carolina made a good case for the consideration of his amendment, the waiver was provided.

Mr. Speaker, the rule also provides for linkage of H.R. 3605 to the bill, S. 1538, after passage of H.R. 3605, in order to facilitate a conference with the other body.

The rule makes the consideration of S. 1538 in order, and permits a motion to strike out all after the enacting clause of that bill and to insert the provisions of H.R. 3605 as passed by the House. In addition, a waiver of germaneness is provided for that motion.

Mr. Speaker, our consideration of this legislation culminates a long, bipartisan effort to make it easier for pharmaceutical companies to market cheaper, generic drugs as alternatives to name-brand drugs when the patents on the name-brand drugs have expired.

There was no controversy about the provisions of this rule during our hearing earlier today, and I urge adoption of the rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, this resolution is a very complicated one, which is one of the reasons that I ask for a vote before it be considered. As most Members know, this rule will require a two-thirds vote for passage because it is being presented to us without benefit of a report, and within an hour or so after it has been passed. I believe the last vote required a two-thirds vote, as well.

It is a little hard to track what we are talking about in this rule. We are first given a bill on which there is a committee report. We are then told that that bill is not really going to be the bill we shall actually consider. There is another bill which will be substituted for it.

Finally, there is a third bill which is wholly nongermane to the first two. Under the rule we shall take title II, of H.R. 5929, and stick it onto the bill. When we are done with that, if anybody understands what we are doing, it will be purely by accident.

Mr. Speaker, the part of the bill that baffles me is the part of the bill which will be introduced as a substitute by Mr. DERRICK. It is half of a bill, in fact. Title II of that bill provides for amendments to the Textile Fiber Products Identification Act and the Wool Products Labeling Act of 1939, neither of which has any slight degree of germaneness to the main bill.

Item No. 1: There was no showing anywhere that the main bill in question was an urgent one and had to be considered under a rule which was passed 1 hour or 2 before under a two-thirds vote.

Rule No. 2: I do not know if we have a committee report on the Derrick substitute. I suspect we do not. I do not know if there were committee hearings on it. I just heard about it a few minutes ago. I do not know what it means. All I know is that it is not germane, and that this House has no reason whatsoever to consider it now.

I also suspect, Mr. Speaker, that after we adopt this rule and if the Derrick amendment is passed, then any sort of labeling amendment will be in order, and that means that we are likely to have leather identification amendments, perhaps footwear identification amendments, certainly tubular steel identification amendments, and perhaps a whole raft of others.

In my judgment, the packaging of these two items together is not only unwise, it is rather silly for this House. We should not be indulging in this kind of spur-of-the-moment legislation when we are looking for an adjournment the day after tomorrow.

If we would have handled this rule in the normal way, it would have laid over for a couple of days. We would have then handled the bill in the normal course of events and under the regular procedures of this House. To force the consideration of a nongermane amendment makes this body look like the other body, which does not present a very good picture to our constituents of orderly process. This rule will take two-thirds to pass. I would urge the House that it not be passed.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Have I made a mistake on that?

Mr. DERRICK. The gentleman is incorrect. It took a two-thirds vote for consideration. It will take a majority vote for passage.

Mr. FRENZEL. I thank the gentleman for straightening me out. This resolution requires only a majority vote. The previous vote that I mentioned did require two-thirds, and those who opposed it and assisted me in the opposition were not successful in gaining two-thirds, which I regret greatly.

Mr. Speaker, to sum up, this is an unusual, unnecessary, unwarranted procedure. The resolution should be rejected by the House.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. I thank the gentleman for yielding, no matter what they say.

Mr. Speaker, I take this time to inform my colleagues that I have filed for printing in the RECORD of today 136 amendments to H.R. 3605, the Drug Price Competition and Patent Term Restoration Act of 1984, in order to assure the opportunity for their consideration in the event the leadership calls for the bill to be considered under the 5-minute rule during the remainder of this week, which might result in my colleagues' impatience in turn calling for time limitations being imposed. We know how that works. And this is exactly the right time for that to occur.

I support the concept underlying the legislation, namely the combining of patent term restoration for new pharmaceuticals with a faster approval of generic pharmaceuticals. However, the process in which we are involved partly described by the gentleman from Minnesota [Mr. FRENZEL] just a few minutes ago is a fast process at this point. The matter has been considered in a rather peculiar way. The bill is not the bill that a lot of people thought it was. And it is combined with other elements that would otherwise be nongermane.

My concern is that the bill as presently proposed is a result, in part, of ignorance or unfamiliarity with certain parts of our laws, in particular the patent laws of our country. It has a great deal to do with our position in international trade. The bill would cost American jobs by jeopardizing exports. It would create disincentives to the development of new drugs for health minorities. It would undermine the financial viability of many universities, delay approvals of new life-saving medicines, sacrifice the American biotechnology industry and its edge in the world, make unenforceable patents on inventions used to test drugs. And the list goes on.

These are problems associated with the bill that is being brought to us in a very quick manner at a time when there is very little room for consideration of some pretty complex matters. If H.R. 3605 is considered under the 5-minute rule this week, I think we will be forced to address the multitude of issues in the bill on a piecemeal basis rather than being able to combine these concepts that are included in the 136 amendments.

□ 1930

So I would urge that the bill not be considered this week; the rule might just as well not be adopted at this point. I would urge a no vote.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken, and on a division (demanded by Mr. FRENZEL) there were—yeas 87, nays 21.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 304, nays 74, not voting 54, as follows:

[Roll No. 360]

YEAS—304

Ackerman	Burton (CA)	Dyson
Addabbo	Byron	Early
Akaka	Campbell	Eckart
Albosta	Carney	Edgar
Anderson	Carper	Edwards (CA)
Andrews (NC)	Carr	English
Andrews (TX)	Cheney	Erdreich
Annunzio	Clarke	Erlenborn
Anthony	Clinger	Evans (IA)
Applegate	Coelho	Evans (IL)
Aspin	Coleman (TX)	Fascell
AuCoin	Collins	Feighan
Barnard	Conte	Ferraro
Barnes	Conyers	Fish
Bartlett	Cooper	Florio
Bateman	Coughlin	Foglietta
Bates	Courter	Foley
Bedell	Coyne	Ford (TN)
Beilenson	Crane, Daniel	Fowler
Bennett	Crane, Philip	Frank
Berman	D'Amours	Frost
Bevill	Daniel	Fuqua
Biaggi	Darden	Gaydos
Bliley	Davis	Gejdenson
Boehlert	de la Garza	Gephardt
Boggs	Dellums	Gibbons
Boland	Derrick	Gilman
Boner	DeWine	Gingrich
Bonior	Dicks	Glickman
Bonker	Dingell	Gonzalez
Borski	Dixon	Gore
Boucher	Donnelly	Gray
Boxer	Dowdy	Green
Breaux	Downey	Gunderson
Britt	Duncan	Hall (IN)
Brooks	Durbin	Hall (OH)
Broyhill	Dwyer	Hall, Ralph
Bryant	Dymally	Hall, Sam
Hamilton	McNulty	Schneider
Hammerschmidt	Mica	Schroeder
Hance	Mikulski	Schulze
Harkin	Miller (CA)	Schumer
Harrison	Miller (OH)	Sharp
Hartnett	Mineta	Shelby
Hayes	Minish	Shuster
Hertel	Moakley	Sikorski
Hightower	Mollohan	Sisisky
Howard	Montgomery	Skeen
Hoyer	Moody	Slattery
Huckaby	Moore	Smith (FL)
Hughes	Moorhead	Smith (IA)
Hutto	Morrison (CT)	Smith (NJ)
Hyde	Mrazek	Smith, Robert
Jacobs	Murphy	Snowe
Jeffords	Murtha	Snyder
Jenkins	Myers	Solarz
Jones (OK)	Natcher	Spence
Kaptur	Neal	Spratt
Kasich	Nelson	St Germain
Kastenmeier	Nichols	Staggers
Kazen	Nielson	Stark
Kemp	Nowak	Stenholm
Kennelly	O'Brien	Stokes
Kildee	Oakar	Stratton
Kleczka	Oberstar	Studds
Kogovsek	Obey	Sundquist
Kolter	Olin	Swift
Kostmayer	Ortiz	Synar
LaFalce	Ottinger	Tallon
Lantos	Owens	Tauke
Leach	Oxley	Tauzin
Lehman (CA)	Panetta	Taylor
Lehman (FL)	Patman	Thomas (GA)
Leland	Patterson	Torres
Levin	Pease	Torricelli
Levine	Penny	Traxler
Levitas	Pepper	Udall
Lewis (FL)	Pickle	Valentine
Lipinski	Price	Vander Jagt
Livingston	Quillen	Vandergriff
Lloyd	Rahall	Vento
Long (LA)	Rangel	Volkmer
Long (MD)	Ratchford	Walgren
Lowry (WA)	Ray	Watkins
Lujan	Regula	Waxman
Luken	Reid	Weiss
Lundine	Richardson	Wheat
MacKay	Rinaldo	Whitley
Madigan	Ritter	Whittaker
Markey	Robinson	Wirth
Martin (IL)	Rodino	Wise
Martin (NC)	Roemer	Wolf
Martinez	Rogers	Wolpe
Matsui	Rose	Wyden
Mavroules	Rostenkowski	Wylie
McCloskey	Roth	Yates
McCollum	Rowland	Yatron
McCurdy	Roybal	Young (AK)
McDade	Russo	Young (FL)
McHugh	Sabo	Young (MO)
McKernan	Savage	
McKinney	Scheuer	

NAYS—74

Archer	Gregg	Packard
Badham	Hansen (ID)	Pashayan
Bereuter	Hansen (UT)	Paul
Bilirakis	Hiler	Petri
Broomfield	Hopkins	Porter
Brown (CO)	Hunter	Pursell
Burton (IN)	Johnson	Roberts
Chandler	Kindness	Rudd
Chappie	Lagomarsino	Sawyer
Coats	Latta	Schaefer
Coleman (MO)	Lent	Sensenbrenner
Conable	Lewis (CA)	Shaw
Craig	Loeffler	Shumway
Dannemeyer	Lott	Smith (NE)
Daub	Lowery (CA)	Smith, Denny
Dickinson	Lungren	Solomon
Dreier	Mack	Stangeland
Emerson	Marlenee	Stump
Fiedler	Martin (NY)	Vucanovich
Fields	McCain	Walker
Frenzel	McCandless	Weber
Gekas	McEwen	Winn
Goodling	McGrath	Wortley
Gradison	Michel	Zschau
Gramm	Molinari	

NOT VOTING—54

Alexander	Bosco	Chappell
Bethune	Brown (CA)	Clay
Corcoran	Hillis	Roe
Crockett	Holt	Roukema
Daschle	Horton	Seiberling
Dorgan	Hubbard	Shannon
Edwards (AL)	Ireland	Siljander
Edwards (OK)	Jones (NC)	Simon
Fazio	Jones (TN)	Skelton
Flippo	Kramer	Thomas (CA)
Ford (MI)	Leath	Towns
Franklin	Marriott	Weaver
Garcia	Mazzoli	Whitehurst
Guarini	Mitchell	Whitten
Hatcher	Morrison (WA)	Williams (MT)
Hawkins	Parris	Williams (OH)
Hefner	Pritchard	Wilson
Heftel	Ridge	Wright

□ 1940

Mr. SAWYER changed his vote from "yea" to "nay."

Mr. LONG of Maryland changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1950

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

Mr. WIRTH. Mr. Speaker, pursuant to House Resolution 563, I move to take from the Speaker's table the Senate bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. WIRTH].

The motion was agreed to.

The Clerk read the Senate bill, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

(1) by striking "and" after "1983,"; and

(2) by inserting "$50,000,000 for fiscal year 1985, $53,000,000 for fiscal year 1986, and $56,000,000 for fiscal year 1987," immediately after "1984,".

SEC. 2. Section 393(c) of the Communications Act of 1934 (47 U.S.C. 393(c)) is amended by striking the first sentence.

SEC. 3. Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C) is amended—

(1) by striking "and 1986, an amount" and inserting in lieu thereof "1986, 1987, 1988, and 1989, an amount";

(2) by striking "and" after "fiscal year 1985,"; and

(3) by inserting ", $238,000,000 for fiscal year 1987, $253,000,000 for fiscal year 1988, and $270,000,000 for fiscal year 1989" immediately before the period at the end thereof.

MOTION OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WIRTH moves to strike out all after the enacting clause of the Senate bill, S. 2436, and to insert in lieu thereof the provisions of H.R. 5541, as passed by the House.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. WIRTH] is recognized for 1 hour.

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 weeks ago, the House debated and passed H.R. 5541, which authorizes funds for the Corporation for Public Broadcasting for fiscal years 1987, 1988, and 1989, and for the facilities program for fiscal years 1985, 1986, and 1987. Two amendments designed to cut funding for these programs were defeated, and H.R. 5541 passed the House overwhelmingly, under an open rule, by a vote of 302 to 91.

Immediately following passage of H.R. 5541, I asked unanimous consent to take up S. 2436, which was introduced by Senator GOLDWATER, and was passed by the Senate by voice vote on June 15. My intention was to move to strike all after the enacting clause and insert the text of H.R. 5541. The funding levels in S. 2436 are identical to those in H.R. 5541 and given Senator GOLDWATER's strong leadership on this public broadcasting bill, I believe it is appropriate that this legislation bear the number of the Senator's bill.

However, an objection was registered, to this simple procedural request, and thus the overwhelming will of the House was frustrated due to this tactic to obstruct final consideration of the bill. Mr. Speaker, the House has debated H.R. 5541 under an open rule and has overwhelmingly passed that legislation. S. 2436 contains provisions identical to H.R. 5541. It is a very unfortunate waste of this body's time for us to have to pass this bill again, but the procedural effort that was made to frustrate the House's will makes this necessary.

I wish to remind my colleagues once more that we have already adopted this legislation by the extremely wide margin of 302 to 91, and all we are doing today is substituting the Senate number for the legislation. I ask my colleagues again to support this legislation which is so important to the future of one of our great national resources, public broadcasting.

Mr. SPEAKER, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 563, the previous question is considered as ordered on the motion.

The question is on the motion offered by the gentleman from Colorado [Mr. WIRTH].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An Act to amend the Communications Act of 1934 to extend certain authorizations of appropriations contained in such act, and for other purposes."

A motion to reconsider was laid on the table.

DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 569 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3605.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3605) to amend the Federal Food, Drug, and Cosmetic Act to authorize an abbreviated new drug application under section 505 of that act for generic new drugs equivalent to approved new drugs, with Mr. DANIEL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes; the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes; the gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 30 minutes; and the gentleman from California [Mr. MOORHEAD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3605, the Drug Price Competition and Patent Term Restoration Act, is the most important drug legislation to come before the Congress since the 1962 changes in the drug laws. It is also the most important consumer legislation to be considered this Congress.

The bill will save consumers over $1 billion by making more low-cost generic drugs available. The legislation will also provide the incentives necessary for this country to maintain its worldwide leadership in pharmaceutical research by restoring patent time lost due to Government review.

Let me briefly explain the bill. Title I of H.R. 3605 extends the Food and Drug Administration's [FDA] generic drug approval procedures used for brand name drugs approved before 1962 to those approved after 1962. For pre-1962, the FDA does not require complete retesting of generic copies. Instead, the generic drugmaker must show that his drug is the same as the pioneer drug which was previously determined to be safe and effective. Unfortunately, these abbreviated generic drug approval procedures do not apply to pioneer drugs approved after 1962. The lack of such procedures is an effective bar to generic competition because the generic companies cannot afford the millions of dollars to duplicate the test results already in the FDA's files.

There are 150 post-1962 drugs which are off patent including best sellers such as valium, motrin, dyazide, and inderal. By making these drugs available as generics, H.R. 3605 will reduce the cost of drugs for all consumers. Approximately 84 percent of our citizens pay their drug bill without any form of government assistance. Consequently, the FDA estimates the cost savings of this bill to be $1 billion. Older Americans, in particular, will benefit from the legislation because they are the largest consumers of medicines, using almost 25 percent of all prescription drugs.

Federal and State governments will also save millions of dollars. For example, the Department of Defense saved $1.2 million in 1 year on one dosage form of a drug as a result of the availability of a generic alternative.

Title II of the bill would extend the patents for drugs and other substances subject to premarket approval for up to 5 years. Because a patent continues to toll when a manufacturer is testing and awaiting Government approval, the amount of patent time remaining after approval is less than the normal 17 years. For example, representatives of the drug industry have testified that the average patent time left after approval is between 8 and 10 years. Research-intensive firms predict that declining patent term will result in the development of fewer innovative products.

The bill restores patent time lost due to Government review. Consequently, the legislation will create a significant incentive for the development of new products. In the case of drugs, this could mean new cures for untreatable diseases and less expensive treatments for controllable diseases.

This bill represents a compromise among divergent and sharply differing interests. Previously, extended approval of generic drugs has been opposed by the brand name drug companies and supported by consumer, senior citizen, and labor groups as well as the generic drug industry. Conversely, patent extension was supported by the brand name drug industry and opposed by consumer, labor, and senior citizen groups as well as the generic drug companies.

After almost a year of data analysis and negotiations, we were able to fash-

ion a compromise bill. This legislation has been endorsed by the FDA, the Pharmaceutical Manufacturers Association representing the brand name drug companies, the generic drug industry, the American Association of Retired People, the National Council of Senior Citizens, Consumer Federation of America, AFL-CIO, AFSCME, UAW, and SEIU.

Mr. Chairman, this bill fairly and carefully balances the public's need for low-cost generic drugs and private industry's need for sufficient patent life to encourage the development of innovative products such as drugs. I urge the passage of the bill without amendment.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3605, which initiates an expedited, abbreviated application process for generic drugs and extends the patent protection afforded the pioneer developers of new medications. This legislation culminates a long bipartisan effort to combine and balance these two objectives and promote innovative changes to the Federal Food, Drug and Cosmetic Act. Both the Energy and Commerce and the Judiciary Committees have now provided ample time for discussion, testimony, and rebuttal by groups favoring the legislation and by those who seek to change it.

On the average, it takes $85 million and over 10 years to bring a new drug to the marketplace. This tremendous investment of time and dollars by the pharmaceutical industry must be protected. The majority of time expended in meeting the regulations set forth by the FDA involves the careful testing of drugs for use in humans. After this period of clinical testing, additional administrative review further delays the period before the drug comes to the marketplace. As I previously noted, the combined time lost in meeting the FDA procedures averages approximately 10 years. These are years of lost profitability to the pioneer developer. This detracts from the resources and ability of drug companies to bring new products to the marketplace. Continued research and development by the drug industry is vital to maintain our preeminent position in medical therapeutics. It is, therefore, important to ensure that these companies be provided ample patent protection to recoup their investment.

Under the provisions of this legislation, patent protection can be extended up to 5 years as long as the extension, when added to the patent time remaining, does not exceed 14 years.

We must provide this extension to guarantee the continued commitment of resources for the development of innovative drugs to address the changing health needs of our citizens.

At the same time, I am concerned with the containment of health care costs. H.R. 3605 will allow the marketing of generic counterparts which are identical to post-1962 pioneer drugs, following the expiration of the original patent term. The contribution of medications to the overall cost of health care can be reduced drastically if these generic equivalents are brought to the marketplace in a timely fashion. It is estimated that $1 billion can be saved over a 12-year period by the increased use of generic equivalents.

This proposal is a balanced, bipartisan effort that has benefits for all—for the patients who require medication, for that part of the pharmaceutical industry that researches and develops new drugs, for that part of the industry that produces the generic equivalents of the pioneer drugs, and for the Federal agency that is charged with the protection of the public in the proper use of safe and effective drug products.

I support this important balanced approach to the marketing of drugs in this country, and I urge your support for the bill.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. Chairman, I want to point out the very significant role the gentleman from Oklahoma has played in this legislation as the author of the Drug Price Competition and Patent Term Restoration Act, which has been folded into this compromise.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to my colleague, but I wanted to yield time first to the gentleman from Oklahoma, who in his absence I praise as a very important participant in this compromise, as the author of the Drug Price Competition and Patent Term Restoration Act. The gentleman has played a most constructive role in fashioning the compromise and he is to be commended for his statesmanship that he has offered, and since the gentleman is returning to the floor at this time, I yield the gentleman 5 minutes.

Mr. SYNAR. Mr. Chairman, I thank the gentleman from California.

Let me join in my praise not only for the gentleman from California, but the gentleman from Illinois, for their outstanding efforts. This bill comes after a long and hard and arduous compromise proposal that we have negotiated over the last 18 months.

Mr. Chairman, we have a unique opportunity here tonight and in the next couple of days to pass one of the best consumer bills this Congress will consider, not only in this Congress, but all future Congresses.

□ 2000

We are going to accomplish two purposes by passing this bill. First of all, we are going to provide new and better incentives for drug companies to go out and find better drugs; and, second, we are going to provide cheaper drugs by better competition in the marketplace that will benefit not only our elderly but all of those people who buy medicine.

We have a unique opportunity today to bring together all of those groups that are concerned about medical costs in this country and about better medicine. That is why this bill is being supported across the board by business, consumers, elderly, and medical groups throughout this country.

I ask you to consider it closely, to review the merits of the bill. But most importantly, remember that this is a compromise bill between all of those various groups that have concerns about better medicine in this country and providing better incentives and cheaper drugs for the future.

Yes, we do have an opportunity tonight to do something which we rarely get to do, which is to provide for a bill that will give us better drugs and cheaper drugs for the future. I endorse this bill enthusiastically and I ask my colleagues to do so.

Mr. Chairman, I rise in strong support of the Drug Price Competition and Patent Term Restoration Act. This bill accomplishes two important goals:

It provides incentives for research on new drugs by restoring a portion of the patent life that is lost during the FDA approval process; and

It increases price competition in the drug marketplace by simplifying the approval process for generic drugs.

Together, these two will bring about cheaper drugs today and better drugs tomorrow.

I introduced the Patent Term Restoration Act over a year ago with 100 cosponsors—today there are 151.

My colleagues and I were concerned about the integrity of our patent system, and the adverse effect of increasingly lengthy FDA approval on drug research in this country:

Drug research as a percentage of sales is declining.

The cost of developing a new drug averages $87 million.

The average effective patent life of a pioneer drug is reduced by 7 years because of FDA review.

The bill before us today would return fairness to the patent process by restoring a portion of a drug's 17-year patent term that has been consumed during the Government-mandated testing and approval process.

The restoration would be limited to 5 years and in no case could give a drug product more than 14 years of market exclusivity.

The other title of this bill improves price competition in the drug marketplace. It establishes an expedited approval process for generic drugs that are identical to a pioneer drug which has already been approved.

Currently, the FDA requires the same lengthy testing and application procedure for generics that it requires for entirely new drugs.

The effect has been to limit drug competition by keeping generics off the market. This bill will result in the immediate availability of 150 off-patent drugs at a cost of one-tenth to one-half of existing prices.

Consumers will save nearly $1 billion over the next 12 years. And it's important to remember that senior citizens are the primary consumers of health care.

This bill is an important compromise that improves research and development and increases price competition in the drug marketplace.

As sponsor of the Patent Term Restoration Act, and as a consponsor of this legislation, I encourage my colleagues to support this landmark legislation.

Mr. WAXMAN. Mr. Chairman, at this time I yield myself so much additional time as I may consume.

This bill represents a compromise among divergent and sharply differing interests. Previously, extended approval of generic drugs has been opposed by the brand name drug companies and supported by consumer, senior citizens, and labor groups as well as the generic drug industry.

Conversely, patent extension was supported by the brand name drug industry and opposed by consumer, labor, and senior citizen groups as well as the generic drug companies.

After the work on this legislation and the work on this compromise bill, the legislation has now been endorsed by the FDA, the Pharmaceutical Manufacturers Association representing the brand name drug companies, the generic drug industry, the American Association of Retired Persons, the National Council of Senior Citizens, the Consumer Federation of America, the AFL-CIO, AFSCME, the UAW, the USW, and SEIU.

Mr. Chairman, this compromise represents broad bipartisan support. It would not have been possible to fashion this compromise without the work of the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Illinois [Mr. MADIGAN], and our Committee on Energy and Commerce, and particularly I want to pay tribute to the gentleman from Wisconsin [Mr. KASTENMEIER], who has been involved in this legislation for two Congresses. His contribution has been enormous and without it we would not have had the legislation that is before us.

I want also to pay a special tribute to the gentleman from Tennessee [Mr. GORE] and the gentleman from Massachusetts [Mr. FRANK] for their role as well in fashioning the legislation.

I have no further requests for time from our side and I would therefore yield back the balance of our time.

Mr. CHAIRMAN. Does the gentleman from Illinois [Mr. MADIGAN] desire additional time?

Mr. MADIGAN. Mr. Chairman, I have yielded back the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 30 minutes.

Mr. KASTENMEIER. Mr. Chairman, I yield myself so much time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3605, the Drug Price Competition and Patent Term Restoration Act of 1984. This carefully crafted compromise is both proconsumer and proresearch. I hope in the next few minutes to outline to my colleagues both how important this legislation is and how we got here.

American intellectual property law in general, and patent law in particular, is designed to reward innovation. The founders of our Nation recognized the importance of promoting the use of arts and sciences by providing Congress with a specific grant of authority in this area. Pursuant to that grant of authority, the Congress has enacted a series of patent and copyright laws. Since 1861 our patent laws have provided that in return for the public disclosure of a useful invention that an inventor may obtain a period of 17 years to exclude others from practicing that invention.

As many Americans have recognized in recent years, it is our intelligence and inventiveness which sets us apart from many of our trading partners and foreign competitors. An important element of fostering that spirit of inventiveness is a strong patent system. One ingredient to such a system is that inventors have a reasonable assurance that their inventions will be in the commercial marketplace for a long enough period of time for them to recoup their investment in research. It is this issue of effective patent life which originally motivated this legislation.

During the late 1970's, many research-based pharmaceutical firms began to complain that the effective market life of their patented inventions was being eroded by excessively long periods of regulatory review—and delay—at the Food and Drug Administration. They argued that unlike other patented inventions, they had to obtain premarketing clearance or approval from a Federal regulatory agency, the FDA. They claimed that the approval process reduced the effective patent life of drugs by about 7 years. This view was affirmed by two high-level, bipartisan panels, the National Productivity Advisory Committee and the President's Commission on Industrial Competitiveness.

In response to the problems of the research-based pharmaceutical houses, legislation was offered to restore patent life lost through regulatory review. Before acting on this legislation, last Congress the Committee on the Judiciary commissioned a study by the Office of Technology Assessment [OTA]. The OTA study, "Patent Term Extension and the Pharmaceutical Industry," found that since 1966 the average effective patent terms of drugs had declined. The study also found that the research and development costs for new chemical entities have increased at the same time.

The OTA findings standing along might have convinced some about the need for legislation on the patent side. However, the OTA study went on to point out that the current policies of the FDA served to offer additional protection to FDA-approved drugs even after they go off patent. This is so, because the FDA has erected a set of substantial barriers to the market entry of generic substitutes. The OTA also raised several cautions about any patent term legislation. They pointed out that expenditures for research and development appeared to be stable, despite reduced effective patent life. Second, they predicted that drug prices were likely to be higher during a period of patent extension. Third, they feared that patent term extension may merely increase the attractiveness of research on drugs to be sold to large markets at the expense of research on rare diseases or orphan drugs.[1] Finally, the OTA noted that reforms were underway at FDA to reduce the period of regulatory delay.

Last Congress, when faced with the task of implementing the recommendations of the OTA study, the Senate chose to enact patent term legislation alone, but the House balked. The failure of patent term legislation last Congress was primarily the result of our failure to view the regulatory and patent problems of the drug industry as a whole, as recommended by OTA.

This Congress, through the mediation/arbitration efforts of Congressman WAXMAN and others, a carefully crafted compromise has been developed. This compromise totally satisfies no one, but pleases most responsible parties. As you will hear from others today, this bill is the single most important set of patent law amendments in decades and the most fundamental alternative to the Food, Drug and Cosmetic Act since 1962. This bill is also both the most important consumer bill

[1] I note parenthetically this problem has been treated, in part, by the passage of the Orphan Drug Act last Congress.

and medical cost containment measure before us this Congress.

SUMMARY OF THE BILL

H.R. 3605 contains two titles. The first title of the bill creates a new system for the approval of generic drugs by the Food and Drug Administration. This approval process for drugs approved by the FDA after 1962 has been severely criticized as too cumbersome and expensive. In essence the provisions of title I of H.R. 3605 extend the procedures for approval of generics for pre-1962 drugs to the later class of drugs.

Thus, under H.R. 3605 a generic manufacturer may submit to FDA a request for approval of a generic substitute for any post-1962 drug. The generic manufacturer must establish that the proposed substitute is the same or therapeutically equivalent to the drug which has already been approved.

Under the approval process in H.R. 3605, a generic manufacturer may submit an application for approval to FDA before the so-called pioneer drug goes off patent. The generic may submit data establishing bioequivalency during this time period. In order to complete this application the generic manufacturer must conduct certain drug tests. In order to facilitate this type of testing, section 202 of the bill creates general exception to the rules of patent infringement. Thus, a generic manufacturer may obtain a supply of a patented drug product during the life of the patent and conduct tests using that product if the purpose of those tests is to submit an application to FDA for approval.

H.R. 3605 permits generic applications to be effective after a patent expires. In addition, H.R. 3605 provides that a generic manufacturer may request FDA approval to begin marketing before the patent on the drug has expired. Under current law, this situation is not an issue because of the cumbersome approval process. If the generic manufacturer seeks such an approval it must allege that the existing patent is invalid or will not be infringed. In this instance notification must be given by the generic to the patent holder concerning the application for FDA approval. In these cases the FDA may not approve the generic application until either: One, 18 months have expired or two, a court has determined that no infringement will take place. After the expiration of 18 months, if there has been no intervening judicial determination, the FDA will approve the generic application, even if the drug is still on patent.

Finally, title I also provides for a 4-year grant of market exclusivity to be granted by the Commissioner of the FDA for unpatentable substances which have been approved for use as drugs by the FDA.

TITLE II

This title of the bill addresses the question of patent term extension. As noted above, proponents of this type of legislation have argued that the reduction of the effective market life of a patent because of Federal regulatory review should be restored through an extension of the patent term. Alternatively, or additionally, some proponents of this approach have argued that without some form of legislative relief in this area there would be a diminished stimulus in innovation and research. Thus, it is argued that patent term extensions will create incentives for increased research expenditures.

The patent term extension provisions of the bill are relatively complex, and differ in many respects from the bill approved by the Committee on the Judiciary last Congress. In general, the bill provides that a patent may be extended for a period of up to 5 years if the patented drug—or other item subject to regulatory review by the FDA—has undergone regulatory review. The bill provides several general rules for calculating the period of the extension. First, only one-half of the testing phase may be counted. Second, a year-for-year matching extension is available for any time in the drug approval process that the drug spends awaiting a decision by the FDA. The 5-year rule is available to all drugs which have not yet undergone testing by the FDA. With respect to drugs which have been patented and tested but not yet approved by the FDA, the maximum period of extension is 2 years.

In addition to the 5-year rule listed above, the bill places an additional cap on the possible extension. In no case may the period of patent extension, when added to the patent life left after approval of the product, exceed 14 years. Finally, any part or all of the patent extension may be canceled if the applicant for an extension failed to act with due diligence in conducting tests or in the submission of data to the FDA.

As noted above, the other feature of the drug patent part of the bill is to statutorily modify the rules with respect to patent infringement.

OPPOSITION TO THE BILL

In closing let me take note of some of the opposition to this bill. It should not come as any great surprise that some pharmaceutical houses are opposed to this legislation. In fact, if we were voting on the ANDA provisions of title I of this bill alone, probably all of the drug companies would be opposed. The enactment of this bill will open up to generic competition, within the next few years, billions of dollars of off-patent drugs. The dissident drug companies know full well that if they do not stymie enactment of this bill they will face stiff competition on their leading drugs. For example, within the next year the patents will expire on three of the top selling drugs: One, inderal—used for cardiovascular purposes; two, Aldomet—also used for cardiovascular purposes; and three, valium—an antistress drug. It is not a coincidence that the companies that hold these soon-to-expire patents are leading the opposition to this bill.

The amendments—in the patent area—that you will be asked to vote on have all been considered and rejected by the Judiciary Committee. For the most part these amendments have one common purpose: to provide for longer patent term extensions. Some of the amendments will be disguised as technical amendments, others as clarifying in nature; yet in fact, they all go to the heart of the compromise and should be rejected.

CONCLUSIONS

When the negotiations on this subject began over a year ago, there were two goals: a fair and workable system for the approval of generic drugs at the FDA; and a sensible patent term restoration to compensate for regulatory delay. In my view these goals have been achieved. The ANDA approval process will mandate the FDA to remove the unnecessary barriers to competition. The provisions of title I of the bill will also assure that generic substitutes are just as safe and effective as the pioneer drugs. The patent term restoration provisions are less generous than what the industry requested, but are a fair accommodation.

I urge my colleagues to support this bill.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I am pleased to yield to the gentleman from Tennessee.

Mr. GORE. I did not take time earlier, but I appreciate my colleague yielding for me to just say a few brief words in strong support of this legislation. I was one of those who found myself on the other side of the debate last year. Without reopening that issue at all, which would be most inappropriate, I felt that that version was overly balanced toward the large pharmaceutical companies and did not have enough in the bill for consumers.

□ 2010

I think this bill is very balanced. It is still generous toward the large companies and will assist those companies in being successful against the increasingly stiff competition from companies in foreign countries.

At the same time, however, this bill will provide more new competition in drug pricing in the form of competition from the newly approved generic drugs which will be able to come onto the market much faster after the patent period has expired, so that

overall, this bill is good both for the industry and for the consumers.

That is why all the major consumer groups are for it, the senior citizen groups are for it, and the Pharmaceutical Manufacturers Association is for it.

Rarely do we have a chance in this body to vote on a piece of legislation that is as well crafted as this bill is, and which has been worked on as long as this bill has been worked on.

I want to express my strong support for it and ask my colleagues to vote for it in overwhelming numbers.

I appreciate my colleague's courtesy in yielding.

Mr. KASTENMEIER. Mr. Chairman, I say in response to the gentleman from Tennessee, the bill 2 years ago did not have the ability, because of the germaneness rule, to consider the generic aspects that this bill has which gives it the balance that the gentleman says is present, and I agree with that assessment.

On the other hand in some respects this bill is more generous to pharmaceutical manufacturers; the other bill was entirely prospective. They could not have had an extension to the year 2000. It addressed no drugs currently under application or under test in the pipeline.

This bill does. I do not think that is unfair, but I will say that it is something that the pharmaceutical manufacturers certainly wanted and they got in this bill that they did not get in the bill 2 years ago.

Mr. GORE. If the gentleman would yield further, I am so delighted and thrilled that we are on the same side this year that I am not even going to pursue that debate. I am just happy that we are together on this bill, it is in the best interests of the American people, industry and consumers alike.

Mr. KASTENMEIER. I thank my colleague from Tennessee for his participation of 2 years ago, even though we were in continuing opposition for his continuing support.

Actually being from Tennessee, he serves in a long tradition not only of his father but the other Senator from Tennessee no longer on the scene who was so well known nationally.

Mr. GORE. Indeed, this bill can be compared in its significance with the 1962 Kefauver amendments which was the landmark in the laws governing pharmaceuticals in this country.

This bill is comparable in significance to that bill. Again, I thank my colleague for yielding and urging support for the bill.

Mr. KASTENMEIER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman reserves the balance of his time. The gentleman has consumed 11 minutes.

The gentleman from California [Mr. MOORHEAD] is recognized for 30 minutes.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute tothe gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank my friend for yielding time to me.

Mr. Chairman, our colleague [Mr. FISH] joins me in the remarks that follow:

I rise in support of H.R. 3605. This legislation is designed to correct a current inequity in the patent law. Present patent law provides an inventor 17-years of exclusivity. However, for certain products such as chemicals and medications, the 17-year patent term has been unintentionally eroded by Federal premarket testing and regulations.

When Congress settled on 17 years of patent life on March 2, 1861, it never took into account today's massive Federal bureaucracy. Granted these tests are important and can't be rushed. But we can't ignore the fact that inventors in this industry do not get anywhere close to 17 years of exclusive use of their inventions.

As the patent life has eroded over the last decade, the cost of developing new medication has skyrocketed. However, out of every $1 spent on health care in the United States, only about 8 cents is paid for medicines.

Drug prices have been one component of health-care costs that has remained relatively stable over the last 20-years. While the Consumer Price Index has risen 178 percent and health-care costs have increased 629 percent , the cost of prescription drugs has increased only 34 percent over that 20-year period. The beneficial effects that new medicines have on medical costs can be graphically illustrated. Tagamet, the new ulcer drug, could save some $250 million a year in forgone surgery and physician visits if the drug were used by all who could benefit from it. The average hospitalization cost for a case of pneumococcal pneumonia in an elderly person is approximately $3,300. The vaccine to prevent this disease costs only about $100. The vaccine for rubella has produced savings in health-care costs and lost working time 47 times that of the price of the vaccine. Additionally, sodium valproate, a new medicine to treat epilepsy, has been estimated to save $612 million yearly.

Shorter patent life translates into falling rates of return, which translates into falling investment in research and development, which translates into fewer and fewer new medicines coming on the market.

This phenomenon, coupled with the inability of many new products to recover their investment, discourages innovation. For example, from 1955 through 1962, an average of 46 drugs was introduced annually in the United States; today, undoubtedly for a variety of reasons, that average is only 17 drugs a year, a decline of 63 percent.

Gradually, the time needed to complete and clear the regulatory review process has grown longer, as products and tests have become more sophisticated and the regulatory resource of agencies like the FDA have become stretched to their limit. In 1962, for example, it took approximately 2 years and $6 million to bring a new medicine from the laboratory to the marketplace. It now takes an average 7 to 10 years and about $70–$85 million to complete this testing period. Thus, it is not uncommon for a drug product to have lost up to one-half of its patent life without having yet been marketed.

This reduction in the number of drug innovations strongly indicates that the public is being deprived of new therapies. The decline in pharmaceutical patent lives, the result of inadvertence rather than congressional intent, will erode the investment research incentive provided by the traditional 17-year patent term.

This is important legislation, it is important to the consumer, especially the elderly and it is important to industry and I urge colleagues to vote favorably for its passage.

At the proper time, Mr. MOORHEAD will offer an amendment which he offered in subcommittee and lost and a modified version of which was offered at the full Judiciary Committee by Mr. HUGHES and supported by our chairman, Mr. RODINO. I urge you to support that amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Chairman, basically, there are many good things in this bill, but I regret there are several things that some of us on this side of the aisle are having problems with, and we hoped they would be able to be rectified in the committee, but they were not.

I would like to talk briefly about one particular aspect of this bill which is the overturning of the Bolar case.

It has been long accepted patent law, at least it is my understanding, not being a patent lawyer, but it is my understanding that for years in this country, it has been considered a patent infringement for a company to test or market or use a particular item. This particular bill would overturn the Bolar decision.

In that case, the U.S. Court of Appeals for the Federal Circuit held, consistent with prior law, that a generic drug company may not formulate and test its version of another company's patented drug until the patent term expires.

The Bolar decision is sound law and in my opinion should be retained. However, this particular bill would

overrule Bolar and thereby permit a generic company to engage in acts which heretofore would have constituted patent infringement.

I understand the committee has received a legal advice that this is constitutional. I am not sure it is constitutional, to be taking property rights away from people and away from companies. But whether or not it is constitutional, it seems to me it is bad public policy and should be rejected by this Congress.

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3605, the Drug Price Competition and Patent Term Restoration Act of 1984.

When most people hear the words patent law reform, they do not consider those words as having a life-or-death ring. But what about words like penicillin or polio, pneumonia, smallpox and measles vaccines—do they have more of a life-or-death ring? The present impact of patent law on the drug industry is inhibiting those very kinds of discoveries.

Our patent system is crucial to the drug and the agricultural chemical industries. Ironically, these industries, while especially needing the patent system, do not receive its full benefit. It's very costly, very time consuming, and very risky to develop a new medicine. Currently, to bring a medicine to market takes about 10 years, costs $70 million and has a failure rate of 90 percent. The promise of 17 years of patent protection kept things rolling until, in 1962, the thalidomide tragedy convinced everybody that new medicines needed more rigorous testing. This, in turn, meant more time elapsed before drugs could be brought to the market.

Therefore, the length of time between patenting a medicine and getting FDA approval gradually ballooned from about 1 year pre-1962 to nearly 10 years now. In other words, a life-saving medicine making its debut today will have less than 7 years of patent life, whereas a toy or new medicine will receive the full 17 years of protection. This, in my opinion, is not fair.

I believe this legislation will mean more and better medications, resulting in better and earlier treatment. This point was well made by a Chicago Tribune editorial (May 1, 1982) which said:

> Some objections have been raised to the proposed legislation because it would lengthen the time until a drug could be copied by the developer's competitors and marketed as a generic product, presumably at a lower price. But in the long run, we all stand to benefit much more from the discovery and availability of new medications. It is far less expensive to treat patients with drugs than with surgery or long hospitalization, which may be the only alternatives. And one of the most effective ways to cut health care costs is to develop new medications. Enormous savings, for example, could be made if we had more effective drugs for heart disease, cancer, genetic disorders, respiratory diseases, and a long list of other ailments for which better treatment is urgently needed.

□ 2020

Mr. Chairman, I strongly support this bill, but I believe there are some inequities that are still left in the bill that should be corrected.

The Patent Office has requested me to offer two amendments which would correct some of the problems in the bill. The procedures are too complicated in this legislation and can be rather simply corrected, taking care of the needs that are legitimate to the legislation but cutting down the long procedural delays.

Another problem with the bill, is that it unfairly treats so-called, second-class patents, which are patents that are developed from a former patent. Many people have said it would prevent these drugs from becoming generic and coming on the market as rapidly as they should. But I would tell you that the original patented product can be put on the market as a generic. It would be only the old product patent, the one that is approved, that could get an extension under H.R. 3605. For that reason, I do not think we should have a second class patent.

There are other problems which will be addressed in amendments that are presented tomorrow. But obviously, one of the problems that we have in the bill is that it compromises the rights of present patent holders by permitting their adverse use of that particular product by potential competitors prior to the time that the patent expires.

I have an amendment that would take care of some of the problems suggested by the gentleman from Ohio [Mr. DEWINE] by requiring that when a person applies for an extension of patent rights that he give up the right to exclusive use of that patent for experimental purposes during the last year of his extended patent rights. This would give the generics a right to work on that product and get a product ready for the market. But his rights in that patent would be given up by him in order to get the extension, and for that reason we would not be taking property rights from any American.

While I would appreciate an aye vote on these amendments when they are offered, I do believe the bill is a step forward, it is an improvement in the present law, and I would ask for an aye vote on the bill.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Chairman, in the discussion on the rule, I raised the objection to the procedure, first of all, of bringing a rule to this floor within an hour or so after it was passed, without the customary layover, which is contrary to our procedures unless there is a showing of great urgency. In this case, I am not aware of any showing of urgency having been made either before the committee, before the committees of jurisdiction or before this Committee of the Whole.

In the second place, the rule provided that the bill which is presented to the Committee of the Whole be amended by a substitute amendment and that there further be allowed a nongermane amendment to be offered by the gentleman from South Carolina [Mr. DERRICK].

I object to the nongermane amendment being a part of our process. I believe that one of the very few distinctions this House has is orderly process. We compare it with the nongermane procedure arrangements which obtain in the other body, and we have always been proud of our procedures. Now, occasionally some of our Members get urges for speed, urges of greed or other urges, and they are able to piggyback one idea which has nothing to do with the main bill onto another. That is obviously bad procedure. Every observer of our system understands that. Naturally, all of us would make the same observation, of course, unless it was our bill which was the hitchhiker in the case.

The hitchhiker itself is a highly controversial bill. It has not been heard in any committee report following this bill. There is no testimony on it. There has been no showing whatsoever that there is a need for it or that, in fact, it will do any good for whatever the authors intend for it.

On the other hand, there is some clear evidence that it is mischievous to importers of textile goods and woolen goods.

Mr. Chairman, I believe that the worst of the mischievous items in there lies in the effective date and the requirement of labeling within mail order catalogs. If you are a catalog retailer selling goods to the public, you are required under this bill within 90 days to have all of your catalogs showing what goods are U.S.-made and what goods are imported, and if you do not, those goods are prima facie misbranded and subject to the penalties of this wonderful law of 1939 that none of us know anything about. I could not even tell you what the penalties are. But I suspect that they could be substantial if they are multiplied. Therefore, one of the amendments which I will offer later on is to change that effective date to a reasonable time so that somebody placing forward orders, either for printing or

for goods that are to be sold to the public, will have a reasonable chance of making good on what has been rational planning on the part of that particular retail agent.

I think it is just manifestly unfair to suddenly attack a pile of goods and say:

This was not misbranded yesterday, but today it is. Never mind if you ordered it 6 months ago, never mind if you printed your catalog 6 months ago, too bad, you are out of it.

Well, how about if you are Sears, Roebuck and you print a couple million catalogs and they are that thick, do you mean you have to throw out your spring catalog? That is what that effective date says to that kind of a company. The same thing is true, to a lesser extent, and is probably more harmful, to small importers of textile goods, who will suddenly find the goods that they have received which they have ordered 6 months ago are illegal, misbranded in the United States. This is obviously an unfair, unreasonable kind of a law. I have yet to understand what is good about it. I suspect that it will encourage consumers to go for imported goods over U.S. goods, and I suspect that that is counter to the motivations of the proponents of the bill.

I shall hope that this bill is defeated. With the luck I had on the rule today, I harbor no great enthusiasm or any great expectation that it will be defeated. It should be defeated, and I shall offer as many amendments as are necessary so that the House has a fine chance to discuss all of the aspects of the bill.

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PEPPER], the distinguished chairman of the Rules Committee whose generosity in granting us this time accounts for our being here in the first place.

Mr. PEPPER. I thank the distinguished gentleman for his kindness in yielding to me.

Mr. Chairman, I think this bill is a fair bill. I think it corrects an injustice which has often fallen upon the big drug companies of this Nation who are in general contributing much to new and extended research in trying to find the answers, the cause and the cure of some of the dreaded diseases like heart disease and cancer that afflict so many of our people. But we in this bill have done something more than provide a greater measure of justice for the drug companies by giving them a right to extend their patents, to a certain degree, to compensate for the time they have lost while their application is being considered by the Food and Drug Administration or the companies themselves have been engaged in their own preparation for putting their drug upon the market. But the benefit to the elderly, which many of us have been particularly concerned about, they tell me, will reach something like a billion dollars in the next few years. The way the benefit will derive to the elderly is that the generic producing drug companies would be able to get the right to produce these critical drugs earlier than they otherwise would be able to do, and therefore they will be selling cheaper generic drugs, which those who are informed about the matter know simply means that you are buying aspirin, let us say, not by trade name, but by a name that really means aspirin. You get it cheaper in the marketplace when you buy it that way, as they call it, a generic drug, than you do when you buy a drug that has a brand name that is sold generally in the market.

□ 2030

So this is, I think, a fair compromise between the drug companies, giving them justice for the time that they have heretofore been losing, through no fault of their own, and at the same time, giving the elderly people of this country perhaps a savings of a billion dollars in the next few years by being able to buy more and cheaper generic drugs than they would otherwise be able to buy without this legislation.

I add on to this, Mr. Chairman, medicare does not cover the drugs that an elderly person consumes in the home. What I am talking about is the ability of the elderly to buy drugs that they have to pay for themselves, and on the average, 13 prescriptions a year, is the number obtained by the average elderly person. They are going to be able to save a lot of money and get a lot of care that they richly deserve.

Mr. MOORHEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. I thank the gentleman for yielding me this time.

Mr. Chairman, my purpose at this point is to make some observations for the RECORD, because it surely is not for the purpose of persuading anyone present. Here we are, a nice, warm, friendly little group. I wish at this point in time the cameras could scan the House Chamber to show how empty it is. That will not happen until later when we have special orders, if we have any special orders tonight.

I feel as though maybe I am involved in a special order right now, because that is what happens when nobody listens, or at least hardly anyone listens. That is what has been happening right along the line with the progress of H.R. 3605. It has gotten all this way without really anyone paying enough attention to certain aspects of it. It started out with a good purpose, a wonderful purpose. I agree with it thoroughly. I think that the concept of getting the clearance of generic drugs and getting them to the marketplace just as soon as possible is a great idea. It can indeed solve a lot of financial problems or help with a lot of financial problems of many people who need medicines and drugs for the sake of their health on a regular basis.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding because I think that it might be worth underscoring the point that the gentleman made as he led off his argument. I have just done a count of the House and, if TV cameras were in fact scanning the Chamber right now, they would discover that there are only nine Members of Congress on the floor to listen to the gentleman.

Mr. KINDNESS. If the gentleman would forgive my using the term, I think this is what we call a "Walker House."

I agree with what we attempt to do in extending the term or restoring the term of patents that get run down or run out while the patented product is being put through a long, tortuous regulatory process before it is approved for use on the market. Those are two good concepts that have been much discussed by those who have heaped praise upon this bill.

But, my gosh, do we have to depreciate the value of our patent laws to do this? No, I do not think so. It has been done, I believe, accidentally in the main. It has been done, in the main, by people who did not know anything about patent law, and I am not claiming to be an expert. I have had the problems pointed out to me by people who are more expert at patent law. But the problems are there.

Let me tell the Members about an experience that I had this spring at the appointment of the Speaker of the House. I was, on the recommendation of others in the Judiciary Committee, and the chairman thereof, I was appointed to be an observer, adviser to the U.S. delegation to the fourth in a series of negotiations concerning possible or potential amendments to the Paris Convention on Protection of Industrial Properties.

Now, that is an old international agreement, a treaty having to do with the protection of patent laws. We have had a struggle going on for a number of years in which Third World countries, together as a group in those negotiations are saying, let us detract more and more from the patent laws of the industrialized nations. The developed nations have too much by way of property rights under their patent protections. We do not want to recognize those rights in our countries, and we want to be able to take the value of that intellectual property at as early a date as possible and use it for the ben-

efit of our countries and the development of our underdeveloped countries.

Well, that is one side of the argument. Our side of the argument, the U.S. side of the argument is that we have, the developed nations of the world have for many years respected each other's patent laws, we have respected the rights of individuals to own intellectual property.

The Third World nations, however, have strongly argued that we should weaken that concept. They are backed by the Soviet Union and the socialist countries that group themselves in these negotiations with the Soviet Union. That is sort of in the background. The Soviet Union and its allies in industrial terms, in terms of international trade, would like to have the Western nations' patent laws weakened, just like H.R. 3605 does.

Do we realize how much of our commerce throughout the world involves pharmaceuticals? That is what we are talking about mainly here, drugs. That is an important area in which the United States does have some areas of advantage. We do sell pharmaceuticals to other countries. It is a part of our international trade picture.

There are other countries that would like to do more by way of taking on intellectual property in the form of patented drugs or pharmaceuticals and marketing them throughout the world without regard to, and without respect for, our U.S. patent laws and the concepts that we believe or have believed, as a nation, are appropriate to the protection of intellectual property in the form of patents.

Well, what happened in regard to H.R. 3605 now? A lot of people wanted to have this patent term restoration matter dealt with. A lot of people wanted to do something about shortening the time for generic drug manufacturers, the Third World countries of U.S. pharmaceutical operations, I guess, to be able to market more quickly these patented products when the patent runs out.

In wedding those two concepts, very worthwhile concepts, we have come together in some areas of this bill with provisions that simply derogate too much from the intellectual property rights of people in the United States. They ought to have been given serious consideration, but what happened? Nobody gives it serious consideration. Why is that? Because this is a negotiated bill; it is not a legislated bill, it is a negotiated bill.

There is nothing wrong with negotiations; it happens all the time. But when you substitute somebody's statement that, "Oh, you cannot touch a tiddle in this bill because it has all been carefully negotiated and balanced and set forth in such a manner that if anybody slips a little bit, the whole thing falls."

No; I do not believe it. Anyone who has been involved in the legislative process for any appreciable period of time or has observed it closely knows that every time that argument is made it is false.

□ 2040

Negotiated legislation is just that. It is subject to negotiation and change all the way through the legislative process. H.R. 3605 is no different and should be no different. We should ascribe no particular sanctity to this bill simply because some few individuals were involved in negotiating its contents and others went along with what was decided.

Nonetheless, I understand that negotiations continue, perhaps even as we speak, in an attempt to arrive at some conclusion, some amendments that might be the final package of negotiated provisions that would end the remaining controversy.

I am not that easily satisfied unless the patent laws of the United States are kept reasonably intact with respect to the preservation of the protection of intellectual property. Any time we reduce that too seriously, we are cutting the ground out from under our negotiators in the international process that I described a moment ago that goes on and on.

The amendment process is a part of the legislative process to which we often give too little attention, but the amendment process could be used to improve H.R. 3605 to where, practically speaking, I do not think there would be any opposition to the bill. But we have encountered an attitude in the Committee on the Judiciary that says, "Oh, no, you cannot," and somehow along partisan lines the votes fell in the Committee on the Judiciary.

That is an oddity because this is not a partisan matter, from what I understand. I do not know of any reason for Democrats and Republicans to generically view the bill from different aspects, different points of view. But in the Committee on the Judiciary, all attempts at amendment were rebuffed, and where votes were taken, they were along party lines.

Why should that be? I think it is the stubbornness that arises out of the arrogance of power when the majority party has been in power too long, and reason is pushed aside, logic is pushed aside, and power takes over. All right. That is the way it seems to function all too frequently. It does not mean it is right and it does not mean that it is making good law.

I would just like to suggest, for example, another gentleman from Ohio, [Mr. DEWINE,] earlier pointed out that the Bolar case is being overturned by this bill, a case that really precipitated the conclusion of the earlier negotiations on this bill. That case made it clear that the law all along really was, as most everyone in patent field thought it was, that someone who does not own a patent cannot put the patented product to a commercial use during the life of the patent, and that includes testing it and preparing it for marketing to begin as soon as the patent expires.

The Bolar case, then, will be overruled by this bill, H.R. 3605, in that this bill would provide that the generic drug manufacturers can start playing around with the drug on which the patent is about to expire within a year. They can use that year to get ready for the marketplace. If they did it right now, they would be violating the patent rights of the patent holder.

That is one of the areas that ought to be, it seems to me, addressed intelligently, not on a prejudiced basis, not on a partisan basis; it is not a partisan issue. I do not think there is really a partisan issue in the whole bill that would be addressed by any of the amendments that I have filed for printed in the RECORD. I only filed those for the purpose of protecting the right to have those amendments considered because we are here at a time when we are just about to recess for the month of August and until after Labor Day. The patience of the Members of the House is becoming short already. It will be shorter tomorrow and the day after, and certainly limitations on time will be sought and imposed.

If the important considerations that are the subject matter of amendments to be considered to this bill are not going to be considered carefully, at least we are guaranteeing that they have 5 minutes for each amendment to be considered. I certainly hope we are not pressed to that procedure. There are some amendments that can be blocked together, if we can just be assured that there will be consideration of those amendments, rather than simply brushing them off. I have no reason to expect that we will receive such consideration or any commitment to it.

Therefore, at this point I simply propose to go through it bit by bit, something that should have been done in committee, something that was brushed off in committee, and I hope that the bill can be improved and we can all join in support of H.R. 3605.

● Mr. RODINO. Mr. Chairman, I rise in support of the Drug Price Competition and Patent Term Restoration Act of 1984. I urge my colleague to vote in favor of final passage of this measure. This bill will benefit both the industry and consumers.

The pharmaceutical industry in the United States has long been an important element of our economic physical well-being. American pharmaceutical companies have long led the world in

the research and development of new drugs and therapies for our citizens. Moreover, American pharmaceutical companies contribute to our economy through both direct employment and by enhancing our balance-of-payments position.

The pharmaceutical industry will benefit substantially under this bill. The need for the legislation was succinctly outlined by the Pharmaceutical Manufacturing Association [PMA]:

The cause of the loss of patent life for pharmaceuticals is simply explained. When a firm discovers a promising new drug compound, it patents it immediately or risks losing the new technology to a competitor. Generally, a patent is issued within two or three years of patent filing, and the 17 years of protection begins immediately to expire. But the patent clock begins ticking long before a new product is ready for production and distribution. In fact, at the time its patent issues, a new drug compound is, on average, 7 to 10 years away from the marketplace—7 to 10 years that are needed to satisfy important statutory requirements for safety and efficacy administered by the Food and Drug Administration.

Although Congress never intended it, the time consumed in meeting these FDA requirements is, in effect, subtracted from the patent lives of drugs. The pharmaceutical innovator's new product typically enters the market with less than 10 of the 17 years of patent protection provided by statute and, therefore, with only a fraction of the related investment incentives provided innovators in other industries. This is neither fair nor good public policy.

Under the bill H.R. 3605, for every drug they test and have reviewed at the Food and Drug Administration [FDA], a generally corresponding patent term extension will be available. The availability of such a patent term extension has long been an important legislative goal for the industry. It is my hope that with enactment of this bill we will see a blossoming of new research and development activities. Once patent term restoration becomes law there will be an added incentive to pursue research for new drug products. I hope that in several years I will be able to return to this Chamber with the facts to substantiate the reality of this prediction.

CONSUMER INTEREST

According to the Food and Drug Administration this bill will save the American consumers upward of $1 billion. These savings will be achieved through the availability of generic substitutes.

As my colleagues know, the FDA currently has in place an approval process for pioneer drugs approved before 1962. Under this procedure nearly 3,000 generics have been approved. In this market, 80 percent of the generic market is controlled by research-based pharmaceuticals and only 20 percent by the production-intensive generic houses.

All this legislation does is to permit FDA to give approval of generics for the so-called post-1962 drugs. The net result of this change will be to open up several billion dollars of the $15.6 billion prescription drug market to competition. The winner in this competition will be the average American consumer.

Currently a substantial majority, nearly 80 percent according to the AFL-CIO of the prescriptions filled in the United States are paid by individuals without substantial assistance from the Government or insurers. As a result of this legislation, price competition will drive down the price of many prescription drugs, thus saving the consumer significant amounts. In addition, the Government as a health care provider—both through medicaid/medicare and more directly to Government employees and military personnel—will save millions through the increased availability of generic drug substitutes.

CONCLUSION

It is little wonder that this legislation has been endorsed by the American Association of Retired Persons [AARP] and the National Council of Senior Citizens [NCSC], because it is our senior citizens who bear the heaviest burden of high-cost medical care. I am also pleased to note that this bill has been enthusiastically endorsed by virtually all consumer groups and major labor organizations.

As a fervent and long-time supporter of patent term legislation, I am pleased to see that concept closer to enactment. I am equally pleased to see patent term legislation coupled with the long-needed reform of the FDA process of approving generic drugs. I urge my colleagues to support this measure.●

● Mr. FEIGHAN. Mr. Chairman, I rise in strong support of the patent restoration bill, H.R. 3605, that was reported out of the Judiciary Committee last week. The rising cost of drugs is one of the most serious problems facing our Nation's elderly. This legislation will save consumers over $1 billion during the next 12 years.

Currently there are no procedures for approving generic copies of post-1962 drugs. This has greatly inhibited the development of generic equivalents for many of the most popular drugs on the market. In fact there are presently 150 unpatented drugs for which there are no generic equivalents due to the lack of FDA procedures.

Studies have shown that the cost of this inefficiency is tremendous. For example, when the generic brand of metronidazole was purchased by the Department of Defense, instead of its brand name equivalent, the Government was able to save approximately $1.2 million in 1 year. Similar savings can be expected for all who must purchase drugs for which there is currently no generic equivalent. Indeed, one study shows that the generic equivalents of 10 popular drugs are sold for an average of 50 percent less than the brand name product.

This bill will set up a procedure for quickly and efficiently approving the use of new generic drugs. In addition, it will permit a generic drug to be marketed immediately after the patent has expired.

The patent extension act represents a carefully crafted compromise intended to provide consumers with needed relief from the current bureaucratic tangle. It has the support of the majority of the pharmaceutical industry both brand name and generic, as well as consumer and aging organizations. Therefore, I urge the passage of this legislation without amendments.●

Mr. MOORHEAD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BRITT] having assumed the chair, Mr. DANIEL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3605) to amend the Federal Food, Drug, and Cosmetic Act to authorize an abbreviated new drug application under section 505 of that act for generic new drugs equivalent to approved new drugs, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3605, just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5640, SUPERFUND EXPANSION AND PROTECTION ACT OF 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-975) on the resolution (H. Res. 570) providing for the consideration of the bill (H.R. 5640) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which was referred to the House Calendar and ordered to be printed.

WAR POWERS ACT OF 1984

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, on Monday, 61 Members of the House of Representatives introduced H.R. 6078, the War Powers Act of 1984, designed to codify the Constitution's requirement that only Congress can decide when the Nation can go to war.

H.R. 6078, a companion bill to S. 1906, introduced in the other body by Senators STENNIS, EAGLETON, and CRANSTON, will preclude the President from introducing U.S. troops into hostilities or areas of imminent hostilities without congressional consent—except under specific circumstances, such as to rescue U.S. citizens or to respond to an armed attack.

Our founders made it clear in article I, section 8, of the Constitution that Congress must make the decision if and when the country goes to war. This is what the founders intended, and this interpretation was supported by the proceedings of the Constitutional Convention and the Federalist Papers.

The writers of our Constitution feared more than anything else that the Commander in Chief would abuse his power and create a monarchical tyranny, the kind from which they had fled in Europe. As Thomas Jefferson noted in a letter to James Madison, "We have already given in example one effectual check on the Dog of War by transferring the power of letting him loose from the executive to the legislative body * * *."

For more than 100 years, Presidents quite generally understood and respected Congress' exclusive jurisdiction as provided in article I. The earliest U.S. Supreme Court, too, recognized Congress' sole warmaking power. Ruled Chief Justice John Marshall in Talbot against Seeman, "The whole powers of war being by the Constitution of the United States vested in Congress, the acts of that body alone be resorted to as our guide * * *."

The War of 1812 with Great Britain was not begun until Congress had declared war by majority votes. President James Madison asked Congress for this permission explaining that warmaking was a "solemn question which the Constitution wisely confides to the legislative department of the government."

President Monroe respected the supremacy of Congress when issuing the Monroe Doctrine in 1824. While enunciating the U.S. protective role in Latin America, Monroe did not claim that a President alone could decide to send U.S. troops to defend Latin American countries. He said "the Executive has no right to compromise the nation in any question of war."

The decades passed, and each 19th century President paid scrupulous respect to article I's requirement that the Federal legislature, after public debate, decides when the Nation should make war. President Jefferson insisted on congressional permission to attack the Barbary pirates. In 1822 military strikes against pirates in the Caribbean were not carried out until Congress voted approval. Presidents Andrew Johnson, Grant, Arthur, and Harrison emphasized that rule of congressional supremacy.

Some say that President Lincoln committed troops to the Civil War without congressional approval, taking upon himself the warmaking powers. But this example does not hold up. Yes, Lincoln ordered strong countermeasures after the attack on Fort Sumter and ordered a blockage of Southern ports. But he viewed his actions as strictly defensive, and he said that no President could "make war at his pleasure."

Indeed, as a Congressman speaking against the unauthorized use of American troops by President Polk, Abraham Lincoln was very specific in warning of the dangers inherent in Presidential usurpation of the congressional warmaking power.

Allow a President to invade a neighboring Nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

It was not until the 20th century that "making war at pleasure" became a consistent, rather than an occasional, practice. Time and again during this century, Presidents sent American troops into foreign hostilities without prior authorization from the Congress. Our forces were sent into armed conflicts around the globe—into Central America and South America, into the Caribbean, into the Far East and the Middle East, and most notably into Southeast Asia—all in the name of the national interest, all at the individual initiative of the President, and all with only ex post facto approval by the governmental body holding the exclusive power to make such commitments.

Twenty years ago, on August 7, 1964, Congress enacted the Gulf of Tonkin Resolution, which gave President Johnson virtually limitless power to go to war in Southeast Asia. As pointed out by Senator Javits:

> We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement in undeclared, Presidential wars has created a most dangerous imbalance in our Constitutional system of checks and balances.

In 1973 Congress attempted to recapture its constitutional authority over the making of war by the passage of the War Powers Resolution. The earliest Senate version, authored by Senators STENNIS and EAGLETON, accurately codified the warmaking provisions of the Constitution's article I, section 8—it required congressional authorization for making war.

Unfortunately, the final version of the War Power Resolution turned the Constitution on its head. In effect, it *licenses* the President to decide to go to war, with the weak restriction that the U.S. troops must be withdrawn within 60 days unless Congress specifically authorizes a longer term of activity.

This is the major defect of the present War Powers Resolution. Congress does not participate in the warmaking decision until after the President has gone to war.

It creates a legal base for unconstitutional Presidential wars. It is a blank check. It flies in the face of what we should have learned 20 years ago today—which is that the choice between war and peace is best decided by the collective judgment of the President and the Congress.

Mr. Speaker, H.R. 6078, the War Powers Act of 1984, will codify in a responsible manner the all-important warmaking provisions of the U.S. Constitution. The many cosponsors and I urge that the appropriate committees move promptly to approve it.

IN SUPPORT OF THE OLDER AMERICANS ACT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker. my purpose in addressing the House today is to indicate my strong support for H.R. 4785—the Older Americans Act. In doing so, I wish to join so many of my colleagues in paying tribute to the late chairman of the Education and Labor Committee who did so much for the elderly in this country. We will all miss the gentleman from Kentucky. Mr. Perkins was a friend.

The Older Americans Act becomes more important each year as the population of the United States becomes a more elderly one. While private pension and health plans, combined with Social Security, have created an effective source of income for the elderly, we still find many Americans who need assistance in their later years. The Older Americans Act provides that help.

For many of the elderly, loneliness and boredom comprise the greater part of the day. Now, companionship and activities are provided through senior centers funded by the Older Americans Act.

In older Americans, we have a great resource of talent and energy. And, these people need a release for their abilities. Under the community job

service program, opportunities for part-time work are provided. I am happy to say that my 78-year-old mother who lives in La Grande, OR, is employed under this excellent program. Mr. Speaker, you should know that the small amount of money she earns makes a few extras possible for her. But far more importantly, the job she holds gives her a reason to get up in the morning. It brings her into contact with people. And frankly, it even gives her something to occasionally complain about—and we all need that.

H.R. 4785 also provides nutritious hot meals to many of our senior citizens who benefit, not only from the quality food, but also from the companionship of these meal times.

I am also very pleased, Mr. Speaker that this bill targets Alzheimer's disease for special attention. This incredibly debilitating and little understood illness raises a frightening specter for the elderly. Now that some progress is being made in the solution to this complex medical puzzle, we must concentrate our resources to eradicate this dread disease.

It has been a pleasure for me to work in behalf of this legislation as a member of the Education and Labor Committee and as a member of the Subcommittee on Human Resources. I wish to compliment subcommittee chairman, IKE ANDREWS of North Carolina. He has sought the views of all members of the committee and brought to the floor today a bill which deserves bipartisan support. I wish to also commend ranking minority member, THOMAS PETRI of Wisconsin. Mr. PETRI made numerous contributions to this legislation.

Finally, may I urge, Mr. Speaker, my colleagues to support H.R. 4785, a vital piece of legislation for the seniors of America.

□ 2050

INTERNATIONAL LABOR RIGHTS FOR WORKING PEOPLE EVERYWHERE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 60 minutes.

Mr. PEASE. Mr. Speaker, I am very pleased to have had the privilege of organizing this hour long special order on the subject of international labor rights for working people everywhere. I am most pleased that some 23 of my colleagues have recognized the importance of this subject and have submitted statements to me which will be put into the RECORD or which they will deliver themselves.

Let me begin this proceeding by asking a question: Who said the following:

Working men and women aspire "to more humane conditions, to greater security, to a fairer participation in the fruits of their common labor regarding wages, social security, and opportunities for cultural and spiritual growth. They want to be treated as free and responsible men and women, able to participate in the decisions which affect their life and their future. It is a fundamental right of workers to freely establish organizations to defend and promote their interests and to contribute in a responsible manner to the common good."

Was it Karl Marx? Che Guevera? John L. Lewis, maybe? Or Eugene Debs?

The answer is none of the men whose names I mentioned. These are the words of Pope John Paul II taken from his encyclical, Laborem Exercens—On Human Work. The Pope's teaching affirms the importance of free and autonomous labor unions for all workers in every country. In fact, according to the Pope, the experience of history teaches that unions are "an indispensable element of social life."

More recently, the Kissinger Commission on Central America clearly has stated that "assuring an equitable distriubtion of economic benefits will require both job-oriented development strategies and trade unions to protect workers' rights."

In the next hour, I will be joined by several of my colleagues to drive home a central point. In the 1980's and beyond, it is not enough to passively acknowledge that unions are legitimate or even that they are necessary to a civil society. Labor rights and unions are essential to the promotion of social justice and to the safeguarding of human freedom in any society.

To date, the focus of our human rights laws as they relate to the conduct of American foreign policy has been almost exclusively on the sanctity of the individual and politicial rights. We can all agree that as long as torture, political prisoners, death squad, terrorism, and totalitarianism are widespread in this world, the White House and the Congress must not shirk from the refinement and vigrous enforcement of these laws. It is our moral and legal duty.

But, in principle, we embraced labor rights as well as political rights for all the people of this world when the Universal Declaration of Human Rights was adopted in 1948 as a resolution by the General Assembly of the newly created United Nations. The declaration specifically affirms for every person the right to a job, the right to form and join trade unions, and the right to an adequate standard of living. I am sorry to say that as I stand before you in 1984—36 years later—we have yet to develop effective tools to make certain that the conduct of official U.S. foreign policy or that the conduct of American-based multinational corporations really respect and promote international labor rights. Too often our greed and thirst for profits have led us to exploit the surplus of hands around the world ready to work for selfish ends.

The time has come for the leaders of our country to fight just as hard for the right to join a union as the right to vote.

The time has come to stand up for the right to bargain collectively just as we stand up for the right to free speech.

The time has come to defend the right to strike just as we defend freedom of the press.

And yes, the time has come for those who are most outspoken about traditionally family values to join the rest of us in showing the same measure of moral indignation and concern for children being sold into slavery or forced into factory work without ever having seen the inside of a classroom.

We simply cannot expect people to vote for democracy in the midst of the economic misery that is so prevalent around the world. Labor rights are a prerequisite to a just society and a bona fide democracy.

Now I want to speak to the importance of international labor rights for fostering broad-based economic development in lesser-developed countries [LDC's].

For decades, the U.S. foreign aid program has sought with mixed results to further economic development and growth in Third World countries. we have witnessed some countries making real progress toward development through industrialization, only to find more of their people trapped in hunger and poverty. Hopefully, we have learned that for development to be effective, it must benefit the broadest sectors of the population within recipient countries.

Why are labor rights crucial to the development process? Quite simply, extending labor rights to workers in LDC's equips them to help themselves. The capacity to form unions and to bargain collectively to achieve higher wages and safer, healthier working conditions is essential to the overall struggle of working people everywhere to achieve minimally decent living standards and to overcome hunger and poverty. The denial of labor rights in Third World countries tends to perpetuate poverty, to limit the benefits of economic development and growth to narrow, privileged elites, and to sow the seeds of social instability and political rebellion.

Antilabor policies may, in the short run, profit companies that use cheap labor to produce low-priced goods for export to the United States. Echoing the voices of those who opposed the enactment of minimum wage laws in the United States, some corporate apologists now argue that many workers in developing countries are far better off working for $1 a day than they would be not working at all. But

this sort of blatant exploitation of cheap labor undermines the development of self-reliant local economies in much of the Third World. By restricting workers' income and buying power, the governments of many developing countries are severely limiting the growth of internal consumer markets that are capable of sustaining more consistent demands for goods and fueling more self-reliant economies. It is just as true overseas as it is here at home that putting spending money in the pockets of working people creates increased demand for more goods and services which creates jobs. To ignore labor rights violations is to ignore the role of increased wages and better working conditions in achieving and sustaining long-term development and economic vitality among Third World countries.

In fiscal year 1984, approximately $2 billion will be appropriated to U.S. development assistance programs. This will be the latest installment payment to be made by our Government in the name of the American people with the sincere hope that it will contribute to a better way of life for people in many poor developing countries who are far less fortunate than we are.

Consider this. In 1982, the latest year for which complete data is available, $221 billion was invested abroad, while overseas lending by U.S. commercial banks soared to $402 billion. How many more people would benefit and how much more broad-based development would be possible if a fraction of the American dollars loaned and invested overseas each year were directed to countries that treat their workers with dignity rather than contempt?

Finally, let me say a few words about the importance of international labor rights to American workers. It is easy in this complex world to lose sight of the fact that the struggle of workers in countries like Poland, South Africa, the Philippines, and El Salvador is vitally important to the future of labor everywhere, including the United States. The lack of basic rights for workers in many developing countries and elsewhere is a powerful inducement for capital flight and overseas production by U.S. industries. The tremendous disparity in labor rights between many American workers and the absence of those rights for most workers in other countries is a growing factor in the competitive decline of many of our basic industries like steel, shipbuilding, and auto production as well as in less-skill intensive industries like footwear, rubber goods, textiles, and electronics.

The threat, whether explicit or implicit, by American-based multinational corporations to transfer domestic production and jobs from the United States to other countries in which there are no labor rights every day becomes a more common ploy to force American workers to relinquish legitimate rights and material benefits won through more than 200 years of personal hardship and struggle. Similarly, the same threats are effectively used by American-based multinational corporations to undercut the rights of workers in developing countries. These global corporations, accountable to nobody, often threaten to leave some Third World countries and to move elsewhere to avoid being bound by labor rights in order to pressure workers to accept substandard working conditions and very low wages.

In the 1980's and beyond, capital and technology will continue to be moved around the world without regard to national boundaries, while workers remain stationary and bound by national laws and personal allegiance. These economic facts of life fuel an escalating trend in global production that undercuts the rights of all workers. In particular, they combine to diminish the rights of American workers to the lowest common international denominator. To make matters worse, American workers are paying for military aid, in the name of national security, to undemocratic governments that are willing to grind their impoverished workers in order to take American jobs. In the Philippines and in Central America, for example, U.S. foreign aid helps sustain repressive regimes that kill or imprison labor leaders and that suppress wages to attract foreign investment.

Numerous American industries and unions understandably and properly continue to protest unfair trade subsidies and the "dumping" of low-priced foreign goods into the American market. The same outcry should be heard in protest of "social dumping"—unfair competition from foreign workers whose low wage scales result from them being denied the free exercise of basic labor rights.

The rights of American workers will be more secure and U.S. industrial health will be more effectively advanced by a positive, aggressive, coordinated strategy to extend labor rights to workers in all of the countries with which we must compete in the global marketplace. Quite honestly, no worker is free until all workers are free.

Mr. GONZALEZ. Will the gentleman yield?

Mr. PEASE. I will be happy to yield to my colleague from Texas.

INTERNATIONAL LABOR RIGHTS

Mr. GONZALEZ. Mr. Speaker, I want to commend my colleague from Ohio [Mr. PEASE] for taking this special order. He is sensitive to the importance of preserving the rights of working people to have a say in their own working conditions; the rights of people to help define what they can properly be asked to do, and what is beyond the realm of reason to ask or demand.

In the industrial age there have been two profound developments. One has been the intense application of captal to technology, so that human labor has been made more and more productive, so that the output of goods and services has multiplied hundreds, even thousands of times. The other has been the development of labor as an organized entity. From this latter development, we have seen the shortening of the workweek; we have seen the insistent demand for working conditions that are safe, and we have seen the gradual and grudging acceptance of the fact that if labor is treated as a partner instead of as a mere chattel, the economy is made stronger, society more decent, and all of us better off.

Today the world economy is more and more tightly integrated. It is assumed that the production of goods will become less important in an economy like ours—that production will shift to areas where costs are lower, labor more docile, and working people's rights are few and far between. But that is a false assumption. As production grows, so does the interest of labor in making that production exist under tolerable conditions, at decent pay, and with recognition that labor has rights.

I noted a few days ago a story in which a large U.S. auto manufacturer is having problems keeping its labor force in a Mexican plant intact. Labor is certainly plentiful in Mexico, and joblessness is rampant. But the company has huge turnover, its training costs are high, and its absentee rate intolerable. And why? It turns out that wages are miserable, that conditions are bad, and that employees soon grow disillusioned. I suggest to you that if those same employees had some effective, reasonable word in the way they work, some influence over their wages and hours and conditions, that plant would be more productive and more profitable. But of course the company does not wish to see it that way.

Experience and studies have shown that companies that treat labor with compassion and decency have better productivity, lower turnover, less absenteeism and better labor relations. But there are few times when those better conditions evolve without some kind of influence from workers who have an organized way of presenting their views to management. That is what labor rights is all about.

I do not know of any labor organizer of official who want to manage a company. All that's wanted is the right to share in corporate decisions that directly affect the working people. It is the same here, and it is the same around the world. Working people

want the right to withhold their labor, if need be. They want the right and the ability to organize and bargain collectively, because such is the only way that their needs can be addressed in any coherent way. They want the right to work together, to have their concerns addressed, their views heard.

In our own country we owe much to organized labor. A workweek that is 40 hours long, not 60, is the heritage of organized labor. Wages and benefits that provide a decent and secure living are the direct result of long and bitter efforts to bargain over wages and benefits. Cleaner air, cleaner water, a safer workplace—these are the heritage of a labor movement that works for the human side of the production line.

Internationally, if labor in the countries with which we trade, had the same rights as labor here at home, our own jobs would be safer, the world would be a more decent place, and we would have less of a threat of trade wars—which after all are wars that ultimately exploit one working populace against another. We cannot cheapen labor rights here at home or cheapen the value of those rights abroad, without debasing our own standard of living, without sacrificing our own good.

We have labor rights in this country; we take those rights more or less for granted. But if any one of us traveled to a less fortunate country, we would soon see what the value of organized labor is, and how priceless are the rights of the working man. Those are rights that we ought to value more at home—and rights that we should promote abroad. We should do so because it is right, and because it is decent, and ultimately because we ourselves would be better off for it.

Mr. PEASE. Mr. Speaker, I would like to thank the gentleman from Texas for his contribution.

Certainly we all know from his statements regularly on this House floor of his commitment to the benefit of working people everywhere.

Mr. Speaker, I would like now to turn to some examples of generic labor rights problems, the kinds of problems that occur around the world.

One of these areas is in that of export processing zones. A lot of countries are setting up so-called free trade zones. There are some 100 of them now where a good deal of third world manufacturing exports are assembled.

In order to attract industrial investment, approximately 40 of the 130-odd developing countries have set up free trade zones offering special incentives to foreign firms, including exemptions from customs duties, imports quotas, foreign exchange controls, and local taxes as well as the advantages of unlimited profit repatriation, long tax holidays, preferential treatment, and subsidized utilities.

LABOR STANDARDS IN EXPORT PROCESSING ZONES

Of relevance for the issue at hand today, most free trade zones also offer antistrike laws and other exemptions from fair labor standards.

Before reviewing labor conditions in these zones, it is useful to give a brief overview of where the zones are and how countries attract United States and foreign firms to set up plants in the zones. Free trade zones have spread as large corporations have increasingly taken advantage of cheap wages in the Third World by fragmenting the production process for autos, textiles, and other products into a number of partial operations located in factories around the globe.

Over half of the existing zones are in Asia, concentrated in the Philippines, Malaysia, South Korea, Sri Lanka, Taiwan, Pakistan, Thailand, India, and China, with expansion plans in the works in Bangladesh and Indonesia. The Caribbean Basin is the next greatest area of concentration, with numerous zones in Mexico and Puerto Rico, followed by Barbados, Belize, Dominica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, and Jamaica. Africa is behind in developing zones, although a substantial buildup already exists in Egypt, Mauritius, Senegal, and Tunisia.

A glimpse of labor conditions is seen in the brochures which certain developing countries offer to prospective investors:

From Malaysia:

The manual dexterity of the oriental female is famous the world over. Her hands are small and she works fast with extreme care. Who, therefore, could be better qualified by nature and inheritance to contribute to the efficiency of a bench-assembly production line than the oriental girl . . . Labor rates in Malaysia are among the lowest in the region and female factory workers can be hired for approximately United States $1.50 a day.

From Thailand:

One of the major factors that recommends Thailand to the investor over other countries in the region is an abundant supply of cheap and trainable labor.

From Colombia:

Low cost labor: This is without doubt the chief incentive offered by the ZFIC as the salaries are more or less the same as those that prevail in the industrial zones in the Far East (U.S. $2.10 per day including social security) . . . Male and female workers are easily obtained due to the high rate of unemployment, rapid increases of population and the emigration from the rural zones to the cities.

Labor standards, and the lack thereof, can be gauged by the following breakdown: What kinds of jobs, labor legislation, job security, health conditions, and working hours.

I. WHAT KINDS OF JOBS?

Specializing in assembly line work in garments, electronics, toys and cars, free trade zone typically have an extremely unbalanced structure of employment. The jobs created in the zones tend to be unskilled or semiskilled in repetitive monotonous work. Firms in the zones predominantly draw their workers from a particular, low-cost segment of the labor force: young women who are mostly new entrants to the labor force. An ILO survey revealed that, of the total work force in free trade zones, women made up more than 90 percent in Sri Lanka, more than 80 percent in Malaysia, and more than 70 percent in the Philippines and Mauritania. This pattern is repeated in Mexico, where almost 90 percent of the workers in the border zone are women.

II. LABOR LEGISLATION

There is evidence that transnational corporations have put pressure on governments for no union guarantees as a prerequisite for investment and that prevailing law and practice within many zones is contrary to basic ILO standards and the ILO tripartite declaration on multinational enterprises and social policy. Special labor legislation for the zones exists in some countries, and in others elaborate systems of control over unions have been set up to prevent strikes and shield companies from the usual procedures of industrial relations.

A recent ILO appraisal of labor conditions in Asian zones found that: "The rights of unions to organize, elect leaders of their choice and to bargain collectively had been significantly reduced since the late 1960's, and in particular within the [zones]." For example:

In South Korea, a provisional special law concerning regulation of labor unions and labor disputes at foreign capital firms was introduced in 1970 prohibiting all labor disputes in the zones.

In Taiwan, unions are mandatory but practically powerless. They are prohibited from crossing company lines and hence there are 161 separate unions in the three free trade zones, and none have a say in setting wages and/or the right to strike.

In Malaysia, legislation on industrial relations passed in 1955 and 1967—and amended in 1971—guarantees production without disruption by prohibiting strikes and allowing that employees can be summarily dismissed.

III. JOB SECURITY

Job security is tenuous at best in the zones, given that their main attraction to firms is the ability to hire and fire workers at will. During the 1974–75 economic recession, for example, half of the 40,000 workers in Mexico's border regions were laid off and 17,000 workers in Singapore, lost their jobs.

IV. HEALTH CONDITIONS

Health and safety conditions in many factories are simply abominable. This is particularly the case in elec-

tronics factories, where half the Asian free trade zone work force is located and about 60 percent of Mexican border labor. In 1978, U.S. electronics firms operated 15 assembly plants in Malaysia, 14 in Hong Kong, 12 in Singapore, and over 24 elsewhere in Asia. In these electronics factories, workers are continually exposed to carcinogenic substances such as acids, solvents, and gases. Workers frequently complain of acid burns, skin rashes, nausea, dizziness, lung trouble, swollen eyes, urinary tract, and other problems.

V. WORKING HOURS

In most countries, zone factories have a standard working week of 48 hours. In many zones, talking is not allowed and there are competitions between assembly lines and between subsidiaries of the same company to speed up production. Most factories work at least 50 weeks per year with little or no annual leave. There is also a considerable amount of overtime work in the zones, with 55 to 60 hours the norm in South Korea. In Sri Lanka, despite the Government's signing the ILO convention which prohibits the employment of female workers between 10 p.m. and 6 a.m., electronics firms have begun operating night shifts. For these long hours, workers in Asian zones are typically paid between a tenth and an eighth of their counterparts in the West.

Mr. Speaker, I think more needs to be said about the exploitation of women for cheap labor in the Third World. In the last 15 years, multinational corporations, such as Sears Roebuck and General Electric, have come to rely on women around the world to keep labor costs down and profits up. Women are the unseen assemblers of consumer goods such as toys, the hardware of today's microprocessor revolution, and designer jeans.

Low wages are the main reason companies move to the Third World. A female assembly line worker in the United States is likely to earn between $3.35 and $5 an hour. In many Third World countries a woman doing the same work will earn $3 to $5 a day.

U.S. corporations call their international production facilities offshore sourcing. To unions these are runaway shops that take jobs away from American workers. Economists, meanwhile, talk about a new international division of labor, in which low-skilled labor-intensive jobs are shifted to Third World countries. Control over management and technology, however, remains at company headquarters in developed countries like the United States and Japan.

The electronics industry provides a good example of the new international division of labor: Circuits are printed on silicon wafers and tested in California; then the wafers are shipped to Asia for the labor-intensive process in which they are cut into tiny chips and bonded to circuit boards; final assembly into products such as calculators, video games, or military equipment usually takes place in the United States. Yet many American consumers don't realize that the goods they buy may have made a global journey—or that the foreign products that worry U.S. workers may have been made in factories owned, at least in part, by U.S. corporations.

Since the 1960's, multinationals have scattered factories across the globe as export-oriented industrialization—touted by the United Nations Development Organization [UNIDO], the World Bank, and the International Monetary Fund—has become the favored strategy for Third World development. Third World countries roll out the red carpet for foreign investors and become export platforms producing goods for the world market. In return, host governments are promised jobs, technology, and foreign exchange.

Free-trade zones, or export processing zones as they are also known, have emerged as key elements in this export-led development. The free-trade zone is a haven for foreign investment, complete with electricity and other infrastructure, and a labor force often housed in nearby dormitories.

Free-trade zones—there are now over 100—mean more freedom for business and less freedom for people. Inside, behind walls often topped with barbed wire, the zones resemble a huge labor camp where trade unions, strikes, and freedom of movement are severely limited, if not forbidden. A special police force is on hand to search people and vehicles entering and leaving the zones.

There are over 1 million people employed in industrial free-trade zones in the Third World. Millions more work outside the zones in multinational-controlled plants and domestically owned subcontracting factories.

Using the subcontracting strategy, manufacturers based in developed countries send the most labor-intensive stages of production—for example, sewing or assembly—to the Third World nations where labor is cheap. Once assembled, the multinational reimports the goods—under generous tariff exemptions—to the developed countries instead of selling them to the local market. The subcontractor may be the multinational's own subsidiary, as is the case with nearly all women assembling electronics for foreign companies in free-trade zones. Or, the subcontractor can be an independent firm or an agent who further subcontracts the assembly work to women who work in their own homes.

While global recession has markedly slowed trade and investments worldwide since 1979, international subcontracting has boomed. By 1981, subcontracting challenged foreign direct investment as the major form of corporate overseas expansion in the developing world.

International subcontracting has enhanced corporate power and flexibility at the expense of workers and government in several ways. Since subcontracting arrangements through national firms or home workshops involve no new capital investment, it is easy for a multinational to break a contract in the face of political upheaval and reestablish a similar one in another country. In addition, the multinational can avoid the risk that its investment will be nationalized under unfavorable terms.

Likewise, in the uncertain atmosphere of the current economic crisis, multinationals can more easily slash production orders without letting their own factories lay idle. Finally, since the multinational is often the sole buyer from the subcontractor, it is able to dictate price and conditions in the contract from a position of monopoly power.

Since multinationals go overseas to reduce labor costs, women are the natural choice for assembly jobs. Wage earning opportunities for women are considered only supplementary income earners for their families. Management uses that secondary status to pay women less than men and justify layoffs during slow periods, claiming that women don't need to work and will probably quit to get married anyway.

Women are the preferred work force for other reasons. Multinationals want a work force that is docile, easily manipulated, and willing to do boring, repetitive assembly work. Women, they claim, are the perfect employees, with their natural patience and manual dexterity. As the personnel manager of an assembly plant in Taiwan says, "Young male workers are too restless and impatient to be doing monotonous work with no career value. If displeased, they sabotage the machines and even threaten the foreman. But girls, at most they cry a little."

Multinationals prefer single women with no children and no plans to have any. Pregnancy tests are routinely given to potential employees to avoid the issue of maternity benefits. In the Philippines' bataan export processing zone, the Mattel Toy Co., offers prizes to workers who undergo sterilization.

The majority of the new female work force is young, between 16 and 25 years old. As one management consultant explains, "When seniority rises, wages rise"; so the companies prefer to train a fresh group of teenagers rather than give experienced women higher pay. The youngest workers, usually under 23 years old, are found in electronics and textile factories where

keen eyesight and dexterity are essential. A second, older group of women work in industries like food processing where nimble fingers and perfect vision are not required. Multinationals can get away with worse conditions in these factories because the women generally can't find jobs elsewhere.

Corporate apologists are quick to insist that Third World women are absolutely thrilled with their new-found employment opportunities. A top-level management consultant who advises U.S. companies on where to relocate their factories said, "The girls genuinely enjoy themselves. They're away from their families. They have spending money. They can buy motor bikes, whatever. Of course it is a regulated experience, too—with dormitories to live in—so it's a healthful experience."

By earning money and working outside the home, factory women may find a certain independence from their families. Meeting and working with other women lays the foundation for a collective spirit, and perhaps, collective action.

But at the same time, the factory system relies upon and reinforces the power of men in the traditional patriarchal family to control women. Cynthia Enloe, a sociologist who organized an international conference of women textile workers in 1982, says that in the Third World, the emphasis on family is absolutely crucial to management strategy. Even recruitment is a family process. Women don't just go out independently to find jobs: It's a matter of fathers, brothers, and husbands making women available after getting reassurances from the companies. Discipline becomes a family matter since, in most cases, women turn their paychecks to their parents. Factory life is, in general, constrained and defined by the family life cycle.

Such docility is often ensured by government repression. Under martial law in the Philippines, the new labor code banned strikes in vital industries, which, by definition, included all industries located in the export processing zones. State violence was used to quell workers' protests in Guatemala in 1975, in the Dominican Republic in 1978 and in South Korea in 1972, 1978, and 1982. Frequently government-controlled trade unions have broken up rank-and-file organizing drives.

Half a million East Asian women are estimated to be working in export processing zones. Women are heavily employed in export manufacture outside the zones as well. In South Korea for example, women comprise one-third of the industrial force.

A percentage of these oriental girls come from rural areas, drawn to the burgeoning urban centers by reports from friends or older sisters who've landed an assembly job. Companies often recruit in the countryside as well, frequently enlisting the help of village authorities and the fathers and brothers of factory age women. In Taiwan, large companies work with junior high school principals who offer up busloads of recent graduates to labor-hungry plants. For the majority of women, it is their first job experience. They may even be the first wage-earners in their families.

While some women live close enough to factories to remain with their families and commute by bus, most workers are forced to find accommodations near the plant. Housing is scarce and expensive for their meager wages. Access to clean water is often nonexistent or severely limited. Company dormitory rooms are small and crowded, with beds shared by as many as three shifts of workers: as one worker gets up to go to the factory, another returning from work takes her place in bed. As many as 20 women may be crammed into a tiny space.

The great majority of the women earn subsistence level incomes, whether they work for a multinational corporation or a locally owned factory. While corporate executives insist that their wages are ample in view of lower standards of living, the minimum wage in most East Asian countries comes nowhere near to covering basic living costs. In the Philippines, starting wages in U.S.-owned electronic plants are between $34 and $46 a month; the basic cost of living is $37 a month for one person. In Indonesia, the starting wages are about $7 less per month then the basic cost of living. And that basic cost of living means bare subsistence: A diet of rice, some dried fish and water, lodging in a small room occupied by four or more people.

Subsistence wages are only a part of the picture. Most women work under conditions that can break their health or shatter their nerves within a few years, often before they've worked long enough to earn more than a subsistence wage.

Women factory workers are in a precarious situation, treated like temporary workers, always under the threat of layoffs. Sick leave, holidays, and vacations are almost unheard of. A probationary or apprenticeship period of 6 months or so, during which pay is only three-quarters of the regular wage, is common. By laying off workers just before the end of their probation, companies save the expense of a full wage. Workers are so used to this practice that they refer to themselves as permanent casuals.

Stress and high anxieity permeat the women's work lives, contributing to health problems. Most factories operate several shifts, requiring workers to rotate day and night shifts every week or so. These irregular schedules wreak havoc with sleep patterns and foster nervous ailments and stomach disorders. When production deadlines draw near or there are rush orders, women may be forced to work overtime for as much as 48 hours at a stretch without sleep. Management often provides pep pills and amphetamine injections to keep the women awake and working; some of the women have become addicts.

Sexual harassment is another hazard of factory work, especially for women who are out late at night working the graveyard shift. In the Bataan export processing zone in the Philippines, sexual harassment is a common practice among male supervisors. "We call our company 'motel'," says a worker at Mattel, "because we are often told to lay down or be laid off. It is hard to know what to do when that happens because we can't afford to lose our jobs."

Multinationals pit women against each other, not only as workers, but also as sex objects, superimposing Western notions of femininity and consumerism upon local cultural stereotypes. Beauty contests are an integral part of factory life, with each company sending its own beauty queen to the yearly, "Miss Free Trade Zone" contest. Bathing suit and "Guess-whose-legs-these-are" contests are also popular. On pay day, vendors are often let into factories to sell cosmetics—promoted in company-sponsored cosmetics classes—jewelry, and other luxury items.

Mr. Speaker, I would like to turn now to a subject which we all should be interested in and that is the exploitation of children.

The abuse and misuse of child labor constitutes perhaps one of the most shocking and distasteful violations of international labor rights. Worldwide, over 55 million children under the age of 15 currently work for a living, most in underdeveloped regions. In some Asian countries as much as 7 percent of the population under 15 years work, and at times compose up to 11 percent of the overall labor force. In certain African nations, 20 percent of children under 15 are part of their mainstream labor force.

The forms of child labor vary. A vast majority are unpaid family workers, especially in the agricultural sector. Some families, out of economic necessity, hand over or sell their children to employers, leaving the youth totally dependent and vulnerable to ill treatment. Other children labor as unpaid apprentices and some are forced to be independent and work in order to survive.

During the 1980's, the nature of child labor has undergone qualitative changes. Traditionally, children in the rural sector worked in peripheral farming roles. Today, because of increased urban migration and rising numbers of female-headed households, children are performing more difficult tasks. They now play central roles in

sustaining the meager level of living found in many primitive agricultural settings.

This rapid rural-urban migration has created an increase in industrial production, and a concomitant increase in child industrial employment. The conditions of industrial work may be the most exploitive of child labor, subjecting children to long hours, extremely low wages, and physically hazardous working environments. Clear and written contracts, proper feeding programs, and established holidays or rest times are virtually nonexistent. The gruesome details of this child labor exploitation present a horrifying picture.

In Thailand, professionally operated markets buy and sell thousands of children each year, supply cheap labor to factories, massage parlors, and brothels. Most are young girls, aged 10 to 14, who sell for anywhere between $20 and $100. Some of these girls will go on to work from 6 a.m. to 9 p.m. in unregistered factories with no ventilation and oppressive heat. During the day they will breathe lint-filled air, suffer deafening factory noise, and at night will be locked in the factory storeroom.

In India, over 20,000 children labor in match factories for 16 hours each day, beginning at 3 a.m. Pakistani building and quarrying industries effectively abduct children from their homes and confine them in camps where they are closely guarded and severely punished if they attempt escape. Some Thai children work in battery factories filling batteries with carbon. Because they wear no masks or protective clothing, many will suffer lung ailments or even paralysis from the delibitating effects of the manganese.

These industrial atrocities aside, perhaps agriculture is most harmful to its large number of child laborers. Working with dangerous machinery and pesticides and suffering prolonged exposure to heat, dust, wind, and disease-carrying insects can seriously impair children's development. Most frighteningly, child labor exerts little or no influence over any of these hazardous working conditions.

Why do children continue to work under these abominable conditions? First, extensive poverty often necessitates full- or part-time employment of children. Incomes from child labor can contribute substantially to family income. When a child earn 20 to 25 percent of a family income, and that family lives on the edge of starvation, child labor becomes an economic imperative.

The lack of resources presently allotted for enforcement of child labor regulations is a second reason for the prevalence of child labor. Labor inspection facilities are often understaffed, underfunded, and very susceptible to bribery and corruption.

Also much of the flagrant violation of existing law occurs in the informal urban sector, which is out of the orbit of legislation and labor inspection services.

Third, the general public in these countries remains ignorant of the implications of poor working and living conditions for child development. Because of their squalid, poverty-stricken environment, the appalling factory conditions and harsh treatment of children seems natural and necessary.

Finally, many developing countries take child labor for granted. For many countries child employment has been a socially and culturally ligitimate norm. Considering economic circumstances, unpaid work in the form of household or farm duties has been not only an acceptable tradition, but a commendable and honorable one.

As Americans, our view of child labor has been colored by media reports of exploitation and a Western idea of childhood as a time for carefree growth and play. A distinction between child exploitation and child employment must be made. Not all working children are unhappy or exploited. A useful and productive occupation can be a desirable element in daily life, even for children. It can teach much that parents and schools cannot, and may offer a useful alternative to boredom or idleness.

The modern organized labor movement views this illegal and uncontrolled use of child labor as a threat to fair labor standards already achieved for adult workers. Besides undermining hard-won labor accomplishments, child labor prevent continuing educational training. No modern economy will be able to achieve full growth without an adequate system of education to train their youth, a most valuable national asset.

Simply passing regulations or minimum age requirements will not touch the root of the child labor problem. Economic hardship and differing social perceptions lay at the heart of the issue. Policies dealing with employment and poverty alleviation may help more than legislation concerning any specifics of child labor. A broad-based rural development program or a supervised cleanup of the informal urban sector would provide some hope for future long-term improvement. Educational expansion and labor-intensive public work schemes seem more workable than an out and out ban on child labor.

Actions to improve children's working conditions must be the immediate first step. Welfare facilities and services, minimum levels of education, and health protection should be available to all working children. Effective enforcement of existing provisions would greatly improve all aspects of the child labor situation. Finally, countries should review existing standards particularly those concerning hazardous activities, number of hours worked, and weekly rest and holidays.

Mr. Speaker, at this time I insert into the RECORD a statement on the labors rights violations of agricultural workers.

LABOR RIGHTS VIOLATIONS OF AGRICULTURAL WORKERS

Perhaps no group of workers have suffered as much violation of their rights as workers as have agricultural workers. Many are not covered by national labor legislation or minimum labor standards such as minimum wage provisions or laws seeking to eliminate child labor. Our country is open to criticism for having specifically excluded U.S. agricultural workers from coverage by the Wagner Act of 1932 which secured collective bargaining rights for other workers.

The rural isolation and lack of numerical concentration of many farm workers have presented particular obstacles to agricultural workers' organizing to better their conditions. Such isolation has often perpetuated feudal or serf relations, in which rural workers' labor is available almost unconditionally to large landowners and may generate non-wage compensation such as sharecropping or limited subsistence tenancy.

The issue is complicated by the fact that in many lesser developed countries, such as in Africa, little economic surplus is generated in the agricultural sector. This makes it difficult for workers to advance their conditions, while it perpetuates what would be considered outrageously brutal worker conditions in more economically advanced countries. Although it may be difficult to separate a reflection of underdevelopment from an instance of violation of the rights of rural workers in some cases, many unequivocal instances of labor rights violations of these workers have been documented.

The International Federation of Plantation, Agricultural and Allied Workers [IFPAAW], based in Geneva, Switzerland, has documented many such instances. Formed in 1959, this organization focuses not only on the more easily organized plantation workers, but also on the needs of landless workers, sharecroppers and subsistence agriculturalists. The latter have faced beatings, imprisonment and even death in building their organizations, particularly in Asia and Latin America. Last year, IFPAAW presented six official complaints to the International Labor Organization on violations of freedom of association and trade union rights, including violations in Honduras (five unionists killed and three injured), Colombia (five killed and one wounded) and Brazil (one woman worker killed).

The January and May 1984 issues of IFPAAW Snips document the following examples of agricultural workers' conditions and denial of worker rights:

1. South Africa: An International Labor Office report documents continued harrassment of black unions and tightening of government controls over unions. It also documents conditions of "brutality and cruelty" among black prisoners forced to work and notes the greatest use of prison labor is made by white farmers, "thus accentuating the unemployment of rural workers through 'free' prison labor." The report concludes that apartheid laws restricting non-prison labor, when combined with the extensive use of prison labor, "clearly creates circumstances which can only be de-

scribed as exploitation akin to the early 19th century slave trade."

2. Brazil: On April 3, a union member working at a sugar mill in Alagoa Grande was murdered after asking for a salary increase. His hands and feet had been tied and his body had several knife wounds. Other coworkers had been threatened at gunpoint or maltreated after advancing similar claims. This followed the August 1983 murder of Margaridak Maria Alves, President of the Rural Workers Organization in Alagoa Grande.

The Rural Workers Federation of Sao Paolo successfully led a 3-day strike of 17,000 seasonal sugar workers that won modest sick benefits, limited holiday pay and a wage raise from approximately $4.44 to $7.00 per day (based on a worker cutting on average about 6 tons of cane during a ten-hour day).

3. Sri Lanka: In April, 600,000 tea and rubber plantation workers went on strike to press for wage increases and an end to wage discrimination. The strike was suspended when the plantation owners provisionally offered to raise wages by approximately 45 percent, institute equal pay for men and women, and guarantee a six-day work week.

4. Guatemala: ILO and ICFU officials have unsuccessfully sought information on the fate of American Yolanda Uriza, a woman labor lawyer kidnapped after returning to Guatemala under the 1983 presidential amnesty. Urizar had actively represented Coca-Cola workers pressing for better conditions. Reports indicate she has suffered torture and may be close to a mental breakdown as a rsult. Amnesty International and the IUF are pressing for her release.

5. Malaysia: A Malaysian Trade Union Congress report documented the "slave-like" existence of plantation workers on a palm-oil estate 150 Km southeast of the capital city of Kuala Lampur, a situation subsequently found to be widespread on many other such estates. Over 40 workers had been employed by a subcontractor to clear jungle for the estate, which is owned by the Federal Land Development Authority. Workers recounted the following conditions:

Few if any wages were paid to any workers in the past three years. The contractor "deducted" the cost of meager food rations and liquor from wages and claimed the workers were in debt to him.

Workers were forced to work from 4 a.m. to 5 p.m. or beyond, often without a lunch break. No holidays were allowed and only those too ill to work were given time off. No medical or educational facilities were provided. Workers were forced to live in huts housing goats.

Children older than seven were forced to work with their parents.

Workers who disobeyed orders were tied up, beaten, tortured, locked in chicken coops, and some women were sexually abused. Workers who sought to escape were usually captured by foremen and they or their wives and children beaten. Police often returned escapees to the subcontractors.

A worker's wife reportedly gang-raped by the employer's assistants after the worker was overheard talking about escaping. The worker was subsequently abducted while in the company of two officials from the National Union of Plantation Workers.

The report stimulated public inquiry into the situation of other Malaysian plantation workers and unearthed a broader pattern of labor abuse, including 25 workers who had not been paid for six years and instances where workers had been forced to sell their babies to pay debts.

Unrestricted marketing of hazardous pesticides to Third World countries was highlighted as a particular danger to agricultural workers at the first international meeting of the Pesticides Action Network [PAN] International. Deaths and poisonings from use of such pesticides is now estimated at over 400,000 a year. Many industrialized countries have banned specific pesticides from use as too hazardous, but they allow such pesticides to be manufactured for export.

Now, Mr. Speaker, having covered, in a general way, the importance of promoting international labor rights and giving some examples of generalized labor rights problems, I would like to discuss briefly some labor rights conditions in selected countries. Let me turn first to Taiwan, which is a major supplier of goods to the United States and which is a major beneficiary of the generalized system of preferences, one of our programs to aid to developing countries.

LABOR RIGHTS IN TAIWAN

Export processing zones have attracted multinational investment in the production of textiles, clothing, shoes, and electronics goods, often 100 percent for export. The zones offer tax concessions, Government guaranteed low wages (one-ninth of U.S. wage rates in 1978), and a highly productive work force. Young female workers predominate, as they are viewed as docile and willing to work for low pay. Girls as young as 12 have gone to work in the zones, often to supplement the incomes of their rural families, and the Government allows girls to graduate from school early to become export production workers.

Workers in assembly plants receive bare subsistence wages for 8- to 12-hour days. Monthly bonuses of up to 20 percent of the base wage can be forfeited for one tardiness of 5 minutes or use of accrued leave, which seldom exceeds 1 week per year. Workers are constantly exhorted to produce more.

Workers often live in crowded, company-owned dorms with no air-conditioning in 100° heat and high humidity, no potable water, no recreational facilities, and no social activities.

Health and safety regulations are lax or nonexistent, even where workers handle hazardous products.

Although about 22.5 percent of the labor force belongs to unions, in practice these organizations are controlled by the ruling Kuomentang Party, and the Ministry of the Interior appoints union leaders within enterprises, management often controls the selection of union dues to supplement its budget and distribute official propaganda through the unions.

Strikes are illegal under martial law, which has been in effect on the island since 1949. Although a liberal collective bargaining statute is on the books, there are no collective bargaining agreements in effect. The crime of inciting labor unrest is punishable by death. Unions do play a role in adjudicating worker grievances, but workers with complaints are often labeled "subversive" or "Communist," and are thus subject to prison terms. Workers who have petitioned the Government to hold an election to certify a union at their workplace have sometimes been denied the right to vote in that election.

Mr. Speaker, now let me turn to South Korea, which is another nation which benefits a great deal from favorable U.S. trade laws and which ships very large amounts of goods into the U.S. market and competes effectively with the goods produced by American workers.

SUPPRESSION OF LABOR RIGHTS IN SOUTH KOREA

South Korea's export-based industrial development has for the past 15 years achieved a remarkable statistical success, bringing growth rates that averaged more than 9 percent per year, enabling the Korean economy to enter the ranks of the newly industrialized countries and compete with Japan, Europe, and the United States in the marketing of products ranging from textiles to transistors, from toys to tankers. Hundreds of American companies have moved their production facilities to Korea in recent years.

However, this success has been achieved at a high price in human rights and dignity. An authoritarian police state has prevented workers from organizing genuinely representative unions, keeping wages cheap and working conditions harsh and inhuman for thousands of Korea's industrial work force.

These conditions are, in fact, the chief attraction for foreign investors in South Korea. As the Far Eastern Economic Review recently noted,

> Cheap labor has been one of three major factors—along with foreign capital and good planning—behind South Korea's successful industrialization efforts over the past 20 years. (July 19, 1984)

However, as the same issue points out, beneath the successful facade are problems which if not resolved, will quite likely undermine South Korea's economic miracle in the near future.

> Decades of government control have left organized labor seriously crippled, so much so that most observers contend that the Federation of Korean Trade Unions [FKTU] has reached the critical stage at which it must decide whether to stand up to its commitment or face growing isolation from its members, who are beginning to desert from the ranks.

The FKTU has been subject to Government manipulation and control since it was created in 1961 shortly after the coup d'etat of Gen. Park Chung Hee. Government interference and infiltration by the Korean CIA

have hampered its independence for more than two decades, particularly since 1970 when special labor laws were promulgated that prevented the formation of unions in foreign firms or in industries vaguely related to "national security." In spite of this, however, the trade union movement slowly grew through the 1960's and 1970's to include by 1979 more than a million members in a movement with 17 national industrial unions, regional and city labor councils in every region of South Korea, and a number of genuinely representative union locals.

Since 1980, however, when the martial law regime of Gen. Chun Doo Whan drastically changed the labor laws and forced the resignation of hundreds of labor union officials, the FKTU has sharply declined in strength and influence. Real wages and working conditions have also worsened rapidly during the past 4 years as a result.

Official FKTU statistics indicate that its 1.1 million membership in 1979, out of South Korea's approximately 5 million eligible workers, declined by 4.4 percent in 1980, by 21 percent in 1981, and dropped a further 6.4 percent in 1983, to a level under 780,000. Other unofficial estimates of paid union membership put the figure as low as 100,000 members in 1983.

The cause of this plunge in union membership and influence was a series of drastic Government measures enacted under martial law in 1980 and later given ex post facto status in revised labor laws. These laws and martial law proclamations have decimated the unions, have virtually outlawed Protestant and Catholic ministries among workers, and have rendered the surviving religious and labor organizations helpless to relate to workers in any significant way. For workers, the result has been loss in real wages, increased danger and hardship in the workplace, lengthened hours and the lack of representation in grievance procedures. South Korean work hours are the longest in the world, its industrial accident and death rate the world's highest, according to the International Labor Organization.

The measures that brought about these changes include:

First, the August 12, 1980, martial law order for purification of labor unions and promotion of labor union purification movement (Doc. 1354-21208) and other supplementary measures. These so-called purification steps forced the resignation of 12 of the 17 national industrial union presidents, 106 provincial and regional labor union officers and 191 local union officers. Furthermore, hundreds of labor union members active in their local unions were forced to resign or were fired from their jobs during this purge.

As a result of this purge and the accompanying forced dissolution of all regional and city labor union councils, every local union was required to reorganize. Any union officers who refused to resign on August 20 were sent to Government purification education camps where they were subjected to brutal punishment for periods of from several weeks to several months. Most were then blacklisted by the ROK Government to prevent their reemployment in other firms.

Second, on December 31, 1980, the South Korean labor union law was amended to include the provision that "all dissolved labor unions and dismissed or expelled union officers from the date of August 20, 1980, until the present shall be considered to have been dissolved or subject to reelection orders in terms of article 32 of this law." This ex post facto measure deprived unions and individual union officers of any legal basis for appeal against the Government's forced purges. Article 32 of the labor union law states that

> When the administrative authority recognizes that a labor union . . . is likely to become detrimental to the public interest, it may . . . order the dissolution of the labor union or order reelection of its officers.

A provision had already been inserted into the new constitution enacted in September 1980, which stated that all special laws such as these labor laws promulgated under martial law could not be amended by later legislation without changing the constitution.

Third, the December 31, 1980 revisions of the labor union law also made the formation of new unions much more difficult, by the following restrictions:

Firms with less than 30 employees could not be organized.

In firms with more than 30 employees, a petition signed by 30 employees or 20 percent of the workers is required to be submitted in writing to the Government before a union can be recognized.

No person or organization outside the individual factory can be involved in organizing a local union, in collective bargaining, or conflict resolution. This provision was aimed at preventing labor counselling by religious organizations but also restricts contact between workers and their own national or regional union representatives.

Unions cannot include workers from more than one company.

Unions are prevented from being involved in political activity or supporting any political candidate.

In addition, laws regulating working hours were amended to allow employers greater legal freedom to extend workers' hours arbitrarily.

In 1981, these new laws allowed the Government to destroy, one by one, all strong unions. In January 1981, the mayor of Seoul ordered the Chonggye Garment Workers Union, in Seoul's notorious Peace Market sweatshop district, disbanded on the grounds that it included workers from more than one company. Union officers who protested this action were told they had no grounds for protest, since the union no longer existed. When they persisted, they were imprisoned. In the 3 years since then, working conditions in the Peace Market have seriously deteriorated. Child labor and 12 to 14 hour working days for wages less than $2.50 per day are now common. Tuberculosis and other work-related disease are again increasing.

Late in 1981, other unions that had been active at the workfloor level, were disbanded or their officers fired. By November 1981, the human rights movement in Korea had documented the forced dissolution of three unions—Chonggye Garment Workers in Seoul, the Bando Trading Co. and the Kyonggi Spinning Co.—the suppression of union organizing by Government and company authorities in 19 firms, and improper dismissal of union officials in six other firms. Dozens of companies fell months behind in payment of wages; workers who protested were fired.

By 1982, only two unions remained with strong worker participation. One of these was the American firm, Control Data. The other was the Wonpoong Textile Co. Plant in Seoul. Government and company pressure in both these companies led to bloody clashes between workers and supervisors, the firing of union activists, and the eventual closure of the factories.

In 1983, these was little labor activity in South Korea. But as the situation of workers continued to deteriorate, wildcat strikes became much more frequent. In the late fall of 1983, the Chun Government began to force the closure of all night schools for workers, arguing that these schools, conducted in local churches, were training grounds for socialism. Hundreds of volunteer teachers were arrested, tortured and forced to sign confessions that they were "socialists".

Since the beginning of 1984, unauthorized strike activity, sparked by taxi driver strikes in most of South Korea's cities, has increased to the extent that international business observers express their fear for industrial peace unless the ROK Government carries out some measure of reform. The Far Eastern Economic Review's annual summary issue on Korea, published July 19 this year, concludes its coverage of labor by the following assessment:

> What this all indicates is that the whole spectrum of South Korea's troubled labor movement is now moving into a dangerous phase of politicization. Nothing short of a fundamental institutional reform is expected to repel that threat. And unless the issue

is squarely tackled, the disciplined rows of workers featured on the cover of this review could break ranks and the Chun Government could face some significant destabilization ahead.

Liberalization of South Korea's represssive labor laws is essential for the country's future economic success as well as for political stability and national security. Measures by the U.S. Government to encourage this reform are in our own long-term interest as well. A strong economy and a selfconfident government in South Korea which has the support of its people are vital to U.S. economic, political, and military interests in East Asia.

I strongly urge the administration to support labor rights in South Korea with the same enthusiasm it supports them in Poland, to distance itself from repression of these rights by right-wing dictatorship with the same fervor it attacks governments of the left that prevent free unions. We have an urgent responsibility to be consistent in this area, for our inconsistencies strengthen repression, encourage further capital flight by U.S. companies and hurt American as well as Korean workers.

LABOR RIGHTS IN THAILAND

Workers in Thailand face many of the problems of their counterparts in developing countries: Unemployment, underemployment, migration, and repressive laws. Even more hideous are the abuse of women and agricultural workers and child slave labor.

REPRESSIVE AND TOKEN LABOR LAWS

Thailand has a martial law government in spite of the fact that there is a constitution, elections, and a functioning parliament. Under martial law the Government can arbitrarily make decisions and try offenses in the military courts.

In recent years two laws, decree 8 and the anti-Communist laws, existed as an ever present threat to the Thai labor organizers. Decree 8—lifted in 1981—specifically prohibited strikes and lockouts. It was practiced with flexibility after 1977. While strikes were illegal they occurred and few workers were actually brought to trial. There were more strikes after 1981. Under the anti-Communist laws which are still in force people can be detained for up to 480 days without being presented before court. They can be tried in a military court. This law remains a threat and its aim is intimidation and repression. (Ampo Vol. 14 No. 2, 1982, page 58.)

Two specific Thai labor laws, the Labor Protection Law—1972—and Labor Relation Act—1975—set rules for working hours, women and child laborers, wages and severance pay. For instance, the law prohibits the employment of children under 12 and employers must obtain Labor Department permission for children under 15. While its provisions are progressive in practice violations carry light fines. Major infractions result in at most a $50 assessment. Thus, it is more profitable to break the laws and pay the fines than follow them. The laws seem to be more a demonstration for the rest of the world that Thailand has modern labor legislation than to protect workers. (Ampo Vol. 14, No. 2, 1982, page 58–59, and "The Dark side of Thai Children: Child Labour," a slideshow prepared by the Coordinating Group for Religion in Society.)

CHILD LABOR

Thousands of children, some as young as 6 years, are virtually sold into annual or lifetime work in farms, homes, factories, brothels, and massage parlors. Many fetch as much as $500.

Ms. Pranee Tinakorn, lecturer at Thailand's prestigious Thammast University, surveyed 115 children working in textile factories, construction sites, restaurants, gasoline stations, and mini-buses in the Bangkok metropolitan area. She found 97 percent of their parents sent the children to work to support the family financially. One 11-year-old child commented, "I came to work here because I was afraid my mother would not have anything to eat."

The 1981 report by the United Nations Economic and Social Commission for Asia and the Pacific said, "2 million Thai children under 16 years of age work in factories. A considerable proportion of children in the work force suffer from malnutrition or from hazards related to their work."

The worst working conditions exist in small unregistered—illegal—factories where ventilation is often poor and the heat oppressive. Some children work with dangerous chemicals like battery acid. In one textile factory children worked from 6 a.m. to 9 p.m. and then were locked up in the store room for the night so they could not run away. Children often get only rice and vegetables to eat and work despite untreated ailments.

Factory owners find the children's nimble fingers more profitable than those of adults and the children are easier to control.

The Thai Labor Department has few inspectors to check the tens of thousands of registered and unregistered factories. Even when inspectors find slave labor factories they can do little because of bribes and corruption. ("Thai Children Sold into 'Slavery,'" National Catholic Reporter, May 15, 1981 and Depth News Asia, August 14, 1981.)

AGRICULTURAL WORKERS

Thai agricultural workers for multinationals are often not covered by Government labor laws. On Castle and Cook's (DoleThai) pineapple plantation in southern Thailand almost all of the laborers are hired as temporary workers on a 3-month contract. This way they dodge labor laws. DoleThai can offer a new agreement every 3 months to keep the workers or dismiss them without compensation.

The unskilled and poor northeastern Thai often have no recourse to working under DoleThai's harsh conditions. Field workers get about $2 a day and work 6 days a week. There is only one doctor for the 3,000 workers on the plantation. Accidents occur nearly every day in the cannery where primarily women are employed. Workers receive minor compensation for injuries only if they are seriously handicapped or incapacitated. Then they will certainly be discharged. Housing on the plantation is inadequate. As many as six or seven workers squeeze into a room 15 feet by 21 feet. There are no private bathrooms. ("The Bitter Fruits," a Slideshow Prepared by the Coordinating Committee for Religion and Society, Bangkok, Thailand.)

MIGRATION

Many Thais from the northeast and northern parts of the country who were employed at U.S. air bases during the Vietnam War are now working in the Middle East. Job placement firms often cheat them by making false promises on wages. Women are notoriously badly treated. In some instances their passports are taken away and they become slaves in the households where they work. Numerous cases of sexual assault and rape have been reported. (Ampo, vol. 14, No. 2, 1982.)

LABOR UNIONS

Thai labor unions have only been allowed to function for 16 of the past 37 years. Thus, their growth and development have been greatly interrupted. Only 3.6 percent of the wage earners are organized. Many union members are in state enterprises which cannot strike. Moreover the state, employers, and politicians among others have infiltrated unions, corrupting their leaders, establishing yellow unions, and creating factionalism and splits. (Ampo, vol. 14, No. 3, 1982, pages 51–56.)

For example, some 10 labor officials have been killed over the last few years. The 1983 murder of labor leadder Khampun Wongkan is linked to the rise of private unions. He was deputy secretary-general of Metal and Steel Labor Union which is among the metal industry unions within the multinational plants like Datsun, BMW, Fiat, et cetera. His activities would have ultimately shifted the workers' activities away from the state enterprise unions to the private sector union, thus changing the labor situation that could more effectively challenge foreign exploitation of Thai labor. (Ampo, vol. 15, No. 1, 1983.)

LABOR RIGHTS IN SOUTH AFRICA

Blatant and morally outrageous kinds of labor rights violations are

prevalent throughout South Africa. These violations are enshrined in South African law. They form an integral part of its vicious system of racial segregation known as apartheid. South African laws keep black workers—84 percent of all South Africans—from organizing effectively for better wages and working conditions.

For centures, black South Africans have been denied their freedom. They live under laws that segregate them from whites and deny them basic human rights, including labor rights.

Five of six South Africans are black. But they live in bondage in their own country.

They cannot live or work where they choose.

They risk going to jail if they strike for better wages and working conditions or demand simple justice on the job.

They virtually have no say in the government and laws that rule them.

Apartheid in South Africa runs on cheap labor. To stay out of jail, blacks must carry "passbooks" wherever they go. These record their fingerprints, work record, tax and family status, tribe and rae, and where they can legally live and work.

For black South Africans, home is not where they were born or choose to live—it is where the government decides to send them. Those no longer needed by white-owned businesses are sent to live in barren, rural wastelands—called homelands—chosen for them by whites.

As a result, black workers now earn, on the average, less than a third what white workers do. Over 60 percent of black urban families earn less than the white government admits is necessary to survive. Rural blacks are even worse off.

Black worker protests in South Africa go back to the beginning of this century. The largest African union, the Industrial and Commercial Workers Union, was founded in 1918 and 10 years later had 100,000 members. However, this and other black unions were destroyed by growing white minority government repression, including detention or "banning" (a form of house arrest that bars any public role or speaking by the "banned" person).

Black workers could not register their unions with the government and were excluded from all industry-wide council negotiations. They could only channel grievances through plant-level committees which were largely ineffective and lacked the auhority to negotiate legally binding agreements. By 1973, of South Africa's over 20,000 plants, only 27 had plant-level committees for black workers.

Since 1973, the government grudgingly has made some small, largely cosmetic changes in its labor laws affecting blacks. These have come about as a result of growing labor unrest and an unprecedented upsurge in the formation of black trade unions. Many of the black unions have explicitly rejected government registration requirements and sought to negotiate collective bargaining agreements with multinational corporations outside the government's legal framework.

Despite modest changes in labor laws, black workers who seek to improve their wages and working conditions continue to face nearly insurmountable government obstacles:

There is practically no protection against job dismissal for union activities.

There has been no government enforcement of supposedly binding plant agreements and no procedures for legal redress.

A host of interlocking laws really hamstring the ability of black workers to carry out strikes. Blacks for all practical purposes have been denied the right to strike since 1911. A slight change in government policy in 1973 held out a shred of hope, but only one of the over 750 strikes since 1973 was "legal." Even if a black worker participated in a "legal" strike, he/she cannot picket or attempt to convince other black workers not to strike. Employers also may legally dismiss and replace black striking workers, whether the strike is legal or not.

The government's broad definition of "subversive" activities under the Internal Security Act of 1976, the Riotous Assemblies Act of 1956 and the Terrorism Act of 1967 has been extended to reach the organization of trade unions and their activities. These laws permit detention without trial, indefinite detention without access to legal counsel while they deny any appeal of detention decisions. Individuals may be "banned" for up to 5 years, restricting their movement and barring them from meeting more than one person at a time, making speeches, publishing articles or being quoted.

Despite these legal barriers, black unions have in the past decade courageously pressed for worker rights. In 1973, a wave of spontaneous strikes for higher wages and working conditions hit Durban and neighboring industrial cities. After two months, over 70,000 workers at 150 plants had walked off their jobs. Since 1979, a new wave of strikes and worker protests has swept across South Africa. In 1983 alone, black unions engaged in over 300 strikes.

Black workers have paid a high cost for pressing for their rights. Since 1979 many black workers in at least 750 strikes have lost their pay, benefits and their jobs, while risking arrest and detention. Over 400 trade union members—including 56 officials and labor organizers—were detailed between 1981 and September 1983, many without any formal charges being brought against them for periods as long as one year. Dozens of trade union organizers have been banned from engaging in union activity. And two trade unionists have died in suspicious circumstances after detention by South African security police.

According to the 1983 Amnesty International Report, Neil Aggett, a white physician working as a union organizer, was found hanged in his cell at the Johannesburg police station on February 5, 1982. He had been detained 3 months earlier along with several other trade union officials. He was held incommunicado by the security police and was never charged. Following his death, other detainees alleged that he had been assaulted and subjected to electric shock torture by security police and, shortly before his death, subjected to 60 hours of continuous interrogation. The magistrate at the inquest dismissed the detainees' evidence and absolved the security police involved of any responsibility.

In 1982, many labor leaders were detained without charge or trial, including Dumile Makanda and Maxwell Madlingozi of the Motor Assemblers' and Components Workers' Union (MACWUSA) and four leading officials of the South African Allied Workers' Union [SAAWU]. Most spent several months in detention. Several were reportedly tortured. When three of the SAAWU leaders went on trial, all charges against them were dropped. Such repression of trade union activity is part and parcel of a larger pattern of systematic civil and human rights violations by the white-minority Government of South Africa. These violations have been documented not only by Amnesty International, but by the U.S. State Department and non-governmental organizations like the South African Council of Churches, the South African Catholic Bishops' Conference, and the Lawyers Committee for Civil Rights Under Law.

IMPLICATIONS FOR U.S. POLICY

The Reagan administration has generally ignored overwhelming evidence of gross and systematic violation of internationally-recognized labor rights in South Africa. Conditions that would produce indignant and immediate response if they happened in Poland earn little more than a shrug from our White House.

U.S.-based multinational corporations, though they have responded more forthrightly than the South African Government to rising black workers protest—even to the extent of negotiating labor contracts with a few black unions—have continued to profit from the prolonged suffering of black workers. The 125 U.S.-based multinational corporations which have signed the Sullivan Code of Corporate Conduct continue—by their own accounts—to spend more on training

white workers than black workers, to pay whites more than black workers, to keep blacks out of supervisory positions over white workers.

Those hurt include not only black workers in South Africa, but also American workers. For example, South African steel exports to the United States rose 5,000 percent from 1975 to 1983. Much of Baltimore's subway system has been built with South African steel produced by South Africa's government-owned steel corporation, ISCOR. ISCOR's entry into world markets was assisted by a panoply of South African Government assistance, including tax rebates, subsidies and laws limiting labor rights. The U.S. steel industry has been in a steep decline in recent years. American steelworkers accepted $3 billion in wage and benefit cuts last year alone. A key reason why South African steel was more competitive than U.S. steel production—and contributed to job losses here—was its lower cost attributable in large part to low wages paid black South African steelworkers and black coal miners who mine the coal essential to steel production. Thus, labor violations in South Africa, as in any other country, play a key role in forcing U.S. workers to accept lower wages and benefits and weaker health and safety standards. The ultimate irony is that the United States Steel Corp., suffering from increased foreign competition, helped make South Africa more competitive by selling ISCOR key steelmaking technology.

We need to begin to re-examine which of our tax and trade policies provide financial incentives for U.S.-based multinational corporations to invest in countries like South Africa where flagrant labor rights violations are endemic.

Labor in all countries in Africa, more than any other sector, is target of control and repression. The inability to achieve and enjoy political stability in Africa since independence some two decades ago, and the resultant emergence of authoritarian regimes, places labor in an unfortunate situation. Any form of organized labor is considered a potential threat to the regimes which seek to weaken the labor movement and it bargaining power.

Many of the African governments have still to ratify International Organization [ILO] convention including Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). Morocco, Sudan, and Zambia are among those countries still to ratify the convention. The Right to Organize and Collective Bargaining Convention, 1949 (No. 98) has not been ratified by many countries including Nigeria, Liberia, Morocco, Zaire, and Zambia. Forced Labor Convention, 1930 (No. 29) has not been ratified by Ethiopia, Mozambique, Botswana, and Rwanda. Workmen's Compensation (accidents) Convention, 1925 is still to be ratified by Gabon, Ivory Coast, Togo, Benin, Ethiopia, Sudan, and Ghana. Minimum Wage Fixing Machinery (agriculture) Convention, 1951 has not been ratified by Nigeria, Rwanda, Burundi, Zaire, Tanzania, Chad, Libya, and Zimbabwe. Equality of Treatment (social security) Convention, 1962 has not been ratified by Cameroon, Nigeria, Zambia, Ghana and Ethiopia. Other ILO conventions on agrarian reform and rural development and specifically on the plight of rural workers such as (i) Plantations Convention, 1958 (No. 110); (ii) Labor Inspection (agricultural), 1969 (No. 129); Workers Representatives, 1971 (No. 135) and Role of Rural Workers' Organizations in the Economic and Social Development and Recommendation 149 on the same matter, 1975, (No. 141) have been ignored by some African countries. They justify their relations with labor on the basis of certain provisions in their constitutions and other local rules and regulations which place labor at the mercy of the regimes. Without a commitment to respect these ILO conventions, authorization rules are fostered with a resultant weakening of the labor movement and its bargaining power. The following measures have been used effectively by these regimes: (i) centralization; (ii) curtailment of the right to strike; (iii) dismissal and appointment of labor leaders; (iv) compulsory arbitration; (v) adverse pricing policy; (vi) ineffective labor legislation.

(I) CENTRALIZATION

In some Francophone countries; for example, Gabon, Central African Republican, Guinea, and countries such as the Congo, Ethiopia, and Libya, labor unions become an extension of the government, if not extensions of the political party. The government sponsors a labor center and places the leadership within the regime's control. In some cases, no union is allowed unless affiliated to the center or non-affiliates may be allowed but not given the privileges of access to government resources.

(II) RIGHT TO STRIKE

The right to strike is a vital part of the freedom of association. Strikes, unfortunately, in many instances are completely banned especially during states of emergency or at the advent of military rule. The more conventional method is to ban strikes in industries considered "vital" or of "national interest." The choice of which industry is "vital" is, of course, in the hands of the regime. Further, while in some countries strikes may not be considered illegal, the procedures to follow are so stringent, bureaucratic, and unreasonable, that it is practically impossible to go on strike.

(III) DISMISSAL AND APPOINTMENT OF LABOR LEADERS

Countries like Ghana, Liberia, Zambia, Morocco, and others have frequently intervened and conducted business on behalf of workers' unions to the exclusion of elected members of the unions. They have arrested and imprisoned labor leaders conducted union elections, incited union branches to disaffiliate from national union and even control the purse of the union.

(IV) COMPULSORY ARBITRATION

This is an instrument of control meant to curtail the right to strike. Because compulsory arbitration is actually meant to take the place of strike and because resolutions therefrom are placed in the hands of government and/or agencies, decisions taken are generally against labor interests considering the bias of the growth of labor vis-avis foreign capital.

(V) ADVERSE PRICING POLICY

Market prices in the cities and towns are kept very low. A ceiling is usually placed by government-formed market councils on food staples produced by peasant farmers. The price ceiling is a distortion aimed at keeping wages very low in the cities so as to create interesting conditions for capital investors. This ceiling hardly takes into account the farmers cost of producing the products. Further, these market councils not only distort prices, they retard payment to farmers, and their crops are gathered very late. In frustration, these farmers migrate into cities and fall into another cycle—unemployment or bargaining for wages.

(VI) INEFFECTIVE LABOR LEGISLATION

Much of the legislation designed to protect labor have remained laws merely on paper because of lack of resources, especially of the government agencies. Lack of organization also makes it difficult for labor to take care of itself in making sure that labor standards are strictly followed.

11. Specific case studies of labor violations in various countries

(I) GHANA—CASE NO. 1135

This case was examined by ILO committee at its meeting in February 1983, when it presented an interim report to its governing body. A complaint was presented by the International Confederation of Free Trade Unions, the Organization of African Trade Union Unity and various other trade union organizations against the Government of Ghana. The complaint concerns antiunion repression directly or indirectly by the Government through the freezing of trade union bank accounts, the confiscation of trade union leaders' passports, the violent occupation of the TUC headquarters and the arrest of at least 10 general secretaries of the national unions. Those arrested

included Mr. Kofi, general secretary of the Railway & Engineering Workers' Union; Mr. Yankey, general secretary of the Transport & Chemical Workers Union and the national chairman of the Road Transport Workers' Union. On April 29, 1982 these men were arrested and a protest delegation was brutally beaten by the police. The Ghanaian government alleged that these events occurred immediately after the December 31, 1981 Revolution which brought Lieutenant Rawlings to power.

(II) ZAMBIA—CASE NO. 1080

This was a complaint filed with ILO by the International Confederation of Free Trade Unions [ICFTU] and dated October 5, 1981. ICFTU alleged the unlawful arrest of Frederik Chiluba, chairman of the Zambia Congress of Trade Unions; Newstead Zimba, general secretary of the organization and deputy worker member of the ILO Governing Body; Chitala Sampa, Assistant General Secretary of the Zambia Congress of Trade Unions and others. The Zambia Congress of Trade Unions alleged that these men had been unlawfully detained for having incited strikes which according to the government caused chaos. However, in a letter from the Zambian Government to ILO dated November 6, 1981 the government refuted such allegation stating simply that the union leaders were detained not for violating any labor legislation but to safeguard the interests of national security as stipulated under the Preservation of Public Security Act.

(III) LIBERIA—CASE NO. 795

This was a complaint presented by the Miners' International Federation against the Government of Liberia. The events of 1974 and 1976 involved the intervention by ministers to allow the release of trade union funds to a person not authorized by the union to receive such funds; the arrest of a trade union official and the dismissal of other workers; an attempt by the minister of labor to conduct union elections; the intervention by the Minister to incite a union branch to disaffiliate from a national union; and the prohibition of participation by certain unions and cooperatives in an election of representatives for collective bargaining purposes.

CONCLUSION

The cases on Ghana, Zambia and Liberia are among many brought before ILO by respective African labor organizations. Although some of these cases may have been settled, the fate of trade unionism in Africa remains in the hands of authoritarian regimes such as the racist regime in Southern Africa, the military regimes of such countries as Ghana, Upper Volta, Liberia, and Guinea, and totalitarian regimes like those of Ethiopia and Mozambique.

LABOR RIGHTS IN CHILE

Since the 1973 military coup d'etat, a fundamental part of the military government's strategy has been to break Chile's traditionally strong labor movement. After the military government's takeover, the right to collective bargaining was outlawed, and the large national unions which had historically existed in Chile were dismantled. Chilean workers lost the right to strike, hold elections or even attend meetings without police permission and supervision. The previously existing trade union leadership was repressed through arrests, executions, and exile.

In 1979, the military government put into effect the labor plan, a set of laws affecting labor, without consulting the majority of Chilean workers and the organizations that represent them. The labor plan was seen as a further attempt to weaken and destroy a historically strong and active labor movement. The labor plan severely restricts the rights of workers to organize, unionize, and to strike. For example, the labor plan excludes any provision for a nationwide labor organization of any kind. There can only be individual unions at the factory or plant level. No union can be formed unless the enterprise has been operating for at least 2 years. A worker must be employed for a minimum of 5 years before he or she can be considered eligible for election to a leadership position within the union. However, anyone who has "ever engaged in partisan political activity" can never be eligible, even if he or she has never belonged to a political party. Another provision of the decree bans any kind of union shop.

The most controversial aspect of the labor plan are the regulations governing the right of workers to strike. Although strikes are theoretically permitted, there are severe guidelines under which they must be carried out. The strike vote itself must be held in the presence of a civil authority before the contract has expired and must be approved by an absolute majority of the workers; the secret ballot is prohibited. If the workers vote to strike, the employer has the right to hire other workers to replace those on strike. Strikes can last up to 60 days, after which the employer has the right to fire all striking workers. And, Chile's President has the authority to issue a 90-day back to work order when strikes or lockouts jeopardize the "health or basic necessities of the populace, the general economy or national security." Lane Kirkland, president of the AFL-CIO, has characterized the labor plan as "reactionary and specifically designed to mutilate the democratic trade union movement."

Chilean workers suffer a double repression: that of the violation of their labor and human rights, and that of the violation of their economic rights as a result of the economic model imposed by the Pinochet regime. In February 1982, the president of the Public Employees Union [ANEF], Tucapel Jimenez, a former supporter of the military government, held a public press conference in Santiago to call for the formation of a united labor front to challenge the economic policies of the military regime. Jimenez was a key figure in the labor movement because of his ability to unite the various forces represented in a number of labor unions in Chile. One week after his press conference, Jimenez was found murdered in the taxicab he had been driving since being fired from his government job. His body showed signs of torture, and numerous witnesses testified that he had been followed extensively in the weeks before his assassination by agents of the Chilean secret police.

According to the National Institute for Statistics in Chile, unemployment in greater Santiago reached 21.7 percent in the period January-March 1983. This compares to 15 percent for the same period in 1982. This figure does not include those registered in the Minimum Employment Program [PEM] or the Occupational Program for Heads of Households [POJH]. In February 1983, there were 360,914 persons registered in PEM, and 112,601 in POJH. Together, this represents 13.5 percent of the national labor force. Workers registered in PEM receive 2,000 pesos per month, and those in POJH 4,000 pesos per month. The current legal minimum monthly salary in Chile is 6,222 pesos.

In response to the deteriorating economic situation, a National Command of Workers was formed, comprised of all the trade union confederations in Chile, representing the various political factions from the left to the "democratic" right, and the overwhelming majority of Chilean workers. The command is headed by Rodolfo Seguel, president of the Chilean Copper Workers' Union. On May 11, 1983 a national day of protest was carried out after the National Command of Workers called for a nationwide protest for that date, 350 people were arrested and 2 killed. It was estimated that over 70 percent of the Chilean people participated in the demonstrations. Because of the success of this first protest, the National Command of Workers called for a day of national protest on the 11th of every month.

The second national day of protest was held on June 14, 1983. Men, women and children banged empty pots in the streets and shouted antigovernment slogans. Eighty percent of the truckers' union members stayed off the road, only 55 percent of the buses in Santiago were reported on the streets, and 1,350 were arrested, and 3 more persons killed. On the fol-

lowing day, Rodolfo Seguel was arrested. In response to Seguel's arrest, copper workers in El Salvador, El Teniente and Andina Mines began a protest strike. CODELCO, the state copper company, announced that all striking workers would be fired. Eight hundred copper workers received dismissal notices on June 17, 1983. On June 20, 1983, Chile's labor leaders called for a general strike to begin on June 23, 1983. In response, the military government officially banned all media from making any mention of the general strike, demonstrations or protests. By that date, a total of six local union leaders and seven national leaders of the CTC were under arrest.

The strike commenced as planned, with 70 percent of the 46,000 member commercial truck owners going on strike, and only about 30 percent of national activity being halted. The strike was called off by the truckers' union on June 26, 1983.

While General Pinochet vowed that he would allow no more demonstrations, there have now been a total of 10 national days of protest in Chile. After the traditionally inactive summer months of December through February, Chileans once again took to the streets in protest. The CNT called for a protest on March 27 which virtually paralyzed the entire nation. Eyewitness reports state that the level of activity was so minimal it resembled a general strike rather than a day of protest. Shops closed early or did not open at all, traffic was at a virtual standstill, and General Pinochet imposed an 8:30 p.m. curfew, along with severe press censorship. Nine persons were killed and hundreds arrested.

For the first time since Pinochet's military government took power in 1973, Chilean workers held their own May 1 celebration in the open. The CNT called for the event, which was held in Bernardo O'Higgins Park in Santiago, and over 300,000 people attended. In his speech to the thousands of Chileans assembled there, Rodolfo Seguel announced plans for a general strike to be held some time within the following 90 days. In July, the CNT announced this time period would be lengthened to allow for better organization, but that a general strike is the next step in the peaceful mobilization of the Chilean people against the military government.

Let me wrap up this proceeding with some thoughts on where we go from here. In the past hour, we have heard some compelling statements about shameless exploitation of workers in many different walks of life in many different countries. I hope many of you who have listened to what has been said or who will read about this in the CONGRESSIONAL RECORD will take up the call to action. There are many steps that the President and the Congress can take to much more effectively promote international labor rights.

First, it is a continuing disgrace for our country not to have ratified any of the basic covenants of the International Labor Organization [ILO] on labor rights. To date, the United States has ratified only 6 of more than 150 ILO covenants that seek to protect the basic rights of workers; those 6 pertain exclusively to maritime rights on the high seas. Our credibility in international circles is crippled so long as our President and the Senate cannot bring themselves to support even these basic covenants affirming freedom of association, the right to organize and to bargain collectively, and the right to acceptable conditions of work. Surely, if the Soviet Union can embrace these rights along with prohibitions on forced labor and the exploitation of child labor before the community of nations at the ILO, then we can and ought to do no less.

Before next January, the Congress must decide whether to pass legislation to extend the Generalized System of Preferences [GSP]. For the past 10 years, this program has allowed nearly 140 lesser developed countries [LDC's] duty-free access to the U.S. market for a wide range of products. But with the global economy growing more interdependent every day, it is not enough to structure our trade programs like GSP to promote some vague notion of development in LDC's. It is imperative from this day on that very serious consideration be given in the Congress to who really benefits from preferential access to the U.S. market and whether broad-based economic development rather than the exploitation of cheap labor is being encouraged in LDC's. Fifteen countries, most of them significant labor rights violators, account for 89 percent of GSP imports. I am the sponsor of legislation (H.R. 5136) which seeks to constructively link GSP trade benefits to the extension of labor rights to the workers within beneficiary LDC's.

The offshore assembly provisions in our tariff provisions also need to be reexamined. Specifically, U.S. tariff items 806.3 and 807, adopted in 1930 and 1963, give American-based multinational corporations real incentive to subcontract items abroad for further processing: when imported back to the United States, duty is assessed only on the value added to the product overseas. Since 1966, the value of imports into the United States under just these two tariff items has skyrocketed from less than $1 billion to more than $18 billion in 1982. Over $7 billion of the 1982 total involves developing countries, with the top 10 accounting for 94 percent of the developing country total. Once again, major labor rights violators dominate the list.

Last year, the Congress approved the Caribbean Basin Initiative [CBI] at the urging of President Reagan. The CBI will provide duty-free treatment for about $1 billion of imports from that region, primarily beef and sugar and, to a lesser extent, steel, motor vehicle parts, electrical parts, tobacco and citrus fruit. The modest labor rights protection in this program authorization needs to be strengthened.

To cite another example, the Export-Import Bank provides subsidized loans, insurance, and guarantees to foreign state or private firms to finance purchase of American exports. In recent years, Exim has loaned nearly $4 billion annually, and in some years over half of the total funding has gone to pay for the purchase of U.S. aircraft. In the normal authorization and appropriation process for the Eximbank consideration ought to be given to promoting labor rights.

The development assistance dimension of U.S. bilateral economic aid to LDC's is an appropriate context in which to encourage respect for labor rights. The Agency for International Development each year makes grants and loans on concessional terms for development projects and programs in health, education, and agriculture. For those loans made for projects designed for purposes other than meeting basic human needs, promoting labor rights should be a key consideration.

Furthermore, the Overseas Private Investment Corporation [OPIC] provides an extensive array of services—funding of feasibility studies for potential investments, loans, loan guarantees, insurance protection against war, revolution, or insurrection, and investment missions—to encourage multinational corporate investment in developing countries. We should systematically discourage loans for corporate investment in countries whose governments treat their workers with contempt.

On another plane, there is much more our country in its leadership role can do through multinational aid channels to promote international labor rights.

The International Monetary Fund [IMF] provides soft-term balance-of-payment loans to developing countries which cannot be categorized as helping meet basic human needs. To the contrary, most IMF loans are approved with strong conditions attached that compel austerity and that often result in severe deterioration of the living standards of workers within recipient countries.

These days we are witnessing a steady erosion of labor rights by the governments of many developing countries as they struggle to deal with the international debt crisis. This trend raises serious questions. Should workers in developing countries disproportionately bear the brunt of the

costs of economic stabilization and recovery? Should the IMF, through its austerity programs, be allowed to use government structures to limit the rights of workers. Perhaps we should consider directing the U.S. Executive Director to the IMF to vote against loans to countries that are flagrant labor rights violators.

The World Bank gives more medium- and long-term loans to developing countries to foster development. Even though some loans may help richer farmers at the expense of poorer ones or may promote exports at the cost of continued neglect of domestic needs in some countries, it is generally accepted that the World Bank is helping to meet basic needs in the Third World countries.

However, the World Bank since 1980 has expanded beyond project lending to giving broad "structural adjustment" loans. By 1983, this new type of loan accounted for nearly 10 percent of total World Bank lending. It is open to question whether these "structural adjustment" loans really respond to basic needs. It may be advisable to link "structural adjustment" lending to respect for basic labor rights within recipient countries.

Finally, regional banks for Asia, Africa, and Latin America give project loans similar to those available through the World Bank. Again, efforts could be made to differentiate basic needs loans from others and to direct the U.S. Executive Director to oppose loans for other than basic needs to countries that trample upon labor rights.

To sum up, in the 1980's and beyond it is essential that the concepts of prudent foreign aid and fair trade be linked to vigorous promotion of respect for international labor rights. I ask you to reflect upon the following excerpt from the 1980 Report of the Independent Commission on International Development issues, also known as the Brandt Commission:

> Exports that result from working conditions which do not respect minimum social standards relevant to a given society are unfair to the workers directly involved, to workers of competing Third World exporting countries, and to workers of importing countries whose welfare is undermined. They are also unfair to business concerns and countries which encourage social progress. Just as developing countries concern themselves with the industrial adjustments of other countries, so their own domestic industrial conditions will increasingly become a matter of international concern and review.

● Mr. HAYES. Mr. Speaker, having served for many years within the organized labor movement, I understand the need for worker representation. Decent working conditions, fair wages, and adequate benefits—things people take for granted today—became reality for many Americans only afer organized labor struggled and negotiated for them. But this should not be solely a domestic phenomenon. International labor movements must be supported to improve conditions elsewhere in the world. However, many of our country's policies inadvertently suppress such unions. Our laws favor the exploitation of cheap labor abroad, and our companies, eager to make a profit, transfer American jobs elsewhere without a second thought.

The low prices of foreign goods make U.S. products less desirable, forcing our companies to subcontract work to facilities in other countries to lower their costs. By 1990, if the present trend continues, 35 percent of American cars will not be built here. A financially troubled, domestic steel company even recently arranged to use imported semifinished British steel, since its own would cost too much.

An indication of the growing dependence on foreign services can be found by looking at the application of Tariff Laws 806.3 and 807, regulations allowing the processing or assembly of U.S. parts abroad at special duty rates. In 1966, only $1 billion of goods fell under the benefits of these provisions. But by 1982, the amount rose to $18 billion. These goods leave American factories unfinished, go to foreign assembly lines, and then reappear here on store shelves. They may be cheaper than goods made completely in the United States, but what good are slightly less expensive products if many Americans do not have the jobs and income to afford them?

The exploitation of foreign workers also does damage to the achievements of or own unions. A few years ago, auto factory workers took pay and benefit cuts to keep their jobs. This unfortunate step was claimed to be necessary due to poor car sales during the recession. But when the earnings of automakers recently skyrocketed, these profits did not go back to the workers who sacrificed to make the recovery possible. The money went to industry executives who gave themselves huge bonuses. To add injury to insult, President Reagan recently urged the United Auto Workers not to ask for too much in upcoming labor negotiations. He fails to realize that too much already has been asked of our working class.

Companies can get away with such abuse because of the existence of cheap foreign labor. Our workers continually live under the threat of having their jobs exported or terminated if they do not give up some of their benefits, bonuses, and pay.

Many U.S. companies have moved part of their operations to export processing zones [EPZ's], areas designated by other countries to lure outside investment. Manufacturers are given economic incentives such as lower taxes, wages, and interest rates to set up a factory in an EPZ. The vast majority of times, these savings come straight out of the pockets of the laborers.

EPZ factories seek out illiterate workers—mostly women—to perform monotonous tasks for low wages (sometimes for about $1.50 a day). The standard working week is 48 hours long, and overtime is common and often mandatory. Workers cannot keep their jobs long enough to obtain pay increases or pension plans. Sick leave, holidays and vacations rarely exist. The mechanisms to correct these injustices—unions, collective agreement, and strikes—are also often banned. Sadly enough, the number of EPZ's continue to grow, and American companies continue to flock to them.

I come here today to join my colleagues in support of international labor movements. We owe it to workers at home and abroad to put an end to cheap, exploitative labor. The violations currently taking place must be made public and condemned. Organizations such as the International Confederation of Free Trade Unions and the International Labor Organization should be praised for their efforts to document injustices and to organize workers. We should use our country's political and economic powers of persuasion to put an end to these unfair labor practices. We must make unnecessary investment abroad less lucrative by revising tax and tariff laws. As my history in the labor movement shows, I will be in the forefront of this effort. I urge my colleagues to join with me. By taking these steps, we will retain what this country needs most: jobs; we will export what workers in other countries deserve: labor rights.●

● Mr. DOWNEY of New York. Mr. Speaker, we are taking this time today to address the issue of international labor rights because we feel that this issue is all too often neglected when human rights issues are addressed. In fact, the image that comes to mind when the term human rights is used is the image of political prisoners. Human rights is equated with free speech and the free practice of religion. That is correct. But concern for human rights is a much broader concern than these issues, a concern that certainly includes what we call labor rights: the right to organize, to bargain collectively, to seek better wages and workplace conditions.

Those of us who have worked over the years to improve U.S. development assistance programs which are intended to help people in developing countries must face the fact that the ability of people to act to end their hunger and poverty is a far easier task when their rights are protected. Those of us who are concerned that our trade policies take into account the needs of all people in developing countries, must realize that the ability of poor people

and workers to earn a fair wage and share fully in the benefits of the increased trade that the United States offers depends as much on their ability to defend their interests as it does on the trade benefits themselves.

Just last January, the National Bipartisan Commission on Central America recognized the importance of labor rights when it stated that "[a]ssuring an equitable distribution of economic benefits will require both job-oriented development strategies and trade unions to protect workers rights." I think that we need to reaffirm this position taken by the Kissinger Commission.

The importance of labor rights is highlighted by the experience of Brazil. Although Brazil attained dramatic rates of economoc growth in the 1960's and 1970's, this progress was achieved while civil liberties were suspended. Union and peasant leaders were imprisoned or disappeared. Brazil's expansion was based on an aggressive trade policy, yet there is little evidence to suggest that the poor and hungry people of Brazil shared much in the benefits of this trade-induced growth. What is most significant in the recent political abertura in Brazil is the prominent role that the labor movement has played. It is no accident that as workers have been able to participate actively in political life again, Brazil's return to democracy has been greatly strengthened.

While Brazil offers us some encouragement, we must nonetheless be more attentive to the situation of workers in developing countries. As more and more developing countries attempt to turn their economies around and recover from the worldwide recession of recent years, there will be increasing pressure on them to lower the cost of doing business in their countries. This pressure is easily translated into pressure on workers and farmers to reduce their claims for wages and fair prices. There is no doubt that in many countries there is pressure to bring workers' wages into line. But in line with what? Certainly not the wage rates prevailing in the industrialized world. Instead the pressure is to bring wages in line with the expectations of export oriented companies who hope to compete in the world market on the basis of low-labor costs. Similarly, as countries which are deeply in debt have to come to terms with the International Monetary Fund or seek loans from the World Bank, they will be strongly encouraged to undertake structural adjustment programs. These adjustment programs have historically been accompanied by restrictions on workers. We must be sure that in our attempts to assist developing countries in their recovery from the world recession we do not support policies which work against labor rights.

Mr. Speaker, our efforts to protect labor rights do make a difference. Several years ago, when union members were defending their right at the Coca-Cola franchise in Guatemala, they received support from workers and legislators around the world. Between 1978 and 1981, eleven employees of the Coca-Cola franchise were killed in a bitter struggle to maintain the union. As a result of a great deal of pressure, the Coca-Cola franchise was taken over by the parent corporation and a new labor agreement was reached. Incidentally, I would like to commend my colleague, Don Pease, for his leadership on the Guatemalan Coca-Cola issue during 1979 and 1980.

I would like to make one last point, Mr. Speaker. Labor rights for people in developing countries are clearly linked to economic justice for workers in the United States. How many times in recent years have we seen U.S. companies pack up their operations and move off to a sunnier economic climate, where, coincidentally, wage rates are much lower than they are in the United States and there are no unions to worry about? I am not simply talking about companies that leave the Frost Belt; more and more we are also seeing companies leave the Sun Belt as well. In a many cases, the low wage rates in developing countries are artificially maintained by governments that deny human rights and the workers' right to organize. If the lack of labor rights protections lures industries away from the United States to these developing countries, then the U.S. worker is being asked to pay a high price for his or her own hard won labor rights.

For this reason, if for no other, we must make our position clear: that we will always support the efforts to people to organize themselves and participate actively in decisions that affect their economic well-being.●

● Mr. YATRON. Mr. Speaker, I enthusiastically welcome the opportunity to participate in this important and relevant special order on international labor rights. I want to commend the gentleman from Ohio [Mr. PEASE] for his leadership in calling this most worthwhile and timely initiative.

As chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, I am acutely aware of the relationship between labor rights and a free society. In fact, one of the principal activities of the subcommittee is to promote respect for international labor rights. Clearly, the way workers are treated in a country is a critically important indicator of that nation's political orientation and its level of respect for human rights. When workers are not allowed to assemble, associate freely or join trade unions, when workers' wages bear no relation to labors performed, and when there is no regard for workers' health and safety, such a government is, most likely, closed and oppressive.

In a world where most governments claim their powers are derived from the people, looking at workers' rights is one of the primary methods of separating rhetoric from reality. A close connection exists between a democratic form of government and respect for human rights, and most democracies possess excellent human rights records. This, of course, is no accident. True democracies are based on the freely given consent of the governed and respect for human rights is built into the very foundations of democratic governments. Moreover, consent can only be given freely if the means for free expression of consent, or of dissent, exist; such means include freedom of speech, freedom of press, freedom of association and assembly, free elections and an independent judiciary. When human rights abuses do occur in a democracy, the government is held accountable and, thus, violations tend to be self-correcting.

In addition, democracies are maintained, and minority rights protected, through multiple and diverse interests. A free press has a natural interest in securing freedom of opinion, as churches have in securing freedom of religion. Thus, when workers can form trade unions, assemble and associate freely, and when they can convey their concerns directly into the political process, they are not only protecting their own interests, but also ensuring the survival of democracy.

Labor rights are not exclusively an American, or even a Western concept, but are acknowledged by societies throughout the world. In fact, these rights are recognized as universal and one of the fundamental elements of human rights. References to international labor rights appear in a number of important international human rights documents including the European Convention on Human Rights, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

Clearly, we must continue to expose the injustices and atrocities suffered by many of the world's workers. Our Nation's interests are served by actively promoting respect for international labor rights. I am encouraged by the special order here today because it represents, I believe, a major step toward this end.●

● Mr. HALL of Ohio. Mr. Speaker, I commend my good friend from Ohio for taking out this special order concerning international labor rights. I

would like to discuss the status of labor practices in the Philippines.

In September 1972, martial law was imposed in the Philippines. Under martial law many trade union leaders were arrested. A new labor code was introduced, curtailing a number of rights and privileges of workers. In 1975, following a strike and sit-in at LaTondera Distillery in Manila, President Marcos issued a decree which forbade all strikes, picketing and lockouts. Since that time martial law has been repealed and the right to strike restored in theory. But the policies of the Marcos government and the current economic conditions have kept labor conditions from significantly improving.

The government rule under Marcos has contributed to the deterioration of labor conditions in the Philippines. Since martial law was abolished in 1981, Marcos has continued to use his personal power to control the government. Workers supposedly have the right to organize under the Constitution, but in reality this is rarely the case. Marcos has done everything in his power to limit the influence of labor unions. He has insured the passage of legislation making it illegal to form picket lines that block the entry or exit to a factory. Furthermore, the Minister of Labor can designate any strike automatically illegal that is against national interest, eliminating virtually any export-related industry strike.

Marcos also has made the organization of a powerful union virtually impossible in the Philippines. The Trade Union Congress is the only officially recognized national trade union, representing 1.3 million workers. Many workers complain is serves merely as an umbrella for the policies of Marcos, instead of arguing for higher wages and collective bargaining practices.

The labor movement itself is very fractious, with many diverse labor unions representing only one-seventh of the workforce. It is difficult to convince workers to shed their individual affiliations and unite. Union leaders are often under military surveillance which further discourages unification. In just 2 months in 1982, approximately 50 trade unionists were arrested in the Metro Manila area. Included in these arrests was Felixberto Olalia, chairman of the May First Movement [KMU], the primary active labor organization opposing oppressive labor laws.

Since the assassination of former Senator Benigno S. Aquino, Jr., in August 1983, hundred of millions of dollars have left the country, creating a virtual financial disaster. Recent figures on Manila from the Ministry of Labor and Employment show more than 44,000 people laid off by 1,100 firms between January and May of this year, twice the rate of last year for the same period. Furthermore, private economists estimate inflation is at nearly 40 percent and unemployment is at 23 percent. Both are expected to continue to rise.

The economic crisis is further magnified by the foreign exchange crisis. The Philippines is a major export processing zone for many multinational firms. These firms hire cheap labor to put the finishing touches on export products. Unfortunately, 87 percent of the export value leaves the country. The foreign exchange crisis has caused many multinational firms to shut down their operations in the Philippines. An independent research group, the Center for Research and Communication, estimates more than 300,000 workers will lose their jobs in 1984 with the foreign exchange crisis.

With the current economic crisis and the repressive Marcos government the outlook for labor is grim. Moreover, our own U.S. multinational firms apparent lack of sensitivity to the plight of the Filipino workers only adds to the bleak situation. Considerable reform on both an economic and political level must occur before the Filipino laborer can receive fair and just treatment.

For our own U.S. labor interests, we also need to be concerned with the labor practices in the Philippines. Marcos has enticed foreign production in his country with his repressive labor policies. Yet despite the surge of multinational investment in the Philippines, the economy remains in shambles. Neither the oppressed and underpaid Filipino worker nor the American worker benefits from the multinational role. As the United States loses more of its domestic production abroad, fewer jobs exist at home, making a labor crisis such as the one in the Philippines a major concern for the U.S. labor force as well.●

● Mr. BURTON of Indiana. Mr. Speaker, it is my pleasure to participate in this discussion of international labor rights. Fair treatment of the working man is a crucial element of a just society. Labor unions in our Nation have made many contributions to a better America. In too many parts of the world today, workers are abused and exploited.

I would like to look specifically at the Soviet Union tonight. Their records of vicious human rights violations is a world tragedy.

Joseph Stalin once said,

> The most remarkable thing about socialist competition is that it creates a basic change in people's view of labor, since it changes the labor from a shameful and heavy burden into a matter of honor, matter of fame, matter of valor and heroism.

Well, that all sounds very good. But as a source of truth more reliable than Stalin puts it:

> By their fruits ye shall know them. (Matthew 7:20)

Let's take a look at the state of labor rights in the Soviet Union, the fruits of communism.

The State Department has indicated that the Soviet Union is exploiting the world's largest system of forced labor. They estimate that there are 4 million involuntary workers in about 1,100 camps. Of the 4 million people in the forced labor system, at least 10,000 are considered to be political and religious prisoners. These are the fruits of communism.

Undersecretary of State Lawrence Eagleburger said last year that,

> The Soviet forced labor system gravely infringes internationally recognized fundamental human rights.

Evidence available to him showed that the system produces large amounts of goods for export "often under harsh and degrading conditions."

In 1982 the International Commission on Human Rights stated that the U.S.S.R. continues the deplorable practice of forced labor in manufacturing and construction projects, including the Siberian gas pipeline. Also, prisoners imprisoned for their political and religious beliefs, among them women and children, are forced to work under conditions of extreme hardship including: Malnutrition, inadequate shelter and clothing, and severe discipline. Many prisoners have died.

The Soviets find it easier and cheaper to use forced labor. It is consistent with their philosophy that citizens exist to serve the state. This is not a new attitude. Since shortly after the Bolshevik Revolution this has been the policy. There were as many as 15 million, 15 million people in slave labor camps under Stalin. These are the fruits of communism.

The Communist philosophy is not difficult to understand. When you look at history, it comes down to this: The essence of communism is blood, blood, blood. Everywhere communism goes there is destruction of life and property. We see this clearly in Central America right now. These are the fruits of communism.

For all their fine talk about labor rights, the Soviets continue to direct and support the heavy-handed suppression of labor rights in Poland—and all the countries they dominate. The Soviet position on truly free union is very clear. They do not want them, and will jail those who do.

Both the AFL-CIO and the International Confederation of Free Trade Unions have expressed concerns for the violated rights of their fellow workers behind the iron curtain. One major issue is the use of slave labor on the Siberia-Europe gas pipeline. The workers come from many places. It has been charged that unwilling Vietnamese are being forced to work to

pay off the debts of North Vietnam to Russia. These are the fruits of communism.

Witnesses at hearings of the International Commission on Human Rights have testified about the pipeline construction practices. They speak of the bad food situation, insufficient clothing and accommodations as well as lack of medical care. There are many dozens of camps alongside the gas pipeline, among them a number for women. The workdays may last 12 to 16 hours. Proper hygiene and bath facilities are nonexist ent. The laborers are not allowed to write letter or be visited by relatives. Women are sometimes exposed to sexual terror. Physical conditions are to say the least, brutal. These are the fruits of communism.

We as a nation must oppose these type of abuses. They are numerous in the U.S.S.R. a stand must be taken. In the Soviet Union the so called worker's paradise has become a worker's prison.

The right to be treated with dignity does not cease to exist when a person enters the workplace. Respect for the working man is one of the marks of a humane nation. I fully endorse this noble effort to focus on the need for international labor rights.●

● Mr. FAUNTROY. Mr. Speaker, I am pleased to join with my distinguished colleague, Congressman DONALD J. PEASE, who has organized this much needed special order on the importance of international labor rights.

In my capacity as chairman of the Congressional Black Caucus Task Force on Haitian Refugees, I would like to take this opportunity to focus on the status of industrial labor rights in Haiti.

A discussion of industrial labor rights in Haiti necessarily focuses upon the export-oriented assembly industry which has been touted by some observers as a dynamic sector. The export-oriented assembly industry in Haiti, according to the World Bank, employs some 60,000 people and is responsible for providing survival income for many more than that in the overcroweded slums of Port-au-Prince. This sector was responsible for $94 million of exports in 1983, an increase of some $60 million for 1976. However, two-thirds of this value is due to manufactured items assembled from imported materials. The product mix includes clothing, shoes, toys, electrical transformers, switching gear, and electronic goods.

This export-oriented assembly industry, however, is based on the lack of worker rights and organization, and has not operated to transfer capital and technology to the Haitian nation. There is a notable absence of linkage to other sectors of the economy.

It is noteworthy that manufacturers involved in the Haitian assembly industry according to the World Bank "generally appear satisfied, and state that Haiti is one of the most competitive locations for assembly operations in the Caribbean when aimed at the U.S. market using U.S.-origin components."

Frequently mentioned as "attractions" by the manufacturers operating in the Haitian export-oriented assembly industry are the low wage levels and the availability of a large supply of eager and hardworking labor. The minimum wage in Haiti is presently $2.64 per day with an increase to $3 scheduled for October 1, 1984.

Mr. Speaker, this is an extremely exploitative situation. It involves the exploitation of workers fleeing from a stagnating agricultural and rural sector and desperately seeking any employment in an attempt to survive. With inflation on the increase at 6 to 8 percent per year and the price of basic necessities subject to taxation imposed under an IMF agreement, the wage structure is inadequate to provide a minimal standard of living. It should be noted that the cost of living in the modern sector of Port-au-Prince is comparable to that of New York City.

In 1979 and 1980, a cautious but independent Haitian press began to denounce the exploitation of the Haitian workers by their employers. This independent press was a partial result of the human rights policies of the Carter administration. Following the U.S. election of 1980, the Haitian Government moved against journalists and others resisting this gross exploitation.

The winds of freedom that blew for a few months in Haiti in 1979 through 1980 were not without impact on the close to 1 million people living in Port-au-Prince. Those with a stake in exploitation in Haiti became alarmed. An incipient labor union movement began to arise in several of the larger assembly factories. On November 18, 1980, the Government of Haiti moved, and this movement disappeared. Labor leaders were arrested and expelled.

The destruction of the incipient labor movement was a tragedy for all who wish Haiti and its people well. The problem confronting those within Haiti and those of us abroad who seek to encourage development in Haiti is that power is so unevenly distributed that justice is incredibly difficult to achieve. This problem became even more severe with the crushing of the incipient labor movement in 1980. Haiti raises, in the starkest of terms, the reality that when collective power in the form of dominant sectors in a society exploits weakness, it can never be contained unless countervailing power is projected against it. So, Mr. Chairman, it seems to me that any serious discussion of development in contemporary Haiti must include a plan for power sharing and the empowerment of the powerless. In the export oriented industrial sector, this necessarily means the restoration and development of a free labor movement with all the rights of association that that implies.

The presentation and implementation of the Caribbean Basin Initiative through the passage of the Caribbean Basin Economic Recovery Act as it applied to Haiti, brought the issue of international labor rights to the negotiating table. In order to gain designation for the benefits under the Caribbean Basin Initiative, Haiti had to enter into negotiations with our Government and subsequently agreed to amend its labor code to accommodate expanded labor rights. In the Government of Haiti's official designation letter to our Government, Haiti agreed to do the following:

First, amended article 266 of the previous labor code to change from 15 to 10 the minimum number of members needed to start a trade union. Completed.

Second, amended article 276(5) of the former labor code by deleting the requirement of a 6-month job attachment for workers to be elected union officials. Completed.

Third, amended article 278(1), by deleting section (1). This section required unions to furnish all information requested by the Ministry of Social Affairs. Completed.

Fourth, amended article 179, by deleting section (D). This section prohibited political activities by trade unions. Completed—see article 242 of Revised Labor Code of March 5, 1984. However, section (d) of this article still prohibits unions from taking part in activities "foreign to its objectives."

Fifth, an announcement will be made in the official gazette stating that the registration requirements of the penal code do not apply to trade union organizers. Not yet done as of May 8, 1984.

Sixth, abolished article 230 of the Penal Code relating to forced labor. This was a recommendation of the International Labor Organization. Completed.

Seventh, modified article 400 of the Organic Law of Social Affairs to limit the inquiries made of trade unions to labor violations. Completed.

Eighth, the article authorizing the office to intervene in the drafting of collective bargaining agreements will also be modified to specify intervention needed to implement other provisions of the labor code. The Government can only impose contract settlements in accordance with law. Not yet done.

Ninth, the Government will ask the International Labor Organization to assist in a study of the possibility of permitting strikes following a decision by the council or, alternatively, of

making council decisions binding only for essential services. Under present law, strikes are circumvented through a system of binding arbitration of the Superior Arbitration Council. International Labor Organization not yet asked.

Tenth, the Government has informed all trade union leaders that federations are permitted. The labor code provided for federations, but the last federation attempted, CATH, was not recognized and then it was disbanded by the Government in 1980. Completed—See Bulletin de Nouvelles of January 6, 1984.

Eleventh, Haitian law permits trade unions and federations to affiliate with international trade union organizations. The Government has informed trade union leaders of this fact and has written directly to international organizations to advise them that they are welcome to visit Haiti to meet with trade unionists, view working conditions, and conduct educational programs. (A summary of this letter will be published in the "Bulletin des Nouvelles" of the Labor Department and in the local media.) The Government letter to trade unions also said that federations have a right to affiliate with international organizations. The letters to international organizations went to AFL-CIO, ORIT, and ICFTU. Minister Achille indicated orally that CLAT would be allowed in if they did not engage in controversial political activities. Completed—See Bulletin de Nouvelles, January 6, 1984.

Twelfth, trade union leaders are free to attend meetings of such international organizations and participate in training programs in Haiti or abroad. To our knowledge, none of the Haitian union leaders have gone abroad for such purposes nor have they sought Government of Haiti's permission to do so.

Thirteenth, concerning the "Voice of Labor," a government radio program "some of these programs in the future will deal with the changes in the labor code, the right to form unions and federations, and the procedures to follow in reporting violations of labor legislation, such as the minimum wage." As of May 8, 1984 "La Voix de Travail" had temporarily suspended its programming, according to Radio Nationale newsroom director Lionel Desmarattes. However, the program did broadcast two shows in 1984 dealing with labor issues.

Fourteenth, every (minimum wage) infraction is reported by labor inspectors and penalized. Workers who report violations will be protected from punishment by employers. See Le Moniteur of November 24, 1983, article 26. According to this clause, the labor inspectors investigate and report all types of workplace violations. However, there is no reference to worker-protection with relation to reports of violations.

Fifteenth, workers are subject to certain deductions for the purpose of meeting the fiscal obligations of the general welfare as provided by law. No other deductions in worker pay are made. Although the U.S. Embassy has not found any legal references to this practice, it has alleged that some workers are "forced" to buy national lottery tickets at their place of employment.

Sixteenth, the agricultural workers cutting cane in the Dominican Republic receive, in addition to their travel documents, a copy of their individual labor contract. The International Labor Organization charged that workers were not given a copy of their contract. The U.S. Embassy has no new information on this, although it hopes that the situation will be corrected under the 1985 Government of Haiti-Government of the Dominican Republic cane cutter contract.

Seventeenth, before each group leaves, the Ministry holds a meeting at the place of embarkation to educate workers on their rights and obligations as outlined in their work contracts. The Ministry explains to workers how protests can be recorded whenever a worker feels that the contract has been violated. The International Labor Organization recommended that the government do more to inform workers about the working conditions in the Dominican Republic. The U.S. Embassy has no new information on these issues although they hope that the situation will be corrected under the 1985 contract.

Eighteenth, the Haitian Embassy in the Dominican Republic has been directed to cooperate with the Dominican Republic in order to (a) assure that no workers will be deprived of their contract or travel documents, (b) promote better working conditions, (c) improve the quality of Haitian inspections, (d) ensure that workers receive land for food cultivation, that plantations pay the guaranteed minimum wage for 8 hours work, and that workers can elect delegates to supervise working conditions. The International Labor Organization charged that workers were not allowed to keep their travel documents, that workers did not receive the minimum wage, and that working conditions were very poor and violate the contract. As far as the U.S. Embassy knows, the Government of Haiti still plans to send a delegation to Haitian migrant worker sites in Dominican state-owned sugar plantations to study these problems.

Ninteenth, the Government of Haiti invites the U.S. Government to continue meeting with Haitian workers in order to observe the progress that our free trade union movement will be making. Both U.S. Embassy and Department of Labor personnel have been free to meet with Haitian workers without Government of Haiti interference.

Twentieth, the Government of Haiti plans to write the International Labor Organization to ask for technical assistance for carrying out a professional training program for Haitian inspectors. Awaiting International Labor Organization action.

The Government of Haiti has, in fact, made many of the legal changes. I have noted above the status of the Government of Haiti's responses.

However, the test of a government is not what it says on paper but what it does in practice. In practice, there are still no labor unions operating today in Haiti in the export oriented assembly industry and the exploitation continues.

Additionally, the AFL-CIO has yet to receive an expected invitation to begin involvement and affiliation with unions in Haiti through the International Confederation of Free Trade Unions. In short, other than the legal changes in the labor code cited above, almost nothing has been done to permit in concrete form the functioning of free trade unions in the export oriented assembly industry.

Mr. Speaker, we have a moral and political responsibility to follow this situation in Haiti closely. The association of our Nation with a system of exploitation and denial of labor rights in Haiti is not in the interests of the people of the United States of America. We must monitor, and if necessary, refine our trade and investment laws to ensure that fair labor practices are encouraged by programs such as the Caribbean Basin Initiative.

On March 9, 1983, Pope John Paul II, at a mass given by him entitled "Something Must Change Here," emphasized his solidarity with the poor and the oppressed. He said,

> The church retains a prophetic mission which is inseparable from her religious mission * * *. The church's role is not just to accuse, not just to arouse consciousness of evil, but to contribute positively to recovery by mustering all consciences * * * to act in conformity with the Gospel and the church's social teaching.

The Pope has stated the manner in which we must address injustice in Haiti and particularly the plight of the oppressed industrial workers of Haiti.

Shortly thereafter the seven bishops of Haiti issued their own pastoral letter in which they urged an end to all that goes against human rights. Their pastoral letter spoke against "all forms of attack against the dignity of man and woman, all forms of illegal dispossession, all forms of exploitation of wage earners and service personnel, all forms of usury and illicit means of accumulating wealth, all forms of violation of justice, all forms of torture or of physical and moral oppression and

all arbitrary arrest without warrant and illegal imprisonment without judicial process."

The Catholic Church of Haiti has indeed given us what our mission should be and instructions as to how we should proceed to ensure that U.S. trade and investments in Haiti do not work to deepen the injustice which exists in that troubled land.

The attitudes of the Haitian people toward our Nation will, in no small way, be affected by the degree to which our presence in that country as represented by our private sector investment, contributes to a fair distribution of the benefits of that investment.

Again, my appreciation to my colleague, Congressman DONALD J. PEASE, for providing me with an opportunity to discuss the importance of international labor rights in Haiti.●

● Mr. LANTOS. Mr. Speaker, the working men and women of the United States and the labor unions who represent them played a fundamental role in building this Nation and nourishing the American values of freedom and equality. We are fortunate indeed to live in circumstances which permit the rights which have permitted the American labor movement to flourish.

The contrast between the rights that we enjoy here and those that are systematically suppressed and circumscribed by the authorities in the Soviet Union and Eastern Europe belie the claim that these countries are a "working man's paradise."

According to Communist theory, the rights of the working class are supreme, and the government acts in the interests of the working class. The reality, however, mocks this theory, as was so eloquently indicated by recent events in Poland. The workers, once again attempting to create a "socialism with a human face," were relentlessly and callously hounded. For one brief, shining moment, the workers of Solidarity shared the podium with the government when they signed the highly symbolic Gdansk Agreements, guaranteeing the rights of workers to organize a free labor union.

American workers know well how difficult the struggle for their rights was. The miners of Harlan County, the martyrdom of Joe Hill, and the Triangle Shirt Factory fire recall the suffering of a nascient labor movement, but these events also recall their strength of spirit. But it still came as a shock to many in Poland and in the United States when martial law was declared in 1981, ending in one moment the aspirations of millions. Overnight, the Government deployed military forces throughout the Nation. All labor union activities were restricted, and labor leaders were followed and harassed. Free and independent labor unions were surpressed by Government decree backed up with the power of the army. The authorities issued a decree requiring, "all men between the ages of 18 and 45 years, who are considered to be unemployed, to report for compulsory work."

This, Mr. Speaker, is only the tip of the iceberg. The situation in the Soviet Union is unfortunately very similar. Not only are the workers of the Soviet Union confronted with similar denial of labor rights, they also face forced labor camps if they are found guilty of "anti-Soviet activity" or of leading a "parasitic lifestyle." This callous treatment has been fully institutionalized in law and in practice. How can any country which routinely victimizes its workers by using forced labor call itself civilized or argue that it represents the interests of the workers.

Dissidents are routinely sentenced to long prison terms at forced labor because of their independent thoughts. Alexander Solzhenitsyn—whose talents should have made him a most respected son of "Mother Russia"—suffered the horrors of the Gulag system. Unlike other, weaker prisoners, he survived to describe the horrendous conditions under forced labor: Hard work in the depth of winter with inadequate clothing, stale food, 16 hours days. This is more than a story; it is a vision of hell. Considering the depth of information we have now concerning slave labor, the situation in the Soviet Union has apparently not improved in the last 50 years.

It is with great sorrow that we as a free nation must view the suppression of worker's rights in Poland and the Soviet Union. A great nation should not fear an active, independent labor movement; rather, free labor unions are a source of internal vitality and a bulwark to protect individual rights and freedoms.●

● Mr. OWENS. Mr. Speaker, the basic human rights of people throughout the world must be of concern to the United States. We cannot preach about freedom and democracy unless we are willing to live by it in both our own country and in the policies that we follow in our relationships with other nations.

Throughout the world people work in the expectation that their labor will produce a living wage—a wage which will provide for the worker and the families of workers. A primary way in which workers have been able to achieve a living wage is through organization and unity in dealing with employers. This is true in both rural and urban settings. It should not matter whether the work performed is in farming or manufacturing or the provision of a service. Workers should be able to organize to achieve that which they have been unsuccessful in achieving alone.

The control of workers to meet the needs of employers has long been a goal of those who do not necessarily care about their living conditions. In country after country we have seen that wealth is concentrated in the hands of a few while little is left over to pay workers. This has led to the organization of workers and the repression of those who dared to organize.

The rights of workers to organize to earn a decent living must be considered as basic human rights, for what is more basic than the right to feed one's self and one's family? Beyond this concern for the well-being of those who struggle in other lands, Americans have a very pragmatic reason for opposing the exploitation of workers elsewhere. When labor can be extracted from a subjugated population for wages that leave them in a state akin to slavery, that labor will be sought out by those who can make a bigger profit. The products produced can be sold at lower prices, depriving American workers of their jobs. This may be viewed as a form of sanitary slavery. Americans need not see the misery generated. Americans need not know that the children of workers in these other lands are not fed properly. Americans are shielded from the reality that the exploited foreign workers are not protected from industrial diseases and accidents. It is all very far away and it is ever so easy to be blind to the pain.

When do the conditions of foreign workers come to our attention? Generally, it is only when trouble is reported. When the news media tells us that there are food riots in the Dominican Republic, one can understand that the workers there simply do not have enough money to pay for food. Wages and prices simply do not match up to cover the most basic necessities.

I sincerely doubt that Americans would rush to buy foreign-made products if they were aware that the lower price is often paid for in human misery. They can only gain this understanding when the country involved permits access to this information. This is one reason why we must support efforts to organize and make conditions known as well as supporting the basic rights of free speech and press so that we can become aware of conditions and become a supportive force for the rights of workers everywhere.

Even as we commit ourselves to the right of people to earn a living, we should not be sidetracked by considerations about our approval of the government structure in any particular country. The need to earn a living, to eat, to have shelter, et cetera, does not depend on the philosophy of a government. These are basic needs which must be met for all people. To support others in their struggle for a decent life is the imperative of a democracy.●

● Mr. BROWN of California. Mr. Speaker, the facts about child employment in foreign countries would stagger most of our citizens. Worldwide, over 55 million children under the age of 15 currently work for a living, most in undeveloped regions. In some Asian countries as much as 7 percent of the population under the age of 15 works; in certain African nations, this figure dramatically rises to 20 percent. Some families, out of economic necessity, hand over or sell their children to employers. A vast majority of children are unpaid family workers, especially in agriculture.

For Americans, childhood is a time for carefree growth and play. We are deeply disturbed by reports of child bondage and exploitation. However, a distinction between child exploitation and child employment needs to be kept clear. Not all working children are exploited. A useful and productive occupation can be a desirable element in daily life, even for children. Yet the exploitation of these children does occur. The abuse and misuse of child labor constitutes perhaps one of the most shocking and distasteful violations of international labor rights. They are very often given inadequate compensation for their tasks, and can be subjected to hazardous and unhealthy working conditions.

In India over 20,000 children labor in match factories for 16 hours a day, starting at 3 a.m. And in Thailand, professionally operated markets buy and sell thousands of children each year to factories, massage parlors, and brothels. Most of the children sold are young girls, aged 10 to 14, who bring a mere $20 to $100. Some of these girls will go on to work from 6 a.m. to 9 p.m. in unregistered factories with no ventilation. After their day of breathing lint filled air, being deafened by machine noise, they will be locked in the factory storeroom.

Some Thai children work in battery factories filling batteries, never comprehending the danger of the chemicals they handle. They are given no masks or protective clothing, and because of this, many will suffer lung ailments or even paralysis from the debilitating effects of battery fluid.

The children undeniably suffer from their exploitation in the labor market. Clear and written contracts, proper feeding programs, and established rest times or holidays are virtually nonexistent. Yet the children are not the only ones who suffer. Child labor prevents continuing educational training. No modern economy could achieve full growth without an adequate system of education to train their youth, a most valuable national asset. The whole nation, and the national and international economy, suffer.

To be able to propose solutions, we must first examine and understand the reasons children continue to work in abominable conditions such as the ones described. Economic hardship and differing social perceptions are at the heart of this question.

First, extensive poverty often necessitates full or part-time employment of children. Incomes from child labor can contribute substantially to family income. When a child earns 20 to 25 percent of a family's total income, and that family lives on the edge of starvation, child labor becomes an economic imperative.

Also, there is a lack of resources to enforce child labor regulations. Labor inspection facilities are often understaffed, underfunded, and very susceptible to bribery and corruption. Much of the flagrant violation of existing law occurs in the informal urban sector, often out of reach of legislation and labor inspection services.

Third, the general public in many foreign countries remains ignorant of the implications of poor working and living conditions for child development. Because of their squalid, poverty-stricken environment, the appalling factory conditions and harsh treatment of children seem the unavoidable norm.

Finally, many developing countries take child labor for granted. For many countries child employment has been a socially and culturally acceptable occurnce, as it was in our country during the 19th century. Considering economic circumstances, putting children to work in the household or at farm duties has been not only acceptable, but commendable and honorable.

Simply passing regulations or minimum age requirements will not touch the root of the problem. Policies dealing with employment and poverty alleviation may help more than legislation concerning any specifics of child labor. A broad-based rural development program or a supervised cleanup of the informal urban sector would provide some hope for future long-term improvement. Educational expansion and labor-intensive public work schemes seem more workable than an outright ban on child labor.

Action to improve the working conditions of children is the immediate first step. Welfare services, minimum levels of education, and health protection should be available to all children. Effective enforcement of existing provisions would greatly improve all aspects of the child labor situation. Finally, countries should review existing standards, particularly those concerning hazardous activities, length of working day, and weekly rest and holidays. Mr. Speaker, we owe it to the children of the world, and to ourselves.●

● Mr. BIAGGI. Mr. Speaker, at this time I would like to join my colleagues in this special order on international labor rights and make some remarks concerning international child labor abuses and labor rights conditions in Poland.

As we speak here today, Mr. Speaker, millions of children throughout the world—many below the age of 10—are working in fields, streets, and factories throughout Latin America, Africa, Southern Europe, and Asia. Instead of getting an education and preparing themselves to assume responsibility in this world, millions of children are being abused and exploited, their potential wasted and aspirations lost. The most conservative estimates place their number at 55 million and it is generally agreed that this number is growing and will continue to grow as the number of children is these regions continues to climb.

Agricultural work is by far the most frequent area of child labor abuse, although one must not minimize the plight of millions of children in urban areas throughout the world who are forced to work in factories and on the streets. These children are forced to work under conditions which endanger their health, physical and mental development. So many of these children must endure unhealthy and unsafe working conditions, they must work without any type of written contract or agreement, without any type of nutrition program, and they work for paltry sums at best. In most instances these children have no choice but to work—for many of them it is either work or watch themselves and their families starve to death.

The future of the countries in these regions depends heavily upon the development and education of their youth. Yet because of the overwhelming poverty, unemployment, and economic underdevelopment in these regions, these countries use up and abuse their most precious and vital resource. While I recognize that alleviating the economic problems in these countries would lead to a significnat reduction in child labor abuses, the problem of child labor abuse is presently of such growing magnitude that positive action must be taken now.

This special order is a step in the right direction. We must work to bring not only national attention on this problem but international attention as well. By joining together in various forums such as these, all concerned parties throughout the world can collectively urge national governments in Latin America, Africa, Southern Europe and Asia, to adopt international labor conventions on minimum age for admission to employment where this has not been done and, where it has been done, to review existing legal standards on minimum age for admission to employment with the aim of significantly reducing incidences of child labor abuses. Hopefully in those countries where child labor abuses are the most prevalent, governments will

be encouraged to adopt and strictly enforce child labor laws and regulations—including the improvement of existing labor conditions and educational programs. Such action would be a positive step in establishing norms and procedures to deal with child labor abuse and afford millions of children the right to develop their minds and bodies to benefit the growth and development of their countries. Let there be no mistake, this problem will not disappear over-night and it will be with us for a long time. That is why we must act now and do what we can to take the initial steps that are necessary to solve this disturbing problem that threatens the future development of many part of the world.

In addressing the issue of international labor rights my thoughts immediately turn to Poland, a country that in the summer of 1980, provided Eastern Europe with a ray of hope for the future of labor rights and human rights. In August 1980, Poland saw the rise of Solidarity, a national, social, and trade union movement uniting all Poles—even in the wake of the repressive rule of the Jaruzelski regime. The birth of Solidarity provided the Polish people with real hope for meaningful change toward a freer Poland. It gave the Polish people reason to have hope that they could live a life of dignity, one where their basic human rights would be respected and upheld. This monumental worker movement sought initially to change Poland's labor practices to give workers the basic rights and freedoms enjoyed by workers in democratic lands. Soon Solidarity began to encompass more than just workers, it became a social and national symbol for true change toward democrary in Poland and away from the oppressiveness and slavery of Soviet-sponsored communism. At the height of Solidarity's influence and power the Polish Government, with the support of the Soviet Union, decided to crush Solidarity in December 1981. With the imposition of martial law the Polish rulers had hoped to crush Solidarity and all independent labor associations.

Despite the brutality and oppressiveness of martial law and the official banning of Solidarity and all independent trade unions, the spirit of the movement lived on. Many workers were beaten, imprisoned, and detained by the Government during martial law. Some lost their lives in the struggle for freedom and worker's rights. Although the Polish Government has lifted martial law and recently granted amnesty to most former Solidarity activists and dissidents, they still refuse to allow the existence of Solidarity or any other independent trade unions. The workers of Poland have no legal vehicle to independently represent their interests and rights. In the absence of any legal form of representation Polish workers continue to be exploited and absued by a government that refuses to respect even the most basic of human rights. Many workers meet underground to keep alive the spirit of Solidarity and there is still hope among the Polish people that the hopes and aspirations raised by the birth of Solidarity will still someday be realized.

We, here in the United States and throughout the free world, must continue to express our concern for, and solidarity with, the workers of Poland and we must continue to speak out against the violations of labor rights by the Polish Government. We must never remain silent in the face of such injustice and we must remain ever vigilant in our support for the aspirations of the Polish people to live in a free society.●

● Mr. FRANK. Mr. Speaker, I am glad to take part in this special order on international labor rights; it is an important issue and I am grateful to the gentleman from Ohio [Mr. PEASE] for having taken the lead on this. We should all be concerned with international labor rights, not only because this country has traditionally made respect for human rights a pillar of our foreign policy, but also because we live in a world market and undermining of workers rights elsewhere inevitably has an adverse impact on workers in this country. The issues of international labor rights should be an integral part of the continuing discussion in this country over unfair foreign competitive practices.

Free trade unions find themselves under assault throughout the world. Undemocratic regimes—both leftist and rightist—correctly see free trade unions as a threat; they are a check against the asserting of unlimited state power. We are all familiar with the spectacle of the Polish Government attempting to squash the Solidarity movement. The Polish people seek an independent labor movement as a first step towards regaining control over their own institutions. This ambition hs only been frustated by the repressive application of force by the authorities, as well as the threat of force from the Soviet Union.

A report recently issued by the Committee in Support of Solidarity in New York documents the extensive violations of human rights which have been generated by the anti-Solidarity campaign. The leadership of the free trade union movement have been targetted; many of them have been murdered. The Government speaks of "unknown assailants" and "Mysterious disappearances," but its own complicity is patently obvious. And of course thousands have been detained as political prisoners.

I would like to commend the AFL-CIO for the excellent work they have done in publicizing the repression of the free trade union movement around the world. In addition to participating in the Committee in Support of Solidarity, they have brought to public attention the situation in Nicaragua, where the Sandinistas are seeking to stamp out independence in the labor movement.

The AFL-CIO for decades supported the struggle against Somoza, and was the only organization to boycott Somoza's merchant shipping at the request of the CUS, its Nicaraguan counterpart. Now the Nicaraguan Government has attempted to set up a "loyal" trade union movement, the CST. Since then the CUS, and another free trade union, the CNT, have faced a massive effort to absorb them into the official movement. The free trade union movement has struggled to maintain itself, but the cost has been high. Most recently the Government jailed seven dockworker union leaders for recommending that their union rejoin the CUS.

The repression of free labor unions, as I said before, is a feature common to dictatorships on both ends of the spectrum. It is a striking feature of life in South Korea, one of our closest allies and largest trading partners. Under the Park regime, labor union activity was restricted, but union membership continued to grow. Under the Chun regime membership has dropped sharply, as unions were forced to expell politically active members, and as unions were dissolved by the Government.

New laws which have been enacted since the 1980 coup have fragmented unions into units for each factory—thus making coordinate action more difficult—have made it a requirement that 30 members per site are needed before a union can be formed (most factories have less than 30); have prohibited third party participation in the movement—thus cutting the movement off from other democratic forces in society—have defined broad sectors of the economy as "off-limits" to unionization; have restricted the right of unions to publicize their demands; and have proscribed severe punishments for any infractions of these regulations.

The purpose of this is to prevent the development of any organized labor movement which might provide a vehicle for the democratic aspirations of the Korean people. And one result of this repressive campaign has been a steady decline in real wages, a decline which has an obvious impact on labor in this country.

It is not surprising, Mr. Speaker, that the labor movement in this country has taken such an active role in promoting human rights as the basis of our foreign policy. The worker's movement understands, from the bitter experience of their colleagues abroad, that labor rights are necessary

to free institutions, and that an attack on labor anywhere is an attack on labor everywhere.●

● Mr. EDGAR. Mr. Speaker, I would like to commend the gentleman from Ohio for organizing this special order. He has brought to our attention a problem which is often overlooked, that of rights afforded to labor groups in other countries. As my colleagues are aware, numerous nations do not accord their workers the basic labor protections that Americans enjoy. By instituting strict state control of unions and severely restricting the right to bargain and strike, some nations both violate basic human rights and are able to gain an unfair competitive advantage.

At a time when we are struggling to halt the decline of American basic industries and guarantee fair treatment for American goods marketed abroad, it is important to note how our friends and adversaries treat their workers. All of us are aware of the most egregious examples, like that of Poland, but this evening I would like to enter into the RECORD a summary of labor conditions in the Philippines. Specifically, this report considers the treatment of labor union leaders and members during the period of martial law (1975-81) and the 3 years since martial law was lifted. As recently as last month, 2 workers were killed and 37 wounded in an altercation between police and striking textile workers in Manila. While President Marcos alleges that such labor unrest is caused by outside agitation, it seems more likely that his curbs on labor rights and his economic and political policies are the source of the discontent. The summary follows:

LABOR RIGHTS IN THE PHILIPPINES

MARTIAL LAW PERIOD: 1975-1981

After the imposition of martial law in September 1972, many trade union leaders were arrested. Proclamation 1081, declaring martial law, cited labor organizations as one element in the alleged conspiracy which was said to justify the state of martial law. One of the first orders issued after the proclamation of martial law, General Order No. 5, banned strikes in industries deemed vital to national security. Anyone violating this order was to be "arrested and held for the duration of the national emergency."

A series of orders and decrees, including the introduction of a new labor code, issued subsequently, curtailed a number of rights and privileges of workers. Under the new labor code, trade union activities were to be restructured, with one union representing one industry and one confederation, the Trade Union Confederation of the Philippines (TUCP), acting as the voice of labor in tripartite conferences with management and government. In November 1975, following a strike and sit-in at La Tondena distillery in Manila, President Marcos issued Presidential Decree 823, which forbade all strikes, picketing and lockouts and prohibited the participation of aliens in trade union activities.

POST-MARTIAL LAW: 1981-1984

Following the lifting of martial law in January 1981, the right to strike was formally restored. Under legislation which came into effect in August 1981, however, the Minister of Labor and Employment may assume jurisdiction or decide on any strike which could adversely affect "the national interest," which is very broadly defined. In practice, this and other restrictive clauses severely limit the right to strike.

Neither did killings of labor leaders stop after martial law. While union leaders in urban areas have faced arrest, torture, imprisonment or, in some instances, have "disappeared," peasants and rural workers engaged in labor protests have been particularly vulnerable to such violations of human rights. For example:

On April 22, 1981, Epifanio Puebla disappeared. He was a tractor driver on the South Davao Development Co. estate who led a strike on the estate earlier that month.

On August 3, 1981, labor organizer Felix Occido was arrested, beaten and tortured. About a week later he disappeared.

On November 13, 1981, Ricardo Nolasco, a regional vice president of the United Lumber and General Workers Union of the Philippines was arrested, blindfolded, beaten, stripped naked and interrogated. As in most similar cases, no investigation has been made to punish those military personnel found responsible.

In August of 1982, repression against labor intensified. On August 13, 1982, Felixberto Olalia, president of the 350,00 strong KMU labor federation, was arrested. Five days later, Crispin Beltran, the vice president of KMU and to KMU lawyers were arrested. Between August 28 and September 2, more than 30 other labor leaders were thrown in jail.

Arrests and disappearances have continued in the first half of 1983. Beyond these occurences, in May 1983, the New York Times obtained a secret decree (Presidential Decree 1834) issued by President Marcos in 1981 which imposed the death penalty on anyone who organizes a rally intended to destabilize the government or erode "public loyalty." The range of crimes for which the law decrees capital punishment includes labor pickets that are deemed seditious.

Other repressive Presidential Decrees:

P.D. 1835—Revised Anti-Subversion Act which expands, under a vaguely-defined definition, acts of "subversiuon".

P.D. 1836—Relating to the arbitrary power of arrest.

P.D. 1877 and 1877-A—Relating to the new "Presidential Detention Action" a nonjudicial, arbitrary authority to arrest suspects and to detain them indefinitely without trial.

P.D. 449 (The Marcos Labor Code) provides:

1. No strikes permitted in "vital industries".

2. Prohibits collection of strike funds.

3. Restricts right to organize by decreeing the concept of "one union-one industry".

4. Unfair labor practice and union-busting were categorized merely as "administrative cases".

B.P. 130 (Legislation passed by the Marcos National Assembly or Batasang Pambansa)

1. For a strike to be "proper and legal," a 2/3 vote of members who are in favor is required.

2. Officers and members of a union shall be dismissed if they participated in a strike which is not "proper and legal".

3. Only a recognized union has the right to strike.

B.P. 227—Provides that in case of a strike, production and distribution of products by the struck-bound firm will not be stopped by the strike!

It also provides:

1. Free ingress-egress, allowing free entrance and exit of products in the struck-bound company.

2. The issuance of an injunction if the strike adversely affects the "national interest".

We have provided generous amounts of aid to the Philippines because that nation is a friend with an understanding of the principles of freedom and democracy. Unfortunately, these principles are not always observed. If we are to promote broad-based development in the Third World, we must export democratic values along with weapons and loans. If we are to compete fairly against foreign businesses, we must start from a position where foreign workers are afforded the same protections and rights given our workers. I hope that my colleagues will join me in continuing to support the rights of foreign workers so as to defend our own gains at home and guarantee human rights around the world.

[From the Philippine Labor Monitor, June]

MESSENGERS OF PEACE OR FORCE?

Lotus, maker of the expensive Nike Shoes, became another scene of unrest at the BEPZ when Philippine Constabulary and Zone Police attacked the picketline of the striking workers to pave way for the Korean owners, Mr. Jookim and Bok Lee, to ship out products from the factory last June 8. The 800 Lotus workers went on strike last May 28 at the same time the third sympathy strike in BEPZ erupted. Lotus workers (80% female and 20% male struck to protest the management's non-recognition of their new union's affiliation to the Association of Democratic Labor Organization and the illegal dismissal of 15 active unionists. The harassments of workers by the military has become an automatic procedure at the BEPZ, that despite government's promises to stop it, police brutality continues.

MANAGEMENT'S CONSTANT REFUSAL TO NEGOTIATE CAUSES LABOR TROUBLE

Some 120 workers belonging to the Fair Center Employees Union (FCEU) launched a strike on May 21 when the Young-controlled management of Fair Center Department Store consistently refused to appear in conciliation talks.

"Since the union filed a notice of strike on March 16, the management has not appeared in conciliation meetings or made alibis for the postponement of negotiations," claimed one striker.

It was learned that one of the issues which triggered the strike is the management's violation of Wage Order (W.O.) No. 1. According to the provisions of the Implementing Rules of W.O. No. 1, Sec. 8 the additional P2 allowance should not be integrated into the CBA concluded between Jan. 1 and March 22, 1981. Though the CBA and FCEU ended in June 1, 1982, the management insisted in integrating the P2 increase in the cost of living allowance (COLA).

Moreover, the increase in basic pay as granted by W.O. No. 2 (P18 plus P1) and W.O. No. 3 (P19 plus P2) have not been given to the workers.

Another issue is the non-payment of holiday allowances. According to the Implementing Rules of the Bureau of Working Conditions of the Labor Ministry, every worker should get complete COLA on holidays.

This means that the daily equivalent of the monthly COLA given under Presidential Decrees (PDs) 1614, 1634 and 1713 (P8.32) and the daily COLA provided for by PD 1678 and W.O. Nos. 1, 2 and 3 which total P11.00 should all be given on holidays, whether or not the worker served during those days. Fair Center workers receive only a total of P7 on holidays.

On top of these, the management dismissed and sued three union officials and four members for alleged theft. The union leader contended, however, that it was not the non-union members who committed the offense. The management put the blame to the militant union even as the trouble had been settled, said the union president.

The management led the 100-plus apprentices in trying to penetrate the peaceful picketline during the first day of strike. The attempt, however, was foiled by the strikers. Since then, the owner has not attempted to break the picketline again.

The last conciliation meeting set in May 31 was postponed anew due to the absence of management representatives. It was learned also that the management is willing to reinstate the dismissed union workers except the union president.

Apparently, the union has not accepted the management's offer as they have been on strike for the past four weeks.

PHILIPPINE LABOR: FACING UP TO UNPRECEDENTED CHALLENGES

(By Eusebio Ricarte)

The recent violence-marred strikes at Balanced Foods Corp. and Foamtex Industries highlight the tough challenges the labor movement faces for the rest of 1984.

The labor dispute at the toyo and patis factory in Novaliches, Quezon City, ironically otherwise known as Pinakamasarap Corp., stemmed from a retrenchment program implemented by company management. The Foamtex dispute, on the other hand, involved alleged attempts of the firm's owners to bust the recently-formed union by dismissing over 30 union officers and members. In both cases, the government intervened in favor of management.

At Balanced Foods, the workers were ordered to call off their strike and to return to work by virtue of an order by Labor Minister Blas F. Ople. The labor dispute was certified as a case that "involves the national interest" and was passed on to the National Labor Relations Commission (NLRC) for compulsory arbitration. At Foamtex, NLRC issued an injunction ordering the workers to allow management "free ingress to and egress from" the company premises. In both cases, the police and military broke the picketlines to implement these orders. At Foamtex, two strikers were shot dead allegedly by the police.

These incidents illustrate two ominous trends.

First, the country's economic crisis is worsening and is expected to take an even bigger toll on employment than it already has. This may lead to a full-scale assault on labor's hard-won gains, or whatever remains of them, in terms of collective bargaining rights, wages, working conditions and fringe benefits.

Second, the government has taken on a tougher stance towards militant trade unionism, which hasn't been hospitable to begin with.

In response to these trends, some 37 federations and national unions recently formed a coalition, the Pambansang Koalisyon ng Manggagawa Laban sa Kahirapan or PKMK, which, a few days after it was organized, immediately spearheaded a number of mass actions aimed mainly at countering police intervention at the picketlines. It has also initiated a series of dialogues with labor ministry officials for this purpose.

PKMK's larger objectives—as its name implies—however include broader action to counteract the pauperization of the working class due to the current economic crisis.

The formation of such a coalition was apparently prompted by a basic realization that trade union action at the level of individual companies will be grossly inadequate to cope with the unprecedented difficulties facing the labor sector. In fact, the present crisis stresses more emphatically than ever the need for working class participation in a popular movement for fundamental economic and political changes.

That need is clearly being recognized: in its May Day protest actions, the PKMK called on workers not only to fight the suppression of strikes, but also to boycott the Batasang Pambansa polls.

The present crisis gives the trade union movement no other recourse than broad collective action.

Take, for example, the problem of mass layoffs. The proximate cause is of course the country's foreign debt crisis. Unable to pay off maturing loans, the government has been forced to declare a moratorium on loan principal repayments. At the same time, it has been negotiating for a massive rescheduling of outstanding debts, i.e., converting about $10 billion out of the Philippines' total $25 billion foreign debt into longer-term loans.

Normal trade financing moreover has ground to a halt. Local firms, particularly import-dependent manufacturing companies, are unable to import their usual volumes of needed production inputs. As a result, many firms since October last year have been operating at about their normal rates, according to officials of the Philippine Chamber of Commerce and Industry.

Correspondingly, the toll on employment, particularly in the manufacturing sector in Metro Manila, has been severe. Incomplete reports of the labor ministry say the number of temporary and permanent layoffs from October 1983 to March 1984 had reached 75,000.

The figures bear out the observation that the debt crisis had much to do with this: layoffs in the last quarter of 1983 (about 41,400) exceeded by some 7,700 the layoffs in the previous quarters of the year. The number of reported layoffs since January has, however, apparently been declining (about 35,000 layoffs were tallied in this period). But this is at least partly due to the recent boom in the blackmarket trade for imported inputs that has kept industry going.

Still, that provides scant comfort—because the much-touted "cure," debt rescheduling, to the debt crisis may be even worse than the disease.

For this bail-out entails a package of severe austerity measures, which include:

Devaluation. From the present offical rate of P14 to $1, the peso-dollar is expected to jump to anywhere from P18-P22 to $1.

Tighter Credit. The Central Bank is requiring commercial banks to increase the amount of money deposited with the CB as reserves. This reserve requirement had been hiked from 18% in June 1983 to 24% in April. This means that local businesses, except for favored export and other firms, will have far less credit for their needs.

More Taxes. A recent example is the increase of taxes on imports from 5% to 8%. The idea is to reduce the government budget deficit to about P7 billion this year compared to over P10 billion the two prior years.

These measures are expected to be enforced after the May polls. And the consequences are predictably chilling:

Staring with oil, prices of a broad range of goods will shoot up.

Businesses, particularly small and medium enterprises, will become even more cash-strapped.

With consumers' incomes slashed by inflation, markets for many goods will weaken.

The net result is a higher rate of business failures and more layoffs.

From a trade union viewpoint, worsening unemployment brings with it a host of problems. It penalizes not only those who lose their jobs, but also those who hold on to theirs.

Massive unemployment weakens labor's bargaining position and quickly leads to widespread deterioration of working conditions, particularly in the smaller firms.

Violations of minimum wages and other labor standards, already quite common, are likely to become even more rampant. Union organizing is expected to become even tougher given the ever-present threat of retrenchments.

These two problems, which are common in the growing number of companies, have given way to the practice of hiring "agency employes" to replace regular employes. However, data on this matter are sorely lacking. But labor groups have noted with increasing alarm that this management tactic is fast catching on in many companies. After all, agency employees get lower pay, are not entitled to company benefits, and cannot join labor unions.

In a number of big food manufacturing firms, for example, the number of agency employees outnumbers regular workers by over two to one. These agency employees perform not only janitorial, security, clerical and messengerial functions, but are also found in the production departments.

With business conditions going from bad to worse, this anti-union tactic is likely to proliferate.

The employers, on the other hand, are setting into motion plans to change labor laws in ways that would virtually turn the clock back for labor. For one, the Employers Confederation of the Philippines is proposing that strikes be allowed only during the 60-days before the expiration of an existing collective bargaining agreement.

For another, ECOP wants to scrap the Eight-Hour Workng Day law so that employers can require employees to work beyond eight hours a day without paying overtime premiums so long as the number of work hours don't exceed 48 hours a week.

Individual unions have begun to react to these menacing trends. In the first quarter of this year, the labor ministry noted the rising incidence of labor disputes where re-

trenchments and layoffs are among the main issues.

Obviously, however, trade union action at the company level can only go so far.

The problem of mass layoffs, for example, is rooted in the neocolonial status of the country's economy, where local industry remains largely that of the knocked-down, assembly-plant variety, heavily dependent on imported equipment and supplies.

More immediately, the problem of mass layoffs is going to be worsened by the stiff conditions being imposed by the IMF as the price for debt rescheduling. These are plainly national policy issues and will have to be addressed through broad political action.

Nor is isolated trade union action likely to prove effective against the trend of violent suppression of strikes.

The get-tough policy on strikes is clearly part of the government's overall aim of containing the social unrest likely to be provoked by the severe austerity measures coming in the second half of the year.

On the labor scene, this policy of repression is enforced through Batas Pambansa Blg. 130 and 227, which have governed the conduct of strikes since the formal lifting of martial law in 1981.

The key instrument of control is the power granted the president and the labor minister by BP 130 to certify disputes for compulsory arbitration on the grounds of national interest. BP 227, on the other hand, effectively renders the picketline ineffective by recognizing management's right to free ingress and egress to and from the company premises during a work stoppage.

These anti-labor laws have given the police and military the legal pretext to step into labor disputes and break up strikes.

The PKMK has managed to win some concessions on this score through protect actions and dialogues with labor ministry officials. It has struck agreement with the labor ministry to refrain from issuing return-to-work orders and injunctions without first "consulting" with the affected unions.

Still, this is a fragile pact, that may not survive the next few months. Under such circumstances, the trade union movement faces an extremely complex task.

Given the hard times, there will be numerous cases wherein unions must strike well-chosen compromises in collective bargaining for the sake of keeping jobs.

At the same time, unions must keep pressing for higher wages and other urgent economic demands where feasible. They must also thwart employers' moves to take advantage of the situation to bust unions and impose intolerable working conditions. In some firms, for example, unions are increasingly resorting to such tactics as mass leaves, slowdowns and pickets to complement the option of formally declaring a strike.

Simultaneous trade union action is also called for. Strikes in key firms should be made rallying points for union and public support to improve the chances for success and to provide support in the event of strike-breaking by the police.

This has already been proven effective by the two rounds of sympathy strikes at Bataan Export Processing Zone in 1982 and 1983.

But, what is most important in the long-term is for larger sections of the trade union movement to take part in popular mass movements that advance the people's democratic and national intersts. There is need, at this very time when suppression is on the upswing, for a more determined campaign for the longstanding demand for the repeal of such oppressive laws as BP 130 and 227.

This will have to be part of the broader movement to defend civil liberties and restore democracy.

Labor groups will also have to consider possibilities for cooperating with their employers on specific issues.

In the sugar industry, for example, mill workers in Luzon have joined mill owners and planters in attaching the National Sugar Trading Corp.'s monopoly of sugar trading. The nature of such alliances may not however guarantee the consolidation/protection of workers' interest. It is more of a tribute to the complexity of the present situation that such possibilities must be contemplated, examined.

On top of this, workers must take up the nationalist cause of opposing the policies and programs being imposed by the IMF and the foreign banks and governments such as those of the United States and Japan.

The current crisis provides an unprededented opportunity for a greater part of the labor movement to rise above the level of rice-and-fish unionism.

[From the New York Times, July 19, 1984]

"THINGS ARE SIMMERING NOW" FOR THE PHILIPPINES

(By Steve Lohr)

MANILA, July 18.—Soon after 7 A.M. each day, Cabinet ministers, politicians, corporate executives and newspaper columnists begin filing into the coffee shop of the Hotel Inter-Continental here.

Seated in wicker chairs around a few circular tables, they discuss yesterday's news and today's gossip. This highpowered kaffeeklatsch is called the 365 Club, so named for the regularity of its sessions. Its entirely informal deliberations are generally lively, but recently the decibel level has risen spirited.

"We are heading for a confluence of important events" in the Philippines, Blas F. Ople, the Minister of Labor, explained during a pause in the oratorical fray the other morning. "Things are simmering now."

What he was referring to is the belief here that, over the next several weeks, decisions will be made and events will unfold that will have lasting effects on the poltical and economic course of the nation.

Among them: The board investigating the assassination last Aug. 21 of the opposition leader Benigno S. Aquino Jr. is expected to issue its findings, and important negotiations with the International Monetary Fund are said to be in their final stages.

NEW ASSEMBLY TO CONVENE

Next Monday the new National Assembly will begin its session, with both the strengthened opposition and some members of the ruling party determined to legislate restrictions on the powers of President Ferdinand E. Marcos.

And the frequency of political demonstrations is expected to increase culminating in huge rallies on Aug. 21, the first anniversary of Mr. Aquino's death.

There have been violent clashes recently between demonstrators and the police, which the Government asserts have been provoked by Communists who it says have infiltrated the student and labor ranks.

On July 6 the police used tear gas and truncheons to disperse students protesting tuition fees, inflation, unemployment and the Government's economic policies. Three days later riot policemen fired on textile workers striking for higher wages and at least 10 people suffered gunshot wounds.

The most remarkable thing about the Aquino inquiry is that after eight months, 120 hearings and testimony from 186 witnesses, there is still no conclusive proof of who shot Mr. Aquino as he was descending from the plane that had brought him from self-exile in the United States, or precisely where the shot came from.

The Government maintains that the assassin was Rolando Galman, a criminal who it says was hired by Communists. Many Filipinos doubt the Government version and believe that the military killed Mr. Aquino, possibly on orders from high-ranking officials. The evidence to support either view seems circumstantial and several witnesses gave contradictory testimony. The panel said Tuesday that the investigation would continue byond Aug. 21, the date the board had earlier set as its target for issuing a final report.

The reaction to the board's ruling will depend partly on the public perception of its independence.

One high-ranking official suggests that the commission has three options. It can, he says, support the military version of the killing; find criminal negligence on the part of the security forces while ignoring the nettlesome issue of who killed Mr. Aquino, or rule that the opposition leader was murdered as a result of a "military conspiracy," without pointing toward Mr. Marcos or his close associates.

Any of the three findings, the official notes, will elicit public protest. "It's a no-win situation for the Government," he said.

The economy may well be the most serious problem for Mr. Marcos' Government, and the one with the most severe political consequences. To get approval for a $650 million standby credit and then reschedule much of its $25.6 billion in loans from private banks, the Philippine Government must convince the International Monetary Fund that it is committed to the harsh measures required to live within its means.

The details of that austerity package will be the foundation of the nation's economic policy for the next few years. However, there is genuine worry here that a formula to please Western bankers now might invite political instability later.

"The I.M.F. has one solution for all countries with debt problems—cut you off at the knees," said Mr. Ople.

In the new National Assembly, the opponents of Mr. Marcos will have about 70 of the 183 elected seats compared with 13 seats in the former house. A couple of races in the May 14 elections remain contested.

"But Marcos' big problem is not going to be with the opposition, but with his own party," said Jaime Ongpin, a corporate executive who is one of the President's most persistent and articulate critics.

Manuel Collantes, an Assemblyman of the New Society Movement, the governing party, is not shy about disagreeing publicly with Mr. Marcos on occasion. Like several other members of the party, Mr. Collantes is at odds with the President over the central issue of Mr. Marcos' decree-making powers, which allow him to bypass the Assembly and make his own laws.

Mr. Collantes said he thought the President should be granted this power only with the approval of the Assembly in emergency situations.

Mr. Ongpin contends that the views of such politicians as Mr. Collantes demonstrate that Mr. Marcos' control over political life in the Philippines is waning.

Noting that the Assembly members have six-year terms while the President has less than three years left in his term, Mr. Ongpin said, "No politician in his right mind would wholly cast his lot with a sinking ship."●

● Ms. KAPTUR. Mr. Speaker, with great pride I rise today in staunch support of the rights of working men and women throughout the world in their struggle for fairness, justice, and human dignity. Dictatorships on both extremes of the political spectrum are today systematically engaging in reprehensible violations of workers' rights to organize and petition for equitable wages and humane working conditions. From Central America to Eastern Europe, trade unions—the organizations through which workers can band together and claim what is rightfully theirs—are being repressed. The United States must make clear to all nations that we stand squarely with workers who ask that their rights be respected.

For the remainder of my time, I would like to focus on the plight of workers in the country from which my grandparents emigrated to come to America—Poland. On December 13, 1981, the Government of Poland suspended the activities of all existing trade unions, including the Solidarity Union led by Lech Walesa, on the basis of a martial law decree. Although it was claimed that Solidarity activity was only to be suspended, from the very beginning of martial law in Poland it was clear that the Polish Government was set on a course of mass and diverse repressive actions aimed at breaking the structure and reversing the gains of Solidarity.

The Polish Army was brought out unto the streets along with armoured units. At the many work places that were militarized, absence from work was made punishable with the same sentence as that for military desertion. Solidarity activists were interned en masse. People were dismissed from work for union activities. Many were arrested and tried for defending union rights. Some of those arrested were beaten and ill treated. Peaceful demonstrators were dispersed with the use of force. The Polish media abused and slandered Solidarity leaders. The Polish Government spared few pains in its attempts to squelch the Solidarity movement and what it represented to Polish workers—the hope of workers to live in a democracy where each individual could control their own destiny.

Yet, despite the relentless harassment by the Polish Government, Solidarity carries on. A vigorous underground press functions. Dues are collected. An underground radio operates. Union leader Lech Walesa's stature as a national hero is as great as ever. As Gzeslaw Milosz, a world-renowned Polish poet-in-exile wrote on the op-ed page of the New York Times.

The Polish people have been defeated many times, and this time (referring to the suppression of Solidarity) they are defeated in a particularly perfidious game. But as I know history, I do not believe that the democratic movement in Eastern Europe, of which Solidarity became the spearhead, is a transitory phenomenon. On the contrary, its open or latent presence will prove more durable that all the juntas of our century together.

This past June, the International Labor Office of the United Nations issued a report which charged the Government of Poland with denying workers their basic rights and called for an end of the suppression of the free trade union movement and its leaders. Specifically, the International Labor Office found that the Polish Government interferred with workers' freedom of association and workers' freedom to organize and bargain collectively. Poland, by being a cosignator of International Labor Office conventions, has agreed to recognize both these rights. A perusal of the International Labor Office report will show that although martial law in Poland has been lifted, the violations of workers' rights continue. It should be the goal of U.S. policy to bring about a change in this unacceptable situation.

At this time, Mr. Speaker, I would like to enter into the RECORD an interview with Lech Walesa published in the Journal of the International Union of Bricklayers & Allied Craftsmen.

POLISH LABOR LEADER CALLS FOR SOLIDARITY

(Editor's note: The following is excerpted from an interview with Polish labor leader Lech Walesa conducted by Free Labor World, the publication of the International Confederation of Free Trade Unions. The AFL-CIO is a member of the ICFTU. BAC Journal would like to point out the striking difference between conditions in Poland, where elections are phony and nothing more than a ratification of candidates selected by the Communist Party, and the wide open primary battle in the Democratic Party here in America. Walesa is correct in urging Polish workers to boycott the upcoming Polish elections, just as BAC is right in urging its members to fully participate in American elections where they really have a choice.)

FREE LABOUR WORLD. In your speech of acceptance of the Nobel Prize you spoke about a middle way, on the one hand avoiding violence, and on the other not yielding on Solidarnosc's basic demands. What state is the struggle of Solidarnosc in today and what is the strength of Solidarnosc?

LECH WALESA. After 13 December (1981—i.e., the declaration of martial law—Ed.) we had a bit of mess in our movement, an organisational mess. To sort out this mess, we could have started at the top of the movement, but we had decided to start at the bottom. Our task was to get people who had lost hope to come up with new initiatives. And probably this approach was going a bit slowly at first but right now we see that it is having an effect. The evidence of this fact is that recently we have had more and more arrests.

The method of acting was that individual people were trying to find each other, and now we see the initiatives coming up from the enterprise level. They all have some proposals for further struggle and programmes. The role of the activists is to pick up these programmes and initiatives and make them into a common programme.

At the top, it is a bit different. We still remain loyal to each other. At the head, I still remain, myself, with my closest group, the highest entity within the Union. And I try, together with my closest group, to act within a legal framework.

The TKK [the underground arm of Solidarnosc] serves us for a different type of activity, but there are no major differences between myself and the TKK. The TKK is a bit lower and it has the other groups which do what we can't do. Our aims are the same and there is no difference between us. It is still necessary for us to act in this way. I can't say out loud what I want to say on every matter. In such cases, there are others who can speak out. Our action within the enterprises is different. Of course, minor differences occur, but the trade union is democratic. And you must also remember that the authorities make our contacts very difficult. Today, these legally-acting groups, that is, acting within the legal framework, are much more numerous than the others. TKK is not growing in numbers, because the possibility of acting legally or semi-legally still exists. This does not mean that a reverse process is impossible. If the conditions for legal action become too difficult, we shall go over to the TKK way of acting.

We like this set-up. It is very useful for us. It has passed the test and we will continue this way of acting.

FLW. And communications and relations between the TKK and the leadership above ground—are they good?

WALESA. They are good enough. You must remember the conditions in which we live and which role we have to play. But, in general affairs, there are no differences. We are one. We do have discussions, of course. But that's normal.

FLW. When you drove away from church yesterday, in your minibus, immediately a police car came in front of you, and another behind you. Is that a fair sample of the conditions under which you work and live?

WALESA. Yes. Every Saturday and Sunday, I have at least seven police cars around.

I've got used to this—and it doesn't worry me. And I like to show this set-up, this situation to society at large. So sometimes I even drive around town in a motorcade with the police, just to show what the situation is like. Driving very slowly. Up to now, whenever I've really needed to lose my guardians, I have succeeded, but it must be very well organised. We are fairly well organised, and getting better. But our guardians are also better organised.

On weekdays, Monday to Friday, the protection is a bit lighter. But in the case of somebody important coming to Gdansk, the protection increases.

FLW. I understand that many people in Solidarnosc fear that the question of municipal elections might lead to an even further tightening of the repression. Do you share this view?

WALESA. I can only repeat what I always say; I cannot tell anybody not to vote. For myself, I will not vote. This is sufficient for me to be me understood.

We always say that we are here to solve problems. You should remember that the stronger the terror is, the stronger is the reflection of this in the society. The angle of refraction is the same as the angle of incidence.

FLW. Could we maybe hear from you what main economic reforms are necessary (in Poland)?

WALESA. We should take into consideration the conditions that we live in. We can't abandon the programme which was adopted at the Congress. But this programme should be put into order, in a way. In economic matters, I only signal concerns as a trade unionist, so that they can be more closely examined and we can learn self-government (self-management), which we are bound by circumstances to introduce.

You have to remember that, during these last 40 years of a different type of economy, people have grown accustomed to many things that they had never known, or had known differently, before. We have no private initiative, private enterprises. We haven't got managers who are educated to act in a different way. We also don't have rich people to buy enterprises. So, it's necessary for us to base ourselves on self-governing or self-managing enterprises. And we know that every enterprise is a bit different so, each of these enterprises must have different self-governing institutions. But after these 40 years, we see many faults in economic thinking and acting, and we can improve some of them by a self-governing way of acting. And we have many people who are well-educated and they will be in a position to lead this programme. My duty is just to strengthen this platform a bit and to let others put it in order.

FLW. You have had moral and other support from the trade union movement internationally. Has this support been useful? Has it been the right kind of support?

WALESA. In my mind, it is an event on a world scale. Much more has been done than we could have expected. So we are very happy about this support, and we ask everybody to keep on with it. As a matter of fact, all that we need now is perseverance. If we keep on, we shall win.

As far as we know, our authorities have been using an interesting argument. They have always repeated that there will be pluralism in trade union life in Poland by 1985. Perhaps you can find out because you have much better possibilities to do this. How many people from abroad, possibly even the Secretary-General of the United Nations, were convinced about the Polish authorities' wishes and by this argument, about the pluralism of the trade union movement in Poland? This is very important because we shouldn't give the Polish authorities an opportunity to withdraw from this argument. If we succeed in this, by next year, which is the first year of pluralism, they say, for trade union life, we can do many things, starting from 1985. And we should understand that this pluralism should be according to the Conventions of the International Labour Organisation. It should be pluralism in the spirit of the ILO.

FLW. This interview will be read by workers and their representatives in many parts of the world; have you any special message that you would like to give to them at this time from Poland?

WALESA. I will say what I always say—the world of labour has never gained anything for nothing. It must struggle for a better tomorrow. The 20th-21st century is a century of peaceful struggle. There should be the biggest possible solidarity amongst working people. The awareness of working people everywhere is much bigger, much wider than other people's, so they do not destroy what they build. And you must also remember that nowhere is so good that it couldn't be better. We should be reasonable and we should want better.

FWL. You mentioned the 20th centry and 21st century—would you position the final victory of Solidarnosc in the 20th or 21st century?

WALESA. It depends on ourselves—on each one of us. We must remember that we are sitting on a barrel of dynamite, so the world of labour must show more and more solidarity because people are weak and are weaker still if they act alone. The technical means are now so sophisticated that we should hold together even more. We should defend ourselves in evergrowing numbers. Years ago, it was sufficient for one individual enterprise to defend itself. Now, even one country is not able to defend itself. So the solidarity of world labour is even more useful and necessary than ever. We must find new solutions, a new means of solidarity, a new means of struggle. The old means are becoming obsolete. Even the typical strikes don't suit the present situation any more. So we must invent a new type of strike, to ensure that the goods are produced but that they are transferred to the proper places.●

● Mr. SEIBERLING. Mr. Speaker, I want to commend the gentleman from Ohio [Mr. PEASE] for taking this special order on international labor rights.

Over the 4 years of the Reagan administration's tenure in office, we have seen an increasing reliance on military aid as the foundation of U.S. support for foreign governments, and a downplaying of U.S. commitments to basic human rights. In large measure this has happened because the President, in my judgment, persists in the misguided notion that all conflicts in developing countries, and particularly in Latin America, are the function of an ongoing East-West conflict.

If we are going to successfully promote stability and establish a strong foundation for democracy in developing nations, we are going to have to concentrate on the elimination of the political, social, and economic ills which afflict so many of those countries. Economic aid can do that. Yet our ability to provide financial aid is increasingly constrained by the huge budget deficits produced during the Reagan tenure in the White House.

The worldwide recession has hit developing countries hardest, but even we are not immune to the impact of recession in the developing world. Slowed growth in those countries has cost Americans exports, export-related jobs, lower income from U.S. investment overseas, and turmoil in the international financial system. We have a direct stake in the economic health of developing nations. In 1974–79, U.S. exports to developing countries grew at an annual rate of 6 percent. In 1980 U.S. investment in developing countries accounted for nearly 25 percent of all U.S. overseas investment, providing $11.7 billion in net income for the United States.

The world economic decline has led to stagnation in world trade and less demand for U.S. exports. In each of the past 3 years, U.S. exports have declined—adjusted for inflation. Exports of U.S. machinery and capital goods to Latin America fell 57 percent between 1981 and 1983. The decline has had a dramatic effect on U.S. employment, costing us nearly 1.5 million jobs from 1981 to 1983. Forty percent of those lost jobs were caused by the decline in exports to developing countries; 30 percent caused by the drop in exports to Latin America alone. It is abundantly clear that the economic health of the United States is very much affected by the economic well-being of developing nations.

Vigorous trade union activities in developing countries can and will play a vital part in the struggle for the foundation of democratic principles in those countries. Independent trade unions, free of interference from their government or their employers, are essential in the development of pluralistic societies. In addition, trade unions can help shape and carry out programs for economic and social development, help secure adequate income and adequate distribution of income, and preserve and protect basic human rights. This is pivotal if we are to see democracy flourish. As the Brandt Commission report, "The Report of the Independent Commission on International Development Issues" notes:

> Economic development will need to be accompanied by efforts to encourage people to organize themselves. (These people) will often be the guarantee of implementing reforms in many social and economic areas. Furthermore, such organizations can help in development activities, in mobilizing resources, particularly through self-help and public works projects, and in providing social services extension services, credit, draining and inputs on a group basis . . . In achieving the main objectives of development, no system lacking in genuine and full participation of the people will be fully satisfactory or truly effective.

This is a stark warning to countries which view outside insurgency as the main threat to democracy. It is clear to me that no amount of military aid is going to suffice to prop up governments which fail to respect the basic human rights of their peoples, and which seek to undermine respect for basic labor rights. Indeed, one can argue that revolutionary movements would find little support in countries whose governments are actively committed to human rights, and to the economic, social, and political well-being of the populace.

The U.S. policy, therefore, must seek to encourage respect for human rights, and to encourage the development of a free and vigorous program

of workers' rights. Our aid should concentrate on programs which further that goal. In so doing, we will help stabilize the political situation in developing countries, and we will achieve the twin goals of reducing the demand for U.S. grant aid, while increasing the demand for U.S. exports for internal consumption. In this way, both we and the developing countries will benefit.

It is clearly in our interest to promote international worker rights for yet another reason. Few congressional districts in this country don't have industries which have been adversely affected by foreign imports. In many cases, American industry simply can't compete with cheap foreign labor, which also provides a strong incentive for American businesses to relocate overseas. In many cases the foreign products are products in "sweat shops" where workers, desperate for a meager source of income which means the difference between starvation and survival, work in appalling conditions for long hours for low pay. The promotion of international labor rights would help curb these abusive labor practices, and would, naturally, lead to an improvement in the wages paid to foreign workers. Such a development would improve their standard of living—easing political tensions—while decreasing the price differential between American and foreign-made products.

As the global economy becomes more and more interdependent, it is obvious that the health of the U.S. economy is linked directly to the political and economic health of developing nations. Vigorous American support for international labor rights will help improve the lot of American workers, and will help stabilize developing countries, eliminating many of the internal tensions which provide an opening for insurgency and which threaten global peace.●

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 2150

NEW INDUCTEES TO NATIONAL BASEBALL HALL OF FAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 60 minutes.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I rise in this historic Chamber on this magnificent evening in August for three very important purposes: One, I wish to call to the attention of my colleagues, and all across America who are listening, a very important event that will take place in Cooperstown, NY, this Sunday, August 12, at 2:30.

On that day, in that beautiful community, there will be inducted into the National Baseball Hall of Fame five of baseball's greatest players in our history, Luis Aparicio, Don Drysdale, Harmon Killebrew, Rick Ferrell, and Harold "Pee Wee" Reese. What fond memories they bring to all of our hearts. That is the main purpose of this special order.

But second, I would like to encourage all to visit beautiful Cooperstown, NY, to do as millions of others have, make the pilgrimmage to the home of baseball to see the National Baseball Hall of Fame. Bring the family. It is a magnificent experience.

Third, Mr. Speaker, I would like to encourage all to support minor league baseball, because in the teams across the Nation, whether they be in North Carolina or in Illinois or Ohio or in my home town of Utica, where the Blue Sox last year captured the New York pen league championship, minor league baseball is the place where these youngsters are trained, where today we are seeing shortstops and catchers and outfielders and people who some day, just some day, might end up where Aparicio and Killebrew and all those other greats are, alongside the likenesses of Babe Ruth and Ty Cobb and Lou Gehrig and Stan Musial and Henry Aaron.

What is more American, Mr. Speaker, than baseball. It is the national pastime, the national game, and I am proud to call to my colleagues' attention the fact that we will have on this Sunday, August 12, five more inductees, five more who will be enshrined in that magnificent mecca for America's No. 1 sport.

Let me just tell you a little bit about these baseball greats.

Luis Aparicio, "the Venezuela Flash." Just consider some of these magnificent accomplishments. He tied the major league record for most consecutive years, 8, leading the league in fielding average as a shortstop, from 1959 through 1966. He holds the major league record for the most consecutive years, 6 straight, leading shortstops and assists. That was 1956 through 1961.

He holds the American League record for the most years, 5 consecutive, leading shortstops and games played. He also led in assists for the seventh time in 1968, to tie another major league mark. He established an American League record for highest fielding average by a shortstop in 1963. He led the American League shortstops in errors in 1956, as you might expect someone as great as this, who had such range, who all the time was chasing those balls hit his way, and most of the time, as his Gold Glove awards attest, he caught them. He did a magnificent job.

He was chosen the American League Rookie of the Year by both the Baseball Writers' Association and the Sporting News in 1956. He was named the shortstop on the Sporting News All Star American League Team in 1963, 1966, 1968, 1970, and 1972. He won Gold Glove awards as outstanding American League fielding shortstop nine times, 1958 through 1970.

He was chosen All Star Major League shortstop by the Association Press in 1970. He holds the following lifetime major league records for a shortstop: Most games, 2,581; most assists, 8,016; most chances accepted, 12,564; and most double plays, 1,553. Lifetime American League record holder for the most putouts, 4,548. That is a lot of putouts by a shortstop, Mr. Speaker.

What a distinguished career Luis Aparicio had. People from Chicago, Baltimore, and Boston who witnessed him playing with the Orioles and the White Sox—I think the White Sox obviously is where he spent most of his career, but he also played with the Red Sox, started out in Waterloo, along the way he played for Memphis. From 1954 through 1973, Luis Aparacio was one of the best in the business. Certainly he richly deserves the honor that will come his way this Sunday in Cooperstown, NY.

LUIS ERNESTO APARICIO

(Name pronounced A-pa-REE-see-oh)

Born April 29, 1934, at Maracibo, Venezuela, Height, 5.08, Weight, 160, Throws and bats righthanded, Hobbies—Hunting and fishing.

Established major league records for most consecutive years leading league in stolen bases (9), 1964: most years leading league in chances accepted, shortstop (7), 1968: most double plays shortstop, lifetime, (1,553); 1973; most games, shortstop, (2,581), 1973; most assists, shortstop, lifetime, (8,016), 1973; most chances accepted, lifetime, shortstop, (12,564), 1973.

Tied major league records for most consecutive years leading league in fielding average, shortstop (8), 1966, and most years leading league in assists, shortstop (7), 1969.

Established American League records for most years leading league in games played by shortstop (5), 1960; most putouts, shortstop, lifetime, 4,548, 1973.

Led American League in stolen bases with 21 in 1956, 28 in 1957, 29 in 1958, 56 in 1959, 51 in 1960, 53 in 1961, 31 in 1962, 40 in 1963 and 57 in 1964.

Led American League in sacrifice hits with 20 in 1960.

Led American League shortstops in double plays with 117 in 1960 and tied for lead with 92 in 1968.

Led Southern Association in stolen bases with 48 in 1955.

Named American League Rookie of the Year by the Baseball Writers' Association and THE SPORTING NEWS, 1956.

Named shortstop on the Sporting News American League All-Star Team, 1963-66-68-70-72.

Named shortstop on the Sporting News American League All-Star fielding team, 1958-59-60-61-62-64-66-68-70.

Year/club	League	Pos.	G.	AB.	R.	H.	2B.	3B.	HR.	RBI.	B.A.	PO.	A.	E.	F.A.
1954—Waterloo [1]	I.I.I.	SS	94	390	85	110	18	4	4	47	.282	220	275	31	.941
1955—Memphis	South.	SS	150	564	92	154	24	3	6	51	.273	*314	*433	*44	.944
1956—Chicago	Amer.	SS	152	533	69	142	19	6	3	56	.266	*250	*474	*35	.954
1957—Chicago	Amer.	SS	143	573	82	148	22	6	3	41	.257	246	*449	20	.972
1958—Chicago	Amer.	SS	145	557	76	148	20	9	2	40	.266	*289	*463	21	.973
1959—Chicago	Amer.	SS	152	612	98	157	18	5	6	51	.257	*282	*460	23	*.970
1960—Chicago	Amer.	SS	153	600	86	166	20	7	2	61	.277	305	*551	18	*.979
1961—Chicago	Amer.	SS	156	625	90	170	24	4	6	45	.272	264	*487	30	*.962
1962—Chicago [2]	Amer.	SS	153	581	72	140	23	5	7	40	.241	280	452	20	*.973
1963—Baltimore	Amer.	SS	146	601	73	150	18	8	5	45	.250	275	403	12	*.983
1964—Baltimore	Amer.	SS	146	578	93	154	20	3	10	37	.266	260	437	15	*.979
1965—Baltimore	Amer.	SS	144	564	67	127	20	10	8	40	.225	238	439	20	*.971
1966—Baltimore	Amer.	SS	151	*659	97	182	25	8	6	41	.276	*303	441	17	*.978
1967—Baltimore [3]	Amer.	SS	134	546	55	127	22	5	4	31	.233	221	333	25	.957
1968—Chicago	Amer.	SS	155	622	55	164	24	4	4	36	.264	269	*535	19	.977
1969—Chicago	Amer.	SS	156	599	77	168	24	5	5	51	.280	248	563	20	.976
1970—Chicago [4]	Amer.	SS	146	552	86	173	29	3	5	43	.313	251	483	18	.976
1971—Boston	Amer.	SS	125	491	56	114	23	0	4	45	.232	194	338	16	.971
1972—Boston [5]	Amer.	SS	110	436	47	112	26	3	3	39	.257	183	304	16	.968
1973—Boston [6]	Amer.	SS	132	499	56	135	17	1	0	49	.271	190	404	21	.966
Major League total			2,599	10,230	1,335	2,677	394	92	83	791	.262	4,548	8,016	366	.972
World Series record:															
1959—Chicago	Amer.	SS	6	26	1	8	1	0	0	0	.308	10	16	2	.929
1966—Baltimore	Amer.	SS	4	16	0	4	1	0	0	2	.250	9	8	0	1.000
World Series total			10	42	1	12	2	0	0	2	.286	19	24	2	.956
All-Star Game record: [7]															
1958—American		SS		2	1	0	0	0	0	0	.000	1	1	0	1.000
1959—American (both games)		SS		6	0	0	0	0	0	0	.000	5	4	0	1.000
1960—American (first game)		SS		2	0	0	0	0	0	0	.000	1	1	0	1.000
1961—American (second game)		SS		2	0	0	0	0	0	0	.000	1	3	0	1.000
1962—American (both games)		SS		6	0	1	0	1	0	0	.167	5	5	0	1.000
1963—American		SS		1	0	0	0	0	0	0	.000	0	0	0	.000
1970—American		SS		6	0	0	0	0	0	0	.000	1	4	0	1.000
1971—American		SS		3	1	1	0	0	0	0	.333	1	2	0	1.000
All-Star Game total				28	2	2	0	1	0	0	.071	15	20	0	1.000

[1] On suspended list, April 9 through April 20. On disabled list, July 31 through September 13.
[2] Traded to Baltimore Orioles with Outfielder-Third Baseman Al Smith for Pitcher Hoyt Wilhelm, Third Baseman Pete Ward, Shortstop Ron Hansen and Outfielder Dave Nicholson, January 14, 1963.
[3] Traded with Outfielder Russ Snyder and Outfielder-First Baseman John Matias (transferred from Rochester to Evansville) to Chicago White Sox for Infielder Don Buford and Pitchers Bruce Howard and Roger Nelson, November 29, 1967.
[4] Traded to Boston Red Sox for Second Baseman Mike Andrews and Infielder Luis Alvarado, December 1, 1970.
[5] On disabled list, June 25 through August 3, 1972.
[6] Unconditionally released March 26, 1974.
[7] Member of American League All-Star Team in 1960 (second game); did not play. Named to American League All-Star Team for the 1964 and 1972 games; replaced due to injury.

□ 2200

And how about Double D, Don Drysdale. Has there ever been in the history of baseball a pitcher who pitched as well and hit as well as Don Drysdale? I do not think so. Obviously the sportswriters do not, either.

He, along with Aparicio, will be honored this Sunday.

Drysdale, the alltime Dodger pitcher leader in seven categories, wins with 209, losses with 166. He played a lot and played very well. He pitched in 518 games, started 465 of them. He leads the Dodger hurlers through history with strikeouts, 2,486, and he has pitched 3,432 innings and had 49 shutouts.

Don Drysdale, old Double D, is fifth in complete games, with 167.

He was the National League strikeout champion three times, 1959, 1960, and 1962.

He played for the Dodgers from 1958 to 1969 and in 1962 he earned the Cy Young Award.

Mr. Speaker, Don Drysdale, what a career, nine times he was an all star, No. 10 on the alltime earned run averages at 2.95, established major league records for most consecutive shutout games won at six and most consecutive shutout innings at 58 and two-thirds in 1968.

He established a National League record for most seasons with 200 or more strikeouts, six times did Don Drysdale accomplish that feat.

He tied the National League record for most homeruns by a pitcher in a season of seven in 1958.

Can you imagine how many he would have hit had he been playing every single day, but he was too valuable a property on the pitching mound.

He tied the National League record for most shutout games won in a month, five in 1 month, in May of 1968.

He holds the Dodger record for most starts in season of 42 set in 1963 and duplicated in 1965. He led the National League in games started, 42 in 1965 and tied for the lead in shutouts in 1959.

He had his best year in 1962 when he was 25 and 9.

He won 23 games in 1965.

Don Drysdale, old Double D, ranks 11th on the alltime strikeout list and he is tied for 14th on the alltime shutout list among 71 pitchers in major league history with 200 or more wins.

Drysdale started out in 1954, the year I was a high school senior, playing for Bakersfield, CA. He wrapped up his career in 1969 with the Los Angeles Dodgers and in between, Mr. Speaker, he thrilled millions of Americans.

Don D, Double Drysdale.

DONALD SCOTT DRYSDALE (AIRDALE, THE BIG WARRIOR, BIG D, DOUBLE D)

Born July 23, 1936, at Van Nuys, CA, height, 6.06. Weight, 208. Threw and batted righthanded.

Established major league records for most consecutive shutout games won (6), May 14 through June 4, 1968, and most consecutive shutout innings (58), May 14 through June 8, 1968.

Tied following National League records: Most home runs by pitcher, season (7), 1958 and 1965; most shutout games won month (5), May, 1968.

Tied for lead in shutouts with 4 in 1959; had total of 154 hit batsmen in N. L.

Received Cy Young Award as outstanding major league pitcher, 1962.

Named Major League Pitcher of the Year by THE SPORTING NEWS, 1962.

Named as pitcher on THE SPORTING NEWS' All-Star National League Team, 1962.

Year/Club	League	G.	IP.	W.	L.	Pct.	H.	R.	ER.	SO.	BB.	ERA.
1954—Bakersfield	Calif	15	112	8	5	.615	97	54	43	73	58	3.45
1955—Montreal	Int	28	173	11	11	.500	163	78	64	80	68	3.33
1956—Brooklyn	Nat	25	99	5	5	.500	95	35	29	55	31	2.64
1957—Brooklyn	Nat	34	221	17	9	.654	197	76	66	148	61	2.69
1958—Los Angeles	Nat	44	212	12	13	.480	214	107	98	131	72	4.16
1959—Los Angeles	Nat	44	271	17	13	.567	237	113	104	*242	93	3.45
1960—Los Angeles	Nat	41	269	15	14	.517	214	93	85	*246	72	2.84
1961—Los Angeles	Nat	40	244	13	10	.565	236	111	100	182	83	3.69
1962—Los Angeles	Nat	43	*314	*25	9	.735	272	122	99	*232	78	2.84
1963—Los Angeles	Nat	42	315	19	17	.528	*287	114	92	251	57	2.63
1964—Los Angeles	Nat	40	*321	18	16	.529	242	91	78	237	68	2.19
1965—Los Angeles	Nat	44	308	23	12	.657	*270	113	95	210	66	2.78
1966—Los Angeles	Nat	40	274	13	16	.448	279	114	104	177	45	3.42
1967—Los Angeles	Nat	38	282	13	16	.448	269	101	86	196	60	2.74
1968—Los Angeles	Nat	31	239	14	12	.538	201	68	57	155	56	2.15
1969—Los Angeles	Nat	12	63	5	4	.556	71	34	31	24	13	4.43
Major League Totals		518	3,432	209	167	.556	3,084	1,292	1,124	2,486	855	2.95
World Series record:[1]												
1956—Brooklyn	Nat	1	2	0	0	.000	2	2	2	1	1	9.00
1959—Los Angeles	Nat	1	7	1	0	1.000	11	1	1	5	4	1.29
1963—Los Angeles	Nat	1	9	1	0	1.000	3	0	0	9	1	0.00
1965—Los Angeles	Nat	2	11⅔	1	1	.500	12	9	5	15	3	3.86
1966—Los Angeles	Nat	2	10	0	2	.000	8	5	5	6	3	4.50
World Series Totals		7	39⅔	3	3	.500	36	17	13	36	12	2.95

[1] World Series records: Most games lost, Series (2), 1966; Most home runs allowed, inning (2), first inning, October 5, 1966; Most home runs allowed, total Series (8), 1956, 1965 and 1966.

Mr. BRITT. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I am glad to yield to my distinguished colleague from North Carolina.

Mr. BRITT. Mr. Speaker, I thank the gentleman for yielding and commend the gentleman for this special order on a very special topic. I had the privilege of being with the gentleman from New York in his district out in Cooperstown visiting one of the most delightful small cities in this country and, of course, the home of the Baseball Hall of Fame, which I had the privilege of visiting.

I would like to take a moment to pay a special tribute to a special player, a player of great renown and ability from my home State of North Carolina, Enos "Country" Slaughter.

Enos Slaughter, of course, is a legend and those of us from North Carolina hope that some day soon that legend will be inducted into the Baseball Hall of Fame.

I would like to mention a few of his particular accomplishments.

Enos Slaughter is one of the few lifetime 300 hitters who has not been voted into the Baseball Hall of Fame.

He had 2,383 career hits in a 19-year major league career, that was interrupted for 4 years by service in World War II. He played well over 2,000 games as an outfielder, primarily for the "Gas House Gang," the St. Louis Cardinals of the 1930's, 1940's, and 1950's.

Slaughter played in five World Series, two for the Cardinals, and three for the Yankees in the mid fifties.

He was a remarkably consistent player, known for his outstanding base running and outfield prowess. In 1949 Slaughter hit 0.336, and in 1946, he led the National League in RBI's with 130. He batted over 0.300 in 10 of his major league seasons.

Slaughter was involved in one of the most famous single plays in baseball history. In the seventh game of the 1946 World Series, the Cardinals were playing the Red Sox in St. Louis. In the bottom of the eighth inning, with the score tied 3 to 3, Slaughter led off with a single to left field. The next two Cardinals were retired. Cardinal outfielder Harry "The Hat" Walker then lined a single to left field. Running on the pitch, Slaughter scored from first base on Walker's single. It was one of the most astonishing base running plays of all times, as Red Sox shortstop Johhny Pesky was almost frozen, holding the ball over the cutoff man, as Slaughter rounded third and headed for home without breaking stride. This play was exemplary of the Gas House Gang style of baseball. This single play confirmed Slaughter's reputation as one of baseball's best base runners.

Slaughter earned his nickname. He was born on a farm near Roxboro, NC, on April 27, 1916, and he grew up as a farm boy. He was signed by the Cardinals while working at a textile mill in Durham in 1936. He played in the minor leagues for 2 years before making the St. Louis club in 1938. He served in the Pacific in World War II.

He was traded from the Cardinals to the Yankees in 1954, and distinguished himself in three World Series—1956, 1957, and 1958. In the 1956 World Series, then 40-years old, he hit 0.350.

Slaughter now lives on his farm near Roxboro in Person County, NC (Tim Valentine's District). He is still very active, cutting and splitting his own firewood and farming tobacco.

He is an avid hunter and fisherman, hunting deer everyday of the deer season within a few miles of his home. He plays in four or five Oldtimers Games per year and in several Pro-Celebrity Golf Tournaments in Florida each spring. He is a devoted Duke fan and never misses a football or basketball game.

In sum, Enos "Country" Slaughter belongs in the Baseball Hall of Fame in Cooperstown, NY. He was a consistent, accomplished, outfielder and hitter, and his long career deserves to be rewarded.

Mr. BOEHLERT. I thank my distinguished colleague from North Carolina for calling to our attention the outstanding career of one of baseball's finest. As my colleague from North Carolina knows, I have volunteered and the offer was accepted, to be co-chairman of the Enos "Country" Slaughter Hall of Fame Committee and daily we are signing up more members for this activity, because, as the record indicates, he belongs enshrined there in the Baseball Hall of Fame with his teammate of so many years, and my boyhood idol, Stan "The Man" Musial.

Mr. Speaker, we have talked about Mr. Aparicio, the great shortstop, and that outstanding pitcher, Don Drysdale.

Now it is the turn to talk about the Killer, Harmon Killebrew.

What a great career he had. Harmon played so many of his outstanding games right here in our Nation's Capital with the old Washington Senators. Unfortunately, they no longer exist, but he finished up his career, except for a brief stay at the very end with Kansas City, but played for so many years, so many productive years with Minnesota. Look at his record. Harmon Killebrew tied the major league record by hitting two or more home runs in each one of the league's parks in 1962.

He set the American League record for most home runs by a right-handed batter for a league for a lifetime.

No. 1, Harmon Killebrew, 573.

He set the American League record for the most home runs in a doubleheader—four. September 21, 1963, he hit three in the first game, one in the nightcap.

He was named the outfielder of the Sporting News' all-star American League team in 1964, Sporting News'

American League all-star team named him first baseman in 1967 and in 1969, and in 1970 he was named by the Sporting News as the outstanding American League player.

He was named the third baseman in the Sporting News' American League all-star team 1969 and 1970. And, in 1969, Harmon Killebrew was named the most valuable player in the American League.

American sportswriters have selected wisely in placing Clayton Killebrew, Jr., in the Baseball Hall of Fame.

HARMON CLAYTON (KILLER) KILLEBREW, JR.

Born June 29, 1936, at Payette, Idaho. Height, 6.00. Weight, 210. Threw and batted righthanded.

Tied major league record by hitting two or more home runs in each league park, season, 1962.

Set American League record for most home runs, righthanded batter, league, lifetime, 573.

Set American League record for most home runs, doubleheader (4), September 21, 1963—hitting three in first game and one in nightcap.

Named outfielder on The Sporting News All-Star American League Team, 1964.

Named first baseman on The Sporting News American League All-Star Team, 1967.

Named by The Sporting News as the Outstanding American League Player, 1969–70.

Named third baseman on The Sporting News American League All-Star Team, 1969–70.

Most Valuable Player in American League, 1969.

Year/Club	League	Pos.	G.	AB.	R.	H.	2B.	3B.	HR.	RBI.	B.A.	PO.	A.	E.	F.A.
1954—Washington	Amer	2B	9	13	1	4	1	0	0	3	.308	5	2	0	1.000
1955—Washington	Amer	3B–2B	38	80	12	16	1	0	4	7	.200	24	49	5	.936
1956—Washington	Amer	3B–2B	44	99	10	22	2	0	5	13	.222	24	44	4	.944
1956—Charlotte	Sally	3B	70	249	61	81	16	7	15	63	.325	62	127	14	.931
1957—Chattanooga	South	3B	142	519	90	145	30	7	*29	101	.279	134	*298	*31	.933
1957—Washington	Amer	3B–2B	9	31	4	9	2	0	2	5	.290	2	16	1	.947
1958—Washington	Amer	3B	13	31	2	6	0	0	0	2	.194	8	13	0	1.000
1958—Indianapolis	A.A.	3B	38	121	14	26	5	1	2	10	.215	28	79	11	.907
1958—Chattanooga	South	3B–OF	86	299	58	92	17	1	17	54	.308	97	134	12	.951
1959—Washington	Amer	*3B–OF	153	546	98	132	20	2	•42	105	.242	135	325	*30	.939
1960—Washington	Amer	1B–3B	124	442	84	122	19	1	31	80	.276	629	135	17	.978
1961—Minnesota	Amer	1–3–OF	150	541	94	156	20	7	46	122	.288	1,003	143	23	.980
1962—Minnesota	Amer	OF–1B	155	552	85	134	21	1	*48	*126	.243	241	5	9	.965
1963—Minnesota	Amer	OF	142	515	88	133	18	0	*45	96	.258	219	7	3	.987
1964—Minnesota	Amer	OF	158	577	95	156	11	1	*49	111	.270	232	1	7	.971
1965—Minnesota	Amer	1–3–O	113	401	78	108	16	1	25	75	.269	743	113	12	.986
1966—Minnesota	Amer	3–1–O	162	569	89	160	27	1	39	110	.281	435	205	18	.973
1967—Minnesota	Amer	1–3B	163	547	105	147	24	1	•44	113	.269	1,285	89	12	.991
1968—Minnesota	Amer	1B–3B	100	295	40	62	7	2	17	40	.210	601	71	7	.990
1969—Minnesota	Amer	3B–1B	•162	555	106	153	20	2	*49	*140	.276	649	219	22	.975
1970—Minnesota	Amer	3B–1B	157	527	96	143	20	1	41	113	.271	312	212	20	.963
1971—Minnesota	Amer	1B–3B	147	500	61	127	19	1	28	*119	.254	700	149	13	.985
1972—Minnesota	Amer	1B	139	433	53	100	13	2	26	74	.231	995	*99	9	.992
1973—Minnesota	Amer	1B	69	248	29	60	9	1	5	32	.242	431	45	1	.998
1974—Minnesota	Amer	1B	122	333	28	74	7	0	13	54	.222	218	21	2	.992
1975—Kansas City [1]	Amer	DH–1B	106	312	25	62	13	0	14	44	.199	28	0	0	1.000
Major League total			2,435	8,147	1,283	2,086	290	24	573	1,584	.256	8,919	1,963	215	.981
World Series record:															
1965—Minnesota	Amer	3B	7	21	2	6	0	0	1	2	.286	11	7	1	.947

[1] Signed as free agent by Kansas City Royals, Jan. 24, 1975.

Now about that classic boy of summer, Harold "Pee Wee" Reese of Louisville, KY. He played for the Dodgers from 1940 to 1942. Then he served his country in World War II, returning in 1946, playing on through 1958.

He played in seven World Series for the Dodgers. He led the National League in stolen bases in 1952 with 30. He led the National League in sacrifice hits in 1953 with 15. He led the National League shortstops in double plays from 1942 to 1948, and he tied the National League for walks in 1947.

He led the National League in runs scored in 1949 with 132. And Harold "Pee Wee" Reese led shortstops with a .977 fielding average in 1949.

He holds the World Series record for most double plays by a shortstop in a seven-game series of seven he set in 1955 and 1956. He played shortstop and third base for the Dodgers, and he coached for the Dodgers in 1959.

He was named shortstop on the Sporting News All Star Major League Team in 1953, and he holds the Dodger record for most times reaching first base safely in an inning, three times in one inning in 1952.

He tied the Brooklyn record for fewest grounded into double plays in a series in a season, five in 1949.

He was All Star eight times, Harold "Pee Wee" Reese, another one of those to be enshrined in that mecca of baseball, the National Baseball Hall of Fame in Cooperstown, NY, on Sunday, August 12.

HAROLD HENRY (PEE WEE) REESE

Born July 23, 1919, at Ekron, Ky, Height, 5.09½. Weight, 178. Threw and batted righthanded. Married Dorothy Walton, March 29, 1942.

Led National League in stolen bases (30), 1952.

Now tied with Elston Howard for World Series record for most times on losing club (6); holds World Series record for most double plays by a shortstop in seven-game Series (7), 1955 and 1956; tied Series mark for most times at bat, game (6), October 5, 1956.

Named as shortstop on THE SPORTING NEWS All-Star Major League Team, 1953.

Coach, Los Angeles Dodgers, 1959.

Year/Club	League	Pos.	G.	AB.	R.	H.	2B.	3B.	HR.	RBI.	B.A.	PO.	A.	E.	F.A.
1938—Louisville	A.A.	SS	138	483	68	134	21	8	3	54	.277	239	457	45	.939
1939—Louisville	A.A.	SS	149	506	78	141	22	* 18	4	57	.279	* 307	470	47	.943
1940—Brooklyn [1]	Nat.	SS	84	312	58	85	8	4	5	28	.272	190	238	18	.960
1941—Brooklyn	Nat.	SS	152	595	76	136	23	5	2	46	.229	* 346	473	* 47	.946
1942—Brooklyn	Nat.	SS	151	564	87	144	24	5	3	53	.255	* 337	* 482	35	.959
1943–44–45—Brooklyn [2]	Nat.														
1946—Brooklyn	Nat.	SS	152	542	79	154	16	10	5	60	.284	285	463	26	.966
1947—Brooklyn	Nat.	SS	142	476	81	135	24	4	12	73	.284	266	441	25	.966
1948—Brooklyn	Nat.	SS	151	566	96	155	31	4	9	75	.274	* 335	453	31	.962
1949—Brooklyn	Nat.	SS	155	617	* 132	172	27	3	16	73	.279	* 316	454	18	* .977
1950—Brooklyn	Nat.	SS–3B	141	531	97	138	21	5	11	52	.260	291	414	26	.964
1951—Brooklyn	Nat.	SS	154	616	94	176	20	8	10	84	.286	292	422	35	.953
1952—Brooklyn	Nat.	SS	149	559	94	152	18	8	6	58	.272	282	376	21	.969
1953—Brooklyn	Nat.	SS	140	524	108	142	25	7	13	61	.271	265	380	23	.966
1954—Brooklyn	Nat.	SS	141	554	98	171	35	8	10	69	.309	270	426	25	.965
1955—Brooklyn	Nat.	SS	145	553	99	156	29	4	10	61	.282	239	404	23	.965
1956—Brooklyn	Nat.	SS–3B	147	572	85	147	19	2	9	46	.257	269	388	25	.963
1957—Brooklyn	Nat.	3B–SS	103	330	33	74	3	1	1	29	.224	97	228	19	.945

Year/Club	League	Pos.	G.	AB.	R.	H.	2B.	3B.	HR.	RBI.	B.A.	PO.	A.	E.	F.A.
1958—Los Angeles	Nat.	SS-3B	59	147	21	33	7	2	4	17	.224	44	89	10	.930
Major League Total			2,166	8,058	1,338	2,170	330	80	126	885	.269	4,124	6,131	407	.962
World series Record:															
1941—Brooklyn	Nat.	SS	5	20	1	4	0	0	0	2	.200	13	14	3	.900
1947—Brooklyn	Nat.	SS	7	23	5	7	1	0	0	4	.304	8	15	1	.958
1949—Brooklyn	Nat.	SS	5	19	2	6	1	0	1	2	.316	5	9	1	.933
1952—Brooklyn	Nat.	SS	7	29	4	10	0	0	1	4	.345	15	18	2	.943
1953—Brooklyn	Nat.	SS	6	24	0	5	0	1	0	0	.278	7	14	0	1.000
1955—Brooklyn	Nat.	SS	7	27	5	8	1	0	0	2	.296	15	23	1	.974
1956—Brooklyn	Nat.	SS	7	27	3	6	0	1	0	2	.222	14	21	1	.972
World Series Total			44	169	20	46	3	2	2	16	.272	77	114	9	.955

[1] Fractured heel sliding into second base, August 15, 1940; out for balance of season.
[2] In military service.

Finally, there is from the oldtimers' list Richard Benjamin Ferrell who had a distinguished career, 18 years in the big leagues, one of the finest defensive players ever, and also pretty potent at the bat when it counted. He played for a number of teams and he played so well, Richard Benjamin Ferrell, another entry into the baseball Hall of Fame.

RICHARD BENJAMIN FERRELL, BROTHER OF WES FERRELL. B. OCT. 12, 1905, DURHAM, NC

STL A:																
1929	64	144	33	6	1	0	0.0	21	20	32	10	1	.229	.285	16	2 C-45
1930	101	314	84	18	4	1	0.3	43	41	46	10	1	.268	.360	0	0 OC-101
1931	117	386	118	30	4	3	0.8	47	57	56	12	2	.306	.427	7	3 C-108
1932	126	438	138	30	5	2	0.5	67	65	66	18	5	.315	.420	6	1 C-120
BOS A: (118G—.297); STL A (25G) (2 teams total):																
1933	140	493	143	21	4	4	0.8	58	77	70	23	4	.290	.373	3	1 C-136
BOS A:																
1934	132	437	130	29	4	1	0.2	50	48	66	20	0	.297	.389	5	1 C-128
1935	133	458	138	34	4	3	0.7	54	61	65	15	5	.301	.413	4	0 C-131
1936	121	410	128	27	5	8	2.0	59	55	65	17	0	.312	.461	1	0 C-121
BOS A: (18G—.308); WAS A (86G—.229) (2 teams total):																
1937	104	344	84	8	0	2	0.6	39	36	65	22	1	.244	.285	1	0 C-102
WAS A:																
1938	135	411	120	24	5	1	0.2	55	58	75	17	1	.292	.382	4	0 C-131
1939	87	274	77	13	1	0	0.0	32	31	41	12	1	.281	.336	4	0 C-83
1940	103	326	89	18	2	0	0.0	35	28	47	15	1	.273	.340	4	0 C-99
STL A: (100G—.252); WAS A (21G—.273) (2 teams total):																
1941	121	387	99	19	3	2	0.5	38	36	67	26	3	.256	.336	3	0 C-119
STL A:																
1942	99	273	61	6	1	0	0.0	20	26	33	13	0	.223	.253	3	0 C-95
1943	74	209	50	7	0	0	0.0	12	20	34	14	0	.239	.273	3	1 C-70
WAS A:																
1944	99	339	94	11	1	0	0.0	14	25	46	13	2	.277	.316	1	0 C-96
1945	91	286	76	12	1	1	0.3	33	38	43	13	2	.266	.325	8	2 C-83
1947	37	99	30	11	0	0	0.0	10	12	14	7	0	.303	.414	0	0 C-37
18 yrs.	1,884	6,028	1,692	324	45	28	0.5	687	734	931	277	29	.281	.363	73	11 C-1805

Mr. Speaker, baseball has been, is, and will continue to be the national sport, the national pastime, a pastime that is so good for America because it involves so often families, mom and dad and the kids in tow at the neighborhood ball park.

Most of us do not live in a major league city. Most of America lives removed from the metropolitan areas, but we all plan our summer schedules with the hope and expectation that we will get to see the Yankees or the Dodgers or the Orioles or the Twins or any one of the major league teams. But most of us are also fortunate because we have in our home communities minor league baseball which is the breeding ground of the superstars of tomorrow.

So, as I conclude this special order, I say on behalf of all of us who are privileged to serve in this great House of Representatives, a heartfelt thanks to baseball for giving us so much, and to Aparicio and Drysdale and Ferrel and Killebrew and Reese I say, as do millions of Americans, thanks for the memories.

● Mr. HORTON. Mr. Speaker, I am privileged to join with my colleagues in recognizing the Baseball Hall of Fame inductees: Harmon Killebrew, Don Drysdale, Pee Wee Reese, Luis Aparicio, and Rick Ferrell. These men rose to the top of their profession and are now being rewarded by admission in the Baseball Hall of Fame in Cooperstown, NY; the ultimate goal for any professional baseball player.

I have been a lifelong baseball fan and this has been translated into an active involvement in minor league baseball. I was president of the Rochester Red Wings—Triple A farm club for the Baltimore Orioles—and the executive vice president of the International League.

I am pleased to join in this tribute to these outstanding players who have also served as perfect role models for young baseball fans. All five of the inductees have had outstanding careers.

Harmon Killebrew stands with Babe Ruth as the second most prolific home run hitter in the American League. "Killer" was named the Most Valuable Player in the American League in 1969 after leading the League in home runs with 49 and runs batted in with 140.

Don Drysdale the big righthander for the Brooklyn and Los Angeles Dodgers during his 13 year career also amassed some very impressive statistics. The "Double D" is the all-time Dodger pitching leader and set one record that may never be broken; 58 scoreless innings and six consecutive shutouts.

Luis Aparicio was the most durable shortstop in major league history. Luis played in over 2,500 games in his 18 year career. Luis' records include the most consecutive years leading the League in stolen bases, most double plays by a shortstop, most assists, and most games played by any shortstop in a career. Luis was the American League Rookie of the Year in 1956 and was named to the All-Star Team five times.

Pee Wee Reese was the Captain of the celebrated Brooklyn Dodgers' "Boys of Summer" in the 1940's and 1950's. In 1969 Pee Wee was named the all-time Dodger shortstop by fans. He played in seven world series and led the National League shortstops in a number of defensive categories seven times. Pee Wee, along with Jackie Robinson, gave the old Dodgers—and baseball—one of the most memorable keystone combinations in the game.

Catcher Rick Ferrell was an outstanding defensive player and offensive threat in a career that spanned

three decades and three teams. Ferrel spent most of his career with the Washington Senators and was adored by the loyal baseball fans here in the Nation's Capital.●

● Mr. CONTE. Mr. Speaker, baseball is a subject—as you all undoubtedly know—on which I am always anxious to comment. This occasion is no exception, and it is a particularly special one. The Baseball Hall of Fame holds a high place on my list of of important organizations. Contained in this facility is a history of one of our country's favorite pastimes.

This year's inductees to the Baseball Hall of Fame in Cooperstown—Luis Aparicio, Don Drysdale, Harmon Killebrew, Rick Ferrell, and Pee Wee Reese—are receiving the greatest honor imaginable in this all-American sport. I am proud to stand here today and to speak in their honor. These ball players stand for a proud generation of baseball careers. Their contributions to the game and to its many fans are overwhelming, and I salute them for this.

Luis Aparicio played as shortstop for the Boston Red Sox in my home State of Massachusetts, where he had a fine record. He has established many major league records in his career—achieving the title American League Rookie of the Year from the Baseball Writers Association and the Sporting News in 1956—and he was a credit to another fine team, the Chicago White Sox. Don Drysdale—the all time Dodgers pitching leader in seven categories—is an equally deserving inductee. Don established major league records for most consecutive shutout games won. And then there's the "Killer"—Harmon Killebrew. All of us here are special fans of his because he started in Washington with the Senators. The Killer was named Most Valuable Player in the American League in 1969, playing for the Minnesota Twins. Rick Ferrell earned his colors with Washington as well. He, like Aparicio, was with the Red Sox early in his career. Finally, we have Pee Wee Reese, and what a player he was. Pee Wee played in seven World Series for the Dodgers.

You know, I'd be willing to bet that by 1988 some of my own colleagues from the Republican congressional baseball team that I manage will also be inducted. By some gross error, we've all been overlooked thus far.

I truly believe, however, that the Baseball Hall of Fame holds as much in store for us as that which it has already provided. With a fine new commissioner of baseball, Peter Ueberroth, and many terrific players coming down the road, this is surely a tradition that will continue as an important part of our athletic archives. It is estimated that 225,000 people visit the Hall of Fame each year, and we all know how much it means to the kids who go in there and see their dreams of being pro-ball players themselves some day come true.

Mr. Speaker, let me congratulate once again these wonderful Hall of Fame inductees for their commitment to baseball, and for their recognition as being among the finest of players in this, America's favorite sport.

Thank you very much.●

● Mr. MAZZOLI. Mr. Speaker, I take pride in honoring Harold (Pee Wee) Reese of Louisville, KY, upon his long-awaited and long-overdue, but entirely appropriate, induction into Baseball's Hall of Fame at Cooperstown, NY.

Pee Wee was the captain and outstanding shortstop of the Brooklyn Dodgers on those celebrated "Boys of Summer" teams of the forties and fifties during his 16 seasons, he played in over 2,000 games, performed in seven world series and helped Brooklyn to its only world championship in 1955.

Pee Wee was an outstanding fielder and a clutch hitter. He holds the Dodger record for runs scored and is second to Zack Wheat in career hits and games played. Had he not missed 3 years during World War II because of Navy service, he would most likely be first in both categories.

The fans in Brooklyn loved and revered Pee Wee. In 1956, during a night game at historic Ebbets Field, a large birthday cake was delivered to home plate. The lights were then turned out and everybody in the ball park lit a match and sang "Happy Birthday" to Pee Wee.

Pee Wee's leadership qualities extended far beyond the baseball diamond. In 1947 Pee Wee's kindness and compassion towards Jackie Robinson—the first black major leaguer—was an example to his teammates and the rest of the league that baseball is a sport for everybody.

Pee Wee is now a successful sales representative for the Hillerich and Bradsby Louisville Slugger Bat Co. and an avid, accomplished golfer.

I congratulate, Louisville's own Pee Wee Reese, and his family on Pee Wee's appointment to baseball's Hall of Fame.●

RIDICULE OF ETHNIC GROUPS IN BROADCAST MEDIA MUST STOP

The SPEAKER pro tempore. Under a previous of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise today to express my continuing concern about films, as well as radio and television broadcasts which defame, stereotype, demean, or degrade ethnic, racial, and religious groups.

Denigrating remarks about any group in our society concerning characteristics over which one has no control, such as race and ethnicity, and those which are associated with the very beginning and ending of life, such as religion, are immoral in themselves. More importantly, however, and of special concern to Congress, is that they strike at the very heart of a healthy and wholesome political system. For the vitality of our Government and the principles for which it stands depend upon harmonious relations among various ethnic groups. From the mutual respect accorded these groups will grow a stronger and more dynamic democracy.

The motion picture, radio, and television industries have on occasion been less than diligent in their responsibility to help create a society in which individuals can respect their heritage and its institutions, and throughout my career as a Member of the House of Representatives, I have called upon the Congress to take a leadership role in standing against ethnic denigration.

The members of minority and ethnic groups should not have to witness stereotypes and other negative portrayals of people of their own heritage. Each minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to American society. When this self-pride is threatened, we jeopardize the human quality which have most contributed to America's greateness.

Stereotypes as presented on television can be particularly influential to a young child. To a great degree, we become what we see, whether in life or in the media. Thus the challenge to the media is very great indeed, since modeling implies that children will be influenced not only by what they are told to be like but also by observing what people with whom they can identify are actually like or portrayed as being.

The motion picture and broadcast media have become central to the American way of life and have profound influence, particularly on children. The television set is a perfect instrument for those who would spawn prejudiced against and prejudgment of our fellow human beings.

In such situations, democracy and representative government do not have a chance. Insulted groups harden hearts and minds to others and freedom of speech becomes a monolog rather than a dialog. When private industry defaults in its social responsibility, it is the purpose of Government to step in to exercise the society's social conscience.

It is for these reasons that I introduced House Concurrent Resolution 2, a bill which would put the Congress of the United States on record in opposition to films, as well as television and radio broadcasts, which demean and degrade ethnic, racial, and religious groups. Also, I was glad to add my

name as a cosponsor to H.R. 3105, the Ethnic Affairs Clearing House Broadcasting Act, a bill to establish a Complaint Bureau within the Federal Communications Commission to monitor complaints and grievances regarding radio and television broadcast programing which unfairly depict ethnic groups. This legislation also encourages scholarly research and conferences to play an educational role in developing a positive portrayal of ethnic groups in the media.

Mr. Speaker, with the immense influences that the media today has on American life, a greater sensitivity should be encouraged in the depiction of ethnic groups. The passage of legislation such as House Concurrent Resolution 2 and H.R. 3015 will go a long way toward the elimination of derogatory and defamatory materials which reinforce negative ethnic stereotypes and I urge all my colleagues in the House of Representatives to support these bills.

RULE NOTICE FOR H.R. 4277

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

● Mr. DINGELL. Mr Speaker, I take this opportunity to advise the House of the intention of the Committee on Energy and Commerce to seek from the Committee on Rules a modified open rule providing for the consideration of H.R. 4277, the National Gas Market Policy Act of 1984.●

ABC NEWS ANCHORMEN EXPRESS RESERVATIONS ABOUT ELECTION PROJECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. WIRTH] is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, I call to your attention and to the attention of my colleagues the following excerpt from the ABC News program "Viewpoint" which aired on July 9. I urge those of you who may not have seen this program to read the portion of the program's transcript which I am inserting into the RECORD today.

This program, intended to allow for comment on ABC's news coverage, included a segment on the network practice of characterizing and projecting election results before the polls close through the use of exit polls. This segment contained some very interesting comments on early projections by both viewers and the news anchors themselves.

ABC reported that its own poll revealed that 78 percent of those questioned felt the networks should wait for the polls to close before projecting a winner. Of those individuals, 61 percent supported a law prohibiting the broadcast networks from making projections.

The most interesting comments, however, came from ABC's own news anchormen. Peter Jennings, anchorman for "World News Tonight," said:

As a personal citizen, I don't like exit polls as any indicator of the way the race is going. . . . We do . . . look at our exit polls and see how people have been voting and imply that it's going fairly well or fairly bad for them. I must say I'm personally opposed to them.

Steve Bell, ABC's anchor of "World News This Morning", joined Jennings in expressing his reservations about the network's early projections:

I am concerned that we are engaging in a process as journalists that is drawing such a high degree of public concern that it can have an effect not only on the elections. . . . Whatever the public perception, when it's as overwhelming as it is in this case, I think the half-pregnancy that we're engaging in needs to be rethought.

These comments show that concern over the impact of early election projections on voter turnout is shared by those very journalists who are compelled by network management to use them. It appears that many journalists would exercise the kind of editorial judgement recently urged by the House when it overwhelmingly passed Concurrent Resolution 321 if network management were not preoccupied solely with high ratings and the quest to be first with every story, unaffected by any sense of their civic responsibilities.

This transcript is very revealing, and I urge my colleagues to read it carefully.

The transcript follows:

KOPPEL: News organizations consider it one of their proudest achievements—the ability to accurately project election results on an election night. It's highly competitive business, and the networks constantly vie with one another for the best technology to achieve the most scientific results. But others are not too happy with the process, particular when it means projecting winners even before all the polls are closed. How does the public feel about that? Here again is Lynn Sherr with the results of our Viewpoint survey.

ANNOUNCER: March 13th, 1984. From ABC, this is World News Tonight.

PETER JENNINGS: This set or primaries and caucuses has been widely seen as John Glenn's last chance to stay in the race, and the indications are that he is doing pretty well in Alabama.

LYNN SHEER: Senator, I wonder if you could tell us if this makes you rethink any of your plans? Does it complicate your life?

Sen. JOHN GLENN: No I think, you know, I don't like all these advance analyses. I think when these things are put out before the polls even close, you know, it discourages people from going to the polls, I've been depending on a big turnout here.

SHERR: At 6:37 p.m. Eastern time on Super Tuesday. John Glenn was visibly angry that ABC News and other networks reported what appeared to be his standing in the Alabama primary an hour and a half before the polls closed. As it turns out, most of the people in our poll agree that we should not characterize the races until everyone has had a chance to vote.

[*voice-over*] Nearly four-fifths of those questioned, 78% say networks should wait for the polls to close before projecting a winner. Of them, three-fifths, or 61%, believe there should be a law requiring the networks to refrain from such projections.

JOAN ROGERS, Boston: I don't think they should project an outcome at all, because it definitely will sway people to go with a winner or change their vote one way or the other.

ALICE COOKSEY, Pantego. Texas: We lived in California during the 1980 election, and I remember being dismayed that Reagan had already been projected winner before we even had a chance to vote.

ROBERT SALMON, Boston: You don't go out and vote if you know your candidate's going to lose in the first place. And every vote counts.

STAN VAINRIB, Chicago: This is a free country. They're allowed to do whatever they want. But I think they should do it with a little more constraint and a little more responsibility.

SHERR [*voice-over*]: On the other hand, most of the people in our poll said they hadn't heard such network projections. Of those who did hear, most said it didn't influence their vote. And on a related matter, when we asked people whether they would watch the political conventions on TV this summer, more than half. 58%, said no.

KOPPEL: Well, what do you think about that?

Mr. JENNINGS: Well, I feel I'm in a very ambiguous position. I'm going to defer as quickly as I respectively can to Ed Fouhy, who's in management. As a personal citizen, I don't like exit polls as any indicator of the way the race is going, because I quite frankly think it takes fun out of the campaign; it takes the fun out of the whole democratic process, and I don't like it. That's a purely personal view as a citizen, as a television viewer, as someone who likes to see the process unfold at a somewhat more leisurely pace.

KOPPEL: Excuse me, Peter, but what does fun have to do with journalism?

Mr. JENNINGS: No, let me finish, I said as a purely private citizen and as a viewer. As a journalist, on the other hand, I feel very strongly compelled to report news as we have it. And one of the things that we have to make fairly clear is that we do not use exit polls to project races. We do not say Walter Mondale is going to win in Alabama based on our exit polls. To do that we use key precincts, a much wider, more exhaustive process of scientific information. And that we do not report before the polls have closed. We do, as I just did there with John Glenn in Alabama, look at our exit polls and see how people have been voting and imply that it's going fairly well or fairly bad for them. I must say I'm personally opposed to them.

KOPPEL: Ed, do we try to be just a little bit pregnant on this? Do we try to, as Peter just said, imply something and therefore maintain this holier-than-thou attitude that after all we didn't say it?

Mr. FOUHY: I don't associate restraint with pregnancy. I would like to use the word restraint. I think we restrain ourselves from reporting everything that we know while the polls are open in a given state. There is no scientific knowledge as to what effect exit polls and early reporting of their results has on voter behavior as we could see. A number of people said they wouldn't care

whether or not a candidate had been declared a winner or a loser. They'd go and vote anyway. I think what it goes back to is a sort of—and you touched on it, Ted—A nostalgic yearning for an America that once existed before there were computers, perhaps before there was radio and television, when people sat around bonfires and waited for the telegraph to announce the results maybe two or three days after election. The technology exists. We use it. We use it, I believe, in a restrained way. But the fact is that when there are 270 electoral votes counted up on a presidential election—and incidentally, you can acquire 270 electoral votes in the Eastern and Central time zones—the candidate who has those votes has been elected president. And that's the news; that's a major news story and we're going to report it.

KOPPEL: All right. New question.

MAN: Yes. I have a question for Mr. Donaldson regarding exit polls. I believe a Vermont or New Hampshire court ruling just questioned the legality of the collection of exit polls because they infringe on a person's right to privacy to secret ballot. Would you agree with that, or would you disagree with it?

Mr. DONALDSON: I'm not familiar with the court ruling you cite. In general I think, as Ed Fouhy has said, we ought to tell the news that we have. And when we know that someone is going to win an election because of our key precincts and our exit polling, then I think we ought to report that. In the old days we'd go up and talk to the ward boss and say. "How's it going here?" He'd say, "Well, I think we're all right here." And he'd check off his list and he'd say, "I think we're going to take this by 87 votes." No one objected to that. I think the objection comes because we are accurate. People say, well, it takes all the fun out of it. An election is not something for fun; it's a very serious business, and reporting is very serious business. And people then say, "Well, I was going to vote, but I heard my candidate had lost; I didn't go vote. "But they suppose, I guess, that all the people who heard their candidate had won did in fact still go vote. That doesn't make any sense.

KOPPEL: Sam, we're coming down into the waning moment of this program. What I'd like to do is squeeze in as many questions as we possibly can during those last few moments. So go ahead, sir, and let's—one question to each person.

MAN: I'd like to address my question to Mr. Bell, please. With respect to local elections, it seems to me that by polling voters after they voted, it seems to me that local elections are somewhat biased in the sense that if it's predicted that President Reagan for instance is gonna be—is winning in certain precincts, voters in those precincts will be less likely to go out and vote, and thus the local elections would be biased. Don't you feel that it's somewhat like having a horse race and allowing the people to place bets after they've rounded the first turn?

KOPPEL: All right. I think the question has something to do with the coattail effect. If—well, go ahead.

Mr. BELL: Well, I'm going to be the genuine dissenter here, I guess, in that I am concerned that we are engaging in a process as journalists that is drawing such a high degree of public concern that it can have an effect not only on the elections—and I know you're saying, all right, if you know the president's elected before California polls are closed, the president's backers don't bother to go and so local candidates are directly affected; it may change a local race. Whatever the public perception, when it's as overwhelming as it is in this case, I think the half-pregnancy that we're engaging in needs to be rethought. [*applause*]●

INTRODUCTION OF LEGISLATION TO IMPROVE THE IMPACT OF FOREIGN SALES CORPORATION PROVISIONS ON AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, a major change in the Deficit Reduction Act of 1984 involved the substitution of a new program called foreign sales corporations [FSC] in lieu of the old domestic international sales corporation [DISC] program. While the two programs are similar, FSC generally meets the general agreement on tariffs and trade [GATT] better than did DISC. It does this in part by authorizing the creation of companies in either a foreign country or a possession outside the U.S., customs territory. Also, a FSC is required to locate an office in either a foreign country or possession, where it must maintain a set of books of account.

Mr. Speaker, I had a lot of problems with DISC and I have problems with FSC. It is awfully hard, for example, to understand the economic rationale for a tax export promotion program in an age of floating exchange rates. The tax benefits usually go to a couple hundred large companies. It is an enormous complication in the tax code, and a subsidy to do what is in the best interests of the companies to do for themselves.

But the new FSC program adds another wrinkle that seems strange. By telling companies that they have to set up an export company outside the U.S. customs area, we are encouraging the export of some corporate administrative expenses abroad. These are really dummy corporations with little or no substance—but each of them will cost some money to set up, will require some local presence, and will entail travel abroad. Indeed, by encouraging the set up of these companies abroad—perhaps largely in the Caribbean—we are providing new excuses for expense-paid vacations to the sunny isles.

Since the FSC provisions and GATT requirements may be met if these companies are organized and set up in a possession outside the U.S. customs territory, why can't Congress limit them to these American sites? The simple answer is that we can and should, and I am introducing today a bill to accomplish this result.

When we first considered the FSC provisions, it seemed to me that we were wrong in permitting the needless export of American dollars to originate these companies in the Bahamas or some other foreign country. As Americans, we have the duty and responsibility to take care of our possessions first. They can use the business.

Furthermore, it will help the Nation's tax base for a FSC located outside the U.S. customs area to have an exclusively American connection. This linkage will mean increased economic stimulation within American possessions, more jobs, increased spendable income for American citizens and ultimately more tax revenue for the United States.

Why shouldn't the benefits from selling the goods and services required to create a FSC go to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States? We often treat our possessions rather shabbily and as forgotten members of the family. With this bill, we have a unique opportunity to do something really worthwhile for them and their economies.

Messrs. DE LUGO, WON PAT, and SUNIA have joined with me in cosponsoring this worthwhile legislation.

I hope that the Ways and Means Committee will act on this measure early next year. In the interim, I urge and advise American firms to organize their FSC operations in our American possessions located outside the U.S. Customs territory. This is the right course for them to take as American taxpayers and the best result for our Nation as well.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCEWEN (at the request of Mr. MICHEL), for tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 30 minutes, today.

Mr. BOEHLERT, for 60 minutes, on August 9.

Mr. WALKER, for 60 minutes, today.

Mr. LUNGREN, for 60 minutes, on August 9.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. FRENZEL, for 60 minutes, on September 6.

Mr. FRENZEL, for 60 minutes, on September 11.

Mr. FRENZEL, for 60 minutes, on September 12.

Mr. FRENZEL, for 60 minutes, on September 13.
Mr. FRENZEL, for 60 minutes, on September 18.
Mr. FRENZEL, for 60 minutes, on September 19.
Mr. FRENZEL, for 60 minutes, on September 20.
(The following Members (at the request of Mr. DURBIN) to revise and extend their remarks and include extraneous material:)
Mr. ANNUNZIO, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. WIRTH, for 5 minutes, today.
Mrs. COLLINS, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. RAY, for 10 minutes, today.
Mr. GAYDOS, for 30 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. DURBIN, for 60 minutes, today.
Mr. MOODY, for 60 minutes, today.
Mr. GAYDOS, for 30 minutes, August 9.
Mr. PEPPER, for 60 minutes, August 9.
Mr. BRITT, for 60 minutes, August 9.
Mr. SPRATT, for 60 minutes, August 9.
Mr. BATES, for 60 minutes, August 9.
Mr. JENKINS, for 60 minutes, September 6.
Mr. JENKINS, for 60 minutes, September 11.
Mr. JENKINS, for 60 minutes, September 12.
Mr. JENKINS, for 60 minutes, September 13.
Mr. JENKINS, for 60 minutes, September 18.
Mr. JENKINS, for 60 minutes, September 19.
Mr. JENKINS, for 60 minutes, September 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALEXANDER, and to include extraneous matter in his colloquy with Mr. O'BRIEN on conference report on H.R. 5712 in the House today.
Mr. BROOKS, to revise and extend prior to passage of H.R. 6027.
Mr. COATS, to revise and extend immediately prior to the vote on House Joint Resolution 594.
Mr. DAUB, preceding the vote on H.R. 4785 in the House today.
Mr. HOYER, immediately preceding the vote on passage of House Joint Resolution 587 in the House today.
(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)
Mr. WINN.
Mr. YOUNG of Alaska.
Mr. DAUB in two instances.
Mr. DENNY SMITH.
Mr. ROTH in two instances.
Mr. RITTER.
Mr. COUGHLIN in two instances.
Mr. SAWYER.
Mr. ROGERS.
Mr. PHILIP M. CRANE in three instances.
Mr. RIDGE.
Mr. CLINGER.
Mr. SHAW.
Mr. GILMAN in five instances.
Mr. IRELAND.
Mr. SUNDQUIST.
(The following Members (at the request of Mr. DURBIN) and to include extraneous matter:)
Mr. BARNES in five instances.
Mr. LIPINSKI in two instances.
Mr. COLEMAN of Texas in two instances.
Mr. LONG of Maryland.
Mr. RANGEL.
Mr. FLORIO.
Mr. OLIN.
Mr. TRAXLER.
Mr. MINISH.
Mrs. BURTON of California.
Mr. OTTINGER.
Mr. MURTHA.
Mr. HAMILTON.
Mr. DOWNEY of New York in two instances.
Mr. UDALL.
Mr. HAYES.
Mrs. BOXER in two instances.
Mr. RAHALL.
Mr. MATSUI.
Mr. HUBBARD.
Mrs. SCHROEDER.
Ms. OAKAR in two instances.
Mr. ANTHONY.
Mr. ADDABBO.
Mr. FEIGHAN.
Mr. BARNARD.
Ms. KAPTUR.
Mr. SOLARZ.
Mr. MITCHELL.
Mr. LAFALCE.
Mr. DE LUGO.
Mr. BORSKI in two instances.
Mr. GAYDOS.
Mr. KOLTER in two instances.
Mr. HEFTEL of Hawaii.
Mr. SHANNON.
Mr. BONKER.
Mr. WRIGHT.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1224. An act to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on August 7, 1984, present to the President, for his approval, a bill of the House of the following title:

H.R. 4952. An act to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

ADJOURNMENT

Mr. BOEHLERT. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Thursday, August 9, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3852. A letter from the Acting Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notification of the proposed decision to convert to contractor performance the base supply function at Peterson Air Force Base, CO, pursuant to 10 U.S.C. 2304 nt (Pub. L. 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3853. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the proposed decision to convert to contractor performance the processing support function at the Navy International Logistics Control Office, Philadelphia, PA, pursuant to 10 U.S.C. 2304 nt (Pub. L. 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3854. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Minority Contracting in the Department of Environmental Services," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3855. A letter from the Secretary of Education, transmitting a copy of the proposed final regulations for school assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3856. A letter from the Secretary of Education, transmitting a copy of a document entitled, "Removal of Parts and Technical Amendments" which has been transmitted to the Federal Register for publication, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3857. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a mid-year update to the State Department's annual narcotics control report; to the Committee on Foreign Affairs.

3858. A letter from the Assistant to the President for Management and Administration, Executive Office of the President, transmitting a report on the evaluation of the system internal accounting and administrative control in effect during the fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3);

to the Committee on Government Operations.

3859. A letter from the Secretary of the Interior, transmitting the Federal Coal Management Report for fiscal year 1983, pursuant to the act of February 25, 1920, chapter 85, section 8B (90 Stat. 1089); to the Committee on Interior and Insular Affairs.

3860. A letter from the Chief Justice, Supreme Court of the United States, transmitting a report of the proceedings of the Judicial Conference of the United States, held in Washington, DC, on March 8-9, 1984, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

3861. A letter from the Executive Director, American Chemical Society, transmitting the society's annual report and financial audit for the calendar year 1983, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3862. A letter from the Secretary of Commerce, transmitting the annual report on the Fishermen's Contingency Fund, pursuant to Public Law 95-372, Section 406(a); to the Committee on Merchant Marine and Fisheries.

3863. A letter from the Secretary of Health and Human Services, transmitting the eighth annual report on the Child Support Enforcement Program, pursuant to SSA, section 452(a)(10)) (88 Stat. 2352; 91 Stat. 163; 95 Stat. 861); to the Committee on Ways and Means.

3864. A letter from the Comptroller General of the United States, transmitting a report entitled "Examination of the U.S. Bureau of Engraving and Printing's Financial Statements for the Year Ended September 30, 1983"; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted August 8, 1984]

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5640. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; with an amendment (Rept. No. 98-890, pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on August 6, 1984, the following report was filed on August 7, 1984]

Mr. PRICE: Committee of conference. Conference report on H.R. 5604 (Rept. No. 98-962). Ordered to be printed.

[Submitted August 8, 1984]

Mr. HAWKINS: Committee on Education and Labor. H.R. 4066. A bill to authorize funds for the John W. McCormack Institute of Public Affairs, and for other purposes; with an amendment (Rept. No. 98-963). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 4477. A bill to amend the Higher Education Act of 1965 to provide grants to the States to establish postsecondary education scholarship programs to encourage outstanding high school graduates to enter the teaching profession, and to establish a national fellowship program for talented teachers; with an amendment (Rept. No. 98-964). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 6027. A bill to clarify the application of the Federal antitrust laws to the official conduct of local government; with amendments (Rept. No. 98-965). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 569. Resolution providing for the consideration of H.R. 3605, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an abbreviated new drug application under section 505 of that Act for generic new drugs equivalent to approved new drugs (Rept. No. 98-974). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 570. Resolution providing for the consideration of H.R. 5640, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Rept. No. 98-975). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on the Judiciary. S. 1989. A bill for the relief of Vladimir Victorovich Yakimetz; with an amendment (Rept. No. 98-966). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 437. A bill for the relief of Patrick Starkie (Rept. No. 98-967). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. S. 435. A bill for the relief of Joseph Antonio Francis (Rept. No. 98-968). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. S. 277. A bill for the relief of Marlon Dolon Opelt (Rept. No. 98-969). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 2859. A bill for the relief of John Brima Charles (Rept. No. 98-970). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. H.R. 2671. A bill for the relief of Edgar Gildardo Herrera (Rept. No. 98-971). Referred to the Committee of the Whole House.

Mr. SMITH of Florida: Committee on the Judiciary. H.R. 1713. A bill for the relief of Yelizaveta Fankukhina, with amendments (Rept. No. 98-972). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. H.R. 1150. A bill for the relief of Teodoro N. Salanga, Junior (Rept. No. 98-973). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 6091. A bill to change the name of the grade of commodore in the U.S. Navy to commodore admiral; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 6092. A bill to authorize reduced postal rates during fiscal years 1985 and 1986 for parcels of food, medicine, or clothing sent to Poland or the Union of Soviet Socialist Republics; to the Committee on Post Office and Civil Service.

By Mr. DANIEL B. CRANE:

H.R. 6093. A bill to amend section 152 of title 28, United States Code, to provide for the appointment of one additional bankruptcy judge for the central district of Illinois; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. DASCHLE):

H.R. 6094. A bill entitled: "The Mandatory Fish Inspection Act of 1984"; to the Committee on Agriculture.

By Mr. ERDREICH:

H.R. 6095. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. ECKART (for himself, Mr. JEFFORDS, Mr. FORD of Michigan, Mr. FEIGHAN, Mr. STOKES, Mr. SEIBERLING, Ms. KAPTUR, Ms. OAKAR, Mr. WILLIAMS of Ohio, Mr. OBERSTAR, Mr. BOEHLERT, Mr. LEVIN of Michigan, Mrs. JOHNSON, Mr. DAVIS, Mr. FISH, Mr. DURBIN, Mr. RIDGE, Mr. KLECZKA, Mr. EDGAR, Mr. REGULA, Mr. MOODY, Mr. TRAXLER, and Mr. DWYER of New Jersey):

H.R. 6096. A bill to improve access to training opportunities for dislocated workers, to provide procurement targeting in labor surplus areas, and for other purposes; jointly, to the Committees on Education and Labor and Government Operations.

By Mr. GUARINI:

H.R. 6097. A bill to amend the Urban Mass Transportation Act of 1964 to ensure that mass transportation facilities are safe by requiring the review of plans for construction or renovation of such facilities and to require inspection of such facilities during and after construction or renovation; to the Committee on Public Works and Transportation.

By Mr. McEWEN (for himself, Mr. APPLEGATE, Mr. DEWINE, Mr. ECKART, Mr. FEIGHAN, Mr. GRADISON, Mr. HALL of Ohio, Ms. KAPTUR, Mr. KINDNESS, Mr. MILLER of Ohio, Ms. OAKAR, Mr. OXLEY, Mr. HOPKINS, Mr. REGULA, Mr. STOKES, Mr. LUKEN, Mr. HUBBARD, Mr. PEASE, Mr. WYLIE, and Mr. WILLIAMS of Ohio):

H.R. 6098. A bill to designate the Federal highway under construction on the Greenup Dam over the Ohio River as the "Carl D. Perkins Memorial Bridge"; to the Committee on Public Works and Transportation.

By Mr. MARRIOTT (for himself, Mr. HANSEN of Utah, and Mr. NIELSON of Utah):

H.R. 6099. A bill to clarify the treatment of mineral materials on public lands; to the Committee on Interior and Insular Affairs.

By Mr. MAVROULES:

H.R. 6100. A bill to clarify the intent of Congress with respect to the families eligible for a commemorative medal authorized for the families of Americans missing or

otherwise unaccounted for in Southeast Asia; to the Committee on Armed Services.

By Ms. OAKAR (for herself, Mr. FORD of Michigan, Mr. BOSCO, Mr. MCCLOSKEY, Mr. JONES of North Carolina, Ms. MIKULSKI, Mr. FOGLIETTA, Mr. BORSKI, and Mr. ORTIZ):

H.R. 6101. A bill to amend the Panama Canal Act of 1979 to authorize quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone; jointly, to the Committees on Merchant Marine and Fisheries and Post Office and Civil Service.

By Mr. SCHULZE:

H.R. 6102. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide an exemption from coverage under the social security program on a current basis (pursuant to waiver certificates filed in advance) for employers and their employees in cases where both are members of faiths opposed to participation in such program; to the Committee on Ways and Means.

By Mr. SOLARZ:

H.R. 6103. A bill to require the Secretary of the Army to provide for the posthumous promotion of Harold L. Goldstein, U.S. Army; to the Committee on Armed Services.

By Mr. STARK (for himself, Mr. DE LUGO, Mr. WON PAT, and Mr. SUNIA):

H.R. 6104. A bill to amend the Internal Revenue Code of 1954 to provide that in qualifying as a foreign sales corporation [FSC], the business entity will be required to be created or organized under the laws applicable to any possession of the United States and to maintain an office in any possession of the United States, as defined in subpart C of part III of subchapter N of chapter 1 thereof; to the Committee on Ways and Means.

By Mr. WRIGHT (for himself and Mr. MICHEL):

H.R. 6105. A bill to provide for the education in U.S. institutions of higher education of certain students of limited financial means from developing countries; to the Committee on Foreign Affairs.

By Mr. ANDREWS of Texas:

H.R. 6106. A bill to limit the liability of persons who without compensation transport in interstate commerce and by air human organs; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 6107. A bill to restore the right to a jury trial in certain cases involving the exercise by the Government of the power of eminent domain; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 635. Joint resolution making an urgent supplemental appropriation for the food stamp program of the Department of Agriculture for the fiscal year ending September 30, 1984; to the Committee on Appropriations.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, Mr. HOWARD, and Mr. ROE):

H.J. Res. 636. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the week commencing October 7, 1984 as National Port Week; to the Committee on Post office and Civil Service.

By Mr. CAMPBELL (for himself, Mr. FORD of Tennesse, and Mrs. HALL of Indiana):

H.J. Res. 637. Joint resolution to designate the week of September 23, 1984, as "National Historically Black Colleges Week"; to the Committee on Post Office and Civil Service.

By Mr. BEDELL:

H. Con. Res. 346. Concurrent resolution expressing the sense of the Congress that the United States should not issue bearer or zero coupon debt instruments; to the Committee on Ways and Means.

By Mr. DOWNEY of New York:

H. Con. Res. 347. Concurrent resolution concerning the proposed transfer of F-5 aircraft from Norway to Greece and Turkey; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Oklahoma:

H. Con. Res. 348. Concurrent resolution to express the sense of the Congress that television stations should publicize kidnapped children cases; to the Committee on Energy and Commerce.

By Mr. WRIGHT:

H. Res. 567. Resolution relating to early organization of the House for the 99th Congress; considered and agreed to.

By Mr. SIMON:

H. Res. 568. Resolution to amend the Senate amendment to H.R. 2878 and to request a conference thereon with the Senate; rules suspended; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Alabama:

H.R. 6108. A bill for the relief of Michael J. Adams; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 6109. A bill for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson; to the Committee on the Judiciary.

By Mr. FROST:

H.R. 6110. A bill for the relief of John L. Scogin; to the Committee on the Judiciary.

H.R. 6111. A bill for the relief of Hilma C. Henderson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 425: Mr. SOLARZ, Mr. ROE, Mr. ACKERMAN, and Mr. TOWNS.

H.R. 960: Mr. BENNETT, Mr. BOEHLERT, Mr. BROWN of California, Mr. CHAPPIE, Mr. CONTE, Mr. D'AMOURS, Mr. DASCHLE, Mr. DAVIS, Mr. EDGAR, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FLORIO, Mr. FUQUA, Mr. GUARINI, Mr. HANCE, Mr. HILER, Mr. HILLIS, Mr. HOWARD, Mr. JEFFORDS, Mr. KLECZKA, Mr. KINDNESS, Mr. KOLTER, Mr. KOSTMAYER, Mr. MAVROULES, Mr. MILLER of Ohio, Mr. OBERSTAR, Mr. ORTIZ, Mr. OXLEY, Mr. ROSTENKOWSKI, Mrs. SCHNEIDER, Mr. SHANNON, Mr. SHELBY, Mr. SKELTON, Mr. STARK, Mr. TAUKE, Mr. WALGREN, Mr. WALKER, Mr. WIRTH, Mr. WYDEN, Mr. RUSSO, Mrs. HALL of Indiana, and Mr. CROCKETT.

H.R. 2053: Mr. CARNEY.

H.R. 2420: Mr. FRANKLIN.

H.R. 2568: Mr. PURSELL, Mr. DONNELLY, and Mr. PATMAN.

H.R. 3750: Mr. ROE, Mr. HARKIN, Mr. ANDREWS of Texas, and Mr. RALPH M. HALL.

H.R. 3846: Mr. BROYHILL.

H.R. 3990: Mr. MINETA.

H.R. 4076: Mr. MAZZOLI.

H.R. 4110: Mr. STUDDS.

H.R. 4112: Mr. PURSELL, Mr. KOGOVSEK, and Mr. MITCHELL.

H.R. 4366: Mr. RIDGE.

H.R. 4428: Mr. BRYANT, Mr. CONTE, Mr. DICKS, Mr. EARLY, Mr. FAZIO, Mr. GORE, Mr. HARKIN, Mr. HAWKINS, Mr. KLECZKA, Mr. KOLTER, Mr. MCKINNEY, Mr. MRAZEK, Mr. MURPHY, Mr. OWENS, Mr. STAGGERS, and Mr. TOWNS.

H.R. 4512: Mr. MORRISON of Connecticut.

H.R. 4571: Mr. CRAIG.

H.R. 4966: Mr. COYNE, Mr. GEJDENSON, Mr. KOSTMAYER, and Mr. WOLPE.

H.R. 5008: Mr. RIDGE.

H.R. 5028: Mr. PORTER.

H.R. 5039: Mr. SUNIA, Mr. THOMAS of Georgia, Mrs. BOXER, Mr. RICHARDSON, Mr. PRITCHARD, Mr. CARPER, Mr. GILMAN, and Mr. MCKERNAN.

H.R. 5078: Mr. BARNARD.

H.R. 5093: Mr. PHILIP M. CRANE.

H.R. 5125: Mr. KOSTMAYER, Mr. HUGHES, and Mr. COUGHLIN.

H.R. 5228: Mr. PHILIP M. CRANE.

H.R. 5377: Mr. BRYANT, Mr. MINISH, Mr. STANGELAND, Mr. DASCHLE, and Mr. DEWINE.

H.R. 5381: Mr. SAVAGE and Mr. HAYES.

H.R. 5438: Mr. ENGLISH, Mr. GINGRICH, Mr. HILLIS, Mr. MCCLOSKEY, and Mr. GEJDENSON.

H.R. 5495: Mr. HEFTEL of Hawaii.

H.R. 5581: Mr. MARTINEZ.

H.R. 5730: Mr. RUSSO.

H.R. 5754: Mr. COOPER and Mr. MCEWEN.

H.R. 5758: Mrs. KENNELLY, Mr. MILLER of California, Mrs. SCHROEDER, and Mr. MARKEY.

H.R. 5838: Mr. MATSUI.

H.R. 5937: Mr. HALL of Ohio.

H.R. 5940: Mr. CHAPPELL.

H.R. 5955: Mr. WEISS, Mr. DAUB, and Mr. LUNDINE.

H.R. 5977: Mr. WORTLEY, Mr. REID, Mr. LEHMAN of Florida, Mr. ADDABBO, Mr. WON PAT, Mr. RODINO, Mr. MORRISON of Washington, Mr. HAWKINS, Mr. FRANK, Mr. ROE, Mr. DUNCAN, Mr. RANGEL, Mr. TALLON, Mrs. JOHNSON, Ms. KAPTUR, Mr. DOWNEY of New York, Mr. WEISS, Mr. MITCHELL, Mr. BARNES, Mr. HERTEL of Michigan, Mr. CONYERS, Mr. MARTINEZ, Mr. RICHARDSON, Mrs. BOXER, Mr. CORRADA, and Mr. MINISH.

H.R. 5990: Mr. SAM B. HALL, Jr., Mr. MITCHELL, Mr. STOKES, Mr. FRANK, Mr. CORRADA, Mr. RICHARDSON, Mr. MATSUI, Mr. BERMAN, Mr. CONYERS, Mr. FASCELL, Mr. PRITCHARD, Mr. MCGRATH, Mr. PEPPER, Mr. CROCKETT, Mr. BIAGGI, Mr. EDGAR, Mr. TORRICELLI, Mr. SCHEUER, Mr. KOLTER, and Mr. LEVIN of Michigan.

H.R. 5995: Mr. COELHO, Mrs. BOXER, and Mr. FASCELL.

H.R. 6035: Mr. MITCHELL, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. BATES, Mr. DYMALLY, and Mrs. JOHNSON.

H.R. 6053: Mr. EDGAR, Mr. MADIGAN, Mr. ROGERS, Mr. DUNCAN, Mr. SKELTON, Mr. RICHARDSON, Mr. KINDNESS, Mr. WORTLEY, Mr. DYMALLY, Mr. Williams of Ohio, Mr. BIAGGI, Mr. HUGHES, Mr. LELAND, Mr. BEVILL, Mr. MITCHELL, Mr. MURTHA, Mr. ROE, Mr. MORRISON of Washington, Mr. SNYDER, and Mr. MURPHY.

H.R. 6054: Mr. YOUNG of Alaska, Mr. RATCHFORD, Mr. DYMALLY, Mr. BARNARD, Mr. BEREUTER, Mr. PRITCHARD, Mr. BARNES, Mr. BEILENSON, and Mr. LIVINGSTON.

H.R. 6066: Mr. FEIGHAN, Mr. ASPIN, Mr. PATTERSON, Mr. NEAL, Mr. NICHOLS, Mr. KLECZKA, Mr. MRAZEK, Mrs. BOXER, Mr. MOODY, Mr. SKELTON, Mr. D'AMOURS, Mr. GLICKMAN, Mr. ANDREWS of Texas, Mr. RICHARDSON, Mr. PEASE, Mr. MINETA, Mr.

HUGHES, Mr. FROST, Mr. LEHMAN of California, and Mrs. LLOYD.

H.R. 6067: Mr. LUNDINE, Mr. PRITCHARD, Mr. BORSKI, Mr. TORRICELLI, Mr. MATSUI, Mr. MCKINNEY, Mr. SCHEUER, Mr. BATES, Mr. FAZIO, Mr. ACKERMAN, and Mr. GREEN.

H.R. 6071: Mr. RODINO.

H.R. 6080: Mr. EDGAR, Mr. GRAY, Mr. FRANK, Mr. BYRON, and Mrs. BURTON of California.

H.J. Res. 205: Mr. LONG of Louisiana and Mr. CONYERS.

H.J. Res. 319: Mr. SPRATT.

H.J. Res. 473: Mr. MCEWEN, Mr. SWIFT, Mr. GRAY, Mr. DENNY SMITH, Mr. OLIN, Mrs. MARTIN of Illinois, Mr. VANDER JAGT, Mr. ROBERT F. SMITH, Mr. CROCKETT, Mr. DANIEL, Mr. BOEHLERT, Mr. EDWARDS of Oklahoma, Mr. RATCHFORD, Mr. ADDABBO, Mr. TRAXLER, Mr. MURPHY, Mr. CORRADA, and Mr. HOPKINS.

H.J. Res. 482: Mr. THOMAS of Georgia, Mr. MCHUGH, Mr. KRAMER, Mr. HUBBARD, Mr. WALGREN, Mr. NOWAK, Mr. MINETA, Mr. NICHOLS, Mr. DYSON, Mr. LIVINGSTON, Mr. CLAY, Mr. SLATTERY, Mr. RUDD, Mr. KEMP, Mr. PEPPER, Mr. DERRICK, Mr. WHEAT, Mr. JENKINS, Mr. GINGRICH, Mr. BROWN of Colorado, Mr. HARTNETT, Mr. TAUZIN, Mrs. HALL of Indiana, and Mr. FAUNTROY.

H.J. Res. 489: Mr. WOLPE, Mr. PRICE, Mr. HALL of Ohio, Mr. LEACH of Iowa, Mr. LATTA, Mr. JENKINS, Mr. PATMAN, Mr. BROOKS, Mr. MARLENEE, and Mr. LEVINE of California.

H.J. Res. 512: Mrs. HOLT, Mr. KOLTER, Mr. PANETTA, Mr. CORCORAN, Mrs. COLLINS, Mr. BARNARD, Mr. COYNE, Mr. BOEHLERT, Mr. BADHAM, and Mr. CARR.

H.J. Res. 545: Mr. ADDABBO, Mr. ARCHER, Mr. BARTLETT, Mr. BATEMAN, Mr. BETHUNE, Mr. BEVILL, Mr. BOEHLERT, Mr. BOSCO, Mr. BREAUX, Mr. BROWN of California, Mr. BROYHILL, Mr. BRYANT, Mrs. BYRON, Mr. CARR, Mr. CHAPPIE, Mr. CLAY, Mr. COLEMAN of Texas, Mr. CORRADA, Mr. CORCORAN, Mr. CONYERS, Mr. COUGHLIN, Mr. DANIEL, Mr. DARDEN, Mr. DASCHLE, Mr. DAVIS, Mr. DELLUMS, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. DYMALLY, Mr. ERDREICH, Mr. FLORIO, Mr. FOLEY, Mr. GILMAN, Mr. GREEN, Mrs. HALL of Indiana, Mr. RALPH M. HALL, Mr. HALL of Ohio, Mr. HARRISON, Mr. HARTNETT, Mr. HATCHER, Mr. HAWKINS, Mr. HOPKINS, Mr. HOWARD, Mr. HUTTO, Mr. KILDEE, Mr. KOGOVSEK, Mr. LAFALCE, Mr. LANTOS, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MAVROULES, Ms. MIKULSKI, Mr. MURPHY, Mr. O'BRIEN, Mr. PEPPER, Mr. PERKINS, Mr. PICKLE, Mr. PRICE, Mr. PRITCHARD, Mr. RODINO, Mr. ROWLAND, Mr. SKELTON, Mr. TAUZIN, Mr. TOWNS, Mr. WALGREN, Mr. WHITTAKER, Mr. WILSON, Mr. WYDEN, Mr. MINISH, Mr. CARPER, Mr. HAYES, Mr. COOPER, Mr. ENGLISH, Mr. GRAMM, Mr. HOYER, Mr. MOAKLEY, Mr. BONER of Tennessee, and Mr. DORGAN.

H.J. Res. 550: Mr. GRAMM, Mr. WILSON, Mr. ARCHER, Mr. NEAL, Mr. EMERSON, Mr. WON PAT, Mr. QUILLEN, Mr. GONZALEZ, Mr. O'BRIEN, Mr. CONYERS, Mr. SUNIA, Mr. DARDEN, Mr. BROWN of California, Mr. AKAKA, Mr. COATS, Mr. HUGHES, Mr. DEWINE, Mr. TOWNS, Mr. ADDABBO, Mr. BROYHILL, Mr. DELLUMS, Mr. ROSE, Mr. JONES of North Carolina, Mr. HAWKINS, Mr. HOYER, Mr. RUSSO, Mr. BOEHLERT, Mr. VANDERGRIFF, Mr. WEISS, Mrs. HOLT, Mr. LEVINE of California, Mr. RICHARDSON, Mr. LENT, Mr. CHENEY, Mr. KOSTMAYER, Mr. GREEN, Mr. BROOKS, Mr. PATTERSON, Mr. OTTINGER, Mr. TORRICELLI, Mr. WORTLEY, Mr. GRAY, Mr. HARRISON, Mr. LOWERY of California, Mr. BARTLETT, Mr. DAVIS, Mr. CARR, Mr. MCDADE, Mr. HALL of Ohio, Mrs. HALL of Indiana, Mr. WOLPE, Mr. BERMAN, Mr. EDGAR, Mr. STOKES, Mr. DE LA GARZA, Mr. PAUL, Mr. DYMALLY, Mr. DIXON, Mr. FOLEY, Mr. MAVROULES, Mr. HANCE, Mr. BIAGGI, Mr. PASHAYAN, Mr. CORRADA, Mr. LEHMAN of California, and Mr. VANDER JAGT.

H.J. Res. 554: Mr. DERRICK, and Mr. SPRATT.

H.J. Res. 565: Mr. CHANDLER, Mr. GREEN, Mr. HANSEN of Idaho, Mr. HARKIN, Mr. JEFFORDS, Mr. MURPHY, and Mr. SYNAR.

H.J. Res. 573: Mr. ASPIN, and Mr. MATSUI.

H.J. Res. 574: Mr. HIGHTOWER, Mr. HOWARD, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. BARNES, Mrs. LLOYD, and Mr. SIMON.

H.J. Res. 580: Mr. LELAND, and Mr. VENTO.

H.J. Res. 585: Mr. ROEMER, and Mr. VENTO.

H.J. Res. 597: Ms. FIEDLER, Mr. LONG of Louisiana, and Mr. BREAUX.

H.J. Res. 606: Mr. BREAUX, Mr. COATS, Mr. DANNEMEYER, Mr. FASCELL, Mr. HATCHER, Mr. KAZEN, Mr. MCKERNAN, Mr. QUILLEN, Mr. ROBINSON, Mr. STRATTON, Mr. TALLON, Mr. WALGREN, Mr. WEAVER, Mr. CORCORAN, Mr. ENGLISH, Mr. GORE, Mr. MAZZOLI, Mr. PETRI, Mr. STENHOLM, Mr. STOKES, and Mr. WEBER.

H.J. Res. 609: Mr. PRICE, Mr. NOWAK, Mr. BARNES, Mrs. SCHNEIDER, Ms. SNOWE, Mr. ANTHONY, Mr. LENT, Mr. TORRICELLI, and Mr. YATES.

H.J. Res. 610: Mr. LEVIN of Michigan, Mr. BIAGGI, Mr. SUNIA, Mr. LUNDINE, Mrs. HOLT, Mr. CONTE, Mr. HUGHES, Mr. WEISS, Mr. REID, Mr. SKELTON, Mr. ERDREICH, Mr. KOLTER, Mr. HAMMERSCHMIDT, Mr. MINISH, Mrs. BOXER, Mr. VANDERGRIFF, Mr. RICHARDSON, Mr. DWYER of New Jersey, Mr. GREEN, Mr. DAUB, Mr. RINALDO, and Mr. FORD of Tennessee.

H.J. Res. 611: Mr. O'BRIEN, Mr. KEMP, Mr. FAUNTROY, Mr. DE LUGO, Mr. HAYES, Mr. CONYERS, Mr. YOUNG of Alaska, Mr. RANGEL, Mr. HUTTO, Mr. BARNES, Mr. YOUNG of Missouri, Mr. HEFNER, Mr. FLORIO, Mr. SCHEUER, Mr. LELAND, Mr. BEREUTER, Mrs. BOXER, Mr. MAZZOLI, Ms. KAPTUR, Mr. LEVINE of California, Mr. STENHOLM, Mr. LEVIN of Michigan, Mr. BATES, Mr. LANTOS, Mr. JEFFORDS, Mr. SUNIA, Mr. EDGAR, Mr. HOPKINS, Mr. CONTE, Mr. WEAVER, Mr. HORTON, Ms. OAKAR, Mr. FUQUA, Mr. WILSON, Mr. EARLY, Mrs. HOLT, Mr. TORRICELLI, Mr. DASCHLE, Mr. RANGEL, Mr. BERMAN, Mr. GILMAN, Mr. HUGHES, Mrs. BURTON of California, Mr. DE LA GARZA, Mr. RICHARDSON, Mr. CORRADA, Mr. SHUMWAY, Mr. WINN, Mr. ENGLISH, Mr. FRENZEL, Mr. GEJDENSON, and Mr. HALL of Ohio.

H.J. Res. 613: Mr. BROWN of Colorado, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. DE LA GARZA, Mr. REID, Mr. ENGLISH, Mr. PURSELL, Mr. WYDEN, Mr. OWENS, Mr. WEISS, Mr. RAHALL, Mr. DOWDY of Mississippi, Mrs. MIKULSKI, Mr. HUGHES, Mr. LAGOMARSINO, Mr. DWYER of New Jersey, Mr. MINISH, Mr. DAUB, Mr. BEDELL, and Mr. MCCLOSKEY.

H.J. Res. 618: Mr. WEAVER, Mr. DOWNEY of New York, Mr. SOLARZ, Mr. FAZIO, Mr. STARK, Mr. KOLTER, Mr. RATCHFORD, Mr. FRANK, Mr. WHEAT, Mr. HUGHES, Mr. MINETA, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. CONYERS, Mr. PEASE, Mr. BERMAN, and Mr. HAWKINS.

H.J. Res. 622: Mr. LEVIN of Michigan, Mr. FLIPPO, Mr. MARTINEZ, Mr. OLIN, and Mr. LOEFFLER.

H.J. Res. 624: Mr. BROWN of Colorado, Mr. FAUNTROY, Mr. FROST, Mr. HALL of Ohio, Mr. SKEEN, Mr. SPRATT, and Mr. WORTLEY.

H.J. Res. 629: Mr. BEDELL, Mr. BOSCO, Mr. CARPER, Mr. CONYERS, Mr. DARDEN, Mr. DAUB, Mr. DAVIS, Mr. FUQUA, Mr. GREEN, Mr. HUGHES, Mr. JONES of Tennessee, Mr. LEVIN of Michigan, Mr. LIVINGSTON, Mr. MICA, Mr. PURSELL, Mr. RANGEL, Mr. ROEMER, Mr. ROSE, Mr. SOLOMON, Mr. SPENCE, Mr. WEAVER, Mr. WILSON, Mr. WINN, Mr. WORTLEY, and Mr. YOUNG of Florida.

H.J. Res. 630: Mr. HORTON, Mr. FRENZEL, Mr. DE LA GARZA, Mr. MINETA, Mr. BERMAN, Mr. DWYER of New Jersey, Mr. DAUB, Mr. REID, and Mr. LEVIN of Michigan.

H. Con. Res. 260: Mr. UDALL, Mr. CONTE, Mr. HUBBARD, Ms. OAKAR, and Mr. MCCOLLUM.

H. Con. Res. 271: Mr. LAFALCE and Mr. LEWIS of Florida.

H. Con. Res. 293: Mr. JACOBS and Mr. HERTEL of Michigan.

H. Con. Res. 306: Mr. BENNETT, Mr. NOWAK, Mr. RICHARDSON, and Mr. HUGHES.

H. Con. Res. 312: Mr. SAM B. HALL, Jr., Mr. WEBER, and Mr. PAUL.

H. Con. Res. 322: Mr. ZSCHAU and Mr. SCHEUER.

H. Con. Res. 345: Mr. GREEN and Mr. PRITCHARD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3605

By Mr. FRENZEL:

(Amendment to the Derrick amendment.)
—(A) On page 5 strike the language in lines 15 through 25.

(Amendment to the Derrick amendment.)
—(B) On page 6 strike all the language in lines 18 through 25 and on page 7 strike all the language on lines 1 through 3.

(Amendment to the Derrick amendment.)
—(C) On page 8, line 19, strike the words "ninety days" and insert in lieu thereof the words "two hundred and seventy days".

(Amendment to the Derrick amendment.)
—(D) On page 6, lines 4 through 7, strike the words "the collar of such product if such product contains a collar, or if such product does not contain a collar in the most conspicuous place on the inner side of such product unless it is on or affixed on the outer side of such product" and insert in lieu thereof the word "it".

(Amendment to the Derrick amendment.)
—(E) On page 7, lines 7 through 10, strike the words "the collar of such product if such product contains a collar, or if such product does not contain a collar in the most conspicuous place on the inner side of such product, unless it is affixed on the outer side of such product" and insert in lieu thereof "it,".

(Amendment to the amendment adding a new title III.)
—(I) In section 203, strike subsection (i). Reletter subsections following accordingly.

(Amendment to the amendment adding a new title III.)
—(II) In section 207, strike "ninety" and insert in lieu thereof "one hundred eighty".

(Amendment to the amendment adding a new title III.)
—(III) In section 204 of the amendment and renumber remaining sections accordingly.

(Amendment to the amendment adding a new title III.)
—(IV) In section 204, at the end of subsection (k) delete ", or imported or both".

(Amendment to the Derrick amendment.)

—(V) Strike section 202 of the amendment and renumber following sections accordingly.
—(1) On page 6, insert after line 10:
"(ix) information to show that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or, if not listed or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity;".
—(2) On page 6, insert after line 10:
"(x) any information available to the applicant, including preclinical or clinical data developed by the applicant or by other persons on behalf of the applicant, on adverse effects of the drug that is not reflected in the labeling;".
—(3) On page 6, insert after line 10:
"(xi) with respect to each clinical investigation involving human subjects, a statement that it was conducted in accordance with the requirements for institutional review or informed consent set out in regulations promulgated by the Secretary;".
—(4) On page 6, insert after line 10:
"(xii) with respect to each nonclinical laboratory study contained in the application a statement that the study was conducted in compliance with good laboratory practice; and".
—(5) On page 6, insert after line 10:
"(xiii) certifications from the applicant and from any person other than the applicant who performs a part of the manufacture, processing, packaging, or labeling of the drug or who supplies the active ingredients for the drug, that the methods used in, and the facilities and controls used for, the manufacture, packaging, and holding of the drug are in conformity with current good manufacturing practice;"
—(6) On page 6, insert after line 10:
"(xiv) any additional information that may be required for the approval of the application as specified in a written communication from the Secretary;"
—(7) On page 6, line 10, delete "." and insert in place thereof ";".
—(8) On page 6, delete lines 11–13.
—(9) On page 8, after line 2, insert:
"(ii) that the drug may not be adequately evaluated for approval as safe and effective on the basis of the information required to be submitted in an abbreviated application."
—(10) On page 7, line 23, insert after "finds", "(i)".
—(11) On page 8, line 2, delete "." and insert in place thereof "; or".
—(12) On page 11, lines 3–4, delete "or any other information available to the Secretary" and insert in place thereof" is insufficient to".
—(13) On page 11, line 11, insert after "included;", "or" and add "(2) such information or any other information available to the Secretary shows that the inactive ingredients are unsafe or the composition of the drug is unsafe under such conditions."
—(14) "On page 11, line 3, insert after "(H)", "(1)".
—(15) On page 11, add after line 24:
"(L) the drug may not be adequately evaluated as safe and effective upon the basis of the information required to be submitted in the abbreviated application."
—(16) On page 11, line 24 delete "." and insert in place thereof "; or".
—(17) On page 11, line 22 delete "or".
—(18) On page 5, at the end of line 12, replace the semicolon with a comma and add: "and in the case of a drug for which the Secretary believes additional information is required in the interest of public health, the Secretary may require the items specified in clauses (A) through (F) of subsection (b)(1);"
—(19) On page 4, line 4, insert after "201(p),": "Information to show that the new drug meets any applicable requirements relating to combination drugs,".
—(20) On page 4, line 6 insert after "Ingredient", "or combination of ingredients".
—(21) On page 4, line 22, delete beginning with "the active ingredients" all through line 24 ending with "as those of" and insert in place thereof: "the new drug contains the identical therapeutic moiety, or its precursor, but not necessarily in the same amount or dosage from or in the same salt or ester as".
—(22) On page 11, line 15 insert after "subsection (e),": "the Secretary has published a notice of opportunity for hearing to withdraw approval of the listed drug under subsection (c) for grounds described under the first sentence of subsection (e),".
—(23) On page 4, line 4, delete "does not meet the requirements" and insert in place thereof "is not a "new drug" within the meaning".
—(24) On page 42, lines 18 and 19, delete "including any salt or ester of the active ingredient".
—(25) On page 42, lines 19 and 20, delete ", as a single entity or in combination with another active ingredient."
—(26) On page 6, insert after line 10: "and (xv) the earliest date on which the applicant wants the approval of the application to become effective."
—(27) On page 5, line 13 delete the remainder of the line after "certification", delete line 14 and insert: "that the applicant has, by certified or registered mail, provided notice of the abbreviated application, such notice to include the information specified in clauses (i), (ii), and (xv), to the holder of the approved application for the listed drug referred to in clause (i) and to the owners of".
—(28) On page 5, line 15 delete "the" and insert in place thereof "such."
—(29) On page 5, line 15 delete "referred to in"; line 16 delete "clause (i)".
—(30) Delete starting on page 5, line 20 through page 6, line 10.
—(31) On page 29, line 3 between "a drug" and "which" strike "and".
—(32) On page 29, line 4 after "public" and before "shall be made available" insert ", and the revealing of which data and information is not prohibited under section 301(j) of the Act or under 18 U.S.C. 1905, "; and.
—(33) On page 29, line 15 delete "or" and replace the comma with a period.
—(34) On lines 16–21, delete paragraph (5) in its entirety.
—(35) Insert after paragraph (4) as the end of section (1) the following: "The Secretary may provide by regulation for the release of summaries of safety and effectiveness data and information submitted in such an application, provided such summaries do not constitute the full reports of investigations under subsection (b)(1)(A) of this section on which the safety and effectiveness of the drug may be approved.".
—(36) Page 31, strike line 24 through Page 32, line 21.
—(37) Page 32, line 22, change "(5)" to "(4)".
—(38) Page 34, line 5, change "(6)" to "(5)".
—(39) Page 34, line 7, change "(7)" to "(6)".
—(40) Page 34, line 21, change "(8)" to "(7)".
—(41) Page 35, line 1, strike "paragraphs (4), (5), (6), and (7)" and substitute therefor "paragraphs (4), (5), and (6)".
—(42) Page 32, strike lines 22–25; page 33, strike lines 1–24; and page 34, strike lines 1–4.
—(43) Page 34, line 5, change "(6)" to "(5)".
—(44) Page 34, line 7, change "(7)" to "(6)".
—(45) Page 34, line 21, change "(8)" to "(7)".
—(46) Page 35, line 1, strike "(5), (6), and (7)" and substitute therefor "(5) and (6)".
—(47) Page 34, strike lines 7–20.
—(48) Page 34, line 21, change "(8)" to "(7)".
—(49) Page 35, line 1, strike "(6) and (7)" and substitute therefor "and (6)".
—(50) Page 34, strike lines 21–25.
—(51) Page 34, line 6, insert after ";" the word "and".
—(52) Page 34, line 20, strike "; and " and substitute therefor "." .
—(53) Page 35, line 3, strike the remainder of the line after "uct'.".
—(54) Page 35, strike lines 4–6.
—(55) Page 36, strike lines 15–22 and substitute therefor the following:
"(3) no term of any extended patent may exceed twenty-five years from the date of filing of the earliest United States patent application which provides support under Section 120 of this title for any claim of the patent to be extended.".
—(56) Page 37, line 8, strike the word "and" after "sought" and substitute therefor ",".
—(57) Page 37, line 11, insert after the word "product" the words ", and the filing date of the earliest application for the patent referred to insubsection (c)(3)".
—(58) Page 36, insert immediately after section 156(c)(3) the following paragraph:
"(4) in no event shall more than one patent be extended for the same regulatory review period for any product.".
—(59) Page 36, line 14, strike "and".
—(60) Page 36, line 22, strike "." and substitute therefor "; and".
—(61) Page 37 line 6, strike ";" and after the word "product" insert the words "and the Federal statute under which regulatory review occurred;".
—(62) Page 37, line 8, strike the word "identification" and substitute therefor "identity".
—(63) Page 37, strike lines 12–15.
—(64) Page 37, line 16, strike "(D)" and substitute therefor "(C)".
—(65) Page 37, line 22, strike "(E)" and substitute therefor "(D)".
—(66) Page 38, line 5, strike "(F)" and substitute therefor "(E)".
—(67) Page 38, line 9, strike "(G)" and substitute therefor "(F)".
—(68) Page 39, line 13, strike "(E)" and substitute therefor "(D)".
—(69) Page 37, strike lines 16–21.
—(70) Page 37, line 22, strike "(E)" and substitute therefor "(D)".
—(71) Page 38, line 5, strike "'(F)" and substitute therefor "(E)".
—(72) Page 38, line 9, strike "'(G)" and substitute therefor "(F)".
—(73) Page 39, line 13, strike "'(E)" and substitute therefor "(D)".
—(74) Page 37, line 22, strike the words "the Commissioner to"; page 37, strike lines 23–25; and page 38, line 1, strike the words "Commissioner and"
—(75) Page 38, line 8, strike the word "and".
—(76) Page 38, insert immediately after line 8 the following paragraph:
"(G) a waiver of all remedies arising under this title and under any section of any other title of the United States Code against another who, during the final year of the term of the patent extended under this section,

makes, uses, or sells the patented invention solely for uses directly related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs; and".

—(77) Page 38, line strike "(G)" and substitute therefor "(H)".

—(78) Page 39, line 14, after the word "period" insert the words "and the period of extension prescribed by subsection (c)".

—(79) Page 41, line 11, strike lines 11-16 and substitute therefor the following:

—(80) "(e)(1) if the application contains all the elements specified in subsection (d)(1), the Commissioner".

—(81) Page 41, line 19, insert after "(c)" the words "as determined by the Secretary".

—(82) Page 41, strike line 24; page 41, line 25, strike the word "application" and substitute therefor the words "certificate of extension issued or was denied".

—(83) Page 41, line 25, strike the word "deter-" and page 42, line 1, strike the words "mination is made,".

—(84) Page 42, line 1 insert before the words "the term" the words "certificate is issued or denied,".

—(85) Page, lines 2-3 strike the words "if he determines that the patent is eligible for extension".

—(86) Page 48, strike lines 24-25; and page 49, strike lines 1-6.

—(87) Page 49, line 7, strike "(2)" and substitute therefor "(e)(1)".

—(88) Page 49, line 16, strike "(3)" and substitute therefor "(2)".

—(89) Page 49, line 20, strike "(4)" and substitute therefor "(3)".

—(90) Page 49, line 21, strike "(2)" and substitute therefor "(1)".

—(91) Page 50, line 10, strike "(2)" and substitute therefor "(1)".

—(92) Page 50, strike lines 17-18 and substitute therefor the following:

"(1) a material failure to meet the requirements of subsection (a) of section 156,".

—(93) Page 50, strike lines 17-18 and substitute therefor the following:

"(2) a material error in determining the period of extension under subsections (c) and (g) of section 156, or".

—(94) Page 50, strike lines 17-18 and substitute therefor the following:

"(3) a material failure by the applicant for the extension to comply with any of the requirements of section 156,".

—(95) On page 31, line 20, after the word "tended" and before the semicolon insert: "for the claimed product, method of use, or method of manufacture".

—(96) Page 38, line 8, strike the word "and"; insert immediately after section 156(d)(1)(D) the following paragraph:

"(E) a waiver of all remedies arising under this title and under any section of any other title of the United States Code against another who, during the final year of the term of the patent extended under this section, makes, uses, or sells the patented invention solely for uses directly related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs; and".

Page 48, strike lines 24 through 25 and on page 49 strike lines 1-6.

—(97) Page 38, line 7, strike "(E)" and substitute therefor "(F)".

—(98) Page 49, line 7, strike "(2)" and substitute therefor "(e)(1)".

—(99) Page 49, line 20, strike "(4)" and substitute therefor "(2)".

—(100) Page 49, line 21, strike "(2)" and substitute therefor "(1)".

—(101) Page 50, line 10, strike "(2)" and substitute therefor "(1)".

—(102) On page 48, line 24, after "(e)(1)" strike "It" and insert:

"As to patents issued after the effective date of this subsection and the terms of which are eligible for extension under section 156 of this title, it".

—(103) On page 31, line 12, insert "or products" after "product".

—(104) On page 35, line 12, insert "or products" after "product".

—(105) On page 35, line 16, insert "or products" after "product".

—(106) On page 35, line 18, insert "or products" after "product".

—(107) On page 31, line 22, insert "exclusive licensee or its" before "agent".

—(108) On page 36, line 24, insert "exclusive licensee or its" before "agent".

—(109) On page 33, line 1, insert "to the patent holder" after "issued".

—(110) On page 33, line 3, insert "to the patent holder" after "issued".

—(111) On page 34, line 3, insert "to the patent holder" after "in a patent".

—(112) On page 34, line 8, insert a comma after "marketing"; insert "by the patent holder" after "or use".

—(113) On page 34, line 10, insert a comma after "marketing"; insert "by the patent holder" after "or use".

—(114) On page 34, line 17, insert a comma after "marketing"; insert "by the patent holder" after "or use".

—(115) On page 34, line 19 insert a comma after "marketing"; insert "by the patent holder" after "or use".

—(116) On page 36, line 21 insert "the extension period once the remaining term" after "total of"; delete "both such periods"; change "does" to "do".

—(117) On page 37, delete lines 12 through 15.

—(118) On page 37, delete lines 26 through 21.

—(119) On page 5, lines 9-10, delete "pro-" and "duced" and insert in place thereof "manufactured, packed,".

—(120) On page 5, line 10, delete "manufactures" and insert in place thereof "persons".

—(121) On page 6, line 16, delete the words "has given" and insert in place thereof "will give".

—(122) On page 7, delete lines 11-14 in their entirety and insert in place thereof: "The notice referred to in clause (i) shall be made by certified or registered mail on the date on which the abbreviated application is accepted for filing by the Secretary.".

—(123) On page 24 line 10, delete the words "has given" and insert in place thereof "will give"; and.

—(124) On page 25, delete lines 4-7 in their entirety and insert in place thereof: "The notice referred to in subparagraph (A) shall be made by certified or registered mail on the date on which the application submitted under subparagraph (1) is accepted for filing by the Secretary.".

—(125) On page 12, in subparagraph (iii), line 25, delete after "shall be made effective" the words "upon the expiration of the eight-" and on page 13, delete lines 1-2 and delete on line 3 "such shorter or longer period" and insert in place thereof the words "on such date".

—(126) On page 13, line 9, in subparagraph (I) delete the words "court decision", and insert in lieu thereof the words "final decision in the court of original jurisdiction".

—(127) On page 13, insert at the end of line 24: "In the event an appellate court finds an infringement in the appeal of any such action, that court shall remand to the court of original jurisdiction with instructions to enjoin the infringer from any further commercial manufacture, use, or sale of the infringing product during the remaining term of the patent.".

—(128) On page 26, line 5, delete the words "upon the expiration of the eight-", delete lines 6-7, and on line 8 delete the words "shorter or longer period" and insert in place thereof the words "on such date".

—(129) On page 26, line 14, delete the words "court decision", and insert in lieu thereof the words "final decision in the court of original jurisdiction".

—(130) On page 27, insert the following at the end of line 4: "In the event an appellate court finds an infringement in the appeal of any such action, that court shall remand to the court of original jurisdiction with instructions to enjoin the infringer from any further commercial manufacture, use, or sale of the infringing product during the remaining term of the patent.".

—(131) On page 15, delete lines 4 (beginning with "submitted") through line 7, the words "tion under subsection (b),".

—(132) On page 15, line 16 after "a drug," delete the rest of line 16, line 17, and line 18 through "application under subsection (b),".

—(133) On page 27, line 7, delete the words "no active ingredient (including any ester or", and delete lines 8-9.

—(134) On page 27, line 23, after "(b) for a drug," delete the rest of line 22, delete line 23, and on line 24, delete the words "approved in any other application under submission (b),".

—(135) On page 11, line 15, insert after "subsection (e),": "the Secretary has published a notice of opportunity for hearing to withdraw approval of the listed drug under subsection (c) for grounds described under the first sentence of subsection (e),".

—(136) On page 4, line 4, delete "does not meet the requirements" and insert in place thereof "is not a 'new drug' within the meaning".

By Mr. KINDNESS:

—(1) On page 6, insert after line 10:

"(ix) information to show that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or, if not listed or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity;".

—(2) On page 6, insert after line 10:

"(x) any information available to the applicant, including preclinical or clinical data developed by the applicant or by other persons on behalf of the applicant, on adverse effects of the drug that is not reflected in the labeling;".

—(3) On page 6, insert after line 10:

"(xi) with respect to each clinical investigation involving human subjects, a statement that it was conducted in accordance with the requirements for institutional review or informed consent set out in regulation promulgated by the Secretary;".

—(4) On page 6, insert after line 10:

"(xii) with respect to each nonclinical laboratory study contained in the application a statement that the study was conducted in compliance with good laboratory practice; and".

—(5) On page 6, insert after line 10:

"(xiii) certifications from the applicant and from any person other than the applicant who performs a part of the manufacture, processing, package, or labeling of the drug, that the methods used in, and the fa-

cilities and controls used for, the manufacture, packaging, and holding of the drug are in conformity with current good manufacturing practice;".

—(6) On page 6, insert after line 10:

"(xiv) any additional information that may be required for the approval of the application as specified in a written communication from the Secretary;".

—(7) On page 6, line 10, delete "." and insert in place thereof ";".

—(8) On page 6, delete lines 11–13.

—(9) On page 8, after line 2, insert:

"(ii) that the drug may not be adequately evaluated for approval as safe and effective on the basis of the information required to be submitted in an abbreviated application.".

—(10) On page 7, line 23, insert after "finds", "(i)".

—(11) On page 8, line 2, delete "." and insert in place thereof "; or ".

—(12) On page 11, lines 3–4, delete "or any other information available to the Secretary" and insert in place thereof "is insufficient to".

—(13) On page 11, line 11, insert after "included;", "or" and add

"(2) such information or any other information available to the Secretary shows that the inactive ingredients are unsafe or the composition of the drug is unsafe under such conditions.".

—(14) On page 11, line 3, insert after "(H)", "(1)".

—(15) On page 11, add after line 24:

"(L) the drug may not be adequately evaluated as safe and effective upon the basis of the information required to be submitted in the abbreviated application.".

—(16) On page 11, line 24 delete "." and insert in place thereof "; or".

—(17) On page 11, line 22 delete "or".

—(18) On page 5, at the end of line 12, replace the semicolon with a comma and add: "and in the case of a drug for which the Secretary believes additional information is required in the interest of public health, the Secretary may require the items specified in clauses (A) through (F) of subsection (b)(1);".

—(19) On page 4, line 4, insert after "201(p),": "information to show that the new drug meets any applicable requirements relating to combination drugs,".

—(20) On page 4, line 6 insert after "ingredient", "or combination of ingredients".

—(21) On page 4, line 22, delete beginning with "the active ingredients" all through line 24 ending with "as those of" and insert in place thereof: "the new drug contains the identical therapeutic moiety, or its precursor, but not necessarily in the same amount or dosage from or in the same salt or ester as".

—(22) On page 11, line 15 insert after "subsection (e),": "the Secretary has published a notice of opportunity for hearing to withdraw approval of the listed drug under subsection (c) for grounds described under the first sentence of subsection (e),".

—(23) On page 4, line 4, delete "does not meet the requirements" and insert in place thereof "is not a 'new drug' within the meaning".

—(24) On page 42, lines 18 and 19, delete "including any salt or ester of the active ingredient".

—(25) On page 42, lines 19 and 20, delete ", as a single entity or in combination with another active ingredient.".

—(26) On page 6, insert after line 10: "and (xv) the earliest date on which the applicant wants the approval of the application to become effective.".

—(27) On page 5, line 13, delete the remainder of the line after "certification", delete line 14 and insert: "that the applicant has, by certified or registered mail, provided notice of the abbreviated application, such notice to include the information specified in clauses (i), (ii), and (xv), to the holder of the approved application for the listed drug referred to in clause (i) and to the owners of".

—(28) On page 5, line 15 delete "the" and insert in place thereof "such".

—(29) On page 5, line 15 delete "referred to in"; line 16 delete "clause (i)".

—(30) Delete starting on page 5, line 20 through page 6, line 10.

—(31) On page 29, line 3 between "a drug" and "which" strike "and".

—(32) On page 29, line 4 after "public" and before "shall be made available" insert ", and the revealing of which data and information is not prohibited under section 301(j) of the Act or under 18 U.S.C. 1905, "; and.

—(33) On page 29, line 15 delete "or" and replace the comma with a period.

—(34) On line 16–21, delete paragraph (5) in its entirety.

—(35) Insert after paragraph (4) as the end of section (1) the following: "The Secretary may provide by regulation for the release of summaries of safety and effectiveness data and information submitted in such an application, provided such summaries do not constitute the full reports of investigations under subsection (5)(1)(A) of this section on which the safety and effectiveness of the drug may be approved.".

—(36) Page 31, strike line 24 through page 32, line 21.

—(37) Page 32, line 22, change "(5)" to "(4)".

—(38) Page 34, line 5, change "(6)" to "(5)".

—(39) Page 34, line 7, change "(7)" to "(6)".

—(40) Page 34, line 21, change "(8)" to "(7)".

—(41) Page 35, line 1, strike "paragraphs (4), (5), (6), and (7)" and substitute therefor "paragraphs (4), (5) and (6)".

—(42) Page 32, strike lines 22–25; page 33, strike lines 1–24; and page 34, strike lines 1–4.

—(43) Page 34, line 5, change "(6)" to "(5)".

—(44) Page 34, line 7, change "(7)" to "(6)".

—(45) Page 34, line 21, change "(8)" to "(7)".

—(46) Page 35, line 1, strike "(5), (6), and (7)" and substitute therefor "(5) and (6)".

—(47) Page 34, strike lines 7–20.

—(48) Page 34, line 21, change "(8)" to "(7)".

—(49) Page 35, line 1, strike "(6) and (7)" and substitute therefor "and (6)".

—(50) Page 34, strike lines 21–25.

—(51) Page 34, line 6, insert after ";" the word "and".

—(52) Page 34, line 20, strike "; and" and substitute therefor ".".

—(53) Page 35, line 3, strike the remainder of the line after "uct'.".

—(54) Page 35, strike lines 4–6.

—(55) Page 36, strike lines 15–22 and substitute therefor the following:

"(3) no term of any extended patent may exceed twenty-five years from the date of filing of the earliest United States patent application which provides support under Section 120 of this title for any claim of the patent to be extended.".

—(56) Page 37, line 8, strike the word "and" after "sought" and substitute therefor ",".

—(57) Page 37, line 11, insert after the word "product" the words ", and the filing date of the earliest application for the patent ferred to in subsection (c)(3)".

—(58) Page 36, insert immediately after section 156(c)(3) the following paragraph:

"(4) in no event shall more than one patent be extended for the same regulatory review period for any product."

—(59) Page 36, line 14, strike "and".

—(60) Page 36, line 22, strike "." and substitute therefor "; and".

—(61) Page 37, line 6, strike ";" and after the word "product" insert the words "and the Federal statute under which regulatory review occurred;".

—(62) Page 37, line 8, strike the word "identification" and substitute therefor "identity".

—(63) Page 37, strike lines 12–15.

—(64) Page 37, line 16, strike "(D)" and substitute therefor "(C)".

—(65) Page 37, line 22, strike "(E)" and substitute therefor "(D)".

—(66) Page 38, line 5, strike "(F)" and substitute therefor "(E)".

—(67) Page 38, line 9, strike "(G)" and substitute therefor "(F)".

—(68) Page 39, line 13, strike "(E)" and substitute therefor "(D)".

—(69) Page 37, strike lines 16–21.

—(70) Page 37, line 22, strike "(E)" and substitute therefor "(D)".

—(71) Page 38, line 5, strike "(F)" and substitute therefor "(E)".

—(72) Page 38, line 9, strike "(G)" and substitute therefor "(F)".

—(73) Page 39, line 13, strike "(E)" and substitute therefor "(D)".

—(74) Page 37, line 22, strike the words "the Commissioner to"; Page 37, strike lines 23–25; and page 38, line 1, strike the words "Commissioner and".

—(75) Page 38, line 8, strike the word "and".

—(76) Page 38, insert immediately after line 8 the following paragraph:

"(G) a waiver of all remedies arising under this title and under any section of any other title of the United States Code against another who, during the final year of the term of the patent extended under this section, makes, uses, or sells the patented invention solely for uses directly related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs; and"

—(77) Page 38, line 9, strike "(G)" and substitute therefor "(H)".

—(78) Page 39, line 14, after the word "period" insert the words "and the period of extension prescribed by subsection (c)".

—(79) Page 41, line 11, strike lines 11–16 and substitute therefor the following:

—(80) "(e)(1) If the application contains all the elements specified in subsection (d)(1), the Commissioner".

—(81) Page 41, line 19, insert after "(c)" the words "as determined by the Secretary".

—(82) Page 41, strike line 24; Page 41, line 25, strike the word "application" and substitute therefor the words "certificate of extension issued or was denied".

—(83) Page 41, line 25, strike the word "deter-" and page 42, line 1, strike the words "mination is made,".

—(84) Page 42, line 1 insert before the words "the term" the words "certificate is issued or denied,".

—(85) Page 42, lines 2–3 strike the words "if he determines that the patent is eligible for extension".

—(86) Page 48, strike lines 24–25; and

—(87) Page 49, line 7, strike "(2)" and substitute therefor "(e)(1)".

—(88) Page 49, line 16, strike "(3)" and substitute therefor "(2)".

—(89) Page 49, line 20, strike "(4)" and substitute therefor "(3)".

—(90) Page 49, line 21, strike "(2)" and substitute therefor "(1)".

—(91) Page 50, line 10, strike "(2)" and substitute therefor "(1)".
—(92) Page 50, strike line 17-18 and substitute therefor the following:
"(1) a material failure to meet the requirements of subsection (a) of section 156,".
—(93) Page 50, strike line 17-18 and substitute therefor the following:
"(2) a material error in determining the period of extension under subsections (c) and (g) of section 156, or".
—(94) Page 50, strike line 17-18 and substitute therefor the following:
"(3) a material failure by the applicant for the extension to comply with any of the requirements of section 156,".
—(95) On page 31, line 20, after the word "tended" and before the semicolon insert: "for the claimed product, method of use, or method of manufacture";.
—(96) Page 38, line 8, strike the word "and"; insert immediately after section 156(d)(1)(D) the following paragraph:
"(E) a waiver of all remedies arising under this title and under any section of any other title of the United States Code against another who, during the final year of the term of the patent extended under this section, makes, uses, or sells the patented invention solely for uses directly related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs; and".
Page 48, strike lines 24 through 25 and on page 49 strike lines 1-6.
—(97) Page 38, line 7, strike "(E)" and substitute therefor "(F)".
—(98) Page 49, line 7, strike "(2)" and substitute therefor "(e)(1)".
—(99) Page 49, line 20, strike "(4)" and substitute therefor "(2)".
—(100) Page 49, line 21, strike "(2)" and substitute therefor "(1)".
—(101) Page 50, line 10, strike "(2)" and substitute therefor "(1)".
—(102) On page 48, line 24, after "(e)(1)" strike "It" and insert: "As to patents issued after the effective date of this subsection and the terms of which are eligible for extension under section 156 of this title, it".
—(103) On page 31, line 12, insert "or products" after "product".
—(104) On page 35, line 12, insert "or products" after "product".
—(105) On page 35, line 16, insert "or products" after "product".
—(106) On page 35, line 18, insert "or products" after "product".
—(107) On page 31, line 22, insert "exclusive licensee or its" before "agent".
—(108) On page 36, line 24, insert "exclusive licensee or its" before "agent".
—(109) On page 33, line 1, insert "to the patent holder" after "issued".
—(110) On page 33, line 3, insert "to the patent holder" after "issued".
—(111) On page 34, line 3, insert "to the patent holder" after "in a patent".
—(112) On page 34, line 8, insert a comma after "marketing"; insert "by the patent holder" after "or use".
—(113) On page 34, line 10, insert a comma after "marketing"; insert "by the patent holder" after "or use".
—(114) On page 34, line 17, insert a comma after "marketing"; insert "by the patent holder" after "or use".
—(115) On page 34, line 19, insert a comma after "marketing"; insert "by the patent holder" after "or use".
—(116) On page 36, line 21, insert "the extension period once the remaining term" after "total of"; delete "both such periods"; change "does" to "do".
—(117) On page 37, delete lines 12 through 15.
—(118) On page 37, delete lines 26 through 21.
—(119) On page 5, lines 9-10, delete "pro-" and "duced" and insert in place thereof "manufactured, packed,".
—(120) On page 5, line 10, delete "manufacturers" and insert in place thereof "persons".
—(121) On page 6, line 16, delete the words "has given" and insert in place thereof "will give".
—(122) On page 7, delete lines 11-14 in their entirety and insert in place thereof: "The notice referred to in clause (i) shall be made by certified or registered mail on the date on which the abbreviated application is accepted for filing by the Secretary.".
—(123) On page 24, line 10, delete the words "has given" and insert in place thereof "will give"; and.
—(124) On page 25, delete lines 4-7 in their entirety and insert in place thereof: "The notice referred to in subparagraph (A) shall be made by certified or registered mail on the date on which the application submitted under subparagraph (1) is accepted for filing by the Secretary.".
—(125) On page 12, in subparagraph (iii), line 25, delete after "shall be made effective" the words "upon the expiration of the eight-" and on page 13, delete lines 1-2 and delete on line 3 "such shorter or longer period" and insert in place thereof the words "on such date".
—(126) On page 13, line 9, in subparagraph (I) delete the words "court decision", and insert in lieu thereof the words "final decision in the court of original jurisdiction";.
—(127) On page 13, insert at the end of line 24: "In the event an appellate court finds an infringement in the appeal of any such action, that court shall remand to the court of original jurisdiction with instructions to enjoin the infringer from any further commercial manufacture, use, or sale of the infringing product during the remaining term of the patent.".
—(128) On page 26, line 5, delete the words "upon the expiration of the eight-", delete lines 6-7, and on line 8 delete the words "shorter or longer period" and insert in place thereof the words "on such date".
—(129) On page 26, line 14, delete the words "court decision", and insert in lieu thereof the words "final decision in the court of original jurisdiction".
—(130) On page 27, insert the following at the end of line 4: "In the event an appellate court finds an infringement in the appeal of any such action, that court shall remand to the court of original jurisdiction with instructions to enjoin the infringer from any further commercial manufacture, use, or sale of the infringing product during the remaining term of the patent.".
—(131) On page 15, delete lines 4 (beginning with "submitted") through line 7, the words "tion under subsection (b),".
—(132) On page 15, line 16 after "a drug," delete the rest of line 16, line 17, and line 18 through "application under subsection (b),".
—(133) On page 27, line 7, delete the words "no active ingredient (including any ester or", and delete lines 8-9.
—(134) On page 27, line 23, after "(b) for a drug," delete the rest of line 22, delete line 23, and on line 24, delete the words "approved in any other application under submission (b),".
—(135) On page 11, line 15 insert after "subsection (e),": "the Secretary has published a notice of opportunity for hearing to withdraw approval of the listed drug under subsection (c) for grounds described under the first sentence of subsection (e),".
—(136) On page 4, line 4, delete "does not meet the requirements" and insert in place thereof "is not a 'new drug' within the meaning".

By MR. MOORHEAD:

—On page 32; line 3, after the semicolon add the word "and"; and strike lines 4 through 24.
On page 33; strike lines 1 through 25.
On page 34; strike lines 1 through 9; and strike lines 12 through 25; on line 10 strike "(6)" and insert in lieu thereof "(4)"; and on line 11, strike the semicolon and insert a period in lieu thereof.
On page 35; strike lines 1 through 5; on line 6, strike paragraphs "(5)", "(6)", and "(7)"; and insert in lieu thereof the word "paragraph"; and one line 8, strike "for purposes of paragraphs (4)(B)(5)(B), the holder of", and all of lines 9 through 11.
On page 36, line 18, strike the word "and".
On page 37, after line 2, insert the following new subparagraph "(4)"
"(4) in no event shall more than one patent be extended for the same regulatory review period for any product.".
On page 37; line 11, strike the semicolon and add "and the Federal statute under which regulatory review occurred;".
On page 38; strike lines 1 through 6; and on line 7, strike "Commissioner and", and insert in lieu thereof "(E)".
On page 39; line 19, after the word "period" insert "and the period of extension prescribed by subsection "(c)".
On page 41; strike lines 16 through 21 and insert in lieu thereof the following: "If the application contains all the elements specified in subsection (d)(1), the Commissioner"; and on line 24, after "(c)" insert the following: "as determined by the Secretary".
On page 42, strike lines 5 through 9 and insert in lieu thereof the following: "certificate of extension issued or was denied, the Commissioner shall extend, until such certificate is issued or denied, the term of the patent for periods of up to one year.".
On page 51; line 2; strike "because of the"; on line 3, strike "material failure" and substitute in lieu thereof "due to"; strike lines 4 and 5 and insert in lieu thereof the following:
"(1) a material failure to meet the requirements of subsection (a) of section 156,
"(2) a material error in determining the period of extension under subsections (c) and (g) of section 156, or
"(3) a material failure by the applicant for the extension to comply with any of the requirements of section 156,"; and on line 6, strike "to comply with the requirements of such section".
—Page 38; line 14; strike the word "and"; and insert immediately thereafter the following new subsection "(G)" and reletter the subsections that follow accordingly:
"(G) a waiver of all remedies arising under this title and under any section of any other title of the United States Code against another who, during the final year of the term of the patent extended under this section, makes, uses or sells the patented invention solely for uses directly related to the development and submission of information under a Federal law which regulates the manufacture, use, or sale of drugs; and".
Page 49; strike lines 8 through 15, and on page 50 strike lines 1 through 4 and renumber the subsection accordingly.
Page 50; line 20; strike "(2)" and insert in lieu thereof "(1)".

H.R. 5640

By Mr. BLILEY:

—SEC. 4682. EXEMPTIONS—

"The tax imposed by section 4681 shall not apply to the following—".

Add new (4) as follows:

"(4) The disposal of any substance for energy recovery in accordance with the standards applicable to energy recovery facilities permitted under Subtitle C of the Solid Waste Disposal Act.

—Page —, after line —, insert:

"(4) The disposal of any substance for energy recovery in accordance with the standards applicable to energy recovery facilities permitted under subtitle C of the Solid Waste Disposal Act.".

By Mr. BREAUX:

(Amendment No. 1 to committee print)

—(1) Delete section 101 and renumber following sections accordingly

(2) Conform the Table of Contents.

(Amendment No. 2 to committee print)

—Delete lines 17-18 on page 4 and insert in lieu thereof the following:

"(ii) which may present a significant risk to human health through contamination of ground water that supplies or can reasonably be expected to supply an underground source of drinking water;".

(Amendment No. 3 to committee print)

—(1) On page 1, line 2, strike "This Act" and insert in lieu thereof "Titles I through V".

(2) Delete lines 17-18 on page 4 and insert in lieu thereof the following:

"(ii) which may present a significant risk to human health through contamination of groundwater that supplies or can reasonably be expected to supply an underground source of drinking water;".

(3) At the end of the bill, add the following:

TITLE VI—OIL POLLUTION LIABILITY AND COMPENSATION

SHORT TITLE AND DEFINITIONS

SEC. 601. (a) Titles VI through IX may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act."

(b) For the purposes of this Act, the term—

(1) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(2) "claim" means a demand in writing for a sum certain;

(3) "cleanup costs" means costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from that incident;

(4) "discharge" means any emission, intentional or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(5) "facility" means a structure, or group of structures, which is either—

(A) located, in whole or in part, on the outer Continental Shelf and used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the Outer Continental Shelf, or

(B) licensed under the Deepwater Port Act of 1974;

(6) "foreign claimant" means any person residing in a foreign country, the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim;

(7) "guarantor" means the person, other than the responsible party, who provides evidence of financial responsibility for a responsible party;

(8) "incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, which causes, or poses a substantial threat, of oil pollution;

(9) "inland oil barge" means a non-self-propelled vessel, carrying oil in bulk as cargo or in residue from cargo and certificated to operate only on the internal waters of the United States while operating in such waters;

(10) "internal waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside that baseline which are a part of the Gulf Intracoastal Waterway;

(11) "lessee" means a person holding a leasehold interest in an oil and gas lease on submerged lands of the Outer Continental Shelf granted or maintained under the Outer Continental Shelf Act;

(12) "licensee" means a person holding a license issued under the Deepwater Port Act of 1974;

(13) "mobile offshore drilling unit" means every watercraft or other contrivance (other than a public vessel of the United States) capable of use as a means of transportation on water and as a means of drilling for oil on the Outer Continental Shelf;

(14) "natural resources" means living and nonliving resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15) "Navigable waters" means the waters of the United States, including the territorial sea;

(16) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(17) "oil pollution" means—

(A) the presence of oil which has been discharged from a vessel or facility in quantities which the President has determined may be harmful pursuant to paragraph (4) of subsection (b) of section 311 of the Federal Water Pollution Control Act—

(i) in or on the navigable waters or on land within the United States immediately adjacent thereto; or

(ii) in or on waters of the contiguous zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone; or

(B) the presence of oil (other than natural seepage) in or on the high seas outside the territorial limits of the United States—

(i) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act;

(ii) when discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or from a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port licensed under such Act;

(iii) causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(iv) when discharged, prior to being brought ashore in a port in the United States, from a ship that received oil at the terminal of the pipeline constructed under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) for transportation to a port in the United States; or

(C) the presence of oil (other than natural seepage) in or on the territorial sea, internal waters, or adjacent shoreline, of a foreign country, in a case where damages are recoverable by a foreign claimant under section 603(b)(6) of this title; (18) "operator" means—

(A) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(B) in the case of a pipeline, any person, except the owner, who is responsible for the operation of such pipeline by agreement with the owner;

(19) "outer Continental Shelf" has the meaning set forth in subsection (a) of section 2 of the Outer Continental Shelf Lands Act;

(20) "owner" means, in the case of a vessel or a pipeline, any person holding title to, or in the absence of title, any other indicia of ownership of, the vessel or pipeline, whether by lease, permit, contract, license, or other form of agreement, except that such term does not include a person who, without participating in the management or operation of a vessel or a pipeline, holds indicia of ownership primarily to protect his security interest in the vessel or pipeline;

(21) "permittee" means a person holding an authorization, license, or permit for geological exploration issued under section 11 of the Outer Continental Shelf Lands Act;

(22) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or any other commercial, legal, or governmental entity;

(23) "public vessel" means a vessel which—

(A) is owned or chartered by demise, and operated by (i) the United States, (ii) a State or political subdivision thereof, or (iii) a foreign government, and

(B) is not engaged in commercial service;

(24) "removal costs" means—

(A) costs incurred under subsection (c), (d), or (l) of section 311 of the Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, or subsection (b) of section 18 of the Deepwater Port Act of 1974, and

(B) cleanup costs, other than the costs described in subparagraph (A);

(25) "responsible party" means—

(A) with respect to a vessel or a pipeline, the owner or operator of such vessel or pipeline;

(B) with respect to a facility (other than a deepwater port or pipeline), the lessee or permittee of the area in which such facility is located, or the hodler of a right of use and easement granted under the Outer Continental Shelf Lands Act for the area in which such facility is located where such holder is a different person than the lessee or permittee; and

(C) with respect to a deepwater port, the licensee;

(26) "Secretary" means the Secretary of Transportation;

(27) "ship" means a vessel (other than an inland oil barge) carrying oil in bulk as cargo or in residue from cargo;

(28) "Trust Fund" means the fund established by section 201 of this Act;

(29) "United States" and "State" include the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(30) "United States claimant" means any person residing in the United States, the Government of the United States or any agency thereof, or the government of a State or a political subdivision thereof, who asserts a claim; and

(31) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

COORDINATION WITH INTERNATIONAL CONVENTIONS

SEC. 602. On and after the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States, this title shall not apply with respect to damage arising out of or directly resulting from oil pollution or a substantial threat of oil pollution to the extent this title is inconsistent with such conventions and title IX of this Act.

DAMAGES AND CLAIMANTS

SEC. 603. (a) Claims for damages for economic loss, incurred on or after the effective date of this section and arising out of or directly resulting from oil pollution or the substantial threat of oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) injury to, or destruction of, natural resources, including reasonable costs incurred by the trustee of the damaged resources in assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources;

(4) loss of subsistence use of natural resources;

(5) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources to the extent that such damages were sustained during the two-year period beginning on the date the claimant first suffered such loss; and

(6) loss of tax revenue for a period of one year due to injury to real or personal property.

(b)(1) A claim may be asserted under paragraph (1) of subsection (a) by any claimant, except that the responsible party with respect to a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 604(c) of this title or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 604(b) of this title, in which case the claim may be asserted only to the extent that the sum of the removal costs incurred by the responsible party plus the amounts paid by the responsible party or by the guarantor on behalf of the responsible party for claims asserted under subsection (a) of this section exceeds the amount to which the total of the liability under section 604(a) and removal costs incurred by, or on behalf of, the responsible party is limited under section 604(b).

(2) A claim may be asserted under paragraphs (2) and (4) of subsection (a) by any United States claimant, if the property involved is owned or leased, or the natural resource involved is utilized, by the claimant.

(3) A claim may be asserted under paragraph (3) of subsection (a) by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercises exclusive management authority, or by the Governor of any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State. Compensation paid under this paragraph may be used only for assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources.

(4) A claim may be asserted under paragraph (5) of subsection (a) by any United States claimant if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource or, if such activities are seasonal in nature, 25 per centum of the claimant's earnings during the season in which such activities took place.

(5) A claim may be asserted under paragraph (6) of subsection (a) by any State or political subdivision thereof.

(6) Except as otherwise provided in this paragraph, a claim may be asserted under paragrahs (2), (3), (4), and (5) of subsection (a) by a foriegn claimant to the same extent tha a United States claimant may assert a claim if—

(A) the oil pollution occurred in the waters, including the territorial sea, or adjacent shoreline of a foreign country of which the claimant is a resident;

(B) the claimant is not otherwise compensated for his loss;

(C) the oil was discharged from a vessel located within the navigable waters, was discharged in connection with activities conducted under Outer Continental Shelf Lands Act, or was discharged from a deepwater port licensed under Deepwater Port Act of 1974 or a vessel transitting to or from a deepwater port and located in a safety zone of a deepwater port under such Act; and

(D) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country of which the claimant is a resident, or the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

In the case of any oil pollution involving oil that has been transported through the pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act, has been loaded on a vessel for transportation to a port in the United States, and is discharged from such vessel before being unloaded in that port, a claim may be asserted by a resident of Canada without regard to subparagraphs (A), (C), and (D) of this paragraph, to the same extent that a United States claimant may assert a claim.

(7) A claim may be asserted under any paragraph of subsection (a), by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection.

(c) If the Attorney General fails to act under paragraph (7) of subsection (b) within sixty days after the date on which the Secretary designates a source under section 606, any member of a group may assert a claim for damages on behalf of that group. Failure of the Attorney General to act shall have no bearing on any claim for damages asserted under this section.

LIABILITY

SEC. 604. (a)(1) Subject to paragraph (2) of this subsection and subsections (b) and (c) of this section, the responsible party with respect to a facility or a vessel (other than a public vessel) that is the source of oil pollution, or poses a substantial threat of oil pollution in circumstances that justify the incurrence of the type of costs described in section 601(b)(24)(A) of this title, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 603.

(2)(A) Except as provided in subparagraph (B) of this paragraph, in any case in which a mobile offshore drilling unit is being used as a facility and is the source of oil pollution originating on or above the surface of the water or poses the substantial threat of such oil pollution, such unit shall be deemed to be a vessel which is a ship for purposes of this title.

(B) To the extent that damages for which claims may be asserted under section 603 from any incident described in subparagraph (A) exceed the amount for which the responsible party is liable under subparagraph (A) (as such amount may be limited under subsection (b)(2) of this section), the mobile offshore drilling unit shall be deemed to be a facilty covered by subsection (b)(4) of this section, except that for purposes of applying subsection (b)(4) the amount specified in such subsection shall be reduced by the amount for which the responsible party with respect to a ship is liable under subparagraph (A) of this paragraph.

(C) In the case of any incident described in subparagraph (A) which is caused primarily by willful misconduct or gross negligence within the privity or knowledge of both the owner or operator of the mobile offshore drilling unit and the lessee or permittee of the area, or holder of a right of use or easement for the area, in which such unit is located; or which is caused primarily by a violation within the privity or knowledge of both such owner or operator and such lessee or permittee or holder of applicable safety, constructions, or operating standards or regulations of the United States; or with respect to which both such owner or operator and such lessee or permittee or holder fail or refuse to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, such owner or operator and such lessee or permittee or holder shall be jointly, severally, and strictly liable (without limitation under subsection (b)) for all loss for which a claim may be asserted under section 603 of this title.

(b) Except when the incident is caused primarily by willful misconduct or gross negligence within the privity or knowledge of a responsible party, or is caused primarily by a violation within the privity or knowledge of a responsible party of applicable safety, construction, or operating standards or regulations of the United States; and except when a responsible party fails or refuses to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, the total of the liability under subsection (a) of this section and any removal costs incurred by, or on behalf of, such responsible party shall be limited to—

(1) in the case of a vessel other than a ship or an inland oil barge, $150 per gross ton;

(2) in the case of a ship, $1,000,000 or $400 per gross ton, whichever is greater (but not to exceed $40,000,000);

(3) in the case of an inland oil barge, $150,000 or $150 per gross ton, whichever is greater; or

(4) in the case of a facility, $50,000,000.

The Secretary shall, from time to time, report to Congress on the desirability of adjusting the limitations of liability specified in this subsection.

(c)(1) Except when the responsible party has failed or refused to report an incident where required by law, there shall be no liability under subsection (a) of this section if such responsible party proves that the incident—

(A) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(B) was wholly caused by an act or omission of a person other than—

(i) a responsible party;

(ii) an employee or agent of a responsible party; or

(iii) one whose act or omission occurs in connection with a contractual relationship with a responsible party.

(2) There shall be no liability under subsection (a) of this section—

(A) as to a particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(B) as to a particular claimant, to the extent that the incident or economic loss is caused by the negligence of that claimant.

(d)(1) Except as provided in title VII the Trust Fund shall be liable for damages for which claims may be asserted under section 603 of this title and which are presented under this title, to the extent that the loss is not otherwise compensated.

(2) Except for the removal costs specified in section 601(b)(24)(A) of this title, there shall be no liability under paragraph (1) of this subsection—

(A) where the incident is caused wholly by an act of war, hostilities, civil war, or insurrection;

(B) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(C) as to a particular claimant, to the extent that the incident or the economic loss is caused by the negligence of that claimant.

(e)(1) In addition to the damages for which claims may be asserted under section 603 of this title, and without regard to any limitations of liability provided in subsection (b) of this section, the responsible party with respect to a facility or vessel, or his guarantor (subject to the guarantor's limitation set forth in subsection (d) of section 605 of this title), shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the responsible party or guarantor to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the responsible party or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the responsible party or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which advertising was commenced pursuant to section 606 of this title, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the responsible party or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve bulletin.

(f)(1) A responsible party with respect to a facility or vessel may not transfer the liability imposed under this section to any other person.

(2) Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who, by an agreement with a responsible party with respect to a facility utilized in activities under the Outer Continental Shelf Lands Act, is engaged in such activities, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section. Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who owns or operates a towing vessel, by an agreement with a responsible party with respect to a non-self-propelled vessel, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section.

(g) Nothing in this title shall bar a cause of action that a responsible party subject to liability under this section or a guarantor has or would have by reason of subrogation or otherwise against any person.

(h) To the extent that it is in conflict with, or otherwise inconsistent with, any other law relating to liability or the limitation thereof, this section supersedes such other law.

FINANCIAL RESPONSIBILITY

SEC. 605. (a)(1) The responsible party with respect to each vessel (except a public vessel or a non-self-propelled vessel that does not carry oil as cargo or fuel) over three hundred gross tons that uses a facility or the navigable waters shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum liability under section 604 of this title to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 604 of this title. In cases where a responsible party owns or operates more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have the certification required under this subsection or the regulations issued hereunder.

(3) The Secretary of the department in which the Coast Guard is operating may (A) deny entry to any facility, to any port or place in the United States, or to the navigable waters, of (B) detain at the facility or at the port or place in the United States, any vessel subject to this subsection that, upon request, does not produce the certification required under this subsection or regulations issued hereunder.

(b) The responsible party with respect to each facility shall establish and maintain, in accordance with regulations issued by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 604 of this title. In cases where the responsible party is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to one such facility.

(c) Financial responsibility under this section may be established by any one, or by any combination, of the following methods acceptable to the Secretary: evidence of insurance, surety bond, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(d) Any claim authorized by section 603(a) of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section for any responsible party with respect to a facility or vessel. In defending against such a claim, the guarantor may invoke all rights and defenses which would be available to the responsible party under this title. He may also invoke the defense that the incident was caused by the willful misconduct of the responsible party, but he may not invoke any other defense that he might be entitled to invoke in proceedings brought by the responsible party against him.

(e) Nothing in this title shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceeds in the aggregate the amount of financial responsibility which that guarantor has provided for each responsible party. Nothing in this subsection shall be construed to limit any other statutory, contractual, or common law liability of a guarantor to any responsible party for whom such guarantor provides evidence of financial responsibility including, but not limited to, the liability of such guarantor for negotiating in bad faith a settlement of any claim.

DESIGNATION AND ADVERTISEMENT

SEC. 606. (a)(1) When the Secretary receives information of an incident that involves oil pollution, he shall, where possible and appropriate, designate the source or sources of the oil pollution and shall immediately notify the responsible party and the guarantor, if known, of that designation.

(2) When a source designated is a vessel or facility, and the responsible party or guarantor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of the designation, the responsible party or guarantor, as required by regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to such responsible party or guarantor. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, as he finds necessary, and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which

claims may be presented to that responsible party or guarantor.

(b) In a case where—

(1) the responsible party and the guarantor both deny a designation in accordance with paragraph (2) of subsection (a) of this section,

(2) the source of the discharge was a public vessel, or

(3) the Secretary is unable to designate the source or sources of the discharge under paragraph (1) of subsection (a) of this section,

the Secretary shall, in accordance with section 607 of this title, advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Trust Fund.

(c) Advertisement under subsection (a) shall commence no later than fifteen days from the date of the designation made thereunder and shall continue for a period of no less than thirty days.

CLAIMS SETTLEMENT

SEC. 607. (a) Except as provided in subsection (b) of this section, all claims shall be presented to the responsible party or guarantor designated under section 606(a) of this title.

(b) Claims may be presented to the Trust Fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 606(b) of this title; or

(2) where the responsible party may assert a claim under section 603(b)(1) of this title.

(c) In the case of a claim presented in accordance with subsection (a) of this section, and in which—

(1) each person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 606(a)(2) of this title, whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Trust Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a) of this section, where full and adequate compensation is unavailable, either because the claim exceeds a limit of liability invoked under section 604 of this title or because the responsible party and his guarantor are financially incapable of meeting their obligations in full, a claim for the uncompensated damages may be presented to the Trust Fund.

(e) In the case of claim which has been presented to any person under subsection (a) of this section and which is being presented to the Trust Fund under subsection (c) or (d) of this section, that person, at the request of the claimant, shall transmit the claim and supporting documents to the Trust Fund. The Secretary may, by regulation, prescribe the documents to be so transmitted and the terms under which they are to be transmitted.

(f)(1) The Secretary, in consultation with the Trust Fund, shall establish procedures and standards for the prompt appraisal and settlement of claims against the Trust Fund.

(2) The Trust Fund may use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Trust Fund and may contract for those facilities and services.

(3) To the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Trust Fund may use Federal personnel, on a reimbursable basis, to process claims against the Trust Fund.

(g) Any claimant, or any other person suffering legal wrong because of, or adversely affected or aggrieved by, a final determination of the Trust Fund with respect to a claim, may bring an action for judicial review of the determination. Such action shall be brought under section 609 and shall be the exclusive judicial remedy with respect to such final determination of the Trust Fund. Such an action shall be filed not later than thirty days after the Trust Fund issues notification of the final determination. Venue for any such action shall lie in any district wherein the claimant resides, in addition to any district described in section 609(b). The final determination of the Trust Fund shall not be held unlawful or set aside unless the reviewing court finds such determination to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

ACTIONS TO ENFORCE LIABILITY

SEC. 608. (a)(1) In any action brought under this title against a responsible party or guarantor, both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Trust Fund at the same time those pleadings are served upon the opposing parties.

(2) The Trust Fund may intervene as a party as a matter of right in any action in which a complaint has been served upon it under paragraph (1) of this subsection.

(3) In any action to which the Trust Fund is a party, if the responsible party or his guarantor admits liability under this title, the Trust Fund shall be dismissed therefrom to the extent of the admitted liability.

(4) If the Trust Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in paragraph (1) of this subsection, the Trust Fund shall be bound by any judgment entered therein, whether or not the Trust Fund was a party to the action.

(5) If neither the plaintiff nor the defendant serves a copy of the complaint and all subsequent pleading upon the Trust Fund in an action referred to in paragraph (1) of this subsection, the limitation of liability otherwise permitted by subsection (b) of section 604 of this title is not available to the defendant, and the plaintiff shall not recover from the Trust Fund any sums not paid by the defendant.

(b) In any action brought against the Trust Fund, the plaintiff may join any responsible party or his guarantor, and the Trust Fund may implead any person, who is or may be liable to the Trust Fund.

(c) No claim may be presented, nor may any action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against a responsible party or his guarantor or against the Trust Fund, as to their respective liabilities, within three years from the date of discovery of the economic loss for which a claim may be asserted under subsection (a) of section 603 of this title, or within six years of the date of the incident which resulted in that loss, whichever is earlier.

(d) Any person, including the Trust Fund, who compensates any claimant for an economic loss, compensable under 603, shall be subrogated to all rights, claims, and causes of action which that claimant has under this title.

(e) In any claim or action by the Trust Fund against any responsible party or guarantor under subsection (d), the Trust Fund shall recover—

(1) for a claim presented to the Trust Fund (where there has been a denial of source designation) under section 607(b)(1), or (where there has been denial of liability) under section 607(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 604(b), the amount the Trust Fund has paid to the claimant, without reduction;

(B) interest on that amount, at the rate calculated in accordance with section 604(e), from the date upon which the claim was presented by the defendant to the date upon which the Trust Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Trust Fund shall offer to the claimant the amount finally paid by the Trust Fund to the claimant in satisfaction of the claim against the Trust Fund to the date upon which the claimant shall accept that offer, inclusive;

(C) all costs incurred by the Trust Fund by reason of the claim, both of the claimant against the Trust Fund and the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; and

(2) for a claim presented to the Trust Fund under section 607(c)(2)—

(A) in which the amount the Trust Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the Trust Fund has paid to the claimant;

(ii) interest, at the rate calculated in accordance with section 604(e), for the period specified in paragraph (1)(B) of this subsection; and

(iii) all costs incurred by the Trust Fund by reason of the claim of the Trust Fund against the defendant, including, but not limited to, processing costs, investigation costs, court costs, and attorney's fees; or

(B) in which the amount the Trust Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the Trust Fund has paid to the claimant, without reduction;

(ii) interest, at the rate calculated in accordance with section 604(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause, except that if the defendant tendered the offer of the largest amount referred to in this subparagraph within sixty days after the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced under section 106, the defendant shall not be liable for interest for that period; and

(iii) interest from the date upon which the claim of the Trust Fund against the defendant was presented to the defendant to the date upon which the Trust Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Trust Fund the amount finally paid to the Trust Fund in satisfaction of the claim of

the Trust Fund to the date upon which the Trust Fund shall accept that offer, inclusive.

(f) The Trust Fund shall pay over to the claimant that portion of any interest the Trust Fund shall recover, under subsections (e)(10) and (e)(2)(A) for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Trust Fund, inclusive, less from the date upon which the Trust Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(g) The Trust Fund is entitled to recover for all interest and costs specified in subsection (e) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 609. (a) The United States district courts shall have exclusive original jurisdiction over all controversies arising under titles VI, VII, and VIII of this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) Unless otherwise provided in this Act, venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this section, the Trust Fund shall reside in the District of Columbia.

RELATIONSHIP TO OTHER LAW

SEC. 610. (a) Except as provided in this title—

(1) no action may be brought in any court of the United States, or of any State or political subdivision thereof, for an economic loss compensable under this title,

(2) no person may be required to contribute to any fund, the purpose of which is to compensate for damages for an economic loss described in section 603(a), except that, for a period of three years beginning on the effective date of this section, any State which on the effective date of this section has in effect a statute that requires such contributions may continue to require such contributions within the limits established by such statute as those limits exist on such date, and

(3) no person may be required to establish or maintain evidence of financial responsibility relating ot the satisfaction of a claim compensable under this title.

(b) Nothing in this Act shall preclude any State from imposing a tax or fee upon any person or upon oil in order to finance the purchase and prepositioning of oil pollution cleanup and removal equipment or to finance other preparations for responding to a discharge of oil which affects such State.

(c) Nothing in subsection (a) shall prohibit an action by the Trust Fund under any other provision of law to recover compensation paid under this title.

PENALTIES

SEC. 611. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 605 of this title or the regulations issued thereunder or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 612. There are authorized to be appropriated for those fiscal years which begin on or after October 1, 1984, such sums as may be necessary to carry out this Act.

TITLE VII.—COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

ESTABLISHMENT OF THE COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

SEC. 701. (a) The Comprehensive Oil Pollution Liability Trust Fund is established as a nonprofit corporate entity. The Trust Fund shall consist of—

(1) fees paid into the Trust Fund under section 702,

(2) amounts recovered or collected on behalf of the Trust Fund under title VI of this Act, and

(3) amounts transferred to the Trust Fund under sections 802(f) and 802(g) of this Act.

(b) The Trust Fund shall be administered by a Board of Directors under regulations prescribed by the Secretary.

(c)(1) The Board of Directors shall consist of nine voting directors appointed by the Secretary as follows—

(A) three shall be representatives of persons who are liable for fees imposed under this title;

(B) three shall be individuals (including but not limited to, representatives of any State or political subdivision thereof) who are potential claimants under paragraph (2), (4), or (5) of section 603(b) of this Act; and

(C) three shall be individuals from the general public, who are not eligible for appointment under subparagraph (A), and who have particular expertise, knowledge, and experience in the field of oil spill liability and compensation (including, but not limited to, environmental or labor representatives or guarantors).

(2) Not more than five voting directors shall be members of any one political party. All directors shall be citizens of the United States.

(3) The term of office of each director shall be six years, except that of the directors first appointed three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be apppointed for terms of six years. Any director appointed to fill a vacancy occuring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of that term.

(4) The Secretary or his delegate shall serve as a nonvoting member of the Board of Directors.

(5) The levels of compensation of the Board of Directors shall be fixed initially by the Secretary and may be adjusted from time to time upon recommendation by the Board of Directors and concurrence of the Secretary. Any member of the Board of Directors who is an officer or employee of the United States, and any other member of the Board of Directors who is prohibited by the terms of his employment from receiving additional compensation, shall receive no additional compensation on account of that member's service on the Board of Directors.

(6) Any director may be removed from office by the Secretary only for neglect of duty, malfeasance in office, or incompetence, or if the director no longer qualifies to be a director under paragraph (1).

(7) The Board of Directors shall meet at least once a year. A majority of the voting members of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of the voting members of the Board of Directors.

(8) All meetings of the Board of Directors held to conduct official business of the Trust Fund shall be open to public observation and shall be preceded by reasonable public notice. The Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information the premature disclosure of which would be likely to lead to speculation in investments of the Trust Fund; or

(B) information which is likely to adversely affect financial or securities markets or institutions.

(9) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) and (B) of paragraph (7) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be withheld under the provisions of subparagraphs (A) and (B) of paragraph (7).

(d)(1) The Board of Directors shall appoint a chief executive officer of the Trust Fund who shall be responsible for the administration of the Trust Fund.

The Board of Directors shall—

(A) established the offices and appoint the officers of the Trust Fund and define their duties;

(B) fix the compensation of individual officer positions and categories of other employees of the Trust Fund taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapter II and III of chapter 53 of title 5, United States Code for comparable positions or categories. If the Board of Directors determines that it is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the Secretary its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations unless the Secretary has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(C) provide a system of organization to fix responsibility and promote efficiency.

(3) Except as specifically provided herein, directors, officers, and employees of the Trust Fund shall not be subject to any law of the United States relating to governmental employment.

(4) The chief executive officer shall appoint such employees as may be necessary

for the transaction of the Trust Fund's business to, and may discharge such employees from, positions established in accordance with this section.

(5) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Trust Fund, except as provided in subsection (c)(1) of this section.

(6) The Board of Directors may provide for reimbursement of directors, officers, and employees for travel expenses and per diem.

(e) The Trust Fund and its income and property shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, or local taxing authority, except that—

(1) any real property owned in fee by the Trust Fund shall be subject to State, territorial, county, municipal, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof; and

(2) the Trust Fund and its employees shall be subject to any nondiscriminatory payroll and employment taxes intended to finance benefits based upon employment (such as social security and unemployment benefits) to the same extent as any privately owned corporation.

(f) The Trust Fund shall have the power to sue and be sued in its own name and to exercise all other lawful powers necessarily or reasonably related to the establishment of the Trust Fund and the exercise of its functions and duties under this Act.

(g)(1) The Trust Fund shall have an independent annual audit prepared in accordance with generally accepted accounting principles.

(2) Not later than one hundred and twenty days after the end of each fiscal year of the Trust Fund, the Trust Fund shall submit to the Congress and the Secretary an annual report containing the audit prepared under paragraph (1) and information regarding the organization, procedures, and activities of the Trust Fund during the preceding fiscal year.

(h) The principal office of the Trust Fund shall be located in the District of Columbia.

(i) Except to the extent expressly provided herein, the Trust Fund shall not be deemed to be an agency of the United States or an instrumentality of the United States.

(j) This title shall be considered the articles of incorporation for the Trust Fund.

FUND COLLECTIONS

SEC. 702. (a) A fee of 1.3 cents a barrel shall be paid into the Trust Fund by the owner of—

(1) oil received at a United States refinery;

(2) oil entered into the United States for consumption, use, or warehousing; and

(3) oil produced from a well located in the United States which is used in or exported from the United States.

(b) The Secretary, in consultation with the Trust Fund, shall by regulation establish procedures for the collection of the fee imposed by subsection (a).

(c) The fee imposed by subsection (a) shall only be in effect during those times when the amount in the Trust Fund (including the value of any securities held by the Trust Fund pursuant to section 703(b)) is less than $200,000,000.

(d) No fee shall be collected under this section with respect to any oil if the person who would be liable for the fee establishes that a prior fee has been imposed by this section with respect to that oil.

(e) The Trust Fund may bring an action in the district court of the United States for the collection of any fee required to be paid under this section.

(f) Any person who fails to collect or pay any fee as required by this section shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of Transportation, in addition to the fee required to be collected or paid and the interest on such fee in an amount equal to the amount such fee would have earned if collected or paid when due and invested in accordance with subsection (b) of section 703. Upon the failure of any person so liable to pay any penalty, fee, or interest upon demand, the Attorney General may, at the request of the Secretary of Transportation, bring an action in the name of the Fund against that person for such amount.

TRUST FUND DISBURSEMENT AND INVESTMENT

SEC. 703. (a) The Trust Fund shall be available, subject to appropriations, for the purposes of—

(1) immediate payment of removal costs described in section 601(b)(24)(A) and of reasonable costs incurred by the trustee under section 603(a)(3) in assessing damaged natural resources and preparing a restoration and acquisition plan with respect to the damaged natural resources;

(2) the payment of claims under title VI of this Act for damage which is not otherwise compensated;

(3) the costs of administration of this Act; and

(4) the payment of initial and annual contributions to the International Fund in accordance with section 904 of this Act.

(b) All sums not needed for purposes of subsection (a) shall be invested prudently in income producing securities approved by the Secretary in accordance with regulations issued by the Secretary. Income from these securities shall be added to the principal of the Trust Fund, except that whenever the amount in the Trust Fund (including the value of such securities) exceeds $300,000,000, the amount of any income from such securities shall be rebated, subject to appropriations, on a pro rata basis to the owners of the oil who contributed fees to the Trust Fund. If any owner no longer exists or income cannot otherwise be rebated after the diligence to do so, the income shall be retained by the Trust Fund.

LIMITATION ON PAYMENT OF CLAIMS BY THE TRUST FUND

SEC. 704. (a) No amount in the Trust Fund may be used to pay any claim, other than a claim for removal costs, to the extent that the payment of that claim would reduce the amount in the Trust Fund to an amount less than $30,000,000.

(b) If at any time the Trust Fund is unable by reason of subsection (a) to pay all of the claims, other than for removal costs, payable at that time, those claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined. Subject to approval of the Secretary, the Trust Fund may borrow amounts from any commerical credit source, at the best available terms, for purposes of paying such claims in such order.

(c) The liability of the Trust Fund under this Act with respect to one incident shall not exceed $100,000,000. If the Trust Fund is unable by reason of the preceding sentence to pay all claims with respect to the incident, the claims shall be reduced proportionately.

ANNUAL AUDIT REVIEW

SEC. 705. The Comptroller General shall review the audit required by section 701(g)(1) and shall submit a report of its review to Congress.

COORDINATION WITH OTHER PROVISIONS OF THIS ACT

SEC. 706. (a) If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to the Trust Fund, any claim which arises before October 1, 1984 (to the extent such claim would have been payable out of the transferor fund), shall be payable, subject to appropriations, out of the Trust Fund notwithstanding any of the limitations imposed by this title.

(b)(1) If the Secretary or his delegate determines that there is a TAP fund deficit, the fee imposed by section 702(a) on oil first transported through the Trans-Alaska Pipeline after the date of such determination shall be increased by 2 cents per barrel until the total amount of the increased fees equals such deficit.

(2) For purposes of paragraph (1) of this subsection, the term "TAP fund deficit" means the excess (if any) of—

(A) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund under section 802(b)(2) of this Act, over

(B) the total amount of the assets of the Trans-Alaska Pipeline Liability Fund as of the effective date of this section.

DEFINITIONS AND SPECIAL RULES

SEC. 707. (a) For purposes of this title, the term "United States" includes the outer Continental Shelf and any foreign trade zone of the United States.

(b) In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at the refinery at the time so produced.

(c) In the case of a fraction of a barrel, the fee imposed by section 702(a) of this title shall be the same fraction of the amount of the fee imposed on a whole barrel.

TITLE VIII—REGULATION, EFFECTIVE DATES, AND SAVINGS PROVISIONS

EFFECTIVE DATES

SEC. 801. (a) This section, section 601, section 602, section 612, title VII (other than section 702 (a), (c), (d), (e), and (f), section 703, and section 704), section 803, and each provision of title VI that authorizes the promulgation of regulations shall be effective on the date of the enactment of this Act.

(b) Title IX shall take effect on the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States.

(c) All other provisions of titles VI through IX and the regulations issued threunder, shall be effective on the one hundred and eightieth day after the date of enactment of this Act, except that the panalty prescribed by section 611 for failure to comply with the requirements of section 605 or the regulations issued thereunder shall not be effective until the ninetieth day after issuance of those regulations or the two hundred and seventieth day after the date

of enactment of this Act, whichever is earlier.

(d) Any regulation respecting financial responsibility, issued pursuant to any provision of law repeated by section 802 of this title, and to effect on the day immediately preceding the effective date of section 802 of this title shall remain in force until superseded by regulations issued under title VI of this Act.

CONFORMING AMENDMENTS

SEC. 802. (a) The first sentence of subsection (b) of section 204 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(b); 87 Stat. 586) is amended by inserting "in the State of Alaska" after "any area" and by inserting "related to the trans-Alaska oil pipeline" after "any activities". Such subsection is further amended by inserting at the end thereof the following new sentence: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act.".

(b)(1) Subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act is repealed. All assets of the Trans-Alaska Pipeline Liability Fund, as of the effective date of this section, except for assets equal to the total amount of claims certified by the Secretary under paragraph (2) of this subsection, shall be rebated, subject to appropriations, directly to the operator of the trans-Alaska oil pipeline for payment on a pro rata basis to the owners of the oil at the time it was loaded on the vessel. The Comprehensive Oil Pollution Liability Trust Fund shall assume all liability incurred by the Trans-Alaska Pipeline Liability Fund under terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and shall assume all liability incurred by the officers or trustees in the execution of their duties involving the Tans-Alaska Pipeline Liability Fund, other than the liability of those officers or trustees for gross negligence or willful misconduct.

(2) The Secretary of the Interior shall certify to the Secretary of the Treasury the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund not later than one hundred and eighty days after the effective date of this section. In the event that the total amount of the actual claims settled is less than the total amount of the outstanding claims certified, the difference between these amounts shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment, on a pro rata basis, to the owners of the oil at the time it was loaded on the vessel.

(c) Section 17 of the Intervention on the High Seas Act (33 U.S.C. 1488; 88 Stat. 10) is amended to read as follows:

"SEC. 17. The fund established under title VII of the Comprehensive Oil Pollution Liability and Compensation Act shall be available to the Secretary for actions and activities relating to oil pollution (as defined in section 601(b) of that Act) taken under section 5 of this Act. The fund established under section 311(k) of the Federal Water Pollution Control Act shall be available for actions and activities relating to other pollution taken under section 5 of this Act.".

(d) Section 311 of the Federal Water Pollution Control Act is amended as follows:

(1) Subsection (a) is amended by striking out the period at the end of paragraph (17) and inserting in lieu thereof a semicolon and the following new paragraph:

"(18) 'person in charge' means the individual immediately responsible for the operation of a vessel or facility.".

(2) Paragraph (5) of subsection (b) is amended in the last sentence by inserting after "person" the following: "or his employer".

(3) Subparagraph (A) of paragraph (6) of subsection (b) is amended—

(A) in the first and second sentences, by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge"; and

(B) in the third sentence, by striking out "the owner or operator" and inserting in lieu thereof "whoever being".

(4) Subparagraph (B) of paragraph (6) of subsection (b) is amended in the first and second sentences by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge".

(5) Subsection (c)(2)(H) is amended by striking out "from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal" and inserting in lieu thereof the following: "for the reasonable costs incurred in such removal (i) from the fund established under section 701 of the Comprehensive Oil Pollution Liability and Compensation Act in the case of any discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, or from a facility (as defined by title VI of such Act of (ii) from the fund established under subsection (k) of this section in any other case".

(6)(A) Subsection (d) is amended by inserting immediately before the last sentence the following: "Any expense incurred under this subsection or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof) as the result of the discharge or imminent discharge from a vessel of petroleum, including crude oil or any faction or residue therefrom, shall be reimbursed from the fund established under section 701 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(B) Subsection (d) is further amended by striking out "Any" in the last sentence and inserting in lieu thereof "Any other".

(7) Subsection (f)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(8) Subsection (f)(3) is amended by inserting "(other than a facility as defined by section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(9)(A) The first sentence of subsection (g) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the second place it appears, by inserting "(other than a facility as defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(B) The second sentence of subsection (g) is amended by inserting "(other than a facility as defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(C) The third sentence of subsection (g) is amended by inserting "such" before "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(10)(A) Subsection (i)(1) is amended by inserting "(other than a facility as defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(B) Subsection (i)(2) is repealed and paragraph (3) of subsection (i) (and all references thereto) is redesignated as paragraph (2).

(11) Subsection (p)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears.

(e) The Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.; 88 Stat. 2126) is amended as follows:

(1) Section 4(c)(1) is amended by striking out "section 18(l) of this Act" and inserting in lieu thereof "section 605 of the Comprehensive Oil Pollution Liability and Compensation Act".

(2) Subsections (b), (d), (e), (f), (g), (h), (i), (j), (l), and (n) of section 18 are repealed.

(3) Paragraph (3) of subsection (c) of section 18 is amended by striking out "Deepwater Port Liability Fund established pursuant to subsection (f) of this section." and inserting in lieu thereof "fund established under title VII of the Comprehensive Oil Pollution Liability and Compensation Act.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated as subsections (b), (c), and (d), respectively.

(f) Any amounts remaining in the Deepwater Port Liability Fund established by section 18(f) of the Deepwater Port Act of 1974 shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by title VII of this Act. The Trust Fund shall assume all liability incurred by the Deepwater Port Liability Fund under the Deepwater Port Act of 1974.

(g) Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372) is repealed. Any amounts remaining in the Offshore Oil Pollution Compensation Fund established under section 302 of that title shall be, subject to appropriations, deposited in the Comprehensive Oil Pollution Liability Trust Fund established by title VII of this Act. The Trust Fund shall assume all liability incurred by the Offshore Oil Pollution Compensation Fund under title III of the Outer Continental Shelf Lands Act Amendments of 1978.

SEPARABILITY

SEC. 803. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

TITLE IX—IMPLEMENTATION OF CONVENTIONS

RECOGNITION OF THE INTERNATIONAL FUND

SEC. 901. The International Oil Pollution Compensation Fund (hereinafter in this title referred to as the "International Fund") established by article 2 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (hereinafter in this title referred to as the "International

Fund Convention") is recognized under the laws of the United States as a legal person and shall have the capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be a party to legal proceedings. The Director of the International Fund is recognized as the legal representative of the International Fund. The Director shall be deemed to have appointed irrevocably the Secretary of State his agent for service of process in any action against the International Fund in any court in the United States.

SERVICE OF PROCESS AND INTERVENTION

SEC. 902. (a) In any action brought in a court in the United States against the owner of a ship or his guarantor under the International Convention on Civil Liability for Oil Pollution Damage (hereinafter in this title referred to as the "Civil Liability Convention"), the plaintiff or defendant, as the case may be, shall serve a copy of the complaint and any subsequent pleading therein upon the International Fund and the Comprehensive Oil Pollution Liability Trust Fund at the same time the complaint or other pleading is served upon the opposing parties.

(b) The International Fund may intervene as a party as a matter of right in any action brought in a court in the United States against the owner of a ship or his guarantor under the Civil Liability Convention.

(c) If the International Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in subsection (a) of this section, the International Fund shall be bound by any judgment entered therein, whether or not the International Fund was a party to the action.

EXEMPTION FROM TAXATION

SEC. 903. The International Fund and its assets shall be exempt from all direct taxation in the United States.

PAYMENT OF CONTRIBUTIONS

SEC. 904. The amount of any initial or annual contribution to the International Fund which is required to be made under article 10 of the International Fund Convention by any person with respect to oil received in any port, terminal installation, or other installation located in the United States shall be paid to the International Fund by the Comprehensive Oil Pollution Liability Trust Fund. Before the International Convention enters into force with respect to the United States, the President shall make, and deposit with the Secretary-General of the International Maritime Organization, a declaration under article 14 of the International Fund Convention that the United States assumes the obligation to pay contributions under article 10 of such Convention in respect of oil received within the territory of the United States and that such amount will be paid from the Comprehensive Oil Pollution Liability Trust Fund.

JURISDICTION OF DISTRICT COURTS

SEC. 905 (a) The United States district courts shall have exclusive original jurisdiction of—

(1) all controversies arising in the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, and

(2) all controversies arising outside of the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, from an incident which causes damage in the territory of the United States, including the territorial sea.

without regard to the citizenship or the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides. may be found, or has his principal office. For purposes of this subsection, the International Fund shall reside in the District of Columbia.

RECOGNITION OF JUDGMENTS

SEC. 906. Any final judgment of a court of any nation which is a party to the Civil Liability Convention or the International Fund Convention in an action for compensation under either such convention shall be recognized by any court of the United States or of a State when that judgment has become enforceable in such nation and is no longer subject to ordinary forms of review, except where—

(1) the judgment was obtained by fraud; or

(2) the defendant was not given reasonable notice and a fair opportunity to present his case.

FINANCIAL RESPONSIBILITY

SEC. 907. (a) The owner of each ship which is documented under the laws of the United States and is carrying more than two thousand tons of oil in bulk as cargo shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The Secretary shall issue a certificate to each such owner who complies with this paragraph, in the form and manner required by the Civil Liability Convention.

(b) With respect to any ship owned by the United States, the Secretary shall issue a certificate stating that the ship is owned by the United States and that the ship's liability is covered within the limits of liability prescribed by the Civil Liability Convention.

(c) The owner of each ship (other than a ship to which subsection (a) or (b) applies), wherever registered, which is carrying more than two thousand tons of oil in bulk as cargo and which enters or leaves a port or offshore terminal in the United States (including the territorial seas) shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The owner of a ship which is registered in, or flying the flag of, a nation which is a party to the Civil Liability Convention shall be considered to have met the requirements of this paragraph if the ship is carrying a certificate issued by such nation attesting that insurance or other financial security is in force which meets the requirements of such Convention.

(d) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any ship which does not have a certificate showing compliance with the requirements of financial responsibility under subsection (a) or (c) of this section.

(e) The Secretary of the department in which the Coast Guard is operating may (1) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (2) detain at the facility or at the port or place in the United States, any vessel subject to this section that, upon request, does not produce the certificate required under this section or regulations issued hereunder.

(f) Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of this section or the regulations issued under this section or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions any civil penalty which is subject to imposition or which has been imposed under this subsection. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

WAIVER OF SOVEREIGN IMMUNITY

SEC. 908. The United States waives all defenses based on its status as a sovereign State with respect to any controversy arising under the Civil Liability Convention or the International Fund Convention relating to any ship owned by the United States and used for commercial purposes.

DEFINITION OF FRANC

SEC. 909. Notwithstanding any provision of the Civil Liability Convention or the International Fund Convention to the contrary, one franc equals one-fifteenth of a special drawing right, as defined by the International Monetary Fund, for purposes of applying such conventions.

RULES AND REGULATIONS

SEC. 910. The Secretary may issue such rules and regulations as are necessary to implement the Civil Liability Convention and the International Fund Convention.

Amendment No. 4 to committee print.

—On page 5, line 5, insert the following phrase after the second comma: "that may present an imminent and substantial threat to human health and the environment add".

Amendment No. 5 to committee print.

—On page 5, delete all of line 14 following the work "except", delete all of line 15 and delete line 16 through the word "the".

Amendment No. 6 to committee print.

—(1) On page 13, line 15, insert the words "at least" following the word "require".

(2) On page 14, delete lines 7-24, on page 15, delete lines 1-13 and insert in lieu thereof the following: "is applicable to the hazardous substance, pollutant, or contaminant concerned, the remedial action selected under this paragraph or secured under section 106(a) shall be based upon the relevant health and environmental standards and criteria developed by the Administrator under such programs.

"(iii) Where the remedial action taken under this subtitle at any facility does not include the removal from such facility of all hazardous substances subject to regulation under Subtitle C of the Solid Waste Disposal Act, any remedial action providing for the containment of any such substance at such facility shall comply with the standards ap-

plicable to facilities required to obtain permits under section 3005 of the Solid Waste Disposal Act.

"(iv) The Administrator may waive the application of the requirements of clause (iii) with respect to any facility and select alternative remedial action which does not comply with such requirements if the Administrator finds that such alternative remedial action—

"(I) will provide protection of human health and the environment substantially equivalent to the remedial action which would be necessary to comply with such requirements; or

"(II) compliance with the requirements of clause (iii) at that facility will consume such a disproportionate share of the Fund resource as to have the effect of deferring or preventing remedial action at other facilities which pose a significantly greater threat to human health and the environment.

If the Administrator exercises the authority granted pursuant to clause (iv), or selects or secures a remedial action pursuant to clause (ii) of the paragraph that does not require the application of a level or standard of control that has been determined to be equivalent to the most stringent relevant health and environmental standard or criteria, the Administrator shall publish a notice explaining the basis for the remedial action selected.".

(Amendment No. 7 to committee print.)

—On page 28, delete lines 19-25 and on page 29, delete lines 1-5.

(Amendment No. 8 to committee print.)

—On page 29, delete lines 25-26, on page 30, delete lines 1-3 and so much of line 4 through the period and insert in lieu thereof the following:

"Liability under this subsection may be strict, joint and several as construed under this subsection where the damage is indivisible: Except that, if any person can establish that only a portion of the total costs of removal and/or remedial action is attributable to any hazardous substances, pollutant or contaminant that is generated, transported, treated, stored, or disposed of by that person, such person shall be liable under this subsection only for that portion. Where the damage is indivisible, the Administrator and the courts shall retain discretion to apportion damages with respect to any person.".

(Amendment No. 9 to committee print.)

—On page 36, delete lines 19-25.

(Amendment No. 10 to committee print.)

—Delete all of pages 37-39 and lines 1-20 on page 40 and insert in lieu thereof the following:

TITLE II—FEDERAL CAUSE OF ACTION

DEFINITIONS

SEC. 201. For purposes of this title—

(1) The term "medical costs" means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723).

(2) The term "dependent" means with respect to any decreased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

(3) The terms "Administrator", "act of God", "hazardous substance", "release" "federally permitted release", and "facility" shall have the same meaning when used in this title as when used in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(4) The terms "treatment", "storage", and "disposal" (and related terms such as "treat", "store", and "dispose of") shall have the same meaning when used in this title as when used in the Solid Waste Disposal Act.

SUBTITLE A—FEDERAL CAUSE OF ACTION LIABILITY

SEC. 202. (a) GENERAL RULE.—Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b)(2)—

(1) the owner and operator of a vessel (otherwise subject to the jurisdiction of the United States) or a facility,

(2) any person who at the time of disposal of a hazardous substance owned or operated the facility at which such hazardous substance was disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of a hazardous substance owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity, at any facility owned or operated by another party or entity and containing such hazardous substance, and

(4) any person who accepts or accepted a hazardous substance for transport to disposal or treatment facilities or sites selected by such person,

shall be liable to any individual (or his dependents) for damages to such individual which are compensable under this title and which result from harm caused by a release (excluding a federally permitted release) of such hazardous substance from such facility.

(b) STRICT; JOINT AND SEVERAL.—The liability of any person under this title shall be strict. Except as provided in paragraph (2) of this subsection, such liability shall be joint and several. Nothing in this section shall be construed to affect the equitable powers of apportionment of any court following an adjudication of liability.

(2) Liability among joint defendants shall be determined on the basis of each joint defendant's percentage of responsibility for the cause of the plaintiff's damages, except that when the court determines that all or part of the amount for which another joint defendant is responsible is uncollectible from that joint defendant the court shall reallocate any uncollectible amount among the other joint defendants, according to their comparative percentages of responsibility. The joint defendant whose responsibility is reallocated is nonetheless subject to contribution and to any continuing liability to the plaintiff.

(3) There shall be no liability under subsection (a) to the extent that any defendant can establish, by a preponderance of the evidence, that the exposure to a hazardous substance or the damage resulting from such exposure, was caused by—

(A) an act of God;

(B) an act of war;

(C) the negligence of the plaintiff;

(D) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (i) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (ii) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(E) any combination of the foregoing subparagraphs.

(Amendment No. 11 to committee print.)

—On page 1, line 2, strike "This Act" and insert in lieu thereof "Titles I through V".

At the end of the bill, add the following:

TITLE VI—OIL POLLUTION LIABILITY AND COMPENSATION

SHORT TITLE

SEC. 601. Titles VI through VIII may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act."

DEFINITIONS

SEC. 602. For the purposes of this Act, the term—

(1) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(2) "claim" means a demand in writing for a sum certain;

(3) "cleanup costs" means costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from that incident;

(4) "discharge" means any emission, international or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(5) "facility" means a structure, or group of structures, which is either—

(A) located, in whole or in part on the outer Continental Shelf and used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the outer Continental Shelf or

(B) licensed under the Deepwater Port Act of 1974;

(6) "foreign claimant" means any person residing in a foreign country, the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim;

(7) "guarantor" means the person, other than the responsible party, who provides evidence of financial responsibility for a responsible party;

(8) "incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, which causes, or poses a substantial threat, of oil pollution;

(9) "inland oil barge" means a non-self-propelled vessel, carrying oil in bulk as cargo or in residue from cargo and certificated to operate only on the internal waters of the United States while operating in such waters;

(10) "internal waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside that baseline which are a part of the Gulf Intracoastal Waterway;

(11) "lessee" means a person holding a leasehold interest in an oil and gas lease on submerged lands of the outer Continental Shelf granted or maintained under the Outer Continental Shelf Lands Act;

(12) "licensee" means a person holding a license issued under the Deepwater Port Act of 1974;

(13) "mobile offshore drilling unit" means every watercraft or other contrivance (other than a public vessel of the United States) capable of use as a means of transportation on water and as a means of drilling for oil on the outer Continental shelf;

(14) "natural resources" means living and nonliving resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15) "navigable waters" means the waters of the United States, including the territorial sea;

(16) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(17) "oil pollution" means—

(A) the presence of oil which has been discharged from a vessel or facility in quantities which the President has determined may be harmful pursuant to paragraph (4) of subsection (b) of section 311 of the Federal Water Pollution Control Act—

(i) in or on the navigable waters or on land within the United States immediately adjacent thereto; or

(ii) in or on the waters of the contiguous zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone; or

(B) the presence of oil (other than natural seepage) in or on the waters of the high seas outside the territorial limits of the United States—

(i) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act;

(ii) when discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or from a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port licensed under such Act;

(iii) causing injury to or loss of natural resources belonging to, appretaining to, or under the exclusive management authority of, the United States; or

(iv) when discharged, prior to being brought ashore in a port in the United States, from a ship that received oil at the terminal of the pipeline constructed under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) for transportation to a port in the United States; or

(C) the presence of oil (other than natural seepage) in or on the territorial sea, internal waters, or adjacent shoreline, of a foreign country, in a case where damages are recoverable by a foreign claimant under section 603(b)(6) of this title; (18) "operator" means—

(A) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(B) in the case of a pipeline, any person, except the owner, who is responsible for the operation of such pipeline by agreement with the owner;

(19) "Outer Continental Shelf" has the meaning set forth in subsection (a) of section 2 of the Outer Continental Shelf Lands Act;

(20) "owner" means, in the case of a vessel or a pipeline, any person holding title to, or in the absence of title, any other indicia of ownership of, the vessel or pipeline, whether by lease, permit contract, license, or other form of agreement, except that such term does not include a person who, without participating in the management or operation of a vessel or a pipeline, holds indicia of ownership primarily to protect his security interest in the vessel or pipeline;

(21) "permittee" means a person holding an authorization, license, or permit for geological exploration issued under section 11 of the Outer Continental Shelf Lands Act;

(22) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or any other commercial, legal, or governmental entity;

(23) "public vessel" means a vessel which—

(A) is owned or chartered by demise, and operated by (i) the United States, (ii) a State or political subdivision thereof, or (iii) a foreign government, and

(B) is not engaged in commercial service;

(24) "removal costs" means—

(A) costs incurred under subsection (c), (d), or (l) of section 311 of the Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, or subsection (b) of sections 18 of the Deepwater Port Act of 1974, and

(B) cleanup costs, other than the costs described in subparagraph (A);

(25) "responsible party" means—

(A) with respect to a vessel or a pipeline, the owner or operator of such vessel or pipeline;

(B) with respect to a facility (other than a deepwater port or pipeline), the lessee or permittee of the area in which such facility is located, or the holder if a right of use and easement granted under the Outer Continental Shelf Act for the area in which such facililty is located where such holder is a different person than the lessee or permittee; and

(C) with respect to a deepwater port, the licensee;

(26) "Secretary" means the Secretary of Transportation;

(27) "ship" means a vessel (other than an inland oil barge) carrying oil in bulk as cargo or in residue from cargo;

(28) "Trust Fund" means the fund established by section 701 of this Act;

(29) "United States" and "State" include the several States of the United States, the District of Columbia, Puerto Rico, Guam, America Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(30) "United States claimant" means any person residing in the United States, the Government of the United States or any agency thereof, or the government of a State or a political subdivision thereof, who asserts a claim; and

(31) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

DAMAGES AND CLAIMANTS

SEC. 603. (a) Claims for damages for economic loss incurred on or after the effective date of this section and arising out of or directly resulting from oil pollution or the substantial threat of oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) injury to, or destruction of, natural resources, including reasonable costs incurred by the trustee of the damaged resources in assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources;

(4) loss of subsistence use of natural resources;

(5) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources to the extent that such damages were sustained during the two-year period beginning on the date the claimant first suffered such loss; and

(6) loss of tax revenue for a period of one year due to injury to real or personal property.

(b)(1) A claim may be asserted under paragraph (1) of subsection (a) by any claimant, except that the responsible party with respect to a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 604(c) of this title or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 604(b) of this title, in which case the claim may be asserted only to the extent that the sum of the removal costs incurred by the responsible party plus the amounts paid by the responsible party or by the guarantor on behalf of the responsible party for claims asserted under subsection (a) of this section exceeds the amount to which the total of the liability under section 604(a) and removal costs incurred by, or on behalf of, the responsible party is limited under section 604(b).

(2) A claim may be asserted under paragraphs (2) and (4) of subsection (a) by any United States claimant, if the property involved is owned or leased, or the natural resource involved is utilized, by the claimant.

(3) A claim may be asserted under paragraph (3) of subsection (a) by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercises management authority, or by the Governor of any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State. Compensation paid under this paragraph may be used only for assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources.

(4) A claim may be asserted under paragraph (5) of subsection (a) by any United States claimant if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource or, if such activities are seasonal in nature, 25 per centum of the claimant's earnings during the season in which such activities took place.

(5) A claim may be asserted under paragraph (6) of subsection (a) by any State or political subdivision thereof.

(6) Except as otherwise provided in this paragraph, a claim may be asserted under paragraphs (2), (3), (4), and (5) of subsection (a) by a foreign claimant to the same extent that a United States claimant may assert a claim if—

(A) the oil pollution occurred in the waters, including the territorial sea, or adjacent shoreline of a foreign country of which the claimant is a resident;

(B) the claimant is not otherwise compensated for his loss;

(C) the oil was discharged from a vessel located within the navigable waters, was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, or was discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port under such Act; and

(D) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country of which the claimant is a resident, or the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

In the case of any oil pollution involving oil that has been transported through the pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act, has been loaded on a vessel for transportation to a port in the United States, and is discharged from such vessel before being unloaded in that port, a claim may be asserted by a resident of Canada without regard to subparagraphs (A), (C), and (D) of this paragraph, to the same extent that a United States claimant may assert a claim.

(7) A claim may be asserted under any paragraph of subsection (a), by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection.

(c) If the Attorney General fails to act under paragraph (7) of subsection (b) within sixty days after the date on which the Secretary designates a source under section 606, any member of a group may assert a claim for damages on behalf of that group. Failure of the Attorney General to act shall have no bearing on any claim for damages asserted under this section.

LIABILITY

SEC. 604. (a)(1) Subject to paragraph (2) of this subsection and subsections (b) and (c) of this section, the responsible party with respect to a facility or a vessel (other than a public vessel) that is the source of oil pollution, or poses a substantial threat of oil pollution in circumstances that justify the incurrence of the type of costs described in section 602(24)(A) of this title, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 603.

(2)(A) Except as provided in subparagraph (B) of this paragraph, in any case in which a mobile offshore drilling unit is being used as a facility and is the source of oil pollution originating on or above the surface of the water or poses the substantial threat of such oil pollution, such unit shall be deemed to be a vessel which is a ship for purposes of this title.

(B) To the extent that damages for which claims may be asserted under section 603 from any incident described in subparagraph (A) exceed the amount for which the responsible party is liable under subparagraph (A) (as such amount may be limited under subsection (b)(2) of this section), the mobile offshore drilling unit shall be deemed to be a facility covered by subsection (b)(4) of this section, except that for purposes of applying subsection (b)(4) the amount specified in such subsection shall be reduced by the amount for which the responsible party with respect to a ship is liable under subparagraph (A) of this paragraph.

(C) In the case of any incident described in subparagraph (A) which is caused primarily by willful misconduct or gross negligence within the privity or knowledge of both the owner or operator of the mobile offshore drilling unit and the lessee or permittee of the area, or holder of a right of use or easement for the area, in which such unit is located; or which is caused primarily by a violation within the privity or knowledge of both such owner or operator and such lessee or permittee or holder of applicable safety, construction, or operating standards or regulations of the United States; or with respect to which both such owner or operator and such lessee or permittee or holder fail or refuse to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, such owner or operator and such lessee or permittee or holder shall be jointly, severally, and strictly liable (without limitation under subsection (b)) for all loss for which a claim may be asserted under section 603 of this title.

(b) Except when the incident is caused primarily by willful misconduct or gross negligence within the privity or knowledge of a responsible party, or is caused primarily by a violation within the privity or knowledge of a responsible party of applicable safety, construction, or operating standards or regulations of the United States; and except when a responsible party fails or refuses to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, the total of the liability under subsection (a) of this section and any removal costs incurred by, or on behalf of, such responsible party shall be limited to—

(1) in the case of a vessel other than a ship or an inland oil barge, $150 per gross ton;

(2) in the case of a ship, $1,000,000 or $400 per gross ton, whichever is greater (but not to exceed $40,000,000);

(3) in the case of an inland oil barge, $150,000 or $150 per gross ton, whichever is greater; or

(4) in the case of a facility, $50,000,000.

The Secretary shall, from time to time, report to Congress on the desirability of adjusting the limitations of liability specified in this subsection.

(c)(1) Except when the responsible party has failed or refused to report an incident where required by law, there shall be no liability under subsection (a) of this section if such responsible party proves that the incident—

(A) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(B) was wholly caused by an act or omission of a person other than—

(i) a responsible party;

(ii) an employee or agent of a responsible party; or

(iii) one whose act or omission occurs in connection with a contractual relationship with a responsible party.

(2) There shall be no liability under subsection (a) of this section—

(A) as to a particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(B) as to a particular claimant, to the extent that the incident or economic loss is caused by the negligence of that claimant.

(d)(1) Except as provided in title VII the Trust Fund shall be liable for damages for which claims may be asserted under section 603 of this title and which are presented under this title, to the extent that the loss is not otherwise compensated.

(2) Except for the removal costs specified in section 602(24) (A) of this title, there shall be no liability under paragraph (1) of this subsection—

(A) where the incident is caused wholly by an act of war, hostilities, civil war, or insurrection;

(B) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(C) as to a particular claimant, to the extent that the incident or the economic loss is caused by the negligence of that claimant.

(e)(1) In addition to the damages for which claims may be asserted under section 603 of this title, and without regard to any limitation of liability provided in subsection (b) of this section, the responsible party with respect to a facility or vessel, or his guarantor (subject to the guarantor's limitation set forth in subsection (d) of section 605 of this title), shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the responsible party or guarantor to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the responsible party or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the responsible party or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which advertising was commenced pursuant to section 606 of this title, whichever, is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the responsible party or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve bulletin.

(f)(1) A responsible party with respect to a facility or vessel may not transfer the liability imposed under this section to any other person.

(2) Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who, by an agreement with a responsible party with respect to a facility utilized in activities under the Outer Continental Shelf Lands Act, is engaged in such activities, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section. Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who owns or operates a towing vessel, by an agreement with a responsible party with respect to a non-self-propelled vessel, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section.

(g) Nothing in this title shall bar a cause of action that a responsible party subject to liability under this section or a guarantor has or would have by reason of subrogation or otherwise against any person.

(h) To the extent that it is in conflict with, or otherwise inconsistent with, any other law relating to liability or the limitation thereof, this section supersedes such other law.

FINANCIAL RESPONSIBILITY

SEC. 605. (a)(1) The responsible party with respect to each vessel (except a public vessel or a non-self-propelled vessel that does not carry oil as cargo or fuel) over three hundred gross tons that uses a facility or the navigable waters shall establish an maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum liability under section 604 of this title to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 604 of this title. In cases where a responsible party owns or operates more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have the certification required under this subsection or the regulations issued hereunder.

(3) The Secretary of the department in which the Coast Guard is operating may (A) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (B) detain at the facility or at the port of place in the United States, any vessel subject to this subsection that, upon request, does not produce the certification required under this subsection or regulations issued hereunder.

(b) The responsible party with respect to each facility shall establish and maintain, in accordance with regulations issued by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 604 of this title. In cases where the responsible party is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to one such facility.

(c) Financial responsibility under this section may be established by any one, or by any combination, of the following methods acceptable to the Secretary: evidence of insurance, surety bond, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(d) Any claim authorized by section 603(a) of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section for any responsible party with respect to a facility or vessel. In defending against such a claim, the guarantor may invoke all rights and defenses which would be available to the responsible party under this title. He may also invoke the defense that the incident was caused by the willful misconduct of the responsible party, but he may not invoke any other defense that he might be entitled to invoke in proceedings brought by the responsible party against him.

(e) Nothing in this title shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceeds in the aggregate the amount of financial responsibility which that guarantor has provided for each responsible party. Nothing in this subsection shall be construed to limit any other statutory, contractual, or common law liability of a guarantor to any responsible party for whom such guarantor provides evidence of financial responsibility including, but not limited to, the liability of such guarantor for negotiating in bad faith a settlement of any claim.

DESIGNATION AND ADVERTISEMENT

SEC. 606. (a)(1) When the Secretary receives information of an incident that involves oil pollution, he shall, where possible and appropriate, designate the source or sources of the oil pollution and shall immediately notify the responsible party and the guarantor, if known, of that designation.

(2) When a source designated is a vessel or facility, and the responsible party or guarantor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of the designation, the responsible party or guarantor, as required by regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to such responsible party or guarantor. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, as he finds necessary, and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which claims may be presented to that responsible party or guarantor.

(b) In a case where—

(1) the responsible party and the guarantor both deny a designation in accordance with paragraph (2) of subsection (a) of this section.

(2) the source of the discharge was a public vessel, or

(3) the Secretary is unable to designate the source or sources of the discharge under paragraph (1) of subsection (a) of this section,

the Secretary shall, in accordance with section 607 of this title, advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Trust Fund.

(c) Advertisement under subsection (a) shall commence no later than fifteen days from the date of the designation made thereunder and shall continue for a period of no less than thirty days.

CLAIMS SETTLEMENT

SEC. 607. (a) Except as provided in subsection (b) of this section, all claims shall be presented to the responsible party or guarantor designated under section 606(a) of this title.

(b) Claims may be presented to the Trust Fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 606(b) of this title; or

(2) where the responsible party may assert a claim under section 603(b)(1) of this title.

(c) In the case of a claim presented in accordance with subsection (a) of this section, and in which—

(1) each person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 606(a)(2) of this title, whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Trust Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a) of this section, where full and adequate compensation is unavailable, either because the claim exceeds a limit of liability invoked under section 604 of this title or because the responsible party and his guarantor are financially incapable of meeting their obligations in full, a claim for the uncompensated damages may be presented to the Trust Fund.

(e) In the case of a claim which has been presented to any person under subsection (a) of this section and which is being presented to the Trust Fund under subsection (c) or (d) of this section, that person, at the request of the claimant, shall transmit the claim and supporting documents to the Trust Fund. The Secretary may, by regulation, prescribe the documents to be so transmitted and the terms under which they are to be transmitted.

(f)(1) The Secretary, in consultation with the Trust Fund, shall establish procedures and standards for the prompt appraisal and settlement of claims against the Trust Fund.

(2) The Trust Fund may use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Trust Fund and may contract for those facilities and services.

(3) To the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Trust Fund may use Federal personnel, on a reimbursable basis, to process claims against the Trust Fund.

(g) Any claimant, or any other person suffering legal wrong because of, or adversely affected or aggrieved by, a final determination of the Trust Fund with respect to a claim, may bring an action for judicial review of the determination. Such action shall be brought under section 609 and shall be the exclusive judicial remedy with respect to such final determination of the Trust Fund. Such an action shall be filed not later than thirty days after the Trust Fund issues notification of the final determination. Venue for any such action shall lie in any district wherein the claimant resides, in addition to any district described in section 609(b). The final determination of the Trust Fund shall not be held unlawful or set aside unless the reviewing court finds such determination to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

ACTIONS TO ENFORCE LIABILITY

SEC. 608. (a)(1) In any action brought under this title against a responsible party or guarantor, both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Trust Fund at the same time those pleadings are served upon the opposing parties.

(2) The Trust Fund may intervene as a party as a matter of right in any action in

which a complaint has been served upon it under paragraph (1) of this subsection.

(3) In any action to which the Trust Fund is a party, if the responsible party or his guarantor admits liability under this title, the Trust Fund shall be dismissed therefrom to the extent of the admitted liability.

(4) If the Trust Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in paragraph (1) of this subsection, the Trust Fund shall be bound by any judgment entered therein, whether or not the Trust Fund was a party to the action.

(5) If neither the plaintiff nor the defendant serves a copy of the complaint and all subsequent pleadings upon the Trust Fund in an action referred to in paragraph (1) of this subsection, the limitation of liability otherwise permitted by subsection (b) of section 604 of this title is not available to the defendant, and the plaintiff shall not recover from the Trust Fund any sums not paid by the defendant.

(b) In any action brought against the Trust Fund, the plaintiff may join any responsible party or his guarantor, and the Trust Fund may implead any person, who is or may be liable to the Trust Fund.

(c) No claim may be presented, nor may any action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against a responsible party or his guarantor or against the Trust Fund, as to their respective liabilities, within three years from the date of discovery of the economic loss for which a claim may be asserted under subsection (a) of section 603 of this title, or within six years of the date of the incident which resulted in that loss, whichever is earlier.

(d) Any person, including the Trust Fund, who compensates any claimant for an economic loss, compensable under section 603, shall be subrogated to all rights, claims, and causes of action which that claimant has under this title.

(e) In any claim or action by the Trust Fund against any responsible party or guarantor under subsection (d), the Trust Fund shall recover—

(1) for a claim presented to the Trust Fund (where there has been a denial of source designation) under section 607(b)(1), or (where there has been denial of liability) under section 607(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 604(b), the amount the Trust Fund has paid to the claimant, without reduction;

(B) interest on that amount, at the rate calculated in accordance with section 604(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the Trust Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Trust Fund shall offer to the claimant the amount finally paid by the Trust Fund to the claimant in satisfaction of the claim against the Trust Fund to the date upon which the claimant shall accept that offer, inclusive;

(C) all costs incurred by the Trust Fund by reason of the claim, both of the claimant against the Trust Fund and the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; and

(2) for a claim presented to the Trust Fund under section 607(c)(2)—

(A) in which the amount the Trust Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the Trust Fund has paid to the claimant;

(ii) interest, at the rate calculated in accordance with section 604(e), for the period specified in paragraph (1)(B) of this subsection; and

(iii) all costs incurred by the Trust Fund by reason of the claim of the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; or

(B) in which the amount the Trust Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the Trust Fund has paid to the claimant, without reduction;

(ii) interest, at the rate calculated in accordance with section 604(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause, except that if the defendant tendered the offer of the largest amount referred to in this subparagraph within sixty days after the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced under section 106, the defendant shall not be liable for interest for that period; and

(iii) interest from the date upon which the claim of the Trust Fund against the defendant was presented to the defendant to the date upon which the Trust Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Trust Fund the amount finally paid to the Trust Fund in satisfaction of the claim of the Trust Fund to the date upon which the Trust Fund shall accept that offer, inclusive.

(f) The Trust Fund shall pay over to the claimant that portion of any interest the Trust Fund shall recover, under subsections (e)(1) and (e)(2)(A) for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Trust Fund, inclusive, less the period from the date upon which the Trust Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(g) The Trust Fund is entitled to recover for all interest and costs specified in subsection (e) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 609. (a) The United States district courts shall have exclusive original jurisdiction over all controversies arising uder titles VI, VII and VIII of this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) Unless otherwise provided in this Act, venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this section, the Trust Fund shall reside in the District of Columbia.

RELATIONSHIP TO OTHER LAW

SEC. 610. (a) Except as provided in this title—

(1) no action may be brought in any court of the United States, or of any State or political subdivision thereof, for an economic loss compensable under this title,

(2) no person may be required to contribute to any fund, the purpose of which is to compensate for damages for an economic loss described in section 603(a), except that, for a period of three years beginning on the effective date of this section. Any State which on the effective date of this section has in effect a statute that require such contributions may continue to require such contributions within the limits established by such statute as those limits exist on such date, and

(3) no person may be required to establish or maintain evidence of financial responsibilty relating to the satisfaction of a claim compensable under this title.

(b) Nothing in this Act shall preclude any State from imposing a tax or fee upon any person or upon oil in order to finance the purchase and prepositioning of oil pollution cleanup and removal equipment or to finance other preparations for responding to a discharge of oil which affects such States.

(c) Nothing in subsection (a) shall prohibit an action by the Trust Fund under any other provision of law to recover compensation paid under this title.

PENALTIES

SEC. 611. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 605 of this title or the regulations issued thereunder or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may comprise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final. The Secretary may refer the matter to the Attorney General for collection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 612. There are authorized to be appropriated for those fiscal years which begin on or after October 1, 1984, such sums as may be necessary to carry out this Act.

TITLE VII—COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

ESTABLISHMENT OF THE COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

SEC. 701. (a) The Comprehensive Oil Pollution Liability Trust Fund is established as a nonprofit corporate entity. The Trust Fund shall consist of—

(1) fees paid into the Trust Fund under section 702.

(2) amounts recovered or collected on behalf of the Trust Fund under title VI of this Act, and

(3) amounts transferred to the Trust Fund under sections 802(f) and 802(g) of this Act.

(b) The Trust Fund shall be administered by a Board of Directors under regulations prescribed by the Secretary.

(c)(1) The Board of Directors shall consist of nine voting directors appointed by the Secretary as follows—

(A) three shall be representatives of persons who are liable for fees imposed under this title;

(B) three shall be individuals (including, but not limited to representatives of any State or political subdivision thereof) who are potential claimants under paragraph (2), (4), or (5) of section 603(b) of this Act; and

(C) three shall be individuals from the general public, who are not eligible for appointment under subparagraph (A), and who have particular expertise, knowledge, and experience in the field of oil spill liability and compensation (including, but not limited to, environmental or labor representatives or guarantors).

(2) Not more than five voting directors shall be members of any one political party. All directors shall be citizens of the United States.

(3) The term of office of each director shall be six years, except that of the directors first appointed three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be appointed for terms of six years. Any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of that term.

(4) The Secretary or his delegate shall serve as a nonvoting member of the Board of Directors.

(5) The levels of compensation of the Board of Directors shall be fixed initially by the Secretary and may be adjusted from time to time upon recommendation by the Board of Directors and concurrence of the Secretary. Any member of the Board of Directors who is an officer or employee of the United States, and any other member of the Board of Directors who is prohibited by the terms of his employment from receiving additional compensation, shall receive no additional compensation on account of that member's service on the Board of Directors.

(6) Any director may be removed from office by the Secretary only for neglect of duty, malfeasance in office, or incompetence, or if the director no longer qualifies to be a director under paragraph (1).

(7) The Board of Directors shall meet at least once a year. A majority of the voting members of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of the voting members of the Board of Directors.

(8) All meetings of the Board of Directors held to conduct official business of the Trust Fund shall be open to public observation and shall be preceded by reasonable public notice. The Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information the premature disclosure of which would be likely to lead to speculation in investments of the Trust Fund; or

(B) information which is likely to adversely affect financial or securities markets or institutions.

(9) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) and (B) of paragraph (7) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be withheld under the provisions of subparagraphs (A) and (B) of paragraph (7).

(d)(1) The Board of Directors shall appoint a chief executive officer of the Trust Fund who shall be responsible for the administration of the Trust Fund.

(2) The Board of Directors shall—

(A) establish the offices and appoint the officers of the Trust Fund and define their duties;

(B) fix the compensation of individual officer positions and categories of other employees of the Trust Fund taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code for comparable positions or categories. If the Board of Directors determines that it is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the Secretary its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations unless the Secretary has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(C) provide a system of organization to fix responsibility and promote efficiency.

(3) Except as specifically provided herein, directors, officers, and employees of the Trust Fund shall not be subject to any law of the United States relating to governmental employment.

(4) The chief executive officer shall appoint such employees as may be necessary for the transaction of the Trust Fund's business to, and may discharge such employees from, positions established in accordance with this section.

(5) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Trust Fund, except as provided in subsection (c)(1) of this section.

(6) The Board of Directors may provide for reimbursement of directors, officers, and employees for travel expenses and per diem.

(e) The Trust Fund and its income and property shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, or local taxing authority, except that—

(1) any real property owned in fee by the Trust Fund shall be subject to State, territorial, county, municipal, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof; and

(2) the Trust Fund and its employees shall be subject to any nondiscriminatory payroll and employment taxes intended to finance benefits based upon employment (such as social security and unemployment benefits) to the same extent as any privately owned corporation.

(f) The Trust Fund shall have the power to sue and be sued in its own name and to exercise all other lawful powers necessarily or reasonably related to the establishment of the Trust Fund and the exercise of its functions and duties under this Act.

(g)(1) The Trust Fund shall have an independent annual audit prepared in accordance with generally accepted accounting principles.

(2) Not later than one hundred and twenty days after the end of each fiscal year of the Trust Fund, the Trust Fund shall submit to the Congress and the Secretary an annual report containing the audit prepared under paragraph (1) and information regarding the organization, procedures, and activities of the Trust Fund during the preceding fiscal year.

(h) The principal office of the Trust Fund shall be located in the District of Columbia.

(i) Except to the extent expressly provided herein, the Trust Fund shall not be deemed to be an agency of the United States or an instrumentality of the United States.

(j) This title shall be considered the articles of incorporation for the Trust Fund.

FUND COLLECTIONS

SEC. 702. (a) A fee of 1.3 cents a barrel shall be paid into the Trust Fund by the owner of—

(1) oil received at a United States refinery;

(2) oil entered into the United States for consumption, use, or warehousing; and

(3) oil produced from a well located in the United States which is used in or exported from the United States.

(b) The Secretary, in consultation with the Trust Fund, shall by regulation establish procedures for the collection of the fee imposed by subsection (a).

(c) The fee imposed by subsection (a) shall only be in effect during those times when the amount in the Trust Fund (including the value of any securities held by the Trust Fund pursuant to section 703(b)) is less than $200,000,000.

(d) No fee shall be collected under this section with respect to any oil if the person who would be liable for the fee establishes that a prior fee has been imposed by this section with respect to that oil.

(e) The Trust Fund may bring an action in the district court of the United States for the collection of any fee required to be paid under this section.

(f) Any person who fails to collect or pay any fee as required by this section shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of Transportation, in addition to the fee required to be collected or paid and the interest on such fee in an amount equal to the amount such fee would have earned if collected or paid when due and invested in accordance with subsection (b) of section 703. Upon the failure of any person so liable to pay any penalty, fee, or interest upon demand, the Attorney General may, at the request of the Secretary of Transportation, bring an action in the name of the Fund against that person for such amount.

TRUST FUND DISBURSEMENT AND INVESTMENT

SEC. 703. (a) The Trust Fund shall be available subject to appropriations, for the purposes of—

(1) immediate payment of removal costs described in section 602(24)(A) and of reasonable costs incurred by the trustee under section 603(a)(3) in assessing damaged natural resources and preparing a restoration and acquisition plan with respect to the damaged natural resources;

(2) the payment of claims under title VI of this Act for damage which is not otherwise compensated; and

(3) the costs of administration of this Act.

(b) All sums not needed for purposes of subsection (a) shall be invested prudently in income producing securities approved by the Secretary in accordance with regulations issued by the Secretary. Income from these securities shall be added to the principal of the Trust Fund, except that whenever the amount in the Trust Fund (including the value of such securities) exceeds $300,000,000, the amount of any income from such securities shall be rebated, subject to appropriations, on a pro rata basis to the owners of the oil who contributed fees to the Trust Fund. If any owner no longer exists or income cannot otherwise be rebated after due diligence to do so, the income shall be retained by the Trust Fund.

LIMITATION ON PAYMENT OF CLAIMS BY THE TRUST FUND

SEC. 704. (a) No amount in the Trust Fund may be used to pay any claim, other than a claim for removal costs, to the extent that the payment of that claim would reduce the amount in the Trust Fund to an amount less than $30,000,000.

(b) If at any time the Trust Fund is unable by reason of subsection (a) to pay all of the claims, other than for removal costs, payable at that time, those claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined. Subject to approval of the Secretary, the Trust Fund may borrow amounts from any commercial credit source, at the best available terms, for purposes of paying such claims in such order.

(c) The liability of the Trust Fund under this Act with respect to one incident shall not exceed $100,000,000. If the Trust Fund is unable by reason of the preceding sentence to pay all claims with respect to the incident, the claims shall be reduced proportionately.

ANNUAL AUDIT REVIEW

SEC. 705. The Comptroller General shall review the audit required by section 701(g)(1) and shall submit a report of its review to Congress.

COORDINATION WITH OTHER PROVISIONS OF THIS ACT

SEC. 706. (a) If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to the Trust Fund, any claim which arises before October 1, 1984 (to the extent such claim would have been payable out of the transferor fund), shall be payable, subject to appropriations, out of the Trust Fund notwithstanding any of the limitations imposed by this title.

(b)(1) If the Secretary or his delegate determines that there is a TAP fund deficit, the fee imposed by section 702(a) on oil first transported through the Trans-Alaska Pipeline after the date of such determination shall be increased by 2 cents per barrel until the total amount of the increased fees equals such deficit.

(2) For purposes of paragraph (1) of this subsection, the term "TAP fund deficit" means the excess (if any) of—

(A) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund under section 802(b)(2) of this Act, over

(B) the total amount of the assets of the Trans-Alaska Pipeline Liability Fund as of the effective date of this section.

DEFINITIONS AND SPECIAL RULES

SEC. 707. (a) For purposes of this title, the term "United States" includes the Outer Continental Shelf and any foreign trade zone of the United States.

(b) In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at the refinery at the time so produced.

(c) In the case of a fraction of a barrel, the fee imposed by section 702(a) of this title shall be the same fraction of the amount of the fee imposed on a whole barrel.

TITLE VIII—REGULATIONS, EFFECTIVE DATES, AND SAVINGS PROVISIONS

EFFECTIVE DATES

SEC. 801. (a) This section, section 601, section 602, section 612, title VII (other than section 702 (a), (c), (d), (e), and (f), section 703, and section 704), section 803, and each provision of title VI that authorizes the promulgation of regulations shall be effective on the date of the enactment of this Act.

(b) All other provisions of titles VI through VIII and the regulations issued thereunder, shall be effective on October 1, 1985, except that the penalty prescribed by section 611 for failure to comply with the requirements of section 605 or the regulations issued thereunder shall not be effective until the ninetieth day after issuance of those regulations or the two hundred and seventieth day after the date of enactment of this Act, whichever is earlier.

(c) Any regulation respecting financial responsibility, issued pursuant to any provision of law repealed by section 302 of this title, and in effect on the day immediately preceding the effective date of section 302 of this title shall remain in force until superseded by regulations issued under title VI of this Act.

CONFORMING AMENDMENTS

SEC. 802. (a) The first sentence of subsection (b) of section 204 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(b); 87 Stat. 586) is amended by inserting "in the State of Alaska" after "any area" and by inserting "related to the trans-Alaska oil pipeline" after "any activities". Such subsection is further amended by inserting at the end thereof the following new sentence: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 602 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(b)(1) Subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act is repealed. All assets of the Trans-Alaska Pipeline Liability Fund, as of the effective date of this section, except for assets equal to the total amount of claims certified by the Secretary under paragraph (2) of this subsection, shall be rebated, subject to appropriations, directly to the operator of the trans-Alaska oil pipeline for payment on a pro rata basis to the owners of the oil at the time it was loaded on the vessel. The Comprehensive Oil Pollution Liability Trust Fund shall assume all liability incurred by the Trans-Alaska Pipiline Liability Fund under terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and shall assume all liability incurred by the officers or trustees in the execution of their duties involving the Trans-Alaska Pipeline Liability Fund, other than the liability of those officers or trustees for gross negligence or willful misconduct.

The Secretary of the Interior shall certify to the Secretary of the Treasury the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund not later than one hundred and eighty days after the effective date of this section. In the event that the total amount of the actual claims settled is less than the total amount of the outstanding claims certified, the difference between these amounts shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment, on a pro rata basis, to the owners of the oil at the time it was loaded on the vessel.

(C) Section 17 of the Intervention on the High Seas Act (33 U.S.C. 1486; 88 Stat. 10) is amended to read as follows:

"SEC. 17. The fund established under title VII of the Comprehensive Oil Pollution Liability and Compensation Act shall be available to the Secreary for actions and activities relating to oil pollution (as defined in section 602 of that Act) taken under section 5 of this Act. The fund established under section 311(k) of the Federal Water Pollution Control Act shall be available for actions and activities relating to other pollution taken under section 5 of this Act.".

(d) Section 311 of the Federal Water Pollution Control Act is amended as follows:

(1) Subsection (a) is amended by striking ut the period at the end of paragraph (17) and inserting in lieu thereof a semicolon and the following new paragaph:

"(18) 'person in charge' means the individual immediately responsible for the operation of a vessel or facility."

(2) Paragraph (5) of subsection (b) is amended in the last sentence by inserting after "person" the following: "or his employer".

(3) Subparagraph (A) of paragraph (6) of subsection (b) is amended—

(A) in the first and second sentences, by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge"; and

(B) in the third sentence, by striking out "the owner or operator" and inserting in lieu thereof "whoever being".

(4) Subparagraph (B) of paragraph (6) of subsection (b) is amended in the first and second sentences by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge".

(5) Subsection (c)(2)(H) is amended by striking out "from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal" and inserting in lieu thereof the following: "for the reasonable costs incurred in such removal (i) from the fund established under section 701 of the Comprehensive Oil Pollution Liability and Compensation Act in the case of any discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, or from a facility (as defined by title VI of such Act or (ii) from the fund established under subsection (k) of this section in any other case".

(6)(A) Subsection (d) is amended by inserting immediately before the last sentence the following: "Any expense incurred under this subsection or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof) as the result of the discharge or imminent discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, shall be

reimbursed from the fund established under section 701 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(B) Subsection (d) is further amended by striking out "Any" in the last sentence and inserting in lieu thereof "Any other".

(7) Subsection (f)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(8) Subsection (f)(3) is amended by inserting "(other than a facility as defined by section 602 of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(9)(A) The first sentence of subsection (g) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the second place it appears, by inserting "(other than a facility as defined in section 602 of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(B) The second sentence of subsection (g) is amended by inserting "(other than a facility as defined in section 602 of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(C) The third sentence of subsection (g) is amended by inserting "such" before "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(10)(A) Subsection (i)(1) is amended by inserting "(other than a facility as defined in section 602 of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(B) Subsection (i)(2) is repealed and paragraph (3) of subsection (i) and all references thereto is redesignated as paragraph (2).

(11) Subsection (p)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears.

(e) The Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.; 88 Stat. 2126) is amended as follows:

(1) Section 4(c)(1) is amended by striking out "section 18(l) of this Act" and inserting in lieu thereof "section 605 of the Comprehensive Oil Pollution Liability and Compensation Act".

(2) Subsections (b), (d), (e), (f), (g), (h), (i), (j), (l), and (n) of section 18 are repealed.

(3) Paragraph (3) of subsection (c) of section 18 is amended by striking out "Deepwater Port Liability Fund established pursuant to subsection (f) of this section." and inserting in lieu thereof "fund established under title VII of the Comprehensive Oil Pollution Liability and Compensation Act.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated as subsections (b), (c), and (d), respectively.

(f) Any amounts remaining in the Deepwater Port Liability Fund established by section 18(f) of the Deepwater Port Act of 1974 shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by title VII of this Act. The Trust Fund shall assume all liability incurred by the Deepwater Port Liability Fund under the Deepwater Port Act of 1974.

((g) Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372) is repealed. Any amounts remaining in the Offshore Oil Pollution Compensation Fund established under section 302 of that title shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by title VII of this Act. The Trust Fund shall assume all liability incurred by the Offshore Oil Pollution Compensation Fund under title III of the Outer Continental Shelf Lands Act Amendments of 1978.

SEPARABILITY

SEC. 803. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

(Amendment No. 12 to committee print.)

—Add a new title V as follows and redesignate the existing title V as title VI:

TITLE V—OIL POLLUTION LIABILITY AND COMPENSATION

Subtitle A—Short Title and Definitions

SEC. 501. (a) Subtitles A–D may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act."

(b) For the purposes of this Act, the term—

(1) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(2) "claim" means a demand in writing for a sum certain;

(3) "cleanup costs" means costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from that incident;

(4) "discharge" means any emission, intentional or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(5) "facility" means a structure, or group of structures, which is either—

(A) located, in whole or in part, on the outer Continental Shelf and used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the outer Continental Shelf, or

(B) licensed under the Deepwater Port Act of 1974;

(6) "foreign claimant" means any person residing in a foreign country, the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim;

(7) "guarantor" means the person, other than the responsible party, who provides evidence of financial responsibility for a responsible party;

(8) "incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, which causes, or poses a substantial threat, of oil pollution;

(9) "inland oil barge" means a non-self-propelled vessel, carrying oil in bulk as cargo or in residue from cargo and certificated to operate only on the internal waters of the United States while operating in such waters;

(10) "internal waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside that baseline which are a part of the Gulf Intracoastal Waterway;

(11) "lessee" means a person holding a leasehold interest in an oil and gas lease on submerged lands of the outer Continental Shelf granted or maintained under the Outer Continental Shelf Lands Act;

(12) "licensee" means a person holding a license issued under the Deepwater Port Act of 1974;

(13) "mobile offshore drilling unit" means every watercraft or other contrivance (other than a public vessel of the United States) capable of use as a means of transportation on water and as a means of drilling for oil on the outer Continental Shelf;

(14) "natural resources" means living nonliving resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15) "navigable waters" means the waters of the United States, including the territorial sea;

(16) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(17) "oil pollution" means—

(A) the presence of oil which has been discharged from a vessel or facility in quantities which the President has determined may be harmful pursuant to paragraph (4) of subsection (b) of section 311 of the Federal Water Pollution Control Act—

(i) in or on the navigable waters or on land within the United States immediately adjacent thereto; or

(ii) in or on the waters of the contiguous zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone; or

(B) the presence of oil (other than natural seepage) in or on the waters of the high seas outside the territorial limits of the United States—

(i) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act;

(ii) when discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or from a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port licensed under such Act;

(iii) causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(iv) when discharged, prior to being brought ashore in a port in the United States, from a ship that received oil at the terminal of the pipeline constructed under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) for transportation to a port in the United States; or

(C) the presence of oil (other than natural seepage) in or on the territorial sea, internal waters, or adjacent shoreline, of a foreign country, in a case where damages are recoverable by a foreign claimant under section 503(b)(6) of this title;

(18) "operator" means—

(A) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(B) in the case of a pipeline, any person, except the owner, who is responsible for the operation of such pipeline by agreement with the owner;

(19) "outer Continental Shelf" has the meaning set forth in subsection (a) of section 2 of the Outer Continental Shelf Lands Act;

(20) "owner" means, in the case of a vessel or a pipeline, any person holding title to, or in the absence of title, any other indicia of ownership of, the vessel or pipeline, whether by lease, permit, contract, license, or other form of agreement, except that such term does not include a person who, without participating in the management or operation of a vessel or a pipeline, holds indicia of ownership primarily to protect his security interest in the vessel or pipeline;

(21) "permittee" means a person holding an authorization, license, or permit for geological exploration issued under section 11 of the Outer Continental Shelf Lands Act;

(22) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or any other commercial, legal, or governmental entity;

(23) "public vessel" means a vessel which—

(A) is owned or chartered by demise, and operated by (i) the United States, (ii) a State or political subdivision thereof, or (iii) a foreign government, and

(B) is not engaged in commercial service;

(24) "removal costs" means—

(A) costs incurred under subsection (c), (d), or (l) of section 311 of Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, or subsection (b) of section 18 of the Deepwater Port Act of 1974, and

(B) cleanup costs, other than the costs described in subparagraph (A);

(25) "responsible party" means—

(A) with respect to a vessel or a pipeline, the owner or operator of such vessel or pipeline;

(B) with respect to a facility (other than a deepwater port or pipeline), the lessee or permittee of the area in which such facility is located, or the holder of a right of use and easement granted under the Outer Continental Shelf Lands Act for the area in which such facility is located where such holder is a different person than the lessee or permittee; and

(C) with respect to a deepwater port, the licensee;

(26) "Secretary" means the Secretary of Transportation;

(27) "ship" means a vessel (other than an inland oil barge) carrying oil in bulk as cargo or in residue from cargo;

(28) "Trust Fund" means the fund established by Subtitle B of this Act;

(29) "United States" and "State" include the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(30) "United States claimant" means any person residing in the United States, the Government of the United States or any agency thereof, or the government of a State or a political subdivision thereof, who asserts a claim; and

(31) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

COORDINATION WITH INTERNATIONAL CONVENTIONS

SEC. 502. On and after the first date on which both the International Convention of Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States, this title shall not apply with respect to damage arising out of or directly resulting from oil pollution or a substantial threat of oil pollution to the extent this title is inconsistent with such conventions and subtitle D of this Act.

DAMAGES AND CLAIMANTS

SEC. 503. (a) Claims for damages for economic loss, incurred on or after the effective date of this section and arising out of or directly resulting from oil pollution or the substantial threat of oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) injury to, or destruction of, natural resources, including reasonable cost incurred by the trustee of the damaged resources in assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources;

(4) loss of subsistence use of natural resources;

(5) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources to the extent that such damages were sustained during the two-year period beginning on the date the claimant first suffered such loss; and

(6) loss of tax revenue for a period of one year due to injury to real or personal property.

(b)(1) A claim may be asserted under paragraph (1) of subsection (a) by any claimant, except that the responsible party with respect to a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 504(c) of this title or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 504(b) of this title, in which case the claim may be asserted only to the extent that the sum of the removal costs incurred by the responsible party plus the amounts paid by the responsible party or by the guarantor on behalf of the responsible party for claims asserted under subsection (a) of this section exceeds the amount to which the total of the liability under section 504(a) and removal costs incurred by, or on behalf of, the responsible party is limited under section 504(b).

(2) A claim may be asserted under paragraphs (2) and (4) of subsection (a) by any United States claimant, if the property involved is owned or leased, or the natural resource involved is utilized, by the claimant.

(3) A claim may be asserted under paragraph (3) of subsection (a) by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercise exclusive management authority, or by the Governor of any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State. Compensation paid under this paragraph may be used only for assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources.

(4) A claim may be asserted under paragraph (5) of subsection (a) by any United States claimant if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource or, if such activities are seasonal in nature, 25 per centum of the claimant's earnings during the season in which such activities took place.

(5) A claim may be asserted under paragraph (6) of subsection (a) by any State or political subdivision thereof.

(6) Except as otherwise provided in this paragraph, a claim may be asserted under paragraphs (2), (3), (4), and (5) of subsection (a) by a foreign claimant to the same extent that a United States claimant may assert a claim if—

(A) the oil pollution occured in the waters, including the territorial sea, or adjacent shoreline of a foreign country of which the claimant is a resident;

(B) the claimant is not otherwise compensated for his loss;

(C) the oil was discharged from a vessel located within the navigable waters, was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, or was discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or a vessel transitting to or from a deepwater port and located in a safety zone of a deepwater port under such Act; and

(D) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country of which the claimant is a resident, or the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

In the case of any oil pollution involving oil that has been transported through the pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act, has been loaded on a vessel for transportation to a port in the United States, and is discharged from such vessel before being unloaded in that port, a claim may be asserted by a resident of Canada without regard to subparagraphs (A), (C), and (D) of this paragraph, to the same extent that a United States claimant may assert a claim.

(7) A claim may be asserted under any paragraph of subsection (a), by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection.

(c) If the Attorney General fails to act under paragraph (7) of subsection (b) within sixty days after the date on which the Secretary designates a source under section 506, any member of a group may assert a claim for damages on behalf of that group. Failure of the Attorney General to act shall have no bearing on any claim for damages asserted under this section.

LIABILITY

SEC. 504. (a)(1) Subject to paragraph (2) of this subsection and subsections (b) and (c) of this section, the responsible party with respect to a facility or a vessel (other than a public vessel) that is the source of oil pollution, or poses a substantial threat of oil pollution in circumstances that justify the incurrence of the type of costs described in section 501(b)(24)(A) of this title, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 503.

(2)(A) Except as provided in subparagraph (B) of this paragraph, in any case in which a mobile offshore drilling unit is being used as a facility and is the source of oil pollution originating on or above the surface of the water or poses the substantial threat of such oil pollution, such unit shall be deemed to be a vessel which is a ship for purposes of this title.

(B) To the extent that damages for which claims may be asserted under section 503 from any incident described in subparagraph (A) exceed the amount for which the responsible party is liable under subparagraph (A) (as such amount may be limited under subsection (b)(2) of this section), the mobile offshore drilling unit shall be deemed to be a facility covered by subsection (b)(4) of this section, except that for purposes of applying subsection (b)(4) the amount specified in such subsection shall be reduced by the amount for which the responsible party with respect to a ship is liable under subparagraph (A) of this paragraph.

(C) In the case of any incident described in subparagraph (A) which is caused primarily by willful misconduct or gross negligence within the privity or knowledge of both the owner or operator of the mobile offshore drilling unit and the lessee or permittee of the area, or holder of a right of use or easement for the area, in which such unit is located; or which is caused primarily by a violation within the privity or knowledge of both such owner or operator and such lessee or permittee or holder of applicable safety, construction, or operating standards or regulations of the United States; or with respect to which both such owner or operator and such lessee or permittee or holder fail or refuse to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, such owner or operator and such lessee or permittee or holder shall be jointly, severally, and strictly liable (without limitation under subsection (b)) for all loss for which a claim may be asserted under section 503 of this title.

(b) Except when the incident is caused primarily by willful misconduct or gross negligence within the privity or knowledge of a responsible party, or is caused primarily by a violation within the privity or knowledge of a responsible party of applicable safety, construction, or operating standards or regulations of the United States; and except when a responsible party fails or refuses to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, the total of the liability under subsection (a) of this section and any removal costs incurred by, or on behalf of, such responsible party shall be limited to—

(1) in the case of a vessel other than a ship or an inland oil barge, $150 per gross ton;

(2) in the case of a ship, $1,000,000 or $400 per gross ton, whichever is greater (but not to exceed $40,000,000);

(3) in the case of an inland oil barge, $150,000 or $150 per gross ton; whichever is greater; or

(4) in the case of a facility, $50,000,000.

The Secretary shall, from time to time, report to Congress on the desirability of adjusting the limitations of liability specified in this subsection.

(c)(1) Except when the responsible party has failed or refused to report an incident where required by law, there shall be no liability under subsection (a) of this section if such responsible party proves that the incident—

(A) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(B) was wholly caused by an act or omission of a person other than—

(i) a responsible party;

(ii) an employee or agent of a responsible party; or

(iii) one whose act or omission occurs in connection with a contractual relationship with a responsible party.

(2) There shall be no liability under subsection (a) of this section—

(A) as to particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(B) as to a particular claimant, to the extent that the incident or economic loss is caused by the negligence of that claimant.

(d)(1) Except as provided in subtitle B the Trust Fund shall be liable for damages for which claims may be asserted under section 503 of this title and which are presented under this title, to the extent that the loss is not otherwise compensated.

(2) Except for the removal costs specified in section 501(b)(24)(A) of this title, there shall be no liability under paragraph (1) of this subsection—

(A) where the incident is caused wholly by an act of war, hostilities, civil war, or insurrection;

(B) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(C) as to a particular claimant, to the extent that the incident or the economic loss is caused by the negligence of that claimant.

(e)(1) In addition to the damages for which claims may be asserted under section 503 of this title, and without regard to any limitation of liability provided in subsection (b) of this section, the responsible party with respect to a facility or vessel, or his guarantor (subject to the guarantor's limitation set forth in subsection (d) of section 505 of this title), shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the responsible party or guarantor to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the responsible party or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the responsible party or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which advertising was commenced pursuant to section 506 of this title, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the responsible party or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve bulletin.

(f)(1) A responsible party with respect to a facility or vessel may not transfer the liability imposed under this section to any other person.

(2) Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who, by an agreement with a responsible party with respect to a facility utilized in activities under the Outer Continental Shelf Lands Act, is engaged in such activities, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section. Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who owns or operates a towing vessel, by an agreement with a responsible party with respect to a non-self-propelled vessel, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section.

(g) Nothing in this title shall bar a cause of action that a responsible party subject to liability under this section or a guarantor has or would have by reason of subrogation or otherwise against any person.

(h) To the extent that it is in conflict with, or otherwise inconsistent with, any other law relating to liability or the limitation thereof, this section supersedes such other law.

FINANCIAL RESPONSIBILITY

SEC. 505. (a)(1) The responsible party with respect to each vessel (except a public vessel or a non-self-propelled vessel that does not carry oil as cargo or fuel) over three hundred gross tons that uses a facility or the navigable waters shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum liability under section 504 of this title to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 504 of this title. In cases where a responsible party owns or operates more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have the certification required under this subsection or the regulations issued hereunder.

(3) The Secretary of the department in which the Coast Guard is operating may (A) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (B) detain at the facility or at the port or place in the United States, any vessel subject to this subsection that, upon request, does not produce the certification required under this subsection or regulations issued hereunder.

(b) The responsible party with respect to each facility shall establish and maintain, in accordance with regulations issued by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 504 of this title. In cases where the responsible

party is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to one such facility.

(c) Financial responsibility under this section may be established by any one, or by any combination, of the following methods acceptable to the Secretary: evidence of insurance, surety bond, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(d) Any claim authorized by section 503(a) of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section for any responsible party with respect to a facility or vessel. In defending against such a claim, the guarantor may invoke all rights and defenses which would be available to the responsible party under this title. He may also invoke the defense that the incident was caused by the willful misconduct of the responsible party, but he may not invoke any other defense that he might be entitled to invoke in proceedings brought by the responsible party against him.

(e) Nothing in this title shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceeds in the aggregate the amount of financial responsibility which that guarantor has provided for each responsible party. Nothing in this subsection shall be construed to limit any other statutory, contractual, or common law liability of a guarantor to any responsible party for whom such guarantor provides evidence of financial responsibility including, but not limited to, the liability of such guarantor for negotiating in bad faith a settlement of any claim.

DESIGNATION AND ADVERTISEMENT

SEC. 506. (a)(1) When the Secretary receives information of an incident that involves oil pollution, he shall, where possible and appropriate, designate the source or sources of the oil pollution and shall immediately notify the responsible party and the guarantor, if known, of that designation.

(2) When a source designated is a vessel or facility, and the responsible party or guarantor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of the designation, the responsible party or guarantor, as required by regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to such responsible party or guarantor. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, as he finds necessary, and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which claims may be presented to that responsible party or guarantor.

(b) In a case where—

(1) the responsible party and the guarantor both deny a designation in accordance with paragraph (2) of subsection (a) of this section,

(2) the source of the discharge was a public vessel, or

(3) the Secretary is unable to designate the source or sources of the discharge under paragaph (1) of subsection (a) of this section,

the Secretary shall, in accordance with section 507 of this title, advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Trust Fund.

(c) Advertisement under subsection (a) shall commence no later than fifteen days from the date of the designation made thereunder and shall continue for a period of no less than thirty days.

CLAIMS SETTLEMENT

SEC. 507. (a) Except as provided in subsection (b) of this section, all claims shall be presented to the responsible party or guarantor designated under section 506(a) of this title.

(b) Claims may be presented to the Trust Fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 506(b) of this title; or

(2) where the responsible party may assert a claim under section 503(b)(1) of this title.

(c) In the case of a claim presented in accordance with subsection (a) of this section, and in which—

(1) each person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 506(a)(2) of this title, whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Trust Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a) of this section, where full and adequate compensation is unavailable, either because the claim exceeds a limit of liability invoked under section 504 of this title or because the responsible party and his guarantor are financially incapable of meeting their obligations in full, a claim for the uncompensated damages may be presented to the Trust Fund.

(e) In the case of a claim which has been presented to any person under subsection (a) of this section and which is being presented to the Trust Fund under subsection (c) or (d) of this section, that person, at the request of the claimant, shall transmit the claim and supporting documents to the Trust Fund. The Secretary may, by regulation, prescribe the documents to be so transmitted and the terms under which they are to be transmitted.

(f)(1) The Secretary, in consultation with the Trust Fund, shall establish procedures and standards for the prompt appraisal and settlement of claims against the Trust Fund.

(2) The Trust Fund may use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Trust Fund and may contract for those facilities and services.

(3) To the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Trust Fund may use Federal personnel, on a reimbursable basis, to process claims against the Trust Fund.

(g) Any claimant, or any other person suffering legal wrong because of, or adversely affected or aggrieved by, a final determination of the Trust Fund with respect to a claim, may bring an action for judicial review of the determination. Such action shall be brought under section 509 and shall be the exclusive judicial remedy with respect to such final determination of the Trust Fund. Such an action shall be filed not later than thirty days after the Trust Fund issues notification of the final determination. Venue for any such action shall lie in any district wherein the claimant resides, in addition to any district described in section 509(b). The final determination of the Trust Fund shall not be held unlawful or set aside unless the reviewing court finds such determination to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

ACTIONS TO ENFORCE LIABILITY

SEC. 508. (a)(1) In any action brought under this title against a responsible party or guarantor, both the plaintill and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Trust Fund at the same time those pleadings are served upon the opposing parties.

(2) The Trust Fund may intervene as a party as a matter of right in any action in which a complaint has been served upon it under paragraph (1) of this subsection.

(3) In any action to which the Trust Fund is a party, if the responsible party or his guarantor admits liability under this title, the Trust Fund shall be dismissed therefrom to the extent of the admitted liability.

(4) If the Trust Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in paragraph (1) of this subsection, the Trust Fund shall be bound by any judgment entered therein, whether or not the Trust Fund was a party to the action.

(5) If neither the plaintiff nor the defendant serves a copy of the complaint and all subsequent pleadings upon the Trust Fund in an action referred to in paragraph (1) of this subsection, the limitation of liability otherwise permitted by subsection (b) of section 504 of this title is not available to the defendant, and the plaintiff shall not recover from the Trust Fund any sums not paid by the defendant.

(b) In any action brought against the Trust Fund, the plaintiff may join any responsible party or his guarantor, and the Trust Fund may implead any person, who is or may be liable to the Trust Fund.

(c) No claim may be presented, nor may any action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against a responsible party or his guarantor or against the Trust Fund, as to their respective liabilities, within three years from the date of discovery of the economic loss for which a claim may be asserted under subsection (a) of section 503 of this title, or within six years of the date of the incident which resulted in that loss, whichever is earlier.

(d) Any person, including the Trust Fund, who compensates any claimant for an economic loss, compensable under section 503, shall be subrogated to all rights, claims, and causes of action which that claimant has under this title.

(e) In any claim or action by the Trust Fund against any responsible party or guarantor under subsection (d), the Trust Fund shall recover—

(1) for a claim presented to the Trust Fund (where there has been a denial of source designation) under section 507(b)(1), or (where there has been denial of liability) under section 507(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 504(b), the amount the Trust Fund has paid to the claimant, without reduction;

(B) interest on that amount, at the rate calculated in accordance with section 504(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the Trust Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Trust Fund shall offer to the claimant the amount finally paid by the Trust Fund to the claimant in satisfaction of the claim against the Trust Fund to the date upon which the claimant shall accept that offer, inclusive;

(C) all costs incurred by the Trust Fund by reason of the claim, both of the claimant against the Trust Fund and the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; and

(2) for a claim presented to the Trust Fund under section 507(c)(2)—

(A) in which the amount the Trust Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the Trust Fund has paid to the claimant;

(ii) interest, at the rate calculated in accordance with section 504(e), for the period specified in paragraph (1)(B) of this subsection; and

(iii) all costs incurred by the Trust Fund by reason of the claim of the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; or

(B) in which the amount the Trust Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the Trust Fund has paid to the claimant, without reduction;

(ii) interest, at the rate calculated in accordance with section 504(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause, except that if the defendant tendered the offer of the largest amount referred to in this subparagraph within sixty days after the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced under section 506, the defendant shall not be liable for interest for that period; and

(iii) interest from the date upon which the claim of the Trust Fund against the defendant was presented to the defendant to the date upon which the Trust Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Trust Fund the amount finally paid to the Trust Fund in satisfaction of the claim of the Trust Fund to the date upon which the Trust Fund shall accept that offer, inclusive.

(f) The Trust Fund shall pay over to the claimant that portion of any interest the Trust Fund shall recover, under subsections (e)(1) and (e)(2)(A) for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Trust Fund, inclusive, less the period from the date upon which the Trust Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(g) The Trust Fund is entitled to recover for all interest and costs specified in subsection (e) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 509. (a) The United States district courts shall have exclusive original jurisdiction over all controversies arising under subtitles A, B, and C of this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) Unless otherwise provided in this Act, venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this section, the Trust Fund shall reside in the District of Columbia.

RELATIONSHIP TO OTHER LAW

SEC. 510. (a) Except as provided in this title—

(1) no action may be brought in any court of the United States, or of any State or political subdivision thereof, for an economic loss compensable under this title,

(2) no person may be required to contribute to any fund, the purpose of which is to compensate for damages for an economic loss described in section 503(a), except that, for a period of three years beginning on the effective date of this section, any State which on the effective date of this section has in effect a statute that requires such contributions may continue to require such contributions within the limits established by such statue as those limits exist on such date, and

(3) no person may be required to establish or maintain evidence of financial responsibility relating to the satisfaction of a claim compensable under this title.

(b) Nothing in this Act shall preclude any State from imposing a tax or fee upon any person or upon oil in order to finance the purchase and prepositioning of oil pollution cleanup and removal equipment or to finance other preparations for responding to a discharge of oil which affects such State.

(c) Nothing in subsection (a) shall prohibit an action by the Trust Fund under any other provision of law to recover compensation paid under this title.

PENALTIES

SEC. 511. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 505 of this title or the regulations issued thereunder or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 512. There are authorized to be appropriated for those fiscal years which begin on or after October 1, 1984, such sums as may be necessary to carry out this Act.

Subtitle B—Comprehensive Oil Pollution Liability Trust Fund

ESTABLISHMENT OF THE COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

SEC. 513. (a) The Comprehensive Oil Pollution Liability Trust Fund is established as a nonprofit corporate entity. The Trust Fund shall consist of—

(1) fees paid into the Trust Fund under section 514,

(2) amounts recovered or collected on behalf of the Trust Fund under subtitle A of this Act, and

(3) amounts transferred to the Trust Fund under sections 521(f) and 521(g) of this Act.

(b) The Trust Fund shall be administered by a Board of Directors under regulations prescribed by the Secretary.

(c)(1) The Board of Directors shall consist of nine voting directors appointed by the Secretary as follows—

(A) three shall be representatives of persons who are liable for fees imposed under this title;

(B) three shall be individuals (including, but not limited to, representatives of any State or political subdivision thereof) who are potential claimants under paragraph (2), (4), or (5) of section 503(b) of this Act; and

(C) three shall be individuals from the general public, who are not eligible for appointment under subparagraph (A), and who have particular expertise, knowledge, and experience in the field of oil spill liability and compensation (including, but not limited to, environmental or labor representatives or guarantors).

(2) Not more than five voting directors shall be members of any one political party. All directors shall be citizens of the United States.

(3) The term of office of each director shall be six years, except that of the directors first appointed three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be appointed for terms of six years. Any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of that term.

(4) The Secretary or his delegate shall serve as a nonvoting member of the Board of Directors.

(5) The levels of compensation of the Board of Directors shall be fixed initially by the Secretary and may be adjusted from time to time upon recommendation by the Board of Directors and concurrence of the Secretary. Any member of the Board of Directors who is an officer or employee of the United States, and any other member of the Board of Directors who is prohibited by the terms of his employment from receiving additional compensation, shall receive no additional compensation on account of that member's service on the Board of Directors.

(6) Any director may be removed from office by the Secretary only for neglect of duty, malfeasance in office, or incompetence, or if the director no longer qualifies to be a director under paragraph (1).

(7) The Board of Directors shall meet at least once a year. A majority of the voting members of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of the voting members of the Board of Directors.

(8) All meetings of the Board of Directors held to conduct official business of the Trust Fund shall be open to public observation and shall be preceded by reasonable public notice. The Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information the premature disclosure of which would be likely to lead to speculation in investments of the Trust Fund; or

(B) information which is likely to adversely affect financial or securities markets or institutions.

(9) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) and (B) of paragraph (7) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be withheld under the provisions of subparagraphs (A) and (B) of paragraph (7).

(d)(1) The Board of Directors shall appoint a chief executive officer of the Trust Fund who shall be responsible for the administration of the Trust Fund.

(2) The Board of Directors shall—

(A) establish the offices and appoint the officers of the Trust Fund and define their duties;

(B) fix the compensation of individual officer positions and categories of other employees of the Trust Fund taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code for comparable positions or categories. If the Board of Directors determines that is is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the Secretary its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations unless the Secretary has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(C) provide a system of organization to fix responsibility and promote efficiency.

(3) Except as specifically provided herein, directors, officers, and employees of the Trust Fund shall not be subject to any law of the United States relating to governmental employment.

(4) The chief executive officer shall appoint such employees as may be necessary for the transaction of the Trust Fund's business to, and may discharge such employees from, positions established in accordance with this section.

(5) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Trust Fund, except as provided in subsection (c)(1) of this section.

(6) The Board of Directors may provide for reimbursement of directors, officers, and employees for travel expenses and per diem.

(e) The Trust Fund and its income and property shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, or local taxing authority, except that—

(1) any real property owned in fee by the Trust fund shall be subject to State, territorial, county, municipal, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof; and

(2) the Trust Fund and its employees shall be subject to any nondiscriminatory payroll and employment taxes intended to finance benefits based upon employment (such as social security and unemployment benefits) to the same extent as any privately owned corporation.

(f) The Trust Fund shall have the power to sue and be sued in its own name and to exercise all other lawful powers necessarily or reasonable related to the establishment of the Trust Fund and the exercise of its functions and duties under this Act.

(g)(1) The Trust Fund shall have an independent annual audit prepared in accordance with generally accepted accounting principles.

(2) Not later than one hundred and twenty days after the end of each fiscal year of the Trust Fund, the Trust Fund shall submit to the Congress and the Secretary an annual report containing the audit prepared under paragraph (1) and information regarding the organization, procedures, and activities of the Trust Fund during the preceding fiscal year.

(h) The principal office of the Trust Fund shall be located in the District of Columbia.

(i) Except to the extent expressly provided herein, the Trust Fund shall not be deemed to be an agency of the United States or an instrumentality of the United States.

(j) This title shall be considered the articles of incorporation for the Trust Fund.

FUND COLLECTIONS

SEC. 514. (a) A fee of 1.3 cents a barrel shall be paid into the Trust Fund by the owner of—

(1) oil received at a United States refinery;

(2) oil entered into the United States for consumption, use, or warehousing; and

(3) oil produced from a well located in the United States which is used in or exported from the United States.

(b) The Secretary, in consultation with the Trust Fund, shall by regulation establish procedures for the collection of the fee imposed by subsection (a).

(c) The fee imposed by subsection (a) shall only be in effect during those times when the amount in the Trust Fund (including the value of any securities held by the Trust Fund pursuant to section 515(b)) is less than $200,000,000.

(d) No fee shall be collected under this section with respect to any oil if the person who would be liable for the fee established that a prior fee has been imposed by this section with respect to that oil.

(e) The Trust Fund may bring an action in the district court of the United States for the collection of any fee required to be paid under this section.

(f) Any person who fails to collect or pay any fee as required by this section shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of Transportation, in addition to the fee required to be collected or paid and the interest on such fee in an amount equal to the amount such fee would have earned if collected or paid when due and invested in accordance with subsection (b) of section 515. Upon the failure of any person so liable to pay any penalty, fee, or interest upon demand, the Attorney General may, at the request of the Secretary of Transportation, bring an action in the name of the Fund against that person for such amount.

TRUST FUND DISBURSEMENT AND INVESTMENT

SEC. 515. (a) The Trust Fund shall be available, subject to appropriations, for the purposes of—

(1) immediate payment of removal costs described in section 501(b)(24)(A) and of reasonable costs incurred by the trustee under section 503(a)(3) in assessing damaged natural resources and preparing a restoration and acquisition plan with respect to the damaged natural resources;

(2) the payment of claims under Subtitle A of this Act for damage which is not otherwise compensated;

(3) the costs of administration of this Act; and

(4) the payment of initial and annual contributions to the International Fund in accordance with section 525 of this Act.

(b) All sums not needed for purposes of subsection (a) shall be invested prudently in income producing securities approved by the Secretary in accordance with regulations issued by the Secretary. Income from these securities shall be added to the principal of the Trust Fund, except that whenever the amount in the Trust Fund (including the value of such securities) exceeds $300,000,000, the amount of any income from such securities shall be rebated, subject to appropriations, on a pro rata basis to the owners of the oil who contributed fees to the Trust Fund. If any owner no longer exists or income cannot otherwise be rebated after due diligence to do so, the income shall be retained by the Trust Fund.

LIMITATION ON PAYMENT OF CLAIMS BY THE TRUST FUND

SEC. 516. (a) No amount in the trust Fund may be used to pay any claim, other than a claim for removal costs, to the extent that the payment of that claim would reduce the amount in the Trust Fund to an amount less than $30,000,000.

(b) If at any time the Trust Fund is unable by reason of subsection (a) to pay all of the claims, other than for removal costs, payable at that time, those claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined. Subject to approval of the Secretary, the Trust Fund may borrow amounts from any commercial credit source, at the best available terms, for purposes of paying such claims in such order.

(c) The liability of the Trust Fund under this Act with respect to one incident shall not exceed $100,000,000. If the Trust Fund is unable by reason of the preceding sentence to pay all claims with respect to the incident, the claims shall be reduced proportionately.

ANNUAL AUDIT REVIEW

SEC. 517. The Comptroller General shall review the audit required by section 513(g)(1) and shall submit a report of its review to Congress.

COORDINATION WITH OTHER PROVISIONS OF THIS ACT

SEC. 518. (a) If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to the Trust Fund, any claim which arises before October 1, 1984 (to the extent such

claim would have been payable out of the transferor fund), shall be payable, subject to appropriations, out of the Trust Fund notwithstanding any of the limitations imposed by this title.

(b)(1) If the Secretary or his delegate determines that there is a TAP fund deficit, the fee imposed by section 514(a) on oil first transported through the Trans-Alaska Pipeline after the date of such determination shall be increased by 2 cents per barrel until the total amount of the increased fee equals such deficit.

(2) For purposes of paragraph (1) of this subsection, the term "TAP fund deficit" means the excess (if any) of—

(A) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund under section 521(b)(2) of this Act, over

(B) the total amount of the assets of the Trans-Alaska Pipeline Liability Fund as of the effective date of this section.

DEFINITIONS AND SPECIAL RULES

SEC. 519. (a) For purposes of this title, the term "United States" includes the outer Continental Shelf and any foreign trade zone of the United States.

(b) In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at the refinery at the time so produced.

(c) In the case of a fraction of a barrel, the fee imposed by section 514(a) of this title shall be the same fraction of the amount of the fee imposed on a whole barrel.

Subtitle C—Regulations, Effective Dates, and Savings Provisions

EFFECTIVE DATES

SEC. 520. (a) This section, section 501, section 502, section 512, subtitle B (other than section 514 (a), (c), (d), (e), and (f), section 515, and section 516), section 522, and each provision subtitle A that authorizes the promulgation of regulations shall be effective on the date of the enactment of this Act.

(b) Subtitle D shall take effect on the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States.

(c) All other provisions of subtitles A through D and the regulations issued thereunder, shall be effective on the one hundred and eightieth day after the date of enactment of this Act, except that the penalty prescribed by section 511 for failure to comply with the requirements of section 505 or the regulations issued thereunder shall not be effective until the ninetieth day after issuance of those regulations of the two hundred and seventieth day after the date of enactment of this Act, whichever is earlier.

(d) Any regulation respecting financial responsibility, issued pursuant to any provision of law repealed by section 521 of this title, and in effect on the day immediately preceding the effective date of section 521 of this title shall remain in force until superseded by regulations issued under subtitle A of this Act.

CONFORMING AMENDMENTS

SEC. 521. (a) The first sentence of subsection (b) of section 204 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C 1653(b); 87 Stat. 586) is amended by inserting "in the State of Alaska" after "any area" and by inserting "related to the trans-Alaska oil pipeline" after "any activities". Such subsection is further amended by inserting at the end thereof the following new sentence: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act.".

(b)(1) Subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act is repealed. All assets of the Trans-Alaska Pipeline Liability Fund, as of the effective date of this section, except for assets equal to the total amount of claims certified by the Secretary under paragraph (2) of this subsection, shall be rebated, subject to appropriations, directly to the operator of the trans-Alaska oil pipeline for payment on a pro rata basis to the owners of the oil at the time it was loaded on the vessel. The Comprehensive Oil Pollution Liability Trust Fund shall assume all liability incurred by the Trans-Alaska Pipeline Liability Fund under terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and shall assume all liability incurred by the officers or trustees in the execution of their duties involving the Trans-Alaska Pipeline Liability Fund, other than the liability of those officers or trustees for gross negligence or willful misconduct.

(2) The Secretary of the Interior shall certify to the Secretary of the Treasury the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund not later than one hundred and eighty days after the effective date of this section. In the event that the total amount of the actual claims settled is less than the total amount of the outstanding claims certified, the difference between these amounts shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment, on a pro rata basis, to the owners of the oil at the time it was loaded on the vessel.

(c) Section 17 of the Intervention on the High Seas Act (33 U.S.C. 1486; 88 Stat. 10) is amended to read as follows:

"SEC. 17. The fund established under Subtitle B of the Comprehensive Oil Pollution Liability and Compensation Act shall be available to the Secretary for actions and activities relating to oil pollution (as defined in section 501(b) of that Act) taken under section 5 of this Act. The fund established under section 311(k) of the Federal Water Pollution Control Act shall be available for actions and activities relating to other pollution taken under section 5 of this Act.".

(d) Section 31 of the Federal Water Pollution Control Act is amended as follows:

(1) Subsection (a) is amended by striking out the period at the end of paragraph (17) and inserting in lieu thereof a semicolon and the following new paragraph:

"(18) 'person in charge' means the individual immediately responsible for the operation of a vessel or facility.".

(2) Paragraph (5) of subsection (b) is amended in the last sentence by inserting after "person" the following: "or his employer".

(3) Subparagraph (A) of paragraph (6) of subsection (b) is amended—

(A) in the first and second sentences, by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge"; and

(B) in the third sentence, by striking out "the owner or operator" and inserting in lieu thereof "whoever being".

(4) Subparagraph (B) of paragraph (6) of subsection (b) is amended in the first and second sentences by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge".

(5) Subsection (c)(2)(H) is amended by striking out "from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal" and inserting in lieu thereof the following: "for the reasonable costs incurred in such removal (i) from the fund established under section 513 of the Comprehensive Oil Pollution Liability and Compensation Act in the case of any discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, or from a facility (as defined by subtitle A of such Act or (ii) from the fund established under subsection (k) of this section in any other case".

(6)(A) Subsection (d) is amended by inserting immediately before the last sentence the following: "Any expense incurred under this subsection or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof) as the result of the discharge or imminent discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, shall be reimbursed from the fund established under section 513 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(B) Subsection (d) is further amended by striking out "Any" in the last sentence and inserting in lieu thereof "Any other".

(7) Subsection (f)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(8) Subsection (f)(3) is amended by inserting "(other than a facility as defined by section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(9)(A) The first sentence of subsection (g) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the second place it appears, by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(B) The second sentence of subsection (g) is amended by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(C) The third sentence of subsection (g) is amended by inserting "such" before "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(10)(A) Subsection (i)(1) is amended by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(B) Subsection (i)(2) is repealed and paragraph (3) of subsection (i) (and all references thereto) is redesignated as paragraph (2).

(11) Subsection (p)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears.

(e) The Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.; 88 Stat. 2126) is amended as follows:

(1) Section 4(c)(1) is amended by striking out "section 18(l) of this Act" and inserting in lieu thereof "section 505 of the Comprehensive Oil Pollution Liability and Compensation Act".

(2) Subsections (b), (d), (e), (f), (g), (h), (i), (j), (l), and (n) of section 18 are repealed.

(3) Paragraph (3) of subsection (c) of section 18 is amended by striking out "Deepwater Port Liability Fund established pursuant to subsection (f) of this section." and inserting in lieu thereof "fund established under subtitle B of the Comprehensive Oil Pollution Liability and Compensation Act.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated as subsections (b), (c), and (d), respectively.

(f) Any amounts remaining in the Deepwater Port Liability Fund established by section 18(f) of the Deepwater Port Act of 1974 shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by subtitle B of this Act. The Trust Fund shall assume all liability incurred by the Deepwater Port Liability Fund under the Deepwater Port Act of 1974.

(g) Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372) is repealed. Any amounts remaining in the Offshore Oil Pollution Compensation Fund established under section 302 of that title shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by subtitle B of this Act. The Trust Fund shall assume all liability incurred by the Offshore Oil Pollution Compensation Fund under title III of the Outer Continental Shelf Lands Act Amendments of 1978.

SEPARABILITY

SEC. 522. In any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

Subtitle D—Implementation of Conventions

RECOGNITION OF THE INTERNATIONAL FUND

SEC. 523. The International Oil Pollution Compensation Fund (hereinafter in this title referred to as the "International Fund") established by article 2 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (hereinafter in this title referred to as the "International Fund Convention") is recognized under the laws of the United States as a legal person and shall have the capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be a party to legal proceedings. The Director of the International Fund is recognized as the legal representative of the International Fund. The Director shall be deemed to have appointed irrevocably the Secretary of State his agent for service of process in any action against the International Fund in any court in the United States.

SERVICE OF PROCESS AND INTERVENTION

SEC. 524. (a) In any action brought in a court in the United States against the owner of a ship or his guarantor under the International Convention of Civil Liability for Oil Pollution Damage (hereinafter in this title referred to as the "Civil Liability Convention"), the plaintiff or defendant, as the case may be, shall serve a copy of the complaint and any subsequent pleading therein upon the International Fund and the Comprehensive Oil Pollution Liability Trust Fund at the same time the complaint or other pleading is served upon the opposing parties.

(b) The International Fund may intervene as a party as a matter of right in any action brought in a court in the United States against the owner of a ship or his guarantor under the Civil Liability Convention.

(c) If the International Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in subsection (a) of this section, the International Fund shall be bound by any judgment entered therein, whether or not the International Fund was a party to the action.

EXEMPTION FROM TAXATION

SEC. 525. The International Fund and its assets shall be exempt from all direct taxation in the United States.

PAYMENT OF CONTRIBUTIONS

SEC. 526. The amount of any initial or annual contribution to the International Fund which is required to be made under article 10 of the International Fund Convention by any person with respect to oil received in any port, terminal installation, or other installation located in the United States shall be paid to the International Fund by the Comprehensive Oil Pollution Liability Trust Fund. Before the International Fund Convention enters into force with respect to the United States, the President shall make, and deposit with the Secretary-General of the International Maritime Organization, a declaration under article 14 of the International Fund Convention that the United States assumes the obligation to pay contributions under article 10 of such Convention in respect of oil received within the territory of the United States and that such amount will be paid from the Comprehensive Oil Pollution Liability-Trust Fund.

JURISDICTION OF DISTRICT COURTS

SEC. 527. (1) The United States district courts shall have exclusive original jurisdiction of—

(1) all controversies arising in the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, and

(2) all controversies arising outside of the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, from an incident which causes damage in the territory of the United States, including the territorial sea,

without regard to the citizenship of the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this subsection, the International Fund shall reside in the District of Columbia.

RECOGNITION OF JUDGMENTS

SEC. 528. Any final judgment of a court of any nation which is a party to the Civil Liability Convention or the International Fund Convention in an action for compensation under either such convention shall be recognized by any court of the United States or of a State when that judgment has become enforceable in such nation and is no longer subject to ordinary forms of review, except where—

(1) the judgment was obtained by fraud; or

(2) the defendant was not given reasonable notice and a fair opportunity to present his case.

FINANCIAL RESPONSIBILITY

SEC. 529. (a) The owner of each ship which is documented under the laws of the United States and is carrying more than two thousand tons of oil in bulk of cargo shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The Secretary shall issue a certification to each such owner who complies with this paragraph, in the form and manner required by the Civil Liability Convention.

(b) With respect to any ship owned by the United States, the Secretary shall issue a certificate stating that the ship is owned by the United States and that the ship's liability is covered within the limits of liability prescribed by the Civil Liability Convention.

(c) The owner of each ship (other than a ship to which subsection (a) or (b) applies), wherever registered, which is carrying more than two thousand tons of oil in bulk as cargo and which enters or leaves a port or offshore terminal in the United States (including the territorial seas) shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The owner of a ship which is registered in, or flying the flag of, a nation which is a party to the Civil Liability Convention shall be considered to have met the requirements of this paragraph if the ship is carrying a certificate issued by such nation attesting that insurance or other financial security is in force which meets the requirements of such Convention.

(d) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any ship which does not have a certificate showing compliance with the requirements of financial responsibility under subsection (a) or (c) of this section.

(e) The Secretary of the department in which the Coast Guard is operating may (1) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (2) detain at the facility or at the port or place in the United States, any vessel subject to this section that, upon request, does not produce the certificate required under this section or regulations issued hereunder.

(f) Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of this section or the regulations issued under this section or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances,

extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions any civil penalty which is subject to imposition or which has been imposed under this subsection. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

WAIVER OF SOVEREIGN IMMUNITY

SEC. 530. The United States waives all defenses based on its status as a sovereign State with respect to any controversy arising under the Civil Liability Convention or the International Fund Convention relating to any ship owned by the United States and used for commercial purposes.

DEFINITION OF FRANC

SEC. 531. Notwithstanding any provision of the Civil Liability Convention or the International Fund Convention to the contrary, one franc equals one-fifteenth of a special drawing right, as defined by the International Monetary Fund, for purposes of applying such conventions.

RULES AND REGULATIONS

SEC. 532. The Secretary may issue such rules and regulations as are necessary to implement the Civil Liability Convention and the International Fund Convention.

(Amendment No. 13 to committee print.)

—Add a new title V as follows and redesignate the existing title V as title VI:

TITLE V—OIL POLLUTION LIABILITY AND COMPENSATION

Subtitle A—Short Title and Definitions

SEC. 501. (a) Subtitles A-D may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act."

(b) For the purposes of this Act, the term—

(1) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(2) "claim" means a demand in writing for a sum certain;

(3) "cleanup costs" means costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from that incident;

(4) "discharge" means any emission, intentional or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(5) "facility" means a structure, or group of structures, which is either—

(A) located, in whole or in part, on the outer Continental Shelf and used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the outer Continental Shelf, or

(B) licensed under the Deepwater Port Act of 1974;

(6) "foreign claimant" means any person residing in a foreign country, the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim;

(7) "guarantor" means the person, other than the responsibility party, who provides evidence of financial responsibility for a responsible party;

(8) "incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, which causes, or poses a substantial threat, of oil pollution;

(9) "inland oil barge" means a non-self-propelled vessel, carrying oil in bulk as cargo or in residue from cargo and certificated to operate only on the internal waters of the United States while operating in such waters;

(10) "internal waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside that baseline which are a part of the Gulf Intracoastal Waterway;

(11) "lessee" means a person holding a leasehold interest in an oil and gas lease on submerged lands of the outer Continental Shelf granted or maintained under the Outer Continental Shelf Lands Act;

(12) "licensee" means a person holding a license issued under the Deepwater Port Act of 1974;

(13) "mobile offshore drilling unit" means every watercraft or other contrivance (other than a public vessel of the United States) capable of use as a means of transportation on water and as a means of drilling for oil on the outer Continental Shelf;

(14) "natural resources" means living and nonliving resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15) "navigable waters" means the waters of the United States, including the territorial sea;

(16) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(17) "oil pollution" means—

(A) the presence of oil which has been discharged from a vessel or facility in quantities which the President had determined may be harmful pursuant to paragraph (4) of subsection (b) of section 311 of the Federal Water Pollution Control Act—

(i) in or on the navigable waters or on land within the United States immediately adjacent thereto; or

(ii) in or on the waters of the contiguous zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone, or

(B) the presence of oil (other than natural seepage) in or on the waters of the high seas outside the territorial limits of the United States—

(i) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act;

(ii) when discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or from a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port licensed under such Act;

(iii) causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(iv) when discharged, prior to being brought ashore in a port in the United States, from a ship that received oil at the terminal of the pipeline constructed under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) for transportation to a port in the United States; or

(C) the presence of oil (other than natural seepage) in or on the territorial sea, internal waters, or adjacent shoreline, of a foreign country, in a case where damages are recoverable by a foreign claimant under section 503(b)(6) of this title; (18) "operator" means—

(A) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(B) in the case of a pipeline, any person, except the owner, who is responsible for the operation of such pipeline by agreement with the owner;

(19) "outer Continental Shelf" has the meaning set forth in subsection (a) of section 2 of the Outer Continental Shelf Lands Act;

(20) "owner" means, in the case of a vessel or a pipeline, any person holding title to, or in the absence of title, any other indicia of ownership of, the vessel or pipeline, whether by lease, permit, contract, license, or other form of agreement, except that such term does not include a person who, without participating in the management or operation of a vessel or a pipeline, holds indicia of ownership primarily to protect his security interest in the vessel or pipeline;

(21) "permittee" means a person holding an authorization, license, or permit for geological exploration issued under section 11 of the Outer Continental Shelf Lands Act;

(22) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or any other commercial, legal, or governmental entity;

(23) "public vessel" means a vessel which—

(A) is owned or chartered by demise, and operated by (i) the United States, (ii) a State or political subdivision thereof; or (iii) a foreign government, and

(B) is not engaged in commercial service;

(24) "removal costs" means—

(A) costs incurred under subsection (c), (d), or (l) of section 311 of the Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, or subsection (b) of section 18 of the Deepwater Port Act of 1974, and

(B) cleanup cost, other than the costs described in subparagraph (A);

(25) "responsible party" means—

(A) with respect to a vessel or a pipeline, the owner or operator of such vessel or pipeline;

(B) with respect to a facility (other than a deepwater port or pipeline), the lessee or permittee of the area in which such facility is located, or the holder of a right of use and easement granted under the Outer Continental Shelf Lands Act for the area in which such facility is located where such holder is a different person than the lessee or permittee; and

(C) with respect to a deepwater port, the licensee;

(26) "Secretary" means the Secretary of Transportation;

(27) "ship" means a vessel (other than an inland oil barge) carrying oil in bulk as cargo or in residue from cargo;

(28) "Trust Fund" means the fund established by Subtitle B of this Act;

(29 "United States" and "State" include the several States of the United States" and "State" include the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(30) "United States claimant" means any person residing in the United States, the Government of the United States or any

agency thereof, or the government of a State or a political subdivision thereof, who asserts a claim; and

(31) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

COORDINATION WITH INTERNATIONAL CONVENTIONS

SEC. 502. On an after the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States, this title shall not apply with respect to damage arising out of or directly resulting from oil pollution or a substantial threat of oil pollution to the extent this title is inconsistent with such conventions and subtitle D of this Act.

DAMAGES AND CLAIMANTS

SEC. 503. (a) Claims for damages for economic loss, incurred on or after the effective date of this section and arising out of or directly resulting from oil pollution or the substantial threat of oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) injury to, or destruction of, natural resources, including reasonable costs incurred by the trustee of the damaged resources in assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources;

(4) loss of subsistence use of natural resources;

(5) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources to the extent that such damages were sustained during two-year period beginning on the date the claimant first suffered such loss; and

(6) loss of tax revenue for a period of one year due to injury to real or personal property.

(b)(1) A claim may be asserted under paragraph (1) of subsection (a) by any claimant, except that the responsible party with respect to a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 504(c) of this title or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 504(b) of this title, in which case the claim may be asserted only to the extent that the sum of the removal costs incurred by the responsible party plus the amounts paid by the responsible party or by the guarantor on behalf of the responsible party for claims asserted under subsection (a) of this section exceeds the amount to which the total of the liability under section 504(a) and removal costs incurred by, or on behalf of, the responsible party is limited under section 504(b).

(2) A claim may be asserted under paragraphs (2) and (4) of subsection (a) by any United States claimant, if the property involved is owned or leased, or the natural resource involved is utilized, by the claimant.

(3) A claim may be asserted under paragraph (3) of subsection (a) by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercises exclusive management authority, or by the Governor of any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State. Compensation paid under this paragraph may be used only for assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources.

(4) A claim may be asserted under paragraph (5) of subsection (a) by any United States claimant if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource or, if such activities are seasonal in nature, 25 per centum of the claimant's earnings during the season in which such activities took place.

(5) A claim may be asserted under paragraph (6) of subsection (a) by any State or political subdivision thereof.

(6) Except as otherwise provided in this paragraph, a claim may be asserted under paragraphs (2), (3), (4), and (5) of subsection (a) by a foreign claimant to the same extent that a United States claimant may assert a claim if—

(A) the oil pollution occurred in the waters, including the territorial sea, or adjacent shoreline of a foreign country of which the claimant is a resident;

(B) the claimant is not otherwise compensated for his loss;

(C) the oil was discharged from a vessel located within the navigable waters, was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, or was discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or a vessel transitting to or from a deepwater port and located in a safety zone of a deepwater port under such Act; and

(D) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country of which the claimant is a resident, or the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

In the case of any oil pollution involving oil that has been transported through the pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act, has been loaded on a vessel for transportation to a port in the United States, and is discharged from such vessel before being unloaded in that port, a claim may be asserted by a resident of Canada without regard to subparagraphs (A), (C), and (D) of this paragraph, to the same extent that a United States claimant may assert a claim.

(7) A claim may be asserted under any paragraph of subsection (a), by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection.

(c) If the Attorney General fails to act under paragraph (7) of subsection (b) within sixty days after the date on which the Secretary designates a source under section 506, any member of a group may assert a claim for damages on behalf of that group. Failure of the Attorney General to act shall have no bearing on any claim for damages asserted under this section.

LIABILITY

SEC. 504. (a)(1) Subject to paragraph (2) of this subsection and subsections (b) and (c) of this section, the responsible party with respect to a facility or a vessel (other than a public vessel) that is the source of oil pollution, or poses a substantial threat of oil pollution in circumstances that justify the incurrence of the type of costs described in section 501(b)(24)(A) of this title, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 503.

(2)(A) Except as provided in subparagraph (B) of this paragraph, in any case in which a mobile offshore drilling unit is being used as a facility and is the source of oil pollution originating on or above the surface of the water or poses the substantial threat of such oil pollution, such unit shall be deemed to be a vessel which is a ship for purposes of this title.

(B) To the extent that damages for which claims may be asserted under section 503 from any incident described in subparagraph (A) exceed the amount for which the responsible party is liable under subparagraph (A) (as such amount may be limited under subsection (b)(2) of this section), the mobile offshore drilling unit shall be deemed to be a facility covered by subsection (b)(4) of this section, except that for purposes of applying subsection (b)(4) the amount specified in such subsection shall be reduced by the amount for which the responsible party with respect to a ship is liable under subparagraph (A) of this paragraph.

(C) In the case of any incident described in subparagraph (A) which is caused primarily by willful misconduct or gross negligence within the privity or knowledge of both the owner or operator of the mobile offshore drilling unit and the lessee or permittee of the area, or holder of a right of use or easement for the area, in which such unit is located; or which is caused primarily by a violation within the privity or knowledge of both such owner or operator and such lessee or permittee or holder of applicable safety, construction, or operating standards or regulations of the United States; or with respect to which both such owner or operator and such lessee or permittee or holder fail or refuse to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, such owner or operator and such lessee or permittee or holder shall be jointly, severally, and strictly liable (without limitation under subsection (b)) for all loss for which a claim may be asserted under section 503 of this title.

(b) Except when the incident is caused primarily by willful misconduct or gross negligence within the privity or knowledge of a responsible party, or is caused primarily by a violation within the privity or knowledge of a responsible party of applicable safety, construction, or operating standards or regulations of the United States; and except when a responsible party fails or refuses to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in futherance of cleanup activities, the total of the liability under subsection (a) of this section and any removal costs incurred by, or on behalf of, such responsible party shall be limited to—

(1) in the case of a vessel other than a ship or an inland oil barge, $150 per gross ton;

(2) in the case of a ship, $1,000,000 or $400 per gross ton, whichever is greater (but not to exceed $40,000,000);

(3) in the case of an inland oil barge, $150,000 or $150 per gross ton, whichever is greater; or

(4) in the case of a facility, $50,000,000.

The Secretary shall, from time to time, report to Congress the desirability of adjusting the limitations of liability specified in this subsection.

(c)(1) Except when the responsible party has failed or refused to report an incident where required by law, there shall be no liability under subsection (a) of this section if such responsible party proves that the incident—

(A) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(B) was wholly caused by an act or omission of a person other than—

(i) a responsible party;

(ii) an employee or agent of a responsible party; or

(iii) one whose act or omission occurs in connection with a contractual relationship with a responsible party.

(2) There shall be no liability under subsection (a) of this section—

(A) as to a particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(B) as to a particular claimant, to the extent that the incident or economic loss is caused by the negligence of that claimant.

(d)(1) Except as provided in subtitle B, the Trust Fund shall be liable for damages for which claims may be asserted under section 503 of this title and which are presented under this title, to the extent that the loss is not otherwise compensated.

(2) Except for the removal costs specified in section 501(b)(24)(A) of this title, there shall be no liability under paragraph (1) of this subsection—

(A) where the incident is caused wholly by an act of war, hostilities, civil war, or insurrection;

(B) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(C) as to a particular claimant, to the extent that the incident or the economic loss is caused by the negligence of that claimant.

(e)(1) In addition to the damages for which claims may be asserted under section 503 of this title, and without regard to any limitation of liability provided in subsection (b) of this section, the responsible party with respect to a facility or vessel, or his guarantor (subject to the guarantor's limitation set forth in subsection (d) of section 505 of this title), shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the responsible party or guarantor to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the responsible party or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the responsible party or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which advertising was commenced pursuant to section 506 of this title, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the responsible party or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve bulletin.

(f)(1) A responsible party with respect to a facility or vessel may not transfer the liability imposed under this section to any other person.

(2) Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who, by an agreement with a responsible party with respect to a facility utilized in activities under the Outer Continental Shelf Lands Act, is engaged in such activities, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section. Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who owns or operates a towing vessel, by an agreement with a responsible party with respect to a non-self-propelled vessel, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section.

(g) Nothing in this title shall bar a cause of action that a responsible party subject to liability under this section or a guarantor has or would have by reason of subrogation or otherwise against any person.

(h) To the extent that it is in conflict with, or otherwise inconsistent with, any other law relating to liability or the limitation thereof, this section supersedes such other law.

FINANCIAL RESPONSIBILITY

SEC. 505. (a)(1) The responsible party with respect to each vessel (except a public vessel or a non-self-propelled vessel that does not carry oil as cargo or fuel) over three hundred gross tons that uses a facility or the navigable waters shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum liability under section 504 of this title to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 504 of this title. In cases where a responsible party owns or operates more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have the certification required under this subsection or the regulations issued hereunder.

(3) The Secretary of the department in which the Coast Guard is operating may (A) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (B) detain at the facility or at the port or place in the United States, any vessel subject to this subsection that, upon request, does not produce the certification required under this subsection or regulations issued hereunder.

(b) The responsible party with respect to each facility shall establish and maintain, in accordance with regulations issued by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 504 of this title. In cases where the responsible party is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to one such facility.

(c) Financial responsibility under this section may be established by any one, or by any combination, of the following methods acceptable to the Secretary: evidence of insurance, surety bond, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(d) Any claim authorized by section 503(a) of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section for any responsible party with respect to a facility or vessel. In defending against such a claim, the guarantor may invoke all rights and defenses which would be available to the responsible party under this title. He may also invoke the defense that the incident was caused by the willful misconduct of the responsible party, but he may not invoke any other defense that he might be entitled to invoke in proceedings brought by the responsible party against him.

(e) Nothing in this title shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceeds in the aggregate the amount of financial responsibility which that guarantor has provided for each responsible party. Nothing in this subsection shall be construed to limit any other statutory, contractual, or common law liability of a guarantor to any responsible party for whom such guarantor provides evidence of financial responsibility including, but not limited to, the liability of such guarantor for negotiating in bad faith a settlement of any claim.

DESIGNATION AND ADVERTISEMENT

SEC. 506. (a)(1) When the Secretary receives information of an incident that involves oil pollution, he shall, where possible and appropriate, designate the source or sources of the oil pollution and shall immediately notify the responsible party and the guarantor, if known, of that designation.

(2) When a source designated is a vessel or facility, and the responsible party or guarantor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of the designation, the responsible party or guarantor, as required by regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to such responsible party or guarantor. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, as he finds necessary, and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which

claims may be presented to that responsible party or guarantor.

(b) In a case where—

(1) the responsible party and the guarantor both deny a designation in accordance with paragraph (2) of subsection (a) of this section.

(2) the source of the discharge was a public vessel, or

(3) the Secretary is unable to designate the source or sources of the discharge under paragraph (1) of subsection (a) of this section,

the Secretary shall, in accordance with section 507 of this title, advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Trust Fund.

(c) Advertisement under subsection (a) shall commence no later than fifteen days from the date of the designation made thereunder and shall continue for a period of no less than thirty days.

CLAIMS SETTLEMENT

SEC. 507. (a) Except as provided in subsection (b) of this section, all claims shall be presented to the responsible party or guarantor designated under section 506(a) of this title.

(b) Claims may be presented to the Trust Fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 506(b) of this title; or

(2) where the responsible party may assert a claim under section 503(b)(1) of this title.

(c) In the case of a claim presented in accordance with subsection (a) of this section, and in which—

(1) each person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 506(a)(2) of this title, whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Trust Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a) of this section, where full and adequate compensation is unavailable, either because the claim exceeds a limit of liability invoked under section 504 of this title or because the responsible party and his guarantor are financially incapable of meeting their obligations in full, a claim for the uncompensated damages may be presented to the Trust Fund.

(e) In the case of a claim which has been presented to any person under subsection (a) of this section and which is being presented to the Trust Fund under subsection (c) or (d) of this section, that person, at the request of the claimant, shall transmit the claim and supporting documents to the Trust Fund. The Secretary may, by regulation, prescribe the documents to be so transmitted and the terms under which they are to be transmitted.

(f)(1) The Secretary shall establish procedures and standards for the prompt appraisal and settlement of claims against the Trust Fund.

(2) The Secretary may use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Trust Fund and may contract for those facilities and services.

(3) To the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Secretary may use Federal personnel, on a reimbursable basis, to process claims against the Trust Fund.

(g) Any claimant, or any other person suffering legal wrong because of, or adversely affected or aggrieved by, a final determination of the Trust Fund with respect to a claim, may bring an action for judicial review of the determination. Such action shall be brought under section 509 and shall be the exclusive judicial remedy with respect to such final determination of the Trust Fund. Such an action shall be filed not later than thirty days after the Trust Fund issues notification of the final determination. Venue for any such action shall lie in any district wherein the claimant resides in addition to any district described in section 509(b). The final determination of the Trust Fund shall not be held unlawful or set aside unless the reviewing court finds such determination to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

ACTIONS TO ENFORCE LIABILITY

SEC. 508. (a)(1) In any action brought under this title against a responsible party or guarantor, both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Trust Fund at the same time those pleadings are served upon the opposing parties.

(2) The Trust Fund may intervene as a party as a matter of right in any action in which a complaint has been served upon it under paragraph (1) of this subsection.

(3) In any action to which the Trust Fund is a party, if the responsible party or his guarantor admits liability under this title, the Trust Fund shall be dismissed therefrom to the extent of the admitted liability.

(4) If the Trust Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in paragraph (1) of this subsection, the Trust Fund shall be bound by any judgment entered therein, whether or not the Trust Fund was a party to the action.

(5) If neither the plaintiff nor the defendant serves a copy of the complaint and all subsequent pleadings upon the Trust Fund in an action referred to in paragraph (1) of this subsection, the limitation of liability otherwise permitted by subsection (b) of section 504 of this title is not available to the defendant, and the plaintiff shall not recover from the Trust Fund any sums not paid by the defendant.

(b) In any action brought against the Trust Fund, the plaintiff may join any responsible party or his guarantor, and the Trust Fund may implead any person, who is or may be liable to the Trust Fund.

(c) No claim may be presented, nor may any action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against a responsible party or his guarantor or against the Trust Fund, as to their respective liabilities, within three years from the date of discovery of the economic loss for which a claim may be asserted under subsection (a) of section 503 of this title, or within six years of the date of the incident which resulted in that loss, whichever is earlier.

(d) Any person, including the Trust Fund, who compensates any claimant for an economic loss, compensable under section 503, shall be subrogated to all rights, claims, and causes of action which that claimant has under this title.

(e) In any claim or action by the Trust Fund against any responsible party or guarantor under subsection (d), the Trust Fund shall recover—

(1) for a claim presented to the Trust Fund (where there has been a denial of source designation) under section 507(b)(1), or (where there has been denial of liability) under section 507(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 504(b), the amount the Trust Fund has paid to the claimant, without reduction;

(B) interest on that amount, at the rate calculated in accordance with section 504(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the Trust Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Trust Fund shall offer to the claimant the amount finally paid by the Trust Fund to the claimant in satisfaction of the claim against the Trust Fund to the date upon which the claimant shall accept that offer, inclusive;

(C) all costs incurred by the Trust Fund by reason of the claim, both of the claimant against the Trust Fund and the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; and

(2) for a claim presented to the Trust Fund under section 507(c)(2)—

(A) in which the amount the Trust Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the Trust Fund has paid to the claimant;

(ii) interest, at the rate calculated in accordance with section 504(e), for the period specified in paragraph (1)(B) of this subsection; and

(iii) all costs incurred by the Trust Fund by reason of the claim of the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; or

(B) in which the amount the Trust Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the Trust Fund has paid to the claimant, without reduction;

(ii) interest, at the rate calculated in accordance with section 504(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause, except that if the defendant tendered the offer of the largest amount referred to in this subparagraph within sixty days after the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced under section 506, the defendant shall not be liable for interest for that period; and

(iii) interest from the date upon which the claim of the Trust Fund against the defendant was presented to the defendant to the date upon which the Trust Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Trust Fund the amount finally paid to the Trust Fund in satisfaction of the claim of

the Trust Fund to the date upon which the Trust Fund shall accept that offer, inclusive.

(f) The Trust Fund shall pay over to the claimant that portion of any interest the Trust Fund shall recover, under subsection (e)(1) and (e)(2)(A) for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Trust Fund, inclusive, less the period from the date upon which the Trust Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(g) The Trust Fund is entitled to recover for all interest and costs specified in subsection (e) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 509. (a) The United States distirct courts shall have exclusive original jurisdiction over all controversies arising under subtitles A, B, and C of this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) Unless otherwise provided in this Act, venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this section, the Trust Fund shall reside in the District of Columbia.

RELATIONSHIP TO OTHER LAW

SEC. 510. (a) Except as provided in this title—

(1) no action may be brought in any court of the United States, or of any State or political subdivision thereof, for an economic loss compensable under this title,

(2) no person may be required to contribute to any fund, the purpose of which is to compensate for damages for an economic loss described in section 503(a), except that, for a period of three years beginning on the effective date of this section, any State which on the effective date of this section has in effect a statute that requires such contributions may continue to require such contributions within the limits established by such statute as those limits exist on such date, and

(3) no person may be required to establish or maintain evidence of financial resonsibility relating to the satisfaction of a claim compensable under this title.

(b) Nothing in this Act shall preclude any State from imposing a tax or fee upon any person or upon oil in order to finance the purchase and prepositioning of oil pollution cleanup and removal equipment or to finance other preparations for responding to a discharge of oil which affects such State.

(c) Nothing in subsection (a) shall prohibit an action by the Trust Fund under any other provision of law to recover compensation paid under this title.

PENALTIES

SEC. 511. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 505 of this title or the regulations issued thereunder or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 512. There are authorized to be appropriated for those fiscal years which begin on or after October 1, 1985, such sums as may be necessary to carry out this Act.

Subtitle B—Comprehensive Oil Pollution Liability Trust Fund

SEC. 513. (a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Comprehensive Oil Pollution Liability Trust Fund" (hereinafter in this title referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or as may be transferred to the Trust Fund under this Act.

(b) TRANSFER TO TRUST FUND OF CERTAIN AMOUNTS.—There are hereby appropriated to the Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") to be equivalent to—

(1) the amounts received in the Treasury under section 4611 of the Internal Revenue Code of 1954 (attributable to the rate of tax specified in paragraph (2) of subsection (c) of such section),

(2) the amounts recovered or collected on behalf of the Trust Fund under subtitle A of this Act, and

(3) any penalties imposed under subtitle A of this Act or under section 311 of the Federal Water Pollution Control Act (insofar as it relates to petroleum oils).

SEC. 514. PURPOSES FOR WHICH TRUST FUND IS AVAILABLE.

(a) EXPENDITURES FROM TRUST FUND.—

(1) IN GENERAL.—Amounts in the Trust Fund shall be immediately available to pay those removal costs described in section 501(24)(A) of this Act and in addition shall be available only (A) for purposes of paying claims for compensable damages under Subtitle A of this Act (as in effect on the date of the enactment of this Act), and (B) for initial and annual contributions to the International Oil Pollution Compensation Fund.

(2) CLAIMS INCLUDE CERTAIN EXPENSES.—For purposes of paragraph (1)(A), the amounts payable out of the Trust Fund shall include the costs incurred by the United States by reason of any claim referred to in paragraph (1) (including processing costs, investigating costs, court costs, and attorney fees).

(b) DEFINITION OF COMPENSABLE DAMAGES.—For purposes of this title, the term "compensable damages" means damages claims for which may be asserted under section 503 of this Act.

(c) RESTRICTION ON INTEREST PAYABLE OUT OF TRUST FUND.—No amount in the Trust Fund may be used to pay interest on any claim for any period before the forty-sixth day after the day on which such claim is finally determined.

(d) CERTAIN INTERFUND LOANS PERMITTED.—

(1) IN GENERAL.—Amounts in either the Trust Fund of the Hazardous Substance Response Trust Fund established by section 221 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 may be loaned to the other Fund if—

(A) the Secretary (after consultation with the appropriate Federal official) reasonably expects that the amount to be loaned will not be needed by the lending fund for the period of such loan,

(B) interest is payable on such loan at a rate comparable to the investment yield (as of the date of the loan) on interest-bearing obligations of the United States having maturities similar to that of such loan, and

(C) immediately after the making of such loan, the amount in the lending fund equals or exceeds $30,000,000.

(2) APPROPRIATE FEDERAL OFFICIAL.—For purposes of paragraph (1), the appropriate Federal official is—

(A) the Secretary of Transportation in the case of the Trust Fund, and

(B) the Administrator of the Environmental Protection Agency in the case of the Hazardous Substance Response Trust Fund.

(3) AMOUNT IN TRUST FUND.—For purposes of this subsection and section 515(a), the amount in the Trust Fund or in the Hazardous Response Trust Fund shall be the sum of any cash in such Fund and any public debt securities held by such Fund.

Sec. 515. limitation on payment of claims by fund.

(a) GENERAL RULE.—No amount in the Trust Fund shall be used to pay any claim (other than a claim for removal costs) to the extent that the payment of such claim would reduce the amount in such Fund to an amount less than $15,000,000.

(b) ORDER IN WHICH UNPAID CLAIMS ARE TO BE PAID.—If at any time the Trust Fund is unable (by reason of subsection (a)) to pay all of the claims (other than for removal costs) payable out of the Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

Sec. 516. liability of united states limited to amount in trust fund.

(a) GENERAL RULE.—Any claim for damages filed against the Trust Fund may be paid only out of the Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount for damages with respect to any such claim out of any source other than the Trust Fund.

(b) BORROWING FROM GENERAL FUND OF TREASURY.—

(1) PROHIBITION.—Except as provided in paragraph (2), nothing in this Act (or in any amendment made by this Act) shall be construed to authorize the Trust Fund to borrow any money from the general fund of the Treasury.

(2) BORROWING AUTHORITY.—

(A) IN GENERAL.—There are authorized to be appropirated to the Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of the Trust Fund.

(B) LIMITATIONS.—

(i) The maximum aggregate amount which may be appropriated pursuant to subparagraph (A) to the Trust Fund may not exceed $75,000,000.

(ii) No advance may be made under this paragraph after September 30, 1985.

(C) REPAYMENT OF ADVANCES.—Advances made pursuant to this paragraph shall be repaid, and interest on such advances shall

be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund. Such interest shall be at rates computed in the same manner as provided in section 517(b)(2) and shall be compounded annually.

SEC. 517. ADMINISTRATIVE PROVISIONS.

(a) METHOD OF TRANSFER.—The Amounts appropriated by section 513(b) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) MANAGEMENT OF THE TRUST FUND.—

(1) REPORT.—The Secretary shall be the trustee of the Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1985, on the financial condition and the results of the operations of the Trust Fund during that fiscal year and on its expected condition and operations during the next five fiscal years. This report shall be printed as a House document of the session of the Congress to which the report is made.

(2) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of the Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities, adjusted to the nearest one-eighth of 1 per centum. The income on such investment shall be credited to and form a part of the Trust Fund.

SEC. 518. COORDINATION WITH OTHER PROVISIONS OF THIS ACT.

(a) CERTAIN LIABILITIES ARISING BEFORE OCTOBER 1, 1984.—If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to the Trust Fund, any claim which arises before October 1, 1984 (to the extent such claim would have been payable out of the transferor fund), shall be payable out of the Trust Fund notwithstanding any of the limitations imposed by this title.

(b) ADJUSTMENT IN TAX FOR BALANCE IN TRANS-ALASKA PIPELINE LIABILITY FUND.—

(1) TRANS-ALASKA PIPELINE FUND DEFICIT.—If the Secretary (or his delegate) determines that there is a trans-Alaska pipeline fund deficit, the tax imposed by section 4611 of the Internal Revenue Code of 1954 (attributable to the rate specified in paragraph (2) of subsection (c) of such section) on crude oil first transported through the trans-Alaska pipeline after the date of such determination shall be increased by 2 cents per barrel until such time as the total amount of such increased tax equals such deficit.

(2) DEFINITION.—For purposes of paragraph (1), the term "trans-Alaska pipeline fund deficit" means the excess (if any) of—

(A) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund under section 521(b)(2), over

(B) the total amount of the assets of the Trans-Alaska Pipeline Liability Fund as of the effective date of this section.

SEC. 519. IMPOSITION OF TAX.

(a) IN GENERAL.—(1) Section 4611 of the Internal Revenue Code of 1954 is amended by striking out "of 0.79 cent a barrel" in subsections (a) and (b) and inserting in lieu thereof (at the rate specified in subsection (c))".

(2) Section 4611 of the Internal Revenue Code of 1954 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) RATE OF TAX.—The rate of tax imposed by subsection (a) and subsection (b) is the sum of—

"(1) 0.79 cent a barrel, plus

"(2) 1.3 cents a barrel.".

(3) Subsection (e) of section 4611 of the Internal Revenue Code of 1954 (as redesignated by paragraph (2) of this subsection) is amended to read as follows:

"(e) TERMINATION.—

"(1) 0.79 CENT RATE.—The rate of tax specified in paragraph (1) of subsection (c) shall be zero after September 30, 1985, except that if on September 30, 1983 or September 30, 1984—

"(A) the obligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(B) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if no tax is imposed under this section (at the rate specified in paragraph (1) of subsection (c)) or section 4661 during the calendar year following the date referred to above,

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in subparagraph (A).

"(2) 1.3 CENT RATE.—The rate of tax specified in paragraph (2) of subsection (c) shall be zero after September 30, 1990.".

(b) CONFORMING AMENDMENTS.—(1) Section 221(b)(1)(A) of the Hazardous Substance Response Revenue Act of 1980, is amended by inserting "(attributable to the rate specified in paragraph (1) of subsection (c) of such section)" after "4611".

(2) Section 4661(c) of the Internal Revenue Code of 1954 is amended by striking out the period at the end thereof and inserting in lieu thereof "(at the rate specified in paragraph (1) of subsection (c) of section 4611).".

Subtitle C—Regulations, Effective Dates, and Savings Provisions

EFFECTIVE DATES

SEC. 520. (a) This section, section 501, section 502, section 512, section 522, and each provision of Subtitle A that authorizes the promulgation of regulations shall be effective on the date of the enactment of this Act.

(b) Subtitle D shall take effect on the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States.

(c) All other provisions of Subtitles A through D and the regulations issued thereunder, shall be effective on the one hundred and eightieth day after the date of enactment of this Act, except that the penalty prescribed by section 511 for failure to comply with the requirements of section 505 or the regulations issued thereunder shall not be effective until the ninetieth day after issuance of those regulations or the two hundred and seventieth day after the date of enactment of this Act, whichever is earlier.

(d) Any regulation respecting financial responsibility, issued pursuant to any provision of law repealed by section 521 of this title, and in effect on the day immediately preceding the effective date of section 521 of this title shall remain in force until superseded by regulations issued under Subtitle A of this Act.

CONFORMING AMENDMENTS

SEC. 521. (a) The first sentence of subsection (b) of section 204 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(b); 87 Stat. 586) is amended by inserting "in the State of Alaska" after "any area" and by inserting "related to the trans-Alaska oil pipeline" after "any activites". Such subsection is further amended by inserting at the end thereof the following new sentence: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act.".

(b)(1) Subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act is repealed. All assets of the Trans-Alaska Pipeline Liability Fund, as of the effective date of this section, except for assets equal to the total amount of claims certified by the Secretary under paragraph (2) of this subsection, shall be rebated, subject to appropriations, directly to the operator of the trans-Alaska oil pipeline for payment on a pro rata basis to the owners of the oil at the time it was loaded on the vessel. The Comprehensive Oil Pollution Liability Trust Fund shall assume all liability incurred by the Trans-Alaska Pipeline Liability Fund under terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and shall assume all liability incurred by the officers or trustees in the execution of their duties involving the Trans-Alaska Pipeline Liability Fund, other than the liability of those officers or trustees for gross negligence or willful misconduct.

(2) The Secretary of the Interior shall certify to the Secretary of the Treasury the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund not later than one hundred and eighty days after the effective date of this section. In the event that the total amount of the actual claims settled is less than the total amount of the outstanding claims certified, the difference between these amounts shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment, on a pro rata basis, to the owners of the oil at the time it was loaded on the vessel.

(c) Section 17 of the Intervention on the High Seas Act (33 U.S.C. 1486; 88 Stat. 10) is amended to read as follows:

"SEC. 17. The fund established under subtitle B of the Comprehensive Oil Pollution Liability and Compensation Act shall be available to the Secretary for actions and activities relating to oil pollution (as defined in section 501(b) of that Act) taken under section 5 of this Act. The fund established under section 311(k) of the Federal Water Pollution Control Act shall be available for actions and activities relating to other pollution taken under section 5 of this Act.".

(d) Section 311 of the Federal Water Pollution Control Act is amended as follows:

(1) Subsection (a) is amended by striking out the period at the end of paragraph (17)

and inserting in lieu thereof a semicolon and the following new paragraph:

"(18) 'person in charge' means the individual immediately responsible for the operation of a vessel or facility.".

(2) Paragraph (5) of subsection (b) is amended in the last sentence by inserting after "person" the following: "or his employer".

(3) Subparagraph (A) of paragraph (6) of subsection (b) is amended—

(A) in the first and second sentences, by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge"; and

(B) in the third sentence, by striking out "the owner or operator" and inserting in lieu thereof "whoever being".

(4) Subparagraph (B) of paragraph (6) of subsection (b) is amended in the first and second sentences by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge".

(5) Subsection (c)(2)(H) is amended by striking out "from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal" and inserting in lieu thereof the following: "for the reasonable costs incurred in such removal (i) from the fund established under section 513 of the Comprehensive Oil Pollution Liability and Compensation Act in the case of any discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, or from a facility (as defined by subtitle A of such Act or (ii) from the fund established under subsection (k) of this section in any other case".

(6)(A) Subsection (d) is amended by inserting immediately before the last sentence the following: "Any expense incurred under this subsection or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof) as the result of the discharge or imminent discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, shall be reimbursed from the fund established under section 513 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(B) Subsection (d) is further amended by striking out "Any" in the last sentence and inserting in lieu thereof "Any other".

(7) Subsection (f)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(8) Subsection (f)(3) is amended by inserting "(other than a facility as defined by section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(9)(A) The first sentence of subsection (g) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the second place it appears, by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(B) The second sentence of subsection (g) is amended by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(C) The third sentence of subsection (g) is amended by inserting "such" before "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(10)(A) Subsection (i)(1) is amended by inserting "(other than a facility as defined in section 501(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(B) Subsection (i)(2) is repealed and paragraph (3) of subsection (i) (and all references thereto) is redesignated as paragraph (2).

(11) Subsection (p)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears.

(e) The Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.; 88 Stat. 2126) is amended as follows:

(1) Section 4(c)(1) is amended by striking out "section 18(l) of this Act" and inserting in lieu thereof "section 505 of the Comprehensive Oil Pollution Liability and Compensation Act".

(2) Subsections (b), (d), (e), (f), (g), (h), (i), (j), (l), and (n) of section 18 are repealed.

(3) Paragraph (3) of subsection (c) of section 18 is amended by striking out "Deepwater Port Liability Fund established pursuant to subsection (f) of this section." and inserting in lieu thereof "fund established under subtitle B of the Comprehensive Oil Pollution Liability and Compensation Act.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated as subsections (b), (c), and (d), respectively.

(f) Any amounts remaining in the Deepwater Port Liability Fund established by section 18(f) of the Deepwater Port Act of 1974 shall, subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by subtitle B of this Act. The Trust Fund shall assume all liability incurred by the Deepwater Port Liability Fund under the Deepwater Port Act of 1974.

(g) Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Public Law 95-372) is repealed. Any amounts remaining in the Offshore Oil Pollution Compensation Fund established under section 302 of that title, subject to appropriations, shall be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by Subtitle B of this Act. The Trust Fund shall assume all liability incurred by the Offshore Oil Pollution Compensation Fund under title III of the Outer Continental Shelf Lands Act Amendments of 1978.

SEPARABILITY

SEC. 522. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

Subtitle D—Implementation of Conventions

RECOGNITION OF THE INTERNATIONAL FUND

SEC. 523. The International Oil Pollution Compensation Fund (hereinafter in this title referred to as the "International Fund") established by article 2 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (hereinafter in this title referred to as the "International Fund Convention") is recognized under the laws of the United States as a legal person and shall have the capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be a party to legal proceedings. The Director of the International Fund is recognized as the legal representative of the International Fund. The Director shall be deemed to have appointed irrevocably the Secretary of State his agent for service of process in any action against the International Fund in any court in the United States.

SERVICE OF PROCESS AND INTERVENTION

SEC. 524. (a) In any action brought in a court in the United States against the owner of a ship or his guarantor under the International Convention on Civil Liability for Oil Pollution Damage (hereinafter in this title referred to as the "Civil Liability Convention"), the plaintiff or defendant, as the case may be, shall serve a copy of the complaint and any subsequent pleading therein upon the International Fund and the Comprehensive Oil Pollution Liability Trust Fund at the same time the complaint or other pleading is served upon the opposing parties.

(b) The International Fund may intervene as a party as a matter of right in any action brought in a court in the United States against the owner of a ship or his guarantor under the Civil Liability Convention.

(c) If the International Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in subsection (a) of this section, the International Fund shall be bound by any judgment entered therein, whether or not the International Fund was a party to the action.

EXEMPTION FROM TAXATION

SEC. 525. The International Fund and its assets shall be exempt from all direct taxation in the United States.

PAYMENT OF CONTRIBUTIONS

SEC. 526. The amount of any initial or annual contribution to the International Fund which is required to be made under article 10 of the International Fund Convention by any person with respect to oil received in any port, terminal installation, or other installation located in the United States shall be paid to the International Fund by the comprehensive Oil Pollution Liability Trust Fund. Before the International Fund Convention enters into force with respect to the United States, the President shall make, and deposit with the Secretary-General of the International Maritime Organization, a declaration under article 14 of the International Fund Convention that the United States assumes the obligation to pay contributions under article 10 of such Convention in respect of oil received within the territory of the United States and that such amount will be paid from the comprehensive Oil Pollution Liability-Trust Fund.

JURISDICTION OF DISTRICT COURTS

SEC. 527. (a) The United States district courts shall have exclusive original jurisdiction of—

(1) all controversies arising in the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund convention, and

(2) all controversies arising outside of the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, from an incident which causes

damage in the territory of the United States, including the territorial sea,

without regard to the citizenship of the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this subsection, the International Fund shall reside in the District of Columbia.

RECOGNITION OF JUDGMENTS

SEC. 528. Any final judgment of a court of any nation which is a party to the Civil Liability Convention or the International Fund Convention in an action for compensation under either such convention shall be recognized by any court of the United States or of a State when that judgment has become enforceable in such nation and is no longer subject to ordinary forms of review, except where—

(1) the judgment was obtained by fraud; or

(2) the defendant was not given reasonable notice and a fair opportunity to present his case.

FINANCIAL RESPONSIBILITY

SEC. 529. (a) The owner of each ship which is documented under the laws of the United States and is carrying more than two thousand tons of oil in bulk as cargo shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The Secretary shall issue a certificate to each such owner who complies with this paragraph, in the form and manner required by the Civil Liability Convention.

(b) With respect to any ship owned by the United States, the Secretary shall issue a certificate stating that the ship is owned by the United States and that the ship's liability is covered within the limits of liability prescribed by the Civil Liability Convention.

(c) The owner of each ship (other than a ship to which subsection (a) or (b) applies), wherever registered, which is carrying more than two thousand tons of oil in bulk as cargo and which enters or leaves a port or offshore terminal in the United States (including the territorial seas) shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The owner of a ship which is registered in, or flying the flag of, a nation which is a party to the Civil Liability Convention shall be considered to have met the requirements of this paragraph if the ship is carrying a certificate issued by such nation attesting that insurance or other financial security is in force which meets the requirements of such Convention.

(d) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any ship which does not have a certificate showing compliance with the requirements of financial responsibility under subsection (a) or (c) of this section.

(e) The Secretary of the department in which the Coast Guard is operating may (1) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (2) detain at the facility or at the port or place in the United States, any vessel subject to this section that, upon request, does not produce the certificate required under this section or regulations issued hereunder.

(f) Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of this section or the regulations issued under this section or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of cupability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions any civil penalty which is subject to imposition or which has been imposed under this subsection. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

WAIVER OF SOVEREIGN IMMUNITY

SEC. 530. The United States waives all defenses based on its status as a sovereign State with respect to any controversy arising under the Civil Liability Convention or the International Fund Convention relating to any ship owned by the United States and used for commercial purposes.

DEFINITION OF FRANC

SEC. 531. Notwithstanding any provision of the Civil Liability Convention or the International Fund Convention to the contrary, one franc equals one-fifteenth of a special drawing right, as defined by the International Monetary Fund, for purposes of applying such conventions.

RULES AND REGULATIONS

SEC. 532. The Secretary may issue such rules and regulations as are necessary to implement the Civil Liability Convention and the International Fund Convention.

By Mr. BROYHILL:

—Page 66, strike out lines 21 through 25 and substitute:

(b) TERMINATION OF TAX.—Section 4611(d) of such Code is amended by—

(1) striking out "1985", "1983", and "1984" and substituting "1990", "1988", and "1989" respectively;

(2) striking out "$900,000,000" and substituting "$3,078,000,000"; and

(3) striking out "$500,000,000" and substituting "$1,724,000,000".

By Mr. CONABLE:

—Page 66, line 25 after "after" strike out "September 30, 1990." and insert "September 30, 1986."

By Mr. DINGELL:

—Page 43, line 25, insert before the period the following: ", except that, if such defendant is held liable (in an action under this section) for damages to any individual who, by reason of section 212, may not recover any amount under this title from an employer, employer's insurance carrier, or fellow employee, such defendant may not bring a separate action under this subsection for contribution against that employer, employer's insurance carrier, or fellow employee".

By Mr. DREIER:

(Amemdment to committee print.)

—Page 28, line 20, strike out "subsection" and substitute "subsections".

Page 29, line 5, strike out the closing quotation marks.

Page 29, after line 5, insert:

"(e) If any abatement action is taken under this section against a facility used for the treatment, storage, or disposal of hazard- ous waste listed or identified under section 3001 of the Solid Waste Disposal Act, the Administrator shall take such action as necessary to insure that no such listed or identified hazardous waste may be treated, stored, or disposed of at such facility after the date of the enactment of the Superfund Expansion and Protection Act of 1984 if—

"(1) such facility is operating pursuant to interim status under section 3005(e) of the Solid Waste Disposal Act;

"(2) the owner or operator of the facility has not completed a full hydrogeologic characterization of the facility before the date of the enactment of the Superfund Expansion and Protection Act of 1984 which has been determined to be acceptable to the Administrator;

"(3) a State or local government authority has required the temporary or permanent relocation of individuals residing in the vicinity of the facility because of the release or threatened release of a hazardous substance, or an asphyxiant gas; and

"(4) 75,000 or more individuals reside within a 2.5 mile radius of the facility.

By Mr. EDGAR:

—Page 9, after line 10, insert:

(c) Section 104 is amended by adding the following new subsection at the end thereof:

"(j)(1) There shall be no liability under section 107 or 106 of this Act or section 202 of the Superfund Expansion and Protection Act of 1984 for any costs or damages referred to in paragraph (2) on the part of any person (hereinafter in this subsection referred to as the 'response action contractor') who enters into a contract or agreement with—

"(A) the Administrator;

"(B) a State; or

"(C) any responsible party

to provide any evaluation, planning, engineering, design, construction, equipment, or any ancillary services thereto pursuant to a response action approved plan approved by the Administrator or by the State under this section. Nothing in this subsection shall affect the plaintiff's burden of establishing liability under section 107 or 106 of this Act or section 202 of the Superfund Expansion and Protection Act of 1984.

"(2) The exemption under paragraph (1) shall apply to all costs and damages resulting from a release of a hazardous substance or pollutant or contaminant from the facility concerned to the extent that such release—

"(A) occurred before the date on which the response action contractor commenced physical onsite response activity at such facility pursuant; or

"(B) occurred after such date but was caused by—

"(i) response action undertaken by the response action contractor in accordance with the specific requirements of a plan for response action (or any amendment thereto) which has been approved for such facility by the Administrator or by the State; or

"(ii) any person other than the response action contractor.

"(3)(A) Nothing in this subsection shall provide any exemption from liability under

this Act or under the Superfund Expansion and Protection Act of 1984 for any person other than a response action contractor referred to in paragraphs (1) and (2).

"(B) Nothing in this subsection shall exempt any response action contractor from any such liability if the response action contractor would be a responsible party referred to in paragraph (1), (2), (3), or (4) of section 107(a) of this Act or in paragraph (1), (2), (3), or (4) of section 202(a) of the Superfund Expansion and Protection Act of 1984 even if the response action contractor had not entered into contract or agreement referred to in paragraph (1) of this subsection and had not engaged in any response action at the facility concerned.".

By Mr. ERLENBORN:

—Page , line , insert before the period at the end of section 202(c) the following: ", except that, if such defendant is held liable (in an action under this section) for damages to any individual who, by reason of section 212, may not recover any amount under this title from an employer, employer's insurance carrier, or fellow employee, such defendant may not bring a separate action under this subsection for contribution against that employer, employer's insurance carrier, or fellow employee".

By Mr. FLORIO:

(Amendment to committee print.)

—Page 62, line 11, strike out "Administrator" and substitute "United States".

—Page 64, line 23, strike out "State or".

(Amendment to committee print.)

—Page 46, line 15, strike out ", without regard to the amount in controversy or the citizenship of the parties,".

—Page 49, line 1, strike out "Administrator" and substitute "United States".

—Page 50, after line 5, insert:

TRANSPORTATION OF HAZARDOUS MATERIALS

SEC. 303. Section 306 is amended by inserting "and regulated" after "listed" in each place it appears in subsections (a) and (b).

(Amendment to committee print.)

—Page 39, line 2, after the period insert: "The United States shall not be liable for damages under this section, either directly or through indemnification, in any action brought under this title or under section 1346(b) of title 28, United States Code. A State or local government shall not be liable under this section in an action brought under this title.".

—Page 41, line 19, strike out "Jurisdiction" and all that follows down through line 24.

(Amendment to committee print.)

—Page 15, strike out lines 18 through 21 and insert closing quotation marks on page 15, line 17, after the period.

Page 28, strike out line 21 and all that follows down through "(2)" in line 1 on page 29 and substitute "(d)".

Page 30, line 23, strike out ", legislative, or judicial".

Page 31, line 13, strike out "subsections" and substitute "subsection".

Page 31, strike out lines 14 through line 25.

Page 36, after line 25, insert:

IMPORTATION OF SOLID, INCLUDING HAZARDOUS WASTE

SEC. 119. Any State may impose any regulation (including any tax, fee or charge)—

(1) on the importation of solid waste (including hazardous waste) into that State for storage or disposal, or

(2) on the storage or disposal of such imported waste. Any such regulation may be different from a regulation imposed by a State on solid waste which is generated in that State and may discriminate in any manner against solid waste which is imported from any other State. As used in this section, the terms "solid waste" and "hazardous waste" have the same meaning as when such term is used in the Solid Waste Disposal Act.

By Mr. KINDNESS:

(Amendment to committee print.)

—Page 19, line 16, after "reasonable opportunity" insert "of not more than 60 days".

Page 21, line 13, strike out the closing quotation marks.

Page 21, after line 13, insert:

"(6)(A) No person may bring an action for review of any proposed remedial action plan before adoption of such plan.

"(B) Any action for review of the adoption of a remedial action plan shall be brought before the expiration of 30 days after the publication of notice of such adoption under paragraph (1).

"(C) In any action for review of the adoption of a remedial action plan the court shall—

"(i) expedite such review;

"(ii) affirm the adoption of such plan by the Administrator on the record made by the Administrator unless the adoption of such plan is arbitrary and capricious or otherwise inconsistent with law; and

"(iii) not order preliminary injunctive relief against the Administrator if the Administrator determines, in his sole discretion, that prompt implementation of part or all of the plan is necessary to protect human health or the environment before completion of such action.

"(D) No action for review of a remedial action plan proposed pursuant to, or in settlement of, an action brought under section 106 may be brought in any court other than the court in which such action under section 106 is brought.

By Mr. LAFALCE:

(Amendment to committee print showing proposed substitute.)

Page 23, line 9, strike out the closing quotation marks.

Page 23, after line 9, insert:

"(6) In determining priorities among releases and threatened releases under the National Contingency Plan and in carrying out remedial action under this section, the Administrator shall establish a high priority for the acquisition of all properties (including non-owner occupied residential, commercial, public, and vacant properties) in the area in which, before May 22, 1980, the President determined an emergency to exist because of the release of hazardous substances and in which owner occupied residences have been acquired pursuant to such determination.".

By Mr. LENT:

Page 30, line 14, after "(b)" insert: "(1)".

Page 30, after line 16, insert;

(2) Such section 107(d) is further amended by inserting "(1)" after "(d)" and adding the following new paragraph at the end thereof:

"(2) No State or local government shall be liable under this title for costs or damages resulting from actions taken by the State or local government in response to an emergency created by the release or threatened release of a hazardous substance, pollutant, or contaminant from a facility or site owned by another person. This paragraph shall not affect the liability of any State or local government for negligence.".

By Mr. LEVITAS:

(Amendment to committee print.)

—Page 9, after line 17, insert the following:

(c) Section 104 is amended by adding at the end thereof the following:

"(m)(1) The Administrator may enter into agreements with one or more responsible persons for the purpose of providing for remedial action under this section with respect to a release or threatened release of a hazardous substance.

"(2)(A) Whenever the Administrator determines that a sufficient number of persons responsible for a release or threatened release have been identified to effectuate an agreement under this subsection, the Administrator shall notify all such parties. The Administrator may only enter into an agreement under this subsection with respect to such release or threatened release within 120 days after providing such notice.

"(3) An agreement under this subsection shall require the parties to the agreement to carry out a plan for remedial action at the facility concerned with respect to (A) surface contamination, (B) subsurface contamination, or (C) long term operation and maintenance, or any combination of the foregoing.

"(4) Whenever any agreement under this subsection has been entered into for remedial action with respect to any item referred to in subparagraph (A), (B), or (C) of paragraph (3), the liability under this Act of each party to such an agreement for the costs or damages attributable to such item shall be limited to the share of such costs determined for such party under paragraph (5). Nothing in this subsection shall be construed to affect the liability of any person with respect to any costs or damages which are not subject to the agreement. Any person who is a party to the agreement shall not be liable to any other person who is not a party to the agreement on the basis of such other party's liability with respect to which the agreement was entered into.

"(5)(A) An agreement under this subsection shall provide that each party to the agreement (other than the Administrator) shall pay a share of the costs of the remedial action covered by the agreement. Such share shall be a share determined under the agreement on the basis of appropriate factors, including but not limited to the quantity and toxicity of hazardous substances, pollutants, and contaminants involved, the ability of the party to pay, and the difficulty of the remedial actions required. The total of the shares of all parties to the agreement shall equal or exceed 80 percent of the total costs of remedial action covered by the agreement, as determined by the Administrator. If any amount is paid to the Administrator under such agreement, notwithstanding any other provision of law, the Administrator shall retain such amount. Amounts retained by the Administrator under such agreement may be used by the Administrator only for purposes of carrying out the agreement.

"(B) Whenever an agreement has been entered into under this subsection, the Administrator shall pay from the Fund so much of the costs of remedial action covered by the agreement as is not paid by the parties to such agreement.

"(C) In any case in which an additional responsible party with respect to a release or threatened release is identified after an agreement has been entered into under this subsection concerning such release, the Administrator may enter into a separate agreement with such additional responsible party. On the basis of the amounts required to be paid by the additional responsible party, the Administrator shall redetermine the shares of each party to the original

agreement, including the share of the Administrator.

"(6) If a person is notified under this subsection with respect to a release or threatened release of a hazardous substance, pollutant, or contaminant, and

"(A) an agreement is or has been entered into under this subsection with respect to such release or threatened release,

"(B) such person does not become a party to an agreement under this subsection, and

"(C) such person is determined to be liable in an action under section 107 with respect to such release or threatened release,

such person shall be liable to the United States for punitive damages in an amount at least equal to four times the amount of the judgment rendered against such person in the action brought by the United States under section 107. The Administrator may commence a civil action against any such person to recover such punitive damages. If any amount recovered under this paragraph exceeds the total costs of remedial action required with respect to the release or threatened release concerned, the Administrator may redetermine the shares of the parties to the agreement, including the Administrator and make corresponding refunds to such parties.

"(7) Whenever the Administrator enters into an agreement with any person or persons under this section, he shall bring an action in the appropriate United States district court against such person under section 107 and enter into a consent decree containing the agreement. If any party to an agreement under this subsection fails to comply with any requirements of the agreement, the Administrator may assess a civil penalty of not to exceed $25,000 for each day during which such failure continues against such party.

"(8) In any case in which no agreement has been reached under this subsection with respect to a release or threatened release within 120 days after notice has been issued under this subsection, the Administrator shall immediately publish a schedule under which the Administrator (or the State) shall carry out remedial action under section 104 with respect to such release or threatened release.".

(Amendments to committee print.)

—Page 37, line 16, strike out "and" each place it appears and insert after "facility" the following: "pollutant or contaminant", "transport", and "transportation"

Page 37, line 20, after "means" insert ", except for purposes of subtitle C,".

Page 39, line 1; page 39, line 3; page 39, line 11; page 40, line 20; page 41, line 6; page 41, line 15; page 41, line 20; and page 41, line 24, strike out "title" each place it appears and insert in lieu thereeof "subtitle".

Page 42, line 2, strike out "part" and insert in lieu thereof "subtitle".

Page 42, line 7, strike out "title" and insert in lieu thereof "subtitle or subtitle B".

Page 42 line 14; page 43, lines 4 and 5; page 43, line 9; page 43, line 16; page 43, line 23; page 44, line 4; page 44, line 8; page 44, line 11; page 44, line 13; page 44, line 21; page 45, line 1; and page 45, line 3, strike out "this title" each place it appears and insert in lieu thereof "subtitle A".

Page 45, after line 6, insert the following:

Subtitle C—Administrative Recovery of Medical and Relocation Expenses

DEFINITIONS

SEC. 221. For purposes of this subtitle—

(1) The term "applicant" means any person who applies for compensation under this subtitle.

(2) The term "physical injury or illness" includes, but is not limited to, any physcial injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

(3) The terms "treatment", "storage", and "disposal" have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

APPLICATION FOR RELIEF

SEC. 222. Any individual who alleges that he has sustained injury for which relief is payable under this subtitle may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule, provide. Such rule shall be issued within 180 days after the date of the enactment of this title.

AWARD OF RELIEF

SEC. 223. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

(2) during transportation to such a facility or site,

the Administrator shall pay relief under this subtitle to such individual.

(b) If a dependent of any decreased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this subtitle to such dependent.

AMOUNT OF RELIEF

SEC. 224. (a)(1) Relief under this subtitle to any individual who has suffered a physical injury or illness shall consist of—

(A) a payment or reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;

(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

(C) reimbursement for—

(i) expenses incurred by an individual in obtaining alternative water supplies, or

(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $1,000 per month.

(2) Relief under this subtitle to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this subtitle to dependents where there are two or more dependents.

(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this subtitle and determine the method, terms, and time of payment.

(c)(1) Any payment made pursuant to this subtitle shall, for purposes of section 111(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, be considered a payment of governmental response costs incurred pursuant to section 104 of such Act and shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of such Act. Claims against such fund which are in excess of the total amount available for purposes of this subtitle, as provided in paragraphs (2) and (3), shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of such Act.

(2) Not more than 12 per centum of the amount appropriated or credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this subtitle.

(3) No payment shall be made pursuant to this subtitle except to the extent and in such amounts as are provided in advance in appropriations Acts.

PROCEDURE FOR DETERMINATION

SEC. 225. (a)(1) Except as otherwise provided in this subtitle, for purposes of making any determination respecting payment of a claim filed under this subtitle, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 432).

(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnal and office of the Social Security Administration for administration and determination of claims filed under this subtitle. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this subtitle.

(b)(1) In determining any claim under this subtitle, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

(A) the individual suffered any physical injury, illness, or death;

(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

(ii) during transportation to such facility or site; and

(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant,

such injury, illness, or death shall be presumed to have been caused by such exposure.

(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

(c) For purposes of making a determination respecting payment of any claim filed under this subtitle, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

(2) Epidemiological studies.

(3) Animal studies.

(4) Tissue culture studies.

(5) Micro-organism culture studies.

(6) Laboratory and toxicologic studies.

(7) Immunological studies.

(8) Toxicology profiles prepared under section 104(i)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(9) Health effects studies prepared under section 104(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(d) In making a determination under this subtitle, the administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

(2) In any proceeding under this subtitle, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this subtitle is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

SUBROGATION

SEC. 226. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this subtitle to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including subtitle A of this title) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this subtitle for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this subtitle or if the defendant would not have been liable under applicable State law at the time of exposure.

(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

JUDICIAL REVIEW

SEC. 227. (a) Any claimant adversely affected or aggrieved by any final determination of the Administrator under this subtitle may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

(1) such person resides or conducts business; or

(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

ADDITIONAL RECOVERY

SEC. 228. (a) No individual who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this subtitle at a subsequent time if such individual establishes (in accordance with the procedures under this subtitle) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this subtitle.

(b) Nothing in this subtitle shall preclude an individual or dependent who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this subtitle for a physical injury, illness, or death or for any damage not compensable under this subtitle.

COLLATERAL RECOVERY

SEC. 229. The amount payable under this subtitle to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 224(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, inlcuding compensation (as described in section 224) paid—

(1) pursuant to any administrative or judicial proceeding under State law,

(2) pursuant to any consent decree under State law or any other binding settlement,

(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

(4) pursuant to any other insurance policy or program.

LIMITATIONS

SEC. 230. No application may be filed by an individual under this subtitle after the end of the six-year period beginning on the later of (1) the date the individual knew that he or she had sustained an injury for which relief is payable under this subtitle, or (2) the date of enactment of this subtitle. No application may be filed under this subtitle by a dependent of a deceased individual if such deceased individual would have been barred by the preceding sentence.

(Amendment to committee print.)

—At the end of the bill add the following:

TITLE VI—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

RECOVERY OF MEDICAL AND RELOCATION EXPENSES

SEC. 601. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new title:

"TITLE IV—MEDICAL AND RELOCATION EXPENSES

"DEFINITIONS

"SEC. 401. (a) For purposes of this title:

"(1) The term 'applicant' means any person who applies for compensation under this title.

"(2) The term 'medical costs' means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723);

"(3) The term 'physical injury or illness' includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

"(4) The term 'dependent' means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

"(5) The terms 'treatment', 'storage', and 'disposal' have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

"(b) For purposes of this title, the terms 'hazardous substance', 'pollutant or contaminant', 'transport', and 'transportation' shall have the meanings provided in title I of this Act.

"APPLICATION FOR RELIEF

"SEC. 402. Any individual who alleges that he has sustained injury for which relief is payable under this title may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule, provide. Such rule shall be issued within 180 days after the date of the enactment of this title.

"AWARD OF RELIEF

"SEC. 403. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

"(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

"(2) during transportation to such a facility or site,

the Administrator shall pay relief under this title to such individual.

"(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such de-

ceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this title to such dependent.

"AMOUNT OF RELIEF

"SEC. 404. (a)(1) Relief under this title to any individual who has suffered a physical injury or illness shall consist of—

"(A) a payment or reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;

"(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

"(C) reimbursement for—

"(i) expenses incurred by an individual in obtaining alternative water supplies, or

"(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $1,000 per month.

"(2) Relief under this title to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this title to dependents where there are two or more dependents.

"(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this title and determine the method, terms, and time of payment.

"(c)(1) Any payment made pursuant to this title shall, for purposes of section 111(a) of this Act, be considered a payment of governmental response costs incurred pursuant to section 104 of this Act and shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of this Act. Claims against such fund which are in excess of the total amount provided under paragraph (2) for purposes of this title shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of this Act.

"(2) Not more than 12 per centum of the amount appropriated or credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this title.

"(3) No payment shall be made pursuant to this title except to the extent and in such amounts as are provided in advance in appropriations Acts.

"PROCEDURE FOR DETERMINATION

"SEC. 405. (a)(1) Except as otherwise provided in this title, for purposes of making any determination respecting payment of a claim filed under this title, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).

"(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this title. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this title.

"(b)(1) In determining any claim under this title, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

"(A) the individual suffered any physical injury, illness, or death;

"(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

"(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

"(ii) during transportation to such facility or site; and

"(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant,

such injury, illness, or death shall be presumed to have been caused by such exposure.

"(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

"(c) For purposes of making a determination respecting payment of any claim filed under this title, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

"(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

"(2) Epidemiological studies.

"(3) Animal studies.

"(4) Tissue culture studies.

"(5) Micro-organism culture studies.

"(6) Laboratory and toxicologic studies.

"(7) Immunological studies.

"(8) Toxicology profiles prepared under section 104(i)(2) of this Act.

"(9) Health effects studies prepared under section 104(l) of this Act.

"(d) In making a determination under this title, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

"(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

"(2) In any proceeding under this title, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this title is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

"(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

"SUBROGATION

"SEC. 406. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this title to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protection Act of 1980) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

"(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this title for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this title or if the defendent would not have been liable under applicable State law at the time of exposure.

"(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

"(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

"JUDICIAL REVIEW

"SEC. 407. (a) Any claimant adversely affected or aggrieved by any final determination of the Administrator under this title may obtain a review of such determination in accordance with the provisons of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

"(1) such person resides or conducts business; or

"(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

"(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

"ADDITIONAL RECOVERY

"SEC. 408. (a) No individual who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this title at a subsequent time if such individual establishes (in accordance with the procedures under this

title) that an additioal physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this title.

"(b) Nothing in this title shall preclude an individual or dependent who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this title for a physical injury, illness, or death or for any damage not compensable under this title.

"COLLATERAL RECOVERY

"SEC. 409. The amount payable under this title to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 404(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including compensation (as described in section 404) paid—

"(1) pursuant to any administrative or judicial proceeding under State law,

"(2) pursuant to any consent decree under State law or any other binding settlement,

"(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

"(4) pursuant to any other insurance policy or program.

"LIMITATIONS

"SEC. 410. No application may be filed by an individual under this title after the end of the six-year period beginning on the later of (1) the date the individual knew that he or she had sustained an injury for which relief is payable under this title, or (2) the date of enactment of this title. No application may be filed under this title by a dependent of a deceased individual if such deceased individual would have been barred by the preceding sentence.".

(Amendment to committee print.)

Page 9, after line 17, insert the following:

(c) Section 104 is amended by adding at the end thereof the following:

"(m)(1) The Administrator, after providing notice under paragraph (2), may enter into an agreement under this subsection with one or more responsible persons for the purpose of providing for response to a release or substantial threat of release from a facility into the environment of a hazardous substance, pollutant, or contaminant. Notwithstanding any other provision of this Act (including section 107), the liability under this Act of a party to such an agreement for any costs of response resulting from such release or threatened release shall be limited to the share of such costs set forth in such agreement for such party in accordance with paragraph (4)(A)(iii) (as such share may be redetermined under paragraph (4)(C)). Any person who is a party to an agreement entered into under this subsection shall not be liable to any other person who is not a party to this agreement on the basis of such other party's liability with respect to which the agreement was entered into.

"(2)(A) Whenever the Administrator determines that a sufficient number of responsible persons with respect to a release or threatened release have been identified to effectuate an agreement under this subsection, the Administrator shall notify all such parties. The Administrator may only enter into an agreement under this subsection with respect to such release or threatened release within 120 days after providing such notice. If the Administrator does not enter into such agreement within such 120-day period, the Administrator shall schedule response actions with respect to such release or threatened release and the liability of parties shall be determined in accordance with the provisions of this Act other than this subsection.

"(B) If a responsible party with respect to a release or threatened release is identified after notification under subparagraph (A) with respect to such release or threatened release, the Administrator shall notify such party.

"(C) A party notified under subparagraph (B) before an agreement is entered into under subparagraph (A) may enter into such agreement, or, if such agreement is entered into less than 30 days after such party is so notified, may become a party to such agreement not later than 30 days after receiving such notification.

"(D) A party notified under subparagraph (B) during the period an agreement is in effect under this subsection may become a party to such agreement not later than 30 days after receiving such notification.

"(E) A party notified under subparagraph (B) after the completion of response with respect to a release or threatened release and all operation and maintenance of any onsite remedial action to the satisfaction of the Administrator may enter into an agreement with the Administrator not later than 30 days after receiving such notification to pay the Administrator the amount determined under paragraph (4)(C).

"(3) An agreement under this subsection shall require the parties to the agreement to carry out a plan, after approval by the Administrator, for response action for all hazardous substances, pollutants, and contaminants on the surface and in the subsurface and groundwater at the facility involved, which response action meets the requirements of subsection (c)(4) and all other provisions of this Act. The Administrator shall only approve a plan under this paragraph after a reasonable opportunity for review and comment by the public. An agreement under this subsection shall continue in effect until the completion of response and all operation and maintenance of any onsite remedial action to the satisfaction of the Administrator.

"(4)(A)(i) An agreement under this subsection shall provide that the parties to the agreement (other than the Administrator) shall be liable for (I) 80 percent of the costs or response for the facility which is subject to such agreement, or (II) the percentage of such costs equal to the aggregate of the percentage of responsibilty determined by the Administrator for each such party under clause (ii), whichever is greater.

"(ii) For purposes of clause (i), the Administrator shall determine a percentage of responsibility for each potential party to an agreement under this subsection (other than the Administrator) based upon factors which shall include, but need not be limited to, the quantity and toxicity of hazardous substances, pollutants, and contaminants for which such potential party is responsible at the facility involved and the expense of response actions required with respect to such substances, pollutants, and contaminants.

"(iii) The parties to an agreement under this subsection (other than the Administrator) may agree on any division of their liability under clause (i) of this subparagraph. The agreement shall specify the share of each party so agreed upon.

"(B) Notwithstanding subsection (c)(3)(B) of this section, an agreement under this subsection shall provide that the Administrator shall pay from the Fund the share of the costs of response for which responsible parties are not liable under subparagraph (A).

"(C) In any case in which a responsible party becomes a party to an agreement under this subsection after such agreement is entered into, or enters into an agreement with the Administrator under paragraph (2)(E) with respect to the release or threatened release which was the subject of such agreement, the Administrator shall redetermine the shares determined under subparagraphs (A) and (B) of this paragraph as though such party and all other parties to the agreement were original parties to the agreement. Such party shall pay to the trustees of the trust account established under paragraph (5), or the Administrator in the case of an agreement under paragraph (2)(E), his share so determined of all amounts paid for response and for operation and maintenance under such payment to reimburse each of the other parties to the agreement (including the Administrator), or the Administrator shall use the amount of such payment to reimburse each such party and to reserve to the Administrator, such amounts as are necessary to reflect the shares as redetermined under this subparagraph. A responsible party who enters into an agreement under paragraph (2)(E) with respect to a release or threatened release which was the subject of an agreement under this subsection shall be considered a party to such agreement for purposes of any later redetermination of shares under this subparagraph or any reimbursement under paragraph (8).

"(D) An agreement under this subsection shall require the parties to the agreement (other than the Administrator) to pay all future and maintenance costs of any onsite remedial action.

"(5) An agreement under this subsection shall provide for the establishment of a trust account and the appointment of trustees to carry out such agreement. Each party to the agreement (including the Administrator) shall deposit into the trust account such party's share (as determined under paragraph (4) (A) or (B)) of the total estimated cost of carrying out response at the facility (as determined at the time of the agreement is entered into.) The trustees shall use amounts in the trust account to pay for the costs of response at the facility. The trustees may invest any amounts in the trust account which are not currently needed in interest-bearing obligations of the United States having maturities appropriate to the needs of the trust account. Interest on such obligations shall be credited to the trust account.

"(6)(A) If the costs of response at the facility subject to an agreement under this subsection exceed the amount in the trust account, the trustees shall make demand upon the parties to the agreement (including the Administrator) for payment of such additional amounts as may be necessary to pay for such costs. An agreement under this subsection shall require each such party to make additional payments to the trust account in proportion to the share of such party determined under paragraph (4), within 30 days of demand by the trustees. If any party (other than the Administrator) does not make an additional payment as required by the preceding sentence, such

party, in addition to liability for such payment, may be liable to the United States for punitive damages of not to exceed four times the amount of such payment. The Administrator may commence a civil action against any such party to recover such punitive damages. Any amount recovered under this paragraph shall be paid to the trustees for deposit in the trust account.

"(B) If the amount in the trust account exceeds the amount needed for all of the costs of response at such facility, the amount of such excess shall be paid, upon completion of response actions to the satisfaction of the Administrator, to the parties to the agreement (including the Administrator) in proportion to the amounts paid into the trust account by each such party. Any amount paid to the Administrator under this subparagraph shall be deposited in the Fund.

"(7) Not later than 30 days after entering into an agreement under this subsection, each party to such agreement (including the Administrator) shall transmit to the trustees of the trust account, or permit the trustees to have access to, all records, reports, documents, and information in the possession of such party relating to the release or threatened release to which the agreement pertains. For purposes of subsection (e), the trustees shall be considered representatives of the President and the Administrator.

"(8) Notwithstanding any other provision of this Act, if—

"(A) a person is notified under paragraph (2)(B) with respect to a release or threat of release of a hazardous substance, pollutant, or contaminant,

"(B) an agreement is or has been entered into under this subsection with respect to such release or threat,

"(C) such person does not become a party to such agreement under paragraph (2) (C) or (D) or enter into an agreement with the Administrator under paragraph (2)(E), as the case may be, and

"(D) such person is determined to be liable with respect to such release or threat,

such person shall be jointly and severally liable for the amount contributed by the Administrator under such agreement, or the amount such person would have been required to pay under paragraph (4)(C) if such person had become a party to such agreement, whichever is greater. In addition such person may be liable to the United States for punitive damages of not to exceed four times the amount for which such person is liable under the preceding sentence. The Administrator may commence a civil action against any such person to recover such punitive damages. Any amount recovered by the Administrator under this paragraph shall be used to reimburse the parties to the agreement (including the Administrator) in proportion to their contributions to the trust account under paragraph (5). Any amounts recovered under this paragraph which exceed the total amount contributed to the trust account shall be deposited in the Fund.

"(9) If one or more parties to an agreement under this subsection fail to comply with any requirements of the agreement, the Administrator may, after providing 60 days notice, seek in the appropriate Federal district court to enforce the agreement or to recover any funds advanced or any costs incurred because of the failure to comply by such parties.

"(10) In any case in which subclause (I) of paragraph (4)(A)(i) applies in determining the liability of parties to an agreement under this subsection (other than the Administrator) with respect to a release or threatened release of any hazardous substance, pollutant, or contaminant, any such party may bring an action in the appropriate United States district court to require any person not a party to such agreement who is alleged to be liable with respect to such release or threatened release to contribute to the payment of response costs paid by such party under such agreement.".

Substitute for Markey amendment to the committee print.

—Page 37, line 16, strike out "and" each place it appears and insert after "facility" the following: "pollutant or contaminant", "transport", and "transportation".

Page 37, line 20, after "means" insert ", except for purposes of subtitle C,".

Page 39, line 1; page 39, line 3; page 39, line 11; page 40, line 20; page 41, line 6; page 41, line 15; page 41, line 20; and page 41, line 24, strike out "title" each place it appears and insert in lieu thereof "subtitle".

Page 42, line 2, strike out "part" and insert in lieu thereof "subtitle".

Page 42, line 7, strike out "title" and insert in lieu thereof "subtitle or subtitle B".

Page 42, line 14; page 43, lines 4 and 5; page 43, line 9; page 43, line 16; page 43, line 23; page 44, line 4; page 44, line 8; page 44, line 11; page 44, line 13; page 44, line 21; page 45, line 1; and page 45, line 3, strike out "this title" each place it appears and insert in lieu thereof "subtitle A".

Page 45, after line 6, insert the following:

SUBTITLE C—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

DEFINITIONS

SEC. 221. For purposes of this subtitle—

(1) The term "applicant" means any person who applies for compensation under this subtitle.

(2) The term "physical injury or illness" includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

(3) The terms "treatment", "storage", and "disposal" have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

APPLICATION FOR RELIEF

SEC. 222. Any individual who alleges that he has sustained injury for which relief is payable under this subtitle may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule provide. Such rule shall be issued within 180 days after the date of the enactment of this title.

AWARD OF RELIEF

SEC. 223. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

(2) during transportation to such a facility or site.

the Administrator shall pay relief under this subtitle to such individual.

(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this subtitle to such dependent.

AMOUNT OF RELIEF

SEC. 224. (a)(1) Relief under this subtitle to any individual who has suffered a physical injury or illness shall consist of—

(A) a payment or reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;

(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

(C) reimbursement for—

(i) expenses incurred by an individual in obtaining alternative water supplies, or

(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

payment under subparagraph (B) shall not exceed $1,000 per month.

(2) Relief under this subtitle to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this subtitle to dependents where there are two or more dependents.

(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this subtitle and determine the method, terms, and time of payment.

(c)(1) Any payment made pursuant to this subtitle shall, for purposes of section 111(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, be considered a payment of governmental response costs incurred pursuant to section 104 of such Act and shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of such Act. Claims against such fund which are in excess of the total amount available for purposes of this subtitle, as provided in paragraphs (2) and (3), shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of such Act.

(2) Not more than 12 per centum of the amount appropriated or credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this subtitle.

(3) No payment shall be made pursuant to this subtitle except to the extent and in such amounts as are provided in advance in appropriations Act.

PROCEDURE FOR DETERMINATION

SEC. 225. (a)(1) Except as otherwise provided in this subtitle, for purposes of making any determination respecting payment of a claim filed under this subtitle, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).

(2) The Administrator and the Secretary of Health and Human Services shall enter

into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this subtitle. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this subtitle.

(b)(1) In determining any claim under this subtitle, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

(A) the individual suffered any physical injury, illness, or death;

(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

(ii) during transportation to such facility or site; and

(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant,

such injury, illness, or death shall be presumed to have been caused by such exposure.

(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

(c) For purposes of making a determination respecting payment of any claim filed under this subtitle, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

(2) Epidemiological studies.

(3) Animal studies.

(4) Tissue culture studies.

(5) Micro-organism culture studies.

(6) Laboratory and toxicologic studies.

(7) Immunological studies.

(8) Toxicology profiles prepared under section 104(1)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(9) Health effects studies prepared under section 104(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(d) In making a determination under this subtitle, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

(2) In any proceeding under this subtitle, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this subtitle is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

SUBROGATION

SEC. 226. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this subtitle to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including subtitle A of this title) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this subtitle for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this subtitle or if the defendant would not have been liable under applicable State law at the time of exposure.

(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

JUDICIAL REVIEW

SEC. 227. (a) Any claimant adversely affected or aggrieved by any final determination of the Administrator under this subtitle may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

(1) such person resides or conducts business; or

(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpsoe of judicial review under this section.

ADDITIONAL RECOVERY

SEC. 228. (a) No individual who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this subtitle at a subsequent time if such individual establishes (in accordance with the procedures under this subtitle) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this subtitle.

(b) Nothing in this subtitle shall preclude an individual or dependent who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this subtitle for a physical injury, illness, or death or for any damage not compensable under this subtitle.

COLLATERAL RECOVERY

SEC. 229. The amount payable under this subtitle to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 224(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including compensation (as described in section 224) paid—

(1) pursuant to any administrative or judicial proceeding under State law,

(2) pursuant to any consent decree under State law or any other binding settlement,

(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

(4) pursuant to any other insurance policy or program.

LIMITATIONS

SEC. 230. No application may be filed by an individual under this subtitle after the end of the six-year period beginning on the later of (1) the date the claimant knew of the injury's causal association with the hazardous substance for which relief is payable under this subtitle, or (2) the date of enactment of this subtitle. No application may be filed under this subtitle by a dependent of a deceased individual if such deceased individual would ahve been barred by the preceding sentence.

(Substitute for the Markey amendment to the committee print.)

—At the end of the bill add the following:

TITLE VI—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

RECOVERY OF MEDICAL AND RELOCATION EXPENSES

SEC. 601. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new title:

"TITLE IV—MEDICAL AND RELOCATION EXPENSES

"DEFINITIONS

"SEC. 401. (a) For purposes of this title:

"(1) The term 'applicant' means any person who applies for compensation under this title.

"(2) The term 'medical costs' means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723);

"(3) The term 'physical injury or illness' includes, but is not limited to, any physical

injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

"(4) The term 'dependent' means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

"(5) The terms 'treatment', 'storage', and 'disposal' have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

"(b) For purposes of this title, the terms 'hazardous substance', 'pollutant or contaminant', 'transport', and 'transportation' shall have the meanings provided in title I of this act.

"APPLICATION FOR RELIEF

"SEC. 402. Any individual who alleges that he has sustained injury for which relief is payable under this title may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule provide. Such rule shall be issued within 180 days after the date of the enactment of this title.

"AWARD OF RELIEF

"SEC. 403. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

"(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

"(2) during transportation to such a facility or site,

the Administrator shall pay relief under this title to such individual.

"(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this title to such dependent.

"AMOUNT OF RELIEF

"SEC. 404. (a)(1) Relief under this title to any individual who has suffered a physical injury or illness shall consist of—

"(A) a payment or reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;

"(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the one-year period following such injury, illness, or death; and

"(C) reimbursement for—

"(i) expenses incurred by an individual in obtaining alternative water supplies, or

"(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $1,000 per month.

"(2) Relief under this title to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this title to dependents where there are two or more dependents.

"(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this title and determine the method, terms, and time of payment.

"(c)(1) Any payment made pursuant to this title shall, for purposes of section 111(a) of this Act, be considered a payment of governmental response costs incurred pursuant to section 104 of this Act and shall be charged against the Hazardous Substance Response Trust Fund established under subtitle B of title II of this Act. Claims against such fund which are in excess of the total amount provided under paragraph (2) for purposes of this title shall become valid and shall be paid in the same manner as provided in section 111(e)(1) of this Act.

"(2) Not more than 12 per centum of the amount appropriated or credited to the Hazardous Substance Response Trust Fund for any fiscal year may be used for purposes of this title.

"(3) No payment shall be made pursuant to this title except to the extent and in such amounts as are provided in advance in appropriations Act.

"PROCEDURE FOR DETERMINATION

"SEC. 405. (a)(1) Except as otherwise provided in this title, for purposes of making any determination respecting payment of a claim filed under this title, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).

"(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this title. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this title.

"(b)(1) In determining any claim under this title, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

"(A) the individual suffered any physical injury, illness, or death;

"(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

"(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

"(ii) during transportation to such facility or site; and

"(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to the reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant,

such injury, illness, or death shall be presumed to have been caused by such exposure.

"(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.

"(c) For purposes of making a determination respecting payment of any claim filed under this title, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

"(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

"(2) Epidemiological studies.

"(3) Animal studies.

"(4) Tissue culture studies.

"(5) Micro-organism culture studies.

"(6) Laboratory and toxicologic studies.

"(7) Immunological studies.

"(8) Toxicology profiles prepared under section 104(i)(2) of this Act.

"(9) Health effects studies prepared under section 104(1) of this Act.

"(d) In making a determination under this title, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

"(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

"(2) In any proceeding under this title, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this title is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

"(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

"SUBROGATION

"SEC. 406. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this title to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protection Act of 1980) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

"(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this title for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the

date which is 20 years before the date of enactment of this title or if the defendant would not have been liable under applicable State law at the time of exposure.

"(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

"(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

"JUDICIAL REVIEW

"SEC. 407. (a) Any claimant adversely affected or aggrieved by any final determination of the Administrator under this title may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

"(1) such person resides or conducts business; or

"(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

"(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

"ADDITIONAL RECOVERY

"SEC. 408. (a) No individual who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this title at a subsequent time if such individual establishes (in accordance with the procedures under this title) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this title.

"(b) Nothing in this title shall preclude an individual or dependent who has recovered any amount under this title with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this title for a physical injury, illness, or death or for any damage not compensable under this title.

"COLLATERAL RECOVERY

"SEC. 409. The amount payable under this title to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 404(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including compensation (as described in section 404) paid—

"(1) pursuant to any administration or judicial proceeding under State law,

"(2) pursuant to any consent decree under State law or any other binding settlement,

"(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

"(4) pursuant to any other insurance policy or program.

"LIMITATIONS

"SEC. 410. No application may be filed by an individual under this title after the end of the six-year period beginning on the later of (1) the date the claimant knew of the injury's causal association with the hazardous substance for which relief is payable under this title, or (2) the date of enactment of this title. No application may be filed under this title by a dependent of a deceased individual if such deceased individual would have been barred by the preceding sentence.".

By Mr. McCOLLUM:

(Amendment to committee print.)

—Page 39, line 2, after the period insert: "Nothing in this title shall establish any liability on the part of any department, agency, or instrumentality of the United States. Nothing in this title shall alter or affect the liability of the United States under chapter 171 of title 28 of the United States Code.".

(Amendment to committee print.)

—Page 32, line 7, strike out the closing quotation marks.

Page 32, after line 7, insert:

"(3) A consent decree entered in an action under this section with respect to any costs or damages shall not affect the liability of any person who is not a party to such decree, except that if the terms of such decree so provide, the liability under this section of other persons for the same costs of damages may be reduced by the total of amounts required to be paid pursuant to the consent decree by the parties to such decree. No party to any such consent decree shall be liable to any other person who is not a party to the decree for any costs or damages in an action by such other person for contribution with respect to the same costs or damages. This paragraph shall apply only in the case of a consent decree which is entered into in good faith and which the district court has determined will advance the public interest.".

Page 32 line 25, strike out the closing quotation marks.

Page 32, after line 25, insert:

"(4) A consent decree entered in an action under this section with respect to any costs or damages shall not affect the liability of any person who is not a party to such decree, except that if the terms of such decree so provide, the liability under this section of other persons for the same costs of damages may be reduced by the total of amounts required to be paid pursuant to the consent decree by the parties to such decree. No party to any such consent decree shall be liable to any other person who is not a party to the decree for any costs or damages in an action by such other person for contribution with respect to the same costs or damages. This paragraph shall apply only in the case of a consent decree which is entered into in good faith and which the district court has determined will advance the public interest.".

(Amendment to committee print.)

—Page 30, strike out line 17 and all that follows down through line 11 on page 31 and substitute:

(c) Section 107(g) is amended—

(1) by inserting "(1)" after "(g)",

(2) by striking out all after "this Act" and substituting "in the manner provided in paragraph (2).", and

(3) by adding the following at the end thereof:

"(2)(A) If after notification of or discovery by the Administrator that any such federal entity may be liable, under subsections 107(a)(3) or 107(a)(4) hereof for conditions at a facility from which there is a release or threatened release, the Administrator shall:

"(i) schedule the preparation of a remedial investigation and feasibility study pursuant to Section 105 of this Title or take such removal action as he deems appropriate, and

(ii) after completing a remedial investigation and feasibility study and any appropriate removal action, establish, in his sole discretion, the proportion of liability of any such federal entity.

"(B) After notification, pursuant to Section 103 of this Act, or discovery that any such federal entity owns or operates a facility from which there is a release or threatened release of a hazardous substance, pollutants or contaminant, or owned and operated the facility at the time of disposal, the Administrator shall:

"(i) promptly determine to list or not list the facility on the National Priority List,

"(ii) for each facility so listed, schedule the preparation of an remedial investigation and feasibility study pursuant to Section 105 of this Title and take such removal action as he deems appropriate, and then

"(iii) after completing a remedial investigation and feasibility study and any appropriate removal action establish, in his sole discretion, the proportion of liability for any such federal entity.

"(2) Any Federal entity, upon notification by the Administrator of proportional liability for remedial action, shall

"(A) pay for its proportional share of the costs of the remedial investigation and feasibility study and any removal action, and

"(B) either pay EPA to implement the remedy based on the then current cost estimate and remain liable for its proportion of additional costs, or

"(C) agree to and undertake the proposed remedial action.

In any instance where sufficient funds are not available to pay such costs, the agency shall, within thirty days, submit a report to Congress and the President detailing the circumstances and costs it cannot meet.

"(3) The Administrator shall report at least annually to the President and Congress concerning progress on addressing federal responsibility for hazards governed by this Act.

"(4) This subsection shall apply also to facilitites known to the Administrator at the passage of this Act, and at which there remains a release or threat of release requiring additional response activities.".

By Mr. McNULTY:

—In the table contained in the amendment made by section 503(a), strike out the line relating to copper.

In the table contained in the amendment made by section 506(a)(2), strike out the line relating to copper.

By Mr. MADIGAN:

—Amendment to the committee print dated August 6, 1984, page 37, line 24, after "shall not include" insert the following, "the normal application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act or".

By Mr. MARKEY:

Amendment to committee print.

—Page 40, after line 17, insert:

(d) In any action for damages under this section, subject to rules 402 and 403 of the Federal Rules of Evidence, the following evidence relevent to the issue of causation of personal injury, illness, or death shall be admissible:

(1) increases in the incidence of injury, illness, or death in the exposed population over that which is otherwise probable;

(2) epidemiological studies;
(3) animal studies;
(4) short-term in-vitro studies;
(5) tissue and toxicologic studies;
(6) environmental monitoring data; and
(7) Government health effects studies done for the purpose of developing standards or exposure limits.

By Mr. MARKEY:
Amendment to committee print.
—Page 45, after line 6, insert:

Subtitle C—Administrative Recovery of Medical and Relocation Expenses

"DEFINITIONS

SEC. 221. (a) For purposes of this subtitle:
(1) The term "applicant" means any person who applies for compensation under this subtitle.
(2) The term "medical costs" means the costs of all appropriate medical, surgical, hospital, nusing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1974 (29 U.S.C. 723).
(3) The term "physical injury or illness" includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.
(4) The term "dependent" means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.
(5) The terms "treatment", "storage", and "disposal" have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.
"(b) For purposes of this subtitle, the terms "hazardous substance", "pollutant or contaminant", "transport", and "transportation" shall have the meanings provided in title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

APPLICATION FOR RELIEF

SEC. 222. Any individual who alleges that he has sustained injury for which relief is payable under this subtitle may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule or order, provide. Such rule or order shall be issued within forty-five days after the date of the enactment of this subtitle.

AWARD OF RELIEF

SEC. 223. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—
(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or
(2) during transportation of such a facility or site,
the Administrator shall pay relief under this subtitle to such individual, subject to advance appropriations and subject to the availability of adequate funds as provided in section 224.
(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this subtitle to such dependent, subject to advance appropriations and subject to the availability of adequate funds as provided in section 224.

AMOUNT OF RELIEF

SEC. 224. (a)(1) Relief under this subtitle to any individual who has suffered a physical injury or illness shall consist of—
(A) a payment of reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;
(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the three-year period following such injury, illness, or death; and
(C) reimbursement for—
(i) expenses incurred by an individual in obtaining alternative water supplies, or
(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $2,000 per month.
(2) Relief under this subtitle to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this subtitle to dependents where there are two or more dependents.
(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this subtitle and determine the method, terms, and time of payment.
(c)(1) Payments authorized to be made pursuant to this subtitle may be made only from amounts appropriated after the fiscal year 1985 to the Hazardous Substance Superfund established under section 9505 of the Internal Revenue Code of 1954. To the extent that payments authorized to be made under this subtitle exceed the total amount available for such purposes as provided in paragraph (2), such payments shall be made in the same manner as provided in section 111(e)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
(2) Not more than 12 per centum of the amount credited to the Hazardous Substance Superfund for any fiscal year may be used for purposes of this subtitle.
(d) Section 111(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following at the end thereof: "and for payment of relief described in subtitle B of title II of the Superfund Expansion and Protection Act of 1984 (subject to the limitations set forth in section 224(c) of such Act).".

PROCEDURE FOR DETERMINATION

SEC. 225. (a)(1) Except as otherwise provided in this subtitle, for purposes of making any determination respecting payment of a claim filed under this subtitle, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).
(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this subtitle. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this subtitle.
(b)(1) In determining any claim under this subtitle, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—
(A) the individual suffered any physical injury, illness, or death;
(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—
(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or
(ii) during transportation to such facility or site; and
(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant.

such injury, illness, or death shall be presumed to have been caused by such exposure.
(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illness, or death.
(c) For purposes of making a determination respecting payment of any claim filed under this subtitle, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:
(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.
(2) Epidemiological studies.
(3) Animal studies.
(4) Tissue culture studies.
(5) Micro-organism culture studies.
(6) Laboratory and toxicologic studies.
(7) Immunological studies.
(8) Toxicology profiles prepared under section 104(i)(2) of this Act.
(9) Health effects studies prepared under section 104(1) of this Act.
(d) In making a determination under this subtitle, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.
(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insur-

ance benefits under section 223 of the Social Security Act.

(2) In any proceeding under this subtitle, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this subtitle is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

SUBROGATION

SEC. 226. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this subtitle to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protection Act of 1980) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this subtitle for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this subtitle.

(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust fund.

JUDICIAL REVIEW

SEC. 227. (a) Any person adversely affected or aggrieved by any final determination of the Administrator under this subtitle may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

(1) such person resides or conducts business; or

(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

ADDITIONAL RECOVERY

SEC. 228. (a) No individual who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this subtitle at a subsequent time if such individual establishes (in accordance with the procedures under this subtitle) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this subtitle.

(b) Nothing in this subtitle shall preclude an individual or dependent who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this subtitle for a physical injury, illness, or death or for any damage not compensable under this subtitle.

COLLATERAL RECOVERY

SEC. 229. The amount payable under this subtitle to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 224(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including compensation (as described in section 224) paid—

(1) pursuant to any administrative or judicial proceeding under State law,

(2) pursuant to any consent decree under State law or any other binding settlement,

(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

(4) pursuant to any other insurance policy or program.

Strike out "this title" and substitute "subtitle A" on page 37, line 3, page 40, line 20, page 41, lines 6, 15, 20, and 24, page 42, lines 7 and 14, page 43, lines 59, 16, and 23, page 44, lines 4, 8, 11, 13, and 21, and page 45, line 3.

(Amendments to committee print.)

—Page 90, after line 22, add following title:

TITLE VI—ADMINISTRATIVE RECOVERY OF MEDICAL AND RELOCATION EXPENSES

"DEFINITIONS

SEC. 601. (a) For purposes of this subtitle:

(1) The term "applicant" means any person who applies for compensation under this subtitle.

(2) The term "medical costs" means the costs of all appropriate medical, surgical, hospital, nursing care, ambulance, and other related services, drugs, medicines, as appropriate for both diagnosis and treatment, and any rehabilitative programs within the scope of section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723).

(3) The term "physical injury or illness" includes, but is not limited to, any physical injury or illness which is caused by exposure to a hazardous substance, pollutant, or contaminant prior to birth. Such term does not include mental distress, fright, or emotional disturbance.

(4) The term "dependent" means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

(5) The terms "treatment", "storage", and "disposal" have the same meaning as provided by section 1004 of the Solid Waste Disposal Act.

"(b) For purposes of this subtitle, the terms "hazardous substance", "pollutant or contaminant", "transport", and "transportation" shall have the meanings provided in title I of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

APPLICATION FOR RELIEF

SEC. 602. Any individual who alleges that he has sustained injury for which relief is payable under this subtitle may file an application for such relief with the Administrator. Such application shall be in such form, and shall be filed in such manner, as the Administrator shall, by rule or order, provide. Such rule or order shall be issued within forty-five days after the date of the enactment of this subtitle.

AWARD OF RELIEF

SEC. 603. (a) If an individual establishes by a preponderance of the evidence that he has suffered a physical injury or illness which was caused by exposure to a hazardous substance, pollutant, or contaminant—

(1) from a facility or site at or from which such substance was stored, treated, recycled, disposed of, or migrated, or

(2) during transportation to such a facility or site,

the Administrator shall pay relief under this subtitle to such individual, subject to advance appropriations and subject to the availability of adequate funds as provided in section 224.

(b) If a dependent of any deceased individual establishes to the satisfaction of the Administrator that the death of such deceased individual was caused by any exposure referred to in subsection (a), the Administrator shall pay relief under this subtitle to such dependent, subject to advance appropriations and subject to the availability of adequate funds as provided in section 224.

AMOUNT OF RELIEF

SEC. 604. (a)(1) Relief under this subtitle to any individual who has suffered a physical injury or illness shall consist of—

(A) a payment or reimbursement for all medical costs incurred in connection with the physical injury, illness, or death concerned;

(B) a monthly payment in an amount equal to the injured, ill, or deceased individual's monthly earnings which are lost (as estimated by the Administrator) by reason of the physical injury, illness, or death during the three-year period following such injury, illness, or death; and

(C) reimbursement for—

(i) expenses incurred by an individual in obtaining alternative water supplies, or

(ii) reasonable costs of transportation, lodging, and meals for not more than three trips to locate a new residence, and reasonable moving costs, where such individual's exposure (or potential exposure) to a hazardous substance, pollutant, or contaminant caused or significantly contributed to such costs.

Payment under subparagraph (B) shall not exceed $2,000 per month.

(2) Relief under this subtitle to the dependents of any individual shall be equal to the amounts specified in paragraph (1), except that such relief shall include the reasonable expenses of burial. The Administrator shall promulgate rules regarding the equitable allocation of relief payable under this subtitle to dependents where there are two or more dependents.

(b) The Administrator shall compute the amount of relief to be awarded to any applicant under this subtitle and determine the method, terms, and time of payment.

(c)(1) Payments authorized to be made pursuant to this subtitle may be made only from amounts appropriated after the fiscal year 1985 to the Hazardous Substance Superfund established under section 9505 of

the Internal Revenue Code of 1954. To the extent that payments authorized to be made under this subtitle exceed the total amount available for such purposes as provided in paragraph (2), such payments shall be made in the same manner as provided in section 111(e)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(2) Not more than 12 per centum of the amount credited to the Hazardous Substance Superfund for any fiscal year may be used for purposes of this subtitle.

(d) Section 111(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following at the end thereof: "and for payment of relief described in subtitle B of title II of the Superfund Expansion and Protection Act of 1984 (subject to the limitations set forth in section 224(c) of such Act).".

PROCEDURE FOR DETERMINATION

SEC. 605. (a)(1) Except as otherwise provided in this subtitle, for purposes of making any determination respecting payment of a claim filed under this subtitle, the Administrator shall utilize the procedures used by the Secretary of Health and Human Services in determining entitlement to disability insurance benefit payments under section 223 of the Social Security Act (42 U.S.C. 423).

(2) The Administrator and the Secretary of Health and Human Services shall enter into such contracts and other arrangements as may be necessary to use the personnel and office of the Social Security Administration for administration and determination of claims filed under this subtitle. The Administrator may, pursuant to such contracts or other arrangements, delegate to the Secretary, or to any employee of the Secretary, any function vested in the Administrator under this subtitle.

(b)(1) In determining any claim under this subtitle, if an individual (or his dependent) who is an applicant provides information sufficient to enable the Administrator to find that—

(A) the individual suffered any physical injury, illness, or death;

(B) the individual was exposed to a hazardous substance, pollutant, or contaminant—

(i) from a facility or site at or from which such substance was treated, recycled, stored, disposed, or migrated; or

(ii) during transportation to such facility or site; and

(C) exposure to such hazardous substance, pollutant, or contaminant was at such levels and for such duration as to be reasonably likely to cause or significantly contribute to death or to a physical injury or illness of the type suffered by the applicant.

such injury, illness, or death shall be presumed to have been caused by such exposure.

(2) A presumption established as provided in paragraph (1) shall be overcome if the Administrator determines, on the basis of any information available to him, that it is reasonably certain that the exposure referred to in paragraph (1) did not cause, or significantly contribute to, the individual's physical injury, illnesss, or death.

(c) For purposes of making a determination respecting payment of any claim filed under this subtitle, any information which tends to establish that exposure to the hazardous substance, pollutant, or contaminant in question causes or contributes to death, or to physical injury or illness of the type or class allegedly suffered by an individual, shall be considered relevant to the issues of causation, including but not limited to the following:

(1) An increase in the incidence of such injury or illness, or an increase in the incidence of death, in the exposed population above that which is otherwise probable.

(2) Epidemiological studies.

(3) Animal studies.

(4) Tissue culture studies.

(5) Micro-organism culture studies.

(6) Laboratory and toxicologic studies.

(7) Immunological studies.

(8) Toxicology profiles prepared under section 104(i)(2) of this Act.

(9) Health effects studies prepared under section 104(1) of this Act.

(d) In making a determination under this subtitle, the Administrator shall require such medical tests or examinations of the applicant as may be necessary to confirm the diagnosis or determination of physical injury or illness. The Administrator may also undertake such other investigations and require the production of such other information as he deems appropriate for purposes of making such determination.

(e)(1) If requested by the claimant, the Administrator shall conduct a hearing with respect to any claim which has been denied, in whole or in part. Such hearing shall be conducted in the same manner as hearings conducted with respect to disability insurance benefits under section 223 of the Social Security Act.

(2) In any proceeding under this subtitle, the owner or operator of any facility or site which is alleged to have been the source of the exposure on which a claim under this subtitle is based, or the person transporting any hazardous substance, pollutant, or contaminant to such facility or site (in the case of a claim based on exposure during transportation), shall be notified of the proceeding, but shall have no right to participate in the proceeding.

(3) The Administrator shall award to each claimant who prevails in a proceeding under this subsection the costs of any representation by attorney or otherwise which is necessary for such claimant's participation in the proceeding and the cost of any expert witness fees incurred by such claimant.

SUBROGATION

SEC. 606. (a)(1) Except as provided in paragraph (2), whenever a payment is made under this subtitle to any applicant the United States shall be subrogated to the rights of such applicant under any other provision of law (including title II of the Superfund Expansion and Protection Act of 1980) for the full amount of such payment and shall be entitled to recover all administrative and adjudicative costs and attorneys fees incurred by the United States by reason of the applicant's claim.

(2) The United States shall not have any right of subrogation under paragraph (1) with respect to any payment under this subtitle for any physical injury or illness which was caused by exposure to a hazardous substance or pollutant or contaminant, if no part of such exposure occurred after the date which is 20 years before the date of enactment of this subtitle.

(b) The Attorney General shall take such steps as may be necessary to protect or enforce any rights of subrogation under this section.

(c) Any amount recovered by the United States under this section shall be deposited in the Hazardous Substance Response Trust Fund.

JUDICIAL REVIEW

SEC. 607. (a) Any person adversely affected or aggrieved by any final determination of the Administrator under this subtitle may obtain a review of such determination in accordance with the provisions of chapter 7 of title 5, United States Code, by filing a written petition within sixty days following the issuance of such final determination in a district court of the United States for the district within which—

(1) such person resides or conducts business; or

(2) the physical injury, illness, or death, or other expense which formed the basis for a claim relating to such final determination is alleged to have been caused.

(b) A determination made by the Administrator with respect to entitlement to benefits for injuries, illness, or death or other expense shall constitute a final administrative determination for the purpose of judicial review under this section.

ADDITIONAL RECOVERY

SEC. 608. (a) No individual who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant shall be prohibited from recovering an additional amount under this subtitle at a subsequent time if such individual establishes (in accordance with the procedures under this subtitle) that an additional physical injury or illness was caused by such exposure and that such additional physical injury or illness was not known to the individual at the time the prior application was made under this subtitle.

(b) Nothing in this subtitle shall preclude an individual or dependent who has recovered any amount under this subtitle with respect to exposure to any hazardous substance, pollutant, or contaminant from recovering in an action in court for amounts in excess of any amount paid under this subtitle for a physical injury, illness, or death or for any damage not compensable under this subtitle.

COLLATERAL RECOVERY

SEC. 609. The amount payable under this subtitle to any applicant shall be reduced by the total of the compensation for costs for which relief may be paid under section 224(a) which is paid to the applicant by reason of the same physical injury or illness or death from any other source, including compensation (as described in section 224) paid—

(1) pursuant to any administrative or judicial proceeding under State law,

(2) pursuant to any consent decree under State law or any other binding settlement,

(3) under any governmental program (including medicaid or medicare) which the injured, ill, or deceased individual was required to participate in, or

(4) pursuant to any other insurance policy or program.

Strike out "this title" and substitute "subtitle A" on page 37, line 3, page 40, line 20, page 41, lines 6, 15, 20, and 24, page 42, lines 7 and 14, page 43, lines 5, 9, 16, and 23, page 44, lines 4, 8, 11, 13, and 21, and page 45, line 3.

By Mr. MINETA:

(Amendment to committee print.)

—Page 9, after line 10, insert the following:

(c) Section 104 is amended by adding at the end thereof the following new subsection:

"(m) For purposes of taking action under this section or section 106 and listing facili-

ties on the National Priorities List, the Administrator shall give high priority to facilities where the release of hazardous substances or pollutants or contaminants has resulted in the closing of drinking water wells or has contaminated a sole or principal drinking water source designated under section 1424(e) of title XIV of the Public Health Service Act (the Safe Drinking Water Act).".

(Amendment to committee print.)

—Page 52, line 1, strike out the period and insert in lieu thereof the following: "and any underground pipes connected to any one or combination of tanks which is used to contain an accumulation of hazardous substances and which is above the surface of the ground.".

Page 52, line 13, strike out the period and insert in lieu thereof a comma.

Page 52, after line 13, insert the following: "or any underground pipes connected to any such tank, pipeline, impoundment, pit, pond, lagoon, or basin.".

Page 56, line 20, strike out the semicolon and insert in lieu thereof the following: ", including at a minimum a requirement that each tank (other than a storage tank for petroleum, including crude oil or any fraction thereof which is not specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) provide—

"(i) a primary level of containment which is impervious to each substance which is to be contained and is not subject to physical or chemical deterioration by any such substance over the useful life of the tank, and

"(ii) a secondary level of containment which is not subject to structural weakening as a result of contact with any substance released from the primary level of containment and is capable of storing any such released substance for the maximum period of time anticipated for the recovery of such substance;".

Page 58, line 18, strike out "equivalent" and all that follows through the period on line 23 and insert in lieu thereof the following: "no less stringent than the Federal program under section 403 and provides for adequate enforcement of compliance with such requirements.".

Page 59, line 1, strike out "equivalent to" and insert in lieu thereof "no less stringent than".

Page 59, line 5, strike out "equivalent to" and insert in lieu thereof "no less stringent than".

(Amendment to committee print.)

—Page 52, line 1, strike out the period and insert in lieu thereof the following: "and any underground pipes connected to any one or combination of tanks which is used to contain an accumulation of hazardous substances and which is above the surface of the ground.".

Page 52, line 13, strike out the period and insert in lieu thereof a comma.

Page 52, after line 13, insert the following: "or any underground pipes connected to any such tank, pipeline, impoundment, pit, pond, lagoon, or basin.".

(Amendment to committee print.)

—Page 56, line 20, strike out the semicolon and insert in lieu thereof the following: ", including at a minimum a requirement that each tank (other than a storage tank for petroleum, including crude oil or any fraction thereof which is not specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) provide—

"(i) a primary level of containment which is impervious to each substance which is to be contained and is not subject to physical or chemical deterioration by any such substance over the useful life of the tank, and

"(ii) a secondary level of containment which is not subject to structural weakening as a result of contact with any substance released from the primary level of containment and is capable of storing any such released substance for the maximum period of time anticipated for the recovery of such substance;".

(Amendment to committee print.)

—Page 58, line 18, strike out "equivalent" and all that follows through the period on line 23 and insert in lieu thereof the following: "no less stringent than the Federal program under section 403 and provides for adequate enforcement of compliance with such requirements.".

Page 59, line 1, strike out "equivalent to" and insert in lieu thereof "no less stringent than".

Page 59, line 5, strike out "equivalent to" and insert in lieu thereof "no less stringent than".

By Mr. MOLINARI:

(Amendment to committee print.)

—Page 18, line 2, insert "(a)" after "SEC. 109.".

Page 19, immediately before line 6, insert the following:

(b) Section 104(i) is further amended by adding at the end thereof the following new paragraphs:

"(3) For each fiscal year beginning after September 30, 1985, not less than $30,000,000 of the amounts appropriated from the Fund for such fiscal year for carrying out this Act shall be made available to the Administrator of the Agency for Toxic Substances and Disease Registry for the purpose of carrying out this subsection. For each such fiscal year, such additional sums as may be necessary to enable such agency to carry out other responsibilities under this Act are authorized to be made available to such agency from amounts so appropriated.

"(4) The President shall provide for the employment of an adequate number of officers and employees in the Agency for Toxic Substances and Disease Registry, based upon the amount made available to such agency under paragraph (3) for each fiscal year and taking into account the recommendations of such agency.".

Amendment to the committee print.

—Page 42, lines 16 and 17, strike out "(or reasonably should have known)".

Amendment to committee print.

—Page 50, after line 5, insert:

NOTICE BY FEDERAL AGENCIES

SEC. 303. Section 107(g) is amended by inserting "(1)" after "(g)" and by adding the following new paragraph at the end thereof:

"(2)(A) After the effective date of regulations under this paragraph, whenever any agency or instrumentality of the United States enters into any contract for the sale of real property which is owned by the United States and on which any Federally regulated hazardous waste was disposed of or stored for one year or more, the head of such agency or instrumentality shall include in such contract notice of the type and quantity of such hazardous waste and notice of the time at which such storage, or disposal took place. Such notice shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the date of the enactment of this paragraph, and after consultation with the Administrator of the General Services Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this section.

"(B) In the case of any real property owned by the United States on which any hazardous waste was stored for one year or more or disposed of, each deed entered into for the transfer of such property by the United States to any other person or entity shall contain a convenant warranting that all remedial action necessary to protect human health and the environment with respect to any such waste remaining on the property has been taken prior to the date of such transfer.

"(C) As used in this paragraph, the term 'Federally regulated hazardous waste' means any hazardous waste (within the meaning of section 3001 of the Solid Waste Disposal Act) which is—

"(i) listed or identified under section 3001 of the Solid Waste Disposal Act; and

"(ii) required to be treated, stored, or disposed of in a facility which is operating pursuant to a permit issued under section 3005 of such Act (or pursuant to interim status under section 3005(e) of such Act).".

Make the necessary conforming changes in the table of contents.

By Mr. MOODY:

Amendment to committee print.

—Page 36, after line 25, insert:

FEDERAL FACILITIES

SEC. 119. The following section is inserted immediately after section 117:

"FEDERAL FACILITIES

"SEC. 116. (a)(1) Not later than 6 months after the date of the enactment of this section, each department, agency, and instrumentality of the United States shall transmit to the Administrator a notice regarding each facility at which any hazardous substance has been treated, stored pending disposal, or disposed of and which, as of the date of the enactment of this section, is owned or operated by the department, agency or instrumentality.

"(2) In each year after the date of the enactment of this section, each such department, agency, or instrumentality shall submit such a notice regarding each such facility which is owned or operated by the department, agency, or instrumentality at any time after the date of the enactment of this section and which was not the subject of a notice transmitted under paragraph (1).

"(b) The notice under subsection (a) shall contain the following information, to the extent available—

"(1) The location of each facility and where any hazardous substance has been disposed of, a description of hydrogeology of the facility and the location of withdrawal wells and surface water within one mile of the facility.

"(2) Such information relating to the amount, nature, and toxicity of the hazardous substance in each facility as may be necessary to determine the extent of any health hazard which may be associated with any facility.

"(3) Information on the known nature and extent of environmental contamination at each facility, including a description of the monitoring data obtained.

"(4) A list of facilities at which any hazardous substance has been disposed of and environmental monitoring data has not

been obtained, and the reasons for the lack of monitoring data at each facility.

"(5) A description of response actions undertaken or contemplated at contaminated facilities.

"(6) An identification of the types of techniques of treatment or disposal which have been used at each facility.

"(c) The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain each notice transmitted under subsection (a) regarding any facility and notice of each subsequent action taken under this Act with respect to the facility. Such docket shall be available for public inspection at reasonable times. Three months after establishment of the Docket and every three months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the Docket during the immediately preceding 3-month period and a list of each facility included in the Docket at which subsequent action has been taken under this Act during the immediately preceding 3-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the Docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the Docket under this subsection.

"(d) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall take steps to assure that a preliminary assessment is conducted for each facility for which a notice is required to be transmitted under subsection (a). Following such preliminary assessment, the Administrator shall where appropriate—

"(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases; and

"(2) include such facilities on the National Priorities List maintained under such Plan.

Such evaluation and listing shall be completed not later than 14 months after the date of the enactment of this section.

"(e)(1) Within 6 months after the inclusion of any facility on the National Priorities List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator, commence a remedial investigation and feasibility study for such facility.

"(2) Within 90 days after completion of each such remedial investigation and feasibility study, the Administrator shall review the results of such investigation and study and shall enter into an interagency agreement with the head of the department, agency or instrumentality concerned for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. All such interagency agreements shall comply with the requirements of section 104(j). Such agreement shall require that substantial continuous physical on-site remedial action is commenced at each facility which is the subject of such an agreement within 6 months after the agreement is entered into.

"(B) Each interagency agreement under this paragraph shall include, but shall not be limited to: (i) a review of alternative remedial actions and selection of construction design by the Administrator; (ii) a schedule for the completion of each such remedial action; and (iii) arrangements for long-term operation and maintenance of the facility.

"(3) To the maximum extent practicable, remedial actions at facilities subject to interagency agreements under this section shall be completed within two years from the date the interagency agreement was entered into. If not completed within such period, the department, agency, or instrumentality shall transmit to the Administrator an explanation of why such action was not completed. Such explanation shall be included in the Federal Hazardous Facility Compliance Docket and in the annual report made by the department, agency, or instrumentality under paragraph (4) to the Congress.

"(4) Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to—

"(A) a report on the progress in reaching interagency agreements under this section,

"(B) the specific cost estimates and budgetary proposals involved in each interagency agreement,

"(C) a brief summary of the public comments regarding each proposed interagency agreement, and

"(D) a description of the instances in which no agreement was reached.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached.

"(f) Except as provided in section 111(e)(3), money in the Hazardous Substances Response Trust Fund shall not be available for actions implementing any interagency agreement under this section.

"(g) The Administrator (represented by the Attorney General as provided in section 107(g)) shall bring an action under section 106 against the head of any department, agency, or instrumentality which fails or refuses to comply with any requirement of this section.

"(h) Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any other officer or employee of the United States or to any other person.

"(i) All guidelines, rules, regulations, procedures, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned and operated by a department, agency, or instrumentality of the United States in the same manner and to the same extent as such guidelines, rules, regulations, and criteria are applicable to other facilities, except for any requirements relating to bonding, insurance, or financial responsibility. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, procedures, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.

"(j) The facilities required to be listed on the National Priorities List under this section shall be in addition to the facilities required to be listed under section 111(k). The schedules and timetables provided under section 111(k) applicable to commencement of remedial investigations and feasibility studies, preliminary assessments, and remedial action shall not apply to facilities which are owned or operated by a department, agency, or instrumentality of the United States.".

(Amendment to the committee print.)

—Page 12, line 11, before the quotation marks insert the following new sentence:

If the release or threatened release occurs on lands which are held by an Indian, a federally recognized Indian tribe, or the United States for the benefit of any Indian or federally recognized Indian tribe and which are located in the boundaries of an Indian reservation, the Indian tribe or the Secretary of the Interior may make or agree to make the payment required under subparagraph (B)(i) in connection with the remedial action.

By Mr. NOWAK:

—Page 33, line 22, strike out "and".

—Page 33, line 25, strike out "105."." and substitute "105; and".

—Page 33, after line 25, insert:

"(10) the costs of appropriate Federal and State oversight of remedial activities at National Priority List sites resulting from consent orders or settlement, agreements, where the responsible party or parties have been determined, but where inadequate oversight assistance has been provided by that responsible party or parties.".

By Mr. PACKARD:

—Page 14, line 8, after "concerned" insert the following: "and is relevant and appropriate under the circumstances presented by the release or threatened release of such substance, pollutant, or contaminant"."

By Mr. RICHARDSON:

(Amendment to the amendment in the nature of a substitute.)

—Page 68, in the table appearing before line 1, strike out the line relating to copper, the line relating to nickel, and the line relating to zinc.

—Page 88, in the table appearing before line 1, strike out the line relating to copper, the line relating to nickel, and the line relating to zinc.

By Mr. RITTER:

(Amendment to amendment in the nature of substitute.)

—Page 4, line 18, after "health" insert: "through contamination of groundwater which supplies or may reasonably be expected to supply any drinking water source".

By Mr. ROWLAND:

—Page 23, strike out line 10 and all that follows through page 26, line 5, and insert in lieu thereof the following:

EMERGENCY RELIEF AND HEALTH SURVEILLANCE

SEC. 112. Section 104 is amended by adding the following new subsection at the end thereof:

"(l)(1)(A) Any individual or group of individuals may submit a petition to the Administrator providing evidence which—

"(i) demonstrates that such individual or individuals are being exposed to any hazardous substance; and

"(ii) provides an empirical analysis of the level of exposure.

"(B) The Administrator shall take action under paragraph (2)(A) if the Administrator

determines that there is a reasonable likelihood that such substance is from a facility—

"(i) where such substance is (or was in the past) treated, stored, recycled, or disposed of, on a regular basis; or

"(ii) at which removal action is being taken (or was taken in the past) under any provision of this Act; and

if the Administrator determines that the exposure may present a significant risk to human health.

"(2) Within 45 days after receipt of a petition under paragraph (1), the Administrator of the Environmental Protection Agency (or the Administrator of the Agency for Toxic Substances and Disease Registry if designated by the Administrator of the Environmental Protection Agency) shall—

"(A) initiate a hazardous substance exposure evaluation in which the Administrator—

"(i) conducts a toxicological and epidemiological evaluation of each hazardous substance involved, taking into consideration any relevant toxicological profiles prepared pursuant to section 104(i), and determines an appropriate action level for each hazardous substance involved representing the level of exposure to such substance which presents a significant risk to human health;

"(ii) ascertains the nature, magnitude, scope, and duration of the exposure of individuals to the hazardous substance concerned at or above such action level; and

"(iii) identifies, where possible, other individual within the community who are exposed to the same hazardous substance at or above the action level and ascertains the nature, magnitude, scope, and duration of such exposure; or

"(B) publish a written explanation of a determination that there is not a reasonable likelihood that the substance is from a facility referred to in paragraph (1)(B) or a determination that the exposure does not present a significant risk to human health.

"(3)(A) If a hazardous substance exposure evaluation carried out under this subsection identifies an individual or individuals exposed to a hazardous substance at or above the action level, the Administrator shall take such steps as may be necessary to reduce this exposure to levels below the action level. Such steps may include (but shall not be limited to)—

"(i) provision of alternative drinking water supplies, and

"(ii) relocation of individuals.

"(B) In any case in which information is insufficient, in the judgment of the Administrator, to readily determine an appropriate action level with respect to a hazardous substance and there is no toxicological profile established for such substance, the Administrator may take such steps as may be necessary to reduce the exposure of any person to such hazardous substance to such level as the Administrator deems necessary to protect the public health and the environment.

"(4) Within 6 months following completion of the hazardous substance exposure evaluation, the Administrator shall publish a report detailing the presence or absence of any linkage between the exposure of individuals to the hazardous substance concerned and the facility identified under paragraph (1)(B) of this subsection. Such report shall include a determination, where possible, of any groundwater contamination connecting such facility with the exposure.

"(5) Where a hazardous substance exposure evaluation identifies a population of individuals exposed to a hazardous substance at or above the action level and the Administrator has reported the presence of a linkage between such exposure and a facility meeting the conditions specified under paragraph (1)(B) of this subsection, the Administrator shall initiate a health surveillance program for such population. This program shall include the following steps:

"(A) an epidemiological health effects study of the exposed population (with an appropriate control group) to identify any diseases for which the population is at significant risk;

"(B) periodic medical testing to screen for such diseases among those population subgroups at highest risk; and

"(C) a mechanism to refer for treatment those individuals within such population who are screened positive for such diseases.

"(6) In the case of any substance which is subject to a petition under this subsection, nothing in this subsection shall be construed to delay or otherwise impair the authority of the Administrator to exercise any authority vested in the Administrator under any other provision of the law, including, but not limited to, the imminent hazard authority of section 7003 of the Solid Waste Disposal Act or the response and abatement authorities of this Act.".

By Mr. SYNAR:

—On page 52, beginning at line 9, subparagraph (D) is amended to read as follows:

"(D) pipeline facilities regulated under the Natural Gas Pipeline Safety Act of 1968, as amended, (49 U.S.C. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979, as amended, (49 U.S.C.—2001 et seq.), or"

By Mr. TAUZIN:

(Amendment to Ways and Means Committee amendment.)

—After Section 503, insert the following new section and redesignate succeeding sections accordingly:

"SEC. 504. Amendments Related to Environmental Tax on Certain Substances Entered into the United States.

"SEC. 4663. ENVIRONMENTAL TAX ON CERTAIN TAXABLE SUBSTANCES ENTERED INTO THE UNITED STATES.

"(a) GENERAL RULE.—There is hereby imposed a tax on any taxable substances entered into the United States which shall be paid by the importer or ultimate purchaser thereof.

"(b) AMOUNT OF TAX.—The tax imposed by subsection (a) on each taxable substance shall be an amount equal to the tax imposed under section 4661 on the taxable feedstock chemicals used to produce or manufacture such taxable substance, as determined in accordance with subsection (d), below.

"(c) DEFINITIONS.—

"(1) DEFINITION.—For the purposes of this section the term 'taxable substance' means any substance immediately derived from any of the taxable chemicals listed in the table under section 4661. A taxable substance is 'immediately derived' from a chemical or chemicals listed in the table under section 4661 if it is directly produced from such listed chemical or chemicals as a raw material or feedstock.

"(d) COMPUTATION OF TAX.—Under regulations prescribed by the Commissioner of the Internal Revenue Service, if the importer of any taxable substances entered into the United States can establish specifically the amount of chemicals listed in section 4661(b) that were used in the manufacture or production of such taxable substance, and this amount is less than the amount computed by the Commissioner under subsection (e) of this section for such taxable substance, then the importer may pay the taxes that would have been paid under section 4661(a) on the sale or use of such chemicals in lieu of the tax that would be imposed under subsection (e) of this section.

"(e) ALTERNATIVE PAYMENT OF TAXES UNDER SEC. 4661.—The Commissioner shall prescribe by regulation the amount of tax, per ton, imposed by subsection (a) on each taxable substance. In determining the amount of tax imposed per ton on each such taxable substance, the Commissioner shall determine the amount, by weight, of any taxable chemical or chemicals listed under section 4661 that is typically consumed, as a raw material or feedstock, to produce or manufacture one ton of such taxable substance, and shall compute a total tax for such taxable substance that is equal to the sum of the taxes that would be imposed, under section 4661, on the amounts of taxable chemical or chemicals consumed in the manufacture of such taxable substance; provided, however, that the Commissioner may establish reasonable *de minimus* levels for exempting from taxation the chemical content of such taxable substance.

"(f) TAXATION OF NONFERROUS METALS.—This paragraph applies to the taxation of nonferrous metals listed in section 4661(b).

"(1) IMPORTS.—For the purpose of imposing a tax on any taxable chemical entered into the United States as it pertains to a nonferrous metal, or compound or alloy thereof, as listed in the table in section 4661(b), the term "taxable substance," when used in this subsection shall also include the nonferrous metallic content of (i) any fabricated or semi-fabricated product, shape or form, and other product, which has been customarily considered by agencies of the United States Government in calculating annual production, consumption, and import statistics for such metal; (ii) any alloy or compound containing at least five percent of such metal by weight; or (iii) lead acid batteries; provided, however, that the commissioner of the Internal Revenue Service may establish reasonable *de minimus* levels for exempting from taxation the metal content of any such product or alloy. Except as provided in clause (iii) above, nothing in this subsection shall be construed to impose any tax on the metal content of any end use product for which all manufacturing and processing has been completed and is in a final form for sale to an individual for personal consumption or use.

"(2) IN PROCESS MATERIALS.—For purposes of this subsection, no tax shall be imposed on:

"(A) any of the nonferrous metals listed in section 4661(b) when such metal is present in ores, concentrates, drosses, mattes, or other pre-refined metal-bearing materials, nor before the state of processing at which such metal is commercially known or sold as such. Such metals shall not be deemed to be "used" within the meaning of subsection (c) when utilized as new scrap for recycling/production of such metals. For purposes of this subsection, the term "new scrap" shall refer to the refuse produced in the manufacture of articles for ultimate consumption and reinserted into the same manufacturing process and shall not include such scrap derived from metal articles that have outlived their intended manufactured purpose and usefulness.

"(B) any nonferrous metal compound listed in section 4661(b) which has a transitory presence during any process of smelting, refining, or otherwise extracting any

nonferrous metal from ores, concentrates, or other metal bearing substances which are not subject to tax under section 4661(a). The removal by any person for use or sale of any taxable nonferrous metal compound from any process of smelting, refining, or otherwise extracting metal from ores shall be treated as the use of such compounds by such persons, and shall be subject to tax under section 4661(a), unless such compound is to be directly consumed in a smelting or refining process that results in a nonferrous metal not subject to tax under section 4661(a).

"(3) METAL PREVIOUSLY TAXED IN CURRENT PRODUCTION CYCLE.—Notwithstanding any other provision of this subsection, no tax shall be imposed hereunder on any metal—

"(A) when such metal has previously been taxed in its current cycle of production and use; or

"(B) contained in a fabricated product, alloy or compound when such nonferrous metal was previously taxed in its current cycle of production and use.

"For purposes of this subsection, the term "current cycle of production" refers to completion of the smelting and refining of ores and concentrates into the taxable nonferrous metal and subsequent manufacturing processes utilizing the taxable nonferrous metal, but it shall not include processing of scrap derived from metal articles which have outlived their intended manufactured purpose and usefulness."

(g) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1985.

By Mr. TORRES:

(Amendment to committee print.)

—Page 28, line 20, strike out "subsection" and substitute "subsections".

Page 29, line 5, strike out the closing quotation marks.

Page 29, after line 5, insert:

"(e) If any abatement action is taken under this section against a facility used for the treatment, storage, or disposal of hazardous Waste listed or identified under section 3001 of the Solid Waste Disposal Act, the Administrator shall take such action as necessary to insure that no such listed or identified hazardous waste may be treated, stored, or disposed of at such facility after the date of the enactment of the Superfund Expansion and Protection Act of 1984 if—

"(1) such facility is operating pursuant to interim status under section 3005(e) of the Solid Waste Disposal Act;

"(2) the owner or operator of the facility has not completed a full hydrogeologic characterization of the facility before the date of the enactment of the Superfund Expansion and Protection Act of 1984 which has been determined to be acceptable to the Administrator;

"(3) a State or local government authority has required the temporary or permanent relocation of individuals residing in the vicinity of the facility because of the release or threatened release of a hazardous substance, or an asphyxiant gas; and

"(4) 75,000 or more individuals reside within a 2.5 mile radius of the facility.

By Mr. VOLKMER:

(Amendment to committee print.)

—Section 112 of the bill is amended by adding following the words "(B) relocation of individuals" the following new language: "or business.

"(1) In the case of an individual unemployed as a result of such relocation the Administrator may provide the assistance authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974.

"(2) In the case of a business located in an area of relocation the Administrator is authorized to provide the payment of those installments or principal and interest on business debt which accrue between the date of temporary relocation and thirty days following the date that permanent relocation is actually accomplished or in the event, if permanent relocation is formally rejected as the appropriate response, the date on which temporary relocation ceases."

(Amendment to committee print.)

—Following section 101 of the bill insert the following new section and redesignate succeeding sections accordingly.

"COMMUNITY RELOCATION AND BUSINESS AND EMPLOYMENT PROTECTION

"SEC. 102. Section 101(23) is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments or principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407,408, and 409 of the Disaster Relief Act of 1974;".

By Mr. WAXMAN:

—Section 202.

Page , after line , insert:

(c) PRESUMPTION.—(1) The presumption established under this subsection shall affect only the burden of going forward with the presentation of the case. Nothing in this subsection shall affect the burden of proof which shall remain with the claimant in accordance with the Federal Rules of Evidence.

"(2) In any action brought under this section with respect to harm suffered by any individual, if the plaintiff introduces evidence sufficient to enable the trier of fact to find that—

"(A) the individual was exposed to a hazardous substance found in release,

"(B) such exposure was in a quantity, or for a duration, such that there is reasonable likelihood that such exposure is sufficient to cause or significantly contribute to harm of the class or type which the individual suffered, and

"(C) there exists a reasonable likelihood that exposure to such substance causes or significantly contributes to harm of the class or type which the individual is alleged to have suffered,

then it shall be presumed that such release caused such harm.

By Mr. WYDEN:

—Strike out section 506 of the bill and insert in lieu of thereof the following:

SEC. 506. WASTE END TAX.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1954 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER C—WASTE END TAX

"Sec. 4681. Imposition of tax.

"Sec. 4682. Exemptions.

"Sec. 4683. Definitions and special rules.

"SEC. 4681. IMPOSITION OF TAX.

(a) IN GENERAL.—There is hereby imposed a tax on the disposal of any hazardous waste required to be carried out in compliance with subtitle C of the Solid Waste Disposal Act.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be—

"(1) $30 for each metric ton which is not disposed of by underground injection; or

"(2) $3 for each metric ton which is disposed of by underground injection.

"(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by—

"(1) in the case of disposal at a facility which is operating pursuant to a permit under subtitle C of the Solid Waste Disposal Act or which is operating pursuant to interim status under such subtitle C, the owner or operator of such facility, and

"(2) in the case of disposal other than at such a facility, the person disposing of the hazardous waste.

"(d) TERMINATION.—The tax imposed by this section shall not apply after September 30, 1990.

"SEC. 4682. EXEMPTIONS.

"The tax imposed by section 4681 shall not apply to the following:

"(1) The disposal of any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator or the State.

"(2) The disposal of any solid waste which is required to be studied under subsection (f), (g), (m), (n), or (p) of section 8002 of the Solid Waste Disposal Act unless, after the completion of the studies, a law is enacted subjecting such waste to the tax imposed by section 4681.

"(3) The treatment (not including disposal of any treatment residues) of any hazardous waste in a facility which is regulated under the Federal Water Pollution Control Act.

"(4) Except as provided in section 4683(b), the placement of any hazardous waste in a facility for hazardous waste treatment or storage if such facility is operating pursuant to a permit under subtitle C of the Solid Waste Disposal Act or pursuant to interim status under such subtitle C.

"SEC. 4683. DEFINITIONS AND SPECIAL RULES.

"(a) IN GENERAL.—For purposes of this subchapter—

"(1) HAZARDOUS WASTE, ETC.—The terms 'waste', 'hazardous waste', 'storage', 'treatment', and 'disposal' have the respective meanings given such terms by section 1004 of the Solid Waste Disposal Act and the regulations promulgated thereunder.

"(2) UNDERGROUND INJECTION.—The term 'underground injection' has the same meaning as when used in the Safe Drinking Water Act.

"(3) TON.—The term 'metric ton' means 1,000 kilograms.

"(b) SPECIAL RULES.—

"(1) WASTE TREATED AS DISPOSED OF NOT LATER THAN 1 YEAR AFTER RECEIPT AT SUBTITLE C FACILITY.—For purposes of this subchapter, in the case of any hazardous waste listed or identified under section 3001 of the Solid Waste Disposal Act—

"(A) which has been received by a facility for hazardous waste treatment or storage

and on which no tax has been imposed under section 4681 before the expiration of the 1-year period beginning on the date of such receipt, and

"(B) which has not been neutralized or rendered nonhazardous by any treatment process (including any hazardous waste residue of any treatment process),

a tax shall be imposed under section 4681 on such hazardous waste in the same manner as if disposal of such hazardous waste occurred on the first day after such 1-year period. Such tax shall be paid by the owner or operator of the facility at which such waste is located on such first day. The tax imposed under section 4681 by reason of this paragraph shall be at the rate which would be applicable under section 4681 if disposal of such hazardous waste occurred on such first day, plus an additional amount equal to the interest payable on 1-year treasury bills maturing on such first day (or on the next following weekday if such first day is a weekend or holiday).

"(2) FRACTIONAL PART OF TON.—In the case of a fraction of a metric ton, the tax imposed by section 4681 shall be the same fraction of the amount of such tax imposed on a whole metric ton."

(b) REVENUES FROM ADDITIONAL TAX DEPOSITED IN HAZARDOUS SUBSTANCE SUPERFUND.—Paragraph (1) of section 9505(b) of such Code (relating to establishment of Hazardous Substance Superfund), as added by this title, is amended by striking out "section 4611 or 4661" and inserting in lieu thereof "section 4611, 4661, or 4681".

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by adding at the end thereof the following new item:

"Subchapter C—Waste End Tax."

(d) EFFECTIVE DATE, ETC.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1987.

(2) STUDY, ETC.—

(A) IMPLEMENTATION OF WASTE END TAX.—Not later than April 1, 1985, the Secretary of the Treasury shall submit to the Congress a report on the progress being made in preparing for the implementation of the waste end tax imposed by subchapter C of chapter 38 of the Internal Revenue Code of 1954 (as added by this section).

(B) ALTERNATIVE WASTE END TAX.—Not later than January 1, 1986, the Secretary of the Treasury shall submit to the Congress his recommendations (if any) for a waste end tax which—

(i) would raise an amount of revenue equivalent to the anticipated revenue from the waste end tax imposed by such subchapter C, and

(ii) is designed to discourage the disposal of hazardous wastes in environmentally unsound manners (and to accomplish this result with maximum administrative feasibility).

(3) EXCESS REVENUES TO REDUCE APPROPRIATED FUNDS.—It is the sense of the Congress that the amounts appropriated pursuant to section 504(b) of this title for any fiscal year should be reduced by 50 percent of the excess of—

(A) the estimated revenues from the tax imposed by such subchapter C which will be deposited in the Hazardous Substance Superfund during such year, over

(B) $250,000,000.

By Mr. YOUNG of Alaska:

(Amendment to the committee print.)

—At the end of the bill, add the following:

TITLE VI—OIL POLLUTION LIABILITY AND COMPENSATION

SHORT TITLE AND DEFINITIONS

SEC. 601. (a) Titles VI through IX may be cited as the "Comprehensive Oil Pollution Liability and Compensation Act."

(b) For the purposes of this Act, the term—

(1) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(2) "claim" means a demand in writing for a sum certain;

(3) "cleanup costs" means costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from that incident;

(4) "discharge" means any emission, intentional or unintentional, and includes spilling, leaking, pumping, pouring, emptying, or dumping;

(5) "facility" means a structure, or group of structures, which is either—

(A) located, in whole or in part, on the outer Continental Shelf and used for the purposes of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil produced from the outer Continental Shelf, or

(B) licensed under the Deepwater Port Act of 1974;

(6) "foreign claimant" means any person residing in a foreign country, the government of a foreign country, or any agency or political subdivision thereof, who asserts a claim;

(7) "guarantor" means the person, other than the responsible party, who provides evidence of financial responsibility for a responsible party;

(8) "incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities, or any combination thereof, which causes, or poses a substantial threat, of oil pollution;

(9) "inland oil barge" means a non-self-propelled vessel, carrying oil in bulk as cargo or in residue from cargo and certificated to operate only on the internal waters of the United States while operating in such waters;

(10) "internal waters of the United States" means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside that baseline which are a part of the Gulf Intracoastal Waterway;

(11) "lessee" means a person holding a leasehold interest in an oil and gas lease on submerged lands of the Outer Continental Shelf granted or maintained under the Outer Continental Shelf Lands Act;

(12) "licensee" means a person holding a license issued under the Deepwater Port Act of 1974;

(13) "mobile offshore drilling unit" means every watercraft or other contrivance (other than a public vessel of the United States) capable of use as a means of transportation on water and as a means of drilling for oil on the Outer Continental Shelf;

(14) "natural resources" means living and nonliving resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

(15) "navigable waters" means the waters of the United States, including the territorial sea;

(16) "oil" means petroleum, including crude oil or any fraction or residue therefrom;

(17) "oil pollution" means—

(A) the presence of oil which has been discharged from a vessel or facility in quantities which the President has determined may be harmful pursuant to paragraph (4) of subsection (b) of section 311 of the Federal Water Pollution Control Act—

(i) in or on the navigable waters or on land within the United States immediately adjacent thereto; or

(ii) in or on the waters of the contiguous zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone; or

(B) the presence of oil (other than natural seepage) in or on the waters of the high seas outside the territorial limits of the United States—

(i) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act;

(ii) when discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or from a vessel transiting to or from a deepwater port and located in a safety zone of a deepwater port licensed under such Act;

(iii) causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(iv) when discharged, prior to being brought ashore in a port in the United States, from a ship that received oil at the terminal of the pipeline constructed under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) for transportation to a port in the United States; or

(C) the presence of oil (other than natural seepage) in or on the territorial sea, internal waters, or adjacent shoreline, of a foreign country, in a case where damages are recoverable by a foreign claimant under section 603(b)(6) of this title;

(18) "operator" means—

(A) in the case of a vessel, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(B) in the case of a pipeline, any person, except the owner, who is responsible for the operation of such pipeline by agreement with the owner;

(19) "Outer Continental Shelf" has the meaning set forth in subsection (a) of section 2 of the Outer Continental Shelf Lands Act;

(20) "owner" means, in the case of a vessel or a pipeline, any person holding title to, or in the absence of title, any other indicia of ownership of, the vessel or pipeline, whether by lease, permit, contract, license, or other form of agreement, except that such term does not include a person who, without participating in the management or operation of a vessel or a pipeline, holds indicia of ownership primarily to protect his security interest in the vessel or pipeline;

(21) "permittee" means a person holding an authorization, license, or permit for geological exploration issued under section 11 of the Outer Continental Shelf Lands Act;

(22) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, or any other commercial, legal, or governmental entity;

(23) "public vessel" means a vessel which—

(A) is owned or chartered by demise, and operated by (i) the United States, (ii) a

State or political subdivision thereof, or (iii) a foreign government, and

(B) is not engaged in commercial service;

(24) "removal costs" means—

(A) costs incurred under subsection (c), (d), or (l) of section 311 of the Federal Water Pollution Control Act, section 5 of the Intervention on the High Seas Act, or subsection (b) of section 18 of the Deepwater Port Act of 1974, and

(B) cleanup costs, other than the costs described in subparagraph (A);

(25) "responsible party" means—

(A) with respect to a vessel or a pipeline, the owner or operator of such vessel or pipeline;

(B) with respect to a facility (other than a deepwater port or pipeline), the lessee or permittee of the area in which such facility is located, or the holder of a right of use and easement granted under the Outer Continental Shelf Lands Act for the area in which such facility is located where such holder is a different person than the lessee or permittee; and

(C) with repsect to a deepwater port, the licensee;

(26) "Secretary" means the Secretary of Transportation;

(27) "ship" means a vessel (other than an inland oil barge) carrying oil in bulk as cargo or in residue from cargo;

(28) "Trust Fund" means the fund established by section 201 of this Act;

(29) "United States" and "State" include the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;

(30) "United States claimant" means any person residing in the United States, the Government of the United States or any agency thereof, or the government of a State or a political subdivision thereof, who asserts a claim; and

(31) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

COORDINATION WITH INTERNATIONAL CONVENTIONS

SEC. 602. On and after the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States, this title shall not apply with respect to damage arising out of or directly resulting from oil pollution or a substantial threat of oil pollution to the extent this title is inconsistent with such conventions and title IX of this Act.

DAMAGES AND CLAIMANTS

SEC. 603. (a) Claims for damages for economic loss, incurred on or after the effective date of this section and arising out of or directly resulting from oil pollution or the substantial threat of oil pollution, may be asserted for—

(1) removal costs;

(2) injury to, or destruction of, real or personal property;

(3) injury to, or destruction of, natural resources, including reasonable costs incurred by the trustee of the damaged resources in assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources;

(4) loss of subsistence use of natural resources;

(5) loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources to the extent that such damages were sustained during the two-year period beginning on the date the claimant first suffered such loss; and

(6) loss of tax revenue for a period of one year due to injury to real or personal property.

(b)(1) A claim may be asserted under paragraph (1) of subsection (a) by any claimant, except that the responsible party with respect to a vessel or facility involved in an incident may assert such a claim only if he can show that he is entitled to a defense to liability under section 604(c) of this title or, if not entitled to such a defense to liability, that he is entitled to a limitation of liability under section 604(b) of this title, in which case the claim may be asserted only to the extent that the sum of the removal costs incurred by the responsible party plus the amounts paid by the responsible party or by the guarantor on behalf of the responsible party for claims asserted under subsection (a) of this section exceeds the amount to which the total of the liability under section 604(a) and removal costs incurred by, or on behalf of, the responsible party is limited under section 604(b).

(2) A claim may be asserted under paragraphs (2) and (4) of subsection (a) by any United States claimant, if the property involved is owned or leased, or the natural resource involved is utilized, by the claimant.

(3) A claim may be asserted under paragraph (3) of subsection (a) by the President, as trustee for natural resources over which the United States Government has sovereign rights or exercises exclusive management authority, or by the Governor of any State for natural resources within the boundary of the State belonging to, managed by, controlled by, or appertaining to the State. Compensation paid under this paragraph may be used only for assessing both short-term and long-term injury to, or destruction of, the damaged resources, preparing a restoration and acquisition plan with respect to the damaged resources, and restoring or acquiring the equivalent of the damaged resources.

(4) A claim may be asserted under paragraph (5) of subsection (a) by any United States claimant if the claimant derives at least 25 per centum of his earnings from activities which utilize the property or natural resource or, if such activities are seasonal in nature, 25 per centum of the claimant's earnings during the season in which such activities took place.

(5) A claim may be asserted under paragraph (6) of subsection (a) by any State or political subdivision thereof.

(6) Except as otherwise provided in this paragraph, a claim may be asserted under paragraphs (2), (3), (4), and (5) of subsection (a) by a foreign claimant to the same extent that a United States claimant may assert a claim if—

(A) the oil pollution occurred in the waters, including the territorial sea, or adjacent shoreline of a foreign country of which the claimant is a resident;

(B) the claimant is not otherwise compensated for his loss;

(C) the oil was discharged from a vessel located within the navigable waters, was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, or was discharged from a deepwater port licensed under the Deepwater Port Act of 1974 or a vessel transitting to or from a deepwater port and located in a safety zone of a deepwater port under such Act; and

(D) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country of which the claimant is a resident, or the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

In the case of any oil pollution involving oil that has been transported through the pipeline constructed under the provisions of the Trans-Alaska Pipeline Authorization Act, has been loaded on a vessel for transportation to a port in the United States, and is discharged from such vessel before being unloaded in that port, a claim may be asserted by a resident of Canada without regard to subparagraphs (A), (C), and (D) of this paragraph, to the same extent that a United States claimant may assert a claim.

(7) A claim may be asserted under any paragraph of subsection (a), by the Attorney General, on his own motion or at the request of the Secretary, on behalf of any group of United States claimants who may assert a claim under this subsection.

(c) If the Attorney General fails to act under paragraph (7) of subsection (b) within sixty days after the date on which the Secretary designates a source under section 606, any member of a group may assert a claim for damages on behalf of that group. Failure of the Attorney General to act shall have no bearing on any claim for damages asserted under this section.

LIABILITY

SEC. 604. (a)(1) Subject to paragraph (2) of this subsection and subsections (b) and (c) of this section, the responsible party with respect to a facility or a vessel (other than a public vessel) that is the source of oil pollution, or poses a substantial threat of oil pollution in circumstances that justify the incurrence of the type of costs described in section 601(b)(24)(A) of this title, shall be jointly, severally, and strictly liable for all damages for which a claim may be asserted under section 603.

(2)(A) Except as provided in subparagraph (B) of this paragraph, in any case in which a mobile offshore drilling unit is being used as a facility and is the source of oil pollution originating on or above the surface of the water or poses the substantial threat of such oil pollution, such unit shall be deemed to be a vessel which is a ship for purposes of this title.

(B) To the extent that damages for which claims may be asserted under section 603 from any incident described in subparagraph (A) exceed the amount for which the responsible party is liable under subparagraph (A) (as such amount may be limited under subsection (b)(2) of this section), the mobile offshore drilling unit shall be deemed to be a facility covered by subsection (b)(4) of this section, except that for purposes of applying subsection (b)(4) the amount specified in such subsection shall be reduced by the amount for which the responsible party with respect to a ship is liable under subparagraph (A) of this paragraph.

(C) In the case of any incident described in subparagraph (A) which is caused primar-

ily by willful misconduct or gross negligence within the privity or knowledge of both the owner or operator of the mobile offshore drilling unit and the lessee or permittee of the area, or holder of a right of use or easement for the area, in which such unit is located; or which is caused primarily by a violation within the privity or knowledge of both such owner or operator and such lessee or permittee or holder of applicable safety, construction, or operating standards or regulations of the United States; or with respect to which both such owner or operator and such lessee or permittee or holder fail or refuse to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, such owner or operator and such lessee or permittee or holder shall be jointly, severally, and strictly liable (without limitation under subsection (b)) for all loss for which a claim may be asserted under section 608 of this title.

(b) Except when the incident is caused primarily by willful misconduct or gross negligence within the privity or knowledge of a responsible party, or is caused primarily by a violation within the privity or knowledge of a responsible party of applicable safety, construction, or operating standards or regulations of the United States; and except when a responsible party fails or refuses to report the incident where required by law or to provide all reasonable cooperation and assistance requested by the responsible Federal official in furtherance of cleanup activities, the total of the liability under subsection (a) of this section and any removal costs incurred by, or on behalf of, such responsible party shall be limited to—

(1) in the case of a vessel other than a ship or an inland oil barge, $150 per gross ton;

(2) in the case of a ship, $1,000,000 or $400 per gross ton, whichever is greater (but not to exceed $40,000,000);

(3) in the case of an inland oil barge, $150,000 or $150 per gross ton, whichever is greater; or

(4) in the case of a facility, $50,000,000.

The Secretary shall, from time to time, report to Congress on the desirability of adjusting the limitations of liability specified in this subsection.

(c)(1) Except when the responsible party has failed or refused to report an incident where required by law, there shall be no liability under subsection (a) of this section if such responsible party proves that the incident—

(A) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable, and irresistible character, or

(B) was wholly caused by an act or omission of a person other than—

(i) a responsible party;

(ii) an employee or agent of a responsible party; or

(iii) one whose act or omission occurs in connection with a contractual relationship with a responsible party.

(2) There shall be no liability under subsection (a) of this section—

(A) as to a particular claimant, where the incident or economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(B) as to a particular claimant, to the extent that the incident or economic loss is caused by the negligence of that claimant.

(d)(1) Except as provided in title VII the Trust Fund shall be liable for damages for which claims may be asserted under section 603 of this title and which are presented under this title, to the extent that the loss is not otherwise compensated.

(2) Except for the removal costs specified in section 601(b)(24)(A) of this title, there shall be no liability under paragraph (1) of this subsection—

(A) where the incident is caused wholly by an act of war, hostilities, civil war, or insurrection;

(B) as to a particular claimant, where the incident or the economic loss is caused, in whole or in part, by the gross negligence or willful misconduct of that claimant; or

(C) as to a particular claimant, to the extent that the incident or the economic loss is caused by the negligence of that claimant.

(e)(1) In addition to the damages for which claims may be asserted under section 603 of this title, and without regard to any limitation of liability provided in subsection (b) of this section, the responsible party with respect to a facility or vessel, or his guarantor (subject to the guarantor's limitation set forth in subsection (d) of section 605 of this title), shall be liable to the claimant for interest on the amount paid in satisfaction of the claim for the period from the date upon which the claim was presented to the responsible party or guarantor to the date upon which the claimant is paid, inclusive, less the period, if any, from the date upon which the responsible party or guarantor shall offer to the claimant an amount equal to or greater than that finally paid in satisfaction of the claim to the date upon which the claimant shall accept that amount, inclusive. However, if the responsible party or guarantor shall offer to the claimant, within sixty days of the date upon which the claim was presented, or of the date upon which advertising was commenced pursuant to section 606 of this title, whichever is later, an amount equal to or greater than that finally paid in satisfaction of the claim, the responsible party or guarantor shall be liable for the interest provided in this paragraph only from the date the offer was accepted by the claimant to the date upon which payment is made to the claimant, inclusive.

(2) The interest provided in paragraph (1) shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of one hundred and eighty days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve bulletin.

(f)(1) A responsible party with respect to a facility or vessel may not transfer the liability imposed under this section to any other person.

(2) Nothing in paragraph (1) of this subsection shall preclude an agreement whereby a person who, by an agreement with a responsible party with respect to a facility utilized in activities under the Outer Continental Shelf Lands Act, is engaged in such activities, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section. Nothing in paragraph (1) of this subsection shall prelcude an agreement whereby a person who owns or operates a towing vessel, by an agreement with a responsible party with respect to a non-self-propelled vessel, agrees to indemnify the responsible party for the liability imposed under subsection (a) of this section.

(g) Nothing in this title shall bar a cause of action that a responsible party subject to liability under this section or a guarantor has or would have by reason of subrogation or otherwise against any person.

(h) To the extent that it is in conflict with, or otherwise inconsistent with, any other law relating to liability or the limitation thereof, this section supersedes such other law.

FINANCIAL RESPONSIBILITY

SEC. 605. (a)(1) The responsible party with respect to each vessel (except a public vessel or a non-self-propelled vessel that does not carry oil as cargo or fuel) over three hundred gross tons that uses a facility or the navigable waters shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum liability under section 604 of this title to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 604 of this title. In cases where a responsible party owns or operates more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have the certification required under this subsection or the regulations issued hereunder.

(3) The Secretary of the department in which the Coast Guard is operating may (A) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (B) detain at the facility or at the port or place in the United States, any vessel subject to this subsection that, upon request, does not produce the certification required under this subsection or regulations issued hereunder.

(b) The responsible party with respect to each facility shall establish and maintain, in accordance with regulations issued by the Secretary, evidence of financial responsibility sufficient to satisfy the maximum amount of liability to which the responsible party would be exposed in a case where he would be entitled to limit his liability in accordance with subsection (b) of section 604 of this title. In cases where the responsible party is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to one such facility.

(c) Financial responsibility under this section may be established by any one, or by any combination, of the following methods acceptable to the Secretary: evidence of insurance, surety bond, qualification as a self-insurer, or other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(d) Any claim authorized by section 603(a) of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section for any responsible party with respect to a facility or vessel. In defending against such a claim, the guarantor may invoke all rights and defenses which would be available to the responsible party under this title. He may also invoke the defense that the incident was caused by the willful misconduct of the responsible party, but he may not invoke any other defense that he

might be entitled to invoke in proceedings brought by the responsible party against him.

(e) Nothing in this title shall impose liability with respect to an incident on any guarantor for damages or removal costs which exceeds in the aggregate the amount of financial responsibility which that guarantor has provided for each responsible party. Nothing in this subsection shall be construed to limit any other statutory, contractual, or common law liability of a guarantor to any responsible party for whom such guarantor provides evidence of financial responsibility including, but not limited to, the liability of such guarantor for negotiating in bad faith a settlement of any claim.

DESIGNATION AND ADVERTISEMENT

SEC. 606. (a)(1) When the Secretary receives information of an incident that involves oil pollution, he shall, where possible and appropriate, designate the source or sources of the oil pollution and shall immediately notify the reponsible party and the guarantor, if known, of that designation.

(2) When a source designated is a vessel or facility, and the responsible party or guarantor fails to inform the Secretary, within five days after receiving notification of the designation, of his denial of the designation, the responsible party or guarantor, as required by regulations promulgated by the Secretary, shall advertise the designation and the procedures by which claims may be presented to such responsible party or guarantor. If advertisement is not otherwise made in accordance with this paragraph, the Secretary shall, as he finds necessary, and at the expense of the responsible party or the guarantor involved, advertise the designation and the procedures by which claims may be presented to that responsible party or guarantor.

(b) In a case where—

(1) the responsible party and the guarantor both deny a designation in accordance with paragraph (2) of subsection (a) of this section.

(2) the source of the discharge was a public vessel, or

(3) the Secretary is unable to designate the source or sources of the discharge under paragraph (1) of subsection (a) of this section,

the Secretary shall, in accordance with section 607 of this title, advertise or otherwise notify potential claimants of the procedures by which claims may be presented to the Trust Fund.

(c) Advertisement under subsection (a) shall commence no later than fifteen days from the date of the designation made thereunder and shall continue for a period of no less than thirty days.

CLAIMS SETTLEMENT

SEC. 607. (a) Except as provided in subsection (b) of this section, all claims shall be presented to the responsible party or guarantor designated under section 606(a) of this title.

(b) Claims may be presented to the Trust Fund—

(1) where the Secretary has advertised or otherwise notified claimants in accordance with section 606(b) of this title; or

(2) where the responsible party may assert a claim under section 603(b)(1) of this title.

(c) In the case of a claim presented in accordance with subsection (a) of this section, and in which—

(1) each person to whom the claim is presented denies all liability for the claim, for any reason, or

(2) the claim is not settled by any person by payment within sixty days of the date upon which (A) the claim was presented, or (B) advertising was commenced pursuant to section 606(a)(2) of this title, whichever is later,

the claimant may elect to commence an action in court against the responsible party or guarantor or to present the claim to the Trust Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim presented in accordance with subsection (a) of this section, where full and adequate compensation is unavailable, either because the claim exceeds a limit of liability invoked under section 604 of this title or because the responsible party and his guarantor are financially incapable of meeting their obligations in full, a claim for the uncompensated damages may be presented to the Trust Fund.

(e) In the case of a claim which has been presented to any person under subsection (a) of this section and which is being presented to the Trust Fund under subsection (c) or (d) of this section, that person, at the request of the claimant, shall transmit the claim and supporting documents to the Trust Fund. The Secretary may, by regulation, prescribe the documents to be so transmitted and the terms under which they are to be transmitted.

(f)(1) The Secretary, in consultation with the Trust Fund, shall establish procedures and standards for the prompt appraisal and settlement of claims against the Trust Fund.

(2) The Trust Fund may use the facilities and services of private insurance and claims adjusting organizations or State agencies in processing claims against the Trust Fund and may contract for those facilities and services.

(3) To the extent necessitated by extraordinary circumstances, where the services of private organizations or State agencies are inadequate, the Trust Fund may use Federal personnel, on a reimbursable basis, to process claims against the Trust Fund.

(g) Any claimant, or any other person suffering legal wrong because of, or adversely affected or aggrieved by, a final determination of the Trust Fund with respect to a claim, may bring an action for judicial review of the determination. Such action shall be brought under section 609 and shall be the exclusive judicial remedy with respect to such final determination of the Trust Fund. Such an action shall be filed not later than thirty days after the Trust Fund issues notification of the final determination. Venue for any such action shall lie in any district wherein the claimant resides, in addition to any district described in section 609(b). The final determination of the Trust Fund shall not be held unlawful or set aside unless the reviewing court finds such determination to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

ACTIONS TO ENFORCE LIABILITY

SEC. 608. (a)(1) In any action brought under this title against a responsible party or guarantor, both the plaintiff and defendant shall serve a copy of the complaint and all subsequent pleadings therein upon the Trust Fund at the same time those pleadings are served upon the opposing parties.

(2) The Trust Fund may intervene as a party as a matter of right in any action in which a complaint has been served upon it under paragraph (1) of this subsection.

(3) In any action to which the Trust Fund is a party, if the responsible party or his guarantor admits liability under this title, the Trust Fund shall be dismissed therefrom to the extent of the admitted liability.

(4) If the Trust Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in paragraph (1) of this subsection, the Trust Fund shall be bound by any judgment entered therein, whether or not the Trust Fund was a party to the action.

(5) If neither the plaintiff nor the defendant serves a copy of the complaint and all subsequent pleadings upon the Trust Fund in an action referred to in paragraph (1) of this subsection, the limitation of liability otherwise permitted by subsection (b) of section 604 of this title is not available to the defendant, and the plaintiff shall not recover from the Trust Fund any sums not paid by the defendant.

(b) In any action brought against the Trust Fund, the plaintiff may join any responsible party or his guarantor, and the Trust Fund may implead any person, who is or may be liable to the Trust Fund.

(c) No claim may be presented, nor may any action be commenced for damages recoverable under this title, unless that claim is presented to, or that action is commenced against a responsible party or his guarantor or against the Trust Fund, as to their respective liabilities, within three years from the date of discovery of the economic loss for which a claim may be asserted under subsection (a) of section 603 of this title, or within six years of the date of the incident which resulted in that loss, whichever is earlier.

(d) Any person, including the Trust Fund, who compensates any claimant for an economic loss, compensable under section 603, shall be subrogated to all rights, claims, and causes of action which that claimant has under this title.

(e) In any claim or action by the Trust Fund against any responsible party or guarantor under subsection (d), the Trust Fund shall recover—

(1) for a claim presented to the Trust Fund (where there has been a denial of source designation) under section 607(b)(1), or (where there has been denial of liability) under section 607(c)(1)—

(A) subject only to the limitation of liability to which the defendant is entitled under section 604(b), the amount the Trust Fund has paid to the claimant, without reduction;

(B) interest on that amount, at the rate calculated in accordance with section 604(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the Trust Fund is paid by the defendant, inclusive, less the period, if any, from the date upon which the Trust Fund shall offer to the claimant the amount finally paid by the Trust Fund to the claimant in satisfaction of the claim against the Trust Fund to the date upon which the claimant shall accept that offer, inclusive;

(C) all costs incurred by the Trust Fund by reason of the claim, both of the claimant against Trust Fund and the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; and

(2) for a claim presented to the Trust Fund under section 607(c)(2)—

(A) in which the amount the Trust Fund has paid to the claimant exceeds the largest amount, if any, the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) subject to dispute by the defendant as to any excess over the amount offered to the claimant by the defendant, the amount the Trust Fund has paid to the claimant;

(ii) interest, at the rate calculated in accordance with section 604(e), for the period specified in paragraph (1)(B) of this subsection; and

(iii) all costs incurred by the Trust Fund by reason of the claim of the Trust Fund against the defendant, including, but not limited to, processing costs, investigating costs, court costs, and attorney's fees; or

(B) in which the amount the Trust Fund has paid to the claimant is less than or equal to the largest amount the defendant offered to the claimant in satisfaction of the claim of the claimant against the defendant—

(i) the amount the Trust Fund has paid to the claimant, without reduction;

(ii) interest, at the rate calculated in accordance with section 604(e), from the date upon which the claim was presented by the claimant to the defendant to the date upon which the defendant offered to the claimant the largest amount referred to in this subclause, except that if the defendant tendered the offer of the largest amount referred to in this subparagraph within sixty days after the date upon which the claim of the claimant was either presented to the defendant or advertising was commenced under section 106, the defendant shall not be liable for interest for that period; and

(iii) interest from the date upon which the claim of the Trust Fund against the defendant was presented to the defendant to the date upon which the Trust Fund is paid, inclusive, less the period, if any, from the date upon which the defendant shall offer to the Trust Fund the amount finally paid to the Trust Fund in satisfaction of the claim of the Trust Fund to the date upon which the Trust Fund shall accept that offer, inclusive.

(f) The Trust Fund shall pay over to the claimant that portion of any interest the Trust Fund shall recover, under subsections (e)(1) and (e)(2)(A) for the period from the date upon which the claim of the claimant was presented to the defendant to the date upon which the claimant was paid by the Trust Fund, inclusive, less the period from the date upon which the Trust Fund offered to the claimant the amount finally paid to the claimant in satisfaction of the claim to the date upon which the claimant shall accept that offer, inclusive.

(g) The Trust Fund is entitled to recover for all interest and costs specified in subsection (e) without regard to any limitation of liability to which the defendant may otherwise be entitled.

JURISDICTION AND VENUE

SEC. 609. (a) The United States district courts shall have exclusive original jurisdiction over all controversies arising under titles VI, VII and VIII of this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) Unless otherwise provided in this Act, venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this section, the Trust Fund shall reside in the District of Columbia.

RELATIONSHIP TO OTHER LAW

SEC. 610. (a) Except as provided in this title—

(1) no action may be brought in any court of the United States, or of any State or political subdivision thereof, for an economic loss compensable under this title,

(2) no person may be required to contribute to any fund, the purpose of which is to compensate for damages for an economic loss described in section 603(a), except that, for a period of three years beginning on the effective date of this section, any State which on the effective date of this section has in effect a statute that requires such contributions may continue to require such contributions within the limits established by such statute as those limits exist on such date, and

(3) no person may be required to establish or maintain evidence of financial responsibility relating to the satisfaction of a claim compensable under this title.

(b) Nothing in this Act shall preclude any State from imposing a tax or fee upon any person or upon oil in order to finance the purchase and prepositioning of oil pollution cleanup and removal equipment or to finance other preparations for responding to a discharge of oil which affects such State.

(c) Nothing in subsection (a) shall prohibit an action by the Trust Fund under any other provision of law to recover compensation paid under this title.

PENALTIES

SEC. 611. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 605 of this title or the regulations issued thereunder or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section. If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection.

AUTHORIZATION OF APPROPRIATIONS

SEC. 612. There are authorized to be appropriated for those fiscal years which begin on or after October 1, 1984, such sums as may be necessary to carry out this Act.

TITLE VII—COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

ESTABLISHMENT OF THE COMPREHENSIVE OIL POLLUTION LIABILITY TRUST FUND

SEC. 701. (a) The Comprehensive Oil Pollution Liability Trust Fund is established as a nonprofit corporate entity. The Trust Fund shall consist of—

(1) fees paid into the Trust Fund under section 702,

(2) amounts recovered or collected on behalf of the Trust Fund under title VI of this Act, and

(3) amounts transferred to the Trust Fund under sections 802(f) and 802(g) of this Act.

(b) The Trust Fund shall be administered by a Board of Directors under regulations prescribed by the Secretary.

(c)(1) The Board of Directors shall consist of nine voting directors appointed by the Secretary as follows—

(A) three shall be representatives of persons who are liable for fees imposed under this title;

(B) three shall be individuals (including, but not limited to, representatives of any State or political subdivision thereof) who are potential claimants under paragraph (2), (4), or (5) of section 603(b) of this Act; and

(C) three shall be individuals from the general public, who are not eligible for appointment under subparagraph (A), and who have particular expertise, knowledge, and experience in the field of oil spill liability and compensation (including, but not limited to, environmental or labor representatives or guarantors).

(2) Not more than five voting directors shall be members of any one political party. All directors shall be citizens of the United States.

(3) The term of office of each director shall be six years, except that of the directors first appointed three shall be appointed for terms of two years, three shall be appointed for terms of four years, and three shall be appointed for terms of six years. Any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of that term.

(4) The Secretary or his delegate shall serve as a nonvoting member of the Board of Directors.

(5) The levels of compensation of the Board of Directors shall be fixed initially by the Secretary and may be adjusted from time to time upon recommendation by the Board of Directors and concurrence of the Secretary. Any member of the Board of Directors who is an officer or employee of the United States, and any other member of the Board of Directors who is prohibited by the terms of his employment from receiving additional compensation, shall receive no additional compensation on account of that member's service on the Board of Directors.

(6) Any director may be removed from office by the Secretary only for neglect of duty, malfeasance in office, or incompetence, or if the director no longer qualifies to be a director under paragraph (1).

(7) The Board of Directors shall meet at least once a year. A majority of the voting members of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of the voting members of the Board of Directors.

(8) All meetings of the Board of Directors held to conduct official business of the Trust Fund shall be open to public observation and shall be preceded by reasonable public notice. The Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information the premature disclosure of which would be likely to lead to speculation in investments of the Trust Fund; or

(B) information which is likely to adversely affect financial or securities markets or institutions.

(9) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) and (B) of paragraph (7) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be

withheld under the provisions of subparagraphs (A) and (B) of paragraph (7).

(d)(1) The Board of Directors shall appoint a chief executive officer of the Trust Fund who shall be responsible for the administration of the Trust Fund.

(2) The Board of Directors shall—

(A) establish the offices and appoint the officers of the Trust Fund and define their duties;

(B) fix the compensation of individual officer positions and categories of other employees of the Trust Fund taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code for comparable positions or categories. If the Board of Directors determines that it is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the Secretary its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations unless the Secretary has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(C) provide a system of organization to fix responsibility and promote efficiency.

(3) Except as specifically provided herein, directors, officers, and employees of the Trust Fund shall not be subject to any law of the United States relating to governmental employment.

(4) The chief executive officer shall appoint such employees as may be necessary for the transaction of the Trust Fund's business to, and may discharge such employees from, positions established in accordance with this section.

(5) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Trust Fund, except as provided in subsection (c)(1) of this section.

(6) The Board of Directors may provide for reimbursement of directors, officers, and employees for travel expenses and per diem.

(e) The Trust Fund and its income and property shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, or local taxing authority, except that—

(1) any real property owned in fee by the Trust Fund shall be subject to State, territorial, county, municipal, or other local taxation to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the valuation, classification, or assessment thereof; and

(2) the Trust Fund and its employees shall be subject to any nondiscriminatory payroll and employment taxes intended to finance benefits based upon employment (such as social security and unemployment benefits) to the same extent as any privately owned corporation.

(f) The Trust Fund shall have the power to sue and be sued in its own name and to exercise all other lawful powers necessarily or reasonably related to the establishment of the Trust Fund and the exercise of its functions and duties under this Act.

(g)(1) The Trust Fund shall have an independent annual audit prepared in accordance with generally accepted accounting principles.

(2) Not later than one hundred and twenty days after the end of each fiscal year of the Trust Fund, the Trust Fund shall submit to the Congress and the Secretary an annual report containing the audit prepared under paragraph (1) and information regarding the organization, procedures, and activities of the Trust Fund during the preceding fiscal year.

(h) The principal office of the Trust Fund shall be located in the District of Columbia.

(i) Except to the extent expressly provided herein, the Trust Fund shall not be deemed to be an agency of the United States or an instrumentality of the United States.

(j) This title shall be considered the articles of incorporation for the Trust Fund.

FUND COLLECTIONS

SEC. 702. (a) A fee of 1.3 cents a barrel shall be paid into the Trust Fund by the owner of—

(1) oil received at a United States refinery;

(2) oil entered into the United States for consumption, use, or warehousing; and

(3) oil produced from a well located in the United States which is used in or exported from the United States.

(b) The Secretary, in consultation with the Trust Fund, shall by regulation establish procedures for the collection of the fee imposed by subsection (a).

(c) The fee imposed by subsection (a) shall only be in effect during those times when the amount in the Trust Fund (including the value of any securities held by the Trust Fund pursuant to section 703(b)) is less than $200,000,000.

(d) No fee shall be collected under this section with respect to any oil if the person who would be liable for the fee establishes that a prior fee has been imposed by this section with respect to that oil.

(e) The Trust Fund may bring an action in the district court of the United States for the collection of any fee required to be paid under this section.

(f) Any person who fails to collect or pay any fee as required by this section shall be liable for a civil penalty not to exceed $10,000, to be assessed by the Secretary of Transportation, in addition to the fee required to be collected or paid and the interest on such fee in an amount equal to the amount such fee would have earned if collected or paid when due and invested in accordance with subsection (b) of section 703. Upon the failure of any person so liable to pay any penalty, fee, or interest upon demand, the Attorney General may, at the request of the Secretary of Transportation, bring an action in the name of the Fund against that person for such amount.

TRUST FUND DISBURSEMENT AND INVESTMENT

SEC. 703. (a) The Trust Fund shall be available for the purposes of—

(1) immediate payment of removal costs described in section 601(b)(24)(A) and of reasonable costs incurred by the trustee under section 603(a)(3) in assessing damaged natural resources and preparing a restoration and acquisition plan with respect to the damaged natural resources;

(2) the payment of claims under title VI of this Act for damage which is not otherwise compensated;

(3) the costs of administration of this Act; and

(4) the payment of initial and annual contributions to the International Fund in accordance with section 904 of this Act.

(b) All sums not needed for purposes of subsection (a) shall be invested prudently in income producing securities approved by the Secretary in accordance with regulations issued by the Secretary. Income from these securities shall be added to the principal of the Trust Fund, except that whenever the amount in the Trust Fund, except that whenever the amount in the Trust Fund (including the value of such securities) exceeds $300,000,000, the amount of any income from such securities shall be rebated on a pro rata basis to the owners of the oil who contributed fees to the Trust Fund. If any owner no longer exists or income cannot otherwise be rebated after due diligence to do so, the income shall be retained by the Trust Fund.

LIMITATION ON PAYMENT OF CLAIMS BY THE TRUST FUND

SEC. 704. (a) No amount in the Trust Fund may be used to pay any claim, other than a claim for removal costs, to the extent that the payment of that claim would reduce the amount in the Trust Fund to an amount less than $30,000,000.

(b) If at any time the Trust Fund is unable by reason of subsection (a) to pay all of the claims, other than for removal costs, payable at that time, those claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined. Subject to approval of the Secretary, the Trust Fund may borrow amounts from any commercial credit source, at the best available terms, for purposes of paying such claims in such order.

(c) The liability of the Trust Fund under this Act with respect to one incident shall not exceed $100,000,000. If the Trust Fund is unable by reason of the preceding sentence to pay all claims with respect to the incident, the claims shall be reduced proportionately.

ANNUAL AUDIT REVIEW

SEC. 705. The Comptroller General shall review the audit required by section 701(g)(1) and shall submit a report of its review to Congress.

COORDINATION WITH OTHER PROVISIONS OF THIS ACT

SEC. 706. (a) If any provision of this Act provides that the balance in any fund (hereinafter in this subsection referred to as the "transferor fund") is to be transferred to the Trust Fund, any claim which arises before October 1, 1984 (to the extend such claim would have been payable out of the transferor fund), shall be payable out of the Trust Fund notwithstanding any of the limitations imposed by this title.

(b)(1) If the Secretary or his delegate determines that there is a TAP fund deficit, the fee imposed by section 702(a) on oil first transported through the Trans-Alaska Pipeline after the date of such determination shall be increased by 2 cents per barrel until the total amount of the increased fees equals such deficit.

(2) For purposes of paragraph (1) of this subsection, the term "TAP fund deficit" means the excess (if any) of—

(A) the amount certified by the Secretary of the Interior as the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund under section 802(b)(2) of this Act, over

(B) the total amount of the assets of the Trans-Alaska Pipeline Liability Fund as of the effective date of this section.

DEFINITIONS AND SPECIAL RULES

SEC. 707. (a) For purposes of this title, the term "United States" includes the outer Continental Shelf and any foreign trade zone of the United States.

(b) In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at the refinery at the time so produced.

(c) In the case of a fraction of a barrel, the fee imposed by section 702(a) of this title shall be the same fraction of the amount of the fee imposed on a whole barrel.

TITLE VIII—REGULATIONS, EFFECTIVE DATES, AND SAVINGS PROVISIONS

EFFECTIVE DATES

SEC. 801. (a) This section, section 601, section 602, section 612, title VII (other than section 702 (a), (c), (d), (e), and (f), section 703, and section 704), section 803, and each provision of title VI that authorizes the promulgation of regulations shall be effective on the date of the enactment of this Act.

(b) Title IX shall take effect on the first date on which both the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage are in force with respect to the United States.

(c) All other provisions of titles VI through IX and the regulations issued thereunder, shall be effective on the one hundred and eightieth day after the date of enactment of this Act, except that the penalty prescribed by section 611 for failure to comply with the requirements of section 605 or the regulations issued thereunder shall not be effective until the ninetieth day after issuance of those regulations or the two hundred and seventieth day after the date of enactment of this Act, whichever is earlier.

(d) Any regulation respecting financial responsibility, issued pursuant to any provision of law repealed by section 802 of this title, and in effect on the day immediately preceding the effective date of section 802 of this title shall remain in force until superseded by regulations issued under title VI of this Act.

CONFORMING AMENDMENTS

SEC. 802. (a) The first sentence of subsection (b) of section 204 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(b); 87 Stat. 586) is amended by inserting "in the State of Alaska" after "any area" and by inserting "related to the trans-Alaska oil pipeline" after "any activities". Such subsection is further amended by inserting at the end thereof the following new sentence: "This subsection shall not apply to removal costs resulting from oil pollution as that term is defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act.".

(b)(1) Subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act is repealed. All assets of the Trans-Alaska Pipeline Liability Fund, as of the effective data of this section, except for assets equal to the total amount of claims certified by the Secretary under paragraph (2) of this subsection, shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment on a pro rata basis to the owners of the oil at the time it was loaded on the vessel. The Comprehensive Oil Pollution Liability Trust Fund shall assume all liability incurred by the Trans-Alaska Pipeline Liability Fund under terms of subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and shall assume all liability incurred by the officers or trustees in the execution of their duties involving the Trans-Alaska Pipeline Liability Fund, other than the liability of those officers or trustees for gross negligence or willful misconduct.

(2) The Secretary of the Interior shall certify to the Secretary of the Treasury the total amount of the claims outstanding against the Trans-Alaska Pipeline Liability Fund not later than one hundred and eighty days after the effective date of this section. In the event that the total amount of the actual claims settled is less than the total amount of the outstanding claims certified, the difference between these amounts shall be rebated directly to the operator of the trans-Alaska oil pipeline for payment, on a pro rata basis, to the owners of the oil at the time it was loaded on the vessel.

(c) Section 17 of the Intervention on the High Seas Act (33 U.S.C. 1486; 88 Stat. 10) is amended to read as follows:

"SEC. 17. The fund established under title VII of the Comprehensive Oil Pollution Liability and Compensation Act shall be available to the Secretary for actions and activities relating to oil pollution (as defined in section 601(b) of that Act) taken under section 5 of this Act. The fund established under section 311(k) of the Federal Water Pollution Control Act shall be available for actions and activities relating to other pollution taken under section 5 of this Act.".

(d) Section 311 of the Federal Water Pollution Control Act is amended as follows:

(1) Subsection (a) is amended by striking out the period at the end of paragraph (17) and inserting in lieu thereof a semicolon and the following new paragraph:

"(18) 'person in charge' means the individual immediately responsible for the operation of a vessel or facility.".

(2) Paragraph (5) of subsection (b) is amended in the last sentence by inserting after "person" the following: "or his employer".

(3) Subparagraph (A) of paragraph (6) of subsection (b) is amended—

(A) in the first and second sentences, by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge"; and

(B) in the third sentence, by striking out "the owner or operator" and inserting in lieu thereof "whoever being".

(4) Subparagraph (B) of paragraph (6) of subsection (b) is amended in the first and second sentences by striking out "or person in charge" each place it appears and inserting in lieu thereof "person in charge, or employer of such person in charge".

(5) Subsection (c)(2)(H) is amended by striking out "from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal" and inserting in lieu thereof the following: "for the reasonable costs incurred in such removal (i) from the fund established under section 701 of the Comprehensive Oil Pollution Liability and Compensation Act in the case of any discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, or from a facility (as defined by title VI of such Act) or (ii) from the fund established under subsection (k) of this section in any other case".

(6)(A) Subsection (d) is amended by inserting immediately before the last sentence the following: "Any expense incurred under this subsection or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof) as the result of the discharge or imminent discharge from a vessel of petroleum, including crude oil or any fraction or residue therefrom, shall be reimbursed from the fund established under section 701 of the Comprehensive Oil Pollution Liability and Compensation Act.".

(B) Subsection (d) is further amended by striking out "Any" in the last sentence and inserting in lieu thereof "Any other".

(7) Subsection (f)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(8) Subsection (f)(3) is amended by inserting "(other than a facility as defined by section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(9)(A) The first sentence of subsection (g) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the second place it appears, by inserting "(other than a facility as defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the first place it appears.

(B) The second sentence of subsection (g) is amended by inserting "(other than a facility as defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(C) The third sentence of subsection (g) is amended by inserting "such" before "oil" the first place it appears and by striking out "carrying oil" and inserting in lieu thereof "carrying such oil".

(10)(A) Subsection (i)(1) is amended by inserting "(other than a facility as defined in section 601(b) of the Comprehensive Oil Pollution Liability and Compensation Act)" after "facility" the second place it appears.

(B) Subsection (i)(2) is repealed and paragraph (3) of subsection (i) (and all references thereto) is redesignated as paragraph (2).

(11) Subsection (p)(1) is amended by inserting "(other than petroleum, including crude oil or any fraction or residue therefrom)" after "oil" the first place it appears.

(e) The Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.; 88 Stat. 2126) is amended as follows:

(1) Section 4(c)(1) is amended by striking out "section 18(l) of this Act" and inserting in lieu thereof "section 605 of the Comprehensive Oil Pollution Liability and Compensation Act".

(2) Subsections (b), (d), (e,) (f), (g), (h), (i), (j), (l), and (n) of section 18 are repealed.

(3) Paragraph (3) of subsection (c) of section 18 is amended by striking out "Deepwater Port Liability Fund established pursuant to subsection (f) of this section." and inserting in lieu thereof "fund established under title VII of the Comprehensive Oil Pollution Liability and Compensation Act.".

(4) Subsection (k) of section 18 is amended to read as follows:

"(k) This section shall not be interpreted to preclude any State from imposing additional requirements, not inconsistent with the provisions of the Comprehensive Oil Pollution Liability and Compensation Act, for any discharge of oil from a deepwater port or a vessel within any safety zone.".

(5) Subsections (c), (k), and (m) of section 18 are redesignated as subsections (b), (c), and (d), respectively.

(f) Any amounts remaining in the Deepwater Port Liability Fund established by section 18(f) of the Deepwater Port Act of 1974 shall subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by title VII of this Act. The Trust Fund shall assume all liability incurred by the Deepwater Port Liability Fund under the Deepwater Port Act of 1974.

(g) Title III of the Outer Continental Shelf Lands Act Amendment of 1978 (Public Law 95-372) is repealed. Any amounts remaining in the Offshore Oil Pollution Compensation Fund established under section 302 of that title shall subject to appropriations, be deposited in the Comprehensive Oil Pollution Liability Trust Fund established by title VII of this Act. The Trust Fund shall assume all liability incurred by the Offshore Oil Pollution Compensation Fund under title III of the Outer Continental Shelf Lands Act Amendments of 1978.

SEPARABILITY

SEC. 803. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

TITLE IX—IMPLEMENTATION OF CONVENTIONS

RECOGNITION OF THE INTERNATIONAL FUND

SEC. 901. The International Oil Pollution Comnpensation Fund (hereinafter in this title referred to as the "International Fund") established by article 2 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (hereinafter in this title referred to as the "International Fund Convention") is recognized under the laws of the United States as a legal person and shall have the capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be a party to legal proceedings. The Director of the International Fund is recognized as the legal representative of the International Fund. The Director shall be deemed to have appointed irrevocably the Secretary of State his agent for service of process in any action against the International Fund in any court in the United States.

SERVICE OF PROCESS AND INTERVENTION

SEC. 902. (a) In any action brought in a court in the United States against the owner of a ship or his guarantor under the International Convention on Civil Liability for Oil Pollution Damage (hereinafter in this title referred to as the "Civil Liability Convention"), the plaintiff or defendant, as the case may be, shall serve a copy of the complaint and any subsequent pleading therein upon the International Fund and the Comprehensive Oil Pollution Liability Trust Fund at the same time the complaint or other pleading is served upon the opposing parties.

(b) The International Fund may intervene as a party as a matter of right in any action brought in a court in the United States against the owner of a ship or his guarantor under the Civil Liability Convention.

(c) If the International Fund has been served a copy of the complaint and all subsequent pleadings in an action referred to in subsection (a) of this section, the International Fund shall be bound by any judgment entered therein, whether or not the International Fund was a party to the action.

EXEMPTION FROM TAXATION

SEC. 903. The International Fund and its assets shall be exempt from all direct taxation in the United States.

PAYMENT OF CONTRIBUTIONS

SEC. 904. The amount of any initial or annual contribution to the International Fund which is required to be made under article 10 of the International Fund Convention by any person with respect to oil received in any port, terminal installation, or other installation located in the United States shall be paid to the International Fund by the Comprehensive Oil Pollution Liability Trust Fund. Before the International Fund Convention enters into force with respect to the United States, the President shall make, and deposit with the Secretary-General of the International Maritime Organization, a declaration under article 14 of the International Fund Convention that the United States assumes the obligation to pay contributions under article 10 of such Convention in respect of oil received within the territory of the United States and that such amount will be paid from the Comprehensive Oil Pollution Liability-Trust Fund.

JURISDICTION OF DISTRICT COURTS

SEC. 905. (a) The United States district courts shall have exclusive original jurisdiction of—

(1) all controversies arising in the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, and

(2) all controversies arising outside of the territory, including the territorial sea, of the United States under the Civil Liability Convention or the International Fund Convention, from an incident which causes damage in the territory of the United States, including the territorial sea,

without regard to the citizenship of the parties or the amount in controversy.

(b) Venue shall lie in any district wherein the injury complained of occurred, or wherein the defendant resides, may be found, or has his principal office. For purposes of this subsection, the International Fund shall reside in the District of Columbia.

RECOGNITION OF JUDGMENTS

SEC. 906. Any final judgment of a court of any nation which is a party to the Civil Liability Convention or the International Fund Convention in an action for compensation under either such convention shall be recognized by any court of the United States or of a State when that judgment has become enforceable in such nation and is no longer subject to ordinary forms of review, except where—

(1) the judgment was obtained by fraud; or

(2) the defendant was not given reasonable notice and a fair opportunity to present his case.

FINANCIAL RESPONSIBILITY

SEC. 907. (a) The owner of each ship which is documented under the laws of the United States and is carrying more than two thousand tons of oil in bulk as cargo shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The Secretary shall issue a certificate to each such owner who complies with this paragraph, in the form and manner required by the Civil Liability Convention.

(b) With respect to any ship owned by the United States, the Secretary shall issue a certificate stating that the ship is owned by the United States and that the ship's liability is covered within the limits of liability prescribed by the Civil Liability Convention.

(c) The owner of each ship (other than a ship to which subsection (a) or (b) applies), wherever registered, which is carrying more than two thousand tons of oil in bulk as cargo and which enters or leaves a port or offshore terminal in the United States (including the territorial seas) shall establish and maintain, in accordance with regulations promulgated by the Secretary, evidence of financial responsibility in amounts sufficient to cover the maximum liability of such owner for pollution damage arising from one incident under the Civil Liability Convention. The owner of a ship which is registered in, or flying the flag of, a nation which is a party to the Civil Liability Convention shall be considered to have met the requirements of this paragraph if the ship is carrying a certificate issued by such nation attesting that insurance or other financial security is in force which meets the requirements of such Convention.

(d) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any ship which does not have a certificate showing compliance with the requirements of financial responsibility under subsection (a) or (c) of this section.

(e) The Secretary of the department in which the Coast Guard is operating may (1) deny entry to any facility, to any port or place in the United States, or to the navigable waters, or (2) detain at the facility or at the port or place in the United States, any vessel subject to this section that, upon request, does not produce the certificate required under this section or regulations issued hereunder.

(f) Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of this section or the regulations issued under this section or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each violation. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require. The Secretary may compromise, modify, or remit with or without conditions any civil penalty which is subject to imposition or which has been imposed under this subsection. If any person fails to pay an assessment of a civil penalty after it has become final, the Secre-

tary may refer to the matter to the Attorney General for collection.

WAIVER OF SOVEREIGN IMMUNITY

SEC. 908. The United States waives all defenses based on its status as a soverign State with respect to any controversy arising under the Civil Liability Convention or the International Fund Convention relating to any ship owned by the United States and used for commercial purposes.

DEFINITION OF FRANC

SEC. 909. Notwithstanding any provision of the Civil Liability Convention or the International Fund Convention to the contrary, one franc equals one-fifteenth of a special drawing right, as defined by the International Monetary Fund, for purposes of applying such conventions.

RULES AND REGULATIONS

SEC. 910. The Secretary may issue such rules and regulations as are necessary to implement the Civil Liability Convention and the International Fund Convention.

EXTENSIONS OF REMARKS

MILITARY READINESS: A GROWING PROBLEM

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE SENATE OF THE UNITED STATES

Wednesday, August 8, 1984

● Mr. MATHIAS. Mr. President, while the current military readiness picture may be good—and even getting better—the long-term effectiveness of our Armed Forces may indeed be in danger.

It seems to me there are two potential problems: the nature of the defense budget itself, and the financial burdens imposed by an unprecedented number of new starts in strategic weapons systems.

The defense budget is becoming uncontrollable. Prior year obligations are consuming an ever larger share of a given fiscal year budget request. Approximately 35 percent of the fiscal year 1985 defense budget request is untouchable, up almost 30 percent since 1981. The Congressional Budget Office projects that the untouchable share of the defense budget will continue to rise through 1989.

In a period when all of us are trying to make prudent reductions in Federal spending, including defense expenditures, this leaves fewer and fewer areas for the President, the Armed Services Committees, and finally the Congress to cut. And of the areas that remain, one is forced to choose between investment accounts—procurement of new systems, and so forth—and readiness accounts—spare parts, ammunition, salaries.

Traditionally, it is in the readiness side of the ledger that cuts have been made. And there's the rub. Instant gratification in budget cutting can only be achieved by attacking the readiness accounts where a virtual dollar-for-dollar ratio exists between amounts cut and saved. And, as bills come due in the latter half of this decade for the big procurement items, the tendency to whittle away at readiness in order to pay for these systems will be even stronger.

This, admittedly, leaves the Congress in a tough spot. We have no alternative but to identify and eliminate some highly visible weapons programs, if the burgeoning defense budget is ever to be brought under control. Congress must focus on the investment accounts. And the sooner we do it, the easier it will be to do because Congress has authorized and appropriated an unprecedented level of funding for investments, especially strategic nuclear programs. Simply drawing out procurement, or cutting a program in half will only postpone what will then be a larger crunch in the 1985-90 timeframe.

Aerospace America magazine recently published an article in which these very points were discussed, and in considerable detail. I insert the Aerospace America article entitled "Pentagon's Bright New World Fading Fast" in the RECORD:

[From the Aerospace America, July 1984]

PENTAGON'S BRIGHT NEW WORLD FADING FAST

(By Henry Simmons)

Remember those gloomy predictions of three years ago, when President Reagan announced his five-year defense plan? The ink was hardly dry before the bean counters warned that the president had vastly underestimated the cost of his ambitious munitions program. Late in the decade, they said, the Pentagon would have to make huge new demands on the American purse to sustain its programs.

According to a recent calculation by the General Accounting Office, actual DOD spending from 1980 to 1984 overran estimates by $246 billion. This trend, continuing over the life of the present five-year plan, implies a $324 billion overrun simply to sustain program now underway or scheduled to get underway during the period.

The scope and imminence of the Pentagon's problem can be gaged from the volume of obligated but unspent "carryover" funds committed under contract for shipbuilding and other procurement. In three years through FY83, the backlog climbed 89%, from $68 billion to $128 billion. Over the same period, the backlog of carryover not only unspent but as yet committed to contract has climbed 79%, from $24 billion to $43 billion. MIT's William Kaufman has analyzed these figures for the Brookings Institution. He believes that their sheer size will make increasingly difficult congressional control over military spending in the outyears. "These backlogs will create major wedges of expenditure in the future and will make substantially more difficult any future effort to control the growth of the defense budget in an orderly way," according to Kaufman.

Even if Congress hold the FY85 military appropriation to $290 billion (the level set both by House vote in May on defense authorization and the cuts proposed by Defense Secretary Weinberger to provide the defense share of the "down payment" on the deficit that the president and Congress are trying to work out), spending from the backlog alone would increase to more than $110 billion in FY86. "As such," Kaufman says, "it will mean that at least 36% of defense outlays will be committed and uncontrollable even before Congress takes action on the budget for that year."

The chickens have not come home to roost yet, but already one can hear the flapping of wings. In rolling back the FY85 defense request, the House Armed Services Committee was most protective of conventional warfare systems and force readiness, but willing to let strategic nuclear systems take their lumps. Weinberger's sacrifices were quite the opposite, insulating the strategic buildup while cutting back the general forces.

Looking down the road, it is obvious that many more tough decisions will have to be made about what to keep, cut back, postpone, and what to jettison. Richard DeLauer, defense under secretary for research and engineering, told Sen. Ted Stevens (D-Alaska) that he could "handle" congressional refusal of new starts for the $1 billion DDG-51 guided missile destroyer as well as the $129 million requested for development of the McDonnell Douglas C-17 STOL transport in the current fiscal year. The House has already canceled further Air Force participation in the "Sons of Assault Breaker," JSTARS and JTACMS, representing radar, communications, computation, ballistic launcher, and submunition of the system proposed for disruption of second- and third-echelon Warsaw Pact forces in European land battle. The decision reflected not so much budgetary constraints as exasperation at the utter failure of the Air Force and Army to agree on a common system to meet the deep-strike requirement and the evident evolution of the program into two separate, duplicative weapons to perform the same mission.

The Pentagon's financial bind may strangle follow-on systems planned for the 1990s—the single-warhead Midgetman mobile ICBM, the Stealth bomber optimized for minimum radar signature, and the second-generation advanced cruise missile with low-observable features of the Stealth.

Both the B-1 and the MX were called "interim" systems—the idea being that they would plug the "window of vulnerability" anticipated in the U.S.-Soviet strategic balance in the mid-80s. MX deployment would phase out with the arrival of the supposedly survivable Midgetman, and B-1 deployment would cease with the advent of the Stealth. The bipartisan Scowcroft Panel laid particular stress on this scenario in selling the 10-warhead MX to a reluctant Congress last year, noting also that the introduction of the large missile would establish a bargaining chip in arms-control talks with the Soviet Union. That argument narrowly prevailed in the House this year, overcoming a Democratic effort to deny all production funding for MX.

In the eyes of many lawmakers the MX is a destabilizer. Because of its size and accuracy it will act as a magnet, the detractors say, rather than a deterrent to Soviet attack. That it partially redresses the present strong edge in nuclear ballistic throw-weight they consider inconsequential. (Together with Trident II, to enter the fleet in 1989, MX will increase U.S. throw-weight by 55%.)

In its consideration of the MX and Midgetman systems, Congress so far has shown little inclination to ponder cost implications of the two systems. Cost of developing, building, and deploying 100 MX missiles in existing Minuteman III silos is estimated to

run about $30 billion. The cost of a force of 1,000 mobile Midgetman missiles has been put at between $45- and $70-billion, depending on the basing mode, according to the Congressional Budget Office (CBO). The goal presently favored calls for launchers capable of withstanding blast overpressure of 30 psi, about three times as much as an Abrams M-60 can take. The launchers would be spread over 12,000 sq. mi. of government-owned land in the West.

But as system costs force themselves into greater prominence, Congress may well find Midgetman less appealing. Because a dispersed mobile system imposes much higher maintenance, security, communication, and control costs, a fixed-base system becomes ever more attractive. (CBO puts the 20-year all-in lifetime cost of the Midgetman at $100 billion, far greater than the lifetime cost of MX.)

A new factor may alter the political climate for MX. Recent small-scale tests by the Air Force Ballistic Missile Office has raised the possibility that the hardness of underground silos can be increased 20 to 40 times over present values, giving them the ability to withstand overpressures as high as 50,000 psi. If tests confirm this, the 100 silos at Warren AFB, Wyo., housing the MX can be superhardened with comparatively "low-tech" civil-engineering techniques at a cost of less than $10 billion.

Superhardness would go far to assuage the anxieties of Congress about the destabilizing nature of MX. USAF experts reckon that, given present ICBM accuracy, the Soviets would have to launch at least six two-megaton warheads in their SS-18 or SS-19 missiles to assure destruction of superhardened silo; only two such warheads are deemed sufficient to disable the softer Minuteman silo.

A two-megaton surface detonation will excavate a crater in rock 0.125 mi. (660 ft) in radius. The radius of the fracture zone will extend 0.25 mi. (1,300 ft) from ground zero. Presumably, hardened silos will be able to survive within the zone of intense fracturing, even though they would be "cratered out" by very near misses. Skeptics will argue that the Soviets can recapture the advantage for the offensive strike merely by restoring to higher-yield warheads on MIRVed ICBMs, or by contracting circular error probabilities (CEPs) to within the crater radius of their existing warheads (as the U.S. will do with the MX and Trident II), or by a combination of both measures.

Of course, a similar argument may be raised against the mobile single-warhead ICBM. Jonathan Rich of the Federation of American Scientists calculates that the Soviets could saturate the 12,000 sq mi. of area devoted to Midgetman by launching 3,000 warheads of 500-kt yield against them with their SS-18 force. Even hardened to 30 psi, only a minimal number of the single-warhead weapons would survive for a second strike. In the absence of a new arms-control agreement, addition of the 10-warhead solid propellant SS-X-24 ICBM now in development, coupled with improvements in CEP, could reduce to "almost zero" the number of surviving Midgetman systems and "counter any potential gains in harder silo construction," according to Rich.

All of this indicates that land-based ICBMs will remain the most vulnerable leg of the strategic triad, no matter what direction the nation pursues. At the same time, however, the strategic cost equation can be driven negative for the other side—force the Soviets to spend more than we do to neutralize a new initiative. In the eyes of the Reagan administration, if that is the best we can hope for with the land-based component of the strategic force, it is far better than "getting run off our own land" by supinely conceding the other follow's advantage. It also offers the further possibility of bankrupting him before the game bankrupts us altogether.

With the election fast approaching, the administration is not inclined to make waves about the potential for reducing the vulnerability of land-based ICBMs. Having succeeded so far in wringing an authorization from Congress for second-year MX production, it prefers to let sleeping dogs lie. But the issue is bound to come to the fore after the election, and Congress will have to make a hard choice about the direction it wants to pursue.

So far, Defense Secretary Weinberger has succeeded not only in committing both the nation and the Congress to a massive defense modernization program but also in protecting the strategic elements of his program from erosion at the expense of the general-purpose forces. As the financial burden becomes increasingly onerous, and Congress finds less and less scope for influencing the buildup, the Hill may be tempted to resort to "disorderly" tactics to make some room in the budget for what it, and not Secretary Weinberger, feels is essential. This will mean bobtailing or throwing overboard some of the ongoing strategic programs. But unlike its response in the recent, highly emotional fight over continued MX funding, the Congress will increasingly be driven by economic rather than political considerations. The shakeout will begin in earnest among the five new strategic nuclear penetrators—the B-1B, MX, Trident II, and two cruise missiles.●

ETSI VENTURE FOLDS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. UDALL. Mr. Speaker, on August 1, the sponsors of the ETSI Pipeline project, a proposed coal slurry line from Wyoming to the gulf coast, announced that the project has been terminated. According to ETSI president Paul G. Doran, the decision to terminate is the result of protracted railroad opposition that has brought about costly delays in securing all the necessary permits, rights-of-way and other clearances for the project.

When the Coal Pipeline Act was debated in the House last fall, opponents of the legislation charged that Federal eminent domain authority was not needed. They argued that it was possible for a slurry line to be built using State eminent domain authority, and by bargaining for rights-of-way with individual landowners. These arguments and others carried the day, and the coal slurry bill was defeated, 235 to 180.

The fate of the ETSI pipeline proves that coal slurry pipelines cannot be built without the assistance of Federal eminent domain. The ETSI pipeline company invested more than $130 million, and spent over 10 years trying to obtain rights-of-way for their proposed pipeline.

They were thwarted, however, by long, costly legal battles with the railroads and by their inability to acquire the necessary easements. The railroads forced ETSI to litigate easements over railroad rights-of-way 67 times in the course of 6 years. Each time ETSI prevailed on the merits, but each court action cost thousands of dollars and delayed planning for several months. Finally the delays and mounting costs took their toll, and ETSI was forced to fold its tent.

Sadly, the real losers in the coal slurry wars are not ETSI, or any of the other coal slurry interests, but the consumers of this country. The inability of slurry pipelines to compete for coal traffic means that the railroads are able to control the market. Lack of competition means higher shipping rates, and those costs are passed on to consumers by the captive utilities.

Attached to my statement today is an article from the Oil and Gas Journal, June 11, 1984, that describes the Soviet Union's plans to begin operation of a 155-mile coal slurry line in 1985. The article notes that the Soviet Union believes that during the next decades it may build slurry lines with greater capacity than the rest of the world combined. The Journal reports that Russia has noted that the United States is lagging behind because of right-of-way problems, water user disputes, and railroad opposition.

Mr. Speaker, I am dismayed that American know-how and pipeline technology are being taken advantage of by coal producing countries all over the world, yet we here at home are denied the opportunity to benefit from slurry. I continue to believe that coal slurry pipelines should be given the opportunity to prove themselves in a competitive market.

The article follows:

U.S.S.R. PLANS COAL SLURRY PIPELINES

The Soviet Union plans to place the world's "most technologically advanced" coal slurry pipeline in operation during 1985.

About 155 miles long, the 16 in. "experimental/commercial" line will extend from an open pit mine at Byelovo in western Siberia's Kuznets coal basin to an electrical power generating plant at Novosibirsk.

Design capacity is 4.3 million tons of coal/year.

If successful, this "thick slurry" project will be followed in the 1990s by a 1,500 mile pipeline carrying 25 million metric tons/year of coal from Kuznets basin mines to power plants in the Ural Mountain area.

Ultimate plans call for slurry pipelines to transport Siberian coal to the Moscow region, a distance of 2,500 miles.

The U.S.S.R. estimates that a 56 in. slurry pipeline could carry 100 million tons/year of Kuznets coal to the European sector of the country.

The Soviet Union believes that during the next several decades it may build coal slurry pipelines with capacity greater than the rest of the world combined. It notes that the U.S., with its right-of-way problems, water user disputes, and railroad opposition, lags far behind the forecast mileage of coal slurry pipeline construction.

Soviet economists estimate that long distance slurry pipelines built with advanced technology will be able to transport coal at half the cost of railroads. They say capital outlays and operating expenses will be reduced, and only 10 percent as many operating personnel will be required.

THICK SLURRY

Key feature of the Byelovo-Novosibirsky pipeline will be the extreme thickness of the slurry. Coal content will be 60-70 percent, and it's proposed that the slurry be burned at the power plant without preliminary dewatering.

Elimination of dewatering equipment alone will reduce capital investment for the project by an estimated 10-15 percent.

Size of the finely ground coal in the Byelovo slurry will be "less than 0.2 mm."

According to one Soviet report, this slurry "will be as thick as porridge in which a spoon can stand upright." Another source, however, compares the thick slurry's viscosity with that of heavy fuel oil.

With such concentration, the Soviets say, "this slurry acquires viscous/plastic properties, doesn't flow readily, and can be transported by pipeline only when treated with special reagents." The reagents, or surfactants, were not specified.

Besides reducing water consumption, the thick slurry method of pipelining coal is said by the Soviets to increase the suspension's stability and to simplify its storage properties.

Ekonomicheskaya Gazeta emphasized that the quality of construction and skill in experimental operation of the Byelovo-Novosibirsk slurry pipeline will determine whether and how soon the Soviets will initiate long distance, large capacity projects.

Pipe and welding equipment has been delivered to points along the Byelovo-Novosibirsk route. Laying of the pipe, which will be buried at an average depth of 2 m, is slated for completion by yearend.

SOME DELAYS

Delays have been encountered in building slurry preparation facilities at Byelovo and combustion equipment at the Novosibirsk power plant.

The biggest problem is that much of the new pipeline's equipment must be specially designed. Because of the slurry's viscosity and abrasiveness, pumps, controls, and other equipment employed on oil and gas pipelines can't be used on the Byelovo-Novosibirsk project without extensive modification.

Ekonomicheskaya Gazeta said Soviet manufacturers are "extremely unwilling" to modernize and modify equipment that is now in volume production to meet the needs of one relatively small project.

"Thus the ministry of heavy machine building and its Uralmash factory have been slow in adapting the U8-6MA2 drilling pump for operation in slurry transportation. They have even tried to propose that their mass produced pumps be employed, although tests show them unsuited for moving thick slurry."

The Byelovo-Novosibirsk pipeline will require 24 automated electric pumping units using modernized U8-6MA2 pumps. The units will be located at Byelovo and two intermediate pump stations.

The U.S.S.R. has had no experience with long distance slurry pipelines or commercial transportation of thick coal slurry. As recently as late 1982, Soviet reports indicated that the water-oil ratio in the Byelovo-Novosibirsk pipeline's slurry would be about 1:1.

Two Soviet coal slurry lines operating in the Kuznets basin are only 6-7 miles long. Ratio of coal to water is 1:7 and 1:12, and the size of coal transported is as large as 100 mm.

This, the Soviets concede, sharply reduces coal throughput and increases abrasive wear of the pipeline.

OTHER LINES STUDIED

Prior to deciding on the thick slurry method of moving coal through the Byelovo-Novosibirsk pipeline, the Soviets studied slurry pipeline technology and proposed advances in the U.S., West Germany, France, and Italy. Special study was made of Arizona's 273 mile Black Mesa coal slurry pipeline, which has operated since 1970 and handles about 5 million tons/year of coal.

It would have been easy, the Soviet newspaper Ekonomicheskaya Gazeta declared, to follow the proven and relatively simple Black Mesa method of coal slurry transportation. But it said, "Substantial shortcomings inherent in this technological scheme forced us to look for a new solution."

The Soviets concede that the Black Mesa slurry pipeline has achieved a very high degree of reliability. But with American technology, Ekonomicheskaya Gazeta pointed out, it's necessary to dewater the coal before combustion.

"The thin concentration of coal in the water requires increased water consumption (about 1 cu m/ton of transported coal). It's also difficult to regulate the pipeline's productivity," the newspaper said.

"Meanwhile, dewatering the coal to bring its water content down to 25-30 percent before delivery to the combustion chamber involves solution of a host of complex technical problems, development of special equipment, and additional energy expenditure. The problem of cleaning and using the water in the pipeline slurry is far from simple."

METHANOL/COAL SLURRY

While concentrating its efforts on transporting thick water/coal slurry, the U.S.S.R. also has expressed interest in a methanol/coal mixture.

The official government newspaper Izvestia said preliminary studies show that methanol can be separated easily from coal after transportation.

"It would thus be possible to move two energy bearing materials together—coal and methanol, which is a chemical raw material as well as a remarkable motor fuel additive."●

TRIBUTE TO THE FREE SONS OF ISRAEL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BIAGGI. Mr. Speaker, on October 13 of this year the Free Sons of Israel will begin a week of activity celebrating their 135th anniversary. At this time I would like to pay tribute to this fine organization.

Founded in 1849, the Free Sons of Israel is the oldest national Jewish fraternal benefit order in the United States. The Free Sons Order was founded by a small group of Jews who desired to form a close brotherhood of Jews in America, dedicated to the principles of fraternity, friendship, and equality. Throughout its 135-year history the Free Sons of Israel have stood for progress and understanding, and they have adapted well to the tests of time and change. They have provided a strong and unwavering voice for the basic human rights of all individuals—especially those Jews in the Soviet Union who continue to be oppressed and denied even the most basic of human rights. Throughout their long history the Free Sons of Israel have remained committed to the principles of equality, freedom, and justice.

The Free Sons of Israel consist of subordinate lodges located throughout the United States, including three lodges in my home State of New York. Situated in New York City, Westchester County and Nassau County, the Free Sons of Israel has grown into an important organizational network serving the needs and interests of the Jewish community in New York. The Free Sons provide a wide range of programs, benefits and activities for its members, including scholarship programs for young members, an insurance fund, credit union, and various sports activities.

The Free Sons have been a strong supporter of the State of Israel, our staunchest ally in the Middle East. The Free Sons have contributed greatly to the political, cultural, and economic development of Israel through contributions to the United Jewish Appeal and investments in State of Israel bonds.

Through its many foundation funds the Free Sons of Israel have distributed over a half million dollars to affiliates throughout the country. Activities of the foundation fund range from homes for senior citizens, convalescent homes, and summer camps for needy children, to active participation with charitable organizations, and distribution of toys for handicapped children.

Through its social action committee, the Free Sons of Israel have been able to act as a watchdog for all violations of human rights throughout the world—especially in the Soviet Union where many Jews continue to be oppressed by the Soviet Government. The Free Sons have continually voiced their strong opposition to all forms of Soviet antisemitism or curtailment of Jewish emigration from the Soviet Union. They have been an active and strong force in the fight against antisemitism and bigotry in this country, and have long advocated political

action to deal with issues relating to the Jewish community in the United States.

For the past 135 years, the Free Sons of Israel have been an outstanding organization, one not afraid to speak out on behalf of the oppressed and down-trodden people of the world. Through their activities and growth they have provided their membership with many important services had have maintained a sense of fraternity and belonging for the Jewish community of the United States. They have been a strong supporter of the democratic State of Israel and have provided a strong and powerful voice to oppose continued human rights violations against Soviet Jews and other oppressed groups. The Free Sons of Israel remain an organization dedicated to peace, equality, and freedom for all people, as well as fraternity, equality, and brotherhood among the Jewish community of this country. Throughout its 135 years of service and activity the Free Sons of Israel have added greatly to the growth and vitality of the American Jewish community, a community which has made an important contribution to this country's rich immigrant heritage.●

PLIGHT OF BALTIMORE APPALACHIANS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. MITCHELL. Mr. Speaker, in these hectic and complex times it is easy to isolate ourselves from the problems of those less fortunate than ourselves. I think it is important, however, that we take time out of our busy schedules to concern ourselves with these persons.

In the north central section of Baltimore, there is a populace consisting of 1,100 households of overlooked, disparate citizens. They are called Appalachians. Appalachians are displaced mountain people who have been forced to live in the city to survive.

In reading the following article, and two others which will run on consecutive days, I think you will gain some insight into the plight of the Appalachians. These articles were written by Colman McCarthy and appeared in the Washington Post on June 16, 17 and 19, 1984.

The following is the text of the first article as it appeared in the Post:

BALTIMORE.—Instinctive optimism has always marked the collective character of Appalachians, especially the displaced ones trapped in the pessimism of an alien city and collapsing economy. In Baltimore's Remington neighborhood, where memories of life in the mountains run as deep as yearnings to get on a Greyhound and go back home for at least a weekend, optimism is on display at the Community Survival Center.

Since 1977, it has been laboriously struggling to organize the local poor white community to fight against its powerlessness. A food cooperative, a home-improvement program, evening adult-education classes, counseling for unmarried mothers, medical clinics and dances have been among the successes. No federal money supports the center's programs.

The support comes from self-sacrifice, beginning with the 28-year-old director who lives in a garret at the center and takes a salary of $60 a month. His wealth is in his self-reliance and independence, which is Remington's rich vein, too. To outsiders, that doesn't look like much. From within, it has meant nearly everything. Hard times have been survived in the mountains. They will be survived here.

The center is a half-block from a fumy intersection in the north central part of the city. An Exxon station is across the street. Blocks away is an abandoned building, a gateway to the homeless zone. The center is a trusted force because its origins are local.

Now well-meaning government agency arrived to proclaim its official pity on "urban hillbillies" by announcing that the solution to their problems was a community center. What the local people chose to call their operation—a survival center, because surviving is literally the crisis—suggests that only neighborhood citizens could understand their own needs.

A few weeks ago during the Maryland Democratic presidential primary, campaign workers for one of the candidates approached the center's director: Would a visit by the candidate be welcomed? "Our feeling," he recalls, "was that if he wanted to come in and listen to people in the community and find out our concerns and worries and do that kind of work, then we would be more than happy to have him. We would welcome any candidate, I don't care who he is. But we aren't going to be here for a media event. Not when we are overlooked the rest of the time." None of the three Democratic candidates came to Remington.

It may have been just as well. Suspicion of outlanders is part of the Appalachian identity. Distrustfulness is the natural defense after decades of betrayals by adversative coal and timber companies who took the wealth of the hills in a style of rape-and-run exploitation seen in no other part of the country. The region has also seen an inflow of problem-solving experts who, as a mountaineer once described them, "pop in, pop off and pop out."

In contrast to the suspicion of strangers, Appalachians in urban sites like the Remington neighborhood are known to be unbelievably kind and openhearted to each other. People come to the Survival Center as much to ask what they can contribute to the place as to how they can benefit from the programs. Children are often the most generous. Their inbred kindness is the last cultural legacy they have received from the Applachia their parents left behind.

Remington is a neighborhood of 1,100 households. Nationally no accurate figure is available on the number of mountain people living in cities. Many drop out. They were never eligible for benefits like food stamps or would rather go hungry than take welfare and lose self-esteem. Many subsist in the underground economy. The Appalachian Regional Commission has no programs specifically designed for urban mountaineer communities. The commission, which the Reagan administration has unsuccessfully tired to kill, is denied adequate funds to serve even rural Appalachians. It, too, is practiced in the ways of survival.

In cities like Detroit, Pittsburgh and Cleveland, displaced Appalachians have organized their self-reliance into operations similar to the Community Survival Center in Baltimore. For much of the nation, urban poor whites from the mountains are pariahs. Among themselves, the truer reality prevails. These are generous, gentle people who care for their own, even when that means sharing what little they own.●

BISHOP ABRAMOWICZ RECEIVES THE MINUTEMAN OF THE YEAR AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. LIPINSKI. Mr. Speaker, on June 22, Bishop Alfred Abramowicz was awarded the Stanley Piekarz Minuteman of the Year Award in the Fifth Congressional District of Illinois. The Minuteman of the Year Award is presented to the person or persons who exhibit the honored traits and qualities that best serve the needs of the country, State, and community.

Bishop Abramowicz has played an integral role in a number of humanitarian programs throughout the community, most notably the food and medical supply drive for the citizens of Poland. He is also serving on a commission which is investigating the refugee problems in Southeast Asia and Africa.

The earnest efforts and willingness of Bishop Abramowicz to take such an active role in humanitarian deeds is an inspiration to all who know him. I was extremely proud to award the Stanley Piekarz Minuteman of the Year Award to Bishop Abramowicz.

I know I join with the residents of the Fifth Congressional District in paying tribute to Bishop Abramowicz for his work, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Bishop Abramowicz upon his receipt of the Stanley Piekarz Minuteman of the Year Award.

[From the Midway Sentinel, June 1984]

BISHOP ABRAMOWICZ AND JOHN HZYNY TO BE HONORED AT LUNCHEON

Congressman William O. Lipinski has announced that Bishop Alfred Abramowicz and John Hzyny will be honored at this year's Patriot of the Year Luncheon to be held at 12 noon on June 22 at the Rhine V.F.W. Post, 5858 Archer Ave.

According to Lipinski, this luncheon will serve to recognize and honor two outstanding individuals for their dedication and devotion to community, civic and humanitarian endeavors.

Two distinct and coveted awards will be presented at this year's luncheon. John Hzyny, as a resident of the 23rd Ward com-

munity, will receive the "Nick Fryziuk Patriot of the Year Award" while Bishop Abramowicz will be honored with the "Stanley Piekarz Minuteman of the Year Award."

Bishop Abramowicz who was ordained a priest in 1943 and named Auxiliary Bishop of Chicago in 1968 has played an integral role in the number of humanitarian programs throughout the community, most notably the food and medical supply drive for the citizens of Poland. He is also co-chairman for the National Committee of the "National Czestochowa Trust Appeal" and is currently serving on a commission investigating the refugee problems in Thailand and Africa.

John Hzyny, who is a life long resident of the Southwest side, has been an active member of the Midway Kiwanis Club, Lech Walesa Triangle Committee, Vittum Park Civic League and various other neighborhood organizations. During the past year, Johnny, as chairman of the "Have a Heart for Keith" committee, has been raising funds to help defray the costs of heart transplant needed by Keith Stanislawski, a 12 year old Chicago Lawn boy who is suffering from cardiac myopathy, a virus that causes deterioration of the heart muscles. Keith recently received his new heart on May 23 and is currently recovering in a Pittsburgh hospital.

Anyone interested in attending the awards luncheon is asked to call Jim Laski at 767-1720 no later than June 19. The price of the luncheon is $8 and can be paid in advance or at the door.●

A POISONOUS DELAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. MINISH. Mr. Speaker, tomorrow will be an important legislative day for New Jerseyans and many other Americans who live next door to or on top of abandoned toxic waste dumps.

Our colleagues will have an opportunity to consider timely legislation authored by Mr. FLORIO of New Jersey. His bill, H.R. 5640, seeks to strengthen and reauthorize the Superfund Program to clean up abandoned hazardous waste sites throughout America.

Currently there are more than 17,000 known hazardous waste sites throughout the country. Many estimate the actual number to be as high as 22,000 and no State is immune from their threat.

In New Jersey, we have 85 of the most dangerous of these abandoned dumps and these dumps continue to pollute our drinking water and threaten the well-being of our communities.

Last Friday, in an editorial, the Record of Bergen County, NJ, illustrated very effectively the concern of neighbors who live near the Kin-Buc landfill in Edison, NJ—one of the most notorious toxic waste dumps. As the editorial appropriately points out, all of us who have worked so hard to reauthorize Superfund this year have been trying to light fires under the administration and EPA.

Delay in reauthorizing the Federal Superfund is prolonging the time neighbors of the Kin-Buc landfill and millions of other Americans must live in fear of tainted air and drinking water.

Mr. Speaker, I am pleased to be a strong supporter and cosponsor of this legislation and I commend the editorial to the attention of our colleagues. While study is good, we've already squandered far more time than we can afford. We must act now to ensure a strong Superfund Program.

A POISONOUS DELAY

The neighbors of Kin-Buc landfill in Edison, perhaps the most notorious of New Jersey's 85 dangerous toxic-waste dumps, must be grinding their teeth in frustration over the partisan tugs-of-war in Washington these days. The delay in re-authorizing the federal "Superfund" for toxic-waste clean-up is prolonging the time they and millions of other Americans must live in fear of tainted air and drinking water.

The Environmental Protection Agency, whose job it is to identify and clean up those dumps, was given the $1.6-billion Superfund for that purpose in 1980. Since then, the EPA has found 552 hazardous sites and expects that the number will more than double by the end of the year. So far, though, it has completed work on only six. The delay is due partly to ineptitude and deliberate foot-dragging by former EPA executives Anne Burford and Rita Lavelle, partly to turf struggles in Congress.

But time is running out. The act expires in October, Rep. James Florio of Camden County, who has spent many months trying to light fires under the EPA, wants Congress to adopt a new Superfund bill before the election. He and a number of environmental groups reason that President Reagan wouldn't dare veto the bill before election, but might do so afterward.

Mr. Florio has asked Congress to appropriate a staggering $9 billion over the next five years. The chemical industry supports the bill but says it cannot afford more than $4.2 billion. Superfund appropriations are raised from taxes on chemical and petrochemical firms; Mr. Florio would extend that liability to those who dispose of toxic wastes as well, which seems fair enough. Mr. Reagan wants to delay a funding decision until December—timing that certainly has a partisan ring to it.

The president says he supports more money for the Superfund but argues that further study should be undertaken before the clean-up program is reauthorized. Action is what's needed, not study. If Mr. Reagan is sincere, he should be talking to his adherents in Congress. Once the partisan nonsense is out of the way, there remains only the matter of how much new money we can afford to spend on correcting the public-health menaces. We've already squandered far more time than we can afford.●

TRANSFER OF F-5 AIRCRAFT TO GREECE AND TURKEY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DOWNEY of New York. Mr. Speaker, today I introduced a resolution expressing the sense of the Congress that the President should not increase the number of F-5 fighter aircraft to be transferred to Turkey as a means of expressing U.S. displeasure with recent actions of the Greek Government.

A few weeks ago, we learned that the administration was considering blocking the transfer of some F-5 fighter aircraft from Norway to Greece. In addition, it was suggested that those planes might be awarded to Turkey instead. Several factors were said to be influencing the administration's thinking: A speech made by Prime Minister Papandreou last May, the release by the Greek Government of a suspected terrorist, and a general feeling that the Greek Government was not cooperating with U.S. efforts to combat terrorism and stabilize the region.

At this point, no decision has been made on the transfer. And we have every reason to believe that the decision is following a normal process within the State and Defense Departments.

I hope that the questions surrounding our current relations with Greece are not needlessly confused by infusing the element of Turkish-Greek relations into the process. If the administration should decide not to allow the transfer of the planes to Greece, there is no need to allow those planes to go to Turkey. If we do that, what was simply a problem between two NATO partners becomes even more entangled. I would hope that the membership of Greece and Turkey in the NATO alliance would serve as a means of resolving their differences. If we award any additional planes to Turkey, it is certain that relations between Greece and Turkey will be exacerbated and NATO will become involved in a manner that is not necessary. Finally, I do not believe that the United States should fuel an arms race in the Aegean region.

I urge my colleagues to support this resolution.

H. CON. RES. —

Whereas the Government of Norway has requested United States permission pursuant to the Arms Export Control Act to transfer 16 United States-origin F5 aircraft to other countries;

Whereas Greece and Turkey are among the countries being considered as recipients of those aircraft;

Whereas while the United States would send a strong message to Greece concerning the current state of Greek-United States re-

lations by denying Greece permission to receive any F5 aircraft from Norway, that message should not include granting Turkey permission to receive the aircraft that would have otherwise gone to Greece;

Whereas the United States goal of encouraging Greece to cooperate more closely with the North Atlantic Treaty Organization is important and ought not to be jeopardized by other issues affecting our relations with Greece and increased military support for Turkey;

Whereas both Greece and Turkey are our partners in the North Atlantic Treaty Organization and their adherence to the alliance ought to be a means of resolving their differences, and not to exacerbate them; and

Whereas the United States ought not to fuel an arms race in the Aegean region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in considering the pending request by the Government of Norway for permission to transfer United States-origin F5 aircraft to other countries, the President should not increase the number of aircraft approved for transfer to Turkey as a means of punishing Greece or showing United States displeasure with Greece.●

THERE MUST BE NO "DAY"

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mrs. BOXER. Mr. Speaker, I would like to share the moving and dramatic experience of Mr. Stephen M. Osborn who was present at the thermonuclear tests at Bikini in 1956. His essay "There Must Be No 'Day'" eloquently describes the horrendous impact of nuclear weapons.

THERE MUST BE NO "DAY"

(By Stephen M. Osborn)

Where does one begin in responding to The Day After? For me, it can have many beginnings. I remember, as a seven or eight year old boy, looking with awe at the Bikini battered ships at the Bremerton Navy Yard. Then, I grew up in the cold war rhetoric of the late forties and fifties.

In 1956, as a young navy man, I was at the thermonuclear tests at Bikini, code named, Operation Redwing. The first bomb exploded was, we were told, a twenty megaton plus thermonuclear device, to be exploded at an altitude of twenty thousand feet. Our observation point was to be aboard ship at a distance of thirty miles from ground zero. That is a long way, about as far as the doctor was from Kansas City when the first bomb went off in the movie. It is not far enough.

Most of the crew was ranged on deck, wearing blast goggles and facing aft, away from the blast. I was not on deck as there were not enough goggles to go around. Instead, I picked a spot in a passageway about thirty feet forward of a light well. Any light coming in would have to come from the direction away from the blast, down about a twenty foot well, then penetrate the passageway. I had my back to the well. During the final countdown, I wrapped both arms across my eyes, one over the other. I could hear the voice on the ships intercom, 5, 4, 3, 2, 1, Zero.

Suddenly, I could see light, right through my arms! The heat was intense, as though I had my back to an opened furnace door. The silence was deafening. After what seemed like minutes, but was probably a few seconds, the light began to fade. As it grew dark, I eased one arm away from the other and the light was back, but again fading. When it was gone, I moved my other arm. The light through my clenched eyelids was painful, but it continued to fade and I gradually opened my eyes and began backing toward the light well. As the light continued to decrease, it finally got to the point where I could squint up the light well at the sky. The light was brilliant, the sky an intense blue. I climbed out of the well and peeked forward around the shelter of the conning tower, directly at the cloud and the now fading fireball.

My first impression was of a weird beauty. The cloud was sharply defined like a thunderhead and had a fluorescent, amethyst colored glow, which tinged toward a dark red. It is impossible to communicate the scale of the cloud. We were thirty miles away, yet the feeling was similar to when one stands beneath a huge redwood, watching the trunk taper away above you, to be surmounted by a crown of speading branches far overhead. At thirty miles, it was as though we were right at the base of the cloud looking up, rather than out, at it.

We stood there in the silence, looking at the cloud and quietly commenting on the colors. On the right side, close to the cloud, we could see two bright, stationary lights. They were visible for a short while, then they faded.

Over two minutes had passed, then the voice on the intercom began the countdown for the shock wave. 5, 4, 3, 2, 1, Zero. The pressure wave at that distance was not violent; there was an increase of about one atmosphere, enough to make your ears pop; the sound was a long low rumble lasting about thirty seconds.

The sun began to rise, lighting the outside of the cloud and overpowering the internal glow. The cloud was identifiable for most of the day, with the top being slowly torn to rags by the jet stream.

We steamed back to the atoll, rather sobered by the experience. We were quite curious about the mysterious lights we saw beside the cloud. About a week or so after the shot, I was speaking to one of the scientists that had been aboard. He said they also had been puzzled by the appearance of the lights. They finally concluded that what we saw were two bright stars, essentially as we would have seen them from outer space. Apparently, the heat of the explosion was so great that it literally burned away the atmosphere around the fireball. As soon as the temperature dropped sufficiently, the air collapsed back around the envelope, the starlight was attenuated and disappeared.

We spent, if memory serves, about six months at Bikini. Every so often, we would steam out for a shot. Frequently, we would go out, muster on deck in the predawn, the countdown would proceed, then, "The shot for today has been cancelled," and we would steam back to the anchorage, to try again the next morning. This might go on for ten days or more before they would finally set it off.

Once, the wind shifted after a shot and we were battened below in the stifling heat while the ship tried to run from under the fallout. Personnel that had to go topside were decontaminated and their clothes were taken for disposal. After a couple of days, we headed for Kwajalein, some four hundred miles away, until it was safe to return to the atoll.

Following one, either underwater or surface burst, the clean up crews told of fish falling out of the coconut palms. The swimming float that had been anchored with huge concrete blocks in the lagoon was found floating at sea. Two of the blocks were found in the middle of the island.

The final shot of the series found us eighteen miles from ground zero. The heat was incredible, though this was a much smaller bomb, possibly a tactical warhead. The shock wave jolted the whole ship backwards several inches and felt as if your whole body was struck with a sledge hammer. The sound was one sharp crack, as though a rifle or firecracker was fired right next to your ear.

After a few days spent dismantling the establishment on Nan Island, Bikini Atoll, we steamed for home.

In later years, I had nightmares of the bombs going off, where I would be standing, crying, realizing that some SOB had finally pushed the button and it was the end of all things. I would wake up covered with sweat, pulse racing and face wet with tears. Gradually, that dream receded, until I saw the rockets blasting out of their silos in The Day After. I was sitting with my arm around my son's shoulder. Suddenly, I began to shake and my eyes filled with tears. Each time another took off, it got worse. I knew what was going to happen, I had been there!

Since the program, it has been continually on my mind. Watching that reptilian Buckley, "Megadeath" Scowcroft and Kissinger sit there speaking in Orwellian doublethink, explaining that more is less and death is peacekeeping made me wonder how long these aging, frustrated cowboys are going to be allowed to determine how much youth and innocence is to die for this "ism" or that one. Weisel, Sagan and even McNamara made sense. This is one fragile green and blue planet.

Buckley and company brought to mind the lectures we got from some Bircher neighbors when taking our children trick-or-treating. We shouldn't trick-or-treat for UNICEF because UNICEF gave milk to "Commie babies!"

There are no commie babies, or free world babies. There are just babies and children and youths and adults, all with their hopes and dreams. The man in the street in Moscow, London, Paris or Athens is no different from the one in New York or in Mill Valley. We are all frightened and we all simply wish to be left in peace. The European and the Russian may want it more, because they have been overrun by war at least twice this century. They know what war on the home front means, something no American has suffered on the mainland since the civil war.

Every man, woman, and child on this planet must let his government and political leaders know that nuclear terror must cease. It is no longer a viable alternative, if it ever was. The odds of a mistake are far too great and there is no way to retrieve the error once an attack/counter-attack has been launched.

By virtue of our alleged intelligence, we have assumed stewardship of this planet and all of the creatures upon it. We have shown great callousness and ignorance in the exploitation of earth's natural re-

sources, the casual dumping of toxic wastes and the wholesale slaughter of entire species. With wisdom and patience, some of these blunders can be retrieved, but with the development of nuclear power, we have met our destroyer, one way or the other, if we do not call a halt to it. We cannot dispose of spent fuel or refining waste in a safe manner. The cancer and birth deformation rate has risen enormously since we began using it, there is no defense against nuclear attack or terrorism and there have been few signs of sanity or good judgment among those entrusted to do our thinking for us. Papers discussing an acceptable number of megadeaths in a nuclear exchange are not of strategic value, they are obscene, visible manifestation of insanity and immorality.

Mankind has always had a tendency for its technology to outstrip its oral growth. It is time we begin to slow down the technical race and begin to think, not of what is expedient, or will show the greatest short term profit, but what will benefit the planet and ourselves in the long run. What kind of agriculture will leave the land fertile and productive for a thousand years or more? What processes can be used that will leave only biodegradable wastes? Does society's existence depend on an endless flow of gadgets and novelties, designed to fall apart almost immediately? Must everything be designed to wear out in two or three years? Is it possible to recycle our mineral resources rather than continually mining more and allowing worn out products to decay, or simply rust in storage? Can't we produce crops and see that they are distributed rather than be stored to rot? Why don't we make a major effort to harness and use wind and solar energy for power and make a greater effort to reduce energy needs?

Let us pledge to make a start by informing all world leaders that nuclear war is out. The people of this planet will take no more of fear and terror.

Then, with this as a starting point, let us, as stewards of a fragile planet, begin the process of healing and growing, individually and as a species, to the point where all of this will seem a horrible, impossible nightmare. A lesson to be forever remembered, but never repeated. It is up to us.●

SUPPORT FOR THREE CRIME BILLS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. RANGEL. Mr. Speaker, as chairman of the Select Committee on Narcotics Abuse and Control, I want to express my support for three important crime bills which passed the House on Monday, July 30. While these bills are not directed solely to drug abuse problems, I believe they will have a positive impact in America's continuing effort to reduce drug trafficking and increase the penalties on people who traffic in narcotics.

H.R. 5846, the Criminal Fine Enforcement Act of 1984, would make criminal fines more severe and thereby encourage their more frequent use as an alternative to, or in addition to, imprisonment. Under H.R. 5846, a drug dealer, for example, could be fined up to the greater of $250,000 or twice the amount of money made by the dealer as a result of the crime. This provision will reduce the economic incentive for drug crimes. The bill also would make it a criminal offense for a convicted defendant willfully to fail to pay a fine and contains procedural reforms designed to make it easier for the Government to collect criminal fines.

H.R. 5910 would make it a criminal offense to introduce or possess contraband in Federal prisons. Included within the definition of contraband are narcotic drugs, LSD, or PCP—Angeldust—and other controlled substances. Violations involving narcotics, LSD, and PCP would be punishable by a maximum fine of $250,000 and 5 years imprisonment. Violations involving other controlled substances would be subject to a fine of up to $25,000 and a maximum prison term of 1 year.

H.R. 5919 is designed to facilitate solving of complicated money laundering schemes involving foreign banks. The purpose of the bill is to make foreign-kept business records more readily admissible into evidence in criminal trials in U.S. courts and to extend statute of limitations and Speedy Trial Act deadlines when prosecutors must try to obtain financial records from banks located in foreign countries.

Drug trafficking generates huge sums of cash that must be laundered. Frequently, drug criminals use offshore banks to wash the proceeds of their illicit activities. H.R. 5919 should help Federal prosecutors obtain the evidence they need to secure convictions against major drug traffickers and financiers.

These bills, by themselves, will not bring the serious narcotics problem confronting our Nation under control. However, they should provide law enforcement personnel with useful new tools to utilize in their continuing battle against drug traffickers. I commend the gentleman from Michigan [Mr. CONYERS] for bringing these measures to the floor.●

DISPOSAL OF SAND AND GRAVEL ON FEDERAL LANDS

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. MARRIOTT. Mr. Speaker, the bill I am introducing today in behalf of myself and my Utah colleagues would allow the Bureau of Land Management to dispose of sand and gravel deposits found on unpatented mining claims located on Federal lands administered by that agency.

The Bureau of Land Management is presently prevented from disposing of sand and gravel materials on unpatented mining claims because of a legal interpretation by the Department of Interior which denies such discretion to local BLM land managers. Under this interpretation, sand and gravel deposits cannot be sold, removed, or displaced even when a mining claimholder consents to such removal.

Utah provides a prime example of the problem presented. With numerous speculative mining claims blanketing southern Utah, local communities find themselves with no legal way to obtain common sand and gravel for road construction or other basic construction activities. Of course, not all of the mining claims in southern Utah are speculative; many support viable, ongoing mineral development. Yet, in the Moab Utah district of BLM alone, they are nearly 120,000 mining claims covering the landscape. If even a fraction of the anticipated natural resource development in southern Utah which could occur, does occur, then the pressure to utilize these sand and gravel resources will be overwhelming and without a change in the law, or at least in the interpretation of the law, sand and gravel will simply become a commodity available for a limited few.

I mention the interpretation of law because of the fact that the U.S. Forest Service is presently, and has been for some time, allowing the disposal of sand and gravel on national forests with the consent of the mining claimant under a different interpretation of the same statute—31 U.S.C. 612. From nearly all accounts, this system of disposal works very smoothly in national forests and protects the rights of mining claimants.

This bill would simply clarify that "mineral material surface resources" are eligible to be disposed of by all Federal land managers. It would also protect mining claimants by assuring just compensation for any sand and gravel which they may need but which may have been previously disposed of under this authority.

I am confident that with this simple clarification of current law, the people of Utah and other Western States will benefit by gaining access to a common resource on BLM administered lands which is now denied them.

I urge my colleagues to support passage of the bill.●

THE RIGHTS OF BLIND VENDORS IN THE RANDOLPH-SHEPPARD PROGRAM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, I know my colleagues will want to join me in saluting a recent court deci-

sion that affects the rights of blind vendors in the Federal Randolph-Sheppard Program.

U.S. district court judge, Thomas Curran has granted an injunction that will allow Martin B. Howe of Milwaukee, WI, to move his vending operation from the old post office to the new one. Howe is a blind man who had run his newsstand at the old Federal post office for 24 years until it was moved in July. He was then told that he must bid against other vendors for the newsstand business simply because the post office had changed locations. This decision will allow Howe to operate his business at the new location until further administrative appeals are heard.

I would like to submit at this time, a letter that was written by the president of the National Federation of the Blind that concerns this matter. I call your attention to this landmark decision.

NATIONAL FEDERATION OF THE BLIND,
Baltimore, MD, July 26, 1984.

Re *Howe* v. *Bolger et. al.*, Case No. 84-C-843.

Hon. THOMAS J. CURRAN,
U.S. District Judge for the Eastern District of Wisconsin, East Wisconsin Avenue, Milwaukee, WI.

DEAR JUDGE CURRAN: I am writing to express the gratitude and deep appreciation of thousands of blind men and women who are benefited immeasurably by the decision you reached in the above captioned matter. The ruling clearly sets forth a practical and just solution to protect the interests of blind vendors while administrative appeals can be heard. It underscores the due process rights Congress intended for the blind, and in doing so, the decision clarifies for all concerned the status of blind vendors under the law. Accordingly, I respectfully urge that the appropriate steps be taken to cause this decision to be published in the Federal Supplement.

Blind vendors in the Randolph-Sheppard Program are the intended beneficiaries of a system which depends heavily upon the joint, harmonious cooperation of numerous federal and state agencies. But, what should happen to a blind vendor when these governmental entities (each with varying interests) do not agree or act in consort? clarifying this issue for the respective parties of interest in the Randolph-Sheppard Program is the valued contribution of your decision. The procedural due process safeguards in the statute, absent injunctive relief, are not alone sufficient to preserve the interests of the blind when the responsibility agencies arguably fail to work together or to perform their duties.

In our experience as the largest national organization of blind persons in the country, the law (both before and after the 1974 Amendments) has been the subject of real controversy with regard to the right of blind vendors to injunctive relief, and under what circumstances such relief might be granted. Thus, the task or resolving such issues becomes the proper responsibility of the courts. Yet, in the ten years since the latest amendments were enacted, courts have had relatively few opportunities to address this question, leaving a dearth of judicial guidance. This void is not in the interest of the blind vendors, the property managing agencies, the state licensing agencies, or the public served by the Randolph-Sheppard Program. Therefore, publishing your decision would fulfill substantial program needs and interests. Of course, publishing would also serve judicial economy by guiding other courts who may face similar issues in the future.

As you obviously realize by now, the blind vending program is enormously complex. Yet, your depth of understanding in sorting out the issues and organizational relationships is plainly shown in the clear language of the decision. Your labors in this regard have made a major contribution to the orderly and fair administration of this important program for the blind. For this, we thank you.

Respectfully,

KENNETH JERNIGAN,
President.●

A SALUTE TO GOLD MEDALIST JOAN BENOIT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Ms. SNOWE. Mr. Speaker, in the 23d Olympiad in Los Angeles, competition in the women's events have captured the public's attention in a unique way and I join with all residents of Maine in saluting Joan Benoit of Freeport.

In her spectacular win Sunday, Joan Benoit truly demonstrated that in running with the fastest women marathoners in the world, she was the best. She takes her place in Olympic history as the first gold medalist in this event.

Because Joan Benoit has made Maine her home, training there for her winning marathon performances, Maine residents are her greatest fans and see her win Sunday as one of the States greatest athletic achievements.

Leigh Montville, a Boston Globe columnist, captures well the Benoit spirit in an article I would like to share with my colleagues:

BENOIT IS FIRST IN EVERY WAY

LOS ANGELES.—She looked so small. So very, very small.

When she came down the long and dark tunnel and into the sunshine of the Los Angeles Memorial Coliseum she seemed almost to be a child, a precocious child brought into public view. The size of Joan Benoit was the most memorable part of the picture.

Amazing. This tiny person had done such big things.

"I thought . . . I don't know what I thought," her mother, Nancy, said after 27-year-old Joan Benoit of Freeport, Maine, had captured the gold medal yesterday morning in 2 hours, 24 minutes and 52 seconds in the first Olympic marathon for women. "I was just so happy to see her. To pick her out, coming from that tunnel all the way at the end of the Coliseum."

Joan Benoit's white painter's cap had flopped this way and that on her 26-mile trip through the streets and freeways of Southern California to this final 385 yards, giving her the look of a Charlie Brown comic-strip character. Only her no-nonsense expression gave an indication of how she worked, of what she was doing.

No looks. No winks to the crowd. One smile halfway into the race at a Bowdoin College banner. ("That's spelled B-o-w-d-o-i-n," she said. "Not C-o-l-b-y.") All business. She was on her way to a spot in expanded athletic history. First woman. First women's marathon. First.

"I basically just space out when I run," she explained. "So I really wasn't thinking about anything. I just kind of followed the yellow brick road, so to speak."

She ran this race the way she runs on every day of her life. She hammered. She pounded. She moved away from the crowd, taking herself to the dirt roads of Cape Elizabeth, the back roads of Freeport, the after-dinner quiet of the track at Bowdoin. She ran alone.

"I run most of the time by myself," Joan Benoit said. "So I was very comfortable out there by myself."

The race was as easy to describe as a Sunday afternoon drive up-country. She escaped the traffic in the first three miles and ran away from everyone else. Easy as that. The blimp spots on the television and on the big screen at the end of the Coliseum showed her as a solitary speck, led by a couple of motorcycle patrolmen. No one else was in view.

"We brought a little portable television set to watch the race," said her father, Andre, the owner of a Portland department store. "We got caught in traffic, so we watched the start of the race on the bus and in the parking lot. By the time we reached our seats, she was ahead."

She never planned to run the race this way. She simply did it this way. No one else was moving, so she moved and never stopped.

The chewable, smog-filled, dirty air never was a problem. The other runners never were a problem, not one of them. The heat wasn't a problem and the cheering crowd along the course certainly wasn't a problem and her bulky left knee, the one that almost kept her from this event on this day, was perfect.

She was the hard-boiled athlete who perhaps has resided in women for years and years but never before has been released to show what could be done. She was alone and overpowering and free.

"I used to try to discourage her," Andre Benoit said with a pleasant smile. "She was in this running club and every week she would be taking these interminable bus trips to compete. The Country Runners of Bucksport. That was her group.

"They'd go out of state some place for a race on Saturday, then come back on a Sunday. Every weekend, I'd say, 'What are you doing? You're losing all your weekends with this. By the time you're back, the weekend is shot.' I'd say, 'Have some fun.'

"She'd say, 'But this is fun. I love it.' "

The boundaries on women's road running were disappearing as she grew up in Freeport, marathons being opened to both sexes, the stereotype of the frail, open-this-for-me woman being forgotten. Joan Benoit, tomboy sister in a family with three brothers, was there to take advantage. Second-generation marathon woman.

From the time she started running to help recover from a broken leg suffered while skiing, she has been captured by the sport. The competitiveness of it. The personal, intimate quality of it. The sheer, physical joy.

Her father's advice never stopped her. Her different background, so far from the ath-

letic mills of America, running at a college with no scholarships, somehow became an asset instead of a hindrance. Her injuries—surgery on both Achilles tendons, surgery on her knee only 17 days before the Olympic trials—have been only so many more challenges.

"Look at her," a sportswriter from New Orleans said as she came running into the Coliseum and the crowd. "Just look at her. And to think that we spend all this time writing about football players, crying about this thing or that. Baseball players. Is there a player in all of baseball who could run this far, not to mention this fast? Look at her."

She ran one lap to finish her race, removing the painter's cap and letting her face break into a smile only on the backstretch. She finished, walked a few steps, then ran and ran some more. a victory lap with a large American flag stapled to a blue broomstick. An other lap to seek and find her parents in their designated spot at the bottom of Section 28.

The crowd was hers. The momemt was hers, this tiny woman who will be married in November, who does needlepoint and makes jam, who runs long distances as no woman ever has run. She was alone and first.

"What next?" Joan Benoit was asked at the end of her day.

"The blueberries are late this year in Maine," she said, sitting behind a long press-conference table. "If you want to find me in the next week, find a blueberry patch in Maine, 'cause that's where I'm going to be."

Lovely.●

MINNESOTA SUPERFUND LAW ENCOURAGES VOLUNTARY CLEANUP OF HAZARDOUS WASTE SITES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. FLORIO. Mr. Speaker, I am encouraged by recent press reports, such as the transcript that follows, documenting the success of victim compensation provisions contained in State Superfund laws. In order for an individual to recover under the Minnesota law, he or she must prove that the person sued produced the hazardous wastes, that the individual was exposed to them, that the individual sustained an injury, and that there is a reasonable likelihood that the chemical exposure contributed to the injury. Apparently, this substitution of strict liability for negligence has convinced company executives and lawyers to move quickly in cleaning up hazardous waste sites.

The example of Minnesota shows why we must act quickly to incorporate a similar victim compensation provision into the Federal Superfund Program. Not only will individuals be provided an avenue of recovery for their injuries, but more importantly, future injuries will be avoided because companies will act to preclude vast potential liability by cleaning up their wastes.

The legislation I have introduced to expand and extend the Superfund Program, H.R. 5640, contains a Federal cause of action which will provide a uniform national standard for people to recover for their injuries. I hope that all members vote in favor of this legislation which will protect our citizens from the tragic consequences of exposure to hazardous wastes.

An excerpt from the radio broadcast detailing the Minnesota experience follows:

[An excerpt from the Pollution of the Great Lakes Series, transcript of part IV, National Public Radio (NPR), "All Things Considered" and "Morning Edition," originally broadcast in March 1984]

REMOVE NEGLIGENCE AND IT WORKS, THE MINNESOTA SOLUTION TO TOXIC WASTE CLEANUP

(Comments by the reporter have not been placed in quotes.)

This is "Morning Edition." I am Bob Edwards. The recent scandal over the Environmental Protection Agency's Superfund programs suggests how difficult it will be to clean up the nation's hazardous waste dumps. If the EPA continues at its current pace, even some of the worst dumps won't be cleaned up until the year 2000. NPR's Daniel Zwerdling reports one state is taking the matter into its own hands. "I am standing on the field that the Environmental Protection Agency called the Number 1 worst toxic waste dump in the entire United States. It's the FMC Corporation's toxic chemical pits, squeezed between the company's naval weapons factory and the railroad tracks in the town of Fidley just outside Minneapolis; but this is not going to be one of those depressing stories about oozing chemical drums, and why won't reckless corporations clean up their mess? Because today there is absolutely nothing bad to say about the FMC toxic dump. Less than a year ago, the FMC Company laid out almost $6 million and cleaned up all the wastes voluntarily, according to Sandra Garderbring, director of the State Police and Control Agency. "It was perhaps the fastest, friendliest, least obsreperous corporate clean-up in history. We negotiated the settlement. They dug the hole, moved the waste and cleaned the place up in something less than 40 days."

What's the secret? Last summer Minnesota enacted a new state Superfund law that puts the federal Superfund law to shame. Sandra Garderbring says that executives at FMC and other companies are so scared of its provisions that they have been moving very quickly to clean up toxic chemical problems around the state. "I think it's been as successful as anyone could have dreamed."

Minnesota decided it had to do something dramatic about its toxic waste problems back in 1980 when the U.S. Congress passed the much-touted national Superfund law. Carter administration officials had made it sound like the law would clean up the nation's toxic waste dumps once and for all, but disappointed state legislators like Dee Long realized the national law would not clean up more than a few of Minnesota's 61 hazardous waste sites, "First of all the funding was insufficient to go anywhere near cleaning up all the problem sites in all the states. It's just a drop in the bucket. And second," Long says, "the federal law didn't have any provisions to compensate individuals who have been hurt by toxic wastes." So Long and her colleagues in the legislature passed their own state version of Superfund. And after a bitter political battle, it became law last July 1.

And here's what makes companies so afraid of the law. It gives citizens more power than ever before to sue companies whose wastes may have hurt them. Under most state laws it's almost impossible to win if you sue a company because you think its toxic wastes have hurt you because you not only have to prove that the chemicals made you sick, yuou also have to prove that the company was negligent. In other words, you have to show that the company dumped its wastes in ways that it knew (or should have known at the time) could hurt people, but under the new Minnesota law you don't have to prove the company was negligent at all. All you have to show is that the company produced the chemical wastes, that you were exposed to them, that you got sick and that medical evidence shows there is a reasonable chance the chemicals contributed to your illness. Even if the company dumped the chemicals 10 years ago in ways that were considered responsible and safe at the time, the Minnesota law says the company is liable today for making you sick.

Sandra Garderbring of the Pollution Control Agency: "The point is that companies choose to engage in certain kinds of business, presumably they make some profit from it or they wouldn't choose to do it, and as a prudent business man you should have been aware that this was the kind of activity that was going to make you liable if an injury was caused."

And no company in Minnesota wants to be vulnerable to that kind of multi-million dollar lawsuit. Take the FMC Corporation. In 1980, the State got a confidential tip over its pollution hotline revealing that the company had dumped thousands of pounds of toxic chemicals in a field next to one of its factories. State tests suggested the poisons were leaking into the Minneapolis water supply. FMC executives started negotiating with state officials trying to agree on how to clean up, but even company executives acknowledged that after hundreds of meetings the negotiations weren't getting very far until the state passed the new Superfund law. Suddenly, says company lawyer William Warren, company executives decided they had better move fast to clean up that toxic dump before those personal injury provisions took effect. "If we hadn't gotten it done before July 1, we would be exposed to liability to third persons for injury or disease or death that would be caused by hazardous waste that came from our facility."

Nobody has actually sued the company yet under the personal injury provisions of the law, but the threat has been potent enough. Since Superfund took effect last year, 10 companies have stepped forward and agreed to clean up dangerous chemical dumps. Just a few weeks ago, for instance, the sperry Corporation, Ford Motor and seven other companies promised the State in writing that they will help clean up a toxic dump site near Minneapolis that community officials have been trying to get cleaned up for five years.

So the state's Superfund law has been good for the public's health. No one in Minnesota disputes that, but the controversial question is how is Superfund affecting business. Ray O'Connell, a lobbyist for the Minnesota Association of Commerce and Indus-

try says he can sum it up in one word. "Catastrophic." Industry groups have bitterly opposed Superfund since the law was first proposed in the legislature. Business executives warned the governor that if they signed it they might be forced to leave the state. "Look", O'Connell says, "businesses don't mind paying special fees as they have to under the new law to help the state clean up toxic dumps." But he says, companies can't afford to live with the law that allows citizens to sue them for millions of dollars over chemicals they dumped years ago. "We don't feel that's fair. Let me give you an analogy. If I were driving say 10 years ago when the speed limit was before, 55 miles an hour, and I was doing 75, and I to be penalized because I did that 75 miles an hour back in 1975 and where with the energy crunch and everything else, they decrease the mileage to 55 miles an hour. In a sense that's the way we sort of look at it."

But now that the Superfund law has been on the books for nine months, the evidence suggests that the corporate threats of leaving have been mainly rhetoric. This is Dick Chapman reporting: "Another major Minnesota employer has announced plans to expand its operations elsewhere. This time it is 3M Company which will locate . . ."

When the multi-national 3M Corporation, the state's biggest employer, announced two months ago that it's building a new facility in Texas instead of Minnesota where the firm is based, business representatives such as O'Connell quickly pointed to the decision as proof that Superfund is driving companies out of the state. After all, the chairman of 3M had led the industry fight against Superfund and 3M is one of the state's biggest generators of hazardous wastes. But 3M's own executives say that they considered 20 different factors before deciding to expand in Texas, factors such as taxes and energy costs and the cost of living.

Russell Sussage, director of environmental regulatory affairs, says Superfund and other environmental laws were only one of those considerations.

"What 3M said is that Minnesota, your business climate, the whole package, the tax climate, the environmental regulation, is anti-business which is not favorable to business growth."

A few weeks ago the Sperry Corporation, another major employer in Minnesota, also announced that it is going to expand out of state, in Colorado, but a Sperry executive told me that the company would have made the same decision even if Superfund never existed. So I called industry representative O'Connell and asked if he could name one company that's left the state because of Superfund. He said he cannot. Still some legislators say they will try to weaken the Superfund law in an effort to make the state's general business climate more attractive. But the political bets are that Superfund will survive in Minnesota. It won't be long, some legislators say, before the rest of the country catches up. A few months ago Massachusetts passed a new toxic waste law a lot like Minnesota's and there is a campaign in the U.S. Congress to change the national Superfund law this year to make it more like the Minnesota law, too. If that happens, there won't be any state in the country where companies can go to get away from tough toxic waste laws."●

DEFENSE: EVERYBODY'S BUSINESS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DENNY SMITH. Mr. Speaker, as a former military officer and as a business executive, I have spent a considerable amount of time during the past few years searching for ways that Congress could ensure that our Nation's military remained strong, but efficient.

In that light, I would like to call my colleagues' attention to a recent article on this subject written by Mr. Stanley A. Weiss, president of Business Executives for National Security, that appeared in the June 1984 issue of the Journal of Defense & Diplomacy.

For those of us in Congress looking for some positive suggestions as to how we might "get more bang for the buck," I highly recommend the following article:

DEFENSE: EVERYBODY'S BUSINESS

(By Stanley A. Weiss)

In recent years the United States has embarked upon a major buildup of arms spending to better meet the myriad threats that face us. Or so we're told. But as a business executive who has looked closely at the way this money is being spent, I think it is a misconception to say that a genuine defense buildup is going on. One major reason is the shortage of sound business principles at the Pentagon.

I look at military spending and see practices that stand business sense on its head. Congress and the military have built a system that rewards bureaucratically administered prices and tries in every imaginable way to block competition on prices and equipment reliability. According to the General Accounting Office, only about 6 percent of all defense contracts are fully competitive.

So we create monopoly contractors, and then we buy in small expensive lots. We permit contractors to declare that their bolts and washers are "trade secrets" to cut off any future competition, and then we allow the Department of Defense to accept such absurd declarations. We have a military acquisition system without checks and balances; a system that never cancels anything, no matter how much costs soar or how poor performance is. It even stretches out the most costly, noncompetitive contracts for 20 years or more.

There are two principles that every successful business executive understands but that have never penetrated the system of military buying:

If you offer anyone a subsidy to produce something, you will get more of it, produced with less efficiency;

If you deal with a monopoly supplier, you will always get a higher price, and you will usually get lower quality.

Yes, this military buying system will give you $435 hammers. Yes, this system will give you $1,000 bolts. These examples are not aberrations. They are the inevitable result of an inherently flawed process. It does no good to outlaw $1,000 bolts unless you overhaul the system that produces them.

The trouble is that the problems are not confined to the weapons systems procurement process. Let's look at readiness. What have we got to show in military readiness after spending over a trillion dollars on defense since 1980? There are indications, even from within the Pentagon, that readiness is down. The best that can be said is that we don't really know whether readiness is up or down. Gen. Charles Gabriel, air force chief of staff, recently told *The Washington Post* that air force pilots now practice firing one heat-seeking and one radar-seeking missile a year. He saw this as an improvement over the less-than-annual practices of the past. A trillion dollars since 1980, and our pilots get two practice shots a year?

Even when allowing for inflation, spending over twice what we spent in 1957 buys us half as many active ships and half as many active aircraft as it would then. It also buys fewer active army battalions than it would then. Nearly all of this debacle in force structure and unit costs has occurred while the loudest calls for a buildup have been in the air. Unfortunately, as the budget statistics make clear, dollars are heading "north" while quantities head "south". The best description of what is going on is that in the area of conventional weapons we are spending ourselves broke as we unilaterally disarm.

Business generally understands the concept of long-term corporate planning. Does the Department of Defense? The United States has not had a top-to-bottom reassessment of its military strategy in more than 30 years. Two former chairmen of the Joint Chiefs of Staff, Gen. Maxwell Taylor and Gen. David Jones, have testified before congress that so many missions have been piled on the DOD over the last generation that the United States does not have a military strategy in the usual sense of the term. If we don't have a military strategy, how can we hope to have military spending priorities linked to military strategy priorities?

Even within these proliferating military commitments and missions, we don't budget soundly. To cite only a few of the points GAO has recently noted:

DOD budget projections presented to congress always assume hardware prices will fall in the future when those prices almost always go up;

DOD chronically underestimates how much it will cost to staff and maintain new weapons systems;

DOD plans for future outlays are based on economic models for which there are no historical parallels;

Funds that are supposed to go into planned program growth in existing programs are frequently diverted into new program starts;

When the inevitable budget shortfalls arrive, programs are never cancelled, no matter how costly they are.

If the business executives I represent spent their investors' and stockholders' money like this, we'd not only be broke, we'd be in big trouble with the Securities and Exchange Commission.

I cannot emphasize strongly enough: throwing more money at this fundamentally flawed budgeting process will not buy us a better defense.

We have already started up a large number of tremendously expensive programs without a clear military strategy for their use and without reliable cost projections. Unless we act quickly and decisively,

this mismatch between forecasting and reality will continue diverging, involving additional hundreds of billions of dollars. This would plunge the U.S. military of the late 1980s into the greatest procurement and readiness crunch in U.S. history. Quite simply, we won't have an extra trillion to pay for this ominous accumulation of budgeting mistakes.

Business executives need to adopt the stance of a skeptical investor, look at the Department of Defense and ask: Does the "firm" have a clear corporate plan linking goals to resources? Are its products of high quality? Does its financial reporting suggest an organizational integrity that inspires confidence? Does the "firm" adapt successfully to a fast-changing and challenging market?

The "firm" in this case is not one a skeptical investor can walk away from. We are dealing with a function that is essential to the security of a free society. That fact must inspire us to fix what's wrong! Those of us who want to strong defense will increasingly need to demonstrate how defense can be both effective and affordable.

Here are some questions that we as business executives should be thinking about:

Why are the defense "lines" diverging: Why do more and more dollars buy fewer and fewer goods?

Are we pursuing a conservative investment strategy that will provide us with the necessary long-term stability in the force structure? Is the pace of modernization sustainable over time?

Do we have a clear, easy-to-implement definition of readiness? How can we better align all the parts of the Department of Defense to work toward a goal of improved readiness?

Not all private-sector experience translates directly into the management of defense activities. But when conservative Republican senators tell reporters that the Pentagon is "rotten with bad management," and when the DOD and the executive branch so ignore the tide of congressional complaints to the point that congress moves ever closer to seizing its blunt instrument of budget authority, someone had better force the DOD to take a hard look at reality.

Stunned by multibillion dollar weapons duds, congress last year directed the DOD to set up an independent office of testing and evaluation. The Pentagon has been dragging its feet in complying. A permanent director of this office should be appointed forthwith, and the office should get its important mission under way.

Congress was also irritated with the amount of "get well" money that was being paid out for poorly performing equipment, so it ordered the DOD to get warranties on its purchases. The Pentagon reacted by trying to slip a repeal of the law into a supplemental appropriations request. The navy, to its credit, is supporting warranties. The rest of the DOD needs to shape up.

In the wake of a barrage of scandals concerning the overcharging for spare parts, congress has finally decided that it can't pass laws against $435 hammers without addressing the system that produces them. Congress is now trying to reform military procurement—with no help from the Defense Department. Even the most responsible and carefully drawn procurement reform bills are drawing a steady stream of Pentagon naysayers, with the message that such reform isn't needed and/or can't be done. Congress itself has long been a part of the procurement problem; the DOD is missing an important opportunity to turn congress into a part of the procurement solution.

Last year, the General Accounting Office said that only about 6.6 percent of all 1982 DOD contracts were fully competitive. Despite some promising signs, such as the encouragement of "competition advocates" in the services, the 1983 percentage was actually down to 5.7 percent. Frankly, the business community and the American people are not going to tolerate this kind of performance much longer. We're giving away one of this country's most priceless advantages: it vital, energetic free enterprise system.

Independent testing and evaluation, warranties and procurement overhaul are examples of areas where executives can put their business expertise to work improving the U.S. defense establishment. There are other areas as well—the process of relating strategic goals to resources, for example, and the development of more reliable budget projections. It's time we did so.

Restoring defense excellence ought to be everybody's business.●

THE LATIN DEBT: A TIME BOMB WHOSE CLOCK IS TICKING

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BARNES. Mr. Speaker, I would like to share with my colleagues an article that appeared in the New York Times on July 1, on the political problems caused by the Latin American economic crisis. Its author, Ambler H. Moss, Jr., is a well-known expert who also served as U.S. Ambassador to Panama.

Ambassador Moss argues that: "The economic crisis in Latin America has clearly become a far greater threat to United States national security than any foreseeable Soviet or Cuban activities in the hemisphere."

The Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, just concluded a series of hearings on the return of democracy in the region, and all of our expert witnesses argued that the greatest threat to redemocratization is the debt.

I agree with Ambassador Moss: "It is a time that calls for more imagination on the part of the United States Government, better definition and pursuit of its real interests and much more statesmanship."

The article follows:

THE POLITICAL WAVES OF LATINS' ECONOMICS

(By Ambler H. Moss, Jr.)

MIAMI.—It is time that Washington showed greater understanding of the political as well as the economic dimension of the Latin American debt crisis.

Argentina again occupied center stage last week in the now familiar Latin American debt drama. In the latest episode, Buenos Aires arranged at the last minute to pay $350 million in overdue interest payments by yesterday, or United States banks would have been required to reduce the size of their declared profits, risking tremors in the international financial structure.

We have seen various Latin American countries go to the financial brink in the last two years. Perhaps we now tend to look at each new crisis as a rerun of "The Perils of Pauline": We don't worry too much because we know that the heroine never quite drops off the cliff.

But even this new temporary solution for Argentina, in which the consortium of lending banks agreed to another short-term extension of credit and Argentina further depleted its foreign reserves, will not eliminate the real danger—the potential early death of Argentina's newly gained democracy.

President Raul Alfonsin's inauguration last Dec. 10 ended nearly 10 years of mismanagement and terror under a series of military juntas. Chronic economic ineptitude had been compounded by a military debacle in the Falklands (Malvinas) war with Britain in 1982. Moreover, the "dirty war" against domestic insurgents begun by the military in the early 1970's had turned into a blood bath of torture, assassination and "disappearances" of thousands of men, women and children by the regular military and state-condoned death squads.

The return of democracy brought euphoria—and retribution. Three of the generals who had ruled Argentina, including Leopoldo Galtieri (who launched the calamitous Malvinas invasion) were put under arrest awaiting trial, as were a number of military officers associated with the violence against civilians.

Now, there are new clouds on the horizon. Last week, 50,000 Argentine youths marched in the streets of Buenos Aires in protest against the International Monetary Fund and "international usury"—meaning foreign creditor banks. The demonstrations included young members of Mr. Alfonsin's own party and may have been staged in part to back his Government in its stalled negotiations for new credit from the I.M.F. But among the demonstrators were those who called Mr. Alfonsin a "thief for knuckling under the banks."

Mr. Alfonsin's popularity and ability to deal with a wide range of his country's problems are clearly linked to finding early relief from the effects of the financial crisis. If the fate of Argentina really matters to Washington, the United States should do more than watch passively and preach financial austerity. Two weeks ago, hoping to press Argentina to come to terms with the I.M.F., Washington withdrew the promise made on March 30 to guarantee the $300 million short-term credit extended to Argentina by four Latin American countries. Latin Americans tend to interpret such actions as bullying, and it offers no concrete solution.

The $350 billion Latin American debt affects all countries of the region in similar ways. This year, depending on United States interest rates as much as $45 million in interest alone will be paid by Latin America to the banks. Because up to 50 percent, and more in some cases, of export earnings are being spent on interest payments, economies are not growing while populations are. The result is a lowering of living standards and no jobs for young people leaving school. It is a time bomb whose clock is ticking. The United Nations Economic Commission on Latin America has stated that some countries are "close to the critical limits of social tolerance." Riots erupted in the Dominican Republic last April 23, leaving scores of dead and wounded, after negotiations with

the I.M.F. had led to a sudden rise in the prices of staples such as beans, rice and cooking oil.

Thus far, the policies of the United States, the I.M.F. and the large banks of this country have been more or less parallel. They have waited for the United States' economic recovery to stimulate Latin American exports, relied on I.M.F.-prescribed austerity measures to rationalize the finances of the Latin American governments and counted on solidarity and creativity on the part of the banks in the periodic rescheduling of loans. Increasing numbers of United States economists and political experts, including, most recently, Henry A. Kissinger, are now saying that this policy alone will not work. Latin Americans have been saying so for some time.

Financially, it is not working because United States interest rates continue to rise. Each point of increase adds about $2 billion to Latin America's bill in annual interest payments. The conference of Latin America foreign and finance ministers in Cartagena, Colombia, which ended June 23, insisted that there be a "drastic and immediate drop in interest rates." Yet three days later, the United States prime rate went up half a point, to 13 percent. President Reagan's reaction was simply to chide the banks for their nervousness. Latin Americans are beginning to blame not the International Monetary Fund so much as the United States Government for its inability to manage its budget deficit, which most economists cite as a principal cause of continued-high interest rates.

In Argentina and in other countries, the real question is how long the political and social fabric will hold together as economies stagnate or worsen. Argentina is especially vulnerable, because its democracy is, fragile.

An old myth has been thoroughly debunked in Latin America—that military governments can be efficient managers of an economy and can bring order and stability. Now a new one needs equally critical examination—that when a discredited military establishment skulks back to the barracks, democracy has a long-term chance. It may not.

Washington surely realizes that democracy, free enterprise, economic progress and human rights are all essential for stability and prosperity in Latin America. It is in the United States' interest to think beyond the short term—not our strongest national trait—when it comes to preserving democracy in Argentina, or for that matter in the Dominican Republic or Mexico. The economic crisis in Latin America has clearly become a far greater threat to United States national security than any foreseeable Soviet or Cuban activities in the hemisphere.

What could Washington do if it recognized the problem fully? There is no lack of serious debt reform proposals, which range from greater "burden-sharing" among banks, debtor countries and United States taxpayers, to transfering a part of the debt to international financial institutions, to limiting payments to a percentage of export earnings. The guiding principle is that debt service must never result in a halt of economic development or a deterioration of Latin America's political and social situation.

It is a time that calls for more imagination on the part of the United States Government, better definition and pursuit of its real interests and much more statesmanship.●

TRIBUTE TO LT. COL. A.G. ADAIR

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I want to take this opportunity to commend an outstanding resident of Monahans, TX, in the 16th Congressional District: Lt. Col. A.G. Adair, who was just elected president of the Texas State Guard Association during the 41st Annual Conference of the Association in Austin last weekend. As a member of House Armed Services Committee, I understand the unique and invaluable contribution to America's national defense that is made by the Texas State Guard. Lieutenant Colonel Adair's experience and qualifications are best summed up by the following article from the Monahans News, which I urge all my colleagues to read.

The article follows:

[From the Monahans News, August 2, 1984]

TSGA Elects A.G. Adair as President

Lieutenant Colonel A.G. Adair of Monahans was elected President of the Texas State Guard Association during the 41st Annual Conference of the Association in Austin the past weekend. He succeeds Col. Kenneth R. Dawson of Midland.

The TSGA is made up of past and present members of the Texas State Guard, individuals who support the organization and many public officials who feel that the work of the State Guard is worthy and who want to lead a hand in perpetuating the state militia tradition.

The State Guard is divided into seven group areas which are identical to the regional areas of the Department of Public Safety. The Assocation has members in all seven of these areas of Texas.

LTC Rubin Shultz of Corpus Christi was named first vice president and LT Gary Brown of Tyler is the new second vice president. Mrs. Marjorie Keating of Austin is secretary of the Association. CPT Mary E. Adair of Monahans is a member of the board of directors.

LTC Adair is a nine year member of the State Guard and is presently assigned as commander of the 403d MP Bn. with headquarters in Monahans. He started his career in the Guard as first sergeant of Co. B stationed in Monahans, executive officer and commander of Co. B and then was assigned operations and training officer of the 403d when it was stationed in Andrews. After he was named battalion commander the headquarters was moved to Monahans.

The new president has been active in Association almost the same length of time he has been in the Guard. He has served as member of the board, second and first vice president. He holds a life membership in the TSGA.

At the present time, formative plans are being made nation-wide to organize a national association of state guards since state militias are currently being organized in every state in the union. LTC Adair expects his year as president to be a busy one. He has set as his primary goal the complete enlistment and involvement of every member of the State Guard in the affairs of the Association.

In addition to LTC Adair and CPT Adair, others from Monahans in attendance at the conference were LTC and Mrs. Jimmy C. Marks and SFC Wilma Reynolds. LTC Marks is operations and training officer in Headquarters 5th MP Group and SFC Reynolds is communication sergeant, HQ 403d MP Bn. She will chair a special committee created by President Adair.●

INADEQUACIES OF AMERICA'S SCHOOL SYSTEMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, as a historian and former history professor at Indiana and Bradley Universities, I find it frightening that American students—including college students—are not familiar with many historical facts. To put it simply, without the knowledge of some of these facts we cannot explain to our youth the importance of American traditions or why our society must be protected and defended.

Recently, an article by Benjamin J. Stein, in an October 1983 edition of the Washington Post, was brought to my attention. It is noteworthy because it clearly indicates where our school systems have failed.

The lack of knowledge by our youth is an alarming problem, and in order to rectify this problem, we must be more sensitive to the inadequacies of our school systems. Failure to correct so basic a deficiency will fertilize the seeds of national downfall. It is knowledge of the basic, fundamental essence of U.S. history that preserves the direction and orientation of our American Republic. Without passing that understanding on to future generations, we will surely pass into the dustbin of history.

At this time, I would like to share with my colleagues the article by Mr. Stein.

[From the Washington Post, Oct. 3, 1983]

The Cheerful Ignorance of the Young in L.A.

(By Benjamin J. Stein)

Los Angeles.—I spend a lot of time with teen-agers. Besides employing three of them part-time, I frequently conduct focus groups at Los Angeles area high schools to learn about teen-agers' attitudes toward movies or television shows or nuclear arms or politicians. I meet the friends of the teen-agers who work for me. I make it my business not only to meet those young people, but also to ask them about their lives and about what they know. In the course of two years of this kind of inquiry, I have collected a mass of data about how teen-agers see business (very negatively), how they feel about the likelihood of nuclear war (terrified), how they like Richard Gere (a lot), and how

they feel about American cars (extremely negative).

But all of these specific attitudes pale into insignificance compared with something else I have learned of: the astounding level of ignorance of the Southern California teen-ager. No amount of preparation could possibly cushion the blows of unawareness of even the most elementary current events, history, politics, economics, or just what goes on each day in the world outside of Los Angeles which lurks in the cheerful minds of these children. I have not figured out a way to quantify this ignorance, but I can offer a few examples that might just make you wonder where all that money for public education is going.

Recently a 19-year-old junior at the University of Southern California sat with me while I watched "Guadalcanal Diary" on TV. It goes without saying that the child had never heard of Guadalcanal. More surprisingly, she did not know who the United States was fighting against in the Pacific. ("The Germans?") She was genuinely shocked to learn that all those little people on that island were Japanese and that the United States had fought a war against them. ("Who won?")

Another student at USC did not have any clear idea when World War II was fought. She believed it was some time this century. (She is a journalism major.) She also had no clear notion of what had begun the war for the United States. ("Pearl Harbor? Was that when the United States dropped the atom bomb on Hiroshima?") Even more astounding, she was not sure which side Russia was on and whether Germany was on our side or against us.

In fact, I have not yet found one single student in Los Angeles, in either college or high school, who could tell me the years when World War II was fought. Nor have I found one who could tell me the years when World War I was fought. Nor have I found one who knew when the American Civil War was fought.

Not one could name all the presidents since World War II. Only one could even place the correct decade in which Dwight Eisenhower was president. Not one could tell me who Martin Luther King Jr. was except that he was black. A few have known how many U.S. senators California has, but none has known how many Nevada or Oregon has. ("Really? Even though they're so small?") Of at least 10 whom I have asked, only one could name both of California's senators.

Of the (at least) 12 whom I have asked, none has known within 40 million what the population of the United States is. Only two could tell me where Chicago is, even in the vaguest terms. (My particular favorite geography lesson was the junior at the University of California at Los Angeles who thought that Toronto must be in Italy. My second-favorite geography lesson is the junior at USC, a pre-law student, who thought that Washington, D.C. was in Washington state.) None had even the vaguest idea of where New England is, and several had never heard of Vermont or Connecticut and could not identify them as states of the Union.

Not so long ago, I watched a television news show about the so-called "lifting" of martial law in Poland. On the screen were pictures of Poles in large pen-like enclosures rounded up after martial law was imposed. One of my assistants, a junior at USC, stared at the screen open-mouthed.

"What's going on there?" she asked. "Why are those people in that big cage?"

I explained that they had been imprisoned as the result of a crackdown by the communist government. "Why don't they just leave and come to L.A.?" she asked. I explained that they were not allowed to leave.

"They're not?" she said. "Why not?"

I explained that in totalitarian states, citizens usually could not emigrate.

"They can't?" she said. "Since when? Is that something new?"

After some explanation of that, she asked who "that guy in the uniform" (Wojciech Jaruzelski) was. I explained that he is the dictator of Poland. "He is?" she asked. "Why does he do that?"

She then expressed amazement that there were such things as non-free countries in the world. She had never known that before. She was amazed that there was a whole array of countries around Russia which were controlled by Russia. ("There are? Why doesn't Reagan make them stop?") She was also amazed that people could be and were put in prison for expressing political views in Russia. ("What a burnt idea.") Finally, she wondered why she had never been told about this subject before.

Of the teen-agers with whom I work, none had ever heard of Vladimir Ilyich Lenin. Only one could identify Josef Stalin. (My favorite answer "He was president just before Roosevelt.") Only two could even approximately identify Thomas Jefferson. Only one could place the date of the Declaration of Independence. None could name even one of the first 10 amendments to the Constitution or connect them with the Bill of Rights. Only one knew even roughly when the Great Depression was. None could say even approximately when Lyndon Johnson was president.

Only a few could articulate in any way at all why life in a free country is different from life in an un-free country. None had ever heard of the Warsaw Pact. None could tell me what NATO stood for. ("Aren't they the ones who put up the space shuttle and all those things?")

On and on it went. On and on it goes. I have mixed up episodes of ignorance of facts with ignorance of concepts because it seems to me that there is a connection. If a student has no idea when World War II was and who the combatants were and what they fought over, that same human being is likely to be ignorant of just what this society stands for. If a young woman has never heard of the Bill of Rights, that young woman is unlikely to understand why this is a uniquely privileged nation with uniquely privileged citizens, young and old. If a student has never heard of the Warsaw Pact and has no idea what the Russian system is all about, that student is unlikely to understand why sacrifice is necessary to defend this society.

The examples here could be repeated almost endlessly. (One night in 1982, I watched a TV miniseries about Adolf Hitler. In the series, a demented, defeated Hitler rants that he never wanted war, that it was forced on him by Russia and England. One of my friends at UCLA said to me while watching, "Why did Russia and England do that?") The point is that in a state of such astonishing ignorance, young Americans may well not be prepared for even the most basic national responsibility—understanding what the society is about and why it must be preserved. The kids I saw (and there may be lots of others who are different) are not mentally prepared to continue the society because they basically do not understand the society enough to value it.

None of this means that the children in my circle are bad children or inherently flawed. Far from it. They are fine human beings. Their comments often bring tears of joy to my eyes. Recently, two of them read an article in the newspaper about a militantly anti-Semitic organization. One of them pointed at the word "anti-Semite" and said, "What's this word?" I explained that it was someone who hated Jews for no other reason than that they were Jews. The girl looked at me with genuine amazement and asked, "Why would anyone do that?" The other girl said, "What is it again? I never heard of that."

I respectfully suggest that we should be happy and proud to have such gilded, innocent children in our midst. But unless they are given some concept of why the society must be protected and defended, I fear that they will learn too soon about a whole variety of ugly ideas they did not want to know about. If we are going to upgrade our educational system, if we are going to start teaching again, I hope we will begin by instructing young Americans with historical facts and with concepts about why the society is worth preserving. People who do not value what they have rarely keep it for long, and neither will we.●

THE 125TH ANNIVERSARY OF THE BOROUGH OF EMMAUS, PA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. RITTER. Mr. Speaker, I would like to formally recognize the people and the Borough of Emmaus as the 125th anniversary celebration of its incorporation as a borough approaches. I applaud the citizens of Emmaus for their hard work, dedication to their families, and their community spirit. People who hail from Emmaus speak of their town with warmth and affection.

Today, in observance of Emmaus' 125th anniversary, I would like to share with my colleagues and the American people some historical background about the Borough of Emmaus. Having once lived in Emmaus, I experienced a wholesome quality of life and can remember the residents' great sense of pride in their town and its interesting history.

The little village, once called Salzburg, was given its present name of Emmaus by Bishop Spangenberg of the Moravian Church during celebration of the Love Feast on April 3, 1761. The American Revolution brought new tribulations and a great deal of hardship to the residents of Emmaus. The Moravians, who refused to fight in the American Revolution were harassed, fined, and even imprisoned. During this time of persecution, the Moravian community survived these adversities by standing together.

The congregational village grew very slowly because the young people decided to leave rather than endure its aus-

tere religious life. In 1829, Moravian Church roles numbered only 131, but as the decade passed, the city of Emmaus opened its once closed village as the church council began to sell land to non-Moravians. This sale of land to non-Moravians signaled religious moderation by the Moravian settlers. One of the largest churches to organize in the town was the United Evangelical Church, which was the forerunner of a great number of churches found in the borough today.

During the last half of the 19th century, railroad builders reached Emmaus, and the first train passed through the village in the spring of 1859. This same year, Emmaus organized into a borough, and the first local officals were elected on October 31.

Emmaus' industrial history has been varied. Iron ore was mined in the area after 1850, and foundries have been active in Emmaus from 1869 to the present. From 1882 until recent times, silk manufacturing was also a major industry in the borough.

The borough continued to flourish throughout the 19th century and by 1903 had a population of 1,468. Today the borough boasts a population of almost 12,000.

In recent years Emmaus' citizens and their government have shown much concern for the well-being of the community. The East Penn School District is one of the finest school districts in the State of Pennsylvania, and its faculty, students, and parents must be recognized for their outstanding achievements. Such projects as the Emmaus Community Center, the Emmaus Youth Association programs, and the Emmaus Community Park are fine examples of this commitment. The people of Emmaus have demonstrated their pride in their community which dates back two and a quarter centuries. I congratulate them on this the 125th anniversary of Emmaus' incorporation as a borough.●

H.R. 6079, RIGHT TO FINANCIAL PRIVACY ACT AMENDMENTS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BARNARD. Mr. Speaker, most Members of Congress would be shocked to learn that more than one-half of our Nation's recent bank failures have been due in substantial measure to the criminal misconduct of bank officers, directors, and insiders. Losses from such failures in a recent 2½-year period total almost $1 billion. What is equally shocking is that many individuals responsible for such insider abuse escape criminal prosecution and civil enforcement action.

The Commerce, Consumer and Monetary Affairs Subcommittee, which I chair, has conducted an extensive investigation, including numerous hearings, into the failure of the Federal law enforcement agencies to effectively prosecute criminal misconduct by bank officals and insiders. During recent hearings, the FDIC, the Home Loan Bank Board, the Comptroller of the Currency, the SEC, several U.S. attorneys, and the Justice Department testified that the Right to Financial Privacy Act is a major impediment to prosecution of insider criminal misconduct in financial institutions.

The act requires notice to an individual who is the target of an investigation and whose financial records form the basis of a criminal referral. The problem arises when the individual under investigation is an officer, director, or other insider who has physical custody of or access to vital bank records and can alter, destroy or conceal them. In order not to provide notice to these insiders, the banking agencies or the financial institutions involved will often provide insufficient financial record information in their criminal referrals and will even refuse to provide staff assistance to the Justice Department. Consequently, U.S. attorneys often decline referrals involving open financial institutions or give them low priority. In sum, the act inadequately distinguishes between the privacy rights of arms-length bank customers and the rights of those who may be defrauding the bank from inside.

Because of the pressing need to investigate and prosecute insider bank fraud, particularly in this climate of increasing bank and thrift failures, I have introduced the "Right to Financial Privacy Act Amendments," a narrowly-drawn bill to address the specific problem of insider abuse. The bill implements two objectives: First, an exemption to the act's notice requirements for insiders or coconspirators who may be guilt of criminal misconduct against a financial institution; and second, the simplification of Justice Department procedures for the production and review of financial records subpoenaed by grand juries. I am attaching a copy of the amendment and a June 19, 1984, subcommittee staff memorandum which explains this matter in detail. I hope that the House Banking Committee will give serious attention to this legislation.

Commerce, Consumer, and Monetary Affairs Subcommittee members cosponsoring this bill are Congressmen COLEMEN of Texas, CONYERS, and SPRATT.

H.R. 6079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Right to Financial Privacy Act Amendments".

DISCLOSURE OF RECORDS

SEC. 2. Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end thereof the following:

"(1) Nothing in this title shall prohibit any financial institution or supervisory agency (or any officer, employee, or agent of a financial institution or a supervisory agency) from providing to the Department of Justice financial records which such financial institution or supervisory agency has reason to believe are relevant to a possible violation of any law relating to crimes against financial institutions or supervisory agencies by—

"(1) any employee, officer, director, agent, or shareholder of such financial institution; or

"(2) any other person who aids or abets or conspires with any employee, officer, director, agent, or shareholder of such financial institution in the commission of any such crime.".

GRAND JURY INFORMATION

SEC. 3. (a) Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended by striking out paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) Section 1120(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420(2)), as so redesignated by subsection (a) of this section, is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (1)".

COMMERCE, CONSUMER, AND MONETARY AFFAIRS SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,

Washington, DC, June 19, 1984.

MEMORANDUM

To: Doug Barnard, Jr., Chairman.

From: Peter Barash, Staff Director; Stephen McSpadden, Staff Counsel.

Subject: Legislation to Amend the Right to Financial Privacy Act.

A. SUMMARY

The subcommittee's criminal misconduct hearings in June 1983 and May 1984, provided evidence that the Right to Financial Privacy Act ("The Act") seriously impedes the investigation and prosecution of criminal misconduct in financial institutions by officers, directors, and insiders. This is because the Act prevents banking agencies and banks from disclosing to the Justice Department information derived from customer bank records, unless the customer receives simultaneous notification of the information transfer. When a person suspected of fraud against a financial institution is an officer, director or insider, simultaneous notification permits him or her to: (1) destroy, alter, or generate bank records, (2) impede the investigation by frivolously challenging in court the transfer of those records, or (3) otherwise obstruct an investigation. As the FDIC advised the subcommittee:

. . . the overall public perception that Congress is more concerned about privacy than about enforcing criminal banking laws cannot have a salutary effect on bringing bank defrauders and embezzlers to trial. (FDIC's 4/27/84 response, p. 18.)

After analyzing the competing interests of privacy and criminal justice, the subcommittee staff recommends the introduction of a narrowly-drawn bill to amend the Act, the language of which might be incorporated into omnibus banking legislation. Our proposal, a draft of which is attached, implements two objectives: (1) an exemption to the notice requirements of the Act for bank fraud by insiders, and (2) simplification of procedures for production and Justice Department review of financial records subpoenaed by grand juries.

The rationale for this amendment is the Financial Privacy Act's legislative history. This history reveals that its primary purpose was to protect the confidential relationship between banks and their "arms length" customers, not insiders who also happen to be customers. In some instances, in fact, a person's status as a customer may be due primarily or entirely to his illegal financial relationships with bank officials. Such a relationship to the bank should not give rise to the same level of "notice" protection accorded "arms length" customers by the Act, particularly when insiders can destroy records or conceal a crime if notified of an investigation.

B. BACKGROUND

Inadequate information in criminal referrals from banking agencies and banks appears to be a significant contributing factor to the low priority U.S. attorneys give bank fraud cases, particularly in open, problem financial institutions. The "notice" requirement of the Financial Privacy Act is universally cited as the reason for the paucity of information and lack of follow-up assistance provided to Justice.

While a prosecutor may obtain these "financial records" by way of a grand jury subpoena, that requires an expenditure of resources and a preliminary judgment that the matter warrants grand jury attention—a difficult determination at an early preinvestigation stage, especially without sufficient information in the referral document. The prosecutor and the FBI agent involved cannot fairly and objectively evaluate a case to understand its relevant importance, unless financial records are available. Therefore, they often give these matters low priority.

The Act also discourages banking agencies from providing effective assistance to Justice even after the referral is made. As the Comptroller of the Currency stated:

"Obviously, an experienced bank examiner can guide a prosecutor through the intricacies and implications of a complicated set of financial transactions only if it is possible to discuss that particular set of facts. Yet, given the scope of the RFPA, even information that is merely derived from customer records is protected. OCC is compelled, in the face of possible personal penalties imposed by the Act, to limit such assistance to bank examiners who know nothing about the facts of the actual criminal case at issue until an appropriate grand jury subpoena is issued. This sort of preliminary assistance is so limited, and susceptible of so many misinterpretations, that it may well impair the quality of the information on which the Department of Justice must make its threshold resource commitment decisions." (From OCC Testimony Appendix, p. 28; emphasis added.)

The U.S. Attorney from the Eastern District of Texas testified that: "The banking agencies could be a gold mine to us if they could be freed up to give us the information. That would take a tremendous load off the FBI."

Under typical circumstances, the problem of inadequate information arises under the Act as follows: During the course of an examination, a banking agency will uncover evidence revealing a possibly criminal violation by bank officers or directors (i.e., kickbacks for making loans (in violation of 18 USC 215) or misapplication or misappropriation of bank funds by making loans directly to themselves or through fictitious or nominee borrowers (in violation of 18 USC 656 [1]). The agency considers the relevant financial records pertaining to such loans to be "customers records" within the meaning of the Act, even though the "customer" may be an insider.

C. PROPOSED LEGISLATIVE SOLUTION NO. 1 (NOTICE EXEMPTION FOR INSIDER FRAUD)

We have drafted an additional exemption to the notice requirements of the Act. This would be the thirteenth exemption in the Act and is analogous to the subsection (h) exemption, applying whenever an investigation is directed against the financial institution itself. It would allow financial institutions or supervisory agencies to disclose information to the Justice Department derived from customers' records, without notice, but only when the person suspected of wrong doing is an officer, director, or insider. The disclosing entity would have to have reason to believe that the information or records are relevant to a possible crime against a financial institution committed by an employee, officer, director, agent, or shareholder of such institution,[2] or by any other persons, such as a borrower, who is in collusion with an insider.

D. PROPOSED LEGISLATIVE SOLUTION NO. 2 (SIMPLIFICATION OF PROCEDURES FOR PRODUCTION AND JUSTICE DEPARTMENT REVIEW OF DOCUMENTS UNDER GRAND JURY SUBPOENA)

The Act requires that financial records obtained by way of grand jury subpoena must actually be returned (i.e., physically turned over) to the grand jury itself. This is a very unusual requirement because subpoenaed records are often not returned to the grand jury, but only presented to it at time of indictment. This "return" requirement is burdensome and costly, and serves no valid privacy interest because grand jury subpoenas were expressly exempted from the notice requirements of the Act. U.S. Attorneys and the Justice Department have justifiably complained about this provision.

Other types of records can normally be returned to the U.S. Attorney's Office when the grand jury is not in session (usually the situation in less populated districts). More importantly, under a grand jury subpoena an FBI agent or a federal prosecutor can review the subpoenaed records on a business' premises (assuming the business consents), deciding which records are necessary and should be photocopied. At present, grand jury subpoenas in bank cases are broad and seek copies of many categories of records, because the prosecutor does not know which will be relevant, and the banks have no choice but to provide all of the information requested. For example, the U.S. Attorney may only want to select checks of certain amounts which look suspicious, but the bank will have to assemble and photocopy all checks written by a customer for several years just to find the ones which are relevant. Reimbursement to the financial institution and the consequent delays caused by scheduling the grand jury and by assembling and photocopying many unnecessary records—sometimes months—are negative and unnecessary consequences of the Act.

Other provisions in the Financial Privacy Act, 12 USC 3420, pertaining to grand jury records, protect against their unwarranted and unauthorized use, and they, together with Rule 6 of the Federal Rules of Criminal Procedure relating to grand jury secrecy, would continue in force. The proposed amendment abolishes only this return requirement.

D. CONCLUSION

The SEC and the Justice Department recommended a major revamping of the Act, including an exemption from the notice requirements for the SEC. We counsel against that at this time. We stand a much better chance of having our primary objectives met—better detection and prosecution of criminal misconduct by insiders—with this narrowly-drawn legislation.●

[1] Often, these violations also involve false statements by the officer, director, or third party borrower, in violation of 18 U.S.C. 1005, 1006, 1007, or 1014.

[2] Almost all of the statutes applying to crimes against financial institutions cover these five categories of "insiders".

EDUCATION AMENDMENTS JEOPARDIZED BY SUPREME COURT RULING

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Ms. KAPTUR. Mr. Speaker, in recent weeks all Americans have proudly applauded the accomplishments of our Olympic competitors. However, the door that opened opportunities in the field of sports for so many American women, including those who are winning medals in Los Angeles, may soon be permanently shut. Title IX of the Education Amendments of 1972 has been jeopardized by the Supreme Courts ruling in the Grove City College case. The House has acted responsibly by passing legislation, H.R. 5490, which would simply restore the principal civil rights statutes, including title IX, to their previous scope and coverage. Prompt action on this legislation is needed in the Senate. There are title IX cases pending in the courts now which are affected by the Grove City case. Without passage of this legislation equal opportunity for women will be severely impeded.

I commend to my colleagues an August 6 Washington Post op-ed piece "Thank Title IX for Some of That Gold" by Kenneth H. Bastian, Jr. Mr. Bastian cogently states the case for the Civil Rights Act of 1984.

THANK TITLE IX FOR SOME OF THAT GOLD

(By Kenneth H. Bastian, Jr.)

The whole world is watching American women win Olympic gold medals in Los Angeles, thanks to a dramatic explosion of interest—and money—devoted to women's

sports in the United States. As a firm believer in the private sector, and as one who does not advocate government interference where it has no business, I'd be delighted to report that the catalyst for this growth in women's amateur sports was the same as for me: early encouragement from school athletic programs and generous corporate sponsorships.

Instead, a key reason that Cheryl Miller leads our women's basketball team to one victory after another and that Tracy Caulkins has broken swimming records for our country is that they, like the majority of their teammates, have benefited from a law passed by Congress in 1972.

That law, Title IX of the Education Amendments of 1972, states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving financial or federal assistance."

It forced American schools, colleges and universities to broaden their women's athletic programs, and led to the first athletic scholarships being made available to women. The results have been dramatic: the number of women in intercollegiate athletic programs jumped from 16,000 in 1972 to over 150,000 today. In 1972 only 7 percent of high school athletes were girls. Ten years later, the number had jumped to 35 percent. The quality, as well as the quantity, of their achievements has been spectacular.

For example, men have taken only seven minutes off their best record marathon running time in the past 10 years. Women, many training seriously for the first time thanks to new women's professional coaches in school programs, have taken an hour and five minutes off their 1964 record. The same story can be told throughout the sports world: women finally are beginning to reach their potential as athletes.

Yet even as we cheer these victories, they may be fleeting. This dramatic increase in female athletic achievement is threatened by the U.S. Supreme Court's ruling in the Grove City College case, which struck down the Title IX provision.

Already schools are relaxing their efforts. According to the Women's Sports Foundation, 23 sex discrimiantion cases—aimed at forcing compliance with Title IX cases in school athletic programs—have been dropped.

"If an administrator takes it into his head that 'basketball is for boys,' he can do away with girls' basketball with no fear of governmental action," says Donna de Varona, a founding member and president of the Women's Sports Foundation, who won two Olympic gold medals in swimming in 1964.

We know what the future could hold without Title IX. After her gold medal victories in Tokyo, she had no real opportunities to train in college. However, Don Schollander, her fellow gold medalist, went on to compete for four more years in the highly developed world of men's collegiate swimming.

In the Grove City ruling, the Supreme Court found that the equality requirements are "program specific," so that if a college receives $10,000 in federal funds for its mathematics programs, that money must be spent equally for men and women only in mathematics programs. This interpretation allows schools to accept federal dollars through one office while discriminating in another.

Other school programs—including athletics—no longer need to provide equal opportunity if they don't get that direct federal funding. Many schools, therefore, won't have to comply, since their sports are funded from non-federal sources—student fees, alumni groups, ticket sales and television contracts.

Will they voluntarily continue to fund women's sports in a big way? Many believe not, since enough progress hasn't been made yet to elevate women's sports to the same profit-making level as men's sports. Before Title IX, which aimed at promoting the potential of each individual—whether male or female—in sports, athletic directors historically concentrated on whatever program provided that most public attention and revenue for their schools:

College athletic budgets for women, which grew under pressure from Title IX from 1 percent to 16 percent of the total spent on all college sports, probably will shrink again unless Congress acts.

Many of our future Olympic women athletes might have to retire in their teens, like de Varona, while their male counterparts compete for their colleges and universities. Scholarships may dry up. And this may turn out to be the peak year for U.S. women in the Olympics. Of the more than 200 women Olympians representing our nation in the current games, more than 170 received their training in a university or college athletic program.

It is ironic that this progress should be threatened in the same year that finds a woman on the Supreme Court, women aboard the space shuttle, women in the Cabinet and a woman running for vice president. It doesn't have to happen. Both the Democrats and the Republicans, who claim to offer equal oportunity for all Americans, should support legislation that will reinforce the key provisions of Title IX. In a May 22 press conference, the president voiced his support for Title IX, but the language reversing the Grove City College case is currently stalled in the Senate, and time is running out for passage and for our women athletes.●

THE LEGITIMATE GUN OWNER DEFENDS HIMSELF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, all too often when watching the news I learn of a murder that was committed by someone with a gun in the United States. Americans are quite disturbed at this violence and unfortunately many times place the blame for this crime on the legitimate gun owner.

The first outcry by gun control advocates is to ban the sale of handguns. What is almost never mentioned, and what I have stated over and over again, is that we must not deprive people of their right to protect themselves. The correct step in reducing crime in America is to put an end to the leniency of our court system. Until we hold criminals responsible for their actions, instead of the innocent, crime cannot be significantly reduced.

For my colleagues that may not agree with me, I would like to share with them the following article that appeared in the Asheville, NC, newspaper, the Asheville Citizen, on March 9, 1984. This article clearly demonstrates a case where individuals were successful in defending themselves when law enforcement agencies were spread too thin to be of adequate protection.

The article follows:

[From the Asheville (NC) Citizen, Mar. 9, 1984]

"TOUGH" MARION OFFERED FUGITIVES ONLY A FUSILLADE

MARION, NC (AP).—Two fugitives from a Tennessee prison made a mistake when they fled into "a tough community armed to the teeth," says a local district attorney.

Escapee Ronald Sotka, 41, better known as Ronald Freeman, died in this town of 3,680 during an early morning exchange of gunfire Wednesday. James Clegg, 30, was discovered in the basement garage of a private home 11 hours later and surrendered without resistance.

"In my opinion, maybe they made a mistake when they fled on foot into McDowell County," District Attorney Alan Leonard said. "They went into a pretty tough community, a tough community armed to the teeth."

Survival is "kind of a way of life around all small mountain towns," Mayor James Segars said Thursday. "People act out of fear for their lives, property and themselves."

Leonard said everywhere Freeman went early Wednesday—he broke into three east Marion homes—he was shot or shot at.

Leonard said Freeman was hit with shotgun buckshot and birdshot, three .30-caliber slugs and in a finger by a .22-caliber bullet, apparently one of six fired by homeowner Eddie Duncan, 59.

"As he (Duncan) was shooting, Sotka said, 'Don't shoot, don't shoot me again,' " Leonard said Thursday.

Minutes later, Freeman was shot to death when he opened fire on several law enforcement officers who cornered him in an abandoned house.

As armed law enforcement officers swept through still neighborhoods later in the day looking for Clegg, the second escapee, people stayed inside—afraid but vigilant.

Some downtown storeowners, even though open, kept their doors locked and signs taped out front asking customers to knock and be recognized.

"The majority of the people say it's either kill or be killed," said Gene Nichols, 43, who had a loaded gun at his home entrances, the bedroom and basement. "They think that's just the way things are these days."

Added Phil Rice, 45, a Marion factory worker: "They'd shoot in a heartbeat."

By Thursday, the scene of Ronald Freeman's bloody death was already a busy shrine for the curious.

"The cars was coming through here till eight or nine o'clock last night," said Millie Hakala, 55, owner of the green, two-room shack where Freeman died in a hail of gunfire.

"They just want to see the bullet holes, want to see where he was lyin' dead."●

WOMEN'S EDUCATION AND OLYMPIC GOLD

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. SIMON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent Washington Post article about the correlation between title IX of the Education Amendments of 1972 and the rate at which American women are winning gold medals in this summer's Olympics. The author is Kenneth H. Bastian, Jr., director of east coast operations for the Los Angeles Olympic Organizing Committee. Mr. Bastian credits the success of the women athletes with the early training they received in school athletic programs that were mandated 12 years ago in title IX. He believes the sports programs that schools, colleges, and universities were mandated to establish are now producing very tangible results. Mr. Bastian is concerned about the effect of the Supreme Court's decision in Grove City College against Bell on women's sports programs. He urges passage of the Civil Rights Act of 1984 in the Senate before school relax their efforts; this body passed the bill on June 26, by a vote of 375 to 32. According to the Women's Sports Foundation, 23 sex discrimination cases focusing on school athletics programs have been dropped since the Grove City College decision.

On a more personal note, I have watched the value of the increased emphasis on women's athletics over the past 12 years. My daughter Shelia is one of those who benefited directly from title IX. She was the AIAW, division III high jump champion in 1982.

I commend this article to you as a further justification for passage of the Civil Rights Act of 1984 now.

[From the Washington Post, Aug. 5, 1984]

THANK TITLE IX FOR SOME OF THAT GOLD

(By Kenneth H. Bastian, Jr.)

The whole world is watching American women win Olympic gold medals in Los Angeles, thanks to a dramatic explosion of interest—and money—devoted to women's sports in the United States. As a firm believer in the private sector, and as one who does not advocate government interference where it has no busines, I'd be delighted to report that the catalyst for this growth in women's amateur sports was the same as for me: early encouragement from school athletic programs and generous corporate sponsorships.

Instead, a key reason that Cheryl Miller leads our women's basketball team to one victory after another and that Tracy Caulkins has broken swimming records for our country is that they, like the majority of their teammates, have benefited from a law passed by Congress in 1972.

That law, Title IX of the Education Amendments of 1972, states that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving financial or federal assistance."

It forced American schools, colleges and universities to broaden their women's athletic programs, and led to the first athletic scholarships' being made available to women. The results have been dramatic: the number of women in intercollegiate athletic programs jumped from 16,000 in 1972 to over 150,000 today. In 1972 only 7 percent of high school athletes were girls. Ten years later, the number had jumped to 35 percent. The quality, as well as the quantity, of their achievements has been spectacular.

For example, men have taken only seven minutes off their best record marathon running time in the past 10 years. Women, many training seriously for the first time thanks to new women's professional coaches in school programs, have taken an hour and five minutes off their 1964 record. The same story can be told throughout the sports world: women finally are beginning to reach their potential as athletes.

Yet even as we cheer these victories, they may be fleeting. This dramatic increase in female athletic achievement is threatened by the U.S. Supreme Court's ruling in the Grove City College case, which struck down the Title IX provision.

Already schools are relaxing their efforts. According to the Women's Sports Foundation, 23 sex discrimination cases—aimed at forcing compliance with Title IX cases in school athletic programs—have been dropped.

"If an administrator takes it into his head that 'basketball is for boys,' he can do away with girls' basketball with no fear of governmental action," says Donna de Varona, a founding member and president of the Women's Sports Foundation, who won two Olympic gold medals in swimming in 1964.

She knows what the future could hold without Title IX. After her gold medal victories in Tokyo, she had no real opportunities to train in college. However, Don Schollander, her fellow gold medalist, went on to compete for four more years in the highly developed world of men's collegiate swimming.

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It is ironic that this progress should be threatened in the same year that finds a woman on the Supreme Court, women aboard the space shuttle, women in the Cabinet and a woman running for vice president. It doesn't have to happen. Both the Democrats and the Republicans, who claim to offer equal opportunity for all Americans, should support legislation that will reinforce the key provisions of Title IX. In a May 22 press conference, the president voiced his support for Title IX, but the language reversing the Grove City College case is currently stalled in the Senate, and time is running out for passage and for our women athletes.●

OUTSTANDING DISABLED VETERAN FOR 1984

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DASCHLE. Mr. Speaker, a remarkable veteran and impressive leader, Gene Murphy, was just chosen the "Outstanding Disabled Veteran for 1984" by the Disabled American Veterans organization. I have known Gene for many years and found him a man of integrity, inspiration, and commitment to his family, community, and fellow veterans. He is well known and respected in South Dakota and his recent election as State Commander of the DAV testifies to his leadership abilities. In short, Gene is an excellent and most deserving recipient for this award and I hope my colleagues will read the following article about Gene taken from the August DAV magazine:

OUTSTANDING DISABLED VETERAN FOR 1984 . . .

'A DOER' WHO WANTS TO HELP OTHERS

"After being hit, I felt a burning and stinging feeling. I thought I'd bought the farm."

Gene Murphy of Sioux Falls, S.D., 35, a stocky man of medium height, sits almost complacently in his wheelchair as he recalls the day he was wounded in South Vietnam. It was April 21, 1969. He was only 20 at the time. "I was a sergeant and squad leader in charge of 10 men," he said. "I didn't have to go on that patrol. I had less than 30 days to go in Vietnam, but I told my lieutenant I wanted to go with my men."

That is the spirit that characterizes the life of Gene Murphy, the DAV's outstanding Disabled Veteran for 1984. He will receive the coveted award from National Commander Dennis A. Joyner at the DAV Na-

tional Convention in Washington, D.C., later this month.

His story is one of courage, determination, and dedication. Paralyzed from the waist down because of wounds inflicted by North Vietnamese troops, Murphy has been able to overcome his handicap and to become an example and a leader for other disabled veterans and handicapped individuals in South Dakota.

"I've always felt that it's up to the individual to either sit back and let life pass you by, or to get involved and do something," Murphy says. "I guess I've always been a doer."

Murphy, who was awarded the Bronze Star with "V" device and several other commendations for bravery in South Vietnam, served with Co. C, 1st Btn., 12th Inf. Regt., 4th Inf. Div.

Recalling the day he was wounded, Murphy said: "We were in a thick jungle area. Six of us were hit by small arms fire. They were AK47s." Murphy said he had not worried about being hit all the time he was in Vietnam. "I wasn't even worried about it when I went on this patrol," he said. "A few minutes before I was wounded I told the guy in front of me that I had a funny feeling. About 15 or 20 steps later I was hit. I couldn't feel my legs when I fell, so I moved to see if my legs were still there. When I moved they opened fire again, and I was hit in the ankle. So I quit moving."

Medivac helicopters soon arrived at the scene, but were unable to land because of the thick jungle. They hovered above the tree tops in an attempt to lift out the wounded, but fierce enemy fire drove them away. With night coming on, the 'copters returned to their base.

Murphy and his wounded comrades had to lay in the jungle for 14 hours before they could be lifted out by helicopter the next day. Murphy was the first to be lifted out.

"It was a long night," Murphy said. "They ran out of morphine at 2 a.m., and my lieutenant screamed in pain all night. I wasn't in too much pain, just sort of numb, and I was afraid I was going to die."

Murphy was comforted through the long night by his childhood friend, Lyle Bowes. Born and raised in White, S.D., a small town about 60 miles north of Sioux Falls, the two joined the Army together, and remained together through most of their time in the Army. Bowes now lives in Brookings, about 50 miles north of Sioux Falls. He and Murphy are still close friends.

Murphy, an active youth who liked all types of athletics and hunting and fishing before joining the Army, knows how hard the readjustment to a wheelchair can be. He spent 14 months in four different hospitals: Pleiku, South Vietnam; Yokohama, Japan; Fitzsimons General Hospital, Denver, Colo.; and Wood VA Medical Center, Milwaukee, Wis.

He was at the 71st Evacuation Hospital in Pleiku for 18 days. It was on the fifth day at this hospital that he learned he'd never walk again.

"I told the chaplain and doctors to get the hell out," Murphy says. "I was angry at first. But, I also was glad to be alive, and slowly I began to realize that there were still many things I could do.

"I guess I've had a positive attitude all my life. Looking around and seeing others worse off than I was made me feel very lucky to be alive."

His brother, Robert, an Army lieutenant in Vietnam at the time, visited him while he was in the hospital in Pleiku. "He was a big encouragement to me," Murphy said.

"At every hospital, I kept looking around and seeing others worse off than me," Murphy said. "This was especially true at Fitzsimons, where there were several quad and triple amputees. When I'd look at these fellows, it made me happy to be alive and to be in the shape I was in."

Despite the hours of physical therapy at the hospitals and the self confidence ingrained in him, Murphy had some doubts and fears when he returned to his hometown in a wheelchair in 1970, "I was scared about going home," he says honestly, "I was apprehensive about what I was going to do."

Murphy credits several close friends, all Vietnam War veterans, and his four brothers for helping him to readjust to civilian life in a wheelchair.

"I came home in July, and that fall my brothers began to talk about going hunting," Murphy recalls. "I wasn't planning to go hunting, although I had always gone before. My oldest brother, the one who'd helped me in Vietnam, went down and bought a license for me to hunt from a standing vehicle. They always encouraged me to do the things I'd done before."

Murphy said four close friends, all Vietnam War veterans, always included him in things they were doing. "We just sort of fit in together," he said. "When they'd go to nearby Brookings, a college town, to look for girls, or wherever they were going, they'd just take me along."

Murphy decided to attend college, and enrolled at Dakota State College in Madison, S.D. Before his injury, Murphy had wanted to be a coach. Now he decided that business administration would be more suitable.

He encountered several physical obstacles at Dakota State. "It was an older college," he said. "Most of the buildings were built long before accessibility for wheelchairs was ever thought of. For one class, I had to crawl up three flights of stairs and drag my wheelchair behind me."

While at college, Murphy met his wife, Eldine. She was a nursing student. When she had to move to Sioux Falls in 1972 to continue her studies, the two decided to get married and make the move together.

She is now a registered nurse, and works parttime for a Sioux Falls physician. Murphy continued his studies at Augustana College, a private school in Sioux Falls, and needs only about three courses to complete requirements for his bachelor's degress.

In Sioux Falls, Murphy became active in the local DAV chapter and in the North Central Chapter of the Paralyzed Veterans of America. As a result, he soon found himself being appointed to various committees and boards regarding improving conditions for the handicapped.

"I always felt that it was better to sit on these boards to help make policies and procedures than to be sitting on the outside and trying to change policies and procedures," Murphy says.

He has served on the Governor's Handicapped Advisory Board, Citizens Advisory Committee for Rehabilitation at McKennan Hospital, Barrier, Awareness Committee and Project Mobility for the City of Sioux Falls, Sioux Falls Mayor's Committee on the Handicapped, and others.

"We also developed a speakers' bureau," Murphy points out. "We'd go to various civic groups or to the schools and talk about our experiences, about employment for the handicapped, about accessibility, and other matters regarding the handicapped."

Because of his positive attitude about rehabilitation and his successful readjustment to life in a wheelchair, Murphy is often called by hospitals and doctors to counsel new spinal cord injury (SCI) victims.

"Sometimes this is a difficult task," Murphy says. "However, it's something I enjoy doing. Some of them want to give up entirely. They don't even want to live anymore. I try to encourage them, tell them of their potential, their abilities. There's still so many things they can do."

Murphy continued his love for sports by competing as much as possible in wheelchair athletics. In 1972, he and two other fellows organized the "Sioux Wheelers," a group of disabled veterans and handicapped individuals who participate in wheelchair basketball, softball, trap shooting, and track and field events.

"We did it primarily for two reasons," Murphy says. "We liked the exercise and the fun of competing, and we wanted to show other handicapped individuals that you don't have to crawl into a corner or sit in a back room at home just because of some physical impairment."

Murphy is one of the team's top competitors, and has been awarded sportsmanship and outstanding player trophies at several tournaments. As one of eight wheelchair veterans sponsored by DAV Chapter 1 at the National Wheelchair Veterans Games in Long Beach, Calif., last year, Murphy won a gold medal in trap shooting and a bronze medal in the slalom.

When his wheelchair is not speeding around a basketball court or an athletic field, it most likely will be rolling down the halls and into the offices of state legislators at the State Capitol in Pierre. A respected lobbyist for legislation affecting disabled veterans, veterans, and handicapped individuals, Murphy has testified on as many as 28 bills in one year.

The DAV has been his first love since becoming a life member in 1970, and he's held every elected post in the chapter and several at the department level. He's been department adjutant since 1982 and chapter adjutant since 1983. He was elected department commander this year.

As department senior vice commander last year, Murphy was in charge of the department's membership campaign. Through his organizational and inspirational efforts, the department has grown from about 3,300 to nearly 4,000 members this year, becoming the first DAV department to surpass its membership goal.

Likewise, DAV Chapter 1 in Sioux Falls has grown at a phenomenal pace, jumping from 600 members a few years ago to nearly 1,400 today. The chapter home, a modern 80-by-140-foot structure, has had three additions in recent years to accommodate the many services offered for its members and special events for the public. It is completely accessible for the handicapped.

"As far as my life is concerned," Murphy says, "I have confidence in the Lord. My life could easily have ended over there in Vietnam. But, I believe He sent me back for a purpose, and that is to help other individuals like myself."●

THE POSITIVE EFFECTS OF IMMIGRATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. GARCIA. Mr. Speaker, I realize that we have debated the issue of immigration reform at great length. I, nonetheless, believe that two articles published in the August 2 edition of the New York Times reinforces the position that I, and many of our colleagues, have taken.

I submit these articles for my colleagues so that they may better understand my opposition to H.R. 1510, the Immigration Reform and Control Act. I hope these articles are of some use, particularly in light of the fact that we may have to consider a conference report on H.R. 1510.

The articles follow:

DON'T FEAR JOB LOSS

(By Julian Simon)

WASHINGTON.—The Simpson-Mazzoli immigration legislation has come unstuck. A conference committee must now decide how to reconcile the Senate and House bills, amid unexpected pressures from the Democratic ticket. This affords an opportunity for Congress to consider some new evidence bearing upon a key premise of Simpson-Mazzoli—that immigrants increase unemployment by displacing natives from jobs.

Displacement is the most emotional and influential fear about immigration. A headline in a Florida newspaper reads: "Haitian Refugees Take Away Jobs." In Texas, the winner of a Senate primary asserts that "Sixty-five Americans lose their jobs for every 100 undocumented workers who are here." In Colorado, Gov. Richard D. Lamm says that importing more labor would be "demographic and economic insanity." And early on, the AFL-CIO, went on record that it would fight the "hiring of foreigners as temporary workers."

The complaint is ancient. John Toland wrote in 1714: "The vulgar, I confess, are seldom pleas'd in a country with the coming in of Foreners. . . . from their grudging at more persons sharing the same trades or business with them." The complaint also seems to make sense: If jobs are limited and immigrants occupy some, there must be fewer jobs for natives. Some displacements and some reduction in wages must occur when potential workers are added to an occupation, whether laboring or doctoring.

There are, however, two opposing forces at work—expansion in aggregate demand and creation of new businesses by immigrants. The income immigrants earn increases the demand for goods and for workers to produce them, which in turn produces more income and more new jobs. This continues until the economy approaches a new equilibrium, with the same rate of unemployment as before. Toland understood this process well: "We deny not that there will thus be more taylors and shoomakers; but there will also be more suits and shoos made than before."

Immigrants also start new businesses. These are usually small ones, but an astonishing 66 percent of new jobs arise in firms with 20 or fewer employees. A Canadian sample found that 5 percent of adult immigrants started businesses within their first three years. Each 100 adult immigrants create new businesses that open up 30 new jobs, many of them filled by natives. So even if one native Canadian were pushed out of a preexisting job by each five immigrants—an improbably high number—this effect would be more than made up by the new jobs created by the immigrants and occupied by natives.

The direct evidence about displacement is of two kinds—within specific industries and within the economy as a whole. A reliable study of the effects of the Bracero guest-worker program in the Southwest from 1942 to 1964 showed that one native agricultural worker was displaced for each four Mexican guest workers. But this greatly overstates total displacement because some or most displaced workers find jobs elsewhere, and some would be displaced by machines if not by Mexicans.

The Immigration and Naturalization Service conducted two mass, forcible removals of illegal immigrants from jobs in California. Later checks on the illegals' jobs showed a low rate of substitution of natives for the illegals. And, in another study, Thomas Muller of the Urban Institute found no evidence of increased unemployment in California due to Mexicans, though he did find evidence of lowered wages.

With Stephen Moore, I examined how the rates of immigration into a large number of cities in the United States from 1960 to 1976 related to changes in unemployment rates. We found that no matter how we looked at it, the effect was either very small or nonexistent. While our study has not been examined in detail by colleagues, we believe it contains much more solid evidence on the matter than provided by previous studies that have been cited in the newspapers but also have not been available for scrutiny.

In sum, workers in a particular industry may be injured. But in the economy as a whole, immigrants not only take jobs, they make jobs. Their income adds to total demand, creating new jobs, and they open businesses that employ natives as well as other immigrants and themselves. Job displacement is mainly a false fear, and rational Americans should not let this fear influence immigration legislature.

DON'T CLOSE THE DOOR

(By Tibor Machan)

SANTA BARBARA, CA.—Amidst all the debate about illegal aliens and how to punish those who hire them, we have failed to develop a principled approach to immigration in general, based on the idea of a free society. This approach should be based on the idea that, outside of matters of national security, no limit should be placed on immigration for those wishing to make a new life here.

One could think me biased, since I am a refugee from Communist Hungary, perhaps just clearing my own conscience for "invading" these shores. But there are very good reasons, consistent with the American political tradition, for not barring people from making their living in a free society if they so choose. And there are very good reasons for pardoning all those who entered "illegally"—that is, in violation of an unjust law barring them from entering a supposedly free country—and for abandoning the revolting idea of punishing the American employers who make a living possible for such immigrants. It is wholly unbecoming of a society whose gateway is the Statue of Liberty to follow anything other than an open-door policy.

The major objections to such a policy have been forcefully stated. Foreign workers will displace native workers, add to an already overburdened welfare state, exhaust the patience of our taxpayers and accelerate the degradation of the environment. Finally, it is argued, it would be morally wrong to pardon illegal immigrants when legal immigrants were subject to severe restrictions and told to wait their turn.

These arguments carry great appeal across the country, but they aren't good enough to support abandoning one of America's most important historical missions and the fundamental principle of liberty. Government was established not to secure our right to a certain standard of living, but to secure our right to liberty.

Recent studies have challenged the assumption that immigrants threaten American living standards. But even if the "threat" to American employment exists, it should not be repelled at the expense of liberty. In a free, competitive society one has no more right to one's job or level of income than an athlete has to keeping "his" world record. And isn't there something obscene about complaining about a temporary setback in one's standard of living when those who would compete with (not rob) us are fighting for bare subsistence?

As to immigrants going on welfare, many who come to this country are probably in need and would turn for help to our many government and public service institutions. But here too, the matter does not end with the figures alone. If it is indeed morally proper to accommodate the needy, shouldn't all persons benefit from such moral convictions? Restricting humanitarianism to Americans is certainly a phony moralism.

As to the overpopulation issue, the morally acceptable way to cope with it is to seek out new frontiers, including new solutions to old problems—yes, even outer space. For that, no greater resource exists than the talents of the most eager people of the world, those who want to make a real change in their lives. No other group fits that description so well as immigrants, who by definition are people who are willing to assume risks so as to bring about a brighter future.

Finally, the matter of pardoning illegal aliens should be thought of as righting a mistaken policy. It should not be difficult to understand once we appreciate the principles at stake here. We complain about other nations—the Soviet Union, for example—closing their doors to those who wish to leave. But this is a hollow complaint if we, in turn, close our doors to those who wish to enter with good will and the determination to do well in life. How could they help but be an asset to our society?●

UNNECESSARY GOVERNMENT SUBSIDIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, an article by William D. Grampp in a May 14, 1984, edition of the Chicago Tribune was recently brought to my attention. It is noteworthy because it

is just one example of unnecessary Government subsidies.

Americans should be outraged with the problem of continuous excessive spending by their elected officials. The cost of subsidizing so many small-interest groups is the diversion of Federal dollars that could be spent in more needed programs. The practice of taking money away from the majority to subsidize a few must be stopped. The time to put an end to this is now.

As Congress continues to consider ways to reduce our trillion-dollar deficit, I would like to share with my colleagues the following article by Mr. Grampp, which clearly indicates one program that needs to be reevaluated.

ART FOR SUBSIDIES' SAKE

(By William D. Grampp)

The federal government in several hundred ways assists the arts directly. There were 252 programs in 1975 when the last inventory was made. Indirectly it assists the arts by tax concessions to arts organizations and deductions to taxpayers who make gifts to them. There also are state and local programs.

Whether any of them are a proper function of government is asked by Prof. Edward C. Banfield in his new book, "The Democratic Muse: Visual Arts and the Public Interest" (Basic, 1984). He argues against federal programs, and an argument also may be made against the others.

Neither argument appears to interest the Arts Caucus of the House of Representatives, some 200 members who do not doubt the propriety of government assistance and consider only how much there should be. Congress soon will act on the appropriation of the National Endowment for the Arts, which received just over $3 million when it began in 1965 and $162 million last year.

Among its original purposes was bringing the arts to more people. While it never aspired to making the arts a mass phenomenon, it now wants to do more with its subsidies than "to encourage those on the edges." If Congress does not care to ask whether the people should provide for themselves in the article of art, it might consider how well the government has provided for them. It could begin with information collected by the NEA itself and go on to other sources. All make the same report.

The people who are interested in art today are those who were interested in it before 1965, and they are the kind of people who have been interested in it throughout history. They always have been a minority of the population and have been privileged. The American government, after all of its millions have been spent, has not altered the fact and could not have done so. It should have known as much and would have if it had consulted the experience of time and if its purpose had truly been to improve popular culture. Not even ancient Greece, with its magnificent drama, could bring the common people into the theater without paying them to attend. It did just that but mistakenly set the amount equal to the daily wages of a soldier, so that men went to the theater instead of into the army. Still, to pay people to experience art would be quite in order if it were the invaluable asset it is said to be by some who advocate subsidies.

The NEA published in 1978 a survey of 272 audience studies, two-thirds of them made in the '70s. They showed that the median income was 15% to 30% above the population median; that about 85% of the audiences had been to college while only 26% of the population had; that 56% of the audiences were in professional occupations while only 15% of the labor force were; that blue-collar workers comprised 7% of the audiences and 47% of the labor force, and that the "data do not reveal any striking changes in the composition of audiences" between 1960 and 1977.

A survey reported in Museum News last year stated that hundreds of studies made over 50 years show that museum visitors "are likely to be in the upper education, occupation, and income groups." The Australian economists, C.D. Throsby and G.A. Withers, claim that "when attending a concert or play in New York, London, or Sydney, you are likely to be sitting among a group of people whose financial status, education, and occupation are strikingly similar." They also report that these people are more in favor of arts subsidies than the people you are not likely to be sitting next to. That fact, while not surprising, is instructive because it indicates that the support for subsidies comes from people who benefit by them. They are not only the audiences. They include musicians, conductors, actors, dancers, composers, stagehands, artists, museum employees, the people in government who dispense the money and their betters in the national legislatures who, by authorizing the spending, show themselves to be persons of taste, refinement and aesthhetic sensibility—all, of course, at no expense to themselves. Have all of these people read D.H. Lawrence?—"Not art for art's sake, but not art for the people's sake either. Art for my sake."

The subsidies do not outrage the electorate because they are such a small part of government spending that no voter wold take the trouble to mount a campaign against them. Nevertheless they have a cost, and it is borne by everyone. The cost is the things that could be produced in place of the subsidized art. Some people want subsidized art, of course, and they are fortunate because they get it at a cost that is paid in good part by the majority that does not want it but still must pay for it. The effect is to take income from people who do not like art and give it to those who do, a curious redistribution. Perhaps the Maecenas's of the Arts Caucus will find a moment to reveal the principle on which they act.●

HONORING AL BARRY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. MURTHA. Mr. Speaker, it has been a distinct pleasure for me to work over the past few years with Al Barry, Deputy Assistant Secretary of Defense/House Affairs. Al has served the Department and the American people with high honor and dedication, and as he retires from that position this week, we will surely miss him in the House of Representatives.

During the many important defense debates we have had in the House I always found Al to be responsive, incisive, and responsible. As Deputy Assistant Secretary he served as the principal adviser to the Secretary and Deputy Secretary of Defense on all matters pertaining to the House and the Department, and he helped promote the mutual understanding and debate that is essential for us to reach the best decisions.

Al and I share a concern for America's future defense as well as a background in the Marine Corps. Al served 21 years of active duty including tours with all three active Marine divisions. He retired as a lieutenant colonel in 1979. In the Southeast Asia conflict, he spent two tours, first as an aerial observer, then as a battery commander, later a battalion operations officer, and finally as the assistant regimental operations officer.

I certainly wish Al well, and I thank him for the excellent job he performed at the Defense Department and for his excellent career in the service of his country.●

HAWKING DEMOCRACY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. OTTINGER. Mr. Speaker, today we once again debate the need for, and the mischievous nature of, the National Endowment for Democracy. Last Sunday's Washington Post featured an excellent column by Mary McGrory which eloquently details why this $18 million boondoggle is not needed. I commit Ms. McGrory's column to the attention of my colleagues.

HAWKING DEMOCRACY

(By Mary McGrory)

You wonder why we have a deficit? Greedy welfare mothers? Shiftless seniors? Not entirely.

Let me explain—and I'm not even going to mention the Pentagon, which once again this week demonstrated why it will never give up the trophy for shameless profligacy. Our bold warriors paid $2,043 for a "common hexagon-sided threaded nut," which is available at Hechinger's Home Improvement store for 13 cents.

No, I speak of a much more modest assault on our common sense and our pocket books, the National Endowment for Democracy, which last year got an appropriation of "only" $31 million.

And what is NED? One of its enemies, Sen. Warren Rudman (R-N.H.) calls it "a slush fund for political hacks who like to travel to warm climates in cold weather."

And why, when we are $200 billion in the red, do we have a taxpayer-supported Club Med? Who's to blame?

It turns out that it is just everybody who counts in Washington: the president, the Congress, the Democratic Party, the Republican Party, the Chamber of Commerce and the labor unions.

The range of its sponsorship is, of course, the explanation for its survival. Reagan loyalists, to begin with, wish to nurture NED

because it was his idea—floated in a London speech two years ago as an effort "to foster the infrastructure of democracy" in other countries.

This simply reflects a deeply held conservative conviction that the superior merit of democracy is a truth hidden from the rest of the world. Never mind the track record, which so copiously attests to the contrary—has anyone seen a German storming the Berlin Wall from the western side?

But just as the right is convinced that the Soviet Union is leagues ahead in armaments, it is sure that the Russians have the drop on us in the field of "winning hearts and minds."

Those not anxious to support the president have to fend off other supplicants in behalf of NED: the chairmen of both parties, lobbyists for the Chamber and the AFL-CIO, and such influential board members as Dante Fascell of Florida, Chairman of the House Foreign Affairs Committee, from whom every colleague is bound to seek a favor sooner or later.

Sen. Orrin Hatch (R-Utah), a leading right light, is chairman of NED's board. He says that "if the NED never gets off the ground, the biggest round of applause will come from the Kremlin."

One House member, Dan Mica (D-Fla.) in artless and chilling fashion, presented NED as a peaceful substitute to the CIA, whose current way of "fostering the infrastructure of democracy" is on view in Nicaragua, where U.S. surrogates and mercenaries are shooting peasants and burning their houses down in a "covert war."

Granted that it's better to send clipboards instead of guns, don't we have agencies like the State Department and the USIA to spread the word about our excellent way of life?

NED reflects the attitude held by many in both parties that the U.S. has a God-given right to interfere in the internal affairs of other countries.

And, to the mortification of NED's friends, it turned out that that was just what NED was doing. It is not easy to find out about its activities—NED is exempt from the Freedom of Information Act, and, despite a recently proclaimed policy of "openness," closes its meetings to the public.

But, thanks to a leaked cablegram from our ambassador to Panama, Everett Briggs, we learn that the labor institute of the AFL-CIO, using $20,000 from its NED kitty, intervened in the recent, close election in Panama. The military-supported candidate, with U.S. labor sponsorship, won by 1,700 votes.

Ambassador Briggs, who doubtless spends much of his time assuring the Panamanians that the United States would never meddle in its electoral process, cabled an urgent appeal to Washington to suspend such operations "before the U.S. government is further compromised in Panama."

The House was sufficiently stirred to vote to kill NED on May 31.

But it was revived by the Senate, which was sufficiently embarrassed to authorize the cut of $10 million granted to the Republican and Democratic parties, but not enough to put the Endowment out of its miserable mischief.

Sen. Paul Laxalt (R-Nev.), who doesn't think NED has the right to exist, nonetheless voted to save it, because of "the president's commitment."

Rep. Hank Brown (R-Colo.), who with Rep. Richard Ottinger (D-N.Y.) led the successful House fight, wants to turn all its money over to Fulbright scholarships.

"People around the world don't need to be sold on the virtues of our democracy," he says. "They can't wait to find out how you do it."

But NED proves that once you have funded a foolish notion and given enough gravy to enough people, it will live forever, and hang the deficit.●

CHANGING FARM POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 8, 1984, into the CONGRESSIONAL RECORD:

CHANGING FARM POLICY

The past few years have been hard ones for farmers. They have had to cope with low earnings, sagging exports, and the threat of bankruptcy. Yet when they turn to federal farm programs for help, little is forthcoming. These programs, combining measures to support prices, maintain incomes, and reduce surpluses, cost the taxpayer $18.8 billion last year, six times the average annual cost in the 1970's, but they did not improve the basic situation of farmers all that much. Prospects in 1984 are better, but the problems now besetting agriculture will recur.

The basic farm law will be up for a rewrite next year. Many experts think that federal farm programs, established as they were to deal with conditions in the 1930's, have not kept pace with changes in agriculture. Some programs no longer seem capable of doing what they were set up to do—making adequate supplies of food available to consumers at reasonable prices while permitting farmers to get fair returns on their investments. Several changes in the agricultural environment are worth noting.

First, the profile of the typical farm has changed. When federal farm programs were set up 50 years ago, they applied to a homogenous system of family farms. Now we have a three-tiered system: agribusiness operations, comprising 5 percent of all farms but accounting for 50 percent of all farm products and 95 percent of all farm income; family operations, comprising 35 percent of all farms and accounting for 45 percent of all farm production; and part-time operations, comprising the remaining 60 percent of all farms, whose average net farm income is negative, whose owners work off the farm to support themselves, and whose costs can be covered only by prices two and one-half times higher than those charged by the largest farms. Second, agriculture has been integrated into the general economy. Key factors of production once produced on the farm are now produced in the city, making farms more sensitive to changes in general labor and transportation costs. In addition, many farmers have borrowed to expand their operations and improve their efficiency, and the variable rate loans that they hold leave them vulnerable to rises in interest rates. Third, farmers are much more productive today, but their ability to produce two and one-half times what they did in the 1930's has caused them to fall victim to their own efficiency. Farm production often outstrips demand and drives prices down. Fourth, low income and low rates of return on investment were the major concerns 50 years ago, but average farm income has increased from 30 percent of the non-farm level to nearly 90 percent, and return on farm resouces equals or exceeds those in the non-farm sector. The farmer's sharply fluctuating income from year to year is a dominant concern today.

These are not the only important changes to be kept in mind. Farmers today are less dependent on federal farm programs for sustenance than they have been in past years. The current farm family, for example, earns two-thirds of its income off the farm. Also, federal farm programs are less able to meet their goal of ensuring reasonable prices to consumers. This is because the prices received by farmers today constitute only one fourth of the retail food dollar. Another factor in recent years has been the high number of investors engaging in "tax-shelter" farming. The real farmer pays for this activity indirectly whenever it leads to excessive production of commodities. Finally, and perhaps most important, agriculture has been internationalized. One out of three acres is producing just for export, but as a result farm prices and incomes have become highly sensitive to events abroad—from changes in weather to shifts in the policies of foreign governments to swings in the exchange rate.

All the changes increase the vulnerability of farmers on many fronts. They have made federal farm programs less efficient and effective, and less useful to farmers than before. However, we should not be decieved into thinking that we will find a panacea in the form of a perfect federal farm program. Improvements will come as much by what we do on the larger macroeconomic questions and foreign policy questions as by what we do on the 1985 farm bill. More then anything else, Congress must come to see how decisions on matters traditionally thought to have nothing to do with agriculture can directly affect the health of the farm sector. For example, the general fiscal and monetary policies of the last 40 months have produced the greatest deficits in our nation's history, and there is no relief in sight. The deficits keep interest rates high and push up the dollar's value, adding up to 40 percent to the cost of our exports. The effect on agriculture is devastating. Controlling deficits may be the best thing the federal government can do for farmers.

There are several specific things that Congress should do. First, we must revise our price support programs, making them more market-oriented. High price supports make our crops uneconomic in the world marketplace and encourage expanded production of crops overseas. We must also make sure that both the young farmer and the family farmer are receiving their fair share of benefits from the programs. Second, we must improve our effort to export farm products. This means resisting political pressures to embargo grain sales, expanding trade by barter, fighting unfair trade practices by foreign nations, providing better credit to foreign buyers of our food, as well as resisting protectionist pressures from other sectors to avoid retaliation against our agricultural exports. Third, we must improve our domestic credit policies to make sure that the good, efficient farmer is not driven off the land during difficult times. We must change provisions in the tax code that are being exploited by nonfarmers to the detriment of farmers. Finally, we must expand scientific research in agriculture. More work

on crops that need fewer expensive pesticides and fertilizers, as well as development of new crops with high convertability to fuel, could open major new markets for farmers.

While other sectors of the American economy are becoming less competitive, the farm sector retains clear global leadership. Our farmers are without equal in the world. Federal farm programs must be amended to enhance their excellence.●

MANDATORY FISH INSPECTION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DORGAN. Mr. Speaker, I'm introducing today a bill designed to place fish and shellfish inspection on equal footing with Federal meat and poultry inspection.

Currently, the inspection of fish is a crazy quilt of Federal voluntary control; some State inspection programs; and less-than-comprehensive Food and Drug Administration oversight. The result is the only 20 percent of the fish consumed in this country has undergone Federal inspection.

In contrast, we are all aware that meat and poultry undergo rigorous mandatory Federal inspection during processing. Over the years, this program, administered by the U.S. Department of Agriculture, has been extremely effective in ensuring a wholesome supply of meat and poultry. This disparity in inspection standards between meat and fish means that consumers do not enjoy the same health protection for similar food products, nor can taxpayers feel confident that the variety of agencies and standards result in economical and effective regulations.

I recently requested a Congressional Research Service study to look into what the economic and health consequences of these differing inspection standards might be. The findings of that study have convinced me that Congress should initiate a mandatory Federal fish and shellfish inspection program administered by the Department of Agriculture. Among the findings of the CRS study are:

Fish and shellfish are the only commercially-produced flesh foods in the U.S. not subject to mandatory inspection for wholesomeness. Yet, seafood is highly perishable and prone to dangerous bacterial contamination during handling and processing.

The Centers for Disease Control's report *Foodborne Disease Surveillance* for 1980 indicates that there were 605 food-related illnesses that year. Seventy were linked to red meat and poultry, of which the average American consumes more than *200* pounds annually. Another 70 outbreaks were linked to fish and shellfish, which have a per capita consumption of about *17* pounds (emphasis added).

The Food and Drug Administration apparently recognizes the greater potential for fish-related health problems. Its inspectors examine a far higher percentage of imported seafood than any other regulated import.

Mandatory fish inspection is an idea gaining favor with segments of the fishing industry as well. Among other groups, the presidentially-appointed National Advisory Committee on Oceans and Atmosphere endorsed mandatory inspection in their 1982 report *Fisheries for the Future.*

I urge my colleagues to give serious attention to the need for mandatory fish and seafood inspection and to the approach my bill recommends.●

TRIBUTE TO DONNA FOSTER

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to share with my colleagues the remarkable achievement of Donna Steele Foster, whose retirement celebration I attended last evening.

Donna Foster was born in Republic, PA, and started her career at the Veterans' Administration as a GS-2 at age 17. She continued an outstanding career of Federal service in such agencies and departments as the Internal Revenue Service, Department of the Army, Wage Stabilization Board, International Corporation Administration, and then to the Peace Corps where she was Executive Assistant in the Latin American Division working with me.

From that experience, I can testify what an extraordinarily able person she is, keeping track of some 20 programs in a dozen Latin American regions; shuttling me and the other Washington representatives to far away corners of the countries we administered; keeping in touch with training programs all over the mainland United States and Puerto Rico; and seeing to it that country directors got the backup help they needed. She was always on top of the thousands of details that are involved in these complex programs and always kept me abreast of the various crises that inevitably arise—and always managing this tense pressure with grace and good humor. She is a thoroughly delightful person.

Donna went from the Peace Corps—accompanying her husband who was in the Army—to El Paso, TX, where she worked at Biggs Air Force Base and Beaumont General Hospital. Later she and her husband returned to Washington and she went to work at the Community Relations Service, Department of Justice, and then to the Department of Health, Education, and Welfare, before returning to the West with her husband. When the Air Force returned Donna and her husband to Washington, she was employed at the National Urban Coalition before resuming Federal service at the National Oceanic Administration, Department of Housing and Urban Development, and the Department of Health and Human Services from which she retired on July 3, as a GS-15, to become a registered representative at First Investors Corp. in Arlington, VA, and a real estate broker.

Donna Foster has served the Government and her country well and sets a fine example of the best in our civil service.●

MAJORITY IN COUGHLIN POLL SAY PRESIDENT'S ECONOMIC POLICIES HELP NATION

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. COUGHLIN. Mr. Speaker, in sharing the results of my yearly questionnaire poll to citizens of Pennsylvania's 13th Congressional District, I note that a majority of those responding believe that President Reagan's economic policies are helping the country.

The results—tallied after the July 31 deadline—show a continuing concern with key national and international issues. In addition to a heavy questionnaire response, constitutents have followed up with letters expressing their views and offering suggestions on questions ranging from the Federal deficit to the nuclear arms race.

A total of 13,910 individual responses were received.

Questionnaires were mailed to homes and postal boxes throughout the district which includes 27 municipalities in Montgomery County, and two wards and part of a third ward in the city of Philadelphia.

Major findings of the survey are:

Fifty-eight percent believe that President Reagan's economic policies are helping the Nation while 62 percent foresee the national economy somewhat better or about the same a year from now. In a third part of the question on the economy, 50 percent indicate they are better off now than a year ago.

On reducing the estimated $176 billion Federal deficit for fiscal 1985, No. 1 choice of five presented for reducing the red ink was a 65-percent showing for cutting defense spending.

Responding to two environmental questions, a majority do not believe the Federal Government has moved effectively to alleviate the dangers of hazardous waste sites while a plurality said they'd be willing to pay more Federal income tax if the moneys were used to eliminate toxic threats to our water supplies.

An interesting division is apparent in a three-part question on our balance-of-trade deficit. A majority oppose

continued protection for the domestic auto industry, but do favor quotas on imported steel where foreign firms are subsidized by their governments. A majority also oppose a get-tough policy by the United States if it means higher prices at home or a curb on our own exports.

On the critical question of arms control, two-thirds of those responding do not believe a unilateral freeze by the United States on nuclear arms modernization would result in serious Soviet Arms negotiations. A majority, however, favor a mutual moratorium on weapons testing against targets in space.

Constituents remain split over Central American policy with a plurality favoring limited military aid to El Salvador, but with a plurality opting for a cutoff of a aid to anti-Sandinista rebels in Nicaragua.

On other questions, almost 50 percent are willing to pay more taxes to maintain medical care levels for older citizens; two-thirds oppose paying more taxes to hike teacher pay in basic courses, a majority favor a flat income tax; a plurality oppose giving the States another chance to ratify the equal rights amendment; a majority approve of stiff penalties on employers who hire illegal aliens, and a majority think judges should be permitted to keep defendants accused of nonviolent crimes in jail if judges believe they may commit further criminal offenses.

As usual, I also will supply the White House with a copy of the results.

QUESTIONNAIRE RESULTS—1984

1. Continued economic growth is important to all of us.

A. Do you feel that you and your family are better off now than a year ago?

Yes	50%
No	42%
Undecided	8%

B. On balance, do you feel that President Reagan's economic policies are helping the country?

Yes	58%
No	31%
Undecided	11%

C. How do you feel the national economy will be a year from now?

Much better	7%
Somewhat better	26%
About the same	36%
Somewhat worse	24%
Much worse	7%

2. With the Federal Government deficit for fiscal 1985 estimated at $176 billion, what actions would you take to cut the debt burden? (one or more)

Raise personal income taxes	22%
Cut defense spending	65%
Reduce social program funding	44%
Adjust retirement benefits	24%

(Totals more than 100%—more than one choice available)

3. Safeguarding our environment remains a prime concern.

A. Have Federal agencies moved effectively to alleviate the dangers of hazardous waste sites?

Yes	16%
No	64%
Undecided	20%

B. Would you be willing to pay more Federal income tax if the monies were used to eliminate toxic threats to our water supplies?

Yes	47%
No	39%
Undecided	14%

4. The issue of free but fair trade with other nations grows more important as our balance-of-payments deficit worsens.

A. Does our domestic auto industry merit the continued protection of insisting on limiting the number of Japanese cars we import?

Yes	42%
No	50%
Undecided	8%

B. Should quotas be imposed on steel imports where the U.S. can prove that foreign steel exporters are being subsidized by their governments?

Yes	72%
No	17%
Undecided	11%

C. Do you favor a U.S. get-tough policy against foreign imports even if it results in higher consumer prices here or a curb on our own exports?

Yes	34%
No	52%
Undecided	14%

5. U.S.-Soviet negotiations on arms control remain stalled.

A. Do you believe a unilateral freeze by the U.S. on nuclear weapons modernization would result in serious arms conatrol megotiations by the Soviets?

Yes	20%
No	66%
Undecided	14%

B. To avoid an arms race in space, should the U.S. refrain from testing anti-satellite weapons against an object in space so long as the Soviets also refrain from such tests?

Yes	58%
No	34%
Undecided	8%

6. Our Central American policy continues to be a source of controversy and indecision.

A. Should the U.S. continue to supply limited military aid—but not troops—to the newly-elected government of El Salvador?

Yes	47%
No	35%
Undecided	18%

B. Should the U.S. cut off all aid to the anti-government forces it has been supporting in Nicaragua?

Yes	44%
No	32%
Undecided	24%

7. As our elderly population increases, would you be willing to pay more Federal income tax to maintain present levels of medical care benefits for senior citizens?

Yes	49%
No	38%
Undecided	13%

8. In response to criticisms of our educational system, would you be willing to pay more Federal income tax to increase pay for elementary and secondary teachers, particularly in basic reading, math and science?

Yes	25%
No	67%
Undecided	8%

9. Do you favor a flat rate for income taxes (10% or 15%, for example) even if it means ending major deductions such as mortgage interest, state and local taxes, and charitable contributions?

Yes	52%
No	33%
Undecided	15%

10. Should Congress again pass the Equal Rights Amendment to give the states another opportunity to vote to ratify it?

Yes	44%
No	46%
Undecided	10%

11. To prevent illegal aliens from taking U.S. jobs, should there be a stiff penalty on our employers who hire such aliens?

Yes	76%
No	14%
Undecided	10%

12. Even if they have not been brought to trial, should defendants accused of non-violent crimes be held in jail if judges believe they may commit further criminal offenses?

Yes	59%
No	26%
Undecided	15%●

THE PANAMA CANAL: 70 YEARS OF SERVICE TO SHIPPING

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. HUBBARD. Mr. Speaker, 70 years ago, August 15, 1914, American technology and ingenuity overcame enormous difficulties and converted a dream of several centuries into a reality: The construction of a canal joining the world's two great oceans, the Atlantic and Pacific.

But possibly more important than that historical milestone is the fact that the canal has been providing uninterrupted and efficient service to the maritime industry, enhancing world commerce, for that same 70 years.

This extraordinary record is a tribute to the dedication and skill of those who built the waterway and those who have operated, maintained, and improved it since then.

Far from becoming an obsolete link in the maritime transportation chain, the Panama Canal, today, is a modern transportation system that incorporates state of the art technology and has kept pace with the industry it serves so well. One of the major changes that occurred during its last decade was the new relationship between the United States and Panama that was established by the 1977 Panama Canal Treaty. The 5 years since the implementation of the treaty provide clear evidence that the agreement between the two countries is working well.

Great strides continue to be taken by the Panama Canal Commission toward improving efficiency and productivity, accomplishing key maintenance projects, and expanding essential training programs for Panamanian employees. In addition, in the past 2 years, cost reduction measures have been carried out aimed at keeping operating costs down and balancing these with revenues which had been reduced because of the world recession.

Even during the period of decline in maritime trade, the Commission has continued to take measures to improve service to users and ensure the adequate capacity of the waterway. These measures have included modernizing the tugboat fleet and other floating equipment, installing high mast, high intensity lighting at the locks to effectively extend the transit day, and channel deepening to avert restricting draft of ships.

During these seven decades, many things have changed in the Panama Canal. One important aspect, however, has not changed—the firm commitment of the canal management to transit vessels of all nations safely and efficiently between the two great oceans.●

SUPPORT FOR AN INDEPENDENT, BOARD-GOVERNED SOCIAL SECURITY ADMINISTRATION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Ms. OAKAR. Mr. Speaker, last week Chairman PICKLE's Subcommittee on Social Security held a hearing on the congressional panel on Social Security organization's recommendations to establish the Social Security Administration [SSA] as an independent agency. I congratulate Congressman PICKLE for his leadership in taking the first concrete legislative step toward ensuring formal independence for SSA. I also commend the congressional panel, chaired by former Comptroller General Elmer Staats, for its comprehensive study of the feasibility of implementing such a proposal.

Witnesses at the hearing expressed near unanimity on the need to make the Social Security Administration independent from the Department of Health and Human Services. However, there was little support for the panel's specific recommendation that the independent agency be headed by a single executive appointed by the President to a 4-year term coincident with the President's term. Even the GAO stated that:

We are not confident that the Panel's solution will achieve a key goal—the effective, efficient management of the Social Security Administration. . . . It is very difficult to expect that a single administrator can carry out both a policy and managerial role given the types of management problems Social Security must solve.

By far the preferred alternative was identical legislation, H.R. 5904/S. 2778, introduced by Congressman EDWARD R. ROYBAL, chairman of the House Select Committee on Aging, and Senator DAVID PRYOR of Arkansas. I am proud to be an original cosponsor and architect of this legislation because I believe that an independent Social Security agency should be governed by a bipartisan board and administered by a professional commissioner appointed by that board for a 5-year term.

If my colleagues read through the testimony I think they will be as impressed as I am by the level of agreement among Social Security experts and administrators for more independence for Social Security. Their unanimity should motivate the 98th Congress to move as far as possible toward enabling legislation to create an independent agency governed by a bipartisan board.

Robert Fleminger, president of the National Council of Social Security Managers Association, represents almost 4,000 managers in over 1,300 Social Security field offices. He chose this topic and this hearing to present his association's first ever testimony to a congressional committee—

because most of our current problems are a result of unstable cabinet level leadership and our being only one part of HHS. As a result, the National Council of Social Security Managers Association fully endorses an independent SSA along the lines proposed by H.R. 5904 and S. 2778. A board of directors, a longer term-appointed Commissioner, and independent status could again make us a great agency.

Kenneth Blaylock, national president of the American Federation of Government Employees which represents 72,000 Social Security employees, agrees with the SSA Managers Association that:

The real difficulties in Social Security are management problems—poor administration of the disability programs, for example, or bad office conditions or outdated computers. Our own experience with management has taught us that here is an organization not in control of its programs, its own resources, or budget, or its own policy.

In a June 14 letter to me, Mr. Blaylock stated that a full time board—

would work to prevent the tyranny of administrative fiat by which the Social Security programs have so recently been perverted, especially the disability programs. We expect that legislation to establish an independent Social Security Administration will be a major objective of our union in the next Congress.

Ainsworth Brown, vice president of the Association of Social Security Administrative Law Judges stated that:

Due to the abuses visited upon the (appellate hearing) process, we believe that the Social Security Administration has forfeited its right to manage the hearing activity.

Judge Brown referred to the court records in the association's civil suit against the Social Security Administration to show how a single, Presidentially appointed Commissioner's "hand-picked head of the Office of Hearings and Appeals creates an unhealthy and too close relationship," which severely injures the integrity of the SSA's appeals process.

Robert Myers the Reagan administration's former Deputy Commissioner of Social Security and the Executive Director of the 1983 National Commission on Social Security Reform, testified that the layered organizational structure which includes HHS and OMB has the result that—

necessary and desirable action is often delayed so long as to be useless. An outstanding example of this is the infamous notch situation in the OASDI program which could have been directly alleviated by a feasible legislative change in 1981—or even earlier—but never surfaced from the layers of review.

Mr. Myers reasserted his longstanding recommendation that SSA should be an independent agency governed by a board "who would be full time and would be appointed on a bipartisan basis."

Wilbur Cohen, Secretary of HEW during the Johnson administration, testified on behalf of the "Save Our Security" coalition and stressed the necessity of a board-governed organizational structure of SSA. His testimony was endorsed by Arthur Flemming, Secretary of HEW during the Eisenhower administration; Robert Ball, Commissioner of SSA in the Kennedy, Johnson, and Nixon administrations; Nelson Cruikshank, Special Assistant to the President on Aging in the Carter administration; William Bechill, Commissioner on Aging in the Johnson administration. They favor an independent board, in part because it would help to restore public and congressional confidence in the program.

Furthermore, the "Save Our Security" coalition stated—

that if there had been a board administering the disability provision of the Social Security program in 1981, we would not have had the unfortunate recent experience with the administration of the disability program. With a bipartisan board, there very likely would have been a whistle blower on the Board who would have revealed or moderated the precipitate and uncompassionate implementation of the 1980 amendments.

Mr. Cohen went on to "endorse the thrust of H.R. 5904 . . . (and) urge your favorable support of the basic principles embodied in this bill."

The legislation introduced by myself, Congressman ROYBAL and Senator PRYOR will insulate the administration of Social Security from the ar-

bitrary pressures too often seen over the last few years. The board governed organizational structure proposed by this legislation is endorsed by the SSA Managers' Association, SSA Employees' Union, former Secretaries of HEW and Commissioners of SSA and the beneficiaries represented by the "Save Our Security" coalition. As an original cosponsor, I ask my colleagues to join with me in urging the relevant committees to move H.R. 5904 and S. 2778 through the legislative process.●

CAROL FORBES, BEARER OF GOOD NEWS

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. ANTHONY. Mr. Speaker, so many times we here in Washington are accused of being unresponsive and creating fear among our constitutents with our legislative actions. I would like to bring to your attention something good that is happening in our country for a change and it originated from a former staff person of the U.S. House of Representatives. Carol Forbes came to Washington in 1972, received her doctor of laws from American University, was first counsel for the congressional rural caucus, then subcommittee counsel for our U.S. House of Representatives Committee on Agriculture, subcommittees on Family Farms and Rural Development and Dairy and Poultry. She also conceived the idea of the Congressional Clearinghouse on Women's Rights sponsored by my colleague Representative CHARLIE ROSE and was its director until 1979. Then she conceived the Farm Women's project and was its director at USDA for 18 months. Following a successful career as an independent legislative consultant and operating her nonprofit organization, Friends of Agriculture, Ms. Forbes started on a new adventure, the Good News Network.

GNN's sole purpose is to record only stories of a positive, uplifting nature for radio, TV, and the print media. They are used to counter the overwhelming negative news we see, hear and read today. We here in Congress know too well how today's press looks only for the negative in our legislative actions, rarely the positive.

GNN stories are by local people about the good things they are doing for each other on a daily basis. They do not have to be saints or experience "incredible" things to be recognized for the loving acts they perform. GNN simply records their stories in their own voices and airs them through a national sponsor/syndicator approach. In that way, by sharing good things, people will feel better about themselves, their neighbors, their communities and their world. Ms. Forbes incorporated GNN in Delaware on August 1983, then went on the road for 6 months collecting stories. Now, under her continued able leadership and management, GNN is securing a national sponsor/syndicator to underwrite the ongoing shows.

As a Member of Congress and the Agriculture Committee upon which I sat at the time Ms. Forbes worked for us, I am proud of this work being undertaken by such a farsighted person. We in America need to hear more good news. We in Congress need to support such efforts at reducing any level of fear our political actions might be producing in the minds of our constituents.

If any of your constituents have stories about the positive and friendly actions they or their neighbors are performing for each other—stories that remain unsung yet might help others to feel better about their world. please contact my office or GNN at P.O. Box 2538, Fort Myers Beach, FL 33931, (813)-463-2600.●

SUPERFUND

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. LAFALCE. Mr. Speaker, when H.R. 5640, "Superfund Extension," is considered by the full House of Representatives, I intend to offer an amendment to ensure that implementation of this important legislation follows Congress' intent in regard to the Love Canal area.

There is no question that it is essential to increase the size of the fund from its current level of $1.6 billion to more than $10 billion over the next 5 years; the growing needs of affected sites and communities must be met. There is also no question that the intent of Congress to assure fair implementation of the law has not always been met.

I am only too familiar with the excuse of insufficient funds and only too familiar with the inequities that result from previously inadequate funding of the Superfund law.

Superfund was passed in December 1980—7 months after President Carter had declared the Love Canal area in Niagara Falls, NY, an emergency area for the second time, and 2 months after President Carter and New York State Governor Carey had signed a permanent location agreement to acquire certain properties in the emergency declaration area.

Because of limited State and Federal resources available at that time, only owner occupied properties were covered by the Carter/Carey pre-Superfund relocation agreement. The Federal Government assumed that the Environmental Protection Agency would make a definitive statement on the habitability of the Love Canal declaration area within a reasonably short period of time and those property owners not covered by the 1980 agreement would be provided a fair remedy at that time.

Unfortunately, those persons not covered have waited 4 years for a definitive habitability statement, watching helplessly as the value of their holdings has steadily declined. The EPA has simply failed to meet the implicit obligation to issue a timely, definitive habitability statement. One $8 million environmental study was all but officially retracted. Presently a panel of representatives from the EPA, the Centers for Disease Control, and the New York State Departments of Health and Environmental Conservation has been established to make habitability recommendations beginning in 1985; ultimate authority for habitability decisions now rests with the State health department.

If history is our judge, recommendations and decisions will drag on well into the next decade. As the process lingers, Love Canal commercial property owners, the two area churches, owners of rental and investment properties, the Frontier Volunteer Fire Department, and owners of other property will continue to suffer and will unjustly remain the losers in the Love Canal tragedy.

In December 1983, Senator D'AMATO, Senator MOYNIHAN, and I wrote to Lee Thomas, Assistant Administrator for Solid Waste and Emergency Response. We requested $4 million to purchase these remaining properties in the Love Canal declaration area. In January 1984, I wrote to William D. Ruckelshaus, Administrator of the EPA, reiterating that request. Then, on May 10, 1984, I met with Mr. Ruckelshaus in my office to review the issues. Mr. Ruckelshaus agreed that EPA had the moral responsibility to honor the purchase. Indeed, he told me directly that the equities were on the side of the people of Love Canal. I also argued that the law provided ample authority for the administration to deal with the inequities of this case. Neither EPA nor Mr. Ruckelshaus has even denied this.

Nevertheless, on August 2, 1984, Mr. Ruckelshaus, in apparent disregard of his prior position, denied the request. He maintained that limited Superfund dollars should be used for remedial action rather than for the purchase of property from owners who have suffered severe economic hardship. His letter did not and could not deny legal authority to fulfill the Government's obligation to purchase the Love Canal properties.

My amendment calls upon the Administrator of the National Contingency Plan to establish as a high priority the acquisition of all properties in the Love Canal emergency declaration area.

H.R. 5640, including my amendment, will provide the resources so that congressional intent to ensure equity is met. I strongly urge my colleagues to approve H.R. 5640 with my amendment.●

THE CASE FOR A SUPERFUND "WASTE END" TAX

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. WYDEN. Mr. Speaker, I am an original cosponsor of H.R. 5640 and a strong supporter of the bill as reported by the Energy and Commerce Committee.

The substitute title V recommended by the Ways and Means Committee, however, has a serious flaw, which Congresswoman SCHNEIDER and I seek to remedy with an amendment on the House floor.

Very simply, in the Ways and Means Committee's title V, the Congress will simply get another study of the waste-end tax, instead of a powerful new tool in the war against hazardous waste. Under the committee's bill, the Congress would have to come back in a separate piece of legislation and vote to enact a waste-end tax. To my mind we thus lose a golden opportunity to affect a bottom-line, economic incentive for firms to recycle, reuse or not produce hazardous waste in the first place.

The Ways and Means substitute basically, perpetuates the status quo as far as raising funds to finance the Superfund. And at present, what we have is a "toxic waste merry go round" where taxpayer money is spent moving hazardous waste from one Superfund site to another landfill. As recent articles in the Washington Post and Wall Street Journal have highlighted, these new landfills soon leak or otherwise fail, thus becoming the Superfund sites of future—for which of course Congress will be expected to raise even more cleanup money.

There is no such thing as a safe landfill or underground injection well. Under the Ways and Means title, however, land disposal will remain the cheapest disposal option—certainly cheaper than recycling, reuse or process changes that the waste-end tax promotes.

It is the belief of the Energy and Commerce Committee, Congresswoman SCHNEIDER and myself, that this Nation needs to create direct economic incentives to bring about positive changes in the way we—as a society—manage our hazardous waste. We are convinced that the Energy and Commerce Committee's waste-end tax will accomplish this objective and is an appropriate, effective and substantial step to avoid mortgaging our future with endless waste cleanup demands.

Regulation on top of regulation alone will not rid America of hazardous waste. All too often it simply pushed it out of sight. The Office of Technology Assessment in their 1983 comprehensive report on strategies for future hazardous waste control recommended the use of economic incentives to encourage alternative technologies to land disposal. OTA also notes that upwards of 75 percent of all hazardous waste currently going in our landfills can be recycled.

RCRA provides us with a strong regulatory system for the "cradle-to-grave" management of hazardous waste. But we believe a strong regulatory program which is complemented by a bottom-line economic incentive to produce less waste will produce even better results.

What more powerful incentive is there than one which says: Those who produce less waste pay less taxes?

Congresswoman SCHNEIDER and I as well as the staff of the Energy Committee have spent well over 1 year refining our original waste-end tax proposal into a workable, administratively feasible proposal that will provide a valuable revenue supplement to the feedstock tax.

Mr. Speaker, we should reverse the roles in the Ways and Means substitute: Let Congress demonstrate leadership and adopt a waste-end tax, instructing Treasury to report back 1 year before its effective date on any changes they feel are necessary in order to facilitate the implementation. Under the Ways and Means Committee title, the "no or go" decision is left to the Treasury. I think that Congress ought to call the shots rather than the Treasury.

Specifically, our amendment mirrors the waste-end tax structure as contained in the Energy and Commerce bill, but with some revisions. The waste-end tax would take effect January 1, 1987 and Treasury would report to Congress by April 1985—giving Congress more than a year to enact any changes necessary to the waste-end tax. This timetable is identical to the one in the Ways and Means substitute.

To keep the overall revenue target in the Ways and Means substitute the same, our amendment would replace the January 1, 1987 automatic scheduled increases in the crude oil and petrochemical feedstock tax. This automatic increase was put in to meet the $1.2 billion the Ways and Means Committee estimated the waste-end tax would raise. It was put in as a safeguard in the event no waste-end proposal is adopted by Congress by July 1, 1986.

Finally, our amendment dedicates 50 percent of all surplus revenues raised beyond the $1.2 billion target to be applied against the $2.3 billion taxpayer contribution the Ways and Means Committee has included. As both the Energy And Commerce Committee and the CBO's revenue estimates show substantially more than $1.2 billion being raised, there should be quite a bonus for taxpayers.

Mr. Speaker, in our Energy Committee's version of H.R. 5640, we have crafted an integrated feedstock/waste-end tax that will provide significant advantages for our national hazardous waste disposal system. To keep it simple, it has been crafted in accordance with existing definitions and recordkeeping requirements already present under the present Superfund and RCRA laws.

It will produce a bedrock of revenue for the Superfund and also provide the economic incentives needed to move business decisions toward environmentally preferable waste management practices.

For the first time, we will put incentives in the marketplace for recycling hazardous waste and for adopting methods for not producing it in the first place. It would give corporate managers tangible, financial rewards for looking at other alternatives than land disposal.

The groundswell of public concern over hazardous waste dumps is tremendous. Ask any person on the street about how Congress should deal with the problem, and I am sure you will hear that we should be taxing those dumping the waste in our land.

Let's make it possible for the Members to go home in August and tell our constituents that we passed new Superfund legislation and that those who actually dump the waste will be taxed for doing so.●

RUTH PASSEN: AN OUTSTANDING CITIZEN OF SAN FRANCISCO

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mrs. BURTON of California. Mr. Speaker, San Francisco dazzled the Nation during the Democratic Convention with its natural beauty and the hospitality of its people. The city is also the most livable of American cities, in no small part due to the tireless efforts of the people who are active in preserving and enhancing its wonderfully diverse neighborhoods. One of these people is my good friend Ruth Passen.

Potrero Hill's inhabitants share not only magnificient views of the city and bay, but a strong sense of community ties unique even for San Francisco. Ruth Passen and her family have lived and worked in Potrero Hill for many years. She is managing editor and the driving force behind San Francisco's oldest community newspaper, the Potrero View. The paper has helped unify this neighborhood, providing its people with crucial information on issues affecting their lifestyle and environment.

Ruth Passen is a crusader whose mission is to improve the lives and surroundings of the residents of San Francisco. Over 30 years ago she led a fight to save a local playground when a major street was being widened. In recent years, she has pushed for affordable housing, fought against a proposed pornography district, opposed a large electric utility pumping station in the neighborhood, and many other issues.

She recently received the Daniel Koshland Award for outstanding community work from the San Francisco Foundation. Ruth also received the Media Award from the Mental Health Association of San Francisco. Next month, I will be speaking at a testimonial dinner honoring her commitment to the community.

Ruth spends most of her time with the newspaper and community causes but also is an avid San Francisco 49ers fan—a season ticket holder since 1966—and has a deep interest in the arts—theatre, symphony, opera, museums. I am pleased to bring the accomplishments of this outstanding woman to the attention of my colleagues.●

CRITIQUE OF UNLAWFUL ACTIONS BY THE POSTAL SERVICE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mrs. BOXER. Mr. Speaker, I join my colleagues in expressing my dismay at the misguided if not unlawful position taken by the Postmaster General and the management of the U.S. Postal Service during the ongoing contract negotiations. Clearly their actions in attempting to unilaterally mandate their two-tier salary schedule for new postal employees and also reduce sick leave and other benefits of new hires indicates contempt for the collective bargaining process mandated in law and disdain for the thousands of hardworking postal employees whose efforts have put the Postal Service in the black in recent years.

We often hear officials of the Reagan administration attack what they call the arrogance of big government, yet their actions surely reflect the true situation. Obviously respect for the law and for the rights of the little people, the ordinary employee, are a very low priority for the Reagan appointees at the Postal Service. Over the last months and weeks they have repeatedly and unmistakenably made clear their determination to impose their point of view despite the requirements of the Postal Reorganization Act of 1970 and in the face of the complete willingness of the employees to bargain in good faith with them.

As our esteemed colleague Mr. FORD, the chairman of the Committee on Post Office and Civil Service pointed out in a recent letter to the Postmaster General, Mr. Bolger, "private sector labor law is clear: when an impasse is reached, management may implement its final offer. The union, however, has the concomitant right to strike, thus insuring parity of bargaining power. In this case though, the unilateral action destroys parity. The postal unions are barred from striking. The act's factfinding and arbitration procedures exist not merely as a substitute for private sector labor's rights to strike, but also as a substitute for private section's right to unilateral implementation. I believe that the unilateral changes that the Postal Service intends to implement are unlawful under the Postal Reorganization Act."

I totally agree with Chairman FORD'S assessment of the Postmaster General's proposals and hope that the Members of this House will strongly respond to this latest administration flouting of law. For despite all of their traditional rhetoric and posturings the administration should remember the words of Clarence Darrow, who once said, "True patriotism hates injustice in its own land more than anywhere else."●

SOCIAL SECURITY COST-OF-LIVING RAISE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. FOGLIETTA. Mr. Speaker, soon the House of Representatives will be considering legislation to guarantee the Nation's 36 million Social Security beneficiaries a cost-of-living raise this January. I will be supporting this effort. Because last year's Social Security rescue package postponed cost-of-living adjustments from July 1984 to January 1985, without specific legislation beneficiaries might not receive an inflation raise for 2½ years.

When the House addressed the Social Security rescue package last year, I opposed delaying the Social Security COLA. I noted at the time that a 6-month COLA delay would reduce benefits. Although the rate was coming down then and is low now, inflation is increasing prices and the elderly, on fixed incomes for the most part, still find it difficult to keep up.

I am pleased President Reagan is supporting this effort on behalf of senior citizens. I must admit, however, to some uneasiness. After all, it was President Reagan in his first year in office who recommended eliminating the Social Security minimum benefit. And less than 1 year after Congress acted to put Social Security on a firm financial footing, it was President Reagan on March 29, 1984, who said—and I quote—"* * * what we need to do is a revamping of the program."

By supporting legislation to give Social Security beneficiaries a cost-of-living raise this January, I hope President Reagan is signaling at last his willingness to join Congress in the effort to banish what Franklin Delano Roosevelt called the "spectre of old-age destitution."●

TRIBUTE TO MR. AND MRS. JOHN COWDEN

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. OLIN. Mr. Speaker, I would like to take this opportunity to recognize the fine efforts of two very historically minded residents of the Sixth District of Virginia. Mr. and Mrs. John Cowden of Millboro, VA, have on their own initiative restored Fort Lewis, the 18th century plantation home of Col. Charles Lewis. Colonel Lewis gave his life at the Battle of Point Pleasant in 1774, which is widely recognized as the first battle of the American Revolution.

Fort Lewis, located in Millboro, stretches for 950 acres in a remote valley along the Cowpasture River in what is now Bath County. Colonel Lewis left his wife and four children there in August 1774, to join his Augusta County regiment at Warm Springs, VA. Soon the 13 companies of the regiment joined other units of the Southern Division and moved westward. Their destination was Point Pleasant in what is now West Virginia, where it was hoped that a united force could succeed in putting down Indian terror on the frontier.

On the morning of October 10, 1774, the Colonials were met with a surprise attack by a large force of the Confederacy of Indian Nations. During 12 hours of fighting, 46 men of the Virginia line were killed or mortally wounded, including Charles Lewis. Happily though, despite being greatly outnumbered, the Colonial troops were victorious.

These men who fought and died at Point Pleasant will be honored this year at the first of what will be an annual celebration at Warm Springs, August 24 through 26. As part of the program, the manor house that's been restored by the Cowdens will be open to the public for the first time. This restoration is a fitting tribute to the men who gave their lives in that battle, particularly Colonel Lewis who led the initial charge.

Fort Lewis occupies land which was part of the original Lewis land grant of 1742. The land grant represented the beginning of the western area of the State of Virginia. The manor house was built in 1762, and following Colonel Lewis' death, his family remained there. The property had several different owners until the Cowden family of Dayton, OH, purchased the estate in 1958. Surprisingly, the land and buildings have never been changed. It is said that if Colonel Lewis were alive today, he could return to his home and find the land and buildings exactly as they were in 1774.

The Cowdens announced their plans to renovate the manor house in 1978, and their work was finally completed earlier this year. Mr. and Mrs. Cowden and their children now live in the home, much of which has been restored with items from the original dwelling. Now that the manor house is finished, the Cowdens have begun work to renovate the old grist mill on the property.

Again, I would like to commend the Cowdens for their efforts in restoring Fort Lewis, an important historical site in the Sixth District.●

AN IMPORTANT ROWING WIN FOR THE UNITED STATES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Ms. SNOWE. Mr. Speaker, we in Maine are proud of the U.S. team which won an Olympia gold medal Saturday in the women's eight-oar race, because in the No. 2 seat was Harriet Metcalf of Arrowsic.

That team, described as the fastest and toughest the United States had ever boated, won the first U.S. gold medal in any women's rowing event since female Olympia rowing competition began in 1976 and it was the first rowing gold medal for any American in two decades.

Harriet began participating in rowing while a sophomore at Mount Holyoke College in Massachusetts and has been on the U.S. national team for 3 years.

In Saturday's competition, the pressure was on the U.S. team to stop a six-race sweep by the Romanians in other women's finals.

We are very proud of the members of this team and the honor they have brought to their country. One senses a heightened national pride as the result of hosting the 23d Olympiad, in which our teams have made such a spectacular showing.●

A TRIBUTE TO CAPT. JACK GUEST, COMMANDING OFFICER OF THE COAST GUARD MARINE SAFETY OFFICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. ANDERSON. Mr. Speaker, on August 16, 1984, a luncheon will be held at the Reef Restaurant in Long Beach, CA, to honor Capt. Jack Guest, commanding officer of the Coast Guard Marine Safety Office, who will be retiring after many years of service.

Captain Guest, the son of a career Navy man, was born in San Pedro, CA, in 1926. He lived in many different locations until he graduated from Cour d' Alene High School, Cour d' Alene, ID, in 1944. At that time he joined the U.S. merchant marine, as an ordinary seaman. Jack obtained his third mate's license in 1948, and received his master's license in 1954. He also holds master licenses issued by the Republics of Panama and Liberia.

In 1957, Jack joined the U.S. Coast Guard as a lieutenant (jg.), under the direct commission program, and was ordered to duty on board the USCGC *Pontchartrain* at Long Beach. He was subsequently active in the merchant vessel and port safety programs at San Francisco, Ketchikan, San Diego, Washington, DC, and Seattle, before assignment to his current duties as captain of the port, and officer in charge at Los Angeles/Long Beach. He has also been stationed on board the Coast Guard cutters *Minnetonka*, at Long Beach and *Klamath*, at Seattle.

Captain Guest is an active member of the Elks Club, the Propeller Club, the Port Engineers, the Bilge Club, the Council of American Master Mariners, and a Seattle maritime men's club, "The Meridies."

Captain Guest is married to the former Gloria J. Young, of Wellington, NY. They have one son, Trevor. It is also good to know that Captain Guest plans to remain in the Long Beach area following his retirement. I join with my wife, Lee, in wishing Jack Guest, his wife Gloria and son Trevor, all the best in years to come. His many contributions to the Ports of Los Angeles/Long Beach will not be forgotten.●

RULE NOTICE FOR H.R. 4277

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DINGELL. Mr. Speaker, I take this opportunity to advise the House of the intention of the Committee on Energy and Commerce to seek from the Committee on Rules a modified open rule providing for the consideration of H.R. 4277, the National Gas Market Policy Act of 1984.●

MOUNTAINEERS STRIKE GOLD

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. RAHALL. Mr. Speaker, all Americans are filled with a special sense of pride, as we witness each evening the ultimate thrill of victory for athletes from the United States, the winning of an Olympic gold medal.

However, West Virginians are doubly proud, for each of the two Mountaineers participating in the Los Angeles games have won gold medals.

Ed Etzel, who is the rifle team coach of West Virginia University scored an incredible 599 out of 600 in the small-bore rifle competition to capture the gold medal.

Ed, a resident of Morgantown, started shooting at the age of 10, but only recently broke into the international scene. He has won two national championships and tied a world record in his event by shooting a perfect 600 during the Olympic trials.

In addition, Ed Etzel has led his team at West Virginia University to two consecutive NCAA championships.

The other gold medalist from my State, hails from Fairmont, and her impact on the sport of gymnastics will be felt for many years to come. I am, referring, of course, to 16-year-old Mary Lou Retton.

Early last week, Mary Lou was part of the American Women's silver medal winning team all-around effort. But last weekend, she alone stole the hearts of everyone when she scored a perfect 10 in the vault and a perfect 10 in the floor exercises.

As she noted in newspapers all over the world these past few days: "In the evolution of gymnastics as one of the Olympics' most popular sports, Mary Lou Retton has succeeded with a different style than previous champions—now everybody will be looking for another like her. But there will never be another quite like her. Mary Lou will always be an American original."

So Mr. Speaker, I offer my heartfelt congratulations to two fine Americans,

and two great Mountaineers. Way to go for the gold, Ed and Mary Lou. You done West, by gold, Virginia well.●

MAYOR JOE WAGER

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DAUB. Mr. Speaker, the time has long passed since serving as mayor of one of America's smaller cities required only a good smile and a strong handshake. The demands and challenges of local government today require professionalism, leadership and the ability to solve a host of long-term and short-term problems within the parameters of a tight budget.

For the past 15 years, the city of Ralston, NE, has been served by a mayor with a good smile and a strong handshake, but Mayor Joe Wager has also demonstrated that he is an astute problem-solver, an energetic leader, and a dedicated professional.

Including his 6 years as a city councilman, Joe Wager has served the city of Ralston for over two decades—two decades that have witnessed incredible growth in Ralston and incredible changes in city government. Joe has met the challenge on every occasion, and the citizens of Ralston have endorsed his accomplishments by returning him to office so often that he is known in our area as the "Dean of Mayors."

Joe has not limited himself to the demands of the mayor's office. He has also served as president of the Metropolitan Area Planning Agency's Council of Elected Officials and as chairman of its Goals Process Committee. He has also served on its board of directors and its Policy Review Committee.

Joe's other public service includes membership on the Regional Economic Development Advisory Committee, the Papillion Water-Coordination Committee, the Omaha/Douglas County Criminal Justice Commission and the chairmanship of the Air Quality Technical Committee.

Along with his extraordinary wife, Charlotte, and their two children, David and Sheila, and their seven grandchildren, the Wager's are Ralston's first family, and though Joe has announced his forthcoming retirement, his record of achievement stands as a lasting tribute to his years of public service to our region.

It is indeed a privilege to call to the attention of my colleagues the outstanding career of this impressive public servant and fine gentleman.●

HONORING RUSS SNYDER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. MURTHA. Mr. Speaker, the history of our great Nation is many times written less by the acts of the Government, than by the individual acts of the American people.

Our national character, integrity, compassion, and commitment comes from the individual acts of millions of Americans who take time to help others and contribute to their communities by improving the lives of others.

I wish to take a moment to recognize a friend of mine who has fulfilled that description—Mr. Russ Snyder of Jeannette.

I recently completed working with Russ on the first Westmoreland/Fayette Council "Manpower for Boypower" dinner to aid the area Boy Scouts.

Such hard work for the Boy Scouts is not new to Russ. He was an Eagle Scout himself and an Assistant Scoutmaster and Assistant Explorer Advisor. He entered the professional service of the Boy Scouts with the Philadelphia Council in 1952 serving in various capacities. In 1969 he became executive director of the Westmoreland/Fayette Council.

This past August 4, Russ announced his retirement from the council because of a disability. But I know Russ will never stop caring for his fellow citizens and working to improve their lives as he has through Scouting.

It has been a pleasure for me to work with Russ on Scouting, and I look forward to continuing my association with him to help our area, and it is my pleasure to honor him today for the work he has done so well.●

HONORING BEL AIR, MD

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. LONG of Maryland. Mr. Speaker, it is a great honor for me today to announce that the town of Bel Air, MD, in my district, has been awarded the U.S. Department of Housing and Urban Development's National Merit Certificate. This certificate of merit is only given to a very select number of local governments throughout the country that have created public and private partnerships in order to stimulate investment, revitalization, and development in their community—achieving results far beyond what Federal dollars alone could accomplish.

Through HUD's Community Development Block Grant Program, Bel Air was able to initiate a cleanup and revitalization program for Alice Anne Street, a deteriorated, low-income residential neighborhood adjacent to the downtown shopping area. As in any community effort, a number of obstacles had to be overcome. However, with the active participation and enthusiasm of local residents, the Alice Anne Street neighborhood revitalization project was able to restore vitality to the area, establishing 12 new housing units, rehabilitating eight houses, improving sidewalks and curbs, and creating a small park. The individual and collective efforts for beautifying Bel Air will always be remembered by the residents of this town as they live, work, and shop along Alice Anne Street.

I take great pride in acknowledging the endeavors of the residents of Bel Air and the spirit of cooperation that guided this project. The Alice Anne Street neighborhood revitalization project is a shining example of government and private sector working together to improve the quality of life in a community—other communities should follow their lead.●

WALTER FLOWERS: HE LOVED THE NATION HE SERVED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. COUGHLIN. Mr. Speaker, I want to take this opportunity to share with the House a perceptive and heartfelt article written by a former colleague, Otis Pike, about our late beloved colleague Walter Flowers. It says something both about Walter Flowers and about the Congress that is important and expressed with an eloquence only Otis Pike could summon.

The article follows:

WALTER FLOWERS: HE LOVED THE NATION HE SERVED

(By Otis Pike)

WASHINGTON.—On April 12 in McLean, Va., a good friend died while he was playing tennis with his son. He reached down to pick up a ball and never came up. People who are supposed to know about such things say he never felt a thing.

Outside the state of Alabama, Walter Flowers was not a well-known name. He was elected to Congress easily in 1968, running as a Democrat in a Democratic district in a year when his governor, George Wallace, was running for president. Wallace was on the American Independent Party line in most states, but had the Democratic line in Alabama. Against five opponents, Flowers got 56 percent of the vote.

So here was this red-neck Dixiecrat reactionary joining the 91st Congress right?

Wrong.

One of the first things bright Yankees learn when they get to Congress is that Congress is absolutely full of bright South-

erners. Dumb Yankees never learn, and they pay.

Walter Flowers had been Phi Beta Kappa. He had studied international law at the University of London. He had been president of the student government at the University of Alabama. He was a skilled and successful attorney.

He brought all that to Washington, and no one who knew him had any doubt about where he would come down when confronted with a tough issue.

He faced a tough issue in 1974 as a member of the House Judiciary Committee. There was an impeachment proceeding against a president who was very popular back home. Richard Nixon had carried Flowers' district by better than 3 to 1 in 1972. The president called Governor Wallace to intercede with Walter Flowers. Wallace declined. The president has said that's when he knew he was through. Wallace has said he didn't think a call would have changed Flowers mind.

When anyone prominent dies, newspapers get out the clippings from what they morbidly call "the morgue" and write obituaries. since most of the clippings in this case pertained to impeachment, that's what the obituaries were about. But that doesn't begin to tell you what Walter Flowers was about.

When a former member of Congress dies, someone usually says something nice about him on the floor. Rep. Lawrence Coughlin, R-Pa., organized a tribute for Flowers. That told you something. It may have happened before that a Republican organized a tribute for a Democrat, but I didn't recall it. Coughlin knew Flowers well, however, and is the sort of congressman who doesn't let politics get in his way when something ought to be done.

On May 2, 30 congressmen took the time to honor Walter Flowers, who had been out of there for six years. The ones who knew him best and loved him most didn't talk much about Watergate and impeachment. They talked about what a gentleman he was, what a leader, what a friend, and of the laughter and joy and style he carried with him.

They laughed at some of his more successful and outrageous publicity ploys (all politicians are hams). They talked about him in the gym, and of what a competitor this studious intellectual was.

Flowers had one bad campaign, in 1978. It was a Democratic primary for the Senate. It got mean and dirty. There were allegations that Walter had a loving relationship with a lady in Washington who was not his wife, which was completely true. There were charges that he had been in Washington so long that he had forgotten Alabama, which was completely false. He breathed Alabama.

He lost that election by a wide margin, and it hurt. He was deeply in debt from the campaign and his marriage was fatally wounded. If you live life hard, you get hurt sometimes, and he insisted in living every day of his life. He picked himself up and lived some more.

He got a fine job and was held up as an example of how much more money congressmen could make in the private sector. Some could. He paid off all his debts. He and his wife were divorced and he married the lovely lady in Washington.

Way back in the mid-50s, when Flowers was head of the student government, the University of Alabama was ordered by the courts to integrate. A very large and very loud contingent yelled, "Never." A crowd of more than a thousand marched from the campus to Flagpole Corner downtown. One observer described the gathering as "white-collar Ku Klux Klan."

Flowers climbed up on the flagpole's pedestal and made an impassioned speech. He spoke of the necessity of obeying the law of the land. They booed him and hissed him. He begged them not to embarrass their university or their state. They heard him, and thinned out.

Flowers never became really famous. He was one in a long line of strong, brave, decent and hard-working human beings, complete with love and laughter and strengths and weaknesses, who come from Alabama and all over this broad land and keep the nation going when famous people disgrace it.●

THE GOUGEON BROS. WEST SYSTEM SUCCESS STORY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. TRAXLER. Mr. Speaker, I rise before this House in tribute to an innovative and growing firm in my district. Many of my colleagues have noticed the large wood-composite blade structure now displayed in front of the U.S. Department of Energy building here in Washington. The blades are used to generate electricity and were developed and manufactured by Gougeon Bros., Inc., located in my hometown of Bay City, MI.

The wood-composite blades on display at the Department of Energy were used in Hawaii and generated an impressive 850,000 kilowatt-hours of electricity. Three other Gougeon Bros. blade systems were used in Puerto Rico, New Mexico, and Rhode Island. Together the four-blade systems generated 3.6 million kilowatt-hours of energy. Although these blade systems were developed as part of a joint NASA/Department of Energy project, Gougeon Bros. also manufactures smaller blade systems for use in the private sector, including "wind farms" in California.

The blades are 60 feet long and are composed of a wood/epoxy composite exclusively developed by Gougeon Bros. The epoxy is produced by the company under the trademark West System. Gougeon Bros. West System wood-composite work is noted for its light weight and great strength, most particularly as the material for the hulls of pleasure craft, as well as other applications.

Gougeon Bros. was established in the early 1970's and has grown from 4 employees in 1974 to 93 today, with more new jobs planned in the coming year. Considering Michigan's high unemployment rate, Gougeon Bros. deserves to be commended for its contribution to the community in creating new jobs.

Michigan brings to mind the automotive industry, but it is often not realized that our State is a leader in the development of new technologies. Gougeon Bros., Inc., is a leader in both Michigan and the Nation in field of wood composite and alternative energy technologies. I want to take this opportunity to commend their innovative work and wish them every success in the future.●

CELEBRATING THE 150TH ANNIVERSARY OF THE ALLEN CHURCH IN SOUTH JAMAICA, NY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. ADDABBO. Mr. Speaker, I would like to call to the attention of my colleagues, a remarkable church in South Jamaica, Queens, that this year is celebrating its 150th anniversary.

The Allen A.M.E. Church is a house of worship that has become very much the center of our Queens community. Historically, the black church has played an important role in the black community, and under the dynamic leadership of Rev. Floyd Flake, the Allen Church continues to assume this role.

During a period of high unemployment and rising interest rates, the Allen congregation created a modern day miracle by raising through their tithes, offerings, and fundraising activities more than $1 million to build a $3,800,000 school for prekindergarten through the eight grades. This money has also been used for a multipurpose educational center for various community functions.

The charismatic Reverend Flake has not only worked with church and community members to build this structure but he has also been the catalyst for expanding the membership of the church. Under Reverend Flake's leadership the members has grown from 1,400 to 3,000 parshioners. He has also been responsible for the formation of the Allen Bible Institute which provides the community with an opportunity to study the Scriptures in depth.

Reverend Flake and the Allen Church has extended itself far beyond its membership. On Thanksgiving eve, the church's outreach program provided 5,400 dinners to needy residents. In addition, the formation of the Allen Housing Corp. whose goal is to revitalize abandoned homes in Jamaica, has recently purchased 10 stores enabling us to ensure stability in our community as well as afford respectable establishments the opportunity to set up shop. The Allen Neighborhood Preservation and Development Agency also purchases and rehabilitates homes to

offer our community residents affordable living space.

Other activities run by the church include a jobs referral service and free transportation for senior citizens to shopping malls, grocery stores, restaurants and banks.

Mr. Speaker, on this occasion of celebrating the 150th anniversary of the Allen Church, I take particular pride in congratulating Reverend Flake and his parishioners as they are a dedicated and constructive force in the Jamaica community. I have enjoyed working with them in the past and look forward to this continued relationship in the future.●

WOMEN'S EQUALITY DAY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DAUB. Mr. Speaker, later this month, on August 26, the Nation will recognize Women's Equality Day. Great advances have been made by the women of America toward full equality, yet inequality does continue in a number of significant areas.

In 1984, 54 percent of women are working outside the home; that contrasts with 39 percent in 1965. In numerical terms, the number of women in the work force has almost doubled since 1965—increasing from 26 million then to 50 million today.

Increasingly, women are going into business for themselves. The number of women starting their own businesses increased by 10 percent between 1982 and 1984 compared to 1 percent for men. In the last decade, the percentage of women lawyers has tripled and the percentage of women engineers has quadrupled. In 1973, 18 percent of managers and administrators were women; today that figure is 32 percent.

However, the wage gap persists despite the fact that women have made impressive gains in fields dominated by men. Women average only 62 cents for every dollar men make, and over a third of families headed by women fall below the poverty line.

In the political field, women have made extradordinary advances—tripling their numbers in the Nation's State legislatures since 1969 and serving as mayors of some of the Nation's largest cities. Women hold the governorship or lieutenant governorship in four States and in recent years have broken the barriers in space, on the Supreme Court and on the Presidential ticket of a major party. Two women serve in the U.S. Senate and three in the President's Cabinet.

Special note should also be taken of the great successes chalked up by America's women athletes during the 1984 Olympics—victories that can be traced to the equality in sports mandated by title IX.

Thus, while there is progress yet to be made and barriers yet to be broken, the incredible advances made by American women in the last decade are a matter of record and have opened up a whole new world of opportunities and challenges for our daughters and granddaughters.●

GOVERNMENT EMPLOYEES HOUSING IN PANAMA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Ms. OAKAR. Mr. Speaker, today I am introducing legislation which will amend the Panama Canal Act of 1979.

The purpose of the legislation is to amend section 1217(d) of the Panama Canal Act of 1979, which implemented the Panama Canal Treaty of 1977. This section of the act precludes payment of any overseas differentials and allowances to an employee whose permanent duty station is in the Republic of Panama and who is employed by an executive agency of the U.S. Government.

Mr. Speaker, pursuant to the Panama Canal Treaty of 1977, a number of functions and associated personnel were transferred from the Panama Canal Company and Canal Zone Government to the Department of Defense. These transfer-of-function employees, principally school teachers and medical personnel, were permitted to remain in, and continue to rent Panamanian-owned housing under the control of the Panama Canal. That right, however, was limited by an Executive agreement between our Government and the Republic of Panama to a 5-year period ending October 1, 1984.

Mr. Speaker, with the October deadline fast approaching, I have been informed by the Department of Defense that insufficient housing is available for the new transfer-of-function employees and others who may be eligible for housing support. My amendment would remedy this problem by authorizing housing allowances for these employees so that they may obtain suitable housing.

Mr. Speaker, the new allowance will be composed of the employee's annual expenses for rent and utilities reduced by the amount of rent the employee would be obligated to pay if he or she occupied U.S. Government owned or leased quarters, not to exceed the maximum amount authorized by Department of State regulations. I believe that this reduction is necessary to ensure equity between employees living in U.S. Government owned or leased housing who pay rent and utilities at the fair market value and those who will receive assistance in meeting local housing costs.

Mr. Speaker, as you may know, suitable housing in Panama is extremely expensive and beyond the means of many Department of Defense employees. Without the ability of the Department of Defense to provide adequate housing support to this group of employees, I am sure that significant loss of personnel would result and recruitment of replacements would be next to impossible.

Finally, Mr. Speaker, I believe it is very significant that this legislation has bipartisan support and, moreover, is fair, equitable, and economical. A total annual outlay of only $5 million will permit our Defense Department employees to secure appropriate housing in the Panamanian economy.

Mr. Speaker, I urge all my colleagues to support this very important legislation.●

FOREIGN SALES CORPORATIONS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DE LUGO. Mr. Speaker, I join my colleague, the Honorable PETE STARK, chairman of the Subcommittee on Select Revenue Measures of the Ways and Means Committee, in sponsoring an amendment to the Foreign Sales Corporation [FSC] legislation directing the industries seeking FSC tax benefits to locate in U.S. possessions which are outside of the country's customs territory. The proposal would guarantee that the possessions reap the economic benefits which would flow from the presence of these export companies.

The proposal is consistent with Congress' express interest in the economic health of the territories. The trade and tax incentives which the territories offer industry have had a limited success in building these offshore economies. Requiring the exporters to locate in the territories will, apart from the benefits of their FSC presence, focus industry attention on the territories. This would give the territories the boost that they need to cultivate in the industrial market.

The legislation introduced today could do more for the economies of the U.S. territories than any other single piece of legislation. I would like to thank my good friend PETE STARK for his interest in assuring that, if the General Agreement on Tariffs and Trade requires U.S. exporters to locate outside of our customs territory in order to gain an export subsidy, the benefit of their corporate presence will accrue to U.S. citizens.●

IMPASSE IN POSTAL SERVICE NEGOTIATIONS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, on July 20, 1984, an impasse was reached in the negotiations over the terms of successor agreements to the national contract between the U.S. Postal Service and the four major postal unions—the American Postal Workers Union, the National Association of Letter Carriers, the National Rural Letter Carriers Association, and the National Post Office Mail Handlers. I am concerned that in light of this impasse, the U.S. Postal Service has gone forward in implementing a major bargaining matter—a 23 percent pay cut and reduction in benefits for newly hired workers. At the same time, the Postal Service is operating in the black and giving out bonuses to its management.

This action is clearly divisive and serves only to heighten tensions and lower morale. It violates the spirit of the Postal Reorganization Act of 1970, which does not permit a strike but instead envisions good faith bargaining as equal partners under the provisions of the old contract until a new contract is agreed upon by arbitration.

I urge the U.S. Postal Service and its Board of Governors to operate within the intent of the Postal Reorganization Act and both sides to reach a workable agreement.●

IN HONOR OF KOVR-TV

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. MATSUI. Mr. Speaker, I wish to extend my deepest congratulations to KOVR-TV (channel 13), now celebrating its 30th anniversary of outstanding and dedicated television service to the communities of Sacramento and Stockton, CA.

KOVR-TV has progressed steadily from a small independent station that had no network affiliation to its present position as one of the three major network affiliates in the 20th largest media market in the country.

In its 30 years, the station has operated under several owners, including the Gannett Co. of Rochester, NY, and McClatchy Newspapers. In May 1980, the station was sold to the Outlet Co. of Providence, RI, now known as Outlet Communications, Inc., a subsidiary of the Rockefeller Group. The sale is worthy of notice, Mr. Speaker, because for the first time in the history of television broadcasting, the ownership responsibilities fell to two different groups—the Outlet Co. in their role as majority owners and also to a group of minority investors whose participation in the station's management represents a healthy sign of American entrepreneurship.

Mr. Speaker, KOVR-TV continues to show excellent judgment and good sense and taste in their news and entertainment programming. On behalf of the community of Sacramento and its citizens, I extend my thanks and congratulations for a job well done and my best wishes for many more years of successful programming.●

QUILTERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mrs. SCHROEDER. Mr. Speaker, I would like to alert my colleagues to an important piece of Americana.

First performed at the Denver Center for the Performing Arts, "Quilters" has now come to the Kennedy Center Terrace Theater.

This musical play is a moving tribute to the agony and the joy of frontier life in America. With captivating candor and sensitivity, the remarkable women of "Quilters" tell a universal story. It is an exquisite dramatic patchwork of our own heritage. We see ourselves and our own intimate history in each special block of the quilt.

Near the end of the play, the character Sarah quotes from Proverbs: "Give her the fruit of her hands and let her own works praise her in the gates." I urge my colleagues to attend this performance of "Quilters". It is a play well worth praising.●

THE SITUATION IN POLAND

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. LIPINSKI. Mr. Speaker, the plight of political prisoners in Poland remains an important concern of mine. I have strongly urged the declaration of amnesty for political prisoners in that embattled country, and the present regime appears to have responded in a favorable manner.

Since there appears to be some positive signal being sent by the Polish Government, I believe it is incumbent upon us to respond in kind to their actions. One step taken, with which I agree, is to approve Poland's entry into the International Monetary Fund [IMF]. Their economic health remains poor and the suffering is placed disproportionately upon its people. By allowing the Polish economy a chance for growth and improvement, this could precipitate further granting of more liberal treatment of its people. It is important to remember that other Communist nations are members of the IMF, and this should not serve as an obstacle to admitting Poland.

Additional sanctions, which have been in place since 1981, could also be removed, further showing their efforts are not unnoticed. Easing the curbs on scientific cooperation and regranting landing privileges to their national airline are positive steps.

If we see continued progress by the Polish Government toward improving human rights and freedoms—particularly, restoration of solidarity as an independent labor movement—then additional curbs could be lifted.

It is certain that the situation in Poland will be closely monitored and further progress must be made before any additional concessions will be made. I remain optimistic the freedom loving citizens of Poland will continue with their unbreakable spirit and convince the current regime of the error in their repressive form of government.●

A TRIBUTE TO GEORGE FRANCHOCK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. CLINGER. Mr. Speaker, today I rise in admiration and respect in calling to the attention of my colleagues the outstanding volunteer efforts put forth by a citizen of Pennsylvania's 23d Congressional District. The untiring energy and dedicated sense of purpose which George Franchock of Glen Hope has exhibited should not go unrecognized.

Over the past 8 years, Mr. Franchock has donated over 10,000 hours of his time and energy toward improving the quality of life in Glen Hope, by working in their senior citizens center, park, fire hall, and borough building. George is a very civic minded volunteer who has donated considerable time and money to such noteworthy projects as organizing a volunteer fire company, of which he is a chief, the building of the Glen Hope Fire Hall, construction of Caldwell Memorial Park, and renovation of the Glen Hope United Methodist Church. He has also served as a member of the Moshannon Valley School Board for the past 12 years.

For his outstanding personal commitment, untiring efforts, and immeasurable contribution to the quality and way of life for the people of the Glen Hope area, I salute this distinguished

community leader and great American.●

SUPPORT THE FREEZE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. FEIGHAN. Mr. Speaker, Americans have always been known for their common sense. That common sense is convincing more and more of us that the best way to stop the nuclear arms race is to simply stop building new, nuclear weapons. Millions of our citizens at town meetings and on state ballots throughout the country have decided to fight the threat of nuclear war by voting to enact nuclear freeze resolutions.

This House followed their lead last year when it passed the nuclear freeze resolution. Now it is time to take the next step.

That is why I am an original cosponsor of the Comprehensive Nuclear Weapons Freeze and Arms Reduction Act of 1984. This bill would establish a mutual and verifiable moratorium between the United States and the Soviet Union on the testing, production, and deployment of all nuclear weapons. Strict verification procedures are provided for in the legislation, and the moratorium would be conditioned on strict Soviet reciprocity. We would freeze only if the Soviets followed suit. Congressional oversight is guaranteed throughout the process.

I commend this legislation to all of my colleagues as a valuable alternative to the Reagan Administration's Orwellian proposal to build down our nuclear arsenal before proceeding to a freeze and real arms reductions. Under builddown, we would retire two nuclear warheads for every new one put into service. It sounds attractive, but I oppose build down for several very simple reasons: It won't stop the MX or the Soviet SS-19; it won't stop Pershing II or the SS-20; it won't stop the B-1 or the Backfire; it won't stop the testing, production, and deployment of the D-5 missile, "Star Wars," or any new Soviet or American nuclear weapons programs.

Two-for-one builddown is no bargain. History shows how it works: When gunpowder was first invented, shrewd war planners would trade in 10 crossbows for a rifle; later on 100 rifles could be thrown away for every machine gun put into service; and Hiroshima showed that the atomic bomb has made entire divisions obsolete.

But the world has changed since 1945. Today, launching a nuclear weapon means suicide, not victory. The military sense that tells you to trade in two old weapons to make way for a more sophisticated substitute is not common sense in the nuclear age. The logic of builddown refuses to acknowledge this simple truth. Builddown does nothing to stop the rush for killer technology that fuels the arms race, and it would pave the way for a new generation of faster, more powerful and more accurate weapons.

Of course, we all want to reduce our nuclear arsenals, not simply freeze them. But a freeze agreement now offers the best hope for reductions later. It is more negotiable and easier to verify than builddown. The freeze runs the arms race into a dead end; builddown offers only a detour on the expensive road to a world where weapons are poised to destroy all we know on a moments notice.

I urge all of my colleagues to cosponsor the Comprehensive Nuclear Weapons Freeze and Arms Reduction Act of 1984.●

U.S. FOOD ASSISTANCE AND AGRICULTURAL DEVELOPMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Wall Street Journal July 10, 1984, by James Bovard entitled "Free Food Bankrupts Foreign Farmers" and three responses to that article. Letters written by the Executive Director of CARE and a State Department official appeared in the July 27 Wall Street Journal. A letter by a representative of the Agency for International Development remains unpublished.

This statement by Mr. Bovard raises serious charges about the effectiveness and utility of what has been regarded as an important instrument of American foreign policy. I felt these charges should be answered directly by the United States.

The Wall Street Journal article and the three replies to it follow:

JULY 10, 1984.

Hon. M. PETER MCPHERSON,
Administrator, Agency for International Development, Washington, DC.

DEAR PETER: I attach for the comments and response of your Agency the attached article which appeared in the July 2, 1984 Wall Street Journal entitled "Free Food Bankrupts Foreign Farmers."

This article makes several damaging statements about the P.L. 480 programs and U.S. food assistance policies and raises serious questions about the effectiveness and utility of what has been regarded as a major foreign policy instrument of the United States. I believe a prompt and detailed answer to the charges in this article by AID is necessary.

I appreciate your consideration of this matter.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

[From the Wall Street Journal, July 2, 1984]

FREE FOOD BANKRUPTS FOREIGN FARMERS

(By James Bovard)

Food for Peace is probably our most harmful foreign aid program. Each year the federal government dumps more than $1 billion of surplus commodities onto Third World countries. This food occasionally feeds people who otherwise would go hungry, but the usual effect is to undercut poor farmers and disrupt local agricultural markets.

Food for Peace has always been a bit of a mongrel program, serving whatever purpose politicians choose at that moment. Until 1980, it gave surplus tobacco to poor countries! The program currently helps avert starvation by giving away Agriculture Department surplus cotton. Food for Peace (also known as PL 480) is jointly administered by the USDA and the Agency for International Development, and the two often quarrel.

Food for Peace originally was designed in 1954 to help the Eisenhower administration get rid of embarrassingly large farm surpluses. The original law included a cargo preference provision requiring half of all PL 480 food to be shipped in American-flag ships. This provision supposedly helps ensure a healthy merchant marine for national defense emergencies. But a 1983 Senate Agriculture Committee report concluded: "Rather than encouraging the development of improved U.S. vessels, the program encourages the continued use of semi-obsolete and even unsafe vessels which are of little use for commercial or defense purposes." Due to inflated U.S. shipping costs, cargo preference adds more than $50 million to the program's cost.

MISCONCEPTIONS ABOUT AID

Many Americans have the impression that most U.S. food relief goes to areas hit by foreign disasters or emergencies. Actually, only 14% of PL 480 food went to such areas last year, and even that aid is often counterproductive, disrupting local economies and discouraging governments from reforming destructive agricultural policies. The usual routine for other PL 480 programs, as one congressional staffer described it, is for an AID person to come into a country, find an excuse for a project and then continue it for 15 years, regardless of need or results. Many such programs have fed the same people for more than a decade, thereby permanently decreasing the demand for locally produced food and creating an entrenched welfare class.

In the 1950s and 1960s, massive U.S. wheat dumping in India disrupted the country's agricultural market and bankrupted thousands of Indian farmers. George Dunlop, chief of staff of the Senate Agriculture Committee, speculated that food aid may have been responsible for millions of Indians starving. Mr. Dunlop and Reagan administration officials insist that the program no longer puts farmers in recipient countries out of business, but the evidence does not flatter their contention.

PL 480 is still often run with the goal of giving away the most food in the shortest time. The Kansas City Times reported that

in 1982 the Peruvian agriculture minister pleaded with USDA not to send his country any more rice, fearing that it would glut the local market and drive down prices for struggling farmers. But the U.S. rice lobby turned up the heat on USDA, and the Peruvian government was told that it could either have the rice or no food at all.

The same type of policy fiascos occur in sub-Sahara Africa, which received 14% of PL 480 donations in 1983. Most African governments force farmers to sell their crops to the government at a third to a half of their market value. Per-capita food production in Africa has decreased 20% since 1960, and PL 480 donations have helped governments perpetuate the destructive status quo. The easier it is for governments to get welfare, the less incentive they have to reform their own policies.

Haiti is another country wounded by U.S. free food. A development consultant told the House Subcommittee on Foreign Operations a few years ago, "Farmers in Haiti are known to not even bring their crops to market the week that [PL 480 food] is distributed since they are unable to get a fair price while whole bags of U.S. food are being sold." Where there is a sharp increase in the supply of food, prices will inevitably fall and local farmers will be hurt.

PL 480 also is often ineffective in international disasters when a speedy response is essential. People have starved while bureaucrats haggled and decrepit boats puttered across the ocean.

In 1976 an earthquake hit Guatemala, killing 23,000 people and leaving over a million homeless. But just prior to the disaster, the country had harvested one of the largest wheat crops on record, and food was plentiful. Yet the U.S. dumped 27,00 metric tons of wheat on the country. The U.S. "gift" knocked the bottom out of the local grain markets and made it harder for villages to recover. The Guatemalan government finally had to forbid the importation of any more basic grains.

PL 480 aid is divided under three titles. Title I sells food to countries at concessional prices, roughly 65% lower than market price. Title II donates food to be used for local development projects and for malnourished groups. Title III donates food but only on condition that countries are making an effort to improve their development policies. Very few countries have applied for Title III conditional aid, as they know they will get free or cheap food regardless of what policies they follow.

Roughly a quarter of Title II donations go for the Food for Work (FFW) program. FFW recipients receive food in return for working on labor intensive projects. These projects are supposed to be designed to increase agricultural productivity.

But workers often labor to improve the private property of government officials or of large landowners. An AFD analysis of FFW in Bangladesh, which has the largest number of FFW projets, concluded that FFW "results in increased inequity" and "strengthens the exploitive semi-feudal system which now controls most aspects of the village life. . . ." Workers were underpaid, and the government of Bangladesh used U.S. wheat for other purposes and paid laborers with poor quality, infested wheat. A 1975 Food and Agriculture Organization report concluded that FFW projects in Haiti "have extremely deleterious effects on the peasant communities and cause great erosion of the reservoir of mutual service relationships of the traditional peasantry."

In many areas, rural residents neglect their own farms to collect generous amounts of food for doing little or no work on government-supervised projects. FFW has, like food stamps in the U.S. contributed to a shortage of agricultural labor at harvest time.

Much of the donated food is targeted for school food or health programs for mothers and their children. AID claims that this prevents displacement of local production and reduces malnutrition. But an AID audit of targeted assistance in India, which has the largest program, concluded, "The maternal/child health program has not improved nutrition and the school feeding program has had no impact on increasing school enrollment or reducing the drop-out rate. . . ." Another AID audit concluded that "program methodology in Kenya (and elsewhere in Africa) creates an unlimited demand for food. . . . The long-term feeding programs in the same areas for 10 years or more have great potential for food production and family planning disincentives. . . ." In other countries, such as Haiti, the local AID office has never even attempted to determine the impact of PL 480 food on recipients' nutritional status.

If the USDA really believes that giving food to the poor has no effect on local farmers, then presumably Agriculture Secretary John Block would not object if the European Economic Community sent over a billion pounds of surplus cheese to feed all the hungry Americans they hear about.

Recipient governments often sell PL 480 food and use the proceeds for various doubtful purposes, such as buying arms. Mauritius insisted on receiving only the highest quality rice—and then used the donated food for its hotel trade. In other cases, food aid is squandered because of government price controls. According to one former AID official, bread is so cheap in Egypt that American PL 480 wheat is baked into loaves and fed to donkeys.

When food aid does not undercut local farmers, it often replaces food that the recipient country would have purchased on international markets anyway. One analysis found that almost 90% of PL 480 donated to Brazil simply replaced grain that nation would have purchased from the U.S. and other grain exporters. The General Accounting Office reports that many countries have deceased their commercial purchases from the U.S. while continuing to receive PL 480 handouts.

OPPOSITION IS WIDESPREAD

Not only does PL 480 hurt Third World farmers, it also helps perpetuate floundering U.S. agricultural policies. USDA price supports have led to the government accumulating a huge wheat stockpile and billions of pounds of slowly rotting dairy products. PL 480 gives congressmen a respectable-looking vehicle for disposing of the evidence of our farm policy failures.

Opposition to food aid is widespread among even liberal activists—the same groups that often favor handouts on principle. The Canadian Council for International Cooperation recommends that "except in cases of emergencies, food aid be abolished." Laurence R. Simon of OxfamAmerica, a liberal self-help development agency, concludes: "We haven't seen convincing evidence that food aid can be effectively employed as a development resource." Tony Jackson, author of "Against the Grain" and a former AID consultant, believes that food aid almost never does more good then harm, except during disaster relief.

PL 480's main beneficiaries are American farmers and the U.S. merchant marine. PL 480 has bankrupted poor farmers, encouraged the welfare ethic in recipient countries and squandered billions of tax dollars. If this is our humanitarianism, God help the Third World if we ever decide to get rough with them.

AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, July 31, 1984.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 10, 1984, regarding the Wall Street Journal article, "Free Food Bankrupts Foreign Farmers."

On July 6, A.I.D.'s Assistant Administrator for Food for Peace and Voluntary Assistance, Julia Chang Bloch, sent a response to the editors of the Wall Street Journal. The response, which addresses the inaccuracies and errors in Mr. Bovard's article, has not yet been published in the Wall Street Journal. The editorial page staff has received her letter and has it under consideration.

A copy of that letter is enclosed. I have also included a copy of a response submitted by Dr. Philip Johnston, Executive Director of CARE, to the same article.

If I can be of further assistance, please let me know.

Sincerely,

M. PETER MCPHERSON.

JULY 6, 1984.

EDITORIAL PAGE EDITOR,
Wall Street Journal,
New York, NY.

DEAR SIR: The recent editorial page article by James Bovard failed to point out how the Food for Peace program has helped millions of poor people in developing countries.

Your readers deserve a fair and accurate account of the program.

Food for Peace—Public Law 480—celebrates its 30th anniversary July 10. Since its inception, while continuing to serve multiple objectives, the program has evolved, matured, and effectively addressed the concerns of Mr. Bovard. In these 30 years, the number of people dying of hunger on this planet has decreased, despite the dramatic increases in population. The United Nations reports lower infant mortality in virtually every country. The largest and poorest countries of Asia, which historically suffered recurrent famines, today enjoy relative food security. The Food for Peace program has played a major role in these developments.

From its start, the program has used U.S. agricultural abundance to help the overseas poor. As early as 1966, Congress deleted from Public Law 480, the Food for Peace legislation, any reference to U.S. surpluses, increasing the emphasis on using the program to combat hunger and malnutrition abroad.

In the 1970's and 1980's amendments to PL 480 further refined the development focus of the program, mandating (1) clearly defined self-help efforts in recipient countries and (2) careful attention to avoiding disincentive effects on the agricultural production of recipient countries.

In the 1980's in particular, the U.S. has taken the led in using food aid to help developing countries undertake policy reforms and to integrate PL 480 into the overall de-

velopment strategies of the recipient countries. For example, Cape Verde, Upper Volta and Mauritania use food aid to eliminate inappropriate prices policies and other root causes of chronic food emergencies.

In Zambia, food aid has improved incentives to small farmers to increase food production, particularly corn. In Bangladesh, food aid supports an open market sales program which stabilizes prices and, at the same time, maintains a buffer stock to assure food security for this emergency prone country. India, despite Mr. Bovard's allegations, is now generally self-sufficient in food grains. Once the largest beneficiary of U.S. food aid, India produced 52 million tons of food grains in 1950; today total production is more than 133 million tons.

Increased emphasis also has been placed on assuring that food aid programs are well targetted, properly designed, and coordinated with U.S. development assistance and other donor resources. Already we are seeing the results of these efforts. Contrary to Mr. Bovard's assertions that Title II Food for Work programs benefit the elite, a comprehensive evaluation of Food for Work in India shows that 68 percent of the beneficiaries are small farmers. A recently completed study of Food for Work roads in Bangladesh documented that road construction has stimulated economic and social development throughout rural Bangladesh and provided employment to hundreds of thousands of landless laborers.

Additional evidence supports the positive impact of other Title II programs. A 1983 evaluation of the Haiti Seventh Day Adventist World Services Maternal Child Health program found significant impact on the nutritional status of severely malnourished children. Other evaluations in Sri Lanka, the Philippines, Morocco and Senegal demonstrate that food aid can effectively reduce malnutrition. A 1984 study of the School Feeding program in India suggests a positive causal relationship between school feeding and student enrollment, particularly for girls.

Food for Peace helps the people of the United States, as well as poor people throughout the developing world. It supports broad foreign policy objectives, creates new markets for U.S. agricultural products, and strengthens U.S. exports and our balance of trade. In short, Food for Peace is among the best examples of compatibility between American compassion and American productivity. Americans can be proud of the U.S. Food for Peace program.

Sincerely yours,

JULIA CHANG BLOCH,
Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[From the Wall Street Journal, July 27, 1984]

LETTERS TO THE EDITOR—DOES FOOD FOR PEACE STUNT GROWTH?

James Bovard's "Free Food Bankrupts Foreign Farmers" (editorial page, July 2) contains misconceptions regarding the Public Law 480 Food for Peace Program.

PL 480 does not, as Mr. Bovard asserts, "undercut poor farmers and disrupt local agricultural markets." When the program was initiated in 1954, recipients included Germany, France, Italy, Poland, Yugoslavia, Greece, Spain, and Norway. The program did not destroy their agricultural economies and the will to grow food. In fact, several of these countries now contribute food through the EEC for similar programs. Also, a study by Dr. H. W. Singer of the University of Sussex found that in India—long the largest recipient of food aid—"theoretical analysis gives no proof that food aid, if properly handled, has serious disincentive effects on food production."

India illustrates the effectiveness of food for work programs. In 1976 CARE introduced FFW projects there. These mostly involved soil conservation, flood protection, irrigation and school construction. Initially 235,000 recipients in hundreds of projects consumed 71,000 tons of PL 480-wheat. This program continued through 1979 and in its peak year, 1977, had 1,180,000 recipients in food for work activities that resulted in the distribution of 297,000 tons of wheat. CARE was able to end its participation when two very successful crop years made it possible for the Government of India to take over the program with its own resources. CARE's food for work programs have now been made a regular part of the Sixth Five-Year Plan. It is expected to generate 300 million to 400 million mandays of work annually.

Mr. Bovard said that the U.S. Agency for International Development in Haiti "has never attempted to determine the impact of PL 480 food on recipients' nutritional status." Actually such a study is being conducted by Joel Cotton for AID and the first phase has been completed.

Contrary to Mr. Bovard's assertion, a study by Prof. Frederick Bates of the University of Georgia showed that there was, indeed, a food shortage associated with the earthquake in Guatemala in 1976. Also, instead of grain prices dropping at the time, as Mr. Bovard claimed, prices increased. The Bates study was far more comprehensive and rigorous than the impressionistic Jackson piece cited later in the article by Mr. Bovard.

Also, far from having food "dumped" on it, India today purchases food when needed in the international commercial market and is increasingly supplying its maternal/child health program and midday meal program from its own resources. The government is scheduled to take over this program completely within 10 years.

PHILIP JOHNSTON,
Executive Director, CARE.

NEW YORK.

Public Law 480 embodies humanitarian, development, export promotion, and foreign policy objectives. These objectives have been and are being met.

Under Title I, contrary to Mr. Bovard's understanding, the U.S. provides long-term (20-40 years) credit at concessional interest rates (2% to 4%) to facilitate purchases of U.S. agricultural output at market prices by friendly developing countries. The food is sold locally, with the proceeds used to fund economic development. Since Title I generates local (often non-convertible) currencies, it is difficult to see how, without taking the notion of fungibility to absurd lengths. Mr. Bovard imagines these monies being used by governments to buy arms.

As to food production disincentives, the law requires the Secretary of Agriculture to determine that distribution "will not result in a substantial disincentive to or interference with domestic production or marketing. . . ." Title I agreements contain a series of "self-help measures," tailored to the situation of the recipient country, which spell our specific actions to be taken to foster economic development. These measures are not always easy or painless; they often encourage price decontrol, market reliance, added attention and resources to the private agriculture sector, and elimination of consumer subsidies.

Title I is highly prized by food-deficit developing countries that lack the foreign exchange to meet food needs through normal commercial imports. The food deficit might be chronic and self-reliance might be a generation away, even with the proper help. In other cases, a normally self-reliant country may need short-term help to deal with a natural or man-made disaster.

Title II donates food to the world's neediest. Even here, though, every effort is made to maximize the contribution to development of this humanitarian program.

Title III is similar to Title I, except that it calls for added policy reform or other developmental progress in exchange for a multiyear food aid commitment and forgiveness of the food-aid debt. Since the enactment of Title III, however, Title I's ecomomic development conditions were toughened, and the difference between the developmental impact of the two Titles has lessened markedly.

Mr. Bovard suggests that U.S. food aid has hampered agricultural production overseas, and that somehow, without food aid, countries would be motivated to produce more domestically. The fact is that a real hunger problem exists in the world today, which even Mr. Bovard cannot wish away.

Food aid has not prevented the dramatic increase in food production in the developing world over the past few decades. Population, unfortunately, has increased even faster. Developing countries' import needs (commercial purchases plus food aid) total about 95 million tons per year. The U.S. sells about 40 million tons to the developing world, and provides somewhat over five million tons in food aid. It is hard to argue that the five million tons is a significant disincentive to domestic production.

DENIS LAMB,
Deputy Assistant Secretary, Trade and Commercial Affairs, State Department.

WASHINGTON.●

CONGRATULATIONS TO A BRAVE HERO

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. ROGERS. Mr. Speaker, I want to call to the attention of the House an outstanding individual from my district in Kentucky, who has recently been hornored for heroism.

Back on May 14, 1983, Pamela Graves was involved in a boating accident near Irvine, KY. She was clinging to a partially submerged tree about 8 feet from the bank of the swollen Kentucky River.

With the water swirling around her and threatening to drown her, a nearby farmer, Gary Freeman was alerted. He arrived on the opposite river bank, and ignoring the danger to himself, jumped into the rushing waters.

With difficulty because of the strong current, which took him off course as he swam, Mr. Freeman swam 300 feet

across the river, then ran to a point on the bank near Mrs. Graves. Using a branch, he pulled Mrs. Graves to the bank and out of the river. She was then taken to a local hospital to be treated for shock, but she recovered.

At its recent awards meeting, the Carnegie Hero Fund Commission awarded a special medal to Gary Freeman of Irvine, KY, in recognition of this life-saving effort.

Mr. Speaker, such heroism is one of the things America has long stood for. This brave act, at risk to his own life, by Mr. Freeman is to be saluted by all of us.

I call upon my colleagues in the House of Representatives to join with me in congratulating and thanking Gary Freeman for his selflessness and bravery. Our world is a better place thanks to him and others who give of themselves to those in need.●

NATIONAL PORT WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BIAGGI. Mr. Speaker, today I join with the other leaders of the congressional port caucus—Mr. HOWARD, Mr. ROE, and Mr. JONES of North Carolina—to introduce a resolution authorizing and requesting the President to proclaim the week beginning October 7, 1984, as National Port Week. This resolution—similar to resolutions passed by each session of Congress since 1978—recognizes the important role of our ports to the economic health and defense of our great Nation.

During the last several years, we in Congress have heard from the mayors and representatives of our port cities who are greatly concerned about issues such as dredging and Federal/State cost sharing. The level of activity surrounding these issues gives some indication of the contribution of our ports to the economic life of the State and local community. The willingness of the Federal Government to contribute a portion of the cost of dredging and other waterway projects underscores the importance of ports to our national defense—and to the economic health of our Nation as a whole.

Ports are directly responsible for the creation of over 1 million jobs throughout our Nation. They generate more than $66 billion in national income—and pay $12 billion in Federal, State, and local taxes. When we recall that trade amounts to 10 percent of our gross national product—and that one out of every six workers in agriculture, manufacturing, and services is dependent on trade, we realize the importance of our national system of ports through which 95 percent of our trade passes.

It is impossible to deny the linkage between trade and our ports. The 189 ports of our inland river system and the four sea coasts are the conduits through which international trade passes. Without the contributions made by the American port community, U.S. trade would still be tied to the inefficient and expensive techniques of the past.

Ports—through their commitment to expansion and intermodalism—have facilitated the growth of international trade and have assured that the cost of U.S. exports remains competitive on the world market. The expansion of foreign trade is vital to the economic health of our Nation, and ports play a major role in assuring that expansion.

We should also recognize the ports for the role they play in our Nation's security. The stability and efficiency of American ports assures peace through strength. The diversity, depth, and efficiency of our ports contribute to our Nation's defense. Our ports enable quick movement of troops and cargo from a wide range of areas.

In these times of high military spending, we should rejoice in the Existence of our ports—a vital defense resource, costing the Federal Government practially nothing. National Port Week, therefore, also recognizes the importance of our ports to our Nation's deterrent strategy.

In conclusion, I invite my colleagues to cosponsor this resolution which commends our ports and shows our appreciation to the 1 million workers who strive for excellence at our 189 inland, coastal, and Great Lakes ports.●

ROWDY GAINES BRINGS HOME THE GOLD

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. IRELAND. Mr. Speaker, I want to take this opportunity to share with my colleagues in the House of Representatives, the excitement and pride my hometown of Winter Haven, FL, feels for Rowdy Gaines, a member of the U.S. Men's Olympic Swimming Team.

Last week, Rowdy, 25 years old and the senior member of the team won an individual gold medal for his impressive performance in the 100-meter freestyle event. He then went on to earn his second and third gold medals with strong anchor legs in the 400-meter free and 400-meter medley relays.

As did many of our athletes in 1980, Rowdy felt the disappointment and sense of disenchantment with the games when the United States made the decision not to participate in the Moscow Olympics. Rowdy seriously considered quitting his swimming career then, and again, as recently as a year ago contemplated giving up the sport.

We all owe our thanks to Rowdy who decided to stick with it—a determination, which, in this case, literally "brought home the gold."

At the conclusion of the Olympic games, Rowdy and other medal winners will tour the United States. He will be enthusiastically welcomed back to Winter Haven when he comes home in late August. His swimming career will be over. But, none of us will forget this glorious occasion in Winter Haven's history or the person who made it all possible—Rowdy Gaines.●

MEMORIAL DAY SERVICES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. LIPINSKI. Mr. Speaker, on May 28, I had the opportunity to participate in Memorial Day services in my district. This moving ceremony honoring our war veterans included such activities as the offering of a holy Mass, a parade, and the dedication of a memorial monument.

The ceremony was held by the Catholic War Veterans, Five Holy Martyrs Post No. 500, and the organizations and persons who participated included: Five Holy Martyrs Boy Scout Troop No. 485, Cub Pack No. 3465, Mr. Paul Tawech, organist and director of the Five Holy Martyrs Parish Choir, the Sea League Circuit No. 7, the Polish Highlanders Circle No. 2, the Five Holy Martyrs Parochial School Band and the Maria Lonopniczka Polish Language School.

The Mass celebrant was Father Walter Szczypula.

This Memorial Day tribute to the many brave veterans served as another reminder of the freedom we have and how many sacrifices were made to insure that freedom. The turbulent years of the Vietnam war can be laid aside, and today we can pay proper respect to those brave veterans who failed to receive the recognition upon their return.

Part of the ceremony I participated in contained the dedication of a memorial monument honoring the veterans of the Korean and Vietnam conflicts. In conjunction with this dedication, a poem was read that was written by a young helicopter pilot, Capt. Michael O'Donnell, killed in action while trying to rescue eight American soldiers in Vietnam. I would like to enter into the CONGRESSIONAL RECORD the poem, "A Tribute to Veterans."

A TRIBUTE TO VETERANS

If you are able, save for them a place inside
of you and save one backward glance.
When you are leaving for the places they
can no longer go.
Be not ashamed to say you loved them,
though you may or may not have
always.
Take what they have left and what they
have taught you with their dying and
keep it with your own.
And in that time when men decide and feel
safe to call the war insane,
Take one moment to embrace those gentle
heroes you left behind.

—CAPT. MICHAEL O'DONNELL.

Capt. Michael O'Donnell was a helicopter pilot during the Vietnam conflict. He was killed in action March 24, 1970, trying to rescue eight American soldiers near Dak To, South Vietnam. Captain O'Donnell was awarded posthumously the Distinguished Flying Cross, Air Medal, Bronze Star, and Purple Heart. He was 24 years old. The above poem was found in a notebook among his personal belongings.●

HERMITAGE, PENNSYLVANIA'S NEWEST CITY

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. RIDGE. Mr. Speaker, today I wish to recognize Pennsylvania's newest city, Hermitage, which became an incorporated municipality on January 1, 1984. The citizens of Hermitage are to be commended for their outstanding community spirit, and I am proud to represent them in the House of Representatives.

Hermitage is strategically located within a 1-day drive of 52 percent of the country's population, between Pittsburgh and Erie. The city is near many major routes of transportation, and its 30 square miles of land makes it the third largest municipal land area in the Commonwealth of Pennsylvania. The citizens have worked to build excellent educational, medical, and recreational facilities, in addition to making the most of their natural resources.

Hermitage's history began with its founding in 1832, during the administration of President Andrew Jackson. The city's original name, Hickory, was derived from Jackson's nickname. The current name, Hermitage, was the name of President Jackson's estate in Tennessee.

A portion of the Erie Canal, which opened in 1844, passed through Hermitage, and one of the locks still remains. The city was the site of the first steel mill in the Shenango Valley, built by F.H. Buhl. Coal was discovered and mined during the first half of the 19th century.

Several years ago, the city received a great deal of national attention when its patriotic citizens responded to the Iranian hostage crisis by erecting one American flag for each day of the hostages' captivity. The Avenue of Flags at Hillcrest Memorial Park became a national symbol of faith and hope for the duration of the crisis. At a time when some are concerned about a decline of patriotism, the flags still fly in Hermitage.

The sesquicentennial in 1982 was a happier occasion, and now the citizens have another reason to celebrate, since the town has become an incorporated municipality. I wish to offer my sincere congratulations and best wishes.●

CONGRATULATIONS TO TECHNICAL SYSTEMS, INC., ON AWARD

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. SAWYER. Mr. Speaker, much too often we read of defense contract overruns and spare part fiascos that cost taxpayers millions of dollars and lead to a declining faith in Government.

It is with deep pride and great pleasure that I call to your attention a small company that is ready, willing and able to handle military contracts and to handle them in blue-ribbon style. This small business, Technical Systems, Inc., is a recent recipient of the Outstanding Small Business Supplier Award for 1984, presented annually by the Department of Defense.

Located in Kentwood, MI, Technical Systems, Inc., was chosen among thousands of small businesses, spread throughout Ohio, Michigan, Kentucky and parts of Pennsylvania, to receive this prestigious award.

In its short 15-year existence, the highly respected firm has been judged by the Department of Defense as an outstanding military supplier with excellent capabilities in financial management, quality, timeliness of delivery, value engineering, and labor relations. Technical Systems, Inc., has also successfully participated in the Defense Department's Spare Parts Breakout Program, which further reduces abusive spending by encouraging competition among small businesses for military contracts.

I offer my congratulations to this outstanding organization, and I am sure you will agree that Technical Systems Inc., produces results pleasing not only to the Department of Defense, but to the Congress and to the American taxpayer, as well.●

SHELBY SOLOMON: A TRUE PUBLIC SERVANT

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. TRAXLER. Mr. Speaker, today, I rise to pay tribute to Mr. Shelby Solomon, a personal friend and a key advisor to the Governor of Michigan, as he prepares to leave government to pursue graduate study at Stanford University.

Mr. Solomon has ably served the people of Michigan since 1975 when fresh from earning a degree at James Madison College at Michigan State University, he joined the staff of then freshman Congressman James J. Blanchard. Mr. Solomon was first a congressional intern for Congressman Blanchard, and served as a case worker, a legislative assistant, and subsequently administrative assistant in Congressman Blanchard's office. Mr. Solomon was Jim Blanchard's principal aide during the tough months of 1979 and 1980 when the two of them spent virtually all of their waking hours guiding the critical Chrysler Loan Guarantee Act through Congress.

When Jim Blanchard ran for Governor of Michigan in 1982, Shelby Solomon served as a principal advisor during the rigorous and ultimately successful campaign. Upon Governor Blanchard's inaugural, Mr. Solomon was appointed to a variety of key positions in the office of the Governor: director of policy, assistant for strategic planning, and most recently director of personnel.

During all of these years, the members and staff of the Michigan congressional delegation and his many other friends here in Congress and in this city have come to appreciate Mr. Solomon's talents. I know that he plans to pursue his next challenge, earning an M.B.A. at the Stanford Business School, with the same diligence he has pursued all of his past responsibilities. Moreover, I hope that he intends to use what he learns at Stanford to return to public service at some time ahead. The public sector has benefited from Shelby Solomon's presence in it, and will surely benefit from his return. On behalf of his friends in the Michigan congressional delegation and in Washington, I wish him the very best and much success with his new efforts.●

SUPERFUND DESIGNED TO HELP PEOPLE, NOT BUILDINGS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. HUGHES. Mr. Speaker, as the Congress considers legislation tomorrow to reauthorize and strengthen the Superfund Program to clean up hazardous wastesites, one major point should also be considered as we debate the merits of the bill, H.R. 5640. The Environmental Protection Agency's [EPA] efforts in formulating regulations that protect persons who are injured by exposure to toxic chemicals has been virtually nonexistent.

In a story published today in the New Jersey Star-Ledger, this important point was emphasized very effectively by our colleague from New Jersey, JAMES J. FLORIO, in a speech he gave to the American Bar Association's annual convention in Chicago Monday.

In the article, Mr. FLORIO makes several important observations about the American public's demand for stronger liability laws against manufacturers, haulers, and disposers of toxic products. Many of us in this Congress feel the public has a legitimate right to expect no less from its elected Representatives.

Mr. Speaker, I urge our colleagues to support passage of a strong Superfund Program tomorrow and I commend the Star-Ledger article to their attention.

[From the Star-Ledger, Aug. 8, 1984]

FLORIO SEES LITTLE EPA HELP ON LIABILITY FOR VICTIMS OF TOXIC CHEMICALS

ABA HEARS OF THE NEED FOR LAWS TO DEFINE INDUSTRY RESPONSIBILITY

(By Herb Jaffe)

CHICAGO.—Rep. James J. Florio (D-1st Dist.), in an address before the American Bar Association, cited the "virtually nonexistent" efforts of the U.S. Environmental Protection Agency (EPA) in formulating regulations that would protect persons who are injured by exposure to toxic chemicals.

Florio charged that as a result of EPA's "repeated failures," there has been an increase in public pressure for stronger liability laws against manufacturers, haulers and disposers of toxic products.

But he asserted there have also been simultaneous efforts by the chemical industry to weaken corrective legislation pending in Congress.

"The two conflicting efforts are being played out in different legislative contexts, but it's only a matter of time before these contradictory efforts clash," Florio told his audience of liability and insurance lawyers.

He noted that pressure to enact federal legislation that would standardize state product liability law is emerging from three sectors.

One of these efforts, he explained, developed as a result of Johns Manville and other companies which manufactured asbestos products filing or threatening to file bankruptcy petitions. Florio said the question of who would pay for the injury of workers suffering from asbestosis and related diseases was then dropped on Congress.

He explained that members of Congress began to develop proposals for an alternative compensation system to be funded by industry and the federal government.

"But the effort soon foundered on the threshold question of whether such an administrative system would preempt worker access to the courts, and it remains stuck on the shoals of that fundamental dilemma to this day," the South Jersey congressman stated.

Florio said the second effort was spearheaded in the Senate by the National Association of Manufacturers, which he said prefers a uniform national product liability law that would preempt all state laws in this area.

"Most opponents of this legislation, including most large national consumer organizations, do not necessarily oppose the concept of uniform national product liability standards. They are disturbed, however, by the content of the bill which they argue would turn the clock back," Florio said.

He added the third effort has drawn growing support in the House as a result of public exposure to "hazardous substances in the workplace, the home or, most frightening of all, from the thousands of abandoned dump sites which leach daily into our drinking water, our soil and our air."

Florio then outlined the dimension of the problem which he said has stimulated the interest of many in Congress. He alluded to a report released by a special study group two years ago that was critical of state liability laws in the toxic waste area.

"The substantial problems faced by those who must document not only how long but also how much their groundwater was contaminated by some bizarre toxic soup of chemical wastes, and then must prove the chemical soup's known effects on human health, have stymied many state court judges and will continue to frustrate the bar and the judiciary for years to come," Florio asserted.

He added, "the study group concluded that careful attention should be paid to the need to forge new legal principles so that such victims are both fairly and fully compensated for years of careless product and waste management practices which we are only now beginning to realize have taken a pervasive and tragic human toll."

Florio said that two bills which he has introduced would deal with the toxic waste victims.

One, which would amend the Toxic Substances Control Act, would establish "strict, joint and several liability for injury caused by exposure to all the chemical substances and mixtures regulated under the control act."

The second is legislation to reauthorize The superfund program, which Florio said is scheduled to be voted in the House today.

"The simple fact is that no matter how badly some may wish it, these issues will not disappear or even dissipate in the years to come," Florio stated.●

CARL PERKINS: A CONGRESSMAN FOR ALL AMERICANS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. GAYDOS. Mr. Speaker, last Friday, we lost a friend and colleague, the Honorable Carl Perkins of Kentucky. I know we all feel saddened by this loss. But, at the same time, we should feel great pride in the honor Carl brought to each and every one of us just by his service in the House for 36 years.

Carl Perkins stood head and shoulders above many people. His legislative accomplishments alone speak to his stature as a Member of Congress.

Yet, for all of those accomplishments, few people outside of this body and his Kentucky district knew him.

Just think of the millions of American schoolchildren who have benefited from the Elementary and Secondary Education Act of 1965; just think of the millions of American schoolchildren who received a school lunch, for some the only hot meal of the day.

Just think of the mine workers who have been saved and their families who have been helped because of Carl's insistence on passing mine health and safety legislation and black lung legislation.

Just think of all those untold millions of working men and women from one end of this great country to the other whose daily lives are better because Carl Perkins cared about them, their families and their futures.

Millions of American youth were able to receive a college education because Carl Perkins supported student aid programs, including Federal scholarships, work-study programs and student loans.

Hundreds of thousands of Americans are able to read and learn because Carl Perkins insisted on providing aid for public libraries in the rural areas of this country.

His efforts as chairman of the House Education and Labor Committee, a post he held since 1967, and as chairman of the Subcommittee on Elementary, Secondary and Vocational Education insured that many of America's disadvantaged were given a chance, an opportunity to receive an education and to succeed; an opportunity they would not have had if not for Carl Perkins.

Carl Perkins was not a flamboyant Congressman. He didn't rant and rave. He spoke to America about the need to help those who were less fortunate. But he spoke quietly, knowing that right was on his side and knowing that because of that right, he could convince his colleagues; and he did, time and time again.

When I came to the Congress in 1968, Carl was already chairman of the Education and Labor Committee and I was but a freshman member of that committee. Yet, Carl always showed me the same respect he showed everyone else. He made sure that everyone was treated equally and fairly.

Today, I still serve on the Education and Labor Committee and chair the Subcommittee on Health and Safety and I am sure in my own mind that without Carl Perkins' guidance and assistance over the years, I wouldn't be as successful a Member of Congress as I am.

All of us in this body owe a great deal to Carl Perkins. He served with dignity throughout his 36 years and that dignity reflected on this body and its Members. His integrity has never been questioned and neither has his concern for America and its people.

I'm sure many of us will be asked to define Carl's greatest legislative triumph. Well, I'm not sure how I would answer such a question. In reviewing Carl's legislative record, I was most impressed by the number of measures he sponsored that became law. Many of us take great pride in introducing a lot of bills, but I don't know how many of us can match Carl's record of getting bills passed and signed into law. Just trying to list all of those would take more time than we have available.

I do know that Carl took great pride in his efforts on behalf of the Landmark Elementary and Secondary Education Act of 1965. And his handiwork can be counted just by reviewing the record. The subcommittee he then chaired drafted the key changes in the bill so well that only one amendment was offered and passed on the House floor and none were passed in the Senate. Carl's efforts insured quick passage and an early signing of the bill by then—President Lyndon Johnson.

His knowledge of House rules and his ability to work with his colleagues, without arm-twisting, enabled Carl to eliminate opposition to key legislation, such as the Adult Basic Education Act, which was blocked by the Rules Committee until Carl worked his magic.

In some ways it's too bad that Carl wasn't a more outspoken Member of Congress because, then, more of the Americans who have benefited from the programs he sponsored and nurtured through the House and its committees would know him and be able to pay him the honors he so richly deserves.

But, at least, we know what he accomplished over the years. We know and can take pride in Carl's work, in his efforts to insure that many deprived Americans received the benefits of this country.

I believe we all should thank Verna, Carl's wife, who allowed us to have Carl here with us in Washington even though it meant difficult times for her, Carl, and their family.

Carl has been an example to all of us. His concern for America and for Americans is second to none and his legislative accomplishments prove that time and again.

Carl Perkins was my friend and colleague. I shall miss him, his insight, his determination to keep this country great, his concern for all Americans and, especially, the children and youth of this Nation as well as its working men and women.

I am proud to have had the opportunity to serve alongside Carl in the House and on the Education and Labor Committee and to call him my friend.●

REDUCED POSTAGE ON PACKAGES TO POLAND AND THE SOVIET UNION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to reduce by half the postage on parcels of food, clothing, and medicine sent from the United States to Poland and the Soviet Union.

This legislation is actually an amended version of a bill introduced earlier this Congress by my distinguished colleague from Michigan, Mr. TRAXLER. That bill, H.R. 4639, would allow discount postage rates on packages sent to Poland from the United States. Mr. TRAXLER's idea was a good one, and I was proud to cosponsor his bill.

H.R. 4639 was motivated by a compelling sense of compassion for the plight of the Polish people. The Poles have not only been deprived of basic human rights, but also of basic human needs, such as food, clothing, and medicine. Reports indicate widespread malnutrition in Poland, and a 30-percent decline in the standard of living since 1981. In fact, it is estimated that approximately 11 million Poles—30 percent of the total Polish population—are living at or below the subsistence level.

However, the situation in the Soviet Union, particularly for its 2.5 million Jewish citizens, is equally distressing. That is why I am introducing my bill today to broaden the discount postage proposal to include packages sent to the Soviet Union. It should be noted that the measure I am offering today was first suggested to me by Mr. Glenn Richter, national coordinator of the Center for Russian Jewry with Student Struggle for Soviet Jewry. When hearing about my cosponsorship of H.R. 4639, Mr. Richter wrote me, saying,

> As a measure of support to the tens of thousands of persons in the U.S. who send parcels to relatives and friends in Russia, and to help relieve the burden of postage—which can grow rapidly since the Soviets often return packages for no reason, and the return postage must be paid by the sender—extending H.R. 4639 to parcels to Russia would be a great help.

Clearly, we should do everything possible to encourage people in the United States to send food, clothing, and medicine to the Soviet Union because those items of subsistence are desperately needed. Consider, for example, that many Soviet Jews who apply to emigrate are routinely dismissed from their jobs and must rely on others for basic consumer goods. These packages sent from the United States, then, serve as a vital lifeline to many in the Soviet Union.

Further, it is important to note that the Soviet Government is doing everything possible to discourage packages from being sent to their country, particularly if they are mailed to Soviet Jews. Packages are often returned, at great cost to the sender, as Mr. Richter points out, or the contents are often removed before the packages reach their intended destination. Now, the Soviet Union is trying yet another ploy to discourage packages from being sent. As of August 1, the Soviet Union has banned all duty-prepaid parcels to their country. This means that the recipients, who have such meager resources to begin with, must now pay exorbitant and often prohibitive duty fees on packages that are sent to them from abroad.

Although many of us have filed formal protests with Soviet officials and with the Universal Postal Union about the Soviet Union's repressive mail policies, we are clearly limited in our ability to influence how the Soviet Union treats mail once it arrives. However, we can and must do everything possible to encourage mail and packages of subsistence to be sent. Countless reports from Soviet Jews indicate the mail and packages they receive from abroad are their only source of hope. That hope must be allowed to continue and the bill I am offering today helps make that possible.

According to the U.S. Postal Service, some 98,102 parcels were sent from the United States to the Soviet Union in fiscal year 1983. The average weight of each of those parcels was 8.1 pounds, significantly more than the average weight of parcels sent to other countries. As a result, the expenses are also more. Consider, for example, that it costs $54.90 to send a 10-pound package by airmail from the United States to the Soviet Union. Under my proposal, that cost would be cut in half, or would cost $27.45.

Similarly, it currently costs $37 to mail a 10-pound package from the United States to Poland. Under my measure, that same package would cost half as much, or $18.50 to mail.

Mr. Speaker, as the leader of the free world, we have a responsibility to do whatever is possible to make life a little easier for those repressed people who are forced to live under Soviet tyranny. Certainly, measures such as mine to encourage personal assistance between the United States and persons in Poland and the Soviet Union are consistent with that vital objective. I am hopeful this measure receives the prompt and favorable consideration that it deserves.●

TRIBUTE TO WILLIAM GREER

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. KOLTER. Mr. Speaker, today I rise in recognition of the unselfishness, dedication and hard work of a resident of the Fourth Congressional District of Pennsylvania.

William Greer, a senior citizen, retired Teamster and resident of 3007 Old Pittsburgh Road, New Castle, has dedicated himself to the organization and operation of a food bank for the unemployed, disadvantaged and the elderly.

Mr. Greer, who is chairman of the Lawrence County organized labor food bank, has been instrumental in obtaining funds, supplies and necessary food for the 5,000 men and women the food bank assists.

Because of Mr. Greer's noble actions, the food bank has remained in operation for 2½ years.

Let men like William Greer set an example for us all.●

TRIBUTE TO BENJAMIN AND BELLA KLIGMAN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Benjamin Charles Kligman and Bella Mutterpearl Kligman of 1051 Levick Street in Philadelphia on the occasion of their 65th wedding anniversary.

Mr. and Mrs. Kligman were married in Philadelphia on August 10, 1919. They have two sons, Harvey and Myer, and one daughter, Sylvia Ostroff. Mr. Kligman was a very successful local businessman and both he and his wife have been active in the community. They will celebrate their anniversary with a party on August 12, 1984.

Mr. Speaker, it is a truly remarkable achievement for two people to remain happily married for so long. Mr. and Mrs. Kligman are testimony to the fact that love and understanding can still form the basis for a lifetime relationship. I am pleased to join their family and many friends in wishing them warmest congratulations and very best wishes for the future.●

UNITED STATES PROGRAM FOR DEVELOPING COUNTRIES ACT

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. WRIGHT. Mr. Speaker, today BOB MICHEL and I are introducing legislation that has far-reaching implications for our Nation's future. Companion legislation has already been introduced in the other body by Senator MATHIAS, cosponsored by Senators BINGAMAN, PERCY, PELL, BAKER, PRYOR, CRANSTON, DANFORTH, BOSCHWITZ, ZORINSKY, KENNEDY, INOUYE, MATSUNAGA, TSONGAS, RIEGLE, JEPSEN, DURENBERGER, and HOLLINGS. That legislation, S. 2768, has garnered the bipartisan support of these distinguished Senators for very good reason, and I am sure that the measure will receive the bipartisan support of House Members.

The bill we are introducing builds upon the excellent recommendation of the Kissinger Commission on Central America that the United States should provide scholarships to 10,000 deserving citizens of that region. Having served as an adviser to the Commission, I am familiar with the thinking that went into that particular recommendation. The fundamental reasoning that supports providing scholarships to Central Americans also supports the concept, embodied in the legislation I am introducing today, that the United States should provide financial assistance to deserving and promising students in other areas of the developing world as well.

The United States Scholarship Program for Developing Countries Act does just that. It directs and authorizes the President, acting through the Bureau of Educational and Cultural Affairs of the U.S. Information Agency, to establish this Developing Country Scholarship Program.

The United States has a great deal of experience in the field of educational and cultural exchanges. In fact, the name of a distinguished former Senator is virtually synonymous with the term "educational exchange." Senator J. William Fulbright inaugurated a new era in American diplomacy and international education with the passage of the Mutual Educational and Cultural Exchange Act of 1961, also know as the Fulbright-Hays Act. Many thousands of Americans and others around the world have helped to bridge the cultural and ethnic gaps that divide people through their direct, personal experience as Fulbright scholars.

But the world has changed since 1961. That, of course, is not to say that the Fulbright program does not play a vital role in creating the basis for mutual understanding. It does. And the program deserves the continued and active support of this Congress and the American people.

But what we see in the world today calls for new initiatives and new directions that will keep pace with changing circumstances. The Developing Country Scholarship Program I propose recognizes a number of important realities.

First, while hundreds of thousands of foreign students study in the United States every year, very few of these students come from the economically disadvantaged strata. Too often foreign students in the United States represent the well-to-do, the elite of developing countries. If the United States only caters to the elites of other lands, we may find ourselves in serious trouble again and again as the winds of revolutionary change sweep across many parts of the world. In Iran, for instance, despite the fact that large numbers of Iranian students studied in the United States, our country suffered a serious policy setback. the revolution in Iran took us completely by surprise.

One reason for that may very well be that we failed to reach below the upper crust of Iranian society. We failed to understand the concerns and the sensitivities of the average citizen of Iran. Perhaps a scholarship program of the kind I propose, one that attracts the best and the brightest—but not necessarily the richest—of developing country students; perhaps such a program will enable the United States to avoid future Irans.

Another reality that this bill faces relates to the scholarship programs of the Soviet Union and its allies. For years, the Soviet bloc nations, including Cuba, have provided government scholarships in numbers that dwarf the U.S. record. In 1982, for instance, some 37,000 Africans received an education in the Soviet Union and Eastern Europe completely at government expense. That same year, fewer than 3,000 Africans came to study in the United States under Government sponsorship.

We need to explore new ways to compete with the Soviet Union, but we need to do so because what we have to offer these students is superior for themselves and for their home countries than what they can get from the Soviets. And I believe enough in Amer-

ica to know that we do have more to offer these students. Our educational system is superior. The contributions we can make to development far exceeds what the Soviets can provide.

That's the third great reality that this program seeks to address: The need for progress in development. When there is too little to eat, when there is poverty and suffering, there is no hope. When despair takes over a country, what chance does the United States have to win respect for human rights or to gain greater acceptance of democratic ideals? The last best hope for progress in this world is education. And the United States has the resources and the responsibility, it seems to me, to make the attempt to educate as many students from developing countries as we can.

The old saying that, "If you give a man a fish, you'll feed him for a day, but if you teach him how to fish, you'll feed him for life" should be borne in mind. This scholarship program will teach promising students who could not otherwise afford a college education in subjects that are vital to their home country's development needs. It goes a long way toward teaching others how to fish, and thereby improve their country's ability to grow in self-reliance and self-esteem.

Mr. Speaker, the world is becoming increasingly complex. The world economy shifts almost daily like sand in the wind, and America will need to be sensitive to these changes. Increased exchanges with other countries is one way to do that. It enables the United States to establish long-lasting linkages with other countries through enduring friendships between people.

The House earlier this year signaled its commitment to the idea of providing scholarships to students from Latin America. The International Security and Development Cooperation Act of 1984, as passed by the House, includes a scholarship program similar to the one I am proposing here today. The House authorized spending $50 million for this program. Our legislation does not authorize any specific dollar amount for fiscal year 1985, and any spending for planning and implementation of the program will be discretionary in the program's first year. Future spending levels for the program will, of course, depend upon the will of the Congress, working together with the administration.

The scholarship program we propose encourages cooperation between the U.S. Information Agency and developing country governments. The bill directs USIA to work with host governments in determining their educational requirements. In addition, coordination among various U.S. agencies and programs will be required.

For instance, it will be necessary for USIA to work with U.S missions abroad in setting up the program. The Agency for International Development and the Peace Corps should also be included in developing the program. In fact, the bill specifically requires U.S. missions abroad to consult with Peace Corps volunteers and staff in designing ways to identify deserving and promising secondary school students. This latter requirement is critical because by involving Peace Corps volunteers in the field we will be able to reach out to students at the village level who are sometimes toward the bottom of the economic hierarchy in many developing countries.●

WE NEED NOT FEAR REFUGEES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. SOLARZ. Mr. Speaker, an American businessman, Mr. Ronald C. Nairm, recently contributed a most interesting article to the Wall Street Journal.

After the long debate in the House over the immigration reform legislation, I thought it would be useful to bring the unique perspective of this article to the attention of my colleagues in the House.

While I differ with the author on some of his points, I think that many of us need to reflect on some of the basic philosophical and moral principles which are so well expressed in this article.

"We must learn to think of people as assets again" writes Mr. Nairn and I could not agree more.

Mr. Speaker I insert the text of this article in today's CONGRESSIONAL RECORD:

[From the Wall Street Journal, Friday, July 6, 1984]

WE NEED NOT FEAR REFUGEES

(By Ronald C. Nairn)

Since the Russian Revolution refugees have formed the greatest mass movement of people; only Europe's Wars of Religion ending about 1648, provoked human movements of like proportions. In 1984, the pace has quickened—refugees number in the millions. Of these, many assume their role in seeming perpetuity.

But many in our time have escaped the refugee's fate. We might ponder their experience as we anguish over the fate of other refugees.

In the mid-1950s an incidental meeting between minor U.S. officials and a lone Thai colonel took place in the obscure town of Chiengdow in northern Thailand. The subject was refugees, specifically the larger remnants of the Nationalist Chinese army, defeated by Mao Tse-tung, who had made their own "Long March" through southern China into Laos, Burma and Thailand.

The earnest young American bureaucrats had a plan. They would help build a refugee camp for the soldiers and their many dependents. It was to be a camp complete with medical facilities, schools, administrative centers and of course, some guards, because all the officials present knew that Thailand officially restricted Chinese immigration. The Thai colonel, Kmangsak Chomanan, listened in silence. When the planners waxed most eloquent on their design, he intervened. "Never, never, never," he exclaimed. "Never will these people become refugees."

THE COLONEL'S ARGUMENT

This logic demanded explanation. "It is not the Thai way," said the colonel. Such simplicity intrigued the planners—the colonel was forced to amplify. "As of now there really is no problem. But if we lock them up and identify them with an encampment there soon will be a problem. Their countrymen to the north will have a stick (with which) to beat us Thai. And all you people will be there focusing world attention on something that does not need world attention."

"But," countered the earnest young Americans, "if you don't confine them they will scatter throughout Thailand. Within months no one will even know where they are." The American bureaucrats were as unanimous as they were certain. The colonel puffed on his pipe and said nothing.

Earlier this year I visited a village slightly to the north of Chiengdow. It was one of many villages built by former Nationalist soldiers who had been given land by the Thai government. In this village, as in many others, the Chinese soldiers had become successful farmers. They were frail, their military bearing lone gone; they still spoke Chinese. Their sons and daughters, however, worked in the fields, functioning as part of the Thai economy. In the schoolhouse, where the Thai flag fluttered in the breeze, their grandchildren chanted their lessons in Thai, sang Thai songs, played in Thai and knew no other homeland.

There was no refugee problem.

Thirty years ago, young Americans, forgetting their own history, had sought to dictate a future for those wandering, dispirited Chinese soldiers. It was a Thai colonel who intervened with the most humane solution. Yet it was this same colonel who, 25 years later, as Thailand's prime minister, announced to the world that he would drive some 40,000 Kampuchean refugees back across the Thai border, even if it were through Vietnamese minefields.

And so the refugee issue escalates. It challenges anyone who would apply a humane solution. Some 50 million Arabs cannot or will not absorb a few million Palestinians who also claim to be Arabs.

There are also the 5.5 million citizens of Hong Kong. This small enclave has achieved a remarkable prosperity, with an unemployment rate of only 1.3%, which has been threatened only recently. This economic miracle has occurred despite, or rather I would argue because, about one-half of Hong Kong's residents are refugees from mainland China. Today, all of Hong Kong, former refugees and Hong Kong-born citizen alike, nervously await their prospective new mainland Chinese masters, who are known to have a propensity to create refugees. Where can they go?

Nearly two million Afghans huddle in Pakistan. Thailand has seen more than a million refugees surge in by land and sea from Vietnam, Laos and Kampuchea. The Palestinians remain in their camps after 30 years. The U.S. looks south and wonders if it too will have its borders overwhelmed before this century ends.

Most often, the citizens of a host country view refugees as a menace: The refugees take jobs. They disturb the native culture with their strange ways. They make us feel different in our own homes and often they outcompete us and our children.

But this in not the true dynamic of the refugee problem, as most of us know even though we are fearful. As Britain demonstrated in the 19th century and the U.S. has proved throughout its history, refugees most often give their hosts more than they, the refugees, receive. Many of them are high achievers, such as scientists, writers, artists and athletes. But many of them also usually have a willingness to do work shunned by the established citizenry, immigrants built the U.S. with both muscle and brain. We, of all people, should realize they are an asset.

Why, then, do not more refugee immigrants represent an even greater asset? They do—despite the current wisdom. It is not refugees but we in the West who have changed. We are losing confidence. We lack self-assurance in handling new people. Kenneth Clark concluded his massive study, "Civilization." by stating: "It is lack of confidence, more than anything else, that kills a civilizaion."

What has gone wrong? Why can't the simple humanism of a Kmangsak or the former openness of Britain or the U.S. no longer work?

There are three reasons, each with the recurring theme that people are often liabilities.

In our time totalitarian states believe that there is room only for those they determine are candidates for their version of the "New Man," Lenn, Stalin and Hitler drove out or killed those who could not meet the criteria or opposed their notion. Mao Tse-tung carred this reasoning further by immense "reform" programs based on perpetual revolution, in which individuals conformed or fled, were exiled or were killed. More recently, in Kampuchea, Pol Pot declared that only certain people could become "new men" and to aid the transformation, all others should be exterminated as quickly as possible. To them, some people were indeed liabilities.

There is a second reinforcer of the people-as-liabilities syndrome. Every schoolchild in the West is told as an article of contemporary faith that the world is over-populated. To breed a calf or a hog or a chicken is to create an asset. But to produce another human is a liability—even if that human can create, innovate or work productively. This is a strange logic but so firmly is the idea held and so infrequently is it examined that refugees become manifestations of the menace of too many people. Under this thinking, refugees are undoubtedly liabilities.

The third promoter of the liability syndrome is more complex. Today, most Westerners believe that people are "saved" from poverty, ignorance, unhappiness and such like by institutions. Indeed, this concept now fuels one of the West's biggest industries: government. People increasingly are seen as dependents rather than as self-actualizing individuals. Western governments often justify their existence on this belief.

A PHILOSOPHICAL PROBLEM

A dependent is mainly thought of as a person who relies upon another for support, for supply of what is needed. This is exactly the status of refugees *while* they remain refugees. The sight of millions of them huddled in their miserable camps makes even the most well-meaning Westerner shudder as he relates it to his vision of people as liabilities.

Thus we face not so much a refugee problem as we do a philosophical one: What is the value of a human being? The answer, coming from both those who create refugees and those who face their onslaught, is about the same: "Not much."

We must learn to think of people as assets again. We may then create, as all successful societies have, not a fear of people but a need for them as is manifest by giving each of them freedom of opportunity and a share in the rewards that freedom of opportunity usually provides. This is the solution to the refugee problem. The alternative is to go on debilitating ourselves by shabby notions more typical of those who created refugees in the firstplace. Like the refugees, we become the losers.●

SERVICE TO THE ELDERLY

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. KOLTER. Mr. Speaker, too often the unselfish efforts of those that work to improve the quality of life of the elderly go unnoticed. Today, it is my privilege to rise and honor Jayne Friedman whose commitment to the elderly in Butler, PA, stands as an inspiration to us all.

Twelve years ago, Jayne and her husband Harold, local Foodland owners, began a service transporting elderly citizens from their apartment complexes to their market. Completely financed by the Friedmans, this weekly bus service continues, stronger than ever. On account of Jayne Friedman, these senior citizens, many of whom have neither family nor transportation, maintain their independence and meet their needs.

After a personal greeting from Mrs. Friedman, the senior citizens are further aided by the employees who help them get their groceries, pack their bags, and even carry their groceries from the bus to their apartment doors.

The Friedmans provide much more than a needed service. The senior citizens enjoy not only the personalized assistance from the Foodland owners and employees, but the company of the many area residents that plan to visit with these folks as they themselves do their weekly shopping. For many of the citizens it is the only companionship they enjoy outside of their apartment complexes. The Friedmans even provide benches for the senior citizens to sit and visit.

Mr. Speaker, I applaud a compassionate woman who has made a very valuable contribution to the welfare and happiness of a very special group of citizens. To the wonderful woman who initiated this program and continues to lend her personal supervision and loving concern, I add my thanks to those of the citizens who have enjoyed this special treatment weekly for the past 12 years. I congratulate and commend Jayne and Harold Friedman for lighting up the lives of so many deserving elderly people in Butler, PA.●

THE ANGUISH OF GLOBAL HUNGER AND ARMS CONTROL

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. SHANNON. Mr. Speaker, as a world leader, the United States bears a heavyweight of responsibility on its shoulders. The hungry and oppressed peoples of the world look to us for sustenance and hope. I would like to commend to the attention of my colleagues excerpts from the text of a commencement address by Rev. Robert Drinan at the Cambridge School in Weston, Massachusetts. Our distinguished former colleague eloquently sets forth, the excerpts reprinted in the Sudbury Town Crier, our duty to commit this Nation to a path which will banish the scourge of global hunger and welcome the celebration of human rights.

THE ANGUISH OF GLOBAL HUNGER AND ARMS CONTROL

(By Robert F. Drinan, S.J., Professor, Georgetown University Law Center)

Sometimes we seem to lose any feeling for the presence of God in history when we look forward to the unbelievable changes that will come about before the year 2000 arrives.

Already there have been unprecedented movements in mankind over the past 35 years. More than 100 new nations have been born in this time—a fact clearly unprecedented at any period in human history. In addition, the nuclear bomb has been developed by at least six nations, and we see fear everywhere throughout the global village.

Indeed, it is fair to state that the 38 years of the cold war have been the most tumultuous years in all of human history

Despite the overwhelming bafflement which we may experience when we look at what might happen to the global village in the next 16 years, we simply have to face the fact that, as the Second Vatican Council wrote, the plan of God is that the church should "contribute greatly toward making the family of man and its history more human."

We have reason to be frightened and indeed terrified when we contemporate the prevalence of malnutrition, the hideousness of the arms race and the denial almost everywhere of fundamental human rights.

TRAGEDY OF STARVATION

Consider the carnage and desecration of God's gift in these statistics. Eighty million infants will be born in the Third World in 1984; 25 million of these children will die before they are 5 years old.

This country and all of humanity saw five years ago 55,000 people dying of starvation each week in Cambodia. The world was outraged and action followed. But what the

world forgot was that each week at least 400,000 people die of starvation all around the world. There are at least 800 million people who are chronically malnourished—one-sixth of humanity.

The United States has been troubled by this enormous tragedy for many years. In 1961 President Kennedy set forth two goals for the 1960s—to go to the moon and to eliminate hunger within our generation. Only one of those goals has been accomplished.

In 1974 Secretary of State Kissinger said that "within a decade no child will go to bed hungry."

The most affluent nation in the world, the United States, will give only a modest sum to UNICEF this year, only 16 cents per person. Tiny Sweden will give $35 million, or $4.90 per person.

Can we continue to live with what we see? There are 42 million blind people in the world—mostly from malnutrition. The scourge of malaria could be eliminated forever by a one-time grant of $450 million. In this year of world economic recovery, 650 million school age children are not in school.

The problem will get worse in the next few years since the global population will increase from its present 4.3 billion to 6.4 billion by the year 2000—with 90 percent of the new people residing in the Third World.

Is it not shameful that the United States ranks only 15th out of 17 nations with respect to what we share of our gross national product with the underdeveloped nations? Almost everything we see concerning America's relationship to the Third World contradicts the generosity which we allege we possess as a nation.

Willy Brandt put it well in the these words: "Morally it makes no difference whether a man is killed in war or is condemned to death by the indifference of others."

The Presidential Commission on Hunger, chaired by Sol Linowitz, recommended that the alleviaton of hunger become one of the principal objectives of our foreign policy. This obviously makes sense since the possibility of global famine is one of the most dangerous threats to our national security.

THE ARMS RACE

Mankind now spends well over $1 billion each day on arms and armaments. It is totally unprecedented in history that mankind should be spending over $660 billion each year on weapons.

There are some 50,000 nuclear weapons in existence, with 30,000 being in the possession of the United States. The United States manufactures three more each day, or 1,300 per year. It is self-evident that almost inevitably a nuclear weapon will be detonated by malice, mistake or madness.

Virtually all religious bodies in America have now endorsed the statement made by the Catholic bishops of the United States that nuclear weapons may never be used.

If only 10 percent of what mankind spends for weapons were available, it would permit mankind to introduce on a vast scale scientific agricultural equipment, finance irrigation projects, construct thousands of classrooms and create vast fish farms.

Is it not time to recall once again what Pope John XXIII said on Easter Sunday 1963 in Pacem in Teris? There he openly stated that "nuclear weapons should be banned . . . it is hardly possible to imagine that in the atomic era war could be used as an instrument of peace."

HUMAN RIGHTS

The degradation of mankind by massive starvation and the threat to all of humanity by the arm race are twin evils compounded by the worldwide denial of fundamental human rights. Amnesty International calculates that there are still 40 nations that engage systematically in torture. Only about 30 of the 154 nations of the Earth have democratic structures that are consistent with the UN Declaration on Human Rights.

The United States and the other signatories of the UN Charter in 1945 pledged themselves to promote human rights. Despite that solemn promise, the United States Senate has ratified only five of the least controversial of the 19 treaties which have emerged from the United Nations.

In the recent past we have been particularly pained by the oppression of human rights in Latin America. Amnesty International calculates that there are 17,000 political prisoners in South America, with 30,000 additional people missing.

We have seen the rise of liberation theology and the hopeful signs that Latin America, where one-half of the Catholic church resides, might be moving towards a situation where finally they would have liberations from the dictators and the military governments which have plagued almost every nation on that continent. Now, however, we are told by the administration that weapons must be given or sold, not merely to El Salvador—but also to governments that are equally as lawless.

One of our greatest temptations in the months and years ahead will be the desire to escape from the world. We will want to shun the secular, avoid the temporal, withdraw into the safety of the sacristy. We will try to do all of this in the name of living as a Christian and of avoiding the profane. The shattering truth is that we run away from God if we run away from the world.

When we look at the agonies which mankind will undergo in the next 16 years, we could well ask ourselves whether or not all of the hopes and aspirations which we have for the alleviation of misery might not be a dream. But we know as people of faith and as citizens of America, that we are unique and that we have a mission and destiny not given to others. Archibald MacLeish put it well in these words:

There are those who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American dream.

TITLE IX AND THE OLYMPICS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mrs. SCHNEIDER. Mr. Speaker, we have watched with awe this week the performance of our American athletes at the Olympic games in Los Angeles. The talent and skill demonstrated by the women representing our Nation has been particularly spectacular, as they have brought home gold medals in swimming, gymnastics, track and field, and basketball. And though the Mary Lou Rettons, the Cheryl Millers, and the Evelyn Ashfords can attribute their success to years of hard work and dedication, we should not forget the role which title IX of the 1972 education amendments played in encouraging these women to reach their goals.

Before the passage of this important statute prohibiting sex discrimination in education, boys outnumbered girls 13 to 1 in interscholastic athletics. By 1982, this ratio has narrowed to 2 to 1. In 1972, there were virtually no athletic scholarships available to women; 12 years later, 22 percent of all athletic scholarships are awarded to women. In my own State of Rhode Island, the budget for women athletics at our State university was only $30,000 in 1976. Today, it is approximately half a million. The statistics are staggering.

Yet as we stand here today, we are in danger of losing the great strides we have made in the past 12 years. The Supreme Court's decision in the case of Grove City College against Bell crippled title IX by ruling that it applied only to those programs directly receiving Federal dollars. In the few short months since this decision was handed down, 23 sex discrimination cases—aimed at forcing compliance in school athletic programs—have been dropped. Millions of American girls eager to run, swim, tumble, and dive may soon lack the facilities which their male counterparts enjoy.

This past June, this House reaffirmed its commitment to a comprehensive interpretation of title IX by passing the Civil Rights Act of 1984. Our work will not be done, however, until this important legislation is signed into law.●

DISCOURAGE BUDGET GIMMICKRY

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BEDELL. Mr. Speaker, America faces a serious problem in the upcoming years. The Congressional Budget Office has projected that our budget deficits will range from $172 billion in 1984 to $263 billion in 1989. One of the dangers of these record high deficits is the effect upon the financial markets and the economy of Government borrowing to finance them. Even if we in the Congress take drastic measures in the next few years to reduce the deficit, we still must strive to minimize the burden of financing our ever-growing national debt for our future generations.

It was reported last Sunday, in a column by Hobart Rowen of the Washington Post, that top Treasury Department officials are discussing new ways of financing our massive deficits. These officials appear to be looking for a short term, rather than a

practical solution to the dilemma. The two primary methods under discussion appear to be zero-coupon bonds and bearer bonds. While these methods would reduce current interest payments on the national debt, they will pile up the debt for future years and threaten the economic security of our children and grandchildren. In other words, there is no free lunch.

Bearer bonds will attract foreign investors to U.S. securities, but coupled with the new withholding provisions of H.R. 4170, these bonds will actually encourage foreign investors to evade U.S. taxes. The long-term consequences of zero-coupon bonds clearly outweigh their short-term political attractiveness.

It is estimated that to raise between $4 and $5 billion with a 20-year zero-coupon bond, the Treasury would have to sell $63 billion in zero-bond face value. To put this in perspective, to finance the deficit we have rung up in fiscal year 1984 alone, estimated to be $172 billion by the Congressional Budget Office, the Treasury Department would have to issue approximately $2.407 trillion in zero-coupon bonds due in 2004. And that is only to finance this year's deficit.

Today, I am introducing House Concurrent Resolution 346 which expresses disapproval with the use of these securities to finance the national debt. The resolution is short, simple, and clear on the issue. It reads in its entirety:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should not issue bearer or zero coupon debt instruments.

I am taking this step to send the message to the Treasury Department that future generations of America should not be unfairly burdened with short-term solutions to the very deep and troubling realities we face today.

The articles and resolution follow:

[From the Washington Post, Aug. 5, 1984]

TREASURY SHOULD ABANDON ITS GIMMICKRY ON DEFICITS

(By Hobart Rowen)

It's been mentioned here and there in the financial press, but despite its enormous importance, the story can't make its way to the front pages: Treasury Secretary Donald T. Regan and his staff are discussing novel ways of financing the huge budget deficit, including ways that will tend to cover up or reduce current outlays for interest on the national debt.

This is such a political approach to debt management that one wonders why the Mondale-Ferraro campaign hasn't started attacking it.

Stung by criticism from some technicians that these new methods will cut the interest payments due over the next several years, but pile up the debt to be paid by "our children and granchildren," as one expert put it, Regan has clamped a lid on the flow of information.

"We can't conduct these discussions in public," a Treasury information officer says. "The secretary is determined that there will be no more leaks." Meanwhile, Undersecretary for Monetary Affairs Beryl Sprinkel said this week that decisions would be announced soon, before the Treasury borrows money again on Oct. 31.

Sprinkel has been directed to head a crash effort to evaluate the possibility of issuing zero-coupon bonds, inflation-indexed bonds and bearer bonds that allow the buyer to hide his or her identity, plus other new instruments that it has not offered before. The idea is to lower—for now—the staggering interest costs of the swollen national debt.

Zero-coupon bonds pay no interest: Instead, they sell at a huge discount from face value at a price calculated to represent, at maturity, what a regular interest-paying bond would have earned if all the interest had been reinvested at the original yield. In effect, a zero-coupon bond locks in a reinvestment rate, which is good for the investor if interest rates go down. But if interest rates go up, zero-coupon-bond values plunge.

The extremely wide fluctuations have proved a hazard for investors who bought zero-coupon bonds in the private market from dealers who purchased regular Treasury issues, stripped them of the coupons, then repackaged them in their discounted, non-interest-bearing form.

If the Treasury can sell a 20-year zero-coupon bond, no payouts are required until 20 years from now, and that makes the interest payment on the national debt look better in the current and nearby years. But as Joseph E. Plocek, a zero-coupon expert at the New York firm of McCarthy, Crisanti & Maffei estimated, to raise between $4 billion and $5 billion in cash, the Treasury would have to sell about $63 billion in zero-bond face value.

Regan and Sprinkel have at least four task forces at the Treasury—legal, tax policy, monetary policy and domestic economic policy—working on the zero-coupon and related ideas.

The indexed bond raises all kinds of tax questions, Plocek points out. For example, would additional earnings based on higher inflation be taxed as regular income or as capital gains?

Perhaps the most controversial of the major new techniques being considered is the so-called bearer bond, a security for which the Treasury would not keep a record of ownership. That is an open invitation for tax evasion and cheating. This strange Treasury adventure into creative financing started with the 1984 tax legislation—signed last month by the president—which scraps the 30 percent withholding tax on Treasury bond interest paid to foreign investors.

This tax giveaway was promoted by Secretary Regan with the idea that, if foreigners didn't have to pay taxes, the United States could fob off more of its deficit financing abroad at lower interest rates than it has to pay at home. According to Sen. Robert J. Dole (R-Kan.), Regan went one step further, coming up with the bearer-bond idea. Dole, chairman of the Senate Finance Committee, said on Meet the Press. "It's doubtful [that] it's a good idea."

Ironically, the Tax Equity and Fiscal Responsibility Act of 1982 sought to choke off tax evasion of this kind. As a consequence, the Treasury since last year has issued only registered notes and bonds, which leave records of ownership. Banks and other financial institutions also have been required to tighten their records and reporting to the Internal Revenue Service, even to the point of reporting tax-free transactions.

Yet, the administration seems ready to sell bearer securities to foreigners. It is hard to see why that doesn't contravene the clear intent of Congress to close down, rather than open up, new tax evasion schemes.

"There's an element here of financial nationalism," economist Henry Kaufman commented. "We are attracting funds from abroad. Meanwhile, we hold down the rate of inflation by importing a lot of goods. Our large fiscal expansion and high interest rates exact a penalty on the rest of the world. This policy can't last forever."

The Reagan administration ought to put away the zero-coupon and bearer-bond gimmickry, and redirect its efforts to cutting the deficit in the old-fashioned, and only sound, way: by reducing unnecessary military and civilian spending where it can, and supplementing that effort with a solid tax increase.

[From the Washington Post, Aug. 8, 1984]

SOLICITING TAX EVASION

In a conspicuous display of poor judgment the Treasury Department is considering whether to sell, overseas, a type of security known as a bearer bond. Most government bonds are registered in the name of the holder. That makes it less inviting to steal them, but it also means that the government knows who's collecting the interest. A bearer bond is unregistered. The government simply pays the person who has possession of it—the bearer. The Treasury is attracted by the thought that foreign buyers might bid higher for bearer bonds than for the conventional sort. Why do you suppose investors might pay a premium for anonymity?

It is grotesque that the Treasury should entertain this blatant solicitation to tax evasion. When the idea began to take shape in mid-July, Sen. Robert Dole, the chairman of the Finance Committee, wrote to Secretary Donald T. Regan expressing his concern at a "perceived collusion by the U.S. Treasury with tax evaders." Sen. John H. Chafee and, in the House, Rep. Doug Barnard wrote similar letters. None of them has received an answer. The Treasury still hasn't made up its mind.

The administration seems to assume that, since the buyers would be foreigners, they would only be evading other countries' taxes. That's far from clear. Since the purchasers would be anonymous, as Sen. Dole pointed out, it will be impossible for the Treasury to know whether they are being sold—or resold—to Americans.

But if the logic of this scheme is weak, the moral implications are worse. At a time when money is becoming increasingly mobile, every government in the world is having trouble with tax evasion. They can control it only to the extent that they are prepared to work together. The United States has recently been having a degree of real success in its campaign to pry open the records of some of the Caribbean tax havens and even to coax a measure of cooperation from the Swiss banking authorities. This progress would be undercut by resorting now to bearer bonds.

Why does the Treasury continue to contemplate such an obviously bad idea? Perhaps the administration is getting anxious about its ability to keep drawing in money from abroad. The Reagan economic policy is pushing this country into increasing dependence on an inflow of foreign capital—

from a modest $11 billion in 1982 to an unprecedented $41 billion in 1983 to something over $800 billion this year. You are entitled to doubt that this kind of geometric progression can continue much longer. Perhaps the Treasury Department is beginning to feel a strain sufficiently severe to press it toward expedients even as dubious as bearer bonds.

H. CON. RES. 346

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should not issue bearer or zero coupon debt instruments.●

SALUTE TO CAL STATE SAN BERNARDINO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BROWN. Mr. Speaker, I rise to congratulate the San Bernardino campus of the Cal State University system. After 20 years of preparing students for graduation, the campus itself has come of age by graduating to the status of university.

In order to be awarded this distinction, the campus has worked hard to meet strict California education standards. Campus recruiters have boosted school enrollment from the modest 257 original students to the current 5,400. In order to change its name from "college" to "university" it is required to graduate 150 masters degrees a year; Cal State awarded 233. Another requirement is that one half the faculty must have doctorate degrees; at this campus over 70 percent hold that distinction.

Cal State San Bernardino meets a special need in my district by offering a full evening program, allowing for continuing education at every level—from high school graduate to working professional. In an age of high technology and constant change, we must all prepare ourselves for new careers and new directions.

I salute this campus for helping to fulfill this need, and I congratulate them for accepting the challenge to meet new goals and strive for excellence.●

TENNESSEAN COACHES WOMEN TO GOLD

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. SUNDQUIST. Mr. Speaker, last night the USA women's basketball team won the gold medal at the games of the XXIII Olympiad in Los Angeles by defeating South Korea 85-55. This was the first time in Olympic history that an American women's basketball team has achieved such an accomplishment.

I am proud to say that the coach for our women's Olympic basketball team, Pat Head Summitt, is a native of the State of Tennessee and of Cheatham County in my congressional district.

Coach Summitt and her players are to be commended for their outstanding record of six wins and no losses.

Since here days as a silver medalist on the 1976 women's basketball team in Montreal, Coach Summitt has been a very successful coach at the University of Tennessee, where her teams have frequently made it to the final four and played for the national championship numerous times in recent years. She was an assistant Olympic coach for the 1980 team that was unable to go to Moscow because of the boycott. Because of last night's victory, Coach Summitt will be the only woman in the world who has won medals both as a coach and player.

Today, our country and the State of Tennessee can be very proud of the association that Pat Head Summitt has had with our women's Olympic basketball teams. Because of her dedication, enthusiasm, and spirit of competitiveness, Coach Summitt is to be commended for her fine example on and off the basketball court.●

TRIBUTE TO THE LATE ALICE HILLELSON

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. WINN. Mr. Speaker, it is with great sorrow that I bring to the attention of my colleagues the death on August 2 of Alice Hillelson, wife of our friend and former colleague from Kansas City, MO, Jeffrey Hillelson. I know that many of my fellow Members will want to join with Joan and me in expressing our condolences to Jeff.

Although Jeff served only a short time in the House, he and Alice established and maintained many friendships among his colleagues. Many of us recall fondly Alice's graciousness, warmth, and support for her husband's career. Alice was deeply concerned for others, serving in many Kansas City community organizations. Her activities included work in special education, the Junior League, and the Greater Kansas City Urban League. Alice also shared Jeff's interest in politics, serving most recently as a delegate to the 1980 Republican National Convention. While she was deeply involved in public life, Alice was always a superb wife to Jeff and a supportive mother of their two children.

Again, I know my colleagues will want to join with me in expressing our concern and sympathy to the Hillelson family in this special time of sorrow.●

OLYMPIC CHAMPION CINDY NOBLE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. McEWEN. Mr. Speaker, I want to take this opportunity to congratulate Cindy Noble of Clarksburg, OH, and all the members and coaches of the U.S. Women's Basketball Team on winning the Gold Medal last night at the 23d Olympics in Los Angeles.

I know that Cindy's parents, Mr. and Mrs. James Noble of Clarksburg, have waited a long time for this. Cindy made the U.S. Olympic Team in 1980 which, of course, did not compete because of the boycott. This made last night's victory even more satisfying.

Cindy's effort was olympian. She was third highest scorer last night with 10 points on three for five from the field and four out of five from the free-throw line.

In winning the Gold Medal, Cindy Noble and the U.S. Women's Basketball Team proved once again that the American doctrine of dedication, commitment, and teamwork does pay off.

Again, on behalf of the citizens of southern Ohio, I extend our congratulations and best wishes for the future to our own Cindy Noble and the entire team.●

ORGAN TRANSPORTATION GOOD SAMARITAN ACT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. ANDREWS of Texas. Mr. Speaker, today I am introducing a bill to protect and limit the liability of persons who without compensation transport in interstate commerce and by air human organs.

The bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Organ Transportation Good Samaritan Act".

SEC. 2. Any person who engages voluntarily and without compensation in air transportation in interstate commerce of a human organ for the purpose of assisting a recipient of a human organ transportation shall not be liable under any State law for injury, harm, or death to such recipient, the donor of the human organ, or the heirs, successors, or assigns of the recipient or donor resulting from direct or indirect damage to the human organ while being transported by such person unless the damage is the result of the gross negligence of such person.●

YEAR OF THE OCEAN

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DENNY SMITH. Mr. Speaker, I want to take this opportunity to recognize 1984 as the Year of the Ocean. Special events are planned throughout the country to focus attention on the Nation's aquatic and marine resources and the essential role of the sea in the life and future of our Nation. Celebrations in Oregon include receptions, proclamation ceremonies, film festivals, poster contests, workshops, and trips, all designed to call attention to the special contribution the ocean makes to our lives.

Oregon's commitment to gaining a better understanding is exemplified in Newport, home of one of this Nation's finest programs in marine biology. Oregon State University's program in oceanography attracts students from across the country to the beautiful Newport environment, where students take advantage of Oregon's rich coastal marine life and receive fine academic training.

As our country has grown, our ties to the sea have assumed greater importance. In this era of shrinking natural resources, people are looking beyond our earthbound territories to the ocean to play a critical part in planning for our future. The demands for the ocean's vast bounty will naturally grow. We use products that are derived from the sea, transport products over the sea, and produce resources from the sea. We have come to depend upon the ocean and coastal zone for the extraction of fossil fuels and mineral resources, for the placement of facilities to generate energy, and for fishery resources.

The Year of the Ocean provides an excellent opportunity to examine our ocean heritage and foster greater awareness of our need to live in harmony with the ocean.●

TRADE DEFICIT HEARINGS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. BONKER. Mr. Speaker, this Nation faces a staggering deficit in its international balance of trade. When the current administration took office in 1981, our balance of trade was positive. By last year, however, it had plunged to a record $70 million deficit, and at the rate we are going we will have a further deficit of $126 billion by the end of 1984. Even our so-called current account balance, which includes remittances from tourism, our investments abroad, and other normally positive contributions to our balance of trade in merchandise, has fallen into the red by some $40.8 billion, and could go to $80 billion by the end of this year. In short, we are fast on the road to becoming a debtor nation.

In the view of many, this trade deficit is at least as serious and damaging to our economic welfare as the other deficit we all aware of—the U.S. budget deficit. Certainly together, these two areas of deficit are a dark cloud over all Americans and the prosperity we work so hard to maintain.

Mr. Speaker, the Subcommittee on International Economic Policy and Trade, which I have the honor to chair, will hold hearings September 20 and 25 on the trade deficit emergency we face. What are the causes of this problem, and what remedies are there that we have so far failed to implement?

I am hopeful, Mr. Speaker, that these hearings will increase the awareness and understanding of this Congress to the trade deficit problem, and motivate us and the administration to make any sacrifices that may be needed to correct it. In doing so, we will restore jobs to our economy and achieve greater economic security. Any such security we now have is in great jeopardy as long as these deficits continue.●

DONALD E. NORDLUND SPEAKS ON WORLD AGRICULTURE AND INTERNATIONAL TRADE POLICY

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 8, 1984

● Mr. DURBIN. Mr. Speaker, I would like to submit for the record an important statement by Donald E. Nordlund, who heads one of America's leading agri-business corporations, the A.E. Staley Manufacturing Co. of Decatur, IL. Although you would be hardpressed to find the name Staley on your grocer's shelves, the corn and soybean products manufactured by the firm are mainstays of many grocery products.

From its several corn refining and soybean processing plants, Staley supplies soybean meal and corn feeds that are vital protein sources for the Nation's poultry and livestock. Corn wet milling facilities produce corn sweetners and starches, and ethanol plants make power alcohol for use in motor fuel blends. The company also manufacturers industrial starches from corn, potatoes, and tapioca. These products are essential in the production of paper, textiles, adhesives, building materials, and many other goods.

As Mr. Nordlund's statement points out, the company is a major exporter and, also is greatly affected by the importation of foreign products which compete with our domestic market for sweetners, starches, and vegetable oils. The growth potential of the company is great, but it is also very dependent on the availability of market here and abroad.

Under Don Nordlund's leadership, the Staley Co. has pioneered development of fructose corn sweeteners, soy protein products, and corn and soy feeds. Don was appointed as a member of President Reagan's Advisory Council on Private Sector Initiatives in 1983, and serves as chairman of the board of trustees at Millikin University in Decatur, IL.

The following statement was given before the Washington International Trade Association on July 31, 1984:

It is a privilege to be here today to address the topic of world agriculture and international trade policy—a frequently discussed subject, especially here in Washington. More often than not, the rhetoric centers on specifics—goals, confrontations and crises.

This afternoon let us step back from these immediate challenges and consider a root cause of many of them, one of the most serious problems confronting world agriculture—the conflict between policy and productivity. It is a reason for the troubled state of world agriculture today and of major political disputes between the United States and its traditional trading partners. If not resolved, it will prove even more disruptive in the future.

This is a time of paradox in international agriculture. Never has productivity been so great and, yet, the need to pronounced.

There are an estimated 500 million people on this earth who suffer from hunger and malnutrition. Starvation is a reality in some parts of the world.

The problem clearly is not one of productivity. World food production has made remarkable progress in recent decades. It has increased by 30 percent in the past 15 years alone. This upward trend has been even more pronounced in the developing countries, where food production has risen by some 40 percent.

One-third of this increased production is traceable to an expansion of land committed to agriculture. The other two-thirds has been the result of technological progress, including improved farming methods, wider and better application of fertilizers, and increased use of high-yield-plant varieties.

The United States has played a major role in the rise of world food production. Former Secretary of Agriculture Orville Freeman recently referred to the accomplishments of American agriculture as "the No. 1 production miracle in the history of mankind." Over the past 30 years, U.S. production of grain and oilseeds has nearly tripled.

This U.S. is not alone in such achievements. Since the 1960's, grain production in India has increased by 50 percent; soybean production in Brazil has risen thirteenfold; and grain harvests in the EC and Russia have doubled.

These impressive gains ironically have intensified a serious food supply-and-demand imbalance which exists in the world today.

The presence of surplus dairy products, feed grains, sugar and other agricultural commodities in producer nations around the globe is difficult to accept both from humanitarian as well as business points of view.

Several factors contribute to the dilemma. The recent strength of the dollar has made it difficult for some nations to purchase U.S. farm products as well as our industrial goods. In agriculture, however, a strong case can be made that the present disturbing paradox is largely the result of world agricultural policy, or rather, policy failure. The rise of the dollar in international markets is a recent phenomenon, but world agricultural policy has been leading us toward crisis for decades.

A large share of the responsibility for this failure must rest with the United States—the world's most prolific food producer—and its inability to take a firm lead in shaping international agricultural policy. Our political system with its changing administrations obviously makes consistent world leadership more difficult.

Since World War II, however, the United States essentially has pursued an agricultural trade policy based upon a free market concept. The theory is that an unencumbered international market encourages optimum production of agri-products and their trade throughout the world. The benefits include higher income for exporters/producers, such as the United States, and improved living standards for those nations needing food. We have doggedly pursued this concept for more than 40 years by setting an example for others to emulate.

Unfortunately, they have not done so. Instead, most of the world's governments have persisted in embracing the policies of protectionism—probably not surprising when one considers the relative strengths of the competing agricultural economies.

Two groups, however, have paid the price for this folly: the leading producer of food, the United States, and our customers—including those who are the world's neediest.

For many years, protectionist activities appeared to have little impact on U.S. agriculture. Through the 1950's, 1960's and 1970's, our food production and exports grew dramatically. We were able to ignore the reality that the United States was carrying the burden of world protectionism. The United States has traditionally approached the problem of domestic overproduction by reducing output and holding excess stocks within this country. Many other nations, however, react to overproduction by creating more demand through export of surpluses at below market prices, thereby transferring must of the cost to other producers, especially the United States.

Over the past few years, this burden has become too heavy. For example, in 1970 the U.S. share of world grain reserves was 40 percent; in 1982 it was more than 60 percent. During the 1970's the cost of domestic farm programs was around $4 billion per year. Last year this cost rose to $20 billion. The headlines about the Payment-In-Kind Program of 1983 rarely explained that it was our policy of holding excess stocks which caused the Government to accumulate mountains of grain in the first place.

Protectionism today occurs in every corner of the globe and covers practically all food, oilseeds, feedstuffs, and value-added, agricultural products. It comes in many forms.

In the Far East, for example, most governments have adopted rice policies favoring the consumer and discouraging the producer. As a result, rice production falls far below its potential and increasingly short of demand. In the end, the consumer is not benefiting from the policy. He is suffering. A free-market environment, based upon supply and demand, would stimulate greater production of rise for the entire world.

Coarse grains, such as corn, face difficult trade barriers in many parts of the world. This is especially true in the EC, where U.S. corn must enter under a variable levy. This restraint is designed to insulate European grain farmers from world market prices. Rather than pay this artificially high price for corn, European feed compounders have turned to the more economical corn gluten feed which has a duty-free status. U.S. corn gluten feed exports to the EC have risen sixfold since 1974.

The EC now is seeking to extend its protectionist policy to include corn gluten feed. The community is calling for a 3-million-ton limit on corn gluten feed imports with a tariff on shipments exceeding the quota. The United States has taken a firm stand—indicating that the idea is totally unacceptable and would provoke stiff retaliation. Our resolve is firm, in part, because there is justifiable fear that capitulation on this issue will encourage similar measures against soybean and soybean meal exports, a $4 billion a year market for U.S. agriculture.

On the subject of soybeans, the world market for them has become an arena for a new kind of protectionism. It might best be categorized as aggressive protectionism. That is—policies that go far beyond protecting a country's agri-industry to actually promote its expansion by whatever means necessary.

Leading proponents of this aggressive protectionism in soybean products are Brazil and Argentina. Both countries use differential export and domestic tax incentives that result in huge bonuses for their soybean processors. Soybean processing margins in Brazil and Argentina are often two to three times that of margins in the United States.

Along with Brazil and Argentina, the Common Market is working hard to protect and expand its oilseed industry. European processors receive restitutions on all major oilseeds and also benefit from an import duty on soybean oil.

The Common Market, Brazil and Argentina are not alone in promoting their oilseed industries by such practices. Mexico guarantees its crushers a profit—so they can bid up the international price of sunflower seed to levels that force U.S. processors to operate at negative margins.

In Malaysia, the palm oil industry enjoys a pre-export financing program and a differential export duty. This is the same industry that essentially was created by American dollars funneled through the World Bank and International Monetary Fund. The result: Malaysian palm oil today accounts for nearly 4 percent of the U.S. vegetable oil market and Malaysia has become the largest exporter of edible oils in the world.

Canada recently added a new dimension to aggressive protectionism. Canada simply changed the designation of the United States from a domestic to an export market so subsidized freight rates can be applied to shipments of canola meal and oil, sunflower oil, and other agri-commodities coming into this country.

The world sugar market is a classic example of the damage inflicted by protectionist policies.

At a recent London meeting, Dr. Helmut Ahlfeld, a noted authority on world sugar, concluded that there is no hope for self correction of the sugar surplus in the world market. He explained that sugar no longer responds to normal supply-and-demand factors. Dr. Ahlfeld stated that no real decrease in production is in sight despite world prices well below the cost of production. The reason is subsidization which has both protected the producers of sugar and encouraged them to dump their product on the market. As a result, refined sugar which costs an average of 20 to 25 cents per pound to produce around the world now sells for 7.5 to 8 cents.

Seven major sugar producers account for 70 percent of world cash sugar exports and each of the seven employs at least two and as many as eight types of subsidies. The European Economic Community has switched from a new sugar importer just a few years ago to the world's largest cash exporter by means of a complex system of high internal prices and heavy export subsidies. Other countries underwrite credit and manipulate exchange rates. To illustrate—the real cost of borrowing for Brazil's sugar industry has been as low as a minus 20.8 percent in recent years.

To compound the problem, talks on a new international sugar accord collapsed last month, setting the stage for dumping of more than 2 million tons on the world market in January when the current agreement expires.

I cite these examples not as criticism of the motives of the nations employing protectionism, but rather to focus your attention on the realities of world agricultural trade. Protectionism is rampant around the world, from the Far East, to South America and throughout Europe, encompassing practically all agri-products.

It has been a prime reason for the present underutilization of the world's leading producer of agricultural goods—the United States. Consider that more than one-fourth of the U.S. soybean industry's processing capacity presently is unused; that 75 million acres of farmland were left idle last year; and that this Nation has lost substantial world market share in poultry, flour, pasta, wheat, wine, pork and beef, soybean products and more.

Unfortunately, problems created by foreign protectionism will likely become worse before they get better. One of the principal reasons is the failure of such policy to recognize the continuing evolution of agri-technology. If not taken into account, it will force policy and production even further apart in the future.

The accomplishments in agricultural production in recent decades will be only a prelude to even greater strides in the years ahead. These strides will come from many technical areas, including breakthroughs in genetics and bioengineering.

Agriculture in years to come will include new methods of water management. Laser beams already are being used to prepare fields for better water usage; infrared guns will be employed to monitor plants for water stress; field conditions will be measured by sensors tied to weather satellites to aid in irrigation scheduling. Farmers will apply chemicals to their crops to inhibit water loss. This development alone could increase corn yields by 15 percent, according to some experts.

Genetic engineering, in particular, will have enormous impact on the world's food system. There are some 170 laboratories in

the United States presently working on cell fusion, gene transformation, plant tissue culture and other technologies to produce new concepts in food productivity and human nutrition. Their work will swiftly advance the development of food crops with more resistance to drought, heat or cold; crops with improved nutrition and shorter growing cycles; crops more responsive to fertilizers and with greater yields.

It is interesting to consider that about 95 percent of the world's food is related to plant life. There are 350,000 species of plants on Earth, but only about 300 are used for food production. Of these, only 20 would be considered mainstays in the world food system. Obviously, there is much room for new crop innovation through plant genetics.

In the future, worthless plants, such as milkweed, may be sources of vegetable oil; even giant ragweed, the enemy of hayfever sufferers, may be cultivated as a protein source. All of this may sound far fetched, but remember, it was little more than 50 years ago that farmers in Illinois had to be persuaded to plant soybeans as a cash crop.

One particularly intriguing concept is the development of salt-tolerant crops. Throughout the world, there are an estimated 2 billion irrigated acres today that are affected adversely by saline conditions; much of this land is in arid climates. On these acres, seeds do not germinate properly, and plant growth is reduced. Imagine the increase in food production on these acres through the development of salt-tolerant plants. Already work is progressing on the development of salt-resistant rice, wheat, barley, lettuce, peanuts, and many more foodstuffs.

The upshot of this technological wave will be increasing supplies of agricultural goods—making protectionist policies even more antiquated and cumbersome. The present mountains of unused food and feedstuffs in the developed nations will be pushed higher by agritechnology. From a business viewpoint, rising market demand will go unserved; from a humanitarian perspective, hunger and health problems will increase; the food gap will grow larger with serious political implications. Unless—a change of direction is achieved in world agricultural policy. It must begin here at home.

There is much discussion about Congress drafting a market-oriented, 1985 farm bill. Some people seem to consider this a new idea. It is, in fact, the same philosophy that U.S. policy makers have espoused—and our foreign competition has ignored—for years. It is a strategy that has met with little success and will do so again unless preceded by a strong dose of realism. Domestic farm legislation cannot unilaterally resolve the protectionist practices employed around the world. We must have the full cooperation of other nations—which has not occurred.

The United States, therefore, must use caution in formulating a market-oriented farm bill next year, or we will hand over another share of our shrinking world markets to foreign competition. In essence, we will continue to reward them for their protectionist ways.

Before working toward true market orientation, the United States must be prepared to fight fire with fire on a selective basis. Self defense against protectionist policies must be incorporated into the next farm bill. It need not be incompatible with greater market orientation. It need not take the form of across-the-board protectionism or be approached as a permanent feature of our agricultural policy.

Self defense can be accomplished in two ways. First, the farm bill must grant authority for the prevention or limitation of damage to efficient domestic producers, suffered as the result of inequitable export practices on the part of foreign governments. Second, the legislation must authorize the Government to encourage exports in the face of unfair international market conditions. This authority might include expanded use of Pub. L. 480, credit buy-downs, counter trade assistance, even outright cash payments.

These tools ironically are required if the United States is to be persuasive in its effort to lead the world away from protectionism and toward a market-oriented agricultural system. I would emphasize that such authority must be used judiciously and in a responsive manner, but it must be used—for the hour is late for American agriculture.

Exemplary action and patience have not worked in setting ag policy. Without a meaningful change, of course, this Nation's largest and most vital business will slip into the present state of many of our smokestack industries today.

It must not happen. Fortunately, there have been encouraging signs that a new awareness is present among our policy makers. It is a growing understanding of the world of agriculture as it is—not as we would wish it. Now, the challenge is to transfer this awareness into action.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, August 9, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 10

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 2879, to implement Indian regulation of surface coal mining operations and activities on Indian lands.
SD-562

SEPTEMBER 5

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the implementation of the Orphan Drug Act (Public Law 97-414), focusing on section 7 relating to radiation-cancer liability.
SD-430

SEPTEMBER 11

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2032, H.R. 5426, and S. 2916, bills to designate certain lands in Colorado as wilderness.
SD-366

10:00 a.m.
Environment and Public Works
Business meeting, to mark up S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).
SD-406

SEPTEMBER 12

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).
SD-406

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on the May 1984 Department of Energy/Energy Information Administration comprehensive review of the status of the U.S. domestic uranium mining and milling industry.
SD-366

SEPTEMBER 13

10:00 a.m.
Environment and Public Works
Business meeting, to mark up S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).
SD-406

SEPTEMBER 14

10:00 a.m.
Environmental and Public Works
Business meeting, to mark up S. 2892, to amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).
SD-406

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on the release into the environment of genetically engineered organisms.
SD-406

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

SEPTEMBER 19

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings on the release into the environment of genetically engineered organisms.
SD-406

SEPTEMBER 20

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1981, authorizing additional funds for the development of small reclamation projects.
SD-366

CANCELLATIONS

AUGUST 9

9:30 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of controlled substances by sports figures.
SD-430

AUGUST 10

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 2892, and amend and authorize funds for the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (Public Law 96-510).
SD-406